

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1246

Adopting Supplemental Findings Relating to Urban and Rural Reserve Designations.

The Multnomah County Board of Commissioners Finds:

- a. The Oregon Urban and Rural Reserves Program is intended to provide greater certainty to the agricultural, forest, commerce, and other industries as well as other private landowners and providers of public services regarding the location of future urban development. *See* ORS 195.130 (Legislative Findings).
- b. On May 13, 2010, the Board adopted Ordinance No. 1161 relating to urban and rural reserves.
- c. On June 17, 2010, the Board adopted Ordinance No. 1165 relating to urban and rural reserves and amending and updating Ordinance 1161, Exhibits 2 and 3.
- d. On October 29, 2010, the Oregon Land Conservation and Development Commission (LCDC) directed Metro and Washington County to amend certain reserve designations in that county.
- e. On April 28, 2011, the Board adopted Ordinance No. 1180 relating to urban and rural reserves and the action taken by Metro and Washington County in response to LCDC's 2010 direction.
- f. On August 14, 2012, LCDC issued its written order, Order 12-ACK-001819 (Order), acknowledging the urban and rural reserves designated in Washington, Multnomah, and Clackamas Counties.
- g. On February 20, 2014, the Oregon Court of Appeals reversed and remanded LCDC's Order. With one exception, the court denied all challenges to the designation of reserves in Multnomah County. As to Multnomah County Area 9D, the court held that the County failed to meaningfully explain why, in light of certain dissimilarities between the northern and southern portions of that area, the County's consideration of the rural reserve factors yields a rural reserve designation of all land in Area 9D. *Barkers Five, LLC et al. v LCDC*, 261 Or App 259, 345–347, 364, 323 P.3d 368 (2014). In addition, the court held that, on remand, a determination must be made regarding the effect of the foregoing error on the designations of reserves in Multnomah County in its entirety. *Barkers Five*, 261 Or App at 364.
 - i. Of note, with respect to Area 9D and “designations of reserves in Multnomah County in its entirety,” the court did not identify any issue of conflicting evidence, lack of substantial evidence, or any other evidentiary issue. Further, the existing evidentiary record is sufficient for purposes of responding to the

specific issues identified by the court. Accordingly, in order to respond to the specific issues identified by the court, there is no need to re-open the evidentiary record in this matter.

- h. On April 1, 2014, House Bill 4078 became effective. This bill, codified as Oregon Laws 2014, chapter 92, established and acknowledged an expansion of the Urban Growth Boundary in Washington County as well as Urban Reserves and Rural Reserves in Washington County.
- i. On March 16, 2015, the Oregon Land Conservation and Development Commissioner (LCDC) issued Remand Order 14-ACK-001867, which, in relevant part, remanded Rural Reserve Area 9D to Multnomah County and Metro for further action consistent with the principles expressed in *Barkers Five*.
- j. On April 13, 2017, Metro adopted Ordinance No. 17-1397 relating to urban and rural reserves.
- k. On May 11, 2017, Clackamas County is considering adoption of Ordinance No. 06-2017 relating to urban and rural reserves.
- l. Notwithstanding the limited scope of specific issues remanded to Multnomah County by the Oregon Court of Appeals and LCDC, the Board remains open to considering all arguments in support of or opposition to this ordinance, including any part thereof and any designation therein.
- m. Multnomah County, its partners, and its constituents have dedicated substantial time and resources to implementation of the Oregon Urban and Rural Reserves Program in Multnomah County and the Metro Region and it is in the best interests of the public to now resolve the outstanding issues.

Multnomah County Ordains as follows:

Section 1. The following ordinances previously adopted by the Board are hereby re-affirmed, continued, and, to the extent necessary to maintain uninterrupted continuity in the effectiveness of such ordinances and for any other reason, re-adopted:

- (A) Multnomah County in Ordinance 1161;
- (B) Multnomah County in Ordinance 1165; and
- (C) Multnomah County in Ordinance 1180.

Section 2. The maps depicting urban and rural reserves in Multnomah County adopted through the ordinances identified in Section 1 of this Ordinance are reformatted, without substantive alteration, as set forth in Exhibit 1 of this Ordinance such that Exhibit 1 shall now serve as Multnomah County's authoritative map of urban and rural reserves in Multnomah County, provided that in the event of any conflict between Exhibit 1 of this Ordinance, or portion

thereof, and any map, or portion thereof, adopted through the ordinances identified in Section 1 of this Ordinance, the latter shall control.

Section 3. The supplemental findings of fact, statements of reasons and conclusions, and conclusions of law set forth in Exhibit 2 of this Ordinance are adopted as part of the County's findings, reasons, explanations, and conclusions in this matter of Urban and Rural Reserve Designations.

Section 4. The findings of fact, statements of reasons and conclusions, and conclusions of law set forth in Metro Ordinance No. 17-1397 are adopted.

Section 5. The findings of fact, statements of reasons and conclusions, and conclusions of law set forth in Clackamas County Ordinance No. 06-2017 are adopted.

Section 6. Metro is authorized to compile, as necessary, all adopted findings of fact, statements of reasons and conclusions, and conclusions of law relating to this matter of Urban and Rural Reserve Designations and file the same with the Oregon Land Conservation and Development Commission on Multnomah County's behalf.

FIRST READING:

May 4, 2017

SECOND READING:

June 1, 2017



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

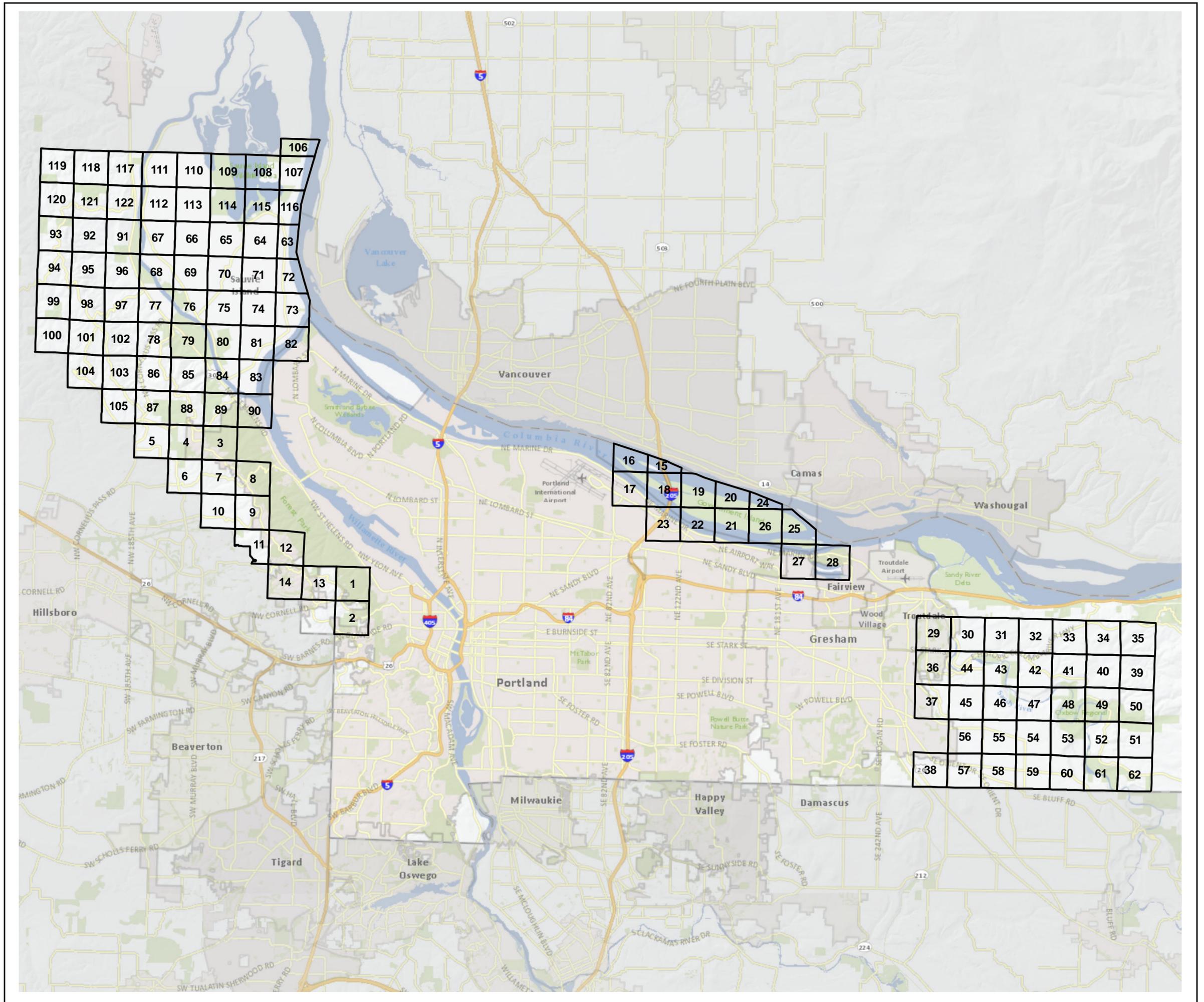
Deborah Kafoury, Chair

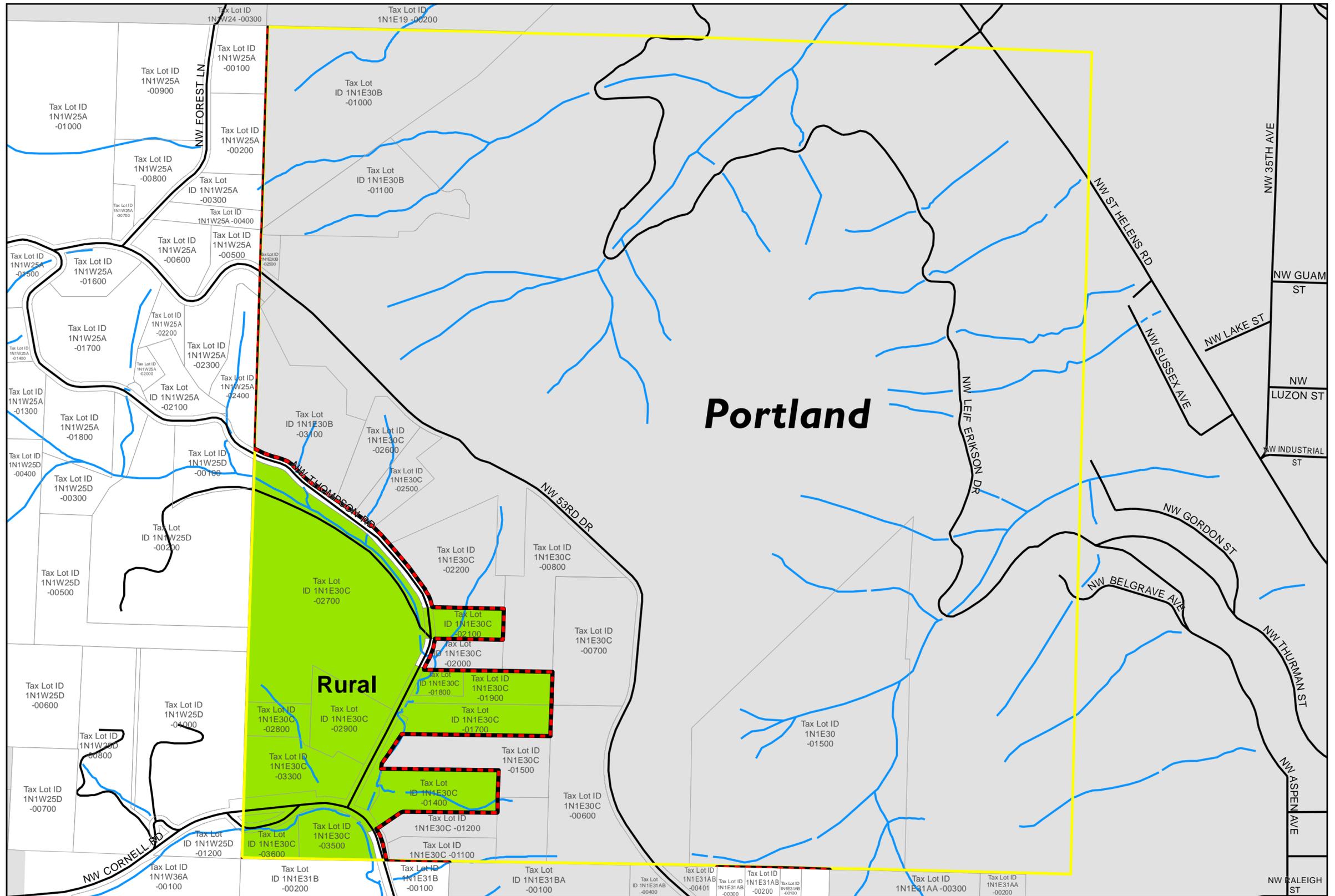
REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Jed Tomkins*
Jed Tomkins, Assistant County Attorney

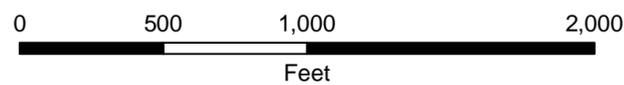
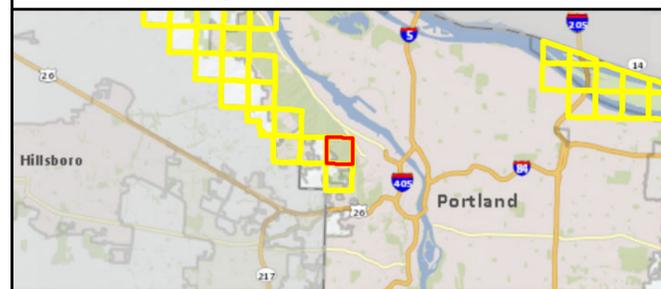
SUBMITTED BY: Kim Peoples, Director, Department of Community Services

Multnomah County Official Urban and Rural Reserves Map Index





Location Map



Legend

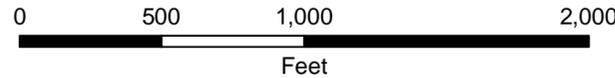
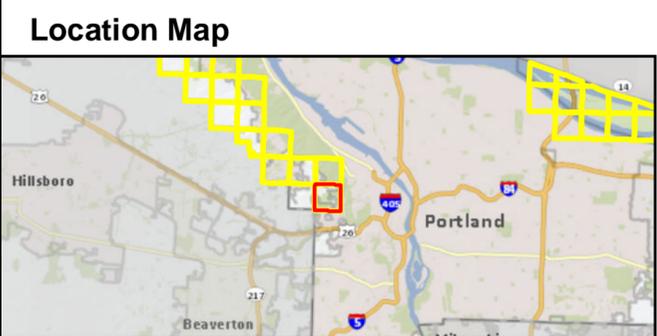
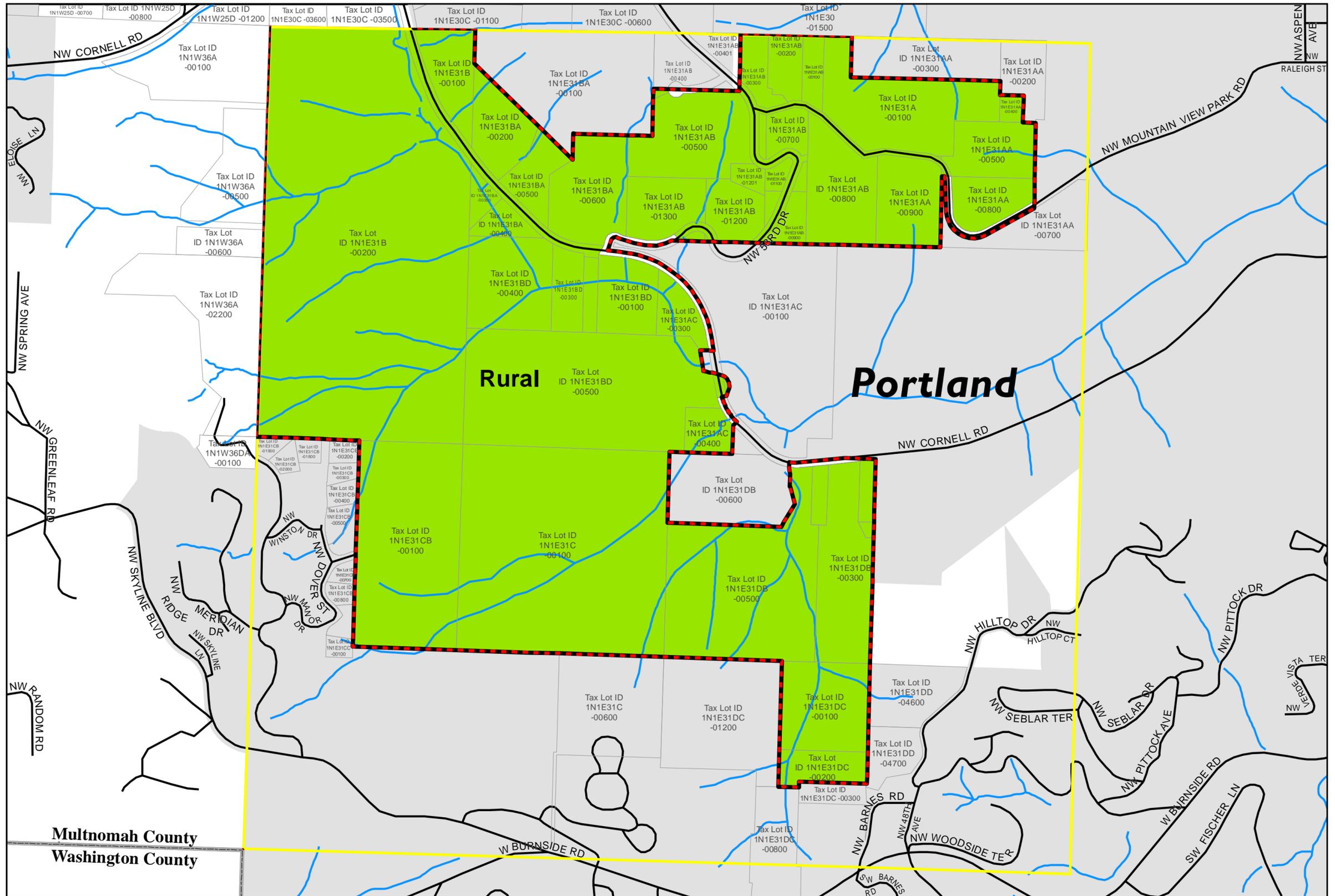
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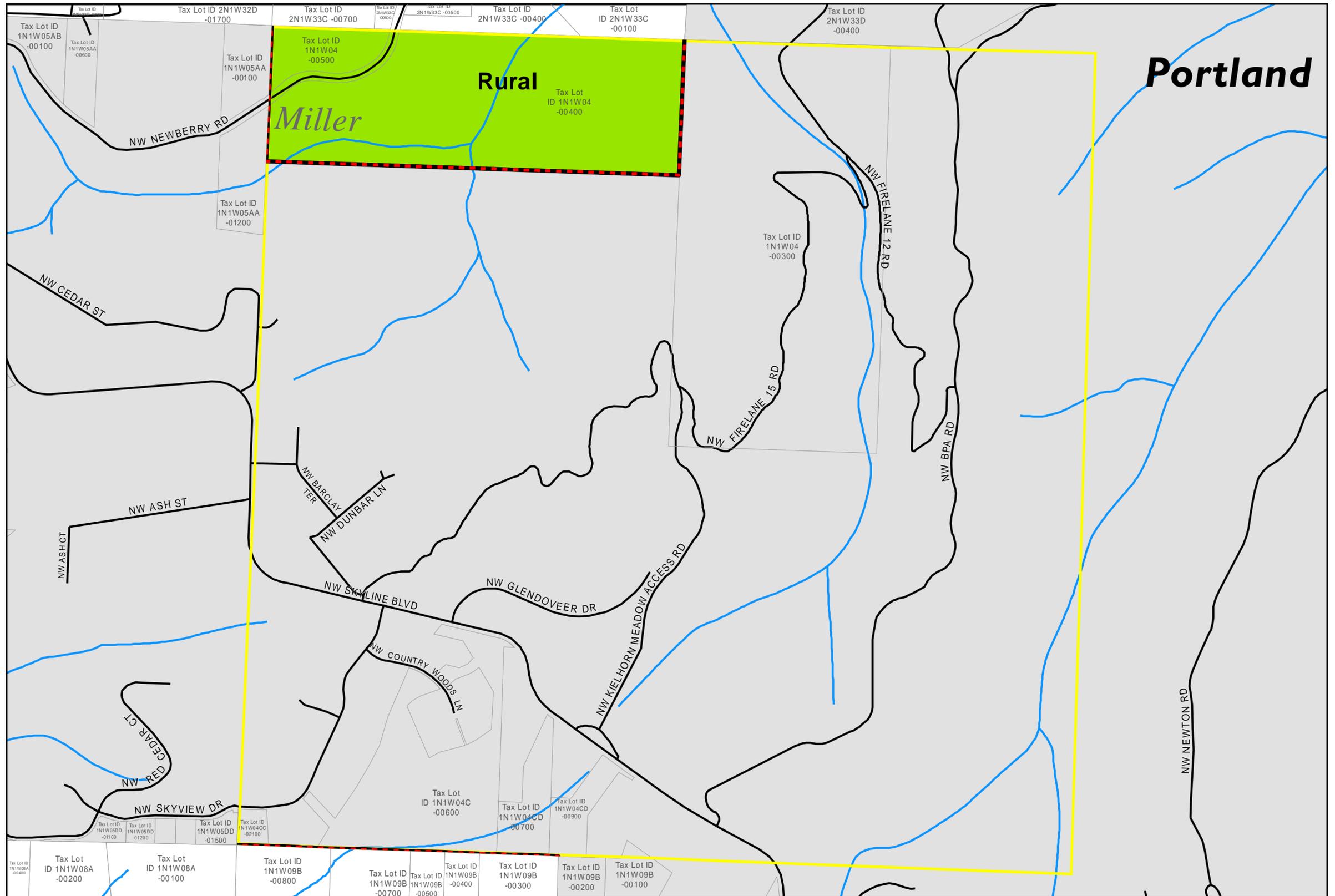
Land Use Planning

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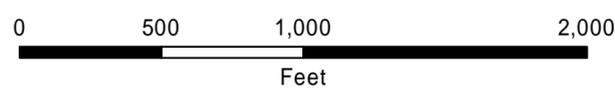
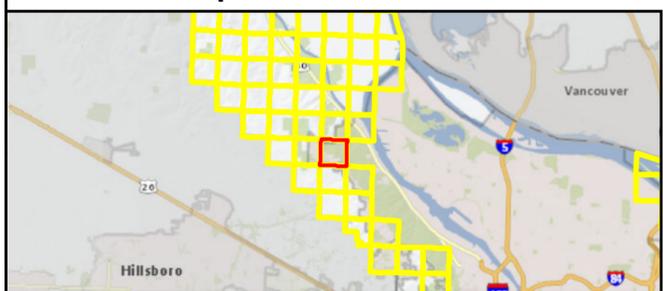


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Portland

Location Map

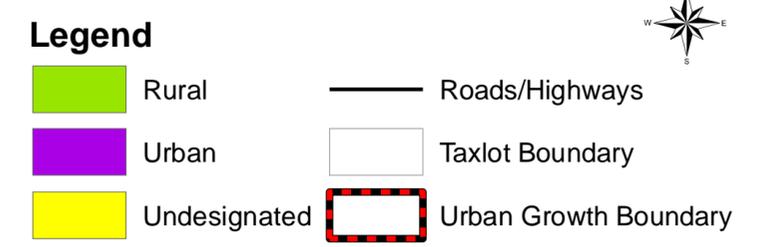
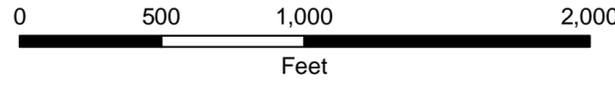
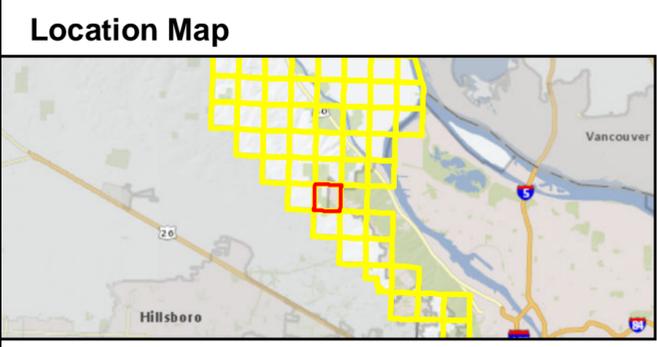
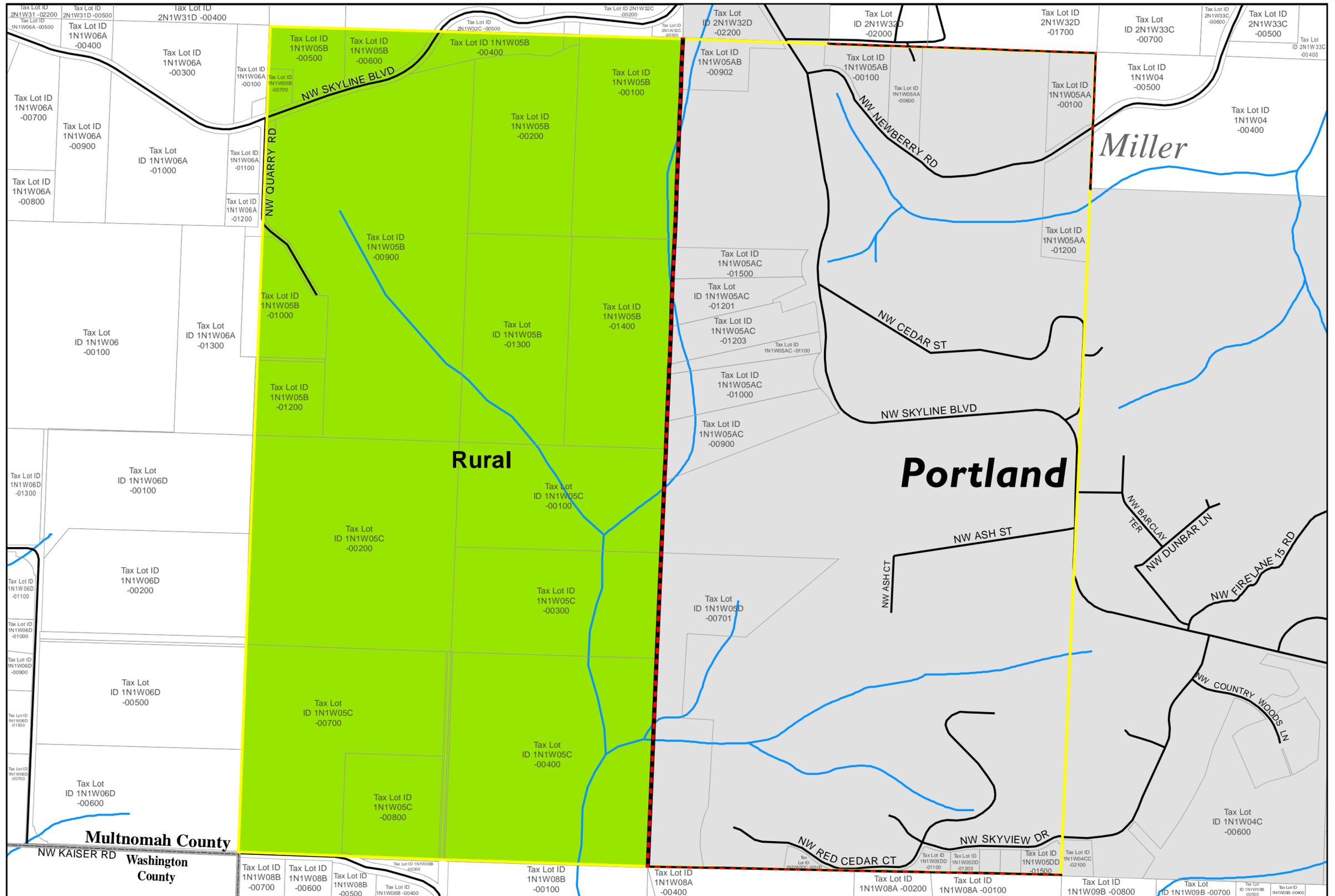


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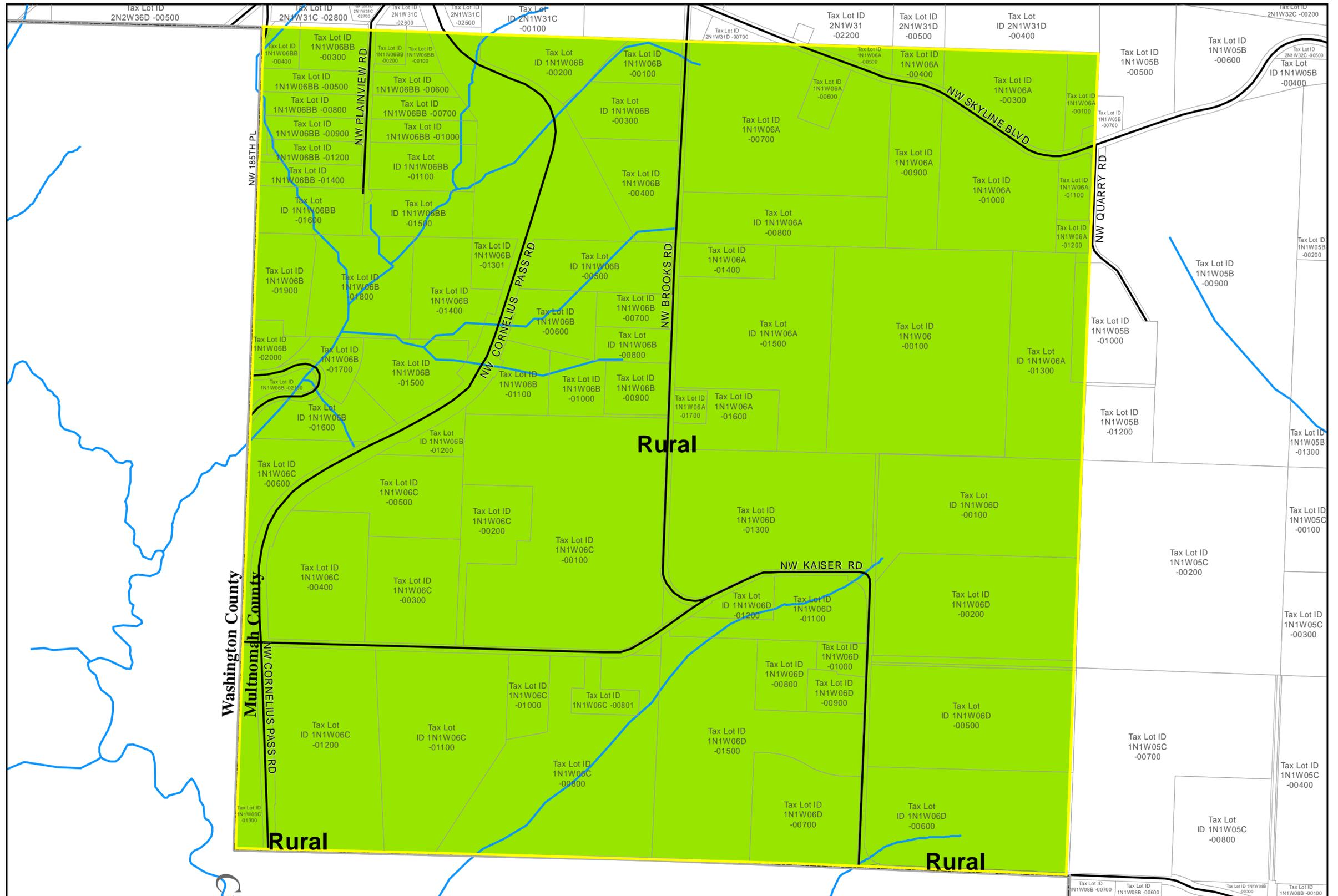
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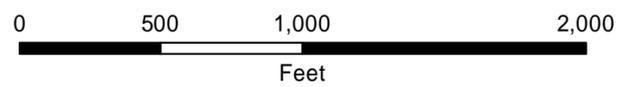
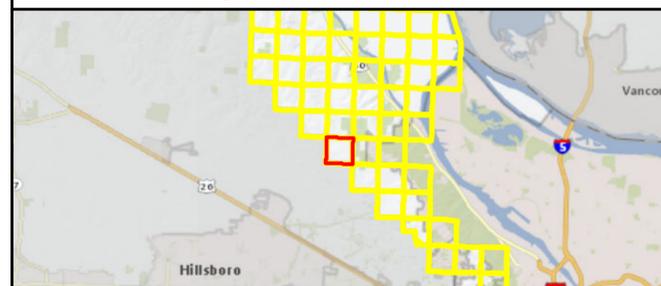
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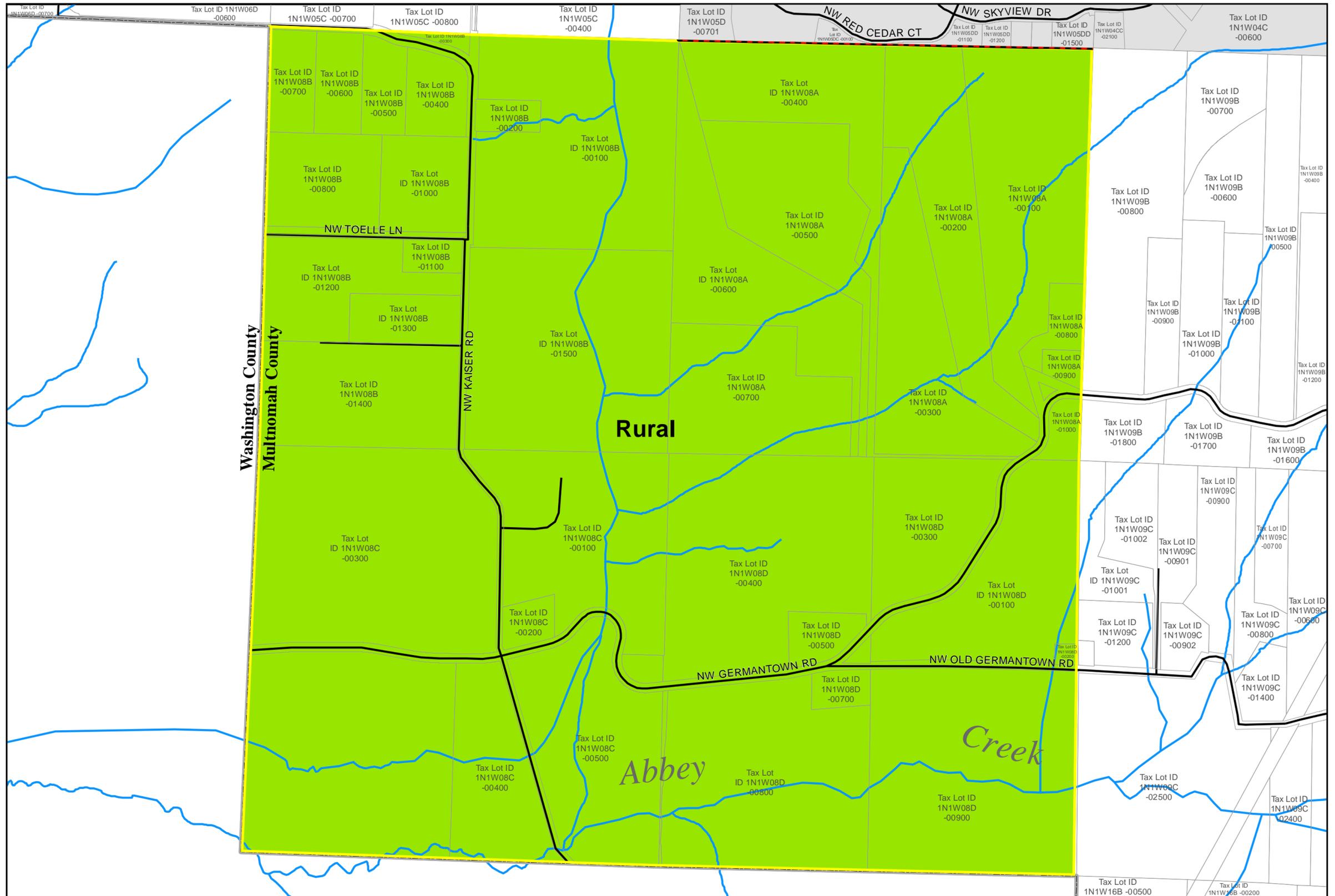


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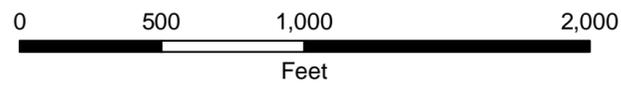
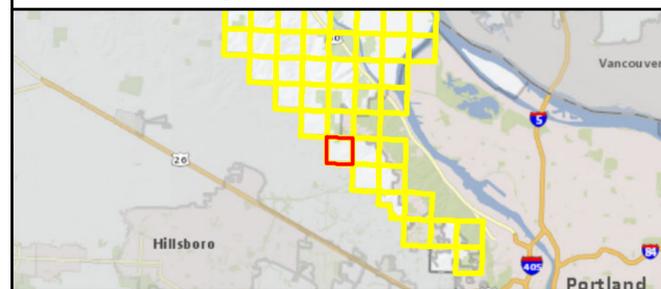
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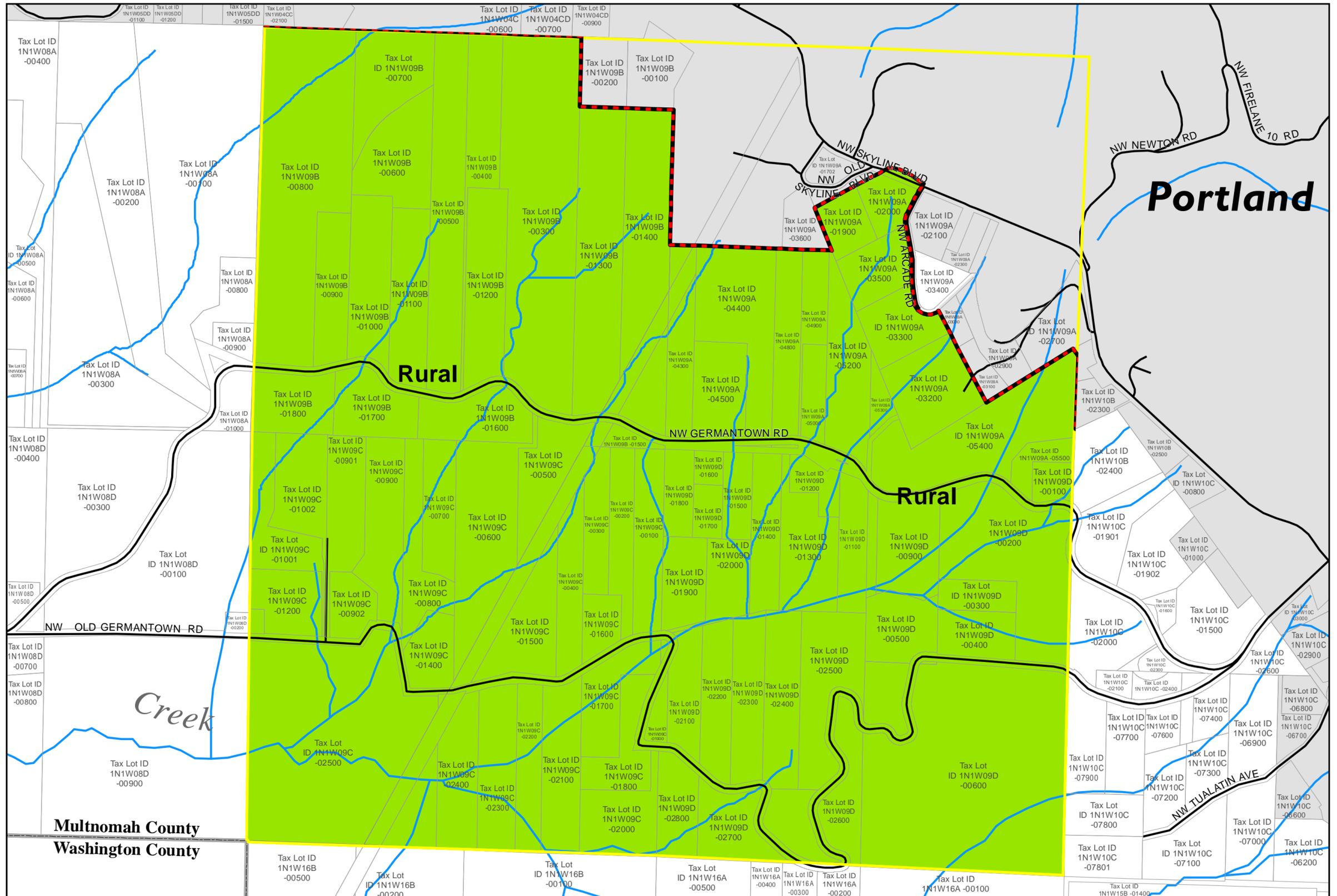
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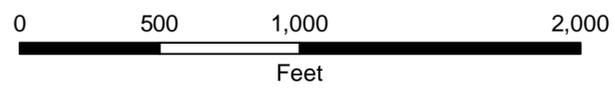
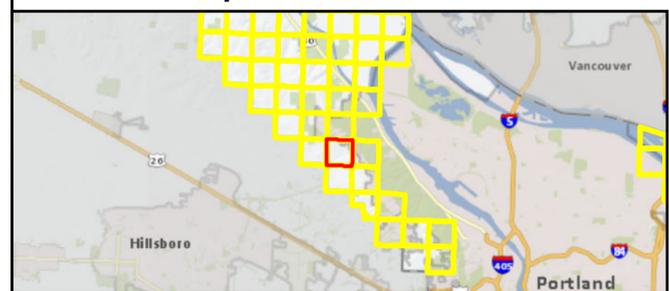


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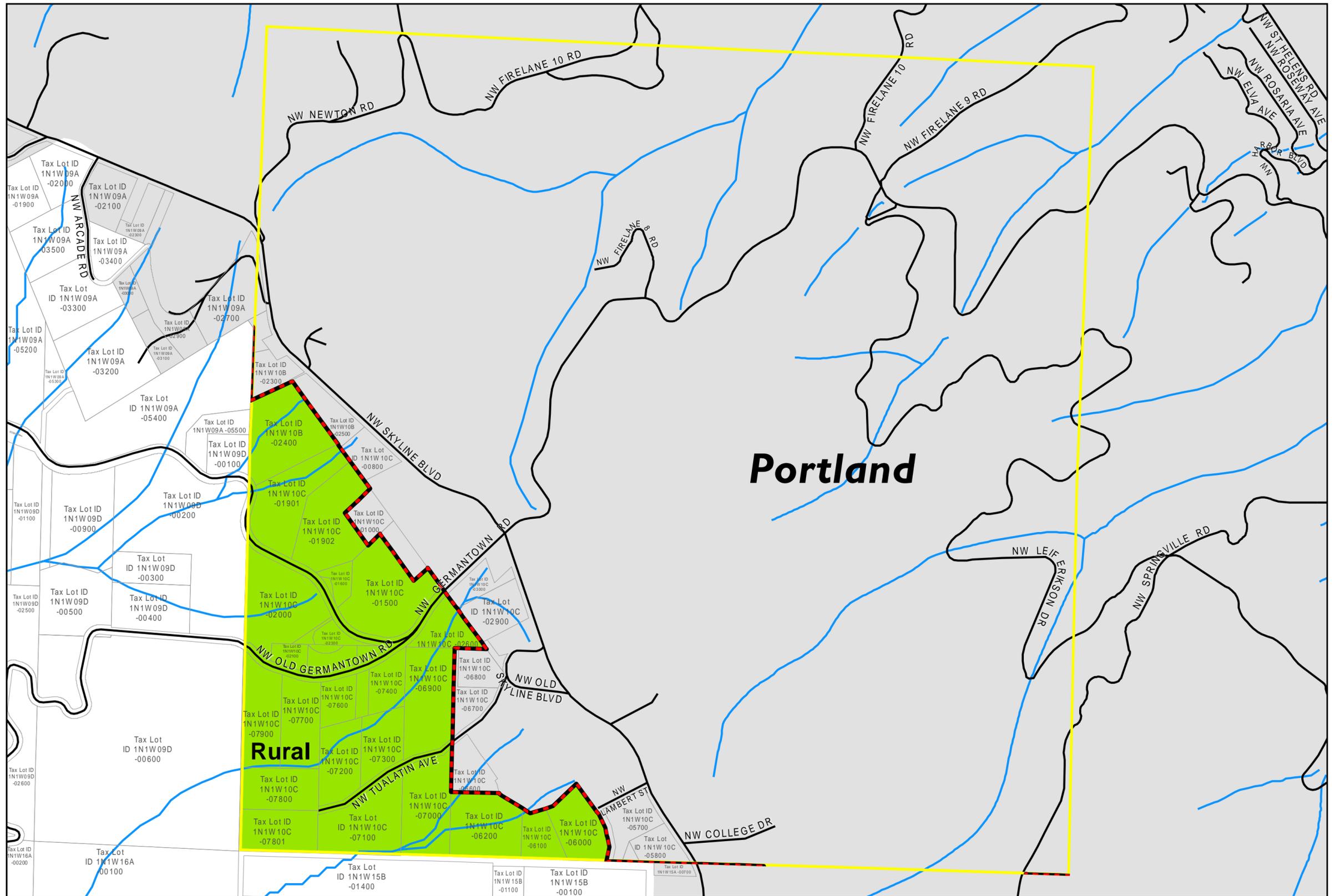


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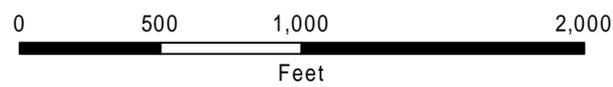
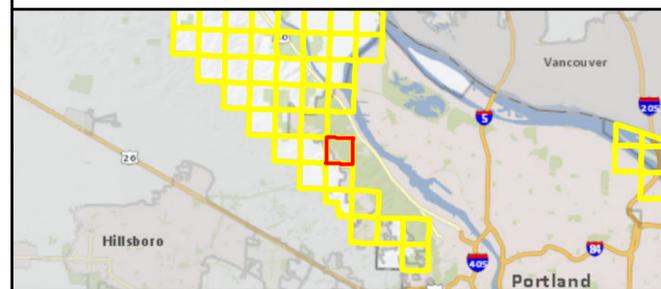
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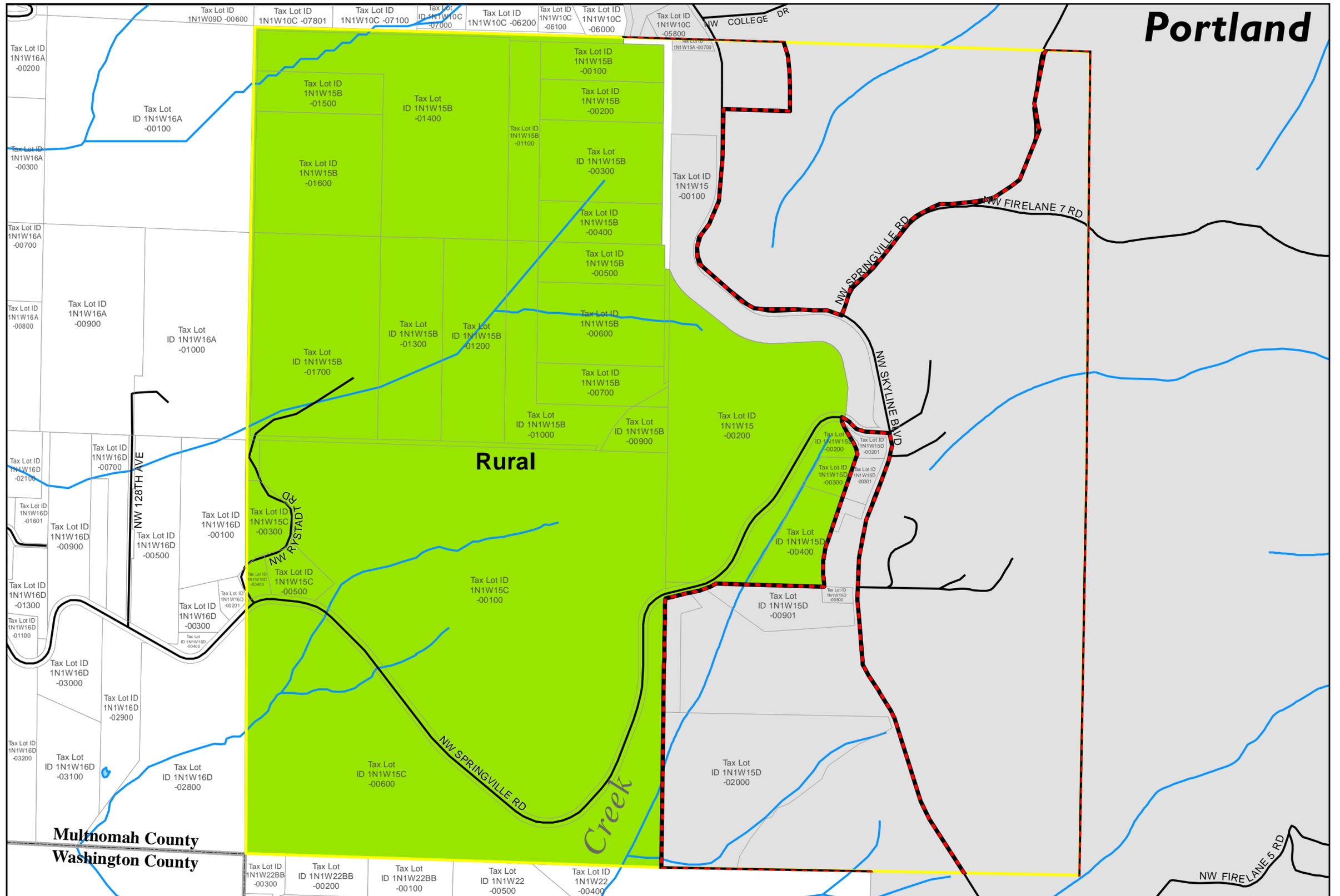


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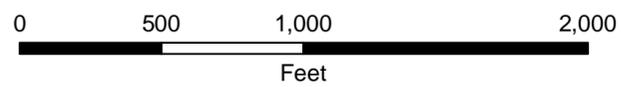
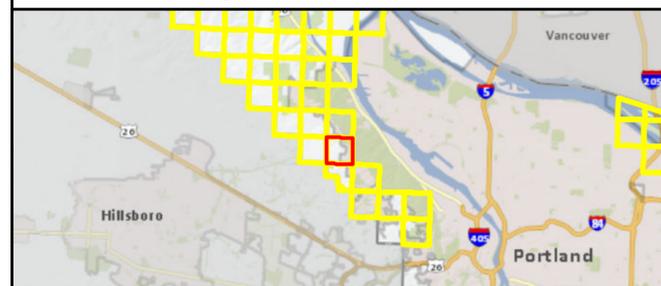
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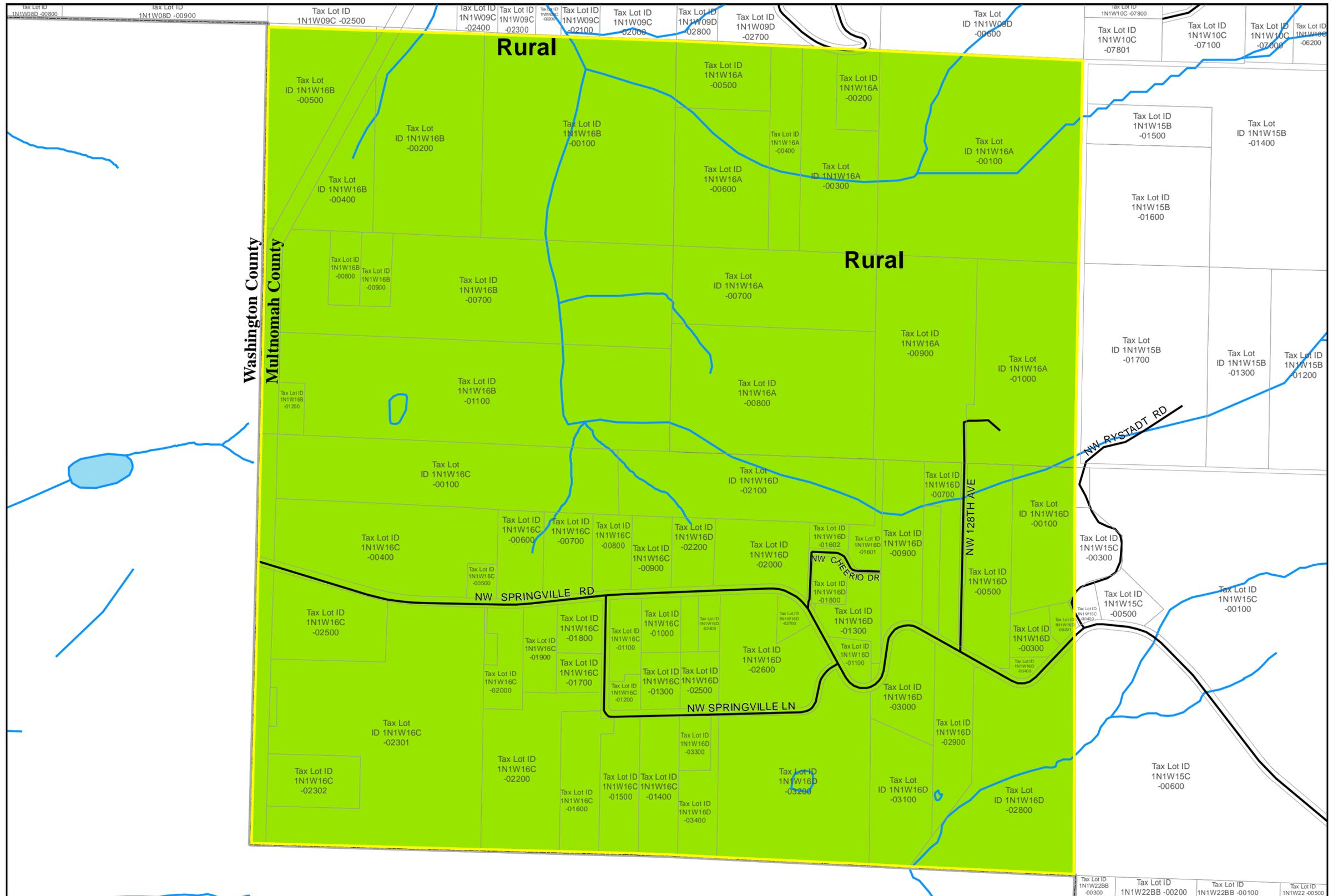


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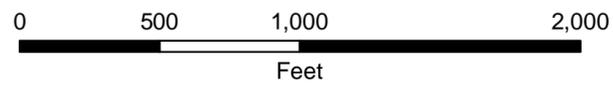
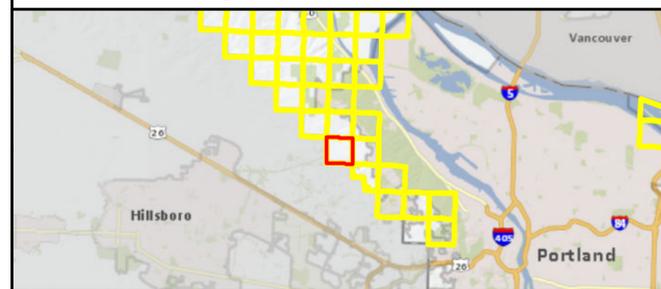
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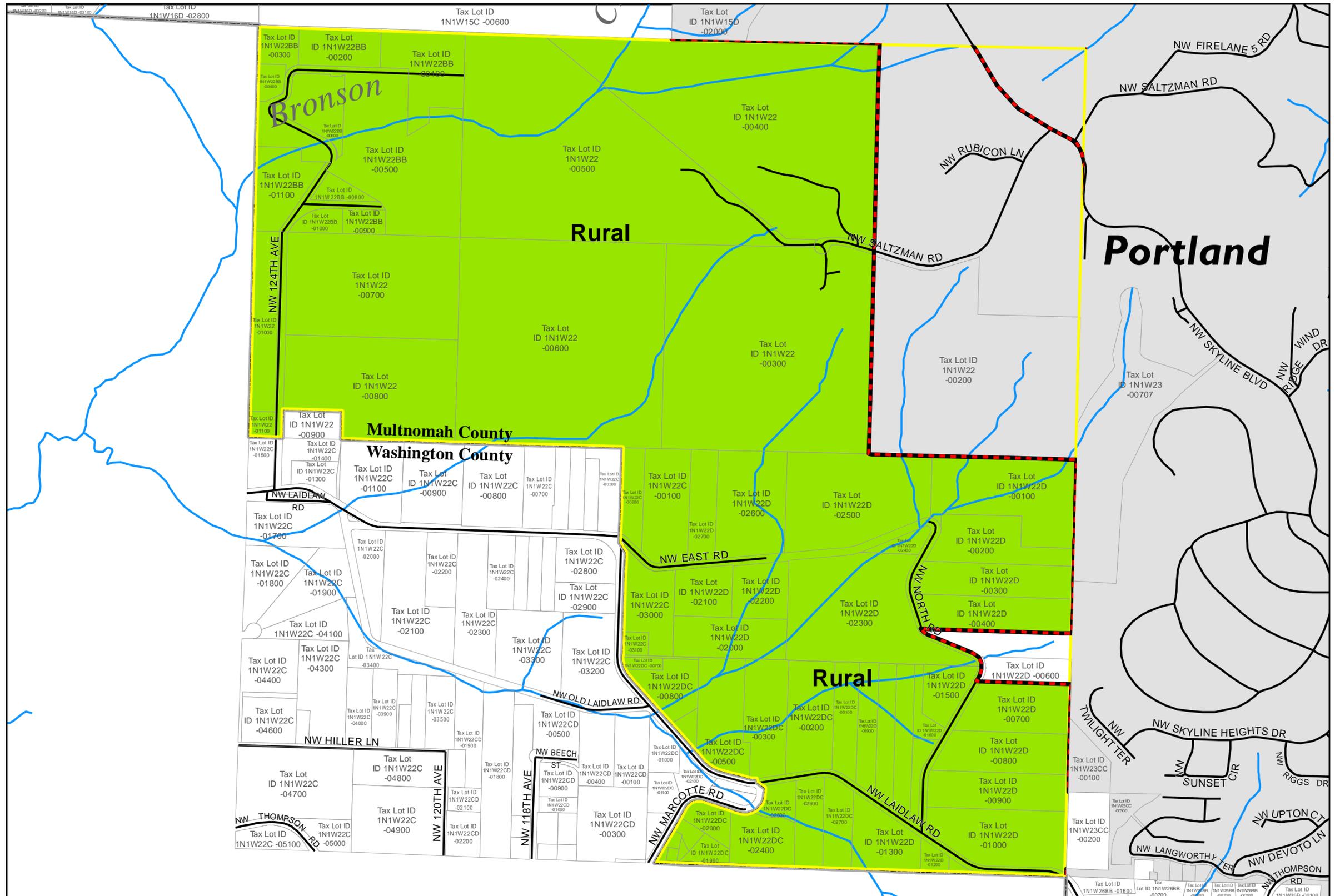


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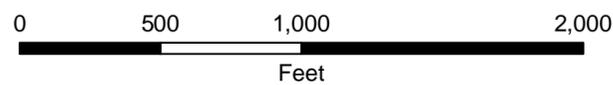
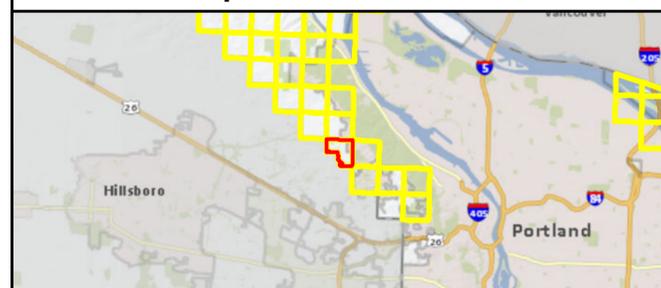
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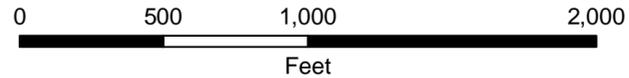
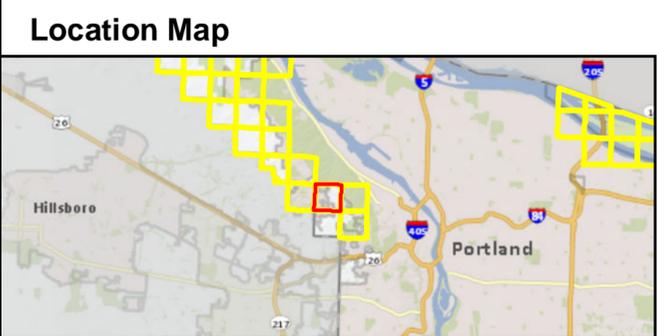
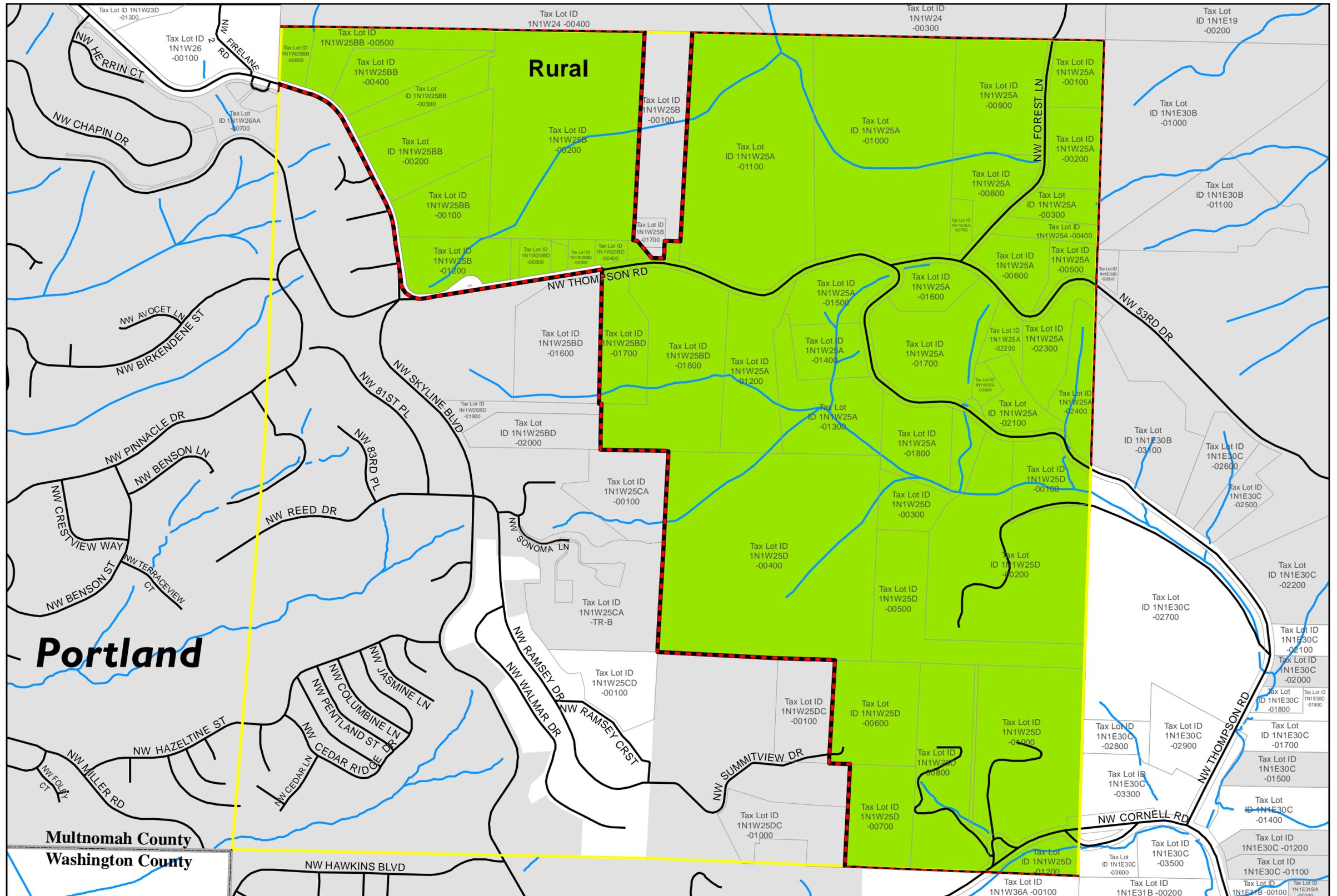
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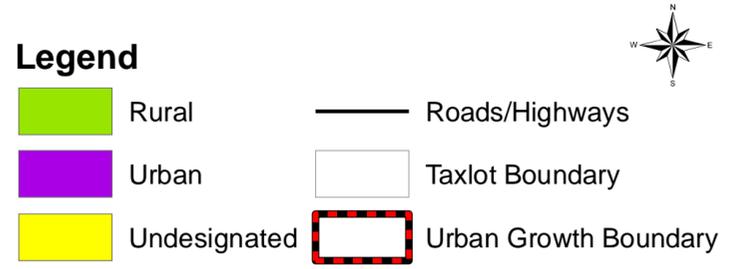
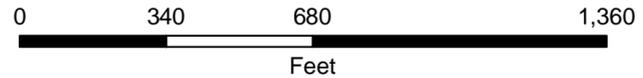
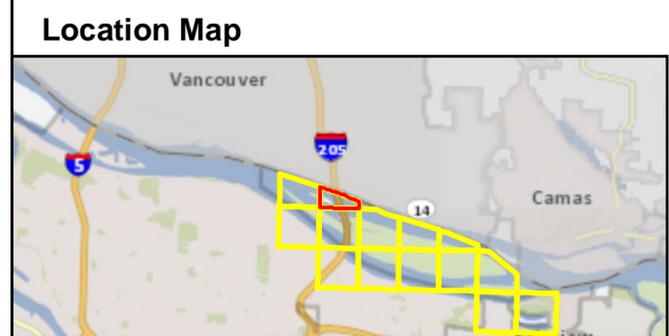
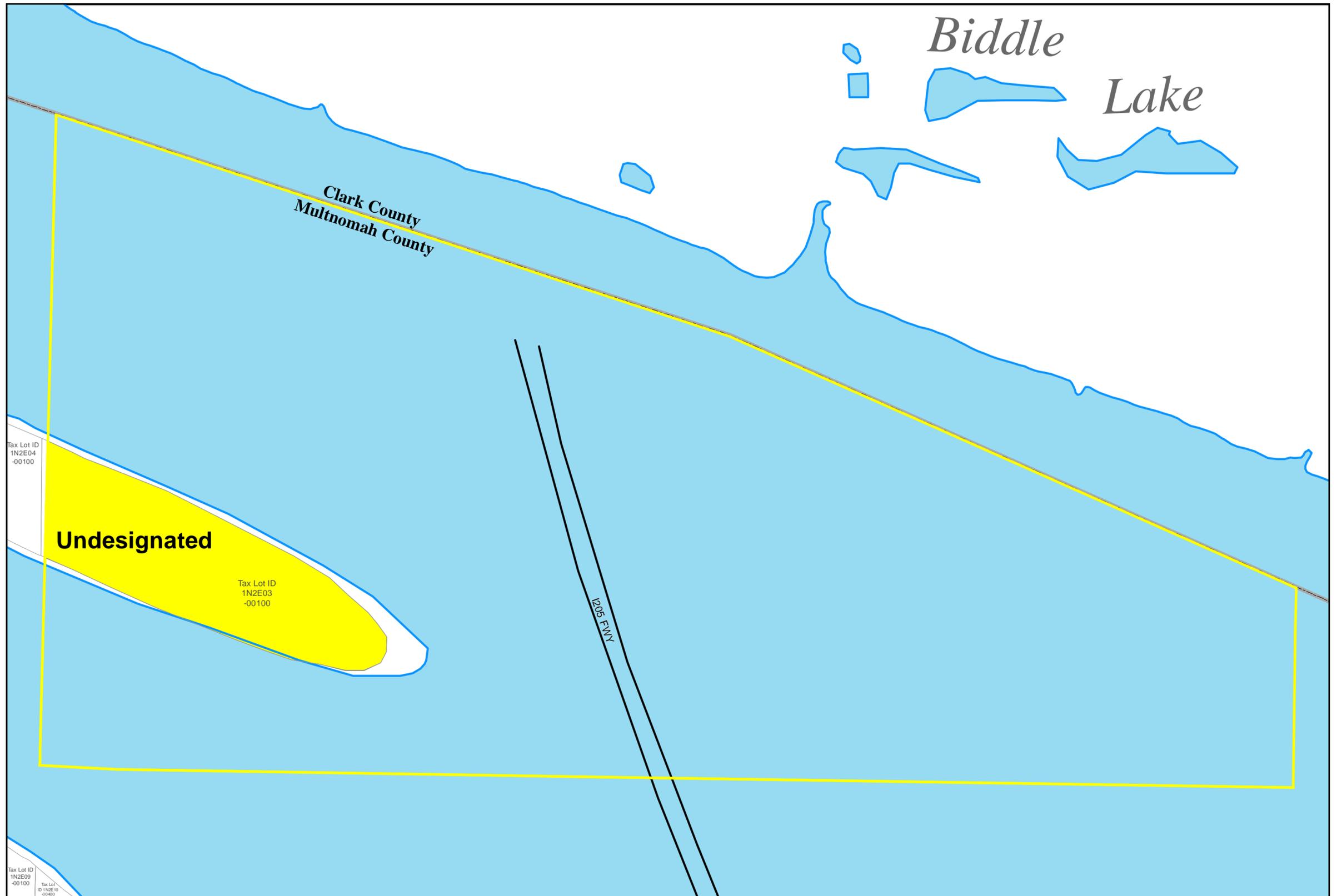


