

Metro Council Listening Post

November 18, 1996

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*Addendum/Attachments

A copy of the originals of the following documents can be found filed with the Permanent Record of this meeting, in the Metro Council Office.

Document Number	Document Name	Document Date
111896-01	Al Benkendorf, AICP 522 SW 5th Ave Portland, OR 97204	11/18/96
111896-02	Steve Morasch Schwabe, Williamson and Wyatt Attorneys at Law 1211 SW 5th Portland, OR 97204	11/18/96
111896-03	Ron Dyches 8785 SE 137th Ave Portland, OR 97236	11/18/96
111896-04	Brian Bellairs The Portland Board of Realtors 16590 SW High Hill Lane Aloha, OR 97007	11/18/96

THE BENKENDORF ASSOCIATES CORPORATION



November 18, 1996

Metro Councillors
METRO
600 N.E. Grand Avenue
Portland, Oregon 97232-2736

Subject: **Urban Reserve Study Area-Map 46**

Dear Councillors:

Our firm represents Mr. Howard Angell, owner of 17.59 acres at the southwest corner of Pacific Highway 99 and Kruger Road. **We respectfully request that Map 46 be designated an Urban Reserve Area and given high priority to be added to the Urban Growth Boundary.**

A letter dated October 8, 1996 was submitted to your Urban Growth Management Committee describing the reasons why this property should be designated for Urban Reserve.

We support the analysis of your staff whom have given this site a qualifying and weighted score of 58 and we ask that you consider this analysis when evaluating this location.

The City of Sherwood is not supporting this request but is proceeding to acquire property immediately north of Kruger Road for a new YMCA. The YMCA will require public services from the city such as water and sewer even though the city is not requesting that this site be added to either the Urban Reserve Study area or the UGB.

In addition, a new signal is planned for the Highway 99/Kruger Road intersection. The planned signal is designed to serve Woodhaven, a large planned unit development which is under development on the east side of Highway 99. The signal will also serve the new YMCA and the residential uses planned for the Map 46 area.

All of the services necessary to urbanize this location are in place or planned. The site has excellent access and egress to Highway 99 and a new signal will assure managed traffic control, sewer and water are in place across the 99 right of way at Woodhaven and planned to be extended to the proposed YMCA. The site area of 112 acres is parcelized into 14 separate tax lots averaging 8 acres in size.

In conclusion, designation of this location as an Urban Reserve area is supported by the property owners in Map 46. Thank you for your time and consideration.

Yours Sincerely,

THE BENKENDORF ASSOCIATES CORPORATION



Al Benkendorf, AICP

Attachment

cc: Howard Angell

THE BENKENDORF ASSOCIATES CORPORATION



FILE COPY

October 8, 1996

Metro Councillors
METRO
600 N.E. Grand Avenue
Portland, Oregon 97232-2736

Subject: **Urban Reserve Study Area - Map 46**

Dear Councillors:

We respectfully request that Map 46 be designated an Urban Reserve Area. Our firm represents the owner of Tax Lot 300, a 17.59 acre site adjacent to the eastern boundary of this study area and adjacent to Sherwood's Urban Growth Boundary.

Map 46's qualifying score is 58 as is the weighted rating. The area has the capacity to accommodate 725 dwelling units or 297 jobs.

All of the conditions for urbanization of this area are present. The area is divided into 14 tax lots averaging 8 acres in size and totalling 112 acres. Water and Sewer service have been brought to the area by the City of Sherwood to accommodate a new large planned unit development immediately across 99W. ODOT is planning a signal at the intersection of 99W and Kruger Road, the main entrance to the PUD which will assure easy access to Sherwood's shopping facilities and the employment centers immediately Northeast of the City.

Recently, the City has been considering the property immediately north of Kruger Road for a new YMCA and related athletic fields. This is intended to be a major sports facility designed to attract the residents of Sherwood throughout the day for athletic endeavors. Development of Map 46 for residential purposes will be compatible with this use and enable residents to capitalize on the close proximity of these facilities. In addition, development of these athletic facilities is incompatible with retaining a rural atmosphere in this location. We support the development of the athletic facilities as a use consistent with urbanizing the area designated by Map 46.

Metro Councillors
October 8, 1996
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Please note in the Mayor of Sherwood's testimony today that the City is recommending that Map 46 not be retained as an Urban Reserve area because of traffic problems on 99W. At the same time, the City is proposing an athletic complex that will be served by the same intersection. This is inconsistent public policy at its worst.

Thank you for your time and consideration. Again, we **strongly recommend that MAP 46 be designated an Urban Reserve Area.**

Yours Sincerely,
THE BENKENDORF ASSOCIATES CORP.



Al Benkendorf, AICP

cc: Howard Angell

**SCHWABE
WILLIAMSON
& WYATT**
P.C.
ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1800
1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795
TELEPHONE: 503 222-9981 • FAX: 503 796-2900 • TELEX: 650-686-1360

STEVE C. MORASCH

November 18, 1996

VIA HAND DELIVERY

METRO Council
600 NE Grand Avenue
Portland, OR 97232

Re: Designation of Urban Reserves -
Urban Reserve Study Area No. 49

Dear Councilors:

We represent a group of citizens who own property within Urban Reserve Study Area ("URSA") No. 49. Our clients include the following: Stuart Honeyman; Kim Vandehey; William and Ekatrini Garyfallou; Jack Brian; and Buzz Siler. Our clients own property in Site No. 113, a site proposed for subtraction from URSA No. 49 by the Petitioners for Cooper Mountain. Site No. 113 was included in URSA No. 49; however, the Executive Officer Recommendations, dated September 3, 1996, recommend that only the southern portion of URSA No. 49 be designated as Urban Reserves. Our desire that their property located in the northernmost portion of URSA No. 49 (referred to herein as the "Northernmost Portion of URSA No. 49"), as shown on the area map attached as Exhibit A, be designated as Urban Reserves.

The Northernmost Portion of URSA No. 49 apparently not recommend for inclusion as Urban Reserves because of the 138 acres of Exclusive Farm Use ("EFU") land located within URSA No. 49. However, as pointed out on Page 118 of the Executive Officer Recommendations - Background Data, the 138 EFU acres are situated in the center and southwest corner of URSA No. 49 and do not constitute a part of the Northernmost Portion of URSA No. 49. The Northernmost Portion of URSA No. 49 is situated north of the 138 EFU acres, is not designated EFU and is designated as exception lands pursuant to Goal 2. Consequently, the Northernmost Portion of URSA No. 49 should be designated as Urban Reserves because it does not contain resource land.

CRITERIA

The criteria for designating land as an urban reserve area are listed in OAR 660-21-030(2):

Inclusion of land within an urban reserve area shall be based upon factors 3 through 7 of Goal 14 and the criteria for exceptions in Goal 2 and ORS 197.732. Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan area growth boundary, shall first study lands adjacent to the urban growth boundary for suitability for inclusion within urban reserve areas, as measured by factors 3 through 7 of Goal 14 and by the requirements of OAR 660-04-010. Local governments shall then designate for inclusion within urban reserve areas those suitable lands which satisfy the priorities in subsection (3) of this Section.

The Northernmost Portion of URSA No. 49 is made up entirely of exception land under Goal 2. Thus, the criteria for exceptions in Goal 2, ORS 197.732, and OAR 660-04-010 have been met for the Northernmost Portion of URSA No. 49.

Further, under OAR 660-21-030(3)(a), first priority for designating an urban reserve goes to land adjacent to an urban growth boundary which is identified in an acknowledged comprehensive plan as an exception area or non-resource land. Since all of the Northernmost Portion of URSA No. 49 has been designated as an exception area in the Washington County Comprehensive Plan, the Northernmost Portion of URSA No. 49 is "first priority" land under OAR 660-21-030(3)(a).

Factors 3 through 7 of Goal 14 are:

- (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 Northernmost Portion of URSA No. 49 satisfies each of these criteria. Before beginning a detailed discussion of each of these factors, it is important to note that according to the METRO Urban Reserve Relative Ranking, dated June 11, 1996, URSA No. 49 received a high or moderate ranking for each of the above factors. Although 21 of the 33 URSAs recommended for designation as Urban Reserves by the Executive Officer have one or more low rankings, URSA No. 49 does not have any low rankings. The Northernmost Portion of URSA No. 49 satisfies all of the criteria for designation as Urban Reserves and should be so designated.

ANALYSIS OF CRITERIA

Factor 3. Orderly and economic provision for public facilities and services.

Public facilities and services may be provided to the Northernmost Portion of URSA No. 49 in an orderly and economic fashion. As shown on the utility map attached as Exhibit B to this letter, underground water, power, telephone service, natural gas, and cable television (as well as electrical stubs for some street lights) are already installed to and through the Northernmost Portion of URSA No. 49. Sewer lines extend to within approximately 350 feet of the Northernmost Portion of URSA No. 49 at one location and to within 110 feet of the Northernmost Portion of URSA No. 49 at a second location. Further, sewer, utility and drainage easements extend through the Northernmost Portion of URSA No. 49 and through the adjacent land situated inside of Urban Growth Boundary.¹ There are also 3 large water tanks on Cooper Mountain, and there is a fire station adjacent to the northwest corner of the Northernmost Portion of URSA No. 49.

The METRO Utility Feasibility Analysis shows that the total cost for providing sewer, water, and stormwater utilities to URSA No. 49 is approximately \$4,000 per equivalent density unit ("EDU"). This amount places URSA No. 49 in the top 37.5% of all URSAs for economic provision of utilities and makes provision of utilities for URSA No. 49 \$800 per EDU cheaper than the

¹ Sewer lines would need to cross a portion of Murrayhill's open space, as shown on the attached maps. However, future sewer extension through this area was contemplated at the time Murrayhill was platted. The plat bears a notation that this area may be used for sewer extension if approved by the City of Beaverton.

average URSA. See Table B-1 of the METRO Utility Feasibility Analysis.

The METRO study further found that "The study's most important conclusion is that all of the URSAs are serviceable and that while there are cost differences between them, none of the servicing costs are so significant that some URSAs should be eliminated from further consideration as part of the region's future urban area. [Emphasis in original.]" The METRO Utility Feasibility Analysis, page 1. In any event, the cost of providing utilities is generally borne by the developer. Some of our clients are experienced land developers and, based on their experience as developers, believe that they can provide utilities to the Northernmost Portion of URSA No. 49 in an orderly and economic fashion at their own cost.²

In their supplementary memorandum, dated January 24, 1996, the Petitioners for Cooper Mountain attempt to show a higher cost per EDU for providing utilities to Site No. 113 (which encompasses most of the north half of URSA No. 49). However, the conclusions of the Petitioners for Cooper Mountain are based on false assumptions and faulty analysis.³

² The Northernmost Portion of URSA No. 49 encompasses the boundaries of a natural drainage and thus offers a logical boundary line for the urban area. Prior to adoption of the current Urban Growth Boundary, the Northernmost Portion of URSA No. 49 had been annexed into the Unified Sewerage Agency ("USA") and the Wolf Creek Water District because of this natural drainage. Petitioners for Cooper Mountain assert that sewer services cannot be provided in an orderly manner in part because the Northernmost Portion of URSA No. 49 was deannexed from the jurisdiction of the USA. However, contrary to the Petitioners' assertions, the reason that the Northernmost Portion of URSA No. 49 was deannexed from the USA had nothing to do with the terrain (Murrayhill has the same steep slopes as the Northernmost Portion of URSA No. 49). The Northernmost Portion of URSA No. 49 was deannexed from the USA because the property owners in the area were paying taxes to a jurisdiction that was not providing any services. Since the existing residences are served by septic systems, sewer (and hence inclusion within the USA) is not currently required because the property cannot now be developed at urban densities. If the Urban Growth Boundary were eventually expanded to include the Northernmost Portion of the Northernmost Portion of URSA No. 49, the Northernmost Portion of URSA No. 49 could be reannexed into the USA at that time. Like many of the arguments raised by the Petitioners for Cooper Mountain, their argument regarding deannexation from the USA assumes what it seeks to prove. Petitioners assume that URSA No. 49 is not suitable for designation as Urban Reserves because it is currently developed at rural, rather than urban, densities. However, the rural development of URSA No. 49 occurred, not because of any limitations inherent in the land, but because it is currently outside of the Urban Growth Boundary. If URSA No. 49 were to be brought into the Urban Growth Boundary, the restrictions on development of this land at urban densities would disappear.

