

WASHINGTON COUNTY

April 22, 2010

To:

Washington County Board of Commissioners

From:

Brent Curtis, Planning Manager

Subject:

Proposed Ordinance No. 733 regarding Urban and Rural Reserves

RECOMMENDATION

Open the public hearing, take testimony, and continue the public hearing to May 4, 2010.

OVERVIEW

This memorandum provides a summary of the Planning Commission's April 21, 2010 hearing and its recommendation regarding proposed Ordinance No. 733. Attached are:

- 1. Maps of areas referenced in testimony provided during the hearing (Exhibit 1);
- 2. Draft staff-proposed amendments to policies in the Rural/Natural Resource Plan and Comprehensive Framework Plan for the Urban Area (Exhibit 2);
- 3. Maps illustrating technical mapping changes identified by staff (Exhibit 3); and
- 4. April 21, 2010 Planning Commission staff report (Exhibit 4)

PLANNING COMMISSION SUMMARY AND RECOMMENDATION

At its April 21, 2010 meeting, the Planning Commission held its first and only public hearing on proposed Ordinance No. 733. A staff report was provided to the commission that detailed the history and regional collaboration surrounding the efforts to develop urban and rural reserve areas throughout the three-county region. The overview described the regional balancing efforts that were vetted through the Core-4, a group made up of representatives from each of the three counties and Metro. At the conclusion of the staff report, commissioners took public testimony from a number of people. The testimony is described generally below.

Tim O'Callaghan and Michael Robinson

Mr. O'Callaghan and Mr. Robinson both submitted written and oral testimony regarding approximately 58.34 acres of property located at 6955 and 7235 NW 185th Avenue. Mr. Robinson, legal counsel for Mr. O'Callaghan, informed the commissioners that his client's property was evaluated through a technical analysis performed by county staff and recommended for urban reserve designation until the December 2009 release of the the Bragdon/Hosticka map, when it was changed to rural reserves. He stated that the O'Callaghan property should be changed back to urban reserve because it met the factors for urban reserve, not rural reserve. Mr. Robinson stated that the IGA allows for minor map changes and asked the Planning Commission to recommend that the Board redesignate the O'Callaghan property as an urban reserve. (See the map titled O'Callaghan Request in Exhibit 1 to this memo)

Richard Meyer, City of Cornelius

Mr. Meyer presented the commissioners with a letter and series of maps requesting eight (8) technical changes to the map. He explained they were tax lot-level changes to modify rural reserve boundaries with property lines instead of floodplain boundaries. He stated that the city supports the IGA, but they would like to see some changes that better reflected floodplain data. He said the net result is an increase in rural reserves near Cornelius. Three of the main reasons for the change were: 1) using floodplain lines as a boundary is difficult, as it requires surveys, 2) floodplains change over time and are not precise, and 3) the city doesn't allow development in the flood plain. Mr. Meyer stated that as a result, no additional development will be allowed, except for the construction of the Council Creek Trail and Bridge.

Commissioner Rickard questioned Mr. Meyer about the decrease in flexibility if undesignated land became rural reserves. He said an urban or undesignated designation would provide greater flexibility, but the rural reserves designation would lock up the property for 50 years. Mr. Meyer responded that the city believed it would have more success getting their requested change approved by increasing the rural reserves around the city. Chair San Soucie asked if the Core 4 had reviewed the map changes requested. Mr. Meyer said that they had not. He said the city considered the changes to be technical mapping changes to reflect property lines rather than flood plains as boundaries for reserve areas. (See the map titled City of Cornelius Request in Exhibit 1 to this memo)

Sandra Laubenthal

Ms. Laubenthal provided written and oral testimony on behalf of herself and family members regarding their 130-acre property north of PCC Rock Creek on NW 185th Avenue (also known as the Peterkort property). The property is bounded by Road "A" in the North Bethany area. She asked that this rural reserve area be changed back to urban reserve. She stated that this property should be considered part of the North Bethany area, as the arterial roadways that will serve the area are directly to the north and west of the property. The sewer trunk line will also go right through the parcel. She explained that 50 acres of the property is in the flood plain and can serve as a stormwater detention pond. She told the commission that her family's property provides the "circulation, bowels and kidneys" to help North Bethany function. She noted that up until a December Core 4 2009 meeting, this land was designated as an urban reserve. Ms. Laubenthal asked that the property be redesignated as an urban reserve. (See the map titled Peterkort Request in Exhibit 1 to this memo)

Wendie Kellington and Wink Brooks on behalf of Steve and Kelli Bobosky

Ms. Kellington informed the commission she and Mr. Brooks were representing the Bobosky family in their request for a designation change. She directed the commissioner's attention to the various materials that she and Mr. Brooks had provided for the hearing. She stated that the Bobosky property was evaluated by professional staff as being appropriate for urban reserve designation until a last minute change at the December 2009 Core 4 meeting. She stated that county staff materials made it clear that the county believed these exception areas would be urban reserves or undesignated lands. There is no evidence in the last few months of meeting summaries to explain whether the decision makers knew the Bobosky land was exception land

rather than resource lands. Ms. Kellington stated that the property has no special natural resources nor is it agricultural land; therefore it does not meet the criteria for the rural designation. She asked that the Bobosky property be redesignated as urban reserve land. (See the map titled Bobosky/Bendemeer Request in Exhibit 1 to this memo)

Tom Black

Mr. Black informed the commission that he participated in the reserves process back in December 2009. He was surprised to find out that this meeting would be the only opportunity for the public to comment on the ordinance. The area of concern he was addressing is located north of the Hillsboro airport. He questioned if any consideration was given to the historical resources of this area having to do with Joseph Meeks. He stated that this is prime farm land because of the soil quality. He believes that not enough farm interests were represented in the entire process. Mr. Black requested that urban reserve designations be put on less productive farm land and to save valuable farm land for agriculture use. He also noted his wishes to have the area north of Waibel Creek be redesignated as rural reserve. (See the map titled Black/Waibel Creek Request in Exhibit 1 to this memo)

Brian Wegener on behalf of Tualatin Riverkeepers

Mr. Wegener stated his objections about the strict nature of the factors that were applied to the Cooper Mountain area, an area of headwater streams. He informed the commission that due to the shallow, tight soils on the steep slopes that this area has poor drainage and that you can not urbanize this area with out having a significant environmental impact. He does not believe that the area can be developed to the urban density requirements without causing environmental impacts. He stated that Cooper Mountain meets all 8 natural features factors for a rural reserve designation. Mr. Wegener asked the commissioners to recommend that the area be changed from urban reserve to rural reserve. (See the map titled Tualatin Riverkeepers/Cooper Mt. Request in Exhibit 1 to this memo)

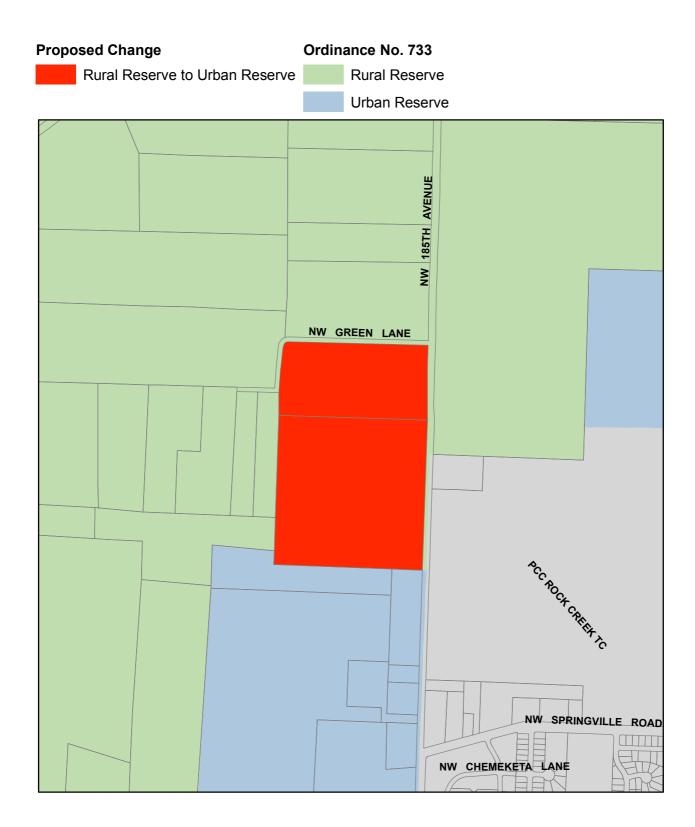
Planning Commission Deliberations

Following public testimony, the commission held a brief discussion about whether to provide the Board with individual recommendations on the geographic areas described in testimony. As shown in the matrix on the following page, the commissioners asked that their individual votes on each suggested change be provided to the Board. The matrix indicates the area in question, the request as described in testimony, and the votes by each commissioner. In addition to the geographic area requests, the commission voted to recommend that text in proposed Rural/Natural Resource Plan Policy 29, Implementing Strategy e.1 and e.2 be modified to correctly reference the maps included in Ordinance No. 733 Exhibit 3, pages 1 - 3. (Those changes have been included in the revised policy amendments included in attached Exhibit 2 to this memo.)

An additional recommendation by the Planning Commission, that the review period for urban and rural reserves be changed from 20 to 10 years, did not receive enough favorable votes by the commissioners to move forward. Some commissioners stated that 50 years was too long of a period for rural reserves designation.

The Planning Commission voted 7-1 to forward a recommendation for approval of Ordinance No. 733 to the Board of County Commissioners, subject to the modifications described in the matrix below:

Request	Manseau	Garcia	Larrabee	Rickard	Holscher	Lesniak	Hirst	San Soucie
O'Callaghan Rural Reserve to Urban Reserve	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
City of Cornelius Urban Reserve to Undesignated & Urban Reserve to Rural Reserve	Further Review Needed	Further Review Needed	Yes	No	Yes	Yes	Further Review Needed	No
Peterkort Rural Reserve to Urban Reserve	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Bobosky/Bendemeer Rural Reserve to Urban Reserve	Change All of Bendemeer to Urban Reserve	Change All of Bendemeer to Urban Reserve	Change All of Bendemeer to Urban Reserve	No	Change All of Bendemeer to Urban Reserve	Change All of Bendemeer to Urban Reserve	Change All of Bendemeer to Urban Reserve	No
Black/Waibel Creek Urban Reserve to Rural Reserve	Further Review Needed	Further Review Needed	No	No	Further Review Needed	No	Further Review Needed	No
Tualatin Riverkeepers/ Cooper Mt. Urban Reserve to Rural Reserve	Yes	No	Yes	No	No	No	No	No
Text amendments to correctly link Area 6B reference in R/NRP policy text to text on Exhibit 3 map	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes



City of Cornelius Request Affected Acres = 260.7

Proposed Change

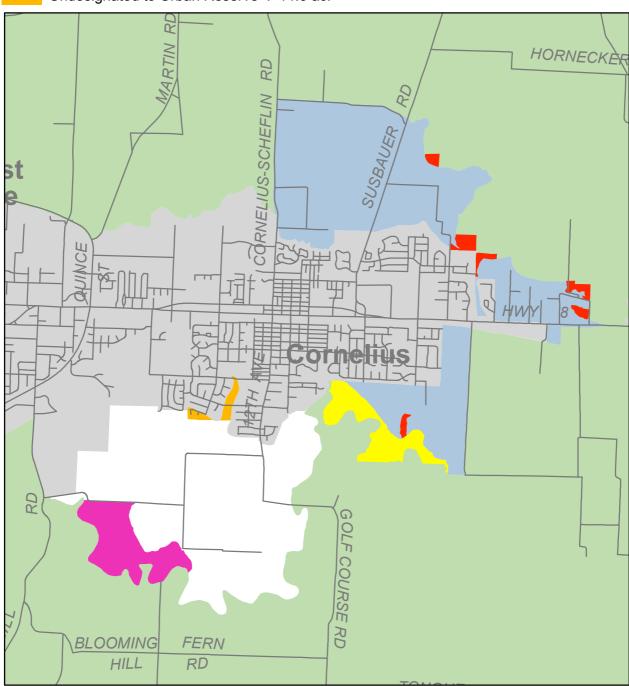
Ordinance No. 733

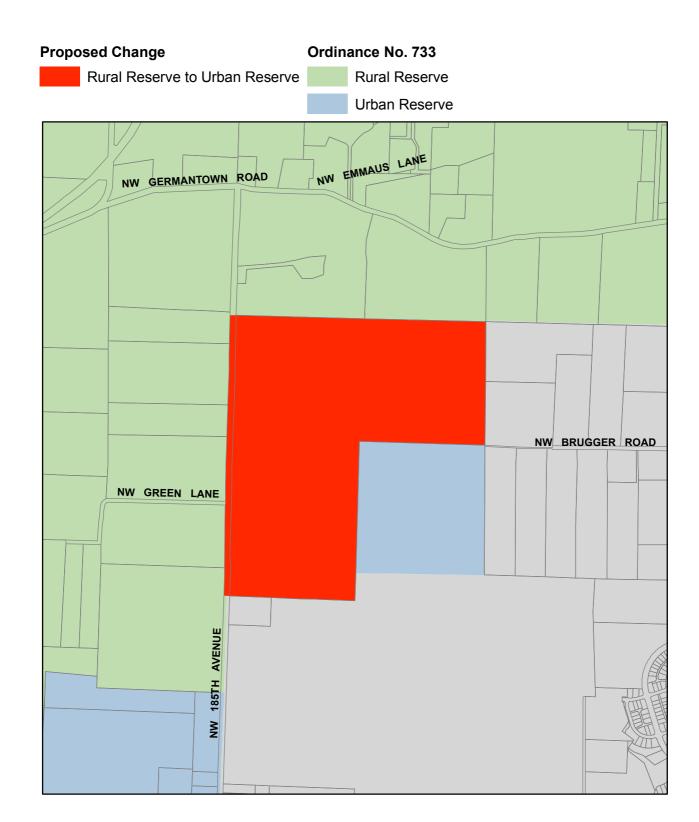
Rural Reserve to Urban Reserve : 33.9 ac. Rural Reserve

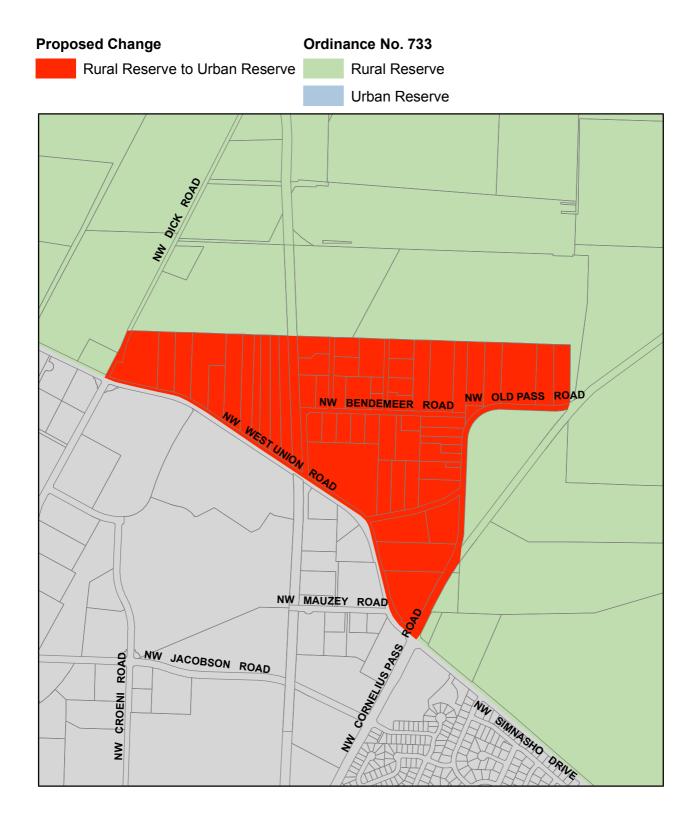
Rural Reserve to Undesignated : 86.8 ac. Urban Reserve

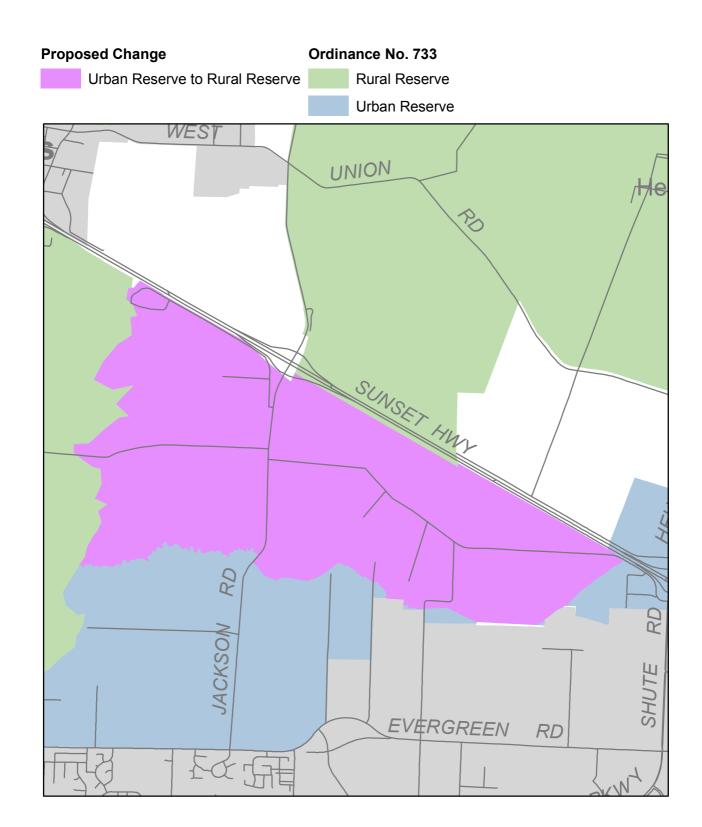
Undesignated to Rural Reserve: 125.7 ac.

