

May 9, 2025

Anyeley Hallova, Chair  
Land Conservation and Development Commission  
635 Capitol St. Northeast, Suite 150  
Salem, Oregon 97301

By email

RE: DLCD Director's Decision Metro Urban Growth Boundary Amendment Ordinance 24-1520

Chair Hallova,

As provided by OAR 660-025-150(6)(a) and 660-025-160(1), I am submitting this appeal of Director Bateman's decision, DLCD Order #001953, approving the Metro's approval of the Sherwood West Urban Growth Boundary expansion, Metro Council Ordinance No. 24-1520.

I come to this issue with 36 years of local government experience in land use planning and more in the non-profit sector.

The following are my own objections to Metro's Ordinance No. 2415-20 amending the Metro Regional Urban Growth Boundary (UGB.)

Director Bateman found that I was a party to his proceeding because I participated orally and in writing at the September 26, 2024, Metro hearing on this matter and in writing on October 15, 2024, and October 28, 2024.

In general, the attached objections and related findings contest Metro's Council's decision to adopt Ordinance No.2415-20 do not adequately address various statewide Planning Goals, land use planning statutes, key elements of its Urban Growth Management Functional Plan, its Public Engagement Guidelines, Metro Regional Transportation Plan and portions of the Regional Framework Plan.

This document provides detailed analysis, reviews of evidence in the record, including materials I prepared relating to the Sherwood Concept Plan findings Metro relied upon as justification for its decision.

One important theme in my objections is that the information in the record shows that providing infrastructure to Sherwood's UGB proposal will cost a great deal and net a relatively small amount of developable land. The result will result in high development costs that will make it infeasible to develop moderate and affordable housing.

The remedies being requested are identified in the objections document. In summary these are for the Commission to remand Metro's Decision (Ord. 24-1520) for it to propose more creative land use alternatives to promote a more compact urban form that will better address Metro Functional Plan requirements, the intent of the Regional Framework Plan and the Statewide Planning Goals.

Please also find attached supporting documentation also prepared and submitted by me.

Sincerely,

*/s/ Ronald Bunch*

Ron Bunch

Copy: Brenda Bateman, Director, DLCD  
Roger Alfred, Legal Counsel for Metro  
Other objectors

## BASIS OF APPEAL & PROPOSED REMEDIES

### **OBJECTION A: METRO'S UGB PROCESS AND DECISION WAS BASED ON MANAGED INPUT FROM SELECT GROUPS WHOSE INTERESTS ALIGN TO GAIN BENEFIT FROM THE UGB DECISION, IN VIOLATION OF STATEWIDE PLANNING GOAL 1 AND METRO'S PUBLIC ENGAGEMENT GUIDELINES.**

#### **Laws, rules, policies, plans, codes or procedures violated by Metro's decision and standards of review providing grounds for remand by LCDC.**

Metro violated the following Guiding Principles in its [Public Engagement Guide](#) (adopted April 2024):

*"1. Public participation is an essential part of Metro's decision-making."*

This first principle confirms that the public engagement principles apply to Metro's decision making, including the UGB expansion decision.

*"2. Transparency about decision-making is fundamental to successful public service and includes communicating about project outcomes and the impact of community contributions to the process."*

The behind-the-scenes decision making between Sherwood officials and staff, development interests, Metro staff and the Metro Council, which led to a de facto decision to approve the Sherwood West UGB expansion by late Spring, was anything but transparent.

*3. Meaningful public engagement processes apply equity, diversity and inclusion strategies and tools to help identify and address the needs of impacted, underserved, and historically excluded communities.*

The testimony by the leaders of Metro's Committee on Racial Equity at the Commission's hearing on September 26, 2024, left no doubt that this principle was violated:

*While we are grateful that CORE was invited to weigh in on the UGB process, it was immediately clear that racial equity was an afterthought. As volunteers who meet for one two-hour meeting per month, we felt rushed to properly understand the topic, Sherwood's plan, and realize its racial equity impacts.*

*CORE members and other people of color who were invited to the roundtable felt unwelcome and dismissed. They immediately noted a lack of data justice but their questions and concerns were disregarded.*

*CORE feels strongly that without data justice we cannot make data-based decisions on racial equity.*

*Our next take-away is that there was little to no connection between the UGB process and Metro's Strategic Plan to Advance Racial Equity, Diversity and Inclusion and the Climate Smart Strategy.*

*CORE members and other volunteers felt as though there was a large and substantial gap between Metro's codified 106-page commitment to the implementation of racial equity and how we experienced the UGB process....*

*Metro staff presenting on the subject also did not articulate any sort of incorporation of [the goals of the Strategic Plan.]*

*In CORE's interaction with the City of Sherwood's staff, we were again surprised to observe such little consideration for racial equity, diversity and inclusion.*

[Video recording of September 26, 2024, Metro Council hearing on items 6.1 "2024 Urban Growth Management: Public Hearing on Chief Operating Officer Recommendations"](#) at 1:21:50 to 1:24:42.