³ The Petitioners' assertion that a lift station will be required because of the steep slopes is clearly erroneous because, with the exception of a very small part (approximately 3/4 of an acre) of the Northernmost Portion of URSA No. 49, the terrain of the Northernmost Portion of URSA No. 49 (like the terrain in the southern portion of URSA No. 49) slopes downward toward the existing sewer systems. A lift

The Petitioners for Cooper Mountain do not dispute METRO's estimated total cost of providing services to Site No. 113. Rather, the Petitioners for Cooper Mountain argue that the total density for Site No. 113 will be less than estimated by METRO because of the relatively steep slopes that exist throughout much of Site No. 113. Based on the fact that some of Site No. 113 is already developed with one acre lots, the Petitioners assume that Site No. 113 cannot be developed at a density of greater than 3 units per acre. However, the METRO study already took into account the fact that some of URSA No. 49 had already been developed. URSA No. 49 contains 694.5 acres, but the METRO Utility Feasibility Analysis was based on a net buildable land area of only 477 acres. Thus, the METRO study had already taken the developed and undevelopable area into account when calculating total density for URSA No. 49.

Petitioners for Cooper Mountain assume that 60% of the total cost of providing utilities to URSA No. 49 will be incurred to provide utilities to Site No. 113. However, Site No. 113 represents only 40% of the total area of URSA No. 49. Thus, at most, the total cost of providing utilities to Site No. 113 would be 40% of the total cost of providing utilities to URSA No. 49. However, since sewer lines are adjacent to Site No. 113 and to the northernmost Portion of URSA No. 49 and water is already present, the total cost for providing utilities to Site No. 113 will likely be somewhat less than 40% of the total cost of providing utilities to URSA No. 49.⁴ See Exhibit B.

Finally, Petitioners for Cooper Mountain ignore the fact that Site 113 is adjacent to Murrayhill. As shown by the topographical map attached as Exhibit C, Murrayhill shares the same steep terrain as Site No. 113. This terrain has not prevented the construction of Murrayhill at relatively high densities.⁵ The Murray Ridge development, which is approved for construction adjacent to Murrayhill and Site No. 113, also shares the same type of terrain as Site No. 113, yet Murray Ridge is

station is not required to move sewage downhill.

⁴ Stormwater could be channelled through appropriate stormwater detention facilities and drained into Summer Creek or storm sewer lines, which would further decrease the cost of providing utilities to Site No. 113. Many other sites recommended for inclusion do not offer a natural drainageway like Summer Creek.

⁵ For example, the roads in Murrayhill are built to urban standards and can accommodate transit. Within the boundaries of the Northernmost Portion of URSA No. 49, Mt. Adams Drive and Mt. Hood Drive each have a 50-foot right-of-way, and Mt. Hood Drive has a 15-foot grading easement. The cul-de-sac at Mt. Adams Drive also has a 50-foot right-of-way connection and two 15-foot grading easements. A review of the street map attached as Exhibit D shows that the other streets in the Northernmost Portion of URSA No. 49 also have sufficiently wide rights-of-way to accommodate urban densities. Thus, the existing streets can be widened to urban standards without acquiring additional right-of-way. Transit can serve URSA No. 49, and the area already attracts a number of bicyclists who have not been deterred by the terrain.

designed for an average density of over five units per net buildable acre.⁶ As shown by the Murrayhill and Murray Ridge developments, the concerns of Petitioners regarding the terrain of Site No. 113 are misplaced. Past experience shows that the terrain of URSA No. 49 will not prevent dense residential development.

Because public facilities and services can be provided in an orderly and economic fashion, Factor 3 supports designation of the Northernmost Portion of URSA No. 49 as Urban Reserves.

Factor 4. Maximum efficiency of land uses within and on the fringe of the existing urban area.

The Executive Officer analyzed Factor 4 by creating two analytical criteria: the Efficiency Factor and the Buildable Lands Factor. URSA No. 49 has an Efficiency Factor of 5 and a Buildable Lands Factor of 6. Executive Officer Recommendations, Background Data, Exhibit A, page 14. Five other URSAs recommended for inclusion in the Urban Reserves have virtually identical Efficiency and Buildable Land Factors and two other URSAs recommended for inclusion have substantially lower factors.⁷ Therefore, URSA No. 49 will provide as efficient use of land as at least seven other URSAs which are recommended for inclusion in the Urban Reserves.

Petitioners for Cooper Mountain assert that Site No. 113 cannot be efficiently developed because of the slopes. This argument ignores the efficient use of land in the surrounding developments such as Murrayhill, Fallatin, Madrona Heights, Deer Park, Tiffany Heights, Bishop Ridge, Holly Ridge, and Kemmerview Estates.⁸ Further, a review of the topographic maps attached to the Executive Officer Recommendations shows that many other URSAs recommended to be designated as Urban Reserves by the Executive Officer have slopes of a similar steepness to URSA No. 49. See Maps Nos. 1, 2, 5, 6, 7, 8, 11, 15, 30, 33, and 48. Additionally, the southern portion of URSA No. 49 contains areas that are only slightly less steeply sloped than the Northernmost Portion.

⁶ Another example of urban densities being developed in this terrain is Tiffany Heights which is currently being developed inside the Urban Growth Boundary directly to the north of URSA No. 49.

⁷ URSA Nos. 1, 2, 5, 26, 30, and 48 have both Efficiency and Buildable Land Factors of 6 or less. URSA Nos. 33 and 34 have both Efficiency and Buildable Land Factors of 3 or less.

⁸ Streets and roads supporting transit and other alternative modes of transportation were successfully developed in Murrayhill. The existing rights of way in the Northernmost Portion of URSA No. 49 are sufficiently wide to accommodate street expansion to urban standards without costly condemnation.

The most steeply sloped portions of URSA No. 49 occur along Summer Creek. Our clients propose that a strip along Summer Creek be protected and enhanced as a natural resource corridor and trail site leading to the future Cooper Mountain park area. See Exhibit D. This would support RUGGO Goal II, Objectives 12 and 15, which call for protection of watersheds and development of "interconnected recreational and wildlife corridors within the metropolitan region [emphasis added]." Some of our clients are currently working with The Trust for Public Land and METRO to develop a recreation trail across our clients' property along Summer Creek.⁹ With protection of this riparian corridor, Objective 15 would be satisfied by inclusion of the Northernmost Portion of URSA No. 49 within the Urban Reserves and eventual inclusion of the Northernmost Portion of URSA No. 49 within the Urban Growth Boundary.

Finally, the Rural Planned Development ordinance, through which much of the Northernmost Portion of URSA No. 49 was developed, has created a cluster pattern of housing which makes this area an ideal candidate for designation as Urban Reserves. The larger tracts surrounding the housing clusters can easily be redeveloped to urban densities without disturbing the existing residences. Because of this clustering, Factor 4 supports designation of the Northernmost Portion of URSA No. 49 as Urban Reserves.

Factor 5. Environmental, energy, economic and social consequences ("ESEE").

METRO has analyzed Factor 5 by creating three analytical criteria: Environmental Factors; Access to Centers; and Jobs/Housing Balance. According to the METRO Urban Reserve Relative Ranking dated June 11, 1996, URSA No. 49 has a high ranking for Environmental Factors and moderate rankings for Access to Centers and Jobs/Housing Balance. The Petitioners for Cooper Mountain argue that this rating should be lowered because the slopes and Summer Creek riparian area "were not considered in the technical criteria." Testimony Report from Petitioners for Cooper Mountain, page 14. This statement is clearly and demonstrably false. Under the heading of Environmental Constraints, page 8 of the Executive Officer Recommendations, Background Data, Exhibit A states:

This analysis estimates the environmentally constrained land in each study area.
Environmentally constrained land includes

⁹ Stuart Honeyman has already set aside a resource corridor through the Timberline RPD which is 1/4 mile long and 50 feet wide at one end and 90 feet wide at the other end. This exceeds the county's minimum requirement of a 25-foot wide resource corridor by more than 100%.

steep slopes, floodplains, flood prone soils, wetlands and riparian corridors, and are considered hazardous or sensitive environmental resources. [Emphasis added.]

Steep slopes and riparian corridors were obviously considered in the technical analysis. Even with its slopes and riparian corridor, URSA No. 49 ranks equal to or greater than virtually all of the other URSAs recommended for designation as Urban Reserves.

Nineteen of the 33 URSAs recommended for designation as Urban Reserves are ranked low for Access to Centers. Thus, since URSA No. 49 has a moderate ranking for Access to Centers, URSA No. 49 is more suitable for designation as Urban Reserves than 19 of the 33 URSAs recommended for designation as Urban Reserves with respect to Access to Centers.¹⁰

All of the other URSAs recommended for designation as Urban Reserves by the Executive Officer are also ranked as moderate for Jobs/Housing Balance. Since URSA No. 49 has a moderate ranking for Jobs/Housing Balance, URSA No. 49 is roughly as suitable for designation as Urban Reserves as the other 32 URSAs recommended for designation as Urban Reserves with respect to the Jobs/Housing Balance.

As explained above, the Northernmost Portion of URSA No. 49 has good Access to Centers, which offsets the fact that jobs are limited within URSA No. 49 itself. Thus, the EESE analysis of the Northernmost Portion of URSA No. 49 supports an Urban Reserves designation.

Factor 6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority.

METRO has analyzed Factor 6 by creating one analytical factor, the Agricultural Retention Factor. According to METRO's Urban Reserve Relative Ranking, dated June 11, 1996, URSA No. 49 has a moderate ranking for Agricultural Retention. Nineteen other URSAs recommended for designation as Urban Reserves also

¹⁰ Petitioners for Cooper Mountain argue that the 3.5 mile distance from URSA No. 49 to the Murrayhill Town Center is "out-of-direction travel." However, an examination of a road map reveals that only one quarter of a mile of the 3.5 mile trip is out-of-direction travel. This out-of-direction travel can be eliminated entirely through an extension of Wier Road from SW 170th Avenue to SW 175th Avenue on existing county right-of-way. Travel distances can be further reduced by extending Mt Hood Drive to SW 175th Avenue near Siler Ridge Lane. Finally, in its analysis, METRO calculated Access to Centers based on travel along existing rights-of-way. Therefore, the concerns expressed by Petitioners for Cooper Mountain have already been addressed in the rankings.

have a moderate ranking for Agricultural Retention. However, the Northernmost Portion of URSA No. 49 should have a higher Agricultural Retention rating than URSA No. 49 as a whole because, while there are 138 acres of EFU land in the central and southwest portion of URSA No. 49, the Northernmost Portion does not contain any EFU land. The Northernmost Portion of URSA No. 49 is entirely made up of exception land and the soils are predominately Class III.

