



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Agenda

DATE: October 8, 1992
MEETING: METRO COUNCIL
DAY: Thursday
TIME: 5:30 p.m.
PLACE: Metro Council Chamber

Approx.
Time*

Presented
By

5:30
(5 min.)

ROLL CALL/CALL TO ORDER

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS
3. EXECUTIVE OFFICER COMMUNICATIONS

(30 min.)

- 3.1 Presentation of Metro's Seventh Annual Recycling Recognition Awards to Celebrate Recycling Awareness Week (Reception will be held from 4:30 to 5:30 in the Public Affairs Department)

6:05
(5 min.)

4. CONSENT AGENDA (Action Requested: Motion to Adopt the Consent Agenda)

4.1 Minutes of September 10, 1992

FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

- 4.2 Resolution No. 92-1688, For the Purpose of Establishing the FY 92-93 Metropolitan Service District Legislative Task Force

5. ORDINANCES, FIRST READINGS

URBAN GROWTH BOUNDARY ORDINANCE

6:10
(15 min.)

- 5.1 Ordinance No. 92-472, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 91-4: PCC Rock Creek Public Hearing (Action Requested: Hold Public Hearing)

6. ORDINANCES, SECOND READINGS

REFERRED FROM THE TRANSPORTATION AND PLANNING COMMITTEE

6:25
(10 min.)

- 6.1 Ordinance No. 92-470, For the Purpose of Amending the Regional Waste Water Management Plan and Authorizing the Executive Officer to Submit it for Recertification Public Hearing (Action Requested: Motion to Adopt the Ordinance)

McLain

6:35
(20 min.)

- 6.2 Ordinance No. 92-450, An Ordinance Adopting a Final Order for Periodic Review of the Metro Urban Growth Boundary Public Hearing (Action Requested: Motion to Adopt the Ordinance)

Devlin

* All times listed on this agenda are approximate; items may not be considered in the exact order listed.

7. RESOLUTIONS

REFERRED FROM THE TRANSPORTATION & PLANNING COMMITTEE

6:55 7.1 Resolution No. 92-1674, For the Purpose of Funding Devlin
(10 min.) Greenspaces Projects to Restore and Enhance Urban
 Wetlands, Streams and Riparian Corridors, and Upland Sites
 (Action Requested: Motion to Adopt the Resolution)

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

7:05 7.2 Resolution No. 92-1689, For the Purpose of Establishing Collier
(10 min.) Opposing Oregon State Constitutional Amendment - Ballot
 Measure 9 (Action Requested: Motion to Adopt the
 Resolution)

7:15 8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS
(10 min.)

7:25 ADJOURN

Meeting Date: October 8, 1992
Agenda Item No. 4.1

MINUTES

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

September 10, 1992

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Deputy
Presiding Officer Judy Wyers, Roger
Buchanan, Tanya Collier, Richard Devlin,
Sandi Hansen, Ruth McFarland, Susan
McLain, George Van Bergen and Ed
Washington

Councilors Excused: Ed Gronke

Councilors Absent: None

Presiding Officer Gardner called the regular meeting to order at
5:35 p.m.

Presiding Officer Gardner announced Councilor Gronke was excused
from attendance at this meeting.

Presiding Officer Gardner announced Agenda Item No. 4.2 had been
added to the agenda; that Agenda Item No. 8 had been renumbered
as Agenda Item No. 9, and that Agenda Item No. 8, Executive
Session had been added to the agenda.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of June 25, 1992

REFERRED FROM THE TRANSPORTATION AND PLANNING COMMITTEE

4.2 Resolution No. 92-1669A, For the Purpose of Endorsing a
Public Awareness Plan for the Metropolitan Greenspaces
Master Plan and Ballot Measure No. 26-1

Motion: Councilor Hansen moved, seconded by Councilor
Buchanan, for adoption of the Consent Agenda.

Vote: Councilors Buchanan, Collier, Hansen, McFarland, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Devlin, Gronke and McLain were absent. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 92-470, For the Purpose of Amending the Regional Waste Water Management Plan and Authorizing the Executive Officer to Submit it for Recertification

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-470 had been referred to the Transportation and Planning Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-469, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Reflecting the Reorganization of Division Functions Within the Solid Waste Revenue Fund, Establishing the Planning and Technical Services Division and Funding the Carryover for Phase II of the Storm Water Processing and Retention Project at Metro South Household Hazardous Waste Facility (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced that Ordinance No. 92-469 was referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on August 20 and referred it to the Solid Waste Committee for additional consideration. The Solid Waste Committee recommended Ordinance No. 92-469A to the full Council for adoption on September 1, 1992.

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-469A.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She explained the Finance Committee referred the ordinance for additional review to the Solid Waste Committee. She said the ordinance would make necessary changes in the budget to reflect the effect of departmental reorganization and create the new Planning and Technical Services Division. She said some Planning staff would work on the Regional Solid Waste Management

Plan and other staff would work on technical analysis, data gathering and modelling.

Council Department staff explained the ordinance was an "A" version because Finance and Management Information Department staff had submitted a new Exhibit B to correct typographical errors.

Motion to Amend: Councilor Wyers moved, seconded by Councilor Collier, to amend Ordinance No. 92-469A, via a budget note: "The process for letting the contract for an independent evaluation of Metro's solid waste tonnage forecasting model approved for FY 92-93 shall include the following elements: 1) An RFP process that actively solicits responses from both the public and private sectors. The RFP must include a requirement that applicants demonstrate prior modelling experience, with preference given to those with experience related to solid waste tonnage forecasting. 2) Council review of the RFP scope of work prior to release. 3) Submission of a report to the Council from the evaluation committee supporting its recommendations. 4) To insure complete independence of the review, the role of Metro staff should be limited to general contract management, supplying data as requested by the contractor and responding to technical questions initiated by the contractor. 5) Copies of all draft reports submitted by the contractor shall be provided to the Council."

Presiding Officer Gardner opened the public hearing.

Jack Polans, 16000 SW Queen Victory Place, King City, asked how solid waste rates were set and what opportunities there were for citizen input. He said rates had risen dramatically and asked why costs had not been kept down.

Presiding Officer Gardner explained how Metro's solid waste rate was structured and said rates were based on Metro's and franchisee costs. He referred Mr. Polans to Solid Waste Department staff for more specific information. Councilor McFarland noted Rate Review Committee activity when reviewing rates before adoption, listed its membership and explained Solid Waste Department budgetary considerations.

Vote on Motion to Amend: Councilors Buchanan, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Collier and Gronke were absent. The vote was unanimous and the motion passed.

Vote on Main Motion as Amended: Councilors Buchanan, Collier, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Ordinance No. 92-469B was adopted.

7. RESOLUTIONS

7.1 Resolution No. 92-1619, For the Purpose of Eliminating Bypass Option B from Further Western Bypass Study

7.2 Resolution No. 92-1620A, For the Purpose of Eliminating a "Transit-Intensive Strategy" from Further Consideration in the Western Bypass Study without Precluding Future Light Rail Transit in the Highway 217 Corridor

Presiding Officer Gardner announced because Resolution Nos. 92-1619 and 92-1620A were companion legislation, a collective report and discussion would be held on both resolutions.

Andy Cotugno, Director of Planning, gave staff's report and explained the history and process behind the two resolutions. He said after action on the two resolutions, the Western Bypass Study would enter the next phase to determine final options. He said staff was now at the "transit-intensive" stage. He said the most promising options were still being studied.

Mr. Cotugno referred the Council to Be It Resolved language in Section No. 1 in Resolution No. 92-1620A. He said the revised Transit-Intensive Strategy with fixed guideway light rail along Highway 217 and Barbur Boulevard and no highway expansion beyond common improvements would not be considered further in that form as an alternative for the Draft Environmental Impact Statement (DEIS) for the Western Bypass Study because it did not meet Western Bypass Purpose and Need Statement criteria

Mr. Cotugno explained Section No. 2 was a critical caveat because it stated that alternatives which included combinations of highway expansion and transit expansion would be considered for the DEIS evaluation in the Western Bypass Study, and additionally that when alternatives were approved for inclusion in the EIS, specific consideration would be given to whether light rail transit (LRT) should be the transit element of one of those alternatives.

Mr. Cotugno explained Section No. 3 stated that alternatives considered for DEIS evaluation would not preclude implementation of fixed guideway LRT along Highway 217 in the future.

Mr. Cotugno said Section No. 4 explained certain circumstances would cause further consideration of LRT in the Highway 217 corridor if 4(a): a land use/transportation alternative was identified by the Land Use Transportation and Air Quality (LUTRAQ) study as a viable land use/transportation strategy, that it would be evaluated in the DEIS; and 4(b): if the preferred alternative selected at the conclusion of the Western Bypass Study included a fixed guideway element, the subsequent Alternatives Analysis required in the Federal Transit Administration (FTA) process would examine appropriate fixed guideway options, including LRT; and 4(c): that if future studies produced new information which significantly changed the projected travel analysis, LRT would be reconsidered.

Mr. Cotugno explained Section No. 5 stated that the reasons for the Transit-Intensive Strategy failing to meet the Purpose and Need Statement was explained in staff's reports, the matrix summary of projected utilization, and the data the Oregon Department of Transportation (ODOT) had presented for the record.

Mr. Cotugno explained Section No. 6 stated that remaining alternatives and strategies considered for DEIS inclusion would address the Transportation Planning Rule, the federal Clean Air Act of 1990, relevant Regional Urban Growth Goals and Objectives (RUGGOs), and funding programs and policies.

Councilor Collier asked what would happen to the other options if the light rail options did not survive. Mr. Cotugno said there was a regional commitment to light rail and said it was a question of whether light rail would go to Clark County or I-205. Councilor Collier asked if LRT options in Clackamas County would survive. Mr. Cotugno said the Council would be party to that decision.

Councilor Van Bergen recalled Joint Policy Advisory Committee on Transportation (JPACT) discussion approximately three years ago. He said since then, light rail and other facets had been added. Mr. Cotugno said the Western Bypass was added in the Regional Transportation Plan (RTP) two years ago. He said it was added only after land use and environmental concerns were addressed. He said it was clearer since county actions and the Administrative Rule, that the Bypass if built, would require an exception and the land use decision would have to be supported by facts. He said for it to be built in a rural area, it must be proved no urban area was available for that purpose.

Councilor Devlin said the issues should not be confused with jurisdictional commitments to Clackamas County. He said Metro was in the middle of a study process. He said if the study was to have any degree of credibility, it had to cover all options regardless of what their potential impact could be on other projects. He said the LUTRAQ study would present several possibilities for light rail lines. He said it had to be asked if light rail line(s) would be built every 20 years, or if a system would be put in place to facilitate future construction of light rail. He said one alternative under consideration was arterial expansion which local governments did not like because it would disrupt neighborhoods. He said local governments had to be convinced that that alternative should be included as part of the overall analysis.

Councilor Wyers asked, with regard to Section No. 4(a), who determined what a viable land use option was and asked why decisions were being made before the LUTRAQ study was completed. Mr. Cotugno said one alternative dependent on transit expansion was being eliminated. He said the resolution also stated when the alternatives came back for approval, the Council would look at a combination of alternatives which could include light rail or bus lanes or other modes of transportation. He said "viable" had not yet been defined because the process was still underway.

Councilor McLain said stated goals resulted from the Purpose and Need Study. She said it was for the Council to decide which options would be studied. She said there was real need to demonstrate why the two options were before the Council.

Presiding Officer Gardner opened a public hearing.

Jack Polans testified again and asked how much money had been spent to-date on the process before Option B was eliminated.

Michal Wert, ODOT project manager, Region 1, said the total amount allocated for the alternatives study was \$1.8 million and said approximately half of that amount was spent before Option B was eliminated. She said the process was developed so that all options would be studied and eliminated as soon as they were proved to be unnecessary for further study. She explained a resolution to adopt the DEIS would be submitted in early 1993. Ms. Wert explained Option B was under consideration for approximately one and one-half years.

General Counsel Dan Cooper stated for the record that the documents before the Council included the resolutions themselves, staff reports, and documents before the Transportation and Planning Committee provided by Ms. Wert at this meeting in two volumes.

Presiding Officer Gardner stated he would vote nay on Resolution No. 92-1620A.

Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1619.

Vote: Councilors Collier, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Buchanan and Collier were absent. The vote was unanimous and Resolution No. 92-1619 was adopted.

Motion: Councilor Devlin moved, seconded by Councilor Collier, for adoption of Resolution No. 92-1620A.

Councilor Devlin gave the Transportation and Planning Committee's report and recommendations. He noted the resolution had undergone an extensive process and was amended by both JPACT and the Transportation Policy Alternatives Committee (TPAC). He said no light rail alternatives had been set aside, but the resolution had been modified so that light rail alternatives could be inserted at any time during the process.

Councilor McLain said as alternatives were assessed, it was important those alternatives addressed focus, needs and goals. She said light rail alternatives should be added at the correct juncture or otherwise those alternatives would not be worth any more than the alternatives eliminated from consideration at this meeting.

To Councilor Wyers' question, Councilor McLain said it was important to state that the Council's understanding at this time was that dropping Option B was dropping strategy, but that portions of that option could be used to modify other, viable alternatives.

Presiding Officer Gardner said action taken at this meeting did not mean light rail alternatives had been eliminated permanently. He said, however, that he could not support Resolution No. 92-1620A because the LUTRAQ study was almost completed and did not believe the Council should take action until it was completed. He believed dropping Option B would undermine the credibility of the LUTRAQ study's approach.

Councilor Devlin said the reason light rail and transit-intensive alternatives had been dropped from the Highway 217 corridor was because under existing comprehensive plans and under existing development patterns, they were not viable means of reaching objectives. He said the LUTRAQ study differed because it would

propose land use modifications that might make light rail a viable alternative. He said there would be two different ways to approach light rail. He said both JPACT and the Council would be reluctant to have the study go into the EIS unless it included both the LUTRAQ alternatives and the arterial HOV alternative.

Motion to Close the Debate: Councilor Collier moved to close debate.

Vote on Motion to Close Debate: Councilors Buchanan, Collier, Devlin, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilor Gronke was absent. The vote was unanimous and the motion passed.

Vote on Main Motion: Councilors Collier, Devlin, Hansen, McLain, Van Bergen and Washington voted aye. Councilors Buchanan, McFarland, Wyers and Gardner voted nay. Councilor Gronke was absent. The vote was 6 to 4 in favor and Resolution No. 92-1620A was adopted.

7.3 Resolution No. 92-1665A, For the Purpose of Expressing Metropolitan Service District's Intention to Reimburse Certain Expenses Related to the Greenspaces Program from the Sale of General Obligation Bonds

Motion: Councilor Devlin moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1665A.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the resolution was introduced at the recommendation of Metro's bond counsel. He said it was likely the District would incur certain costs related to the potential financing that would appropriately be reimbursed by bond proceeds and that to declare eligibility of those costs for reimbursement under federal regulations, Metro had to formally declare its intention to reimburse those costs from bond proceeds.

Councilor Van Bergen said the letter from Ed Einowski, Bond Counsel, dated August 25, 1992, was extremely helpful in explaining disbursement of the funds.

Vote: Councilors Buchanan, Collier, Devlin, Hansen, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Gronke and McFarland were absent. The vote was unanimous and Resolution No. 92-1665A was adopted.

8. Executive Session Held Under the Authority of ORS 192.660(1)(h) to Consult with Legal Counsel with Regard to Litigation

Presiding Officer Gardner announced the Council would hold an Executive Session under the authority of ORS 192.660(1)(h) to consult with Legal Counsel with regard to litigation.

The Executive Session began at 6:50 p.m. Councilors present: Councilors Washington, Hansen, Devlin, Wyers, Gardner, Collier, Buchanan, McLain and Van Bergen. Also present: Deputy Executive Officer Dick Engstrom, Don Rocks, Dan Cooper, Gail Ryder, Andy Cotugno, Lisa Creel, and Jim Mayer, The Oregonian. The Executive Session ended at 7:21 p.m.

9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Wyers said taping of Council meetings by Public Cable Access had been commented on to her by citizens and said airing Council meetings was providing a valuable public service.

Councilor Wyers discussed a recent newspaper article on "theft of services," or the illegal use of dumpsters owned by others.

Councilor Wyers discussed recent Solid Waste Committee review of plastics recycling activities.

Councilor Buchanan announced a committee would be created by himself and Councilors Gardner and Hansen to oppose Ballot Measure No. 26-3.

Councilor Collier noted she wrote an article in opposition to the charter for publication in The Mount Tabor Bulletin.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 7:25 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council

Meeting Date: October 8, 1992
Agenda Item No. 4.2

RESOLUTION NO. 92-1688

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 92-1688, ESTABLISHING THE FY 92-93 METROPOLITAN SERVICE DISTRICT LEGISLATIVE TASK FORCE

Date: October 2, 1992

Presented by: Councilor Collier

COMMITTEE RECOMMENDATION: At its meeting on October 1, 1992 the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Resolution No. 92-1688. Voting were Councilors Collier, Devlin, Gronke, and Moore. Councilor Wyers was absent.

COMMITTEE DISCUSSION/ISSUES: Council Administrator Don Carlson presented the staff report. He said the Council had adopted similar resolutions prior to the last three legislative sessions. The Legislative Task Force sets out principles for the District's legislative agenda, and is a management tool for the Council and Executive to monitor and manage the legislative process. This resolution is modeled on Resolution 90-1336, which established a Legislative Task Force for the 1991 legislative session.

There was no committee discussion.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503 221-1646

Memorandum

Date: September 28, 1992

To: Governmental Affairs Committee

From: Donald E. Carlson, Council Administrator

Re: Resolution No. 92-1688 Establishing the FY 1992-93
Legislative Task Force

At the request of the Presiding Officer, Council Staff has prepared this resolution to create the FY 1992-93 Legislative Task Force. Similar task force/subcommittee structures have been used by the District for the 1987, 1989 and 1991 legislative sessions. This resolution is substantially similar to Resolution No. 90-1336 which created the FY 1990-93 Legislative Task Force.

Resolution No. 92-1688 includes the following points for the 1993 legislative session:

- o The Task Force will report directly to the Council and will have authority to introduce resolutions directly to the Council.
- o The Task Force will rely on Council adopted legislative concepts and principles, in addition to endorsement of specific bills, for guidance in reviewing and approving legislative amendments, new issues or bills which, due to time constraints, cannot be processed through the full Council for formal position.
- o The Task Force will report regularly to the full Council to provide updates on legislation and progress on Metro's legislative program and to receive guidance or clarification as needed in implementing Metro legislative principles.
- o The Task force will function only for the duration of the 1993 Oregon legislative session.

cc Metro Council
Rena Cusma
Betsy Bergstein
Burton Weast

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 92-1688
THE FY 92-93 METROPOLITAN SERVICE)	
DISTRICT LEGISLATIVE TASK FORCE	)	Introduced by Presiding
	)	Officer Jim Gardner

WHEREAS, The 1993 Oregon State Legislature will convene in January, 1993; and

WHEREAS, The Metropolitan Service District intends to submit and actively support legislation as deemed necessary to further District interests; and

WHEREAS, the Council of the Metropolitan Service District recognizes the need to exercise its legislative policy making and oversight responsibilities in an expeditious and coordinated manner; now, therefore,

BE IT RESOLVED,

1. That a Legislative Task Force is created whose membership shall consist of the Council Presiding Officer, the current Standing Committee Chairs and the Executive Officer as shown on Exhibit A attached hereto.

2. That the purpose of the Force shall be to:

- A. Receive regular information from the Office of Government Relations, Metro Staff and other sources to develop the District's proposed legislative program for Council consideration and approval. Such program will consist of specific legislation, concept legislation and/or a set of legislative principles to be followed by the Task Force and District representatives during the legislative session.
- B. Report to the Council as needed to discuss legislation (new bills, amendments, etc.) which are outside the Council-approved legislative principles.

- C. Introduce resolutions to the full Metro Council as necessary, and time permitting to take positions on new legislation, new issues and any amendments to Metro bills which may fall outside the Council-approved legislative principles. If time is not available for full Council action, review and approve new legislation, new issues and any amendments to Metro bills which may fall outside the Council-approved legislative principles.
- D. Monitor progress of the District's legislative program during the session to ensure consistency with Council-adopted principles.

3. That the Legislative Task Force shall be terminated upon completion of the 1993 legislative session.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1992:

Jim Gardner, Presiding Officer

DECFIN A:\92-1688

EXHIBIT A

1992-93 LEGISLATIVE TASK FORCE MEMBERSHIP

Jim Gardner, Presiding Officer

Tanya Collier, Chair, Governmental Affairs Committee

**Richard Devlin, Chair, Transportation and Planning
Committee**

Susan McLain, Chair, Regional Facilities Committee

George Van Bergen, Chair, Finance Committee

Judy Wyers, Chair, Solid Waste Committee

Rena Cusma, Executive Officer

Meeting Date: October 8, 1992
Agenda Item No. 5.1

ORDINANCE NO. 92-472

STAFF REPORT

CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE 91-4:PCC ROCK CREEK

Date: September 28, 1992

Presented By: Mark Turpel

BACKGROUND

On June 25, 1992, the Metro Council held a public hearing and approved Metro Council Resolution Number 92-1630(attached), expressing its intent to amend the Metro Urban Growth Boundary, as requested in Contested Case 91-4, pending annexation of the subject property to the Metro District. When the Metro Council wishes to amend the Urban Growth Boundary to add property not currently within the Metro District Boundary, it states its intent to do so in the form of a resolution, with final action on an ordinance delayed until the property is brought under its territorial jurisdiction.

On August 27, 1992, the Boundary Commission approved the annexation of the subject property to the Metro District. Therefore, Ordinance Number 92-472 is now before the Metro Council to complete the amendment consistent with the Council's earlier statement of intent.

Contested Case No. 914 is a petition from Portland Community College for a major amendment of the Urban Growth Boundary in Washington County. The property proposed for inclusion in the UGB comprises approximately 160 acres. The lands affected by this proposal are shown on the map included as Exhibit A. Washington County has gone on record in support of the amendment. Metro Hearings Officer Larry Epstein held a hearing on this matter on March 30, 1992, in Hillsboro, and again on April 27, 1992 in the Metro Council Chambers. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B, concludes that the petition meets the applicable standards and should be approved. No exceptions to the decision were filed.

At its meeting on the 25th of June, 1992, Council heard from parties to the case, reviewed the record, reviewed the report and recommendation of the Hearings Officer, and approved the resolution. The petitioner was given 6 months from the date of adoption of the Resolution No. 92-1630 to complete the annexation. Petitioner has successfully completed this step, and final action by the Metro Council is now requested.

EXECUTIVE OFFICER'S RECOMMENDATION

The Metro Council should approve Ordinance No. 92-472, consistent with its intent as stated in Resolution No. 92-1630.

ES/st

9/28/92

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

AN ORDINANCE ADOPTING A FINAL ORDER	)	ORDINANCE NO. 92-472
AND AMENDING THE METRO URBAN)	
GROWTH BOUNDARY FOR CONTESTED CASE)	
NO. 91-4:PCC ROCK CREEK)	

**THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:**

Section 1. The Council of the Metropolitan Service District adopted Resolution No.92-1630, attached as Exhibit C of this Ordinance and incorporated by this reference, on June 25, 1992, stated its intent to amend the Metro Urban Growth Boundary with certain conditions for Contested Case 91-4:PCC Rock Creek pending annexation of the subject property to the Metropolitan Service District within 6 months of adoption of the resolution.

Section 2. The Portland Metropolitan Area Local Government Boundary Commission acted on August 27, 1992, to annex the petitioner's PCC Rock Creek Campus property, the subject of Contested Case No. 91-4:PCC Rock Creek, to the Metropolitan Service District. The action of the Boundary Commission is attached to this Ordinance as Exhibit D, which is incorporated by this reference.

Section 3. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Order in Contested Case No. 91-4 the Hearings Officer's Report and Recommendations in Exhibit B of this Ordinance, which is incorporated by this reference.

Section 4. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, is hereby amended as shown in Exhibit A of this Ordinance, which is incorporated by this reference.

Section 5. Parties to Contested Case No. 91-4 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

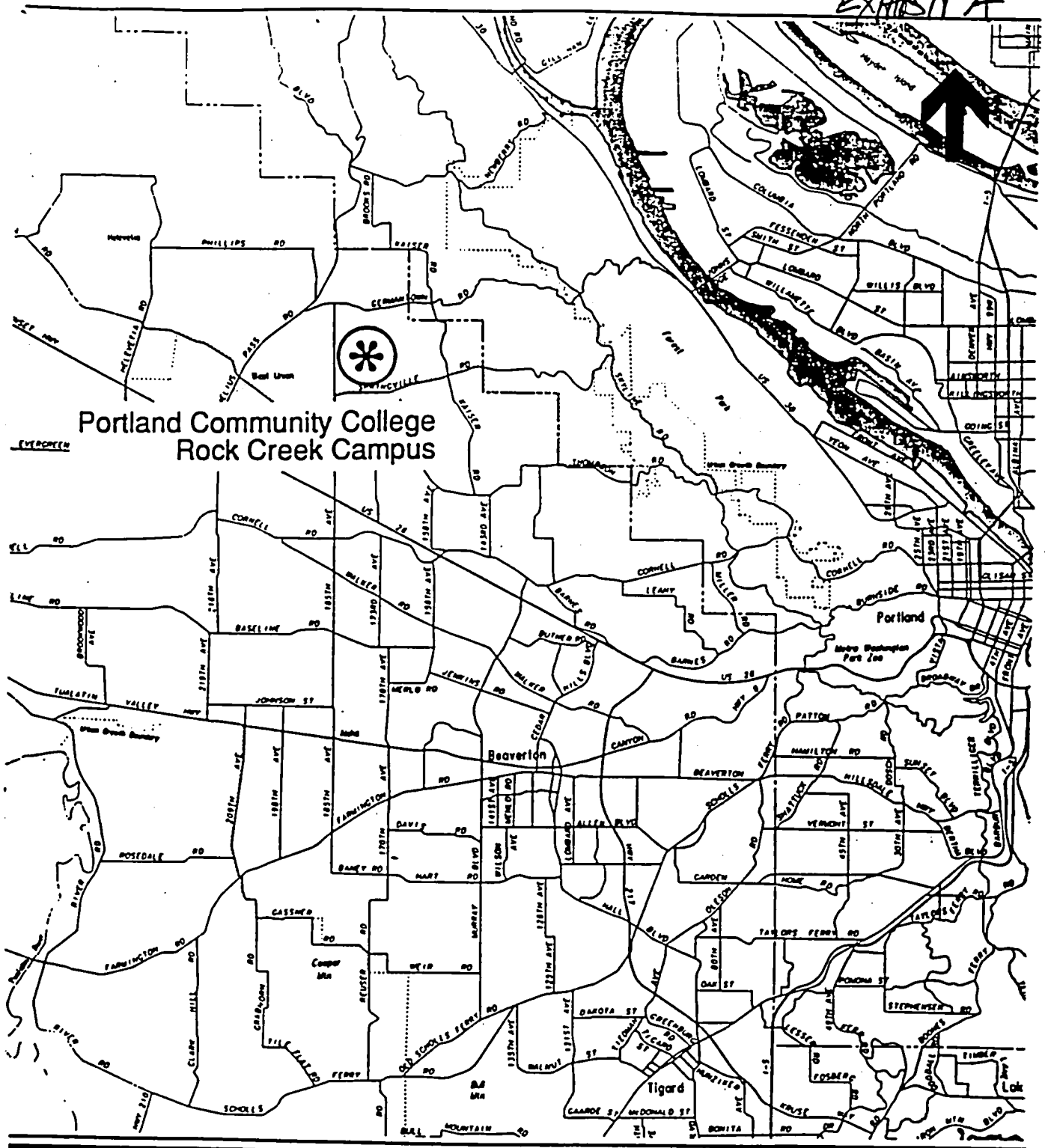
ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Presiding Officer

ATTEST:

Clerk of the Council

ES/es
8/31/92

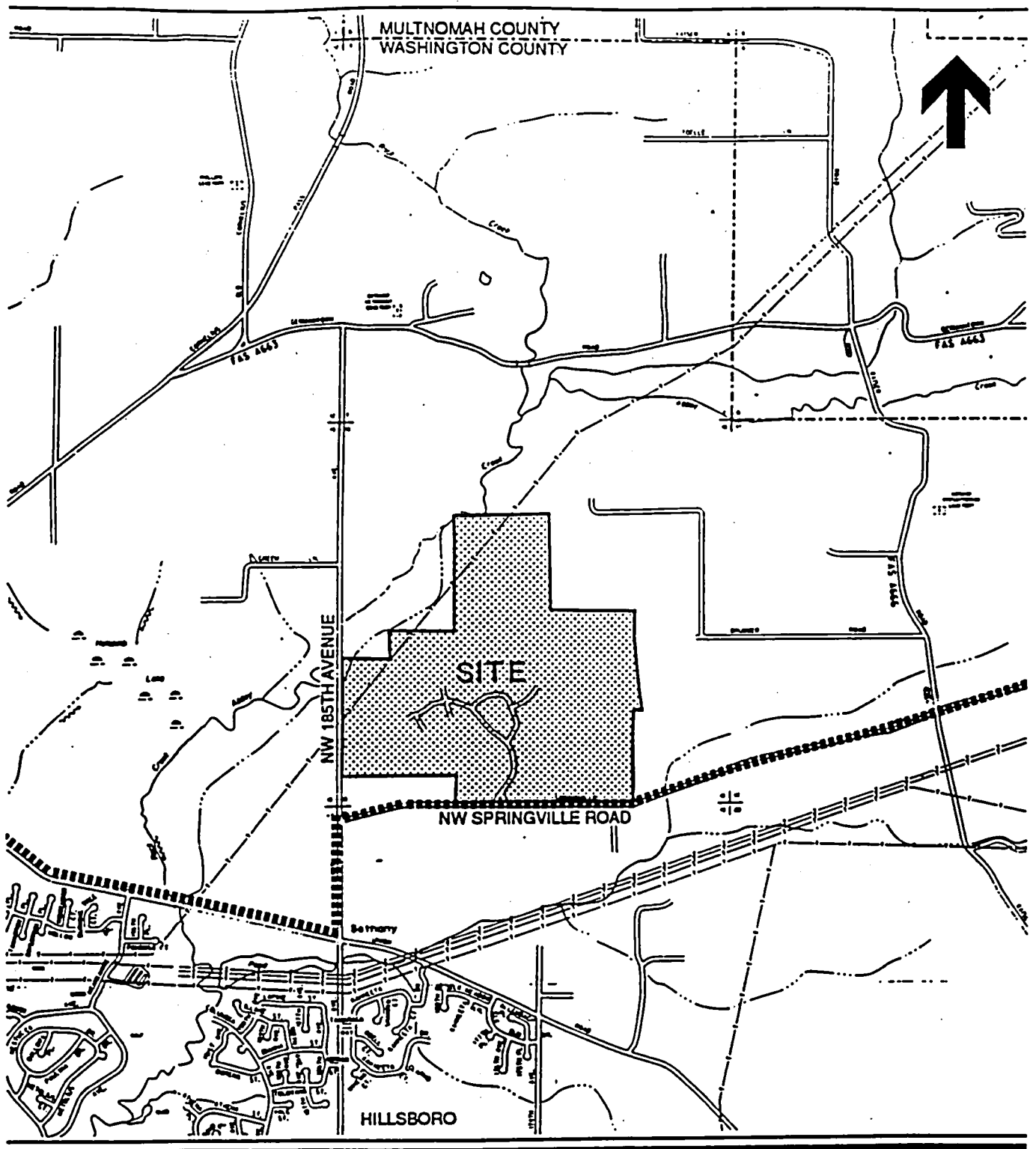


Source: Metro Service District - 1990, Major Arterial Map. 1" = 2 miles.

EXHIBIT 1

VICINITY MAP

Portland Community College
Rock Creek Campus



Source: Metro Service District - 1988, map #18802. 1" = 2000'.

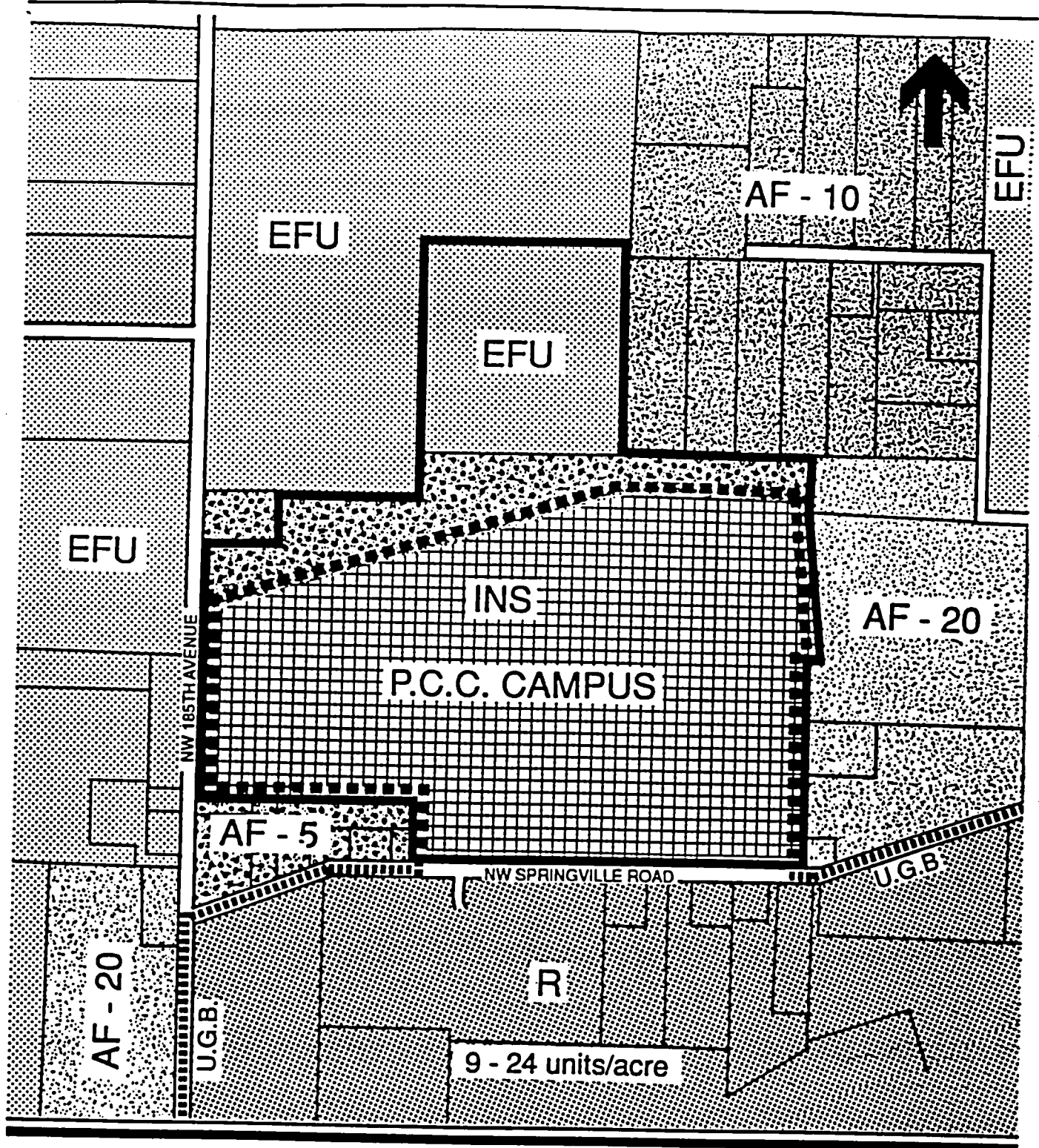
EXHIBIT 2

LEGEND

- Portland Community College Campus
- Existing Urban Growth Boundary

LOCATION MAP

Portland Community College
Rock Creek Campus



LEGEND

- P. C. C. Site Boundary
- Existing U.G.B.
- Proposed U. G. B.
- Exclusive Farm Use - EFU
- Agriculture & Forest - AF -5, - 10, - 20
- Residential - R
- Institutional - INS

EXHIBIT 6

PROPOSED U.G.B. AND PLAN DESIGNATIONS

Portland Community College
Rock Creek Campus

September 10, 1991

PROJECT: PCC Rock Creek Campus
MASTER PLAN / URBAN GROWTH BOUNDARY

PROJECT NO. 9004.02

SUBJECT: DEFINITION OF AREA TO BE AMMENDED TO UGB

To facilitate the draft petition, we have delineated a proposed UGB location, and calculated very roughly the dimensions and resulting area of the amendment. It must be made extremely clear that this is only a very rough definition, which must be made formal by a surveyor or civil engineer. The dimensions and azimuths used are derived from a 1972 survey by Walter Caswell, provided by PCC. There are some discrepancies between that survey and the county tax maps.

See the attached sheets for calculations and diagrams. The following is a rough meets and bounds description.

1. Initial Point is SE property corner of Lot 200, Section 18, T1N, R1W, Washington County, on the north line of Springville Road.
2. From I.P. proposed UGB turns (North) to N02°27'29"E, for 1371.44';
3. then (East) S88°32'31"E, for 64.5';
4. then (North) S01°33'49"E, for 919.67';
5. then (West) S88°14'43"E, for 1173.51';
5. then (Southwest) parallel with existing building E.-W. grid at S71°35'36"W, for 2297'±, to a point 435.6' East of the East line of 185th avenue, approximately intersecting the south line of the power line easement;
6. then (Southwest) parallel with the south line of the power line easement at S40°13'29"W, for approximately 700'± to the east line of NW 185th Avenue;
7. then (South) S01°25'59"W, for 710'±, to the north line of Tax Lot 305;
8. then (East) following the North lines of Tax Lots 305, 306, 300;
9. then (South) following the East lines of Tax Lots 300, and 500 to intersect with the existing UGB at Springville Road;
10. the UGB then continues West in its existing location.

The PCC Rock Creek Campus area included within the adjusted UGB as described above is approximately 160 acres, which would then be converted by Washington County Comprehensive Plan Amendment from the rural AF-5 designation, to the urban INS (Institutional) designation. The designated EFU portion of Lot 200 is not affected.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

In the matter of the petition of Portland Community College to amend the Urban Growth Boundary to add 160 acres north of NW Springville Road and east of NW 185th Avenue in Washington County	)	<u>Contested Case No. 91-04</u>
	)	HEARINGS OFFICER
	)	REPORT &
	)	RECOMMENDATION

I. Nature and Summary of the Issues

Petitioners propose to add about 160 acres (the "Subject Property") to the Urban Growth Boundary (UGB) in Washington County. The Subject Property is part of a 250-acre parcel owned by Portland Community College, the Petitioner, and is the site of the college's Rock Creek campus. The remaining 90 acres of the petitioner's parcel will remain outside of the UGB and zoned for Agriculture and Forest (AF-5) and Exclusive Farm Use (EFU).

Petitioner proposes to include the Subject Property in the UGB principally to recognize the urban nature of the community college campus and, once the petitioner applies for and receives approval of a comprehensive plan amendment and zone change from Washington County, to enable further development on the campus. Under existing plan and zone designations, Washington County land use regulations effectively prevent substantial development at the campus.

The issue in this case is whether the amendment complies with the 7 factors in Statewide Planning Goal 14 (Urbanization) for locating an urban growth boundary and other applicable Goals. The petitioner argued the amendment complies with applicable Goals.

There was considerable dispute regarding the amendment. Witnesses in support of the amendment generally stressed the importance of the college campus and its need to be able to expand at Rock Creek. Witnesses against the amendment generally stressed the availability of alternate sites in the UGB for college activities and the lack of adequate street services for the proposed expansion at the campus, among other concerns.

The Hearings Officer conducted two hearings to receive testimony regarding the petition. Based on the record, including the testimony received in this matter, the Hearings Officer concludes that the proposed UGB amendment complies with the applicable Statewide Planning Goals, and recommends that the Council approve the petition.

II. Procedures and Record

A. History, Proceedings, and Comments from Affected Jurisdictions.

1. On or about October 1, 1991, Bill McDonald, vice president for administrative services, filed a petition for a UGB amendment for tax lot 200 in Section 18, Township 1 North, Range 1 West, WM, Washington County (the "Subject Property") on behalf of the Portland Community College District. See Exhibit 8.

2. On February 5, 1992, Metro staff mailed notice of the petition to the Oregon Department of Land Conservation and Development. See Exhibit 17. On or about March 10, 1992, the Hearings Officer sent notices by certified mail to owners of land within 500 feet of the Subject Property that a hearing would be held March 30, 1992 regarding the petition. See Exhibit 21. A notice of the hearing also was published in *The Oregonian* on or before March 20.

3. On March 30, 1992, from 7:00 pm until about 10:00 p.m., the Hearings Officer held a public hearing at the Auditorium of the Washington County Public Services Building. Seventeen witnesses testified in person about the petition at that time, including Metro staff. Because the petitioner introduced new evidence at that hearing and a witness requested that the hearing be continued as a result, the Hearings Officer continued the hearing until April 27, 1992, when it reconvened at approximately 2:30 p.m. Five witnesses testified in person at that time. At the conclusion of the public hearing, the Hearings Officer closed the public record.

4. On May 28, 1992, the Hearings Officer filed with the Council this Report and Recommendation.

B. Written record. The following documents are part of the record in this matter.

<u>Exhibit No.</u>	<u>Subject matter</u>
1.	July 10, 1991 draft Rock Creek Campus Master Plan (SRG)
2.	September 13, 1991 letter from Steve Poland (SRG) to Ethan Seltzer
3.	September 16, 1991 response form from Gene Birchill (Tualatin Valley Fire & Rescue)
4.	September 17, 1991 response form from Gary Pippin (Tualatin Valley Water District)
5.	September 19, 1991 letter and response form from Russell Lawrence (USA) to Metro
6.	September 27, 1991 letter from Bonnie Hays (WashCo) to Ethan Seltzer
7.	September 27, 1991 letter and response form from Douglas Capps (Tri-Met) to Ethan Seltzer
8.	October 1, 1991 revision of Petition for UGB Amendment and PMALGBC forms 1A, 3, 5, and 6
9.	October 1, 1991 response form from John Rosenberger (WashCo DLUT)
10.	October 3, 1991 letter from Ethan Seltzer to Betty Duvall
11.	October 18, 1991 letter from Betty Duvall (PCC) to Ethan Seltzer
12.	October 18, 1991 response form from James Hager (Bvtn. School District)
13.	October 18, 1991 response form from James Tacchini (Hillsboro Union School District)
14.	October 30, 1991 letter from Ethan Seltzer to Betty Duvall
15.	December 13, 1991 letter from Betty Duvall to Ethan Seltzer
16.	February 3, 1992 letter from Mary Dorman to Ethan Seltzer
17.	February 5, 1992 notice to DLCD from Metro
18.	February 24, 1992 Metro Staff Report
19.	Metro Ordinance No. 85-189 as amended by Ordinance No. 86-204
20.	February 27, 1992 Memo from Ethan Seltzer to Larry Epstein with notice list
21.	March 3, 1992 letter from Hal Bergsma (WashCo) to Ethan Seltzer
22.	March 10, 1992 Postal Service form 3877 with list of names and address to whom notice of the hearing was sent and copy of notice
23.	March 12, 1992 letter from Mary Dorman to Larry Epstein with attached January 21, 1992 letter from Marcy Jacobs (OEDC) to Mary Dorman
24.	March 12, 1992 letter from Alan & Kyle-Jean John to Larry Epstein
25.	March 18, 1992 letter from Lindsay Peters to Larry Epstein
26.	March 19, 1992 letter from Charles Fischer to Larry Epstein
27.	March 20, 1992 letter from Mary Tobias (TVEDC) to Larry Epstein
28.	March 20, 1992 letter from Hal Bergsma to Ethan Seltzer
29.	March 23, 1992 letter from Betty Atteberry to Larry Epstein
30.	March 24, 1992 letter from Irv Nikolai to Larry Epstein

31. March 24, 1992 letter from Mark J. Greenfield to Larry Epstein
32. March 25 letter John Breiling, CPO 7 Chair, to Ethan Seltzer and Larry Epstein
33. March 26 letter from Shirley Huffman, Mayor of Hillsboro, to Larry Epstein
34. March 27 letter from Jim Hager to Larry Epstein
35. March 30, 1992 letter from Glenn Hinton to Metro UGB planners
36. March 30, 1992 letter from George and Eugenia Geannopoulos to Larry Epstein
37. March 30, 1992 letter from Susan Nolte and Lee Grunes to hearing officer
38. April 2, 1992 letter from James L. Tacchini to Larry Epstein
39. April 6, 1992 letter from Frank L. Buehler to Ethan Seltzer
40. April 7, 1992 letter from Daniel F. Moriarty to Ethan Seltzer with a copy of the Board Resolution of April 20, 1987
41. April 24, 1992 letter from Debbie Pezzotti to Larry Epstein
42. April 27, 1992 letter from Jerry Arnold to Larry Epstein; includes goals 1, 2, 6, 12-14, Alternate Site Cost Analysis, three photographs of rural settings, two aerial photos of the PCC campus and vicinity
43. Non-dated bound volume entitled "Petition for a Major Amendment to the Metro Urban Growth Boundary"
44. 8 maps from Washington County Department of Assessment and Taxation
45. 6 notices returned as undeliverable or unclaimed
46. Undated communication from Jerry Arnold
47. Undated testimony from Robert R. French
48. Diagrams of "typical road facility capacities"
49. Parties of record list

C. Responses from service providers and affected jurisdictions.

1. The Subject Property is in the Tualatin Valley Fire and Rescue District, Tualatin Valley Water District, Unified Sewerage Agency district, Tri-County Metropolitan Transportation District, Beaverton School District #48, and the Hillsboro Union High School District. Each district filed a written comment recommending approval of the petition. See Exhibits 3 through 5, 7, 12 and 13, respectively. The Beaverton School District 48 and Hillsboro Union High School District superintendents also filed letters in support of the petition. See Exhibits 35 and 39.

2. The Subject Property is in unincorporated Washington County. The County Commissioners adopted a Board Order stating no comment regarding the petition. The Department of Land Use and Transportation also filed a written response of no comment regarding the petition. See Exhibits 6 and 9, respectively.

3. The Subject Property is north of the City of Hillsboro. The Mayor filed a written recommendation in favor of the petition. See Exhibit 34. The Subject Property is north of Washington County School District 15. The district superintendent submitted a written recommendation in favor of the petition. See Exhibit 30.

III. Basic Findings About the Subject Property and the Surrounding Area

A. Location. The Subject Property is situated east of and adjoining NW 185th Avenue and north of and adjoining NW Springville Road. See Figures 4 and 7 in Exhibit 44.

B. Legal description. The Subject Property is a portion of tax lot 200 in Section 18, Township 1 North, Range 1 West, WM, Washington County.

C. Size and shape. The Subject Property is an irregularly-shaped area that contains about 160 acres, based on Exhibit 8.

D. Existing and proposed uses.

1. The Subject Property is the site of the Rock Creek campus of Portland Community College. Construction of the campus began in 1974.

a. Existing campus buildings are clustered in the center of the Subject Property. About 101 acres of the Subject Property area developed with buildings (7 acres), parking and landscaping (24 acres), and agriculture/landscape/carpentry program facilities (70 acres). The remainder of the Subject Property is forest and pasture land surrounding the buildings and other campus facilities. See page 15 and Figure 4 in Exhibit 44.

b. There are about 390,000 square feet of buildings and site improvements including pedestrian walkways, plazas and landscaping and 1155 parking spaces with associated internal circulation roads and maneuvering space. A total of 4532 full- or part-time students were enrolled at the Rock Creek campus during fall, 1991. On-campus faculty staff is estimated at 307. There are about 2000 to 2400 Full Time Equivalent (FTE) students averaged over the year.

c. The campus offers a mix of programs. That mix has changed somewhat since inception of the campus with decreasing interest in traditional agricultural programs. Lower division collegiate programs are the fastest growing segment of the campus curriculum. These programs prepare the undergraduate student for transfer to a more traditional 4-year college or university. Professional-technical programs include construction technology, aviation technology, business technology, veterinary technology, diesel technology, welding and landscape technology. Development and community education programs include a wide variety of subject matter, including English as a second language, adult basic education, and general equivalency diploma programs. The student body is distributed among these programs as follows:

Lower division collegiate programs	53%
Professional-technical programs	41%
Development/community education programs	6%

d. Since 1986/87, the student population has grown 3.1% per year (FTE). From 1986 to 1990, the student population (head count) grew 12.3%. See page 11 of Exhibit 44. Based on testimony by PCC Board member Marsha Atkinson and Executive Dean Duvall, student enrollment has grown 20 to 23% in the past year, and growth has averaged 7% in the last 3 to 4 years.

e. The replacement cost for the existing building at the campus is estimated to be about \$45 million in 1991 dollars. The replacement cost for the existing physical plant, including land and infrastructure costs, is estimated to be about \$60 million in 1991 dollars. See page 1 of Exhibit 8 and pages 1 through 4 and 22 through 24 of Exhibit 44.

f. The campus also contains offices for the Educational Service District and the Washington County Historical Society Museum.

2. If the UGB amendment is approved, the petitioner intends to apply to the Portland Metropolitan Area Local Government Boundary Commission to annex the Subject

Property to the Metropolitan Service District and to apply to Washington County for an Institutional Comprehensive Plan designation and zone.

3. If the plan amendment and zone change are approved, the petitioner plans to apply to Washington County for approval of a staged development program through the year 2010 consistent with the July, 1991 master plan for the campus.

a. The campus master plan assumes 100% growth in FTE enrollment and 80% enlargement in building area. The gross area of existing and proposed campus buildings will be about 610,000 square feet after completion of the master plan. See Exhibit 1.

b. The petitioner also plans to improve a new access point from the campus to NW 185th Avenue during implementation of the master plan.

4. The portion of the petitioner's property not planned for inclusion in the UGB will remain predominantly in open space and timber use. A Bonneville Power Administration powerline corridor crosses the portion of the site that will remain outside the UGB.

E. Comprehensive plan designations, zoning, and existing surrounding land uses.

1. Washington County approved a conditional use permit for the Rock Creek campus in 1974. However, since that time, the UGB was created and significant zone changes occurred. The Subject Property is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. Land owned by the college immediately north of the Subject Property also is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. Land owned by the college further north is designated and zoned Exclusive Farm Use (EFU). The campus and surrounding non-EFU-zoned land was approved as an exception to Statewide Planning Goal 3 (Agriculture), because it was already committed to non-resource use and served with public water and sewer (Exception Area #034). A community college is not listed as a permitted use in the AF-5 zone. The campus is recognized as a legal non-conforming use by the County. See Exhibits 21, 26 and 28.

2. Land north and west of the Subject Property is designated and zoned Exclusive Farm Use (EFU). Land to the northeast and east is outside the UGB and is designated Agriculture-Forest and is zoned AF-20 and AF-10, respectively. Land to the south across Springville Road is inside the UGB and is designated for medium to high density residential development and is zoned Residential (9 to 24 units per acre). Land to the southwest on the north side of Springville Road is outside the UGB and is designated Agriculture-Forest and zoned AF-5. Land southwest of the site across 185th Avenue is outside the UGB and is designated Agriculture-Forest and zoned AF-20.

3. Land north, east and west of the Subject Property is used principally for agriculture, animal husbandry, woodland, and open space. There is a small area of rural residential development in the northeast quadrant of the intersection of NW 185th Avenue and Springville Road. Land south of Springville Road east of 185th Avenue is rapidly urbanizing. Substantial single family housing developments have been built in that area. The County hearings officer recently approved a request for a dormitory in that area. Substantial additional residential development is planned or permitted by existing zoning. A new high school has been approved south of the new residential area east of 185th Avenue. Extensive low and medium density residential development has occurred between West Union Road and Highway 26.

F. Public facilities and services.

1. Water for the Subject Property is provided by the Tualatin Valley Water District. There is a 14-inch diameter main which forms a loop around major buildings on the campus and connects to a 16-inch diameter main in Springville Road. According to the campus master plan, this main is adequate to serve the campus through 2010. No pumping is required to serve the campus. To improve water service in the Bethany area, the Water District plans to extend a 25-inch diameter water main in Springville Road to connect with a main in Kaiser Road to loop and intertie the existing network of water lines, with construction scheduled to begin within two years. The source of water for the Water District is the Bull Run system. The District has long-term contracts to buy water from the City of Portland. See page 19 of Exhibit 1 and page 27 of Exhibit 43.

2. The Unified Sewerage Agency (USA) provides sanitary sewer service to the Subject Property pursuant to a contract with petitioner. A 12-inch diameter sewer line extends south of the campus across Springville Road and southwest to the Bronson Creek trunk line near 185th Avenue and West Union Road. If the petition is granted, the petitioner would annex the Subject Property to the USA. The existing sewer infrastructure can continue to serve the campus if the site is developed consistent with the Master Plan. See page 19 of Exhibit 1 and page 28 of Exhibit 43.

3. Storm water from impervious areas of the Subject Property are collected and discharged on-site. Additional development on the site would be subject to USA requirements for storm water collection, detention, and enhancement. Given the permeable area of the site and the wetlands north of the site, ample room exists to accommodate storm water from design storm events. See page 19 of Exhibit 1 and page 28 of Exhibit 43.

4. The Subject Property is served by the Tualatin Valley Fire and Rescue District. The closest district facility is about one mile south of the site at the intersection of Highway 26 and 185th Avenue. Automatic fire protection systems are installed throughout buildings on the site and fire hydrants are located within 300 feet of buildings. The existing water supply is adequate to serve fire protection needs. See pages 28 and 29 of Exhibit 43.

5. The Washington County Sheriff provides police services to the Property. The petitioner supplements police services with on-site campus security staff. See page 29 of Exhibit 43.

6. Electrical, gas, telephone, cable, and solid waste services are provided to the site as noted on page 29 of Exhibit 43.

7. Roads and transit access. See generally pages 30-31 of Exhibit 1, Exhibit 21, and pages 21 and 26-27 of Exhibit 43.

a. The site adjoins and has direct vehicular access to NW Springville Road, a major collector street with a 2-lane paved section between gravel shoulders and drainage ditches. There is turn lane at the campus entry. There are not curbs, sidewalks, or bicycle lanes along this street.

(1) NW Springville Road now carries about 6000 average daily trips (ADT) east of 185th Avenue. County guidelines for a major collector recommend traffic volume of 1500 to 10,000 ADT.

b. The campus also adjoins NW 185th Avenue, which is a rural minor arterial street with a 2-lane paved section between gravel shoulders and drainage ditches north of Springville Road.

(1) The campus does not have direct vehicular access to this street at this time, except apparently for minor traffic associated with the farm activities in the dwelling at the west end of the campus. The college proposes to provide direct vehicular access to that street in the future; the location and nature of that access has not been determined and would be subject to access permit requirements of Washington County.

(2) NW 185th Avenue now carries about 3000 ADT north of Springville Road. County guidelines for a minor arterial recommend traffic volume of less than 10,000 ADT. A 90-foot right of way is required, whether the road is urban or rural. There are not curbs, sidewalks, or bicycle lanes along this street. Based on the County Transportation Plan, NW 185th Avenue north of Springville Road would not ultimately include a bicycle lane, sidewalk or curb. However, if the County grants access to the road for the college, the County may require the college to improve the road between the access point and Springville Road with such features (as well as requiring other improvements).

(3) NW 185th Avenue is programmed to be widened to 5 lanes between West Union Road and Highway 26. There is sufficient right of way to widen this segment of the road to 5 lanes. Funding has been dedicated to widen the road to 3 lanes from Highway 26 to Tammarack Lane, about 300 feet south of West Union Road. NW 185th Avenue is programmed to be widened to three lanes between West Union Road and Springville Road. Although funding for this widening is not allocated, it is expected to be provided by the County Traffic Impact Fee (TIF) program.

c. The intersection of Springville Road and 185th Avenue is controlled by stop signs that apply to north- and southbound traffic on 185th Avenue. Traffic turning east from 185th Avenue to Springville Road and traffic turning south from Springville Road to 185th Avenue is not required to stop. Traffic Engineer Bruce Haldors, on behalf of the petitioner, testified that signalization of the intersection will be needed by the time the campus build-out is complete. A traffic signal at the intersection of NW 185th Avenue and West Union Road is planned and eligible for TIF funding, based on testimony from Traffic Engineer Dan Seeman.

d. About 90 percent of campus-related traffic comes from the south on NW 185th Avenue to Springville Road. Only about 3 percent of students use Tri-Met bus service. The remaining 97 percent arrive by private automobile. Of that number 81 percent of the students drive to campus, 14 percent share rides as passengers, and 2 percent are dropped off by others who do not remain on campus. Most students are on campus only for a portion of the day. Peak traffic volumes occur between 9 am and 12 pm and between 7 pm and 10 pm, based on Exhibit 1. Traffic Engineer Bruce Haldors testified that peak traffic associated with the campus occurs between the hours of 2 to 3 pm and 9 to 10 pm.

e. The Subject Property is not within one-quarter mile of a transit corridor designated by Metro. Tri-Met bus route 52 serves the campus on half-hour intervals from 6:25 am until 10:33 pm. When the Westside light rail project is completed, bus route 52 will connect to the 185th Avenue LRT center and will serve the campus with a bus every 15 minutes.

f. Based on testimony by Bruce Haldors for the petitioner, the following trip generation and average daily traffic does and will occur.

Year 1992	All traffic		College traffic	
	Peak hr. ¹	ADT ¹	Peak hr. ¹	ADT ¹
Springville Road	700-800	7000-8000	500-600	5000-6000
185th Avenue ²	200-300	2000-3000	< 20	<200
<hr/>				
Year 2010				
Springville Road	800-900	8000-9000	560-750	5600-7500
185th Avenue ^{2,3}	500-600	5000-6000	350-480	3500-4800
<hr/>				
¹ Trips per hour or per day in both directions				
² North of Springville Road				
³ Assuming Washington County allows direct access to 185th Avenue				

G. Soil, slope and natural features.

1. The portion of the campus to be included in the UGB is situated at an elevation of about 250 feet above mean sea level and slopes gently to the southeast and northwest. Soils on the Subject Property are predominantly Helvetia and Cascade silt loams with slopes of less than 7 percent, based on the SCS Soil Survey for Washington County. See page 25 of Exhibit 43.

2. North of this area, the campus elevation drops about 70 feet to the Rock Creek floodplain and wetland. The lowland area north of the Subject Property contains Verbort and Huberly soils, which are poorly drained and hydric consistent with their wetland characteristics. The lowlands will remain outside the UGB. The proposed UGB boundary follows the change in topography. See page 25 of Exhibit 43.