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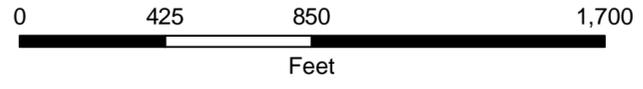
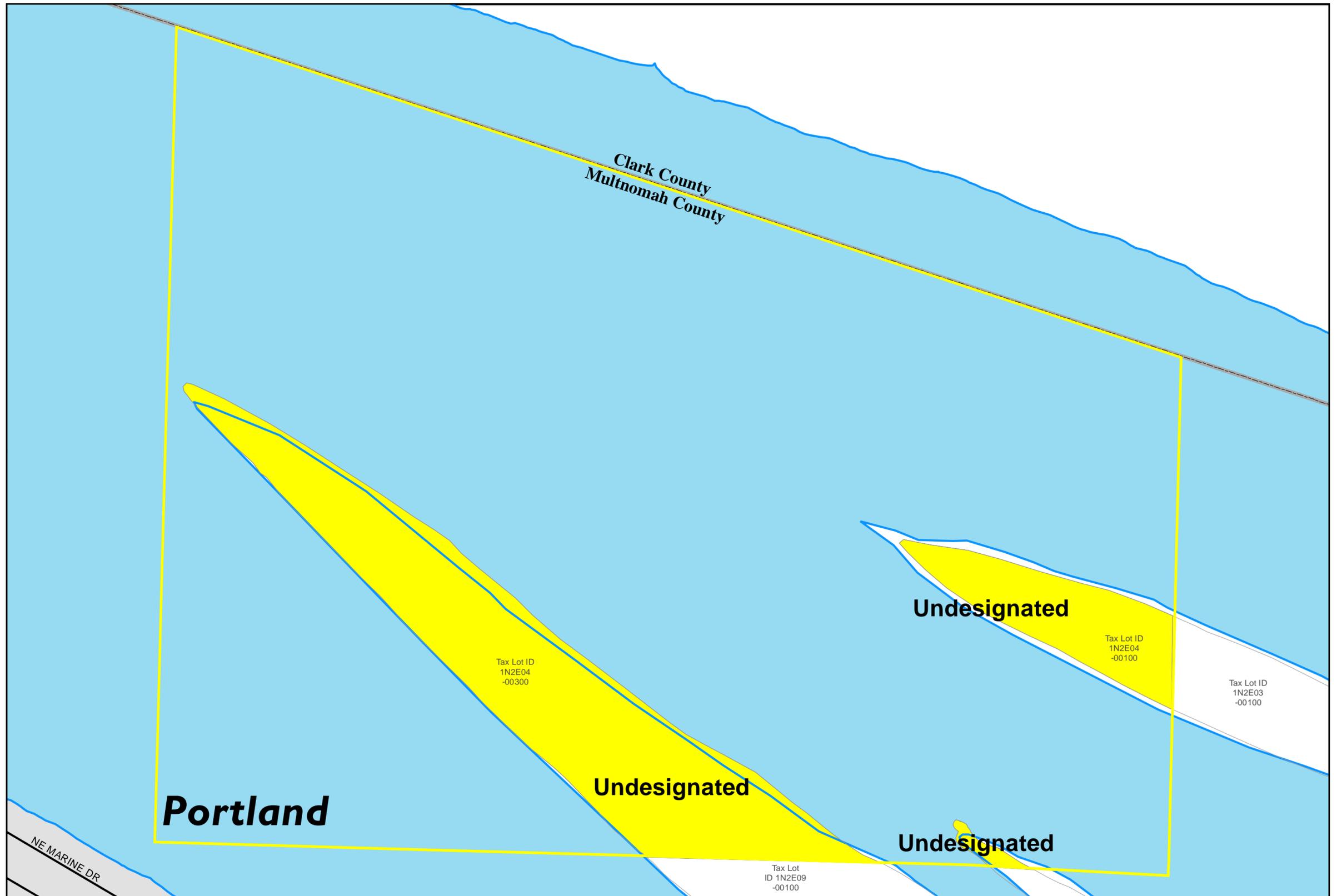
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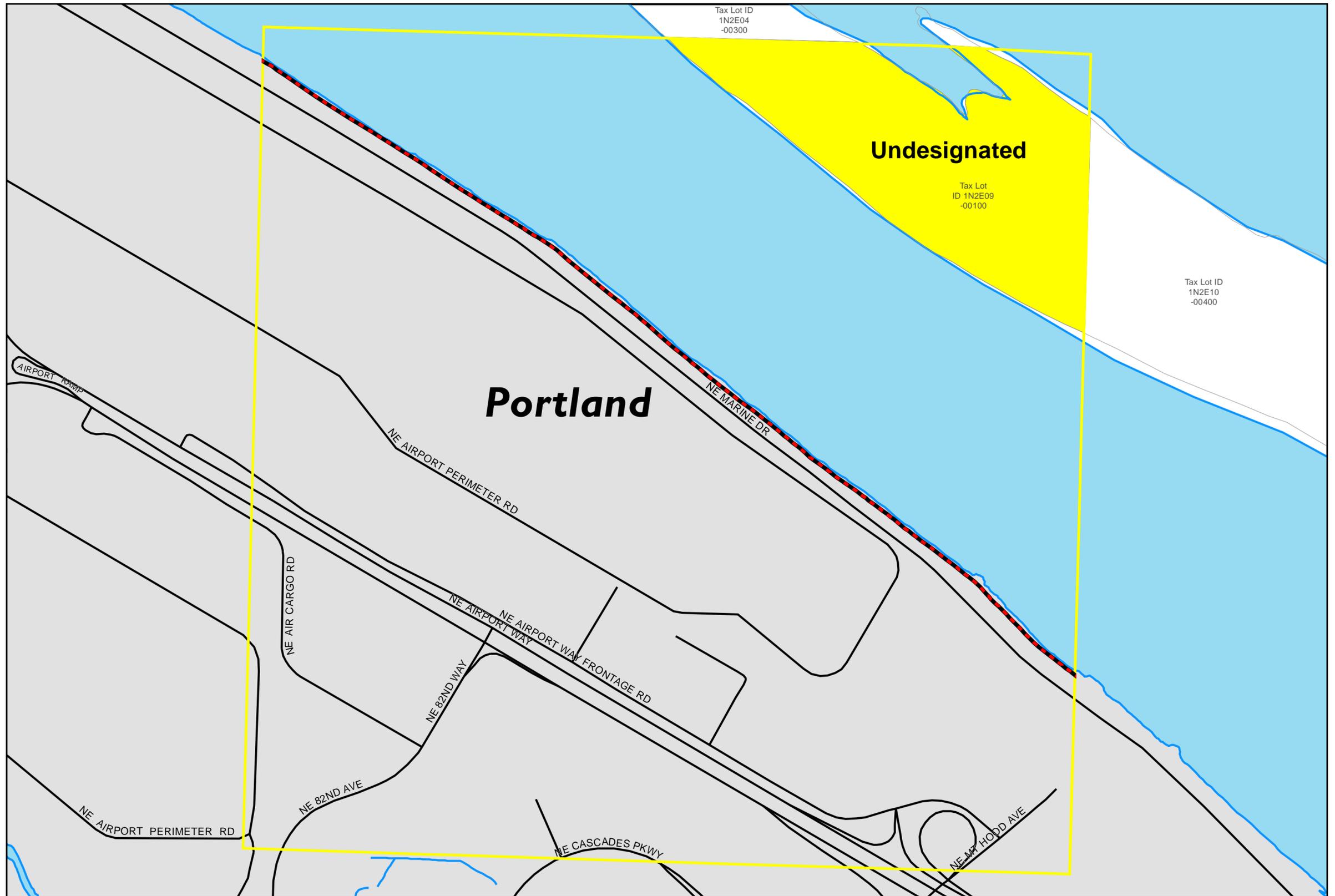
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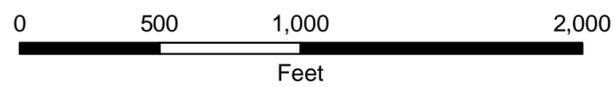
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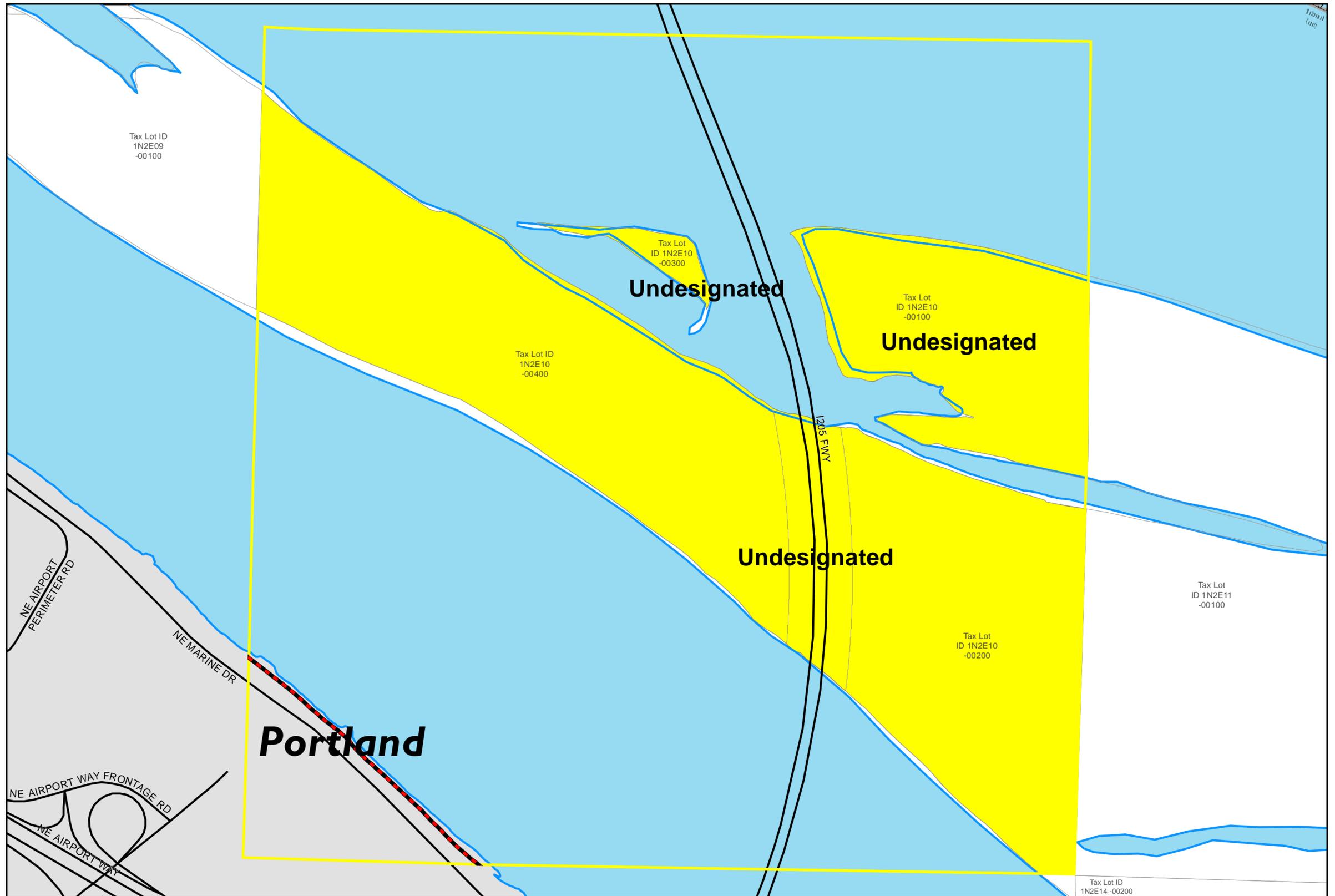


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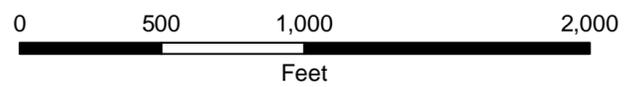
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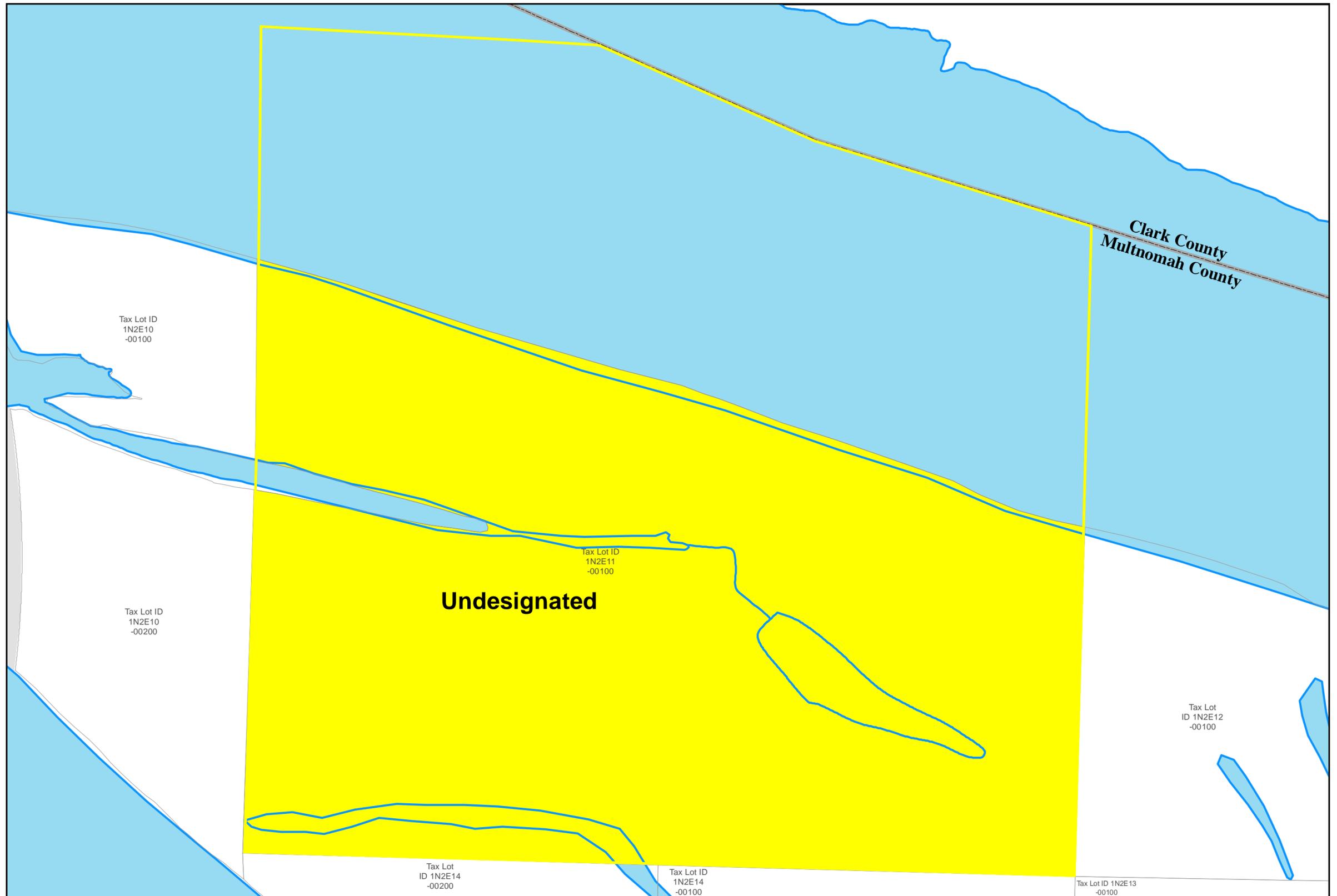


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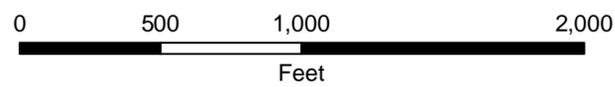
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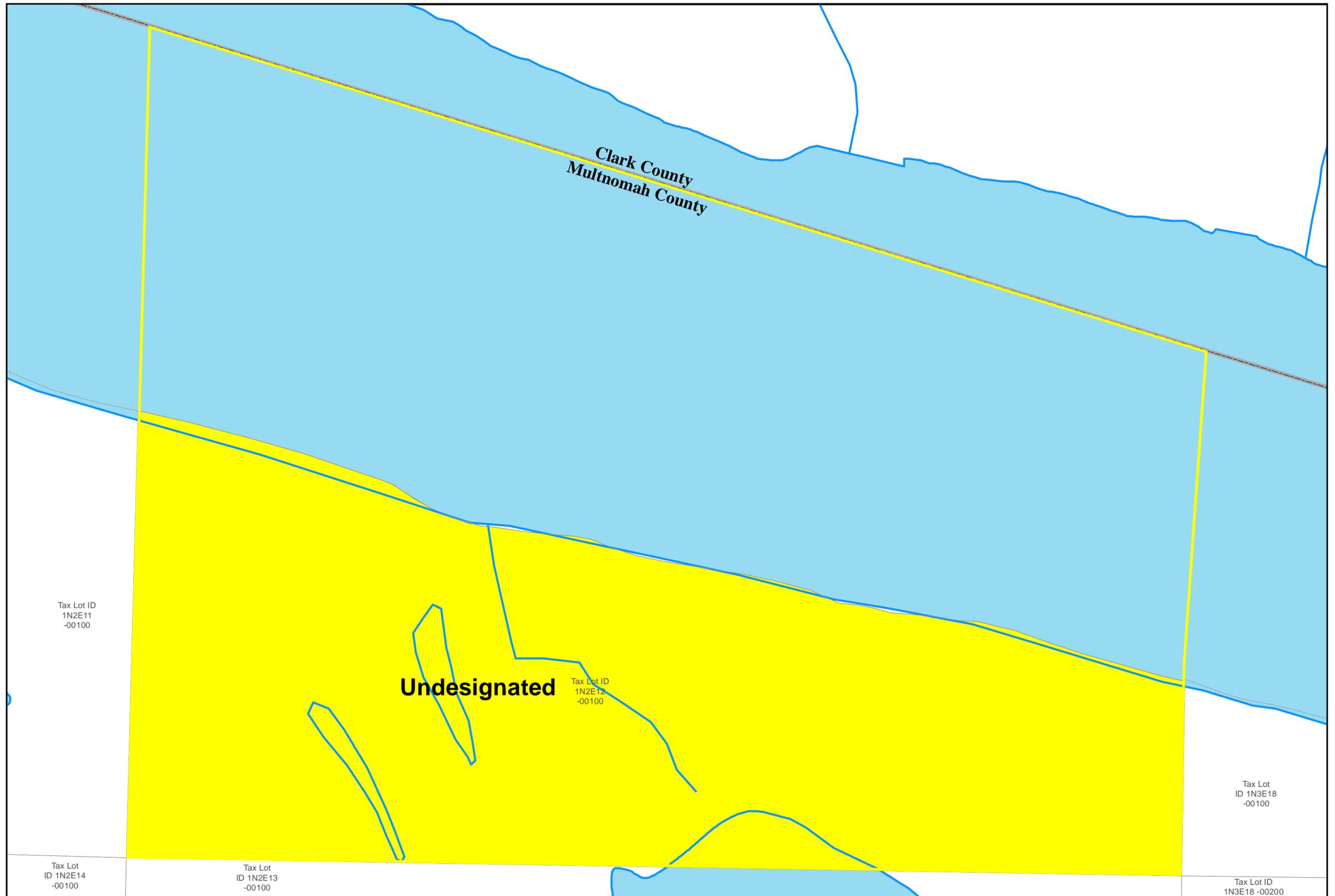
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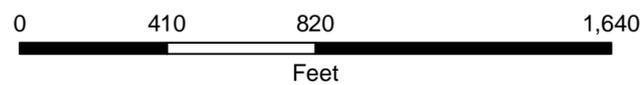
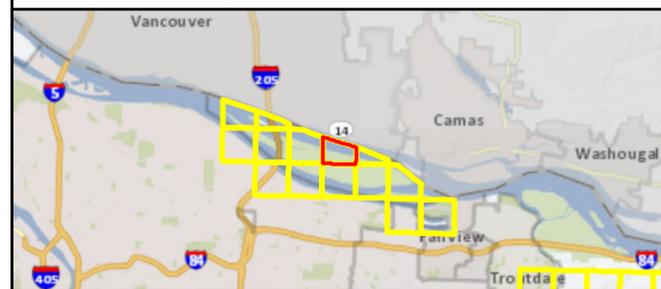
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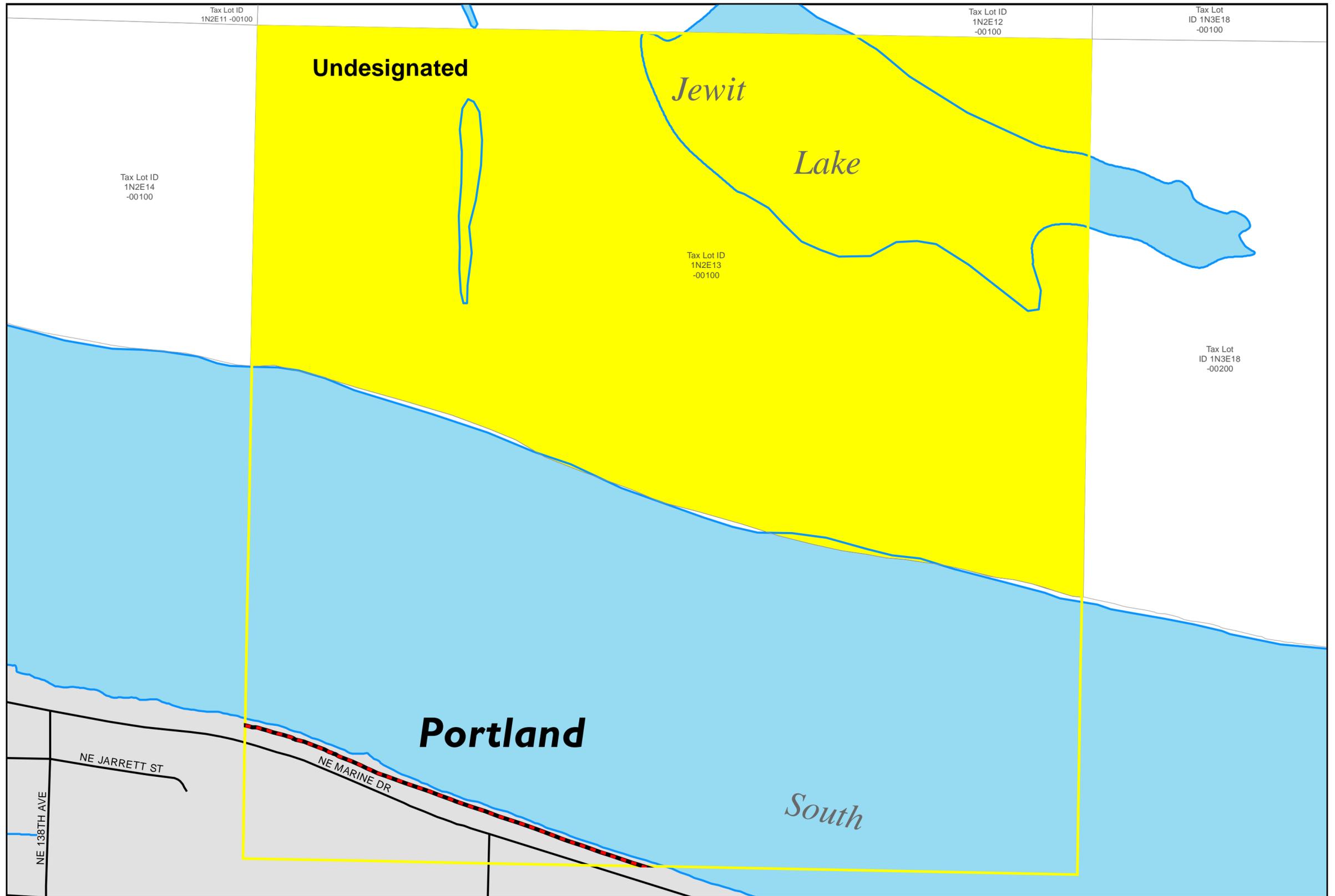


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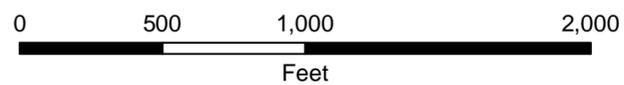
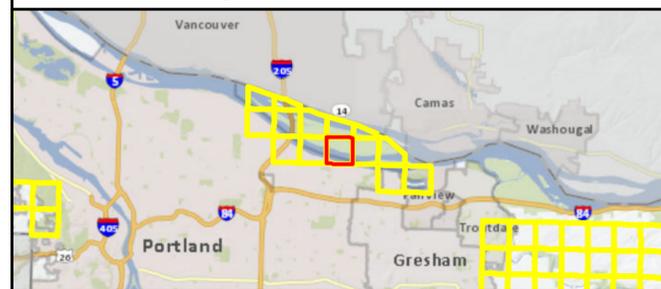
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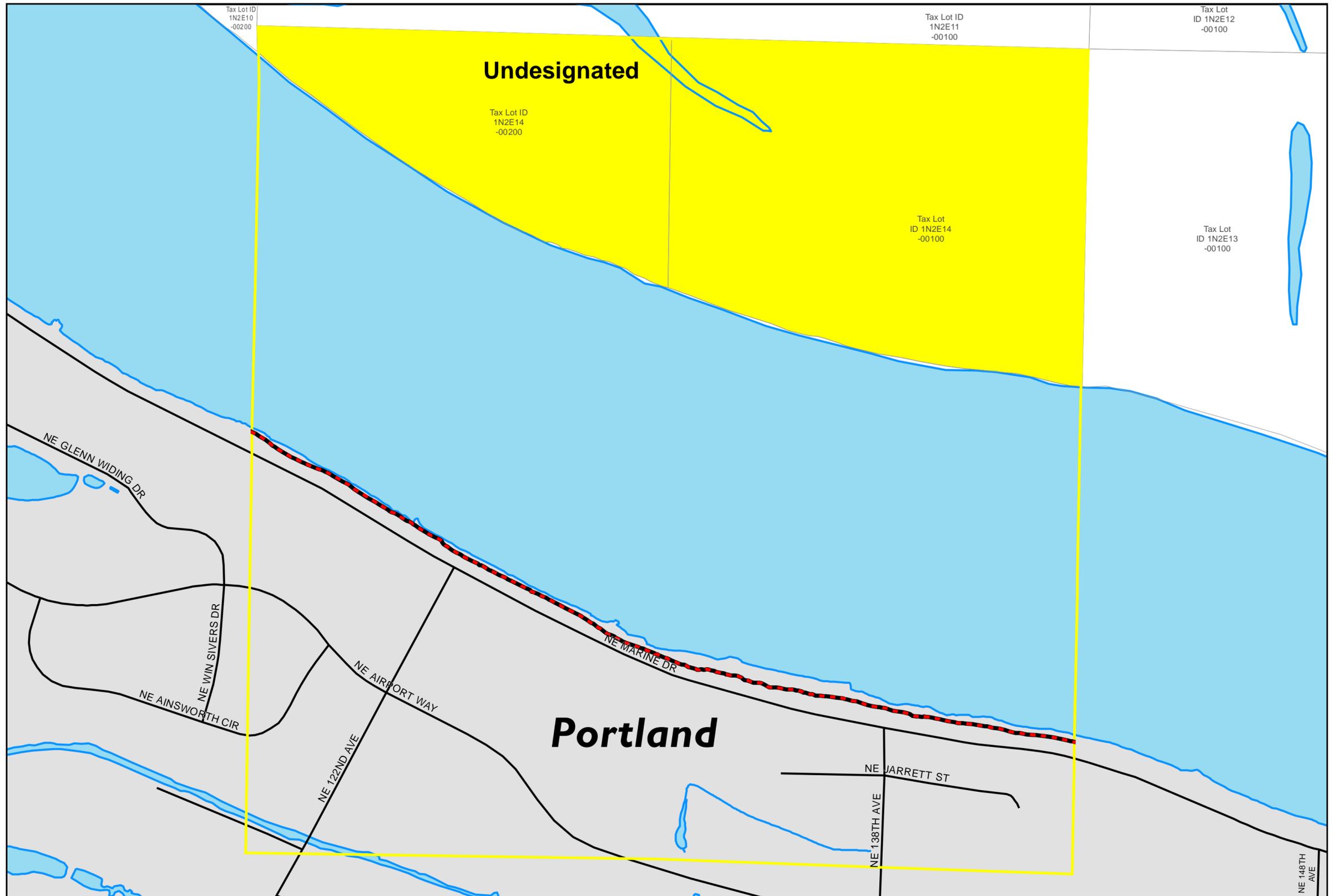


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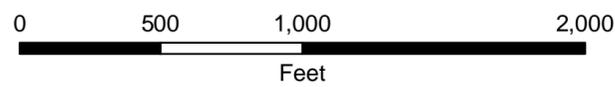
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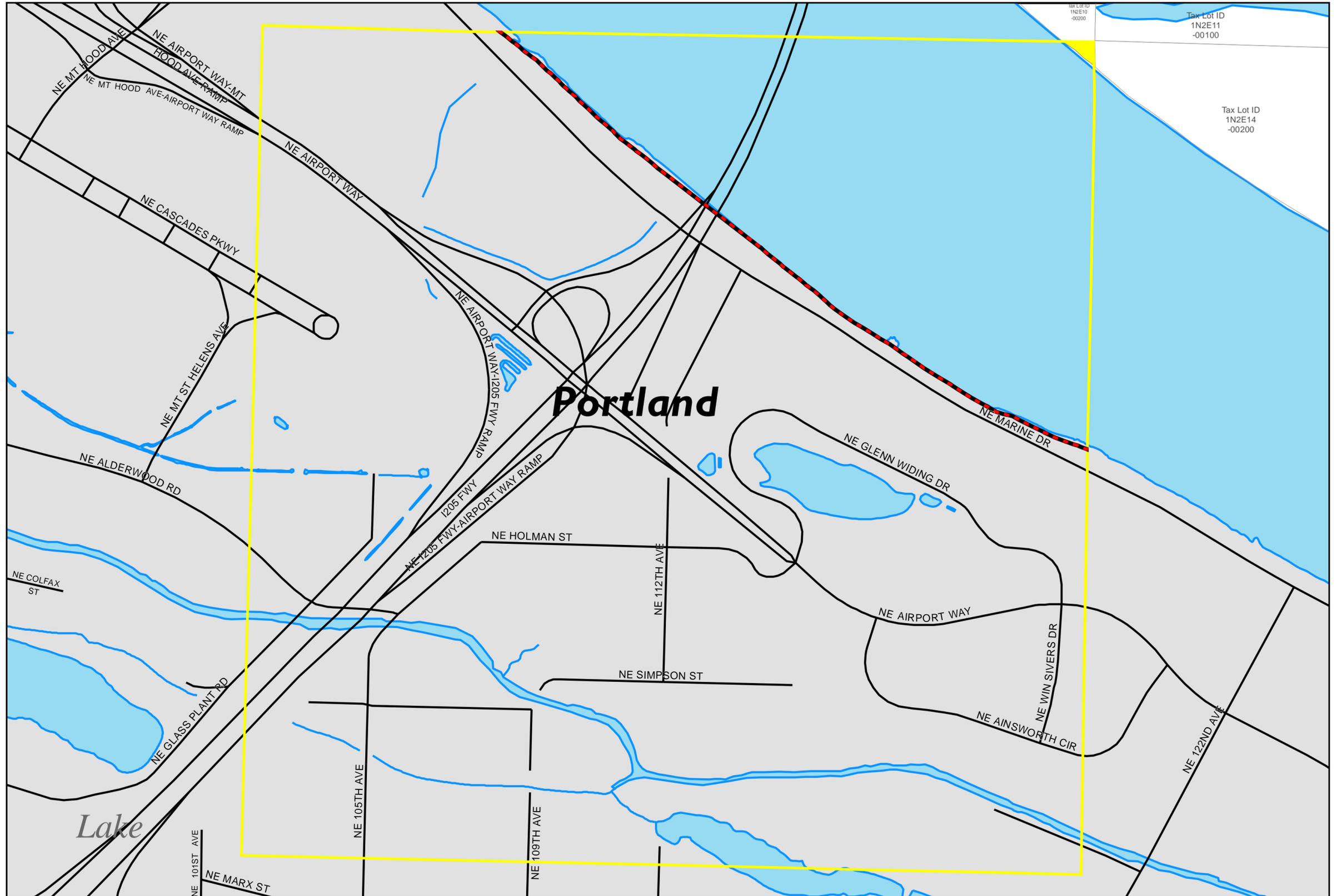


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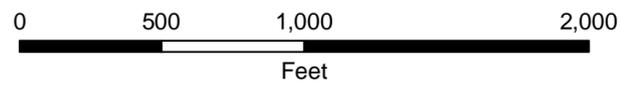
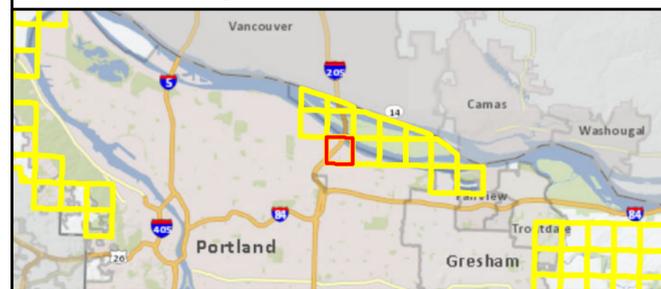
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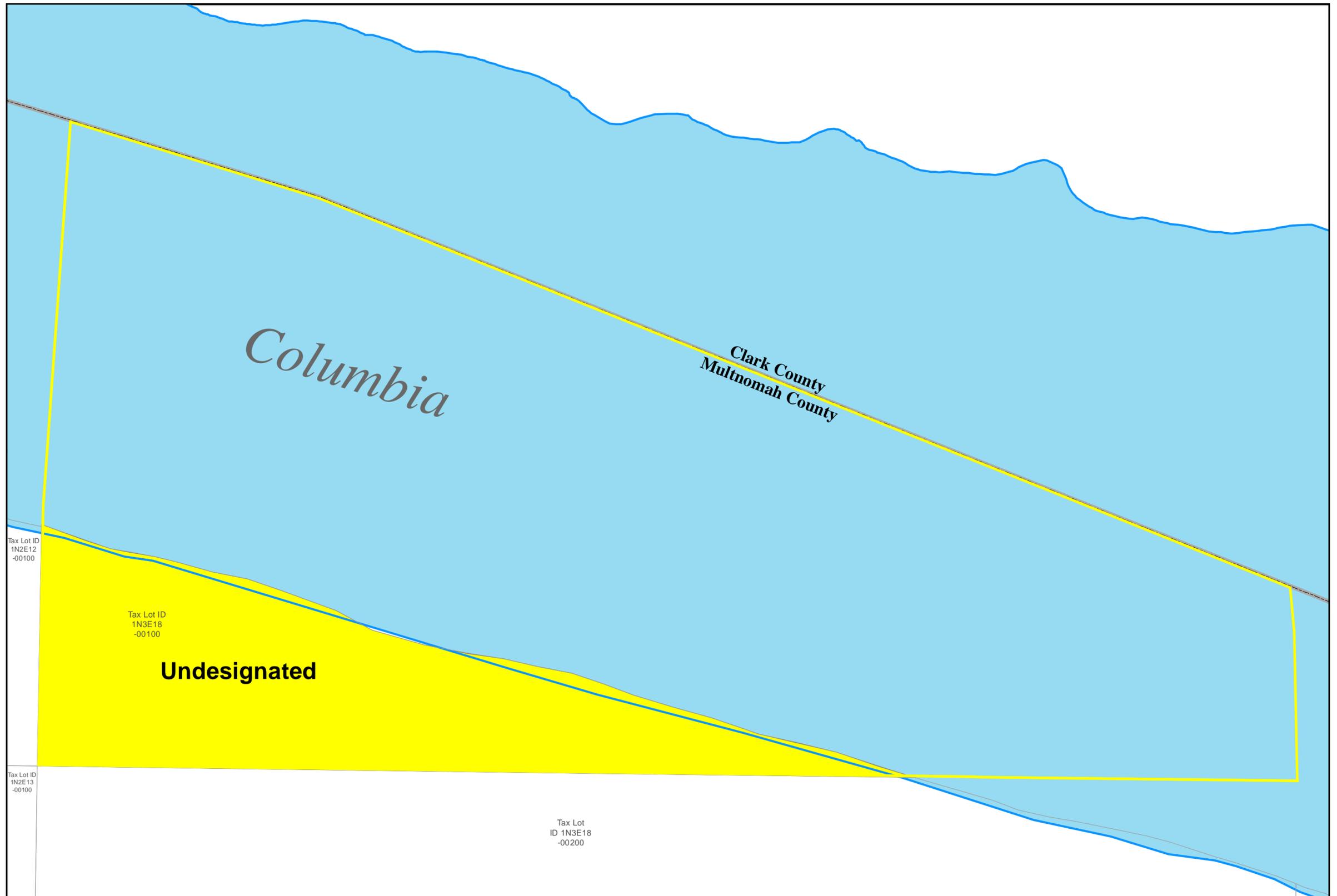
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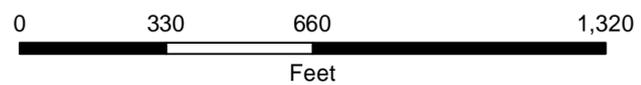
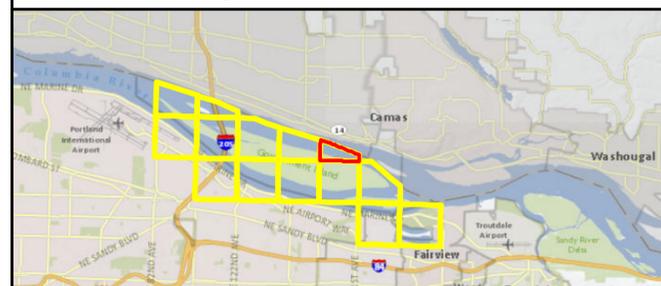
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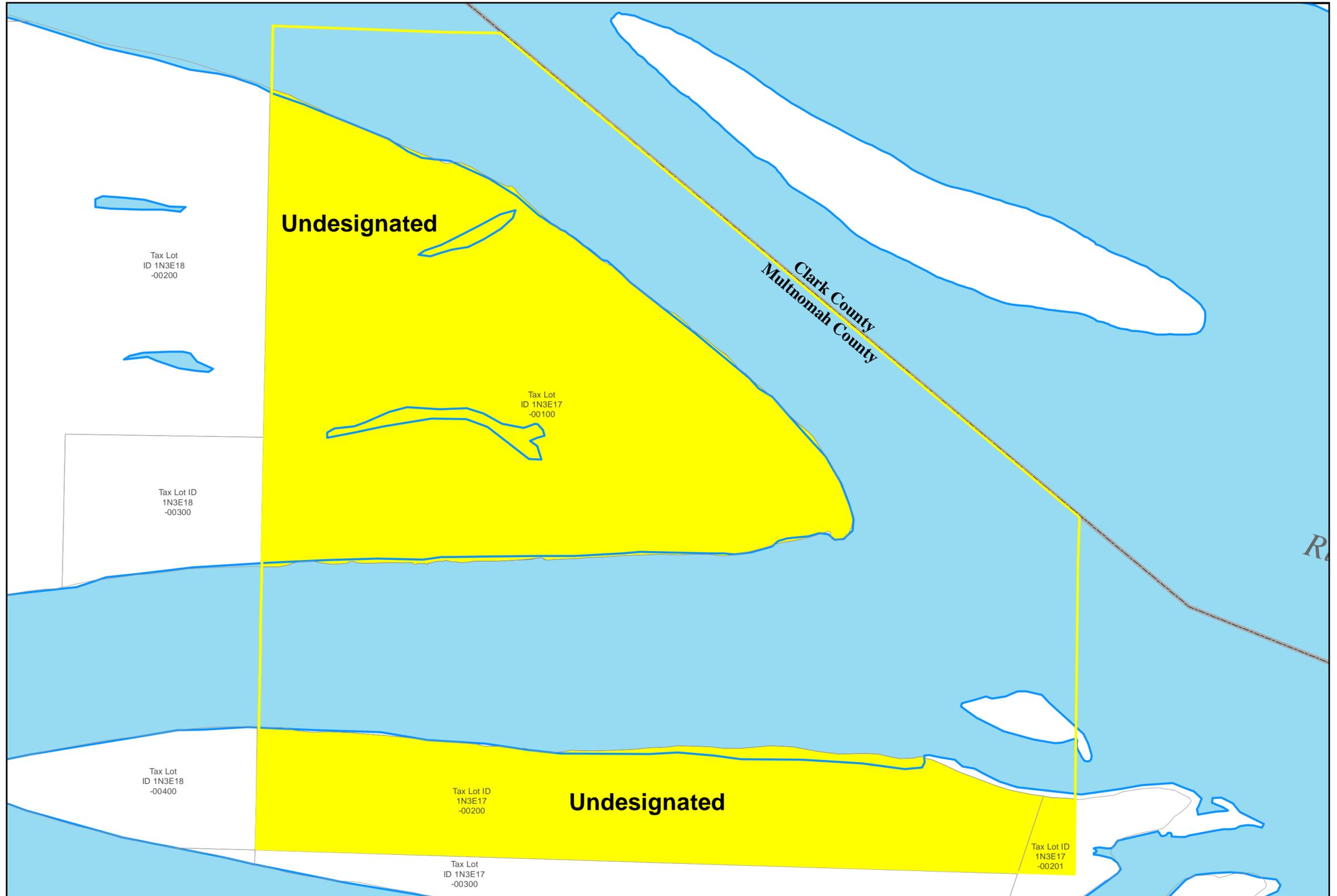
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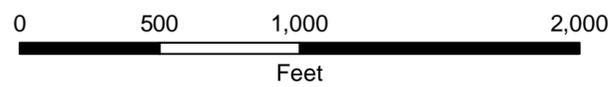
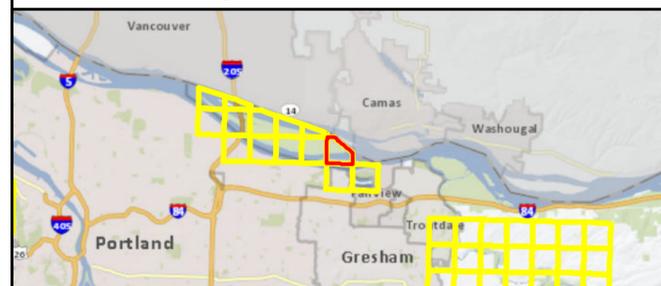


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Location Map

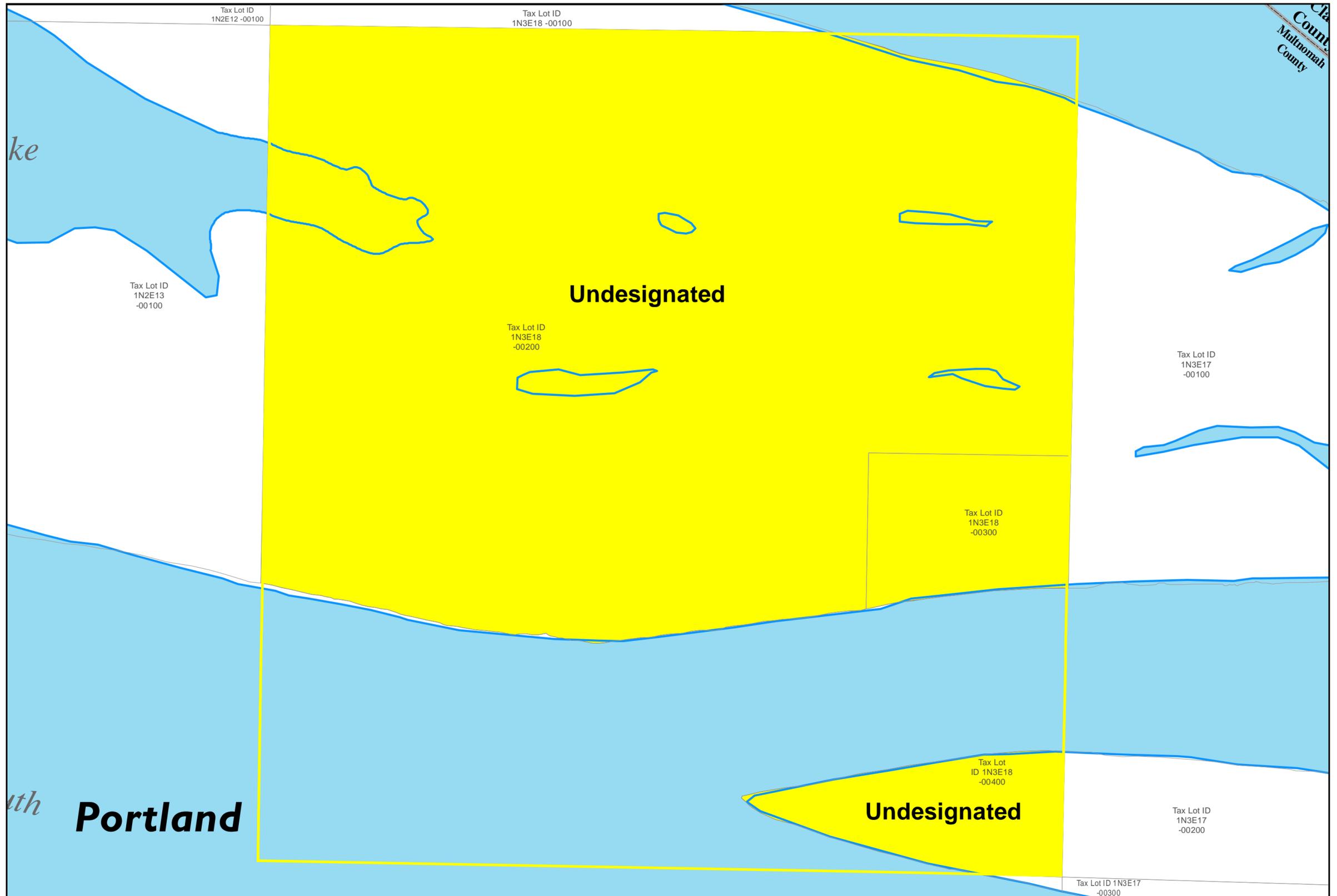


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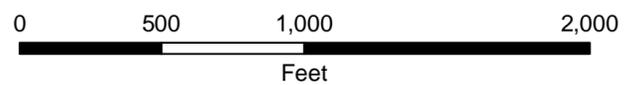
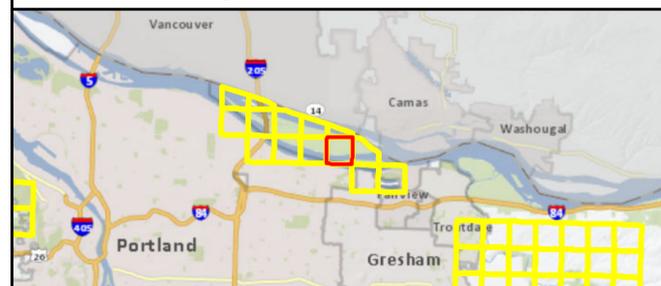
- Rural
- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary



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Location Map



Legend

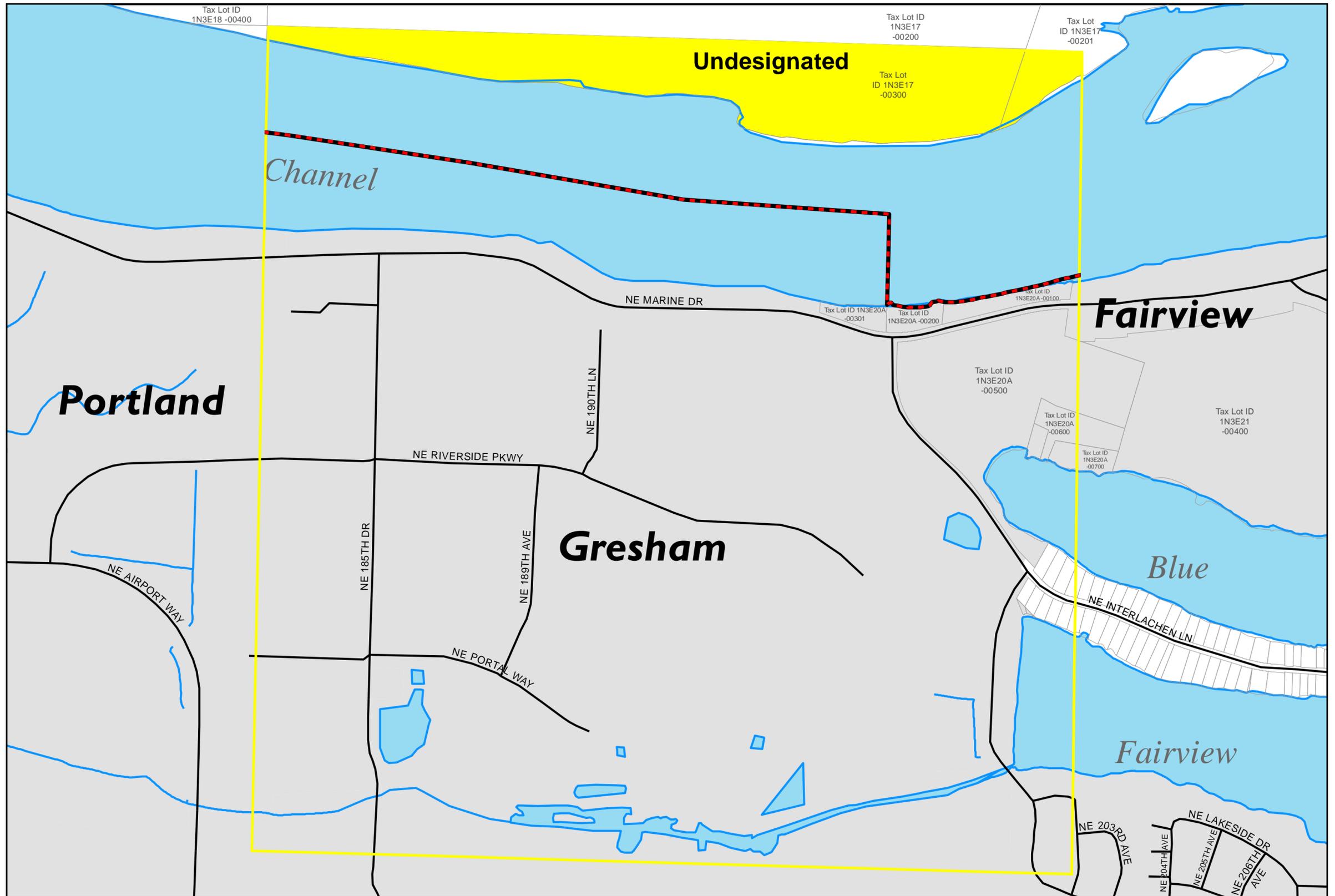
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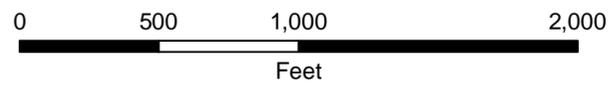
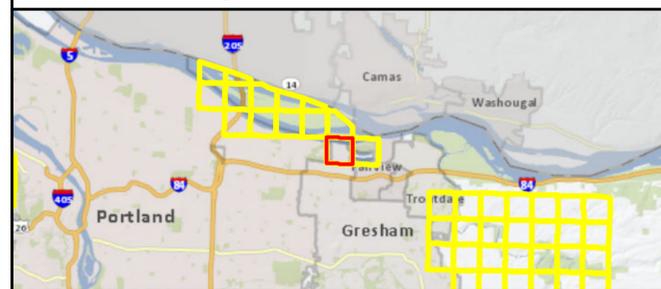
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Location Map

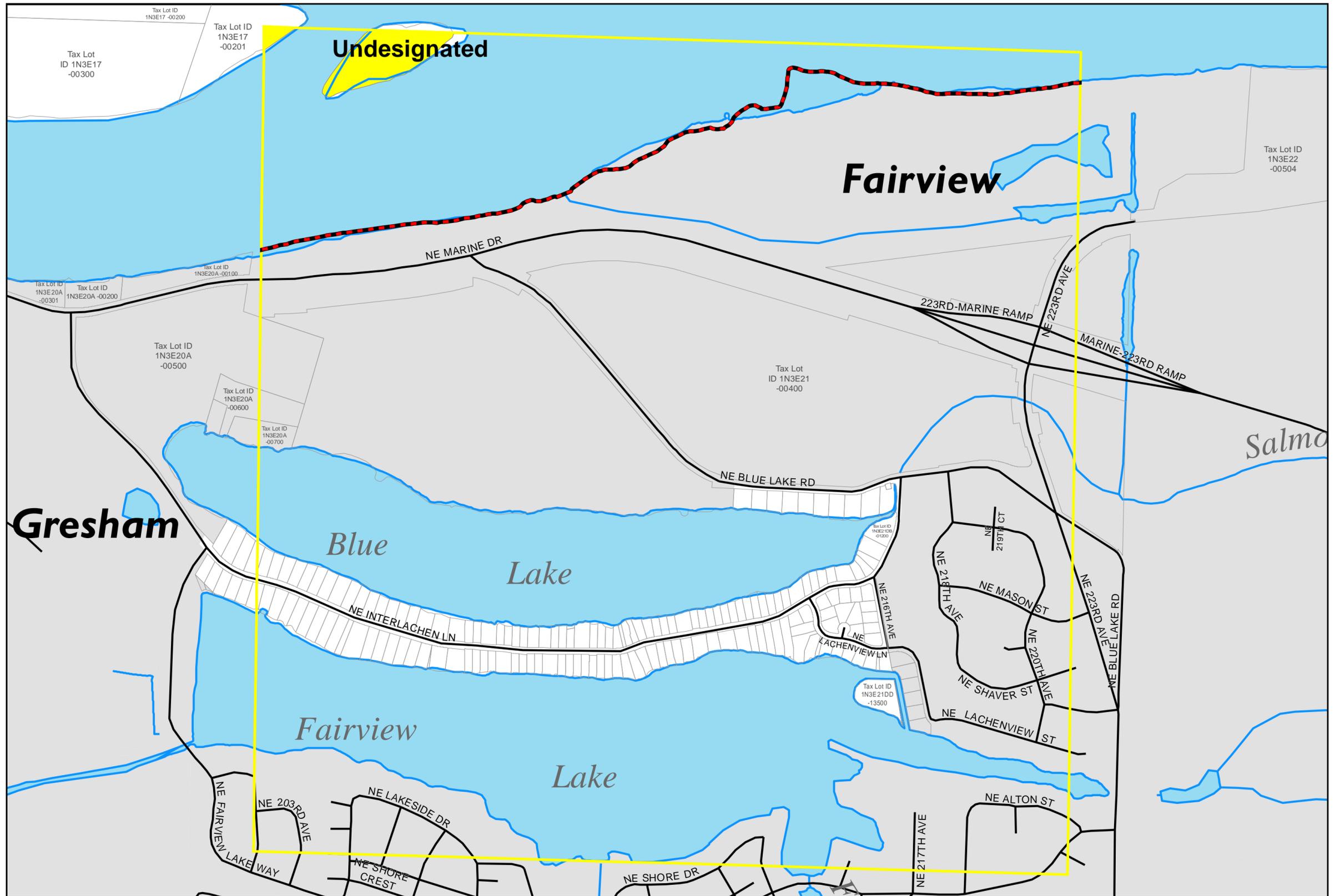


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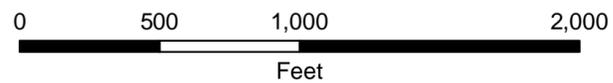
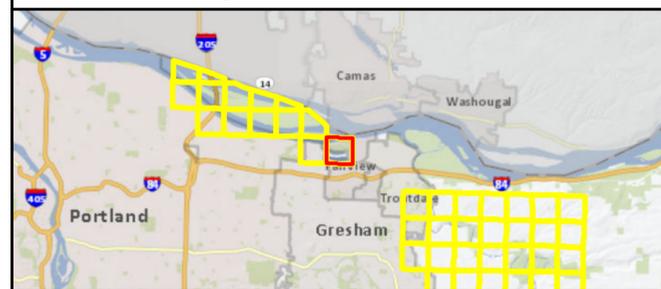
- Rural
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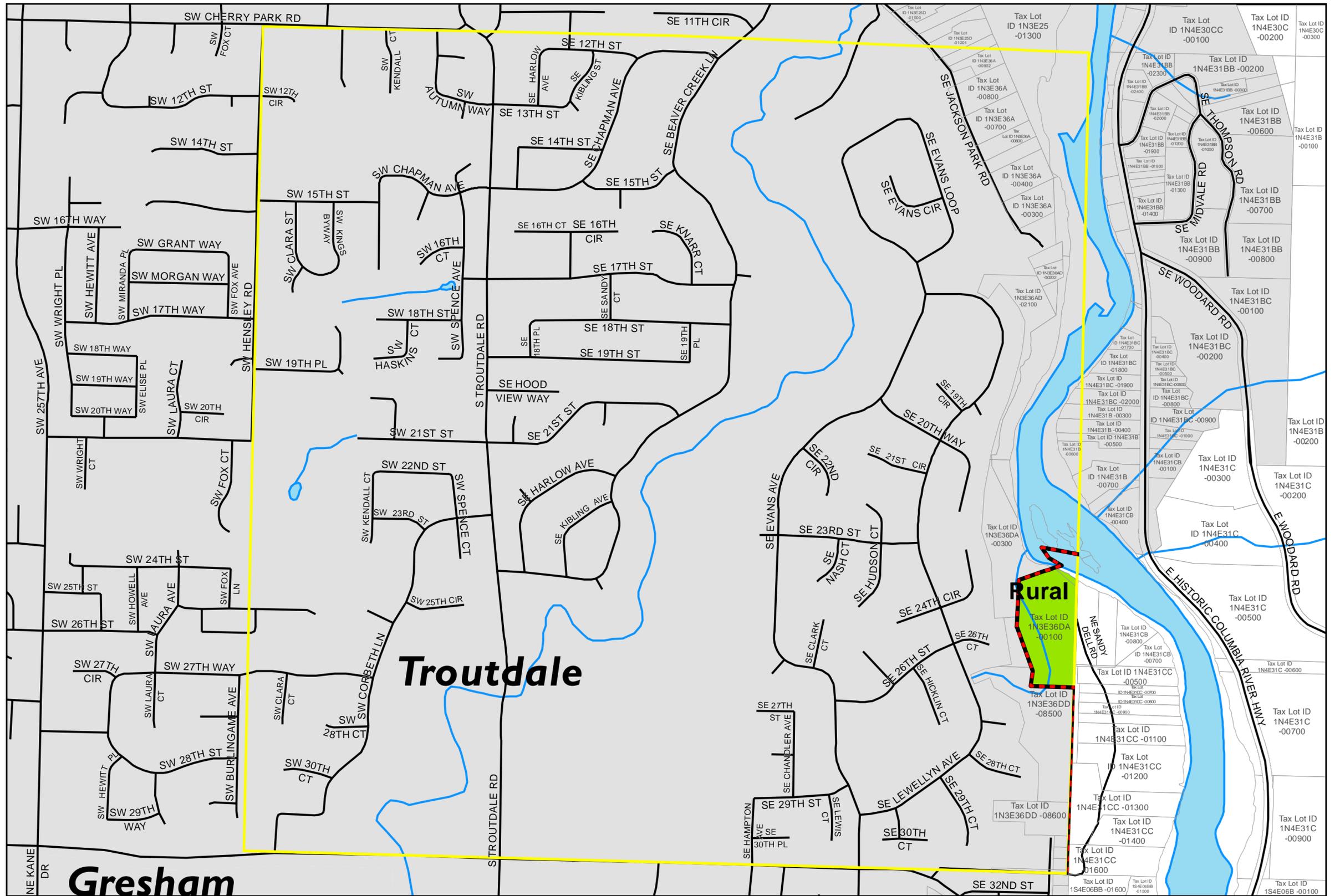


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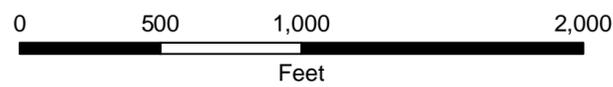
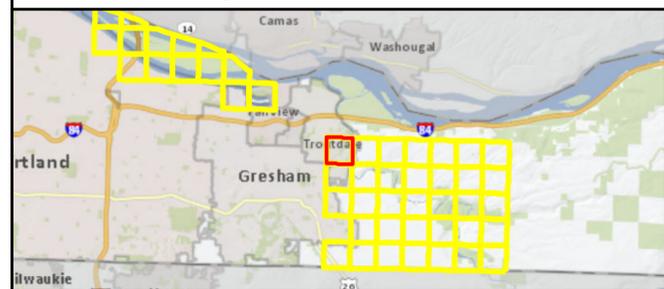
- Rural
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Legend

