

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: July 15, 1999
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. EXECUTIVE OFFICER COMMUNICATIONS

4. AUDITOR COMMUNICATIONS

5. MPAC COMMUNICATIONS

6. METRO LEGISLATIVE UPDATE

PacWest

7. CONSENT AGENDA

7.1 Consideration of Minutes for the July 1, 1999 Metro Council Regular Meeting.

8. ORDINANCES - SECOND READING

8.1 Ordinance No. 99-811, For the Purpose of Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 98-4: Tsugawa.

McLain

9. RESOLUTIONS

9.1 Resolution No. 99-2812, For the Purpose of Approving Urban Reserve Plan for Area 43.

McLain

9.2 Resolution No. 99-2813, For the Purpose of Amending the Clackamas River Greenway Target Area Refinement Plan.

Atherton

- 9.3 **Resolution No. 99-2816**, For the Purpose of Authorizing the Executive Officer to Execute an Intergovernmental Agreement with the City of Tigard to Manage the Property in the Fanno Creek Greenway Target Area.

Kvistad

10. COUNCILOR COMMUNICATION

ADJOURN

Cable Schedule for July 15, 1999 Metro Council Meeting

	Sunday (7/18)	Monday (7/19)	Tuesday (7/20)	Wednesday (7/21)	Thursday (7/15)	Friday (7/16)	Saturday (7/17)
CHANNEL 11 (Community Access Network) (most of Portland area)						2:00 P.M. *	
CHANNEL 21 (TVCA) (Washington Co., Lake Oswego, Wilsonville)	7:00 P.M. *	1:00 A.M. *		7:00 P.M. *			
CHANNEL 30 (TVCA) (NE Washington Co. - people in Wash. Co. who get Portland TCI)	7:00 P.M. *			7:00 P.M.*			
CHANNEL 30 (CityNet 30) (most of Portland area)		2:00 P.M. (7/8 meeting)					
CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)		12:00 P.M. (7/8 meeting)		10:00 P.M.	11:00 P.M. (7/8 meeting)	10:30 P.M. (7/8 meeting)	7:00 A.M. (7/8 meeting)
CHANNEL 19 (Milwaukie TCI) (Milwaukie)	4:00 P.M. (7/8 meeting)					10:00 P.M. (7/8 meeting)	9:00 A.M. (7/8 meeting)

* These meetings may be preceded by a 30-minute public affairs program, *The Regional Report*, produced by Metro.

PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 7.1

Consideration of the July 1, 1999 Metro Council Meeting minutes.

Metro Council Meeting
Thursday, July 15, 1999
Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

July 1, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Ed Washington, Rod Park, David Bragdon, Jon Kvistad

Councilors Absent: Bill Atherton (excused), Susan McLain (excused)

Presiding Officer Monroe convened the Regular Council Meeting at 2:04 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION - PRESENTATION OF AWARD

Presiding Officer Monroe said that the International Association for Public Participation, Portland Chapter, was giving the Metro Council an award for the listening posts related to the north and south transportation corridors. Vaughn Brown presented the award to Councilor Washington. Staff members who worked with Councilor Washington were in the audience. Of particular help in this matter was Jeanna Cernazanu, Susan Finch and Marilyn Matteson.

Mr. Vaughn Brown, Chair of the International Association of Public Participation, the local Cascade Chapter, said they were a group of professionals that were from government institutions that try to advance public participation. He said one of the ways that they did that was the Annual Awards Program, he then presented an award to Metro for the Listening Post Program. He said the listening posts were conducted on a fairly light budget and that people went out after the defeat of the North/South Light Rail measure to listen to what ideas were going on. He stated that in 1998-99 there were a series of meetings conducted, over 375 people attended and over 400 commented. He said the reason they thought the program was exemplary was that Metro began with listening. He said that demonstrated that public participation could be quick and cheap.

Councilor Washington thanked Mr. Brown's organization for the award. He noted that they really did try to listen effectively. He said it would not have been possible without the participation of other members of the Council, the transportation committee, Presiding Officer Monroe, JPACT, and staff. He then accepted the award on behalf of everyone, and thanked Mr. Brown.

3. EXECUTIVE OFFICER COMMUNICATIONS

None

4. AUDITOR COMMUNICATIONS

None

5. MPAC COMMUNICATIONS

Presiding Officer Monroe said MPAC did not meet this week. He then asked if there was anything from the council on MPAC.

Councilor Park said that the MPAC subcommittee on funding had met twice. He said he missed the first meeting because he was at the National Association of Regional Councilors. At the second meeting they had just started the process of looking at the areas coming within the Urban Growth Boundary. They were concerned with how they were going to pay for the infrastructure, schools and more. He said the public should be aware that this was taking place and Commissioner Michael Jordan from Clackamas was chairing that subcommittee. He said hopefully the timeline would run between 6 months to a year. He thought that they would be getting some good information on what could be done. He added they would be meeting on the off weeks of MPAC because the schedule kept changing.

Presiding Officer Monroe thanked Councilor Park and asked if there were further comments on MPAC.

6. METRO LEGISLATIVE UPDATE

Dan Cooper, General Counsel, said they had seen proposed amendments to a prison siting bill that would prohibit both Day Road and Dammasch and would offer to the governor in affect three choices of Umatilla, a site towards Junction City, and the UAL Tree Farm site in Marion County. He stated that he had not heard from Mr. Phelps about further work sessions being scheduled, or if any version was likely to move out of the House Rules Committee.

Presiding Officer Monroe said they still do not believe him (governor) when he said he would veto anything other than Day Road.

Mr. Cooper said no comment.

Presiding Officer Monroe asked if there was anything further on highway funding.

Mr. Cooper said nothing new since the report on Tuesday.

Presiding Officer Monroe said Councilor Atherton brought up something on their retreat that was before the legislature. He noted that Councilor Atherton was not present so he would bring the issue before everyone. He said Councilor Atherton was interested in House Bill 2805 in particular to writing a letter in support of the minority report on House Bill 2805, then asked Mr. Cooper to come forward.

Mr. Cooper said this legislation would have given unqualified immunity to anyone who testified at any public hearing in front of the public body from any law suit regarding the content to what they had testified to. He said that version did pass through the House. He noted that when they looked through the file they had identified that it was not critical or of material interest to Metro. He said they had never had anyone who had testified in front of the council sue. He said they had not been monitoring the bill. The bill passed the house in that form and was referred to Senator Bryants, Civil Judiciary Committee on the Senate side. He stated to his understanding

the committee was passed by the Senate with amendments. The amendments would limit the immunity that people would have to such lawsuits. He said he did not have the details to what the limitations were. He said the minority report from the Senate Judiciary Committee if adopted by the Senate would have the version that passed the House, and both would have passed the same measure. He said that was the difference between the minority and majority report coming out the Senate Judiciary Committee.

Presiding Officer Monroe called for questions. He asked if council would like to send a letter. No interest was expressed.

7. CONSENT AGENDA

7.1 Consideration meeting minutes of the June 24, 1999 Regular Council Meeting.

Motion: **Councilor Park** moved to adopt the meeting minutes of June 24, 1999 Regular Council Meeting.

Seconded: **Councilor Washington** seconded the motion.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed with Councilor McLain and Atherton absent from the vote.

8. ORDINANCES - FIRST READING

8.1 Ordinance No. 99-812, For the Purpose of Amending the Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance No. 95-625A in Urban Reserve Area 65 in Washington County.

Presiding Officer Monroe assigned Ordinance No. 99-812 to Growth Management Committee.

8.2 Ordinance No. 99-811, For the Purpose of Adopting a Final Order and amending the Metro Urban Growth Boundary for Contested Case No. 98-4: Tsugawa.

Presiding Officer Monroe assigned Ordinance No. 99-811 to Council.

Councilor Washington introduced Mr. Stan Lewis, MCCI representative from his district. He apologized for not doing it sooner.

Councilor Park introduced Mr. Bob Pung, Vice Chair of MCCI.

9. ORDINANCES - SECOND READING

9.1 Ordinance No. 99-807A, For the Purpose of Creating a Metro Parking Policy and Amending Chapter 2.14 of the Metro Code.

Motion: **Councilor Park** moved to adopt Ordinance No. 99-807A.

Seconded: **Councilor Washington** seconded the motion.

Councilor Park said this was an off shoot of another item brought to the council in regards to the Zoo parking lot as a potential Park and Ride. He said this opened the door to a broader view of what was the policy for regional facilities. He then reviewed how the policy had evolved, he had discovered that there was not a policy to help the agency and public to understand that we did have these facilities. He said it was a tough subject with give and take on all sides. He stated that the underlining affect was that the facilities were there to support the regional facilities that were there with parking being a premium. He suggested picking off peak days or times to offer it to other people.

Presiding Officer Monroe thanked Councilor Park and asked for further questions or comments.

Councilor Kvistad thanked the council for allowing the one-week delay for this ordinance. He said he had been requested from Mr. Boly and Mr. Angel to have other information on the table. He said he did talk to the council.

Presiding Officer Monroe opened a public hearing on Ordinance No. 99-807A. He asked Mr. Stone would explain the new clock.

Jeff Stone, Chief of Staff stated that in the past they used an egg timer that was not efficient. He then explained the directions to the audience.

Elizabeth Callison, 6039 SW Knightsbridge Dr., Portland OR 97219 spoke supporting Arlington Heights and the Sylvan Highlands Neighborhood Associations. She stated that the neighborhoods have tried to work within the systems of the City of Portland. She said the problem was the total lack of public Park and Ride at the \$40 Million dollar light rail station at the Zoo. Neighborhoods should be discouraged from driving around downtown looking for parking. She stated the lot at the Zoo was large and there were times when it was not being used. She noted that Metro Employers and Councilor got free parking passes. She said the entire region contributed to the cost of constructing the Zoo Light Rail facility and that was expensive, although no commuter parking was in the original plan. She stated she thought it was a good idea, and for the council to be more creative to today's circumstances. Public facilities had developed in the areas and she would like a more compassionate view towards these communities. She stated that the problems brought up today would only be a foretaste of similar and worse problems that would arise if the Interstate Max was constructed. She noted that that system would only have about 500 parking spaces, causing more problems.

Doris Carlsen, 211 SW Wright Ave., Portland, OR 97201 said she too was here in support of Arlington Heights. She felt the adoption of this policy would contradict some of the basic charter of Metro, which was to encourage light rail, which should be the number one priority. She said she thought with the enormous cost of the Zoo Railway Station, it should justify encouraging mass transit. She said she hoped that they would not adopt the policy that precluded considering the Park and Ride concept that this could benefit the neighborhood or users. She stated she was most content with the information and it was expected that 10% of the patrons would arrive at the Zoo by light rail and it was actually 42%.

Councilor Park stated that one of the comments that Mrs. Carlsen made was that this would preclude any shared parking. He asked which part of this ordinance did she think would preclude the ability to do that.

Ms. Carlsen said she did not have the ordinance in front of her, so she stated she thought the priority for parking was for patrons of the facility and for employees.

Councilor Park said that was correct, the priority would be for the facility itself not for Park and Ride. He said it was his understanding that there were negotiations for some structured parking at the Expo Center that would increase the use of Tri-Met in that area. To use it as Park and Ride would benefit the Metro facility, and Expo Center.

Ms. Carlsen said perhaps she was mistaken and she would feel better if it did not preclude any further negotiations on this subject.

Presiding Officer Monroe asked Tony Vecchio what percentages of patrons were coming on light rail.

Mr. Tony Vecchio, Director of the Oregon Zoo, said they did a survey in March that said 16 % showed attendance on light rail, and 6 % on bus.

Mike Dowd, 2722 SW Rutland Terrace Portland, OR 97212 an Arlington Heights resident, said he would be happier if the language of the policy said more about encouraging transit use and not about using the facilities for visitors. He stated that he had been working for years trying to get a median removed and he spent several years at every meeting with a bureaucrat telling him that it was too hard to change. He said Councilor Washington was a hero of his because he stepped forward and got people looking at the median idea with common sense. He said he had heard that people were coming home from using the empty Zoo parking lot as a Park and Ride and had been ticketed. He stated from a common sense standpoint there would be an easier way to solve this. He hoped that the situation could be resolved and the parking policy did something more to encourage mass transit.

Ruth Raskie, 208 SW Marconi Ave Portland OR 97201, a board member of the Arlington Heights Neighborhood Association, said their sole objective was to reduce auto miles and increase transit use. She stated that right now Metro operated an 840-space parking lot next to a \$40 million station. She advocated whatever would minimize and then utilize most excess parking capacity. She stated that they had three questions: What was more important was less auto miles or more peak period parking for Metro facility patron? Did MAX have the capacity to accommodate peak period crowds attending the Zoo, the Forestry Center, and Children's Museum? Whether it was a scarce parking or MAX station, was it preferable to serve some or deny all.

Mike Sublett, 1875 N Portland OR was here on behalf of WHIM and stated that his project was founded a year ago to promote transit connections at this \$40 million station. This station was the sole connection to a \$200 million tunnel, the only stop for 4 ½ miles for 25% of the entire length of the West Side Light Rail. To date the organization which was completely voluntary regarding government funding had distributed over 2,000 4 page pedestrian maps of their own design, 700 bus schedules, and advocated for successful expansions of the bus service at the station plus plans for bicycling and pedestrian access. He stated WHIM had cautiously explored an experiment in seasonal and night shared parking over the several months along with other responsible civic organizations. He said the over 900 parking spaces surrounding the station offered some hope to the overcrowded Sunset Transit Station and the extreme congestion

in NW Portland and Goose Hollow. He noted that the entire neighbors NW coalition voted unanimously for an experimental program in shared parking that would be geographically limited to the Arlington Heights and Sylvan Highlands Neighborhoods. He stated that even though 8 of the 10 would not benefit directly they realized that there was a potential for regional benefit. He said if this ordinance did not allow us to experiment than it really did not do what he thought the region wanted to do. He presented a Metro Zoo document from the Transportation Demand Management Committee Meeting of June 11, 1999. He pointed out that it showed typical weekday and weekend transit mode shared to the Zoo. He then cited from table 3a the transit share mode which indicated, as 42%; last quarter was 32%. He said that the typical weekend day data for this quarter was 27% and no data given for last quarter.

Presiding Officer Monroe asked what the genesis for the data was.

Mr. Sublett said under the Zoos master plan for the conditional use permit, we were required to operate a Transportation Demand Management Plan Committee. He said this was a report from the June meeting for that committee.

Presiding Officer Monroe said we had just heard from the Zoo Director who gave different numbers. He said he wanted to know why the contradiction.

Mr. Sublett said this came from a Metro document.

Councilor Park asked if Mr. Sublett would be in favor of a region wide plan were the Convention Center parking lot be used for Park and Ride only for that geographic and then the parking lot at Expo only be used for those geographical areas.

Mr. Sublett said the nature of an experiment would be to try things in different areas. He said he did not want to hog tie the council and Metro staff. He said that this made sense for a number of reasons the Zoo had brought up. He stated number one how do people let them know when the MAX was too full? By limiting it geographically to those two neighborhoods who had the greatest stake in the success in the Zoo transit policy because those two neighborhoods suffered the consequences when it did not work. He said there was a natural balance. He said the neighborhoods were the ones to communicate.

Councilor Park said he was trying to see the justification of a geographic limited amount allowed for a publicly paid facility. He said that philosophically he could not reach that point. He said he could not explain to his district for example why a neighborhood would have the privilege of parking somewhere and the other neighborhood would be denied that right.

Mr. Sublett said several reasons, any residential permit parking program was geographically discriminatory. He gave examples of places he could not park for different reasons.

Councilor Park said he saw the difference between having a parking permit program for people from outside the area verses having a parking permit to go to a public facility because you lived in that geographic neighborhood.

Presiding Officer Monroe asked if he would share that data with Mr. Vecchio.

Gabriela Downey, 1565 SW Highland Parkway, Portland, OR 97221 said she had not been active in this. She stated that she had lived there for 10 years and had seen the transition of both Highway 26 and the Gardens torn out. She stated she and her husband had always supported public services. She said her neighborhood was older with senior citizens and she wondered why we would forbid letting people in the neighborhood use the parking after hours when it was empty. She said when this began she understood that the neighbors would be allowed to park in the Vietnam War Memoir parking lot but that policy had changed. She said if the council had questions, then offer a solution.

Lawrence Hudez, 11135 SE Yamhill, Portland, OR said he was here because he supported the Arlington Heights plan. He mentioned a fight Rod and he had over the branch of the library parking issues. He suggested running an experiment to see if it worked. He did not understand the problem of a neighborhood having certain privileges because he said he could go to 122nd and park his car and it did not cost him but these people could not do that. He stated that someone who used the Park and Ride at 122nd was usually living in that area and so these were in fact neighborhood Park and Rides. He stated that was the principle reason he was there, and he stated that was why he was in favor of all present and future MAX transit.

Mark Reed, Operations Director at the World Forestry Center and Chairman of the Parking Lot Committee, 4033 SW Canyon Rd, Portland OR 97221 spoke in favor of the Metro proposal particularly for the concept of the priority parking. This lot should be with the institutions that were dependent upon the parking capacity. Both his facility and the Zoo had aggressive programs to get their patrons and staff to use the mass transit that was available. He stated the parking was still at many times inadequate during special events throughout the year leading the parking lot to be full. This would lead to additional costs running shuttle buses and parking in immediate neighborhoods. He said there was no way you could tell people to come and not come with commuter parking. He added that there may still be some options and he did not preclude looking at different ways of doing it.

Presiding Officer Monroe said one of the questions that was raised had to do with using the parking lot in the evening time, he asked if there were activities that sometimes caused the parking lot to be at capacity after 5:00 p.m.?

Mr. Reed said during the summer time the Zoo had summer concerts causing the lot to be about 50 -60 % full. The issue was he does not want his hands tied and the Zoo did not either. He stated he did not want to have to say that they could not do the events because the lot had to be available for the neighbors.

Presiding Officer Monroe thanked Mr. Reed.

Lynn Fox, 3344 SW Evergreen Terrace, Portland, OR 97201 said she was there because she was a transit user who had been typically commuting from Arlington Heights to downtown. She wanted to direct her attention to what Councilor Park had said about it being a special privilege to park and use the light rail. The neighborhood that they lived in only had a bus that came around once an hour. Concern of safety was one of the reasons that prompted the neighbors to make this request. She said she would like to reiterate what Mike Sublett requested, that they remain open to the idea of experimenting and look for a solution with them. She noted a new lot that may be soon approved for bus parking only during the summer. This may provide an alternative for the neighbors to have access to public transit during the evening and winter.

Elka Turner, 2670 SW Fairview Blvd., Portland OR 97201 shared that she had been her neighborhood representative on the Transportation Committee with the Zoo and Forestry Center. She stated that sharing the parking lot at off times had been an issue for a long time trying to create some ideas. She said one of reasons she moved into the Arlington Heights neighborhood from Tualatin was she wanted her children to have the facilities of the city. She noted in the evenings she had wondered where they could park except for Goose Hollow where they were not wanted. She stated again that they had an empty parking lot they could use and that was the reason she testified today.

Rachel Weiner, 838 NW Albemarle Terrace, Portland OR a mother of a young child, visited the zoo and other facilities frequently. She said that it was easy to hop on the MAX She commended the asset of having it go to the Zoo and also the Rose Garden. She stated in her thoughts that the issue was mass transit verses auto usage. She thought it was unrealistic to think that all the neighborhoods were going to use the station at the same time. She felt that once you closed the door on something it was closed and that this ordinance might be too hasty.

Jeff Boly, President of the Arlington Heights Association, 2879 SW Champlain Drive, Portland, OR 97201 said he thought that the major problem here was the concern of the institutions if we started a program, it would lead to difficulties for them. He wanted to stress that they were open to a program that was experimental and was designed so that it was being used when it was not at capacity. If it became a problem it could be terminated. He said they proposed starting in November through March beginning at 9:30 am and continuing until the evening. He thought that we were underestimating the ability of MAX to address the situation there. His best evidence of that was what happened at the Coliseum and Rose Garden. He stated that at the Coliseum they had 12,000 capacity for people and 3,000 parking spaces and at the Rose Garden it went to 21,000 capacity for people and 2,000 parking spaces but it worked because of mass transportation. He noted that at the Zoo the maximum capacity was 10,500 and 840 parking spaces. He stated the difference was that they came at the same time to the Coliseum and at the Zoo they would be coming and going at different times. He said as far as the statistics that we should not be arguing about that. The final point was that there was a Land Use Final Order like in Goose Hollow, that called for a specific parking permit. He added the problem was that there was commitments made and then they were not carried out, that may be what the problem was with people perception of government.

Berit Stevenson, Property Services Analyst, said she just spoke to Kathy Kianus. Ms. Kianus indicated that the survey that Mr. Vecchio had talked about was a gate survey they did over a three day period of over 300 Zoo visitors and she felt was a good statistical survey. She noted that the number report of 42% was taken on one day, and when she presented this at the TDM Committee she indicated that this was higher than the other gate survey just taken, and did not have an answer to that. She stated it was hard to know why it was higher but there may be various reasons such as a particular time of day.

Presiding Officer Monroe clarified that the number that Mr. Vecchio had given was a survey taken over several days not like the survey taken for a couple of hours by Mr. Sublett. The survey taken only for a couple of hours could have been altered as a result of a single group coming in on that day.

Ms. Stevenson said there was really not a good reason for that, but Zoo staff felt that the gate survey was probably a more reliable number.

Presiding Officer Monroe closed the public hearing on Ordinance No. 99-807A.

Councilor Kvistad asked Councilor Park about the commitment related to the neighbors both by Metro and Tri-Met. He asked if that was the case, or what our fall back would be.

Councilor Park asked Councilor Kvistad which commitment he was talking about.

Councilor Kvistad said there had been a commitment made to the neighbors that they would have some access to the parking facility. He asked if there was flexibility within the ordinance to go back and reevaluate or what kind of potential alternatives might there be for some experimental opportunities?

Councilor Park said he did not know the commitments that Tri-Met made or did not make to the neighborhood. He was aware of Metro's Land Use Final Order, which stated the Highland Neighborhood had expressed that the Zoo parking lot be used as a Park and Ride for the downtown light rail trips. He said it went on to say that if this should occur, the board finds that the City of Portland can implicate a parking permit program similar to the one now in Goose Hollow neighborhood. He said he thought that the first part of the statement was "if it becomes a Park and Ride", he understood that in the agreements with the City of Portland they could not do this. He said he would not know how they would pick a geographical limit. ½ mile from the Zoo. He stated if people were not in that particular area how did a person justify that to other patrons who were coming in. Councilor Park went back to asking the philosophical question, "Do the people who are displaced or had trouble with Gateway Park and Ride, do they have preference on those particular spaces too?"

Councilor Kvistad said the parking policy was much broader than this lot. He said that this was why he leaned in favor of moving forward with something that may have fallen through the cracks. He said when he was reading it; he did not find the flexibility of something to do at the committee level. He noted he wanted to be sensitive if there were commitments made earlier, by looking at Expo or OCC he was looking at a bigger issue.

Presiding Officer Monroe said there seemed to be a question of some commitments that may or may not have been made back in 1991 or earlier. He then asked if there was any staff that would answer to the commitments.

Councilor Washington said that issue had been raised several times, and he was given a document that he just gave to the General Counsel. He asked him to explain the language of the document.

Mr. Cooper said the document handed to him was the same text of which Mr. Boly communicated earlier which quoted a Tri-Met Final Land Use adopted in April of 1991. He noted that he did not have the full context of it, and had not reviewed it so he did not know if it would have led to a different conclusion. He said that if there was a adverse impact on the Highland neighborhood from the use of the Park and Ride lot and that Tri-Met had found that City of Portland had the authority to put it into a permit of geographic area. This would in turn lessen the impact of additional automobile trips coming into the parking lot from other areas. He

noted that he thought it was important for the council to realize the ordinance that they were considering dealt with Metro facilities in general. He stated that Metro's relationship to the Zoo parking lot was different than it was with any other facilities because there was a third interest in a lease hold and that gave Metro one third of a voice on how to manage the Zoo parking lot. He added that the lease provided for the Forestry Center, now the Portland Park Bureau which took the place of OMSI and the Zoo to manage the parking lot through a committee with the exception to paying for parking, and day to day management. He stated that the effect of the ordinance was to give instruction to Metro's representative on the committee what the council's preferences were and the council could still be out voted.

Councilor Bragdon said his only objection about this ordinance was that it was only there for facilities. He stated parking lots were there for the people who used these facilities. He stated that we had heard from people who would like to use it as a Park and Ride and that there were also a million people a year who used it for the Zoo. He said that we would hear from those people at the Zoo if the parking lot turned into a Park and Ride because they could not get there from Tigard or wherever they were from. He said he felt that we needed to be responsive to people who came and testified. He noted that they needed to be responsive to the region as a whole, the ones who paid for those facilities through taxes, and admission fees. There was testimony from the South West Hill Residential League who did not want it to be a Park and Ride because they noticed that it would impact negatively on there neighborhood getting the overflow. He did share that there was excess capacity at the parking lot at certain times which was unpredictable. He also stated that it would be hard to discriminate against neighborhoods, he added that if he paid taxes in Oxbow Park and lived in Arlington Heights and found that the lot was filled with people from Gresham and restricted he would not think that was right. He indicated he would be supporting this ordinance.

Councilor Washington said there had been some remark made that the council needed to be sensitive to neighborhoods. The Councils responsibilities went beyond his own neighborhood and immediate districts. He noted that he was concerned with the logistics of doing things, when people parked somewhere for a year and then there was a change, the first thing they thought was they had always done this. He corrected the statement made that councilors park free anywhere. He said they just received a letter through the committee that they would be able to park with a permit for business meetings.

Presiding Officer Monroe asked if there was anything additional before he asked Councilor Park to close.

Councilor Park closed by saying that this had been a interesting exercise in trying to fill the gaps in some of our regional responsibilities. He noted that most of the testimony was about the Zoo and the neighborhoods around that. He stated that the main concern of the policy was how do they deal with all of the facilities. He said they were trying to have some kind of cohesive policy that would work across the region. He noted that this was going to preclude parking at the Zoo for those people in that area, which would encourage further discussion. He stated that this was a resource that they were trying to balance. He added that the parking facilities generated a significant amount of funds to help operate and cover some of the tax load into the area.

Councilor Park thanked Councilor Kvistad for reminding him of the children's museum and how would you define a geographical region for any facility, let alone the Zoo. He sympathized with those in the area and ones that were by any Park and Ride, but he still would have trouble justifying giving exclusivity to one group or another. He concluded by saying it was a similar

problem at the City Hall Park and Ride where there was a overflow problem that left the ones doing business at City Hall without parking.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. Councilor Atherton and Councilor McLain absent. The motion passed.

10. RESOLUTIONS

10.1 Resolution No. 99-2783A, For the Purpose of Entering into a Cooperative Agreement with the Oregon Parks Foundation to Acquire and Manage Funds for the Construction and Operation of the Diack Nature Center at Oxbow Regional Park.

Motion: Councilor Washington moved to adopt Resolution No. 99-2783A.

Seconded: Councilor Kvistad seconded the motion.

Councilor Washington said the Metro – Council approved the master plan for Oxbow Park in October of 1997. This plan included an objective for the creation of an Educational Nature Center with requirements of funds for the construction coming from private sources. He added since then the Oregon Parks Foundation had indicated their interest in joining Metro in an endeavor to develop a final plan for the center to help raise funds. The Oregon Parks Foundation board unanimously approved an agreement to accomplish these objectives on March 31, 1999 subject to the Metro – Council approval. He added, as a result of that, this resolution was just to collect the funds and acquire and manage the funds. He suggested that there would be no amendments on this resolution, but an aye vote.

Presiding Officer Monroe called for any other discussion or debate.

Councilor Bragdon said he had checked into this, and the Diack family was friends of his and Metro thanks them for their involvement. He also thanked the Oregon Parks Foundation.

Presiding Officer Monroe asked for more discussion before asking for vote.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. Councilor Atherton and Councilor McLain absent. The motion passed.

10.2 Resolution No. 99-2801, For the Purpose of Appointing Four Nominees to the Metro Committee for Citizen Involvement (MCCI), May 1999.

Motion: Councilor Bragdon moved to adopt Resolution No. 99-2801.

Seconded: Councilor Park seconded the motion.

Councilor Bragdon said this resolution would confirm the appointment of four individuals for the Metro Committee on Citizen Involvement: Richard Jones from the Oak Grove, Trudy Knowles from Tigard, Kristine Poole-Jones from NE Portland, and Norm Rose from Beaverton. The new appointees were recruited through the new process talked about earlier this year. He noted the MCCI Nominating Committee as well as Metro Operations Committee approved these

individuals by a vote of 3 to 0. He introduced Karen Withrow and said she would give a brief description of the nominees.

Karen Withrow, MCCI staffer, briefed the council by saying Norm Rose was recommended by the Washington County Committee for Citizen Involvement to represent them and had already been attending meeting for about 3 months. Kristine Poole-Jones was new and had an educational background as one of the first to participate in education. Trudy Knowles was new and would be representing District 3, she had many community contacts. Richard Jones submitted an application in June of 1995 and had been waiting for an opportunity since then.

Presiding Officer Monroe asked if there was discussion of the resolution.

Councilor Bragdon said these nominees had been brought forward at the community level with high recommendation.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. Councilor Atherton and Councilor McLain absent. The motion passed.

Presiding Officer Monroe said the two resolutions next were dealing with labor negotiations, and asked the council if there was a need for an executive session after the informal that they had.

Councilor Kvistad requested an executive session.

Presiding Officer Monroe declared an executive session.

11. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(d) FOR THE PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO CONDUCT LABOR NEGOTIATIONS.

11.1 Resolution No. 99-2807, For the Purpose of Ratifying the Laborers International Union Local 483 Bargaining Agreement for July 1, 1999 through June 30, 2003.

Motion: Councilor Washington moved to adopt Resolution No. 99-2807.

Seconded: Councilor Bragdon seconded the motion.

Councilor Washington asked Ms. Gregory, Director of Human Resources and Ms. Collier, the chief negotiator, to share with the public information on the two labor resolutions. He added that Councilor Atherton had asked for some additional information from Ms. Collier. Ms. Collier had provided written response to Councilor Atherton, a copy of which was placed in each councilor's mail box. He suggested that Ms. Gregory review both resolutions.

Ms. Judy Gregory, Human Resource Director, representing the Executive Officer, urged approval Resolution Nos. 99-2807 and 99-2814. These were resolutions approving two collective bargaining agreements, LIU 483, a four year agreement. LIU represented many of the employees at the Zoo and the Park Rangers in the Parks Department. The agreement included a wage increase in 1999-2000 of 2.5% and increases in the succeeding year of the contract of the agreement of a minimum of 2% and a maximum of 4% based on the Consumer Price Index for

Portland. The agreement included a cap on insurance increases in this year and the succeeding years. It included a change in the Kaiser HMO co-pay to \$5.00 for prescriptions and office visits, a change for Metro which had the effect of holding the Kaiser insurance costs down. The agreement also included some language changes. She acknowledged the hard work of Tanya Collier, Metro's Labor Relations Manager, who succeeded in successfully negotiating two contracts having only been at Metro two months. Both the management and employee negotiating teams had done a great job.

Councilor Washington asked about the differences between the LIU contract and the other labor contract.

Ms. Gregory said the AFSCME Local 3580 Collective Bargaining agreement was also before Council today. It included a wage increase of 2.5% for 1999-2000. This was a three year contract, it based the out year increases on the Portland Urban Consumer Price Index with a minimum of a 2% increase in the out years and a maximum of 4% increase in the out years. It included provisions for the Metro Human Resource Department to look at some classifications that may be out of synch with the market and that they would begin a comprehensive market survey for this group sometime after July 1, 2000. Human Resources had not done a market survey since 1996 on this group. The agreement also provided for a cap on medical insurance. As of July 1, 2000 it increased the Kaiser co-pay from \$2 per visit and \$1 per prescription to \$5 in each of the categories towards the effort of keeping the Kaiser costs within bounds.

Councilor Bragdon declared his exparte contact with the union. Some members of the laborers union spoke with him. There was a general discussion and he explained his role vis-à-vis Ms. Collier's role in negotiating. Zoo management was also aware that he had had that discussion with the union.

Councilor Kvistad said he had received an unanimous letter in a Metro interagency envelop which generally dealt with Metro contract negotiations and how they were supposed to be treating their employees. He did not appreciate the unanimous letter. He felt it was inappropriate and offensive. He did not know who sent it to him since it was unanimous, he found this offensive as well. He asked that this not be done again or his vote might be different.

Councilor Park said he was going to make the same declaration as Councilor Bragdon. He too had had contact with some of the union members.

Councilor Washington said he received a copy of the same unanimous letter in an interagency envelop. He did not find this offensive but he wished that if people wanted to talk to him that they felt free to do so. He asked if this was the first Kaiser increase?

Ms. Gregory said it had been a long time. Metro was one of the few organizations left with the low co-pay.

Councilor Washington urged an aye vote.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously with Councilors Atherton and McLain absent from the vote.

11.2 **Resolution No. 99-2814**, For the Purpose of Ratifying the AFSCME Local 3580 Collective Bargaining Agreement for July 1, 1999 through June 30, 2002.

Motion: **Councilor Washington** moved to adopt Resolution No. 99-2814.

Seconded: **Councilor Park** seconded the motion.

Councilor Washington said this was the ratification of the other union, AFSCME Local 3580. The council had been briefed previously on this resolution.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

10. COUNCILOR COMMUNICATION

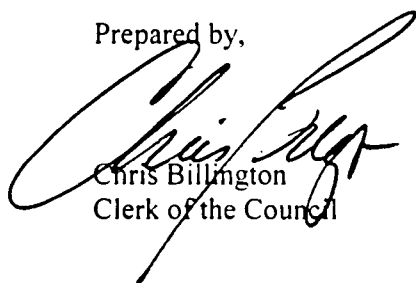
Councilor Bragdon spoke to the previous item. He too had received the same anonymous letter and until Councilor Kvistad mentioned it, he had not made the connection to the negotiations. He shared Councilor Kvistad's sentiments about how inappropriate the letter was.

Councilor Kvistad noted that his remodel project was almost concluded.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 3:51 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
070799c-01	6/15/99	Letter concerning URSA #65	TO: Mike Burton and Rod Monroe FROM: Thane Tienson, Copeland, Landye, Bennett and Wolf 3500 Wells Fargo Center 1300 SW 5th Portland OR 97201	Ordinance No. 99-812
070199c-02	6/30/99	Letter concerning	TO: Rod	Ordinance No.

		parking policy as it relates to Zoo and MAX	Monroe FROM: 99-807A John and Phyllis Reynolds 4471 SW Fairview Cir Portland OR 97221
070199c-03	06/25/99	Letter concerning parking policy as it relates to Zoo and MAX	TO: Rod Monroe FROM: Ordinance No. Sylvan- 99-807A Highlands Neighborhood Assoc. Executive Committee

Agenda Item Number 8.1

Ordinance No. 99-811, For the Purpose of Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 98-4: Tsugawa

Second Reading

Metro Council Meeting
Thursday, July 15, 1999
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A) ORDINANCE NO 99-811
FINAL ORDER AND AMENDING THE) MIKE BURTON
METRO URBAN GROWTH BOUNDARY) Introduced by EXECUTIVE OFFICER
FOR CONTESTED CASE NO. 98-4:)
TSUGAWA)

WHEREAS, the property owner applied for a locational adjustment to add approximately 16.5 acres in Washington County southeast of the intersection of NW Cornelius Pass Road and West Union Road to the regional urban growth boundary; and

WHEREAS, the Metro Council expressed its intent in Resolution No. 98-2718 to adopt an ordinance amending the urban growth boundary within thirty days of receiving notification that the property has been annexed to the Metro jurisdictional boundary; and

WHEREAS, Resolution No. 99-2782 extended the time for completing annexation to the Metro jurisdictional boundary until August 15, 1999; and

WHEREAS, Metro has received Multnomah County Board Order No. 99-92 adding this land to the Metro jurisdictional boundary; and

WHEREAS, the Metro Council accepts the Report and Recommendation of the Hearings Officer in this case; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Multnomah County Board of Commissioners acted on May 20, 1999, to annex the petitioners State of Oregon's property, the subject of Contested Case No. 98-4: Tsugawa, and the adjacent right of way of Cornelius Pass Road as described in Exhibit A, attached and incorporated by reference herein, to Metro. This action of the Multnomah

County Board of Commissioners meets the annexation requirement for the Metro Council to consider final action under Metro Code 3.01.065(f)(2).

2. The Metro Council hereby accepts and adopts as the Final Order in Contested Case No. 98-4 the Hearings Officer's Report and Recommendations in Exhibit C of this Ordinance, which is incorporated by this reference.

3. The regional Urban Growth Boundary, as adopted by Ordinance 79-77, is hereby amended to add the land described in Exhibit A and shown in Exhibit B of this Ordinance, which is incorporated by this reference.

4. Parties to Contested Case No. 98-4 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

LSS jep
I:\R-O\Ord99-811.doc
6/11/99

EXHIBIT A

A parcel of land located in the Southeast quarter of Section 14, Township 1 North, Range 2 West of the Willamette Meridian, Washington County, Oregon being more particularly described as:

Commencing at a point on the north line of the Stephen A. Holcomb DLC #67 in Township 1 North, Range 2 West of the Willamette Meridian 2.57 chains West of the Northwest corner of the East half of said DLC; thence S 21 40' W, 799 feet to the Center line of West Union Road (C.R. 1175), and the true point of beginning; thence continuing S 21 40' W, 740 feet more or less; thence S 87 59' W, 860 feet more or less to the Center line of NW Cornelius Pass Road (C.R. 1172); thence along the Center line N 25 05' E, 1250 feet more or less to the Center line of West Union Road (C.R. 1175); thence Southeasterly along the center of West Union Road 760 feet more or less to the point of beginning.

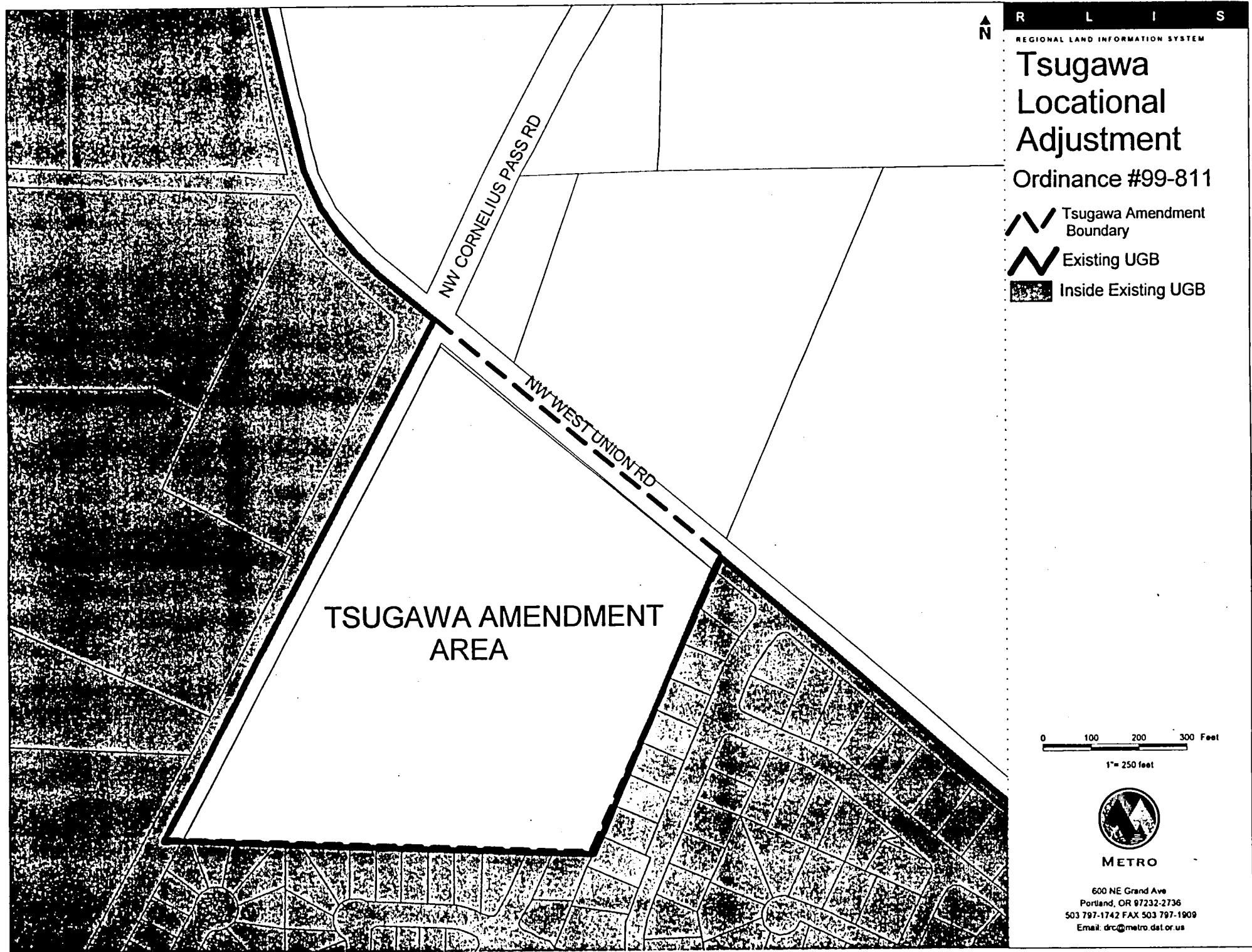


EXHIBIT C

BEFORE THE METROPOLITAN SERVICE DISTRICT
(METRO)

In the Matter of the Petition of the)
JIM & AMY TSUGAWA for a)
locational adjustment to the Urban)
Growth Boundary (UGB) in)
Washington County)

Contested Case # 98 -4
REPORT AND
RECOMMENDATION OF THE
HEARING OFFICER

I. INTRODUCTION

This is a proposal for a locational adjustment to the Urban Growth Boundary (UGB) for a 15-acre site, plus approximately 1.5 acres of road right-of-way. The property is located at the southeast corner of the intersection of N.W. Cornelius Pass Road and West Union Road in Washington County. (Attachment A). The PLAN/ZONING designation is Washington County AF-5 (Agriculture/Forest 5 acre). The applicable review criteria is Metro Code 3.01.035.

Staff recommended that the hearing officer forward a recommendation to the Metro Council for approval. The hearing officer agrees with the staff recommendation and also recommends APPROVAL.

Site Information: The 15-acre site is located within Washington County southeast of the intersection of N.W. Cornelius Pass Road and West Union Road. It consists of Tax Map/Lot 1N214D 1201. The site is bounded on the north by West Union Road, on the east and south by R-5 residential land, and on the west by MP SID industrial land and by CI general commercial land. Zoned AF-5 (Agriculture/Forestry under Washington County's Comprehensive Plan, the site is currently being used as an orchard.

The Tsugawa property is included within Urban Reserve No. 64, which was designated by the Metro Council on March 6, 1997. Urban Reserves are land areas that have been identified as areas that will be available for inclusion into the UGB when a land need is identified. In December 1997, the Metro Council concluded that there was a land need present. The Council specified that the UGB is deficient in the amount of land needed to accommodate additional 32,370 households and 2,900 jobs. To date, no land has been added to the UGB.

Proposal Description: The petitioners propose to bring the site into the UGB and develop the site with residential uses. If the proposal is approved, the site will be zoned for residential use. The applicant intends for the property to be developed with 60 to 75 residential dwelling units. Washington County, or the City of Hillsboro, if the site is annexed, will make the final zoning determination. The City of Hillsboro has expressed a willingness to annex this property.

If the petition is approved by the Council, the strips of land between the centerlines of West

Union and Cornelius Pass Roads and the subject site will be included in the UGB. This area of land is approximately 1.5 acres.

Local Government Statement: The Washington County Board of Commissioners voted 3-0 to recommend no comment on the petition.

II. PROCEEDINGS AND RECORD

The hearing on this matter was held on July 9, 1997, and one person. Frank Buehler (CPC #7 Steering Committee) testified against the proposal at that hearing. The record also contains one brief comment letter from Lawrence and Ara Babcock (Exhibit #9).

At the request of Dan Chandler, the petitioner's attorney, the record was kept open for seven days until July 16th in order, inter alia, to further discuss the interaction of the Transportation Planning Rule with the ODOT's negative comment on this proposal and the interaction of the fact that this site is an exception parcel with the Urban Reserve Rule. No comments were in fact provided within the seven day period.

Glen Bolen of the METRO staff introduced the Petition and the staff report (Exhibit # 7) recommending approval of the locational adjustment. A key part of his and the petitioner's testimony related to the absence of an explanation for excluding this parcel from the original urban growth boundary (UGB) which follows West Union road, but inexplicably circumvents the petitioner's orchard. The boundary would be improved by following the center line of West Union and the development will complete the intersection of two major roads with sidewalks, creating a continuous pedestrian connection along the northern boundary of the UGB. The area south of West Union is already heavily residential and this development pod would simply complete the development pattern without any major negative impacts.

The Babcocks (Exhibit #9) expressed regret over loss of the "beautiful filbert orchard" and suggested that housing development should use land to the south. They did not specifically discuss the approval criteria. Mr. Buehler testified about the absence of legal notice in the "Argus" and raised the issue that the land in the urban reserve was supposed to be last to be developed. He too expressed regret at the loss of the filberts, an important crop in Washington County. He reiterated traffic concerns raised by ODOT, namely that Cornelius Pass/ OR 26 western on ramp is at level E or F.

As to Mr. Buehler's issues, the hearing officer finds that the hearing notice was published in the Oregonian, a paper of general circulation, satisfying the legal notice requirement. On the Urban Reserve issue, the inclusion of the site within the UGB is not a development approval, and is governed by the approval criteria, which are satisfied. The orchard is in an exception area, and therefore properly within urban reserve. The traffic issue is discussed below.

The record in this case contains the following exhibits:

1.	2/10/98	Timothy Erwert, City of Hillsboro	In support, willing to annex
2.	2/19/98	United Sewage Agency	Service Provider Comment
3.	3/6/98	Wink Brooks, City of Hillsboro	In support, willing to annex
4.	3/10/98	Brent Curtis, Washington County	County Letter and staff report
5.	3/12/98	Dan Chandler	Application w/tax map/narrative
6.	3/25/98	Jim and Amy Tsugawa, owners	Intent to annex to Metro Boundary
7.	5/28/98	Glen Bolen, Metro	Staff Report
8.	6/2/98	Marah Danielson, ODOT	Service Provider, opposed
9.	6/30/98	Lawrence J. Babcock	Letter in opposition
10.	7/8/98	Dan Chandler	Letter re net transportation improvement
11.	7/9/98	Michael Hoglund, Metro	Response to ODOT
12.	7/9/98	Kittleson & Associates	Response to ODOT
13.	7/9/98	Kittleson & Associates	Net transportation efficiency
14.	7/9/98	Dan Chandler	3.01.035(c)(2) Facilitation

III. FINDINGS

The criteria for a locational adjustment to the UGB are contained in Metro Code 3.01.035.

1. An addition of land to make the UGB coterminous with the nearest property lines may be approved without consideration of the other conditions in this subsection if the adjustment will add a total of two gross acres or less, the adjustment would not be clearly inconsistent with any of the factors in subsection (c) this section, and the adjustment includes all contiguous lots divided by the existing UGB. [3.01.035(f)(1)]

The petition is for a single tax lot 15 acres in size. Accordingly, this section is not applicable.

2. For all other locations, the proposed UGB must be superior to the UGB as presently located based on a consideration of the factors in subsection (c) of this section. [3.01.035(f)(2)] (Factors described as criteria 5-9 following.)

Based on analysis of the petition and other information submitted, the hearing officer concludes that approval of this application will result in a UGB that is superior to the UGB at its present location. The site can be efficiently served in an orderly and economic fashion with sewer, storm drainage, water, police, fire and parks. There will also be an increase in the net efficiency of the water, transportation, sewer and storm drainage systems.

Approval of this petition may facilitate needed development inside the current UGB, in that:

- Incorporation of the Tsugawa property into the UGB would allow improvements to the local street system.
- Addition of the Tsugawa property to the UGB would improve the connectivity of the local street system by providing a connection between the Rock Creek area and the realigned Jacobson Road.
- Development of the Tsugawa property would improve pedestrian connections between existing residential neighborhoods and nearby commercial areas.

These improvements should "facilitate needed development on adjacent existing urban land" to the west of Cornelius Pass Road (see Exhibit #10 and attachments). The improvements to Cornelius Pass Road constitute needed development because the road improvements are identified in the county transportation plan. At a minimum, the staff concedes that this approval will not have any adverse effects on development.

Based on the consideration of the factors taken as a whole, criterion 2 has been satisfied by the petitioner.

3. The proposed UGB amendment must include all similarly situated contiguous land that could also be appropriately included within the UGB as an addition based on the factors above. [3.01.035(f)(3)] (Factors described as criteria 5-9 following.)

The UGB takes a detour around this single parcel and there are no nearby properties with sewer and water stubbed to them, and therefore the neighboring properties are not similarly situated.

This criterion sets a condition for the amount of acreage that must be included in a petition for an UGB amendment. The basis for deciding on the amount of land is consideration of the factors in criteria 5-9 below. The intent of this criterion is twofold: first, to prevent carving out a piece of land 20 acres or less in order to qualify for a locational adjustment; and second, to minimize subsequent petitions for locational adjustments on adjacent land that should have been considered together with the original proposal. These reasons are intended to prevent using the

locational adjustment process as a tool for expansion of the UGB without demonstrating regional land need and without undertaking necessary urban reserve plans.

This parcel is surrounded on three sides by the current UGB. The adjacent property on the fourth side is separated from the site by a roadway to the north which forms the UGB boundary in this area. Land that is zoned for Exclusive Farm Use, AF-5, and RCOM (Rural Commercial) surround the neighboring property. Contiguous land to the proposed site is not appropriate for inclusion with this proposal, based on criteria 5 through 9.

4. Locational adjustments shall not exceed 20 net acres. [3.01.035(b)]

The petitioners propose to include Tax Lot 1201 of section 14D of Township 1 North, Range 2 West for a total of 15 acres, as shown on the submitted map.

Staff confirmed that the proposal comprises 15 acres and complies with the 20-acre restriction. This criterion is satisfied.

5. Orderly and economic provision of public facilities and services. A locational adjustment shall result in a net improvement in the efficiency of public facilities and services, including but not limited to water, sewerage, storm drainage, transportation, parks and open space in the adjoining areas within the UGB. Any area to be added must be capable of being served in an orderly and economical fashion. [3.01.035(c)(1)]

The petitioners state that all services would be provided to the site in an orderly and economic fashion. The following is a summary of the petitioners' and service providers' responses to criterion 5. The Tualatin Valley Water District, the Washington County Sheriff and the Washington County Fire District #2, support approval of the petition. The Unified Sewerage Agency takes no position on the petition. The City of Hillsboro supports approval of the petition. The City has also indicated that it will annex the site if the petition is granted, and provide any necessary public services to the site that will not be provided by public service districts.

Sanitary Sewer & Storm Drainage -- The petitioners state that 70-75 percent of the property can be served by an existing 8" sewer line currently stubbed to the southeastern corner. Servicing the remainder of the property will involve either a lift station, or the extension of sewer lines along West Union or Cornelius Pass Roads. The petitioners correctly assert that either of these options will enhance the provision of sewer to surrounding unserved properties. The petitioners also state that the existing sewer system was designed and stubbed to this parcel and, therefore, it would be an inefficient use of the resources already expended, if this property is not brought within the UGB. The Unified Sewerage Agency has stated that because any improvements needed will be paid for or constructed by the petitioners, there would be no negative economic impact to the existing system. Storm Drainage will be

conveyed via roadside ditches to a stream corridor that flows under West Union Road and down to Holcomb Lake. Development of this parcel will complete the development of the small basin south of N.W. West Union Road. Addressing the water quality and quantity issues will allow more efficient use of the existing facilities in N.W. West Union Road, including the roadway crossing for the stream corridor.

