

## MINUTES

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

APRIL 26, 2011

**CONVENED:** 6:31 p.m.

**BOARD OF COMMISSIONERS:**

Chair Andy Duyck  
Vice Chair Roy Rogers  
Commissioner Dick Schouten  
Commissioner Greg Malinowski (Arrived 6:34 p.m.)  
Commissioner Bob Terry

**STAFF:**

Rob Massar, Assistant County Administrator  
Dan Olsen, County Counsel  
Andrew Singelakis, Director, LUT  
Brent Curtis, Planning Division Manager, LUT  
Aisha Willits, Senior Planner, LUT  
Steve Kelley, Senior Planner, LUT  
Joanne Rice, Principal Planner, LUT  
Sheriff Rob Gordon  
Nora Curtis, Engineering Division Manager, CWS  
Linda Gray, CPO Coordinator  
Jim Thiessen, Audiovisual Technician  
Barbara Hejtmanek, Recording Secretary

**PRESS:**

Dana Tims, *The Oregonian*

**1. CONSENT AGENDA**

Chair Duyck announced the following modifications to the Consent Agenda:

- There is award of bid on item 1.a. to Emery & Sons Construction, Inc. in the amount of \$7,969,975.27.
- On item 1.b., the purchase price for “B” is \$260,000 and for “C” 160,000.
- There is award of bid on item 1.e. to Northwest Earthmovers, Inc. in the amount of \$4,781,215.98.
- There is award of bid on item 1.l. to Baker Rock Resources in the amount of \$1,141,341.85.
- An off docket item from the Board of Commissioners entitled “Schedule Board Work Session on May 18, 2011” is added to the Consent Agenda. (MO 11-93)

It was moved to adopt the Consent Agenda, as modified.

Motion – Rogers

2<sup>nd</sup> – Terry

Vote – 4-0

(Malinowski away at time of vote)

## **CLEAN WATER SERVICES**

1.a.

CWS MO 11-44

Award Contract to Construct the North Plains Pump Station Relocation Project No. 6387 to the Lowest Responsible Bidder (CPO 5) (Approved Under Consent Agenda)

1.b.

CWS MO 11-45

Approve the Purchase of Real Property and Authorize General Manager or His Designee to Sign Appropriate Documents (CPO 11) (Approved Under Consent Agenda)

1.c.

CWS MO 11-46

Approve the Purchase of Real Property and Authorize General Manager or His Designee to Sign Appropriate Documents (CPO 11) (Approved Under Consent Agenda)

1.d.

CWS MO 11-47

Authorize General Manager to Pay \$50,000 Self-Insured Retention toward Claim No. 11-27 to Special District's Insurance Services (Approved Under Consent Agenda)

## **LAND USE AND TRANSPORTATION**

1.e.

MO 11-89

Approve Bid Award, Execute Contract and Authorize for Construction of Improvements to NW 185<sup>th</sup> Avenue between Westview High School and NW West Union Road (CPO 7) (Approved Under Consent Agenda)

1.f.

MO 11-90

Approve Contract Amendment No. 1.0 with David Evans and Associates for Construction Engineering for the Brookwood Avenue Project from TV Highway to East Main Street (CPO 9) (Approved Under Consent Agenda)

1.g.  
RO 11-27  
Authorize Traffic Impact Fee Annual Adjustment (Approved Under Consent Agenda)

1.h.  
RO 11-28  
Amend the 2010-2011 Work Program (All CPOs) (Approved Under Consent Agenda)

1.i.  
MO 11-91  
Authorize Contract for Asset Management Software Acquisition (All CPOs) (Approved Under Consent Agenda)

### **SUPPORT SERVICES**

1.j.  
MO 11-92  
Sale of Property Described as 1N4170001700 to Adjacent Property Owner (CPO 13) (Approved Under Consent Agenda)

### **SERVICE DISTRICT FOR LIGHTING NO. 1-A COUNTY SERVICE DISTRICT**

1.k.  
SDL RO 11-4  
Form Assessment Area, Authorize Maximum Annual Assessment and Impose a First Year Assessment for St. Pius X Catholic Church (CPO 1) (Approved Under Consent Agenda)

### **URBAN ROAD MAINTENANCE DISTRICT-A COUNTY SERVICE DISTRICT**

1.l.  
URMD MO 11-1  
Approve Bid Award and Execute Contract for the 2011 Urban Road Maintenance District Overlay Project (All CPOs) (Approved Under Consent Agenda)

## **2. ORAL COMMUNICATION (2 MINUTE OPPORTUNITY)**

John Forster, 5905 SW Looking Glass Drive, Gaston, Oregon, said that he is a beneficiary of the work of TVWD and CWS, as he lives downstream from Hagg Lake. He wanted to offer any help he can to survive or benefit from the collapse of the U.S. banking dollar that is in progress. Mr. Forster observed that Clean Water Services has a lot of capital storage and similar issues in the rest of the county. He stated that the dollar is getting close to the end of its useful life. Mr. Forster said that as a student of economics, he knows approximately how that is going to happen and as a student of theology, he understands why it is going to happen. He stated that the Bible says that

when you see your neighbor's ox wandering away, you do what you can to bring it back to him. Mr. Forster was aware that there are regulations that prevent using the money to store value that we have used for 5,000 years—mostly silver. He said that these rules make it illegal to escape what is coming as far as the hyperinflation that we are in for is concerned. Mr. Forster stated that what was supposed to prevent risk and loss now guarantees it. He said that city and county officials will be coming to a moral crisis point where their responsibility for those under their direction will contradict directives coming down from the federal level. Mr. Forster again committed to being available to offer any responsive resources he can for the stewardship decisions the Board will have to make regarding various kinds of capital storage in the years to come.

### **3. PROCLAMATION**

3.a.

MO 11-85

Proclaim May 2011 as Older Americans Month

The Clerk of the Board read the proclamation into the record.

Jeff Hill appeared as representative of the Aging & Veterans Services Advisory Committee and read a statement on their behalf. He said that every May since 1963, people in towns and cities across the country have come together to celebrate the enormous contributions of older Americans. Mr. Hill stated that Older Americans Month is the chance to show appreciation and support of seniors as they continue to enrich and strengthen our communities. He said that this year's theme—Connecting the Community—pays homage to many ways in which older adults bring inspiration and continuity to the fabric of our communities. Mr. Hill stated that their shared histories, diverse experiences, and wealth of knowledge have made our culture, economy and local character what they are today. He said that older Americans are, in fact, more active in community life than ever before, thanks in part to advances in health care, education, technology and financial stability over the last several decades that have greatly increased our vitality and standard of living. Mr. Hill stated that older adults are out and about, giving back and making a difference in their community. He said that older Americans step up to help one another as well. Mr. Hill reported that in our community, seniors volunteer by delivering meals, helping with home repair, assisting with shopping and offering companionship, counseling and care. He said that their efforts remind us that when older adults are active and engaged in their communities, everyone benefits. Mr. Hill stated that the Aging & Veterans Services Advisory Committee would like to thank the Board for their support of older adults in Washington County. He said that the Advisory Committee and the Division would also like to give a special 'thank you' to Commissioner Dick Schouten for his service, advice and valuable counsel over the last eight years on the Advisory Committee. Mr. Hill looked forward to Commissioner Terry's participation on the Committee in the future.



It was moved to proclaim May 2011 as Older Americans month to salute our older citizens and their connections to community.

Motion – Schouten

2<sup>nd</sup> – Terry

Vote – 5-0

3.b.

MO 11-86

Proclamation in Honor of Volunteer Recognition Month

The Clerk of the Board read the proclamation into the record.

Sheriff Rob Gordon spoke of the invaluable service provided by the 1,500 volunteers to Washington County and of how we could not manage without them. He indicated that the Sheriff's Office has 250 volunteers who are active in every part of the organization. Sheriff Gordon provided some examples:

- Ham radio operators
- Buddy bear program
- Citizens Academy alumnae
- Community Chaplains
- Jail Chaplains
- Disabled parking enforcement
- Elder Safe victim advocates
- Explorers
- Jail volunteers who help with booking and visiting processes
- Master's level jail interns who work in rehabilitative programs
- People with canines that are specially trained to offer crisis support
- Posse
- Reserve deputies
- Search and Rescue aides
- Stop Kids from Intoxicated Driving (SKID) presenters

Sheriff Gordon said that these examples exist in every County department. He introduced Susan Welch and Annie Moyle, both of whom volunteer in a program called the VINE (Victim Information and Notification Everyday) program. The Sheriff thanked the Board for having this proclamation and recognizing the work of volunteers.

Annie Moyle said that when she moved to Washington County, she looked for volunteer opportunities in the community. She stated that she has always had an interest in the criminal justice system and became a juvenile court facilitator in Hillsboro. Ms. Moyle found that position rewarding and it showed her that she was on the right volunteer path. She decided to explore other opportunities within the criminal justice system and attended the Washington County Sheriff's Office Citizens Academy. Ms. Moyle was

introduced to all aspects of the Sheriff's Office and she then knew that she had to be a part of this exemplary organization. She toured the Jail, where she witnessed the principles of direct supervision employed by the Sheriff's Office promoting safety and control. Ms. Moyle observed deputies being fair, firm and professional. She said that as a current member of the VINE team, she helps victims of violent crimes to stay safe by registering them with the statewide program and notifying them when their offenders are released or transferred. Ms. Moyle was proud to be part of this important team. She said that Washington County is a great place to live and work. By volunteering here, Ms. Moyle feels that she can be a part of the solution to some of the problems we face. Her volunteerism inspires her to be a better citizen of this community.

Susan Welch provided the history of how and why the VINE program was formed, so that victims could be notified when their offenders get released. She described her duties as part of the VINE team, which makes this program available to people who might want it. Ms. Welch spoke of her opportunity, through phone calls, to encourage victims who are fixing their lives. She knew that she and Ms. Moyle make a difference to a handful of people every week. Ms. Welch said that if you are a victim in the state of Oregon, there is a chance that you will never hear about the VINE program unless you live in Washington County; that is because this county has two volunteers who call the victims.

Audience applause recognized the efforts of these volunteers.

Chair Duyck thanked all of the volunteers in Washington County, who volunteer in so many different capacities.

Commissioner Schouten appreciated hearing from the two volunteers and from the Sheriff today.

It was moved to proclaim April Washington County Volunteer Month for 2011.

Motion – Rogers  
2<sup>nd</sup> – Malinowski  
Vote – 5-0

#### **4. BOARDS AND COMMISSIONS**

4.a.

MO 11-87

Announce Vacancies on Boards and Commissions (All CPOs)

Chair Duyck announced vacancies on the following Board-appointed advisory committees:

- Aging and Veteran Services Advisory Council
- Audit Committee
- Commission on Children and Families

- Farm Board
- Park and Recreation Advisory Board
- Metzger park Advisory Board
- Planning Commission (Vacancies in Districts 3, 4 and At-Large)
- West Slope Community Library Advisory Board

Chair Duyck encouraged interested persons to contact the County Administrative Office to obtain an application form to apply for these vacancies.

4.b.

MO 11-88

Appoint Member to the Washington County Fairgrounds Advisory Committee (All CPOs)

It was moved to appoint Larry Pederson to the Fairgrounds Advisory Committee for a term ending December 31, 2012.

Motion – Schouten

2<sup>nd</sup> – Terry

Vote – 5-0

Despite the fact that this is not a public hearing, the Board elected to accept the following testimony.

Tom Black, 870 NW Garibaldi, Hillsboro, Oregon, said that in September of 2010, the Board appointed eight persons to this group: Nicole Berg, Jonathan Schlueter, David Villalpando and Cindy Phillips for terms ending December 31, 2011 and Tom Brian, Don McCoun, Terry Goldman and Jerry Willey for terms ending December 31, 2012. He cited Minute Order 10-314 dated September 28, 2010 and submitted this for the record. (Minute Order may be found in the Meeting File.)

Mr. Black said that apparently Chair Duyck has an automatic seat along with whoever is President of the Fair Board. He calculated that there are nine members existing as of this date and said that Larry Pederson would be a tenth member. Mr. Black said that the Board might be out of order appointing a tenth member, relative to the MOU and agreement with the Fair Board.

The Chair and Vice Chair determined that there are nine members.

Chair Duyck listed the members: Chair Andy Duyck, Don McCoun (Current Chair of Fair Board), Jerry Willey, David Villalpando, Jonathan Schlueter, Cindy Phillips, Terry Goldman, Nicole Berg, and, now, Larry Pederson. He acknowledged that at the time this committee was formed, it was anticipated that Tom Brian would be on it but that has not occurred. Chair Duyck said that if that is incorrect, we will take steps to correct it.

Commissioner Schouten noted that two members are ex officio, i.e., their membership depends on their status as an official. He said that whoever is President of the Fair Board or member of the Board of Commissioners will serve on this Committee. Commissioner Schouten pointed out that Tom Brian is no longer on the Board of Commissioners. He explained that if Tom Brian was ever on the Committee, he would not be on as ex officio once he left office.

Chair Duyck asked staff to check on this.

Rob Massar assured the Board that staff would get to the bottom of this.

Commissioner Schouten stated that Larry Pederson brings key experience that is really needed on the Committee and added that it is not easy to find. He regarded his business and budgeting background, particularly in the public sector, as unparalleled.

## **5. PUBLIC HEARING – LAND USE AND TRANSPORTATION**

5.a.

RO 11-26

Consider Continuation of the Transportation Development Tax Temporary Discount

Steve Kelley said that this is a public hearing on the Transportation Development Tax (TDT) discount, which was adopted in October of 2009, in response to the economic recession. He stated that this decision is to either continue the discount or to terminate the reduction in rates. Mr. Kelley clarified that adoption of the Resolution will continue the discount as approved in October of 2009. He recommended that the Board conduct the public hearing as required by Ordinance 729 and adopt the Resolution and Order.

The public hearing was opened.

Alan Taylor, 10246 N. Smith Street, Portland, Oregon, was accompanied by Shauna Carter, 8150 SW Barnes Road, Hillsboro, Oregon. He said that Ms. Carter, another individual and he would like to put in a brewery restaurant in downtown Hillsboro. Mr. Taylor stated that the Transportation Development Tax is one of the biggest costs that will affect this proposed business. He said that changing the land use category has a net TDT of over \$87,000—money that will have to be funded through loans. Mr. Taylor stated that in addition, the SDC for sanitary sewer has a net cost of \$33,600. He summarized that the current fees, taxes, TDT and SDC for the project will total approximately \$146,000. Mr. Taylor said that his understanding is that that amount is based upon the discounted rates. He hoped to bring 14 jobs to the downtown area during the regular part of the year and 20 employees during the summer months. Mr. Taylor was trying to make this project feasible financially and testified that the TDT does make it quite a challenge.

Denzil Scheller, 253 E. Main Street, Hillsboro, Oregon, submitted a handout, which may be found in the Meeting File. He represented the Hillsboro Chamber of Commerce. Mr.

Scheller said that while many economists are convinced that the recession is over, many small businesses in Washington County continue to struggle against a soft economy. He stated that as business begins to pick up and expansion or relocation is contemplated, many small businesses and developers are faced with sticker shock from the new TDT. Mr. Scheller imagined the Board would hear tonight from businesses that wanted to grow, were willing to invest thousands of dollars in tenant improvements, only to be hit with TDT fees that are three to four times that amount. He concluded that the TDT is often a deal breaker. Mr. Scheller appreciated that there was recognition by the Board that the economic climate was just not right for full implementation of the TDT phase-in and the willingness to extend the discount period, allowing for a sensitive economic climate to continue to heal from the beating the business community has taken over the last few years. He believed, however, that the discount program does not provide enough relief for small businesses and developers. Mr. Scheller asked the Board to direct staff to conduct an analysis of the impact on small business throughout the County. He said that the Chamber also suggests that the County look at potentially waiving TDT fees for projects under a specified square footage. Mr. Scheller stated that recovering from the recession will require that small businesses begin to grow, expand and add jobs. He said that recovery in Washington County will become diminished if the cost of expansion becomes too burdensome. Mr. Scheller reported that the Hillsboro Chamber continues to be supportive of the need for transportation infrastructure funding. However, he said that increasing the TDT in a frail economic climate will only serve to exacerbate our slow recovery. Mr. Scheller stated that the initial intentions of the TDT were good but voters simply did not realize the effects of implementation.

Commissioner Malinowski said that even if we applied it fully, the TDT would only cover 28% of the costs that we think development brings in the way of infrastructure. He asked the speaker where else we could get the funds.

Mr. Scheller did not have a suggestion right now.

Commissioner Malinowski asked Mr. Scheller to let him know if he came up with one because that would make his job easier.

Gene Zurbrugg, 380 SE Washington Street, Hillsboro, Oregon, said that he owns a building at 233 SE Washington Street that is a 5,000 square foot professional building. He stated that his previous tenant for the past year was the Republican Party. Mr. Zurbrugg said that he has just rented the building to a chiropractor/physical therapist husband and wife team. He stated that when he went to the city to get his permit for minimal improvements, he was hit with the TDT tax. Mr. Zurbrugg said that the tax credit for his existing use (office use for the Republican Party) was 5,000 times \$5,246 per thousand for a TDT tax credit of \$26,230. He reported that the city considered the chiropractor/physical therapist a medical use and that is \$17,958 per thousand times the 5,000 for a TDT tax of \$89,790. Mr. Zurbrugg subtracted the tax credit for the office use from the medical use and his TDT charge was to be \$63,560 for a minimal tenant improvement that was going to cost \$5,000 to \$10,000. He told the city that this was

going to be a deal killer and asked what could be done about it. Mr. Zurbrugg said that with the help of the City of Hillsboro, research was done and he got lucky. He stated that a tenant within the three year time period was Oregon Human Development Corporation, which is a government entity, and so he was allowed to change his previous use from the office to the government and he did not have to pay the TDT and also got his tenant in place. Mr. Zurbrugg said that if the Public Services Building was to be re-built, the TDT tax would be \$11,454,000.

Commissioner Malinowski asked if the TDTs are based on the amount of traffic. He wanted to know if staff really feels that this gentleman's new use of a chiropractor will create more traffic than the Republican Party headquarters. Commissioner Malinowski stated that if we are not actually impacting the amount of traffic, we do not want to discourage brown field redevelopment.

Steve Kelley did not know the specifics of this particular use. In general, he said that the tax replaces the prior Traffic Impact Fee and is based upon the trip generation for an average use of that type. Mr. Kelley explained that in this case, an office becoming a medical clinic would have a considerable increase in daily trips to it for an average use of that kind of category.

Commissioner Malinowski asked if there is any chance for appeal if you do not think that is going to be the case.

Mr. Kelley responded that there is an appeals procedure built into the ordinance. He said that this is very similar to the Traffic Impact Fee, which has been in existence countywide (including inside the cities) since 1990. Mr. Kelley indicated that there has been a lot of history about the way these sorts of fees are calculated. He stated that the issue here is that the Board in 2008 and then the public in the November general election in 2008 voted to increase the fees. Mr. Kelley said that this is really the only substantial difference between this and the tax that has been on the rolls since 1990. He stated that those are all based on the average trip generation of that kind of use. Mr. Kelley said that we only get one shot at a building permit and so do not know what sort of specific use that building permit will continue to be 10, 20, 30, 40 years from now.

Commissioner Malinowski said that when he thinks of a Traffic Impact Fee or a fee of this type, he is thinking that someone somewhere has to lay new asphalt to make this business work. He stated that usually in his district if we are assessing that fee, somebody somewhere needs a road.

Andrew Singelakis said that the Board might want to consider referring it back to the WCCC to take a look at how the tax impacts small businesses.

Commissioner Schouten stated that in terms of what the fees would have been for a building like this, it would not be based on square footage; it would be based on traffic generation. He said that if you look around at all of the parking lots and parking structure

around all of these buildings, you can see that there is a substantial impact in terms of traffic generated by all of the employees and people who come here for business. Commissioner Schouten stated that those parking lots represent huge value in terms of land and pointed out that those had to be paid somehow. He said that we have to pay for them one way or the other, whether they are going to be part of a fee like this or some other form. Commissioner Schouten concluded that the fact that we have these huge parking lots around these buildings indicates that there is a societal cost that needs to be addressed. He said that we could not simply not have the parking lots and commented that those things cannot be wished away. Commissioner Schouten stated that this item represents an attempt to try to be realistic about what the traffic has generated and to try to apportion the costs. He observed that the costs have to be carried by someone.

The public hearing was closed.

Vice Chair Rogers recalled that when this was crafted, it was designed to be a fee for additional traffic counts. He did not think it was apparent to some that there are no traffic studies in these. Vice Chair Rogers shared that he added some square footage to his own business and took out parking spots because he was not adding employees but rather space. He divulged that he paid a very large TDT. Vice Chair Rogers reiterated that he did not have any more traffic or employees but just had more space. He said that it is based on square footage. He acknowledged that there are some anomalies. Vice Chair Rogers stated that the difficulty for the WCCC as well as staff is to understand how, over periods of time, usage has changed. He said that we are stuck with the rules as they are unless we are going to go through on each business change and reassess based upon traffic counts, which would mean a traffic study and reassessment. Vice Chair Rogers remarked that it is an imperfect system and he could identify with that. He stated that the fix is not so easy. Vice Chair Rogers thought that Andrew Singelakis' comment to send it back to the WCCC for additional refinement is a good step. He cautioned that an easy solution is not going to be simple to find unless we are willing to micro-manage who goes into those businesses and what kind of usages they have—not just initially but over time.

Commissioner Terry said that because of the process and the way this whole thing has to be handled, he supports the action this evening. He stated that if we do not do that, then it will automatically go to the maximum tax rather than staying where it is or going to where we are suggesting that it go. Commissioner Terry supported remanding this back to WCCC. He noted that Vice Chair Rogers is the Board's representative on that body.

Chair Duyck concurred with remanding this back to WCCC. He said that the issue before the Board today is adoption of the Resolution and Order, which does give a discount of the current rate that would be charged.

It was moved to:

- Conduct a public hearing on the discount as required by Ordinance 729 and to adopt the Resolution and Order.
- Authorize the Chairman to sign the Resolution and Order continuing the discount.
- Direct staff to coordinate the discount as necessary with the cities.

Motion – Terry

2<sup>nd</sup> – Rogers

Vote – 5-0

Commissioner Schouten said that it is always good to take a look at this and have further discussion. He noted that we do have to pay for these things. Commissioner Schouten said that general funds go toward the kind of road projects that help provide the kind of capacity for business that are paid by everyone, business or not. He recognized that this is tough but felt that we have no choice but to put some piece of this into that kind of allocated cost sharing.

Chair Duyck felt that staff has adequate direction to go back to WCCC to have this discussion.

Andrew Singelakis agreed and clarified that his point was to see whether or not the tax disproportionately affects small businesses

5.b.

ADOPTED

Proposed A-Engrossed Ordinance No. 740 – an Ordinance Amending Policy 29 of the Rural/Natural Resource Plan to Modify the Rural and Urban Reserves Map (All Rural CPOs and CPOs 9, 12F, 12C, 4B, 5 and 6)

There was a motion to read A-Engrossed Ordinance No. 740 by title only.

Motion – Rogers

2<sup>nd</sup> – Schouten

Vote – 5-0

Dan Olsen read the proposed ordinance by title.

Brent Curtis reviewed that Washington County joined Metro, Clackamas County and Multnomah County in pursuing the urban and rural reserves planning process. He recalled that last year, the Board adopted—along with the other participants—urban and rural reserve proposals that were evaluated by LCDC. Mr. Curtis said that in the fall, LCDC approved the proposal for Multnomah County, approved the proposal for Clackamas County and the vast majority of the proposal for Washington County. He



indicated that LCDC did, however, on an oral remand send back several areas to the County for Metro and the County to consider. Mr. Curtis stated that the Board—in the middle of December, 2010—adopted an initial Resolution and Order, which would provide for the first of the two parts of responding to the oral remand, i.e., a proposed IGA with Metro. He said that at the same time, the Board directed County staff to prepare and initiate an ordinance that was congruent with the December 15<sup>th</sup> Board action of last year and that put Ordinance 740 in motion. Mr. Curtis stated that subsequently, Metro and the Board began to discuss how to respond to developing an IGA. He said that the IGA that was developed last year did not find favor with the Metro Council and a new process occurred. Mr. Curtis stated that that led to an important, lengthy hearing on March 15, 2011, at which Metro and Washington County took considerable testimony, deliberated and formulated a new IGA. He said that the new IGA was the first of the two steps that are needed to respond to the oral remand and follow the requirements of the law. Mr. Curtis stated that the second step is for Metro and Washington County to take the substance within that IGA and conform their land use plans to those particular substantive requirements. He said that that required the Board to engross the originally filed ordinance 740 with the changes agreed to by the Board and Metro in the middle of March. Mr. Curtis explained that according to the County's Charter, we are required, when an ordinance has been engrossed, to have two public hearings—one of which is in the evening. He recalled that last week, the Board held the first public hearing on the engrossed ordinance; tonight is the second public hearing on the engrossed ordinance. Mr. Curtis recommended adoption of the ordinance tonight. He reported that Metro completed its responsibilities last week by adopting changes to their land use plans. Mr. Curtis said that this will allow Metro and Washington County to finish up their responsibilities. He understood that Clackamas County has adopted the regional findings and believed that Multnomah County will finish their responsibility this Thursday. Mr. Curtis said that if the Board does adopt the ordinance, that will allow staff to submit this to LCDC. He expected that LCDC will review this in the manner of periodic review at their August 17 and 18 meeting.

The public hearing was opened.

Steve Bobosky, 21393 NW West Union Road, Hillsboro, Oregon, submitted a copy of a PowerPoint presentation, which may be found in the Meeting File. He said that it is hard to imagine that when LCDC remanded Cornelius, they intended even better class soils in Helvetia to replace them. Mr. Bobosky stated that there are better close places to go. He used Bendemeer as an example and said that it is one that LCDC specifically mentioned bringing into the urban reserve. One of Mr. Bobosky's slides showed that Helvetia has the highest class soils in the area at little slope. He said he was frustrated at the March 15<sup>th</sup> meeting because he could not see the sense in bringing in Helvetia and not Bendemeer. Mr. Bobosky recalled that he asked how this made sense and a Metro Councilor said that there is a prospering CSA north of Bendemeer. He said that he looked into this and found that it is a two acre CSA on lower quality farmland than what

is in Helvetia and it is downhill from a contamination site. Mr. Bobosky could not imagine how that could be a reason not to bring in Bendemeer when it is not even in Bendemeer and instead to bring in high quality farmland in Helvetia.

Commissioner Malinowski commented that he lives in the area and has been watching this interesting orphan site for awhile. He agreed with Mr. Bobosky that picking that out as resource land was a bit of a reach and he was surprised to see it not be urban reserve or at least undesignated. Commissioner Malinowski said that if it ever came back, he would get rid of the marginal soils on Mr. Bobosky's slide. He stated that they are not marginal, they are Class II out of Class VIII. Commissioner Malinowski said that the PCB site is in the middle of the farmland and is away from this area. He stated that if you took the 130 acre Bendemeer and cut off the part on the other side of Cornelius Pass as well as the Church and Cemetery, it is reasonable that this would have some option. Commissioner Malinowski suggested that Mr. Bobosky keep it just to the exception land area and to lose the portions that are drifting across roads and make it a package deal.

Mr. Bobosky replied that he has been advocating for Bendemeer and that the only reason that he has talked about north of Bendemeer is because some people have said that a reason not to bring in Bendemeer is to be a buffer of other farmland near it.

Commissioner Malinowski said that what Mr. Bobosky really needs is to get a land manager to put together a concept plan and submit it for him because that seems to be the way things work.

Vice Chair Rogers said that Mr. Bobosky's proposal made sense to him. As he has stated before, that proposal does not have a majority vote. Vice Chair Rogers commented that that does not make it right or wrong; that is just the way it is. He noted that Commissioner Malinowski made some good observations and knows the area better. Vice Chair Rogers stated that if we could start over and were all kings for a day, the map would look different but it is what it is after two-and-a-half years.

Linda Peters, 25440 NW Dairy Creek Road, North Plains, Oregon, submitted written testimony, which may be found in the Meeting File. She wished to associate her testimony with submissions from Save Helvetia, 1,000 Friends and the Farm Bureau. Ms. Peters raised concerns about grave procedural errors made by Metro, Washington County and even the State's Department of Land Use and Conservation. She stated that Goal 1 requires citizen involvement in all stages of land use decision-making. Ms. Peters said that we have not been able to come to a place where we get a definitive judicial ruling on whether this reserves process has been land use or not land use. She stated that Washington County—uniquely among all of the parties—used only its cities, a couple of Commissioners and one vote for Farm Bureau interests on the Steering Committee, which presented the proposal. Ms. Peters added that the proposal was not heard by the Board first. She said that many hearings have been held since that whole first year. Ms. Peters stated that what we have not seen is a change in the County's institutional leaning in the direction of some kind of manifest destiny for cities outward into farmland as the

only solution for economic development, which in the judgment of many other people is not the only solution. She said that there has not been as much consideration for the statutorily equivalent requirement of protecting foundation and important farmland. Ms. Peters stated that Metro, although they voiced their preference for preserving farmland and encouraging compact livable urban forms and voted 7-0 on March 15<sup>th</sup> for a proposal which would have done so, when pressed by Washington County to accept demands for replacement of urban reserves, they yielded—hence, the compromises before us tonight. She said that the outcome of this process is not just how well the process is regarded in the mind of the public; the outcome of the process is what kind of future we have in Washington County. Ms. Peters implored the Board to very carefully re-think the path that it is about to set us on because it is a path that is going to be very tough and we are not at the end of it.

Walter Williams, 22740 SW Rosedale Road, Beaverton, Oregon, was accompanied by Abbie Assefa, 22740 SW Rosedale Road, Beaverton, Oregon. He said that he and his neighbors were just recently made aware of Area E inclusion as Metro and Washington County expand the Urban Growth Boundary. Mr. Williams noted that he was excluded and wants to be included. He said that he petitioned to be included on March 6 and 7, 2011, prior to the March 15<sup>th</sup> meeting. Mr. Williams stated that eight days passed before he got communication from the Board or Metro offices. He said he got no true reason why he was excluded and that it makes sense to be included. Mr. Williams stated that on March 7<sup>th</sup>, a property owner in the area, Ms. Franks, talked to Andy Shaw at Metro and discussed potential changes of the boundary. He specified that they discussed a technical modification that could potentially happen without having to vote or going to any meeting. Mr. Williams said that this made sense and was very easy to do but stated that it was disapproved because the Board and Metro moved forward. He had the impression that this was done in a vacuum and that not much information was given to the public. Mr. Williams said that this non-disclosure and back door type of activity are questionable. He stated that citizen participation and involvement were not there. Mr. Williams said that this affects his livelihood and potential future. He stated that the land that he has was brought in at the very end and poses a financial burden because of the use of the land and what is allowed. Mr. Williams asked for reconsideration and an opportunity to be included in this project.

Chair Duyck clarified that this is not an expansion of the Urban Growth Boundary, as stated by Mr. Williams, but rather urban reserves—which could potentially be areas where the Urban Growth Boundary might be expanded into. Relative to Mr. Williams' reference to a technical adjustment discussed with Andy Shaw at Metro, Chair Duyck said that he subsequently called Mr. Shaw to find out if he knew something that the Board was not aware of and learned that there is no technical adjustment. He said that if there were any adjustments to the reserves at this point, or any point along the ordinance process, we would have to go back by several months and have a new Intergovernmental Agreement with Metro that would re-adjust those boundaries. Chair Duyck stated that that is the only process that we are aware of. He said he would be very interested in knowing something other than that.

Mr. Williams asked if he could re-submit if he finds his information to be accurate.

Chair Duyck replied that he could certainly come back to the Board because if there is a technical adjustment method, then it would be separate from this process.

Vice Chair Rogers could understand that it is frustrating to appear to come in at the end. For the benefit of the viewing audience, he clarified that this process has been going on for two-and-one-half years and well over 100 meetings around the region with lots of discussion. Vice Chair Rogers said that it is unprecedented, not only in the area that we are in but in the whole United States, to have a group of counties and a region come together to try to establish boundaries. He noted that it is very difficult; we all have to be in agreement. Vice Chair Rogers related that there hasn't been agreement on many occasions. He said that this pulsating effect has been frustrating not only to Mr. Williams but also to the Board. Vice Chair Rogers observed that other people have testified, for good reason, that they do not want in and others who, for good reason, want in. He said that this is a democracy and we vote on issues. Vice Chair Rogers stated that unfortunately, even though Mr. Williams may have become aware just recently, this was pretty much cast even by March because it had been down to LCDC and through a number of hearings as to what the boundary is going to look like; only minor adjustments were made. He said that it does not make it right, it does not satisfy Mr. Williams and he empathized by saying that he would want to be in too if he was in Mr. Williams' position. Vice Chair Rogers explained that we are not quite certain how to do that at this point without opening it up and he personally was not willing to do that because we fought for two-and-one-half years to come to where we are at. He stated that if there are some technical revisions we can do, he would love to get Mr. Williams in without opening it back up and having the whole region fight again. Vice Chair Rogers said that if he sounds a little weary, it is because of the number of meetings, the amount of materials the Board has had to review, and the number of skirmishes and battles. He stated that he would rather be in Cornelius and in Mr. Williams' area but he only gets one vote.

Mr. Williams said that there is a question of transparency and communication with the public as to what is exactly going on. He asked how to find this information a little more ahead of time so that he can be more proactive and help come up with good solutions that benefit all citizens.

Vice Chair Rogers asked staff to comment on how many notices were sent out, etc.

Brent Curtis did not have that detail at the moment. He reviewed that last year, we adopted the findings and there was a very extensive section that talked about and documented all of the public involvement. Mr. Curtis said that we have had a website from the very beginning and we posted the findings last week when they became available, just after staff provided them to the Board. He stated that we worked with Metro and the other two counties, who also had very extensive public involvement processes and ways to notify their own separate publics. Mr. Curtis offered to provide Mr. Williams with the website address and point him to the findings that document just

exactly how many meetings we had, how many people we engaged and what kinds of information were developed to the public. He said that Mr. Williams might even be able to find, if they recorded it all, the nine hour public hearing on March 15, 2011, in which Metro and Washington County actually debated all these issues and came to difficult conclusions about the lands to be included or not included in the categories under consideration. Mr. Curtis was happy to give Mr. Williams additional information after the meeting.

Chair Duyck commented that, in addition to that, there have been innumerable newspaper stories that have even included maps over the last two to three years. He was aware that, in our busy lives, we still do not get the message sometimes.

Mr. Williams stated that this portion where he is excluded was not a part of that.

Commissioner Terry said that if Mr. Williams finds a technical way, he assured him that the Board and the City of Cornelius would be very interested in that. He encouraged Mr. Williams to bring that back to the Board so that they could work with him for that conclusion.

Dick Reynolds, Planning Manager, City of Cornelius, 42740 NW Gould Lane, Banks, Oregon, submitted written testimony, which may be found in the Meeting File. He presented the Farmland Compromise and referenced two maps that were placed on an easel. Mr. Reynolds said that the Farmland Compromise is the proposal to trade the 352 acres north of Highway 26 that are currently called out to be urban reserves for 352 acres north of Cornelius to be called out as urban reserves. He stated that the area north of Cornelius is not a protrusion into farmland, that it does abut the wide Dairy Creek floodplain as proposed and that the soils are not the best of the best in Washington County. Mr. Reynolds referenced one of Mr. Bobosky's slides of the soils north of Highway 26 identifying the Class I soils. He said that when that is compared to the area north of Cornelius, there are no Class I soils identified. Mr. Reynolds referred to page 35 of staff's proposed findings, with a subtitle of 'Supplemental Findings for New Rural Reserve Land Near Cornelius (Northern Portion of Former Area 7I)'. He said that the findings are to support rural reserves but actually do make statements that are more in support for the area being urban reserves. Mr. Reynolds quoted from the staff report, "The new area is suitable for urban development, given the generally flat topography and proximity of urban services from Cornelius." He said that that same section goes on to state, "The County's analysis for the area rated it as a Tier II candidate for reserve area. Tier II was due to dwelling density found throughout the entire subarea." Mr. Reynolds ran out of time but had wanted to make a point about Measure 37 claims and some of the specifics about the remand coming back and how it was sent back.

Joe Rayhawk, 15248 NW Germantown Road, Portland, Oregon, complimented Brent Curtis on his answer regarding where growth is liable to occur in the next 20 to 50 years about two meetings ago. He said that it was one of the most brilliant answers he has ever heard.

Tom Black, 870 NW Garibaldi Street, Hillsboro, Oregon, wished to establish precedent relative to LCDC because he thinks a higher court than the Board will respond to this. His concern was with Area 8A—2,700 acres that are north of Evergreen, south of Highway 26 and bordered by areas between Jackson School and Glencoe on the west and Shute Road on the east. Mr. Black stated that it is significant because it is foundation farmland. He also objected to Area 8B, which is also foundation farmland, and the undesignated land that is north of Highway 26 that were the additional areas that were the swap/trade between the other parcel north of Cornelius. Mr. Black said that there are other alternatives: they can be the areas that are conflicted designated areas or some of the undesignated areas—most being in the south end of the County. He summarized that we have prime farmland, most Soil Types I or II, that we are now going to put in the target site of development. Mr. Black felt that that was the worst thing to do because future generations will have to eat from land somewhere. He said that it seems that we are constantly going forward with different assorted maps. Mr. Black wanted to have more collaboration when we start these ventures and to bring more people to the table.

Cherry Amabisca, 13260 NW Bishop Road, Hillsboro, Oregon, did not speak tonight but submitted two folders of written and electronic testimony regarding Ordinance 740 into the record. Submissions included the following:

Washington County Farm Bureau:

- Memo and photos: Ag infrastructure costs, field tiling, dated April 25, 2011
- Memo and photos: Opposition to Area E as proposed “undesignated” dated April 25, 2011
- Letter and maps: Farm Bureau Recommendations, resubmission with enhanced map, dated April 19, 2011
- Letter with attachments: Urban/Agriculture Conflicts, Lack of Good Edges dated April 21, 2011

Save Helvetia:

- CD: WaCo Reserves Record for Ord. No. 733 dated June, 2010
- CD: Ordinance No. 740 Testimony from Save Helvetia and Washington County Farm Bureau with hard copy of Index of contents

Hard copies of the following:

- Memo and photos: Area 8B dated April 25, 2011
- Letter to DLCD dated April 25, 2011
- Memo and photos: Area 8D as Urban Reserves jeopardizes farming dated April 25, 2011
- Memo and photos: Area 8D dated April 25, 2011
- Memo and photos: Area 8B Historical House dated April 25, 2011
- Memo and article: CPO 8 registers opposition to urban reserves dated March 15, 2011
- Memo and photos: Area 8B Atfalati Cultural Site dated April 25, 2011
- Memo and handout: Area 8D Board Guidance dated April 25, 2011
- Memo and soil survey: Bendemeer neighborhood dated April 25, 2011
- Memo and advertisements: Land speculation prices dated April 25, 2011

The public hearing was closed.

Vice Chair Rogers was not sure what is left to be said. He stated that we have repeatedly said that if we could stay out of Helvetia, that would be great and we would love to be able to go to somewhere around Cornelius and if there were some other inclusionary areas, we would do that as well. However, Vice Chair Rogers noted that it is what it is tonight.

It was moved to adopt A-Engrossed Ordinance 740.

Motion – Rogers

2<sup>nd</sup> – Terry

Vote – 3-2

(Nay: Schouten, Malinowski)

Chair Duyck recognized that this has been a tough decision. He said that one of the most frustrating things for him has been that we are statutorily bound to hold public hearings after the decision has been made. Chair Duyck noted that that does not allow the Board flexibility to make changes at this point. He said that during this ordinance process, the Board could not make changes unless it wanted to go back to a prior process, which was held back in March (the Intergovernmental Agreement between Washington County and Metro). Chair Duyck stated that at some point, we had to realize that we have about as good an agreement as we are going to get. He was not convinced that holding any other type of process would have gotten us any other type of solution. Chair Duyck felt that it is best to move it beyond this Board and let it work its way through the process, through LCDC and through any appeals that may pop up, and let it live or die on its own.

Commissioner Malinowski appreciated the hard work that went into this. He was glad to see it going forward so that the courts can deal with it. Commissioner Malinowski said that he is glad that he can vote the way he thinks.

## **6. LAND USE AND TRANSPORTATION**

6.a.

RO 11-29

Adopt Findings for A-Engrossed Ordinance No. 740 (All Rural CPOs and CPOs 9, 12F, 12C, 4B, 5 and 6)

It was moved to adopt the proposed findings for A-Engrossed Ordinance No. 740 and to authorize the Chair to sign the Resolution and Order memorializing the action.

Motion – Rogers

2<sup>nd</sup> – Terry

Vote – 5-0

Commissioner Schouten complimented Brent Curtis, his staff, and staff across the entire region on the phenomenal staff work. He said that while he has his reasons for voting “nay” on the ordinance itself—principally because of the designation of urban reserve for the area north of Sunset Highway in the Helvetia area—he does think that the findings are well done and are consistent with the ordinance. Commissioner Schouten took this vote to mean, “Are the findings supportive and consistent with the ordinance?” and he found that they are.

## **7. ORAL COMMUNICATION (5 MINUTE OPPORTUNITY)**

Joe Rayhawk, 15248 NW Germantown Road, Portland, Oregon, submitted written testimony, which may be found in the Meeting File. He said that the Case-Shiller report came out this morning and we are within one-tenth of a percent of a double dip in housing nationally. Mr. Rayhawk stated that Portland is down another 1.3% from January to February and 7% year-over-year; Portland is 28% off the peak of July 2007. He said that from Nightly Business Report, 38% of home loans in 2007 and early 2008 were interest-only ARMs. Mr. Rayhawk indicated that these are, or will be, the source of what is now called the “closet inventory”: people who can in theory pay their mortgages after the ARM expires, at least in the short term, but may be doomed within years and may be stopping payments at any moment. He said that related to that, an estimated 8-9 million mortgages nationwide are seriously delinquent.

Mr. Rayhawk said that recent news is that there is an upsurge in adding small secondary homes to existing property—typically less than 800 square feet. He stated that three uses are:

- Traditional: Grandparents moving back in for a few years of semi-independent living
- Described before: Kids moving back in with parents and perhaps helping to make mortgage payments.
- New: Owners move into the smaller house and rent the larger house. The huge advantage is to try to keep the house until the prices come back. The big house, plus rental, may get much of the new improvement back.

Mr. Rayhawk’s submittal lists a series of reasons why there are potential advantages to the county and said that Clackamas has apparently been discussing this in the last day or two.

Mr. Rayhawk updated some of his previous estimates. He had previously estimated that each new commuter from north of the freeway would add 394 hours to the commute of Commissioner Terry’s constituents. Mr. Rayhawk stated that this was based on rush hour speeds through the tunnel of 15 mph. He said that a recent *Oregonian* article suggests that the speed at the peak of rush hour is only 4 mph. Mr. Rayhawk stated that using an average of the two numbers suggests that 1,000 hours are wasted per new commuter. He said that since Arbor Oaks and infill have already added more than 100 new commuters,



Commissioner Terry's constituents are wasting 100,000 hours per year in their commutes. Mr. Rayhawk reasoned that a similar total applies to Commissioner Schouten's and Vice Chair Rogers' constituents for a total in the general range of 200,000 hours per year.

Mr. Rayhawk said that the Board recently increased the amount committed for improving Bethany Boulevard from \$14.6 million to \$25 million, including widening the Bethany Bridge. He stated that this will extend the time when more than twice as much is being spent than should be pro-rated by the population from five to six years. Mr. Rayhawk said that LUT has begun doing traffic counts on Bethany Boulevard north of West Union. He stated that using analysis done for south of West Union, it is clear that this north section should be widened at least to Laidlaw. Mr. Rayhawk said that this will need another \$10 to \$20 million. He stated that the two will bring the amount of over-committed to two years of MSTIP funds. Mr. Rayhawk said that this will delay congestion and safety projects for the other 88% of the population by two years. He reported that for the last two days, he has monitored the on-ramps at Sunset and Murray during late morning rush hour. Mr. Rayhawk explained that he has missed the peak time because he has morning hay duty at the stables. He reported on his observations:

- The ramp lights at Cornell were only allowing one car every 5 seconds
- This works out to a maximum of 720 cars per hour
- The ramps at Murray were only allowing one car every 7 seconds
- This yields a capacity of 514 cars per hour
- Based on many previous observations, both ramps have cars queued from 6:30 until after 8:00; both ramps are at full capacity during the entire rush hour.

Mr. Rayhawk said that widening the bridge will do very little good; all it does is move the spot where the queuing occurs. His numbers show an estimated increased commute

for this year of 2,025 hours for the current residents north of the freeway. Mr. Rayhawk said that one might be tempted to project after 25 years, multiplying by 25, to get 50,000 hours per year.

Mr. Rayhawk said that any citizen can come here and testify. He stated that it is very hard for Commissioners to challenge one or two points without tacitly accepting the others, especially with someone like himself who is trying to communicate with the Commissioners. Mr. Rayhawk said that he does not say enough out loud for the audience to understand or know for sure what he is talking about. He hopes that he at least intrigues them enough so that they go look this up. Mr. Rayhawk stated that anyone can say anything and just because the Commissioners do not object to something does not mean that they accept it. He recalled that a few months ago, Chair Duyck challenged something that he said. Mr. Rayhawk shared that his initial reaction was to argue but he realized that that was wrong. He said that this is the kind of thing that happens in Washington, D.C. between President Obama, the Democrats and Republicans. Mr. Rayhawk stated that one proposes something and the other attacks—even when it is

something they proposed two years ago. He said that we are seeing the same kind of ridiculous behavior in the Legislature where they are killing good bills because they are in a fit of pique. Mr. Rayhawk concluded that we need to be communicating and we need to be cooperating.

Tom Black, 870 NW Garibaldi Street, Hillsboro, Oregon, brought up a recent CPO meeting, where he witnessed a Fairgrounds presentation where Betty Pomeroy (who represents the Veterans Association) was in attendance. He said that the concept is to use pavers on the area just north of the Tri-Met station at Veterans Plaza. Mr. Black stated that he is not against those who were in the service but prefers that this walkway include all volunteers. He wanted the pavers to include pillars in the community as well as those who gave their all from their station in life as volunteers who have made the Fairgrounds what it is as a gathering place. Mr. Black envisioned a grand entryway, reflecting on past and current volunteers with the pavers or whatever is used to beautify the entry to the new Fairgrounds of the future.

Chair Duyck asked if Mr. Black is saying that volunteers are excluded. The Chair's understanding is that the pavers are a fundraiser and anyone can participate and purchase a paved brick with their name on it.

Mr. Black replied that the pavers are meant for veterans only—not for anyone in the community who would be a volunteer.

Rob Massar assured the Board he would track down the answer to this.

Mr. Black said he also wants to expand the concept so that it is not just at the Tri-Met station but also the walkway that approaches from the southeast heading northward. He wanted the pavers to recognize significant volunteers.

Commissioner Terry was under the impression that this is open to everybody.

Chair Duyck agreed and commented that if it is not open to everybody, the fundraising effort would be a failure. He said that we want anyone to participate who is willing to do so.

Linda Peters, 25440 NW Dairy Creek Road, North Plains, Oregon, knew that this was not planned but noted that the Board managed to honor her twice tonight: 1) the proclamation for Older Americans Month and 2) the proclamation honoring volunteers. Having just passed her 72<sup>nd</sup> birthday, she felt that she qualifies for the first proclamation and she has volunteered a huge amount of time to the urban and rural reserves process. Ms. Peters said that she is continuing her volunteering by working with CPO 8 leadership.

With good natured teasing about the Older Americans Month, Commissioner Terry identified himself as the senior member on the Board at the present time.

**8. BOARD ANNOUNCEMENTS**

None.

**9. ADJOURNMENT:** 8:07 p.m.

Motion – Terry  
2<sup>nd</sup> – Rogers  
Vote – 5-0

**MINUTES APPROVED THIS \_\_\_\_\_ DAY \_\_\_\_\_ 2011**

\_\_\_\_\_  
**RECORDING SECRETARY**

\_\_\_\_\_  
**CHAIRMAN**

DRAFT

**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**Agenda Category:** Public Hearing – Fourth Reading and Fourth Public Hearing (All rural CPOs and CPOs 9, 12F, 12C, 4B, 5, & 6)  
Land Use & Transportation; County Counsel

**Agenda Title:** PROPOSED A-ENGROSSED ORDINANCE NO. 740 – AN ORDINANCE AMENDING POLICY 29 OF THE RURAL/NATURAL RESOURCE PLAN TO MODIFY THE RURAL AND URBAN RESERVES MAP

**Presented by:** Andrew Singelakis, Director; Dan Olsen, County Counsel

**SUMMARY:**

On March 29, 2011, the Board ordered engrossment of proposed Ordinance No. 740 to include the changes described in Attachments A and B of the March 29 staff report. The first public hearing on the engrossed ordinance was held on April 19, 2011. The second of two required public hearings on the engrossed ordinance will be a night meeting held April 26, 2011.

Proposed A-Engrossed Ordinance No. 740 is posted on the county's land use ordinance web page at the following link. The staff report will also be posted at this link prior to the hearing.

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2011-land-use-ordinances.cfm>

Consistent with Board policy about public testimony, testimony about the ordinance is limited to 3 minutes for individuals and 12 minutes for a representative of a group.

**DEPARTMENT'S REQUESTED ACTION:**

Read A-Engrossed Ordinance No. 740 by title only and conduct the public hearing. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 740.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

**ADOPTED**

100-601000

Agenda Item No.	<u>5.b.</u>
Date:	04/26/11

A-ENGROSSED ORDINANCE NO. 740

An Ordinance Amending the Rural/Natural Resource Plan Element of the Comprehensive Plan by Modifying the Rural and Urban Reserves Map

The Board of County Commissioners of Washington County, Oregon ("Board") ordains as follows:

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan Element of the Comprehensive Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, 671, 686 and 733.

B. After the Urban and Rural Reserves map was adopted on June 15, 2010 through Ordinance No. 733, the Land Conservation and Development Commission (LCDC) orally remanded two Urban Reserves in Washington County and, at the request of Washington County and Metro, all Washington County Rural Reserves to allow flexibility in redesignation of Urban Reserves.

C. On December 15, 2010, Washington County through its Board entered into a Supplemental Intergovernmental Agreement (IGA) with Metro for purpose of addressing the oral remand by LCDC of certain Urban Reserves and all the Rural Reserves in Washington County.

1           D.     Upon further hearings and testimony, and in response to the oral remand by  
2 LCDC, Washington County and Metro have agreed on certain changes to the Urban and  
3 Rural Reserves map previously adopted by Ordinance No. 733 and as depicted on the  
4 attached exhibits 1 and 2 of this ordinance.

5           E.     The Board takes note that from time to time such changes to the planning  
6 documents are necessary for the benefit of the residents of Washington County, Oregon.

7           F.     Under the provisions of Washington County Charter Chapter X, the  
8 Department of Land Use and Transportation has carried out its responsibilities, including  
9 preparation of notices, and the County Planning Commission has conducted one or more  
10 public hearings on the proposed amendments and has submitted its recommendation to the  
11 Board. The Board finds that this Ordinance is based on that recommendation and any  
12 modifications made by the Board, as a result of the public hearings process.

13           G.     The Board finds and takes public notice that it is in receipt of all matters and  
14 information necessary to consider this Ordinance in an adequate manner, and that this  
15 Ordinance complies with the Statewide Planning Goals and other relevant standards and  
16 criteria set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington  
17 County Charter, and the Washington County Community Development Code.

18     SECTION 2

19           The following exhibits, attached hereto and incorporated herein by reference, are  
20 adopted as amendments to the designated documents as follows:

21           A.     Exhibit 1 (4 pages), amending the Rural and Urban Reserves map previously  
22 adopted by Ordinance No. 733; and

1 B. Exhibit 2 (49 pages), repealing the Rural and Urban Reserves map in Policy  
2 29 of the Rural/Natural Resource Plan adopted by Ordinance No. 733 and  
3 replacing it with the maps shown in this Exhibit ;

4 Except for those changes set forth in Exhibits 1 and 2, the reserves maps originally  
5 adopted by Ordinance No. 733 are unchanged.

6 SECTION 3

7 All other Comprehensive Plan provisions that have been adopted by prior ordinance,  
8 that are not expressly amended or repealed herein, shall remain in full force and effect.

9 SECTION 4 -

10 All applications received prior to the effective date shall be processed in accordance  
11 with ORS 215.427 (2009 Edition).

12 SECTION 5

13 If any portion of this Ordinance, including the exhibits, shall for any reason be held  
14 invalid or unconstitutional it shall be considered that it is the intent of the Board that the  
15 portion invalidated shall be severed and the remainder shall not be affected thereby and shall  
16 remain in full force and effect.

17 SECTION 6

18 The Office of County Counsel and Department of Land Use and Transportation are  
19 authorized to prepare planning documents to reflect the changes adopted under Section 2 of  
20 this Ordinance, including deleting and adding textual material and maps, renumbering pages or  
21 sections, and making any technical changes not affecting the substance of these amendments,  
22 as necessary to conform to the Washington County Comprehensive Plan format.

1 SECTION 7

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 26<sup>th</sup> day of April, 2011, being the 2nd reading  
4 and 2nd public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 Andy Duvall  
CHAIRMAN

10 Barbara Hejtmanek  
RECORDING SECRETARY

11 READING

PUBLIC HEARING

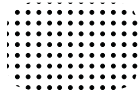
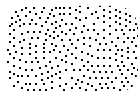
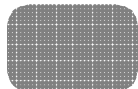
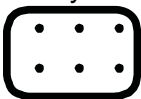
12 First April 19, 2011  
13 Second April 26, 2011  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_  
18 VOTE: Aye: \_\_\_\_\_

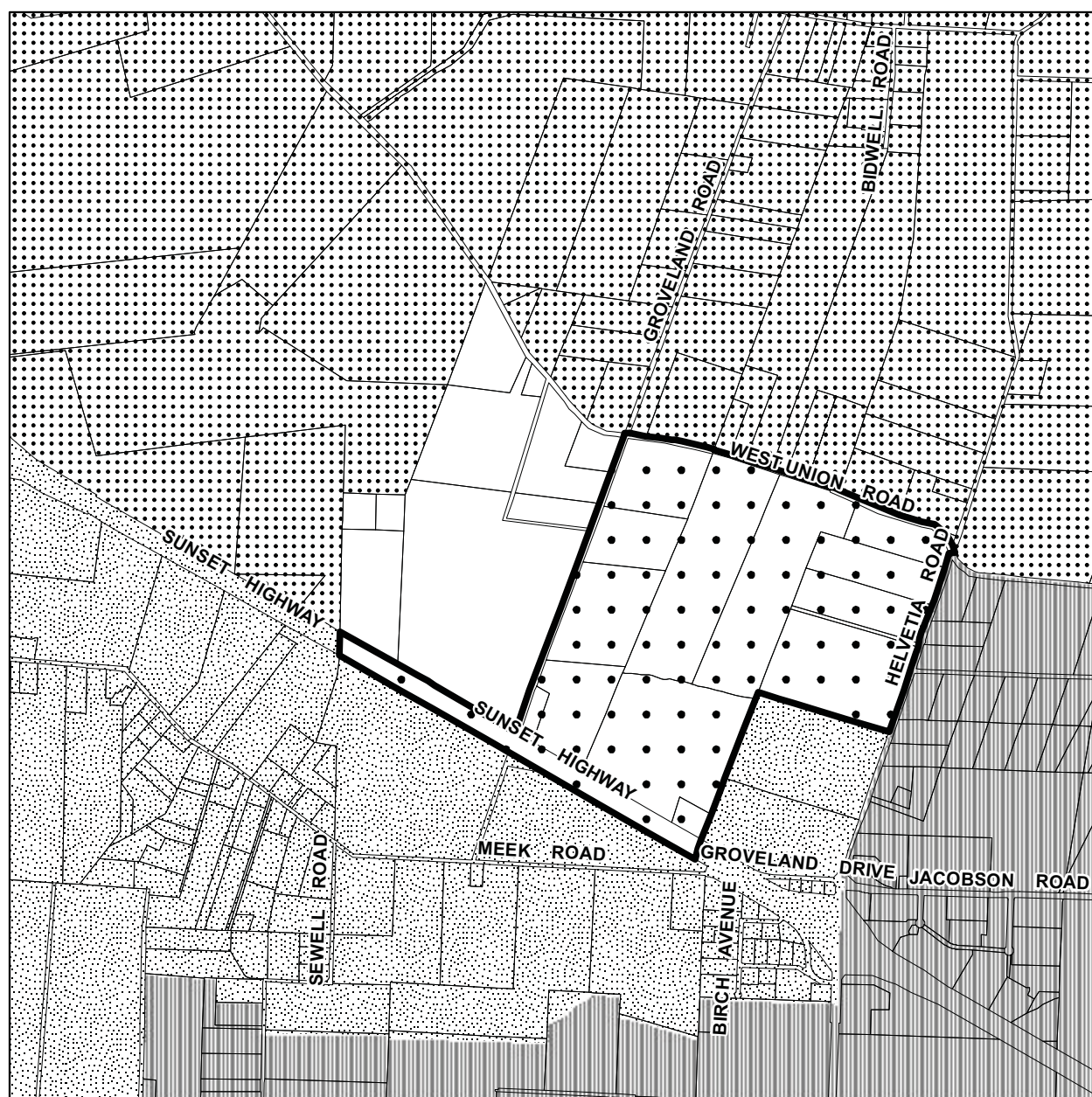
12 First April 19, 2011  
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18 Nay: \_\_\_\_\_

16 Recording Secretary: Barbara Hejtmanek Date: 4-26-11

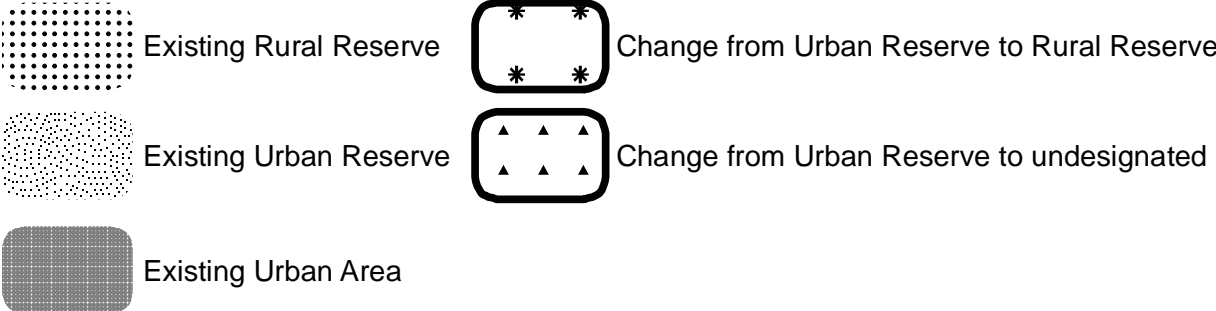

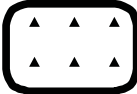


The following exhibit reflects changes made by A-Engrossed Ordinance No. 740 to the Rural and Urban Reserves map previously adopted by Ordinance No. 733.