Under OAR 660-21-030(3)(a), first priority for designating land as Urban Reserves goes to land adjacent to an urban growth boundary which is identified in an acknowledged comprehensive plan as an exception area or non-resource land. Since the Northernmost Portion of URSA No. 49 is adjacent to the Urban Growth Boundary on two sides and all of the Northernmost Portion of URSA No. 49 has been designated as an exception area in the Washington County Comprehensive Plan, the Northernmost Portion of URSA No. 49 is "first priority" land under OAR 660-21-030(3)(a).

Finally, the relatively small lot sizes and slopes which are characteristic of the Northernmost Portion of URSA No. 49 are not conducive to farming.¹¹ Moreover, farming in this area is not practical because of the shortage of water. The Northernmost Portion of URSA No. 49 is within the Cooper Mountain - Bull Mountain Critical Groundwater Area; thus, using groundwater for irrigation is prohibited. Since the Northernmost Portion of URSA No. 49 is not suitable for farming, Factor 6 supports designation of the Northernmost Portion of URSA No. 49 as Urban Reserves.

Factor 7. Compatibility of the proposed urban uses with nearby agricultural activities.

METRO has analyzed Factor 7 by creating one analytical factor, the Agricultural Compatibility Factor. According to the METRO Urban Reserve Relative Ranking dated June 11, 1996, URSA No. 49 has a moderate ranking for Agricultural Compatibility. Twenty-five other URSAs recommended for designation as Urban Reserves also have a moderate or lower ranking for Agricultural Compatibility. However, the Northernmost Portion of URSA No. 49 should have a higher Agricultural Compatibility rating than URSA No. 49 as a whole because, while there are 138 acres of EFU land in the central and southwest portion of URSA No. 49, the Northernmost Portion does not contain any EFU land.

¹¹ It has been well documented before the Council that small parcels do not produce economically feasible farms.

The Northernmost Portion of URSA No. 49 is entirely made up of exception land. Although farming activities are the dominant land use in the southern section of URSA No. 49, farming is much less prevalent within the boundaries of the Northernmost Portion of URSA No. 49.¹² The existing levels of traffic are not conducive to operation of farm equipment on the roads, and farmers generally do not use the roads in and around the Northernmost Portion of URSA No. 49. Many large farm operations are conducted beyond URSA No. 49 to the south and west where the topography is flatter and the soils are better.

The Petitioners for Cooper Mountain emphasizes the steep slopes that are characteristic of the Northernmost Portion of URSA No. 49; however, steep slopes are not at all suitable for farmland. The Northernmost Portion of URSA No. 49 is surrounded by urban areas on two sides and contains three internal clustered Rural Planned Developments. Farming activities on the other two sides are sparse because of the steep slopes and the relatively small parcel size which is characteristic of this area.

The land around the Northernmost Portion of URSA No. 49 is generally unsuitable for farming. Consequently, urban use of the Northernmost Portion of URSA No. 49 is entirely compatible with the limited agricultural activities on nearby lands. Factor 7 supports designation of the Northernmost Portion of URSA No. 49 as Urban Reserves.

CONCLUSION

Based on the above analysis, all of the relevant factors support designation of the Northernmost Portion of URSA No. 49 as Urban Reserves.¹³ The Northernmost Portion of URSA No. 49 is adjacent to the Urban Growth Boundary on two sides and is not adjacent to any major farming activities. The Northernmost Portion of URSA No. 49 is not suitable for farming for a variety of reasons, including poor soils, slope, unavailability of water and small parcel size.

The riparian corridor along Summer Creek can and will be protected to provide a wildlife and recreation corridor. Finally, and perhaps most importantly, utilities and other public facilities and services can be provided to the Northernmost Portion of URSA No. 49 in an orderly and economic fashion.

¹² Although there are some existing forests, the Northernmost Portion of URSA No. 49 is not extensively or intensively managed as forestland.

¹³ Petitioners for Cooper Mountain discuss the RUGGOs at length. However, under OAR 660-21-030(2), Factors 3 through 7 of Goal 14 are the relevant criteria for designating Urban Reserves, not the RUGGOs. This letter discusses the RUGGOs in the context of the relevant factors where appropriate.

METRO Council
November 18, 1996
Page 11

For these reasons, our clients recommend that the Northernmost Portion of URSA No. 49 be designated as Urban Reserves and be considered for eventual inclusion within the Urban Growth Boundary.

Thank you for your consideration of this matter.

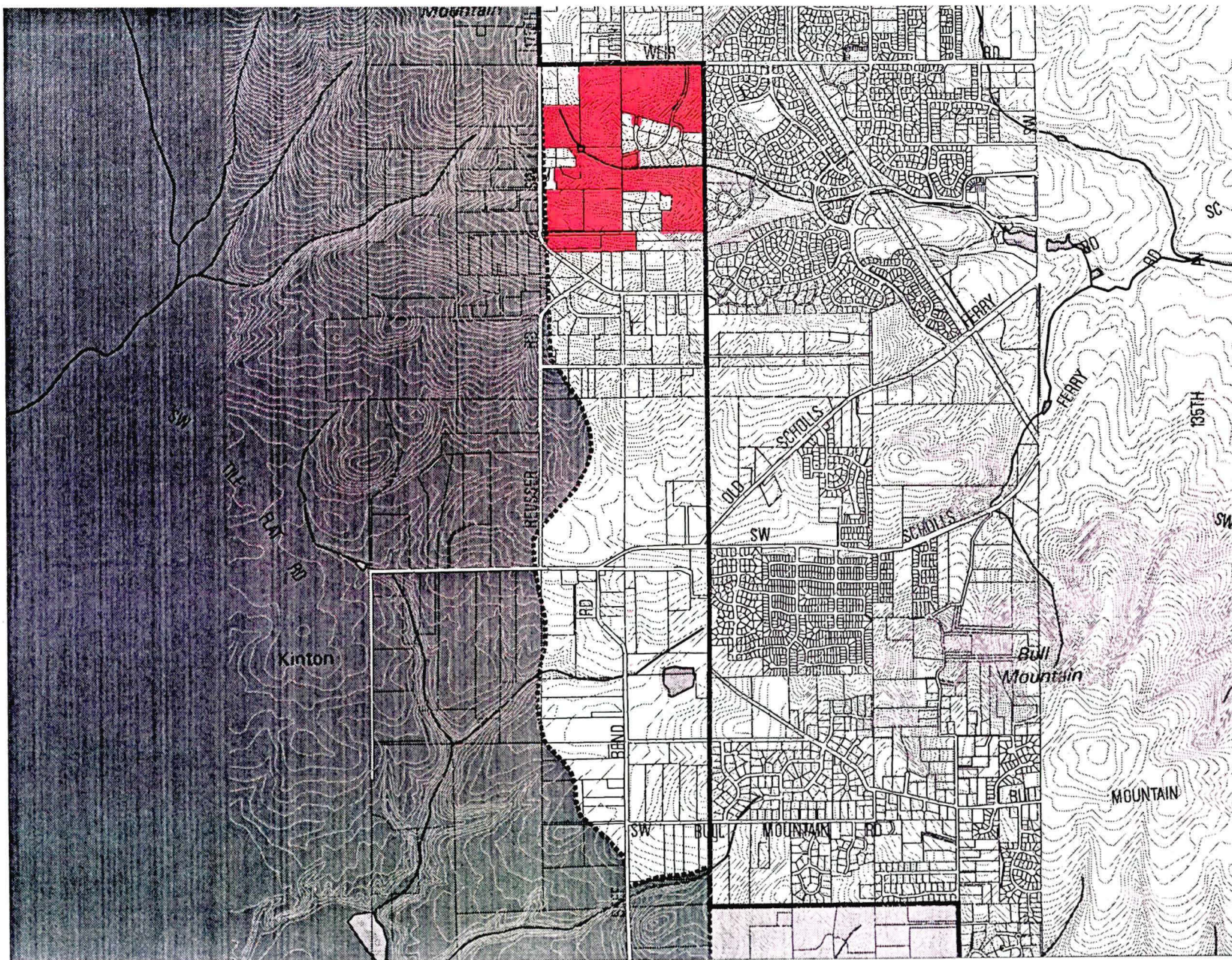
Very truly yours,



Steve C. Morasch

SCM:lcr

cc: The Honorable Robert Drake, Mayor of the City of Beaverton
Kim Katsion, Washington County Commissioner



Regional Land Information System

Urban Reserve Study Areas

Adopted By
Metro Council 2-8-96

- This Map's URSA
- UGB
- Other URSA's
- Outside UGB and URSA's
- Specific Study Area
- Urban Growth Boundary

MAP #49

Acres EFU Acres
694.50 138.242

600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1242

95418/pltsmsites.aml, plot date: July 11, 1996

EXHIBIT A - 1/2 AREA MAP - SUBJECT PROPERTY

Source : Executive Officer Recommendations - Urban Reserves
Back Ground Data Ex. A September 1996

