

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO 99-812A  
METRO URBAN GROWTH BOUNDARY )  
AND THE 2040 GROWTH CONCEPT ) Introduced by Councilor Monroe  
MAP IN ORDINANCE 95-625A )  
IN URBAN RESERVE AREA 65 IN )  
WASHINGTON COUNTY )

WHEREAS, the Metro Council designated urban reserve areas in Ordinance No. 96-655E, including Urban Reserve Area 65; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

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

WHEREAS, urban reserve area 65 was the subject of Metro Council Resolution 98-2726B which expressed intent to amend the Metro Urban Growth Boundary pursuant Metro Code 3.01.015(h)(5) for lands outside the Metro jurisdictional boundary; and

WHEREAS, on May 13, 1999, in Order 99-82, the Multnomah Board of County Commissioners approved annexation of approximately 109 acres in Urban Reserve 65 as shown on the map in Exhibit B to the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, notice of Proposed Amendment for Urban Reserve Area 65, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of Land Conservation

and Development at least 45 days prior to the first evidentiary hearing on November 18, 1999 hearing; and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on December 9 and 16, 1999; and

WHEREAS, the staff report for these areas was available at least seven days prior to the final hearing and final adoption of this ordinance on December 16, 1999; and

WHEREAS, the Metro Code requires that all land added to the Metro Urban Growth Boundary shall be subject to comprehensive plan amendments consistent with Title 11 of the Urban Growth Management Functional Plan and with the 2040 Growth Concept; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, December, 1998 and October, November and December, 1999 to decide proposed amendments to the Urban Growth Boundary; and

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.

2. The Metro Urban Growth Boundary is hereby amended to include land in Urban Reserve Area 65 as shown on the map in Exhibit B, attached, and incorporated by reference herein.

3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

5. In support of Findings and Conclusions adopted in Exhibit C of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6, 1998 Growth Management hearing, on Resolution 98-2726B and the December 16 1999, Metro Council final hearing and final adoption of this ordinance.

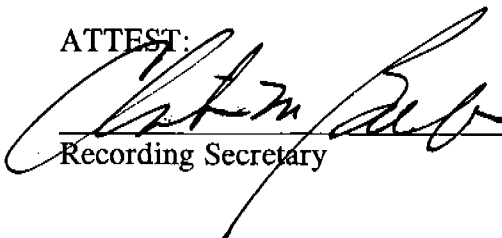
6. Pursuant to Metro Code 3.01.040(b)(5) the comprehensive plan text amendments identified in Exhibit D, are necessary to ensure implementation of the 2040 Growth Concept in the area added to the Metro Urban Growth Boundary by this Ordinance.

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Washington County and the City of Beaverton shall include the area added to the Urban Growth Boundary by this Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.


ADOPTED by the Metro Council this 16th day of December 1999.

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

ATTEST:

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

Approved as to Form:

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

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OGC/KDH/kvw (12/06/99)

BEFORE THE METRO COUNCIL

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METRO URBAN GROWTH BOUNDARY )  
AND THE 2040 GROWTH CONCEPT ) Introduced by Councilor Monroe  
MAP IN ORDINANCE 95-625A )  
IN URBAN RESERVE AREA 65 IN )  
WASHINGTON COUNTY )

WHEREAS, the Metro Council designated urban reserve areas in Ordinance No. 96-655E, including Urban Reserve Area 65; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

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

WHEREAS, ~~the Metro Council initiated a series of legislative amendments to the Urban Growth Boundary in 1998 which included Uurban Rreserve Aarea 65 which~~ was the subject of a Metro Council Resolution 98-2726B which expressed of intent to amend the Metro Urban Growth Boundary pursuant Metro Code 3.01.015(h)(5) for lands outside the Metro jurisdictional boundary; and

~~WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and~~

~~WHEREAS, notice of Proposed Amendment for Urban Reserve Area 65, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of Land Conservation and Development at least 45 days prior to the December 3, 1998 hearing; and~~

~~WHEREAS, on December 17, 1998 the Metro Council adopted Resolution No. 98-2726B expressing Council intent to amend the urban growth boundary to add land in Urban Reserve Area 65 to the urban growth boundary within 30 calendar days of receiving notification that the property outside the jurisdictional boundary had been annexed to Metro, provided such notification was received within six (6) months of the date on which the resolution was adopted; and~~

WHEREAS, on May 13, 1999, in Order 99-82, the Multnomah Board of County Commissioners approved annexation of approximately 109 acres in Urban Reserve 65 as shown on the map in Exhibit B to the Metro jurisdictional boundary; and

~~WHEREAS, the Metro Council received notice of the annexation on June 15, 1999 within six months of adoption of Resolution 98-2726B; and~~

~~WHEREAS, after the first reading of this ordinance, the Metro Council scheduled hearings before \_\_\_\_\_ in July, 1999; and~~

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, notice of Proposed Amendment for Urban Reserve Area 65, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of Land Conservation and Development at least 45 days prior to the first evidentiary hearing on November 18, 1999 hearing; and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on December 9 and 16, 1999; and

WHEREAS, the staff report for these areas was available at least seven days prior to the final hearing ~~on adoption of Resolution 98-2726B and the Metro Council's final hearing and~~ final adoption of this ordinance on ~~\_\_\_\_\_~~December 16, 1999; and

WHEREAS, ~~the Metro Code 3.01.012(e)(3) requires that all land added to the Metro Urban Growth Boundary shall be subject to comprehensive plan amendments consistent with Title 11 of the Urban Growth Management Functional Plan and designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and~~

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, December, 1998 and ~~July~~October, November and December, 1999 to decide proposed amendments to the Urban Growth Boundary; and

~~\_\_\_\_\_ WHEREAS, conditions of approval are necessary to assure that the lands in Urban Reserve Area 65 added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,~~

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.

2. The Metro Urban Growth Boundary is hereby amended to include land in Urban Reserve Area 65 as shown on the map in Exhibit B, attached, and incorporated by reference herein.

3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

5. In support of Findings and Conclusions adopted in Exhibit C of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6, 1998 Growth Management hearing, ~~the December 3, 1998 Metro Council hearing on Resolution 98-2726B and the~~ December 16 1999, Metro Council 1999 final hearing and final adoption of this ordinance.

~~7. The following conditions of approval are needed to assure compliance of the developed use with statewide planning goals and Metro's acknowledged regional goals and objectives:~~

~~A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.~~

~~B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, an urban reserve plan shall be completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended~~

by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

~~C. Urban development consistent with Goal 14, Factor 3 on orderly provision of stormwater urban service is feasible with the condition that the urban reserve plan shall require that a stormwater management plan be adopted for this area to assure that the velocity, temperature, sedimentation and chemical composition of stormwater runoff from the form of approved development meets state and federal water quality standards.~~

~~D. Urban development consistent with Title 3 of the Urban Growth Management Functional Plan on Flooding is feasible with the condition that the urban reserve plan and subsequent urban zoning provide for stormwater management to assure that the quantity of stormwater runoff leaving each site after urban development is no greater than before urban development.~~

~~E. Urban development consistent with Title 3 on Water Quality is feasible with the condition that Title 3 water quality setbacks and revegetation requirements shall be adopted prior to adoption of urban comprehensive plan and zoning designations for this area.~~

6. Pursuant to Metro Code 3.01.040(b)(5) the comprehensive plan text amendments identified in Exhibit D, are necessary to ensure implementation of the 2040 Growth Concept in the area added to the Metro Urban Growth Boundary by this Ordinance.

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Washington County and the City of Beaverton shall include the area added to the Urban Growth Boundary by this Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

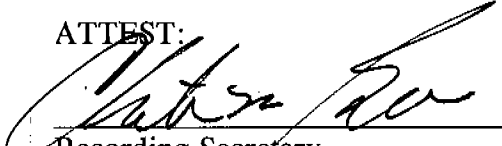


ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 1999.

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

ATTEST:

Approved as to Form:

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

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

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(11/99)OGC/KDH/kvw (12/06/99)



R I S

**Designated Urban Reserves**  
 Metro Council 3/6/97  
 DRAFT 2040 Design Types  
 index number 15

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Corridors
- Main Streets
- ~ Proposed Regional Throughways
- ~ Potential Regional Throughways
- ~ Green Corridors
- ~ Planned & Existing Light Rail Lines
- ~ Proposed Light Rail Alignments
- ~ Potential HCT Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- Intermodal Rail Yards
- ~ Rail Distribution Network
- Exclusive Form Use
- Exception Land in Urban Reserves
- Reserve Land in Urban Reserves
- Urban Reserves not in Legislative Amendment
- Rural Reserves
- Open Space
- ~ Urban Growth Boundary
- ~ Urban Reserve Boundaries
- ~ Areas added to reserves by Metro Council Ordinance
- Neighboring Cities
- Public Parks

Scale: 5/8" = 1" = 1000'

0 600 1200 1800 2400

METRO  
 METROPOLITAN GOVERNMENT  
 1000 WEST BROADWAY, SUITE 1000  
 DENVER, COLORADO 80202  
 Phone: 303.733.1000




Location map

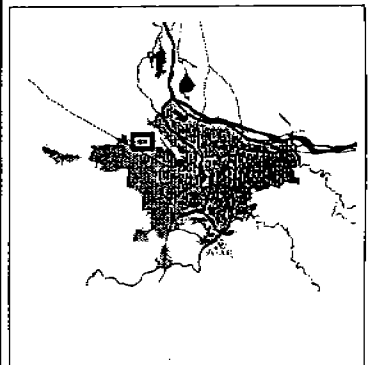
Exhibit A  
 Ordinance 99-812

# EXHIBIT B

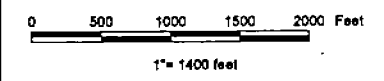
## Urban Reserve 65

ORDINANCE 99-812A

-  Urban Growth Boundary
-  Proposed Amendment
-  Other Reserves

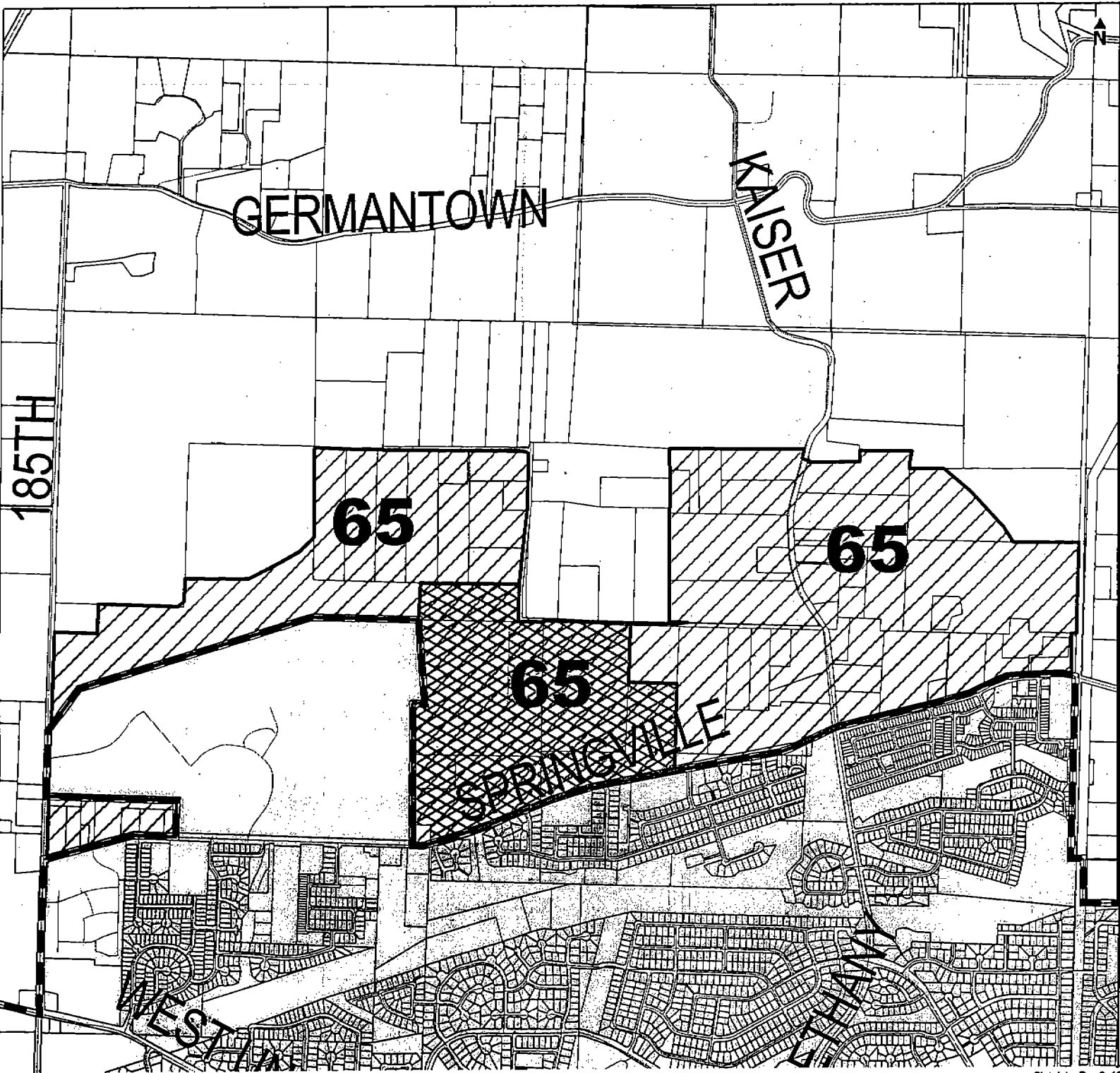


The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot assume any responsibility for errors, omissions, or practical accuracy. There are no warranties, expressed or implied, including the accuracy of membership or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



METRO

800 NE Grand Ave.  
Portland, OR 97232-2738  
503 797-1742 FAX 503 797-1909  
Email: dro@metro.dst.or.us



**EXHIBIT C**  
**Ordinance No. 99-812A (URA 65)**  
**ADOPTED FINDINGS AND CONCLUSIONS**

These findings explain why the amendment of the Metro UGB to include 109 acres of Urban Reserve Area 65 (the subject property is generally referred to herein as "Site 65") complies with the MC 3.01.020, as well as with other applicable approval criteria. The findings below address MC 3.01.020 in two sections: First, the findings explain why there is a "need" to expand the boundary onto Site 65 based on factors 1 and 2 of the Metro Code. Second, the findings explain why Site 65 is an appropriate location, and why there are not better alternative sites, for expanding the boundary. The alternative site analysis involves a consideration and balancing of Metro Code factors 3 through 7, and also addresses the priority considerations set out in ORS 197.298. Because the subject property has been designated as urban reserve land, it is a "first priority" site for expansion under ORS 197.298(1)(a). Nevertheless, because of the still-pending appeal of Metro's urban reserve designation, the findings explain why the inclusion of Site 65 complies with ORS 197.298 in the absence of the urban reserve designation.

3.01.015

The Metro Council initiated this Legislative Amendment proceeding after consultation with the Metro Policy Advisory Committee (MPAC) and the 24 cities and three counties in Metro's jurisdiction. In August, 1999, the Metro Council requested that local governments notify Metro of current land needs to meet 2040 Growth Concept implementation, including jobs/housing balance considerations, that could be the subject of the Urban Growth Boundary amendments. Prior to this request, the Washington County Board of Commissioner expressed a desire for the Council to consider a portion of urban reserve area (URA) 65 for an urban growth boundary (UGB) amendment. The Council included URA 65 in a group of urban reserve areas from throughout the region that local governments requested be considered for UGB amendments during 1999.

Metro Code 3.01.015(e) requires that when a city or county has adopted comprehensive plan amendments for an urban reserve area in anticipation of a UGB amendment, that the Council shall rely on the planned status of that area in considering the applicable Legislative Amendment criteria. Washington County approved comprehensive plan amendments for the area proposed for this UGB amendment in October, 1999. Those comprehensive plan amendments are the basis for the Legislative Amendment criteria analysis discussed below.

3.01.020(a) and (b).

MC 3.01.020 sets out Metro's acknowledged approval criteria for legislative amendments of the UGB. Compliance with them constitutes compliance with statewide planning Goals 2 and 14, as well as with Metro's RUGGOs. MC 3.01.020(b)(1)-(7) set out the primary approval

factors, along with descriptions of some of the considerations that must be evaluated under each factor. Each factor, along with the accompanying considerations listed thereunder, is not to be viewed as a specific approval criterion. Rather, as stated in MC 3.01.020(b), the factors described in the Metro Code are to be addressed as part of an overall balancing test.