*"4. Engagement and communications are accessible, informative, timely and inclusive of a rich diversity of lived experiences and perspectives."*

On October 15, 2024, Metro staff posted on its website, without notice to persons and organizations who had testified at prior hearings, more than 700 pages of analysis of urban reserves (Appendix 7 and attachments.) This was posted after the Metro Council, MPAC and other advisory committees had held multiple public meetings and public hearings on its urban growth management decision, and five weeks before the final public hearing.

Since I had not received any notice of the publication of these documents, and because their publication was not part of Metro's timeline for decision making, I was not aware of these critical documents for weeks.

The adequate time to respond, as a volunteer member of the public, prejudiced my ability to participate effectively.

In addition, Metro adopted and relied on "Appendix 8 Housing Needs Analysis" in December, *after* the last public hearing as the basis for its decision. The document is undated but [the icon for the document on Metro's website](#) is labeled "Dec 2024".

## **Violation of Goal 1, Citizen Involvement**

Metro's Public Engagement Guide referenced Goal 1 in "Appendix A – Legal Requirements for public engagement guide" at page 2.

If Metro's Public Engagement Guide is or is part of its Goal 1 Citizen Involvement Program, then the violations of the Guiding Principles are also violations of Goal 1.

If the Guide is not Metro's CIP, then Metro's Citizen Involvement Program under Goal 1 does not come up in a search of Metro's website. The absence of an acknowledged Citizen Involvement Guide, applicable to this proceeding, is itself a violation of Goal 1.

The City of Sherwood's acknowledged Goal 1 Chapter Comprehensive Plan policies provide some direction to accommodating community engagement and participation in land use planning. The following goals in the City's Governance and Growth Management Chapter are relevant. However, for the same reasons above Metro and Sherwood in its UGB decision did not comply with the City's Comprehensive plan by engaging, listening to and responding to of these groups, both within and outside the community, who will need affordable housing and associated employment opportunities within the region. Thus, the proposed UGB also Expansion is inconsistent with the intent of Sherwood's own acknowledged Comprehensive Plan per the following goal categories.

### Strong Community Heritage

Goal 1: Value Sherwood's heritage, traditions, and diverse community wisdom by working together and thinking creatively through meaningful, informed and innovative participation by all.

### Governance and Growth Management

Goal 3: Foster a culture of collaboration and partnership between residents, community groups, businesses, service providers and government.

Goal 4: Provide open and transparent governance by assuring information is available and disseminated through a variety of methods that is accessible to people of diverse ages, abilities and backgrounds.

Metro's violation of the principles in its Public Engagement Guide and of Goal 1 means "the local government failed to follow the procedures applicable to the matter before the local government in a manner that prejudiced my substantial rights as a party to the proceeding" (OAR 660-025-160(2)(b) and failed to comply with own public engagement requirements. (OAR 660-025-160(2)(c)

**Remedy:** The Commission should remand the decision to Metro to correct these violations by reopening the public engagement process and apply its Public Engagement Principles and its Citizen Involvement Committee, including allowing new materials in the record and to address the criticisms of Metro’s Committee on Racial Equity.

**OBJECTION B: THE SHERWOOD UGB EXPANSION WILL REQUIRE VERY LARGE INFRASTRUCTURE COSTS, AND THE AREA’S GEOGRAPHY WILL RESULT IN A HIGH-COST, LOW-DENSITY AUTOMOBILE ORIENTED LAND USE PATTERN, UTTERLY INCONSISTENT WITH STATE AND REGIONAL LAWS AND POLICIES CALLING FOR COMPACT, COST-EFFECTIVE, URBAN DEVELOPMENT WHICH SUPPORT LESS DRIVING AND HIGHER TRANSIT USE.**

Metro’s decision approving a concept plan that high-infrastructure cost, low-density, automobile-oriented land use pattern, violates the following statutes, rules, goals and Metro code provisions and policies:

**Laws, rules, policies, plans, codes or procedures violated by Metro’s decision and standards of review providing grounds for remand by LCDC**

ORS 197.012 “Compact urban development”

Goal 14 “Urbanization,” which requires the “efficient use of land,” the “orderly and efficient transition from rural or urban land” and the “efficient accommodation of land needs” for urbanization.