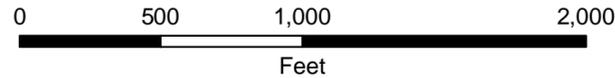
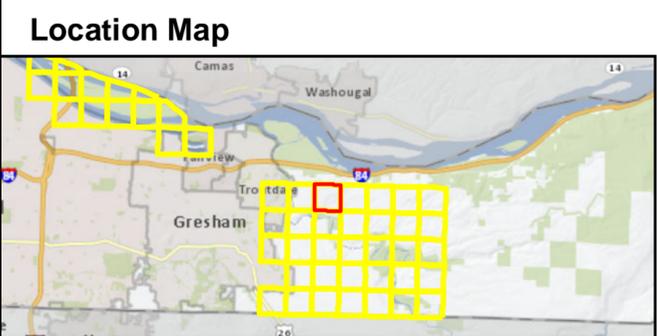
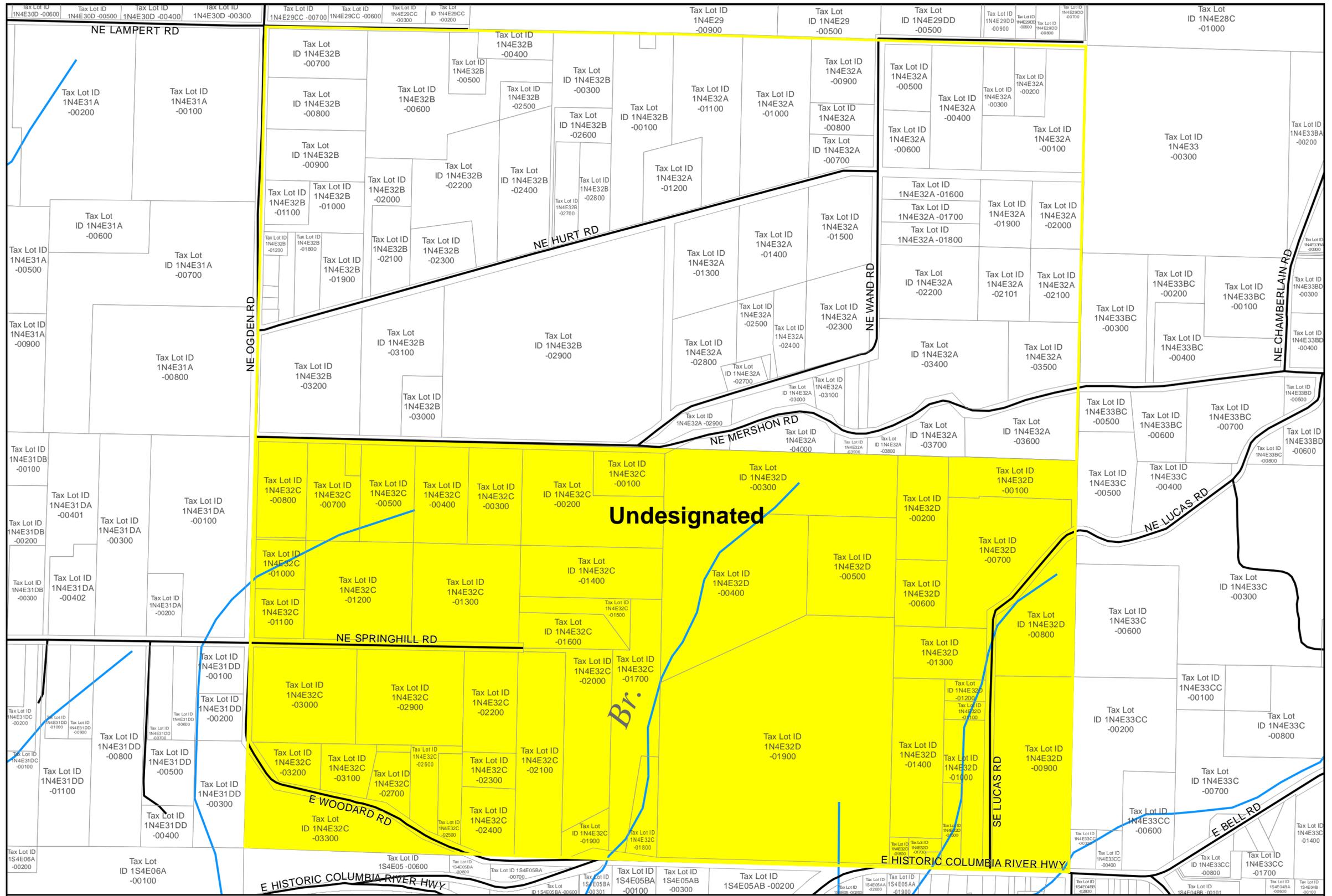
- Rural
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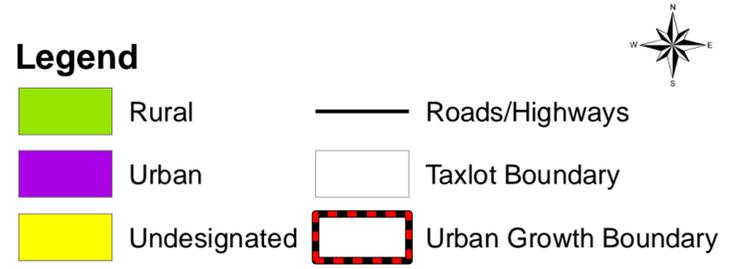
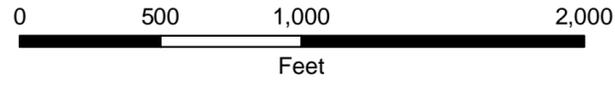
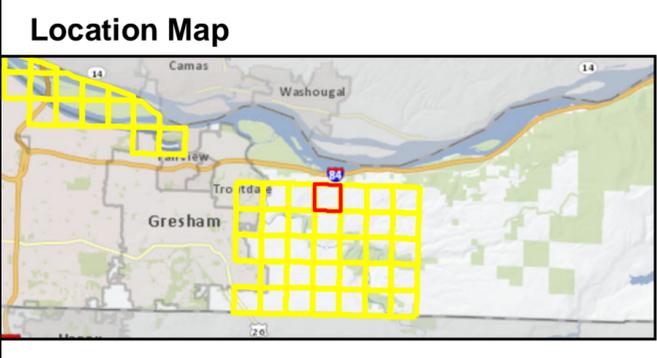
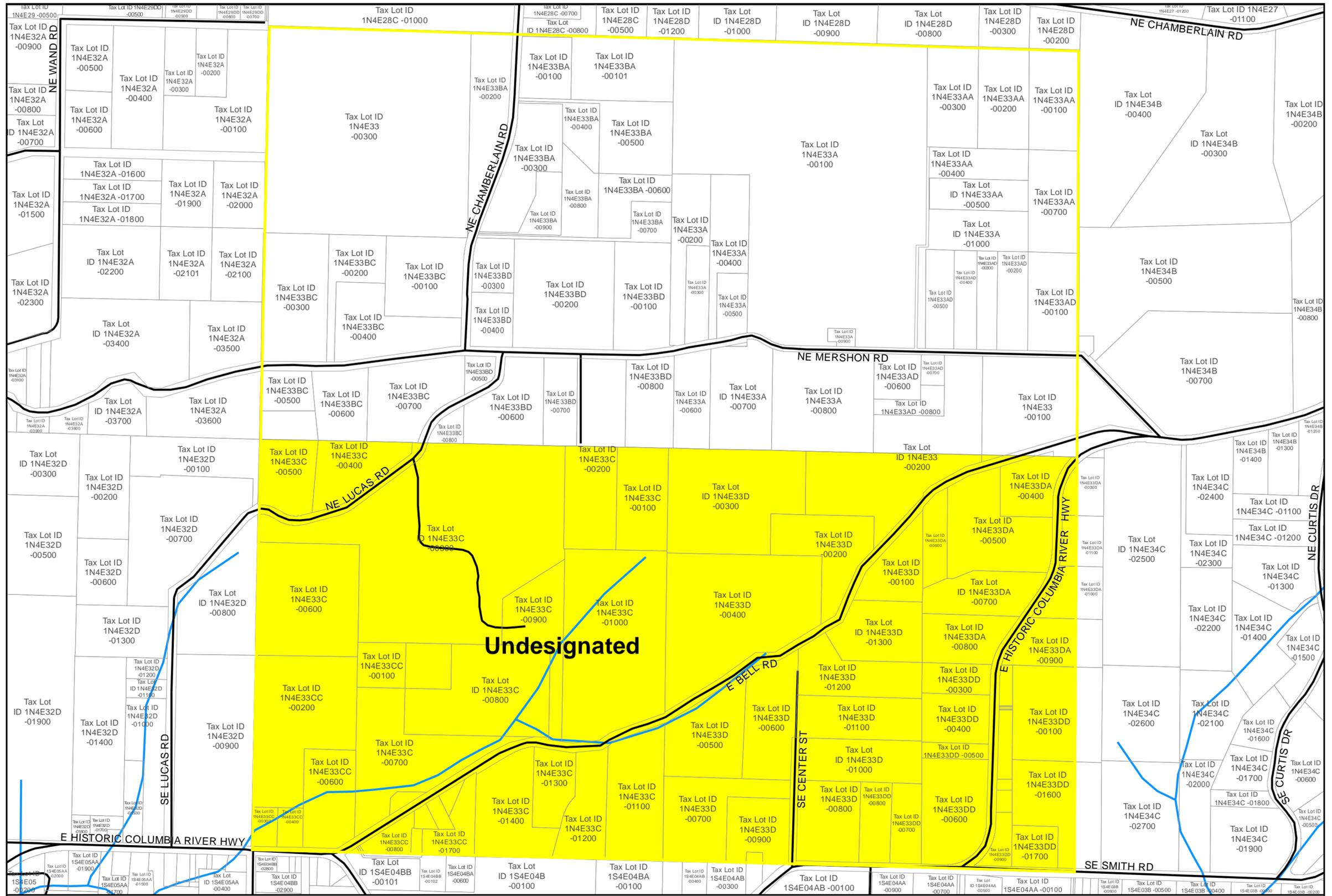
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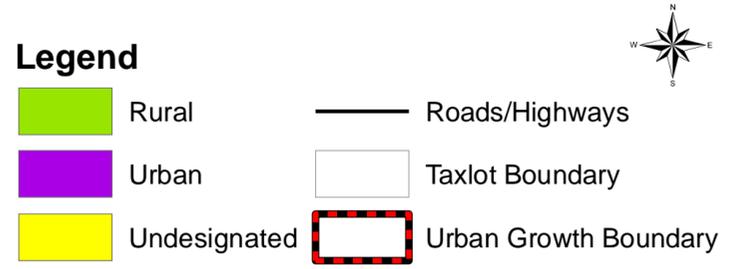
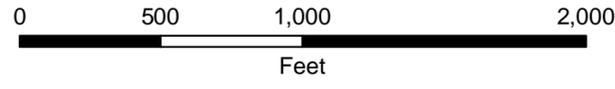
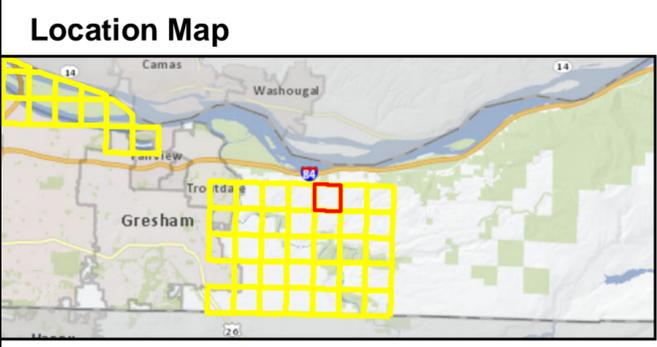
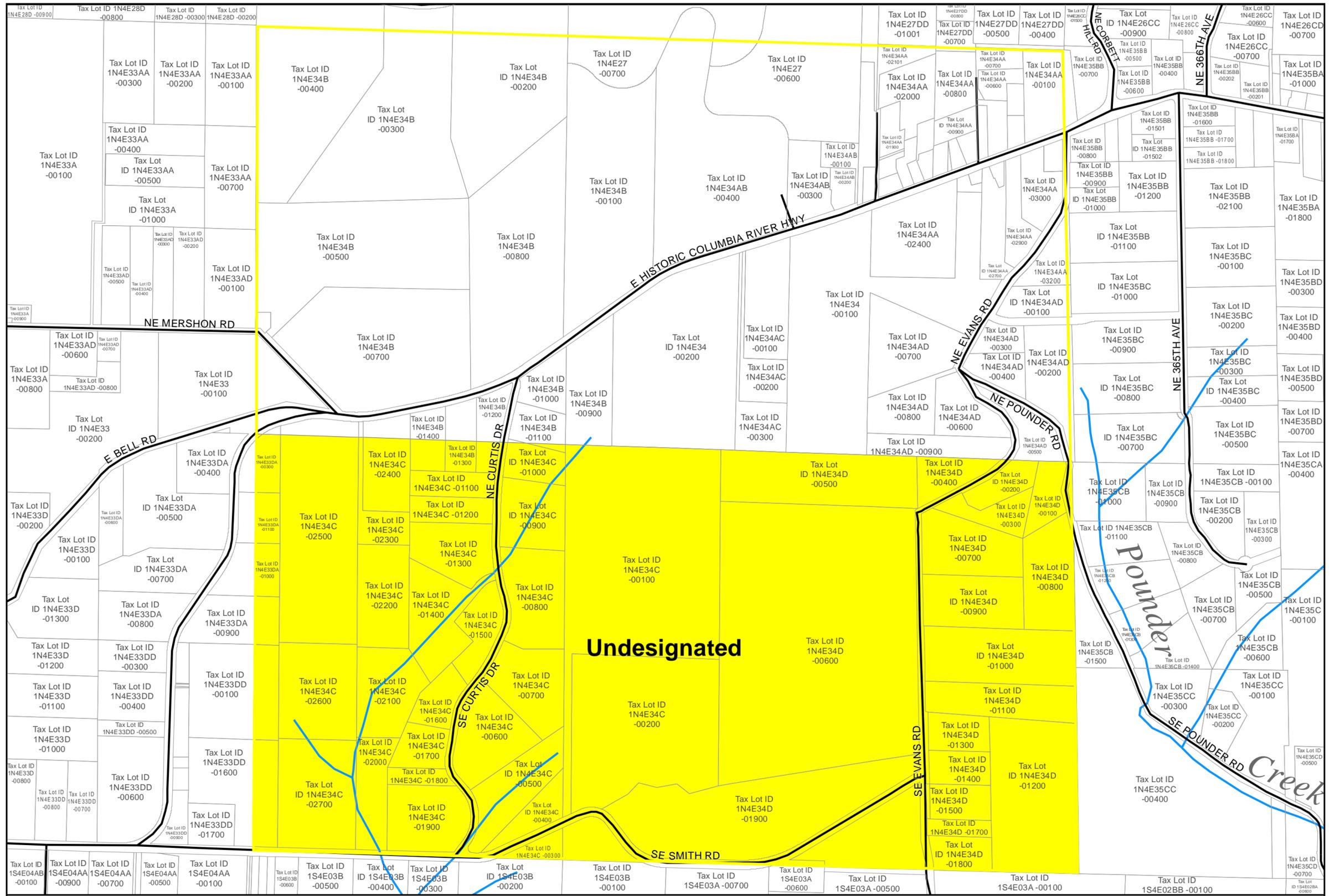




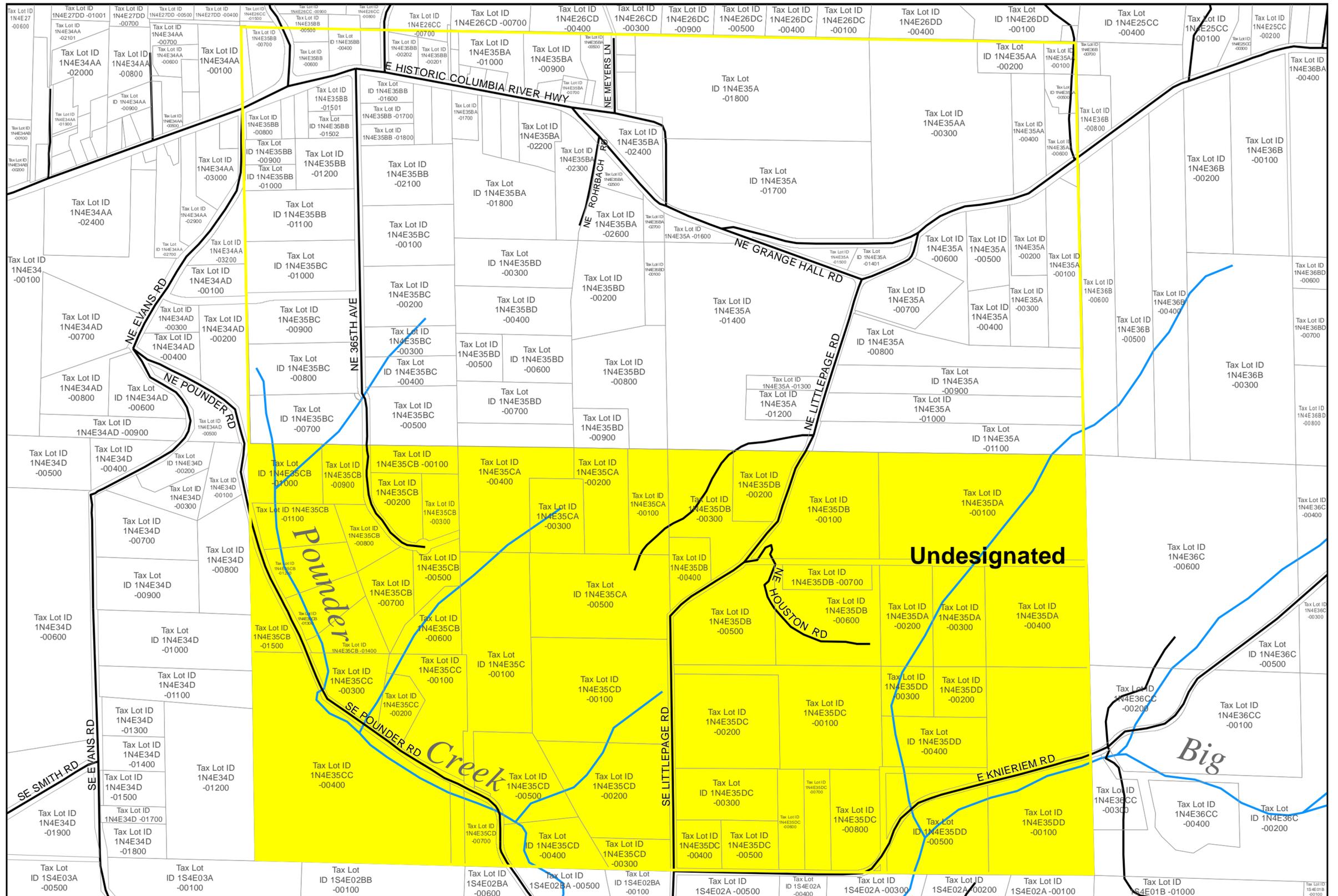
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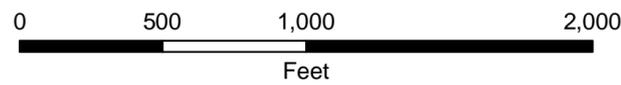
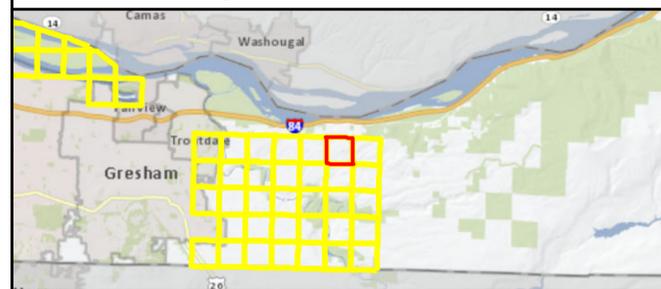
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Location Map

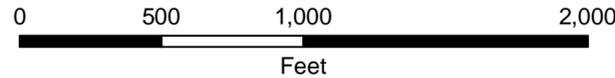
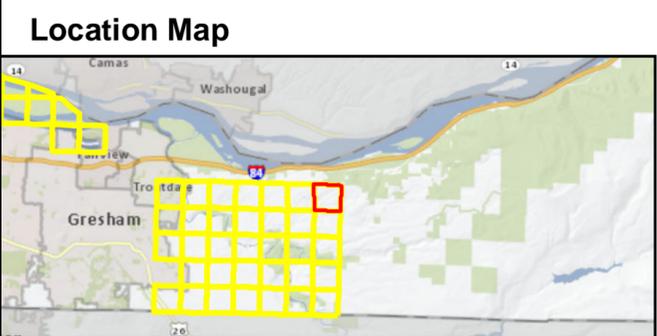
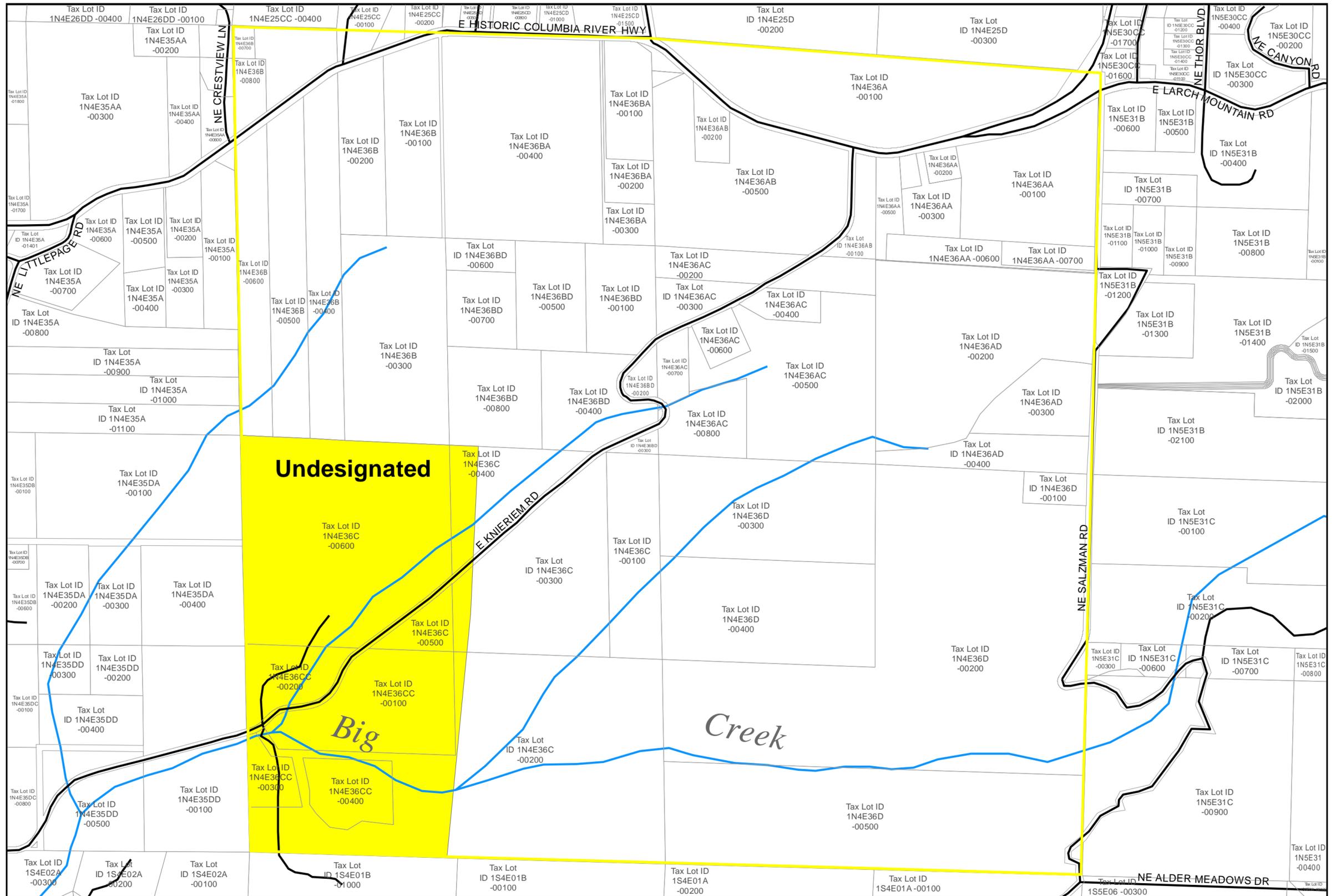


Legend

- Rural
- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary



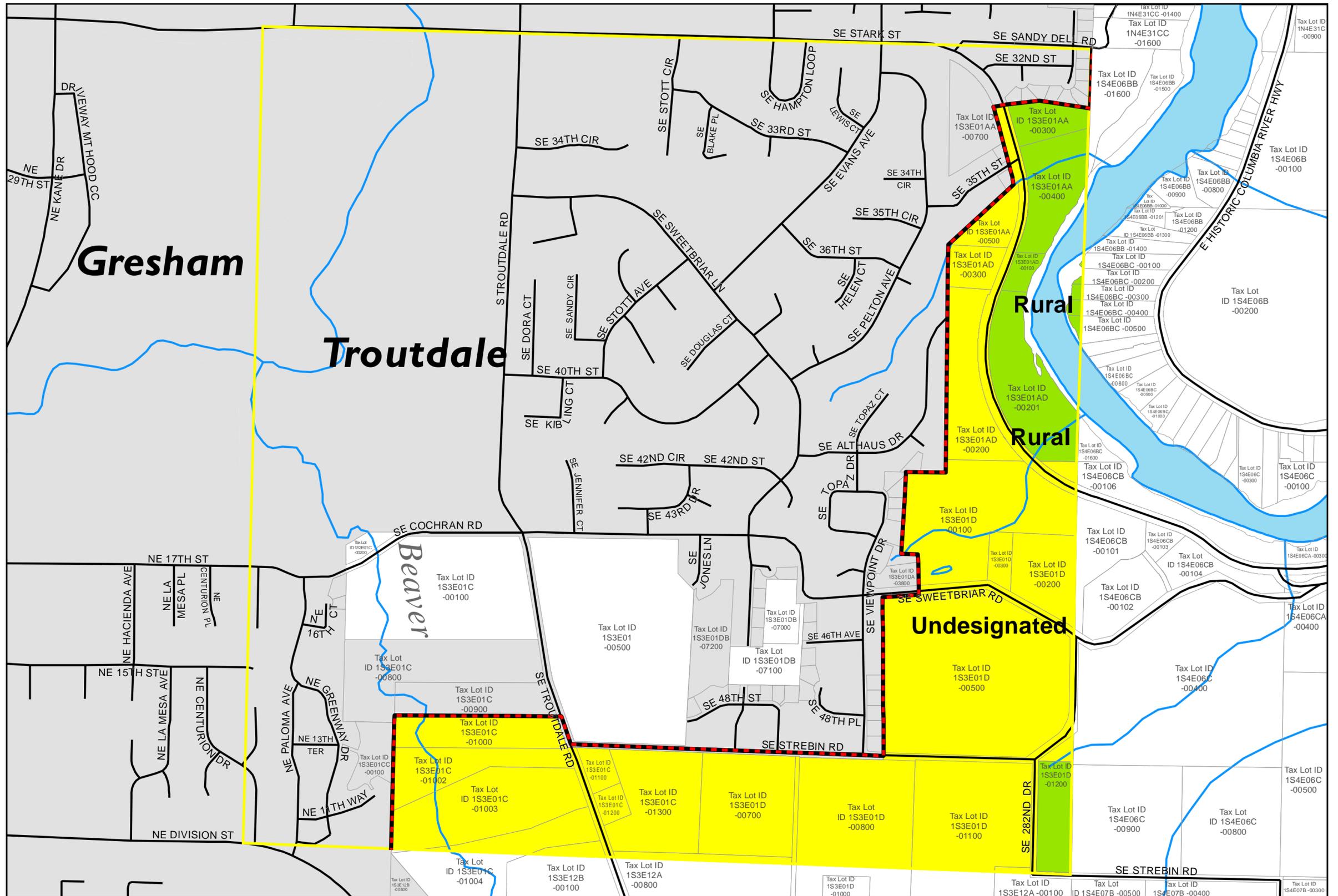
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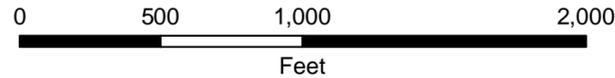
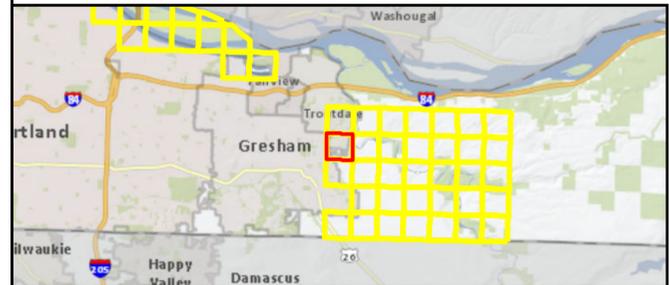
- Legend**
- Rural
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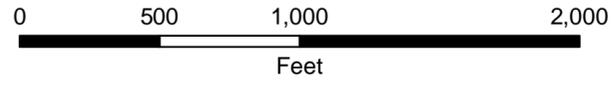
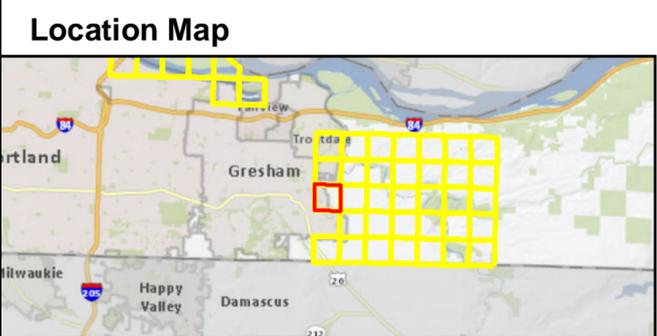
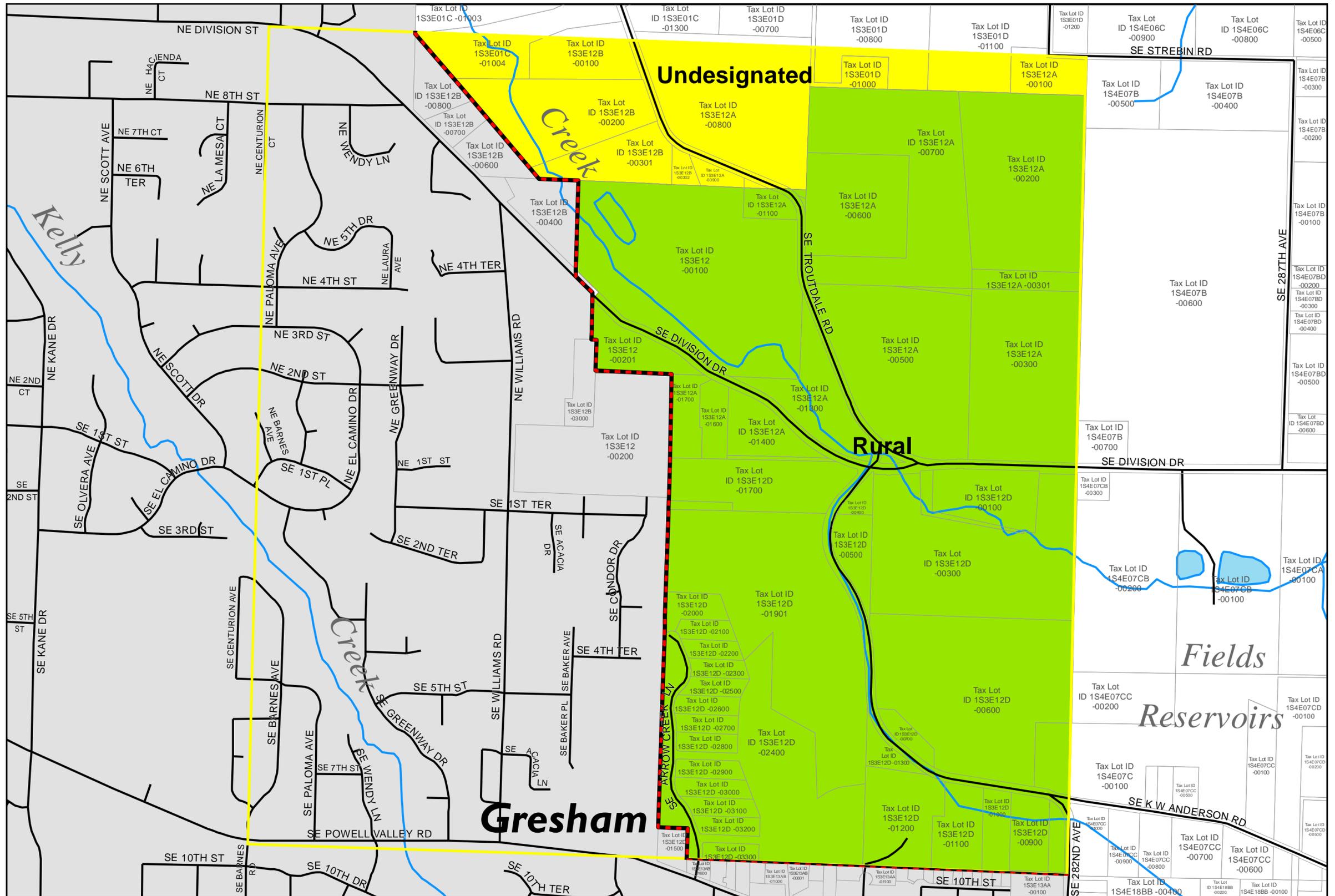
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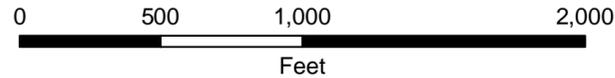
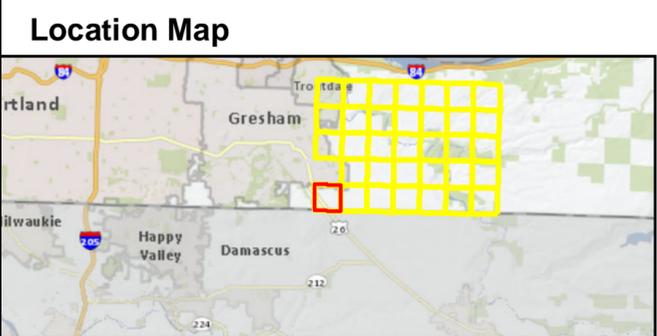
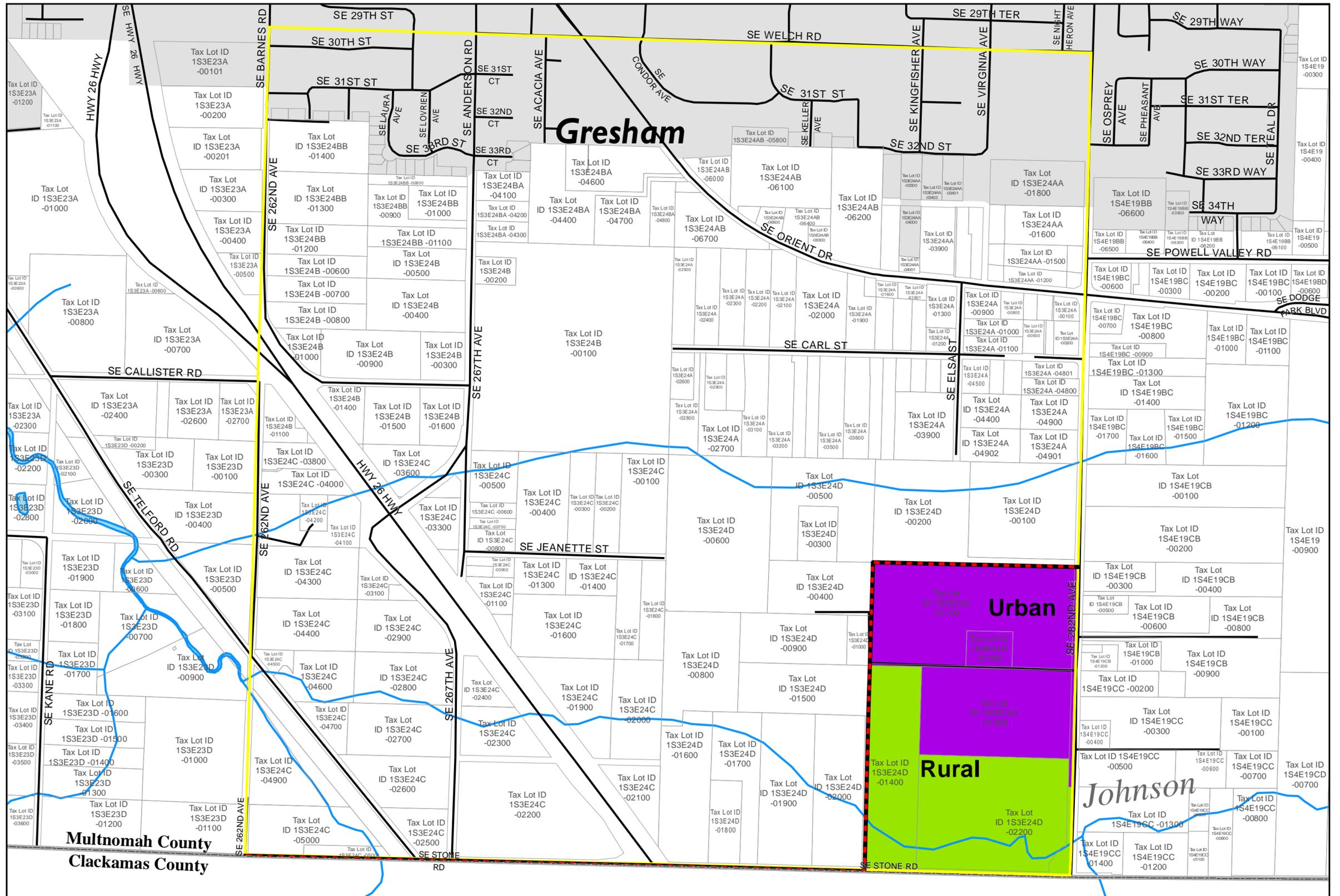
Legend

- Rural
- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary

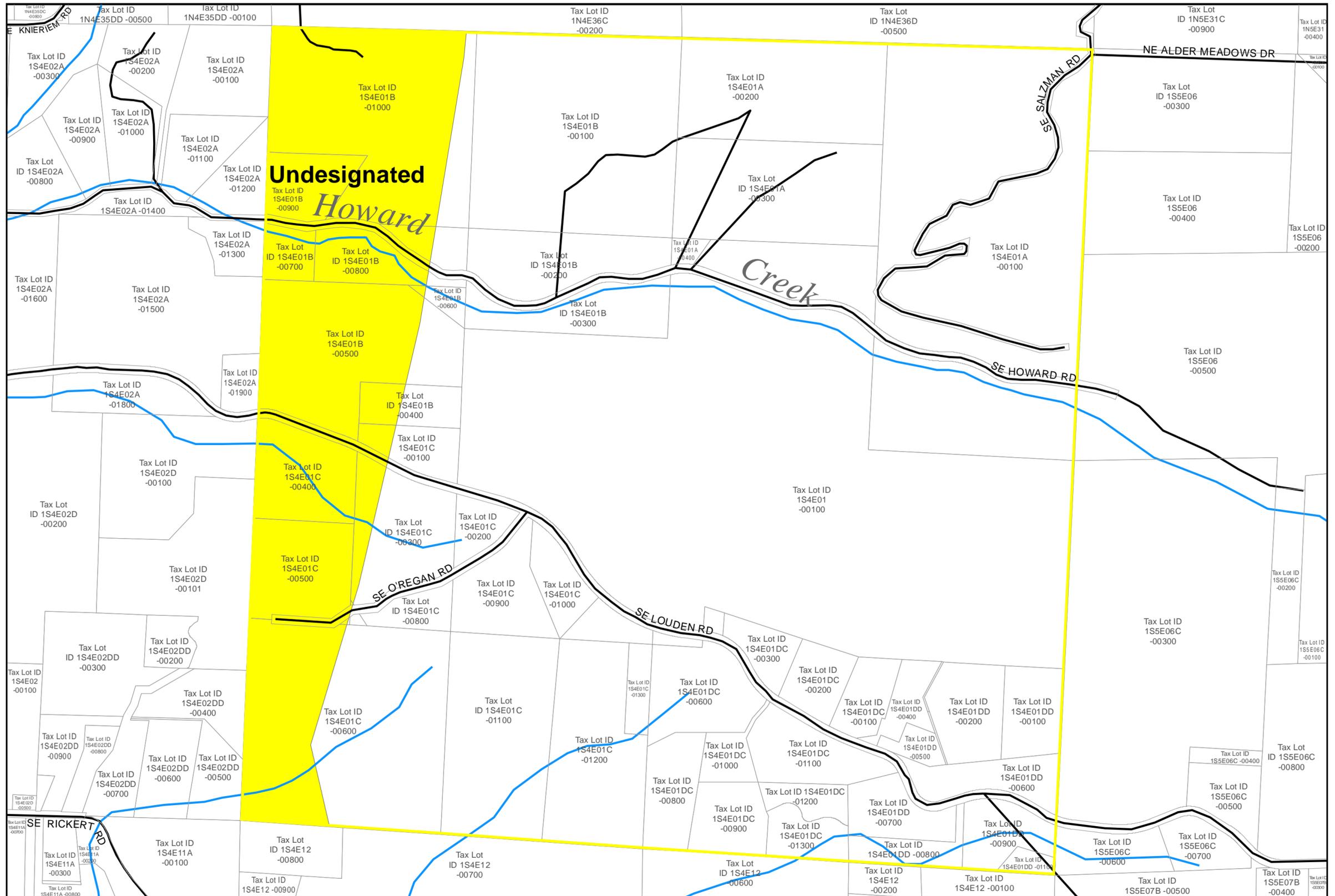
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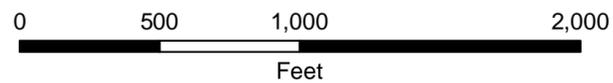
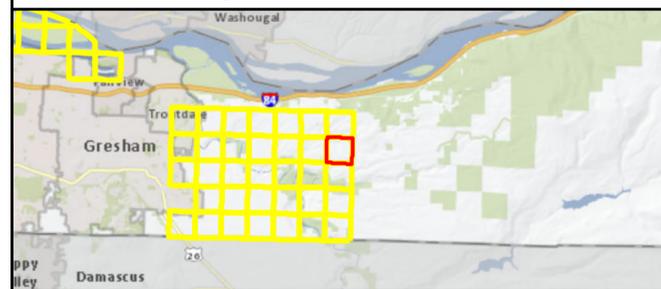
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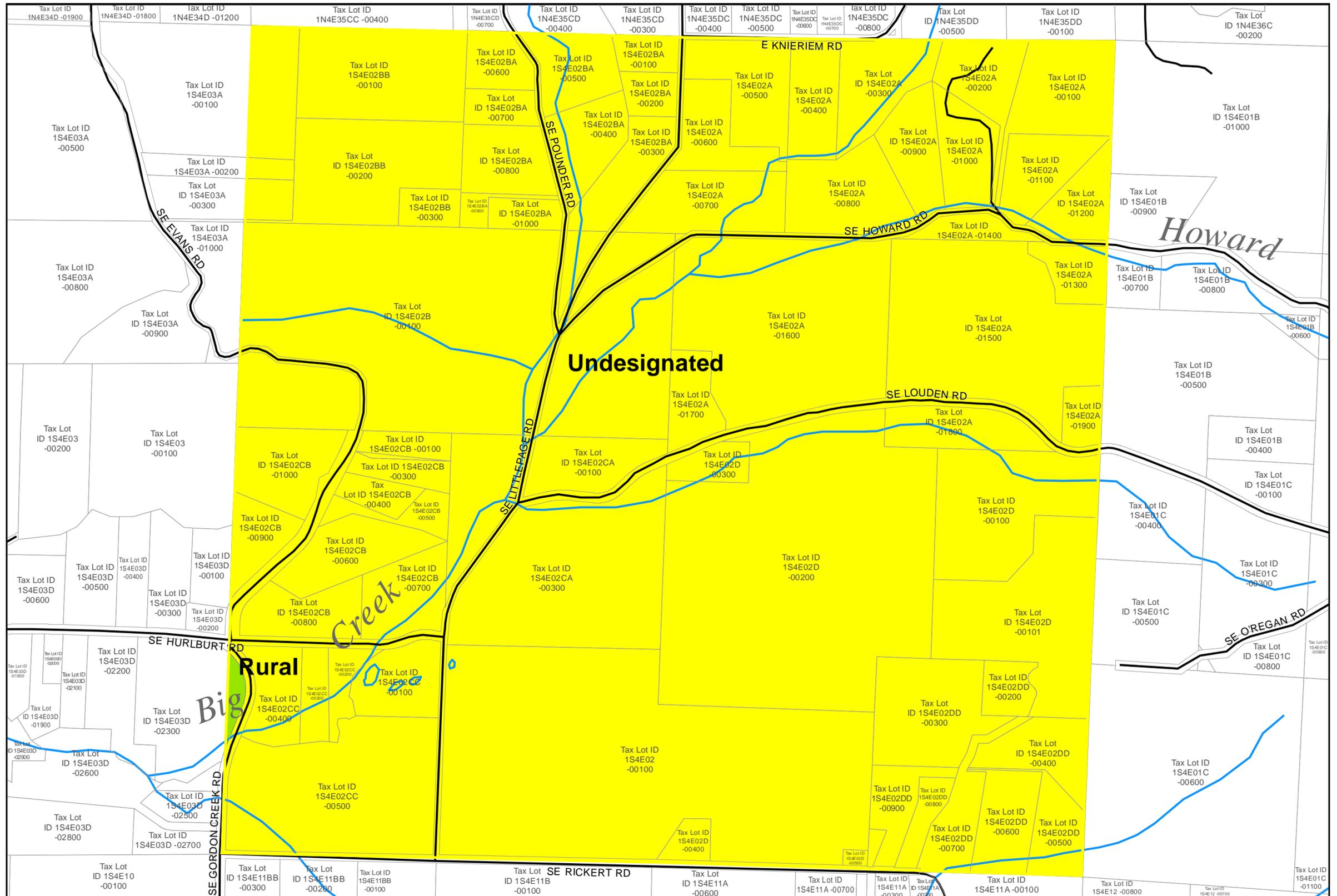


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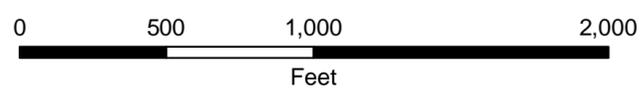
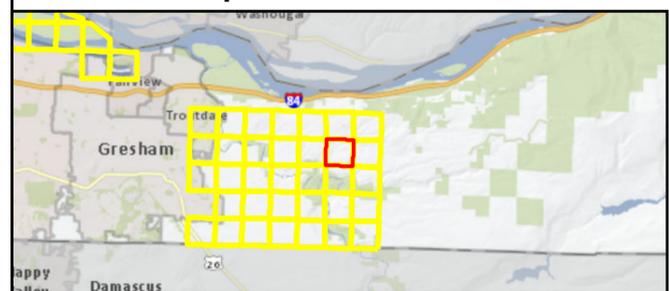
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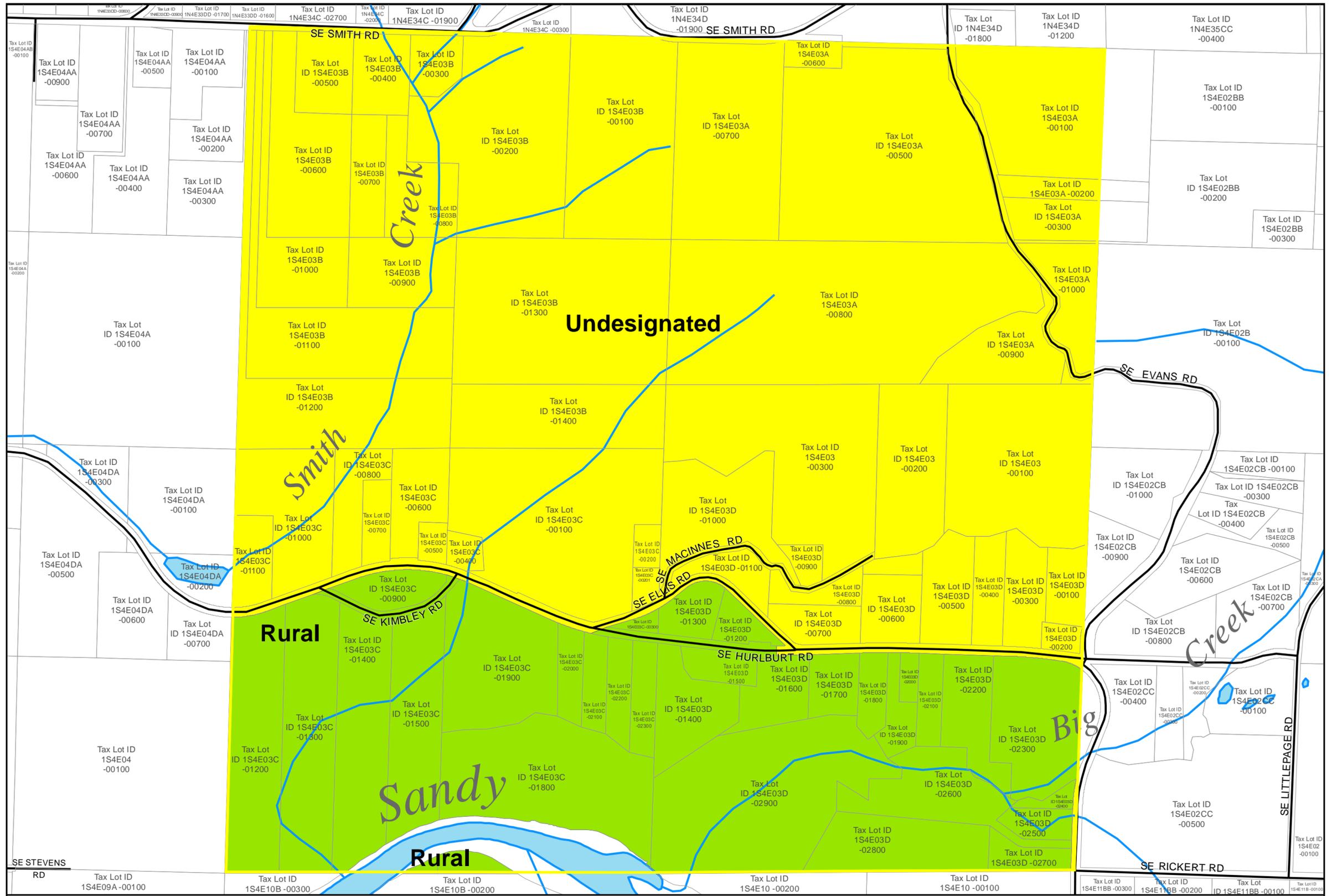
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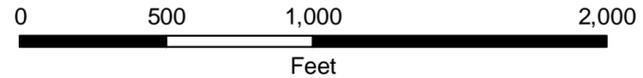
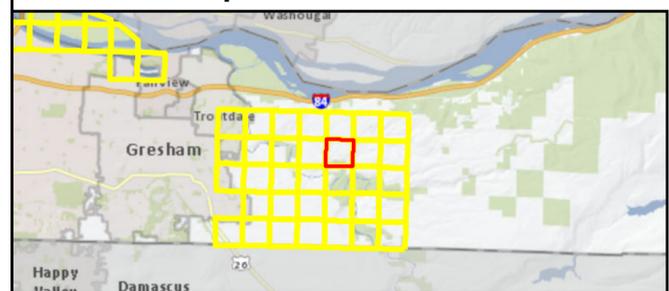
Legend

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Location Map

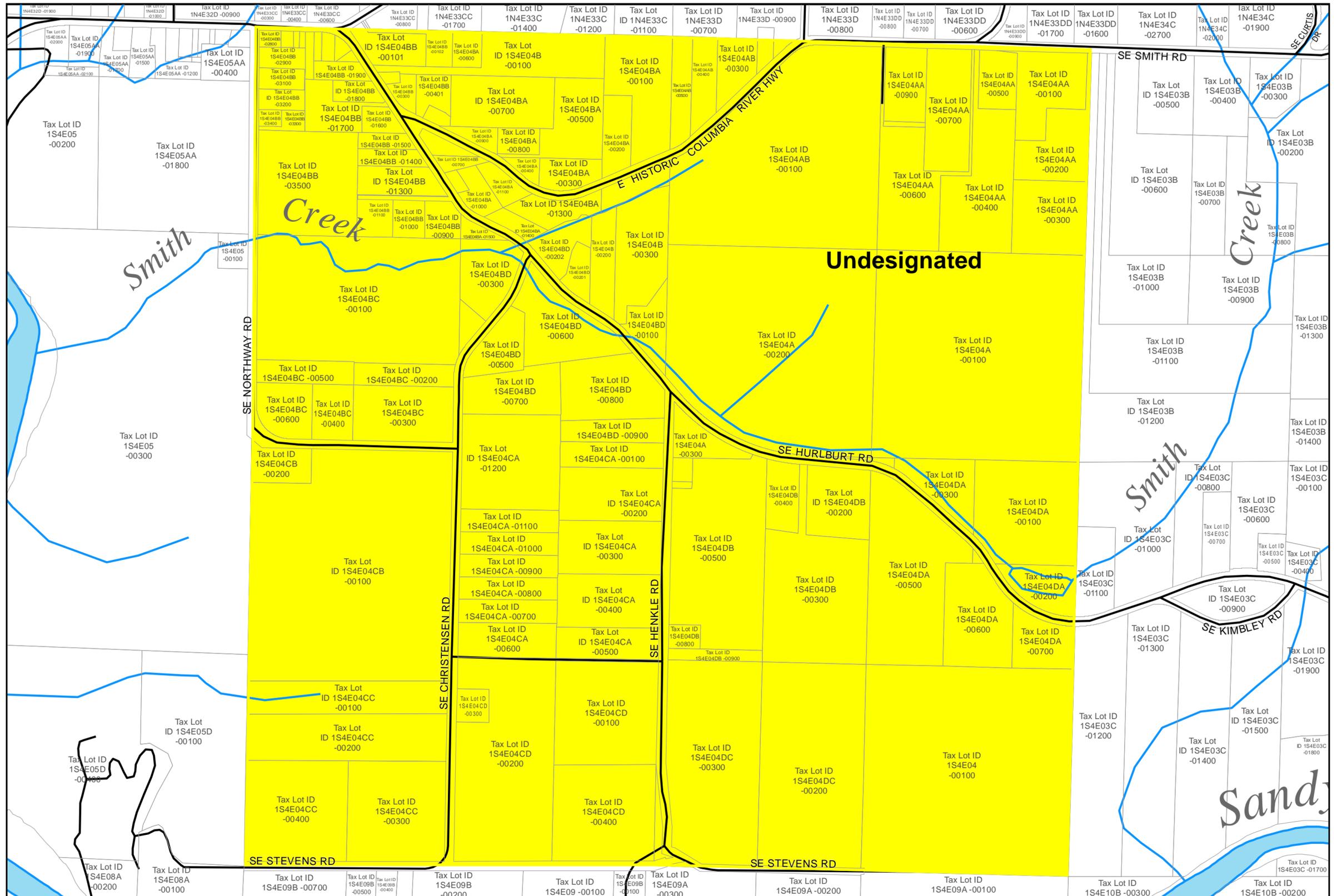


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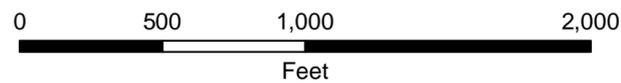
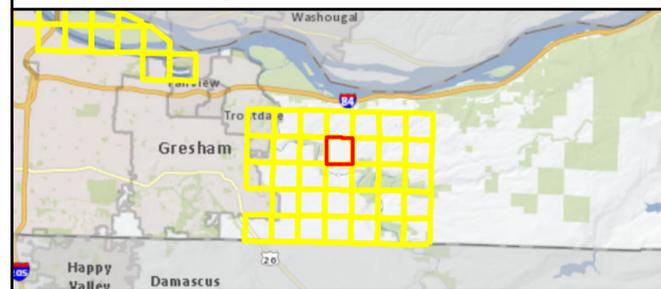
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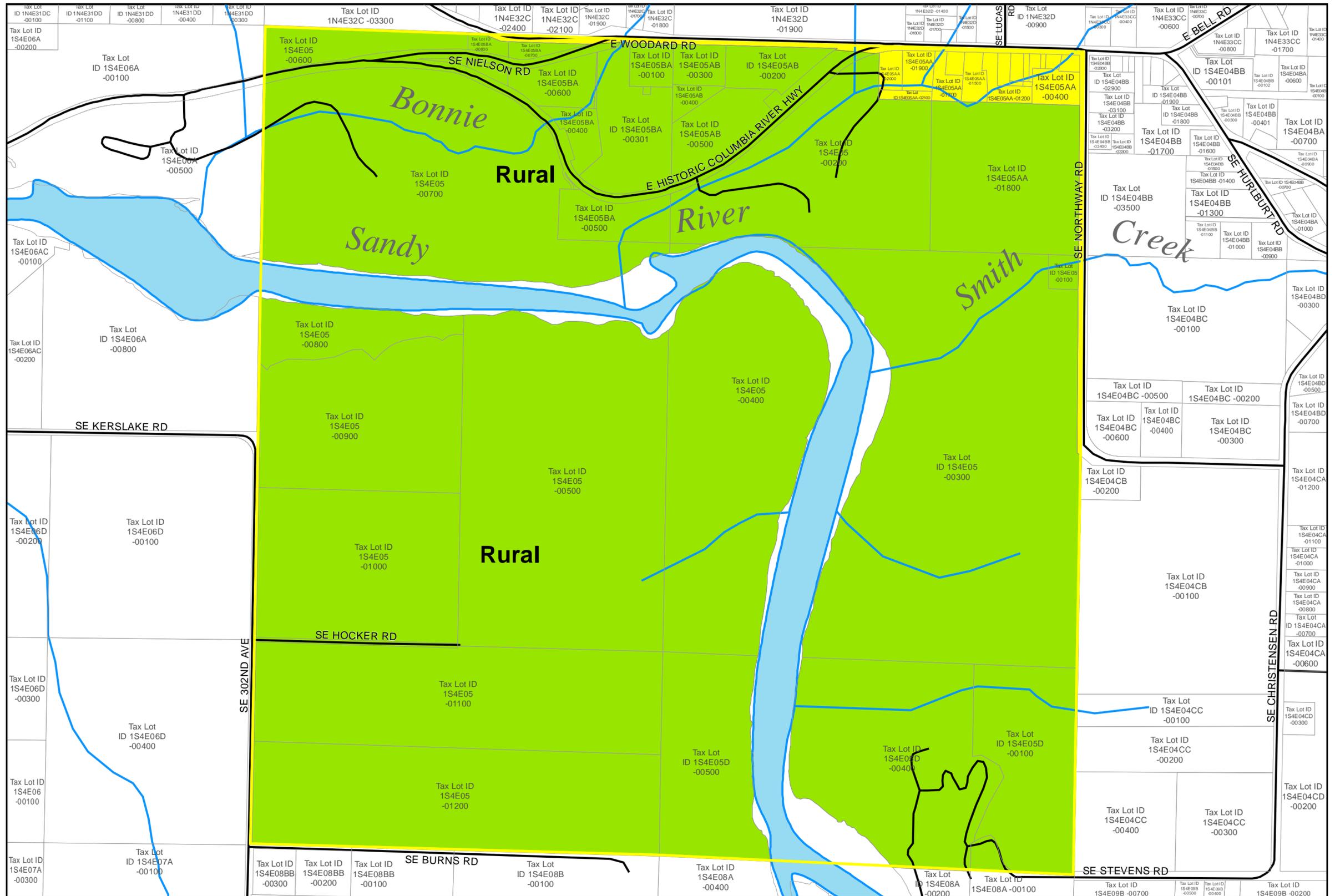
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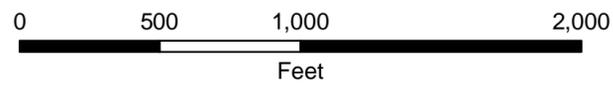
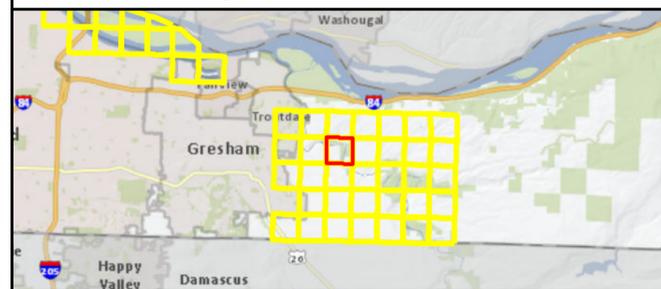


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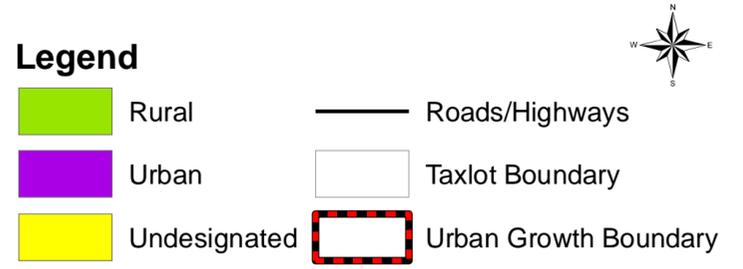
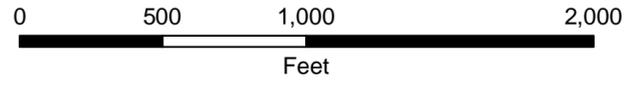
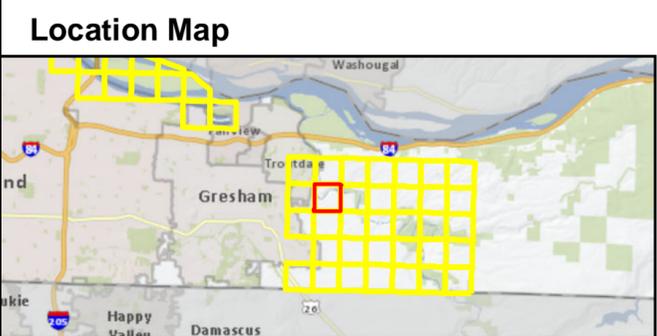
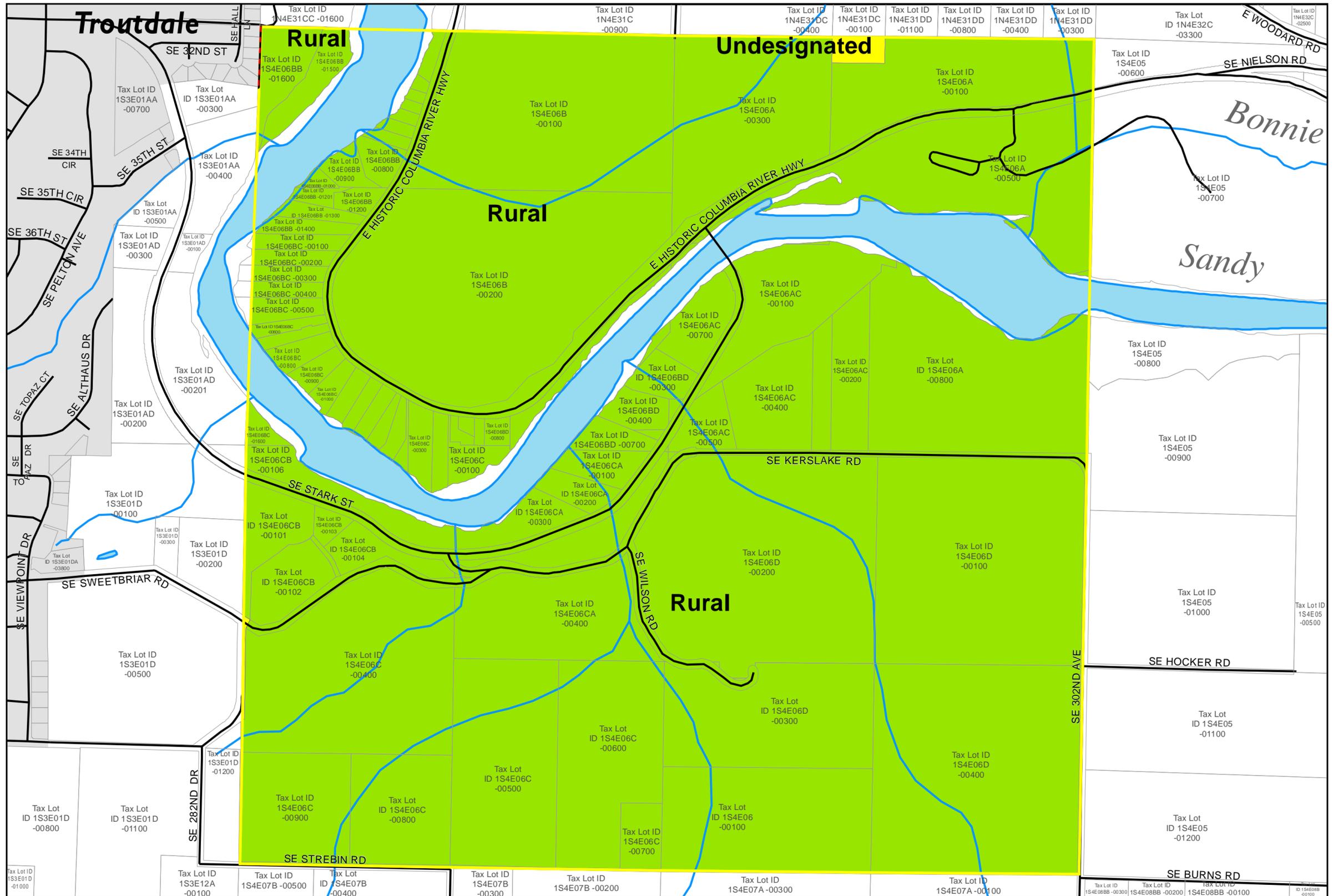


