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LAND CONSERVATION  
AND DEVELOPMENT

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July 14, 2010

HAND DELIVERED

**VIA HAND DELIVERY**

Urban and Rural Reserves Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem OR 97301

**Re: Objections to Adoption of Urban and Rural Reserves in Metropolitan Portland (Metro Ord. No. 10-1238A, Clackamas County Ord. No ZDO-233, Multnomah County Ord. No. 2010-1161, and Washington County Ord. No. 733-A)**

Dear Urban and Rural Reserves Specialist:

This office represents Metropolitan Land Group ("MLG"), the owner of approximately 38 acres of property located in the 607 acre study area known as East Bethany, in Multnomah County ("Property"). The purpose of this letter is to file written objections with the Department of Land Conservation and Development ("DLCD") to the adoption of urban and rural reserve designations in metropolitan Portland by the Metro Council ("Metro") and the Counties of Clackamas, Multnomah, and Washington (together, the "Counties") as referenced in the joint and concurrent submittal by these government agencies to DLCD dated June 23, 2010 ("Decision"). Please place this letter in the official record for this matter before both the Department and, if assigned, the Land Conservation and Development Commission ("LCDC").

**A. Executive Summary**

MLG requests that DLCD remand the reserves designations to Metro and the Counties to remove the "rural reserve" designation from the Property, replace it with an "urban reserve" designation, and to otherwise address the legal deficiencies identified herein. As set forth in greater detail below, the reasons for this request are the following:

- Substantial evidence in the record supports designating the Property as an "urban reserve" and conversely does not support the current designation as "rural reserve."

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- Metro and the Counties misconstrued applicable law and made a decision not supported by substantial evidence in designating the Property as a "rural reserve."
- The Decision violates Statewide Planning Goal ("Goal") 2 because it relies upon an unacknowledged extraneous report to formulate 50-year land needs.
- The Decision further violates Goal 2 because there is no adequate factual base to support the conclusion that all lands within three (3) miles of the UGB are necessarily "subject to urbanization" for purposes of OAR 660-027-0060(2)(a).
- The Decision violates Goal 12 because it does not include findings regarding the Oregon Transportation Planning Rule ("TPR").
- The enforcement of OAR 660-027-0060(4) by Metro and the Counties violates ORS 195.141(3) and (4).

## **B. Applicable Law**

### **1. SB 1011**

In 2007, the Oregon Legislative Assembly adopted, and the Governor signed, SB 1011, which authorized Metro and the Counties to jointly and concurrently designate urban and rural reserves in the Portland metropolitan area after consideration of specific review standards through a public process. SB 1011 is codified at ORS 195.137 through ORS 195.145. By its terms, SB 1011 was designed to facilitate long-range planning for population and employment growth, which would, in turn, provide greater certainty to agriculture, forest, and other industries; property owners; and public service providers. ORS 195.139. The Land Conservation and Development Commission ("LCDC") adopted administrative rules, now set forth in OAR Chapter 660 Division 27, to implement the new statutes. These rules, together with the provisions of ORS 195.137 *et seq.* and the Goals serve as the core legal standards at issue in this matter. These provisions authorize designation of two (2) types of reserves—urban and rural-- which are each described below.

### **2. Urban Reserves**

Urban reserves are lands located outside the Metropolitan Portland Urban Growth Boundary ("UGB") that are intended to provide for future UGB expansion over an extended period of time. ORS 195.137(2); OAR 660-027-0010(11). They are the highest priority for inclusion in any UGB expansion. OAR 660-027-0070(1).

OAR Chapter 660 Division 21 already provides Metro the authority to designate urban reserves. In lieu of exercising this authority, Metro may designate urban reserves in conjunction with

designating rural reserves by entering an intergovernmental agreement with the Counties and by adopting corresponding amendments to the regional framework plan. OAR 660-027-0020(1). Metro and the Counties must designate urban reserves after determining whether the land under consideration, either on its own or in combination with land already inside the UGB:

- "(a) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;
- (b) Includes sufficient development capacity to support a healthy urban economy;
- (c) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;
- (d) Can be designed to be walkable and served by a well-connected system of streets by appropriate service providers;
- (e) Can be designed to preserve and enhance natural ecological systems; and
- (f) Includes sufficient land suitable for a range of housing types."

ORS 195.145(5). OAR 660-027-0050 requires consideration of these same factors and also requires consideration of whether the land can be served with a well-connected system of bikeways, recreation trails, and public transit; whether it can be developed in a manner that preserves important natural landscape features included in urban reserves; and whether it can be designed to avoid or minimize adverse effects on farm and forest practices and important natural landscape features on nearby rural reserves. OAR 660-027-0050(4), (7), and (8).

Once designated, urban reserves must be planned to accommodate estimated urban population and employment growth in the Metro area for between 20 and 30 years beyond 2029, as more specifically identified by Metro. ORS 195.145(4); OAR 660-027-0040(2). A county may not allow uses not allowed, or smaller lots than were allowed, at the time of designation as urban reserves until the land within the reserves are added to the UGB. OAR 660-027-0070(3).

### **3. Rural Reserves**

Rural reserves are lands located outside the UGB that are designed to provide long-term protection for agriculture, forestry, or important natural landscape features. ORS 195.137(1);

OAR 660-027-0010(9). Each county is charged with designating rural reserves within its boundaries by entering an intergovernmental agreement with Metro and by adopting corresponding amendments to comprehensive plan and zone maps. OAR 660-027-0020(2); OAR 660-027-0040(7). Metro and the Counties must designate rural reserves after determining whether the land under consideration:

- "(a) Is situated in an area that is otherwise potentially subject to urbanization during the period described in subsection (2)(b) of this section, as indicated by proximity to the urban growth boundary and to properties with fair market values that significantly exceed agricultural values;
- (b) Is capable of sustaining long-term agricultural operations;
- (c) Has suitable soils and available water where needed to sustain long-term agricultural operations; and
- (d) Is suitable to sustain long-term agricultural operations, taking into account:
  - (A) The existence of a large block of agricultural or other resource land with a concentration or cluster of farms;
  - (B) The adjacent land use pattern, including its location in relation to adjacent nonfarm uses and the existence of buffers between agricultural operations and nonfarm uses;
  - (C) The agricultural land use pattern, including parcelization, tenure and ownership patterns; and
  - (D) The sufficiency of agricultural infrastructure in the area."

ORS 195.141(3). OAR 660-027-0060(2) delineates the same factors for designation of rural reserves intended to provide long-term protection to the agricultural industry. Notwithstanding the requirement to apply these factors, a county may designate Foundation Agricultural Lands or Important Agricultural Lands within three (3) miles of an Urban Growth Boundary as rural reserve without additional explanation. OAR 660-027-0060(4).

OAR 660-027-0060(2) provides factors for consideration of lands for designation of rural reserves intended to provide long-term protection to the forestry industry. These factors are analogous to the factors applicable to lands under consideration for designation as rural reserves intended to provide long-term protection to the agriculture industry.

OAR 660-027-0060(3) provides additional factors for consideration of lands for designation as rural reserves intended to protect important natural landscape features as follows:

- "(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described OAR 660-027-0040(2) or (3);
- (b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;
- (c) Are important fish, plant or wildlife habitat;
- (d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;
- (e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;
- (f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses
- (g) Provide for separation between cities; and
- (h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks."

Once a rural reserve is designated, it cannot be redesignated as an urban reserve or annexed into an Urban Growth Boundary for a period for a period between 20 and 30 years after 2029, as more specifically identified by Metro. ORS 195.141(2); OAR 660-027-0040(4), (5). A county may not permit uses not allowed, or smaller lots than were allowed, at the time of designation as rural reserves unless the lands are designated as other than rural reserves. OAR 660-027-0070(3).

## **C. Facts Common to All Objections**

### **1. Implementation of SB 1011 by Metro and the Counties**

This is the first time that Metro and the Counties have adopted reserves designations under ORS 195.137 *et seq.* and OAR Chapter 660 Division 27. Thus, there has been no precedent to guide these agencies.

To implement the reserves designations process, each County formed its own reserves committee, which provided recommendations to a regional stakeholders group formed by Metro and the Counties, the Reserves Steering Committee ("RSC"). The RSC, in turn, provided a recommendation to the governing bodies regarding reserves designations. The RSC made its final recommendations on reserves designations in February 2010. By February 25, 2010, Metro and the Counties approved and executed their respective intergovernmental agreements ("IGA's") identifying preliminary reserves designations throughout the region. In many cases, the preliminary reserves designations were modified at the last minute without specific notice to affected property owners. Metro and the Counties received extensive testimony requesting changes to the preliminary reserves designations; however, Metro and the Counties made virtually no changes to these preliminary designations before finalizing them.

Instead, Metro and the Counties adopted ordinances in June 2010 to formalize the final reserves designations and to enact related local plan amendments. On June 10, 2010, the Metro Council adopted Ordinance No. 10-1238A, which designated 28,615 gross acres of urban reserves and approved related amendments to Metro's Urban Growth Management Functional Plan. On June 15, 2010, the Washington County Board of Commissioners adopted Ordinance No. 733, which designated 151,536 acres of rural reserves in Washington County and approved related amendments to Washington County's Functional Plan. On June 17, 2010, the Clackamas County Board of Commissioners adopted Ordinance No. ZDO-233, which designated 68,713 acres as rural reserves in Clackamas County and approved related amendments to the Clackamas County Comprehensive Plan. Also on June 17, 2010, the Multnomah County Board of Commissioners adopted Ordinance No. 2010-1161, which designated 46,706 acres as rural reserves in Multnomah County and approved related amendments to the Multnomah County Functional Plan.

## **2. East Bethany Property**

The Property is approximately 607 acres in size and located in the East Bethany area of western Multnomah County (Township 1 North, Range 1 West, Section 16). The Property is rural residential in character with minor agricultural operations intermixed with numerous exception parcels. Notwithstanding this fact, the Oregon Department of Agriculture has identified the Property as "conflicted" for agriculture.

The Property is situated in a transition zone between steep forested habitats to the north and east and urbanized or urbanizing areas within the UGB immediately adjacent to the south and west. On the Property, areas south and west of Abbey Creek are flat in nature, with slopes of generally 10% or less. North and east of Abbey Creek, slopes in excess of 10% are found, but they are generally gradual in nature. The north and east boundaries of the Property are established by the base of a hillside area. This topographic feature, where slopes begin to exceed 20%, establishes

a logical urban edge, as depicted in the composite "North & East Bethany Concept Plans" included in Exhibit A.

As depicted in the "East Bethany – Metro Context Map" also included in Exhibit A, the Property is located immediately adjacent to designated exception lands to the north and existing and planned development inside the UGB to the west and southwest, including North Bethany and Bethany. The Bethany Town Center, which is a designated Town Center on Metro's 2040 Growth Concept Map, is located approximately 0.65 miles away. Designated Town Centers are intended to provide localized services to tens of thousands of people within a two- to three-mile radius. Portland Community College ("PCC")'s Rock Creek campus is approximately 1.3 miles away.

After completing a comprehensive analysis of the Property and its suitability for urban or rural purposes, Multnomah County staff recommended that the Property not be designated as either an urban or rural reserve. Rather, they recommended that the Property be "undesigned." Multnomah County's Citizen Advisory Committee also assessed the Property's suitability and concluded that the Property was the most suitable in the study area for designation as an urban reserve: "If the County must designate an urban reserve on the west side, the Lower Springville Road Area is the highest suitability." The Lower Springville Road area is found within and comprises most of the Property.

After nearly two years of analysis and consensus-building, the RSC likewise identified the Property as "undesigned" as late as February 10, 2010. Without further notice to MLG or the owners of the Property, Metro and Multnomah County modified this proposal and identified the Property as a "rural reserve" on the preliminary reserves designations incorporated within the respective IGA. MLG submitted testimony into the record that the "rural reserve" designation was not supported by substantial evidence. Metro and the Counties ignored this testimony and retained the "rural reserve" designation. In response, MLG offers the following objections.

#### **D. Review by DLCD/LCDC**

##### **1. Requirements of All Objections**

According to the Notice of Decision, each written objection must satisfy the following minimum requirements to be considered by DLCD (and LCDC if assigned):

**"1. Show that you participated in the process leading to one of the decisions by speaking or submitting written testimony at a public hearing held by one of the four governments or submitting written comment at one of the workshops or open houses held by one of the governments."**

As explained in Section E of this letter, MLG participated in the local processes leading up to the Decision. This standard is satisfied.

**"2. Explain your objection to one of the decisions, being as specific as possible, including the statewide planning goal, the LCDC rule or the land use statute that you believe was violated by the decision."**

In Sections F and G of this letter, MLG explains the numerous general programmatic and Property-specific objections to the substance of the Decision and the procedure utilized by Metro and the Counties in adopting it. These objections are specific and identify the Goals, rules, and statutes that have been violated. This standard is satisfied.

**"3. Recommend a specific change that would resolve your objection."**

In Section H of this letter, MLG recommends that LCDC remand the Decision to Metro and the Counties to correct the identified errors and designate the Property as "urban reserve." This standard is satisfied.

**"The Department must receive your objection no later than 21 days from the date the notice was mailed (see postmark on envelope or date of e-mail)."**

Metro and the Counties mailed the Notice of Decision on June 23, 2010. The deadline for DLCD to receive written objections is July 14, 2010. This letter will be hand-delivered to DLCD on July 14, 2010. This standard is satisfied.

## **2. DLCD/LCDC Review Standards; Available Remedies**

Pursuant to OAR 660-027-0080, DLCD (or LCDC if assigned) must review the joint submittal for: (1) compliance with the Goals; (2) compliance with the applicable administrative rules; and (3) consideration of the factors for designation of land as urban or rural reserves described above. For purposes of this review, "compliance with the Goals" means that the submittal must conform with the purposes of the Goals and that not satisfying individual Goal requirements must only be technical in nature. In order to satisfy Goal 2's requirement for an adequate factual base, each finding of fact of the submittal must be supported by substantial evidence. "[S]ubstantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding." OAR 660-027-0080(4)(a). DLCD (or LCDC) must remand the Decision to Metro and the Counties if it finds that these standards are not satisfied.

### **E. MLG's Standing to Object**

MLG participated in writing in the local process as an adversely-affected party in the following ways:

- February 17, 2009 Letter and exhibits to Multnomah County Urban and Rural Reserves CAC – from Matt Wellner for MLG
- July 20, 2009 Letter and exhibits to Multnomah County Urban and Rural Reserves CAC – from Matt Wellner for MLG and Tri-County Investments, LLC
- August 6, 2009 Letter and exhibits to Multnomah County Planning Commission – from Matt Wellner for MLG
- October 21, 2009 Letter and exhibits to Metro RSC Core 4 – from Matt Wellner
- December 7, 2009 Letter & Exhibits to Washington County Board of Commissioners – by John O'Neil for property owners including Tri-County Investments, LLC
- May 6, 2010 letter with exhibits from the undersigned to Multnomah County Board of Commissioners, a copy of which is attached to this letter as Exhibit A
- May 18, 2010 Cover page and exhibits to Metro Councilors of materials previously submitted – from MLG/John O'Neil/Tri-County Investments, LLC
- May 20, 2010 letter and exhibits from the undersigned to Metro Council

MLG also participated in hearings before the Multnomah County Board of Commissioners on December 10, 2009; February 25, 2010; and May 6, 2010; the Multnomah County Planning Commission on August 10, 2009; and the Metro Council on October 15, 2009. Therefore, MLG has standing to file these written objections with DLCD.

#### **F. Property-Specific Objections**

**1. Substantial evidence in the record supports designating the Property as an "urban reserve."**

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

The Property is ideally located to make efficient use of existing and planned public and private infrastructure investments. It is located immediately adjacent to existing and planned development inside the UGB, including North Bethany to the west and Bethany to the south and west. The designated Bethany Town Center is approximately 0.65 miles away, and Portland Community College ("PCC")'s Rock Creek campus is approximately 1.3 miles away. The Property is within three (3) miles of the Cedar Hills Town Center and the major employment

centers in and around Tanasbourne Town Center. Moreover, it is situated approximately 2.5 miles from Metro's designated High Capacity Transit corridor along US Highway 26. As a result, the Property has ready access to existing and planned employment, educational, and transportation investments.

The region has engaged in significant planning in surrounding areas, including concept planning and preliminary development in North Bethany, the designation of Bethany as a 2040 Town Center, and PCC's significant investment in the Rock Creek campus. Development of the Property with urban uses will complement the existing and planned urban development in the area, potentially by providing neighborhood-serving commercial uses or by providing additional residents that can support area businesses (including the designated Town Center in Bethany, which is designed to serve tens of thousands of residents within a two- to three-mile radius), work for area employers, and attend educational institutions. This result is far preferable to designating the Property as a rural reserve, which will isolate North Bethany, the Bethany Town Center and PCC on the frontier of urban development for the next 50 years, perhaps preventing their optimal development.

In addition, as explained below in response to Factors (3) and (4), development of the Property will facilitate reasonable and concurrent extensions of public facilities and services and also raise additional System Development Charge ("SDC") revenues to make these services more cost-effective and efficient. Finally, Exhibit A includes three large-size maps that respectively depict the following: (1) the Property in the Metro context, showing proximity to major employment areas and designated Town Centers and Regional Centers; (2) A composite depiction of the "North & East Bethany Concept Plans" illustrating a more localized view of the Property and its immediately surrounding area; and (3) A detailed enlargement of the East Bethany Concept Plan ("EBCP"), which is a conceptual program for the Property showing development at urban densities and in a manner that is a logical and seamless extension of the developing North Bethany area. This factor is satisfied.