-  Existing Rural Reserve
-  Existing Urban Reserve
-  Existing Urban Area
-  Change from undesignated to Urban Reserve

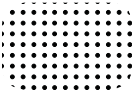
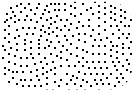
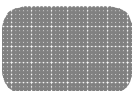



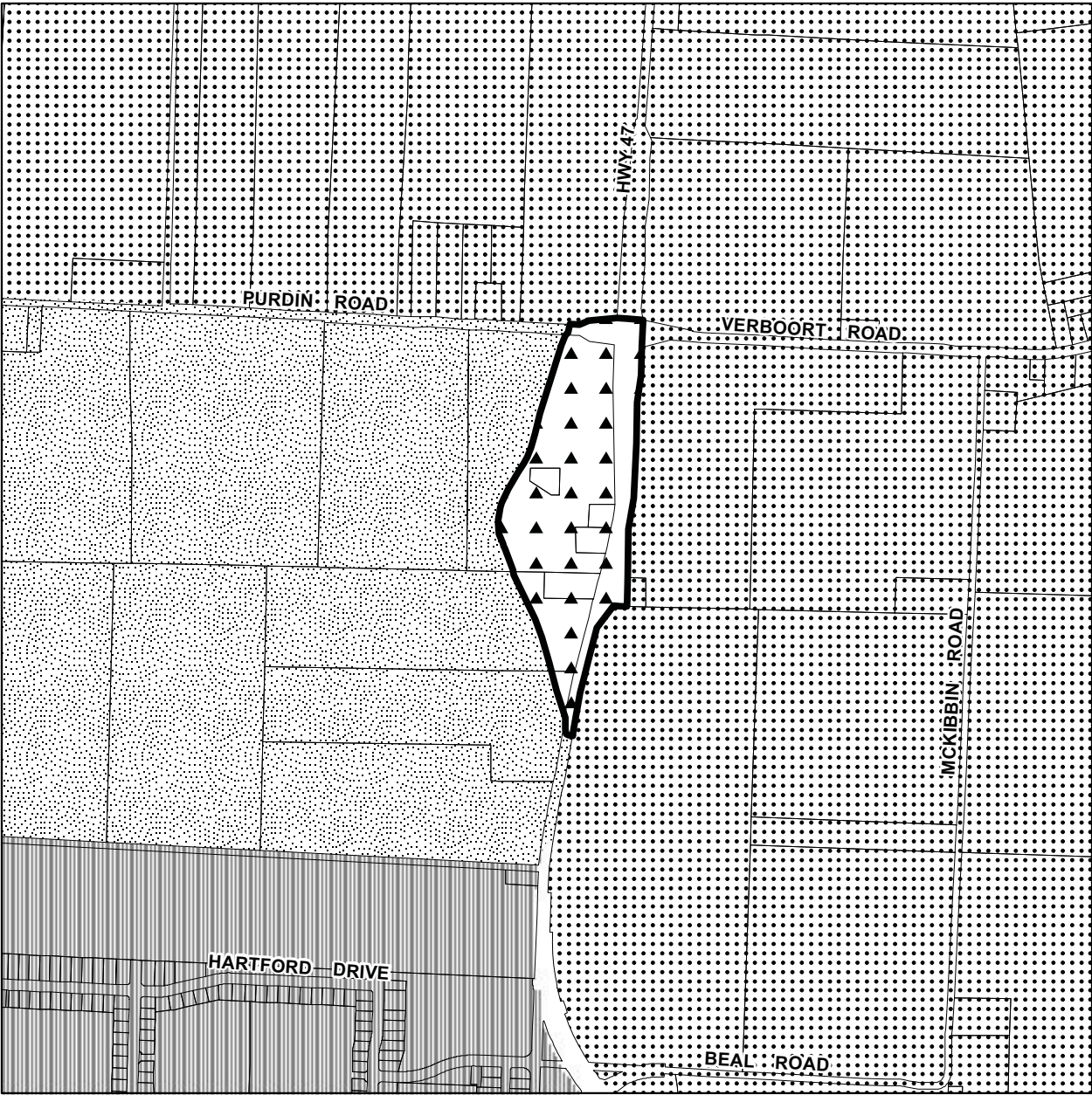
The following exhibit reflects changes made by A-Engrossed Ordinance No. 740 to the Rural and Urban Reserves map previously adopted by Ordinance No. 733.

  
Existing Rural Reserve (dotted pattern)       Change from Urban Reserve to Rural Reserve  
Existing Urban Reserve (stippled pattern)       Change from Urban Reserve to undesignated  
Existing Urban Area (solid gray)

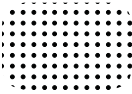
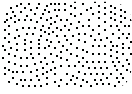
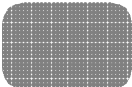
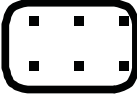


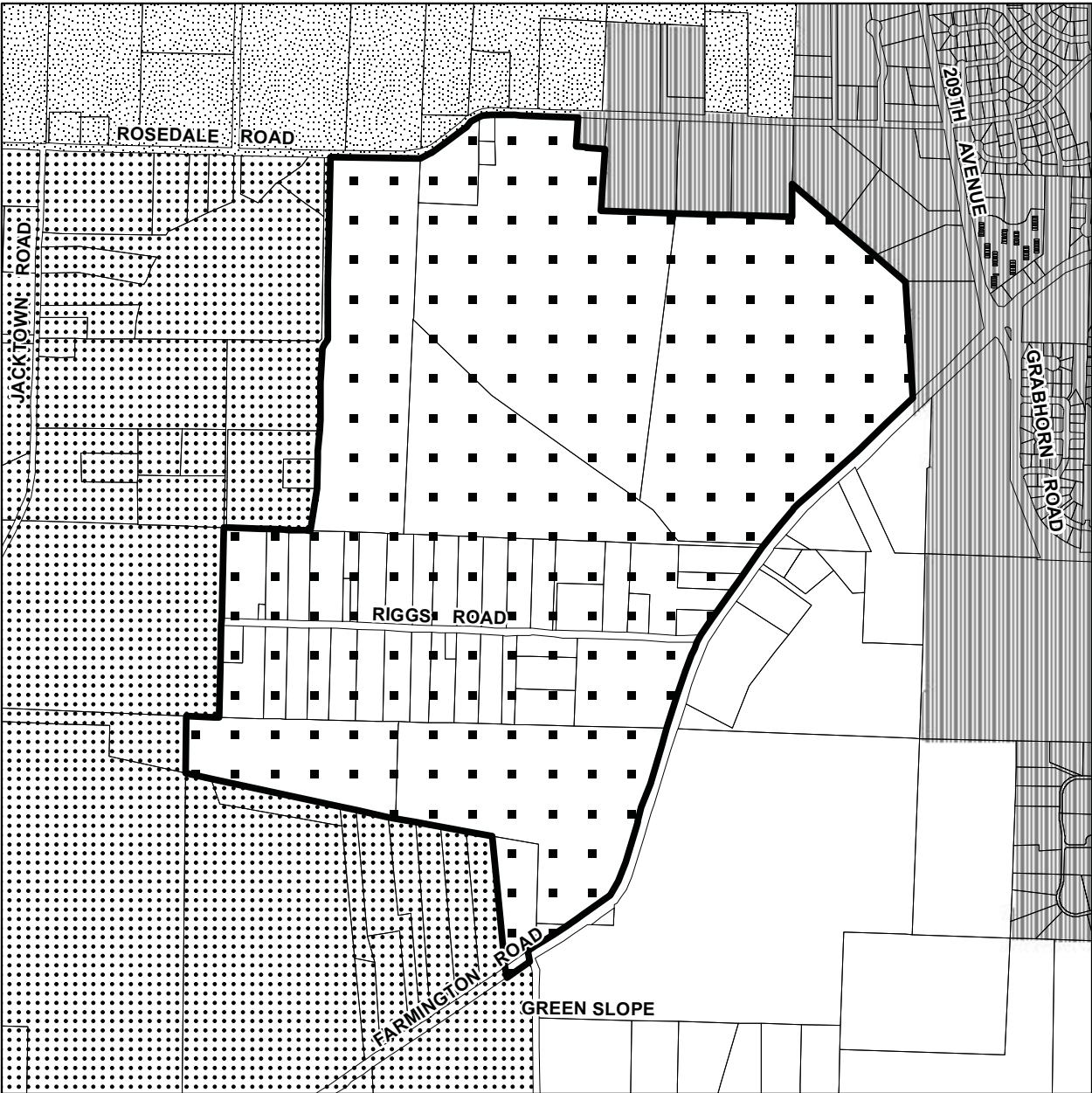
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-  Existing Rural Reserve
-  Existing Urban Reserve
-  Existing Urban Area
-  Change from Urban Reserve to undesignated






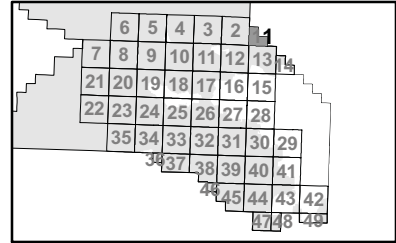
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-  Existing Rural Reserve
-  Existing Urban Reserve
-  Existing Urban Area
-  Change from Rural Reserve to undesignated






The Rural and Urban Reserves map in Policy 29 of the Rural/Natural Resource Plan is repealed and replaced by the maps shown in this exhibit. The following maps reflect the amendments shown in Exhibit 1 of this ordinance.

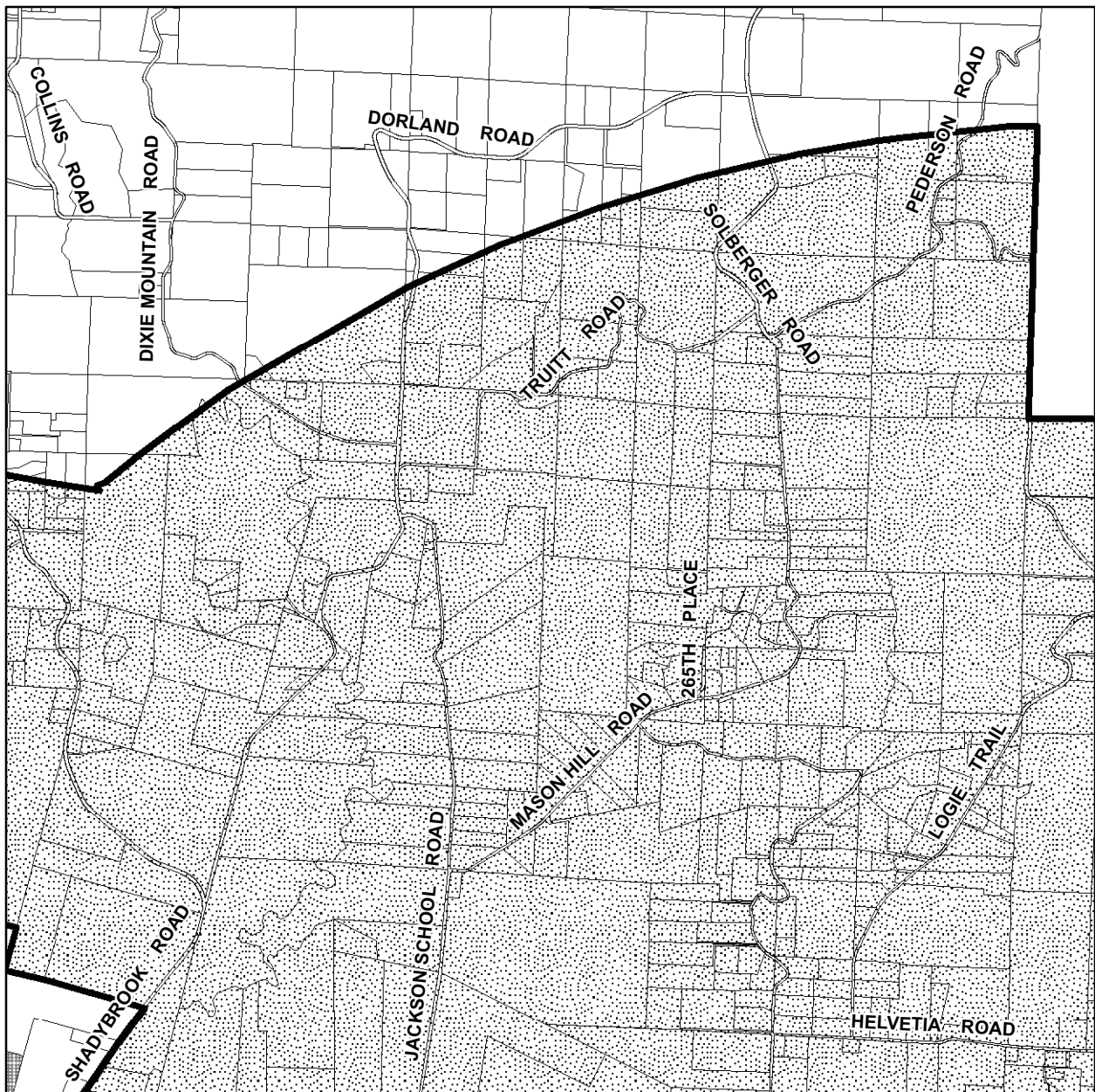
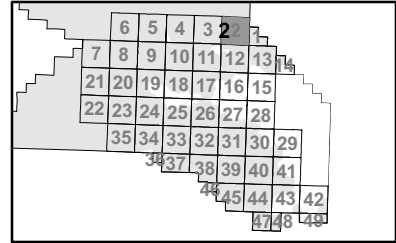
-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve








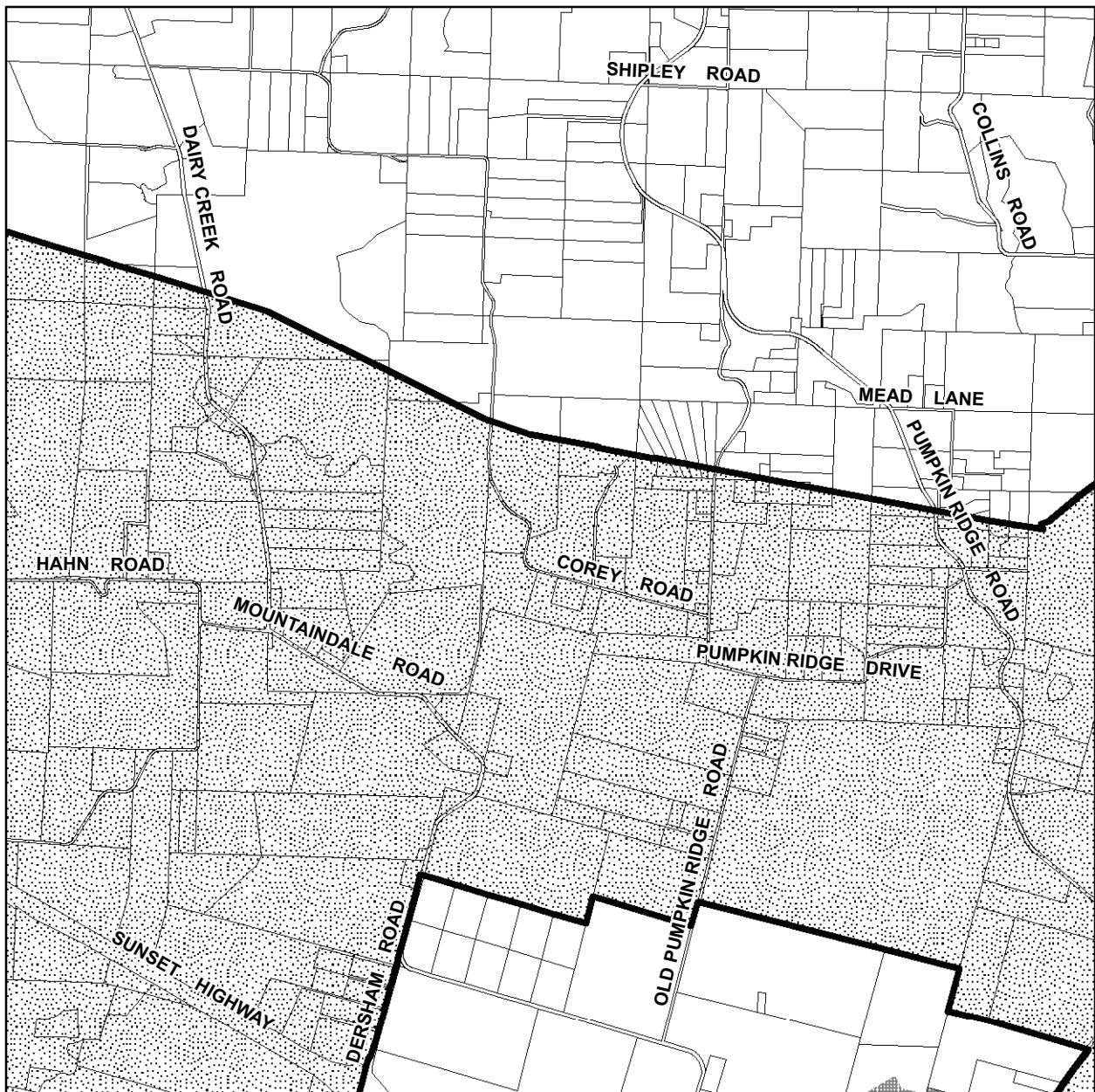
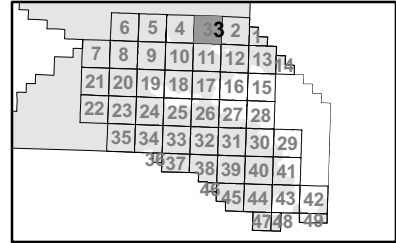
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-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve






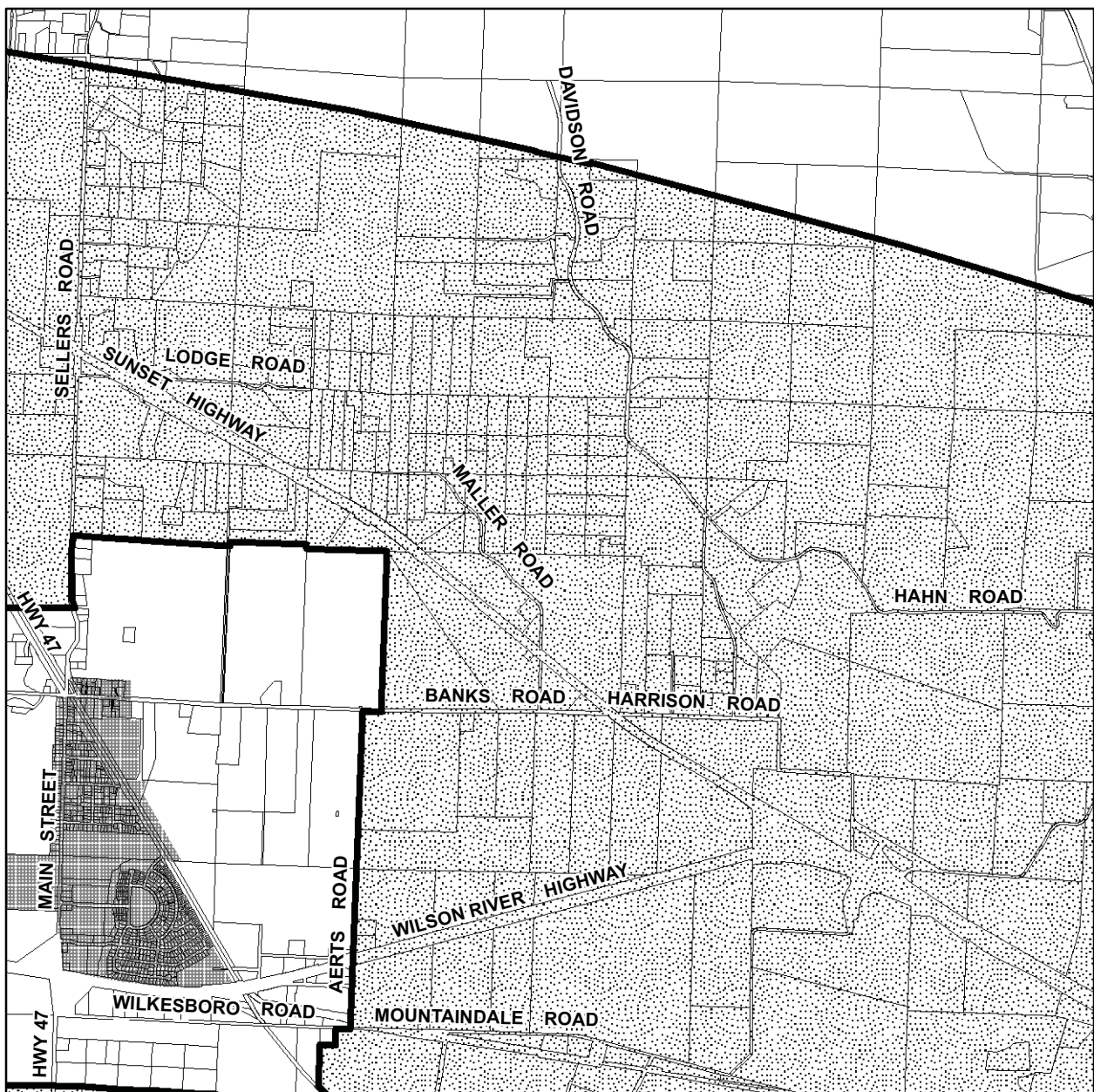
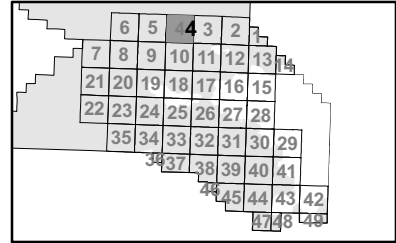
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-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve






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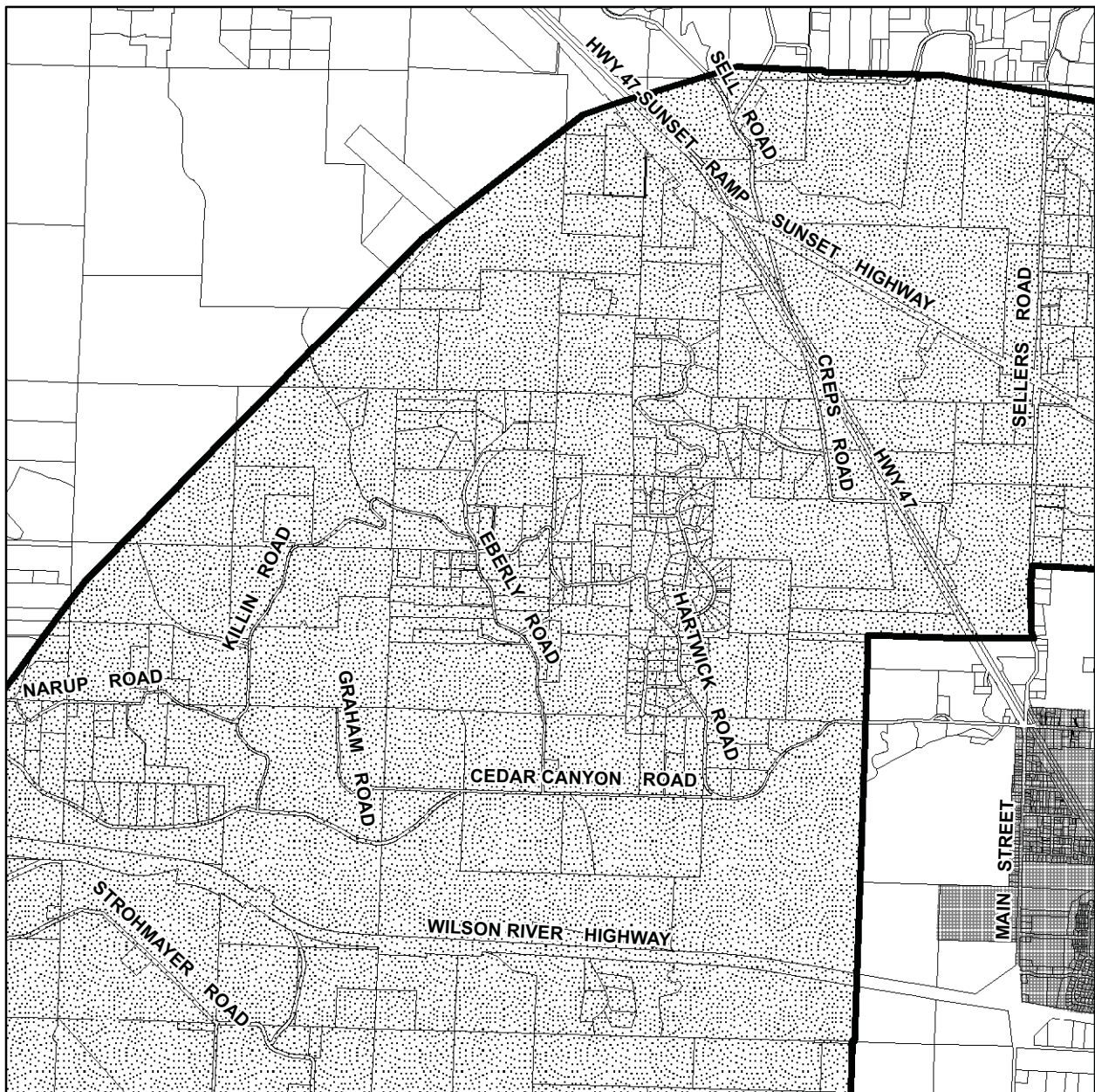
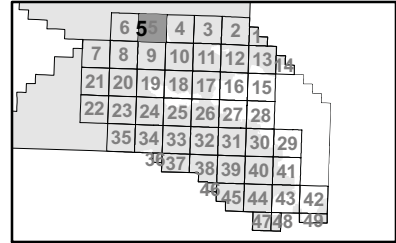
-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve








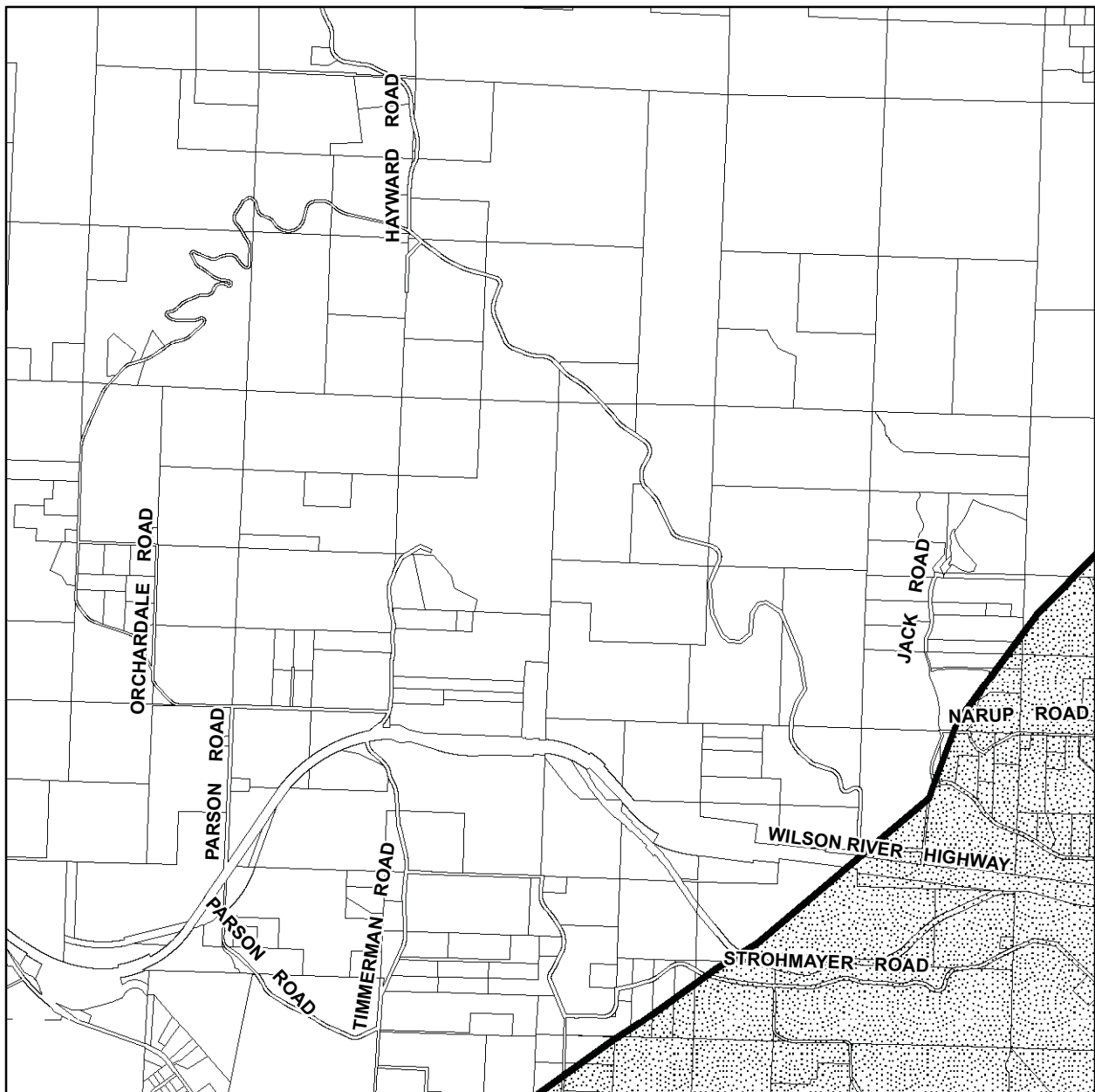
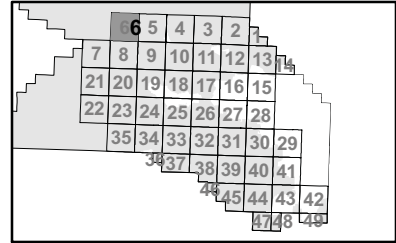
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-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve






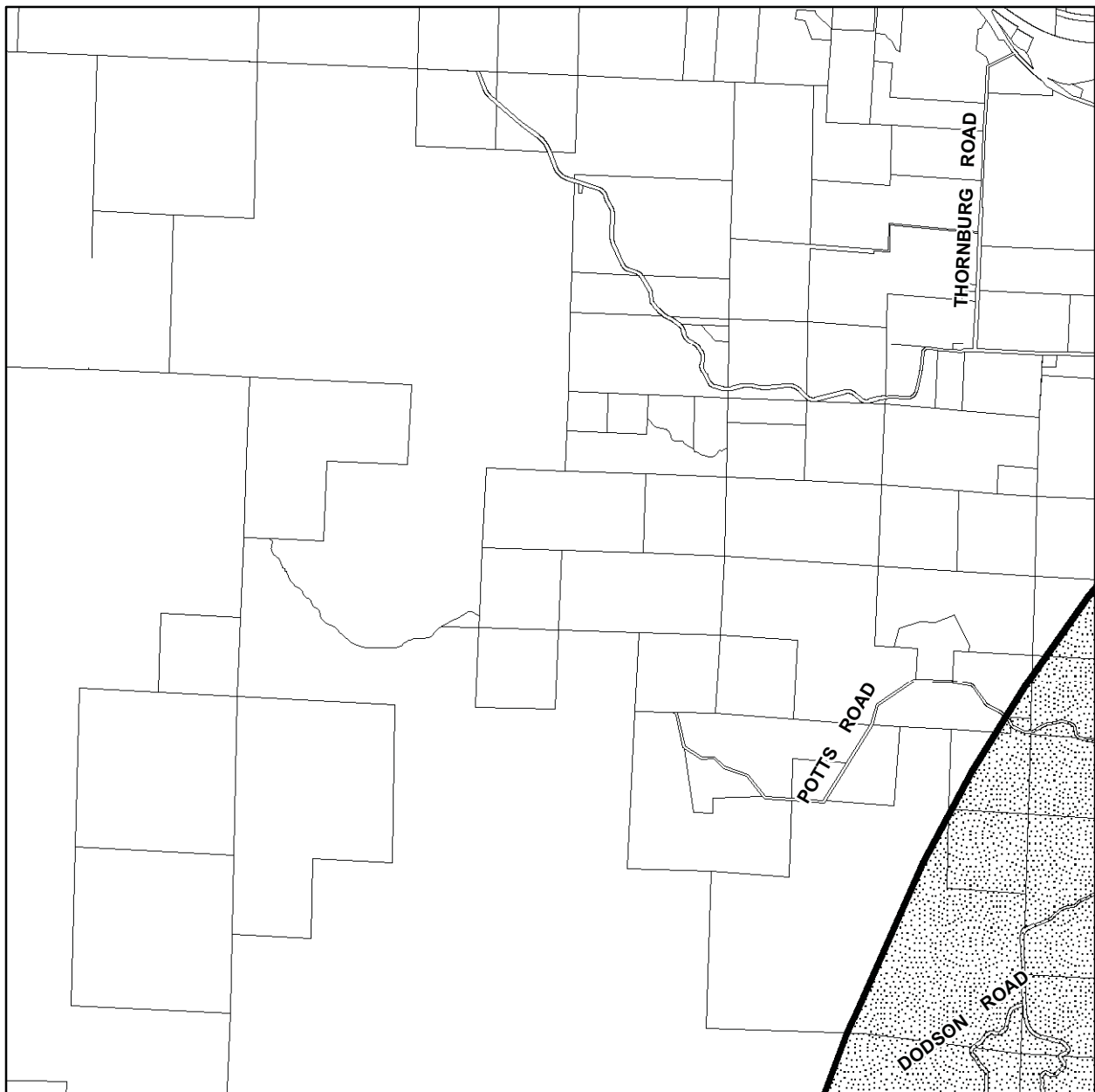
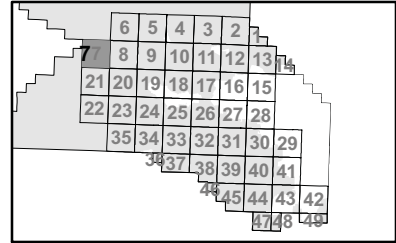
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-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve






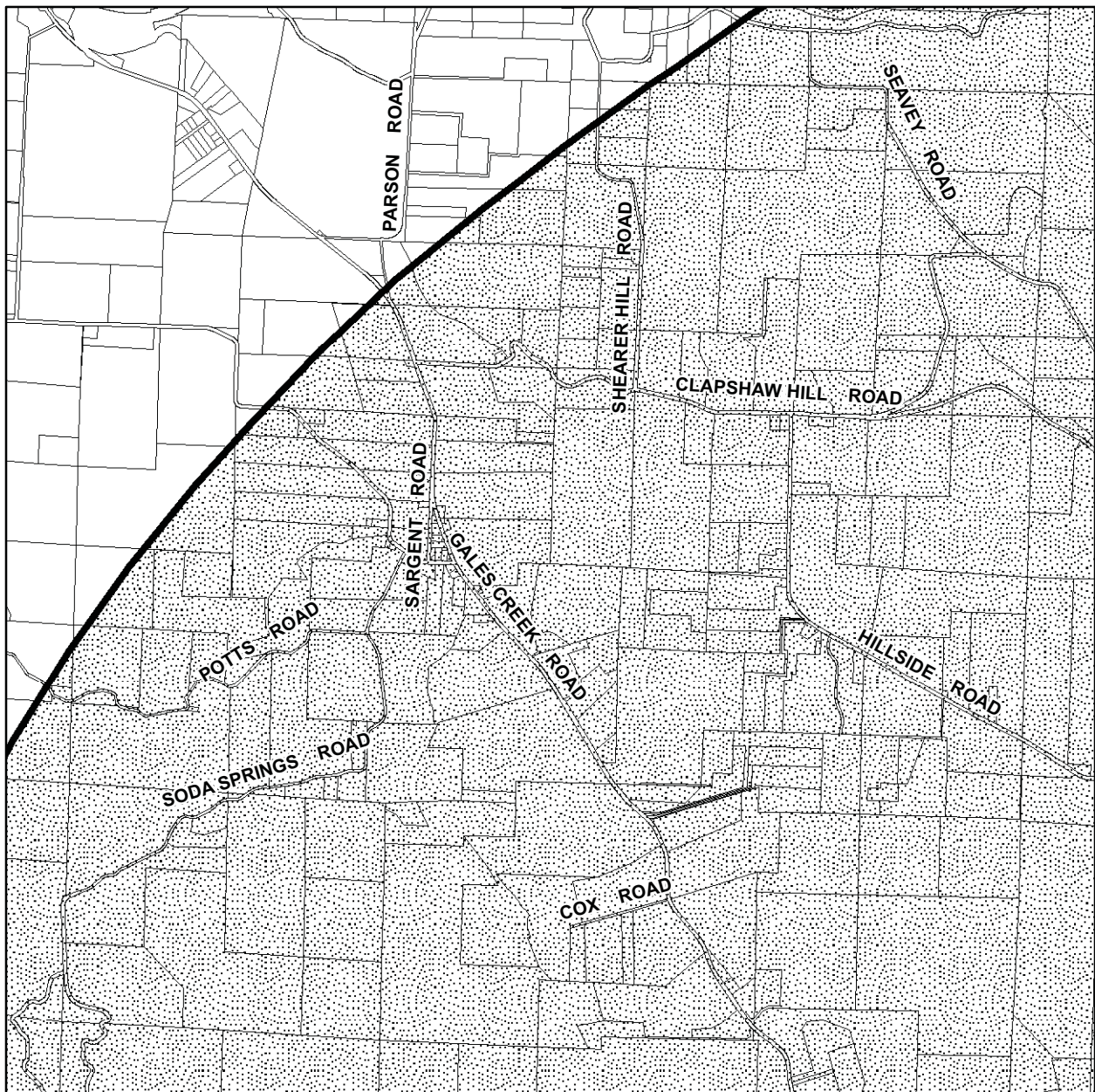
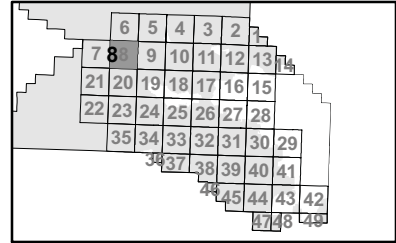
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-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve






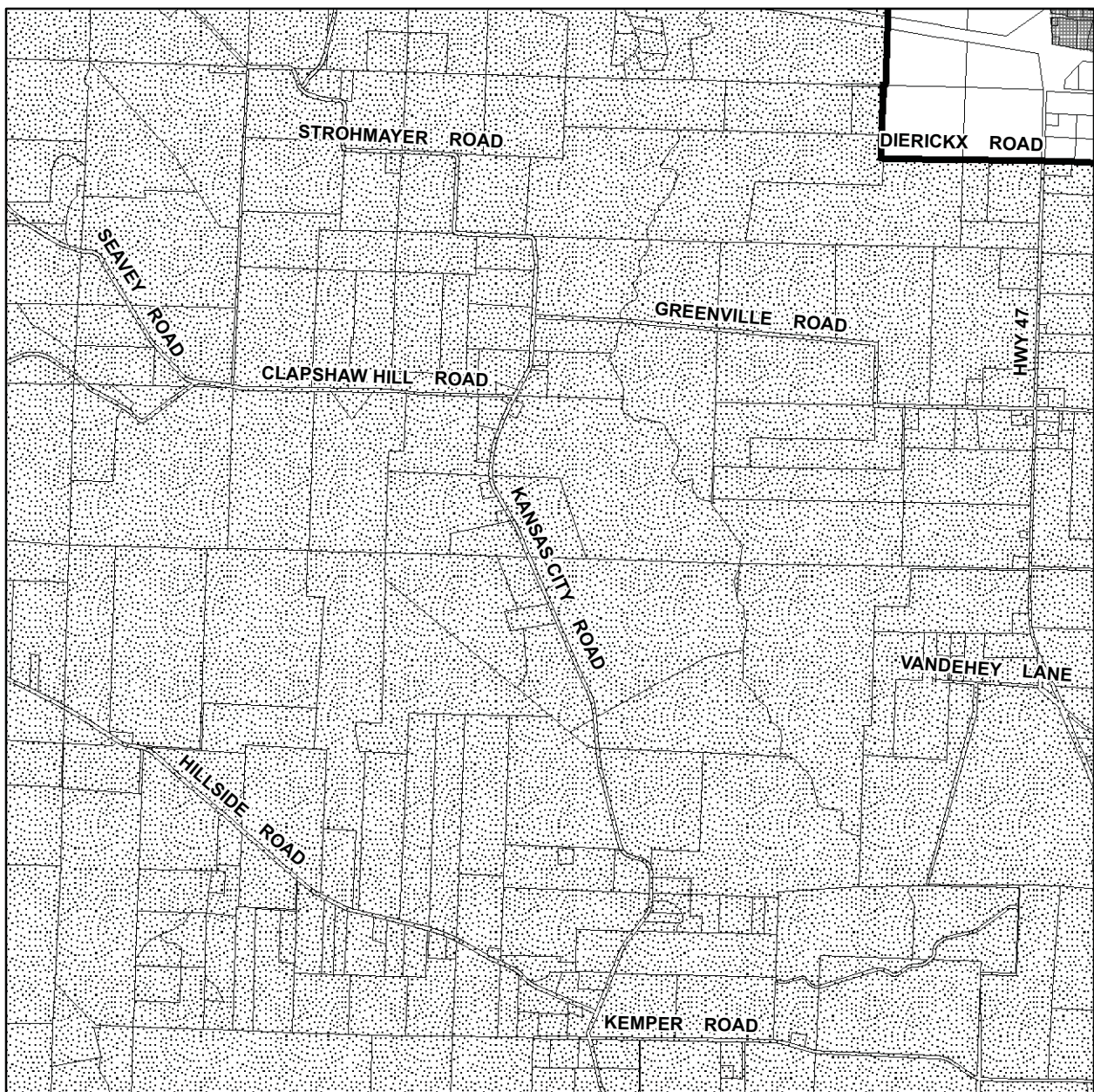
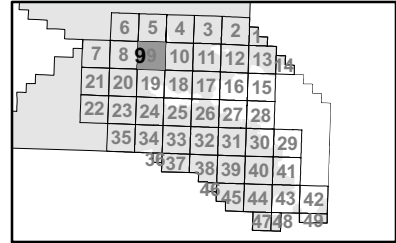
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-  Add as Rural Reserve
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-  Add as Urban Reserve






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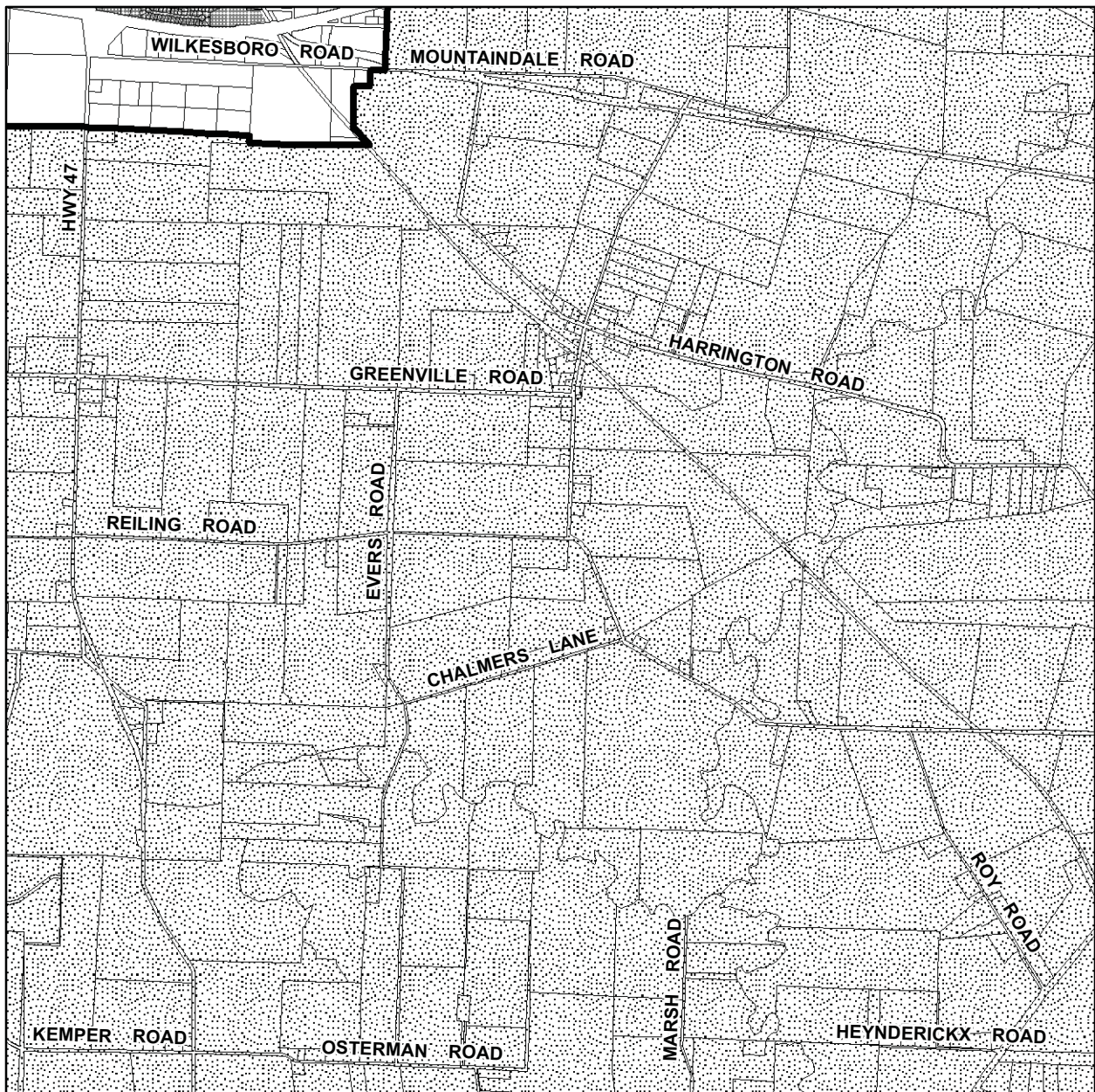
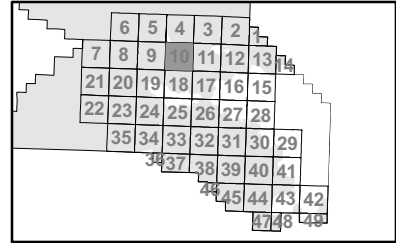
-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve








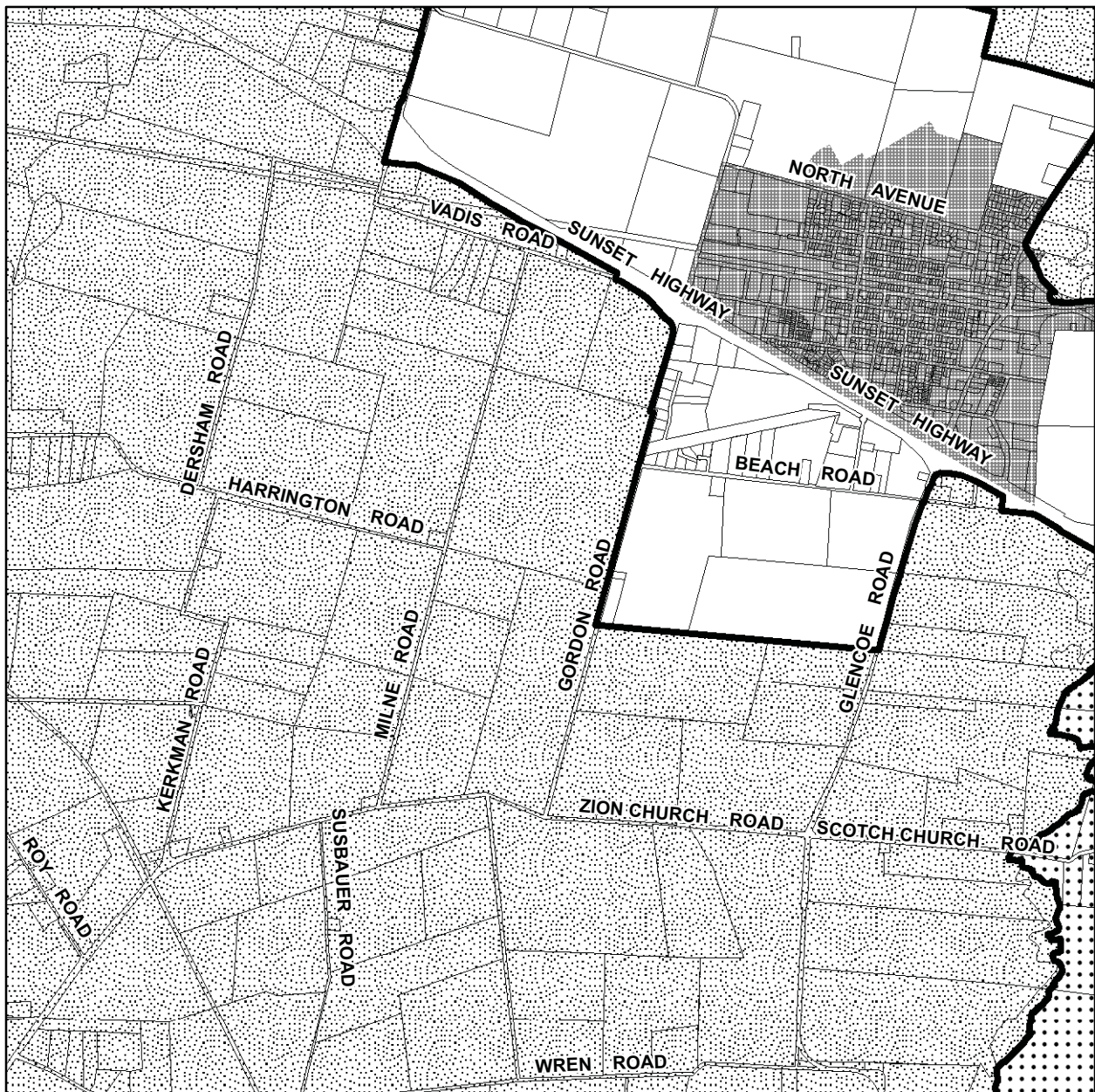
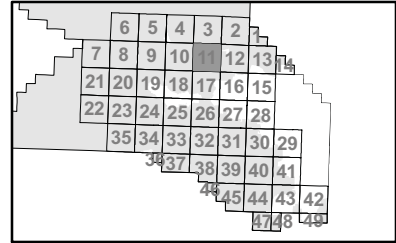
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-  Add as Urban Reserve






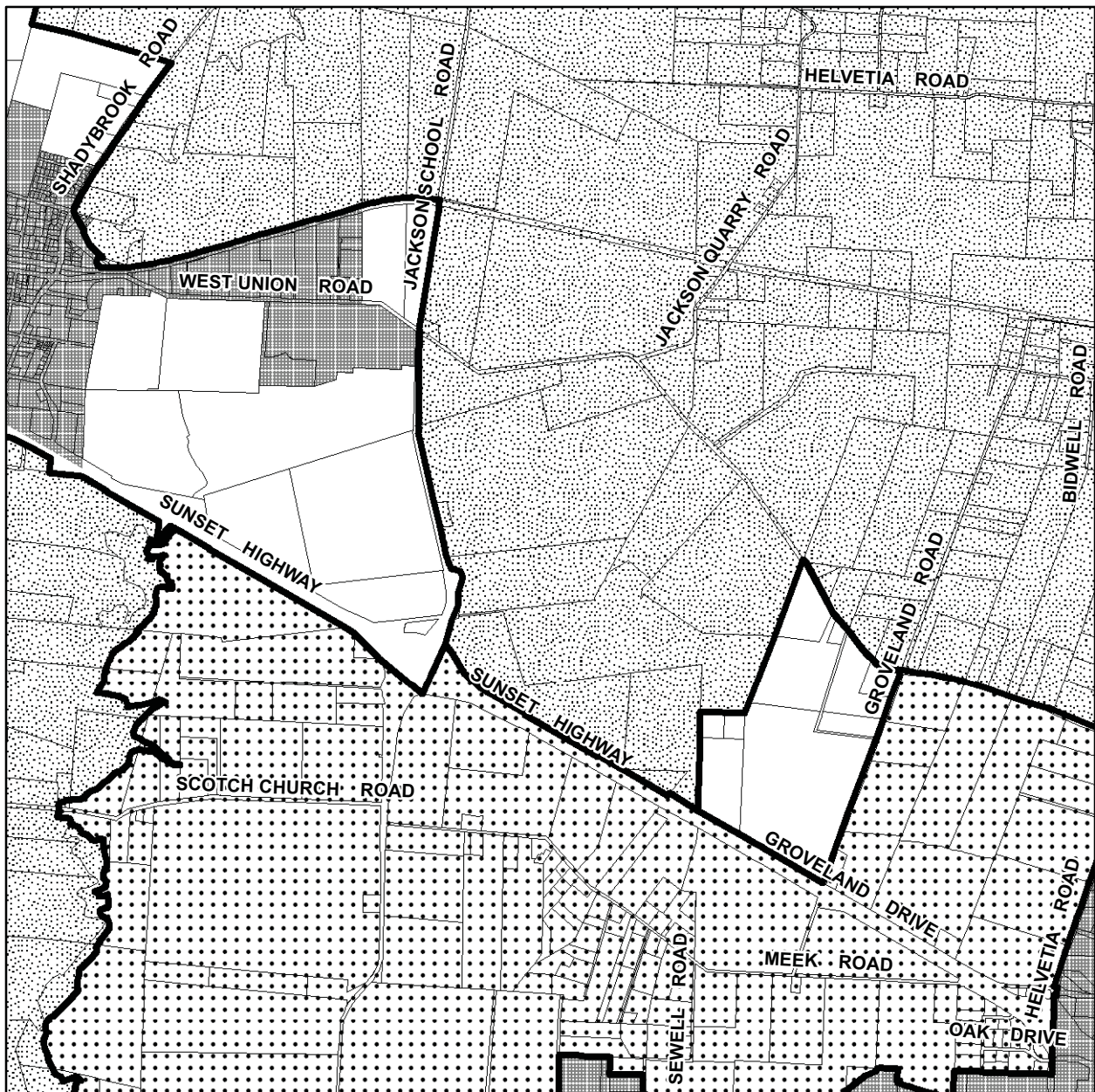
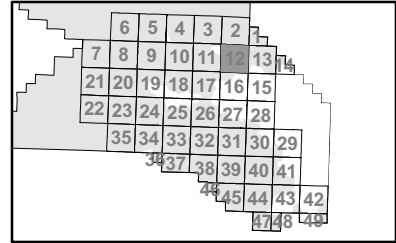
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
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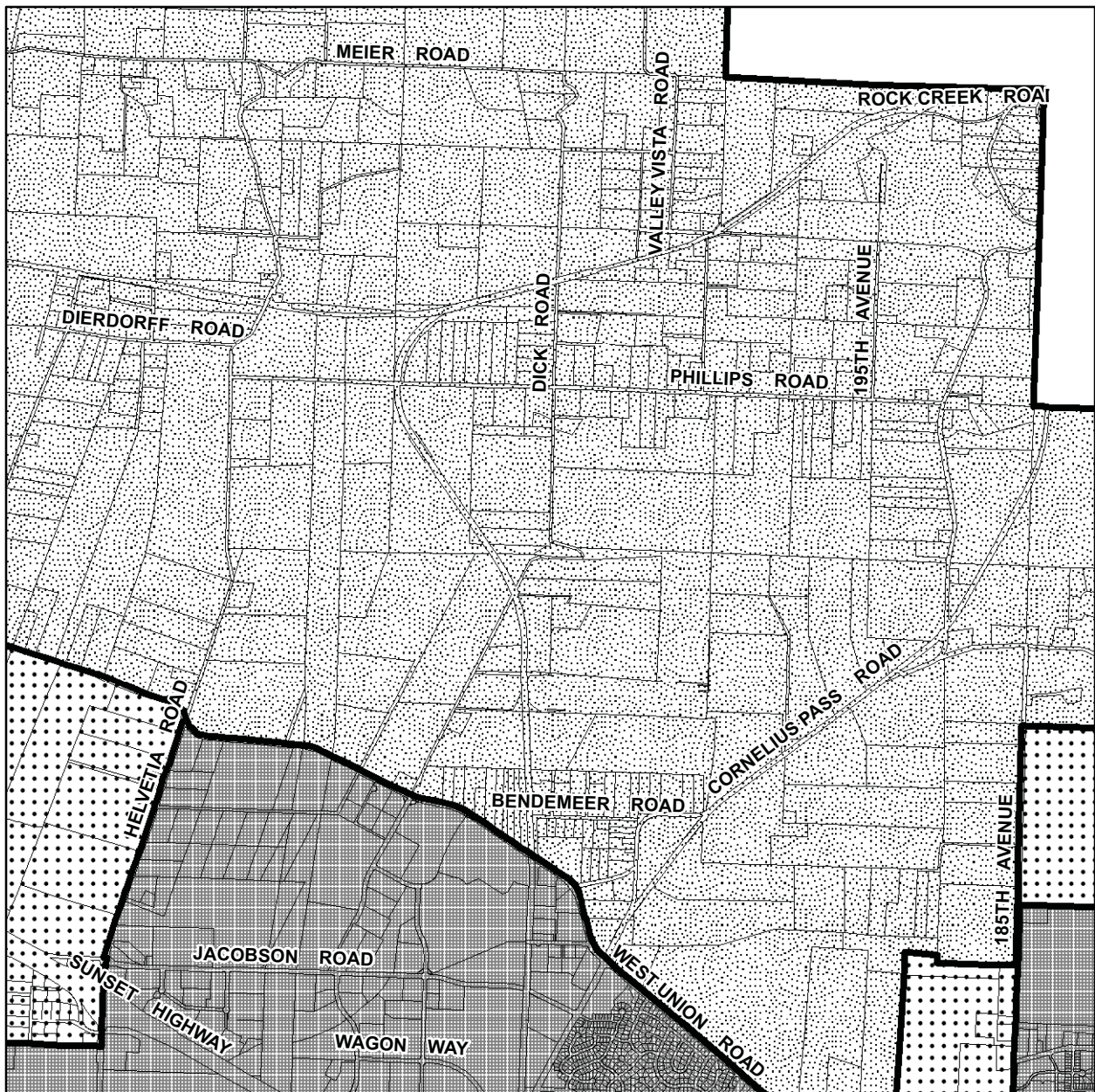
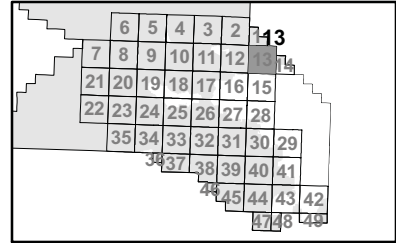
-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve








