

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DESIGNATING ) ORDINANCE NO 96-655E  
URBAN RESERVE AREAS FOR THE )  
PORTLAND METROPOLITAN AREA URBAN ) Introduced by Executive Officer  
GROWTH BOUNDARY; AMENDING RUGGO ) Mike Burton  
ORDINANCE NO. 95-625A AND METRO CODE )  
CHAPTER 3.01; AND DECLARING AN )  
EMERGENCY )

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Land Conservation and Development Commission's (LCDC's) Urban Reserve Area Rule at OAR 660-21-020 requires Metro to designate the location of urban reserve areas for the Portland Metropolitan area within two miles of the regional Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-020, requires that urban reserve areas designated by Metro shall be shown on all applicable comprehensive plan and zoning maps; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(1), requires that urban reserve areas shall include at least a 10 to 30 year supply of developable land beyond the 20 year supply in the Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(2), requires that Metro study lands adjacent to the Urban Growth Boundary for suitability as urban reserve areas; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(3), requires that land found suitable for an urban reserve area must be included according to the

Rule's priorities and that first priority lands are those lands identified in comprehensive plans as exception areas plus those resource lands completely surrounded by exception areas which are not high value crop areas; and

WHEREAS, Resolution No. 95-2244 established urban reserve study areas as the subject of Metro's continued study for possible designation as urban reserve areas consistent with LCDC's Urban Reserve Area Rule; and

WHEREAS, urban reserve study areas are shown on the 2040 Growth Concept Map in Ordinance No. 95-625A adopting the Regional Urban Growth Goals and Objectives (RUGGO) which was acknowledged by LCDC Compliance Order 96-ACK-010 on December 9, 1996; and

WHEREAS, Metro has undertaken a detailed analysis of the suitability of the study areas for designation as urban reserve areas, including the June, 1996 Metro Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas; and

WHEREAS, an Urban Growth Report containing data about the relative suitability of lands as urban reserves, maps and descriptions of the physical characteristics of the study areas published by the Executive Officer was accepted by the Metro Council as amended in Resolution No. 96-2392B and forwarded to the Metro Council; and

WHEREAS, a series of open houses near the Urban Growth Boundary was held in June, 1996 at Oregon City, Clackamas, Tualatin and Beaverton with residents owning property in study areas notified by mail, print ads and flyers to schools; and

WHEREAS, the Metro Council held public hearing listening posts concerning the urban reserves and the Executive Officer Urban Reserve Recommendation in

November and December, 1996 in Hillsboro, Gresham, Beaverton, Oak Grove and at Metro; and

WHEREAS, the Metro Council considered all the evidence in the record and public testimony in December, 1996 and February, 1997 work sessions to select urban reserve areas; and

WHEREAS, notice of the proposed urban reserve areas and the proposed postacknowledgment amendments to the acknowledged RUGGO ordinance and the acknowledged Metro Code 3.01 have been given consistent with ORS 197.610(1); now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Chapter 3.01, Metro's acknowledged "Urban Growth Boundary Amendment Procedures," are hereby amended as indicated in Exhibit "A," attached and incorporated herein.

Section 2. Ordinance No. 95-625A is hereby amended to replace the urban reserve study areas indicated on the 2040 Growth Concept Map with the urban reserve areas designated in Section 3 of this Ordinance.

Section 3. Urban reserve areas indicated on the map attached as Exhibit "B", and incorporated herein, are hereby designated as the urban reserve areas for the Metro Urban Growth Boundary for the purposes of (1) application of Metro Code 3.01, (2) amendment of the acknowledged 2040 Growth Concept Map, (3) compliance with the Urban Reserve Areas Rule at OAR 660-21-020, and (4) identifying lands of first priority for inclusion in the Metro Urban Growth Boundary as required by ORS 197.298.

Section 4. The urban reserve areas on Exhibit "B" shall be shown on all applicable county comprehensive plan and zoning maps as required by the Urban Reserve Areas Rule at OAR 660-21-020.

Section 5. The First Tier Urban Reserves Map attached to Exhibit A is hereby incorporated by reference into this Ordinance.

Section 6. The designation of urban reserve areas prior to March, 1997 applications for amendments to the Metro Urban Growth Boundary is necessary to preserve the health, safety or welfare of the Metro region; therefore, an emergency is hereby declared to exist, and this Ordinance shall take effect upon passage.

Section 7. The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of this ordinance or the invalidity of the application thereof to any city, county, person or circumstance shall not affect the validity of the remaining provisions of this ordinance or its application to other cities, counties, persons or circumstances.

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ADOPTED by the Metro Council this 6<sup>th</sup> day of March, 1997.



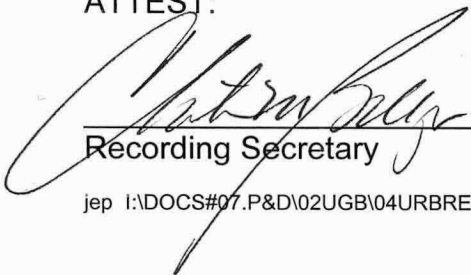
Jon Kvistad, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

ATTEST:



Recording Secretary

## Exhibit A

### Amendments to Metro Code 3.01

Section 3.01.010(2), last sentence, is amended as follows:

"Whereas the UGB describes an area needed to accommodate the urban growth forecasted over a 20-year period, the urban reserves estimate the area capable of accommodating the growth expected for an additional ten (10) to thirty (30) years."

Section 3.01.020(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.020(b), last sentence, is amended as follows:

"For legislative amendments, if need has been addressed, the district ~~would have to~~ shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7."

Section 3.01.030(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . and further define ORS 197.298, Goals 2 and 14 . . . compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.030(b) is amended by adding the following sentence prior to 3.01.030(b)(1):

"Demonstration that the priorities of ORS 197.298 have been followed is required in addition to the application of factors 3 through 7."

Metro Code 3.01 is amended to add the following new subsection:

#### "3.01.038 Urban Reserve Areas

(a) The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Metro has designated as initial urban reserve areas those lands indicated on the map at Exhibit B of Ordinance 96-655B to be included on 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.

(c) Urban reserve areas designated on the 2040 Growth Concept Map shall be the first priority land for inclusion in the Metro Urban Growth Boundary subject to other priorities and provisions of ORS 197.298."

## EXHIBIT A

### Amendments to Metro Code 3.01

Title Section is amended as follows:

#### "URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES

SECTIONS	TITLE
----------	-------

3.01.005	Purpose
3.01.010	Definitions
3.01.012	Urban Reserves
3.01.015	Legislative Amendment Procedures"

Section 3.01.005(a), sentence is added at end as follows:

"... other than Goals 2 and 14. This chapter is also established to be used for the establishment and management of Urban Reserves, pursuant to OAR 660-21-000 to 660-21-100 and RUGGO Objective 22."

Section 3.01.005(c) is added as follows:

(c) The objectives of the Urban Reserves are to:

- (1) Identify sufficient land suitable for urbanization sufficient to accommodate the forecast needs for a 30 to 50 year interval, reevaluated at least every 15 years;
- (2) Limit the areas which are eligible to apply for inclusion to the Urban Growth Boundary consistent with ORS 197.298, and protect resource lands outside the urban reserve areas;
- (3) Protect lands designated as urban reserves for their eventual urbanization, and insure their efficient urbanization consistent with the 2040 Growth Concept, the RUGGOs and the Urban Growth Management Functional Plan;
- (4) Provide for coordination between cities, counties, school districts, and special districts for planning for the urban reserve areas;
- (5) Ensure a smooth transition to urban development by planning for general governance, public facilities, land uses, and planning for financing the capital needs of the urban development."

Section 3.01.010(z) is amended as follows:

"(z) "Urban reserve" means an area adjacent to the present UGB defined to be a priority location for any future UGB amendments when needed. Urban reserves are defined as the land likely to be needed including all developable land inside the current urban growth boundary, for a 30 to 50 year period."

Section 3.01.010 is amended to add an additional term and definition as follows:

"(e) 'First Tier Urban Reserves' means those urban reserves to be first urbanized because they can be most cost-effectively provided with urban services by affected cities and service districts as so designated and mapped in a Metro Council ordinance."

"(y) 'Special land need' means a specific type of identified land needed which complies with Goal 14, Factors 1 and 2 that cannot be reasonably accommodated on first tier urban reserve land."

Section 3.01.012 is added as follows:

"3.01.012 Urban Reserve Areas

(a) Purpose

The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Amount of Land Required

- (1) The areas designated as urban reserves shall be sufficient to accommodate expected urban development for a 30 to 50 year period, including an estimate of all potential developable and redevelopable land in the urban area.
- (2) Metro shall estimate the capacity of the urban reserves consistent with the procedures for estimating capacity of the urban area as defined in Section 3.01.010.
- (3) The minimum residential density to be used in calculating the need for urban reserves, estimating the capacity of the areas designated as urban reserves and required in concept plans shall be at least 10 dwelling units per net developable acre.
- (4) Metro shall designate the amount of urban reserves estimated to accommodate the forecast need.
- (5) Metro may designate a portion of the land required for urban reserves in order to phase designation of urban reserves.

(c) Mapped Urban Reserves

- (1) Metro has designated as urban reserve areas those lands indicated on the 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.
- (2) Urban growth boundary amendments shall include only land designated as urban reserves unless designated urban reserve lands are inadequate to meet the need. If land designated as urban reserves is inadequate to meet the need, the priorities in ORS 197.298 shall be followed.

- (3) Within 1 year of Metro Council adoption of the urban reserve ordinance, the Metro Council shall modify the Metro 2040 Growth Concept to designate regional design types consistent with the Metro 2040 Growth Concept for all designated urban reserves.

(d) First Tier

First tier urban reserves shall be included in the Metro Urban Growth Boundary prior to other urban reserves unless a special land need is identified which cannot be reasonably accommodated on first tier urban reserves.

(e) Urban Reserve Plan Required

A conceptual land use plan and concept map which demonstrates compliance with the RUGGO and the 2040 Growth Concept design types and any applicable functional plan provisions shall be required for all major amendment applications and legislative amendments of the urban growth boundary including at least the following, when applicable:

- (1) Provision for either annexation to a city and any necessary service districts at the time of the final approval of the urban growth boundary amendment consistent with 3.01.065 or an applicable city-county planning area agreement which requires at least the following:
  - (A) City or county agreement to adopt comprehensive plan provisions for the lands added to the urban growth boundary which comply with all requirements of urban reserve plan conditions of the urban growth boundary approval;
  - (B) City and county agreement that lands added to the urban growth boundary shall be rezoned for urban development only upon annexation or agreement for delayed annexation to the city and any necessary service district identified in the approved Concept Plan or incorporation as a new city; and
  - (C) County agreement that, prior to annexation to the city and any necessary service districts, rural zoning that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when these lands are included in the urban growth boundary remains in place until city annexation and the adoption of urban zoning.
- (2) Notwithstanding (1) above, the Metro Council may approve a major or legislative amendment to the urban growth boundary if the proposed amendment is required to assist the region to comply with the 2040 Growth Concept or to assist the region, a city or county in demonstrating compliance with statute, rule, or statewide goal requirements for land within the urban growth boundary. These requirements include HB 2709, ORS 197.303, the statewide planning goals and Regional Urban Growth Goals and Objectives. An urban services agreement consistent with ORS 195.065 shall be required as a condition of approval for any amendment under this subsection.
- (3) The areas of Urban Reserve Study Areas #11, 14 and 65 are so geographically distant from existing city limits that annexation to a city is difficult to achieve. If the county and affected city and any



necessary service districts have signed an urban service agreement or an urban reserve agreement coordinating urban services for the area, then the requirements for annexation to a city in (1)(B) and (1)(C) above shall not apply.

- (4) Provision for residential densities of at least 10 dwelling units per net developable residential acre.
- (5) Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
- (6) Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80% of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.
- (7) Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the urban growth boundary consistent with 2040 Growth Concept design types.
- (8) A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans.
- (9) Identification, mapping and a funding strategy for protecting areas from development due to wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the urban growth boundary prior to urban development. The plan shall include cost estimates to implement a strategy to fund resource protection.
- (10) A conceptual public facilities and services plan, including rough cost estimates for the provision of sewer, water, storm drainage, transportation, fire and police protection facilities and parks, including financing strategy for those costs.
- (11) A conceptual school plan which provides for the amount of land and improvements needed for school facilities. Estimates of the need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the procedures in ORS 195.110(3), (4) and (7).
- (12) An Urban Reserve Plan map showing, at least, the following, when applicable:

- (A) Major roadway connections and public facilities;
  - (B) Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;
  - (C) General locations for commercial and industrial lands;
  - (D) General locations for single and multi-family housing;
  - (E) General locations for public open space, plazas and neighborhood centers; and
  - (F) General locations or alternative locations for any needed school, park or fire hall sites.
- (13) The urban reserve plan shall be coordinated among the city, county, school district and other service districts, including a dispute resolution process with an MPAC report and public hearing consistent with RUGGO Objective 5.3. The urban reserve plan shall be considered for local approval by the affected city or by the county, if subsection (3), above, applies in coordination with any affected service district and/or school district. Then the Metro Council shall consider final adoption of the plan.

Section 3.01.015(d) is added as follows:

"(d) Metro shall consult with the appropriate city, county, school and service districts to identify lands inside first tier urban reserves which are the most capable of being served by extension of service from existing service providers for the purpose of preparing concept plans in advance for any short term need for inclusion of additional lands in the urban growth boundary."

Section 3.01.015(d) is amended as follows:

"(e) Legislative amendment decisions shall be accompanied by findings explaining why the UGB amendment complies with applicable state law and statewide goals as interpreted by section 3.01.020 and subsequent appellate decisions and including applicable concept plans and maps demonstrating consistency with RUGGO including the 2040 Growth Concept and compliance with any applicable functional plan provisions."

Section 3.01.020(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.020(b), last sentence, is amended as follows:

"For legislative amendments, if need has been addressed, the district shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7."

Section 3.01.025(a) is amended as follows:

"(a) All major amendments shall be solely upon lands designated in urban reserves, when designated consistent with 3.01.012. All major amendments shall demonstrate compliance with the following:

- (1) The criteria in section 3.01.030 of this Code as well as the procedures in OAR 660-18-000;
- (2) Notice of public hearings for major amendments as described in section 3.01.050;
- (3) Public hearings procedures as described in sections 3.01.055 through 3.01.065;
- (4) the urban reserve plan requirements in section 3.01.012(e); and
- (5) Final action on major amendments shall be taken as described in section 3.01.070."