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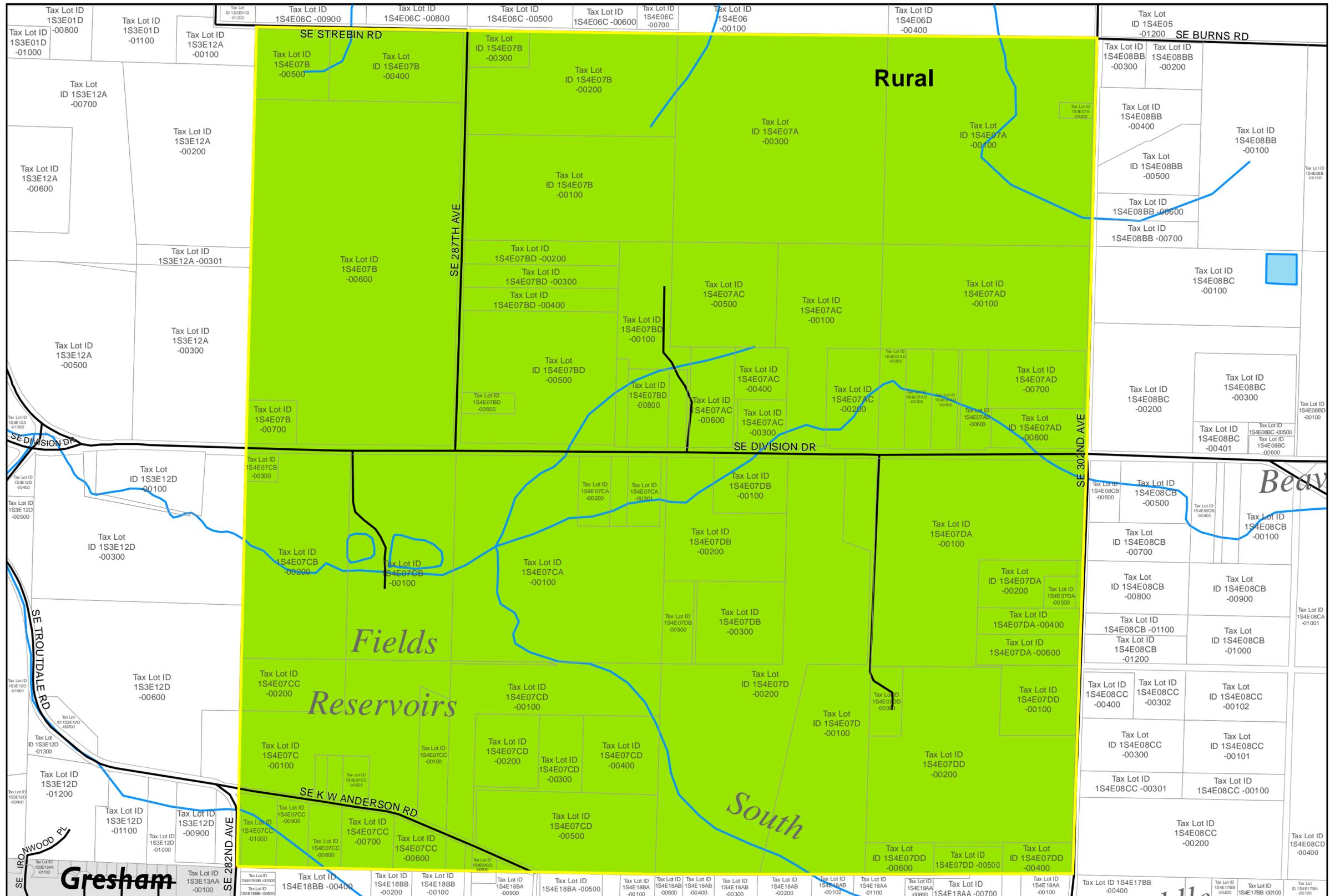
- Rural
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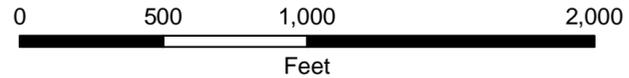
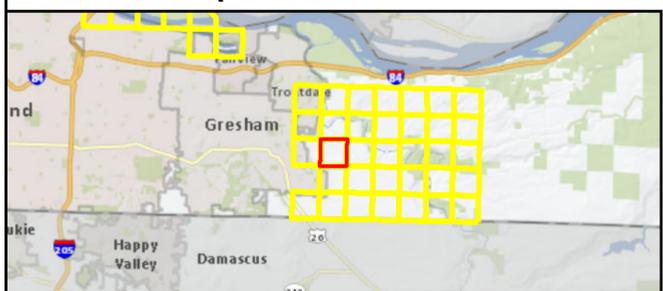
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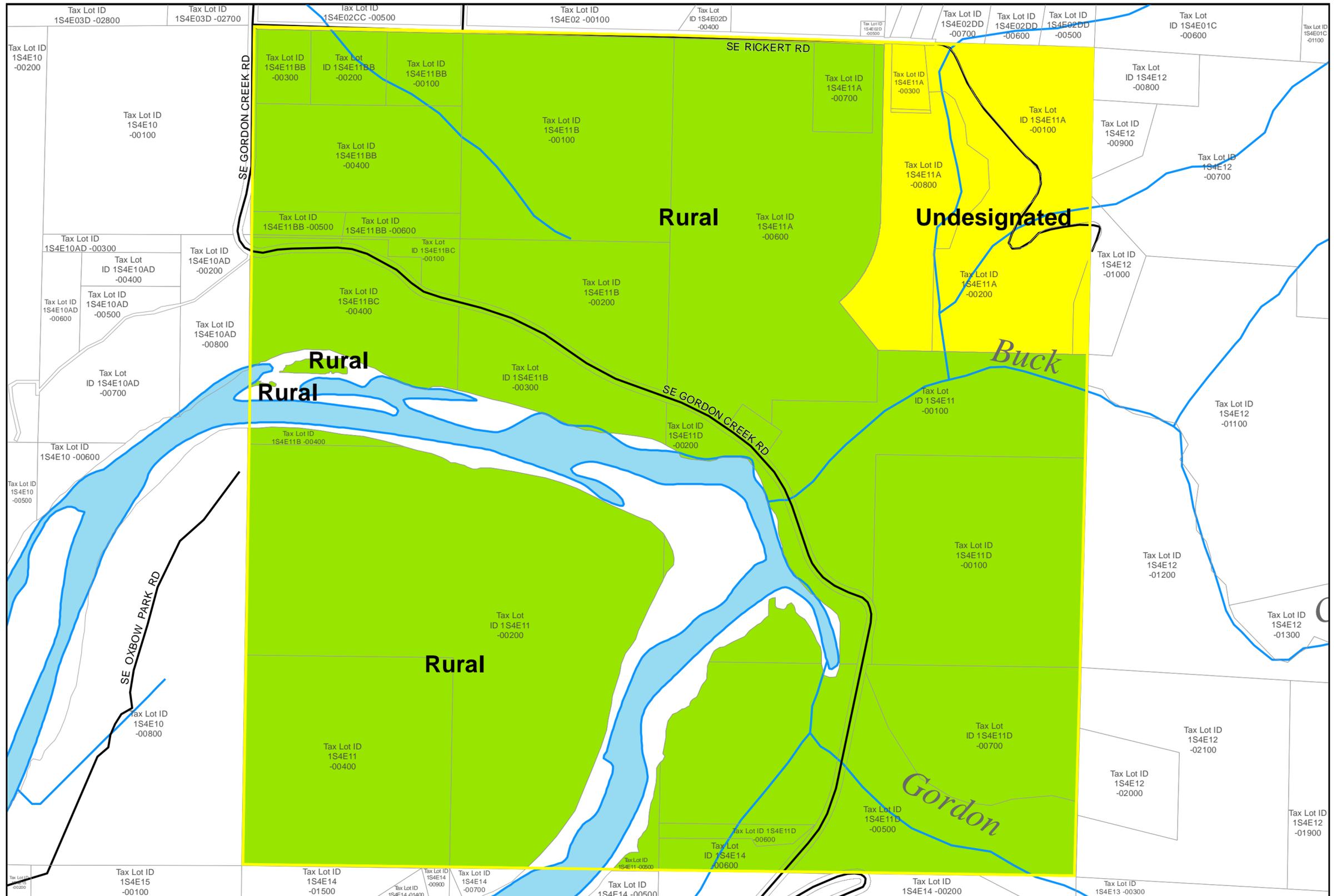


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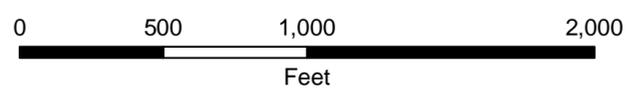
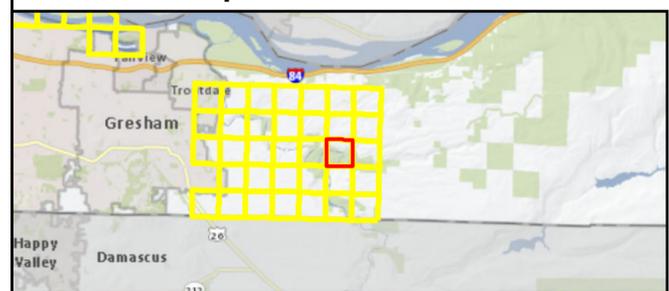
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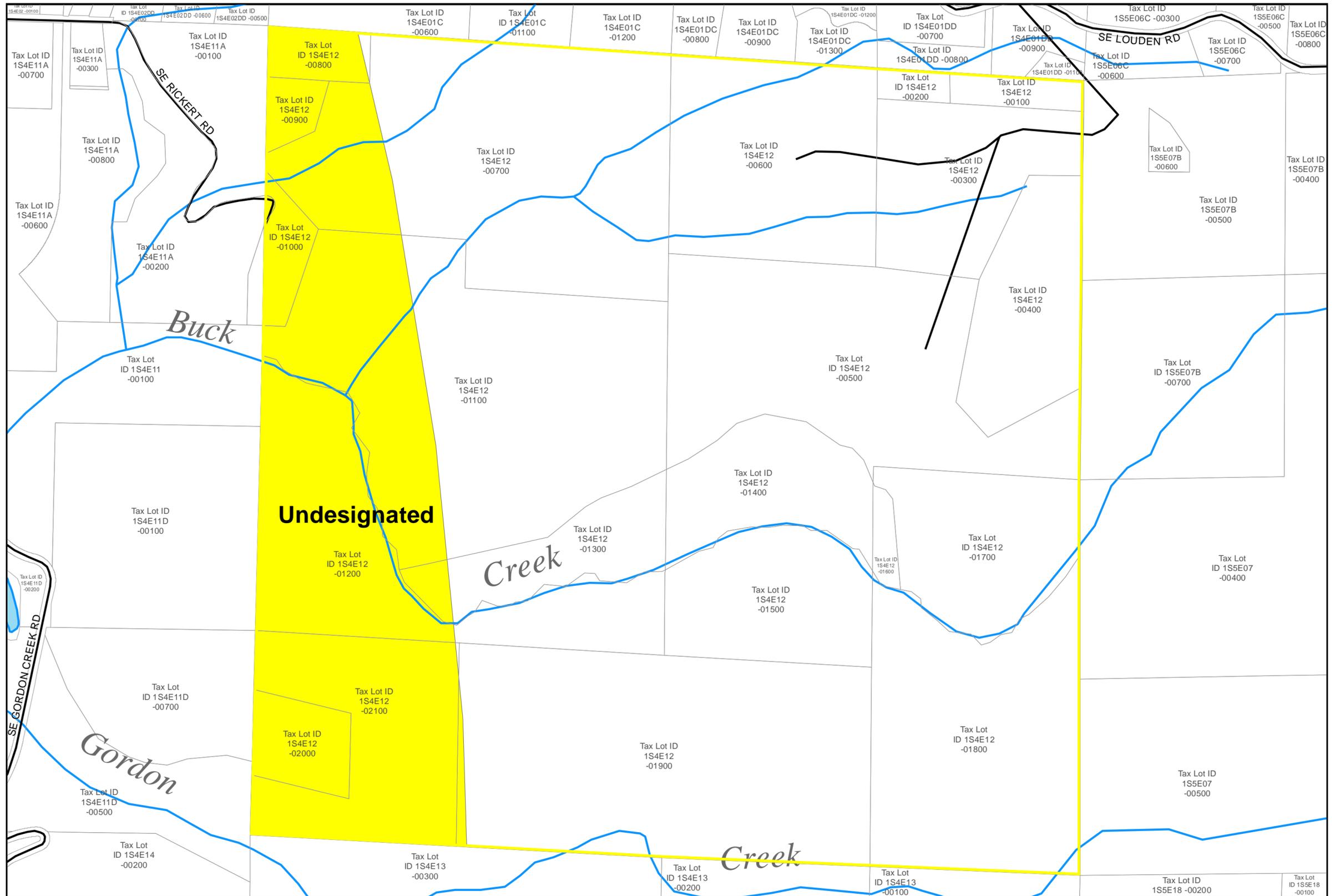


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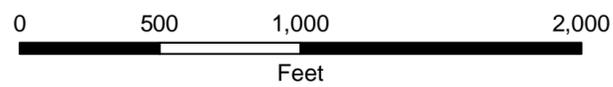
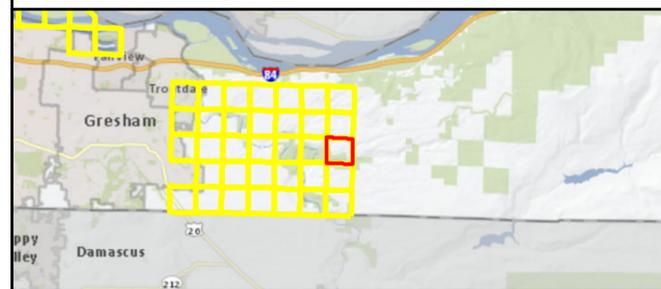
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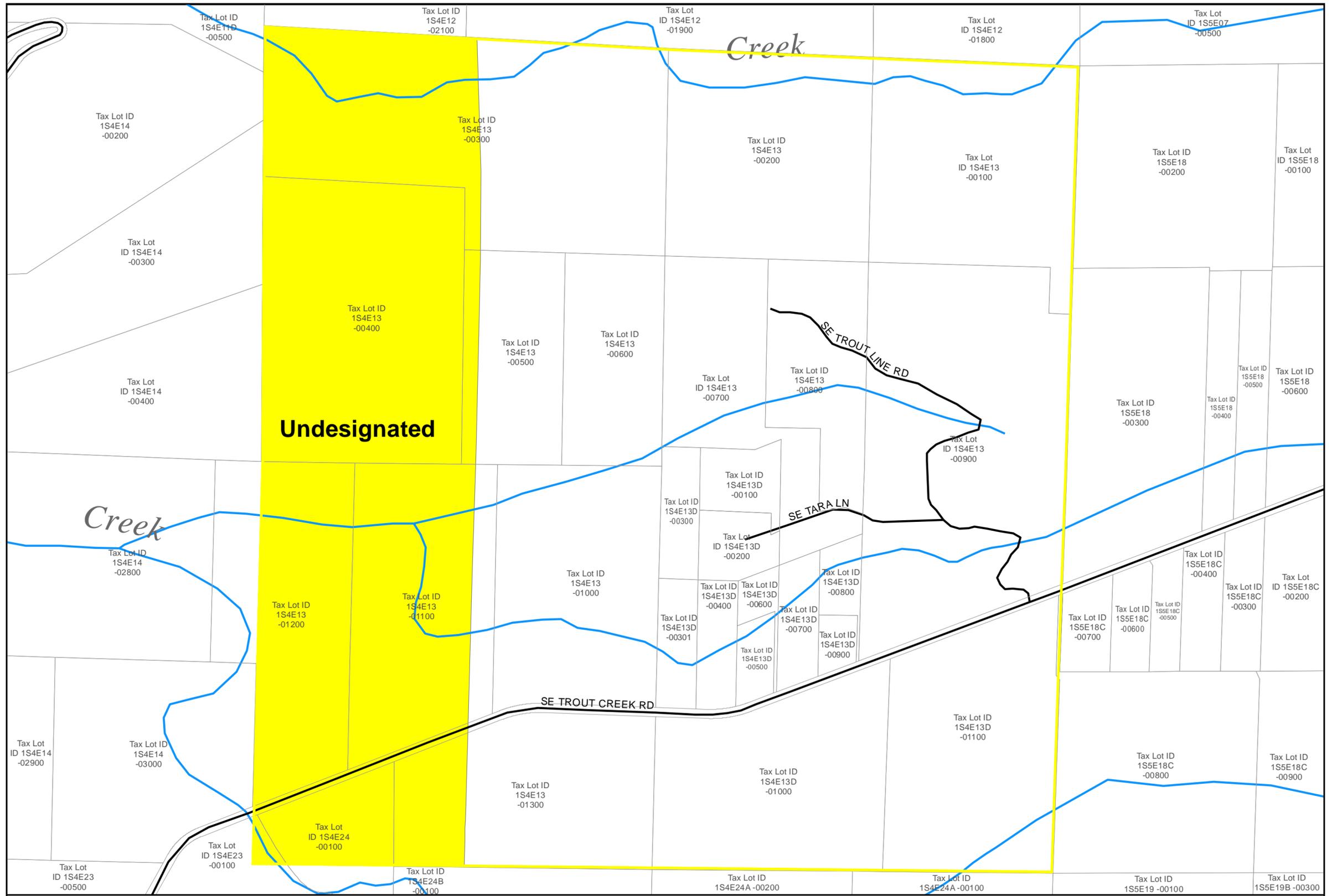


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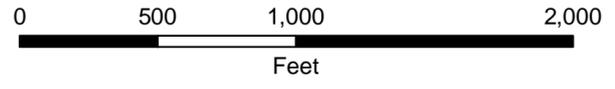
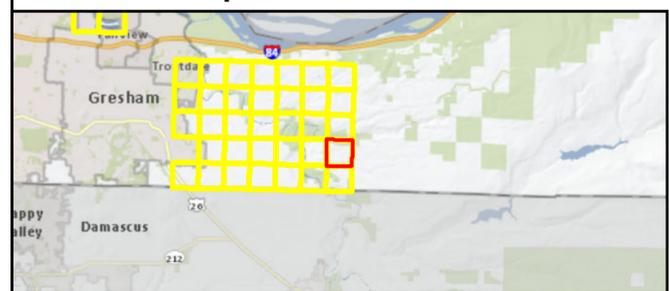
- Rural
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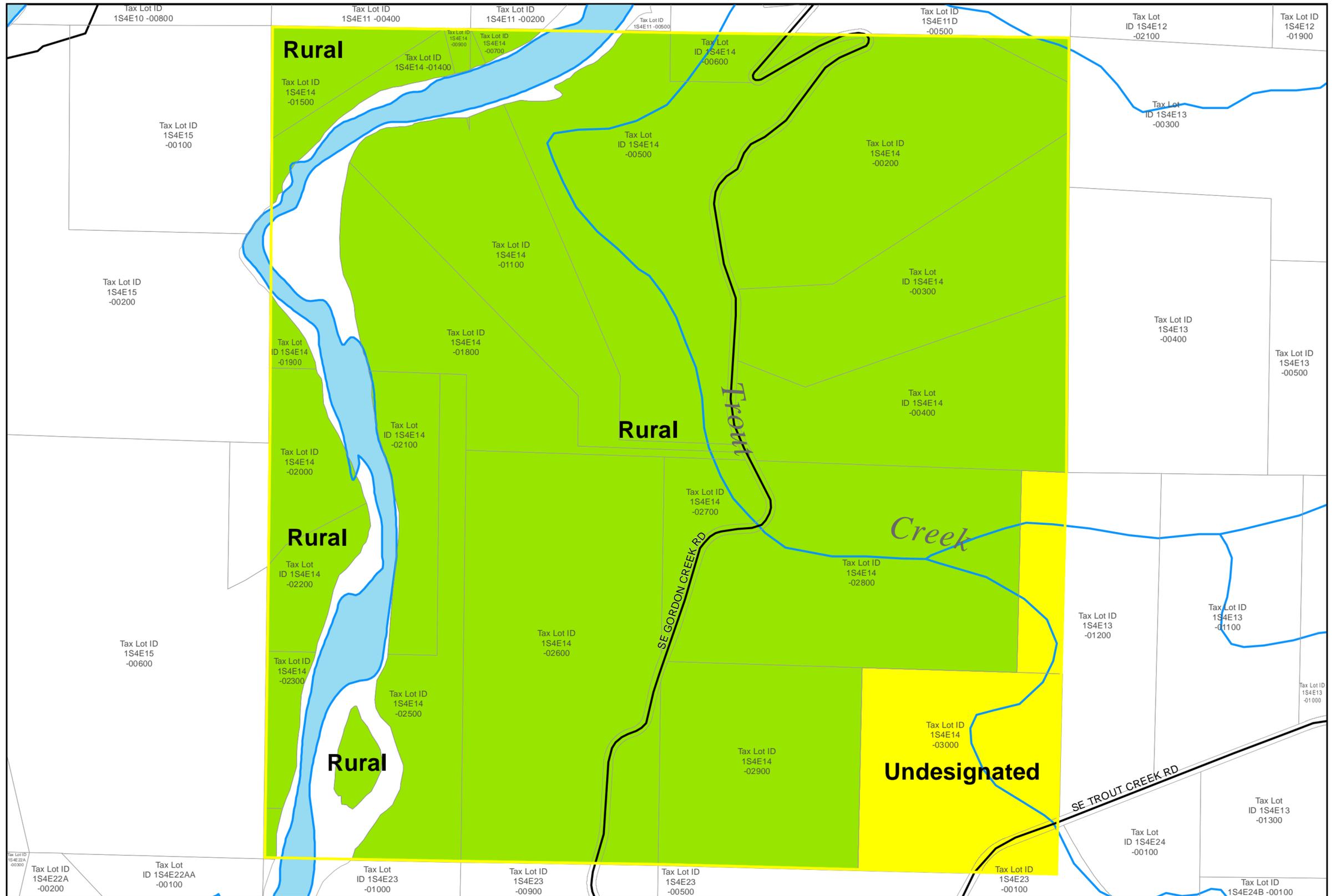


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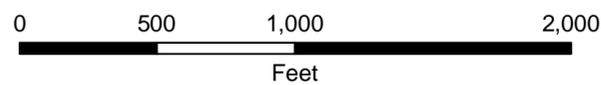
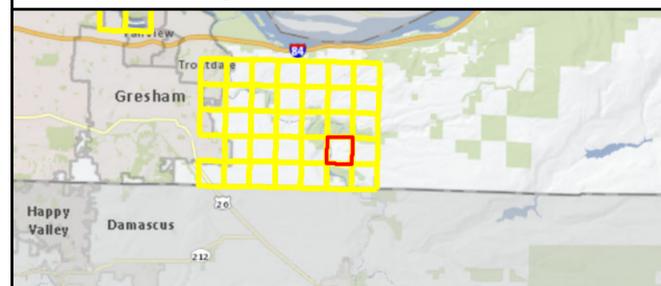
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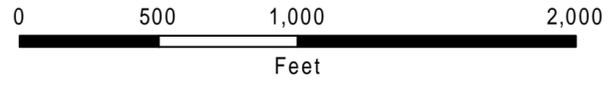
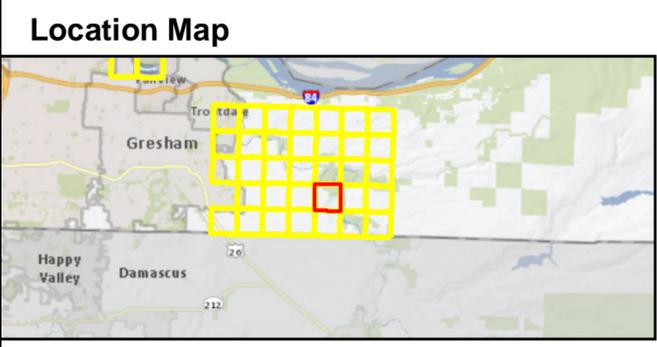
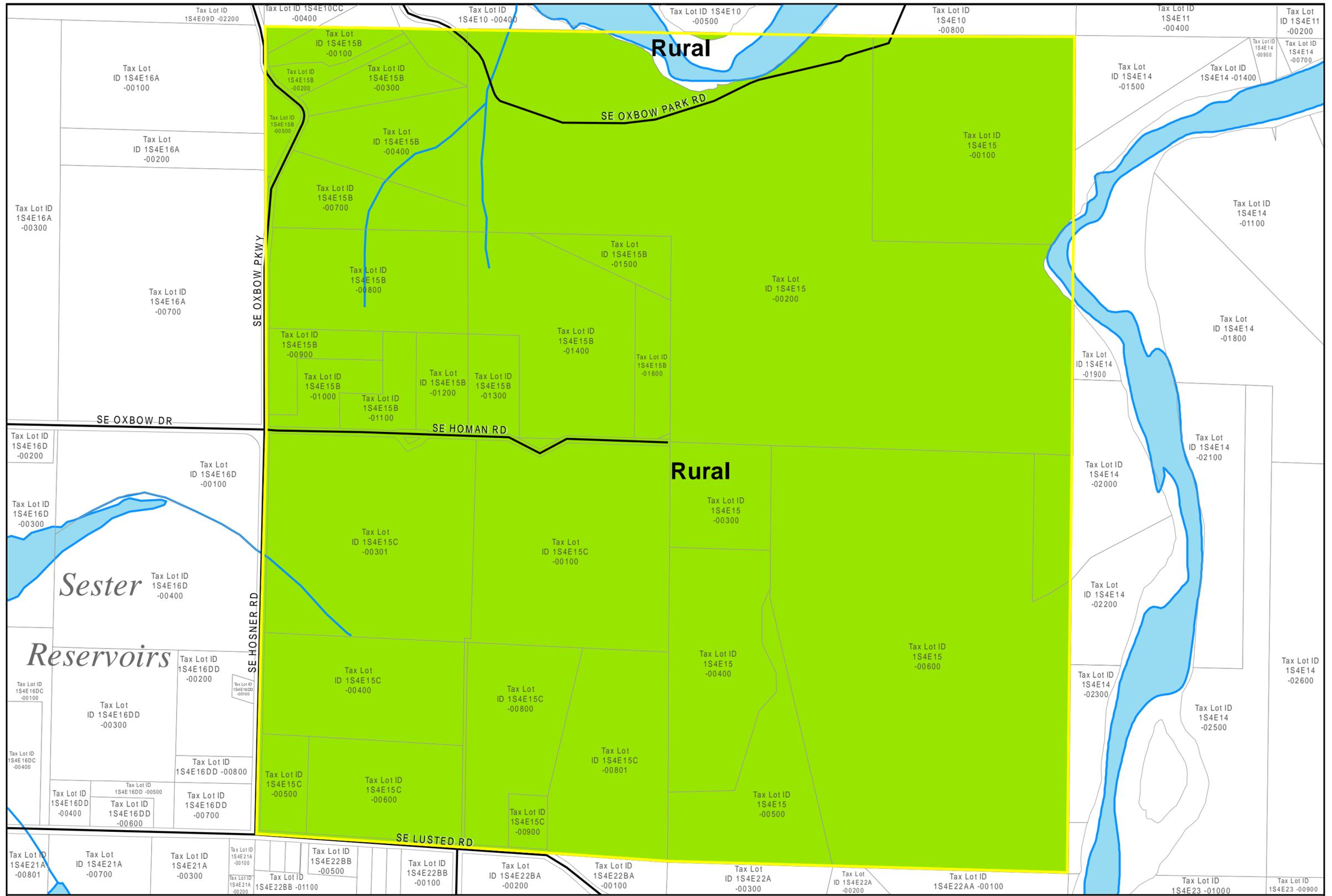


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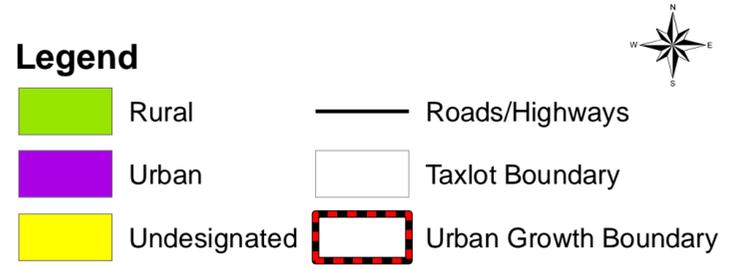
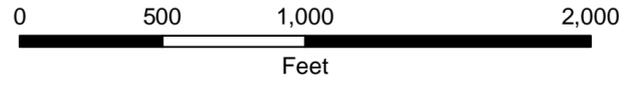
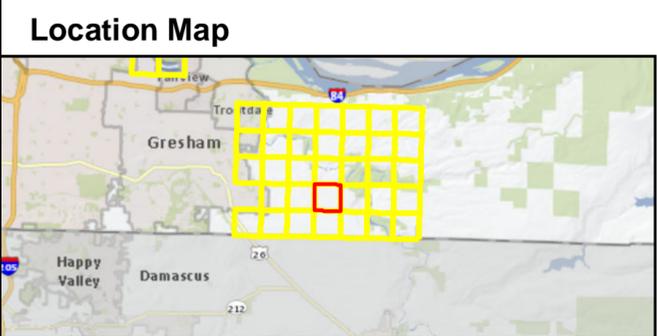
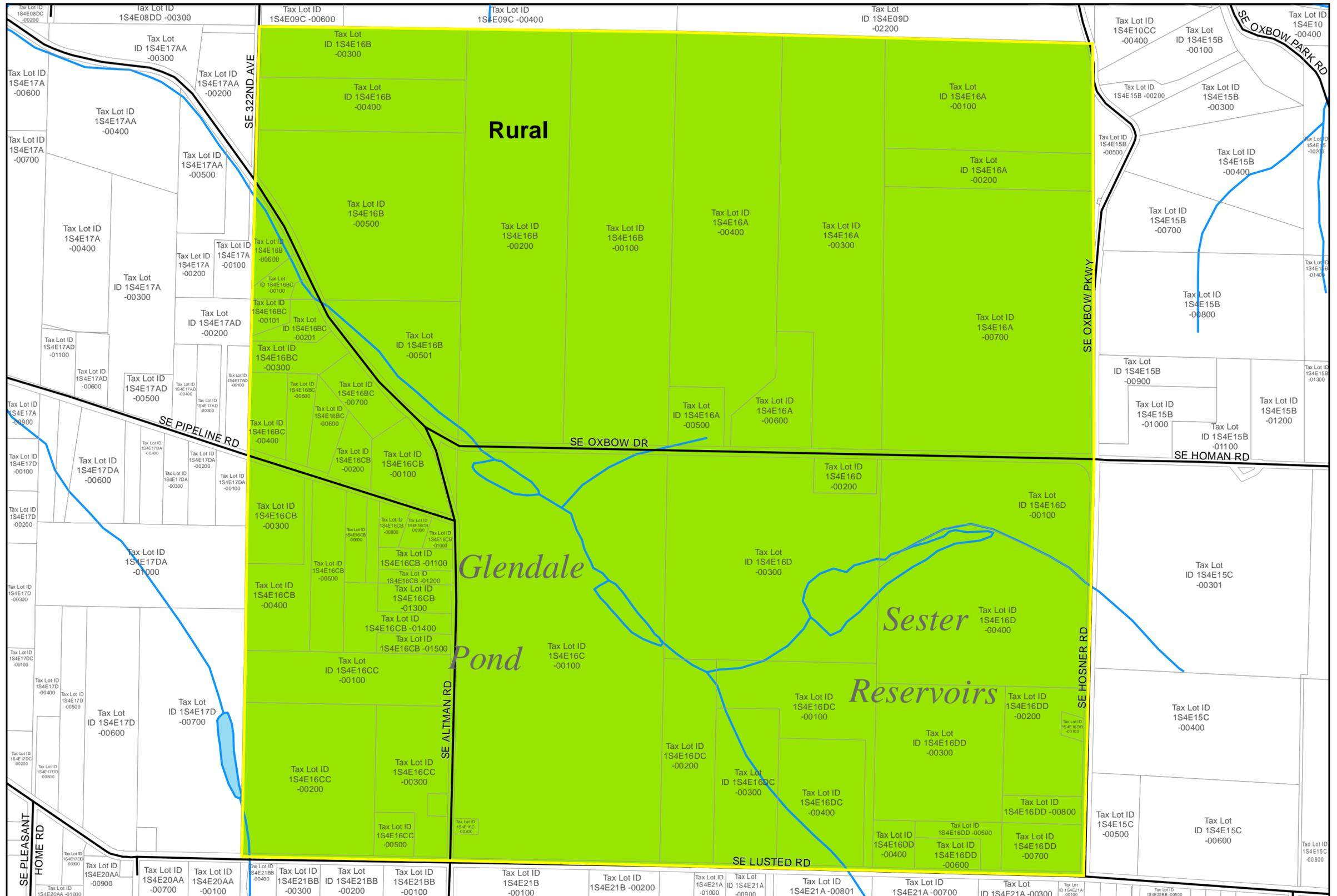


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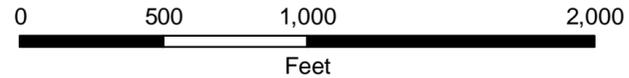
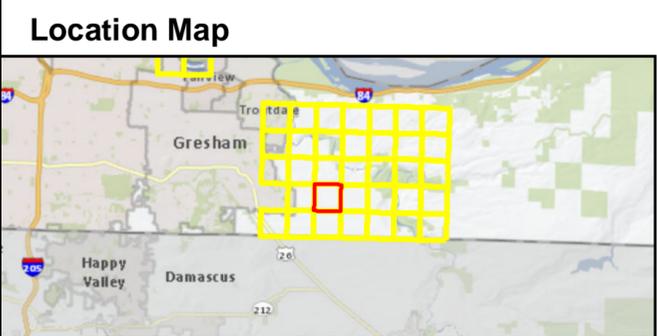
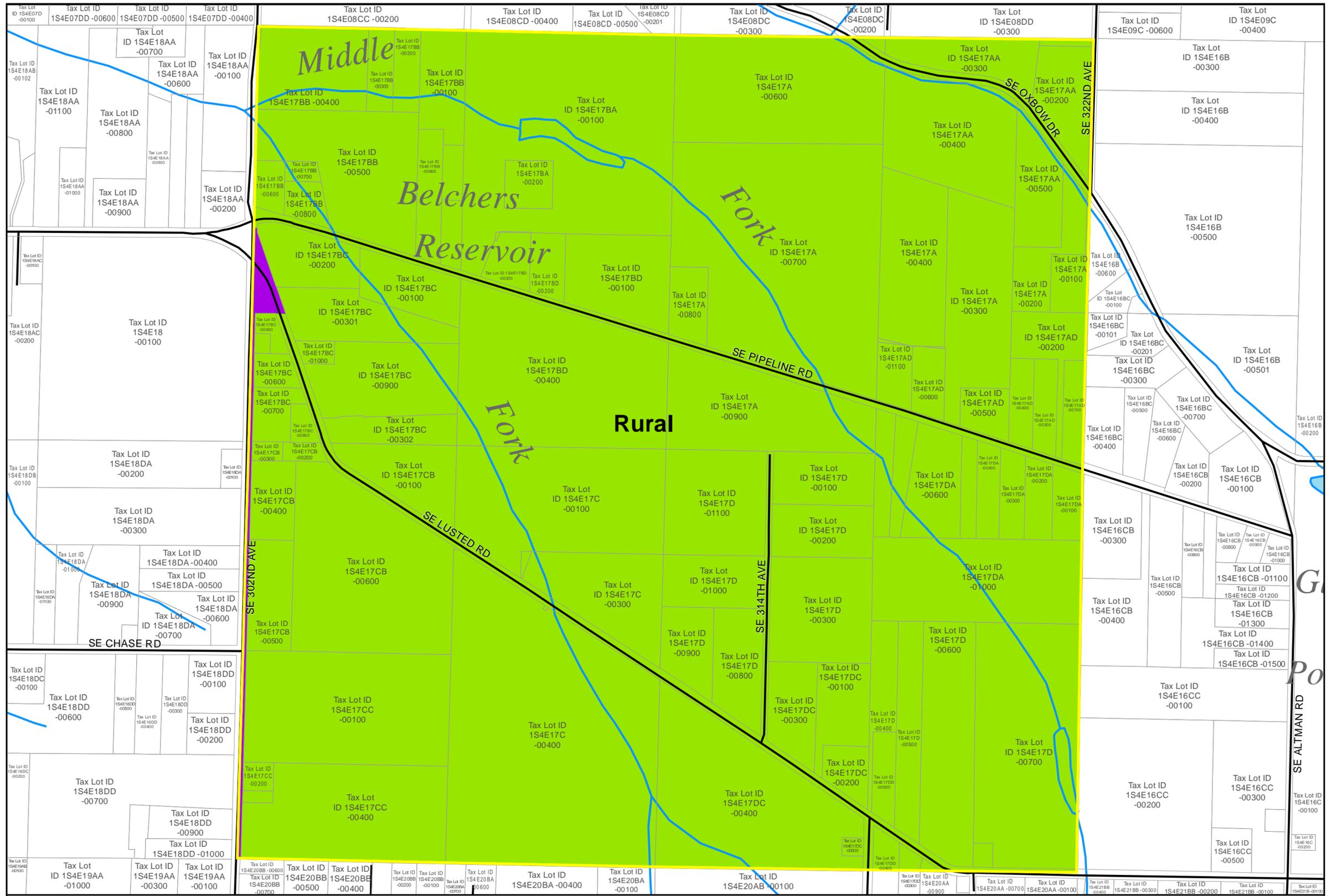
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- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary



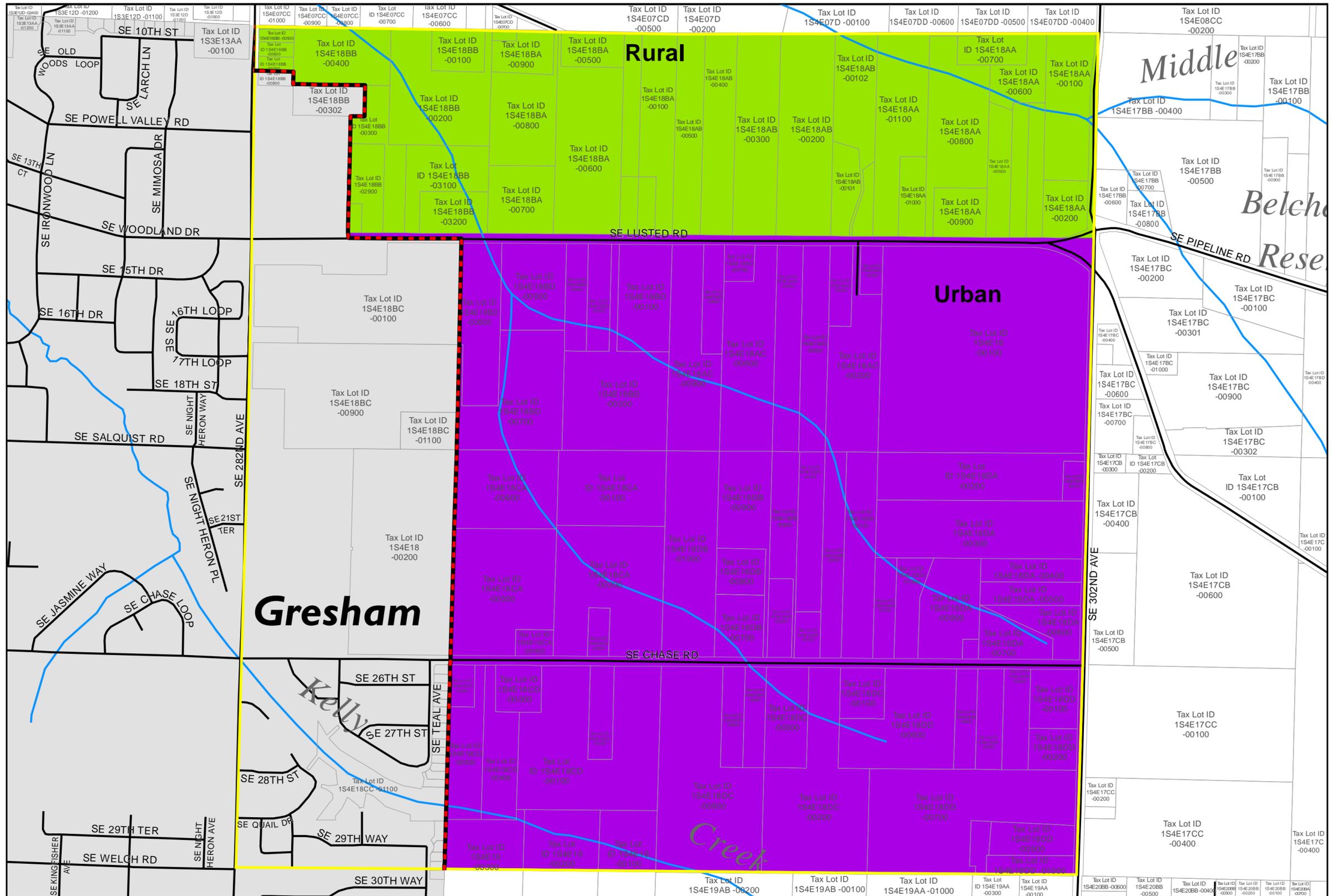
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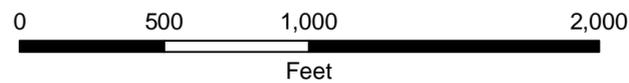
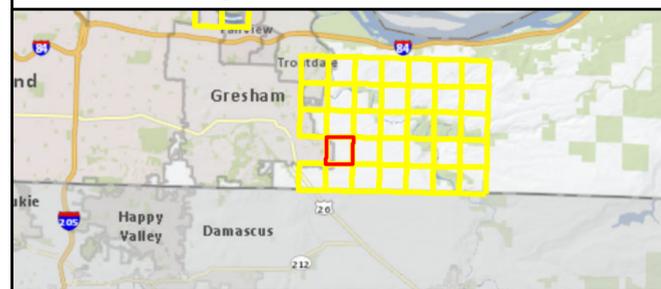
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Location Map

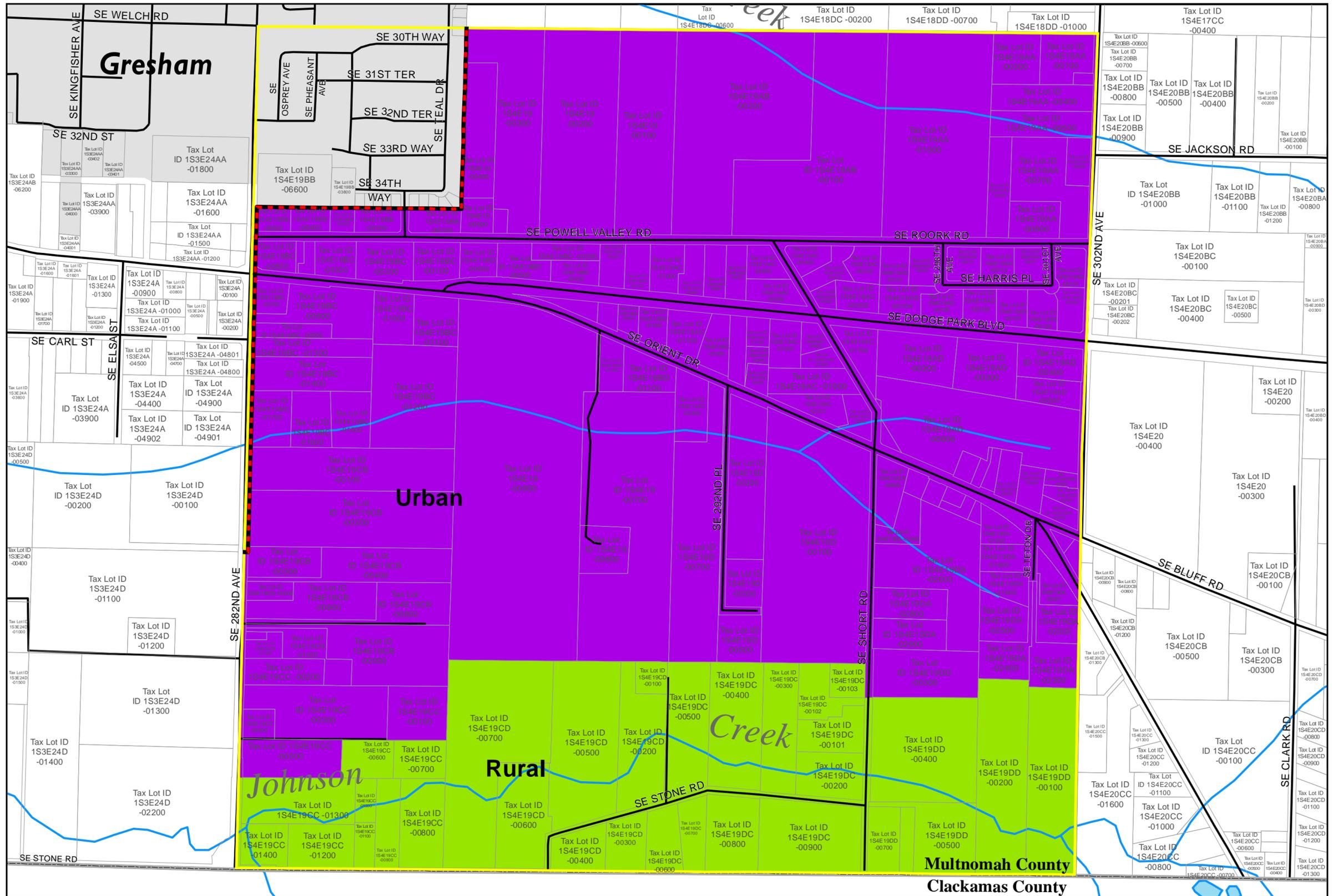


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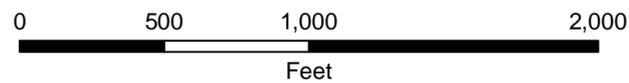
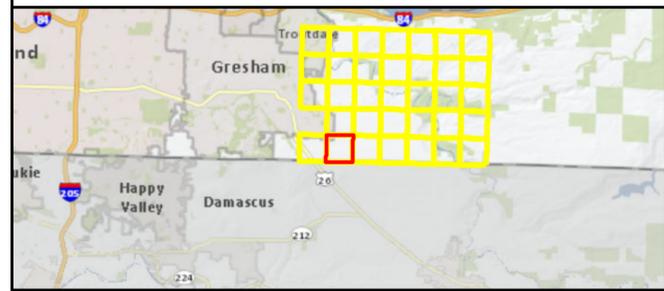
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- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary



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Location Map

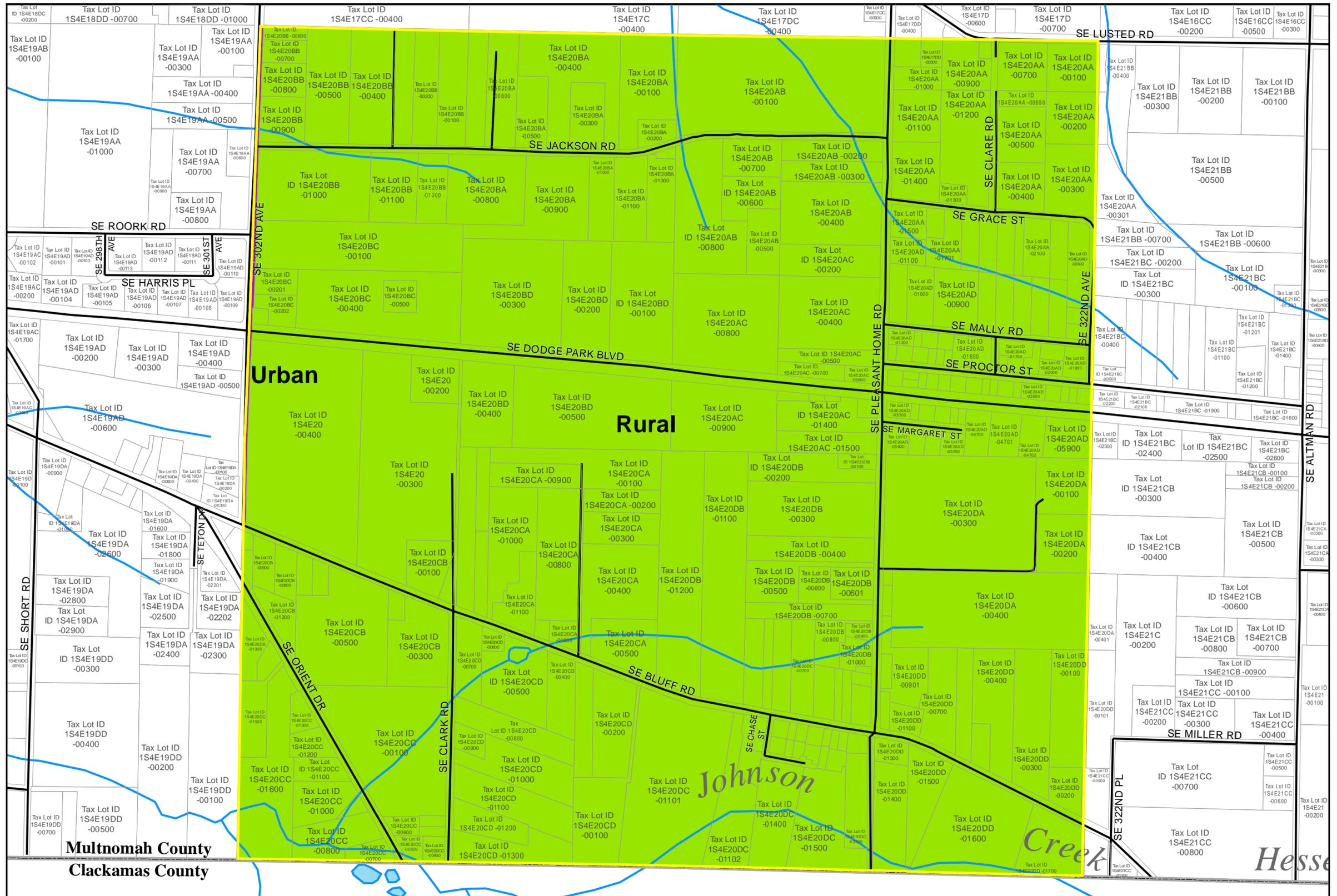


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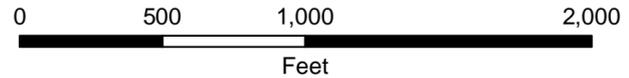
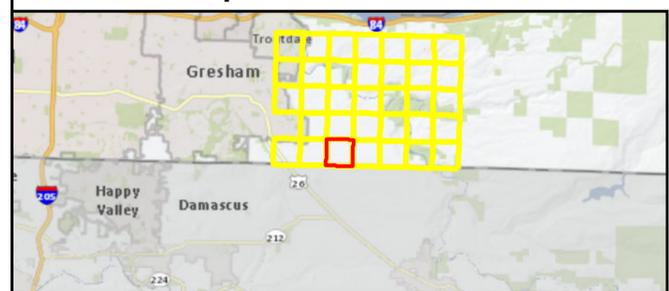
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- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary



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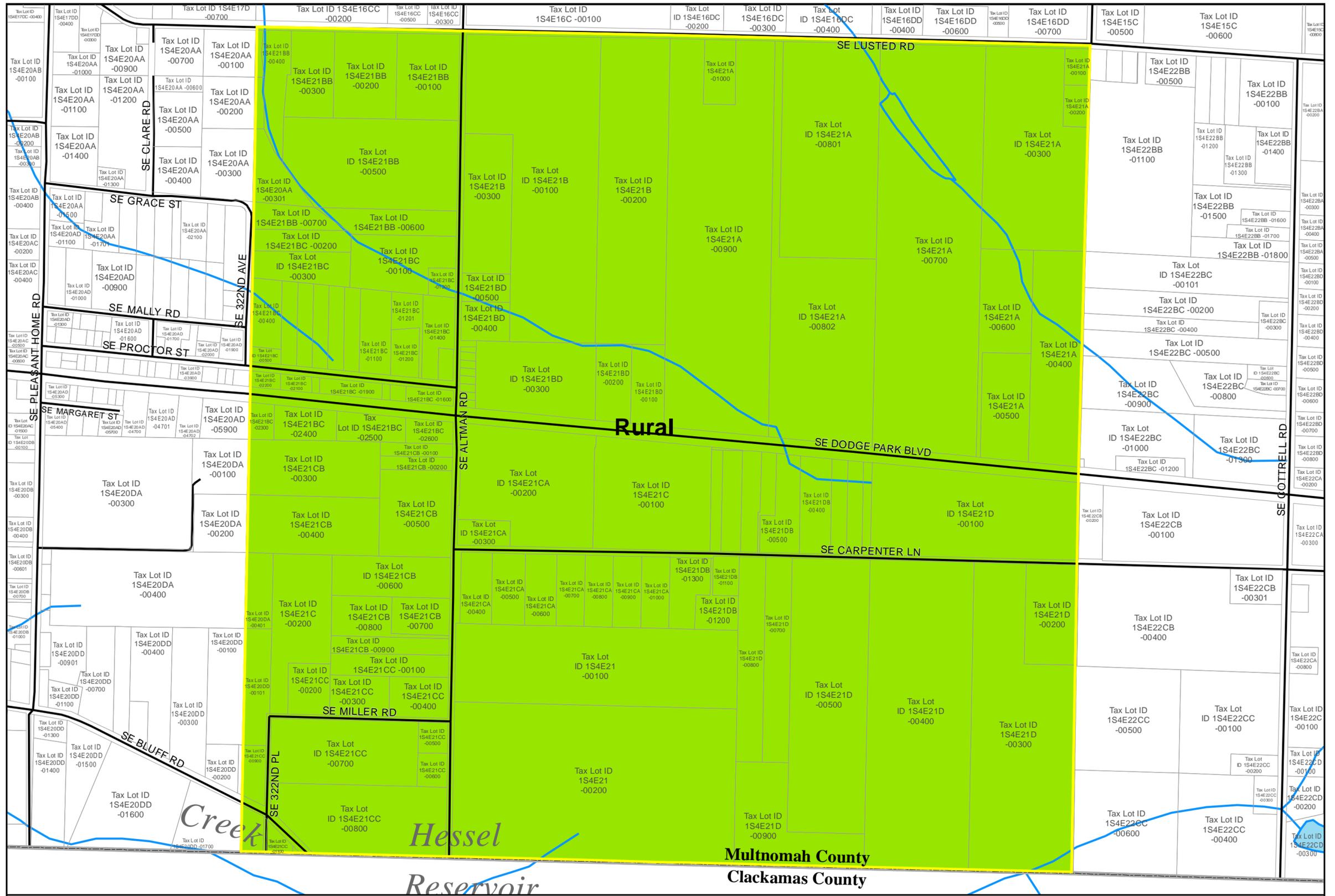
Location Map



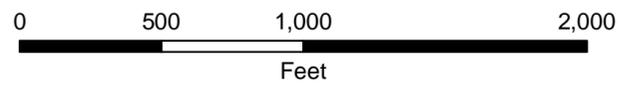
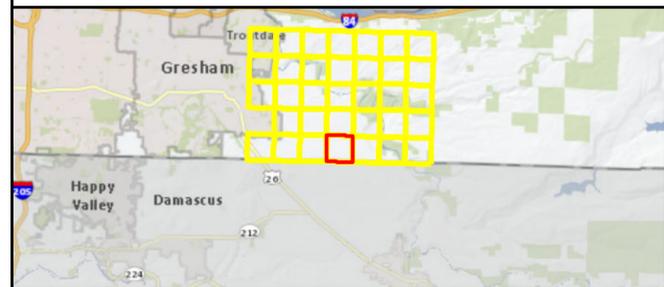
- Legend**
- Rural
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 - Undesignated
 - Roads/Highways
 - Taxlot Boundary
 - Urban Growth Boundary



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Location Map

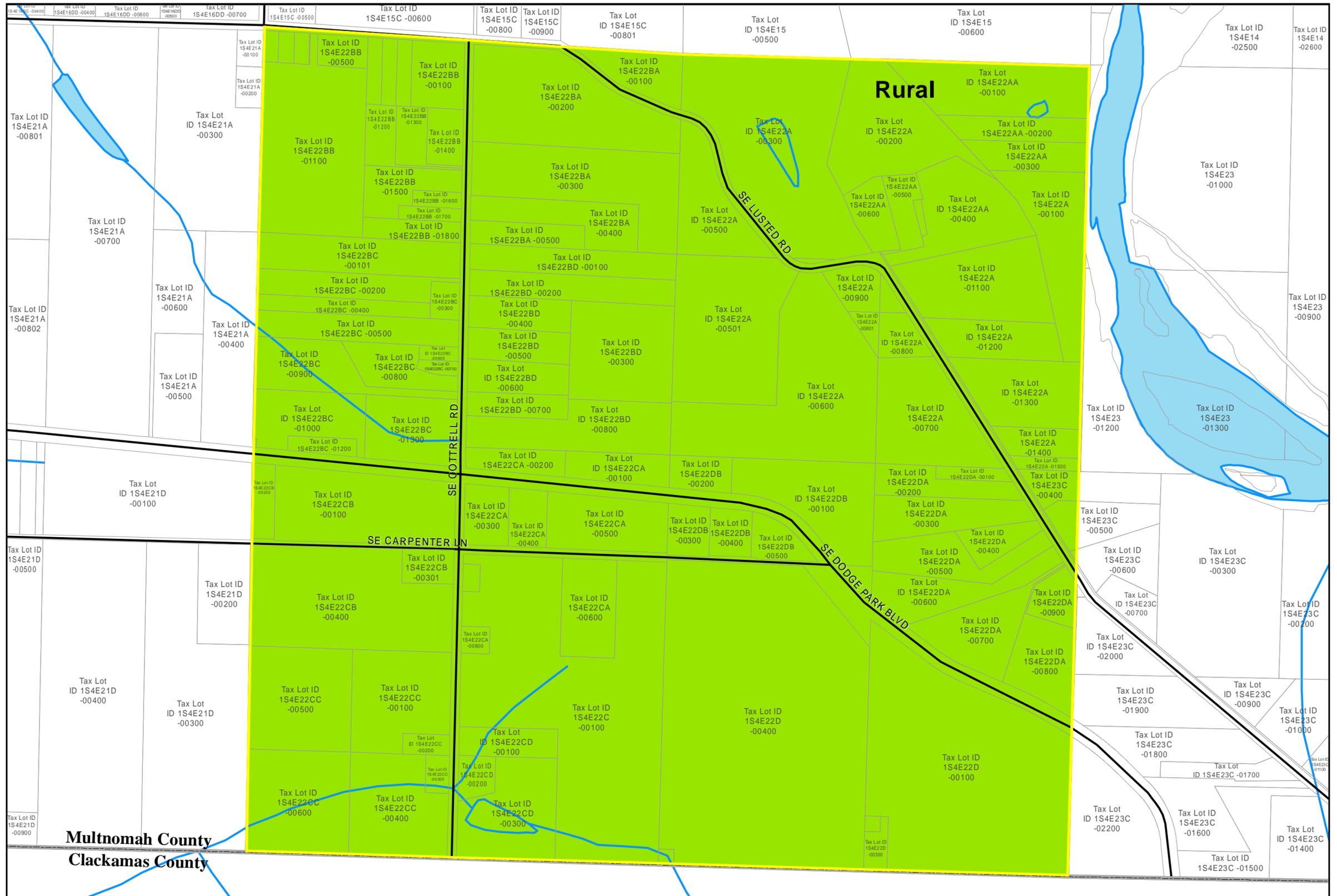


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- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary

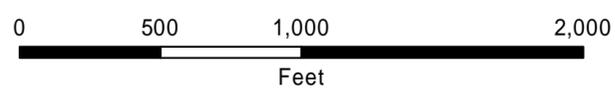
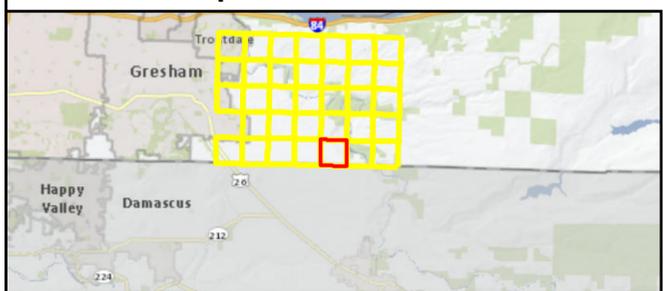


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Multnomah County
Clackamas County

Location Map

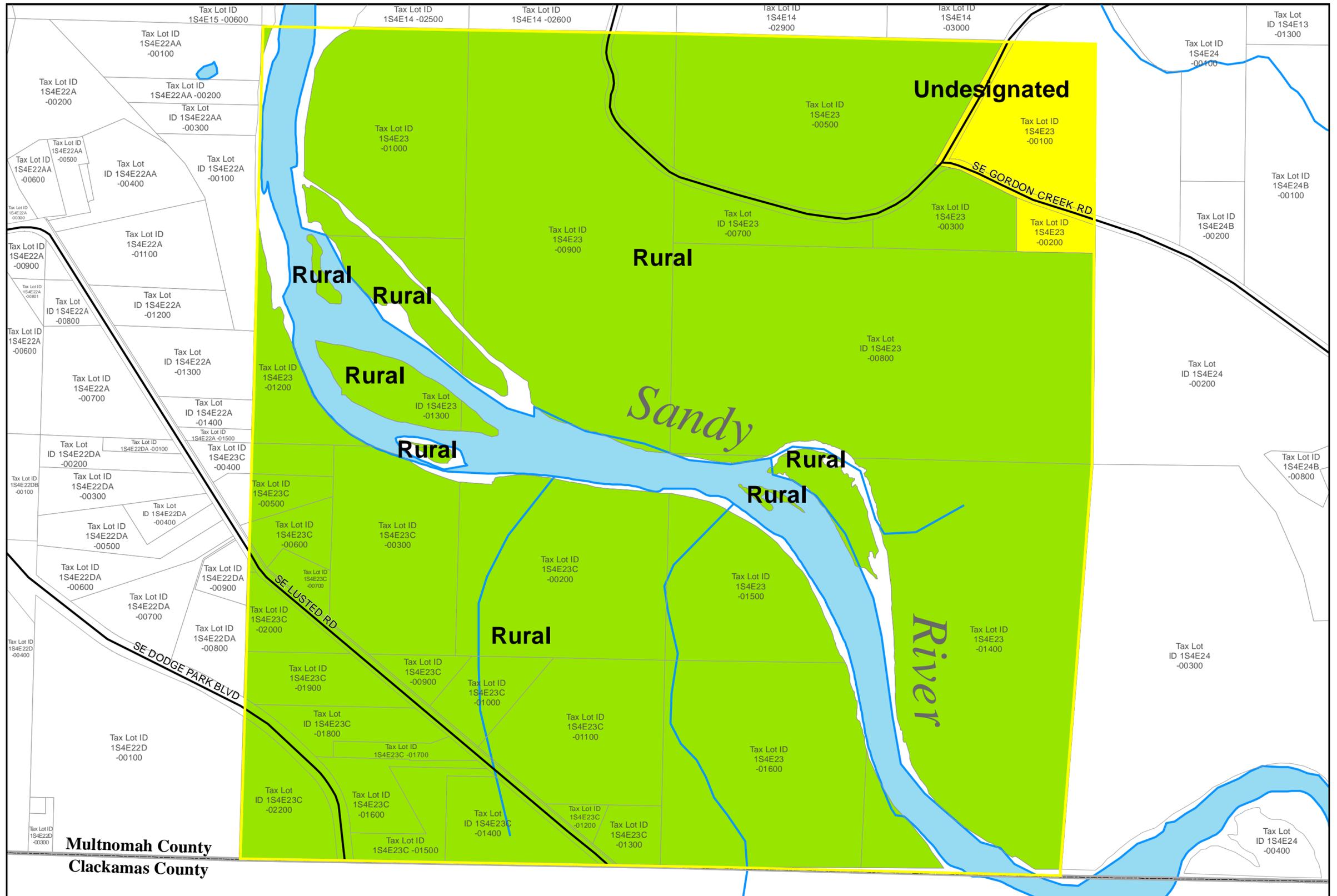


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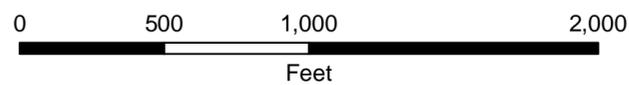
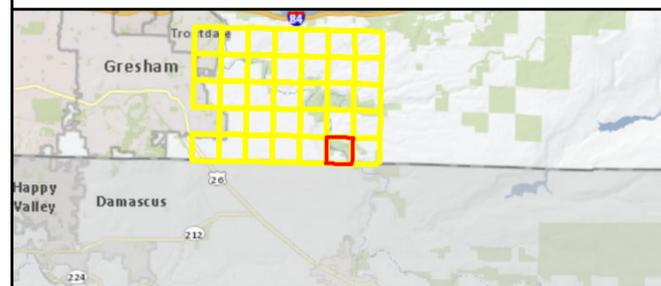
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- Urban
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- Roads/Highways
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Location Map



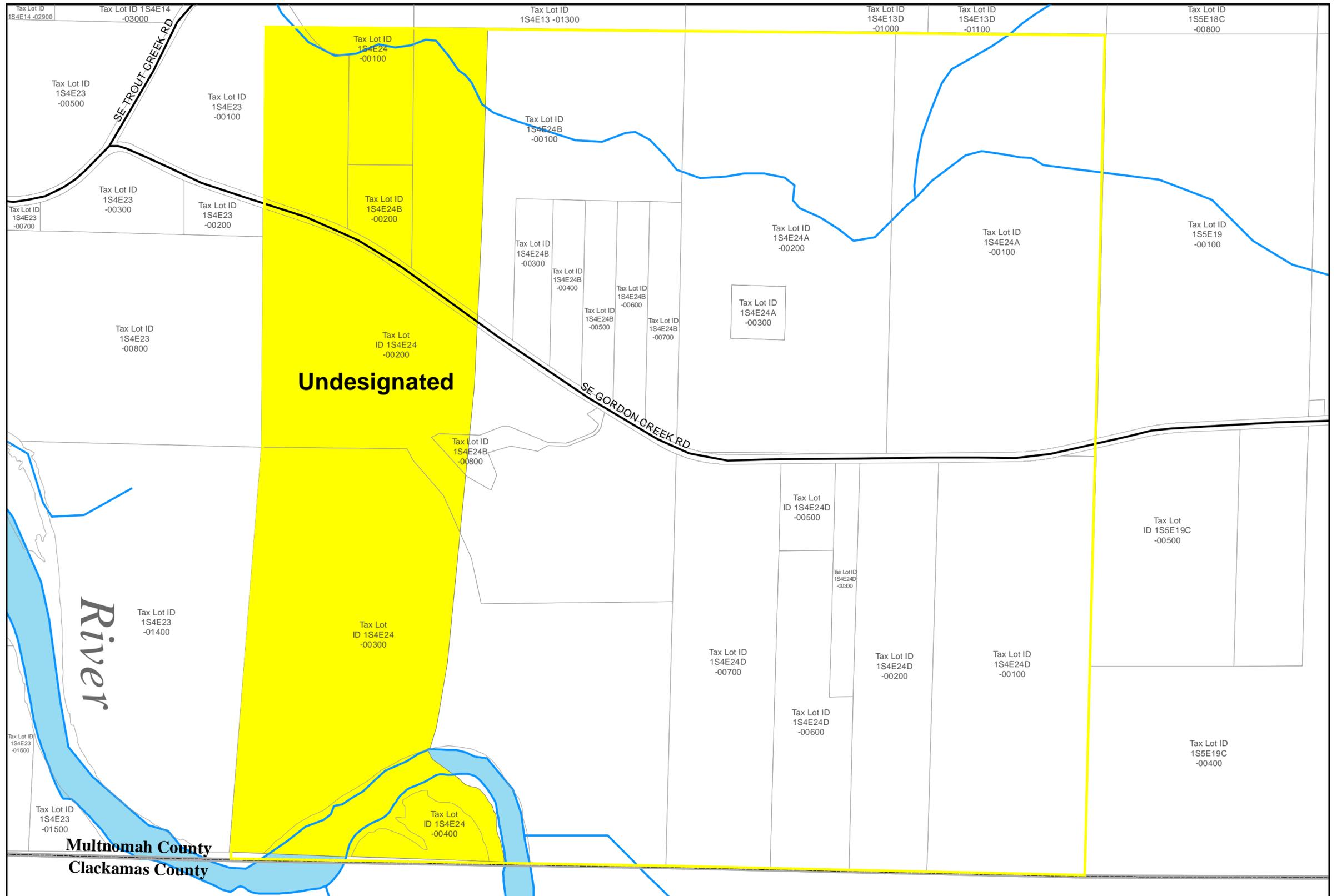
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- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary