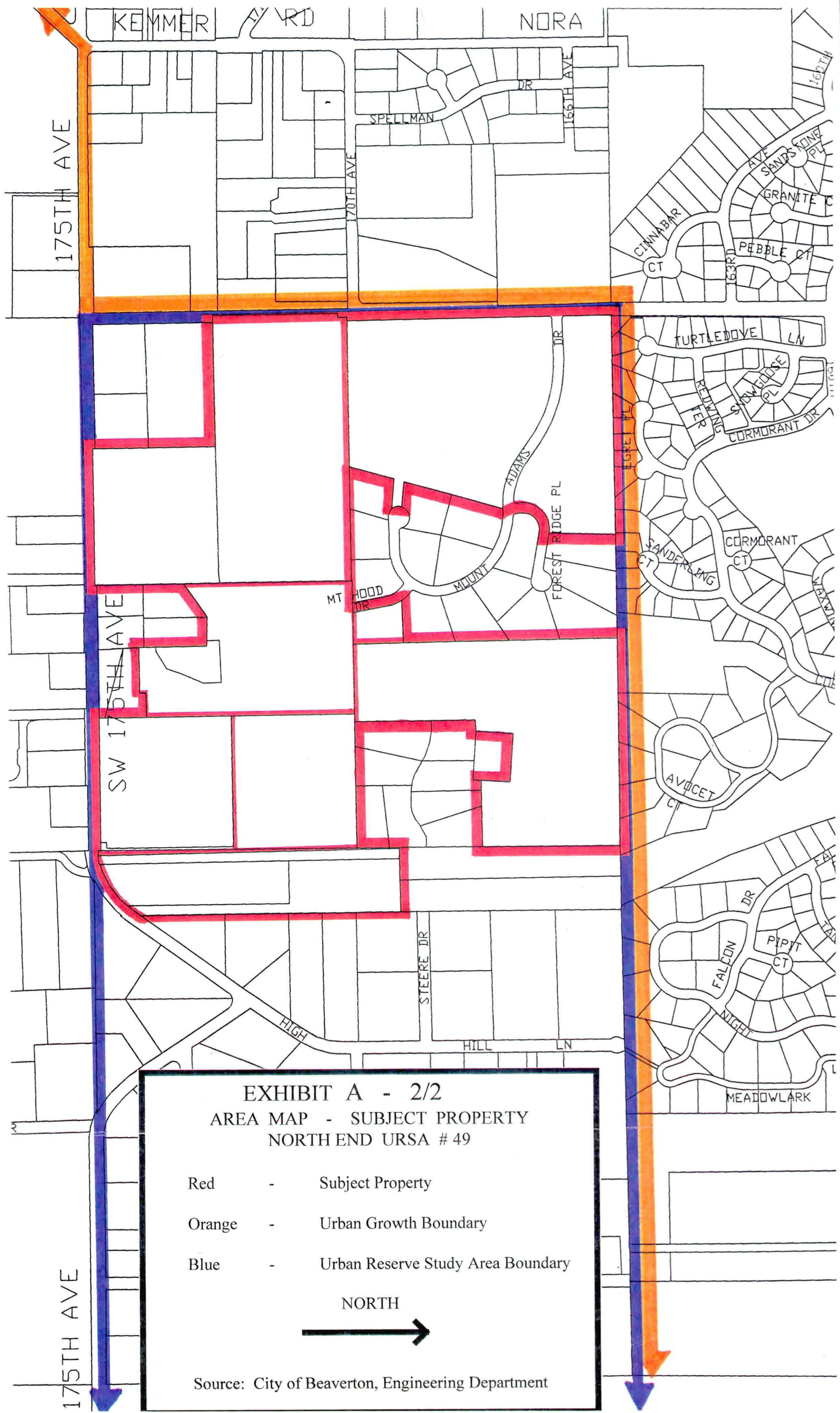
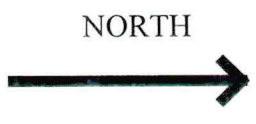


EXHIBIT A - 2/2
AREA MAP - SUBJECT PROPERTY
NORTH END URSA # 49

- Red - Subject Property
- Orange - Urban Growth Boundary
- Blue - Urban Reserve Study Area Boundary



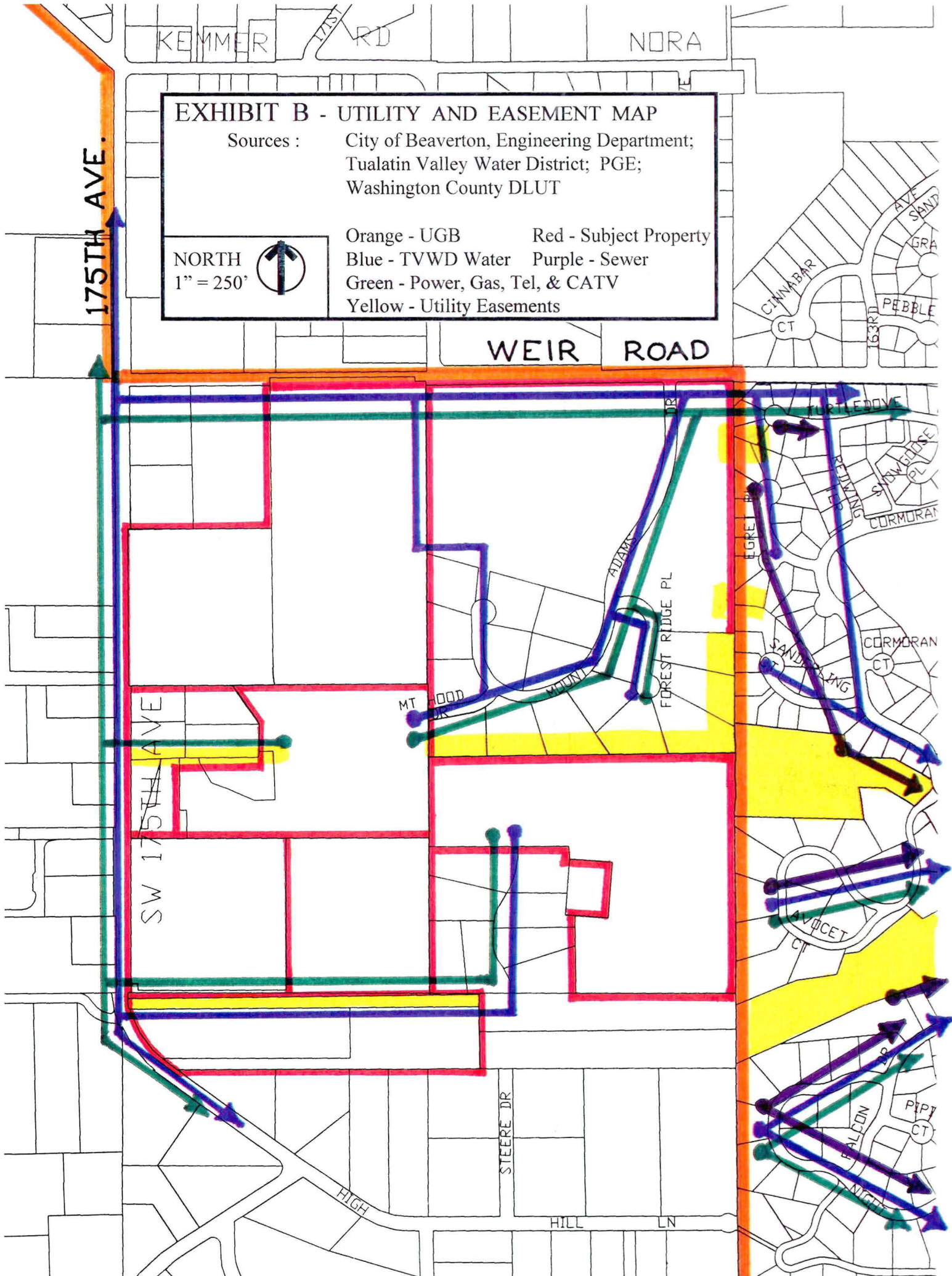

Source: City of Beaverton, Engineering Department

EXHIBIT B - UTILITY AND EASEMENT MAP

Sources : City of Beaverton, Engineering Department;
Tualatin Valley Water District; PGE;
Washington County DLUT

Orange - UGB Red - Subject Property
Blue - TVWD Water Purple - Sewer
Green - Power, Gas, Tel, & CATV
Yellow - Utility Easements

NORTH
1" = 250'



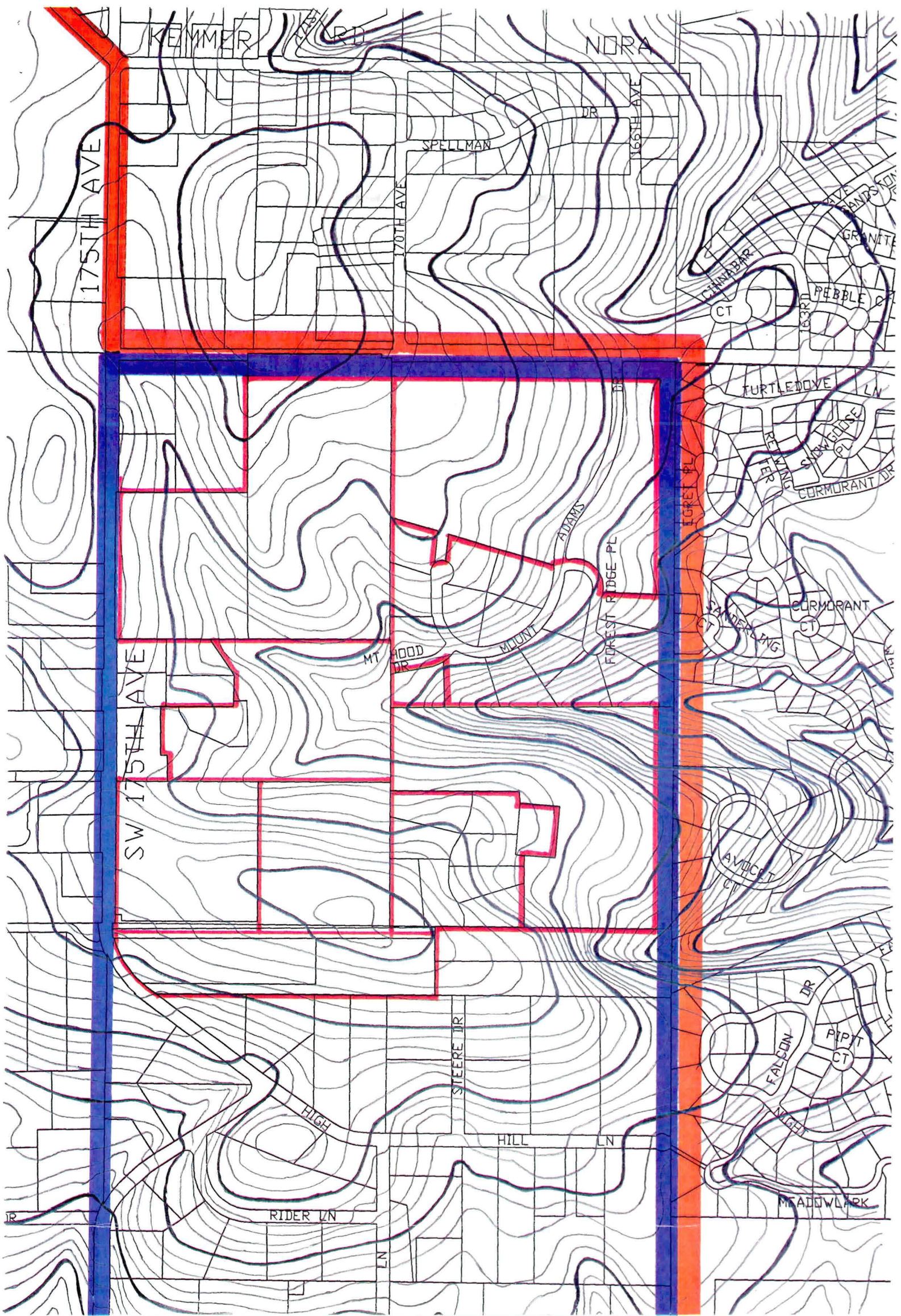


EXHIBIT C - TOPOGRAPHY AND LOT LINE MAP

Sources : 10' Topography : U.S.G.S. Quad Map
 Lot lines : City of Beaverton,
 Engineering Department

NORTH
1" = 500'