3. The area around most buildings, drives and roads has been landscaped with a variety of deciduous and conifer shrubs and trees. Beyond these areas are expanses of pasture, which are grazed by sheep and cattle herds that are maintained as part of the veterinary technology program. There also is a field of clover on the east part of the uplands portion of the campus that is farmed by a private individual under contract with the college. North of the campus buildings is a 90-acre natural area. On the uplands portion of this area are second growth conifer trees that are used as part of the environmental education program. Further north are the wetlands on the lowland portion of the site. See pages 25-26 of Exhibit 43.

IV. Applicable Approval Criteria for Major Amendment

A. Regional Urban Growth Boundary Amendments by Metro.

1. The UGB is intended to accommodate urban growth through the year 2000. A change to the UGB involving more than 50 acres is called a Major Adjustment. Metro Ordinance No. 85-189, as amended by Ordinance No. 86-204, addresses various procedural matters regarding a Major Adjustment but, instead of creating new substantive criteria for such an amendment, specifies that a Major Amendment must comply with the Statewide Planning Goals adopted by the Oregon Land Conservation and Development Commission.

B. Statewide Planning Goals. The Statewide Planning Goals relevant to the proposed Major Amendment are limited to the following:

1. Statewide Planning Goal 1 (Citizen Involvement).

To develop a citizen involvement program that insures that the opportunity for citizens to be involved in all phases of the planning process...

2. Statewide Planning Goal 2 (Land Use Planning), Part II.

When, during the application of the statewide goals to plans, it appears that it is not possible to apply the appropriate goal to specific properties or situations, then each proposed exception to a goal shall be set forth during the plan preparation phases and also specifically noted on the notices of public hearing. The notices of hearing shall summarize the issues in an understandable and meaningful manner.

If the exception to the goal is adopted, then the compelling reasons and facts for that conclusion shall be completely set forth in the plan and shall include: (a) why these and other uses should be provided for; (b) what alternative locations within the area could be used for the proposed uses; (c) what the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use; and (d) a finding that the proposed uses will be compatible with other adjacent uses.

OAR 660-04-010 provides that compelling reasons for the exception can be provided by complying with the seven factors in Goal 14.

3. Statewide Planning Goal 3 (Agricultural Lands).

Goal: To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space. These lands shall be inventoried and preserved by adopting exclusive farm use zones pursuant to ORS Chapter 215. Such minimum lot sizes as are utilized for any farm use zones shall be appropriate for the continuation of the existing commercial agricultural enterprise with the area. Conversion of rural agricultural land to urbanizable land shall be based upon consideration of the following factors: (1) environmental, energy, social and economic consequences; (2) demonstrated need consistent with LCDC goals; (3) unavailability of an alternative suitable location for the requested use; (4) compatibility of the proposed use with related agricultural land; and (5) retention of Class I, II, III and IV soils in farm use. A governing body proposing to convert rural agricultural land to urbanizable land shall follow the procedures set forth in the Land Use Planning goal (Goal 2) for goal exceptions.

4. Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources).

Goal: To conserve open space and protect natural and scenic resources.

Programs shall be provided that will: (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, (3) promote healthy and visually attractive environments in harmony with the natural landscape character.

The goal goes on to list the resources that must be inventoried and considered in the preparation of plans and programs and describes how conflicts among resources and uses must be addressed.

5. Statewide Planning Goal 6 (Air, Water and Land Resources Quality).

Goal: To maintain and improve the quality of the air, water and land resources of the state.

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards...

6. Statewide Planning Goal 9 (Economy of the State).

Goal: To diversify and improve the economy of the state.

Both state and federal economic plans and policies shall be coordinated by the state with local and regional needs. Plans and policies shall contribute to a stable and healthy economy in all regions of the state...

7. Statewide Planning Goal 11 (Public Facilities and Services).

Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served...

8. Statewide Planning Goal 12 (Transportation).

Goal: To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation ..., (2) be based upon an inventory of local, regional and state transportation needs, (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes, (4) avoid principal reliance upon any one mode of transportation, (5) minimize adverse social, economic and environmental impacts and costs, (6) conserve energy, (7) meet the needs of the transportation disadvantaged ..., (8) facilitate the flow of goods and services so as to strengthen the local and regional economy, and (9) conform with local and regional comprehensive land use plans...

9. Statewide Planning Goal 13 (Energy Conservation).

Goal: To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

10. Statewide Planning Goal 14 (Urbanization).

Goal: To provide for an orderly and efficient transition from rural to urban land use.

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based on the following factors.

- 1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;**
- 2. Need for housing, employment opportunities, and livability;**
- 3. Orderly and economic provision for public facilities and services;**
- 4. Maximum efficiency of land uses within and on the fringe of the existing urban area;**
- 5. Environmental, energy, economic and social consequences;**
- 6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and**
- 7. Compatibility of the proposed urban uses with nearby agricultural activities.**

The results of the above considerations shall be included in the comprehensive plan. In the case of a change of boundary, a governing body proposing such change in the boundary separating urbanizable land from rural land, shall follow the procedures and requirements as set forth in the Land Use Planning Goal (Goal 2) for goal exceptions...

V. Summary of Arguments

A. Arguments in support of the petition. The petitioner presents the arguments in support of the petition principally at pages 30 - 62 of Exhibit 43 and in oral testimony at the hearings in this matter. Because the hearings officer recommends approval of the petition for many of the reasons advanced by the petitioner, those arguments are not summarized here. They are reflected in section VI of this recommendation.

B. Arguments against the petition. Arguments against the petition are included principally in Exhibits 24, 35 through 37, 39, 42 and 46 and in testimony offered by the authors of those exhibits and others residents of the vicinity. In summary, they offer the following arguments:

1. Roads are inadequate to serve the campus, particularly 185th Avenue. Allowing the UGB amendment will lead to expansion of the campus and its traffic impact on those roads.

2. It is inefficient to expand a campus location on the edge of the urban area, and results in higher travel costs, less mass transit accessibility and energy conservation, and, consequently, worse air quality impacts.

3. There is not a need to enlarge the UGB. PCC could establish a new satellite campus or otherwise increase the programs offered at other locations more centrally located to the urban area, particularly in locations along the Westside Light Rail corridor. The campus is not an urban use. Therefore, the petitioner should be required to show that a need exists to enlarge the UGB.

4. Enlarging the UGB in this case will lead to speculation in real estate in the non-urban area and adversely affect the stability of the agricultural area to the north and west.

5. There was a lack of citizen involvement in the development of the master plan for the campus. Therefore, it should not be relied on. There is no assurance the master plan can be implemented given access constraints and constraints on funding due to ballot measure 5.

6. Granting the petition will leave a wedge of land outside the UGB in the northeast quadrant of the intersection of 185th Avenue and Springville Road. Those properties will be adversely affected by more intense development of the campus, particularly the proposed access to 185th Avenue.

7. The campus originally had an agricultural emphasis and warranted a non-urban location. That emphasis is changing to a more urban/liberal education one. Therefore, there is no need for the campus to be situated at the edge of the urban area.

8. There is a lack of adequate drainage services to accommodate increased development that would follow from the UGB amendment.

VI. Findings Applying Approval Criteria to the Facts of the Case

A. Compliance with Goal 1. The proposed amendment complies with Goal 1, based on finding II.A, because:

1. The hearings officer mailed written notice of the March 30 hearing regarding the petition to owners of property within 500 feet of the Subject Property by certified mail, return receipt requested. Metro mailed notice of the hearing to the Oregon Department of Land Conservation and Development and published notice of the hearing in a newspaper with circulation in the area in question. See Exhibits 17, 20, and 22.

2. The petitioner solicited comments from affected jurisdictions. See finding II.C and exhibits cited therein.

3. Members of the general public and organizations representing public interests participated in the public hearings regarding the petition orally and in writing. See generally Exhibits 12, 13, 23 through 30, 32 through 42, 46, 47 and 49 and audio tapes of the hearings in this matter.

4. Whether the PCC Rock Creek master plan (Exhibit 1) was subject to public involvement is not relevant to the UGB decision. Goal 1 requires the land use decision under review, (i.e., the UGB amendment petition), to be subject to public involvement; not the exhibits cited in that land use decision. Moreover, the record reflects that PCC did meet with Citizen Planning Organizations #7 and #8 to review the plan. See Exhibit 32, page 50 of Exhibit 43 and testimony by Betty Duvall at the hearing on March 30. Although the plan could have been developed after a more substantial public involvement process, that does not warrant denying the petition. Additional public involvement opportunities will arise before any of the development envisioned in the master plan can be initiated, based on Chapter 205 of the Washington County Code.

B. Compliance with Goal 2, Part II. The petition complies with Goal 2, Part II (Exceptions), because:

1. The Subject Property is physically developed to the extent that it is no longer available for uses allowed by Goal 3, based on finding III.D.

2. The UGB should be amended to include the Subject Property, because the Rock Creek campus represents a substantial public investment and provides an important public education service which should be allowed to be continued as a permitted use, rather than as a nonconforming use.

a. If the UGB is not amended to include the Subject Property, then the campus will continue to be a nonconforming use. Based on Exhibits 28 and 31 and testimony by Mr. Greenfield at the March 30 hearing, that means that the facilities on the campus cannot be expanded significantly.

b. Increased educational services would have to be provided elsewhere, resulting in an inefficient duplication of educational facilities. Providing adequate educational services is critical to the social and economic well-being of the region. Those services cannot be provided to the same extent if more sites have to be developed to deliver those services than are needed for that purpose or if a critical mass of facilities is needed to deliver those facilities at one location. The petitioner demonstrated there is a need to develop such a critical mass at the Subject Property, because of the existing development at the campus and because of the opportunities such a setting provides for cross-disciplinary

interaction and for most efficient use of support services such as libraries, computers, counseling and administration. At a college campus serving such a diverse population as Rock Creek, the sum of the campus is greater than its parts. The parts cannot be broken apart into various satellite locations and venues without detracting from the merits of the institution as a whole. See Exhibit 40 and pages 40 through 42 and 45 through 49 of Exhibit 43 and testimony of Marsha Atkinson, Betty Duvall, Mary Dorman, and Daniel Moriarty at the hearing of March 30.

c. If the UGB is amended to include the Subject Property, then Washington County can amend the comprehensive land use plan to apply an Institutional designation to the property and can evaluate proposed expansion of the campus facilities and, if approved, impose appropriate conditions of approval addressing traffic, drainage, land use compatibility and other issues related to such an expansion. See Volumes IV through VI of the Washington County Community Development Plan.

3. The Subject Property is irrevocably committed to an urban use, based on the statewide planning goal exception adopted by Washington County for Exception Area #034, incorporated herein by reference, and the following:

a. The use is urban, because it is a key facility for community governmental services, i.e. for educational services, under Goal 11 (Public Facilities and Services); the site is intensely developed with substantial structures, parking, utilities, landscaping, and ancillary facilities not in keeping with a rural use; similar uses are situated entirely in the urban area; the use generates significant traffic volumes; and the use serves a population that resides predominantly in the urban area. *See, Shaffer v. Jackson County*, 17 Or LUBA 922 (1989). Although programs at the campus originally emphasized agricultural sciences, the campus also provided a wide range of other programs and serves a predominantly urban population. The change in emphasis at the campus from agricultural to other disciplines has increased the relationship of campus programs to the urban population.

b. Although not all of the site is covered with urban structures and related features, the Subject Property is configured to provide a rational and logical extension of the UGB. The inclusion of the Subject Property complies with the locational factors in Goal 14, based on the findings regarding that goal. *See also, City of Salem v. Families for Responsible Government*, 64 Or App 238, 668 P2d 395 (1983) and *Halvorson v. Lincoln County*, 82 Or App 302 (1986).

4. Because the Subject Property is irrevocably committed to an urban use, the petition is not required to comply with the four factors in OAR 660-040-020(2), based on OAR 660-14-030(1).

C. Compliance with Goal 3 (Agriculture). The petition is consistent with Goal 3, because the Subject Property is part of an Exception Area to Goal 3. Therefore, it is not subject to the Goal. That portion of the PCC ownership outside of the Exception Area is not proposed to be included in the UGB; it will remain designated and zoned for Exclusive Farm Use. The substantial change in topography between the Subject Property and the EFU area (see finding III.G) and the open space and woodland between the developed portion of the campus and the lowland area (see Figure 7 of Exhibit 43) buffer and protect the farmland from encroachment, significant adverse effects, significant increases in costs of production, or other conflicts with the urban use on the Subject Property.

D. Compliance with Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). The petition is consistent with Goal 5, because:

1. The Subject Property does not contain significant open spaces, scenic or historic areas or natural resources identified in the County Comprehensive Plan.

2. The lowland portion of the land owned by the college is identified as a significant natural resource by the County Comprehensive Plan. That land will remain outside the UGB and will continue to be used for agriculture and related educational purposes that preserve its open space character and protect the natural resources thereon.

E. Compliance with Goal 6 (Air, Water and Land Resources Quality). The petition complies with Goal 6, because:

1. Development of the Subject Property is subject to the use and development standards in Washington County Code, applicable solid waste regulations of the Metropolitan Service District, applicable storm water regulations of the Unified Sewerage Agency, and applicable air and water quality regulations of the Oregon Department of Environmental Quality and US Environmental Protection Agency. By complying with these regulations, the use of the site maintains and protects air, water and land resource quality.

2. Regional air quality problems result principally from automobile emissions. To the extent expansion of development at the Subject Property will increase those emissions, the petition does not improve air quality. However, development of any new uses anywhere in the regional airshed will increase automobile emissions. Maintaining and improving air quality depends not so much on the impacts of any one use as on the impacts of automobile use in the region as a whole. That is why the new administrative rule for Goal 12 requires a transportation demand management element in local and regional transportation plans rather than focusing on specific uses. The availability of the Westside Light Rail and implementation of programs to enhance mass transit service to the campus can minimize the air quality impacts of additional development on the Subject Property. Washington County, in conjunction with the petitioner, Tri-Met and other institutions in the area, can require and facilitate traffic demand management and mass transit measures to reduce air quality impacts from traffic associated with the campus. Requiring establishment of additional campuses will not reduce air quality impacts more and is likely to increase automobile trips between campuses and satellite facilities, producing no substantially different net effect than allowing expansion of the Rock Creek campus.

F. Compliance with Goal 9 (Economy of the State). The petition complies with Goal 9, because it enables use of the existing substantial development on the Subject Property for permitted uses rather than nonconforming uses. By continuing to treat the existing facilities as nonconforming uses, applicable land use designations and regulations unreasonably constrain the ability to modify the campus and, thereby, to fulfill the purposes of the college and serve the educational needs of the district's population. If the petition is denied, then, to serve those same purposes, the college would have to develop additional campuses, spend funds for facilities that duplicate what already is available at the Subject Property, and reduce funds available for teachers and other direct services. See Exhibit 28. This wastes valuable economic resources of the State and detracts from a stable and healthy economy. If the petition is granted and urban plan designations and zones are applied to the Subject Property, the campus can continue to be used and modified to keep pace with the need for educational services, increasing employment and improving the local economy.

G. Compliance with Goal 11 (Public Facilities and Services). The petition complies with Goal 11, because:

1. The Subject Property is served by public sanitary sewer, public water, public mass transit, storm water drainage, and electricity, natural gas, telephone and cable. These facilities enter the campus from Springville Road to the south and do not cross designated agricultural or natural resource lands to reach the campus. Therefore, they do not promote urban development of non-urban land. See finding III.F and exhibits cited therein.

2. The Subject Property is developed with an urban use, for the reasons noted in response to Goal 2. It is timely to recognize that situation by including the Subject Property in the UGB. It is orderly and efficient to allow the public facilities that serve the site to be used more intensely, and consequently more efficiently, by allowing the campus to be more intensely developed. As noted above regarding Goal 2, the only way to allow for more intense development of the campus, given Washington County regulations, is to include the campus in the UGB, so that urban designations can be applied to the site, subject to appropriate review procedures and conditions.

3. Including the Subject Property in the UGB will not lead to an untimely or disorderly arrangement of public facilities contrary to the the existing land use framework for the area, because of different physical conditions that exist east, north and west of the Subject Property and the limitations of the public facilities that serve the site. Including the Subject Property in the UGB may make it more likely that the wedge of property in the northeast quadrant of the intersection of Springville Road and 185th Avenue will be included in the UGB in the future. However, if those properties can be served by existing public facilities in Springville Road, and their inclusion otherwise complies with standards for a locational adjustment, then such a UGB amendment does not result in untimely or disorderly development, given that wedge could be served by existing public facilities and is surrounded on three sides by land inside the UGB.

H. Compliance with Goal 12 (Transportation). The petition complies with Goal 12, because:

1. The site has access to a major collector road that can accommodate traffic volumes and peaks generated by the college campus at existing and proposed intensities. Access to an adjoining minor arterial also may be provided to the campus, subject to Washington County review and approval. The intersection of those roads appears to warrant additional improvements whether or not new access is provided to NW 185th Avenue. If the County finds that those roads and their intersection are improved to the extent warranted for access to the site and expansion of the use on the site, or the County imposes conditions to ensure that such improvements are made in a timely manner, then allowing the UGB amendment facilitates provision of a safe, convenient and economic transportation system.

2. The Hearings Officer accepts the arguments of opponents to the petition that NW 185th Avenue is not improved sufficient to accommodate expansion of the campus. The UGB amendment, if granted, does not dictate expansion of the campus and does not limit Washington County from requiring the petitioner to improve roads affected by development at the campus. The issue for purposes of the UGB amendment is not whether existing road conditions are adequate to provide a safe, convenient and economic transportation system; rather, the issue is whether that system can be provided. Volumes IV through VI of the Washington County Community Development Plan ensure traffic impacts of proposed development at the campus will be considered and appropriate improvements will be required before expansion of the campus will be permitted. That

ensures an adequate transportation system can be provided. It is the responsibility of the County to ensure that such a system is in fact provided. Metro does not have the authority to do so directly in the context of a UGB amendment proceeding.

3. Improvement of NW 185th Avenue and Springville Road can be made consistent with the Goal 12 rule even on the portions of 185th Avenue and Springville Road that remain outside the UGB. See pages 3 and 4 of Exhibit 31.

I. Compliance with Goal 13 (Energy Conservation). The petition complies with Goal 13, because it maximizes the use of the existing facilities on the site and facilitates energy economies of scale by promoting the most efficient and effective use of existing and potential future facilities at the campus without requiring wasteful duplication of facilities. Allowing expansion of the campus facilities makes it more likely that mass transit services can be provided more effectively to the site by increasing the pool of potential mass transit users and making campus-specific mass transit services more economical.

1. The Hearings Officer appreciates the arguments presented by opponents that allowing expansion of the campus, rather than denying the petition and implicitly requiring location of additional satellite campuses closer to the Westside Light Rail, may increase the number of vehicle miles that will be traveled by students. See Exhibits 35, 42 and 46.

2. However, the Hearings Officer is not convinced that it is more energy efficient to deny the petition for that reason alone. After all, if satellite campuses are established to substitute for proposed expansion at the Rock Creek campus, additional miles also will have to be traveled by students, faculty and staff to move between or among campuses. Moreover, even if a new campus is established in the light rail corridor, it does not ensure significantly more students will use that transit. Use of mass transit, even light rail, depends on the timeliness and convenience of connections. Given class schedules, mass transit may remain largely inconvenient and untimely, even with a more central campus location. The Hearings Officer believes that more effective use of mass transit can be achieved by allowing the college to develop a more intense Rock Creek campus, because that will allow the college to develop timely and convenient ties to the mass transit system tailored to the needs of its students, rather than the other way around.

J. Compliance with Goal 14 (Urbanization). The petition complies with the seven factors for a change in the regional urban growth boundary, based on the following findings.

1. There is a demonstrated need to include the Subject Property in the UGB to accommodate urban population growth requirements consistent with LCDG Goals, and to enhance housing, employment opportunities and liveability, (Factors 1 and 2), because Portland Community College (PCC) is the only provider of community college services in Washington County, and the Rock Creek campus is the only major PCC facility in the County. Educational services provided by the college are an important prerequisite to enhancing employment opportunities and liveability of the population of the region in general and Washington County in particular, given the significant reliance placed on an educated workforce by major employers in the County and the County's high population growth rate. College facilities must expand to accommodate increased demand for educational services in the County and to respond to changes in the nature of demand for such services. PCC cannot significantly expand or modify the Rock Creek campus unless the campus is included in the UGB. See finding VI.B.2. Therefore, the amendment is necessary to serve the educational needs of the growing urban population and to enhance employment opportunities and liveability served by such education. See Exhibits 6, 23, 27, 29, 30, 33, 34, 38, 41 and 47 and pages 32 through 36 of Exhibit 43.

2. Even if the preceding does not substantiate a need for the Subject Property to be included in the UGB, such a showing is not necessary, because the site already is committed to urban use. See OAR 660-14-030(5) and finding VI.B.3 and citations therein.

3. Including the Subject Property in the UGB facilitates the orderly and economic provision of educational services and water, sewer, drainage and transportation services necessary to support the campus and its expansion. See pages 36 and 37 of Exhibit 43.

a. The campus already is served by public water and sewer systems and energy and communications facilities. Those systems and facilities can accommodate existing and increased intensity of development on the Subject Property without expansion. See findings II.C.1 and III.F. Increased use of those facilities enhances their efficiency by increasing system revenue without increasing system costs or infrastructure requirements.

b. The campus already is served by roads. Although those roads appear to warrant improvement to accommodate development in the area generally and to accommodate expansion of the campus facilities specifically, procedures and standards exist to require such improvements, funds are being collected by the County to pay for those improvements, those improvements are programmed or planned, and those improvements can be required to be made in a timely manner. See finding VI.H.

4. Including the Subject Property in the UGB promotes the maximum efficiency of land uses within and on the fringe of the existing urban area, because urban housing development that extends to the edge of the Subject Property now and in the near future, a nearby high school, and existing firms and institutions in the vicinity will be served more effectively and efficiently by educational services on the Subject Property if the campus is allowed to evolve to meet the demand of the populations that live, learn and work in the area. It does not promote the efficiency of the educational system to require duplication of facilities and services where such duplication is not necessary to achieve the purposes of that system. In this case, such duplication is not necessary to achieve the purposes of the system, based on Exhibit 40. See also pages 39 and 40 of Exhibit 43. It also does not enhance the efficiency of land uses within the urban area to require institutional use of land designated for industrial, office or commercial purposes; it simply displaces or preempts potential industrial, office or commercial uses, contrary to the goal of maximizing use of lands so designated for the purposes for which they were intended.

5. The environmental, energy, economic and social consequences of including the Subject Property in the UGB have been considered in this recommendation. Adverse environmental effects are not reasonably likely to occur, because the Subject Property does not include lands subject to significant hazards, and because future development is subject to regulations noted in finding VI.E.1. Adverse energy effects will not occur for the reasons noted in finding VI.I. Adverse economic effects will not occur, because the campus will continue to be able to serve the demand for educational services without unnecessarily duplicating facilities without consummate economic benefits. See finding VI.F. Adverse social consequences will not occur, because the campus incorporates buffers and mitigation measures to protect the liveability of residents of adjoining properties, and because those residents have a right to participate in review of future development plans through the Washington County land use process. Beneficial environmental, energy, economic and social effects of including the Subject Property in the UGB are described above and at pages 40 through 42 of Exhibit 43.

6. Including the Subject Property in the UGB will not affect retention of agricultural land designated for that purpose, because the site is in an area for which an exception to Goal 3 was adopted and approved, and because the site already is substantially

developed with and is irrevocably committed to urban uses. Also, the petition includes only that portion of the contiguous PCC-owned land necessary for the existing facilities and other land that is unsuited for agricultural use due to steep slopes and its relation to the existing facilities. By minimizing the conversion of agricultural land to urban land, the petition is consistent with this factor.

7. Including the Subject Property in the UGB will be compatible with nearby agricultural activities, because the urban uses on the site are buffered from those uses by distance, topography and roads, and because the campus has not conflicted with agricultural activities in the vicinity during the 15-year history of the campus.


VII. Conclusions and Recommendation

A. Conclusion. The proposed UGB amendment complies with Metro Code Chapter 3.10, Metro Ordinance No. 85-189, and Metro Ordinance No. 86-204, because it complies with the applicable Statewide Planning Goals or Exceptions thereto.

B. Recommendation. For the foregoing reasons, the Hearings Officer recommends that the Metropolitan Service District Council grant the petition in Contested Case 91-04.

DATED this 28th day of May, 1992.

Respectfully submitted,



Larry Epstein, Esq., AICP
Hearings Officer

EXHIBIT C

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Certified A True Copy of the Original Herein
Clerk of the Council

FOR THE PURPOSE OF EXPRESSING)
COUNCIL INTENT TO AMEND METRO'S) RESOLUTION NO. 92-1630
URBAN GROWTH BOUNDARY FOR CON-)
TESTED CASE NO. 91-4:PCC ROCK CREEK)

WHEREAS, Contested Case No. 91-4 is a petition from Portland Community College to the Metropolitan Service District for a major amendment of the Urban Growth Boundary to include approximately 160 acres north of Springville Road in Washington County as shown on Exhibit A; and

WHEREAS, A hearing on this petition was held before a Metropolitan Service District Hearings Officer on March 30, 1992, and again on April 27, 1992, in Hillsboro; and

WHEREAS, The Hearings Officer has issued his Report and Recommendation, attached as Exhibit B, which finds that all applicable requirements have been met and recommends that the petition be approved; and

WHEREAS, The property is currently outside, but contiguous with, the boundary for the Metropolitan Service District; and

WHEREAS, The Metropolitan Service District Code Section 3.01.070(c)(1) provides that action to approve a petition including land outside the District shall be by resolution expressing intent to amend the Urban Growth Boundary after the property is annexed to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Metropolitan Service District, based on the findings in Exhibit B, attached, and incorporated herein, expresses its intent to adopt an Ordinance amending the Urban Growth Boundary as shown in Exhibit A within 30 days of receiving notification that the

property has been annexed to the Metropolitan Service District, provided such notification is received within six (6) months of the date on which this resolution is adopted.

ADOPTED by the Council of the Metropolitan Service District this

25th day of June, 1991.



Jim Gardner, Presiding Officer

ES/es
6/15/92

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1630: FOR THE PURPOSE OF EXPRESSING COUNCIL INTENT TO AMEND METRO'S URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 91-4:PCC ROCK CREEK

Date: June 15, 1992

Presented By: Ethan Seltzer

BACKGROUND

Contested Case No. 91-4 is a petition from Portland Community College (PCC) for a major amendment of the Urban Growth Boundary in Washington County. The property proposed for inclusion in the UGB totals approximately 160 acres and constitutes the site for the PCC Rock Creek Campus, as shown in Exhibit A to the Resolution. Washington County and area cities have taken positions in support of the amendment.

Currently, Metro considers petitions for major amendments to the UGB according to the process and criteria described in Metro Ordinance No. 85-189, as amended by Metro Ordinance No. 86-204. Unlike Metro's process and criteria for making Locational Adjustments, contained in Chapter 3.01 of the Metro Code and acknowledged by State as being consistent with the Statewide Planning Goals, the Major Amendment process has not been either codified by Metro or acknowledged by the state. Consequently, applicants for Major Amendments are required to address all applicable Statewide Planning Goals in their petition, especially Statewide Planning Goals 2 and 14.

Metro Hearings Officer Larry Epstein held hearings on this matter on March 30, 1992, and again on April 27, 1992, both times in Hillsboro. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B to the Resolution, concludes that the petition complies with the applicable statewide planning goals and that the petition should be granted.

Following presentation of the case by the Hearings Officer, and comments by the petitioner, the parties to the case will be allowed to present their exceptions to the Council. The petitioner will be given the opportunity to respond to the exceptions posed by parties. The Hearings Officer will be available to clarify issues as they arise.

At its meeting on the 25th of June, 1992, Council can approve this Resolution or remand the findings to staff or the Hearings Officer for modification. If the Resolution is approved, petitioner will need to annex the property to Metro prior to Council action on an Ordinance formally granting the petition.

The annexation to the Metro district is an action of the Portland Metropolitan Area Local Government Boundary Commission. Should the Council approve this resolution, and if the petitioner accomplishes the annexation of the subject property to the Metro district within 6

months of the date of Council approval, then the Council should expect to see an ordinance finally amending the UGB in the fall of 1992.

ANALYSIS

This case raises a number of interesting issues. First, construction of PCC-Rock Creek began in 1974, before the adoption of either the Washington County Comprehensive Plan or the Urban Growth Boundary (UGB). The campus is currently comprised of some 390,000 square feet of buildings and improvements, including 1155 parking spaces. The campus currently receive full urban services, and the Hearings Officer has determined that those services have or are planned to have the capacity needed to serve the long term needs of PCC. In addition, Washington County found, during its comprehensive planning process, that the 160 acres proposed for addition to the UGB were irrevocably committed to a non-farm use. The Hearings Officer has, in light of current land use cases decided by the Oregon Court of Appeals, therefore concluded that the petitioner need not demonstrate compliance with the alternative sites "tests" in Statewide Planning Goal 2.

In order to meet what is projected to be the demand in the year 2010 for community college services in Washington County, the campus would need to include some 610,000 square feet of buildings and improvements. Replacing the current improvements at another site would cost approximately \$45 million, or some \$60 million including the cost of land, all in 1991 dollars. Under the existing rural zoning, PCC cannot expand at the Rock Creek site. If the campus is added to the UGB, then Washington County would apply an institutional zoning designation needed to develop the campus according to the masterplan.

One of the most important considerations for the Council is the extent to which the petitioner has demonstrated a need for the amendment. Any proposed amendment over 50 acres in size is considered a major amendment and therefore subject to a showing of compliance with Statewide Planning Goal 14. Goal 14, as noted by the Hearings Officer, proposes seven factors to be considered when establishing or amending a UGB.

In this case, the Hearings Officer has found that PCC is the only provider of community college services in the community, and that the continued provision of those services is and will be vital to the economy and livability of Washington County. Further, the Hearings Officer found that due to the nature of the overall program offered at PCC-Rock Creek, multiple, satellite locations were not a viable alternative to the continued growth and development of the program at the current site. Hence, the Hearings Officer found that there was a demonstrated need for additional community college capacity, and that both the nature of the program and the cost of duplicating the entire campus in a new location required that expansion occur at the current site.

Finally, the Hearings Officer determined that although a number of questions were raised about both the provision of transportation services to the site as well as the advisability of increasing the demand for those services at the site, current transportation system plans and

capacity were adequate to handle the projected traffic. A number of design issues will need to be resolved to accomplish this, but those issues will be addressed through the local zoning process in Washington County, should the UGB amendment be approved.

In addition, the Hearings Officer could find no evidence to support the contention that satellite sites, even if on the light rail line, would necessarily be more energy efficient than a single site as proposed. The reason is that satellite sites would necessitate movement among sites, at all hours of the day. Even a single, large satellite site would require either considerable movement between the site and the main campus, or the duplication of many of the central services (library, food services, student services, etc.) available already at the main campus.

For these reasons, and others included in his report, the Hearings Officer found that the petition satisfied the requirements of Goal 14 and Goal 2, as well as other applicable statewide planning goals. At hearing a number of issues were presented in opposition to the petition, most of which have been addressed by the Hearings Officer, and many of which dealt with transportation. On page 12 of the Report and Recommendation of the Hearings Officer, a number of these issues are summarized in section V(B). In particular, issue 6 in that section relates to a number of neighboring properties "sandwiched" between the campus to the north, 185th Avenue to the west, and Springville Road to the south. A number of property owners in that area raised concerns regarding the nature of the proposed development on the campus and its possible impact on their property.

Should the Council approve the petition, the development impacts would be considered through the Washington County planning process at the time that zoning designations are applied to the campus and as development permits are sought. One owner requested that if the campus is included in the UGB, that the property of he and his neighbors be included at the same time as well. However, no evidence was presented to support the need for additional land, beyond that associated with the campus and its community educational purposes, inside the UGB. Further, the improvement of road facilities on both 185th and Springville to serve the campus in the future were shown not to require and future alteration of the UGB. Hence, the Hearings Officer concluded that there was no basis for including these additional properties in the amendment request made by PCC.

As of the date of this staff report, no exceptions have been received to the Report and Recommendation of the Hearings Officer. However, staff expects that parties may file exceptions on or about the June 19th deadline for such filings. A complete report on any exceptions will be provided by staff and the Hearings Officer at the Council hearing on June 25, 1992.

EXECUTIVE OFFICER'S RECOMMENDATION

The Council should approve Resolution 92-1630, and declare its intent to amend the Metro Urban Growth Boundary for Contested Case No. 91-4: PCC.

August 27, 1992 Hrg.

PROPOSAL NO. 3104 - UNIFIED SEWERAGE AGENCY - Annexation

Petitioner: Portland Community College

90th Day: September 25, 1992

Proposal No. 3104 was initiated by a petition of the property owner. The petition meets the requirement for initiation set forth in ORS 199.490(1)(c) (owners of at least 50% of land area annexation method). The proposal will be effective 45 days after the approval subject to the provisions in ORS 199.510 and 199.519.

The territory to be annexed is located on the north edge of the district, north of NW Springville Rd., east of NW 185th Ave. The territory contains 160 acres, six major college buildings, several smaller structures, and is tax exempt.

August 27, 1992 Hrg.

PROPOSAL NO. 3105 - METROPOLITAN SERVICE DISTRICT - Annexation

Petitioner: Portland Community College

90th Day: September 25, 1992

Proposal No. 3105 was initiated by a petition of the property owner. The petition meets the requirement for initiation set forth in ORS 199.490(1)(c) (owners of at least 50% of land area annexation method). The proposal will be effective 45 days after the approval subject to the provisions in ORS 199.510 and 199.519.

The territory to be annexed is located on the north edge of the district, north of NW Springville Rd., east of NW 185th Ave. The territory contains 160 acres, six major college buildings, several smaller structures, and is tax exempt.

Note: Proposal No 3104 and Proposal No. 3105 contain the same territory. Proposal No. 3104 is to annex to the Unified Sewerage Agency and Proposal No. 3105 is to annex to Metro. A single staff report has been prepared for both proposals.

REASON FOR ANNEXATION. The petitioners propose to add about 160 acres to the Urban Growth Boundary to facilitate expansion of the Rock Creek Campus of Portland Community College. The affected territory is 160 acres of the 250 acre parcel owned by PCC. The Metropolitan Service District has adopted a resolution stating its intent to amend the urban growth boundary upon annexation of the territory to the Metro boundary. The territory must be within the boundary of the Metropolitan Service District in order for Metro have authority to amend the UGB. The annexation to the Unified Sewerage Agency is proposed to allow urban sanitary services to be extended to the proposed new uses.

The petitioner plans to apply to Washington County for approval of a staged development program through the year 2010 consistent with the July, 1991 Master Plan for the campus. The Master Plan assumes 100% growth in full time enrollment (currently 2000 to 2400 averaged over the year) and 80% enlargement in building area. The portion of the petitioner's property not planned for inclusion in the UGB and proposed for annexation to USA will remain predominantly in open space and timber use.

The following information was provided by the petitioner:

"The existing campus is a legal non-conforming use under Washington County AF-5 District zoning. Expansion and more efficient use of the campus facilities is limited under this status. The Metro Council has passed a Resolution of Intent to include the 160 acre site within the Regional UGB, pending annexation of the subject property to the Metropolitan Service District and the Unified Sewerage Agency. Following the annexation and final UGB amendment, PCC will proceed with an application for a plan amendment to Institutional and seek Master Plan approval for phased expansion/improvements on the campus.

"Facility and program improvements at PCC Rock Creek are necessary to meet growing education and training needs of Washington County residents and employers. The community college is an important educational resource and institution for Washington County and the entire metropolitan area. Continued strong growth in population and employment is projected for the area served by the Rock Creek Campus. Further, enrollment caps and tuition increases at the state colleges and universities are placing increased pressures on the community colleges to meet needs for accessible and

affordable lower division college courses. Bringing the campus within the Regional UGB will provide the necessary planning and regulatory framework to improve the efficiency of the existing institution to respond to changing needs.

"Based on projected population growth and enrollment trends, PCC anticipates a doubling of the current enrollment at Rock Creek over the next twenty years. This western metropolitan area growth cannot be met through expansion of the Sylvania and Cascade Campuses. Further, students would have to travel substantially greater distances to reach the other campuses, in violation of efforts to reduce vehicle miles traveled.

"The campus Master Plan indicates that the 100% growth in FTE enrollment and desired facility improvements will require approximately 80% growth in building area. The projection increases the gross square footage from 341,000 gsf to 610,000 gsf.

"The immediate or short term need is for additional classroom, student activity and faculty office/conference space. Other short term needs include expansion of the alternative learning center and counseling/testing areas. If PCC proceeds with a bond measure for district-wide facility improvements [this bond measure was approved by voters in May], funds dedicated to the Rock Creek Campus will be issued for remodeling of existing buildings and construction of a new science lab/classroom building.

"Longer term requirements include library stack and study space expansion, additional classrooms and proportionate growth in most other facilities.

"The projected campus growth can be used to organize and clarify circulation, parking, and site development. As the campus grows, the opportunity exists to consolidate the campus components into a more consistent character."

LAND USE PLANNING

Site Characteristics. The Rock Creek Campus of PCC is located on the north side of Springville Road and to the east side of 185th Ave. The lands to the north are wetlands, a floodplain, agriculture and a BPA right-of-way. To the east and west the land uses are agriculture and rural dwellings. To the south, within the urban growth boundary, lands across Springville Road are designated for medium to high density residential development and are zoned Residential (9 to 24 units per acre). The County has approved a dormitory in that area. A new high school has been approved south of the new residential area east of 185th Ave. Extensive low and medium density residential development has occurred between West Union Road and Highway 26.

Existing campus buildings are clustered in the center of the site. About 101 acres of the site are developed with buildings (7 acres), parking and landscaping (24 acres), and agriculture/landscape/carpentry program facilities (70 acres). The remainder of the site is forest and pasture land surrounding the buildings and other campus facilities.

Regional Planning. The territory is currently outside the acknowledged regional urban growth boundary and outside the jurisdictional boundary of the Metropolitan Service District (Metro). Both boundaries are located along Springville Road.

Metro has land use authority over proposed amendments to the Regional UGB. Metro has established procedures for hearing petitions for Locational Adjustments (less than 50 acres) and for Major Amendments (more than 50 acres). The Metro Council recently adopted Regional Urban Growth Goals & Objectives (RUGGO) to provide a policy framework for management of the Regional UGB. Metro is also working to revise UGB amendment procedures and detail specific review criteria.

When proposed UGB amendments are located outside the boundary of Metro, a procedure has been established whereby Metro conducts its review process and adopts a resolution which supports the proposed amendment and states Metro's findings and conclusions and its intention to amend the boundary upon annexation of the territory to Metro. This procedure has been adopted in Metropolitan Service District Code Section 3.01.070(c)(i). Once the annexation to Metro is effective, Metro adopts an ordinance to finalize the UGB amendment within six months of the date of the Council approval.

The Metro Council considered the UGB amendment proposal on June 15, 1992. The Metro Council adopted Resolution No 92-1630 adopting its Hearings Officer's Report supporting the UGB amendment. In summary, the Hearings Officer found that PCC is the only provider of community college services in the community, and that the continued provision of those services is and will be vital to the economy and livability of Washington County. Further, the Hearings Officer found that due to the nature of the overall program offered at PCC-Rock Creek, multiple, satellite locations were not a viable alternative to the continued growth and development of the program at the current site. Hence, the Hearings Officer found that there was a demonstrated need for additional community college capacity, and that both the nature of the program and the cost of duplicating the entire campus in a new location required that expansion occur at the current site.

Finally, the Hearings Officer determined that although a number of questions were raised about both the provision of transportation services to the site as well as the advisability of increasing the demand for those services at the site, current transportation system plans and capacity were adequate to handle the projected

traffic. A number of design issues will need to be resolved to accomplish this, but those issues will be addressed through the local zoning process in Washington County.

In addition, the Hearings Officer could find no evidence to support the contention that satellite sites, even if on the light rail line, would necessarily be more energy efficient than a single site as proposed. The reason is that satellite sites would necessitate movement among sites, at all hours of the day. Even a single, large satellite site would require either considerable movement between the site and the main campus, or the duplication of many of the central services (library, food services, student services, etc.) available already at the main campus.

For these reasons, and others included in his report, the Hearings Officer found that the petition satisfied the requirements of Goal 14 and Goal 2, as well as other applicable statewide planning goals.

County Planning. The site is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. The Rock Creek Campus of Portland Community College was located at this site after receiving Washington County approval for a conditional use permit in 1974 before adoption of the Washington County Framework Plan in 1983 and the Regional UGB in 1979. The campus and surrounding non-EFU-zoned land was approved as an exception to Statewide Planning Goal 3 (Agriculture), because it was already committed to non-resource use and served with public water and sewer.

The AF-5 zoning district is intended to respect rural character and conserve natural resources while providing for rural residential uses. The district is applied to recognized parcelization and diverse ownerships existing at the time of adoption of the Comprehensive Plan. A five (5) acre minimum lot size is normally required for creation of new parcels.

In applying designations for rural residential, commercial or industrial uses outside the Regional UGB, Washington County had to justify "exceptions" to the statewide agriculture and forest lands goals. Washington County took an exception for the PCC-Rock Creek Campus because the property was already built and committed to non-resource use and served with public sewer and water.

A community college is not listed as a permitted use under the AF-5 zone. The existing use is recognized as a legal, non-conforming use which predated the AF-5 zoning. The Community Development Code lists community colleges as a potential Type III use (subject to a public hearing and discretionary approval) in the Institutional zoning district and the R6 residential district. The Institutional and R6 zoning districts can only be applied within the Regional UGB.

UTILITIES AND SERVICES.

Sanitary Sewers. The Unified Sewerage Agency (USA) provides sanitary sewer service to the subject property pursuant to a contract with petitioner. A 12-inch diameter sewer line extends south of the campus across Springville Road and southwest to the Bronson Creek trunk line near 185th Avenue and West Union Road. The Bronson Creek trunk conveys wastewater by gravity flow to the Rock Creek sewage treatment plant.

According to the application, PCC recognizes that annexation to the USA service district will be required in conjunction with an amendment of the UGB to include the college campus. No changes in the existing sanitary sewer system are anticipated.

USA recently completed an upgrade of the segment of the sewer trunk which extends from the Sunset Highway north to West Union Road. The existing infrastructure can continue to serve the campus if the site is developed consistent with the Master Plan. When development of the Rock Creek Campus was approved in 1974, sanitary sewer service did not extend north of 185th/West Union. PCC paid for the sewer line extraterritorial extension.

Water. The territory is within the boundary of the Tualatin Valley Water District. When Washington County approved the conditional use permit for the community college in 1974, a condition was attached to the approval which mandated connection to urban water and sewer facilities. Annexation of the Rock Creek Campus to the Wolf Creek Highway Water District (now the Tualatin Valley Water District) was required for connection to urban water lines. The water district annexation was approved by the Boundary Commission on August 21, 1974 (Proposal No. 753).

There is a 14-inch diameter main which forms a loop around major buildings on the campus and connects to a 16-inch diameter main in Springville Road. According to the campus Master Plan, this main is adequate to serve the campus through 2010. No pumping is required to serve the campus. According to the campus Master Plan new construction will necessitate reconstruction of portions of the loop main.

To improve water service in the Bethany area, the Water District plans to extend a 25-inch diameter water main in Springville Road to connect with a main in Kaiser Road to loop and intertie the existing network of water lines, with construction scheduled to begin within two years.

The source of water for the Water District is the Bull Run system. The District has long-term contracts to buy water from the City of Portland.

Fire. The territory is within the boundary of the Tualatin Valley Fire and Rescue District. The closest district facility is about one mile south of the site at the intersection of Highway 26 and 185th Avenue. Automatic fire protection systems are installed throughout buildings on the site and fire hydrants are located within 300 feet of buildings. The existing water supply is adequate to serve fire protection needs.

Police. The territory is currently outside the UGB which is the boundary between the Washington County Enhanced Law Enforcement District and general rural level police protection services. The Washington County Sheriff currently provides police protection services to this site at the rural, county-wide base level of service of .5 officers per thousand population. The College supplements police services with on-site campus security staff.

The Washington County Enhanced Law Enforcement District was formed to serve all lands within the regional UGB. The Enhanced Law Enforcement District finances an added increment of police protection raising the urban level of service to 1 officer per thousand population. If the territory is within the UGB the territory should also be annexed to the law enforcement district to maintain the integrity of the principle upon which the district was formed.

Storm Sewer. The Unified Sewerage Agency (USA) has authority over surface water management within its boundaries. Upon annexation to USA the site will be subject to USA regulations.

Storm water from impervious areas of the site are collected and discharged on-site. The existing campus is served by a separate storm sewer system. Site drainage from existing campus buildings, parking areas and roadways is collected and dispersed on-site to a low area to the east of the primary entrance road. Additional development on the site would be subject to USA requirements for storm water collection, detention, and enhancement. USA requires bio-filtration for normal surface runoff, and detention of runoff from a 25 year storm event. The application indicates that PCC will explore options to pre-treat stormwater and direct it north of the campus to provide for enhancement of the wetland. Given the permeable area of the site and the wetlands north of the site, ample room exists to accommodate storm water from design storm events.

Transportation. The following information is from the Findings of the Metro Hearings Officer Report on the UGB amendment:

"The site has direct access to NW Springville Road, a major collector street with a 2-lane paved section between gravel shoulders and drainage ditches. There is a turn lane at the campus entry. There are no curbs, sidewalks, or bicycle lanes along this street. NW Springville Road now carries about 6000

average daily trips (ADT) east of 185th Avenue. County guidelines for a major collector recommend traffic volume of 1500 to 10,000 ADT.

"The site also adjoins NW 185th Avenue, which is a rural minor arterial street with a 2-lane paved section between gravel shoulders and drainage ditches north of Springville Road. The campus does not have direct vehicular access to this street at this time, except apparently for minor traffic associated with the farm activities in the dwelling at the west end of the campus. The college proposes to provide direct vehicular access to that street in the future; the location and nature of that access has not been determined and would be subject to access permit requirements of Washington County.

"NW 185th Avenue now carries about 2000 ADT north of Springville Road. County guidelines for a minor arterial recommend traffic volume of less than 10,000 ADT. A 90-foot right of way is required, whether the road is urban or rural. There are no curbs, sidewalks, or bicycle lanes along this street. Based on the County Transportation Plan, NW 185th Avenue north of Springville Road would not ultimately include a bicycle lane, sidewalk or curb. However, if the County grants access to the road for the college, the County may require the college to improve the road between the access point and Springville Road with such features (as well as requiring other improvements).

"NW 185th Avenue is programmed to be widened to 5 lanes between West Union Road and Highway 26. There is sufficient right of way to widen this segment of the road to 5 lanes. Funding has been dedicated to widen the road to 3 lanes from Highway 26 to Tamarack Lane, about 300 feet south of West Union Road. NW 185th Avenue is programmed to be widened to three lanes between West Union Road and Springville Road. Although funding for this widening is not allocated, it is expected to be provided by the County Traffic Impact Fee (TIF) program.

"The intersection of Springville Road and 185th Avenue is controlled by stop signs that apply to north- and southbound traffic on 185th Avenue. Traffic turning east from 185th Avenue to Springville Road and traffic turning south from Springville Road to 185th Avenue is not required to stop. . . Signalization of the intersection will be needed by the time the campus build-out is complete. A traffic signal at the intersection of NW 185th Avenue and West Union Road is planned and eligible for TIF funding. . .

"About 90 percent of campus-related traffic comes from the south on NW 185th Avenue to Springville Road. Only about 3 percent of students use Tri-met bus service. The remaining 97

percent arrive by private automobile. Of that number 81 percent of the students drive to campus, 14 percent share rides as passengers, and 2 percent are dropped off by others who do not remain on campus. Most students are on campus only for a portion of the day. Peak traffic volumes occur between 9 am and 12 pm and between 7 pm and 10 pm . . .

"The Subject Property is not within one-quarter mile of a transit corridor designated by Metro. Tri-Met bus route 52 serves the campus on half-hour intervals from 6:25 am until 10:33 pm. When the Westside light rail project is completed, bus route 52 will connect to the 185th Avenue LRT center and will serve the campus with a bus ever 15 minutes.

* * *

"The Hearings Officer accepts the arguments of opponents to the petition that NW 185th Avenue is not improved sufficiently to accommodate expansion of the campus. The UGB amendment, if granted, does not dictate expansion of the campus and does not limit Washington County from requiring the petitioner to improve roads affected by development at the campus. The issue for purposes of the UGB amendment is not whether existing road conditions are adequate to provide a safe, convenient and economic transportation system; rather, the issue is whether that system can be provided. Volumes IV through VI of the Washington County Community Development Plan ensure traffic impacts of proposed development at the campus will be considered and appropriate improvements will be required before expansion of the campus will be permitted. That ensures an adequate transportation system can be provided. It is the responsibility of the County to ensure that such a system is in fact provided. Metro does not have the authority to do so directly in the context of a UGB amendment proceeding.

"Improvement of NW 185th and Springville Road can be made consistent with the Goal 12 rule even on the portions of 185th Avenue and Springville Road that remain outside the UGB."

According to the application, the Master Plan recommends that PCC implement a traffic management program to encourage increased use of the existing transit service and other travel modes (carpools, bicycles) as a means to accommodate growth in student population without burdening the street network.

RECOMMENDATION. Based on the study and the proposed Findings and Reasons For Decision attached as Exhibit B the staff recommends that Proposals No. 3104 and 3105 be approved.

The staff recommends that the Commission adopt a resolution to initiate annexation of the subject territory to the Washington County Enhanced Law Enforcement District. A proposed resolution is attached as Exhibit A.

RESOLUTION NO. 69

RESOLUTION OF THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION INITIATING THE ANNEXATION OF TERRITORY TO THE
WASHINGTON COUNTY ENHANCED LAW ENFORCEMENT DISTRICT.

It appearing that:

1. The Boundary Commission is authorized by ORS 199.490 to initiate proceedings for a minor boundary change.
2. Boundary Commission Proposals No. 3104 and 3105 were initiated by the board of directors of the Portland Community College to annex the Rock Creek campus to the Metropolitan Service District to facilitate an amendment to include the campus within the regional urban growth boundary (UGB) and to annex to the Unified Sewerage Agency (USA) to make the USA boundary consistent with the UGB.
3. During the staff study on the proposal it was determined that the territory is not included in the Washington County Enhanced Law Enforcement District. The Enhanced Law Enforcement District, like the USA, has district boundaries established at the regional UGB. The purpose of the Enhanced Law Enforcement District is to provide an additional increment of police protection above the base county-wide level to meet the added police service needs of urban areas.
4. The applicant was not informed in advance by the Boundary Commission staff that the boundary of the Enhanced Law Enforcement District should be amended as well as the boundaries of the Unified Sewerage Agency and Metro. The Community College is a governmental entity and does not pay property taxes. The District has no incentive to request inclusion within the Enhanced Law Enforcement District.
5. The Boundary Commission is charged with assuring that governmental boundaries are logical. The primary reason to annex the territory to the Enhanced Law Enforcement District is to maintain the consistency of the Urban Growth Boundary as the District's boundary. It is appropriate that the Boundary Commission initiate the annexation to maintain the logic of the district's boundary in relationship to the UGB.

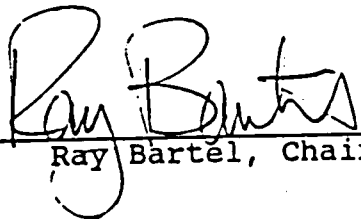
IT IS HEREBY RESOLVED BY THE BOUNDARY COMMISSION AS FOLLOWS:

1. That the Boundary Commission by this resolution initiates the proceedings for the annexation of territory to the Washington County Enhanced Law Enforcement District, the boundaries of said territory being described in Exhibit A and depicted in Figure 2 attached hereto.
2. That the Executive Officer be and is hereby instructed to file and enter this Resolution in the Boundary Commission records and file a certified copy with the Washington County Enhanced Law Enforcement District.

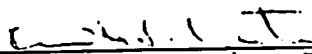
PRESENTED and passed this 27th day of August, 1992.

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION

BY:


Ray Bartel, Chairperson

Attest:


Kenneth S. Martin, Executive Officer



PACIFIC

8405 S.W. Nimbus Avenue
P.O. Box 30040
Portland, OR 97280

3105

ASSESSMENT AND TAXATION DEPT.
155 N. FIRST AVE., MAIL STOP # 9
HILLSBORO, OR 97124-3087

By James [Signature]

July 22, 1992

URBAN GROWTE BOUNDARY AMENDMENT

A parcel of land lying in the southwest 1/4 and the southeast 1/4 of Section 18, Township 1 North, Range 1 West of the Willamette Meridian and being a portion of property deeded to Portland Community College and being more particularly described as follows:

Beginning at the 1/4 corner common to Sections 18 and 19, said point also being on the centerline of Northwest Springville Road; thence along said centerline South 88°05'11" East 1,121.08 feet; thence leaving said centerline and along the easterly boundary of the Portland Community College parcel the following courses: North 02°27'29" East 1,391.58 feet; South 87°32'31" East 64.50 feet; and North 01°33'49" West 919.67 feet; thence leaving said easterly boundary North 88°14'43" West 1,173.51 feet; thence parallel with the existing Portland Community College building east-west grid South 71°35'36" West 2,510.97 feet to the easterly line of a Bonneville Power Administration easement; thence along said easement South 40°13'29" West 464.36 feet to the centerline of Northwest 185th Avenue; thence along said centerline South 01°25'59" West 683.09 feet; thence leaving said centerline and along the boundary of said Portland community College parcel South 88°15'11" East 1,339.74 feet; thence continuing along the boundary of said parcel south 01°35'36" West 388.99 feet to the centerline of Northwest Springville Road; thence along said centerline South 88°02'14" East 1,325.42 feet to the Point of Beginning.

Bearings and distances based on Washington County Survey Number 14,109.

The parcel of land to which this description applies contains 159.53 acres more or less.