### 3.01.020(b)(1) and (2)

The need justifying the inclusion of Site 65 in the UGB is the demonstrated need to add more residential land in the Beaverton Regional Center area in order to begin correcting the jobs-housing imbalance in that area.<sup>1</sup> Improving the jobs-housing balance in a subregion of the Metro region, particularly when tied to a specific Growth Concept regional center area, qualifies as a type of need that can justify a UGB amendment based on factor 2 of the Metro code. That interpretation of factor 2 is supported by Metro's 2040 Growth Concept and RUGGO policies encouraging actions to achieve a jobs-housing balance outside the Central City. Those policies aimed at achieving a locational balance between jobs and housing are acknowledged to be consistent with the statewide goals, in particular, Goal 10. Additional support for that interpretation of factor 2 is found in OAR 660-021-0030(4)(a), which specifically acknowledges that "the need to meet favorable ratios of jobs to housing for areas of at least 100,000 population served by one or more regional centers designated in the regional goals and objectives for the Portland Metropolitan Service District" is a specific need that can justify designating land as urban reserves available for future UGB expansions. Interpreting the existing and projected imbalance between jobs and housing as an appropriate factor 2 need is allowed under the Metro Code and supporting policies, and is consistent with the urban reserve rule, case law and prior Metro decisions. Therefore, the subregional need to add Site 65 in order to create the opportunity for more residential development to address the existing and projected jobs-housing imbalance in that area of Washington County qualifies as a "need" under Metro's factor 2 that supports this UGB amendment.

The Economic Analysis prepared by Hobson Johnson & Associates (August 1999, supplemented October 25, 1999) provides expert evidence demonstrating that there is an existing jobs-housing imbalance in the Beaverton Regional Center area, and that the imbalance is likely to continue during the next 20 years if corrective actions are not taken in a timely manner. The report supports the conclusion that the development of approximately 700 housing units on Site 65 is needed to help accommodate both the subregion's projected share of regional growth as well as to address the specific subregional need for more residential land in order to achieve a more favorable ratio of jobs to housing for the area during the next 20 years. The methodology used in the Hobson Johnson Economic Analysis to define and analyze the current and projected jobs-housing balance is consistent with the methodology relied upon by Metro when it adopted Resolution No. 98-2726B (December 17, 1998) and Ordinance No. 96-665E (March 1997). The methodology stated in the 1999 Economic Analysis support the conclusion that an appropriate

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<sup>1</sup> The "Beaverton Regional Center Area" is the area identified in the August 1999 Economic Analysis.

factor 2 need for the expansion onto Site 65 has been demonstrated. For purposes of this ordinance, the Metro Council accepts the Beaverton Regional Center Area identified in the August 1999 Economic Analysis as an appropriate geographic area in which to analyze the current jobs/housing ratio consistent with the 2040 Growth Concept for that subregion of Metro's jurisdictional area.

The 1998 Economic Analysis for URA 65 prepared by Hobson Johnson in support of the resolution of intent and the August 1999 Economic Analysis analyze the statistical relationship between jobs and housing within the defined boundaries of the Beaverton Regional Center area. In previous decisions, Metro has established that it is appropriate to analyze a subregion's housing needs and jobs-housing balance based on the regional center boundaries. Metro's adopted 2040 Growth Concept map identifies the general locations of the different regional centers - in Washington County that would include the Hillsboro Regional Center, the Beaverton Regional Center and portions of the Washington Square Regional Center - but it does not set out the precise boundaries between each of the centers. The boundaries of the Beaverton Regional Center area and the adjoining Hillsboro Regional Center area identified in the August 1999 Economic Analysis and were relied upon by the Metro Council when it adopted Ordinance No. 96-665E (the urban reserve decision), Resolution No. 98-2726B (the resolution of intent for URA 65), and Resolution No. 98-2728A (the resolution of intent for the South Hillsboro URA). Moreover, since Metro's adoption of the urban reserves and the resolutions of intent, Washington County, Hillsboro and Beaverton have also accepted and relied upon the regional center boundaries described in the August 1999 Economic Analysis. These regional center boundaries do not overlap. Metro agrees with the testimony of both cities, as well as the expert opinion in the reports, that the boundaries used in the Economic Analysis reports are reasonable geographic areas to rely upon for analyzing the land needs in those areas, in particular the analysis of land needs in relation to jobs and housing.

The Economic Analysis (October supplement) also assessed the jobs-housing imbalance based on what the report describes as a Northern Washington County Study Area. This alternative study area was based on a "job shed" around URA 65, which in turn was based on reasonable driving times from URA 65 to town centers along the Sunset Highway and employment areas in Northern Hillsboro. That geographic area is more specific to the actual employment areas that people living in Site 65 might reasonably travel to. This alternative job shed study provides additional evidence of an interrelated subregional housing need that can

reasonably be ameliorated by the UGB amendment in URA 65. Within that job shed, the current jobs-housing ratio is about 1.82 and is projected to increase to 2.20 during the next 20 years unless more residential land is brought into the boundary in proximity to the job shed. The report concludes that land capable of accommodating up to 38,000 new housing units could be added to the UGB in the vicinity of the northern Washington County job shed in order to move towards an optimal jobs-housing balance by the year 2020. The Council finds that this current data on the jobs-housing imbalance in the northern Washington County job shed reinforces the need to add more residential land to the UGB in the vicinity of Site 65. However, future consideration of UGB amendments based on subregional need in this area and other areas must be based on the best available evidence at that time. Analyzing the imbalance based on the Beaverton Regional Center area at this time provides a sufficient evidentiary basis to conclude there is a sufficient need for housing to support this UGB amendment. Nevertheless, the jobs-housing analysis based on the northern Washington County study area provides even more compelling evidence of the jobs/housing imbalance and the need to take corrective action by adding Site 65 to the UGB. As discussed elsewhere in these findings, there are a number of other considerations that make it appropriate to utilize Site 65 to help address the imbalance.

A Metro staff report dated December 1, 1999, looked at jobs-housing ratios based on different geographic boundaries for each of the three Washington County Regional Center areas. The staff analysis is based on a conceptual "Town and Regional Centers" map contained in the September 15, 1994 Region 2040 Recommended Alternative Technical Appendix (also referred to as the "fishscale" map). The map does not represent an adopted Metro policy identifying the boundaries of Regional Centers. The staff report developed a December 1, 1999 map that is more specific than the fishscale map. The boundaries shown on the fishscale map, as well as on the December 1 staff map, represent another alternative method of allocating TAZs to various town and regional centers. It is not clear from the staff report what the rationale is for the boundaries of the town centers on the new map attached to the December 1 staff report or why a particular town center area was assigned in whole to one regional center. As discussed above, the boundaries used in the 1999 Economic Analysis reports for both the Hillsboro Regional Center and Beaverton Regional Center areas were relied upon in the findings adopted by the Metro Council in support of the 1997 urban reserve decision and are cited to in the findings accompanying the resolutions of intent decisions adopted in 1998. The staff report states that the December 1, 1999 map, August 1999 Economic Analysis and job shed analysis are all "reasonable" allocations of TAZs to fairly describe the geographic area appropriate for this jobs/housing analysis. The Metro Council finds the evidence and analysis in the August 1999 Economic Analysis most persuasive for the reasons discussed below. For the purposes of this ordinance, the Beaverton Regional Center area has the added advantage of being endorsed by the affected local governments. In summary, for the reasons discussed above, the regional center

boundaries utilized in the Hobson Johnson reports and the conclusions reached therein are the more appropriate and more persuasive evidence than the alternatives suggested in the December 1999 staff report. In addition, the opinion offered in the staff report as to what might constitute a “significant” jobs-housing imbalance is also rejected. In approving this UGB expansion, the Metro Council is not adopting a one-size-fits-all approach or a single all-purpose significance standard for determining what degree of a jobs-housing imbalance satisfies the “need” requirements of factor 1 and 2 of the Metro Code. That determination could vary for different UGB expansion proposals depending on a number of factors, including location and other area-specific evidence. Regarding Site 65, the more persuasive expert opinion, along with the underlying supporting evidence, is as stated in the October 25, 1999, Hobson Johnson memorandum, which concludes that the number of housing units and land that needs to be added to the Beaverton Regional Center area represents a real and significant problem for which adding the 700 potential units on Site 65 presents a small but appropriate step towards rectifying. The UGB amendment satisfies the “need” requirements of factors 1 and 2 of the Metro Code, and in addition, on balance with all of the other considerations addressed in these findings, demonstrates the appropriateness of bringing this land into the UGB at this time.

The expert opinion in the Hobson Johnson report and the testimony from the affected local jurisdictions supports the conclusion that it is appropriate to base the housing needs analysis and conclusion, and to base the need determination for this UGB amendment, on the regional center boundaries. Relying on the regional center designations is recognized as appropriate in the urban reserve rule, and Metro’s utilization of that approach was affirmed by LUBA in the appeal of the urban reserve decision. Additionally, the Beaverton and Hillsboro Regional Center boundaries utilized in connection with this UGB amendment (and the 1998 resolutions of intent) are based on traffic patterns and transportation links (as reflected in the TAZs), along with the affected cities’ perspective on local political and planning considerations. In sum, that results in a reasonable basis for relying on the regional centers as drawn in the August 1999 and October 25, 1999 Economic Analysis reports. While the northern Washington County alternative job-shed boundary is a reasonable alternative approach - and the conclusions about the jobs-housing imbalance reached using that alternative approach are consistent with and supportive of the need determination established in this UGB amendment - these findings are based on the regional center approach for the reasons discussed above.

The 1999 Economic Analysis supports the findings discussed below about the subregional housing needs and the jobs-housing balance in the Beaverton Regional Center area. The current jobs-housing ratio for that study area is about 1.65, whereas the optimal, more favorable ratio for the area should be 1.48 jobs to each housing unit. This translates into a current statistical imbalance of 11.5% in the Beaverton Regional Center area. The August 1999 Economic Analysis states that about 29,000 new dwellings units may be needed in the Beaverton subregional area from 1996 to 2020 (*see* Table 3).<sup>2</sup> Comparing this projected housing demand in

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<sup>2</sup>The main evidentiary change from the 1998 Economic Analysis to the 1999 report is the information and



the subregional area with projected job-growth in the area results in a slight improvement in the jobs-housing ratio over the next 20 years, although it would still fall short of the optimal ratio (see Table 4). To achieve the optimal jobs-housing ratio by 2020, would require adding additional land to the UGB in the Beaverton Regional Center area capable of accommodating about 4,400 households (see Table 5). However, the August 1999 Economic Analysis suggests that residential land need in this area is actually greater than accommodating 4,400 housing units and could be as high as 29,000 new dwelling units which cannot be accommodated within the current boundaries of the Beaverton Regional Center area at this time. The August 1999 Economic Analysis states that capacity within that subregional area is about 15,500 dwelling units. Based on this evidence even if the City of Beaverton were to achieve a higher percentage of its Title 1 target, there may be a need to add enough residential land to the subregion to be able to accommodate 13,500 to 18,000 dwelling units. Future UGB amendment proposals must revisit those calculations after Beaverton completes its Title 1 compliance work. Based on the best evidence available at this time, that range of additional units is necessary in order to be able to accommodate both the projected demand for 29,000 new units and to achieve an optimal jobs-housing ratio (see Table 6). In adopting this UGB amendment, Metro is not adopting a precise number as “the need,” rather, on balance, the evidence presents a persuasive demonstration that there is a sufficient need that justifies bringing some amount of land into the UGB in the subregional area. Under any analysis of the evidence, adding the approximately 700 units projected for Site 65 is a relatively small expansion in terms of addressing either the subregion's minimal need for more residential land to achieve a more favorable jobs-housing balance and/or the need to accommodate projected housing demand.

As discussed, and as shown in Table 5 and Table 6, regardless of how much of the growth that Metro projects to occur in the Beaverton Regional Center area during the next 20 years can actually be accommodated within that subregion's current UGB, there still needs to be additional land added to that subregion's UGB to be able to accommodate approximately 4,400 more housing units in order to move towards and ultimately obtain an optimal jobs-housing ratio.

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projections stated in the Beaverton Compliance Report submitted by the City of Beaverton to Metro. That report states, the degree of the jobs-housing imbalance in the Regional Center area may be reduced slightly because the city projects that it will be able to achieve 91% of the housing goal established in the Metro Functional Plan and 84% of the employment growth goal set out in the Functional Plan. The City of Beaverton has not yet completed its compliance work for Title 1 of the Functional Plan and its capacity estimates have not been accepted by the Council. However, the Council finds that it is appropriate for the August 1999 Economic Analysis to use the Beaverton Compliance report to estimate the range of the presently existing capacity of the Beaverton Regional Center area.

As a “short hand” for purposes of these findings, the minimum need for the subregion will be described as the need for enough land to accommodate at least 4,400 housing units. The approximately 700 units called for in the concept plan being approved as part of this UGB amendment is well within the range of that minimal need. The existing shows that, while 4,400 units is the theoretical minimum need, there is existing persuasive evidence of a need to add enough land to the subregion be able to accommodate in the range of 13,500 to 18,000 dwelling units over the next 20 years or so. The August 1999 Economic Analysis states that the current Beaverton Regional Center area is capable of accommodating no more than about 15,500 housing units during the next 20 years. Future calculations will need to assess the amount of buildable acreage that will be restricted by new regulations adopted pursuant to Metro Functional Plan Title 3, Statewide Planning Goal 5, and as a consequence of the salmon listing under the ESA. Thus, with a potential housing demand in the Beaverton subregion of up to 29,000 additional housing units, there is a subregional need to add more land to the Beaverton Regional Center area in order to be able to accommodate the subregion’s projected share of the region’s growth. That is an alternative type of subregional need that qualifies under factor 2 (and is linked to factor 1, as well) of the Metro Code to support this UGB amendment.

As summarized above, the 1999 Economic Analysis demonstrates that there are two closely related subregional housing “needs” within the Beaverton Regional Center area that qualify to support the UGB amendment under factor 2. One is the need to address the jobs-housing imbalance that currently exists (and is projected to exist during at least the next 20 years) within that subregional area, and the second is to address the lack of land to accommodate the subregion’s projected share of the region’s growth. Each of those needs stands as an independent and alternative justification under factor 2, but taken together, they provide a consistent and even more compelling justification for the conclusion stated in the Economic Analysis that there is a “need to take immediate corrective action to increase the amount of developable residential land around URA 65.”

Washington County has adopted comprehensive plan amendments that acknowledge the jobs-housing imbalance in the Site 65 subregional area as a significant problem that justifies amending the UGB in order to provide some relief to the problem. Washington County Ordinance No. 546 (October 1999) amended the comprehensive plan to incorporate a number of policies, conditions and findings intended to ensure that the future development of Site 65 is consistent with both Metro Resolution No. 98-2726B and with the anticipated ordinance finalizing the UGB expansion for Site 65. In its amendment of the comprehensive plan, Washington County acknowledged that:

There is persuasive expert evidence demonstrating the need to expand the UGB in the area around what Metro calls the Beaverton Regional Center and Hillsboro Regional Center areas in order to address a growing imbalance between jobs and housing in northern Washington County. A 1.50 ratio of jobs to housing is a desirable balance for Washington County to try to achieve in conjunction with the rest of the (non-central city) Metro region. The current ratio in northern Washington County is about 1.80 and is projected to increase to 2.20 during the next 20 years unless additional residential is brought inside the UGB in the areas around the Hillsboro and Beaverton regional centers. The county considers that a significant problem that justifies the need for the Site 65 UGB amendment.

As discussed below, the housing needs established by the acknowledged amendments to the county's comprehensive plan provide unchallenged evidence to support Metro's determination that the "need" for this UGB expansion has been established under factor 2 of both the Metro Code and Goal 14.

Factor 2 under the Metro Code further provides that amendments based on a specific housing need should also consider statewide planning Goal 10, as well relevant local comprehensive plan policies and Metro's policies on growth management generally. Metro growth management policies emphasize the importance of achieving a balance between jobs and housing as an integral component of implementing compact development that reduces vehicle miles traveled. Achieving a locational balance between jobs and housing is also consistent with and helps implement statewide planning Goal 10. The job-housing balance concept has been acknowledged through the adoption of numerous Metro planning documents, and it is recognized in the rule adopted by LCDC regarding urban reserves. Maintaining a jobs-housing balance is an integral part of Metro's overall 2040 Growth Concept policies of minimizing vehicle miles traveled and encouraging compact development and efficient use of the land. The concept plan approved by Washington County for Site 65 is consistent with the 2040 Growth Concept and the objectives of statewide planning Goal 10 because it will result in efficient use of the land - achieving at least 10 units per gross acre - a diversity of types of housing units within a broad range of prices, and it will achieve efficiency by putting more housing in proximity to the employment centers in northern Washington County, as well as downtown Portland. All of those factors demonstrate consistency with the objectives of statewide planning Goal 10. Moreover, as discussed in the alternative site analysis, Site 65 is better suited than any other areas around the Beaverton Regional Center area to implement and achieve the kind of efficient, well-designed community envisioned by Metro's planning policies and goals.

OAR Chapter 660, division 7 is the Metropolitan Housing Rule that implements statewide planning Goal 10 for the Metro area. One aspect of the rule is to ensure that local jurisdictions have an adequate supply of residential buildable land. The UGB amendment is consistent with that objective because it addresses the need for more urbanizable land within the Beaverton Regional Center area in order to accommodate that subregion's projected share of regional growth and to ensure that the northern Washington County area has the statutorily required 20-year land supply. While that can be viewed as a factor supporting the subregional need, it is also closely related to the kind of regional need that is more specifically addressed under factor 1 of the Metro Code. As part of its management of the regional UGB, Metro, in coordination with the affected local governments, must enable each local government to comply with Goal 10, as well as maintaining regional and subregional consistency with the land supply requirements of ORS 197.296(2). As discussed below, the need justifying this expansion of the UGB in the Beaverton Regional Center area is consistent with the evidence demonstrating the continuing existence of a regional need for expansions of the boundary in order to satisfy ORS 197.296. The Metropolitan Housing rule is also intended to ensure that local jurisdictions provide the opportunity for the development of different types of housing at different price ranges. The development of Site 65 in accord with the approved concept plan will result in different housing types at a range of prices, including the assurance that a significant portion of the units will be at affordable prices.