Goal 11 “Public Facilities and Services” which mandates local government “plan and develop a timely, orderly and efficient arrangement of public facilities and services.”

Goal 12 “Transportation”, which requires transportation systems that “(4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs;

Metro’s 2023 Regional Transportation Plan which states in a prefatory section

*To achieve the region’s vision for the future, everyone must work together to address inequities to build vibrant, walkable, bikeable, climate-friendly communities with affordable homes and safe, reliable, healthy and affordable transportation choices that reduce pollution, address growing congestion and protect critical natural areas that surround the region.*

LEADERSHIP ON CLIMATE CHANGE – The region is a leader in minimizing contributions to global warming.”

Metro’s decision violates Goal 5 of the RTP:

*Goal 5: Climate action and resilience. People, communities and ecosystems are protected, healthier and more resilient. Carbon emissions and other pollution are substantially reduced as more people travel by transit, walking and bicycling. People travel shorter distances to get where they need to go. Metro 2023 RTP page 2-14.*

The connection to land use patterns needed to achieve the Goal are revealed in several of the Goal 5 objectives (which are also on page 2-14 of the RTP):

- *Objective 5.1 Climate change mitigation – Meet adopted targets for reducing transportation-related greenhouse gas emissions and vehicle miles traveled per capita in order to slow climate change.*

Metro’s decision did not examine, and cannot show, how low-density development and new jobs at the edge of the region in the Sherwood West urban reserve, a place with minimal transit service, will help it meet its emission reduction targets.

- *Objective 5.2 Climate-friendly communities – Increase the share of jobs and households in walkable, mixed-use areas served by current and planned frequent transit service.*

- *Objective 5.3 Resource conservation – Preserve and protect the region’s biological, water, historic and culturally important plants, habitats and landscapes, and integrate green infrastructure strategies to maintain habitat connectivity, reduce stormwater run-off and reduce light pollution.*

Metro did not consider and cannot show how building roads and major sewer trunk lines across and next to Chicken Creek, which is the primary connecting waterway tributary of the Tualatin Valley National Wildlife Refuge, and converting farm and forestlands to industrial, commercial and industrial development will “*preserve and protect culturally important plants, habitats and landscapes*,” “maintain habitat connectivity, reduce stormwater run-off and reduce light pollution” compared to locating those jobs and households inside the current UGB.

The decision violates one of Metro's "Desired Outcomes" in its Regional Framework Plan which are used as the basis for all its decision making:

**Remedy:** The Commission should remand the decision to Metro to correct these violations of Statewide Planning Goals and its Framework and Regional Transportation System Plans

More specifically the Commission's should remand this decision to the Metro Council and Metro staff to estimate the impact of build out of Sherwood West Concept Plan's on VMT production and to compare it with the VMT generated if the needs were accommodated inside the UGB in various locations or in one or more of the urban reserve areas and for compliance with the cited policies in ORS, the Goals, Metro Codes and the RTP Goal 5.

OBJECTION C. IMPLEMENTATION OF THE SHERWOOD WEST CONCEPT PLAN WILL NOT RESULT IN DEVELOPMENT OF AFFORDABLE AND MIDDLE HOUSING TYPES THUS FAIL TO MEET HOUSING NEED IN SHERWOOD AND ADDRESS AFFORDABLE HOUSING NEED IN THE STATE AND PORTLAND METRO REGION.

**Laws, rules, policies, plans, codes or procedures violated by Metro's decision and standards of review providing grounds for remand by LCDC.**

The decision by Metro violates the provisions in in Goal 10, the Goal 10 Rule, definitions of needed housing in ORS Chapter 197A, ORS 197.350 , Metro's Regional Framework Plan and Urban Growth Management Functional Plan cited in West of Sherwood Farm Alliance's appeal as well as the authorities presented by the Housing Land Alliance and 1000 Friends of Oregon in their objections related to housing affordability and need in their appeals from the Director's decision. These violations are grounds for the Commission to remand the decision under OAR 660-025-160(2)(c).

The absence of information of the impact of commuting to and from jobs in Sherwood West at build out and comparison with impacts from accommodating the same jobs and housing inside the UGB or alternative locations in various urban reserves and relative to the protection of natural areas, means Metro's decision is not supported by substantial evidence under OAR 660-0250160(2)(a).

