

## MEMORANDUM

**DATE:** September 15, 2010  
**TO:** KJ Won, Planner, and City of Banks  
**FROM:** Arnold Cogan, Ellie Fiore, Ric Stephens and Larry Derr  
**RE:** City of Banks UGB Expansion Amendment

The Banks City Council has expressed its interest to include the entire Quail Valley Golf Course in the area proposed for the Urban Growth Boundary (UGB) expansion. At the request of the Quail Valley Golf Corporation (QVGC) the Council can ultimately designate undeveloped land in the interior of the golf course for residential development, provided it can be done in compliance with applicable statutory and LCDC Goal requirements. By adding the entire QVGC property to the UGB expansion area, the City will bring the golf course within its land use regulatory jurisdiction. This will allow the City to preserve and protect this recreation resource.

The City has been working with planning consultants from CH2MHill to prepare a UGB Expansion Area Analysis and Justification, documented in Technical Memorandum 1.2 (Tech Memo 1.2) dated January 25, 2010. Tech Memo 1.2 describes the Preferred Alternative strategy decided by the City Council in January to guide additional planning work for the proposed UGB expansion. The Preferred Alternative includes a portion of the Golf Course, as well as additional property owned by QVGC for UGB expansion and residential and commercial development.

The purpose of this September 15, 2010 memorandum is to supplement Tech Memo 1.2 and modify the UGB expansion proposal to include the entire Golf Course. A map is attached showing the specific QVGC property that would be added to include the entire Golf Course (Figure 1) and a map showing the preferred UGB expansion alternative with the addition of the Golf Course (Figure 2).

Tech Memo 1.2 provides a detailed location and boundary analysis for the proposed 246.82-acre UGB expansion area, which includes the following QVGC tax lots and partial tax lot, as shown on Figure 1, Proposed Golf Course Addition. The total acreage of these four lots and partial lot is 31.29 acres.

- 1) 2N 3 31D 00100 (10.00 acres, partial)
- 5) 2N 3 31CA 06900 (8.93 acres)
- 6) 2N 3 31D 00400 (9.96 acres)
- 7) 2N 3 31D 00100 (1.50 acres)

8) 2N 3 31D 00101 (0.90 acres)

This September 15, 2010 modification will add the following tax lots and partial tax lot to the UGB Expansion area so that the entire Golf Course is included.

- 1) 2N 3 31D 00100 (55.60 acres, partial)
- 2) 2N 3 31 00100 (44.30 acres)
- 3) 2N 3 31 00201 (25.94 acres)
- 4) 2N 3 31 00500 (15.80 acres)

The total acreage of these three lots and partial lot is 141.64 acres. The total QVGC property is 172.93 acres.

Statutory and LCDC requirements for change of an UGB have three basic elements: (1) demonstration of need for the expansion; (2) demonstration that the need cannot be accommodated within the existing UGB; (3) consideration of alternative locations for the UGB expansion. The following information can be incorporated into findings supporting adoption of the UGB expansion with the inclusion of the entire Golf Course to satisfy these elements.

#### **Land Need**

LCDC Goal 14 and OAR 660-024-0040(1) and (2) provide that establishment and change of UGBs shall be based on need to accommodate a 20-year population forecast and need for various categories of urban uses.

*Establishment and change of urban growth boundaries shall be based on the following:*

*(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*

Tech Memo 1.2 updates the coordinated population forecast for the 20-year planning horizon. The Memo demonstrates a need for residential and employment land to accommodate Banks' 20-year population growth, but does not separately address recreation uses. The 2010 Updated Park and Recreation Master Plan identifies the growing need for recreation uses, including special uses such as golf courses, associated with the 20-year population forecast.