Amending the UGB to include Site 65 is consistent with Washington County comprehensive plan policies. Standing alone, the policies and findings implemented by Washington County Ordinance No. 546 and accompanying Resolution and Order No. 99-186 are sufficient to demonstrate that there is a need justifying the UGB amendment for Site 65 and that the amendment is in compliance with all applicable Metro Growth Management policies and standards, in particular Title 11 of the Functional Plan, as well as with all applicable statewide planning goals. Compliance with MC 3.01.040 (b) has been satisfied by the comprehensive amendments adopted by Washington County. The county's action in adopting Ordinance No. 546 and Resolution and Order 99-186 are consistent with and satisfy MC 3.01.012(c). The adoption of this UGB amendment is necessary to implement and assure consistency with the county's actions. Washington County coordinated with Metro and DLCDC the adoption of Ordinance 546 and Resolution and Order 99-186. The adopted amendments to the Washington County comprehensive plan have been acknowledged, and demonstrate compliance with the Metro Code that justifies the adoption of this UGB amendment. The county's findings in support of Ordinance No. 546 are consistent with the Metro Council's finding of subregional need for the Beaverton Regional Center area.

Basing the UGB expansion for Site 65 on the subregional housing needs is consistent with Metro's factor 1, which addresses the establishment of a Metro region-wide need for UGB expansions based on long-term population growth. In short, the need to add 109 acres, capable of accommodating about 700 housing units, based on the subregional needs identified above, is consistent with prior Metro decisions regarding the region-wide need for more land to assure Metro's compliance with the 20-year land supply requirements in ORS 197.296. Metro's UGB expansion ordinances adopted in 1998 were based primarily on the data contained in the Urban Growth Report ("UGR") adopted by the Metro Council in December 1997, which report determine a need exists to add sufficient land to the UGB for about 32,370 dwelling units in order to comply with ORS 197.296 and 197.299, and also on the updated evidence contained in the August 1998 Addendum to the UGR, which was considered as supportive evidence, although it was not formally adopted by the Metro Council as part of the official UGR. Metro added 3,527 acres to the UGB by ordinances adopted in 1998, which acreage provides capacity for approximately one-half of the regional-need established by the UGR. No local jurisdiction other than Washington County with URA 65, has yet amended its comprehensive plan to include zoning and a concept plan for the areas brought into the UGB by the Metro decisions last year. Based on the region-wide need determination adopted in 1997, Metro would need to add enough land to the UGB in 1999 to accommodate approximately 16,700 dwelling units to be in compliance with ORS 197.299(2)(b). The adoption of the 1997 UGR, with its determination of the regional need for approximately 32,400 housing units, was done in compliance with the methodology set out in the statute and MC 3.01.020(b)(1)(A)-(C). As discussed in Metro Resolution No. 99-2855C, Metro expects to complete its compliance with ORS 197.296 and 197.299 (2)(b) in 2000 after it completes some additional studies pertaining to a refinement of the official land supply determination adopted by the 1997 UGR. This UGB amendment, based primarily on the subregional need identified above, is consistent with and was anticipated by that resolution.

Metro Staff have a completed a preliminary draft of Goal 5 analysis and program for Title 3, Section 5 Fish and Wildlife Habitat protection which is coordinated with existing Statewide Planning Goal 5 planning in the region. The draft contains research necessary to determine the scientific basis for riparian buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors, wetlands. These and other Goal 5 resources are expected to require additional regulation that will be included in a regional functional plan. It is anticipated that the program will be complete and resolutions adopted by June, 2000. This is one of several reasons that the Council "accepted" rather than adopted, the 1997 Urban Growth Report Update "with more work to be completed on the density estimated for environmentally sensitive lands." See, Resolution No. 99-2855C. The 1997 Urban Growth Report Update accepted by the Council is data like the other evidence in the record which may be relied on in 2000 for compliance with 197.299. Metro requested an extension of time to complete needed regionwide Goal 14, Factor 1 UGB amendments once the remaining need can be estimated from the adopted regulations consistent with ORS 197.296(3). The Council can determine at that time whether regionwide buffers up to 200 but will be necessary to protect identified Goal 5 resources. That information will be

included in the required analysis for UGB amendments required to expand the UGB to bring in the remaining one half of needed land as required by ORS 197.299(2)(b).

Based on the 1997 UGR determination, there is an evidentiary basis, under factor 1 of the Metro Code, that there is a regional need for a UGB expansion that is larger than the need for Site 65. As noted above, however, it is the subregional need for more residential land, which need is more specifically tied to factor 2 of the Metro Code, that is the primary justification for this UGB amendment. The regional need is addressed herein to demonstrate that expanding the boundary to address the identified subregional needs is not inconsistent with Metro's prior actions and determination regarding the factor 1 regional need.

As set out in Metro Resolution No. 99-2855C (adopted November 18, 1999), Metro is in the process of reviewing the 1997 UGR and anticipates adopting a revised need determination in 2000. The updated data in the record indicates that there will continue to be a region-wide need in 2000 to add more residential land to the UGB in order to assure compliance with ORS 197.296 and 197.299. Thus, this decision to add Site 65 to the UGB in 1999 is consistent with the range of the updated region-wide need that Metro anticipates adopting in 2000. Justifying the UGB expansion based primarily on the subregional housing needs in the Beaverton Regional Center area is consistent with both factor 1 regional need considerations, it is consistent with other applicable statewide goals and Metro policies. In summary, it is consistent with statewide Planning Goal 14 and related case law for Metro to interpret factors 1 and 2 of its code to allow this UGB expansion based primarily on the subregional housing needs stated above, without adopting a specific numeric justification for a region-wide need under factor 1. Basing the need for the UGB amendment on the factor 2 findings and conclusions is permitted because, in this case, those need justifications are consistent with the evidence regarding region-wide need and the actions Metro has taken to date regarding region-wide need. Therefore, it is not necessary to rely on a specific need number under factor 1 of the Metro Code in order to approve this UGB amendment. This approach is consistent with both Metro's interpretation of its factor 1 and 2 requirements and also established UGB case law.

Factor 1 in the Metro Code is focused primarily on demonstrating need based on population projections and a land supply analysis. To the extent both of Metro's need factors are linked to other Statewide Goal considerations (other than Goals 2 and 14), those Goal considerations have been addressed and satisfied. As discussed elsewhere in these findings, the impacts of bringing Site 65 inside the UGB and developing it in accord with the approved conceptual plan have been evaluated in light of applicable Statewide Goals and have found to be consistent with those goals. For example, environmental impacts under the Goal 5 rule and transportation impacts under Goal 12's TPR have been thoroughly addressed. The conclusion that a sufficient need exists under factor 2 of the Metro Code to support this UGB amendment is consistent with the issues that need to be considered under factor 1 of the Metro Code and under other Statewide Goals. However, only in the event that an appellate body reviewing this decision were to determine that a specific need number must be adopted under factor 1 in order to sustain

this UGB amendment decision, then Metro would rely upon the adopted 1997 UGR need determination to support the conclusion that the UGB amendment for Site 65 is also needed to address region-wide population growth under factor 1.

3.01.020(b)(3) – 3.01.020(f)

Appendix A to “Adopted Findings and Conclusions in Support of Ordinance No. 99-812A” address Metro Code sections 3.01.020(b)(3) – 3.01.020(f) and are adopted and incorporated into this ordinance by this reference.

APPENDIX A TO FINDINGS AND CONCLUSIONS IN SUPPORT OF  
ORDINANCE 99-812A

This findings document is incorporated into and is part of the full Findings and Conclusions to be adopted in support of the UGB expansion for Site 65.

**1. Locational Justification for UGB Amendments - ORS 197.298 and MC 3.01.020(b)(3)-(7).**

Having established the need for the UGB amendment pursuant to factors 1 and 2, the Metro Code then requires findings justifying the location of the specific UGB expansion. Justifying Site 65 requires an analysis of and comparison to possible alternative sites, which in turn requires Metro to “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.” MC 3.01.020(b).

**a. The priorities of ORS 197.298.**

The statute establishes a priority ranking of land to be considered for inclusion within an urban growth boundary. The priorities established in ORS 197.298 closely follow the priority rankings for designating urban reserve areas set out in OAR 660-021-0030(3) and (4). Because it is within URA 65, Site 65 has already been designated urban reserve land under ORS 195.145 and the urban reserve administrative rule, and thus it qualifies as a first priority for inclusion in the UGB, pursuant to ORS 197.298(a). Therefore, this UGB amendment is consistent with and follows the priorities of ORS 197.298.

Additionally, and in the alternative, and to ensure that any subsequent development permits approved for Site 65 would not be affected by the outcome of the pending appeal of the urban reserve decision (in the event the decision is not ultimately affirmed), these findings explain why the evidence supports inclusion of Site 65, pursuant to the priorities established in ORS 197.298, regardless of its urban reserve status. Assuming the urban reserve designation for URA 65 were not in effect, these findings justify the expansion of the UGB onto Site 65 under ORS 197.298 as discussed below.

Washington County has adopted the urban designation of R-9 for Site 65, which designation will take affect after the adoption of this UGB amendment. The site’s rural designation is “agriculture,” as per ORS 197.298(1)(d). The site consists of properties designated AF-20 and EFU. The site contains soil capability classifications of II, III and IV. Slightly more than half the site is in classes III and/or IV. The non-exceptions areas within the full URA 65 consist solely of Class III and/or IV soils. The Site 65 Soil Map submitted as part of the updated alternative site analysis documentation is the most up-to-date and persuasive description of the appropriate soil classifications on Site 65. Other testimony in the record does not provide persuasive documentation that the appropriate soil classifications are anything other than that



shown on the Site 65 Soil Map. The findings below discuss why the alternative site analysis appropriately concludes that there are no higher priority lands, as per ORS 197.298(1)(b) or (c), that can reasonably accommodate and/or are better-suited to accommodate the housing development proposed for Site 65. Also, as discussed, consideration has been given to alternative resource sites, as per ORS 197.298(2). The priority justification under ORS 197.298(3) has been demonstrated for two alternative reasons: because there is a specific, identified need for more residential land within the Beaverton Regional Center area (ORS 197.298(3)(a)); and, because the urbanization of Site 65 is necessary in order to provide urban services to and ensure the maximum efficiency of land uses within the higher priority exception lands in proximity to Site 65 (ORS 197.298(3)(c)), which higher priority exception lands were previously included within URA 65.

(A) ORS 197.298(3)(a).

As discussed above in response to factors 1 and 2 of the Metro Code, there is an identified need to add more residential land in the Beaverton Regional Center area in order to address the jobs-housing imbalance in that subregional area and also to provide an adequate supply of residential land to be able to accommodate the projected growth for that subregional area during the next approximately 20 years. The same evidence and findings that support the determination that a factor 2 need exists also support the conclusion that bringing in Site 65 is consistent with ORS 197.298(3)(a). Because “specific types of \* \* \* land needs” have been adequately identified, the second requirement under ORS 197.298(3)(a) is to then demonstrate that this specific land need (for more residential land in the Beaverton Regional Center area) “cannot be reasonably accommodated on higher priority lands.” The findings regarding the alternative site analysis set out below (*see* section 1.b, *infra.*) explain why there are no higher priority sites or any other alternative sites that can reasonably accommodate the particular need being addressed by including Site 65 in the UGB. The Alternative Site Report for Site 65 is incorporated as part of these findings. Therefore, the evidence regarding need and higher priority alternative sites is sufficient to support this UGB amendment under ORS 197.298(3)(a).

(B) ORS 197.298(3)(c).

In the alternative, including Site 65 in the UGB ahead of higher priority land is also justified pursuant to ORS 197.298 (3)(c). The development of Site 65 is necessary in order to reasonably provide urban services to the higher priority exception lands within URA 65. The exception lands along Springville Road and Kaiser Road and the ones adjoining the UGB to the north of the PCC campus are high priority lands, pursuant to ORS 197.298(1)(b), and were also considered high priority lands for inclusion in the UGB at the time Metro adopted the urban reserve ordinance (Ordinance No. 96-665E). At that time, the primary justification for the urban reserve designation for URA 65 was pursuant to OAR 660-021-0020(4)(c), which is identical to ORS 197.298(3)(c). The basis for Metro’s initial urban reserve determination was that achieving the maximum efficiency of land uses of the exception land in URA 65 required the inclusion of both the exception land and the adjoining resource land (including Site 65) because the latter was

necessary to efficiently serve and develop the former. LUBA concluded that Metro's findings regarding the urban reserve designation for URA 65 did not adequately explain why there were not alternative ways to provide urban services to the exception areas within URA 65 without going through or developing the resource lands. LUBA said it was a close call as to whether or not the findings were adequate, but LUBA concluded that they were not, in part, because the findings did "not explain why services cannot be provided through the urban area directly to the south of the higher priority lands." *D.S. Parklane Development, Inc. et al. v. Metro.*; LUBA No. 98-048 *et seq.* (February 25, 1999) at slip op. 104. The record for this UGB expansion provides more detailed evidence and findings to justify the inclusion of Site 65 within the UGB pursuant to the "maximum efficiency" test set out in ORS 197.298(3)(c). Justifying this UGB amendment pursuant to ORS 197.298(3)(c) is intended as a separate alternative to justifying the priority inclusion of Site 65 under subsection (3)(a) of that statute.

The utility feasibility information provided by Consulting Engineering Services, Inc., in particular its correspondence of October 1998 and September 17, 1999 and the attachments thereto, provide persuasive expert evidence that it would not be practical to extend sewer, water and storm drainage facilities and services to the exception areas within URA 65 without bringing all of those services through and/or utilizing the resource lands within the middle of URA 65. The evidence and analysis in those two documents are incorporated herein as part of these findings. It is not realistic from a financial and urban-planning perspective to attempt to urbanize the exception areas by extending urban facilities to those areas without utilizing Site 65. In particular, the evidence demonstrates that it would not be economically reasonable to extend sewer service without extending the trunk line through Site 65. On balance, the case has been made that it is unreasonable to expect any type of efficient urbanization of the exception areas without including and first developing Site 65. All of URA 65 is a desirable location for a UGB expansion because of the great efficiencies that can be achieved in terms of density, cost of development, and proximity to an already well-developed urban area. The exception areas within URA 65 can be developed consistent with the design and density objectives established in the 2040 Growth Concept and supporting Metro policies if done in conjunction with the Site 65 concept plan. The record includes a "shadow" plan and supporting testimony that demonstrate that it will be feasible to develop the remainder of URA 65 based on and following up on the Site 65 concept plan. The various considerations discussed in these findings, which demonstrate that Site 65 is a desirable location for the UGB expansion - ie, proximity to and compatibility with the well-established development in the surrounding Bethany community, the presence of the PCC campus, the existing transit service on Springville Road, the readily available urban services and facilities, etc. - also demonstrate that allowing the urbanization of Site 65 in order to facilitate the urban development of the nearby exception lands will result in the most efficient utilization of those exception areas, which means achieving urban development in those exception areas consistent with the 2040 Growth Concept and supporting policies and objectives in the Metro Functional Plan and in other Metro planning documents. Urban development of those exception areas to help address the housing need in the Beaverton Regional Center area is the most efficient use of those lands. As exception lands, it is already been determined that they are not appropriate for commercial agricultural purposes, either in and of themselves or in conjunction with adjoining

resources lands. Moreover, the evidence in the record demonstrates that, on balance, the adjoining resource lands, in particular Site 65, are also more appropriately utilized for urban purposes rather than agricultural uses. The efficient utilization of the exception lands will not occur without first allowing the development of Site 65.

In summary, in conjunction with the alternative analysis provided below, this UGB amendment satisfies ORS 197.298 based on each of (or any one of) the following alternative grounds: (1) it is currently designated urban reserve; (2) the evidence in the record and the findings set out herein justify the urban reserve designation for Site 65 pursuant to OAR 660-021-0030(4)(a) and (c); (3) because the specific subregional need identified pursuant to factors 1 and 2 of the Metro Code cannot be reasonably accommodated on higher priority lands; and (4) the inclusion of Site 65 is required in order to provide services to higher priority lands within URA 65 so as to achieve the maximum efficiency of land uses on those lands.