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

Together with other designated urban reserves, the Property includes sufficient development capacity to support a healthy economy. The EBCP primarily provides for mixed residential uses. Exhibit A includes a May 5, 2010, report prepared by Cardno WRG analyzing the Property's suitability for an urban reserve designation and a November 23, 2009, transportation assessment prepared by Lancaster Engineering for the Property. These reports explain that it is anticipated that these uses will support industries and employment areas developing in Hillsboro and Beaverton. In this way, development of the Property would help sustain existing and planned developments in the area. This factor is satisfied.

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

Public facilities and services are or can be made available to serve the Property. For example, connections to sanitary sewer collection line stubs operated by Clean Water Services ("CWS") are available at three (3) different locations along the boundary of the Property. Additional connections will be created as North Bethany develops.

Gregory DiLoreto, General Manager of Tualatin Valley Water District ("TVWD") submitted a letter, which is set forth in Exhibit A, stating that TVWD could serve portions of the Property below an elevation of 460 feet from the existing Springville Reservoirs and the planned North Bethany Reservoir. Mr. DiLoreto further stated that, in order to serve areas above an elevation of 460 feet, TVWD would need to complete improvements, such as installing a new reservoir and pump station. He stated that these improvements were not "particularly expensive" or exceptional.

In order to provide stormwater facilities to serve the Property, MLG intends to implement the strategies being developed for North Bethany, including possibly incorporating regional facilities and/or Low Impact Development requirements. As explained below in response to Factor (4), MLG is proposing to provide a comprehensive hierarchy of streets on the Property that seamlessly interconnect with the surrounding transportation network. Moreover, development of the Property will facilitate an extension of Saltzman Road that is projected in the Lancaster Engineering analysis set forth in Exhibit A to alleviate traffic on Skyline Boulevard and Kaiser Road.

Furthermore, Tom Brian, Chair of the Washington County Board of Commissioners, submitted a letter, which is set forth in Exhibit A, stating that potable water, transportation, sanitary sewer, and "other services" can be made available to the Property. Moreover, the Beaverton School District has committed to providing needed educational facilities in North Bethany. There may be capacity in these same facilities to serve students residing in East Bethany. To the extent there is not, MLG is proposing to accommodate a centrally-located school site on the Property as depicted on the EBCP.

Finally, development of the Property will raise additional SDC revenues to support extension of public services, which will make them more efficient and cost-effective. In sum, this factor is satisfied.

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

The Property can be readily served by a comprehensive transportation network, including streets, sidewalks, bikeways, trails, and public transit. The EBCP illustrates this proposed transportation network, which seamlessly interconnects with existing and proposed streets and sidewalks in surrounding neighborhoods, including North Bethany. The EBCP also illustrates how development of the Property will facilitate linkages to the designated Westside Trail, which is a key component of Metro's Regional Trail system. This will enhance the connectivity, useability, and further development of this system.

Todd Mobley, PE, PTOE of Lancaster Engineering, project transportation consultant, testified that the Property should be designated as an urban reserve. Mr. Mobley reached this conclusion after completing a traffic impact analysis of the East Bethany development. Mr. Mobley's analysis concluded that development of East Bethany pursuant to the EBCP would actually increase connectivity and reduce traffic on Skyline Boulevard and Kaiser Road by facilitating extension of Saltzman Road to Springville Road. Moreover, because most employment and commercial centers are to the south and west of the Property, development of East Bethany would not adversely impact rural Multnomah County roads to the north and east. Metro and the Counties have not offered substantial evidence, such as an alternative traffic study yielding different results, to rebut this conclusion. This factor is satisfied.

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

MLG's proposed EBCP preserves all important natural landscape features on the Property, including riparian corridors, wetland features, and steep slopes exceeding 25%. MLG's preservation efforts, while focused on-site, will necessarily benefit off-site resources that interconnect with those on the Property. In addition, various federal, state, and local laws will offer additional protection to natural ecological systems. For example, state and federal laws require mitigation of impacts to jurisdictional wetlands. Furthermore, as Multnomah County Principal Planner Derrick Tokos testified on the record, Multnomah County regulates development in the West Hills through various overlay zones, including the Significant Environmental Concern overlay and stream corridor overlays that extend 300 feet on either side of designated streams. Thus, Multnomah County could consider applying one of these overlay zones to the Property.

Finally, in the event that the existing Multnomah County overlay districts provide insufficient protection, Multnomah County could adopt the following special planning overlay, which Washington County has adopted in the Decision and will apply to similarly-situated property in Urban Reserve Area 8C (Bethany West) in an effort to protect the Rock Creek corridor:

"This Urban Reserve area provides vital habitat linkage for sensitive species along a riparian corridor. During concept planning, subsequent comprehensive planning and development

review and implementation for the entire special concept plan area, the 'Integrating Habitats' approach championed by Metro's Nature and Neighborhoods program shall be utilized. The 'Integrating Habitats' approach is intended to provide appropriate protection and enhancement of natural areas through the use of progressive and environmentally sensitive development practices. This approach combines and balances ecological stewardship and economic enterprise with protection of water quality and restoration and enhancement of key fish and wildlife habitats."

The regulations in this overlay zone are directed at preserving vital habitats and sensitive species, which are integral components of natural ecological systems. To the extent that this overlay adequately protects the Rock Creek corridor on other designated urban reserves, it should be equally effective on the Property. This factor is satisfied.

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

The Property is ideal for meeting local and regional housing needs. It includes about 407 acres of buildable land outside of steep slopes and potential conservation areas. It is also proximate to major employment centers in Beaverton and Hillsboro as well as the PCC campus and three existing or planned elementary/middle school sites in North Bethany. For similar properties located north of North Bethany, Washington County's Findings at page 28 conclude that housing demand in the area "will continue to grow." Furthermore, as depicted in the EBCP, the Property can accommodate low-, medium-, and high-density housing types in a logical, compatible manner. For these reasons, the Property includes sufficient land suitable for a range of needed housing types. This factor is satisfied.

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

MLG's proposed EBCP preserves all important natural landscape features on the Property, including riparian corridors, wetland features, and steep slopes exceeding 25%. MLG's preservation efforts, while focused on-site, will necessarily benefit off-site resources that interconnect with those on the Property. Moreover, Multnomah County could adopt the special planning overlay described above, which Washington County has applied to urban reserves within the Rock Creek corridor, to ensure "progressive and environmentally sensitive development practices" to protect the riparian corridor. To the extent that this overlay adequately protects the Rock Creek corridor on other designated urban reserves, it should be equally effective on the Property.

Notwithstanding this fact, the most significant natural landscape features are not located on the Property. Jack Dalton from Environmental Science & Assessment, LLC, project environmental consultant, submitted a report, which is set forth in Exhibit A, that concludes that the Property has is primarily located south and west of the specific landscape features mapped by Metro's *Natural Landscape Features Inventory*, and it is not within the designated "Habitat Connection" corridor that runs to the north and east. This factor is satisfied.

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

The Property can be designed to avoid or minimize adverse effects on resource uses and features on nearby lands for several reasons. First, the Property is surrounded on two (2) sides by developed or developing properties within the existing UGB that do not include farm or forest uses that are expected to continue over time (to the west, North Bethany and the PCC Rock Creek campus and to the south, extant residential neighborhoods in Bethany). Second, although properties to the north and east could be designated "rural reserves" and develop with farm or forest uses, these properties can be buffered from any development on the Property through concept and community level planning in conformance with established Multnomah County Plan and Code provisions. Moreover, many of these properties to the north are designated exception lands that may not sustain resource uses over an extended period of time. In addition, all of the Property and much of the surrounding area are classified as "conflicted" for agriculture by the Oregon Department of Agriculture, which also suggests that farm uses may not be sustainable in the area.

Fourth, MLG's proposed EBCP preserves all important natural landscape features on the Property, including riparian corridors, wetland features, and steep slopes exceeding 25%. MLG's preservation efforts, while focused on-site, will necessarily benefit off-site resources that interconnect with those on the Property. Fifth, various federal, state, and local laws will offer additional protection to resource features. For example, state and federal laws require mitigation of impacts to jurisdictional wetlands. In addition, Multnomah County could apply one of the existing or proposed overlay zones described above to the Property. To the extent that these overlay zones adequately protect the Rock Creek corridor on other lands in the area, it should be equally effective on the Property.

For these reasons, the Property satisfies each of the factors for designation as an urban reserve. Metro and the Counties erred when they reached a contrary conclusion in the Decision.

**2. Metro and the Counties misconstrued applicable law and made a decision not supported by substantial evidence in designating the Property as "rural reserve."**

According to the Findings, Metro and the Counties designated the Property as a "rural reserve" for two primary reasons. Substantial evidence in the record rebuts both of these reasons.

**i. Natural Landscape Features.**

First, Metro and the Counties designated the Property as a "rural reserve" due to the existence of important natural landscape features, including steep slopes and the headwaters of Rock Creek. Metro's Findings at page 37 stated that steep slopes caused the Property to be ranked low for ability to provide a grid transportation system; a walkable, transit-oriented community; and employment land. However, substantial evidence in the record, including that generated by Metro and the Counties rebuts this conclusion.

As a preliminary matter, Metro's own findings at page 37 note that slopes on the majority of Study Area 9B, including the Property, are less significant than those found in Area 9C. Secondly, Multnomah County staff determined that the Property was ill-suited for designation as a rural reserve. On page 78 of its written report to the Board of Commissioners, Multnomah County staff concluded that the area surrounding the Property rated highly for designation as a rural reserve; however, staff reached the opposite conclusion as to the Property as follows: "The one exception is the unmapped patch along the county line adjacent to the North Bethany planning area. This small area does not appear to be a good fit with the key landscape features factors and should be ranked low."

Third, MLG presented expert testimony that further rebutted the proposed "rural reserve" designation. Jack Dalton from Environmental Science & Assessment, LLC, project environmental consultant, submitted a report, which is set forth in Exhibit A, that concludes that the Property has low suitability for designation as a rural reserve. Mr. Dalton reached this conclusion based upon a detailed review and analysis of the rural reserve factors and existing conditions on the Property and the surrounding area, as reflected in aerial photos, natural resources inventories, soils data, and wetland delineations. Specifically, Mr. Dalton found that the Property's topography is effectively a continuation of the North Bethany property, which is undergoing planning for urban development immediately to the west. Moreover, the Property is primarily located south and west of the specific landscape features mapped by Metro's *Natural Landscape Features Inventory*, and it is not within the designated "Habitat Connection" corridor that runs to the north and east. As a result, designating the Property as a rural reserve will not effectively preserve primary wildlife travel corridors or other habitat components.

Mr. Dalton's report concedes that the Property is located within a key area of the Rock Creek headwaters and thus, use of the Property will influence area water quality and quantity. He recommends mitigation measures to protect these features such as establishing open space buffers along the tributaries of Abbey Creek. As depicted on the EBCP, MLG has incorporated these buffers into the conceptual development plan for the Property.

Metro and the Counties have ignored this substantial evidence that the Property is ill-suited for a "rural reserve" designation. As a result, they have misconstrued applicable law. The Decision should be remanded.

**ii. Service Delivery and Governance.**

Metro and the Counties also designated the Property as a "rural reserve" because they could not identify a city that is in a position to provide urban governance and planning services to the Property. The City of Beaverton could be willing, but it is currently two miles away. The only other nearby city, the City of Portland, objected on the record to delivering services to the Property. These objections appear to be largely based upon concerns about impacts to natural features. As explained above, these concerns are misplaced. In any event, the analysis by Metro and the City of Portland misses the mark for additional reasons. First, between now and 2060, area cities will likely annex a significant number of currently unincorporated properties. As an historic example, consider the considerable growth through annexation that both Portland and Beaverton have experienced over the last 50 years. Second, the policy preferences of citizens, elected officials, and staff may evolve over time in a way that favors annexation of these areas by existing cities or perhaps even incorporation of a new city. Metro and the Counties should not use the current process to dictate such future policy preferences by foreclosing annexation of the Property for 50 years. Third, Metro and the Counties have applied the "governance" concern in an inconsistent manner, as similarly-situated properties in the greater Bethany area were granted an "urban reserve" designation without any objection by area cities.

Finally, based upon existing and planned development patterns and topography, the best-situated local service provider for the Property is not a city at all. It is Washington County. Tom Brian, Chair of the Washington County Board of Commissioners, submitted a letter into the record stating that potable water, sanitary sewer, transportation "and other services" can be made available to the Property. MLG submitted the additional substantial evidence that services can be provided to the Property as described above. Metro and the Counties have not explained why this evidence is lacking. Finally, to the extent that Metro and the Counties are relying upon the new language of Title 11 of the UGMFP, which purports to prevent counties from providing urban services to unincorporated areas, Metro and the Counties are acting contrary to ORS Chapter 215 and Article VI, section 10 of the Oregon Constitution, which clearly empower counties to allow for urbanization and service delivery in unincorporated areas that otherwise satisfy the Goals (or any exceptions thereto). Accordingly, the Decision should be remanded.

**G. General Objections**

**1. The decision violates Goal 2, because Metro and the Counties based projected population growth, employment growth, densities of development, and land**

**needs on a new unacknowledged report rather than on Metro's acknowledged functional plan and the acknowledged comprehensive plans of the Counties.**

Goal 2 requires that land use actions be consistent with comprehensive and regional plans; moreover, the Goal requires that these plans "be the basis for all decisions and actions related to use of land." The Court of Appeals had held that Metro violated Goal 2 when it based its estimate for needed land for urban reserves on an informal study that was not a part of the acknowledged Urban Growth Management Functional Plan ("UGMFP"). *D.S. Parklane Development, Inc. v. Metro*, 165 Or App 1, 994 P2d 1205 (2000). In affirming LUBA's remand of Metro's decision to designate urban reserves on another occasion, the Court stated that "computation of need [for urban reserves] must be based upon the functional plan and/or Metro's other applicable planning documents." *Id.* at \_\_\_\_\_. Later, the Court of Appeals of Oregon held that the City of Dundee could not rely on a study contemplated by, but not incorporated within, a comprehensive plan when rendering a land use decision. *1000 Friends of Oregon v. City of Dundee*, 203 Or App 207, 124 P3d 1249 (2005). For the same reasons expressed in *Parklane*, the Court reasoned that the City's action violated Goal 2. The Court explained its decision as follows:

"[This] is not a matter of mere abstract concern. Rather, it goes to the heart of the practical application of the land use laws: The comprehensive plan is the fundamental document that governs land use planning. Citizens must be able to rely on the fact that the acknowledged comprehensive plan and information in that plan will serve as the basis for land use decisions, rather than running the risk of being 'sandbagged' by government's reliance on new data."

*Id.* at \_\_\_\_\_. *Parklane* and *1000 Friends of Oregon* are directly applicable to the instant case, yet Metro has not complied with this precedent when estimating the region's 50-year land needs. Metro calculated estimated land needs through the year 2060 based upon assumptions regarding demand for housing and jobs in the UGB as well as on assumptions regarding development densities over time. In making these estimates, Metro apparently relied to some degree upon the growth projections set forth in the *Urban Growth Report 2009-2030*; however, it is undisputed that the Metro Council has not formally adopted this report or incorporated it within the UGMFP. Instead, on December 10, 2009, the Metro Council simply "accepted" the population and employment projections from the "draft" report when it approved Resolution No. 09-4094. Even at that, according to the text of that Resolution, the Metro Council did not accept these projections for purposes of designating urban reserves.

Moreover, Washington County's findings note that Metro modified the assumptions and trends underlying the 20-year estimate "where appropriate," yet the record does not explain when or

why Metro determined that it was appropriate to do so. These modified assumptions are then set forth in Metro's "COO Recommendation, Urban Rural Reserves" in Appendix 3E-C of Metro's record. Importantly, the assumptions set forth in Appendix 3E-C are, in many cases, departures from existing policies and trends relating to development patterns, yet Metro cites to no substantial evidence or provision of the UGMFP to substantiate these assumptions. Metro has also not incorporated the "COO Recommendation, Urban Rural Reserves" into the UGMFP. Thus, in clear contravention of *Parklane* and *1000 Friends of Oregon*, Metro has relied upon unacknowledged documents extraneous to the UGMFP when estimating the region's 50-year land needs for purposes of designating urban reserves. Therefore, Metro and the Counties have erred, and the Decision should be remanded.

**2. The Decision further violates Goal 2 because there is no adequate factual base to support the conclusion that all lands within three (3) miles of the UGB are necessarily "subject to urbanization" for purposes of OAR 660-027-0060(2)(a).**

In deciding whether to designate lands as a "rural reserve," a County must consider whether the lands are "subject to urbanization" through 2060, the agreed horizon date for reserves planning. ORS 195.141(3)(a); OAR 660-027-0060(2)(a). The applicable statutes and rules do not define the term "subject to urbanization," although they do note that the term should be measured based upon proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land. The term "proximity" is not defined, and there are no other criteria that explain how to apply or interpret this factor. Clackamas County determined that all lands located within three (3) miles of the Portland Metropolitan UGB and within one-half mile of an outlying city UGB are necessarily "subject to urbanization." *See generally* Clackamas County staff report presented to that County's Planning Commission (March 2, 2010).

This appears to be a bright-line, "one size fits all" conclusion. There is no evidence in the record to support the selected distances or to explain why properties within 3 miles of a UGB, as opposed to 2.75 miles or 13 miles, were more or less subject to the varied factors that influence urbanization, such as location, surrounding development patterns, demographic trends, proximity to employment centers or transportation facilities, parcel sizes, or quality of schools. In the absence of any evidence at all to support Clackamas County's characterization of this factor, there is no adequate factual base for purposes of Goal 2 to support Clackamas County's application of this factor in the rural reserves analysis. LCDC should strike this "one size fits all" conclusion and remand these proceedings with direction that Clackamas County develop an adequate factual base for determining when lands are "subject to urbanization."