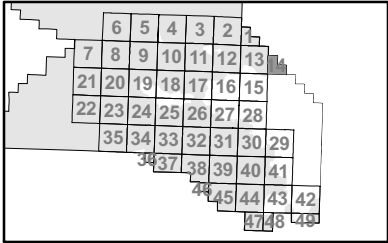
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-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve






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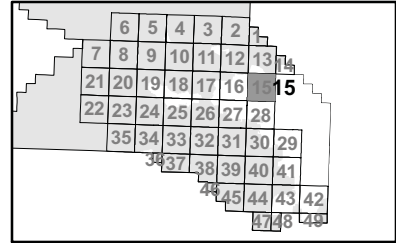
-  Add as Rural Reserve
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


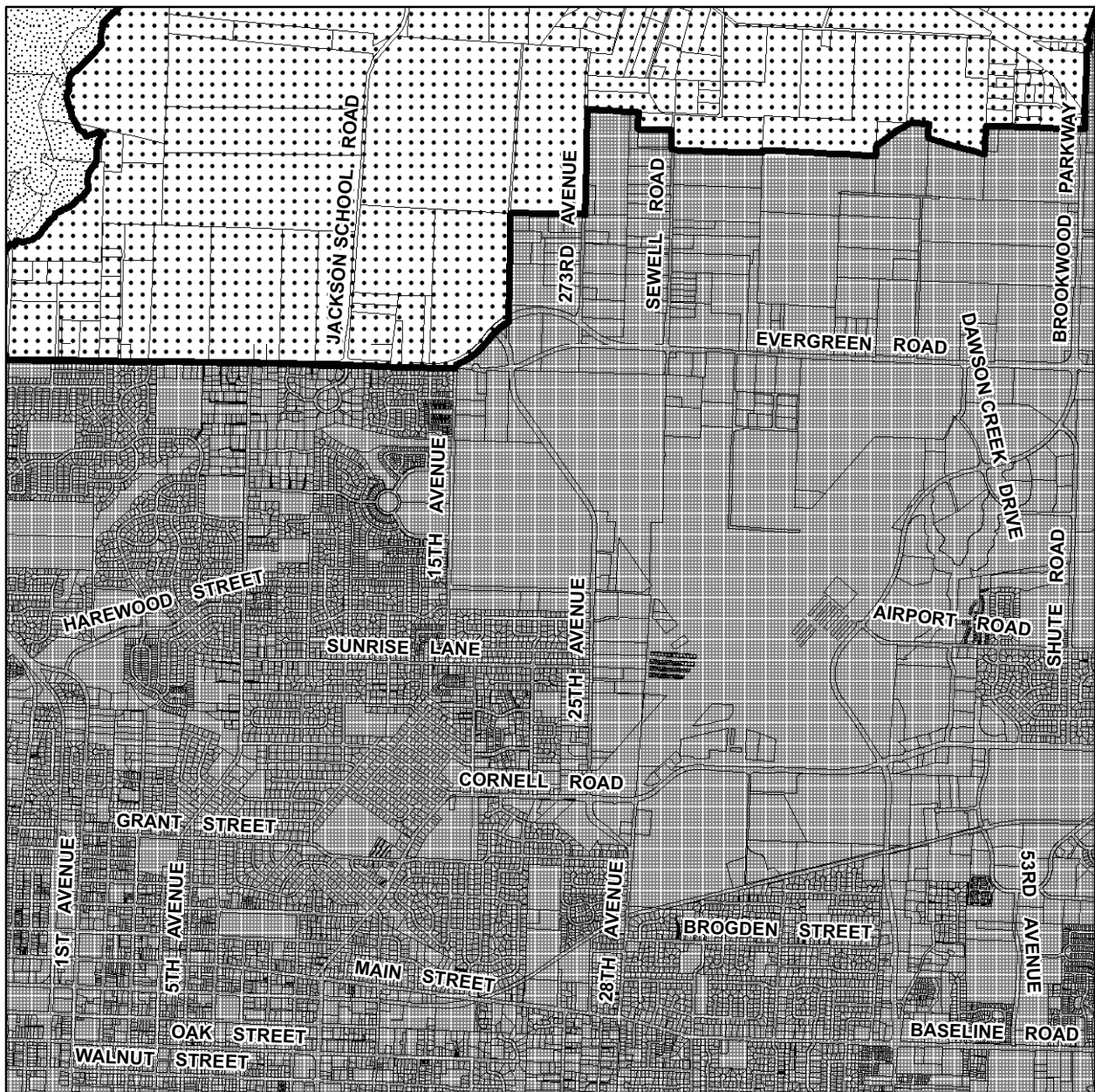
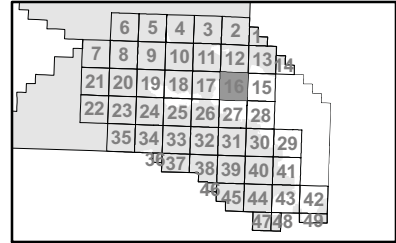
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

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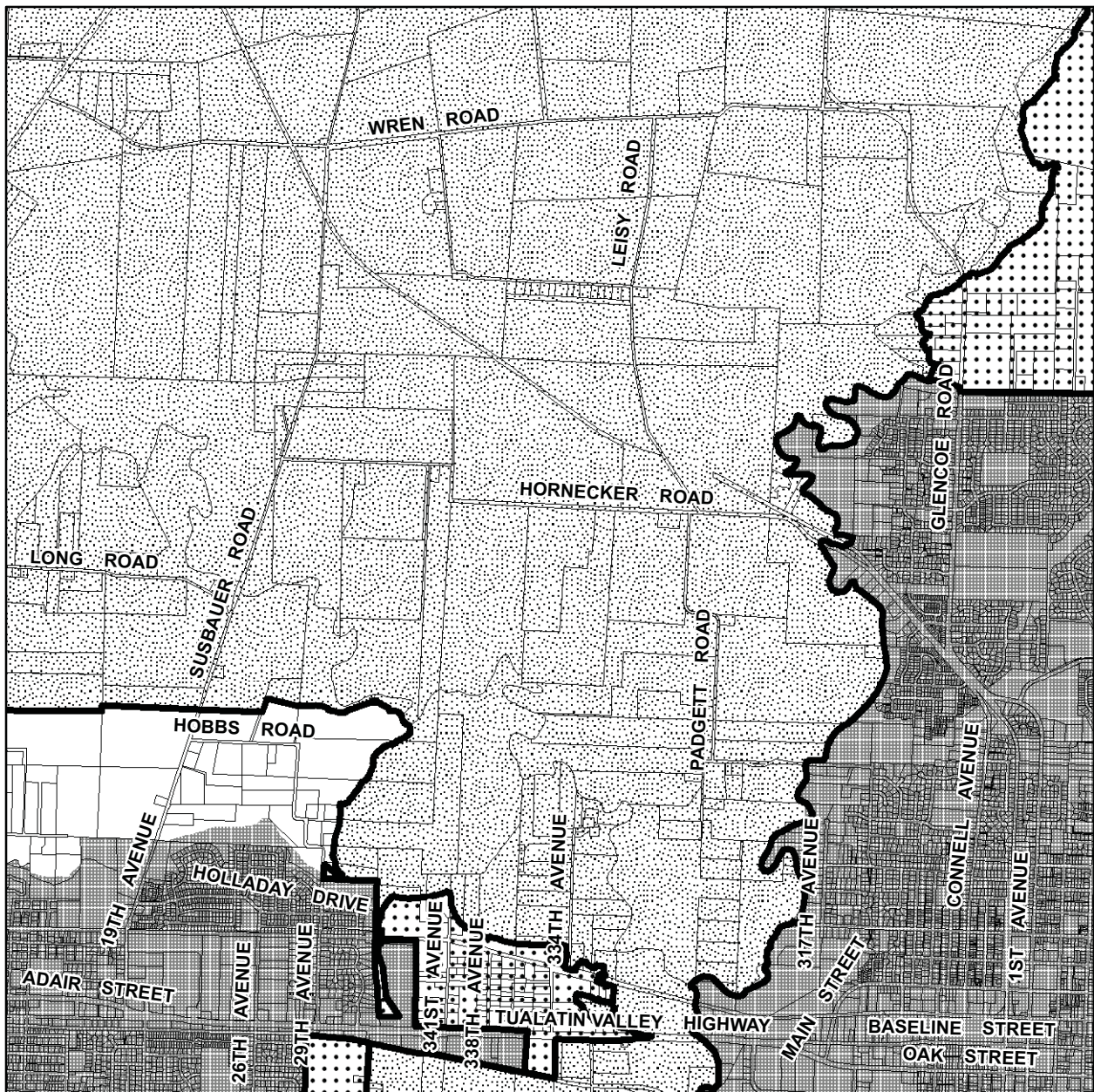
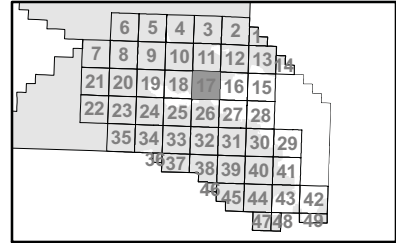
-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve








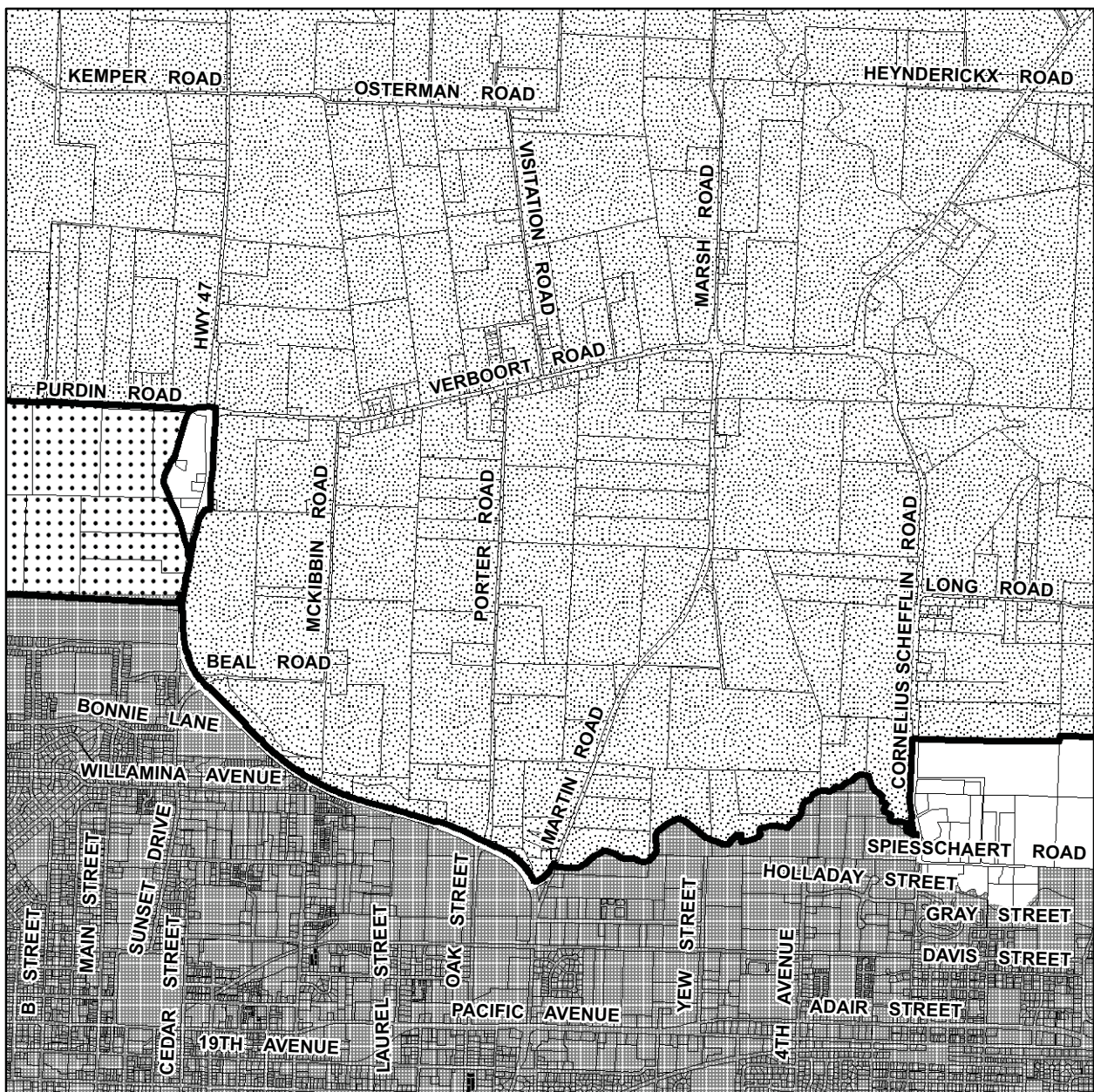
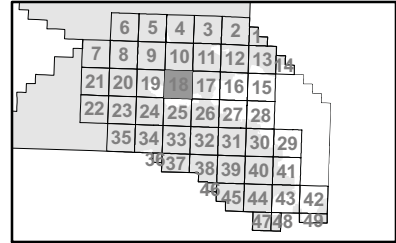
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

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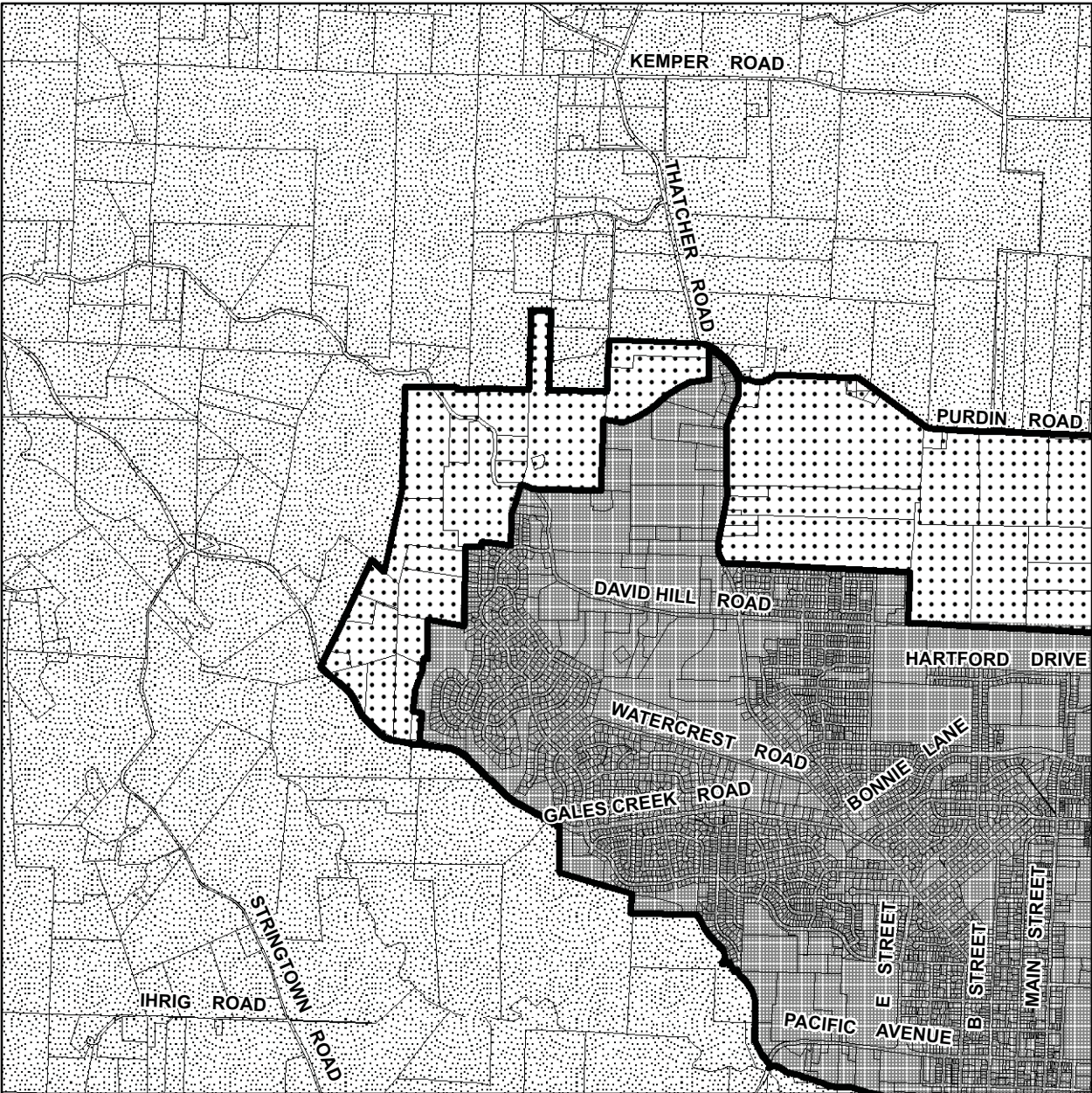
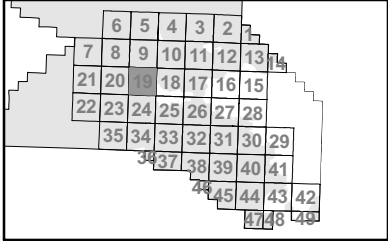
-  Add as Rural Reserve
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



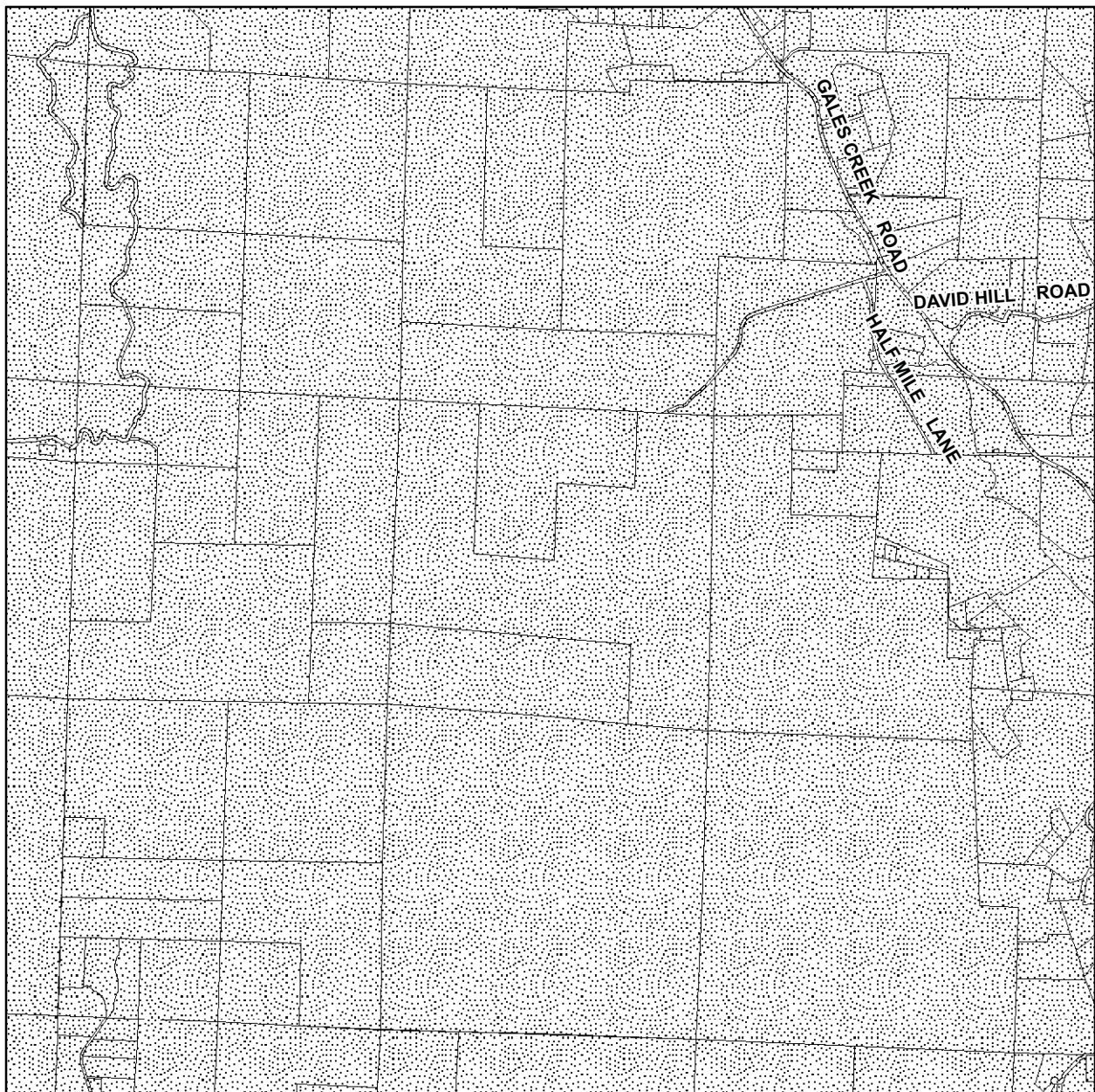
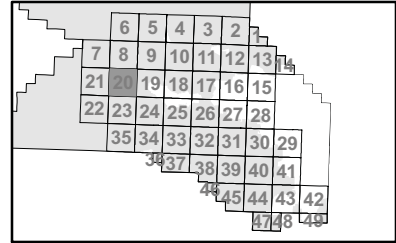
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
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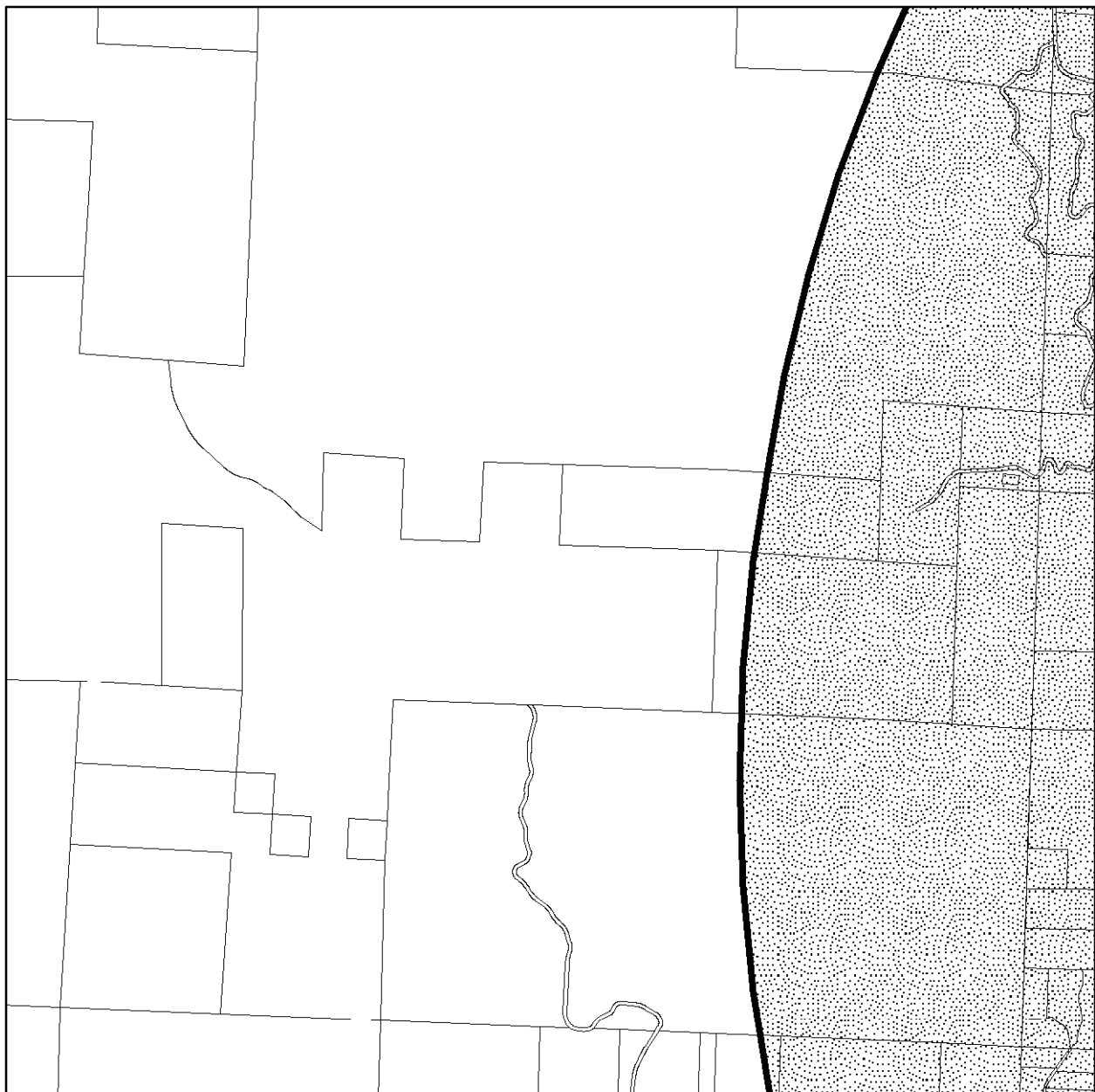
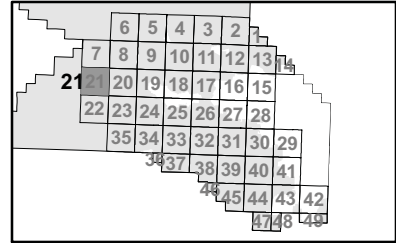
-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve








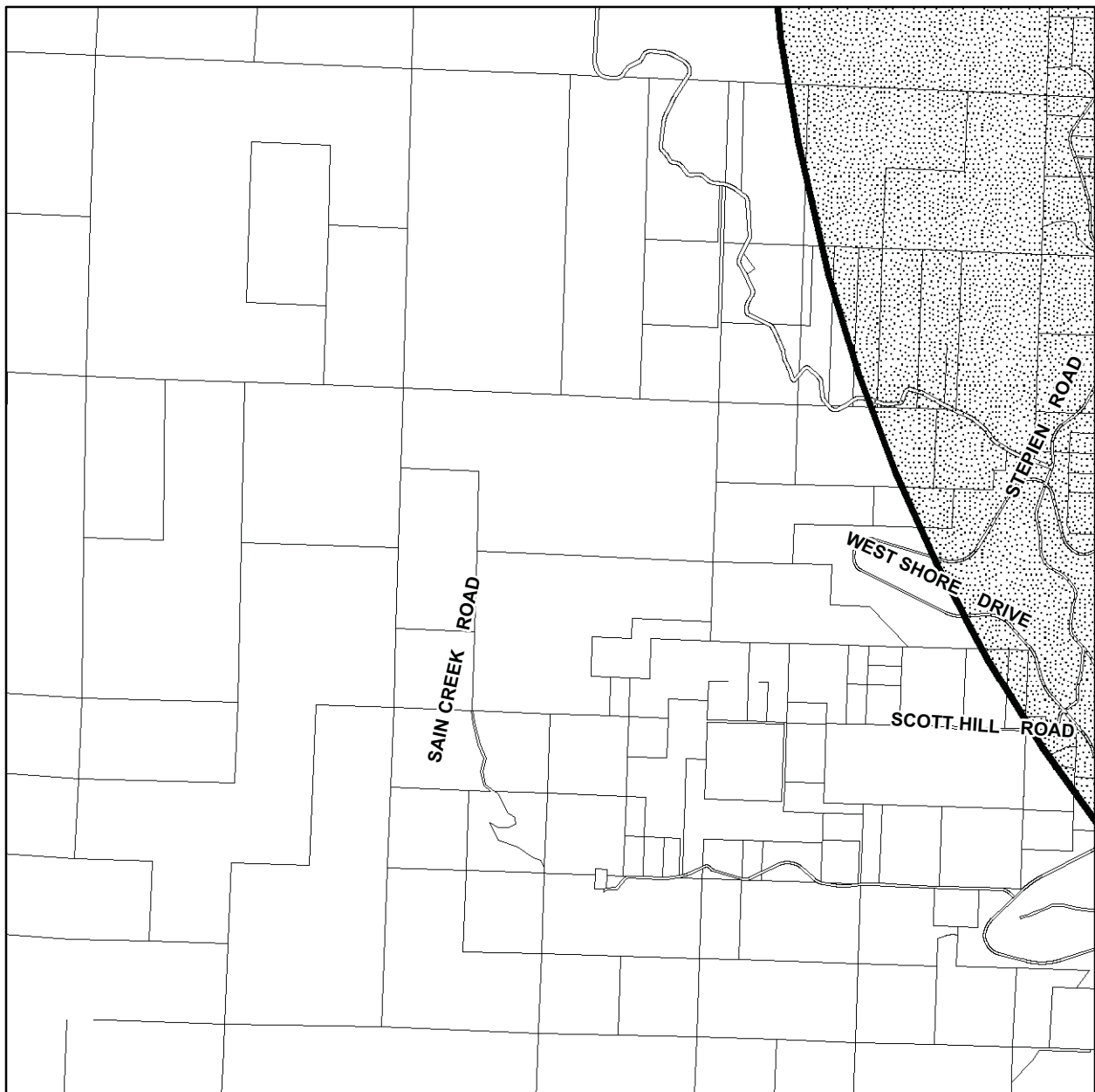
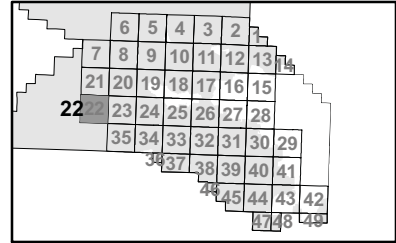
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


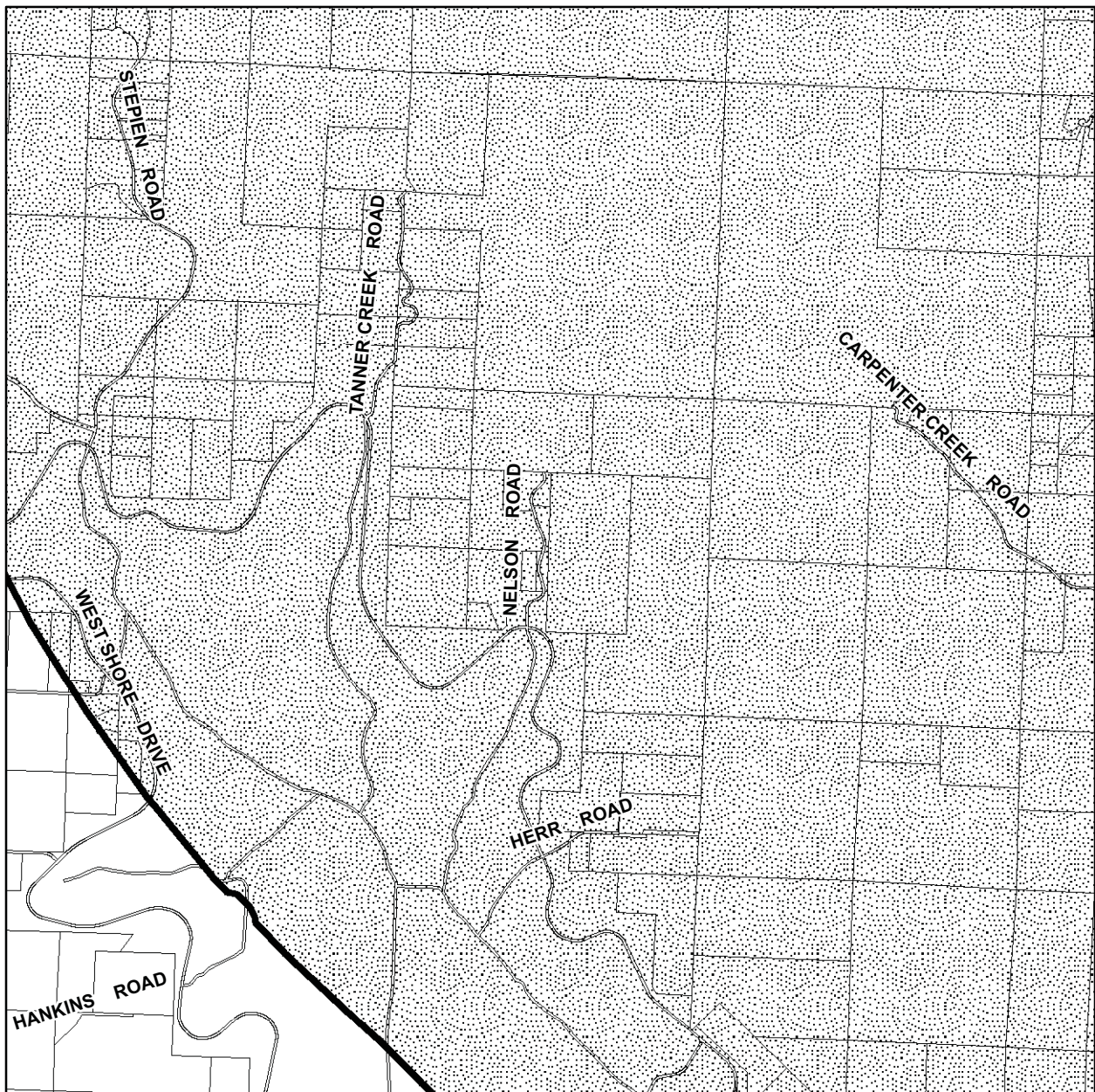
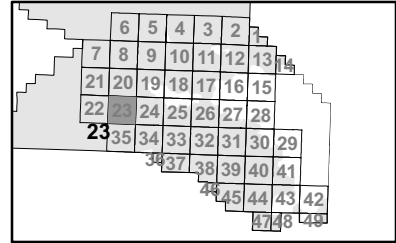
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


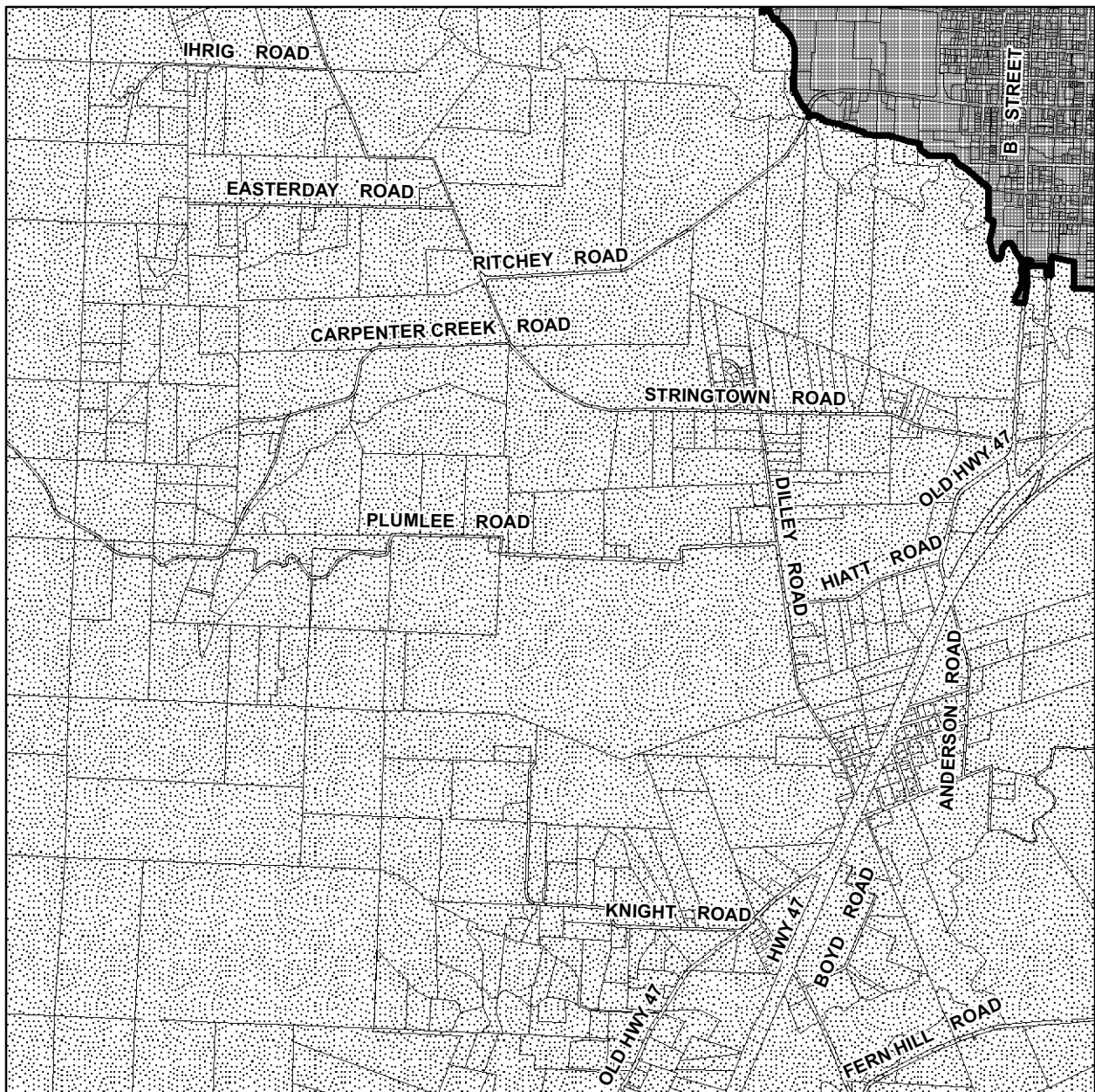
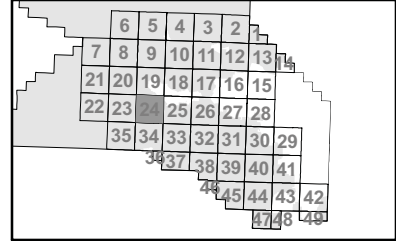
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
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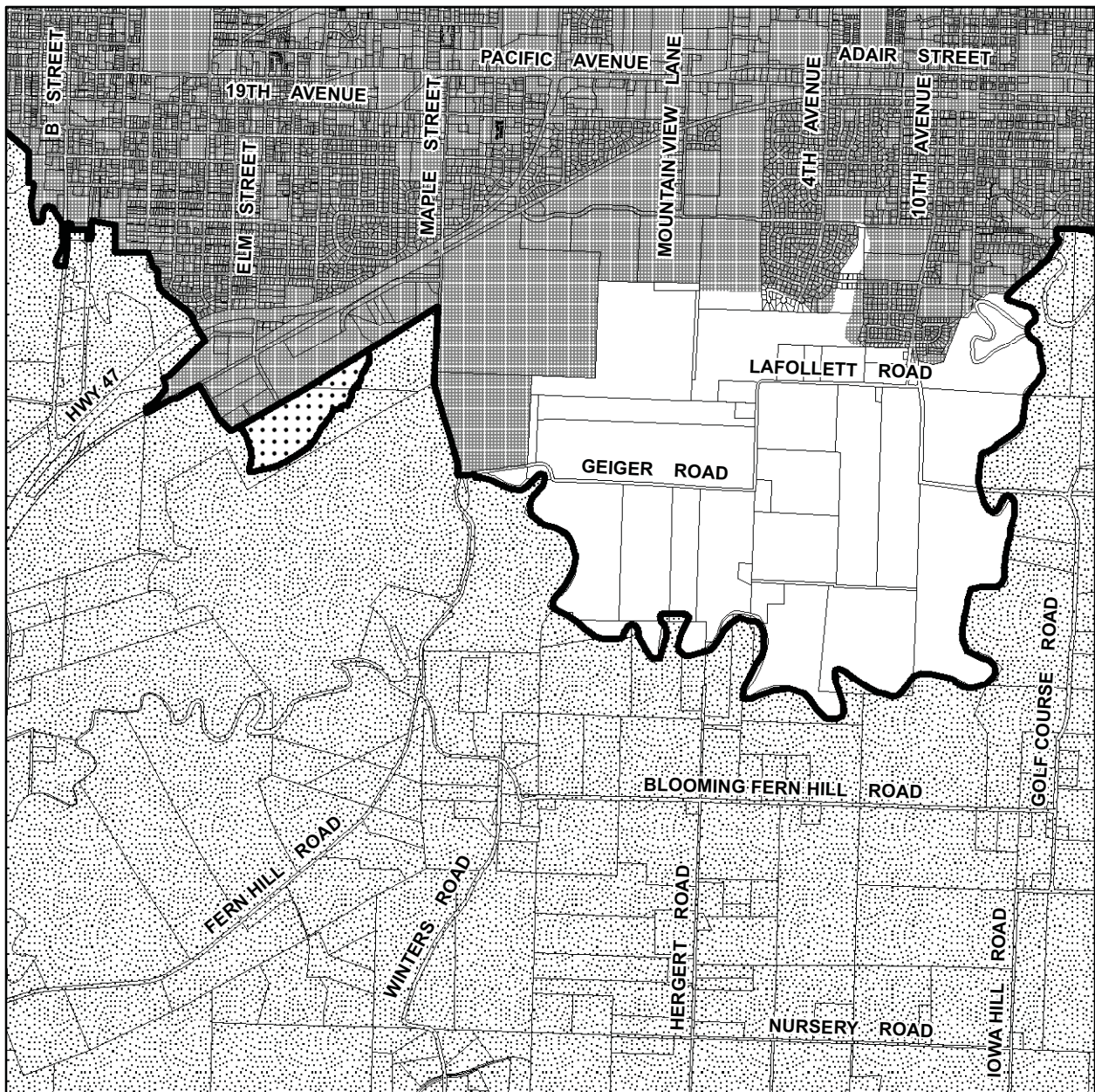
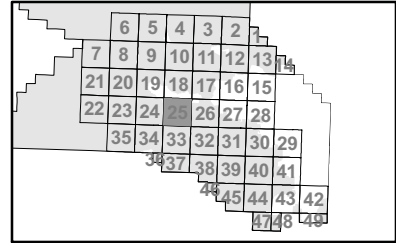
-  Add as Rural Reserve
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-  Add as Urban Reserve








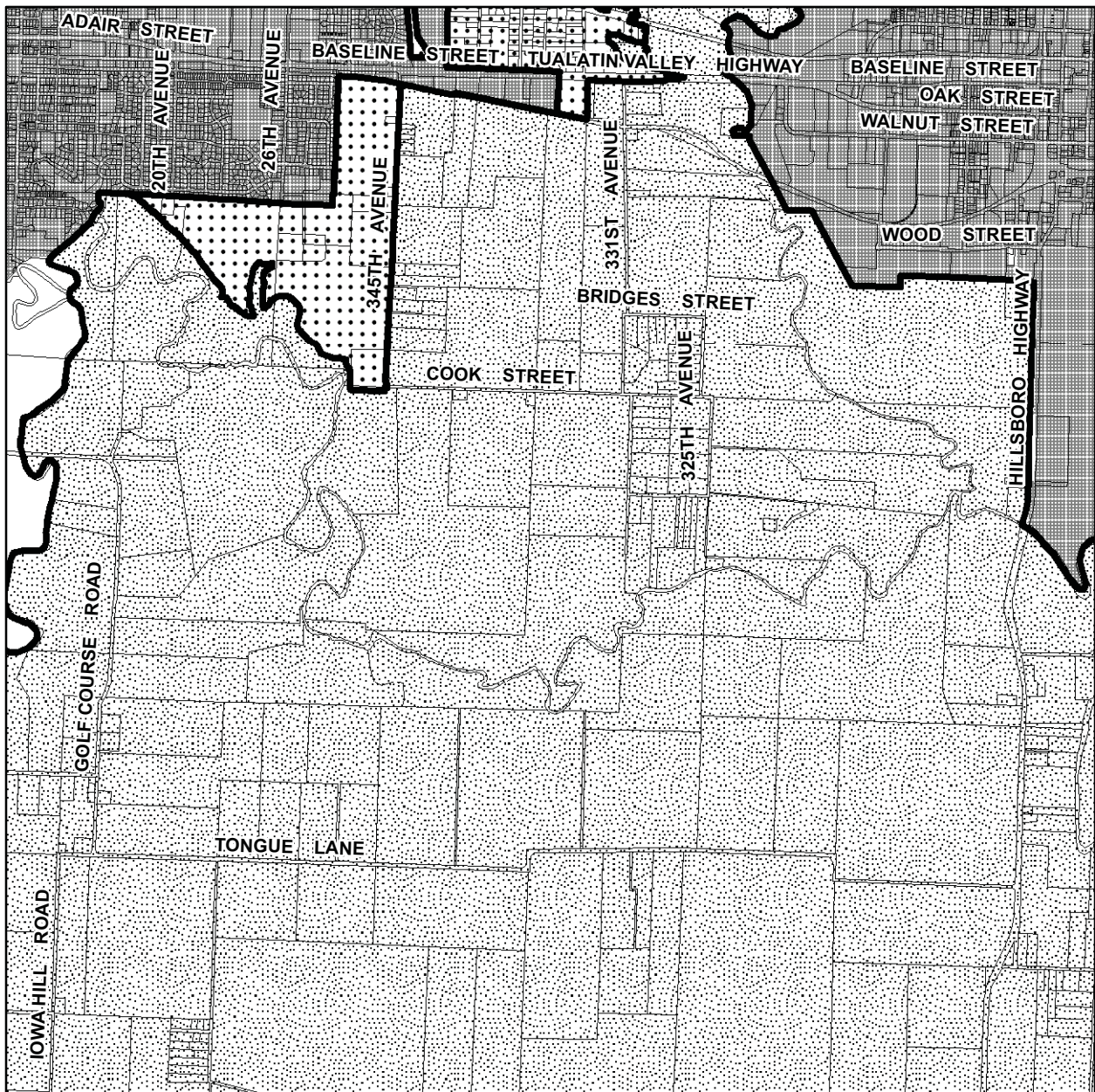
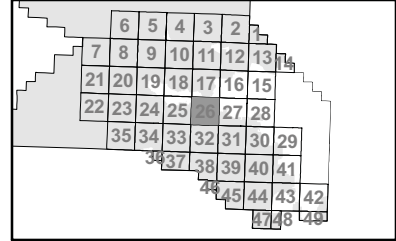
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
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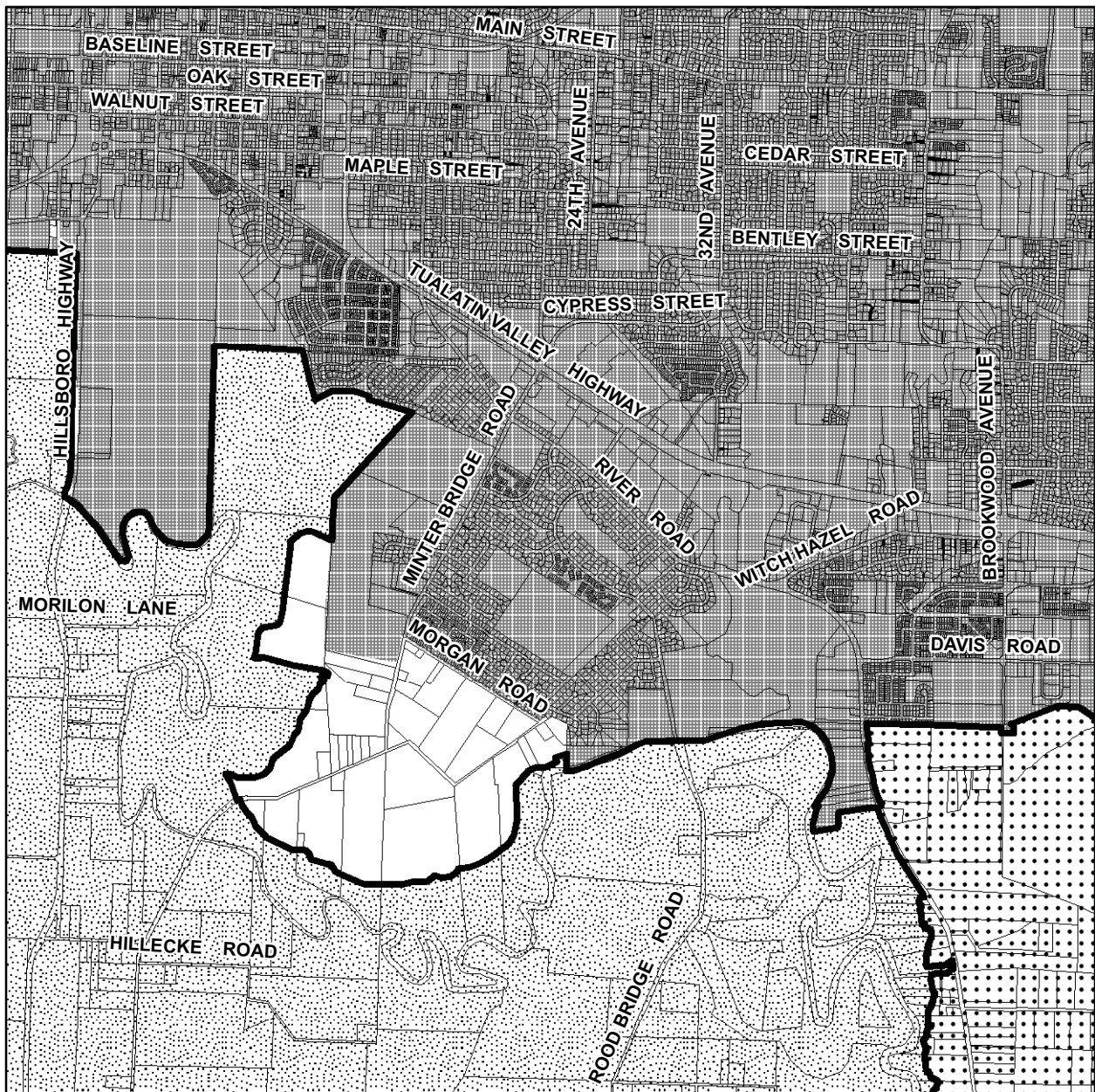
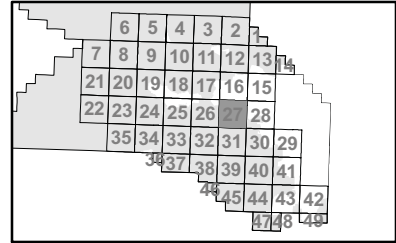
-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve








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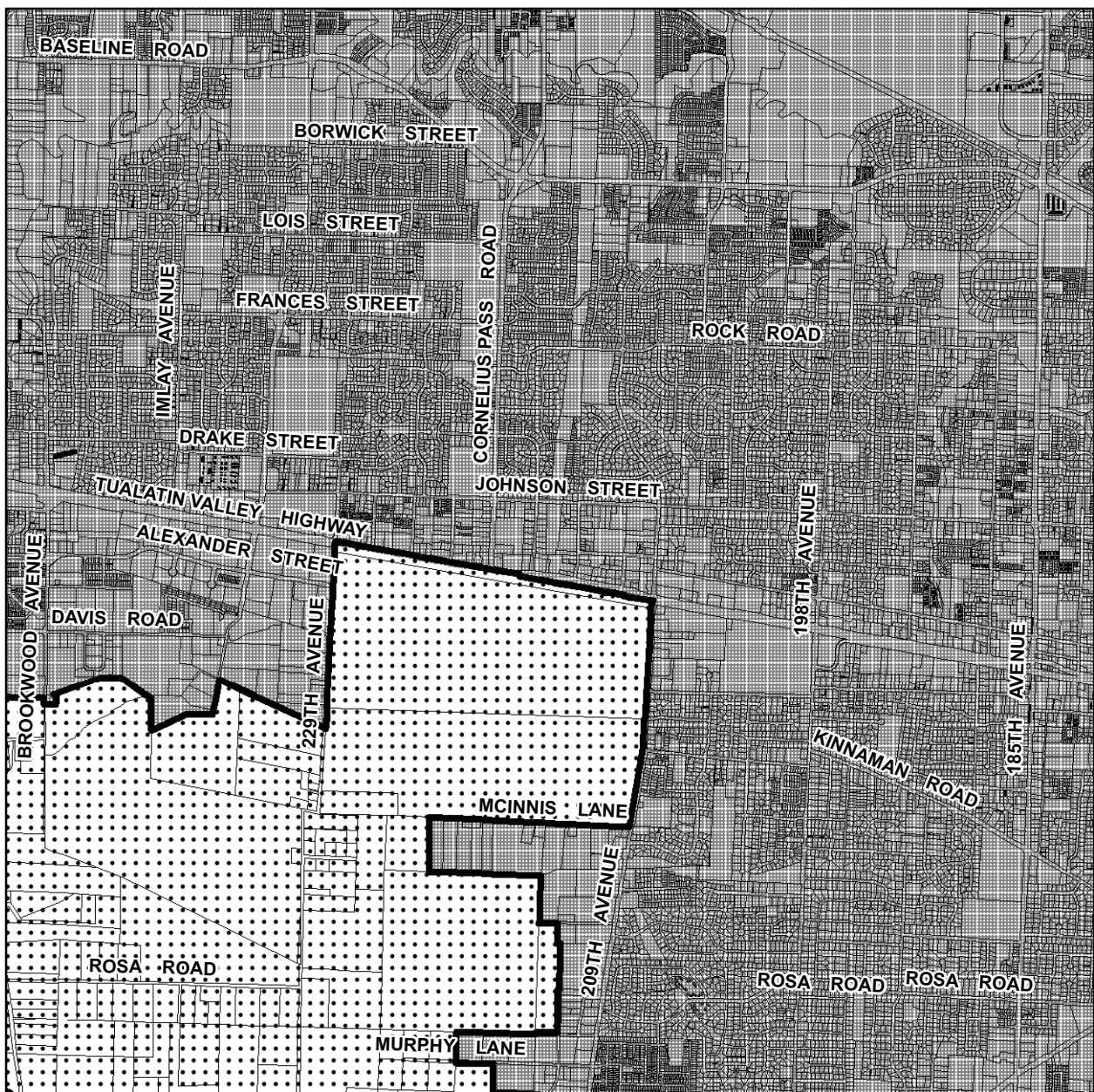
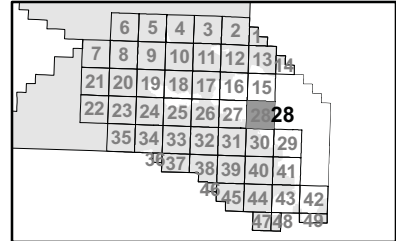
-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve








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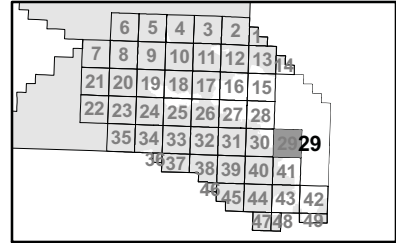
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
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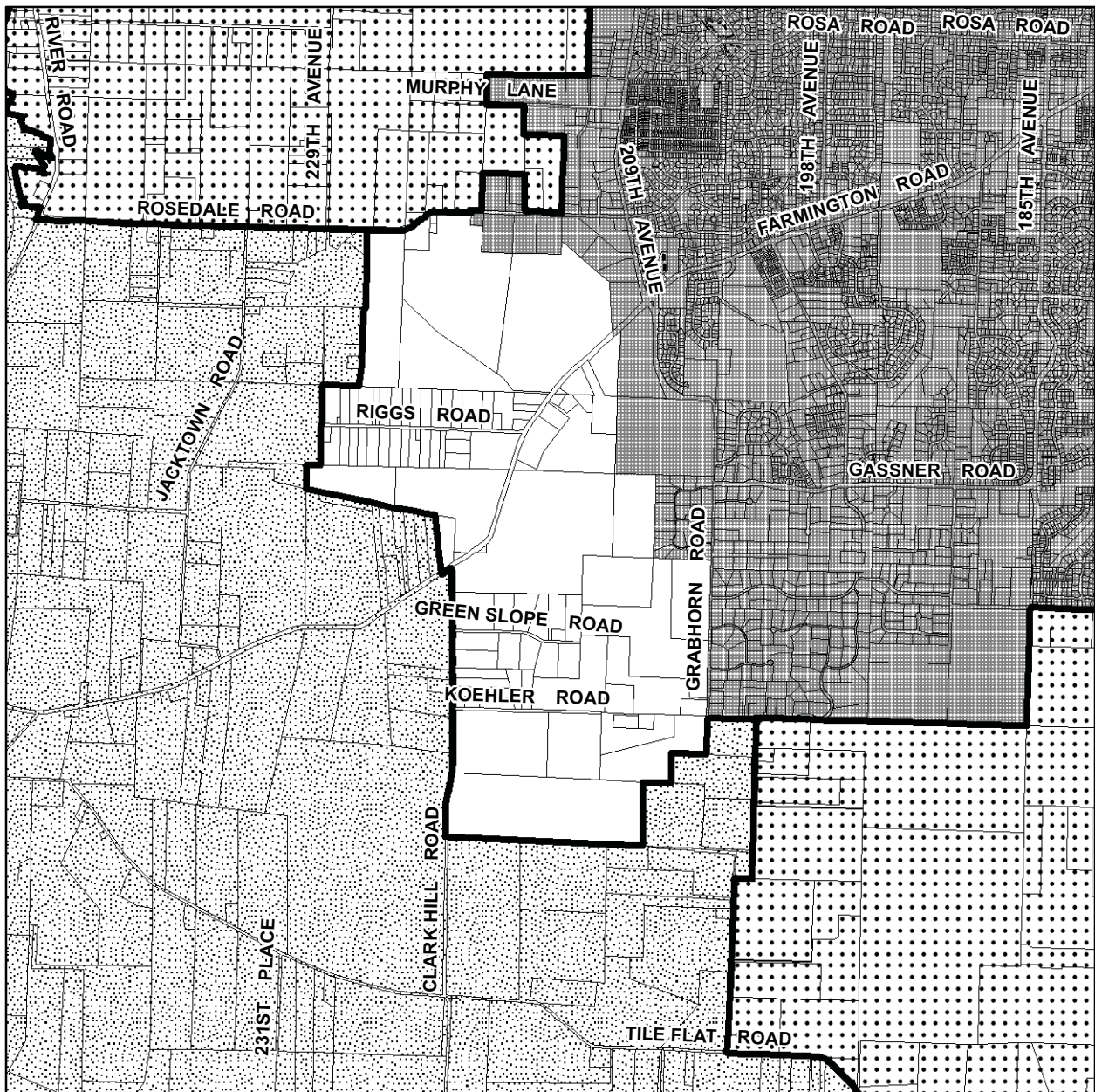
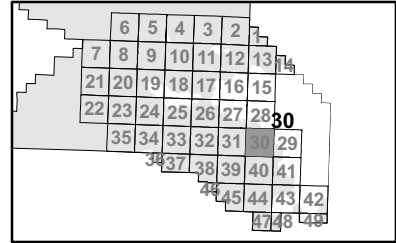
-  Add as Rural Reserve
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