**b. Alternative analysis balancing factors 3-7.**

**(A) Alternatives to Site 65.**

The Metro Code require an analysis of other sites outside the UGB to determine if they are better alternatives for inclusion in the UGB than Site 65 or if they can reasonably accommodate the proposed use. ORS 197.298(3)(a) requires a consideration as to whether higher priority lands can reasonably accommodate the specific need justifying the UGB amendment. MC 3.01.020(b) calls for a consideration as to whether “the recommended site was better than alternative sites, balancing factors 3 through 7.” The Metro Code also requires a determination that the identified land need supporting the UGB amendment cannot be reasonably accommodated within the current UGB. The potential alternative sites must be evaluated based on their capability to accommodate urban-level residential development, because that is the identified need justifying this UGB amendment. Additionally, because the identified need is to add residential land to the UGB around the Beaverton Regional Center area, the possible alternative areas that have been analyzed have been limited to those areas that would reasonably be included within the Beaverton Regional Center area, which limited the area of analysis to two locations, one to the west of Beaverton and one to the north. The analysis considered lands outside the subregion’s western UGB between Farmington Road to the north and Scholls Ferry Road to the south. Land to the north of Farmington Road is reasonably viewed as being related to the Hillsboro Regional Center area, and lands to the south of Scholls Ferry Road are reasonably viewed as being associated with the Washington Square Regional Center area. The territory analyzed north of the subregion’s UGB was located between NW 185th Avenue and the Multnomah County boundary line. NW 185th Avenue is the generally accepted dividing point between the Hillsboro and Beaverton areas, and it is reasonable to consider the county line as the boundary between Beaverton and Multnomah County/Portland.

The Alternative Site Report for Site 65 UGB expansion (updated September 1999) analyzes all of the exception lands within these two territories, provides data concerning resource

lands to the west, and also looks at some other sites. That report then summarizes a number of factors that restrict the ability to accommodate urban-level residential development on those exception lands. The evidence and analysis demonstrate that those lands cannot reasonably accommodate the identified need nor are they better alternative locations than Site 65. That Alternative Site Report, along with the supporting documentation, are incorporated herein. The report analyzes four designated exception areas located to the west of Beaverton. Metro did not include any of those exception lands in its 1997 urban reserve decision. The record also includes evidence from the Metro urban reserve record explaining why that area, generally referred to as the Cooper Mountain area, was excluded from urban reserve consideration. The alternative site report also considers whether there are resource lands in that area that could better accommodate urban-level development in comparison to Site 65. The report contains sufficient evidence to conclude that there are no better alternatives on resource lands.

The Alternative Site Report analyzes four specific exception areas located outside the UGB to the west of Beaverton. One aspect of each of those four exception areas which make them not well-suited for urbanization is the extent of parcelization and the large number of dwellings. Parcelization and the presence of many rural dwellings are not the only factors demonstrating that these areas cannot reasonably accommodate urban-levels of residential development, but they certainly are important considerations. The greater the extent of parcelization and presence of new dwellings, particularly where there is a trend towards more dwellings and more expensive dwellings being constructed in recent years, the greater the difficulty in creating large enough ownerships to facilitate urban development in an efficient and compact form consistent with Growth Concept policies and objectives. An area with a lot of parcelizations and rural dwellings, particularly one with an increasing number of expensive hobby farms built in recent years, is not a good candidate for urbanization. Under those circumstances, even if the land were to be brought into the UGB, it is not likely to redevelop during the next twenty years because of the difficulties and expense of redeveloping an area that has so many different ownerships and so many existing dwellings.

The exception areas to the west of Beaverton have a number of other problems that make efficient urbanization extremely difficult and unlikely in addition to the parcelization and number of existing houses. The steep topography makes efficient development difficult and makes it costly to extend urban services, particularly in light of the fact that, unlike with Site 65, urban services and facilities have not already been extended near to the edge of the UGB. Many of the same factors that make it impracticable and unreasonable to expect or obtain efficient urban development of the exception areas would also make it unreasonable to consider developing the resource areas near the western UGB as a better alternative than bringing Site 65 inside the boundary and developing it in accord with the approved concept plan. As discussed elsewhere in these findings, the Bethany community adjoining Site 65 has already been developed with densities and design patterns that are generally consistent with 2040 Growth Concept policies and objectives. Thus, the urbanization of Site 65 will be compatible with, and makes for a logical extension of, the surrounding urban development. In contrast, there is no evidence that the urban area in the vicinity of the western Beaverton UGB has had a similar intensity of development or

development in accord with Metro growth management policies and objectives.

The only exception areas contiguous to the UGB to the north of Beaverton are those areas that are already included in URA 65. The alternative report analyzes the limited amount of exception lands located outside of URA 65, but within about one mile of the northern UGB. Two of those exception areas are adjacent to URA 65, and the other two are on the north side of Germantown Road about one mile from the UGB. The alternative site report provides sufficient evidence to conclude that those exception areas are not reasonable alternatives to Site 65. The exception areas along Germantown Road are too far from the UGB to be able to reasonably accommodate an urban-level of development or reasonably accommodate urban development that can even minimally achieve the compact urban form features called for in the Growth Concept and factors 3-7 of the Metro Code. They are separated from the UGB by intervening resource land and steep topography. Moreover, there is no evidence in the record to suggest that Germantown Road could be reasonably improved to accommodate urban-level traffic. The other two exception areas, in and of themselves, cannot reasonably accommodate efficient urban development unless they were included as part of URA 65. The exception areas included within URA 65 have the potential to reasonably accommodate urban-level development, however, as discussed in response to ORS 197.298(3)(c), those areas cannot be reasonably developed unless Site 65 is developed first in order to extend urban services and facilities to the exception lands. The entire URA 65 is about 488 acres and it estimated to be able to accommodate about 2,800 dwelling units. That level of development would not be sufficient to correct the minimum need to add enough land to the UGB in the Beaverton Regional Center Area to be able to accommodate at least 4,400 housing units. Therefore, the development of the entire urban reserve will not be enough to reasonably accommodate all of the identified need. Without the inclusion of Site 65 in the UGB, the nearby exception lands cannot reasonably accommodate urban residential development.

Metro has not attempted to calculate the theoretical number of housing units that could theoretically be constructed on the exception areas to the west of the Beaverton UGB and those to the north of URA 65. In this case, Metro does not believe such a calculation is necessary in order to satisfy the considerations necessary to the alternative site analysis. The evidence is sufficient to demonstrate that the entire area to the west of the Beaverton UGB is not a suitable location to accommodate urban-level development for a number of reasons. Moreover, as discussed in response to factors 1 and 2 of the Metro Code, one "need" being served by this UGB amendment is the need to add enough residential to accommodate up to about 18,000 housing units, as shown in Table 6 on page 9 of the 1999 Economic Analysis. It is unreasonable to assume that the exception areas studied in the alternative site analysis could be expected to accommodate enough housing to satisfy the need without including Site 65.

The alternative site considerations set out in OAR 660-004-0020(2)(b) are not directly applicable approval criteria to this UGB amendment, but rather are implemented through the Metro Code. Thus, while the provisions in that rule are not controlling, they do provide some guidance in the evaluation of alternative sites. In particular, the rule does not require the kind of

site-specific alternatives analysis that is contained in the Alternative Site Report and supporting documentation, which are incorporated as part of these findings. The rule only requires site-specific analysis and justification when evidence has been presented regarding a particular potential alternative site. The record of this UGB amendment does not contain any evidence suggesting that a particular alternative site can reasonably accommodate urban-level development or is otherwise a better site for expansion than Site 65. The administrative rule also provides that, when a specific alternative site is analyzed, that analysis can be made on the basis of determining whether the alternative site is “more reasonable” in terms of its development potential and appropriateness for urbanization than the site being added to the UGB. The rule also provides that economic considerations are appropriate when evaluating whether an alternative site can reasonably accommodate urban-levels of development in a manner consistent with Metro’s acknowledged urban form standards and policies. The 2040 Growth Concept and supporting Metro planning documents and policies call for urban development to occur in a compact and efficient form. Those policy objectives are taken into account by the UGB amendment factors and considerations called for in MC 3.01.020(b)(3)-(7) and 3.01.020(c) and (d). MC 3.01.020(f) provides that Metro’s growth management and other planning policies and provisions do not need to be directly or separately addressed as part of this UGB amendment, because they are all implemented through the other sections of MC 3.01.020. The RUGGOs, referenced in MC 3.01.020(f), which included the 2040 Growth Concept, have now been incorporated into the Regional Framework Plan. The Regional Framework Plan includes other growth management policies and documents, such as the Metro Functional Plan. Achieving development patterns that will result in a compact urban form is the key concept underlying many of Metro’s growth management policies and provisions. For example, MC 3.01.020(b)(4)(A) describes some of the features that comprise “an efficient urban growth form.” Thus, when analyzing whether a possible alternative site to Site 65 can reasonably accommodate urban-level residential development, it is appropriate to also consider whether the alternative site can be reasonably developed in such a manner as to be consistent with “an efficient urban growth form.” The evidence and analysis in the Alternative Site Report, as summarized above, demonstrate that the alternative sites cannot be reasonably developed to achieve an efficient urban form. This is not a situation where urban development on exception lands will be slightly less efficient and slightly more expensive than developing resource land such as Site 65. In such a situation, state laws and Metro provisions that give priority to developing exception lands might result in a conclusion that such alternative exception lands can reasonably accommodate the need for more residential land. In this case, however, there is an enormous and insurmountable gap between the many factors that make urbanization of the alternative exception areas unreasonable and the capability of Site 65 to be developed in full accord with all of Metro’s urban development objectives.

Also, no credible evidence has been presented to suggest that the need to accommodate and develop more dwelling units in the Beaverton Regional Center area can be accommodated on specific sites within the current boundaries of the UGB. As discussed in response to factor 2 of the Metro Code the Beaverton Compliance Report and in the Hobson Johnson Economic Analysis provide ~~substantial~~ evidence regarding the projected amount of housing units that can be accommodated within the current UGB. Additionally, as set out in the 1998 Economic Analysis,

even if the Beaverton Regional Center area achieved full compliance with the housing targets established in the functional plan, there would still be a large enough jobs-housing imbalance to justify the need for more residential land being added to the boundary. Moreover, the housing targets established in the functional plan are recognized as being a high-end goal for the amount of housing that can be accommodated and that in many instances a lower amount of housing units *may be* ~~is~~ more realistic. The evidence demonstrates that the Beaverton Regional Center area is capable of accommodating no more than about 15,500 housing units during the next 20 years. Fewer units than that may be built due to the anticipated increase in the amount of buildable acreage that will be restricted by new regulations. Also, according to the Hobson Johnson reports, the additions to the subregional urban land supply will need to occur at a faster pace than is likely to occur in order to create the opportunity for the private sector to build that much additional housing by the year 2017. That is one reason it is important not to delay this UGB amendment. Thus, in summary, there is persuasive unchallenged evidence in the Hobson Johnson reports to support the conclusion that, at this time, the identified land need justifying the inclusion of Site 65 cannot be reasonably accommodated within the current Beaverton Regional Center area UGB.

The evidence supports the conclusion that the exception lands, as well as the surrounding area in general, have too many constraints, particularly their physical and locational constraints, so as to make it unreasonable to expect that area to be able to accommodate urban-levels of residential development. Neither the exception lands themselves or the area as a whole can reasonably be developed with features of an efficient urban growth form, including the residential densities called for by the Metro Functional Plan, which also includes urban development capable of supporting transit service and development patterns capable of encouraging pedestrian, bicycle and transit use. The uncontradicted evidence in the record persuasively demonstrates that it is unreasonable to expect that type of development to occur on the exception lands. Additionally, for those same reasons, Site 65 is a far better alternative site for a UGB expansion than is the area to the west of the UGB. The exception areas to the north of Springville Road and the PCC campus have the potential to reasonably accommodate urban-level residential development, but that potential cannot be realized without the inclusion of Site 65 in the UGB. The development of Site 65 in accord with the approved concept plan demonstrates that Site 65, taken alone, satisfies all relevant UGB approval considerations. The evidence in the record indicates that the nearby exception areas would not be able to satisfy all UGB amendment criteria if they were to be considered for a UGB amendment without the inclusion of Site 65.

(B) Comparison Based on Factors 3-7.

Under MC 3.01.020(b), the primary purpose for analyzing Site 65 in light of factors 3-7 is to determine whether there are better alternatives for addressing the identified need for more residential land in the Beaverton Regional Center area other than including Site 65 in the UGB. The following findings in response to those five factors will evaluate the considerations under each of those factors by looking at both Site 65 itself, and then also comparing Site 65 to possible alternative lands outside the UGB in light of those same five factors. The latter exercise is somewhat redundant because, as already discussed above in these findings, the evidence clearly

demonstrates that Site 65 is by far the better candidate for urban-level development, consistent with features of an efficient urban form, than any other land outside the UGB in the vicinity of the Beaverton Regional Center area. In addition, as also discussed above, it is not a reasonable alternative to address the need for more housing simply by expecting (or hoping) that a higher number of housing units can somehow be accommodated inside the current UGB during the next 20 years. There is no credible evidence in the record documenting how more housing can be accommodated inside the current UGB of the Beaverton Regional Center area than that projected out in the Hobson Johnson reports. In this context, factors 3-7 of the Metro Code are discussed below.

### **Factor 3**

MC 3.01.020(b)(3) requires a consideration of the availability and efficiency of providing urban services and facilities to Site 65 and also the costs involved, particularly those costs that may have to be borne by the general public rather than the owners and developers of the property. Subsections (A) and (B) of factor 3 set out the more specific factors that need to be evaluated under factor 3. As detailed in the testimony of Consulting Engineering Services (“CES”), particularly as stated in their letters of October 1998, November 1998 and September 1999, there will be no direct public costs involved to provide the fundamental urban services and facilities necessary to develop Site 65, i.e., sewer, water, storm drainage and environmental protection measures. Those letters are incorporated as part of these findings. The utility feasibility information provided by CES documents the estimated costs to provide those services for the development of Site 65 in accord with the approved concept plan. A relevant consideration under Subsection (A) of factor 3 is a comparison of the costs involved to provide urban services and facilities to Site 65 in comparison to the costs involved with potential alternative sites. (See, the CES letter of September 21, 1999, which is incorporated herein.) The CES evidence contains detailed cost estimates regarding the site-specific and overall economics of providing the services necessary to facilitate the develop of Site 65. The evidence demonstrates that these costs are relatively low in comparison with utility costs involved with urban development generally and relatively low in comparison with the projected costs of development for other urban reserve areas throughout the region. The CES data provides the most persuasive analysis because it is site-specific. The CES analysis is consistent with the more generalized cost analysis for all urban reserve areas contained in earlier utility feasibility reports prepared by KCM and W&H Pacific. The chart on page 13 of the Metro staff report of November 24, 1998 provides a summary of the analysis of the KCM reports. That data indicates that total public facility costs per unit for URA 65 are among the lowest of all the urban reserve areas studies in the region. The data and conclusion in the CES evidence suggests that, on a relative basis, development costs for Site 65 are even lower than suggested by that chart. Generally, the information and conclusions reached in that 1998 staff report have been corrected and updated by newer information in the record. While portions of that staff report provide helpful background information and evidence to support these findings, in general, these findings are based on more-to-date information and site-specific evidence provided elsewhere in the record. The staff report response to statewide planning goals 6, 7, and 13 support the findings in response to those goals adopted by



Washington County.

As discussed above as part of the alternative site analysis and findings, the exception sites and surrounding area located west of the Beaverton UGB cannot reasonably accommodate urban-levels of residential development and that area is a far less appropriate area for urbanization and inclusion in the UGB than is Site 65. Although no specific analysis has been done regarding what the costs would be to extend urban services and facilities to that area, in this case, such a cost analysis was not necessary in order to support the conclusion that Site 65 is a more desirable location for urbanization both because of the better economic efficiencies of providing urban services and facility and because of the other development feasibility issues discussed as part of the alternative site analysis and discussed in response to factors 3 and 4. In light of the numerous constraints on urban development discussed in the alternative site analysis, there would have been no substantive purpose served by attempting to quantify the costs to extend urban services and facilities to an area that cannot reasonably accommodate urban development due to all of the topographical and locational constraints and other reasons discussed as part of the alternative site analysis.

Also consistent with subsection (A) of factor 3 is the fact that extending urban services and facilities as part of the development of Site 65 will minimize the cost burden to develop the remaining properties within URA 65. That determination is discussed above in response to ORS 197.298(3)(c) and is discussed below in response to Factor 4.

Consistent with subsection (B) of Factor 3, the evidence demonstrates that there shall be an orderly extension of urban services and facilities from the adjoining urban area to Site 65. The urban services and facilities that have been extended to and constructed as part of the urban development that has occurred along the south side of Springville Road can be cost-effectively and otherwise reasonably extended across Springville Road to accommodate Site 65. The testimony from the appropriate service providers, and the detailed analysis provided by CES, make clear that the necessary facilities and services can be reasonably provided to Site 65 without negatively impacting or leaving any areas already within the UGB with inadequate facilities or services. The fact that extending urban services and facilities to Site 65 will not have any negative impacts in the urban areas near Site 65, in part because those areas have already been fully developed or approved for development, is discussed in both the CES letter of November 1999 and in the closing testimony from Ryland Homes submitted December 1999. Those documents are incorporated herein as part of these findings. Site 65 is within the same drainage basin that has been utilized for storm and sewer facilities for the development of the urban areas on the south side of Springville Road. An existing trunk line capable of accommodating development of Site 65 is already located just south of the property and connections can be easily extended to Site 65. All of Site 65 can be served by gravity sewer utilizing this existing trunk line (although some small portions of the remainder of URA 65 may require pump stations or extraterritorial extensions of sewer lines). The fact that there are already two Tri-Met bus lines along Springville Road is an important factor supporting Site 65 as an appropriate location for a UGB amendment.