The cost to develop a relatively small amount of developable land that could be derived from the 1,290-acre UGB expansion makes it infeasible to build moderate income, affordable and low-income housing types or justify the development of new commercial land uses. This means that Metro failed in its statutory responsibilities to address the needs of the region's residents who will never be able to afford the expensive homes and apartments that have been and will be built in Sherwood West.



A major factor why the area cannot become a “complete community” is that it will net a relatively small amount of developable land out of the proposed 1290-acre expansion. The concept plan recognizes only about 605 acres of the total are developable. Much less land 40 acres is easily buildable resulting in a very high cost of infrastructure per buildable acre. The result by, economic necessity would need be a development pattern of expensive homes on very large lots.

Remedy: The Commission should remand the decision because Metro’s violation of ORS Goals 11, 12, 14, Metro Regional Framework Plan, the Regional Transportation Plan are also grounds for the Commission to remand the decision under OAR 660-025-160(2)(c).

**OBJECTION C. IMPLEMENTATION OF THE SHERWOOD WEST CONCEPT PLAN WILL NOT RESULT IN DEVELOPMENT OF AFFORDABLE AND MIDDLE HOUSING TYPES THUS THE SHERWOOD UGB EXPANSION FAILS TO MEET HOUSING NEED IN SHERWOOD AND ADDRESS AFFORDABLE HOUSING NEED IN THE STATE AND PORTLAND METRO REGION.**

**Laws, rules, polices, plans, codes or procedures violated by Metro’s decision and standards of review providing grounds for remand by LCDC.**

The decision by Metro violates the provisions in in Goal 10, the Goal 10 Rule, definitions of needed housing in ORS Chapter 197A, ORS 197.350 , Metro’s Regional Framework Plan and Urban Growth Management Functional Plan cited in West of Sherwood Farm Alliance’s appeal as well as the authorities presented by the Housing Land Alliance and 1000 Friends of Oregon in their objections related to housing affordability and need in their appeals from the Director’s decision. These violations are grounds for the Commission to remand the decision under OAR 660-025-160(2)(c).

Per the above, high infrastructure costs, and a relatively small amount of net, developable land will reduce the feasibility to build moderate, affordable and low-income housing in many parts of the Sherwood West UGB expansion area. Furthermore, the cost of needed new public facilities is not static. They will increase over time associated with labor and materials costs and local government exactions during the 20 – 30 years during which it’s expected the area will be developed. The Sherwood West Concept Plan does not explicitly show how Sherwood can make a long-term commitment to provide affordable, moderate- or low-income housing. Furthermore, Sherwood West will most likely be developed at densities not supportive of public transit which will further reduce the potential to site these housing types. While the cost of infrastructure is acknowledged to be high, there is

also uncertainty about the long -term costs of both constructing, maintaining, and repairing these systems. However, the past has shown inflation and other factors will drive costs higher, thus placing additional cost burden on households. Because of this, Metro’s approval of the UGB expansion decision is contrary to Functional Plan Titles 1 and 7, Housing Capacity and Housing Choice.

Remedy: The above violations are grounds for the Commission to remand the decision under OAR 660-025-160(2)(c) and the decision should be remanded to Metro to correct the deficiencies.

**OBJECTION D. METRO ENDORSED UNJUSTIFIED CONCLUSIONS OF HOUSING NEED, APPROVED LOW DENSITY SINGLE FAMILY RESIDENTIAL DEVELOPMENT IN SHERWOOD THAT WILL DO NOTHING TO INCREASE THE SUPPLY OF HOUSING NEEDED IN THE REGION, AND NEVER CONSIDERED HOW HOUSING NEEDS COULD BE SATISFIED ON LAND ALREADY INSIDE THE UGB.**

**Laws, rules, polices, plans, codes or procedures violated by Metro’s decision and standards of review providing grounds for remand by LCDC.**

The decision by Metro violates the provisions in in Goal 10, the Goal 10 Rule, definitions of needed housing in ORS Chapter 197A, ORS 197.350 , Metro’s Regional Framework Plan and Urban Growth Management Functional Plan cited in West of Sherwood Farm Alliance’s appeal as well as the authorities presented by the Housing Land Alliance and 1000 Friends of Oregon in their objections related to housing affordability and need in their appeals from the Director’s decision.

The West Sherwood Concept Plan also referenced the Governor’s Executive Order 2023-02, and the finding that the Portland metro region experienced a 50.4% increase in homelessness. Therefore, the question to address here is: “will the expansion result in the type of housing at this location that will address regional issues of homelessness and need for transitional housing?”. Sherwood West Concept Plan does not present any evidence that it would.