Undesignated to Urban Reserve: 14.3 ac.





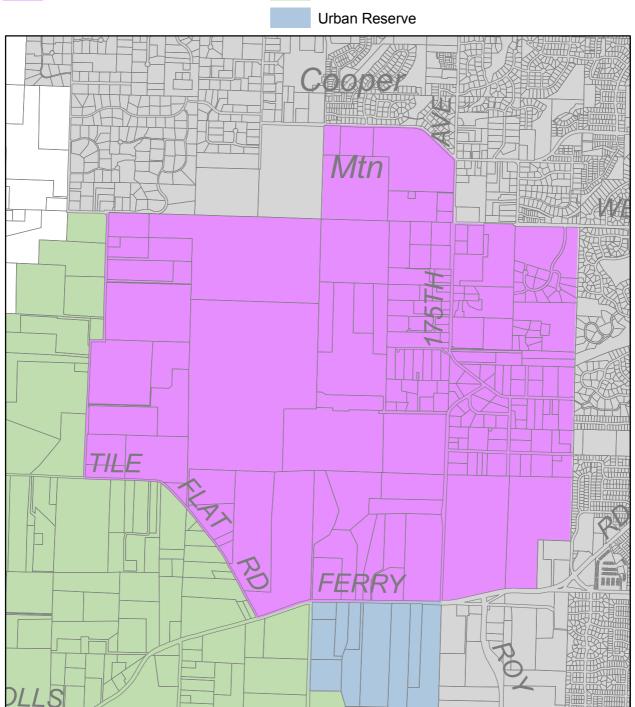




Proposed Change

Urban Reserve to Rural Reserve

Rural Reserve



Proposed Revisions to Ordinance No. 733 Exhibit 1 April 22, 2010 Page 1 of 3

Proposed Plan Policy 29, relating to Rural and Urban Reserve designations, of the Rural/Natural Resource Plan is amended to reflect the following:

Policy 29, Rural and Urban Reserves

It is the policy of Washington County to designate Rural Reserves and adopt Urban Reserves in accordance with ORS 195.137 through 195.145 and OAR 660-027-0040 and 660-027-0080.

Introduction

Senate Bill 1011, codified at ORS 195.137 through 195.145, was enacted by the Oregon Legislature in 2007 to establish a process for designating both urban and rural reserves in the Portland metropolitan area. The Land Conservation and Development Commission subsequently adopted a set of Administrative Rules (OAR 660-027-0005 through 660-027-0080) to implement the statutory reserves process. These provisions provide an alternative to the urban reserve designation process in OAR 660-021.

Identification of urban and rural reserves is governed by the criteria in OAR 660-027. Working cooperatively, Washington County, Metro, cities, and stakeholders utilized these factors to identify areas suitable for designation as rural and urban reserves.

Rural reserves are areas outside the <u>MetroRegional</u> Urban Growth Boundary (UGB) and the urban growth boundaries of the cities of Banks and North Plains. Rural reserves that provide for the long-term protection of agriculture, forestry and/or important natural landscape features. These lands-Rural reserves cannot be included in the regional UGB within an urban growth boundary for the same period of time that urban reserves are designated to meet land supply needs – up to 50 years.

Urban reserves are lands set aside for future expansions of the <u>Metroregional UGB by Metro</u>. Urban reserves are given the highest priority <u>under ORS 197.298</u> for <u>inclusion withinaddition to</u> the <u>Metro-UGB</u>. As a result, the designation of urban reserves provides greater certainty with regard to future direction of growth, enabling more cost-effective planning and investment in public facilities and services.

The first step in the process of designating reserves is to enter into an intergovernmental agreement identifying the reserves and establishing a coordinated and concurrent process for incorporating reserves into the comprehensive plans and regional framework plan of the affected jurisdictions.

Designating reserves under OAR 660-027 requires the County to enter into an intergovernmental agreement (IGA) with Metro that identifies the reserve areas to be considered for incorporation into the County's comprehensive plan and Metro's regional framework plan. The IGA is also required to establish a coordinated and concurrent process for the County and Metro to incorporate reserves into their respective comprehensive plan and regional framework plan.

Identification of urban and rural reserves is governed by the criteria provided for under OAR 660-027. Washington County, working cooperatively with its cities and stakeholders, utilized these factors to identify areas suitable for designation as urban and rural reserves.

Implementing Strategies

The County will:

<u>abcdef</u> Proposed additions abcdef Proposed deletions

Proposed Revisions to Ordinance No. 733 Exhibit 1 April 22, 2010 Page 2 of 3

- a. Participate with an appropriate city or cities in development of a concept plan for an area of urban reserves under consideration for addition to the UGB. Concept plans shall include elements on finance, provision of infrastructure, natural resource protection, governance, the planning principles set forth in Implementing Strategy e. below, and other subjects critical to the creation of great communities. Concept plans will provide that areas added to the UGB will be governed and planned by cities prior to urbanization.
- b. Not re-designate rural reserves as urban reserves for a city in the county for fifty (50) years from the effective date of Ordinance No. 733.
- c. Not include rural reserves in the UGB of any city in the county for fifty (50) years from the effective date of Ordinance No. 733.
- d. Review the designations of urban and rural reserves, in coordination with Metro and Clackamas County and Multnomah Counties, twenty (20) years after the adoption of reserves by the four governments, unless the four governments agree to review the reserves sooner.
- e. Utilize these principles for the concept planning of the areas shown on the Special Concept Plan Areas map:

1. Special Concept Plan Area A

This area, also known as Urban Reserve Area 6B, is approximately 1,776 acres, of which approximately 892 acres are buildable and approximately 839 acres are constrained lands. Existing roads account for an additional 45 acres of non-buildable land. Constrained lands consist of Metro's and Washington County's Goal 5 inventories, slopes over 25%, floodplains, parks, and a city-owned parcel (approximately 10 acres) adjacent to SW Kemmer Road that contains a water tank. In order to account for the above constraints, concept planning should be undertaken as a whole in order to offer appropriate protection and enhancement to the public lands and natural features that are located throughout the area. Residential density targets will be an important consideration in future planning for the area and may need to be adjusted in order to protect and enhance the integrity of existing Title 13¹ and Goal 5 lands.

2. Special Concept Plan Area B

Undesignated lands surrounding the City of Banks and the City of North Plains provide the opportunity for Washington County and each city to undertake urban reserve planning under OAR 660-021. It is the County's expectation that such planning will result in application of urban and rural reserve designations in appropriate locations and quantities within these currently undesignated areas.

Summary Findings and Conclusions:

OAR 660-027 required an extensive, collaborative planning effort by Washington County, Clackamas and Multnomah Counties, and Metro to designate rural and urban reserves for the regional UGB. Washington County's study area included land within a five-mile radius from the existing regional UGB. The two-year study resulted in Washington County designating approximately 151,660 acres of rural reserves and Metro designating approximately 13,560 acres of urban reserves in Washington County. Just less than 6,000 acres in the study area were not designated as rural or urban reserves. A rural or urban reserve designation will not prohibit existing or allowed uses under the current plan designations.

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¹ Editor's note: "existing Title 13" refers to Title 13 of Metro's Urban Growth Management Functional Plan in effect when Ordinance No. 733 was adopted.

Exhibit 2

Proposed Revisions to Ordinance No. 733 Exhibit 1 April 22, 2010 Page 3 of 3

Rural reserve areas are intended to provide long-term protection of agricultural land, forest land and important natural landscape features. A rural reserve designation will not prohibit existing or allowed uses under the current district zoning in areas so designated. Rural reserve areas will not be included within an urban growth boundary or re-designated as an urban reserve area for at least fifty (50) years.

Concept planning for urban reserves will be coordinated between Washington County and the applicable city or cities and will occur prior to Metro including those lands into the Metro-regional UGB. Metro is responsible for futuremaking expansions to the regional UGB-<a href="expansion areas within the three-county Metro region.

Land surrounding the cities of Banks, <u>Gaston</u> and North Plains was not designated by Metro as urban reserves and was not designated by Washington County as rural reserves. <u>Both These</u> cities have authority to designate an urban growth boundary in coordination with Washington County independent of the <u>Metroregional</u> UGB. It is anticipated that these cities, in cooperation with Washington County, will independently analyze future land needs and subsequently designate urban reserves under OAR 660-021.

Proposed Addition to Ordinance No. 733 Exhibit 4 April 22, 2010 Page 1 of 2

Policy 3, Intergovernmental Coordination, of the Rural/Natural Resource Plan is amended to reflect the following:

POLICY 3, INTERGOVERNMENTAL COORDINATION:

It is the policy of Washington County to effectively coordinate its planning and development efforts with Federal, State and other local governments and Special Districts to ensure that the various programs and activities undertaken by these bodies are consistent with the County Comprehensive Plan.

Implementing Strategies

The County will:

- a. Coordinate planning activities with appropriate Federal, State, regional and local government units, and with affected special districts by:
 - 1. Providing affected agencies with information on proposed land use actions for review and comment.
 - 2. Providing affected agencies with the opportunity to participate in and receive information on future studies covering topics contained in the Rural/Natural Resource Plan Element.
 - 3. Notifying affected agencies of time limits for responses to proposed land use actions, and consider that no response within the given time means concurrence with the proposal.
- b. Establish and maintain "<u>Urban</u> Planning Area Agreements" (<u>UPAA</u>) with cities which identify urban planning areas within which the County and cities have planning interests, and which identify processes for coordinating land use planning, urban reserve concept planning, and development within the respective urban planning areas.
- c. Provide special service districts the opportunity to participate in the planning process.
- d. Continue the coordination of rural and urban planning activities and land use actions.
- e. Enter into intergovernmental agreements with high growth school districts which are consistent with ORS 195.020 and ORS 195.110, and which contain at a minimum the following items:
 - 1. An explanation of how objective criteria for school capacity in the District's School Facility Plan will be used by the County;
 - 2. School District involvement with the County's periodic review; and
 - 3. How the County will coordinate comprehensive plan amendments and residential land use regulation amendments with the District, including notice of hearing.

Exhibit 2

Proposed Addition to Ordinance No. 733 Exhibit 4 April 22, 2010 Page 2 of 2

These intergovernmental agreements may be adopted by the Board of County Commissioners through Resolution and Order.

Coordination with Metro

The Rural/Natural Resource element of the Comprehensive Plan must comply with the regional planning elements adopted by Metro. Metro has adopted the following plan elements, all of which have either a direct or indirect effect on planning activities in the Rural/Natural Resource areas of Washington County:

- a. The Regional Urban Growth Boundary
- b. The Urban Growth Management Functional Plan
- bc. The Regional Transportation Functional Plan (RTP)
- ed. The Solid Waste Management Plan
- d. The Housing Opportunity Plan
- e. The Land Use Framework Element

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Proposed Addition to Ordinance No. 733 Exhibit 5 April 22, 2010 Page 1 of 1

Policy 23, Transportation Plan, of the Rural/Natural Resource Plan is amended to reflect the following:

POLICY 23, TRANSPORTATION:

It is the policy of Washington County to regulate the existing transportation system and to provide for the future transportation needs of the County through the development of a Transportation Plan as an Element of the Comprehensive Plan.

Implementing Strategies:

The County will:

- a. Combine the transportation features of the urban and rural areas in a single County-wide Transportation Plan. The Transportation Plan will address the major roadway system (i.e. non-local roads) and designate roads and streets that are part of the major system. The Rural/Natural Resource Plan and the Community Plans will address the local road system and designate the streets and roads that are part of that system;
- b. Specify the necessary transportation improvements, maintenance and reconstruction activities needed to carry out the Comprehensive Plan in the Transportation Plan.
- c. Implement the Transportation Plan capital improvements and maintenance programs through a combination of public expenditures, private development actions and the assessment of impact fees.
- d. In cases of direct conflict between the Transportation Plan and a Community Plan or the Rural/Natural Resources Plan Element functional classification and/or location of a proposed road, the Transportation Plan shall take precedence.
- e. The addition of new roads or streets to the major roadway system will be designated through the Transportation Plan unless specified otherwise by the Transportation Plan. New neighborhood routes may also be designated through the development review process. New local streets or roads will be designated through the development review process or by amendments to the Community Plans or the Rural/Natural Resource Plan:
- f. Amendments to the Rural/Natural Resource Plan shall be consistent with the applicable policies and strategies of the Transportation Plan.
- g. Consider urban and rural reserves as part of future updates of the Transportation Plan.

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Proposed Addition to Ordinance No. 733 Exhibit 6 April 22, 2010 Page 1 of 1

Policy 27, Urbanization, of the Rural/Natural Resource Plan is amended to reflect the following:

POLICY 27, URBANIZATION:

It is the policy of Washington County to provide for Urban uses within established Urban Growth Boundaries.

Implementing Strategies

The County will:

- a. Adopt and implement a plan for the urban areas of the County.
- b. Cooperate with Metro in the establishment and maintenance of the Regional Urban Growth Boundary (UGB), including planning efforts associated with urban reserves.
- c. Cooperate with the cities of North Plains, Banks, and Gaston and Wilsonville in the establishment of local Urban Growth Boundaries.

Summary Findings and Conclusions

In order to ensure that rural development occurs in a manner that does not result in expensive, land-consuming urban sprawl and to help protect agricultural lands from premature development, Metro, with the participation of counties and cities, <u>drewestablished</u> a 20-year <u>Regional</u> Urban Growth Boundary (UGB) around the tri-county region. Buildable lands within the <u>regional</u> UGB, <u>weretogether with urban reserves</u>, <u>are</u> intended to satisfy the demands of population and employment growth <u>for up to 50 years from the date of urban reserve designations until the year 2000. <u>Under state law, Metro is required to maintain a 20-year supply of buildable land within the regional UGB. The total available and buildable land inside the UGB exceeds the requirements of the 20-year forecasts of population and employment demands for land for the County.</u></u>

Because the demand for land necessary to allow for County population growth over timethe next 20 years can easily be accommodated by buildable land within the Urban Growth Boundaryies and urban reserves, and in order to comply with LCDC goals, it is necessary to limit growth outside of the Urban Growth Boundaryies. Some development will occur in the rural and natural resource areas because of existing development and the need for additional development to accommodate the natural resource uses.

Proposed Addition to Ordinance No. 733 Exhibit 7 April 22, 2010 Page 1 of 1

Policy 3, Intergovernmental Coordination, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

POLICY 3, INTERGOVERNMENTAL COORDINATION:

It is the policy of Washington County to effectively coordinate its planning and development efforts with Federal, State, and other local governments and Special Districts to ensure that the various programs and activities undertaken by these bodies are consistent with the County Comprehensive Plan.

Implementing Strategies

The County will:

- a. Coordinate planning activities with appropriate Federal, State regional and local government units, and with affected special service districts.
- b. Establish and maintain Urban Planning Area Agreements (UPAA's) which identify urban planning areas within which the County and cities have planning interests, and which identify processes for coordinating land use planning, urban reserve concept planning, and development within the respective urban planning areas.
- c. Provide special service districts the opportunity to participate in the planning process.