With the exception of the South Hillsboro URA, there is no other urban reserve area in the region that already has Tri-Met bus service at the site. There is no existing Tri-Met bus service anywhere in the vicinity of the exception areas located to the west of the Beaverton UGB.

In summary, urban services and facilities can be extended to Site 65 in an orderly and cost-effective manner, and certainly in a far more orderly and cost-effective manner than such services and facilities could reasonably be expected to be provided to any alternative areas outside the UGB in the vicinity of the Beaverton Regional Center area UGB.

#### **Factor 4**

MC 3.01.020(b)(4)(A) and (B) require an analysis of both the proposed development plan for Site 65 and its impacts on nearby urban lands in order to determine whether both the site and nearby urban areas can be developed consistent with the urban design objectives set out in Metro's growth management policies. The issue under subsection (A) of factor 4 is to determine whether the elements of a compact development form "can be accommodated more readily in one area than others . . . ." As required by these findings and by the conditions imposed by Washington County in its adoption of the comprehensive plan amendments affecting Site 65, the proposed expansion site shall have to be developed in general accord with the approved conceptual plan (updated September 1999) and conditions and findings adopted by Washington County. That conceptual plan, along with the conditions and findings adopted by the county, are incorporated as part of these findings. The approved plan calls for bicycle/pedestrian pathways to be utilized on the site and then extended from the site to the proposed bicycle/pedestrian pathway system that links the site to the urban area on the south side of Springville Road and extends to the two major neighborhood centers in the Bethany community. Also, the fact that Tri-Met bus service is already available on Springville Road, and that the adjoining PCC campus is a major transit destination, together create the opportunity for the future residents living on Site 65 to utilize these transit opportunities. The concept plan for Site 65 achieves many of the design and density components of a compact development form. The site will achieve at least the minimum density of 10 units per net developable acre as called for in Metro's functional plan provisions. As required by the conditions of the comprehensive plan amendment, this site will provide an opportunity to locate an elementary school on Site 65, which creates a number of efficiencies in terms of development costs and pedestrian/bicycle access to the residents on Site 65 and in adjoining urban areas who will also utilize the school. Conditions have been imposed ensuring development will take place in compliance with all applicable natural resource protection requirements, including Goal 5 and Title 3. The location of Site 65 provides efficiencies in terms of locating housing in proximity to several different employment centers. The two nearby neighborhood centers, in particular the Bethany Planned Development, provide employment opportunities that residents of Site 65 can access by the proposed pedestrian/bicycle pathway or bus service. The site is also conveniently located to access employment centers in Hillsboro and downtown Beaverton and Portland. In contrast, the alternative exception areas located west of the Beaverton UGB could not be developed in a manner that would achieve this same level of efficient and compact urban development form.

Subsection (B) of factor 4 focuses primarily on what the impacts of developing Site 65 will be on the adjoining urban areas. The CES letter of September 17, 1999 and the December 8, 1999 testimony of Ryland Homes provide a detailed discussion about the overall impacts that will result in the urban area in the vicinity of Site 65; that evidence is adopted herein. Because the Bethany community in the vicinity of Site 65 has already been largely developed or approved for development, there is little remaining opportunity to affect the design of development in the area. However, urbanization of Site 65 will be consistent with and supportive of the existing and approved urban development in the area. The concept plan for Site 65 does a good job of integrating that project into the surrounding community, and creates the opportunity for the full development of URA 65 in a similarly compatible manner. The approved concept plan ensures that Site 65 will develop in an efficient manner consistent with the features of a compact urban form development set out in the 2040 Growth Concept, the Metro Functional Plan and the other supporting policies contained in the regional Framework Plan.

## **Factor 5**

Subsections (A), (B) and (C) describe the factors that need to be considered as part of the EEES analysis required under MC 3.01.020(b)(5). Pursuant to subsection (A), the urbanization of Site 65 in accord with the approved concept plan, and in accord with the conditions and findings of the comprehensive plan amendments affecting Site 65 adopted by Washington County, ensure that the development will occur consistent with county, Metro and state regulations intended to protect the riparian corridor and other identified environmental features on the property. The findings in support of the Washington County comprehensive plan amendments explain in detail, how and why the development of Site 65 can be done in compliance with all applicable natural resource protection provisions. Appropriate conditions to ensure compliance were included as part of the comprehensive plan amendments. See, in particular, pages 8-16 of the findings adopted by Washington County R&O 99-186, which are adopted herein as part of these findings.

The Hobson Johnson reports provide a brief “regional economic opportunity analysis,” which analysis is relevant to the consideration called for under subsection (B) of factor 5. The economic benefits of the urbanization of Site 65 include the provision of short term jobs associated with the development and construction of the project and the housing thereon. Once the residential community is established, there will be the normal jobs associated with its maintenance, including such things as lawn and garden care, home improvements, plumbing, etc., these types of jobs alone are likely to generate higher levels of income for the region than a continuation of the minimal agricultural use that is currently on the property. Of greater regional economic importance is the provision of housing to serve growing (or potentially growing) employment areas in the nearby regional area. Without adequate housing, the economic growth may not occur. Pursuant to subsection (C) of factor 5, the economic benefits of locating additional housing on Site 65 would not be significantly greater if the same amount of housing was located say, for example, on the lands located outside the UGB to the west of the Beaverton Regional Center. The findings in support of the Washington County comprehensive plan

amendments include an ESEE analysis based on the environmental considerations called for in Goal 5. The EEES analysis called for under Factor 5 of the Metro Code, although more specifically focused on the impacts of urbanization, calls for a very similar kind of analysis, balancing the effects and impacts resulting from urbanization. Thus, the Washington County ESEE findings are incorporated herein, as an adequate analysis demonstrating compliance with subsection (C) of factor 5 of the Metro Code. There are not any unique or site-specific adverse impacts that would result from the urbanization of Site 65 that would not result from the urbanization of almost any other rural land in the region. Urbanization of Site 65 will result in the loss of the current agricultural uses on the property, where as urbanization of exception lands that are not in agricultural use would not have that same adverse impact. However, the adverse impact in this case is minimal because of the limited nature of the farming activity on Site 65 and throughout URA 65. Also, there are no exception areas in the vicinity of the Beaverton Regional Center area that could reasonably accommodate urban development. As explained in Washington County's findings in response to Goal 5, the on-site environmental impacts of development will be beneficial because it will result in the enhancement and better protection of the natural resources on the site. All new urban development increases the burden on schools, roads and other urban infrastructure, which has the social consequence of displeasing many current residents. That is an unavoidable consequence of any growth on the fringe of the UGB, regardless of where it is located. Those adverse impacts would not be significantly lessened by expanding elsewhere in the region. Moreover, the development of Site 65 will contribute financially to adding capacity to and providing regional solutions for school capacity and roadway improvement needs - those capacity and other infrastructure improvements in the area are needed even if Site 65 is not brought in to the UGB. On balance, these findings and the record reflects an adequate consideration of the EEES consequences, and on balance, in light of all of the other considerations that are relevant to this UGB expansion, there is greater need and benefit supporting the expansion of the UGB at this location at this time rather than not expanding the boundary or expanding it elsewhere in the Beaverton Regional Center area.

## **Factor 6**

The considerations called for under MC 3.01.020(b)(6) are, for all practical purposes, identical to the considerations and requirements addressed under ORS 197.298. The primary response to factor 6 of the Metro Code is that it is not applicable to this UGB amendment because the subject property is already designated an urban reserve. In the alternative, the same priority analysis undertaken for ORS 197.298(3)(a) provides an adequate consideration of and demonstrates compliance with subsection (A)(i) to (v) of factor 6 of the Metro Code. It should be noted that the record includes evidence that the only marginal lands, as designated by Washington County, are in areas far removed from the Beaverton Regional Center area UGB. These designated marginal lands are the only type of "secondary or equivalent lands" as referenced in subsections (A)(ii) and (iii). As discussed in the alternatives site analysis, there is a small amount of primary forest resource land in the area to the west of the Beaverton UGB, but for the reasons discussed in the alternative site analysis, that is not an appropriate area or location for urbanization. Therefore, amending the UGB to include Site 65 is consistent with subsection

(A)(b) of factor 6 of the Metro Code as demonstrated in the findings adopted herein in response to ORS 197.298(3)(a). The Alternative Site Report to Site 65 is made a part of these findings, and is part of the response to factor 6 of the Metro Code. That report, and the other documents that are incorporated into these findings, are intended to be consistent with the expressly stated findings herein. To the extent there are any overlooked inconsistencies or conflicts between the incorporated findings and the other portions of these findings, then the latter will control and supercede the former.

## **Factor 7**

The evidence and conclusions provided in the farm report entitled “Site 65 at Bethany Farming Practice and Impact Analysis” adequately addressed the considerations called for under MC 3.01.020(b)(7) and are adopted as part of these findings in response to those factor 7 considerations. That farming report includes a description of the number, location and types of agricultural activities occurring within one mile of Site 65, and it contains an analysis of the potential impacts on nearby agricultural activities that could result from the urbanization of Site 65. The key conclusions of that farming report, which are summarized on page 1 of that report, demonstrate that URA 65 is a small and topographically isolated portion of agricultural land that is no longer a viable commercial farming area due to heavy urbanization and the lack of water for irrigation. Several farmers testified at Metro hearings regarding their unsuccessful efforts to obtain sufficient water for irrigation and the resulting failure of their farming activities. The report, as supported by testimony at the Metro hearings, supports the conclusion that the development of Site 65 will not have any tangible impacts on any existing agricultural activities or on any resource lands within one mile of the site. The agricultural activities and income that will be lost by the development of Site 65 constitute a minimally negative impact, that is balanced out by the benefits to the environment and the other benefits and need for urbanization discussed elsewhere in these findings.

In summary, all of the considerations relevant to factors 3 to 7 of the Metro Code have been addressed. The consideration and analysis of those factors supports the ultimate conclusion that Site 65 is the most appropriate location in which to expand the UGB in order to address the identified need for more residential land in the Beaverton Regional Center area.

## **2. MC 3.01.020(c) - Goal 2 Requirements.**

As stated in acknowledged MC 3.01.020(c), the Goal 2 exception requirements are not directly applicable to this UGB amendment, but rather relevant portions thereof are incorporated throughout MC 3.01.020. Subsections (1) to (3) under section (c) list several requirements based on Goal 2 that need to be addressed as part of this UGB amendment. The findings explain why “the land need identified [for more residential land within the Beaverton Regional Center] cannot be reasonably accommodated within the current UGB.” The findings explain why the development of Site 65, in accord with the approved concept plan and other imposed conditions, will be compatible with both adjoining urban development and the rural uses adjacent to the

property. This issue of compatibility is discussed further below. This particular subsection of the Metro Code is focused on specific “adjacent uses.” Metro interprets this code provision to only apply to immediately adjoining properties, and not to those properties separated from the subject property by a road. Nevertheless, as a precautionary matter, the findings respond to this particular provision by examining more properties than just those immediately adjoining or adjacent to Site 65. The urban area on the south side of Springville Road has been developed, largely with residential uses similar in density to that which is proposed for Site 65. Thus, the two uses will be compatible. The PCC campus is an existing intensive urban use. It is a destination urban use that serves many different communities and constituents throughout the urban area. Locating a planned development such as Site 65 next door to such an urban use is compatible. The site plan indicates where pedestrian connections can be made between the two uses, which in turn will help facilitate pedestrian/bicycle transportation and will encourage other transportation linkages. Also, the proposed school site on Site 65 is located next to the PCC campus, which will encourage potential linkages between those two uses. Urbanization of Site 65 can be done in a manner that is compatible with the rural dwelling located adjacent to the northwestern boundary of the site. The topography slopes downward at that point which will help to create a physical buffer between the two uses, and local development code provisions requiring setbacks would also ensure an adequate buffer so that the two uses can co-exist in a compatible manner. Moreover, because that dwelling is included in URA 65, it is anticipated that that property will ultimately redevelop as an urban use.

Brugger Road ensures an adequate buffer between the rural residences to the north and the urban development proposed on the Site 65. The open space along the eastern portion of Site 65 will be compatible with the current rural open space and pasture land uses located adjacent to the eastern portion of the site. The open space buffer along the BPA right-of-way, which generally forms the eastern boundary of the developable area within Site 65, provides an adequate open space buffer area to ensure compatibility with the adjoining lands to the east. That is consistent with the conditions imposed in the findings adopted by Washington County in response to Goal 5 and other natural resource protection considerations. Moreover, those adjoining uses are on property currently designated as urban reserve which means they are likely to be developed for urban uses in the future, which would make them compatible with the Site 65 proposal. The small property located on Springville Road between Site 65 and the PCC campus is not included as part of this UGB amendment. In approving the annexation of Site 65 into Metro’s jurisdictional boundaries, the Multnomah County Board of County Commissioners did not include that property (the “Nolte property”). The property owners have requested that the property not be included as part of this UGB amendment. It is zoned AF-20. There is currently a single dwelling on the Nolte property and a small amount of agricultural activity. The adverse impacts of development can be minimized by ensuring that there is an adequate buffer between the Nolte property and the adjoining development. As long as the current rural residential use of the Nolte property continues, the provision of an adequate buffer between that property and the Site 65 development should ensure that the two uses remain compatible. Because that portion of Site 65 is proposed for multi-family use, there is greater opportunity to minimize impacts by placing the structure further to the north and east, rather than having home sites along the perimeter of the

property. The Nolte property is an obvious candidate for urbanization at such time as the owners so desire, and measures shall be taken during the development review of Site 65 to ensure that the development of Site 65 will not preclude the potential future urbanization of the Nolte property. In the meantime, the setback and buffering requirements in the local development code shall ensure that the development of Site 65 is compatible with the current uses on the Nolte property. To ensure that protection is afforded, Metro hereby imposes a condition requiring the local government approving the development permit for the immediately adjoining property to make a finding, if the Nolte property is still in a rural residential use, that an adequate open space buffer, including any appropriate landscaping, fencing, etc., is required to ensure that adverse impacts of development on the Nolte property have been reasonably mitigated. Compliance with this condition can be shown at the time the actual development plans for the proposed multi-family use are submitted and approved. The imposition of this condition ensures that the considerations called for under subsection (c)(2) have been addressed and satisfied. In this context, it should be noted that Metro interprets 3.01.020(c), (d), and (e) as being approval criteria that must be addressed in the context of the entirety of MC 3.01.020, which means that they are not isolated approval criteria that must be independently satisfied, but rather they are approval considerations that must be addressed and then balanced in the context of the need, locational and alternative site considerations called for under factors 1-7 of the Metro Code. That is the primary interpretation as to how Metro applies these sections of the codes. Nevertheless, as a precautionary matter, these findings also explain why the evidence supports a conclusion that the UGB amendment satisfies each of the specific criteria listed under those code sections.

Subsection (c)(3) entails a determination as to whether there are other resource areas or other areas requiring an exception that could be developed and have significantly less adverse impacts than the development of Site 65, in light of the long-term EESE consequences analyzed in response to factor 5 of the Metro Code. The findings in response to factor 5 support the conclusion that there are no such alternative sites in the Beaverton Regional Center area, either exception areas or non-exception areas, which could be urbanized with less detrimental impacts than would result from the development of Site 65.

### **3. MC 3.01.020(d) - Expansion Site Boundaries.**

The considerations that need to be addressed pursuant to MC 3.01.020(d) are somewhat similar to the issues addressed above regarding compatibility with adjacent uses. Unlike other provisions that need to be addressed pursuant to MC 3.01.020, section (d) is not directly based on any statewide planning goal considerations or any specific case law regarding UGB amendments. It is a Metro-based provision. As noted above, Metro reviews this provision as being applied and considered in the context of and balanced with the other provisions that must be addressed in order to support the UGB expansion. The primary purpose of section (d) is to try and maintain a physically distinguishable area between urban development and rural uses. In making a legislative determination about the appropriate location and size of a UGB amendment, property ownerships is not a primary consideration. However, ownership is a fact of the land use patterns, both current and prospective future uses, that, in some circumstances, can be one element to consider

in determining the precise boundaries of the UGB expansion. Goal 14 recognizes that the establishment and change of the boundaries of the UGB needs to be a cooperative process between affected parties and that choices in the marketplace are also a consideration that is relevant to establishing the boundaries for the UGB. Thus, while the code provision's preference is for physical demarcations between urban uses and rural uses, ownership can be a relevant consideration. While property ownership was a consideration in not including the Nolte property within the boundaries of this UGB amendment, nevertheless, the development of Site 65 in accord with the concept plan and accompanying terms and conditions will result in clear physical separations between the urban uses and rural uses. Another relevant consideration to this code provision in this case is the fact that the northern and eastern boundaries of Site 65 abut properties already designated as urban reserve. (The Nolte property was not included in Resolution No. 98-2726B.) The desire for clear physical demarcations between urban and rural designations was addressed as part of the urban reserve decision. Thus, the boundaries of URA 65 satisfy that consideration. That is an important consideration in a case such as this, where the UGB expansion is, in effect, the first phase of development of the entire urban reserve area. From a utility planning perspective, and recognizing the fact that the property owners affected by this amendment are prepared to implement the approved concept plan, support including Site 65 rather than the entire URA at this time. The findings in the response to the other applicable code criteria explain why the location of Site 65 and the approved conceptual development plan satisfy those other code considerations. Those are considerations that support the boundaries of the UGB expansion. Nevertheless, as discussed below, even if section (d) were viewed as a specific approval criteria - rather than as a consideration to be viewed in the overall context of MC 3.01.020 - the evidence demonstrates that it has been properly addressed and satisfied.