Water -- The Tualatin Valley Water District supports approval of the petition. The petitioners state, reinforced by John M. Godsey, P.E., that development of this subject parcel will result in a connection of a line from N.W. Landing Drive to Cornelius Pass Road and/or West Union Road. This connection will improve flow characteristics in the existing lines in the abutting subdivision by providing an improved network of circulation. Increasing the network and connecting it to the 18-inch water mains will improve water quality in the existing lines by allowing increased circulation, and it will improve the fire fighting capabilities of the network by adding parallel routes, which will increase flow potential.

Fire Protection -- Washington County Fire District #2 supports approval of the petition, and states that the area could be served in an orderly and economic fashion.

Police Protection -- Police services are provided by the Washington County Sheriff's Office Enhanced Sheriffs Patrol District. As the Sheriff would continue to serve this area, there will be no efficiency impact. The Sheriff's office supports approval of the petition and states that the subject property can be served in an orderly and economic fashion.

Parks/Open Space -- Tualatin Hills Park & Recreation District indicates that there would be no efficiency impact, as they already service the property. The District supports approval of the petition, but conditions their support by stating that they would not support annexation to the City of Hillsboro. The District states that the area could be served in an orderly and economic fashion.

Transportation -- The petitioners state that development of the property will increase efficiency of the transportation system through connection of an existing subdivision with Cornelius Pass Road. According to the petitioners, the County plans to realign Jacobsen Road to connect with Cornelius Pass Road adjacent to the subject property. The combination of this realignment with the development of the subject property and subsequent new street connections would allow greater access to Highway 26 for existing properties inside the UGB.

The applicant references a Transportation Impact Analysis report from Kittleson & Associates. The analysis shows that development of this property will not affect a change to the current Level of Service (LOS) for the intersection of Cornelius Pass and West Union Roads. This intersection currently operates at LOS F, which means that signal warrants for the four-way stop are currently met. The report concludes that with the improvements included in the Washington County Transportation Plan, the West Union/Cornelius Pass intersection will function at LOS A.

The petitioners also claim that the inclusion of the Tsugawa property can provide enhanced pedestrian and bicycle connectivity as required by the Transportation Planning Rule. Both West Union and Cornelius Pass Roads are currently void of sidewalks and shoulders only at the frontage of the Tsugawa property. Development of the subject property will facilitate the completion of sidewalks and shoulders on both roadways.

Washington County staff, upon review of the draft traffic analysis, declared that there was not sufficient information to determine whether or not the proposal is consistent with the requirements of the Transportation Planning Rule with respect to County roads. Specifically, the County was not able to determine if the Cornelius Pass and West Union intersection would be consistent with the planned LOS for these roads.

ODOT submitted a letter on June 1, 1998 (Exhibit # 8), stating that the development of this property would impact eastbound ramps on US 26, which although at level D, are expected to reach LOS E or F shortly. Since this development will add traffic to an intersection that is expected to fail in the near future, and since ODOT does not have plans to do anything about it, in the short term, this project cannot now proceed in orderly and economic fashion as required by the criteria.

In response to this challenge from ODOT, the petitioners produce a response from Kittleson and Associates (Exhibit # 12), which is unrebutted. Similarly Metro transportation staff examines ODOT's claim (Exhibit #11) and concludes that:

"Our regional forecasting model shows the eastbound ramps of the interchange to beat an unacceptable operating condition by the year 2020, with or without the proposed locational adjustment and planned single family development of Tsugawa property. With improvements called out in the draft "strategic" RTP, the mainline operations of US 26 will be within acceptable levels of operation." (*Emphasis provided*).

Metro's transportation analysis concludes, after looking at all the transportation impacts that "the adjustment and subsequent development would likely have a neutral to slightly positive impact on transportation infrastructure."

Kittleson's analysis correctly points out that ODOT does not define, "short term". Year 2020 does not appear to be short term to the hearing officer. Kittleson also correctly points out that ODOT's claim lacks specificity and substantiation. Kittleson concludes that the number of trips from this project affecting this eastbound ramp are not statistically determinable, and the impact on US 26 is "nominal".

Kittleson concludes that:

". . .there are beneficial short term impacts to developing this property, since it would provide funding to mitigate existing

traffic congestion, the traffic congestion anticipated with short term growth, and any impacts of developing the property. The project would include providing public right-of-way which could be used to provide missing links with the pedestrian transportation system and road widening that is in the Washington County Transportation System Plan. These actions would lead to a net improvement of the efficiency of the roadway system and the pedestrian system that either could not be realized or would be more expensive to build without development of the property." (Exhibit #13, page 3)

The hearing officer concludes that the criteria as relating to net increase in transportation efficiency and adequacy of the transportation system is satisfied. In addition to the site being capable of service in an orderly and economic fashion, the petitioners state that a net improvement in the efficiency of public facilities and services would be realized in the adjoining subdivision inside the current UGB.

Summary: Given the information contained in the petitioners' submittals and additional information presented, it appears that the site is capable of being served in an orderly and economic fashion with sewer, storm drainage, water, police, fire, parks and transportation. Services are available and adequate to serve the site according to statements signed by these service providers. The City of Hillsboro has also confirmed a desire to annex and provide any necessary public services to the subject property. Staff concludes that transportation services can be provided in an orderly and economic fashion.

The petitioners' claim, that there would be a net improvement in efficiency of public facilities and services, has been sufficiently demonstrated. Parks, police and fire services can be provided without any negative impact. Water, transportation, sewer and storm drainage service can not only be provided with no negative economic impact, but will result in an increase in efficiency for the land area currently inside the UGB.

The petitioners have demonstrated that the subject site is capable of being served with public facilities and services in an orderly and economic manner, and that the adjustment would result in a net improvement in their efficiency. Staff concludes that this criterion is satisfied.

6. **Maximum efficiency of land uses.** The amendment shall facilitate needed development on adjacent existing urban land. Needed development, for the purposes of this section, shall mean consistent with the local comprehensive plan and/or applicable regional plans. [3.01.035(c)(2)]

The petitioners state that development of the site will facilitate the development of urban land to the west, across Cornelius Pass Road. This will be accomplished by enhancing the transportation system and by providing storm water retention in the

lower portion of the property, thus allowing development of the urban land to the west.

The petitioners note that this parcel is within an Urban Reserve, an area planned for inclusion to the UGB by Metro. Inclusion of the property, therefore, is consistent with Metro's identified regional land need, the 2040 Growth Concept, Regional Urban Growth Goals and Objectives, and the Urban Growth Management Functional Plan.

While development of this property has net positive impacts on the development of land inside the existing UGB as discussed in the previous criteria, if brought into the UGB it may not facilitate needed development. The case presented is that improving the roadway, water, sewer and storm drainage will assist with the neighboring development. Washington County staff, however, has stated that development is already occurring within the area in accordance with the Comprehensive Plan.

Because the impact on facilitation of new development is most likely neutral, this criterion is not satisfied.

7. Environmental, energy, economic and social consequences. Any impact on regional transit corridor development must be positive and any limitations imposed by the presence of hazard or resource lands must be addressed. [3.01.035(c)(3)]

The petitioners state that there are not any regional transit corridors near this site. In addition, there are no mapped hazard areas on the subject property, and it is not resource land.

Washington County maps show no flood plains or drainage hazard areas on the site.

The nearest regional transportation corridors, as defined by Metro's 2040 Growth Concept, are N.W. 185th Avenue to the east and N.W. Cornell Road to the south. Neither of these regional transit corridors are within one mile of the site, therefore, the proposed development would have no effect.

The petitioners' submittal adequately addresses the factors of criterion 7. In combination with other development, the proposal helps fill a gap and completes the urban form. For this reason, staff concludes and the hearing officer agrees that this criterion is satisfied.

8. Retention of agricultural land. When a petition includes land with Agricultural Class I-IV soils designated in the applicable comprehensive plan for farm or forest use, the petition shall not be approved unless it is factually demonstrated that:
 1. Retention of any agricultural land would preclude urbanization of an adjacent area already inside the UGB, or

2. Retention of the agricultural land would make the provision of urban services to an adjacent area inside the UGB impracticable. [3.01.035(c)(4)]

The petitioners state that the property was part of a 1986 "Irrevocably Committed" exception granted by the State Department of Land Conservation and Development. Therefore, the property is not agricultural land; thus this standard does not apply.

Metro maps, which are based on Washington County soil classification data, show the site consisting of a mixture of Class I and II soils. However, the land is identified AF-5 which is not considered Farm or Forest in Washington County's Comprehensive Plan. Therefore, the factors of criterion 8 do not apply to this application.

As the two members of the public noted, the parcel has filbert trees on it, notwithstanding that this is an exception parcel. As an exception parcel it has the first priority for inclusion in the urban reserve, so that its urbanization is inevitable. Its location and relatively small size, surrounded by residential development would in effect make impracticable pedestrian connections to a major intersection within the UGB; therefore, even if this standard did apply, it would have been met.

9. Compatibility of proposed urban uses with nearby agricultural activities. When a proposed adjustment would allow an urban use in proximity to existing agricultural activities, the justification in terms of all factors of this subsection must clearly outweigh the adverse impact of any incompatibility. [3.01.35(c)(5)]

The parcel is surrounded by the UGB on the east, south and west, and is bordered by West Union Road to the north. The land across is exception land. Petitioners claim that any other agricultural land in the vicinity is impacted by the existing residential subdivision to the east. The addition of this parcel to the UGB would not result in any further impact.

Staff and the two members of the public note that while the adjacent land is zoned AF-5, the land is currently being used for agricultural purposes. In addition, there is land to the northeast that is zoned EFU and is also in agricultural production. It appears, however, that inclusion of the subject site into the UGB will have no greater impact on nearby agricultural activities than is present today. This petition satisfies the criterion for this section.

V. SUMMARY AND RECOMMENDATION

This petition seeks to bring 15 acres of land into the UGB for the purpose of developing residential dwelling units. The petitioners have provided sufficient evidence to demonstrate that the proposed UGB is superior to the UGB as presently located. It is evident that the site can be efficiently served in an orderly and economic fashion with sewer, storm drainage, water, police, fire and parks. Likewise, it is apparent that there will be an increase in net efficiency to the water, transportation, sewer and storm drainage systems.

The land use efficiency issue contained in criterion 6 is the only one that is arguable neutral, because needed development on adjacent urban land would proceed regardless of this proposal; however, it would not be as well connected to West Union/Cornelius Pass Road center.


Staff was unable to uncover facts about why the existing UGB detours around the Tsugawa property. There are no obvious facts that lend reason to its current location. It would appear that the subject property was in fact similarly situated to the contiguous land that was incorporated when the boundary was adopted on December 21, 1978.

Based on the consideration of all the factors above, the petitioners have demonstrated that the proposed UGB adjustment is superior to the UGB as presently located. The hearing officer agrees with the Staff recommendations and forwards a recommendation to the Metro Council for approval of this petition.

Submitted by,



J. Richard Forester, OSB # 74101
METRO Contract Hearing Officer



Date

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 99-811 FOR THE PURPOSE OF ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 98-4: TSUGAWA

Date: June 14, 1999

Presented by: Ray Valone

Proposed Action

Ordinance 99-811 adopts a final order to amend the urban growth boundary to include the Tsugawa locational adjustment area, which the Metro Council approved (Resolution No. 98-2718) on October 15, 1998.

Factual Background and Analysis

The Tsugawa locational adjustment area consists of approximately 16.5 acres located in Washington County southeast of the intersection of NW Cornelius Pass Road and NW West Union Road. The Tsugawa locational adjustment to the UGB was approved by a resolution of the Metro Council on October 15, 1998. The subject property was outside of Metro's jurisdictional boundary and was annexed to the Metro jurisdictional boundary by the Multnomah County Board of Commissioners on May 20, 1999. In adopting Resolution No. 98-2718, the Metro Council expressed intent to adopt an ordinance amending the UGB to include the Tsugawa locational adjustment area within thirty days of receiving notice that the property had been annexed to the Metro jurisdictional boundary.

Budget Analysis

There is no budget impact.

Recommendation

Approve Ordinance No. 99-811

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Agenda Item Number 9.1

Resolution No. 99-2812, For the Purpose of Approving the Urban Reserve Plan for Area 43.

Metro Council Meeting
Thursday, July 15, 1999
Council Chamber

GROWTH MAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2812, FOR THE PURPOSE OF APPROVING THE URBAN RESERVE PLAN FOR AREA 43.

Date: July 12, 1999

Presented by: Councilor McLain

Committee Action: At its July 6, 1999 meeting, the Growth Management Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2812. Voting in favor: Councilors Bragdon, Park and McLain.

Council Issues/Discussion: The Metro Council moved the urban growth boundary to include Urban Reserve Area #43, by adopting Ordinance 98-779D in December of 1998. That action was based on a commitment to complete an urban reserve plan by the City of Tualatin, working with the Matrix Development Corporation. Urban-level development of this 10-acre property cannot begin until this condition is met. While most requirements needed for the plan were complete at the time of the adoption of the ordinance, the additional tasks needed to complete the plan included review to the plan by the City of Tualatin, and solicitation of two school districts for comment on the proposed movement of the UGB. Growth management staff indicated no (other) outstanding issues, based on their staff report.

The Tualatin City Council reviewed the completed plan, and communicated this action to the Metro Council in an April 22, 1999 letter. Relative to the school districts, Ms. Diana Godwin explained that the proposed development would be split between the Sherwood and the Tigard-Tualatin school districts. The Tigard Tualatin district is expected to vote soon on expanding its district boundary to include all of site #43, and the Washington County ESD will take subsequent action to ratify the decision, acting as the Boundary Board.

Ms. Godwin said the annexation process was progressing, and the Tualatin City council is expected to amend its comprehensive plan on August 23, 1999. Depending on market trends and conditions, construction could begin in the year 2000 or 2001.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE) RESOLUTION NO 99-2812
URBAN RESERVE PLAN FOR AREA 43)
) Introduced by Councilor McLain
)

WHEREAS, the Metro Council adopted Ordinance No. 98-779D on December 17, 1998, amending the regional Urban Growth Boundary (UGB) to include Urban Reserve Area (URA) 43 based on the City of Tualatin's November 19, 1998 letter of commitment to review and complete coordination of the urban reserve plan; and

WHEREAS, the UGB amendments in Ordinance No. 98-779D were adopted subject to conditions of approval that apply to development of URA 43 including the requirement that stormwater runoff be treated by filtration through a biofiltration swale; and

WHEREAS, an urban reserve plan for the 10.3-acre site of URA 43 was submitted for Metro review in October, 1998, as part of the Metro Council consideration of legislative UGB amendments; and

WHEREAS, URA 43 is exception land adjacent to the southern boundary of the City of Tualatin, with about 7.2 buildable acres estimated to have capacity for 45 dwelling units and 15 jobs; and

WHEREAS, the Metro Council received the Metro staff report of November 24, 1998, for URA 43 which concluded that all of the required elements of the urban reserve plan, except local government coordination by the Tualatin City Council had been demonstrated; and

WHEREAS, the Tualatin City Council has indicated by its April 22, 1999 letter that it has completed its review of the urban reserve plan with the county, school districts, and

applicable special districts for the coordination step in Metro Code 3.01.012(e)(13) and 3.07.1120M; and

WHEREAS, Metro Code 3.07.1120 requires that the Metro Council shall approve the completed urban reserve plan as consistent with the applicable requirements of Metro Code 3.01.012(e); and

WHEREAS, Metro Code 3.07.1130 requires that the Metro-approved urban reserve plan shall be adopted as a component of the city comprehensive plan so that the conceptual plan and concept map shall govern the urban plan designation and zoning for URA 43; now, therefore, BE IT RESOLVED:

1. That the Metro Council hereby approves the urban reserve plan entitled "Site 43 Urban Reserve Plan," dated October 27, 1998, as consistent with the applicable requirements of Chapter 3.01 of the Metro Code and Metro Code 3.07.1120A and D-M; and

2. That this Metro Council approval is based on the Metro staff report for Urban Reserve Area 43, dated November 24, 1998, attached and incorporated herein as Exhibit A, including the conclusions for plan requirements 1-12 on page 44. Plan requirement 13, government coordination, is satisfied by the Tualatin City Council letters of November 19, 1998 and April 22, 1999 in the record.

3. That for compliance with Metro Code 3.07.1130, the City of Tualatin may now adopt the October 27, 1998 Site 43 Urban Reserve Plan or a substantially similar urban reserve

plan which complies with the applicable urban reserve plan requirements for this area indicated on page 44 of Exhibit A.

ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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(6/9/99)

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2812 APPROVE THE URBAN RESERVE PLAN FOR AREA 43

Date: June 25, 1999

Presented by: Ray Valone

Proposed Action

Resolution No. 99-2812 approves the urban reserve plan for URA #43 that is entitled "Site 43 Urban Reserve Plan".

Factual Background and Analysis

On December 17, 1998, the Metro Council adopted Ordinance No. 98-779 and amended the urban growth boundary to include Urban Reserve #43. Urban Reserve #43 is 10.3-acres of exception land contiguous to the City of Tualatin.

Matrix Development Corporation conducted the urban reserve planning effort for URA #43 in cooperation with the City of Tualatin and submitted a plan for URA #43 to Metro on October 27, 1998. Metro staff reviewed the urban reserve plan and a Metro Staff Report dated November 24, 1998, stated that all applicable requirements of the urban reserve plan would be satisfied as soon as the City of Tualatin reviewed the plan. The City of Tualatin considered the plan for URA #43 on December 14, 1998 and requested that Metro approve the urban reserve plan in a letter from Mayor Lou Ogden, dated April 22, 1999.

Matrix Development Corporation solicited comments on the proposed expansion of the UGB from both the Sherwood School District and the Tigard-Tualatin School District and in doing so, satisfied the requirements of the Metro Code relating to school facilities and coordination with school districts.

Budget Analysis

There is no budget impact.

Recommendation

Approve Resolution #99-2812

Proposed Urban Growth Boundary Expansion
Preliminary Staff Report
October 30, 1998

Urban Reserve Area 43
(south of Tualatin)



METRO

Growth Management Services Department
600 N.E. Grand Avenue
Portland, OR 97232
503/797-1839

Date: October 30, 1998

PRELIMINARY STAFF REPORT

PROPOSAL: Metro Legislative Amendment

URBAN RESERVE: Urban Reserve Area #43

APPLICABLE

REVIEW CRITERIA: Metro Code Section 3.01.012(e) and Section 3.01.020.

SECTION I: SITE INFORMATION

URA #43 Summary Information	
<i>Acres: 10.3</i>	<i>Buildable Acres:* 7.2</i>
<i>EFU Acres: 0</i>	<i>Estimated DUs:* 45</i>
<i>Location: Tualatin</i>	<i>Estimated Jobs:* 15</i>
<i>County: Washington</i>	<i>Major arterials & streets: Grahams Ferry Road</i>
<i>Current Zoning: AF5</i>	<i>Watershed: Willamette River</i>

* based on 200-foot riparian buffers; DUs = Dwelling Units

SECTION II: BACKGROUND INFORMATION

Urban growth boundaries (UGB) mark the separation between areas of urban level development and areas dedicated to farm, forest and rural use. The Metro Council established the urban growth boundary in 1979 and the Metro Code provides several methods for amending it. Property owners and municipalities may request a locational adjustment to the UGB if the area in question is less than 20 acres in size. Requests for adjustment in excess of 20 acres are considered major amendments to the UGB.

The Metro Council may also initiate changes to the UGB as legislative amendments if it is deemed that insufficient capacity exists within the current UGB. Metro is required by state law to assess the capacity of the land within the UGB every five years and compare it with forecasts of growth for the next 20 years. State law (ORS 197.296) requires that Metro maintains a 20-year land supply inside the UGB in order to accommodate projected housing need.

The Metro Council has concluded that insufficient capacity exists within the current UGB. State law (ORS 197.299) requires that at least one half of the identified land need be added to the UGB by December 1998. The UGB must be adjusted to reflect the balance by December 1999.

This report contains background information and a general discussion of Metro Code requirements for URA #43.

Section I of this report displays a summary table of information about URA #43. Section II discusses the criteria specified in the Metro Code that need to be addressed for Metro Council to amend the UGB. Section III is the staff analysis of this URA as it relates to the factors outlined in Metro Code. Specific information pertaining to any urban reserve planning of this URA, relevant to the factors, is integrated into the factor analysis Section III. Section IV outlines the general status of urban reserve planning in URA #43.

The Metro Code to amend the UGB, section 3.01.020, addresses the seven factors from State Planning Goal 14. These factors include:

- 1 & 2 demonstration of need for expansion;
- 3 demonstration that the expansion will be consistent with orderly and economic provision of public facilities and services;
- 4 demonstration of maximum efficiency of land uses;
- 5 evaluation of the environmental, energy, economic and social consequences;
- 6 evaluation of retention of agricultural land; and
- 7 an assessment of the compatibility of proposed urban uses with nearby agricultural activities.

The Metro Code states how these factors are to be considered in the Metro area and is the basis for consideration of amendments to the UGB.

Metro Code, section 3.01.012(e), requires urban reserve plans that include a conceptual land use plan and map for URAs. The urban reserve plans must comply with the Regional Urban Growth Goals and Objectives (RUGGO), the 2040 Growth Concept, and applicable Urban Growth Management Functional Plan (Functional Plan) requirements. Urban reserve planning requirements include an average residential density target, sufficient commercial and industrial development for the needs of the area, a transportation plan, and protection for wildlife habitat and water quality enhancement. It also requires a conceptual public facilities plan, school plans, and an agreement for governance.

Section 3.01.015(e) of the Metro Code, provides an outline of a Metro Council process to bring urban reserve land into the UGB. If insufficient land is available to satisfy the need and to meet the requirements of an urban reserve plan, the Metro Council may consider first tier lands for inclusion in the UGB where a city or county has committed to complete and adopt an urban reserve plan. (The jurisdiction must provide documentation to support such a commitment.) All State and Metro requirements are assessed in this staff report. Additional Metro reports, which are referenced or have relevance to these legislative amendments include the following: *Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas (June 1996)*, *Urban Growth Report (December 1997)*, *Urban Growth Report Addendum (August 1998)*, *Housing Needs Analysis (December 1997)*, *Urban Growth Boundary Assessment of Need (October 1998)*, *Urban Reserve Status Report (April 1998)* and *Productivity Analysis (September 1998)*.

After initial public testimony and prior to the final opportunity for public testimony, this staff report may be augmented or revised according to information received from the public. The Metro Council will consider the staff report and public testimony, and make a decision about which areas to be added to the UGB to address the 20-year land need. The Metro Council may condition the approval of any amendment decision and require further action by local jurisdictions and/or property owners before a UGB amendment is finalized.

URA #43 was designated by the Metro Council as a first tier urban reserve, or an area to be considered first for inclusion into the UGB. A total of 10.3 acres is being considered for inclusion in this expansion. A detailed description of the URA follows.

Site Description

Urban Reserve Area #43

URA #43 is single tax lot 10.3 acres in size with no Exclusive Farm Use (EFU) land. The area is composed of mostly class 2 and 4 soils. This first tier¹ urban reserve borders the City of Tualatin to the north and Grahams Ferry Road to the west (Attachment A). Coffee Creek, a tributary of the Willamette River, runs along the eastern portion of the reserve. This riparian corridor with its associated slopes is approximately 250' wide and comprises about 2.7 acres of the site. Slopes along this corridor are over 20 percent. The remainder of the reserve averages about 5 percent slope. This reserve is within Washington County and the Metro Boundary. The City of Tualatin has indicated that it supports inclusion of the site into the UGB and City boundary.

Productivity Analysis of Urban Reserves

In September 1998, the Metro Urban Reserve Productivity Analysis was completed to assess the number of dwelling units and jobs that could be accommodated within the designated urban reserve areas. The Productivity Analysis was accomplished in two phases. Phase 1 completed a preliminary analysis of all 18,570 acres of adopted URAs and identified a subset of URAs for more detailed evaluation in Phase 2. The following selection criteria for Phase 2 URA analysis included:

- Inclusion in designated first tier urban reserves
- Proximity to UGB (less than one-half mile)
- Productivity ratio – buildable acres divided by total acres (ranking greater than 40 percent)
- Serviceability rating (for transportation and water-related serviceability) – moderate to easy (ranking greater than 0)

Exceptions to the above criteria were made to ensure a regional distribution of URAs. In addition, areas with a high productivity rating (greater than 80 percent) were selected even if both transportation and water-related services were rated "difficult"; or if the URA had a high productivity rating (greater than 70 percent) with only one service (transportation or water-related) rated "difficult." URAs with on-going urban reserve planning efforts were also selected. Others were selected because of service efficiencies with adjacent URAs. In all, 49 URAs were selected for Phase 2 analysis, which verified land supply data, identified 2040-design type, and estimated service cost. URA #43 was included in Phase 2 of the Productivity Analysis.

Additionally, the Growth Management Committee of the Metro Council directed that public hearings be held for those urban reserves where urban reserve planning was completed or the planning was underway. Urban reserve planning was initiated for URA #43 by Matrix Development Corporation, the owner of the site, to address the urban reserve plan requirements in the Metro Code. The plan covers the entire URA #43 site (Attachment B).

¹ First Tier urban reserves means those urban reserves to be first urbanized because they can be most cost-effectively provided with urban services by affected cities and service districts as so designated and mapped by the Metro Council.

Alternatives Analysis

Alternatively, given that the urban reserves are under appeal to the Land Use Board of Appeals, an analysis of exception lands around the approximately 200-mile long perimeter of the UGB was completed. This analysis is reported in the memorandum dated October 26, 1998, *Exception Land Not Included in Urban Reserves*. In this report lands were analyzed for their suitability for inclusion into the UGB. The factors that weighed against inclusion in the UGB included lands zoned for Exclusive Farm Use, lands that would eliminate the separation between communities, and lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that affect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The areas not included in the urban reserves in the general area of URA #43 are those areas to the south and southwest of the site between Tualatin and Wilsonville. A considerable amount of land in this area is environmentally sensitive, some of which contains slopes equal to or greater than 25 percent. Some of this area lies within the 100-year FEMA floodplain and federally protected wetlands. The entire area, with the exception of URAs #42 and #44, is located within rural reserves, which are intended to maintain a separation between communities. Regional Framework Plan policy, objective 1.11, specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area.

Exhibit A details this response.

SECTION III: APPLICABLE REVIEW CRITERIA

The criteria for a legislative amendment to the UGB are contained in Metro Code Section 3.01.020. They are based primarily on State planning goals 2 and 14 and have been acknowledged, or approved by the State as meeting their requirements. Section 3.01.020(a) is the purpose statement of this criterion and Section 3.01.020(b) covers the Goal 14 factors. The criteria and staff analysis of the factors outlined in the code follows.

Factor 1: Demonstrated need to accommodate long-range urban population growth.

Factor 2: Need for housing, employment opportunities and livability may be addressed under either subsection (A) or (B) or both, as described below.

Staff Analysis

Need has been established by the Metro Council through its adoption of Resolution No. 97-2550A. This conclusion is technically based on various analyses including the *Urban Growth Report* (12/97), the *Housing Needs Analysis* and the *Urban Growth Report Addendum* among others. The *Urban Growth Boundary Assessment of Need* report documents all the relevant data and reports completed to meet State requirements concerning the demonstration of "need" – comparing the capacity within the current UGB with the 20-year forecasted growth of dwelling units and jobs. The technical work included a forecast of population, jobs and households to the year 2017. It also included consideration of rezoning areas within the current UGB to provide for greater density, estimates of infill and redevelopment, estimates of the need for land for future parks, schools, open space, floodplains, wetlands and steep slopes. After consideration of all technical data and public testimony, in December 1997, the Metro Council concluded that the current UGB has an unmet need of 32,370 dwelling units and 2,900 jobs.

The adopted 2040 Growth Concept and the Functional Plan provide certainty as to the future land use pattern inside the UGB. For this analysis, the interim Functional Plan compliance reports received by Metro in August 1998, provided insufficient information to assess local estimates of capacity. A refinement of capacity will be undertaken early in 1999 to better account for local government changes in code and zoning to reflect the 2040 Growth Concept and Functional Plan requirements.

State law mandates that the Metro Council must take such action as necessary to accommodate at least one-half of the 32,370 dwellings units by the end of 1998. This would lead to UGB amendments to accommodate approximately 16,000 dwelling units and, if the Metro Urban Reserve Productivity Analysis, September 1998 (Productivity Analysis) approach is used (0.5 jobs per dwelling unit), about 8,000 jobs. State law also requires that the remaining housing need be accommodated by December 1999. A further review of need will be conducted in 1999 and the approximate balance of 16,000 dwelling units may be adjusted to reflect the updated data. The 1998 dwelling unit and job need could be increased or decreased at that time. For further detailed information, please see the *Urban Growth Boundary Assessment of Need*, October 1998, and the documents cited in it.

Factor 3: Orderly and economic provision of public facilities and services. An evaluation of this factor shall be based upon the following:

- (A) **For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.**

Staff Analysis

According to the Productivity Analysis, URA #43 would most likely be developed as inner neighborhood. This URA would be developed at an overall average of ten dwelling units per net buildable acre, as required by the Metro Code.

The Productivity Analysis was performed to assess dwelling unit and employment capacity in selected URAs and to estimate costs for wastewater, water, stormwater, and transportation service to these URAs. The Productivity Analysis indicates that although all URAs can be provided with the above services, some areas are more difficult to serve than others are, and therefore are more costly.

Generalized assumptions were used for estimating serviceability for wastewater, water, stormwater and transportation in the Productivity Analysis. Cost estimates reflect a total buildout of each URA. Land acquisition cost and earthquake mitigation costs were not included in this analysis.

The wastewater cost estimate includes pump stations, force mains, bridge crossings and boring. A cost factor for extra treatment capacity was also included. The water cost estimate includes pressure reducing valves, meters, bridge crossings, boring, pump stations and storage facilities. Cost factors are also included for water source expansion and water treatment. Stormwater cost includes channelization, incorporation of water quality features and detention. For all three services, costs associated with piping and trenching, extra deep installation costs, and wetland, stream and riparian mitigation are also included where applicable. Maintenance and operations costs are included for wastewater and stormwater piping, pump stations, channelization, water quality features and detention sites.

The transportation serviceability cost estimate is based on the need for a multi-modal transportation system as outlined by the Metro 2040 Growth Concept and was supplemented by local knowledge of service providers. It is a sum of capital costs and the present worth of annual maintenance and preservations costs (20-year forecast). Capital, maintenance and preservation costs for streets include costs for bicycle and pedestrian systems. Transit systems costs are not included. The transportation cost estimates use regional groupings to disperse the cost among contiguous URAs. URAs that share the same planned transportation system are grouped together, reducing the cost per URA. Each URA assumes its proportion of the total cost estimate for the grouping.

The total estimated cost for wastewater, water, stormwater and transportation is expressed in cost per Dwelling Unit Equivalent (DUE). A DUE is an estimate of service demand expressed as though it was serving only dwelling units, but it takes into consideration employment based needs as well. A DUE is equal to the Estimated Dwelling Units (EDUs) per URA plus the estimated employment per URA ($EDU + \text{employment} = DUE$). The conversion to DUE provides for a costing factor that is consistent among all URAs. Only 48 of the 49 URAs have cost estimates in the Productivity Analysis. When ranked from lowest to highest for total cost, the estimated cost for URA #43 is \$62,001 per DUE, the 44th lowest cost ranking. More specific information for URA #43 is available in the Productivity Analysis on pages A220-A222.

The Matrix Urban Reserve Plan includes a preliminary engineer's construction cost estimate for grading and street construction, site drainage, sanitary sewer, water system and off-site improvements for development of a subdivision. The estimate, based on an actual development plan for 44 single-family houses, is \$11,586 per dwelling unit.

Factor 3: continued

- (B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route, rather than an area which would require an entirely new route.**

Staff Analysis

URA #43 is adjacent to the existing UGB and the City of Tualatin and the necessary services would be integrated into existing services in the surrounding area. Metro requires that a public facilities plan be drafted as part of the urban reserve planning in URA #43.

Before analyzing the specifics of the Productivity Analysis, it is important to note the following:

- Until this past year, Goal 11 of the State Planning Goals prevented service providers from extending urban level of services extra-territorially, e.g., outside their jurisdictions. In addition, service providers were required to size their services consistent with comprehensive plans. Accordingly, urban service planning or their provision was not permitted outside the UGB.
- Service providers could begin to plan for urban services once the Metro Council approved the urban reserves. However, because of the appeal of Metro's urban reserves at the Land Use Board of Appeals, there was a risk that service providers could be planning for areas that may not remain urban reserves. The risk was that if the area being planned for urban services were too small, the service planning effort would have to be redone to take in other areas. If the area planned were too large the service planning effort would have to be downsized. Accordingly, most service providers found it prudent to wait for resolution of the legal appeal on Metro's urban reserves.
- The Productivity Analysis (and two earlier analyses by the firm KCM) assessed facility costs on a broad comparison basis, not a detailed, pre-construction basis. The Productivity Analysis is the best service cost analysis information available on a consistent, region-wide basis. It includes assessment of the cost to provide urban facilities to the subject areas as well as other costs, such as upgrades to sewer treatment facilities.
- Public facility plans, as elements of local comprehensive plans, were also examined in conjunction with this report and relevant information noted.

Wastewater

According to the Productivity Analysis, provision of sanitary sewer service to URA #43 would require one new pump station. In addition, this reserve would need approximately 7,200 feet of pipe, manholes and trenching, 2,250 feet of force mains and treatment capacity for 0.02 million gallons per day (mgd).

Gravity sewer would be used wherever possible to minimize construction and maintenance costs. Sanitary sewer plans are a necessary component of the urban reserve planning process to ensure efficient siting of facilities and service of URA #43. Master planning will determine specific routing, flow volumes, pipe sizes and maintenance requirements. Provision of sanitary sewer will eliminate the potential of leaching from septic systems and drain fields that may pollute ground water or degrade water quality in Coffee Creek.

The Matrix Urban Reserve Plan states that gravity sewer service would be provided to the site and a pump station is not needed. Based on this assessment, as well as the need for less pipe than shown in the Productivity Analysis, the Matrix Plan estimates the cost for sewer service as significantly less than the analysis.

Water

According to the Productivity Analysis, provision of water service to URA #43 would require a water source expansion of 0.02 mgd and 200 feet of transmission lines. The City of Tualatin has indicated that water service could be provided from its system.

Stormwater

The Productivity Analysis estimates that one off-stream detention facility would be required to address stormwater runoff from urbanization of URA #43. Detention facilities will slow and delay water run-off and prevent downstream flooding. Incorporation of water quality features will filter increased pollutant loads from urban run-off and collect sediments before this run-off reaches streams and creeks. Water quality features are a necessary component of all storm treatment and storage facilities. Facilities should be designed to make efficient use of land, be easily maintainable and not exceed the carrying capacity of the natural resource areas into which they are released.

The City of Tualatin indicates that stormwater services could be provided to URA #43.

Transportation

Grahams Ferry Road is the primary north and south roadway in the URA #43 area and provides two-lane access between Tualatin and Wilsonville. According to a traffic analysis completed by Kittelson & Associates, Inc. (March 1998), the assumed transportation system in the area would be adequate to accommodate year 2015 traffic with or without development of 70 single family houses on the URA #43 site and the contiguous site to the north within Tualatin. While the Boones Ferry Road and Grahams Ferry Road intersection under existing conditions is operating at unacceptable level of service (LOS) F during peak hours, the current improvement project would upgrade the LOS to an acceptable level (D or better). In addition, the report states that developing the reserve to anticipated Tualatin zoning would not significantly affect any of the transportation facilities serving the site.

Fire, Police and Schools

An Urban reserve plan must include a provision to incorporate urban reserve areas into the governing jurisdiction(s) or service provider(s) territories. Upon annexation to the City, Tualatin would be the provider of police and fire services to URA #43. Funding for fire and police services is provided through allocation of general funding or bond measures to construct capital improvements, most likely from property taxes.

A school concept plan to identify the amount of land and improvements, if any, needed for school facilities, is also part of the urban reserve plan requirements. The Matrix Urban Reserve Plan states that the Sherwood School District, which serves URA #43, has not responded to requests for information on whether it could serve the site after development.

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area. An evaluation of this factor shall be based on at least the following:

- (A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.**

Staff Analysis

This factor has been addressed and discussed in part under Factors 1 and 2 regarding "need." A full discussion of housing need is found in the *Urban Growth Boundary Assessment of Need* (October 1998). The report indicates that even at housing densities exceeding historical trends, the amount of land inside the existing UGB is not capable of accommodating the 32,370 dwelling units required for a 20-year supply of buildable land. In addition, the maximum efficiency of land uses within the urban area has been specifically addressed by the Functional Plan, Title 1 (Requirements for Housing and Employment), which requires the 24 cities and 3 counties to increase the density of residential development within the UGB. Table 1 of the Functional Plan sets targets for the 24 cities and 3 counties to meet for housing and employment units within the UGB for the years 1994 to 2017. As compliance with the Functional Plan is not required until February 1999, its impact on local housing densities is not yet known. However, the potential impact of Title 1 was taken into account in estimating the current capacity of the UGB as required by ORS 197.296.

State statute, ORS 197.299, requires that the Metro UGB be amended to include one-half the estimated land needed for a 20-year land supply by December 1998. The *Urban Growth Report* (12/97) and the *Addendum to the Urban Growth Report* (8/98) indicate that there is a shortfall of land to accommodate dwelling units and jobs. Since the impact of Title 1 of the Functional Plan is not yet known, the determination of need relies on data provided by the *Urban Growth Report* and subsequent *Addendum*.

URA #43 is capable of being developed with features that comply with the 2040 Growth Concept. Maximum efficiency can be accomplished through compact development at 2040 design type densities (at an average of 10 units per net developable acre) and opportunities for multi-modal transportation such as walking, bicycling, transit and driving. Metro Code, Section 3.01.015(f) requires that urban reserve areas meet the same planning requirements of the Functional Plan that apply to areas inside the current UGB.

The Productivity Analysis estimates that 45 to 54 dwelling units and 15 to 18 jobs can be accommodated within URA #43. The range in dwelling units and jobs that can be accommodated is the result of assumptions used in the Productivity Analysis for riparian buffer widths. Development at these levels would result in an average density of 10 dwelling units or more per net buildable acre.

The Productivity Analysis includes assumptions that URA #43 would most likely be developed with the 2040 design types of an inner neighborhood. A more detailed description of the 2040 design types can be found in the RUGGO.

Factor 4: continued

(B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

Staff Analysis

Urban-type development of URA #43 could facilitate efficient urban growth inside the UGB in several ways. Street connectivity would be improved through subdivision layout of streets in conjunction with

the land within Tualatin to the north. Enhanced street connectivity would provide better access for fire and police protection. Extension and looping of water lines between existing development within the Tualatin and URA #43 would enhance water quality by eliminating dead end lines and increasing pressure available for fire flow purposes.

Factor 5: Environmental, energy, economic and social consequences. An evaluation of this factor shall be based upon consideration of at least the following:

(A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

Staff Analysis

Coffee Creek will be subject to protection provided by Title 3 of the Functional Plan (Water Quality, Flood Management and Fish and Wildlife Conservation) when brought into the UGB. Development would occur in a manner consistent with these regulations. Building setbacks (from 15 feet to 200 feet) from streams would be required depending on slope and the size of the stream. Development would not occur within 50 feet of wetlands. All development, excavation and fill in the floodplain will be subject to Title 3 Performance Standards. Title 3 currently addresses only water quality and flood management. Fish and Wildlife Conservation will be addressed through Metro's regional Goal 5 analysis over the next 18 months.

In addition, Metro Council, through Ordinance No. 97-2562B, has provided for exceptions to the density requirements of the Functional Plan if natural areas require permanent protection from development.

Factor 5: continued

(B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

Staff Analysis

A regional economic opportunity analysis has not been completed as of the date of this report. However, there are two recent documents, which do provide information about the regional economy. One is *Regional Connections: A Work In Progress*, 1998, completed by the Institute for Portland Metropolitan Studies and the Multnomah/Washington County Regional Strategies Board. This study shows that during the same time period that the compact urban form was being implemented, the region surpassed Pittsburgh, Baltimore, Indianapolis, Kansas City and Cincinnati in the creation of manufacturing jobs. The region transformed itself from a 35 percent value-added economy to 60 percent during the period from the 1980's to the 1990's. The study also shows that educational attainment and wages have grown much faster than the state or national averages. The report also documents how trade drives the growth of the region. The report concludes that electronics/software, metals/machinery, professional services, recreation-related services, transportation/distribution, lumber and wood products, nursery products and specialty foods are, at least preliminarily, economic sectors which are likely to continue to contribute to the economy of the region.

In addition, another study, *Action Plan for Keeping Agriculture Viable in the Portland Metro Area*, by the Agri-Business Council of Oregon (1997), provides information about the agricultural sector of the economy and issues and concerns of the industry. The study concludes that "... a certain critical mass of farming, in contiguous blocks of land or operations, is essential to achieve economies through bulk purchases, distribution and control of services costs." The report encourages preserving farmland at the urban edge as one way to help ensure this part of the region's and state's economy remains viable.

Based on estimates from the Productivity Analysis, URA #43 is estimated to be able to accommodate 15 jobs.

Factor 5: continued

(B) The long-term environmental, energy, economic, and social consequences (ESEE) resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

Staff Analysis

Environmental

General

Interviews with representatives from the Oregon Department of Fish and Wildlife (ODFW) and the US Fish and Wildlife Service provide the technical basis for this section.

Two critical habitats that ODFW expressed concern about are: Willamette Valley Grasslands and Oak Woodlands. These habitat types are their highest priority for protection and restoration. These habitat types, or remnants of them, exist in some of the URAs in the Metro region. The best fish and wildlife habitats have a mix of habitat types, i.e. wetlands, forest, open space, streams and floodplains. The more variety, the more fish and wildlife populations can be retained or enhanced. Amphibians and reptiles are perhaps the most sensitive to loss of habitat variety. These animals do not just need wetlands and ponds, but also upland habitat to lay eggs and hibernate for the winter. Retention of these species requires riparian vegetation, but also nearby (within a one-half mile) upland habitat associated with riparian areas.

Water Quality and Quantity

Coffee Creek, a tributary of the Willamette River, runs north to south along the eastern portion of URA #43. The Creek Corridor includes 20 percent and greater slopes with a good forest cover. The forest cover provides multiple water quality and quantity benefits. It is important to maintain the creek vegetation to protect these benefits. Metro's Functional Plan Title 3 requirements, to be implemented by local jurisdictions within 13 months, would be applicable along Coffee Creek and help protect the corridor.

Natural Hazards

Various analyses have been conducted for natural hazards such as earthquakes, landslides and floods to understand the risks they create for the built environment. Risk may be reduced by avoiding or modifying the land in hazardous areas or by constructing buildings and infrastructures to withstand the effects of natural hazards.

The Regional Earthquake Hazard Mapping and Preparedness program initiated by Oregon Department of Geology and Mineral Industries (DOGAMI) and Metro in 1992 identified: earthquake hazards; the people, structures and systems at risk from natural hazards to support local disaster preparedness efforts; and proposed natural hazard mitigation programs.

The earthquake hazard maps are interpretation of local geologic hazards in relation to ground motion amplification by a "soft" soil column; liquefaction of water-saturated sand, creating areas of "quicksand" or liquefiable sediment; and landslides triggered by the earthquake shaking of high slope instability areas. These three maps were combined to create the Relative Earthquake Hazard Map (REHM) of the Metro region. Separate relative earthquake hazards maps of these hazards showing their level of severity at any given site were also produced. The relative earthquake hazard maps are reproductions of the overall earthquake hazard

at locations depicted on the maps. This interpretation of the hazard is based on the contribution of geologic conditions to the overall hazard. These data and their analysis are no substitute for site specific data collection and analysis. The reference maps were published by DOGAMI (GMS-79 Earthquake Hazard Maps of the Portland Quadrangle, Multnomah and Washington Counties). The most direct applications of the REHM is for siting of facilities and use in the determination of whether site specific seismic hazard investigation should be required for any of the eight land use classifications.

Mitigation measures are currently being developed by Metro staff and the Regional Natural Hazards Technical Advisory Committee to address the impacts of natural hazards on people and structures in hazard prone areas. Mitigation measures will be designed to provide recommendations to reduce risk and may include subdivision regulations, structural requirements, building retrofit recommendations, siting and management requirements for public facilities and risk evaluation techniques.

Social

The social consequences of expanding the UGB have both positive and negative impacts for those living both inside the current UGB and in the URAs. Through required urban reserve planning, the area can be developed in an efficient manner with the amenities of an urban area. This would provide an opportunity for mix-use development with a wide array of services for local residents. The closer proximity to services, jobs, etc. could result in fewer vehicle miles traveled by local residents, and could provide opportunities for other modes of transportation such as transit, bicycling and walking.

On the other hand, this type of urbanization will affect the rural character of the area. This is a negative impact for those who cherish such a lifestyle and rural environment. Residents inside the UGB may also feel a loss from urbanization of rural lands outside the current UGB. Those currently farming may feel pressure from increased urbanization to develop their lands or curtail farming activities. These social costs must be weighed against the costs of not providing enough land to accommodate needed housing and jobs.

The social cost of not expanding the UGB in areas close to existing developed areas is great. Loss of agricultural production, increased costs of services, increased vehicle miles traveled and pollution result from pushing growth outside of the areas that are contiguous to the current UGB. Public involvement efforts through mail-in surveys, phone surveys, community meetings, etc. reveal that easy access to regional amenities, open space and protection of the natural environment are some of the qualities important to livability.

Affordable Housing

As noted above, the social aspects of not providing needed housing could be high for low to moderate income households. Unfulfilled demand for housing (by not taking additional lands into the UGB) will increase the price of available housing, encourage overcrowding of existing dwelling units and may prohibit the lowest income households from obtaining housing. The available choices of housing may also become restricted if there is not enough land available to meet demand for various products.

As noted in the *Housing Needs Analysis*, "Since 1990, there has been a growing concern on the issue of housing affordability in the Portland metropolitan region. This concern continues to be precipitated by a number of reasons which include: a widening gap between household income and the cost of housing; an increase in population and homelessness; rising land costs and the lack of available land." Metro has continued with this concern by designating an Affordable Housing Technical Advisory Committee which is beginning to look at possible solutions. One direct solution is making additional land available, particularly as Metro Code requires that the net residential development density in urban

reserves brought into the UGB be an average of 10 dwelling units per acre. This provision will help ensure that a range of housing types are made available and as concluded by the *Housing Needs Analysis*, a good deal of affordable housing can be made available by having smaller homes on smaller lots. The minimum density required in urban reserves plays a beginning part in delivering more affordable housing and addressing the social consequences of UGB management policies. URA #43 is estimated by the Productivity Analysis to provide 45 dwelling units.

Archeological Sites

The social factors of disturbing archeological resources by urbanizing URA #43 could be significant if federal laws protecting disturbance were not observed. State and Federal laws prohibit the disturbance of Native American burial sites. Approximately 6 percent of the surface area of the State has been formally surveyed to determine the presence of Native American artifacts. The number of existing surveys available for the Portland basin is very small based on the size of the area.

Archeological resources are protected under Statewide Goal 5 and federal law, which will be addressed through the urban reserve planning process. Lee Gilsen, State Archeologist, from the State Historic Preservation Office (SHPO) reviewed the URA #43 area and found no specific resources located on the site. SHPO has records of completed survey work, excavations, test pits and known archeological resources located throughout the state. If however, archeological resources are encountered during construction, it is a violation of federal law to disturb these sites.

Historic Sites

There are no specific historic resources in URA #43 that are listed on the State register or the National Register of Historic places, according to SHPO. Impacts on non-surveyed historic resources are best addressed by the local jurisdiction through Goal 5 survey, inventory and protection ordinances. In the event historic buildings are identified in these areas, it is possible to rehabilitate the structure for residential use or a new use. Re-use and rehabilitation options are often financially more attractive options to property owners because of high demolition costs.

Aggregate Resources

Initial information for mining sites was gathered from the DOGAMI's 1990 database, Mineral Information Layer of Oregon by County (MILOC). This database was used only as a preliminary indicator of mining locations, as the locational accuracy of MILOC is very rough and much of the information contained within the records is outdated. Using MILOC as a first screen, staff reviewed September 1997 aerial photographs for evidence of mining activity. For all identified sites, activity was assumed to be ongoing, as no reclamation was apparent of the photograph. County assessor databases on Metro's RLIS GIS system were queried to produce ownership and acreage information for each site.

According to staff review, URA #43 contains no mining operations.

Economic

URA #43 is currently designated for rural residential use (zoned AF5). Amendments to the UGB and subsequent annexation to the City of Tualatin will require extension of urban services such as sanitary sewer and water service to permit urban development. Extension of infrastructure and residential development will increase the assessed value of properties in this area and increase the tax base. Urbanization, which includes intensification of residential development, will increase the per acre cost of land and improvements within this reserve. Once annexation and development occur, all special districts serving this area will also receive an increase in their tax bases.

The Productivity Analysis assumes that URA #43 would most likely be developed as inner neighborhood. This type of development would add to the economic base of this area by adding dwelling units and some home-based jobs.

Energy

Statewide guidelines for Goal 6, Energy, states: "Priority consideration in land use planning should be given to methods of analysis and implementation measures that will assure achievement of maximum efficiency in energy utilization." Overall energy consumed as a result of adding this area to the UGB is likely to increase as a result of construction, increases in the number of automobiles, burning of fossil fuels for heating and cooling of homes and businesses and electricity consumption.

The cost of not amending the UGB to include URA #43 or amending the UGB in other areas more distant from the subject area would potentially be greater in terms of energy loss and consumption. URA #43 is adjacent to the City of Tualatin boundary, which would make extension of roads to serve this area practical. Reduction in the number of miles to serve a developing area decreases fossil fuel consumption and costs and decreases the negative consequences of pollution from using automobiles. Planned development would increase the density of the area making the existing and any proposed street system more efficient.

Factor 6: Retention of agricultural land. This factor shall be addressed through the following:

- (A) Prior to the designation of urban reserves, the following hierarchy shall be used for identifying priority sites for urban expansion to meet a demonstrated need for urban land:**
- (i) Expansion on rural lands excepted from statewide planning Goals 3 and 4 in adopted and acknowledge county comprehensive plans. Small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be included with them to improve the efficiency of the boundary amendment. The smallest amount of resource land necessary to achieve improved efficiency shall be included;**
 - (ii) If there is not enough land as described in (i) above to meet demonstrated need, secondary or equivalent lands, as defined by the state, should be considered;**
 - (iii) If there is not enough land as described in either (i) or (ii) above, to meet demonstrated need, secondary agricultural resource lands, as defined by the state should be considered;**
 - (iv) If there is not enough land as described in either (i), (ii) or (iii) above, to meet demonstrated need, primary forest resource lands, as defined by the state, should be considered;**
 - (v) If there is not enough land as described in either (i), (ii), (iii) or (iv) above, to meet demonstrated need, primary agricultural lands, as defined by the state, may be considered.**

Staff Analysis

Metro Council adopted urban reserves on March 6, 1997 by Ordinance No. 96-655E (including URA #43). As noted in Metro Code, the above hierarchy is only to be used prior to adoption of urban reserves. The proposed amendment is wholly within a designated urban reserve (URA #43). Alternatively, the designated urban reserves are not yet acknowledged by LCDC and are currently under appeal.

Retention of agricultural land was addressed by rating each study area for exception land, agricultural soils, land uses, including parcelization, and access to irrigation. The "Agricultural Retention" analysis was done on the basis of raw scores for the kinds of lands in the study area. Exception lands received varying points based on parcel size. Farm and forest lands (resource lands) received varying points based on parcel size. Additional ratings were for class I-IV soils, available irrigation and for prime or unique agricultural lands. The raw scores were converted to ratings of 1 to 10 with study areas containing less agricultural land receiving a higher rating for future urbanization.

For URA #43, the rating was 7. Accordingly, URA #43 was highly rated when ranked against all other analyzed sites around the region.

Factor 6: continued

(B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

Staff Analysis

This staff report presents information on land wholly within URA #43. Alternatively, see the analysis cited above.

Factor 6: continued

(C) After urban reserves are designated and adopted, a proposed amendment for land not wholly within an urban reserve must also demonstrate that the need cannot be satisfied within urban reserves.