Providing needed housing is more than land supply. The approach to increasing the housing supply includes other factors such as mobility to provide access to stable family wage jobs within a reasonable distance, the ability of a household to have more than one wage earner which requires access to childcare and financial support such as family -tax credits and mortgage subsidization. These factors are more likely to occur in existing communities that have developed the full range infrastructure and private and public institutional support.

The UGB expansion proposal did not provide justification about how Sherwood's specific housing needs are forcing a UGB expansion and whether the types of housing proposed in Sherwood West will address its own and regional housing needs. It is not at all strategic in terms of matching infrastructure investments, and long-term costs against the benefits of the kind housing that will be built in Sherwood West. Furthermore, it did not consider less expensive options to expand the UGB to this extent such as infill and redevelopment tailored to more specific housing types that can be served by transit and existing infrastructure.

**Conclusion and Remedy:** These violations are grounds for the Commission to remand the decision under OAR 660-025-160(2)(c)

**E. CLAIM: SHERWOOD WEST URBAN GROWTH BOUNDARY EXPANSION WILL DO NOTHING TO ADDRESS THE CITY'S IMBALANCE OF JOBS TO HOUSING AND WILL INCREASE RATHER THAN DECREASE DRIVING IN THE REGION.**

The ratio of jobs to housing in a metro and the types of jobs available are important issues but the Sherwood West Concept Plan misuses the concept. In general, most metro areas in aggregate have a reasonable ratio of jobs to housing. However, the proximity of jobs and where employees live are not necessarily correlated, where this becomes a problem is where jobs are lacking in geographic areas that long distance commuting must occur from outside metro regions.

One factor is because housing in the Metro area is economically beyond reach. However, anecdotal evidence suggests many people, who do these commutes, are vested in their communities and prefer to live there. This is particularly true for those with families. Furthermore, technology has changed the nature of work and remote and hybrid work makes job and housing proximity less important.

From this perspective the Sherwood West UGB proponents have unreasonably appropriated the job-housing balance issue. The Concept Plan report claims more commercial and economic development will create jobs that will be taken by Sherwood residents. However, more jobs in one location does not result in people locating to be near these jobs, when they have the means to commute.

The West of Sherwood Farm Alliance presented an Excel spreadsheet to Metro using US Census data to show a lack of relationship between the ratio of housing and jobs in the region's cities and the average commute length, which is in the record as part of item F "Jobs Housing Balance Commute Times in Portland Metro."

Where local policy can make a difference in matching jobs to housing is taking actions to promote safe, and well-designed affordable housing that has transit access, including access for people with varying incomes. As with housing, it is not possible for local jurisdiction to exert policy control to match business siting requirements with housing needs and residents' skills. Nor is it possible for local land use controls to impact the types of businesses that would provide jobs residents will take. Also, the real estate market in this respect is regional or sub-regional in scope and dependent on many factors which local governments cannot control.

The Sherwood West UGB expansion cannot meaningfully impact the city's job/housing balance either from the housing or job side because of the above-mentioned factors. The more likely outcome of Sherwood West's development pattern will be perpetuating the current suburban model of automobile dependent commuting between communities. The exception to this would be for the City to adopt policies and implement measures that would promote development of significant affordable, moderate- and low-income housing to allow those entering the work force, or whose skills match locally available jobs. This rationale for expanding the UGB is inauthentic.

Asserting that a Sherwood West will result in a job to housing balance is a myth and it cannot be used for justifying the UGB expansion for reasons it is inconsistent with Functional Plan Titles 1, 2, and 11 - Housing Capacity Housing Choice and Planning for New Urban Areas.

**Conclusions and Remedy: Remand the decision to Metro and direct the Metro Council to either demonstrate that increasing jobs in Sherwood would lead to reductions in driving and if not, to eliminate that is a factor in its current and future UGB decision making.**

**OBJECTION F: THE CLAIM THAT THE LAND SUPPLIED BY THE SHERWOOD WEST UGB EXPANSION WILL MEET OVERALL LAND NEED FOR EMPLOYMENT AND HOUSING IS UNSUPPORTED OPINION CONTRADICTED BY LOGIC AND THE FACTS:-**

**Discussion:** The housing need issue has been addressed previously but it must be emphasized again that the Sherwood West UGB expansion is being proposed in the context of already developing River Terrace and Cooper Mountain UGB expansions that will provide many thousands of new residential units.