The Urban element of the Comprehensive Plan must comply with the regional planning elements adopted by the Metropolitan Service District (Metro). Metro has adopted the following plan elements which have either a direct or indirect effect on planning activities in the Urban area of Washington County:

- a. 2040 Growth Concept
- b. Urban Growth Management Functional Plan
- c. Regional Transportation <u>Functional Plan</u>
- d. Regional Solid Waste Management Plan
- e. Housing Opportunity Plan

Proposed Addition to Ordinance No. 733 Exhibit 8 April 22, 2010 Page 1 of 1

Policy 32, Transportation, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

TRANSPORTATION

POLICY 32, TRANSPORTATION:

It is the policy of Washington County to regulate the existing transportation system and to provide for the future transportation needs of the County through the development of a Transportation Plan as an Element of the Comprehensive Plan.

Implementing Strategies

The County will:

- a. Combine the transportation features of the urban and rural areas in a single countywide Transportation Plan. The Transportation Plan will address the major roadway system (i.e. non-local roads) and designate roads and streets that are part of the major system. The Community Plans and the Rural/Natural Resource Plan will address the local road system and designate the streets and roads that are not part of that system.
- b. Specify the necessary transportation improvements, maintenance, and reconstruction activities needed to carry out the Comprehensive Plan in the Transportation Plan.
- c. Implement the Transportation Plan capital improvements and maintenance programs through a combination of public expenditures, private development actions and the assessment of impact fees.
- d. Specify in the Community Development Code the standards and requirements of the Transportation Plan that are applicable to development applications.
- e. In cases of direct conflict between the Transportation Plan and a Community Plan or the Rural/Natural Resources Plan regarding functional classification and/or location of a proposed road, the Transportation Plan shall take precedence.
- f. The addition of new roads or streets to the major roadway system will be designated through the Transportation Plan unless specified otherwise by the Transportation Plan. New neighborhood routes may also be designated through the development review process. New local streets or roads will be designated through the development review process or by amendments to the Community Plans or the Rural/Natural Resources Plan.
- g. Amendments to the Community Plans shall be consistent with the applicable policies and strategies of the Transportation Plan.
- h. Consider urban and rural reserves as part of future updates of the Transportation Plan.

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<u>abcdef</u> Proposed additions abcdef Proposed deletions

Proposed Addition to Ordinance No. 733 Exhibit 9 April 22, 2010 Page 1 of 1

Policy 40, Regional Planning Implementation, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

REGIONAL PLANNING

POLICY 40, REGIONAL PLANNING IMPLEMENTATION:

It is the policy of Washington County to help formulate and locally implement Metro's regional growth management requirements in a manner that best serves existing and future residents and businesses.

Implementing Strategies

The County will:

- a. Participate in regional growth management <u>planning efforts (including identifying urban reserves and urban reserve concept planning)</u> and <u>regional transportation planning efforts to help build better communities.</u>
- b. Implement regional growth management requirements through a process that includes opportunities for citizen involvement.
- c. Identify the 2040 Growth Concept Design Types characteristics that generally represent the form of future development.
- d. Adopt a map that identifies the general location of the 2040 Growth Concept Design Types.
- e. Require applicants proposing plan map amendments to demonstrate that their proposal is consistent with the applicable 2040 Growth Concept Design Type.
- f. Plan amendment approvals may be conditioned by the Review Authority in a manner that will promote excellence of urban design. Good design involves both building and site design and their relationship to neighboring uses in order to: ensure a sense of place and personal safety; create a development pattern conducive to face to face community interaction; and, encourage multi-modal means of transportation.

Letter of Transmittal



Date: April 22, 2010

To: Washington County Board of Commissioners

From: Brent Curtis, Planning Manager

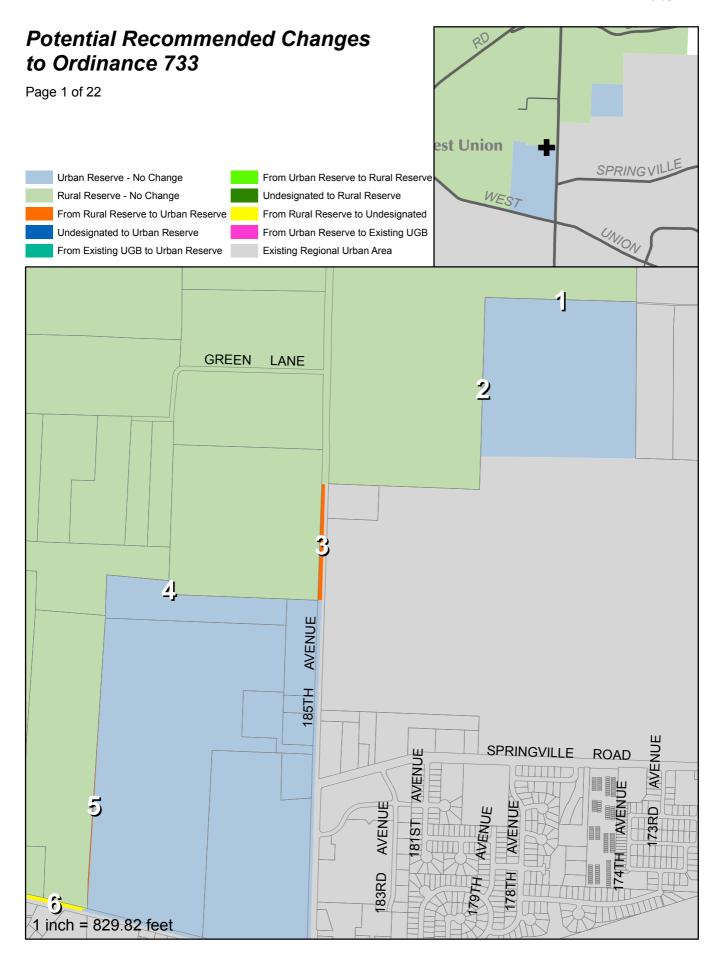
Attached are maps of staff-identified technical changes to Ordinance No. 733. The changes fall into four categories: rights-of-way, parcel shifts, mapping errors and minor adjustments. Together there are 127 changes totaling 242.24 acres. Below is a description of each category.

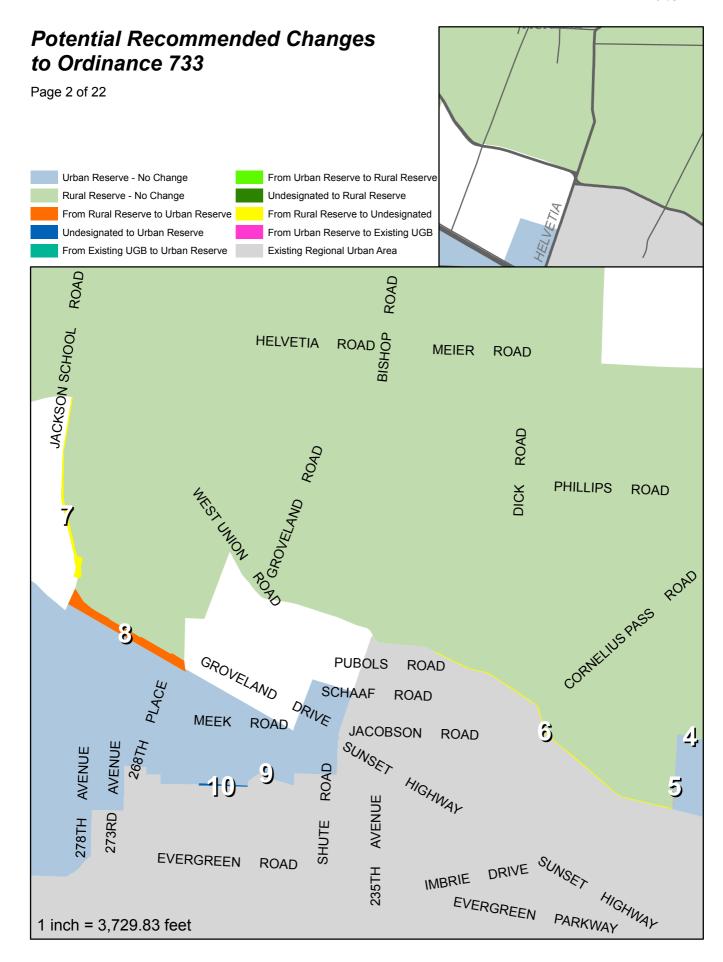
Rights-of-Way (28 instances): Where the edge of an existing urban growth boundary, urban reserve or undesignated area is alongside a street, we are recommending that the ROW be designated as an urban reserve or left undesignated. These total just over 212 acres.

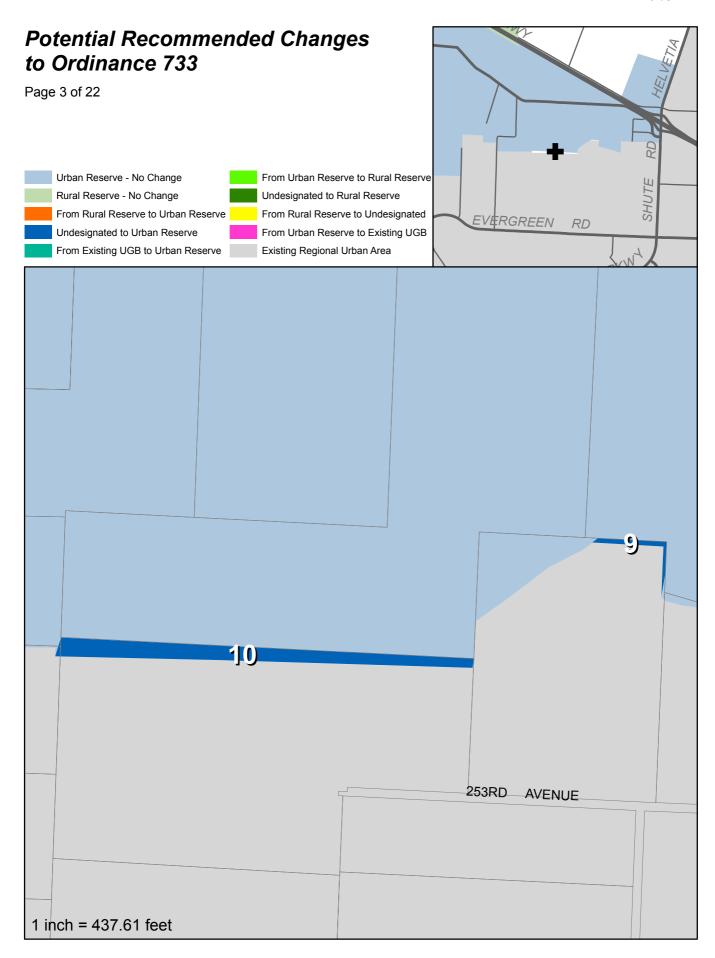
Parcel Shift (90 instances): After the mapping of reserve areas for the IGA there have been routine updates to the parcel layer as part of Assessment & Taxation's on-going work resulting in some areas of misalignment between reserve and parcel boundaries. The two principal areas where this occurred are near the cities of Forest Grove and Sherwood. These total just over 25 acres.

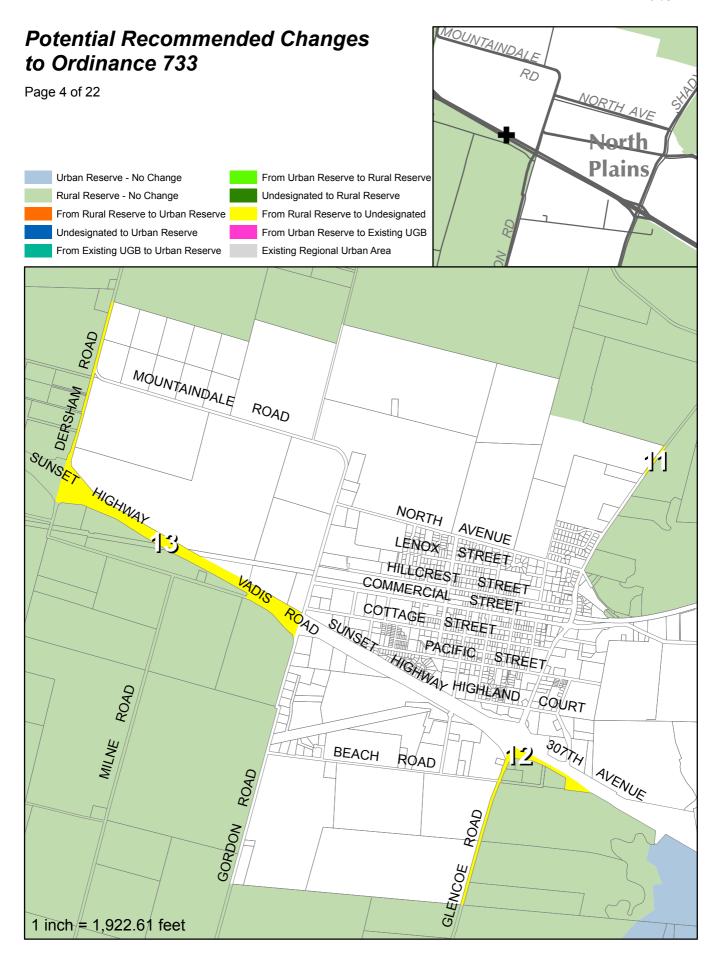
Mapping Error (8 instances): In the initial mapping of reserve areas there are a few small slivers of gaps that were intended to be designated (four as urban reserve and four as rural reserve). These total just over 3 acres.

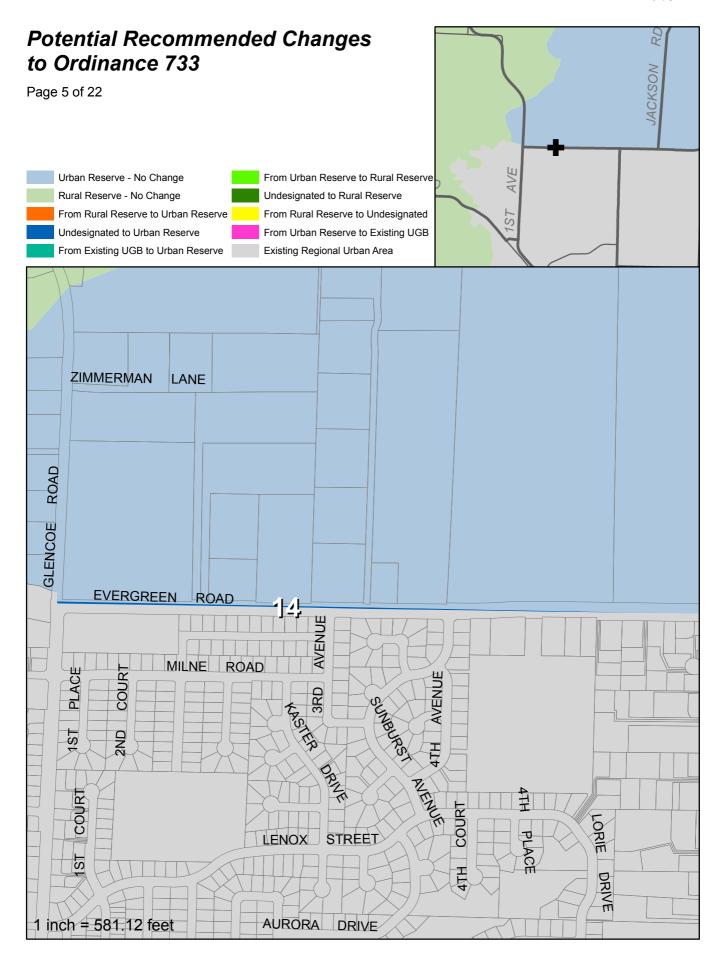
Minor Adjustment (1 instance): West of Roy Rogers Road an area of undesignated land is bisected by the stem of a flag-lot designated as a rural reserve. Staff believes that it is better to leave the stem undesignated. This location is on map 15 of 22 of the transmittal, item number 57 and is approximately 1.6 acres.