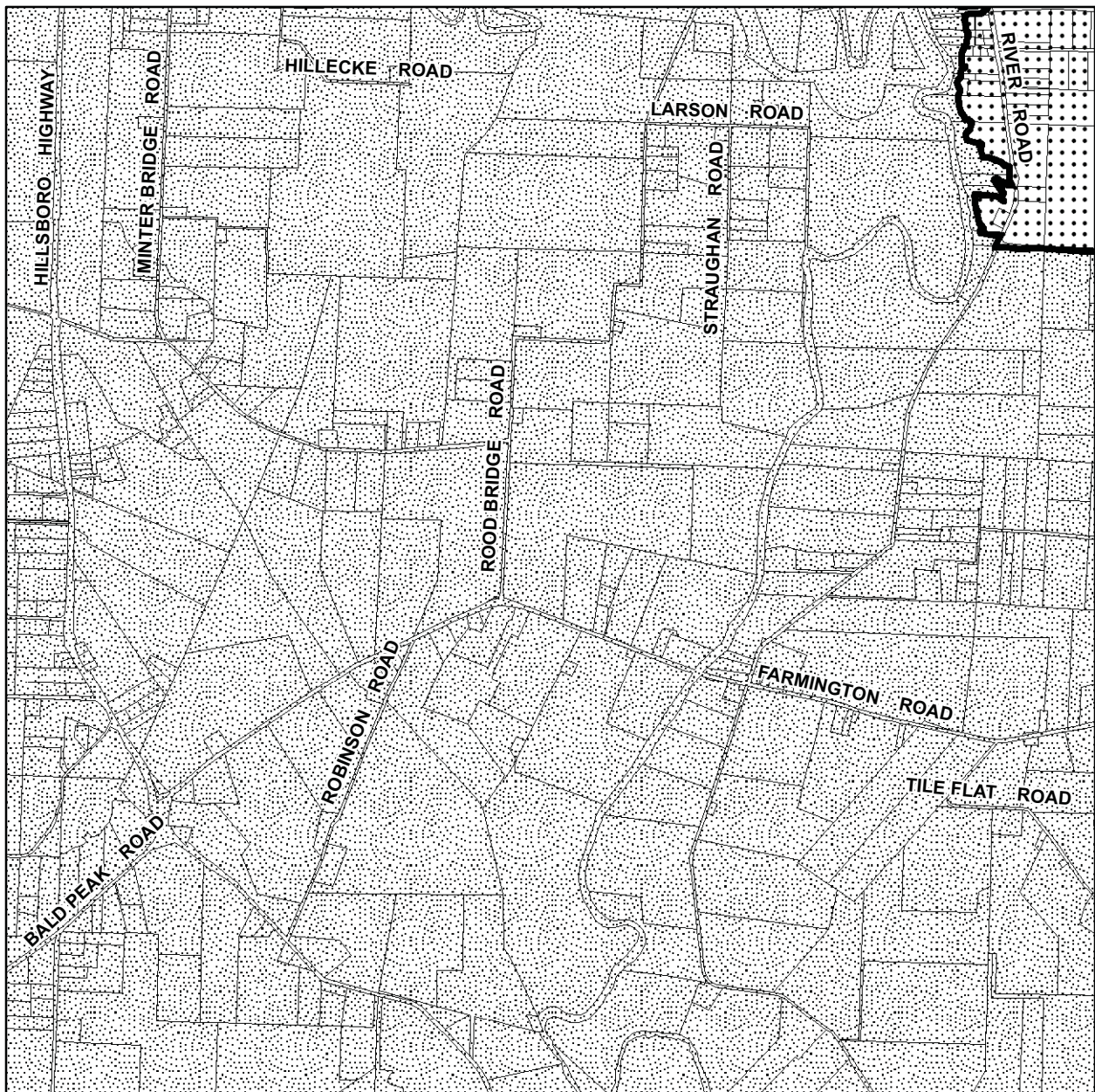
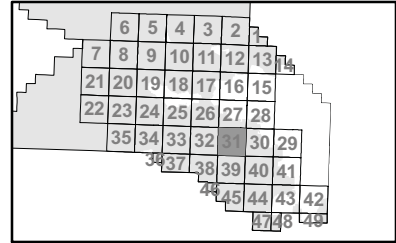
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



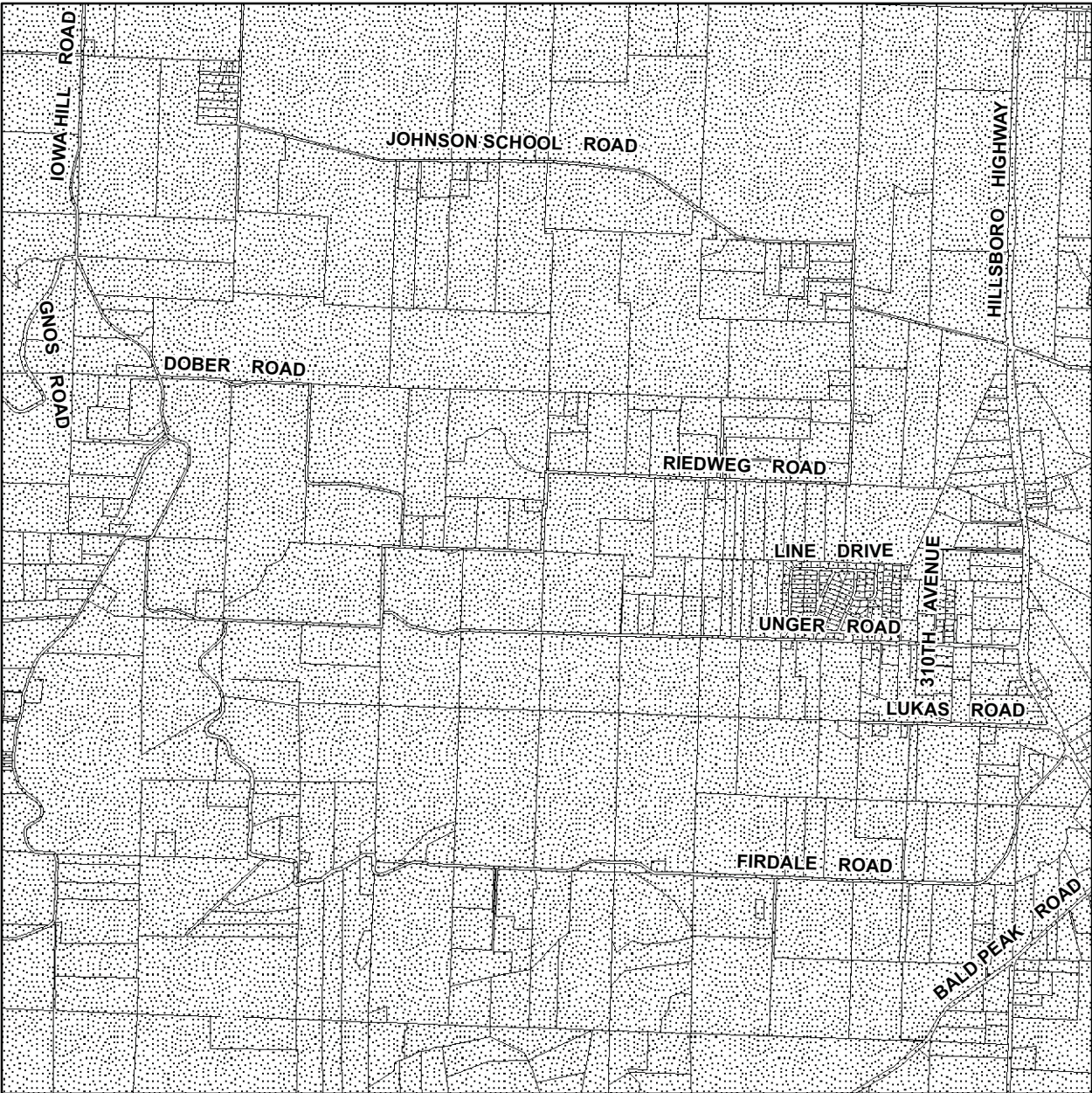
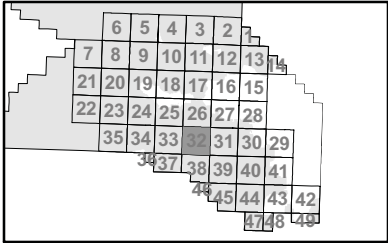
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

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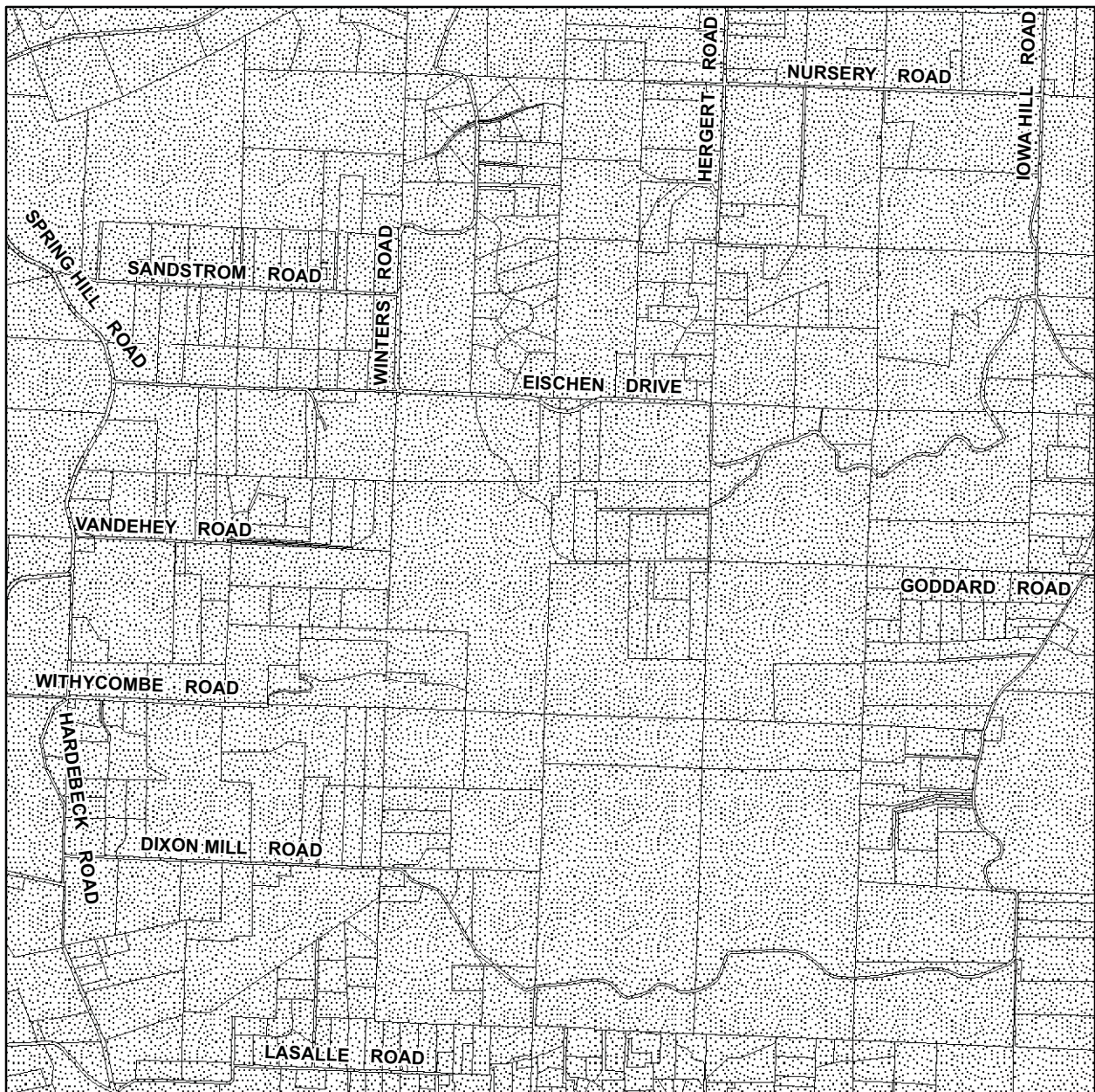
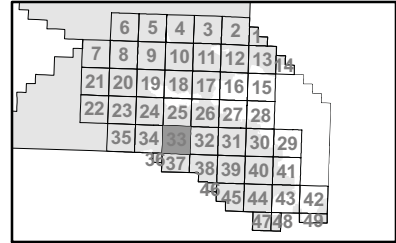
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

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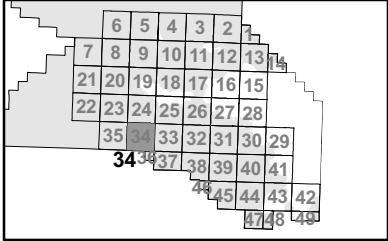
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


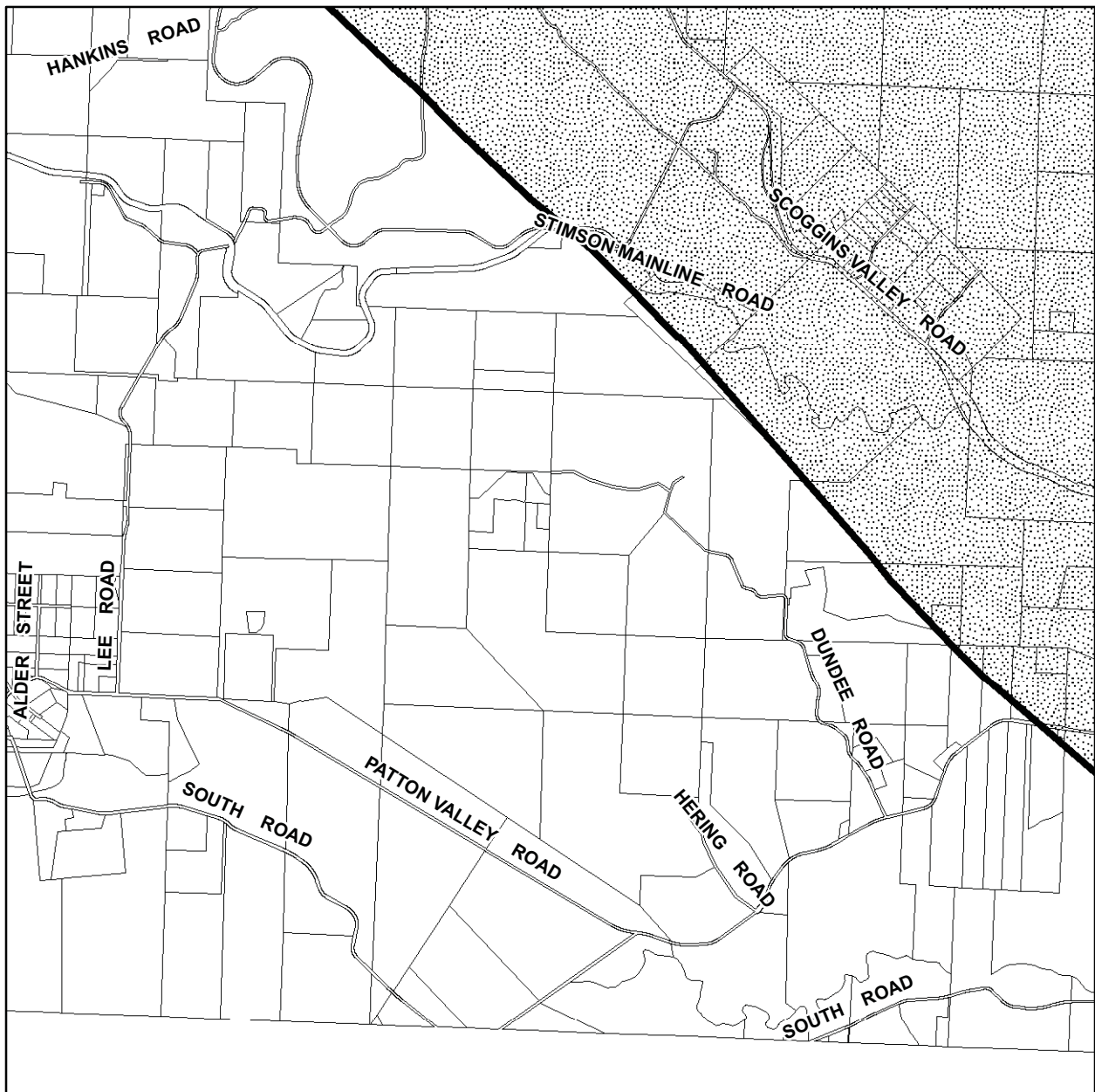
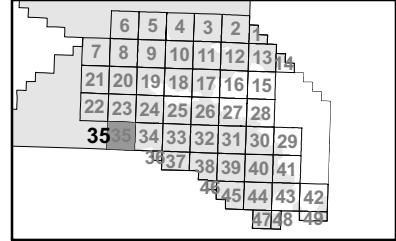
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



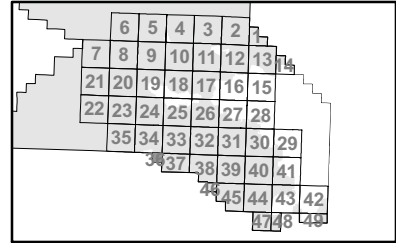
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


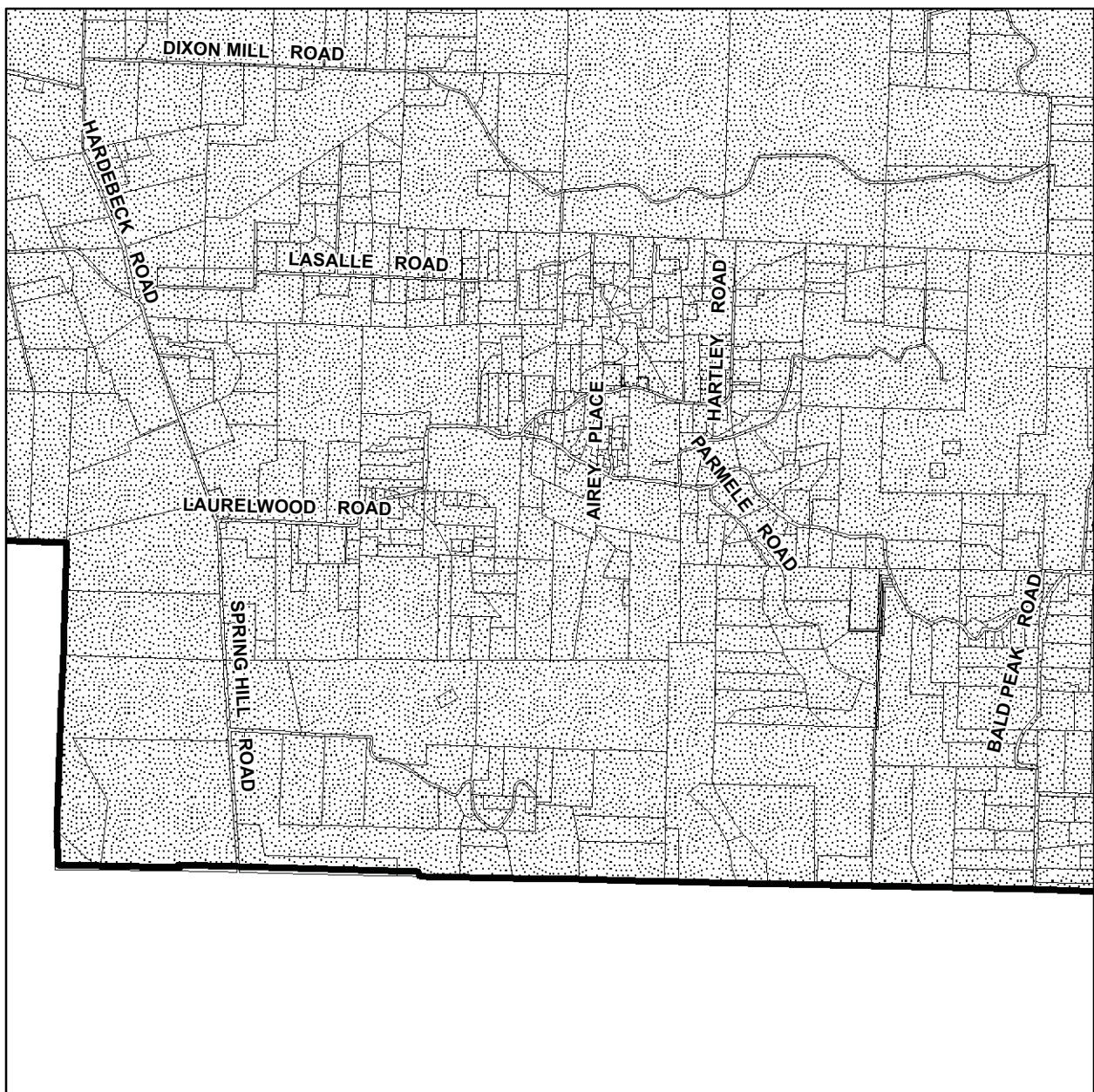
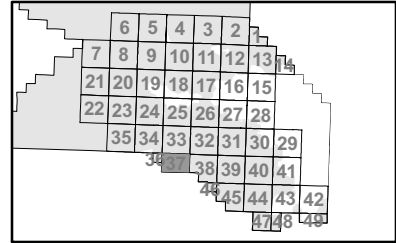
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

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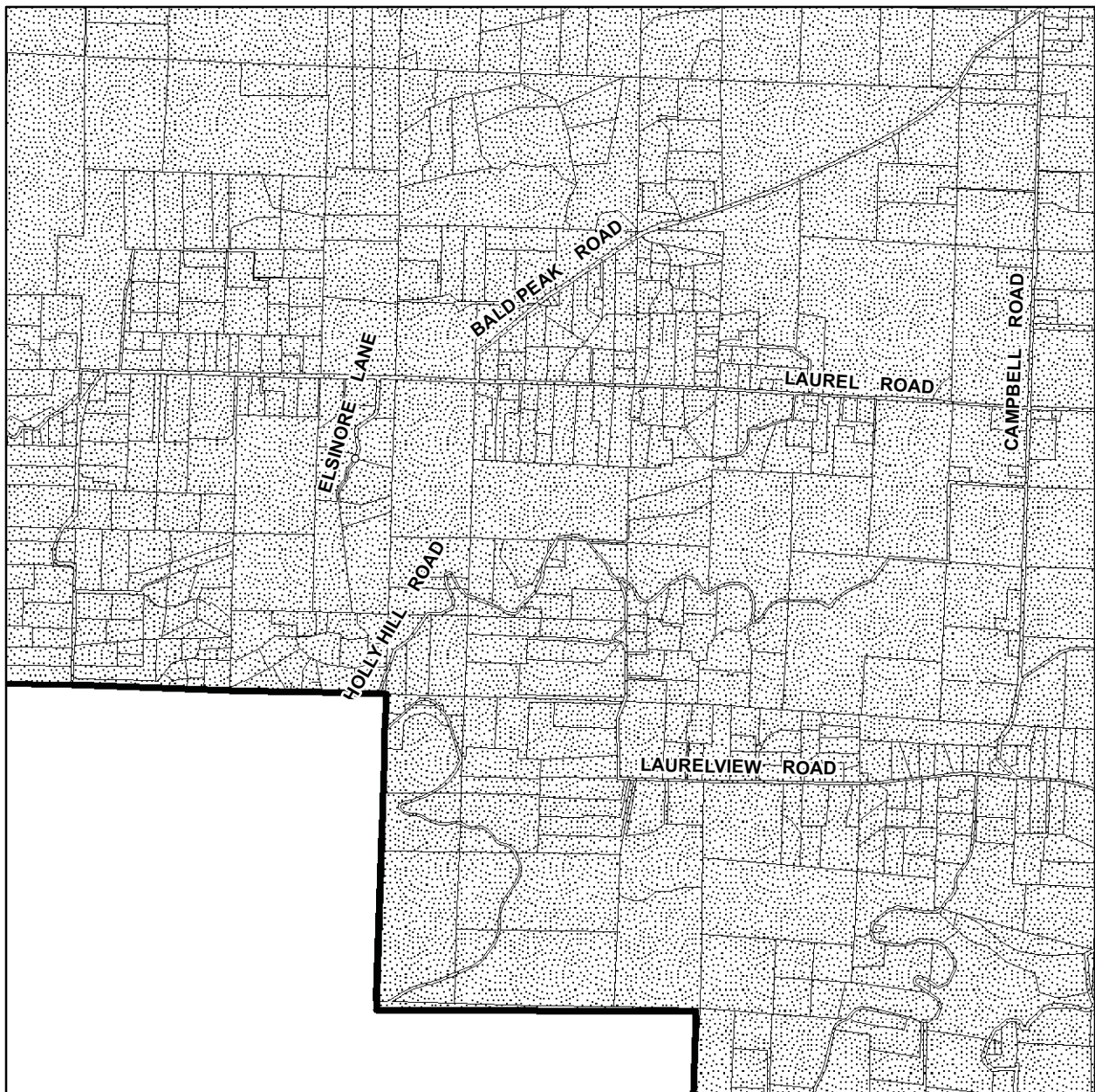
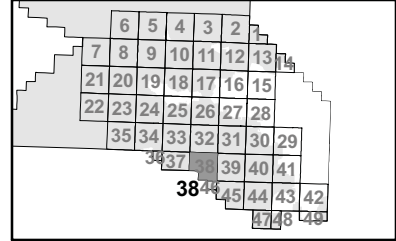
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
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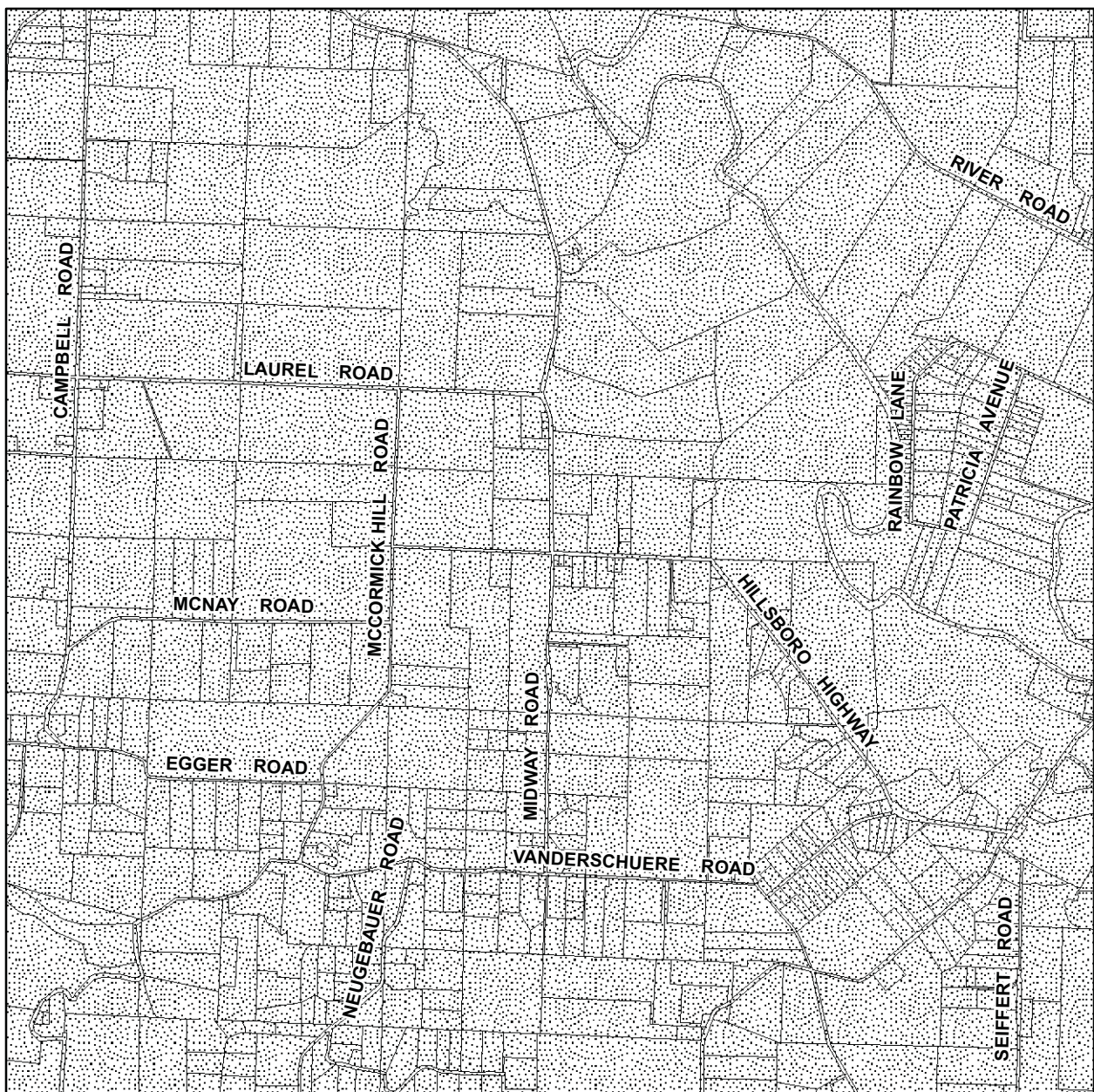
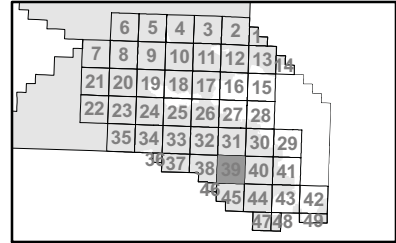
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


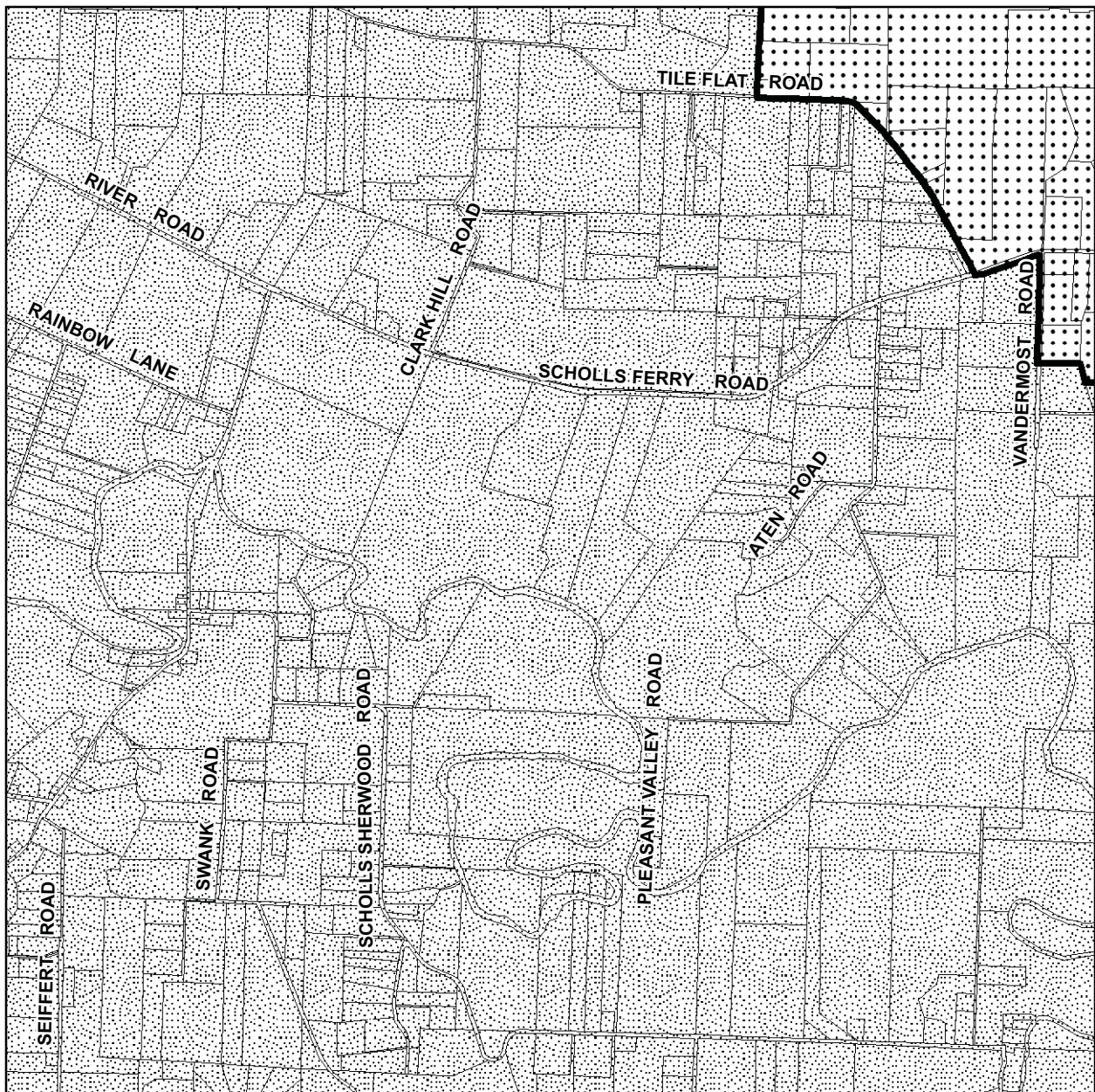
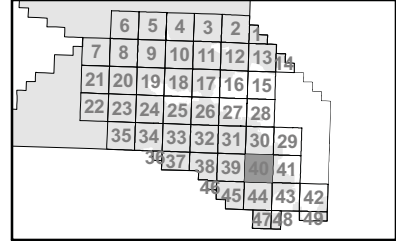
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
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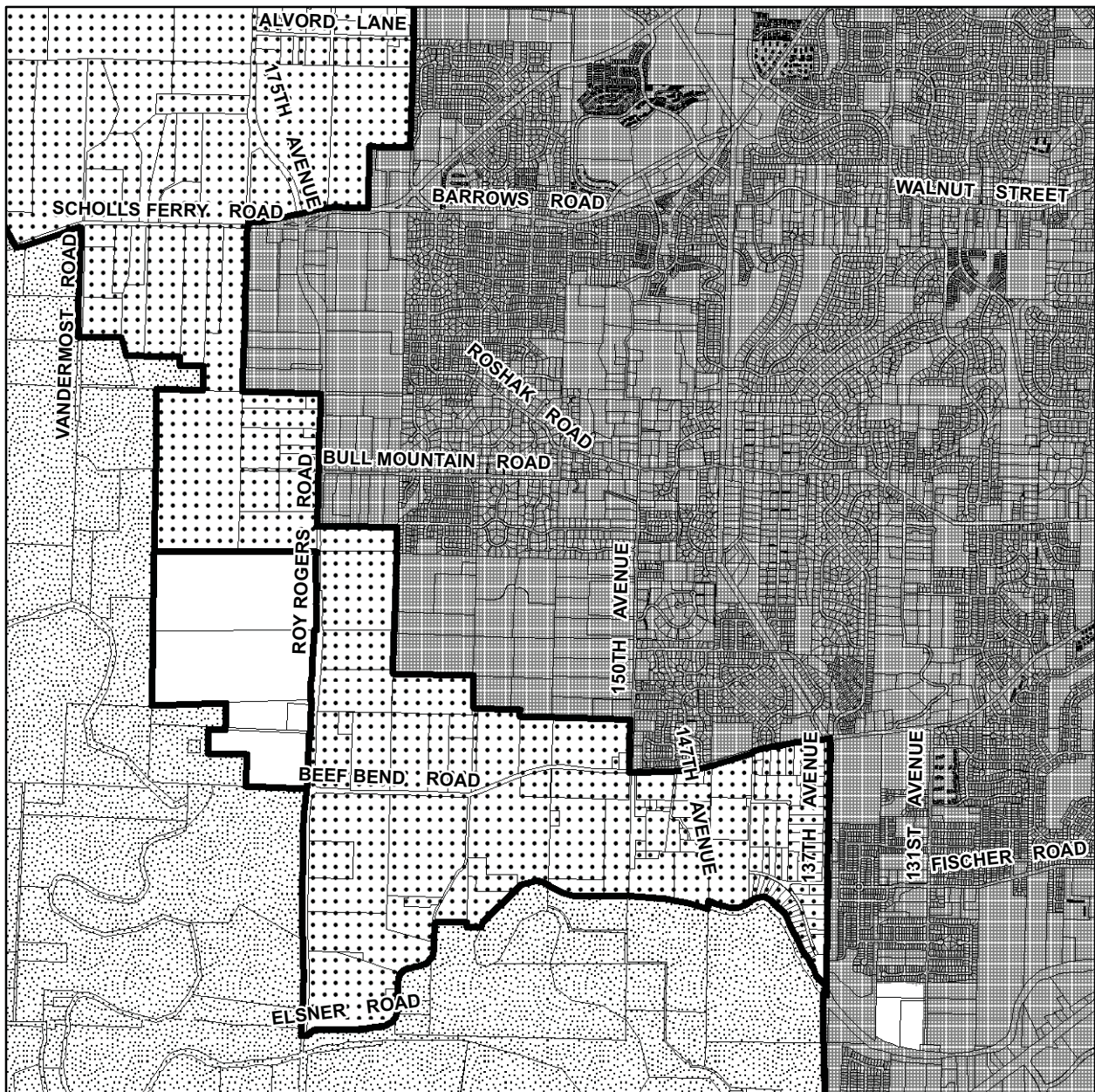
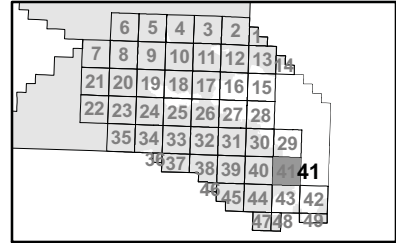
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


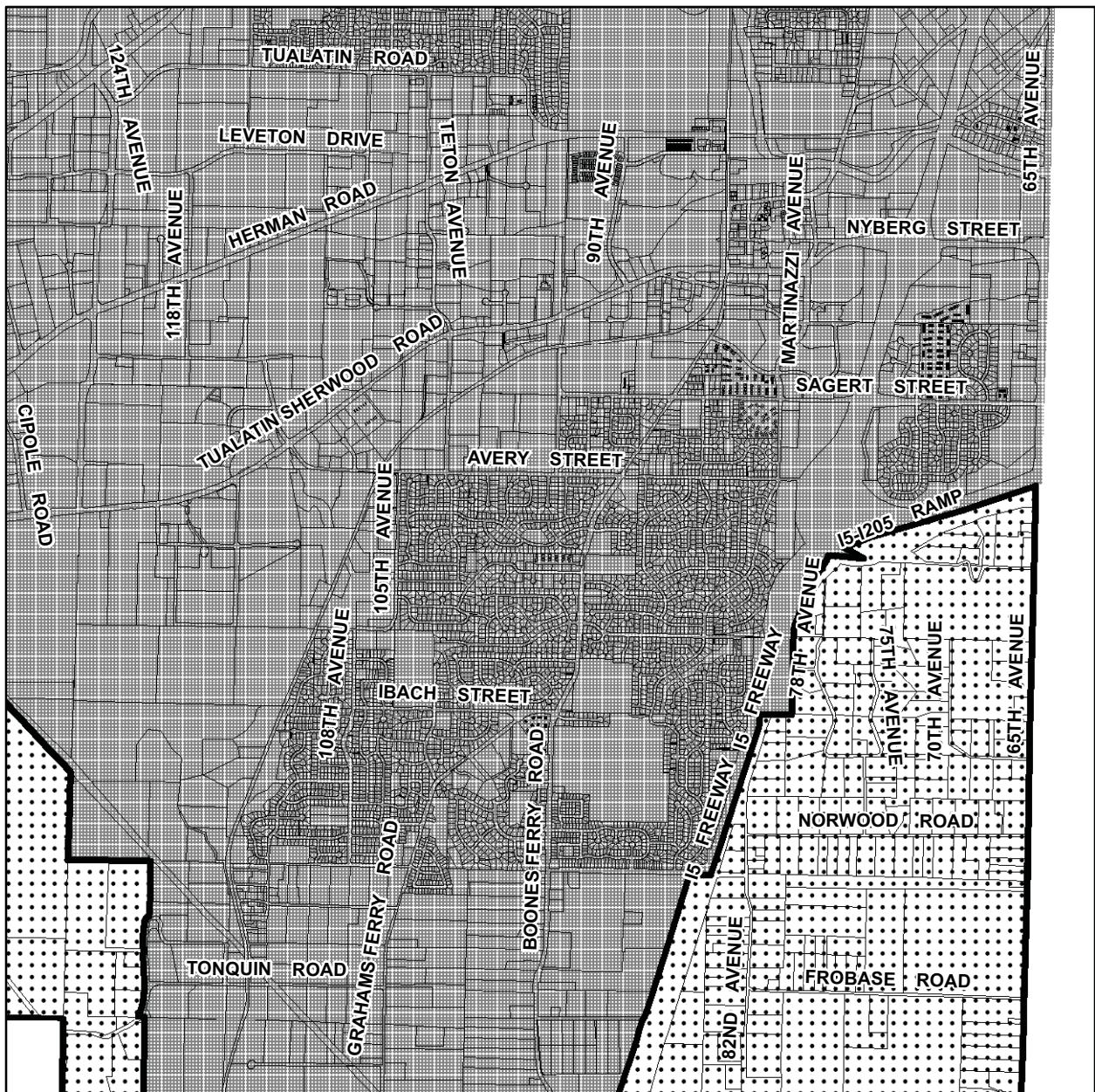
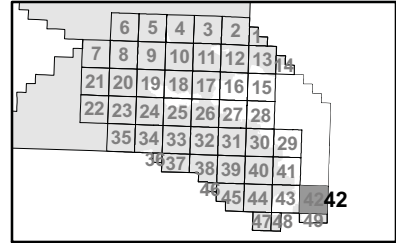
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
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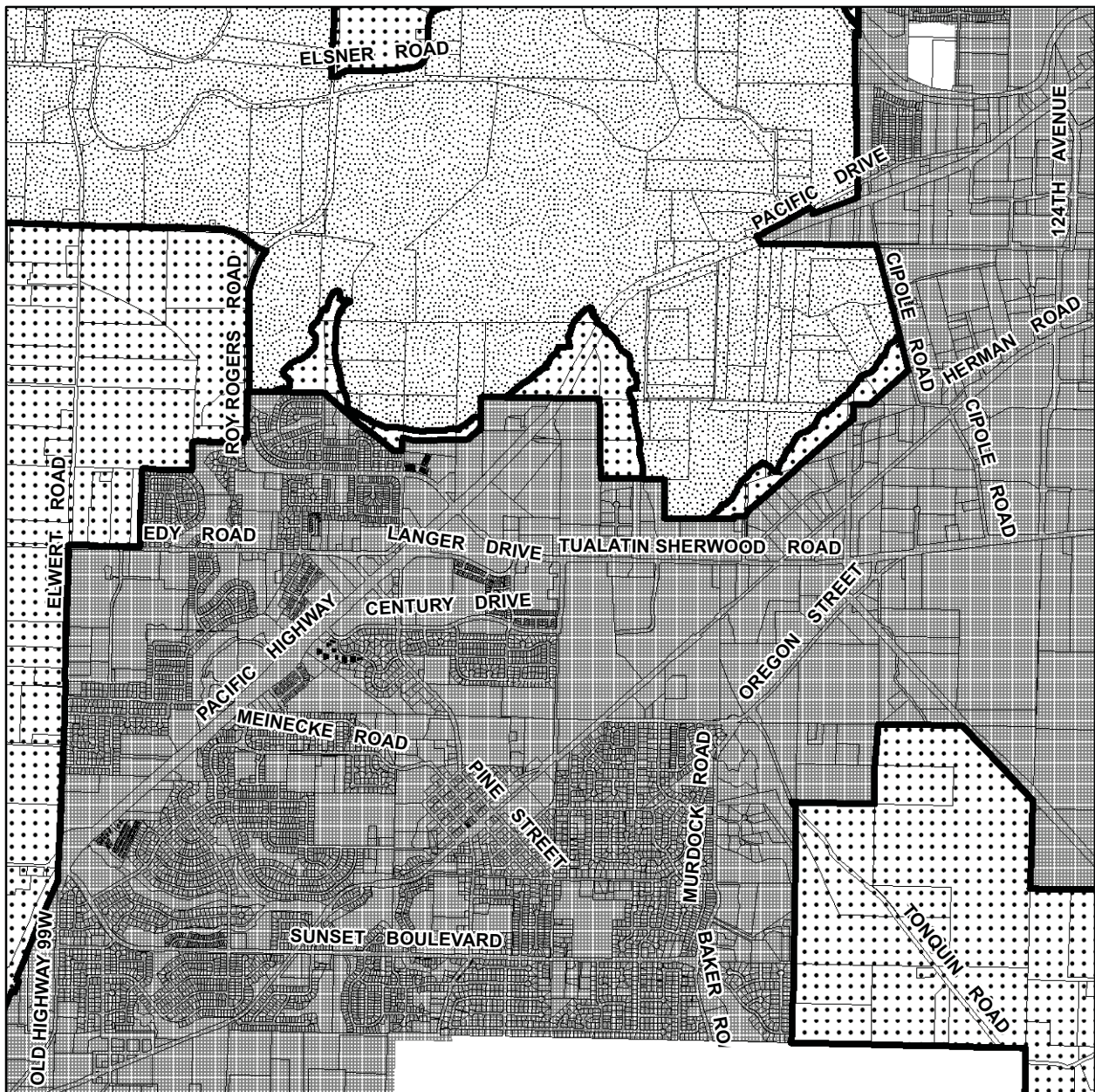
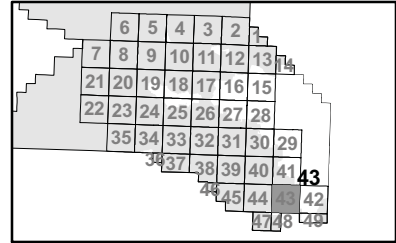
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

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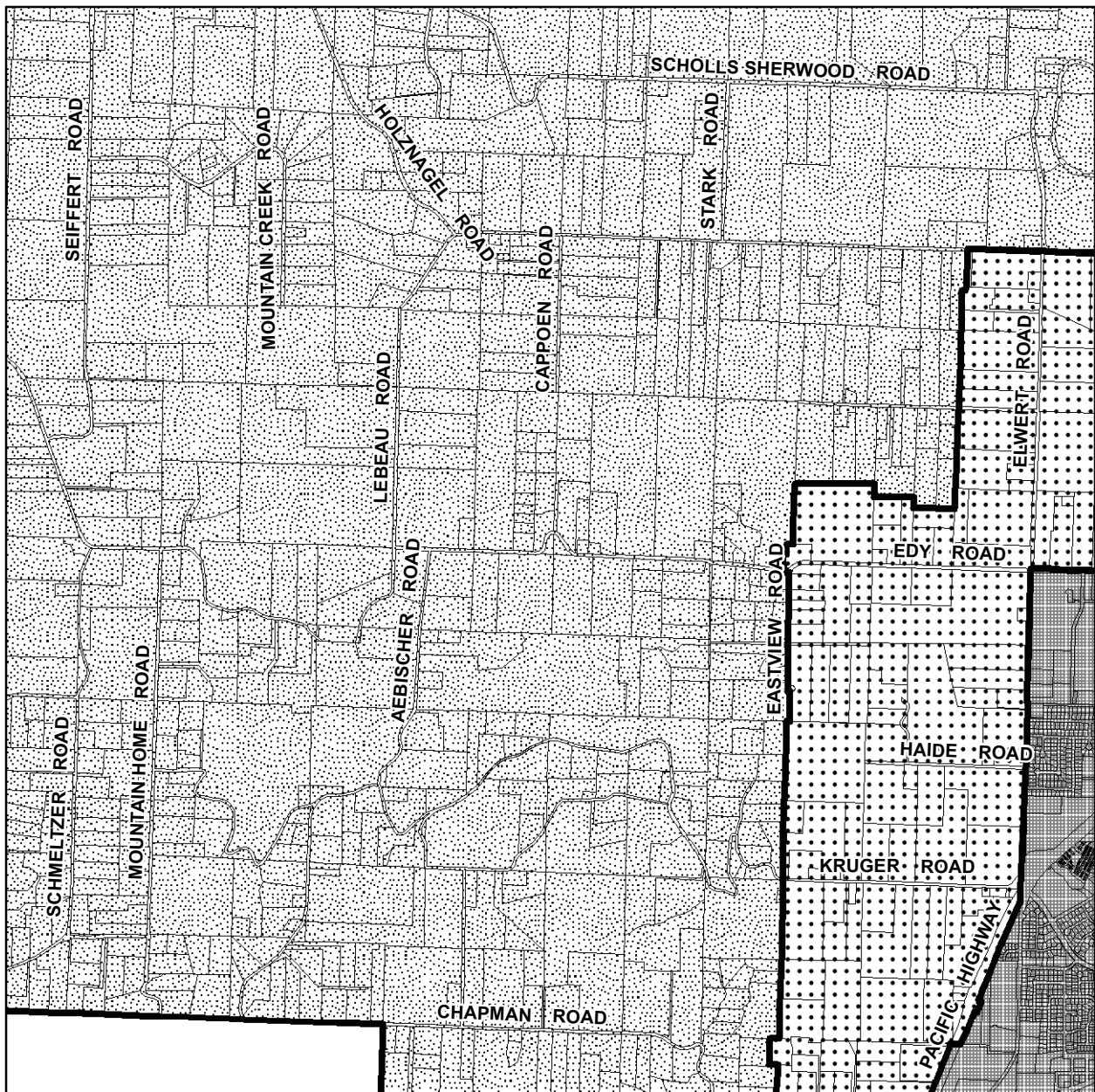
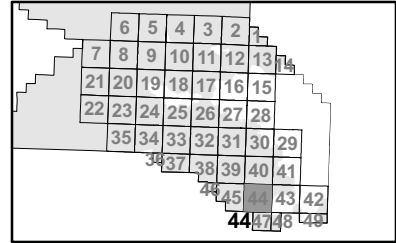
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


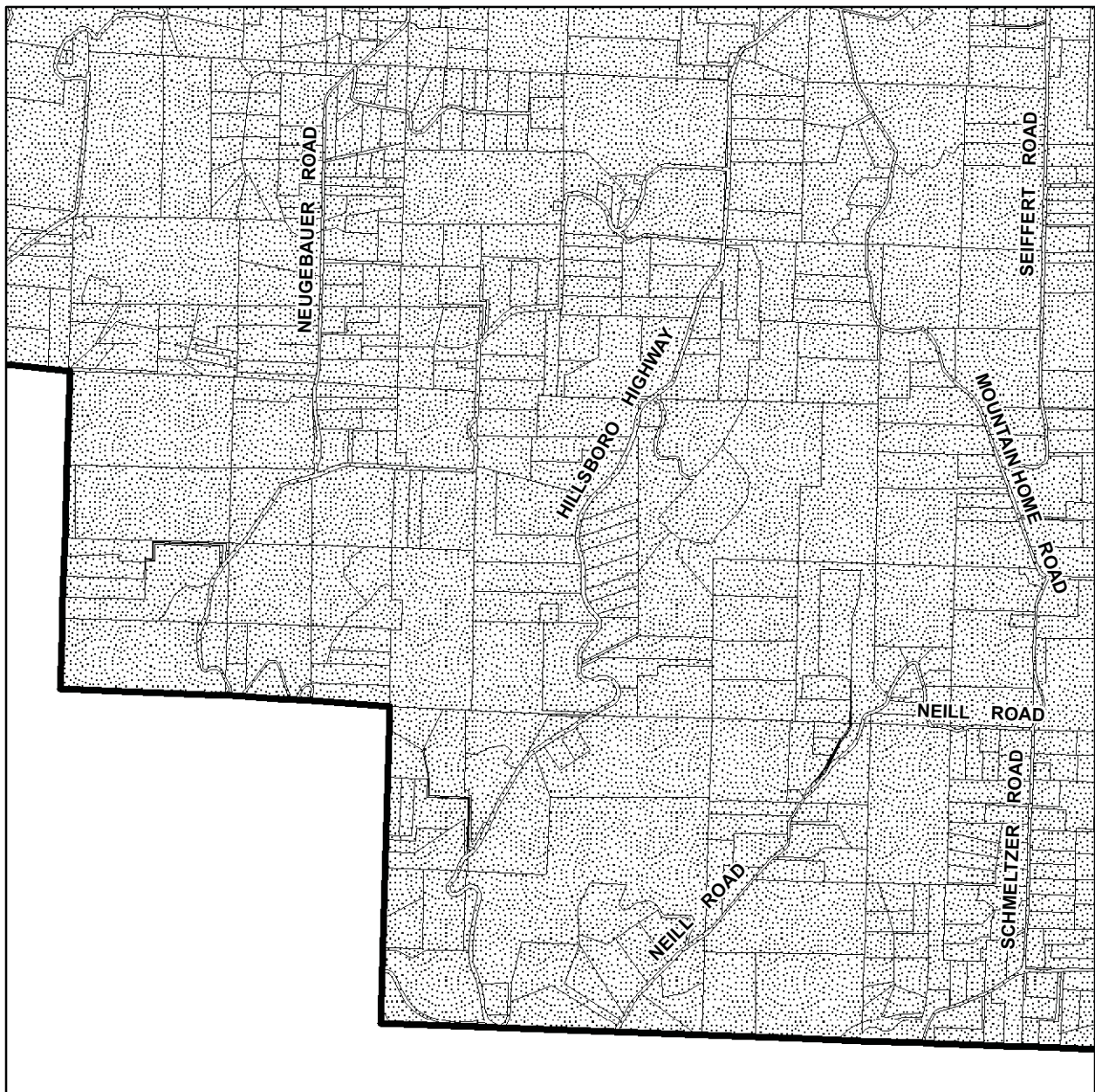
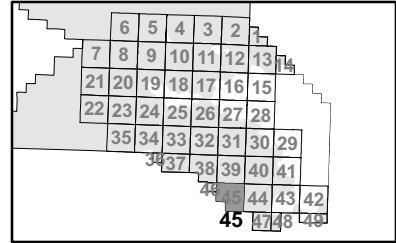
The Rural and Urban Reserves map in Policy 29 of the Rural/Natural Resource Plan is repealed and replaced by the maps shown in this exhibit. The following maps reflect the amendments shown in Exhibit 1 of this ordinance.