There is no quantitative information tied to locational need to support these "opinions" from stakeholders that justifies an additional 1,290-acre UGB expansion in this location for additional residential or employment uses of the scale proposed.

Findings F1: The statement of letters of support from 20 key employment stakeholders is misleading. There are no affordable housing providers in this group that explicitly state they need developable land in this specific location. Most of those who signed are economic development organizations and boosters, realtors, home builders and other development related businesses that have economic interests in the UGB expansion. Several local governments, including service districts also signed on, but they do not provide employment in the private sector either, or do they provide housing. It would be more impactful if there were actual providers of low- and moderate-income housing, businesses- manufacturing companies, finance and banking organizations, health care institution's, etc. that provided data-driven reasons why they need land in this location to site their business operations.

The lack of an adequate evidentiary foundation means Metro's decision violates ORS 197.350(3), Goal 14's "Land Need" requirements, the associated requirements in OAR 660-24-0040(1), the applicable requirements of Goal 9 and OAR chapter 660, division 9, OAR 660-24-0040(1) with the requirements for determining housing needs in Goals 10 and OAR chapter 660, division 7 or 8. The decision also violates Goal 2's requirement of an adequate factual foundation for planning decisions. These are grounds for remand under OAR 660-025-160(2)9c).

**Conclusion and Remedy :** This claim that stakeholders believe the expansion will provide needed land for housing and employment is an "opinion" which does not itself justify expanding the west Sherwood UGB. The claim cannot be supported by findings to show compliance with Functional Plan Titles 1, 2, and 11- Housing Capacity, Housing Choice and Planning for New Areas. For the reasons given above, Metro's decision is not based on substantial evidence in the whole record, which is grounds for remand under OAR 660-025-160(2)(a).

**OBJECTION G: THE SHERWOOD WEST PROPOSAL DOES NOT "BUILD ON OUR REGION'S STRONG HISTORY OF PLANNING" AND IS NOT "POISED TO DELIVER NEEDED RESIDENTIAL AND EMPLOYMENT LAND."**

**OBJECTION H: THE CITY OF SHERWOOD DOES NOT COMPLY WITH ALL METRO AND STATE HOUSING PLANNING REQUIREMENTS PERTAINING TO HOUSING INCLUDING HAVING AN ADOPTED HOUSING NEEDS ANALYSIS. AND THE CITY WILL NOT GROW AT AN AVERAGE ANNUAL GROWTH RATE OF 1.1% CONSISTENT WITH METRO PROJECTIONS.**

**Laws, rules, polices, plans, codes or procedures violated by Metro's decision and standards of review providing grounds for remand by LCDC.**

Metro's decision approving Sherwood's Sherwood West Concept Plan UGB expansion violates Goal 10's mandate that:

*Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon [including the Metro region's] households and allow for flexibility of housing location, type and density.*

*GUIDELINES A. PLANNING 1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost;*

Metro Regional Framework Plan:

### *1.3 Housing Choices and Opportunities*

*It is the policy of the Metro Council to:*

*1.3.1. Provide housing choices in the region, including single family, multi-family, ownership and rental housing, and housing offered by the private, public and nonprofit sectors, paying special attention to those households with fewest housing choices.*

*1.3.2. As part of the effort to provide housing choices, encourage local governments to ensure that their land use regulations: a. Allow a diverse range of housing types; b. Make housing choices available to households of all income levels; and c. Allow affordable housing, particularly in Centers and Corridors and other areas well-served with public services and frequent transit services.*

*1.3.3. Reduce the percentage of the region's households that are cost-burdened, meaning those households paying more than 50 percent of their incomes on housing and transportation.*

Metro Urban Growth Management Functional Plan:

### *3.07.1110 Planning for Areas Designated Urban Reserve*

*(a) The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to sections . . .*

*(b) A local government, in creating a concept plan to comply with this section, shall consider actions necessary to achieve the following outcomes:*

*(1) If the plan proposes a mix of residential and employment uses:*

*(C) A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the*

*governing city, the county, and the region if data on regional housing needs are available, to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;*

Metro's Code and policy documents refer to "housing needs" and "needed housing which should conform to statutory definitions of "needed housing" in ORS 197A.018 and 197A.348.

These violations and failures are grounds for remand under OAR 660-025-160(2)(c).

**Conclusion and Remedy:** The absence of a current LCDC-approved Housing Need Analysis means and the failure to provide and consider information on housing prices and rents in the expansion area to meet local and regional needs means Metro's decision is unsupported by substantial evidence and violates Goal 2's requirement of an adequate factual foundation for Metro's decision. This is grounds for remand under OAR 660-03=25-160(2)(a).