Staff Analysis

This staff report presents information on land wholly within URA #43. Alternatively, see the analysis cited above.

Factor 7: Compatibility of proposed urban development with nearby agricultural activities. The record shall include an analysis of the potential impact on nearby agricultural activities including the following:

- (i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site;**

Staff Analysis

Crop types were interpreted from a September 1997 aerial photograph, at a scale of 1" = 800'. Guidance for crop identification was received from the USDA Farm Service Agency of Clackamas/Multnomah County. This data has not been field-checked, and errors may exist. Exclusive farm use zoning was obtained from county records. Metro is required to base its analysis on this zoning that has been acknowledged by the State.

The following table summarizes the acreage and types of agricultural activities taking place on land within one mile of URA #43.

Summary URA #43

Acres of Exclusive Farm Use (EFU) land in this URA.....	0
Percent (%) of URA which is EFU:.....	0%
Acres of Exclusive Farm Use (EFU) within 1 Mile:.....	191
Percent (%) of Total Acres within 1 Mile:.....	8%

EFU Lands by Crop Type: URA #43

Generalized Crop Type	EFU Acres Inside of URA, by Crop Type	EFU Acres within 1 Mile of URA, by Crop Type	Percentage of EFU within 1 Mile, By Crop Type *
Nursery Stock	0	0	0%
Orchard	0	0	0%
Row Crops (includes corn, vineyards, cane berries)	0	0	0%
Vegetables	0	0	0%
Field Crops (includes grasses, grains, pastures)	0	0	0%
Unknown	0	0	0%
Unfarmed	0	191	100%

* Note: Crops with the 1st & 2nd highest percentages marked in **bold font**.

Factor 7: continued

- (ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land, as well as the impact on the local agricultural economy.

Staff Analysis

There are 191 acres of EFU land within one mile of URA #43. None of this EFU land, however, is being farmed.

Metro Code Section 3.01.020(c), (d) and (e)

The requirements of statewide planning Goal 2 will be met by addressing all of the requirements of section 3.01.020(b), above, and by factually demonstrating that:

(c)(1) The land need identified cannot be reasonably accommodated within the current UGB; and

Staff Analysis

Need has been addressed in Metro Code 3.01.020(b)(1)(2) and (4). Extensive analyses have been performed to determine if projected population growth can be accommodated on lands inside the UGB. A summary of these analyses can be found in the *Urban Growth Boundary Assessment of Need* (October 1998).

Metro has taken measures to increase capacity inside the current UGB through the Functional Plan, Title 1, which requires the 24 cities and 3 counties to increase their densities for residential zones. This measure will not be fully realized until after February 1999. The *Urban Growth Report* (12/97) finds that even with higher densities and an aggressive infill and redevelopment assumption, there is a shortfall of dwelling unit capacity inside the UGB.

Metro has evaluated all potential pieces of land in the UGB for future capacity and, therefore, has reviewed alternatives to amending the UGB.

(c)(2) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts; and

Staff Analysis

URA #43 would likely be developed for residential uses at densities consistent with inner neighborhoods as identified in the 2040 Growth Concept. Adjacent uses in the surrounding area consist of residential and rural residential development.

(c)(3) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas than the proposed site and requiring an exception.

Staff Analysis

See Factor 5.

(d) The proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

Staff Analysis

URA #43 is contiguous to urbanized residential land to the north and rural residential areas to the east, south and west. Coffee Creek and its associated riparian corridor, approximately 150' wide, would

buffer the land to the east of the site. The land to the south, zoned rural residential, would be contiguous to the urban residential development. Along the western boundary of the site is Grahams Ferry Road, which would serve as a transition to the rural residential land to the west of the roadway.

- (e) Satisfaction of the requirements of section 3.01.020(a) and (b) does not mean that other statewide planning goals do not need to be considered. If the proposed amendment involves other statewide planning goals, they shall be addressed.**

Staff Analysis

The applicable Statewide Planning Goals are 2 and 14. These goals are addressed by the analysis for Metro Code section 3.01.020 discussed above.

SECTION IV: METRO CODE SECTION 3.01.012(e) URBAN RESERVE PLANNING REQUIREMENTS

Metro Code also requires an Urban Reserve Plan be completed for URAs. The Code requires a conceptual land use plan and map for URAs which demonstrate compliance with Goal 2 and Goal 14, Metro code sections 3.01.020 or section 3.01.030, with the RUGGO and the 2040 Growth Concept design types and any applicable Functional Plan provisions. Urban Reserve Plan requirements include an average residential density target, sufficient commercial and industrial development for the needs of the area, a transportation plan and protection for wildlife habitat and water quality enhancement. It also requires a conceptual public facilities plan, school plan and an agreement on governance. If insufficient land to satisfy the "need" is available that meets Urban Reserve Plan requirements, the Metro Council may consider first tier lands where a city or county commits to complete and adopt an Urban Reserve Plan and provides documentation to support this commitment as outlined in section 3.01.015(e).

Staff Analysis of Urban Reserve Planning for URA #43

Matrix Development Corporation, the site owner, has prepared and submitted an Urban Reserve Plan to Metro for URA #43, pursuant to Metro Code section 3.01.012. The plan covers the entire URA #43 site. The plan is for a 44-lot single-family subdivision and addresses the Coffee Creek riparian corridor, utilities and services, transportation improvements and governance. The City of Tualatin has agreed to annex the site and provide the applicable urban services.

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Agenda Item Number 9.2

Resolution No. 99-2813, For the Purpose of Amending the Clackamas River Greenway Target Area Refinement Plan.

**Metro Council Meeting
Thursday, July 15, 1999
Council Chamber**

METRO OPERATIONS COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2813, FOR THE PURPOSE OF
AMENDING THE CLACKAMAS RIVER GREENWAY TARGET AREA
REFINEMENT PLAN.

Date: July 14, 1999

Presented by: Councilor Atherton

Committee Action: At its July 7, 1999 meeting, the Metro Operations Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2813. Voting in favor: Councilors Atherton, Kvistad and Washington.

Council Issues/Discussion: Charles Ciecko gave the staff presentation for this resolution. The Clackamas River Greenway, between Barton and Gladstone, is one of six regional trails and greenways identified in the \$135 million Metro Open Spaces bond measure passed in 1995. Three tiers are indicated in the refinement plan for the greenway, that in turn prioritize land that Metro would like to purchase. These tiers include lands on both the north and south banks of the river. This purchase, including a donation of 130 acres, totals about 240 acres of land, with river front on both sides of the river. It is also adjacent to other publicly held properties.

Resolution 99-2813 amends tiers 2 and 3 of the refinement area to include this acquisition. The acquisition includes valuable salmon rearing habitat and presents excellent opportunities for natural resource related recreation, and expanded river access. The Springwater Corridor is planned to pass immediately adjacent to this property.

The property owner, Mr. Stevens, gave a personal recollection of his involvement with this parcel.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)	RESOLUTION NO. 99-2813
CLACKAMAS RIVER GREENWAY TARGET)	
AREA REFINEMENT PLAN)	Executive Officer
)	Introduced by Mike Burton

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the Metro area voters approved the Open Spaces, Parks and Streams Bond Measure (Ballot Measure 26-26) which authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements; and

WHEREAS, Exhibit B of the Open Spaces Acquisition Bond Measure Resolution states "Donations, bequests and grants will be sought to enable the program to protect and acquire more natural resource land.", and;

WHEREAS, on March 21, 1996 via resolution 96-2308, the Metro Council adopted a refinement plan for the Clackamas River Greenway regional target area, which included a confidential tax-lot specific map identifying priority properties for acquisition, and:

WHEREAS, the refinement plan map for the Clackamas River Greenway target currently ends at the boundary of a 239-acre former aggregate mining operation bisected by the Clackamas River called "River Island", thereby excluding it and additional properties adjacent to the River Island property identified in Exhibit A to this Resolution, and;

WHEREAS, an objective of the Clackamas River Greenway target area refinement planning focused on acquiring continuous blocks of riparian corridor to support wildlife, fish, water quality, scenic and recreational values; and

WHEREAS, the River Island property contains the potential to enhance fish preservation efforts, provide recreational and scenic opportunities, support existing abundant wildlife, and provide a connection to rapidly urbanizing areas via the proposed Estacada Corridor of proposed Springwater Trail, and;

WHEREAS, an opportunity now exists through a negotiated agreement between Metro and the owner of the River Island property, for Metro to receive a donation of approximately 130 acres and to purchase an additional 109 acres, building on publicly owned riverfront land to the North and South of the River Island property.

BE IT RESOLVED,

That the Metro Council amends the Clackamas River Greenway regional target area refinement plan to include the properties identified in Exhibit A.

ADOPTED by the Metro Council this _____ day of _____, 1999.

Rod Monroe, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Resolution 99-2813

River Island /Parker-Northwest Paving Co. properties to be acquired:

Resolution 98-2813, page 3

Staff Report

CONSIDERATION OF RESOLUTION NO. 99-2813 FOR THE PURPOSE OF AMENDING THE CLACKAMAS RIVER GREENWAY TARGET AREA REFINEMENT PLAN

Date: June 14, 1999

Presented by: Charles Ciecko
Jim Desmond

PROPOSED ACTION

Resolution No. 99-2813 requests amendment of the Clackamas River Greenway target area refinement plan.

BACKGROUND AND ANALYSIS

In May 1995, voters in the region passed the Open Spaces, Parks and Streams bond measure enabling Metro to purchase open space properties with \$135.6 million in bond proceeds. The bond measure identified fourteen regional target areas and six regional trails and greenways for property acquisition, including the Clackamas River Greenway. The Clackamas River Greenway comprises a "river trail" with acquisition objectives of protecting key sites along the river, and providing support of wildlife, fish, water quality, scenic and recreational values.

The refinement plan adopted by Metro Council on March 21, 1996 pursuant to Resolution No. 96-2308, identified three distinct "tiers" within the target area. It describes the north bank of the Clackamas River between Gladstone and Barton Park as Tiers 1 and 2, and the south bank as Tier 3, giving the north bank (Tiers 1 and 2) a higher priority for acquisition. Metro's Open Spaces Acquisition Division staff have exhausted the acquisition possibilities in Tier 1, except for one large parcel that is in the negotiation process. Over 100 acres have been acquired in Tier 2, with additional parcels totaling 130 acres being pursued.

This resolution would amend Tiers 2 and 3 of the tax-lot specific refinement plan to include an approximate 239-acre parcel (hereafter "River Island") adjacent to the existing refinement plan boundary and Barton Park. Although the property was south of the river at the time of the refinement plan in 1996, the river has altered its course as a result of the two floods in 1996-97, and now the property has frontage on both banks. It has ponds and wetlands formed by past mining operations that are accessible from the river and provide important juvenile salmon-rearing habitat protection and enhancement opportunities. The site also presents excellent opportunities for natural resource related recreation and expanded river access.

The Clackamas River Watershed Atlas, produced by Metro in December of 1997 with funding from the Environmental Protection Agency, listed the threats to naturally spawning anadromous salmonids as a key concern in the Clackamas River watershed. The river supports several species of anadromous fish, including spring and fall chinook salmon, coho salmon, cutthroat trout, and summer and winter steelhead. Goose Creek enters the Clackamas at River Island and is one of the creeks listed as "Essential Salmon Habitat" in the Atlas. Staff have been working with potential restoration partners, such as PGE, to evaluate the degree to which the site could be used in the region-wide fish habitat conservation effort. The River Island site contains several "pool" areas that provide excellent "rearing" habitat for juvenile salmonids.

Control of both sides of the river in this area provides a unique opportunity to protect significant riparian resources from incompatible land uses including timber harvest and aggregate mining. An approximate 50-acre portion of the site that is adjacent to the river and in the floodplain is suitable for additional aggregate removal. Acquisition of the River Island property by Metro would effectively halt further mining in the floodplain. Experts in the field of salmonids and fluvial geomorphology believe terminating aggregate mining at this time will significantly enhance the protection of anadromous fisheries in the Clackamas River.

The site is bordered by publicly-owned land to the north and south (Clackamas County's Barton Park and a 132-acre Bonneville Power holding). This assemblage of undeveloped area supports a large variety of wildlife species, including bald eagles and osprey. An adjoining 100-acre private property sustains a heron rookery with at least 30 nests. Recreational possibilities include picnicking, camping, and watersports as well as environmental education, complementing the nearby Barton Park.

The River Island parcel lies directly west of the proposed Estacada Corridor portion of the Springwater Corridor Trail, providing the future possibility of an easy day's bike ride from the River Island property to or from the Portland city center. The River Island property is situated four miles from the current Urban Growth Boundary, less than two miles from the Metro boundary, and within three miles of Urban Reserve areas 8,9,10 and 11.

Nine small properties bordered on several sides by the River Island property are also to be included in the map amendment, and Metro will seek donations of these relatively undevelopable parcels. Metro has negotiated a purchase and sale agreement that includes a donation of approximately 130 acres of the 239-acre River Island property, subject to the Metro Council's approval. In order to acquire the 239-acre property, and to authorize the potential acquisition of the remaining nine properties as noted in map in Attachment A, Metro must amend the Clackamas River Greenway Target Area refinement map to include these properties.

FINDINGS

- The objectives of the Refinement Plan for the Clackamas River Greenway include acquisition of the floodplain lands and continuous riparian corridors for flood storage, and protection of wildlife, fish, water quality, scenic and recreational values. Acquiring the parcels in question would clearly further these objectives. Stakeholders interviewed in the original refinement plan process specifically advocated for Metro's acquisition of the River Island site.
- The donation of the 130 acre portion of the property is significant and would represent the largest land donation made to Metro in the history of the Regional Parks and Greenspaces Department.
- Acquisition of the River Island parcel provides a potential linkage and destination point from one of the eastern branches of the Regional Trail and Greenway system, the Springwater-Estacada Trail, to the rapidly growing areas of Clackamas County.
- If the remaining 50-acre potential quarry site is allowed to be mined, it would likely have a negative impact on fish runs in the lower Clackamas River.

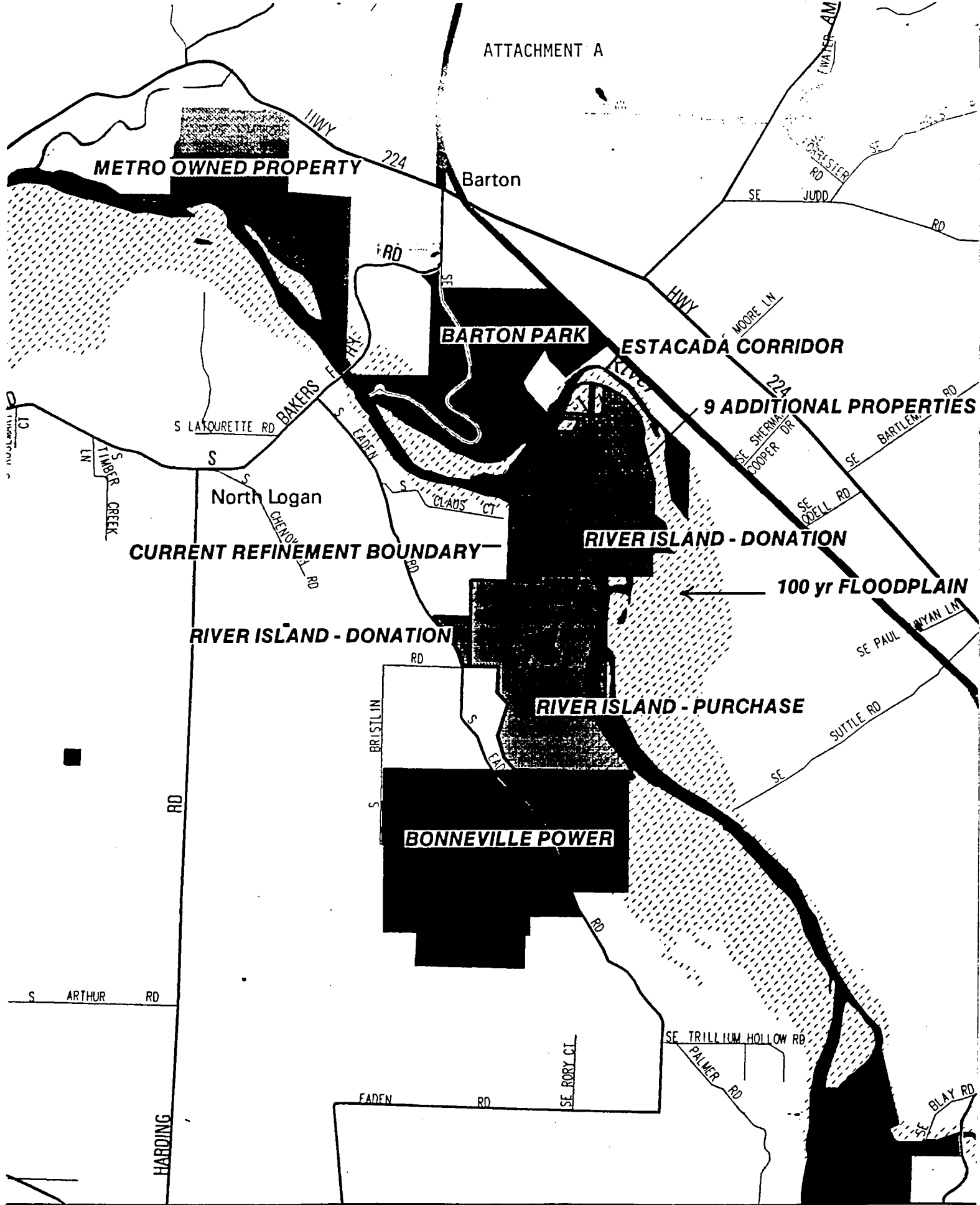
- There are adequate funds in the Clackamas River Greenway target area budget to acquire the River Island property under the terms and conditions of the sale agreement.
- Resolution No. 99-2813 would amend the refinement map for the Clackamas River Greenway target area, authorizing Metro to acquire the entire River Island property pursuant to terms of the Open Space Implementation Workplan, and permit the possible acquisition of the remaining nine lots, all as identified in Attachment A.

BUDGET IMPACT

Bond funds will supply acquisition money. One residence on the property will provide rental income to offset some landbanking expenses. Partnerships and grants to implement fish habitat enhancement projects at this site have high prospects and are being actively pursued with prospective partners.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 99-2813.



Agenda Item Number 9.3

Resolution No. 99-2816, For the Purpose of Authorizing the Executive Officer to Execute an Intergovernmental Agreement with the City of Tigard to Manage the Property in the Fanno Creek Greenway Target Area.

Metro Council Meeting
Thursday, July 15, 1999
Council Chamber

METRO OPERATIONS COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2816, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TIGARD TO MANAGER THE PROPERTY IN THE FANNO CREEK GREENWAY TARGET AREA.

Date: July 15, 1999

Presented by: Councilor Kvistad

Committee Action: At its July 7, 1999 meeting, the Metro Operations Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2816. Voting in favor: Councilors Atherton, Kvistad and Washington.

Council Issues/Discussion: Resolution 99-2816 authorizes a 20-year management agreement with the City of Tigard, for land purchased by Metro under the Open Spaces, Parks and Streams bond measure. Heather Nelson Kent, Senior Manager with the Parks and Greenspaces department, made the staff presentation. This 6.8 acre purchase, also known as the "Lowery Property," is adjacent to an existing Tigard park; Woodard Park. Tigard has approved a master plan for the combined park area that will ensure that the Lowery Property is operated consistent with the Open Spaces bond measure.

A $\frac{3}{4}$ acre portion of the property, including a house, is excluded from the Woodard Park Concept Plan. Tigard is not interested in this portion of the property. The committee discussed the options for the house and $\frac{3}{4}$ acre parcel with Jim Desmond, Open Spaces Manager. It is not clear at this point whether the parcel should be put up for sale, and if so, the exact limitations for which the proceeds could be put to use. Staff will continue to track this issue with the committee, including the development of new policy, if needed.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 99-2816
THE EXECUTIVE OFFICER TO EXECUTE)	
AN INTERGOVERNMENTAL AGREEMENT)	Introduced by Mike Burton,
WITH THE CITY OF TIGARD TO MANAGE)	Executive Officer
THE PROPERTY IN THE FANNO CREEK)	
GREENWAY TARGET AREA)	

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the Metro area voters approved the Opens Spaces, Parks and Streams Bond Measure (Measure 26-26) which authorizes Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements; and

WHEREAS, the Fanno Creek Greenway Target Area was designated as a regional trail and greenway in the Greenspaces Master Plan and identified as a regional target area in the Open Space, Parks and Streams Bond Measure; and

WHEREAS, on May 16, 1996, via Metro Council Resolution No. 96-2331, the Metro Council adopted a refinement plan for the Fanno Creek Greenway Target Area, including a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, on June 9, 1997, 6.8 acres of real property, located within the Fanno Creek Greenway, in the City of Tigard and owned by George and Helen Lowery, (hereinafter, the "Property") were purchased by Metro with Measure 26-26 bond funds; and

WHEREAS, Measure 26-26 provided that lands acquired by Metro pursuant to Measure 26-26 may be operated, managed and maintained by Metro or other cooperative arrangements may be made with other jurisdictions or park providers to operate and maintain these lands consistent with the Greenspaces Master Plan; and

WHEREAS, on March 2, 1999, the City of Tigard approved the Woodard Park Concept Plan, providing for incorporation of the Property into the City of Tigard's Woodard Park, including improvements to the Property designed to promote passive recreation and enhance wetland habitat; and

WHEREAS, the City of Tigard's Woodard Park Concept Plan excludes responsibility for the house and immediately surrounding yard, garage and access drive on the Property; and

WHEREAS, the City of Tigard and Metro desire that, with the exception of the house and immediately surrounding yard, garage, and access drive on the Property, which shall remain under Metro management, the City of Tigard should improve, operate, manage and

maintain the Property in accordance with the Woodard Park Concept Plan at the City of Tigard's sole expense; and

WHEREAS, the Intergovernmental Agreement attached to this resolution sets forth the management, maintenance and operation guidelines for the Property, requiring that the Property be managed by the City of Tigard for the protection of the Property's natural resources in accordance with the Metro Greenspaces Master Plan, the Open Spaces Bond Measure, and the Woodard Park Concept Plan; now, therefore,

BE IT RESOLVED:

That the Metro Council authorizes the Executive Officer to execute the Intergovernmental Agreement with the City of Tigard, attached hereto as Exhibit A, wherein the City of Tigard will implement the Woodard Park Concept Master Plan, improving, operating, managing and maintaining the Property in accordance with the Woodard Park Concept Master Plan, the Metro Greenspaces Master Plan, and the Open Spaces Bond Measure.

Adopted by Metro Council this _____ day of _____, 1999.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

EXHIBIT "A"
to Resolution 99-2816

INTERGOVERNMENTAL AGREEMENT

Woodard Park/Lowery Property

This Intergovernmental Agreement ("Agreement") dated this ____ day of _____, 1999, is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the 1992 Metro Charter, located at 600 Northeast Grand Avenue, Portland, Oregon, 97232-2736 ("Metro"), and the City of Tigard, located at 13125 S.W. Hall Boulevard, Tigard, Oregon 97223 ("the City").

WITNESSETH:

WHEREAS, on May 16, 1995, voters approved Ballot Measure 26-26, Open Spaces, Parks, and Streams, authorizing Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, to issue up to \$135.6 million in general obligation bonds for the protection of open spaces, parks and streams ("Metro Open Spaces Bond Measure"); and

WHEREAS, the Fanno Creek Greenway was identified as a regionally significant open space in the Metro Greenspaces Master Plan, and the Fanno Creek Greenway Target Area was subsequently established pursuant to the Metro Open Spaces Bond Measure; and

WHEREAS, pursuant to the Metro Open Spaces Bond Measure, Metro acquired real property from the Lowery family, located within the Fanno Creek Greenway Target Area, along Fanno Creek at 10270 SW Katherine Street, commonly known as Tax Lot 00600, Township 2 South, Range 1 West, Section 2BB, in the City of Tigard, County of Washington, State of Oregon, and more particularly described in Exhibit A attached hereto and incorporated herein (the "Lowery Property"); and

WHEREAS, on June 9, 1997, Metro purchased the Lowery Property with proceeds from the Metro Open Spaces Bond Measure to preserve it as open space in accordance with the measure; and

WHEREAS, the City wishes to operate, manage, and maintain a portion of the Lowery Property, as described in Exhibit A-1 attached and incorporated herein (hereinafter, the "Property"), which excludes the Lowery house, garage, and access drive, which shall remain Metro's responsibility; and

WHEREAS, on March 2, 1999, the City passed Resolution 99-13 adopting the Woodard Park Concept Plan, attached hereto as Exhibit B and incorporated herein;

WHEREAS, Metro and the City wish to preserve the Property as open space, provide for passive recreation, and provide for improved wetland habitat, in accordance with the Woodard

Park Concept Plan, the Metro Open Spaces Bond Measure, and the Metro Greenspaces Master Plan;

WHEREAS, the Oregon Department of Transportation ("ODOT") by letter, dated April 21, 1999, proposed to implement a wetlands mitigation plan on the Property, to improve Fanno Creek's wetland vegetation and riparian habitat;

WHEREAS, on _____, 1999, the City Council authorized the City to enter into this Agreement and to manage, operate and maintain the Property in accordance with the terms set forth in this Agreement;

WHEREAS, on _____, 1999, the Metro Council authorized Metro to enter into this Agreement to provide for transfer of management responsibility for the Property in accordance with the terms set forth in this Agreement; and

WHEREAS, Metro and the City wish to enter into this Agreement to provide for the responsibilities and obligations of the parties with respect to the acquisition, allowable uses, maintenance and operation of the Property;

NOW, THEREFORE, the parties agree as follows:

A. Management, Maintenance, and Operation

1. The City shall be responsible for the ongoing management, maintenance, and operation of the Property in accordance with the terms of this Agreement.
2. The Property shall be managed, maintained and operated in accordance and in a manner consistent with this Agreement, Metro's Greenspaces Master Plan, the Metro Open Spaces Bond Measure, the Woodard Park Concept Plan, and ODOT's Conceptual Wetlands Mitigation Plan (collectively, "the Plans"). These Plans shall constitute the Resource Protection Plans for the Property, as described in the Metro Greenspaces Master Plan. In case of conflict among Plans, the Plan affording the highest level of resource protection shall govern.
3. If Metro executes an agreement to purchase additional property within the Fanno Creek Greenway Target Area which Metro would like the City to manage under the terms of this Agreement, Metro shall notify the City in writing in the form attached hereto as Exhibit C ("Notice of Acquisition"). The City shall notify Metro if the City does not wish to accept management responsibilities for that additional property in accordance with this Agreement, using the City's best efforts to make this notification prior to the closing date for the acquisition. If the City has not so notified Metro within thirty (30) days of receiving Metro's Notice of Acquisition, then the City shall be deemed to have accepted the additional property for management, maintenance and operation responsibilities in accordance with the terms and conditions of this Agreement.

4. Metro grants to the City, its agents and contractors, the right to enter the Property for the purpose of performing all activities reasonably necessary for the management, maintenance and operation of the Property under the Plans.
5. The term of the City's management, maintenance, and operation responsibilities for the Property shall be twenty (20) years from the date of this Agreement. This Agreement shall renew automatically for an additional ten-year term, unless earlier terminated under Section E (4-5), or unless either party provides notice of intent not to renew prior to the expiration of the current term.

C. Limitations on Use

1. The Property shall be managed, maintained and operated in accordance with its intended use as natural area open space, with the primary goal being protection of the Property's natural resources, enhancement and protection of wildlife habitat, and public recreation consistent with the foregoing.
2. The Property may be used by the public, in the City's discretion, for preservation, restoration and enhancement of riparian vegetation and wildlife habitat, passive recreation, pedestrian activity, and non-motorized bicycle use. The City shall give Metro ninety (90) days' advance written notice of its intent to construct any improvements, trails, or alteration of water or timber resources on the Property. Such notice shall demonstrate, to Metro's sole satisfaction, consistency with Metro's Greenspaces Master Plan and the City's Woodard Park Concept Plan. Metro shall have the right to approve of the items contained in the notice, which approval shall not be unreasonably withheld. In any event, no improvements or trails shall be constructed on the Property and no alteration of water or timber resources shall occur that are inconsistent with this Agreement or with the Plans.

The City's Woodard Park Concept Plan provides for a proposed ODOT wetlands mitigation project, further described in ODOT's Conceptual Wetlands Mitigation Plan, attached hereto and incorporated herein as Exhibit D. In exchange for ODOT wetlands enhancement performed pursuant to the Conceptual Mitigation Plan, ODOT requires a perpetual wetlands mitigation easement over that portion of the Property enhanced for mitigation. The terms of the wetlands mitigation shall be subject to Metro approval.

3. Metro shall have the right to review and comment on any changes in the Plans relating to the management, maintenance, or operation of the Property. Any changes in the Plans made or proposed by the City that relate to management, maintenance, or operation of the Property shall not conflict with the guidelines set forth in this Agreement, in Metro's Greenspaces Master Plan, or with the uses and restrictions described in the Metro Open Spaces Bond Measure. The City shall give Metro written notice as soon as possible, but in no event less than 90 days, in advance of a proposal to amend the City's Plans, where such amendment would alter the City's management, maintenance or operation of the Property.
4. The Property shall not be subdivided or partitioned, nor shall any development rights, timber rights, mineral rights, or other rights related to the Property be sold or otherwise granted, nor

shall there be any alteration of any water or timber resource, except as necessary for construction of trail or other improvements, for the purpose of enhancing wetlands and improving resource values, or as necessary to protect public safety.

5. Metro has implemented the following stabilization and security measures prior to executing this Agreement. On the date of this Agreement, the City shall assume all continuing maintenance obligations for these measures:
 - Mowing the upland portion of the Property;
 - Controlling access to the Property through gates and fencing, to prevent unauthorized use and illegal dumping; and
 - Managing "danger trees," to prevent damage to surrounding property.
6. The City shall maintain security of the Property, and shall provide additional fencing, gates, signage, and other measures as the City may deem necessary to increase safety on the Property, and to preserve and protect the Property's natural resources.

D. Permits, Easements, Assessments, Coordination with Other Public Agencies

1. As stated in Metro's Greenspaces Master Plan, by accepting management responsibility for the Property, the City agrees to be responsible for funding the operation and maintenance of the Property with the City's own resources. The City's management responsibility shall include responsibility for all taxes or assessments for the Property.
2. The City shall be responsible for obtaining any permits necessary for management, maintenance or operation of the Property.
3. Any permits granted by the City to users of the Property shall comply with the terms and limitations set forth in this Agreement and in the Plans.
4. The City shall be responsible for contacting and coordinating with other local or state agencies regarding any management, maintenance or operation issues that may arise with respect to the Property.
5. All future requests for easements, rights of way, and leases on or affecting the Property shall be submitted to Metro in accordance with the Metro Easement Policy, Resolution No. 97-2539B, passed by the Metro Council on November 6, 1997, attached hereto as Exhibit E.

E. General Provisions

1. **Indemnification.** The City, to the maximum extent permitted by law and subject to the Oregon Tort Claims Act, ORS Chapter 30, shall defend, indemnify and save harmless Metro, its officers, employees, and agents from and against any and all liabilities, damages, claims, demands, judgments, losses, costs, expenses, fines, suits, and actions, whether arising in tort,

contract, or by operation of any statute, including but not limited to attorneys' fees and expenses at trial and on appeal, relating to or resulting from the management, maintenance or operation of the Property, including but not limited to construction of trails or in relation to any other improvement on the Property.

2. Oregon Constitution and Tax Exempt Bond Covenants. The source of funds for the acquisition of the Property is from the sale of voter-approved general obligation bonds that are to be paid from *ad valorem* property taxes exempt from the limitations of Article XI, section 11(b), 11(c), 11(d) and 11(e) of the Oregon Constitution, and the interest paid by Metro to bond holders is currently exempt from federal and Oregon income taxes. The City covenants that it will take no actions that would cause Metro to be unable to maintain the current status of the real property taxes as exempt from Oregon's constitutional limitations or the income tax exempt status of the bond interest. In the event the City breaches this covenant, Metro shall be entitled to whatever remedies are available to either cure the default or to compensate Metro for any loss it may suffer as a result thereof.
3. Funding Declaration and Signs. The City may provide on-site signs informing the public that the City is managing the site. Metro will provide on-site signs which shall be installed by the City, stating that funding for the acquisition came from Metro's Open Spaces Bond Measure proceeds. The City shall also document in any publication, media presentation or other presentations, that funding for the acquisition came from Metro's Open Spaces Bond Measure proceeds. All signs will be consistent with Metro guidelines for Open Spaces Projects.
4. Joint Termination for Convenience. Metro and the City may jointly terminate all or part of this Agreement based upon a determination that such action is in the public interest. Termination under this provision shall be effective upon ten (10) days written notice of termination issued by Metro, subject to the mutual written agreement of the parties.
5. Termination for Cause. Either party may terminate this Agreement in full, or in part, at any time before the date of completion, whenever that party determines, in its sole discretion, that the party has failed to comply with the conditions of this Agreement and is therefore in default. The terminating party shall promptly notify the other party in writing of that determination and document such default as outlined herein. The other party shall have thirty (30) days to cure the problem. Notwithstanding any termination for cause, both parties shall be entitled to receive payments for any work completed or for which that party is contractually obligated for, which completion or contractual obligation occurred prior to the effective date of the termination, provided that no party shall be obligated to make any payment except for work specifically provided for in this Agreement.
6. Law of Oregon. This Agreement shall be governed by the laws of the state of Oregon, and the parties agree to submit to the jurisdiction of the courts of the state of Oregon. All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the state of Oregon, are hereby incorporated as if such provisions were a part of this Agreement, including but not limited to ORS 279.015 to 279.320.

7. Notices. All notices or other communications required or permitted under this Agreement shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent by fax and regular mail.

To Metro: Metro
Charles Ciecko
Director, Metro Regional Parks and Greenspaces
600 N.E. Grand Avenue
Portland, OR 97232-2736

To City: City of Tigard
Jim Hendryx
Community Development Director
13125 S.W. Hall Boulevard
Tigard, OR 97204

8. Assignment. The parties may not assign any of its rights or responsibilities under this Agreement without prior written consent from the other party, except the parties may delegate or subcontract for performance of any of its responsibilities under this Agreement.
9. Severability. If any covenant or provision in this Agreement shall be adjudged void, such adjudication shall not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid, if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.
10. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any prior oral or written agreements or representations relating to the Property. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year set forth above.

CITY OF TIGARD

. METRO

By: _____
Title: _____

By: _____
Mike Burton, Executive Officer

Exhibits:

Exhibit A - Legal Description
Exhibit B - Woodard Park Concept Plan
Exhibit C - Form of Notice of Acquisition
Exhibit D - ODOT Wetland Mitigation Project Plans and Easement
Exhibit E - Metro Easement Policy and Metro Resolution No. 97-2539B

EXHIBIT A**"Lowery Property" Legal Description**

PARCEL 1: Lot 17, GREENBURG HEIGHTS ADDITION, in the City of Tigard, County of Washington and State of Oregon. EXCEPT portion taken for street purposes.

PARCEL 2: Lot 14, GREENBURG HEIGHTS ADDITION, in the City of Tigard, County of Washington and State of Oregon, EXCEPTING that portion lying within the boundaries of that certain tract conveyed to Otto Blum, et ux, by deed recorded June 9, 1954 in Deed Book 357, Page 19, Deed Records and EXCEPT portion taken for street purposes.

PARCEL 3: Portion of Lot 15, GREENBURG HEIGHTS ADDITION, in the City of Tigard, County of Washington and State of Oregon, described as:

Beginning at the most Northerly corner common to Lots 14 and 15 of GREENBURG HEIGHTS ADDITION (a duly recorded plat) and running thence North 89° 23' East 73.44 feet along the Northerly boundary line of Lot 15 of said plat, to a point on the West line of that certain tract conveyed to Weslie H. Flye, et ux, by deed recorded March 1, 1941 in Book 196, Page 543; thence South 0° 45' East along the West line of said Flye Tract 235.0 feet to an iron rod, said iron rod marking THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; thence continuing South 0° 45' East along the West line of said Flye Tract 184.20 feet to an iron rod set in the Southerly boundary line of said Lot 15; thence South 89° 38' West 73.44 feet along the Southerly boundary line of Lot 15 to the Southwest corner thereof; thence North along the West line of said Lot 15, North 0° 45' West 183.7 feet, more or less, to a point on the South line of the Otto Blum Tract as described in deed recorded in Book 357, Page 19, Deed Records, Washington County, Oregon; thence North 89° 23' East 73.44 feet to the true point of beginning.

EXHIBIT A-1

"Property" Legal Description

PARCEL 1: Lot 17, GREENBURG HEIGHTS ADDITION, in the City of Tigard, County of Washington and State of Oregon. EXCEPT portion taken for street purposes.

PARCEL 2: Lot 14, GREENBURG HEIGHTS ADDITION, in the City of Tigard, County of Washington and State of Oregon, EXCEPTING that portion lying within the boundaries of that certain tract conveyed to Otto Blum, et ux, by deed recorded June 9, 1954 in Deed Book 357, Page 19, Deed Records and EXCEPT portion taken for street purposes, *and EXCEPTING therefrom the easterly 20 feet of Lot 14, GREENBURG HEIGHTS ADDITION.*

PARCEL 3: The Southerly 50 feet of the following described parcel of land: a portion of Lot 15, GREENBURG HEIGHTS ADDITION, in the City of Tigard, County of Washington and State of Oregon, described as:

Beginning at the most Northerly corner common to Lots 14 and 15 of GREENBURG HEIGHTS ADDITION (a duly recorded plat) and running thence North 89° 23' East 73.44 feet along the Northerly boundary line of Lot 15 of said plat, to a point on the West line of that certain tract conveyed to Weslie H. Flye, et ux, by deed recorded March 1, 1941 in Book 196, Page 543; thence South 0° 45' East along the West line of said Flye Tract 235.0 feet to an iron rod, said iron rod marking THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; thence continuing South 0° 45' East along the West line of said Flye Tract 184.20 feet to an iron rod set in the Southerly boundary line of said Lot 15; thence South 89° 38' West 73.44 feet along the Southerly boundary line of Lot 15 to the Southwest corner thereof; thence North along the West line of said Lot 15, North 0° 45' West 183.7 feet, more or less, to a point on the South line of the Otto Blum Tract as described in deed recorded in Book 357, Page 19, Deed Records, Washington County, Oregon; thence North 89° 23' East 73.44 feet to the true point of beginning.

EXHIBIT B
(Woodard Park Concept Plan)

CITY OF TIGARD, OREGON

RESOLUTION NO. 99- 13

A RESOLUTION OF THE TIGARD CITY COUNCIL ADOPTING A CONCEPT PLAN FOR THE DEVELOPMENT AND EXPANSION OF WOODARD PARK

WHEREAS, the City Council in February 1997 appropriated funds for the preparation of a master plan for Woodard Park and an abutting seven-acre area;

WHEREAS, a consultant was hired in October 1997 to work with neighborhood residents, the Planning Commission, and a citizen task force on the development of the plan; and

WHEREAS, the master plan process has insured the opportunity for all citizens and other interested parties to be involved in all phases of the development of the Woodard Park concept plan; and

WHEREAS, the Tigard Planning Commission, following a public hearing held on February 1, 1999, endorsed the Woodard Park Concept Plan with two revisions; and

WHEREAS, the seven acres within the area proposed for the expansion of Woodard Park were purchased by the Metropolitan Service District using regional Greenspaces funds; and

WHEREAS, Metro will allow the City to operate and manage the seven acres as part of the city park system, subject to the approval of a master plan for the site.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that: (enter info here)

SECTION 1: The Tigard City Council adopts the Woodard Park Concept Plan as modified by the Tigard Planning Commission and directs City staff to forward the plan for Metro Council review and approval.

SECTION 2: Any future improvements or modification to the old and new portions of Woodard Park shall conform to the concepts contained in the the Woodard Park Concept Plan plus any modificaitons or refinements adopted by the Metro Council.

PASSED: This 2nd day of March 1999.



Mayor - City of Tigard

ATTEST:

RESOLUTION NO. 99- 13

Catherine Wheatley
City Recorder - City of Tigard

\\citywide\resolut.doc



City of Tigard
PARK SYSTEM MASTER PLAN

Woodard Park Concept Plan
January 1999

Prepared by:

MIG, Inc.
199 East 5th Avenue, Suite 33
Eugene, Oregon 97401
(541) 683-3193

INTRODUCTION

Woodard Park is a three-acre neighborhood park on Fanno Creek near Fowler Middle School. It currently contains two play structures, picnic tables, and an asphalt trail from Johnson Street to Karol Court. Fanno Creek forms the boundaries on the south and east sides and floods the park almost annually. On the north, the park is bordered by residences and by seven acres recently acquired by Metro through the Greenspaces Program. According to the Fanno Creek Trail Master Plan, a segment of the trail will eventually go through both Woodard Park and the Metro property.

As part of the Park System Master Plan process for the City of Tigard, MIG, Inc. was asked to develop a concept plan for Woodard Park and the adjacent Metro property.

PUBLIC INVOLVEMENT

A community workshop was held in March 1998, to gather input from neighbors and other interested community members about the future of this neighborhood park and the adjoining acreage. MIG, Inc., led a site tour and, following the tour, facilitated a design workshop at Fowler Junior High School. Participants shared comments and observations, which were recorded on a large wallgraphic. They also submitted written comments. In general, the direction from the community was to go gently, make only minimal changes, keep the natural character, and provide picnic tables, benches, children's play areas, and a place for horseback riding. (For a complete summary, see Woodard Park Workshop Report, March 7, 1998.)

A second workshop was held in May in conjunction with the Citizens Involvement Team meeting. The purpose was to present two concepts in response to needs and concerns expressed during the first workshop. One concept showed recreational facilities on the existing Woodard Park site, and trails on the north acreage. The second concept was designed with minimal recreational facilities on the Metro property to the north, and floodplain and riparian restoration on the south. Both concepts included a proposed wetland mitigation area on Metro property that had been requested for use by Oregon Department of Transportation. Participants expressed a preference for the alternative showing recreational facilities on the north out of the floodplain, with the lower south side designated for floodplain and riparian restoration.

COORDINATION WITH METRO

Subsequent communications with Metro staff resulted in

- the removal of basketball/wall ball court to reduce the amount of impervious surface;
- the removal of soft-surface trail where it was redundant or where it might result in stream or wetland degradation; and
- the removal of a wetland overlook.

CONCEPTUAL PLAN

The resulting plan responds to the needs expressed by the community and the concerns articulated by Metro staff.

The main entrance to the park has been relocated to the north. A paved entrance and turnaround off of Katherine Street provide convenient access to children's play areas, a covered picnic area, restrooms, and Fanno Creek Trail. An open field for informal play lies to the south of Fanno Creek Trail. A soft surface trail allows park users to walk along the edge of the enhanced wetland. The existing barn is proposed for renovation as a park shelter.

The southern portion of the park is devoted primarily to floodplain and riparian restoration. An all-weather trail leads to a creek overlook, and provides a connection to Fanno Creek Trail and to additional recreational facilities on the north.

Fanno Creek Trail enters the park at the eastern boundary, skirts the perimeter, and exits at Tiedeman Street. Picnic tables and benches are scattered along its length.

All four park entrances will be ADA accessible.

COST ESTIMATE

A preliminary cost for renovation and expansion of Woodard Park is included on the draft Ten-Year Capital Improvement Plan included in the draft Park System Master Plan.

EXHIBIT C**Notice of Acquisition**

_____, 199__

City of
Parks and Recreation Department

, OR

Re: Acquisition of Property along [target area]

Dear _____:

Pursuant to the Metro Open Spaces Bond Measure 26-26, and the Intergovernmental Agreement between Metro and _____ dated _____, 1999, attached hereto ("Intergovernmental Agreement"), this shall serve as notice of acquisition of the following property along the [target area]:

[Property Address]. in the City of _____, County of _____ and State of Oregon,
being more particularly described in Exhibit I attached hereto ("the Property").

Pursuant to the Intergovernmental Agreement, Metro requests that the City manage this Property pursuant to the terms of the Intergovernmental Agreement. Please notify Metro in writing if the City does not wish to accept management responsibility for this Property. As set forth in the Intergovernmental Agreement, if the City does not so notify Metro within thirty (30) days of receipt of this letter, the City shall be deemed to have accepted the additional property for management, maintenance, and operation in accordance with the terms and conditions of the Intergovernmental Agreement.

If you have any questions, please do not hesitate to contact me at 797-1914.

Sincerely,

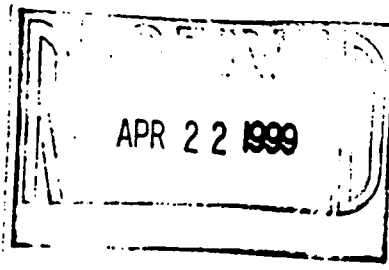
Jim Desmond, Manager
Metro Open Spaces Acquisition Division

cc: Charles Ciecko, Director, Metro Regional Parks and Greenspaces

EXHIBIT D
(ODOT Wetland Mitigation Project Plans)

TRANSMITTAL LETTER

April 21, 1999



TO: Jim Morgan
Project Manager
Metro

Bruce Council
Project Development
123 NW Flanders.
Portland, OR 97209
Phone (503) 731-8463
FAX (503) 731-8531

REGARDING: ODOT Offsite Wetlands Mitigation on Lowery Property (Tigard)
For Pacific Hwy @ Hwy 217/Kruse Way (Unit 1) Sec. Pacific Highway

We are sending to you ☒ Attached ☐ Under separate cover via: _____ the following:

COPIES	DESCRIPTION
1	US Army Corps of Engineers/DSL Joint Application for subject project
1	Offsite Wetlands Mitigation Grading/Construction/Planting Plans

These are sent for the purpose checked below:

- ☒ For approval
- ☐ For your use
- ☐ As requested
- ☐ For signature
- ☐ Returned as Requested

- ☐ Approved as submitted
- ☐ Approved as noted
- ☐ Returned for corrections
- ☐ Confidential
- ☐ For review and comment

REMARKS: ODOT Senior Permit Liaison Alan Lively needs to show DSL and the Corps that this wetlands mitigation site will remain as such into "perpetuity". I suggested to Kirk Hampson (Sr. Project Leader for this project) that the regulations under which Metro purchased the Lowery property might suffice, in addition to a signed statement from Metro to the effect that Metro will not transfer this property to anyone for any purpose other than as a Greenway.

Please contact Kirk Hampson at 731-8468, if you have any comments.

COPIES TO: File

Signature

**Pacific Hwy. @ Hwy. 217/Kruse Way
Interchange Sec. (Unit 1)
Pacific Highway (I-5)
Washington and Clackamas Counties**

METRO



**OFFSITE
WETLANDS MITIGATION SITE
(LOWERY PROPERTY in TIGARD)**

PREPARED BY

Oregon
DEPARTMENT OF TRANSPORTATION



**Pacific Hwy. @ Hwy. 217/Kruse Way
Interchange Sec. (Unit 1)
Pacific Highway (I-5)
Washington and Clackamas Counties**

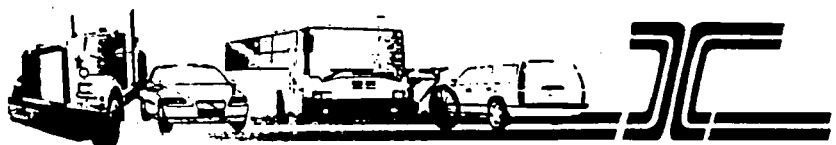
METRO



**OFFSITE
WETLANDS MITIGATION SITE
(LOWERY PROPERTY in TIGARD)**

PREPARED BY

Oregon
DEPARTMENT OF TRANSPORTATION





Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation
Transportation Building
Salem, OR 97310

FILE CODE:

DATE: March 25, 1999

TO:

Bill Parks Natural Resource Coordinator Oregon Division of State Lands 775 Summer Street N.E. Salem OR 97310	Jan Stuart Project Manager U.S. Army Corps of Engineers P.O. Box 2946 Portland OR 97208
--	---

FROM:

Alan Lively
Alan Lively
Sr. Permit Liaison

SUBJECT: Project Permit Application

Section:	I-5 at Hwy 217 Kruse Way
Highway:	Pacific I-5
County:	Washington - Clackamas
Permit #:	COE 99-39 DSL RF16660

Enclosed is the completed permit application and supporting documents for the subject project. If you have any comments or questions about the project please contact me at 503-986-3782

Enclosures



U.S. Army Corps
of Engineers

Joint Permit Application Form

THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES

Corps of Engineers No. <u>99-39</u>	Oregon Division of State Lands No. <u>RF16660</u>
Date Received	Date Received
District Engineer ATTN: CENPP-CO-GP PO Box 2946 Portland, Oregon 97208-2946 503/326-6995	State of Oregon Division of State Lands 775 Summer Street NE Salem, Oregon 97310 503/378-3895
SECTION WATERWAY HIGHWAY COUNTY EA #	:I-5 @ 217/Kruse Way :Ball Cr. Carter Cr. Wetland :Pacific I-5 :Washington - Clackamas :C603-1401

1) Applicant Name and Address	Oregon State Department of Transportation Transportation Building, Room 307 Salem, Oregon 97310-1354	Business Phone # 503/986-3782 FAX Phone # 503/986-3989
() Authorized Agent		Business Phone # Home Phone #
() Contractor Name and Address		Business Phone # Home Phone #
Property Owner (if different than applicant) Name and Address	SAME	Business Phone # Home Phone #

(2) Project Location		Legal Description			
Street, Road or other descriptive location		Quarter	Section	Township	Range
Interstate 5 mile point 291.08 to 293.05			1 & 12 - 6 & 7	T2S	R1W & R1E
In or Near (City or Town)	County	Tax Map #	Tax Lot #		
Tigard OR	Washington-Clackamas				
Waterway	River Mile	Latitude	Longitude		
Ball Cr. - Carter Cr. - Wetlands		45 25' 56"	122 47' 00"		

Is consent to enter property granted by the Corps and the Division of State Lands? (X) Yes () No

Proposed Project Information
Activity Type: (x) Fill (x) Excavation (removal) (x) In-Water Structure () Maintain/Repair an Existing Structure
Brief Description: Reconstruction of the Interchange a I-5 and 217

Fill will involve 0 cubic yards annually and/or 120,000 cubic yards for the total project
1610 cubic yards is wetlands or below the ordinary high water or high tide line.
Fill will be (x) Riprap (x) Rock (x) Gravel () Sand () Silt () Clay () Organics () Other
Fill Impact Area is 0.24 Acres; 350 ft length; var. 10 ft to 40 ft width; var. 1 ft to 10 ft depth
Removal will involve 0 cubic yards annually and/or 15,000 cubic yards for the total project
300 cubic yards is wetlands or below the ordinary high water or high tide line.
Removal will be () Riprap () Rock (x) Gravel (x) Sand (x) Silt (x) Clay (x) Organics () Other
Removal Impact Area is 0.24 Acres; 350 ft length; var. 10 ft to 40 ft width; var. 1 ft to 3 ft depth

Is the disposal area: Upland? (x) yes () No Wetland / Waterway? () Yes (x) No

Are you aware of any Endangered Species on the project site? () Yes (x) No
Are you aware of any Cultural Resources on the project site? () Yes (x) No If yes, please explain in the project description (on page 2, block 4)
Is the project site near a Wild and Scenic River () Yes (x) No

Proposed Project Purpose & Description

4) **Project Purpose and Need:** The proposed project will improve safety and operation of the Interstate 5 interchange with Highway 217 and Kruse Way. The project is needed because the volume of traffic in the area has increased significantly since the interchange was constructed in 1966. The capacity of the interchange is now exceeded daily and traffic volumes are expected to increase as the surrounding areas continue to develop. Accident rates in the project area has risen to higher than statewide averages due to the inadequate capacity of the interchange.

Project Description: The project is located in the southwest portion of the Portland metropolitan area at the intersection of Interstate 5 (I-5) and the Beaverton-Tigard Highway (Highway 217). It is within the jurisdictional boundaries of the cities of Tigard and Lake Oswego and Washington and Clackamas counties. The current connection between these two freeways is controlled by two traffic signals. This project will provide a freeway to freeway connection between I-5 and Highway 217.