-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve






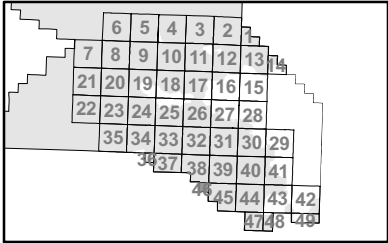
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
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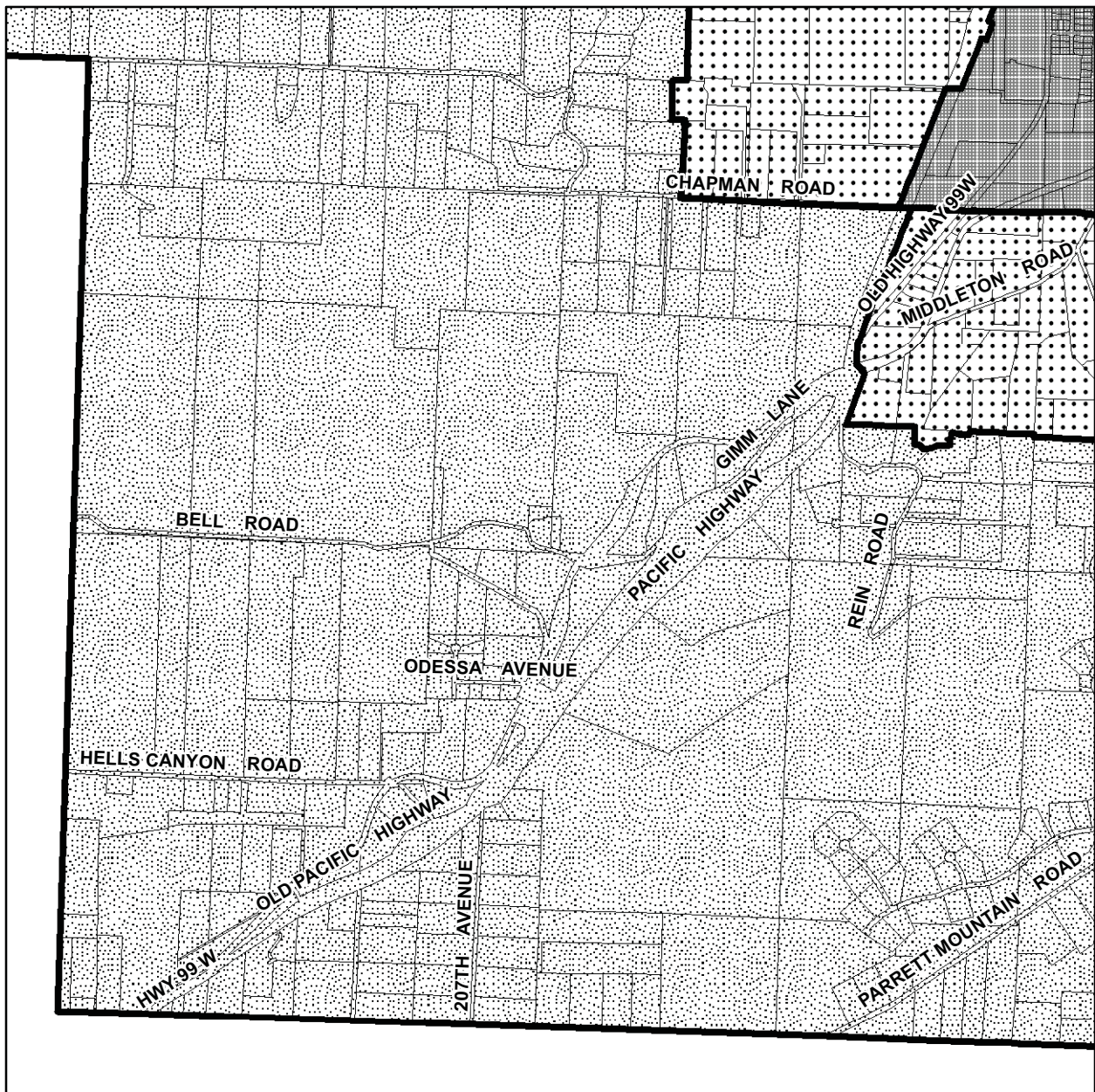
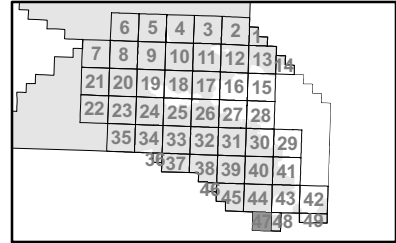
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



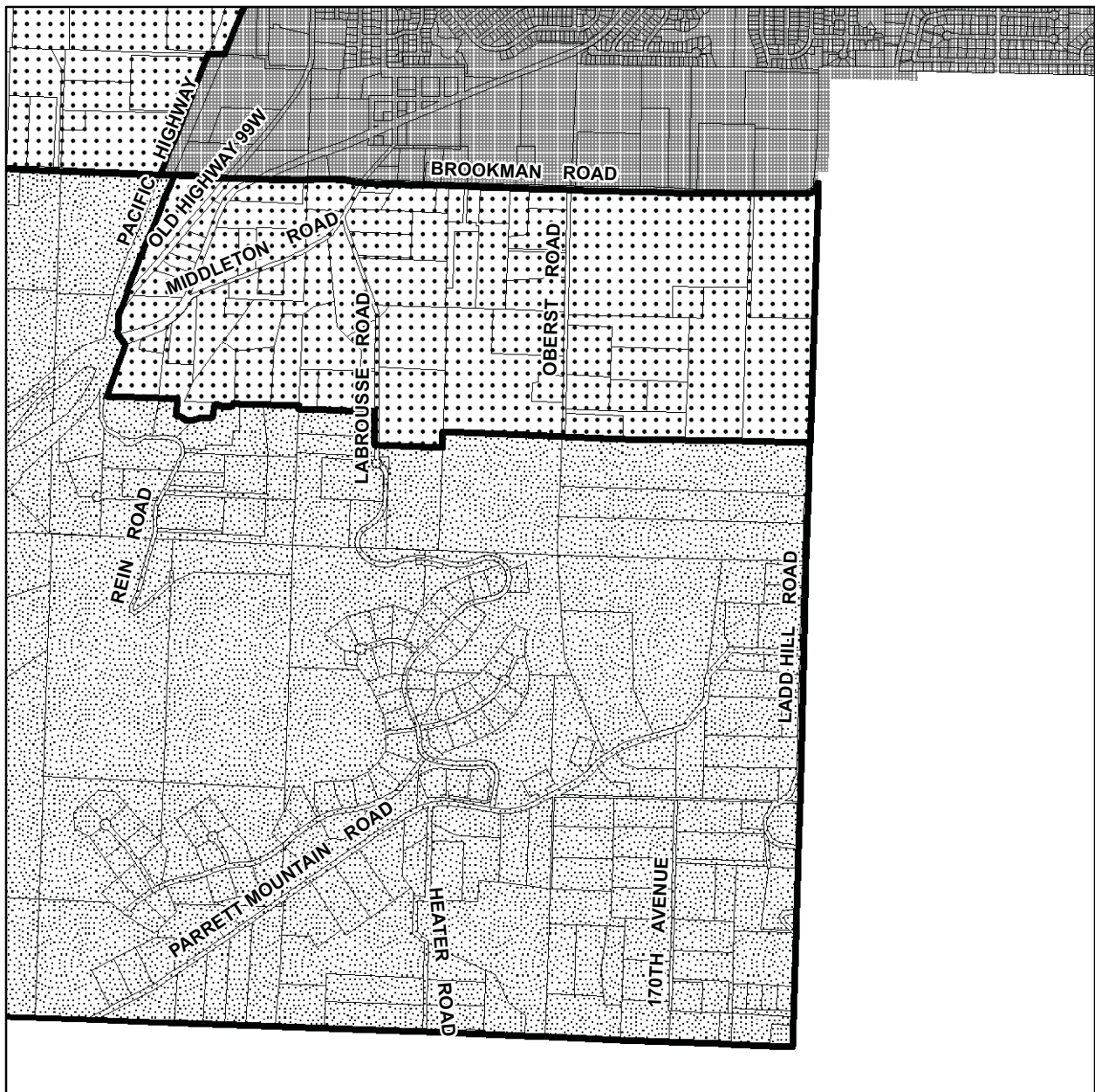
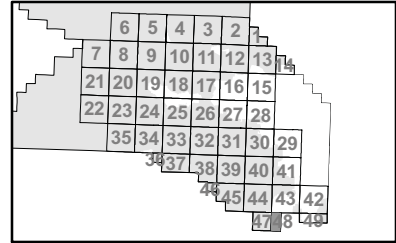
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
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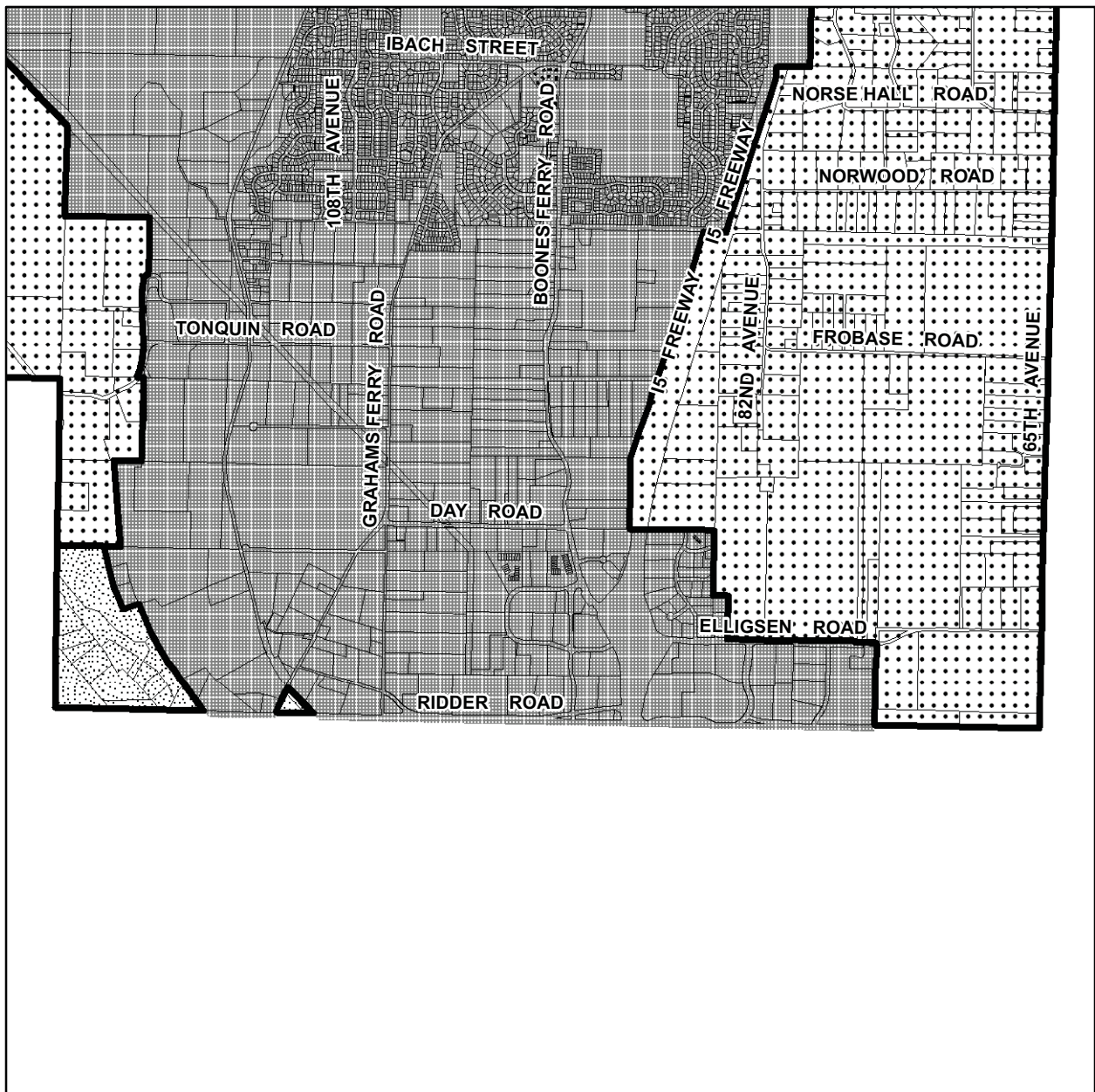
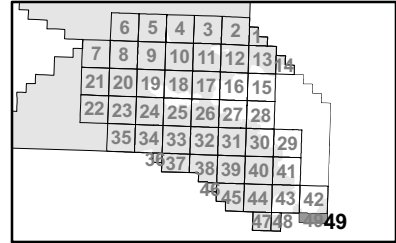
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-  Add as Rural Reserve
-  Existing Urban Area
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# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Action – Land Use & Transportation All rural  
CPOs and  
CPOs 9, 12F,  
12C, 4B, 5,  
& 6

**Agenda Title:** ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 740

**Presented by:** Andrew Singelakis, Director

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### SUMMARY:

A-Engrossed Ordinance No. 740 proposes to amend Policy 29 of the Rural/Natural Resource Plan to modify the Rural and Urban Reserves map.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan. Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 740. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

### DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for A-Engrossed Ordinance No. 740 and authorize the Chair to sign the Resolution and Order memorializing the action.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 11-29

Agenda Item No.	<u>6.a.</u>
Date:	04/26/11

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting ) RESOLUTION AND ORDER  
4 Legislative Findings in Support )  
of A-Engrossed Ordinance No. 740 ) No. 11-29

5 This matter having come before the Washington County Board of Commissioners at its  
6 meeting of April 26, 2011; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts  
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised  
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's  
10 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 740; and

11 It appearing to the Board that the findings attached as Exhibit "A" constitute appropriate  
12 legislative findings with respect to the adopted ordinance; and

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
14 on March 2, 2011, made a recommendation to the Board, which is in the record and has been  
15 reviewed by the Board; and

16 It appearing to the Board that, in the course of its deliberations, the Board has considered the  
17 record which consists of all notices, testimony, staff reports, and correspondence from interested  
18 parties, together with a record of the Planning Commission's proceedings, and other items submitted  
19 to the Planning Commission and Board regarding this ordinance; it is therefore,


20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of  
21 A-Engrossed Ordinance No. 740 are hereby adopted.

22 DATED this 26th day of April, 2011.

23 BOARD OF COUNTY COMMISSIONERS  
24 FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
24 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26 TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

25   
Chairman

26   
27 County Counsel  
28 For Washington County, Oregon

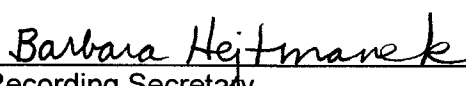
26   
27 Recording Secretary

EXHIBIT A

**SUPPLEMENTAL FINDINGS IN SUPPORT OF A-ENGROSSED ORDINANCE  
NO. 740, AN ORDINANCE AMENDING POLICY 29 OF THE  
RURAL/NATURAL RESOURCE PLAN TO MODIFY THE RURAL AND  
URBAN RESERVES MAP**

**April 26, 2011**

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- Amount of Urban Reserves ..... Page 14**
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- Description of LCDC Oral Remand ..... Page 18**
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  - Rural Reserve Overview..... Page 33**
  - Supplemental Findings for Rural Reserve land near Cornelius ..... Page 35**
  - Supplemental Findings for Urban Reserve Area 7B ..... Page 40**
  - Supplemental Findings for Urban Reserve Area 8B ..... Page 59**
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## **Exhibit B to Ordinance No. 11-1255**

### **REASONS FOR DESIGNATION OF URBAN AND RURAL RESERVES**

#### **I. BACKGROUND**

The 2007 Oregon Legislature authorized Metro and Clackamas, Multnomah and Washington Counties (“partner governments”) to designate urban reserves and rural reserves following the process set forth in ORS 195.137 – 195.145 (Senate Bill 1011) and implementing rules adopted by the Land Conservation and Development Commission (LCDC) (OAR 660 Division 27). The Legislature enacted the new authority in response to a call by local governments in the region to improve the methods available to them for managing growth. After the experience of adding over 20,000 acres to the regional urban growth boundary (UGB) following the soil-capability-based priority of lands in ORS 197.298, cities and the partner governments wanted to place more emphasis on the suitability of lands for sustainable urban development, longer-term security for agriculture and forestry outside the UGB, and respect for the natural landscape features that define the region.

The new statute and rules make agreements among the partner governments a prerequisite for designation of urban and rural reserves. The remarkable cooperation among the local governments of the region that led to passage of Senate Bill 1011 and adoption of LCDC rules continued through the process of designation of urban reserves by Metro and rural reserves by Clackamas, Multnomah and Washington Counties. The partners’ four ordinances are based upon the separate, formal intergovernmental agreements between Metro and each county that are part of our record, developed simultaneously following long study of potential reserves and thorough involvement by the public.

The four governments submitted their ordinances with designated reserves to LCDC in periodic review on June 23, 2010. On October 29, 2010, the Commission gave its oral approval to the reserves designated in Clackamas and Multnomah Counties and to the rural reserves and most of the urban reserves in Washington County. The Commission, however, rejected the designation of Urban Reserve 7I, north of Cornelius, and directed reconsideration of Urban Reserve 7B, north of Forest Grove. The Commission authorized Metro and Washington County to consider designating as urban reserve, or leaving undesignated, land the County had previously designated rural reserve or left undesignated. In order to provide flexibility, the Commission also returned the rural reserves in Washington County for further consideration.

Washington County and Metro responded to LCDC’s oral decision by revising the intergovernmental agreement between them and adopting ordinances amending their respective comprehensive plan and regional framework plan maps (Washington County Ordinance No. 740; Metro Ordinance No. 11-1255). The ordinances made the following changes:

- The designation of Area 7I as urban reserve (623 acres) was removed
- 263 acres of Area 7I were designated rural reserves
- 360 acres of Area 7I were left undesignated



- The urban reserve designation of the 28-acre portion of Area 7B that lies east and north of Council Creek was removed; the portion was left undesignated
- 352 acres of undesignated land north of Highway 26, south of West Union Road, east of Groveland Road and west of Helvetia Road were designated urban reserve
- The rural reserve designation of 383 acres of Rural Reserve 6E south of Rosedale Road, west of 209<sup>th</sup> Avenue and north of Farmington Road was removed; the portion was left undesignated.

Metro Supp Rec. \_\_ (SR 2).

These revisions reduced the acres of urban reserves in Washington County by 299 acres, reduced the acres of rural reserves by 120 acres and increased the acres adjacent to the UGB left undesignated by 391 acres, all compared with the reserves submitted to LCDC in June, 2010. Overall, there are 13,525 acres of urban reserves and 151,209 acres of rural reserves in Washington County, in part reflecting refinements of boundaries as they relate to street rights-of-way, floodplains and improved tax lot alignments. Metro Supp Rec. \_\_ (SR 3).

## II. OVERALL CONCLUSIONS

With adoption of Metro Ordinance No. 11-1255, Metro has designated 28,256 gross acres as urban reserves, including urban reserves in each county. Metro Supp Rec. \_\_ (SR 3). These lands are now first priority for addition to the region's UGB when the region needs housing or employment capacity. As indicated in new policy in Metro's Regional Framework Plan in Exhibit A to Ordinance No. 10-1238A, the urban reserves are intended to accommodate population and employment growth for 50 years, to year 2060.

Clackamas County Ordinance No. ZDO-233 designates 68,713 acres as rural reserves in Clackamas County. Multnomah County Ordinance No. 2010-1161 designates 46,706 acres as rural reserves in Multnomah County. Washington County Ordinance No. 740, which revised the county's designation of rural reserves following LCDC's remand of urban and rural reserves in the county, designates 151,209 acres of rural reserves. Metro Supp Rec. \_\_ (SR 2). As indicated in new policies in the Regional Framework Plan and the counties' Comprehensive Plans, these rural reserves – 266,628 acres in total - are now protected from urbanization for 50 years. Metro Supp. Rec. \_\_ (SR 2). The governments of the region have struggled with the urban-farm/forest interface, always searching for a "hard edge" to give farmers and foresters some certainty to encourage investment in their businesses. No road, stream or floodplain under the old way of expanding the UGB offers the long-term certainty of the edge of a rural reserve with at least a 50-year lifespan. This certainty is among the reasons the four governments chose the longer, 50-year, reserves period.

The region's governments have also debated how best to protect important natural landscape features at the edges of the urban area. The partners' agreements and these ordinances now identify the features that will define the extent of outward urban expansion.

The region's urban and rural reserves are fully integrated into Metro's Regional Framework Plan and the Comprehensive Plans of Clackamas, Multnomah and Washington counties. Metro's plan includes a map that shows urban and rural reserves in all three counties. Each of the county plans includes a map that shows urban and rural reserves in the county. The reserves shown on each county map are identical to the reserves shown in that county on the Metro map. Each of the four plans contains new policies that ensure accomplishment of the goals for the reserves set by the four local governments and by state law. These new policies are consistent with, and carry out, the intergovernmental agreements between Metro and the three counties signed in February, 2010, and the supplemental agreement between Metro and Washington County signed on March 15, 2011. Metro Supp. Rec.\_\_\_\_.

Together, these reserves signal the region's long-term limits of urbanization, its commitment to stewardship of farmland and forests, and its respect for the natural landscape features that give the people of the region their sense of place. Urban reserves, if and when added to the UGB, will take some land from the farm and forest land base. But the partners understood from the beginning that some of the very same characteristics that make an area suitable for agriculture also make it suitable for industrial uses and compact, mixed-use, pedestrian and transit-supportive urban development. The most difficult decisions made by the four governments involved Foundation Agricultural Land<sup>1</sup> near the existing UGB and the circumstances in which this land should be designated as urban reserve to accommodate growth in a compact form and provide opportunities for industrial development, difficult or impossible on steep slopes. Metro designated 15 areas composed predominantly of Foundation Land as urban reserve, totaling 11,551 acres.<sup>2</sup>

Some important numbers help explain why the partners came to agree that the adopted system, in its entirety, best achieves this balance. Of the total 28,256 acres designated urban reserves, approximately 13,624 acres are Foundation (11,551 acres) or Important (2,073 acres) Agricultural Land. This represents only four percent of the Foundation and Important Agricultural Land studied for possible urban or rural reserve designation. If all of this land is added to the UGB over the next 50 years, the region will have lost four percent of the farmland base in the three-county area. Metro Supp.Rec.\_\_(SR 3; Att. 3).

There is a second vantage point from which to assess the significance for agriculture of the designation of urban reserves in the three-county region: the percentage of land zoned for exclusive farm use in the three counties that is designated urban reserve. Land zoned EFU<sup>3</sup> has

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<sup>1</sup> Those lands mapped as Foundation Agricultural Land in the January, 2007, Oregon Department of Agriculture report to Metro entitled "Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.

<sup>2</sup> 1C (East of Gresham, portion); 1F (Boring); 5A (Sherwood North); 5B (Sherwood West); 6A (Hillsboro South, portion); 6B (Cooper Mt. Southwest); 6C (Roy Rogers West); 6D (Beef Bend South); 7B (Forest Grove North); 7C (Cornelius East); 7D (Cornelius South); 7E (Forest Grove South); 8A (Hillsboro North); 8B (Shute Road Interchange and new Area D); 8C (Bethany West)

<sup>3</sup> Includes all farm zones acknowledged to comply with statewide planning Goal 3, including Washington County's AF-20 zone.

emerged over 35 years of statewide planning as the principal land base for agriculture in the counties, and is protected for that purpose by county zoning. The inventory of Foundation and Important Agricultural Lands includes land that is “exception land”, no longer protected for agriculture for farming. Of the 28,256 acres designated urban reserves, some 13,746 acres are zoned EFU. Even including the 3,532 acres of these EFU lands that are classified by ODA as “conflicted”, these 13,746 acres represent slightly more than five percent of all land zoned EFU (266,372 acres) in the three counties. If the “conflicted” acres are removed from consideration, the percentage drops to less than four percent. Metro Supp.Rec.\_\_(SR 3; Att 3).

A third vantage point adds perspective. During an approximately 30-year period leading to establishment of the statewide planning program and continuing through the acknowledgement and early implementation of county comprehensive plans, the three counties lost more than 150,000 acres of farmland. Metro Supp. Rec. \_(SR 3; Att 3). By contrast, if all the zoned farmland that is designated urban reserve is ultimately urbanized, the regional will have lost only 13,746 acres over 50 years.

If the region’s effort to contain urban development within the existing UGB and these urban reserves for the next 50 years is successful, the UGB will have accommodated an estimated 74 percent increase in population on an 11-percent increase in the area within the UGB. No other region in the nation can demonstrate this growth management success. Most of the borders of urban reserves are defined by a 50-year “hard edge” of 266,628 acres designated rural reserves, nearly all of which lies within five miles of the existing UGB. Of these rural reserves, approximately 248,796 acres are Foundation or Important Agricultural Land. Metro Supp. Rec.\_\_(SR 3; Att 3). .

Why did the region designate *any* Foundation Agricultural Land as urban reserve? The explanation lies in the geography and topography of the region, the growing cost of urban services and the declining sources of revenues to pay for them, and the fundamental relationships among geography and topography and the cost of services. The region aspires to build “great communities.” Great communities are those that offer residents a range of housing types and transportation modes from which to choose. Experience shows that compact, mixed-use communities with fully integrated street, pedestrian, bicycle and transit systems offer the best range of housing and transportation choices. *State of the Centers: Investing in Our Communities*, January, 2009. Metro Rec.181-288. The urban reserves factors in the reserves rules derive from work done by the region to identify the characteristics of great communities. Urban reserve factors (1), (3), (4),and (6)<sup>4</sup> especially aim at lands that can be developed in a compact, mixed-use, walkable and transit-supportive pattern, supported by efficient and cost-effective services. Cost of services studies tell us that the best landscape, both natural and

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<sup>4</sup> (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;  
(3) Can be efficiently and cost-effectively service with public schools and other urban-level public facilities and services by appropriate and financially capable providers;  
(4) Can be designed to be walkable and service with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate services providers;  
(6) Includes sufficient land suitable for a range of needed housing types.

political, for compact, mixed-use communities is relatively flat, undeveloped land. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481.

The region also aspires to provide family-wage jobs to its residents. Urban reserve factor (2) directs attention to capacity for a healthy economy.<sup>5</sup> Certain industries the region wants to attract prefer large parcels of flat land. Staff Report, June 9, 2010, Metro Rec. 172-178. Water, sewer and transportation costs rise as slope increases. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481. Converting existing low-density rural residential development into compact, mixed-use communities through infill and re-development is not only very expensive, it is politically difficult. Metro Rec. 289-300.

Mapping of slopes, parcel sizes, and Foundation Agricultural Land revealed that most flat land in large parcels without a rural settlement pattern at the perimeter of the UGB lies in Washington County, immediately adjacent to Hillsboro, Cornelius, Forest Grove, Beaverton, and Sherwood. These same lands provide the most readily available supply of large lots for industrial development. *Business Coalition Constrained Land for Development and Employment Map*, Metro Rec. 301; 1105-1110. Almost all of it is Foundation Agricultural Land. Metro Supp. Rec. (SR 3). Had the region been looking only for the best land to build great communities, nearly all the urban reserves would have been around these cities. It is no coincidence that these cities told the reserves partners that they want significant urban reserves available to them, while most other cities told the partners they want little or no urban reserves. *Washington County Cities' Pre-Qualified Concept Plans*, WashCo Rec. 3036-3578. These facts help explain why there is more Foundation Agricultural Land designated urban reserve in Washington County than in Clackamas or Multnomah counties. Had Metro not designated some Foundation Land as urban reserve in Washington County, it would not have been possible for the region to achieve the "livable communities" purpose of reserves in LCDC rules [OAR 660-027-0005(2)].

Several urban reserves factors focus on the efficient, cost-effective installation, operation and maintenance of public services to urban reserves once they are included within the UGB.<sup>6</sup> Urban reserve factor (6) calls for land suitable for needed housing types. The partners began the analysis by examining lands within five miles of the UGB. Most of these lands initially studied are beyond the affordable reach of urban services. As noted above, water, sewer and transportation costs rise as slope increases. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481. Not only does most of the Important Agricultural Land and the Conflicted Agricultural Land within five miles of the UGB exhibit steeper slopes than the Foundation Land close to the UGB; these non-Foundation Lands also exhibit rural residential development patterns on smaller parcels ("exception lands"). Metro Supp. Rec.\_\_(SR 3; Att 5); WashCo Rec. 1891-1894; 2905. With one exception (small portion of Urban Reserve 1F), designated urban reserves lie within two miles of the UGB. Metro Supp. Rec.\_\_(SR, Att 4).

<sup>5</sup> (2) Includes sufficient development capacity to support a healthy economy.

<sup>6</sup> Urban Reserve factors (1) (efficient use of public infrastructure); (3) (efficient and cost-effective public services); (4) (walkable, bikable and transit-supportive).



Despite these geopolitical and cost-of-services realities, the reserves partners designated extensive urban reserves that are *not* Foundation Agricultural Lands in order to meet the farm and forest land objectives of reserves, knowing these lands will be more difficult and expensive to urbanize. The following urban reserves are principally Conflicted and Important Agricultural Land:

- Urban Reserve 1D east of Damascus and south of Gresham (2,716 acres), ClackCo Rec. 1723;
- Urban Reserve 2A south of Damascus (1,239 acres), ClackCo Rec. 1722;
- Urban Reserves 3B, C, D, F and G around Oregon City (2,232 acres), ClackCo Rec. 1718-1720;
- Urban reserves 4A, B and C in the Stafford area (4,699 acres), ClackCo Rec. 1716;
- Urban reserves 4D, E, F, G and H southeast of Tualatin and east of Wilsonville (3,589 acres), ClackCo Rec. \_\_\_;
- Urban Reserve 5F between Tualatin and Sherwood (572 acres); WashCo Rec. 3517; 2998;
- Urban Reserve 5G west of Wilsonville (203 acres) ClackCo Rec. 711-712; and
- Urban Reserve 5D south of Sherwood (447 acres), WashCo Rec. 3481; 2998.

These non-Foundation Lands designated urban reserve, which total approximately 15,700 acres, (55 percent of all lands designated urban reserve), are the most serviceable among the non-Foundation Lands within the initial study area. Metro Supp Rec. \_\_ (SR, Att 3); WashCo Re. 3006-3010; 3015.

Many areas of Important and Conflicted Agricultural Lands were not designated urban reserve in part because the presence of steep slopes, bluffs, floodplains, streams and habitat, limiting their suitability or appropriateness for urbanization:

- Rural Reserve 1B (West of Sandy River): the Sandy River Canyon and the county's scenic river overlay zone. MultCo Rec. 2961-2965; 2973-2985;
- Rural Reserve 2B (East Clackamas County): steep bluffs above the Clackamas River. ClackCo Rec. 560-563; 568-571;
- Rural Reserve 3E (East of Oregon City): steep slopes along Abernethy, Clear and Newell Creeks. ClackCo Rec. 748-755;
- Rural Reserve 3H (South of Oregon City): steep slopes drop to Beaver and Parrot Creeks. ClackCo. Rec. 557; 1718;
- Rural Reserve 4I (Pete's Mtn.): steep slopes. ClackCo Rec. 741-743;
- Rural Reserve 5C (East Chehalem Mtns): steep slopes and floodplain of Tualatin River; WashCo Rec. 2998-3027;
- Rural Reserve 5I (Ladd Hill): steep slopes and creek traverses. ClackCo. Rec. 592-595;
- Rural Reserve 6E (Central Chehalem Mtns.): steep slopes and floodplain of Tualatin River. WashCo Rec. 2998-3027;
- Rural Reserve 7G (West Chehalem Mtns.): steep slopes and floodplain of Tualatin River. WashCo Rec. 2997; 3006-3010; 3027;

- Rural Reserve 7H (West Fork of Dairy Creek); steep slopes on David Hill. WashCo. Rec. 3013; 3029; 3107;
- Rural Reserves 9A-9C (Powerlines/Germantown Road-South): steep slopes, many stream headwaters and courses. MultCo. Rec. 11; 329-330; 3004-3015;
- Rural Reserve 9D (West Hills South): steep slopes, many stream headwaters and courses. MultCo Rec. 2993-3033.

Metro Supp Rec.\_\_(SR,Att 4).

Urban reserve factors (5), (7) and (8)<sup>7</sup> seek to direct urban development away from important natural landscape features and other natural resources. Much of the Important and some Conflicted Agricultural Lands are separated from the UGB by, or include, important natural landscape features or rural reserves on Foundation or Important Agricultural Land:

- Rural Reserve 1B (West of Sandy River): the Sandy River Canyon (Wild and Scenic River). MultCo Rec. 2961-2965; 2973-2985;
- Rural Reserve 2B (East Clackamas County): Clackamas River and canyons of Deep, Clear and Newell Creeks. ClackCo. Rec. 1722;
- Rural Reserve 3E (East of Oregon City): Willamette River and canyons of Abernethy, Clear and Newell Creeks. ClackCo Rec. 560-563;
- Rural Reserve 3H (South of Oregon City): Willamette Narrows, Canemah Bluffs and canyons of Beaver and Parrot Creeks. ClackCo. Rec. 553-554;
- Rural Reserve 4I (Pete’s Mtn.): Willamette Narrows on eastern edge. ClackCo. Rec. 596;
- Rural Reserve 5C (East Chehalem Mtns.): Chehalem Mtns., floodplain of Tualatin River and Tualatin River National Wildlife Refuge. WashCo Rec. 2988-3027; 9677-9679;
- Rural Reserve 5I (Ladd Hill): Parrett Mtn., Willamette River, Tonquin Geological Area. ClackCo. Rec. 592-595;
- Rural Reserve 6E (Central Chehalem Mtns.): Chehalem Mtns., floodplain of Tualatin River. WashCo Rec. 2998-3027;
- Rural Reserve 7G (West Chehalem Mtns.): Chehalem Mtns., floodplain of Tualatin River. WashCo Rec. 3029; 3095; 3103;
- Rural Reserves 9A-9C (Powerlines/Germantown Road-South): steep slopes (Tualatin Mountains), stream headwaters (Abbey Creek and Rock Creek) and courses. MultCo. Rec. 11; 329-330; 3004-3015; 3224-3225; 3250-3253; 9322-9323;
- Rural Reserve 9D (West Hills South): steep slopes, many stream headwaters (Abbey Creek and Rock Creek) and courses. MultCo Rec. 2993-3033.

Metro Supp. Rec.\_\_(SR 4-5; Att 10).

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<sup>7</sup> (5) Can be designed to preserve and enhance natural ecological systems;

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves;

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

Third, much of the Important and Conflicted Agricultural Lands rates lower against the urban reserves factors in comparison to areas designated urban reserve, or remain undesignated for possible designation as urban reserve if the region's population forecast proves too low:<sup>8</sup>

- Clackamas Heights, ClackCo Rec. 1721;
- East Wilsonville, ClackCo Rec. 1715;
- West Wilsonville, ClackCo Rec. 1713;
- Southeast of Oregon City, ClackCo Rec. 1719;
- Southwest of Borland Road, ClackCo Rec. \_\_\_;
- Between Wilsonville and Sherwood, ClackCo Rec. \_\_\_;
- Powerline/Germantown Road-South, MultCo Rec. 2909-2910.

Lastly, some of the Important and Conflicted Agricultural Lands lie adjacent to cities in the region that have their own UGBs and want their own opportunities to expand over time:

- Estacada
- Sandy

The partners also considered the rural reserve factors when considering whether to designate Foundation Agricultural Land as urban reserve. The first set of rural reserve factors focuses on the suitability and capability of land for agriculture and forestry. The factors in this set that address agricultural suitability and capability derive from the January, 2007, Oregon Department of Agriculture report to Metro entitled "Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands." All of the Foundation Lands designated urban reserve are potentially subject to urbanization [rural factor (2)(a)] due to their proximity to the UGB and suitability for urbanization, as described above. See, e.g., WashCo Rec. 2984-2985; 2971-2972; 3013-3014. All of the Foundation Lands designated urban reserve are also capable of sustaining long-term agricultural or forest operations [factor (2)(b)]. WashCo rec. 2972-2973; 2985; 3015. Similarly, all of the Foundation Lands designated urban reserve have soils and access to water that render them suitable [factor (2)(c)] to sustain agriculture. See, e.g., WashCo Rec. 2972-2975; 2985; 2998; 3016-3018. These lands also lie in large blocks of agricultural land and have parcelization, tenure and ownership patterns and agricultural infrastructure that make them suitable for agriculture. WashCo Rec. 2975; 2985; 3019-3024; 3027. The identification of these lands as Foundation Agricultural Land by the Oregon Department of Agriculture is a reliable general source of information to support these findings. See also WashCo Rec. 2976-2983; 3019-3025.

Notwithstanding these traits that make these lands suitable for agriculture and forestry, some of the urban reserves on Foundation Land rate lower on the rural reserve factors than Foundation Land *not* designated urban reserve. WashCo Rec. 2978; 3025. Urban Reserves 6A (portion),

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<sup>8</sup> "Retaining the existing planning and zoning for rural lands (and not applying a rural or an urban reserves designation) is appropriate for lands that are unlikely to be needed over the next 40 years, or (conversely) that are not subject to a threat of urbanization." Letter from nine state agencies to the Metro Regional Reserves Steering Committee, October 14, 2009, page 15.

6B, 6C,6D, 5A, 5B and 1F lie within Oregon Water Resources Department-designated Critical or Limited Groundwater Areas and have less ready access to water [factor (2)(c)]. WashCo Rec. 2294-2302; 2340; 2978-2979; 3019-3023; 3025; 3058-3061; 3288; 3489-3490. Metro Supp. Rec. \_(SR 3-4; Att7). Urban Reserves 8A, 8B (with new Area D, 6A (portion), 6B, 6D (portion), 5A, 5B, 1C and 1D are not within or served by an irrigation district. Metro Supp. Rec. \_(SR 3; Att 6). WashCo Rec. 2340; 3019-3023; 3025 Urban Reserve 6A contains the Reserves Vineyards Golf Course. Metro Supp. Rec. \_(SR 3).

The second set of rural reserve factors focuses on natural landscape features. All of the Foundation Lands designated urban reserve are potentially subject to urbanization [factor (3)(a)] due to their proximity to the UGB and their suitability for urbanization, as described above. The identification of these lands as Foundation Agricultural Land by the Oregon Department of Agriculture is a reliable general source of information to support this finding. Because urban reserves are intended for long-term urbanization, the partners were careful to exclude from urban reserves large tracts of land constrained by natural disasters or hazards incompatible with urban development. Metro Rec. 301; 1105-1110; WashCo Rec. 2986. Small portions of these urban reserves are vulnerable to hazards, but city land use regulations will limit urban development on steep slopes, in floodplains and areas of landslides once the lands are added to the UGB. Metro Supp. Rec. \_(SR, Att 10); WashCo Rec. 2986.

Little of these Foundation Lands are mapped as significant fish, plant or wildlife habitat [factor (3)(c)], the mapping of which is largely subsumed on the landscape features map. For the same reasons, little of these lands are riparian areas or wetlands. As with all lands, these lands are important for protection of water quality. But the lands are subject to local, regional, state and federal water quality regulations. See, e.g., WashCo Rec.2986-2987.

There are several inventoried natural landscape features [factor (3)(e)] within the Foundation Lands designated urban reserve. Rock Creek flows through a portion of Urban Reserve 8C (Bethany West). The IGA between Washington County and Metro included a provision to limit development on approximately 115 acres of constrained land within the portion of the watershed in 8C, through application of the county's Rural/Natural Resources Plan Policy 29 and Clean Water Services programs developed to comply with Title 13 (Nature in Neighborhoods) of Metro's Urban Growth Management Functional Plan. Metro Rec.\_(SR, Att 10). Urban Reserve 6B includes portions of the slopes of Cooper Mountain. Metro's Cooper Mountain Nature Park lies within this area and protects much of the mountain's slopes. Metro Supp. Rec. (SR, Att 10). Urban Reserve 6D includes a segment of Tualatin River floodplain. King City will apply its floodplains ordinance to limit development there. WashCo. Rec. 3462-3463; Metro Supp. Rec. (SR, Att 10). There are such inventoried natural landscape features at the edges of Urban Reserves 6A (South Hillsboro, Tualatin River), 6C (Roy Rogers West, Tualatin River), 6D (Beef Bend, Tualatin River), 7C (Cornelius East, Dairy Creek), 7D (Cornelius South, Tualatin River), 7E (Forest Grove South, Tualatin River and Lower Gales Creek) and 8A (Hillsboro North, McKay Creek); Metro Supp. Rec. (SR, Att 10). These features serve as edges to limit the long-term extent of urbanization and reduce conflicts with rural uses [factor (3)(f)] .

Urban Reserves 1F, 8A and 8B (new Area D) lessen the separation [factor (3)(g)] between the Metro urban area and the cities of Sandy and North Plains, respectively. But significant

separation remains (Sandy: approximately 9,000 feet; North Plains: approximately 2,000 feet). Metro Supp. Rec. (SR, Att 2); WashCo Rec. 2987. Finally, because private farms and woodlots comprise most of these Foundation Lands, they do not provide easy access to recreational opportunities as compared to Important and Conflicted Lands.

As indicated above and in county findings in sections VI through VIII, these 15 urban reserves on Foundation Agricultural Land rate highly for urban reserves and rural reserves. In order to achieve a balance among the objectives of reserves, Metro chose these lands as urban reserves rather than rural reserves. The characteristics described above make them the best lands for industrial use and for compact, mixed-use, pedestrian-friendly and transit-supportive communities. Designation of these areas as urban reserve will have little adverse impact on inventoried natural landscape features. Notwithstanding the loss of these lands over time, urbanization of these lands will leave the agricultural and forest industries vital and viable in the region.

The record of this two and one-half-year effort shows that not every partner agreed with all urban reserves in each county. But each partner agrees that this adopted system of urban and rural reserves, in its entirety, achieves the region's long-range goals and a balance among the objectives of reserves: to accommodate growth in population and employment in sustainable and prosperous communities and neighborhoods, to preserve the vitality of the farms and forests of the region, and to protect defining natural landscape features. The partners are confident that this system of reserves will allow the continuation of vibrant and mutually-reinforcing farm, forest and urban economies for the next 50 years. And the partners agree this system is the best system the region could reach by mutual agreement.

### **III. OVERALL PROCESS OF ANALYSIS AND PUBLIC INVOLVEMENT**

#### **A. Analysis and Decision-Making**

The three counties and Metro began reserves work as soon as LCDC adopted the new rules on reserves (OAR Division 27). The four governments formed committees and began public involvement to raise awareness about reserves and help people learn how to engage in the process. Each of the four governments selected one of its elected officials to serve on the "Core 4", established to guide the designation process and formulate recommendations to the county boards and the Metro Council. The four governments also established a "Reserves Steering Committee" (RSC) to advise the Core 4 on reserves designation. The RSC represented interests across the region - from business, agriculture, social conservation advocacy, cities, service districts and state agencies (52 members and alternates).

The four governments established an overall Project Management Team (PMT) composed of planners and other professions from their planning departments. Each county established an advisory committee to provide guidance and advice to its county board, staffed by the county's planning department.



As part of technical analysis, staff gathered providers of water, sewer, transportation, education and other urban services to consider viability of future service provision to lands within the study area. The parks and open space staff at Metro provided guidance on how best to consider natural features using data that had been deeply researched, broadly vetted and tested for social and political acceptance among Willamette Valley stakeholders (Oregon Wildlife Conservation Strategy, Pacific Northwest Research Consortium, Willamette Valley Futures, The Nature Conservancy's Ecoregional Assessment). Business leaders, farm bureaus and other representative groups were consulted on an ongoing basis.

The first major task of the Core 4 was to recommend a reserves study area to the county boards and the Metro Council. With advice from the RSC, the county advisory committees and public comment gathered open houses across the region, the Core 4 recommended for further analysis some 400,000 acres around the existing urban area, extending generally five miles from the UGB. The four governments endorsed the study area in the fall of 2008. Then the task of applying the urban and rural reserve factors to specific areas began in earnest.

The county advisory committees reviewed information presented by the staff and advised the staff and county boards on how each "candidate area" rated under each reserves factor. The county staffs brought this work to the RSC for discussion. After a year's worth of work at regular meetings, the RSC made its recommendations to the Core 4 in October, 2009.

Later in the fall, each elected body held hearings to hear directly from their constituents on proposed urban and rural reserves. Public involvement included six open houses, three Metro Council hearings around the region and a virtual open house on the Metro web site, all providing the same maps, materials and survey questions.

Following this public involvement, the Core 4 submitted its final recommendations to the four governments on February 8, 2010. The recommendation included a map of proposed urban and rural reserves, showing reserves upon which there was full agreement (the large majority of proposed reserves) and reserves upon which disagreements were not resolved. The Core 4 proposed that these differences be settled in bilateral discussions between each county and Metro, the parties to the intergovernmental agreements (IGAs) required by ORS 195.141. Over the next two weeks, the Metro Council reached agreement on reserves with each county. By February 25, 2010, Metro had signed an IGA with Clackamas, Multnomah and Washington counties. Metro Rec.302; 312; 404.

The IGAs required each government to amend its plan to designate urban (Metro) or rural (counties) reserves and protect them for their intended purposes with plan policies. The IGAs also set times for final public hearings on the IGA recommendations and adoption of ordinances with these plan policies in May and June. The four governments understood that the IGAs and map of urban and rural reserves were not final decisions and, therefore, provided for final adjustments to the map to respond to public comment at the hearings. By June 15, 2010, the four governments had adopted their reserves ordinances, including minor revisions to the reserves map.

## **B. Public Involvement**

From its inception, the reserves designation process was designed to provide stakeholders and the public with a variety of ways to help shape the process and the final outcome. Most

significantly, the decision process required 22 elected officials representing two levels of government and 400,000 acres of territory to craft maps and agreements that a majority of them could support. These commissioners and councilors represent constituents who hold a broad range of philosophical perspectives and physical ties to the land. Thus, the structure of the reserves decision process provided motivation for officials to seek a final compromise that met a wide array of public interests.

In the last phase of the reserve process – adoption of ordinances that designate urban and rural reserves - each government followed its established procedure for adoption of ordinances: notice to citizens; public hearings before its planning commission (in Metro’s case, recommendations from the Metro Planning Advisory Committee) and public hearings before its governing body. But in the more-than-two years leading to this final phase, there were additional advisory bodies established.

The RSC began its work in early 2008. RSC members were expected to represent social and economic interests to the committee and officials and to serve as conduits of communication back to their respective communities. In addition, RSC meetings were open to the public and provided an additional avenue for citizens to voice their concerns—either by asking that a steering committee member represent their concern to the committee or by making use of the public testimony period at the beginning of each meeting.

Once the three county advisory committees got underway, they, like the RSC, invited citizens were to bring concerns to committee members or make statements at the beginning of each meeting.

Fulfilling the requirements of DLCD’s administrative rules on reserves and the reserves work program, the three counties and Metro developed a Coordinated Public Involvement Plan in early 2008 that provided guidance on the types of public involvement activities, messages and communications methods that would be used for each phase of the reserves program. The plan incorporated the requirements of Oregon law and administrative rules governing citizen involvement and reflects comments and feedback received from the Metro Council, Core 4 members, each jurisdiction’s citizen involvement committee, other county-level advisory committees and the RSC. The Citizen Involvement Advisory Committee of the Oregon Land Conservation and Development Commission (LCDC) reviewed and endorsed the Public Involvement Plan.

The four governments formed a public involvement team, composed of public involvement staff from each county and Metro, to implement the Public Involvement Plan. The team cooperated in all regional efforts: 20 open houses, two “virtual open houses” on the Metro web site, additional online surveys, presentations, printed materials and analysis and summaries of comments. The team members also undertook separate county and Metro-specific public engagement activities and shared methodologies, materials and results.

Elected officials made presentations to community planning organizations, hamlets, villages, city councils, advocacy organizations, civic groups, chambers of commerce, conferences, watershed councils, public affairs forums, art and architecture forums, and many other venues. Staff and elected officials appeared on television, on radio news broadcasts and talk shows, cable video broadcasts and was covered in countless news articles in metro outlets, gaining publicity that encouraged public engagement. Booths at farmers' markets and other public events, counter displays at retail outlets in rural areas, library displays and articles in organization newsletters further publicized the opportunities for comment. Materials were translated into Spanish and distributed throughout all three counties. Advocacy organizations rallied supporters to engage in letter email campaigns and to attend public meetings. Throughout the reserves planning process the web sites of each county and Metro provided information and avenues for feedback. While there have been formal public comment periods at key points in the decision process, the reserves project team invited the public to provide comment freely throughout the process.

In all, the four governments made extraordinary efforts to engage citizens of the region in the process of designating urban and rural reserves. The public involvement plan provided the public with more than 180 discrete opportunities to inform decision makers of their views urban and rural reserves. A fuller account of the public involvement process the activities associated with each stage may be found at Staff Report, June 9, 2010, Metro Rec.123-155; Metro Supp. Rec. \_\_ (Ray memo, 3/14).

Following remand of Urban Reserves 7B and 7I in Washington County by LCDC on October 29, 2010, Metro and Washington County signed a supplemental IGA to re-designate urban and rural reserves in the county. Metro Supp. Rec. \_\_. Each local government held public hearings prior to adoption of the supplemental IGA and prior to adoption of their respective ordinances amending their maps of urban and rural reserves. Metro Supp. Rec. \_\_.

#### **IV. AMOUNT OF URBAN RESERVES**

##### **A. Forecast**

Metro developed a 50-year "range" forecast for population and employment that was coordinated with the 20-year forecast done for Metro's UGB capacity analysis, completed in December, 2009. The forecast is based on national economic and demographic information and is adjusted to account for regional growth factors. The partner governments used the upper and lower ends of the 50-year range forecast as one parameter for the amount of land needed to accommodate households and employment. Instead of aiming to accommodate a particular number of households or jobs within that range, the partners selected urban reserves from approximately 400,000 acres studied that best achieve the purposes established by the Land Conservation and Development Commission [set forth in OAR 660-027-0005(2)] and the objectives of the partner governments.

##### **B. Demand and Capacity**

Estimating land demand over the next 50 years is difficult as a practical matter and involves much uncertainty. The Land Conservation and Development Commission (LCDC) recognizes

the challenge of estimating long-term need even for the 20-year UGB planning period. In the section of OAR Division 24 (Urban Growth Boundaries) on “Land Need”, the Commission says:

“The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.”

OAR 660-024-0040(1). The uncertainties loom much larger for a 40 to 50-year estimate. Nonetheless, Metro’s estimate of need for a supply of urban reserves sufficient to accommodate housing and employment to the year 2060 is soundly based in fact, experience and reasonable assumptions about long-range trends.

The urban reserves estimate begins with Metro’s UGB estimate of need for the next 20 years in its *Urban Growth Report 2009-2030*, January, 2010 (adopted December 17, 2009). Metro Rec. 646-648; 715. Metro relied upon the assumptions and trends underlying the 20-year estimate and modified them where appropriate for the longer-term reserves estimate, and reached the determinations described below.

The 50-year forecast makes the same assumption on the number of households and jobs needed to accommodate the population and employment coming to the UGB from the seven-county metropolitan statistical area (MSA) as in the *Urban Growth Report*: approximately 62 percent of the MSA residential growth and 70 percent of the MSA employment growth will come to the metro area UGB. *COO Recommendation, Urban Rural Reserves*, Appendix 3E-C, Metro Rec. 599; Appendix 3E-D, Metro Rec. 606-607.

Metro estimates the demand for new dwelling units within the UGB over the next 50 years to be between 485,000 and 532,000 units. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C*, Metro Rec. 599. Metro estimates between 624,300 and 834,100 jobs will locate within the UGB by 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-D, Table D-3*, Metro Rec. 607. Staff Report, June 9, 2010, Metro Rec.121-122.

The region will focus its public investments over the next 50 years in communities inside the existing UGB and, as a result, land within the UGB would develop close to the maximum levels allowed by existing local comprehensive plan and zone designations. This investment strategy is expected to accommodate 70 to 85 percent of growth forecasted over that period. No increase in zoned capacity within the UGB was assumed because, at the time of adoption of reserves ordinances by the four governments, the Metro Council will not have completed its decision-making about actions to increase the capacity of the existing UGB as part of Metro’s 2009 capacity analysis. For those areas added to the UGB between 2002 and 2005 for which comprehensive planning and zoning is not yet complete, Metro assumed the areas would accommodate all the housing and employment anticipated in the ordinances that added the areas to the UGB over the reserves planning period. Fifty years of enhanced and focused investment to accommodate growth will influence the market to use zoned capacity more fully.

Consistent with residential capacity analysis in the *Urban Growth Report*, vacant land in the existing UGB can accommodate 166,600 dwelling units under current zoning over the next 50 years. Infill and re-development over this period, with enhanced levels of investment, will

accommodate another 212,600 units. This would leave approximately 152,400 dwelling units to be accommodated on urban reserves through 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, pp. 5-6, Metro Rec. 602-603.*

Based upon the employment capacity analysis in the *Urban Growth Report*, the existing UGB has sufficient capacity – on vacant land and through re-development over the 50-year reserves period - for overall employment growth in the reserves period. However, this supply of land does not account for the preference of some industrial employers for larger parcels. To accommodate this preference, the analysis of the supply of larger parcels was extrapolated from the *Urban Growth Report*. This leads to the conclusion that urban reserves should include approximately 3,000 acres of net buildable land that is suitable for larger-parcel industrial users. *COO Recommendation, Urban Rural Reserves, Appendix 3E-D, Metro Rec. 609-610; Staff Report, June 9, 2010, Metro Rec.122.*

Metro assumed residential development in urban reserves, when they are added to the UGB over time, would develop at higher densities than has been the experience in the past, for several reasons. First, the region is committed to ensuring new development at the edges of the region contributes to the emergence of “great communities”, either new communities or as additions to existing communities inside the UGB. Second, because many urban reserves are “greenfields”, they can be developed more efficiently than re-developing areas already inside the UGB. Third, demographic trends, noted in the *Urban Growth Report* that is the starting point for Metro’s 2010 capacity analysis, indicate increasing demand for smaller housing units. This reasoning leads to the assumption that residential development will occur in reserves, when added to the UGB, at 15 units per net buildable acre overall, recognizing that some areas (centers, for example) would settle at densities higher than 15 units/acre and others (with steep slopes, for example) would settle at densities lower than 15 units/acre. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, pp. 6-7; Staff Report, June 9, 2010, Metro Rec.121-122.*

Metro also assumed greater efficiencies in use of employment lands over the next 50 years. The emerging shift of industrial activity from production to research and development will continue, meaning more industrial jobs will be accommodated in high- floor-to-area-ratio (FAR) offices rather than low-FAR general industrial space. This will reduce the need for general industrial and warehouse building types by 10 percent, and increase the need for office space. Office space, however, will be used more efficiently between 2030 and 2060, reducing that need by five percent. Finally, the analysis assumes a 20-percent increase in FARs for new development in centers and corridors, but no such increase in FARs in industrial areas. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, Metro Rec. 603-604; Staff Report, June 9, 2010, Metro Rec.121-122.*

These assumptions lead to the conclusion that 28,256 acres of urban reserves are needed to accommodate 371,860 people and employment land targets over the 50-year reserves planning period to 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, Metro Rec. 601-603; Appendix 3E-D, Metro Rec.607-610; Staff Report, June 9, 2010, Metro Rec.121-122.* The nine state agencies that served on the Reserves Steering Committee said the following about the amount of urban land the region will need over the long-term:



“The state agencies support the amount of urban reserves recommended by the Metro COO. That recommendation is for a range of between 15,000 and 29,000 acres. We believe that Metro and the counties can develop findings that, with this amount of land, the region can accommodate estimated urban population and employment growth for at least 40 years, and that the amount includes sufficient development capacity to support a healthy economy and to provide a range of needed housing types.” *Letter to Metro Regional Steering Committee, October 14, 2009, Metro Rec. 1373.*

Based upon the assumptions described above about efficient use of land, the four governments believe the region can accommodate 50 years’ worth of growth, not just 40 years’ of growth.

## **V. IMPLEMENTING URBAN RESERVES**

To ensure that urban reserves ultimately urbanize in a manner consistent with the Regional Framework Plan, Ordinance No. 10-1238A amended Title 11 (Planning for New Urban Areas) (Exhibit D) of Metro’s Urban Growth Management Functional Plan to require planning of areas of urban reserve prior to inclusion into the UGB. Title 11 now requires a “concept plan” for an urban reserve area prior to UGB expansion. A concept plan must show how development would achieve specified outcomes. The outcomes derive from the urban reserve factors in OAR 660-027-0050, themselves based in part on the characteristics of “great communities” identified by local governments of the region as part of Metro’s “Making the Greatest Place” initiative. Title 11 sets forth the elements of a concept plan, including:

- the general locations of types of uses
- the general locations of the urban services (including transportation systems) needed to support the uses
- estimates of the cost of the services to determine the feasibility of urbanization and to allow comparisons of urban reserves
- the locations of natural resources that will be subject to Title 3 and 13 of the UGMFP
- agreement among local governments and other service providers on provision of services to the area
- agreement among the local governments on annexation of the area to a city or cities and responsibility for planning and zoning.

Title 11 continues to limit development in areas added to the UGB to protect the opportunity for efficient urbanization during the time needed to adopt new local government plan provisions and land use regulations. Title 11, together with the comprehensive plans of the receiving local governments and Metro’s Regional Framework Plan (including the 2035 Regional Transportation Plan), will ensure land use and transportation policies and designations will allow mixed-use and pedestrian, bicycle and transit-supportive development once urban reserve areas are added to the UGB. Staff Report, June 9, 2010, Metro Rec.8-13.

## **Description of the Land Conservation and Development Commission's Oral Remand**

At its October 2010 hearing (held October 19th-22nd and 29th), the Land Conservation and Development Commission (LCDC) reviewed the regional Reserves planning work for possible acknowledgement. Urban and Rural Reserves in Multnomah and Clackamas counties were approved; however, the Commission voted against acknowledging two Urban Reserve areas and all Rural Reserves in Washington County. Specifically, LCDC's decision resulted in a remand for the following reasons:

- 1) Regarding Area 7I located north of Cornelius, LCDC explicitly rejected the Urban Reserve designation and remanded the area for reconsideration by Washington County and Metro.
- 2) Regarding Area 7B north of Forest Grove, LCDC directed that additional findings be provided to support the area's Urban Reserve designation. Additionally, LCDC voiced concerns about including lands north/east of Council Creek within the Urban Reserve.
- 3) LCDC remanded all Rural Reserves in Washington County to provide the opportunity for the county and Metro to consider revising designations to add additional Urban Reserves (to replace 7I and a portion of 7B) and more Undesignated land in Washington County, if desired.

By declining to acknowledge the county's Reserves, LCDC afforded Washington County the opportunity to replace Urban Reserve acres lost in Areas 7B and 7I with Urban Reserve designations on land elsewhere in the county. LCDC capped the number of new Urban Reserve acres at 624 acres included in Area 7I, plus the number of acres removed from 7B.

In response to LCDC's comments made during the October hearing (Washington County Record pages 10179-10191) and with guidance provided by the Board of County Commissioners, county staff looked to the following principles to guide the work of making adjustments to Reserves designations:

**Principle 1** - Replace Urban Reserve lost *gross* acres of land on an acre-for-acre basis.

**Principle 2** - Attempt to replace Urban Reserve *net* acres lost on an acre-for-acre basis.

**Principle 3** - Replace loss of land suitable for industrial/employment uses within Urban Reserves with land suitable for those uses.

**Principle 4** - Examine opportunities to leave additional lands Undesignated.

## Developing the Oral Remand Response

Utilizing the guidance offered by LCDC commissioners at the acknowledgement hearing in October 2010, and principles outlined by members of the Washington County Board of Commissioners, county staff moved forward with developing a draft Reserves map that was responsive to the oral remand by LCDC.

County staff listened to the audio recording of LCDC's proceedings on October 29, 2010 and prepared a partial transcript of the deliberations (Washington County Record pages 10179-10191). In framing a potential motion for LCDC's consideration, Chair VanLandingham offered the following thoughts:

*"So I think the motion is that we remand to Washington County and Metro to reject 7I, we remand to them to develop findings in regard to 7B, we remand Washington County's rural reserves for Washington County and Metro to consider whether to designate some of that rural reserve to urban reserve, capped at 7I as [Commissioner McPherson] described it, so that it is 7I plus the other amount, plus any amount of undesignated land that they want to designate. We are approving everything else, in all three counties and we are giving staff, we are determining any objection not specifically addressed in this motion is being denied."*

This motion, made by Commissioner Jenkins and seconded by Commissioner Pellett was voted on and approved 6-0.