4-1662-1001
ugd.leg

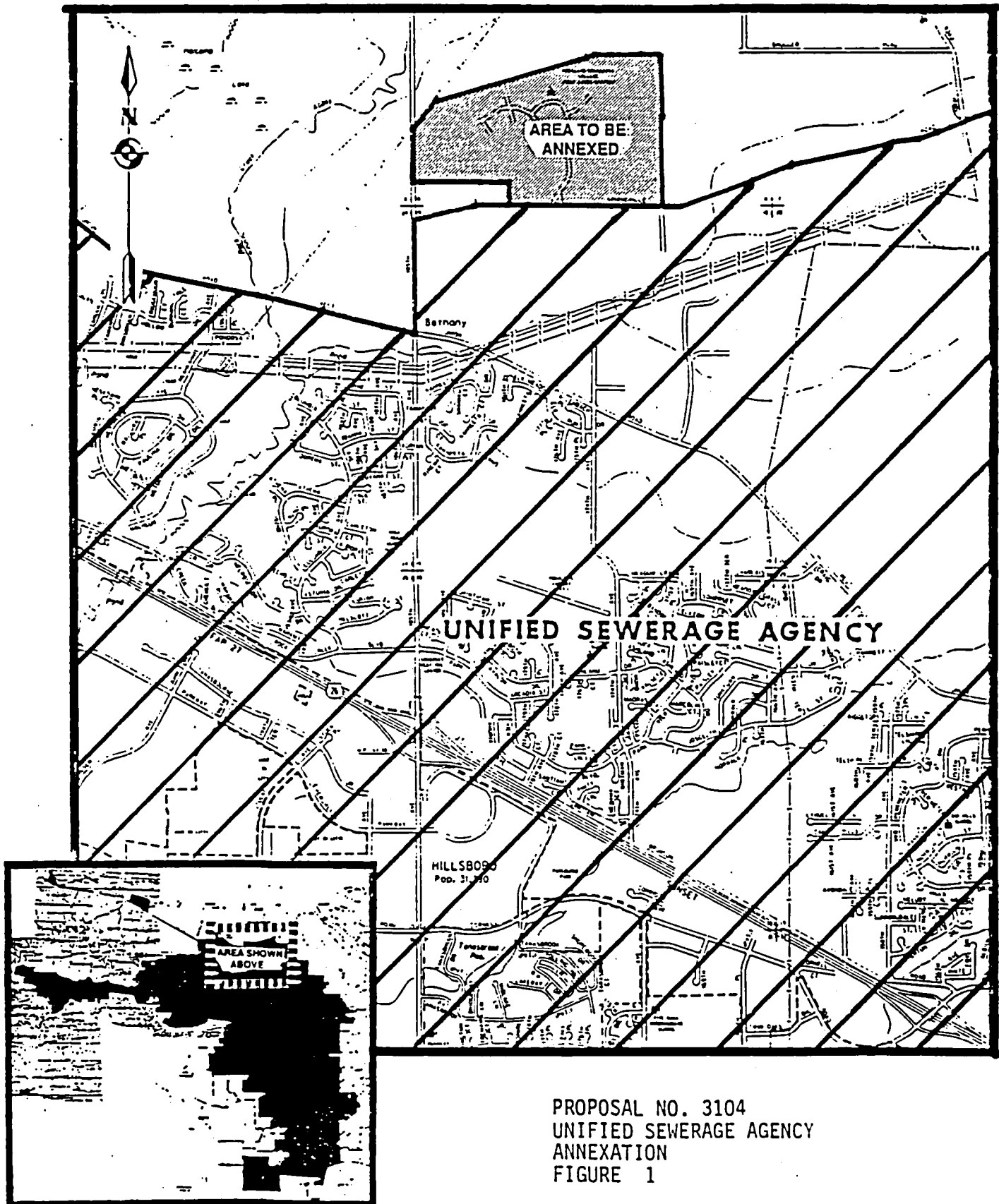
REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Stuart Hitchen

OREGON
JUL 22 1992
J. STUART HITCHEN
2341



PROPOSAL NO. 3104



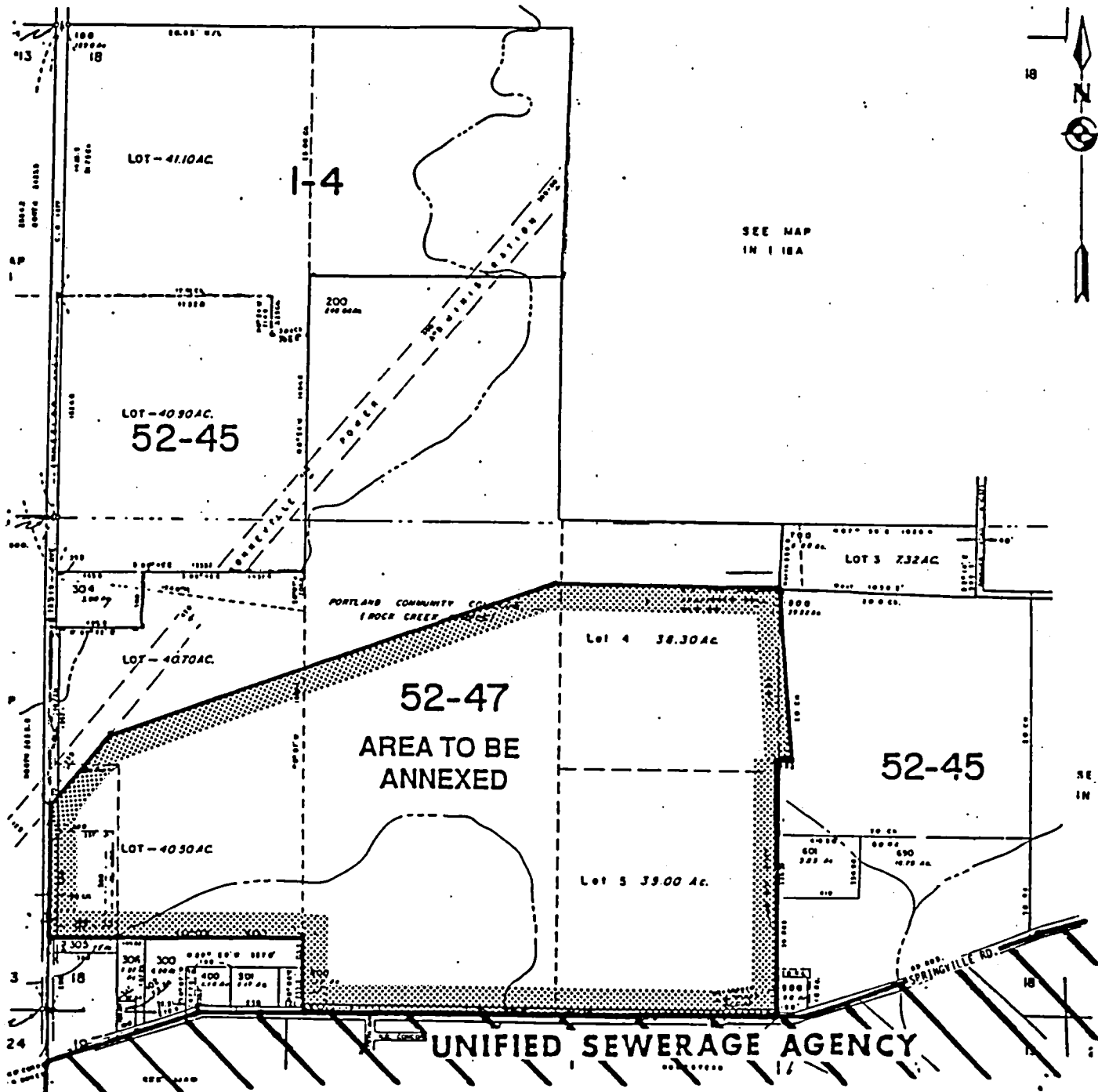
PROPOSAL NO. 3104
UNIFIED SEWERAGE AGENCY
ANNEXATION
FIGURE 1

PROPOSAL NO. 3104

SECTION 18 T1N R1W W.M.
Washington County, Oregon

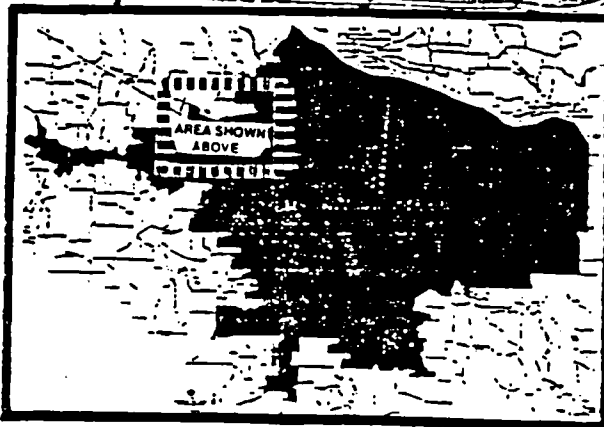
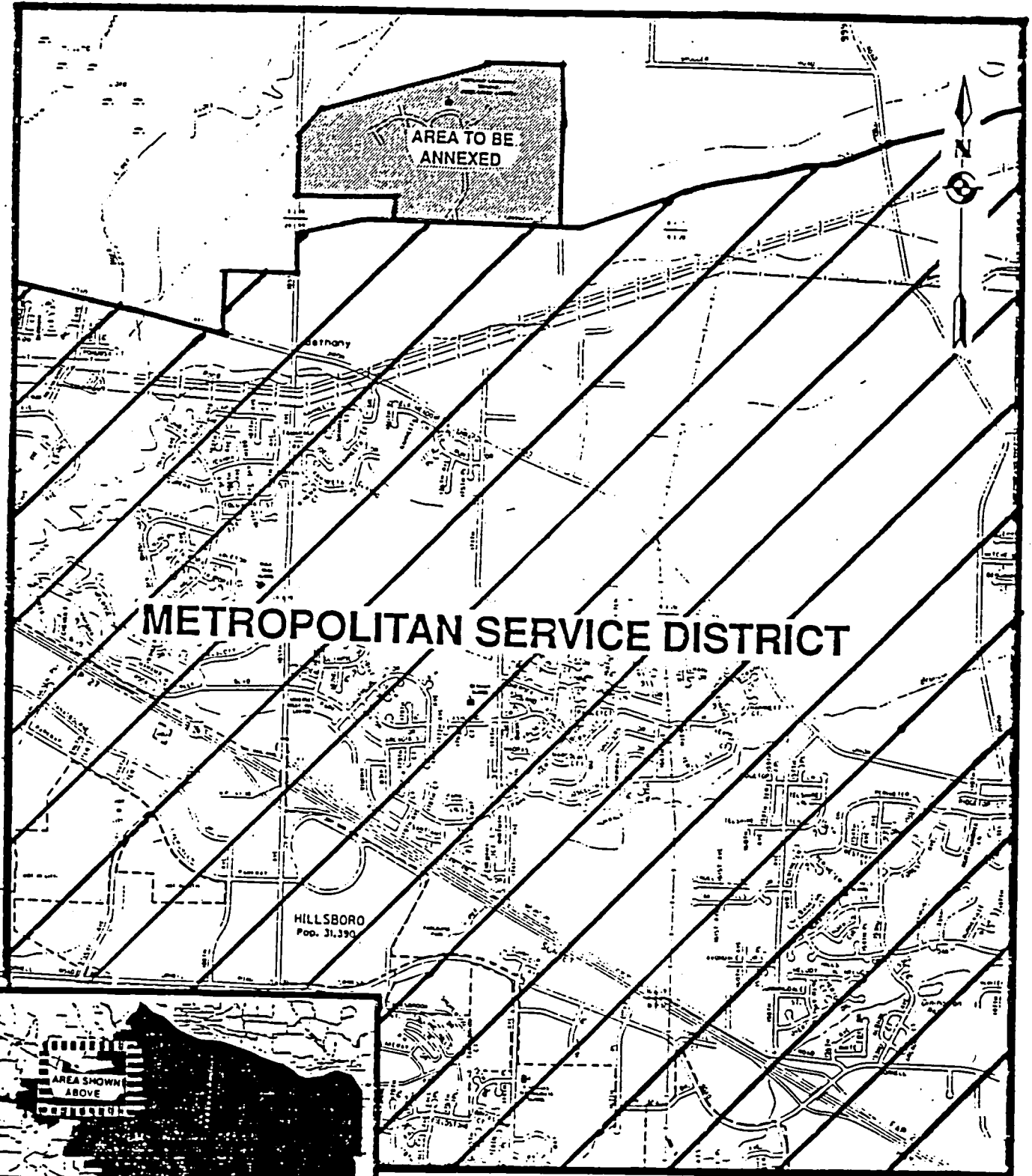
1N 1 18
& INDEX

Scale: - 1" = 800'



PROPOSAL NO. 3104
UNIFIED SEWERAGE AGENCY
ANNEXATION
FIGURE 2

PROPOSAL NO. 3105



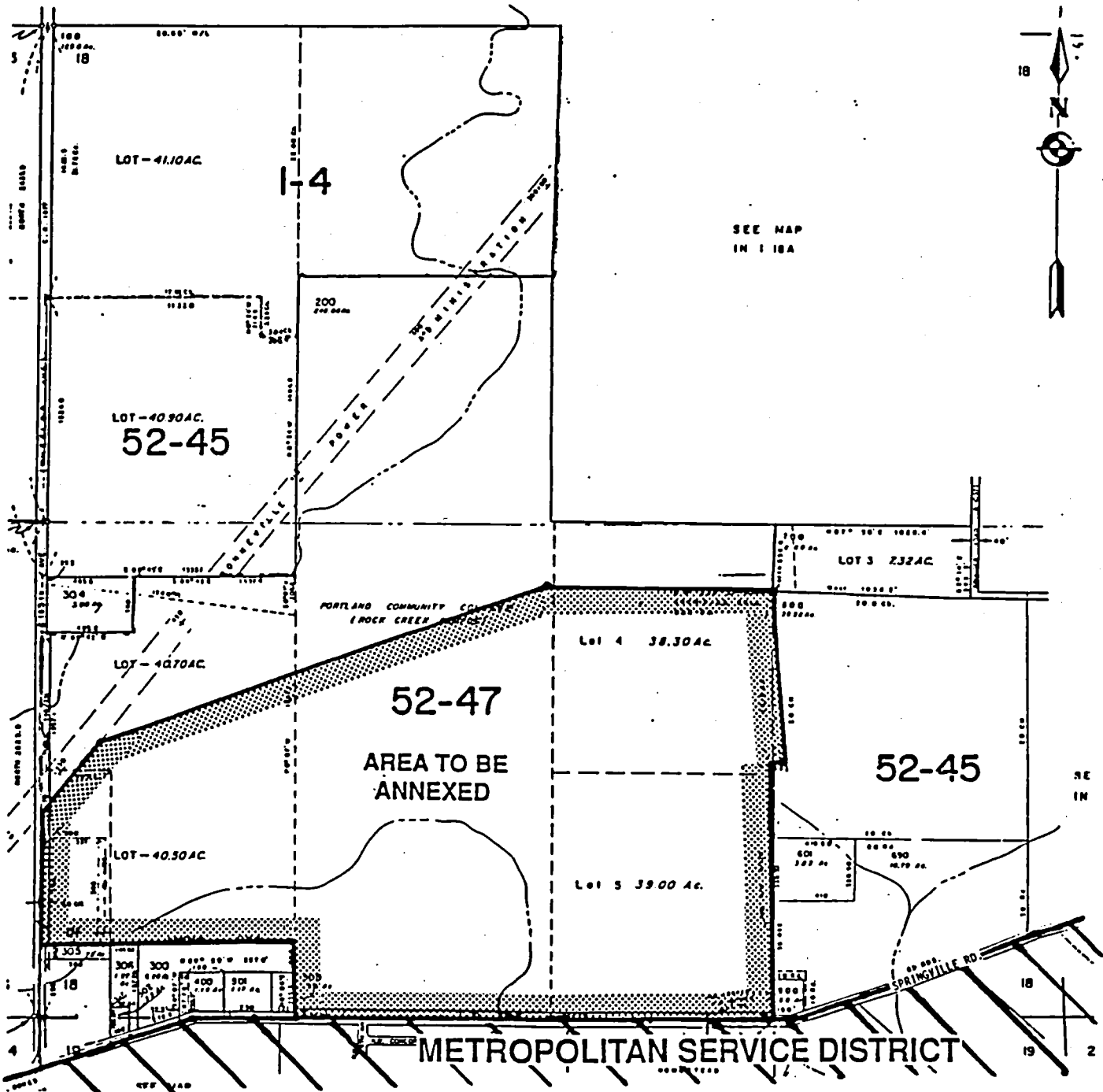
PROPOSAL NO. 3105
METROPOLITAN S.D.
ANNEXATION
FIGURE 1

PROPOSAL NO. 3105

SECTION 18 T1N R1W W.M.
Washington County, Oregon

IN 1 18
& INDEX

Scale: 1" = 800'



Revised. 8-3-92

PROPOSAL NO. 3105
METROPOLITAN S.D.
ANNEXATION
FIGURE 2

FINDINGS

Based on the study and the public hearing the Commission found:

1. The territory to be annexed contains 160 acres, six major college buildings, several smaller structures, and is tax exempt.
2. The petitioners propose to add about 160 acres to the Urban Growth Boundary to facilitate expansion of the Rock Creek Campus of Portland Community College. The affected territory is 160 acres of the 250 acre parcel owned by PCC. The Metropolitan Service District has adopted a resolution stating its intent to amend the urban growth boundary upon annexation of the territory to the Metro boundary. The annexation to the Unified Sewerage Agency is proposed to allow urban sanitary services to be extended to the proposed new uses.

The petitioner plans to apply to Washington County for approval of a staged development program through the year 2010 consistent with the July, 1991 master plan for the campus. The master plan assumes 100% growth in full time enrollment (currently 2000 to 2400 averaged over the year) and 80% enlargement in building area. The portion of the petitioner's property not planned for inclusion in the UGB and proposed for annexation to USA will remain predominantly in open space and timber use.

The following statement was provided by the petitioner:

"The existing campus is a legal non-conforming use under Washington County AF-5 District zoning. Expansion and more efficient use of the campus facilities is limited under this status. The Metro Council has passed a Resolution of Intent to include the 160 acre site within the Regional UGB, pending annexation of the subject property to the Metropolitan Service District and the Unified Sewerage Agency. Following the annexation and final UGB amendment, PCC will proceed with an application for a plan amendment to Institutional and seek master plan approval for phased expansion/improvements on the campus.

"The immediate or short term need is for additional classroom, student activity and faculty office/conference space. Other short term needs include expansion of the

alternative learning center and counseling/testing areas. If PCC proceeds with a bond measure for district-wide facility improvements [this bond measure was approved by voters in May], funds dedicated to the Rock Creek Campus will be issued for remodeling of existing buildings and construction of a new science lab/classroom building.

"Longer term requirements include library stack and study space expansion, additional classrooms and proportionate growth in most other facilities.

"The projected campus growth can be used to organize and clarify circulation, parking, and site development. As the campus grows, the opportunity exists to consolidate the campus components into a more consistent character."

3. The lands to the north of the proposed annexation are wetlands, a floodplain, agriculture and a BPA right of way. To the east and west the land uses are agriculture and rural dwellings. To the south, within the urban growth boundary, lands across Springville Road are designated for medium to high density residential development and are zoned Residential (9 to 24 units per acre). The County has approved a dormitory in that area. A new high school has been approved south of the new residential area east of 185th Ave. Extensive low and medium density residential development has occurred between West Union Road and Highway 26.

Existing campus buildings are clustered in the center of the site. About 101 acres of the site are developed with buildings (7 acres), parking and landscaping (24 acres), and agriculture/landscape/carpentry program facilities (70 acres). The remainder of the site is forest and pasture land surrounding the buildings and other campus facilities.

4. The territory is currently outside the acknowledged regional urban growth boundary and outside the jurisdictional boundary of the Metropolitan Service District (Metro). Both boundaries are located along Springville Road.

Metro has authority over proposed amendments to the Regional UGB. Metro has established procedures for hearing petitions for Locational Adjustments (less than 50 acres) and for Major Amendments (more than 50 acres). The Metro Council recently adopted Regional Urban Growth Goals & Objectives (RUGGO) to provide a policy framework for management of the Regional UGB. Metro is also working to revise UGB amendment procedures and

detail specific review criteria. Until those criteria are adopted UGB amendments are reviewed under LCDC Goal criteria.

When proposed UGB amendments are located outside the boundary of Metro, a procedure has been established whereby Metro conducts its review process and adopts a resolution supporting a proposed amendment and stating Metro's findings and conclusions and its intention to amend the boundary upon annexation of the territory to Metro. This procedure has been adopted in Metropolitan Service District Code Section 3.01.070(c)(i). Once the annexation to Metro is effective Metro adopts an ordinance to finalize the UGB amendment within six months of the date of the Council approval.

The Metro Council considered the UGB amendment proposal on June 15, 1992. The Metro Council adopted Resolution No. 92-1630 adopting its Hearings Officer's Report supporting the UGB amendment.

In summary, the Hearings Officer found that PCC is the only provider of community college services in the community, and that the continued provision of those services is and will be vital to the economy and livability of Washington County. Further, the Hearings Officer found that due to the nature of the overall program offered at PCC-Rock Creek, multiple, satellite locations were not a viable alternative to the continued growth and development of the program at the current site. Hence, there is a demonstrated need for additional community college capacity, and both the nature of the program and the cost of duplicating the entire campus in a new location requires that expansion occur at the current site.

The Hearings Officer determined that although a number of questions were raised about both the provision of transportation services to the site and advisability of increasing the demand for those services at the site, current transportation system plans and capacity were adequate to handle the projected traffic. A number of design issues will need to be resolved to accomplish this, but those issues will be addressed through the local zoning process in Washington County.

In addition, the Hearings Officer could find no evidence to support the contention that satellite sites, even if on the light rail line, would necessarily be more energy efficient than a single site as proposed. The reason is that satellite sites would necessitate movement among sites, at all hours of

the day. Even a single large satellite site would require either considerable movement between the site and the main campus, or the duplication of many of the central services (library, food services, student services, etc.) available already at the main campus.

For these reasons, and others included in his report, the Hearings Officer found that the petition satisfied the requirements of Goal 14 and Goal 2, as well as other applicable statewide planning goals.

5. The site is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. The Rock Creek Campus of Portland Community College was located at this site after receiving Washington County approval for a conditional use permit in 1974 before adoption of the Washington County Framework Plan in 1983 and the Regional UGB in 1979. The campus and surrounding non-EFU-zoned land was approved as an exception to Statewide Planning Goal 3 (Agriculture), because it was already committed to non-resource use and served with public water and sewer. A community college is not listed as a permitted use in the AF-5 zone. The community college is recognized as a legal nonconforming use by the County.

The AF-5 zoning district is intended to respect rural character and conserve natural resources while providing for rural residential uses. The district is applied to recognized parcelization and diverse ownerships existing at the time of adoption of the Comprehensive Plan. A five (5) acre minimum lot size is normally required for creation of new parcels.

In applying designations for rural residential, commercial or industrial uses outside the Regional UGB, Washington County had to justify "exceptions" to the statewide agriculture and forest lands goals. Washington County took an exception for the PCC-Rock Creek Campus because the property was already built and committed to non-resource use and served with public sewer and water.

A community college is not listed as a permitted use under the AF-5 zone. The existing use is recognized as a legal, non-conforming use which predated the AF-5 zoning. The Community Development Code lists community colleges as a potential Type III use (subject to a public hearing and discretionary approval) in the Institutional Zoning District and the R6 residential district. The Institutional and R-6 zoning

districts can only be applied within the Regional UGB.

6. The Unified Sewerage Agency (USA) provides sanitary sewer service to the Subject Property pursuant to a contract with petitioner. A 12-inch diameter sewer line extends south of the campus across Springville Road and southwest to the Bronson Creek trunk line near 185th Avenue and West Union Road. The Bronson Creek trunk conveys wastewater by gravity flow to the Rock Creek sewage treatment plant.

According to the application, PCC recognizes that annexation to the USA service district will be required in conjunction with an amendment of the UGB to include the college campus. No changes in the existing sanitary sewer system are anticipated.

USA recently completed an upgrade of the segment of the sewer trunk which extends from the Sunset Highway north to West Union Road. The existing infrastructure can continue to serve the campus if the site is developed consistent with the Master Plan.

7. The territory is within the boundary of the Tualatin Valley Water District. When Washington County approved the conditional use permit for the community college in 1974, a condition was attached to the approval which mandated connection to urban water and sewer facilities. Annexation of the Rock Creek Campus to the Wolf Creek Highway Water District (now the Tualatin Valley Water District) was required for connection to urban water lines. The water district annexation was approved by the Boundary Commission on August 21, 1974 (Proposal No. 753).

There is a 14-inch diameter main which forms a loop around major buildings on the campus and connects to a 16-inch diameter main in Springville Road. According to the campus master plan, this main is adequate to serve the campus through 2010. No pumping is required to serve the campus. According to the campus Master Plan new construction will necessitate reconstruction of portions of the loop main.

To improve water service in the Bethany area, the Water District plans to extend a 25-inch diameter water main in Springville Road to connect with a main in Kaiser Road to loop and intertie the existing network of water lines, with construction scheduled to begin within two years.

The source of water for the Water District is the Bull Run system. The District has long-term contracts to buy water from the City of Portland.

8. The territory is within the boundary of the Tualatin Valley Fire and Rescue District. The closest district facility is about one mile south of the site at the intersection of Highway 26 and 185th Avenue. Automatic fire protection systems are installed throughout buildings on the site and fire hydrants are located within 300 feet of buildings. The existing water supply is adequate to serve fire protection needs.
9. The territory is currently outside the UGB which is the boundary between the Washington County Enhanced Law Enforcement District and general rural level police protection services. The Washington County Sheriff currently provides police protection services to this site at the rural, county-wide base level of service of .5 officers per thousand population. The College supplements police services with on-site campus security staff.

The Washington County Enhanced Law Enforcement District was formed to serve all lands within the regional UGB. The Enhanced Law Enforcement District finances an added increment of police protection raising the urban level of service to 1 officer per thousand population. If the territory is within the UGB the territory should also be annexed to the Enhanced Law Enforcement District to maintain the integrity of the principle upon which the district was formed.

10. The Unified Sewerage Agency (USA) has authority over surface water management within its boundaries. Upon annexation to USA the site will be subject to USA regulations.

Storm water from impervious areas of the site are collected and discharged on-site. The existing campus is served by a separate storm sewer system. Site drainage from existing campus buildings, parking areas and roadways is collected and dispersed on-site to a low area to the east of the primary entrance road. Additional development on the site would be subject to USA requirements for storm water collection, detention, and enhancement. USA requires bio-filtration for normal surface runoff, and detention of runoff from a 25 year storm event. The application indicates that PCC will explore options to pre-treat stormwater and direct it north of the campus to provide for enhancement of the wetland.

11. Approximately 90% of the traffic to the campus comes from the south on 185th Avenue to Springville Road. The following information is from the Findings of the Metro Hearings Officer Report on the UGB amendment:

"The site has direct access to NW Springville Road, a major collector street with a 2-lane paved section between gravel shoulders and drainage ditches. There is a turn lane at the campus entry. There are no curbs, sidewalks, or bicycle lanes along this street. NW Springville Road now carries about 6000 average daily trips (ADT) east of 185th Avenue. County guidelines for a major collector recommend traffic volume of 1500 to 10,000 ADT.

"The site also adjoins NW 185th Avenue, which is a rural minor arterial street with a 2-lane paved section between gravel shoulders and drainage ditches north of Springville Road. The campus does not have direct vehicular access to this street at this time, except apparently for minor traffic associated with the farm activities in the dwelling at the west end of the campus. The college proposes to provide direct vehicular access to that street in the future; the location and nature of that access has not been determined and would be subject to access permit requirements of Washington County.

"NW 185th Avenue now carries about 2000 ADT north of Springville Road. County guidelines for a minor arterial recommend traffic volume of less than 10,000 ADT. A 90-foot right of way is required, whether the road is urban or rural. Based on the County Transportation Plan, NW 185th Avenue north of Springville Road would not ultimately include a bicycle lane, sidewalk or curb. However, if the County grants access to the road for the college, the County may require the college to improve the road between the access point and Springville Road with such features (as well as requiring other improvements).

"NW 185th Avenue is programmed to be widened to 5 lanes between West Union Road and Highway 26. There is sufficient right of way to widen this segment of the road to 5 lanes. Funding has been dedicated to widen the road to 3 lanes from Highway 26 to Tamarack Lane, about 300 feet south of West Union Road. NW 185th Avenue is programmed to be widened to three lanes between West

Union Road and Springville Road. Although funding for this widening is not allocated, it is expected to be provided by the County Traffic Impact Fee (TIF) program.

"The intersection of Springville Road and 185th Avenue is controlled by stop signs that apply to north- and southbound traffic on 185th Avenue. Traffic turning east from 185th Avenue to Springville Road and traffic turning south from Springville Road to 185th Avenue is not required to stop. . . Signalization of the intersection will be needed by the time the campus build-out is complete. A traffic signal at the intersection of NW 185th Avenue and West Union Road is planned and eligible for TIF funding. . .

"About 90 percent of campus-related traffic comes from the south on NW 185th Avenue to Springville Road. Only about 3 percent of students use Tri-met bus service. The remaining 97 percent arrive by private automobile. Of that number 81 percent of the students drive to campus, 14 percent share rides as passengers, and 2 percent are dropped off by others who do not remain on campus. Most students are on campus only for a portion of the day. Peak traffic volumes occur between 9 am and 12 pm and between 7 pm and 10 pm . . .

"The Subject Property is not within one-quarter mile of a transit corridor designated by Metro. Tri-Met bus route 52 serves the campus on half-hour intervals from 6:25 am until 10:33 pm. When the Westside light rail project is completed, bus route 52 will connect to the 185th Avenue LRT center and will serve the campus with a bus ever 15 minutes.

* * *

"The Hearings Officer accepts the arguments of opponents to the petition that NW 185th Avenue is not improved sufficiently to accommodate expansion of the campus. The UGB amendment, if granted, does not dictate expansion of the campus and does not limit Washington County from requiring the petitioner to improve roads affected by development at the campus. The issue for purposes of the UGB amendment is not whether existing road conditions are adequate to provide a safe, convenient and economic transportation system; rather, the issue is whether that system can be provided. Volumes IV through VI of the

Washington County Community Development Plan ensure traffic impacts of proposed development at the campus will be considered and appropriate improvements will be required before expansion of the campus will be permitted. That ensures an adequate transportation system can be provided. It is the responsibility of the County to ensure that such a system is in fact provided. Metro does not have the authority to do so directly in the context of a UGB amendment proceeding.

"Improvement of NW 185th and Springville Road can be made consistent with the Goal 12 rule even on the portions of 185th Avenue and Springville Road that remain outside the UGB."

According to the application, the Master Plan recommends that PCC implement a traffic management program to encourage increased use of the existing transit service and other travel modes (carpools, bicycles) as a means to accommodate growth in student population without burdening the street network.

REASONS FOR DECISION

Based on the Findings the Commission determined:

1. The proposal is consistent with County and Regional planning.
2. There is an adequate quantity and quality of services available to serve the site.

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION
800 NE OREGON ST #16 (STE 540), PORTLAND OR 97232-TEL: 731-4093

FINAL ORDER

RE: BOUNDARY CHANGE PROPOSAL NO: 3105 - Annexation of territory
to the Metropolitan Service District, organized under ORS
268.

Proceedings on Proposal No. 3105 commenced upon receipt by the Boundary Commission of a petition from the property owner on July 27, 1992, requesting that certain property be annexed to the District. The petition meets the requirements for initiating a proposal set forth in ORS 199.490, particularly paragraph (c) of Section (1)

Upon receipt of the petition the Boundary Commission published and posted notice of the public hearing in accordance with ORS 199.463 and conducted a public hearing on the proposal on August 27, 1992. The Commission also caused a study to be made on this proposal which considered economic, demographic and sociological trends and projections and physical development of the land.

The Commission reviewed this proposal in light of the following statutory guidance:

"199.410 Policy. (1) The Legislative Assembly find that:

(a) A fragmented approach has developed to public services provided by local government. Fragmentation results in duplications in services, unequal tax bases and resistance to cooperation and is a barrier to planning implementation. Such an approach has limited the orderly development and growth of Oregon's urban areas to the detriment of the citizens of this state.

(b) The programs and growth of each unit of local government affect not only that particular unit but also activities and programs of a variety of other units within each urban area.

(c) As local program become increasingly intergovernmental, the state has a responsibility to insure orderly determination and adjustment of local government boundaries to best meet the needs of the people.

(d) Local comprehensive plans define local land uses but may not specify which units of local government are to provide public services when those services are required.

(e) Urban population densities and intensive development require a broad spectrum and high level of community services and controls. When areas become urbanized and require the full range of community services, priorities are required regarding the type and levels of services that the residents need and desire. Community service priorities need to be established by weighing the total service needs against the total financial resources available for securing services. Those service priorities are required to reflect local circumstances, conditions and limited financial resources. A single governmental agency, rather than several governmental agencies is in most cases better able to assess the financial resources and therefore is the best mechanism for establishing community service priorities.

(2) It is the intent of the Legislative Assembly that each boundary commission establish policies and exercise its powers under this chapter in order to create a governmental structure that promotes efficiency and economy in providing the widest range of necessary services in a manner that encourages and provides planned, well-ordered and efficient development patterns.

(3) The purposes of ORS 199.410 to 199.519 are to:

(a) Provide a method for guiding the creation and growth of cities and special service districts in Oregon in order to prevent illogical extensions of local government boundaries and to encourage the reorganization of overlapping governmental agencies;

(b) Assure adequate quality and quantity of public services and the financial integrity of each unit of local government;

(c) Provide an impartial forum for the resolution of local government jurisdictional questions;

(d) Provide that boundary determinations are consistent with local comprehensive plans and are in conformance with state-wide planning goals. In making boundary determinations the commission shall first consider the acknowledged comprehensive plan for consistency of its action. Only when the acknowledged local comprehensive plan provides inadequate policy direction shall the commission consider the timing, phasing and availability of services in making a boundary determination; and

(e) Reduce the fragmented approach to service delivery by encouraging single agency service delivery over services delivery by several agencies.

199.462 Standards for review of changes; territory which may not be included in certain changes. (1) In order to carry out the purposes described by ORS 199.410 when reviewing petition for a boundary change or application under ORS 199.454, a boundary

commission shall consider local comprehensive planning for the area, economic, demographic and sociological trends and projection pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change or application under ORS 199.464 and the goals adopted under ORS 197.225."

(2) Subject to any provision to the contrary in the principal Act of the affected district or city and subject to the process of transfer of territory:

(a) Territory within a city may not be included within or annexed to a district without the consent of the city council;

(b) Territory within a city may not be included within or annexed to another city; and

(c) Territory within a district may not be included within or annexed to another district subject to the same principal Act.

The Commission also considered its policies adopted under Administrative Procedures Act (specifically 193-05-000 to 193-05-015), historical trends of boundary commission operations and decisions, and past direct and indirect instructions of the State Legislature in arriving at its decision.

FINDINGS

(See Findings in Exhibit "A" attached hereto).

REASONS FOR DECISION

(See Reasons for Decision in Exhibit "A" attached hereto.)

ORDER

On the basis of the Findings and Reasons for Decision lasted in Exhibit "A", the Boundary Commission approved Boundary Change Proposal No. 3105 on August 27, 1992.

NOW THEREFORE IT IS ORDERED THAT the territory described in Exhibit "B" and depicted on the attached map, be annexed to the Metropolitan Service District as of October 11, 1992.*

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION

DATE: AUG. 27, 1992

BY: Raymond Bantel
Chair

ATTEST: [Signature]

- * The area to be annexed contains no registered voters so the effective date is not altered by the upcoming election. See ORS 199.519(3).

FINDINGS

Based on the study and the public hearing the Commission found:

1. The territory to be annexed contains 160 acres, six major college buildings, several smaller structures, and is tax exempt.
2. The petitioners propose to add about 160 acres to the Urban Growth Boundary and the Unified Sewerage Agency (USA) to facilitate expansion of the Rock Creek Campus of Portland Community College. The affected territory is 160 acres of the 250 acre parcel owned by PCC. The Metropolitan Service District has adopted a resolution stating its intent to amend the urban growth boundary upon annexation of the territory to the Metro boundary. The annexation to the Unified Sewerage Agency is proposed to allow urban sanitary services to be extended to the proposed new uses.

The petitioner plans to apply to Washington County for approval of a staged development program through the year 2010 consistent with the July, 1991 master plan for the campus. The master plan assumes 100% growth in full time enrollment (currently 2000 to 2400 averaged over the year) and 80% enlargement in building area. The portion of the petitioner's property not planned for inclusion in the UGB and proposed for annexation to USA will remain predominantly in open space and timber use.

The following statement was provided by the petitioner:

"The existing campus is a legal non-conforming use under Washington County AF-5 District zoning. Expansion and more efficient use of the campus facilities is limited under this status. The Metro Council has passed a Resolution of Intent to include the 160 acre site within the Regional UGB, pending annexation of the subject property to the Metropolitan Service District and the Unified Sewerage Agency. Following the annexation and final UGB amendment, PCC will proceed with an application for a plan amendment to Institutional and seek master plan approval for phased expansion/improvements on the campus.

"The immediate or short term need is for additional classroom, student activity and faculty office/conference

space. Other short term needs include expansion of the alternative learning center and counseling/testing areas. If PCC proceeds with a bond measure for district-wide facility improvements [this bond measure was approved by voters in May], funds dedicated to the Rock Creek Campus will be issued for remodeling of existing buildings and construction of a new science lab/classroom building.

"Longer term requirements include library stack and study space expansion, additional classrooms and proportionate growth in most other facilities.

"The projected campus growth can be used to organize and clarify circulation, parking, and site development. As the campus grows, the opportunity exists to consolidate the campus components into a more consistent character."

3. The lands to the north of the proposed annexation are wetlands, a floodplain, agriculture and a BPA right of way. To the east and west the land uses are agriculture and rural dwellings. To the south, within the urban growth boundary, lands across Springville Road are designated for medium to high density residential development and are zoned Residential (9 to 24 units per acre). The County has approved a dormitory in that area. A new high school has been approved south of the new residential area east of 185th Ave. Extensive low and medium density residential development has occurred between West Union Road and Highway 26.

Existing campus buildings are clustered in the center of the site. About 101 acres of the site are developed with buildings (7 acres), parking and landscaping (24 acres), and agriculture/landscape/carpentry program facilities (70 acres). The remainder of the site is forest and pasture land surrounding the buildings and other campus facilities.

4. The territory is currently outside the acknowledged regional urban growth boundary and outside the jurisdictional boundary of the Metropolitan Service District (Metro). Both boundaries are located along Springville Road.

Metro has authority over proposed amendments to the Regional UGB. Metro has established procedures for hearing petitions for Locational Adjustments (less than 50 acres) and for Major Amendments (more than 50 acres). The Metro Council recently adopted Regional Urban Growth Goals & Objectives (RUGGO) to provide a policy framework for management of the Regional UGB.

Metro is also working to revise UGB amendment procedures and detail specific review criteria. Until those criteria are adopted UGB amendments are reviewed under LCDC Goal criteria.

When proposed UGB amendments are located outside the boundary of Metro, a procedure has been established whereby Metro conducts its review process and adopts a resolution supporting a proposed amendment and stating Metro's findings and conclusions and its intention to amend the boundary upon annexation of the territory to Metro. This procedure has been adopted in Metropolitan Service District Code Section 3.01.070(c)(i). Once the annexation to Metro is effective Metro adopts an ordinance to finalize the UGB amendment within six months of the date of the Council approval.

The Metro Council considered the UGB amendment proposal on June 15, 1992. The Metro Council adopted Resolution No. 92-1630 adopting its Hearings Officer's Report supporting the UGB amendment.

In summary, the Hearings Officer found that PCC is the only provider of community college services in the community, and that the continued provision of those services is and will be vital to the economy and livability of Washington County. Further, the Hearings Officer found that due to the nature of the overall program offered at PCC-Rock Creek, multiple, satellite locations were not a viable alternative to the continued growth and development of the program at the current site. Hence, there is a demonstrated need for additional community college capacity, and both the nature of the program and the cost of duplicating the entire campus in a new location requires that expansion occur at the current site.

The Hearings Officer determined that although a number of questions were raised about both the provision of transportation services to the site and the advisability of increasing the demand for those services at the site, current transportation system plans and capacity were adequate to handle the projected traffic. A number of design issues will need to be resolved to accomplish this, but those issues will be addressed through the local zoning process in Washington County.

In addition, the Hearings Officer could find no evidence to support the contention that satellite sites, even if on the light rail line, would necessarily be more energy efficient than a single site as proposed. The reason is that satellite

sites would necessitate movement among sites, at all hours of the day. Even a single large satellite site would require either considerable movement between the site and the main campus, or the duplication of many of the central services (library, food services, student services, etc.) available already at the main campus.

For these reasons, and others included in his report, the Hearings Officer found that the petition satisfied the requirements of Goal 14 and Goal 2, as well as other applicable statewide planning goals.

5. The site is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. The Rock Creek Campus of Portland Community College was located at this site after receiving Washington County approval for a conditional use permit in 1974 before adoption of the Washington County Framework Plan in 1983 and the Regional UGB in 1979. The campus and surrounding non-EFU-zoned land was approved as an exception to Statewide Planning Goal 3 (Agriculture), because it was already committed to non-resource use and served with public water and sewer.

The AF-5 zoning district is intended to respect rural character and conserve natural resources while providing for rural residential uses. The district is applied to recognized parcelization and diverse ownerships existing at the time of adoption of the Comprehensive Plan. A five (5) acre minimum lot size is normally required for creation of new parcels.

In applying designations for rural residential, commercial or industrial uses outside the Regional UGB, Washington County had to justify "exceptions" to the statewide agriculture and forest lands goals. Washington County took an exception for the PCC-Rock Creek Campus because the property was already built and committed to non-resource use and served with public sewer and water.

A community college is not listed as a permitted use under the AF-5 zone. The existing use is recognized as a legal, non-conforming use which predated the AF-5 zoning. The Community Development Code lists community colleges as a potential Type III use (subject to a public hearing and discretionary approval) in the Institutional Zoning District and the R6 residential district. The Institutional and R-6 zoning districts can only be applied within the Regional UGB.

6. The Unified Sewerage Agency (USA) provides sanitary sewer service to the Subject Property pursuant to a contract with petitioner. A 12-inch diameter sewer line extends south of the campus across Springville Road and southwest to the Bronson Creek trunk line near 185th Avenue and West Union Road. The Bronson Creek trunk conveys wastewater by gravity flow to the Rock Creek sewage treatment plant.

According to the application, PCC recognizes that annexation to the USA service district is required in conjunction with an amendment of the UGB to include the college campus. No changes in the existing sanitary sewer system are anticipated.

USA recently completed an upgrade of the segment of the sewer trunk which extends from the Sunset Highway north to West Union Road. The existing infrastructure can continue to serve the campus if the site is developed consistent with the Master Plan.

7. The territory is within the boundary of the Tualatin Valley Water District. When Washington County approved the conditional use permit for the community college in 1974, a condition was attached to the approval which mandated connection to urban water and sewer facilities. Annexation of the Rock Creek Campus to the Wolf Creek Highway Water District (now the Tualatin Valley Water District) was required for connection to urban water lines. The water district annexation was approved by the Boundary Commission on August 21, 1974 (Proposal No. 753).

There is a 14-inch diameter main which forms a loop around major buildings on the campus and connects to a 16-inch diameter main in Springville Road. According to the campus master plan, this main is adequate to serve the campus through 2010. No pumping is required to serve the campus. According to the campus Master Plan new construction will necessitate reconstruction of portions of the loop main.

To improve water service in the Bethany area, the Water District plans to extend a 25-inch diameter water main in Springville Road to connect with a main in Kaiser Road to loop and intertie the existing network of water lines, with construction scheduled to begin within two years.

The source of water for the Water District is the Bull Run system. The District has long-term contracts to buy water from the City of Portland.

8. The territory is within the boundary of the Tualatin Valley Fire and Rescue District. The closest district facility is about one mile south of the site at the intersection of Highway 26 and 185th Avenue. Automatic fire protection systems are installed throughout buildings on the site and fire hydrants are located within 300 feet of buildings. The existing water supply is adequate to serve fire protection needs.
9. The territory is currently outside the UGB which is the boundary between the Washington County Enhanced Law Enforcement District and general rural level police protection services. The Washington County Sheriff currently provides police protection services to this site at the rural, county-wide base level of service of .5 officers per thousand population. The College supplements police services with on-site campus security staff.

The Washington County Enhanced Law Enforcement District was formed to serve all lands within the regional UGB. The Enhanced Law Enforcement District finances an added increment of police protection raising the urban level of service to 1 officer per thousand population. If the territory is within the UGB the territory should also be annexed to the Enhanced Law Enforcement District to maintain the integrity of the principle upon which the district was formed.

10. The Unified Sewerage Agency (USA) has authority over surface water management within its boundaries. Upon annexation to USA the site will be subject to USA regulations.

Storm water from impervious areas of the site are collected and discharged on-site. The existing campus is served by a separate storm sewer system. Site drainage from existing campus buildings, parking areas and roadways is collected and dispersed on-site to a low area to the east of the primary entrance road. Additional development on the site would be subject to USA requirements for storm water collection, detention, and enhancement. USA requires bio-filtration for normal surface runoff, and detention of runoff from a 25 year storm event. The application indicates that PCC will explore options to pre-treat stormwater and direct it north of the campus to provide for enhancement of the wetland.

11. Approximately 90% of the traffic to the campus comes from the south on 185th Avenue to Springville Road. The following information is from the Findings of the Metro Hearings Officer

Report on the UGB amendment:

"The site has direct access to NW Springville Road, a major collector street with a 2-lane paved section between gravel shoulders and drainage ditches. There is a turn lane at the campus entry. There are no curbs, sidewalks, or bicycle lanes along this street. NW Springville Road now carries about 6000 average daily trips (ADT) east of 185th Avenue. County guidelines for a major collector recommend traffic volume of 1500 to 10,000 ADT.

"The site also adjoins NW 185th Avenue, which is a rural minor arterial street with a 2-lane paved section between gravel shoulders and drainage ditches north of Springville Road. The campus does not have direct vehicular access to this street at this time, except apparently for minor traffic associated with the farm activities in the dwelling at the west end of the campus. The college proposes to provide direct vehicular access to that street in the future; the location and nature of that access has not been determined and would be subject to access permit requirements of Washington County.

"NW 185th Avenue now carries about 2000 ADT north of Springville Road. County guidelines for a minor arterial recommend traffic volume of less than 10,000 ADT. A 90-foot right of way is required, whether the road is urban or rural. Based on the County Transportation Plan, NW 185th Avenue north of Springville Road would not ultimately include a bicycle lane, sidewalk or curb. However, if the County grants access to the road for the college, the County may require the college to improve the road between the access point and Springville Road with such features (as well as requiring other improvements).

"NW 185th Avenue is programmed to be widened to 5 lanes between West Union Road and Highway 26. There is sufficient right of way to widen this segment of the road to 5 lanes. Funding has been dedicated to widen the road to 3 lanes from Highway 26 to Tamarack Lane, about 300 feet south of West Union Road. NW 185th Avenue is programmed to be widened to three lanes between West Union Road and Springville Road. Although funding for this widening is not allocated, it is expected to be provided by the County Traffic Impact Fee (TIF) program.

"The intersection of Springville Road and 185th Avenue is controlled by stop signs that apply to north and southbound traffic on 185th Avenue. Traffic turning east from 185th Avenue to Springville Road and traffic turning south from Springville Road to 185th Avenue is not required to stop. . . Signalization of the intersection will be needed by the time the campus build-out is complete. A traffic signal at the intersection of NW 185th Avenue and West Union Road is planned and eligible for TIF funding. . .

"About 90 percent of campus-related traffic comes from the south on NW 185th Avenue to Springville Road. Only about 3 percent of students use Tri-met bus service. The remaining 97 percent arrive by private automobile. Of that number 81 percent of the students drive to campus, 14 percent share rides as passengers, and 2 percent are dropped off by others who do not remain on campus. Most students are on campus only for a portion of the day. Peak traffic volumes occur between 9 am and 12 pm and between 7 pm and 10 pm . . .

"The Subject Property is not within one-quarter mile of a transit corridor designated by Metro. Tri-Met bus route 52 serves the campus on half-hour intervals from 6:25 am until 10:33 pm. When the Westside light rail project is completed, bus route 52 will connect to the 185th Avenue LRT center and will serve the campus with a bus ever 15 minutes.

* * *

"The Hearings Officer accepts the arguments of opponents to the petition that NW 185th Avenue is not improved sufficiently to accommodate expansion of the campus. The UGB amendment, if granted, does not dictate expansion of the campus and does not limit Washington County from requiring the petitioner to improve roads affected by development at the campus. The issue for purposes of the UGB amendment is not whether existing road conditions are adequate to provide a safe, convenient and economic transportation system; rather, the issue is whether that system can be provided. Volumes IV through VI of the Washington County Community Development Plan ensure traffic impacts of proposed development at the campus will be considered and appropriate improvements will be required before expansion of the campus will be

permitted. That ensures an adequate transportation system can be provided. It is the responsibility of the County to ensure that such a system is in fact provided. Metro does not have the authority to do so directly in the context of a UGB amendment proceeding.

"Improvement of NW 185th and Springville Road can be made consistent with the Goal 12 rule even on the portions of 185th Avenue and Springville Road that remain outside the UGB."

According to the application, the Master Plan recommends that PCC implement a traffic management program to encourage increased use of the existing transit service and other travel modes (carpools, bicycles) as a means to accommodate growth in student population without burdening the street network.

REASONS FOR DECISION

Based on the Findings the Commission determined:

1. The proposal is consistent with County and Regional planning.
2. The Boundary Commission adopted Resolution No. 769 initiating annexation of the territory to the Washington County Enhanced Law Enforcement District.
3. There is an adequate quantity and quality of services available to serve the site.

Meeting Date: October 8, 1992
Agenda Item No. 6.1

ORDINANCE NO. 92-470



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503.221-1646

Memorandum

DATE: October 1, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.1; ORDINANCE NO. 92-470

Exhibit A to Ordinance No. 92-470, the updated map showing amendments after WRPAC consideration, cannot be reproduced in the agenda packet due to its size. It is available for review upon request in the Council Department. The map will be displayed in the Council Chamber at the Council meeting October 8, 1992.

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 92-470, AMENDING THE REGIONAL WASTE WATER MANAGEMENT PLAN AND AUTHORIZING THE EXECUTIVE OFFICER TO SUBMIT IT FOR RECERTIFICATION

Date: September 24, 1992

Presented by: Councilor McLain

Committee Recommendation: At the September 22, meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Ordinance No. 92-470. Voting in favor: Councilors Devlin, McLain, Buchanan, and Washington.

Committee Issues/Discussion: Rosemary Furfey, Associate Management Analyst, Planning Department, presented the staff report. She explained that she was, through this ordinance, submitting two amendments to the Metro Regional Waste Water Management Plan. This ordinance has been presented to the Water Resources Policy Advisory Committee (WRPAC) and to the Regional Policy Advisory Committee (RPAC). Both committee's approved the ordinance. Following approval by the Metro Council, the plan will be submitted to the Oregon Department of Environmental Quality (DEQ) and then to the Federal Environmental Protection Agency (EPA) for recertification.

A Regional Waste Water Treatment Plan is required by the Clean Water Act. It was first adopted by the Metro Council in 1980, updated in 1988, and revised in 1991. The goals of the plan are to identify water quality problem issues, to delineate the waste water management service boundaries, collection and transmission of waste water. Local jurisdictions must comply with this plan to be eligible for federal funding. So it is important to be annually certified.

Procedurally, all local communities and waste water management agencies were surveyed to determine boundary changes for collection and/or treatment of waste water. All jurisdictions and waste water treatment agencies responded. Two boundary changes were submitted.

The first change is to the collection system for the Cities of Tigard and Wilsonville due to various annexations. The second change is to the treatment system for the City of Wilsonville.

Councilor McLain asked about the reaction of the region to Metro's expanded role in water concerns. Ms. Furfey explained Metro's role regarding collection and treatment systems. Metro is also involved in many other water quality issues for the region (e.g. watershed planning, water quality modeling in the Fairview basin leading to the Columbia Slough, and also in developing "best management" practices for improving water quality. Waste water treatment and collection is only one component and the reaction of the region was very positive.

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

FOR THE PURPOSE OF AMENDING THE	)	ORDINANCE No. 92-470
REGIONAL WASTE WATER MANAGEMENT)	
PLAN AND AUTHORIZING THE	)	Introduced by the
EXECUTIVE OFFICER TO SUBMIT IT	)	Transportation and
FOR RECERTIFICATION	)	Planning Committee

WHEREAS, The Regional Waste Water Management Plan is adopted under Section 3.02.002 of the Code of the Metropolitan Service District; and

WHEREAS, Under Section 3.02.001(a), the Regional Plan includes the Collection and Treatment System Service Areas Map; and

WHEREAS, The Collection and Treatment System Service Areas Map have been amended from time to time, most recently by Ordinance No. 91-421A; and

WHEREAS, Section 3.02.009(b) sets out procedures for amending the Regional Plan and support documents; and

WHEREAS, The maps must be updated to reflect annexations to the City of Tigard and Wilsonville; and

WHEREAS, The Water Resources Policy Advisory Committee met on July 29, 1992 and recommended Council adoption of an amendment to the Plan to reflect these annexations; and

WHEREAS, Goal One of Metro's Regional Urban Growth Goals and Objectives (RUGGOs) calls for establishment of a Regional Policy Advisory Committee (RPAC) to review functional planning activities and RPAC met on September 9, 1992 and recommended Council adoption of an amendment to the Plan to reflect these annexations; now, therefore,

**THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:**

Section 1. The Regional Wastewater Management Plan is amended by adopting Collection and Treatment System Service Areas Maps attached to this Ordinance as Exhibit A.

Section 2. The Executive Officer is authorized to submit the Regional Wastewater Management Plan as amended to the Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency for Recertification.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1992.

Jim Gardner, Presiding Officer

Attest:

Clerk of the Council

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 92-470 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 3.02, AMENDING THE REGIONAL WASTEWATER MANAGEMENT PLAN AND SUBMITTING IT FOR RECERTIFICATION

Date: August 31, 1992

Presented by Rosemary Furfey

FACTUAL ANALYSIS

On July 29, 1992, the Water Resources Policy Advisory Committee (WRPAC) held it's annual meeting for the purpose of reviewing the Regional Wastewater Management Plan (208 Plan) at which the following amendments were recommended. The amendments concern the modification of a collection area and a treatment area. An updated map is attached as Exhibit A.

City of Wilsonville

The collection and treatment map has been changed to reflect relevant annexations.

City of Tigard

The collection system map has been changed to reflect relevant annexations.

WRPAC recommendations were reviewed by the Regional Policy Advisory Committee on September 9, 1992 where they were recommended for adoption by the Council.

BACKGROUND

The Federal Water Pollution Control Act of 1972 (Public Law 95-500), commonly known as the Clean Water Act, required the creation of a Regional Wastewater Management Plan, which was first adopted by the Metro Council in 1980. Since that time the Regional Plan has been periodically updated. The plan is now reviewed on an annual basis as part of Metro's continuing "208" Water Quality Program and was last amended December 1991.

The Clean Water Act, requires that the Regional Plan accurately identify the region's water quality management problems and their solutions, both short-term, and long-term. The Regional Plan must also delineate the region's water quality management service areas for collection, transmission and treatment of wastewater. Local jurisdictions are required to coordinate their plans with Metro and to comply with the Regional Plan prior to the allocation of federal funds and state revolving loans for the construction or upgrading of any wastewater treatment facilities.

For the last several years WRPAC has met each July to review the Regional Plan and to consider proposed changes and amendments. This year our meeting was held on July 29, 1992. The Regional Wastewater Management Plan is a component of Metro's water quality functional plan and, therefore, was reviewed by the Regional Policy Advisory Committee (RPAC) for the first time this year, on September 9, 1992. The changes and amendments recommended by WRPAC and RPAC are contained in the factual analysis section of the Staff Report.

Accompanying this Staff Report is a letter from the Executive Officer reporting on other regional water resource planning accomplishments over the last year (Attachment 1).

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 92-470.

METRO

2000 SW First Avenue
Portland, OR 97201-5398
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ATTACHMENT 1

August 31, 1992

The Honorable Jim Gardner, Presiding Officer
Council of the Metropolitan Service District
2000 S.W. First Avenue
Portland, OR 97201-5398

Honorable Presiding Officer and Councilors:

Re: Staff Report to Ordinance No. 92-470

The accompanying Staff Report lists the technical changes to Metro's Regional Wastewater Management Plan which were recommended by the Water Resource Policy Advisory Committee at its meeting on July 29, 1992, and by the Regional Policy Advisory Committee on September 9, 1992. In addition to these technical changes to the Plan, there have been numerous important regional initiatives and Metro water resource projects which have addressed water quality issues in the region.

The Unified Sewerage Agency (USA) of Washington County has continued its comprehensive surface water management program to reduce pollution in the Tualatin River. Specific accomplishments include development of a Recycled Wastewater Master Plan, Sub-basin Management Plans for selected basins, continued public education programs and water quality-related research projects. Phosphorus influx into USA treatment plants reflect a 25 percent reduction directly attributable to adoption of a regional phosphate detergent ban adopted by the Metro Council in July 1990.

The City of Portland's Bureau of Environmental Services has begun implementing its water quality monitoring and pollution reduction program in the Columbia Slough. In addition, it is coordinating watershed planning programs that address water quality on Johnson, Balch and Fanno Creeks.

Another regional water quality initiative started this year is the Willamette River Basin Water Quality Study coordinated by the Department of Environmental Quality (DEQ) with participation and funding from the State of Oregon, Oregon Association of Clean Water Agencies, Association of Oregon Industries and the United States Geological Survey. This study will provide water quality and ecological data,

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Rena Cusma

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District 12

The Honorable Jim Gardner, Presiding Officer
Council of the Metropolitan Service District
August 31, 1992
Page 2

develop predictive models for the river system, and address specific management issues in the Willamette River Basin.

During the past year Metro staff has been involved in a variety of water quality research, policy and public education initiatives. Two important research reports prepared by staff in FY 1991-92 are The Role of the State in Water Management and the Areawide Water Quality Report. The first report describes the authority different state agencies have to manage water resources and how management strategies are implemented. The Areawide Water Quality Report identified water quality issues of regional significance which are stormwater management, water quality limited streams, wetlands and groundwater. The report describes the status of each issue in the region, how the issue is being addressed and what else can be done in the future. The report also made recommendations about Metro's future role in water quality planning which include initiating and coordinating comprehensive watershed planning and investigating linkages between land use impacts and water resources.

Metro staff received a grant from DEQ in September 1991 to carry out water quality modeling to assess pollutant contributions from the Fairview Creek watershed to the Upper Columbia Slough as part of DEQ's on-going process to establish total maximum daily loads (TMDLs) for the Columbia Slough for phosphorus and bacteria. This project involved use of data from Metro's geographic information system (GIS) and water quality sampling and stream flow measurements along Fairview Creek to calibrate the model for the Fairview Creek. A Technical Work Group was also formed of representatives from jurisdictions in the watershed to guide data collection and modeling work. A final report will be available in October 1992.

Metro has also been awarded a grant from DEQ to expand testing of recycled leaf compost facilities to filter stormwater run-off in the Tualatin River basin. This project will involve a cooperative research effort with the City of Portland and Washington County's Department of Land Use and Transportation. The facilities will test the ability of leaf compost to filter stormwater from industrial and agricultural sites, thereby assisting in pollution reduction efforts in the Tualatin River watershed.

During the past year, Metro staff has actively participated in multi-objective watershed planning activities in Fairview, Johnson, and Fanno Creeks, and other Tualatin River sub-basins. These initiatives address water quality and water resource issues in a comprehensive way to ensure protection of the natural resources, public involvement and coordination of regulations and restoration efforts. Metro staff have also coordinated with other agencies and jurisdictions to sponsor the regional Streamwalk Conference held at Lewis and Clark College in April 1992 and another regional citizen monitoring Adopt-A-Stream Conference will be held in October 1992.

The Honorable Jim Gardner, Presiding Officer
Council of the Metropolitan Service District
August 31, 1992
Page 3

Metro's GIS capabilities continue to be expanded and the Regional Land Information System (RLIS) provides a valuable tool for water quality planning and research projects. A new topography data layer is currently being digitized which complements the existing soils and wetlands data.

Reorganization of Metro's Planning Department has resulted in a scaling down of water supply activity since March. This has not, however, affected Metro's ability to maintain and expand its involvement in water quality planning activities in the region.

In conclusion, the past year has resulted in an expanded role for Metro in water quality research, watershed planning and public involvement. We look forward to the coming year and continuing evolution of important Metro roles in water resources planning.

Sincerely,



Rena Cusma
Executive Director

RC/RF/srs
a:\wwrpt.rcn

II. Text

REGIONAL WASTEWATER MANAGEMENT PLAN

1988

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REGIONAL WASTEWATER MANAGEMENT PLAN

TEXT

ARTICLE I. INTENT AND POLICIES

SECTION 1. INTENT: The Regional Wastewater Management Plan is intended to:

(A) Address and implement portions of ORS 268.390 Planning for Activities and areas with Metropolitan impact; Review of local plans; urban growth boundary. A district council shall:

"(1) Define and apply a planning procedure which identifies and designates areas and activities having significant impact upon the orderly and responsible development of the Metropolitan area, including, but not limited to, impact on:

. . . (b) Water quality . . .
(2) Prepare and adopt functional plans for those areas designated under Subsection (1) of this section to control metropolitan area impact on air and water quality. . . ."

(B) Address portions of State Planning Goals #6 (Air, Water and Land Quality) and #11 (Public Facilities and Services).

(C) Establish a structure within which staging of regional wastewater management facilities for a minimum of twenty (20) years can be accomplished by local jurisdictions in conformance with the State Planning Goals.

(D) Provide a means for coordination of this Plan with regional and local jurisdiction plans.

(E) Allow establishment of a priority-setting structure for water quality needs within the Metro region.

SECTION 2. ASSUMPTIONS: The Regional Wastewater Management Plan is based upon the following assumptions:

(A) Publicly-owned wastewater management facilities will serve only those geographical areas as defined in the maps included as Part III of this plan.

(B) All wastewater facilities will be designed and operated in conformance with regional, state and federal water quality standards and regulations, and with due consideration for the groundwater resources of the area.

(C) Identification of a local jurisdiction's responsibility to provide wastewater management facilities in a geographical area will not be construed as a requirement to provide immediate public services.

(D) Any land use related action or any action related to development or provision of a public facility or service may be reviewed by the Metro Council for consistency with this Plan. The Metro Council will accept for review only actions which are of regional significance or which concern areas or activities of significant regional impact.

(E) The control of waste and process discharges from privately-owned industrial wastewater facilities not discharging to a public sewer is the responsibility of the State of Oregon.

