

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REPEALING ) ORDINANCE NO 99-794  
ORDINANCE NO. 98-786C WHICH )  
ADDED URBAN RESERVE AREAS 14 ) Introduced by Councilor Atherton  
AND 15 TO THE URBAN GROWTH )  
BOUNDARY )

WHEREAS, the Metro Council adopted Ordinance No. 98-786C on December 17, 1998 to add Urban Reserve Areas 14 and 15, as amended, to the regional urban growth boundary (UGB); and

WHEREAS, this ordinance is now acknowledged because the time for appeal of that ordinance has passed without a Notice of Intent to Appeal, after proper notice of decision under the Post Acknowledgment process in state law; and

WHEREAS, this ordinance was based on Metro's new legislative amendment process allowing amendment of the UGB prior to completion of an urban reserve plan; and

WHEREAS, the City of Happy Valley was identified as the city providing governance over this area; and

WHEREAS, circumstances have changed since the Metro Council and City of Happy Valley consideration of this UGB amendment making this UGB amendment prior to completion of an urban reserve plan premature; and

WHEREAS, those changed circumstances include the failure of the South-North Light Rail Transit Project which would have extended the regional transit system to Clackamas Town Center, relieving the road system for this area; and

WHEREAS, the lack of this light rail project by 2007 has the following air quality and transportation impacts in relationship to this UGB amendment:

- the regional air quality maintenance plan includes Metro’s commitment to not move the UGB unless the new area can be adequately served by transit and an assumption that the South-North Light Rail Transit Project would be in service by 2007;
- the failure of light rail puts greater traffic volumes on Sunnyside Road, even with planned improvements;
- this area is a difficult area to serve with adequate transit due to the rural road and topography at the outer limits of the transit system;
- improvements to 145th Avenue with increased urban densities on the lands in this UGB using 145th Avenue and Sunnyside Roads would overload the transportation system in the absence of adequate transit; and

WHEREAS, this area should be reconsidered as open space to protect the Happy Valley community consistent with Metro’s acknowledged RUGGO Objective 26.1, encouraging separation of communities; and

WHEREAS, prematurely adding these lands to the regional UGB will reduce the ability of the City of Happy Valley to plan for the land inside the unamended UGB that it has committed to serve; and

WHEREAS, prematurely adding these lands to the UGB limits the ability of the Metro Council to consider other lands better suited for future urbanization; now, therefore,

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THE METRO COUNCIL ORDAINS AS FOLLOWS:

That Ordinance No. 98-786C is hereby repealed and urban reserve areas 14 and 15 shall be reconsidered for amendment of the regional urban growth boundary upon completion of the urban reserve plan for this area.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

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Daniel B. Cooper, General Counsel

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## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 99-794, FOR THE PURPOSE OF REPEALING ORDINANCE NO. 98-786C, WHICH ADDED URBAN RESERVE AREAS 14 & 15 TO THE URBAN GROWTH BOUNDARY.

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Date: Jan. 20, 1999

Prepared by: Michael Morrissey

**Proposed Action:** Ordinance No. 99-794 repeals Ordinance 98-786C which was adopted by the Metro Council on Dec. 17, 1998 as part of a legislative amendment process to the Metro regional urban growth boundary. The practical effect of this ordinance, with an emergency clause, is that urban reserve areas 14 and 15 in the Sunnyside area of Clackamas County, remain urban reserves, rather than being included within the urban growth boundary on March 7, 1999, which would have been the effective date of Ordinance 98-786C (90 days from its passage).

**Factual Background and Analysis:** Urban reserve areas 14 and 15 are comprised of approximately 665 acres, almost totally exception land, in the Sunnyside area of Clackamas County, near the city of Happy Valley. These areas can accommodate approximately 3,147 dwelling units and 908 jobs, according to Metro's Productivity Analysis.

They are tier 1 areas, which indicates an initial assessment by Metro staff and nearby jurisdictions that these areas appeared easier to serve (with urban services). In addition, tier 1 status, as clarified in Metro code, allows movement of the urban growth boundary to include such sites, when they receive commitment from a local jurisdiction to complete an urban reserve plan. This was the case for Urban Reserve areas 14 and 15, when the Metro Council adopted Ordinance 98-786C, after receiving commitment from Clackamas County to complete the necessary urban reserve planning, in conjunction with the City of Happy Valley.

Metro has in fact, awarded a \$50,000 planning grant to Clackamas County to complete the urban reserve plan. The county is in the process of hiring a consultant to do the planning, which is expected to be completed within this fiscal year.

#### Transportation

Testimony was offered at public hearings on the need to improve transportation along Sunnyside road for current and future traffic. Clackamas County support for the inclusion of urban reserve areas #14 and 15, include the ability to improve and reopen 147<sup>th</sup>, including its intersection with Sunnyside Road.

The findings and staff reports for Ordinance 98-786C cite several potential transportation projects, including East Sunnyside Road, which are contained in the draft Regional Transportation Plan (RTP). The RTP has progressed through several drafts and a summer/fall, 1999 completion date is anticipated. East Sunnyside road in particular, is on of a list of projects identified as most critical in the Portland region for the next 20 years. In addition, a TGM Grant was awarded to Clackamas County to conduct a corridor study for Sunnyside Road, which should assist in providing transportation-related requirements of the urban reserve plan. The results of this grant should be completed within this fiscal year.

While neither the transportation section of findings, nor the staff report for Ordinance 98-786C directly mention the S/N Light Rail project, it was identified in both the 2040 Growth Concept and as an element of the draft preferred Regional Transportation Plan.

#### Neighbor Cities/ Separation of Communities

RUGGO objective 26 is identified as Neighbor Cities. It reads:

Growth in cities outside the Metro UGB, occurring in conjunction with the overall population and employment growth in the region, should be coordinated with Metro's growth management activities through cooperative agreements that provide for:

26.1 Separation. The communities within the Metro UGB, in neighbor cities, and in the rural areas in between will all benefit from maintaining the separation between these places as growth occurs. Coordination between neighboring cities, counties and Metro about the location of rural reserves and policies to maintain separation should be preserved.

Examples of neighbor cities are later cited to be those such as Canby, Sandy and Newberg.

Urban reserves 14 and 15 are to the SE of Happy Valley, and urban reserve 14 abuts other urban reserves to the east.

#### HB 2709

House bill 2709 requires Metro to identify the regional 20-year land supply needed for dwelling unit capacity. Upon that identification, Metro is then required to move the UGB to include an area necessary to meet 1/2 that need within 1 year. The Department of Land Conservation and Development (DLCD) staff has recently agreed that Metro has met that requirement when, in December of 1998 it moved the region's UGB to include 3,527 acres, by ordinance. This in turn would accommodate approximately 15,718 dwelling units. Ordinance 99-794 would reduce this acreage and dwelling unit capacity by 665 acres and 3,147 dwelling units, possibly reopening a discussion with DLCD.