The project will impact 0.24 acres of wetlands in the project area, Ball Creek, and Carter Creek. Impacts to Ball Creek will include a 20 foot culvert extension where the creek enters the interchange (impact site 1) and channel realignment where it exists in the project (impact site 4). The channel realignment will include extending an existing 6 foot by 6 foot box culvert by 64 feet, construction of a 225 rock lined concrete channel, and riprap lining of a 130 foot section of channel. This will allow construction of a new Hwy 217 southbound ramp to I-5. Impacts to Carter Creek will be the extension of an existing 48 inch CMP by 40 feet (impact site 3). This will allow construction of a new I-5 ramp to Hwy 217 westbound. Site investigations have shown no fish exist in Ball or Carter Creeks (see attachment 1).

How many project drawing sheets are included with this application? 14

Will any material, construction debris, runoff, etc. enter a wetland or waterway? () Yes (x) No

Estimated Start Date Summer 1999 Estimated Completion Date Fall 2001

Project Impacts and Alternatives

(5) Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland.

A number alternative designs were considered during the NEPA Environmental Assessment and Final Design phases of this project. The selected final alternative reduced impacts on wetlands from 1 acre to 0.24 acres (see attachment 2). Impacts to lower Ball Creek were minimized by use of a 64 foot culvert extension and open channel flow design with extensive riparian plantings. The original design required a 420 foot long box culvert extension at this location.

Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.

All in-stream work will be performed in cooperation with ODFW and during their preferred in-water work period. Removal of existing vegetation will be minimized and will be limited to construction corridors and access areas. All areas of stream bed or bank disturbance will be protected with riprap or seeded and mulched to prevent erosion. Extensive vegetation plantings and bioswales will be used throughout the project. Wetland areas not impacted by the project will be staked as no work areas. All temporary wetland impact areas will be replanted.

Miscellaneous Information

(6) **Adjoining Property Owners**

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the State of Oregon in the past, e.g., wetland delineation, violation, permit, lease request, etc.? (x) Yes () No

If yes, what identification number(s) were assigned by the respective agencies:

Corps # Wetland delineation concurrence request

State of Oregon # Wetland delineation concurrence request

(7) City / County Planning Department Affidavit (to be completed by local planning official)

() This project is not regulated by the local comprehensive plan and zoning ordinance.

() This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.

() This project has been reviewed and is not consistent with the local comprehensive plan and zone ordinance.

() Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:

() Conditional Use Approval

() Development Permit

() Plan Amendment

() Zone Change

() Other _____

An application () has () has not been made for local approvals checked above.

Signature of local planning official	Title	City / County	Date
(8) Coastal Zone Certification			

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement which will be forwarded to the Oregon Department of Land Conservation and Development for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 1175 Court Street NE, Salem, Oregon 97310 or call 503/373-0050.

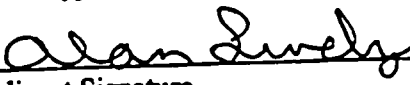
Certification Statement

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

NOT REQUIRED	
Applicant Signature	Date

(9) Signature for Joint Application

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance.

Alan Lively	Sr. Permit Liaison
Print or type name	Title
	3-25-99
Applicant Signature	Date

I certify that I may act as the duly authorized agent of the applicant.

Authorized Agent Signature	Date
----------------------------	------

Supplemental Wetland Impact Information*
(For Wetland Fills Only)

ite Conditions of impact area

mpact area is () Ocean () Estuary () River () Lake (x) Stream (x) Freshwater Wetland

Note: Estuarian Resource Replacement is required by state law for projects involving intertidal or tidal marsh alterations.
A separate Wetlands Resource Compensation Plan may be appended to the application.

Has a wetland delineation been completed for this site? (x) Yes () No
If yes, by whom: WH Pacific Consulting

Describe the existing Physical and biological character of the wetland/waterway site by area and type of resource.

10 wetland areas were identified in the project vicinity and are listed below. They are hydrologically associated stream systems, highway drainage, and surface waters. The Wetland Impact Assessment report is available upon request (attachment 3).

Wetland	USFWS Classification	Area (m ² -acre)
Wetland 1: Cater Creek	Riverine, Palustrine Emergent	297 - 0.073
Wetland 2: Bangy Rd	Palustrine Forested	225 - 0.056
Wetland 3: Kruse Way Swamp	Palustrine Forested/Shrub-scrub	867 - 0.214*
Wetland 4: InterchangeRamp	Riverine Forested/Shrub-scrub	0.0 - 0.0
Wetland 5: InterchangeRamp (N)	Dropped from project	0.0 - 0.0
Wetland 6: Upper Ball Creek	Riverine	60 - 0.015
Wetland 6a: Ball Creek seep	Palustrine Emergent	61 - 0.015
Wetland 7: Lower Ball Creek	Riverine, Palustrine Emergent	325 - 0.080
Wetland 8: Highway 217 (N)	Palustrine Forested/Shrub-scrub	0.0 - 0.0
Wetland 9: Highway 217 (S)	Palustrine Forested/Shrub-scrub	0.0 - 0.0
Wetland 10: Haines St. Ramp	Palustrine Emergent	0.0 - 0.0
Total Permanent Impacts		968 m² - 0.24 acre
Total Temporary Impacts*		867 m² - 0.21 acre*

Resource Replacement Mitigation

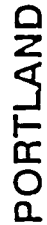
Describe measures to be taken to replace unavoidably impacted wetlands resources.

Wetland and riparian impacts will be mitigated with plantings along the stream corridors in the project vicinity and development of a mitigation site on Fanno Creek at the Lowery property. The mitigation plan at the Lowery property will involve excavation of a shallow off-channel basin in the floodplain on Fanno Creek, and revegetation with native emergent, shrub and tree species, together with control of non-native riparian species and replanting with natives. The goals of this plan are essentially threefold:

- Provide an off-channel refuge for the fish population in Fanno Creek during flood events, with associated function and values of stormwater detention and treatment (sediment trapping and vegetative nutrient/toxicant absorption).
- Create a seasonally flooded/saturated palustrine habitat suitable for amphibian breeding, waterfowl feeding and nesting, and shorebird feeding.
- Restore portions of Fanno Creek riparian zone affected by invasive non-native species to a diverse native plant community.

The site will total 0.70 acres (2,840 m²), consisting of 0.28 acres (1,140 m²) of creation from upland and 0.42 acres (1,700 m²) of enhancement of existing wetlands. Applying the standard DSL mitigation ratios of 1:5 to 1 for creation and 3 to 1 for enhancement total mitigation credits equal 0.33 acres (1,326 m²).

Sht. 1



LAKE OSWEGO

END OF PROJECT

TIGARD

BEGINNING OF PROJECT

- Sht. #1 - Vicinity Map
- 2 - Impact locations
- 3 - Ball Cr. Culvert Ext.
- 4 - Ball Cr. Channel Change
- 4A - Ball Cr. Low Flow Channel
- 5 - Riparian Planting Plan
- 6 - Riparian Planting Plan
- 7 - Wetland Mitigation Vicinity Map
- 8 - Wetland Mitigation Planting Plan
- 9 - Wetland Mitigation Grading Plan
- 10 - Wetland Mitigation Details
- 11 - Wetland Mitigation Details
- 12 - Wetland Mitigation Details
- 13 - Wetland Mitigation Details
- 14 - Wetland Mitigation Plant List

OREGON DEPARTMENT OF TRANSPORTATION
I-5 AT HWY 217/KRUSE WAY (UNIT 1) PROJECT
CLACKAMAS AND WASHINGTON COUNTIES
PROJECT IMPACT SITES

Sht. 2

Impact site #1

Extend existing 84 inch CMP
20 feet and construct wingwalls
(see sht. 3 for details)

Wetland area # 6 impacts - 0.015 ac.

Wetland area # 6a impacts - 0.015 ac.

Removal = 30 C.Y.

Fill = 100 C.Y.

Impact site #2

Wetland area # 2 impacts - 0.056 ac.

Removal = 40 C.Y.

Fill = 245 C.Y.

Impact site #3

Remove headwall and extend
existing 48 in CMP 40 feet

Wetland # 1 impacts - 0.073 ac.

Removal = 60 C.Y.

Fill = 475 C.Y.

Impact site #4

Extend existing 6 ft. by 6 ft. box culvert 64 feet

Construct concrete rock lined channel 225 feet

Construct riprap lined channel 130 feet

(see sht. 4 for details)

Wetland # 7 impacts - 0.080 ac.

Removal = 170 C.Y.

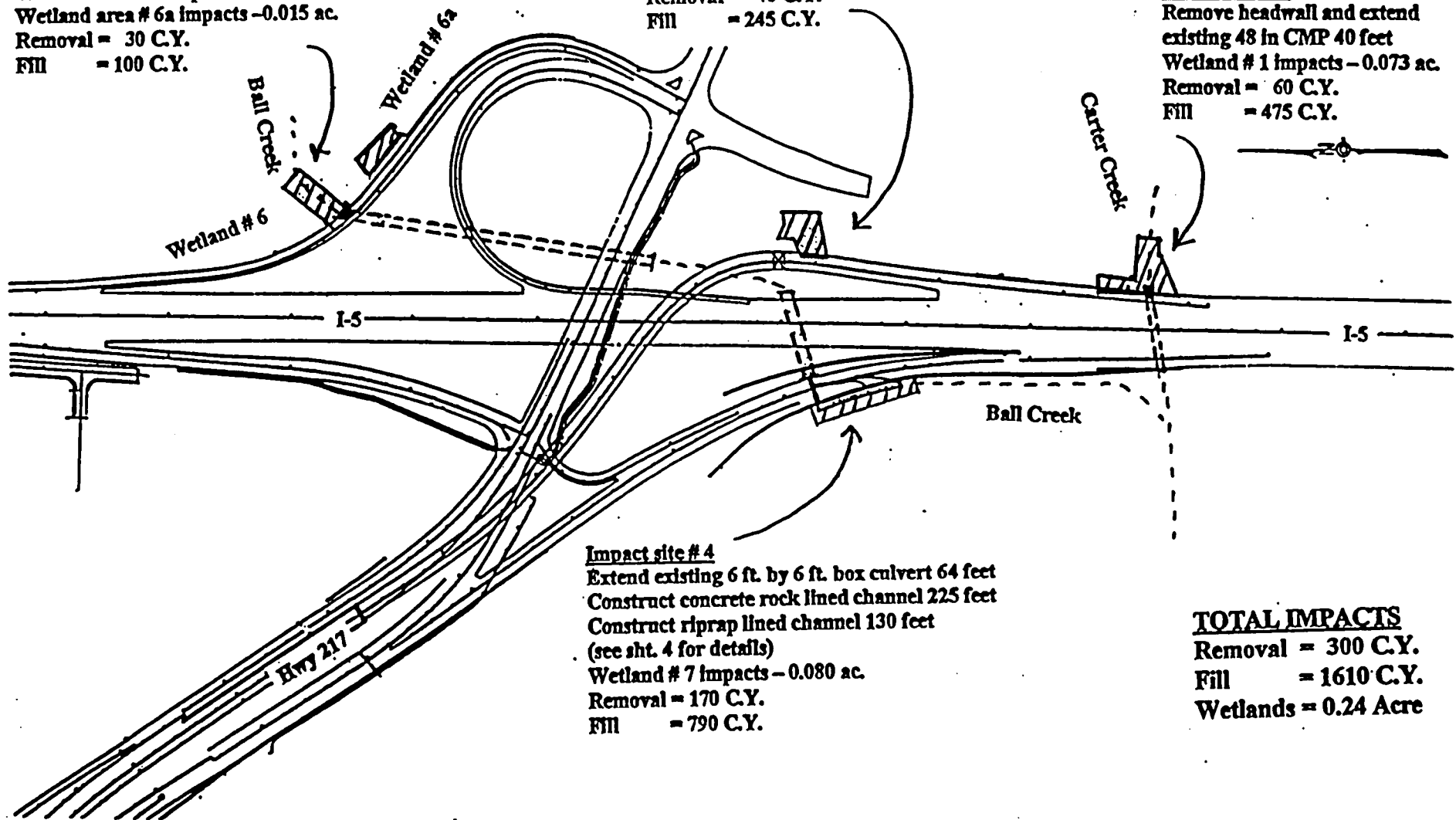
Fill = 790 C.Y.

TOTAL IMPACTS

Removal = 300 C.Y.

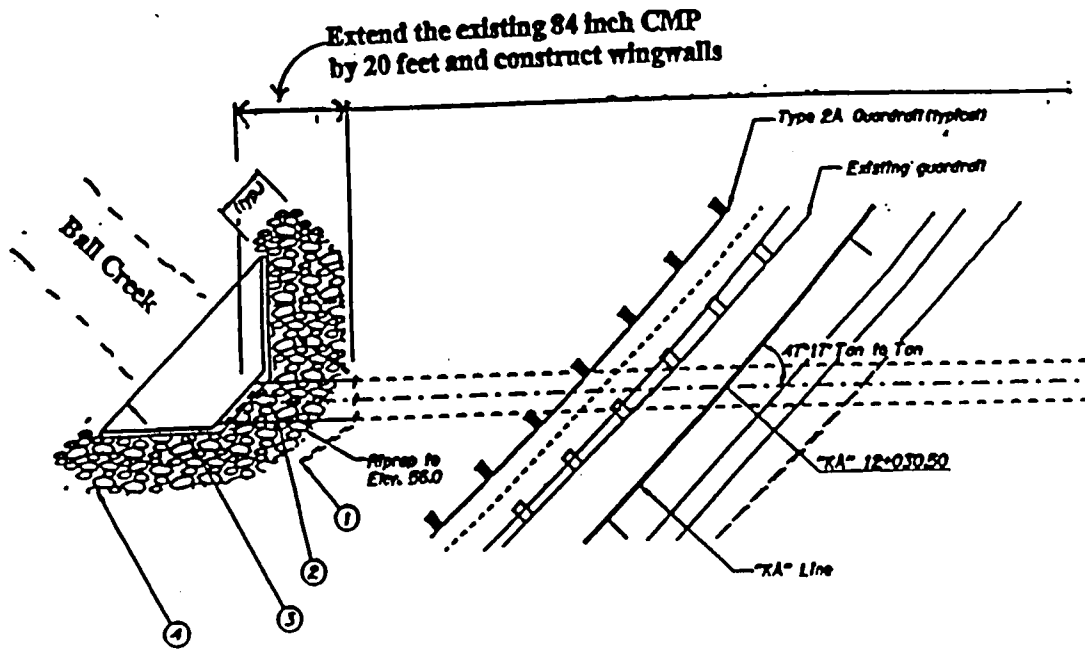
Fill = 1610 C.Y.

Wetlands = 0.24 Acre

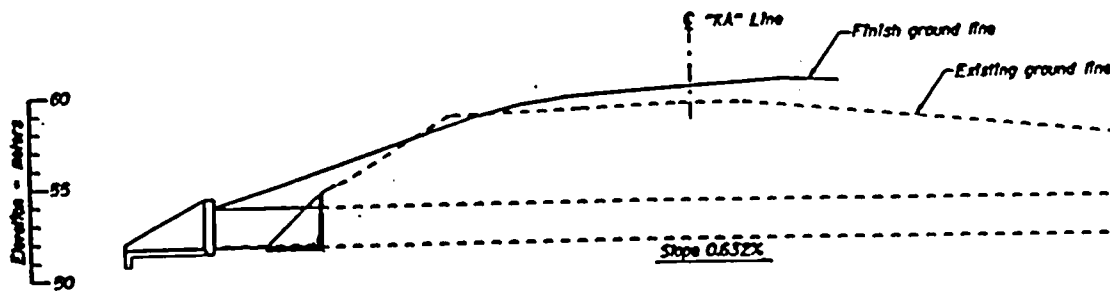


**OREGON DEPARTMENT OF TRANSPORTATION
I-5 AT HWY 217/KRUSE WAY (UNIT 1) PROJECT
CLACKAMAS AND WASHINGTON COUNTIES
IMPACT SITE 1**

Sht. 3



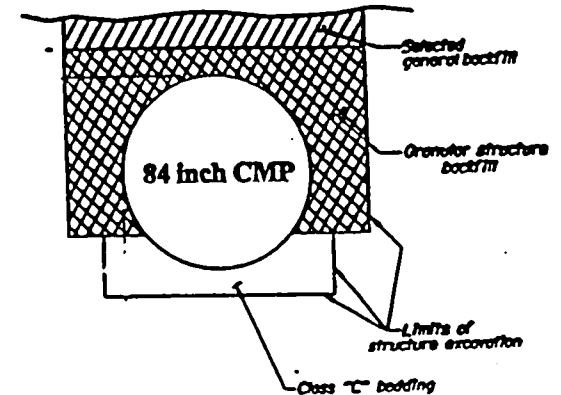
PLAN



ELEVATION

Note:
Elevations are based on
the National Geodetic
Vertical datum

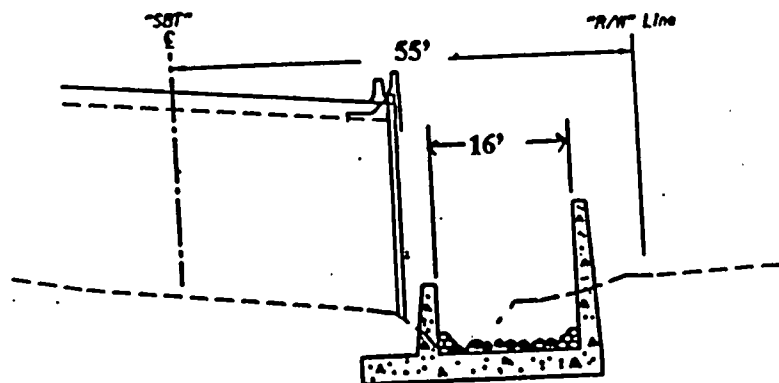
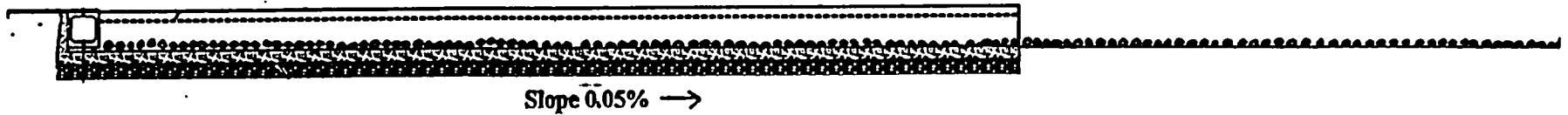
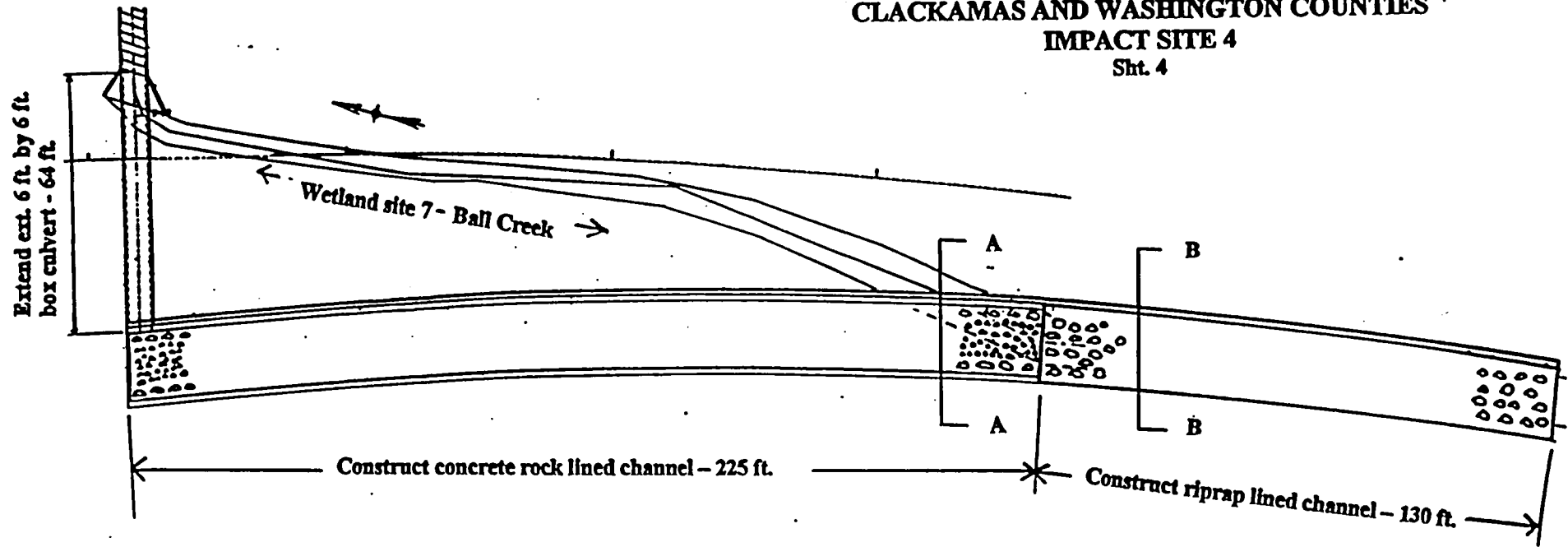
- ① Remove headwall
- ② Install 2100 CMP, culvert 8m connect
to existing 2100 culvert pipe. Connection
to be water tight.
- ③ Construct headwall.
- ④ Class 90 riprap. See dwg. #00000 for details.



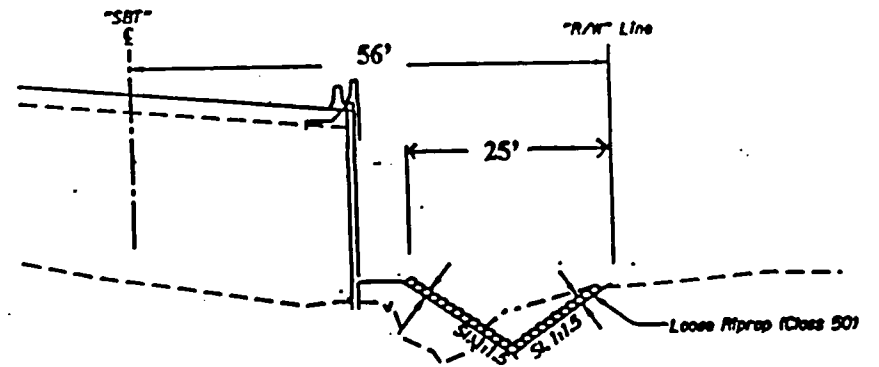
TYPICAL PIPE SECTION

OREGON DEPARTMENT OF TRANSPORTATION
I-5 AT HWY 217/KRUSE WAY (UNIT 1) PROJECT
CLACKAMAS AND WASHINGTON COUNTIES
IMPACT SITE 4

Sht. 4



Typical A-A

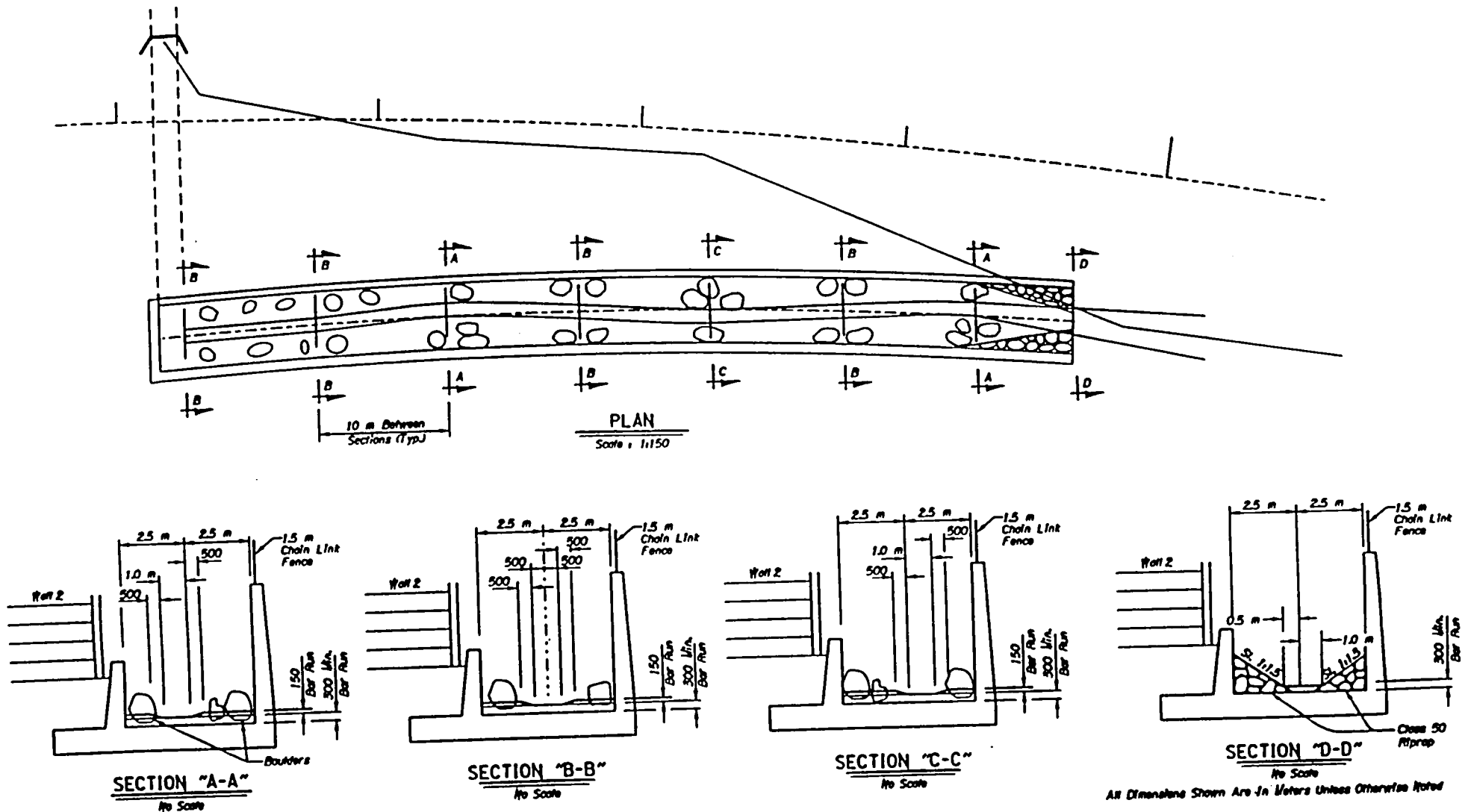


Typical B-B

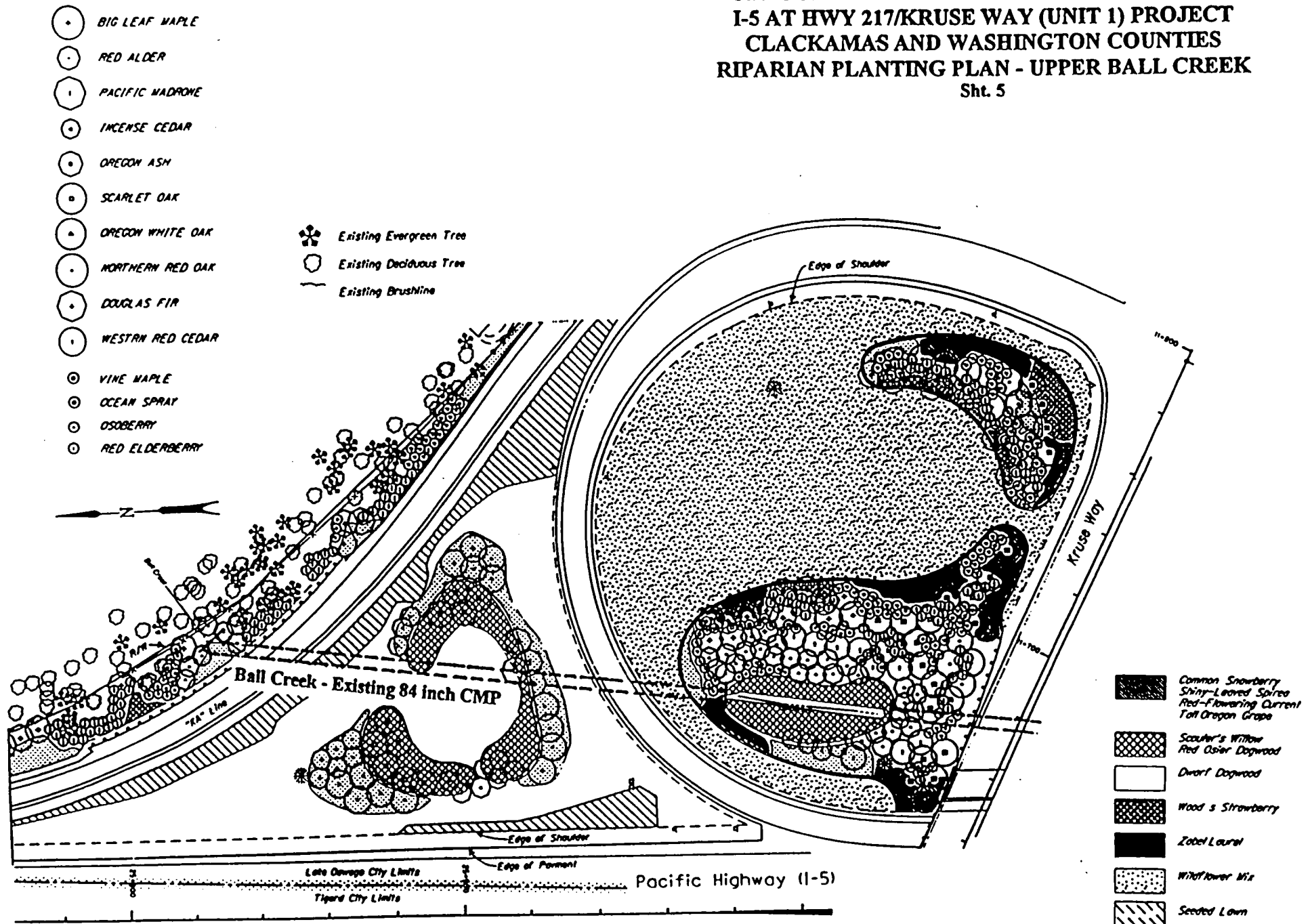
OREGON DEPARTMENT OF TRANSPORTATION
I-5 AT HWY 217/KRUSE WAY (UNIT 1) PROJECT
CLACKAMAS AND WASHINGTON COUNTIES
BALL CREEK LOW FLOW CHANNEL
IMPACT SITE 4
Sht. 4A

Construct rock lined channel bottom with
meandering low flow channel:

Place bar run rock 1 foot deep and 700 lb.
boulders on the channel sides. Place bar run
rock 0.5 foot deep in channel center.

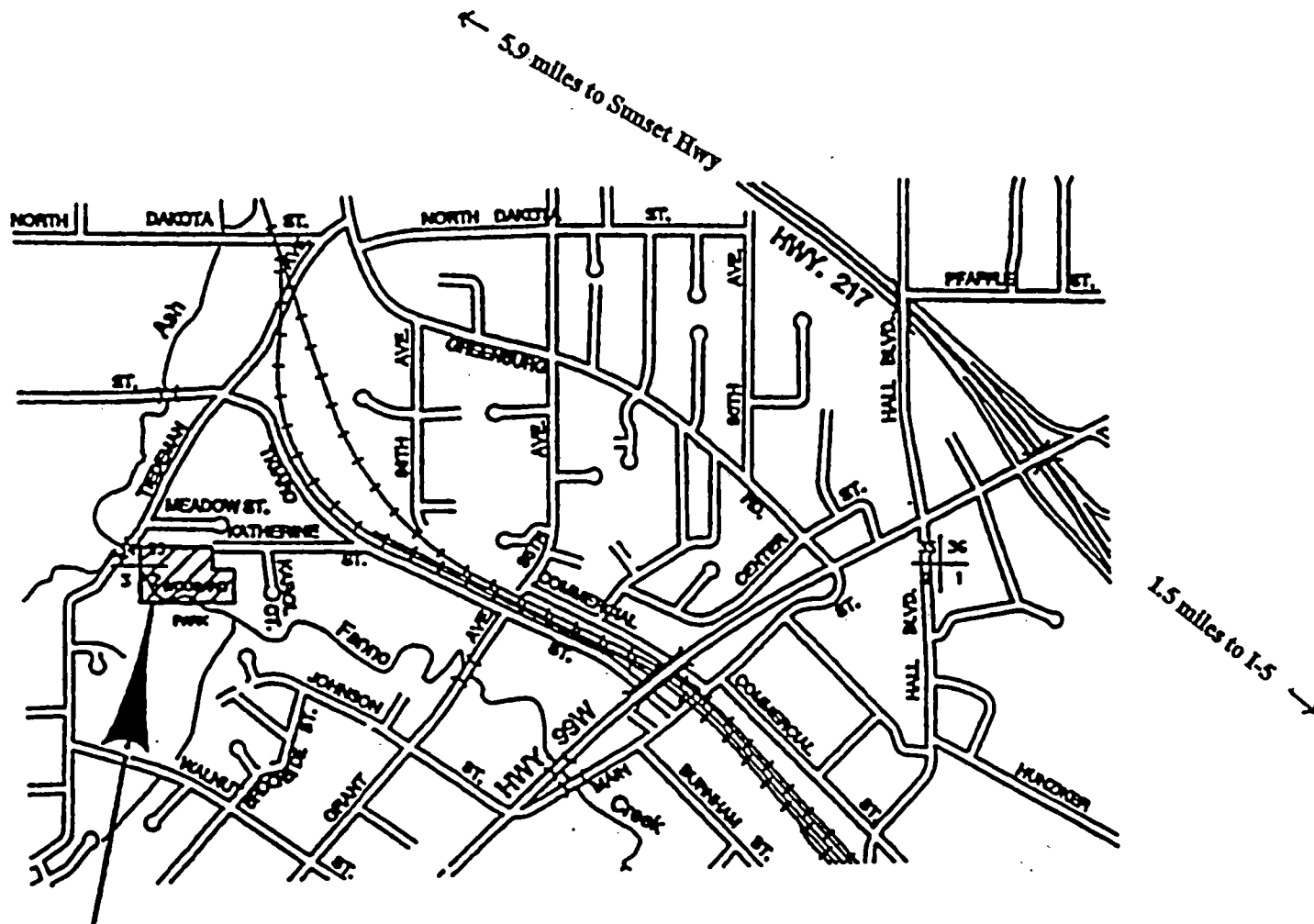


**OREGON DEPARTMENT OF TRANSPORTATION
I-5 AT HWY 217/KRUSE WAY (UNIT 1) PROJECT
CLACKAMAS AND WASHINGTON COUNTIES
RIPARIAN PLANTING PLAN - UPPER BALL CREEK
Sht. 5**



**OREGON DEPARTMENT OF TRANSPORTATION
I-5 AT HWY 217/KRUSE WAY (UNIT 1) PROJECT
CLACKAMAS AND WASHINGTON COUNTIES
WETLAND MITIGATION VICINITY MAP**

Sht. 7



WETLAND MITIGATION SITE

Mason, Bruce & Girard, Inc.

707 S.W. Washington Street, Suite 1300
Portland, OR 97205-3530

MEMORANDUM

DATE: February 1, 1999

TO: ODOT Region 1 Files; Pacific Highway @ Highway 217/Kruse Way Interchange (Unit 1), Key # 0797

FROM: Joe Krieter

SUBJECT: Determination of no effect on federally listed or proposed, threatened or endangered anadromous fish species.

Project Name:
Pacific Highway @ Highway 217/Kruse Way Interchange (Unit 1), Key # 0797 (Wetland Mitigation Site)

Project Location:
The wetland mitigation site is located on a 2.75 ha parcel located just southeast of Tiedeman Avenue in the City of Tigard. The property has been purchased by Metro as part of its Greenspaces program.

Proposed Action:
To compensate for the 1,326 m² loss of wetlands due to the proposed construction at the Highway 217/Kruse Way Interchange, wetland creation (1,140 m²) and floodplain enhancement (1,700 m²) has been proposed by ODOT. The proposed actions at the mitigation site will include: clearing and grubbing vegetation, grading, excavating, tilling, planting, fertilizing, watering, and weed control. These activities will take place over a period of three years starting in the Summer of 1999. The project is scheduled to be let in March 1999.

Species Present:
No federally listed threatened or endangered fish species are known to inhabit the stream reaches within the project vicinity. The project vicinity includes the entire length of Ball Creek and the length of Fanno Creek south from the mitigation site to the junction with Tualatin River. Personal communications between Margie Willis and ODFW personnel, following a search of the ORIS database all support the conclusion that no steelhead, chinook or sea-run cutthroat have been identified in these streams.

Tom Friessen (ODFW) reported a series of electrofishing surveys conducted four times in 1993 through 1995 in Upper, Middle and Lower Fanno Creek in which no steelhead/rainbow trout were found. Mr. Friessen also mentioned that many cutthroat were found but said that it is "very

unlikely" that these fish are sea-run. Nine coho salmon were identified at the mouth of Fanno Creek during this survey effort. The nearest known locations of steelhead trout are in the Tualatin River, approximately four miles south of the wetland mitigation site (J. Grimes personal communication with M. Willis, Nov. 4, 1997).

During the construction phase the following minimization and avoidance measures will be taken to protect critical habitat and rearing salmonids downstream:

- The construction zone will be kept to the minimum practicable area in or adjacent to wetlands, and will be shown on the plans.
- All wetlands and streams outside the immediate construction zone will be marked with flagging as "no work areas".
- Wetlands and streams will be protected from sedimentation by measures including, but not limited to, silt fences, hay bales, and bio-bags.
- Work will only occur in streams during the in-water work period (July 1 – September 30) prescribed by the Oregon Department of Fish and Wildlife.
- An ODOT biologist or wetland specialist will review the sediment control plan prior to contract let.
- Construction activities will not block fish passage for any species residing in Fanno Creek.

Effects on Listed or Proposed Anadromous Salmonid Species:

No effects on anadromous salmonid species are anticipated because no anadromous salmonids are known to exist within the vicinity of the project site. The proposed action will not adversely impact water quality, habitat access, habitat elements, channel condition and dynamics, hydrology, or watershed conditions as described in "Making Endangered Species Act Determination of Effect for Individual or Grouped Actions at the Watershed Scale (NMFS 1996).

**WETLAND IMPACT ASSESSMENT AND CONCEPTUAL MITIGATION PLAN: PACIFIC HIGHWAY
AT HIGHWAY 217/KRUSE WAY INTERCHANGE, WASHINGTON/CLACKAMAS COUNTIES**

Lowery Property, Fanno Creek:

The 2.75 ha former Lowery property has been purchased by Metro as part of its Greenspaces program. This property was identified as having great potential for enhancing natural conditions along Fanno Creek and eventually creating a continuous greenway. ODOT met with METRO on March 10, 1997 to discuss the use of part of this property for off-site mitigation, and reached an agreement that this would be appropriate in concept. The property is in the process of being transferred to the ownership and management of the City of Tigard, as a part of its parks system (Roy Truelsen, METRO right-of-way agent, pers. comm., 7/97). It adjoins an existing city park downstream.

The city has been made aware of ODOT's plan for the floodplain portion of the property. Upon approval of this conceptual plan by ODOT, it will be presented to the city and METRO to gain their support as a compatible use in conjunction with its plans for future recreational use.

The total loss of wetlands and waters due to the project will be 1,326 m² (0.13 ha). In compensation for this loss of area, ODOT proposes a combination of wetland creation and enhancement in the floodplain of the Lowery property. The site will total 2,840 m², consisting of 1,140 m² of creation from upland and 1,700 m² of enhancement of existing wetlands. Applying the standard area ratios of the DSL Compensatory Mitigation Administrative Rule (1.5:1 for creation, 3:1 for enhancement), this is the required mitigation for the equivalent of 1,326 m² of impact.

See Appendix B for photos of the proposed mitigation site. The Lowery property has been used in the past for a horse pasture. The vegetation in the floodplain is somewhat disturbed by grazing and consists of grasses, rush, sedges in the meadow, with a riparian zone of ash, Oregon oak, ninebark and Himalayan blackberry. Some sections of the riparian zone along Fanno Creek are relatively undisturbed, and contain a dense mixture of native trees and shrubs, which shades the creek and stabilizes the banks. In the area of the mitigation site, one section of the riparian zone is more disturbed, and is dominated by Himalayan blackberry. A bench above the floodplain is mainly pasture, with some clumps of peafruted rose and English hawthorn, and a stand of Oregon oak and ponderosa pine, which extends to the edge of the floodplain at the eastern end of the site. In one portion of the bench there is a relict population of camas.

Wetlands are found in the lowest portions of the floodplain, where a shallow depression shows clear indications of seasonal ponding during and after storm events. Saturation persists into the spring, but the area dries out in early summer. Soils are hydric, with underlying clays, but there is a layer of well-drained sandy loam with a laminar structure near the surface. An area of hydric soils with a seasonal perched high water table is also found on part of the bench.

A wetland determination and delineation was performed for the floodplain portion of the property where mitigation is proposed, to calculate the amounts of creation and enhancement (see Appendix A for the report).

Goals of Mitigation Plan: The goals of this plan are essentially threefold. These goals were developed during a site visit in April 1997 with Holly Michael, ODFW biologist, and Bill Parks, DSL resource coordinator.

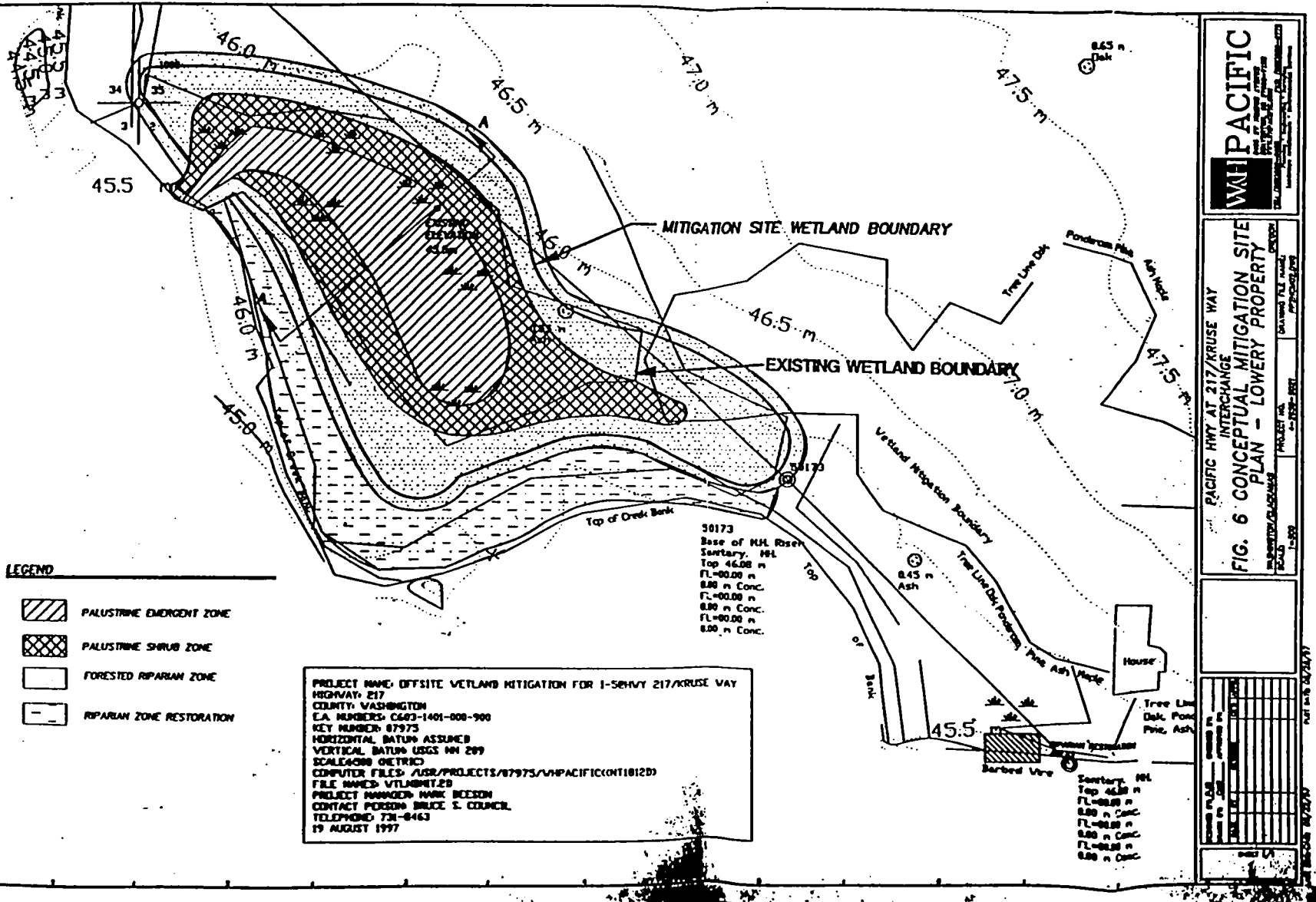
- Provide an off-channel refugium for the fish population in Fanno Creek during flood events, with associated functions and values of stormwater detention and treatment (sediment trapping and vegetative nutrient/toxicant absorption).
- Create a seasonally flooded/saturated palustrine habitat suitable for amphibian breeding, waterfowl feeding and nesting, and shorebird feeding.
- Restore portions of the Fanno Creek riparian zone affected by invasive non-native species to a diverse native plant community.

The mitigation plan will involve excavation of a shallow off-channel basin in the floodplain on Fanno Creek, and revegetation with native emergent, shrub and tree species, together with control of non-native riparian species and replanting with natives (see Figure 6, Conceptual Mitigation Site Plan, Lowery Property).

Mitigation Site Grading, Hydrology, and Soils: (See Figure 7, Mitigation Site Typical Section, Lowery Property) A shallow basin will be constructed with a connection to Fanno Creek at the upstream end, utilizing an existing low point in the bank, which now provides an outlet for flood flows into the existing wetland. The basin will be shallower toward the eastern (downstream) end, and deeper at the outlet end. It will be designed so that it drains freely toward the creek after flooding recedes.

The inlet/outlet will be controlled by a concrete weir structure with removable flashboards to maintain the correct flowline and permit adjustments to the wetland hydroperiod if necessary. The flowline will be maintained at elevation 44.5. This is about 0.5 m below the elevation of ordinary high water, or approximately 85 cm above the water surface level during summer low flows. The base of the inlet/outlet channel will be 35 cm lower than the flowline, and the weir will be adjustable to raise the water level or to drain the wetland completely if necessary.

The lowest elevation in the basin will be 44.3 m, or 20 cm below the flowline at the inlet/outlet. This will create an area of shallow standing water through mid-summer (late June) in the lowest portion of the basin (see discussion of habitat creation below). The basin will be expected to flood during storm events, and to hold standing water up to 1 m deep between storm events during the rainy season. The system will gradually drain to shallow ponding, maintained by seepage from the groundwater table, and will shift to a saturated hydrological regime without standing water by late summer (August).





PACIFIC HWY AT HWY 217/KRUSE WAY
INTERCHANGE
FIG. 7 MITIGATION SITE - TYPICAL
SECTION - LOWERY PROPERTY

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The specified elevations are based on the ODOT topographic survey data and on field observations of the water level and saturated capillary fringe elevation in the Fanno Creek channel (8/15/97). The elevation of Ordinary High Water above the water level was estimated based on scour lines on the bank. A soil auger was used to determine the depth to saturated soil (1.2 m) in the lowest part of the floodplain (at Plot A1, elevation 45.5 m). This investigation confirmed that saturation would continue until late summer in the lowest part of the mitigation site, when excavated to the specified elevation.

Prevention of standing water in the late summer months and establishment of dense vegetation will alleviate concerns about thermal pollution to Fanno Creek. Fish stranding is a potential issue, but the low elevation of the flow line should allow fish to follow the current and escape to the stream when flooding recedes. Installation of an adjustable weir, allowing complete drawdown of the wetland, will allow fish to be released if stranding does occur.

There is no suitable wetland topsoil in the project impact areas which is not contaminated with reed canarygrass or other invasive species. The augering showed the soil in the mitigation area to be primarily silt loam or fine sandy loam. This will provide a suitable substrate for planting and natural regeneration, if it is not compacted. The soil will be scarified after excavation with a harrow or similar equipment. The excavation and soil preparation will be carried out in the summer or early fall before the onset of fall rains, to avoid compaction or problems with standing water.

It should be noted that a Unified Sewerage Agency (USA) trunk sewer runs below the mitigation site. According to a profile provided by USA, the pipe is about 2 m below the lowest elevation in the mitigation site. This should not present a construction problem, according to USA (Walt Haight, pers. comm. 6/97).

Habitat Creation: The hydrological regime of this basin is expected to create suitable breeding and living habitat for red legged frog and other semi-aquatic amphibians. Red-legged frog typically lay eggs in cool ponds with 0.5-2 m of water in winter or early spring (Amphibians of Oregon, Washington and British Columbia, 1996, p. 98). They attach eggs to woody debris or vegetation under water. After tadpoles metamorphose in the mid-summer, the juveniles and adults move to densely vegetated marshes on pond and stream margins, and utilize woody debris for cover.

Woody debris from the project site will be added to the seasonal pond and emergent marsh/shrub margins. Plantings of emergents, shrubs and trees will provide suitable shade and cover for amphibian life-cycles. At the same time, year-round standing water will not be present, which will prevent invasion by bullfrogs. They are an introduced predator of red-legged frog and other native amphibians, and require year-round standing water to complete their two-year developmental cycle.

Planting Plan: Plantings will be done in three overlapping elevational zones, as follows:

- **Palustrine emergent zone:** In the lower portion of the basin, plant sedges, including slough sedge, and rushes, including tapertip (*Juncus acuminatus*) and soft rush. Leave openings for waterfowl.
- **Palustrine Shrub zone:** Overlapping with the shallow marsh zone, grade into a shrub zone planted with shrub-type willows and red-osier dogwood.
- **Forested riparian zone:** Plant the steeper slopes on the fringe of the basin to match the existing forested riparian community. This will be the wetland-upland transitional zone. Species will include Oregon ash, Oregon oak, Pacific ninebark, red-osier dogwood, Douglas hawthorn, snowberry, and sedges (Dewey's and Henderson's sedge). The south facing slope of the basin will be planted with tolerant species, such as oak and Ponderosa pine. Seeding and mulching will be necessary to stabilize the soil surface and establish early plant cover.

The plantings will be designed to establish dense cover to shade the water, with small openings suitable for waterfowl, wader, and shorebird habitat.

Natural regeneration by aquatic and emergent species is expected to occur during the first five years or so after planting, as the plantings become established. Typical annual species will include cudweed (*Gnaphalium* sp.), toad rush (*Juncus bufonius*), ovate spikerush (*Eleocharis ovata*), and barnyard grass (*Echinochloa crusgalli*). Typical desirable perennial species might include rice cutgrass (*Leersia oryzoides*), creeping spikerush (*Eleocharis palustris*), and certain rushes and sedges. The eventual plant community will be a combination of natural regeneration and the most successful portions of the plantings.

Invasive Plant Control: Undesirable invasive species will certainly include reed canarygrass and Himalayan blackberry. Purple loosestrife (*Lythrum salicaria*) is common in the Fanno Creek basin, and has been seen in constructed wetlands upstream. It can be expected to invade at some point. The appearance of purple loosestrife will be a serious concern, and this plant will need to be controlled by pulling and spraying when it appears. Reed canarygrass and blackberry can become a major problem if they form dense stands and compete strongly with desirable species, and may also need to be controlled. Scattered stands or low-density cover may not be a problem, depending on how well desirable species are competing. See discussion below under Remedial Actions.

Riparian Zone Restoration: One section of the Fanno Creek riparian zone is dominated by a dense monospecific stand of Himalayan blackberry. The area will be partially restored by grading to create the edge of the shallow basin. The remaining section of streambank will be restored, using plantings based on the nearby native plant community. Species will be the same as for the forested riparian zone above.