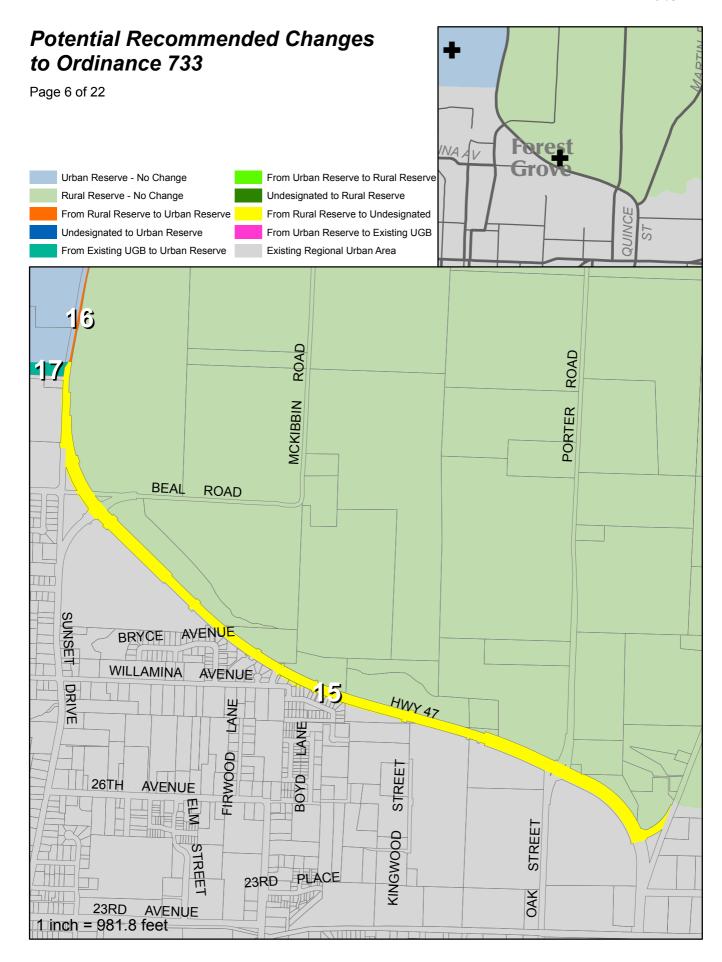


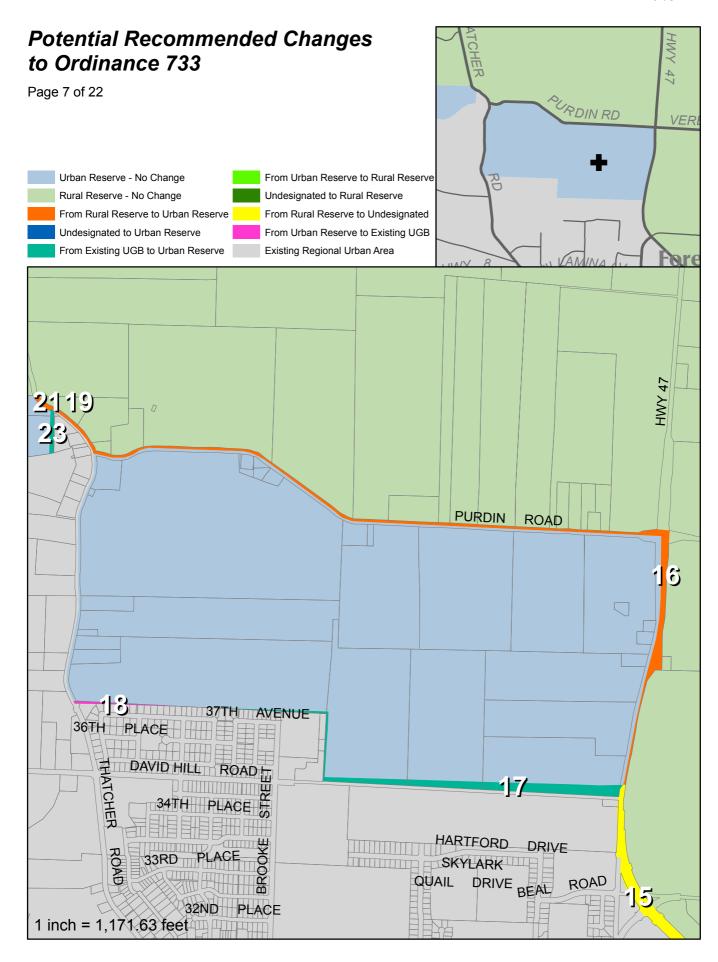


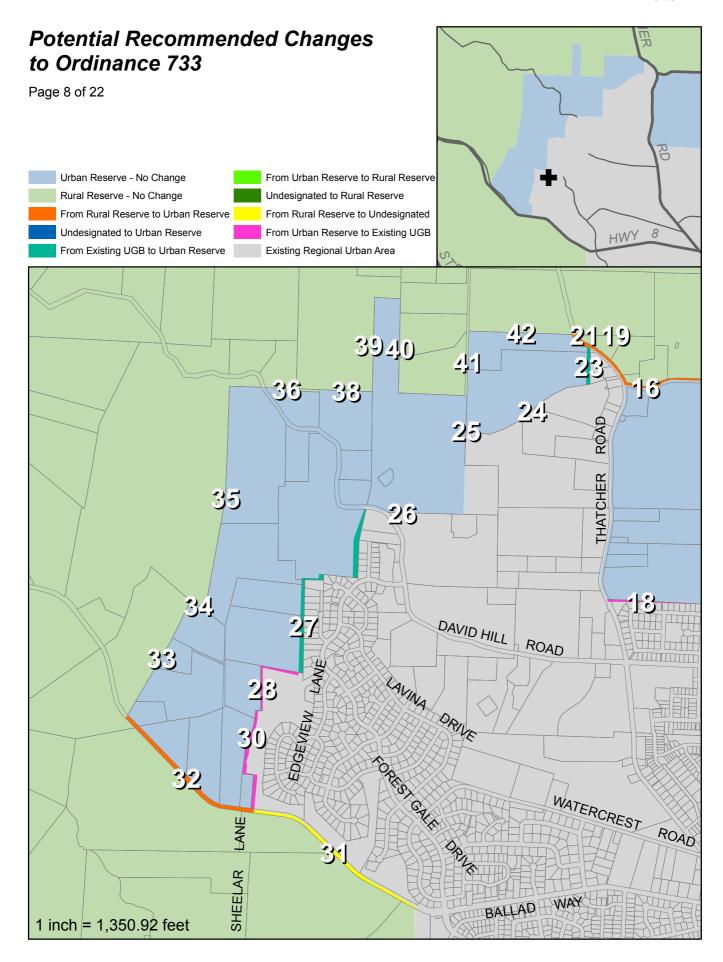


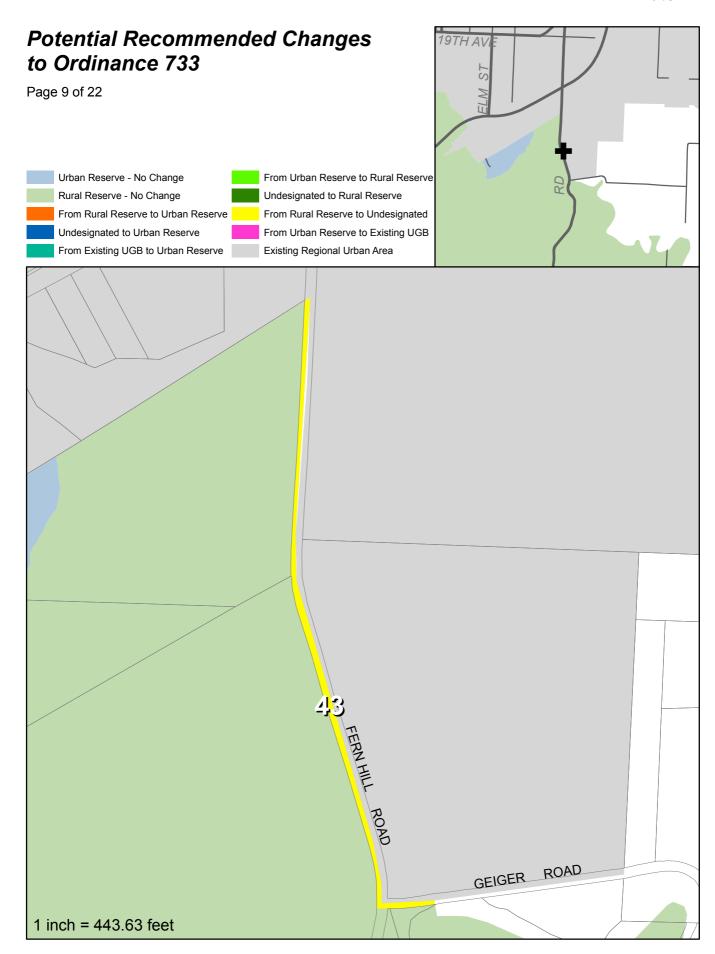


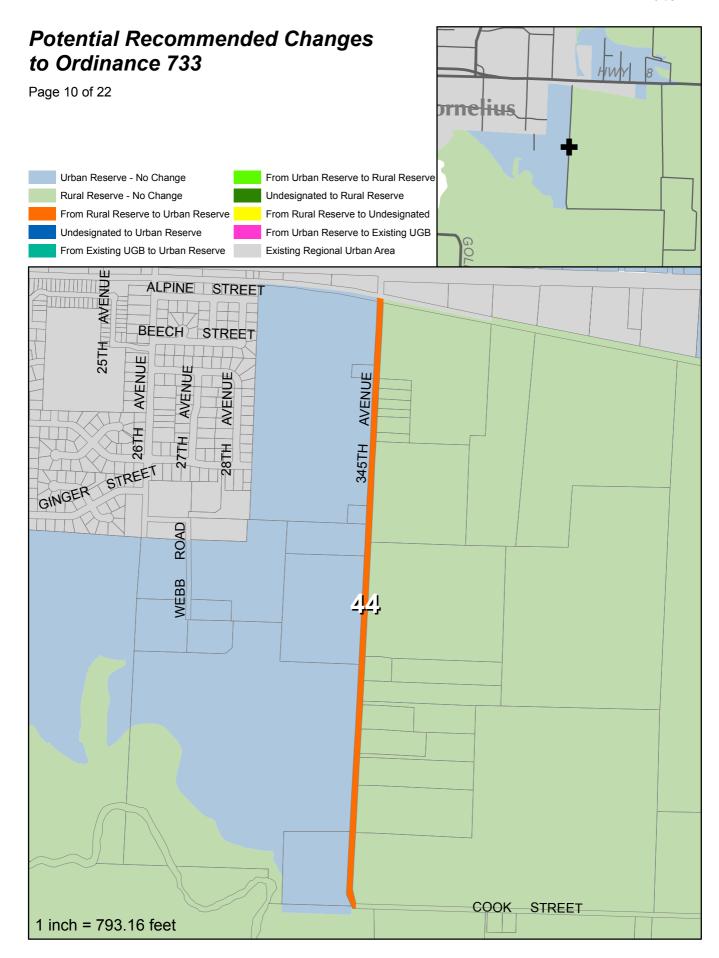


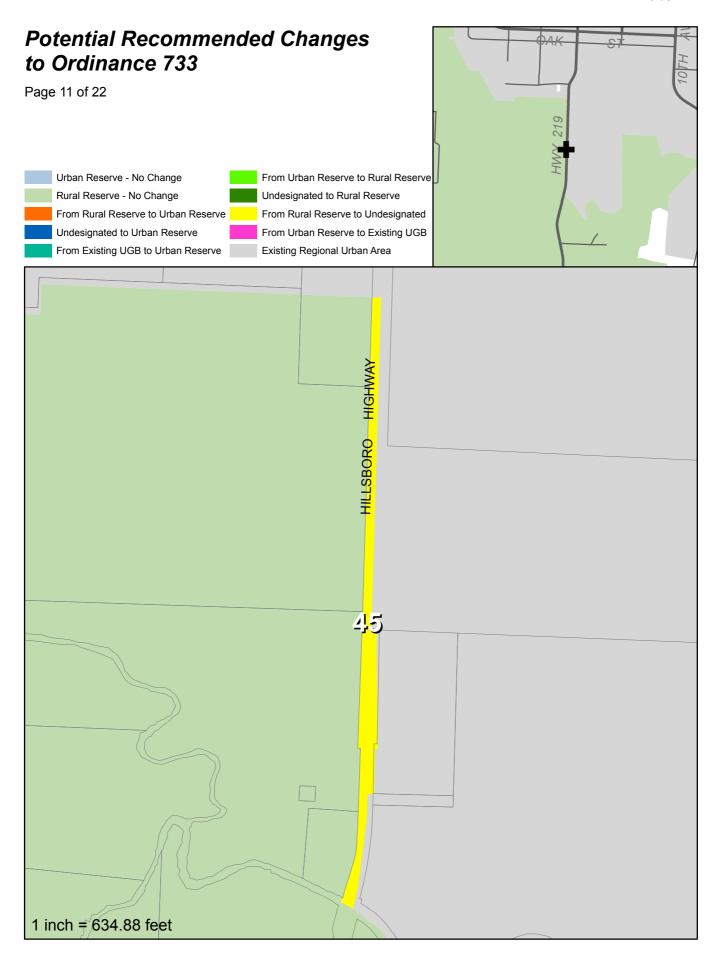


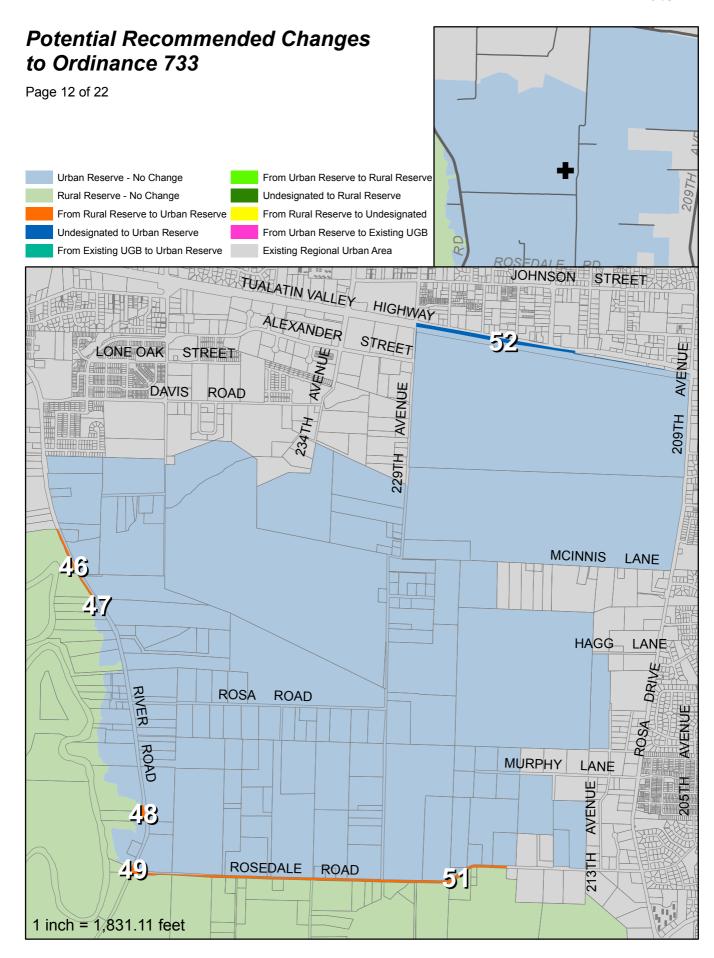


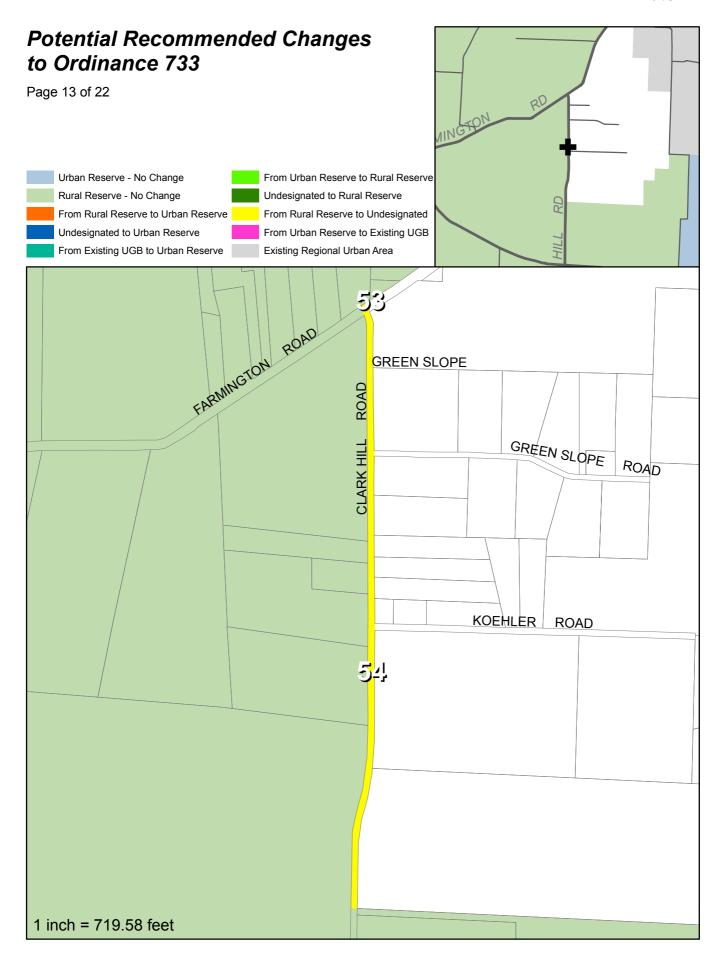




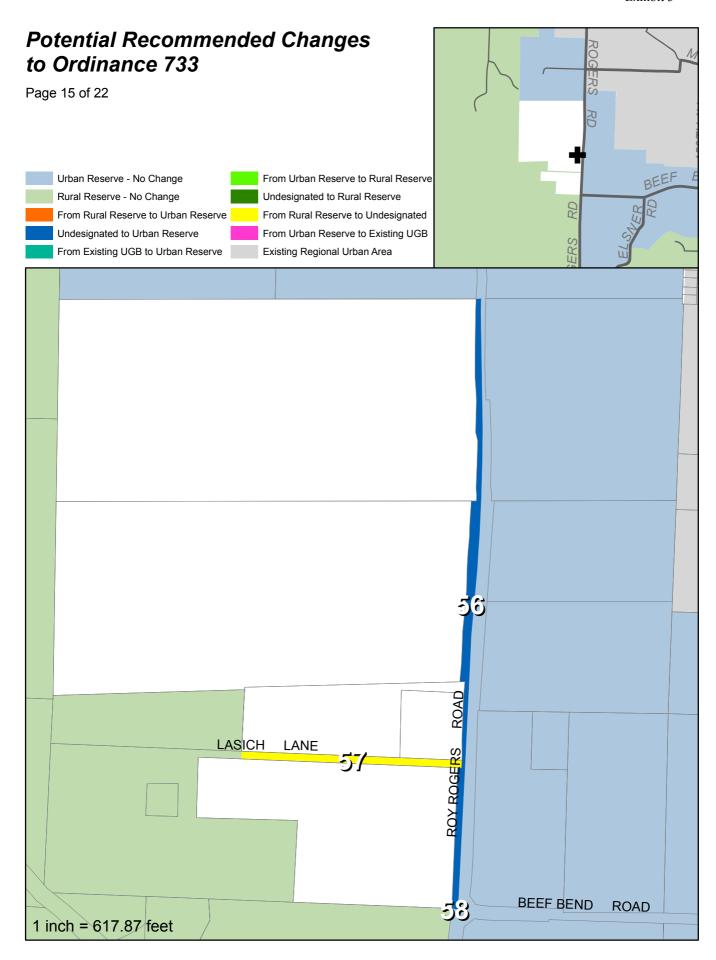


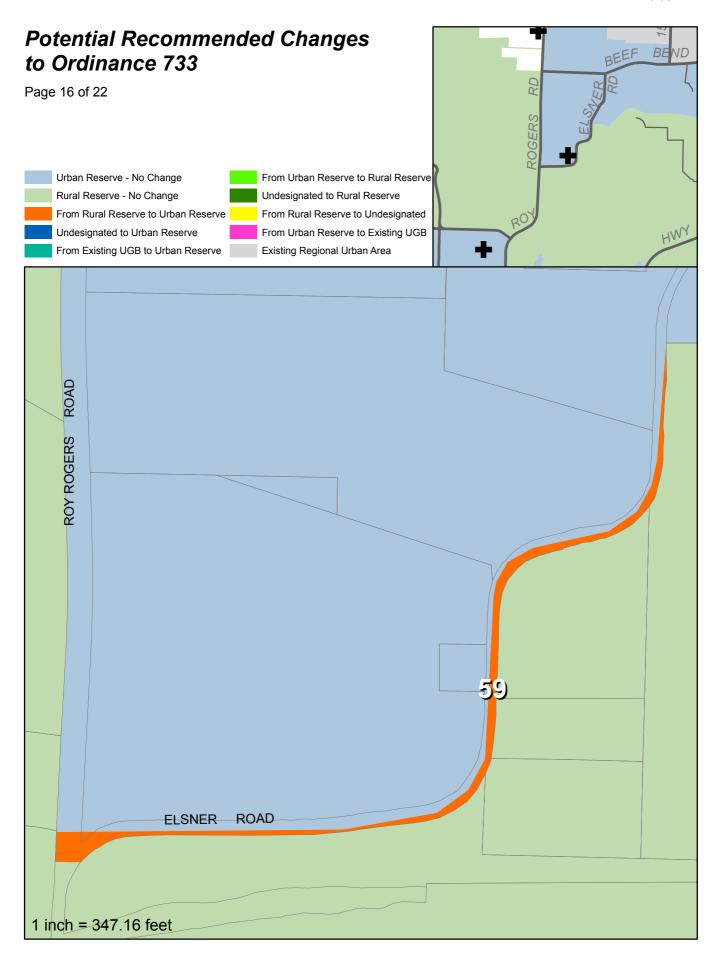




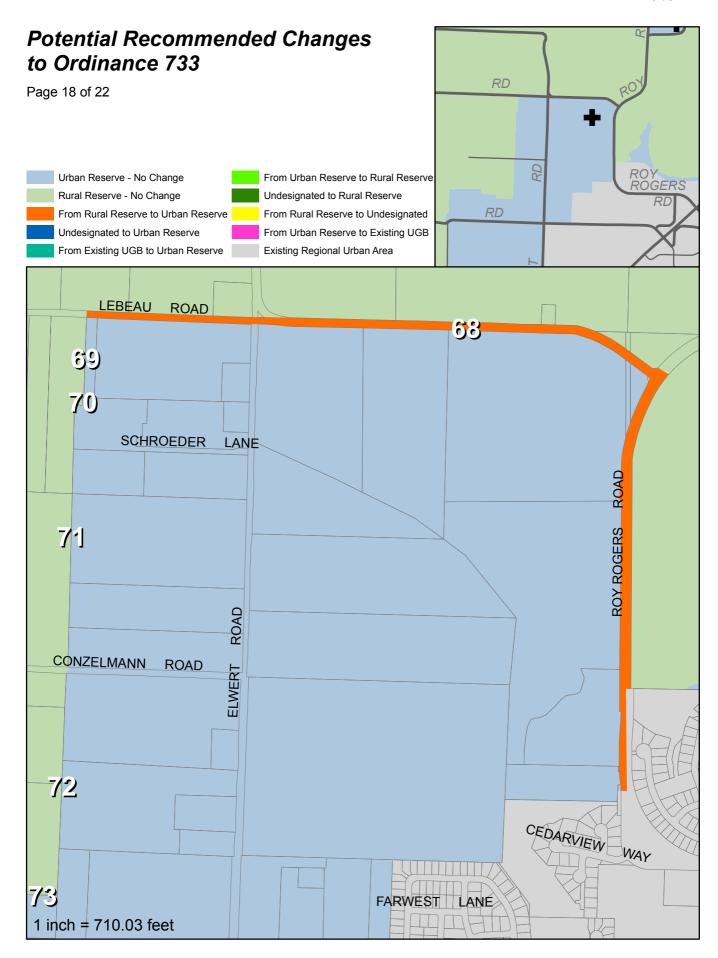


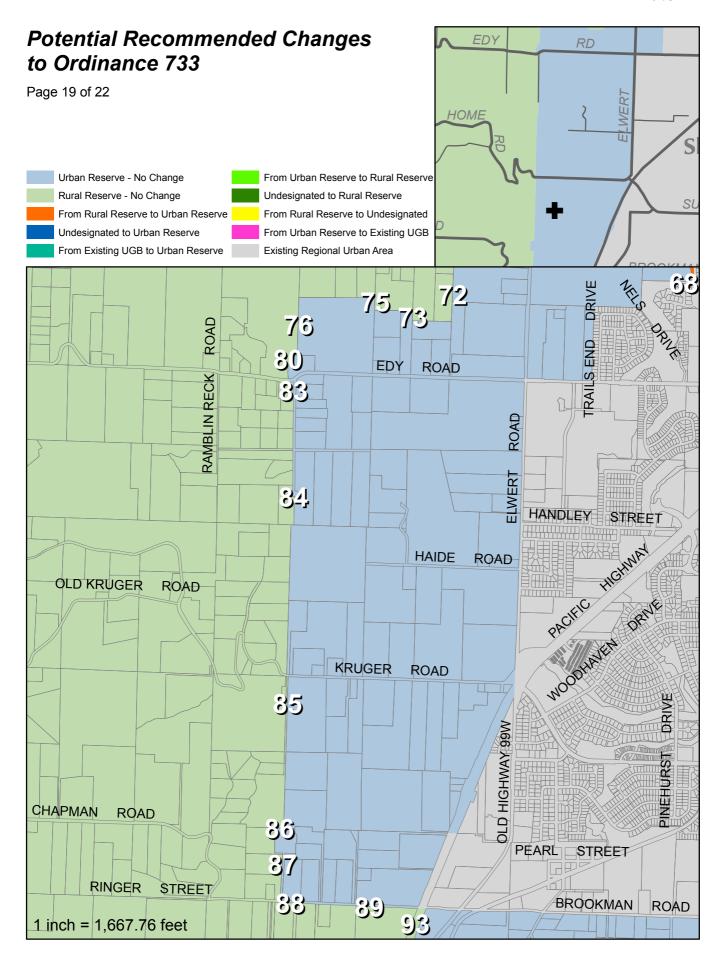


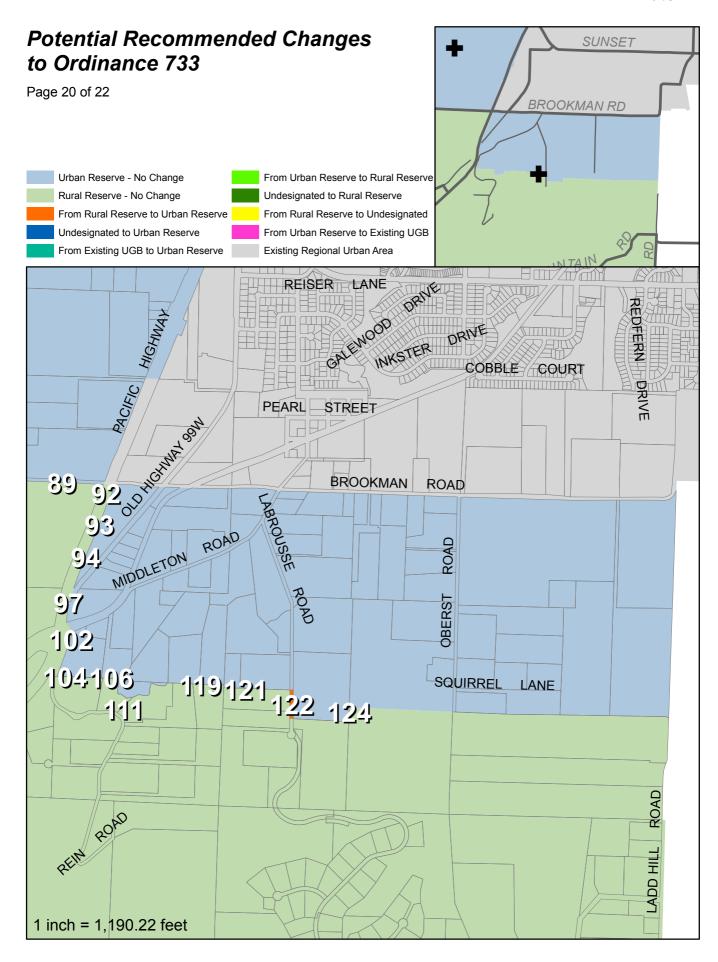


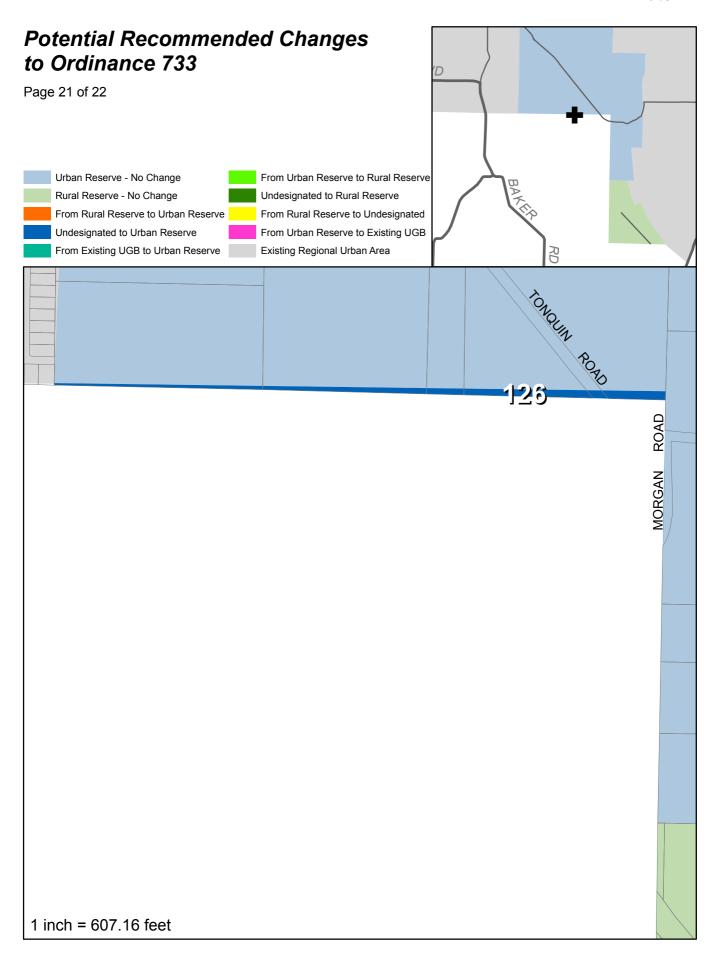




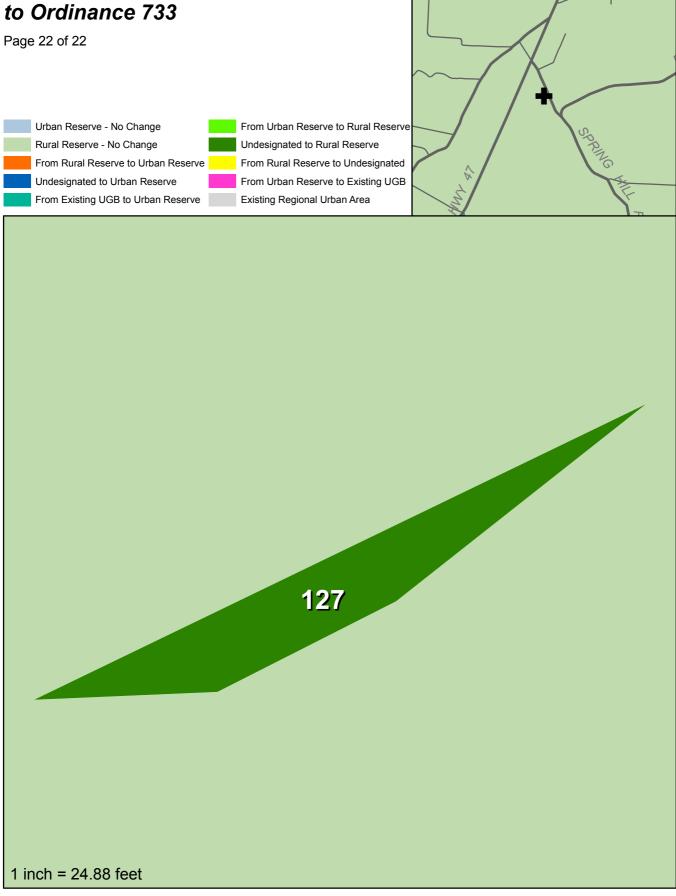








Potential Recommended Changes to Ordinance 733





WASHINGTON COUNTY OREGON

April 14, 2010

To:

Washington County Planning Commission

From:

Brent Curtis, Planning Manager Dyll

Department of Land Use & Transportation

Subject:

PROPOSED LAND USE ORDINANCE NO. 733 - AMENDING THE

COMPREHENSIVE PLAN TO DESIGNATE RURAL RESERVES AND

ADOPT URBAN RESERVES AS DESIGNATED BY METRO

STAFF REPORT

For the April 21, 2010 Planning Commission Hearing (The public hearing will begin no sooner than 7:30 PM)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend that the Board of County Commissioners (Board) order engrossment of Ordinance No. 733 to include technical map amendments and additional implementing amendments to the Rural/Natural Resource Plan and Comprehensive Framework Plan for the Urban Area. These items will be provided to you by staff at the April 21, 2010 worksession.