Section 3.01.030(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . and further define ORS 197.298, Goals 2 and 14 . . . compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.030(b) is amended by adding the following sentence prior to 3.01.030(b)(1):

"Demonstration that the priorities of ORS 197.298 have been followed is required in addition to the application of factors 3 through 7."

Section 3.01.040(b), (c) are added as follows:

"(b) The district shall attach the approved urban reserve plan and map required at 3.01.012(e) as conditions of approval to assure compliance of developed uses with the 2040 Growth Concept and any applicable functional plan provisions.

(c) The district may determine that certain conditions of approval are so important to inclusion of land into the urban growth boundary that if those conditions are not met that the urban growth boundary approval may be revoked automatically or by action of the district."

Section 3.01.065(f) is amended as follows:

"(f) When the council acts to approve in whole or in part a petition by requiring annexation to a city and/or service district(s) and Tri-Met and whenever a petition includes land outside the district:

- (1) Such action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the district within six months of the date of adoption of the Resolution.
- (2) The council shall take final action, as provided for in paragraphs (c) and (d) of this section, within 30 calendar days of notice that all required annexations to a city, service district(s) and the district have been approved."

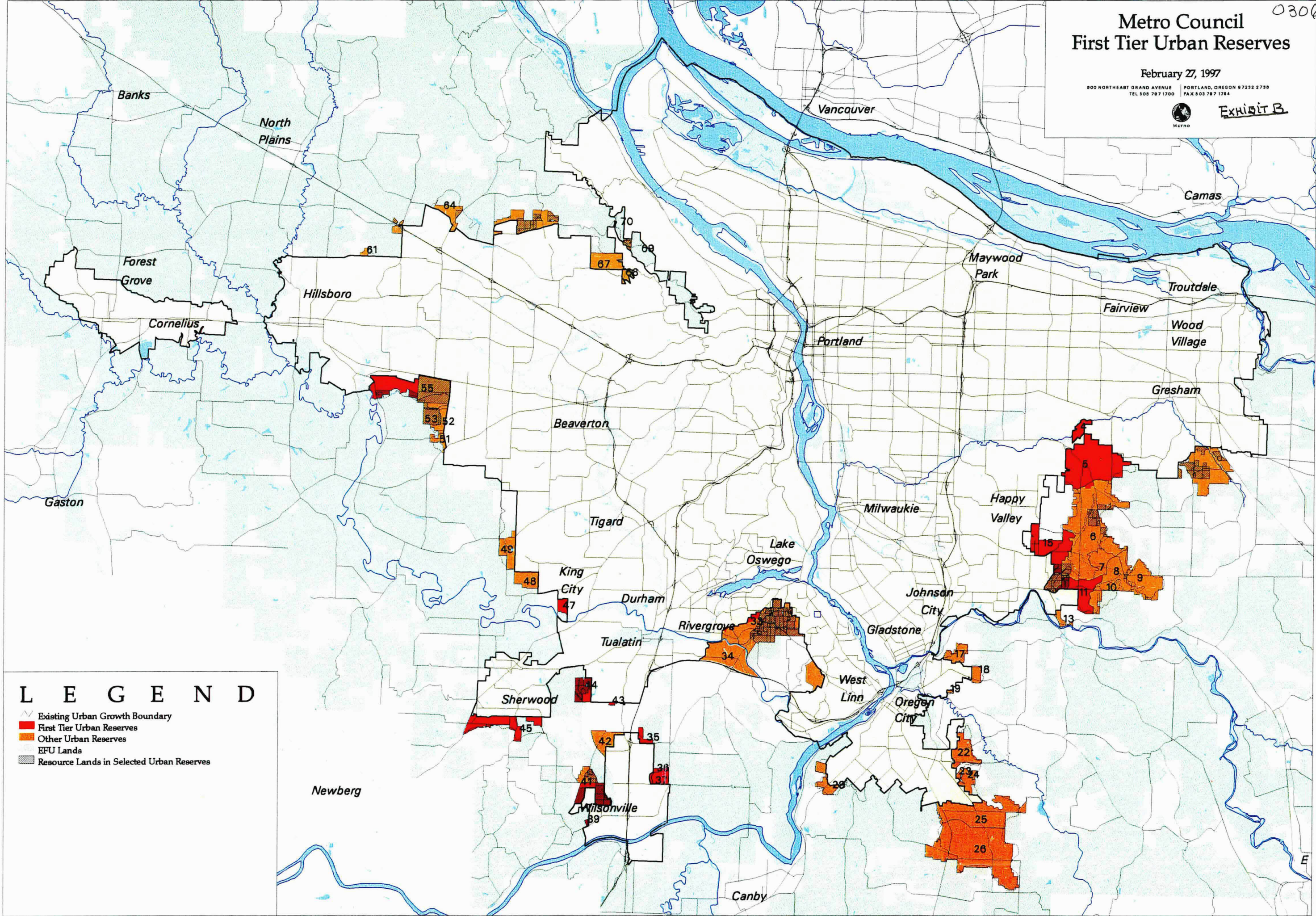
# Metro Council First Tier Urban Reserves

February 27, 1997

900 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2738  
TEL 503 787 1700 | FAX 503 787 1784



EXHIBIT B



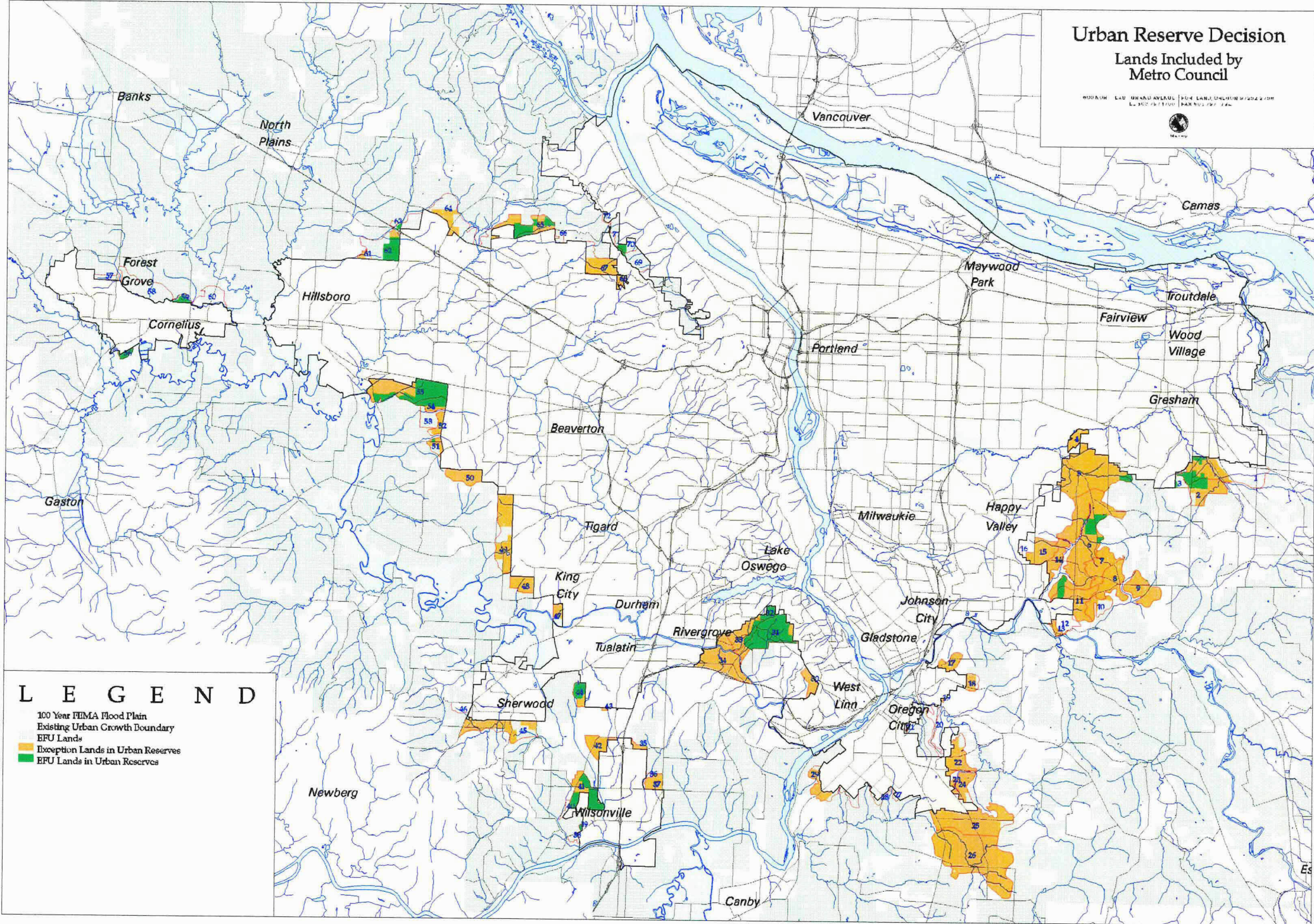
## LEGEND

- Existing Urban Growth Boundary
- First Tier Urban Reserves
- Other Urban Reserves
- EFU Lands
- Resource Lands in Selected Urban Reserves

# Urban Reserve Decision

## Lands Included by Metro Council

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 0 1000 2000 3000 4000 5000  
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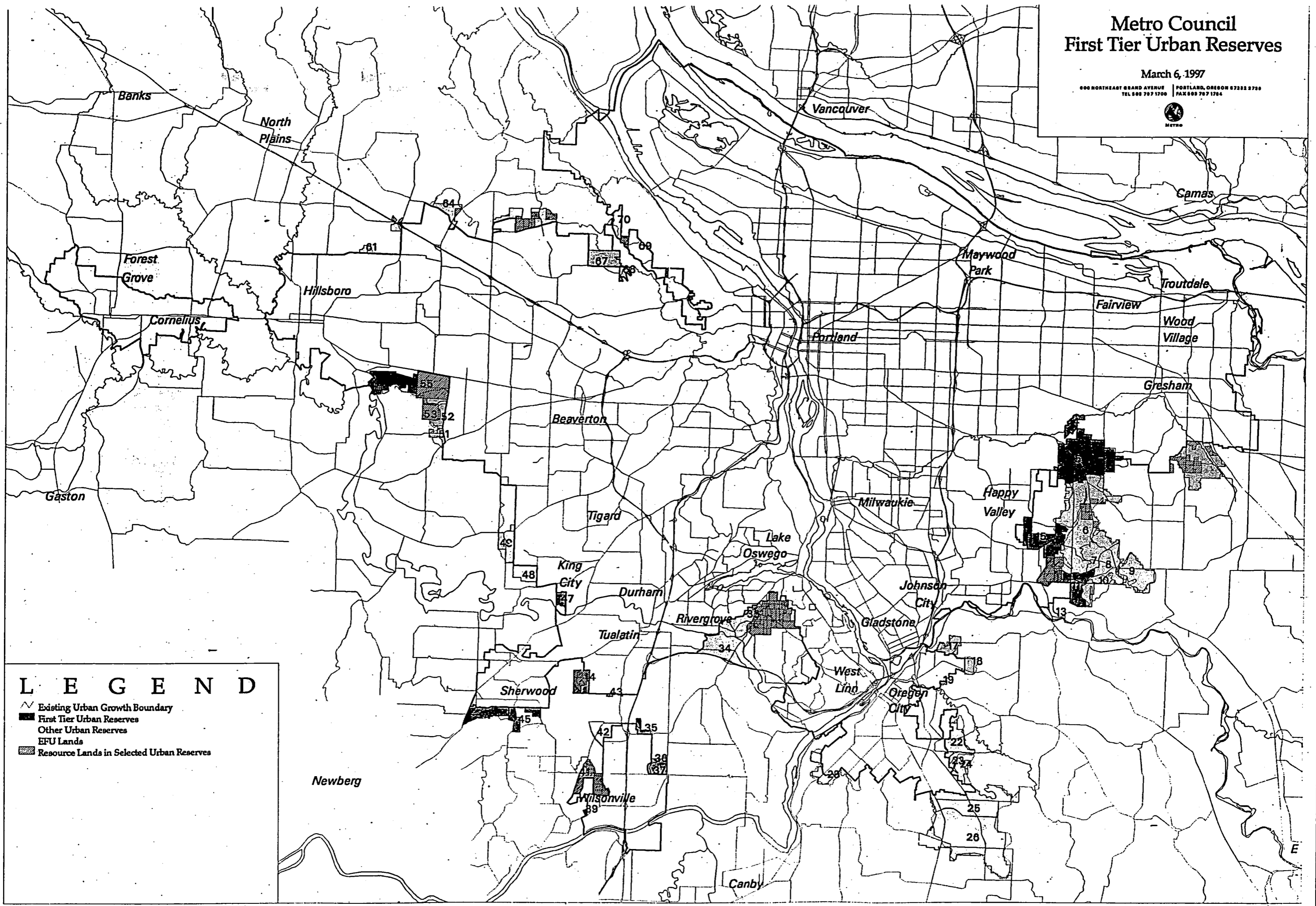
### LEGEND

- 100 Year FEMA Flood Plain
- Existing Urban Growth Boundary
- EFU Lands
- Exception Lands in Urban Reserves
- EFU Lands in Urban Reserves

# Metro Council First Tier Urban Reserves

March 6, 1997

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2726  
TEL 503 787 1700 | FAX 503 787 1784



## LEGEND

- Existing Urban Growth Boundary
- First Tier Urban Reserves
- Other Urban Reserves
- EFU Lands
- Resource Lands in Selected Urban Reserves

E

*Agenda Item Number 5.1*

**Ordinance No. 96-655D, For the Purpose of Designating Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary; Amending RUGGO Ordinance No. 95-625A and Metro Code 3.01; and Declaring an Emergency.**

***Second Reading***

Metro Council Meeting  
Thursday, March 6, 1997  
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DESIGNATING ) ORDINANCE NO 96-655D  
URBAN RESERVE AREAS FOR THE )  
PORTLAND METROPOLITAN AREA URBAN ) Introduced by Executive Officer  
GROWTH BOUNDARY; AMENDING RUGGO ) Mike Burton  
ORDINANCE NO. 95-625A AND METRO CODE )  
CHAPTER 3.01; AND DECLARING AN )  
EMERGENCY )

