



March 24, 2018

Michael J. Weston II
City Manager
City of King City
15300 SW 116th Avenue
King City, OR 97224

Sent Via Email to mweston@ci.king-city.or.us

Re: King City Urban Reserve Area 6D Concept Plan/Property at 16900 SW Elsner Rd
Comments for Planning Commission Meeting, March 28, 2018

Dear Mr. Weston:

I am writing about the Public View Draft of the King City Urban Reserve Area 6D Concept Plan, dated February 2018, (the "Public View Draft" or "Concept Plan") that is being considered at a public hearing by the Planning Commission on March 28, 2018 for recommendation for approval to the City Council.

As discussed, I represent Elaine Eudaly who owns the 14.47 acre property located at 16900 SW Elsner Road, Sherwood, OR 97140 (the "Property") and provide these comments on her behalf. I am unable to attend the upcoming Planning Commission meeting due to my spring-break vacation. Please share this letter with the Planning Commission for its consideration prior to the public hearing and include it in the City's official record for the Concept Plan approval process.

These comments are a follow up to my previous letters of January 26, 2018 and July 15, 2017, incorporated herein by reference. The current Public View Draft is the same in substance as the Preliminary Draft of January 2018, except for minor refinements. Hence, those previous objections are still raised and I summarize them below in items 1 and 2. Items 3-5 below are additional objections.

My client objects to the Concept Plan on the basis that:

1. No urban development is intended for the Property which has legitimate residential development potential, thus Statewide Planning Goal 10 is not adequately satisfied.
 - a. This is reflected on the maps on pages 25 and 78 in the Public View Draft, which shows the Property not being buildable land or being serviced by sanitary sewer. These maps were not modified as requested in my letter of January 26.
 - b. The entire Property is essentially designated as open space since it is entirely encumbered by Metro's Upland and Riparian Wildlife Habitat classifications,

and excluded from the 318 acres of developable land as indicated in the “Approach to Sensitive Areas” section of the Public View Draft on page 29.

- c. However, the Property has urban residential development potential.
 - i. The approximate 4-acre “Flat Bench” area on the Property is a suitable area for urban residential development due to it being flat, dry, and out of any floodplain or ravine.
 - ii. This area is not “Upland Wildlife Habitat” and is mapped incorrectly, since it contains my clients’ existing residence, outbuildings, and curtilage.
2. City has an inherent conflict of interest in not including the Property as buildable land in the Concept Planning due to its stated interest in acquiring the Property as a public park.
 - a. The Property is designated as a potential location for a Community Park as shown on the maps on pages 59 of the Public Review Draft.
 - b. This is further supported by the City’s expressed interest to my client in purchasing the Property for a public park.
 - c. However, it is controlling the future zoning on the Property through this Concept Plan, which establishes the framework for the comprehensive plan.
 - d. By not including the Property as potential buildable land in the Concept Plan, the value of the Property is affected, possibly reducing it, thus making it more affordable for the City to purchase for a park in the future.
3. Metro Urban Growth Management Functional Plan provision in Section 3.07.1425(d) as identified as item 6 on page 13 of the Staff Report of March 21, 2018 for: *Concept Plan – King City Urban Reserve 6D* is not met:
 - a. The benefits and burdens of growth and change are not distributed equitably.
 - i. As mentioned above in items 1 and 2, since the Property is not designated for residential development and is designated as a potential community park, my client is bearing a greater burden of urbanization than other landowners in the URA who will benefit from increased values of their lands resulting from the UGB expansion and the public park and open space amenities. In contrast my client would not benefit for the upside of urbanization, despite her Property having developable acreage.
4. Demonstrated need to accommodate future urban population is not met under Metro Urban Growth Management Functional Plan Section 3.07.1425(b)(1).
 - a. In determining whether there is need to amend the UGB, the Metro Council shall base its determination in part on the “[d]emonstrated need to

accommodate future urban population, consistent with a 20 year population range forecast coordinated with affected local governments.”

- b. This provision has not been met because on page 88 the Concept Plan of the Public View Draft anticipates that in the “Years 1-9 – 2020 (earliest) to 2030” all projected development in the URA will occur in the “Town Center/Main Street and Beef Bend Neighborhoods” with 500-950 housing units estimated to be built.
 - c. However, the ECONorthwest Housing Needs Analysis, which is Appendix H to the Public Review Draft extrapolates that the housing demand in the next twenty years is 980 units, or approximately 49 units per year.
 - d. Based on the projected development of 500-950 units in the first nine years, that equates to approximately 56 to 106 units anticipated in the plan for this period of time, which exceeds the stated population forecast.
 - e. Consequently, the entire URA 6D, as proposed, does not need to be brought into the UGB, because the Concept Plan fails to demonstrate the need based on the population forecast.
5. Proposed development plan essentially creates an “island of urban land” outside the UGB and an “island of rural land” inside the UGB as prohibited under Metro Urban Growth Management Functional Plan Section 3.07.1425(f).
- a. Under Section 3.07.1425(f), the Metro Council “may not amend the UGB in such a way that would create an island of urban land outside the UGB or an island of rural land inside the UGB.”
 - b. With the proposed concentrated development in the Main Street/Town Center neighborhood as shown on the maps and in the “Summary of Dwelling Unit Type and Density by Neighborhood Table” on page 40 of the Public Review Draft, this in essence creates an “island” of urban land on the western edges of the UGB with cherry stem development in the north along the linear Beef Bend neighborhood. Since the land to south and east of these areas will remain less developed and some of it will remain rural land, such as the aptly named “Rural Character” neighborhood, which is adjacent to the existing UGB line, this is a leap-frog type development scheme that violates the spirit of Metro’s Functional Plan requirements.

My client wishes to extend her thanks for considering these comments. I can be reached at my office address and telephone listed above or via email at fritz@wfpauluslaw.com.

Sincerely,



William F. (Fritz) Paulus

Cc: Client