*(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

The City has established a need for 123 acres of residential land together with an additional 25% or 31 acres under OAR 660-024-0040(10) for streets and roads, parks and school facilities. However, the residential land need and the safe harbor allocation for streets and roads, parks and school facilities does not consider specific recreation, open space and livability needs of the City. Golf courses are recognized open spaces

uses under OAR 660-023-0220(1), “For purposes of this rule, ‘open spaces’ includes parks, forests, wildlife preserves, nature reservations or sanctuaries, and *public or private golf courses*”. The “uses such as” categories of Goal 14 are separate from and in addition to the “needed housing” and “employment” need categories, and may include recreation needs identified by a city. The Goal 14 Planning Guidelines provide that plans should designate sufficient amounts of land to accommodate, among other things, “*open space and recreational needs*”. Golf courses satisfy both categories of needs.

The need for inclusion of the golf course to meet local, regional and state parks and open space needs is documented in the amendments to the Comprehensive Plan, including the Goal 8 Element, the Park and Recreation Master Plan update and the supporting findings for the adopting ordinances. The amendments and findings also demonstrate that the Golf Course fulfils a range of community uses that contribute to liveability for Banks residents.

### **Land Within the UGB**

Goal 14 and OAR 660-024-0050(4) provide:

*Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.*

The LCDDC rules further require that, after establishing the need for the golf course to meet the recreational needs of its growing population, the City must explore ways to accommodate the use within the existing UGB on vacant or re-developable land.

The National Recreation and Park Association (NRPA) establishes park and recreation standards to identify the minimum land area for community facilities, guide land requirements to meet recreation needs, and justify the need for parks and open space within the land use pattern of a community. The NRPA identifies a minimum of 110 acres for an 18-hole golf course such as Quail Valley.

The area within the current Banks UGB is almost entirely built out. Clearly, the City of Banks’ UGB does not currently include this amount of vacant, undeveloped land and as such, cannot accommodate the need for this special use within its existing UGB.

### **Boundary Location**

Goal 14 requires an alternatives analysis to establish the location of changes to an UGB to meet demonstrated need. The alternatives analysis must be consistent with the priorities in ORS 197.298 and the four location factors in Goal 14. The steps and considerations in applying those factors are outlined in OAR 660-024-0060.

Tech Memo 1.2 established the alternative land to be considered by adopting a “Study Area” around the existing Banks UGB. The following analysis considers all of the land

within the Study Area in evaluating locations other than the four tax lots for inclusion to meet the golf course need.

The ORS 197.298 priorities and responses are:

*(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:*

*(a) First priority is land that is designated urban reserve land under ORS 195.145 (Urban reserves), rule or metropolitan service district action plan.*

There are no urban reserve lands in the Study Area.

*(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.*

All Priority 2 exception lands are included in the original proposed UGB expansion area to meet identified residential and employment land needs, except for a parcel on Sellers Road that was excluded in the Tech Memo 1.2 analysis. There are no additional exception lands in the Study Area.

*(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).*

The Study Area has no land designated by Washington County as marginal land.

*(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.*

All of the available land within the Study Area not already proposed for UGB expansion, including tax lots 1-4, is designated by the Washington County Comprehensive Plan as resource land and designated for agricultural use.

*OAR 660-024-0060(1)(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.*

When there is more than enough land in the applicable priority category to meet the established need, the four location factors of Goal 14 must be applied to determine the boundary change location. As demonstrated above, an insufficient amount of land is available within the UGB or in the first three priority categories to accommodate a golf course. The amount of land within the fourth category exceeds the need and therefore the location factors must be applied to determine the expanded UGB boundary location to satisfy the Golf Course need.

In addition to applying the Goal 14 location factors, ORS 197.298(2) requires that higher priority be given to land in a lower capability classification system for agricultural land. With the exception of small portions of various tax lots within the Study Area, all land that is not high value farm land is included in either the Preferred Alternative UGB expansion area or this additional expansion area. There are no blocks of lower soil capability class land that are large enough to accommodate a golf course use.