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Land Conservation and Development Commission's (LCDC's) Urban Reserve Area Rule at OAR 660-21-020 requires Metro to designate the location of urban reserve areas for the Portland Metropolitan area within two miles of the regional Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-020, requires that urban reserve areas designated by Metro shall be shown on all applicable comprehensive plan and zoning maps; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(1), requires that urban reserve areas shall include at least a 10 to 30 year supply of developable land beyond the 20 year supply in the Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(2), requires that Metro study lands adjacent to the Urban Growth Boundary for suitability as urban reserve areas; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(3), requires that land found suitable for an urban reserve area must be included according to the



Rule's priorities and that first priority lands are those lands identified in comprehensive plans as exception areas plus those resource lands completely surrounded by exception areas which are not high value crop areas; and

WHEREAS, Resolution No. 95-2244 established urban reserve study areas as the subject of Metro's continued study for possible designation as urban reserve areas consistent with LCDC's Urban Reserve Area Rule; and

WHEREAS, urban reserve study areas are shown on the 2040 Growth Concept Map in Ordinance No. 95-625A adopting the Regional Urban Growth Goals and Objectives (RUGGO) which was acknowledged by LCDC Compliance Order 96-ACK-010 on December 9, 1996; and

WHEREAS, Metro has undertaken a detailed analysis of the suitability of the study areas for designation as urban reserve areas, including the June, 1996 Metro Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas; and

WHEREAS, an Urban Growth Report containing data about the relative suitability of lands as urban reserves, maps and descriptions of the physical characteristics of the study areas published by the Executive Officer was accepted by the Metro Council as amended in Resolution No. 96-2392B and forwarded to the Metro Council; and

WHEREAS, a series of open houses near the Urban Growth Boundary was held in June, 1996 at Oregon City, Clackamas, Tualatin and Beaverton with residents owning property in study areas notified by mail, print ads and flyers to schools; and

WHEREAS, the Metro Council held public hearing listening posts concerning the urban reserves and the Executive Officer Urban Reserve Recommendation in

November and December, 1996 in Hillsboro, Gresham, Beaverton, Oak Grove and at Metro; and

WHEREAS, the Metro Council considered all the evidence in the record and public testimony in December, 1996 and February, 1997 work sessions to select urban reserve areas; and

WHEREAS, notice of the proposed urban reserve areas and the proposed postacknowledgment amendments to the acknowledged RUGGO ordinance and the acknowledged Metro Code 3.01 have been given consistent with ORS 197.610(1); now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Chapter 3.01, Metro's acknowledged "Urban Growth Boundary Amendment Procedures," are hereby amended as indicated in Exhibit "A," attached and incorporated herein.

Section 2. Ordinance No. 95-625A is hereby amended to replace the urban reserve study areas indicated on the 2040 Growth Concept Map with the urban reserve areas designated in Section 3 of this Ordinance.

Section 3. Urban reserve areas indicated on the map attached as Exhibit "B", and incorporated herein, are hereby designated as the urban reserve areas for the Metro Urban Growth Boundary for the purposes of (1) application of Metro Code 3.01, (2) amendment of the acknowledged 2040 Growth Concept Map, (3) compliance with the Urban Reserve Areas Rule at OAR 660-21-020, and (4) identifying lands of first priority for inclusion in the Metro Urban Growth Boundary as required by ORS 197.298.

Section 4. The urban reserve areas on Exhibit "B" shall be shown on all applicable county comprehensive plan and zoning maps as required by the Urban Reserve Areas Rule at OAR 660-21-020.

Section 5. The designation of urban reserve areas prior to March, 1997 applications for amendments to the Metro Urban Growth Boundary is necessary to preserve the health, safety or welfare of the Metro region; therefore, an emergency is hereby declared to exist, and this Ordinance shall take effect upon passage.

Section 6. The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of this ordinance or the invalidity of the application thereof to any city, county, person or circumstance shall not affect the validity of the remaining provisions of this ordinance or its application to other cities, counties, persons or circumstances.

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ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

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

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

## EXHIBIT A

### Amendments to Metro Code 3.01

Title Section is amended as follows:

#### "URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES"

SECTIONS	TITLE
----------	-------

3.01.005	Purpose
3.01.010	Definitions
3.01.012	Urban Reserves
3.01.015	Legislative Amendment Procedures"

Section 3.01.005(a), sentence is added at end as follows:

". . . other than Goals 2 and 14. This chapter is also established to be used for the establishment and management of Urban Reserves, pursuant to OAR 660-21-000 to 660-21-100 and RUGGO Objective 22."

Section 3.01.005(c) is added as follows:

(c) The objectives of the Urban Reserves are to:

- (1) Identify sufficient land suitable for urbanization sufficient to accommodate the forecast needs for a 30 to 50 year interval, reevaluated at least every 15 years;
- (2) Limit the areas which are eligible to apply for inclusion to the Urban Growth Boundary consistent with ORS 197.298, and protect resource lands outside the urban reserve areas;
- (3) Protect lands designated as urban reserves for their eventual urbanization, and insure their efficient urbanization consistent with the 2040 Growth Concept, the RUGGOs and the Urban Growth Management Functional Plan;
- (4) Provide for coordination between cities, counties, and special districts for planning for the urban reserve areas;
- (5) Ensure a smooth transition to urban development by planning for general governance, public facilities, land uses, and planning for financing the capital needs of the urban development."

Section 3.01.010(z) is amended as follows:

"(z) "Urban reserve" means an area adjacent to the present UGB defined to be a priority location for any future UGB amendments when needed. Urban reserves are defined as the land likely to be needed including all developable land inside the current urban growth boundary, for a 30 to 50 year period."

Section 3.01.010 is amended to add an additional term and definition as follows:

"(e) 'First Tier Urban Reserves' means those urban reserves to be first urbanized because they can be most cost-effectively provided with urban services by affected cities and service districts as so designated and mapped in a Metro Council ordinance."

"(y) 'Special land need' means a specific type of identified land needed which complies with Goal 14, Factors 1 and 2 that cannot be reasonably accommodated on first tier urban reserve land."

Section 3.01.012 is added as follows:

"3.01.012 Urban Reserve Areas

(a) Purpose

The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Amount of Land Required

- (1) The areas designated as urban reserves shall be sufficient to accommodate expected urban development for a 30 to 50 year period, including an estimate of all potential developable and redevelopable land in the urban area.
- (2) Metro shall estimate the capacity of the urban reserves consistent with the procedures for estimating capacity of the urban area as defined in Section 3.01.010.
- (3) The minimum residential density to be used in calculating the need for urban reserves, estimating the capacity of the areas designated as urban reserves and required in concept plans shall be at least 10 dwelling units per net developable acre.
- (4) Metro shall designate the amount of urban reserves estimated to accommodate the forecast need.
- (5) Metro may designate a portion of the land required for urban reserves in order to phase designation of urban reserves.

(c) Mapped Urban Reserves

- (1) Metro has designated as urban reserve areas those lands indicated on the 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.
- (2) Urban growth boundary amendments shall include only land designated as urban reserves unless designated urban reserve lands are inadequate to meet the need. If land designated as urban reserves is inadequate to meet the need, the priorities in ORS 197.298 shall be followed.

- (3) Within 1 year of Metro Council adoption of the urban reserve ordinance, the Metro Council shall modify the Metro 2040 Growth Concept to designate regional design types consistent with the Metro 2040 Growth Concept for all designated urban reserves.

(d) First Tier

First tier urban reserves shall be included in the Metro Urban Growth Boundary prior to other urban reserves unless a special land need is identified which cannot be reasonably accommodated on first tier urban reserves.

(e) Urban Reserve Plan Required

A conceptual land use plan and concept map which demonstrates compliance with the RUGGO and the 2040 Growth Concept design types and any applicable functional plan provisions shall be required for all major amendment applications and legislative amendments of the urban growth boundary including at least the following, when applicable:

- (1) Provision for either annexation to a city and any necessary service districts at the time of the final approval of the urban growth boundary amendment consistent with 3.01.065 or an applicable city-county planning area agreement which requires at least the following:
  - (A) City or county agreement to adopt comprehensive plan provisions for the lands added to the urban growth boundary which comply with all requirements of urban reserve plan conditions of the urban growth boundary approval;
  - (B) City and county agreement that lands added to the urban growth boundary shall be rezoned for urban development only upon annexation or agreement for delayed annexation to the city and any necessary service district identified in the approved Concept Plan or incorporation as a new city; and
  - (C) County agreement that, prior to annexation to the city and any necessary service districts, rural zoning that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when these lands are included in the urban growth boundary remains in place until city annexation and the adoption of urban zoning.
- (2) Notwithstanding (1) above, the Metro Council may approve a major or legislative amendment to the urban growth boundary if the proposed amendment is required to assist the region to comply with the 2040 Growth Concept or to assist the region, a city or county in demonstrating compliance with statute, rule, or statewide goal requirements for land within the urban growth boundary. These requirements include HB 2709, ORS 197.303, the statewide planning goals and Regional Urban Growth Goals and Objectives. An urban services agreement consistent with ORS 195.065 shall be required as a condition of approval for any amendment under this subsection.
- (3) The areas of Urban Reserve Study Areas #11, 14 and 65 are so geographically distant from existing city limits that annexation to a city is difficult to achieve. If the county and affected city and any

necessary service districts have signed an urban service agreement or an urban reserve agreement coordinating urban services for the area, then the requirements for annexation to a city in (1)(B) and (1)(C) above shall not apply.

- (4) Provision for residential densities of at least 10 dwelling units per net developable residential acre.
- (5) Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
- (6) Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80% of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.
- (7) Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the urban growth boundary consistent with 2040 Growth Concept design types.
- (8) A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans.
- (9) Identification, mapping and a funding strategy for protecting areas from development due to wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the urban growth boundary prior to urban development. The plan shall include cost estimates to implement a strategy to fund resource protection.
- (10) A conceptual public facilities and services plan, including rough cost estimates for the provision of sewer, water, storm drainage, transportation, fire and police protection facilities and parks, including financing strategy for those costs.
- (11) A conceptual school plan which provides for the amount of land and improvements needed for school facilities. Estimates of the need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the procedures in ORS 197.110(3), (4) and (7).
- (12) An Urban Reserve Plan map showing, at least, the following, when applicable:

- (A) Major roadway connections and public facilities;
  - (B) Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;
  - (C) General locations for commercial and industrial lands;
  - (D) General locations for single and multi-family housing;
  - (E) General locations for public open space, plazas and neighborhood centers; and
  - (F) General locations or alternative locations for any needed school, park or fire hall sites.
- (13) The urban reserve plan shall be coordinated among the city, county, school district and other service districts, including a dispute resolution process with an MPAC report and public hearing consistent with RUGGO Objective 5.3. The urban reserve plan shall be considered for local approval by the affected city or by the county, if subsection (3), above, applies in coordination with any affected service district and/or school district. Then the Metro Council shall consider final adoption of the plan.

Section 3.01.015(d) is added as follows:

"(d) Metro shall consult with the appropriate city, county and service districts to identify lands inside first tier urban reserves which are the most capable of being served by extension of service from existing service providers for the purpose of preparing concept plans in advance for any short term need for inclusion of additional lands in the urban growth boundary."

Section 3.01.015(d) is amended as follows:

"(e) Legislative amendment decisions shall be accompanied by findings explaining why the UGB amendment complies with applicable state law and statewide goals as interpreted by section 3.01.020 and subsequent appellate decisions and including applicable concept plans and maps demonstrating consistency with RUGGO including the 2040 Growth Concept and compliance with any applicable functional plan provisions."

Section 3.01.020(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.020(b), last sentence, is amended as follows:

"For legislative amendments, if need has been addressed, the district shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7."

Section 3.01.025(a) is amended as follows:



"(a) All major amendments shall be solely upon lands designated in urban reserves, when designated consistent with 3.01.012. All major amendments shall demonstrate compliance with the following:

- (1) The criteria in section 3.01.030 of this Code as well as the procedures in OAR 660-18-000;
- (2) Notice of public hearings for major amendments as described in section 3.01.050;
- (3) Public hearings procedures as described in sections 3.01.055 through 3.01.065;
- (4) the urban reserve plan requirements in section 3.01.012(e); and
- (5) Final action on major amendments shall be taken as described in section 3.01.070."

Section 3.01.030(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . and further define ORS 197.298, Goals 2 and 14 . . . compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.030(b) is amended by adding the following sentence prior to 3.01.030(b)(1):

"Demonstration that the priorities of ORS 197.298 have been followed is required in addition to the application of factors 3 through 7."

Section 3.01.040(b), (c) are added as follows:

"(b) The district shall attach the approved urban reserve plan and map required at 3.01.012(e) as conditions of approval to assure compliance of developed uses with the 2040 Growth Concept and any applicable functional plan provisions.

(c) The district may determine that certain conditions of approval are so important to inclusion of land into the urban growth boundary that if those conditions are not met that the urban growth boundary approval may be revoked automatically or by action of the district."

Section 3.01.065(f) is amended as follows:

"(f) When the council acts to approve in whole or in part a petition by requiring annexation to a city and/or service district(s) and Tri-Met and whenever a petition includes land outside the district:

- (1) Such action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the district within six months of the date of adoption of the Resolution.
- (2) The council shall take final action, as provided for in paragraphs (c) and (d) of this section, within 30 calendar days of notice that all required annexations to a city, service district(s) and the district have been approved."