The decision should be 1) remanded to Metro with direction to conduct an evaluation of the price of homes and rents in the Sherwood West expansion area that will be built by the private market and compare to regional needs and to local needs in an updated Housing Needs Analysis for Sherwood and ; 2) Metro should be directed to update its population forecasts for Sherwood and the region taking into account the most recent information on actual population growth and to consider as an alternative to the Sherwood West UGB expansion the adaptive reuse and infill of residential and other lands inside current urban growth boundaries, and estimate those home prices and rents to compare with those in Sherwood West, to create livable, compact, accessible, more affordable, and multigenerational neighborhoods.

## **OBJECTION I: THE PROPOSED UGB EXPANSION WILL NOT MAKE EFFICIENT USE OF PUBLIC TRANSIT SYSTEMS, PEDESTRIAN AND BICYCLE TRAVEL TO COMMERCIAL AND CIVIC SERVICES**

### **Laws, rules, polices, plans, codes or procedures violated by Metro's decision and standards of review providing grounds for remand by LCDC.**

The provisions of Goal 12 and Metro's 2023 Regional Transportation Plan referenced in Objection B are violated by Metro's approval of the Sherwood West Concept Plan and are therefore provide the basis for the Commission to remand that decision to Metro under OAR 660-025-160(2)(c). And because these provisions were not adequately addressed in the information supplied by Sherwood or referenced by Metro the decision lacks substantial evidence under OAR 660-025-160(2)(a)

## **OBJECTION J : THE UGB EXPANSION IS NOT NEEDED TO PROVIDE LAND FOR EMPLOYMENT USES**

**Discussion:** The 2021 Sherwood Economic Opportunities Analysis (EOA) concluded that considering existing developable land, including 127 acres within the Tonquin and Brookman areas, there was no basis for additional new land to accommodate future commercial or industrial employment during the period 2021 – 2041. The 2021 EOA stated that Sherwood had 249 unconstrained acres of employment land and about 124 acres available within the short term - five years.

However, the 2021 EOA numbers did not provide the proponents of the UGB expansion adequate justification to expand the UGB, in the West Sherwood area, so the city undertook an EOA update in 2023 to do so. The approach used in the new EOA provided the city greater flexibility in determining employment land need-based on new methodologies, aspirations and the unproven premise that it could “target” certain kinds of industry and other kinds of economic activity.

Findings J1: The more recent EOA - concluded that the city will need 485 net acres of employment land between 2022- 2042. This is 236 acres more than currently; and of this, 143 acres may be required in the next five years.

The newer EOA also recommended that developable sites of significant size be made available to attract major employers. Specifically, it referenced the need for “development-ready” larger sites for semiconductor and other technology-based industries.

In addition, as in effort to justify significant employment land expansion the revised EOA referenced the 2021 Federal Chips and Science Act legislation that emphasized the national need to increase semi-conductor manufacturing. Significant federal funds were made available to promote/support technology manufacturing. It was speculated that additional industrial land in Washington County could be a contender for these land uses. Business Oregon, Port of Portland and Oregon Business Council then prepared a publication that claimed no sites existed inside Oregon UGBs for large semiconductor manufacturers and that the only acceptable lands were on rural reserve lands near Hillsboro. However, once asked, Oregon Cities identified 10,000 acres of development-ready industrial land including several very large sites close to the Portland International Airport (PDX). The overall result of this was some federal funding was granted to technology projects on lands already inside cities. In Oregon these funds were provided to modernize existing manufacturing, and product development facilities and not build on new sites.

Metro’s recent employment lands analysis also found that there is adequate land for employment growth within the existing UGB including technology uses for the foreseeable future.



The UGB expansion for employment lands is not justified from the proof provided. The reasons are anecdotal, especially for technology uses. From a regional perspective Metro's current land inventories indicate that there is enough industrial land inside the UGB to accommodate regional needs. Furthermore, from a site planning perspective and natural resource constraints the 130 acres proposed for mixed employment is more suited for smaller, industrial and office parks, specialized manufacturing, etc. than it would be for larger technology related manufacturing uses. These are the same kind of land uses that could locate on already available industrial lands within the Sherwood-Tualatin area UGB.

**Conclusion and Remedy.** For the above these reasons this UGB expansion is inconsistent with the Metro Regional Framework Plan Principles 1.4.2 and the decision should be remanded to Metro to reconsider its conclusion that the region needs additional sites for high-tech manufacturing, given the already available lands within the area of Sherwood and Tualatin inside the other areas of the UGB.