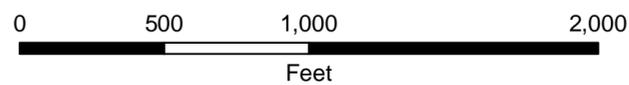
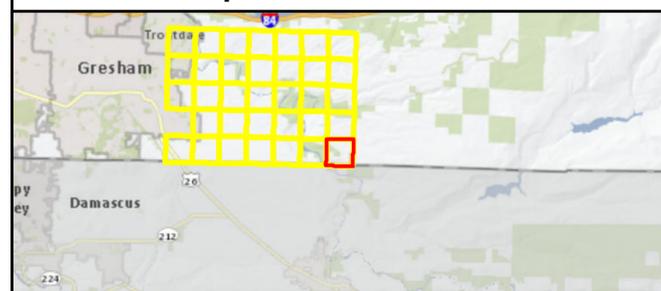


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Location Map

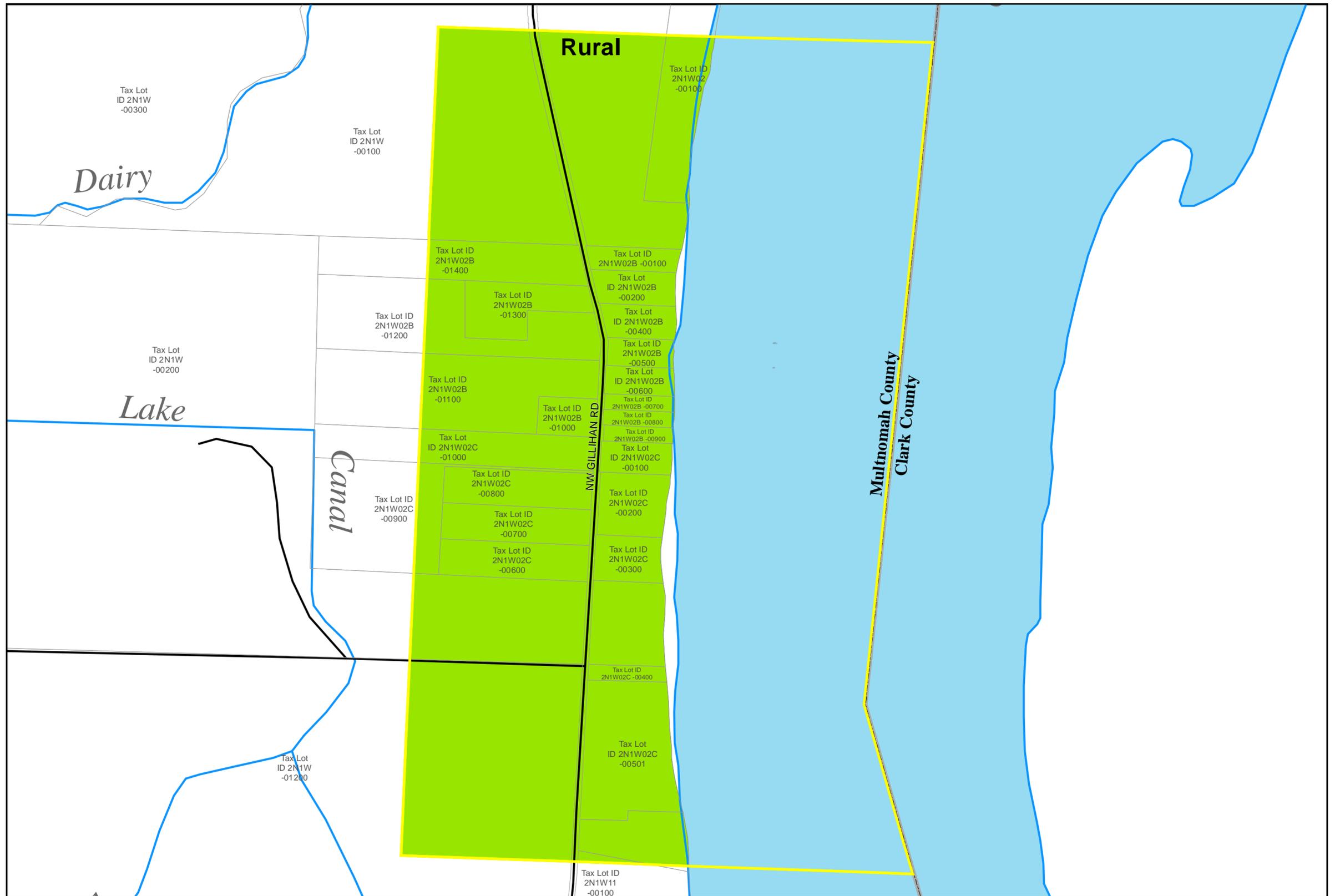


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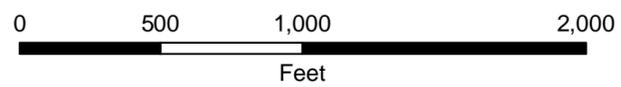
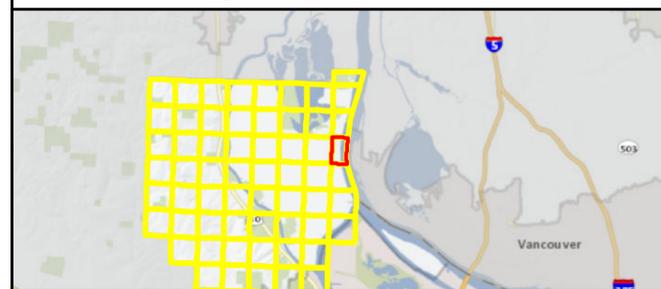
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- Undesignated
- Taxlot Boundary
- Urban Growth Boundary
- Roads/Highways



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Location Map

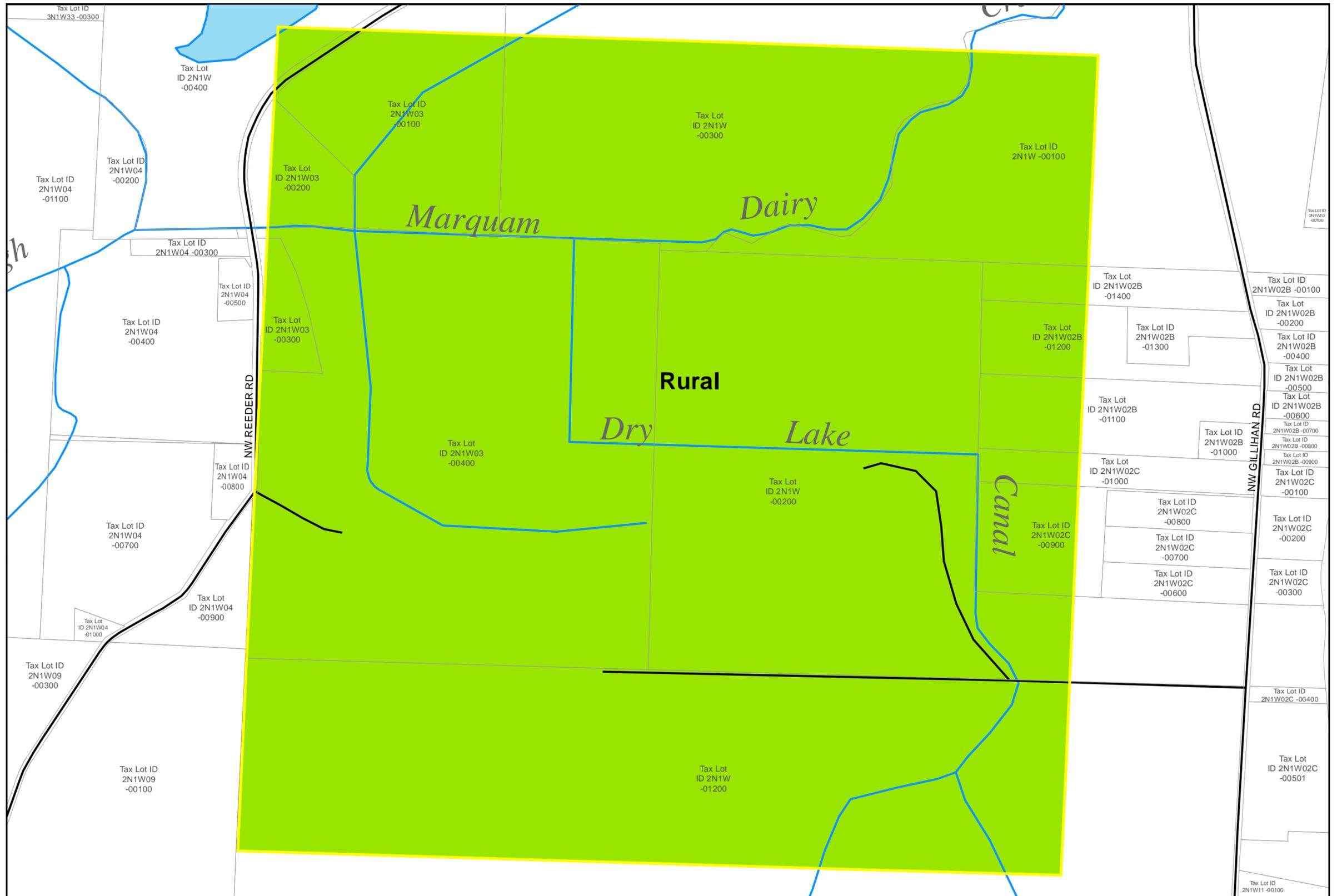


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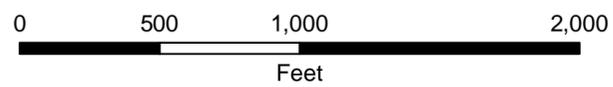
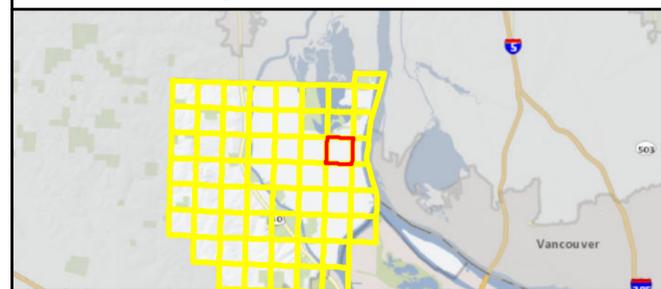
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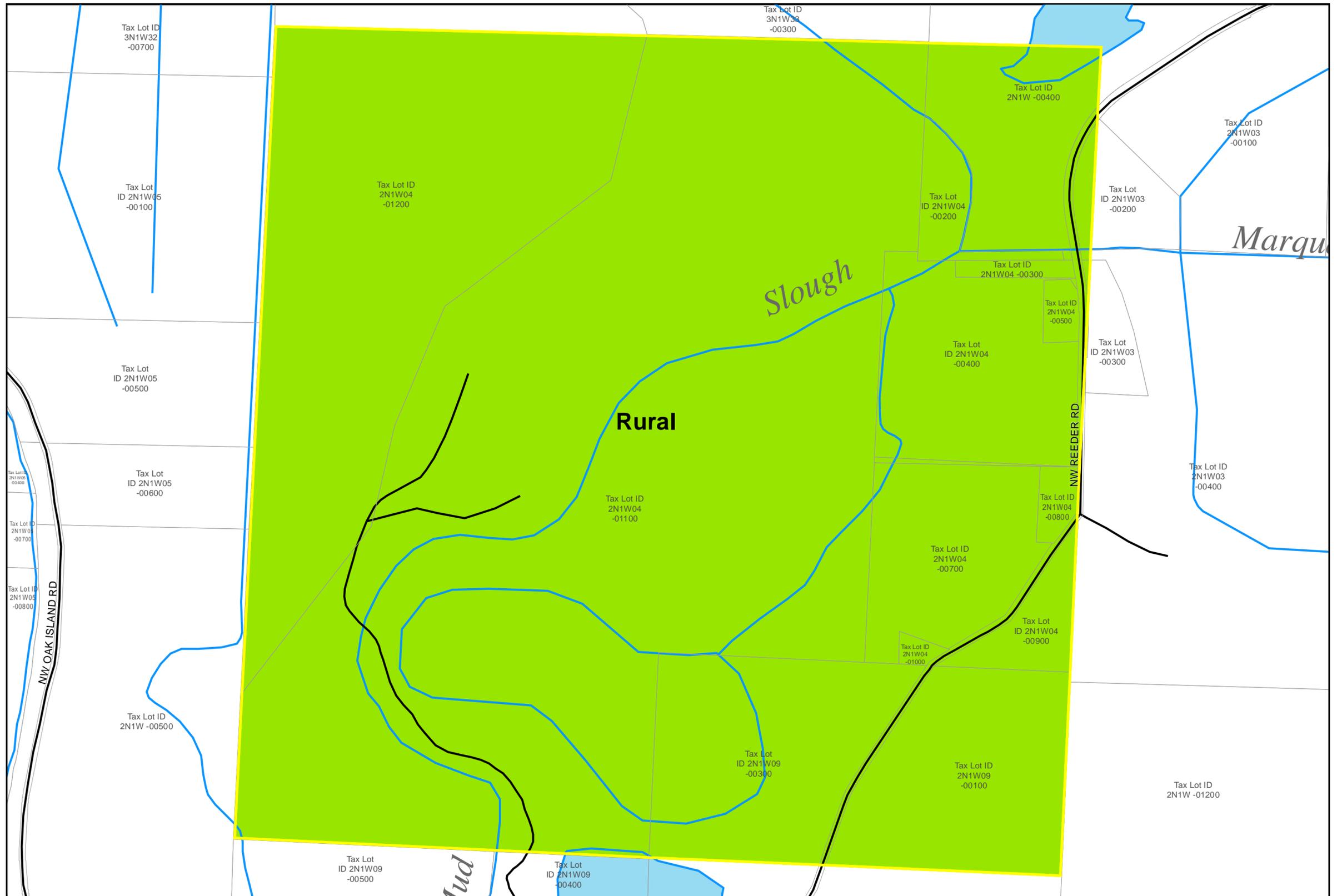


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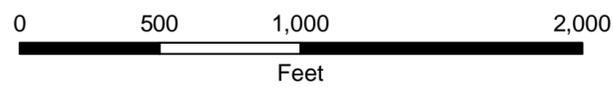
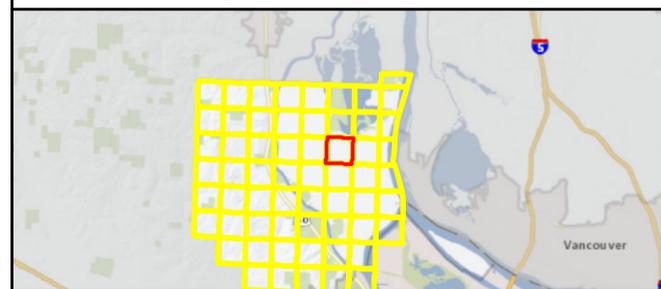
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- Urban
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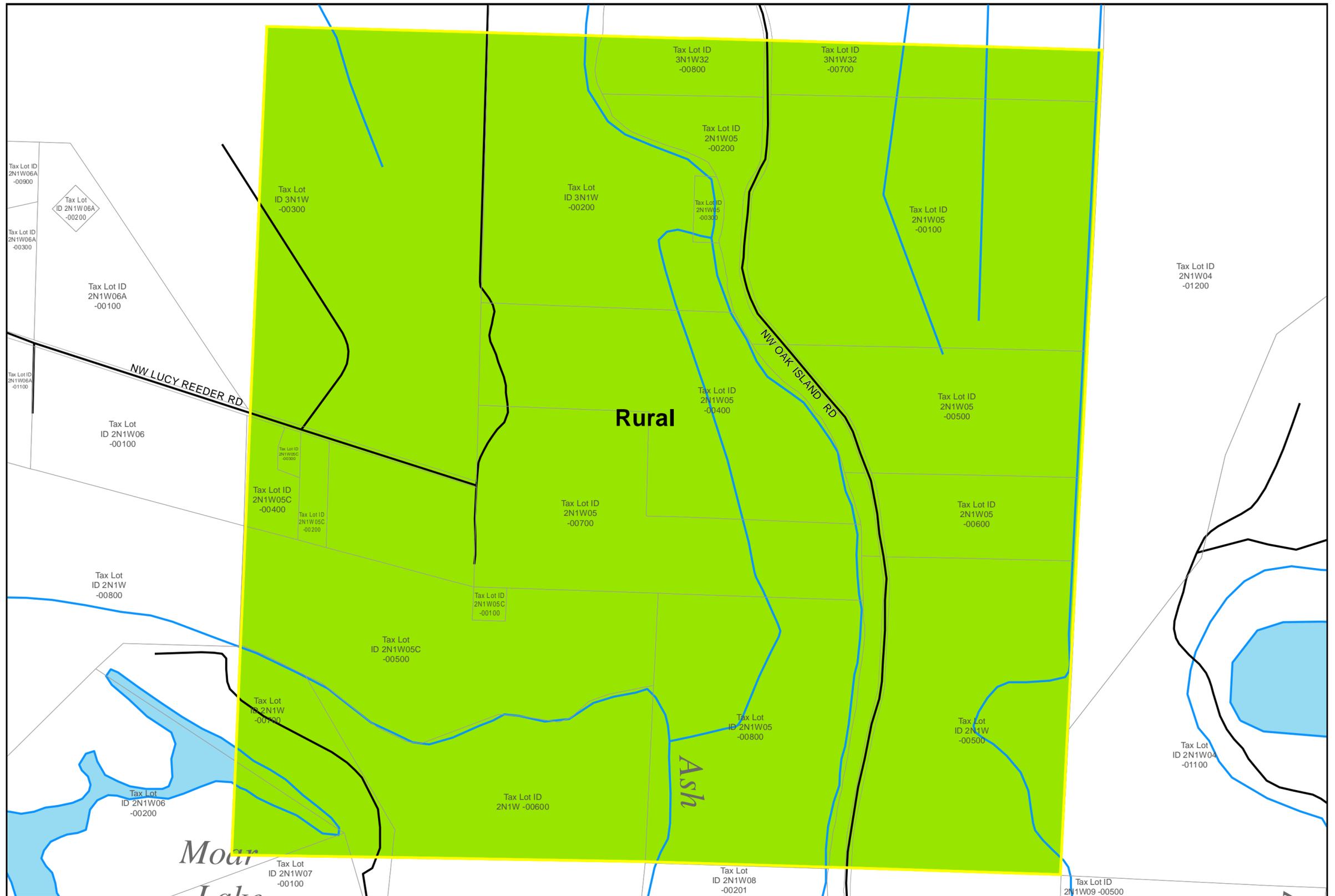


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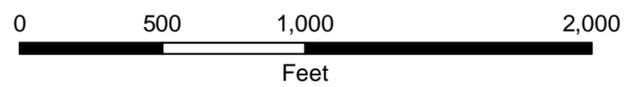
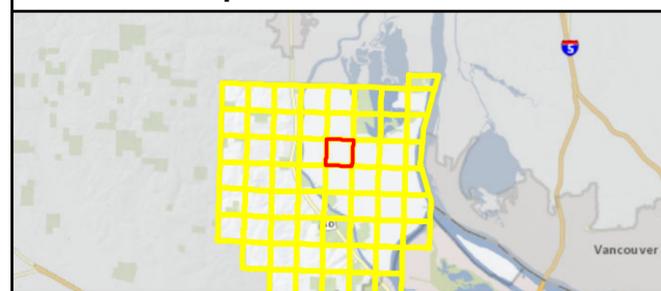
- Rural
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Location Map



Legend

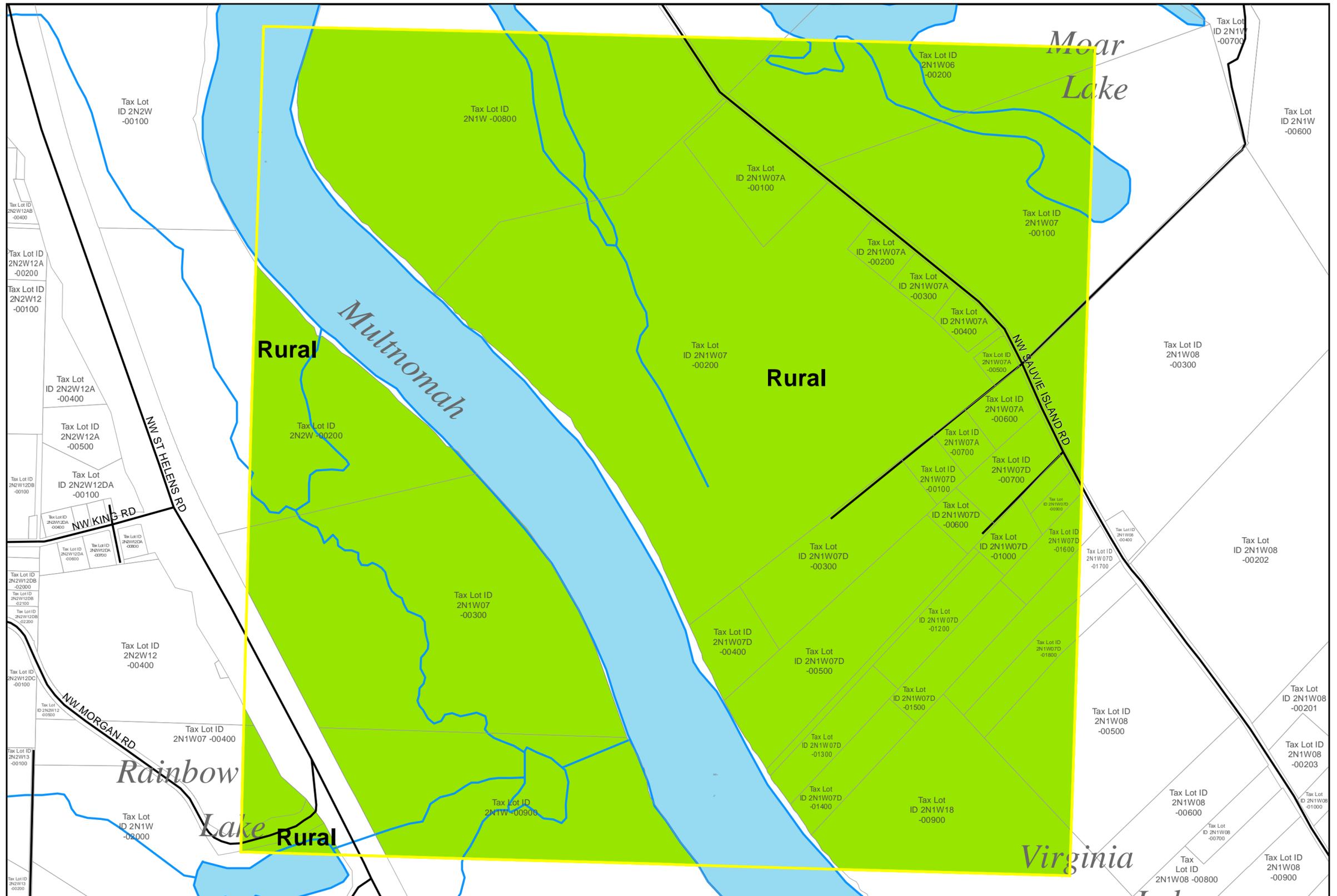
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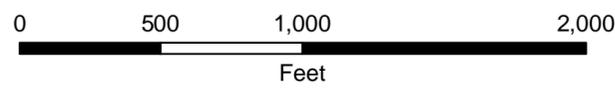
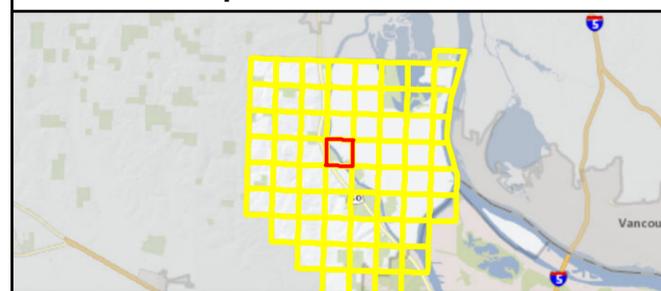
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Location Map



Legend

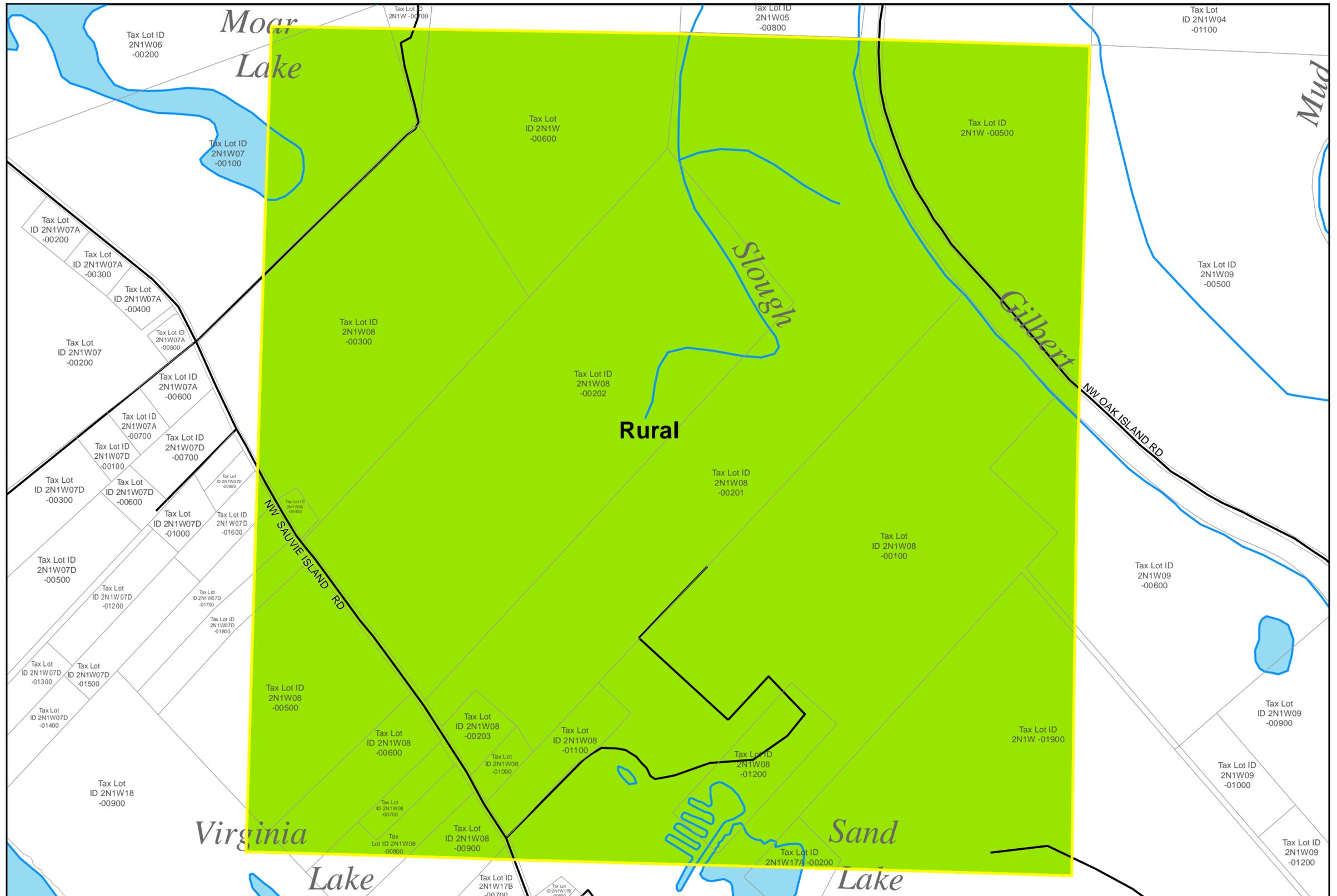
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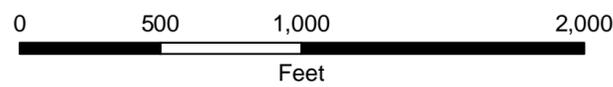
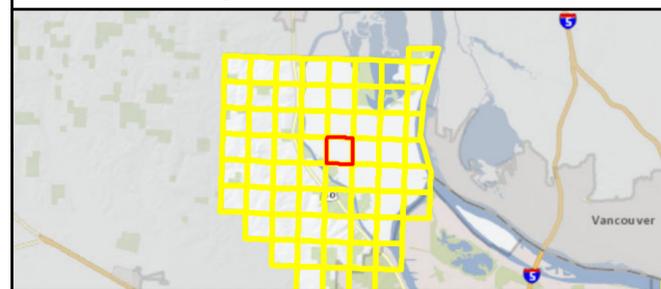
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Location Map

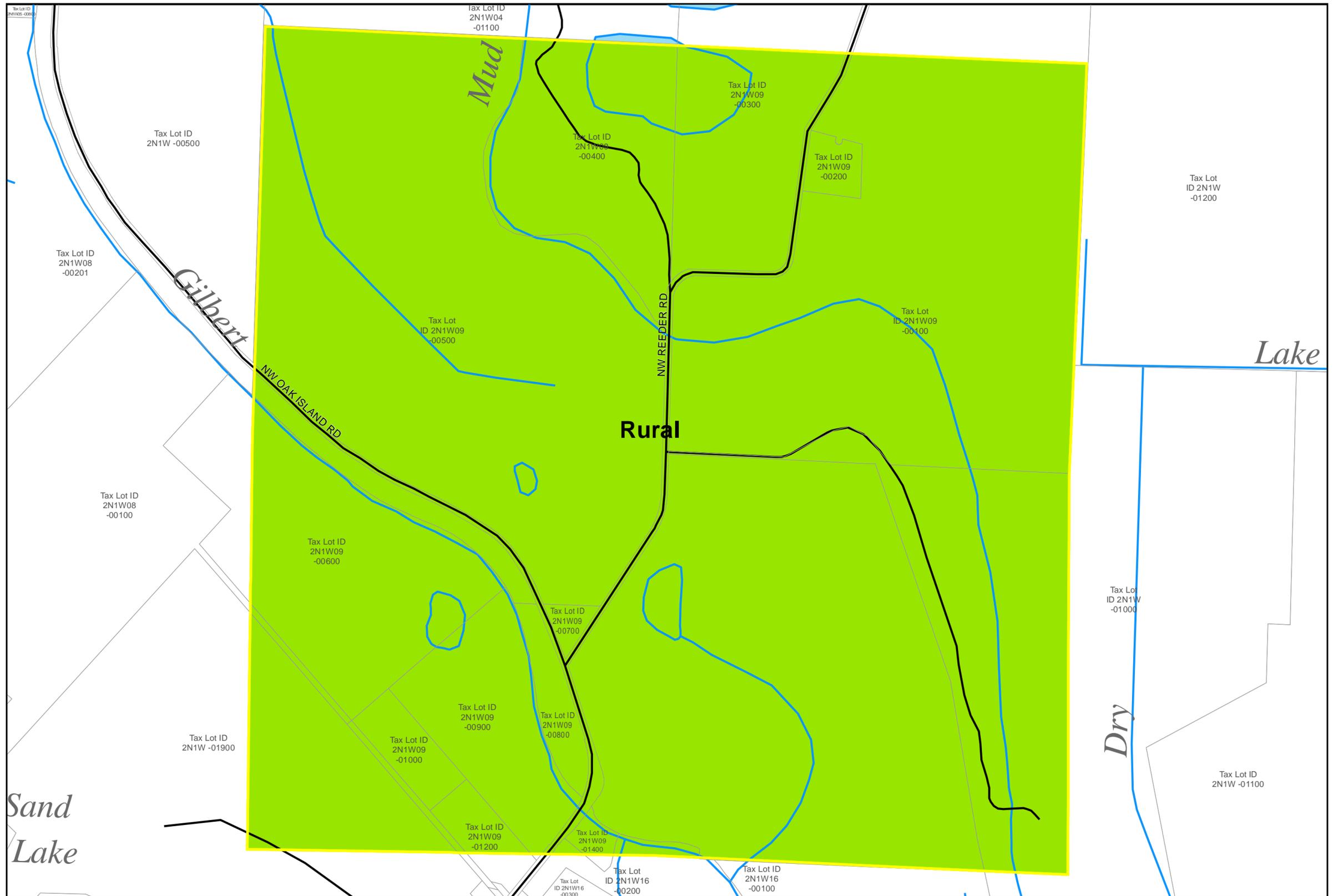


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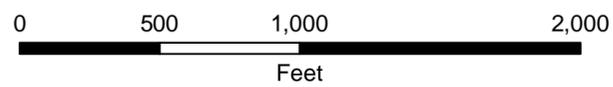
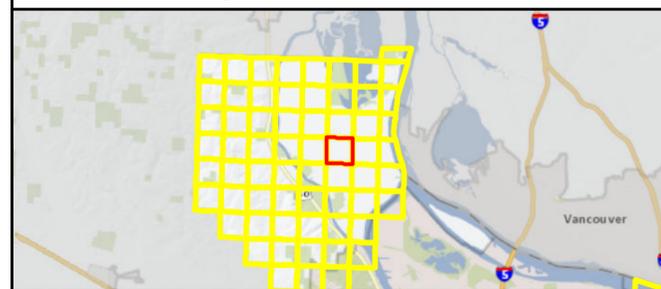
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Location Map

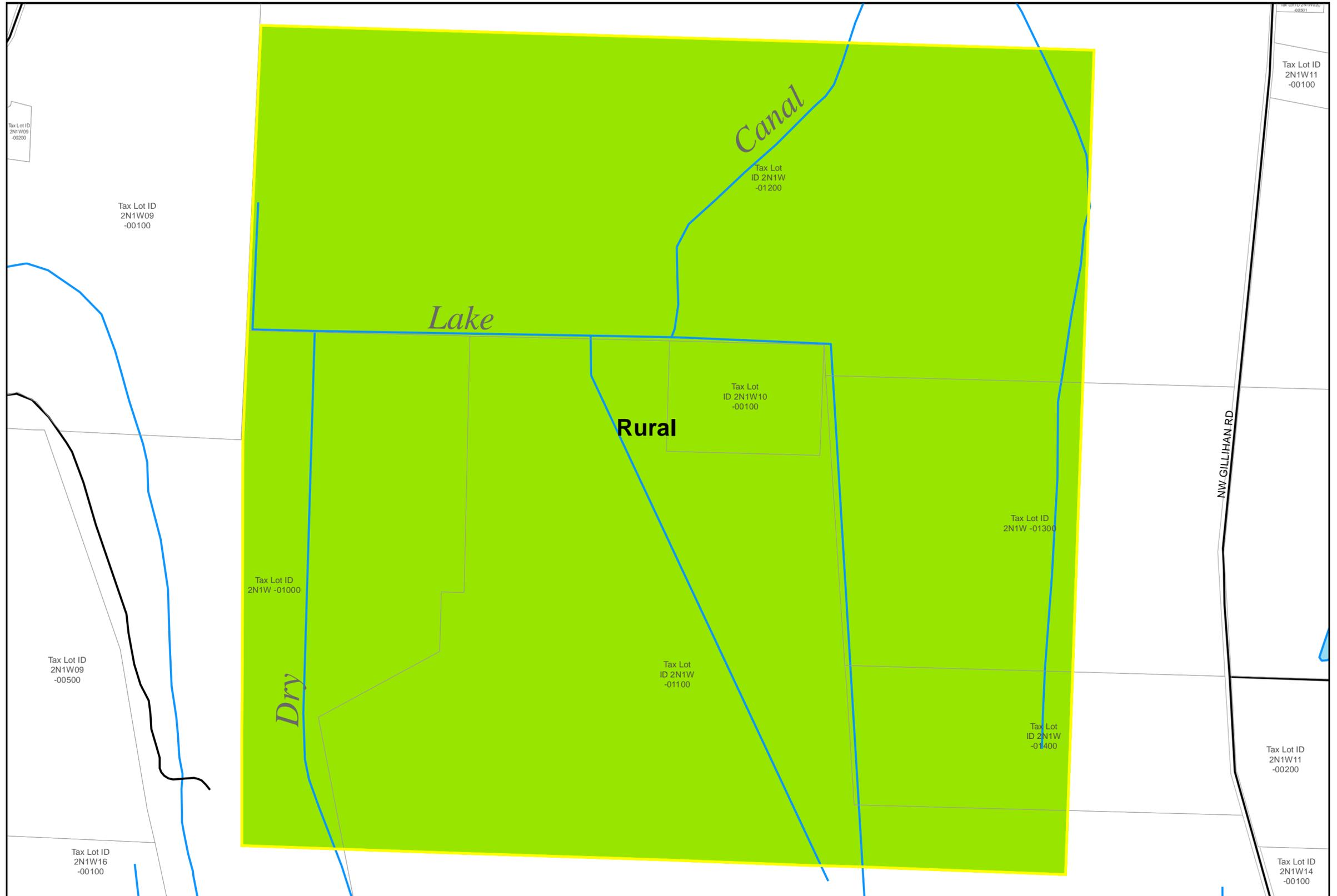


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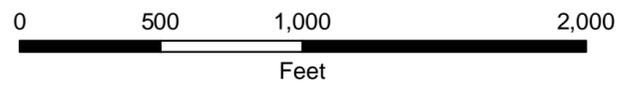
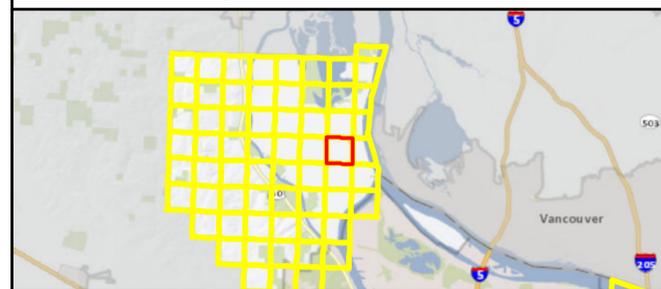
- Rural
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Location Map



Legend

- Rural
- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
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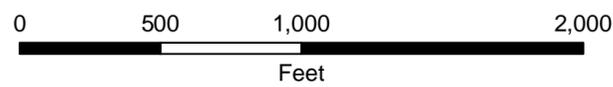
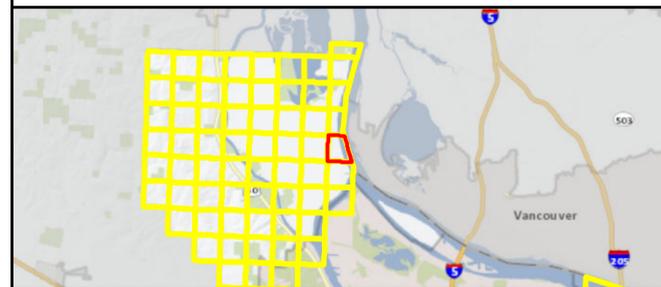
Land Use Planning

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Location Map

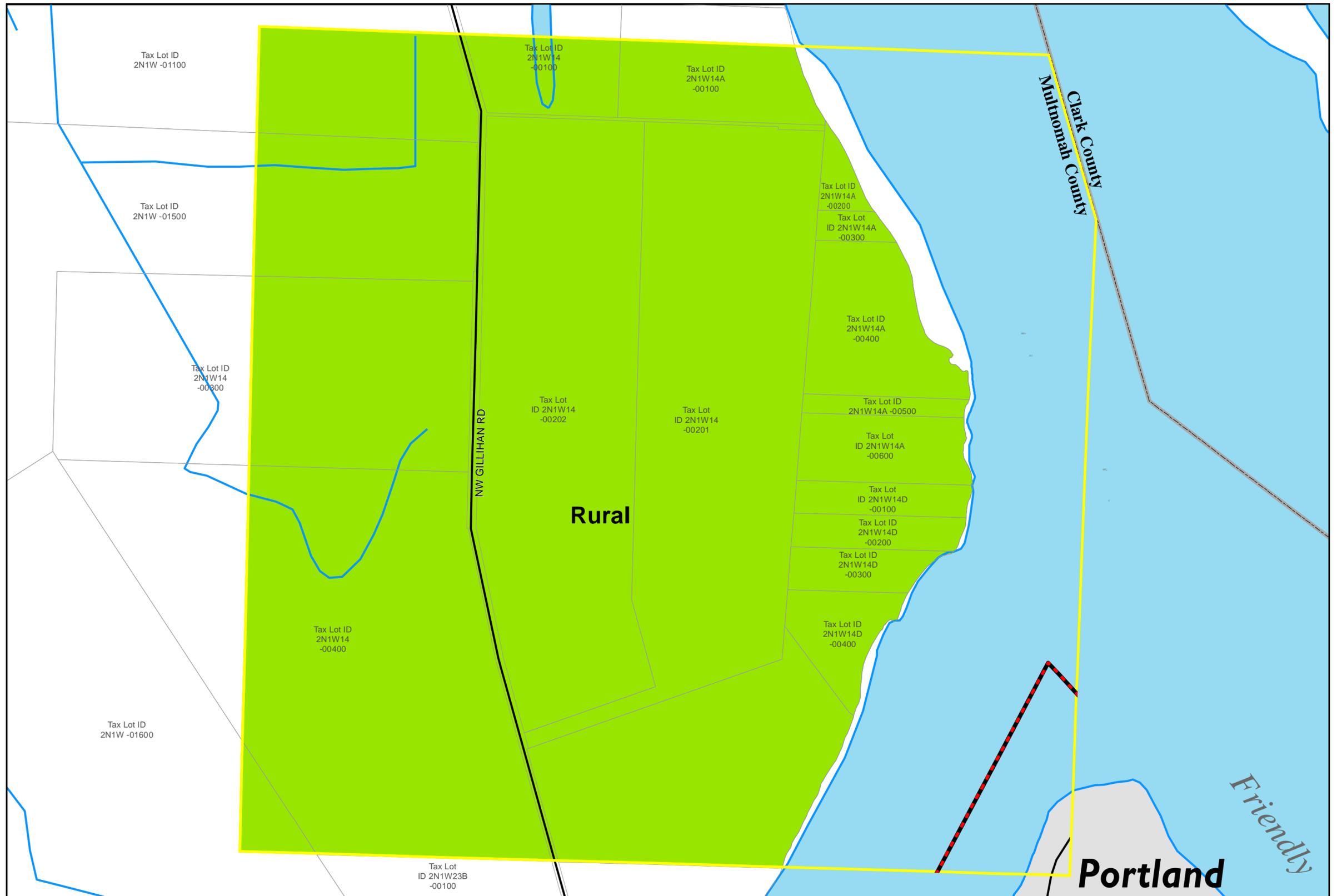


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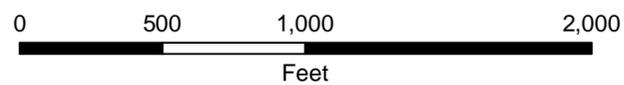
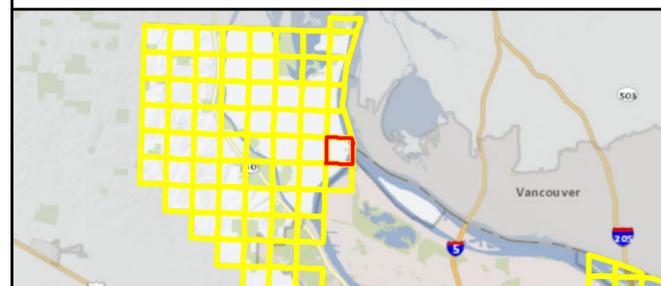
- Rural
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Location Map



Legend

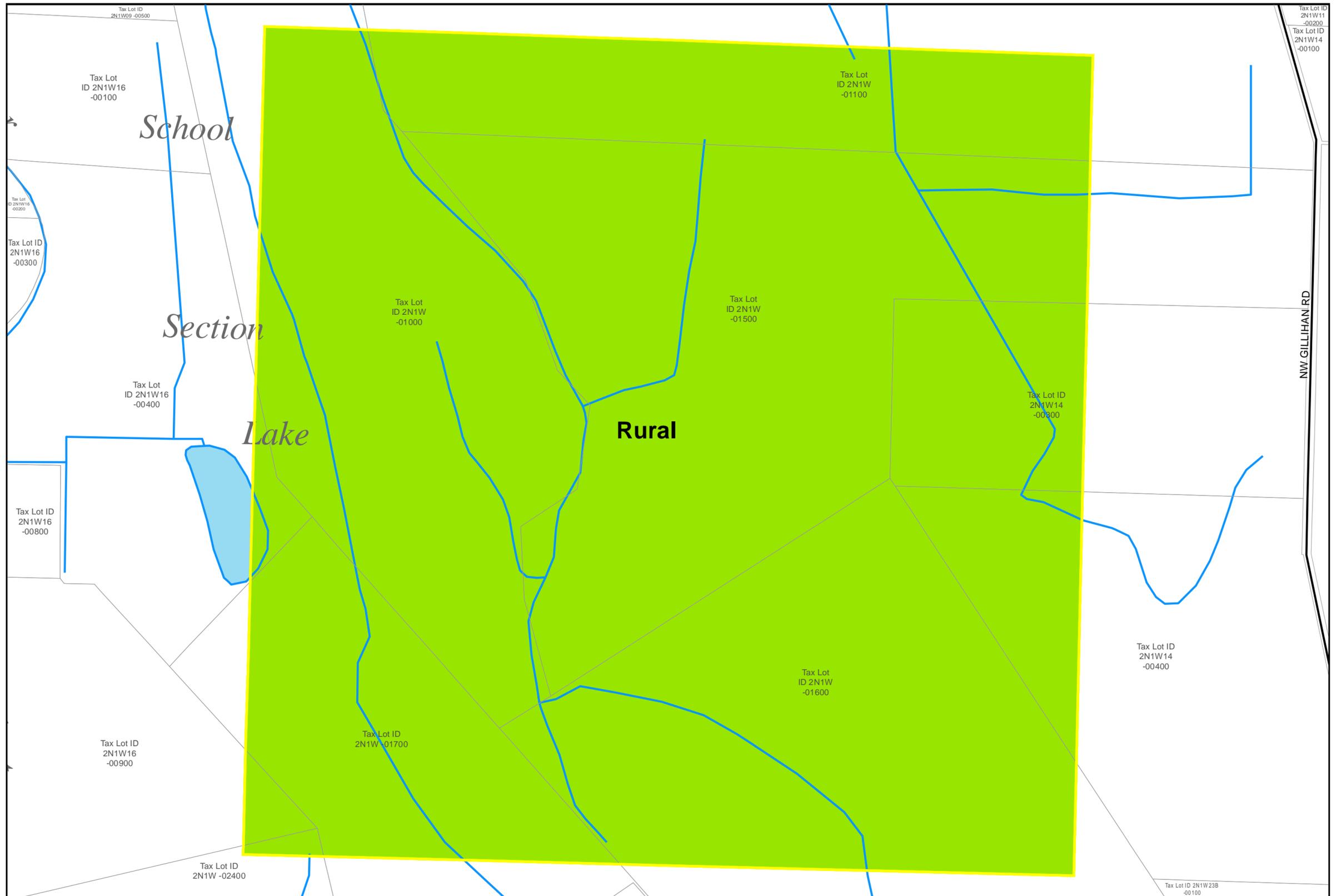
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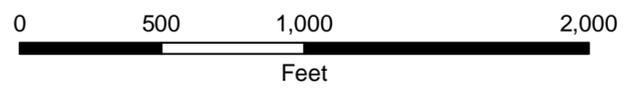
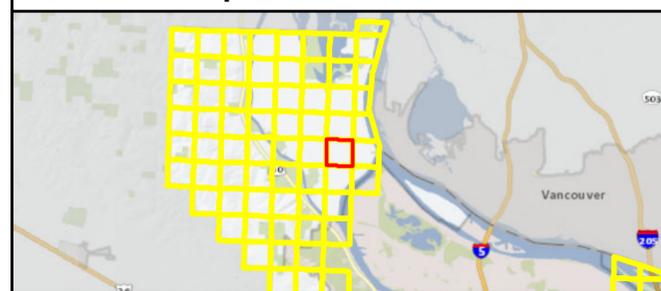
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Location Map

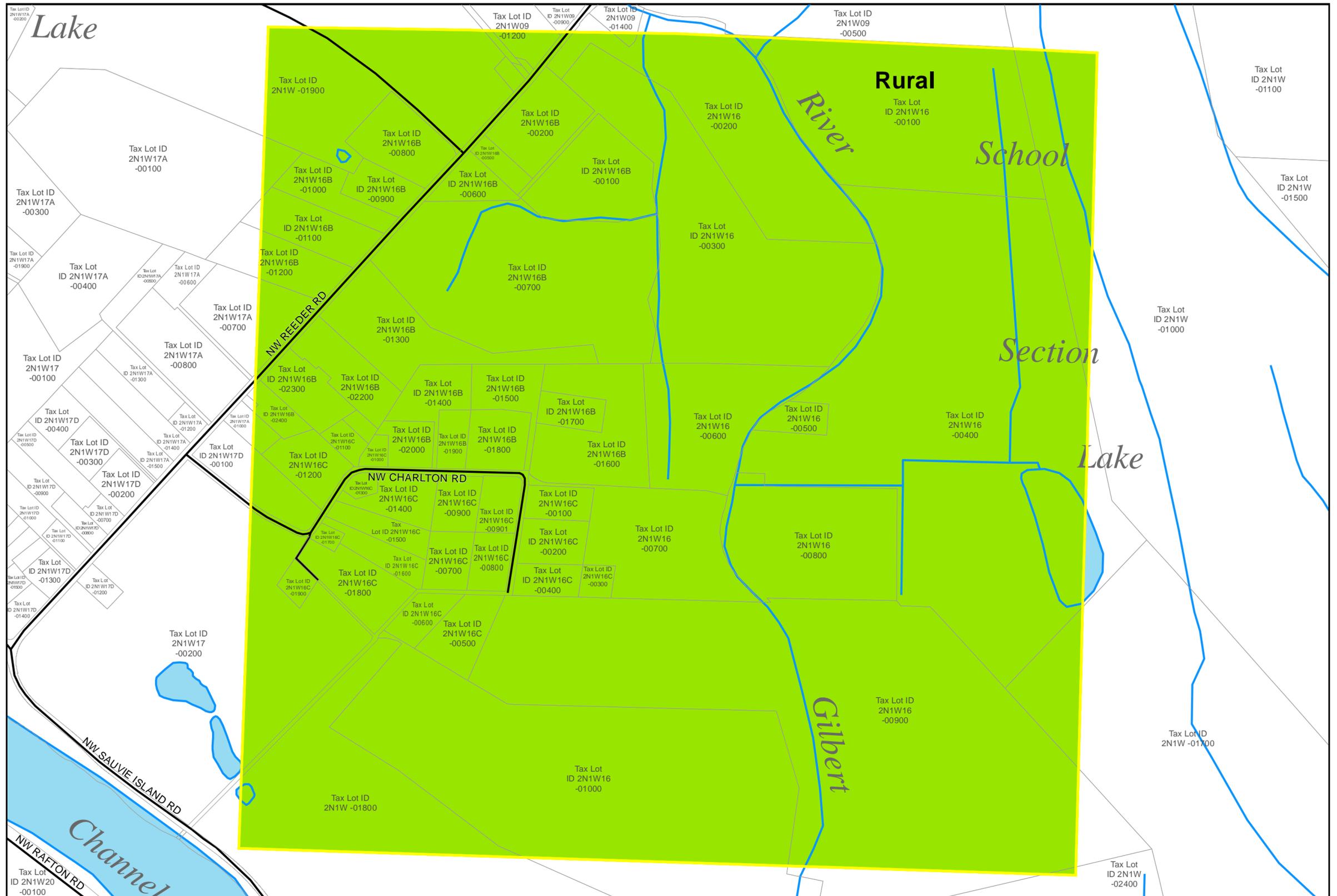


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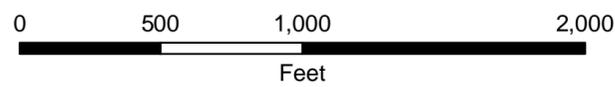
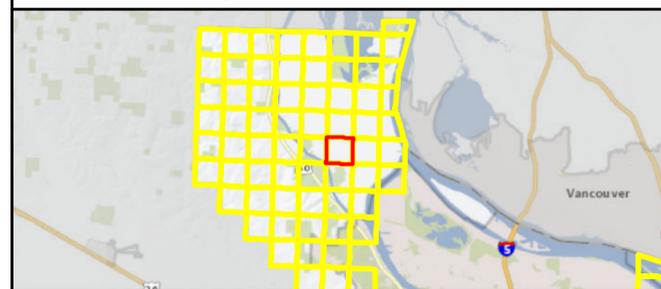
- Rural
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Location Map



Legend

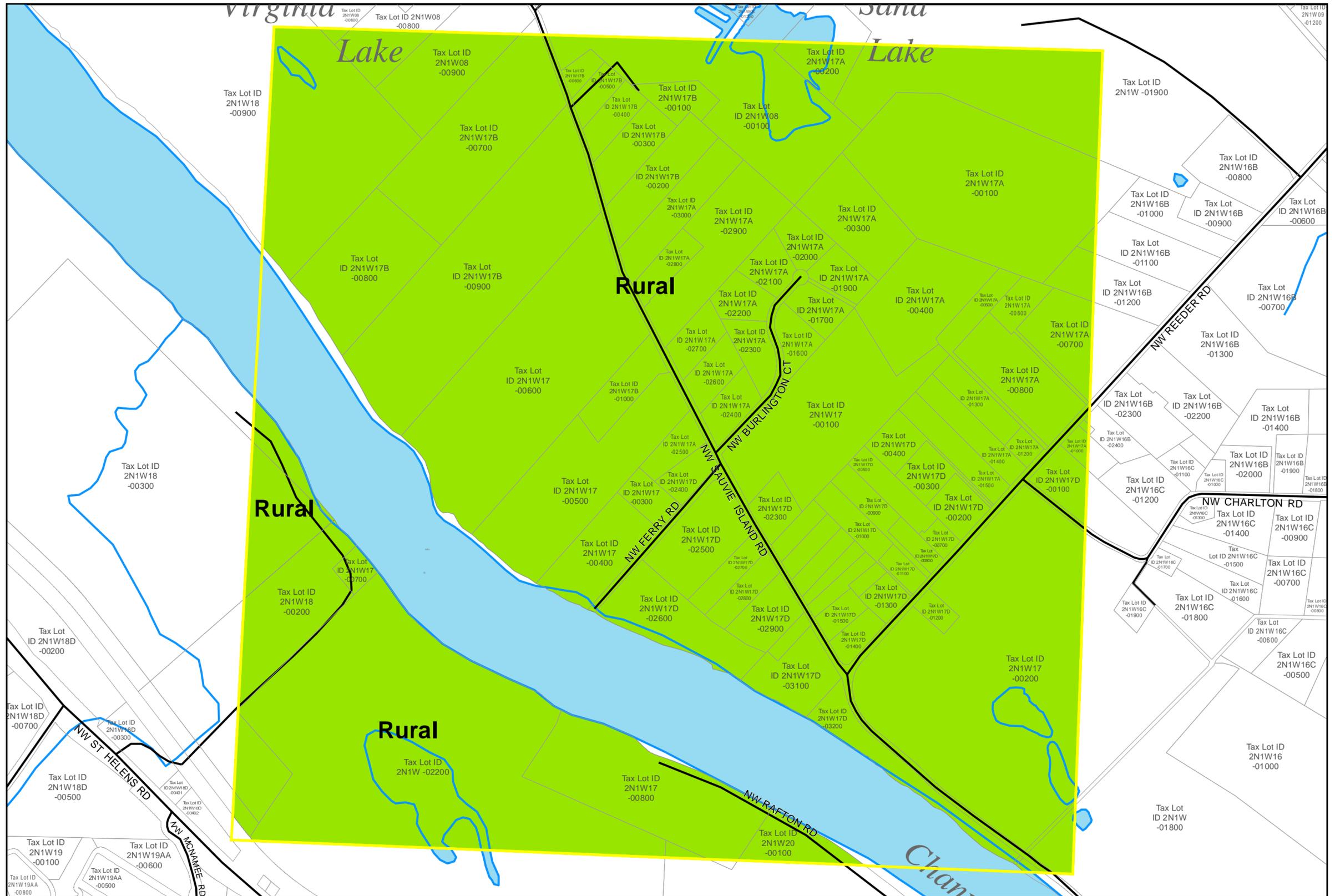
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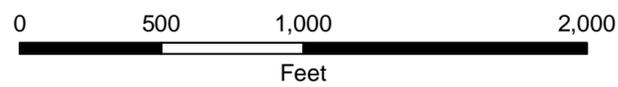
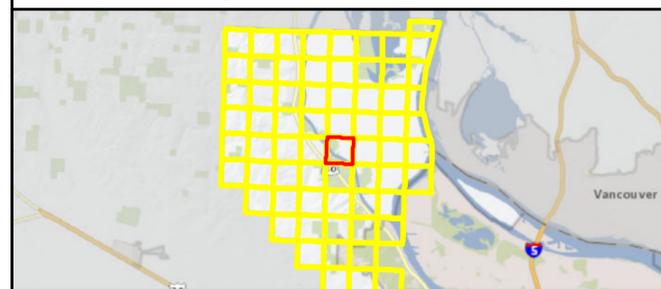
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Location Map



Legend

- Rural
- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
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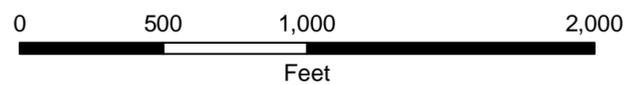
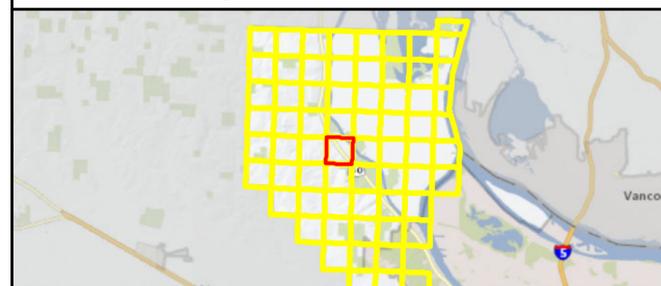


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Location Map

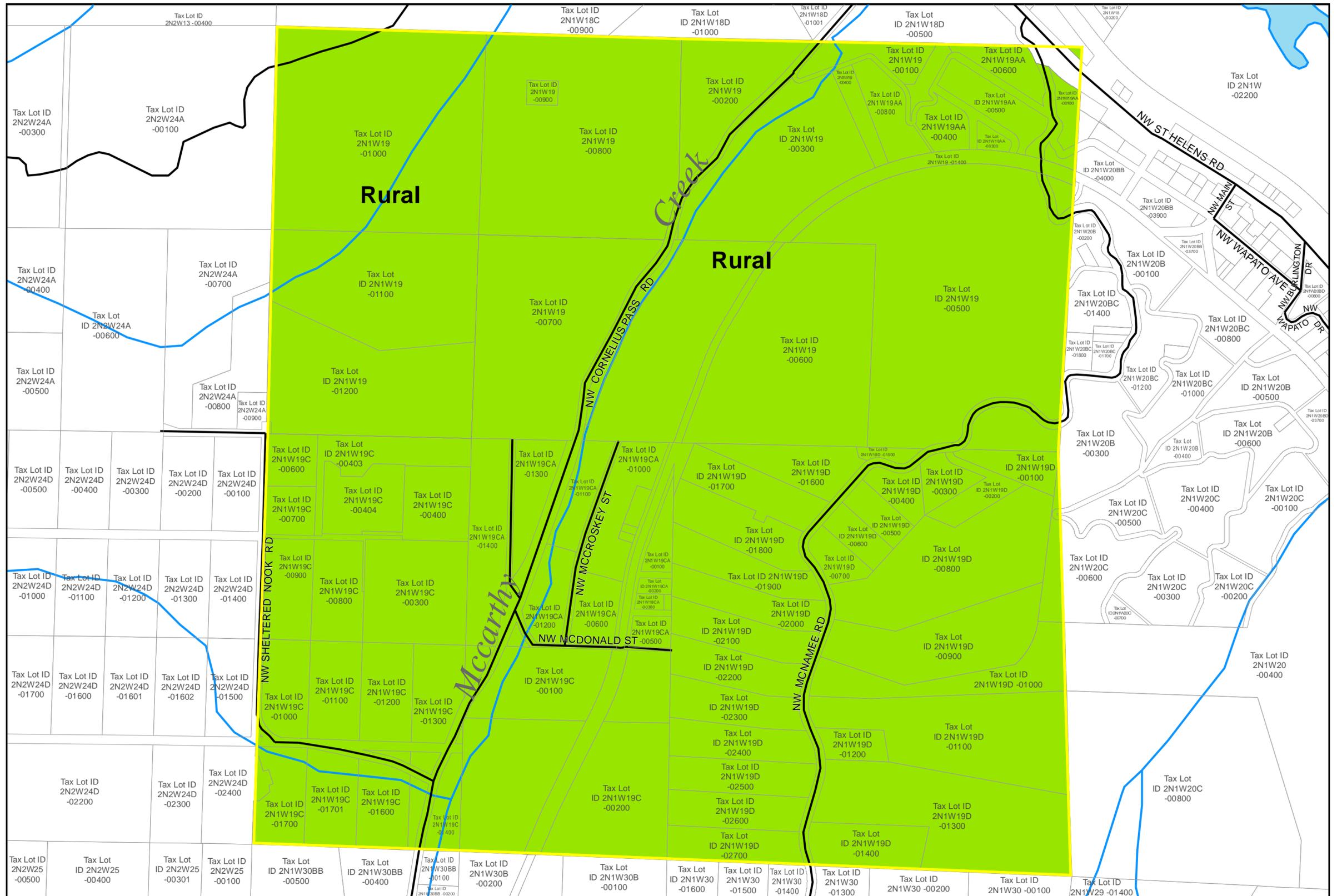


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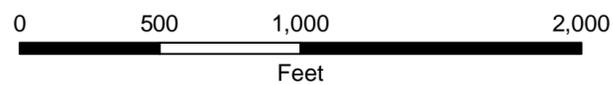
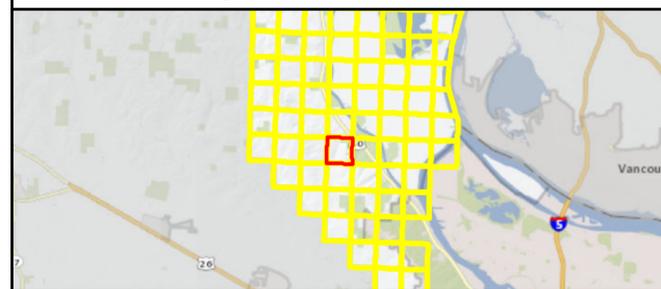
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Location Map