*Agenda Item Number 7.1*

**Ordinance No. 96-655C, For the Purpose of Designating Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary; Amending RUGGO Ordinance No. 95-625A and Metro Code 3.01; and Declaring an Emergency**

**Metro Council Meeting  
Thursday February 27, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DESIGNATING ) ORDINANCE NO 96-655BC  
URBAN RESERVE AREAS FOR THE )  
PORTLAND METROPOLITAN AREA URBAN ) Introduced by Executive Officer  
GROWTH BOUNDARY; AMENDING RUGGO ) Mike Burton  
ORDINANCE NO. 95-625A AND METRO CODE )  
CHAPTER 3.01; AND DECLARING AN )  
EMERGENCY )

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Land Conservation and Development Commission's (LCDC's) Urban Reserve Area Rule at OAR 660-21-020 requires Metro to designate the location of urban reserve areas for the Portland Metropolitan area within two miles of the regional Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-020, requires that urban reserve areas designated by Metro shall be shown on all applicable comprehensive plan and zoning maps; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(1), requires that urban reserve areas shall include at least a 10 to 30 year supply of developable land beyond the 20 year supply in the Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(2), requires that Metro study lands adjacent to the Urban Growth Boundary for suitability as urban reserve areas; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(3), requires that land found suitable for an urban reserve area must be included according to the

Rule's priorities and that first priority lands are those lands identified in comprehensive plans as exception areas plus those resource lands completely surrounded by exception areas which are not high value crop areas; and

WHEREAS, Resolution No. 95-2244 established urban reserve study areas as the subject of Metro's continued study for possible designation as urban reserve areas consistent with LCDC's Urban Reserve Area Rule; and

WHEREAS, urban reserve study areas are shown on the 2040 Growth Concept Map in Ordinance No. 95-625A adopting the Regional Urban Growth Goals and Objectives (RUGGO) which was acknowledged by LCDC Compliance Order 96-ACK-010 on December 9, 1996; and

WHEREAS, Metro has undertaken a detailed analysis of the suitability of the study areas for designation as urban reserve areas, including the June, 1996 Metro Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas; and

WHEREAS, an Urban Growth Report containing data about the relative suitability of lands as urban reserves, maps and descriptions of the physical characteristics of the study areas was published ~~September 3, 1996~~ by the Executive Officer was accepted by the Metro Council as amended in Resolution No. 96-2392B and forwarded to the Metro Council; and

WHEREAS, a series of open houses near the Urban Growth Boundary was held in June, 1996 at Oregon City, Clackamas, Tualatin and Beaverton with residents owning property in study areas notified by mail, print ads and flyers to schools; and

WHEREAS, the Metro Council held public hearing listening posts concerning the urban reserves and the Executive Officer Urban Reserve Recommendation in

November and December, 1996 in Hillsboro, Gresham, Beaverton, Oak Grove and at Metro; and

WHEREAS, the Metro Council considered all the evidence in the record~~the Utility Feasibility Report, the Urban Reserve Report~~ and public testimony in ~~November, 1996~~ listening posts and in December, 1996 and February, 1997 work sessions to select urban reserve areas; and

WHEREAS, notice of the proposed urban reserve areas and the proposed postacknowledgment amendments to the acknowledged RUGGO ordinance and the acknowledged Metro Code 3.01 have been given consistent with ORS 197.610(1); now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Chapter 3.01, Metro's acknowledged "Urban Growth Boundary Amendment Procedures," are hereby amended as indicated in Exhibit "A," attached and incorporated herein.

Section 2. Ordinance No. 95-625A is hereby amended to replace the urban reserve study areas indicated on the 2040 Growth Concept Map with the urban reserve areas designated in Section 3 of this Ordinance.

Section ~~23~~. Urban reserve areas indicated on the map attached as Exhibit "B", and incorporated herein, are hereby designated as the urban reserve areas for the Metro Urban Growth Boundary for the purposes of (1) application of Metro Code 3.01, (2) amendment of the acknowledged 2040 Growth Concept Map, (3) compliance with the Urban Reserve Areas Rule at OAR 660-21-020, and (4) for the purpose of

identifying lands of first priority for inclusion in the Metro Urban Growth Boundary as required by ORS 197.298.

Section 34. The urban reserve areas on Exhibit "B" shall be shown on all applicable county comprehensive plan and zoning maps as required by the Urban Reserve Areas Rule at OAR 660-21-020.

~~Section 4. Ordinance No. 95-625A is hereby amended to replace the urban reserve study areas indicated on the 2040 Growth Concept Map with the urban reserve areas designated in Section 2 of this Ordinance.~~

~~Section 5. The findings of fact in Exhibit "C", attached and incorporated herein, explain how the urban reserve areas designated in Section 2 of this Ordinance comply with the Urban Reserve Areas Rule and the acknowledged Regional Urban Growth Goals and Objectives.~~

Section 65. The designation of urban reserve areas prior to March, 1997 applications for amendments to the Metro Urban Growth Boundary is necessary to preserve the health, safety or welfare of the Metro region; therefore, an emergency is hereby declared to exist, and this Ordinance shall take effect upon passage.

Section 76. The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of this ordinance or the invalidity of the application thereof to any city, county, person or circumstance shall not affect the validity of the remaining provisions of this ordinance or its application to other cities, counties, persons or circumstances.

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ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

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

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DESIGNATING ) ORDINANCE NO 96-655BC  
URBAN RESERVE AREAS FOR THE )  
PORTLAND METROPOLITAN AREA URBAN ) Introduced by Executive Officer  
GROWTH BOUNDARY; AMENDING RUGGO ) Mike Burton  
ORDINANCE NO. 95-625A AND METRO CODE )  
CHAPTER 3.01; AND DECLARING AN )  
EMERGENCY )

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Land Conservation and Development Commission's (LCDC's) Urban Reserve Area Rule at OAR 660-21-020 requires Metro to designate the location of urban reserve areas for the Portland Metropolitan area within two miles of the regional Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-020, requires that urban reserve areas designated by Metro shall be shown on all applicable comprehensive plan and zoning maps; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(1), requires that urban reserve areas shall include at least a 10 to 30 year supply of developable land beyond the 20 year supply in the Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(2), requires that Metro study lands adjacent to the Urban Growth Boundary for suitability as urban reserve areas; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(3), requires that land found suitable for an urban reserve area must be included according to the



Rule's priorities and that first priority lands are those lands identified in comprehensive plans as exception areas plus those resource lands completely surrounded by exception areas which are not high value crop areas; and

WHEREAS, Resolution No. 95-2244 established urban reserve study areas as the subject of Metro's continued study for possible designation as urban reserve areas consistent with LCDC's Urban Reserve Area Rule; and

WHEREAS, urban reserve study areas are shown on the 2040 Growth Concept Map in Ordinance No. 95-625A adopting the Regional Urban Growth Goals and Objectives (RUGGO) which was acknowledged by LCDC Compliance Order 96-ACK-010 on December 9, 1996; and

WHEREAS, Metro has undertaken a detailed analysis of the suitability of the study areas for designation as urban reserve areas, including the June, 1996 Metro Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas; and

WHEREAS, an Urban Growth Report containing data about the relative suitability of lands as urban reserves, maps and descriptions of the physical characteristics of the study areas ~~was published September 3, 1996 by the Executive Officer~~ was accepted by the Metro Council as amended in Resolution No. 96-2392B and forwarded to the Metro Council; and

WHEREAS, a series of open houses near the Urban Growth Boundary was held in June, 1996 at Oregon City, Clackamas, Tualatin and Beaverton with residents owning property in study areas notified by mail, print ads and flyers to schools; and

WHEREAS, the Metro Council held public hearing listening posts concerning the urban reserves and the Executive Officer Urban Reserve Recommendation in

November and December, 1996 in Hillsboro, Gresham, Beaverton, Oak Grove and at Metro; and

WHEREAS, the Metro Council considered all the evidence in the record~~the Utility Feasibility Report, the Urban Reserve Report~~ and public testimony in ~~November, 1996~~ listening posts and in December, 1996 and February, 1997 work sessions to select urban reserve areas; and

WHEREAS, notice of the proposed urban reserve areas and the proposed postacknowledgment amendments to the acknowledged RUGGO ordinance and the acknowledged Metro Code 3.01 have been given consistent with ORS 197.610(1); now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Chapter 3.01, Metro's acknowledged "Urban Growth Boundary Amendment Procedures," are hereby amended as indicated in Exhibit "A," attached and incorporated herein.

Section 2. Ordinance No. 95-625A is hereby amended to replace the urban reserve study areas indicated on the 2040 Growth Concept Map with the urban reserve areas designated in Section 3 of this Ordinance.

Section ~~2~~3. Urban reserve areas indicated on the map attached as Exhibit "B", and incorporated herein, are hereby designated as the urban reserve areas for the Metro Urban Growth Boundary for the purposes of (1) application of Metro Code 3.01, (2) amendment of the acknowledged 2040 Growth Concept Map, (3) compliance with the Urban Reserve Areas Rule at OAR 660-21-020, and (4) ~~for the purpose of~~

identifying lands of first priority for inclusion in the Metro Urban Growth Boundary as required by ORS 197.298.

Section 34. The urban reserve areas on Exhibit "B" shall be shown on all applicable county comprehensive plan and zoning maps as required by the Urban Reserve Areas Rule at OAR 660-21-020.

~~Section 4. Ordinance No. 95-625A is hereby amended to replace the urban reserve study areas indicated on the 2040 Growth Concept Map with the urban reserve areas designated in Section 2 of this Ordinance.~~

~~Section 5. The findings of fact in Exhibit "C", attached and incorporated herein, explain how the urban reserve areas designated in Section 2 of this Ordinance comply with the Urban Reserve Areas Rule and the acknowledged Regional Urban Growth Goals and Objectives.~~

Section 65. The designation of urban reserve areas prior to March, 1997 applications for amendments to the Metro Urban Growth Boundary is necessary to preserve the health, safety or welfare of the Metro region; therefore, an emergency is hereby declared to exist, and this Ordinance shall take effect upon passage.

Section 76. The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of this ordinance or the invalidity of the application thereof to any city, county, person or circumstance shall not affect the validity of the remaining provisions of this ordinance or its application to other cities, counties, persons or circumstances.

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ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

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

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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1 Metro Code Amendments voted by Metro Council on 2/20/97, for Final Vote on 2/27/97

2  
3 EXHIBIT A

4  
5 Amendments to Metro Code 3.01

6  
7 Title Section is amended as follows:

8 "URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES

9  
10 SECTIONS TITLE

11  
12 3.01.005 Purpose  
13 3.01.010 Definitions  
14 3.01.012 Urban Reserves  
15 3.01.015 Legislative Amendment Procedures"

16  
17 Section 3.01.005(a), sentence is added at end as follows:

18 "... other than Goals 2 and 14. This chapter is also established to be used for the  
19 establishment and management of Urban Reserves, pursuant to OAR 660-21-000  
20 to 660-21-100 and RUGGO Objective 22."

21  
22 Section 3.01.005(c) is added as follows:

23 (c) The objectives of the Urban Reserves are to:

- 24  
25 (1) Identify sufficient land suitable for urbanization sufficient to  
26 accommodate the forecast needs for a 30 to 50 year interval,  
27 reevaluated at least every 15 years;  
28  
29 (2) Limit the areas which are eligible to apply for inclusion to the Urban  
30 Growth Boundary consistent with ORS 197.298, and protect  
31 resource lands outside the urban reserve areas;  
32  
33 (3) Protect lands designated as urban reserves for their eventual  
34 urbanization, and insure their efficient urbanization consistent with  
35 the 2040 Growth Concept, the RUGGOs and the Urban Growth  
36 Management Functional Plan;  
37  
38 (4) Provide for coordination between cities, counties, and special  
39 districts for planning for the urban reserve areas;  
40  
41 (5) Ensure a smooth transition to urban development by planning for  
42 general governance, public facilities, land uses, and planning for  
43 financing the capital needs of the urban development."  
44

45 Section 3.01.010(z) is amended as follows:

46 "(z) "Urban reserve" means an area adjacent to the present UGB defined to  
47 be a priority location for any future UGB amendments when needed. Urban

48 reserves are defined as the land likely to be needed including all developable land  
49 inside the current urban growth boundary, for a 30 to 50 year period."  
50

51 Section 3.01.010 is amended to add an additional term and definition as follows:  
52

53 (e) 'First Tier Urban Reserves' means urban reserve areas so designated  
54 and mapped in a Metro Council ordinance.  
55

56 "(y) 'Special land need' means a specific type of identified land needed which  
57 complies with Goal 14, Factors 1 and 2 that cannot be reasonably accommodated on  
58 first tier urban reserve land."  
59

60

61 Section 3.01.012 is added as follows:

62 "3.01.012 Urban Reserve Areas  
63

64

64 (a) **Purpose**

65 The purpose of this section is to comply with ORS 197.298 by identifying lands  
66 designated urban reserve land by Metro as the first priority land for inclusion in the  
67 Metro Urban Growth Boundary.  
68

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69 (b) **Amount of Land Required**

70 (1) The areas designated as urban reserves shall be sufficient to  
71 accommodate expected urban development for a 30 to 50 year  
72 period, including an estimate of all potential developable and  
73 redevelopable land in the urban area.

74 (2) Metro shall estimate the capacity of the urban reserves consistent  
75 with the procedures for estimating capacity of the urban area as  
76 defined in Section 3.01.010.

77 (3) The minimum residential density to be used in calculating the need  
78 for urban reserves, estimating the capacity of the areas designated  
79 as urban reserves and required in concept plans shall be at least  
80 10 dwelling units per net developable acre.

81 (4) Metro shall designate the amount of urban reserves estimated to  
82 accommodate the forecast need.

83 (5) Metro may designate a portion of the land required for urban  
84 reserves in order to phase designation of urban reserves.  
85

85

86 (c) **Mapped Urban Reserves**

87 (1) Metro has designated as urban reserve areas those lands  
88 indicated on the 2040 Growth Concept map as part of the Regional  
89 Urban Growth Goals and Objectives.

90 (2) Urban growth boundary amendments shall include only land  
91 designated as urban reserves unless designated urban reserve  
92 lands are inadequate to meet the need. If land designated as  
93 urban reserves is inadequate to meet the need, the priorities in  
94 ORS 197.298 shall be followed.

- 95 (3) Within 1 year of Metro Council adoption of the urban reserve map,  
96 the Metro Council shall modify the Metro 2040 Growth Concept to  
97 designate regional design types consistent with the Metro 2040  
98 Growth Concept for all designated urban reserves.  
99 (4) First tier urban reserves shall be included in the Metro Urban  
100 Growth Boundary prior to other urban reserves unless a special  
101 land need is identified which cannot be reasonably accommodated  
102 on first tier urban reserves.  
103

104 **(e) Urban Reserve Plan Required**

105 A conceptual land use plan and concept map which demonstrates compliance  
106 with the RUGGO and the 2040 Growth Concept design types and any applicable  
107 functional plan provisions shall be required for all major amendment applications  
108 and legislative amendments of the urban growth boundary including at least the  
109 following, when applicable:

- 110 (1) Provision for either annexation to a city and any necessary service  
111 districts at the time of the final approval of the urban growth  
112 boundary amendment consistent with 3.01.065 or an applicable  
113 city-county planning area agreement which requires at least the  
114 following:

115 (A) City or county agreement to adopt comprehensive plan  
116 provisions for the lands added to the urban growth boundary which comply with all  
117 requirements of urban reserve plan conditions of the urban growth boundary  
118 approval;

119 (B) City and county agreement that lands added to the urban  
120 growth boundary shall be rezoned for urban development only upon annexation or  
121 agreement for delayed annexation to the city and any necessary service district  
122 identified in the approved Concept Plan or incorporation as a new city; and

123 (C) County agreement that, prior to annexation to the city and  
124 any necessary service districts, rural zoning that ensures a range of opportunities  
125 for the orderly, economic, and efficient provision of urban services when these lands  
126 are included in the urban growth boundary remains in place until city annexation  
127 and the adoption of urban zoning.