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Himalayan blackberry will be controlled using the most cost-effective technique. The blackberry will be cut to the ground and removed in the spring. Glyphosate herbicide (in the Rodeo formulation) will be spot-applied to the stumps as they resprout, and again in the fall, if necessary. Replanting with native species will follow in the dormant season.

Glyphosate is the most effective broad-spectrum herbicide which is non-persistent and of low toxicity to non-target organisms. It works by absorption into stems and leaves, and breakdown by biological action in the soil. When used in the Rodeo formulation, without a surfactant, it is less toxic to aquatic organisms, and has been approved by EPA for application in and around water.

It is recognized that complete control of Himalayan blackberry is not feasible, but over time, it should be possible to reduce its vigor and cover for long enough for the native plants to establish dominance.

Implementation Schedule:

The mitigation plan will be implemented concurrently with Phase 1 of the project. The actual timing of construction of the Ball Creek work will depend on the staging of the project construction, and will probably be toward the end of the project, after the main structures are completed. The Lowery property work is independent of the project, and could occur at any time during Phase 1 of the project.

Seasonal timing is very important. Grading at the Lowery property site should occur during the driest part of the year to prevent soil compaction. In-water structures, such as the weir should only be constructed during the appropriate in-water work period for the Fanno Creek basin, as recommended by ODFW (July 1 - September 30). Plantings and installation of bioengineered bank protection structures should be done during the dormant season (generally November 1 - February 28, or as otherwise specified).

Monitoring Plan, Success Criteria and Remedial Actions:

A monitoring plan will be implemented by ODOT to ensure that construction and planting are carried out according to design and specifications, and that suitable hydrology and wetland vegetation develop.

Construction of the mitigation areas will be observed by a designated wetland biologist at four points: during and after completion of grading and in-water structures to ensure correct elevations and that the plan and specifications are followed, and during and after completion of planting and installation of bioengineered structures to ensure correct planting methods, spacing

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and construction techniques. This will help advise the ODOT project manager and inspectors in making any necessary adjustments and correct problems that may occur.

ODOT will then monitor the site annually for five years to ensure that the planted and volunteer vegetation develops satisfactorily, banks are stabilized, and the hydrological goals of the plan are met. ODOT will submit regular monitoring reports to DSL and the Corps of Engineers, including a post-construction report documenting as-built conditions, and annual reports as required by OAR 141-85-mmm (2). The reports will contain photographs, topographic survey, plant survival data, hydrological data and other information necessary to establish that the plan goals have been met.

The general goal for plant cover in both the Lowery property site and on Ball Creek is 50% areal coverage by desirable species, planted or volunteer, after the first growing season, and 90% after five years.

Purple loosestrife is a highly undesirable invasive species, and will not be allowed to become established in either mitigation site. Reed canarygrass, Himalayan blackberry, and Scots broom are also considered undesirable species. These plants will not be allowed to become dominant in either mitigation site (i.e. > 20% cover in any area).

Remedial action will be taken if the site fails to meet these standards. This will include replacement by the planting contractor of all dead, dying or missing plants during the two-year establishment period following acceptance of the plantings. If necessary, ODOT will formulate a plan, in consultation with the agencies, to control undesirable species.

Grading will conform precisely to the elevations and contours shown in the plans. Similarly, in-water structures will conform precisely to the elevations shown in the plans. Any corrections will be made to the final grade before acceptance of the grading or in-water structure work.

In addition to meeting the planting success criteria above, bioengineered structures will be inspected during monitoring to ensure that they retain their structural integrity, and are maintaining bank stability. Any sections which have failed shall be replaced. If necessary, the design will be modified to ensure structural integrity.

At any time during or at the end of the monitoring period, based on the monitoring reports, DSL may require modifications to the mitigation sites or additional monitoring, at any time it becomes evident that the goals are not being met, as required by OAR 141-85-nnn.

Long Term Site Management and Protection:

The Ball Creek streambank restoration and enhancement areas are within ODOT right-of-way on the project. ODOT maintenance crews will be responsible for long-term management and

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protection of these stream reaches. See the section on Reduction of Impacts During Normal Operation above for management responsibilities.

The Lowery property mitigation site will become part of the City of Tigard parks system within the Fanno Creek Greenway. As such it will fall under the city's ownership and long-term protection. The mitigation site will be protected in perpetuity for its wetland functions and values (fish and wildlife habitat, stormwater detention and treatment, and passive recreation).

The city will have overall responsibility for managing recreational use on the property. ODOT will assume responsibility for maintaining the weir structure (including any needed adjustment to the weir, debris or silt removal etc.). Other long-term management and protection issues, such as access control, wildlife habitat, vector control, and vegetation management, will need to be discussed between ODOT and the city to arrive at an equitable and practical apportionment of responsibility. It is recommended that these arrangements be formalized in some type of legal instrument, such as a conservation easement, between the city and ODOT.

Although no maintenance or reconstruction of the USA sewer line is expected in the foreseeable future (Walt Haight, USA, pers. comm. 6/97), this will eventually occur. As is their normal practice, the USA will be responsible for complete restoration of any wetland or riparian impacts from their sewer projects, as a DSL/Corps permit condition.

SUMMARY OF MITIGATION MEASURES

Ball Creek Restoration and Enhancement:

- * Restore all construction impacts by protecting ground surface with geotextile, removing all construction materials, and replanting with native shrub species.
- * Enhance three sections of Ball Creek (total 165 linear meters) with bioengineered structures to repair eroded banks, riparian shrub plantings, and placement of log weirs and gravel in channel.

Lowery Property:

- * Construct shallow basin (2,840 m²) in existing floodplain wetlands and adjacent uplands, to create off-channel refugium for fish during flooding, and to create rearing habitat for amphibians, waterfowl and shorebird habitat. Secondary functions will include stormwater detention and treatment.
- * Enhance degraded riparian zone of Fanno Creek by controlling Himalayan blackberry, and replanting with native tree, shrub and herbaceous species.

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AT HIGHWAY 217/KRUSE WAY INTERCHANGE, WASHINGTON/CLACKAMAS COUNTIES**

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**APPENDIX A
WETLAND DETERMINATION/DELINEATION REPORT:
LOWERY PROPERTY**

**DETERMINATION OF WETLANDS AND OTHER WATERS OF THE UNITED STATES FOR
LOWERY PROPERTY MITIGATION SITE, FANNO CREEK, TIGARD, WASHINGTON
COUNTY, OREGON**

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Attachment: Field Data Sheets

**DETERMINATION OF WETLANDS AND OTHER WATERS OF THE UNITED STATES FOR
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**DETERMINATION OF WETLANDS AND OTHER WATERS OF THE UNITED STATES FOR
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I INTRODUCTION

This delineation was performed to determine the presence and extent of potential jurisdictional wetlands at the proposed mitigation site at the Lowery property in Tigard. The site is proposed for off-site mitigation for the project at the Interstate 5/Highway 217/Kruse Way interchange. Mitigation credit will be calculated at a ratio of 1:3 enhanced wetland to impacted wetland, and 1:1.5 for wetland created from upland.

The study area consists of the floodplain and a small part of the bench. Although jurisdictional wetlands may exist on the upper bench, this report does not deal with the bench area, except a small part of it that will be needed for the mitigation site.

II. SITE CHARACTERISTICS

A. Topography/Structures:

The Lowery property consists of a low floodplain area along Fanno Creek, with an adjacent slope and bench up to 5 m higher than the floodplain. The floodplain contains a shallow depression. The riparian zone of Fanno Creek is somewhat higher. A house, which is now unoccupied, is at the eastern end of the property, with a wooden barn about 35 m to the southwest. An unimproved section of Katharine Street runs along the northern side of the property. The property is not fenced at present, except along the southern boundary with a Tigard city park. Note that there is a section corner monument at the western end of the property.

B. Vegetation:

The vegetation of the riparian zone of Fanno Creek consists of a tree layer of *Fraxinus latifolia* (Oregon ash, FACW) and *Quercus garryana* (Oregon white oak, NL), with a shrub layer dominated by *Physocarpus capitatus* (Pacific ninebark, FAC+), *Crataegus douglasii* (Douglas hawthorn, FAC), *Symphoricarpos albus* (snowberry, FACU), and *Rubus discolor* (Himalayan blackberry, FACU). The blackberry is dense and forms monospecific stands in some places. The herbaceous layer is sparse or absent in many places. Some openings in the canopy are dominated by grasses, especially *Festuca arundinacea* (tall fescue, FAC-). Typical herbaceous species include *Carex deweyana* (Dewey's sedge, FAC+) and *Tellima grandiflora* (fringecup, NL).

The adjacent floodplain and bench have been grazed by horses in the past. Grazing occurred until about June 1997. This has formed a somewhat disturbed meadow community consisting of introduced grasses, weedy non-native forbs, and a few clumps

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of shrubs, with scattered reproduction of tree saplings. Native perennial hydrophytes are also found in the floodplain depression.

Typical introduced pasture grasses include *Festuca rubra* (red fescue, FAC+), tall fescue, *Agrostis* spp. (bentgrasses, FAC-FACW), *Phalaris arundinacea* (reed canarygrass, FACW), and *Holcus lanatus* (velvetgrass, FAC). Weedy species include *Chrysanthemum leucanthemum* (ox-eye daisy, NL) and *Daucus carota* (Queen Anne's lace, UPL) on the bench, and *Gnaphalium* spp. (cudweed, FAC+), *Dipsacus sylvestris* (teasle, FAC), and *Juncus bufonius* (toad rush, FACW) in the shallow depression. Several *Carex* spp. (sedges, FAC-OBL), and *Juncus* spp. (rushes, FACW-OBL) are also found in the floodplain. The dominant shrubs, both in the floodplain and on the bench, are *Rosa pisocarpa* (clustered rose, FAC), *Crataegus monogyna* (English hawthorn), and Douglas hawthorn. There is scattered reproduction of Oregon ash, also both in the floodplain and on the lower part of the bench.

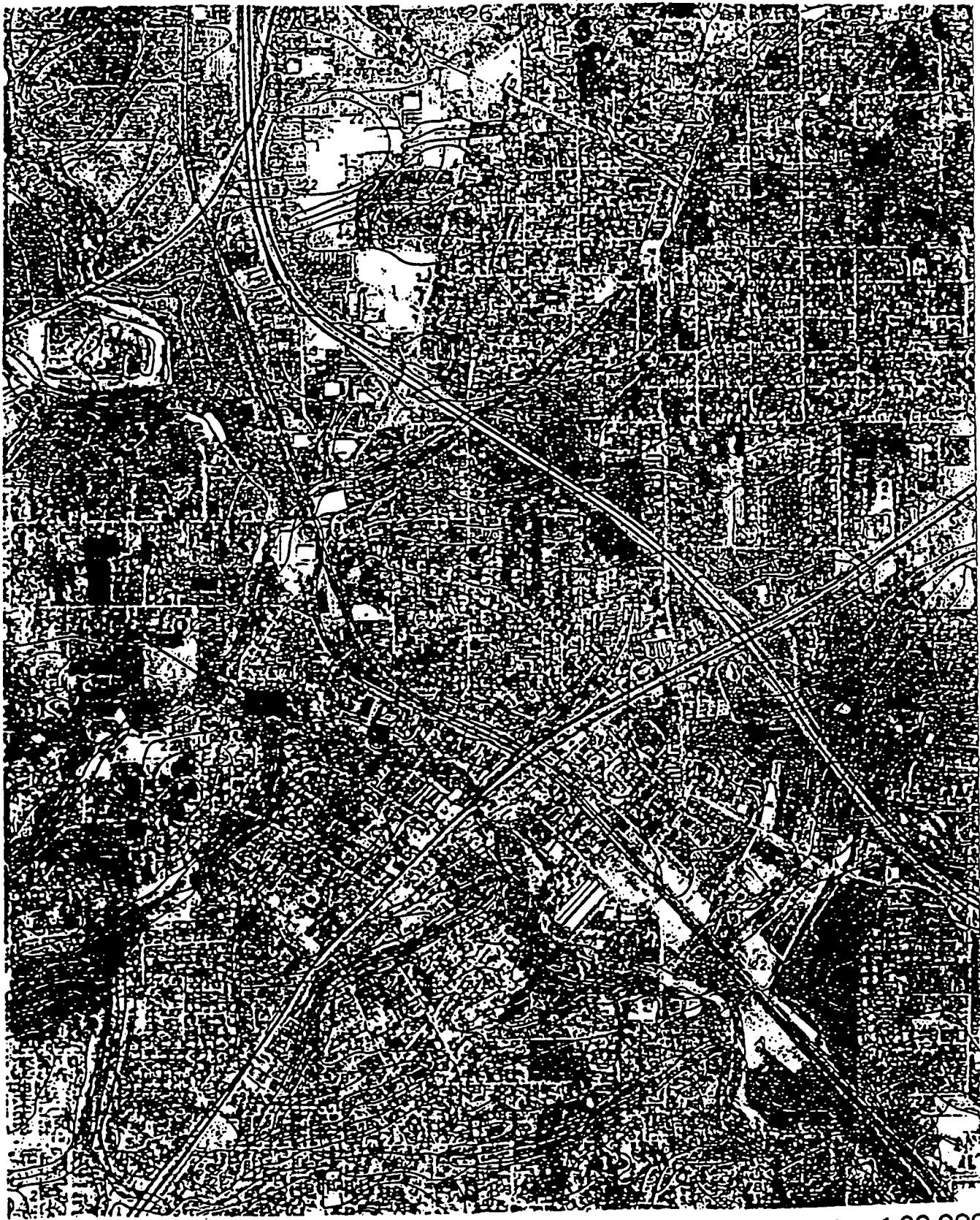
The natural vegetation on the property has two significant features. There is an extensive stand of mature Oregon white oak and *Pinus ponderosa* (ponderosa pine, FACU), on the bench and its transitional slope to the floodplain. This stand is mixed in the lower elevations with Oregon ash. Ponderosa pine is locally fairly common, but is only native to a few areas west of the Cascades, of which the Tigard/Beaverton area is one. There is also a small population of *Camassia quamash* (camas, FACW) on the bench, mixed with clustered rose. This appears to be a remnant of a native prairie community.

C. Soils:

The Washington County soil survey map show two soil series on the site (see Figure 1, Soil Survey Map): Cove silty clay loam and Aloha silt loam.

Cove silty clay loam is a poorly drained hydric soil, which occupies slightly concave positions on floodplains along streams. A typical profile has an A horizon 20 cm thick of very dark gray (10YR 3/1) silty clay loam, and a B horizon 25 cm thick of very dark gray (N 3/) clay. Both horizons have few to many, fine yellowish-brown to dark reddish brown redox concentrations. Cove soils typically have common, brief flooding between December and April, and a perched high water table between the surface and 30 cm deep, also between December and April.

Aloha silt loam is somewhat poorly drained, and occupies broad valley terraces. A typical profile has an A horizon 20 cm thick of dark brown (10YR 3/3) silt loam, and a B horizon 18 cm thick of dark brown (10YR 4/3) silt loam with common, medium, but faint redox concentrations and depletions of various colors. It is not typically subject to flooding, and has a perched high water table at a depth of 46-61 cm between December and April.



Scale: 1:20,000

W&H PACIFIC

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(503) 626-4155 Fax (503) 526-0775

SOIL SURVEY MAP
Lowery Property
Pacific Highway at Highway 217
Kruse Way Interchange

Figure

1

**DETERMINATION OF WETLANDS AND OTHER WATERS OF THE UNITED STATES FOR
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D. Hydrology:

The hydrology of the proposed mitigation site is determined to a great extent by flood flows in Fanno Creek. The local water table is maintained by seasonal flooding, subsurface flows from the surrounding benches, and to a small extent by overland flow.

Fanno Creek is typical of streams with heavily urbanized watersheds, in that floods rise quickly in response to storm events. Floods tend to be of greater frequency and severity because of increased runoff due to growth in impervious surface.

The boundary of the 100-year return frequency flood lies on the edge of the bench. The shallow depression floods frequently during the winter and spring. As floodwaters recede, the depression becomes shallowly ponded, then gradually dries out at the surface. However, the groundwater table, which is driven by subsurface water flowing from the surrounding bench toward Fanno Creek, remains within a meter or so of the surface (see findings from Plot A1 below).

III. METHODS/SAMPLING PROCEDURE

A. Introduction:

This site is classified as "agricultural land" by the Food Security Act, due to its having been used for horse pasture until very recently. Where development is proposed, the Corps of Engineers and State of Oregon require that wetland delineations on agricultural lands follow the technical guidelines outlined in the Corps of Engineers Wetland Delineation Manual (1987) for vegetation and soils, and the National Food Security Act Manual (NFSAM), of the Natural Resources Conservation Service, for wetland hydrology. The criteria wetland hydrology in the NFSAM are actually almost identical to those in the Corps manual.

The methodology in these manuals requires three parameters to be present for an area to be considered a wetland. These three parameters are hydrophytic vegetation, hydric soil, and wetland hydrology. These manuals define wetlands as:

"Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

Initial identification of potential wetlands within the project area was performed by examining the following data: the USGS Beaverton quad map, the National Wetlands Inventory map and the Washington County soil survey. (See Figure 2, National Wetlands Inventory Map)



**Lowery Property
Pacific Highway at Highway 217
Kruse Way Interchange**

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Field investigation was performed on June 28, 1997, and areas of potential jurisdictional wetlands were identified at this time. The "Routine On-Site Determination Method" of the Corps manual, as modified by the NFSAM was used at this site. Data collected on-site were recorded on the standard Routine Wetland Determination data form of the Corps Manual. A total of five sample plots were examined within the study area (Plots #A1 through #A5). See Wetland Map, Figure 3 and the attached field data sheets.

The approach was to include in the study area any area that might be needed for the wetland mitigation site. Plots were laid out so as to characterize representative areas of the floodplain, riparian zone, sideslopes and bench.

Each plot was flagged and numbered. The field data sheets were completed and data evaluated immediately in the field, and those plots which fall within jurisdictional wetland were noted. Further investigation was done using a soil auger to take soil samples to check for hydric soils and wetland hydrology, based on oxidized rhizospheres and surface sediment deposits. The latter proved to be the determining factor in most places in setting the wetland boundary. The wetland boundary was then marked with numbered flags, interpolating between plots within and outside jurisdictional wetland.

An ODOT survey crew then tied in the locations of the plots and the wetland boundary, as part of the overall mitigation site topographic survey. This data was stored electronically and transferred to the project digital file. This file was then used to produce graphics for this report.

B. Vegetation:

Hydrophytic (Wetland) Vegetation is defined in the Corps Manual as:

"....macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content."

An area must have dominance of hydrophytic vegetation for the vegetation parameter to be met. Individual plant species are rated as to their Wetland Indicator Status (WIS) by a system developed by the U.S. Fish and Wildlife Service (USFWS). The rating system is based on a species' probability of occurring in wetlands. The USFWS has published the National List of Plant Species That Occur in Wetlands (Reed 1988) and its December 1993 supplement, which list plant species and their corresponding WIS.

If the vegetation on a site is "significantly disturbed" by removal, mowing, plowing, or grazing, to the point where plant species cannot be reliably identified, this is considered an "atypical situation" and the Corps manual prescribes a different methodology. The

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"atypical situations" methodology for vegetation requires using a variety of data (such as nearby reference sites, or county soil surveys) to determine what the vegetation would have been, but for the disturbance. We used the standard methodology on this site, because we considered the plant species sufficiently identifiable to make a determination whether hydrophytic vegetation was present.

Plant species were recorded at the sample plots and assigned a corresponding WIS rating. All plant names used in this report follow standard species designations included in Flora of the Pacific Northwest (Hitchcock and Cronquist 1987). Common names generally follow the nomenclature in the USFWS lists. An area is considered to have a hydrophytic plant community if at least 50% of the dominant plants in an area are Facultative, Facultative Wetland, or Obligate Wetland.

Vegetation was sampled centered on each soil pit. The herb layer was sampled within a 1.5 m radius circle, and the tree and sapling/shrub layers within a 4.5 m radius circle. In a plot where a significant change in landform occurred within this radius (for example, where the plot occurred at the toe of a slope or within a narrow channel), resulting in a change in the plant community, only the plant community in the landform where the soil pit was dug would be considered to be within the plot. Aerial cover percentage was visually estimated for all species, and dominant species were then recorded on the vegetation data form. Dominant species are those with 20% or more aerial cover of the total within that layer. Some judgment is required to determine what is dominant when there is a very small amount of total cover in a particular layer.

C. Soils:

The Soil Conservation Service (now the Natural Resources Conservation Service) in coordination with the National Technical Committee on Hydric Soils has published Hydric Soils of the United States (1991). This document, in conjunction with the Soil Survey of Washington County, Oregon, was used as a guide to determine the presence of hydric soils on the site. The list of hydric soils contains the most recent definition of hydric soils:

"...soils which are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part."

Field indicators for hydric soils include, but are not limited to low chroma, mottling, iron/manganese concretions, gleying, high organic matter content in the surface horizon, and hydrogen sulfide odor (only produced in a strongly reducing environment). Mottles are blotches or spots of yellow to reddish brown or gray that usually develop within the soil matrix. Mottles form under alternating oxidized-reduced conditions corresponding to alternating unsaturated-saturated soil moisture conditions.

DETERMINATION OF WETLANDS AND OTHER WATERS OF THE UNITED STATES FOR
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COUNTY, OREGON

Gleying immediately below the A-horizon is a field indicator of markedly reduced soil, and gleyed soils are hydric soils. Tiner and Veneman (1987) describe gleying below:

"Gleyed soils are gray, green, or blue and visually are very distinctive. They are formed under anaerobic conditions associated with prolonged water saturation. Iron and manganese are found in their reduced forms in saturated soils. These reduced minerals mix readily with water and are easily removed from the soil column in a process known as gleization or gleying."

At each plot, a soil pit was dug with a shovel to a depth of 46 cm. Soil color characteristics were observed at the depth of 25 cm by removing and opening a slice of soil representing the soil profile. Where two or more distinct horizons were seen, observations were taken in each horizon. The matrix and mottle colors of the moist soil were determined using the Munsell Soil Color Chart (1990). The abundance and contrast of mottles, presence of concretions, and soil texture were noted. A check was made for the presence of oxidized rhizospheres (root channels) associated with live roots within the top 30 cm of the soil profile. The soil was also rubbed between the fingers to determine texture and consistency, and identify high organic content. The soil was smelled to detect sulfidic odor.

The soil series as mapped by the county soil survey was recorded on the data forms. Similarity to, or difference from, the typical soil profile of the mapped soil was noted.

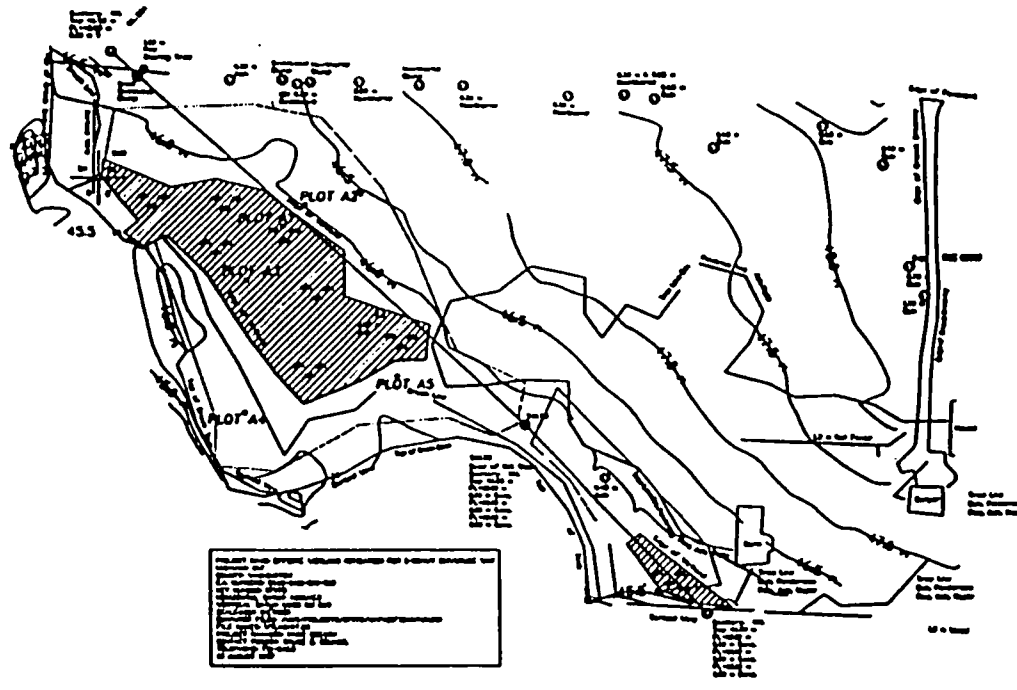
D. Hydrology:

Wetland hydrology is the driving force behind all wetlands and their creation. An area has satisfied the wetland hydrology criterion:

"...when saturated to the surface or inundated at some time during the growing season of the prevalent vegetation." (Corps Manual)

The NFSAM criterion for wetland hydrology, which is specifically used on agricultural land, is saturation to the surface for 14 consecutive days or more during the growing season. By one definition, in Washington County, the spring season begins on the average about March 25, based on the average last date of a killing frost (< minus 4 degrees C).

Precipitation, stratigraphy, topography, soil permeability, and plant cover all influence the wetness of an area. Some primary indicators of wetland hydrology are visual observation of inundation, standing water or soil saturation in the soil pit, water marks or drift lines on vegetation, sediment deposits, and wetland drainage patterns. Secondary indicators include water-stained leaves, oxidized rhizospheres associated with live roots,



1. The map shows the wetland area and the surrounding terrain. The wetland area is shaded with a hatched pattern. The surrounding terrain is shown with contour lines and elevation markers. The map includes several labeled plots: PLOT A1, PLOT A2, PLOT A3, and PLOT A4. A legend indicates 'PALEOTOPIC WETLAND' with a hatched pattern. A north arrow is located in the upper right corner.

LEGEND

PALEOTOPIC WETLAND



WHPACIFIC

Wetland Planning & Assessment, Inc.

10000 Wilshire Blvd., Suite 1000, Los Angeles, CA 90024

(213) 875-1234

PACIFIC HWY AT HWY 217/KRUSE WAY INTERCHANGE

FIG. 3 WETLAND MAP

LOWERY PROPERTY

DATE: 10/15/97

BY: J. L. L.

SCALE: 1" = 100'

PROJECT NO.: 97-001-001

PROJECT NAME: LOWERY PROPERTY

PROJECT LOCATION: PACIFIC HWY AT HWY 217/KRUSE WAY INTERCHANGE

PROJECT OWNER: LOWERY PROPERTY

PROJECT NUMBER: 97-001-001

PROJECT DATE: 10/15/97

**DETERMINATION OF WETLANDS AND OTHER WATERS OF THE UNITED STATES FOR
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and local soil survey data indicating the presence of ponding or high water tables for a prolonged period in a given soil series.

The following observations were made at the plots (see field data sheets). A check was made for evidence of soil saturation within the pit, in the absence of inundation or an observable water table, and the depth below the surface recorded. Visual observation of glistening soil was combined with pressing a soil sample between the fingers to identify soil saturation. The depth at which water begins to seep through the walls was noted. Where seepage was noted, the pits were left open for a period of time if necessary to allow the water table to find a true level. A visual observation to determine the presence of other positive indicators of wetland hydrology was made at each sample plot.

IV. WETLANDS AND OTHER WATERS OF THE UNITED STATES

This investigation found two areas of wetland in shallow depressions within the floodplain, a larger area of 1,662 m² at the western end of the site, and a small area of 90 m² at the southern boundary next to the Tigard city park. Both are classified as palustrine emergent, seasonally flooded/saturated under the Cowardin et al. classification. The area is classified as "Farmed Wetland Pasture" under the NFSAM. Adjacent higher areas along the riparian zone of Fanno Creek, in the bench and in slightly higher portions of the floodplain, were found to be non-wetland.

This determination is based on the following findings.

Plot A1 was established in the lowest part of the depression. The vegetation was disturbed, but not significantly so, and plants could be identified to species in most cases. The dominant species were *Alopecurus geniculatus* (water foxtail, OBL), reed canarygrass (FACW), and Oregon ash (FACW). Even though ash was represented by a few seedlings, we determined that this was the dominant in this layer, and would eventually become a dominant tree. Thus, hydrophytic vegetation was present.

Although no saturation was found in the upper 30 cm, there was ample evidence of prolonged ponding in the form of sediment deposits, water stained leaves and algal deposits. There were also many oxidized rhizospheres. We determined that prolonged ponding or saturation to the surface would occur during the early growing season.

Soils were a silty clay loam with a matrix chroma of 1 and distinct redox concentrations. The upper soil layer was a sandy loam with a platy structure, indicating coarse overbank sediment deposits. This soil does not match the description of a typical profile of Cove silty clay loam. It might be considered an inclusion within the Cove unit with coarser texture.

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Deeper investigation of soils and hydrology of this plot on August 16, 1997 with a soil auger showed that a sandy loam or silt loam soil with redox features extended to a depth of at least 1.2 m. Although the soil is well-drained in this area, saturated conditions were found at a depth of 1.2 m, with moisture content increasing with depth. This investigation confirmed that the site is well-drained, and that the absence of saturation at a depth of 30 cm in late June does not mean that the plot does not meet the criteria for wetland hydrology. The flood season on Fanno Creek, and therefore inundation/saturation in this depression, certainly extends well into the growing season.

Plot A2 characterized conditions on the slope of the bench, about 1 m or so in elevation above Plot A1. The vegetation was found to be a mixture of grasses and weedy forbs, transitional between a wetland and upland community. The dominant plants were ox-eye daisy (NL) and *Trifolium repens* (white clover, FAC). There was neither saturation within the upper 30 cm, nor any other surface or subsurface indicators of wetland hydrology. The soil was hydric, with a matrix chroma of 2 and distinct redox concentrations and depletions, but the indicators were not as strong as at Plot A1. We found this plot to be non-wetland.

Plot A3 was located in a slightly higher portion of the floodplain than Plot A1. The plot was found to have hydrophytic vegetation: the dominant plants were clustered rose (FAC), bentgrasses (FAC-FACW) and fescues (FAC- to FAC+). There were the same sediments deposits on the surface as at Plot A1. The soil was a silt loam with a matrix chroma of 2 and distinct redox concentrations. This plot was determined to be wetland, though the indicators were less strong than at Plot A1.

Plot A4 was located next to a thick stand of Himalayan blackberry on a natural levee on the edge of the riparian zone, at a higher elevation than Plots A1 and A3. The dominant plants were blackberry (FACU), bentgrasses (FAC-FACW) and tall fescue (FAC-). The soil was moist but not saturated at a depth of 46 cm. There were no indicators of wetland hydrology. The soil was a silt loam with a matrix chroma of 2 and no redox features.

Plot A5 was located in the floodplain depression, but at a slightly higher elevation than Plots A1 and A3. Although they are only sparsely present as recent regeneration, Oregon ash and Himalayan blackberry were determined to be dominant species, as they are dominant in the nearby riparian zone at a similar elevation. Other upland species, such as ox-eye daisy and *Bromus mollis* (smooth brome, UPL) were also dominant. The soil was moist only at 41 cm, with no other indicators of wetland hydrology present. The soil was a fine sandy loam with mixed colors, suggesting disturbance in the past by sewer line construction. There was a low chroma matrix with distinct redox concentration, however. This plot was found to be non-wetland.

The eastern boundary of the larger wetland area was located based on Plot A5 and subtle but clear changes in elevation at the end of this depression. The smaller wetland area was delineated based on dominant plant species: Oregon ash, *Spiraea douglasii* (Douglas

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spiraea, FACW), and rushes. There were also surface indicators of prolonged ponding (sediment deposits and water stained leaves). No plots were established because the same conditions had been observed in the larger wetland.

V. LIMITATIONS

This report was prepared for the use of the client, Oregon Department of Transportation, their consultants, and various agencies. It should be recognized that delineation of wetland boundaries is based on interpretation of indicators found in the field, and different individuals and agencies may disagree on exact boundaries. Any results and conclusions within this report represent our professional judgment based on the most recent information provided from publications, maps, aerial photos, and field investigations as defined within the scope of services.

The final determination of wetland boundaries is the responsibility of the various resource agencies that regulate development in and around wetlands. This report and the delineated wetland boundaries should be reviewed by the appropriate regulatory agencies prior to any detailed site planning or construction activities.

**DETERMINATION OF WETLANDS AND OTHER WATERS OF THE UNITED STATES FOR
LOWERY PROPERTY MITIGATION SITE, FANNO CREEK, TIGARD, WASHINGTON
COUNTY, OREGON**

VI. LITERATURE CITED

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**APPENDIX B
PHOTOGRAPHS OF MITIGATION SITES**



Photo 1: Ball Creek upper reach – stabilize erosion at culvert



Photo 2: Ball Creek upper reach – establish riparian plantings

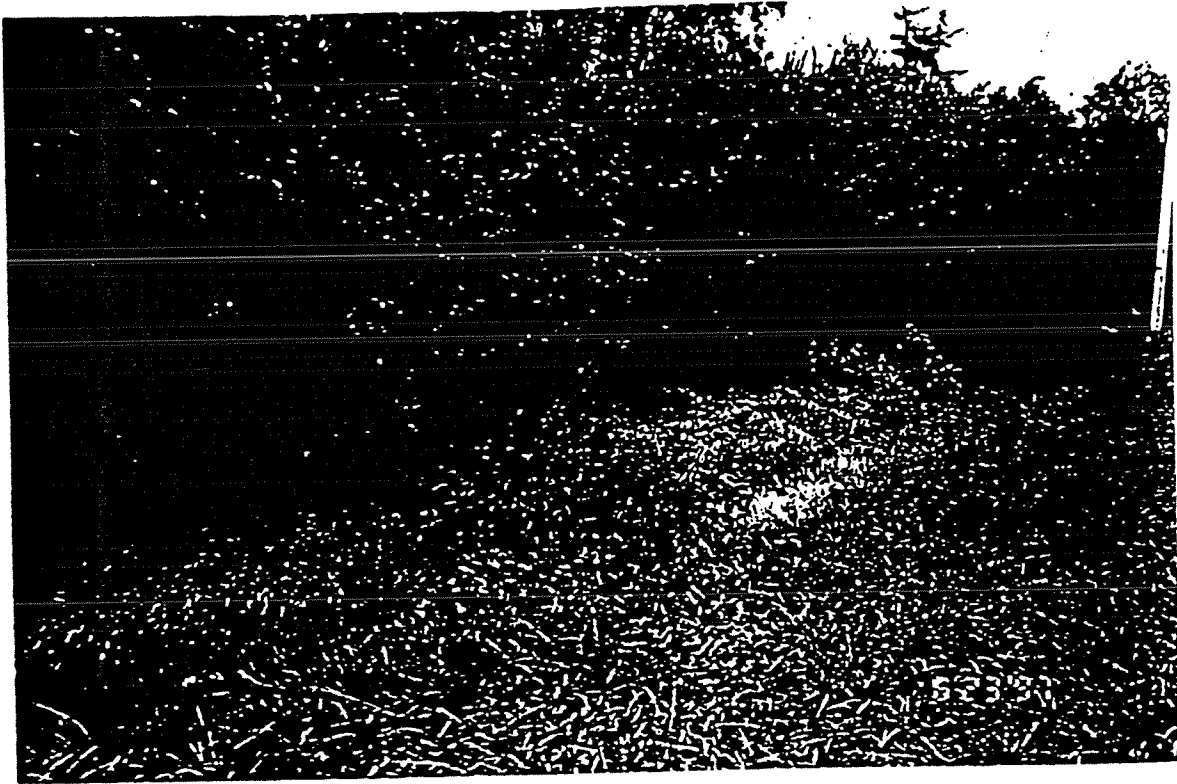


Photo 3: Ball Creek middle reach - enhance riparian vegetation

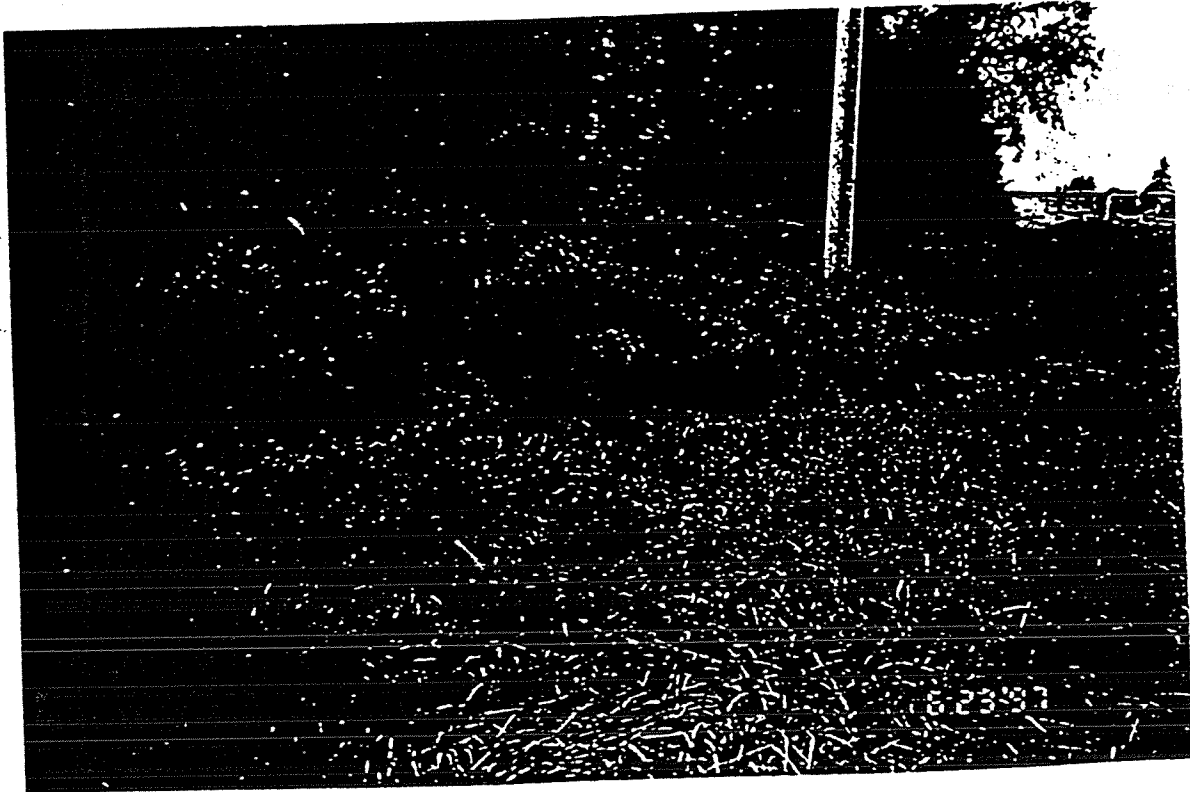


Photo 4: Ball Creek middle reach: bioengineered structure/vegetation
above culvert



Photo 5: Ball Creek middle reach – bioengineered structure/vegetation above culvert



Photo 6: Ball Creek middle reach – install log weir and gravel in eroded streambed

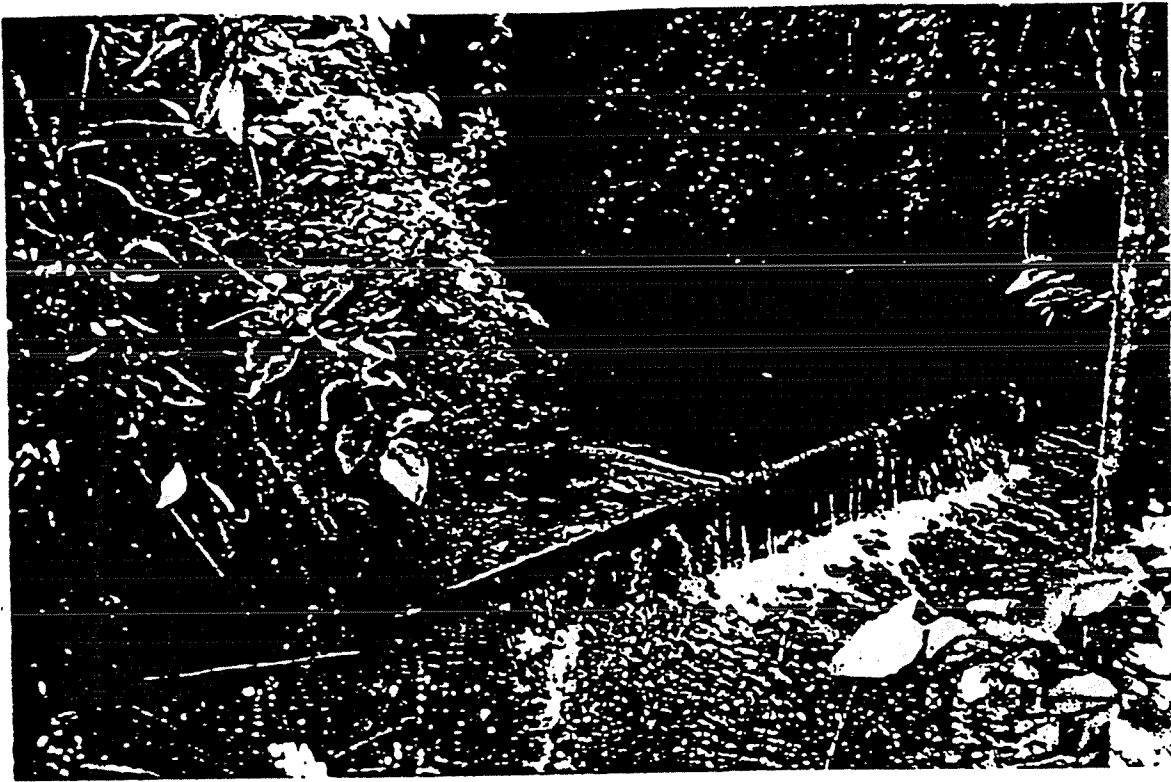


Photo 7: Ball Creek middle reach – evaluate fish passage improvement

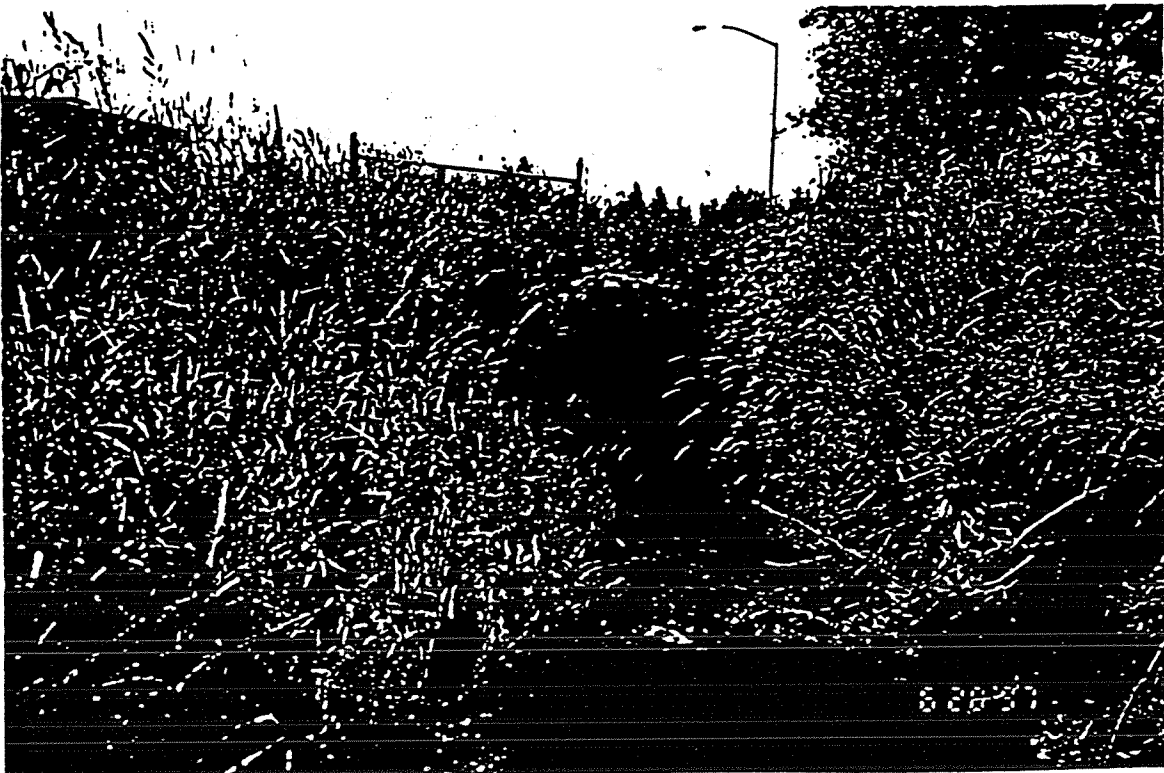


Photo 8: Ball Creek lower reach – install bioengineered structure/vegetation



Photo 9: Ball Creek lower reach – install log weir and gravel in eroded streambed

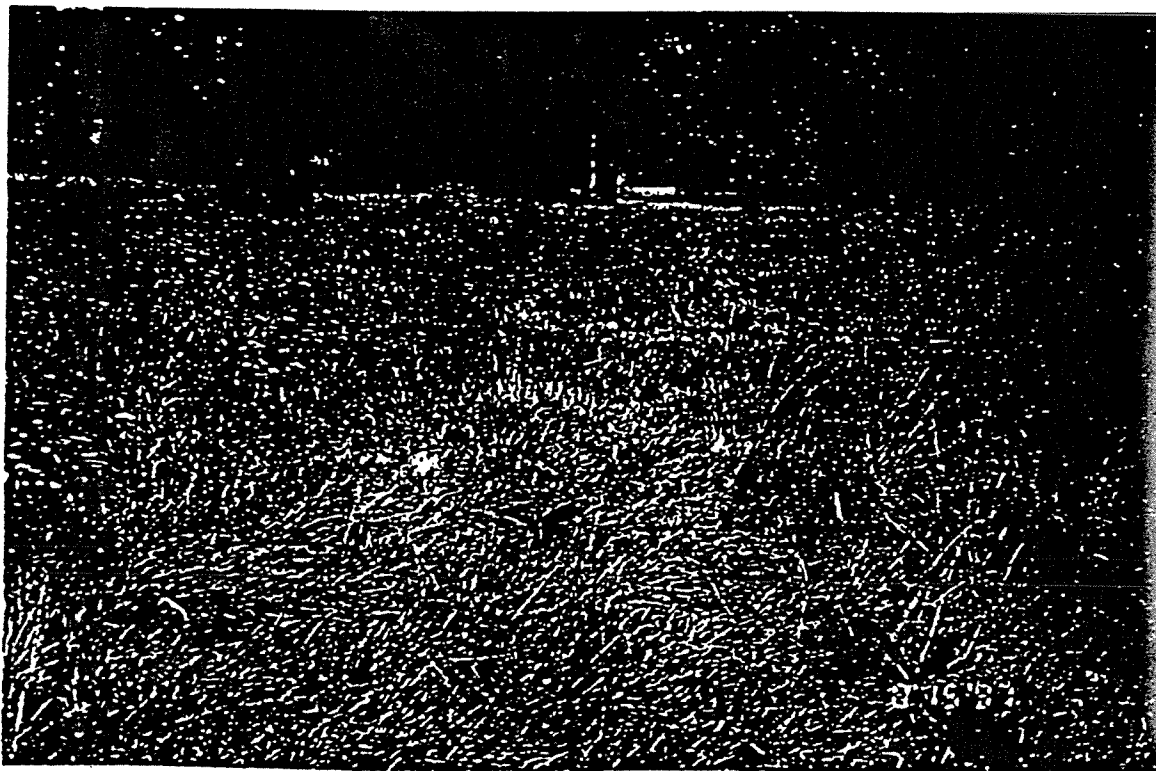


Photo 10: Lowery Property – mitigation site in floodplain



Photo 11: Lowery property – Fanno Creek riparian zone mitigation area



Photo 12: Lowery property – upland bench



Photo 13: Himalayan blackberry dominating riparian zone

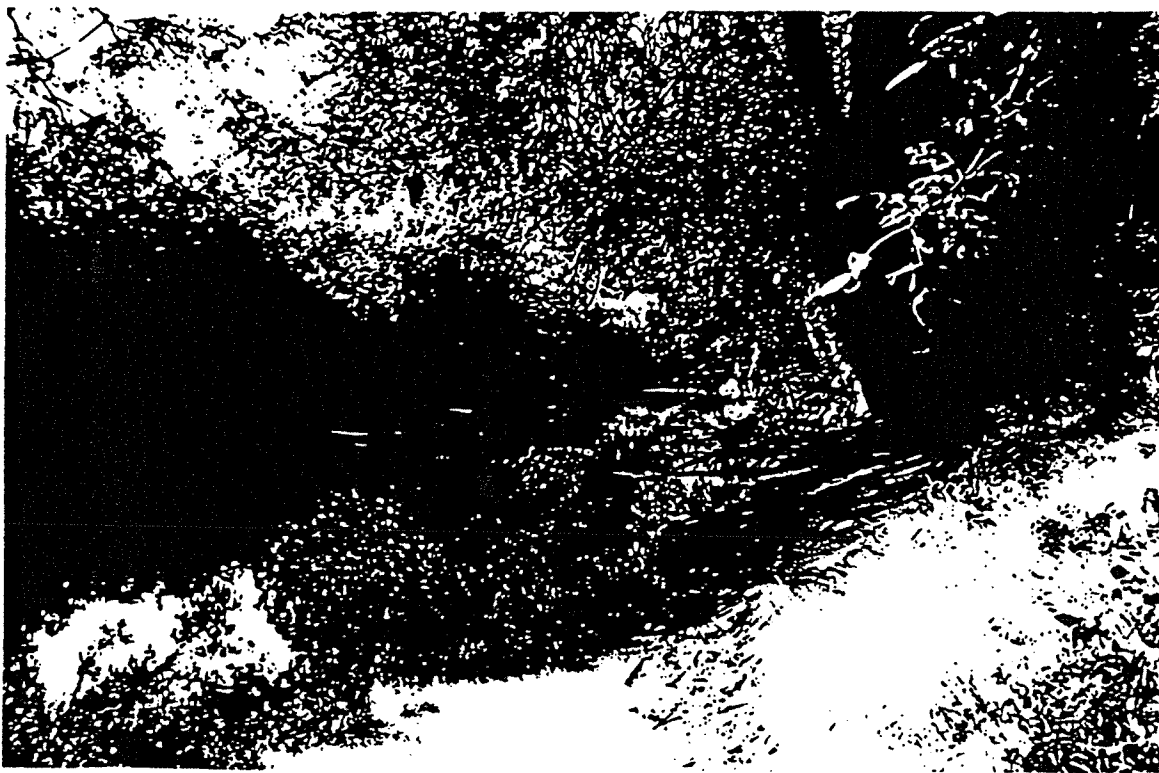


Photo 14: Fanno Creek channel – scouring around tree indicates ordinary high water line

**APPENDIX C
DSL COMPENSATORY MITIGATION FORM**

Division of State Lands
Compensatory Mitigation Form
(revised 5/4/96)

If the permit involves multiple compensatory mitigation projects at different locations then use a separate sheet for each location. Please be sure to complete Item #1 and the grand total acreages for impacts and mitigation, Items #2 and #3. Give breakdowns by Cowardin class only if known.

If using a wetland mitigation bank, please provide written proof of use from the bank operator and check the mitigation bank box below. Complete only Item #1 if using a mitigation bank.

1. Oregon Department of Transportation N.A.
Applicant Permit Number (if known)

MITIGATION SITE LOCATION

Mitigation Site # N.A. Adjacent Waterway Fanno Creek

County Washington Section 35 Township 1S Range 1W

Tax lot(s) NA

USGS Hydrologic Unit Code (HUC) No. NA

River Basin Name Tualatin ☐ NA
Mitigation Bank To Be Utilized

WETLAND IMPACTS

2. List all wetland types that will be filled or converted by your fill-removal project (not the compensatory mitigation project). Where "wetland types" are requested on this form, the Division uses the Cowardin wetland classification codes found on National Wetland Inventory Maps. Below are the most common wetland types. If your wetland type is not listed, use one of the blank spaces and fill in the appropriate code. Also, indicate the area in hectares involved for each wetland type you list. Areas should be listed to the 1/100 of a hectare if possible.