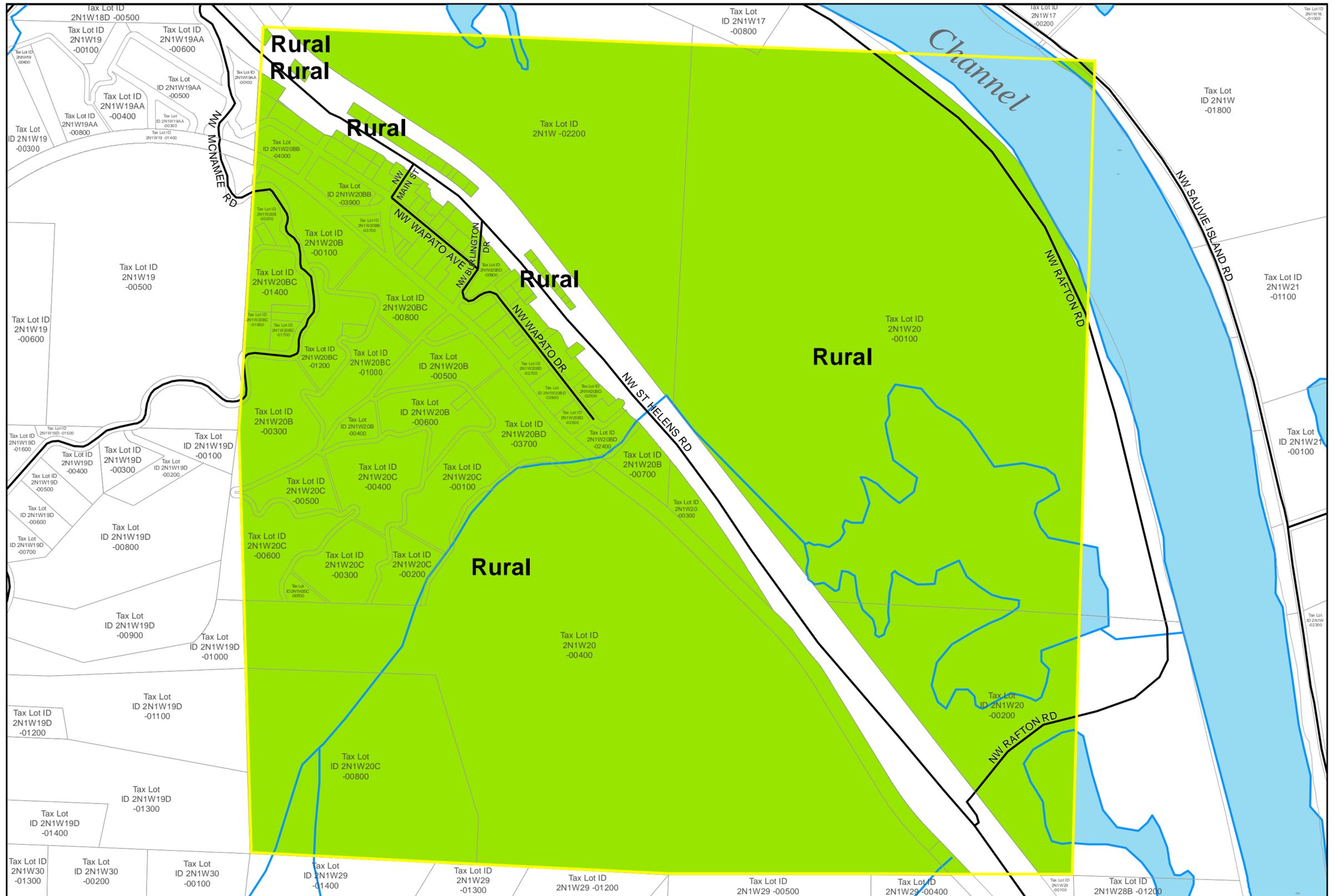
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- Roads/Highways
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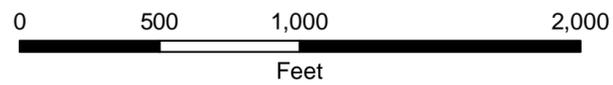
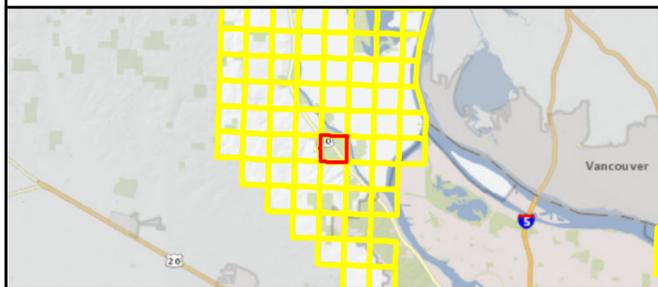


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Location Map



Legend

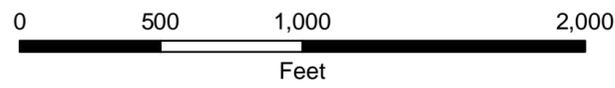
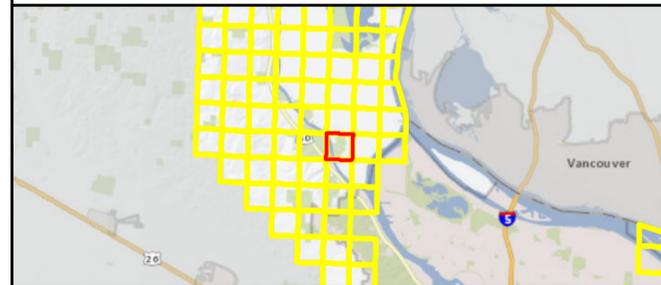
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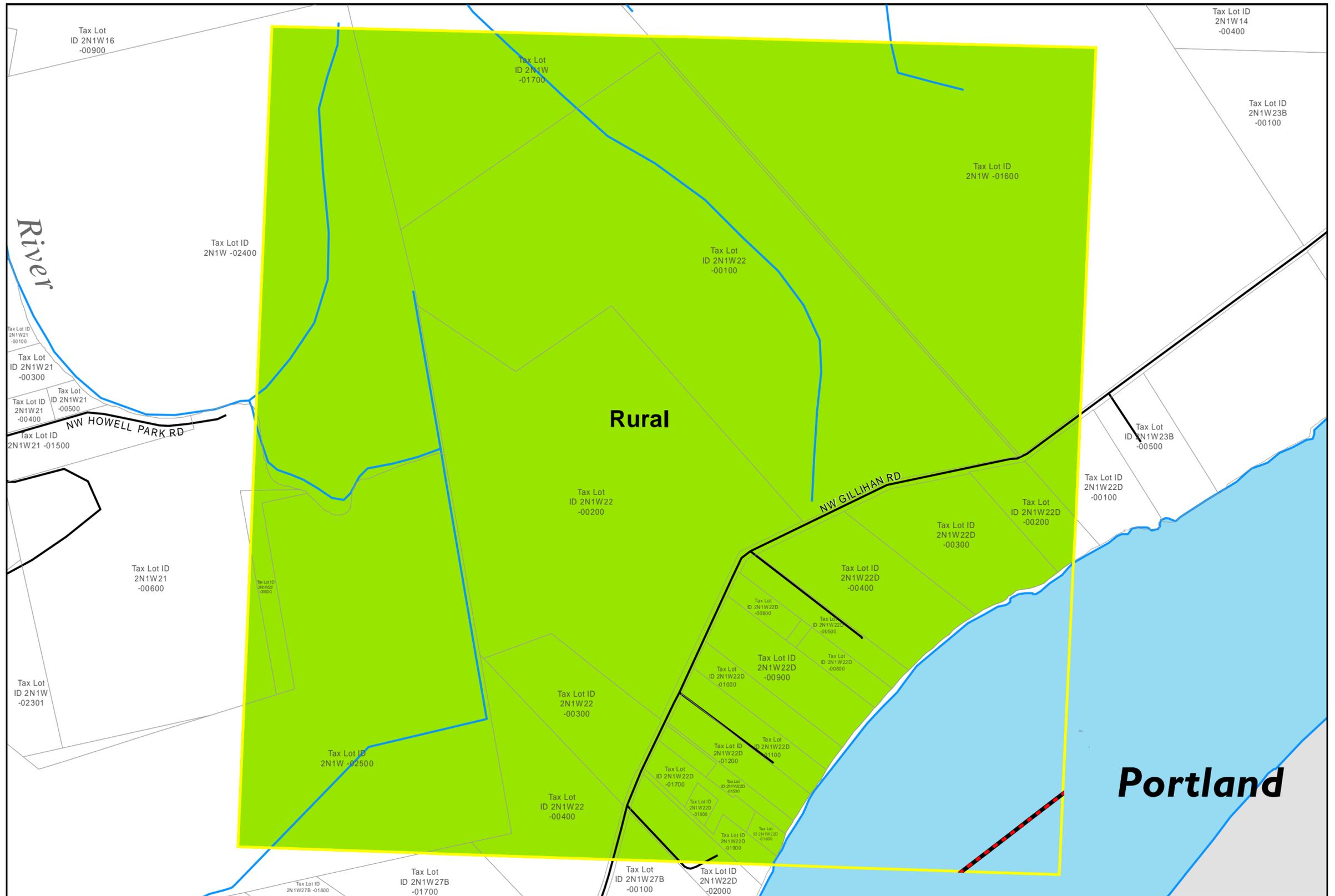


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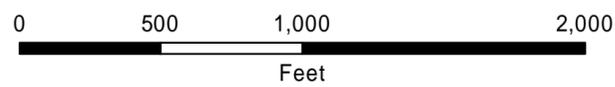
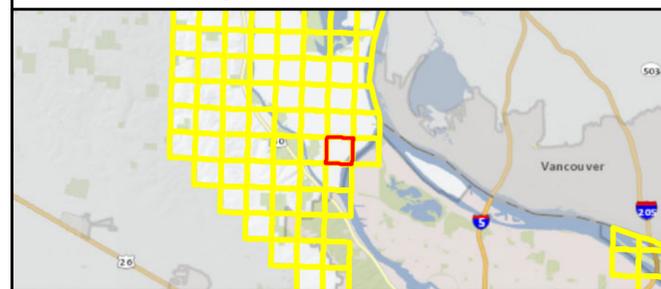
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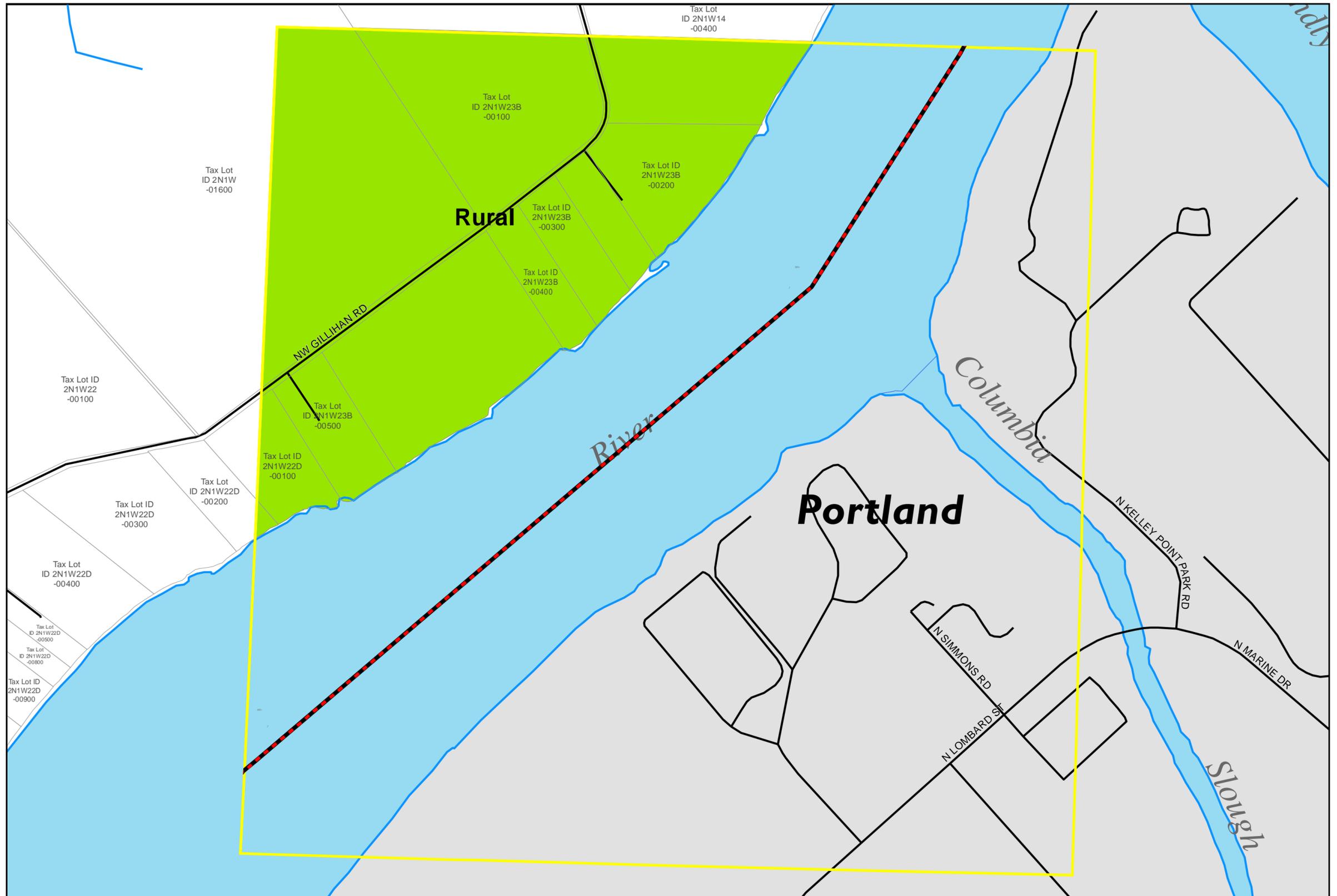


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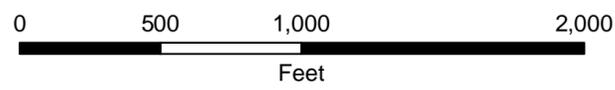
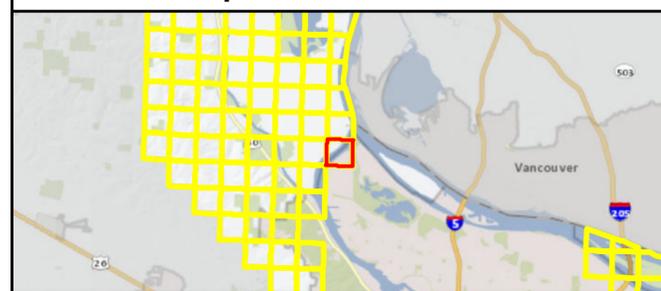
- Rural
- Urban
- Undesignated
- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary



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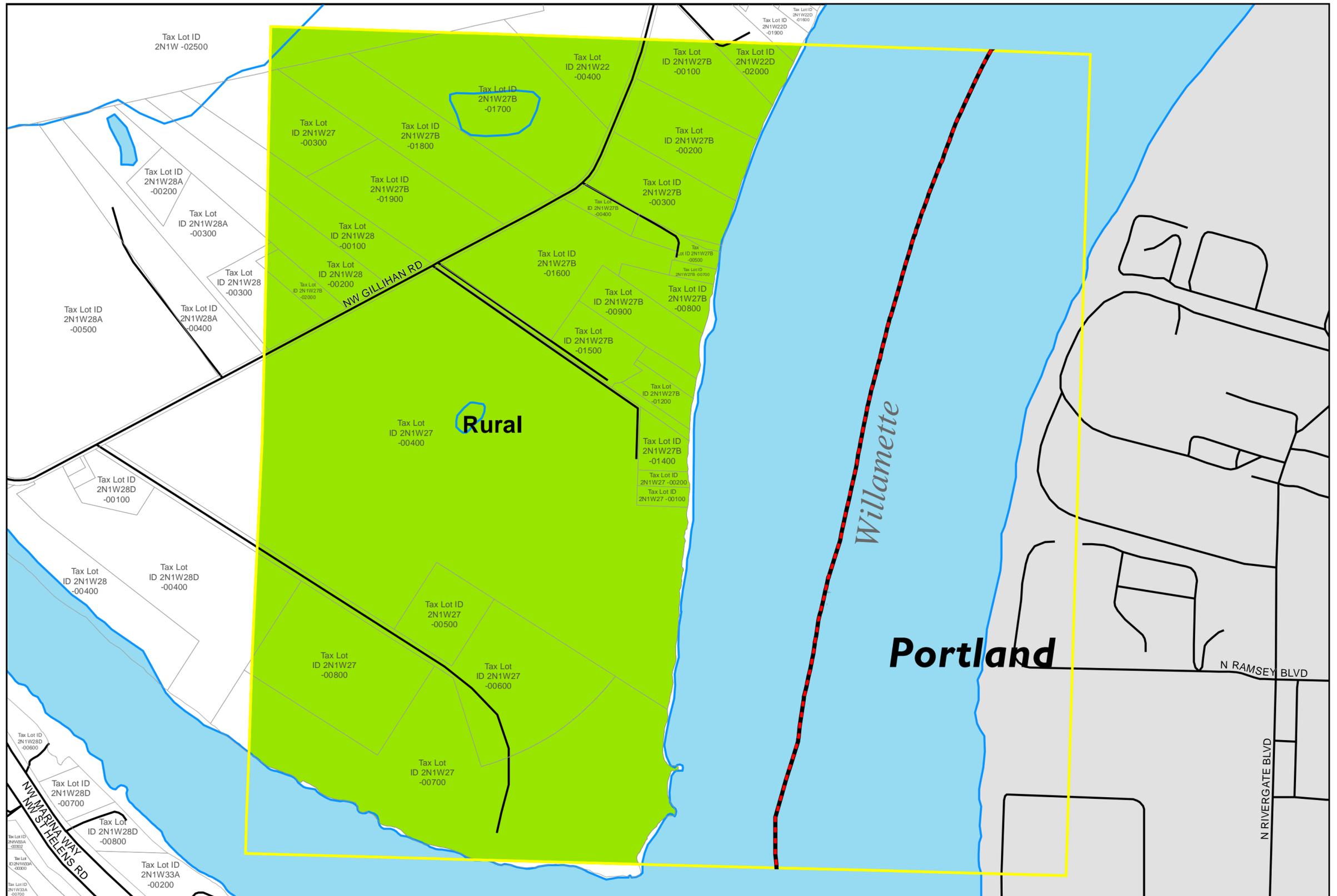


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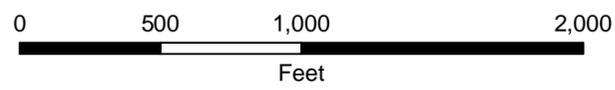
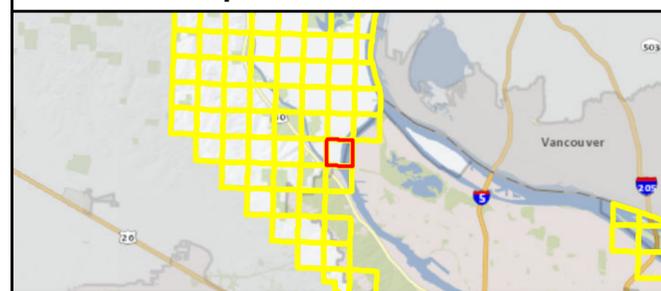
- Rural
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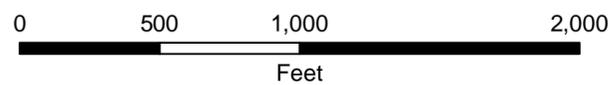
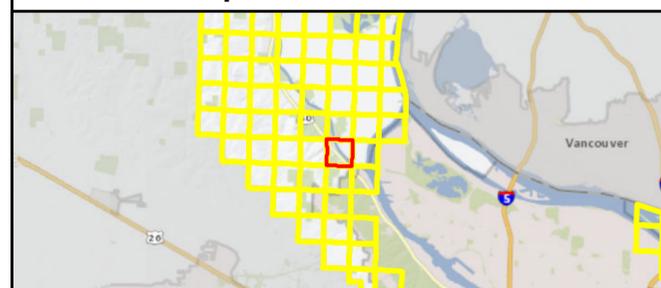
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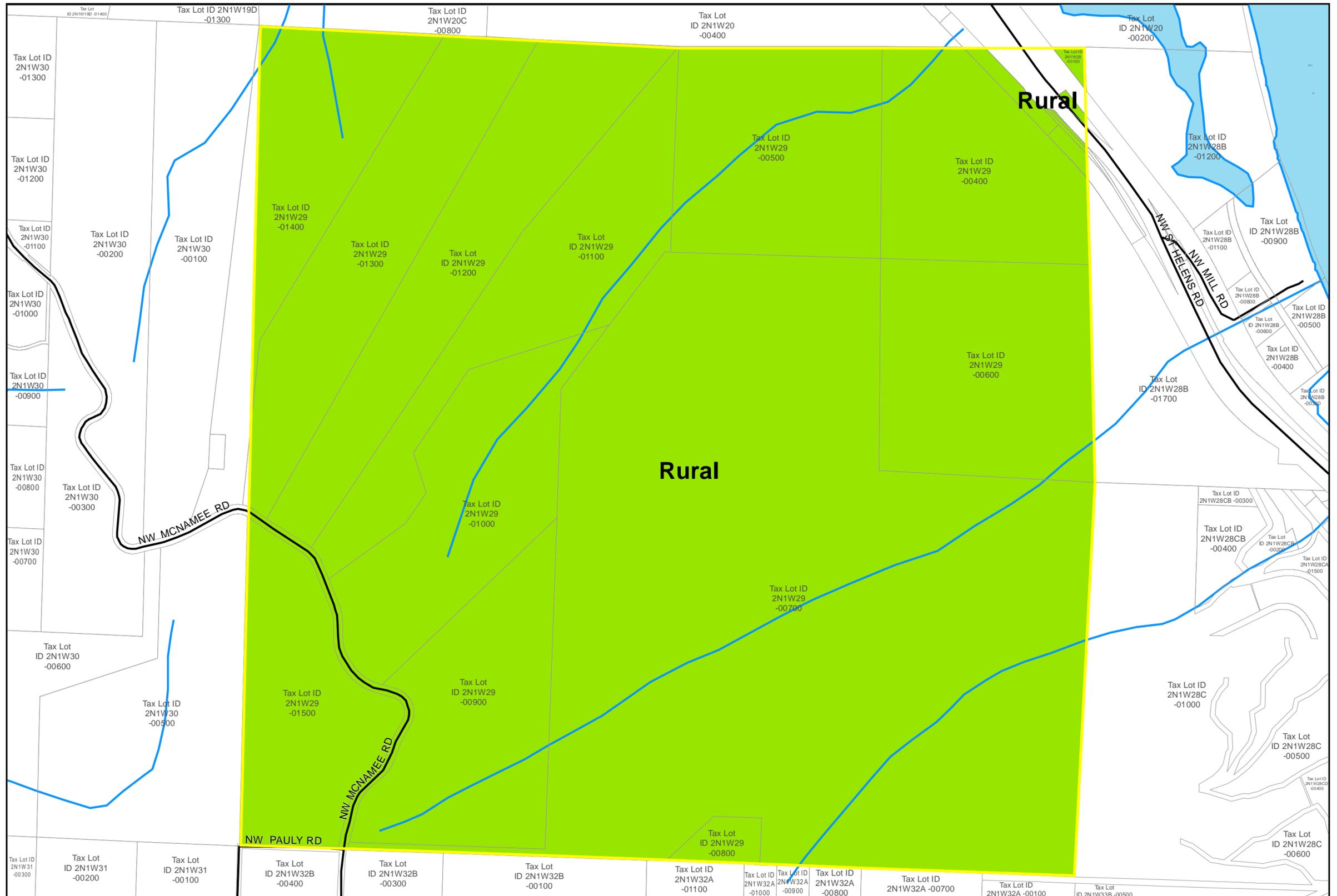


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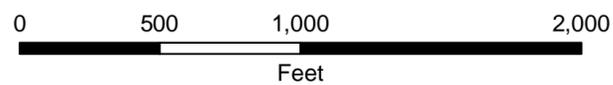
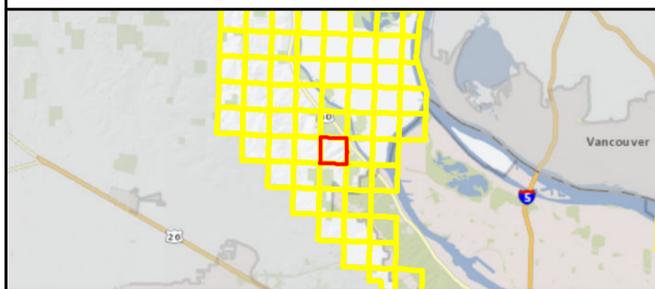
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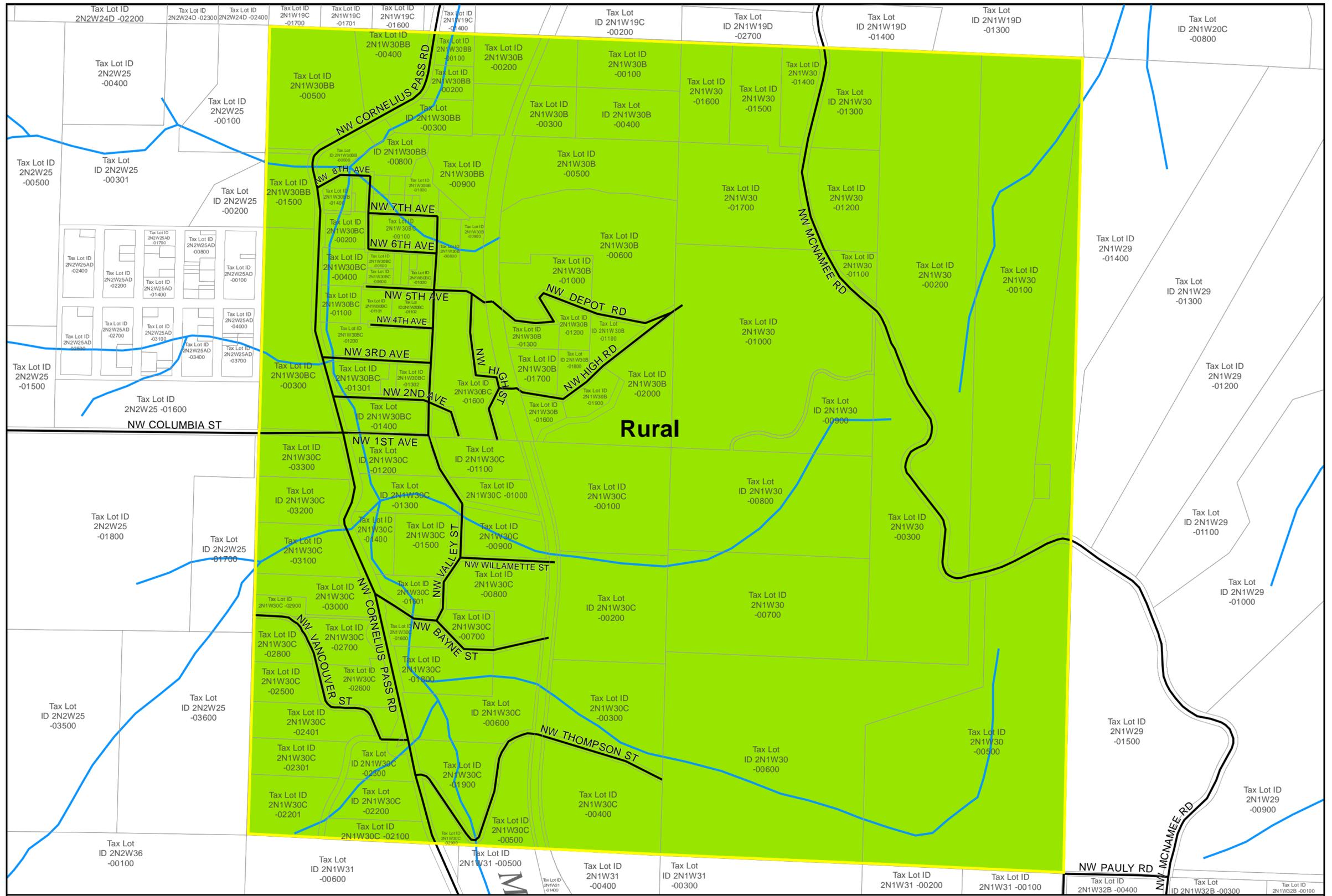


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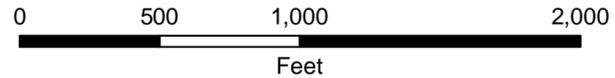
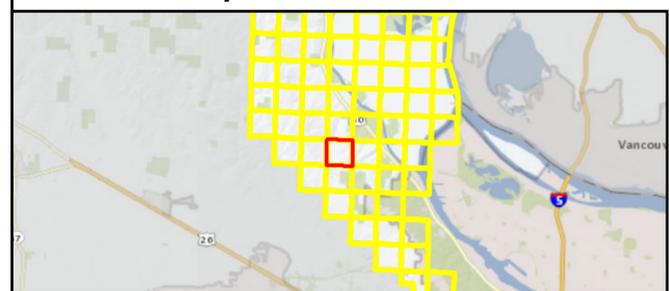
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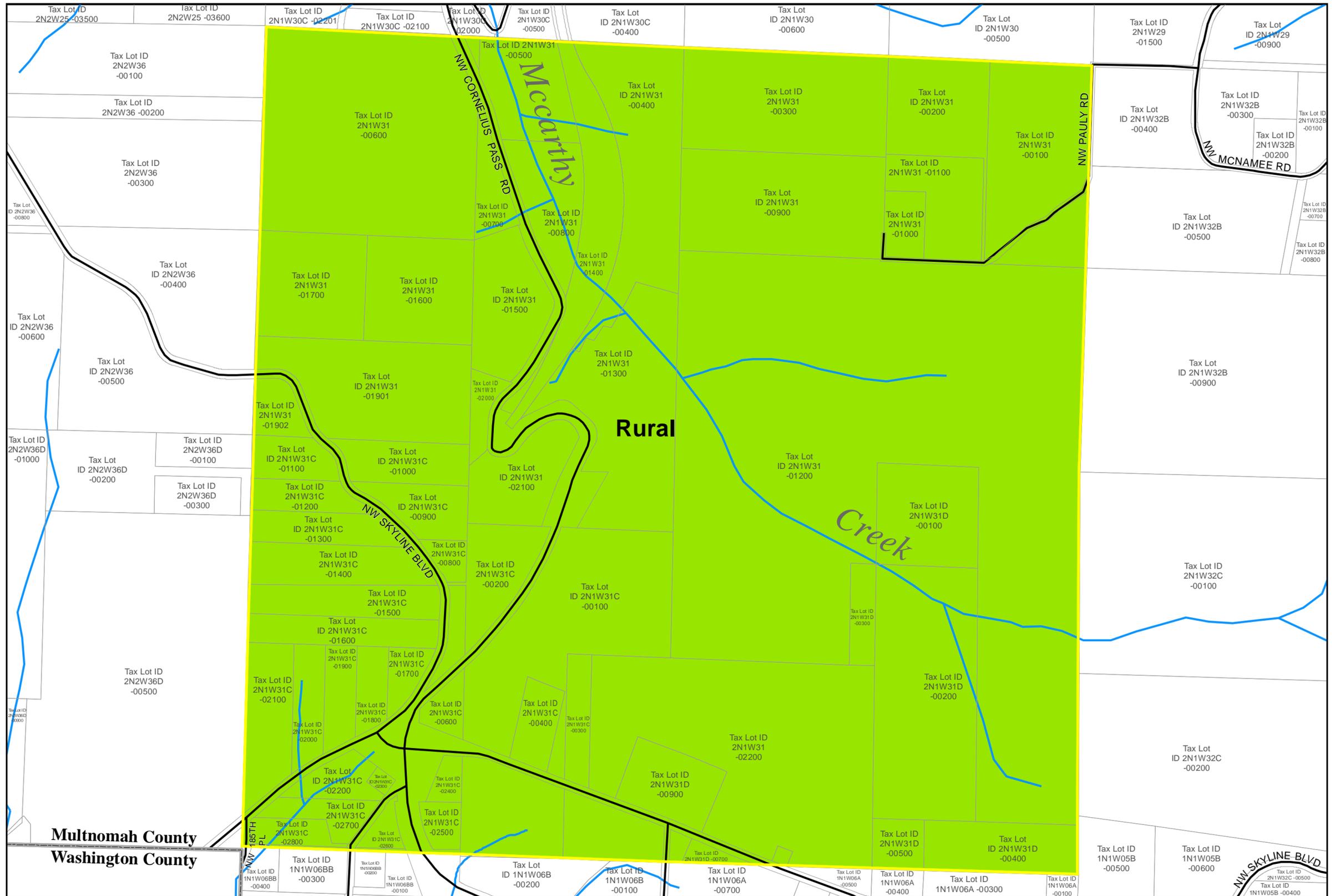


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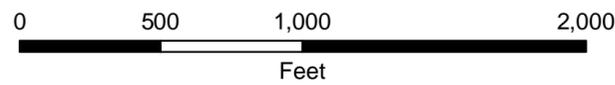
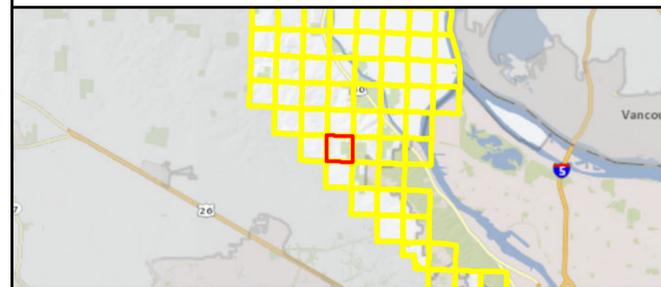
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Legend

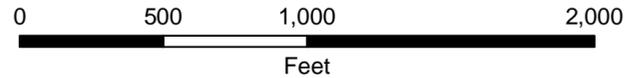
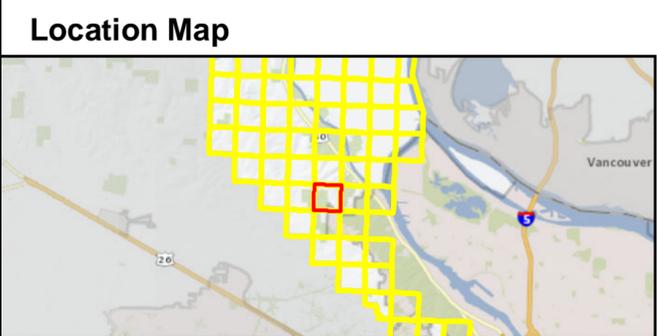
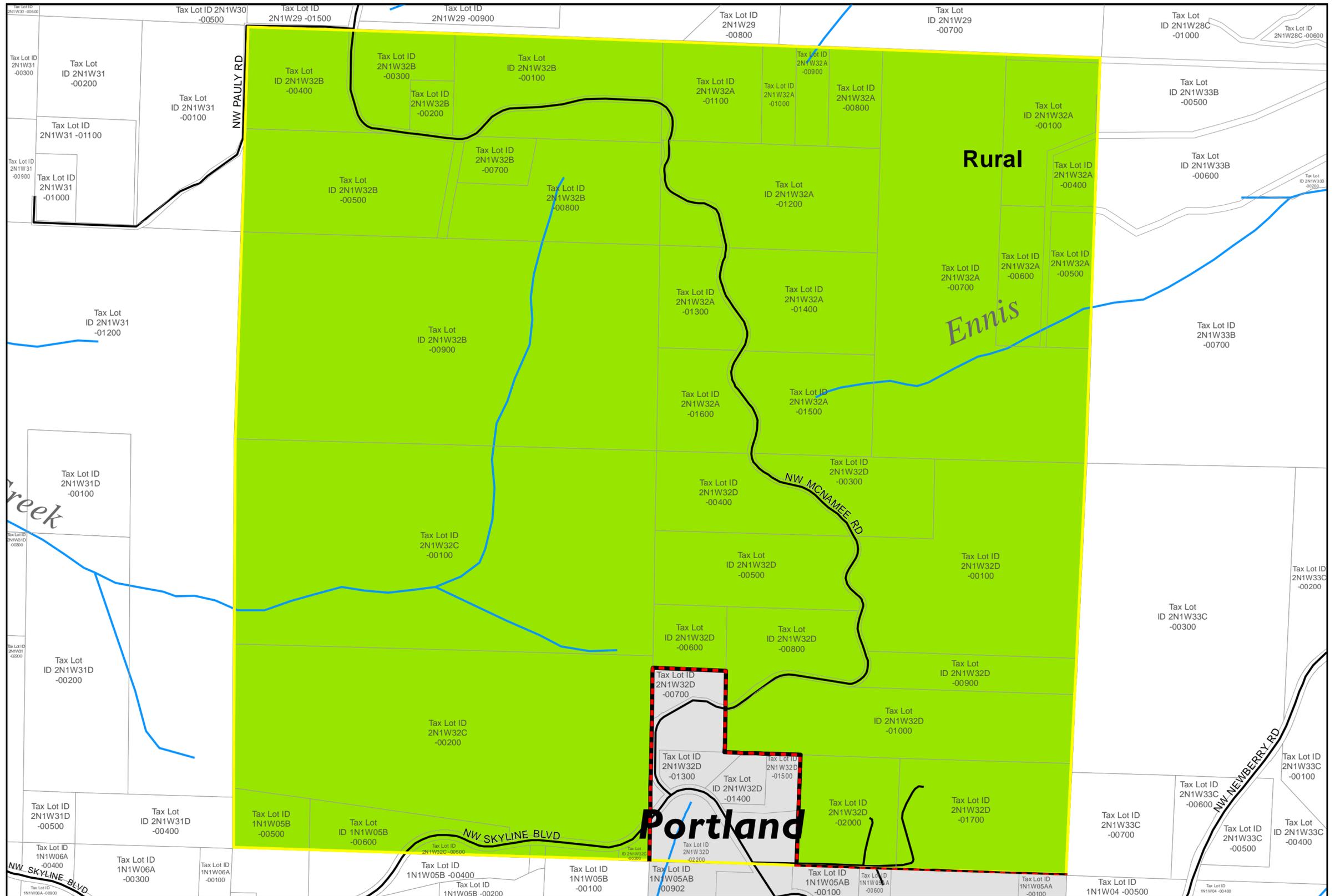
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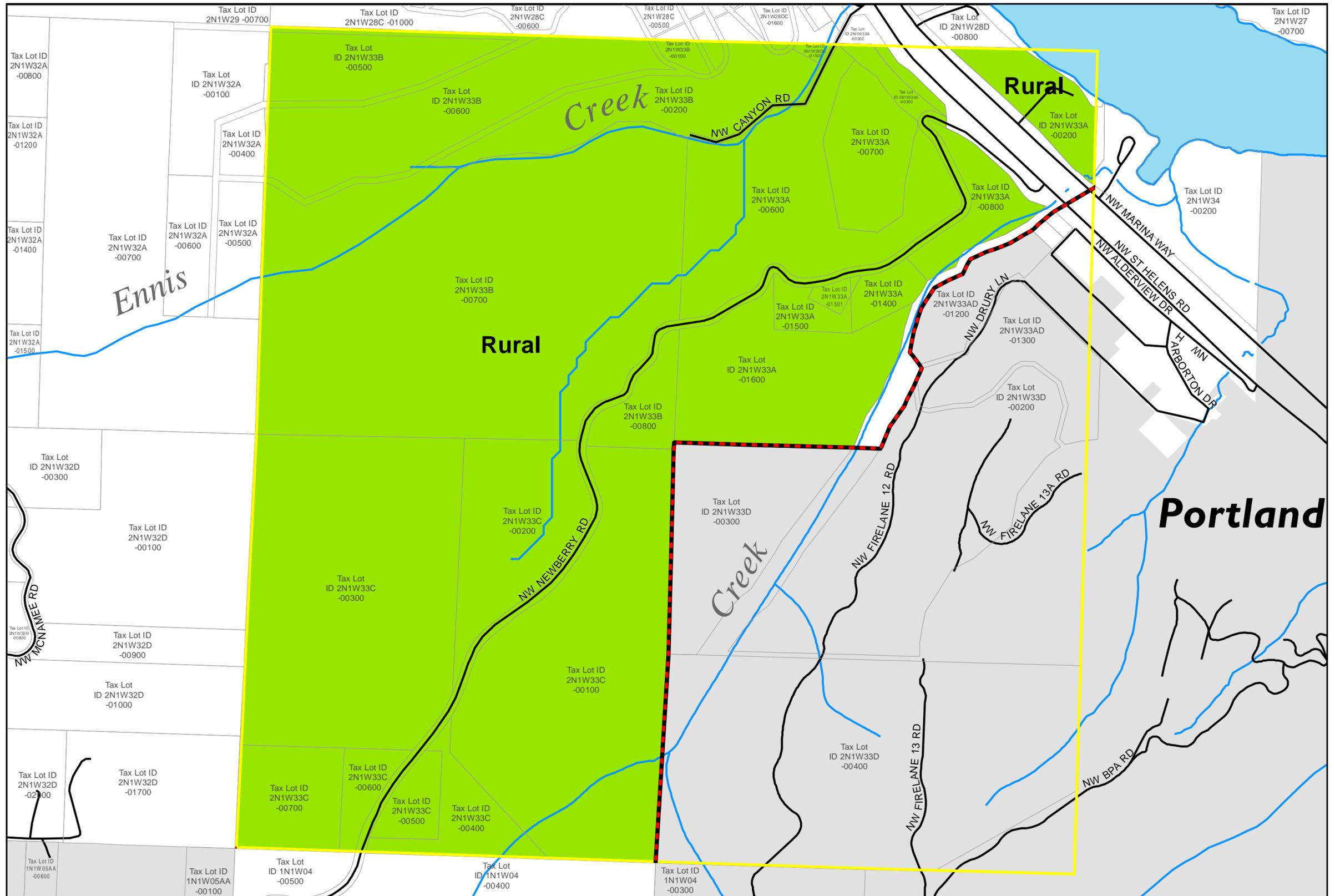
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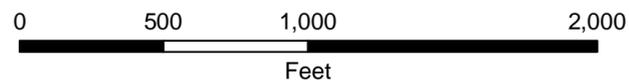
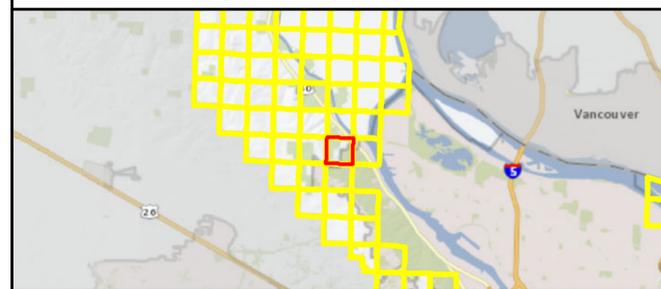




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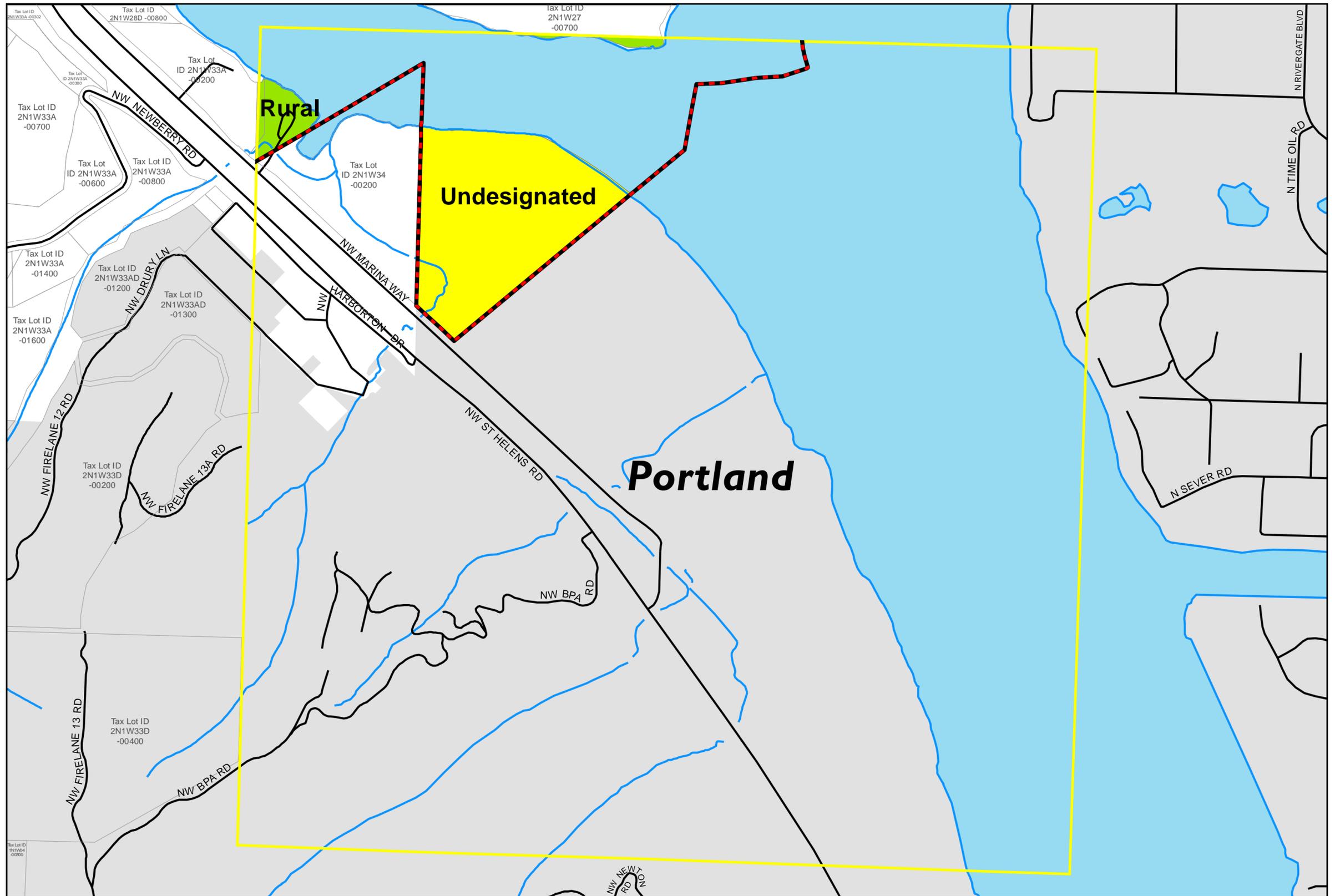
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- Undesignated
- Roads/Highways
- Taxlot Boundary
- Urban Growth Boundary

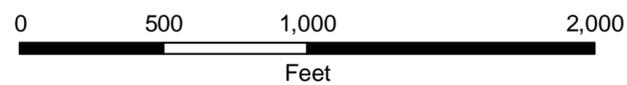
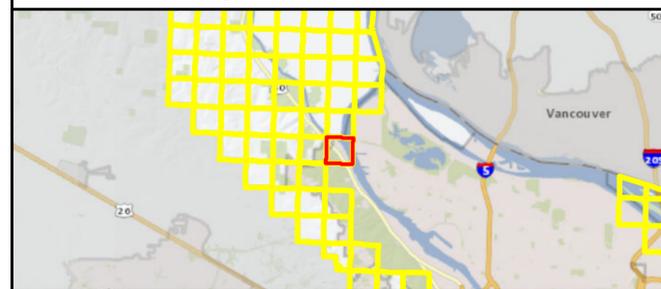


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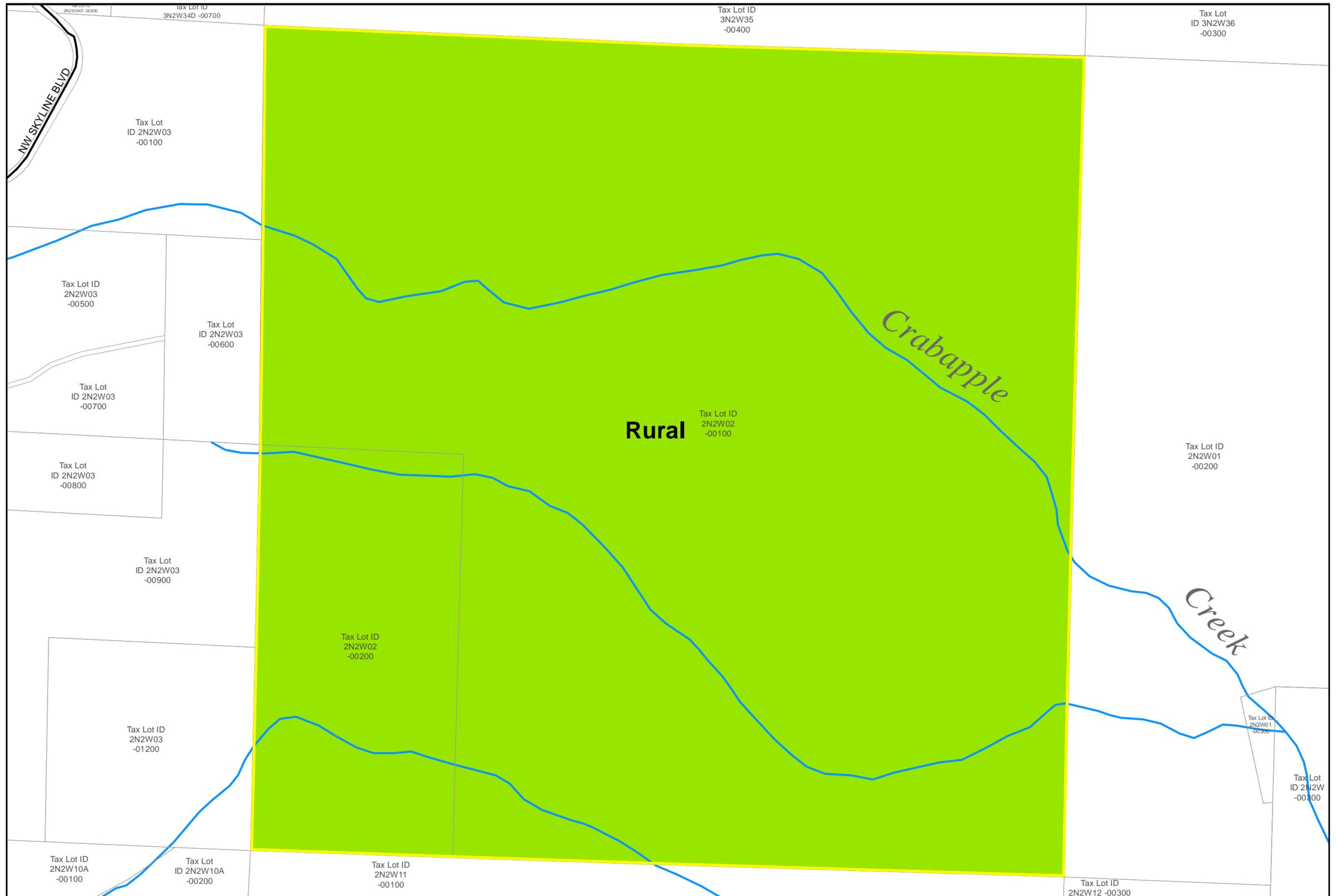


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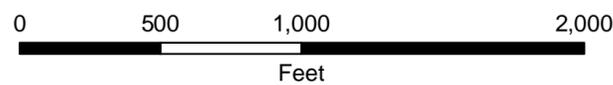
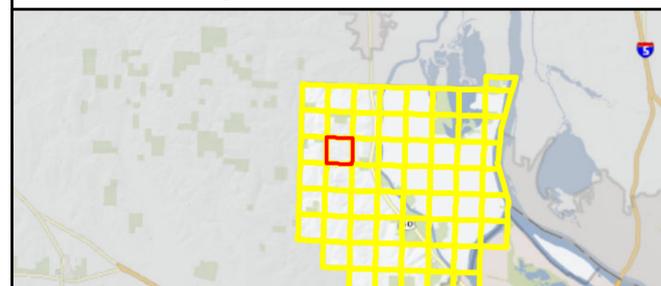
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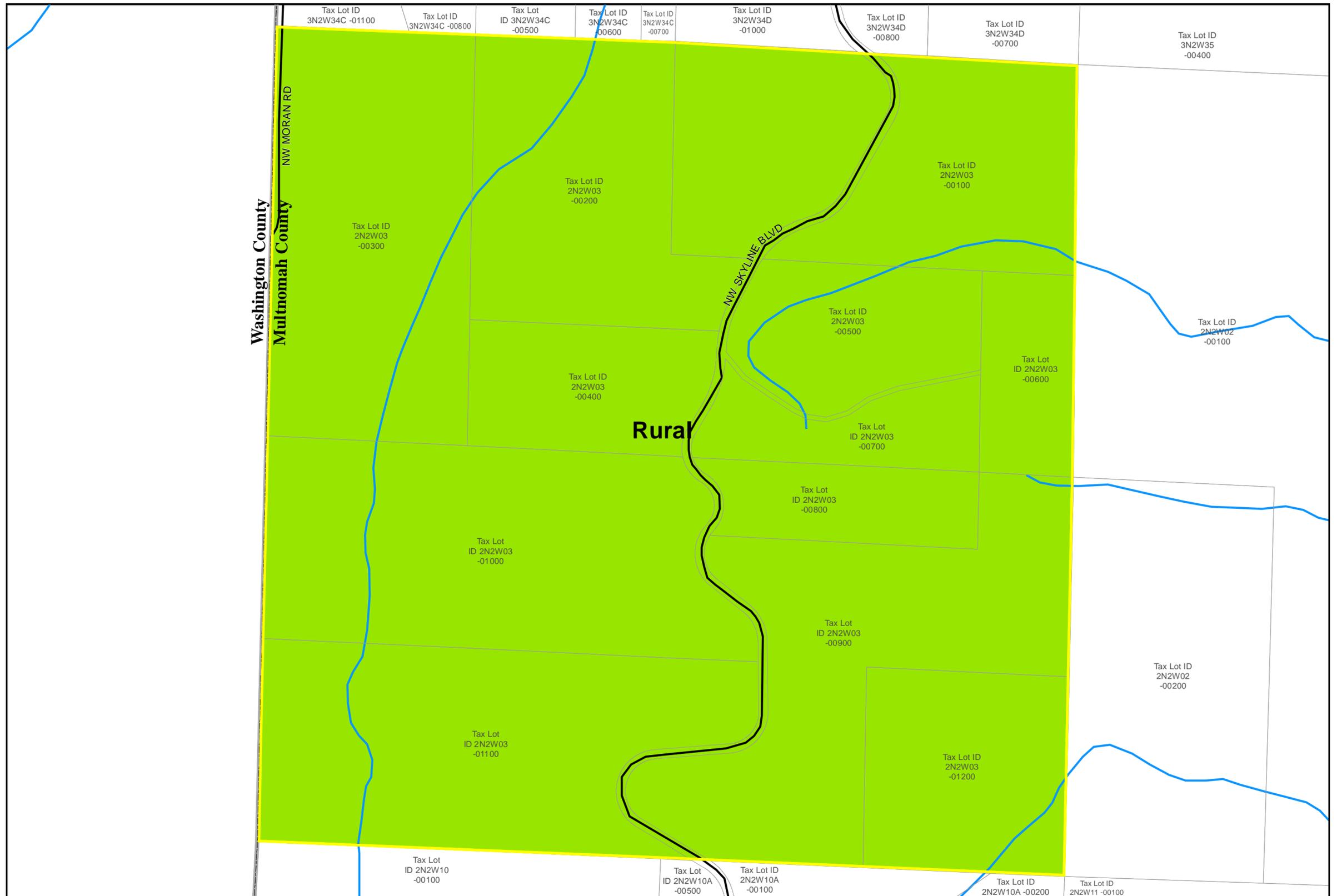


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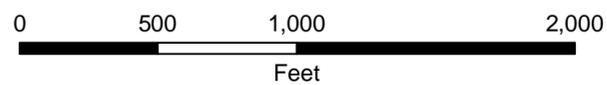
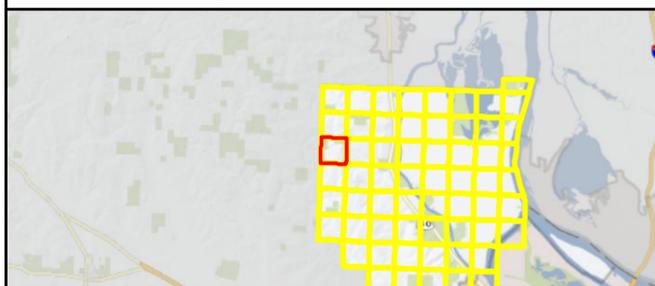
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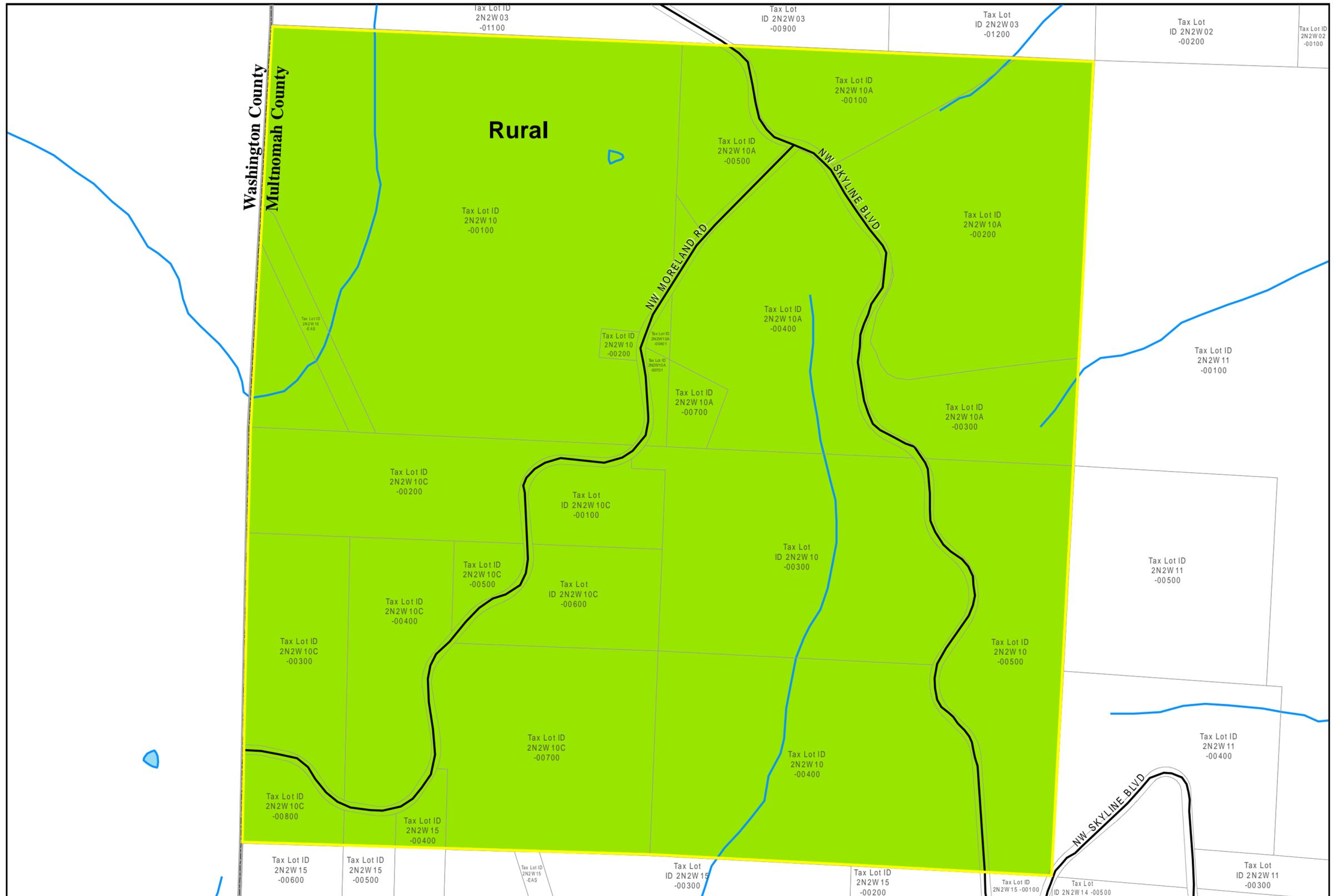


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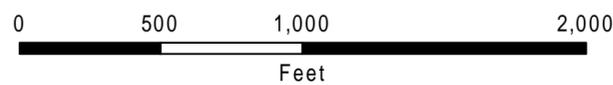
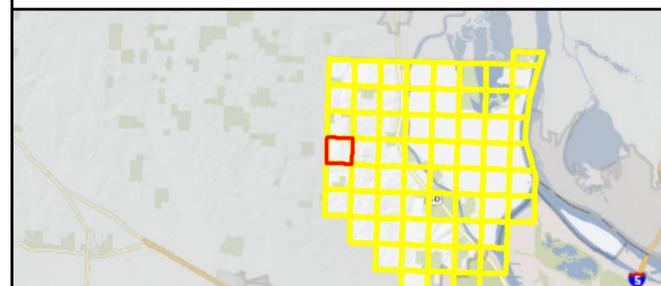
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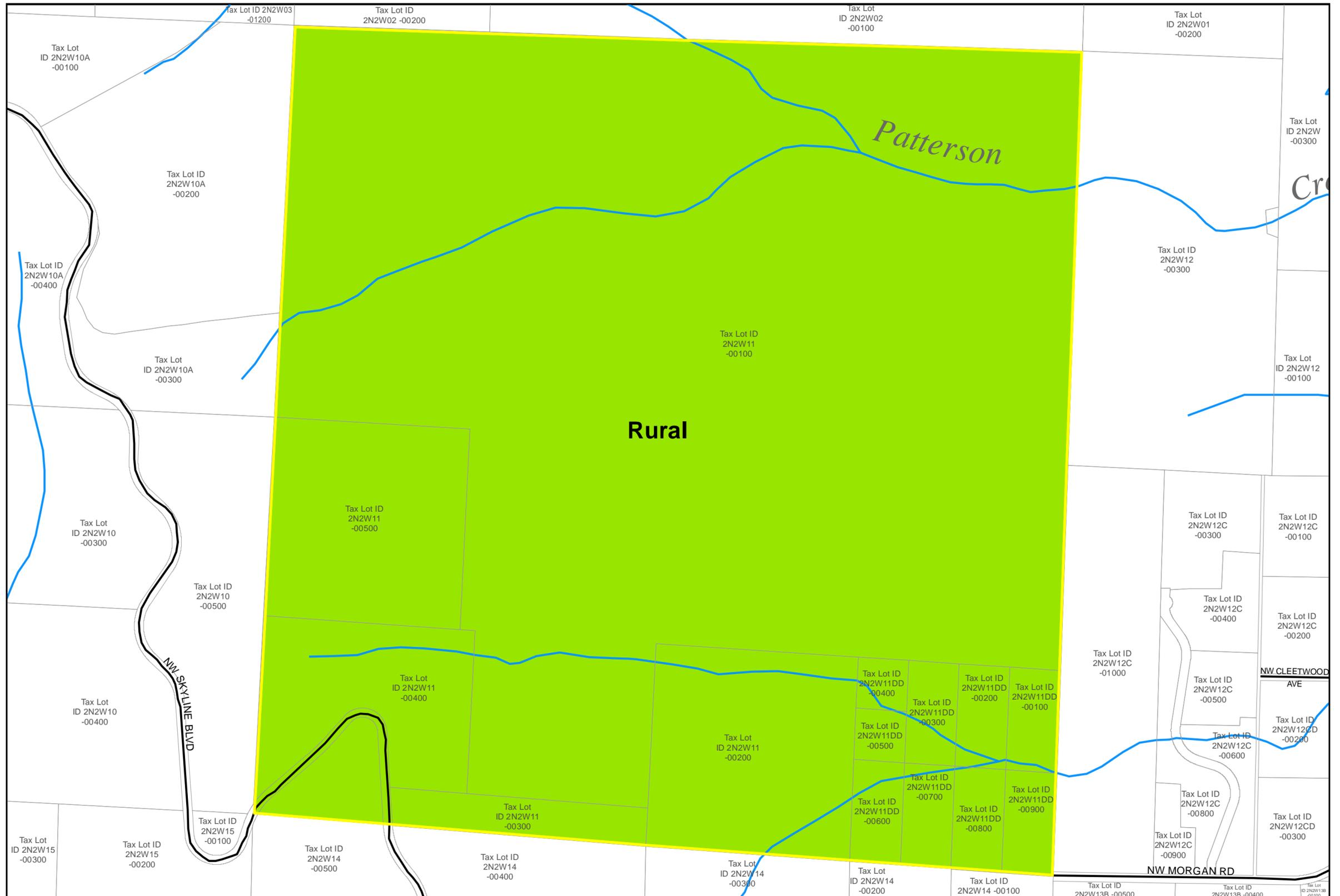


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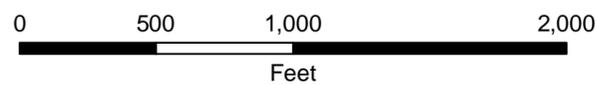
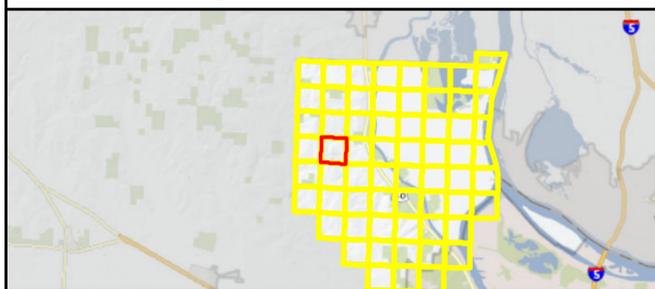
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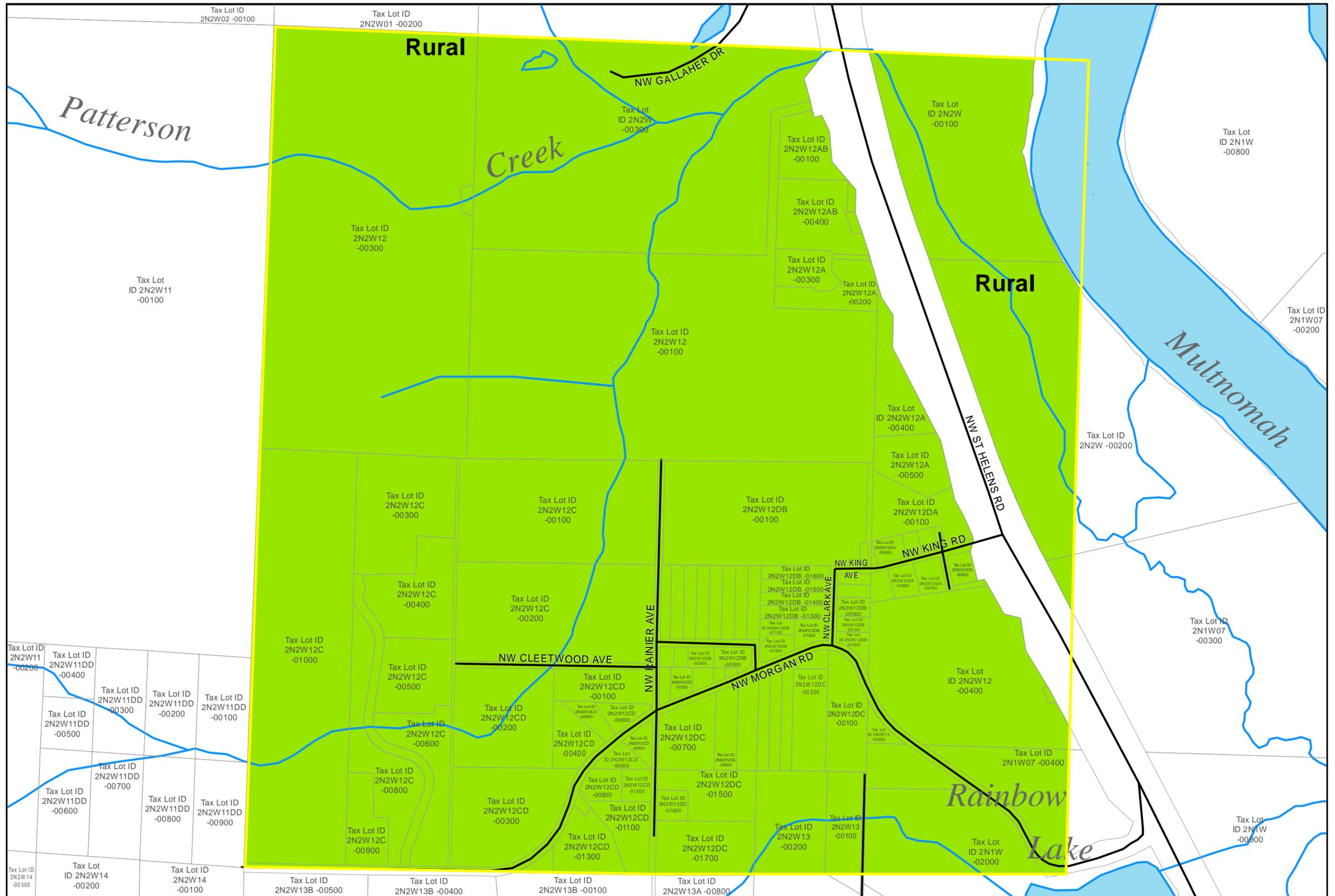