**3. The decision violates Goal 12 because Metro and the Counties have not included findings whether the respective plan amendments "significantly affect" any existing or planned transportation facilities.**

The Oregon Transportation Planning Rule ("TPR"), set forth at OAR 660-012-0060, requires that "where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation" will "significantly affect" any existing or planned transportation facility, the government agency adopting the amendment must preserve the "identified function, capacity, and performance standards" of the facility by taking one of the mitigatory actions in OAR 660-012-0060(2). OAR 660-012-0060(1), (2). The Court of Appeals of Oregon has held that a government agency must determine whether or not there is a significant effect under the TPR prior to adopting the amendment in questions even if no development is proposed at all. *Willamette Oaks, LLC v. City of Eugene*, 232 Or App 29, 220 P3d 445 (2009). This is because the TPR is, by its terms, a "planning requirement." *Just v. City of Lebanon*, 49 Or LUBA 180 (2005) (emphasis in original). As a result, Metro and the Counties may not avoid such compliance merely because the adoption of urban reserves does not authorize immediate development.

In the instant case, Metro has adopted amendments to the UGMFP, and the Counties have each adopted amendments to their respective acknowledged comprehensive plans. Although the TPR is applicable to each of these amendments, none of these agencies determined whether the proposed amendments would "significantly affect" any existing or proposed transportation facilities. It does not appear that Metro or Clackamas County made any independent findings regarding Goal 12 or the TPR at all; moreover, while Multnomah and Washington Counties did adopt findings regarding Goal 12, they, too, failed to address the TPR. As a result, it is entirely unclear whether any of the adopted reserves policies or designations significantly affect any existing or planned transportation facilities. Metro and the Counties are not permitted to avoid this analysis under the excuse that no development is currently proposed. Furthermore, Metro and the Counties cannot defer this analysis to a later stage of development. Accordingly, DLCD should find that Metro and the Counties erred.

**4. As applied, the enforcement of OAR 660-027-00060(4) by Metro and the Counties violates ORS 195.141(3) and (4).**

ORS 195.141(3) requires that, when considering a rural reserve designation to provide long-term protection to the agricultural industry, Metro and each County "shall base the designation on consideration of factors including, but not limited to..." (emphasis added). The statute continues by enumerating review factors. The statute does not provide any exceptions when Metro and the Counties are not required to apply these review factors. Thus, based upon the plain language of the statute, Metro and the Counties must apply the enumerated factors to any proposed rural reserve designation. ORS 195.141(4) authorizes LCDC to adopt rules establishing a process and criteria for designating reserves pursuant to ORS 195.141. This grant of authority does not explicitly authorize LCDC to disregard any portion of the statute when drafting the rules.

Urban and Rural Reserves Specialist  
July 14, 2010  
Page 20

LCDC adopted such rules in 2008, and they are codified at OAR 660-027-0060(2). These rules require consideration of enumerated factors, which mirror those set forth in ORS 195.141(3), prior to designating a rural reserve to provide long-term protection to the agricultural industry. However, LCDC adopted another provision, OAR 660-027-0060(4), which reads as follows:

"(4) Notwithstanding requirements for applying factors in OAR 660-027-0040(9) and section (2) of this rule, a county may deem that Foundation Agricultural Lands or Important Agricultural Lands within three miles of a UGB qualify for designation as rural reserves under section (2) without further explanation."

This rule permits a county to ignore the enumerated factors of OAR 660-027-0060(2) and simply focus on whether the land in question is designated a Foundation or Important Agricultural Land by the Oregon Department of Agriculture. This explicitly violates ORS 195.141. LCDC clearly exceeded its statutory authority in enacting this provision. To the extent that Metro and any of the Counties relied on OAR 660-027-0060(4) as the basis to designate any rural reserves (and it appears the Clackamas County in particular has engaged in this practice), such action misconstrues the applicable statute.

#### **H. Recommended Action and Conclusion**

For the reasons set forth herein, DLCD, or the LCDC if assigned, should remand this matter with direction to Metro and the Counties to remove the "rural reserve" designation from the Property, identify the Property as "urban reserve," and to otherwise address the legal deficiencies identified herein. Thank you for your attention to these objections.

Very truly yours,



Steven L. Pfeiffer

cc: Laura Dawson Bodner, Metro  
Maggie Dickerson, Clackamas County  
Chuck Beasley, Multnomah County  
Steve Kelley, Washington County  
Matt Wellner, Metropolitan Land Group, LLC  
Seth King, Perkins Coie



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May 6, 2010

**VIA MESSENGER**

Jeff Cogen, Chair  
Board of Commissioners  
Multnomah County  
501 SE Hawthorne, Suite 600  
Portland, OR 97214

**Re: Urban/Rural Reserves – Area 9B**

Dear Chair Cogen and Fellow Commissioners:

This office represents Metropolitan Land Group and Tri-County Investments with regard to the pending reserves designation of Area 9B, which is located in the East Bethany area of Multnomah County. Please include this letter, together with the referenced attachments in the record of these proceedings leading to final adoption of urban/rural reserve designations by Multnomah County.

Throughout the urban/rural reserves mapping program undertaken by Multnomah County, Metropolitan Land Group and Tri-County Investments, together with other affected property owners in the area, have presented oral and written testimony in support of an Urban reserves designation for a significant portion of the 9B area. Based upon the information and analysis made available in the record to date, we believe that designation of this area as Rural pursuant to the applicable factors set forth in OAR 660-027-0005, *et seq.* is both inappropriate as a matter of regional land use policy and not supported by substantial evidence in the record before the Board. Further, we believe that a review of the available information supports a finding of compliance with the factors for designation of this area as Urban reserve based upon, among other considerations, immediate proximity to the Bethany Town Center and other existing urban development, the availability of urban facilities and services and the unique opportunity at this location to undertake urbanization consistent with existing ecological systems in the area. To this end, we want to take this opportunity to provide the Board with the attached information and analysis provided by qualified consultants in the fields of urban planning, transportation

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ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · LOS ANGELES · MADISON  
MENLO PARK · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · SHANGHAI · WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

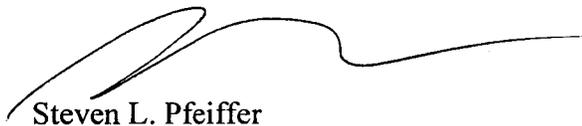
**EXHIBIT A**

Jeff Cogen, Chair  
Board of Commissioners  
Multnomah County  
May 6, 2010  
Page 2

engineering, and natural resource planning in further support of our request for Urban reserve designation for this area.

We hope this information is of assistance as the Board moves forward with final action on the reserves program. If either you or your staff have any questions regarding any aspect of our submittal or our testimony to date, please feel free to contact me at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven L. Pfeiffer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steven L. Pfeiffer

SLP:crl

Enclosures

cc: Client (w/enc.)

## **MEMO**



Shaping the Future

To: Matt Wellner, Metropolitan Land Group & Tri-County Investments

From: Jon P. Reimann, PE - Sr. Principal  
Ryan Givens, AICP – Sr. Community Planner

Date: May 5, 2010

Project: Study Area 9B (East Bethany – Multnomah County)

Cardno WRG#: 2109369

Re: Multnomah County Study Area 9B Urban Reserve Justification

5415 SW Westgate Drive  
Suite 100  
Portland, Oregon 97221  
USA

Phone (503) 419-2500  
Fax (503) 419-2600

[www.cardnowrg.com](http://www.cardnowrg.com)

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### **ISSUE STATEMENT**

On February 25, 2010 Multnomah County removed area 9B (East Bethany) from “undesigned” to “rural” in conjunction with adopting agreements with Metro Council on Urban and Rural reserves designations for the next 50 years.

Several property owners in area 9B represented, by the Metropolitan Land Group, presented findings supporting the ability to service 9B with public infrastructure.

Metropolitan Land Group, and the property owners they represent, maintains their position that that Area 9B can be properly and efficiently served by Public Facilities from the Service Providers in the area and offer the following additional documentation to support our position.

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### **METRO CONTEXT**

Area 9B (East Bethany) is located adjacent to existing urban development to its southwest and represents a gradual extension of the urbanized area. Exhibit 1 illustrates the plan area in relation to the larger metropolitan context. The plan area includes and is adjacent to several acres of *Exception* land which currently has development potential above farm and forest uses. The East Bethany plan area is located within immediate proximity to two major activity nodes; the Bethany Town Center (0.65 miles) and the PCC Rock Creek Campus (1.3 miles). The Plan area is within 3 miles of the Cedar Hills Town Center and the major employment centers in and around the Tanasbourne Town Center. Finally, METRO recently designated a future High Capacity Transit alignment along Highway 26 to provide a future mass transit linkage between Hillsboro and Portland; this alignment is less than 2.5 miles from the East Bethany Plan area.

### **NATURAL RESOURCES**

Attached is a memo from Environmental Science & Assessment, LLC (ESA) dated May 5, 2010, documenting a detailed Natural Resource Analysis of Area 9B applying Metro's definition of Natural Landscape Features for Rural Reserves, as provided by Metro to local jurisdictions to assist in urban/rural reserve land use designation.



In summary, the analysis showed that area 9B has similar natural resource characteristics as the North Bethany Area, currently within Washington County's Urban Growth Boundary, and that most of the natural landscape features do not strongly indicate the rural reserve designation.

### **PUBLIC SANITARY SEWER SERVICIABILITY**

The location of the East Bethany plan area is adjacent to existing and planned development along the west and south boundaries. Existing Clean Water Services (CWS) Sanitary Sewer collections line stubs are available in three locations along these boundaries. Further north, service will be provided from the extension of new sanitary sewer collection lines as a part of the development of the area within the Urban Growth Boundary (UGB) (North Bethany Plan Area – see Exhibits 2 and 3).

A portion of the East Bethany Plan Area (approximately 260 acres) slopes to the north and would require service via pump stations or an extension of a gravity sanitary sewer system as a part of an extraterritorial extension with CWS.

In discussion with CWS officials, an extraterritorial extension would be acceptable as long as all property owners are agreeable to the location.

Attached is a letter from Tom Brian (Washington County Board Chair, and CWS Board Chair) dated February 17, 2010 stating that Sanitary Sewer service "would indeed be available" to service the East Bethany Plan Area.

### **PUBLIC WATER SERVICIABILITY**

Tualatin Valley Water District (TVWD) has current investments in infrastructure to serve this area with potable water. TVWD just recently completed the addition of a new 10MG reservoir adjacent to the existing 10MG reservoir located in the Southwest corner of the East Bethany Plan Area. In addition, per TVWD's adopted 2007 Master Plan another new 3.0 MG reservoir is planned to be completed northeast of the East Bethany Plan Area by fiscal year 2012-13. This will serve the elevation 575' pressure zone.

Attached is a letter from TVWD, dated April 13, 2010 confirming the above capital improvements and adds the ability/option to serve portions of the area with a new pump station at the planned future North Bethany Reservoir.

The above completed and planned improvements by TVWD clearly show that the East Bethany Plan Area can be served with Public Water.

### **PUBLIC STORMWATER MANAGEMENT**

Storm water management will follow along with the strategies currently being developed for the North Bethany Area and will include looking at opportunities to provide regional facilities and incorporating Low Impact Development Approaches (LIDA).

### **TRANSPORTATION**

Urban development in North Bethany would be served by a logical extension of both existing and planned transportation systems near the planning area. Saltzman Road is planned to extend to the Washington County boundary on the south edge of the planning area, and urbanization within East Bethany would facilitate the northern extension of Saltzman Road to Springville Road. The



increase in connectivity provided by this connection would offer an important travel option for existing and future trips in the area, particularly those within North Bethany and developing areas along Saltzman Road. This connection of Saltzman Road to Springville Road would likely not be possible without urban development within East Bethany.

Such urban development could make use of the significant infrastructure planned for North Bethany and trips would be directed largely to the west and south in Washington County, away from rural Multnomah County transportation facilities. In addition, the extension of Saltzman Road would decrease travel demand on Skyline Boulevard, which is a Multnomah County facility that is rural in character. Considering the overall transportation system and not the jurisdictional boundary and the political and financial complications that its presence induces, the connection of Saltzman Road to Springville Road is clearly beneficial to the system. For additional details, please refer to the attached November 23, 2009 letter from Todd Mobley of Lancaster Engineering.

#### **EAST BETHANY CONCEPT PLAN**

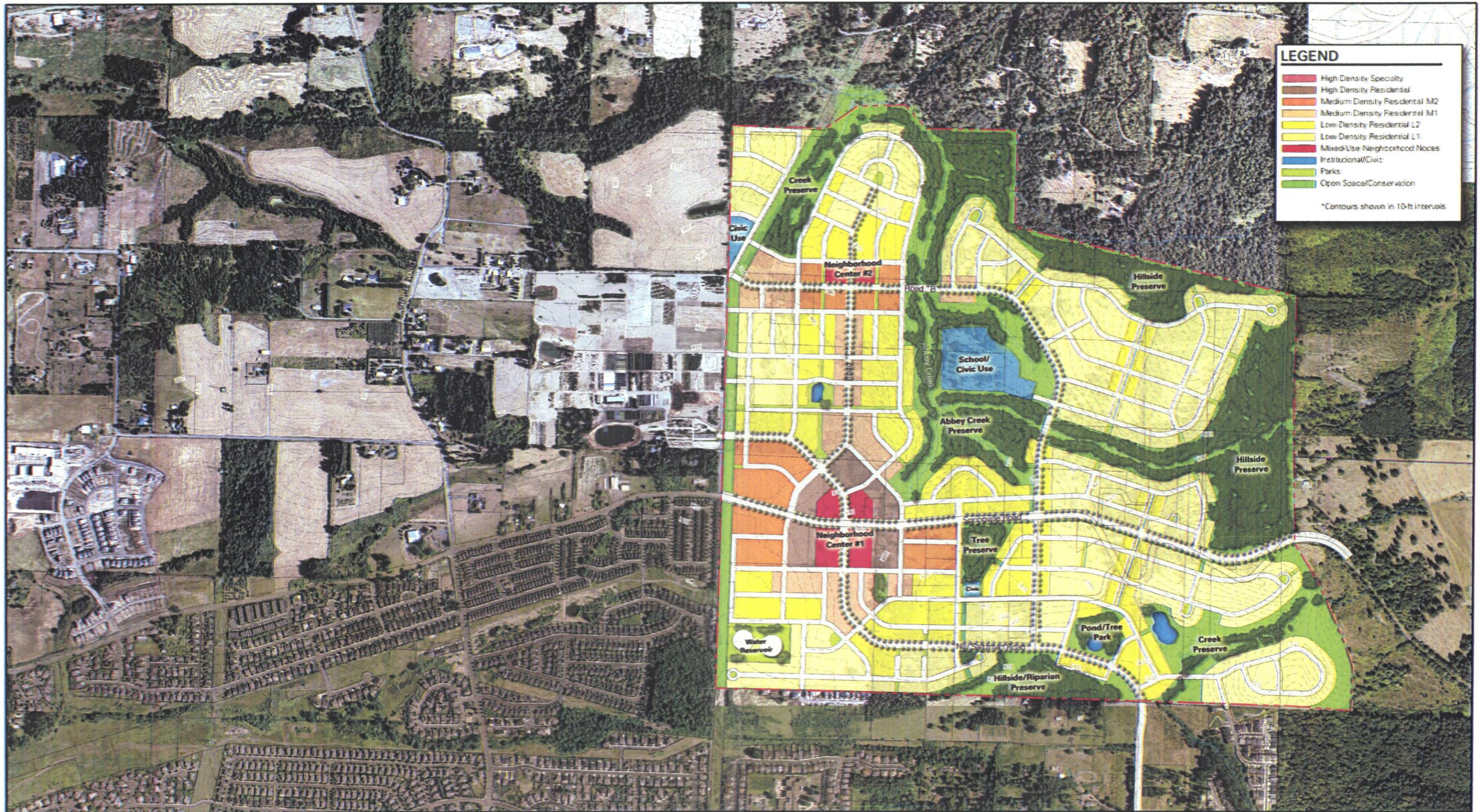
The East Bethany Concept Plan has been revised since originally submitted in September 2009. The concept plan was revised to include mapped riparian corridors, wetland features, and steep slopes exceeding 25 percent. The concept plan was revised to response to and to preserve these natural features. Additionally, the concept plan was redesigned to complement the adopted North Bethany plan by providing logical roadway extensions, open space linkages, a harmonious mix of land uses, and traditional urban design principles.

Exhibit 2 illustrates the revised East Bethany Concept Plan displayed with the adopted North Bethany plan area. This exhibit also contrasts the plan area with other Urban Reserve designations in the immediate vicinity. These planning efforts for the plan area and its vicinity generally suggest that the future urban edge should be delineated as those areas outside the Rock Creek riparian zones and those land areas with less than 25 percent slopes. Additionally, the future urban edge should include all the previously identified urban reserve properties. More specifically, the future urban edge should be delineated with natural features, not political boundaries (County lines).

Exhibit 3 provides more detail relating to the revised East Bethany concept plan and its proposed urban design. Specifically, the plan area is conceptualized around similar design principles as displayed in North Bethany; a modified street grid, a clear hierarchy of streets, natural open space corridors, parks, distinctive residential neighborhoods, and identifiable activity nodes. The community is designed to radiate its land use intensity from a neighborhood center at the future Springville Road / Saltzman Road crossroads. Dense residential will surround this node with lower density radiating from this center and designed atop hillsides. A school/major civic use is located central to the plan area and connected to residential neighborhoods with open space corridors.