**OBJECTION K. THE CONCEPT PLAN CALLS FOR CHICKEN CREEK AND RELATED NATURAL AREAS AND ECOLOGICAL SYSTEMS TO BE SURROUNDED BY URBAN DEVELOPMENT. THIS IS A RECIPE FOR THEIR DESTRUCTION NOT A "BOLD VISION FOR THEIR PROTECTION"**

**Discussion:** Other than simply stating that protection of natural areas and ecological systems will occur, the concept plan does not provide specifics how this will happen.

The Sherwood West Concept plan did not address the protection and/enhancement of the functions and values of the area's natural resources. First it does not acknowledge from a future regulatory perspective, the boundaries for the area's floodplain, topographic hazards, major tree groves, or wildlife habitat. Nor does it discuss the relationship of the area's natural resources within context of the overall health of Tualatin and Willamette River basins and how this would be enhanced. For example, future development will result in millions of square feet of impervious surface associated with development that will require storm water treatment and conveyance to the surface water system. Policies and standards are needed to prevent harm to existing natural drainage ways through pollutant and sediment loads and higher temperatures. Also, preliminary engineering concepts show major sewer trunklines being located along the Chicken Creek waterway. This is archaic and utility service plans must make a commitment to minimize harm to stream corridors and associated natural systems. Furthermore, the concept plan does not address, even from a general perspective, future development standards needed to ensure the integrity and quality of the area's natural resources.

The public use of the Chicken Creek Greenway will depend on a well-developed trail system that likely cannot be funded by existing system development charges and other sources.

**Conclusion and Remedy:** The Sherwood West Concept Plan presents no vision for Chicken Creek or other natural resources, let alone a bold one. The concept plan presents no evidence that there is valid intention to protect or enhance the area's natural resource qualities, functions and values through regulatory means. Also, for the above reasons the UGB expansion as approved by Metro is also inconsistent with Metro Functional Plan Titles 3 and 13 Water Quality and Flood Management and Nature in Neighborhoods.

The decision should be remanded back to Metro to either explain how surrounding Chicken Creek and its riparian area and other natural resources areas supposedly protected by Title 13 will be protected and enhanced by roads crossing them, the runoff from surrounding paved area, and the impact of pets and invasive plants, or to find other ways or places to meet regional housing and employment needs that are not so destructive.

**OBJECTION L. THE DEVELOPMENT PROPOSED IN THE CONCEPT PLAN IS INCOMPATIBLE WITH EXISTING FARM AND FOREST PRACTICE EITHER WITHIN THE PROPOSED UGB EXPANSION AREA OR OUTSIDE IT.**

Absent a much more innovative plan, the claim that development in the Sherwood West UGB expansion will be compatible with farm and forest practices inside or adjoining the UGB must be declared false on its face. Agricultural operations cannot exist with the scale of urbanization proposed by the concept plan. There are reasons why there is a separation between urban development and farming. Farming practices cannot co-exist with urban development. The conflicts are too great.

It is ironic from this perspective that it is claimed that part of the Sherwood West Concept is intended to serve as a "gateway to wine country" when the result will be the end of the Concept Plan's winemaking businesses and other agricultural businesses. Furthermore, to support the claim this is merely promotional and speculative; the cities of Newburg and specifically Dundee have claimed this title already, backed it up with substantial agricultural tourism investment, and supported land use actions to protect the area's vineyards.

The consequence of implementing the concept plan will be the demise of several agricultural operations within the area. Urbanization will have consequences on both existing agricultural uses and supporting business operations who support them for goods and services. It will undermine the millions of dollars invested in the area's wine growing and other agricultural operations. It will also disrupt the lives of farm workers who depend on the area for jobs.

**Conclusion and Remedy:** Fundamentally, the encroachment of urbanization, including traffic impacts, results in conflicts that are contrary to the viability of agriculture inconsistent in this case with Metro Title 11 and the Metro and Goal 14 locational factors.

Metro's finding about the compatibility of its proposed urban development with nearby farm and forest practices is unsupported by adequate facts and reasonable understanding of those practices. It should be rejected. Metro will then have to reconsider either its conclusion, gather new evidence and/or find a different location for a UGB expansion or take measures that will avoid the need for an expansion at all.

## **CONCLUSION**

Thank you for the opportunity to appeal this decision to the commission. I look forward to your decision on these important matters.

Sincerely,

*/s/ Ronald Bunch*

Ronald Bunch