- 128 (2) Notwithstanding (1) above, the Metro Council may approve a major  
129 or legislative amendment to the urban growth boundary if the  
130 proposed amendment is required to assist the region to comply  
131 with the 2040 Growth Concept or to assist the region, a city or  
132 county in demonstrating compliance with statute, rule, or statewide  
133 goal requirements for land within the urban growth boundary.  
134 These requirements include HB 2709, ORS 197.303, the statewide  
135 planning goals and Regional Urban Growth Goals and Objectives.

- 136 (3) The areas of Urban Reserve Study Areas #15 and #65 are so  
137 geographically distant from existing city limits that annexation to a  
138 city is difficult to achieve. If the county and affected city and any  
139 necessary service districts have signed an urban service  
140 agreement or an urban reserve agreement coordinating urban

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services for the area, then the requirements for annexation to a city in (1)(B) and (1)(C) above shall not apply.

- (4) Provision for residential densities of at least 10 dwelling units per net developable residential acre;
- (5) Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined in Oregon Revised Statutes 197.303;
- (6) Demonstration of how residential developments will include, without public subsidy, housing affordable to households with below median incomes;
- (7) Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the urban growth boundary consistent with 2040 Growth Concept design types;
- (8) A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans;
- (9) Identification, mapping and a funding strategy for protecting areas from development due to wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the urban growth boundary prior to urban development. The plan shall include cost estimates to implement a strategy to fund resource protection;
- (10) A conceptual public facilities and services plan, including rough cost estimates for the provision of sewer, water, storm drainage, transportation, fire and police protection facilities and parks, including financing strategy for those costs;
- (11) A conceptual school plan which provides for the amount of land and improvements needed for school facilities. Estimates of the need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the procedures in ORS 195.110(3), (4) and (7);
- (12) An Urban Reserve Plan map showing, at least, the following, when applicable:
  - (A) Major roadway connections and public facilities;
  - (B) Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;
  - (C) General locations for commercial and industrial lands;
  - (D) General locations for single and multi-family housing;
  - (E) General locations for public open space, plazas and neighborhood centers; and
  - (F) General locations or alternative locations for any needed school, park or fire hall sites.



187 (13) The urban reserve plan shall be reviewed by the affected city, or by  
188 the county if subsection (3), above, applies. The plan shall be  
189 coordinated among the city, county, school district and other  
190 service districts.  
191

192 Section 3.01.015(d) is added as follows:

193 "(d) Metro shall consult with the appropriate city, county and service districts  
194 to identify lands inside first tier urban reserves which are the most capable of being  
195 served by extension of service from existing service providers for the purpose of  
196 preparing concept plans in advance for any short term need for inclusion of  
197 additional lands in the urban growth boundary."  
198

199 Section 3.01.015(d) is amended as follows:

200 "(e) Legislative amendment decisions shall be accompanied by findings  
201 explaining why the UGB amendment complies with applicable state law and  
202 statewide goals as interpreted by section 3.01.020 and subsequent appellate  
203 decisions and including applicable concept plans and maps demonstrating  
204 consistency with RUGGO including the 2040 Growth Concept and compliance with  
205 any applicable functional plan provisions."  
206

207 Section 3.01.020(a) is amended as follows:

208 "The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the  
209 statewide planning goals and RUGGO . . . Compliance with this section shall  
210 constitute compliance with ORS 197.298, statewide planning Goals 2 and 14  
211 and the Regional Urban Growth Goals and Objectives."  
212

213 Section 3.01.020(b), last sentence, is amended as follows:

214 "For legislative amendments, if need has been addressed, the district shall  
215 demonstrate that the priorities of ORS 197.298 have been followed and that the  
216 recommended site was better than alternative sites, balancing factors 3 through  
217 7."  
218

219 Section 3.01.025(a) is amended as follows:

220 "(a) All major amendments shall be solely upon lands designated in urban  
221 reserves, when designated consistent with 3.01.012. All major amendments shall  
222 demonstrate compliance with the following:

- 223 (1) The criteria in section 3.01.030 of this Code as well as the procedures in  
224 OAR 660-18-000;
- 225 (2) Notice of public hearings for major amendments as described in section  
226 3.01.050;
- 227 (3) Public hearings procedures as described in sections 3.01.055 through  
228 3.01.065;
- 229 (4) the urban reserve plan requirements in section 3.01.012(e); and
- 230 (5) Final action on major amendments shall be taken as described in  
231 section 3.01.070."  
232

233 Section 3.01.030(a) is amended as follows:

234 "The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the  
235 statewide planning goals and RUGGO . . . and further define ORS 197.298,  
236 Goals 2 and 14 . . . compliance with ORS 197.298, statewide planning Goals 2  
237 and 14 and the Regional Urban Growth Goals and Objectives."  
238

239 Section 3.01.030(b) is amended by adding the following sentence prior to  
240 3.01.030(b)(1):

241 "Demonstration that the priorities of ORS 197.298 have been followed is  
242 required in addition to the application of factors 3 through 7."  
243

244 Section 3.01.040(b), (c) are added as follows:

245 "(b) The district shall attach the approved urban reserve plan and map  
246 required at 3.01.012(e) as conditions of approval to assure compliance of developed  
247 uses with the 2040 Growth Concept and any applicable functional plan provisions.

248 (c) The district may determine that certain conditions of approval are so  
249 important to inclusion of land into the urban growth boundary that if those conditions  
250 are not met that the urban growth boundary approval may be revoked automatically  
251 or by action of the district."  
252

253 Section 3.01.065(f) is amended as follows:

254 "(f) When the council acts to approve in whole or in part a petition by requiring  
255 annexation to a city and/or service district(s) and Tri-Met and whenever a petition  
256 includes land outside the district:

257 (1) Such action shall be by resolution expressing intent to amend the  
258 UGB if and when the affected property is annexed to the district  
259 within six months of the date of adoption of the Resolution.

260 (2) The council shall take final action, as provided for in paragraphs (c)  
261 and (d) of this section, within 30 calendar days of notice that all  
262 required annexations to a city, service district(s) and the district  
263 have been approved."  
264

265

jpp A:\EXHIBITA.220.doc

~~DISCUSSION DRAFT~~—MTAC Recommendations 1/30/97

Metro Code Amendments voted by Metro Council on 2/20/97, for Final Vote on 2/27/97

EXHIBIT A

Amendments to Metro Code 3.01

Title Section is amended as follows:

"URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES

SECTIONS	TITLE
3.01.005	Purpose
3.01.010	Definitions
3.01.012	Urban Reserves
3.01.015	Legislative Amendment Procedures"

Section 3.01.005(a), sentence is added at end as follows:

". . . other than Goals 2 and 14. This chapter is also established to be used for the establishment and management of Urban Reserves, pursuant to OAR 660-21-000 to 660-21-100 and RUGGO Objective 22."

Section 3.01.005(c) is added as follows:

(c) The objectives of the Urban Reserves are to:

- (1) Identify sufficient land suitable for urbanization sufficient to accommodate the forecast needs for a 30 to 50 year interval, reevaluated at least every 15 years;
- (2) Limit the areas which are eligible to apply for inclusion to the Urban Growth Boundary consistent with ORS 197.298, and protect resource lands outside the urban reserve areas;
- (3) Protect lands designated as urban reserves for their eventual urbanization, and insure their efficient urbanization consistent with the 2040 Growth Concept, the RUGGOs and the Urban Growth Management Functional Plan;
- (4) Provide for coordination between cities, counties, and special districts for planning for the urban reserve areas;
- (5) Ensure a smooth transition to urban development by planning for general governance, public facilities, land uses, and planning for the financing the capital needs of the urban development."

Section 3.01.010(z) is amended as follows:

"(z) "Urban reserve" means an area adjacent to the present UGB defined to be a priority location for any future UGB amendments when needed. Urban reserves are defined as the land likely to be needed including all developable land inside the current urban growth boundary, for a 30 to 50 year period."

Section 3.01.010 is amended to add an additional term and definition as follows:

(e) 'First Priority Tier Urban Reserves' means urban reserve areas designated in Ordinance 96-655C or future Metro Council actions so designated and mapped in a Metro Council ordinance.

"(d) ~~'Immediate sy~~ 'Special land need' means a specific type of identified land needed immediately which which complies with Goal 14, Factors 1 and 2 that cannot be reasonably accommodated on first priority urban reserves."  
tier urban reserve land."

~~(f) 'First Priority Urban Reserves' means urban reserve areas areas designated in Ordinance 96-655C or future Metro Council~~

Section 3.01.012 is added as follows:

"3.01.012 Urban Reserve Areas

**(a) Purpose**

The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

**(b) Amount of Land Required**

- (1) The areas designated as urban reserves shall be sufficient to accommodate expected urban development for a 30 to 50 year period, including an estimate of all potential developable and redevelopable land in the urban area.
- (2) Metro shall estimate the capacity of the urban reserves consistent with the procedures for estimating capacity of the urban area as defined in Section 3.01.010.
- (3) The minimum residential density to be used in calculating the need for urban reserves, estimating the capacity of the areas designated as urban reserves and required in concept plans shall be at least 10 dwelling units per net developable acre.
- (4) Metro shall designate the ~~minimum~~ amount of urban reserves estimated to accommodate the forecast need.
- (5) Metro may designate a portion of the land required for urban reserves in order to phase designation of urban reserves.

**(c) Mapped Urban Reserves**

- ~~(1)~~ Metro has designated as urban reserve areas those lands indicated on the map at Exhibit B of Ordinance No. 96-655G to be included on the 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.
- ~~(2)~~ Urban growth boundary amendments shall include only land designated as urban reserves on the map at Exhibit B of Ordinance No. 96-655G unless designated urban reserve lands are inadequate to meet the need. If land designated as urban reserves is inadequate to meet the need, the priorities in ORS 197.298 shall be followed.
- ~~(3)~~ Within 1 year of Metro Council adoption of the urban reserve map, the Metro Council shall modify the Metro 2040 Growth Concept to designate regional design types consistent with the Metro 2040 Growth Concept for all designated urban reserves.

~~First priority~~

- ~~First priority~~ (4) First tier urban reserves shall be included in the Metro Urban Growth Boundary prior to other urban reserves unless an immediate special land need is identified which cannot be reasonably accommodated on first priority tier urban reserves.

**(e) Urban Reserve Plan Required**

A conceptual land use plan and concept map which demonstrates compliance with the RUGGO and the 2040 Growth Concept design types and any applicable functional plan provisions shall be required for all major amendment applications and legislative amendments of the urban growth boundary including at least the following, when applicable:

- (1) Provision for either annexation to a city and any necessary service districts at the time of the final approval of the urban growth boundary amendment consistent with 3.01.065 or an applicable city-county planning area agreement which requires at least the following:
- (A) City or county agreement to adopt comprehensive plan provisions for the lands added to the urban growth boundary which comply with all requirements of ~~Concept Plan~~ urban reserve plan conditions of the urban growth boundary approval;
- (B) City and county agreement that lands added to the urban growth boundary shall be rezoned for urban development only upon annexation or agreement for delayed annexation to the city and any necessary service district identified in the approved Concept Plan or incorporation as a new city; and ~~and (CC)~~
- (C) County agreement that, prior to annexation to the city and any necessary service districts, rural zoning that ensures a range of

opportunities for the orderly, economic, and efficient provision of urban services when these lands are included in the urban growth boundary remains in place until city annexation and the adoption of urban zoning.

~~(2)~~ Notwithstanding (1) above, the Metro Council may approve a major or legislative amendment to the urban growth boundary if the proposed amendment is required to assist the region to comply with the 2040 Growth Concept or to assist the region, a city or county in demonstrating compliance with statute, rule, or statewide goal requirements for land within the urban growth boundary. These requirements include HB 2709, ORS 197.303, the statewide planning goals and Regional Urban Growth Goals and Objectives.

~~(D)(3)~~ If the Metro Council identifies an area or The areas which are of Urban Reserve Study Areas #15 and #65 are so geographically distant from any existing city limits that annexation to a city is difficult to achieve, and If the county and affected city and any necessary service districts have signed an urban service agreement or an urban so that annexation is difficult to achieve and for which incorporation as a new city appears to be difficult to achieve within the next 2-3 years reserve agreement coordinating urban services for the area, then the requirements for annexation to a city or incorporation may be waived upon such findings of the Metro Council in (1)(B) and (1)(C) above shall not apply.

~~(234)~~ Provision for residential densities of at least 10 dwelling units per net developable residential acre and a plan for affordable housing;

~~(45)~~ Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined in Oregon Revised Statutes 197.303;

~~(56)~~ Demonstration of how residential developments will include, without public subsidy, housing affordable to households with below median incomes;

~~(367)~~ Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the urban growth boundary consistent with 2040 Growth Concept design types;

~~(478)~~ A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans;

~~(5)~~ Identification of areas to be protected 89) Identification, mapping and a funding strategy for protecting areas from development due to wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation; A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the urban growth boundary prior to urban development. The plan shall include cost estimates to implement a strategy to fund resource protection;

~~(6910)~~ A conceptual public facilities and services plan, including rough cost estimates for the provision of sewer, water, storm drainage, transportation, fire and police protection facilities and parks, including ~~estimates of costs and financing strategy for those costs;~~

~~(7)~~ A conceptual school plan estimate of and plan to provide for the amount of land and improvements required for school facilities, such need calculations coordinated with affected school districts and local government and special districts as provided for in state law. In addition, such plans shall include cost estimates and a financing strategy for the improvements, developed in conjunction with the local school district;

~~-district;~~

~~(8)~~ A Concept Plan Map showing, at least, the following: ~~(110)~~ A conceptual school plan which provides for the amount of land and improvements needed for school facilities. Estimates of the need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the procedures in ORS 1957.110(3), (4) and (7);

~~(121)~~ An Urban Reserve Plan map showing, at least, the following, when applicable:

~~a. (A)~~ Major roadway connections and public facilities;

~~b. (B)~~ Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;

~~c. (C)~~ General locations for commercial and industrial lands;

~~d. (D)~~ General locations for single and multi-family housing;

~~e. (E)~~ General locations for public open space, plazas and neighborhood centers; and

~~f. (F)~~ General locations or alternative locations for any needed school, park or fire hall sites."