#### **Attachments:**

- Exhibit 1: East Bethany Metro Context Map, Dated May 5, 2010 (Cardno WRG)
- Exhibit 2: North & East Bethany Concept Plans, Dated May 5, 2010 (Cardno WRG)
- Exhibit 3: East Bethany Concept Plan, Dated May 3, 2010 (Cardno WRG)
- Memo from ESA Dated May 5, 2010
- Letter from Tom Brian, Washington County/CWS Chair dated February 17, 2010
- Letter from Greg DeLoreto, General Manager, TVWD dated April 13, 2010
- Letter from Todd Mobley, Lancaster Engineering Dated November 23, 2009



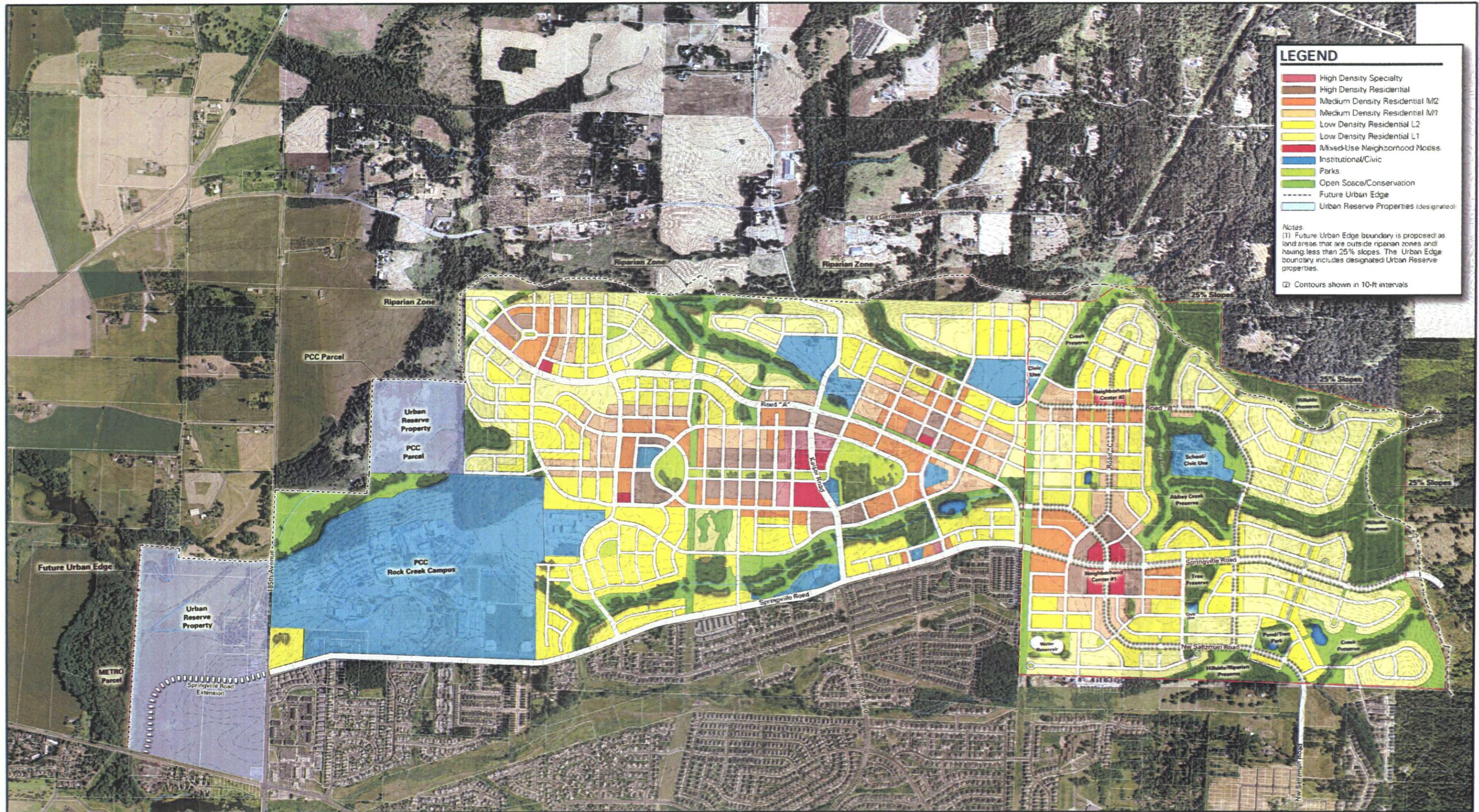
# East Bethany Concept Plan

Exhibit 3



WASHINGTON COUNTY, OREGON





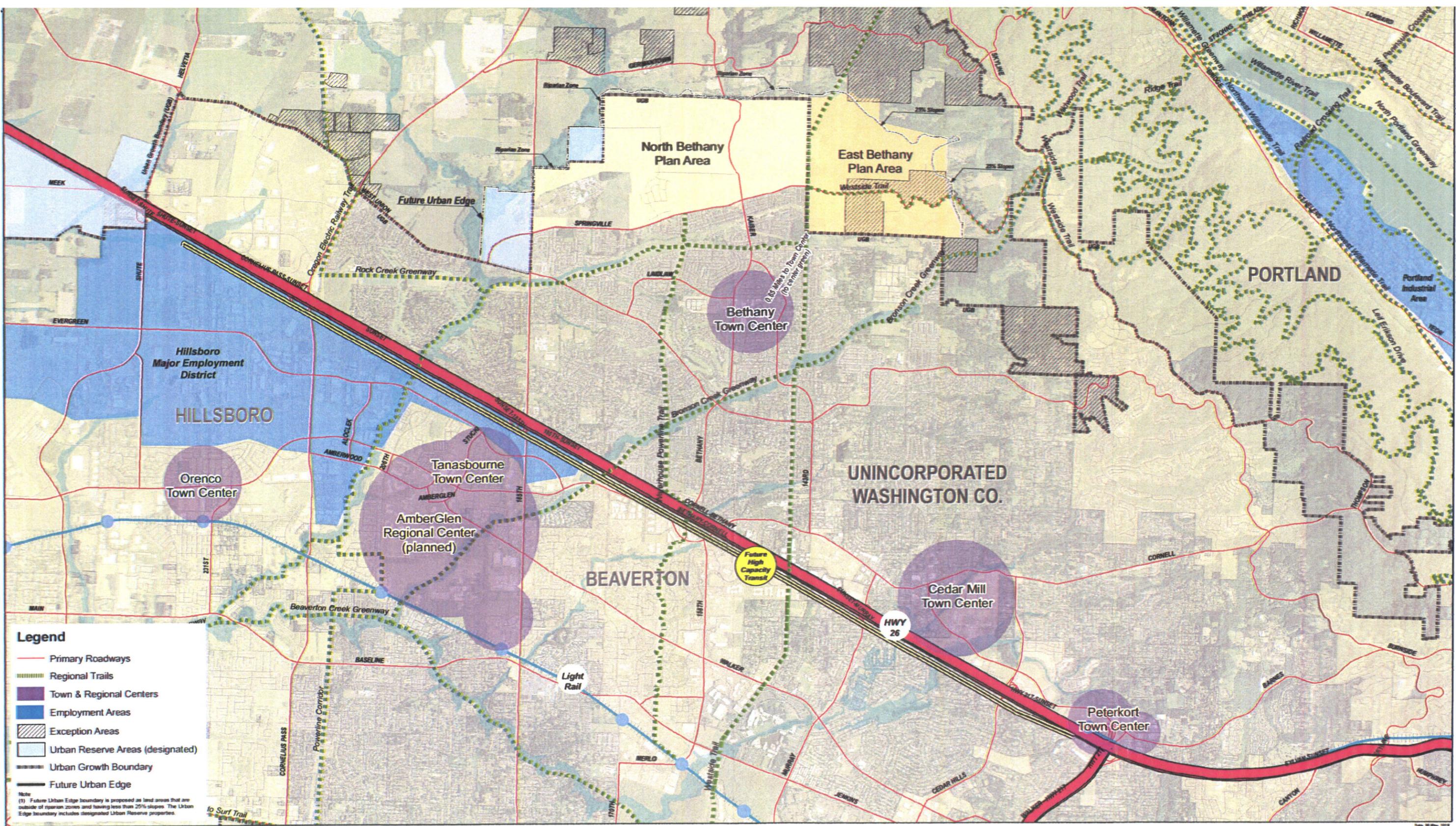
# North & East Bethany Concept Plans

Exhibit 2



SCALE: IN FEET  
0 300 600 1200  
DATE: 05 May, 2010  
21093899

WASHINGTON COUNTY, OREGON



# East Bethany - Metro Context

## Exhibit 1

Metropolitan Land Group  
Multnomah/Washington Counties, Oregon





## Environmental Science & Assessment, LLC

### MEMORANDUM

DATE: May 5, 2010

TO: Matt Wellner Metropolitan Land Group

CC: Jon Reimann CardnoWRG

FROM: Jack Dalton

RE: East Bethany (Area 9B): Natural Resource Analysis

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This memo provides a summary of findings of a natural resource analysis conducted for the Metro 9B Rural Reserves area east of the Bethany area along NW Springville Road (Township 1 North, Range 1 West, Section 16). The study area includes the limits of Metro Area 9B within Section 16 (Attachment A).

The analysis will review existing natural resource mapping and inventories available from federal, state and local sources. The review will compile resource information to evaluate the justification of this area as meeting the definition of the *Natural Landscape Features* for Rural Reserves, as provided by Metro to local jurisdictions to assist in urban/rural reserve land use designation.

### NATURAL RESOURCE ANALYSIS

ES&A reviewed all relevant existing natural resource mapping for the parcel. From the resource information, ES&A made a determination, from a natural resource perspective, of the strength of the designation as Rural Reserve over Urban Reserve as follows in the findings section.

#### Resource Mapping

Reviewed data included:

- *U.S. Geological Survey (USGS) 1:24,000 Topographic Map: Linnton, Oregon quadrangle (USGS, 1990).* The USGS map for the area shows two tributaries for Abbey Creek flowing westerly then flowing north through Area 9B to a confluence with the main stem of the creek north of Area 9B. A third tributary to Abbey Creek flows southwest from the area around NW Germantown Road north of Area 9B. The Abbey Creek watershed encompasses the northern two-thirds of Area 9B and the southern edge of the area is within the Bronson Creek watershed (Attachment A).

- **Metro 2008 Aerial (MetroMap)**. The aerial indicates the area is a mix of agricultural land and large-acre parcels with mixed forest cover. The southern tributary of Abbey Creek is forested with a mixed riparian community, although the tributaries to the north are more densely vegetated with a primarily conifer forest community. Metro mapping also includes several wetland areas located along the stream tributaries and a large wetland complex just outside of the southwest corner of Area 9B (Attachment A).
- **Summary of the Natural Landscape Feature Inventory – Natural Landscape Features Map (Metro, February 2007)**. The Metro Natural Landscape Features Inventory mapped the area along the eastern edge of Area 9B as “Significant Natural Resources, Tree canopy and Parklands” and highlights two areas identified two landscape features near Area 9B: Rock Creek Headwaters (22) and Forest Park Connections (23). The mapping also designated habitat connections from the area north of Area 9B extending to forested habitat on the north end of the Tualatin Hills and east to Sauvie Island. All of these landscape features are primarily outside of Area 9B, except for the eastern edge of Area 9B mapped within the tree canopy land cover.
- **Nature in Neighborhoods – Regionally Significant Fish and Wildlife Habitat Inventory Map (Metro, December 2005)**. The Abbey Creek stream segments within Area 9B are mapped as an equal mix of Riparian Corridors/Wildlife Habitat Class I and Class II. The stream segments in Area 9B are comprised of fragmented short segments of Class I and Class II habitat, primarily as a function of forest clearing and adjacent land uses. The Abbey Creek tributaries north of Area 9B are comprised of longer, intact Class I segments, due to primarily more intact forest habitat along the tributaries.
- **Multnomah County SEC-S Resource Mapping (Mult. Co. Land Use Planning Division)**. Multnomah County maps the primary Abbey Creek tributaries with a SEC-S overlay and has added some secondary tributaries with the SEC-S overlay. The mapping also adds a tributary of Bronson Creek in the southeastern corner of Area 9B (Attachment A). It should be noted these overlays are the same as those mapped within the existing urban/residential zoned portions of the county and do not indicated resources of special value beyond other tributary/wetland systems.
- **StreamNet (Pacific State Marine Fisheries Board/ODFW)**. StreamNet maps habitat used by winter Steelhead for spawning and rearing in the middle Abbey Creek tributary (along the northern edge of Area 9B). No fish distribution is shown for the southern tributary within Area 9B. A short segment of the middle tributary is also mapped as habitat used for rearing and migration in the main stem segment north of Area 9B. Steelhead is a federally listed threatened species by the National Marine Fisheries Service (71 FR834, January 5, 2006).

- *National Resource Conservation Service Multnomah County Soil Survey.* The soil survey maps most of the Area 9B as Cascade silt loam with slopes ranging between 3 to 60 percent slopes (7B, 7C, 7D, 7E). Other soils include several areas of Cornelius silt loam, 3 to 8 percent slope (10B) and a couple of areas as Delena silt loam, 3 to 12 percent slope (14C). The areas of greater than 25 percent slopes are located in the northeast corner of Area 9B (7D, 7E); otherwise most of the site is mapped with slopes between 3 and 15 percent slopes. No significant hydric (wetland) soils are mapped within Area 9B, reflecting the sloping land forms (Attachment A).
- *National Wetland Inventory (NWI): Linnton, Oregon (U.S. Fish and Wildlife Service [USFWS] Online Wetlands Mapper).* The NWI map for Area 9B shows the main stem of Abbey Creek and several emergent wetlands in the southeastern corner of Area 9B.
- *Willamette Valley Synthesis – Conservation Opportunity Areas (The Nature Conservancy, October 2009).* The eastern half of Area 9B is targeted as a conservation opportunity area and is contiguous with a linear area along the western slope of the Tualatin Hills adjacent to Forest Park. It should be noted that the area designated for conservation within Area 9B does not connect habitat (i.e., wildlife travel corridors, migration corridors) between Forest Park and any targeted conservation areas to the west, since the area west of Area 9 B is currently developed. The main portion of the targeted conservation area is mostly north and east of Area 9B (although the main stem of Abbey Creek is not included for some reason).

### **Natural Landscape Features Findings**

ES&A analyzed the existing resource mapping for Area 9B to determine the degree to which it meets Metro's *Factors for Designation of Lands as Rural Reserves for Natural Landscape Features*. An evaluation of how Area 9B meets each of the eight (a-h) natural landscape features used to help determine the rural reserve designation are summarized as follows.

#### **a) *An area potentially subject to urbanization:***

Since Area 9B is directly adjacent to existing residential development to the west, this area could easily be used for urban use, expanding upon the existing utility and roadways built as part of the adjacent development. No natural barrier, such as a large drainage or steep slopes, exists between the existing Bethany residential development and Area 9B

#### **b) *Natural disasters/hazard areas***

Steeper topography is located along the northwestern edge of Area 9B. Hazard mapping for slopes compiled by Metro's Natural Hazards Program

does not indicated any high hazard areas within Area 9B and low to moderate slope hazard areas are located only along the north and eastern edges of Area 9B (Metro 1999).

Relative earthquake hazard designation by Metro is moderate to low-moderate in most of the Area 9B, with several high hazard areas mapped just east of Area 9B (Metro 1999).

**c) *Important fish, plant or wildlife habitat***

Habitat for winter steelhead is mapped by StreamNet on segments of Abbey Creek north of Area 9B. Habitat for spawning and rearing within in the segments mapped is likely limited due to past and current agricultural uses along these stream segments. It should be noted that this fish habitat mapping is based on preliminary conclusions by the Pacific State Marine Fisheries Board and ODFW and does not indicate field-verified fish occurrences in a given year, only that no downstream barriers exist to potential use by fish.

The slopes along the Abbey Creek tributary in the northern portion of Area 9B are relatively intact forested areas (based on aerial photographs) although targeted clearing is evident throughout the existing forested areas. The mix of pasture and forest vegetative communities in the main portion of Area 9B do likely provide travel corridors for wildlife and other habitat component, including forage, nesting, cover. However, most of the area south and west of the main Abbey Creek tributaries have been impacted by past land use practices, resulting in the majority of the southern portion of the Area 9B (along Springville Road) having been cleared of native forest cover.

It would be important for potential development in Area 9B to provide protections to avoid water quality and quantity impacts in the upper watershed areas contributing to these stream segments. All of the riparian habitat could remain protected as open space if this area was developed for urban use under local land use riparian buffer regulations. Other methods for protecting the more intact natural resource features would be to set aside larger contiguous open space tracts along and adjacent to the northern Abbey Creek tributaries to act as fish and wildlife preserve areas. Additionally, some areas mapped within Area 9B are mapped as low to moderate slope hazard areas that will naturally limit practical development options and these areas could be included in the open space tracts.

**d) *Necessary to Protect water quality or quantity (streams, wetlands, riparian areas)***

Abbey Creek is the main waterway in Area 9B. The stream segment within the area is the southernmost tributary to the main Abbey Creek reach. The southern quarter of Area 9B lies within the northern reaches of

the Bronson Creek watershed (Attachment A). Very few wetland or larger open water/waterway features are present within the area due to the moderately sloping and steep topography throughout the area. Surface water flow to the main tributaries occurs primarily as sheet flow and flows through land currently ranging from grass pastures to mixed forested areas.