(F = Fill R=Removal C=Convert)

	Hectares				Hectares				Hectares		
	F	R	C		F	R	C		F	R	C
<input checked="" type="checkbox"/> PEM	0.094			<input checked="" type="checkbox"/> R3UB	0.02			<input type="checkbox"/> E2FO			
<input type="checkbox"/> PSS				<input type="checkbox"/> R4SB				<input type="checkbox"/>			
<input checked="" type="checkbox"/> PFO	0.019			<input type="checkbox"/> E2EM				<input type="checkbox"/>			
<input type="checkbox"/> R3RB				<input type="checkbox"/> E2SS				<input type="checkbox"/>			

Grand Total of Wetland Impacts: 0.133 Hectares

COMPENSATORY MITIGATION

3. On the opposite side, list all of the wetland types that will result from your proposed compensatory mitigation project by mitigation kind and wetland type. Indicate the area, in hectares, involved for each wetland type you list.

RESTORATION

<input type="checkbox"/> PEM	XXX	<input type="checkbox"/> R3RB	XXX	<input type="checkbox"/> E2EM	XXX	<input type="checkbox"/>	XXX
<input type="checkbox"/> PSS		<input type="checkbox"/> R3UB		<input type="checkbox"/> E2SS		<input type="checkbox"/>	
<input type="checkbox"/> PFO		<input type="checkbox"/> R4SB		<input type="checkbox"/> E2FO		<input type="checkbox"/>	

Restoration Total:

ENHANCEMENT

<input checked="" type="checkbox"/> PEM	Hectares	0.073	<input type="checkbox"/> R3RB	XXX	<input type="checkbox"/> E2EM	XXX	<input type="checkbox"/>	XXX
<input checked="" type="checkbox"/> PSS		0.074	<input type="checkbox"/> R3UB		<input type="checkbox"/> E2SS		<input type="checkbox"/>	
<input checked="" type="checkbox"/> PFO		0.023	<input type="checkbox"/> R4SB		<input type="checkbox"/> E2FO		<input type="checkbox"/>	

Enhancement Total: 0.17

CREATION

<input type="checkbox"/> PEM	Hectares		<input type="checkbox"/> R3RB	XXX	<input type="checkbox"/> E2EM	XXX	<input type="checkbox"/>	XXX
<input checked="" type="checkbox"/> PSS		0.021	<input type="checkbox"/> R3UB		<input type="checkbox"/> E2SS		<input type="checkbox"/>	
<input checked="" type="checkbox"/> PFO		0.093	<input type="checkbox"/> R4SB		<input type="checkbox"/> E2FO		<input type="checkbox"/>	

Creation Total: 0.114

Grand Total of Wetland Mitigation: 0.284 Hectares

4. Is part or all of the compensatory mitigation project a prior converted cropland, a farmed wetland, or a former wetland that is now upland? If known, state which type: No

5. If an upland buffer is proposed, please give average width and type:

	Width ()	Hectares
Forested	12 m buffer	0.05 buffer + 0.078 riparian restoration
Shrub/Scrub		
Herbs/Grasses		
Buffer Total		0.0128 ha

6. Form completed by:


Signature

Phil Quarterman
Printed Name

Sept. 30 1997
Date

¹ Cowardin, Classification of Wetlands and Deepwater Habitats of the United States, 1979.
Oregon Division of State Lands, Wetland Inventory User's Guide, 1990.

FIELD DATA SHEETS

**Data Form
Routine Wetland Determination
(1987 COE Wetlands Delineation Manual)**

Project/Site: Lowery Property, Fanno Creek, Tigard WHP Project 4-2658-5021
Applicant/Owner: Oregon Department of Transportation/METRO
Investigator: Phil Quarterman

Date: 6/28/97
County: Washington
State: OR

Do normal circumstances exist on the site? Yes
Is the site significantly disturbed (Atypical Situation?) No
Is the area a potential Problem Area (If needed, explain on reverse)? No

Community ID:
Transect ID: A
Plot ID: 1

VEGETATION

Plant species	Stratum	WIS	%Cover Stratum	% Cover Overall	Plant species	Stratum	WIS	%Cover Stratum	% Cover Overall
<i>Fraxinus latifolia</i> *	Sa	FACW	1	1					
<i>Alopecurus geniculatus</i>	H	OBL	30						
<i>Carex</i> sp.	H	FAC to OBL	2						
<i>Gnaphalium</i> sp.	H	FAC+	2						
<i>Phalaris arundinacea</i> *	H	FACW	10						
<i>Juncus bufonius</i>	H	FACW	1						
<i>Eleocharis ovata</i>	H	OBL	2	47					

* = Dominant. Percent of dominant species that are OBL, FACW, or FAC: 3 / 3 = 100%

Remarks: Site is a horse pasture. Disturbed, but not significantly. Some *Fraxinus latifolia* regeneration. This would be dominant in absence of grazing activity.

HYDROLOGY

Recorded Data (Describe in Remarks):

- ☐ Stream, lake, or tide gauge
☐ Aerial photographs
☐ Other
☒ No recorded data available

Field Observations:

Depth of surface water N/A
Depth to free water N/A
Depth to saturated soil > 46 cm

Wetland Hydrology Indicators:

Primary Indicators:

- ☐ Inundated
☐ Saturated in upper 12 inches/30 cm
☐ Water marks
☐ Drift lines
☒ Sediment deposits
☐ Drainage patterns in wetlands

Secondary Indicators

- ☒ Oxidized root channels in upper 12 in/30 cm
☒ Water-stained leaves
☒ Local soil survey data
☐ FAC-neutral test
☐ Other (Explained in remarks)

Remarks: No saturation (well-drained) but ample evidence of prolonged ponding, including algal deposits and sediment.

SOILS

Map unit name (Series and phase)		Cove silty clay loam		Drainage class	poorly
Taxonomy (subgroup)		Vertic Haplaquoll		Field observations confirm mapped type?	Yes

Profile description: Depth	Horizon	Matrix colors (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance/contrast	Texture, concretions, structure, et cetera
25 cm	A	10YR 4/1	2.5Y 5/3	many medium distinct	platy structure
					silty clay loam with sandy loam upper layer

Hydric Soil Indicators

<input type="checkbox"/> Histosol <input type="checkbox"/> Histic epipedon <input type="checkbox"/> Sulfidic odor <input type="checkbox"/> Aquic moisture regime <input checked="" type="checkbox"/> Reducing conditions <input checked="" type="checkbox"/> Gleyed or low chroma colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High organic content in surface layer in sandy soils <input type="checkbox"/> Organic streaking in sandy soils <input checked="" type="checkbox"/> Listed on Local Hydric Soils List <input checked="" type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explained in Remarks)
---	--

Remarks: Platy structure indicates flood-deposited sediments.

WETLAND DETERMINATION

Hydrophytic vegetation present?	Yes	Is this sampling point within a wetland?	Yes
Wetland hydrology present?	Yes		
Hydric soils present?	Yes		

Remarks: Lowest point in floodplain. Much open ground due to prolonged flooding.

Approved by HQUSACE 3/82
WETLAND1.TEM

Data Form
Routine Wetland Determination
(1987 COE Wetlands Delineation Manual)

Project/Site: Lowery Property, Fanno Creek, Tigard WHP Project 4-2658-5021
 Applicant/Owner: Oregon Department of Transportation/METRO
 Investigator: Phil Quarterman

Date: 6/28/97
 County: Washington
 State: OR

Do normal circumstances exist on the site? Yes
 Is the site significantly disturbed (Atypical Situation?) No
 Is the area a potential Problem Area (If needed, explain on reverse)? No

Community ID:
 Transect ID: A
 Plot ID: 2

VEGETATION

Plant species	Stratum	WIS	%Cover Stratum	% Cover Overall	Plant species	Stratum	WIS	%Cover Stratum	% Cover Overall
<i>Chrysanthemum leucanthemum</i> *	H	NL	40						
<i>Trifolium repens</i> *	H	FAC	35						
<i>Matricaria matricariodes</i>	H	FACU	2						
<i>Plantago lanceolata</i>	H	FACU	5						
<i>Daucus carota</i>	H	UPL	2						
<i>Hypochaeris radicata</i>	H	FACU	2						
<i>Holcus lanatus</i>	H	FAC	5						
<i>Agrostis</i> sp.	H	FAC to FACW	5						
<i>Festuca rubra</i>	H	FAC+	15	111					

* = Dominant. Percent of dominant species that are OBL, FACW, or FAC: 1 / 2 = 50%

Remarks:

HYDROLOGY

Recorded Data (Describe in Remarks):

- ☐ Stream, lake, or tide gauge
☐ Aerial photographs
☐ Other
☒ No recorded data available

Field Observations:

Depth of surface water N/A
 Depth to free water N/A
 Depth to saturated soil N/A

Wetland Hydrology Indicators:

Primary Indicators:

- ☐ Inundated
☐ Saturated in upper 12 inches/30 cm
☐ Water marks
☐ Drift lines
☐ Sediment deposits
☐ Drainage patterns in wetlands

Secondary Indicators

- ☐ Oxidized root channels in upper 12 in/30 cm
☐ Water-stained leaves
☐ Local soil survey data
☐ FAC-neutral test
☐ Other (Explained in remarks)

Remarks: No saturation at 46 cm. No surface or subsurface indicators.

SOILS

Map unit name (Series and phase)		Aloha silt loam		Drainage class	somewhat poorly
Taxonomy (subgroup)		Aquic Xerochrepts		Field observations confirm mapped type?	Yes

Profile description: Depth	Horizon	Matrix colors (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance/contrast	Texture, concretions, structure, et cetera
25 cm	A	10YR 4/2	10YR 4/1	many medium distinct	silt loam
			7.5YR 4/4	many medium distinct	

Hydric Soil Indicators

<input type="checkbox"/> Histosol <input type="checkbox"/> Histic epipedon <input type="checkbox"/> Sulfidic odor <input type="checkbox"/> Aquic moisture regime <input checked="" type="checkbox"/> Reducing conditions <input checked="" type="checkbox"/> Gleyed or low chroma colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High organic content in surface layer in sandy soils <input type="checkbox"/> Organic streaking in sandy soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explained in Remarks)
---	--

Remarks: Hydric; on transitional slope between Cove and Aloha soils.

WETLAND DETERMINATION

Hydrophytic vegetation present?	No	Is this sampling point within a wetland?	No
Wetland hydrology present?	No		
Hydric soils present?	Yes		

Remarks: On slope approximately 1 meter above Plot A1.

Approved by HQUSACE 3/92
WETLAND1.TEM

Data Form
Routine Wetland Determination
(1987 COE Wetlands Delineation Manual)

Project/Site: Lowery Property, Fanno Creek, Tigard WHP Project 4-2658-5021
 Applicant/Owner: Oregon Department of Transportation/METRO
 Investigator: Phil Quarterman

Date: 6/28/97
 County: Washington
 State: OR

Do normal circumstances exist on the site? Yes
 Is the site significantly disturbed (Atypical Situation?) No
 Is the area a potential Problem Area (If needed, explain on reverse)? No

Community ID:
 Transect ID: A
 Plot ID: 3

VEGETATION

Plant species	Stratum	WIS	%Cover Stratum	% Cover Overall	Plant species	Stratum	WIS	%Cover Stratum	% Cover Overall
<i>Rosa pisocarpa</i> *	Sh	FAC	80	80					
<i>Agrostis</i> sp. *	H	FAC to FACW	30						
<i>Festuca</i> sp. *	H	FAC- to FAC+	15	45					

* = Dominant. Percent of dominant species that are OBL, FACW, or FAC: 2 / 3 or 3 / 3 (67-100%)

Remarks: Area not heavily grazed. Festuca and Agrostis not sufficiently developed to identify to species.

HYDROLOGY

Recorded Data (Describe in Remarks):

- ☐ Stream, lake, or tide gauge
☐ Aerial photographs
☐ Other
☒ No recorded data available

Field Observations:

Depth of surface water N/A
 Depth to free water N/A
 Depth to saturated soil > 46 cm

Wetland Hydrology Indicators:

Primary Indicators:

- ☐ Inundated
☐ Saturated in upper 12 inches/30 cm
☐ Water marks
☐ Drift lines
☒ Sediment deposits
☐ Drainage patterns in wetlands

Secondary Indicators

- ☐ Oxidized root channels in upper 12 in/30 cm
☐ Water-stained leaves
☐ Local soil survey data
☐ FAC-neutral test
☐ Other (Explained in remarks)

Remarks: In shallow depression.

SOILS

Map unit name (Series and phase)		Cove silty clay loam		Drainage class	poorly
Taxonomy (subgroup)		Vertic Haplaquolls		Field observations confirm mapped type?	no

Profile description: Depth	Horizon	Matrix colors (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance/contrast	Texture, concretions, structure, et cetera
25 cm	A	10YR 4/2	10YR 4/3-4/4	many fine distinct	silt loam

Hydric Soil Indicators

<input type="checkbox"/> Histosol <input type="checkbox"/> Histic epipedon <input type="checkbox"/> Sulfidic odor <input type="checkbox"/> Aquic moisture regime <input checked="" type="checkbox"/> Reducing conditions <input checked="" type="checkbox"/> Gleyed or low chroma colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High organic content in surface layer in sandy soils <input type="checkbox"/> Organic streaking in sandy soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explained in Remarks)
---	--

Remarks: Hydric, but Indicators are weaker than at Plot A1.

WETLAND DETERMINATION

Hydrophytic vegetation present?	Yes	Is this sampling point within a wetland?	Yes
Wetland hydrology present?	Yes		
Hydric soils present?	Yes		

Remarks: Slightly higher than Plot A1; In floodplain.

Approved by HQUSACE 3/82
WETLAND1.TEM

**Data Form
Routine Wetland Determination
(1987 COE Wetlands Delineation Manual)**

Project/Site: Lowery Property, Fanno Creek, Tigard WHP Project 4-2658-5021
Applicant/Owner: Oregon Department of Transportation/METRO
Investigator: Phil Quarterman

Date: 6/28/97
County: Washington
State: OR

Do normal circumstances exist on the site? Yes
Is the site significantly disturbed (Atypical Situation?) No
Is the area a potential Problem Area (If needed, explain on reverse)? No

Community ID:
Transect ID: A
Plot ID: 4

VEGETATION

Plant species	Stratum	WIS	%Cover Stratum	% Cover Overall	Plant species	Stratum	WIS	%Cover Stratum	% Cover Overall
<i>Rubus discolor</i> *	Sh	FACU	40	40					
<i>Agrostis sp.</i> *	H	FAC to FACW	35						
<i>Festuca arundinacea</i> *	H	FAC-	50	85					

* = Dominant. Percent of dominant species that are OBL, FACW, or FAC: 1 / 3 = 33%

Remarks: Next to thick *Rubus discolor* stand.

HYDROLOGY

Recorded Data (Describe in Remarks):

- ☐ Stream, lake, or tide gauge
☐ Aerial photographs
☐ Other
☒ No recorded data available

Field Observations:

Depth of surface water N/A
Depth to free water N/A
Depth to saturated soil > 46 cm

Wetland Hydrology Indicators:

Primary Indicators:

- ☐ Inundated
☐ Saturated in upper 12 inches/30 cm
☐ Water marks
☐ Drift lines
☐ Sediment deposits
☐ Drainage patterns in wetlands

Secondary Indicators

- ☐ Oxidized root channels in upper 12 in/30 cm
☐ Water-stained leaves
☐ Local soil survey data
☐ FAC-neutral test
☐ Other (Explained in remarks)

Remarks: Moist but not saturated at 46 cm.

SOILS

Map unit name (Series and phase)		Cove silty clay loam		Drainage class	poorly
Taxonomy (subgroup)		Vertic Haplaquolls		Field observations confirm mapped type?	no

Profile description: Depth	Horizon	Matrix colors (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance/contrast	Texture, concretions, structure, et cetera
25 cm	A	10YR 4/2			silt loam

Hydric Soil Indicators

<input type="checkbox"/> Histosol <input type="checkbox"/> Histic epipedon <input type="checkbox"/> Sulfidic odor <input type="checkbox"/> Aquic moisture regime <input type="checkbox"/> Reducing conditions <input type="checkbox"/> Gleyed or low chroma colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High organic content in surface layer in sandy soils <input type="checkbox"/> Organic streaking in sandy soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explained in Remarks)
---	--

Remarks: No redox features present.

WETLAND DETERMINATION

Hydrophytic vegetation present?	No	Is this sampling point within a wetland?	No
Wetland hydrology present?	No		
Hydric soils present?	No		

Remarks: Natural levee area closer to creek.

Approved by HQUACE 3/92
WETLAND1.TEM

SOILS

Map unit name (Series and phase)		Cove silty clay loam		Drainage class	poorly
Taxonomy (subgroup)		Vertic Haplaquolls		Field observations confirm mapped type?	no
Profile description: Depth	Horizon	Matrix colors (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance/contrast	Texture, concretions, structure, et cetera
25 cm	A	10YR 4/1	2.5Y 5/4	many medium distinct	fine sandy loam
			2.5Y 5/6	many medium distinct	Mn concretions

Hydric Soil Indicators		
<input type="checkbox"/>	Histosol	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Histic epipedon	<input type="checkbox"/>
<input type="checkbox"/>	Sulfidic odor	<input type="checkbox"/>
<input type="checkbox"/>	Aquic moisture regime	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Reducing conditions	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Gleyed or low chroma colors	<input type="checkbox"/>
		Concretions
		High organic content in surface layer in sandy soils
		Organic streaking in sandy soils
		Listed on Local Hydric Soils List
		Listed on National Hydric Soils List
		Other (Explained in Remarks)

Remarks:	Colors mixed; hard to distinguish matrix from redox activity. Soil apparently once disturbed by sewer construction.
----------	---

WETLAND DETERMINATION

Hydrophytic vegetation present?	No	Is this sampling point within a wetland?	No
Wetland hydrology present?	No		
Hydric soils present?	No		
Remarks:			

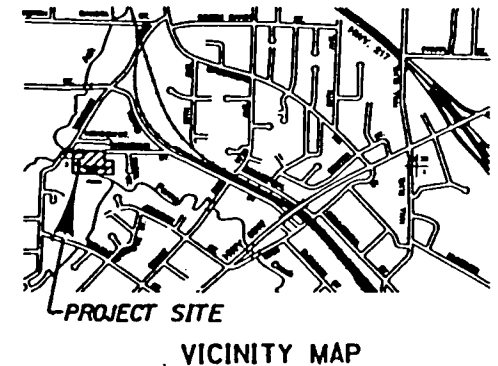
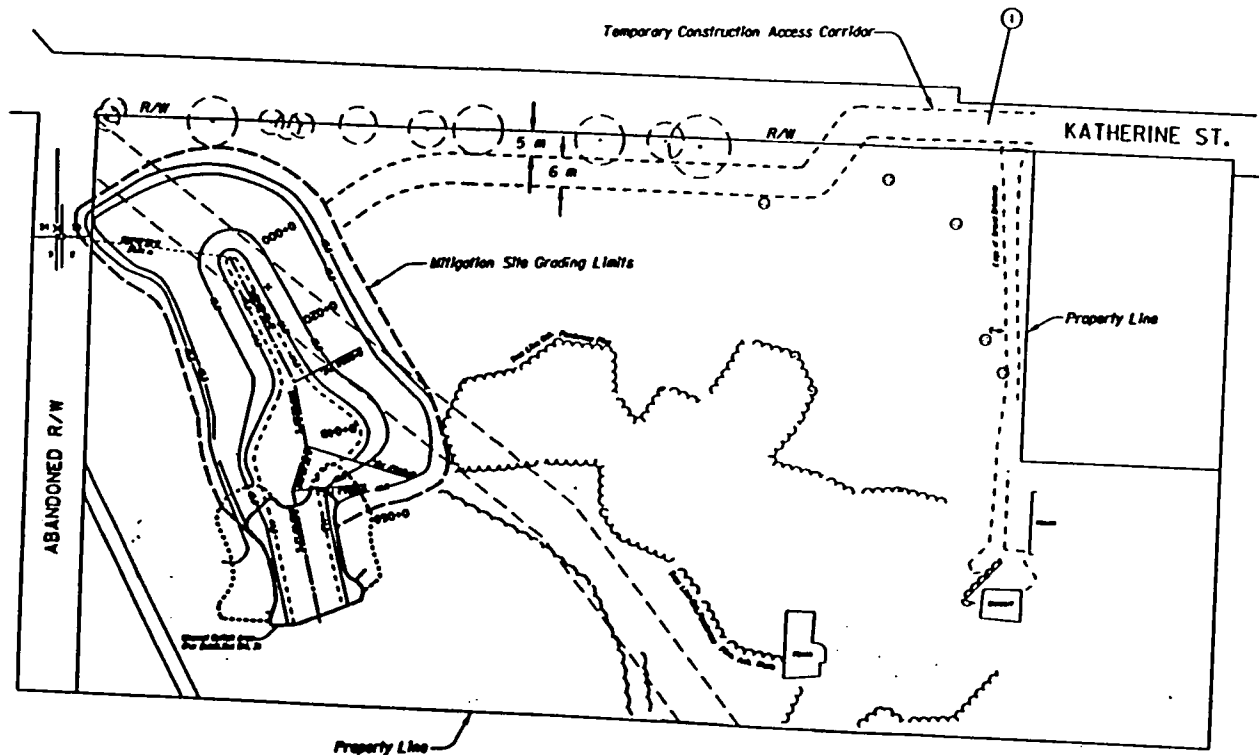
Approved by HQUSACE 3/92
WETLAND1.TEM

OFFSITE DEVELOPMENT WETLAND MITIGATION SITE CONSTRUCTION ACCESS

Sec. 35, T. 1S, R. 1W, W.M.
Sec. 2, T. 2S, R. 1W, W.M.

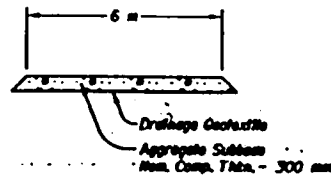
31V-XX

- ① Construct And Remove Temporary Construction Access Road (Corridor) To The Wetland Mitigation Site
Construct And Remove Access Corridor



CONSTRUCTION NOTE:

1. Area Outside Construction Access Corridor Will Be "No Work Area."



NOTE: Place Drainage Geotextile At Bottom Of Aggregate Subbase, Leaving Undisturbed Site Soils. Aggregate Subbase To Consist Of 100mm Minimum Crushed Material.

TEMPORARY CONSTRUCTION ACCESS CORRIDOR

			PACIFIC HWY. AT HWY. 212/KNOXWAY UNIT 12		SHEET NO.
			PACIFIC HWY. 12-53		
REGION 10 ONE CON DIVISION			PROJECT NUMBER		WI
Designed By: C. J. Davis Checked By: J. Davis			Drawn By: J. Davis		

OFFSITE DEVELOPMENT WETLAND MITIGATION GRADING PLAN

Sec. 35, T. 1S, R. 1W, W.M.
Sec. 2, T. 2S, R. 1W, W.M.

- ① Excavate Site Soil As General Excavation. Additional Grading Information Available In Electronic InRoads Format From ODOT Construction Managers Office. General Excavation - 3033 m³
- ② Place And Spread 100 mm Depth Of Compost Soil Amendment. Compost Soil Amendment - 80 m³
- ③ Protect Area Outside Grading Limits Against Erosion Control As Specified In Section 00280.
- ④ Provide Erosion Control Protection At The Channel Outfall And Fanno Creek. See Special Provisions For Wetland Erosion Control. Wetland Erosion Control
- ⑤ Install Supported Sediment Fence. Sediment Fence - 104 lm