LCDC's oral remand of Urban Reserves in Washington County was limited to two areas: lands located north of Forest Grove and north of Cornelius. All other Urban Reserves were acknowledged, and no changes were made to any areas left Undesignated. Rural Reserves were remanded back to the county for the primary purpose of allowing the county and Metro the option of replacing lost Urban Reserve lands, and to consider whether to leave any additional areas Undesignated.

In the following sections of this document, detailed findings are provided to supplement the original Rural and Urban Reserves decision findings prepared for the June 2010 adoption of A-Engrossed Ordinance No. 733 (Washington County Record pages 9616-9695). Unless modified by the findings contained herein, the county's prior findings for A-Engrossed Ordinance No. 733 remain valid. These sections include:

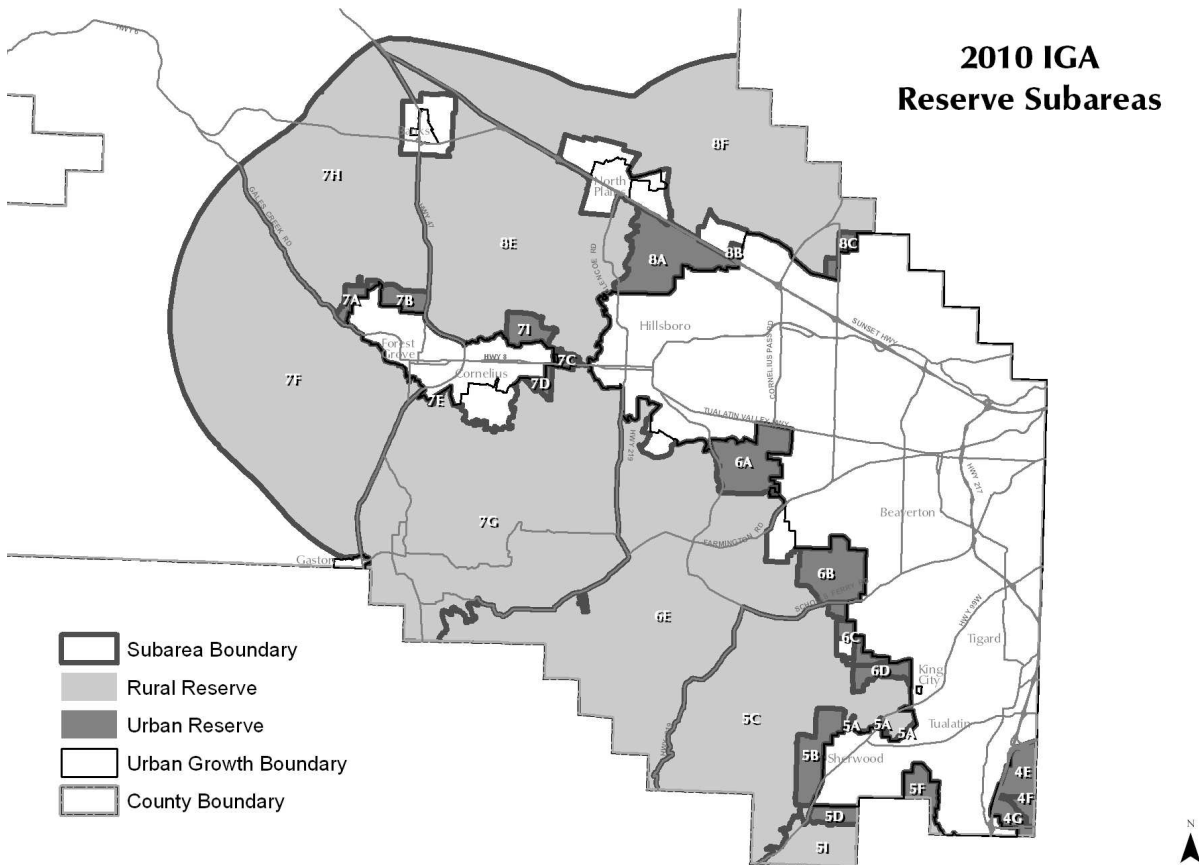
- 1) *Balancing Efforts for Washington County Reserves* describes the regional balancing process used to craft a revised Rural and Urban Reserves map for Washington County.
- 2) *Specific Reserves Factor Responses* were prepared for the following locations:
  - a) Rural Reserve Area 8E (Dairy Creek)
  - b) Urban Reserve 7B (Forest Grove North)
  - c) Urban Reserve 8B (North of Highway 26)

- 3) *General Findings for Undesignated Lands*, though not required by the Reserves Rule, were prepared to explain why certain areas were modified in response to LCDC's oral remand.

## Balancing Efforts on Reserves in Washington County

The overall objective of Reserves planning is to achieve "balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents" (Washington County Record page 32). During the multi-year Reserves planning process, the county, Metro and other regional partners worked together to analyze land needs and determine which rural areas should be protected with Rural Reserve designations. At the acknowledgement hearing, LCDC appeared satisfied with the "balancing" measures taken over the course of the Reserves planning process. Following the oral remand, Washington County and Metro continued their efforts to balance the Reserves in the county by evaluating information and comments provided by the public and community partners.

Following LCDC's October 2010 oral remand of two Urban Reserves and all Rural Reserves in Washington County, county staff began the process of working with the Board of County Commissioners to develop a revised draft Reserves map for consideration. Because all other Reserves areas were acknowledged by LCDC, staff focused its analysis toward revising the county's Reserves map in specific geographic areas: 1) Area 7B north of Forest Grove, 2) Area 7I north of Cornelius, and 3) the Undesignated area north of Highway 26 near Helvetia Road. The county's analysis started from the Reserves map adopted by A-Engrossed Ordinance No. 733, shown below.





In early December 2010, the Board reviewed a proposal that would adopt a new Reserves map. The map included the following changes:

- Removed 28 acres of Urban Reserve land north of Forest Grove located east of Council Creek
- Changed approximately 430 acres north of Cornelius and west of Susbauer Road from Urban Reserve to Rural Reserve. This area was previously included in former Urban Reserve Area 7I
- The balance of former Urban Reserve Area 7I, located east of Susbauer Road, was changed from Urban Reserve to Undesignated
- North of Highway 26, a 585-acre Undesignated area located northwest of the intersection of Highway 26 and Helvetia Road was changed to Urban Reserve
- To the west of the 585-acre area described above, a 290-acre area previously designated Rural Reserve was changed to Undesignated

After reviewing the proposed map, the Board voted to approve the changes and adopted a Supplemental Intergovernmental Agreement (IGA) which included the revised map. Concurrently with the adoption of the Supplemental IGA, the Board directed staff to prepare and file a land use ordinance to amend the county's adopted Rural and Urban Reserves map. This ordinance, Ordinance No. 740 was filed on January 11, 2011. (Washington County Record pages 10320-10375).

Though the Washington County Board of Commissioners approved the Supplemental IGA in late 2010, by March 2011 the Metro Council had not yet considered the map changes during a public hearing, which effectively resulted in a rejection of the county's proposed oral remand response. Instead, Chair Andy Duyck and Metro Council President Tom Hughes worked together to craft a proposal - the Duyck/Hughes map, which differed from the Reserves map in the Supplemental IGA and in Ordinance No. 740 in two ways:

- The 290-acre area north of Highway 26 located just west of the Helvetia Road area proposed for Urban Reserve designation was returned to Rural Reserve designation
- South of Rosedale Road, approximately 383 acres designated Rural Reserve by A-Engrossed Ordinance No. 733 were proposed for Undesignated status

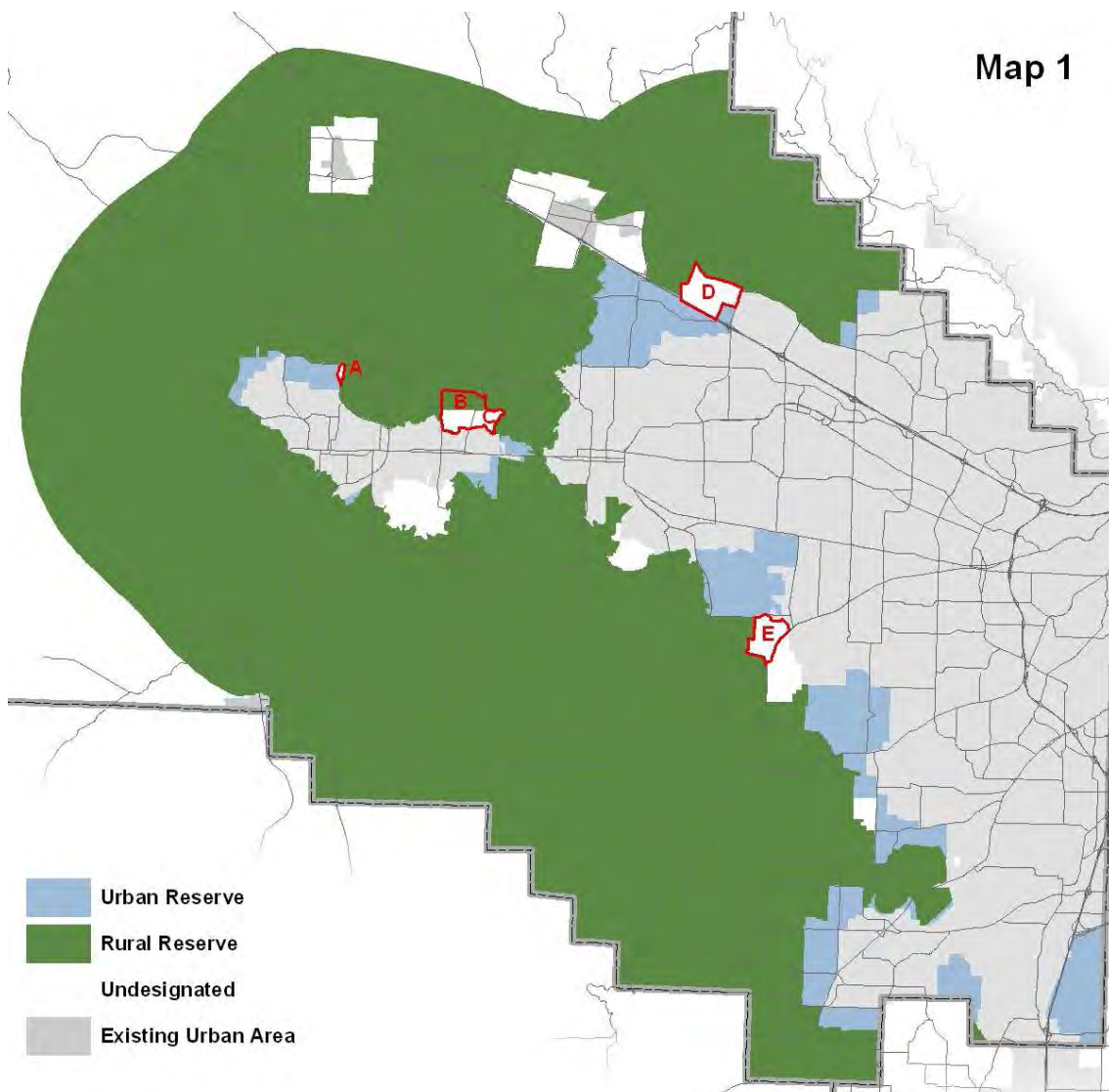
All other adjustment areas shown in Ordinance No. 740 were retained in the Duyck/Hughes proposal.

On March 15, 2011, the Board and Metro Council conducted a joint public hearing on a Supplemental IGA intended to modify the Reserves map. At the joint hearing, the Board and Metro Council heard testimony on the Supplemental IGA that was included in the record for

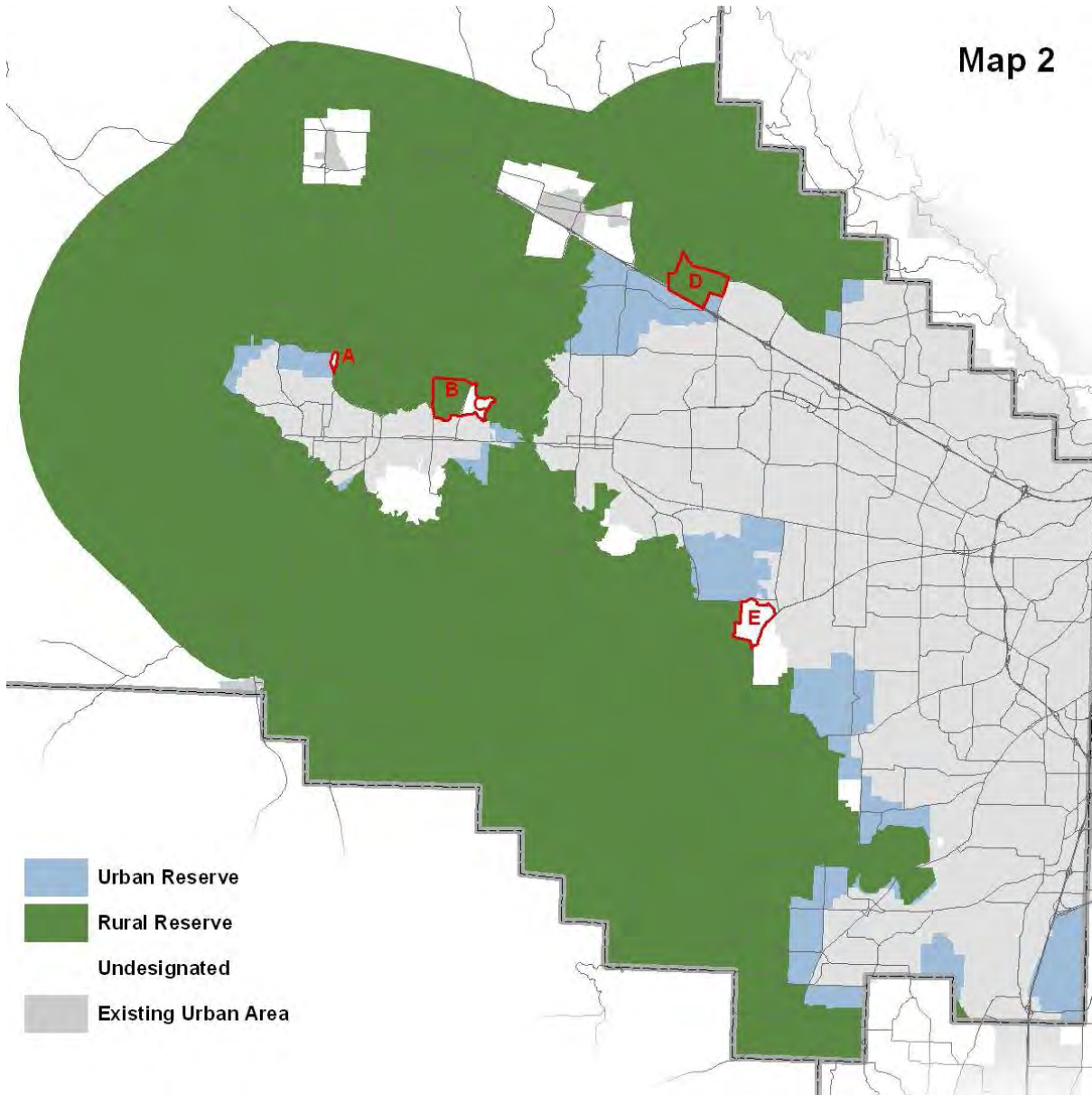
Ordinance No. 740 (written testimony provided at Washington County Record pages 10620-10911). Upon conclusion of public testimony, the Board and Council considered several iterations of the Supplemental Reserves IGA map. These iterations and the motions made by each legislative body are detailed in the following pages.

**Summary of Board and Council Motions at Joint Hearing on March 15, 2011**

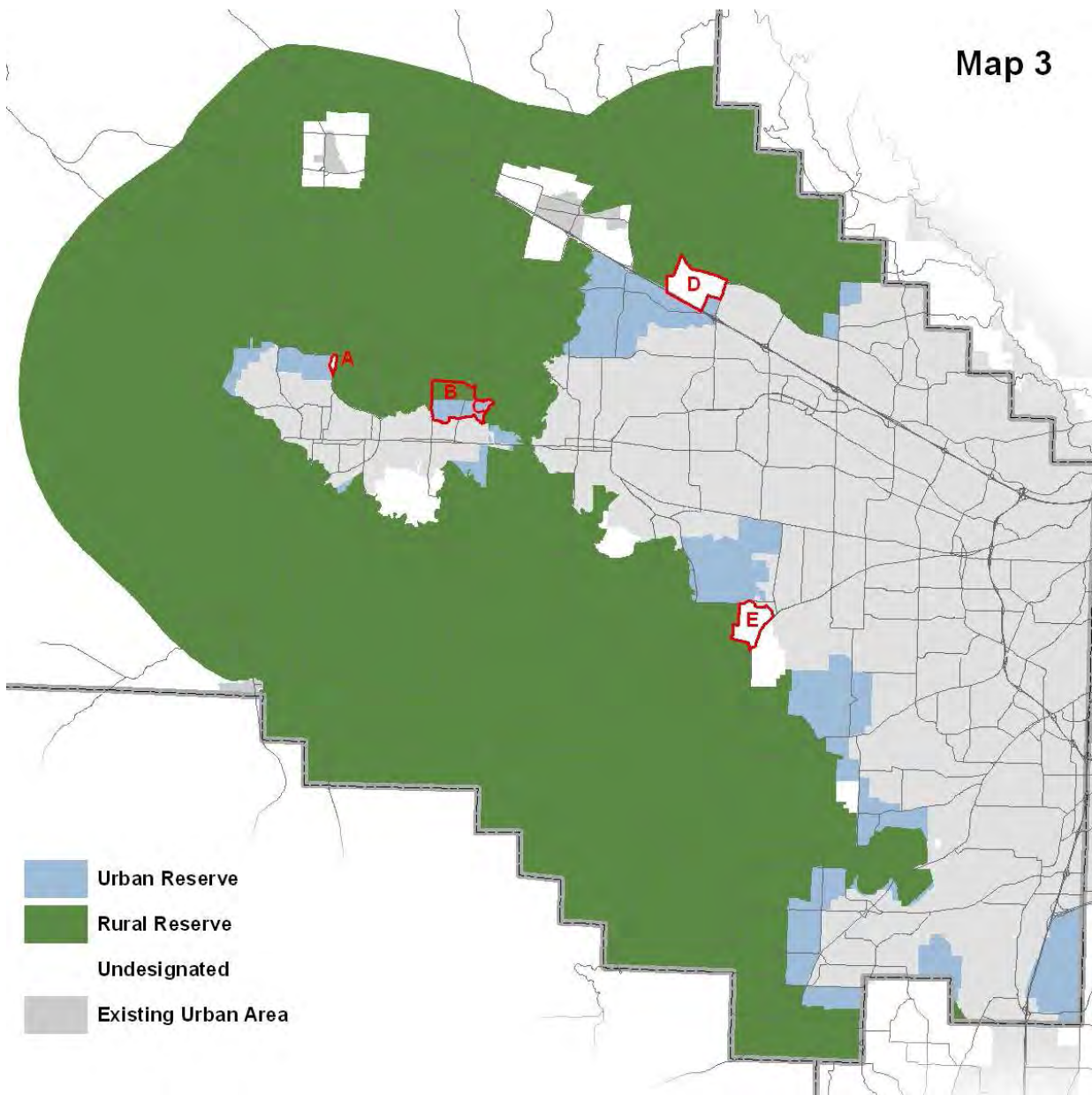
**Map 1 – Metro Council Discussion:** At the conclusion of testimony on the Supplemental Reserves IGA, the Council President Tom Hughes invited the Metro Council to share their opinions about the process. In the initial discussion by the Council, Councilors Collette and Burkholder made amendment suggestions to the proposed IGA map. Councilor Burkholder expressed concern about the area north of Sunset Highway and questioned whether the change from Undesignated to Urban Reserve would risk the success of the entire Reserves decision. He proposed that the area (Area D) be undesignated. North of Cornelius, Councilor Collette suggested that the area south of NW Hobbs Road in former Urban Reserve 7I be undesignated and that the land north of that area be Rural Reserve (Areas B & C on the map). With the other councilors generally agreeing to these amendments, President Hughes closed the discussion. *No vote was taken.*



**Map 2 – Motion by Commissioner Schouten:** Following the Council’s discussion, the Board began its deliberations on the Supplemental IGA map proposed by Chair Duyck and Council President Hughes. After deliberation, Commissioner Schouten made a motion to make Area D on the Supplemental IGA map a Rural Reserve. Commissioner Malinowski seconded. *The motion failed to carry on a 1-4 vote.*

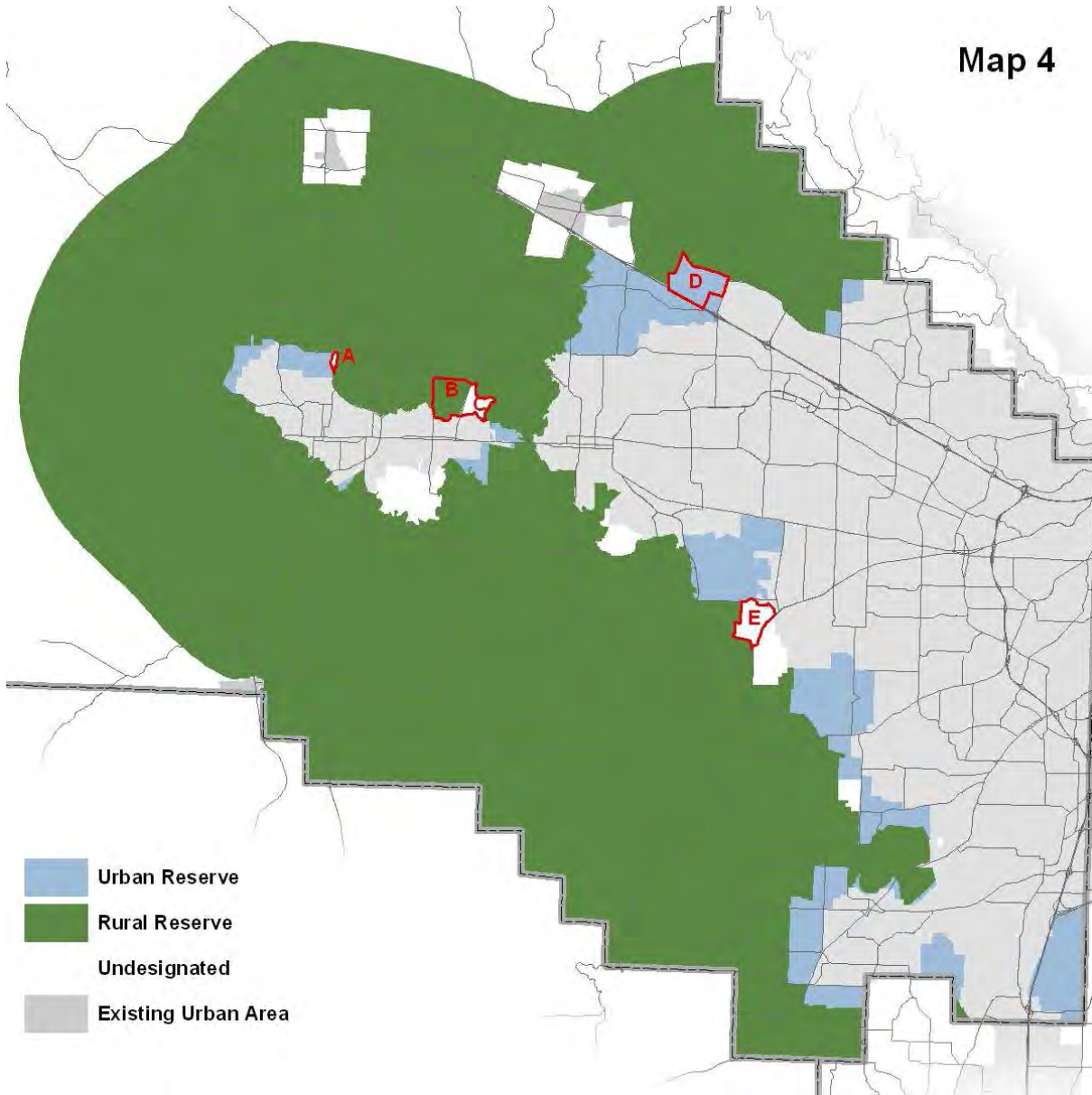


**Map 3 – Motion by Commissioner Rogers:** Commissioner Rogers moved to change Area A to Undesignated, to incorporate the changes shown in the Community/Farm map ("7I\*") put forth by the city of Cornelius and its supporters (making approximately 360 acres Urban Reserve on the southern portion of former Urban Reserve Area 7I, with the balance of the area designated Rural Reserves), and to change Area D to Undesignated. Chair Duyck seconded for the purposes of discussion, reserving the right to reconsider. Commissioner Terry commented that changing Area D to Undesignated would throw away investments already made in the area. After some discussion where it was apparent that the votes were not there to support, Commissioner Rogers and Chair Duyck withdrew their motion and second regarding the map. *No vote was taken.*



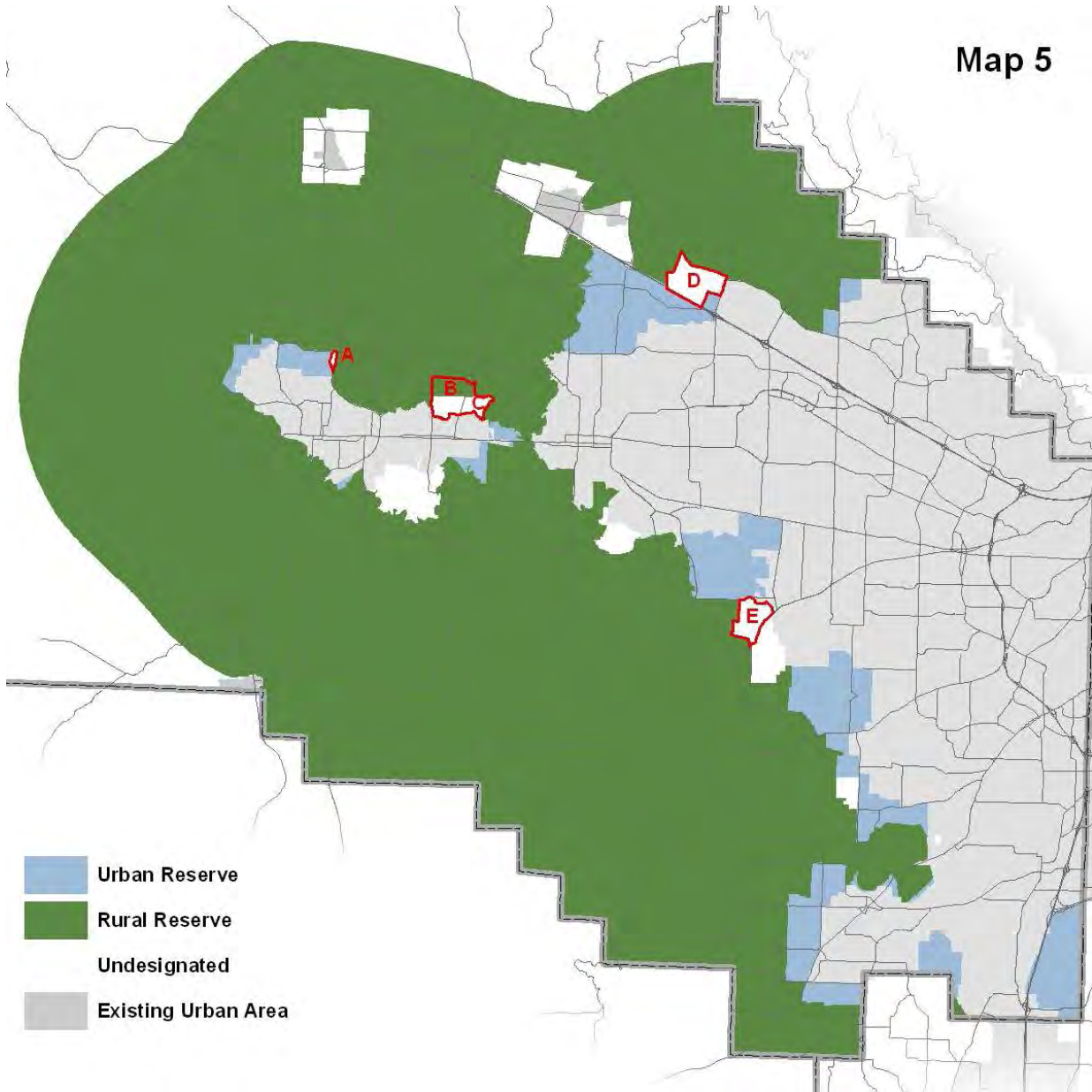


**Map 4 – Motion by Commissioner Terry:** Commissioner Terry made a motion to approve the Supplemental Reserves IGA map as proposed by Chair Duyck and President Hughes. Commissioners Schouten and Rogers both expressed reservations about the Urban Reserve designation for Area D north of the highway. *The motion to accept the Duyck/Hughes-proposed IGA map failed on a 2-3 vote.* At this point the Board recessed to allow the Council to convene.

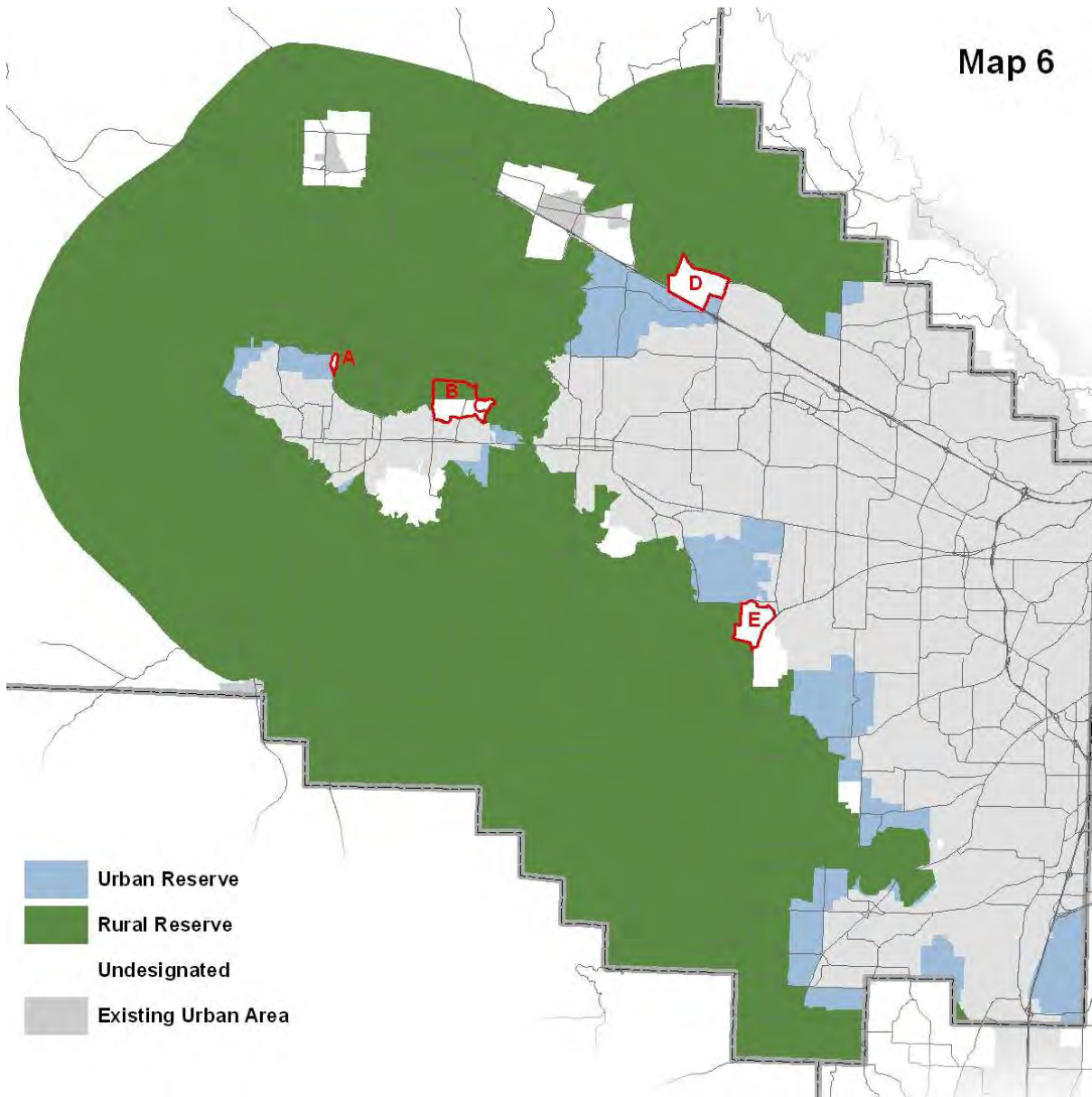




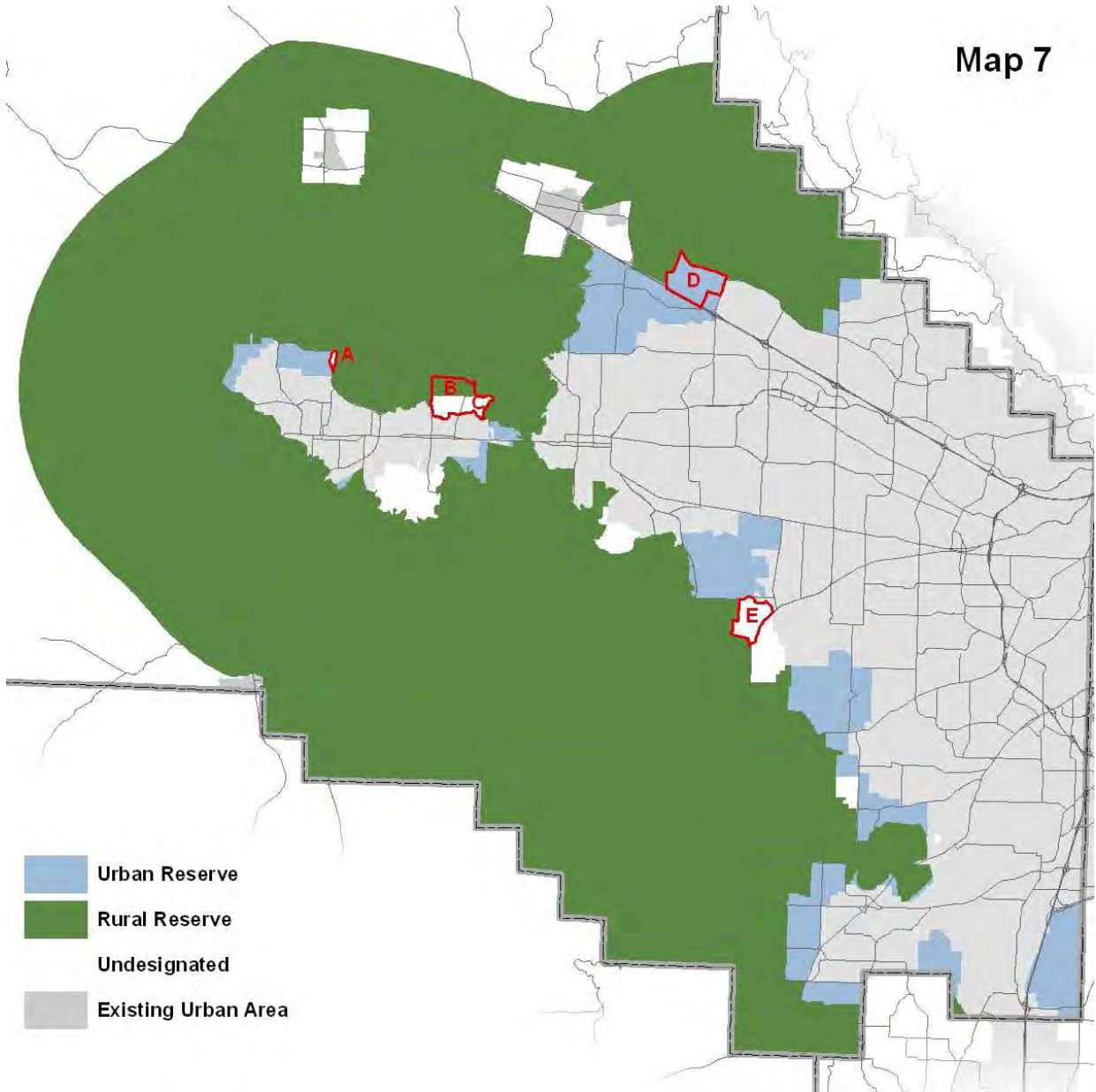
**Map 5 – Motion by Councilor Collette:** Councilor Collette moved to accept the Duyck/Hughes map with the following changes: 1) Make Area D Undesignated, and 2) Designate the 360-acre area known as 7I\* (located directly north of the existing city limits of Cornelius) Undesignated, with Rural Reserve north of that area. Following a brief discussion by the Council, *the motion was approved 7-0* (seconded by Burkholder).



**Map 6 – Motion by Commissioner Schouten:** Commissioner Schouten moved to adopt the amendments as proposed by the Metro Council, making Area D undesignated along with the southern portion of former Urban Reserve Area 7I, and changing the northern portion of the former reserve area to Rural Reserve; Commissioner Malinowski seconded. Commissioner Terry noted that he wanted Urban Reserve replacement acreage "somewhere" - *motion failed on a 2-3 vote.*

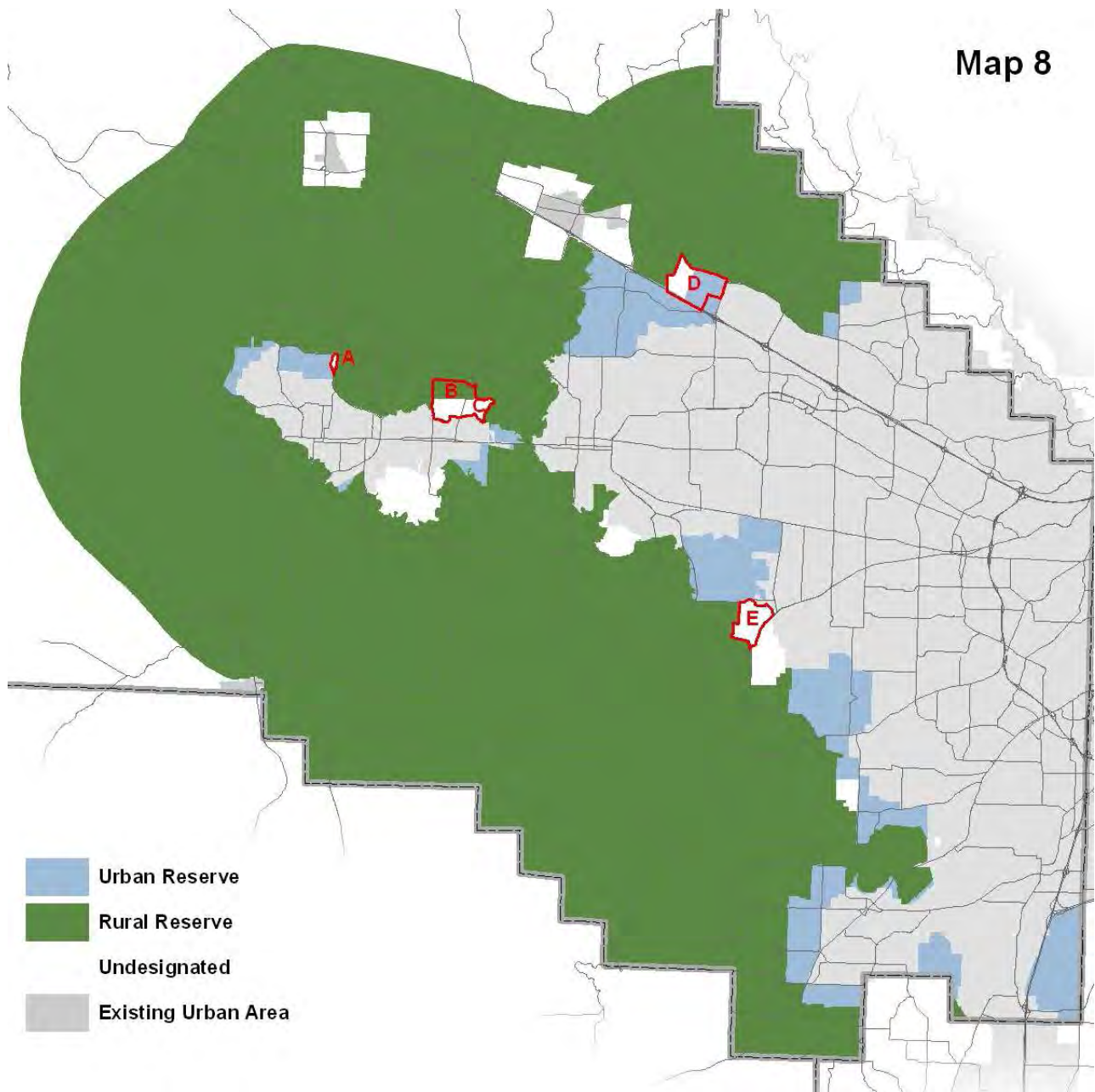


**Map 7 – Motion by Commissioner Terry:** Commissioner Terry moved to maintain Area D as an Urban Reserve as shown on the Duyck/Hughes-proposed IGA map and to change the southern portion of former Urban Reserve Area 7I near Cornelius to Undesignated, with the balance of the former urban reserve area designated Rural Reserve, as discussed under Councilor Collette's motion. *This motion passed 3-2, with Schouten and Malinowski opposed.*

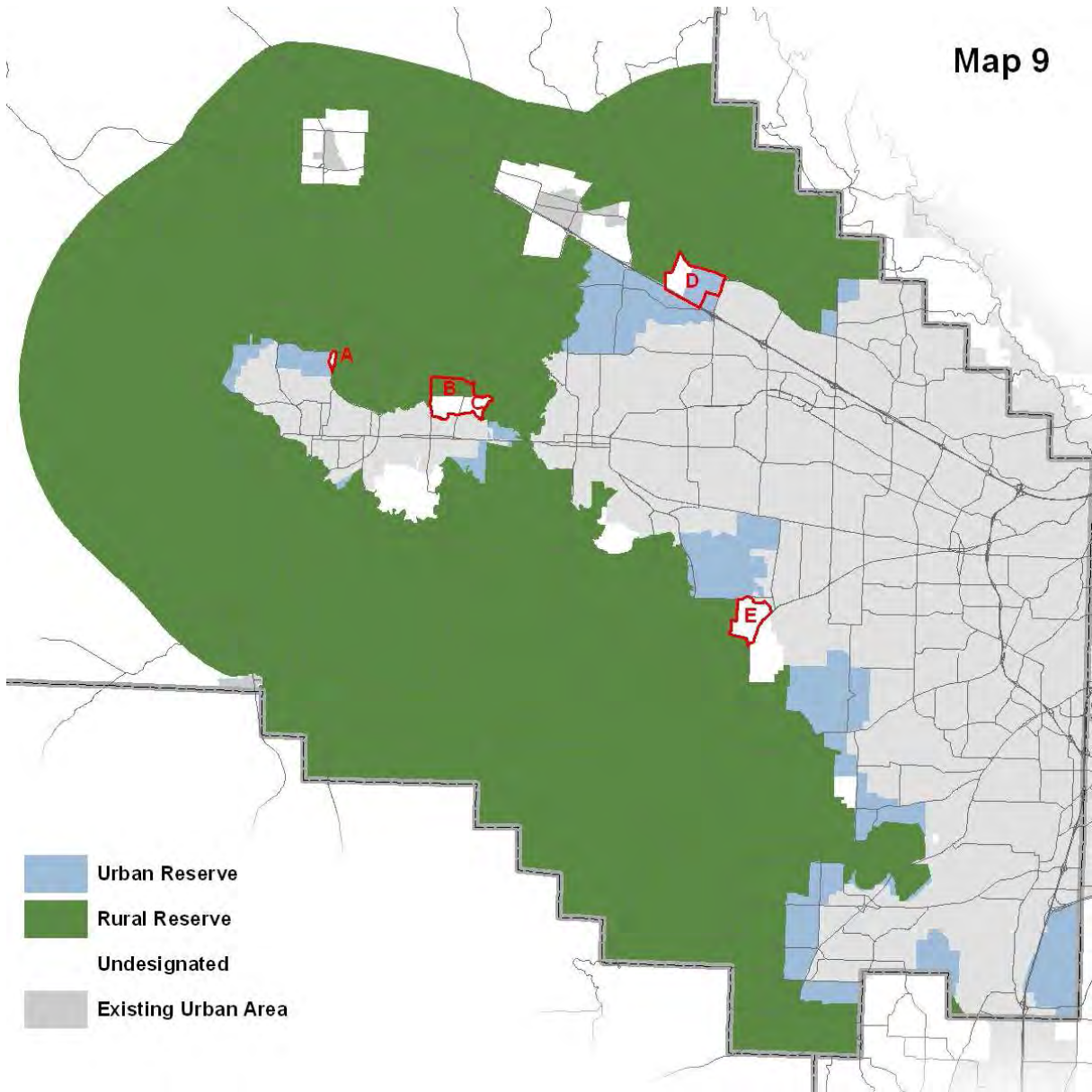




**Map 8 – Motion by Councilor Collette:** Councilor Hosticka (w/Harrington second) moved to reconsider previous approval – the motion passed 7-0. Councilor Collette proposed a compromise on Area D; specifically, to divide Area D at NW Groveland Road. West of the road would be Undesignated; east of the road would be Urban Reserve. The Council agreed to make the same changes to the Cornelius area as was approved by the Board in its immediately prior action. *This motion carried on a 6-1 vote, with Councilor Craddick dissenting.*



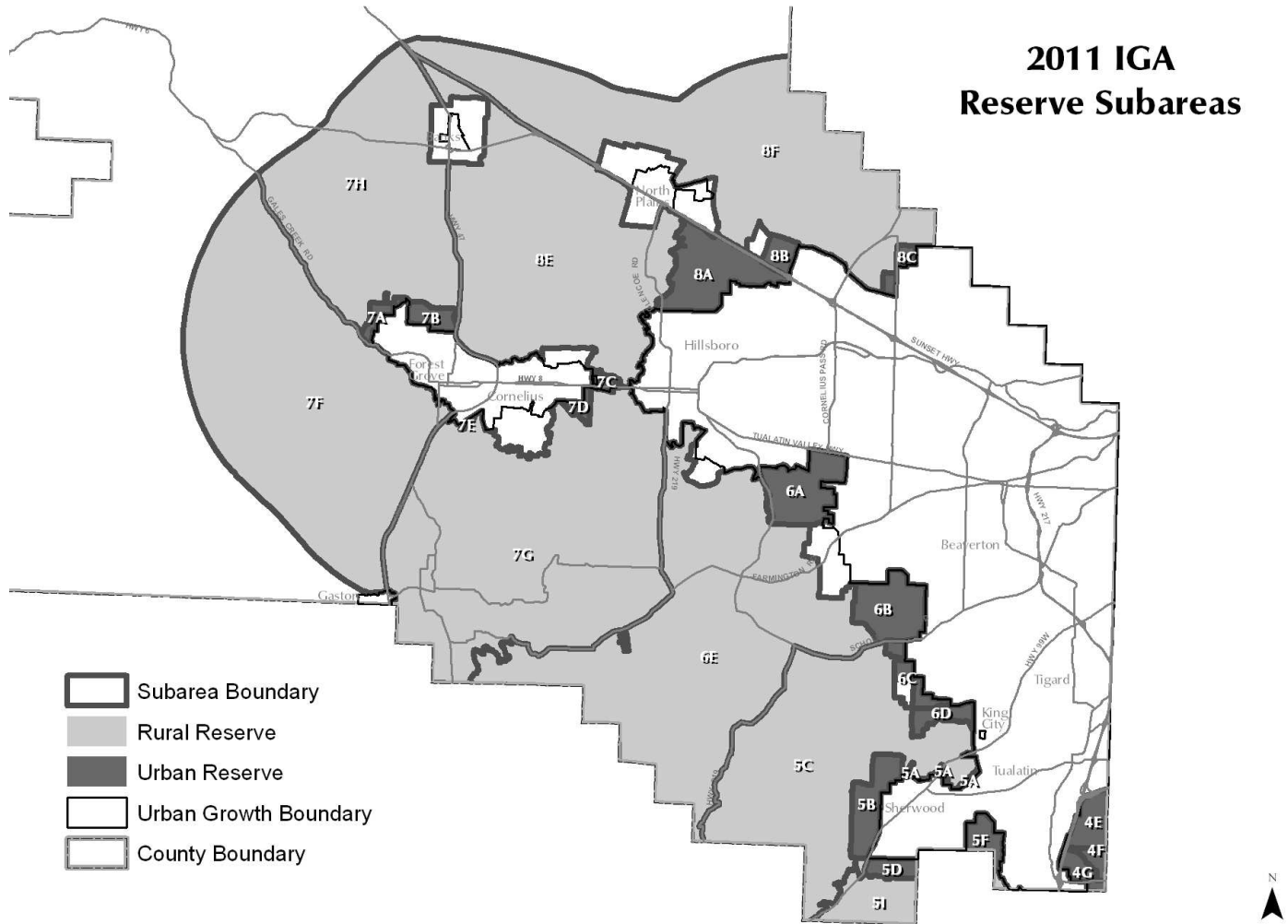
**Map 9 – Final Supplemental IGA Map:** Commissioner Rogers moved to accept the Metro proposal; Malinowski seconded. Commissioner Rogers stated his reluctance to support this proposal and asked that, in the event LCDC remands the Reserves work again, he hoped that adding Urban Reserve land north of Cornelius would be considered. Commissioner Rogers voted with Chair Duyck and Commissioner Terry to *accept the motion, which carried 3-2*. The Board's motion also included authorizing the Long Range Planning Manager to prepare a map of the final action by both bodies for the Chair's review prior to executing the Supplemental Reserves IGA.





**Final Motion by Metro:** The Council reconvened and Councilor Harrington moved to adopt Metro Resolution and Order 11-4245 with the IGA map as amended and approved by Washington County. Councilor Hosticka seconded the motion and the *Council adopted the motion 6-1*, with Councilor Craddick in dissent. Council then adjourned the joint public meeting. The final map adopted with the Supplemental Reserves IGA is shown below.

## 2011 IGA Reserve Subareas



The inclusion of the series of the preceding maps is intended to reflect the actions of the Washington County Board of Commissioners and Metro Council to achieve "balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents" (Washington County Record page 32).

These two governing bodies sat together in an extended public hearing, took testimony from a number of groups and individuals and together considered how to achieve balance within the county. The map shown above depicts the efforts and substance of the balancing process in Washington County.

The Board held an additional public hearing on Ordinance No. 740, and at the close of testimony, ordered engrossment of the ordinance to reflect the changes to the Supplemental Reserves IGA map adopted by the Board and Metro Council on March 15, 2011. The changes are shown on Exhibit 1 of A-Engrossed Ordinance 740 (Washington County Record pages 11005-11061).

- 1) *North of Forest Grove* – The 28 acres within Area 7B located east of Council Creek are changed from Urban Reserve to Undesignated. This area was unaffected by the engrossment of the ordinance.
- 2) *North of Cornelius* – The 360 acres in the southern portion of former Urban Reserve Area 7I are changed from Urban Reserve to Undesignated.
- 3) *North of Cornelius* – The 263 acres in the northern portion of former Urban Reserve Area 7I are changed from Urban Reserve to Rural Reserve.
- 4) *North of Highway 26* – The 352 acres bounded on the west by Groveland Road, on the north by West Union Road, on the east by Helvetia Road and Urban Reserve Area 8B, and on the south by Highway 26 are changed from Undesignated to Urban Reserve. This acreage is added to the existing 88 acres of Urban Reserve Area 8B, which was designated through A-Engrossed Ordinance No. 733.
- 5) *South of SW Rosedale Road* – The 383 acres located northwest of the intersection of SW 209th and SW Farmington Road are changed from Rural Reserve to Undesignated.

Except for those specific changes set forth above, the Reserves map and applicable policy provisions originally adopted by A-Engrossed Ordinance No. 733 remain unchanged.

## **Reserves Findings**

### *Rural Reserves Analysis Overview*

#### Introduction

Provided below are general descriptions of how the county applied Rural Reserves factors within the Reserves study area, as well as an explanation of the rigorous application of additional data screens over the multiple-year process of Reserves planning efforts.

#### Agricultural and Forestry Considerations - OAR 660-027-0060(2):

The map results from the ODA analysis (Washington County Record pages 9748-9818) are limited to a total of three classifications in the 2007 Agricultural Lands Inventory: Foundation, Important, and Conflicted lands. The overwhelming majority of the acreage in Washington County was considered foundation land; this designation was broadly applied and made no further distinction among those agricultural areas. (As an example, the entirety of Hagg Lake and relatively large blocks of forestland were classified as foundation land). To better apply the rural reserve factors found under OAR 660-027-0060(2), staff believed a more intensive agricultural analysis was important to the rural reserve designation process. Some components of this

analysis included parcelization, dwelling density, potential crop productivity based on successive agricultural inputs, and possession of a water right or inclusion within the Tualatin Valley Irrigation District. (Washington County Record Pages 2971-2980).

Agricultural and forestry considerations were applied to the above rule separately when considering which areas were most suitable as rural reserves. For the farmland analysis, the entire reserve study area was divided into 41 subareas and through analysis ultimately classified into one of four tiers. The purpose of creating subareas was to account for area differences based on an application of the Rural Reserve factors. Tier 1 indicated candidate areas that were suitable for Rural Reserves, followed by Tier 2, Tier 3, and Tier 4. Each of the ten Tier 1 subareas had high productivity ratings and all but one was characterized by larger parcels. A composite map for all Tier 1 areas resulted in the map noting those areas most suitable for rural reserves. (Washington County Record Page 3024). Detailed information on subarea characteristics and tier determinations are contained in the September 23, 2009 Staff Report prepared for the Reserves Regional Steering Committee and submitted to the Land Conservation and Development Commission (LCDC) by Metro and the county as part of the consolidated findings. (Washington County Record Page 2978-2980; 2985-2987).

To map forestlands, county staff used the Oregon Department of Forestry's (ODF) Wildland Forest Inventory mapping data from 2008 (Washington County Record pages 9696-9747). This data more accurately assessed on-the-ground conditions relative to forest lands by including five land use categories for forestry and agricultural uses. ODF recommended larger blocks of forested land in the outer edges of the study area for protection. These areas (Wildland Forest) were included as Tier 1 candidates for rural reserve recommendation. The ODF Inventory states that *Wildland Forest* areas need to be protected in order to sustain long-term forestry operations for forest land. Tier ranking determinations for forestry were facilitated by this greater level of detail.

#### Natural Features Considerations - OAR 660-027-0060(3):

Natural feature considerations were applied to the above rule separately from agricultural and forestry considerations. Tier 1 areas for natural landscape features ranked as the highest priority for rural reserves. A composite map for Tier 1 forestry, agriculture, and natural feature areas resulted in a final map noting the areas most suitable for rural reserve designation. (Washington County Record Page 3024).

Metro's Natural Landscape Features map formed the basis of staff's natural landscape features analyses. This map included county floodplains as well as the Hagg Lake watershed and natural areas such as the Tonquin Scablands, Killin Wetlands, and Wapato Lake. (Washington County Record Page 3028). Staff additionally included the county's Goal 5 Significant Natural Resource inventory as suitable for rural reserve designation. County Goal 5 areas are managed for floodplain, riparian corridor, and/or wildlife habitat value. Areas with slopes over 25% were also included as pertinent information in determining rural reserve designation under this factor given constraints on urban development in these areas.

Finally, a factor that included a "sense of place" [factor (3)(e)] was addressed by including all areas above 350 feet in elevation as suitable for rural reserve designation in addition to those

natural areas that might shape and define a regional identity perspective. Limiting urban development above 350 foot elevation level helps provide a sense of place by preserving viewpoints and by minimizing residential density. The composite map for the above features revealed a reserves map that included all areas of the Chehalem Mountains as suitable for rural reserve designation.

*Supplemental Findings for new Rural Reserve land near Cornelius  
(Northern portion of former Area 7I)*

A-Engrossed Ordinance No. 740 includes changes to the Urban Reserve designation for Area 7I north of Cornelius. The area has been divided roughly in a 60/40 ratio, with 360 acres in the south half proposed as Undesignated and 263 acres in the north half proposed as Rural Reserve. The 263 acres of Rural Reserve will be folded into the surrounding Rural Reserve 8E (Dairy Creek). Findings that addressed OAR 660-027-0060 for Rural Reserve 8E were included with the submitted consolidated findings noted above. The addition of the 263 acres of rural designation to Rural Reserve 8E brings the total area for the reserve to 19,445 acres.

The initial findings for Rural Reserve 8E adopted by A-Engrossed Ordinance No.733 are also generally applicable to the 263 new rural reserve acres. However, further analysis and discussion of the factors pertinent to the 263 acres is contained below. The new area is suitable for urban development given the generally flat topography and proximity of urban services from Cornelius but it is also suitable for Rural Reserve designation as evidenced by existing agricultural uses and extensive surrounding agricultural uses, ready access to water, and the prevalence of high-value soils.

The county's analysis of this area rated it as a Tier 2 candidate reserve area. The area is included as part of Subarea 18, which extends from the Cornelius city boundary north past Verboort Road west to Highway 47 and east of Susbauer Road. The subarea had a high productivity rating, but was rated Tier 2 due to the dwelling density found throughout the entire subarea. The parcelization of the area did not exhibit a trend toward either larger or smaller parcels (Washington County Record page 3024).

**Agricultural Considerations Under Factor OAR 660-027-0060(2)**

**(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation:**

- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land.**

The reserve area has a high subject to urbanization rating given its proximity to the city of Cornelius and the inclusion of the area in the city's Pre-Qualified Concept Plan submitted as part of the record for A-Engrossed Ordinance No. 733.

Staff compiled more than a dozen analysis variations to address fair market value. Because adequate data necessary to explore fair market value was not readily available, staff utilized real market values for individual parcels as recorded in Washington County's Department of Assessment and Taxation. The analysis did not show any correlation between property value and parcels in close proximity to the urban growth boundary. Staff determined that the notion of fair market value independent of other indicators does not provide a conclusive indication of land areas that may be subject to urbanization (Washington County Record page 9675).