The wider the riparian zone along the stream corridors in the headwaters, the better filtration will occur with the stormwater flow to the creek. However, other methods for mitigating water quality and quantity impacts are available in an urban setting, including preserving large tracts of open space along each reach of the Abbey Creek tributaries.

***e) Provide a sense of place***

The main portion of Area 9B is a mix of large to medium-sized parcels with some agricultural element. Some parcels are primarily pasture grasses, but most parcels have a mix of forested and open cleared pastures. Area 9B is located on the southern tributary to the main natural feature, Abbey Creek and the main stream segments are all north of this area. The forested habitat is fragmented outside of the riparian corridors from a mix of land uses. Area 9B is made up of very similar landscape features to those found in the existing Bethany area to the west. Overall, no one natural feature or land use characterizes this area.

***f) Serve as a Buffer or boundary area***

The main portion of Area 9B is located on the smaller southern tributary to Abbey Creek. The only natural landscape feature that may serve as a buffer or natural border is north of this area on the main channel of Abbey Creek. Most of the more intact forested habitat is located north of this area along the western edge of Forest Park. Potential development within Area 9B does not further fragment the open space directly adjacent to Forest Park or wildlife corridors between Forest Park and the remainder of the West Hills open space.

***g) Provide separation between cities***

The forested habitat on the sloped topography directly east of Area 9B would adequately (and naturally) serve as a buffer between the residential development in the Bethany area and the open space within Forest Park to the east. Most of the land in Area 9B is similar topographically and in land use to those properties directly west in Washington County (Attachment A).

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

No existing trail system exists within Area 9B and most of the properties restrict any pedestrian or recreational opportunities. The only linear feature that currently could function as a trail is the power line corridor along the western edge of the area. Many opportunities for new trails exist along the outer edges of the Abbey Creek riparian corridors, if the area was developed as residential.

**Conclusion**

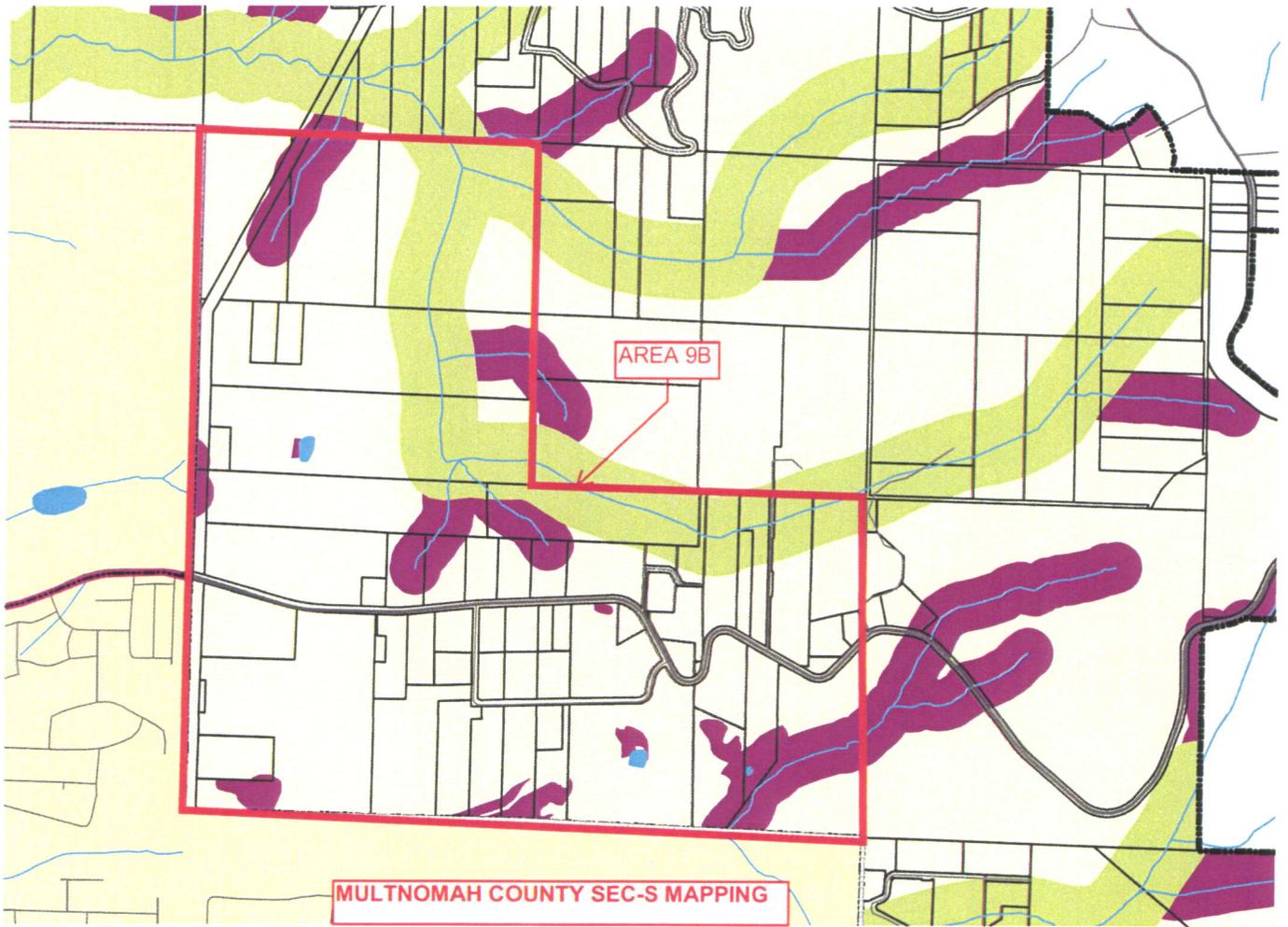
Area 9B is located within a transition area between the rolling hill landscape with cleared pastures to the west and the steeper forested habitat to the east. The main portion of Area 9B is very similar to the landscape located directly west in the existing Bethany area. The most significant landscape feature is Abbey Creek and the associated steeper topography on the eastern edge of Area 9B.

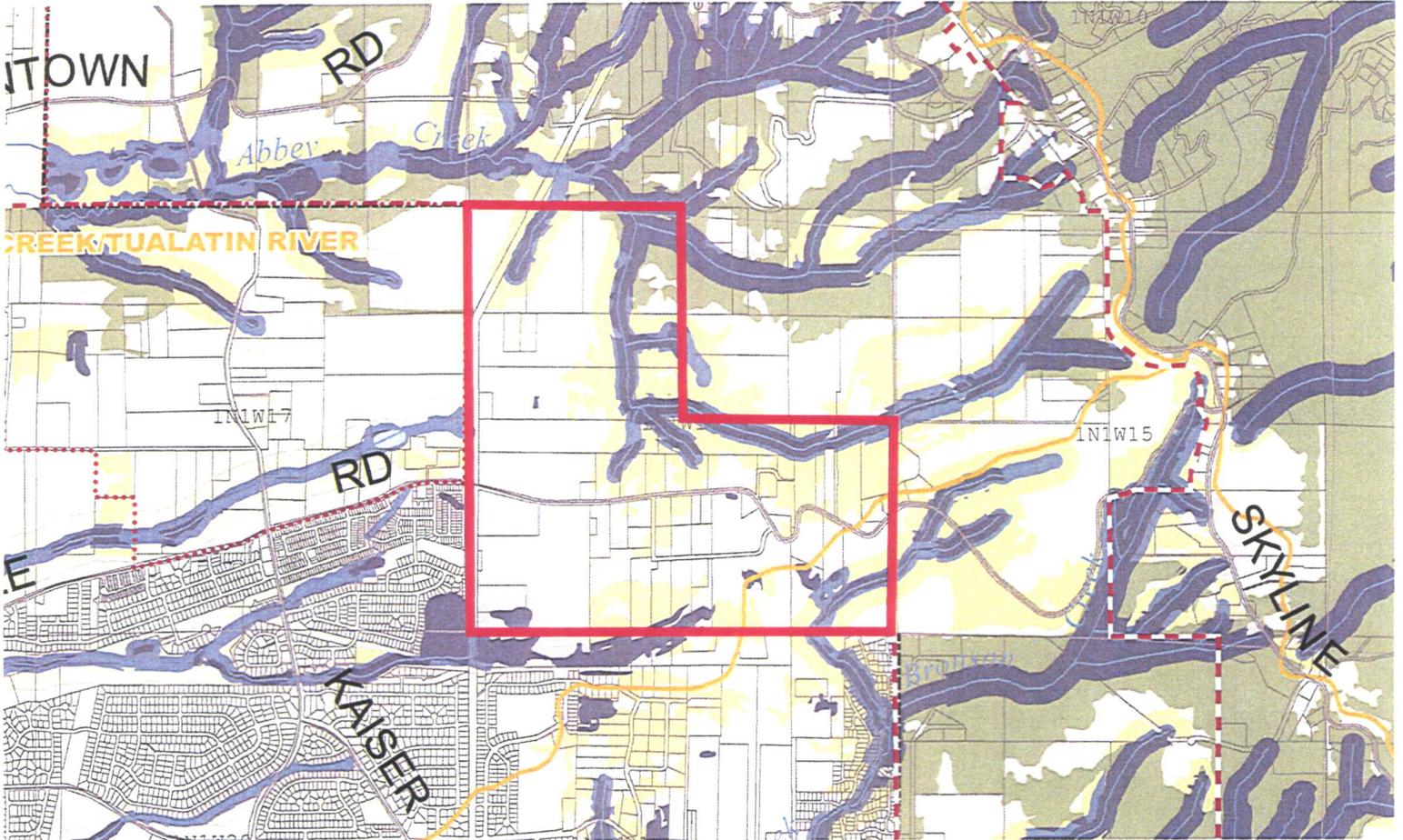
Area 9B is primarily located south and west of the specific landscape features mapped by Metro's *Natural Landscape Features Inventory* and it is not located on a main "Habitat Connection" corridor, which extend north and east to other landscape features. Most of the more intact forested habitat is located north of this area along the western edge of Forest Park, which will continue to serve as a landscape feature separation between urban areas of Washington County and the West Hills. The only natural landscape feature that may serve as a buffer or natural border is north of this area, on the main channel of Abbey Creek.

Most of the factors provided by Metro to local jurisdictions for considering important natural landscape features (OAR 660, Division 27) do not strongly indicate a rural reserve designation for Area 9B. No one landscape feature characterizes the area; the area lacking both intact wildlife habitat high quality agricultural potential. The area itself does not possess a strong sense of place since it is in a transition zone with both agricultural uses and forested tracts surrounding single family residences. Hazard areas are mapped as low to moderate, similar to the existing neighborhoods to the west. The stronger landscape features providing a natural boundary are located in the steeper topography along the main segments of Abbey Creek north of Area 9B.

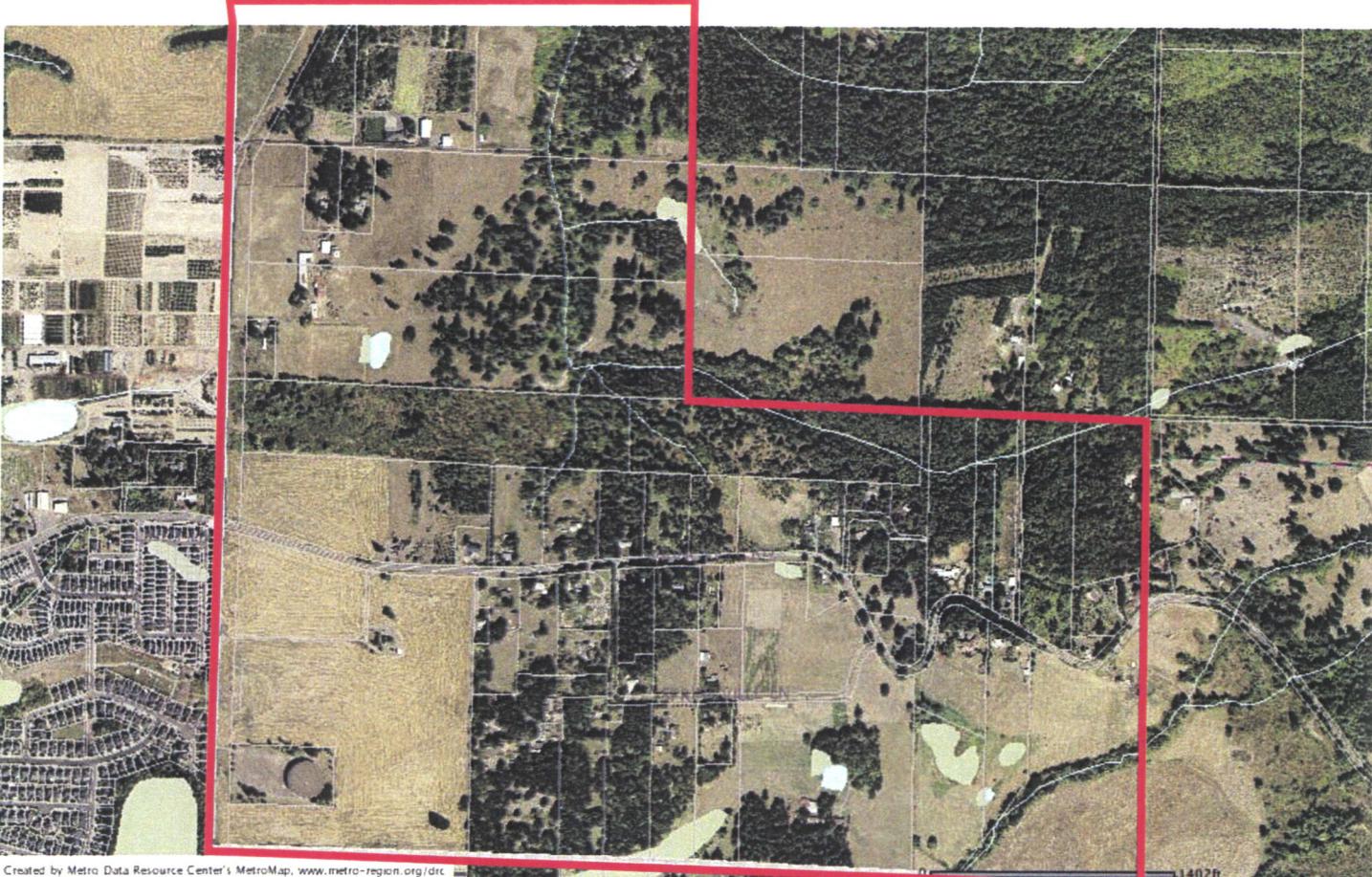
Area 9B will remain important for providing water quality and quantity components to the Rock Creek headwaters. However, methods for mitigating water quality and quantity impacts are available in an urban setting, including preserving large tracts of open space along each reach of the Abbey Creek tributaries. Similarly, designation of Area 9B as a rural reserve will not preserve the primary wildlife travel corridors or other habitat components not already found within the larger West Hills area, based on the Metro natural landscape mapping.