LEGEND

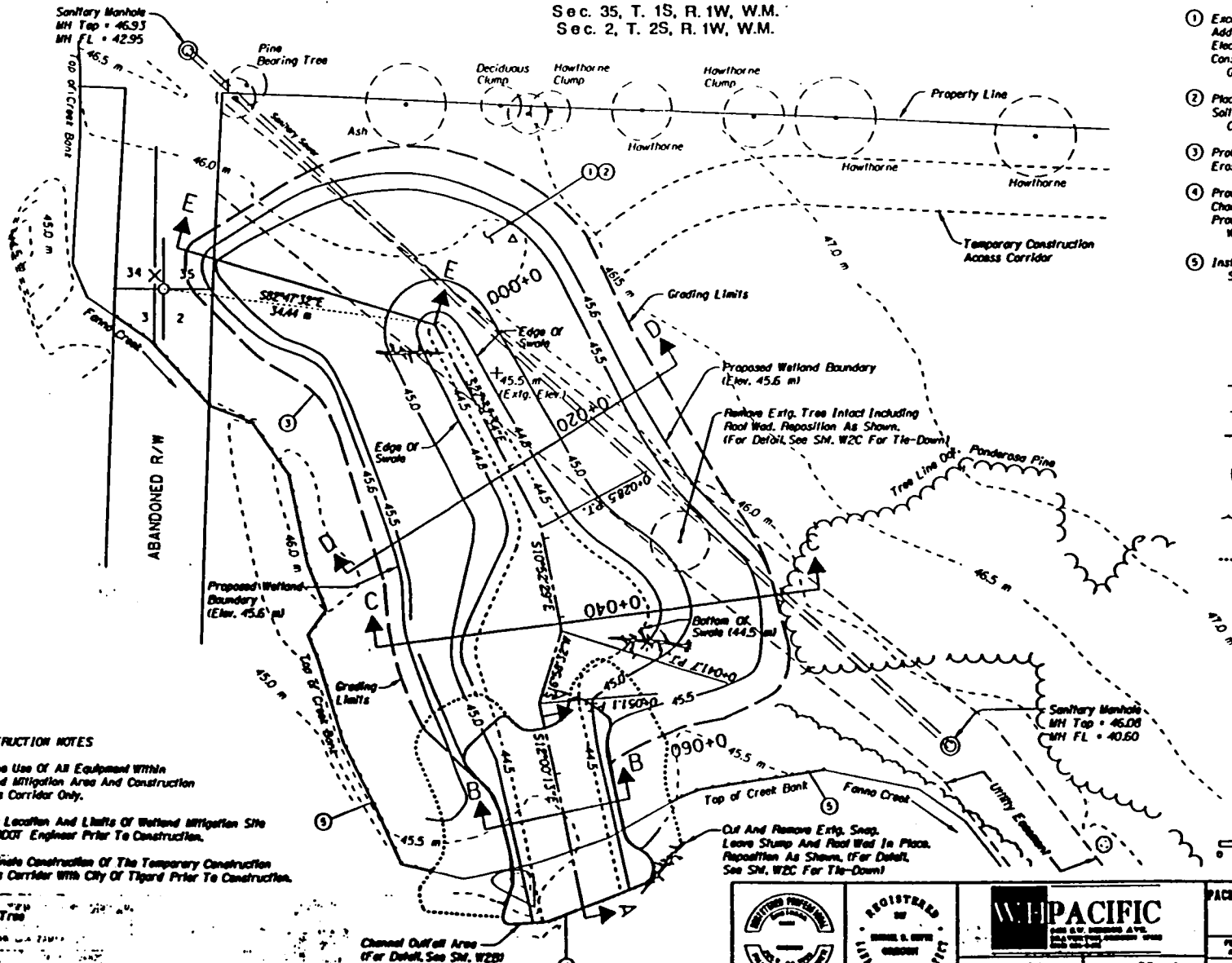
- 45.0 — Proposed Contours
- 45.0 - Existing Contours
- - - Proposed Wetland Boundary
- (•) Protected Existing Tree, Unless Otherwise Noted
- ~~~~~ Protected Existing Vegetation, Unless Otherwise Noted
- Channel Outfall Clearing Limits

CONSTRUCTION NOTES

Confine Use Of All Equipment Within Wetland Mitigation Area And Construction Access Corridor Only.

Verify Location And Limits Of Wetland Mitigation Site With ODOT Engineer Prior To Construction.

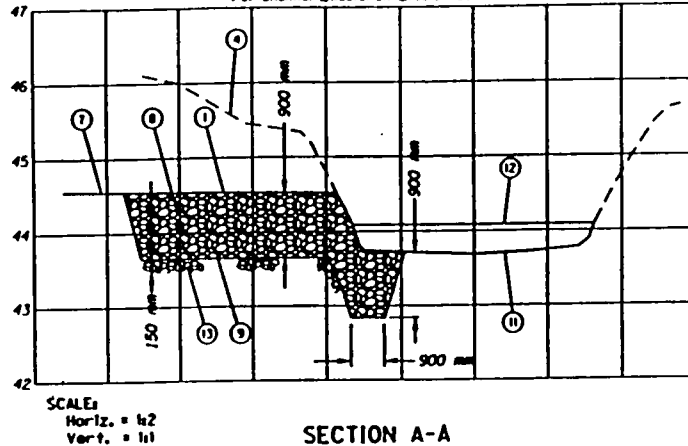
Coordinate Construction Of The Temporary Construction Access Corridor With City Of Tigard Prior To Construction.



PACIFIC HWY. AT HWY. 217/KNIBBWAY (UNIT 1)		PACIFIC HWY. 0-54	
CLATSOP AND WASHINGTON COUNTIES		PROJECT NUMBER	
FEDERAL HIGHWAY DISTRICT 10	REGION 10	PROJECT NUMBER	00000
OREGON DIVISION	DIVISION	PROJECT NUMBER	00000
SHEET NO.		W2	

OFFSITE DEVELOPMENT WETLAND GRADING SECTIONS

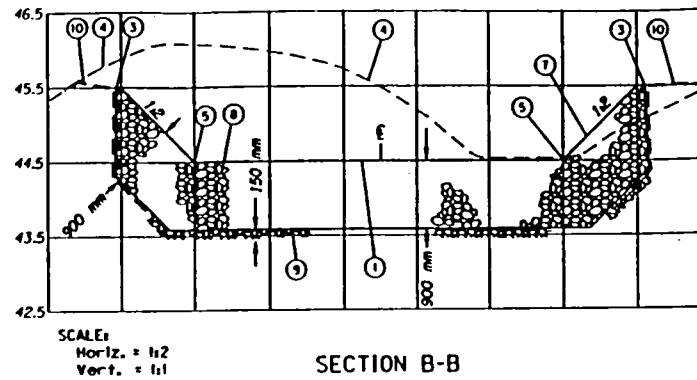
NOTE: See Special Provisions Section 00330.411(F)(B) For Channel Excavation Erosion Control



SECTION A-A

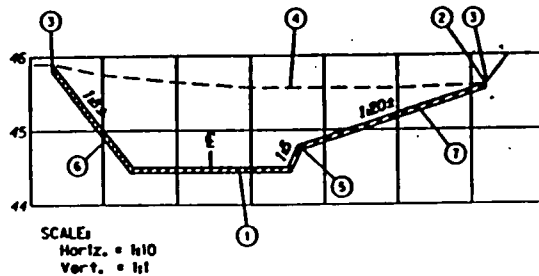
CONSTRUCTION NOTES

- *Provide And Install Loose Riprap, Class 100 And Filter Blanket Per ODOT Spec. 02330.
- *Erosion Control Fabric To Be Biodegradable Coconut Matrix Type With Biodegradable Natural Netting. See SMI.W2B And Special Provisions.
- *Seed And Muck Prior To Placing Fabric.

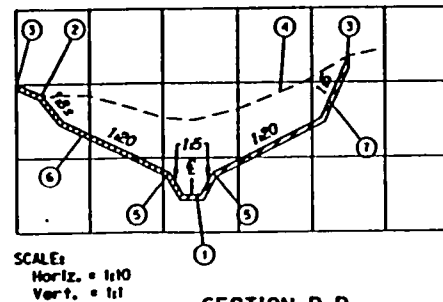


SECTION B-B

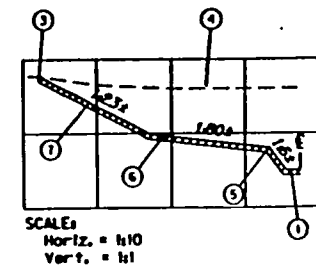
- 1 Bottom Of Proposed Swale Elevation 44.5
- 2 Proposed Wetland Boundary (Approx.) Elevation 45.6
- 3 Grading Limits
- 4 Approx. Existing Ground
- 5 Edge Of Swale
- 6 100 mm Depth Of Compost Soil Amendment
- 7 Proposed Finished Grade
- 8 Loose Riprap, Class 100, See Construction Notes. Loose Riprap, Class 100 - 355 m³
- 9 Provide And Place Filter Blanket Over 100 mm Minus Stone. See Construction Notes. Filter Blanket - 505 m²
- 10 Provide And Place Erosion Control Fabric At The Top Of Channel Outfall Banks. See Const. Notes. Erosion Control Fabric - 453 m²
- 11 Channel Bottom (Fanno Creek)
- 12 Ordinary Low Water Elevation 44.1
- 13 Provide And Place 100 mm Minus Filter Blanket Drain Rock. See Construction Notes. Filter Blanket Drain Rock - 59 m³



SECTION C-C



SECTION D-D

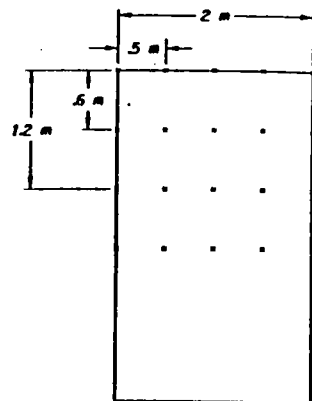


SECTION E-E

			PACIFIC HWY. AT HWY. 317/KINGSEY CREEK 11 PACIFIC HWY. 317 CLACKAMAS AND WASHINGTON COUNTIES	
			REGION 10 DIVISION	PROJECT NUMBER
Designed By: C. B. BROWN Checked By: J. B. BROWN		Drawn By: J. B. BROWN	SHEET NO. W2A	

OFFSITE DEVELOPMENT WETLAND CONSTRUCTION DETAILS

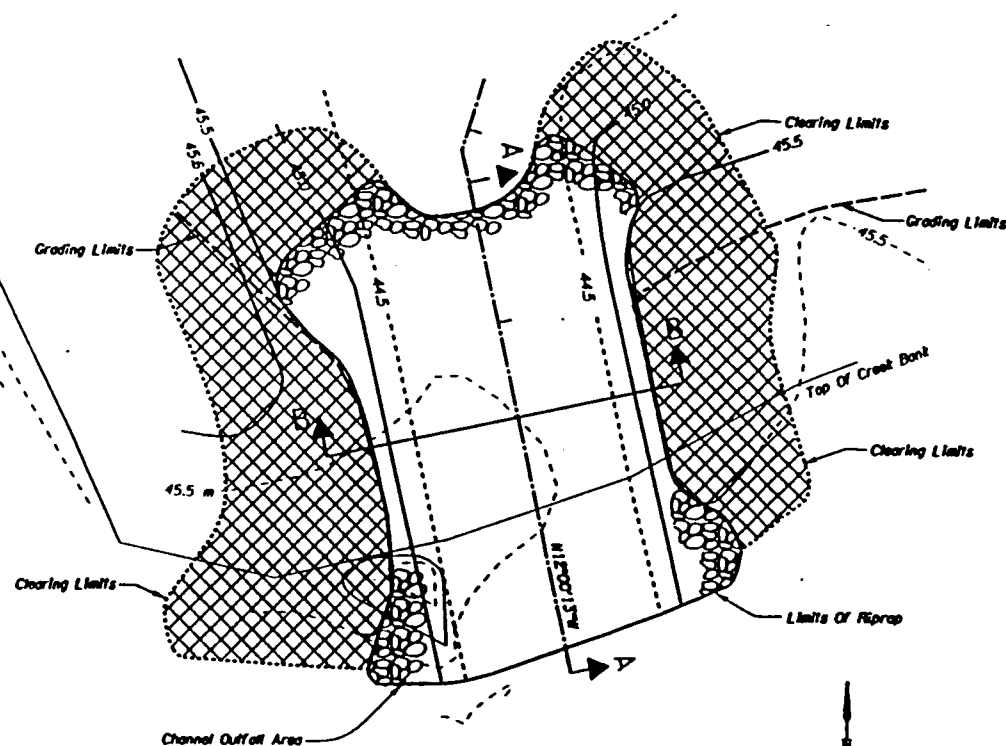
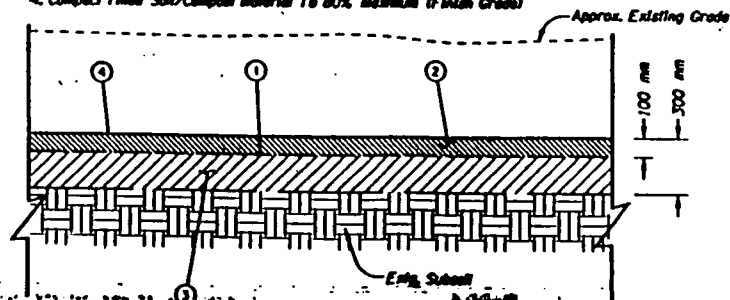
31V-XX



EROSION CONTROL FABRIC STAPLE PATTERN

NOTES:

1. Overexcavate 100 mm To Initial Grade
2. Place 100 mm Depth Of Compost Soil Amendment Overlap Existing Soil.
See Special Provisions For Soil Compost Amendments
3. Till Compost Soil Amendment And Site Soil To A 300 mm Depth
4. Compact Tilled Soil/Compost Material To 80% Maximum (Finish Grade)

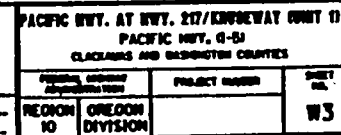


- XXXXXX Erosion Control Fabric
- XXXXXX Loose Riprap, Class 100



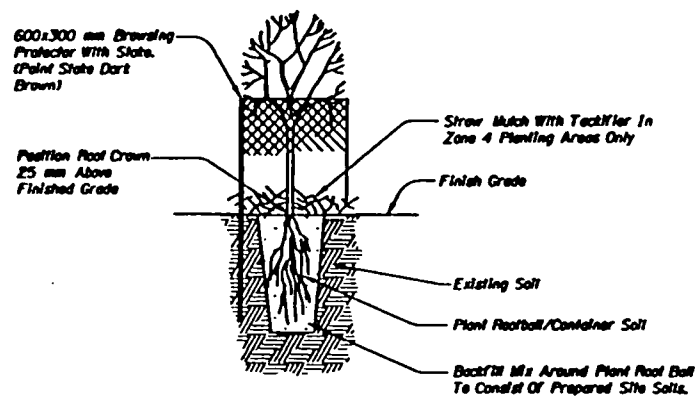
PACIFIC HWY. AT HWY. 217/KIMBREW CUNT 1)		PACIFIC HWY. (1-5)	
CLATSOP AND WASHINGTON COUNTIES		PROJECT NUMBER	
REGION 10	OREGON DIVISION	SHEET NO. W28	

Sec. 35, T. 1S, R. 1W, W.M.
Sec. 2, T. 2S, R. 1W, W.M.

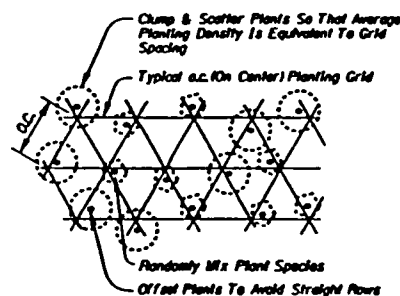


OFFSITE DEVELOPMENT PLANTING DETAILS

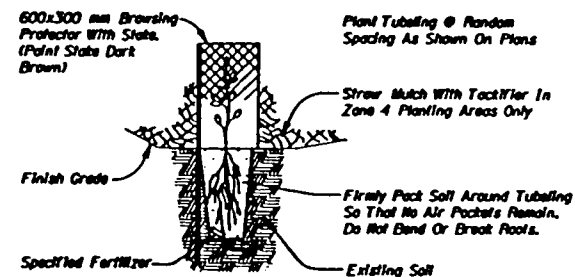
31V-XX



No. 5 CONTAINER PLANTING



SHRUB / HERBACEOUS
RANDOM PLANTING PATTERN



TUBELING PLANTING

NOTE: Browsing Protectors On 525 cm3 Tubelings Only



Designed By **Colleen**
Checked By **ALAN**

Drawn By **E.D.M.**

PACIFIC HWY. AT HWY. 317/KNUDWAY CUNT 17
PACIFIC HWY. 0-51
CLACKAMAS AND WASHINGTON COUNTIES

REGION 10
OREGON DIVISION

PROJECT NUMBER

SHEET NO.

W4

OFFSITE DEVELOPMENT WETLAND PLANT LIST

BOTANICAL NAME	COMMON NAME	GRADE CLASS	PLANT TYPE	SPACING	PLACEMENT IN ZONE	TOTAL
ZONE 1 - PALUSTRINE EMERGENT (See Note 1)						
Herbaceous						
<i>Carex obnupta</i>	Slough sedge		T1		Bottom Of Swale	300
<i>Scirpus acutus</i>	Hard-stem bulrush		R2		Bottom Of Swale	300
<i>Scirpus microcarpus</i>	Small-fruited bulrush		T1	500 mm a.c.	Bottom Of Swale	300
<i>Sagittaria arifolia</i>	Common burreed		T1	Irregularly Group	Bottom Of Swale	300
<i>Carex diandra</i>	Dense sedge		T1	For Natural Appearance		370
<i>Carex rostrata</i>	Beaked sedge		T1			370
<i>Carex stipitata</i>	Sawbeak sedge		T1		Remainder Of Zone	370
<i>Juncus acuminatus</i>	Taper-flr rush		T1			370
<i>Juncus effusus</i>	Soft rush		T1			370
ZONE 2 - PALUSTRINE SHRUB/FORESTED						
Trees						
<i>Fraxinus latifolia</i>	Oregon ash		No. 5 Container	5 m a.c.	Throughout Zone 2 See Note 3	55
Shrubs (See Note 2)						
<i>Quercus elaeagnifolia</i>	Red-oak dogwood		T2		Throughout Zone 2	175
<i>Physocarpus opulifolius</i>	Pacific ninebark		T2		Upper Third Of Zone 2	42
<i>Salix elaeagnifolia</i>	Piper willow		T2	Clump 4 Plants 500 mm a.c.	Throughout Zone 2	175
<i>Salix lasiolepis</i>	Scrub willow		T2	Specs Clumps 3 m a.c.	Upper Third Of Zone 2	42
<i>Salix elaeagnifolia</i>	Sitka willow		T2		Throughout Zone 2	175
Herbaceous						
<i>Carex diandra</i>	Dense sedge		T1		Lower Half Of Zone 2	1680
<i>Carex hendersonii</i>	Henderson's sedge		T1	500 mm a.c.	Upper Half Of Zone 2	1680
<i>Juncus effusus</i>	Soft rush		T1		Throughout Zone 2	3360
ZONE 3 - RIPARIAN FOREST; ZONE 4 - RIPARIAN RESTORATION						
Trees						
<i>Fraxinus latifolia</i>	Oregon ash		No. 5 Container		Throughout Zones 3 & 4	82
<i>Populus trichocarpa</i>	Black cottonwood		No. 5 Container	4 m a.c. See Note 3	Throughout Zones 3 & 4	82
<i>Quercus agrifolia</i>	Oregon white oak		No. 5 Container		Throughout Zone 4	82
Shrubs						
<i>Quercus agrifolia</i>	Black hawthorn		T2			600
<i>Physocarpus opulifolius</i>	Pacific ninebark		T2	Clump 4 Plants 500 mm a.c.	Throughout Zones 3 & 4	600
<i>Rosa glauca</i>	Clustered rose		T2	Specs Clumps 2 m a.c.		600
<i>Symphoricarpos alba</i>	Snowberry		T2			600
Herbaceous						
<i>Carex diandra</i>	Dewey's sedge		T1	Clump 4 Plants 500 mm a.c.	Zone 3 Only	4560
<i>Carex hendersonii</i>	Henderson's sedge		T1	Specs Clumps 1 m a.c.	Throughout Zones 3 & 4	2110
<i>Tallium grandiflorum</i>	Frigatecup		T1		Throughout Zone 4	2400
SEEDING						
	Mix "A" (Wetland Seed)				Seed Open Areas Of Zone 1 Only	325 m ²
	Mix "B" (Erosion Control)				Zone 3	1133 m ²
	Mix "B" (Groundcover)				Zone 4, In Areas Of Invasive Plant Removal	750 m ²

NOTES:

See "American Standard For Nursery Stock" (ANSI 260.1-1996) For Minimum Plant Quantity Standards.

1.) Leave 30% Of Zone 1 Open For Seeding Mix A, As Directed By ODOT Environmental Services. See Seeding Note On The Plant List.

2.) Shrub Coverage Of Zone 2 To Equal 70% Of Plantable Surface Area, And Herbaceous Plant Coverage Of Zone 2 To Equal 100% Of Plantable Surface Area.

3.) Do Not Plant Within 2 m Of Existing Sanitary Sewer Line.

PLANT TYPE KEY

R2 = Palustrine

T1 = Tubelings (Container) 165 cm³T2 = Tubelings (Container) 525 cm³

PACIFIC HWY. AT HWY. 27/KNOWLEDGE (UNIT 1)		
PACIFIC HWY. (I-5)		
CLATSOP AND WASHINGTON COUNTIES		
FEDERAL HIGHWAY DISTRICT	PROJECT NUMBER	SHEET NO.
REGION 10	OREGON DIVISION	W5

EXHIBIT E

**Metro Easement Policy and
Metro Resolution No. 97-2539B**

I HEREBY CERTIFY THAT THE FOREGOING
IS A COMPLETE AND EXACT COPY OF THE
ORIGINAL THEREOF.

Rebecca V. Shoemaker, Archivist
Clerk of the Metro Council

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING GENERAL)
POLICIES RELATED TO THE REVIEW OF)
EASEMENTS, RIGHT OF WAYS, AND LEASES)
FOR NON-PARK USES THROUGH PROPERTIES)
MANAGED BY THE REGIONAL PARKS AND)
GREENSPACES DEPARTMENT.)

RESOLUTION NO. 97-2539B

Introduced by
Mike Burton, Executive Officer

WHEREAS, Metro currently owns and manages more than 6,000 acres of regional parks, open spaces, natural areas, and recreational facilities; and

WHEREAS, additional lands are being acquired through the Open Space, Parks, and Streams Bond Measure, approved by voters in May of 1995; and

WHEREAS, the primary management objectives for these properties are to provide opportunities for natural resource dependent recreation, protection of fish, wildlife, and native plant habitat and maintenance and/or enhancement of water quality; and

WHEREAS, Metro will be approached with proposals to utilize regional parks, open spaces, natural areas, and recreational facilities property for utility, transportation, and other non-park purposes; and

WHEREAS, Metro seeks to insure that these uses have no negative impact upon the primary management objectives of Metro Regional Parks and Greenspaces properties; and

WHEREAS, it would be in Metro's best interest to provide for the orderly evaluation and consideration of proposals to utilize portions of Metro Regional Parks and Greenspaces properties for utility, transportation and other non-park uses; NOW THEREFORE,

BE IT RESOLVED, that the Metro Council hereby adopts the policy attached as Exhibit "A" for any and all requests related to formal proposals for the use of Metro Regional Parks and Greenspaces properties for the purposes noted therein.

ADOPTED by the Metro Council this 6th day of November, 1997.

Jon Kvistad
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Charmelle
Recording Secretary

Daniel B. Cooper
Daniel B. Cooper, General Counsel

Exhibit "A"

METRO POLICY RELATED TO THE REVIEW OF EASEMENTS, RIGHT OF WAYS, AND LEASES FOR NON-PARK USES

Metro owns and manages , either on its own or in partnership with other government and private entities, several thousand acres of regional parks, open spaces, natural areas and recreational facilities. These facilities are maintained to promote and preserve natural resources and recreational opportunities for the public consistent with the Greenspaces Master Plan adopted by the Metro Council in 1992, the Open Spaces Bond Measure approved by the voters in 1995 and other restrictions limiting the uses of specific properties in existence at the time of its acquisition by the public. Nothing in this policy shall be construed to allow these facilities to be used in any manner which detracts from this primary purpose. This policy is written from the perspective of Metro as the property owner, however, in those cases in which Metro co-owns a property with other entities, all decisions concerning the use of the property in question will be fully coordinated with the other owners. In addition, all new development and all proposed work within Water Quality Resource Areas or other environmentally sensitive work will be conducted in accordance with Metro or local government policies, to include where appropriate, application for permits and completion of environmental reviews. In event that local government policies are less restrictive than the Metro Model ordinances, Metro will apply the more restrictive Metro policies.

Regarding requests for easements, right of ways, and leases for non-park uses in Metro owned or managed regional parks, natural areas or recreational facilities, it is Metro's policy to:

- 1) Provide for formal review of all proposed easements, right of ways, and leases for non-park, uses by the Regional Parks and Greenspaces Advisory Committee, the Regional Facilities Committee and the full Council. Notwithstanding satisfaction of the criteria set forth herein, the final determination of whether to approve a proposed easement, right of way, or lease is still subject to the review and approval by the full Metro Council.**
- 2) Prohibit the development of utilities, transportation projects and other non-park uses within corridors or on sites which are located inside of Metro owned or managed regional parks, natural areas, and recreational facilities except as provided herein.**
- 3) Reject proposals for utility easements, transportation right of ways and leases for non-park uses which would result in significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management.**
- 4) Accommodate utility easements, transportation right of ways or other non-park uses when the Regional Parks and Greenspaces Department (the Department) determines that a proposed easement, right of way or non-park use can be accommodated without significant impact to**

natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and that the impacts can be minimized and mitigated.

- 5) Require full mitigation and related maintenance, as determined by the Department, of all unavoidable impacts to natural resources, recreational facilities, recreational opportunities or their operation and management associated with the granting of easements, right of ways, or leases to use Metro owned or managed regional parks, natural areas or recreational facilities for non-park uses.
- 6) Limit rights conveyed by easements, right of ways, and leases for non-park uses to the minimum necessary to reasonably accomplish the purpose of any proposal.
- 7) Limit the term of easements, right of ways and leases to the minimum necessary to accomplish the objectives of any proposal.
- 8) Require "reversion", "non-transferable" and "removal and restoration" clauses in all easements, right of ways and leases.
- 9) Fully recover all direct costs (including staff time) associated with processing, reviewing, analyzing, negotiating, approving, conveying or assuring compliance with the terms of any easement, right of way, or lease for a non-park use.
- 10) Receive no less than fair market value compensation for all easements, right of ways, or leases for non-park uses. Compensation may include, at the discretion of the Department, periodic fees or considerations other than monetary.
- 11) Require full indemnification from the easement, right of way or lease holder for all costs, damages, expenses, fines or losses related to the use of the easement, right of way or lease. Metro may also require appropriate insurance coverage and/or environmental assurances if deemed necessary by the Office of General Counsel.
- 12) Limit the exceptions to this policy to: grave sales, utilities or transportation projects which are included in approved master/management plans for Metro regional parks, natural areas and recreational facilities; projects designed specifically for the benefit of a Metro regional park, natural area, or recreational facility; or interim use leases as noted in the Open Spaces Implementation Work Plan.
- 13) Provide for the timely review and analysis of proposals for non-park uses by adhering to the following process:
 - a) The applicant shall submit a detailed proposal to the Department which includes all relevant information including but not limited to: purpose, size, components, location, existing conditions, proposed project schedule and phasing, and an analysis of other alternatives which avoid the Metro owned or managed regional park, natural area or recreational facility which are considered infeasible by the applicant. Cost alone shall not constitute infeasibility.

b) Upon receipt of the detailed proposal, the Department shall determine if additional information or a Master Plan is required prior to further review and analysis of the proposal. For those facilities which have master plans, require that all proposed uses are consistent with the master plan. Where no master plan exists all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.

c) Upon determination that the necessary information is complete, the Department shall review and analyze all available and relevant material and determine if alternative alignments or sites located outside of the Metro owned or managed regional park, natural area, or recreational facility are feasible.

d) If outside alternatives are not feasible, the Department shall determine if the proposal can be accommodated without significant impact to park resources, facilities or their operation and management. Proposals which cannot be accommodated without significant impacts shall be rejected. If the Department determines that a proposal could be accommodated without significant impacts, staff shall initiate negotiations with the applicant to resolve all issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. The Department shall endeavor to complete negotiations in a timely and business-like fashion.

e) Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval as noted in item "1" above. In no event shall construction of a project commence prior to formal approval of a proposal.

f) Upon completion of all Metro tasks and responsibilities or at intervals determined by the Department, and regardless of Metro Council action related to a proposed easement, right of way or lease for a non-park use, the applicant shall be invoiced for all expenses or the outstanding balance on expenses incurred by Metro.

g.) Permission from Metro for an easement or right-of-way shall not preclude review under applicable federal, state or local jurisdiction requirements.

REGIONAL PARKS AND GREENSPACES STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 97-2539A FOR THE PURPOSE OF APPROVING GENERAL POLICIES RELATED TO GRANTING OF EASEMENTS, RIGHT OF WAYS, LEASES AND LICENSES FOR NON-PARK USES THROUGH PROPERTIES MANAGED BY THE REGIONAL PARKS AND GREENSPACES DEPARTMENT.

Date: July 29, 1997

Presented by:
Charles Ciocko, Director
Regional Parks and Greenspaces

FACTUAL BACKGROUND AND ANALYSIS:

Metro through its Regional Parks and Greenspaces Department, currently owns and manages over 3,000 acres of regional parks, open spaces, natural areas, and recreational facilities. The primary management objectives for these lands is the provision of natural resource dependent recreation opportunities; protection of fish, wildlife and native plant habitat and the maintenance and/or enhancement of water quality.

From time to time, the Regional Parks and Greenspaces Department is approached with proposals to utilize portions of properties for non-park purposes, such as utilities, transportation components, cell phone towers etc. Currently, there is no policy to guide the review, analysis or authorization of uses which are unrelated to the primary management objectives.

The purpose of the proposed resolution is to create policy which will guide staff in responding to proposals for non-park uses.

Highlights of the proposed policy include:

- Formal review and approval of proposals by the Regional Parks and Greenspaces Advisory Committee, Regional Facilities Committee and full Council.
- Requires development of non-park uses outside of Regional Parks and Greenspace properties whenever feasible except when determined that the proposal use can be accommodated without significant impact.
- Requires full mitigation of all unavoidable impacts.
- Requires reimbursement of all costs associated with review, analyses and authorization for use.
- Requires receipt of not less than fair market value for all non-park uses.
- Requires full indemnification for Metro and insurance, if appropriate.
- Establishes limitations on exceptions.
- Establishes process for timely review, analysis and resolution of all proposals.

The Regional Parks and Greenspaces Advisory Committee considered this issue at their July 1, 1997 meeting and recommends its adoption.

BUDGET IMPACT:

The proposed policy requires receipt of not less than fair market value for non-park uses and reimbursement of all costs incurred by Metro thereby eliminating the potential of subsidizing uses which are inconsistent with the primary management objectives of Regional Parks and Greenspaces properties.

A Regional Parks and Greenspaces staff member will be present to answer any questions by Council regarding this policy.

EXECUTIVE OFFICER'S RECOMMENDATION:

The Executive Officer recommends adoption of Ordinance No. 97-2539A.

REGIONAL PARKS AND GREENSPACES STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2816 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TIGARD TO MANAGE THE PROPERTY IN THE FANNO CREEK GREENWAY TARGET AREA

Date: June 16, 1999

Presented by: Heather Nelson Kent

Proposed Action

Resolution No. 99-2816 requests authorization for the Executive Officer to execute an intergovernmental agreement (IGA) with the City of Tigard for management, maintenance and operations responsibilities for the Lowery property.

Background and Analysis

In 1995 voters approved the Open Spaces, Parks and Streams bond measure, authorizing Metro to purchase property in the Fanno Creek Greenway. On June 9, 1997, Metro purchased property from the Lowery family, located in the Fanno Creek Greenway. Adjacent to the property, the City of Tigard owns and operates an existing park, Woodard Park. The City of Tigard initiated a master planning process to determine appropriate future use of the existing Woodard Park including Metro's adjacent acquisition. The City did not include the home located on the Lowery property as part of the planning area.

After input from area residents, the Tigard City Council approved the Woodard Park Concept Plan on March 2, 1999. Under the proposed IGA, the City of Tigard commits that the Lowery property be integrated with the rest of Woodard Park and that the entire park be managed consistent with the adopted Woodard Park Concept Plan, the Metro Open Spaces Bond Measure and the Metro Greenspaces Master Plan. The home, access drive and area immediately around the home would remain the responsibility of Metro (see legal description for details). In addition, the Woodard Park Concept Plan provides for the potential creation of improved wetland habitat through an agreement with ODOT for a wetland mitigation project on the Lowery property. The ODOT wetland mitigation project will require a perpetual easement encumbering that portion of the Property enhanced by ODOT. The terms of the easement will be subject to Metro's approval.

The Open Spaces, Parks and Streams bond measure encourages cooperative arrangements with other park providers, and does not provide any funds for operating expenses of open space property. The proximity of the Property to other City of Tigard park property makes management of the site more efficient, and therefore appropriate,

for the City of Tigard, rather than Metro. Under this agreement, the Lowery property is more likely to become available for public use and benefit at an earlier date than if Metro retains all operations and management responsibilities and the property is landbanked for an indefinite period of time. The Intergovernmental Agreement will relieve Metro of management costs, other than management and maintenance of the house, while fulfilling acquisition objectives related to the protection of regionally significant open spaces.

Budget Impact

The City of Tigard would become responsible for the management, maintenance and operation of the Property. This would reduce Metro's land-banking costs and future operation and maintenance expenses.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 99-2816.

Today I would like to introduce to the Council the seven citizen members of the Metro North Portland Enhancement Committee.

This committee awarded \$104,019 to 28 project this year, bringing the total grant awards to \$1,448,383 to 238 projects.

- Gary Boehm, Cathedral Park, is owner of Designed Litho Images, president of the St. Johns Boosters, and co-director of the Cathedral Park Jazz Festival.
- Lynn Taylor comes to the committee with over 12 years in the neighborhood. She was a consulting teacher at John Ball Elementary School for 10 years, and is now an Instructional Specialist for Portland Special Education teachers. She also works part-time as a realtor in North Portland, as well as being a board member of the Peninsula Community Development Corporation..
- Sheryl Butler, Portsmouth, is a computer consultant working with the Housing Authority of Portland at Columbia Villa/Tamaracks. She is a former teacher and past president of the John Ball School Parent-Teacher Association.
- Selena Mason lives in Kenton and has been very active in Project Network. She has also worked with the Boys & Girls Aid Society and Parent Child Services, Inc.
- Judy Chambers has been a resident of University Park for over 33 years and is currently on the board of directors for the Multnomah Education Service District. She has been involved for many years in the Peninsula School and Roosevelt High school budget committees.
- Trevor Nelson recently purchased a home in St. Johns and is actively involved in St. Johns 21st Century Steering Committee. He is an architect interested in urban design, and is currently on the AIA Urban Design Committee.
- Jim Bennett, from Overlook, is active in the Overlook Neighborhood Association and the Swan Island Air Shed Committee.

Gary Boehm and Lynn Taylor will make the committee's presentation to the Council

NORTH PORTLAND ENHANCEMENT GRANTS 1999-2000
Final Award of NPEC Grants

	NAME & ADDRESS	DESCRIPTION	FINAL AWARDS
1	40 Mile Loop Land Trust 2828 SW Corbett Portland, OR 97201 Bob Akers 289-9474 & 665-5519	Stewardship of the Peninsula Crossing Trail requests, a newly formed organization requests funds to file as non-profit, to conduct feasibility study and promotional celebration event to increase public awareness.	\$1,700
2	Bethel Neighborhood Drop-In Center 5658 N. Denver Portland, OR 97217 Pastor Glenn Chase 285-4919	Funds are requested to expand the Summer Drop in program to run July 5-August 13 five days a week from 9:00 to 3:00pm	\$4,383
3	Celebration Tabernacle 8139 North Denver Portland, OR 97217 Echo Leighton 286-6439	Funds to support Fridays Enterprises whose goal is to train and employ single mothers and fathers in skills needed in the community at large. Requested funds to increase training in food service and culinary arts.	\$8,000
4	Community Cycling Center 2407 NE Alberta Portland, OR 97211 Ira Grishaver 288-8864	Support for the 1999 Summer Rides Program that trains youth in basic bike repair, safety, and provides supervised on street rides through communities.	\$2,500
5	Community Energy Project, Inc. P. O. Box 12272 Portland, OR 97212 Leah Dirksen 284-6827	Funds to support the Senior Weatherization Program by purchasing weatherization materials for 20 homes for income qualified seniors or disabled citizens.	\$3,500
6	Foundation for Social Resources 4029 Westerly Place Suite 101 Newport Beach, CA 92660 Paul Shapiro 949-253-3120	Funds to establish a learning center that will offer free after-school educational programs to at-risk children and provide a site for a wide range of programs and services.	\$7,500
7	Friends of Columbia Park 4339 N. Lombard Portland, OR 97203 Bill Minard 735-1537	Funds to replace fourteen old wooden windows in Columbia Cottage Facility.	\$8,000

NORTH PORTLAND ENHANCEMENT GRANTS 1999-2000
Final Award of NPEC Grants

	NAME & ADDRESS	DESCRIPTION	FINAL AWARDS
8	Golden Harvesters Inc 6825 N Willamette Portland, OR 97203 Donna Scroggins 286-0750	They will use grant monies to aid in their effort to secure more protein-enriched food by going to schools, hospitals, restaurants and others. Grant will pay for containers, new workbench, transportation costs and dishwasher.	\$3,000
9	Graffiti Nemesis of St. Johns 5617 N Bowdoin Street Portland, OR 97203 Brenda Richards 283-5390	Funds to pay the cost of graffiti removal supplies, phone, transportation, and other supplies needed to remove graffiti.	\$4,000
10	Housing Authority of Portland 135 S.W. Ash Street 3 rd Floor Portland, OR 97204-3540 Paul St. John Parker (503) 802-8492	Funds are needed to update computers at Columbia Villa/Tamarack Computer Learning Center (CVT CLC) and make them Y2K compatible.	\$6,211
11	Interstate Little League P. O. Box 17643 Portland, OR 97217 Debby Boekeloo 289-0659	Grant to buy storage containers for the 5 different fields to store equipment needed for the teams and maintenance of the individual diamonds.	\$3,090
12	Janus Youth Programs, Inc. 707 NE Couch Portland, OR 97232 Doug Pullin 232-0191	Funds to continue Janus' Columbia Villa/Tamarack Youth Advancement Program by meeting the needs of youth before and after school at the program site in Columbia Villa/Tamarack and directly in the children's public grade and middle schools and in their homes.	\$4,641
13	Kenton Action Plan Festival PO Box 17506 Portland, OR 97217-0506 David R. Eatwell 289-6693	Neighborhood Festival in Kenton Park, on August 28 requests funds to provide professional services to coordinate and promote the event. This event combines Kenton Street Fair and the July 4 th Concert.	\$1,550
14	North Portland Alano Association 8926 N Lombard Portland, OR 97203 Ed Bernadino 283-7898	Funds are requested to refurbish their community room and replacement of booths and furniture to increase "drop-in" visits and increase attendance at regular 12-step meetings.	\$2,004

NORTH PORTLAND ENHANCEMENT GRANTS 1999-2000
Final Award of NPEC Grants

	NAME & ADDRESS	DESCRIPTION	FINAL AWARDS
15	North Portland Music Academy 2201 N. Portland Blvd. Portland, OR 97217 Dana Canary 282-5881	Support for youth to learn music theory, singing and instrumental music for 8 Wednesdays in July and August	\$1,395
16	North Portland Neighborhood Services 2410 N Lombard Portland, OR 97211 Tom Griffin-Valade 823-4524	Funds to host the 1999 fall Network North Portland Conference and scholarships for three citizen leaders to participate in the Neighborhoods USA 2000 national conference in Phoenix, AZ	\$3,900
17	North Portland Youth and Family Center/Delaunay Family of Services/Unity Inc. 5139 N Lombard Portland, OR 97203 Diane Feldt 285-0627	Funds to partially pay for renovation plan for the Group Challenge course including redesign and construction costs and training for facilitators. Group Challenge provides prevention and intervention services to families with children prenatal to 18.	\$1,500
18	Peninsula Children's Center 4720 North Maryland Avenue Portland, OR 97217 Marcia A. Mulvey 280-0534	Early Childhood Literacy Project requests funds to continue training parents and child care providers on appropriate literature, materials and purchase books for "Take a Book Home"	\$1,000
19	Peninsula Community Development Corporation 9025 N. Dana Avenue Portland, OR 97203 Wendy Grady (286-4482) (503) 283-1096 FAX: 283-1557 e-mail: info@peninsulacdc.org	Columbia Park Playground Improvement Project requests funds to purchase playground equipment for children the ages of 1-6, and to improve existing equipment, remove unsafe equipment and improve appearance and safety	\$10,000
20	Peninsula Senior Center 7508 North Hereford Portland, OR 07203 Joyce McLaughlin 289-8208	Funds to pay for the Center's foot clinics.	\$1,380
21	Portland Area Council of Camp Fire 619 SW 11 th Ave. Suite 200	Funds to support a Hispanic Program at Ockley Green Middle School and Kenton Elementary	\$3,500

NORTH PORTLAND ENHANCEMENT GRANTS 1999-2000
Final Award of NPEC Grants

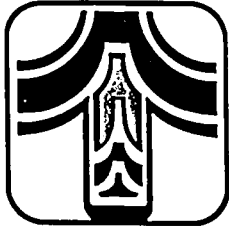
	NAME & ADDRESS	DESCRIPTION	FINAL AWARDS
	Portland OR 97205-2694 Jessie Cox 224-7800	School.	
22	Portland Parks & Recreation University Park Community Center 1120 SW Fifth Ave. Ste. 1302 Portland, OR 97204 Lee Jenkins 823-PLAY	Funds to pay for 15 high school mentors that will support the Summer Health and Fitness Project at University Park Community Center.	\$5,250
23	Portland Parks Swim Team P. O. Box 15027 Portland, OR 97293 Kent Hoddick 286-9803	Portland Parks Swim Team is requesting funds for Columbia Pool Usage Fees , scholarships and recruitment	\$1,500
24	Peninsula Senior Center 7508 North Hereford Portland, OR 07203 Joyce McLaughlin 289-8208	Funds are requested to replace current floor covering in Peninsula Senior Center	\$2,100
25	SOLV PO Box 1235 Hillsboro, OR 97123 Molly Ryan 238-5807	Funds to support the North/Northeast Community Action Program grant to conduct 10 adopt a sites small grant volunteer cleanup projects of litter and vandalism by encouraging people to give back to their neighborhoods and reclaiming their streets	\$1,500
26	St. Johns Booster PO Box 83272 Portland, OR 97283 Gary Boehm (& Booster Board) 286-1312	Funds to employ a part-time business manager for St. Johns Booster so they can better serve the community	\$8,000
27	St. Johns Community Grange #950 9210 N St Johns Ave Portland, OR 97203 Edward A. Trott 286-9124	Santa's Castle requests funds to build new wheel chair ramp, materials, transportation to move the castle, repairs to castle, film, candy canes, cleaning of wig and beard	\$1,100
28	St. Johns Parade Committee P. O. Box 83162 Portland, OR 97283-0162 Mrs. Lila Estes 286-1550	Funds to support the 38 St. Johns Parade	\$1,815

NORTH PORTLAND ENHANCEMENT GRANTS 1999-2000
Final Award of NPEC Grants

	NAME & ADDRESS	DESCRIPTION	FINAL AWARDS
	28 grants funded for		\$104,019

All Contracts expire by June 30, 1999

S:\SHARE\DOWN\NPEC\2000 contract\GRANTSfin.doc



CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000
TDD 692-0574

Metro Growth Mgmt.

APR 23 1999

April 22, 1999

Honorable Rod Monroe, Presiding Officer
METRO
600 N.E. Grand Avenue
Portland, OR 97232

Re: Request for Metro Approval of Urban Reserve Plan for URA 43 (23,000 Block, SW
Grahams Ferry Rd.; 2S1 35CB, 100)

Dear Presiding Officer Monroe:

On December 17, 1998, the Metro Council adopted Ordinance 98-779D amending the urban growth boundary to include Urban Reserve (UR) 43 (Matrix Development Co.).

The City notified Metro by letter dated November 19, 1998 that it was committed to completing an urban reserve plan for UR 43. The Metro Staff Report on UR 43 dated November 24, 1998 stated all applicable elements of the urban reserve plan requirements would be satisfied once the City considered the plan. Pursuant to Metro Code 3.01.012(13) the City Council considered the plan on December 14, 1998. Matrix has now completed the plan.

The owner, Matrix Development, wants to proceed with its development plans. It is our understanding the City must now request the Metro Council approve the urban reserve plan. Metro staff has copies of the completed plan.

Once Metro has approved the plan, more steps are needed before development occurs. The Urban Planning Area Agreement (UPAA) between the City and Washington County may need to be amended to show UR 43 in the City's planning area and the City has requested such. Next, a City Planning District must be applied to the property. We expect Matrix will propose the Residential Medium to Low (RML) Planning District (6-10 dwelling units per gross acre). Annexation to the City Limits and to the Unified Sewerage Agency Boundary is needed. Lastly, a development application for a subdivision or other residential project is needed.

Thank you for your help.

Sincerely,

Lou Ogden
Mayor

c: Steve Wheeler, Tualatin City Manager
Mike Burton and Elaine Wilkerson, Metro
Diana Godwin, Attorney for Matrix Development

file: Regional Agencies, Metro, Urban Reserves, UR 43
wdocs\Metr2040\1999\UrbRes\Ltr 2 Monroe Approve UR 43 Mast Plan 4-22-99

LOCATED AT: 18880 SW Martinazzi Avenue

SITE 43
URBAN RESERVE PLAN

submitted by

**MATRIX
DEVELOPMENT
CORPORATION**

OCTOBER 27, 1998

DIANA E. GODWIN
ATTORNEY AT LAW
SUITE 1500
1000 S.W. BROADWAY
PORTLAND, OREGON 97205
TELEPHONE (503) 224-0019 • FACSIMILE (503) 228-7112
E-MAIL: degatty@aol.com

October 27, 1998

Jon Kvistad
Presiding Officer
Metro Council
600 NE Grand Ave
Portland, OR 97232

RE: Urban Reserve Plan for URA Site 43

Dear Councilor Kvistad:

Attached is the Urban Reserve Plan for URA Site 43, a 9.89 acre site owned entirely by my client, Matrix Development Corporation.

The Urban Reserve Plan for Site 43 includes the following:

Exhibit 1 Background and overview of Site 43.

Exhibit 2 A conceptual drawing of the land use plan for Site 43. (Urban Reserve Plan Map)

Exhibit 3 A drawing demonstrating the extension of water and sewer service to Site 43 from an existing serviced area.

Exhibit 4 A drawing demonstrating the lay-out of water and sewer service to Site 43 from an existing serviced area.

Exhibit 5 Map showing Site 43 and the land designation of all lands within one mile of Site 43.

Exhibit 6 City of Tualatin Comprehensive Plan Map.

Exhibit 7 Letter from the City of Tualatin stating that it will annex all of Site 43 to the city upon final approval of the proposed UGB amendment. The letter also addresses how the city intends to zone the Site 43 land. **Note:** The letter from Tualatin may be sent directly to Metro.

Exhibit 8 Letter from David Oringdulph, President of Matrix Development Corporation, stating Matrix's commitment to apply for annexation of Site 43 to Tualatin upon final approval of the proposed UGB amendment.

Jon Kvistad, Presiding Officer
Metro Council
Page 2

Exhibit 9 a&b a. Copy of Planning Area Agreement between Washington County and the City of Tualatin. (Note: The 1988 agreement is the most recent.) b. Copy of relevant portions of Washington County 2040 Policy.

Exhibit 10 Narrative discussion of how the Urban Reserve Plan for Site 43 complies with the applicable elements of Metro Code Section 3.01.012(e), Goals 2 and 14 and Section 3.01.020, RUGGO and the 2040 Growth Concept.

Exhibit 11 Traffic Impact Study for Site 43 (referred to by development project name "Rain Tree Residential") demonstrating that Goal 12 Transportation Planning Rule requirements are satisfied if Site 43 is brought into the UGB and rezoned for residential development.

Exhibit 12 Service provider comment form and letter from Oregon Department of Transportation.

Exhibit 13 Letter from United Sewerage Agency.

Exhibit 14 Service provider comment from Tualatin Police Department.

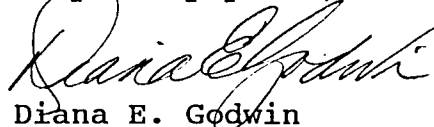
Exhibit 15 Service provider comment from Tualatin Parks and Recreation Department.

Exhibit 16 Title 3 map showing secondary water feature on Site 43.

Exhibit 17 Engineers Construction Cost Estimates of providing grading and street construction, site drainage, sanitary sewer service, water service and offsite improvements to Site 43.

Please advise me if there is additional information which you or the Metro staff needs for evaluating Site 43.

Very truly yours,



Diana E. Godwin

DEG\smc
Encl.

cc: Elaine Wilkerson, Director
Growth Management Services
City of Tualatin

matrix\1415

BACKGROUND

At 9.89 acres, Site 43 is the smallest urban reserve area. The entire 9.89 acres is designated Tier I. It is owned by Matrix Development Corporation (Matrix).

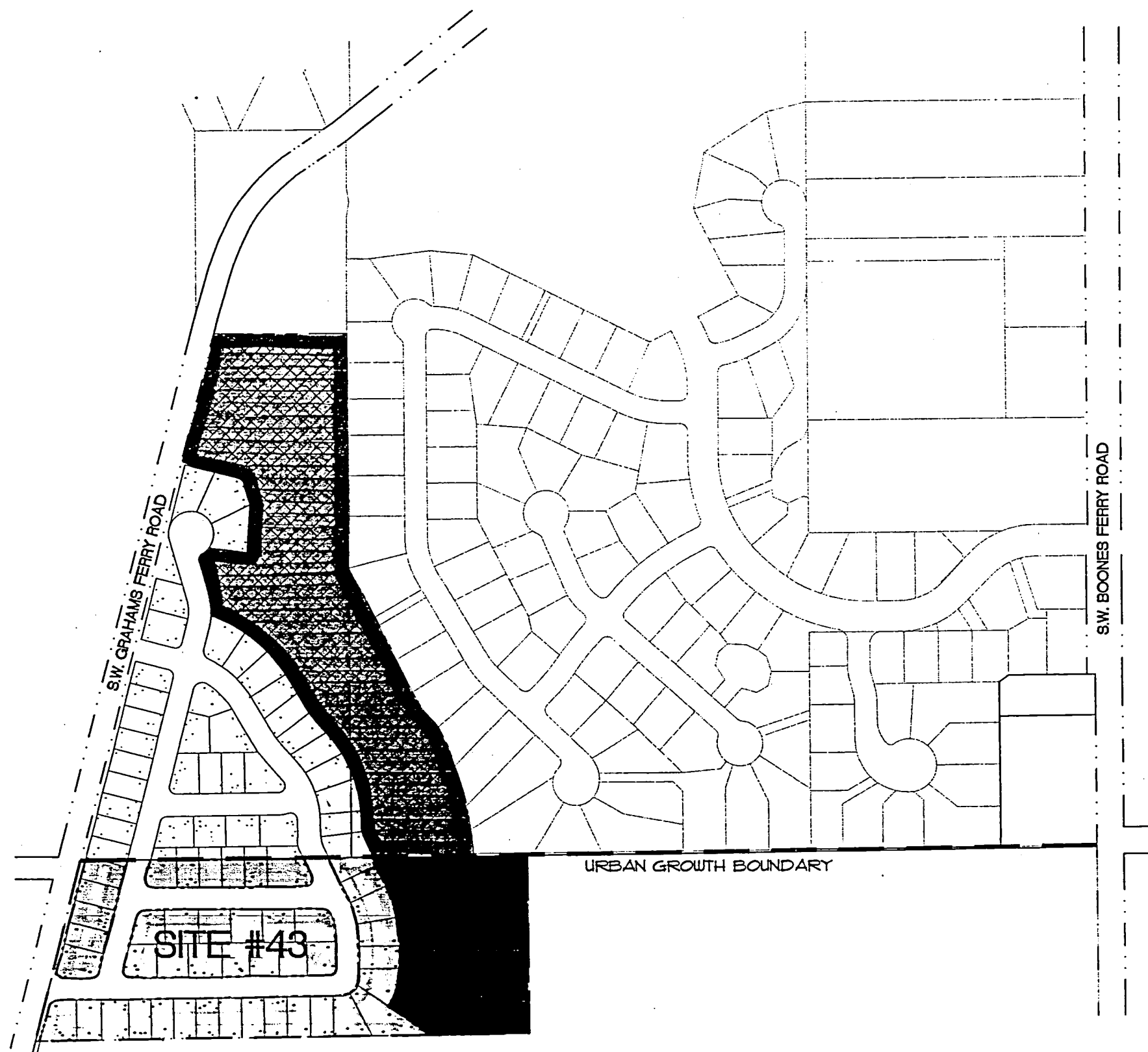
Site 43 is located on the south edge of the City of Tualatin. It is within the Metro jurisdictional boundary.

Matrix purchased Site 43 as part of a single 21.7 acre parcel in 1995. The parcel is bisected east to west by the urban growth boundary, with 11.83 acres inside the boundary, and 9.89 acres - Site 43 - outside the boundary. The entire 21.7 acre site is undeveloped vacant land, parts of which were previously used for rock quarrying. Site 43 is in an exception area.

The City of Tualatin has zoned the 11.83 acre portion of Matrix's property as RML-Residential Medium-Low Density-6 to 10 dwelling units per acre. (See Exhibit 6 - City of Tualatin Comprehensive Plan Map). The City has indicated that it will apply RML zoning to Site 43 upon annexation. Other land in the city adjoining Site 43 is zoned RL-Residential Low Density.

If the UGB is amended to include Site 43, Matrix will develop both Site 43 and the adjoining 11.83 acre parcel to the north as a single residential small lot subdivision. The Site 43 portion of the parcel will accommodate 44 houses on lots of approximately 4500 to 5000 square feet. Developing the entire 21.7 acre parcel at one time will allow Matrix to lay out the subdivision to get the most single family housing units possible and achieve the required densities. Matrix will also be able to put in a looped water system, two intersections with SW Grahams Ferry Road to serve the single development and connecting streets instead of the cul de sacs that would have to be used if the 11.83 was developed as a separate subdivision. The cost per lot of providing water, sewer and storm drainage will be less if the fixed costs are spread over a single 21.7 acre development.

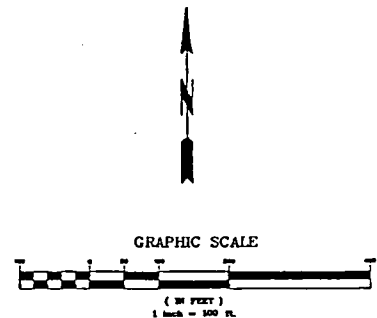
URBAN RESERVE PLAN - SITE #43



LEGEND:

- PROPOSED SINGLE FAMILY
- EXISTING CITY PARK
- FUTURE CITY PARK
- URBAN GROWTH BOUNDARY LINE

SITE #43
PROPOSED ANNEXATION TO U.G.B.
9.89 AC - 2.65 AC PARK - 183 AC ROADS = 5.41 NET AC.
5.41 AC/44 LOTS = 8.13 U/AC

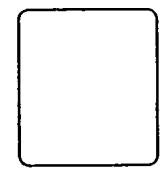


LAND USE PLAN

ALPHA ENGINEERING, INC.
PLANNING • DEVELOPMENT SERVICES • ENGINEERING
OFFICE: 1000-1000 4th Ave. S.W. - 98104
PHONE: 206-465-1000 FAX: 206-465-1001
WWW.ALPHA-ENGINEERING.COM

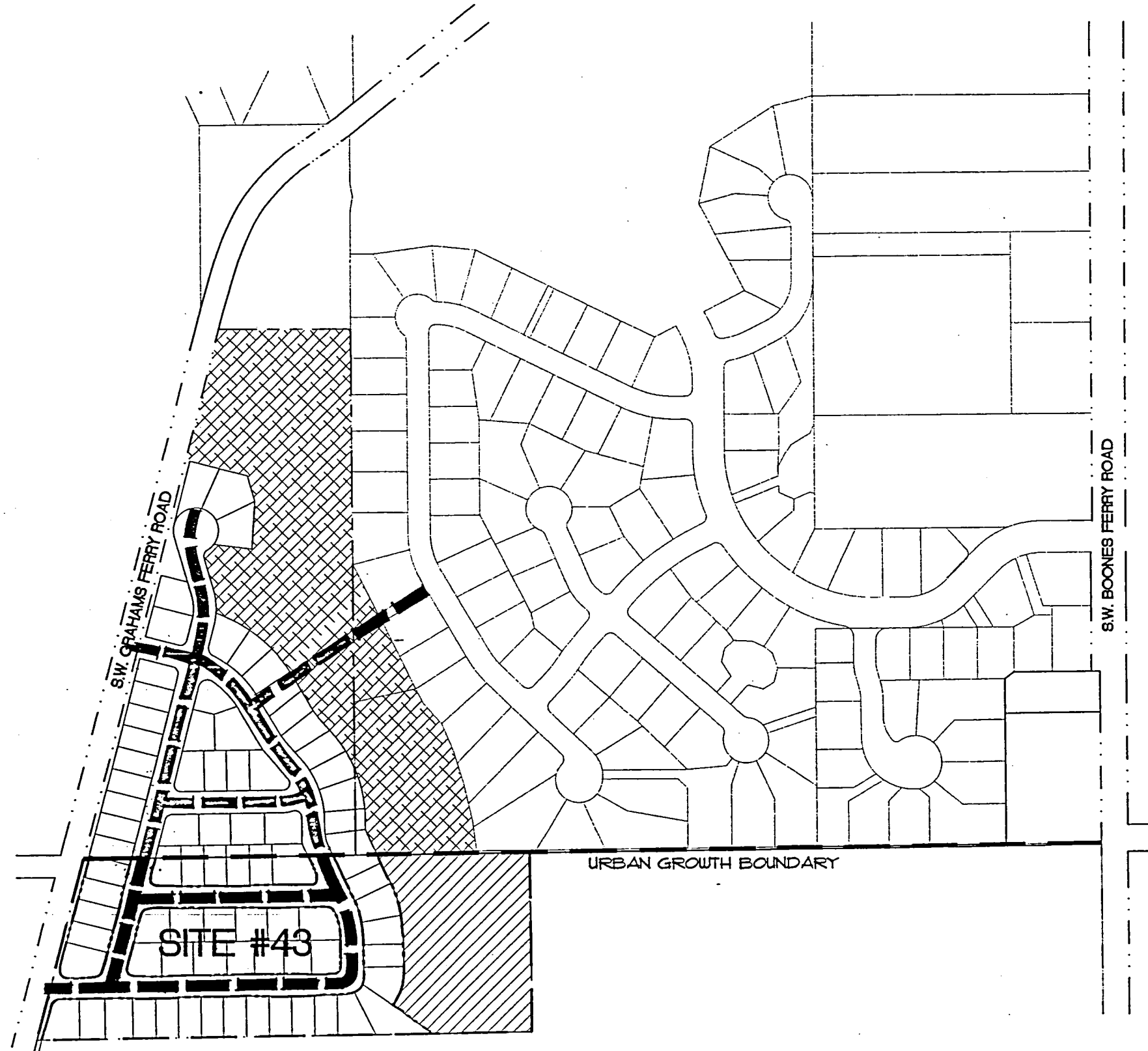
NO.	DATE	REVISION

DESIGNED BY	DATE	DATE	DATE	DATE



PROPOSED UGB AMENDMENT
SITE #43
WASHINGTON COUNTY, OREGON

URBAN RESERVE PLAN - SITE #43

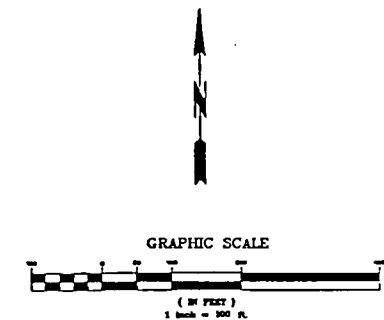


LEGEND:

- PROPOSED SINGLE FAMILY
- EXISTING CITY PARK
- FUTURE CITY PARK
- URBAN GROWTH BOUNDARY LINE
- EXISTING WATER
- PROPOSED WATER

SITE #43 PROPOSED ANNEXATION TO U.G.B.
9.89 AC - 2.65 AC PARK - 183 AC ROADS = 5.41 NET AC.
5.41 AC/44 LOTS = 8.13 U/AC

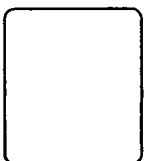
WATER PLAN



ALPHA ENGINEERING INC.
PLANNING, ARCHITECTURE, ENGINEERING & CONSTRUCTION
OFFICE: 400-444-0000 • FAX: 400-444-0001
WWW.ALPHA-ENG.COM • 1000 N. 10TH AVE., SUITE 200 • DENVER, CO 80202

NO.	DATE	REVISION

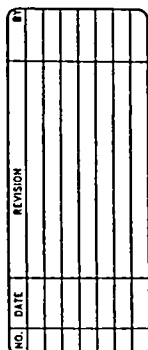
DESIGNED BY: <u> </u>	DATE: <u> </u>	BY: <u> </u>
DRAWN BY: <u> </u>	DATE: <u> </u>	BY: <u> </u>
CHECKED BY: <u> </u>	DATE: <u> </u>	BY: <u> </u>
PROJECT NO.: <u> </u>	SCALE: <u> </u>	BY: <u> </u>




PROPOSED UGB AMENDMENT
SITE #43
WASHINGTON COUNTY, OREGON

 **ALPHA ENGINEERING INC.**
PLUMBING • DEVELOPMENT SERVICES • HEATING

OFFICE 400-444-4008 • 2115 NEW-400-4004
PLAZA WEST • SUITE 200 • 4400 ST. JAMES • PORTLAND, OR 97208

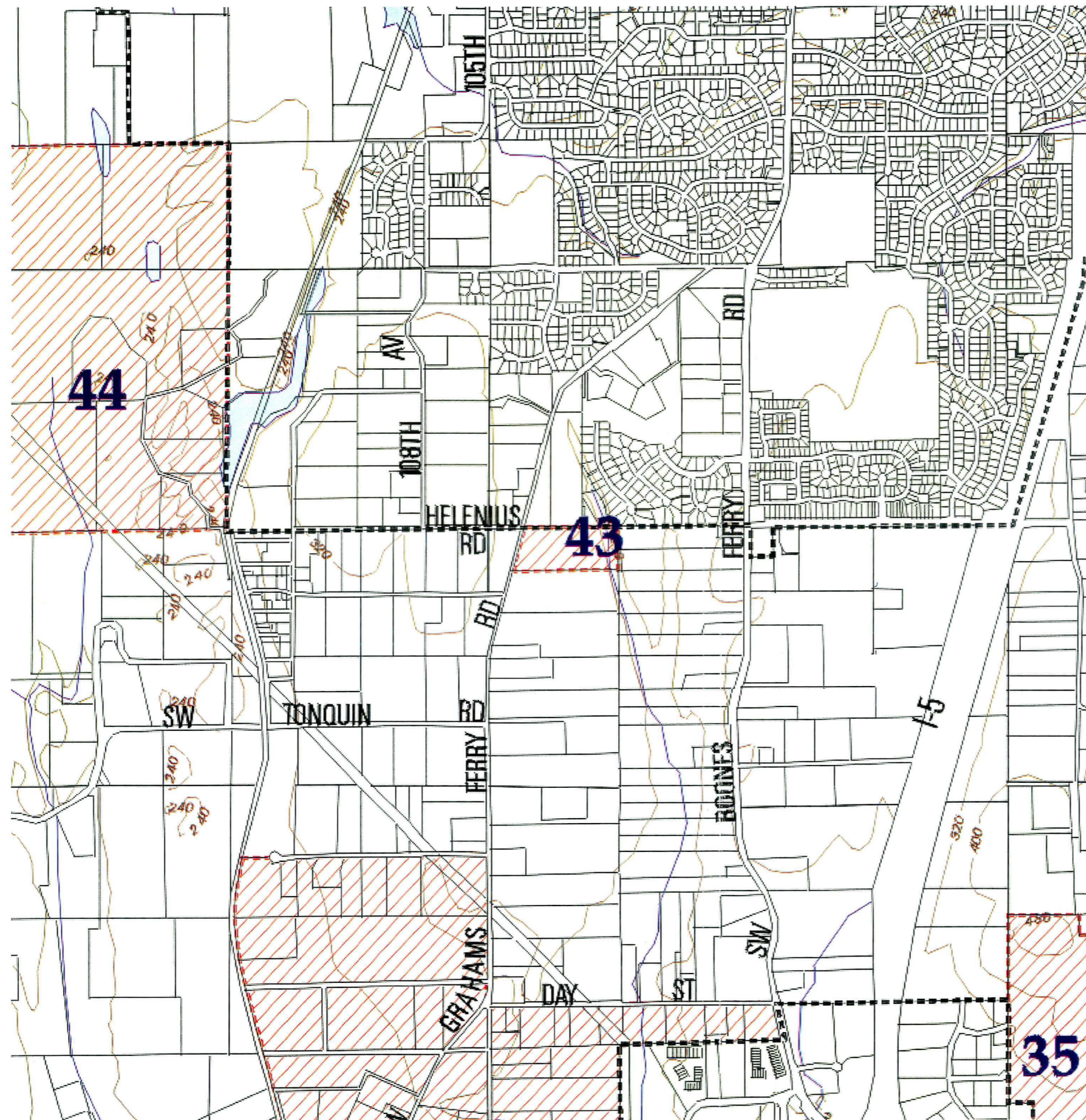


DESIGNED BY MBP DATE 12/28/88
 DRAWN BY MBP DATE 12/28/88
 REVIEWED BY MBP DATE 12/28/88
 PROJECT NO. 88-048 REF. _____
 SCALE 1" = 100' _____

- 

PROPOSED UGB AMENDMENT
BITE #45
WASHINGTON COUNTY, OREGON

EXH. 4



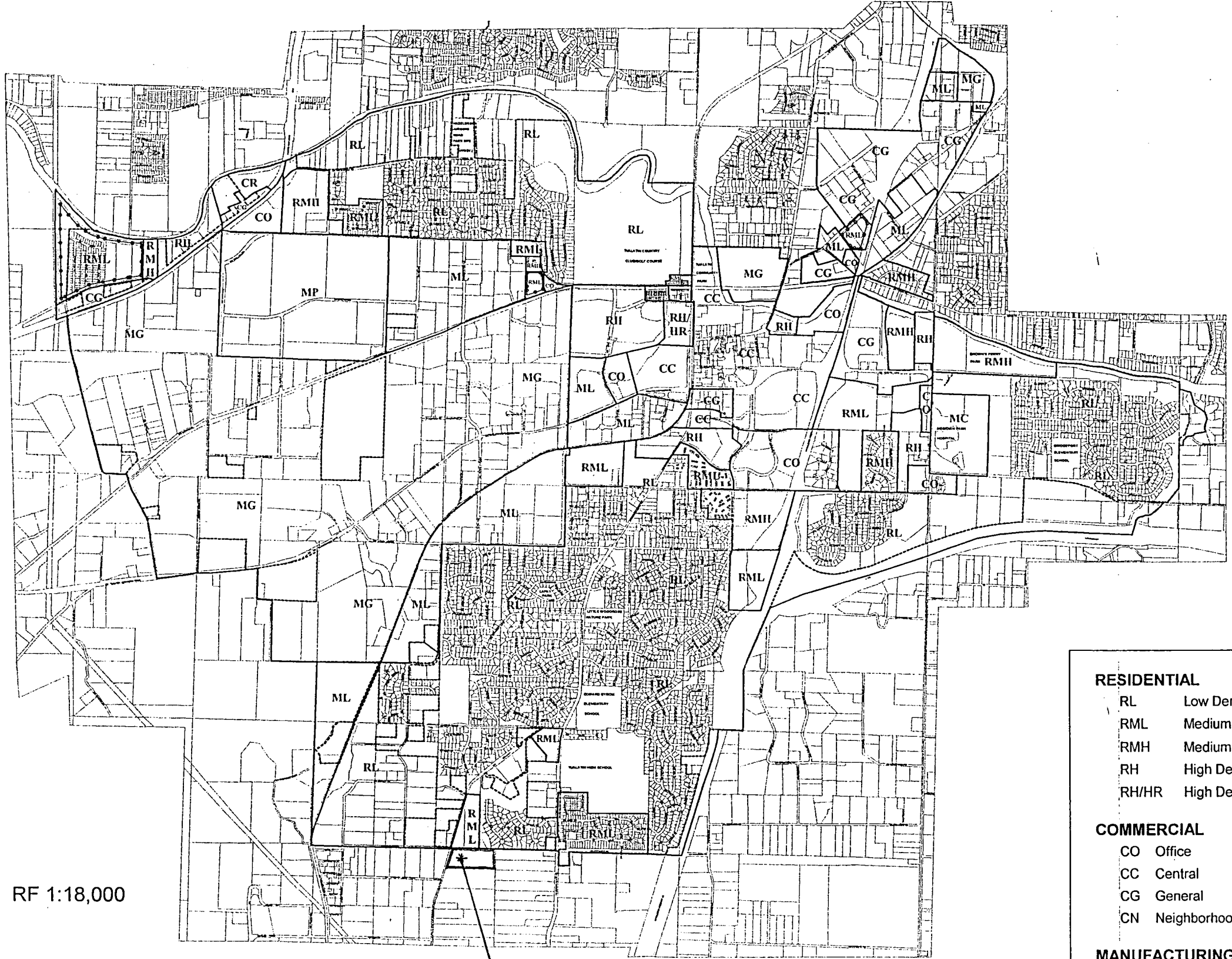
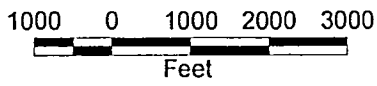
- inside UGB
- Exclusive Farm Use
- Exception Land
- Urban Growth Boundary
- Urban Reserves
- Tier One Urban Reserves
- Urban Reserve Boundary

TUALATIN

Geographic Information System Community Plan Map -Planning Districts- MAP 9 - 1

- NOTES:**
1. All plan designation boundaries are intended to follow property lines, center lines of streets, or can be scaled pursuant to the scale of this map. If mapping errors occur, the City Council shall be the sole arbitration body to decide the location of boundaries.
 2. Specific requirements for each Planning District are found within the Tualatin Development Code.
 3. The Wetland Protection District and the Greenway and Riverbank Protection District locations are described in the Tualatin Development Code. Maps of the districts are available from the Planning Department.
 4. Properties within the Tualatin Urban Renewal Area boundary are subject to the Tualatin Urban Renewal Plan which may contain specifications and requirements that are more restrictive than those found within the Planning District standards.

- Planning Districts
Manufactured Dwelling Park Permitted
City Limits



RF 1:18,000

Plotted 4/10/98
Engineering and Building Dept.

URA Site 43

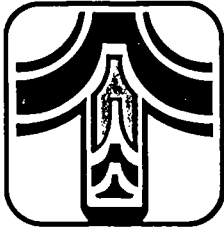
RESIDENTIAL		DUI/Acre
RL	Low Density	1-6.7
RML	Medium-Low Density	6-10
RMH	Medium-High Density	11-15
RH	High Density	16-25
RH/HR	High Density/High Rise	26-30

COMMERCIAL	
CO	Office
CC	Central
CG	General
CN	Neighborhood
CR	Recreational
CO/MR	Mid-Rise Office
MC	Medical Center

MANUFACTURING	
ML	Light
MG	General
MP	Park



City of
Tualatin



CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000
TDD 692-0574

October 27, 1998

Mr. Jon Kvistad
Chairman, Metro Growth Management Committee
600 NE Grand Ave.
Portland, OR 97232-2736

Dear Mr. Kvistad:

RE: Growth Management Committee Review of URA 43 and UGB Expansion

An Urban Reserve Plan for Urban Reserve Area 43 (SE corner of SW Grahams Ferry Road and SW Helenius Road) is being prepared by Matrix Development Corporation who owns the subject 9.89 acre property. Matrix has taken the lead in preparation and coordination with the City of Tualatin and Washington County.

Pursuant to the Urban Planning Area Agreement between Tualatin and Washington County, the City will be the provider of urban services once it is added to the Urban Growth Boundary (UGB) and annexed to the City.

The City anticipates the Urban Reserve Plan will be substantially completed by Matrix and submitted to the City within the next two weeks. The Plan will then be reviewed by staff and submitted to the City Council for their consideration/approval before December 31st of this year.

Once Metro amends the UGB to include URA 43, the City will amend its comprehensive plan to incorporate the Urban Reserve Plan conditions of UGB approval.

Once the UGB has been amended to include URA 43, the City intends for all the subject property to be annexed to the City as soon as is practicable and Matrix has made a commitment to do so per letter dated October 27, 1998, from David Oringdolph, President, Matrix Development Corporation to Jon Kvistad, Presiding Officer, Metro.

The City anticipates that Matrix will desire the subject property to be designated RML on the Tualatin Community Plan Map (Residential Medium to Low Density—up to 10 du/ac). Matrix currently owns about 12 acres abutting URA 43 to the north that is in the current UGB and City Limits and is designated RML. The City anticipates the two parcels will be developed as a single subdivision.

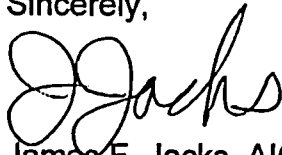
In Metro's 2040 planning program the City has an imbalance between jobs and housing. Inclusion of URA 43 in the UGB for residential uses will help reduce the imbalance.

Growth Management Committee, URA 43
October 27, 1998
Page 2

This letter is submitted for inclusion in the Urban Reserve Plan for URA 43 and to address the requirements of Metro Code Sections 3.01.012, 3.01.020 and 3.07.11 (new Title 11).

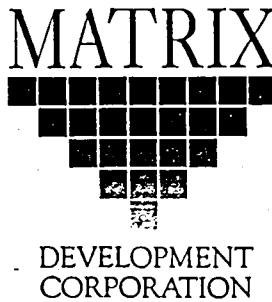
Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacks", written over the printed name.

James F. Jacks, AICP
Planning Director

C: Mayor and City Council
file: Regional Agencies, Metro, 2040, Urb Res 43
wdocs\Metr2040\1998\UrbRes\Cmts 2 Gth Mgt Comm UR 43 Oct 98



October 27, 1998

Jon Kvistad, Presiding Officer
Metro Council
600 NE Grand Avenue
Portland, OR 97232

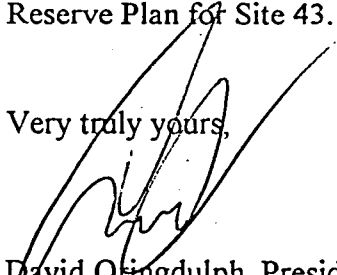
RE: Urban Reserve Plan for URA Site 43

Dear Councilor Kvistad:

Matrix Development Corporation is the sole owner of URA Site 43, a 9.89 acre site which adjoins the southern boundary of the City of Tualatin. Site 43 is one of the sites included in the current proposed legislative amendments to the Urban Growth Boundary.

Matrix Development Corporation hereby commits that we will petition the City of Tualatin for annexation of Site 43 as soon as there is final approval of inclusion of Site 43 in the Urban Growth Boundary. This commitment letter is executed as part of the Urban Reserve Plan for Site 43.

Very truly yours,



David O'ingdulph, President
Matrix Development Corporation

EXH. 8

WASHINGTON COUNTY - TUALATIN
URBAN PLANNING AREA AGREEMENT

THIS AGREEMENT is entered into this 25th day of October, 19 88 by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF TUALATIN, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Planning Area within the Regional Urban Growth Boundary within which both the COUNTY and the CITY maintain an interest in comprehensive planning;
2. A process for coordinating comprehensive planning and development in the Urban Planning Area;
3. Policies regarding comprehensive planning and development in the Urban Planning Area; and
4. A process to amend the Urban Planning Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area