(F) Because the need for wastewater treatment facilities is based on population, employment and waste load projections which cannot be estimated with certainty, use of such projections must be limited to a best effort evaluation. To ensure that these projections are sufficiently reliable, a monitoring process will be established to regularly compare the projected values with both actual values and new projections as they are produced by Metro studies. The projections are subject to revision to achieve consistency with actual conditions and new adopted projections in accordance with the Rules, Section 8, Continuing Planning Process.

SECTION 3. POLICIES AND PROCEDURES: The Regional Wastewater Management Plan includes the following policies and procedures:

(A) The Regional Wastewater Management Plan will be reviewed and updated annually. The timing, schedule and submission of this review and update shall be in compliance with the "recertification" procedures established by the Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency. (Amendment No. 15, Ordinance No. 84-184)

(B) Projects receiving review under Executive Order No. 12372 shall be given positive comment only if in conformance with this Plan.

(C) Treatment plants shall be programmed for

modification only when one or more of the following

conditions will exist:

(1) Dry weather flow exceeds plant capacity;

(2) Life of plant is reached;

(3) Wet weather flow exceeds plant capacity and

I/I study results indicate wet weather flow

should be treated;

(4) Organic loadings reach critical stage in

plant operation as determined by the Oregon

Department of Environmental Quality;

(5) Facility plan underway at the time of

adoption of Part I of this Element;

(6) Metro Council determines modification to be

necessary;

(7) Effluent flows result in an adverse effect on

groundwater resources; or

(8) New treatment standards are adopted.

(D) Operating agencies, so designated by Part I of

this plan, shall conduct or provide such services as are

mutually agreed upon with all management agencies which

provide services to the same geo-graphical area.

(E) The Regional Wastewater Management Plan is based

on a large body of information, including technical data,

observations, findings, analysis and conclusions, which is

documented in the following reports:

(1) Volume I--Proposed Plan as amended by

amendments 1 through 8 adopted October 2,
1980.

- (2) Volume 2--Planning Process.
- (3) Technical Supplement 1--Planning Constraints.
- (4) Technical Supplement 2--Water Quality Aspects
of Combined Sewer Overflows, Portland,
Oregon.
- (5) Technical Supplement 3--Water Quality Aspects
of Urban Stormwater Runoff, Portland, Oregon.
- (6) Technical Supplement 4--Analysis of Urban
Stormwater Quality from Seven Basins Near
Portland, Oregon.
- (7) Technical Supplement 5--Oxygen Demands in the
Willamette.
- (8) Technical Supplement 6--Improved Water
Quality in the Tualatin River, Oregon, Summer
1976.
- (9) Technical Supplement 7--Characterization of
Sewage Waste for Land Disposal Near Portland,
Oregon.
- (10) Technical Supplement 8--Sludge Management
Study.
- (11) Technical Supplement 9--Sewage Treatment
Through Land Application of Effluents in the
Tualatin River Basin and Supplemental Report,
Land Application of Sewage Effluents

Clackamas and Multnomah Counties.¹

Portland-Vancouver Metropolitan Area Water
Resources Study, U. S. Army Corps of
Engineers, 1979.²

(12) Technical Supplement 10--Institutional,
Financial and Regulatory Aspects.

(13) Technical Supplement 11--Public Involvement.

(14) Technical Supplement 12--Continuing Planning
Process.

(15) Technical Supplement 13--Storm Water
Management Design Manual.

(16) City of Gresham Sewerage System Master Plan,
Brown and Caldwell, December 1980.

(Amendment No. 14, Ordinance No. 84-184)

(17) Sewerage System Facility Plan for the I-205
Corridor and the Johnson Creek Basin, City of
Portland, Oregon,

Bureau of Environmental Services, June 1984.

(Amendment No. 14, Ordinance No. 84-184)

(18) Sewerage Master Plan Update, Central County
Service District No. 3, Multnomah County,
Oregon, Kramer, Chin & Mayo, Inc., July 1983.

¹The Department of Environmental Quality shall assume responsibility for those portions of the CRAG "208" Study Area outside the boundaries of the Metropolitan Service District.

²Ibid.

(Amendment No. 14, Ordinance No. 84-184)

(19) Mid-Multnomah County Sewer Implementation Plan, CH2M HILL, September 1985.

(20) Findings and Order In the Matter of the proposal to Declare a Threat to Drinking Water in a Specially Defined Area in Mid-Multnomah County Pursuant to ORS 454.275 et. seq., Environmental Quality Commission, as ordered on April 25, 1986.

(21) Evaluation of Hearing Record for proposal to Declare a Threat to Drinking Water in a Specially Defined Area in Mid-Multnomah County Pursuant to ORS 454.275 et. seq., Department of Environmental Quality, January 30, 1986, and February 1986.

(22) The City of Gresham Waste Water Treatment Plan Facilities Plan, Brown and Caldwell, February 1985, Amended January 1986 by Black & Veatch.

(23) City of Gresham Mid-County Interceptor Sewers Facility Plan, Brown and Caldwell, May 1987.

(25) Wastewater Facilities Plan, Unified Sewerage Agency of Washington County, Volumes I, II and III, Tualatin Basin Consultants, June 1990.

(26) Final Report - Sanitary Sewage Study, Johnson Creek Area, Clackamas County, November 1989

(27) Sewerage Facility and Financial Master Plan, City of West Linn, Murray, Smith and Associates, July 1989.

This support documentation shall be used as a standard of comparison by any person or organization proposing any facilities plan or action related to the provision of public facilities and services.

- (F) Metro shall review state-approved facilities plans for compliance with the Regional Plan. Upon acknowledgment of compliance, the approved facilities plan shall be incorporated by amendment to the Regional Plan and all appropriate support documents pursuant to Section 9 of the Adoption and Implementation Ordinance.

ARTICLE II. BOUNDARY AND ALIGNMENT INTERPRETATION

SECTION 1. Boundaries and alignments appearing on maps contained in the Regional Wastewater Management Plan are of two types with respect to the level of specificity. They are:

(A) Type 1. Boundaries and alignments fully specified along identified geographic features such as rivers and roads or other described legal limits such as section lines and district boundaries.

Such boundaries and alignments appear on the Wastewater Management Maps as solid lines. Unless otherwise specified, where a Type 1 line is located along a geographic feature such as a road or river, the line shall be the center of that feature.

(B) Type 2. Boundaries and alignments not fully specified and not following identified geographic features. Such lines will be specified by local jurisdiction plans. Such lines appear on the Wastewater Management Maps as broken lines.

ARTICLE III. DEFINITIONS

Terms used in this text employ the definitions defined herein:

(A) Collector Sewers. The common lateral sewers, within a publicly owned treatment system, which are primarily installed to receive wastewater directly from facilities which convey wastewater from individual systems, or from private property.

(B) Combined Sewers. Sewers which are designed as sanitary sewers and storm sewers.

(C) Effluent. The liquid that comes out of a treatment works after completion of the treatment process.

(D) Facilities Plan. Necessary plans and studies which directly relate to the construction of treatment works. Said plans shall be equivalent to those prepared in accordance with Title II of the federal Clean Water Act.

(E) Interceptor. A sewer which is designed for one or more of the following purposes:

(i) To intercept wastewater from a final point in a collector sewer and convey such wastes directly to a treatment facility or another interceptor.

(ii) To replace an existing wastewater treatment facility and transport the wastes to an adjoining collector sewer or interceptor sewer for conveyance to a treatment plant.

- (iii) To transport wastewater from one or more municipal collector sewers to another municipality or to a regional plant for treatment.
- (iv) To intercept an existing major discharge of raw or inadequately treated wastewater for transport directly to another interceptor or to a treatment plant.
- (F) Land Application. The application of sewer sludge or effluent onto or into the ground.
- (G) Pollution. Such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such radioactive, toxic, or other substance into any waters of the state which either by itself or in connection with any other substance present, will or can reasonably be expected to create a public nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.
- (H) Storm Sewers. Sewers designed to carry only storm waters, surface run-off, street wash waters and drainage.

(I) Sewage. Water carried human or animal or industrial wastes; from residences, industrial and commercial establishments or other places; together with such groundwater infiltration and surface water as may be present.

(J) Sanitary Sewers. A system of pipes that collects and delivers sewage to treatment works or receiving streams.

(K) Sewage Sludge. The accumulated, suspended and settleable solids of sewage or wastewater, respectively, deposited in tanks or basins mixed with water to form a semi-liquid mass.

(L) Step 3 Construction Grant. Money for construction or rehabilitation of all or a portion of treatment works.

(M) Wastewater. The flow of used water. See definition of sewage.

(N) Treatment Works. Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes used to implement Title II of the federal Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the design life of the works. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions,

Improvement, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application), storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

(O) Wastewater. The flow of used water (see "Sewage").

(P) Wastewater Treatment Facility. Any treatment plants, intercepting sewers, outfall sewers, pumping, power and other equipment and their appurtenances; any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or, any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including stormwater runoff, or industrial waste, waste in combined stormwater and sanitary sewer systems.

ARTICLE IV. AREAS OF RESPONSIBILITY

SECTION 1. TREATMENT AND TRANSMISSION SERVICE AREAS

(A) General. Geographical areas provided service by sewage treatment plants within the Metro region are designated on the Sewerage Treatment and Transmission Service Area Map, incorporated by reference herein.

(Amendment No. 12)

(B) Policies. All planning and/or provision of service by each treatment plant must be consistent with the Sewerage Treatment and Transmission Service Area Map.

(Amendment No. 12)

SECTION 2. COLLECTION SYSTEM SERVICE AREAS

(A) General. Geographical areas provided service by waste- water collection facilities of local agencies within the Metro region are designated on the Collection System Service Areas Map, and incorporated by reference herein.

(B) Policies. All local sewage collection planning and/or provision of service must be consistent with the Collection System Service Areas Map.

ARTICLE V. IMPLEMENTING AGENCIES

SECTION 1. MANAGEMENT AGENCIES

(A) Designated management agencies shall include the following:

- (1) Operating agency, with the following authorities or responsibilities:
 - (a) Coordination with Metro during formulation, review and update of the Regional Wastewater Management Plan;
 - (b) Conducting facilities planning consistent with the terms and conditions of this Plan;
 - (c) Constructing, operating and maintaining waste treatment facilities as provided in this Plan, including its capital improvement program;
 - (d) Entering into any necessary cooperative arrangements for sewage treatment or sludge management to implement this Plan;
 - (e) Financing capital expenditures for waste treatment;
 - (f) Developing and implementing a system of just and equitable rates and charges pursuant to federal and state law;
 - (g) Implementing recommended systems development charges or connection fee

- and priority lists; and improvement programs and project
- (iii) Preparation of master plans, capital planning process; prioritization and continuing improvement programming, project the grant application, capital
- (ii) Coordination with Metro and DEQ in Regional Wastewater Management Plan; management activities conform to the that facilities planning and
- (i) Coordination with Metro to ensure within the Metro region as follows: waste treatment management planning Article V, shall have responsibility for management agencies, as defined in
- (a) Local Management Agencies: Local planning functions are as follows: planning. Agencies and their intended regional planning and comprehensive land use section, planning shall be defined to include
- (2) Planning agency: For the purposes of this non-structural controls.
- regulations or ordinances to implement
- (h) Enacting, enforcing, or administering policies, if any; and

(iv) Participation in a planning consortium to conduct 201 Step 1 facility planning for plant expansions within a designated Treatment System Study Area. Agencies affected by a proposed regional alternative shall form a consortium, deliberate and designate a lead agency to undertake an investigation of the regional alternative in light of any proposed non-regional plant expansion. Any such agency shall notify Metro of its intent to form a consortium. If, after 90 days of such notification a consortium has not been formed and a lead agency has not been designated, Metro shall assume the lead agency role, or designate a lead agency. If, by mutual agreement of the affected local jurisdictions and Metro, an extension of time is necessary, the 90-day time limit may be extended.

(b) Metropolitan Service District (Metro): Metro shall be designated as the planning agency for area-wide waste treatment

management planning, within its

boundaries' with responsibility for:

(1) Operating the continuing planning

process or the process by which the

Regional Wastewater Management Plan

will be kept responsive to changing

information, technology and economic

conditions;

(11) Maintaining coordination between:

(a) All appropriate state agencies,

including DEQ, on matters such as

discharge permits, water quality

standards and grant evaluation

procedures; and the Water

Resources Department, on matters

such as contemplated needs and

uses of water for pollution

abatement;

(b) All Metro Region Governmental

jurisdictions on matters such as

review of local agency grant

applications and local agency

plans for conformance to the

Waste Treatment Management

Ibid.

Component:

- (iii) Designation of management agencies as required;
 - (iv) Carrying out or contracting for studies to identify water quality problems and recommended means of control;
 - (v) Receiving grants and other revenues for planning purposes;
 - (vi) Metro shall be responsible for comprehensive land use planning including waste treatment management planning under ORS 197; and
 - (vii) Metro shall have responsibility for developing and implementing plans for processing, treatment and disposal of solid waste within Metro's boundaries.
- (c) Department of Environmental Quality (DEQ) shall have responsibility for waste treatment management planning within the Metro region in the following areas:
- (i) Coordination with Metro to ensure that The Regional Wastewater Management Plan is in conformance with the Statewide (303e) Plan.

(ii) Coordination with Metro and local agencies to set grant and capital improvement priorities and administer grant programs.

(iii) Determination of statewide standards and regulations applicable to the Metro region.

(iv) Other areas as prescribed by state law.

(d) Water Resources Department (WRD); WRD shall have responsibility for determination of statewide water resources policies applicable to the Metro region.

(3) Regulatory agency: For the purposes of this section, regulation shall mean to identify problems and to develop and enforce consistent solutions to those problems. Agencies and their regulatory responsibilities for the Regional Wastewater Management Plan are as follows:

(a) Local Agencies: Regulation of waste treatment management through the enforcement of building code provisions, construction practices, sewer use regulations, zoning ordinances, land use

plans, pretreatment requirement (where appropriate), grant and loan conditions (where appropriate), and all other local regulations affecting water quality.

(b) Metropolitan Service District (Metro):

Metro shall perform the following regulatory functions in the area of waste treatment management:

(i) Develop, enforce and implement the Regional Wastewater Management Plan by means of:

(aa) Review and coordination of grants and loans for waste treatment facilities.

(bb) Coordination with local and state agencies.

(ii) Ensure conformance of local wastewater planning to The Regional Waste Treatment Management Plan:

(iii) Regulation of all solid waste disposal and other functions as may be assumed by the Metro Council within Metro region.

(c) Department of Environmental Quality

(DEQ): Regulatory functions of DEQ for

waste treatment management in the Metro
region are as follows:

- (1) Develop and monitor water quality
standards consistent with state and
federal regula- tions.
- (11) Control of the location,
construction, modification and
operation of discharging facilities
through the discharge permit process
and through administration of the
state's water quality laws.
- (111) Review and approval of grants and
loans for waste treatment facilities.
- (1v) Other functions as provided by state
law.

- (d) Department of Agriculture (DA): The
application of pesticides is within the
regulatory powers of the DA pursuant to
ORS 634.
- (e) Department of Forestry (DF): The DF
shall be responsible for the enforcement
of the Forest Practices Act, ORS 527.
- (f) Portland Metropolitan Area Local
Government Boundary Commission (LGBC) or
its successor organization: The LGBC is
responsible for regulating sewer

extension policies outside local jurisdictional boundaries within the Metro region and for formation of new governmental entities.

(g) Water Resources Department (WRD): WRD shall control the quantity of water available for all beneficial uses including pollution abatement through administration of the state's water resources law (ORS Ch. 536 and 537).

(B) Designated management agencies and their classifications are listed below. Some designations are subject to resolution of Study Areas.

MANAGEMENT AGENCY CLASSIFICATIONS

<u>Management Agency</u>	<u>Operating*</u>	<u>Planning</u>	<u>Regulatory</u>
Beaverton	C	X	X
Cornelius	C	X	X
Durham		X	
Fairview	C	X	X
Forest Grove	C	X	X
Gladstone	C	X	X
Gresham	T,C	X	X
Happy Valley	C	X	X
Hillsboro	C	X	X
Johnson City	C	X	X
King City	C	X	X
Lake Oswego	T,C	X	X
Maywood Park	C	X	X
Milwaukie	C	X	X
Oregon City	C	X	X
Portland	T,C	X	X
Rivergrove	C	X	X
Sherwood	C	X	X
Tigard	C	X	X
Troutdale	T,C	X	X
Tualatin	C	X	X
West Linn	C	X	X
Wilsonville	T,C	X	X
Wood Village	C	X	X
Clackamas County		X	X
Multnomah County		X	X
Washington County		X	X
Clackamas County S.D. #1	T,C	X	X
Dunthorpe-Riverdale			
County S.D.	C	X	X
Tri-City Service District	T,C	X	X
West Hills S.D. #2	C	X	X
Oak Lodge Sanitary			
District	T,C	X	X
Unified Sewerage Agency	T,C	X	X
Metro	Solid Waste	X	X
	Facilities Only		
State DEQ	NA	X	X
State Water Resources			
Department	NA	X	X
Department of			
Agriculture	NA	NA	X

*T = Treatment and/or Transmission System Operation
 C = Collection System Operation
 NA = Not Applicable

<u>Management Agency</u>	<u>Operating*</u>	<u>Planning</u>	<u>Regulatory</u>
Department of Forestry	NA	NA	X
Portland Metropolitan Area Local Government Boundary Commission	NA	NA	X

*T = Treatment and/or Transmission System Operation
 C = Collection System Operation
 NA = Not Applicable

SECTION 2. NON-DESIGNATED AGENCIES: Agencies not designated as management agencies are not eligible for federal water pollution control grants except as may be provided elsewhere in this Plan.

ADOPTED AMENDMENTS TO SUPPORT DOCUMENTS

On the following pages are a number of revisions and amendments to Volume I, Proposed Plan.

The revisions and amendments are published exactly as adopted, including the amendment or revision date. Text deleted is crossed out with hyphens. Text added is underlined. These notations will be carried forward in any further publications of the Support Documents (but not in the Text, Maps or Rules of the Regional Plan).

Page numbers shown on the following sheets are from Volume I, Proposed Plan.

Amendment No. 1: (General Amendment) Adopted October 2, 1980

In any Support Document referenced herein the use of Metro's, CRAG and Member Jurisdictions shall be interpreted as follows:

- CRAG read as Metro
- MSD read as Metro
- Member Jurisdiction read as Management Agency

Amendment No. 2: (Pg. 1-4) Adopted October 2, 1980

The methodologies used to derive these projections are presented in Technical Supplement 1, as follows:

- Appendix A. Population Projection Methodology
- Appendix B. Point Source Waste Flow Projection Methodology
- Appendix C. Sludge Volume Projection Methodology

Other elements of [CRAG's] Metro's Regional Transportation Plan will involve projecting population and employment. It is intended that the Regional Waste Treatment Management [Component] Plan be reviewed against these new projections as they are developed. The Regional Waste Treatment Management [Component] Plan is subject to amendment to achieve consistency with new adopted projections.

Amendment No. 3: (Pg. 2-11)

Adopted October 2, 1980

Net energy consumption for the proposed plan is exceeded by only one of the eight alternatives considered. The reason for such high energy consumption is the assumption of continued use of heat treatment at Gresham for processing sludge into a form suitable for land application. Future 201 facilities planning for the Gresham treatment plant may result in abandoning heat treatment in favor of digestion. Such a change would significantly lower the net energy consumption of the proposed plan.

The proposed plan faces a potentially major problem: achieving cooperation and agreement among the Inverness (Multnomah County), Troutdale and Gresham sewerage agencies. Specifically, a difficulty may arise initially regarding abandoning the Inverness and Troutdale plants, and subsequently, regarding management and financing of the regionalized wastewater treatment facilities. A possible interim step to meet treatment needs would be the construction of the pump station and force main from Troutdale to Gresham to handle Troutdale's expected overflow. After this, financial details can be settled, the regional plant at Gresham can be built, and the Troutdale plant can be abandoned.

Interim expansions of the Troutdale and Gresham plants of 1.6 MGD and 6 MGD respectively as well as the interim expansion to the Inverness Plant planned by Multnomah County are recommended to insure continuity of sewerage service in those communities until more detailed engineering studies of the regional treatment alternative can be performed.

Amendment No. 4: (Pg. 2-17)

Adopted: October 2, 1980

Interceptor System (Reference to Figure 2-12 changed to 2-14)

Figure 2-[12]14 shows the existing collection system and interceptors proposed for Hillsboro-East and -West and a proposed force main from North Plains.

Hillsboro's existing collection system is quite old in central areas of the City. Average wet weather flows frequently exceed twice the average dry weather flow. Figure 2-[12]14 shows how the northern area in the Urban Growth Boundary in the Hillsboro-West service area will be served by interceptor extensions previously planned by the City, and by additional extensions proposed in this study. For purposes of computing present worth costs, all new interceptors will be built in 1980.

The Hillsboro-East service area's existing interceptor system is also shown in figure 2-[12]14. No additional interceptors are needed to collect flows to the year 2000. Repair or

replacement of some existing interceptors may be needed, particularly to control infiltration/inflow that should be considered in facilities planning for the City.

North Plains is not sewerred at present. Figure 2-12]14 shows how the North Plains area will be served by an interceptor system.

Amendment No. 5: (PG. 2-19A + 2-19B) Adopted October 2, 1980

LAND TREATMENT

In land application, the effluent from treatment plants represents a potential resource, rather than a waste to be disposed of. While the sludge is generally incinerated, used in landfill or as fertilizer, the effluent stream is conventionally discharged to a nearby stream such as the Tualatin River. The remaining nutrients, solids, oxygen demanding toxic and pathogenic constituents in the effluent add to the pollution of the stream from natural sources from overland runoff and agricultural chemicals. Conditions are aggravated during the summer because of high water temperatures and low stream flow due to irrigation water withdrawals and a low stream recharge from groundwater, rather than from snow melt.

Elimination of all pollutant discharges into the nation's waters is a goal established by federal law. Technical alternatives to attain this goal are either advanced waste treatment facilities or land application of effluent. Advanced treatment normally requires large amounts of chemicals and energy and generates substantial amounts of chemical waste sludge which requires ultimate disposal.

Health and aesthetic considerations in regard to crop production, potential groundwater contamination and pathogens are major concerns in land application. However, intensive research over the past few years indicates that proper land application techniques, site selection and monitoring can prevent adverse effects. Most heavy metals are removed by absorption or precipitation in insoluble form within the first few feet of the soil. Removal efficiencies for nitrogen and coliform bacteria, after effluent passage through approximately five feet of soil are generally adequate to meet public health criteria for drinking water. Indications are that the quality of land renovated wastewater is nearly the same regardless of whether raw, primary or secondary effluence is applied. The following summarizes the conclusions of this study in regard to land treatment technology and its application in

Tualatin basin:

- Land application keeps nutrients and pollutants out of the rivers and assists in the goal of zero pollutant discharge.
- Land application makes sewage treatment more reliable since effluents of widely varying quality are purified to high degree.
- Irrigation of farm crops appears to be the most suitable land application method in the Tualatin basin and probably in other areas of the CRAG Metro region.
- Nutrients and water of the effluent would be recycled into plant tissue and produce higher crop yields.
- Effluent should be collected only during the irrigation season, which coincides approximately with the low stream flow period, in order to reduce the necessary storage capacity.
- Public health concerns are related to potential transmission of pathogens to animal and man, to potential pollution of groundwater and to the quality of crops.
- Proper techniques can prevent health hazards. Public perceptions in regard to sewage effluent could be an essential factor.
- Irrigation on agency-owned land would simplify operations. However, irrigation on private farm land would require less capital expenditure, the land would remain on the county tax roll and opposition to government competition with private farming would be avoided. Irrigation on private farms appears to be the better plan.
- Revenue from the sale of effluent could reduce the cost of the system. There appears to be a good demand for supplemental irrigation water.
- Most farm land in the Tualatin basin could be made irrigable for wastewater application by building tile underdrains.
- Regulatory restrictions in regard to the type of crops raised with effluent irrigation could impede the acceptance of land application by private farmers.

- Energy use for pumping can be considerable. The possibility of gravity flow must be investigated case-by-case. However, the use of energy and other natural resources is probably less for land application than for alternative tertiary treatment.
- Forest irrigation and rapid infiltration ponds appear to be viable alternatives to crop irrigation in Multnomah and Clackamas Counties. The size of treatment plants in these counties, the type of solid and vegetable cover require that these alternatives be examined.

Recommendations: Actual detailed alternatives for the land application of effluents was initially done only for the treatment plants discharging into the Tualatin River in Washington County. This is where DEQ felt that the water quality problems were the most critical. However, based on the [new] completed 303e basin plan and results of the preliminary investigations in other areas of the CRAG Metro region, land treatment in Clackamas and Multnomah Counties [will be] has been studied and the results incorporated into this plan as [a portion of the continuing planning process] an addition to Technical Supplement 9.

[The following initial recommendations can be made:]

As a result of this study the following Recommendations can be made:

1. Sewage effluent should be applied to land only during the growing season (May to October). Large storage capacities would be required to store effluent generated during the winter months when land application is not feasible.
2. For the land application system to work to the treatment agency's advantage, the agency should purchase the land.
3. Except in the Damascus/Boring and Happy Valley areas, spray irrigation should be the method of land application. Although overland flow application is technically feasible for these areas, institutional and regulatory constraints make land application infeasible. Other methods of wastewater treatment should be investigated for the Damascus/Boring and Happy Valley study areas, since it appears that DEQ discharge regulations will not be relaxed in the future and will become more restrictive. Alternatives which still remain for these communities include advanced (tertiary) waste treatment facility construction or connection to a nearby sewerage system.

4. Application rates for effluent application should be set to dispose of effluent at the maximum rate which the crops will tolerate without losses, and, preferably, to optimize crop yields at the same time.

5. Alternative plans for land application of wastewater effluents should employ features recommended in (1) through (4) above, and should be evaluated against alternative plans for advanced waste treatment in the Multnomah and Clackamas Counties expanded study area.

6. The Oregon State Department of Environmental Quality should examine and revise the guidelines on pre-treatment for sewage utilized in land application throughout the state.

7. The use of lagoons followed by dry weather (summer) land application and wet weather (winter) river discharge should be utilized in the smaller outlying communities. This would comply with DEQ's effluent limitations on many of the area's smaller streams and rivers, especially in Multnomah and Clackamas Counties.

8. Portions of the Sandy and Estacada land application sites are showing signs of imminent subdivision, although currently in agricultural use. This potential conflict in land use should be reviewed by Metro.

Amendment No. 6: (Pg 2-22)

Adopted October 2, 1980

Sludge Handling

(Deleted third sentence of first paragraph)

At both Wilsonville and Canby, aerobic sludge digestion facilities will be expanded as part of the independent wastewater treatment facilities expansions. Digested sludge will be trucked and applied to farmers' fields. [The two jurisdictions should share the costs of sludge trucking equipment.] Operation and maintenance costs of trucking equipment and costs associated with the management and monitoring the land application operation could also be shared. Sludge storage is available at the existing Canby humus ponds while storage at Wilsonville could be provided by reworking the existing drying beds into a lagoon.

Total capital expenditures for Wilsonville sludge handling are estimated to be \$238,000. The 5-year capital outlay for sludge handling at Wilsonville will be \$208,000. Capital expenditures for sludge handling at Canby total \$165,000, while the 5-year capital outlay will be \$30,000.

Advantages, Potential Problems and Variations

Independent operation of the treatment facilities and financing and operation of the proposed new facilities is the lowest-total-cost method for wastewater management in this region. It involves the simplest institutional form for management and financing, requiring virtually no change from the existing institutional arrangement.

Independent wastewater treatment at two plants has, for this region, a higher environmental compatibility than regionalization of treatment facilities at either of the treatment plants. Pipelines between the two communities will be needed for regionalization and will cause some disturbance to wildlife. Also, the proposed plan requires less energy in its operation than do alternative plans proposing greater regionalization.

This plan assumes that Barlow will be eventually served by Canby. Facilities planning should evaluate this assumption and possible alternative sewage disposal systems, such as septic tanks, for Barlow.

Staged development of treatment facilities may be to the advantage of either municipality and should be considered. Both communities should from time to time consider the economics of selling effluent for irrigation of local farms. This might offer some savings in the cost of operations and would lead to an improvement in Willamette River water quality, however small.

Amendment No. 7: (Pg 2-30)

Adopted October 2, 1980

<u>Total Runoff</u>	1	2	<u>Ratio 2/1</u>
	<u>Average Overflow 1954 to 1959</u>	<u>Storm of 8/25/56</u>	
Total Overflows (ft ³)	694,000	4,061,000	5.85
Antecedent Dry Days ^a	2.45	76.9	31.26
Storm Duration (hr)	5.2	8.0	1.53
Sus-S (lb)	2,646	84,002	31.75
Set-S (lb)	2,278	74,067	32.51
BOD ₅ (lb)	670	14,357	21.42
N (lb)	34	412	12.11
P (lb)	24	234	9.75
Coliforms ^b (MPN/100 ml)		0.575 x 10 ⁶	1.238 x 10 ⁶
2.15			

RECOMMENDATIONS

A complete plan for abatement of combined sewer overflows cannot begin until regulating bodies determine the effect of pollution from this source on receiving waters and issue standards of treatment or load limits. Recognizing that combined sewer overflows are a significant source of pollutants, however, and in light of DEQ's interim policy that pollution of nonpoint sources should not be allowed to increase, the following initial recommendations can be made:

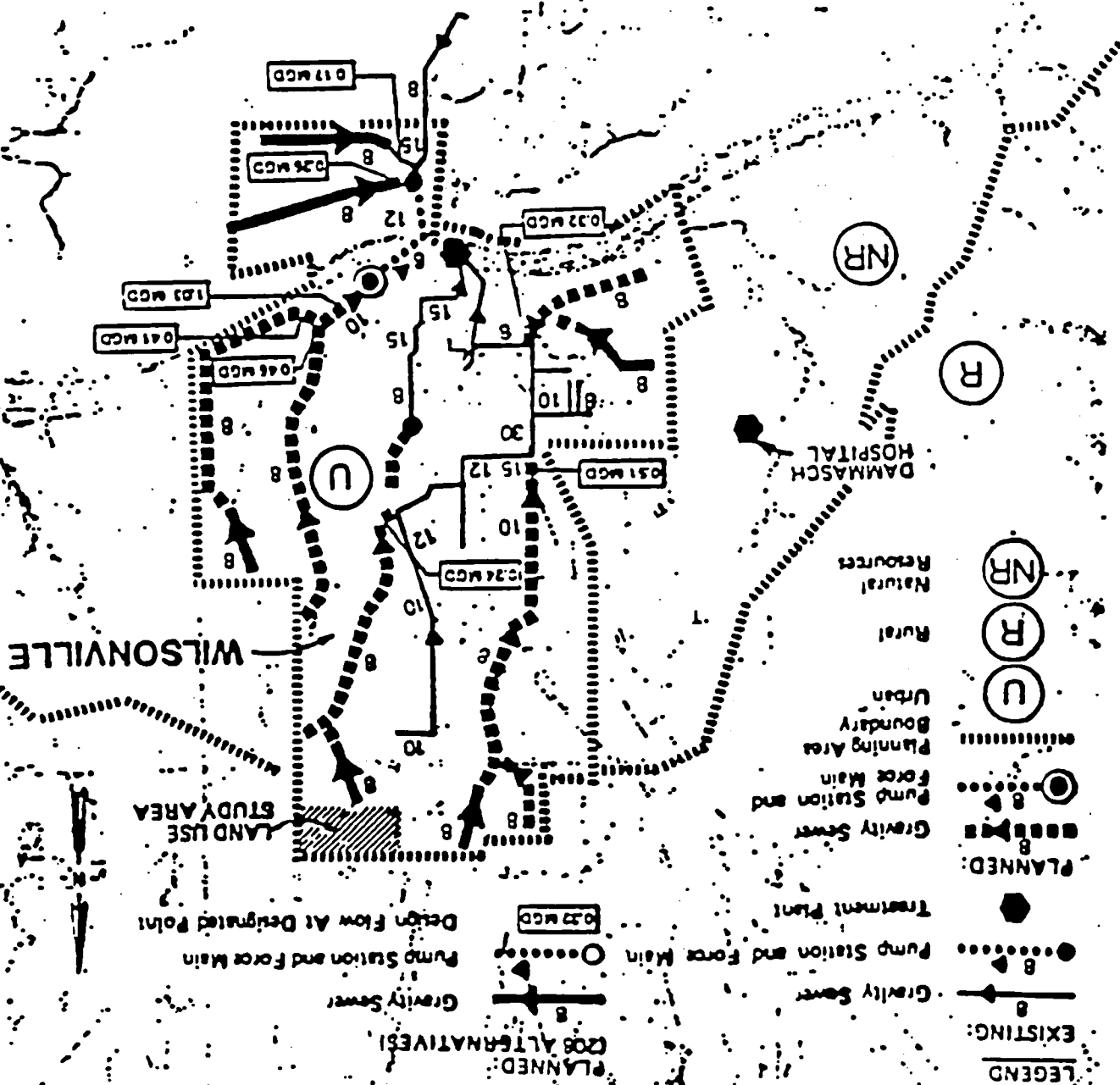
- DEQ should remove the requirement to limit diversions to divert 3 times average dry weather (ADW) flow for individual basins in favor of a general standard for the whole system. This would allow the flexibility to capture and treat more flow from basins with higher pollutant loads (i.e., industrial and commercial areas) while diverting more than ADW flow from cleaner basins.
- [Development that would add to flows in sewerage subject to overflow should not be allowed until a plan for reduction of overflows is adopted.]

^aDays of pollutant build-up not washed off by preceding storms.
^bAverage concentration for duration of the storm.

0141B/MH

FIGURE 2-17
WILSONVILLE
PROPOSED PLAN

Note: Incorrect mapping of gravity sewers on
this map to be corrected upon receipt
of information from City of Wilsonville.
This mapping error shall not impact
provision of sewerage service in any
way.



Meeting Date: October 8, 1992
Agenda Item No. 6.2

ORDINANCE NO. 92-450



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503-221-1646

Memorandum

DATE: October 1, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.2; ORDINANCE NO. 92-450

Ordinance No. 92-450, Exhibit A, Metro Urban Growth Boundary Final Periodic Review Order, has previously been published in the August 27 Council agenda packet and in the Transportation and Planning Committee packets. The document will be published separately from the Council agenda as a supplemental packet and will be distributed to Councilors in advance of the meeting and will be available at the Council meeting October 8, 1992.

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 92-450 ADOPTING A FINAL ORDER FOR PERIODIC REVIEW OF THE METRO URBAN GROWTH BOUNDARY

Date: September 24, 1992

Presented by: Councilor Devlin

Committee Recommendation: At the September 22 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Ordinance No. 92-450. Voting in favor: Councilors Devlin, McLain, Buchanan, and Washington.

Committee Issues/Discussion: Ethan Seltzer, former Regional Planning Supervisor, presented the staff report. He explained that this process of periodic review began in 1987. Although Metro has not adopted a specific comprehensive land use plan, the urban growth boundary (UGB) is a component of a comprehensive land use plan and, as such, is narrowly evaluated to determine if the UGB meets the needs of the urban population. In addition, Metro has never formally adopted a procedure for amending the UGB but did have formal, acknowledged procedures for "locational" adjustments meant to address technical locations of the boundary. This ordinance addresses both the periodic review and formalizes procedures for amendments to the UGB.

Mr. Seltzer explained that because of Metro's Regional Land Information System (RLIS), staff could accurately pinpoint land needs for the urban area through the year 2010. Analysis has determined that there is no need to change the UGB at this time, but the demographics and employment figures generated by the Region 2040 study may lead to future amendments.

The ordinance delineates three types of UGB amendment procedures: 1) "legislative amendments" to be used when the Council acts in a legislative decision capacity to amend the boundary for consistency with statewide Planning Goal 14; 2) "major amendments" to be used when the Council acts in a quasi-judicial decision-maker is for proposals in excess of 20 acres brought to Metro by private parties; and 3) "locational adjustments" is the current method used for adjustments under 20 acres, including roadway alignments. This 20 acre distinction has been lowered from the current level of 50 acres because of the "ascending burden of proof" previously used and required for amendments over ten acres.

October 8, 1992 Public Hearing:

Department of Land Conservation and Development: A letter, dated August 31, from the Department of Land Conservation and Development was distributed which requested that on page 60 in the "definitions" section, 3.01.10(o) "Net Developable Vacant Land," the multiplier be changed from "0.6" to a range of "0.6 to 1.0".

This amount refers to decisions regarding the amount of developable vacant land available, not set aside for public or quasi-public needs (e.g. churches; schools). Mr. Seltzer explained that the more land is set aside for public use, the shorter the time period before land becomes short within the UGB. It may be preferable to lower the percentage for public rather than expanding the UGB.

Robert Liberty: Robert Liberty, a Portland land use attorney, suggested that the committee change the amount to "0 to 0.4". He also suggested four other amendments:

1) On page 62, Chapter 3.01.020(a) and page 68, Chapter 3.01.025, delete the following sentence: "Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Mr. Liberty's concern was that if the language remained, Metro would not have to comply with more stringent statewide planning goals. If Metro's criteria were weaker than statewide language, it sets a precedent for future cases to be subject to legal challenges. This language was included because of the flawed Blazer Homes case. Mr. Seltzer responded that the referenced language would establish stability and consistency by stating Metro's criteria which is subject to periodic review of its land use procedures at any time by the state.

2) Eliminate both the "legislative" and "major" amendment procedures.

Mr. Liberty said the due to the size restrictions for these two types of amendments, only 1/10,000 of the UGB was subject. He said that such amendments have a significant impact on the value of property; usually increasing the value. He did not oppose land trades but felt that Metro should only allow applicants to petition every five or seven years, during periodic review periods. He also cited the potential for unnecessary litigation. In response, Mr. Seltzer said that the Regional Policy Advisory Committee (RPAC) and the Regional Technical Advisory Committee (RTAC) agreed it was important to have access to a process that allows for flexibility in amending the UGB. He said the amendments should be approved based on service need and that such amendments may occur more often than the five or seven year intervals suggested. Mr. Liberty responded that limiting the amendments to five or seven year intervals added stability to the procedure, thereby making the public take it more seriously.

3) Extend ability to apply for amendment of the UGB to general citizens and not just property owners.

Mr. Liberty said he thought that citizens should have the ability to request that the UGB be made smaller, not just the owners of property. Mr. Seltzer disagreed citing citizens ability to use the legislative process and periodic review.

4) Restrict applications for amendment to one only, including appeal. Prohibit application for amendment during year prior to periodic review.

Mr. Liberty said some applicants do only limited preparation on an application because of the ability to reapply. This is costly and duplicative. He suggested that if an application was remanded, it should be considered a denial. He said that applicants should not be allowed to appeal multiple times to supplement evidence.

Jack Polans: Jack Polans, a King City citizen, discussed a Boundary Commission annexation of unincorporated Washington County in King City. He objected to the annexation, which was incompatible with King City's original charger.

September 22, 1992 Meeting: Chair Devlin explained that this was the second opportunity for public hearing on this ordinance. Since no one was present for the public hearing, the committee proceeded to consider the various amendments that were suggested at the last meeting (see attached "September 8, 1992 Suggested Amendments").

Larry Shaw explained the amendment from the Department of Land Conservation and Development. The amendment changes the definition of "Net Developable Land" to allow for a range of calculations for the amounts of roads and other facilities that might be excluded from "Developable Land" to reach "Net Developable Land". This becomes an issue as Metro goes forward with an "In-fill Policy", particularly when considering any large amendment of the urban growth boundary. Changing the range allows for more flexibility in response to UGB changes.

The committee approved the DLCD amendment and after being given an opportunity for discussion of the four amendments submitted by Robert Liberty, chose to leave the remainder of the ordinance unamended.

ORDINANCE NO. 92-450
SEPTEMBER 8, 1992 SUGGESTED AMENDMENTS

1. DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD): A letter, dated August 31, from the DLCD suggested the following amendment:

In Exhibit A, on page 60, lines 12 through 16 (Section 3.01.10) be amended to read:

(o) "Net Developable Vacant Land," means the amount of land remaining when gross developable vacant land is multiplied by 0.6 to 1.0. The net amount is intended to approximate the amount of land which is available for private development, once land for roads, schools, parks, private utilities and other facilities is discounted from the gross acreage.

This amount refers to decisions regarding the amount of developable vacant land available, not set aside for public or quasi-public needs (e.g. churches; schools). Mr. Seltzer explained that the more land is set aside for public use, the shorter the time period before land becomes short within the UGB. It may be preferable to lower the percentage for public rather than expanding the UGB.

Robert Liberty, a Portland land use attorney, suggested that the committee change the amount to "0 to 0.4".

2. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following amendment:

In Exhibit A, on page 62, lines 26 through 30 (Chapter 3.01.020) should be amended to read:

(a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section details a process which is intended to interpret Goals 2 and 14 for specific application to the District urban growth boundary. ~~Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.~~

Also, on page 68, lines 40 through 44 and page 69, line 1 (Chapter 3.01.30) should be amended to read:

(a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section details a process which is intended to interpret Goals 2 and 14 for specific application to the District urban growth boundary. ~~Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.~~

Mr. Liberty's concern was that if the language remained, Metro would not have to comply with more stringent statewide planning goals. If Metro's criteria were weaker than statewide language, it sets a precedent for future cases to be subject to legal challenges. This language was included because of the flawed Blazer Homes case. Mr. Seltzer responded that the referenced language would establish stability and consistency by stating Metro's criteria which is subject to periodic review of its land use procedures at any time by the state.

3. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following conceptual amendment:

Eliminate both the "legislative" and "major" amendment procedures.

Mr. Liberty said the due to the size restrictions for these two types of amendments, only 1/10,000 of the UGB was subject. He said that such amendments have a significant impact on the value of property; usually increasing the value. He did not oppose land trades but felt that Metro should only allow applicants to petition every five or seven years, during periodic review periods. He also cited the potential for unnecessary litigation.

In response, Mr. Seltzer said that the Regional Policy Advisory Committee (RPAC) and the Regional Technical Advisory Committee (RTAC) agreed it was important to have access to a process that allows for flexibility in amending the UGB. He said the amendments should be approved based on service need and that such amendments may occur more often than the five or seven year intervals suggested.

Mr. Liberty responded that limiting the amendments to five or seven year intervals added stability to the procedure, thereby making the public take it more seriously.

4. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following conceptual amendment:

Extend ability to apply for amendment of the UGB to general citizens and not just property owners.

Mr. Liberty said he thought that citizens should have the ability to request that the UGB be made smaller, not just the owners of property. Mr. Seltzer disagreed citing citizens ability to use the legislative process and periodic review.

5. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following conceptual amendment:

Restrict applications for amendment to one only, including appeal. Prohibit application for amendment during year prior to periodic review.

Mr. Liberty said some applicants do only limited preparation on an application because of the ability to reapply. This is costly and duplicative. He suggested that if an application was remanded, it should be considered a denial. He said that applicants should not be allowed to appeal multiple times to supplement evidence.

SUMMARY OF TRANSPORTATION & PLANNING COMMITTEE
PUBLIC HEARING ON ORDINANCE NO. 92-450
September 8, 1992

4. Consideration of Ordinance No. 92-450, An Ordinance Adopting a Final Order for Periodic Review of the Metro Urban Growth Boundary

Ethan Seltzer, former Regional Planning Supervisor, gave staff's report and explained the ordinance. He said Metro received a periodic review notice for the Urban Growth Boundary (UGB) from the Department of Land Conservation and Development (DLCD) in 1987 and explained criteria for periodic review at that time. He said Metro did not adopt a comprehensive land use plan, but said the UGB was a component of a comprehensive land use plan, so that Metro's periodic review was very narrow to determine if the UGB met the needs of the urban population. He said Metro had never formally adopted procedures for amending the UGB but that Metro had formal, acknowledged procedures for locational adjustments meant to address technical locations of the boundary. He said the periodic review was 1) meant to address the land supply for the needs of the urban population and 2) to adopt formal procedures for amending the UGB. He explained periodic review procedures further. He said because of Metro's Regional Land Information System (RLIS), staff could accurately pinpoint land needs for the urban area through 2010. He said no change in the UGB was warranted at this time. He said future forecasting efforts could lead to amendments based on demographics and employment related to Region 2040 findings.

Mr. Seltzer explained the three proposed new UGB amendment procedures.

Mr. Seltzer said the first procedure, the Legislative Amendment, would be used by the Council acting in its capacity as a legislative decision-maker to amend the boundary to maintain consistency with Statewide Planning Goal 14. He said the ordinance outlined criteria and procedures for a Legislative Amendment.

Mr. Seltzer said the second procedure, the Major Amendment, was for proposals in excess of 20 acres brought to Metro by a private party and the Council would act in its capacity as a quasi-judicial decision-maker. He said the process for Major Amendments would be described in the Metro Code as well as criteria according to Goals 2 and 14.

Mr. Seltzer said the third procedure, the Locational Adjustment, was currently in the Metro Code. He said the maximum size for a locational adjustment had been decreased from 50 to 20 acres because of the "ascending burden of proof" previously used and required for any amendments over 10 acres.

To Councilor McLain's question, Mr. Seltzer explained a major amendment was any proposed amendment over 20 acres. He said major amendments had to demonstrate a necessary need for the land to meet the needs of the urban population or to meet livability, housing or employment opportunity criteria. Mr. Seltzer explained the procedures for trades were still included in the Locational Amendment process. He said the new amendment procedures would also cover roadway alignments. He said

TRANSPORTATION & PLANNING COMMITTEE SUMMARY
Ordinance No. 92-450
September 8, 1992
Page 2

the Council might want to recognize "natural area" amendments also. Mr. Seltzer reviewed the public review process and noted staff received a letter from DLCD dated August 31 which requested that in Definitions, on page 60, (o) "Net Developable Vacant Land," the multiplier be changed from "0.6" to "0.6 to 1.0." The Committee and Mr. Seltzer discussed UGB issues further.

Chair Devlin opened the public hearing.

Robert Liberty, attorney, 2433 NW Quimby, Portland, recommended using a factor of 0 to 0.4 to determine public lands needs. He asked Mr. Seltzer to diagram the three kinds of amendments and explain the criteria for the three amendments. Mr. Seltzer said the criteria for Major and Legislative Amendments was essentially the same and had to show consistency with Goals 2 and 14. He said other land use goals could apply. Mr. Liberty said the Legislative Amendment factor appeared to be longer than the Major Amendment factor. Mr. Seltzer agreed and said Factor 1 referred to Goal 14 which had seven factors which needed to be considered when amending or establishing the UGB. He said the first two factors dealt with whether there was a need for land and the second five factors dealt with the actual location of the proposed amendment. Mr. Seltzer explained Locational Adjustment criteria briefly.

Mr. Liberty proposed four amendments. His first suggested amendment was to delete language in Chapter 3.01, on page 62: "3.01.020(a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section details a process which is intended to interpret Goals 2 and 14 for specific application to the District urban growth boundary. ~~[Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.]~~" Mr. Liberty said he recommended deleting the last sentence because if that language remained, Metro would not have to comply with more stringent Statewide Planning Goals. He discussed the Blazer Homes case as an example. Under the same amendment, Mr. Liberty proposed deleting the same sentence under Section 3.01.025 on page 68: "3.01.030 Major Amendment Criteria (a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section is a detailed listing of criteria which are intended to interpret and further define Goals 2 and 14 for specific application to the District urban growth boundary. ~~[Compliance with the requirements of this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.]~~" Mr. Liberty said Metro should remove the language even if it did have the authority to state a case did comply with Statewide Planning Goals. He asked what the result would be if Metro's criteria differed from Goal 14. He said Metro's

criteria would be weaker than statewide language, set precedent for future cases and be subject to legal challenge. He said the language had been included because of the flawed Blazer Homes UGB case.

Mr. Seltzer said staff's language was meant to establish a guide on how to apply to amend the UGB and said periodic review offered the opportunity for agencies to update procedures. He said the language offered would establish stability and consistency by stating what Metro's criteria was. He said the state could make Metro undergo periodic review of its land use procedures at any time and that the ordinance could be amended. Mr. Seltzer and Mr. Liberty debated the criteria contained in land use goals/factors. Mr. Seltzer noted the letter from DLCD said Metro had done a good job.

Mr. Liberty said his second recommended amendment was to eliminate both Legislative and Major Amendment procedures. He said the UGB encompassed approximately 224,000 acres, and since Locational Adjustments were for 20 acres only with a maximum of 100 acres per year, that Locational Adjustments would amount to trying to analyze 1/10,000 of the UGB. He said Legislative and Major Amendments were contrary to the philosophy of trying to make fine adjustments to the UGB. He said UGB amendments had a dollar value. He said after the Riviera property was included, its price went up by a factor of 10 per acre, or from \$2,000 per acre to \$20,000 per acre. He said it did not make sense to have a regional boundary with tiny changes. He did not oppose land trades. He said Metro should allow applicants to petition every five or seven years.

Mr. Seltzer said it was very difficult to amend the UGB. He said applications to amend the UGB should remain flexible and cited the Dammasch and Rock Creek College petitions. He said staff did discuss not having a major amendment process, but said both the Regional Policy Advisory (RPAC) and Regional Technical Advisory Committees (RTAC) agreed it was important to have access to such a process. He said the UGB was a legal boundary and it was important to have flexibility in amending it. He said Locational Amendments were small in scale. He said Metro had only had difficulties in the Oregon City and Blazer Homes cases. He agreed with Mr. Liberty and said applicants could not prove a 20 acre amendment based on need, but could prove the amendment was necessary based on services. Mr. Liberty said amendments based on services was acceptable, but asked how much ongoing cost Metro and staff when criteria was not clear.

Councilor McLain said it was frustrating for citizens to have no recourse to government. Mr. Liberty said such an argument could be applied to weakening any regulation. Councilor McLain said the UGB amendment process provided flexibility. Mr. Liberty again cited unnecessary litigation. Mr. Liberty said the UGB should have stability

for at least five to seven years because otherwise people would not take it seriously.

Mr. Liberty said his third recommended amendment was that only property owners be able to apply for UGB amendments. Mr. Seltzer said via the legislative process, citizens could tell the Council the UGB was too big or that land had been made urban on an inappropriate basis. He said citizens should not be able to propose their neighbors' property should be made urban or rural. Mr. Liberty said Mr. Seltzer's argument validated his prior argument to eliminate the Major and Legislative Amendments. Mr. Seltzer said the Council's best defense was to exercise its legislative role in managing the UGB which the Council had not done for 12 years. He said if the Council used its legislative role and periodic review, citizens and jurisdictions would have the opportunity to give input on the UGB and its future shape.

Mr. Liberty said his fourth recommended amendment was that applicants be allowed one opportunity only, including appeal, to petition to amend the UGB to avoid abusive reapplications over long periods of time. He said the Council should also consider not taking applications the year before periodic review. Mr. Liberty said applicants should have one chance in five or seven years, and said if an application was remanded, it should be considered a denial. He said applicants should not be allowed to appeal multiple times to supplement the evidence.

Jack Polans, 16000 SW Queen Victory Place, King City, said there was a need for legislative change with regard to the UGB in the King City area. He objected to Washington County developers bringing county property within Oregon City limits and said that change was incompatible with King City's original charter. He said the UGB did not need to be within King City limits and said it affected 95 percent of its citizens who were 55 years or older.

Chair Devlin said the issue with regard to King City was not a UGB decision, but a Boundary Commission annexation of unincorporated Washington County. The Committee discussed UGB issues further with Mr. Polans and referred him to Planning Department staff for additional information and assistance.

Chair Devlin asked that a summary of this public hearing be produced for publication in the September 22, 1992 Transportation & Planning agenda in addition to the letter from LCDC. Chair Devlin closed the public hearing.

END OF SUMMARY

Oregon

August 31, 1992

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9/8/92
#4

DEPARTMENT OF
LAND

CONSERVATION

AND

DEVELOPMENT

Ethan Seltzer
METRO
2000 S.W. First Ave.
Portland, OR 97201

Dear Ethan:

We have reviewed the draft final periodic review order which is now before the Metro Council. The proposed order finds that no additional land is needed within the Portland Metropolitan Urban Growth Boundary (UGB), based on projections to the year 2010. We have no comment on the order itself other than to commend Metro and its participating jurisdictions for an excellent job.

Included with the proposed order are revised procedures for amending the UGB (Metro Code, Chapter 3.01). Our only comment on these procedures relates to the definition in Section 3.01.10(o):

"(o) Net Developable Vacant Land means the amount of land remaining when gross developable vacant land is multiplied by 0.6. The net amount is intended to approximate the amount of land which is available for private development, once land for roads, schools, parks, private utilities and other public facilities is discounted from the gross acreage."

We request that this definition be changed to specify a multiplier range of 0.6 to 1.0. This range is inclusive of the variety of circumstances which exist in the Metro region. For example, small vacant lots in developed areas will require little additional land for facilities and services; the multiplier for such lots should be near 1.0. On the other hand, large vacant areas will require significant amounts of land for streets, parks and schools; the multiplier for these areas should be 0.6 or 0.7.

The definition of "Net Redevelopable Land" in Section 3.01.10(p) already specifies a multiplier of 0.6 to 1.0, as recommended above. We are requesting only that the same multiplier be specified for vacant

Barbara Roberts
Governor



1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

Ethan Seltzer

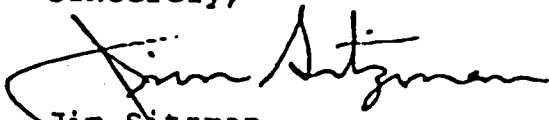
Page 2

August 31, 1992

land. Whether a parcel is vacant does not determine the difference between net and gross acreage. Rather, a variety of factors, including parcel size, use, location, and the extent of services already existing in the area, will determine the net land available for development.

I hope these comments will be helpful to you in completing your periodic review. If you have any questions or comments, please contact me at 378-4919 or Jim Hinman at 373-0088.

Sincerely,



Jim Sitzman
Field Services Manager

JS:JH/deb
<pr>

cc: Clackamas County Planning Director
Multnomah County Planning Director
Washington County Planning Director
Mike Rupp, Plan Review Manager
PR files (LIB, LR, PTID)

STAFF REPORT

CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER FOR PERIODIC REVIEW OF THE METRO URBAN GROWTH BOUNDARY

Date: July 10, 1992

Presented by: Ethan Seltzer

FACTUAL BACKGROUND AND ANALYSIS

On August 27, 1987, Metro received its periodic review notice for the urban growth boundary (UGB), with a completion date of February 29, 1988. A one-year extension was granted on January 26, 1988, with a new submission date of February 28, 1989. The "Urban Growth Boundary Periodic Review Workplan" was adopted by the Metro Council on December 22, 1988. On March 9, 1989, the Metro Council adopted Resolution No. 89-1050 which transmitted the draft periodic review order to the Department of Land Conservation and Development (DLCD) and established a public hearing on the draft order in June 1989. On May 16, 1989, Metro received comments from DLCD regarding the draft order, and on June 20, 1989, Metro held a public hearing on the draft order.

On July 27, 1989, on the recommendation of the Urban Growth Management Plan Policy Advisory Committee, the Metro Council adopted Resolution No. 89-1106, requesting an extension for periodic review until June 1990, in order to allow the Regional Urban Growth Goals and Objectives (RUGGO) to be completed and used for the development of new UGB amendment procedures. On September 26, 1991, the Metro Council adopted the RUGGO. The Metro Council is now being asked to adopt the final periodic review order for the Metro UGB.

The final periodic review order has four major elements:

1. RUGGO - Metro has prepared these pursuant to the Urban Growth Boundary Periodic Review Workplan and Metro's statutory responsibility in ORS Chapter 268.280 to prepare land use goals and objectives for the district. According to ORS Chapter 268, RUGGO is to be "consistent" with statewide planning goals. Therefore, as part of periodic review, RUGGO is being presented only for findings of consistency, not compliance.
2. Land Supply Findings - The land supply findings included as part of periodic review are based on Metro's Regional Forecast and Growth Allocation to the year 2010. Based on the best available information, Metro believes that the current urban land supply is sufficient to meet the region's urban land needs until 2010. Therefore, Metro is not proposing to make any legislative changes to the UGB as part of periodic review.

However, Metro is now in the process of forecasting growth to the year 2015. In addition, Metro's Regional Land Information System (RLIS) is in place and will be used to provide the

first truly comprehensive assessment of the region's urban land supply as part of the growth allocation process associated with the upcoming regional forecast. Therefore, Metro will be reassessing its conclusions about the adequacy of the urban land supply in early 1993, following the forecast and growth allocation. If an amendment of the UGB is called for at the conclusion of the forecasting and growth allocation process, Metro will initiate a legislative amendment consistent with its responsibilities under ORS Chapter 268 and Statewide Planning Goal 14.

3. **UGB Amendment Procedures** - With the adoption of the final periodic review order, Metro will also be adopting a full set of procedures for making UGB amendments. For the first time, the Metro Code will include procedures and criteria for legislative and major UGB amendments as well as for locational adjustments.
4. **Periodic Review Findings** - Metro's periodic review notice included a variety of issues of interest to the DLCD. The final periodic review order includes responses to those issues.

At its meeting on February 27, 1992, the Urban Growth Management Plan Technical Advisory Committee unanimously recommended that the Regional Policy Advisory Committee review the Final Periodic Review Order and recommend it to the Metro Council for adoption. At its meeting on March 11, 1992, the Regional Policy Advisory Committee reviewed and discussed the proposed final order, made several changes to the proposed UGB amendment procedures, and unanimously recommended that the Metro Council adopt the final order and transmit it to the DLCD.

Throughout the process, there has been significant public involvement. The development of the RUGGOs relied on an extensive public process. All elements of the final review order have received publicity through Metro Planning News, which had a distribution of over 10,000 persons, and through numerous public presentations by Metro staff. The land supply findings have been reviewed by policy and technical advisory committees on no less than two occasions, and public hearings were held before the Transportation and Planning Committee of the Metro Council, also on two separate occasions. Finally, the proposed UGB amendment procedures were developed through an open, participatory process over about an 18-month period, and have similarly received review by the public in hearings before the Metro Council and its Transportation and Planning Committee.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 92-450, transmittal of the final periodic review order to the Oregon Land Conservation and Development Commission, and amendment of the Metro Code.

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**AN ORDINANCE ADOPTING A FINAL ORDER)
FOR PERIODIC REVIEW OF THE METRO URBAN)
GROWTH BOUNDARY)** **ORDINANCE NO. 92-450**

**THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:**

Section 1. The Council of the Metropolitan Service District is charged by ORS Chapter 268.390 with establishing and managing an urban growth boundary for the region. The Metro Urban Growth Boundary was adopted by the Metro Council in 1980 and acknowledged by the Land Conservation and Development Commission as being in compliance with Statewide Planning Goals that same year.