~~(132)~~ The Urban Reserve plan shall be approved ~~reviewed~~ by the affected city, or by the county if subsection (23), above, applies., and The plan shall be coordinated among with the city, county, school district and other service districts. and be consistent with the Metro 2040 Growth Concept.

Section 3.01.015(d) is added as follows:

"(d) Metro shall consult with the appropriate city, county and service districts to identify lands inside first ~~priority tier~~ urban reserves which are the most capable of being served by extension of service from existing service providers for the purpose of preparing concept plans in advance for any short term need for inclusion of additional lands in the urban growth boundary."

Section 3.01.015(d) is amended as follows:

"(e) Legislative amendment decisions shall be accompanied by findings explaining why the UGB amendment complies with applicable state law and statewide goals as interpreted by section 3.01.020 and subsequent appellate decisions and including applicable concept plans and maps demonstrating

compliance consistency with RUGGO including the 2040 Growth Concept and compliance with any applicable functional plan provisions."

Section 3.01.020(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.020(b), last sentence, is amended as follows:

"For legislative amendments, if need has been addressed, the district shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7."

Section 3.01.025(a) is amended as follows:

"(a) All major amendments shall be solely upon lands designated in urban reserves, when designated consistent with 3.01.012. All major amendments shall demonstrate compliance with the following:

- (1) The criteria in section 3.01.030 of this Code as well as the procedures in OAR 660-18-000;
- (2) Notice of public hearings for major amendments as described in section 3.01.050;
- (3) Public hearings procedures as described in sections 3.01.055 through 3.01.065;
- (4) the ~~Concept~~ Urban reserve plan requirements in section 3.01.012(e); and
- (5) Final action on major amendments shall be taken as described in section 3.01.070."

Section 3.01.030(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . and further define ORS 197.298, Goals 2 and 14 . . . compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.030(b) is amended by adding the following sentence prior to 3.01.030(b)(1):

"Demonstration that the priorities of ORS 197.298 have been followed is required in addition to the application of factors 3 through 7."

Section 3.01.040(b), (c) are added as follows:

"(b) The district shall attach the approved urban reserve plan and map required at 3.01.012(e) as conditions of approval to assure compliance of developed uses with the 2040 Growth Concept and any applicable functional plan provisions.

(c) The district may determine that certain conditions of approval are so important to inclusion of land into the urban growth boundary that if those conditions



are not met that the urban growth boundary approval may be revoked automatically or by action of the district."

Section 3.01.065(f) is amended as follows:

"(f) When the council acts to approve in whole or in part a petition by requiring annexation to a city and/or service district(s) and Tri-Met and whenever a petition includes land outside the district:

- (1) Such action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the district within six months of the date of adoption of the Resolution.
- (2) The council shall take final action, as provided for in paragraphs (c) and (d) of this section, within 30 calendar days of notice that all required annexations to a city, service district(s) and the district have been approved."

*Agenda Item Number 5.1*

**Ordinance No. 96-655B, For the Purpose of Designating Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary; Amending RUGGO Ordinance No. 95-625A and Metro Code Chapter 3.01; and Declaring an Emergency.**

***Second Reading***

**Metro Council Meeting  
Thursday, February 13, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DESIGNATING	)	ORDINANCE NO 96-655B
URBAN RESERVE AREAS FOR THE	)	
PORTLAND METROPOLITAN AREA URBAN	)	Introduced by Executive Officer
GROWTH BOUNDARY; AMENDING RUGGO	)	Mike Burton
ORDINANCE NO. 95-625A AND METRO CODE	)	
CHAPTER 3.01; AND DECLARING AN	)	
EMERGENCY	)	

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Land Conservation and Development Commission's (LCDC's) Urban Reserve Area Rule at OAR 660-21-020 requires Metro to designate the location of urban reserve areas for the Portland Metropolitan area within two miles of the regional Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-020, requires that urban reserve areas designated by Metro shall be shown on all applicable comprehensive plan and zoning maps; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(1), requires that urban reserve areas shall include at least a 10 to 30 year supply of developable land beyond the 20 year supply in the Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(2), requires that Metro study lands adjacent to the Urban Growth Boundary for suitability as urban reserve areas; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(3), requires that land found suitable for an urban reserve area must be included according to the

Rule's priorities and that first priority lands are those lands identified in comprehensive plans as exception areas plus those resource lands completely surrounded by exception areas which are not high value crop areas; and

WHEREAS, Resolution No. 95-2244 established urban reserve study areas as the subject of Metro's continued study for possible designation as urban reserve areas consistent with LCDC's Urban Reserve Area Rule; and

WHEREAS, urban reserve study areas are shown on the 2040 Growth Concept Map in Ordinance No. 95-625A adopting the Regional Urban Growth Goals and Objectives (RUGGO) which was acknowledged by LCDC Compliance Order 96-ACK-010 on December 9, 1996; and

WHEREAS, Metro has undertaken a detailed analysis of the suitability of the study areas for designation as urban reserve areas, including the June, 1996 Metro Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas; and

WHEREAS, an Urban Reserve Report containing data about the relative suitability of lands as urban reserves, maps and descriptions of the physical characteristics of the study areas was published September 3, 1996 by the Executive Officer and forwarded to the Metro Council; and

WHEREAS, a series of open houses near the Urban Growth Boundary was held in June, 1996 at Oregon City, Clackamas, Tualatin and Beaverton with residents owning property in study areas notified by mail, print ads and flyers to schools; and

WHEREAS, the Metro Council held public hearing listening posts concerning the urban reserves and the Executive Officer Urban Reserve Recommendation in

November and December, 1996 in Hillsboro, Gresham, Beaverton, Oak Grove and at Metro; and

WHEREAS, the Metro Council considered the Utility Feasibility Report, the Urban Reserve Report and public testimony in November, 1996 listening posts and in December, 1996 work sessions to select urban reserve areas; and

WHEREAS, notice of the proposed urban reserve areas and the proposed postacknowledgment amendments to the acknowledged RUGGO ordinance and the acknowledged Metro Code 3.01 have been given consistent with ORS 197.610(1); now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Chapter 3.01, Metro's acknowledged "Urban Growth Boundary Amendment Procedures," are hereby amended as indicated in Exhibit "A," attached and incorporated herein.

Section 2. Urban reserve areas indicated on the map attached as Exhibit "B", and incorporated herein, are hereby designated as the urban reserve areas for the Metro Urban Growth Boundary for the purpose of compliance with the Urban Reserve Areas Rule at OAR 660-21-020 and for the purpose of identifying lands of first priority for inclusion in the Metro Urban Growth Boundary as required by ORS 197.298.

Section 3. The urban reserve areas on Exhibit "B" shall be shown on all applicable county comprehensive plan and zoning maps as required by the Urban Reserve Areas Rule at OAR 660-21-020.

Section 4. Ordinance No. 95-625A is hereby amended to replace the urban reserve study areas indicated on the 2040 Growth Concept Map with the urban reserve areas designated in Section 2 of this Ordinance.

Section 5. The findings of fact in Exhibit "C", attached and incorporated herein, explain how the urban reserve areas designated in Section 2 of this Ordinance comply with the Urban Reserve Areas Rule and the acknowledged Regional Urban Growth Goals and Objectives.

Section 6. The designation of urban reserve areas prior to March, 1997 applications for amendments to the Metro Urban Growth Boundary is necessary to preserve the health, safety or welfare of the Metro region; therefore, an emergency is hereby declared to exist, and this Ordinance shall take effect upon passage.

Section 7. The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of this ordinance or the invalidity of the application thereof to any city, county, person or circumstance shall not affect the validity of the remaining provisions of this ordinance or its application to other cities, counties, persons or circumstances.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

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

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

## Exhibit A

### Amendments to Metro Code 3.01

Section 3.01.010(2), last sentence, is amended as follows:

"Whereas the UGB describes an area needed to accommodate the urban growth forecasted over a 20-year period, the urban reserves estimate the area capable of accommodating the growth expected for an additional ten (10) to thirty (30) years."

Section 3.01.020(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.020(b), last sentence, is amended as follows:

"For legislative amendments, if need has been addressed, the district ~~would have to~~ shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7."

Section 3.01.030(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . and further define ORS 197.298, Goals 2 and 14 . . . compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.030(b) is amended by adding the following sentence prior to 3.01.030(b)(1):

"Demonstration that the priorities of ORS 197.298 have been followed is required in addition to the application of factors 3 through 7."

Metro Code 3.01 is amended to add the following new subsection:

#### "3.01.038 Urban Reserve Areas

(a) The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Metro has designated as initial urban reserve areas those lands indicated on the map at Exhibit B of Ordinance 96-655B to be included on 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.

(c) Urban reserve areas designated on the 2040 Growth Concept Map shall be the first priority land for inclusion in the Metro Urban Growth Boundary subject to other priorities and provisions of ORS 197.298."



## METRO

Date: February 5, 1997

To: Councilor McLain, Chair  
Growth Management Committee

From: *LJS*  
Larry Shaw, Office of General Counsel

Subject: UGB Code Provisions for Urban Reserves

Introduction

MTAC's recommended amendments to new procedures for approving UGB amendments from designated urban reserves were received at yesterday's public hearing. This memo responds to your request for suggested amendments to several Code provisions.

Suggested Amendments

- (1). 3.01.005(c)(5) One extra "the" should be removed: ". . . and planning for the financing the capital needs of urban development."
- (2). 3.01.010(dy) "~~Immediate~~ Special Land Need' means a specific type of identified land need which complies with Goal 14, Factors 1 and 2 ~~ed immediately~~ which cannot be reasonably accommodated on first priority urban reserves ~~lands~~."
 

The concept of an immediate or current need can be converted to a legal standard by the reference to the need factors of Goal 14. All UGB amendments must comply with Goal 14, including evidence of a "present demonstrated need" for the additional land. The key to this definition is that evidence in the record must demonstrate and the Metro Council must conclude that the "need" identified to comply with Goal 14, Factors 1 and 2 "cannot be reasonably accommodated on first priority urban reserve lands" identified on the map, above.
- (3). 3.01.010(e) "'First Priority Urban Reserves' means urban reserve areas so designated and mapped by in Ordinance 96-655C or future Metro Council ordinance actions."

This suggested revision of the definition of the controversial category of "first priority" lands for UGB amendments anticipates that the Metro Council may want to clearly indicate these areas by a map in the urban reserve ordinance. The original policy assumption was that "first priority" urban reserves would be the 15,000 acres of exception lands selected by the Metro Council for urban reserves. These exception lands are the primary component but not all of lands in the Urban Reserve Rule's "first priority" for selection of urban reserves. The proposed findings for the Council's preliminary selection of 18,400 acres as urban reserves identifies about 15,400 acres of exception lands and 800 acres of non-prime resource lands. In addition, there have been



certain areas of exception lands identified as difficult to serve. The Council may or may not want to identify some exception lands as "first priority" for UGB amendments. A map would add clarity that the reuse of "first priority" from the Urban Reserve Rule does not achieve.

(4) 3.01.012(b)(4) No change is needed. This wording does not imply that Metro has selected the 10-year minimum period beyond the 20-year UGB as the basis for "the forecast need." Any planning period from 10 to 30 years beyond the 20-year UGB may be used as the basis for the forecast need.

(5) 3.01.012(e)(1) "Provision for either annexation to a city and any necessary service districts, including affected school districts . . . or any applicable city-county planning area agreement . . ." is required by the MTAC draft. "Service districts" were intended to include "school districts" which are not within some statutory definitions of "service district."

Commissioner Hammerstad's February 4 letter seems to address this subsection and 3.01.012(e)(1)(D) below, recommending a different approach. Her stated understanding is that city or special district annexation would be sufficient in all cases for "areas not adjacent to an incorporated city . . ." Her concern is that counties not be forced to provide general governance for urban unincorporated areas. MTAC's discussion was more limited as the suggested language for 3.01.012(e)(1)(D) indicates. If counties don't agree to a SB 122 or urban reserve agreement, then a UGB amendment under this (D) could not go forward.

(6) 3.012(e)(1)(D) was a new concept discussed at the end of the MTAC meeting that the draft language does not fully capture. The concept was that only for a few areas "geographically distant" from cities like Sunnyside and Cedar Mill could counties and service districts be the providers of urban services. One example is URSA #15, already requested for a UGB amendment by Clackamas County. This is not near city limits and it seems to be a special case where the county and service districts do want to provide urban services.

John Fregonese suggests that an urban service agreement (SB 122) committing and coordinating urban services should be required by Metro for any of these exceptional areas which would not be annexed to a city. This approach is consistent with the Urban Reserve Rule requirement for SB 122-like "urban reserve agreements" for all urban reserves within one year from county rezoning of designated urban reserves.