Except for the Nolte property, Site 65 adjoins the existing UGB along its southern and western borders. Brugger Road creates a clear transition between Site 65 and the rural uses to the north. The boundary for the northwestern portion of Site 65 is based primarily on topography. The eastern border of Site 65 generally follows the BPA right-of-way, which is to be maintained as an open space buffer. While the UGB amendment includes some acreage to the east of the BPA right-of-way, this area is noted as open space/future development on the approved concept plan, which is consistent with the natural resource protection findings adopted by Washington County. That area is not proposed for housing development as part of the Site 65 concept plan, and thus the approved UGB amendment will ensure a visible transition area along the power lines between the approved urban development and the rural and open space uses to the east. The properties to the east of the right-of-way have been included in the UGB amendment, even though they will not be developed as part of Site 65 concept plan, in part, because they will ensure an even higher level of environmental protection than if they were to remain in a rural designation, which would allow clear cutting and farming of the property, which in turn would further threaten the existing wildlife habitat and further degrade the stream in the area. These properties can provide a transition area to the remainder of URA 65, and their suitability for development can be considered as part of the future development of the rest of URA 65, which is consistent with the Washington County findings. The Nolte property will be available for urban development if the property owners seek permission to annex into Metro. The



concept plan anticipates that the Nolte property will be next to a multi-family development phase of Site 65. The ultimate developers of that phase of the project will have to provide sufficient landscaping and buffering between the development and the Nolte property (assuming the Nolte property remains in its current rural use). The condition imposed to ensure there is a sufficient open space buffer will result in an identifiable transition between the existing rural use and the future urban use. On balance, the location for the UGB amendment will result in the desired overall visible transition from one side of the UGB line to the other. Consistent with this section (d), it is preferable to expand onto sites that already border the UGB on more than one side, as is the case with Site 65. Brugger Road and the BPA right-of-way easement create a visible demarcation around most of the northern and eastern boundary of Site 65. This UGB expansion is in compliance with MC 3.01.020(d). In addition, that provision is, essentially, a part of the overall locational considerations that need to be taken into account. It would be inappropriate to view this particular section as carrying greater weight in establishing the size and location of a UGB amendment than do the other factors that need to be considered and applied under MC 3.01.020.

#### 4. **MC 3.01.020(e) - Other Goals.**

MC 3.01.020 implements all applicable approval criteria and considerations based on statewide planning goals 2 and 14. Section (e) is concerned with any other statewide planning goals that may need to be addressed as part of a proposed UGB amendment. In this case, Metro does not need to address any other statewide planning goals because all such applicable goals have been addressed by Washington County in the acknowledged amendments to its comprehensive plan, which were adopted pursuant to Washington County Ordinance No. 546, along with the supporting findings and concept plan adopted pursuant to Washington County Resolution and Order No. 99-186, all of which was adopted October 26, 1999. Metro is entitled to rely on the goal compliance findings adopted by Washington County without conducting a new review and analysis. With the acknowledgment of the comprehensive plan amendments affecting Site 65, it would be a collateral attack on the county comprehensive plan to challenge in this proceeding the comprehensive plan amendments' compliance with the statewide goals. No party in this proceeding has identified a relevant statewide planning goal that was not addressed by Washington County. Washington County's findings are incorporated as part of these findings. Therefore, to the extent that an appellate court determines that compliance with other relevant statewide planning goals is relevant to this UGB amendment, then the incorporated county findings stand as satisfactory findings demonstrating compliance with the applicable statewide planning goals.

Washington County's actions in amending its comprehensive plan in consideration of the proposed UGB amendment for Site 65 are consistent with the delegation and coordination of planning responsibilities established in the Metro Code. The county's actions ensure that the development of Site 65 will be done in a manner consistent with these findings and in accord with the justification set out in these findings. The specific conditions established by Exhibit 1 of Washington County Ordinance No. 546, and those findings and conditions established by

Washington County Resolution and Order 99-186, including the requirement to develop Site 65 in general conformance with the Site 65 Conceptual Plan attached thereto, are all hereby incorporated as part of this UGB amendment. The county's conditions, as incorporated herein, will ensure that the development of the subject property will occur in a manner that is consistent with these findings and with the justification for this UGB amendment. As explained in the county's findings, the comprehensive plan amendments were based on the concept plan and findings endorsed by the Metro Council when it adopted Resolution No. 98-2726B in December of 1998. Based on that resolution, Washington County prepared, processed and adopted the comprehensive plan amendments affecting Site 65 in advance of this UGB amendment, as called for in MC 3.01.012(c). It is the first instance where a local government has adopted comprehensive plan amendments for an urban reserve area prior to final approval by Metro of the UGB amendment. Washington County's comprehensive plan amendments comply with MC 3.07.1120, because they include an adopted an urban growth plan diagram (in this case it is the Site 65 Conceptual Plan) and supporting policies, findings and conditions that demonstrate and ensure compliance with all applicable Metro requirements and policies. The fact that the county's comprehensive plan amendments comply MC 3.07.112 was determined at the time the amendments were adopted, which was done in coordination with Metro and DLCD. Those amendments have now been acknowledged because no appeal was filed. Therefore, the issue of consistency between the comprehensive plan amendments and MC 3.07.1120 and 3.01.040(d) have been established and cannot be re-considered as part of this comprehensive plan amendment. Because the comprehensive plan amendments have been adopted and acknowledged, Metro does not need to take the actions called for under MC 3.01.040(b). Should an appellate court determine otherwise, and rule that the provisions in MC 3.07.1120(a)-(k) and 3.01.04(b)(1)-(5) are relevant considerations to this UGB amendment, then the county findings incorporated herein stand as Metro's findings in direct response to those Metro Code provisions.

In summary, Metro interprets its code provisions as delegating to Washington County the planning authority to adopt comprehensive plan amendments that demonstrate compliance with all applicable Functional Plan requirements and to address all applicable statewide planning goals as part of that process. As long as the adoption is properly coordinated with Metro and DLCD, then it is not necessary or appropriate for Metro to re-consider those same issues as part of a UGB amendment.

#### **5. MC 3.010(020)(f) - Conformance With the RUGGOs**

Compliance with all of the other provisions of MC 3.01.020, as set out above, are sufficient to demonstrate that this UGB amendment is consistent with the applicable provisions in the Metro RUGGOs, and other policies that have now been made a part of the Regional Framework Plan. Therefore, it is not necessary to independently address those policies because they have been effectively incorporated into the provisions discussed above. The Regional Framework Plan is based on the policy statements contained in the RUGGOs, which includes the 2040 Growth Concept, thereby consolidating all Metro land-use planning goals and objectives. The RUGGOs are aspirational policies and not specific approval criteria. In addition to the Metro

Code UGB amendment criteria, the RUGGOs are also implemented through specific provisions in the Functional Plan. Assuring compliance with the Functional Plan is the primary responsibility of the local government when it amends its local land use regulations to implement the UGB amendments. That process needs to be done in coordination with Metro, which enables Metro to participate in the determination of compliance with the Functional Plan. The Metro Code authorizes local governments to implement a proposed UGB expansion and determine its compliance with the Functional Plan in advance of Metro adopting a final ordinance amending the UGB. As discussed above, that is what has happened with Site 65. In coordination with Metro and DLCD, Washington County has determined, with the imposition of appropriate conditions, that the urbanization of Site 65 complies with all relevant provisions of the Functional Plan. The aspirational policies of the RUGGOs (including the 2040 Growth Concept) have been considered and balanced as part of both Washington County's process and as part of this UGB amendment process for Site 65. It does not appear from the record that any party has cited a specific provision of the RUGGOs or anything else in the Regional Framework Plan would be violated or has not been properly considered and addressed.

## 6. **Other Considerations**

There have been a large number of public hearings directed towards a consideration of the UGB amendment for Site 65. Metro has afforded all members of the public, and in particular property owners residing on or in the vicinity of Site 65, with ample notice of this UGB amendment and ample opportunities to comment, submit evidence and review the evidence that has been submitted. The approval of this amendment has been done in a legislative process because of the policy implications involved, the number of directly affected property owners, and most importantly, because Metro is not required to make any decision regarding whether Site 65 should or should not be included in the UGB. These findings attempt to respond to every relevant issue that has been raised on the record.

As another procedural matter, a number of documents submitted into the evidentiary record have been expressly incorporated as part of these findings. That evidence incorporated as findings is intended to be consistent with the rest of the findings adopted in support of the UGB amendment. However, in the event that there is any conflict between the incorporated documents and other portions of the findings, the non-incorporated findings would control and supercede any inconsistent or conflicting statements contained in the incorporated findings.

Three were primary areas of concern raised by a number of the opponents to this UGB amendment: (1) the loss of viable agricultural land; (2) school overcrowding; and, (3) general traffic congestion and roadway improvement needs. Metro's findings regarding the loss of agricultural land are set out in detail above. Metro's Regional Framework Plan contains several general policies regarding schools, which are generally directed towards ensuring adequate coordination with affected school districts. That has happened in this case. More importantly, Washington County has specific criteria directed at ensuring the availability of adequate school capacity. Washington County adopted findings explaining why the county's provisions regarding

school capacity were satisfied based on the evidence submitted and reviewed in that proceeding. That evidence is included in the record of this case. Those findings have been incorporated herein and Metro is entitled to rely upon them. It should also be noted that the Beaverton School District has submitted a letter confirming that the owners of Site 65 have provided the opportunity for the siting of an elementary school on the property, and that the proposed school has been integrated into the planning for the approved concept plan. Moreover, the school district has testified that there is adequate capacity and planning underway to ensure that the school district will be able to accommodate the projected number of students who will ultimately be residing on the Site 65 property.

The record contains two traffic impact studies prepared by DKS. Washington County relied on those two studies in determining that the development of Site 65 could be done in conformance with all requirements of statewide planning goal 12 and the Transportation Planning Rule adopted pursuant thereto, and applicable functional plan provisions. No party has challenged the evidence or findings relied upon by Washington County in its adoption of the comprehensive plan amendments. Metro is entitled to rely upon that same evidence and those findings to conclude that it will be feasible to develop Site 65 in accord with all applicable transportation planning requirements.

**EXHIBIT D**  
**Ordinance 99-812A**

Metro Code 3.01.040(b)(5) allows the Council to adopt text interpretations of the requirements of the Urban Growth Management Functional Plan (UGMFP), which implements the 2040 Growth Concept, in particular Title 11, to “address special land needs that are the basis for the amendment.”

The 1998 staff report for Resolution 98-2726B recommended conditions for URA 65 to ensure compliance with the UGMFP. As part of Washington County’s Ordinance No. 546, the county imposed conditions on the comprehensive plan amendments for the 109 acre portion of URA 65 which substantially address the staff’s recommended conditions for Resolution 98-2726B. *See*, Exhibit 1 of Ordinance No. 546.

The Metro Council finds that the conditions imposed by Washington County Ordinance No. 546 are sufficient to ensure compliance with the UGMFP. Therefore, it is unnecessary for the Council to adopt text interpretations under Metro Code 3.01.040(b)(5) as part of this ordinance.

## **GROWTH MAGEMENT COMMITTEE REPORT**

CONSIDERATION OF ORDINANCE NO. 99-812A FOR THE PURPOSE OF AMENDING METRO URBAN GROWTH BOUNDARY AND THE 2040 GROWTH CONCEPT MAP IN ORDINANCE 95-625A IN URBAN RESERVE AREA 65 IN WASHINGTON COUNTY

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Date: December 15, 1999

Presented by: Councilor Bragdon

**Committee Action:** At its December 9, 1999 meeting, the Growth Management Committee voted 3-0 to send Ordinance 99-812A to Council with no recommendation. Voting in favor: Councilors Bragdon, Park and McLain.

**Committee Issues/Discussion:** Ordinance 99-812A moves the urban growth boundary (UGB) to include approximately 109 acres of urban reserve #65, currently zoned exclusive farm and forest use (EFU). Urban reserve #65 was created by Metro in 1996. In 1998 the Council adopted Resolution 98-2726B, expressing its intent to move the UGB to include this area, after its annexation into the Metro boundary. Annexation was approved by the Multnomah County Board of Commissioners in May of 1999. Ordinance 99-812A has been the subject of public hearing at both the Growth Management Committee and Council level.

The site is covered by a preliminary urban reserve plan prepared by Ryland Homes. The plan includes a variety of housing types and densities, a school site and riparian protection, and has been positively regarded as being consistent with Metro's 2040 concept. The plan envisions about 700 dwelling units and 180 jobs.

Consideration of movement of the UGB for this portion of site #65 is taking place within the concept of "subregional need," specifically in this case jobs/housing balance. Proponents presented information as to an imbalance of jobs to housing, for this site, at a ratio of 2.20:1 in the year 2020. This ratio is based on a job-shed analysis zone consisting of portions of the Hillsboro and Beaverton regional centers. While not denying the validity of that approach, Metro's growth management department analysis concluded that the area is housing-rich, based on a Beaverton regional center approach only.

Transportation analysis by the proponent has been revised at least once to include updated Metro model data. Washington County has revised its comprehensive plan in response to this analysis.

There has been public testimony objecting to inclusion of site #65, based on inclusion of EFU lands, transportation impact, and disagreement with jobs/housing balance analysis. At the same time, the planning approach used by the developer received positive comment from several councilors, and others.

The Growth Management Committee spent several months investigating the nature and parameters of jobs/housing balance prior to making a recommendation on Ordinance 99-812A. While several committee members expressed discomfort that the development of that concept is not yet sufficiently complete, especially in relation to site #65, the committee agreed to send the ordinance to Council with no recommendation. The committee also accepted amendments recommended by the Office of General Counsel pertaining to consistency with recently revised Metro UGB management-related code; hence the "A" version of this ordinance.

Date: December 2, 1999

**STAFF REPORT TO THE  
METRO COUNCIL**

Prepared by: Lydia Neill, Growth Management

**Proposal:** Metro Legislative Amendment – Consideration of Ordinance No. 99- 812 for the purpose of adding to designated urban reserve areas for the Portland Metropolitan Area Urban Growth Boundary.

**Urban Reserves:** Urban Reserve Area (URA) #65, Beaverton

**Applicable Review Criteria:** Metro Code Section 3.01.020.

**SECTION I: INTRODUCTION AND SITE INFORMATION**

**Introduction:**

The purpose of this report is to update the Metro staff analysis (contained in the report dated November 24, 1998) of Urban Reserve Area (URA) #65 based on information submitted into the record for this proceeding.

**Site Information: URA #65**

The portion of URA #65 included in this request is approximately 109 acres and is located north of the City of Beaverton, east of 185<sup>th</sup> Avenue, north of Springville Road, and adjoins the Portland Community College (PCC) Rock Creek campus to the west. The area is composed of Class 2, 3, and 4 soils. The average slope of the site is 7 percent.

~~Agricultural activities are the dominant land use occurring on this site.~~ Residential development has taken place in a portion of the urban area to the south of Springville Road that is currently located in unincorporated Washington County. Rock Creek runs the length of the reserve parallel to Springville Road and drains to the Tualatin River. The northeastern portion of the reserve is forested.

On December 17, 1998, the Metro Council adopted Resolution 98-2726B for the purpose of expressing its intent to amend the urban growth boundary to include a portion of URA #65. The portion of URA #65 represented in this ordinance includes approximately 109 acres of the 488 total acres.

The Multnomah Board of County Commissioners approved annexation to Metro's jurisdictional boundary on May 13, 1999 by Order No. 99-82 for the expressed purpose of expanding the Urban Growth Boundary (UGB). Prior to this action, several changes were made to the original 116-acre



area, including adjustments for right of way and a request from a property owner to be excluded (Tax Lot 900), leaving an area of 109 acres annexed to Metro's jurisdictional boundary.

Ryland Homes submitted a preliminary urban reserve plan for approximately 116 acres of URA #65 in the fall of 1998. The 116-acre reserve plan area is composed of Class 2, 3 and 4 soils. All of the acreage within this portion of the reserve area is designated EFU by Washington County. At this time, agriculture is the dominant land use activity. The urban reserve plan included a variety of housing types and densities and a school site. The site is expected to accommodate 704 dwelling units and 180 jobs. Metro staff reviewed the proposed urban reserve plan and stated in a staff report issued on November 24, 1998 that all urban reserve plan requirements have been met. Washington County has also reviewed this urban reserve plan and approved the plan in Resolution 99-186, Exhibit "A" dated October 26, 1999.

Since that time, Metro Code amendments no longer require that an urban reserve plan be completed prior to approval of a UGB amendment. Title 11 of the Urban Growth Management Functional Plan now requires that the same concept plan work be completed and approved by the local government before the land is developed.