Section 2. As part of its urban growth boundary management responsibility, the Metro Council received notice for periodic review of the urban growth boundary in August of 1987. An extension was granted until June of 1989, at which time public hearings were held on the Draft Periodic Review Order. Following public hearings, a further extension was granted to June of 1990 to allow for completion of the Regional Urban Growth Goals and Objectives (RUGGO). RUGGO was adopted in September of 1991, and the Metro Council is now asked to adopt a Final Order for Periodic Review of the Metro Urban Growth Boundary.

Section 3. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Periodic Review Order for the Metro Urban Growth Boundary the materials and findings in Exhibit A of this ordinance, which is incorporated by this reference.

Section 4. In accordance with the materials and findings of EXHIBIT A of this ordinance, the Metro Council finds that a legislative amendment of the urban growth boundary

is not now warranted as part of periodic review. However, The Metro Council finds that new information on land supply soon to be available from Metro's Regional Land Information System, and a new regional forecast of population and employment to the year 2015 will be available during calendar year 1992. Therefore, the Metro Council directs its staff to revisit the assumptions about the long-term adequacy of the urban land supply in Exhibit A utilizing these new sources of information, and report back to the Council and the Regional Policy Advisory Committee within one year of the passage of this ordinance.

Section 5. The Metro Council hereby transmits the Final Order for Periodic Review of the Metro Urban Growth Boundary, as described in Exhibit A of this Ordinance, to the Oregon Land Conservation and Development Commission.

Section 6. The Metro Council hereby amends Metro Code Chapter 3.01, replacing the existing language and substituting the new Urban Growth Boundary Amendment Procedures included in Exhibit A of this Ordinance.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Presiding Officer

ATTEST:

Clerk of the Council
ES/es
7/10/92

Meeting Date: October 8, 1992
Agenda Item No. 7.1

RESOLUTION NO. 92-1674

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION 92-1674, APPROVAL OF FUNDING FOR GREENSPACES RESTORATION GRANTS

Date: September 24, 1992

Presented by: Councilor Devlin

Committee Recommendation: At the September 22, meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Resolution No. 92-1674. Voting in favor: Councilors Devlin, McLain, Buchanan, and Washington.

Committee Issues/Discussion: Mel Huie, Senior Regional Planner, Planning Department, presented the staff report. He explained that this was the second year for Greenspaces Restoration Grants. Cities, counties, park districts and non-profit organizations are eligible to apply to restore urban natural areas. The grant criteria and application kit approved by Council resolution this spring. The application process lasted through the summer and included two educational workshops.

From that process, Metro received 18 proposals. There is \$250,000 available. Of the 18 proposals, three in Clackamas County, three are in Clark County, Washington, six are in Multnomah County, and six are in Washington County. Of the Multnomah County applications, two are from the City of Portland.

A ten person committee, including three Metro Councilors, physically viewed each site and conducted interviews in addition to reviewing each application. If all of the proposals had been approved, the total would have been \$268,000, rather than the \$250,000 available.

Ten of the proposals are now being recommended for approval today. The remaining eight proposals will be decided upon in October or November pending further review. The next step for the ten is creation of intergovernmental agreements.

Councilor McLain asked about the timing of projects if staggered. Mr. Huie explained that March 31, 1993 is the final deadline for the project. The planting season and draught have impacted the process.

Chair Devlin explained that the reason for delaying on the last eight applications is to allow staff and the committee to work with the applicants to complete a more appropriate application. This is a result of the experience obtained during the last year's process. Experience has shown that if proposals that are not well thought out are approved, there are management problems later in completing the projects.

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

FOR THE PURPOSE OF FUNDING GREENSPACES	)	RESOLUTION <u>92-1674</u>
PROJECTS TO RESTORE AND ENHANCE URBAN)	
WETLANDS, STREAMS AND RIPARIAN	)	Introduced by Rena Cusma,
CORRIDORS, AND UPLAND SITES	)	Executive Officer

WHEREAS, the Metropolitan Greenspaces Master Plan has outlined the restoration of degraded natural areas as a priority; and

WHEREAS, the Metropolitan Greenspaces Program has outlined a four phase approach for inventorying, mapping, analyzing, preserving, protecting and acquiring natural areas; and

WHEREAS, Phase 3 calls for restoration and enhancement demonstration projects as part of the Greenspaces Program; and

WHEREAS, the U.S. Fish and Wildlife Service has awarded Metro \$250,000 to carry out such restoration and enhancement projects; and

WHEREAS, the demonstration projects will increase public awareness and cooperation between Metro, federal, state and local agencies, nonprofit organizations, neighborhood associations, and the region's citizens about natural resource issues; and

WHEREAS, the Greenspaces projects target 10 sites around the Portland - Vancouver region for "on the ground" restoration and enhancement which will serve as models for other public agencies, conservation organizations, developers, homeowners and other property owners in restoring urban wetlands, streams and riparian corridors, and upland sites; and

WHEREAS, the Council of the Metropolitan Service District adopted Resolution No. 92-1609 on May 14, 1992 which established the program guidelines, funding criteria, and an application kit for the restoration grants; and

WHEREAS, the Chair of the Metropolitan Greenspaces Policy Advisory Committee

organized a review and selection committee to accept grant applications, and to make recommendations to the Executive Officer and Council which projects should be funded; and

WHEREAS, the review and selection committee met four times during August and September to review applications, tour the sites, conduct interviews of the applicants and make funding recommendations; and

WHEREAS, eighteen proposals were submitted to Metro, ten of which are recommended for funding; eight of which need reworking and will be resubmitted in November 1992 to the Council for funding; and

WHEREAS, all projects recommended for funding must be approved by the Metro Council.

BE IT RESOLVED,

1) That the Council of the Metropolitan Service District hereby approves funding for the ten restoration and enhancement projects as recommended by the review and selection committee and which are listed in Exhibit A hereto, and that the funding for these projects shall not exceed \$133,590.

2) That the Council of the Metropolitan Service District hereby directs the Chair of the Metropolitan Greenspaces Policy Advisory Committee (Councilor Richard Devlin) to work with the Executive Officer and staff in the Planning Department to execute contracts and/or intergovernmental agreements between the Metropolitan Service District and the organizations selected for funding.

ADOPTED by the Council of the Metropolitan Service District this ____ day of October 1992.

Jim Gardner, Presiding Officer

EXHIBIT A

1. Applicant: Beaverton, city of
Project Site: Hiteon Creek riparian corridor in Forest Glen Park area of southwest Beaverton; between SW 125th and 135th Avenues, south of Brockman Rd.

Project Description: Widen stream channel to create additional emergent wetland habitat and slow stream velocity; install very low weir structures of wood or stone to create small backwater habitats to promote better plant and animal diversity; and landscape the riparian corridor with native plants.

Total Budget: \$32,258
Request of Metro: \$14,700
Recommendation: \$14,700

Contact Person: Irish Bunnell, Beaverton Community Development, 526-2422

2. Applicant: Hillsboro, city of
Project Site: Turner Creek Park located at 31st and Maple in Hillsboro

Project Description: Restore and enhance the upland woodlands in the park to complement the previously restored riparian zone along the creek. Replant the denuded areas with native trees and under-story plants; remove invasive non-native plants; clean up the site of junk which has been illegal dumped at the site; build a barrier (e.g. low stone wall) to keep people out of sensitive areas; build wood duck and bird boxes.

Total Budget: \$14,850
Request of Metro: \$7,050
Recommendation: \$7,050

Contact Person: Mary Ordall, Hillsboro Parks & Recreation, 681-6120

3. Applicant: John Inskeep Environmental Learning Center
Project Site: Clackamas River south shoreline near the confluence of the Willamette River; just east of the McLoughlin bridge overpass.

Project Description: Restore and enhance the river bank site of the new regional River Resources Museum. Work includes riparian zone and upland habitat restoration. Plant native vegetation and wildflowers. Erosion control work at the site.

Total Budget: \$46,005
Request of Metro: \$23,180
Recommendation: \$17,430

Contact Person: Jerry Herrmann, Environmental Learning Center, 656-0155

4. **Applicant:** Multnomah County
Project Site: Beggars Tick Marsh in southeast Portland; near Foster Rd. and 111th Ave.

Project Description: Enhancement of an urban wildlife refuge, including limiting pedestrian access and protection of the site from vehicular access and illegal dumping. Re-contouring the area to restore wetland areas, and filling upland areas to create viewing areas for the public. Plant native vegetation at the site.

Total Budget: \$51,999
Request of Metro: \$25,845
Recommendation: \$25,845

Contact Person: Dan Kromer, Multnomah County Park Services Division, 248-5050

5. **Applicant:** Portland, city of
Project Site: Oaks Bottom which is on the east side of the Willamette River between the Ross Island and Sellwood Bridges in southeast Portland

Project Description: Begin meadow habitat improvement program for the south fill area of Oaks Bottom. Remove non-native vegetation from the clay-capped landfill, railroad berm and portion of the northern edge of the refuge. Improve growing conditions for native vegetation by adding topsoil and compost. Contour the topsoil/compost mix. Plant native grasses and forbs attractive to wildlife for the open meadow.

Total Budget: \$19,842
Request of Metro: \$8,000
Recommendation: \$8,000

Contact Person: Jim Sjulín, Portland Parks & Recreation, 796-5122

6. **Applicant:** Portland, city of
Project Site: April Hill Park Spring Restoration in southwest Portland, between Multnomah Blvd. and Vermont St. (within the Fanno Creek drainage basin)

Project Description: Day-lighting of a spring outlet and stream. Restoring the stream channel and adjacent riparian vegetation. Restoring the site to its natural condition prior to the channelization of the stream. Remove non-native vegetation and existing turf. Plant native vegetation. Improve water quality and wildlife habitat. Restore surface stream bed, including meanders. Construct and install bird and bat boxes.

Total Budget: \$13,300
Request of Metro: \$5,900
Recommendation: \$5,900

Contact Person: Bob Downing, Portland Parks & Recreation, 823-3635

7. **Applicant:** Sherwood, city of
Project Site: Stella Olsen Park along Cedar Creek west of the historic Old Town District in Sherwood

Project Description: Restore and enhance sections of the park. Restore a remanent wetland area along the creek. Removal of non-native vegetation and planting native trees

and plants in the riparian corridor and along the trails in the park. Purchase and install bird and bat boxes. Washington County Service Corps youth laborers will be employed on this project.

Total Budget: \$56,630
Request of Metro: \$23,635
Recommendation: \$22,500

Contact Person: Jim Rapp, Sherwood City Manager, 625-5522

8. Applicant: Troutdale, city of
Project Site: Sandee Palisades Detention Basin, located on a small tributary system, 3.5 miles upstream from the Columbia on the Sandy River

Project Description: Convert a 1.5 acre grass bowl with a concrete trench into a meandering stream surrounded by native vegetation. Filter urban storm water runoff before it enters the Sandy River. Landscape area with native trees and plants.

Total Budget: \$29,775
Request of Metro: \$13,500
Recommendation: \$13,500

Contact Person: Valerie Lantz, Troutdale Parks, 665-5175

9. Applicant: Unitarian Universalist Fellowship

Project Site: Burnt Bridge Creek in Vancouver

Project Description: Restore and enhance a section of the creek which is currently a drainage ditch. Create an irregular bank at the shoreline; plant native trees and vegetation in the riparian zone; and restore the wetlands adjacent to the stream.

Total Budget: \$7,540
Request of Metro: \$2,765
Recommendation: \$2,765

Contact Person: Jonathan Burgess, (206) 737-2719

10. Applicant: Washington State University
Project Site: Mill Creek Corridor on the Washington State University Campus in the northeast section of Vancouver

Project Description: Rehabilitate and enhance the riparian corridor, and upland areas at the site. Erosion control work will be performed. Improve water quality in the stream; reduce silt. Remove non-native plant species. Plant native species, particularly woody vegetation and trees along the stream banks to reduce erosion. Minimize pedestrian impact on the sensitive areas of the site.

Total Budget: \$105,399
Request of Metro: \$15,900
Recommendation: \$15,900

Contact Person: Dr. Richard Hansis, Washington State University, (206) 737-2027

**Greenspaces Restoration and Enhancement Grants
September 1992**

Funding Recommendations

1.	Beaverton	\$ 14,700
2.	Hillsboro	\$ 7,050
3.	John Inskeep Environmental Learning Center	\$ 17,430
4.	Multnomah County	\$ 25,845
5.	Portland Parks Bureau - Oaks Bottom	\$ 8,000
6.	Portland Parks Bureau - April Hill	\$ 5,900
7.	Sherwood	\$ 22,500
8.	Troutdale	\$ 13,500
9.	Unitarian Universalist Fellowship	\$ 2,765
10.	Washington State University	<u>\$ 15,900</u>
	TOTAL	\$133,590

STAFF REPORT

FOR THE PURPOSE OF FUNDING GREENSPACES PROJECTS TO RESTORE AND ENHANCE URBAN WETLANDS, STREAMS, RIPARIAN CORRIDORS, AND UPLAND SITES: 2ND YEAR GRANT CYCLE

Date: September 22, 1992

Presented By: Mel Huie, Project Manager

FACTUAL BACKGROUND AND ANALYSIS

Restoration of degraded natural areas is a priority activity of the Greenspaces Master Plan. The Metropolitan Greenspaces Program has outlined a four phase approach to identify, map, protect, preserve and acquire natural areas in the region. Phase 3 specifically calls for the program to carry out restoration and enhancement projects in wetlands, along stream corridors and riparian areas, and in upland sites. Funding for the restoration projects comes from a \$250,000 grant from the U.S. Fish and Wildlife Service.

On May 14, 1992, the Metro Council passed Resolution No. 92-1609 which established program guidelines, funding criteria and an application kit. The Chair of the Metropolitan Greenspaces Policy Advisory Committee organized a review and selection committee to accept grant applications and to make funding recommendations to the Executive Officer and the Council as to which proposals should be funded.

A committee comprised of three Metro Councilors (Devlin, McFarland, Hansen), Metro staff from the Planning Department, one member from the Greenspaces Policy Advisory Committee, one member from the Greenspaces Technical Advisory Committee, one citizen representative, and staff persons from the U.S. Fish and Wildlife Service, the Oregon Division of State Lands, Oregon Department of Fish and Wildlife, and Oregon Parks and Recreation Department met four times during August and September to review proposals. Included in that process were field visits to all of the sites and personal interviews with the applicants. Councilor Devlin served as chair of the committee. Eighteen proposals were submitted to Metro. Ten projects were recommended for funding. The other eight proposals need reworking and will be resubmitted to the review committee in October. Pending approved changes in these eight projects, funding recommendations will be submitted to the Council in November.

- Funding recommendations of the committee are listed in Exhibit A hereto.
- Total funding from Metro for all restoration projects shall not exceed \$250,000.
- Metro staff will work with local project managers to monitor and evaluate the projects throughout the project work period. Projects are to be completed by March 31, 1994.
- A final report of the restoration projects will be published by December 31, 1994. The projects will serve as models to other communities as innovative ways to

restore and enhance urban wetlands, streams, riparian corridors, and upland sites.

- Each funded project will have a sign at the site documenting that Metro and the U.S. Fish and Wildlife Service were financial sponsors. Events to educate the public about the Metropolitan Greenspaces Program will occur at each site during the project work period. Metro staff will notify the governing bodies of each of the projects about Metro's financial support.
- Metro has applied to the federal government for funding the Greenspaces restoration and enhancement grant program for a third year. The federal allocation for the program will be approximately \$200,000. The FY 93 budget should be approved sometime this fall.
- Planning staff will update and improve this year's application kit so government agencies and nonprofit organizations will have more time to apply for next year's grants (if funding becomes available).

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 92-1674.

Meeting Date: October 8, 1992
Agenda Item No. 7.2

RESOLUTION NO. 92-1689

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 92-1689, ESTABLISHING A POSITION OPPOSING OREGON STATE CONSTITUTIONAL AMENDMENT - BALLOT MEASURE 9

Date: October 2, 1992

Presented by: Councilor Collier

COMMITTEE RECOMMENDATION: At its meeting of October 1, 1992 the Governmental Affairs Committee voted 4-1 to recommend Council adoption of Resolution No. 92-1689. Voting aye were Councilors Collier, Devlin, Moore, and Wyers. Councilor Gronke voted no.

COMMITTEE DISCUSSION/ISSUES: Deputy Executive Officer Dick Engstrom presented the committee report, representing the Executive Officer who was not able to attend the committee meeting. He referred to a memorandum to the committee from the Executive dated September 30, 1992, and an attached communication from the Portland/Oregon Visitors Association which lists potential lost conventions if Ballot Measure 9 should pass. He said the resolution, opposing Measure 9, was drafted at the request of the Executive Officer and Presiding Officer.

Councilor Gardner spoke to the resolution and the process of having it introduced. He said it occurred to him that Measure 9 would affect not only Oregonians in general, but would also have a direct effect on Metro because of its potential impact on convention business. For that reason, he thought it appropriate for Metro to take a position on the measure. He explained that it is jointly sponsored by him and Executive Officer Cusma because they decided independently to introduce a resolution opposing Measure 9, and chose to co-sponsor it when they found they were both working on it. He said Measure 9 is extremely bad policy, putting the state on record as not only legalizing discrimination, but requiring the state to do so, which he described as wrong, un-American and un-Christian. The specific effect on Metro would be to hurt our growing convention and visitor business. He added that its passage would jeopardize a scholarship program at the University of Oregon, and the presence of the measure on the ballot had already resulted in the cancellation of an upcoming convention of the Association of State Governments. He said it is the Council's responsibility as citizens and elected officials to make their views known.

Councilor Gronke said the measure is abhorrent to him, but he questioned whether it is in Metro's charter to take a position on it. He was also concerned with the possibility that if Metro takes a position, that would encourage people who don't support Metro to vote the other way on Measure 9.

Chair Collier opened the public hearing. Patricia Miller testified, saying she was concerned about notification of the resolution. She also echoed Councilor Gronke's concern of whether it was appropriate for Metro to take a position on the measure. She said that Metro's taking a position would infer that voters

would listen to Metro's position and would not make up their minds on their own. She questioned whether it was proper and within Metro's authority to take a position, not knowing what effect it would have on voters. She recommended the Council take no position.

Chair Collier asked Council staff if adequate notification had been given. Council Analyst Casey Short said the meeting had been advertised in the usual manner. Public Affairs Specialist Cathy Thomas said the meeting notice did not contain specific reference to this resolution, which is standard practice: ordinances are specified by title in advertised meeting notices, but resolutions generally are not.

Chair Collier addressed Ms. Miller's question regarding the Council's authority to take a position on a measure. She said the Council had done so in the past without any question as to authority, but she would ask counsel for a formal opinion regarding authority. That opinion would be given and available prior to Council's consideration of the Resolution on October 8.

Chuck Geyer, President of AFSCME Local #3580, spoke in favor of the resolution. His local represents many Metro employees, and opposes Measure 9. He urged the committee to support the resolution. He said his local has worked to defeat the ballot measure, and encouraged Councilors not only to adopt the resolution, but use their forum as elected officials to notify their constituencies and educate them about this measure.

Sandra Snavelly testified, saying she questioned whether adoption of this resolution was within the proper and legitimate function of the Council. She was concerned with whether it was a proper use of tax dollars to take a collective position on any issue. She said that once a measure is put on the ballot, it is no longer a committee issue. At that point, it is up to the voters and they must be trusted to vote their consciences. She questioned whether the Council should single out one issue on which to take a position; she cited Ballot Measure #4, which would ban triple trailer trucks, saying that could have an effect on Metro operations. Ms. Snavelly was also concerned that Metro Councilors, as representatives of the people in their districts, would take positions without determining what those constituents thought about the issue. She urged a no vote.

Councilor Devlin said he had participated in taking positions on a number of issues in his experience as an elected official, and had seen other governing bodies do the same. He said it is a common action for a public body, and it would be inappropriate for the Council not to comment on their perception of the impact of this measure on the state and the region. He said Measure 9 represents very bad policy. He would hate to see it pass without his taking the opportunity, as a public official, to speak out in opposition.

Councilor Moore said she wanted an answer to the question whether this resolution fell within the scope of Council's authority. To the content of the measure, she said Metro has employees who would be directly affected by it and it was not our business to delve into their personal lives. She will trust the voters to decide this matter, but as leaders in the community it is Councilors' responsibility to provide the information to their constituents as they see it. The information in the resolution is pertinent and should be forwarded to citizens, if it is within Council's scope.

Councilor Gardner said that Metro has responsibility to operate convention and visitor facilities and programs, and that they do not operate in a vacuum. Because Measure 9 would affect the environment in which those operate, the Council has the right and the obligation to express an opinion. Council would not be telling people how to vote, but would be giving them information and opinion so they could make an informed decision.

Councilor Collier asked Mr. Short to make a formal request to counsel for an opinion on the scope of Council's authority to adopt this resolution. She also asked for a formal opinion whether appropriate notice was given.

Councilor Wyers said it is her firm opinion that the Council has the ability to take a position and that she strongly supports the resolution.

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**FOR THE PURPOSE OF ESTABLISHING)
A POSITION OPPOSING OREGON)
STATE CONSTITUTIONAL AMEND-)
MENT - BALLOT MEASURE 9)**

RESOLUTION NO. 92-1689

**Introduced by Jim Gardner,
Presiding Officer, and Rena Cusma,
Executive Officer**

WHEREAS, The Metropolitan Service District supports a work environment that is free from discriminatory attitudes and behaviors, and,

WHEREAS, the Metropolitan Service District supports and honors the diversity of all people in our region, and,

WHEREAS, the provisions of Ballot Measure 9 could invalidate existing laws, including Oregon's Hate Crimes law which has penalties for intimidation on the basis of sexual orientation and Portland's Civil Rights ordinance which protects against discrimination in housing, public accommodations, and employment, and,

WHEREAS, Ballot Measure 9 could have significant economic impacts on the state and the region through potential reduction in tourism and related convention bookings and/or cancellations, and,

WHEREAS, Ballot Measure 9 could legalize discrimination on the basis of sexual orientation, and,

WHEREAS, the Measure could require any level of government - state, regional and local -to deny services or access to any individual or group thought to promote, encourage or facilitate homosexuality including the use of facilities such as the Convention Center, Performing Arts Center, and Civic Stadium, and,

WHEREAS, Ballot Measure 9 is a highly divisive and discriminatory measure which will divide rather than unite the community, now, therefore,

BE IT RESOLVED, that

The Metropolitan Service District opposes the proposed State Constitutional Amendment -Ballot Measure 9.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

**_____
Jim Gardner, Presiding Officer**

BALLOT MEASURE 9

AN ACT

Be it Enacted by the People by the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section to be added to and made a part of Article 1 and to read:

SECTION 41 (1) This state shall not recognize any categorical provision such as "sexual orientation," "sexual preference," and similar phrases that includes homosexuality, pedophilia, sadism or masochism. Quotas, minority status, affirmative action, or any similar concepts, shall not apply to these forms of conduct, nor shall government promote these behaviors.

(2) State, regional and local governments and their properties and monies shall not be used to promote, encourage, or facilitate homosexuality, pedophilia, sadism or masochism.

(3) State, regional and local governments and their departments, agencies and other entities, including specifically the State Department of Higher Education and the public schools, shall assist in setting a standard for Oregon's youth that recognizes homosexuality, pedophilia, sadism and masochism as abnormal, wrong, unnatural, and perverse and that these behaviors are to be discouraged and avoided.

(4) It shall be considered that it is the intent of the people in enacting this section that if any part thereof is held unconstitutional, the remaining parts shall be held in force.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

September 30, 1992

TO: Tanya Collier, Chair, Government Affairs Committee
Richard Devlin, Vice Chair
Edward Gronke
Terry Moore
Judy Wyers

FROM: Rena Cusma, Executive Officer

RE: Support of Resolution 92-1689 opposing State
Constitutional Amendment - Ballot Measure 9

I am asking your support in adopting Resolution 92-1689 opposing Oregon State Constitutional Amendment - Ballot Measure 9. The Presiding Officer, Jim Gardner, has joined with me in co-sponsoring this resolution. I encourage all Councilors to join us in opposing what has been described by Ron Schmidt as "the meanest initiative I have seen on an Oregon ballot." He stated that "if Measure 9 passes, we will have lost Oregon as it is today. We will have our Constitution amended to say we are discriminating against a class of people." He further states; "if Measure 9 passes, we will get the reputation of being the most bigoted state in America."

The initiative as proposed by the OCA has three primary requirements:

- the state cannot "recognize phrases such as sexual orientation."

- State and local governments cannot "promote, encourage or facilitate homosexuality"

- public schools, colleges and universities must teach that homosexuality is "abnormal, wrong, unnatural and perverse" and should be "discouraged and avoided."

What does Measure 9 mean for Metro? No one is quite certain about the effects of this initiative on local government, but we already

have some indication on the impact regarding future convention business. The Portland Oregon Visitors Association, estimates that the area would lose approximately \$19 million in business if Measure 9 were to pass. This is only the tip of the iceberg and we can expect further loss of business if this measure were to pass.

In addition, the measure as written raises serious questions about the use of our facilities by groups such as the Right to Privacy and the Gay Men's Chorus. Will we be required to bar groups like these from utilizing Metro facilities?

Not withstanding the potential economic loss to our state and region, the most compelling argument for opposing this measure is that it singles out a specific group of individuals and legalizes discrimination against them. The target of the OCA today is the gay and lesbian community. Their goal is to force a narrow, divisive concept of "family values" on all Oregonians. We all should ask; who is next on the OCA's list to be targeted.

This is bad legislation. It deserves a resounding defeat at the polls.

cc: Jim Gardner, Presiding Officer
Councilors

Portland } Oregon Visitors Association

A R K E T I N G T O U R I S M & C O N V E N T I O N S

September 29, 1992

FROM: Jim Bocci, Portland/Oregon Visitors Association
275-9795

RE: Ballot Measure #9

Potential Lost Portland/Oregon Convention Business if Ballot Measure #9 passes

ORGANIZATION	DELEGATE NO.	ROOM NIGHTS	ECON. IMPACT
✓ National Middle School Assn. Booked for 11/93	4,200	11,610	\$2.2 mil.
✓ Association for Computing Machinery Booked for 10/94	2,000	6,700	\$1.1 mil.
✓ Public Library Association Lead for 3/96	5,500	8,960	\$3.2 mil.
✓ American Assn. of School Librarians Lead for 10/96	3,500	6,125	\$2 mil.
✓ American Symphony Orchestra League Booked for 6/95	2,000	3,800	\$1 mil.
✓ American Alliance for Health, Physical Education, Recreation, Dance Booked for 3/95	9,000	16,060	\$4.6 mil.
✓ American Society of Landscape Architects Lead for 9/98	3,000	6,485	\$1.7 mil.
✓ National League for Nursing Lead for 9/93	750	1,450	\$0.5 mil.
✓ National Council of Teachers of English Booked for 3/94 (Has not cancelled yet)	3,000	4,300	\$1.5 mil.
✓ National Recycling Coalition Booked 9/94	3,000	4,425	\$1.5 mil.

TOTAL ECONOMIC IMPACT

\$19.3 mil.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: October 9, 1992

TO: Metro Council
Executive Officer
Interested Staff

FROM: Paulette Allen, Clerk of the Council

RE: METRO COUNCIL ACTIONS OF OCTOBER 8, 1992 (REGULAR MEETING)

COUNCILORS PRESENT: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Tanya Collier, Richard Devlin, Ed Gronke, Sandi Hansen, Ruth McFarland, Susan McLain, Terry Moore, George Van Bergen and Ed Washington. COUNCILORS ABSENT: None.

AGENDA ITEM

ACTION TAKEN

1. INTRODUCTIONS

Presiding Officer Gardner introduced Councilor Terry Moore and presented her with a framed Resolution No. 92-1684 appointing her to District 2 on September 24, 1992.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Presentation of Metro's Seventh Annual Recycling Recognition Awards to Celebrate Recycling Awareness Week

Councilor Wyers announced the winners and nominees of the Seventh Annual Recycling Recognition Awards. Executive Officer Cusma presented framed awards.

4. CONSENT AGENDA

Adopted (Devlin/Gronke; 12-0 vote).

4.1 Minutes of September 10, 1992

4.2 Resolution No. 92-1688, For the Purpose of Establishing the FY 92-93 Metropolitan Service District Legislative Task Force

(Continued)

5. ORDINANCES, FIRST READINGS

- 5.1 Ordinance No. 92-472, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 91-4: PCC Rock Creek Public Hearing Public hearing held; no persons appeared to testify. Tentatively scheduled for Council consideration again on October 22.

6. ORDINANCES, SECOND READINGS

- 6.1 Ordinance No. 92-470, For the Purpose of Amending the Regional Waste Water Management Plan and Authorizing the Executive Officer to Submit it for Recertification Public Hearing Public hearing held; no persons appeared to testify. Adopted (McLain/Buchanan; 12-0 vote).
- 6.2 Ordinance No. 92-450, An Ordinance Adopting a Final Order for Periodic Review of the Metro Urban Growth Boundary Public Hearing Ordinance No. 92-450A adopted (Devlin/Moore; 12-0 vote). The motion to have the Transportation & Planning Committee review Amendment No. 4 further as submitted by Robert Liberty passed (Hansen/McLain; 10-2 vote; Councilors McFarland and Van Bergen voted nay.)

7. RESOLUTIONS

- 7.1 Resolution No. 92-1674, For the Purpose of Funding Greenspaces Projects to Restore and Enhance Urban Wetlands, Streams and Riparian Corridors, and Upland Sites Adopted (Devlin/Buchanan; 12-0 vote).
- 7.2 Resolution No. 92-1689, For the Purpose of Establishing a Position Opposing Oregon State Constitutional Amendment - Ballot Measure 9 Tabled (Collier/Hansen; 11-0 vote). The motion opposing Ballot Measure 9 passed (Collier/Hansen; 11-0 vote). Public hearing held; 6 persons testified.

NEW AGENDA ITEM

NON-REFERRED RESOLUTION

- 7.3 Resolution No. 92-1697, For the Purpose of Directing the Preparation of Neutral Factual Information Regarding Ballot Measure #9 Adopted (Hansen/Devlin; 11-0 vote).

(Continued)

8. EXECUTIVE SESSION Held Under the Authority of ORS 192.660(1)(h) to Consult with Legal Counsel with Regard to Litigation Executive Session held.

9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor McLain reminded Councilors and others present that the Regional Student Congress would be held October 17 at the Oregon Convention Center.

A:\MCPS92.282

On October 8, the recycling world revolves
around six individuals, businesses and organizations
that are really going places with recycling.

Get in the loop.
Celebrate Metro's seventh annual
Recycling Recognition Awards
with the Executive Officer and the Metro Council.

Thursday, October 8, 1992

Reception honoring award nominees
4:30 - 5:30 p.m., lobby

Award presentation
5:30 p.m., council chamber

Parking available at Metro or in City Center lot
at First and Harrison.

3.1
10/8/92

METRO

Recycled paper. Please recycle.





METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503-221-1646

Memorandum

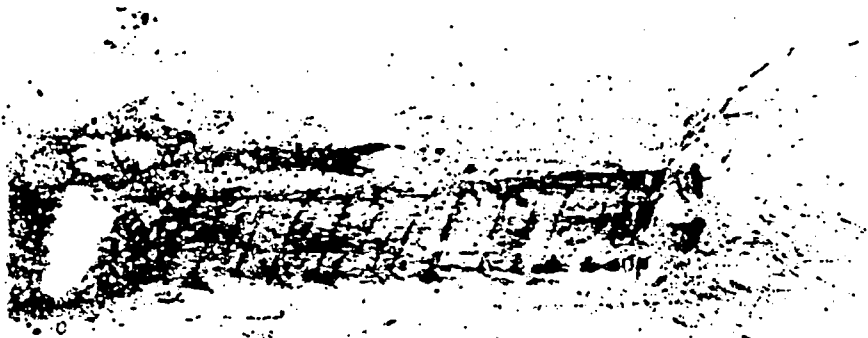
DATE: October 1, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.2; ORDINANCE NO. 92-450

Ordinance No. 92-450, Exhibit A, Metro Urban Growth Boundary Final Periodic Review Order, has previously been published in the August 27 Council agenda packet and in the Transportation and Planning Committee packets. The document will be published separately from the Council agenda as a supplemental packet and will be distributed to Councilors in advance of the meeting and will be available at the Council meeting October 8, 1992.



TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 92-450 ADOPTING A FINAL ORDER FOR PERIODIC REVIEW OF THE METRO URBAN GROWTH BOUNDARY

Date: September 24, 1992

Presented by: Councilor Devlin

Committee Recommendation: At the September 22 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Ordinance No. 92-450. Voting in favor: Councilors Devlin, McLain, Buchanan, and Washington.

Committee Issues/Discussion: Ethan Seltzer, former Regional Planning Supervisor, presented the staff report. He explained that this process of periodic review began in 1987. Although Metro has not adopted a specific comprehensive land use plan, the urban growth boundary (UGB) is a component of a comprehensive land use plan and, as such, is narrowly evaluated to determine if the UGB meets the needs of the urban population. In addition, Metro has never formally adopted a procedure for amending the UGB but did have formal, acknowledged procedures for "locational" adjustments meant to address technical locations of the boundary. This ordinance addresses both the periodic review and formalizes procedures for amendments to the UGB.

Mr. Seltzer explained that because of Metro's Regional Land Information System (RLIS), staff could accurately pinpoint land needs for the urban area through the year 2010. Analysis has determined that there is no need to change the UGB at this time, but the demographics and employment figures generated by the Region 2040 study may lead to future amendments.

The ordinance delineates three types of UGB amendment procedures: 1) "legislative amendments" to be used when the Council acts in a legislative decision capacity to amend the boundary for consistency with statewide Planning Goal 14; 2) "major amendments" to be used when the Council acts in a quasi-judicial decision-maker is for proposals in excess of 20 acres brought to Metro by private parties; and 3) "locational adjustments" is the current method used for adjustments under 20 acres, including roadway alignments. This 20 acre distinction has been lowered from the current level of 50 acres because of the "ascending burden of proof" previously used and required for amendments over ten acres.

October 8, 1992 Public Hearing:

Department of Land Conservation and Development: A letter, dated August 31, from the Department of Land Conservation and Development was distributed which requested that on page 60 in the "definitions" section, 3.01.10(o) "Net Developable Vacant Land," the multiplier be changed from "0.6" to a range of "0.6 to 1.0".

This amount refers to decisions regarding the amount of developable vacant land available, not set aside for public or quasi-public needs (e.g. churches; schools). Mr. Seltzer explained that the more land is set aside for public use, the shorter the time period before land becomes short within the UGB. It may be preferable to lower the percentage for public rather than expanding the UGB.

Robert Liberty: Robert Liberty, a Portland land use attorney, suggested that the committee change the amount to "0 to 0.4". He also suggested four other amendments:

1) On page 62, Chapter 3.01.020(a) and page 68, Chapter 3.01.025, delete the following sentence: "Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Mr. Liberty's concern was that if the language remained, Metro would not have to comply with more stringent statewide planning goals. If Metro's criteria were weaker than statewide language, it sets a precedent for future cases to be subject to legal challenges. This language was included because of the flawed Blazer Homes case. Mr. Seltzer responded that the referenced language would establish stability and consistency by stating Metro's criteria which is subject to periodic review of its land use procedures at any time by the state.

2) Eliminate both the "legislative" and "major" amendment procedures.

Mr. Liberty said the due to the size restrictions for these two types of amendments, only 1/10,000 of the UGB was subject. He said that such amendments have a significant impact on the value of property; usually increasing the value. He did not oppose land trades but felt that Metro should only allow applicants to petition every five or seven years, during periodic review periods. He also cited the potential for unnecessary litigation. In response, Mr. Seltzer said that the Regional Policy Advisory Committee (RPAC) and the Regional Technical Advisory Committee (RTAC) agreed it was important to have access to a process that allows for flexibility in amending the UGB. He said the amendments should be approved based on service need and that such amendments may occur more often than the five or seven year intervals suggested. Mr. Liberty responded that limiting the amendments to five or seven year intervals added stability to the procedure, thereby making the public take it more seriously.

3) Extend ability to apply for amendment of the UGB to general citizens and not just property owners.

Mr. Liberty said he thought that citizens should have the ability to request that the UGB be made smaller, not just the owners of property. Mr. Seltzer disagreed citing citizens ability to use the legislative process and periodic review.

4) Restrict applications for amendment to one only, including appeal. Prohibit application for amendment during year prior to periodic review.

Mr. Liberty said some applicants do only limited preparation on an application because of the ability to reapply. This is costly and duplicative. He suggested that if an application was remanded, it should be considered a denial. He said that applicants should not be allowed to appeal multiple times to supplement evidence.

Jack Polans: Jack Polans, a King City citizen, discussed a Boundary Commission annexation of unincorporated Washington County in King City. He objected to the annexation, which was incompatible with King City's original charger.

September 22, 1992 Meeting: Chair Devlin explained that this was the second opportunity for public hearing on this ordinance. Since no one was present for the public hearing, the committee proceeded to consider the various amendments that were suggested at the last meeting (see attached "September 8, 1992 Suggested Amendments").

Larry Shaw explained the amendment from the Department of Land Conservation and Development. The amendment changes the definition of "Net Developable Land" to allow for a range of calculations for the amounts of roads and other facilities that might be excluded from "Developable Land" to reach "Net Developable Land". This becomes an issue as Metro goes forward with an "In-fill Policy", particularly when considering any large amendment of the urban growth boundary. Changing the range allows for more flexibility in response to UGB changes.

The committee approved the DLCD amendment and after being given an opportunity for discussion of the four amendments submitted by Robert Liberty, chose to leave the remainder of the ordinance unamended.

ORDINANCE NO. 92-450
SEPTEMBER 8, 1992 SUGGESTED AMENDMENTS

1. DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD): A letter, dated August 31, from the DLCD suggested the following amendment:

In Exhibit A, on page 60, lines 12 through 16 (Section 3.01.10) be amended to read:

(o) "Net Developable Vacant Land," means the amount of land remaining when gross developable vacant land is multiplied by 0.6 to 1.0. The net amount is intended to approximate the amount of land which is available for private development, once land for roads, schools, parks, private utilities and other facilities is discounted from the gross acreage.

This amount refers to decisions regarding the amount of developable vacant land available, not set aside for public or quasi-public needs (e.g. churches; schools). Mr. Seltzer explained that the more land is set aside for public use, the shorter the time period before land becomes short within the UGB. It may be preferable to lower the percentage for public rather than expanding the UGB.

Robert Liberty, a Portland land use attorney, suggested that the committee change the amount to "0 to 0.4".

2. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following amendment:

In Exhibit A, on page 62, lines 26 through 30 (Chapter 3.01.020) should be amended to read:

(a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section details a process which is intended to interpret Goals 2 and 14 for specific application to the District urban growth boundary. ~~Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.~~

Also, on page 68, lines 40 through 44 and page 69, line 1 (Chapter 3.01.30) should be amended to read:

(a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section details a process which is intended to interpret Goals 2 and 14 for specific application to the District urban growth boundary. ~~Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.~~

Mr. Liberty's concern was that if the language remained, Metro would not have to comply with more stringent statewide planning goals. If Metro's criteria were weaker than statewide language, it sets a precedent for future cases to be subject to legal challenges. This language was included because of the flawed Blazer Homes case. Mr. Seltzer responded that the referenced language would establish stability and consistency by stating Metro's criteria which is subject to periodic review of its land use procedures at any time by the state.

3. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following conceptual amendment:

Eliminate both the "legislative" and "major" amendment procedures.

Mr. Liberty said the due to the size restrictions for these two types of amendments, only 1/10,000 of the UGB was subject. He said that such amendments have a significant impact on the value of property; usually increasing the value. He did not oppose land trades but felt that Metro should only allow applicants to petition every five or seven years, during periodic review periods. He also cited the potential for unnecessary litigation.

In response, Mr. Seltzer said that the Regional Policy Advisory Committee (RPAC) and the Regional Technical Advisory Committee (RTAC) agreed it was important to have access to a process that allows for flexibility in amending the UGB. He said the amendments should be approved based on service need and that such amendments may occur more often than the five or seven year intervals suggested.

Mr. Liberty responded that limiting the amendments to five or seven year intervals added stability to the procedure, thereby making the public take it more seriously.

4. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following conceptual amendment:

Extend ability to apply for amendment of the UGB to general citizens and not just property owners.

Mr. Liberty said he thought that citizens should have the ability to request that the UGB be made smaller, not just the owners of property. Mr. Seltzer disagreed citing citizens ability to use the legislative process and periodic review.

5. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following conceptual amendment:

Restrict applications for amendment to one only, including appeal. Prohibit application for amendment during year prior to periodic review.

Mr. Liberty said some applicants do only limited preparation on an application because of the ability to reapply. This is costly and duplicative. He suggested that if an application was remanded, it should be considered a denial. He said that applicants should not be allowed to appeal multiple times to supplement evidence.

SUMMARY OF TRANSPORTATION & PLANNING COMMITTEE
PUBLIC HEARING ON ORDINANCE NO. 92-450
September 8, 1992

4. Consideration of Ordinance No. 92-450, An Ordinance Adopting a
Final Order for Periodic Review of the Metro Urban Growth Boundary

Ethan Seltzer, former Regional Planning Supervisor, gave staff's report and explained the ordinance. He said Metro received a periodic review notice for the Urban Growth Boundary (UGB) from the Department of Land Conservation and Development (DLCD) in 1987 and explained criteria for periodic review at that time. He said Metro did not adopt a comprehensive land use plan, but said the UGB was a component of a comprehensive land use plan, so that Metro's periodic review was very narrow to determine if the UGB met the needs of the urban population. He said Metro had never formally adopted procedures for amending the UGB but that Metro had formal, acknowledged procedures for locational adjustments meant to address technical locations of the boundary. He said the periodic review was 1) meant to address the land supply for the needs of the urban population and 2) to adopt formal procedures for amending the UGB. He explained periodic review procedures further. He said because of Metro's Regional Land Information System (RLIS), staff could accurately pinpoint land needs for the urban area through 2010. He said no change in the UGB was warranted at this time. He said future forecasting efforts could lead to amendments based on demographics and employment related to Region 2040 findings.

Mr. Seltzer explained the three proposed new UGB amendment procedures.

Mr. Seltzer said the first procedure, the Legislative Amendment, would be used by the Council acting in its capacity as a legislative decision-maker to amend the boundary to maintain consistency with Statewide Planning Goal 14. He said the ordinance outlined criteria and procedures for a Legislative Amendment.

Mr. Seltzer said the second procedure, the Major Amendment, was for proposals in excess of 20 acres brought to Metro by a private party and the Council would act in its capacity as a quasi-judicial decision-maker. He said the process for Major Amendments would be described in the Metro Code as well as criteria according to Goals 2 and 14.

Mr. Seltzer said the third procedure, the Locational Adjustment, was currently in the Metro Code. He said the maximum size for a locational adjustment had been decreased from 50 to 20 acres because of the "ascending burden of proof" previously used and required for any amendments over 10 acres.

To Councilor McLain's question, Mr. Seltzer explained a major amendment was any proposed amendment over 20 acres. He said major amendments had to demonstrate a necessary need for the land to meet the needs of the urban population or to meet livability, housing or employment opportunity criteria. Mr. Seltzer explained the procedures for trades were still included in the Locational Amendment process. He said the new amendment procedures would also cover roadway alignments. He said

TRANSPORTATION & PLANNING COMMITTEE SUMMARY
Ordinance No. 92-450
September 8, 1992
Page 2

the Council might want to recognize "natural area" amendments also. Mr. Seltzer reviewed the public review process and noted staff received a letter from DLCD dated August 31 which requested that in Definitions, on page 60, (o) "Net Developable Vacant Land," the multiplier be changed from "0.6" to "0.6 to 1.0." The Committee and Mr. Seltzer discussed UGB issues further.

Chair Devlin opened the public hearing.

Robert Liberty, attorney, 2433 NW Quimby, Portland, recommended using a factor of 0 to 0.4 to determine public lands needs. He asked Mr. Seltzer to diagram the three kinds of amendments and explain the criteria for the three amendments. Mr. Seltzer said the criteria for Major and Legislative Amendments was essentially the same and had to show consistency with Goals 2 and 14. He said other land use goals could apply. Mr. Liberty said the Legislative Amendment factor appeared to be longer than the Major Amendment factor. Mr. Seltzer agreed and said Factor 1 referred to Goal 14 which had seven factors which needed to be considered when amending or establishing the UGB. He said the first two factors dealt with whether there was a need for land and the second five factors dealt with the actual location of the proposed amendment. Mr. Seltzer explained Locational Adjustment criteria briefly.

Mr. Liberty proposed four amendments. His first suggested amendment was to delete language in Chapter 3.01, on page 62: "3.01.020(a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section details a process which is intended to interpret Goals 2 and 14 for specific application to the District urban growth boundary. ~~[Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.]~~" Mr. Liberty said he recommended deleting the last sentence because if that language remained, Metro would not have to comply with more stringent Statewide Planning Goals. He discussed the Blazer Homes case as an example. Under the same amendment, Mr. Liberty proposed deleting the same sentence under Section 3.01.025 on page 68: "3.01.030 Major Amendment Criteria (a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section is a detailed listing of criteria which are intended to interpret and further define Goals 2 and 14 for specific application to the District urban growth boundary. ~~[Compliance with the requirements of this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.]~~" Mr. Liberty said Metro should remove the language even if it did have the authority to state a case did comply with Statewide Planning Goals. He asked what the result would be if Metro's criteria differed from Goal 14. He said Metro's

TRANSPORTATION & PLANNING COMMITTEE SUMMARY

Ordinance No. 92-450

September 8, 1992

Page 3

criteria would be weaker than statewide language, set precedent for future cases and be subject to legal challenge. He said the language had been included because of the flawed Blazer Homes UGB case.

Mr. Seltzer said staff's language was meant to establish a guide on how to apply to amend the UGB and said periodic review offered the opportunity for agencies to update procedures. He said the language offered would establish stability and consistency by stating what Metro's criteria was. He said the state could make Metro undergo periodic review of its land use procedures at any time and that the ordinance could be amended. Mr. Seltzer and Mr. Liberty debated the criteria contained in land use goals/factors. Mr. Seltzer noted the letter from DLCD said Metro had done a good job.

Mr. Liberty said his second recommended amendment was to eliminate both Legislative and Major Amendment procedures. He said the UGB encompassed approximately 224,000 acres, and since Locational Adjustments were for 20 acres only with a maximum of 100 acres per year, that Locational Adjustments would amount to trying to analyze 1/10,000 of the UGB. He said Legislative and Major Amendments were contrary to the philosophy of trying to make fine adjustments to the UGB. He said UGB amendments had a dollar value. He said after the Riviera property was included, its price went up by a factor of 10 per acre, or from \$2,000 per acre to \$20,000 per acre. He said it did not make sense to have a regional boundary with tiny changes. He did not oppose land trades. He said Metro should allow applicants to petition every five or seven years.

Mr. Seltzer said it was very difficult to amend the UGB. He said applications to amend the UGB should remain flexible and cited the Dammasch and Rock Creek College petitions. He said staff did discuss not having a major amendment process, but said both the Regional Policy Advisory (RPAC) and Regional Technical Advisory Committees (RTAC) agreed it was important to have access to such a process. He said the UGB was a legal boundary and it was important to have flexibility in amending it. He said Locational Amendments were small in scale. He said Metro had only had difficulties in the Oregon City and Blazer Homes cases. He agreed with Mr. Liberty and said applicants could not prove a 20 acre amendment based on need, but could prove the amendment was necessary based on services. Mr. Liberty said amendments based on services was acceptable, but asked how much ongoing cost Metro and staff when criteria was not clear.

Councilor McLain said it was frustrating for citizens to have no recourse to government. Mr. Liberty said such an argument could be applied to weakening any regulation. Councilor McLain said the UGB amendment process provided flexibility. Mr. Liberty again cited unnecessary litigation. Mr. Liberty said the UGB should have stability

TRANSPORTATION & PLANNING COMMITTEE SUMMARY
Ordinance No. 92-450
September 8, 1992
Page 4

for at least five to seven years because otherwise people would not take it seriously.

Mr. Liberty said his third recommended amendment was that only property owners be able to apply for UGB amendments. Mr. Seltzer said via the legislative process, citizens could tell the Council the UGB was too big or that land had been made urban on an inappropriate basis. He said citizens should not be able to propose their neighbors' property should be made urban or rural. Mr. Liberty said Mr. Seltzer's argument validated his prior argument to eliminate the Major and Legislative Amendments. Mr. Seltzer said the Council's best defense was to exercise its legislative role in managing the UGB which the Council had not done for 12 years. He said if the Council used its legislative role and periodic review, citizens and jurisdictions would have the opportunity to give input on the UGB and its future shape.

Mr. Liberty said his fourth recommended amendment was that applicants be allowed one opportunity only, including appeal, to petition to amend the UGB to avoid abusive reapplications over long periods of time. He said the Council should also consider not taking applications the year before periodic review. Mr. Liberty said applicants should have one chance in five or seven years, and said if an application was remanded, it should be considered a denial. He said applicants should not be allowed to appeal multiple times to supplement the evidence.

Jack Polans, 16000 SW Queen Victory Place, King City, said there was a need for legislative change with regard to the UGB in the King City area. He objected to Washington County developers bringing county property within Oregon City limits and said that change was incompatible with King City's original charter. He said the UGB did not need to be within King City limits and said it affected 95 percent of its citizens who were 55 years or older.

Chair Devlin said the issue with regard to King City was not a UGB decision, but a Boundary Commission annexation of unincorporated Washington County. The Committee discussed UGB issues further with Mr. Polans and referred him to Planning Department staff for additional information and assistance.

Chair Devlin asked that a summary of this public hearing be produced for publication in the September 22, 1992 Transportation & Planning agenda in addition to the letter from LCDC. Chair Devlin closed the public hearing.

END OF SUMMARY

V4 P
9/8/92
#4

Oregon

August 31, 1992

Ethan Seltzer
METRO
2000 S.W. First Ave.
Portland, OR 97201

DEPARTMENT OF
LAND
CONSERVATION
AND
DEVELOPMENT

Dear Ethan:

We have reviewed the draft final periodic review order which is now before the Metro Council. The proposed order finds that no additional land is needed within the Portland Metropolitan Urban Growth Boundary (UGB), based on projections to the year 2010. We have no comment on the order itself other than to commend Metro and its participating jurisdictions for an excellent job.

Included with the proposed order are revised procedures for amending the UGB (Metro Code, Chapter 3.01). Our only comment on these procedures relates to the definition in Section 3.01.10(o):

"(o) Net Developable Vacant Land means the amount of land remaining when gross developable vacant land is multiplied by 0.6. The net amount is intended to approximate the amount of land which is available for private development, once land for roads, schools, parks, private utilities and other public facilities is discounted from the gross acreage."

We request that this definition be changed to specify a multiplier range of 0.6 to 1.0. This range is inclusive of the variety of circumstances which exist in the Metro region. For example, small vacant lots in developed areas will require little additional land for facilities and services; the multiplier for such lots should be near 1.0. On the other hand, large vacant areas will require significant amounts of land for streets, parks and schools; the multiplier for these areas should be 0.6 or 0.7.

The definition of "Net Redevelopable Land" in Section 3.01.10(p) already specifies a multiplier of 0.6 to 1.0, as recommended above. We are requesting only that the same multiplier be specified for vacant

Barbara Roberts
Governor



1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

Ethan Seltzer

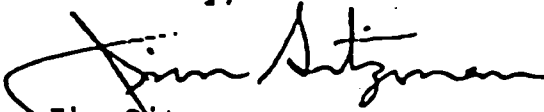
Page 2

August 31, 1992

land. Whether a parcel is vacant does not determine the difference between net and gross acreage. Rather, a variety of factors, including parcel size, use, location, and the extent of services already existing in the area, will determine the net land available for development.

I hope these comments will be helpful to you in completing your periodic review. If you have any questions or comments, please contact me at 378-4919 or Jim Hinman at 373-0088.

Sincerely,



Jim Sitzman
Field Services Manager

JS:JH/deb
<pr>

cc: Clackamas County Planning Director
Multnomah County Planning Director
Washington County Planning Director
Mike Rupp, Plan Review Manager
PR files (LIB, LR, PTID)

STAFF REPORT

CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER FOR PERIODIC REVIEW OF THE METRO URBAN GROWTH BOUNDARY

Date: July 10, 1992

Presented by: Ethan Seltzer

FACTUAL BACKGROUND AND ANALYSIS

On August 27, 1987, Metro received its periodic review notice for the urban growth boundary (UGB), with a completion date of February 29, 1988. A one-year extension was granted on January 26, 1988, with a new submission date of February 28, 1989. The "Urban Growth Boundary Periodic Review Workplan" was adopted by the Metro Council on December 22, 1988. On March 9, 1989, the Metro Council adopted Resolution No. 89-1050 which transmitted the draft periodic review order to the Department of Land Conservation and Development (DLCD) and established a public hearing on the draft order in June 1989. On May 16, 1989, Metro received comments from DLCD regarding the draft order, and on June 20, 1989, Metro held a public hearing on the draft order.

On July 27, 1989, on the recommendation of the Urban Growth Management Plan Policy Advisory Committee, the Metro Council adopted Resolution No. 89-1106, requesting an extension for periodic review until June 1990, in order to allow the Regional Urban Growth Goals and Objectives (RUGGO) to be completed and used for the development of new UGB amendment procedures. On September 26, 1991, the Metro Council adopted the RUGGO. The Metro Council is now being asked to adopt the final periodic review order for the Metro UGB.

The final periodic review order has four major elements:

1. RUGGO - Metro has prepared these pursuant to the Urban Growth Boundary Periodic Review Workplan and Metro's statutory responsibility in ORS Chapter 268.280 to prepare land use goals and objectives for the district. According to ORS Chapter 268, RUGGO is to be "consistent" with statewide planning goals. Therefore, as part of periodic review, RUGGO is being presented only for findings of consistency, not compliance.
2. Land Supply Findings - The land supply findings included as part of periodic review are based on Metro's Regional Forecast and Growth Allocation to the year 2010. Based on the best available information, Metro believes that the current urban land supply is sufficient to meet the region's urban land needs until 2010. Therefore, Metro is not proposing to make any legislative changes to the UGB as part of periodic review.

However, Metro is now in the process of forecasting growth to the year 2015. In addition, Metro's Regional Land Information System (RLIS) is in place and will be used to provide the

first truly comprehensive assessment of the region's urban land supply as part of the growth allocation process associated with the upcoming regional forecast. Therefore, Metro will be reassessing its conclusions about the adequacy of the urban land supply in early 1993, following the forecast and growth allocation. If an amendment of the UGB is called for at the conclusion of the forecasting and growth allocation process, Metro will initiate a legislative amendment consistent with its responsibilities under ORS Chapter 268 and Statewide Planning Goal 14.

3. UGB Amendment Procedures - With the adoption of the final periodic review order, Metro will also be adopting a full set of procedures for making UGB amendments. For the first time, the Metro Code will include procedures and criteria for legislative and major UGB amendments as well as for locational adjustments.
4. Periodic Review Findings - Metro's periodic review notice included a variety of issues of interest to the DLCD. The final periodic review order includes responses to those issues.

At its meeting on February 27, 1992, the Urban Growth Management Plan Technical Advisory Committee unanimously recommended that the Regional Policy Advisory Committee review the Final Periodic Review Order and recommend it to the Metro Council for adoption. At its meeting on March 11, 1992, the Regional Policy Advisory Committee reviewed and discussed the proposed final order, made several changes to the proposed UGB amendment procedures, and unanimously recommended that the Metro Council adopt the final order and transmit it to the DLCD.

Throughout the process, there has been significant public involvement. The development of the RUGGOs relied on an extensive public process. All elements of the final review order have received publicity through Metro Planning News, which had a distribution of over 10,000 persons, and through numerous public presentations by Metro staff. The land supply findings have been reviewed by policy and technical advisory committees on no less than two occasions, and public hearings were held before the Transportation and Planning Committee of the Metro Council, also on two separate occasions. Finally, the proposed UGB amendment procedures were developed through an open, participatory process over about an 18-month period, and have similarly received review by the public in hearings before the Metro Council and its Transportation and Planning Committee.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 92-450, transmittal of the final periodic review order to the Oregon Land Conservation and Development Commission, and amendment of the Metro Code.

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**AN ORDINANCE ADOPTING A FINAL ORDER)
FOR PERIODIC REVIEW OF THE METRO URBAN)
GROWTH BOUNDARY)** **ORDINANCE NO. 92-450**

**THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:**

Section 1. The Council of the Metropolitan Service District is charged by ORS Chapter 268.390 with establishing and managing an urban growth boundary for the region. The Metro Urban Growth Boundary was adopted by the Metro Council in 1980 and acknowledged by the Land Conservation and Development Commission as being in compliance with Statewide Planning Goals that same year.

Section 2. As part of its urban growth boundary management responsibility, the Metro Council received notice for periodic review of the urban growth boundary in August of 1987. An extension was granted until June of 1989, at which time public hearings were held on the Draft Periodic Review Order. Following public hearings, a further extension was granted to June of 1990 to allow for completion of the Regional Urban Growth Goals and Objectives (RUGGO). RUGGO was adopted in September of 1991, and the Metro Council is now asked to adopt a Final Order for Periodic Review of the Metro Urban Growth Boundary.

Section 3. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Periodic Review Order for the Metro Urban Growth Boundary the materials and findings in Exhibit A of this ordinance, which is incorporated by this reference.

Section 4. In accordance with the materials and findings of EXHIBIT A of this ordinance, the Metro Council finds that a legislative amendment of the urban growth boundary

is not now warranted as part of periodic review. However, The Metro Council finds that new information on land supply soon to be available from Metro's Regional Land Information System, and a new regional forecast of population and employment to the year 2015 will be available during calendar year 1992. Therefore, the Metro Council directs its staff to revisit the assumptions about the long-term adequacy of the urban land supply in Exhibit A utilizing these new sources of information, and report back to the Council and the Regional Policy Advisory Committee within one year of the passage of this ordinance.

Section 5. The Metro Council hereby transmits the Final Order for Periodic Review of the Metro Urban Growth Boundary, as described in Exhibit A of this Ordinance, to the Oregon Land Conservation and Development Commission.

Section 6. The Metro Council hereby amends Metro Code Chapter 3.01, replacing the existing language and substituting the new Urban Growth Boundary Amendment Procedures included in Exhibit A of this Ordinance.