### **Boundary Location Factors**

Only the land not included in the Preferred Alternative UGB expansion was considered as alternative locations. Also, only those blocks of land large enough or nearly large enough to accommodate a golf course use comparable to the QVGC Golf Course were considered as alternative locations. Those blocks of land are located east of Aerts Rd/south of Hwy 6, east of Aerts Rd/north of Hwy 6, north of Banks Rd/east of Courting Hill Rd, north of Banks Rd/west of Courting Hill Rd, west of Hwy 47/between Hwy 6 and Dierckx Rd, east of Hwy 47/south of Wilkesboro Rd/west of the railroad tracks. Land west of the Preferred Alternative UGB expansion and north and south of Cedar Canyon Rd was not considered because after deleting floodplain land the remaining land was either too small or would be separated from the UGB by the floodplain.

#### *1) Efficient accommodation of identified land needs;*

The QVGC Golf Course is an existing, fully-developed public golf course that meets recreational and local community needs. Because the expansion property will not continue and expand any existing residential, commercial or industrial uses in the City, it is essentially a stand-alone use that could theoretically be located anywhere on the fringe of the City. However, the land east of Aerts Rd and north and south of Hwy 6 and the land north of Banks Rd and east of Courting Hill Rd would be marginally connected to the balance of the UGB and therefore not an efficient location for expansion. Adding the remainder of tax lot 1 and tax lots 2-4 to the proposed UGB expansion area is an efficient strategy for meeting recreation needs, since this area is immediately adjacent to a portion of tax lot 1 and tax lots 5-8.

It is more efficient to add an existing use with all necessary infrastructure in place than to create the use and supporting infrastructure on any of the remaining lands considered. If alternative land was brought into the UGB and designated for golf course

use, so long as the QVGC Golf Course continued in operation, a new golf course on any other land in the Study Area likely would not succeed, would not be justified by the demonstrated need, and would not be built.

*2) Orderly and economic provision of public facilities and services;*

The property is currently adequately served with sewer, water and transportation facilities. Because the proposed addition of tax lots 1-4 to the UGB expansion area will not change or intensify the use, it will generate no need for different or additional services. Demand for fire and emergency services will be unchanged. The use makes no demand on the school system, while contributing tax revenue to its operation and providing a facility for the school athletic program and other educational purposes.

Each of the alternative sites not eliminated for other reasons as described above would require new utility services and would be separated at a minimum by County Roads from the balance of the UGB expansion.

*3) Comparative environmental, energy, economic and social consequences; and*

Because the golf course is an existing use and will not change with UGB expansion, there will be no negative environmental, energy, economic and social consequences as a result of this amendment to the UGB expansion. Preserving this existing use will require no additional energy nor create new impacts, nor will it displace any existing agricultural production. Meeting these needs by developing a new golf course on other parcels would have significant environmental, energy, economic and social consequences and on some of the alternative land would result in taking productive agricultural land out of use.

*4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

Compatibility of the golf course with nearby activities was a primary issue in the County's approval of the golf course in 1994. The result of the County's review was a conclusion that the Golf Course would be compatible with those activities. There have been no user conflicts since the Golf Course was established. Locating a golf course on any of the alternative lands, although a theoretical exercise at best, would not have the benefit of years of successful and compatible operation the QVGC Golf Course has experienced.

## **Traffic Impact Analysis**

As part of the planning process for the UGB expansion and adoption of a Transportation System Plan for the City of Banks, CH2MHill prepared Technical Memorandum 5.1

*Transportation Needs, Opportunities and Constraints Report (Tech Memo 5.1).*

Tech Memo 5.1 and subsequent work leading to adoption of a TSP is intended to, among other things, meet the requirements of the transportation planning rule, OAR 660-0125-0060, for an UGB amendment.

OAR 660-024-0020(1)(d) provides that the transportation planning rule need not be applied if an UGB amendment applies zoning that will not generate more vehicle trips than development allowed under the zoning prior to inclusion in the UGB. Because this amendment will apply the Community Facilities zone that will limit the use to the existing golf course use, there will be no change in the vehicle trips generated as a result of the UGB amendment.

In addition, because the QVGC Golf Course is an existing use, Tech Memo 5.1 includes traffic analysis of existing uses, and no changes in use are included as part of this modification to the Preferred Alternative UGB expansion, the transportation planning work being done by the City fully addresses the transportation planning rule as it might relate to this modification.