**ATTACHMENT A – NATURAL RESOURCE MAPPING**



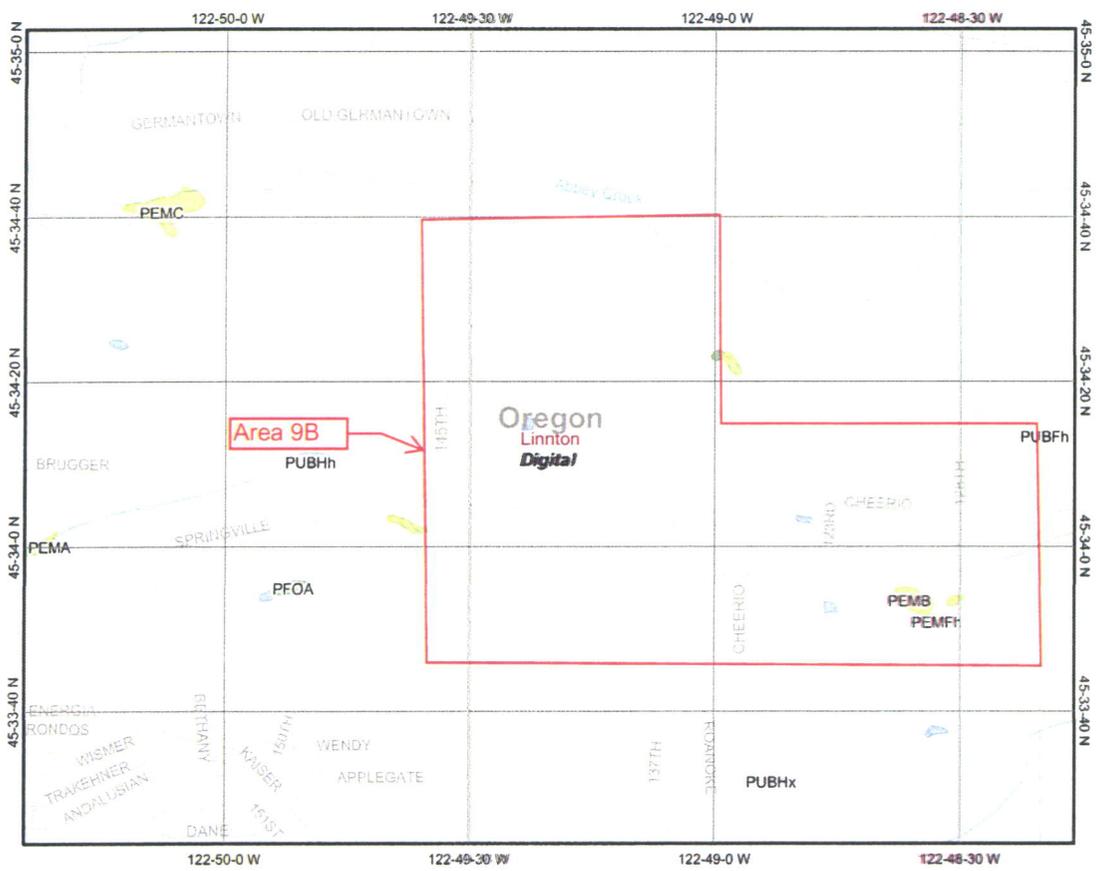


**Nature in Neighborhoods - Regionally Significant Fish and Wildlife Habitat Map (Metro) --- Area 9B**



AREA 9B

# E Bethany Area



## Legend

- Ohio\_wet\_scan
- 0
- 1
- Out of range
- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Counties 100K
- States 100K
- South America
- North America

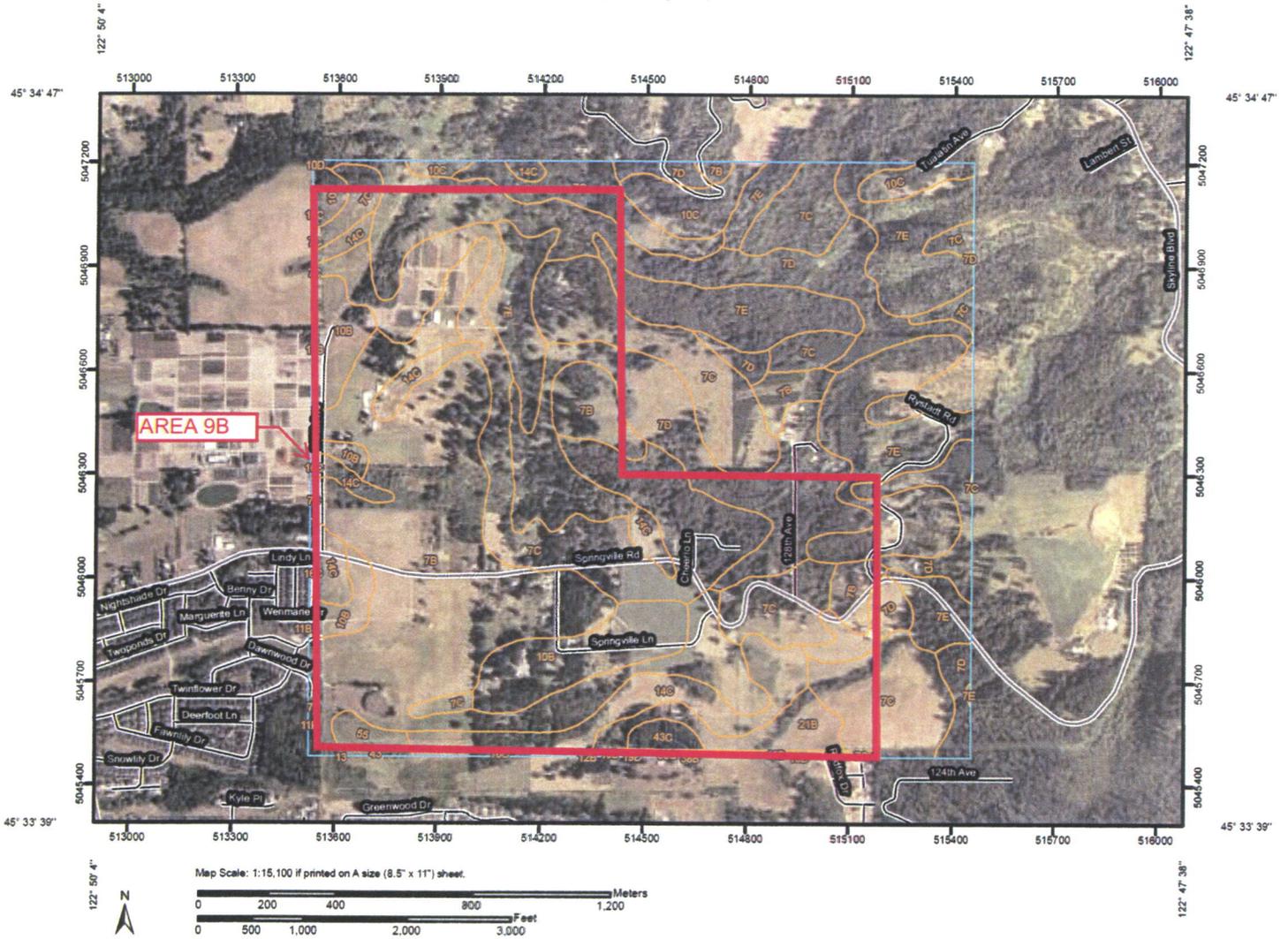
Map center: 45° 34' 13" N, 122° 49' 20" W



Scale: 1:21,330

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Soil Map—Multnomah County Area, Oregon, and Washington County, Oregon  
(E. Bethany Area)



Soil Map—Multnomah County Area, Oregon, and Washington County, Oregon  
(E. Bethany Area)

**MAP LEGEND**

<b>Area of Interest (AOI)</b>	 Area of Interest (AOI)	 Very Stony Spot
<b>Soils</b>	 Soil Map Units	 Wet Spot
<b>Special Point Features</b>	 Blowout	 Other
 Borrow Pit	 Clay Spot	<b>Special Line Features</b>
 Closed Depression	 Gravel Pit	 Gully
 Landfill	 Gravelly Spot	 Short Steep Slope
 Lava Flow	 Miscellaneous Water	 Other
 Marsh or swamp	 Perennial Water	<b>Political Features</b>
 Mine or Quarry	 Rock Outcrop	 Cities
 Sandy Spot	 Saline Spot	<b>Water Features</b>
 Severely Eroded Spot	 Sinkhole	 Oceans
 Slide or Slip	 Sodic Spot	 Streams and Canals
 Spoil Area	 Stony Spot	<b>Transportation</b>
 Stony Spot		 Rails
		 Interstate Highways
		 US Routes
		 Major Roads
		 Local Roads

**MAP INFORMATION**

Map Scale: 1:15,100 if printed on A size (8.5" × 11") sheet.  
The soil surveys that comprise your AOI were mapped at 1:20,000.  
Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: UTM Zone 10N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Multnomah County Area, Oregon  
Survey Area Data: Version 8, Feb 8, 2010

Soil Survey Area: Washington County, Oregon  
Survey Area Data: Version 8, Feb 8, 2010

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

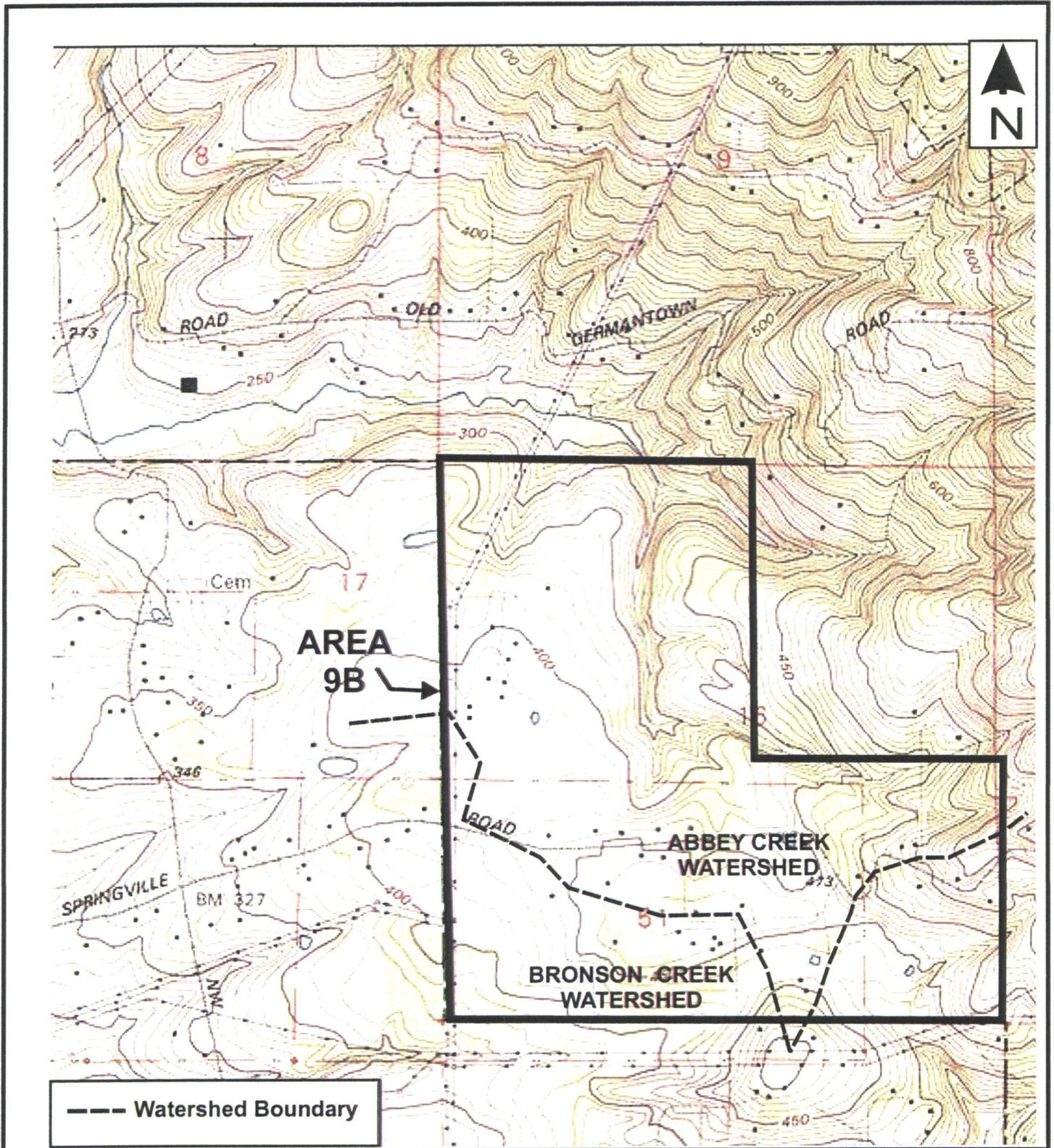
Date(s) aerial images were photographed: 8/4/2005

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Multnomah County Area, Oregon (OR051)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7B	Cascade silt loam, 3 to 8 percent slopes	178.3	21.7%
7C	Cascade silt loam, 8 to 15 percent slopes	212.2	25.8%
7D	Cascade silt loam, 15 to 30 percent slopes	156.1	19.0%
7E	Cascade silt loam, 30 to 60 percent slopes	126.6	15.4%
10B	Cornelius silt loam, 3 to 8 percent slopes	44.1	5.4%
10C	Cornelius silt loam, 8 to 15 percent slopes	22.8	2.8%
10D	Cornelius silt loam, 15 to 30 percent slopes	0.0	0.0%
14C	Delena silt loam, 3 to 12 percent slopes	45.2	5.5%
21B	Helvetia silt loam, 3 to 8 percent slopes	14.2	1.7%
43C	Saum silt loam, 8 to 15 percent slopes	3.9	0.5%
55	Wapato silt loam	3.9	0.5%
<b>Subtotals for Soil Survey Area</b>		<b>807.1</b>	<b>98.1%</b>
<b>Totals for Area of Interest</b>		<b>823.1</b>	<b>100.0%</b>

Washington County, Oregon (OR067)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7B	Cascade silt loam, 3 to 7 percent slopes	3.6	0.4%
7C	Cascade silt loam, 7 to 12 percent slopes	0.6	0.1%
11B	Cornelius and Kinton silt loams, 2 to 7 percent slopes	2.1	0.2%
11C	Cornelius and Kinton silt loams, 7 to 12 percent slopes	0.1	0.0%
12B	Cornelius variant silt loam, 3 to 7 percent slopes	0.1	0.0%
13	Cove silty clay loam	0.0	0.0%
16C	Delena silt loam, 3 to 12 percent slopes	4.4	0.5%
19B	Helvetia silt loam, 2 to 7 percent slopes	2.4	0.3%
19D	Helvetia silt loam, 12 to 20 percent slopes	0.1	0.0%
38B	Saum silt loam, 2 to 7 percent slopes	0.0	0.0%
38C	Saum silt loam, 7 to 12 percent slopes	1.2	0.1%
43	Wapato silty clay loam	1.3	0.2%
<b>Subtotals for Soil Survey Area</b>		<b>16.0</b>	<b>1.9%</b>
<b>Totals for Area of Interest</b>		<b>823.1</b>	<b>100.0%</b>



Source: USGS 7.5-Minute Linnton, OR Quadrangle, 1990.

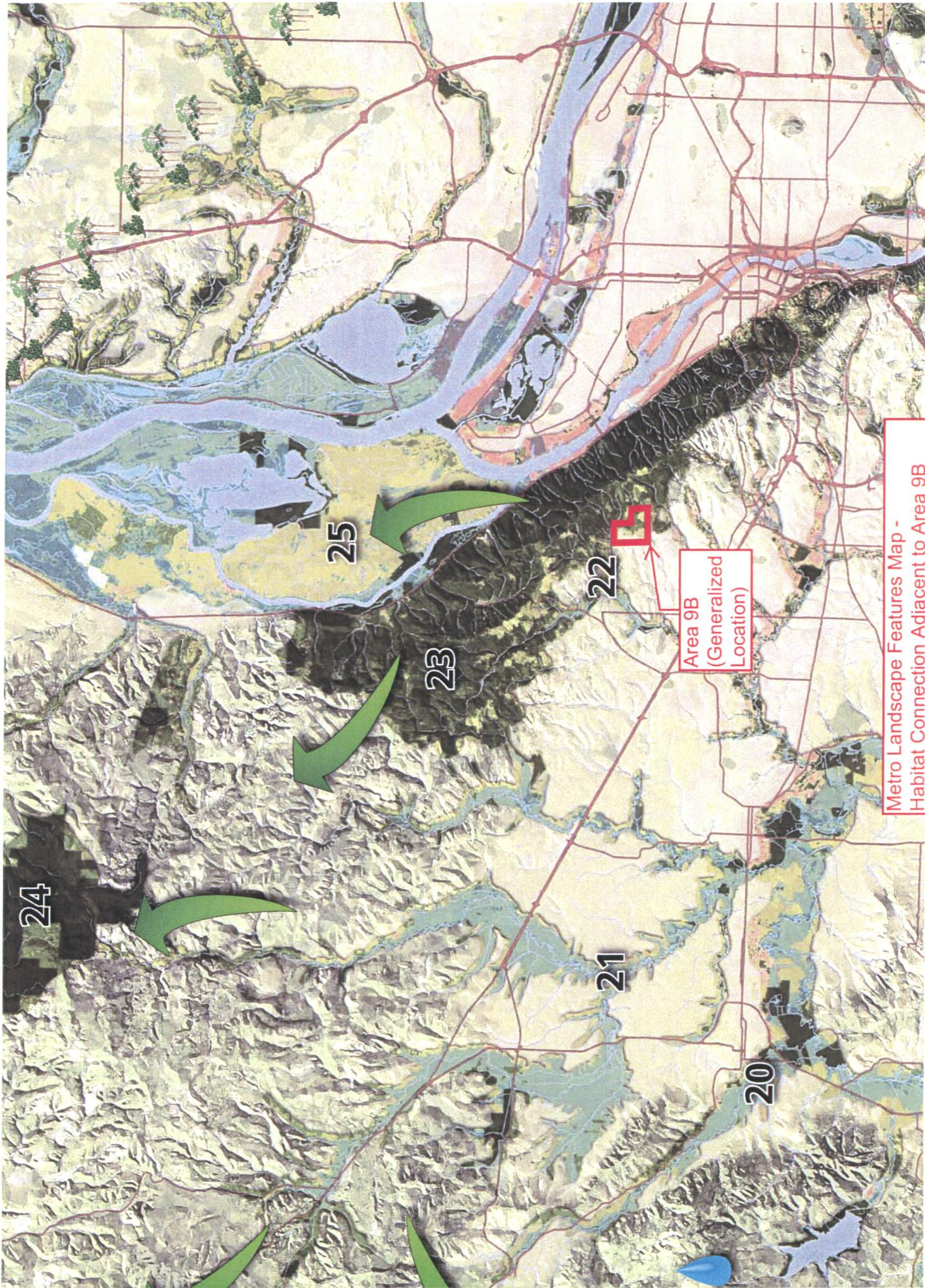
Environmental  
Science &  
Assessment, LLC



USGS Topographic Map  
East Bethany - Area 9B  
Multnomah County, Oregon

Attachment A

Approx. Scale:  
1 in. = 2000 ft.



Metro Landscape Features Map -  
Habitat Connection Adjacent to Area 9B

panorama from the urbanized portion of Washington County and define the southwestern edge of the greater metropolitan region.

**15 Parrett Mountain**  
An extension of the Chehalis Mountains southeast to the Willamette River, Parrett Mountain is the prominent topographic feature separating Wilsonville from Newberg.

**16 Willamette River Floodplain**  
This complex floodplain system is essential for flood storage and water quality protection of the Willamette River while providing productive wetland habitats for migratory waterfowl and native amphibians and off-channel refuge for migrating salmonids.

**17 Yamhill/McMinnville/Amity Oaks**  
Three areas east of McMinnville contain large tracts of Oregon white oak woodlands, historically a major component of the Willamette Valley landscape. There are only a few large stands of Oregon white oak woodland and savanna remaining.