ADOPTED by the Council of the Metropolitan Service District this _____ day of

_____, 1992.

Presiding Officer

ATTEST:

Clerk of the Council
ES/es
7/10/92

EXHIBIT A

**METRO URBAN GROWTH BOUNDARY
FINAL PERIODIC REVIEW ORDER**

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FOREWORD

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The final periodic review order has four major elements:

- 1) **Regional Urban Growth Goals and Objectives (RUGGO)** - Metro has prepared these pursuant to the Urban Growth Boundary Periodic Review Workplan and Metro's statutory responsibility in ORS Chapter 268.280 to prepare land use goals and objectives for the district. According to ORS Chapter 268, RUGGO is to be "consistent" with statewide planning goals. Therefore, as part of periodic review, RUGGO is being presented only for findings of consistency, not compliance.
- 2) **Land Supply Findings** - The land supply findings included as part of periodic review are based on Metro's Regional Forecast and Growth Allocation to the year 2010. Based on the best available information, Metro believes that the current urban land supply is sufficient to meet the region's urban land needs until 2010. Therefore, Metro is not proposing to make any legislative changes to the UGB as part of periodic review.

However, Metro is now in the process of forecasting growth to the year 2015. In addition, Metro's Regional Land Information System is in place and will be used to provide the first truly comprehensive assessment of the region's urban land supply as part of the growth allocation process associated with the upcoming regional forecast. Therefore, Metro will be reassessing its conclusions about the adequacy of the urban land supply in early 1993, following the forecast and growth allocation. If an amendment of the UGB is

called for at the conclusion of the forecasting and growth allocation process, Metro will initiate a legislative amendment consistent with its responsibilities under ORS Chapter 268 and Statewide Planning Goal 14.

- 3) **UGB Amendment Procedures** - With the adoption of the final periodic review order, Metro will also be adopting a full set of procedures for making UGB amendments. For the first time, the Metro code will include procedures and criteria for legislative and major UGB amendments, as well as for locational adjustments.
- 4) **Periodic Review Findings** - Metro's periodic review notice included a variety of issues of interest to the Department of Land Conservation and Development. The final periodic review order includes responses to those issues.

REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

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HISTORY

Urban growth is changing the region. The growth experienced in the past five years, and expected in the next 20, is and will challenge this region's distinctive urban quality of life. In addition, the urban land supply contained within the region's Urban Growth Boundary (UGB) is being consumed, and we are fast approaching a whole host of crucial policy questions regarding urban form. Metro's enabling statutes called for the creation of regional land use goals and objectives to guide those policy discussions.

On December 22, 1988, the Metro Council adopted the Urban Growth Boundary Periodic Review Workplan (Resolution No. 88-1021), directing staff to begin preparation of an "Urban Growth Management Plan". In addition to addressing the Periodic Review Notice for the Urban Growth Boundary, furnished to Metro by the Land Conservation and Development Commission, the workplan identified the crafting of Regional Urban Growth Goals and Objectives (RUGGO's) as the core of the proposed growth management planning effort. The purpose of the goals and objectives was to provide a policy framework for Metro's management of the urban growth boundary, and for the coordination of Metro functional plans with that effort and each other. The goals and objectives, therefore, would provide the policy framework needed to address the urban form issues accompanying the growth of the metropolitan area.

In March of 1989, an Urban Growth Management Plan Policy Advisory Committee (PAC) and Technical Advisory Committee (TAC) were appointed by the Council to guide the periodic review effort, including the preparation of the goals and objectives. Since April of 1989, a period of 27 months, the PAC has met 28 times and the TAC has met 31 times. A brief chronology of the project is as follows:

March, 1989	PAC and TAC appointed.
Fall, 1989	Growth Issues Workshops held throughout the region for citizens, jurisdiction technical staff, and elected and appointed officials of cities, counties, school districts, and special districts - 200 participated.
January, 1990	First Annual Regional Growth Conference - 425 attended.
July, 1990	PAC completes first draft of RUGGO's.
August, 1990 - January, 1991	74 meetings held with cities, counties, citizen groups, public workshops, business organizations, and others to review and receive comment on PAC RUGGO draft.
March, 1991	Second Annual Regional Growth Conference - 720 attended.
July, 1991	PAC completes review and revision of RUGGO's based on fall review process comments and conference comments.
August, 1991	RUGGO's transmitted to Council for adoption.

Other steps taken to make the development of the RUGGO's a public process have included publication of "Metro Planning News" (12 issues, circulation of 5200 includes all jurisdictions, neighborhood associations, and CPO's, as well as other interested organizations, individuals, and agencies), Mailing of PAC and TAC agenda materials to lists of about 130 each (including all planning directors in the region), and numerous public presentations, UGB tours, and participation in other public events.

The RUGGO's are divided into two main sections. The first, Goal I, deals with the regional planning process. For the first time, Goal I explains the process that Metro will use for carrying out its regional planning responsibilities, and specifies the relationship between Metro planning authority, and the planning authority of cities and counties. In many respects, it is the first written explanation of the land use planning responsibilities given to Metro in its enabling legislation.

Goal I calls for the creation of a regional Citizen Involvement Committee to advise Metro on ways to better involve citizens in the regional planning program. Goal I also calls for the creation of an ongoing Regional Policy Advisory Committee (RPAC) to provide advice to the Council regarding Metro's regional planning program and activities. Significantly, Goal I limits the applicability of the RUGGO's to Metro functional plans and management of the UGB. Any application of the RUGGO's to the comprehensive plans of cities and counties can only occur through the preparation of a functional plan or through some aspect of the management of the UGB. The RUGGO's do not apply directly to city and county comprehensive plans or to site-specific land use actions.

The second section, Goal II, deals with urban form. The RUGGO's are not a plan, nor do they provide a single vision for the future development of the region. Rather, the RUGGO's, in Goal II, provide a range of "building blocks" in response to the issues accompanying urban growth. The elements of Goal II can be arranged in a variety of ways, depending on the policy objectives of the region, and therefore suggest but do not specify alternative regional development patterns. Goal II is envisioned as a starting point for Metro's regional planning program, with further refinement and change expected as the next phases of planning work are completed.

The RUGGO's will be used to guide the development of UGB amendment procedures, a central product expected of periodic review of the UGB. The RUGGO's will also be used as the primary policy guidance for the Region 2040 Study, now being formulated jointly by the Transportation and the Planning and Development Departments.

The Metro Council Transportation and Planning Committee held public hearings on the RUGGO's on August 27, 1991, and September 10, 1991. The RUGGO's were heard and adopted by the Metro Council on September 26, 1991. To assist interested parties with preparing testimony, RUGGO "open houses" were held on August 26, 1991, and September 9, 1991. Metro mailed approximately 5500 fliers describing the RUGGO's to publicize the hearings and the open houses. In addition, every jurisdiction in the region received separate

notification, and the hearings were publicized through the news media. An additional 2500 fliers were distributed by hand throughout the region through citizen, civic, and business organizations.

In addition to adopting the RUGGO's, Ordinance 91-418 formally repealed the Columbia Region Association of Governments (CRAG) Goals and Objectives, adopted on September 30, 1976, and left in place by the Legislature until Metro adopted its own goals and objectives. The CRAG goals and objectives were out of date and represented a legal liability to all of Metro's existing and anticipated planning efforts. Finally, accompanying the Ordinance to Council on September 26, 1991, was a separate resolution for the adoption of the RPAC by-laws.

Again, the adoption of the RUGGO's is only the first step, not the last. The Region 2040 Study, a one-year effort to define a range of reasonable future urban growth scenarios for the region, will lead to more precise definitions of a number of RUGGO concepts. In particular, Region 2040 will define the mixed use urban center concept and expectations for long-range urban form. Region 2040 will be carried out with significant public and jurisdictional involvement. Metro expects RUGGO to be amended based on the findings of Region 2040.

For further information regarding the RUGGO's, the Regional Policy Advisory Committee, the Region 2040 Study, or any other aspect of Metro's regional planning program, please contact Ethan Seltzer or Mark Turpel in Metro's Planning and Development Department.

ACKNOWLEDGEMENTS

RUGGO would not have been completed without the contributions of literally thousands of residents and elected officials in the region. The Metro Council has been consistently supportive of this effort. Councilor Jim Gardner, Chair of the Urban Growth Management Plan Policy Advisory Committee, has contributed significantly of both time and spirit. Metro Executive Officer Rena Cusma continues to be a strong and consistent participant in and supporter of Metro's regional planning program. The members of the Urban Growth Management Plan Policy Advisory Committee, listed on the inside front cover, have gone above and beyond the call of duty to contribute countless hours to the dissection, discussion, and assembly of the final products.

The Urban Growth Management Plan Technical Advisory Committee has worked diligently to revise and refine workplans and work products. The Metropolitan Area City Planning Directors have provided an important forum for discussing and refining the process and the products.

Within Metro, Larry Shaw, Senior Counsel, has done much to make the final products work. Marilyn Matteson, Public Affairs, has worked tirelessly to make the annual Regional Growth Conferences successful. Metro's graphic artists are responsible for developing the consistent graphic "style" which has provided continuity for the project. Andy Cotugno, Director, Transportation, has served as an important advisor to the project and has contributed greatly to the workplan concepts carrying this work to the next step.

Richard H. Carson, Director, Planning and Development, in addition to chairing the Urban Growth Management Plan Technical Advisory Committee, provided the initial and ongoing inspiration and support for this project. Pat Lee, Ethan Seltzer, and Mark Turpel have been principally involved in designing and carrying out the workplan that has resulted in this document, and will result in its future evolution.

REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

Adopted by the Metro Council, September 26, 1991

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- Objective 2: Regional Policy Advisory Committee**
- Objective 3: Applicability of Regional Urban Growth Goals and Objectives**
- Objective 4: Implementation Roles**
- Objective 5: Functional Planning Process**
- Objective 6: Amendments to the Regional Urban Growth Goals and Objectives**

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Glossary

INTRODUCTION

The Regional Urban Growth Goals and Objectives (RUGGO) have been developed to:

- 1) respond to the direction given to Metro by the legislature through ORS ch 268.380 to develop land use goals and objectives for the region which would replace those adopted by the Columbia Region Association of Governments;
- 2) provide a policy framework for guiding Metro's regional planning program, principally its development of functional plans and management of the region's urban growth boundary; and
- 3) provide a process for coordinating planning in the metropolitan area to maintain metropolitan livability.

The RUGGO's are envisioned not as a final plan for the region, but as a starting point for developing a more focused vision for the future growth and development of the Portland area. Hence, the RUGGO's are the building blocks with which the local governments, citizens, and other interests can begin to develop a shared view of the future.

This document begins with the broad outlines of that vision. There are two principal goals, the first dealing with the planning process and the second outlining substantive concerns related to urban form. The "subgoals" (in Goal II) and objectives clarify the goals. The planning activities reflect priority actions that need to be taken at a later date to refine and clarify the goals and objectives further.

Metro's regional goals and objectives required by ORS 268.380(1) are in RUGGO Goals I and II and Objectives 1-18 only. RUGGO planning activities contain implementation ideas for future study in various stages of development that may or may not lead to RUGGO amendments, new functional plans or functional plan amendments. Functional plans and functional plan amendments shall be consistent with Metro's regional goals and objectives, not RUGGO planning activities.

BACKGROUND STATEMENT

Planning for and managing the effects of urban growth in this metropolitan region involves 24 cities, three counties, and more than 130 special service districts and school districts, including Metro. In addition, the State of Oregon, Tri-Met, the Port of Portland, and the Boundary Commission all make decisions which affect and respond to regional urban growth. Each of these jurisdictions and agencies has specific duties and powers which apply directly to the tasks of urban growth management.

However, the issues of metropolitan growth are complex and inter-related. Consequently, the planning and growth management activities of many jurisdictions are both affected by and directly affect the actions of other jurisdictions in the region. In this region, as in others throughout the country, coordination of planning and management activities is a central issue for urban growth management.

Nonetheless, few models exist for coordinating growth management efforts in a metropolitan region. Further, although the legislature charged Metro with certain coordinating responsibilities, and gave it powers to accomplish that coordination, a participatory and cooperative structure for responding to that charge has never been stated.

As urban growth in the region generates issues requiring a multi-jurisdictional response, a "blueprint" for regional planning and coordination is critically needed. Although most would agree that there is a need for coordination, there is a wide range of opinion regarding how regional planning to address issues of regional significance should occur, and under what circumstances Metro should exercise its coordination powers.

Goal I addresses this coordination issue in the region for the first time by providing the process that Metro will use to address areas and activities of metropolitan significance. The process is intended to be responsive to the challenges of urban growth while respecting the powers and responsibilities of a wide range of interests, jurisdictions, and agencies.

Goal II recognizes that this region is changing as growth occurs, and that change is challenging our assumptions about how urban growth will affect quality of life. For example:

- overall, the number of vehicle miles travelled in the region has been increasing at a rate far in excess of the rate of population and employment growth;
- the greatest growth in traffic and movement is within suburban areas, rather than between suburban areas and the central downtown district;
- in the year 2010 Metro projects that 70% of all "trips" made daily in the region will occur within suburban areas;

- currently transit moves about 3% of the travellers in the region on an average workday;
- to this point the region has accommodated most forecasted growth on vacant land within the urban growth boundary, with redevelopment expected to accommodate very little of this growth;
- single family residential construction is occurring at less than maximum planned density;
- rural residential development in rural exception areas is occurring in a manner and at a rate that may result in forcing the expansion of the urban growth boundary on important agricultural and forest resource lands in the future;
- a recent study of urban infrastructure needs in the state has found that only about half of the funding needed in the future to build needed facilities can be identified.

Add to this list growing citizen concern about rising housing costs, vanishing open space, and increasing frustration with traffic congestion, and the issues associated with the growth of this region are not at all different from those encountered in other west coast metropolitan areas such as the Puget Sound region or cities in California. The lesson in these observations is that the "quilt" of 27 separate comprehensive plans together with the region's urban growth boundary is not enough to effectively deal with the dynamics of regional growth and maintain quality of life.

The challenge is clear: if the Portland metropolitan area is going to be different than other places, and if it is to preserve its vaunted quality of life as an additional 485,000 people move into the urban area in the next 20 years, then a cooperative and participatory effort to address the issues of growth must begin now. Further, that effort needs to deal with the issues accompanying growth -- increasing traffic congestion, vanishing open space, speculative pressure on rural farm lands, rising housing costs, diminishing environmental quality -- in a common framework. Ignoring vital links between these issues will limit the scope and effectiveness of our approach to managing urban growth.

Goal II provides that broad framework needed to address the issues accompanying urban growth.

PLANNING FOR A VISION OF GROWTH IN THE PORTLAND METROPOLITAN AREA

As the metropolitan area changes, the importance of coordinated and balanced planning programs to protect the environment and guide development becomes increasingly evident.

By encouraging efficient placement of jobs and housing near each other, along with supportive commercial and recreational uses, a more efficient development pattern will result.

An important step toward achieving this planned pattern of regional growth is the integration of land uses with transportation planning, including mass transit, which will link together mixed use urban centers of higher density residential and commercial development.

The region must strive to protect and enhance its natural environment and significant natural resources. This can best be achieved by integrating the important aspects of the natural environment into a regional system of natural areas; open space and trails for wildlife and people. Special attention should be given to the development of infrastructure and public services in a manner that complements the natural environment.

A clear distinction must be created between the urbanizing areas and rural lands. Emphasis should be placed upon the balance between new development and infill within the region's urban growth boundary and the need for future urban growth boundary expansion. This regional vision recognizes the pivotal role played by a healthy and active central city, while at the same time providing for the growth of other communities of the region.

Finally, the regional planning program must be one that is based on a cooperative process that involves the residents of the metropolitan area, as well as the many public and private interests. Particular attention must be given to the need for effective partnerships with local governments because they will have a major responsibility in implementing the vision. It is important to consider the diversity of the region's communities when integrating local comprehensive plans into the pattern of regional growth.

GOAL I: REGIONAL PLANNING PROCESS

Regional planning in the metropolitan area shall:

- I.i) identify and designate areas and activities of metropolitan significance through a participatory process involving citizens, cities, counties, special districts, school districts, and state and regional agencies;
- I.ii) occur in a cooperative manner in order to avoid creating duplicative processes, standards, and/or governmental roles.

These goals and objectives shall only apply to acknowledged comprehensive plans of cities and counties when implemented through functional plans or the acknowledged urban growth boundary plan.

OBJECTIVE 1. CITIZEN PARTICIPATION

Metro shall develop and implement an ongoing program for citizen participation in all aspects of the regional planning program. Such a program shall be coordinated with local programs for supporting citizen involvement in planning processes, and shall not duplicate those programs.

1.1 - Regional Citizen Involvement Coordinating Committee - Metro shall establish a Regional Citizen Involvement Coordinating Committee to assist with the development, implementation and evaluation of its citizen involvement program and to advise the Regional Policy Advisory Committee regarding ways to best involve citizens in regional planning activities.

1.2 - Notification - Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences as well as opportunities for involvement on the part of affected citizens, both inside and outside of its district boundaries.

OBJECTIVE 2. REGIONAL POLICY ADVISORY COMMITTEE

The Metro Council shall establish a Regional Policy Advisory Committee to:

- 2.i) assist with the development and review of Metro's regional planning activities pertaining to land use and growth management, including review and implementation of these goals and objectives, present and prospective functional planning, and management and review of the region's urban growth boundary;

2.ii) serve as a forum for identifying and discussing areas and activities of metropolitan or subregional significance; and

2.iii) provide an avenue for involving all cities and counties and other interests in the development and implementation of growth management strategies.

2.1 - Regional Policy Advisory Committee Composition - The Regional Policy Advisory Committee (RPAC) shall be chosen according to the by-laws adopted by the Metro Council. The voting membership shall include elected officials of cities, counties, and the Metro Council as well as representatives of the State of Oregon and citizens. The composition of the Committee shall reflect the partnership that must exist among implementing jurisdictions in order to effectively address areas and activities of metropolitan significance, with a majority of the voting members being elected officials from within the Metro District boundaries.

2.2 - Advisory Committees - The Metro Council, or the Regional Policy Advisory Committee consistent with the RPAC by-laws, shall appoint technical advisory committees as the Council or the Regional Policy Advisory Committee determine a need for such bodies.

2.3 - Joint Policy Advisory Committee on Transportation (JPACT) - JPACT with the Metro Council shall continue to perform the functions of the designated Metropolitan Planning Organization as required by federal transportation planning regulations. JPACT and the Regional Policy Advisory Committee shall develop a coordinated process, to be approved by the Metro Council, to assure that regional land use and transportation planning remains consistent with these goals and objectives and with each other.

OBJECTIVE 3. APPLICABILITY OF REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

These Regional Urban Growth Goals and Objectives have been developed pursuant to ORS 268.380(1). Therefore, they comprise neither a comprehensive plan under ORS 197.015(5) nor a functional plan under ORS 268.390(2). All functional plans prepared by Metro shall be consistent with these goals and objectives. Metro's management of the Urban Growth Boundary shall be guided by standards and procedures which must be consistent with these goals and objectives. These goals and objectives shall not apply directly to site-specific land use actions, including amendments of the urban growth boundary.

These Regional Urban Growth Goals and Objectives shall apply to adopted and acknowledged comprehensive land use plans as follows:

3.i) A regional functional plan, itself consistent with these goals and objectives, may recommend or require amendments to adopted and acknowledged comprehensive land use plans; or

3.ii) The management and periodic review of Metro's acknowledged Urban Growth Boundary Plan, itself consistent with these goals and objectives, may require changes in adopted and acknowledged land use plans; or

3.iii) The Regional Policy Advisory Committee may identify and propose issues of regional concern, related to or derived from these goals and objectives, for consideration by cities and counties at the time of periodic review of their adopted and acknowledged comprehensive plans.

3.1 - Urban Growth Boundary Plan - The Urban Growth Boundary Plan has two components:

3.1.1) The acknowledged urban growth boundary line; and

3.1.2) Acknowledged procedures and standards for amending the urban growth boundary line.

Metro's Urban Growth Boundary is not a regional comprehensive plan but a provision of the comprehensive plans of the local governments within its boundaries. The location of the urban growth boundary line shall be in compliance with applicable statewide planning goals and consistent with these goals and objectives. Amendments to the urban growth boundary line shall demonstrate consistency only with the acknowledged procedures and standards.

3.2 - Functional Plans - Regional functional plans containing recommendations for comprehensive planning by cities and counties may or may not involve land use decisions. Functional plans are not required by the enabling statute to include findings of consistency with statewide land use planning goals. If provisions in a functional plan, or actions implementing a functional plan require changes in an adopted and acknowledged comprehensive land use plan, then that action may be a land use action required to be consistent with the statewide planning goals.

3.3 - Periodic Review of Comprehensive Land Use Plans - At the time of periodic review for comprehensive land use plans in the region the Regional Policy Advisory Committee:

3.3.1) shall assist Metro with the identification of functional plan provisions or changes in functional plans adopted since the last periodic review for inclusion in periodic review notices as changes in law; and

3.3.2) may provide comments during the periodic review of adopted and acknowledged comprehensive plans on issues of regional concern.

3.4 - Periodic Review of the Regional Urban Growth Goals and Objectives - If statute changes are made to ORS 197 to allow acknowledgement of these goals and objectives as the means for meeting the statutory requirement that these goals and objectives be consistent with statewide planning goals, then this section will apply. The Regional Policy Advisory Committee shall consider the periodic review notice for these goals and objectives and recommend a periodic review process for adoption by the Metro Council.

OBJECTIVE 4. IMPLEMENTATION ROLES

Regional planning and the implementation of these Regional Urban Growth Goals and Objectives shall recognize the inter-relationships between cities, counties, special districts, Metro, regional agencies, and the State, and their unique capabilities and roles.

4.1 - Metro Role - Metro shall:

- 4.1.1) identify and designate areas and activities of metropolitan significance;
- 4.1.2) provide staff and technical resources to support the activities of the Regional Policy Advisory Committee;
- 4.1.3) serve as a technical resource for cities, counties, and other jurisdictions and agencies;
- 4.1.4) facilitate a broad-based regional discussion to identify appropriate strategies for responding to those issues of metropolitan significance; and
- 4.1.5) adopt functional plans necessary and appropriate for the implementation of these regional urban growth goals and objectives;
- 4.1.6) coordinate the efforts of cities, counties, special districts, and the state to implement adopted strategies.

4.2 - Role of Cities -

- 4.2.1) adopt and amend comprehensive plans to conform to functional plans adopted by Metro;
- 4.2.2) identify potential areas and activities of metropolitan significance;

4.2.3) cooperatively develop strategies for responding to designated areas and activities of metropolitan significance;

4.2.4) participate in the review and refinement of these goals and objectives.

4.3 - Role of Counties -

4.3.1) adopt and amend comprehensive plans to conform to functional plans adopted by Metro;

4.3.2) identify potential areas and activities of metropolitan significance;

4.3.3) cooperatively develop strategies for responding to designated areas and activities of metropolitan significance;

4.3.4) participate in the review and refinement of these goals and objectives.

4.4 - Role of Special Service Districts - Assist Metro with the identification of areas and activities of metropolitan significance and the development of strategies to address them, and participate in the review and refinement of these goals and objectives.

4.5 - Role of the State of Oregon - Advise Metro regarding the identification of areas and activities of metropolitan significance and the development of strategies to address them, and participate in the review and refinement of these goals and objectives.

OBJECTIVE 5. FUNCTIONAL PLANNING PROCESS

Functional plans are limited purpose plans, consistent with these goals and objectives, which address designated areas and activities of metropolitan significance.

5.1 - Existing Functional Plans - Metro shall continue to develop, amend, and implement, with the assistance of cities, counties, special districts, and the state, statutorily required functional plans for air, water, and transportation, as directed by ORS 268.390(1), and for solid waste as mandated by ORS ch 459.

5.2 - New Functional Plans - New functional plans shall be proposed from one of two sources:

5.2.1) The Regional Policy Advisory Committee may recommend that the Metro Council designate an area or activity of metropolitan significance for which a functional plan should be prepared; or

5.2.2) The Metro Council may propose the preparation of a functional plan to

designate an area or activity of metropolitan significance, and refer that proposal to the Regional Policy Advisory Committee.

Upon the Metro Council adopting factual reasons for the development of a new functional plan, the Regional Policy Advisory Committee shall oversee the preparation of the plan, consistent with these goals and objectives and the reasons cited by the Metro Council. After preparing the plan and seeking broad public and local government consensus, using existing citizen involvement processes established by cities, counties, and Metro, the Regional Policy Advisory Committee shall present the plan and its recommendations to the Metro Council. The Metro Council may act to resolve conflicts or problems impeding the development of a new functional plan and may act to oversee preparation of the plan should such conflicts or problems prevent the Regional Policy Advisory Committee from completing its work in a timely or orderly manner.

The Metro Council shall hold a public hearing on the proposed plan and afterwards shall:

- 5.2.A) adopt the proposed functional plan; or
- 5.2.B) refer the proposed functional plan to the Regional Policy Advisory Committee in order to consider amendments to the proposed plan prior to adoption; or
- 5.2.C) amend and adopt the proposed functional plan; or
- 5.2.D) reject the proposed functional plan.

The proposed functional plan shall be adopted by ordinance, and shall include findings of consistency with these goals and objectives.

5.3 - Functional Plan Implementation and Conflict Resolution -Adopted functional plans shall be regionally coordinated policies, facilities, and/or approaches to addressing a designated area or activity of metropolitan significance, to be considered by cities and counties for incorporation in their comprehensive land use plans. If a city or county determines that a functional plan recommendation should not or cannot be incorporated into its comprehensive plan, then Metro shall review any apparent inconsistencies by the following process:

- 5.3.1) Metro and affected local governments shall notify each other of apparent or potential comprehensive plan inconsistencies.
- 5.3.2) After Metro staff review, the Regional Policy Advisory Committee shall consult the affected jurisdictions and attempt to resolve any apparent or

potential inconsistencies.

5.3.3) The Regional Policy Advisory Committee shall conduct a public hearing and make a report to the Metro Council regarding instances and reasons why a city or county has not adopted changes consistent with recommendations in a regional functional plan.

5.3.4) The Metro Council shall review the Regional Policy Advisory Committee report and hold a public hearing on any unresolved issues. The Council may decide to:

5.3.4.a) amend the adopted regional functional plan; or

5.3.4.b) initiate proceedings to require a comprehensive plan change;
or

5.3.4.c) find there is no inconsistency between the comprehensive plan(s) and the functional plan.

OBJECTIVE 6. AMENDMENTS TO THE REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

The Regional Urban Growth Goals and Objectives shall be reviewed at regular intervals or at other times determined by the Metro Council after consultation with or upon the suggestion of the Regional Policy Advisory Committee. Any review and amendment process shall involve a broad cross-section of citizen and jurisdictional interests, and shall be conducted by the Regional Policy Advisory Committee consistent with Goal 1: Regional Planning Process. Proposals for amendments shall receive broad public and local government review prior to final Metro Council action.

6.1 - Impact of Amendments - At the time of adoption of amendments to these goals and objectives, the Metro Council shall determine whether amendments to adopted functional plans or the acknowledged regional urban growth boundary are necessary. If amendments to adopted functional plans are necessary, the Metro Council shall act on amendments to applicable functional plans. The Council shall request recommendations from the Regional Policy Advisory Committee before taking action. All amendment proposals will include the date and method through which they may become effective, should they be adopted. Amendments to the acknowledged regional urban growth boundary will be considered under acknowledged urban growth boundary amendment procedures incorporated in the Metro Code.

If changes to functional plans are adopted, affected cities and counties shall be informed in writing of those changes which are advisory in nature, those which

recommend changes in comprehensive land use plans, and those which require changes in comprehensive plans. This notice shall specify the effective date of particular amendment provisions.

GOAL II: URBAN FORM

The livability of the urban region should be maintained and enhanced through initiatives which:

- II.i) preserve environmental quality;
- II.ii) coordinate the development of jobs, housing, and public services and facilities; and
- II.iii) inter-relate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another.

Urban form, therefore, describes an overall framework within which regional urban growth management can occur. Clearly stating objectives for urban form, and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.

II.1: NATURAL ENVIRONMENT

Preservation, use, and modification of the natural environment of the region should maintain and enhance environmental quality while striving for the wise use and preservation of a broad range of natural resources.

OBJECTIVE 7. WATER RESOURCES

Planning and management of water resources should be coordinated in order to improve the quality and ensure sufficient quantity of surface water and groundwater available to the region.

7.1 Formulate Strategy - A long-term strategy, coordinated by the jurisdictions and agencies charged with planning and managing water resources, shall be developed to comply with state and federal requirements for drinking water, to sustain beneficial water uses, and to accommodate growth.

Planning Activities:

Planning programs for water resources management shall be evaluated to determine the ability of current efforts to accomplish the following, and recommendations for changes in these programs will be made if they are found to be inadequate:

- Identify the future resource needs and carrying capacities of the region for municipal and industrial water supply, irrigation, fisheries, recreation, wildlife, environmental standards and aesthetic amenities;
- Monitor water quality and quantity trends vis-a-vis beneficial use standards adopted by federal, state, regional, and local governments for specific water resources important to the region;
- Evaluate the cost-effectiveness of alternative water resource management scenarios, and the use of conservation for both cost containment and resource management; and
- Preserve, create, or enhance natural water features for use as elements in nonstructural approaches to managing stormwater and water quality.

OBJECTIVE 8. AIR QUALITY

Air quality shall be protected and enhanced so that as growth occurs, human health is unimpaired. Visibility of the Cascades and the Coast Range from within the region should be maintained.

8.1 Strategies for planning and managing air quality in the regional airshed shall be included in the State Implementation Plan for the Portland-Vancouver air quality maintenance area as required by the Federal Clean Air Act.

8.2 New regional strategies shall be developed to comply with Federal Clean Air Act requirements and provide capacity for future growth.

8.3 The region, working with the state, shall pursue the consolidation of the Oregon and Clark County Air Quality Management Areas.

8.4 All functional plans, when taken in the aggregate, shall be consistent with the State Implementation Plan (SIP) for air quality.

Planning Activities:

An air quality management plan should be developed for the regional airshed which:

- Outlines existing and forecast air quality problems;
- Identifies prudent and equitable market based and regulatory strategies for addressing present and probable air quality problems throughout the region;
- Evaluates standards for visibility; and

-- Implements an air quality monitoring program to assess compliance with local, state, and federal air quality requirements.

OBJECTIVE 9. NATURAL AREAS, PARKS AND WILDLIFE HABITAT

Sufficient open space in the urban region shall be acquired, or otherwise protected, and managed to provide reasonable and convenient access to sites for passive and active recreation. An open space system capable of sustaining or enhancing native wildlife and plant populations should be established.

9.1 Quantifiable targets for setting aside certain amounts and types of open space shall be identified.

9.2 Corridor Systems - The regional planning process shall be used to coordinate the development of interconnected recreational and wildlife corridors within the metropolitan region.

9.2.1) A region-wide system of trails should be developed to link public and private open space resources within and between jurisdictions.

9.2.2) A region-wide system of linked significant wildlife habitats should be developed.

9.2.3) A Willamette River Greenway Plan for the region should be implemented by the turn of the century.

Planning Activities:

- 1) Inventory existing open space and open space opportunities to determine areas within the region where open space deficiencies exist now, or will in the future, given adopted land use plans and growth trends.
- 2) Assess current and future active recreational land needs. Target acreages should be developed for neighborhood, community, and regional parks, as well as for other types of open space in order to meet local needs while sharing responsibility for meeting metropolitan open space demands.
- 3) Develop multi-jurisdictional tools for planning and financing the protection and maintenance of open space resources. Particular attention will be paid to using the land use planning and permitting process and to the possible development of a land-banking program.

- 4) Conduct a detailed biological field inventory of the region to establish an accurate baseline of native wildlife and plant populations. Target population goals for native species will be established through a public process which will include an analysis of amounts of habitat necessary to sustain native populations at target levels.

OBJECTIVE 10. PROTECTION OF AGRICULTURE AND FOREST RESOURCE LANDS

Agricultural and forest resource land outside the urban growth boundary shall be protected from urbanization, and accounted for in regional economic and development plans.

10.1 Rural Resource Lands - Rural resource lands outside the urban growth boundary which have significant resource value should actively be protected from urbanization.

10.2 Urban Expansion - Expansion of the urban growth boundary shall occur in urban reserves, established consistent with Objective 15.3.

Planning Activities:

A regional economic opportunities analysis shall include consideration of the agricultural and forest products economy associated with lands adjacent to or near the urban area.

II.2: BUILT ENVIRONMENT

Development in the region should occur in a coordinated and balanced fashion as evidenced by:

II.2.i) a regional "fair-share" approach to meeting the housing needs of the urban population;

II.2.ii) the provision of infrastructure and critical public services concurrent with the pace of urban growth;

II.2.iii) the integration of land use planning and economic development programs;

II.2.iv) the coordination of public investment with local comprehensive and regional functional plans;

II.2.v) the continued evolution of regional economic opportunity; and

II.2.vi) the creation of a balanced transportation system, less dependent on the private

automobile, supported by both the use of emerging technology and the collocation of jobs, housing, commercial activity, parks and open space.

OBJECTIVE 11. HOUSING

There shall be a diverse range of housing types available inside the UGB, for rent or purchase at costs in balance with the range of household incomes in the region. Low and moderate income housing needs should be addressed throughout the region. Housing densities should be supportive of adopted public policy for the development of the regional transportation system and designated mixed use urban centers.

Planning Activities:

The Metropolitan Housing Rule (OAR 660, Division 7) has effectively resulted in the preparation of local comprehensive plans in the urban region that:

- provide for the sharing of regional housing supply responsibilities by ensuring the presence of single and multiple family zoning in every jurisdiction; and
- plan for local residential housing densities that support net residential housing density assumptions underlying the regional urban growth boundary.

However, it is now time to develop a new regional housing policy that directly addresses the requirements of Statewide Planning Goal 10, in particular:

- 1) Strategies should be developed to preserve the region's supply of special needs and existing low and moderate income housing.
- 2) Diverse Housing Needs - the diverse housing needs of the present and projected population of the region shall be correlated with the available and prospective housing supply. Upon identification of unmet housing needs, a regionwide strategy shall be developed which takes into account subregional opportunities and constraints, and the relationship of market dynamics to the management of the overall supply of housing. In addition, that strategy shall address the "fair-share" distribution of housing responsibilities among the jurisdictions of the region, including the provision of supporting social services.
- 3) Housing Affordability - A housing needs analysis shall be carried out to assess the adequacy of the supply of housing for rent and/or sale at prices for low and moderate income households. If, following that needs analysis, certain income groups in the region are found to not have affordable housing available to them, strategies shall be developed to focus land use policy and

public and private investment towards meeting that need.

- 4) The uses of public policy and investment to encourage the development of housing in locations near employment that is affordable to employees in those enterprises shall be evaluated and, where feasible, implemented.

OBJECTIVE 12. PUBLIC SERVICES AND FACILITIES

Public services and facilities including but not limited to public safety, water and sewerage systems, parks, libraries, the solid waste management system, stormwater management facilities, and transportation should be planned and developed to:

- 12.i) minimize cost;
- 12.ii) maximize service efficiencies and coordination;
- 12.iii) result in net improvements in environmental quality and the conservation of natural resources;
- 12.iv) keep pace with growth while preventing any loss of existing service levels and achieving planned service levels;
- 12.v) use energy efficiently; and
- 12.vi) shape and direct growth to meet local and regional objectives.

12.1 Planning Area - The long-term geographical planning area for the provision of urban services shall be the area described by the adopted and acknowledged urban growth boundary and the designated urban reserves.

12.2 Forecast Need - Public service and facility development shall be planned to accommodate the rate of urban growth forecast in the adopted regional growth forecast, including anticipated expansions into urban reserve areas.

12.3 Timing - The region should seek the provision of public facilities and services at the time of new urban growth.

Planning Activities:

- 1) Inventory current and projected public facilities and services needs throughout the region, as described in adopted and acknowledged public facilities plans.
- 2) Identify opportunities for and barriers to achieving concurrency in the region.

- 3) Develop financial tools and techniques to enable cities, counties, school districts, special districts, Metro and the State to secure the funds necessary to achieve concurrency.
- 4) Develop tools and strategies for better linking planning for school, library, and park facilities to the land use planning process.

OBJECTIVE 13. TRANSPORTATION

A regional transportation system shall be developed which:

13.i) reduces reliance on a single mode of transportation through development of a balanced transportation system which employs highways, transit, bicycle and pedestrian improvements, and system and demand management.

13.ii) provides adequate levels of mobility consistent with local comprehensive plans and state and regional policies and plans;

13.iii) encourages energy efficiency;

13.iv) recognizes financial constraints; and

13.v) minimizes the environmental impacts of system development, operations, and maintenance.

13.1 System Priorities - In developing new regional transportation system infrastructure, the highest priority should be meeting the mobility needs of mixed use urban centers, when designated. Such needs, associated with ensuring access to jobs, housing, and shopping within and among those centers, should be assessed and met through a combination of intensifying land uses and increasing transportation system capacity so as to minimize negative impacts on environmental quality, urban form, and urban design.

13.2 Environmental Considerations - Planning for the regional transportation system should seek to:

13.2.1) reduce the region's transportation-related energy consumption through increased use of transit, carpools, vanpools, bicycles and walking;

13.2.2) maintain the region's air quality (see Objective 8: Air Quality); and

13.2.3) reduce negative impacts on parks, public open space, wetlands, and negative effects on communities and neighborhoods arising from noise, visual

impacts, and physical segmentation.

13.3 Transportation Balance - Although the predominant form of transportation is the private automobile, planning for and development of the regional transportation system should seek to:

13.3.1) reduce automobile dependency, especially the use of single-occupancy vehicles;

13.3.2) increase the use of transit through both expanding transit service and addressing a broad range of requirements for making transit competitive with the private automobile; and

13.3.3) encourage bicycle and pedestrian movement through the location and design of land uses.

Planning Activities:

- 1)** Build on existing mechanisms for coordinating transportation planning in the region by:
 - identifying the role for local transportation system improvements and relationship between local, regional, and state transportation system improvements in regional transportation plans;
 - clarifying institutional roles, especially for plan implementation, in local, regional, and state transportation plans; and
 - including plans and policies for the inter-regional movement of people and goods by rail, ship, barge, and air in regional transportation plans.
- 2)** Structural barriers to mobility for transportation disadvantaged populations should be assessed in the current and planned regional transportation system and addressed through a comprehensive program of transportation and non-transportation system based actions.
- 3)** The needs for movement of goods via trucks, rail, and barge should be assessed and addressed through a coordinated program of transportation system improvements and actions to affect the location of trip generating activities.
- 4)** Transportation-related guidelines and standards for designating mixed use urban centers shall be developed.

OBJECTIVE 14. ECONOMIC OPPORTUNITY

Public policy should encourage the development of a diverse and sufficient supply of jobs, especially family wage jobs, in appropriate locations throughout the region. Expansions of the urban growth boundary for industrial or commercial purposes shall occur in locations consistent with these regional urban growth goals and objectives.

Planning Activities:

- 1) Regional and subregional economic opportunities analyses, as described in OAR 660 Division 9, should be conducted to:
 - assess the adequacy and, if necessary, propose modifications to the supply of vacant and redevelopable land inventories designated for a broad range of employment activities;
 - identify regional and subregional target industries. Economic subregions will be developed which reflect a functional relationship between locational characteristics and the locational requirements of target industries. Enterprises identified for recruitment, retention, and expansion should be basic industries that broaden and diversify the region's economic base while providing jobs that pay at family wage levels or better; and
 - link job development efforts with an active and comprehensive program of training and education to improve the overall quality of the region's labor force. In particular, new strategies to provide labor training and education should focus on the needs of economically disadvantaged, minority, and elderly populations.
- 2) An assessment should be made of the potential for redevelopment and/or intensification of use of existing commercial and industrial land resources in the region.

II.3: GROWTH MANAGEMENT

The management of the urban land supply shall occur in a manner which encourages:

- II.3.i) the evolution of an efficient urban growth form which reduces sprawl;
- II.3.ii) a clear distinction between urban and rural lands; and
- II.3.iii) recognition of the inter-relationship between development of vacant land and redevelopment objectives in all parts of the urban region.

OBJECTIVE 15. URBAN/RURAL TRANSITION

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

15.1 Boundary Features - The Metro urban growth boundary should be located using natural and built features, including roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

15.2 Sense of Place - Historic, cultural, topographic, and biological features of the regional landscape which contribute significantly to this region's identity and "sense of place", shall be identified. Management of the total urban land supply should occur in a manner that supports the preservation of those features, when designated, as growth occurs.

15.3 Urban Reserves - Thirty-year "urban reserves", adopted for purposes of coordinating planning and estimating areas for future urban expansion, should be identified consistent with these goals and objectives, and reviewed by Metro every 15 years.

15.3.1 Establishment of urban reserves will take into account:

15.3.1.a) The efficiency with which the proposed reserve can be provided with urban services in the future;

15.3.1.b) The unique land needs of specific urban activities assessed from a regional perspective;

15.3.1.c) The provision of green spaces between communities;

15.3.1.d) The efficiencies with which the proposed reserve can be urbanized;

15.3.1.e) The proximity of jobs and housing to each other;

15.3.1.f) The balance of growth opportunities throughout the region so that the costs and benefits can be shared;

15.3.1.g) The impact on the regional transportation system; and

15.3.1.h) The protection of farm and forest resource lands from urbanization.

Inclusion of land in an urban reserve shall be preceded by consideration of all of the above factors.

15.3.2 In addressing 15.3.1(h), the following hierarchy should be used for identifying priority sites for urban reserves:

15.3.2.a) First, propose such reserves on rural lands excepted from Statewide Planning goals 3 and 4 in adopted and acknowledged county comprehensive plans. This recognizes that small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be necessary for inclusion in the proposal to improve the efficiency of the future urban growth boundary amendment.

15.3.2.b) Second, consider secondary forest resource lands, or equivalent, as defined by the state.

15.3.2.c) Third, consider secondary agricultural resource lands, or equivalent, as defined by the state.

15.3.2.d) Fourth, consider primary forest resource lands, or equivalent, as defined by the state.

15.3.2.e) Finally, when all other options are exhausted, consider primary agricultural lands, or equivalent, as defined by the state.

15.3.3 Expansion of the urban growth boundary shall occur consistent with Objectives 16 and 17. Where urban land is adjacent to rural lands outside of an urban reserve, Metro will work with affected cities and counties to ensure that urban uses do not significantly affect the use or condition of the rural land. Where urban land is adjacent to lands within an urban reserve that may someday be included within the urban growth boundary, Metro will work with affected cities and counties to ensure that rural development does not create obstacles to efficient urbanization in the future.

Planning Activities:

- 1) Identification of urban reserves adjacent to the urban growth boundary shall be accompanied by the development of a generalized future land use plan. The planning effort will primarily be concerned with identifying and protecting future open space resources and the development of short-term strategies needed to preserve future urbanization potential. Ultimate providers of urban services within those areas should be designated and charged with incorporating the reserve area(s) in their public facility plans in conjunction with the next periodic review. Changes in the location of the urban growth

boundary should occur so as to ensure that plans exist for key public facilities and services.

- 2) The prospect of creating transportation and other links between the urban economy within the Metro Urban Growth Boundary and other urban areas in the state should be investigated as a means for better utilizing Oregon's urban land and human resources.
- 3) The use of greenbelts for creating a clear distinction between urban and rural lands, and for creating linkages between communities, should be explored.
- 4) The region, working with the state and other urban communities in the northern Willamette Valley, should evaluate the opportunities for accommodating forecasted urban growth in urban areas outside of and not adjacent to the present urban growth boundary.

OBJECTIVE 16. DEVELOPED URBAN LAND

Opportunities for and obstacles to the continued development and redevelopment of existing urban land shall be identified and actively addressed. A combination of regulations and incentives shall be employed to ensure that the prospect of living, working, and doing business in those locations remains attractive to a wide range of households and employers.

16.1 Redevelopment & Infill - The potential for redevelopment and infill on existing urban land will be included as an element when calculating the buildable land supply in the region, where it can be demonstrated that the infill and redevelopment can be reasonably expected to occur during the next 20 years. When Metro examines whether additional urban land is needed within the urban growth boundary, it shall assess redevelopment and infill potential in the region.

Metro will work with jurisdictions in the region to determine the extent to which redevelopment and infill can be relied on to meet the identified need for additional urban land. After this analysis and review, Metro will initiate an amendment of the urban growth boundary to meet that portion of the identified need for land not met through commitments for redevelopment and infill.

16.2 Portland Central City - The Central City area of Portland is an area of regional and state significance for commercial, economic, cultural, tourism, government, and transportation functions. State and regional policy and public investment should continue to recognize this special significance.

16.3 Mixed Use Urban Centers - The region shall evaluate and designate mixed use urban centers. A "mixed use urban center" is a mixed use node of relatively high

density, supportive of non-auto based transportation modes, and supported by sufficient public facilities and services, parks, open space, and other urban amenities. Upon identification of mixed use urban centers, state, regional, and local policy and investment shall be coordinated to achieve development objectives for those places. Minimum targets for transit:highway mode split, jobs:housing balance, and minimum housing density may be associated with those public investments.

New mixed use urban centers shall be sited with respect to a system of such centers in the region, and shall not significantly affect regional goals for existing centers, the transportation system, and other public services and facilities.

Planning Activities:

- 1) Metro's assessment of redevelopment and infill potential in the region shall include but not be limited to:
 - a) An inventory of parcels where the assessed value of improvements is less than the assessed value of the land.
 - b) An analysis of the difference between comprehensive plan development densities and actual development densities for all parcels as a first step towards determining the efficiency with which urban land is being used. In this case, efficiency is a function of land development densities incorporated in local comprehensive plans.
 - c) An assessment of the impacts on the cost of housing of redevelopment versus expansion of the urban growth boundary.
 - d) An assessment of the impediments to redevelopment and infill posed by existing urban land uses or conditions.
- 2) Financial incentives to encourage redevelopment and infill consistent with adopted and acknowledged comprehensive plans should be pursued to make redevelopment and infill attractive alternatives to raw land conversion for investors and buyers.
- 3) Cities and their neighborhoods should be recognized as the focal points for this region's urban diversity. Actions should be identified to reinforce the role of existing downtowns in maintaining the strength of urban communities.
- 4) Tools will be developed to address regional economic equity issues stemming from the fact that not all jurisdictions will serve as a site for an economic activity center. Such tools may include off-site linkage programs to meet housing or other needs or a program of fiscal tax equity.

- 5) Criteria shall be developed to guide the potential designation of mixed use urban centers. The development and application of such criteria will address the specific area to be included in the center, the type and amount of uses it is to eventually contain, the steps to be taken to encourage public and private investment. Existing and possible future mixed use urban centers will be evaluated as to their current functions, potentials, and need for future public and private investment. Strategies to meet the needs of the individual centers will be developed. The implications of both limiting and not limiting the location of large scale office and retail development in mixed use urban centers shall be evaluated.

OBJECTIVE 17. URBAN GROWTH BOUNDARY

The regional urban growth boundary, a long-term planning tool, shall separate urbanizable from rural land, be based in aggregate on the region's 20-year projected need for urban land, and be located consistent with statewide planning goals and these Regional Urban Growth Goals and Objectives. In the location, amendment, and management of the regional urban growth boundary, Metro shall seek to improve the functional value of the boundary.

17.1 Expansion into Urban Reserves - Upon demonstrating a need for additional urban land, major and legislative urban growth boundary amendments shall only occur within urban reserves unless it can be demonstrated that Statewide Planning Goal 14 cannot be met for the urban region through use of urban reserve lands.

17.2 Urban Growth Boundary Amendment Process - Criteria for amending the urban growth boundary shall be derived from statewide planning goals 2 and 14 and relevant portions of the Regional Urban Growth Goals and Objectives.

17.2.1) Major Amendments - Proposals for major amendment of the UGB shall be made primarily through a legislative process in conjunction with the development and adoption of regional forecasts for population and employment growth. The amendment process will be initiated by a Metro finding of need, and involve local governments, special districts, citizens, and other interests.

17.2.2) Locational Adjustments - Locational adjustments of the UGB shall be brought to Metro by cities, counties, and/or property owners based on public facility plans in adopted and acknowledged comprehensive plans.

OBJECTIVE 18. URBAN DESIGN

The identity and functioning of communities in the region shall be supported through:

18.i) the recognition and protection of critical open space features in the region;

18.ii) public policies which encourage diversity and excellence in the design and development of settlement patterns, landscapes, and structures; and

18.iii) ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern which:

18.iii.a) is pedestrian "friendly" and reduces auto dependence;

18.iii.b) encourages transit use;

18.iii.c) reinforces nodal, mixed use, neighborhood oriented design;

18.iii.d) includes concentrated, high density, mixed use urban centers developed in relation to the region's transit system; and

18.iii.e) is responsive to needs for privacy, community, and personal safety in an urban setting.

18.1 Pedestrian and transit supportive building patterns will be encouraged in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction.

Planning Activities:

- 1) A regional landscape analysis shall be undertaken to inventory and analyze the relationship between the built and natural environments and to identify key open space, topographic, natural resource, cultural, and architectural features which should be protected or provided as urban growth occurs.
- 2) Model guidelines and standards shall be developed which expand the range of tools available to jurisdictions for accommodating change in ways compatible with neighborhoods and communities while addressing this objective.
- 3) Light rail transit stops, bus stops, transit routes, and transit centers leading to and within mixed use urban centers shall be planned to encourage pedestrian use and the creation of mixed use, high density residential development.

GLOSSARY

Areas and Activities of Metropolitan Significance. A program, area or activity, having significant impact upon the orderly and responsible development of the metropolitan area that can benefit from a coordinated multi-jurisdictional response under ORS 268.390.

Beneficial Use Standards. Under Oregon law, specific uses of water within a drainage basin deemed to be important to the ecology of that basin as well as to the needs of local communities are designated as "beneficial uses". Hence, "beneficial use standards" are adopted to preserve water quality or quantity necessary to sustain the identified beneficial uses.

Economic Opportunities Analysis. An "economic opportunities analysis" is a strategic assessment of the likely trends for growth of local economies in the state consistent with OAR 660-09-015. Such an analysis is critical for economic planning and for ensuring that the land supply in an urban area will meet long-term employment growth needs.

Exception. An "exception" is taken for land when either commitments for use, current uses, or other reasons make it impossible to meet the requirements of one or a number of the statewide planning goals. Hence, lands "excepted" from statewide planning goals 3 (Agricultural Lands) and 4 (Forest Lands) have been determined to be unable to comply with the strict resource protection requirements of those goals, and are thereby able to be used for other than rural resource production purposes. Lands not excepted from statewide planning goals 3 and 4 are to be used for agricultural or forest product purposes, and other, adjacent uses must support their continued resource productivity.

Family Wage Job. A permanent job with an annual income greater than or equal to the average annual covered wage in the region. The most current average annual covered wage information from the Oregon Employment Division shall be used to determine the family wage job rate for the region or for counties within the region.

Fiscal Tax Equity. The process by which inter-jurisdictional fiscal disparities can be addressed through a partial redistribution of the revenue gained from economic wealth, particularly the increment gained through economic growth.

Functional Plan. A limited purpose multi-jurisdictional plan for an area or activity having significant district-wide impact upon the orderly and responsible development of the metropolitan area that serves as a guideline for local comprehensive plans consistent with ORS 268.390.

Housing Affordability. The availability of housing such that no more than 30% (an index derived from federal, state, and local housing agencies) of the monthly income of the household need be spent on shelter.

Infill. New development on a parcel or parcels of less than one contiguous acre located within the urban growth boundary.

Infrastructure. Roads, water systems, sewage systems, systems for stormdrainage, bridges, and other facilities developed to support the functioning of the developed portions of the environment.

Key or Critical Public Facilities and Services. Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including transportation, water supply, sewage, parks, and solid waste disposal.

Local Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a city or county that inter-relates all functional and natural systems and activities related to the use of land, consistent with state law.

Metropolitan Housing Rule. A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro Urban Growth Boundary. This rule establishes minimum overall net residential densities for all cities and counties within the urban growth boundary, and specifies that 50% of the land set aside for new residential development be zoned for multifamily housing.

Mixed Use Urban Center. A "mixed use urban center" is a designated location for a mix of relatively high density office space, commercial activity, residential uses, and supporting public facilities and services, parks and public places. There will be a limited number of these centers designated in the region, and they will be characterized by design elements which work to minimize the need to make trips by automobile either to or within a center. State, regional, and local policy and investment will be coordinated to achieve development and functional objectives for these centers.

State Implementation Plan. A plan for ensuring that all parts of Oregon remain in compliance with Federal air quality standards.

Urban Form. The net result of efforts to preserve environmental quality, coordinate the development of jobs, housing, and public services and facilities, and inter-relate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another. Urban form, therefore, describes an overall framework within which regional urban growth management can occur. Clearly stating objectives for urban form, and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.

Urban Growth Boundary. A boundary which identifies urban and urbanizable lands needed during the 20-year planning period to be planned and serviced to support urban development

densities, and which separates urban and urbanizable lands from rural lands.

Urban Reserve. An area adjacent to the present urban growth boundary defined to be a priority location for any future urban growth boundary amendments when needed. Urban reserves are intended to provide cities, counties, other service providers, and both urban and rural land owners with a greater degree of certainty regarding future regional urban form. Whereas the urban growth boundary describes an area needed to accommodate the urban growth forecasted over a twenty year period, the urban reserves estimate the area capable of accommodating the growth expected for an additional 30 years.

Regional Policy Advisory Committee By-Laws

August 1, 1991

Article I

This committee shall be known as the REGIONAL POLICY ADVISORY COMMITTEE (RPAC).

Article II MISSION AND PURPOSE

Section 1. It is the mission of RPAC to advise and recommend actions to the Metro Council as it creates and implements a participatory regional planning partnership to address areas and activities of metropolitan significance.

Section 2. The purposes of RPAC are as follows:

a. To provide advice and recommendations for the development and review of Metro's regional planning activities, including implementation of the Regional Urban Growth Goals and Objectives, development of new functional plans, and periodic review of the region's urban growth boundary.

b. To create a forum for identifying and discussing areas and activities of metropolitan significance.

c. To involve all cities, counties, and other interests in the development and implementation of growth management strategies.

d. To coordinate its activities with the Joint Policy Advisory Committee on Transportation (JPACT) so that regional transportation planning is linked and consistent with regional growth management efforts.

e. To review and comment, as needed, on the regional land use and growth management issues affecting or affected by local comprehensive plans or plans of state and regional agencies. RPAC is not intended to routinely review land use decisions or plan amendments in the region.

f. To discuss and make recommendations on land use and growth management issues of regional or subregional significance.

g. To establish a coordinating link with Vancouver and Clark County, Washington, and other parts of the state of Oregon to address land use and growth management issues of common interest.

**Article III.
COMMITTEE MEMBERSHIP**

Section 1. Membership

a. The Committee will be made up of representatives of the following:

Multnomah County Commission	1
Citizens of Multnomah County	1
Largest City in Multnomah County (excluding Portland)	1
Cities in Multnomah County	1
 City of Portland	 2
 Clackamas County Commission	 1
Citizens of Clackamas County	1
Largest City in Clackamas County	1
Cities in Clackamas County	1
 Washington County Commission	 1
Citizens of Washington County	1
Largest City in Washington County	1
Cities in Washington County	1
 Metro Council	 2
 State Agency Council	 1
 TOTAL	 17

b. Members from jurisdictions shall be elected officials.

c. Alternates shall be appointed to serve in the absence of the regular members.

d. Members and alternates shall be capable of representing the policy interests of their jurisdiction, agency, or constituency at all meetings of the Committee.

Section 2. Appointment of Members and Alternates

a. Members and alternates from the City of Portland, the Counties of Multnomah,

Clackamas, and Washington, and the largest cities of Multnomah, Clackamas, and Washington counties, excluding Portland, shall be appointed by the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction.

b. Members and alternates from the cities of Multnomah, Clackamas, and Washington counties, excluding Portland and the remaining largest city from each county, will be appointed by those cities represented and in a manner to be determined by those cities. The member and alternate will be from different jurisdictions. The member and alternate will serve two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office.

c. Members and alternates from the Metropolitan Service District will be appointed by the Presiding Officer of the Metro Council and will represent a broad cross-section of geographic areas. The members and alternates will serve until removed by the Presiding Officer of the Metro Council.

d. Members and alternates representing citizens will be appointed using the following process:

- 1) Metro will advertise citizen openings on the Committee throughout the region, utilizing, at a minimum, recognized neighborhood associations and citizen planning organizations. Interested citizens will be asked to submit an application/statement of interest on forms provided by Metro.

- 2) Metro will collect the applications and sort them by county.

- 3) The members of RPAC from within each county will caucus by county, with Portland included in Multnomah County, to review the applications and select a citizen member and alternate from each county from that pool of applicants.

- 4) Citizen members and alternates will serve two-year terms. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

e. Members and alternates from the State Agency Council will be chosen by the Chairperson of that body. The member and alternate will serve until removed by the Chairperson.

f. Members and alternates from the Special Districts Association will be chosen by the Association from its metropolitan area members. The member and alternate will serve until removed by the Association.

Article IV.
MEETINGS, CONDUCT OF MEETINGS, AND QUORUM

- a. Regular meetings of the Committee shall be held monthly at a time and place established by the Chairperson. Special or emergency meetings may be called by the Chairperson or a majority of the members of the Committee.
- b. A majority of the members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the Committee.
- c. Subcommittees to develop recommendations for RPAC may be appointed by the Chairperson. The Chairperson will consult with the full membership of the Committee at a regularly scheduled meeting on subcommittee membership and charge. Subcommittee members shall include RPAC members and/or alternates, and can include outside experts.
- d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.
- e. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.
- f. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chairperson to notify the appointing body with a request for remedial action.
- g. The Committee shall make its reports and findings public and shall forward them to the Metro Council.
- h. Metro shall provide staff, as necessary, to record the actions of the Committee and to handle Committee business, correspondence, and public information.

Article V.
OFFICERS AND DUTIES

- a. The Chairperson and Vice-Chairperson shall be designated by the Metro Presiding Officer.
- b. The Chairperson shall preside at all meetings, and shall be responsible for the expeditious conduct of the Committee's business.
- c. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties of the Chairperson.

Article VI.
TECHNICAL ADVISORY COMMITTEES

- a. The Committee shall solicit and take into consideration the alternatives and recommendations of the appropriate technical advisory committees in the conduct of its business.
- b. Existing technical advisory committees for solid waste, urban growth management, water resources, and natural areas will be continued to advise on their respective subject areas.
- c. The Metro Council or the Committee can appoint special technical advisory committees as the Council or Committee determine a need for such bodies.