Orange - UGB Blue - URSA # 49
Red - Subject Property

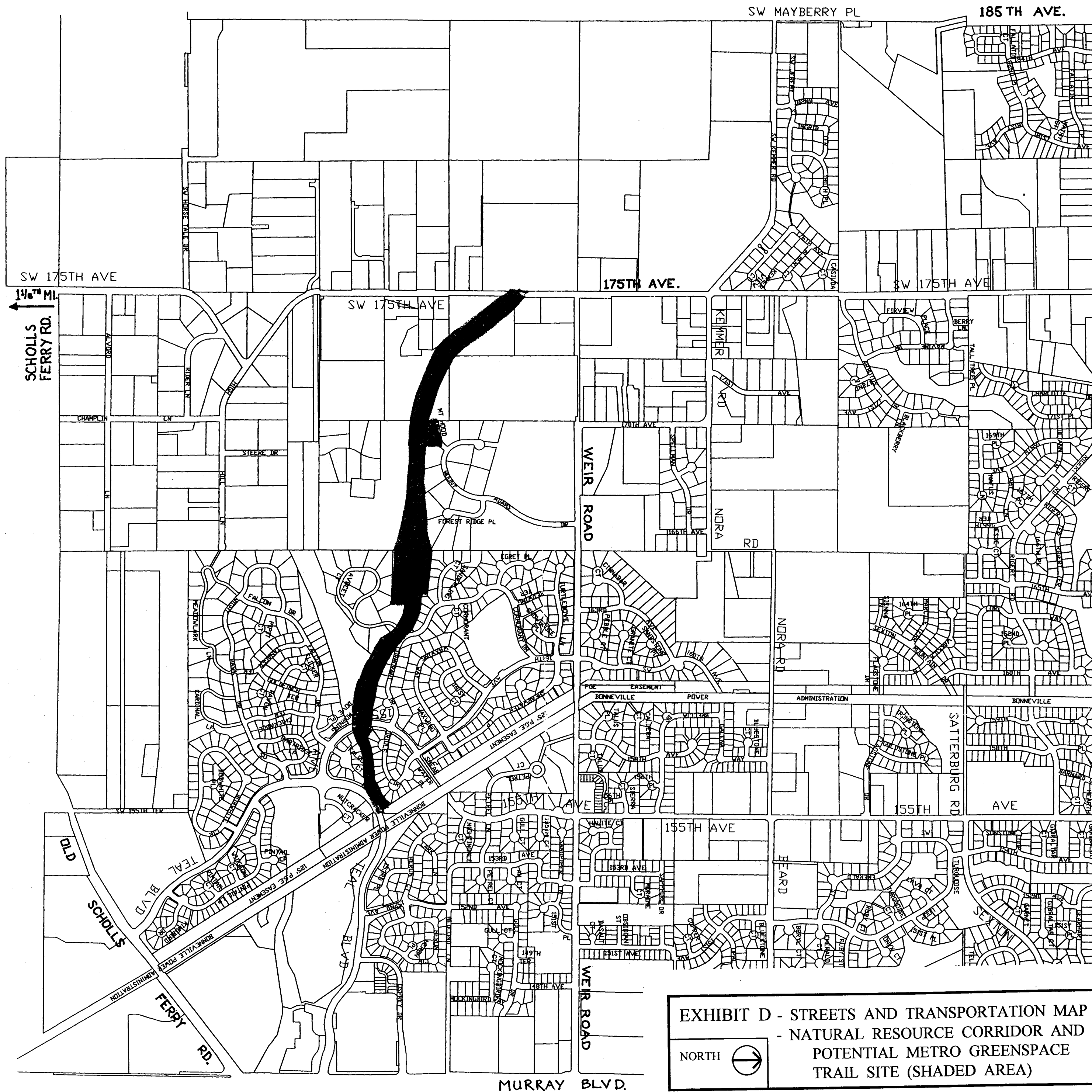


EXHIBIT D - STREETS AND TRANSPORTATION MAP
- NATURAL RESOURCE CORRIDOR AND
POTENTIAL METRO GREENSPACE
TRAIL SITE (SHADED AREA)

November 18, 1996

Honorable Susan McClain, Metro Councilor,
Growth Management Committee Chair
Mike Burton, Executive Officer
Metro
600 NE Grand Avenue
Portland, Oregon 97124

RE: Urban Reserve Study Area #49

Dear Councilor McClain and Executive Officer Burton:

I own 54.92 acres in one of the Urban Reserve Study Areas (URSAs) in Washington County.

There are many features of URSA #49 that meet the criteria used for selection as an Urban Reserve criteria as outlined by state law. We would like to present arguments why the entire URSA area, not just the southern half, should be included as an Urban Reserve. I offer the analysis of these issues as a refinement of the Executive Officer's first draft presented on September 3, 1996.

Enclosed you will find three maps presenting information for this URSA. URSA #49 was recommended for inclusion as an Urban Reserve, but the entire northern portion was "removed" by the Executive Officer. As shown on the attached documents from Metro, URSA #49 had an overall score of 49.5 points, according to the URSA analysis tool provided by Metro staff. It was the entire URSA that scored these points in the ranking process conducted by Metro staff. Removing over half the area from consideration affects the scoring, and makes the comparison one of "apples and oranges". For example, the factors that mostly reflect the urbanization of the area (Urban Reserve Rule Factor number 3 and 4) which reward the utility feasibility, road network, schools, efficiency and buildable lands, may not score as high without the inclusion of the northern portion.

Furthermore, the state Urban Reserve Rule [OAR 660-21-030 (3)] requires that "*a) First priority goes to lands adjacent to an urban growth boundary which are identified in an acknowledged comprehensive plan as exception areas or non resource land. First priority may include resource land that is completely surrounded by exception areas unless these are high value crop areas . . .*" The northern portion of the URSA meets those requirements. I don't understand why the Executive Director removed these lands. In addition, the resource lands lying to the south of this exception land are not totally surrounded by exception lands, but the resource lands provide the primary access to these exception areas, as well as close proximity and access to Scholls Ferry Road, the Major Arterial in the area.

I have read that the Metro Council accepted the Draft Urban Growth Report and approved nine variables to determine the existing capacity of the UGB. I will note to you that these approved

Honorable Susan McClain
Mike Burton, Executive Officer
Urban Reserve Study Area #49
November 18, 1996
Page 2

variables produce a shortfall of approximately 4,100 acres to the current UGB. When the household and employment numbers are applied to the URSA analysis tool, it results in a need of approximately 18,800 acres of Urban Reserve lands. I support the Metro Council's approval of these nine variables and urge you to use the UGB capacity shortfall as policy direction to choose approximately 18,800 acres in Urban Reserves.

This URSA area can provide important public facilities. School District #48 supports the designation of this URSA as potential school siting area. The district has provided a letter of interest for a specific site located north of Scholls Ferry Road. There is a fire station located within the area, at 175th and Weir. Regarding agricultural retention factors, the enclosed map shows the soil classifications for URSA #49. Only some of the area has Class II soils; most of the URSA is Class III or worse. The soils map shows some bands of very poor soils running through the URSA.

This area is within one mile from a town center designated on the 2040 Growth Concept Map, although it did not score well on this factor in Metro's analysis. I understand that Metro used a factor related to access via major and minor roads that are in place today. URSA #49 is largely undeveloped today, and may have been underscored in this factor. To assess an area on the basis of access that is available today as opposed to potential access at time of development is akin to assessing a town center's effectiveness based on land use today versus potential for future land use. There may be an error in the scoring of this factor for this site.

Please call me with any questions about this URSA at 761-4144. Thank you for your consideration of this information.

Respectfully,



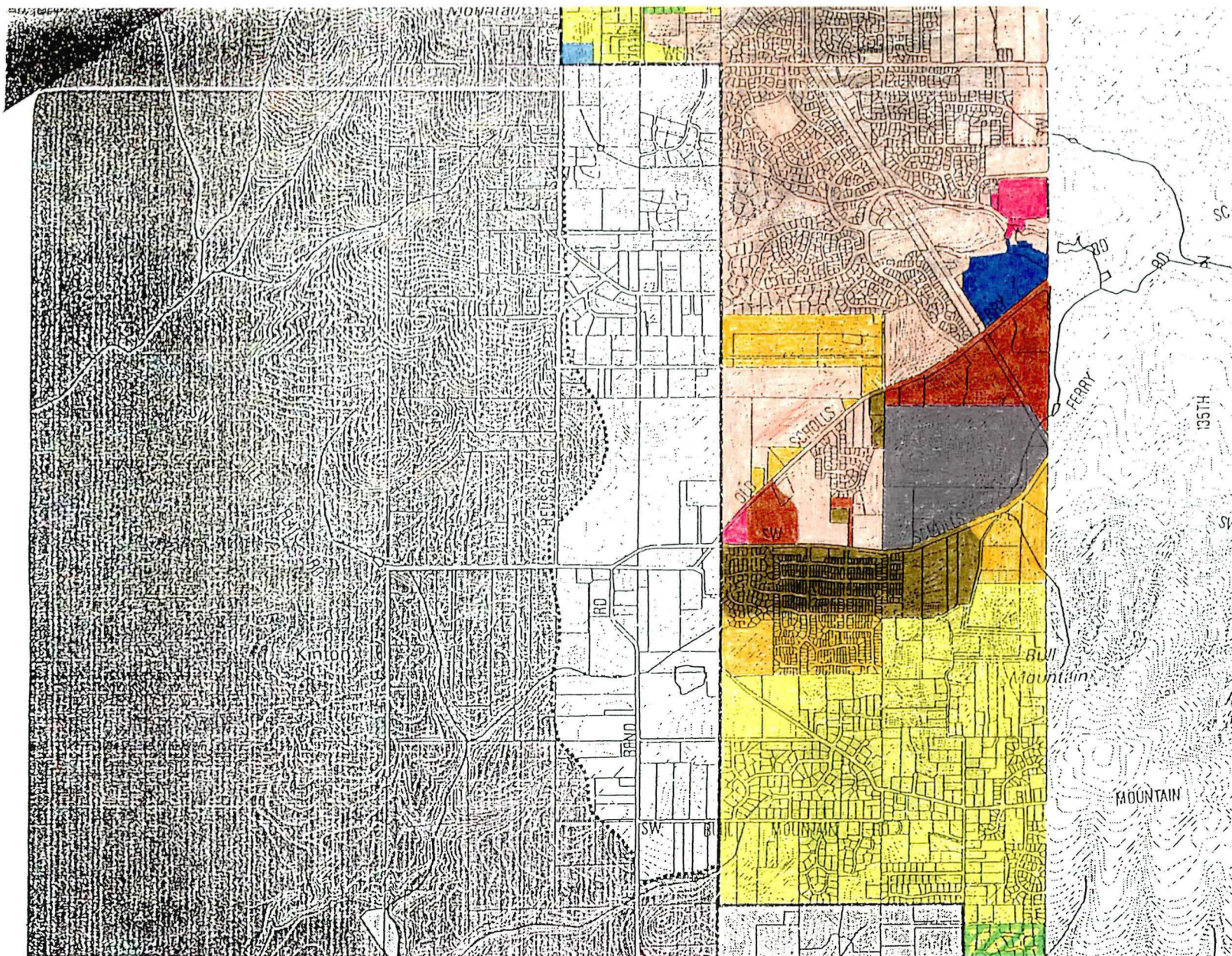
Ron Dyches
8785 S.E. 137th Avenue
Portland, Oregon 97236

Enc. Maps

cc: Honorable Metro Council Chair Jon Kvistad
Honorable Councilor Patricia McCaig
Honorable Councilor Ruth McFarland
Michael Morrissey, Metro Council Coordinator

Honorable Councilor Don Morissette
Honorable Councilor Rod Monroe
Honorable Councilor Ed Washington

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Regional Land Information System

Urban Reserve Study Areas

Adopted By
Metro Council 2-8-96

- This Map's URSA
- UGB
- Other URSA's
- Outside UGB and URSA's
- Specific Study Area
- Urban Growth Boundary