- (b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land.**
- (c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations.**

Aerial photos in county archives document agricultural use in the Rural Reserve area since at least 1980, but sustained agricultural use has occurred in the area for decades prior to this time. The predominant soil class is Class II, with one small area of Class I soil and fingers of Class III soils in the lower, wetter areas of the reserve. All three soil classes are suitable for farming and the capability of the area to sustain long-term agricultural use is evident. The area is rated as highly productive in the county analysis based on soil capability but also because of its inclusion in the Tualatin Valley Irrigation District and the presence of several established water rights on larger agricultural parcels.

- (d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:**
  - (A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots.**
  - (B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses.**
  - (C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns.**

The land use pattern of the 263 acre area forms a sizable block of agricultural operations that is contiguous with extensive agricultural activity north to the city of Banks and Highway 26. The area has a range of parcel sizes, with at least nine taxlots at an acre or less and two taxlots over



60 acres. Two owners own two or more taxlots. Four taxlots, comprising no less than 45 percent of the total reserve area, are at least 30 acres in size and in existing agricultural use. Rural dwelling density is relatively high adjacent to Cornelius-Schefflin Road and Long Road. North of the proposed area is the Dairy Creek floodplain, which is a key agricultural area of the county and is comprised of larger agricultural parcels. Leasing activity was not available to staff but it is presumed that leased farming activity occurs across taxlot boundaries. Agricultural activity currently predominates in the 360 acre Undesignated area south of the new Rural Reserve area. The Undesignated land can effectively function as a buffer from more intensive urban development within the Cornelius Urban Growth Boundary.

**(D)The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.**

Agricultural infrastructure in the form of drain tiles are established throughout much of the Dairy Creek basin. Agricultural supply outlets for fertilizer, animal feed, agricultural chemicals, and farm equipment sale and maintenance are available in both Cornelius and Hillsboro. Staff concludes that the sufficiency of agricultural infrastructure necessary to sustain long-term farming operations is adequate given the long-term farming history of the area and the positive market considerations that are highly likely given the certainty and long-term stability for agricultural use of this Rural Reserve area.

Based on the above, the area is determined to be suitable to sustain long-term agricultural operations.

**Forestry Considerations Under Factor OAR 660-027-0060(2)**

Staff relied on the Oregon Department of Forestry's (ODF) Metro-area analysis of forestland that encompassed the reserves study area (Washington County Record pages 9696-9747). The ODF analysis included five forestry and agricultural categories as shown on Map 4 of the September 23, 2009 Staff Report (Washington County Record Page 2999). The ODF analysis indicated that all forestlands within the *Wildland Forest* designation should be protected in order to sustain long-term forestry operations in the area. Forestlands within this classification were ranked as Tier 1 in the county analysis.

There are no Wildland Forestlands in this Rural Reserve area and commercial forestry operations are not present. One taxlot in the reserve has most of its 20 acres in unmanaged timber.

**Natural Landscape Feature Considerations Under Factor OAR 660-027-0060(3)**

Staff combined Metro's Natural Landscape Features Inventory with the county's mapped Goal 5 areas, constrained slopes over 25 percent, and all areas over 350 feet (to address factor (e) below) as the basis for applying the factors below. Potential candidate Rural Reserves areas were divided into three tiers based on the above and from additional input from staff's knowledge of county natural areas. The components within each tier are described at length on pages 37 and 38 of the September 2009 staff report. (Washington County Record pages 2987 and 2988). The proposed Rural Reserve east boundary is formed by Dairy Creek, a Tier 1 Natural Feature. No other Tier 1, 2, or 3 Natural Features are included within or adjacent to the reserve.

**(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural resource features, a county must consider those areas identified in Metro's February 2007 "Natural Landscaper Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:**

**(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3);**

For Rural Reserve factor (3), staff considered the entire study area as equally subject to urbanization to allow for all natural features within the study area to be considered.

**(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;**

The 100-year floodplain of Dairy Creek enters the northeast corner of this Rural Reserve. The floodplain area is entirely in agricultural use. In the west half of the reserve area an unnamed tributary of Council Creek flows south and has a narrow county-designated floodplain. The proposed reserve area is generally flat with the exception of a gradual rise in terrain at the west edge of Dairy Creek. There is little to no potential for landslides or other natural disasters in the reserve area.

**(c) Are important fish, plant or wildlife habitat;**

The area is almost entirely in agricultural use, which typically provides limited habitat capacity for wildlife. One unmanaged stand of timber of approximately 12 acres occurs as "island" habitat on the west side of the reserve and may provide a refuge for resident and migratory bird and mammal species. Dairy Creek is listed on Metro's Natural Feature Inventory and the county's Goal 5 inventory map and is ranked in the county analysis as Tier 1. The creek is important habitat for life-cycle development of anadromous and non-anadromous fish, with the Creek's riparian vegetation serving as an important dispersal corridor for bird, mammal and amphibian species moving through the Dairy Creek basin.

**(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;**

Agricultural activities can negatively affect streams and riparian areas through chemical drift and localized accumulation as well as creating turbidity from farming too close to stream banks. However, maintaining the land in an agricultural base allows for stream and water table recharge through limitations on impervious surface area. A headwater stream to Council Creek originates at the northwest corner of the reserve and flows south but lacks adequate vegetative cover to minimize increase water temperatures necessary for water quality. Farm activity occurs up to the tributary edges.

**(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;**

Elevations over 350 feet were included as Tier 1 areas for Rural Reserves as one method staff used to address factor (3)(e) relative to a sense of place. The area rises gently on the west and east side of the reserve to an elevation between 170-180 feet. Dairy Creek is a significant riparian corridor and a defining natural feature in Washington County and likely provides a sense of place for area residents.

- (f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses;**

The Dairy Creek floodplain is the defining natural boundary of the area but does not separate urban uses from either rural uses or natural resource uses. The additional Rural Reserve land north of Cornelius is folded into Rural Reserve 8E, an extensive area north of the proposed reserve land that takes in much of the Dairy Creek floodplain and important agricultural lands north of Cornelius-Schefflin Road and Zion Church Road. The nearest urban uses are south of the reserve area and are separated from those uses by a 360-acre area of undesignated land that is predominantly in agricultural use.

- g) Provide for separation between cities;**

Large areas of Rural Reserve land and the Dairy Creek floodplain exist between this Rural Reserve and the city of Banks to the north.

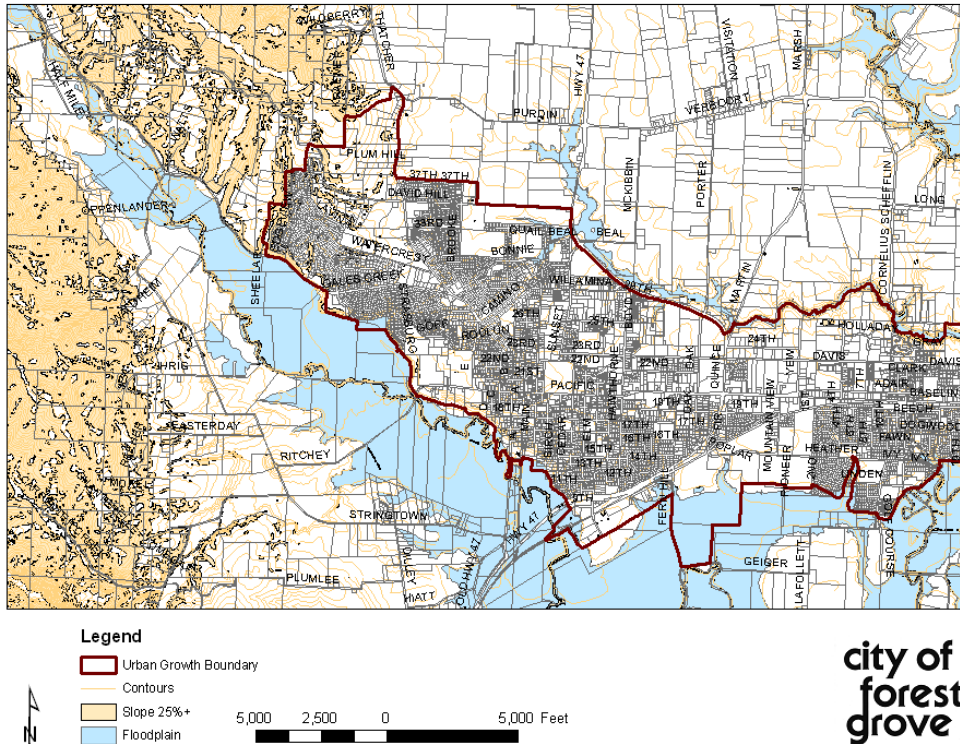
- h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.**

There are no specific recreational activities planned within the Reserve area. Designation of the area as a Rural Reserve is not expected to alter access to potential recreational opportunities, such as biking or walking in the rural areas within and surrounding the proposed Reserve area.

*Supplemental Reserve Findings for Urban Reserve Area 7B  
(Forest Grove North)*

**Overview**

Forest Grove can only expand to the north or west. It cannot grow to the east because the community immediately abuts the City of Cornelius. It cannot grow to the south, other than the small 38-acre Urban Reserve Area 7E, because of the presence of the Tualatin River and Gales Creek floodplains (see map below). The most logical direction for Forest Grove to expand is to the north for several reasons.



Expanding to the west would be encroaching further on David Hill and the Gales Creek Valley. Expanding in this direction would elongate the shape of the community. This would increase service costs by extending services, particularly emergency services. Fire service is based on response times. To meet the Fire Department response times, an additional station would be needed. To be functional, the City would have to hire additional staff, equipment and training to make the station operational. These additional services would impose additional capital and ongoing costs to the City.

By comparison, growth to the north results in the community being more compact in shape. Distances from city hall would not increase when compared with the current Urban Growth Boundary (UGB). This situation eliminates the need for a new fire station or patrol area. The city would not have the capital and ongoing expenses that would be required if there is a westward expansion. Thus, growth to the north continues a pattern of development that can be efficiently served.

There are other issues associated with expanding onto David Hill. The David Hill area does not support the employment needs, particularly large lot industrial, required by the community.

There are slope and geological limitations for the David Hill area. A geologic report found that 18 out of 56 lots in the Summit Point final plat (one of the most recent developments in the David Hill area) required specially engineered foundations to address potential geologic constraints of the area (Washington County Record pages 11105-11107).

Slopes represent potential unstable ground. Various areas on David Hill have experienced landslides. Further, emergency access, particularly fire response, is greatly hampered by steep slopes. For this reason, the Forest Grove Development Code (Section 10.8.610 M) limits residential streets generally to a slope no greater than 12% with a maximum slope no greater than 15% for a maximum distance of 250 feet. Given these limitations, the City is concerned with the ability to accommodate development on steep slopes. As can be seen by the map above, a substantial portion of the David Hill area has slopes 25% or greater.

The best option for urban expansion for Forest Grove is to grow northward. Area 7B is in close proximity to the City's Town Center. The distance to the main intersection in the community, Pacific Avenue and Main Street, is between 1.35 to 1.94 miles from the closest and further point in the Urban Reserve area. This distance can be traversed by walking in about 27 to 39 minutes (assuming 3 mph speed) and 7 to 10 minutes by bicycle (assuming 12 mph speed). The topography is generally less than 10 percent slope, making walking and bicycling very feasible. In addition, it is due north of the Town Center area and road, pedestrian and bicycle connections can be achieved relatively easily with modest costs. This connection to the Town Center means that development of the area with land uses (industrial) complimentary to the Town Center would contribute to the development of the Town Center.

### **Urban Reserve Findings**

The following is a discussion of how the urban reserve factors (OAR 660-027-0050) apply to the Purdin Road area.

**Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:**

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;**

Topography of the Purdin Road area is relatively flat with slopes generally 5 percent or less. The one exception is along Thatcher Road extending from the existing UGB northward where slopes reach up to 10 percent. These slopes are conducive to accommodate industrial and employment uses. As reflected in the most recent Pre-Qualifying Concept Plans (PQCP) developed by the City, this is the primary urban use for the area. This demonstrates that there are no physical



constraints in the area to preclude higher density development (Washington County Record pages 11107-11110).

Forest Grove provide water, electrical, police and fire protection, parks and recreation, municipal court, library services, land use planning, zoning, building inspection, street maintenance and general administrative services. As a full service city, Forest Grove has analyzed its ability to provide services to urban reserve areas in the most efficient way and by making use of its existing city infrastructure (Washington County Record pages 11112-11113).

Sewer service is provided by the City in partnership with Clean Water Services. The City's Sewer Master Plan shows a planned 12 inch sewer trunk line along Thatcher Road from near Purdin Road and extending through Urban Reserve Area 7B before connecting with an existing sewer line on Brooke Street within the current UGB. Substantial municipal infrastructure lines end at or near the urban growth boundary. Clean Water Services' Master Plan shows three future laterals and one future trunk line south of Purdin Road and west of Highway 47 – Urban Reserve Area 7B. There is also an existing trunk line that follows Council Creek and connects to the Rock Creek treatment plant. Based on analysis prepared by waste water treatment providers in the region, both Rock Creek and Forest Grove treatment plants have room to expand. These are just part of the reasons why the area has been shown as a high sewer suitability area on the Metro Urban and Rural Reserve Preliminary Sewer Service Suitability Map (February 2009) (Washington County Record pages 3321-3333). No major new facilities are needed to serve the area included within the potential urban reserve. As a result, the area can be efficiently served with sewer facilities.

Regarding water, the City's Water Master Plan (August 10, 2010), in part analyzed the adequacy of the City's water supply for the 40 year planning period of the plan. Taking into account water demand from projected development within the current UGB, the David Hill Urban Reserve area (Area 7A), the Purdin Road Urban (Area 7B), the South Industrial Urban Reserve area (Area 7E) and an additional area identified as the North Water Planning Area used as part of a high growth water demand alternative, the study concluded that the City does not need new sources of supply in the next 40 years, except possibly under the high growth scenario. In that scenario, the study identifies other options to augment water supply needs after the Year 2045.

Regarding water distribution, the City has a 5 million gallon reservoir and a 1 million gallon reservoir serving the community as well as 10 percent ownership in the 20 million gallon Joint Water Commission (JWC) reservoir. There is an existing 8" water line along Thatcher Road adjacent to Urban Reserve Area 7B and an 8" line along David Hill Road. For this reason, the Metro Urban and Rural Reserve Preliminary Water Service Suitability Map, dated February 2009, shows the proposed candidate urban reserve area as being within the high service suitability zone (Washington County Record pages 3334-3338). This means that only typical extensions of service such as general distribution lines and reservoirs are needed. No major facilities are required to serve the urban reserve area. As a result, the City has sufficient supply of water to serve the area and can also be efficiently served with water distribution facilities.

Efficient extension of transportation can be achieved. Highway 47 is an existing state facility that serves the area, and Main and B streets terminate near the urban reserve area and can be easily extended to serve the area.

A preliminary analysis of providing transportation service within urban reserve areas was completed in February 2009 (Washington County Record pages 3314-3320). The analysis shows that the Forest Grove potential candidate urban reserve area falls into the higher suitability category for system lane cost, added lane cost and connectivity. This means that the area is among the most suitable for providing a transportation system capable of accommodating urban levels of development.

Overall, Urban Reserve Area 7B meets Urban Reserve Factor 1 based on the above analysis.

**(2) Includes sufficient development capacity to support a healthy economy;**

The city views Urban Reserve Area 7B as the location for employment expansion, particularly industrial. The reason is that the David Hill Urban Reserve Area 7A is too hilly to accommodate any substantial employment growth and is too far away from main roads needed to connect to the regional transportation system for freight and employment movement. Area 7B is the best location for significant employment expansion due to its size, flatness of the area, proximity to the Town Center and proximity to the regional road network. Further, there are large parcels to meet the City's large lot industrial needs.

The City's Economic Opportunities Analysis (EOA) report (Washington County Record page 11129-11249) provided a justification for the amount of land need beyond current supply in the community for office, industrial, retail and other employment sectors. When taking into account current vacant land supply in the community, there is still a need for 284 to 1,520 acres of additional industrial land in order to meet the City's industrial need over the next 50 years (Washington County Record page 11192). Thus, this land in Area 7B is needed to achieve a "healthy economy."

The City's EOA report also addressed the community's 20 year need by parcel size. The report indicates there is a need for at least one large lot industrial site (50 to 100 acres in size) sometime during the next 20 years (Washington County Record page 11183). Currently, no such site exists in the community. The only parcel within the study area that could accommodate this large-lot need without having to assemble the land is a 115 acre parcel located in the northwest portion of 7B. Further, the property owner has indicated that the orchard currently on the property is nearing the end of its useful life and would be available for development within the next 2 to 5 years.

Besides the large-lot industrial need, the urban reserve area provides for a range of potential industrial sites for large, medium and small employers. In addition, locating industrial land near the Highway 47 corridor complements public investments in transportation made to improve traffic circulation in western-Washington County. Such improvements include construction of the Highway 47 Bypass, Martin Road/Verboort Road intersection improvements and road upgrades recently completed along Cornelius-Schefflin Road.

For the above reasons, Area 7B provides sufficient development capacity to support a healthy economy both for Forest Grove and the region.

**(3) Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers;**

Forest Grove provides water, electrical services, police and fire protection, parks and recreation, municipal court, library, land use planning, street maintenance, building inspection and general administrative services. In addition, the City of Forest Grove partners with Clean Water Services for storm water and sanitary sewer services. The City of Forest Grove employs approximately 164 full time employees (FTE) including 34 FTE in the Police Department and 20 FTE in the Fire Department. The City's total General Fund resources amount to over \$16 million. Across all city funds total resources amount to over \$65 million. The City of Forest Grove has a long tradition of providing cost-effective municipal services over 130 years.

Financially capable service providers offering urban-level public facilities include the City of Forest Grove, Washington County, Clean Water Services, and Forest Grove School District. The financial capacity of these organizations is illustrated from the Great Communities report as they characterize Clean Water Services capabilities:

“On one hand, if Clean Water Services in Washington County, for example, invests in new sewer lines and treatment capacity for the Forest Grove/Cornelius area, the \$78 million cost over the next 10 to 15 years may be financially feasible. Last year they collected \$70.7 million in user fees and had a beginning fund balance of \$81.9 million. On the other hand, a small sanitary district-with total sewer revenues of \$3.056 million and beginning cash at \$5.6 million-may view a \$22 million investment in new sewer lines and treatment costs as too costly and risky to undertake by itself.” (Washington County Record page 7858)

Since the area is primarily intended for employment use in general and industrial use in particular, the demand on school facilities is anticipated to be minimal. Any future school needs will be coordinated with the Forest Grove School District as part of comprehensive planning efforts (ORS 195.110).

The Purdin Road Urban Reserve area optimizes major public improvements to Martin Road and Highway 47. Martin Road, a Washington County facility, provides the most direct access to the Sunset Highway corridor via Verboort Road, Cornelius-Schefflin, Zion Church and Glencoe Roads. Martin Road was recently improved with two roundabouts at Verboort Road. Cornelius-Schefflin Road was improved in 2008 with new paving and striping and was widened in some locations to better accommodate farm equipment.

Oregon Highway 47 was realigned during the late-1990s and serves as a bypass route around Forest Grove's Town Center. The urban reserve area is adjacent to Highway 47. Highway 47 is a key corridor providing access to the city of Banks, Oregon Highway 6, and Oregon Highway

26 to the north and Yamhill County to the south. The Oregon Department of Transportation has identified Highway 47 as having additional capacity to accommodate future growth. In addition, the City's Transportation System Plan incorporates improvements (traffic circle) to the Highway 47/Purdin Road intersection planned by ODOT to address safety issues. To make the traffic circle function properly, ODOT requested the City to plan for an extension of Main Street to Purdin Road through Area 7B.

The potential extension of Main Street and B Street to serve this urban reserve area provides clear connectivity between the urban reserve area and the existing City of Forest Grove. In addition, Main and B Streets provide direct access to the Forest Grove Town Center. This direct connection provides an efficient route for future transit service and provides additional support for investments in the Town Center. This efficiency is due to the relatively short distance between the area and the Town Center, as substantiated above and the flatness of the terrain between the area and the town center.

As indicated above, the area is shown to be within an area of high suitability for water service, high sewer suitability area with no need of major sewer facility improvements to provide service and higher suitability category for system lane cost, added lane cost and connectivity (Washington County Record pages 3314-3338).

Based on the above discussion, the area can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers.

**(4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;**

Urban Reserve Area 7B can be designed to be walkable and integrated with the existing and planned system of well-connected streets, bikeways, recreation trails and public transit. The area is flat with no constraints that would prevent the development of a well-served transportation network for the area. The City's Transportation System Plan proposes the extension of Main Street and B Street that will serve the candidate reserve area. Both Main and B Streets provide direct access to the Forest Grove Town Center. Due to its proximity to the Town Center as noted above, there is easy access for pedestrian and bike connections to the Town Center and the existing transit line on Pacific and 19<sup>th</sup> Avenues. Both streets also provide a direct route for future transit service. A substantial portion of a potential transit route from the Town Center to this area is already planned for Medium (12 units per net acre) and High (20 units per net acre) density residential development. Based on input the City received from TriMet, these densities are of sufficient levels to support extension of transit service to the area. The higher intensity nodes of development can be integrated into the area to encourage a walkable, well-connected transportation system.

Urban Reserve Area 7B is proximate to the existing pedestrian pathway along Highway 47 as well as the planned Council Creek Regional Trail. In addition to the regional trail, the vegetated corridors in the urban reserve area provide an opportunity for multi-use trail connections supporting recreation and commute trips.

Based on this discussion, Area 7B meets Urban Reserve factor (4).

**(5) Can be designed to preserve and enhance natural ecological systems;**

Clean Water Services' regulations for vegetative corridors requirements will essentially restrict development (except for trails along the periphery of the corridor) along the stream areas and provide for vegetative restoration. The regulations calculate buffers based on the number of acres an intermittent stream drains and call for up to 50-foot buffers on slopes less than 25%, and up to 200 feet if the land features greater than 25% slopes (Washington County Record page 11114-11115). All the watercourses in this area are intermittent.

Although it has not been calculated, it is likely that the drainage area for Council Creek and its tributary includes more than 100 acres. It should be noted that based on measurements taken by city of Forest Grove staff, plowed areas adjacent to Council Creek and its tributaries are about seven feet from the channel edge.

Outside of the vegetative corridors, Article 5 of the Forest Grove Development Code implements Metro's Model Code developed for Nature in Neighborhoods (Title 13). At this time, these provisions limit development intrusion and encourage the use of clustering. Further, both the CWS and Article 5 standards would require re-vegetation of appropriate species to enhance water quality which would reinforce animal habitat.

In addition, Article 4 of the Development Code provides the framework for planned developments for residential, commercial and industrial projects. Planned developments are required to preserve, to the greatest extent possible, existing landscape features and amenities. Planned developments also incorporate such features into the project's design. Planned unit developments allow for clustering development to maximize the preservation of natural resources. In addition the relatively large parcel sizes in the area can allow for placement of industrial uses away from sensitive areas.

Based on the above analysis, existing requirements would require urban development to preserve and enhance ecological functions, therefore factor (5) can be met.

**(6) Includes sufficient land suitable for a range of housing types;**

The City intends for this area to be substantially developed for employment uses. However, a portion of the area next to an existing residential area on the western part of the area could be appropriately developed for residential uses. The City anticipates that the overall densities would be at least 10 units per acre, accommodating a variety of housing types. This would allow the creation of nodal development with higher densities (upward to 20 units per net acre – the highest densities currently allowed by the City) mixed with supportive office and small commercial development. This approach would support the extension of transit service into this area. This approach would provide opportunities for a variety of housing options. Further, it indicates that there are no anticipated constraints with the area to accommodate a variety of housing types.



After discounting for future development capacity within the current UGB, the City's Economic Opportunities Analysis shows a need for 1,073 to 3,905 acres for future residential development and 13,909 to 32,067 housing units. Within the current UGB, City staff estimates that current capacity for new development (including both raw land and redevelopment) would accommodate 4,600 units. Thus, any residential uses included in the Purdin Road area can help the City meet its long-term residential need (Washington County Record pages 11129-11249). This Urban Reserve factor can be met.

**(7) Can be developed in a way that preserves important natural landscape features included in urban reserves;**

As discussed above, Clean Water Services' vegetative corridors requirements will effectively restrict development (except for trails along the periphery of the corridor) along the stream areas and provide vegetative restoration. Outside of the vegetative corridors, Article 5 of the Forest Grove Development Code implements Metro's Model Code developed for Nature in Neighborhoods (Title 13). At this time, these provisions limit development intrusion, encourage the use of clustering and where applicable, require re-vegetation. In addition, Article 4 of the Development Code provides the framework for planned developments. Planned developments are required to preserve, to the greatest extent possible, existing landscape features and amenities. Planned developments also incorporate such features into the project's design. Planned unit developments allow for clustering development to maximize the preservation of natural resources. In addition, the large parcels would allow flexibility in the siting of industrial uses (Washington County Record pages 11129-11249).

**(8) Can be designed to avoid or minimize adverse effects on farm and forest practices and on important landscape features on nearby resource land, including land designated as rural reserves;**

In discussing this issue with the Farm Bureau, there appears to be two concerns. First is to minimize conflicts between urban development and farm practices due to proximity and the nature of various land uses. Industrial and employment uses are intended for the Urban Reserve area for most of Area 7B and all of the properties along Purdin Road. According to testimony received from the Farm Bureau, industrial activities are the most compatible urban use with agriculture (Washington County Record pages 11116-11124). Issues such as noise, time of operation, plowing and dust and spraying from agricultural activities would be less disturbing to industrial development than with other urban uses, particularly residential. In addition, it is the intent of the City to preserve this area for larger lot industrial. This provides opportunities for additional buffering through increased setbacks. It should also be noted that this additional buffering can be utilized for parking areas and landscaping.

Buffering would also be achieved through the presence of Purdin Road. The road currently is 20 feet in width (from fog line to fog line) with a total pavement width of about 22 feet. The road is located on a 60 foot wide right-of-way. However, this road would need to be at least a three lane road with wide shoulders and bike lanes. The wide shoulders would allow slower farm traffic to operate on the roadway. It would approach that of Cornelius-Schefflin Road in the vicinity of

Wren Road, which is three lanes with wide shoulders (but lacks a bike lane). That road is 38 feet in width (fog line to fog line) with a total pavement width of 52 feet (back of curb to back of curb) on a 98-foot wide right-of-way. In addition to the paved width, there is additional room beyond the curb to accommodate wide farm equipment. The curb is beveled rather than at 90 degrees to make it easier to “jump the curb”. This road design would provide an additional distance between the farm and urban activities. It should be noted that this road could be accommodated under the City’s arterial standard which is from 66 to 96 feet right-of-way width.

The following are photos of both roadways to provide comparison:



Purdin Road looking west from Council Creek



Cornelius-Schefflin Road

The Farm Bureau's second concern is the potential conflict of urban and agricultural traffic sharing the same road. Washington County has attempted to address this conflict by constructing roads with extra wide shoulders. This allows farm equipment to use the shoulders and allow faster traffic to safely pass. The portion of Cornelius-Schefflin Road noted above is an example of this approach. This additional width to allow "co-traffic" (urban and agricultural) can be accomplished relatively easily since most of the land holdings in Area 7B are large parcels intended for industrial and employment use.

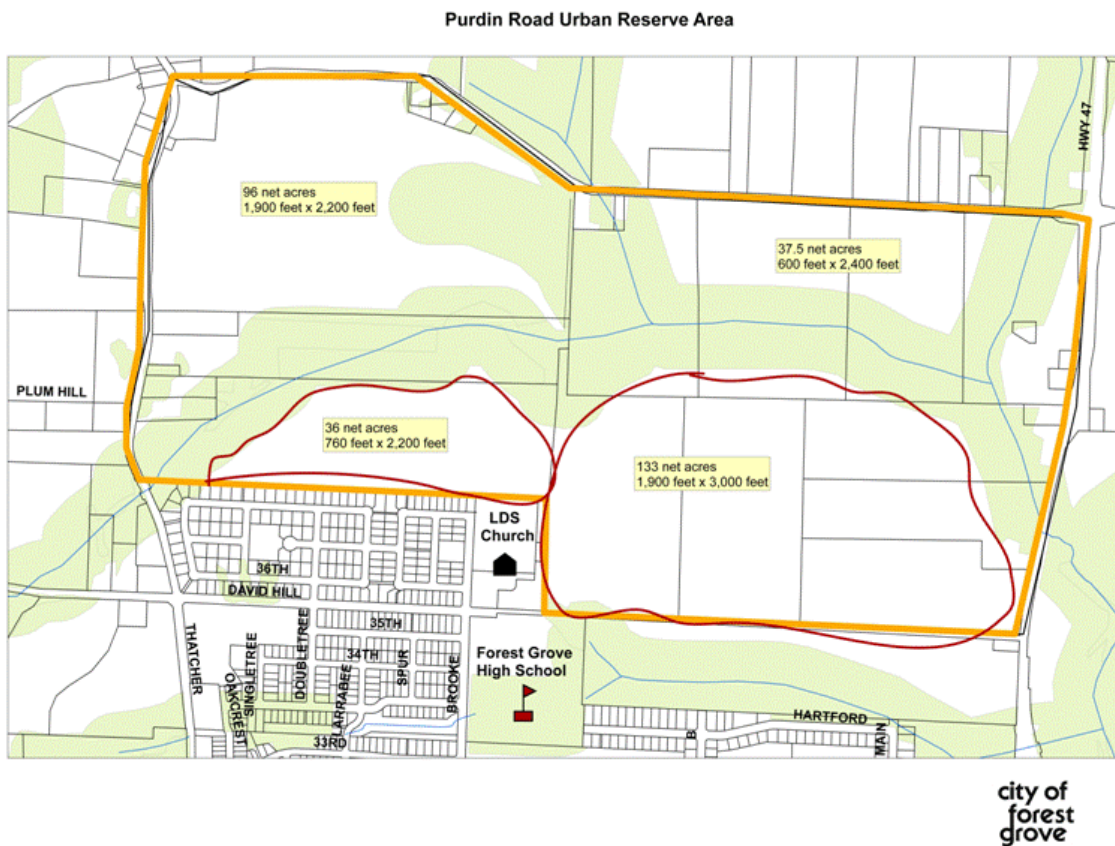
However, it is important to recognize that Purdin Road is already carrying urban levels of traffic. County trip data indicates average daily trip count in 2008 for the road was 2,249. The City also recently completed an update to its Transportation System Plan. Current afternoon peak hourly trips are 370 vehicles per hour (or about 6 cars per minute).

The road is the primary route residents living on the west side of the Forest Grove community use when they leave the community. Within the current UGB, there is sufficient vacant land west of Thatcher Road and north of Gales Creek Road to accommodate an additional 1,340 single family dwelling units. Based on the City's housing analysis, it is likely that this will develop within the next 20 years. Based on current trip generation rates, these additional units would add about an additional 13,400 average daily trips and an additional 1,340 peak hourly trips. Based on observations of current traffic, at a minimum a substantial portion of the peak hourly trips would use Purdin Road to commute to jobs east of the community or into Forest Grove (City staff estimates between 80 to 90 percent). This would result in a total peak hourly trip rate of 1,442 to 1,576 (or about 24 to 26 cars per minute). (Even if a conservative rate of 50

percent is used, the peak hourly trips would still total 1,040 or 17 vehicles per minute.) Thus, any conflict already exists and will worsen without any development outside the current UGB. The benefit of the Urban Reserve area is that it can accommodate additional jobs and possibly reduce commute trips through rural areas as well as allow for needed future road improvements.

Appropriate Boundary

LCDC remanded Urban Reserve area 7B to determine the appropriate location of a north boundary. The two locations considered were Purdin Road or a tributary of Council Creek which runs generally in an east-west direction through the area. The following map shows the Purdin Road area with the tributary bisecting the area. Based on City staff analysis, about 133 net acres are located north of the tributary and about 169 net acres are located south. Most importantly, to meet the need for large lot industrial, the one parcel that is over 50 acres in size (115 acres) lies north of the tributary and is available in the near term for industrial use. All the other parcels are between 21 to 39 acres in size (excluding the existing home sites) and properties would have to be aggregated to achieve the 50 acre size needed for large lot industrial.



From a land use standpoint, the City intends to plan for residential development on the 36 net acre area south of the tributary. This would avoid placing industrial uses adjacent to an existing residential neighborhood. In addition, conversations between City staff and property owners in



the entire area indicate that those owners with lands south of tributary prefer residential development if the land is to be developed. The following table estimates the jobs potential north and south of the tributary based on an employment rate for industrial uses provided in the City's Economic Opportunities Analysis.

North of the Tributary	2,248 jobs
South of the Tributary	
All Industrial	2,856 jobs
Only Eastern portion	2,248 jobs
No industrial	0 jobs

*Based on 16.9 employees per acre per the City's Economic Opportunities Analysis*

Thus, there is from a City standpoint a need to allow the entire area into the Urban Reserve to meet future industrial and large lot industrial demands. This is particularly important when taking in the long-term needs of the community as identified in the 2060 land area needs provided above under the discussion of Factor 2.

However, the criterion is directed at minimizing impacts on agricultural operations. Thus, the issue from the regional and state perspective is which makes the best buffer between agriculture and urban. The following is photo of the tributary in the area of discussion.



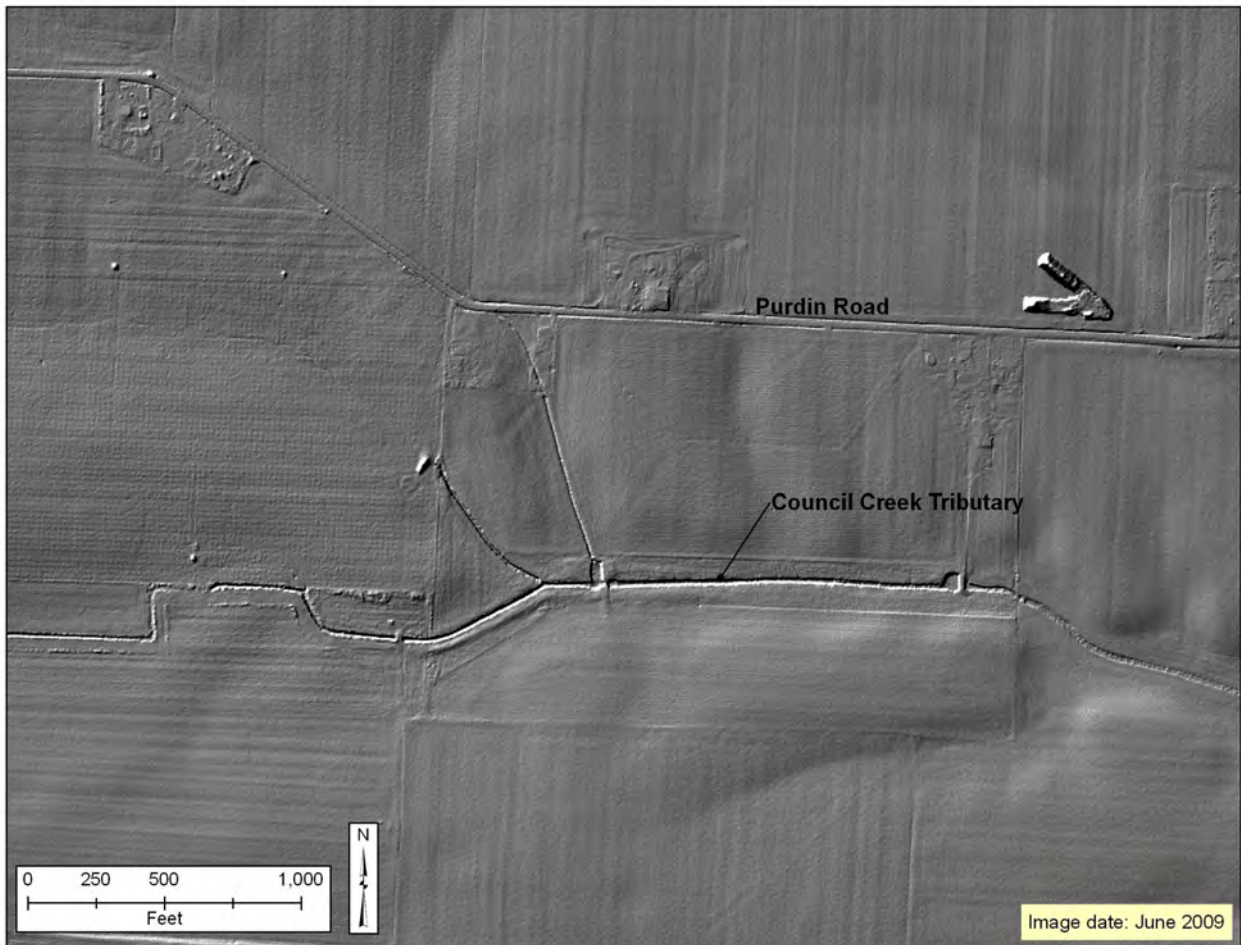


The following field measurements were taken:

Channel Width:	12 feet
Distance between outer edges of tall grass:	22 feet
Distance between plowed fields on each side of the channel:	26 feet

Disturbed soil is approximately seven feet from the edge of the channel which creates the opportunity for relatively high amounts of turbidity in the channel. By comparison, if this channel remains within the Urban Reserve, buffer areas would be required 50 feet from the channel edge with the requirement for replanting with appropriate vegetation to intercept suspended solids. Accordingly, there would be an environmental benefit to place the entire tributary corridor into urban reserve.

Further, this channel has been modified or is not a natural channel. The following is LiDAR imagery of the channel.



(Washington County Record page 11250)

As can be seen from the image, the tributary channel is fairly straight and takes a 90 degree turn in part of the channel course. These are indications of an unnatural stream course or at least one that is highly modified.

To date, there has not been any explanation why a stream course makes a better buffer than a roadway. From a distance standpoint, the stream would offer a narrower buffer width, even taking CWS standards into account. The buffer width would be 69 feet from plowed areas to the outside edge of a vegetative corridor on the urban reserve side of the tributary. This is based on the following:

Edge of plowing to channel edge	7 feet
Channel width	12 feet
Vegetative corridor width (on urban side of channel)	50 feet

By comparison, Purdin Road right-of-way would be 96 to 98 feet in width. This does not include any additional separation due to increased setbacks for development along Purdin Road which we would propose as part of the development requirements for this area. A reasonable distance would be 30 feet which is equal to the City's largest buffer requirements (which is between industrial and residential zoned properties).

The only explanation regarding the preference of the stream is that it avoids placing further traffic on a county road. However, as noted above, Purdin Road currently handles urban levels of traffic at least during peak hours that will substantially increase due to future development within the current UGB. By making Purdin Road the boundary, it will allow for improvements to the road to minimize existing and future conflicts between agricultural and urban traffic. This would be accomplished in two ways. Placing the road within the urban reserve area would allow for major improvement of the roadway itself without raising any issue related to road improvements outside Urban Growth Boundary. In addition, development along the south side of Purdin Road would help defray the costs of the roadway improvement. The City would receive Transportation Development Tax funds from the development to assist in construction. Leaving this road within the Rural Reserve or undesignated would require the County to make future improvements which may be difficult due to other pressing needs for limited County funds. Improvement of this road would likely be a low priority given demands in the more urbanized (and urbanizing) portions of Washington County.

Another consideration is that the Purdin Road boundary would allow the City to meet ODOT's request noted above. That is, ODOT is planning to construct a traffic circle at the Purdin Road/Highway 47 intersection and requested the City to extend Main Street north to connect with Purdin Road. The intent of this connection is to assure the circle would be functioning properly with similar traffic levels on all four legs of the intersection. Leaving the area east of Council Creek Undesignated provides the greatest degree of flexibility in dealing with any future road improvements, as the Reserves Rule prohibits transportation improvements that require an exception to Statewide Planning Goals.

One other issue associated with using a roadway as opposed to a creek would be the "single" loading of the street with urban development only on one side. The City currently is addressing

this situation with the extension of David Hill Road and has not posed a significant obstacle with either getting needed road improvements or farming the agricultural lands north of the roadway.

One other matter discussed by LCDC was the issue of urban reserve intrusion into agricultural areas. Currently, there is a disparity in the location of the UGB east and west of Thatcher Road. The UGB is about 0.75 miles further north on the west side of Thatcher Road. Establishing the urban reserve line to Purdin Road would extend the UGB essentially directly to the east of the existing UGB until reaching Council Creek. This straightening up of the UGB allows for more logical growth patterns and allows urban development on both sides of Thatcher Road. This means that the urban reserve would be bounded by the current UGB on two sides to the west and south. Overall, about 51 percent of the perimeter of 7A to Purdin Road would be adjacent to the existing UGB. If the tributary is used as the boundary, about 46 percent of the perimeter is adjacent to the UGB on only one side.

If the tributary is used, then concerns noted above about conflicts between agriculture and urban still remains. The only difference is that the issue is transferred from Purdin to Thatcher Road since there would be no potential change in the UGB if the tributary is the northern boundary.

### **Rural Reserve Factors**

**General Description:** The following is an analysis of Rural Reserve factors for the Purdin Road area. This area is bounded by Purdin Road to the north, Council Creek and Highway 47 to the east, the city of Forest Grove to the south and Thatcher Road to the west. Council Creek flows south through the east side of the reserve and a tributary of this creek bisects its center and runs east-west across the area. There is little variation in topography. The reserve is currently in agricultural and rural residential use. Highway 47 is classified as a principal arterial in the County's Transportation Plan. Thatcher and Purdin Roads are classified as collectors.

### **Agricultural Considerations Under Factor OAR 660-027-0060(2)**

**(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation:**

- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land.**

Staff divided the subject to urbanization factor into three classifications: high, medium, and low. These three classifications were applied to the 41 sub-areas in the rural reserve study area. Areas considered highly subject to urbanization were the initial areas of interest by cities. Medium subject to urbanization areas began from the outer edge of the city interest areas and included areas where potential urbanization over the reserves 50-year timeframe was possible. Low

subject to urbanization areas were those areas in the study area beyond the medium subject areas, where urbanization potential was least likely. Fair market value was evaluated through a number of analytical iterations, yet staff found the application of "fair market value" independent of other indicators did not provide a conclusive indication of lands that may be subject to urbanization. (Washington County Record Page 2972).

The reserve area has a high subject to urbanization rating given its proximity to the city of Forest Grove and the inclusion of the area in the city's Pre-Qualified Concept Plan submitted as part of the record for A-Engrossed Ordinance No. 733.

**(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land.**

Land within the Purdin Road area is capable of sustaining long-term agricultural operations. The Oregon Department of Agriculture report Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands (Washington County Record pages 9748-9818) describes the type of farming activity taking place in the Tualatin Valley. The report describes the area as being diversified with hay land, annual grasses, grass seed, nursery land and orchards. Many of these activities take place within the reserve area. The area has been designated as Foundation Farmland by the study. In addition, mapping by Washington County rates this area as high value farmland (Washington County Record page 3018).

There are a number of small residential lots within the concept area. Residences are mostly prevalent along Highway 47 and Thatcher Road. Conflict between residential and agricultural operations is a possibility depending on the type of agricultural operation within the reserve area.

**(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations.**

The Purdin Road area has suitable soils needed to sustain long-term agricultural operations. Soils types within the reserve area include soil type 42 (Verboort silty clay loam) and 45A (Woodburn silt loam). These lands are predominately Class II capability and are designated as prime farmland.

Soil type 42 (Verboort silty clay loam) is described as being nearly level soil in narrow irregularly shaped, concave areas along drainage ways. Within the concept area this soil is found proximate to Council Creek and the east/west tributary. According to the Washington County Soil Survey, Verboort soils are suitable for grain, hay, irrigated pasture and wildlife habitat.

Soil type 45A (Woodburn silt loam) is described as nearly level soil with slight erosion and slow runoff characteristics. According to the Washington County Soil Survey, Woodburn soils are used for irrigated crops, pasture, recreation, home sites and wildlife habitat. The majority of the soil within the reserve area is Soil type 45A. (Washington County Record page 3016).

The Purdin Road area is also within the Tualatin Valley Irrigation District. Washington County has analyzed water service suitability for the reserve candidate areas. Map 11 included in the Washington County Urban and Rural Reserves Staff Report indicates that the Purdin Road area has water service suitability. (Washington County Record page 3006).

**(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:**

**(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots.**

Taken together the urban reserve area features a large block of agricultural resource land with a concentration of farm operations. The largest parcel within the concept area is 115 acres. The smallest parcel, a small cemetery is 0.13 acres in area. The average parcel size in the Purdin Road area is 19.4 acres. The smallest parcels contain dwellings along Purdin Road although small residential parcels less than one acre in area are also found along Highway 47 and Thatcher Road.

**(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses.**

The adjacent land use pattern directly to the south of the area is residential and vacant residential land. The area directly to the west is developing residential. Few manmade or natural buffers exist between the existing residential development and the Purdin Road area.

Thatcher Road provides a buffer along the western boundary of the study area. A fence provides the only buffer between the area and the residential land to the south within the Forest Grove city limits.

**(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns.**

The urban reserve area is comprised of 18 individual ownerships and 28 parcels. The smallest parcels are located along Highway 47 and Thatcher Road. The parcelization pattern and ownership patterns in the concept area do not preclude agricultural operations. Most residences within the concept area are owner-occupied and the land is farmed by the property owners.

**(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.**

Agricultural infrastructure in the area includes the irrigation delivery system provided by the Tualatin Valley Irrigation District. A report prepared by the Oregon Department of Agriculture



in 2007 (Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands) indicates the drainage infrastructure is well developed and being maintained and updated by area farmers. (Washington County Record pages 9748-9818).

### **Forestry Considerations Under Factor OAR 660-027-0060(2)**

The entirety of this reserve area is in agricultural use and is not mapped as forestland on the Oregon Department of Forestry Wildland Forest Inventory map (Washington County Record Page 2314).

### **Natural Landscape Features Under Factor OAR 660-027-0060(3)**

**(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural resource features, a county must consider those areas identified in Metro's February 2007 "Natural Landscape Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:**

- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3);**

For Rural Reserve factor (3), staff considered the entire study area as equally subject to urbanization to allow for all natural features to be considered equally.

- (b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;**

A tributary of Council Creek bisects the center of the Urban Reserve area. Council Creek flows south through the eastern third of the reserve area in the vicinity of Highway 47. The 100-year floodplain for Council Creek extends approximately 700 feet west up the tributary. The entire reserve area is generally flat and there is no potential for landslides.

- (c) Are important fish, plant or wildlife habitat;**

The area is not important for fish, plant or wildlife habitat given that the reserve is exclusively agricultural in nature. The Council Creek tributary that flows east through the reserve has been modified and lacks adequate year-round flow to support viable populations of fish. The limited amount of vegetation throughout the reserve is too isolated to provide for long-term habitat needs for birds and/or mammals.

- (d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;**

Sections of Council Creek, particularly east of the reserve area, are an important stream and riparian corridor for fish, amphibians, and wildlife. Maintaining water quality and quantity at the headwaters of the creek's tributaries is therefore important to the viability and vitality of wildlife

populations using this resource. Currently, agricultural practices do not provide adequate vegetative cover that would moderate tributary temperatures, with farming typically occurring up to the edges of the tributary..

**(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;**

Elevations over 350 feet were included as Tier 1 areas for rural reserves to address this factor. The area rises gently toward the west, with the highest elevation of approximately 260 feet adjacent to NW Thatcher Road. There are no distinctive physical features that might provide a sense of place in the proposed reserve, although the rural community of Verboort is slightly less than a mile from the northeast corner of the reserve.

**(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses;**

The floodplain of Council Creek forms the reserve's east boundary with Highway 47. This is the only defining natural boundary within or adjacent to the reserve area and will serve to separate existing rural and proposed urban uses. The tributary to Council Creek that bisects the reserve is an agricultural ditch for much of its length and is generally too narrow to form a defined boundary between existing rural use and future urban uses. Purdin Road forms the north boundary of the reserve area.

**(g) Provide for separation between cities;**

Large areas of Rural Reserve land and the Dairy Creek floodplain occurs between this Urban Reserve and city of Banks to the north.

**(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.**

There are no recreational activities within the reserve area. Designation of the area as an Urban Reserve is not expected to alter access to potential recreational opportunities, such as biking or walking, in rural areas north of Forest Grove.

*Supplemental Reserve Findings for Urban Reserve Area 8B  
(North of Highway 26)*

**Overview**

The following is an analysis of the application of urban reserve factors (OAR 660-027-0050) to Area 8B, located north of Highway 26 on the west side of Helvetia Road. During the joint public hearing between the Washington County Board of Commissioners and the Metro Council, the two bodies agreed to change 352 acres of Undesignated land to Urban Reserve. This undesignated land was adjacent to the west and northern boundaries of Urban Reserve 8B. Together with the 88 acres already designated Urban Reserve through the adoption of Ordinance No. 733 in June 2010, the modified Area 8B now contains approximately 440 acres. Findings and evidence in support of designated Urban Reserves for the North and South Hillsboro areas previously submitted are hereby incorporated by reference in to these findings and conclusions pertaining to “Area 8B” as identified in the attached Map Exhibit H.

In August 2009, the City of Hillsboro (“Hillsboro”) submitted as part of the record a preliminary concept plan and findings in support of proposed Urban Reserves in north Hillsboro of 7,890 gross acres and 4,261 net developable acres (Washington County Record pages 3115 & 3451). These reserves proposals were considered by the Washington County Reserves Coordinating Committee (WCRCC) and the Metro Council over the course of two years at documented WCRCC and Metro Council Reserves open houses and public hearings in Washington County and at the Metro Council Chambers documented in the Reserves Record. As a result of the Reserves review and deliberation processes, the Urban Reserves approved in 2010 for north Hillsboro in Areas 8A and 8B reduced this area to 2,754 gross and 1,744 net developable acres.

Area 8B contains 440 total acres and 340 buildable acres. The area is bounded by Highway 26 to the south, West Union Road to the north, Helvetia Road to the east and Groveland Road to the West. There are 233 acres of undesignated land that separates Area 8B from Rural Reserves to the west. This undesignated area contains riparian and upland State Goal 5 areas and resources to the west (Washington County Record page 11283).

**Urban Reserve Findings**

The following is a discussion of how the urban reserve factors (OAR 660-027-0050) apply to Area 8B.

**Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:**

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;**

Hillsboro’s Pre-Qualifying Concept Plan (PQCP) for north Hillsboro outlines the City’s infrastructure service availability to Area 8B and the entire North Hillsboro Urban Reserves

areas. (Washington County Record pages 3117-3122). Highlights of the PQCP for Area 8B include:

- **Water:** The Hillsboro Water Department Master Plan (50-year planning horizon) includes shorter-term plans for a new reservoir to be constructed near the intersection of NW Evergreen and NW Glencoe Road to serve existing underserved area customers, in addition to serving areas north to Highway 26. This reservoir will be built regardless of whether Area 8B is designated as Urban Reserves for future urban growth boundary expansion, and only the size of the reservoir will be impacted based on potential future boundary expansion. (Washington County Record pages 3120 & 3306);
- **Sanitary sewer:** The city has an intergovernmental agreement with Clean Water Services regarding sanitary sewer services. (Washington County Record page 3118). Essentially, the city is responsible for all sewer wastewater collection facilities that are less than 24 inches in diameter. Larger trunk lines and treatment facilities are managed by Clean Water Services in accordance with the agency's master plan;
- **Storm Water:** City will consider applying methodologies in Metro's "Green Streets" manual, as well as other methods identified as part of the North Hillsboro Industrial Development Strategy, currently underway to provide for Area 8B storm water management and drainage (Washington County Record page 3121).
- **Electricity, Gas & Cable:** Electricity service in the existing surrounding industrial areas is designed to meet the unique needs of high-tech manufacturers and companies with power-sensitive operations, such as Intel's Ronler Acres campus (Washington County Record page 3119). Portland General Electric is in the process of locating two new substations in the Evergreen industrial area that will further enhance the reliability of power needed for existing and future industrial areas in North Hillsboro, including Area 8B.
- **Transportation:** The area's location adjacent to Highway 26 serves freight movement. Through the Oregon Jobs and Transportation Act, \$45,000,000 has been allocated toward the estimated \$70 million needed to improve the Brookwood Parkway interchange area to address existing capacity issues related to full development of North Hillsboro industrial lands within the existing UGB (see Washington County Record page 3112 referencing capacity expansions along Hwy 26; HB 2001 Sec. 64(2)(d)(2009)). Area 8B abuts this interchange.

Metro's studies of serviceability made the following conclusions regarding serviceability for Area 8B:

- **Water:** Highly suitable for water service, meaning it will only require typical extensions of service, including general distribution lines and reservoirs with no major facilities needed;

- **Sewer:** Area 8B was ranked as efficient – being an area that is the easiest and least costly to serve, requiring only upsizing of existing trunk lines or adding new trunk lines.
- **Transportation:** Metro studies show high connectivity suitability (the area is among the most suitable for providing a transportation system capable of accommodating new urban development) (Washington County Record pages 3120-3122 & 3308-3338).

Located at the northwest quadrant of the intersection of Helvetia Road and Highway 26 and adjacent to existing industrial areas, Area 8B is uniquely suitable for industrial development, as it is in the heart of “Silicon Forest”, and has the necessary infrastructure readily available (Washington County Record pages 3119-3122 & 3163). Hillsboro has a track record of successfully delivering infrastructure services to UGB expansion areas, and based on preliminary studies, it will be able to provide services to Area 8B.

**(2) Includes sufficient development capacity to support a healthy economy;**

A recent study by Johnson Reid indicated that, over the next 20 years, the West Washington County “Silicon Forest” will need approximately 1,200 acres for large lot industrial use north of Hillsboro (e.g., 50 acres or more) (Metro Record at 1641; Washington County Record pages 3208-3216; 11258-11260). This is consistent with Metro’s forecast need for 3,000 acres of industrial land region-wide over 50 years, as well as a study for West Washington County Cities indicating a 50-year need for 3,500 acres for industrial use in the West Washington County area to accommodate the long-term employment land needs of the five cities located there (Washington County Record pages 11262-11264). The need for large lot industrial uses is further supported by inquiries fielded by the city’s Economic Development Department between 2007 and 2009, which includes inquiries for 11 sites of 50 acres or more (Tables 1 & 2; Metro Record at 1860).



<b>PROJECT</b>	<b>LEAST ACRES</b>	<b>MOST ACRES</b>
<i>Sonnershien</i>	450	800
<i>Apricus</i>	250	300
<i>Tahoe</i>	80	150
<i>Parkway II</i>	75	200
<i>Hot</i>	75	75
<i>Parkway</i>	65	75
<i>Million</i>	65	75
<i>Sunbelt</i>	50	75
<i>Bright</i>	50	75
<i>August</i>	50	100
<i>Boss</i>	50	60
<i>Bee</i>	40	50
<i>Bright</i>	40	50
<i>Valencia</i>	40	50
<i>Monarch</i>	40	50
<i>DT/Apollo</i>	35	40
<i>MIT</i>	30	40
<i>Reddy</i>	26	40
<i>Harvester</i>	25	25
<i>GM</i>	20	25
<i>David II</i>	20	50
<i>Overview</i>	20	30
<i>SpectraWatt</i>	20	25
<i>Jade</i>	20	50
<i>Innovate</i>	15	25
<i>Ark</i>	15	20
<i>Cell</i>	10	25
<i>Cambridge</i>	10	20
<i>SAV</i>	10	20
<i>Champion</i>	10	15
<i>MS</i>	10	20
<i>Wick</i>	8	10
<i>Edison</i>	8	25
<i>Ferro</i>	5	10

**Table 2: Hillsboro Industrial Site Recruitments Over 3 Years**

	<b>Least Acres</b>	<b>Max. Acres</b>	<b>Percent</b>
100+ Acres	2	5	15% *
50-99 Acres	9	12	35% *
25-49 Acres	8	10	29%
< 25 Acres	15	7	21%
<b>Total Sites</b>	<b>34</b>	<b>34</b>	<b>100%</b>

\*50% of total site inquiries for parcels over 50 acres in size

In 2010, Metro’s MPAC Employment Subcommittee acknowledged that “attracting and retaining traded-sector industrial companies is critical to the region’s economic prosperity” (Metro Record at 172-178). Likewise, in their comments into the record, the State agencies emphasized “the need for an adequate supply of employment lands in the Metro urban growth boundary” noting that the region “often ‘seeds’ traded-sector technologies and businesses that disperse throughout the state” (Washington County Record page 10640).

The Economic Productivity of Employment Land, Economic Mapping Pilot Project, prepared by the Oregon Business Development Department (June 2009; Washington County Record at 3429-3450), demonstrates the contribution of industrial uses in the North Hillsboro Area to the economy. Economic benefits of industrial lands, such as those currently located in North Hillsboro, include:

- Double the County average of market value/acre for industrial lands;
- Annual payroll yield of \$616,150 per net usable acre;
- Annual Property Tax Revenue of an average \$6,220/acre tax assessment land value as a result of State Measure 47/50 valuation constraints.
- Creation of high wage jobs in the existing

industry clusters (per State Employment data, the 2008, the average payroll per employee working in the three industry clusters was \$77,275.00) and each direct job in this traded sector generated 2.0-2.5 indirect jobs in the Regional/Statewide Economies (Washington County Record pages 3126 & 3429-3450).

Similarly, interviews with leaders for the three industry clusters in Washington County (high-tech, bio-tech/biopharma and photovoltaic solar panel manufacturing) and other economic experts identified the following seven key qualities crucial to attracting firms to the county's "Silicon Forest"):

*"According to interviewees, the question of "Why Hillsboro?" yielded a distinct mix of qualities highly desirable, if not integral, to a specific segment of the nation's high tech industry. The following qualities were frequently cited in a not replicable combination as distinct inputs required by targeted industry:*

1. **High-Capacity, Continuous Electrical Power at Competitive Rates**
2. **High-Capacity, High-Quality Water Supply**
3. **Highly-Skilled/Educated Workforce with Existing High-Tech Cluster Investment**
4. **Flat, Seismically Stable Land without Brownfield Costs & Risks**
5. **Proximate, Diverse Transportation Infrastructure (Freeway, Air, Rail)**
6. **Specialized, Existing Industrial Material Supply Infrastructure (Chemicals, Gases)**
7. **Unique Expertise and Experience of the City of Hillsboro**

All of the above factors are individually attracted to a wide swath of industry, including high-tech, but **the unique combination of all of the above distinguish Hillsboro from elsewhere in the State of Oregon and make the city uniquely competitive with other markets in North America** for high-tech industry that intrinsically depend heavily upon power, water, and highly-skilled labor." (Washington County Record 11258-11261, emphasis added).