Article VII.
AMENDMENTS

- a. These by-laws may be amended by a two-thirds vote of the full membership of the Committee and a majority vote of the Metro Council.
- b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend the by-laws.

Article VIII.
SUNSET

- a. These by-laws shall be deemed null and void three (3) years from the date of their adoption by the Metro Council.
- b. Prior to adopting new by-laws for RPAC, the Metro Council, in consultation with the Committee shall evaluate the adequacy of the membership structure included in these by-laws for representing the diversity of views in the region.

LAND SUPPLY FINDINGS

LAND SUPPLY FINDINGS

INTRODUCTION

This summary compares the estimates for population, housing, employment, and land consumption made for the area within the UGB at the time the UGB was acknowledged, with estimates based on the most recent Regional Forecast of population and employment completed in late 1988. In addition to presenting projections for the year 2000, projections for the year 2010 are also presented for comparison purposes. This information will be used to respond to Metro's Periodic Review Notice for the UGB which asks, in part, whether any unforeseen change in the demand for urban land within the UGB would lead Metro to reassess the adequacy of that boundary.

Based on the analysis that follows, it appears that the region has an adequate supply of urban land to meet the needs of the urban population through the year 2010. Projections for year 2000 population developed as the basis for the UGB in 1980 now appear to be higher than will actually occur and land development is taking place and is projected to take place at higher than expected densities, thereby decreasing the demand for urban land. This is partially offset by a marked decrease in the number of persons constituting a household, a trend observed nationwide, but not enough to result in an increase in total demand for urban land.

Residential development occurring at higher than expected densities, coupled with aggregate expectations for housing densities, suggests that the region is well on its way to meeting the density requirements of the Metro Housing Rule, and therefore presumably offering a range of housing opportunities to urban residents. Further analysis of building permit data will be needed to confirm this observation.

The analysis of land consumption indicates that vacant buildable land in excess of the needs of the urban populations expected to be present in the region at the year 2000 is still likely to be in place. When updated land density factors are taken into account, it appears that the region will, in fact, have at least as much as was expected if not considerably more. However, the actual characteristics of that urban land supply, and its actual ability to meet the forecasted demand will undoubtedly be a topic of some discussion in the months ahead.

Nonetheless, from the standpoint of meeting the urban land needs of the region, we can conclude that the comprehensive plans of the local jurisdictions coupled with the total number of acres within the UGB can in aggregate meet those needs. As Metro proceeds with the development of the Regional Land Information System (RLIS), it will be better able to link information about land supply with forecasted growth in population and employment.

Finally, it is important to recognize that there is some degree of net growth in the population residing outside of the UGB in the 3-county area. While some of that population growth is occurring within other incorporated urban areas outside of the Metro UGB, there is clearly an increase in the number of households living in rural, unincorporated settings surrounding the UGB. When the UGB was acknowledged in 1980, it was assumed that there would be no net growth in the rural residential population outside of the UGB. Although it now appears that this assumption was erroneous, the true meaning and magnitude of this new rural activity, and its potential affect on the urban region, have yet to be determined.

1) POPULATION

The estimate for 1987 3-county and UGB population was made using data from the Regional Forecast, dated November, 1988. Two estimates of UGB population were made. The first used whole census tracts located within the UGB plus uz's from split census tracts located inside the UGB. The second UGB estimate used county districts 1 - 16, an area which approximates the UGB but which crosses the line in a number of places. The following results were obtained:

<u>ct's + uz's</u>	<u>1987</u>	<u>1995</u>	<u>2010</u>
UGB pop	958,054	1,074,216	1,249,947
3-county pop	1,094,730	1,230,344	1,436,361
 <u>16 county dists</u>	 <u>1987</u>	 <u>1995</u>	 <u>2010</u>
UGB pop	990,027	1,111,360	1,299,308
3-county pop	1,094,730	1,230,344	1,436,361
 % difference between methods	 3.3%	 3.5%	 3.9%

Due to the minimal difference in estimated and projected population yielded by the two methods, and because of the ease of use of the data presented in the county district format, the estimates and projections based on the 16 county districts will form the basis for comparison with the 1980 UGB findings. This will have the effect of slightly overestimating population and therefore the demand for urban land to meet residential and employment land needs. However, this slight increase in demand should not be significant on a regional basis. Since a projection of year 2000 population was not made in the recently adopted Regional Forecast, a year 2000 projection was made by linearly extrapolating between the 1995 and 2010 projections.

Year 2000 Projections

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
3 counties	1,361,850	1,298,329	1,436,361
source: Jan. '80 from Metro UGB findings. Nov. '88 from extrapolation between 1988 projections for 1995 and 2010 found in Regional Forecast, dated November, 1988. 2010 from Regional Forecast, dated November, 1988.			
UGB	1,227,844	1,173,382	1,299,308
source: '80 from UGB findings. Nov. '88 from extrapolation between 1988 projections for 1995 and 2010 for county districts 1-16, found in Regional Forecast dated November, 1988. 2010 from Regional Forecast, dated November, 1988.			

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
% in UGB	92%	90%	90%

source: Derived by dividing projected UGB population by total population for 3 counties.

2) HOUSING

Housing forecast data was derived from the Regional Forecast, dated November, 1988. Overall land supply data is based on local comprehensive plans and Metro's regional land inventory, first developed in 1977 and updated annually using building permit data. Estimates of housing density were made based on local comprehensive plans. Estimates of housing demand were based on projected household size coupled with population growth forecasts. Housing demand for both multifamily and single family dwellings was geographically distributed to the 16 county districts in the growth allocation process accompanying the Regional Forecast, and done in consultation with local planners from throughout the region.

Year 2000 Projections

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
persons/hshld	2.5	2.39	2.3
source: '80 from UGB findings. Nov. '88 from interpolation between estimate of 2.52 persons per household in 1986 and forecast of 2.3 persons per household in 2010 from Regional Forecast dated November, 1988. 2010 from Regional Forecast, dated November, 1988.			
total hshlds	491,138	490,955	564,917
source: Derived by dividing UGB population by figure for persons/household.			
SF vac. rate	2.5%		
MF vac. rate	7 %		
source: '80 from UGB findings. '88 and 2010 from Regional Forecast dated November, 1988.			
SF DU's	329,239	341,705	385,847
MF DU's	185,062	184,262	211,347
% SF:MF	64:36	65:35	65:35
source: '80 from UGB findings. '88 from interpolation between projections for 1995 and 2010 in Regional Forecast, dated November, 1988. 2010 from Regional Forecast, dated November, 1988.			
SF DU/Acre	4.4	n/a	5.47
source: '80 from UGB findings. '88 not calculated due to undocumented market assumptions needed to chart activity between 1995 and 2010. 2010 derived by calculating total land consumed by existing and new development and dividing that number into total SF units expected in 2010. Note that at build-out in the 16 county districts, based on comprehensive plans, a density of 5.49 SF DU /A is expected.			

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
SF DU/A new	4.04	n/a	5.41

source: '80 from UGB findings. '88 not calculated due to undocumented market assumptions needed to chart activity between 1995 and 2010. 2010 derived by dividing units constructed between 1987 and 2010 by number of acres consumed for this use in districts 1-16.

Year 2000 Projections

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
MF DU/Acre	17	n/a	17.82

source: same as for SF DU/Acre, above. Note that at build-out in the 16 county districts, based on comprehensive plans, a density of 17.33 MF DU/A is expected.

MF DU/A new	13.26	n/a	17.84
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source: same as for SF DU/A new, above.

Net Density	6 DU/A	n/a	7.25
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source: '80 from UGB findings. '88 not calculated due to lack of data. 2010 calculated by dividing SF+MF total projected for 2010 by total number of acres expected to be used for these purposes. Note that at build-out, based on local comprehensive plans, net housing density within the UGB is expected to be 7.53 DU/A.

% SF:MF permits 49.2:50.8

source: '80 from UGB findings. For comparison, actual data from 1980-1988 on record at Metro is

3) EMPLOYMENT

Employment data below is for total covered employment (excluding government, agriculture, and self-employed). Employment density data is based on an analysis of economic trends and the experience of similar urban regions.

Year 2000 Projections

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
UGB emp.	561,984	508,264	588,801

source: '80 from UGB findings. '88 and 2010 from projections for total employment minus government, agriculture, and self-employed in Regional Forecast, November, 1988.

EMP Density 19.2 E/A n/a 27.95

source: '80 from UGB findings. '88 not calculated due to undocumented market-driven assumptions needed to chart activity between 1995 and 2010. 2010 derived by determining percent of total employment in 2010 present in 1987, multiplying that percent times the density in 1987, and adding that number to the product of the percent of total jobs in 2010 added between 1987 and 2010 times the density at which that employment is expected to be created. Note that at build-out, based on local comprehensive plans and the Regional Forecast, dated November, 1988, employment density within the UGB is expected to be 24.12 E/A.

4) LAND CONSUMPTION

Land Consumption - Calculations of land consumption were made by dividing total number of units for employment and housing by their respective densities. Public/semi-public land consumption was calculated using the same assumption as used in the original UGB findings of 60% of the total land consumed for SF and MF housing and for employment. Total land in 1980 comes from the original UGB findings, as does total buildable land in 1980. Total land in the 1988 forecast is based on totals calculated in 1980 plus the 2515 net acres that have been added through 1989, where each of the 2515 additional acres is assumed to be buildable as well.

Two sets of numbers have been calculated for the 1988 forecast of urban land consumption in the year 2000 and for the forecast of urban land consumption in 2010. The first set of numbers uses the density assumptions used in the original 1980 UGB findings. The second set of numbers uses the density assumptions derived from the Regional Forecast, dated November, 1988, for the year 2010 and presented above. All figures in the chart, below, are presented in acres.

	UGB FINDINGS <u>1980</u>	'88 - 2000 <u>(1980)</u>	'88 - 2000 <u>(2010)</u>	2010 <u>(1980)</u>	2010 <u>(2010)</u>
SF	74,827	77,660	62,469	87,692	70,539
MF	10,886	10,839	10,340	12,432	11,860
EMP	29,270	26,472	18,185	30,667	21,066
PUB/SEMI- PUB	68,990	68,983	54,596	78,475	62,079
TOTAL	183,973	183,954	145,590	209,266	165,544
TOTAL UGB SUPPLY	220,920	223,435	223,435	214,640	214,640
BUILDABLE ACRES	212,125	214,640	214,640	214,640	214,640
NET BUILDABLE ACRES LEFT	28,152	30,686	69,050	5,374	49,096

UGB AMENDMENT PROCEDURES

UGB AMENDMENT PROCEDURES

The procedures propose three types of UGB amendments:

- a) **Legislative Amendments** - Legislative amendments would be proposed by Metro upon its determination that a need exists for additional urban land. Legislative amendments would be proposed, if necessary, in conjunction with Metro's ongoing population and employment forecasting, now occurring on every five years. Consistent with RUGGO, Objective 17, the procedures envision the majority of future amendments occurring through this legislative amendment process.
- b) **Major Amendments** - Major amendments are for proposals in excess of 20 acres. In this case, the proposed amendment would be brought to Metro by a private party, outside of the legislative amendment process. In this case, the Metro Council would act in its quasi-judicial rather than legislative capacity. Major amendments, today and in the future, will be tough to do, since the proponent will have to show a need for additional urban land through means other than provided by the Metro forecasts. Nonetheless, the major amendment process is included in the event that an unforeseen need presents itself between Metro forecasts.
- c) **Locational Adjustments** - Locational adjustments are for proposals of 20 acres or less which "fine tune" the precise location of the UGB, so that planned urban development can be facilitated primarily through increased service efficiency. This process is predicated on the notion that a large UGB, like the one we have, identified for purposes of long-term planning, may not be located precisely at the time it is adopted. This process is identical to the one now used by Metro, and acknowledged by LCDC, with the exception that the maximum amendment size is decreased from 50 acres to 20 acres. The decrease in amendment size is consistent with Metro's experience with this process since its adoption in 1981. In addition, there is a new section added for "natural area amendments", and a new section which proposes administrative amendments for purposes of road improvements when the UGB is found in the center of an existing right-of-way.

For each of the three types of amendments outlined above, the procedures include criteria for amending the line consistent with RUGGO and Statewide Planning Goals 2 and 14. It is the intention of Metro staff and the UGMTAC that the procedures, to the extent possible, contain all criteria for addressing RUGGO and Goals 2 and 14, thereby presenting themselves as a "one stop" source for criteria for amendment. Nonetheless, especially for legislative and major amendments, other statewide planning goals may need to be addressed. However, the precise nature of the amendment will determine which, if any, are affected. Hence, the criteria for amendments also note that amendment proponents may have to address other applicable goals, since it is impossible to develop criteria which can speak to all possible UGB amendment characteristics.

The criteria are the major policy elements of the procedures, spelling out the meaning of Goals 2 and 14 and RUGGO when evaluating amendment proposals. In some cases, what is proposed here is documenting for the first time both State and Metro interpretation of elements of the Goals, particularly Goal 14. Among the issues that will require discussion and revision following additional planning work in the months ahead are:

a) Urban Reserves - RUGGO envisions amendments taking place only in urban reserves, unless urban reserve lands cannot meet identified and compelling needs for land with certain characteristics. Metro is just beginning the process of identifying urban reserves. In addition, the State will soon adopt its own urban reserve rule. The procedures are written in anticipation of urban reserves, but include a process for the interim as well.

b) Infill and Redevelopment Potential - RUGGO proposes that infill and redevelopment be more fundamentally considered when assessing the size of the urban land supply. The procedures proposed that land where the improvement value is no more than 5% of the land value be regarded as infillable/redevelopable. However, the procedures also include a process for local governments to propose more than this threshold minimum based on their own planning work. Metro is just beginning a study of infill and redevelopment potential in the region. The TAC discussed the 5% figure extensively, some arguing that it was too low, others arguing that it was not, today, possible to specify anything else with any certainty. The Metro study will, therefore, result in a systematic evaluation of the 5% figure, and RPAC should anticipate an amendment to this in the future.

In addition to the three types of amendments and the criteria for amendment, the procedures outline the process for application, notice, hearing, decision, and appeal. Again, these process elements are a combination of existing Metro code and required Statewide Planning rules.

On a final note, during the preparation of the procedures a considerable amount of time was spent discussing the concept of subregional amendments. The fundamental problems with subregional amendments are the extreme difficulty of identifying useful subregional boundaries, and the conflict that subregional amendments pose with the notion of a regional UGB, as prescribed by law. On the other hand, there may be reasons why amendments need to be made with respect to particular locations and without regard to similar lands in other parts of the region.

Recent court cases make it possible to entertain subregional issues through Goal 14, Factor 2, and this is reflected in the procedures. The TAC concluded that this was about as definitive a statement as could be made at this time, since the subregional amendment issue is really a statewide and not purely local issue. Subregional analysis is part of the forecasting and growth allocation process, so subregional land needs will emerge through the legislative amendment process, which is appropriate.

CHAPTER 3.01

URBAN GROWTH BOUNDARY AMENDMENT PROCEDURES

SECTIONS:

3.01.05	Purpose
3.01.10	Definitions
3.01.15	Legislative Amendment Procedures
3.01.20	Legislative Amendment Criteria
3.01.25	Major Amendment Procedures
3.01.30	Major Amendment Criteria
3.01.33	Applications for Major Amendments and Locational Adjustments
3.01.35	Locational Adjustment Procedures
3.01.37	Roadway Realignment - Administrative Adjustments
3.01.40	Metro Conditions of Approval
3.01.45	Fees
3.01.50	Hearing Notice Requirements
3.01.55	Public Hearing Before Hearings Officer
3.01.60	Exceptions to Hearing Officer Decision
3.01.65	Council Action on Quasi-Judicial Amendments
3.01.70	Final Action Notice Requirements
3.01.75	Boundary Line Location Interpretation
3.01.80	Chapter Regulation Review
3.01.85	Severability

3.01.05 Purpose

(a) This chapter is established to provide procedures to be used by the District in making amendments to the District Urban Growth Boundary (UGB) adopted pursuant to ORS 268.390(3) and 197.005 through 197.430. The chapter is intended to interpret all criteria and standards for boundary amendments pertaining to Statewide Planning goals 2 and 14, and the Regional Urban Growth Goals and Objectives. Unique circumstances associated with a proposed amendment may require consideration of Statewide Planning Goals other than Goals 2 and 14.

(b) The objectives of the Urban Growth Boundary are to:

- (1) provide sufficient urban land for accommodating the forecast 20 year urban land need, reevaluated at least every five years as set forth in sections 3.01.15-3.01.20;
- (2) provide for an efficient urban growth form which reduces sprawl;

1 (3) provide a clear distinction between urban and rural lands;

2
3 (4) encourage appropriate infill and redevelopment in all parts of the urban
4 region.

5
6 **3.01.10 Definitions**

7
8 (a) "Administrative Adjustment" means an addition of five (5) net acres or less to
9 the urban growth boundary to adjust the UGB where the current urban growth
10 boundary is coterminous with a transportation right-of-way that is changed by a
11 modification to the alignment of the transportation facility.

12
13 (b) "Council" has the same meaning as in Chapter 1.01.

14
15 (c) "Compatible", as used in this chapter, is not intended as an absolute term -
16 meaning no interference or adverse impacts of any type with adjacent uses. Any such
17 interference or adverse impacts must be balanced with the other criteria and
18 considerations cited.

19
20 (d) "District" has the same meaning as in Chapter 1.01.

21
22 (e) "Goals" means the statewide planning Goals adopted by the Oregon Land
23 Conservation and Development Commission at OAR 660-15-000.

24
25 (f) "Gross Developable Vacant Land" means the total buildable land area within the
26 UGB, as compiled by the District for the purpose of determining the need for changes
27 in the urban land supply. These lands can be shown to lack significant barriers to
28 development, including, but not limited to, all recorded lots on file with the county
29 assessors equal to or larger than either the minimum lot size of the zone in which the
30 lot is located or the minimum lot size which will be applied in an urban holding zone
31 which:

32
33 (1) are without any structures as corroborated through examination of the most
34 recent aerial photography at the time of inventory; or

35
36 (2) have no improvement value according to the most recent assessor records.

37
38 (g) "Gross Redevelopable Land" means the total area of redevelopable land and
39 infill parcels within the UGB including:

40
41 (1) that portion of all partially developed recorded lots, where one-half acre
42 or more of the land appears unimproved through examination of the most
43 recent aerial photography at the time of inventory; and
44

1 (2) All recorded lots on file with the county assessors, 20,000 square feet or
2 larger where the value of the improvement(s) is significantly less than the
3 value of the land, as established by the most recent assessor records at the
4 time of inventory. Standard measures to account for the capability of infill
5 and redevelopment properties will be developed by the District to provide a
6 means to define what is significant when comparing structure value and land
7 values;

8
9 - or -

10
11 When a city or county has more detailed or current gross redevelopable land
12 inventory data, for all or a part of their jurisdiction, it can request that the
13 District substitute that data for inclusion in the gross developable land
14 inventory.

15
16 (h) "Gross Developable Land" means the total of gross developable vacant land and
17 gross redevelopable land.

18
19 (i) "Legislative Amendment" means an amendment to the UGB initiated by the
20 District, which is not directed at a particular site-specific situation or relatively small
21 number of persons.

22
23 (j) "Locational Adjustment" means a limited change to the UGB which is either an
24 addition or deletion of 20 net acres or less.

25
26 (k) "Major Amendment" means a change of the UGB, more than twenty net acres,
27 pursuant to the criteria found in Section 3.01.030 of this chapter considered by quasi-
28 judicial procedures.

29
30 (l) "Natural Area" means an area exclusively or substantially without any human
31 development, structures, and paved areas which is wholly or substantially in a native
32 and unaffected state. Further, it shall be identified in a city, county or District open
33 space inventory or plan, prior to the initiation of an amendment.

34
35 (m) "Net Acre" for purposes of calculating the total land area within a proposal to
36 amend the urban growth boundary means an area measuring 43,560 square feet which
37 excludes:

38
39 (1) any developed road rights-of-way through or on the edge of which the
40 existing or proposed UGB would run; and

41
42 (2) environmentally constrained areas, including any open water areas,
43 floodplains, natural resource areas protected under statewide planning goal 5 in
44 the comprehensive plans of cities and counties in the region, slopes in excess

1 of 25 percent and wetlands requiring a Federal fill and removal permit under
2 Section 404 of the Clean Water Act. These excluded areas do not include
3 lands for which the local zoning code provides a density bonus or other
4 mechanism which allows the transfer of the allowable density or use to another
5 area or to development elsewhere on the same site; and,
6

7 (3) all publicly-owned land designated for park and open space uses.
8

9 (n) "Net Developable Land" means the total of net developable vacant land and net
10 redevelopable land.
11

12 (o) "Net Developable Vacant Land" means the amount of land remaining when gross
13 developable vacant land is multiplied by 0.6. The net amount is intended to
14 approximate the amount of land which is available for private development, once land
15 for roads, schools, parks, private utilities and other public facilities is discounted from
16 the gross acreage.
17

18 (p) "Net Redevelopable Land" means the amount of land remaining when gross
19 redevelopable land is multiplied by a factor, having a value of 0.6 to 1.0, that takes
20 into account that amount of the gross redevelopable land needed for the provision of
21 additional roads, schools, parks, private utilities and other public facilities. The
22 District shall determine the appropriate factor to be used for each jurisdiction in
23 consultation with the jurisdiction within which the specific redevelopable land is
24 located.
25

26 (q) "Nonurban Land" means land currently outside the most recently amended Urban
27 Growth Boundary.
28

29 (r) "Party" means any individual, agency, or organization who participates orally or
30 in writing in the creation of the record established at a public hearing.
31

32 (s) "Petition" means a petition to amend the UGB either as a major amendment or as
33 a locational adjustment.
34

35 (t) "Planning Period" means the period covered by the most recent officially adopted
36 District forecasts, which is approximately a 20 year period.
37

38 (u) "Property Owner" means a person who owns the primary legal or equitable
39 interest in the property.
40

41 (v) "Regional Forecast" means a 20 year forecast of employment and population by
42 specific areas within the region, which has been adopted by the District.
43

44 (w) "Site" means the subject property for which an amendment or locational

1 adjustment is being sought.

2
3 (x) "UGB" means the Urban Growth Boundary for the District pursuant to ORS
4 268.390 and 197.005 through 197.430.

5
6 (y) "Urban Land" means that land inside the UGB.

7
8 (z) "Urban Reserve" means an area adjacent to the present urban growth boundary
9 defined to be a priority location for any future urban growth boundary amendments
10 when needed. Urban reserves are intended to provide cities, counties, other service
11 providers, and both urban and rural land owners with a greater degree of certainty
12 regarding future regional urban growth form. Whereas the urban growth boundary
13 describes an area needed to accommodate the urban growth forecasted over a twenty
14 year period, the urban reserves estimate the area capable of accommodating the
15 growth expected for an additional 30 years.

16
17 (za) "Urban Facilities" means those public urban facilities for which state law allows
18 system development charges to be imposed including transportation, water supply and
19 treatment, sewage, parks and storm drainage facilities.

20
21 **3.01.15 Legislative Amendment Procedures**

22
23 (a) The process for determination of need and location of lands for amendment of the
24 urban growth boundary is provided in 3.01.20.

25
26 (b) Notice shall be provided as described in section 3.01.50.

27
28 (c) Metro shall consult with the appropriate city and/or county concerning
29 comprehensive plan changes that may be needed to implement a legislative amendment.

30
31 (d) Legislative amendment decisions shall be accompanied by findings explaining why
32 the UGB amendment complies with applicable statewide goals as interpreted by 3.01.20 and
33 subsequent appellate decisions.

34
35 (e) The following public hearings process shall be followed for Legislative
36 Amendments:

37
38 (1) The District Council shall refer a proposed amendment to the appropriate
39 Council committee at the first Council reading of the ordinance.

40
41 (2) The committee shall take public testimony at as many public hearings as
42 necessary. At the conclusion of public testimony, the committee shall
43 deliberate and make recommendations to the Council.
44

1 (3) The Council shall take public testimony at its second reading of the
2 ordinance, discuss the proposed amendment, and approve the ordinance with
3 or without revisions or conditions, or refer the proposed Legislative
4 Amendment to the Council committee for additional consideration.
5

6 (4) Testimony before the Council or the Committee shall be directed to Goal
7 14 and Goal 2 considerations interpreted at 3.01.20 of this chapter.
8

9 (5) When the Council acts to approve a Legislative Amendment including land
10 outside the District:
11

12 (A) Initial action shall be by resolution expressing intent to amend the
13 UGB if and when the affected property is annexed to the District within
14 six months of the date of adoption of the Resolution; or,
15

16 (B) The District may initiate a District boundary annexation concurrent
17 with a proposed Urban Growth Boundary amendment as provided by
18 ORS 198.705 through 198.955;
19

20 (C) The Council shall take final action, within thirty (30) calendar
21 days of notice from the Boundary Commission that annexation to the
22 District has been approved.
23

24 3.01.20 Legislative Amendment Process 25

26 (a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning
27 Goals and RUGGO. This section details a process which is intended to interpret Goals 2 and
28 14 for specific application to the District urban growth boundary. Compliance with this
29 section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional
30 Urban Growth Goals and Objectives.
31

32 (b) While all of the following Goal 14 factors must be addressed, the factors cannot
33 be evaluated without reference to each other. Rigid separation of the factors ignores obvious
34 overlaps between them. Demonstration of compliance with one factor or subfactor may not
35 constitute a sufficient showing of compliance with the goal, to the exclusion of the other
36 factors when making an overall determination of compliance or conflict with the goal. For
37 Legislative Amendments, if need has been addressed, the District would have to demonstrate
38 that the recommended site was better than alternative sites, balancing factors 3 through 7.
39

40 (1) Factor 1: Demonstrated need to accommodate long-range urban population
41 growth.
42

43 (A) The District shall develop 20 year Regional Forecasts of Population
44 and Employment, which shall include a forecast of net developable land

1 need, providing for review and comment by cities, counties, special
2 districts and other interested parties. After deliberation upon all relevant
3 facts the District shall adopt a forecast. This forecast shall be
4 completed at least every 5 years or at the time of periodic review,
5 whichever is sooner. Concurrent with the adoption of the District's
6 growth forecast, the District shall complete an inventory of net
7 developable land, providing the opportunity for review and comment by
8 all cities and counties in the District.
9

10 (B) The forecast and inventory, along with all other appropriate data
11 shall be considered by the District in determining the need for urban
12 developable land. The results of the inventory and forecast shall be
13 compared, and if the net developable land equals or is larger than the
14 need forecast, then the District Council shall hold a public hearing,
15 providing the opportunity for comment. The Council may conclude
16 that there is no need to move the UGB and set the date of the next 5
17 year review or may direct staff to address any issues or facts which are
18 raised at the public hearing.
19

20 (C) If the inventory of net developable land is less than the need
21 forecast, the District shall conduct a further analysis of the inventory to
22 determine whether any significant surplus of developable land in one or
23 more land use categories could be suitable to address the unmet
24 forecasted need. Council shall hold a public hearing prior to its
25 determination of whether any estimated deficit of net developable land
26 is sufficient to justify an analysis of locations for a legislative
27 amendment the urban growth boundary.
28

29 (D) For consideration of a legislative UGB amendment, the District
30 Council shall review an analysis of land outside the present urban
31 growth boundary to determine those areas best suited for expansion of
32 the urban growth boundary to meet the identified need.
33

34 (E) The District must find that the identified need cannot reasonably be
35 met within the UGB, consistent with the following considerations:
36

37 (i) That there is not a suitable site with an appropriate
38 comprehensive plan designation.

39 (ii) All net developable land with the appropriate plan
40 designation within the existing UGB shall be presumed to be
41 available for urban use during the planning period.

42 (iii) Market availability and level of parcelization shall not
43 render an alternative site unsuitable unless justified by findings
44 consistent with the following criteria:

1 (a) Land shall be presumed to be available for use at
2 some time during the planning period of the UGB unless
3 legal impediments, such as deed restrictions, make it
4 unavailable for the use in question.

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

18 (c) Properly designated land in more than one ownership
19 shall be considered suitable and available unless the
20 current pattern or level of parcelization makes land
21 assembly during the planning period unfeasible for the
22 use proposed.
23

24 (2) Factor 2: Need for housing, employment opportunities and livability may
25 be addressed under either subsection (A) or (B) or both, as described below.
26

27 (A) For a proposed amendment to the UGB based upon housing or
28 employment opportunities the District must demonstrate that a need
29 based upon an economic analysis can only be met through a change in
30 the location of the urban growth boundary. For housing, the proposed
31 amendment must meet an unmet need according to Statewide Planning
32 Goal 10 and its associated administrative rules. For employment
33 opportunities, the proposed amendment must meet an unmet long-term
34 need according to Statewide Planning Goal 9 and its associated
35 administrative rules. The amendment must consider adopted
36 comprehensive plan policies of jurisdictions adjacent to the site, when
37 identified by a jurisdiction and must be consistent with the District's
38 adopted policies on urban growth management, transportation, housing,
39 solid waste, and water quality management.
40

41 (B) To assert a need for a UGB amendment based on livability, the
42 District must:
43

44 (i) factually define the livability need, including its basis in

1 adopted local, regional, state, or federal policy;
2 (ii) factually demonstrate how the livability need can best be
3 remedied through a change in the location of the UGB;
4 (iii) identify both positive and negative aspects of the proposed
5 UGB amendment on both the livability need and on other
6 aspects of livability; and
7 (iv) demonstrate that, on balance, the net result of addressing
8 the livability need by amending the UGB will be positive.
9

10 (3) Factor 3: Orderly and economic provision of public facilities and services.
11 An evaluation of this factor shall be based upon the following:
12

13 (A) For the purposes of this section, economic provision shall mean the
14 lowest public cost provision of urban services. When comparing
15 alternative sites with regard to factor 3, the best site shall be that site
16 which has the lowest net increase in the total cost for provision of all
17 urban services. In addition, the comparison may show how the proposal
18 minimizes the cost burden to other areas outside the subject area
19 proposed to be brought into the boundary.
20

21 (B) For the purposes of this section, orderly shall mean the extension of
22 services from existing serviced areas to those areas which are
23 immediately adjacent and which are consistent with the manner of
24 service provision. For the provision of gravity sanitary sewers, this
25 could mean a higher rating for an area within an already served
26 drainage basin. For the provision of transit, this would mean a higher
27 rating for an area which could be served by the extension of an existing
28 route rather than an area which would require an entirely new route.
29

30 (4) Factor 4: Maximum efficiency of land uses within and on the fringe of the
31 existing urban area. An evaluation of this factor shall be based on at least the
32 following:
33

34 (A) The subject area can be developed with features of an efficient
35 urban growth form including residential and employment densities
36 capable of supporting transit service; residential and employment
37 development patterns capable of encouraging pedestrian, bicycle, and
38 transit use; and the ability to provide for a mix of land uses to meet the
39 needs of residents and employees. If it can be shown that the above
40 factors of compact form can be accommodated more readily in one area
41 than others, the area shall be more favorably considered.
42

43 (B) The proposed UGB amendment will facilitate achieving an efficient
44 urban growth form on adjacent urban land, consistent with local

comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

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

(A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

(B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

(C) The long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

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

(A) Prior to the designation of urban reserves, the following hierarchy shall be used for identifying priority sites for urban expansion to meet a demonstrated need for urban land:

(i) Expansion on rural lands excepted from Statewide Planning Goals 3 and 4 in adopted and acknowledged county comprehensive plans. Small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be included with them to improve the efficiency of the boundary amendment. The smallest amount of resource land necessary to achieve improved efficiency shall be included;

(ii) If there is not enough land as described in (i) above to meet demonstrated need, secondary or equivalent lands, as defined by

1 the state, should be considered;

2 (iii) If there is not enough land as described in either (i) or (ii)
3 above, to meet demonstrated need, secondary agricultural
4 resource lands, as defined by the state should be considered;

5 (iv) If there is not enough land as described in either (i), (ii) or
6 (ii) above, to meet demonstrated need, primary forest resource
7 lands, as defined by the state, should be considered;

8 (v) If there is not enough land as described in either (i), (ii),
9 (iii) or (iv) above, to meet demonstrated need, primary
10 agricultural lands, as defined by the state, may be considered.
11

12 (B) After urban reserves are designated and adopted, consideration of
13 factor 6 shall be considered satisfied if the proposed amendment is
14 wholly within an area designated as an urban reserve.
15

16 (C) After urban reserves are designated and adopted, a proposed
17 amendment for land not wholly within an urban reserve must also
18 demonstrate that the need cannot be satisfied within urban reserves.
19

20 (7) Factor 7: Compatibility of proposed urban development with nearby
21 agricultural activities.
22

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

25 (i) A description of the number, location and types of
26 agricultural activities occurring within 1 mile of the subject site;

27 (ii) An analysis of the potential impacts, if any, on nearby
28 agricultural activities taking place on lands designated for
29 agricultural use in the applicable adopted county or city
30 comprehensive plan, and mitigation efforts, if any impacts are
31 identified. Impacts to be considered shall include consideration
32 of land and water resources which may be critical to agricultural
33 activities, consideration of the impact on the farming practices
34 of urbanization of the subject land, as well as the impact on the
35 local agricultural economy.
36

37 (c) The requirements of Statewide Planning Goal 2 will be met by addressing all of
38 the requirements of section 3.01.20(b), above, and by factually demonstrating that:
39

40 (1) the land need identified cannot be reasonable accommodated within the
41 current urban growth boundary; and
42

43 (2) the proposed uses are compatible with other adjacent uses or will be so
44 rendered through measures designed to reduce adverse impacts; and

1 (3) the long-term environmental, economic, social and energy consequences
2 resulting from the use at the proposed site with measures designed to reduce
3 adverse impacts are not significantly more adverse than would typically result
4 from the same proposal being located in other areas than the proposed site and
5 requiring an exception.
6

7 (d) The proposed location for the urban growth boundary shall result in a clear
8 transition between urban and rural lands, using natural and built features, such as roads,
9 drainage divides, floodplains, powerlines, major topographic features, and historic patterns of
10 land use or settlement.
11

12 (e) Satisfaction of the requirements of section 3.01.20 (a) and (b) does not mean that
13 other Statewide Planning Goals do not need to be considered. If the proposed amendment
14 involves other Statewide Planning Goals, they shall be addressed.
15

16 (f) Section 3.01.20 (a), (b), (c) and (d) shall be considered to be consistent with and
17 in conformance with the Regional Urban Growth Goals and Objectives.
18

19 3.01.25 Major Amendment Procedures

20
21 (a) All major amendments shall be solely upon lands designated in Urban Reserves,
22 when designated unless the petition demonstrates by substantial evidence that the need cannot
23 be met within urban reserves. All major amendments shall demonstrate compliance with the
24 following:
25

26 (1) The criteria in section 3.01.30 of this code as well as the procedures in
27 OAR 660-18-000;
28

29 (2) Notice for public hearings for major amendments as described in section
30 3.01.50;
31

32 (3) Public hearings procedures as described in sections 3.01.55 through
33 3.01.65; and
34

35 (4) Final action on major amendments shall be taken as described in section
36 3.01.70.
37

38 3.01.30 Major Amendment Criteria

39
40 (a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning
41 Goals and RUGGO. This section is a detailed listing of criteria which are intended to
42 interpret and further define Goals 2 and 14 for specific application to the District urban
43 growth boundary. Compliance with the requirements of this section shall constitute
44 compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals

1 and Objectives.

2
3 (b) While all of the following Goal 14 factors must be addressed, the factors cannot
4 be evaluated without reference to each other. Rigid separation of the factors ignores obvious
5 overlaps between them. When demonstrating compliance with the seven factors, petitioners
6 shall not assume that demonstrating compliance with one factor or subfactor constitutes a
7 sufficient showing of compliance with the goal, and allows the exclusion of the other factors
8 when making an overall determination of compliance or conflict with the goal. For Major
9 Amendments, the petitioner shall address factors 1 through 7. If it can be demonstrated that
10 factors 1 and 2 can be met, factors 3 through 7 are intended to assist in the decision as to
11 which site is most appropriate for inclusion within the boundary through a balancing of
12 factors.

13
14 (1) Factor 1: Demonstrated need to accommodate long-range urban population
15 growth.

16
17 (A) Evidence in support of a major amendment petition to amend the
18 UGB shall be based on a demonstrated need to accommodate long-
19 range population growth requirements utilizing Metro's most recently
20 adopted Regional Forecast.

21
22 (B) Major amendment proposals shall demonstrate that the existing
23 supply of land for the subject use is less than the District's adopted 20
24 year forecast of need.

25
26 (C) Evidence shall be provided to demonstrate that the identified need
27 cannot reasonably be met within the UGB, consistent with the following
28 considerations:

29
30 (i) A suitable site with an appropriate comprehensive plan
31 designation is not available.

32 (ii) All net developable land with the appropriate plan
33 designation within the existing UGB shall be presumed to be
34 available for urban use during the planning period.

35 (iii) Market availability and level of parcelization shall not
36 render an alternative site unsuitable unless justified by findings
37 consistent with the following criteria:

38 (a) Land shall be presumed to be available for use at
39 some time during the planning period of the UGB unless
40 legal impediments, such as deed restrictions, make it
41 unavailable for the use in question.

42 (b) A parcel with some development on it shall be
43 considered unavailable if the market value of the
44 improvements is not significantly less than the value of

1 the land. Standard measures to account for the capability
2 of infill and redevelopment will be developed by the
3 District to provide a means to define what is significant
4 when comparing structure value and land values. When
5 a city or county has more detailed or current gross
6 redevelopable land inventory data, for all or a part of
7 their jurisdiction, it can request that the District
8 substitute that data in the gross developable land
9 inventory.

10 (c) Properly designated land in more than one ownership
11 shall be considered suitable and available unless the
12 applicant demonstrates why the current pattern or level
13 of parcelization makes land assembly during the planning
14 period unfeasible for the use proposed.

15
16 (2) Factor 2: Need for housing, employment and livability.

17 A proponent may choose to address either subsection (A) or (B) or both, as
18 described below. The proposal may be either regional or subregional in
19 scope.

20
21 (A) Evidence in support of a proposed amendment to the UGB based
22 upon housing or employment opportunities must demonstrate that a
23 need can be factually shown to be based upon an economic analysis and
24 can only be met through a change in the location of the urban growth
25 boundary. For housing, at a minimum, the proposal must demonstrate
26 an unmet need according to Statewide Planning Goal 10 and its
27 associated administrative rules. For employment opportunities, the
28 proposal must demonstrate, at a minimum, an unmet need according to
29 Statewide Planning Goal 9 and its associated administrative rules. The
30 proposal must consider adopted comprehensive plan policies of
31 jurisdictions adjacent to the site, when identified by a jurisdiction and
32 the proposal must demonstrate that it is consistent with adopted regional
33 policies dealing with urban growth management, transportation,
34 housing, solid waste, and water quality management.

35
36 (B) To assert a need for a UGB because of a livability need, an
37 applicant must:

- 38
39 (i) factually define the livability need, including its basis in
40 adopted local, regional, state, or federal policy;
41 (ii) factually demonstrate how the livability need can best be
42 remedied through a change in the location of the UGB;
43 (iii) identify both positive and negative aspects of the proposed
44 boundary amendment on both the livability need and on other

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

(3) Factor 3: Orderly and economic provision of urban services.
Consideration of this factor shall be based upon the following:

(A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, a proponent may show how the proposal minimizes the cost burden to other properties outside the subject property proposed to be brought into the boundary.

(B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this would mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route rather than an area which would require an entirely new route.

(4) Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area. Consideration of this factor shall be based on the following:

(A) That the subject site can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees; and,

(B) That the amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with adopted local comprehensive and regional functional plans. Evidence shall demonstrate the following: the proposal assists with achieving residential and employment densities capable of supporting transit service; supports the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improves the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

1 (5) Factor 5: Environmental, energy, economic and social consequences.
2 An evaluation of this factor shall include, but not be limited to, consideration
3 of the following:
4

5 (A) If the subject property contains any resources or hazards subject to
6 special protection identified in the local comprehensive plan and
7 implemented by appropriate land use regulations, findings shall address
8 how urbanization is likely to occur in a manner consistent with these
9 regulations.

10 (B) Complementary and adverse economic impacts shall be identified
11 through review of a regional economic opportunity analysis, if one has
12 been completed. If there is no economic opportunity analysis, the
13 applicant shall complete one for the subject land.
14

15 (C) The long-term environmental, energy, economic, and social
16 consequences resulting from the use at the proposed site shall be
17 identified. Petitions shall show that potential adverse impacts are not
18 significantly more adverse than would typically result from the same
19 proposal being located in other areas requiring an amendment of the
20 UGB.
21

22 (6) Factor 6: Retention of agricultural land.
23 This factor shall be addressed through the following:
24

25 (A) Prior to the designation of urban reserves, the following hierarchy
26 shall be used for identifying priority sites for urban expansion to meet a
27 demonstrated need for urban land:
28

29 (i) Expansion on rural lands excepted from Statewide Planning
30 Goals 3 and 4 in adopted and acknowledged county
31 comprehensive plans. It is recognized that small amounts of
32 rural resource land adjacent to or surrounded by those
33 "exception lands" may be necessary for inclusion in the proposal
34 to improve the efficiency of the boundary amendment, but shall
35 be limited to the smallest amount of land necessary to achieve
36 this efficiency;

37 (ii) If there is not enough land as described in (i) above to meet
38 demonstrated need, secondary or equivalent lands, as defined by
39 the state, should be considered;

40 (iii) If there is not enough land as described in either (i) or (ii)
41 above, to meet demonstrated need, secondary agricultural
42 resource lands, as defined by the state should be considered;

43 (iv) If there is not enough land as described in either (i), (ii) or
44

1 (ii) above, to meet demonstrated need, primary forest resource
2 lands, as defined by the state, should be considered;
3 (v) If there is not enough land as described in either (i), (ii),
4 (iii) or (iv) above, to meet demonstrated need, primary
5 agricultural lands, as defined by the state, may be considered.
6

7 (B) After urban reserves are designated and adopted, consideration of
8 factor 6 shall be considered satisfied if the proposed amendment is
9 wholly within an area designated as an urban reserve.
10

11 (C) After urban reserves are designated and adopted, and a proposed
12 amendment is for land not wholly within an urban reserve, the petition
13 must also demonstrate by substantial evidence that the need cannot be
14 met within urban reserves.
15

16 (7) Factor 7: Compatibility of proposed urban development with nearby
17 agricultural activities.
18

19 (A) Evidence shall be provided by the petitioner analyzing the potential
20 impact on nearby agricultural activities including, but not limited to,
21 the following:
22

23 (i) A description of the number, location and types of
24 agricultural activities occurring within 1 mile of the subject site;
25 (ii) An analysis of the potential impacts, if any, on nearby
26 agricultural activities taking place on lands designated for
27 agricultural use in the applicable adopted county or city
28 comprehensive plan, and mitigation efforts, if any impacts are
29 identified. Impacts to be considered shall include consideration
30 of land and water resources which may be critical to agricultural
31 activities, consideration of the impact on the farming practices
32 of urbanization of the subject land, as well as the impact on the
33 local agricultural economy.
34

35 (c) The requirements of Statewide Planning Goal 2 will be met by addressing both the
36 criteria in section 3.01.30(b), above, and by factually demonstrating the following:
37

38 (1) the land need identified cannot be reasonable accommodated within the
39 current urban growth boundary;
40

41 (2) the land need identified can be fully accommodated by the proposed
42 amendment;
43

44 (3) the proposed uses are compatible with other adjacent uses or will be so

1 rendered through measures designed to reduce adverse impacts;
2

3 (4) the long-term environmental, economic, social and energy consequences
4 resulting from the use at the proposed site with measures designed to reduce
5 adverse impacts are not significantly more adverse than would typically result
6 from the same proposal being located in other areas than the proposed site and
7 requiring an exception.
8

9 (d) The District shall not consider any amendment which would result in an island of
10 urban land outside the contiguous UGB or if the proposed addition contains within it an
11 island of non-urban land excluded from the petition. The proposed location for the urban
12 growth boundary shall result in a clear transition between urban and rural lands, as evidenced
13 by its use of natural and built features, such as roads, drainage divides, floodplains,
14 powerlines, major topographic features, and historic patterns of land use or settlement.
15

16 (e) Satisfaction of the criteria in section 3.01.30 (a) and (b) does not mean that other
17 Statewide Planning Goals do not need to be considered. For major amendments, evidence
18 shall be provided to identify any other applicable Statewide goals which would be affected by
19 the proposed amendment and to demonstrate compliance with them.
20

21 (f) Demonstrating compliance with the criteria in section 3.01.30 (a), (b), (c) and (d)
22 shall be considered to be consistent with and in conformance with the Regional Urban
23 Growth Goals and Objectives.
24

25 3.01.33 Applications for Major Amendments and Locational Adjustments 26

27 (a) All petitions filed pursuant to this chapter for amendment of the UGB must
28 include a completed petition on a form provided by the District. Petitions which do not
29 include the appropriate completed form provided by the District will not be considered for
30 approval.
31

32 (b) Major Amendments or Locational Adjustments may be filed by:
33

34 (1) A county with jurisdiction over the property or a city with a planning area
35 that includes or is contiguous to the property; or
36

37 (2) The owners of the property included in the petition or a group of more
38 than 50 percent of the property owners who own more than 50 percent of the
39 land area in each area included in the petition.
40

41 (c) Completed petitions for amending the UGB through either a major amendment or
42 locational adjustment, shall be considered by the District if filed prior to March 15. No
43 petition shall be accepted under this chapter if the proposed amendment or locational
44 adjustment to the UGB would result in an island of urban land outside the existing UGB, or

1 if the proposed addition contains within it an island of non-urban land excluded from the
2 petition. The District will determine not later than seven (7) working days after the deadline
3 whether a petition is complete and notify the petitioner. The petitioner must remedy any
4 identified deficiencies within fourteen (14) days of notification, or the petition and fees shall
5 be returned to the petitioner and no further consideration shall be given. Completeness of
6 petitions shall be the petitioners' responsibility.
7

8 (d) Upon request by a Councilor or the Executive Officer, the Council may, by an
9 affirmative vote of 2/3 of the full Council, waive the filing deadline for a particular petition
10 or petitions and hear such petition or petitions at any time. Such waiver shall not waive any
11 other requirement of this chapter.
12

13 (e) The District shall give notice of the March 15 deadline for acceptance of petitions
14 for UGB major amendments and locational adjustments under this chapter not less than 90
15 calendar days before a deadline and again 20 calendar days before a deadline in a newspaper
16 of general circulation in the District and in writing to each city and county in the District. A
17 copy of the notice shall be mailed not less than 90 calendar days before a deadline to anyone
18 who has requested notification. The notice shall explain the consequences of failing to file
19 before the deadline and shall specify the District officer or employee from whom additional
20 information may be obtained.
21

22 (f) All petitions shall be reviewed by District staff and a report and recommendation
23 submitted to the Hearings Officer. For locational adjustments, the staff report shall be
24 submitted not less than ten calendar days before the hearing. For major amendments, the
25 staff report shall be submitted not less than 21 calendar days before the hearing. A copy of
26 the staff report and recommendation shall simultaneously be sent to the petitioner(s) and
27 others who have requested copies.
28

29 (g) It shall be the responsibility of the petitioner to provide a list of names and
30 addresses for notification purposes, consistent with section 3.01.055(c), when submitting a
31 petition. Said list of names and addresses shall be certified in one of the following ways:
32

33 (1) a list attested to by a title company as a true and accurate list of property
34 owners as of a specified date; or
35

36 (2) a list attested to by a County Assessor, or designate, pledging that the list
37 is a true and accurate list of property owners as of a specified date; or
38

39 (3) a list with an attached affidavit completed by the proponent affirming that
40 the names and addresses are a true and accurate list of property owners as of a
41 specified date.
42

43 (h) Local Position on Petition:
44

1 (1) Except as provided in subsection 4 of this section, a petition shall not be
2 considered completed for hearing unless the petition includes a written
3 statement by the governing body of each city or county with land use
4 jurisdiction over the area included in the petition that:

5
6 (A) recommends that Metro approve the petition; or

7
8 (B) recommends that Metro deny the petition; or

9
10 (C) expresses no preference on the petition.

11
12 (2) Except as provided in subsection 4 of this section, a petition shall not be
13 considered completed for hearing unless the petition includes a written
14 statement by any special district which has an agreement with the governing
15 body of each city or county with land use jurisdiction over the area included in
16 the petition to provide one or more urban services to the subject area that:

17
18 (A) recommends that Metro approve the petition; or

19
20 (B) recommends that Metro deny the petition; or

21
22 (C) expresses no preference on the petition.

23
24 (3) If a city, county or special district holds a public hearing to establish its
25 position on a petition, the city or county shall:

26
27 (A) provide notice of such hearing to the District and to any city or
28 county whose municipal boundaries or urban planning area boundary
29 abuts the area affected; and

30
31 (B) provide the District with a list of the names and addresses of parties
32 testifying at the hearing and copies of any exhibits or written testimony
33 submitted for the hearing.

34
35 (4) Upon request by an applicant, the Executive Officer shall waive the
36 requirements of subsections (1) and (2) of this section regarding written
37 recommendations from the city or county with land use jurisdiction or a
38 special district which provides one or more urban services if the applicant
39 shows that a request for comment was filed with the local government at least
40 120 calendar days previously and that the local government or service provider
41 has not yet adopted a position.
42
43
44

1 (i) Petitions Outside District Boundary:
2

3 (1) Petitions to extend the UGB to include land outside the District shall not be
4 accepted unless accompanied by:
5

6 (A) A copy of a petition for annexation to the District to be submitted
7 to the Portland Metropolitan Area Local Government Boundary
8 Commission pursuant to ORS chapter 199; and
9

10 (B) A statement of intent to file the petition for annexation within
11 ninety (90) calendar days of Metro action, or after the appeal period
12 following final action by a court concerning a Metro action, to approve
13 the petition for UGB major amendment or locational adjustment.
14

15 (2) A city or county may, in addition to the action required in subsection B of
16 this section, approve a plan or zone change to implement the proposed
17 adjustment in the area included in a petition prior to a change in the District
18 UGB if:
19

20 (A) The District is given notice of the local action;
21

22 (B) The notice of the local action states that the local action is
23 contingent upon subsequent action by the District to amend its UGB;
24 and
25

26 (C) The local action to amend the local plan or zoning map becomes
27 effective only if the District amends the UGB consistent with the local
28 action.
29

30 (3) If the city or county has not contingently amended its plan or zoning map
31 to allow the land use category of the proposed amendment proposed in a
32 petition, and if the District does approve the UGB amendment, the local plan
33 or map change shall be changed to be consistent with the UGB amendment
34 within 1 year.
35

36
37 3.01.35 Locational Adjustment Procedures
38

39 (a) It is the purpose of sections 3.01.035 and 3.01.037 to establish procedures to be
40 used by the District in making minor UGB amendments. The sections are intended to
41 incorporate relevant portions of Statewide Goals 2 and 14, and, by restricting the size,
42 character, and annual acreage of UGB adjustments that may be approved under this chapter,
43 this section obviates the need to specifically apply these goal provisions to UGB amendments
44 approved hereunder.

1 (b) All locational adjustment additions and administrative adjustments for any one
2 year shall not exceed 100 net acres and no individual locational adjustment shall exceed 20
3 net acres. Natural areas adjustments shall not be included in the annual total of 100 acres,
4 and shall not be limited to 20 acres, except as specified in 3.01.35(f), below.

5
6 (c) All petitions for Locational Adjustments except natural area petitions shall meet
7 the following criteria:

8
9 (1) Orderly and economic provision of public facilities and services. A
10 locational adjustment shall result in a net improvement in the efficiency of
11 public facilities and services, including but not limited to, water, sewerage,
12 storm drainage, transportation, parks and open space in the adjoining areas
13 within the UGB. Any area to be added must be capable of being served in an
14 orderly and economical fashion.

15
16 (2) Maximum efficiency of land uses. The amendment shall facilitate needed
17 development on adjacent existing urban land. Needed development, for the
18 purposes of this section, shall mean consistent with the local comprehensive
19 plan and/or applicable regional plans.

20
21 (3) Environmental, energy, economic and social consequences. Any impact on
22 regional transit corridor development must be positive and any limitations
23 imposed by the presence of hazard or resource lands must be addressed.

24
25 (4) Retention of agricultural land. When a petition includes land with
26 Agricultural Class I-IV soils designated in the applicable comprehensive plan
27 for farm or forest use, the petition shall not be approved unless it is factually
28 demonstrated that:

29
30 (A) Retention of any agricultural land would preclude urbanization of
31 an adjacent area already inside the UGB, or

32
33 (B) Retention of the agricultural land would make the provision of
34 urban services to an adjacent area inside the UGB impracticable.

35
36 (5) Compatibility of proposed urban uses with nearby agricultural activities.
37 When a proposed adjustment would allow an urban use in proximity to
38 existing agricultural activities, the justification in terms of all factors of this
39 subsection must clearly outweigh the adverse impact of any incompatibility.

40
41 (d) Petitions for locational adjustments to remove land from the UGB may be
42 approved under the following conditions:

43
44 (1) Consideration of the factors in section 3.01.35 (c) demonstrate that it is

1 appropriate the land be excluded from the UGB.
2

3 (2) The land is not needed to avoid short-term urban land shortages for the
4 District and any long-term urban land shortage that may result can reasonably
5 be expected to be alleviated through the addition of urban land in an
6 appropriate location elsewhere in the region.
7

8 (3) Removals should not be granted if existing or planned capacity of major
9 facilities such as sewerage, water and transportation facilities will thereby be
10 significantly underutilized.
11

12 (e) A petition for a locational adjustment to remove land from the UGB in one
13 location and add land to the UGB in another location (trades) may be approved if it meets the
14 following criteria:
15

16 (1) The requirements of paragraph 3.01.035 (c)(4) are met.
17

18 (2) The net amount of vacant land proposed to be added may not exceed 20
19 acres; nor may the net amount of vacant land removed exceed 20 acres.
20

21 (3) The land proposed to be added is more suitable for urbanization than the
22 land to be removed, based on a consideration of each of factors of Section
23 3.01.035 (c)(1-3 and 5) of this chapter.
24

25 (f) Petitions for locational adjustments to add land to the UGB may be approved
26 under the following conditions:
27

28 (1) An addition of land to make the UGB coterminous with the nearest
29 property lines may be approved without consideration of the other conditions
30 in this subsection if the adjustment will add a total of two gross acres or less,
31 the adjustment would not be clearly inconsistent with any of the factors in
32 subsection (b) this section, and the adjustment includes all contiguous lots
33 divided by the existing UGB.
34

35 (2) For all other additions, the proposed UGB must be superior to the UGB as
36 presently located based on a consideration of the factors in subsection (b) of
37 this section.
38

39 (3) The proposed UGB amendment must include all similarly situated
40 contiguous land which could also be appropriately included within the UGB as
41 an addition based on the factors above.
42

43 (g) All natural area petitions for locational adjustments must meet the following
44 conditions:

1 (1) Any natural area locational adjustment petition shall be proposed at the
2 initiative of the property owner, with concurrence from the agency proposed to
3 accept the land.
4

5 (2) At least 50 percent of the land area in the petition, and all land in excess of
6 40 acres, shall be owned by or donated to a county, city, parks district or the
7 District, in its natural state, without mining, logging or other extraction of
8 natural resources, or alteration of watercourses, water bodies or wetlands.
9

10 (3) Any developable portion of the lands included in the petition, not
11 designated as a natural area, shall not exceed twenty acres and shall lie
12 between the existing UGB and the area to be donated.
13

14 (4) The natural area portion owned by or to be donated to a county, city, parks
15 district, or the District must be identified in a city or county comprehensive
16 plan as open space or natural area or equivalent, or in the District's natural
17 areas and open space inventory.
18

19
20 (5) The developable portion of the petition shall meet the criteria set out in
21 parts 3(b), (c)(1), (c)(2) and (c)(3) of this section.
22

23 3.01.37 Roadway Realignment - Administrative Adjustments

24 (a) Applications for Administrative Adjustments.

25
26
27 (1) All petitions for administrative adjustments filed pursuant to this chapter
28 must be submitted on forms provided by the District.
29

30 (2) Administrative Amendments may be filed by:

31 (A) a county with jurisdiction over the property; or
32

33 (B) a city whose corporate boundary or planning area is contiguous to
34 the property.
35

36
37 (3) Completed petitions for Administrative Adjustments may be filed with the
38 District at any time. The District will determine not later than seven (7)
39 calendar days after submittal of the petition whether a petition is complete and
40 notify the petitioner. The petitioner must remedy any identified deficiencies
41 within fourteen (14) calendar days of notification. Completeness of petitions
42 shall be the petitioner's responsibility.
43
44

1 (4) Applications for Administrative Adjustments shall be approved or denied
2 by the Executive Officer within ninety (90) calendar days of determining that a
3 petition is complete. All petitions shall be reviewed by District staff and a
4 report and recommendation submitted to the Executive Officer. The staff
5 report shall be completed within 60 calendar days, of determination that the
6 petition is complete and mailed to the petitioner, those within the required
7 notice area and any other persons who have requested copies. Any person
8 may submit comments or responses within 80 calendar days of the
9 determination that a petition is complete.

10
11 (5) Notice of the proposed change shall be provided to the parties listed in
12 Section 3.01.50 (d) (1 through 7).

13
14 (6) Within ten (10) calendar days of the final decision of the Executive
15 Officer, the District shall furnish the final order and findings to all parties to
16 the case. The notice shall contain the information listed in Section
17 3.01.55(b)(1-5).

18
19 (7) The Executive Officer's final decision may be appealed to the District
20 Council by any party to the case. Such appeal must be filed with the District
21 within 14 calendar days of the Executive Officer's final decision.

22
23 (8) Petitions for land outside the District boundary shall be subject to the
24 provisions of Section 3.01.65 (f)

25
26 (b) Administrative Adjustment Criteria

27
28 (1) Petitions for Administrative Adjustments shall meet the following criteria:

29
30 (A) The adjustment is necessary in order to accommodate modification
31 or expansion of a transportation facility presently located on the Urban
32 Growth Boundary line and the transportation facility is a component of
33 an adopted transportation system plan;

34
35 (B) The proposed amendment is preceded by a city or county project
36 development process which considered alternative through the
37 evaluation and balancing of relevant transportation, environmental and
38 land use issues and evidence is provided showing such;

39
40 (C) The land proposed to be added to the District Urban Growth
41 Boundary is the minimum needed to accommodate the transportation
42 facility modification or expansion; and

43
44 (D) The land to be included within the Urban Growth Boundary is less

1 than 5 net acres.