MAP #49

Acres	EFU Acres
694.50	138.242

600 NE Grand Ave
Portland, OR 97232-2736
(503) 777-1202

95418/plmstudies.cov, plot date: February 28, 1996

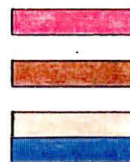
County Land Use Districts*

Residential 5 Units per Acre
Residential 6 Units per Acre
Residential 9 Units per Acre
Residential 15 Units per Acre
Industrial
Institutional



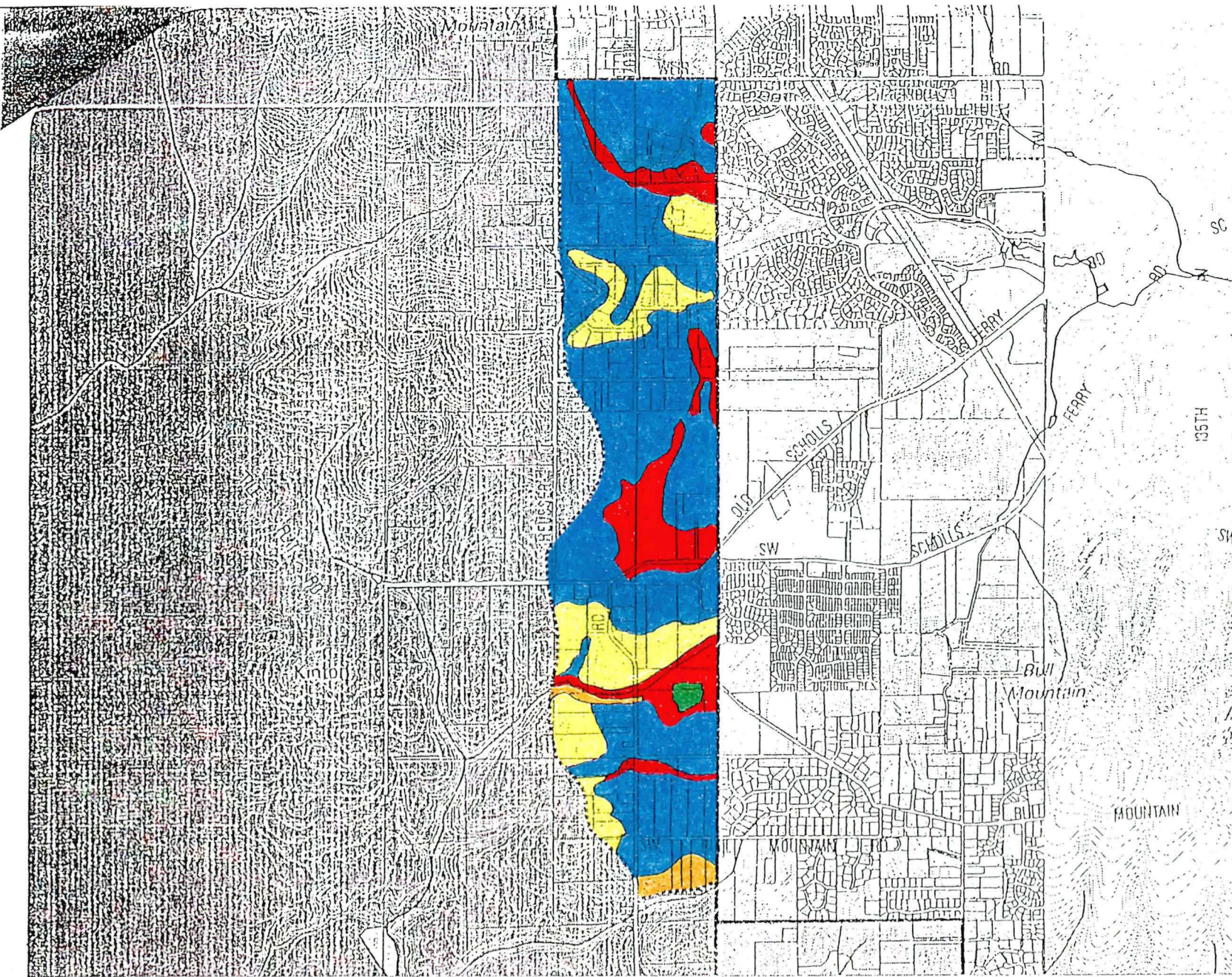
City Land Use Districts**

Neighborhood Service Center
Urban Medium Density
(2,000 Sq. Feet) Multi-Family
Urban Standard Density
(5,000 Sq. Feet) Single-Family
Institutional



*Sources: Bull Mountain and Aloha-Reedville-Cooper Mountain Community Plans, December 31, 1994, Washington County Department of Land Use and Transportation, Planning Division.

**Source: City of Beaverton Zoning Map, October 1995.



Regional Land Information System

Urban Reserve Study Areas

Adopted By
Metro Council 2-8-96

- This Map's URSA
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- Other URSA's
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MAP #49

Acres	EFU Acres
694.50	138.242

600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1262

95418/pltsmaltrescov; plot date: February 28, 1996

URSA 49 Soils Classification*



* Source: Soil Survey of Washington County, Oregon, United States

URSA 49 Soils Classification

Name	Grade (%)	Agricultural Capability Class
Aloha silt loam		II
Cascade silt loam	3 - 7	III
Cascade silt loam	7 - 12	III
Cornelius and Kinton silt loam	2 - 7	III
Cornelius and Kinton silt loam	7 - 12	III
Cornelius and Kinton silt loam	12 - 20	III
Cornelius and Kinton silt loam	20 - 30	IV
Cove clay		IV
Delena silt loam	3 - 12	IV
Huberly silt loam		III
McBee silty clay loam		II
Saum silt loam	7 - 12	II
Saum silt loam	12 - 20	III
Woodburn silt loam	0 - 3	II
Woodburn silt loam	3 - 7	II
Xerochrepts and Haploxerolls	very steep	VI

Explanation of Soil Groupings:

Agricultural capability groupings show the general suitability of soils for most kinds of field crops. Capability classes indicate progressively greater limitations and narrower choices for practical use. This classification is not intended to show suitability and limitations of soils for range, forest trees, or for engineering purposes.

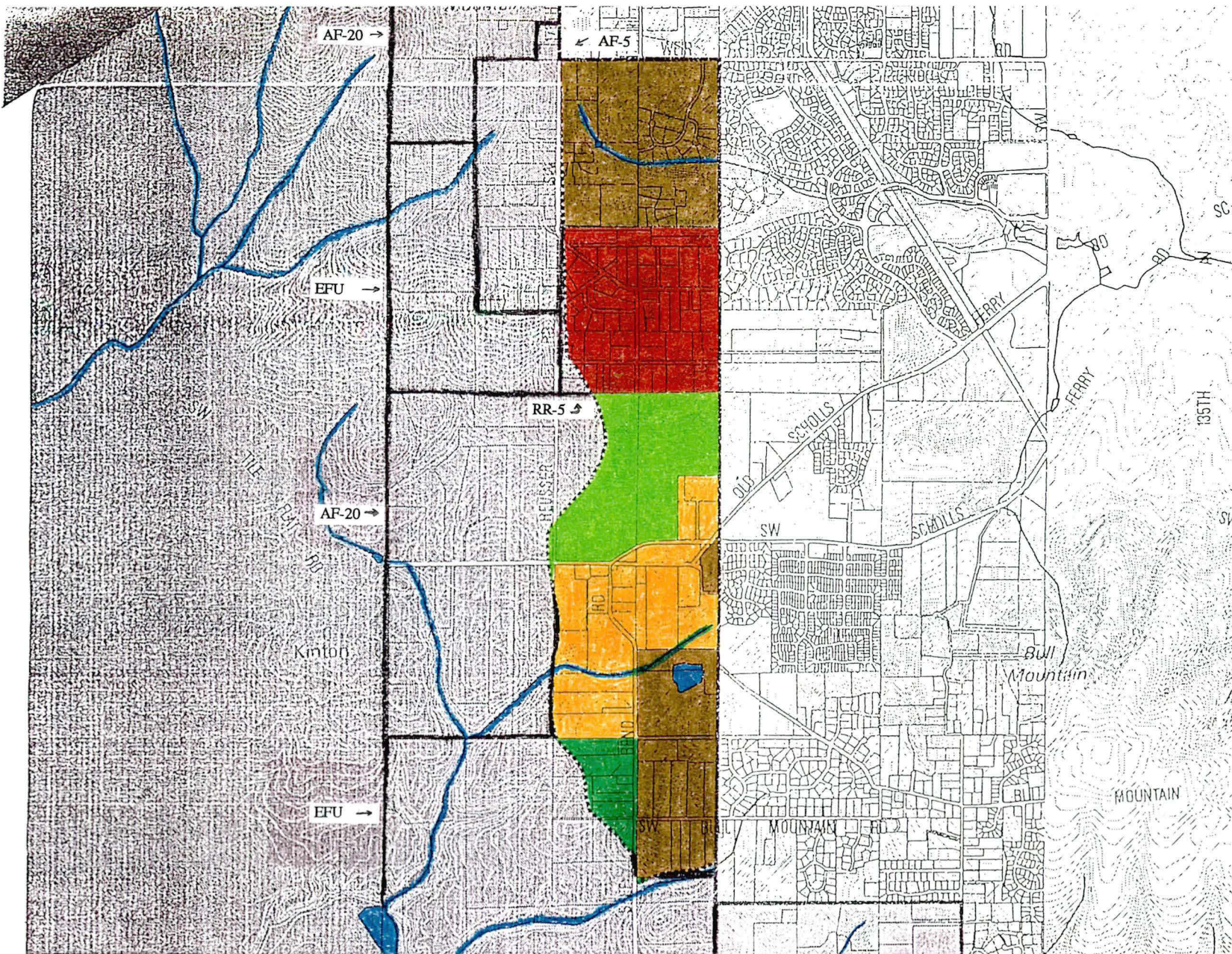
Soils in Urban Reserve Study Area 49 are classified as follows:

Class II Soils: have moderate limitations that reduce the choice of plants or require moderate conservation practices.

Class III Soils: have severe limitations that reduce the choice of plants, require special conservation practices, or both.

Class IV Soils: have very severe limitations that reduce the choice of plants, require very careful management, or both.

Class VI Soils: have very severe limitations that make them generally unsuitable for cultivation.



Regional Land
Information System

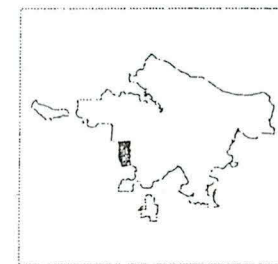
Urban Reserve Study Areas

Adopted By
Metro Council 2-8-96

- This Map's URSAs
- UGB
- Other URSAs
- Outside UGB and URSAs
- Specific Study Area
- Urban Growth Boundary

MAP #49

Acres EFU Acres
694.50 138.242



600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1242



95-415/platm sites cov, plot date: February 28, 1996

↑ URSAs 48

Land Use Districts*

Exclusive Farm Use (EFU)
Agriculture and Forest - 20 (AF-20)
Agriculture and Forest - 10 (AF-10)



Agriculture and Forest - 5 (AF-5)
Rural Residential - 5 (RR-5)
Waterways



*Source: Rural/Natural Resource Plan, December 31, 1994,

Explanation of Land Use Codes

Exclusive Farm Use (EFU): Intended to preserve and maintain commercial agricultural land for farm use consistent with existing and future needs for agricultural products, forests, and open spaces. Prohibits uses of lands which are not compatible with farm uses and agricultural land. No minimum lot size requirement for land divisions.