II. RESERVES PROCESS SUMMARY

Ordinance No. 733 constitutes the final step in the process to designate urban and rural reserves in Washington County. The process began in 2006 with the development of a joint study entitled "The Shape of the Region," an analysis of how the agricultural economy, natural areas and urban communities contribute value to the metro region. Findings from this study helped inform the creation and adoption of Senate Bill (SB) 1011 by the Oregon Legislature the following year. SB 1011 was intended to address deficiencies in the current growth management and urban growth boundary (UGB) expansion process in the Portland metropolitan area. Previously, UGB expansions tended to force growth onto lands not necessarily suited to cost-effective urbanization, nor did expansion account for long-term protection for the region's most important farm and forest land. SB 1011 represented a new approach to future UGB expansions in the Portland metro area.

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Oregon Administrative Rule (OAR) 660-027, *Urban and Rural Reserves in the Portland Metropolitan Area*, was adopted subsequent to SB 1011 and outlined the criteria for reserves designation. The OAR stated that counties may designate rural reserves by entering into an intergovernmental agreement (IGA) with Metro. In a coordinated process, Metro may designate urban reserves through the same IGA. Once adopting the county-Metro IGA, the county must amend its comprehensive plan to identify the reserve areas and provide a policy framework for the protection and long-term management of both urban and rural reserves. Ordinance No. 733 provides this identification and protection for reserves.

An IGA between Washington County and Metro was adopted on February 23, 2010. The agreement was not a land use decision, but did provide an opportunity for the county and Metro to jointly specify where reserves would be located, agree upon the principles for managing reserves, and consider public testimony. The following sections of this staff report describe the proposed changes to the Washington County Comprehensive Plan and how these amendments implement the requirements of the IGA between the county and Metro.

III. ORDINANCE OVERVIEW

Ordinance No. 733 implements the requirements of OAR 660-027 and the IGA with Metro by amending the Rural/Natural Resource Plan to add Policy 29, Urban and Rural Reserves. Proposed Policy 29 incorporates provisions of the IGA with Metro to indicate how reserve areas will be protected and managed over time.

Proposed Policy 29 states that the county will:

- 1. Designate rural reserves in Washington County;
- 2. Adopt urban reserves in Washington County that are designated by Metro;
- 3. Participate with the appropriate city or cities in development of concept plans for urban reserve areas under consideration for addition to the UGB; and
- 4. Review the designations of urban and rural reserves, in coordination with Metro and Clackamas and Multnomah Counties, twenty (20) years after the adoption of reserves by the four governments, unless the four governments agree to review the reserves sooner.

The overarching goal of a rural reserve designation is to provide long-term protection from urbanization over the fifty (50) year reserves timeframe. A rural reserve designation will not prohibit existing or allowed uses under a property's current land use designation. Areas outside the UGB were considered for rural reserves if they were considered subject to urbanization pursuant to OAR 660-027-0060(2)(a). For the purposes of Washington County's reserves study area, the subject to urbanization factor was determined to be five miles from the existing UGB.

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Urban reserves are designated areas outside the regional urban growth boundary (UGB) that will be the highest priority for inclusion within the regional UGB when Metro's land need assessments determine that additional urban land is needed for housing and/or employment. Metro is the designating authority for UGB expansion.

Concept planning for urban reserves in Washington County will be coordinated between the county and the applicable city (or cities) and shall occur prior to Metro including additional land into the regional UGB. Concept planning shall include considerations on finance, provisions of infrastructure, natural resource protection, and governance, and shall be in accordance with 2040 Growth Concept plan elements.

The cities of Banks and North Plains are outside of Metro's jurisdictional boundary. The area around both cities has been left undesignated to provide for each city's future growth potential. Future urban reserve designation(s) for these cities will occur pursuant to OAR 660-021 (Division 21, Urban Reserves).

The first hearing on Ordinance No. 733 before the Board is scheduled for Tuesday, April 27, 2010.

Ordinance Notification

Ordinance No. 733 and an accompanying summary were mailed to Citizen Participation Organizations (CPOs) and interested parties on March 12, 2010. A display advertisement regarding the proposed ordinance was published in *The Oregonian* on April 1, 2010 and in the *Hillsboro Argus* on April 2, 2010. Individual Notice 2010-001 describing proposed Ordinance No. 733 was mailed to 256 people on the General Notification List on April 7, 2010. A copy of this notice was also mailed to the Planning Commission at that time.

Staff Recommended Changes to Ordinance No. 733

Since the filing of Ordinance No. 733, staff has identified additional changes to elements of the county's Comprehensive Plan that are necessary to fully implement urban and rural reserves. The changes are primarily technical in nature (e.g. addressing mapping errors, providing for consistent delineations between reserve areas, and addressing reserves during the next Transportation Plan update).

These draft changes will be provided to the Commission at its hearing on April 21, 2010.

IV. BACKGROUND

The urban and rural reserves designation process for the Portland metropolitan area has its genesis in a joint study completed in 2006 between Metro, Clackamas, Multnomah, and Washington counties, the Oregon Department of Agriculture (ODA), and the Oregon Department of Land Conservation and Development (DLCD). This study - known as the "Shape of the Region" - specifically considered how the agricultural economy, natural areas, and urban communities contribute value to our region. The three primary components of the study entailed:

- 1. An assessment of the agricultural lands that surround the Metro region and their long-term commercial viability;
- 2. An inventory of the natural landscape features that define this region; and
- 3. An analysis of factors that contribute to the development and enhancement of great urban communities.

Findings from this study helped inform the creation and adoption of Senate Bill 1011 by the Oregon Legislature in 2007. SB 1011 directed the Land Conservation and Development Commission (LCDC) to create new Administrative Rules (OAR 660-027) that provide a process and set of criteria for the adoption of rural and urban reserves by Metro and the above three counties. OAR 660-027 was adopted by LCDC in 2008.

SB 1011 directed the Land Conservation and Development Commission ("LCDC") to "adopt by goal or by rule a process and criteria for designating rural reserves ..." Oregon Administrative Rule (OAR) 660-027, adopted in February 2008, provided a planning and governance framework by which Metro and the three counties designated rural and urban reserves. As noted in OAR 660-027-0005,

"the objective of this division is a 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."

Prior to the passage of SB 1011, the primary factors in determining the location of future UGB expansion areas were soil type and soil classification. This limited approach meant that lands brought into the UGB were not necessarily the most suitable for efficient, cost-effective urbanization, nor did this process adequately consider broad-based protection for the region's most important farm and forest land. Additionally, the location of the boundary's future expansions was not pre-determined; hence landowners and developers along the boundary's edge were often constrained in their ability to make long-term planning decisions or to invest in their properties because of the lack of certainty about their property's future urban or rural status.

OAR 660-027 provides for a long-term view of future land use capacity outside the existing regional UGB through designating a fifty-year supply of areas where urban development can occur. Also identified through the reserves process are those areas outside the UGB that will be precluded from development based on identified farm, forest, and/or natural resource attributes. The criteria, or "factors" used to guide the analysis for urban and rural reserves are provided through OAR 660-027-0050 for urban reserve recommendations and OAR 660-027-0060 for rural reserve recommendations. Each factor of the two rules is of equal

importance in the analysis. These factors were addressed through a series of successive iterations in the analysis process.

V. ANALYSIS

Initial Analysis: Early 2008 to September 2008

Beginning in early 2008, county staff began preliminary research to identify those areas that could meet the applicable rule factors found in OAR 660-027-0050 and OAR 660-027-0060. Urban reserves are needed to provide capacity for housing and employment for the 50-year time period as required in OAR 660-027-0040(2). The intent of a rural reserve designation is to preclude urban development patterns from occurring on lands identified for sustaining long-term agricultural and forestry operations and to preserve the integrity of natural features such as floodplains, steep slopes, regionally significant natural features, and areas that provide a "sense of place," such as buttes, bluffs, or extensive wetlands. Staff relied on assistance for this work from various stakeholder groups, including business, environmental, citizen, and neighborhood organization interests as well as the Washington County Urban and Rural Reserves Coordinating Committee (WCRCC).

The WCRCC was created in April 2008 in order to provide a forum for cooperative participation between the county, its cities, and county service providers. Two members from the Washington County Farm Bureau were also on the committee. The committee's primary function was to review policy-related issues and develop and submit consensus-based recommendations to the Regional Reserves Steering Committee (RSC). The RSC functioned similarly to the WCRCC, but at the regional level. The committee was charged with the development of recommendations on urban reserves to the Metro Council and recommendations to the individual county boards of commissioners on rural reserves. The RSC was led by the "Core 4," which consisted of one Metro councilor and one member of each county's board. The RSC also had seats for representatives from the two largest cities in each county, as well as one seat apiece representing the smaller cities of each county. One representative was designated to represent the neighboring cities outside Metro's urban growth boundary. In addition, the RSC included representatives from the business, agricultural, and the environmental conservation communities, social and economic equity organizations, and state agencies.

Throughout summer and early fall of 2008, Metro and Clackamas, Multnomah, and Washington Counties worked to identify which areas should be studied as potential candidates for both urban and rural reserves. In September 2008, the RSC approved an initial study area of 404,000 acres for the three counties. In March 2009, the WCRCC agreed on a Draft Reserves Study Area in Washington County of approximately 171,000 acres and forwarded that recommendation to the RSC. Of this total, approximately 107,000 acres were deemed *potentially* suitable for urban reserves. A map of the county's preliminary 171,000 acres study area is included at **Attachment A** to this report.

¹ A final time period determination for reserve designations was determined by the Core 4 in January 2010 to be no less than 50 years, as noted in the February 2010 county/Metro intergovernmental agreements designating reserves.

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Refinement Through the Screens: September 2008 to September 2009

Through successive "screens" of analysis, the 107,000 acre urban reserves study area was reduced to approximately 47,000 acres for based on a land needs analysis performed by county and city staff. Beginning in June 2009, cities began to develop pre-qualified concept plans to demonstrate how proposed urban reserves, if brought into the UGB, would complete each of their respective communities. This planning effort provided an opportunity for the cities to review their areas of interest and affirm if the identified areas were appropriate. The results of these efforts further refined the candidate urban reserves to approximately 39,000 acres. Final reductions to the proposed urban reserve areas prior to Core 4 deliberations included minimizing some of the proposed urban areas around the cities of Banks and North Plains, as well as minor adjustments to areas of interest for some cities.

The WCRCC recommended final acreage needs of approximately 34,300 acres for urban reserves to the RSC on September 8. At that time, 109,750 acres were proposed for rural reserves and approximately 27,200 acres were left undesignated. The requirement to accommodate projected urban land need was the deciding element in choosing between an urban reserve designation rather than a rural reserve designation where the underlying suitability analysis would otherwise support either designation. Relatively large areas around the cities of Banks and North Plains were left undesignated to account for future growth aspirations of each city. Future urban reserves planning for Banks and North Plains will be addressed through the process described in OAR 660-021, Urban Reserves. An amended map developed following discussion at the September 8th WCRCC meeting is included as **Attachment B** to this report.

A detailed overview of staff's analysis that informed the September 23, 2009 urban and rural reserve recommendations to the RSC can be found in **Attachment C** to this report.

Core 4 Deliberations: September 2009 to February 2010

The final meeting of the RSC occurred on September 23, 2009, which voted 11-2 to present the three counties' urban and rural reserves recommendations to the Core 4 for final deliberations. A regional map of preliminary reserve areas was approved by the Core 4 on October 12, 2009. The Core 4 continued to meet at least monthly through February 2010 to discuss the proposed regional reserves map and to draft preliminary language for the required intergovernmental agreements (IGAs) between Metro and each county.

The focus of discussion at the Core 4 meetings of September 30 and October 9, 2009 were the proposed urban reserve areas. Areas where there was initial alignment between the county suitability analysis, county advisory committee input, adjacent cities' aspirations and Metro's Chief Operating Officer's September 15 recommendation were identified in order to issue the initial draft Core 4 map.

Subsequent discussions at the November 20, 2009 Core 4 meeting resulted in a series of adjustments to the proposed urban reserves areas. Key changes to the county's recommendations included removing from urban reserve consideration the Helvetia area (in Urban Reserve area 2) north of NW West Union Road, as well as the area west of Clark Hill Road and south of Tile Flat Road on the western slope of Cooper Mountain (in Urban Reserve area 5).

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At the Core 4 meeting on December 9, Metro Council President David Bragdon and Councilor Carl Hosticka introduced a revised regional map dated December 8, 2009 that ultimately formed the basis of the final regional reserves map approved by the Core 4 (Attachment D to this report). This map showed a number of changes to the proposed urban reserves in Washington County, decreasing the acreage for urban reserves to 13,700 and resulting in County rural reserves of 130,495 acres. A second map was introduced at this meeting by Metro Councilors Park and Liberty, which showed a more significant reduction in the number of acres in urban reserves.

On December 10, 2009, the Metro Council approved a motion to use the Bragdon/Hosticka map as a basis for moving forward with final deliberations by the Core 4. Minor regional adjustments were made to the proposed urban reserve areas until February 2010. The Core 4 agreed to consolidate most of the undesignated areas of the county into adjacent rural reserves with the exception of undesignated areas adjacent to the city boundaries of Cornelius, Hillsboro, and areas northwest and south of Cooper Mountain. Undesignated areas around Banks and North Plains remained in order to allow for potential future growth of those cities pursuant to the urban reserve process described in OAR 660-021.

The final acreages for reserves in Washington County totaled 13,567 acres of urban reserves, 151,666 acres of rural reserves, and 5,961 acres of undesignated land. The reserves and undesignated lands are shown in the final Core 4 map dated February 18, 2010 in **Attachment E** to this report.

VI. RESERVES INTERGOVERNMENTAL AGREEMENT WITH METRO

Each county has now entered into an intergovernmental agreement (IGA) with Metro that identifies proposed urban and rural reserve areas. OAR 660-027-0030 requires a "coordinated and concurrent process" by Metro and each county to: 1) establish urban and rural reserves; 2) adopt amendments to Metro's Regional Framework Plan (RFP); and 3) adopt amendments to the counties' comprehensive plans. This governance framework is clarified in intergovernmental agreements (IGAs) between Metro and each of the three counties. The IGAs are a necessary prerequisite prior to the designation and adoption of rural reserves by each county and amendment adoptions to the respective county plans, pursuant to OAR 660-027-0030(3).

Proposed Ordinance No. 733 follows action by the Washington County Board of Commissioners on February 23, 2010 to enter into an IGA with Metro concerning the designation of urban and rural reserves. The IGA was not a land use decision, but did represent an initial agreement between the county and Metro to designate reserves. The IGA was adopted through a resolution and order consistent with state law. The text of the IGA is provided as **Attachment F** to this report.

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VII. PUBLIC INPUT

Throughout the reserves planning process, public involvement remained a priority. OAR 660-027-0030(2) called for creation of a coordinated public involvement process identifying public involvement activities and communication procedures for the duration of the reserves designation process. The Coordinated Public Involvement Plan (CPIP) was developed jointly by Clackamas, Multnomah, and Washington Counties and Metro and incorporated the public involvement requirements of Goal 1 (Citizen Involvement). The plan was approved by LCDC's Citizen Involvement Advisory Committee and the RSC adopted the plan in May 2008.

Washington County's Public Involvement Plan for Urban and Rural Reserves expanded upon the CPIP by providing additional public outreach and involvement opportunities. Washington County's Committee for Citizen Involvement (CCI) reviewed the county's Public Involvement Plan and Communications Plan and found them in accord with the regional CPIP. The WCRCC adopted the county's public involvement plan in June, 2008.

From implementation of public involvement activities in early 2008 to the September 2009 staff report recommendations, more than 2,000 comments were received. Input was gathered through open houses, online and print surveys, public testimony, public comment periods at WCRCC meetings, emails, faxes, letters, as well as staff presentations to organizations and interest groups.

Much of the public engagement process was regionally collaborative with additional county-centric activities tailored to the community. The most visible regional outreach activity was a series of 14 regional open houses (six within Washington County) attended by approximately 1,200 community members. Over 1,400 comments were received from questionnaires provided at the open houses, and from online responses. Comments were regularly compiled and posted on the county's reserves webpage and were made available to the advisory teams for each county and the region.

Washington County-specific efforts included creation of "Reserves Partners" which included approximately 54 groups and organizations representing business, development, environmental, agricultural and neighborhood interests. Information and requests for input on the reserves process was distributed through these groups. Other efforts included dozens of presentations throughout the county, radio and cable television broadcasts, a booth at the county fair, displays and information provided to libraries, merchants, and chambers of commerce. More than 17,000 postcards sent to each unique property address within the 171,000 acre recommended study area as well as property addresses just within the UGB boundary.