"(D) If the Metro Council identifies an area or areas which are so geographically distant from any existing city limits so that annexation to a city is difficult to achieve ~~and for which incorporation as a new city appears to be difficult to achieve within the next 2-3 years,~~ and the county and any necessary service districts have signed an urban service agreement or an urban reserve agreement coordinating urban services for the area, then the requirements for annexation to a city in (B) and (C), above, shall not apply ~~or incorporation may be waived upon such findings of the Metro Council.~~"

"(1)(A) City or county agreement . . . comply with all requirements of urban reserve ~~Concept Plan~~ conditions of the urban growth boundary approval;"

- (7) 3.012(e)(7) is a significant policy issue. MTAC accepted the recommendation of the school district representative to require more detailed planning for schools before a UGB amendment can be approved than is required for other services. A cleaner version of this policy recommendation by MTAC that clarifies "as provided in state law" follows:  
"A conceptual school plan ~~estimate of and plan to~~ which provides for the amount of land and improvements ~~required-needed~~ for school facilities, ~~such~~ Estimates of the need calculations shall be coordinated ~~with~~ among affected school districts ~~and local government, the affected city or county, and affected special districts as provided for in state law. In addition, such plans shall include cost estimates and a financing strategy for the improvements, developed in conjunction with the local school district~~ consistent with the procedures in ORS 197.110(3), (4) and (7);"

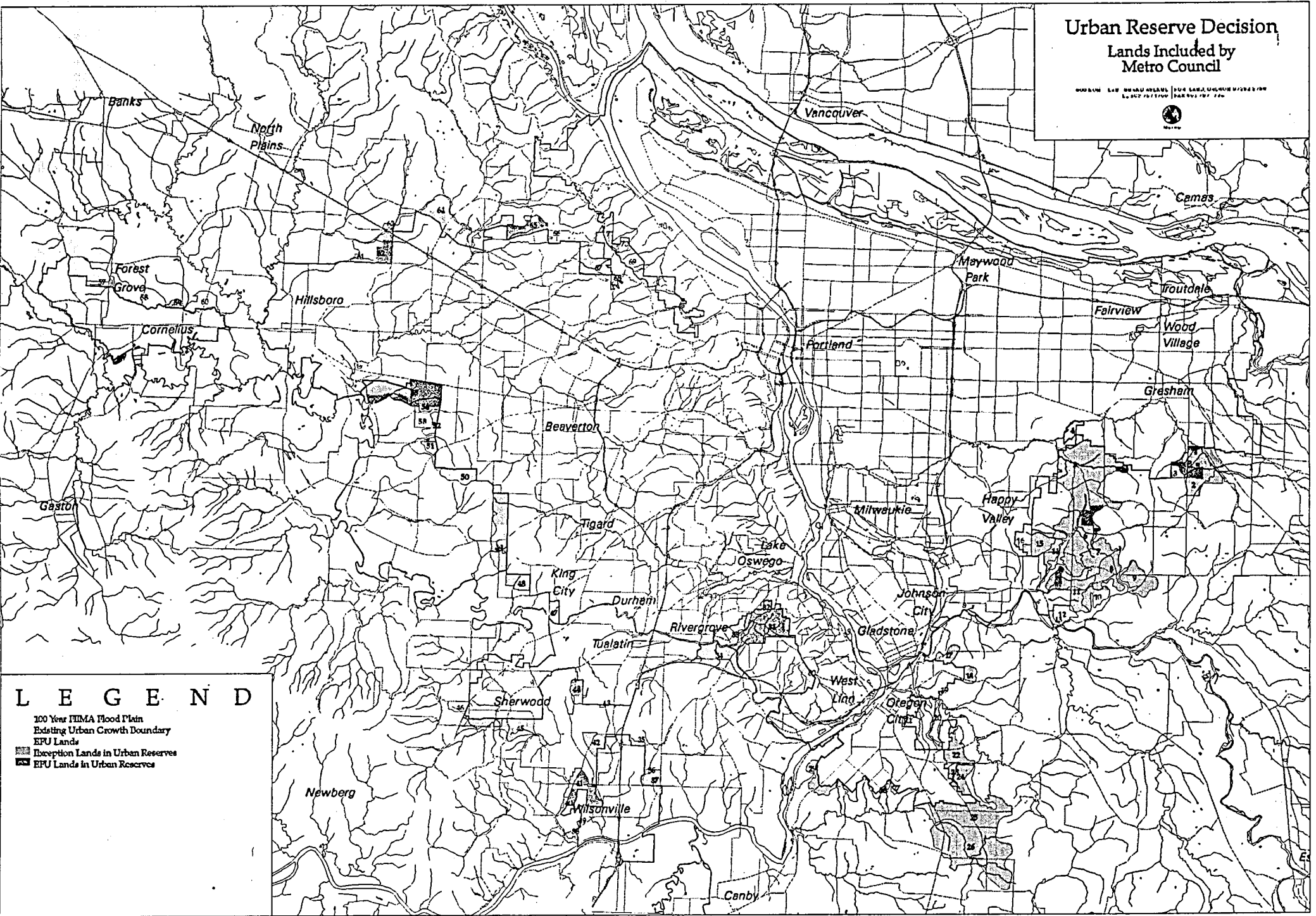
cc: Metro Council  
Executive Officer  
John Fregonese  
Commissioner Hammerstad, Clackamas County  
Mike McKeever, McKeever Morris  
Jon Chandler, Oregon State Homer Builders Association

jep  
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# Urban Reserve Decision

## Lands Included by Metro Council

BOUNDARY LINE: METRO COUNCIL JURISDICTION  
L.S. 1977 10/1/77



### LEGEND

- 100 Year FEMA Flood Plain
- Existing Urban Growth Boundary
- EFU Lands
- Exception Lands in Urban Reserves
- EFU Lands in Urban Reserves

EXHIBIT A

Amendments to Metro Code 3.01

Title Section is amended as follows:

"URBAN GROWTH BOUNDARY AMENDMENT AND URBAN RESERVE PROCEDURES

SECTIONS TITLE

- 3.01.005 Purpose
- 3.01.010 Definitions
- 3.01.012 Urban Reserves
- 3.01.015 Legislative Amendment Procedures"

Section 3.01.005(a), sentence is added at end as follows:

"... other than Goals 2 and 14. This chapter is also established to be used for the establishment and management of Urban Reserves, pursuant to OAR 660-21-000 to 660-21-100 and RUGGO Objective 22."

Section 3.01.005(c) is added as follows:

(c) The objectives of the Urban Reserves are to:

- (1) Identify sufficient land suitable for urbanization sufficient to accommodate the forecast needs for a 30 to 50 year interval, reevaluated at least every 15 years;
- (2) Limit the areas which are eligible to apply for inclusion to the Urban Growth Boundary consistent with ORS 197.298, and protect resource lands outside the urban reserve areas;
- (3) Protect lands designated as urban reserves for their eventual urbanization, and insure their efficient urbanization consistent with the 2040 Growth Concept;
- (4) Provide for coordination between cities, counties, and special districts for planning for the urban reserve areas;
- (5) Ensure a smooth transition to urban development by planning for general governance, public facilities, land uses, and planning for the financing the capital needs of the urban development."

Section 3.01.010(z) is amended as follows:

"(z) "Urban reserve" means an area adjacent to the present UGB defined to be a priority location for any future UGB amendments when needed. Urban reserves are intended to provide cities, counties, service providers, and both urban and rural land owners with a greater degree of certainty regarding future regional urban growth form. Whereas the UGB describes an area needed to accommodate the urban growth forecasted over a 20 year period, the urban reserves estimate the area capable of accommodating the growth expected for an additional 30 years defined as the land likely to be needed including all developable land inside the current urban growth boundary, for a 30 to 50 year period."

Section 3.01.010 is amended to add an additional term and definition as follows:

"(d) 'Immediate special land need' means a specific type of identified land needed immediately which cannot be reasonably accommodated on first priority urban reserves."

( ) 'First Priority Urban Reserves' means urban reserve areas designated in Ordinance 96-655C or future Metro Council actions.

Section 3.01.012 is added as follows:

"3.01.012 Urban Reserve Areas

(a) Purpose

The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Amount of Land Required

(1) The areas designated as urban reserves shall be sufficient to accommodate expected urban development for a 30 to 50 year period, including an estimate of all potential developable and redevelopable land in the urban area.

(2) Metro shall estimate the capacity of the urban reserves consistent with the procedures for estimating capacity of the urban area as defined in Section 3.01.010.

(3) The minimum residential density to be used in calculating the need for urban reserves, estimating the capacity of the areas designated as urban reserves and required in concept plans shall be at least 10 dwelling units per net developable acre.

(4) Metro shall designate the minimum amount of urban reserves estimated to accommodate the forecast need.

(5) Metro may designate a portion of the land required for urban reserves in order to phase designation of urban reserves.

(c) Mapped Urban Reserves

Metro has designated as urban reserve areas those lands indicated on the map at Exhibit B of Ordinance No. 96-655C to be included on the 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.

Urban growth boundary amendments shall include only land designated as urban reserves on the map at Exhibit B of Ordinance No. 96-655C unless designated urban reserve lands are inadequate to meet the need. If land designated as urban reserves is inadequate to meet the need, the priorities in ORS 197.298 shall be followed.

Within 1 year of Metro Council adoption of the urban reserve map, the Metro Council shall modify the Metro 2040 Growth Concept to designate regional design types consistent with the Metro 2040 Growth Concept for all designated urban reserves.

First priority urban reserves shall be included in the Metro Urban Growth Boundary prior to other urban reserves unless an immediate special land need is identified which cannot be accommodated on first priority urban reserves.

(e) Urban Reserve Plan Required

A conceptual land use plan and concept map which demonstrates compliance with the RUGGO and the 2040 Growth Concept design types and any applicable functional plan provision shall be required for all major amendment applications and legislative amendments of the urban growth boundary including at least the following:

(1) Provision for either annexation to a city and any necessary service districts at the time of the final approval of the urban growth boundary amendment consistent with 3.01.065 or an applicable city-county planning area agreement which requires at least the following:

(A) City agreement to adopt comprehensive plan provisions for the lands added to the urban growth boundary which comply with all requirements of Concept Plan conditions of the urban growth boundary approval;

(B) City and county agreement that lands added to the urban growth boundary shall be rezoned for urban development only upon annexation or agreement for delayed annexation to the city and any necessary service district identified in the approved Concept Plan or incorporation as a new city; and

(C) County agreement that, prior to annexation to the city and any necessary service districts, rural zoning that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when these lands are included in the urban growth boundary remains in place until city annexation and the adoption of urban zoning.

(D) If the Metro Council identifies an area or areas which are geographically distant from any existing city limits so that annexation is difficult to

achieve and for which incorporation as a new city appears to be difficult to achieve within the next 2-3 years, then the requirements for annexation to a city or incorporation may be waived upon such findings of the Metro Council.

- (2) Provision for residential densities of at least 10 dwelling units per net developable residential acre and a plan for affordable housing;
- (3) Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the urban growth boundary consistent with 2040 Growth Concept design types;
- (4) A conceptual transportation plan consistent with the Regional Transportation Plan;
- (5) Identification of areas to be protected from development due to wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation;
- (6) A conceptual public facilities and services plan, including rough cost estimates for the provision of sewer, water, storm drainage, transportation, fire and police protection facilities and parks, including estimates of costs and financing strategy for those costs;
- (7) A conceptual school plan estimate of and plan to provide for the amount of land and improvements required for school facilities, such need calculations coordinated with affected school districts and local government and special districts as provided for in state law. In addition, such plans shall include cost estimates and a financing strategy for the improvements, developed in conjunction with the local school district;
- (8) A Concept Plan Map showing, at least, the following:
  - a. Major roadway connections and public facilities;
  - b. Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;
  - c. General locations for commercial and industrial lands;
  - d. General locations for single and multi-family housing;
  - e. General locations for public open space, plazas and neighborhood centers; and
  - f. General locations or alternative locations for any needed school, park or fire hall sites."

Section 3.01.015(d) is added as follows:

"(d) Metro shall consult with the appropriate city, county and service districts to identify lands inside first priority urban reserves which are the most capable of being served by extension of service from existing service providers for the purpose of preparing concept plans in advance for any short term need for inclusion of additional lands in the urban growth boundary."

Section 3.01.015(d) is amended as follows:

"(e) Legislative amendment decisions shall be accompanied by findings explaining why the UGB amendment complies with applicable state law and

statewide goals as interpreted by section 3.01.020 and subsequent appellate decisions, and including applicable concept plans and maps demonstrating compliance with RUGGO including the 2040 Growth Concept and any applicable functional plan provisions."

Section 3.01.020(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.020(b), last sentence, is amended as follows:

"For legislative amendments, if need has been addressed, the district ~~would have to~~ shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7."

Section 3.01.025(a) is amended as follows:

"(a) All major amendments shall be solely upon lands designated in urban reserves, when designated ~~unless the petition demonstrates by substantial evidence that the need cannot be met within urban reserves~~ consistent with 3.01.012. All major amendments shall demonstrate compliance with the following:

- (1) The criteria in section 3.01.030 of this Code as well as the procedures in OAR 660-18-000;
- (2) Notice of public hearings for major amendments as described in section 3.01.050;
- (3) Public hearings procedures as described in sections 3.01.055 through 3.01.065; and
- (4) the Concept Plan requirements in section 3.01.012(e); and
- (45) Final action on major amendments shall be taken as described in section 3.01.070."

Section 3.01.030(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . and further define ORS 197.298, Goals 2 and 14 . . . compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.030(b) is amended by adding the following sentence prior to 3.01.030(b)(1):

"Demonstration that the priorities of ORS 197.298 have been followed is required in addition to the application of factors 3 through 7."

Section 3.01.040(b), (c) are added as follows:



"(b) The district shall attach the approved urban reserve plan and map required at 3.01.012(e) as conditions of approval to assure compliance of developed uses with the 2040 Growth Concept and any applicable functional plan provisions.

(c) The district may determine that certain conditions of approval are so important to inclusion of land into the urban growth boundary that if those conditions are not met that the urban growth boundary approval may be revoked automatically or by action of the district."

Section 3.01.065(f) is amended as follows:

"(f) When the council acts to approve in whole or in part a petition by requiring annexation to a city and/or service district(s) and Tri-Met and whenever a petition includes affecting land outside the district:

- (1) Such action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the district within six months of the date of adoption of the Resolution.
- (2) The council shall take final action, as provided for in paragraphs (c) and (d) of this section, within 30 calendar days of notice ~~from the boundary commission~~ that all required annexations to a city, service district(s) and the district has been approved."