2
3 **3.01.40 Metro Conditions of Approval**

4
5 (a) The District may attach conditions of approval which may be needed to assure
6 compliance of the developed use with statewide goals and regional land use planning,
7 including, but not limited to, the following:

8
9 (1) Conditions which may relate to findings of need for a particular type of use
10 and for which the District finds a need to protect the opportunity for
11 development of this type of use at the proposed site;

12
13 (2) Those conditions to assist in the provision of urban services as may be
14 recommended by cities, counties with land use jurisdiction or special districts
15 which have agreements with cities or counties to provide urban services to the
16 area proposed for amendment.

17
18 (b) Amendments to conditions of approval for a major amendment, including
19 modifications of time to complete an approval condition, may be considered by the District
20 Council upon a petition by the property owner which includes evidence substantiating a
21 change in a condition of approval; or upon the Council's own motion if the approval
22 condition states that further Metro review is required.

23
24 (c) Petitions for amendments to conditions of approval for a major amendment shall
25 follow the procedures for applications for major amendment and Council action on quasi-
26 judicial amendments, except for the following:

27
28 (1) Petitions for amendments to conditions of approval may be filed at
29 any time following Council approval of a major amendment;

30
31 (2) Petitions for amendments to conditions of approval shall be heard
32 by the Council unless referred to the Hearings Officer by the Council.

33
34 **3.01.45 Fees**

35
36 (a) Each petition submitted by a property owner or group of property owners pursuant
37 to this chapter shall be accompanied by a filing fee in an amount to be established by
38 resolution of the Council. Such fees shall not exceed the actual costs of the District to
39 process such petitions. The filing fee shall include administrative costs and Hearing
40 Officer/public notice costs.

41
42 (b) The fees for administrative costs shall be charged from the time a petition is filed
43 through mailing of the Notice of Adoption or Denial to the Department of Land Conservation
44 and Development and other interested parties.

1 (c) Petitioners also shall be charged for the costs of the District Hearings Officer as
2 billed for that case and for the costs of public notice.

3
4 (d) Before a hearing is scheduled, petitioners shall submit a fee deposit.

5
6 (e) The unexpended portion of petitioner's deposit, if any, shall be returned to the
7 petitioner at the time of a final disposition of the petition.

8
9 (f) If Hearings Officer/public notice or administrative costs exceed the amount of the
10 deposit, the petitioner shall pay to Metropolitan Service District an amount equal to the costs
11 in excess of the deposit, prior to final action by the Council of the Metropolitan Service
12 District.

13
14 (g) The Council of the Metropolitan Service District may, by resolution, reduce,
15 refund or waive the administrative fee, or portion thereof, if it finds that such fees would
16 create an undue hardship for the applicant.

17
18 **3.01.50 Hearing Notice Requirements**

19
20 (a) 45 Day Notice. A proposal to amend the urban growth boundary by a legislative
21 amendment, major amendment or locational adjustment shall be submitted to the Director of
22 the Department of Land Conservation and Development at least 45 days before the final
23 hearing on adoption. The notice shall be accompanied by the appropriate forms provided by
24 the Department and shall contain a copy of a map showing the location of the proposed
25 amendment. A copy of the same information shall be provided to the city and county,
26 representatives of recognized neighborhoods, citizen planning organizations and/or other
27 recognized citizen participation organizations adjacent to the location of the proposed
28 amendment.

29
30 (b) Newspaper Ads. A 1/8 page advertisement in a newspaper of general circulation
31 of the District for all Legislative Amendments and Major Amendments. For Legislative
32 Amendments and Major Amendments the initial newspaper advertisements shall be published
33 at least forty-five (45) days prior to the public hearing and shall include the same information
34 listed in subsection (a). For Locational Adjustments, a 1/8 page newspaper advertisement
35 shall be published not more than twenty (20), nor less than ten (10) calendar days prior to
36 the hearing.

37
38 (c) Notice of public hearing shall include:

39
40 (1) The time, date and place of the hearing.

41
42 (2) A description of the property reasonably calculated to give notice as to its
43 actual location. A street address or other easily understood geographical
44 reference can be utilized if available.

1 (3) For major amendments and locational adjustments,
2

3 (A) An explanation of the proposed action, including the nature of the
4 application and the proposed boundary change.
5

6 (B) A list of the applicable criteria for approval of the petition at issue.
7

8 (C) A statement that the failure of an issue to be raised in a hearing, in
9 person or by letter, or failure to provide sufficient specificity to afford
10 the decision maker an opportunity to respond to the issue precludes an
11 appeal based on the issue.
12

13 (4) Notice that interested persons may submit written comments at the hearing
14 and appear and be heard.
15

16 (5) Notice that the hearing will be conducted pursuant to District rules and
17 before the Hearings Officer unless that requirement is waived by the Metro
18 Council;
19

20 (6) Include the name of the Metro staff to contact and telephone number for
21 more information;
22

23 (7) State that a copy of the staff report will be available for inspection at no
24 cost at least seven calendar days prior to the hearing, and that a copy will be
25 made available at no cost or reasonable cost. Further that if additional
26 documents or evidence is provided in support of the application any party shall
27 be entitled to a continuance of the hearing; and
28

29 (8) Include a general explanation of the requirements for submission of
30 testimony and the procedure for conduct of hearings; and
31

32 (9) State that all documents or evidence relied upon by the applicant is
33 available to the public.
34

35 d) Not less than 20 calendar days before the hearing, notice shall be mailed to the
36 following persons:
37

38 (1) The petitioner(s) and to owners of record of property on the most recent
39 property tax roll where the property is located.
40

41 (2) All property owners of record within 500 feet of the site. For purposes of
42 this subsection, only those property owners of record within the specified
43 distance from the subject property as determined from the maps and records in
44 the county departments of taxation and assessment are entitled to notice by

1 mail. Failure of a property owner to receive actual notice will not invalidate
2 the action if there was a reasonable effort to notify owners of record.

3
4 (3) Cities and counties in the District, or cities and counties whose
5 jurisdictional boundaries either include or are adjacent to the subject property,
6 and affected agencies who request regular notice.

7
8 (4) The neighborhood association, community planning organization or other
9 citizen group, if any, which has been recognized by the city or county with
10 land use jurisdiction for the subject property.

11
12 (5) Any neighborhood associations, community planning organizations, or
13 other vehicles for citizen involvement in land use planning processes whose
14 geographic areas of interest either include or are adjacent to the site and which
15 are officially recognized as being entitled to participate in land use planning
16 processes by the Cities and Counties whose jurisdictional boundaries either
17 include or are adjacent to the site.

18
19 (6) The regional representative of the Director of the Oregon Department of
20 Land Conservation and Development.

21
22 (7) Any other person requesting notification of Urban Growth Boundary
23 changes.

24
25 (e) At the conclusion of the hearing, the Hearings Officer may continue the hearing to
26 a time, place and date certain, without additional notice.

27
28 **3.01.55 Public Hearing Rules before the Hearings Officer**

29
30 (a) All Major amendment and Locational Adjustment petitions accepted under this
31 chapter shall receive a contested case hearing according to the following rules:

32
33 (1) Hearings Officers shall be selected by the District pursuant to the
34 provisions of section 2.05.025(a) of the Metro Code.

35
36 (2) Parties to the case shall be defined as being any individual, agency, or
37 organization who participates orally or in writing in the creation of the record
38 used by the hearings officer in making a decision. If an individual represents
39 an organization orally and/or in writing, that individual must indicate the date
40 of the organization meeting in which the position presented was adopted. The
41 Hearings Officer may request that the representative explain the method used
42 by the organization to adopt the position presented. Parties need not be
43 represented by an attorney at any point in the process outlined in this
44 subsection and elsewhere in this chapter.

1 (3) At the time of the commencement of a hearing, the hearings officer shall
2 provide the following information to parties:
3

4 (A) a list and statement of the applicable substantive criteria; a copy of
5 ORS 197.763; Conduct of local quasi-judicial land use hearings; notice
6 requirements; hearing procedures, provided that failure to provide
7 copies to all those present shall not constitute noncompliance with this
8 subsection;
9

10 (B) a statement that testimony and evidence must be directed toward the
11 criteria or specific criteria which the person believes apply to the
12 decision
13

14 (C) a statement that the failure to raise an issue with sufficient
15 specificity to afford the decision maker and the parties an opportunity
16 to respond to the issue precludes appeal;
17

18 (D) a statement that any party may request a continuance of the
19 hearing, but that any continuance would be granted at the discretion of
20 the hearings officer upon finding good cause;
21

22 (4) Failure of the petitioner to appear at the hearing without making
23 arrangements for rescheduling the hearing shall constitute grounds for
24 immediately denying the petition.
25

26 (5) The hearing shall be conducted in the following order:
27

28 (A) Staff report.
29

30 (B) Statement and evidence by the petitioner in support of a petition.
31

32 (C) Statement and evidence of affected persons, agencies, and/or
33 organizations opposing or supporting the petition, and/or anyone else
34 wishing to give testimony.
35

36 (D) Rebuttal testimony by the petitioner.
37

38 (6) The Hearings Officer shall have the right to question any participant in the
39 hearing. Cross-examination by parties shall be by submission of written
40 questions to the hearings officer. The hearings officer shall give parties the
41 opportunity to submit such questions prior to closing the hearing.
42

43 (7) The hearing may be continued for a reasonable period as determined by the
44 Hearings Officer.

1 (8) The Hearings Officer may set reasonable time limits for oral testimony and
2 may exclude or limit cumulative, repetitive, or immaterial testimony.
3

4 (9) A verbatim audio tape or video tape, written, or other mechanical record
5 shall be made of all proceedings, and need not be transcribed unless necessary
6 for review upon appeal.
7

8 (10) Upon conclusion of the hearing, the record shall be closed and new
9 evidence shall not be admissible thereafter unless a party requests that the
10 record remain open before the conclusion of the initial, evidentiary hearing.
11 Upon such a request, the record shall remain open for at least seven days after
12 the hearing unless there is a continuance.
13

14 (11) The burden of presenting evidence in support of a fact or position in the
15 contested case rests on the petitioner. The proponent of a proposed UGB
16 amendment shall have the burden of proving that the proposed amendment
17 complies with the applicable standards in this chapter.
18

19 (12) A proponent or opponent shall raise all issues of concern either orally or
20 in written form at the public hearing. Failure to do so will constitute a waiver
21 to the raising of such issues at any subsequent administrative or legal appeal
22 deliberations.
23

24 (13) The Hearings Officer may reopen a record to receive evidence not
25 available or offered at the hearing. If the record is reopened, any person may
26 raise new issues which relate to the new evidence before the record is closed.
27

28 (b) Within 30 calendar days following the close of the record, the Hearings Officer
29 shall prepare and submit a proposed order and findings, together with the record compiled in
30 the hearing and a list of parties to the case, to the Executive Officer. Within 7 working days
31 of receiving the materials from the hearings officer, the Executive Officer, or designate, shall
32 furnish the proposed order and findings to all parties to the case. Accompanying the
33 proposed order and findings shall be notification to parties which includes:
34

35 (1) The procedure for filing an exception and filing deadlines for submitting an
36 exception to the proposed order and findings of the hearings officer. Parties
37 filing an exception with the District must furnish a copy of their exception to
38 all parties to the case and the hearings officer.
39

40 (2) A copy of the form to be used for filing an exception.
41

42 (3) A description of the grounds upon which exceptions can be based.
43

44 (4) A description of the procedure to be used to file a written request to submit

evidence that was not offered at the hearing, consistent with Metro Code sections 2.05.035(c) and (d).

(5) A list of all parties to the case.

(c) UGB petitions may be consolidated by the hearings officer for hearings where appropriate. Following consultation with District staff and prospective petitioners, the hearings officer shall issue rules for the consolidation of related cases and allocation of charges. These rules shall be designed to avoid duplicative or inconsistent findings, promote an informed decision-making process, protect the due process rights of all parties, and allocate the charges on the basis of cost incurred by each party.

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

3.01.60 Exceptions to Hearing Officer Decision

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

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

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

3.01.65 Council Action On Quasi-Judicial Amendments

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

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

1 (c) Final Council action following the opportunity for parties to comment orally to
2 Council on the proposed order shall be as provided in Code Section 2.05.045. Parties shall
3 be notified of their right to review before the Land Use Board of Appeals pursuant to 1979
4 Oregon Laws, chapter 772.
5

6 (d) Comments before the Council by parties must refer specifically to any arguments
7 presented in exceptions filed according to the requirements of this chapter, and cannot
8 introduce new evidence or arguments before the Council. If no party to the case has filed an
9 exception, then the Council shall decide whether to entertain public comment at the time that
10 it takes final action on a petition.
11

12 (e) Within 20 days from the day that the proposed order and findings of the Hearings
13 Officer are mailed to them, parties may file a motion to reopen the record to receive
14 admissible evidence not available at the hearing. The motion shall show proof of service on
15 all parties. The Council shall rule on such motions with or without oral argument at the time
16 of its consideration of the case. An order approving such a motion to reopen the record shall
17 remand the case to the Hearings Officer for evidentiary hearing.
18

19 (f) When the Council acts to approve in whole or in part a petition affecting land
20 outside the District:
21

22 (1) Such action shall be by resolution expressing intent to amend the UGB if
23 and when the affected property is annexed to the District within six months of
24 the date of adoption of the Resolution.
25

26 (2) The Council shall take final action, as provided for in paragraphs (c) and
27 (d) of this section, within thirty (30) calendar days of notice from the
28 Boundary Commission that annexation to the District has been approved.
29

30 (g) When the Council is considering an ordinance to approve a petition, it shall take
31 all public comment at its first reading of the ordinance, discuss the case, and then either pass
32 the ordinance to second reading or remand the proposed order and findings of the hearings
33 officer to the Executive Officer or the hearings officer for new or amended findings. If new
34 or amended findings are prepared, parties to the case shall be provided a copy of the new
35 order and findings by mail no less than 7 calendar days prior to the date upon which the
36 council will consider the new order and findings, and parties will be given the opportunity to
37 provide the council with oral or written testimony regarding the new order and findings.
38

39 3.01.70 Final Action Notice Requirements 40

41 (a) The District shall give each county and city in the District notice of each
42 amendment of the UGB. The District shall also notify the government with jurisdiction,
43 which notice shall include a statement of the local action that will be required to make local
44 plans consistent with the amended UGB and the date by which that action must be taken.

1 **3.01.75 Boundary Line Location Interpretation**

2
3 (a) When the UGB map and the legal description of the UGB are found to be
4 inconsistent, the Executive Officer is hereby authorized to determine and interpret whether
5 the map or the legal description correctly establishes the UGB location as adopted and to
6 correct the map or description if necessary. In determining where the adopted UGB is
7 located, the Executive Officer shall review the record to determine legislative intent. The
8 map location should be preferred over the legal description in absence of clear evidence to
9 the contrary, provided that for those recent adjustments or amendments where a legal
10 description was used as an exhibit at the public hearing, the legal metes and bounds
11 description shall be the accepted boundary.
12

13 (b) A city, county or special district whose municipal or planning area boundary
14 includes the property, or a property owner who would be included or excluded from the
15 urban area depending on whether the map or legal description controls, may request that the
16 Executive Officer render an interpretation under this section. If the request is submitted in
17 writing, the Executive Officer shall make the requested interpretation within 60 calendar days
18 after the request is submitted.
19

20 (c) Within ten working days of rendering the interpretation, the Executive Officer, or
21 designate, shall provide a written notice and explanation of the decision to each city or
22 county whose municipal or planning area boundaries include the area affected, owners of
23 property in the area affected, and the Council.
24

25 (d) Any party eligible to request an interpretation under subsection (B) may appeal to
26 the Council for a determination of where the UGB is located if that party disagrees with the
27 Executive Officer's interpretation or if the Executive Officer fails to render an interpretation
28 requested under subsection (B). Such appeal must be filed with the District within twenty
29 (20) calendar days of receipt of the Executive Officer's interpretation or within eighty (80)
30 calendar days after submission of the request for interpretation to the Executive Officer,
31 whichever is later.
32

33 **3.01.80 Chapter Regulation Review**

34
35 The procedures in this chapter shall be reviewed by the District every 5 years, and
36 can be modified by the Council at any time to correct any deficiencies which may arise.
37 This chapter shall be submitted upon adoption to the Land Conservation and Development
38 Commission for acknowledgement pursuant to ORS 197.251, as an implementing measure to
39 the District UGB. Amendments to this chapter shall be submitted to the Department of Land
40 Conservation and Development pursuant to the requirements of OAR 660 Divisions 18 and
41 19 as appropriate.
42
43
44

3.01.85 Severability

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

PERIODIC REVIEW FINDINGS

PERIODIC REVIEW FINDINGS

INTRODUCTION

The 1981 Oregon Legislature adopted laws requiring local governments, including Metro, to review acknowledged comprehensive plans periodically and to make changes as necessary to ensure that they are in compliance with the Statewide Planning Goals and are coordinated with the plans and programs of state agencies. Review of acknowledged plans and land use regulations are based on four considerations:

1. Changing conditions and circumstances that affect local government;
2. Compliance of acknowledged plans and regulations with statewide goals or rules adopted by LCDC subsequent to acknowledgement;
3. Consistency of local plans and regulations with state agency plans and programs adopted after acknowledgement; or
4. Completion of additional local planning that was required or agreed to during acknowledgement.

DLCD has reviewed the current statewide goals, LCDC regulations and state agency programs and determined that Metro only needs to review the UGB for factors one and two above and that factors three and four do not apply to Metro's UGB program.

FINDINGS

Metro has evaluated the performance of the UGB program in response to Factors One and Two. The following findings are presented by the subfactors identified in the Periodic Review notice.

Subfactor One A - Unanticipated Developments or Events:

Four major unexpected occurrences were experienced between 1980 and 1987 (most current date for which comprehensive demographic documentation is available):

- o Population growth occurred at a slower rate (4.95% for the SMSA) than forecast in 1980 due to the 1980-82 recession. In 1982 the SMSA actually lost population. Growth has occurred steadily since then.

- o Household size decreased from 2.6 to 2.52 persons from 1980 to 1986. This is a faster rate of decrease than anticipated in preparing the UGB acknowledgement forecast. That forecast assumed that household size in the year 2000 would be 2.5 persons per household.
- o Development density as articulated in acknowledged local comprehensive plans is higher than anticipated both for residential and employment uses.
- o Net growth in population and housing have been experienced in unincorporated areas outside of the Metro UGB. It was assumed that this would not occur when the UGB was acknowledged.

While these are significant events, the implications for the UGB at this time are minimal. Each of these trends reinforce the conclusion that there is sufficient urban land within the existing UGB to accommodate urban land supply needs beyond the year 2010.

Subfactor One B - Cumulative Effects of UGB Amendments

Table 1 identifies all UGB amendments that occurred between acknowledgement and January, 1992. A total of 2625 acres have been added to the UGB since acknowledgement. That is an approximate 1.2 % increase in the urban land supply since 1980. The bulk (approximately 79%) of UGB amendment petitions submitted in that period were for "locational adjustments". The bulk of acreage added to the UGB (92.4%) was through "major amendments."

The minimal amount of land added to the UGB since acknowledgement is consistent with expectations. When DLCD acknowledged the "market factor" approach to UGB management proposed by Metro, it was expected there would be little need to adjust the UGB through the year 2000.

TABLE 1

URBAN GROWTH BOUNDARY AMENDMENTS: JANUARY, 1980 THROUGH JANUARY, 1992

CASE NO.	TITLE	CD*	COUNCIL ACTION	NET ACRES ADDED	ORDIN/ ORDER NO.
80-1	Clackamas County	1	approve	941	80-089
81-2	Waldo Estates, Oregon City	3	approve	9	83-162
81-3	City of Hillsboro	2	approve	50	81-117
81-4	Seely Property, Wilsonville	2	approve	2	81-118
81-5	WKG Development, Forest Grove	2	approve	30	81-119
81-6	Lynd/Schope/Scott Properties, Portland	3	approve	5	83-158
81-7	Foster Property, Burnside Ave.	2	withdrawn	0	
81-8	Cereghino Property, Sherwood	2	approve	11	82-145
81-9	Corner Terrace, Washington County	3	approve	10	84-171
81-10	Sharp Property, Tualatin	3	approve	11	82-149
82-1	Spangler Property, Clackamas	2	approve	6	83-160
82-2	Hayden Island	1	approve	760	83-151
83-1	DeShirla Property, Gresham	2	approve	11	85-187
83-2	Duyck Property, Cornelius	2	approve	8	84-170
84-1	Ray/Crow Properties, Lake Oswego	2	approve	9	84-182
84-2	Pacific Gas & Electric	2	deny	0	86-005
84-3	Burright/Happy Valley Homes	2	deny	0	86-010
85-1	May Property, Wilsonville	2	deny	0	86-009
85-2	Tualatin Hills Com. Church	2	approve	2	86-196
85-4	Foster Property, Burnside Ave.	2	approve	12	85-193
85-5	Griffin Property, T.V. Hwy & 342 St.	2	withdrawn	0	
85-7	Kaiser Property, Sunset Hwy.	1	approve	453	87-222
85-8	BenjFran, Washington County	1	deny	0	86-012
85-9	Riviera Property, Sunset Hwy.	1	approve	88	86-208
86-1	Zurcher Property, Forest Grove	2	withdrawn	0	
86-2	West Coast Auto Salvage	2	approve**	1	
87-1	Columbia Willamette Development	3	approve	2	88-244
87-2	Angel Property, Skyline Dr.	2	deny	0	
87-3	Blazer Homes, Lake Oswego	2	deny	0	90-371
87-4	Brennt Property, Lake Oswego	2	approve	0	88-265
87-5	BenjFran, Washington County	1	deny	0	88-018
88-1	Zurcher Property, Forest Grove	1	***	0	
88-2	Mt. Tahoma Trucking, Wilsonville	2	deny	0	
88-3	St. Francis Church, Wilsonville	2	approve	6	89-318
88-4	Bean Property, Oregon City	2	approve	15	89-286
89-1	Gravett	2	approve	6	90-345
90-1	Wagner	2	approve	6	91-395A
90-2	West Coast Grocery	2	withdrawn	0	
90-3	Washington County	2	approve	6	91-384
91-1	Dammasch	1	approve	184	92-441

91-2	Forest Park	3	approve	-19 92-444A
91-3	Tsugawa	2	withdrawn	0
91-4	PCC (Rock Creek)	1	pending	160

TOTAL ACRES ADDED

2625

* 1=MAJOR AMENDMENT
2=LOCATIONAL ADJUSTMENT
3=TRADE

** RESOLUTION OF INTENT TO APPROVE ADOPTED.

*** APPROVED FOR 38 ACRES BUT NO ACTION FOLLOWING REMAND FROM LUBA

Subfactor One C - Plan Policies Relating to Goal Requirements

Metro resolutions nos. 79-83 and 79-102 adopted four growth management policies as follows:

- o New urban development within the UGB shall be contiguous to areas of existing development in order to avoid leapfrogging or sprawl.
- o Undeveloped land within the UGB shall be preserved for future urban density through zoning controls which restrict parcelization to 10 acre minimum lot sizes for residential development or until urban services are provided for commercial or industrial development.
- o Undeveloped land within the UGB shall be approved for residential development only when a local comprehensive plan is in place that is consistent with Metro's residential density assumptions included in the UGB and when services are available.
- o Development on septic tanks and cesspools within the UGB shall be prohibited except when urban densities can be attained, consistent with DEQ regulations, or when lands with unique topographic characteristics are identified in local comprehensive plans where sewer extension is impractical but large lot residential development is allowed.

Metro provided the framework for satisfying statewide planning goal 14 in the region by adopting a Regional Goals and Objectives, a Land Use Framework Element and an urban growth boundary including adoption of the above growth management policies. Actual implementation of the overall regional land use program depended on the local comprehensive land use and public facilities plans adopted by individual cities and counties within the Metropolitan Service District boundary. Metro aggressively reviewed local comprehensive and public facility plans during acknowledgement. Metro's review of local comprehensive plans focussed on the consistency between local plans regional goals and objectives and the above growth management policies. Implementation of those plans, which incorporate the growth management policies, has been the responsibility of local jurisdictions and special districts since acknowledgement.

Subfactor One D - New Information.

Population, housing, and employment forecasts are the primary factors used to identify urban land demand. The UGB Data Summary Section contains a summary of the demographic and land consumption analysis conducted for periodic review of the UGB. In preparing these findings the most current demographic data available was utilized. The principal documents were prepared by Metro's Data Resources Center

and include the following:

- o The Regional Factbook: Demographic, Employment, and Land Development Trends 1980-86. June 1988.
- o The Regional Forecast: 1995 and 2010. January, 1989

A third document, The Urban Growth Boundary Periodic Review Workplan prepared by the Metro Planning and Development Department and adopted by the Metro Council in December 1988, discusses the relationship between periodic review of the UGB and development of a regional Urban Growth Management Plan. The Urban Growth Management Plan, while not a part of the Periodic Review Order, is complementary and proceeding in parallel.

As the above documents indicate, there is no need to amend the UGB to add - additional urban land at this point in time. However, development trends in the region raise issues regarding potential future expansion of the UGB. The Urban Growth Management Plan will address these issues and provide a policy framework to guide UGB expansion when needed in the future.

Subfactor One E - Other Issues

ORS 197.752, Lands Available for Urban Development, was adopted by the state legislature in 1983. The statute provides a broad policy statement requiring that land within urban growth boundaries be available for urban development concurrent with the provision of key urban facilities and services in accordance with locally adopted development standards. The urban growth policies discussed in Subfactor One C are consistent with the policy statement and were included in local comprehensive plans at acknowledgement. No changes to the UGB program or other Metro policies are necessary to comply with the intent of the statute. Implementation has been the responsibility of local cities and counties within the Metro boundary.

Subfactor Two, Goal 2 - Land Use Planning

New language was adopted regarding the taking of exceptions to statewide planning goals. No exceptions have been taken by Metro in the region since acknowledgement. Counties have had principal responsibility for exceptions in the region, primarily from goals 3 and 4. The implications of these exceptions on UGB management is one of the issues Metro will investigate as outlined in the "Urban Growth Boundary Periodic Review Workplan."

Subfactor Two, Goal 9 - Industrial and Commercial Development

OAR 660, Division 9 was amended to require review of economic development

policies at periodic review. The rule requires designation of adequate land for employment uses to meet forecast economic development needs. As indicated in the UGB Data Summary Section there is sufficient land designated for employment uses within the existing UGB to accommodate employment needs beyond the year 2010. Designation of specific employment uses in the region is provided through local comprehensive plans and zoning regulations and, therefore, outside of Metro's direct responsibility. As requested by DLCD, Metro will seek to coordinate the local industrial and commercial land inventories and trend analyses through the Urban Growth Management Plan in order to assure reliable information on the availability of land designated for employment uses in the region.

Subfactor Two, Goal 10 - Metropolitan Housing Rule

The Metropolitan Housing Rule was adopted delineating minimum residential dwelling unit densities and attached/detached housing mix standards. The rule calls for local jurisdictions to adopt clear and objective standards and procedures for approving residential development proposals and for examination of housing policy performance through the periodic review process. Residential development has occurred at higher than expected densities since acknowledgment of the UGB. Coupled with future housing density expectations articulated through local comprehensive plans it appears that the region is well on its way to meeting density requirements of the Metro Housing Rule. No policy revisions are required at this time.

Subfactor Two, Goal 11 - Public Facilities Rule

OAR 660, Division 11 was amended to include a new rule defining the scope of public facilities plans and establishing procedures and standards for developing public facilities plans. Compliance with this rule is required of cities and counties, not Metro. However, information useful to Metro in evaluating the suitability of land for urban development and inclusion within the UGB will become available as cities and counties comply with the amendments. Metro will utilize information and analyses prepared by local jurisdictions and special districts and will coordinate with these entities in preparation of Metro's Urban Growth Management Plan which will establish the policy framework for amending the UGB in the future.

Council
10/8/92
7.2

11/0

Councilor Tanya Collier:

1. Move to table Resolution No. 92-1689.
2. Thank you, Councilor Gardner. I do have another motion.

As the person who requested a written legal opinion at the suggestion of a citizen, I want to state that I discussed our attorneys' work in progress on the opinion with them and decided to go ahead tonight on the safest possible course without a full written opinion. I understand that Councilors, as elected officials, clearly have the right to take a position against a ballot measure. That's what I want to do by this motion:

I MOVE THAT THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT OPPOSE THE PROPOSED STATE CONSTITUTIONAL AMENDMENT, BALLOT MEASURE 9, BECAUSE WE SUPPORT AND HONOR THE DIVERSITY OF ALL PEOPLE IN OUR REGION AND WE OPPOSE A DIVISIVE AND DISCRIMINATORY NEW LAW WHICH COULD LEGALIZE DISCRIMINATION BASED ON SEXUAL ORIENTATION AND COULD SIGNIFICANTLY REDUCE TOURISM IN THE STATE AND THE REGION.

IMPACT STATEMENT NO. 1

The OCA's Ballot Measure 9

Background

The Oregon Citizens Alliance (OCA), a far-right political group, has proposed an amendment to the Oregon constitution that would mandate discrimination on the basis of sexual orientation. The effects of the initiative would reach into our schools, libraries, work places and daily lives.

The OCA's initiative would invalidate existing laws, including Oregon's Hate Crimes law which has penalties for intimidation on the basis of sexual orientation, and Portland's Civil Rights ordinance, which protects against discrimination in housing, public accommodations, and employment.

If this initiative passes, it would be the first time in United States history that a constitution has been amended to take rights away.

What does it say?

The measure has three primary requirements:

- The state cannot "recognize" phrases such as sexual orientation;
- State and local governments cannot "promote, encourage or facilitate homosexuality;"
- Public schools, colleges and universities must teach that homosexuality is "abnormal, wrong, unnatural, and perverse" and should be "discouraged and avoided."

What would it mean for government agencies?

The initiative has two parts that would affect government.

First, all levels of government - state, regional and local - including all their departments, agencies and other entities, cannot use their facilities or money to "promote, encourage or facilitate homosexuality." This language requires discrimination.

Any government agency could deny services to any individual or group thought to promote, encourage or facilitate homosexuality. Use of facilities such as parks or meeting rooms could be denied solely on the basis of sexual orientation.

Second, every agency at all levels of government - state, regional and local - would be required to play an active role in "setting a standard for Oregon's youth that says homosexuality is abnormal, unnatural and perverse and should be avoided". This means that all agencies, and our entire public school system, kindergarten through college level will be forced to develop materials and teach the OCA's propaganda about homosexuality and family values.

Government Services & Programs

The OCA initiative is comprehensive, covering every agency in every level of government. It forbids government from using any public funds or facilities to "promote, encourage or facilitate homosexuality." The initiative also defines homosexuality as "abnormal, unnatural and perverse." The combined effect of these two components of the measure would be far-reaching, affecting dozens of government programs and services:

Public Facilities

Groups and associations of all types would have their purposes and agendas scrutinized to determine if their meetings "facilitate" homosexuality. **If they are found to**

facilitate homosexuality, these associations would be prohibited from meeting on public property.

Permits for use of city, county or state parks could not be granted to any group that is perceived to "promote, encourage or facilitate" homosexuality. This would include Ecumenical Ministries of Oregon, labor unions, the Oregon Bar Association and dozens of other groups that have taken positions against discrimination on the basis of sexual orientation.

Public Libraries

Libraries could be required to remove from their shelves any book, magazine or art that has any positive reference to homosexuality. Books like the Pulitzer Prize winning, *The Color Purple* could be censored. All new library acquisitions would have to meet a constitutionally mandated standard determined by the values of the OCA.

Full text of the OCA initiative:

This state shall not recognize any categorical provision such as "sexual orientation", "sexual preference," and similar phrases that includes homosexuality, pedophilia, sadism or masochism. Quotas, minority status, affirmative action, or any similar concepts, shall not apply to these forms of conduct, nor shall government promote these behaviors.

State, regional, local governments and their properties and monies shall not be used to promote, encourage, or facilitate homosexuality, pedophilia, sadism or masochism.

State, regional and local governments and their departments, agencies and other entities, including specifically the State Department of Higher Education and the public schools, shall assist in setting a standard for Oregon's youth that recognizes homosexuality, pedophilia, sadism and masochism as abnormal, wrong, unnatural, and perverse and that these behaviors are to be discouraged and avoided.

It shall be considered that it is the intent of the people in enacting this section that if any part thereof is held unconstitutional, the remaining parts shall be held in force.



Public Television and The Arts

Oregon Public Broadcasting would have to **cancel every program** that appeared to "promote, encourage or facilitate" homosexuality. In addition, the agency would be required to take an active role in teaching Oregon's youth that homosexuality is perverse and should be avoided. Similarly, theatre, poetry and art exhibits would be subject to the OCA's censorship.

State Licensing

State licensing agencies would be allowed to **discriminate against any person who is perceived to either be homosexual or who wants to run a business that may serve homosexuals**. Businesses, restaurants and bars would be scrutinized to determine whether they promote, encourage or facilitate homosexuality or have a business clientele deemed "abnormal, wrong, unnatural and perverse." If so, business and liquor licenses could be revoked and new licenses could not be granted.

State Boards

State licensing boards would have to **revoke or refuse to grant licenses to doctors, lawyers, accountants, chiropractors, nurses, barbers, hairdressers, naturopaths, physical therapists** and so on, if an applicant is determined by law to be abnormal, wrong, unnatural or perverse on the grounds of sexual orientation, or perceived sexual orientation, or if that applicant appears to "facilitate" homosexuality.

Tax Deductible Contributions

Charitable contributions to social, religious, educational, or civic groups deductible from state income taxes **could be disallowed** on state returns if that group is deemed to "encourage, promote or facilitate" homosexuality.

Counseling

Students from high school to college who seek counseling and advice in coming to terms with issues of sexuality would not be provided with the support and assistance they need.

Instead, students would be taught to perceive themselves as abnormal, wrong, unnatural and perverse. This would likely result in low self-esteem, self-hatred, and an even higher suicide rate among lesbian and gay youth.

Child Custody

During child custody battles, a court would be required to take away custody or parental rights from any parent who is, or who is perceived to be, homosexual (which would be defined by the state constitution as abnormal, wrong unnatural and perverse).

What does it mean for schools?

The initiative would apply to colleges, universities and all public schools (K-12), in Oregon. It would require teachers at all grade levels to tell their students that homosexuality is "abnormal, wrong, unnatural and perverse" and that these "behaviors" should be "discouraged and avoided." Administrators and teachers would be required to "assist in setting a standard for Oregon's youth" that conforms to the OCA's standard of behavior.

The OCA initiative would require Oregon colleges, universities and public schools to teach things that would not be taught anywhere else in the United States.

University professors would not be allowed to assign any text book or reading materials that showed homosexuality in a positive light. College-level psychology or sociology classes could not use text books on sexuality if they do not discourage homosexuality, even though the American Psychiatric Association (along with the American Psychological Association and American Sociological Association) has a 19 year old position deploring discrimination against homosexuals.

Medical schools would be required to teach students that homosexuality is abnormal and perverse "behavior," even though new medical evidence suggests that sexual orientation is not a learned behavior, but is genetic. Oregon's only medical school may jeopardize its accreditation if they follow this law.

Schools and, universities - including their libraries - would be required to review books, magazines, videotapes, records, tapes, works of art, and photographs to determine whether to ban them or censor them if they provide a positive reference to homosexuality.

Under Ballot Measure 9, academic freedom and critical inquiry would disappear and be replaced by a curriculum and dogma rooted in the past century.

What effect would it have on Portland's civil rights ordinance?

The OCA's statewide initiative would **overturn Portland's civil rights ordinance**. The Portland City Council unanimously passed an ordinance on October 3, 1991 that bans discrimination on the basis of several criteria including sexual orientation and source of income in housing, employment and public accommodations.

If Ballot Measure 9 passes, no city in Oregon would be permitted to pass its own laws protecting its citizens from this type of discrimination.

The decade old annual Portland Gay Pride Parade would no longer be allowed. Gay and lesbian organizations or individuals would not be allowed to use City facilities such as meeting rooms or parks.

What can you do to keep this initiative from passing in the November election?

There are many opportunities for involvement in this Campaign to oppose the OCA's initiative. You can volunteer your time, organize your friends and co-workers, give a house party, have your organization pass a resolution or make a financial contribution.

For more information and to find out how you can get involved, call or write the No on 9 Campaign office, P.O. Box 3343, Portland, OR 97208. Phone: (503) 232-4501

Paid for and authorized by the No on 9 Campaign: The Campaign for a Hate Free Oregon, P.O. Box 3343, Portland, OR 97208-3343 (503) 232-4501. Design, typesetting & printing donated.



"NO SPECIAL RIGHTS" COMMITTEE
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WILSONVILLE, OR 97070
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Council
10/8/92
#72
Rec'd 8-29-91 JB
Same date as comment

N O S P E C I A L R I G H T S I N I T I A T I V E

STATEMENT OF LEGISLATIVE INTENT

1) The purpose of this statement is to set forth the legislative intent of the No Special Rights Committee initiative for the guidance of the voters, and if enacted, the three branches of government.

It is the primary intent of the Chief Petitioners of the initiative to distinguish between private behavior and public policy, and to prevent the establishment of special rights, taxpayer funding, or authorized access to public schools for individuals or groups who promote, encourage or facilitate homosexuality, sadism, masochism, or pedophilia.

2) The substance of this statement will be contained in a statement in the Voters' Pamphlet.

3) The initiative is not intended to interfere with the constitutional rights of anyone, including but not limited to opponents of the measure.

4) If the initiative becomes part of the Oregon Constitution, opponents and everyone else would retain existing rights of free speech, advocacy, and all other rights under state and federal law and the state and federal constitutions.

5) Because of the Supreme Clause (Article VI) of the U.S. Constitution, the initiative would not amend, reduce or interfere with anyone's rights under the U.S. Constitution and federal law.

6) The initiative would not amend or repeal any existing provision of the Oregon Constitution.

7) Subject to state and federal criminal and civil law, the measure does not prohibit persons from choosing to participate in the conduct identified in the initiative.

8) Elements of American society i.e. Right to Privacy PAC, Queer Nation, Radical Activists Truth Squad (RATS), Queers United Against Closets (QUAC), Lesbian Community Project, North American Man-Boy Love Association (NAMBLA), Oregon Guild Activists of Sado-Masochism, Aids Coalition to Unleash Power (ACT-UP), and National Leather Association, wish to make certain conduct, i.e., homosexuality, masochism, sadism, pedophilia, legal and/or

socially acceptable, as a part of the political process, and they have the constitutional right to advocate their views.

9) Elements of American society oppose the promotion of certain conduct, i.e., homosexuality, masochism, sadism, pedophilia, as socially unacceptable. They have the constitutional right to advocate their views.

10) With respect to government employment: As long as an individual is performing his job, and is not using his position to promote, encourage or facilitate the behaviors listed in the initiative, his private practice of such behaviors will not be considered a matter of public policy, and will be considered a non-job factor. However, if a person is using his position to promote, encourage or facilitate one or more of the behaviors listed in the initiative, inquiry by a superior is required, and subsequent disciplinary action, reassignment, or dismissal is appropriate. Remedial action should be proportionate to the degree that the individual has made his private sexual behavior a job-related factor.

11) With respect to government employment: As an exception to item 10, if an individual's position puts him in direct contact with children or youths, and it becomes known that the individual is promoting, encouraging or facilitating any of the behaviors listed in the initiative, then inquiry by a superior is required. If the charge is substantiated, subsequent re-assignment to a job of equal status and pay not directly effecting children is required. The primary factor in jobs relating to children is the protection of the innocence of children, and not the comfort of the individual practicing, promoting, encouraging, or facilitating the abnormal behaviors listed in the initiative.

The above statement is submitted by the Chief Petitioners as the true intent of the No Special Rights initiative. All other representations of the motivation or purpose of the petitioners or the initiative should be examined in relation to this document.

Lon T. Mabon
Chief Petitioner

Phillip Ramsdell
Chief Petitioner

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF DIRECTING THE	)	RESOLUTION NO. 92-1697
PREPARATION OF FACTUAL INFORMATION)	
REGARDING THE IMPACT OF BALLOT	)	INTRODUCED BY COUNCILOR
MEASURE #9 ON METRO-OPERATED	)	SANDI HANSEN
FACILITIES)	

WHEREAS, The Metropolitan Service District owns and operates the Oregon Convention Center; and

WHEREAS, The Oregon Convention Center was built in response to a demonstrated need for such a facility and enjoyed broad support in its construction and operational financing, with funds coming through a voter-approved bond measure, lottery money approved by the Oregon Legislature, a Local Improvement District approved by area property owners, and dedicated Multnomah County transient lodging tax revenues; and

WHEREAS, The Oregon Convention Center has exceeded projections for business and revenue in its two years of operation, and has contributed to the region's economy; and

WHEREAS, The Portland/Oregon Visitors Association believes the passage of Ballot Measure #9 at the statewide General Election on November 3 will cause a reduction in the Convention Center's business; and

WHEREAS, A reduction in Convention Center business will have a negative effect on the region's economy; now therefore,

BE IT RESOLVED, That the Council of the Metropolitan Service District finds it is in the regional interest to make information available to the public which shows the potential impact that the

passage of Ballot Measure #9 would have on the Oregon Convention Center and other facilities owned or operated by the Metropolitan Service District; and

That the Council of the Metropolitan Service District authorizes and directs the Executive Officer and the Public Affairs Department to prepare an objective fact sheet that does not advocate a Yes or No vote, to be made available to the public and the media, regarding the potential impact that Ballot Measure #9's passage would have on Metro facilities and the region's economy.

ADOPTED by the Council of the Metropolitan Service District
this 8th day of October, 1992.

Jim Gardner, Presiding Officer



METRO

2000 SW First Ave.
Portland, OR 97201-5398
(503) 221-1646

News release

Oct. 8, 1992

*Council
3:1*

Oct. 8, 1992

For release: Oct. 9, 1992

For more information, call Vickie Rucker, 220-1163 or Vicki Kolberg, 221-1646.

Metro honors businesses and individuals for recycling achievements

Seven individuals and companies have been honored with recycling recognition awards by the Metropolitan Service District for significantly contributing to waste reduction or recycling efforts in the community.

The winners are:

Model citizen award – Priscilla Chapman

Individual recognition award – Sharon Richter

Business award (non-recycling-related) – Bredl Saw Service

Business award (recycling-related) – Hippo Hardware & Trading Company

Organization/school award – Kaiser Permanente Medical Program

Special projects award – Sunflower Recycling Cooperative

Special projects award – KINK FM 102

The awards were presented at the Metro Council's Oct. 8 meeting. This is the seventh year the awards have been presented by Metro in celebration of Recycling Awareness Week. Twenty-nine nominations were received from area recyclers, haulers, businesses, individuals and government agencies.

Winners were selected by a committee consisting of representatives from the recycling community, Metro Council and staff.

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Enclosed: Profiles of winners and list of nominees

Metro's 1992 Recycling Recognition Award winners

For more information, contact:

Model Citizen Award

Priscilla Chapman
652-6594

Individual Award

Sharon Richter
230-9882

Organization/School Award

Kaiser Permanente Medical Care Program
Jim Gersbach, Public Affairs
721-6827

Business Award – Recycling-Related

Hippo Hardware & Trading Company
Steve Oppenheim or Steve Miller
231-1444

Business Award – Non-Recycling-Related

Bredl Saw Service
Jay Bredl
252-2614

Special Projects Award

Sunflower Recycling Cooperative
John Garafolo
238-1640

Special Projects Award

KINK FM 102
Martha Nielson or Paul Clithero
226-5080

Nominations for Metro's 1992 Recycling Recognition Awards

Model Citizen

Priscilla Chapman
Willamette View, Inc. Resident's Association
12705 SE River Rd., 414 S
Portland, OR 97222
652-6594

Organized 16-member team to collect recyclables at retirement community.
She is committed to saving natural resources and contributing to the community.

Julie Lewis
DEJA, Inc.
7180 SW Fir Loop
Tigard, OR 97223
624-7443

Developed concept and formed company to manufacture shoes made with
recycled materials.

Sharon Richter
3027 NE Couch St.
Portland, OR 97232
230-9882

Kerns neighborhood recycling advocate, volunteer, speaker, writer and
organizer.

Jeanne Roy
Recycling Advocates
2420 SW Boundary
Portland, OR 97201
244-0026

Recycling activist, lobbyist and writer. Founder of Recycling Advocates and
author of weekly *This Week Magazine* column, "Reduce, Reuse, Recycle."

**Kent V. Snyder
Snyder & Associates
424 NW 19th Ave.
Portland, OR 97209
225-0880**

Supports and practices conservation, waste reduction, recycling and purchase of recycled materials at his law firm.

Individual Recycling Recognition

**Julie Lewis
DEJA, Inc.
7180 SW Fir Loop
Tigard, OR 97223
624-7443**

Developed concept and formed company that manufactures shoes from recycled materials.

**Debbi Palermini
Palermini & Associates
815 SE Clatsop
Portland, OR 97202
235-0137**

A leader in introducing recycling to construction industry. Activities include education, information, demonstration sites and technical assistance.

**Sharon Richter
3027 NE Couch St.
Portland, OR 97232
230-9882**

Kerns neighborhood recycling advocate, volunteer, speaker, writer and organizer.

Business (non-recycling-related)

Bredl Saw Service
Contact: Jay Bredl
11005 NE Marx St.
Portland, OR 97220
252-2614

Developed an on-site processing facility for recycling wood waste; turned a disposal problem into an asset.

DEJA, Inc.
Contact: Julie Lewis
7180 SW Fir Loop
Tigard, OR 97223
624-7443

Manufactures shoes and accessory bags from recycled materials. Company mission is to develop new markets for recycled materials.

JAE Oregon
Contact: Bob Conchin
PO Box 1106
Tualatin, OR 97062
692-1333

Worked with United Disposal Service to develop a program for maximum recycling of manufacturing waste, including plastic.

KINK FM 102
Laurie Dickenson, Anne Marie Messano
1501 SW Jefferson
Portland, OR 97201
226-5080

In partnership with SOLV, staged highly successful volunteer clean-up of illegal dump sites and neighborhoods, recovering 6,837 tires, 57,000 pounds of scrap metal and 90,000 pounds of wood waste for recycling.

Rasmussen Paint
Contact: Chris Rasmussen
12655 SW Beaverdam Rd.
Beaverton, OR 97005
644-9137

Developed 100 percent recycled latex paints from discarded paint and began marketing effort.

Snyder & Associates
Contact: Kent V. Snyder
424 NW 19th Ave.
Portland, OR 97209
225-0880

Supports and practices conservation, waste reduction, recycling and purchase of recycled materials at his law firm.

Toyota Motor Distributors, Inc.
Portland Parts Distribution Center
Contact: Tony Gomes, manager, or
Rick McDaniel, associate supervisor
6111 NE 87th Ave.
Portland, OR 97220
256-8250

New reuse and recycling program reduced waste sent to landfill by 80 percent during nine-month period ending June 1992.

Business (recycling-related) -----

DEJA, Inc.
Contact: Julie Lewis
7180 SW Fir Loop
Tigard, OR 97223
624-7443

Developed concept and formed company to manufacture shoes made with recycled materials.

Hippo Hardware & Trading Company
Contact: Steve Miller or Steve Oppenheim
1040 E Burnside
Portland, OR 97214
231-1444

Salvager of reusable building materials. Integrates salvage and reuse with social service contribution.

Storie Steel & Wood Products
Contact: Nick Storie
PO Box 12490
Portland, OR 97212
287-1775

Salvages large timbers and steel beams from major construction projects. Recovered 7,000 tons in 1991 for reuse or value-added products.

Organization/School

Kaiser Permanente Medical Care Program
Contact: Jim Gersbach
2701 NW Vaughn, Suite 300
Portland, OR 97210
721-6827

Broad range of waste reduction and recycling programs including less reliance on disposable goods, reduction of unnecessary packaging and recycling of multiple materials.

Portland Public Schools
Contact: Peter DuBois or Renne Harris
501 N. Dixon
Portland, OR 97227
249-2000 ext. 331

Districtwide recycling program involves all 91 schools; the 1991-92 school year saw milk and drink cartons program start up.

The Warehouse Project
Contact: Jerry W. Greene
PO Box 31099
Portland, OR 97283
285-0116

Building supply recycler provides construction materials to low income and public housing groups.

Special Projects

Office of Energy Resources
Bonneville Power Administration
Contact: Rebecca L. Clark
Lower Columbia Area
PO Box 3621
Portland, OR 97208
230-5353

Actively promotes paper saving and recycling; recognizes efforts of individual employees.

Laurie Dickenson/Anne Marie Messano
KINK FM 102
1501 SW Jefferson
Portland, OR 97201
226-5080

In partnership with SOLV, staged highly successful volunteer clean-up of illegal dump sites and neighborhoods, recovering 6,837 tires, 57,000 pounds of scrap metal and 90,000 pounds of wood waste for recycling.

Julie Lewis
DEJA, Inc.
7180 SW Fir Loop
Tigard OR 97223
624-7443

Founded company that manufactures shoes from recycled materials.

Sharon Richter
3027 NE Couch St.
Portland, OR 97232
230-9882

Kerns neighborhood recycling advocate, volunteer, speaker, writer and organizer.

Rotary Club of Portland
Preserve Planet Earth Committee
Contact: Susan Sharp
9368 SW Beaverton-Hillsdale Hwy
Beaverton, OR 97005
292-0199

Prepared a 45-page waste reduction and recycling handbook to assist businesses in the region.

Springdale Job Corps Center
31224 E. Crown Point Hwy
Troutdale, OR 97060
Contact: Mary Cohorst or Bruce Hansen
Management and Training Corp.
695-2245

Set up community recycling depot at Springdale Job Corps Center to serve Springdale and Corbett residents.

Sunflower Recycling Cooperative
Contact: John Garafolo
2345 SE Gladstone St.
Portland, OR 97202
238-1640

Demonstrated non-conventional application of crushed glass as construction site sub-base at recyclables receiving facility.

This Week Magazine
Contact: Allison Jansky
9600 SW Boeckman Rd.
Wilsonville, OR 97070
682-1881

Developed and published 600,000 "Reduce, Reuse, Recycle Kids' Guide" and "Earth Day '92 Kids' Guide."

Profiles of 1992 Metro Recycling Recognition Award winners

Model Citizen Award Priscilla Chapman

Priscilla Chapman is a resident and recycling program organizer at Willamette View Association, a retirement community in Clackamas County.

When Mrs. Chapman and her husband moved to Willamette View six years ago only newspaper recycling was available. She recognized that, in addition to an interest in social interaction and recreation, the 350 active residents of the center had a strong desire to contribute to their community, city and world. She volunteered to organize a 16-member team to expand the program to other recyclables, including white and colored ledger, magazines, glass, tin, aluminum cans and some plastics.

Oak Grove Disposal collects the paper, staff takes most other recyclables to KB Recycling and Mrs. Chapman personally takes the Number 2, 4 and 6 plastics to the Milwaukie Thriftway store.

The program consists of "monitors" on each floor to assist with quality control, assistance from Clackamas County's recycling education staff and outreach to residents through monthly newsletters, fact sheets and new residents training. Mrs. Chapman estimates that two-thirds of the residents participate.

While she admits that "sometimes people throw some awfully odd things into the bins," the program is a success and gives the many concerned individuals living at Willamette View Association an opportunity to do what they can to help the environmental and save natural resources.

In eight months, the residents earned more than \$1,700. That money is paying for a baling press that was purchased to improve the program's efficiency.

The Metropolitan Service District awarded Chapman the Model Citizen Award for her commitment and dedicated efforts to establish a recycling program in a large retirement community.

Special Projects KINK FM 102

KINK Radio has long been active in the effort to make the public aware of the need to reduce waste and recycle. One of its most visible and successful projects is the sponsorship of SOLV-IT, a one-day cleanup of illegal dump sites that create an environmental nuisance and potential hazard.

For the past three years, KINK has recruited sponsors from its client base to fund and help promote the clean-up. KINK's staff also creates and produces all of the marketing for the event.

Each year the event has grown, culminating in 1992 with the collection of more than 428,000 pounds of materials from Portland area illegal dump sites and neighborhoods. Approximately 70 per cent of the collected material was recycled. This includes more than 57,000 pounds of scrap metal, nearly 7,000 old tires and 90,000 pounds of wood waste that were recovered for recycling.

KINK Radio attributes the size and success of the one-day clean-up to the generous support of its sponsors, tireless hours of volunteers effort and technical assistance provided by SOLV.

The Metropolitan Service District awarded KINK FM 102 the Special Projects Award for its commitment to this project and for making this annual project a highly successful community event.

Business Award (non-recycling-related)

Bredl Saw Service

Bredl Saw Service is a lumber recutting business that resizes dimensional lumber to meet a customer's specifications. Faced with both a slowing construction industry and rising disposal costs for scrap wood, the company took a second look at the potential to be found in wood waste.

Through the installation of a hammermill, conveyors and chip storage bins, Bredl Saw Service was not only able to manage its own wood waste, but also made the service available – at little or no charge – to other manufacturing and industrial facilities that have wood scrap.

Two secondary products are created from this wood recovery process – hardboard production and the production of fuel and electricity. The recognition of the need to diversify recycled products has increased hardboard feedstock to 25 percent of the company's production.

Bredl Saw Service has become the largest wood processor in the Metro region. Less than 5 percent of incoming material needs to be disposed of because of the company's high standards of accepting only clean wood.

This wood recovery activity is quickly approaching the magnitude of Bredl's recutting business, diversifying a regional business while recovering wood that was previously landfilled.

The Metropolitan Service District honored Bredl Saw Service for being a creative company that took control of its waste disposal problem and turned it into an asset.

Individual Recycling Recognition Award

Sharon Richter

For the past 19 years, Sharon Richter has been a Kerns neighborhood recycling advocate, organizer, writer and neighborhood organizer.

Richter began by sharing her personal practice and belief in recycling with tenants of three duplexes she and her husband, Joe, own. This has resulted in the reduction of the garbage of seven households down to three cans per week. Yard debris from all households is composted and used for soil amendments, mulch and paths and a community garden is available to those interested.

She also moved beyond her own immediate interests, becoming a Kerns neighborhood recycling educator and organizer. In 1987, with a donated box from Sunflower Recycling Cooperative and the cooperation of Holloway's, a local grocery store, she set up a milk jug recycling program. She and other neighbors rotated collecting the plastic for processing until milk jugs became a curbside item.

Richter has also served as chairman of the neighborhood association, canvassed the Kerns neighborhood on behalf of the city of Portland to survey and educate the public about the new franchised collection system and organized and participated in neighborhood cleanups. She also regularly supplies the neighborhood association with recycling information articles for publication.

The Metropolitan Service District awarded Sharon Richter the Individual Recycling Award for thinking globally and acting locally and for her long-term commitment to the Kerns neighborhood.

**Business Award (recycling-related)
Hippo Hardware & Trading Company**

Steve Oppenheim and Steve Miller, co-owners of Hippo Hardware & Trading Company, have been in the business of salvaging building materials for reuse since 1977.

Salvaged items are obtained by contracting for salvage rights to buildings that are scheduled for remodeling or demolition. The public may also sell or barter salvaged items. Each year, Hippo Hardware saves approximately 150 tons of unique and usable items from entering the landfill.

Hippo Hardware also has another unique "salvage" aspect. The majority of the company's employees have been homeless or are people who are in or have completed treatment programs. The business is used as a means of allowing these people to become established again. Employees are given permanent status after six months of work. Benefits include medical and dental coverage. Employees are encouraged to use their experience at Hippo as a step to other opportunities – and many former employees have gone on to start new businesses of their own.

The Metropolitan Service District awarded this East Burnside business the Recycling-Related Business Award for its excellence in integrating salvage and reuse with a social service contribution. Metro commended Hippo Hardware & Trading Company for its long-term commitment and

for proving that both products and people can be just as good, if not better, the second time around.

Organization/School Recycling Award Kaiser Permanente Medical Care Program

Recycling and source reduction is a high priority of the staff of Kaiser Permanente Medical Care Program, a health maintenance organization serving 375,000 people in Oregon and Southwest Washington. Kaiser has responded with a broad range of initiatives that are keeping everything from glass to plastic, paper, tin and even batteries out of landfills through recycling, less reliance on disposable goods and reduction of unnecessary packaging.

The successes include:

- an operating room plastics recycling program that involves disposable sterilization wraps and irrigation solution bottles. Kaiser's waste hauler, MDC, is storing the number 5 plastic until sufficient volume is accumulated to market. The medical center is working in both Oregon and Washington to help develop markets for these materials and other plastics.
- recycling of glass formula bottles by nursery and maternity nurses.
- The Food Services Department recycles all tin cans, even though it involves staff taking the material to a recycling center themselves.
- There has been significant reduction of product packaging through purchasing agents work with vendors and manufacturers. This includes standardizing pallet sizes, buying in bulk and requests for material in more environmentally friendly packaging with reusable shipping containers.

- Kaiser's landscape services use mulching lawnmowers. In addition to saving water and soil nutrients, these mowers are keeping more than 15,000 bags of lawn clippings out of the landfill each year.
- There has also been concentrated efforts on less reliance on disposables and the purchase of recycled paper, forms and envelopes.

These programs have been primarily employee-driven, with staff bringing their personal values to work and the organization responding to their requests.

The Metropolitan Service District awarded the Organization/School Award to Kaiser Permanente for its staff dedication and the corporate responsiveness that has allowed the employee ideas and "can do" philosophy to blossom and thrive.

Special Projects Award Sunflower Recycling Cooperative

Sunflower Recycling has been collecting recyclables since the cooperative was founded in 1973. Sunflower has been a recycling pioneer in the Metro region and has a long history of innovative response to changes within the industry.

Recognizing that the recycling process isn't complete until the collected materials are marketed and reused, Sunflower sought to develop new markets for recyclables. When the cooperative expanded its recovery facility site on Southwest Gladstone Street, it took the initiative to use a recovered material in a non-traditional application by using crushed glass as a sub-base in the construction of the concrete pad on which the main recyclables receiving conveyor sits.

The organization began by securing a donation of 600 tons of green cullet from Owens Brockway. The organization then commissioned an engineering firm to develop the construction design and conduct laboratory and in-place density testing of the material. Sunflower used 80 tons of green glass in this successful project and is exploring additional demonstration projects to use the remaining donated glass.

The Metropolitan Service District awarded Sunflower Recycling Cooperative the Special Projects Award for its contribution to market development. The use of cullet as a construction sub-base is one more example of Sunflower's ongoing innovation and willingness to assume risks in its effort to change the status quo.