The City of Beaverton and Washington County have signed a Memorandum of Understanding (MOU) dated October 28, 1998 to provide governance and planning for urban reserve 65. An Addendum to the MOU signed on November 11, 1998 provided for zoning and the orderly provision of urban services to this reserve area.

An Urban Services Intergovernmental Agreement (IA) signed on February 22, 1999 between the City of Beaverton and Washington County includes the area within URA #65. The IA formalizes the preliminary understanding outlined in the MOU dated November 11, 1998 and provides greater detail on the roles the City and County will play in planning, implementing the 2040 Growth Concept and the provision of urban services to this area.

## **SECTION II: ADDITIONAL REVIEW CRITERIA**

The criteria for a legislative amendment to the UGB are contained in Metro Code Section 3.01.020. They are based primarily on Statewide Planning Goals 2 and 14 and have been acknowledged, or approved by the State as meeting its requirements.

**The criteria and staff analysis of the factors outlined in the Metro Code are contained in Metro's Staff Report, November 24, 1998 (Resolution No. 98-2729A). Additional information that was submitted since the November 24, 1998 staff report is addressed in the sections below.**

### **Factor 1: Demonstrated need to accommodate long-range urban population growth.**

As per Metro resolution 99-2855C, Metro Council has accepted the *1997 Urban Growth Report Update*, with additional work to be completed on estimates of capacity in environmentally sensitive areas and capacity from dwelling units. Metro Council has also resolved to request a time extension from the Department of Land Conservation and Development to complete required actions that will ensure a 20-year housing supply in the UGB. This time extension, to October 31, 2000, will allow Metro to respond to the requirements of State Goal 5, regarding fish and wildlife

protection. Estimates from the *1997 Urban Growth Report Update* indicate that implementation of Goal 5 could reduce the buildable land supply by approximately 14,800 dwelling units over the 20-year timeframe.

**Factor 2: Need for housing, employment opportunities and livability may be addressed under either subsection (A) or (B) or both.**

This factor is addressed in the *Proposed Urban Growth Boundary Expansion Staff Report* dated November 24, 1999 on pages 7-8. Additional information has been provided by the applicant to address the issue of a jobs/housing balance within this part of the region. Hobson Johnson and Associates prepared an economic analysis for URA #65 in November 1998 and an update to this analysis in August 1999. The jobs/housing ratio in 1996 was estimated in the additional submission by Hobson Johnson and Associates at 1.82 and increased to 2.20 in 2020. This is outside of the regional average ratio of 1.50 by 47% in 2020.

The analysis was based on selected Transportation Analysis Zones (TAZ's) that describe a proximate commuter shed for the URA #65 that includes the northern half of the Beaverton Regional Center and a portion of the Hillsboro Regional Center. The geographic extent of the commuter shed was based on travel times between employment centers and the expansion area. The report argues that the expansion of the commuter shed is based on the belief that residents of this area work in a different employment area that includes part of the Beaverton and Hillsboro Regional Centers. The selection was based on the assumption that drive time would determine which employment areas would be served by surrounding residential areas. Based on this study, in order to achieve a favorable jobs housing ratio, 38,000 new dwelling units would have to be provided within this area (based on the assumption that the jobs forecast is accommodated within these Regional Centers).

The Hobson Johnson study concluded that there is a need to take corrective action to increase the amount of developable residential land in this area. This conclusion was reached as a result of current and a projected increase to the jobs/housing imbalance in northern Washington County. Northern Washington County is jobs-rich in comparison to housing opportunities.

In a staff report by Sonny Condor and Dennis Yee, dated December 4, 1999, the regional issue of the jobs/housing balance was examined based on various regional centers, in Washington County. The staff report uses a methodology similar to that used by Hobson Johnson and Associates in their analysis of URA #65 but for different areas of analysis. Because of the nature of the jobs-shed data, a number of different jobs/housing ratios can be calculated based on travel times, geography and homeowner preferences. The staff report uses methodology consistent with the urban reserve analysis from 1997. This staff report approach based on the regional center shows this center as "jobs poor" rather than "jobs rich" in need of more housing. The varying results from these two reports highlights the importance of selection of review areas. Where boundaries are not clearly defined, analysis is less conclusive.

**Factor 3: Orderly and economic provision of public facilities and services. An evaluation of this factor shall be based upon the following:**

**(A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites concerning Factor 3, the**

best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to the brought into the boundary.

- (B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area that could be served by the extension of an existing route, rather than an area, which would require an entirely new route.

This factor has been addressed in the *Proposed Urban Growth Boundary Expansion Staff Report* dated November 24, 1998 on pages 8-14. The applicant has submitted additional materials to address transportation systems issues in this report, *Transportation System Review for Site 65 URA in Washington County*, dated September 1999. The report is an update of the earlier document *Site 65 at Bethany: Conceptual Transportation Plan*, dated November 1998. DKS and Associates reviewed the transportation impacts of urbanization of this site using the new 2020 model data available from Metro and the County's current transportation plan. The previous report used the 2015 model data. Use of the 2020 horizon year for forecasting is consistent with the anticipated development by Ryland Homes for a portion of URA #65 (670-700-800). Development beyond the first phase of URA #65 will require additional transportation analysis. The major findings of this study are as follows: 1) NW Springville Road and 185<sup>th</sup> Avenue will require additional widening because peak capacity is exceeded with development of URA #65 and expansions of the Rock Creek Campus, 2) added traffic will impact north-south facilities including 143<sup>rd</sup> Avenue and, 3) intersection conditions could be improved by adding signal controls at NW Springville Road and 185<sup>th</sup> Avenue to maintain acceptable levels of service and safety.

**Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area. An evaluation of this factor shall be based on at least the following:**

- (A) **The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.**
- (B) **The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.**

This factor was addressed in the *Proposed Urban Growth Boundary Expansion Staff Report* dated November 24, 1998 on pages 14-18.

**Factor 5: Environmental, energy, economic and social consequences.** An evaluation of this factor shall be based upon consideration of at least the following:

- (A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.
- (B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.
- (C) The long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

This factor was addressed in the *Proposed Urban Growth Boundary Expansion Staff Report* dated November 24, 1998, pages 19-27.

An *Addendum to the Natural Resources Evaluation and Protection Plan* dated September 1999, was submitted on November 3, 1999 that contains additional assessment of the site's natural resources in accordance with local and statewide planning objectives. The effects of the proposed development on natural resources located adjacent to the development were also evaluated. The functions and values of the riparian areas, wildlife habitat, fish habitat and wetland resources were evaluated. The analysis provided in the *Addendum* more specifically identifies the location and quality of these resources and appropriate mitigation measures.

**Factor 6: Retention of agricultural land.** This factor shall be addressed through the following:

(A) Prior to the designation of urban reserves, the following hierarchy shall be used for identifying priority sites for urban expansion to meet a demonstrated need for urban land:

- (i) Expansion of rural lands excepted from Statewide Planning Goals 3 and 4 in adopted and acknowledged county comprehensive plans. Small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be included with them to improve the efficiency of the boundary amendment. The smallest amount of resource land necessary to achieve improved efficiency shall be included;
- (ii) If there is not enough land as described in (i) above to meet demonstrated need, secondary or equivalent lands, as defined by the State, should be considered;
- (iii) If there is not enough land as described in either (i) or (ii) above, to meet demonstrated need, secondary agricultural resource lands, as defined by the State should be considered;
- (iv) If there is not enough land as described in either (i), (ii) or (iii) above, to meet demonstrated need, primary forest resource lands, as defined by the State, should be considered;

- (v) If there is not enough land as described in either (i), (ii), (iii) or (iv) above, to meet demonstrated need, primary agriculture lands, as defined by the State, may be considered.
- (B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.
- (C) After urban reserves are designated and adopted, a proposed amendment for land not wholly within an urban reserve must also demonstrate that the need cannot be satisfied within urban reserves.

This factor was addressed in the *Proposed Urban Growth Boundary Expansion Staff Report* dated November 24, 1998, pages 27-30.

**Factor 7: Compatibility of proposed urban development with nearby agricultural activities.** The record shall include an analysis of the potential impact on nearby agricultural activities including the following:

- (i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site;
- (ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land, as well as the impact on the local agricultural economy.

This factor was addressed in the *Proposed Urban Growth Boundary Expansion Staff Report*, dated November 24, 1998, pages 30-35.

**Metro Code Section 3.01.020 (c), (d), and (e); and Metro Code Section 3.01.012 (e)**  
 These code sections refer to urban reserve planning requirements and compliance with Goals 2 and 14.

These code sections were addressed in the *Proposed Urban Growth Boundary Expansion Staff Report*, dated November 24, 1998, pages 35-49. In addition to the material submitted and analyzed in the 1998 staff report, the applicant submitted Washington County Resolution and Order No. 99-186, with Exhibit "A" to demonstrate that the County approved *URA #65 at Bethany Conceptual Plan* on October 26, 1999.

The *Alternative Site Report*, updated September 1999, includes an alternatives analysis of lands located near URA #65. The analysis states that a number of the exception areas designated by Washington County are unsuitable for development due to topographic conditions, lack of public facilities, existing development patterns, areas not located adjacent to the current UGB and the location of EFU lands. Some of these conditions are easier to overcome than others. Lack of available public facilities can be overcome more easily than topographic conditions or constraints due to existing development.

Conversely, upon examination of EFU lands adjacent to the UGB and within the Beaverton Regional Center it was found that no such lands are located in this surrounding area. The closest EFU land located adjacent to the UGB is located adjacent to Cooper Mountain. Metro Greenspaces program has purchased over 230 acres in this area for parks and open space use, and has an eventual goal of acquiring over 400 acres in this area.

### **SECTION III: SUMMARY OF STAFF REPORT**

The applicant has made additional submissions to satisfy Goal 14 requirements for inclusion of URA #65 in the UGB. The applicant has submitted a number of updated documents into the record which have been reviewed by staff. They address regional jobs/ housing balance issues, concerns regarding natural resources and transportation.

**Attachment 1:** 1999 UGB Record- Area 65 List

**Attachment 2:** November 24, 1998 Staff Report

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Rev: 12/04/1999

1999 UGB RECORD

Doc. Date	Document Description	To	From
12/02/1999	Letter re: supplemental information for the record	Rod Monroe	Stephan Lashbrook, City of Wilsonville
12/02/1999	Fax of testimony re: Agenda Item No. 13: Metro Council Urban Growth Boundary Public Hearing	Rod Monroe	Winslow Brooks, City of Hillsboro
12/02/1999	Agenda packet for Council regular meeting 12/02/1999 including attachments		Staff
11/30/1999	Letter re: 3 additional articles in reference to Res. No. 99-2855	Rod Monroe	Mark D. Hylland, Home Builders Assoc
11/30/1999	Fax re: need for manufactured dwelling parks inside the UGB	Rod Monroe	Don Miner, Oregon Manufactured Housing Association
11/28/1999	E-mail re: lot size, quality of life, mass transit, taxes, poor community services.	Metro Council	Michael and Rebecca DeCesaro
11/26/1999	Letter re: URA sites 51 – 55. Includes spiral bound draft copy of Hillsboro South Concept Plan for URA Site 55 dated June 1999, spiral bound South Urban Reserve Concept Plan and South Urban Reserve Concept Plan Appendices, UR 51-55, dated 11/16/1999, and 3-ring binder, concept plan testimony and findings. Hand delivered. Six oversized items:  #1 Map Hillsboro 2040 Land Use Design Types Boundary #2 Chart Absorption of Hillsboro Buildable Residential Acreage #3 Map City of Hillsboro Exception Area Overview #4 Chart Alternative Hillsboro Dwelling Unit Capacities #5 Chart Hillsboro Study Area Jobs/Housing Balance #6 Exception Areas and South Hillsboro Urban Reserves Dwelling Units Capacity	Chris Billington	Pat Ribellia, AICP, Esq., City of Hillsboro Long-Range Planning Dept.
11/24/1999	Letter re: requested info for UR 51 – 55 (South Hillsboro area)	Jim Jones	Beth Anne Steele
11/24/1999	Letter re: Metro Annexation Petition, UR 44. Includes petition signed by 12 property owners in support of annexation.	Rod Monroe	Lee Leighton, Westlake Consultants, Inc.
11/18/1999	Minutes of the Regular Metro Council Meeting		Staff
11/18/1999	Testimony RE: Malinowski Farm land inappropriately included in UGB		Fern E. Malinowski, Gregory P.

			Malinowski, Richard A. Malinowski, Jon T. Malinowski
11/18/1999	Letter RE: Metro Council Urban Growth Boundary Public Hearing, includes bound copy of City of Hillsboro Metro Functional Plan Final Compliance Report, City's testimony from 9/23/1999 at Hillsboro, and a chart showing Hillsboro 2040 design types		John Godsey, Hillsboro City Council
11/18/1999	Testimony RE: highest and best use for UR 42		Stacey Rumgay
11/18/1999	Testimony RE: support of South Hillsboro addition (URA 54 – 55)		Doug Draper, Genstar
11/18/1999	Statement RE: UR 53, support of south Hillsboro plan		Joe Hanauer, managing partner, Butternut Creek
11/18/1999	Testimony RE: Hillsboro's commitment to Region 2040 concepts and Finding a South Hillsboro UGB expansion solution		Darlene Greene, Hillsboro City Council
11/18/1999	Annexation Application packet for Metro District Boundary for Pacific Capital LLC		Leigh Leighton, Westlake Consultants
11/18/1999	Memo re: Metro Annexation Petition UR 49, includes map of proposed annexation and double majority worksheet verification form.	Metro	Lee D Leighton, Westlake Consultants, Inc.
11/18/1999	Agenda packet for Council regular meeting 11/18/1999 including attachments		Staff
11/17/1999	Spiral bound "Alternative Sites Analysis for South Hillsboro Urban Growth Boundary Amendment"		Doug Draper, Genstar Development Co.
11/17/1999	Spiral bound "Alternative Sites Analysis for South Hillsboro Urban Growth Boundary Amendment – Companion Report – Data Bases"		Doug Draper, Genstar Development Co.
11/15/1999	Letter re: Sherwood UGB	Metro	Carol Zarzana
11/12/1999	Packet including letter from Lee Leighton, City of Tigard Resolution No. 99-73, and 14 page owner & elector petition requesting inclusion into UR 49		Westlake Consultants, Inc. (Lee Leighton)
11/12/1999	Letter re: concern for effect of RTP on businesses on TV Hwy projects, including Beaverton-Hillsboro Industrial Park on Cornelius Pass Rd/TV Hwy	Metro Transportation Committee	Bettina Uris
11/10/1999	Packet including Tigard Resolution No. 99-73, requesting annexation into UR 49		Cathy Wheatley, City of Tigard
11/04/1999	Comments to Metro Council RE: Agriculture in Washington County, opposing adding farmland into UGB		Marcus Simantel
11/02/1999	Agenda packet for Growth Management regular meeting 11/2/1999 including attachments		Staff
10/21/1999	Agenda for regular Council regular meeting 10/21/1999 ( 1 page)		Staff
10/20/1999	Fax to re: support of including Area 65, includes	Susan McLain	Hillsboro Mayor



	Memo on URSA 51 – 55 and memo on URSA 65/Ryland Homes Urban Reserve Plan		Gordon Faber and Beaverton Mayor Rob Drake
10/19/1999	Agenda packet for Growth Management regular meeting 10/19/1999 including attachments		Staff
10/18/1999	Letter re: jobs/housing balance and copy of memo from Jerald Johnson Hobson Johnson & Assoc RE: UR 51-55	Susan McLain and Growth Management Committee	Gordon Faber, Mayor City of Hillsboro and Rob Drake, Mayor City of Beaverton
10/18/1999	Letter re: Port of Portland plans to develop the west end of Hayden Island	Bill Atherton	John Diehnel
10/15/1999	Fax re: affordable housing testimony on UGB expansion 10/14/1999 hearing	Jon Kvistad	Debi Laue
10/14/1999	Testimony from UGB Public Hearing 10/14/1999, urging evaluation of affordable housing		David Rohr, Partnership for Sensible Growth
10/14/1999	Agenda packet for regular Council regular meeting 10/14/1999		Staff
10/14/1999	Minutes of the Regular Metro Council Meeting		Staff
10/12/1999	Agenda packet for regular Council regular meeting 10/12/1999		Staff
10/12/1999	Minutes of the Regular Metro Council Meeting - Milwaukie		Staff
10/07/1999	Metro Council Regular Meeting agenda		Staff
10/07/1999	Minutes of the Regular Metro Council Meeting		Staff
10/06/1999	Letter and Development Brief RE: Elderquest Affordable Senior Housing Community, support of adding area into UGB		Robert Baker, Baker Affordable Housing, LLC
10/06/1999	Letter re: support of adding Area 22	Rod Monroe	Barry Rotrock, Superintendent Oregon City Public Schools
10/05/1999	Agenda packet for Growth Management regular meeting 10/5/1999 including attachments		Staff
10/04/1999	Agenda packet for regular Council regular meeting 10/04/1999, includes copies of public testimony cards for UGB issues		Staff
10/04/1999	Minutes of the Regular Metro Council Meeting - Gresham		Staff
10/01/1999	Agenda packet for regular Council regular meeting 10/01/1999		Staff
09/30/1999	Copy of letter to Washington County Planning Commission RE: Raleigh Hills Town Center Plan		Patty Lee, Southwest Neighborhoods, Inc.
09/30/1999	Memo of call from Reita Hribernick RE: Gresham request for time extension		Staff
09/30/1999	Agenda packet for regular Council regular meeting 9/30/1999		Staff