Much effort was spent on developing and maintaining reserves-specific web pages providing background information, meeting schedules, public involvement opportunities, and updated maps and documents. Developing media content and supporting media needs were additional key outreach components. By September, 2009 more than 200 articles had been published in local and regional newspapers regarding the reserves development process.

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In addition to open houses and opportunity for comment during WCRCC meetings, a public hearing was conducted August 20, 2009 in Hillsboro. WCRCC members received oral and written testimony from more than 250 community members and groups.

Input was generally divided between agricultural/natural resource protection and business development. In Washington County a grass-roots activist organization named Save Helvetia was formed to represent an area north of Highway 26 that aligned themselves with recognized groups like 1000 Friends of Oregon and the Washington County Farm Bureau. This coalition advocated for minimal urbanization of Washington County's agricultural lands.

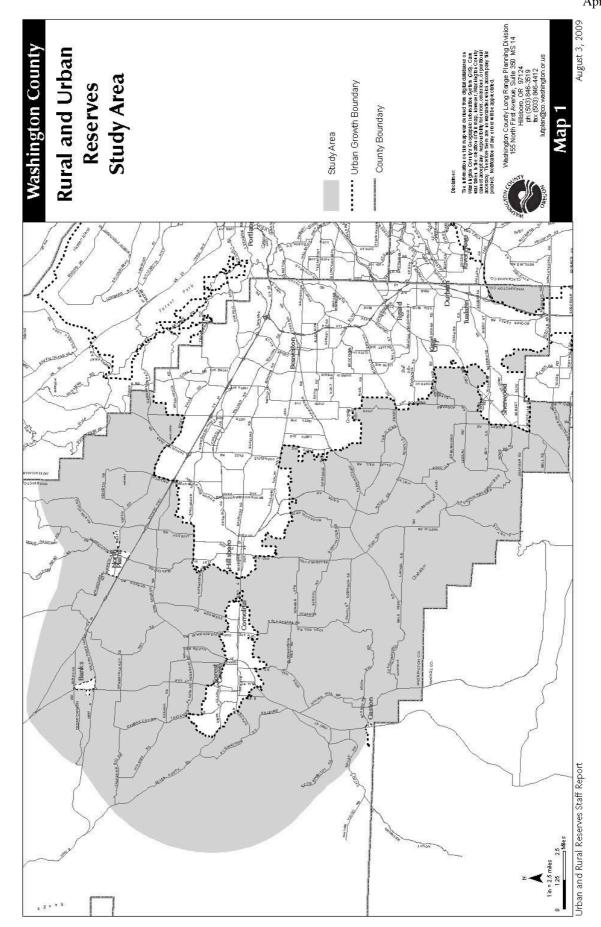
Relative to economic development, five Washington County cities collaborated on an economic trends analysis that indicated a need over the next 50 years for large-lot commercial and industrial lands. Their recommendations were supported by an analysis from the Oregon State Economic Development Office's Business Oregon Office and by a regional economic study conducted by the National Association of Industrial and Office Properties (NAIOP)/Group McKenzie that indicated a regional need for large lot parcels.

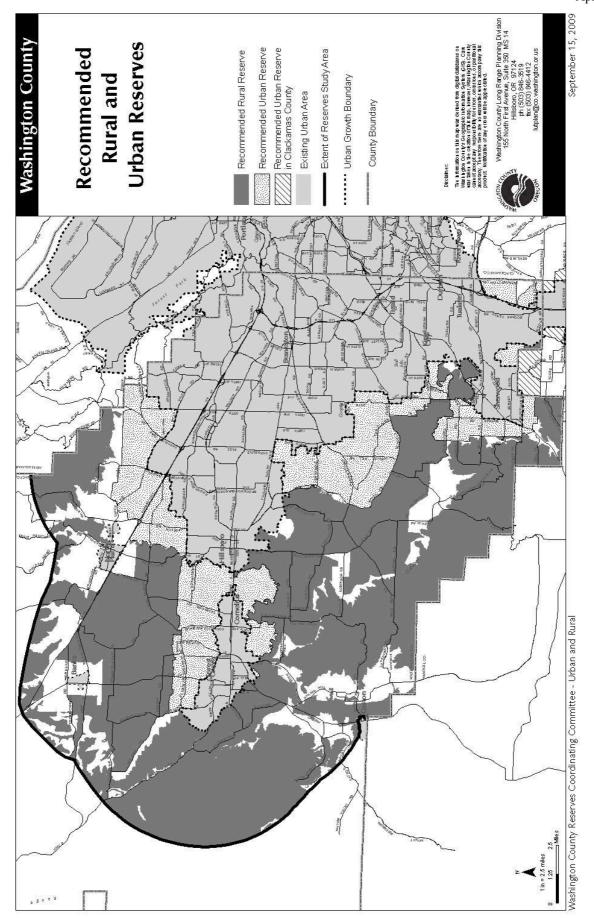
Regionally coordinated activities continued during Core 4 deliberations, including presentations and six regional open houses (two in Washington County) held in mid-January, 2010. The open houses drew approximately 850 community members, an online survey generated over 1,200 comments and updated websites drew over 11,000 visits to the reserves website.

All three counties held public hearings, including December 8th and 15th in Washington County. The Metro Council held a series of four public hearings in conjunction with the open houses, taking testimony from more than 230 citizens.

A detailed summary of the public involvement process is provided as **Attachment G** to this report.

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Detailed Staff Analysis

Urban Reserves

In spring of 2008, Staff - in cooperation with county cities and other stakeholders - began the process of analyzing areas on the UGB edge for potential urban reserve designation. Each of the factors were applied, weighed, and balanced to the study areas and all factors were equally important. Staff presented the on-going analysis work to the Washington County Planning Directors, the WCRCC, the RSC, and the Core 4 at their regular meetings.

Initially, each of the administrative rule factors was broadly applied across areas of the study area deemed potentially suitable for urban or rural reserves. A more refined spatial analysis was subsequently performed through a GIS analysis that included the cities' growth aspiration plans. Pre-qualified Concept planning was submitted to the county as part of each cities aspiration analysis. The Pre-qualified concept plans submitted by each city accounted for projected employment and housing needs and included Metro's regional 2040 planning typology of focusing development within major centers and along major transportation corridors. Pre-qualified concept plans were not intended to be official, binding land use plans but rather were a depiction of a city's ideas of how candidate urban reserve areas fit with established centers and transportation corridors, city aspirations for future growth, and how lands within the candidate areas could be used to create great communities. The estimated land needs identified by both the county and the cities were based on the efficient utilization of existing vacant lands, redevelopment, and infill opportunities and derived from data obtained from the Census Bureau, Portland State University's Population Center, and the growth distribution models prepared by Metro and county staff.

Based on several factors, including city aspirations, business community input, GIS suitability analyses, and staff-derived estimated lands needs through 2060, the WCRCC voted to approve a reduced urban reserves area (from the initial 107,000 acres of proposed urban reserves) of approximately 47,000 acres in May 2009. The pre-qualified concept plans submitted by the cities refined the urban reserves acreage downward to 39,000 acres. The final staff recommendation of 34,300 for urban reserves resulted from a reduction of the urban areas of interest from the cities of Banks and North Plains. Though not included within Metro's jurisdictional boundary, each city participated in the reserves process through meeting attendance and submittal of prequalified concept plans. Future urban expansion for these cities will occur through OAR660-021.

Rural Reserves

All of the 171,000 acre draft study area agreed to by the WCRCC in March 2009 was initially considered potentially suitable for rural reserves and was analyzed accordingly. The basis for the rural reserves analyses were the inventories conducted by the Oregon Department of Agriculture (DOA), the Oregon Department of Forestry (ODF), and Metro's Natural Landscape Feature Inventory. These inventories provided a first 'screen' of the analyses. The agricultural map showed three distinctions to county lands in the study area, namely, foundation, important, and conflicted lands. Foundation agricultural lands included all land on the valley floor in addition to hillside areas under 350 feet. Because city boundaries abut foundation land, staff believed it necessary to provide additional analysis of suitability beyond the ODA Agricultural Lands

Inventory as discussed below. The forest land inventory supplied by ODF had no less than four separate classifications, including "Wildland Forest," which is defined as "large continuous tracts of forest land with fewer than five dwellings per square mile." Areas designated as Wildland Forest on the ODF map were classified as Tier 1 areas given that Wildland Forest areas met the applicable reserve factors (2b-2d).

Staff included Metro's Natural Landscape Features Inventory as Tier 1 areas and augmented that map and report by including County Goal 5 lands, slopes over 25%, and elevations over 350 feet in order to capture the 'sense of place' criteria contained in rural reserve factor 3E. Each rural reserve factor was applied to each of the above three resources separately, and a composite map was then created from the respective analyses that resulted in areas most suitable to rural reserve designation. Further discussion of the analysis for each of these resources, including tiers and sub-area determinations for the study area follows.

The study area was divided into 41 sub-areas comprising four tiers based on an analysis of how subject to urbanization a sub-area was, how parcelized it was, its agricultural productivity, and the dwelling density throughout the area. Tier 1 indicates that candidate areas are most suitable for rural reserves, followed by Tier 2, 3 and 4. All Tier 1 sub-areas had high productivity ratings given the importance of land productivity to the agricultural component of rural reserve designation. Dwelling density was generally lowest in Tier 1 areas given the negative externalities discussed below. Areas highly subject to urbanization included areas within a city's area of aspiration for future growth. Medium subject to urbanization generally formed a middle band in the study area and low subject to urbanization was the outer third of the study area furthest away from the UGB.

Agricultural Analysis: The agricultural analysis first considered Factor (2)(a), which states that lands suitable for rural reserves must be in an area that is "potentially subject to urbanization". Subject to urbanization was left undefined in the rule. Staff noted that the entire study area could be "potentially subject to urbanization" as stated in factor (2)(a) over the 50 year time frame of the reserves period. To further delineate this factor, staff classified the urbanization potential of the study area as low (subject to urbanization potential), medium, or high, as discussed on page 22 of the September 8 staff report. To consider and apply the remaining factors, staff also considered the soil capability classification of an area, agricultural productivity ratings for soils, residential dwelling density, degree of parcelization of the area, and finally how physical features define a given area.

The "Soil Survey of Washington County, Oregon" published in 1982 by the Soil Conservation Service (now National Resource Conservation Service) has been consistently used by the county to define soil types since its publication. Soil classification was considered in addition to the criteria noted above. Consideration of soil types are discussed in more detail on page 24 of the September staff report.

Agricultural productivity was determined primarily through availability of water to an area. This determinant was used given that water allocation is already allocated within the major

² "Forests, Farms, and People: Land Use Change on Non-Federal Land in Western Oregon, 1973-2000." Oregon Department of Forestry, May, 2002.

watersheds of the county and - as staff noted on page 22 of the staff report - the likelihood that water is going to be more intensively managed in the future is high given projected population increases as well as climate change considerations. Areas that have existing access to water ranked higher as areas to reserve for long-term agriculture operations over those areas without water given the broader array of crops that can be grown on irrigated land. Staff used a peer-reviewed published document by a former Oregon State Extension Service soil specialist that documents how the application of water to different soil classes increases potential production.³

Parcelization of an area was also used in the analysis given staff's belief that commercial agricultural production is more easily facilitated in areas where parcel size is large enough to viably farm, given economies of scale and the input cost of agricultural infrastructure such as drainage tile, machinery, etc. Dwelling density was typically higher in areas that were more parcelized. High dwelling unit density is considered more likely to be a negative factor to agricultural uses given the potential for residential complaints related to typical agricultural practices such as spraying, machinery hours of operation and noise, increased dust levels from tillage, etc. Residential uses can potentially impact farm operations through increased traffic congestion on rural roads, trespass and/or vandalism, or livestock disturbance from household pets.

Forest Lands Analysis: In addition to considerations of long-term agricultural operations, OAR 660-027-0060(2) requires an analysis of areas outside the UGB that are capable of sustaining long-term forestry operations. To map forestlands, staff used the ODF Wildland Forest Inventory mapping data from the 2008 report noted above. The inventory classified forestry conditions in the county into multiple data categories. 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. Tier ranking determinations for forestry conditions were facilitated by the greater level of detail provided in the ODF report.

Due to their location above the valley floor, Wildland Forest areas were determined to have a low subject to urbanization rating. Given this fact and the data distinctions in the ODF report, an iterative GIS analysis such as that conducted for the analysis of the relevant agricultural factors was not required.

Natural Features Analysis: OAR 660-027-0060(3) called for consideration of those areas identified in Metro's February 2007 "Natural Landscape Features Inventory". Metro presented two revised Natural Landscape Features Inventory maps (NLFI), the first in October, 2008; the second at the August 12, 2009 Regional Reserves Steering Committee meeting. These revisions were made to the initial Metro inventory (2007) that was to be used as the basis for Rural Reserve Factor (3) to identify potential rural reserves. The first revision was subsequently included in the county's analysis process. The second revision wasn't made available until after staff had completed the analysis and had written, distributed and presented preliminary

³ Agricultural Productivity Ratings for Soils of the Willamette Valley. Huddleston, J.H. 1982. Oregon State University Extension Service - Circular 105.

recommendations for rural and urban reserves to the WCRCC as reflected in the August 3, 2009 Urban and Rural Reserves draft staff report.⁴

As shown in Map 32 of the September 23 report appendix, staff augmented the NLFI map to include the county's acknowledged Goal 5 areas, steep slopes (25% or greater) and a sense of place criterion for areas over 350 feet pursuant to Factor (3)(e). The subject to urbanization criterion was not delineated as it was for the agricultural and forestry analysis in order to allow for all natural features within the study area to be considered equally relative to this factor and to capture the 'sense of place' factor as expressed in (3)(e).

Undesignated Areas

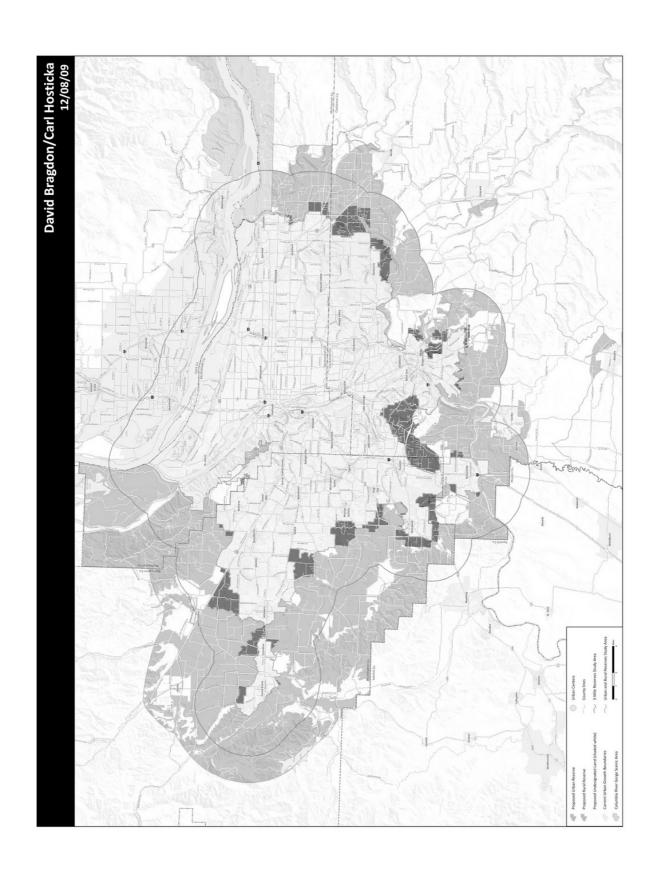
In September, 2009 the WCRCC received the county's final recommendations for rural and urban reserves. Included on the reserves recommendation maps were areas throughout the county that were left undesignated - lands determined to be unsuitable for either urban or rural reserve designation based on the iterations of the GIS analyses. There were three principal reasons for undesignated lands determinations.