**18 Wapato Lake**  
This ancient lakebed has the highest potential for protecting wildlife habitat and water quality in this part of the region. The lakebed serves as a catchment

for the upper Tualatin River as it transitions from steep slopes of the Coast Range and Chehalis Ridge to its meandering lower floodplain.

**19 Tillamook State Forest**  
The Tillamook State Forest provides a scenic panorama and defines the western edge of the greater metropolitan area as well as providing drinking water for a substantial population of the region.

**20 Lower Gales Creek**  
Lower Gales Creek provides the only remaining steelhead spawning area of the Tualatin River and also provides wildlife habitat, water quality/benefit and recreation, education and stewardship opportunities.

**21 Dairy and McKay Creeks Confluence**  
Dairy and McKay Creeks drain a largely agricultural watershed within Washington County, enhancing water quality and providing wildlife habitat along these major tributaries contributes significantly to the natural functions of the Tualatin River.

**22 Rock Creek Headwaters**  
The upper watershed of Rock Creek provides a great opportunity for water quality protection goals for the lower watershed as the creek and its

tributaries pass through rapidly urbanizing neighborhoods within the cities of Hillsboro and Beaverton.

**23 Forest Park Connections**  
The Forest Park connection area provides protection to key watersheds like Balch, Miller, Ennis and Agency Creeks and secures the integrity of the "big game" corridor that links the park with habitats in the northern Coast Range.

**24 Diele Mountain**  
Lying within the Tualatin Mountains range northwest of Forest Park, Dove Mountain is a heavily forested area that serves as a major attractant for roosting and nesting bald eagles.

**25 Sauvie Island**  
The 26,000-acre Sauvie Island is one of the largest attractants to waterfowl, neo-tropical bird migrants, and raptors and is one of the region's most identifiable landscape features.

**26 Columbia River Islands**  
The Columbia River islands provide significant aquatic habitat for migrating salmon and protected upland wildlife habitat for nesting shorebirds and raptors and are very identifiable within the bi-state landscape.

**Metro**  
People places • open spaces

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.

**Your Metro representatives**

**Metro Council/President**  
David Bragdon  
**Metro Councilors**  
Rod Park, District 1  
Brian Newman, District 2  
Carl Hestola, District 3  
Kathryn Harrington, District 4  
Rex Burkholder, District 5  
Robert Lyster, District 6  
**Assistant**  
Suzanne Flynn

**Metro's web site**  
[www.metro-region.org](http://www.metro-region.org)



## NEXT STEPS

The next step for the Natural Landscape Features work is to confirm the identified features, provide boundaries for the features and make certain that no natural landscape features are missing from the inventory. Metro Planning and Parks & Greenspaces staff, with continued involvement from our regional partners, will explore ways to integrate the results of this work with the agricultural and great communities work elements of the Shape of the Region and identify potential tools to reflect the importance of these areas in the regional landscape.

A NEW LOOK  
AT REGIONAL  
CHOICES  
FOR HOW  
WE GROW

## New Look At Regional Choices

# Summary of the Natural Landscape Features Inventory

## INTRODUCTION

The Metro Council launched the New Look at Regional Choices work program, which will re-examine the way we carry out the region's long-range plan, the 2040 Growth Concept. The New Look at Regional Choices work program is separated into three broad categories: Investing in our Communities, Shape of the Region and the Regional Transportation Plan (RTP). The Shape of the Region portion of the New Look work program, a coordinated effort with Clackamas, Multnomah and Washington Counties and the State Departments of Land Conservation and Development and Agriculture, focuses on balancing regional agricultural land needs with the protection of natural resources and the creation of great communities. This memo focuses on the natural resources component of the Shape of the Region. The intent is to define a simple mapping process that will identify those features of the landscape that influence the sense of place for the greater region and ultimately will help define the future urban form of the greater region.

## BACKGROUND

Metro Planning and Parks and Greenspaces staff have been working with members of the Metro Greenspaces Policy Advisory Committee to identify natural landscape features that influence the sense of place for the greater region. The process for identifying these features included standard GIS format mapping of natural resources as well as the collective expertise of a select group of ecology and park professionals from various federal, state, local and private organizations. The inventory and assessment was based on a couple of key questions:

- What natural resources are essential to the health and welfare of the region?
- What landscape features define the sense of place for the region?

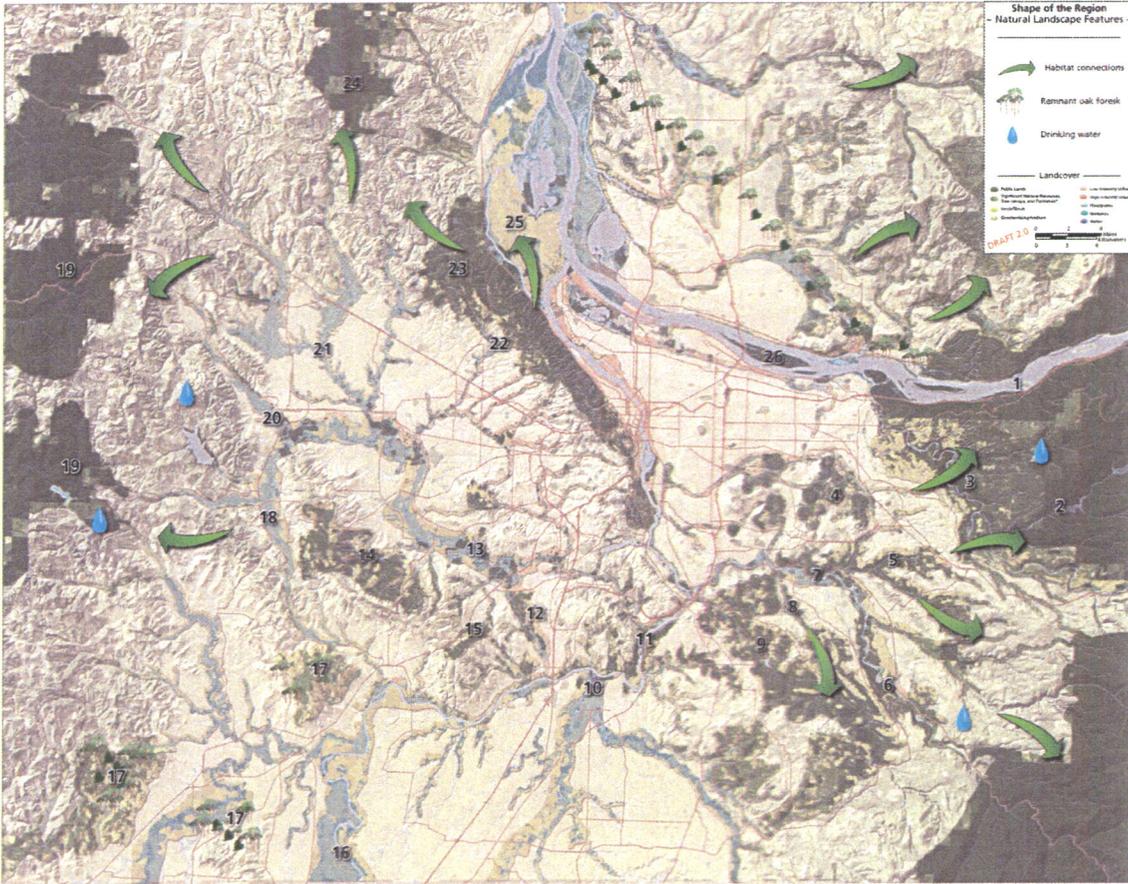
To give context to the broader New Look perspective, the inventory area extended from north of Salem to the North Fork of the Lewis River on a north-south axis and from the Cascade foothills to the Coast Range on the east-west axis.



**NATURAL LANDSCAPE FEATURES**

Below are the twenty-six identified natural landscape features, listed as one moves in clockwise motion starting at the Columbia River in the east portion of the region.

- 1 Columbia River Gorge Scenic Area**  
The Columbia River Gorge is a spectacular river canyon, 80 miles long and up to 4,000 feet deep, cutting the only sea level route through the Cascade Mountain Range.
- 2 Cascade Foothills**  
The Cascade Mountains foothills provide a scenic panorama for Portland and the eastside of the region and provide drinking water for the majority of the population of the region.
- 3 Sandy River Gorge**  
The Sandy River Gorge is a 12.5-mile stretch of the river that winds its way through the 800-foot-high basalt and sandstone canyons and is designated as both a State Scenic Waterway and a National Wild and Scenic River.
- 4 East Buttes**  
The forested buttes stretching from Gresham south through Damascus and Happy Valley create a unique geography for local residents and provide welcome relief from surrounding land uses.
- 5 Deep Creek Canyons**  
The intact steeply wooded slopes of Deep Creek and its major tributaries of Nover and Tickle Creeks serve as the principal corridor connecting the Clackamas River to habitat areas to the north within urbanized areas.
- 6 Clackamas River**  
The Clackamas River watershed is home to the last significant run of wild late winter Coho in the Columbia Basin, is a part of the National Wild and Scenic River system designated as a recreational river and provides high quality drinking water to approximately 200,000 people.



- 7 Clackamas River Bluffs and Greenway**  
The Clackamas River Bluffs area contains uncommon habitat types that provide an important link to the lower river for the communities of Damascus and Happy Valley.
- 8 Clear Creek Canyon**  
Clear Creek is a high-quality fish-bearing creek that supports 11 different varieties of fish, including rainbow trout and endangered fall chinook and coho salmon, steelhead and threatened coastal cutthroat trout.
- 9 Newell and Abernethy Creeks**  
Located within and surrounding Oregon City, Newell and Abernethy Creeks provide critical fish and wildlife habitat in a rapidly urbanizing area, especially threatened habitat for steelhead and cutthroat populations.
- 10 Lower Pudding River**  
The Pudding River flows through forests and developed plains of the Willamette Valley to form a large floodplain delta with the Molalla River, an important seasonal resting area for large gathering of waterfowl.
- 11 Willamette Narrows to Canemah Bluff**  
The Willamette Narrows is a stretch of steep cliffs and rocky islands that are botanically rich, home to plants normally found far north and east of our region, and also contains a unique place called Peach Cove Bog, believed to be the only wetland of its kind remaining in the Willamette Valley. Canemah Bluff is noted for a diversity of habitats and its historical use by Native Americans.
- 12 Tonquin Geologic Area**  
Ancient floods created the Tonquin geologic area 12,000-15,000 years ago creating unique geologic formations including "kolk" ponds, channels, basalt hummocks and knolls.
- 13 Tualatin River**  
The riparian areas and floodplains of the Tualatin River are important to protecting the water quality of this river heavily impacted by urban and agricultural uses. In addition to providing flood storage, the floodplains and associated wetlands support considerable numbers of waterfowl and migrating neotropical birds.
- 14 Chehalis Mountains**  
The unbroken ridges and forested slopes of the Chehalis Mountains provide an important scenic

Continued on back



Environmental Science &  
Assessment

**Jack Dalton**  
Senior Wetland Scientist/Wildlife Biologist

---

### Education

B.S., Biology, Lewis and Clark  
College, Portland, Oregon

### Expertise

Wetland Assessment  
Mitigation Planning  
Plant and Bird Surveys  
Habitat Evaluation  
Sensitive Species Surveys  
Habitat Restoration Plans  
Agency Consultation

### Experience

Jack has over 17 years of experience in environmental assessment involving wetland documentation and permitting, habitat assessment, plant surveys, bird surveys and wildlife research. He has served as project manager and has led environmental documentation for projects involving road and trail alternatives analysis, master planning, wetland mitigation design, habitat restoration and resource inventories on numerous sites throughout Oregon and Washington.

### Recent Projects

Jack has been responsible for managing and working on the following projects.

#### **City of Sherwood Cedar Creek Trail Feasibility Study**

ES&A provided the environmental documentation on the 1.5-mile Cedar Creek Trail feasibility study. The trail will be a multi-use path that will serve as a major north/south trail connector between Stella Olsen Park and the Tualatin River Wildlife Refuge in the **City of Sherwood** urban trail system. Environmental Science & Assessment, LLC (ES&A) prepared the assessment of the wetlands areas and vegetated corridors in the project area and mapped resource boundaries using GPS.

#### **City of Irrigon First and Columbia Bike and Pedestrian Improvements**

ES&A conducted a sensitive species survey of the sidewalk and bicycle lane project alignment along Highway 730. Field survey and research was conducted to determine the presence of threatened or endangered species and designated critical habitats for species under NMFS/USFWS jurisdiction. A Biological "No Effects" memorandum was prepared that addresses the presence and potential impacts on such species in the project area.

#### **I-5: Delta Park (Victory Blvd. to Lombard Section)**

Conducted listed plant and wildlife inventories. ES&A prepared biological (sensitive, proposed and listed species, and wetland) documentation to support the NEPA Environmental Assessment (EA) for ODOT's I-5: Delta Park (Victory Blvd. to Lombard Section) project. The project included biological analysis of impacts for three build alternatives and one design option. ES&A prepared a Biological Assessment to address potential impacts to proposed and listed species, and a wetland determination document.

#### **Cedar Creek Culvert Replacement**

Jack conducted a wetland delineation and CWS Natural Resource Assessment to support of the USACE/DSL permit applications. The project involved a culvert replacement in Sherwood near Stella Olsen Park that included temporary and permanent impacts to wetlands and streams. The project included replacing the culvert with a bridge structure, channel and wetland restoration, construction of water quality facilities and a multi-use path that will connect to the proposed **City of Sherwood Cedar Creek Trail** system.

#### **Sherwood School District Wetland Permitting**

Jack prepared a wetland delineation, impact assessment and mitigation plans for a 34-acre school site for the **Sherwood School District 88J** in a newly annexed portion of the City of Sherwood. The project involved preparing baseline wetland documentation, conceptual mitigation design for two mitigation sites and coordinating with local, state and federal agencies in completing the Joint Removal-Fill/Section 404 Permit.

#### **Hedges Creek – Blue Lot Pedestrian Bridge**

The project is located at a culvert crossing of Hedges Creek between the **City of Tualatin** Blue Lot parking lot and Tualatin Community Park. The proposed plan includes removing the existing asphalt path and culvert and replacing the path with an 80-foot pedestrian bridge span extending over both the creek and associated floodplain. Tasks included the wetland delineation and preparation of a CWS Natural Resource Assessment (NRA) for proposed Hedges Creek culvert (HSC01) removal near Tualatin Community Park in Tualatin, Oregon.

#### **Thimble Creek Development**

Jack participated in a site visit of the Oregon City Golf Club (OCGC) with an interdisciplinary team to evaluate the proposed land use designations and park overlay within this property as part of the Beaver Creek Road Concept Plan. The purpose of this evaluation was to determine if the proposed land use and special parks overlays proposed in the Concept Plan best reflect the existing resource boundaries along the edge between the inventoried natural areas and the other land use areas within the OCGC property. Tasks included providing a summary of the background documentation conducted to map the natural areas within the Concept Plan and provide opportunities and constraints related to natural resources and future development within the OCGC property.

#### **Trust for Public Lands- Summer Creek Natural Area**

Jack prepared a wetland determination and resource mitigation analysis for a parcel along Summer Creek and Fanno Creek as part of a market appraisal for the **Trust for Public Lands** project. TPL used this information in purchasing the parcel for use as an open space and will restore the natural plant communities on site.

#### **Multi-year Waterway Maintenance Permit**

ES&A prepared an application to the USACE and DSL for multi-year Section 404 and Removal-Fill authorization for **Multnomah County Drainage Districts** maintenance activities. Seventy-six (76) resource sites were inventoried within the 15 square mile maintenance district within the area bordered by Smith Lake, the Columbia River, the Sandy River and Columbia Boulevard/I-84. Tasks included background and field review associated natural resources, preparation of a resource assessment based on SAM 2000 to provide a resource management rating to be used in determining specific mitigation conditions for maintenance activities in drainage ditches (secondary waterways) and the Columbia Slough.

#### **SW Nyberg Road & I-5 Interchange**

**Jack Dalton**

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Performed background and field assessments, and prepared natural resource documentation for improvements associated with Nyberg Road/I-5 Interchange for **City of Tualatin**. Prepared a Natural Resources Assessment for Water Quality Sensitive Areas and Vegetated Corridors in order to obtain a Services Provider Letter from Clean Water Services.



**BNEPA Environmental Report for Wastewater Facilities Plan**  
Conducted wetlands assessment and prepared USFWS Biological Assessment to support the Wastewater Facilities Plan's NEPA Environmental Report for the **City of Brownsville** in order to comply with Rural Development, Rural Utilities Service guidance. Jack completed supplemental studies including wetlands delineation and listed plant species assessment.

**Oregon Bridge Delivery Partners - Bundle 310**

ES&A conducted an assessment of natural resources and prepared environmental permits for replacement of five **ODOT I-5** bridges in Lane County. Surveys were conducted for the presence of listed fish, rare plants and wetlands. Other tasks include developing in water work area isolation plans and assessment of impacts to the Coast Fork of the Willamette River and Martin Creek.

**Freeway Land Company Site**

ES&A is providing environmental services for the **Freeway Land Company** site in southeast Portland, Oregon. Work completed included wetland delineation and functional assessment for a proposed mitigation area. Also assisted in preparing a comprehensive mitigation plan to address wetland impacts on site. Other services also include providing technical documentation to the Oregon Division of State Lands (DSL) and the U. S. Army Corps of Engineers (USACE) regarding wetland functions assessment, and assisting in the preparations of removal-fill applications to DSL and USACE.