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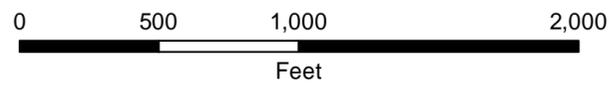
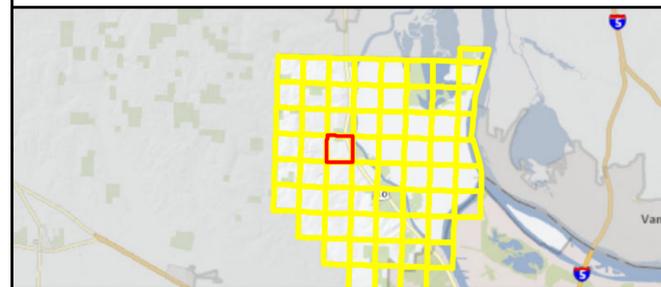
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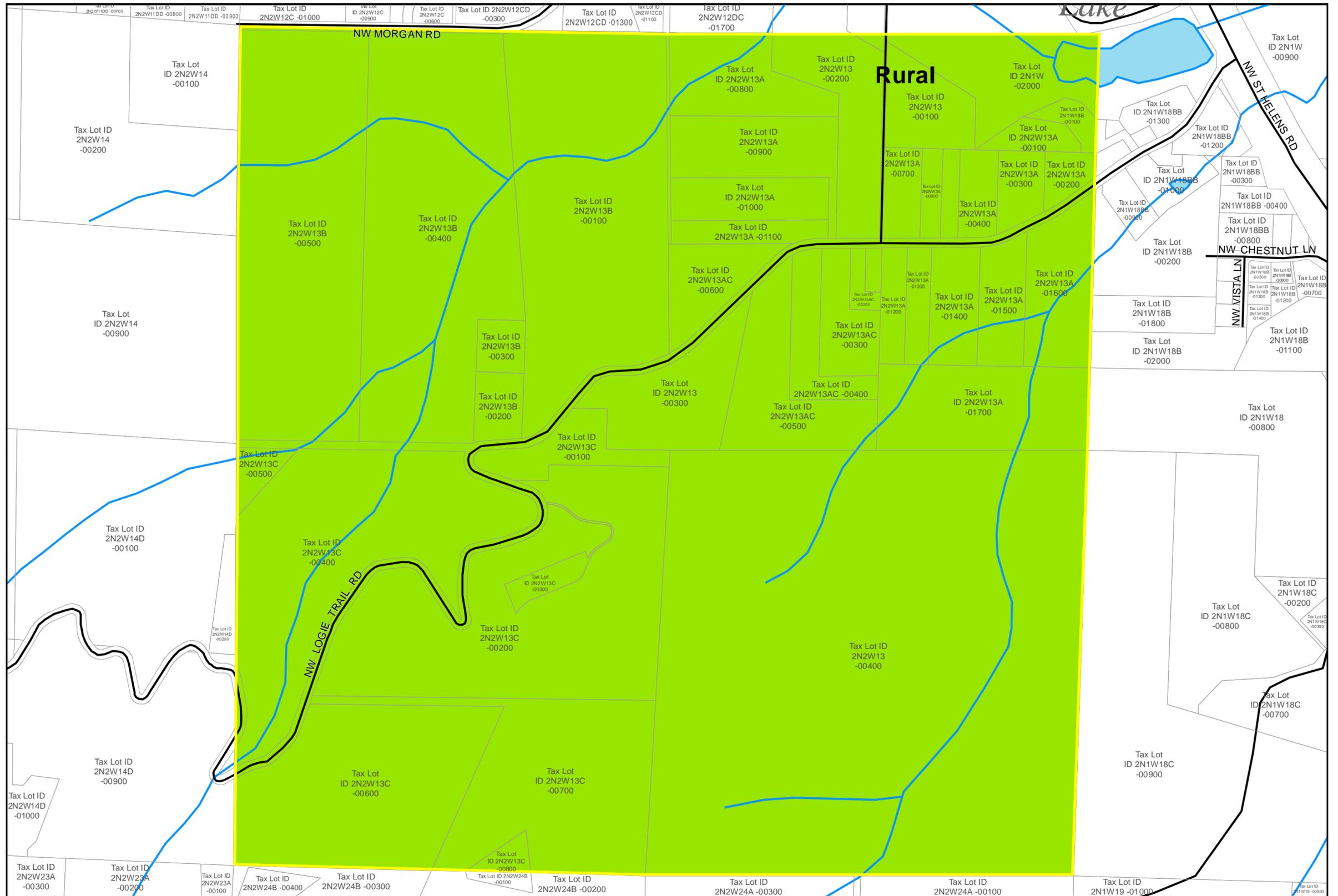


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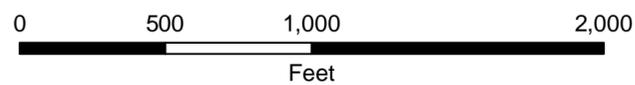
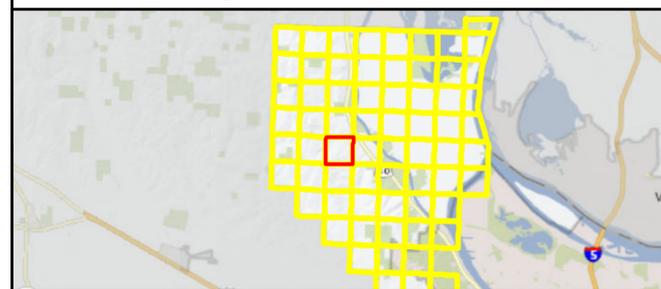
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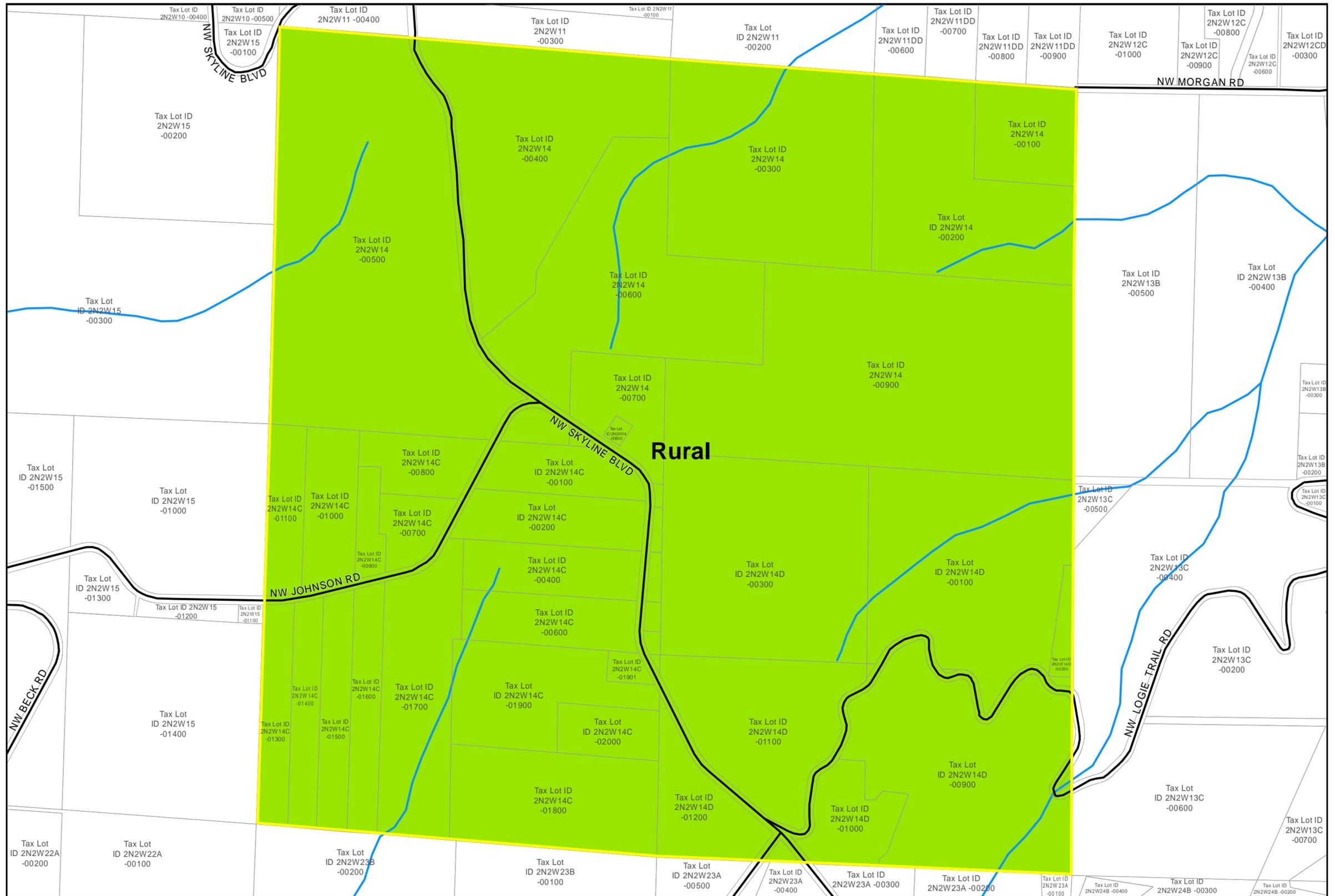
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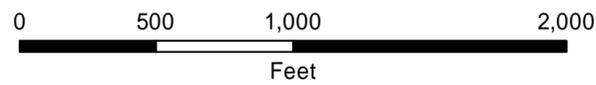
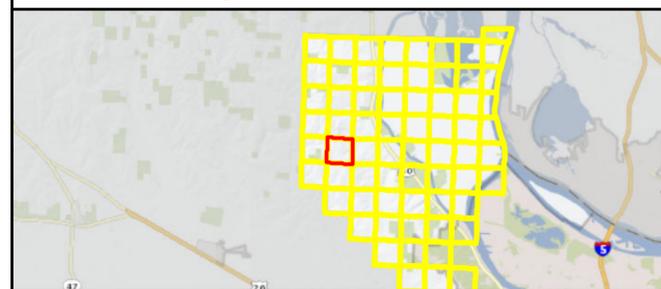


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Legend

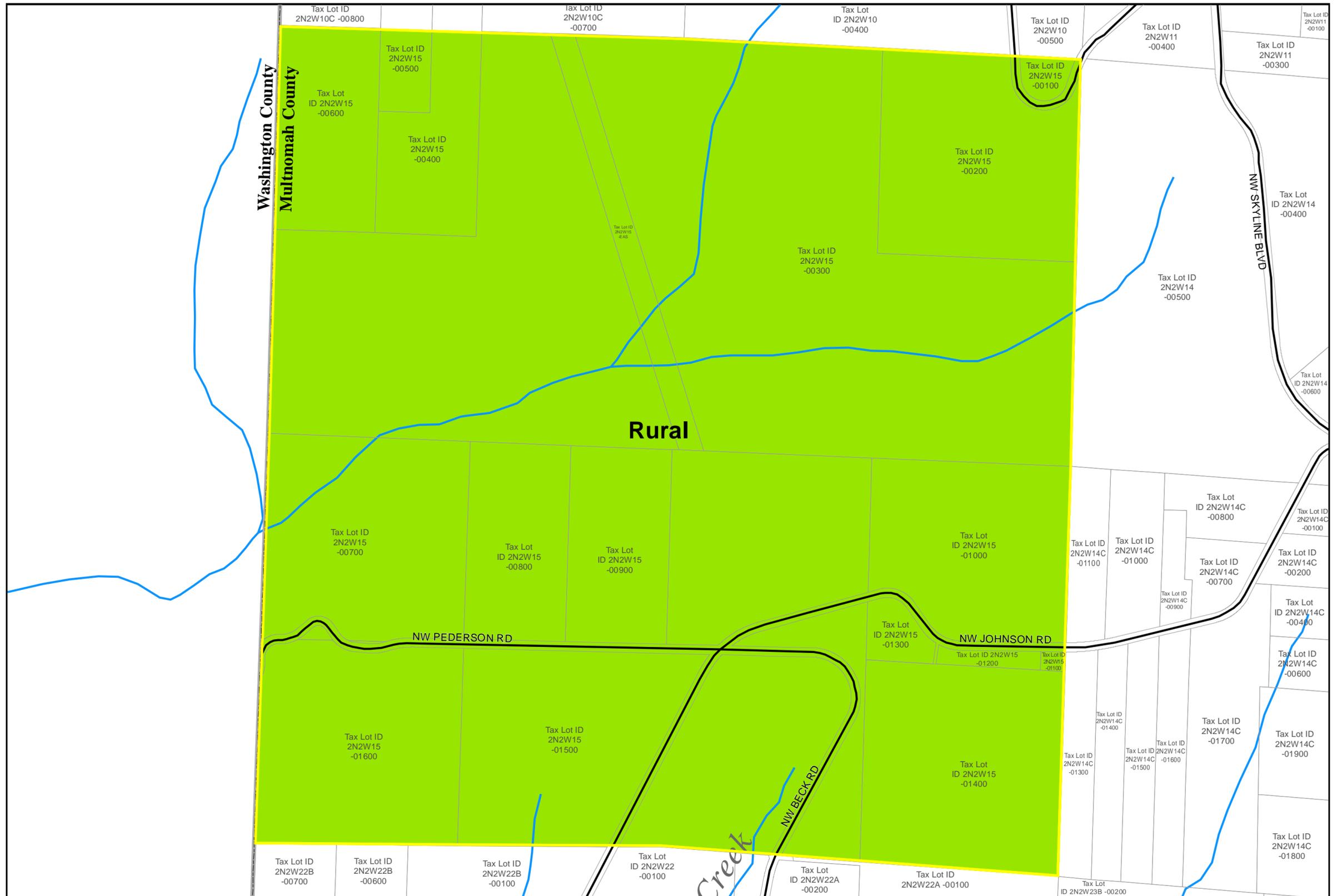
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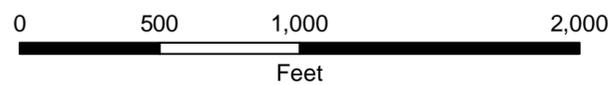
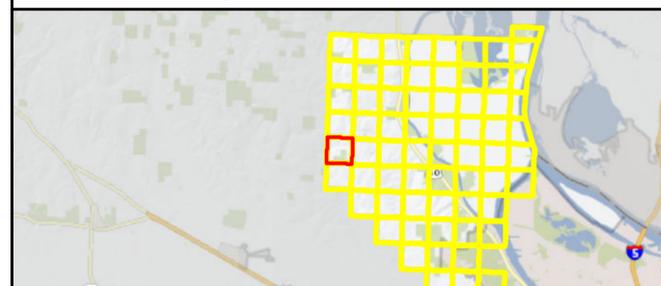
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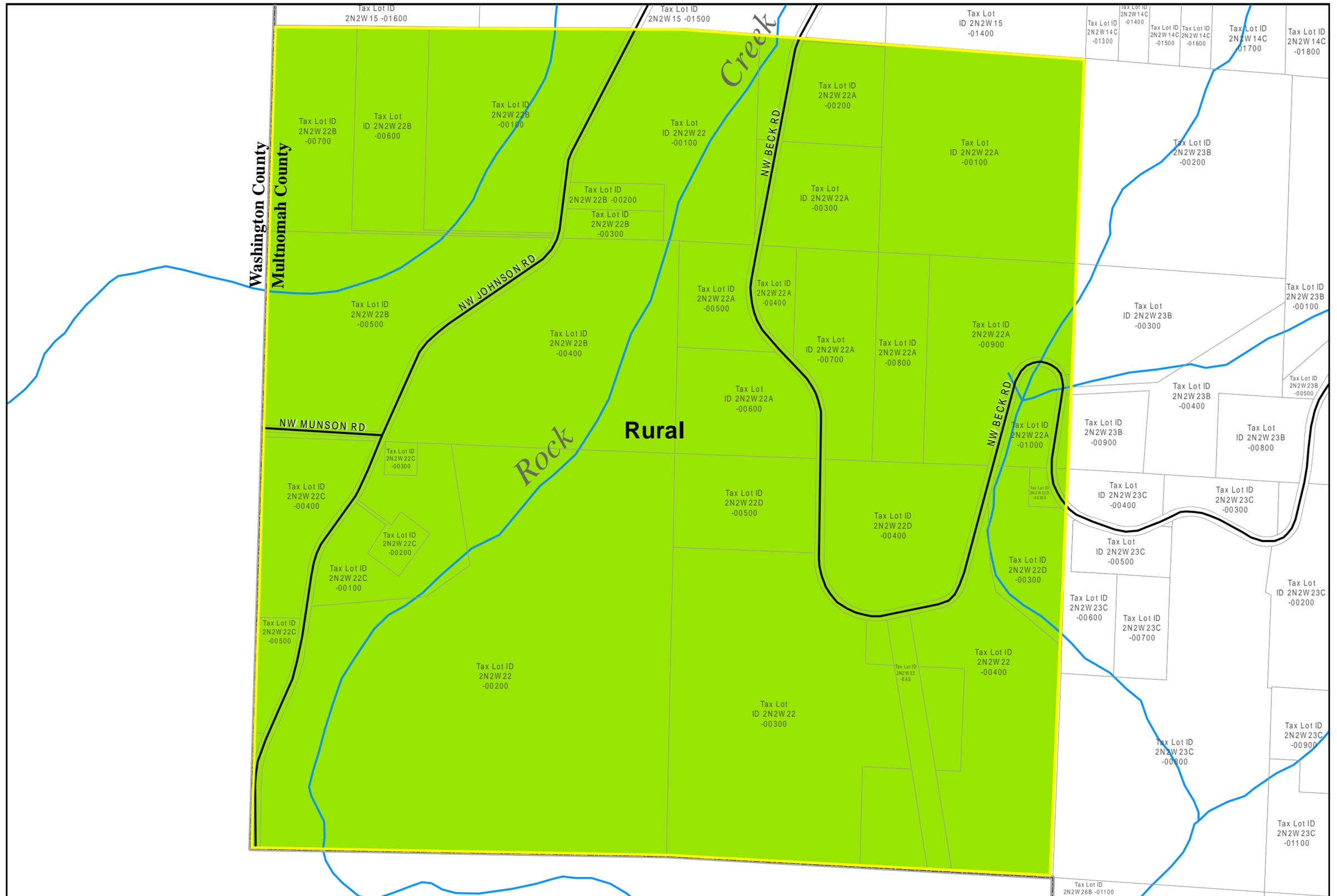


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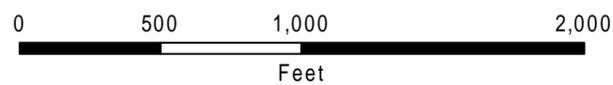
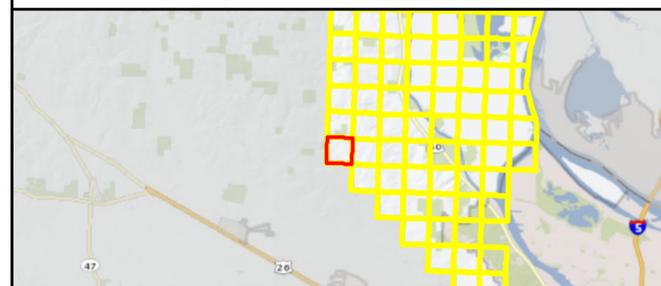
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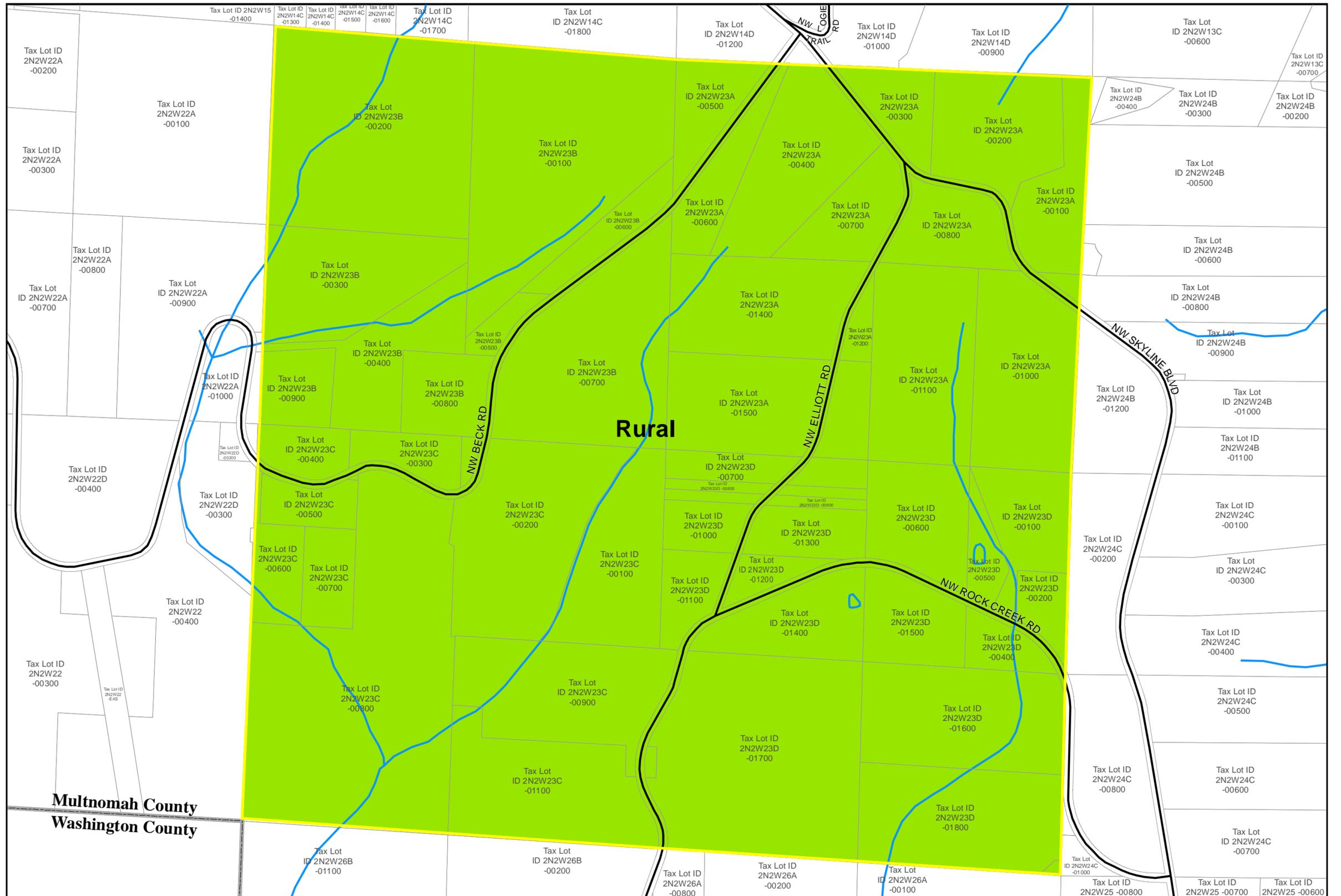


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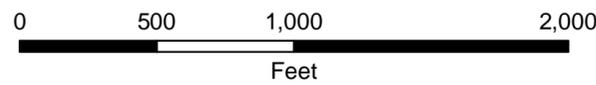
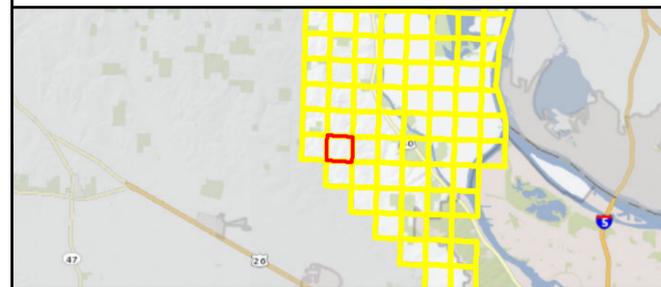
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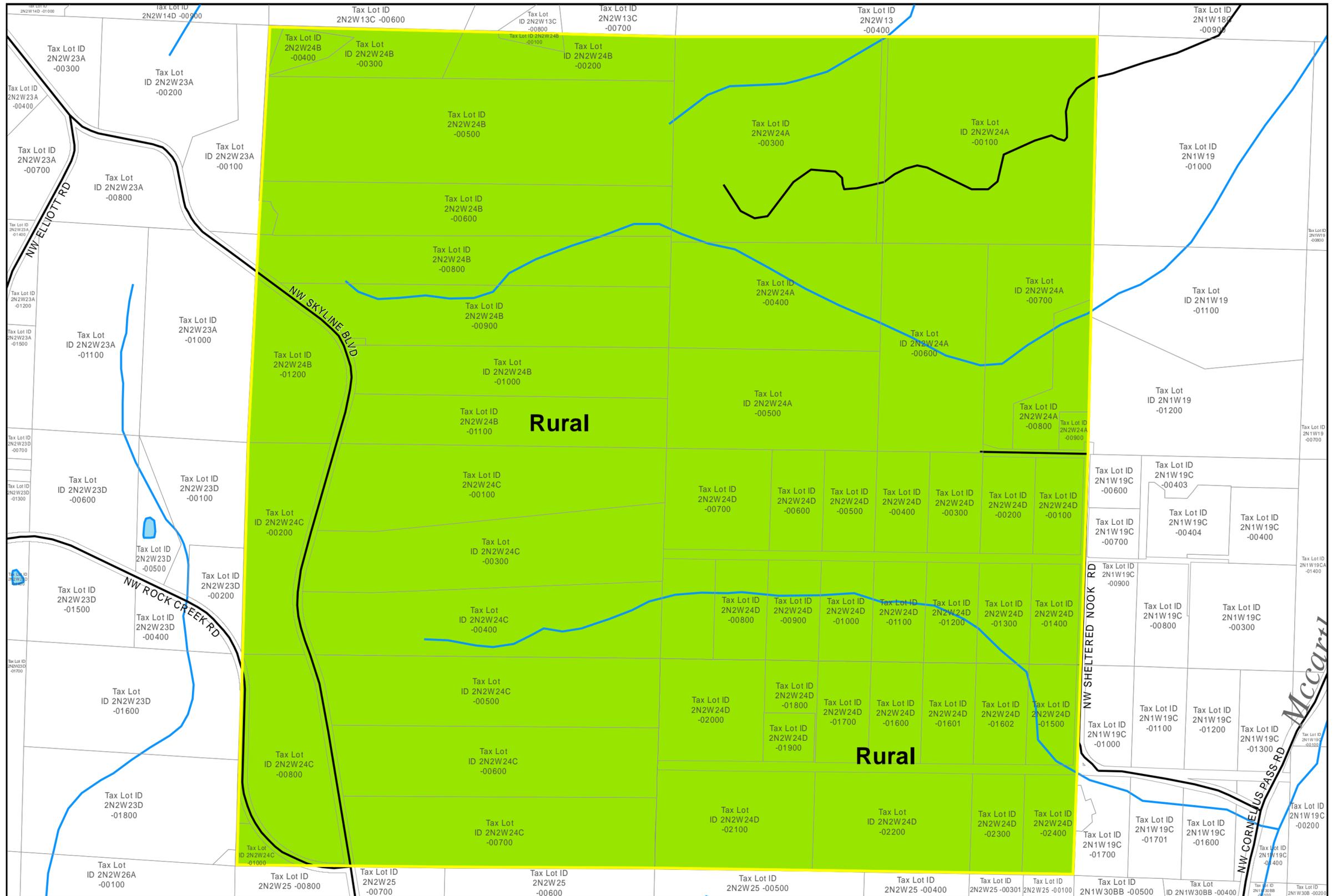


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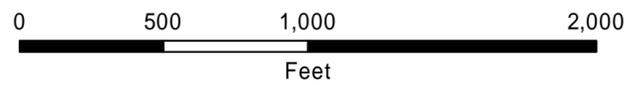
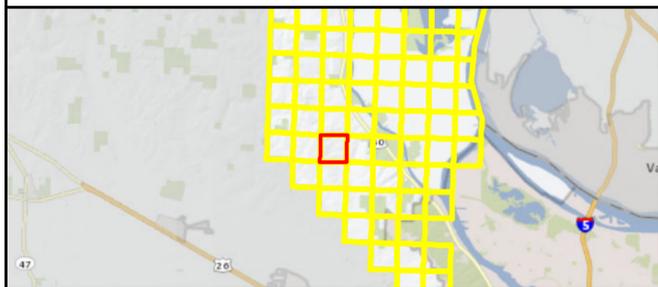
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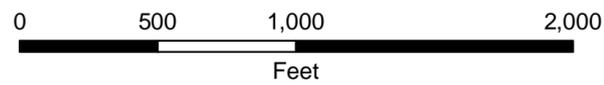
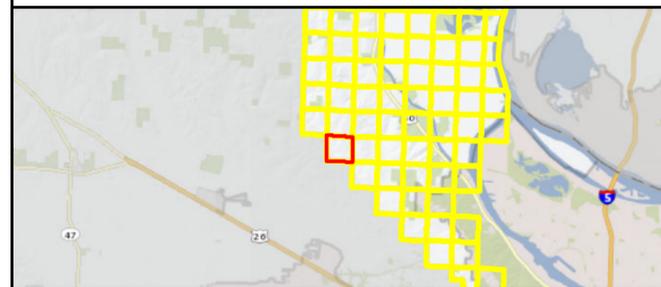
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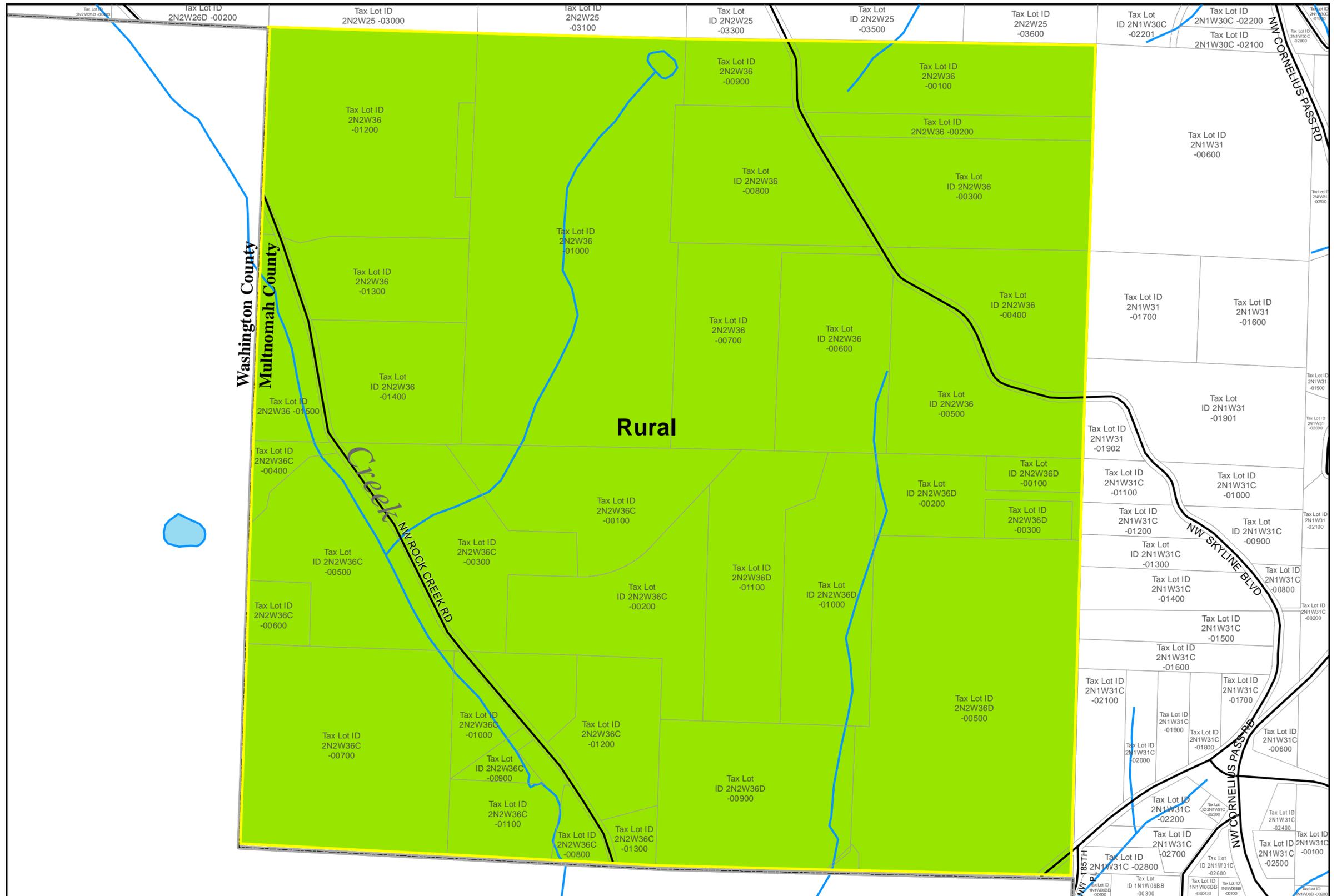


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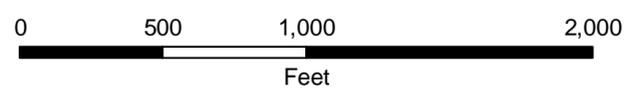
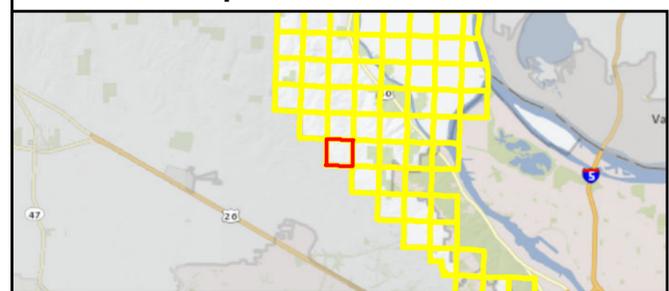
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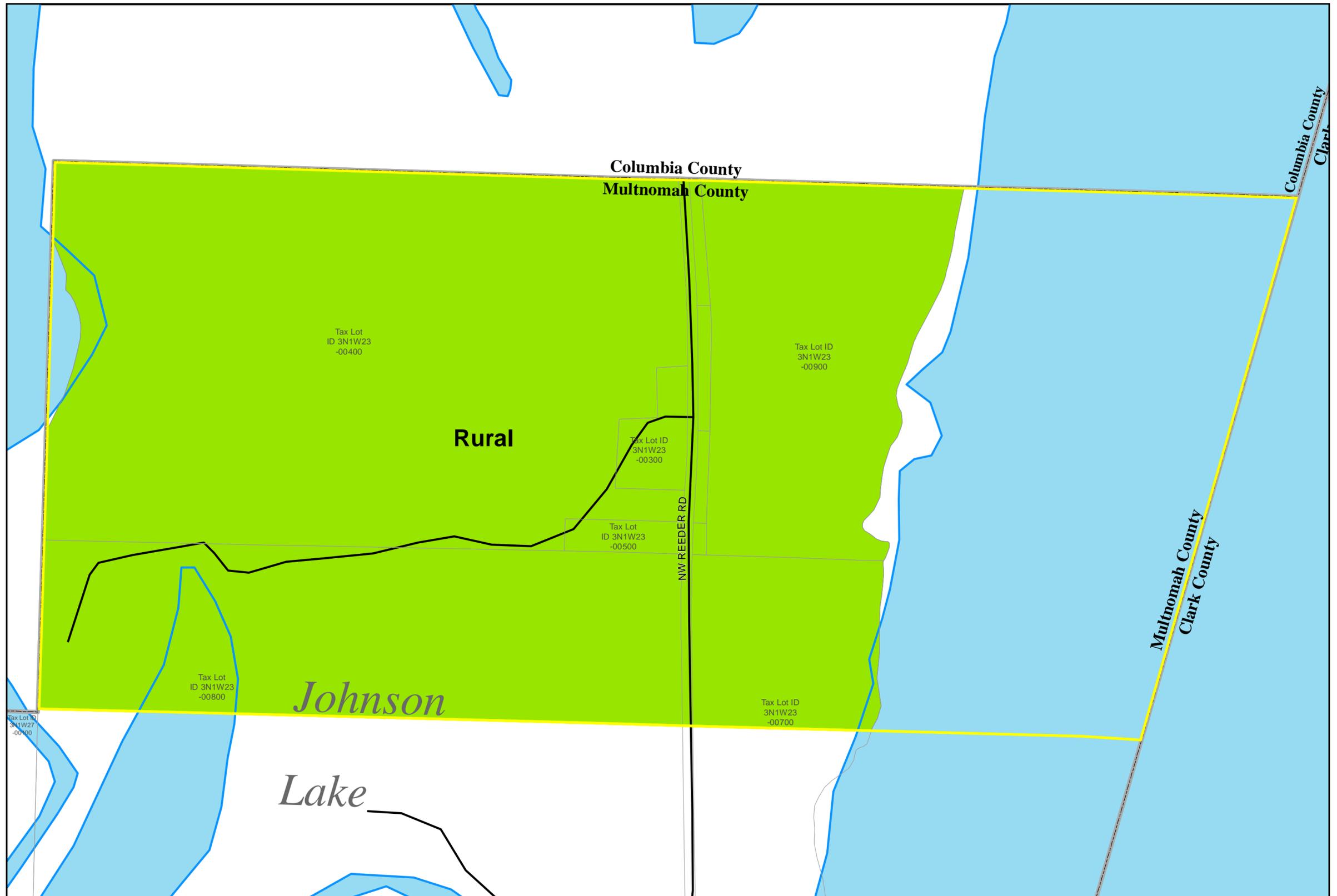


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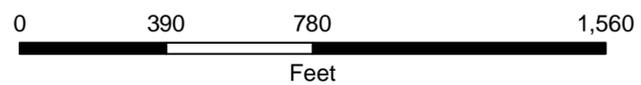
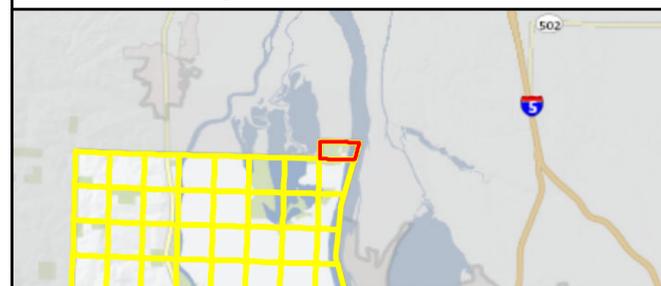
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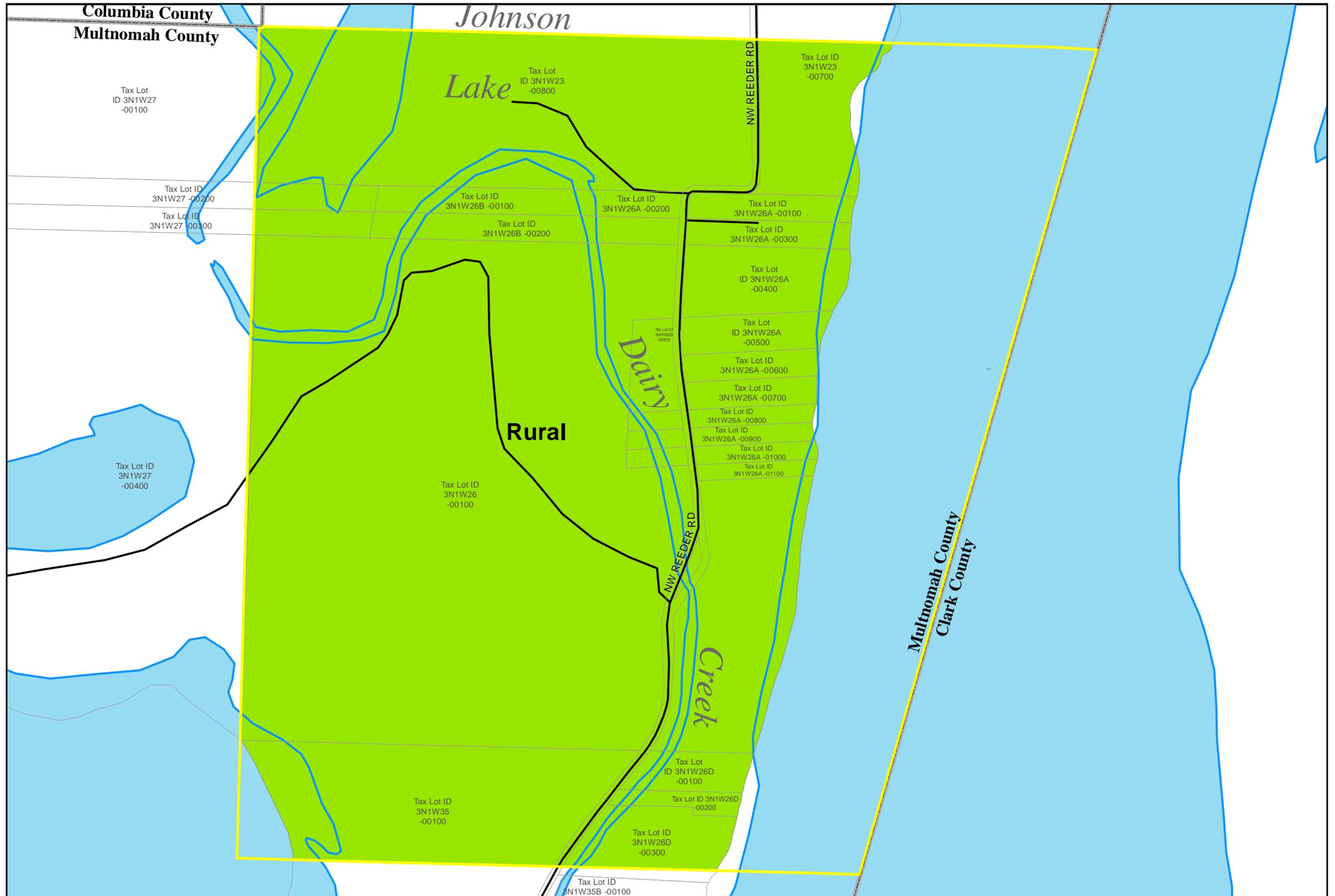


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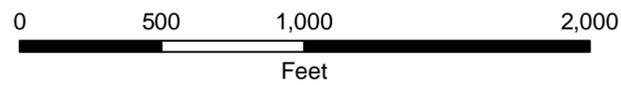
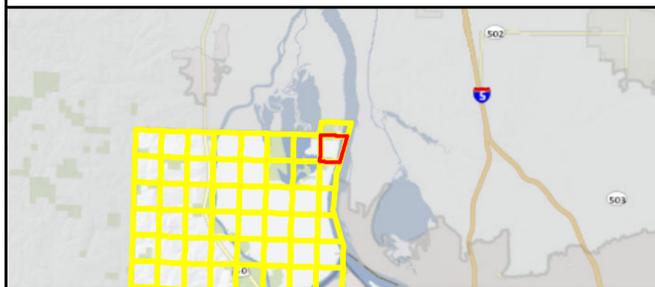
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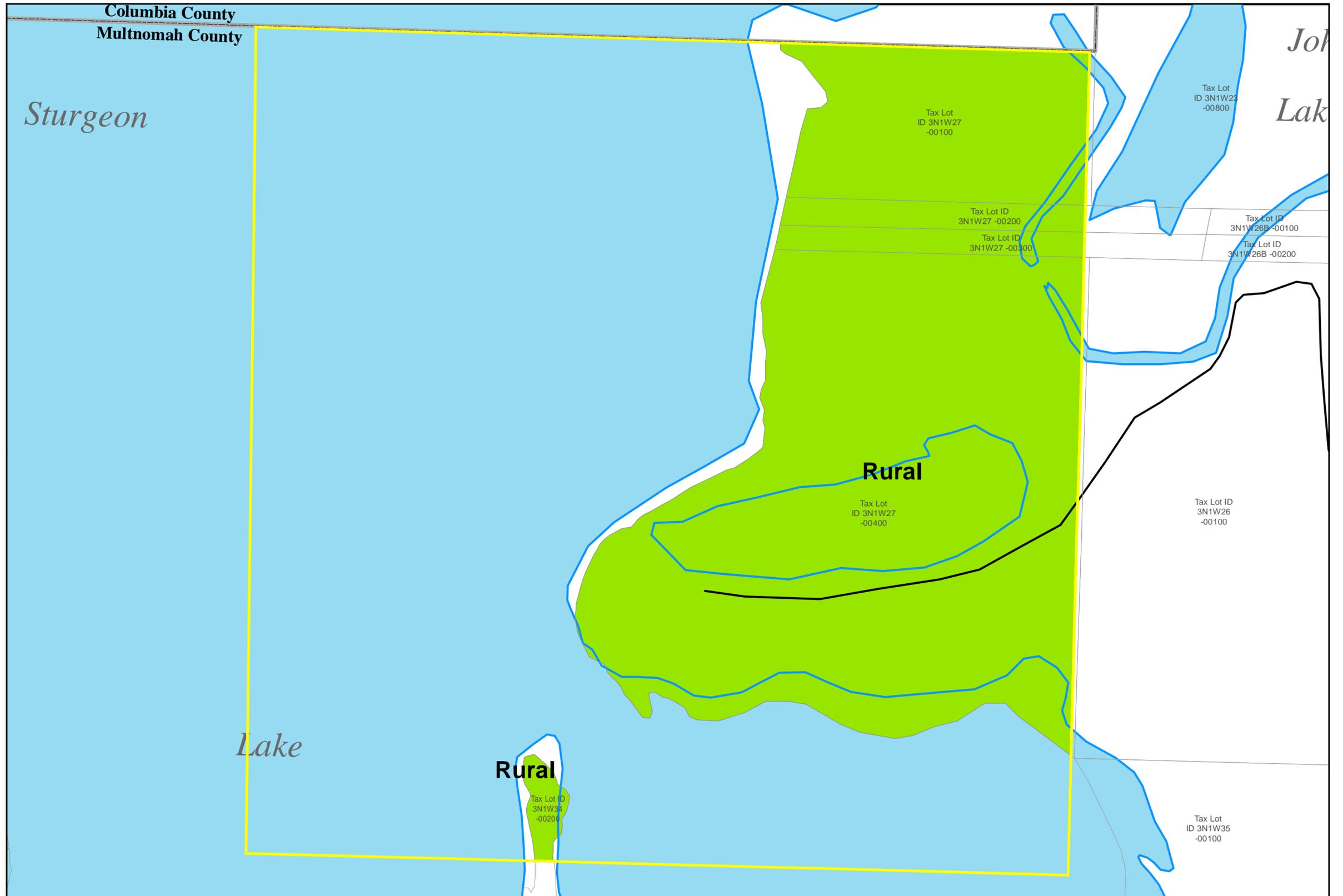


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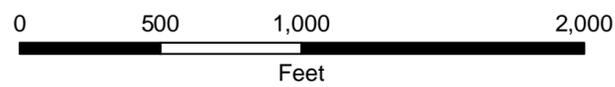
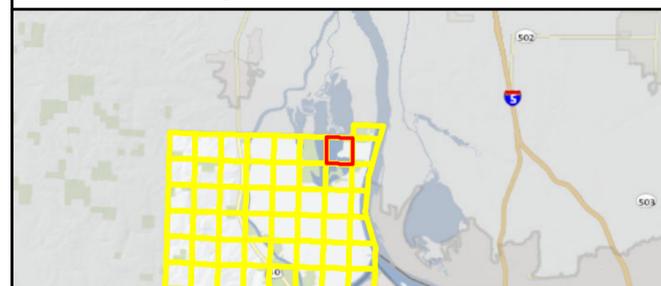
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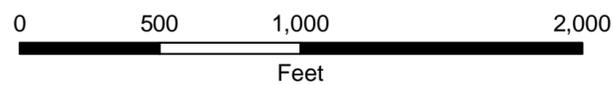
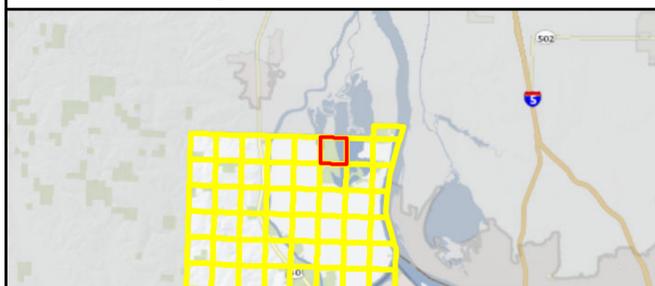
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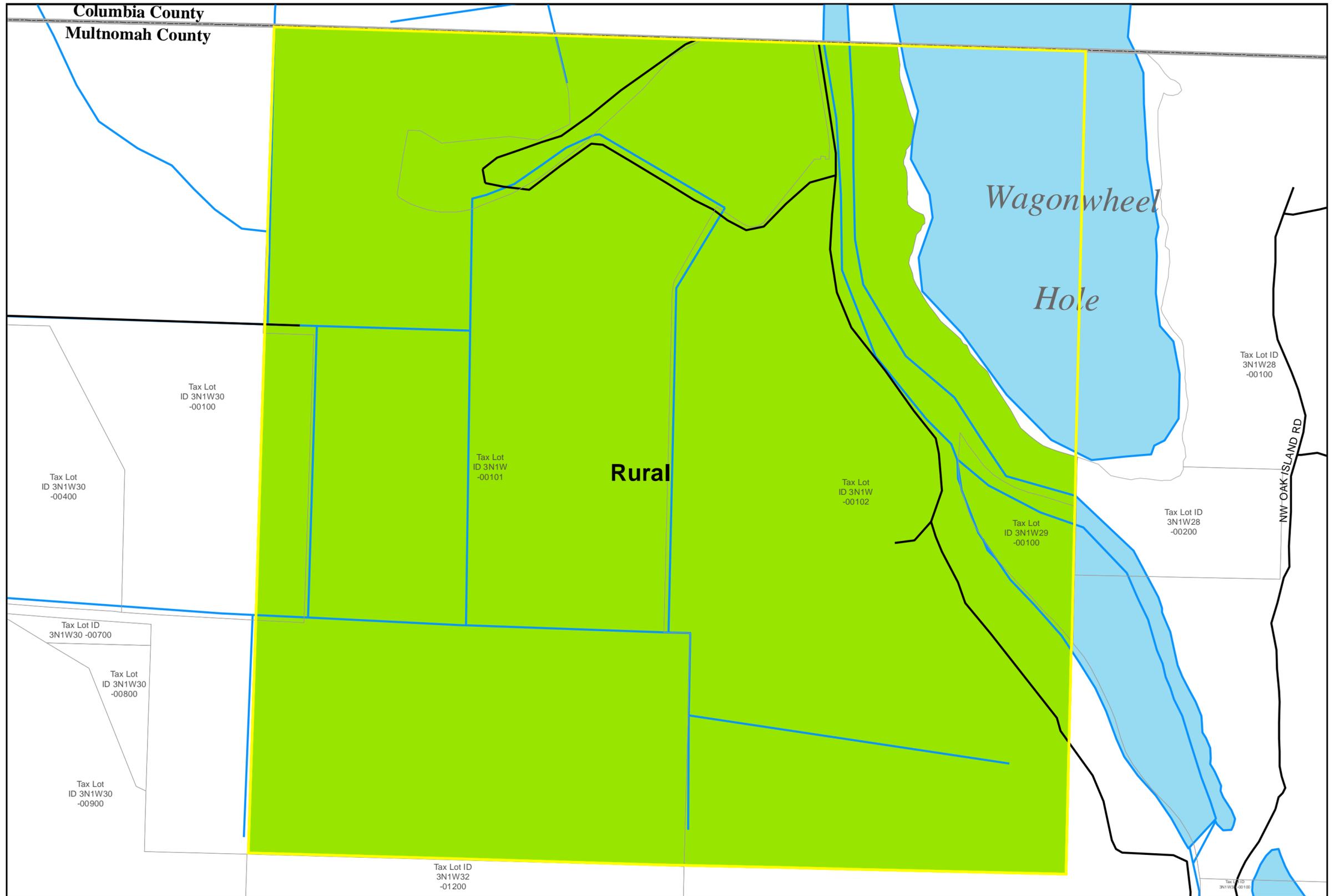
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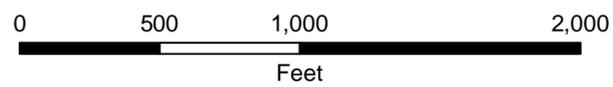
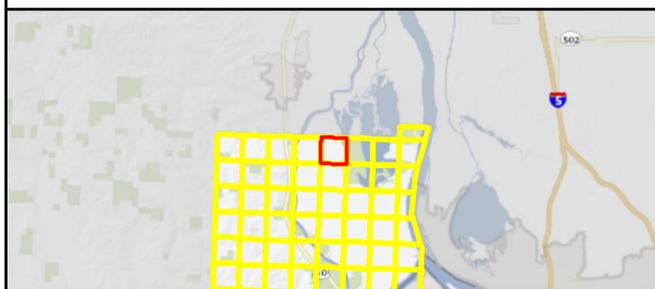
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Location Map

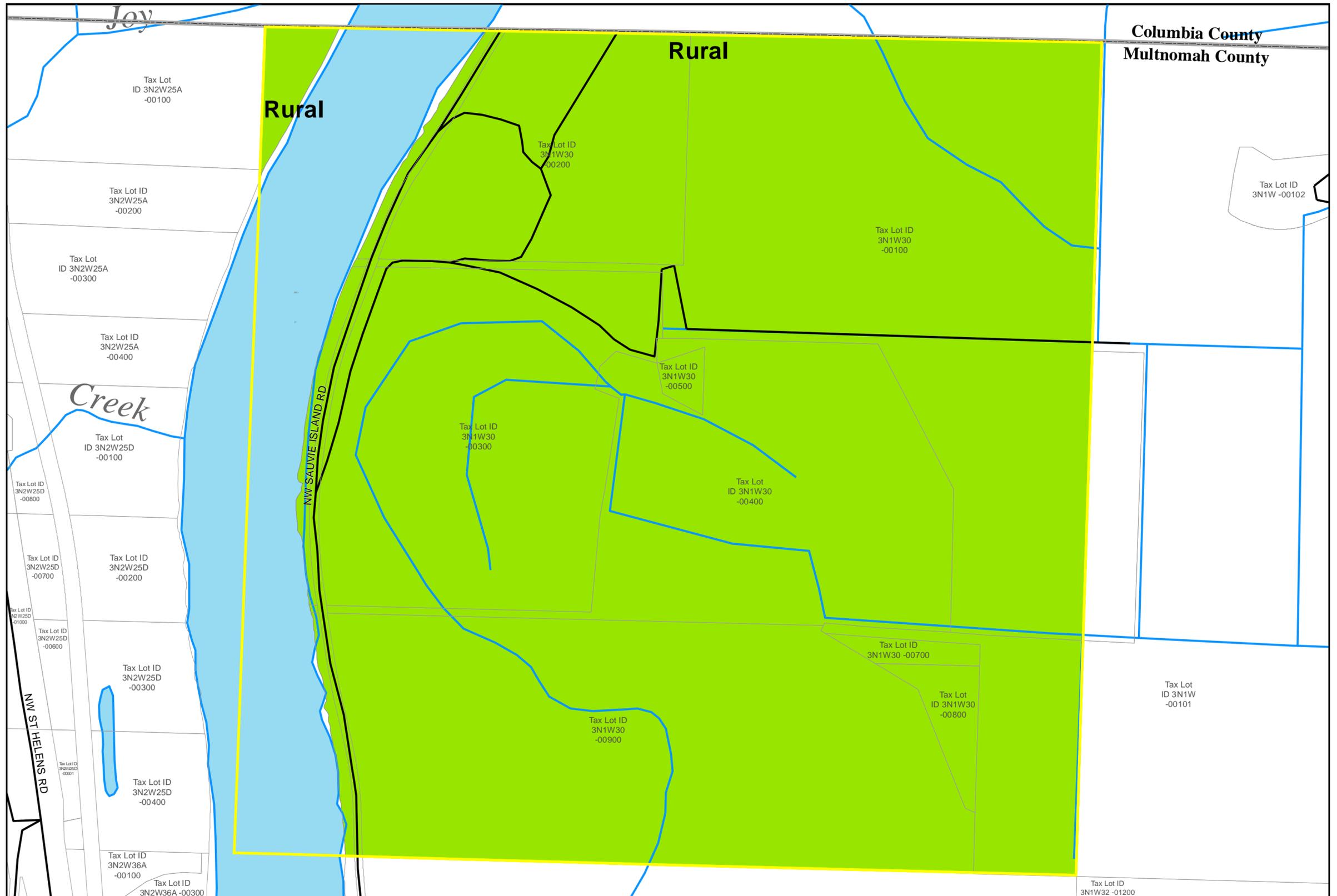


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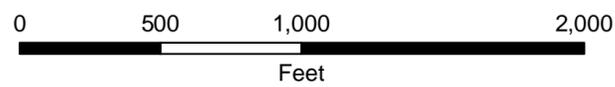
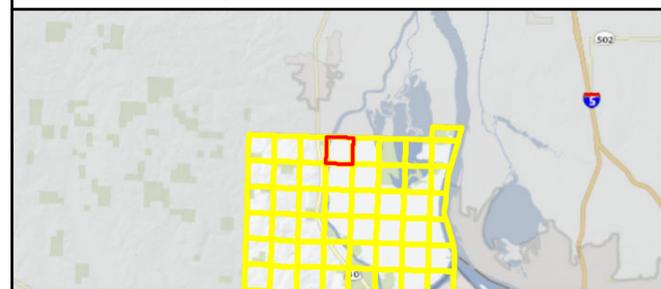
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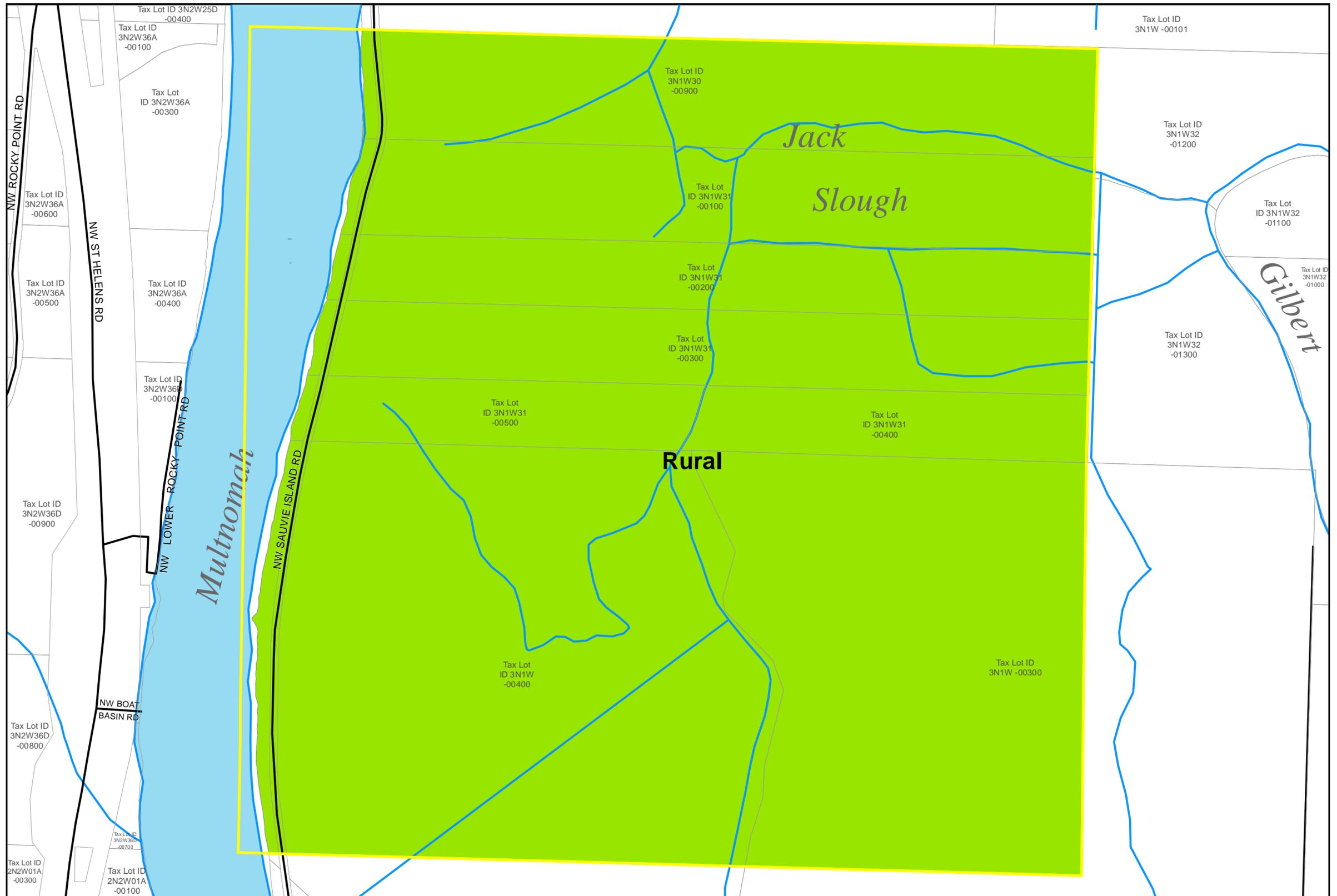


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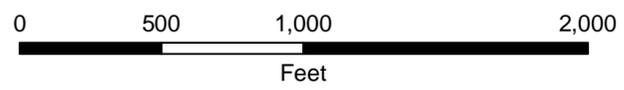
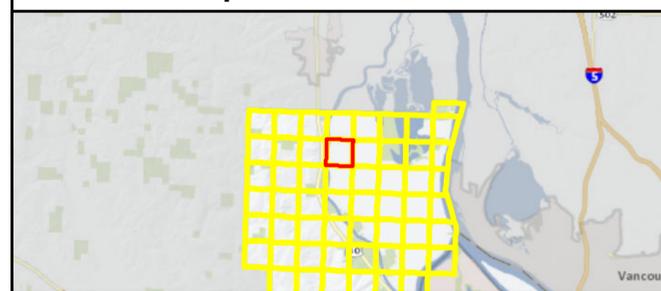
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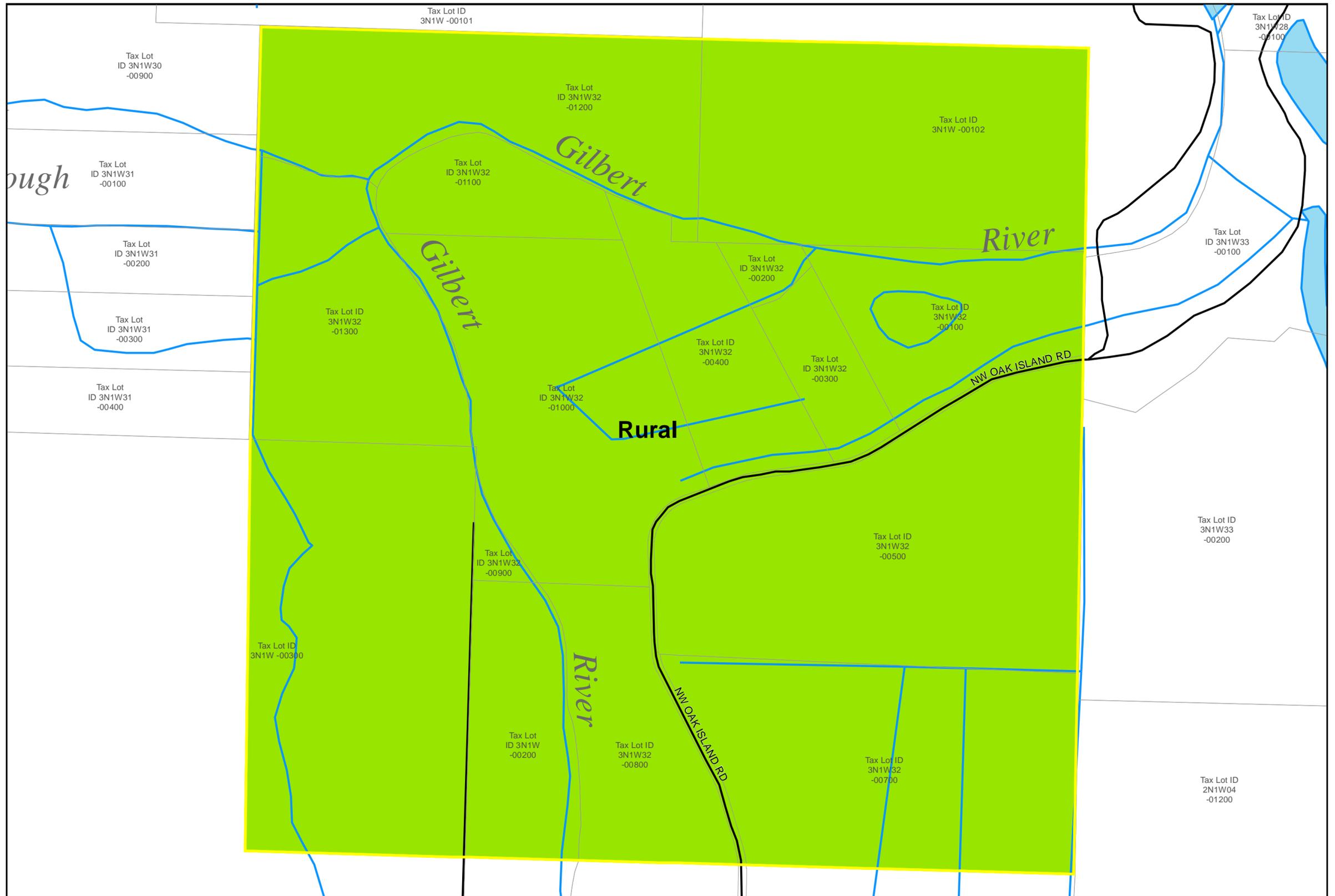