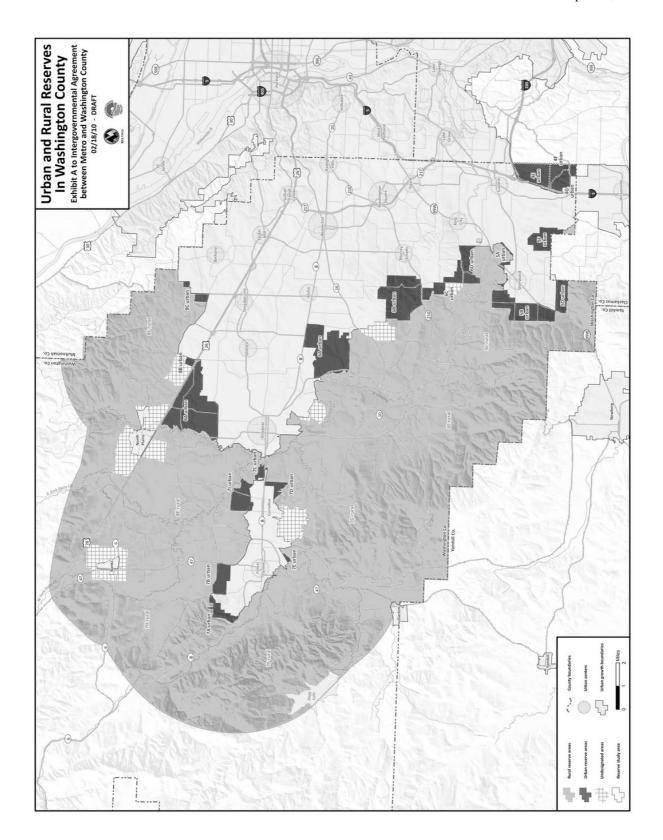
- 1) The cities of Banks and North Plains are outside of Metro's jurisdictional boundaries. The cities will undertake future studies to identify urban and rural reserves pursuant to OAR 660-021. Undesignated areas surround each city to allow for any future urban development.
- 2) Some undesignated areas were not identified as the highest priority for agricultural lands, Wildland Forest or important natural landscape features.
- 3) The land needs estimates for urban reserves provided a range of population and employment needs for fifty (50) years. The total acreage recommended for urban reserves falls within the lower half of the lands need estimate range determined by county staff. Staff therefore deemed it appropriate to retain some undesignated lands to address future potential need within the recommended Urban Reserves.

As a result of Core 4 deliberations in early 2010, much of the undesignated land area throughout the rural areas of the county was included within adjacent rural reserve areas.

On September 23, 2009, the WCRCC voted 11-2 to forward staff's recommendation on proposed urban and rural reserve areas to the RSC. The recommendation included approximately 34,300 acres of urban reserves, approximately 109,750 acres of rural reserves, leaving approximately 27,200 acres undesignated in Washington County's Reserve Study Area.

⁴ Staff believes there is no significant difference between the October 2008 revised NLFI used by staff and the August 2009 revised NLFI that were not already addressed as part of the cities' pre-qualified concept plans or the rural reserve analysis.





Intergovernmental Agreement Between Metro and Washington County To Adopt Urban and Rural Reserves

This Agreement is entered into by and between Metro and Washington County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of agreeing on the elements of an ordinance to be adopted by Metro designating Urban Reserves and of an ordinance to be adopted by Washington County designating Rural Reserves, all in Washington County.

PREFACE

This agreement will lead to the designation of Urban Reserves and Rural Reserves. Designation of the Urban and Rural Reserves by this agreement will help accomplish the purpose of the 2007 Oregon Legislature in enacting Senate Bill 1011, now codified in ORS 195.137 to 195.145 ("the statute"):

Facilitate long-term planning for urbanization in the region that best achieves

- Livable communities:
- Viability and vitality of the agricultural and forest industries; and
- Protection of the important natural landscape features that define the region.

RECITALS

WHEREAS, Metro and Multnomah, Washington and Clackamas Counties ("the four governments") have declared their mutual interest in long-term planning for the three-county area in which they exercise land use planning authority to achieve the purpose set forth in the statute; and

WHEREAS, the Oregon Legislature enacted the statute in 2007, at the request of the four governments and many other local governments and organizations in the region and state agencies, to establish a new method to accomplish the goals of the four governments through long-term planning; and

WHEREAS, the statute authorizes the four local governments to designate Urban Reserves and Rural Reserves to accomplish the purposes of the statute, which are consistent with the goals of the four governments; and

WHEREAS, the Land Conservation and Development Commission ("LCDC") adopted rules to implement the statute on January 25, 2008, as directed by the statute; and

WHEREAS, the statute and rules require the four governments to work together in their joint effort to designate reserves and to enter into formal agreements among them to designate reserves in a coordinated and concurrent process prior to adoption of ordinances adopting reserves; and

WHEREAS, the statute and the rules set forth certain factors to be considered in the designation of reserves, and elements to be included in ordinances adopting reserves; and

WHEREAS, the four governments have followed the procedures and considered the factors set forth in the statute and the rule; and

WHEREAS, the four governments have completed an extensive and coordinated public involvement effort; and

WHEREAS, the four governments have coordinated their efforts with cities, special districts, school districts and state agencies in the identification of appropriate Urban and Rural Reserves;

NOW, THEREFORE, Metro and Washington County agree as follows:

AGREEMENT

- A. **Metro agrees** to consider the following policies and Urban Reserve designations at a public hearing and to incorporate them in the Regional Framework Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:
- 1. A policy that designates as Urban Reserves those areas shown as proposed Urban Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of this agreement.
- 2. A policy that determines that the Urban Reserves designated by the Regional Framework Plan pursuant to this agreement are intended to provide capacity for population and employment between 2010 and 2060, a total of 50 years from the date of adoption of the ordinance designating the reserves.
- 3. A policy that gives highest priority to Urban Reserves for future addition to the urban growth boundary (UGB).
- 4. A map depicting the Urban Reserves adopted by Metro and the Rural Reserves adopted by Washington County following this agreement.
- 5. A policy that Metro will not add Rural Reserves designated by ordinance following this agreement to the regional UGB for 50 years.
- 6. A policy that Metro will not designate "Rural Reserves" as Urban Reserves for 50 years.
- 7. A policy that Metro will require a "concept plan", the required elements of which will be specified in the Urban Growth Management Functional Plan in consultation with the county, for an area of Urban Reserves under consideration for addition to the UGB to be completed prior to the addition. Concept plans shall include elements on finance, provision of infrastructure, natural resource protection, governance, the planning principles set forth in Exhibit B and other subjects critical to the creation of great

communities. Concept plans will provide that areas added to the UGB will be governed and planned by cities prior to urbanization.

- 8. A policy that Metro will review the designations of Urban and Rural Reserves, in coordination with Clackamas, Multnomah and Washington Counties, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.
- B. Washington County agrees to consider the following policies and Rural Reserve designations at a public hearing and to incorporate them in its Comprehensive Plan, or to incorporate them as revised pursuant to subsections 3 and 4 of section C of this agreement:
- 1. A policy that designates as Rural Reserves the areas shown as proposed Rural Reserves on Exhibit A, attached to this agreement, or on any amendment to Exhibit A pursuant to section C of this agreement.
- 2. A map depicting the Rural Reserves designated by the Comprehensive Plan and the Urban Reserves adopted by Metro following this agreement.
- 3. A policy that Washington County will not include Rural Reserves designated pursuant to this agreement in the UGB of any city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
- 4. A policy that the county will not re-designate Rural Reserves as Urban Reserves for a city in the county for 50 years from the date of adoption of the ordinance designating the reserves.
- 5. A policy that commits the county, together with an appropriate city or cities, to participation in development of a concept plan for an area of Urban Reserves under consideration for addition to the UGB.
- 6. A policy that the county will review the designations of Urban and Rural Reserves, in coordination with Metro and Clackamas and Multnomah Counties, 20 years after the adoption of reserves by the four governments pursuant to this agreement, unless the four governments agree to review the reserves sooner.
- C. Washington County and Metro agree to follow this process for adoption of the ordinances that will carry out this agreement:
- 1. Each government will hold at least one public hearing on its draft ordinance prior to its adoption.
- 2. Metro and the county will hold their final hearings and adopt their ordinances no later than June 8, 2010.

- 3. If testimony at a hearing persuades Metro or the county that it should revise its ordinance in a way that would make it inconsistent with this agreement, then it shall continue the hearing and propose an amendment to the agreement to the other party and to Clackamas and Multnomah Counties.
- 4. If Washington County or Metro proposes an amendment to the agreement, the party proposing the agreement will convene the four governments to consider the amendment. Any objections or concerns raised by a government that is not party to this IGA shall be considered carefully and the four governments shall take reasonable, good faith steps to reach consensus on the amendment. After this consultation, Washington County and Metro may agree to an amendment.
- 5. Metro and Washington County will adopt a common set of findings, conclusions and reasons that explain their designations of Urban Reserves and Rural Reserves as part of their ordinances adopting the reserves. Metro and the county will incorporate maps into their respective plans that show both the Urban and Rural Reserves in Exhibit A to this agreement, with the county showing only the reserves in the county.
- 6. Metro and Washington County will establish, in coordination with Clackamas and Multnomah Counties, a process for making minor revisions to boundaries between Urban Reserves and undesignated land that can be made at the time of concept planning, and a process for making minor additions to Rural Reserves, with notice to, but without convoking all four reserves partners.
- 7. Within 45 days after adoption of the last ordinance adopting reserves of the four governments, Washington County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.
- D. This agreement terminates on December 31, 2060.

WASHINGTON COUNTY	METRO	
Tom Brian Chair, Washington County Board of Commissioners	David Bragdon, Metro Council President	
Dated:	Dated:	
Approved as to form:	Approved as to form:	

Exhibit 4 attachment g

Planning Commission Staff Report Ordinance No. 733 April 14, 2010

Urban and Rural Reserves Public Involvement Activities in Washington County January 2008 – February 2010

Washington County Long Range Planning staff provided a range of public outreach and engagement opportunities to build awareness and solicit the public's input into urban and rural reserves designation. This document identifies the purpose of outreach efforts and the specifics of those efforts.

Background

Public involvement for the Urban and Rural Reserves process is guided by two principle elements: The Oregon Administrative Rules 660-015-0000(1) – Goal 1: Citizen Involvement, and the Coordinated Public Involvement Plan (CPIP) adopted by the regional Reserves Steering Committee (May 2008). The CPIP was reviewed and accepted by the Citizen Involvement Advisory Committee of the Oregon Land Conservation and Development Department as required to meet the objectives of Goal 1.

Washington County's Committee for Citizen Involvement (CCI) also reviewed and concurred with the CPIP. The county's CCI, established in 1975, consistently serves as a public engagement process providing community input to the Board of County Commissioners.

Washington County's Public Involvement Plan and subsequent Communications Plan (April 2008) addendum expand upon the CPIP by providing additional public outreach and involvement opportunities. The CCI reviewed and judged the county's Public Involvement Plan and Communications Plan to be in accord with the regional plan.

Analysis

The CPIP bases outreach and involvement activities on five general approaches, including: open house events, Committee for Citizen Involvement (CCI) and Citizen Participation Organization (CPO) presentations, County Coordination and Policy Advisory Committees, other stakeholder meetings, (and public hearings in Phase 4.)

Outreach efforts

The following efforts by Washington County staff were intended to fulfill the CPIP tasks. (In addition to Washington County efforts, both Multnomah and Clackamas counties provided similar opportunities throughout this process.)

Washington County Reserves Steering Committee meetings – 18

Regional Open House Events - 21:

- 2008: June 16, 26 (One in Washington County)
- 2008: July 7, 10, 12, 16, 21 (Two in Washington County)
- 2009: April 15, 16, 18, 20, 22, 27, 29, 30 (Three in Washington County)
- 2010: January 11*, 14*, 16, 19, 20*, 21* (Two in Washington County)

August 20, 2009 Public Hearing - Washington County Reserves Coordinating Committee December 8, 15 Washington County Board of Commissioners Public Hearings

Exhibit 4 ATTACHMENT G

Planning Commission Staff Report Ordinance No. 733 April 14, 2010

January 11, 14, 20 and 21 Metro Public Hearings (*held in conjunction with regional open houses.)

May, 2008 Stakeholder Interviews

June 11, 2008 Key Stakeholder Discussion

September 20, 2008 TVCTV Interview

Presentations:

2008

- Westside Economic Alliance
- Portland Metropolitan Area Realtors Association Government Liaison Board
- CCI x 2
- CPO8
- CPO7
- Interview KUIK Radio
- Tualatin Tomorrow Annual Event
- Washington County Farm Bureau Executive Board
- LUT Managers and Supervisors Mtg October 29
- Washington County Fair

2009

- CPO8 January 13
- CPO4K January 26
- CPO7 February 2
- American Association of University Women February 7
- CPO4M February 25
- Washington County Public Affairs Forum March 9
- CCI March 17
- CPO15 March 18
- Tualatin River Watershed Council April 1
- CPO7 April 6
- Tualatin Tomorrow Annual Event April 30
- LUT Managers and Supervisors Mtg May 6
- CPO3 June 18
- Tualatin Chamber of Commerce Forum Luncheon June 25
- CPO8 Panel Discussion July 14
- Washington County Fair
- Interview OPB August
- Tualatin River Watershed Council November 4

Online surveys:

- June August, 2008
- April June, 2009
- July September, 2009
- January 11 22,2010

Additional outreach activities:

Exhibit 4 attachment g

Planning Commission Staff Report Ordinance No. 733 April 14, 2010

- Provided on-going information for public awareness to over 60 partner groups including chambers of commerce, business development, rural farm suppliers, environmental and agricultural groups
- Produced and distributed multiple brochures and reports describing the reserves process
- Created and distributed more than 3000 postcards and brochures through partner affiliations, meetings, volunteer distribution
- Created and distributed more than 100 counter-top displays with postcards and brochures to community gathering centers including CSAs, farm stands, churches, cafes, grange halls and city offices
- Distributed posters and counter-top displays with postcards and brochures to all libraries within the Washington County Cooperative Library Association
- Provided articles and news updates to more than 55 partner organizations (representing development, environmental, neighborhood associations, chambers of commerce and agricultural interest groups)
- Provided news articles and meeting notices to regional and county-wide media outlets (more than 120 Urban and Rural Reserves and directly related articles published over the last year.)
- Produced and distributed updated interim and phase-specific public involvement reports (August 2008, April 2009, July 2009)
- Conducted two online surveys resulting in more than 1,400 comments
- Provided information to farm and agricultural attendees at two county fairs plus general public outreach
- Hosted an urban and rural reserves informational table at Tualatin Tomorrow Event in April 2009
- Distributed more than 13,000 notices to unique addresses in the county's Study Area and to addresses inside the existing UGB adjacent to the Study Area
- Convened a public hearing and open house with more than 250 community members in attendance
- Conducted 10 initial informational stakeholder interviews
- Convened monthly Reserves Coordinating Committee meetings each of which included public comment opportunities
- Presented to Tualatin Chamber of Commerce, the Westside Economic Alliance (WEA), the Portland Metropolitan Area Realtors (PMAR), the University Women's Association – Beaverton Chapter, and twice at the Washington County DLUT Managers and Supervisors meeting.
- Participated in a CPO-lead panel discussion including representatives of 1000 Friends, Oregon Department of Agriculture, Metro and Tualatin Valley Irrigation District
- Provided maps and analysis information to each of the cities in Washington County for discussion at city council meetings
- Gave interviews to local and regional broadcast companies (KEX, KUIK, OPB)

Exhibit 4

Planning Commission Staff Report Ordinance No. 733 April 14, 2010

- Videotaped discussions by Chair Brian on Tualatin Valley Community Television and the Clackamas County Government broadcast channel
- Maintained an updated website including maps and documents used in reserves analysis
- Maintained, updated and distributed to a reserves "Interested Parties" email list of approximately 800
- Provided ongoing project updates for distribution through stakeholder groups such as the Washington County Farm Bureau, the Tualatin Soil and Water Conservation District and 1000 Friends.
- Collected and compiled more than 2500 comments, testimonies, postcards and petitions.
- Mailed 27,000 postcards region-wide
- Collected and compiled more than 1100 comments, testimonies, emails and letters
- Developed and distributed Spanish English flyers

City Efforts

In addition to staff efforts listed above, each of the cities within Washington County provided ongoing opportunity for community awareness building and comment. Following are examples of city-led efforts:

City of Tualatin

- City Council work sessions in December 2008, February, March and April 2009
- Tualatin Planning Advisory Committee (Citizen Involvement Committee): January, February, March,
- April, May, June, July and August 2009
- Outreach at Tualatin Tomorrow Community Event April 2009 and Tualatin Crawfish Festival
 August 2009
- Published in: City newsletter (front page) June 2009
- August Public Hearing notice City newsletter August 2009
- Website content added and updated since April 2009
- Presentation to Stafford CPO April 2009

City of Forest Grove

 City Council and Planning Commission work sessions January, May, November 2008, January, March, May, July and August 2009.

City of Sherwood

- City Council and Planning Commission updates and discussions June, July, November 2008, January, February and August 2009.
- Presentation to Sherwood Chamber of Commerce January 2009
- Website information, updates and links ongoing
- Articles in city newsletter (the Archer) ongoing