Agriculture and Forest - 20 (AF-20): Intended to preserve and maintain agricultural land in uses consistent with those included in an exclusive farm use district. Recognizes that certain lands therein may be of "marginal" use for agricultural and forestry purposes. Creation of new lots for farm uses requires at least a 20 (twenty) acre minimum lot size.

Agriculture and Forest - 10 (AF-10): Retains the area's rural character and conserves natural resources while providing for rural residential uses. Applied to rural lands with steep topographic characteristics where there are limited public facilities and services. A 10 (ten) acre minimum lot size is normally required for the creation of new parcels.


Agriculture and Forest - 5 (AF-5): Retains the area's rural character and conserves natural resources while providing for rural residential uses. Intended to recognize existing parcelization and diverse ownerships. A 5 (five) acre minimum lot size is normally required for the creation of new parcels.

Rural Residential - 5 (RR-5): Recognizes rural areas which have been committed or developed for suburban residential uses with minimum farm and forest uses. Prohibits mobile homes. A 5 (five) acre minimum lot size is normally required for the creation of new parcels, however, divisions of land down to 1 (one) acre are allowed in limited areas.

To: Metro Growth Council
From: The Portland Board of Realtors
Subject: Our Urban Growth Boundary Position

It is the obligation of the Board of Realtors to consider the needs of homeowners both present and future and to ensure that their needs are met. It is the Board's opinion that the 2040 plan is a useful planning tool to guide the future growth of the Metropolitan area. However, it is also the Board's opinion that the current Urban Growth Boundary has over the past few years contributed greatly to the increase in housing prices. In fact, there is such a scarcity of available buildable land that normal market forces (associated with adequate supply) no longer govern the marketplace. In large, this has caused Portland to fall from one of the most affordable housing markets in the country five years ago to one of the least affordable today. Further, the artificial increase in land prices resulting from the scarcity of good, buildable land inside the Urban Growth Boundary serves to threaten the vocation of small independent home builders and the dream of affordable home ownership for future generations.

We support metro's goals of planned growth, but urge them to expand the Urban Growth Boundary to ensure that market forces are in place and to help meet the objective of affordable home ownership in the future.

To: Metro Council Members
From: Brian Bellairs 
Subject: Urban Growth Boundary and Study Areas

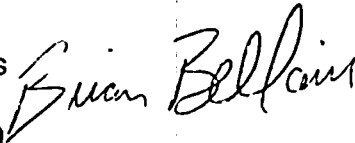
I am a realtor in the Portland Metro Area that specializes in SW Washington County. In this capacity, I represent a small, independent home builder (JP Construction) and specialize in representing first time home buyers. In fact, I teach an annual class for first time home buyers. Both groups of people have been horribly affected by the urban growth boundary in the past few years.

The small home builder has been faced with land prices that have increased exponentially in the past few years. Prices have increased because there is limited land available due to the urban growth boundary. In the past 5 years **the cost of a lot has increased roughly 3 times** while the cost of a home has increased approximately 40%. There is such limited land available that when the few pieces of land that are available to the small builder come up they are immediately grabbed with no negotiation at whatever the asking price is. Please note that the Metro Studies that have suggested the Urban Growth Boundary has not caused the incredible land inflation are horribly flawed. These studies look at prices since the inception of the Urban Growth Boundary. Instead, such studies should have focused solely on recent years when land has been scarce. Comparing our land prices versus a control market in just the last 5 years would clearly show you what is obvious to the realtors in the trenches every day. The scarcity of land caused by the Urban Growth Boundary is the largest single reason by far for the lack of affordability in the Portland real estate market. If affordability were really an objective of yours you would simply allow the market force of a reasonable supply exist. Land prices would immediately stabilize and the double digit increases in home prices would level off making homes more affordable.

Second, the 2040 process has not taken into account future home buyers. Future home buyers want the same things we wanted when we purchased our homes. They want private lots. The process has ignored them because it has not targeted them with research. You should not be amazed therefore by the percentage of people who don't want the urban growth boundary to expand. In other words, the people who already have large lots are not in favor of expansion. Future homeowners are not organized and frankly this issue is not top of mind to them. But isn't it funny that when people are polled they say that they want to hold the urban growth boundary but they don't want increased density. In other words, as long as I have my big lot, I am happy. Everyone else can have a smaller lot.

The Board of Realtors, who represent future home buyers and builders urge you to extend the urban growth boundary immediately. Please call me at 590-5411 if you have any questions.

To: Metro Council Members
From : Brian Bellairs
Subject: Study Area 49



Recently, I was surprised when Mike Burton lopped off the North Section of Study Area 49. I live in this area and know the entire area extremely well. Most likely, Mike eliminated this entire area because of the farm land that exists in this area. I believe Mike "threw the baby out with the bath water". Much of the Northern half of Study Area 49 consists of large tracts of land with only 1 dwelling on them. In fact, much of this area is zoned 1 house per five acres (RR5) and was not developed only because these parcels did not have Wolf Creek Water by a certain date.

Of all the land you consider, portions of Area 49 should be considered among the highest priority for inclusion in the Study areas and ultimately in the Urban Growth Boundary because:







- It is on the fringe of the Urban Growth Boundary.
- Necessary services exist on the border of this area including sewer, gas water, electric, and, of course, cable.
- Most of the land consists of 1 home per 1 acre or 1 home per 5 acres and is not farmed. A drive up Alvord or High Hill Lane will provide an eye-opening experience as you see the abandoned vehicles and unapproved mobile homes occupying such large tracts of land. There are only 50 homes on these 115 acres.
- The land is close to the Nimbus Office Area and the Sunset Corridor high tech area.
- The limited parcel of land that are actually farmed in this area are larger parcels and can easily be lopped off to preserve the farm land in this area.

I urge you to adopt the following position regarding Area 49. Include the land that is located on both sides of Alvord Lane to the South North to the land on both sides of High Hill Lane to the North. Include all the land East of 175th to the present urban growth boundary. I have included a map for your perusal. This is an extremely logical inclusion to the UGB. If you have any questions, please drive through this area yourself.

On a side note, I urge you to notify all jurisdictions bordering the land under study to ensure the logical low cost development when and if parcels immediately outside the urban growth boundary are developed. Thank you and please call me at 590-5411 if you have questions. And please, don't throw the baby out with the bath water.