A recent city review of large industrial lots currently available showed:

- West Washington County is presently uncompetitive for large lot industrial employers with only two State Certified large lots available for development and a maximum site assembly potential of 531 acres in the current UGB. The two development ready sites are:<sup>1</sup>
  - Approximately 128 gross acres (total of 110 net developable acres) along Brookwood Parkway just north of Genentech;<sup>2</sup> and
  - Approximately 73 (65.21 net developable) acres located at Brookwood Parkway and Huffman Roads (the "Nike" property)(Washington County Record page 11263).
- Competitive markets typically do not have constraints on the amount of land they can offer for development. Development-ready sites offered by competitors range from 1,125 to 2,000 acres and 11 to 25 sites of 50 acres or more.

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<sup>1</sup> The Oregon prospector ([www.oregonprospector.com](http://www.oregonprospector.com)) also lists a 51 gross acre site north of Hwy 26. However, development of this site for high tech will require upgrades to the nearby West Union substation.

<sup>2</sup> This site is challenged due to a 150' wide BPA easement running east-west on the northern portion of the property. The result is 52 net acres to the south of the easement and 58 net acres to the north (Washington County Record page 11261). The area north of the BPA easement is further bifurcated by Waible Creek.

- To remain competitive, there is a need for 1,214 acres dedicated to industrial use in West Washington County for the next 20 years (Washington County Record pages 11258-11262).

CH2MHill has identified a total of ten (10) potential large industrial sites in and around the North Hillsboro Urban Reserves, including a site in Area 8B, that contain location, geographic, infrastructure serviceability and other physical and geo-political features that make them highly competitive/attractive for purely market reasons to new industrial companies seeking large sites (Washington County Record pages 11267-11282). Per CH2MHill, Area 8B ranks highest comparatively among the ten sites in terms of containing such site features.

The PQCP illustrates the potential for industrial development within Area 8B (Washington County Record pages 3125 & 3163). The addition of Area 8B to the Urban Reserves will provide for an additional 340 buildable acres of large, seismically stable, vacant sites for industrial uses located near

- A major highway interchange that is slated for improvements;
- Existing and planned infrastructure;
- Existing and planned housing, including the Tanasbourne/AmberGlen 2040 Regional Center;
- Skilled workforce; and
- Existing industrial clusters.

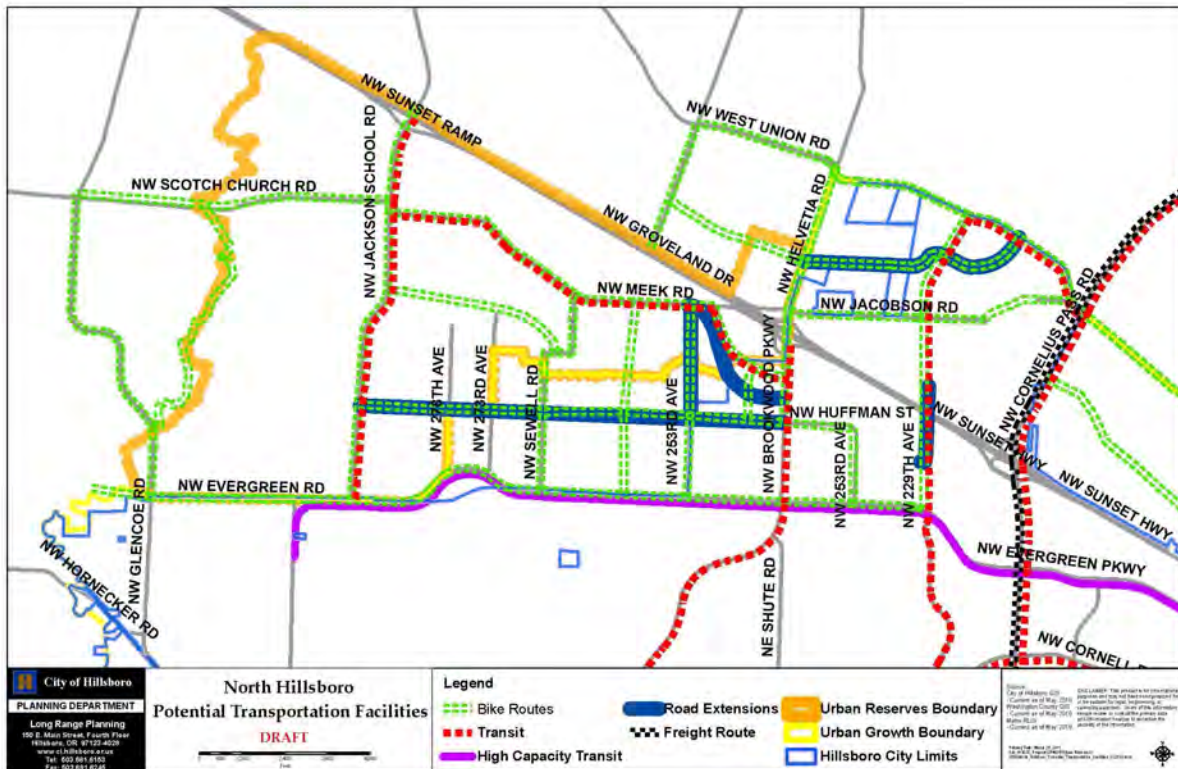
**(3) Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers;**

Area 8B would be targeted for industrial uses and, as such, schools and parks would be prohibited in the area by applicable provisions in the Metro Code and City Industrial Zoning rules. (The Hillsboro School District, as well as Hillsboro Parks and Recreation Department, participated in the PQCP Charrette hosted by the Planning Department to assist in the preparation of the PQCP.) As noted in the PQCP, the Hillsboro Comprehensive Plan requires that essential services be available within five (5) years of development approval (Washington County Record page 3129). The ability of the city to service the area with public services is addressed at Washington County Record pages 3129-3130.

**(4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;**

Figure 1, below, is a refinement of the preliminary transportation systems set forth in the Hillsboro PQCP. Figure 1 generally illustrates how north Hillsboro proposed Urban Reserves, including Area 8B, could be served with multi-modal transportation (Washington County Record pages 3122 & 3132).

**Figure 1 – North Hillsboro Potential Transportation Facilities**



**Note – Concept planning will study opportunities to bring transit to Area 8B and further refine transportation to accommodate large-lot industrial use within Area 8B.**

Additionally, Area 8B is important to the Brookwood Parkway interchange improvements, as well as surrounding roads that support the interchange and neighborhoods.

**(5) Can be designed to preserve and enhance natural ecological systems;**

An outline identifying natural resources within Area 8B is provided in the PQCP (Washington County Record page 3133). It is Hillsboro’s intent to preserve and incorporate these areas as open space into future neighborhoods (Washington County Record pages 3133-3134). The City has adopted and enforces its Significant Natural Resource overlay zone to protect wildlife habitats, upland forest resources, riparian resources and corridors and other like-kind significant “Goal 5” natural resources located within area annexed to the City. Any development in these areas will be required to address preservation of wildlife habitat, natural vegetation, wetlands, water quality, open space and other natural resources important to the ecosystem (Washington County Record page 3136) Moreover, these extensive natural areas along the westerly edges of Area 8B will provide a strong, protected and enduring buffer between future industrial activities in the balance of Area 8B and the agricultural uses/activities north and west of, and beyond these natural areas.

The undesignated area to the immediate west of Area 8B will also serve to further this factor, as the undesignated area contains riparian and upland resources (Washington County Record pages

11283-11284). Not only will these resources remain untouched, they will serve as a buffer between potential urban uses to the east and rural reserves to the west.

**(6) Includes sufficient land suitable for a range of housing types;**

While a small portion of Area 8B was initially shown in the PQCP as including Employment/Mixed Use (Washington County Record page 3451), because of the reduction of the proposed Urban Reserves from the PQCP, this area would be targeted for large-lot industrial and employment uses if urbanized and annexed to the City. As addressed in Factor (8) below, targeting this area for industry, as opposed to housing development, will help alleviate potential conflict between urban and rural uses (see Washington County Record pages 11380-11381 - recognizing that industrial/business parks create less of a conflict between urban and rural uses; see also Washington County Record pages 11283-11265, p. 5-3, “Local or regional long-range planning should avoid, as far as is practicable, locating urban sensitive receptors, **primarily residential development**, in proximity to rural agricultural land. Where urban sensitive receptors must be located near rural agricultural land, buffering mechanisms should be used to minimize potential conflicts.” Emphasis added.)

The city will be able to provide an adequate mix of housing to support future industrial uses in Area 8B and the rest of the North Hillsboro Urban Reserves area as new housing developments come into the local housing market in the adopted Tanasbourne/AmberGlen Regional Center (high-density housing), downtown and South Hillsboro (mixed densities and housing types).

**(7) Can be developed in a way that preserves important natural landscape features included in urban reserves, and;**

Hillsboro’s Natural Resources Management Program includes a map that generally identifies the extent and location of significant wetlands, riparian corridors and wildlife habitat areas and their impact areas, as identified in the adopted “List of Significant Goal 5 Natural Resource Sites in the City of Hillsboro” and its supporting document the “City of Hillsboro Goal 5 Natural Resources Inventory and Assessment Report”, and the ESEE analyses, completed pursuant to the Goal 5 and Oregon Administrative Rules 660, Division 23 provisions. Natural resources in annexed areas are inventoried and those determined to be significant and their Impact Areas are added to the Significant Natural Resource Overlay? District as part of the rezoning process. These protection/preservation provisions would apply to the extensive natural resource areas along the west edges of Area 8B if and when it is urbanized.

Development projects located in or partially within the overlay area for the Natural Resources Management Program Ordinance map must address preservation of wildlife habitat, natural vegetation, wetlands, water quality, open space and other natural resources important to the ecosystem in the vicinity of the proposed development site. Also, in accordance with the Tualatin Basin Fish & Wildlife Habitat Program, land developers and property owners are encouraged to incorporate habitat friendly practices in their site design where technically feasible and appropriate.



The undesignated area to the immediate west of Area 8B will also serve to further this factor, as the undesignated area contains riparian and upland resources (Washington County Record pages 11283-11284). Not only will these resources be preserved, they will serve as a buffer between potential urban uses to the east and rural reserves to the west.

**(8) Can be designed to avoid or minimize adverse effects on farm and forest practices and on important natural landscape features on nearby resource land, including land designated as rural reserves.**

Although Oregon has long been a leader in creating an urban/rural divide through the use of urban growth boundaries, there is a surprising lack of research from the state on how to create transitions between these often conflicting uses. This subsection has been used throughout the urban/rural reserve process to promote the use of natural features to create such buffers.

In the past, there has been little consideration given to the urban/rural divide when expanding the UGB, often resulting in urban uses directly abutting farmland (Washington County Record pages 11283-11284). The designation of Urban Reserves affords the region the opportunity to look to other jurisdictions to learn how to enhance natural buffers, as well as plan for manmade transitional buffers (Washington County Record pages 11285-11454).

One such example is the Greater Bear Creek Valley Regional Plan (Washington County Record pages 11285-11367). The following relevant agricultural buffering standards have potential and suitable application to future urban use of Area 8B if it is designated Urban Reserves, added to the UGB and annexed to the City for industrial activities:

The central concept in buffering is adequate separation between conflicting uses. There are a number of strategies for achieving this separation through planning decisions and the use of planning controls:

- A well-designed vegetative buffering element will reduce the amount of land required for an effective buffer.
- Man-made or natural features should be incorporated in buffers whenever possible, such as infrastructure rights-of-way, roads, nonresidential structures, watercourses, wetlands, ridge lines, rock outcrops, forested areas, and steep slopes. (Washington County Record pages 11285-11367)

Area 8B can be adequately buffered through the following:

1. Natural features. To the immediate west of Area 8B are 233 acres of undesignated land. This undesignated area contains several Goal 5 features, including riparian corridors and upland features, such as flood plain, and a thickly forested wooded area (Washington County Record pages 11283-11284). These natural features will serve a buffer between the Urban Reserves of Area 8B and Rural Reserves to the west.

2. Industrial use. Industrial uses create less of a conflict with surrounding agricultural industrial uses (see Washington County Record pages 11348-11353). It is customary for industries, such as those currently located in Washington County, to use landscaping and berms to buffer operations from roads and surrounding uses (Washington County Record pages 11283-11284).
3. Man-made buffering. As suggested in the supplemental information regarding planning for urban/rural edges (Washington County Record pages 11285-11454), man-made buffering, including West Union Road and vegetative buffering can further reduce potential conflict between the urban and rural industrial uses. The planning process for Urban Reserves required by Title 11 of Metro's Urban Growth Management Functional Plan, can include provisions for road improvements and buffering on the urban side of development.

### **URBAN RESERVE DESIGNATION CONCLUSIONS**

Area 8B is uniquely suited to help accommodate the regional urban industrial needs for the next 50 years. Area 8B, as with Urban Reserve Area 8A, offers the characteristics sought by existing and emerging industry clusters in Washington County. The city has a proven track record of providing services and has demonstrated the ability to continue to do so in Area 8B and the surrounding Urban Reserves. In combination with on-going efforts inside the existing city, as well as in Urban Reserves in the north and south of the city, the city will be poised to provide an appropriate amount and mix of housing and jobs, complemented by multi-modal transportation. Both natural and man-made features will provide buffering between expected industrial and surroundings agricultural uses.

### **Rural Reserve Factors**

General Description: The following is an analysis of Rural Reserve factors for the new Urban Reserve area described in this section. The reserve is almost entirely in agricultural use with scattered rural dwellings. The Hillsboro school district owns property in the northeast corner of the reserve. There is little variation in topography across the area. The main stem of Waible Gulch flows south through the east half of the reserve and at least two headwater streams to Waible Gulch originate in the west half of the reserve. Highway 26 is classified as a principal arterial in the County's Transportation Plan. Helvetia and West Union Roads are designated arterials.

### **Agricultural Considerations Under Factor OAR 660-027-0060(2)**

**(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation:**

- (a) **Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as**

**indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land.**

Staff divided the subject to urbanization factor into three classifications: high, medium, and low. These three classifications were applied to the 41 sub-areas in the rural reserve study area. Areas considered highly subject to urbanization were the initial areas of interest by cities. Medium subject to urbanization areas began from the outer edge of the city interest areas and included areas where potential urbanization over the reserves 50-year timeframe was possible. Low subject to urbanization areas were those areas in the study area beyond the medium subject areas, where urbanization potential was least likely. Under this categorization and being adjacent to the existing Urban Growth Boundary, the subject area is rated as highly subject to urbanization.

Fair market value was evaluated through a number of analytical iterations, yet staff found the application of "fair market value" independent of other indicators did not provide a conclusive indication of lands that may be subject to urbanization. (Washington County Record Page 2972).

The reserve area has a high subject to urbanization rating given its proximity to the city of Hillsboro and the inclusion of the area in the city's Pre-Qualified Concept Plan submitted as part of the record for A-Engrossed Ordinance No. 733.

- (b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land.**
- (c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations.**

Virtually all of the reserve is in existing agricultural use. Class I and Class II soils are found evenly throughout the 352 acres and the area is capable of sustaining long-term dry farming agricultural use. Soil types in the area are predominately Willamette 44A and Woodburn 45A & 45B soil types, which are suitable soil types for agricultural activity. Verboort, Huberly, and Amity soil types are also found in localized areas of the reserve. The area is outside the boundaries of the Tualatin Valley Irrigation District and Map 18 of the September 2009 Staff Report (Appendix 1) shows one property that holds a water right (Washington County Record Page 3015). Availability of water was an important consideration in staff's analysis of agricultural lands given assumptions of climate change impacts and potential reductions to in-stream flow over the reserves timeframe. The area has been designated as Foundation Farmland by the State Department of Agriculture. Mapping by Washington County rates this area as high value farmland (Washington County Record Page 3018).

There are no forestry operations in the reserve boundaries or adjacent to the reserve.

- (d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:**

**(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots.**

**(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses.**

The majority of this reserve area ranked as Tier 3 due to its inclusion within a subarea that included the Helvetia area, which has a relatively high dwelling density and slightly smaller parcels than other agricultural areas of the county. The reserve is suitable for farming as evidenced by the on-going agricultural activity that has occurred in the area over at least the last several decades. Agricultural productivity ratings developed by applying the Huddleston methodology were lower throughout this reserve than reserve areas in the Tualatin River floodplain and the Dairy Creek basin between Banks and Forest Grove given the relative limitations of available water.

The adjacent land use pattern is almost entirely in agricultural production. Rural residential dwellings are located immediately west of the Shute Road interchange with limited commercial development east of the interchange.

**(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns.**

Sixteen (16) taxlots are located within the reserve area, ranging in size from one acre to 59 acres. Ten of the 16 taxlots are owned by four owners, with one owner holding title to four lots. Almost all of the taxlots are in agricultural use. The Hillsboro School District owns an approximately 11-acre parcel in the northeast corner of the reserve at NW Helvetia and NW Union Roads and there is a one-acre residential parcel adjacent to NW Helvetia Road. There is one 30-acre hazelnut orchard on the west side of the area. Several farm dwellings are found in the reserve, principally on the edges adjacent to NW Helvetia Road and Highway 26.

**(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.**

Agricultural supply outlets for fertilizer, animal feed, agricultural chemicals, and farm equipment sale and maintenance are available in Hillsboro and surrounding cities. Staff concludes that the sufficiency of agricultural infrastructure necessary to sustain long-term farming operations is adequate given the long-term farming history of the area and the positive market considerations that are highly likely given the certainty and long-term stability for agricultural use of this Rural Reserve area.

Based on the information provided above, the area is determined to be suitable to sustain long-term agricultural operations.

### **Forestry Considerations Under Factor OAR 660-027-0060(2)**

Staff relied on the Oregon Department of Forestry's (ODF) Metro-area analysis of forestland that encompassed the reserves study area.<sup>3</sup> The ODF analysis included five forestry and agricultural categories as shown on Map 4 of the September 23, 2009 Staff Report (Washington County Record Page 2999). The ODF analysis indicated that all forestlands within the *Wildland Forest* designation should be protected in order to sustain long-term forestry operations in the area. Forestlands within this classification were ranked as Tier 1 in the county analysis.

There are no Wildland Forestlands in this Rural Reserve area and commercial forestry operations are not present. One taxlot in the reserve has most of its 20 acres in unmanaged timber.

### **Natural Landscape Features Under Factor OAR 660-027-0060(3)**

Staff combined Metro's Natural Landscape Features Inventory with the county's mapped Goal 5 areas, constrained slopes over 25 percent, and all areas over 350 feet (to address factor (e) below) as the basis for applying the factors below. Potential candidate Rural Reserves areas were divided into three tiers based on the above and from additional input from staff's knowledge of county natural areas. The components within each tier are described at length on pages 37 and 38 of the September 2009 staff report. (Washington County Record pages 2987-2988). There are no Tier 1 Natural Features areas within the reserve boundary. (Washington County Record page 3030).

**(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural resource features, a county must consider those areas identified in Metro's February 2007 "Natural Landscape Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:**

**(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3);**

For Rural Reserve factor (3), staff considered the entire study area as equally subject to urbanization to allow for all natural features within the study area to be considered.

**(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;**

The Waible Gulch floodplain occurs in the eastern half of the reserve. There is little relief between the floodplain and the surrounding area; hence the potential for landslides is not present. The only other tributary within the reserve is a drainage ditch that forms an upper tributary to Waible Gulch. The remainder of the area is relatively flat and is not subject to natural disasters.

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<sup>3</sup> Criteria for Consideration of Forestlands Within Future Rural Reserves. *Oregon Department of Forestry, January 29, 2008*



**(c) Are important fish, plant or wildlife habitat;**

The area did not rate as high for fish, plant or wildlife habitat given that the reserve is almost exclusively agricultural in nature. Waible Gulch, located on the east side of the reserve, is an exception in that it provides some riparian vegetative cover and has a moderate stream flow for most of the year that may be suitable for localized populations of wildlife. Waible Gulch was not listed among those areas rated highest for protection on Metro's Natural Features Inventory Map. Staff ranked the Waible Gulch riparian area as a Tier 2 area (Washington County Record Page 3030). Areas of Oregon White Oak habitat occur in the uplands west of the Gulch. Hillsboro's Pre-Qualified Concept Plan included as part of the submitted findings for A-Engrossed Ordinance 733 a map the 100-year floodplain of Waible Gulch and mapped open space between the creek and Helvetia Road. (Washington County Record Page 3138). Findings for Urban Reserve Factor OAR 660-027-0050(7) above are also relevant to this factor.

**(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;**

Waible Gulch is a tributary of McKay Creek, which is an important stream and riparian corridor for fish, amphibians, and wildlife. Maintaining water quality and quantity in the tributaries to McKay Creek is therefore important to the viability and vitality of wildlife populations using this resource. Current agricultural practices do not provide vegetative cover that would moderate temperatures in the reserve's tributaries, with farming typically occurring up to tributary edges. However, increased water temperatures are a corollary of an increase in impervious services typical of urban development. A rural reserve designation will allow for existing agricultural practices, including current rates of water usage, to continue.

**(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;**

Elevations over 350 feet were included as Tier 1 areas for Rural Reserves as one method staff used to address factor (3)(e) relative to a sense of place. The highest elevation within the reserve area is 220 feet. There are no distinctive physical features that might provide a sense of place for the region; however, agricultural activity in the reserve creates a bucolic setting adjacent to the heavily travelled Highway 26 corridor.

**(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses;**

There are no natural features that would provide a buffer between agricultural activities in the surrounding Rural Reserves and the expected urban development in Area 8B. West of NW Groveland Road, approximately 233 acres has been left undesignated that will function as a buffer between future urban and existing rural use. NW West Union Road can function as a buffer that separates urban and rural uses as it currently does further east. Comments specific to buffer and boundaries are made in the findings for Urban Reserve Factor OAR 660-027-0050(8) above and are similarly applicable to this factor.

**(g) Provide for separation between cities;**

The Undesignated area noted above and the Rural Reserve to the west of the reserve provides separation between the cities of Hillsboro and North Plains.

**(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.**

Recreational activities that occur in the Helvetia area, such as biking and running events, can be accessed from NW Helvetia Road. Designation of the area as Urban Reserve is not expected to alter this potential access to rural areas. A Rural Reserve designation may preclude future infrastructure improvements such as increased road width, sidewalks, and/or bike lanes that are not currently present and would add to capacity for recreational use.

**Undesignated Lands in Washington County**

As part of the LCDC oral remand on the initial review of proposed Urban and Rural Reserves, LCDC took the following actions:

- 1) Approved mapped Undesignated lands, not including any eventual designation of Areas 7I and 7B.
- 2) Approved Undesignated lands north of Highway 26 and west of Area 8B.
- 3) Rejected Urban Reserves for Area 7I with the implication that Area 7I must be changed to either Rural Reserve or Undesignated.
- 4) Invited Washington County and Metro to identify "any amount of Undesignated land that they want to designate."

Oregon Administrative Rule OAR 660-027 is the administrative rule for Urban and Rural Reserves in the Portland Metropolitan area. The rule establishes factors to be considered for the identification of Urban Reserves and Rural Reserves. The rule requires that counties adopt Rural Reserves if any Urban Reserves are to be designated. The amount of Urban Reserves acres is connected to a determination of the long-term need for potential urban land. There is no corresponding need requirement for Rural Reserves; only that *some* Rural Reserves must be designated if Urban Reserves are designated.

The Reserves Rule does not require that where the Rural Reserve factors are applied and a conclusion that a Rural Reserves designation may be considered a good fit with such factors, that such lands *must* be designated Rural Reserves. Therefore, the Rural Reserve factors, when considered, do not lead to a mandatory requirement to designate, nor is there any overall "need" requirement for Rural Reserves.

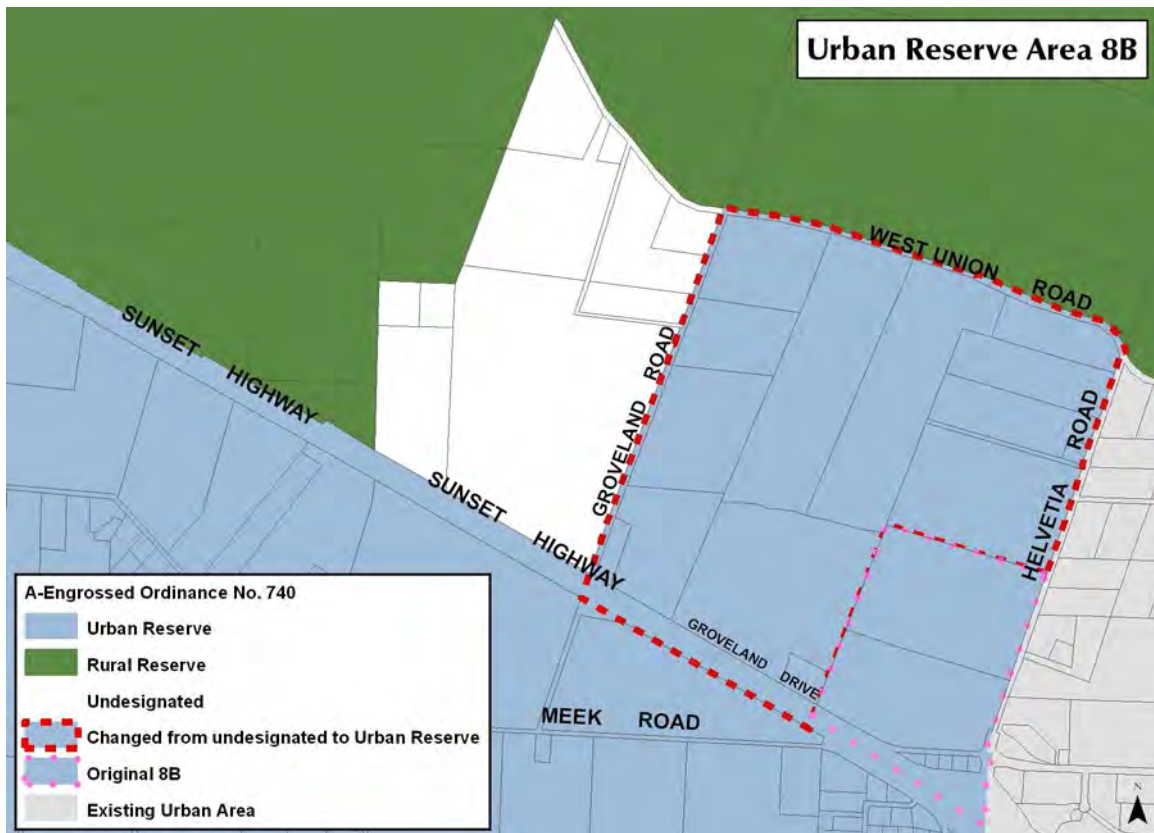
Consequently, Metro and Washington County may have lands which are not designated as either Urban Reserves or Rural Reserves. Such lands have come to be known as "Undesignated lands." The Rule contains no factors for the identification for Undesignated lands, and therefore there is no requirement under the Rule to explain or provide findings regarding "Undesignated lands." In fact, in his staff report to LCDC, Department of Land Conservation and Development Director Richard Whitman noted:

*"Nothing in statute or the Commission's rules requires the county to adopt findings concerning lands that it did not propose to designate as rural reserves. See, OAR 660-027-0060(2) ("\* \* \* a county shall base its decision on consideration of whether the lands proposed for designation"). [cite to page 103 of August 2010 DLCD staff report]*

Nonetheless, the very nature of LCDC's oral remand seems to require an explanation of how Metro and Washington County dealt with "Undesignated lands" issues. This explanation is provided in the following section.

### Undesignated Lands Explanation

#### 1) *Undesignated Land North of Highway 26*



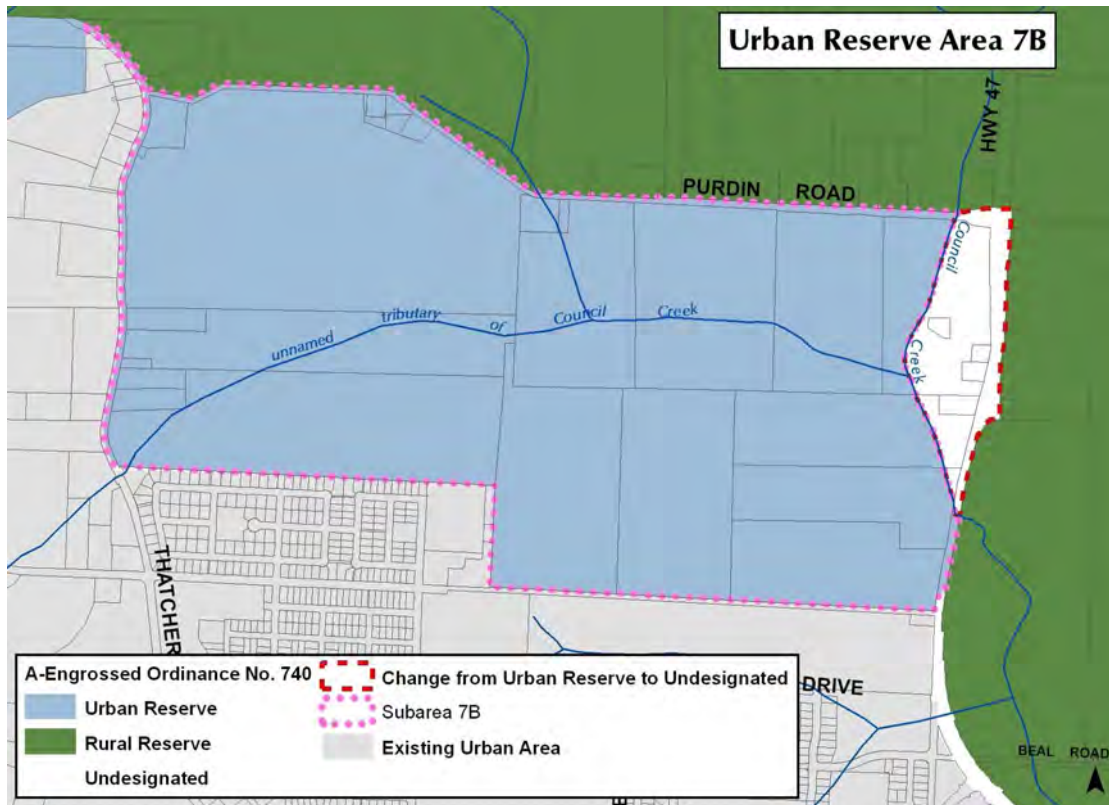
The initial LCDC approval in October 2010 included an undesignated area of 585 acres north of Highway 26, north and west of Urban Reserve Area 8B. Metro and Washington County eventually partially replaced Urban Reserve lands lost in Area 7I (Cornelius North) by converting approximately 352 acres of this area from Undesignated status to Urban Reserve (findings for this area's designation as an Urban Reserve can be found in the section titled "Urban and Rural Reserve Findings for Urban Reserve Area 8B (Highway 26 North)."

The remaining 233 acres within the former Undesignated area near Area 8B was left Undesignated. This adjustment responded to LCDC's invitation to replace Urban Reserve lands lost due to the rejection of Urban Reserve land north of the city of Cornelius (Area 7I) as well as retain or increase the number of acres of Undesignated lands within the county.

**2) *Urban Reserve Area 7B - Forest Grove North***

During its October 2010 hearing, LCDC asked for additional analysis and findings regarding Area 7B, which was initially proposed as Urban Reserves. There was considerable discussion centered on whether Purdin Road or the Council Creek flood plain provided a better demarcation between Urban Reserve lands and other rural lands, either Rural Reserve or Undesignated. In this area, LCDC asked for additional analysis regarding the location of Council Creek and the location of an un-named tributary of Council Creek. Analysis was intended to focus upon providing greater clarity regarding application of Urban Reserve factors and greater clarity regarding the location of Council Creek and its continued utility in being the demarcation point between Urban Reserves and Rural Reserves.

At various points during the hearing, LCDC provided very strong opinions about Council Creek being the best boundary between the existing city limits of Cornelius and farmland located north of town. Therefore, staff's first step in determining an appropriate boundary for Area 7B involved mapping Council Creek within the Reserve area. The mapping exercise showed that Council Creek runs roughly north-to-south across the northeast corner of Area 7B. An unnamed tributary of Council Creek runs west-to-east across Area 7B, dividing the Reserve into roughly two areas - north of the tributary and south of the tributary. A map of the area is provided on the following page.

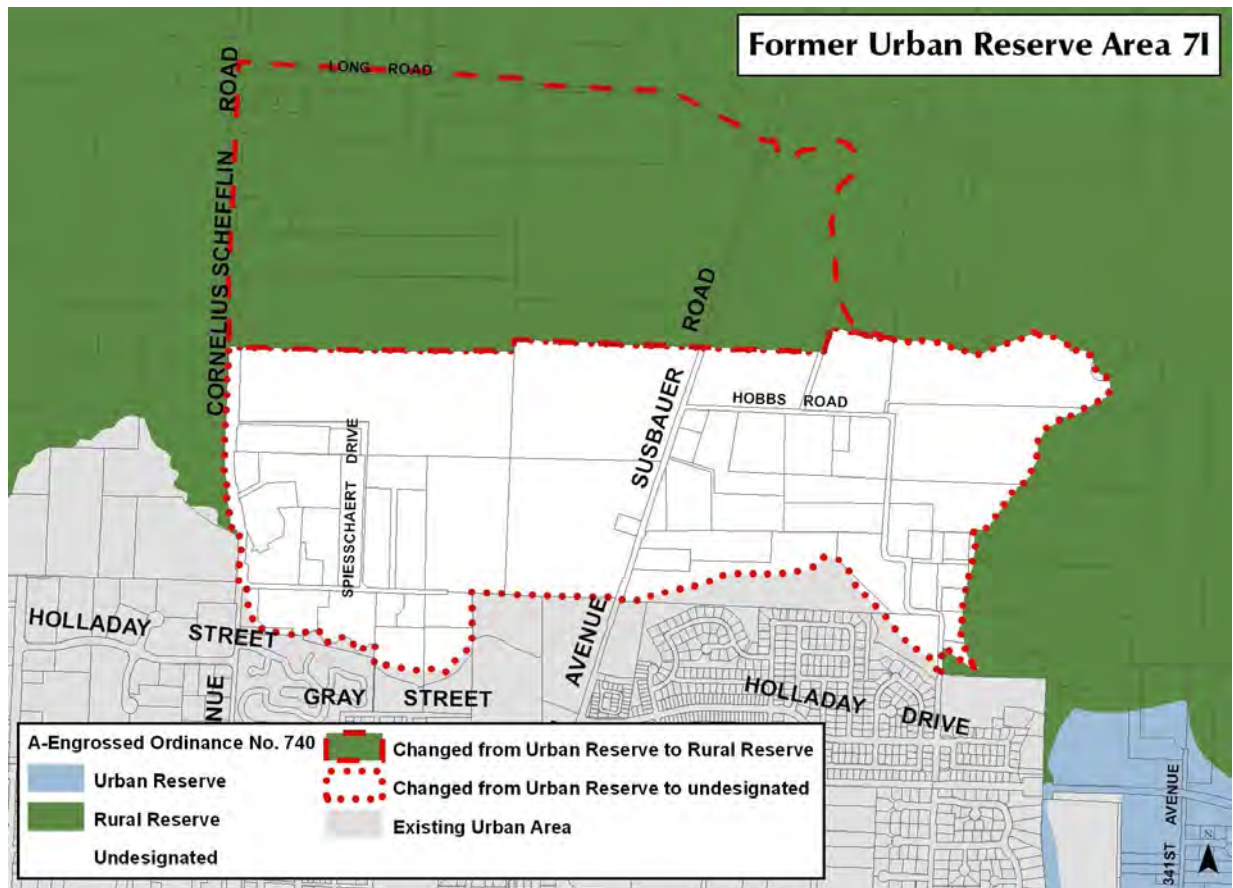


Ultimately, Metro and Washington County determined that Council Creek was the superior demarcation point between Urban and Rural Reserves north of Forest Grove (see the section titled "Urban and Rural Reserve Findings for Urban Reserve Area 7B (Forest Grove North)" for more detail). This conclusion left an intervening portion of land east of Council Creek to the east edge of the Highway 47 right of way and north to the intersection with Purdin Road and the right of way of Purdin Road west to Council Creek. The area was left Undesignated to provide for the planned improvement of Highway 47 and its intersection with Purdin Road. The reason behind this decision is because the Urban and Rural Reserves Rule does not allow for plan amendments that require an exception to Statewide Planning Goals. Leaving this small area Undesignated provides the greatest flexibility in addressing the planned improvement. In this case, the Highway 47 and Purdin Road rights of way provide a superior demarcation point between Urban and Rural Reserves and offer the best opportunity for buffering between Reserve areas.

### 3) *Urban Reserve Area 7I - Cornelius North*

In its oral remand, LCDC rejected Area 7I as Urban Reserves. Area 7I was composed of 623 acres. The rejection of an Urban Reserve designation for this area left the theoretical possibility of designating some or all of Area 7I as Rural Reserve or leaving some or all of Area 7I as Undesignated. A map of Area 7I is provided below.

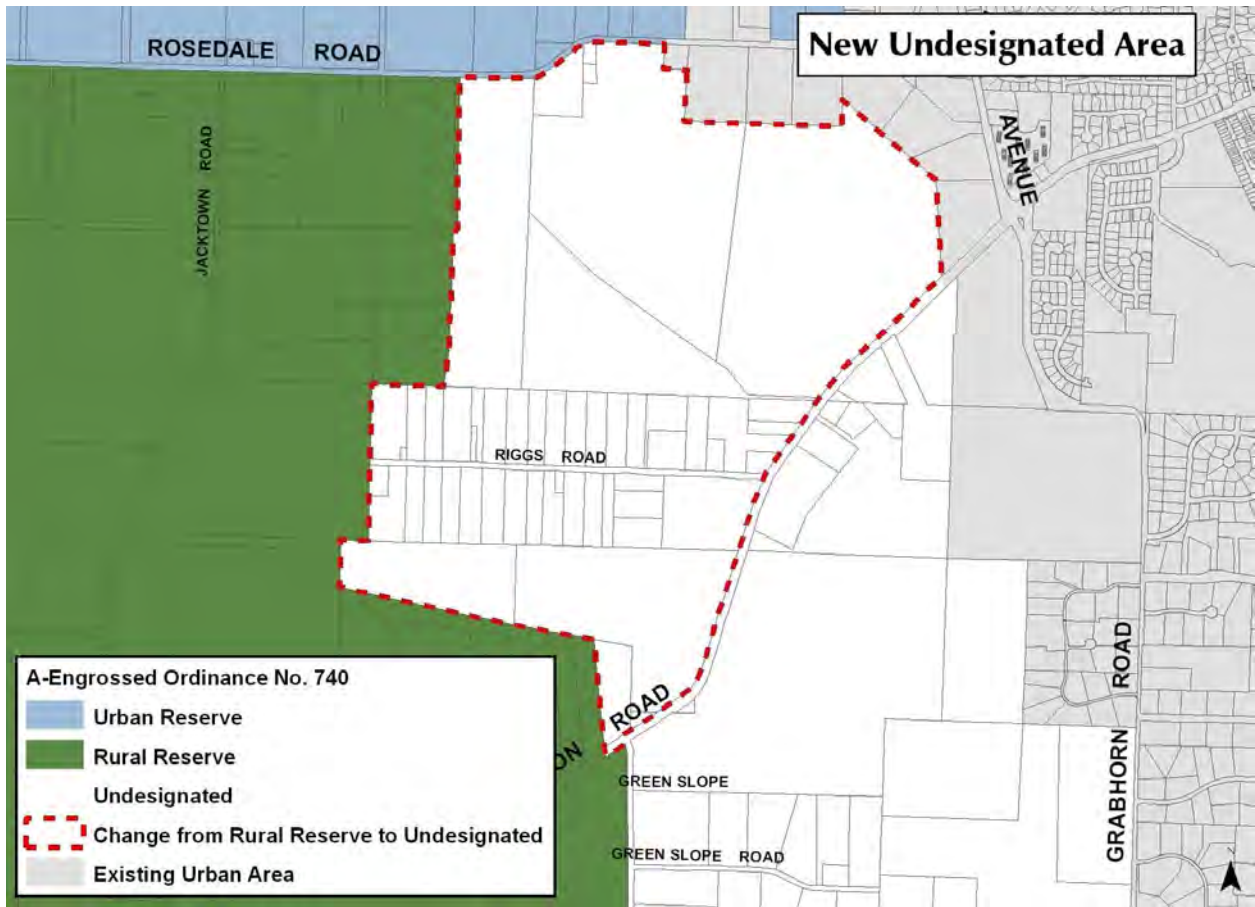




For the reasons stated above under the discussion of "Undesignated Lands" and because LCDC invited Metro and Washington County to provide more Undesignated lands, ultimately 363 acres directly north of the city of Cornelius were left Undesignated, with the northern remainder of former Urban Reserve Area 7I designated as Rural Reserve. The decision to leave 363 acres undesignated is ultimately best explained by the record of Metro and Washington County's joint public hearing on March 15, 2011. It was at that joint hearing that Metro and Washington County elected officials fulfilled the balancing objective of OAR 660-027-0005(2).

**4) Undesignated Lands South of Rosedale Road**

Metro and Washington County ultimately identified an additional 383 acres south of Rosedale Road as Undesignated lands. This area is bounded on the north by Urban Reserve Area 6A (Hillsboro South), on the east by existing urban land, and on the south by Farmington Road. Another Undesignated area is located across Farmington Road from the Rosedale Road Undesignated land area. This adjustment partially represents an opportunity to replace previous Undesignated lands north of Highway 26 which were redesignated Urban Reserves, while also accepting LCDC's invitation to explore the provision of additional Undesignated lands within Washington County. A map showing the Rosedale Road area is provided below.



## **Findings and Statement of Reasons for Foundation Agriculture Land as Urban Reserves**

### Overview

OAR 660-027-0040(11) essentially requires Metro, and by implication Washington County, to explain why Foundation Agricultural lands were selected as Urban Reserves. Such an explanation must reference the Urban Reserve factors and the Rural Reserve factors and explain why Foundation Agricultural land was designated for Urban Reserves rather than other land otherwise available for consideration.

Washington County understands, at a minimum, the phrase "other land considered under this division" to mean land under study by the region and classified something other than Foundation Agricultural land in the ODA report entitled "Identification and Assessment of the Long-Term Agricultural Lands" (Washington County Record pages 9748-9818). The ODA report also classifies land as Important and Conflicted.

In a broader sense, Washington County understands the phrase "other land considered under this division" to mean that lands classified as forest land or as natural landscape features should also be evaluated under the Reserves factors. In the case of the David Hill area, the land qualified as Rural Reserve based on its forest capability. The Chehalem and Tualatin Mountains both qualified as Rural Reserves due to natural landscape features. The Tualatin River floodplain separating the Chehalem Mountains from the Cornelius and Forest Grove area was also largely designated as a Rural Reserve due to its natural landscape feature designation.

### ODA Classifications in Washington County

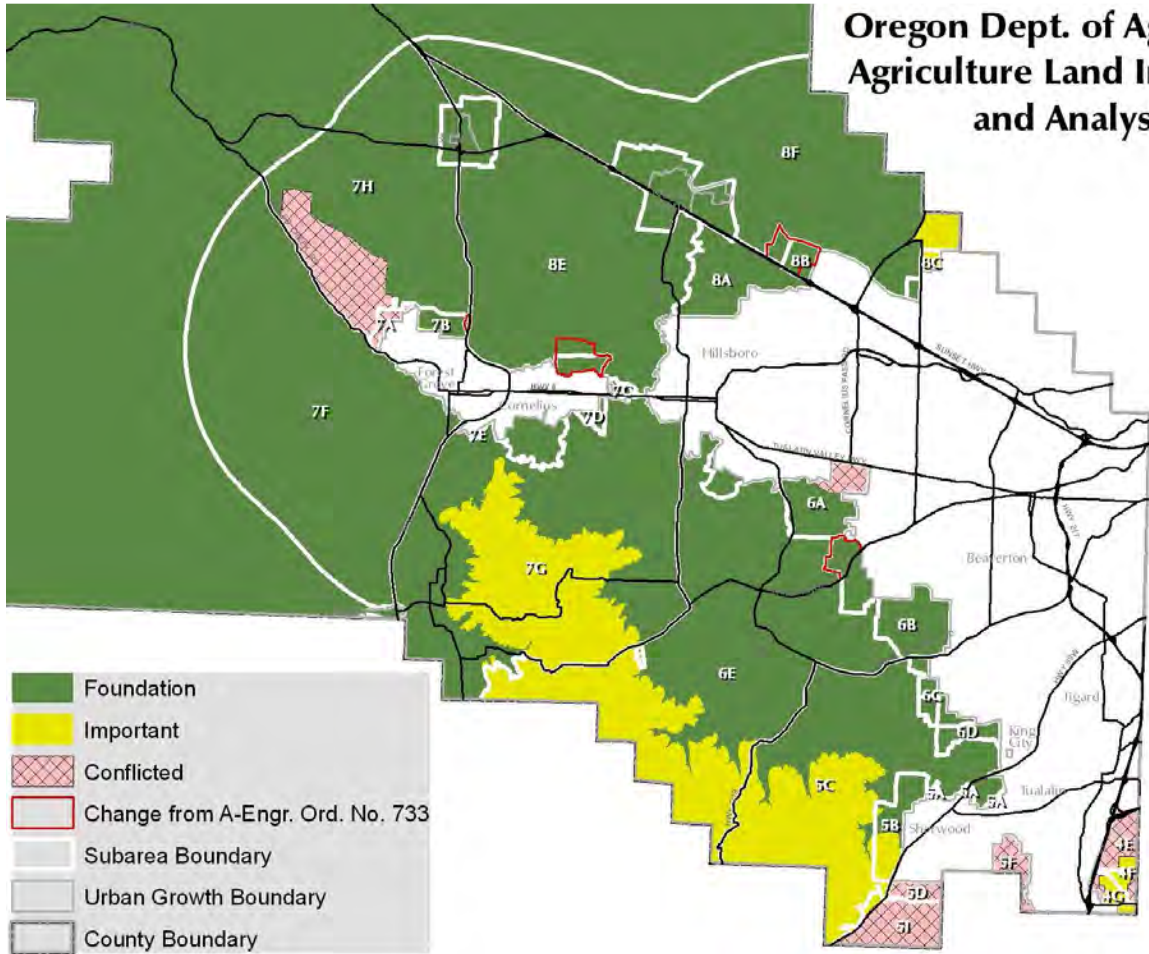
The ODA report classifies the vast majority of lands within the study area in Washington County as Foundation land. A much smaller portion of the study area is classified as Important and a very small portion of the study area in Washington County is classified as Conflicted. These areas are shown on the following page.

### Non-Foundation Lands in Washington County

As a general matter, ODA is of the opinion that Conflicted lands may be the most appropriate location for Urban Reserves. Conflicted lands are located in three general areas within the county: south of Hillsboro (the St. Mary's property), northwest of Forest Grove (the David Hill area), and south of the cities of Sherwood and Tualatin. Where possible, Urban Reserves were designated by Metro in these areas. However, these Conflicted lands typically featured topographic challenges which make urban service provision challenging, expensive and generally poorly suited to achieve urban residential capacity expectations or suitable for industrial/employment uses.

Another consideration regarding Conflicted lands dealt with the fact that, while the land may be "Conflicted" in terms of agricultural land, it nevertheless qualified for Rural Reserve designation under either forestry or natural landscape considerations. A brief description of Conflicted lands within Washington County is provided in the following section.

## Oregon Dept. of Agriculture Agriculture Land Inventory and Analysis



### Conflicted Lands

#### ***St. Mary's property***

The entirety of the St. Mary's property south of TV Highway, west of 209th and east of the Witch Hazel community was included in Urban Reserve Area 6A (Hillsboro South).

#### ***David Hill***

The large Conflicted lands northwest of Forest Grove are known as the David Hill area. The southern 340 acres of that Conflicted area were designated as Urban Reserve 7A (David Hill). The majority of the David Hill Conflicted area features steep slopes and presents difficulty for provision of urban services, however the 340 acres adjacent to the city of Forest Grove have fewer use limitations. The rest of the Conflicted lands have topographic, urban service and use constraints. The larger David Hill area qualified as a Rural Reserve based on its large block of Wildland Forest land (Washington County Record pages 2999 and 9201-9203).

#### ***Lands near Sherwood and Tualatin***

Some, but not all, Conflicted lands in the vicinity of Sherwood and Tualatin were designated Urban Reserve, but the remainder of remaining "Conflicted" lands were ill-suited for Urban Reserve designation for topographic, service provision and use constraints.

### Important Lands

The ODA report mapped Important agricultural lands in three areas within Washington County's study area. The largest area of Important lands is the Chehalem Mountain range. The second area is in north Washington County, generally north of the urban community of North Bethany, east of 185th Avenue and Cornelius Pass Road, and south and west of the county line. The third area of Important lands lies east of Interstate 5, southeast of the city of Tualatin.

### ***Chehalem Mountains***

The mapped Important agricultural lands of the Chehalem Mountains are separated from the urban area by the large Tualatin River floodplain. The Important agricultural lands of the Chehalem Mountains are contiguous to the western boundary of Sherwood. Metro and Washington County have included Urban Reserves in this area.

Elsewhere in the Important lands of the Chehalem Mountains, extension of necessary urban services would be very expensive and would create an illogical island of non-contiguous, expensive-to-serve land for many of the cities within the county. The northern boundary of Important lands is located near Forest Grove and Cornelius. The city of Forest Grove indicated that serving this land would be difficult due to the floodplain constraints (Washington County Record page 11106). Additionally, the challenging topographic nature of the Chehalem Mountains provides significant limitations in achieving necessary residential densities and would not be conducive to industrial/employment use.

Furthermore, the vast majority of the Chehalem Mountains are identified as an important natural landscape feature that defines the region for its residents (Washington County Record page 3000). Due to natural landscape feature considerations, the majority of Chehalem Mountain lands qualified for and were selected as Rural Reserves.

### ***Tualatin Mountains***

Another small area in the northern portion of the county was classified as Important agricultural lands. This area is located north of the North Bethany community. Generally, the lands north of Germantown Road become very steep and are associated with the Tualatin Mountains. The Tualatin Mountains are classified as an important landscape feature. Providing urban services to the steeply sloped lands north of Germantown Road would be very challenging and the topography of the area limits residential densities and is inappropriate for industrial/employment uses. This area was ultimately designated Rural Reserves because of its important natural landscape features and associated factors.

A portion of the Important land area located south of Germantown Road was designated Urban Reserves because it was not limited by topographic features and was in an area where roadway and sewer services to service existing UGB properties had previously been planned.

### ***Lands near Tualatin***

Important lands classified by ODA that area located southeast of Tualatin were included as Urban Reserves 4E, 4F and 4G.

### Conclusion

Twenty percent of the land within Washington County's study area is classified as Conflicted or Important agricultural lands. Just under 80% of the study area was classified as Foundation land by ODA. Where possible, Metro and the county utilized Conflicted and Important lands for Urban Reserves. Findings earlier in this report for Urban Reserves and Rural Reserves, including findings regarding overall regional balancing, explain the choices made when designating Foundation lands for Urban Reserves. Additional findings for Urban Reserves not discussed in this supplemental findings document were prepared for A-Engrossed Ordinance No. 733 (Washington County Record pages 9616-9695).



## Matrix of Reserves Subareas and Associated Acreage

The figures below replace the total acreage and buildable lands acreages provided in the legislative findings prepared for A-Engrossed Ordinance No. 733, adopted in June 2010. All other text in the individual subarea findings is unchanged by the adoption of these findings to support A-Engrossed Ordinance No. 740.

Subarea	Total Acres	Buildable Lands	
		Buildable	Unbuildable
4E - I5 East*	841	486	355
4F - I5 East*	270	210	60
4G - I5 East*	454	223	231
5A - Sherwood North	123	60	63
5B - Sherwood West	1,291	866	425
5C - East Chehalem Mountains	15,152		
5D - Sherwood South	439	204	235
5F - Tonquin*	565	143	422
5I - Parrett Mountain*	1,922		
6A - Hillsboro South	2,007	1,442	565
6B - Cooper Mountain Southwest	1,776	892	884
6C - Roy Rogers West	562	340	222
6D - Beef Bend South	521	253	268
6E - Central Chehalem Mountains	24,998		
7A - David Hill	340	134	206
7B - Forest Grove North	480	356	124
7C - Cornelius East	137	118	19
7D - Cornelius South	211	173	38
7E - Forest Grove South	38	36	2
7F - Hagg lake	25,652		
7G - West Chehalem Mountains	26,898		
7H - West Fork Dairy Creek	15,696		
8A - Hillsboro North	2,725	2,265	460
8B - Shute Road Interchange	440	340	100
8C - Bethany West	305	141	164
8E - Dairy Creek	19,445		
8F - Highway 26 North*	21,446		
<b>Urban Reserve Total</b>	<b>13,525</b>	<b>8,682</b>	<b>4,843</b>
<b>Rural Reserve Total</b>	<b>151,209</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>164,734</b>	<b>8,682</b>	<b>4,843</b>

\* Washington County portion of multi-county subarea



FORM 2

DLCD

# Notice of Adoption

DATE STAMP	<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
	For Office Use Only		

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: Washington County

Local file number: A-Eng. Ordinance No. 740

Date of Adoption: 04/26/11

Date Mailed: 04/29/11

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 1/12/11

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

A-Engrossed Ordinance No. 740 amends the Rural and Urban Reserves map in Policy 29 of the Rural/Natural Resource Plan Element of the county's Comprehensive Plan. The engrossed ordinance provides for the county to designate Rural Reserves and to adopt Metro's designation of Urban Reserves for applicable lands in Washington County, pursuant to ORS 195.137-145 and OAR 660 Division 27.

Does the Adoption differ from proposal? Yes.

Proposed A-Engrossed Ordinance No. 740 differs from the filed ordinance as follows:

- North of Cornelius:* The filed ordinance designated 430 acres west of NW Susbauer Road as Rural Reserve and included 194 acres east of NW Susbauer Road as Undesignated land. The engrossed ordinance changed the split between Rural Reserve and Undesignated land from east/west to north/south and made 263 acres in the northern portion of former Urban Reserve Area 7I Rural Reserve (labeled B on the attached map) and 360 acres in the southern portion of the former reserve as Undesignated (labeled C on the attached map).
- North of Highway 26:* Three hundred fifty two (352) acres west of Helvetia Road retain an Urban Reserve designation (labeled D on the attached map). This area is bounded by Helvetia Road on the east, Highway 26 to the south, Groveland Road to the west and NW West Union Road to the north. The engrossed ordinance changes two hundred and twenty (220) acres west of Groveland Road from Urban Reserve to Undesignated.
- South of SW Rosedale Road* – Three hundred eighty three (383) acres located northwest of the intersection of SW 209th and SW Farmington Road (labeled E on the attached map) are changed from Rural Reserve to Undesignated.

Attachment A shows the areas described above on the final Urban and Rural Reserves map adopted through A-Engrossed Ordinance No. 740.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment?

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments, or Special Districts:

Oregon Department of Forestry; Oregon Department of Agriculture; Oregon Water Resources Department; Oregon Department of Transportation; Metro; Cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Tigard, Tualatin, Sherwood, Wilsonville; Tualatin Valley Fire and Rescue; Washington County Fire District #2; Cornelius Rural Fire District; Forest Grove Rural Fire District; Gaston Rural Fire District; Hillsboro Fire Department; Banks Fire Protection District; Tualatin Valley Water District; Tigard Water District; Tualatin Hills Parks and Recreation District; Clean Water Services; Banks School District #13; Forest Grove School District #15; Sherwood School District #88J; Tigard School District #23J.

Local Contact: **Stephen Shane**

Phone: **(503) 846-3717** Extension:

Address: **155 N. First Av., Suite 350**

Fax Number: **503-846-4412**

City: **Hillsboro**

Zip: **97214**

E-mail Address: **Stephen\_Shane@co.washington.or.us**





April 29, 2011

Mr. Dan Cooper, Acting Chief Operating Officer  
Metro  
600 NE Grand Avenue  
Portland, OR 97232-2736

Dear Mr. Cooper:

**Re: Notice of Adoption – Ordinance No. 740**

On April 26, 2011, the Washington County Board of Commissioners adopted A-Engrossed Ordinance No. 740. This ordinance amends the Rural and Urban Reserves map in Policy 29 of the Rural/Natural Resource Plan Element of the County's Comprehensive Plan. These amendments were adopted pursuant to ORS 195.137-145 and OAR 660 Division 27.

**A copy of this ordinance and related findings supporting its adoption are enclosed.**

If you have any questions or concerns related to this ordinance, please contact Stephen Shane at (503) 846-3717 or by e-mail at [Stephen\\_Shane@co.washington.or.us](mailto:Stephen_Shane@co.washington.or.us).

Sincerely,

Stephen Shane, Associate Planner

Enclosures:



**Notice of Adopted Amendment**

**Notice Mailing Date: April 29, 2011**

TO: Steve and Kelli Bobosky  
Wendie L. Kellington, Attorney at Law

FROM: Brent Curtis, Planning Manager *Brent Curtis*

SUBJECT: A-Engrossed Ordinance No. 740

This notice of decision regarding Washington County Ordinance No. 740 is being provided per your request.

On April 26, 2011, the Washington County Board of Commissioners adopted A-Engrossed Ordinance 740. A-Engrossed Ordinance No. 740 amends the Rural and Urban Reserves map in Policy 29 of the Rural/Natural Resource Plan Element of the county's Comprehensive Plan. The engrossed ordinance designates Rural Reserves and adopts Metro's designation of Urban Reserves for applicable lands in Washington County, pursuant to ORS 195.137-145 and OAR 660 Division 27.

The adopted ordinance and findings in support of the ordinance are available for review during business hours at the Long Range Planning Division's office in Hillsboro and are also posted on the following web page:

**<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2011-land-use-ordinances.cfm>**

Pursuant to Oregon Administrative Rule 660 Division 27, this action will be reviewed by the Land Conservation and Development Commission (LCDC) in the "...manner provided for periodic review..." (See excerpt from OAR 660-027-0080 provided below and ORS 197.651).

*"OAR 660-027-0080 (2) After designation of urban and rural reserves, Metro and applicable counties shall jointly and concurrently submit their adopted or amended plans, policies and land use regulations implementing the designations to the Commission for review and action in the manner provided for periodic review under ORS 197.628 to 197.650."*

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