**Brush College Road Realignment**

Conducted a wetland delineation and functional values analysis for a roadway improvement project for the **City of Salem**. The project required preparing assessment and mapping documentation of potential impacts to three stream crossings and associated wetlands along 3600 linear feet of Brush College Road.

**Fanno Creek Bridge Water Line**

Conducted a wetland delineation and functional values analysis for a water line improvement project for the **City of Beaverton**. The project required preparing assessment and mapping documentation of potential impacts to Fanno Creek and associated wetlands surrounding the Denny Road crossing.

**147th Avenue Road Realignment**

Conducted a wetland delineation and functional values analysis for a realignment of a 1.25-mile segment of 147th Avenue within an approximately 8-acre study area for the **City of Happy Valley**. Report documentation required data collection within agricultural fields currently under cultivation, a Rock Creek tributary and on three intermittent drainages. The project included coordination with DSL on wetland mitigation and permitting, project engineers and contractors on location of proposed creek crossings, and surveyors on mapping resources.

**Environmental Mapping Report for Wastewater Improvements**

Prepared an Environmental Mapping Report to support a wastewater treatment improvement project for the **City of Cannon Beach**. Evaluated the biological community, unique habitat, recreational uses, and other beneficial uses potentially impacted by wastewater discharges into Ecola Creek to comply with DEQ requirements.

**Miles Crossing Biological Assessment**

Prepared USFWS Biological Assessment for the Miles Crossing Sanitary Sewer District project in **Clatsop County, Oregon**. Species evaluated included listed species (bald eagle, marbled murrelet, brown pelican, Columbian white-tailed deer, Oregon silverspot butterfly, water howellia, 5 ESU's of steelhead, 1 ESU of sockeye salmon, 5 ESU's of chinook salmon, 1 ESU of chum salmon, 3 ESU's of coho salmon, coastal cutthroat trout). Also, per Rural Utilities District standards, 23 candidate species and species of concern were included in the impact evaluation.

**Brownsville NEPA Environmental Report**

The **City of Brownsville** received a federally funded Community Development Block Grant from the Oregon Economic and Community Development Department and is required to prepare a NEPA EA for proposed wastewater system improvements outlined in the City's Facilities Plan. Jack prepared Wetland Delineation Report and wetland restoration plans as support documentation for USACE/DSL joint Section 404/Removal-Fill permit approvals for the project.

**Williams Communications Optic Cable Environmental Survey**

Conducted wetland determinations and stream analysis along proposed fiber optic cable route between the Columbia River and the Lewis River in Cowlitz County. Duties included coordinating with Williams Communications for property access, delineating wetland boundaries in project corridor, collecting stream data, and mapping wetland and stream resources on project maps.



# WASHINGTON COUNTY OREGON

February 17, 2010

Commissioner Jeff Cogan  
Multnomah County Board of Commissioners  
501 SE Hawthorne Blvd.  
Portland, OR 97214

RE: Urban and Rural Reserves Area 9B (aka "the L") on the CORE 4 map of 2/8/10

Dear Jeff:

In recent months there has been considerable discussion and examination of the above-referenced area and its suitability to be designated Urban or Rural or be left undesignated on the URRs map.

This land area, if developed, is likely to receive services from Washington County and one or more of its service districts due to its topography and proximity to urban services on the west side of the Multnomah/Washington County line. I have been asked to clarify whether these services, such as water, sanitary sewer, transportation and other services would indeed be available.

The answer is 'yes', these services can be available.

As we have discussed in the past, there are some complications when a land area is in one county and needs to be served by another county. However, when this land area is considered for inclusion in the Urban Growth Boundary we know that a concept plan must be made, public services identified, a realistic finance plan be developed and governance decided.

I have also been asked whether Washington County would object to the area being designated Urban Reserves. Because all of these matters have to be worked out in advance, and without satisfactory resolution the Metro Council will not bring the area into the UGB, we are comfortable and can support a designation of Urban Reserves.

If you or your Board has further questions, or if I can assist in clarifying this matter further, please do not hesitate to ask. Best wishes to all of you as we bring the significant URRs process to a close.

Sincerely,

*Tom Brian*

Tom Brian, Chair  
Washington County Board of Commissioners

C: Chair Ted Wheeler  
Commissioner Deborah Kafoury  
Commissioner Judy Shiprack  
Commissioner Diane McKeel

## Tualatin Valley Water District



1850 S.W. 170th Ave. Beaverton, Oregon 97006 Phone: (503) 642-1511 Fax: (503) 649-2733 www.tvwd.org

Gregory E. DiLoreto  
General Manager

April 13, 2010

Bernice Bagnall  
Chief Financial  
Officer

Tom Vanderzanden  
15903 W. Logie Trail Road  
Hillsboro, OR 97124

Debra Erickson  
Manager, Human  
Resources

Dear Tom:

Dale Fishback  
Manager, Operations  
& Field Services

You have requested that I provide you with information regarding the Tualatin Valley Water District's (TVWD) ability to provide water service to an area outside the current District Boundary. This area was included in the study of urban/rural reserves, known as area 9B and areas surrounding 9B.

Todd Heidgerken  
Manager, Community  
& Intergovernmental  
Relations

We could easily serve any of this area below about elevation 460, the southwest portion of area 9B, using our existing Springville Reservoirs and the planned future North Bethany Reservoir.

Mark Knudson, P.E.  
Chief Engineer

It appears that about one-fourth of area 9B lies above elevation 460. In order for TVWD to provide service to this area, improvements would need to be made.

Brenda Lennox  
Manager, Customer  
& Support Services

Our most likely scenario for providing service to the remaining portion would involve an additional reservoir at a new site at about elevation 820 and construction of a new pump station at the planned future North Bethany Reservoir. This is feasible, and not particularly expensive, nor is it outside of the improvements we are making to serve the North Bethany area, brought into the urban growth boundary during the last expansion.

As a part of the urban services agreements in the Metro area however, the District adheres to the urban services boundaries that have been set and we would not serve the above mentioned area unless we were authorized by Multnomah County and the City of Portland, the designated water provider.

I hope this answers your questions. Call or write should you have further questions, or need additional information. I can be reached at 503-848-3032, or greg@tvwd.org.

Sincerely,

Gregory E. DiLoreto  
General Manager

Cc: Mark Knudson, Chief Engineer

Letter to T. Vanderzanden (2) 04-13-10



**WATER - not to be taken for granted**  
100% post consumer recycled fiber

November 23, 2009

Matt Wellner  
Metropolitan Land Group  
17933 NW Evergreen Parkway, Suite 300  
Beaverton, OR 97006



**LANCASTER**  
ENGINEERING

321 SW 4<sup>th</sup> Ave., Suite 400  
Portland, OR 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

*RE: East Bethany Urban Reserve Candidate Area  
Transportation & Connectivity*

Dear Mr. Wellner:

This letter is written to supplement the September 10, 2009 letter submitted by Lancaster Engineering at the meeting of the Multnomah County Board of Commissioners on that same date. Following that Board of Commissioners meeting, additional analysis has been performed related to the potential connection of NW Saltzman Road north to NW Springville Road. As you know, this important connection would not likely be made in a rural setting. The benefit of the Saltzman Road connection is a critical element in the future urbanization of East Bethany, adjacent to Washington County.

The transportation planning analysis described in this report is conducted “following” North Bethany. That is, development of North Bethany, together with the associated transportation infrastructure improvements, is assumed to be in place at the end of the planning horizon. From that point, the analysis of East Bethany begins.

#### *Transportation System Models*

As discussed in the September 10 letter, Washington County has invested in a significant amount of infrastructure planning and construction to bring Saltzman Road north to the boundary with Multnomah County. To date, neither Washington County, Multnomah County, nor Metro have prepared a refined transportation system model that links Saltzman Road to Springville Road, through Multnomah County. However, both Washington County and Metro have done a significant amount of transportation system modeling work in the area. For this analysis, several transportation system models were used.

The first is the model that has been utilized for recent analysis of the North Bethany plan area. This model includes the more rural transportation system in Multnomah County, but does not include the connection of Saltzman Road to Springville Road. The second is a variation of the first model that is being maintained by Washington County. This model has slight variations, but also does not include the Saltzman Road connection. Lastly, the model that is maintained by Metro was examined. While the standard Metro model does not include the Saltzman Road connection, Metro staff made such a connection in the model at our request and provided modeling output showing the effect of the additional connectivity.



Matt Wellner  
November 23, 2009  
Page 2 of 4

It should be noted that this scenario is not part of the **adopted** model maintained by Metro, but is merely used as an analysis tool to investigate and **substantiate the benefits** of such a connection. None of the demographics in the model (such as households and employment) were modified.

### *Benefits of Connectivity*

While each of the three models vary to some degree, **all indicate** that at the end of the planning horizon with North Bethany in place, Kaiser Road south of Springville Road will carry peak-hour traffic volumes near 1,000 vehicles per hour in each direction. Using a lane capacity of 1,050 vehicles per hour<sup>1</sup>, this loading is approaching the need to **widen Kaiser Road to five lanes**. In other words, Kaiser Road can accommodate all of North Bethany as a three-lane facility, but at build out, it will be near capacity and will experience congestion during the peak hours.

This congestion is due primarily to a lack of north/south connectivity within the planning area. Without the Saltzman Road connection to Springville Road, **only 185<sup>th</sup> Avenue and Kaiser Road** provide access to and from the south to both North Bethany and East Bethany. Skyline Boulevard in Multnomah County is another option, although it is **less desirable** because of its rural character and because it does not provide as direct a connection as 185<sup>th</sup> Avenue or Kaiser Road to other major transportation facilities or employment and commercial centers in Washington County.

Clearly, the connection of Saltzman Road to Springville Road would improve connectivity and provide an additional north/south travel option. **As expected, the connection reduces volumes significantly on other routes**. Comparison of model runs with and without the street connection show a decrease of approximately 650 peak hour trips on Kaiser Road and 575 peak hour trips on Skyline Boulevard.

As demonstrated by the model, spreading the north/south travel demand across four facilities<sup>2</sup> rather than just three results in lower traffic volumes on the primary routes. The model also shows a corresponding increase in traffic on Saltzman Road with the connection in place. With North Bethany and its street network and planned improvements completed, the Saltzman Road connection north of Laidlaw Road would carry approximately 1,460 evening peak hour trips (total of both directions). This does not include additional urban development within East Bethany, although the effects of this development are discussed in the following section.

### *East Bethany Development*

In each of the models examined for this analysis, land areas are divided into Transportation Analysis Zones (TAZs) and each zone has its own characteristics in terms of number of households, amount of employment, etc. The TAZ that includes East Bethany is quite large. It is bordered by Washington County on the west and south, extends east of Skyline Road on the east and half way between Germantown Road and Springville Road on the north. In addition, the trips from the TAZ

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<sup>1</sup> This lane capacity was also used by DKS Associates in Washington County's North Bethany transportation analysis as well as subsequent work by Kittelson and Associates

<sup>2</sup> Skyline Boulevard, Saltzman Road, Kaiser Road, and 185<sup>th</sup> Avenue



Matt Wellner  
November 23, 2009  
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are loaded in a single location which is at approximately the geographical center of the TAZ, although this point is a significant distance from the fringes adjacent to Washington County, which is of primary concern for this analysis.

Even with these simplifications, the directional split of traffic from the TAZ is relatively even between the east and the west. Attached to this letter is a map showing the area surrounding East Bethany. The map shows the location of commercial and office developments and also shows the location of schools. As shown on the map, these trip attractors are located to the south and west of the East Bethany planning area within Washington County. Very little commercial development is available within close proximity to the north and east in Multnomah County. Therefore, with development along the southern and western edges of the East Bethany planning area, it is logical to assume much of the site traffic would travel to the south and west. This focuses urban traffic away from rural Multnomah County roads and also makes use of the increase in available capacity on Washington County facilities. In addition, it is expected that there would be a significant amount of shorter-length trips between residential uses and commercial and institutional uses in North Bethany, East Bethany, and nearby areas such as Bethany Town Center and the commercial center at West Union Road and 185<sup>th</sup> Avenue.

#### *Jurisdictional Boundaries*

As discussed above, the East Bethany planning area is in Multnomah County, but a significant percentage of the trips from urban development in the area would be to and from Washington County. The connection of Saltzman Road to Springville Road will benefit both counties, and it is very unlikely to be made without the future urbanization of this area.

While both counties would benefit, it is recognized that the planning area lies within Multnomah County and a significant amount of the traffic impacts from urban development would be directed toward Washington County. A possible solution to this situation would be a sharing of transportation system development charges. Based on the analysis conducted to date, approximately 60 percent of the traffic from the area would utilize Washington County facilities and the remaining 40 percent would be in Multnomah County. While we are not advocating sharing system development charges based solely on trips, this distribution of traffic can be used to help guide how a sharing mechanism may ultimately be employed.

#### *Conclusion*

The increase in connectivity provided by the northern extension of Saltzman Road to Springville Road would offer an important travel option for existing and future trips in the area, particularly those within North Bethany and developing areas along Saltzman Road. This connection of Saltzman Road to Springville Road would likely not be possible without urban development within East Bethany.

Such urban development could make use of the significant infrastructure planned for North Bethany and trips would be directed largely to the west and south in Washington County, away from rural Multnomah County transportation facilities. In addition, the extension of Saltzman Road would

Matt Wellner  
November 23, 2009  
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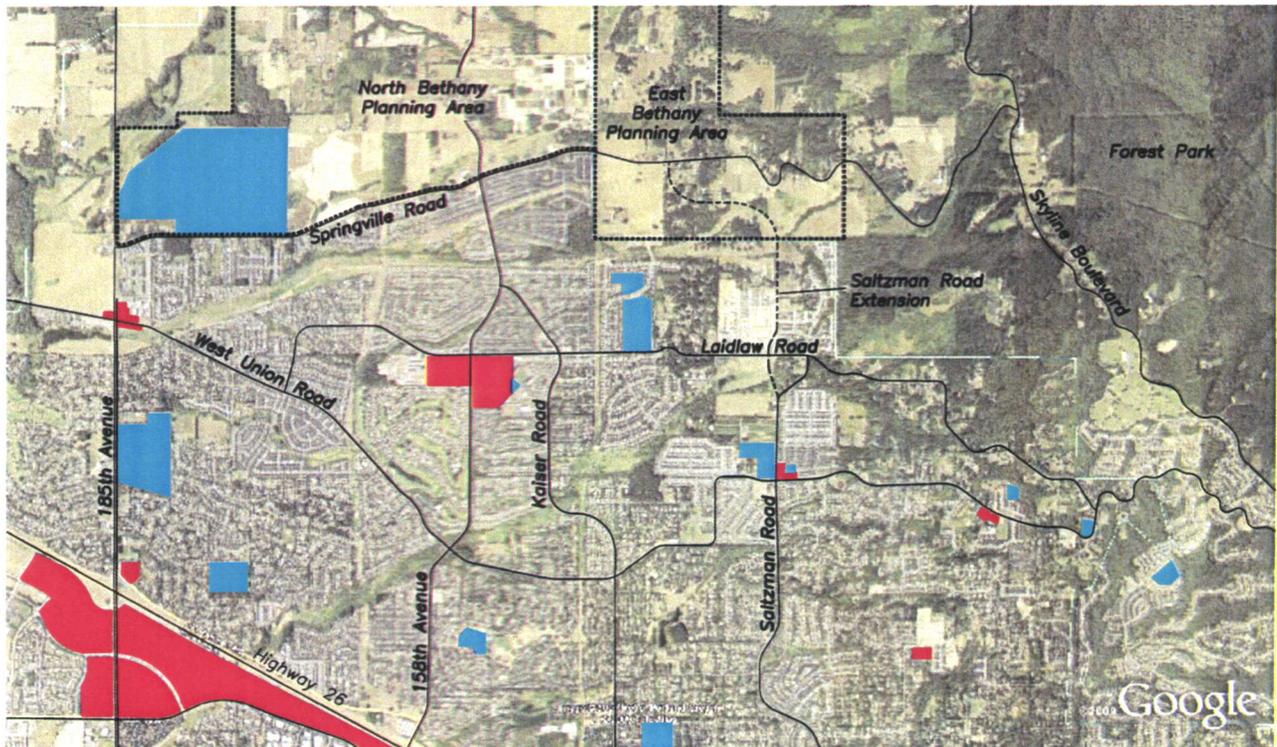
decrease travel demand on Skyline Boulevard, which is a **Multnomah** County facility that is rural in character. Considering the overall transportation system and **not the jurisdictional boundary** and the political and financial complications that its presence induces, **the connection** of Saltzman Road to Springville Road is clearly beneficial to the system.

For these reasons, we continue to recommend that **the East Bethany** planning area be designated as an Urban Reserve. Additional transportation **analysis is also** recommended to determine the amount of urban development that would be possible and to **more accurately** quantify the impacts of such development on Multnomah and Washington County **transportation** facilities.

If you have any questions regarding this information or if we can be of any other assistance, please don't hesitate to call.

Sincerely,

Todd E. Mobley, PE, PTOE  
Principal



■ - Commercial/Office

■ - Schools



VICINITY MAP  
 East Bethany Planning Area  
 Surrounding Commercial/Office & Schools



FIGURE  
1

PAGE  
-

Perkins  
Coe  
LLP

1120 N.W. Center  
Portland, OR 97209-4120

**HAND DELIVERED**

**DEPT OF**

**JUL 14 2010**

**LAND CONSERVATION  
AND DEVELOPMENT**

**VIA HAND DELIVERY**

Urban Rural Reserves Specialist  
Department of Land Conservation and  
Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301

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