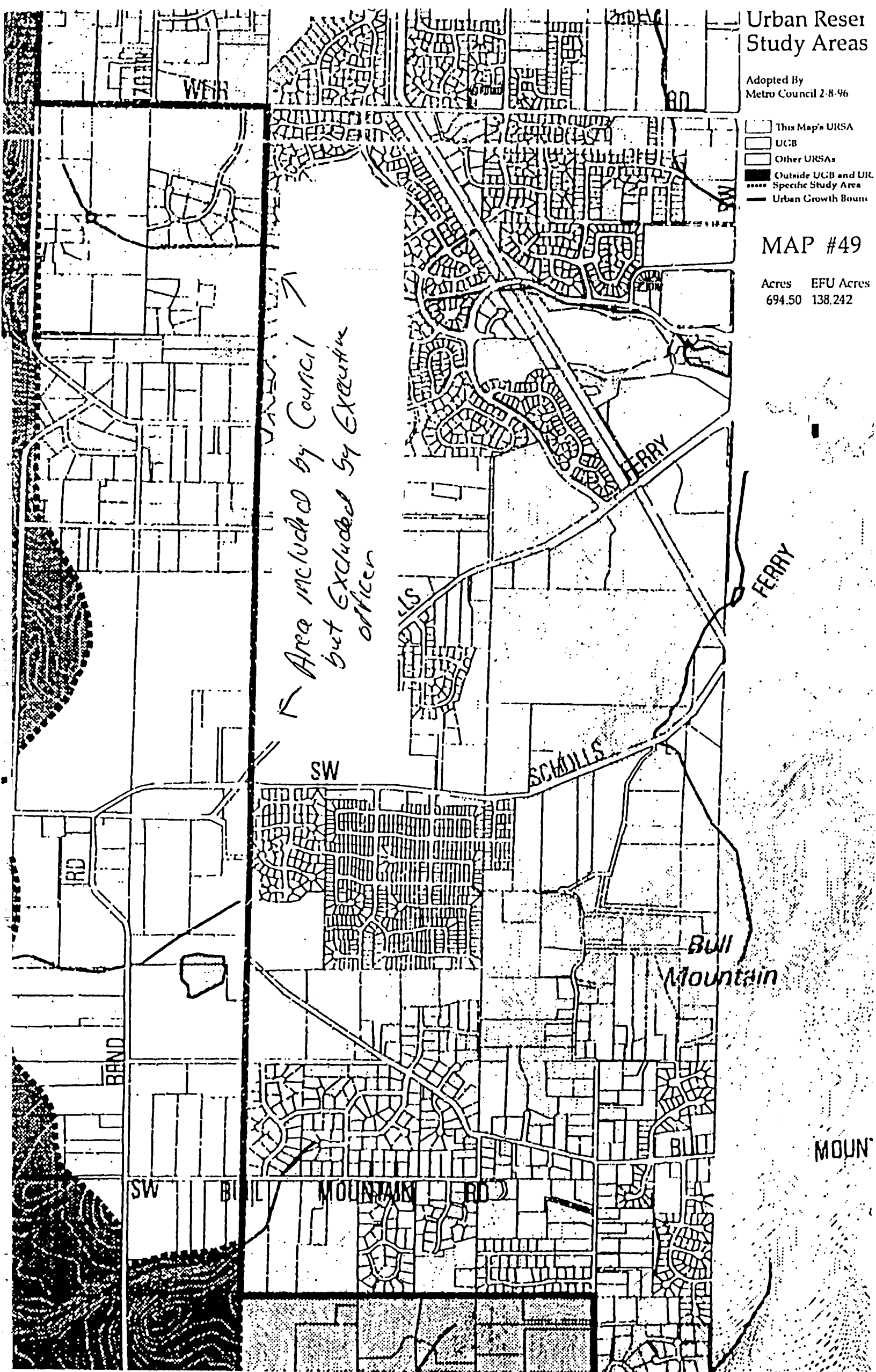
Urban Reser Study Areas

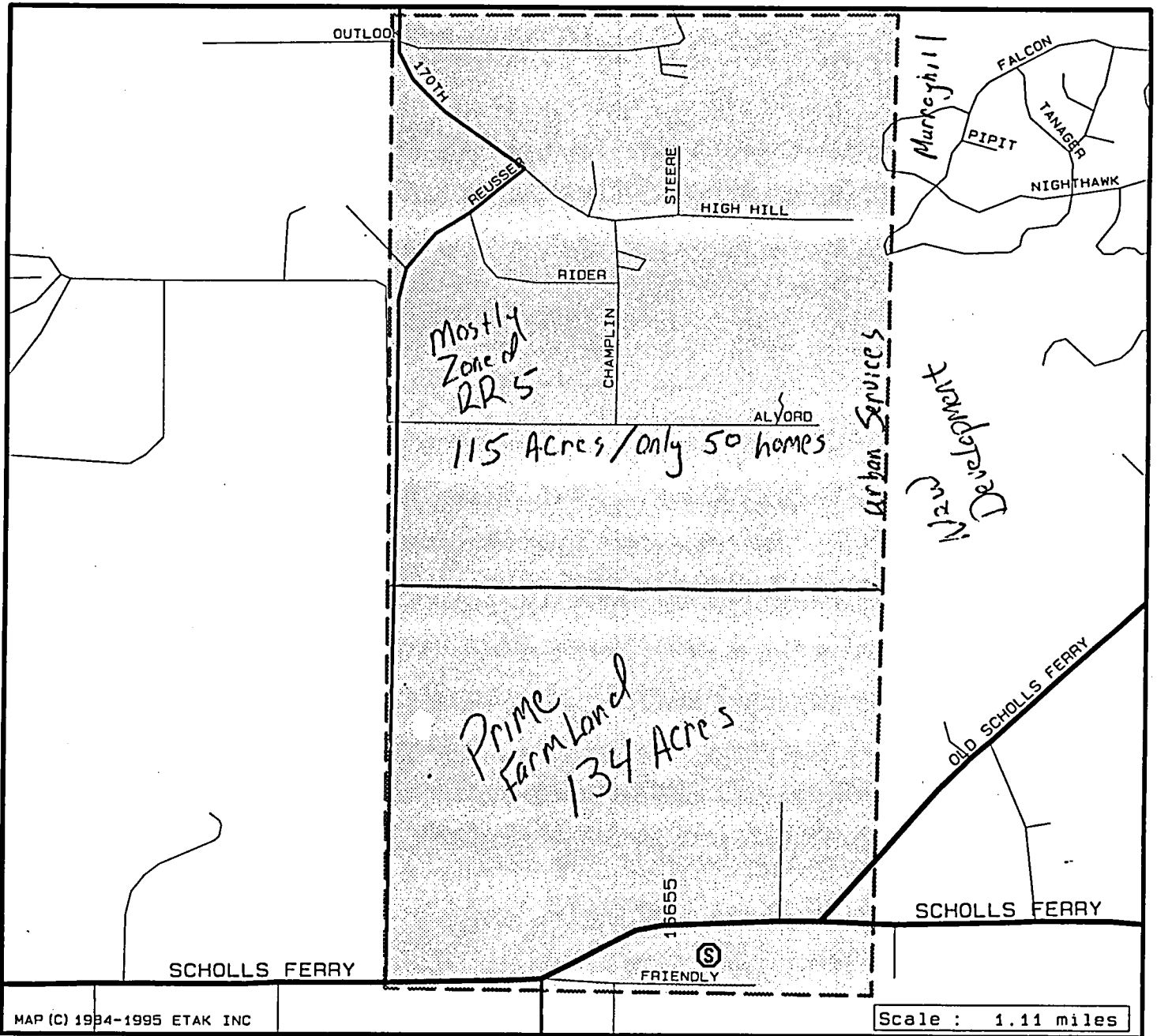
Adopted By
Metro Council 2-8-96

-  This Map's URSA
-  UGB
-  Other URSA's
-  Outside UGB and UR
-  Specific Study Area
-  Urban Growth Bound

MAP #49

Acres EFU Acres
694.50 138.242





APN	ADDRESS	PRICE	LOAN
R0482169	16655 SW SCHOLLS FERRY RD	\$1,010,000	

North Half of 49 (Study Area)

This recommends the North Half of 49 be included with the 134 acres of farmland excluded.

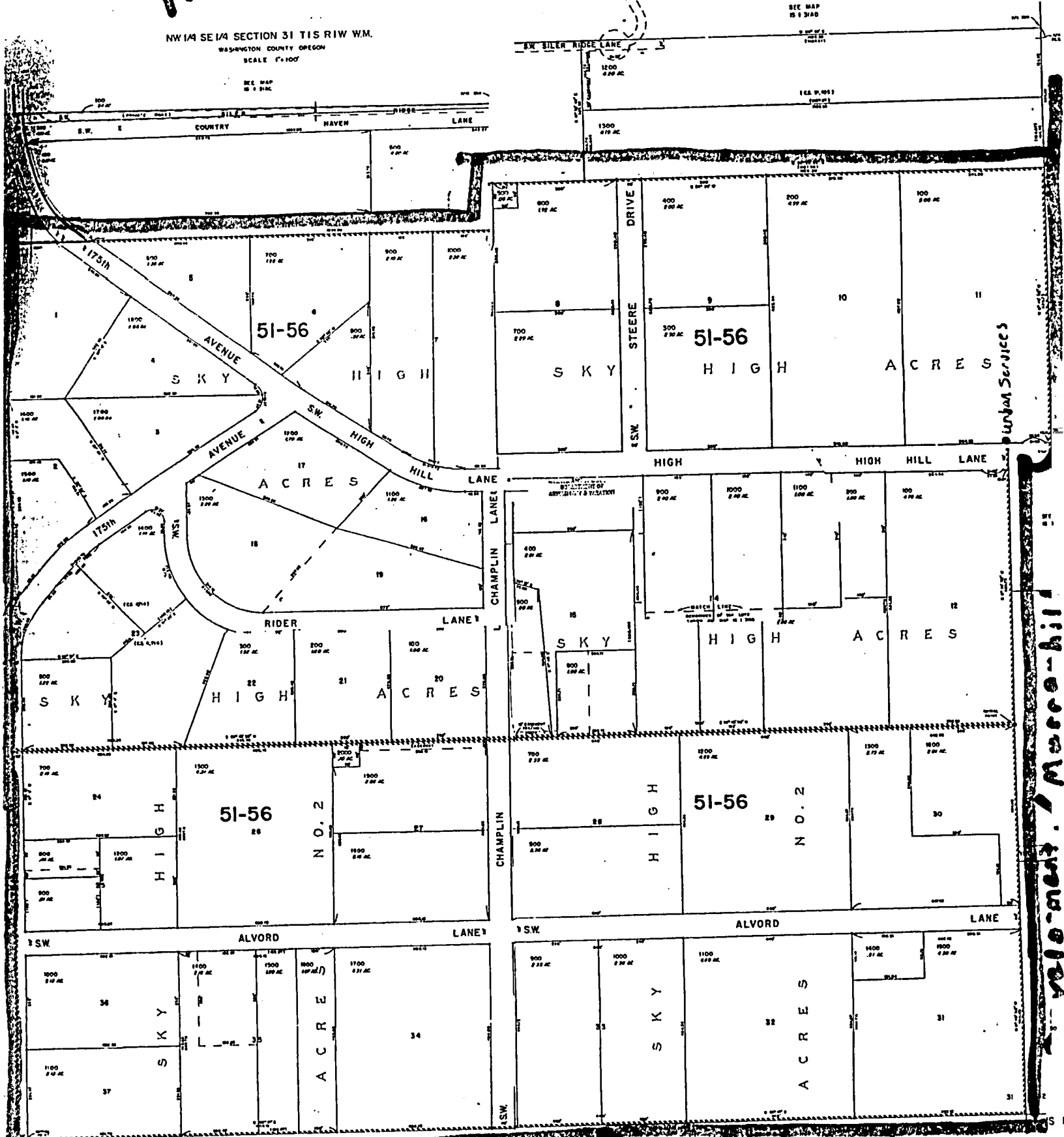
Farm Land

NE 1/4 SE 1/4 SECTION 31 T1S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"=100'

NW 1/4 SE 1/4 SECTION 31 T1S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"=100'

SEE MAP
IS 1314

SEE MAP
IS 1314



Urban Services

element. / Macco-hill

Farm Land

• Only 50 homes approximately
in these 115 Acres.



Johnson Creek

WATERSHED COUNCIL

"A partnership of citizens, businesses and public agencies taking action to improve the Johnson Creek watershed"

Citizen Groups
 Friends of Johnson Creek
 Landowners & Friends of
 Johnson Creek (LOAF)
 Oregon Trout
 Portland Audubon
 Wetlands Conservancy
 40-Mile Loop Land Trust
 Stream Reach Working
 Groups representing the
 Confluence, the Canyon,
 Bell Station, I-205
 Connection, the Mills,
 the Gardens, Powell Butte
 Valley, Gresham Greenbelt
 and Upper Creek

Sponsoring Agencies
 City of Gresham
 Parks & Recreation
 City Engineering
 City of Happy Valley
 City of Milwaukie
 Community Development
 City of Portland
 Bureau of Environmental
 Services
 Bureau of Parks &
 Recreation
 Clackamas County
 Dept. of Transportation &
 Development
 Dept. of Utilities
 Multnomah County
 Park Services
 Engineering
 Transportation Division

Resource Agencies
 METRO
 Planning & Development
 State of Oregon
 Dept. of Environmental
 Quality
 Division of State Lands
 Dept. of Fish & Wildlife
 City of Portland
 Bureau of Planning
 Environmental Protection
 Agency

Attribution for identification only

Johnson Creek
 Watershed Council

Councilor Jon Kristad
 Chairperson
 METRO
 600 NE Grand Avenue
 Portland, Oregon 97232-2736

Dear Mr. Kristad:

November 19, 1996

The Johnson Creek Watershed Council is deeply concerned that key areas of the Johnson Creek headwaters are targeted for inclusion in the Urban Reserve Study Areas. Intensive development in these areas will cause severe impacts on site and downstream in the watershed.

Within Urban Reserve Area 1, west of Highway 26 is the confluence of the North Fork, main stem, and two other tributaries of Johnson Creek. This site has good quality forested riparian habitat and an extensive flood plain which is critical for flood management downstream especially in Milwaukee and the Lents neighborhood of Portland.

Johnson Creek's North Fork and Sunshine Creek west of Highway 26 are high quality forested areas in good functioning condition within the boundaries of Urban Reserve Areas 1 and 2. These forests include second growth to mature cedars and Douglas fir mixed with alder and big leaf maples. This mix of species provides a high degree of cover and shade for the streams. Along Sunshine Creek wildlife such as deer, raccoons, and hawks are regularly observed. Both the North Fork and Sunshine Creeks are priority areas for native fish and wildlife protection and improvement

Increased impervious surfaces in the watershed and increased human activity along the creek will contribute to increased flooding and water quality problems downstream and disturb the delicate balance of native plant and animal species.

In response to Johnson Creek Resource Management Plan recommendations, the cities of Portland, Milwaukie, and Gresham and the counties of Clackamas and Multnomah have agreed to spend a significant amount of tax dollars to rehabilitate stream conditions impacted by previous development, especially for flood and pollution control. The projected rehabilitation costs are based on current land use zoning. Any change in land use that permits intensive development will greatly increase rehabilitation costs to be paid by these jurisdictions and will not maintain existing stream conditions.

It should be noted that current mitigation standards are inadequate to fully offset development impacts and that current watershed management information indicates that areas in good condition such as Sunshine Creek and the North Fork should receive high priority for preservation. It makes sense to preserve what already exists than pay more later to restore negatively impacted areas.

The Johnson Creek Watershed Council recommends that all areas within the Urban Study Areas 1 and 2 that comprise part of Johnson Creek and it's watershed be removed from consideration for Urban Growth Boundary consideration. Doing so will ease immediate pressure in these areas to develop while further restoration and preservation measures are implemented.

Bob Roth
Watershed Coordinator
Johnson Creek Council