09/30/1999	Minutes of the Regular Metro Council Meeting		Staff
09/23/1999	Letter re: Category 3 TGM Grant Applications, 1999-2001	Pat Ribellia	William B. Adams, AICP
09/23/1999	Packet of testimony from Hillsboro Mayor Gordon Faber, City Manager Tim Erwert Planning Director Winslow Brooks, and City Attorney Tim Sercombe RE: inclusion of URA Sites 51 – 55 “Resolution Lands” into the UGB, Metro Council Public Hearing in Hillsboro		Mayor Gordon Faber et al
09/23/1999	Agenda packet for regular Council regular meeting 9/23/1999		Staff
09/23/1999	Minutes of the Regular Metro Council Meeting Washington County		Staff
09/21/1999	Agenda packet for Growth Management regular meeting 9/21/1999 including attachments		Staff
09/19/1999	Memo of call from Peter and Becky McGovern RE: Bethany farmland into UGB		Staff
09/16/1999	Minutes of the Regular Metro Council Meeting		Staff
09/14/1999	Agenda packet for Growth Management regular meeting 9/14/1999 including attachments		Staff
09/07/1999	Agenda packet for Growth Management regular meeting 9/7/1999 including attachments		Staff
08/03/1999	Agenda packet for Growth Management regular meeting 8/3/1999 including attachments		Staff
08/02/1999	E-mail to Becky Shoemaker RE: noticing 27 local jurisdictions on Ordinance No. 99-809		Christina Billington, Clerk of the Council
07/28/1999	Letter re: concern for assumptions in 1999 Urban Growth Report analysis	Rod Monroe	Betty Atteberry, Westside Economic Alliance
07/20/1999	Agenda packet for Growth Management regular meeting 7/20/1999 including attachments		Staff
07/13/1999	Letter re: UR Concept Plan – Site 55 Exception Lands (Hillsboro)	Rod Monroe	Winslow Brooks, City of Hillsboro
06/25/1999	Letter re: Dwelling Unit Capacity NW 114 <sup>th</sup>	Chuck Thompson	Brenda Bernards
02/08/1999	Letter re: opposition to 50’ setbacks vs 200’ setbacks, URA 15	Metro Council	Robert A. Vrillakas, Col., USAF (Ret)
01/20/1999	Letter re: Reserve Areas 14 and 15 and the City of Happy Valley in opposition to withdrawing areas from UGB	Rod Monroe	Mayor Eugene Grant
11/24/1998	Proposed Urban Growth Boundary Expansion Staff Reports on URAs 4 and 5, 14 and 15, 31 through 34, 39, 41 and 42, 43, 45, 47, 55, 51 through 55 (except first tier portion of Site 55 inside Metro Boundary), 62 and 63 and 65		Staff
10/26/1998	Memo re: Exception Lands Not Considered as Alternative Sites for UGB Expansion	Mark Turpel	Glen Bolen
10/27/1997	Packet of Maps of Urban Reserves Tax Lot		Metro

	Boundaries		
01/28/1997	Packet including letter from State of Oregon RE: URs, w/ appendix mentioning URs 39, 41, 54, 55, 56, 59, 62, 65, 18, 35, 51, 52, and one mentioning URs 60, 46, 20, 66, 60, 50, 49, 48, 47, 43, 42, 35, 30, 25, 26, 18, 19, 20, 17, 15, and Memo to Jim Sitzman from Patrick Allen	Jon Kvistad	Bruce Andrews, William Scott, Richard Benner, Grace Crunican
Undated	Note RE: announcement of official opening of UGB record and availability of table of contents in council office		Staff
Undated	Testimony RE: Resolution No. 99-2855B, time extension, need to consider impacts on non-residential land supply. (This testimony was received at November 18, 1999 council meeting)		Mark Fraser, Commercial Real Estate Economic Coalition (CREEC)
Undated	Letter RE: opposition to including St. Mary's property (UR 51 - 55) in UGB		Dolores Raymond
Undated	Testimony RE: UGB West Linn area		David Adams
Undated	Packet RE: Recent Actions of Lake Oswego City Council, including City of Lake Oswego Community Assessment survey research report dated 1/1998 and letter from David Smith, attorney for Rosemont Property Owners Association,		Rosemont Property Owners Association
Undated	Letter re: urban reserve 45		Jean Allen

Proposed Urban Growth Boundary Expansion  
Staff Report  
November 24, 1998

ATTACHMENT 2  
To Staff Report for  
Ordinance 812A

**Urban Reserve Area 65**  
(Beaverton Area, north of Highway 26)



**METRO**

Growth Management Services Department  
600 N.E. Grand Avenue  
Portland, OR 97232  
503/797-1839

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO 99-812  
METRO URBAN GROWTH BOUNDARY )  
AND THE 2040 GROWTH CONCEPT ) Introduced by Councilor Monroe  
MAP IN ORDINANCE 95-625A )  
IN URBAN RESERVE AREA 65 IN )  
WASHINGTON COUNTY )

WHEREAS, the Metro Council designated urban reserve areas in Ordinance No. 96-655E, including Urban Reserve Area 65; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

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

WHEREAS, the Metro Council initiated a series of legislative amendments to the Urban Growth Boundary in 1998 which included Urban Reserve Area 65 which was the subject of a Metro Council resolution of intent pursuant Metro Code 3.01.015(h)(5) for lands outside the Metro jurisdictional boundary; and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

WHEREAS, notice of Proposed Amendment for Urban Reserve Area 65, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of Land Conservation and Development at least 45 days prior to the December 3, 1998 hearing; and

WHEREAS, on December 17, 1998 the Metro Council adopted Resolution No. 98-2726B expressing Council intent to amend the urban growth boundary to add land in Urban Reserve Area 65 to the urban growth boundary within 30 calendar days of receiving notification that the property outside the jurisdictional boundary had been annexed to Metro, provided such notification was received within six (6) months of the date on which the resolution was adopted; and

WHEREAS, on May 13, 1999, in Order 99-82, the Multnomah Board of County Commissioners approved annexation of approximately \_\_\_ acres in Urban Reserve 65 as shown on the map in Exhibit B to the Metro jurisdictional boundary; and

WHEREAS, the Metro Council received notice of the annexation on June 15, 1999 within six months of adoption of Resolution 98-2726B; and

WHEREAS, after the first reading of this ordinance, the Metro Council scheduled hearings before \_\_\_\_\_ in July, 1999; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, the staff report for these areas was available at least seven days prior to the final hearing on adoption of Resolution 98-2726B and the Metro Council's final hearing and final adoption of this ordinance on \_\_\_\_, 1999; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, December, 1998 and July, 1999 to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that the lands in Urban Reserve Area 65 added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.
2. The Metro Urban Growth Boundary is hereby amended to include land in Urban Reserve Area 65 as shown on the map in Exhibit B, attached, and incorporated by reference herein.
3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.
4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.
5. In support of Findings and Conclusions adopted in Exhibit C of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6, 1998 Growth Management hearing, the December 3, 1998 Metro Council hearing on Resolution 98-2726B and the \_\_\_\_, 1999 final hearing and final adoption of this ordinance.
7. The following conditions of approval are needed to assure compliance of the developed use with statewide planning goals and Metro's acknowledged regional goals and objectives:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, an urban reserve plan shall be completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. Urban development consistent with Goal 14, Factor 3 on orderly provision of stormwater urban service is feasible with the condition that the urban reserve plan shall require that a stormwater management plan be adopted for this area to assure that the velocity, temperature, sedimentation and chemical composition of stormwater runoff from the form of approved development meets state and federal water quality standards.

D. Urban development consistent with Title 3 of the Urban Growth Management Functional Plan on Flooding is feasible with the condition that the urban reserve plan and subsequent urban zoning provide for stormwater management to assure that the quantity of stormwater runoff leaving each site after urban development is no greater than before urban development.

E. Urban development consistent with Title 3 on Water Quality is feasible with the condition that Title 3 water quality setbacks and revegetation requirements shall be adopted prior to adoption of urban comprehensive plan and zoning designations for this area.

8. Consistent with ORS 268.390(3) and ORS 195.025(1), Washington County and the City of Beaverton shall include the area added to the Urban Growth Boundary by this



Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

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

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

ATTEST:

Approved as to Form:

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

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

Ar-0\99812.01  
(6/25/99)

# Designated Urban Reserves

Metro Council 3/6/97  
DRAFT 2040 Design Types  
Index number 15

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Corridors
- Main Streets
- ▲ Proposed Regional Throughways
- ▲ Potential Regional Throughways
- ▲ Green Corridors
- ▲ Planned & Existing Light Rail Lines
- ▲ Proposed Light Rail Alignments
- ▲ Potential HCT Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- Intermodal Rail Yards
- ▲ Rail (Metropolitan Network)
- ▲ Exclusive Farm Use
- ▲ Exceptional Land in Urban Reserves
- Reversion Land in Urban Reserves
- Urban Reserves not in Legislative Amendment
- Rural Reserves
- Open Space
- ▲ Urban Growth Boundary
- ▲ Urban Reserve Boundaries
- ▲ Areas added to Reserves by Metro Council Ordinance
- Neighboring Cities
- Public Parks

Exhibit A  
Ordinance 9  
812






Scale in Feet  
0 400 800 1200 1600 2400

METRO

Location map

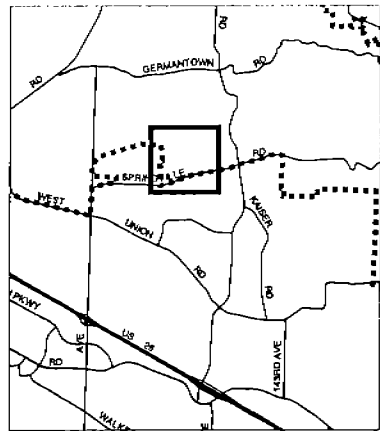
Exhibit B  
Ordinance 99-812

-  Urban growth boundary
-  Land annexed to Metro
-  Urban reserve area 65

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

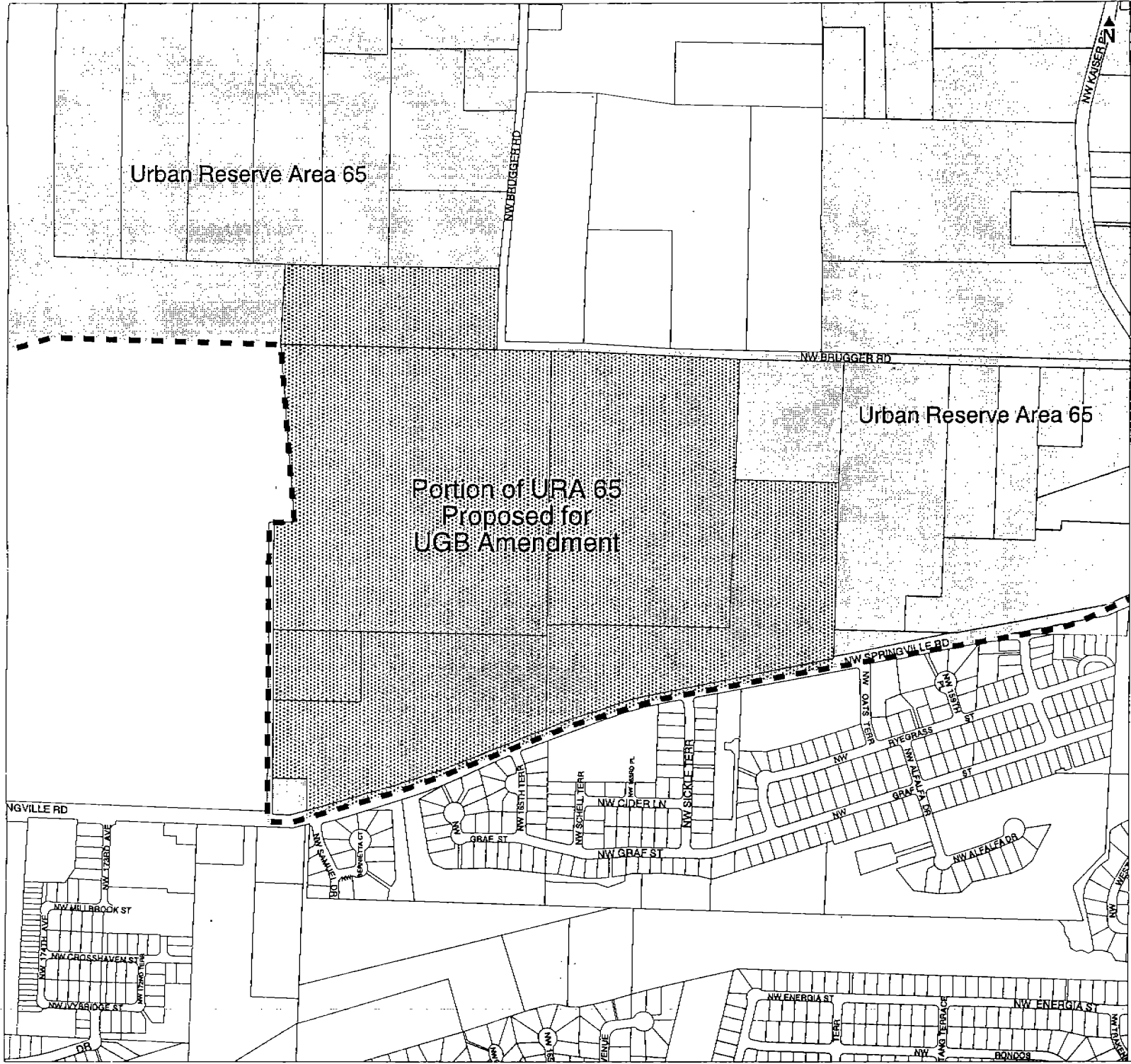


1" = 650 feet



METRO

600 NE Grand Ave.  
Portland, OR 97232-2736  
503 797-1742 FAX 503 797-1909  
Email: drc@metro.dst.or.us



Document too large to copy. Please  
contact Suzanne Myers, 797-1543, for copy.

**Proposed Urban Growth Boundary Expansion  
Staff Report  
November 24, 1998**

**Urban Reserve Area 65  
(Beaverton Area, north of Highway 26)**



**METRO**

**Growth Management Services Department  
600 N.E. Grand Avenue  
Portland, OR 97232  
503/797-1839**

## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 99-812 TO AMEND THE URBAN GROWTH BOUNDARY AND THE 2040 GROWTH CONCEPT MAP IN ORDINANCE 95-625A URBAN RESERVE AREA 65 IN WASHINGTON COUNTY

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Date: July 20, 1999

Presented by: Lydia Neill

#### **Proposed Action**

Ordinance No. 99-812, if adopted by Metro Council would amend the urban growth boundary and approve the urban reserve plan for a portion of urban reserve area 65.

#### **Factual Background and Analysis**

On December 17, 1998, the Metro Council adopted Resolution 98-2726B for the purpose of expressing intent to amend the urban growth boundary to include a portion of area 65. The portion of urban reserve 65 represented in this ordinance includes approximately 109 acres of the 488 total acres. The Executive Officer does not recommend inclusion of this area because of the EFU designation.

The Multnomah Board of County Commissioners approved annexation to Metro's jurisdictional boundary on May 13, 1999 by Order No. 99-82 for the expressed purpose of expanding the urban growth boundary. Several changes to the original 116-acre area were a result of right of way adjustments and a request from a property owner to be excluded (Tax Lot 900) leaving an area of 109 acres.

Ryland Homes submitted a preliminary urban reserve plan for approximately 116 acres of urban reserve area 65 in the fall of 1998. The 116-acre reserve plan area is composed of Class 2, 3 and 4 soils. All of the acreage within this reserve area is designated EFU by Washington County. At this time, agriculture is the dominant land use activity in this area. The urban reserve plan included a variety of housing types and densities and a school site. The site is projected to provide 704 dwelling units and 180 jobs. Metro staff reviewed this urban reserve plan and stated in a staff report issued on November 24, 1998 that all urban reserve plan requirements have been met.

The City of Beaverton and Washington County have signed a Memorandum of Understanding (MOU) dated October 28, 1998 to provide governance and planning for urban reserve 65. An Addendum to the MOU signed on November 11, 1998 provided for zoning and the orderly provision of urban services to this reserve area.

An Urban Services Intergovernmental Agreement (IA) signed on February 22, 1999 between the City of Beaverton and Washington County includes the area within urban

reserve 65. The IA formalizes the preliminary understanding outlined in the MOU dated November 11, 1998 and provides greater detail on the roles the city and county will play in planning, implementing the 2040 Growth Concept and provision of urban services to this area.

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### **Budget Analysis**

There is no budget impact.

i:gm/long\_range\_planning/neill/URA's/ staffrep65