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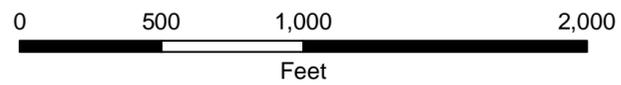
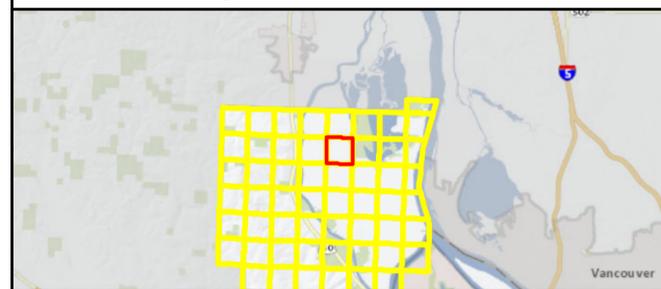
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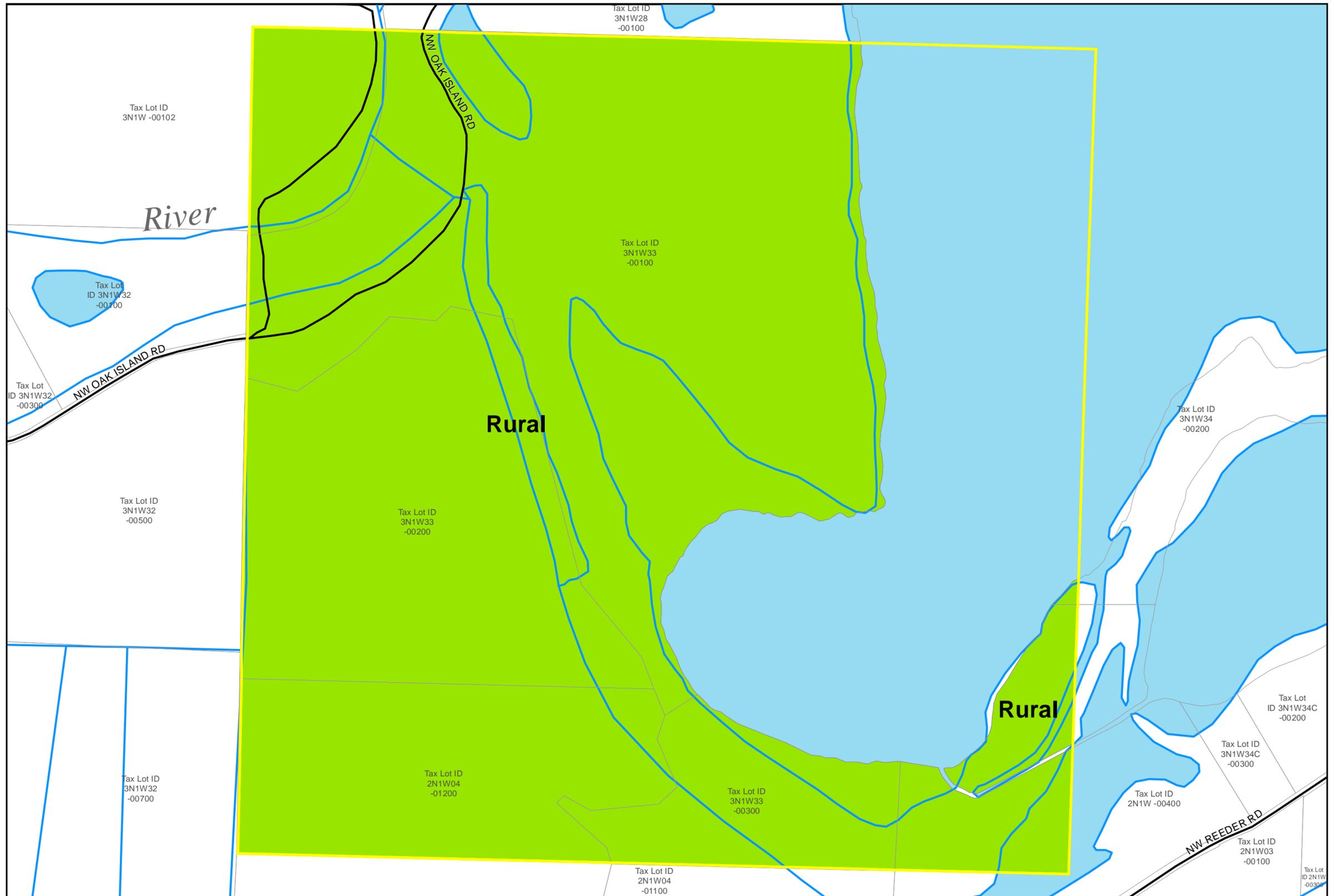


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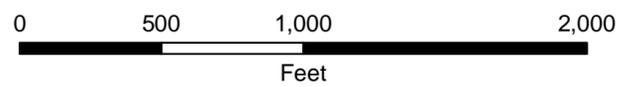
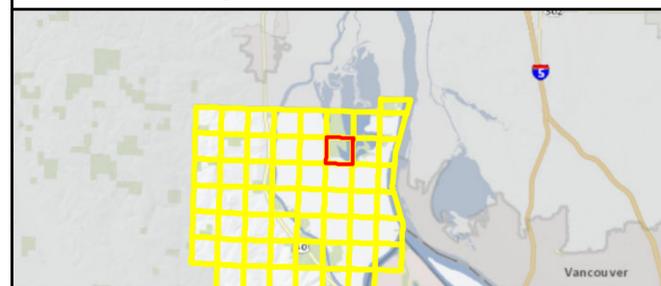
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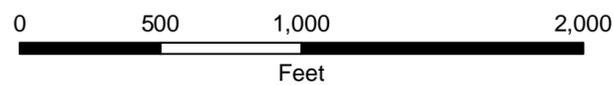
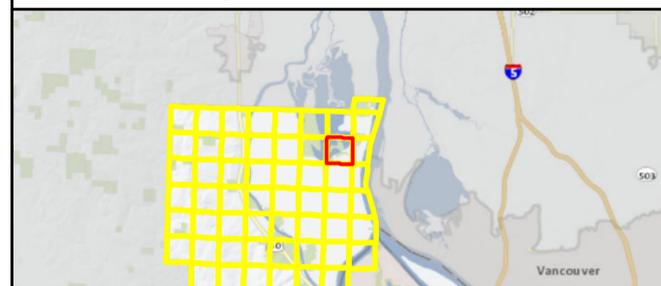
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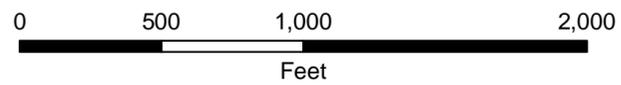
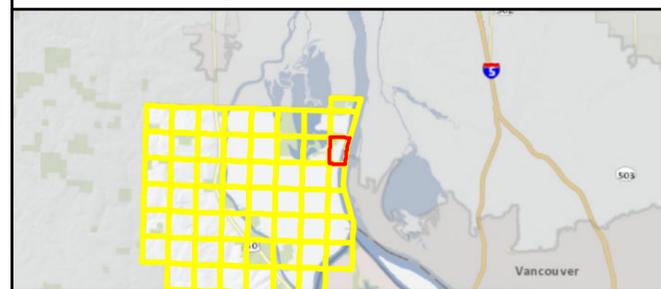
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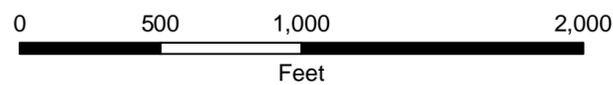
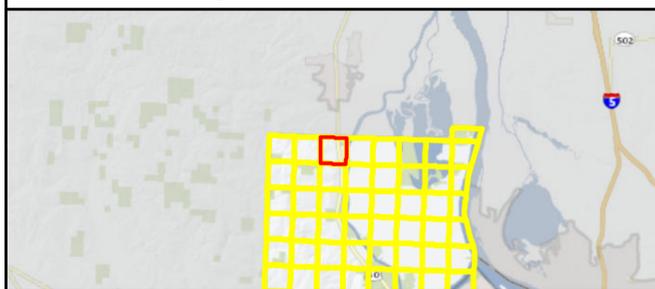
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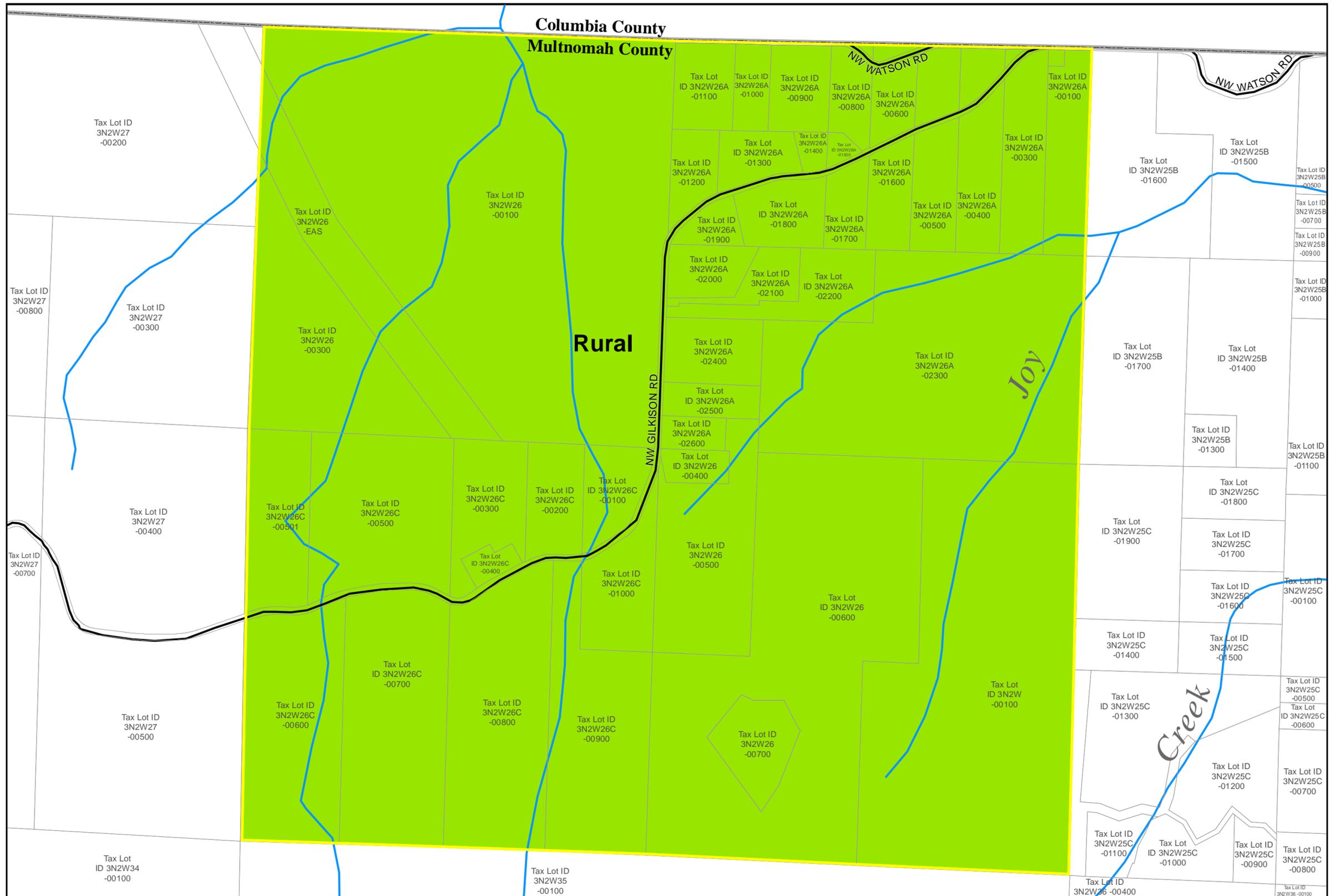
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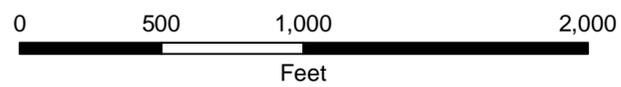
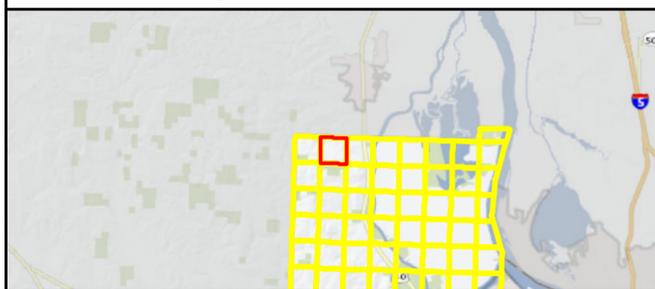
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Location Map



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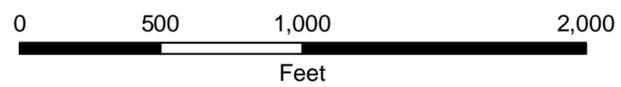
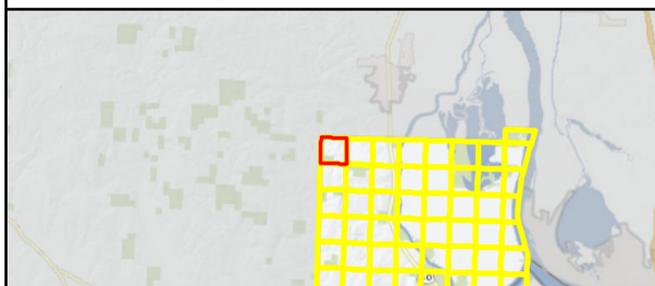
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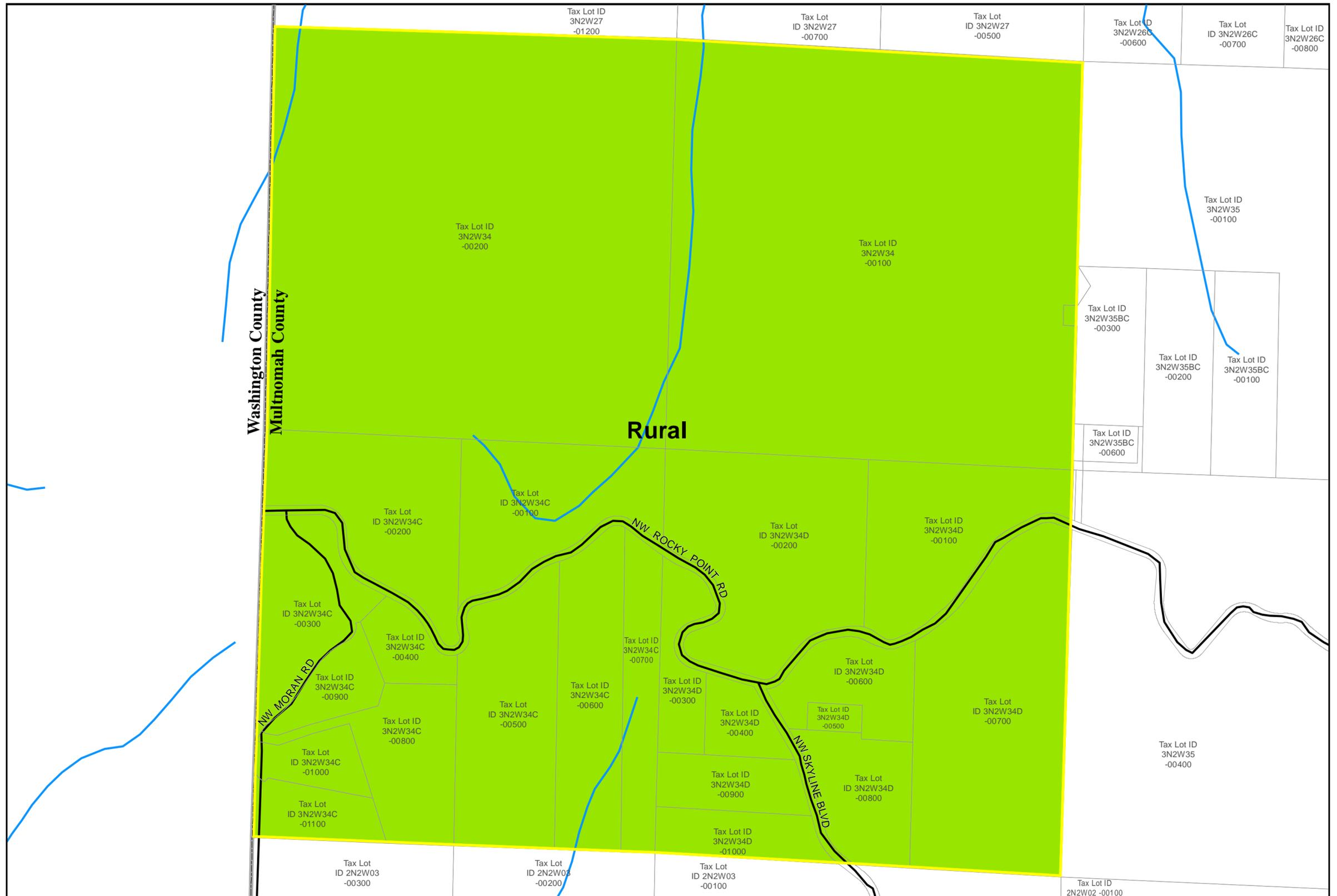


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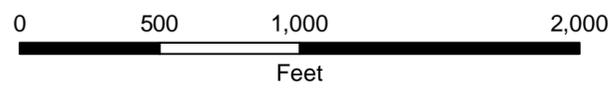
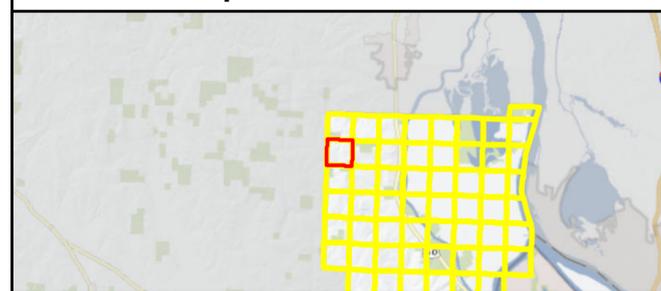
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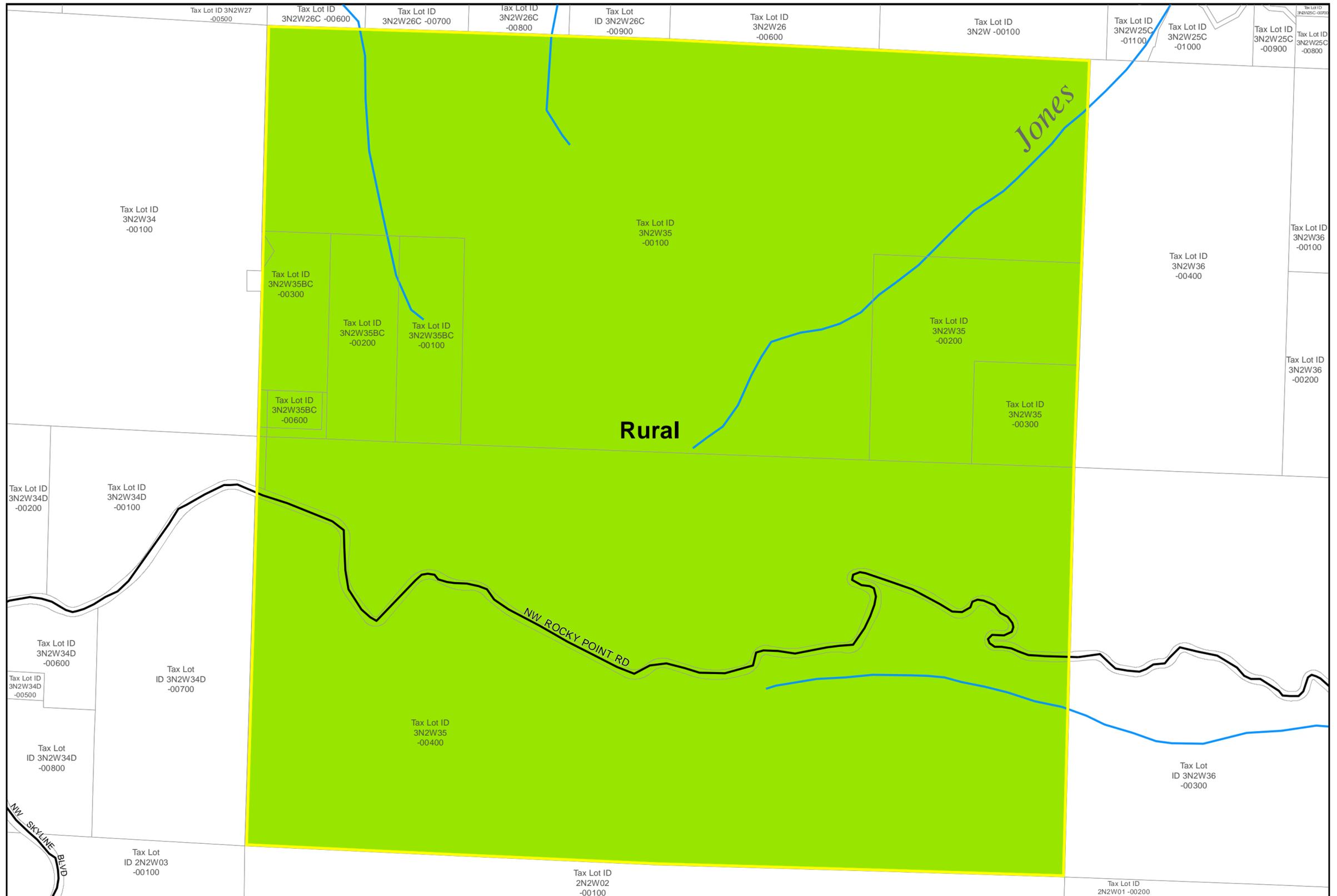
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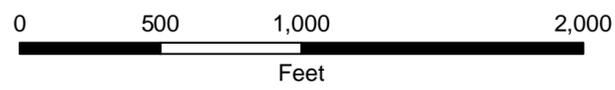
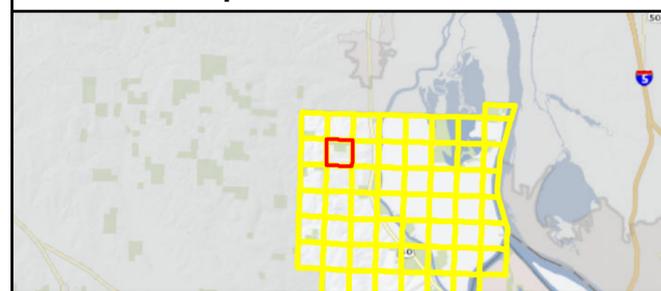
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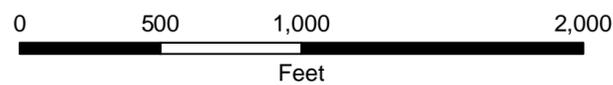
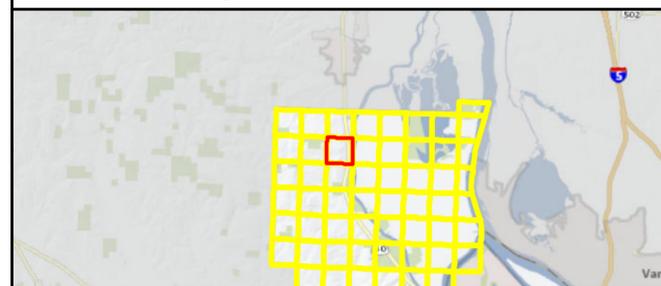
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Reasons for Designating Areas in Multnomah County as Urban Reserves or Rural Reserves:**Supplemental findings of fact, statements of reasons and conclusions, and conclusions of law.**

These supplemental findings of fact, statements of reasons and conclusions, and conclusions of law relating to the designation of Multnomah County Area 9D as Rural Reserve (“Supplemental Findings”) are adopted in response to the remand order in *Barkers Five, LLC et al. v LCDC*, 261 Or App 259, 323 P.3d 368 (2014) and Remand Order 14-ACK-001867, Oregon Land Conservation and Development Commission (LCDC).

Because LCDC remanded this matter for “further action consistent with the principles expressed in [*Barkers Five*],” the remand order in *Barkers Five* serves as the basis for these Supplemental Findings.

In *Barkers Five*, the Oregon Court of Appeals reviewed the designation of urban and rural reserves in Washington, Multnomah and Clackamas Counties. With respect to Multnomah County, the court denied all challenges to the reserve designations, except for a challenge to the designation of Area 9D as rural reserve.

With respect to Area 9D, the court held that the County failed to meaningfully explain why, in light of certain dissimilarities between the northern and southern portions the Area, the County’s consideration of the rural reserve factors yields a rural reserve designation of all land in Area 9D. *Barkers Five*, 261 Or App at 345–347, 364.

In addition, the court held that, on remand, a determination must be made regarding the effect of the foregoing error on the designations of reserves in Multnomah County in its entirety. *Barkers Five*, 261 Or App at 364.

A. Area 9D – Meaningful Explanation**1. The Remand Order**

In relevant part, the court remanded the Rural Reserve designation of Area 9D due to inadequate explanation:

“We conclude that, because the county failed to meaningfully explain why its consideration of the rural reserve factors yields a rural reserve designation of all land in Area 9D, LCDC erred in concluding that the county’s ‘consideration’ of the factors was legally sufficient.”

Barkers Five, LLC v. LCDC, 261 Or App 259, 345 (2014).

The court concluded that the County's explanation was not meaningful because the County had not explained why consideration of the Rural Reserve factors yielded a designation of *all* of the land in Area 9D as Rural Reserve in light of the fact that application of the factors often yielded different results as to the land in the area *north* of Skyline Boulevard and the land in the area *south* of Skyline. *Barkers Five*, 261 Or App at 345.

In addition, the court noted that, in the County's explanation of how Area 9D fared under the factors, only a single sentence pertained to land in the southern portion in Area 9D. *Id.* Similarly, the court noted that the description of "why" Area 9D was designated Rural Reserve consisted of a single paragraph with broad, unqualified declarations appearing to relate to some of the natural landscape features factors in OAR 660-027-0060(3). *Id.* at 345–346.

From the foregoing assessment, the court concluded that the County should have explained its designation of the entire area in light of the differences between the northern and southern portions of Area 9D:

“a meaningful explanation as to why Area 9D, in its entirety, was designated as rural reserve would have acknowledged that application of the factors failed to yield similar results as to all of the land in the area but explained, nonetheless, why the entire area should be designated as rural reserve.”

Barkers Five, 261 Or App at 346.

Importantly, the court made three additional rulings relevant to this issue. First, the required explanation “need not be elaborate;” instead such explanation must acknowledge the dissimilarities and explain why, nonetheless, a Rural Reserve designation is suitable for all of the land in Area 9D. *Id.*

Second, the County *is not* required to justify the inclusion of any particular lot or parcel within a Rural Reserve. *Id.* Instead, the County is obligated to meaningfully explain why its consideration and application of the factors yield a Rural Reserve designation of *all of the land* in a given Rural Reserve, such as Area 9D. *Id.*

Third, where the evidence supports the designation of an area as either Urban Reserve or Rural Reserve, the local government may choose either designation *and need not* demonstrate that it has chosen the designation that “better suits” the area. *Id.* at 309–311.

Thus, in summary, the County's explanation of its Rural Reserve designation of Area 9D was inadequate because it failed to acknowledge the dissimilarities between the northern and southern portions of that Area and explain why, nonetheless, a Rural Reserve designation is suitable for all of the land in Area 9D. Simple acknowledgement and explanation would suffice: the explanation need not be elaborate; does not need to justify the designation of any particular lot or parcel; and does not need to establish that the County has chosen the designation that “better suits” the area.

With these rules in mind, the discussion turns to acknowledgement of the dissimilarities between the northern and southern portions of Area 9D and further explanation of why, nonetheless, consideration of the factors yields a Rural Reserve designation for all of the land in Area 9D.

2. Response: Consideration of the Factors Yields a Rural Reserve Designation for all of the Land in Area 9D

As noted by the Court of Appeals, in considering the required factors, the County adopted and relied upon a report prepared by County staff and the County’s Citizen Advisory Committee (CAC) commissioned for this task. *Barkers Five*, 261 Or App at 345; Rec Att. C, 2894–3031 (Mult. Co. Resolution 09-153 adopting CAC Report); *more specifically* Rec Att. C, 2993–3003 (excerpt from CAC report setting forth the analysis of Area 9D, referred to as Area 6 in the CAC Report; *attached for convenience as Appendix A*).¹

In the CAC report, the CAC and County staff applied each of the Rural Reserve factors to evaluate all of the land in what is now referred to as Area 9D and then ranked how the land in that study area fared under each of the factors. *Barkers Five*, 261 Or App at 345. As noted by the court, the application of the reserve factors to this study area often yielded different results as to the land in the area that is north of Skyline Boulevard and the land that is south of Skyline. *Id.*

Nevertheless, as described in further detail below, the findings in the CAC Report clearly establishes that application of the Rural Reserves factors yields a Rural Reserve designation for both the northern and southern portions of Area 9D and, thereby, all of the land in Area 9D.

a. Acknowledging the Dissimilarities.

Dissimilarities exist between the northern and southern portions of Area 9D. The northern portion is “primarily forested,” has been mapped by the Oregon Department of Agriculture as containing “wildland forest” and “mixed forest,” “consists of a large block of forest land with few non forest [*sic*] uses,” and contains “high-value habitat, access to recreation, and other values that define the area as a landscape feature important to the region.” Rec at 2993, 2995, 2997. Further, this northern portion is subject to little risk of urbanization. *Id.* at 2993, 2995.

In contrast, the southern portion of Area 9D is “primarily farm area,” has been mapped by the Oregon Department of Agriculture as containing “important” farmland, has certain farming limitations but “good integrity” overall, has “few non-farm uses” and edges compatible to farming, and contains the “stream features of Abbey Creek mainstream, north fork, and headwaters areas that are mapped as important regional resources and that separate urban from rural lands.” Rec at 2993, 2995, 2997. Further, this southern portion *is* subject to a risk of urbanization. *Id.* at 2994, 2995.

Both portions “rank high for sense of place” and, like the northern portion, the southern portion encompasses important upland habitat areas, albeit of lesser regional value overall than the habitat present in the northern portion. *Id.* at 2997.

¹ All citations to the record refer to the record of proceedings before LCDC in the 2011 acknowledgment review resulting in LCDC Order 12-ACK-001819 as submitted to the Oregon Court of Appeals (the “LCDC Record”).

b. Despite the dissimilarities, consideration of the factors yields a Rural Reserve designation of all of the land in Area 9D.

Despite the dissimilarities between the northern and southern portions of Area 9D, the record reflects that application of the Rural Reserves factors yields a Rural Reserve designation for *each* portion of the Area and, thereby, *all of the land* in Area 9D.

(i) Farm and Forest Factors.

Except for a few instances noted below, application and consideration of the farm and forest protection factors in OAR 660-027-0060(2) with respect to Area 9D yields the conclusion that this Area ranks “high” for Rural Reserve designation with respect to *both* the northern and southern portions of the Area. Rec at 2993–2995. That is, *both* portions are highly capable of sustaining long-term agriculture or forestry operations due to the availability of large blocks of land and the clustering of farm or forest operations, adjacent land use patterns, and the sufficiency of agricultural or forestry infrastructure (this latter sub-factor ranked as “medium-high” in recognition of some limitation on the movement of farm equipment on rural roads due to traffic). Rec at 2994–2995.

Delving into the details of these “high” rankings: forest use predominates in the northern portion of Area 9D; farm use (hay, pasture, Christmas trees, nursery stock, and orchard) predominates in the southern portion; “[n]o limitations to long-term forestry have been noted for areas north of Skyline Blvd;” and the southern portion “includes few nonfarm uses, limited urban edges, and adequate ‘block’ size to maintain long-term agriculture.” Rec 2994.

In addition: all of Area 9D includes parcels suitable for both small and large scale farm and forest management; a buffer exists between resource and non-resource uses in the northern portion of the Area (except in a few instances); and very substantial buffers are present in the southern portion, including “the Powerline area and Abbey Creek headwaters, the east-west lower Abbey Creek drainage, and Rock Creek running north-south immediately west of the county line.” Rec at 2995.

Where Area 9D did not receive a “high” ranking, it received, with one exception noted below, a “medium” ranking. For instance, with respect to the suitability of the soils and water, the southern portion of Area 9D ranked “medium” for Rural Reserve designation because of its range in soils from Class II to IV and because of some uncertainty on the part of the Oregon Department of Agriculture regarding the abundance of groundwater (the County does not agree: the CAC Report notes the existence of irrigated fields in the area). Rec at 2994. With respect to these same points, the northern portion of the area ranked “high” for soils suitable to forestry and was not ranked for water as water is not understood to be a limitation for forestry. *Id.*

Lastly, whereas the northern portion of Area 9D is not subject to a risk of urbanization, and, therefore, received a “low” ranking for that factor, the southern half ranked “high” for this factor, meaning it ranked “high” for protection through Rural Reserve designation. Rec 2993.

Based on the foregoing analysis, the County concludes that “[Area 9D] is suitable for both farm and forest reserve, as indicated by the ‘important’ farm land and ‘wildland’ and ‘mixed’ forest designations.” Rec at 2995.

Further, in particular respect to the northern portion of Area 9D, a Rural Reserve designation is appropriate because, in summary, “[t]he primarily forested area north of Skyline Blvd. consists of a large block of forest land with few non forest uses, mainly associated with McNamee Rd. This area is not however, potentially subject to urbanization based on urban suitability assessments to date.”

Similarly, in particular respect to the southern portion of Area 9D, a Rural Reserve designation is appropriate because, in summary:

“The primarily farm area south of Skyline, while containing soils and topography that present limitations to intensive cultivation and uncertain groundwater resources, maintains good integrity, has compatible edges, and few non-farm uses. This area is within an area potentially subject to urbanization based on analysis of key urban services. The area south of Skyline Blvd./Cornelius Pass Rd. intersection should be considered as highly suitable for rural reserve to protect farm and forest resources.”

Id.

Thus, in summary, application and consideration of the farm and forest protection factors in OAR 660-027-0060(2) with respect to Area 9D yields a Rural Reserve designation of all of the land in Area 9D (i.e., both the northern and southern portions of that Area).

(ii) Landscape Features Factors.

As with the farm and forest factors above, and except for a few instances noted below, application and consideration of the landscape feature factors in OAR 660-027-0060(3) with respect to Area 9D yields a Rural Reserve designation for *both* the northern and southern portions of the Area and, thereby, *all of the land* in Area 9D. Rec at 2996–2998.

Both portions of Area 9D rank “high” for Rural Reserve as providing a sense of place and easy access to recreational opportunities. Rec at 2997. In particular, “[t]he southwest side of the Tualatin Mtns [*sic*] is a large-scale landscape feature that provides a green connection between Portland and the Coast Range.” *Id.* In addition, the Area contains Metro’s Ancient Forest Preserve as well as bicycling and hiking opportunities. *Id.*

With respect to important fish, plant and wildlife habitat, both portions ranked “high” for Rural Reserve protection, with the exception that the Kaiser Road and East-of-Abbey Creek subareas ranked “medium”—however, although not mapped by the state or other regional entities, these areas are identified locally by both Metro and the County as important habitat areas. Rec at 2996.

Area 9D did receive some “low” rankings. For instance, while some areas in the northern portion of the area rank high for natural hazard risks, “[t]he significant majority of the area rates ‘low’ for relative hazard on the regional composite hazard map.” Rec at 2996.

Similarly, as applied to Area 9D, consideration of the factor concerning separation between cities yields a “low” ranking because this factor applies to the separation between Metro UGB cities and cities outside that area, which is not a concern in this location. Rec at 2997. That said, the County noted that the southern portion of Area 9D is important in providing separation between the City of Portland and urban unincorporated areas to the west. *Id.*

In addition, as applied to Area 9D, consideration of the factor concerning whether the Area serves to buffer conflicts between urban and rural uses, yields a “low” ranking for the northern portion of the Area because such conflicts are not prevalent in that area, but, in contrast, yields a “high” ranking for Rural Reserve protection with respect to the southern portion of Area 9D due to substantial natural and human-made buffers between urban and rural resources in this area. Rec at 2997.

Further, although a Rural Reserve designation is not necessary to protect water quality in the northern portion of Area 9D, the southern portion ranks “medium” for Rural Reserve designation to protect Rock Creek and Abbey Creek, which are situated in a way that renders typical planning tools ineffective in protecting these resources if urban development were to occur here. Rec at 2996–2997.

A similar pattern occurs with respect to the risk of urbanization—the risk is “low” for the northern portion of Area 9D, but “high” for the southern portion.

Notwithstanding this selection of “low” rankings, the record reflects that, upon application and consideration of all of the landscape feature factors, a Rural Reserve designation is appropriate for both the northern and southern portions of Area 9D and, thereby, all of the land in Area 9D for the following reasons:

“Areas north of Skyline Blvd. rank high for sense of place; they contain high-value habitat, access to recreation, and other values that define the area as a landscape feature important to the region. This area is not however, being studied for urban reserve because it ranks low for efficiency to provide key urban services.

“Areas south of Skyline rank high for sense of place; they contain stream features of the Abbey Creek mainstream, north fork, and headwaters areas that are mapped as important regional resources and that separate urban from rural lands. Upland habitat areas also exist, however there are patches in the landscape features mapping indicating lesser regional value. All areas south of Skyline Blvd. continue to be studied for urbanization. On balance, and considering that the broad objective of the Landscape Features factors is to protect areas that define natural boundaries to urbanization and help define the region for its residents, the

entire south-of-Skyline area should be considered as highly suitable for rural reserve.”

Rec at 2997–2998 (emphasis added).

Thus, in summary, application and consideration of the landscape feature factors in OAR 660-027-0060(3) with respect to Area 9D yields a Rural Reserve designation of all of the land in Area 9D (i.e., both the northern and southern portions of that Area).

3. Conclusion

For the foregoing reasons, although application of the factors failed to yield similar results as to the northern and southern portions of Area 9D, the record reflects that application and consideration of both sets of Rural Reserve factors, the farm and forest protection and landscape features factors, yields a Rural Reserve designation for *each* portion of the Area and, thereby, *all of the land* in Area 9D.

B. No Effect on the Designations of Reserves in Multnomah County in its Entirety

As noted above, in addition to identifying the meaningful explanation error with respect to Area 9D discussed above (“Error”), the court held that, on remand, a determination must be made regarding “the effect of that [E]rror on the designations of reserves in Multnomah County in its entirety.” *Barkers Five*, 261 Or App at 364.

The Error had no effect on the designations of reserves in Multnomah County in its entirety. The Error is corrected through adoption of these Supplemental Findings. Adoption of these Supplemental Findings bolsters the County’s prior actions in this matter and fulfills the County’s obligations to consider the factors, but does not alter any prior, ultimate determination or conclusion.

More specifically, correcting the Error through adoption of these Supplemental Findings does not result in any change to any reserve designation in Multnomah County, does not require any change in analysis or analytical approach with respect to application and consideration of the factors and designation of reserves, does not require the consideration of new evidence, and does not impact any other material aspect of the designation of reserves in Multnomah County beyond correcting an error specific and internal to Area 9D.

To explain, if correction of the Error had resulted in a change in the reserve designation of Area 9D (or any other area), then, due to the coordinated manner in which reserves are designated (*e.g.*, ORS 195.143 (the designation of Rural Reserves is coordinated with the designation of Urban Reserves)), it is possible that there could be some cascading effect on the designation of reserves in Multnomah County or the Metro region in their entirety. However, here, because correction of the Error does not result in any change to any reserve designation, there is no effect on the designations of reserves in Multnomah County in its entirety of the nature contemplated in this paragraph.

Similarly, if correction of the Error had prompted a change in analysis or analytical approach with respect to application and consideration of the factors and designation of reserves, then, depending on the nature of that change, the propriety of apply such changed analysis or analytical approach to other areas in Multnomah County is conceivable (albeit quite hypothetical at present). However, here, because no such change in analysis or analytical approach has occurred, there is no effect on the designations of reserves in Multnomah County in its entirety of the nature contemplated in this paragraph.

Likewise, if correction of the Error had required consideration of new evidence and such evidence related in some way to areas beyond Area 9D, then, depending on the nature of such evidence, an effect on other reserve designations is conceivable (albeit, again, quite hypothetical at present).² However, here, because correction of the Error did not require consideration of new evidence there is no effect on the designations of reserves in Multnomah County in its entirety of the nature contemplated in this paragraph.

In conclusion, the Error had no effect on the designations of reserves in Multnomah County in its entirety because, as it turns out, the Error is capable of correction in a manner that is wholly specific and internal to Area 9D. Consequently, there is no effect on any other material aspect of the designation of reserves in Multnomah County—the Error was a failure to explain circumstances specific to Area 9D; that explanation is now provided in full without any reference to or reliance upon any other aspect of the designations of reserves in Multnomah County beyond the specific circumstances of Area 9D.

² Of note, none of the contingencies contemplated here (change in designation, change in analysis or analytical approach, and consideration of new evidence) would, if they occurred, *necessarily* have an effect on the designations of reserves in Multnomah County in their entirety. Instead, these specific contingencies, as well as any other change to a material aspect of the designation of reserves in Multnomah County, merely *could* conceivably, under certain circumstances, have an effect on other reserve designations. The converse is true as well—even if one or more of these contingencies occurred, there still might not be any effect on the designations of reserves in Multnomah County in their entirety.

Area 6: West Hills South

Rural Recommendations

- **CAC:** Designate rural reserve
- **Staff:** Designate the area south of Cornelius Pass Rd./Skyline Blvd. intersection rural reserve to protect farm, forest, and landscape features.

Urban Recommendations

Area 6a

- **CAC:** Not a candidate for urban reserve
- **Staff:** No designation

Area 6b

- **CAC:** Do not designate urban reserve
- **Staff:** No designation

Rural Reserve Analysis

This part of the study area lies south of Cornelius Pass Road, west of highway 30 and the City of Portland and Forest Park. It extends to the Washington/Multnomah county line on the west near the Plainview area, and continues south to the N. Bethany plan area and Abbey Creek. It is divided from Area 7 to the south by a power line corridor. The area abuts the City of Portland for a significant distance along its east edge.

Rural resource land mapping for this area includes “important” farmland in the ODA study Bethany/West Multnomah sub-region, “wildland forest” abutting and north of Forest Park with “mixed forest” south, and parts of Landscape Features units #20 Rock Creek Headwaters and #21 Forest Park Connections.

CAC Assessment: High suitability West of McNamee; Low suitability east of McNamee

Staff Assessment: High suitability of the area south of Skyline Blvd. for rural reserve to protect farm and forest resources and to protect landscape features.

Farm and Forest Factors Evaluation

Rural Reserve Factors - Farm/Forest -0060(2)	Factor Ranking	Discussion/Rationale
2. Land intended to provide long-term protection to the agricultural or forest industry, or both.		
2a. Is situated in an area that is otherwise subject to urbanization due to proximity to a UGB.	LOW HIGH –for areas south of Skyline <i>CAC: Low – east of</i>	Low for areas north of Skyline where it runs east/west from Cornelius Pass Rd. to the City of Portland. This area is ranked low for key urban services due to topography, and there is a significant block of publicly owned land north of Forest Park.

Area 6: West Hills South

		<i>McNamee High – west of McNamee</i>	<p>Low for areas east of Abbey Creek north fork and upper Germantown Rd. – ranked low for key urban services due to topography.</p> <p>High for areas south of Skyline and west of the City of Portland and mid-slope line that crosses Germantown Rd., the Powerline, and Springville Rd. This area remains under consideration for urban reserve.</p> <p><i>CAC: There is urbanization possibility west of McNamee. Part of this area also remains under consideration for urban reserve.</i></p>
2b.	Is capable of sustaining long-term agriculture or forestry	HIGH	<p>Farm/forest resource use of this area generally changes along the east-west segment of Skyline Blvd with primarily forest use north, and farm use with patches of mixed forest use in steeper stream associated topography south.</p> <p>Primary crops grown south of Skyline include hay and pasture, other crops grown include Christmas trees, nursery stock, orchard, berries, wine grapes. Small horse operations are common. This area includes few nonfarm uses, limited urban edges, and adequate “block” size to maintain long-term agriculture.</p> <p>No limitations to long-term forestry have been noted for areas north of Skyline Blvd. Other than a short band of rural residential uses at the north edge of the area along McNamee Rd., areas in private ownership are managed for forest resources or both farm and forest.</p>
2c.	Has suitable soils and water	<p><u>Soils</u> MEDIUM – farm HIGH – forest</p> <p><u>Water</u> MEDIUM - farm</p>	<p>Soils in areas south of Skyline are a mix of Class II, III, and IV, suitable for farm use. Soils above Skyline are suited to forestry.</p> <p>Water is primarily groundwater, and while no specific limitations are noted, the ODA study indicates uncertainty re: the abundance of groundwater to support agriculture, although irrigated farm fields exist in the area.</p> <p>Water is not understood to be a limitation for forestry.</p>
2d.	Is suitable to sustain long-term agricultural or forestry operations, taking into account:		
2d. (A)	Contains a large block of farm or forest land and cluster of farm operations or woodlots	HIGH	<p>Lands south of Skyline make up a large block of farmland with scattered small forest pockets along the east edge and UGB. This area has few rural residential clusters.</p>

Area 6: West Hills South

			North of Skyline consists of extensive forest land blocking with rural residential uses scattered along McNamee Rd.
2d. (B)	The adjacent land use pattern, including non-farm/forest uses and buffers between resource and non-resource uses.	HIGH	This area contains few non-farm/forest uses adjacent to managed areas. Zoning limits new dwellings to a greater extent than state laws allow. Land divisions are infrequent. In forested areas north of Skyline Blvd., the hilly topography results in localized situations where there is no buffering between older existing dwellings, and forest land in some areas. South of Skyline, noted buffers or edges include the Powerline area and Abbey Creek headwaters, the east-west lower Abbey Creek drainage, and Rock Creek running north-south immediately west of the county line.
2d. (C)	The land use pattern including parcelization, tenure and ownership	HIGH	This area includes parcels suitable for both small and large scale farm and forest management.
2d. (D)	Sufficiency of agricultural or forestry infrastructure	MEDIUM/HIGH	No limitations to farm or forest infrastructure are noted, except for problems moving farm equipment on rural roads due to traffic, including cut-through urban traffic. The roads are arranged such that Germantown and Cornelius Pass Rd. carry traffic east-west and north-south along the edges of this area.

Rural Reserves Factor -0060(4) Foundation or Important agricultural land within 3 miles of a UGB qualifies for designation as rural reserve.			
	Foundation	No	
	Important	Yes	
	Within 3 miles of a UGB	Yes	All areas are within 3 miles of Portland UGB

Staff Summary and Conclusion – Suitability for rural reserve to protect farm and forest resources:

This area is suitable for both farm and forest reserve, as indicated by the “important” farm land and “wildland” and “mixed” forest designations. The primarily forested area north of Skyline Blvd. consists of a large block of forest land with few non forest uses, mainly associated with McNamee Rd. This area is not however, potentially subject to urbanization based on urban suitability assessments to date. The primarily farm area south of Skyline, while containing soils and topography that present limitations to intensive cultivation and uncertain groundwater resources, maintains good integrity, has compatible edges, and few non-farm uses. This area is within an area potentially subject to urbanization based on analysis of key urban services. The area south of Skyline Blvd./Cornelius Pass Rd. intersection should be considered as highly suitable for rural reserve to protect farm and forest resources.

An alternative for this area is to designate all areas within 3 miles of the UGB as rural reserve under the safe harbor provision.

Landscape Features Factors Evaluation

Rural Reserve Factors - Landscape Features -0060(3)	Factor Ranking	Discussion/Rationale
3. For land intended to protect important natural landscape features, consider areas on the Landscape Features Inventory and other pertinent information and consider whether the land:		
3a.	Is situated in an area that is otherwise subject to urbanization due to proximity to a UGB.	LOW/HIGH – for areas south of Skyline See 2a. above
3b.	Subject to natural disasters or hazards such as flood, steep slopes, landslide	LOW HIGH – for areas north of Skyline. The significant majority of the area rates “low” for relative hazard on the regional composite hazard map. However, the regional landslide map indicates areas with rapidly moving landslide hazard associated with drainages north of Skyline. In addition, areas north of Skyline/Cornelius Pass Rd intersection and northeast of Skyline Blvd contain extensive areas mapped as slope hazard areas on Multnomah County maps. These elements suggest a ranking of high for landslide hazard relative to other areas in the region.
3c.	Has important fish, plant or wildlife habitat	HIGH MEDIUM for the Kaiser Rd. and east-of-Abbey Creek areas. Areas north of Skyline are mapped on the ODFW, PNW ERC, and TNC maps. This area contains headwaters streams within the Willamette River watershed, and a wildlife corridor between the coast range and Forest Park. South of Skyline, the Abbey creek mainstem, north fork, and headwaters areas are mapped on PNW ERC, Perennial Stream Buffers maps. Abbey creek is within the Tualatin watershed. These maps do not include a large patch in the Kaiser Rd. area, nor a smaller patch east of Abbey Creek north fork as important regional habitat. Additional information relevant to ranking this factor includes the Metro acquisition target areas as an indicator of habitat value. This area contains an acquisition area encompassing the Abbey Creek watershed. Also, the Multnomah County plan protects the area as wildlife habitat under Goal 5. Together, these designations reflect regional and local assessment that valuable habitat exists in this area.
3d.	Is necessary to protect water quality such as streams, wetlands and riparian areas	LOW MEDIUM – Abbey Creek headwaters North of Skyline, this area ranks low because it is not under consideration for urban use. South of Skyline, the area contains all or part of two important Tualatin basin stream systems, Rock and Abbey Creeks. In most areas, stream protection rules applicable to urban development are understood to provide protection to streams

Area 6: West Hills South

			and riparian areas. In this area, the concentration of small drainages in the Abbey Creek headwaters area in the vicinity of the Powerline corridor suggests difficulty protecting these values were urban development to occur there.
3e.	Provides a sense of place to the region	HIGH	The southwest side of the Tualatin Mtns is a large-scale landscape feature that provides a green connection between Portland and the Coast Range that is visible from large areas of the west side including Hwy 26.
3f.	Can serve as a boundary or buffer to reduce conflicts between urban and rural uses or between urban and natural resource uses	LOW HIGH for areas south of Skyline	Areas north of Skyline form the south end of an un-interrupted expanse of rural land that connects to the Coast Range – no urban potential for this area is recognized. South of Skyline, Landscape Features mapped areas can separate existing and potential urban areas. The southwest slopes form a large-scale buffer between urban areas to the west and Forest Park. Other features within this area that provide buffers between urban and farm/forest/natural resources include: <ul style="list-style-type: none"> • Abbey Creek headwaters, and the east-west lower Abbey Creek drainage • Rock Creek running north-south immediately west of the county line.
3g.	Provides separation between cities	LOW	The south of Skyline separates urban unincorporated areas to the west from the City of Portland. That said, the intent of this factor is to consider separation between Metro UGB cities and cities outside of that area.
3h.	Provides easy access to recreational opportunities in rural areas such as parks and trails	HIGH	This area includes recreational opportunities adjacent to the urban area including bicycle routes along Skyline and Germantown Roads. The area also contains the Metro “Ancient Forest Preserve.” Within the reserves planning horizon, additional trails proposed for the area are likely to become accessible to the public.

Staff Summary and Conclusion - Suitability for rural reserve to protect landscape features:

Areas north of Skyline Blvd. rank high for sense of place; they contain high-value habitat, access to recreation, and other values that define the area as a landscape feature important to the region. This area is not however, being studied for urban reserve because it ranks low for efficiency to provide key urban services.

Areas south of Skyline rank high for sense of place; they contain stream features of the Abbey Creek mainstream, north fork, and headwaters areas that are mapped as important regional resources and that separate urban from rural lands. Upland habitat areas also exist, however there are patches in the landscape features mapping indicating lesser regional value. All areas south of Skyline Blvd. continue to be studied for urbanization. On balance, and considering that the broad objective of the Landscape Features factors is to protect areas that define natural boundaries to urbanization and help define the

region for its residents, the entire south-of-Skyline area should be considered as highly suitable for rural reserve.

Urban Analysis for Area 6a: North of Cornelius Pass Rd/Skyline Blvd

The CAC indicated that areas north of Skyline/Cornelius Pass Rd, and the portion of this area that is north of the power lines and above the mid-slope line, had low overall efficiency for key urban services, and should therefore not continue to be studied for urban reserve. The factors evaluation below addresses this northern portion of Area 6. Areas to the south – the areas designated for further study as candidate urban reserve – are evaluated as Area 6.b.

CAC Assessment: Do not study further for urban reserve

Staff Assessment: Low suitability for urban reserve

Urban Reserve Factors -0050 (1) – (8)	Factor Ranking	Discussion/Rationale
When identifying and selecting land for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:		
1.	Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;	<p>LOW</p> <p>Transportation – this area was unranked for suitability for providing transportation services due to topography consisting predominately of slopes greater than 25%. Numerous small streams also limit efficient connectivity. Also noted is low suitability for an RTP level connectivity system. Transportation ranking is Low.</p> <p>Sewer – rated difficult to serve due to topography, and substantial/difficult improvements would be required both inside and outside of the area. Sewer ranking is Low</p> <p>Water - rated low due to topography.</p>
2.	Includes sufficient development capacity to support a healthy economy;	<p>LOW</p> <ul style="list-style-type: none"> • Area has no suitable employment land or opportunities for same in area due to steep topography. • Poor job access to and from area. • Constrained area for establishing transp. system to support employment uses.
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	<p>LOW</p> <ul style="list-style-type: none"> • See key services efficiency information under 1. above • No assessments for schools, stormwater, parks, etc. • Most likely service provider for this area is Portland since the area is adjacent at it’s south and east edges.

Area 6: West Hills South

	providers;		
4.	Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers	LOW	<ul style="list-style-type: none"> • Limited potential to form walkable neighborhoods that require higher density and mix of services due to topography. • Very constrained land for developing a connected transp. system due to steep slopes. • The topography and associated low street connectivity, density, and low diversity of uses is not conducive to good transit service.
5.	Can be designed to preserve and enhance natural ecological systems	LOW	Very little usable buildable land makes it difficult to avoid creeks, including headwaters areas, and to avoid forest canopy systems that exist throughout the area.
6.	Includes sufficient land suitable for a range of needed housing types	LOW	Very limited and constrained land for accommodating a variety of housing, including topographic constraints for developing a connected transp. system to serve such uses.
7.	Can be developed in a way that preserves important natural landscape features included in urban reserves	LOW	Very little usable buildable land makes it difficult to avoid the landscape features areas of Rock Creek Headwaters and Forest Park Connections which together cover all of this area.
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.	MEDIUM	<p>Features that could be used as edges exist, such as Cornelius Pass Rd./McCarthy Creek canyon, and Abbey Cr drainage in the powerlines area.. Buffers from land set-asides would be workable generally.</p> <p>Urban scale development on visible slopes will impact the visual quality of adjacent undeveloped areas and would be difficult to avoid/mitigate.</p>

Staff Summary and Conclusion:

This area ranks low for urban reserve due to a number of factors, driven in large part by topography. The area ranks low for key urban elements including sewer service, transportation services, for potential to develop a well connected transportation system, transit, employment land and low potential for urban density. It is relatively isolated from existing urban areas as well. Taken together, these limitations indicate the area is not a good area for urban reserve.

Urban Analysis for Area 6b: South of Cornelius Pass Rd/Skyline Blvd

This north edge of this area is defined by Skyline Blvd. where it runs east – west between Cornelius Pass Rd. and the City of Portland. The area extends south between the Multnomah County/Washington County line on the west, and the City of Portland on the east, down to the N. Bethany plan area and Abbey Creek. It is divided from Area 7 to the south by a powerline corridor. The area is ranked in the key urban services assessment as “high” efficiency for water, and includes areas with both high and low efficiency for sewer

Area 6: West Hills South

service. The CAC recommended that this subarea, together with land to the south in area 7.b, should continue to be studied as a “candidate” urban reserve area. The CAC indicated that areas north of Skyline had low suitability for key urban services and should not be studied further for urban reserve. The Area 6a factors evaluation includes this northern area.

CAC Assessment: Split between medium and low suitability. Most agreed to low suitability for the subarea east of the north fork of Abbey Creek. Members were split between low and medium/low suitability for subarea west of Abbey Creek.

Staff Assessment: Low suitability for subarea east of the north fork of Abbey Creek; Medium/Low suitability for subarea west of Abbey Creek

Urban Reserve Factors -0050 (1) – (8)	Factor Ranking	Discussion/Rationale
When identifying and selecting land for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:		
1.	<p>Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments</p>	<p>LOW/MEDIUM – except LOW along N. fork Abbey Creek and eastward</p> <p><i>CAC: LOW for entire area</i></p> <p>Transportation – this is part of a larger area that was unranked for suitability for providing transportation services due to topography consisting predominately of slopes greater than 25%. Steep slopes exist along the east third of this area, moderating to slopes predominately in the 10 – 25% range west to the county line.</p> <p>Further considerations include:</p> <ul style="list-style-type: none"> • Suitability of isolated areas with flatter slopes in west portion dependent on as yet unplanned connectivity system in adjacent areas. • Limited connectivity potential to the east, other areas will have higher costs to connect pockets of development land due to slope and stream crossings. • Relatively limited amount of developable land relative to assumed higher road costs. • High off-site impacts to rural and limited urban roads including Cornelius Pass Rd and Skyline Blvd. <p>Transportation ranking is low/medium for areas west of the N. Abbey Creek drainage, and low to the east.</p> <p>Sewer – rated low suitability to serve east of Abbey Creek N. fork, high suitability to the west.</p> <p>Water - rated high suitability.</p> <p><i>CAC</i> <i>Area has lower transportation potential than Area 4; only small pockets are developable</i></p>
2.	Includes sufficient	<p>LOW</p> <ul style="list-style-type: none"> • Area has very little suitable employment land

Area 6: West Hills South

	development capacity to support a healthy economy		<p>or opportunities for same in area due to slopes predominately greater than 10%.</p> <ul style="list-style-type: none"> West of Abbey Creek area (high suitability for sewer area) along northern Kaiser Rd contains approximately 800 acres gross area.
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	MEDIUM – except LOW along N. fork Abbey Creek and eastward	<p>See key services efficiency information under 1 above.</p> <ul style="list-style-type: none"> No assessments for schools, stormwater, parks. Appropriate service provider is unclear, but most likely would be Portland since the area is adjacent, especially for upper areas along Skyline. Beaverton has indicated “aspiration” for urban reserve along the west edge of this area up to Kaiser Rd. may be able to provide services within an undetermined future timeframe.
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	LOW	<ul style="list-style-type: none"> Limited areas, mostly in west section, with slopes less than 10% to form walkable neighborhoods that require higher density and mix of services. For most part, the topography and associated low street connectivity, density, low diversity of uses, is not conducive to good transit service.
5.	Can be designed to preserve and enhance natural ecological systems	HIGH <i>CAC: MEDIUM</i>	<ul style="list-style-type: none"> Landscape features mapping does not cover the majority of this area, and there is adequate land area to protect the few small streams in the area. Areas east of Abbey Creek N. fork and along the mainstem could be avoided. <p><i>CAC:</i></p> <ul style="list-style-type: none"> <i>Development would be difficult without impacting ecological systems; there may not be enough land to protect small streams</i>
6.	Includes sufficient land suitable for a range of needed housing types	LOW-MEDIUM	Limited pockets of unconstrained land for accommodating a variety of housing, found predominately along the west edge of the area, upper Kaiser Rd.
7.	Can be developed in a way that preserves important natural landscape features included in urban reserves	LOW	Urban development on visible slopes will impact the sense of place quality of the Rock Creek (Tualatin Mtns) landscape feature and would be difficult to mitigate.
8.	Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape	MEDIUM	<ul style="list-style-type: none"> Farm/forest – yes buffers exist along the east, south, north, and northwest edges, adequate area to use set asides in other areas. Landscape features – visual impacts from development on higher areas would need to be managed to avoid reducing overall sense of

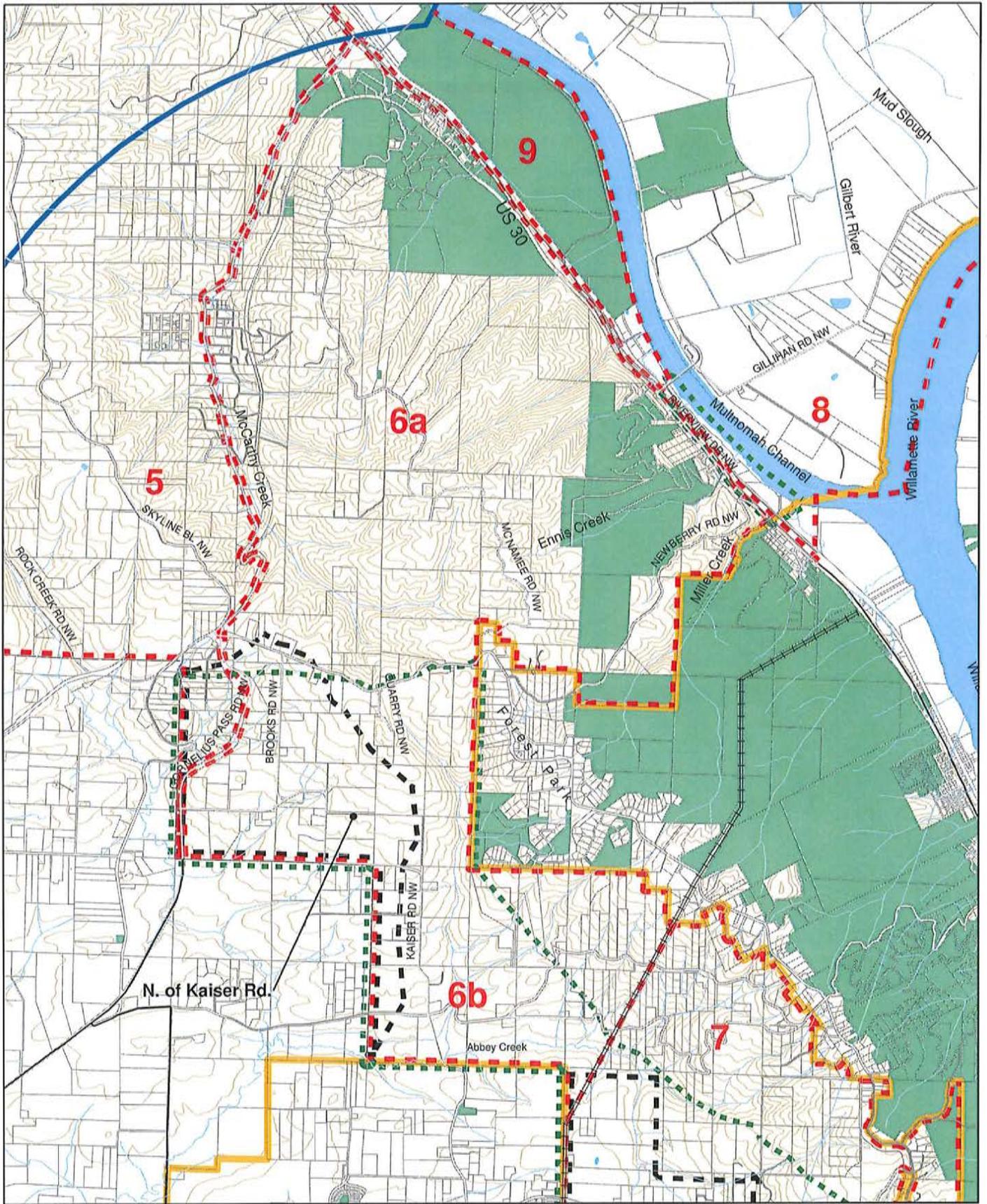
Area 6: West Hills South

	<p>features, on nearby land including land designated as rural reserves.</p>		<p>place values the ridge provides.</p>
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Staff Summary and Conclusion:

This subarea contains two main areas with different results of this factors evaluation. The area along and including the north fork of Abbey Creek east to the City of Portland, rates low for key services of transportation and sewer. It also rates low for other important elements including employment land and the urban form elements in factor 4, and as well as housing and visual impacts from development of the higher sloped areas.

The area west of the Abbey Creek drainage system in the N. Kaiser Rd. area, contains relatively small pockets of developable land constrained by moderately high slopes and drainages in the central and northwest sections. These characteristics would result in higher costs to develop transportation system connectivity that is less than the ideal "grid" system. Added consideration/cost is off-site impacts to existing roads, including Cornelius Pass and Skyline Blvd. Other key systems of water and sewer rank easy for this area, land suitable for housing exists in the area and impacts to ecological systems and nearby farm/forest practices are manageable. Careful consideration to visual impacts from development on upper slopes should occur for this area. Overall, while this area could provide additional urban growth area, limitations suggest it should not be the highest priority.



Multnomah County Candidate Area Maps:
Potential Urban and Rural Reserves Areas
Area 6 - NW Hills South

MC-3003

0 0.5 1 Miles

Draft (Rev. 08/03/09)

- Streams/Water Bodies
- Study Area Boundary
- Tax Lots
- Urban Candidate Area
- Rural Candidate Area
- Public Lands

N

