

SUPPLEMENTAL STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 23-1488, FOR THE PURPOSE OF
AMENDING THE URBAN GROWTH BOUNDARY TO INCLUDE LAND ADJACENT TO
THE CITY OF TIGARD IN EXCHANGE FOR REMOVING A SUBSTANTIALLY
EQUIVALENT AMOUNT OF LAND IN CLACKAMAS COUNTY

Date: 1/30/2023
Department: Planning, Development and
Research
Meeting Date: 2/2/2023

Prepared by: Roger Alfred, 503-797-1532
Presenters: Andy Shaw, Ted Reid, Roger
Alfred
Length: 45 minutes

ISSUE STATEMENT

At the Metro Council's January 19, 2023 public hearing on the proposed UGB exchange, the Council received testimony on several different topics including:

- Property owner preferences for whether their property is removed from the UGB.
- Concerns about urban growth and change in the vicinity of the River Terrace 2.0 area.
- Requests for conditions of approval regarding environmental protections related to erosion caused by stormwater runoff in the South Bull Mountain area of Washington County.

This supplemental staff report provides: (1) Metro staff's recommendation to the Council regarding the request by Damascus-area property owner Larry Thompson to not remove his property and adjacent property from the UGB; and (2) discussion of the conditions requested by Tualatin Riverkeepers and 1000 Friends of Oregon and a proposed condition of approval.

STAFF RECOMMENDATIONS

1. Properties proposed for removal from the UGB

As directed by the Metro Council, staff focused on prioritizing areas for removal from the UGB based on their lack of readiness for urbanization. At the January 19 hearing, the Council heard testimony from Larry Thompson, who owns property in the former City of Damascus that is proposed for removal and remains zoned for exclusive farm use (EFU). Mr. Thompson described his desire to have his property remain inside the UGB so that he could develop it at low densities. In a discussion with staff after the hearing, Mr. Thompson indicated that his neighbor to the east would also like their property to remain inside the

UGB (which would be necessary to accomplish Mr. Thompson's request because his property is not adjacent to the existing UGB). Collectively, these properties amount to approximately 80 of the 351 buildable acres proposed for removal from the UGB, and approximately 113 gross acres.

For the following reasons, staff recommends that the Council not make any revisions to the areas already identified (and publicly noticed) for removal from the UGB:

- (1) This area has no clear path forward for receiving city governance and infrastructure needed to support development as proposed by Mr. Thompson. The City of Happy Valley has informed Metro that it has no plans to annex lands this far east. This area is also approximately two miles south of the City of Gresham boundary, and is topographically challenging to provide urban services, making planning and annexation of the area unlikely in the next couple of decades.
- (2) The 113 acres proposed by Mr. Thompson to remain inside the UGB are currently zoned exclusive farm use (EFU). As a land use policy matter, it makes more sense to remove a large undeveloped block of EFU land from the UGB rather than to remove parcelized rural residential properties, which typically have existing low-density residential development. Because Metro is required by DLCD rules to exchange a substantially equivalent amount of land, if these 113 acres were retained inside the UGB, the Council would be required to remove other property from the UGB in order to make up the difference, and that land would be primarily rural residential.
- (3) To provide some flexibility in the case of adjustments to the boundaries of removal areas, Metro staff mailed property owner notices to a larger area than what was being proposed for removal from the UGB. However, given the combined size of Mr. Thompson's and his neighbor's properties, those additional areas that received notice are not large enough to complete the exchange if they were removed from the UGB rather than the property owned by Mr. Thompson and his neighbor. This means that Metro would need to start over with mailed notice to different property owners and hold another first reading and public hearing on the proposed exchange. The notices would need to be mailed at least 35 days before a new public hearing could be held. Staff is also mindful that considering different areas instead of Mr. Thompson and his neighbor could result in different property owners expressing their opposition.

2. Additional conditions of approval for River Terrace 2.0

At the public hearing on January 19, testimony was provided by representatives of Tualatin Riverkeepers and 1000 Friends of Oregon. Those groups are supportive of the proposed exchange but expressed general concerns about environmental impacts from new urban development in the South Bull Mountain area, most notably erosion that is being caused by stormwater runoff. The two groups submitted a joint letter dated January 25, 2023, reiterating their concerns and requesting that the Metro Council add certain conditions of approval to this UGB exchange. It is worth noting that the photos attached to that letter do

not reflect erosion impacts that have resulted from development within the City of Tigard, but instead appear to be from runoff originating on the south slope of Bull Mountain in unincorporated Washington County and possibly from King City.

The concerns raised and proposed conditions generally relate to minimizing erosion from stormwater caused by new development in Washington County, including Kingston Terrace, which is an adjacent area in King City that Metro brought into the UGB in 2018. As such, the “conditions of approval” suggested by the Riverkeepers and 1000 Friends are not so much conditions of approval on this UGB amendment as requests for future regional coordination by Metro of stormwater management in the entire South Bull Mountain Area, including King City and other areas outside of Tigard.

There are two big-picture problems with these requests for new conditions. First, conditions being attached to this specific Metro Council approval are requirements imposed on the City of Tigard, because that is the jurisdiction that is receiving the UGB amendment. The Council may not utilize this ordinance, as requested by Riverkeepers and 1000 Friends, to impose new conditions on King City, or to revisit conditions placed on King City in 2018, or to create a new regional “goal study” work program designed to consider collective impacts from urbanization across recent and future UGB expansion areas.

Second, Clean Water Services (CWS) is the agency with jurisdiction over regional stormwater and erosion issues in Washington County. CWS is very aware that downstream erosion caused by stormwater in the South Bull Mountain area is on the rise and CWS is currently working in coordination with the relevant cities and Washington County on a solution. As described in the attached fact sheet, CWS is currently completing a study of stormwater impacts in the South Bull Mountain area that recognizes a regional stormwater strategy is necessary to reduce downstream impacts. Tigard and King City have been very supportive of the CWS study, which is expected to be complete this spring and will provide recommendations for new construction standards designed to improve regional stormwater management in the area, including the new urban areas being added to the City of Tigard. Any development in the River Terrace 2.0 area will be required to comply with construction and design requirements adopted by CWS in order to help manage stormwater in the area.

To recognize and emphasize this ongoing work, staff recommends the addition of a new condition of approval similar to one requested by the Riverkeepers and 1000 Friends, but focused on future planning by the City of Tigard because that is the jurisdiction subject to this ordinance:

- The city will continue to coordinate with Clean Water Services (CWS) regarding the South Bull Mountain Regional Stormwater and Sanitary System Study; all future development in River Terrace 2.0 and other parts of the city must be consistent with construction and design standards adopted by CWS in order to reduce and mitigate erosion problems caused by stormwater.

More generally, planning for the protection of environmental resources will be an important aspect of the City of Tigard's pending comprehensive planning work for River Terrace 2.0. The city will need to demonstrate compliance with conditions of approval and Metro Urban Growth Management Functional Plan requirements, which include environmental protections. Staff will be engaged throughout that local planning effort to ensure that those expectations are clear.

ATTACHMENT

Clean Water Services fact sheet regarding South Bull Mountain Regional Stormwater and Sanitary System Study