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ) ORDINANCE NO 96-655A  
DESIGNATING URBAN RESERVE )  
AREAS FOR THE PORTLAND ) Introduced by Executive Officer  
METROPOLITAN AREA URBAN ) Mike Burton  
GROWTH BOUNDARY )

WHEREAS, LCDC's Urban Reserve Area Rule at OAR 660-21-020 requires Metro to designate the location of urban reserve areas for the Portland Metropolitan area within two miles of the regional Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-020, requires that urban reserve areas designated by Metro shall be shown on all applicable comprehensive plan and zoning maps; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(1), requires that urban reserve areas shall include at least a 10 to 30 year supply of developable land beyond the 20 year supply in the Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(2), requires that Metro study lands adjacent to the Urban Growth Boundary for suitability as urban reserve areas; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(3), requires that land found suitable for an urban reserve area may be included only according to priorities and that first priority lands are those lands identified in comprehensive plans as exception areas plus those resource lands completely surrounded by exception areas which are not high value crop areas; and

WHEREAS, Resolution No. 95-2244 established Urban Reserve Study Areas as the subject of Metro's continued study for possible designation as urban reserve areas consistent with the Land Conservation and Development Commission's (LCDC) Urban Reserve Area rule; and

WHEREAS, Metro has undertaken a detailed analysis of the suitability of the study areas for designation as urban reserve areas, including the June 1996 Metro Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas; and

WHEREAS, a series of open houses near the Urban Growth Boundary was held in June 1996 at Oregon City, Clackamas, Tualatin and Beaverton with residents owning property in study areas notified by mail, print ads and flyers to schools; and

WHEREAS, the Urban Reserve Report, attached as Exhibit "A" and incorporated herein, contains data about the relative suitability of lands as urban reserves, maps and descriptions of the physical characteristics of the study areas published September 3, 1996; and

WHEREAS, the Metro Council held public hearing listening posts on the Urban Reserve and the Executive Officer Urban Reserve Recommendation in November and December 1996 in Hillsboro, Gresham, Beaverton, Oak Grove and at Metro; now, therefore,

**THE METRO COUNCIL ORDAINS AS FOLLOWS:**

Section 1. Urban Reserve Areas indicated on the map attached as Exhibit "b", and incorporated herein, are hereby designated as the urban reserve areas for the Portland Metropolitan area Urban Growth Boundary consistent with the Urban Reserve Areas Rule at OAR 660-21-020.

Section 2. The Urban Reserve Areas on Exhibit "B" shall be shown on all applicable county comprehensive plan and zoning maps and future 2040 Growth Concept Maps consistent with the Urban Reserve Areas Rule at OAR 660-21-020 and the Regional Urban Growth Goals and Objectives.

Section 3. The findings of fact in Exhibit "C", attached and incorporated herein, explain how the urban reserve areas designated in Section 1 comply with the Urban Reserve Areas Rule and the Regional Urban Growth Goals and Objectives.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

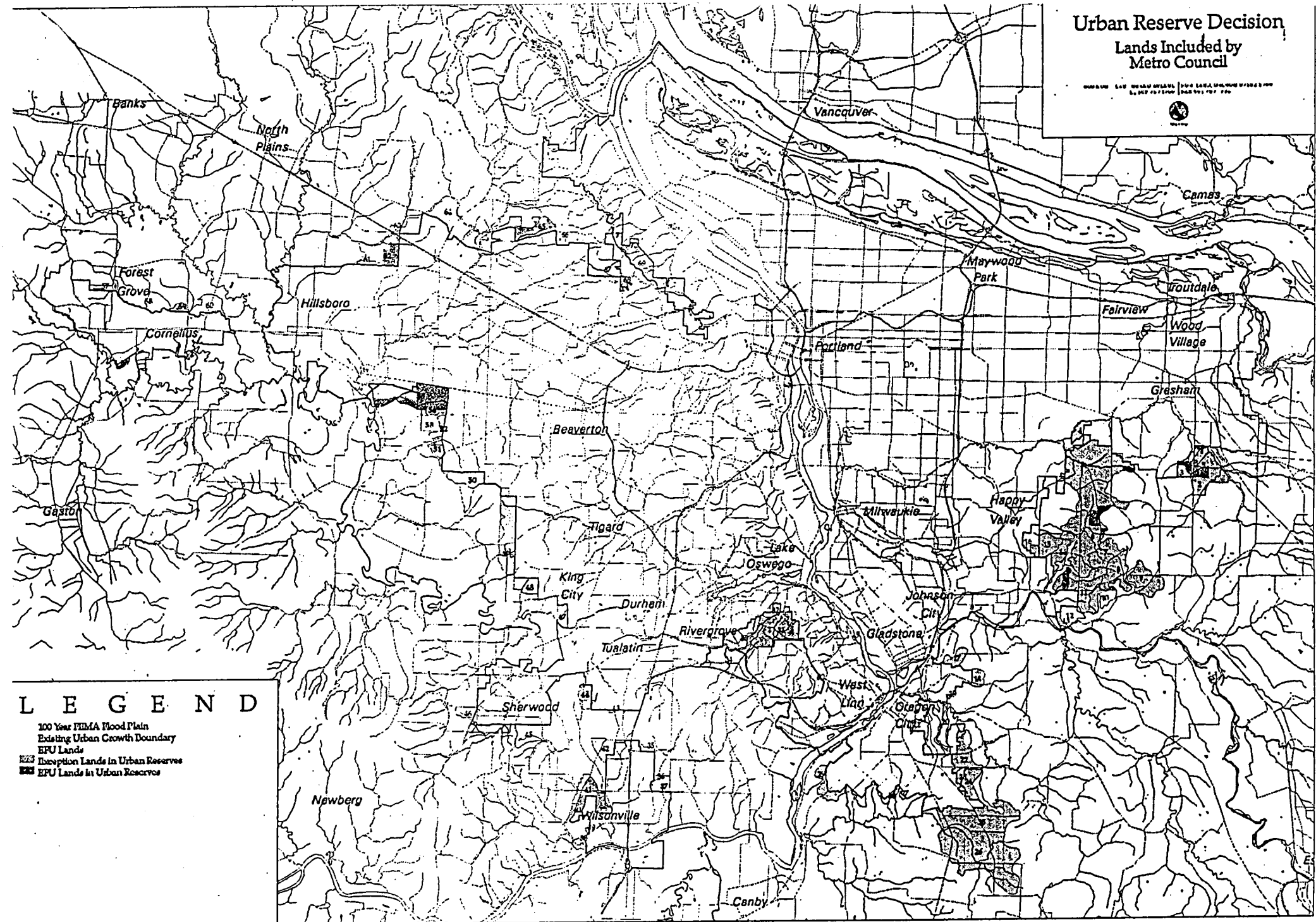
\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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# Urban Reserve Decision Lands Included by Metro Council

DATE: 10/15/01  
BY: [illegible]  
FOR: [illegible]



## LEGEND

- 100 Year FEMA Flood Plain
- Existing Urban Growth Boundary
- EPU Lands
- Exception Lands in Urban Reserves
- EPU Lands in Urban Reserves

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF )  
DESIGNATING URBAN RESERVE )  
AREAS FOR THE PORTLAND )  
METROPOLITAN AREA URBAN )  
GROWTH BOUNDARY )

ORDINANCE NO 96-655  
Introduced by Executive Officer  
Mike Burton

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Section 3. The findings of fact in Exhibit "C", attached and incorporated herein, explain how the urban reserve areas designated in Section 1 comply with the Urban Reserve Areas Rule and the Regional Urban Growth Goals and Objectives.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

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

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

I:\R-0\1285.LSS



**METRO**

Date: December 4, 1996

To: Councilor Susan McLain

From: *LSH*  
Larry Shaw, Senior Assistant Counsel

Subject: Implementation of Urban Reserves Designation Approach

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Introduction

This memo responds to your request for an explanation of the implementation steps for the "final decision" alternative approach to the Metro Council's designation of urban reserves.

Purposes of "Final Decision" Approach

This approach is intended to attempt a "final decision" on designation of urban reserves to accomplish the following:

- (1) "45-day notice" to the state would clarify that the designation decision includes actual Metro Code amendments in the "final decision" amending Metro's acknowledged UGB; and
- (2) Metro would seek legislative amendment of its jurisdictional boundary in Boundary Commission legislation based on the urban reserve areas in the amended Metro Code; and
- (3) Any LUBA appeal could resolve the urban reserve rule ambiguity in a Motion to Dismiss which could be completed in 1997; and
- (4) Any March 1997 applications for individual UGB amendments would be required to be in designated urban reserve areas first (if the ordinance is adopted by 5 councilors).

Step One - Amend Urban Reserve Ordinance

A straightforward designation action and reference to the county's implementation action are in the current Ordinance No. 96-655-A. The "final decision" alternative would add amendments to the ordinance including the designated urban reserve areas shown in the acknowledged Metro Code. The ordinance would contain two actions for the designated areas in the Exhibit map: (1) adoption of these designated urban reserve areas into Metro procedures for immediate use in any proposed UGB amendment and (2) transmittal of these designated urban reserve areas to counties for their inclusion in comprehensive plans and protective zoning. For the ordinance to be immediately applicable to any 1997 UGB amendment proposal, an emergency clause would be added to the amended ordinance. The amendments to the ordinance would be adopted by motion at any time prior to final Metro Council.

Step Two - Metro Council Selection of Areas

The votes on urban reserve areas in Council work sessions will direct staff to the areas to be included in the Exhibit map for the urban reserves ordinance. When the selections are complete,

staff will be directed to prepare RUGGO and urban reserve rule findings for the selected areas for Council review.

Step Three - "45 day notice" to State Agency

Consistent with state law, Director Benner of the Department of Land Conservation and Development (DLCD) would be given a written notice that includes the amended ordinance with the map Exhibit containing selected urban reserve areas. This begins the "postacknowledgement amendment" process for the amendments to the acknowledged Metro Code.

Step Four - "Final Hearing on Adoption"

At least 45 days after the notice to DLCD (early February 1997), a hearing or hearings would be held on the entire urban reserve ordinance, including the map Exhibit, and the staff's proposed findings. Additional evidence in support of or in opposition to the process, urban reserve areas, and the proposed findings would be received at this hearing. The ordinance could be adopted at or after that final hearing. With the emergency clause, the ordinance would be effective immediately if adopted by 5 councilors. Otherwise, the ordinance would be effective 90 days from adoption.

Step Five - Notice of Final Decision

Consistent with state law, notice of the final adoption of the urban reserve ordinance by the Metro Council would be mailed to DLCD and others within five days.

Step Six - LUBA Notices of Appeal

Any party objecting to Metro's final urban reserve ordinance must file a Notice of Appeal within 21 days of the notice of final decision. The first issue in any such appeal will be whether Metro's ordinance is a "final land use decision" within LUBA's jurisdiction.

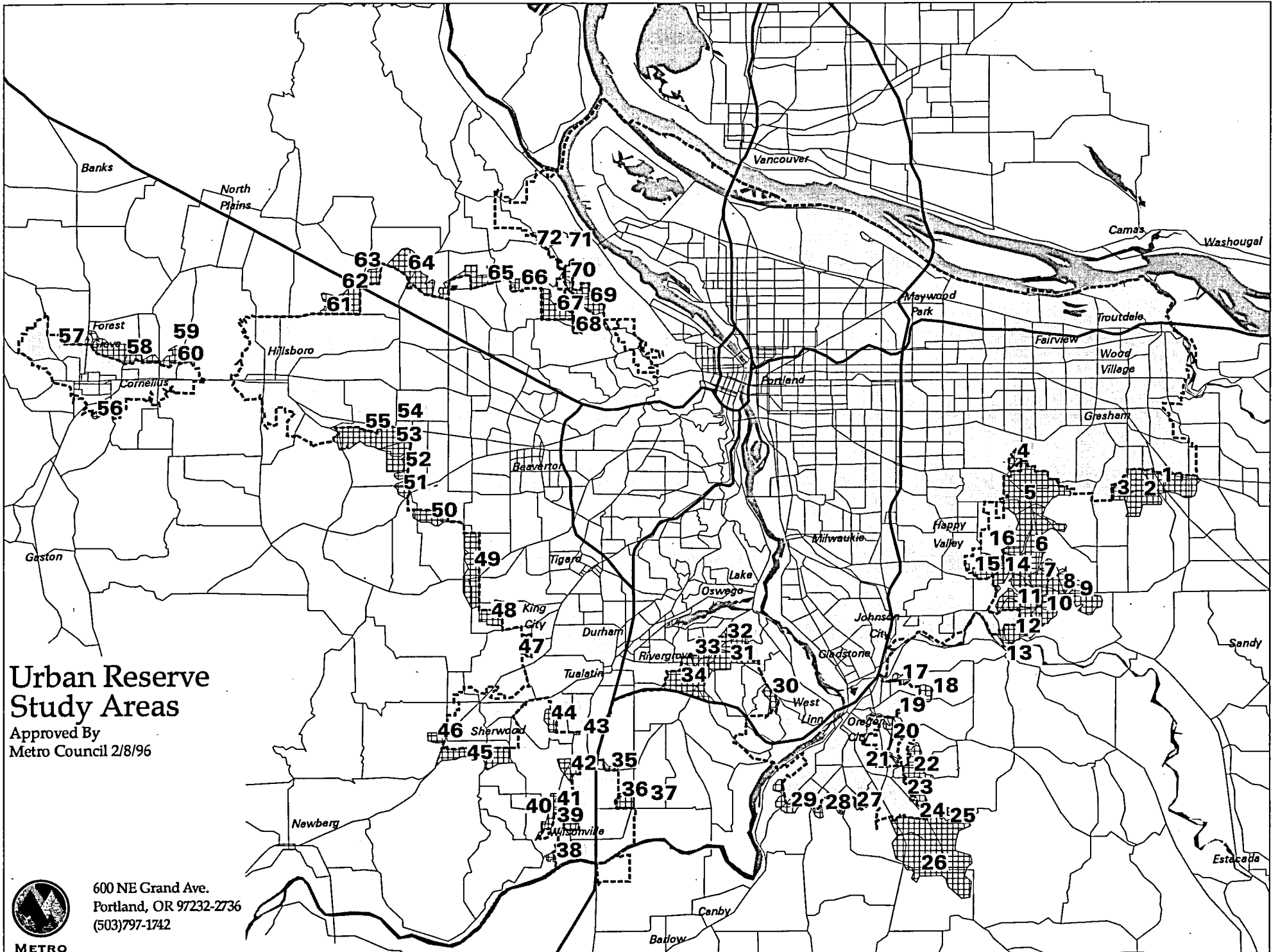
Conclusion

For the Metro Council to implement the "final decision" approach, amendments to the ordinance for Step One must be prepared and staff must be directed to prepare findings and notify DLCD. At your request, ordinance amendments are being prepared for Council review at the December 12 work session.

cc: Metro Council  
Mike Burton, Executive Officer  
Dan Cooper  
John Fregonese  
Mark Turpel  
bcc: Jim Sitzman, DLCD

jep

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# Urban Reserve Study Areas

Approved By  
Metro Council 2/8/96



600 NE Grand Ave.  
Portland, OR 97232-2736  
(503)797-1742

METRO