The Urban Planning Area mutually defined by the COUNTY and the CITY includes the area designated on Exhibit "A" to this agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approval or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The County shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than 45 days prior to the final hearing on adoption. The specific method and level of involvement shall be finalized by "Memorandums of Understanding" negotiated and signed by the planning directors of the CITY and the COUNTY. The "Memorandums of Understanding" shall clearly outline the process by which the responding agency shall participate in the adoption process. If,

at the time of being notified of a proposed action, the responding agency determines it does not need to participate in the adoption process, it may waive the requirement to negotiate and sign a "Memorandum of Understanding".

- b. The originating agency shall transmit draft recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding", the responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.
 - c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
 - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
 - e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.
- B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to small tract zoning or comprehensive plan map amendments, conditional or special use permits, individual subdivisions, partitionings or planned unit developments, variances, and other similar actions requiring a hearings process which is quasi-judicial in nature.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an affect on unincorporated portions of the designated Urban Planning Area.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail a copy of the public hearing notice which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
 - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail a copy of all public hearing agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
- c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Comprehensive Planning and Development Policies

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY Urban Planning Area is designated on Exhibit "A".

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.
- C. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-11 within the Urban Planning Area.
- D. As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other

service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

- E. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 10 Acre District (FD-10).
- F. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.
- G. The COUNTY shall not oppose annexations to the CITY within the CITY's Urban Planning Area.
- H. The CITY and the COUNTY have arrived at different conclusions as to the significance of a rock quarry located on Tax Lots 901 and 1201, Map 2S1-35B. The quarry shall be considered significant as determined by the COUNTY's Goal 5 analysis and shall be protected by the Mineral and Aggregate Overlay District as long as it remains outside the CITY. Upon annexation to the CITY the CITY may choose to remove the Mineral and Aggregate Overlay District and not preserve the site for future aggregate extraction.
- I. The Tualatin Comprehensive Plan employs a one-map system wherein the Comprehensive Plan Map fulfills a dual role by serving as both the Plan Map and Zone Map, thus eliminating the need for a separate Zone Map. The CITY's Comprehensive Plan Map establishes land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of any property within the Urban Planning Area to the CITY, the Planning District specified by the Tualatin Comprehensive Plan Map is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130(2) a).

If a property owner, contract purchaser, the authorized representative of a property owner or contract purchaser, or the CITY desire a Planning District different from that shown on the Comprehensive Plan Map, an application for a Plan Map Amendment may be filed with the CITY at the time of or following annexation.

V. Amendments to the Urban Planning Area Agreement

- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:
1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
 2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map which clearly indicates the proposed change and surrounding area.
 3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 days of the date the request is received.
 4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section IV (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 90 days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within 90 days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties will jointly review this Agreement every two (2) years, or more frequently if mutually needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. The review process shall commence two (2) years from the date of execution and shall be completed within 60 days. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of the 60 day review period inconsistencies still remain, either party may terminate this Agreement.

V. This Urban Planning Area Agreement repeals and replaces the Urban Planning Area Agreement dated September 9, 1986.

This Agreement commences on _____, 19 ____.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF TUALATIN

By Charles Brown Date October 24, 1988
Mayor Pro-Tem

WASHINGTON COUNTY

By Donnie L. Hays Date 11-9-88
Chairman, Board of County Commissioners

Sam Rychar Date 11-9-88
Recording Secretary

UNINCORPORATED URBAN
PLANNING AREA



**WASHINGTON COUNTY,
OREGON**

COUNTY 2000 STRATEGIC PLAN

BOARD OF COMMISSIONERS

Linda Peters, Chair

Kim Katsion, Commissioner

Kathy Christy, Commissioner

Roy Rogers, Commissioner

Andy Duyck, Commissioner

ADMINISTRATOR

Charles D. Cameron

ASSISTANT ADMINISTRATOR

Robert Davis

Other partnerships that are of major regional or inter-jurisdictional significance, but not as closely aligned with County priorities, will be evaluated by Board-adopted criteria. *(Please refer to section entitled "Finance Plan, Resource Allocation Strategy" on page 40.)*

Supporting the Agenda

Absent the assumption of either a direct service or partnership role, a major function that Washington County can perform is that of supporting activities consistent with the development of the County's statements of vision and mission.

As the Board of Commissioners is the only general purpose political body with geographic perspective over the entirety of Washington County, it has addressed, and will continue to elevate, critical issues that require resolution before the County's vision can be achieved. This role does not assume that Washington County has the final word in setting a community-wide agenda. However, the organization, via its broad perspective, does have the capacity to assist in that effort.

Through needs assessment, public discussion, and voluntary effort on the part of the Board and staff, critical needs, although not central to the core functions of the organization, can be addressed or, at a minimum, highlighted.

Examples include working with others to highlight support of elementary, secondary or higher education needs, and volunteering in support of cultural activities, religious, charitable or family activities.

COUNTYWIDE VS. MUNICIPAL SERVICES

As Washington County has recognized its financial limits and, in accordance with this Plan's theme that the County cannot be all things to all people, redefined its role and mission in the provision of services, the County 2000 Finance Plan makes a distinction regarding the financing of traditional services that are of countywide benefit versus municipal-type services that benefit specific geographical areas. These services are more specifically defined as follows:

- Countywide services are defined as services that are of countywide benefit, i.e., those services that are utilized by

"The County recognizes that its role is to provide services that offer countywide benefit as opposed to those that only benefit specific geographic areas or districts."

the broad spectrum of County residents. These services are typically funded by countywide property taxes, other general purpose revenues, or other special revenues dedicated to those services.

Examples include the County's appraisal function, certain public safety programs, land use and transportation planning, and certain health and human services programs, etc.

■ Municipal services benefit only specific sub-areas and groups within the County. These services are typically funded by cities, geographically limited special districts, or user fees.

An example of a municipal-type service is the Enhanced Sheriff Patrol District, which specifically serves and is funded by the urban unincorporated areas of Washington County.

County 2000 dictates that countywide property tax dollars will be expended on those services that are of countywide benefit and, furthermore, that those services are to be provided on a prioritized basis, according to the priorities of the community. *At the time the Plan was first developed in 1986, for example, community priorities dictated that Public Safety and Justice was to be the primary area of focus for County funding. (Please refer to the section entitled "Finance Plan" on page 40 for an elaboration of current County funding priorities.)*

In cases where municipal levels of service are desired, the Plan dictates that the level of service may be adjusted at local option and funded at local option. Financial support for such programs might include incorporation into cities (annexation), special local assessments, service districts or specific user fees.

BALANCING SERVICES AND PROGRAMS WITH COMMUNITY LIVABILITY AND THE ENVIRONMENT

In keeping with the above mentioned theme that Washington County cannot be all things to all people, the County recognizes that — like most every public and private organization — it faces a significant challenge in maintaining the delicate balance between the services and programs it provides

tions to outside organizations described elsewhere in this document.

Finally, the County will take the lead in facilitating the development of a coordinated economic development plan for the County as a whole. This planning process will involve cities and other relevant local governments, economic development organizations and citizens.

ANNEXATION

Washington County is in a unique position regarding the issue of annexation in that, currently, some 48 percent of the County's total population is classified as unincorporated. Indeed, if those residents located inside the urban growth boundary and outside cities were to incorporate into a new city, that city would be the second largest in the state.

This circumstance distinguishes Washington County, and the jurisdictions located within the County, from others in the state, in as much as the County organization is a provider of both traditional (countywide) services and municipal (city-type) services. *(Please refer to the section entitled Countywide vs. Municipal Services on page 6.)*

As set forth in original County 2000 policy, cities are recognized as the ultimate municipal service provider, and the County focuses its energies on those countywide services that are available to all residents regardless of where their home is located. The County would provide services that other traditional counties provide across the United States, and any municipal services provided by the County (i.e., local road maintenance, sheriff's patrol) would be regarded as temporary, awaiting annexation or incorporation of urban areas by cities.

In light of this policy and recognizing the inequity of incorporated (city) residents shouldering a significant portion of the financial burden of these municipal services that are received by unincorporated residents, the County created two interim service and funding strategies for countywide and municipal services. Essentially, these strategies state that countywide services are to be funded by a broad-based revenue structure such as countywide property taxes while municipal services are to be funded by cities, geographically limited special districts, or user fees. *(Please refer to the section entitled "Finance Plan - Resource Allocation Strategy" on page 49.)* An

FISCAL YEARS 1992-93 THROUGH 1996-97

The finance plan described below represents two key funding elements of the County 2000 Plan.

First, in accordance with County 2000 policies, the **Resource Allocation Strategy** essentially describes the method used to determine how the various types of County services are to be prioritized, and subsequently, how they are to be funded.

As a result of the passage of Measure 5, and in the event that reductions in County services are necessary, the second key element of the County 2000 Finance Plan is the **Resource Reduction Strategy**. The Strategy, should its use become necessary, establishes a well-planned, orderly approach to the reduction in services.

An important underlying principle inherent in the philosophy of the Resource Reduction Strategy is that specific plans for reducing services and expenditures will be addressed and implemented before additional revenue sources are sought.

Resource Allocation Strategy

The County 2000 Plan has established a service delivery philosophy that distinguishes between municipal services (benefiting specific sub-areas and groups within the County) and services of countywide benefit (i.e., those services utilized by the broad spectrum of County residents). According to County 2000, services of countywide benefit are to be funded by a broad based revenue structure, such as countywide property taxes and other general purpose revenues. Municipal (city-type) services are to be funded by cities, geographically limited special districts, or user fees.

With regard to the funding of services of countywide benefit, further distinctions are made. The first is a differentiation between those countywide services that are to be funded primarily by the General Fund and those countywide services that are to be funded primarily by special revenue funds (i.e., State-shared revenue, user fees, taxes) or other funding mechanisms. The following lists identify the countywide services that fall into these two categories:

URBAN RESERVE PLAN ELEMENTS

Set out below are the elements to be included in an Urban Reserve Plan and a statement or discussion of how each element is either addressed in the plan for Site 43 or is not applicable to Site 43.

Section 3.01.012(e)(1) *Provision for either annexation to a city and any necessary service districts at the time of the final approval of the Urban Growth Boundary amendment consistent with 3.01.065 or an applicable city-county planning area agreement which requires at least the following:*

(A) *City or county agreement to adopt comprehensive plan provisions for the lands added to the Urban Growth Boundary which comply with all requirements of urban reserve plan conditions of the Urban Growth Boundary approval...*

Discussion:

Matrix Development Corporation (Matrix) is coordinating this Urban Reserve Plan with the City of Tualatin which has agreed to adopt comprehensive plan provisions for Site 43 that comply with the Metro approved plan and conditions.

Matrix will apply for annexation of Site 43 to Tualatin as soon as practicable after the UGB amendment. (See Exhibit 8) Tualatin has stated its intention to annex the land. (See Exhibit 7)

Tualatin plans to consider the Urban Reserve Plan for Site 43 at a meeting of the City Council prior to the end of 1998.

Section 3.01.012(e)(2) Not applicable.

Section 3.01.012(e)(3) Not applicable.

Section 3.01.012(e)(4) *Provision for average residential densities of at least 10 dwelling units per net developable residential acre or lower densities which conform to the 2040 Concept Plan design type designation for the area.*

Discussion:

The small lot residential subdivision that Matrix will build on Site 43 will have 6 to 10 dwelling units per net developable acre, which conforms to the 2040 Concept Plan design type designation for the area, which is "outer neighborhood."

Section 3.01.012(e)(5) *Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.*

Discussion:

Development of Site 43 will provide approximately 44 single family dwellings, one type of "needed housing" in the City of Tualatin's Comprehensive Plan. The urban reserve plan requirement for "demonstrable measures that will provide a diversity of housing stock" is not applicable as a practical matter to a URA that totals 9.89 acres, with only a little over 7 gross developable acres. It is not feasible or permissible under the Tualatin Comprehensive Plan to include in one small subdivision attached and detached single family housing, multiple family housing, government assisted housing, mobile home/manufactured dwellings parks, and manufactured homes on single family lots.

Section 3.01.012(e)(6) *Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.*

Discussion:

The residential subdivision planned for Site 43 addresses the need for affordable housing without public subsidy by building houses on small lots of between 4500 and 5000 square feet (City of Tualatin requires a minimum lot size of 4500 sq. ft.).

The median household income for Tualatin, the urban jurisdiction adjacent to Site 43, is \$60,283.¹ Using the US Department of Housing and Urban Development guideline of allocating no more than 30% of household income for housing and assuming a standard 20% downpayment, an interest rate of 7% for a 30 year mortgage and property taxes and home owner insurance of approximately \$3800 per year, houses priced at \$194,555 (or \$197,981 at an interest rate of 6 3/4%) will be affordable to the median income family in Tualatin. The development plan for Site 43 includes units priced at or below this figure.

Section 3.01.012(e)(7) Not applicable.

Section 3.01.012(e)(8) *A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans.*

Discussion:

Exhibit 2, the Urban Reserve Plan map, shows the major roadway connections and the planned streets for the development.

Exhibit 11 of this Urban Reserve Plan is a report analyzing the impact on traffic of bringing Site 43 into the UGB and developing it for housing.

As stated in the "Conclusions" section of the Exhibit 11 report, transportation facilities currently serving Site 43 will not be affected by the proposed development and the Transportation Planning Rule requirements are satisfied.

The Oregon Department of Transportation has determined that the development of Site 43 will have no impact on the efficiencies of state transportation facilities in the area and that the area can be served by ODOT in an orderly and economic fashion. (See Exhibit 12)

¹ The figure of \$60,283 was arrived at by using the 1989 median income (US Census 1990) for Tualatin. The 1989 figure was then adjusted to reflect the change in median household income from 1989 to 1998, using the HUD figures for 1989 and 1998 for the Portland Primary Statistical Area.

Section 3.01.012(e)(9) Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include cost estimates to implement a strategy to fund resource protection.

Discussion:

Exhibit 2, the Urban Reserve Plan map, shows the natural resource area of Site 43. This 2.6 acres of the total 9.89 acre site consists of a steeply sloped riparian corridor which has a significant natural area overlay and a water area, wetlands and fish and wildlife habitat overlay.

Matrix will protect this area from development by donating it to the City of Tualatin. The city will undertake a public planning process to prepare a master natural resource protection plan for the entire natural resource area of which the 2.6 acre parcel is a part.

Section 3.01.012(e)(10) A conceptual public facilities and services plan, including rough cost estimates for the provision of sewer, water, storm drainage, transportation, fire and police protection facilities and parks, including financing strategy for those costs.

Discussion:

Exhibits 3 and 4 show the extension and lay-out of the water and sewer services for Site 43. Exhibit 17 is a preliminary engineers' construction cost estimates for grading and street construction, site drainage, sanitary sewer, water system and off-site improvements for Site 43. The Exhibit 17 cost estimates are based on the actual development plan for Site 43 and show a total cost per dwelling unit of \$11,586. This serviceability cost per dwelling unit is a substantially more accurate figure that was projected in the September 1998 Metro Urban Reserve Productivity Analysis.

Matrix will pay for the extension of the sewer, water and utility services, site drainage, and transportation improvements to and on the site. System development charges will pay for the additional sewage treatment capacity, as well as for water, parks and transportation.

Section 3.01.012(e)(11) Not applicable.

Section 3.01.012(e)(12) An Urban Reserve Plan map showing, at least, the following, when applicable:

- (A) Major roadway connections and public facilities;
- (B) Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;
- (C) General locations for commercial and industrial lands;
(Not Applicable)
- (D) General locations for single and multi-family housing;
- (E) General locations for public open space, plazas and neighborhood centers; and
- (F) General locations or alternative locations for any needed school, park or fire hall sites. (Not Applicable)

Discussion:

See Exhibit 2.

Section 3.01.012(e)(13) The urban reserve plan shall be coordinated among the city, county, school district and other service districts, including a dispute resolution process with an MPAC report and public hearing consistent with RUGGO Objective 5.3. The urban reserve plan shall be considered for local approval by the affected city or by the county, if subsection (3), above, applies in coordination with any affected service district and/or school district. Then the Metro Council shall consider final approval of the plan.

Discussion:

The urban reserve plan, of which this exhibit is a part, is being submitted to the City of Tualatin for its consideration. The Washington County-Tualatin Urban Planning Area Agreement (UPAA) (See Exhibit 9a) provides that Tualatin will be responsible for planning within its urban planning area. Tualatin's urban planning area is co-extensive with its city limits and on the southern-most area of Tualatin the urban planning area is also co-extensive with the Metro UGB. When Site 43 is amended into the UGB it will become part of Tualatin's urban planning area.

Tualatin will notify Washington County of any action on the urban reserve plan for Site 43.

Under the Washington County-Tualatin UPAA, Tualatin will be the provider of local water, sanitary sewer, storm sewer and transportation facilities for Site 43. The City will also provide police protection and parks and recreation services.

United Sewerage Agency of Washington County (USA) provides sewage treatment for the City of Tualatin and has adequate treatment capacity to serve the housing development planned for Site 43. USA has reviewed Site 43 and has determined that sewer service can be provided by a gravity system. There is a sewer trunk approximately 2000 feet north of Site 43 in SW Grahams Ferry Rd.

The developer of Site 43 will bear all responsibility and cost of extending the public sewer lines to serve the site.

The owner/developer of Site 43, through its representatives, has informed USA of the preparation of this urban reserve plan. USA is presently updating its long range conveyance and treatment facility master plans and intends to include areas designated as URSA's.

Section 3.01.020 and Goal 2 and Goal 14 Factors:

Goal 14.

Factor 1: *Demonstrated need to accommodate long-range urban population growth.*

Discussion: Metro has addressed this factor.

Factor 2: *Need for housing, employment opportunities and liveability may be addressed under either subsection (A) or (B) or both, as described below.*

Discussion: Metro has addressed the need for housing and employment opportunities under subsection (A).

Factor 3: *Orderly and economic provision of public facilities and services.*

Discussion:

(A) Exhibit 17 demonstrates that the cost per dwelling unit of providing urban services to Site 43 is \$11,586. There are only six urban reserve sites (and only two first tier sites) with a lower cost of providing urban services.

- (B) Urban services can be provided in an orderly (efficient) fashion. Site 43 is the lower 9.89 acre portion of a 21.7 acre site owned by Matrix Development. Urban services will be extended efficiently to Site 43 when the entire 21.7 acre site is developed as a single, cohesive single family development.

Urban services will be provided as follows:

Sewer: A public sanitary sewer line is located approximately 2000 feet to the north within the SW Grahams Ferry Road right-of-way. The developer will be responsible for extending the sewer lines. Site 43 is within the drainage basin area of the Unified Sewerage Agency (USA). Wastewater treatment for Site 43 can be provided by USA's Durham facility. While Site 43 (like other URA's in Washington County) is not now within USA's existing service area for sewer, USA is updating its long-range conveyance and treatment facility master plans within the next year to include the urban reserve study areas. (See Exhibit 13)

Water: The City of Tualatin can provide water service in an orderly and efficient manner to Site 43. The nearest water main is located approximately 1000 feet from Site 43 in the Victoria Woods subdivision to the northeast. Another water main is located approximately 2000 feet north within the SW Grahams Ferry Road right-of-way. The developer will be responsible for extending the water lines. (See Map, Exhibit 3)

Storm drainage: Storm drainage will be provided on site by the developer, Matrix Development Corp. Storm water will drain south through Coffee Creek, which runs along the eastern portion of the site. (See Map, Exhibit 4)

Transportation: Transportation access to the site is provided by Grahams Ferry Road. The proposed development of the site will not require upgrading of any existing transportation facilities. (See Exhibit 11) New streets in the proposed residential development will be provided by the developer.

The Oregon Department of Transportation states that Site 43 can be served in an orderly and economic fashion. (See Exhibit 12)

Police Services: The City of Tualatin can provide police services to Site 43. The City Police Department in a location adjustment proceeding earlier this year involving this site stated that services to the site could be provided in an orderly and economic fashion and supported inclusion of the site in the UGB. (See Exhibit 14)

Parks/Recreation Services: The proposed 44 housing units can be served by City of Tualatin Parks and Recreation Department with no adverse impact on efficiency. (See Exhibit 15)

Schools: Matrix has contacted the Sherwood School District, the district in which Site 43 resides, to solicit information on whether the district can provide school services for the proposed 44 new dwelling units. To date Matrix has received no information from the district.

Factor 4: *Maximum Efficiency of Land Uses.*

Discussion:

As illustrated by Exhibit 2, Site 43 will be developed as a small lot subdivision of single family dwellings. Houses will be placed on contiguous lots of between 4500 and 5000 square feet. The lots are laid out along connecting through streets allowing for easy bicycling and walking within both Site 43 and within the adjacent 12 acre parcel immediately to the north. This 12 acre parcel and Site 43 will be developed as a single development.

Site 43 is adjacent to existing residential urban development and the development plan for the site is consistent with those developments.

Bringing Site 43 into the UGB at this time will facilitate development of the adjoining 12 acre parcel, which is already in the UGB. The 12 acre parcel is zoned RML, requiring 6 to 10 dwelling units per acre. Combining Site 43 with the adjoining 12 acre parcel will make it possible to lay out the lots as a single, small lot development and achieve the 6 to 10 units per acre required by the RML zoning and still meet Tualatin's 4500 square foot minimum lot size. Upon annexation, Tualatin intends to apply the same RML zoning to Site 43.

Developing Site 43 together with the adjoining 12 acre parcel will allow Matrix to put in two intersections from SW Grahams Ferry Road to serve the single development, a looped water system and connecting streets. It will also reduce the cost per lot of extending water, sewer and storm drainage facilities.

Factor 5: *Environmental, Energy, Economic and Social Consequences.*

Discussion:

A. Site 43 includes a natural resource area of approximately 2.6 acres. It consists of a steep ravine and includes a portion of Coffee Creek.

Coffee Creek creates a steeply sloped riparian corridor on the eastern 2.6 acres of the site. The corridor runs north-south and directs flow south to the Willamette River. This feature is the basis for two natural resource overlays on Site 43: one is a significant natural area overlay and the other is water area, wetlands and fish and wildlife habitat overlay.

The Comprehensive Plan policies that apply to the natural resources on the site are listed on the Washington County Rural/Natural Resource Plan. They include Policy 1 and Policies 24-27.

The urban development of Site 43 will be consistent with the Washington County plan through implementation of the following measures:

1. No development will occur on the 2.6 acre natural resource area.
2. The entire natural resource area - 2.6 acres - will be donated to the City of Tualatin for open space and preservation.
3. The 2.6 acres is a continuation of and indistinguishable from the natural resource area immediately to the north which Matrix has already deeded to Tualatin.
4. This donation of 2.6 acres will result in a net improvement to protection of the entire natural resource area under Title 3 of the Functional Plan and pursuant to Goal 5. Tualatin Parks Department will go through a public planning process to master plan the combined donated land.
5. There will be a 95 foot vegetated corridor to protect Coffee Creek, which is identified in Title 3 of the Functional Plan as a secondary protected water feature. (See Exhibit 16, Title 3 Map)

B. Not applicable.

C. As noted in subsection A. above, inclusion of Site 43 in the UGB will have a positive environmental impact because the 2.6 acre natural resource area on the site will receive greater protection as a result of being deeded to the City of Tualatin. If Site 43 does not come into the UGB, it will be divided into two 5 acre parcels under current Washington County zoning and no land would be deeded over for resource protection.

There are no identified adverse energy or economic consequences of developing Site 43 as a small lot residential subdivision.

There are positive social consequences of bringing Site 43 into the UGB and developing it with the adjacent 12 acre site as a single development. The single development will allow for connecting through streets instead of the cul de sac streets that would result if the 12 acre site was developed alone. It will also allow pedestrian and bicycle throughways, both of which contribute to a better community.

Factor 6: *Retention of Agricultural Land.*

Discussion:

Site 43 does not include any land designated for exclusive farm or forest use in the Washington County Comprehensive Plan and therefore this factor is not relevant.

Factor 7: *Compatibility of Proposed Urban Development with Nearby Agricultural Activities.*

Discussion:

(i) Exhibit 5 is a map showing all areas within one mile of Site 43. As can be seen from the map, there are only two small areas of exclusive farm use land on the outer perimeter of the one mile border. They are colored light green.

The small area in the southeast corner of the map is on the east side of Interstate 5. It is hilly property that is heavily wooded with fir, oak and maple trees. There are a few houses on the property and some llamas.

The EFU parcel immediately to the west of the T-intersection of SW Tonquin Road is an active rock quarry owned by Morris Bros. Coffee Lake Quarry Co. The EFU parcels to the north of SW Tonquin Road and immediately to the south of Site 44 are owned by engineering and construction firms and are being used to store construction equipment and concrete highway barriers.

(ii) There are no identifiable impacts on agricultural activities as a consequence of urban residential development on Site 43.

Traffic Impact Analysis

Rain Tree Residential

Washington County, Oregon

KITTELSON & ASSOCIATES, INC.
Transportation Planning/Traffic Engineering

March 1998

EXH. 11

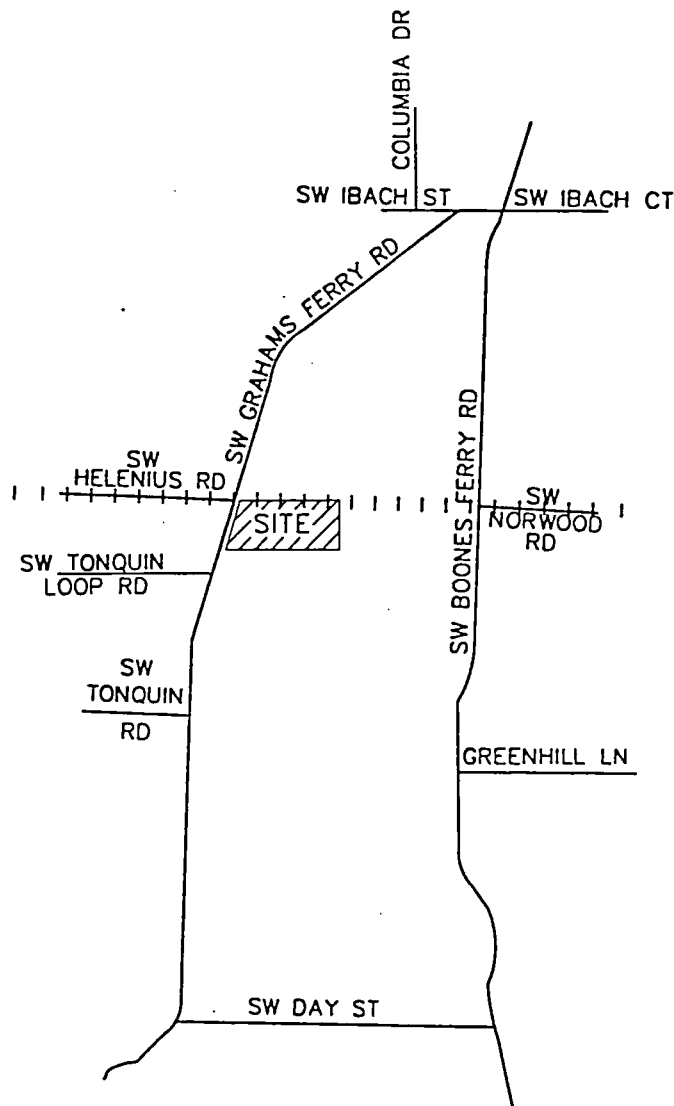
Introduction

The following traffic impact analysis is for a property (slightly less than 10 acres) located in Washington County, Oregon. The property is now outside the Urban Growth Boundary (UGB). It is adjacent to a southern boundary of the City of Tualatin. This report assesses the traffic impacts of bringing the property into the UGB in accordance with the requirements of the State of Oregon Transportation Planning Rule. This report does not consider site impacts in the near term, nor does it address short-term mitigation that might be directly attributed to development on this site. Short term impacts and project mitigation would be considered as part of the development application process.

The proposed site is located in the SE quadrant of the intersection of SW Grahams Ferry Road and SW Helenius Street, as shown in Figure 1. The (UGB) lies just to the north of this site. Bringing the site into the UGB would include rezoning the land. About 7 acres of the site are developable. It was assumed that a maximum development density on the developable land would be 10 units per acre for a total of 70 single family homes; however, the developer has indicated that the actual number of units developed may be substantially lower.

The study area was based on conversations with staff at the City of Tualatin, Washington County and ODOT. Traffic operations were analyzed for a long term scenario based on year 2015 traffic projections provided by Washington County for this study area. Currently, the site is undeveloped. The land to the north of the site has the same owner and would likely be developed simultaneously with the property under consideration. Preliminary discussions with the owner/developer indicate that access to the site would most likely include two new local roads to the north connecting with other new development. This connected new development (which is now inside the UGB) would provide access at several points to SW Grahams Ferry Road.

As shown in the conclusions section of this report, the Goal 12 Transportation Planning Rule requirements are satisfied if this property were to be rezoned and brought into the UGB.



LEGEND

--- URBAN GROWTH BOUNDARY

SITE VICINITY MAP

RAINTREE RESIDENTIAL
PORTLAND, OREGON

MARCH 1998

FIGURE

1



3069-001

Existing Conditions

A number of intersections were identified by Washington County, the City of Tualatin, and ODOT for consideration in this study. These are shown in Figure 2, along with the type of traffic controls now in place. In this analysis, it was assumed that traffic would access SW Grahams Ferry Road at a point to the north of Helenius Road. Field observations and manual traffic counts were conducted to determine the existing traffic conditions during the weekday a.m. peak hour and weekday p.m. peak hour at the existing intersections. The manual traffic volume counts, which were conducted on 10 March 1998, are attached.

The main regional facility in the area is Boones Ferry Road, which connects to I-5. Tonquin Road provides a through link to the east, to eventually connect with Highway 99E. Table 1 summarizes the transportation facilities in the immediate site vicinity.

Table 1
Existing Transportation Facilities

Name	Classification	Speed (mph)	Side Walks	Bicycle Lanes	On-Street Parking
SW Grahams Ferry Road	Major Collector	45	None	No	No
SW Tonquin Road	Minor Collector	45	None	No	No
SW Helenius Street	Major Collector	not posted	None	No	No
SW Ibach Lane	Minor Collector	35	North Side	North Side	No
SW Day Road	Minor Collector	45	None	No	No
SW Boones Ferry Road	Minor Arterial (north of UGB) Principal Route (south of UGB)	35	Limited	No	No

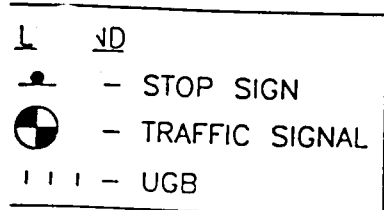
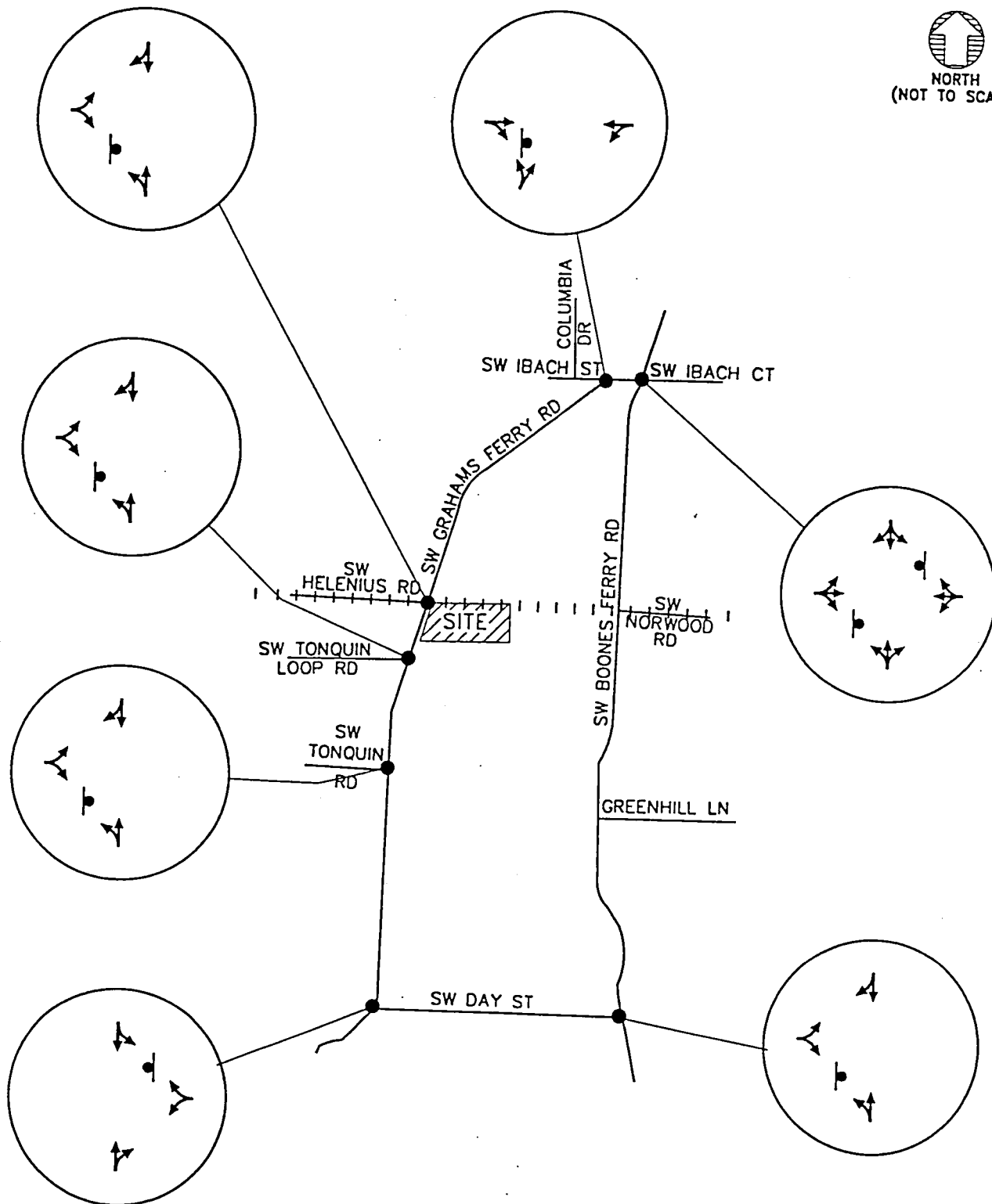
Pedestrian and Bicycle Activity

Field observations in the vicinity of the proposed site revealed a low amount of pedestrian and bicycle activity during the weekday a.m. and p.m. peak hours. It is not easy to walk in the area. There are no shoulders, curbs, nor sidewalks. The observed volume of pedestrians was low enough to be considered negligible by *Highway Capacity Manual* standards where the site access would be located. On Boones Ferry Road, pedestrian volumes were observed to be significantly higher, particularly near bus stops on Boones Ferry Road.

Existing Traffic Volumes and Peak Hour Operations

Existing weekday a.m. and p.m. peak hour traffic volumes at the study intersections are shown in Figure 3. All traffic volumes have been rounded to the nearest five vehicles per hour.

A level-of-service (LOS) analysis was conducted to evaluate the traffic operations at the study area intersections. The LOS results for these intersections are shown in Table 2 and have been prepared in accordance with the procedures presented in the 1994 *Highway Capacity Manual*



EXISTING LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES

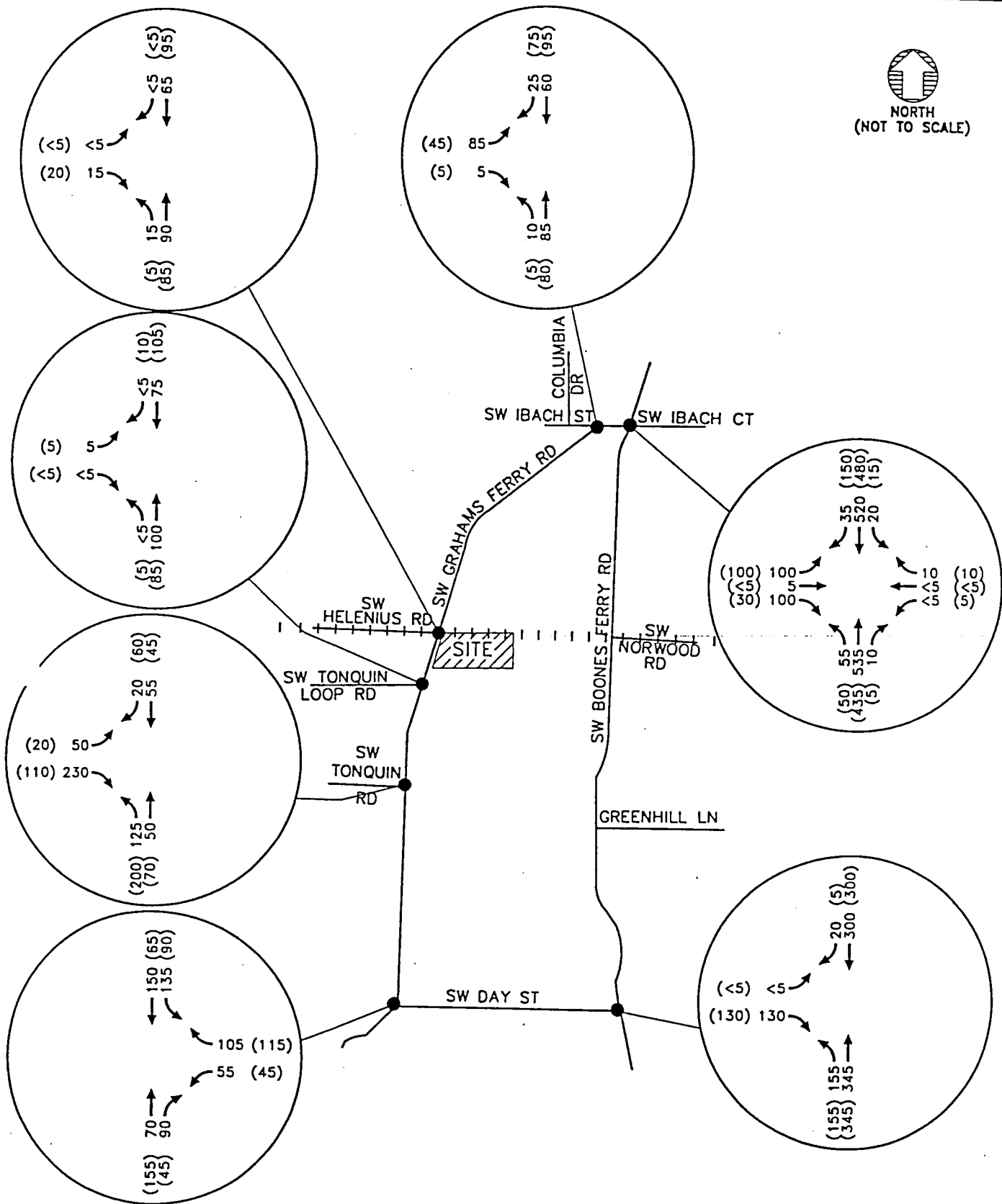
RAINTREE RESIDENTIAL
PORTLAND, OREGON

MARCH 1998

FIGURE

2





EXISTING TRAFFIC VOLUME

RAINTREE RESIDENTIAL
PORTLAND, OREGON
MARCH 1998

FIGURE
3



30289000

(HCM), published by the Transportation Research Board). The level-of-service analysis is based on the peak 15-minutes of the peak hour and a description of LOS and the criteria by which they are determined is available on request. Washington County intersection operation standards require a level-of-service "D" or better for signalized intersections and a LOS "E" or better for unsignalized intersections. In addition, Washington County standards require that signalized intersections operate at a volume-to-capacity ratio of 0.95 or less during the peak 15-minutes of the peak hour or 0.90 or less during the peak one-hour. The level-of-service analysis worksheets are attached.

Table 2
Existing Level of Service

Intersection	Unsignalized				Signalized		
	Critical Approach	Critical V/C	Average Delay	LOS	V/C	Average Delay	LOS
Weekday A.M. Peak Hour							
SW Boones Ferry Road/SW Ibach Court/SW Grahams Ferry Road	EB	>1.00	>45	F			
SW Ibach Street/Grahams Ferry Road	EB	0.15	5.1	B			
SW Grahams Ferry Road/SW Helenius Street	EB	0.02	3.0	A			
SW Grahams Ferry Road/SW Tonquin Loop	EB	0.01	4.2	A			
SW Grahams Ferry Road/SW Tonquin Road	EB	0.38	5.2	B			
SW Grahams Ferry Road/SW Day Road	WB	0.30	6.6	B			
SW Day Road/SW Boones Ferry Road	EB	0.19	4.9	A			
Weekday P.M. Peak Hour							
SW Boones Ferry Road/SW Ibach Court/SW Grahams Ferry Road	EB	0.61	31.5	E			
SW Ibach Street/Grahams Ferry Road	EB	0.08	5.0	A			
SW Grahams Ferry Road/SW Helenius Street	EB	0.03	3.2	A			
SW Grahams Ferry Road/SW Tonquin Loop	EB	0.01	4.4	A			
SW Grahams Ferry Road/SW Tonquin Road	EB	0.15	4.0	A			
SW Grahams Ferry Road/SW Day Road	WB	0.22	5.1	B			
SW Day Road/SW Boones Ferry Road	EB	0.17	4.7	A			

(1) LT=Left, TL=Through/Left, RT=Right, TR=Through/Right, T=Through.

As shown in Table 2, the intersection of SW Boones Ferry Road and SW Ibach Ct./SW Grahams Ferry Road was calculated to operate at Level of Service F during the a.m. peak hour. A traffic signal is being designed now and will be operational by 1998. The signal will improve operations to acceptable levels of service. All other study intersections operate at acceptable levels of service.

Planned Roadway Improvements

The Oregon State's Transportation Planning Rule (TPR) requires that planned/available transportation system capacity be considered in making land use decisions. Long range plans are (correctly) not developed at a level of detail sufficient to assess capacity using standard accepted calculation procedures; thus, some assumptions need to be made on regarding the ultimate configuration so that the TPR requirements can be addressed. While the ultimate configuration may vary from the assumptions made herein, the assumptions were developed in such a way that the lane configurations would be consistent with the current functional classification of the roadways. Paved cross-sections never exceed three-lanes, as shown in Figure 4, which is consistent the functional classification of the roadways in the system. Further, the reasonableness of the assumptions were verified in discussions with City/County Staff.

Short Term Improvements

Currently, the intersection of Grahams Ferry Road/Ibach Street and Boones Ferry Road is being redesigned and will include a traffic signal at the intersection of Boones Ferry Road and Ibach Street/Grahams Ferry Road. Based on discussions with the City of Tualatin, the design concept will resemble the lane configurations shown in Figure 4 at these intersections.

Long Term Improvements

Intersection configurations were developed for the year 2015 scenario without the expansion of the UGB based on traffic flow projections provided by Washington County. Grahams Ferry Road is planned as a three-lane cross-section. This provides the opportunity to provide turn-lanes at appropriate intersections. It was also found that long term traffic volume projections were high enough to meet Manual on Uniform Traffic Control Devices (MUTCD) traffic signal warrants at the following locations (in addition to Boones Ferry Road/Grahams Ferry Road):

- "SW Grahams Ferry Road/ SW Ibach Street
- "SW Grahams Ferry Road/SW Tonquin Road
- "SW Grahams Ferry Road/SW Day Road
- "SW Day Road/SW Boones Ferry Road

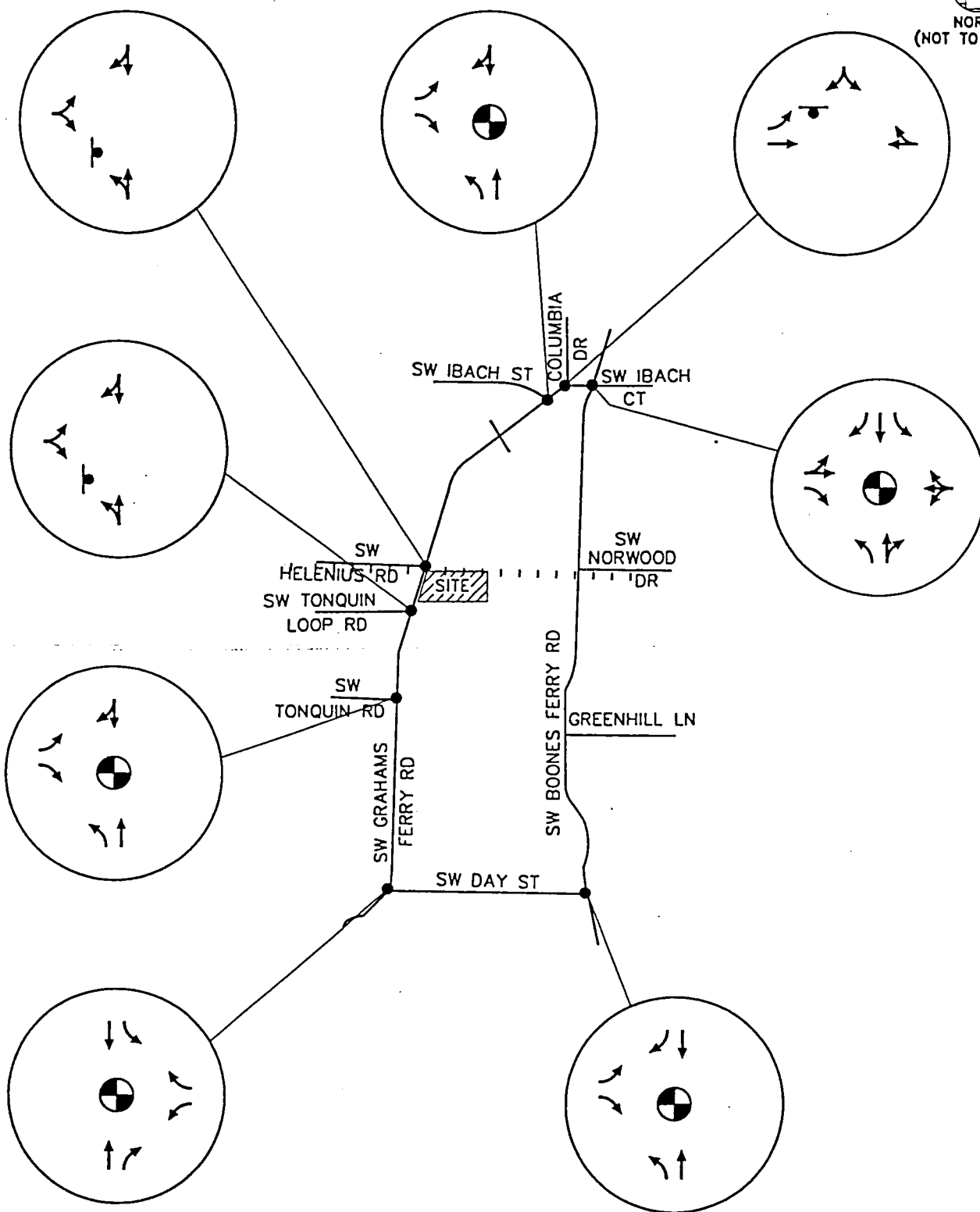
It was assumed that left-turn lanes or right turn lanes, as appropriate, would be constructed at these intersections to accommodate signalized operations. These improvements are also show in Figure 4. It was further assumed that Grahams Ferry Road would be constructed to its Major Collector Standard and would include bike lanes and sidewalks.

Tonquin Expressway

A regional link between I-5 and Highway 99-E is now being studied. The future of this expressway is uncertain. It is not shown in the Washington County Transportation Plan; however, it is in the Tualatin Transportation System Plan and is shown to be passing through the study area . Since it is uncertain whether this capacity would be available in the future, it



(NOT TO SCALE)



END

- STOP SIGN
- TRAFFIC SIGNAL
- UGB

LANE CONFIGURATIONS & TRAFFIC CONTROL DEVICES FOR LONG TERM ANALYSIS

RAINTREE RESIDENTIAL
PORTLAND, OREGON
MARCH 1998

FIGURE

4



3089-004

was not assumed to be in place in the long-term 2015 analysis. This approach to the analysis is consistent with TPR requirements since it is uncertain whether that additional roadway capacity would be available.

TRAFFIC IMPACT ANALYSIS

The methodology used in determining the overall net impact of the proposed UGB amendment and rezone for residential development used conservative estimates for site-generated trips and future traffic growth. The following process was used in the analysis:

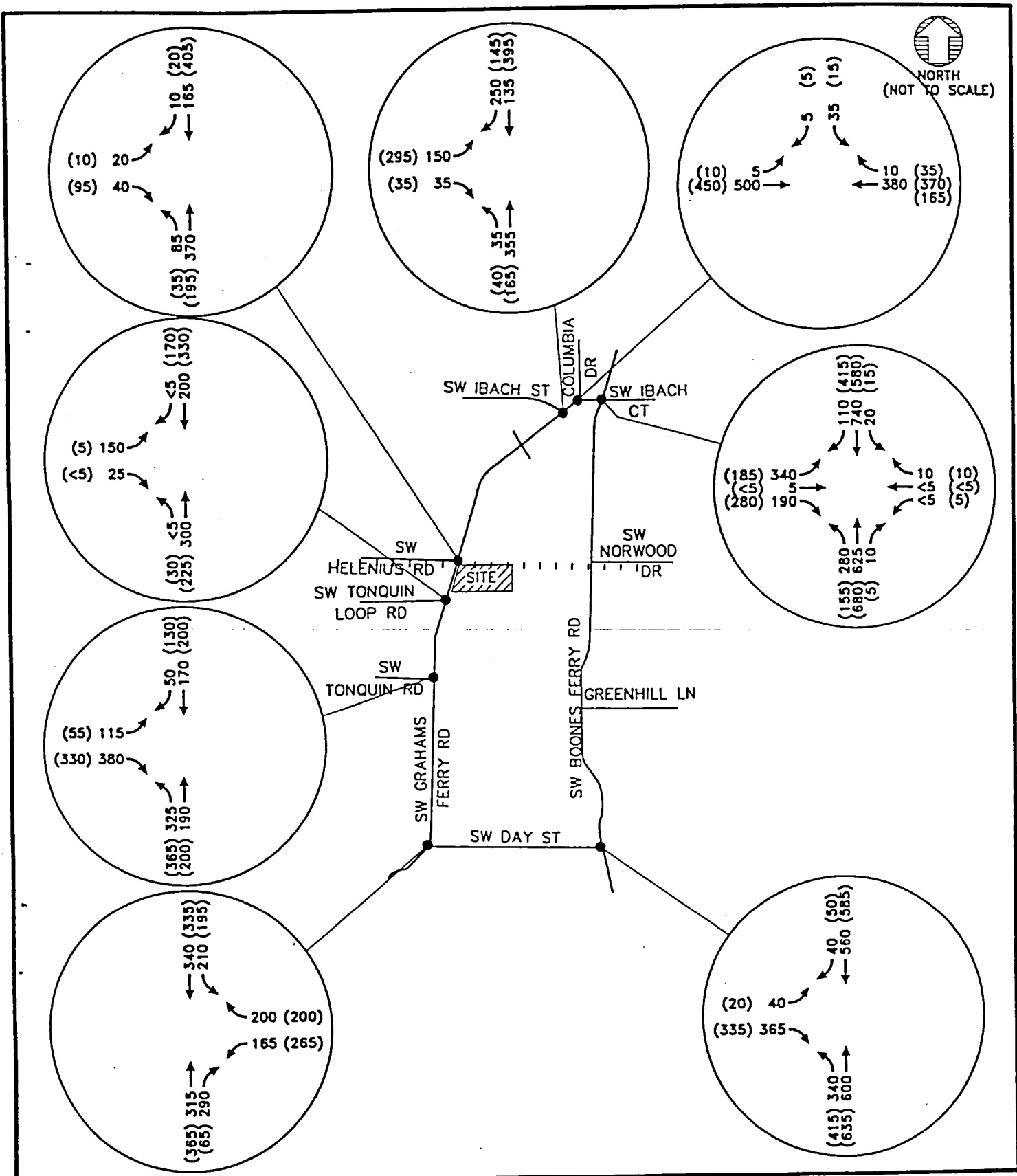
- The long term (year 2015) background peak hour traffic estimates were chosen as the basis for comparison, as these are the longest range forecasts currently available from the county.
- Traffic flows for year 2015 were calculated adding the incremental increase in traffic flows between the Washington County 1994 and 2015 model runs to the actual traffic counts conducted in March 1998. Since some growth may have occurred between 1994 and 1998, this is a conservative approach, and is a reasonable representation of a 20 year forecast. It was assumed that these projections did not include the site subject to this study.
- Predicted site-generated traffic was added to the long-term background volumes to determine the traffic operation levels at key intersections in the site vicinity under full build-out of the site for year 2015 conditions.

Background Traffic Conditions—Year 2015 Without Project

Background traffic conditions were used as the basis of comparison when determining the impact of the proposed development on the surrounding transportation system. Year 2015 traffic was estimated by adding the incremental difference between the year 1994 and year 2015 runs to the existing 1998 traffic volumes shown in Figure 3. The resulting background traffic volumes (year 2015 — no project scenario) are shown in Figure 5. Table 3 shows the resulting background levels of service at the study area intersections.

Table 3
2015 Level of Service without Project

Intersection	Unsignalized				Signalized		
	Critical Approach	Critical V/C	Average Delay	LOS	V/C	Average Delay	LOS
Weekday A.M. Peak Hour							
SW Boones Ferry Road/SW Ibach Court/SW Grahams Ferry Road					0.91	24.1	C
SW Ibach Street/Grahams Ferry Road					0.51	8.9	B
SW Grahams Ferry Road/ SW Helenius Street	EB	0.10	5.8	B			
SW Grahams Ferry Road/ SW Tonquin Loop	EB	0.50	13.3	C			
SW Grahams Ferry Road/ SW Tonquin Road					0.82	23.6	C
SW Grahams Ferry Road/SW Day Road					0.71	11.0	B
SW Day Road/SW Boones Ferry Road					0.71	11.9	B
Weekday P.M. Peak Hour							
SW Boones Ferry Road/SW Ibach Court/SW Grahams Ferry Road					0.59	15.8	C
SW Ibach Street/Grahams Ferry Road					0.70	14.0	B
SW Grahams Ferry Road/ SW Helenius Street	EB	0.23	7.0	B			
SW Grahams Ferry Road/ SW Tonquin Loop	EB	0.03	9.9	B			
SW Grahams Ferry Road/ SW Tonquin Road					0.79	21.2	C
SW Grahams Ferry Road/SW Day Road					0.66	10.2	B
SW Day Road/SW Boones Ferry Road					0.68	10.5	B



As shown in Table 3, the roadway system with the assumed improvements has adequate capacity to serve planned development at acceptable levels of service without the project.

Proposed Development

The proposed project would be a residential housing development. The project was analyzed assuming that 70 units would be built. Recent discussions with the developer, however, indicate that the actual number built may be somewhat lower. The development will be located in the southeast corner of the SW Grahams Ferry Road and SW Helenius Road. At this time, site access has not been finalized nor has the site been platted. A preliminary plat map showed a connection to the northern property, which would provide at least two access points to SW Grahams Ferry Road. As illustrated in Figure 6. The exact location of future access will be determined subsequent to annexation into the UGB as part of the development application. It would be possible to meet the minimum spacing requirement for Washington County major collector streets.

Trip Generation and Distribution

Estimates of daily and weekday a.m. and p.m. peak hour vehicle trip ends for the proposed single-family home development were derived from the *ITE Trip Generation Manual, 6th Edition*. Table 4 shows the estimated daily and weekday a.m. and p.m. peak hour trip generation characteristics for the proposed development.

Table 4

Table 4

Trip Generation

Description	Size	ITE Code	Peak Hour Trips		
			Total Trips	In	OUT
Weekday A.M. Peak Hour					
Single Family Residential	70 Dwelling Units	210	52	13	39
Weekday P.M. Peak Hour					
Single Family Residential	70 Dwelling Units	210	71	45	26

As shown in Table 4, the proposed development will generate approximately 52 trips during the typical weekday a.m. peak hour and 71 trips during the weekday p.m. peak hour.

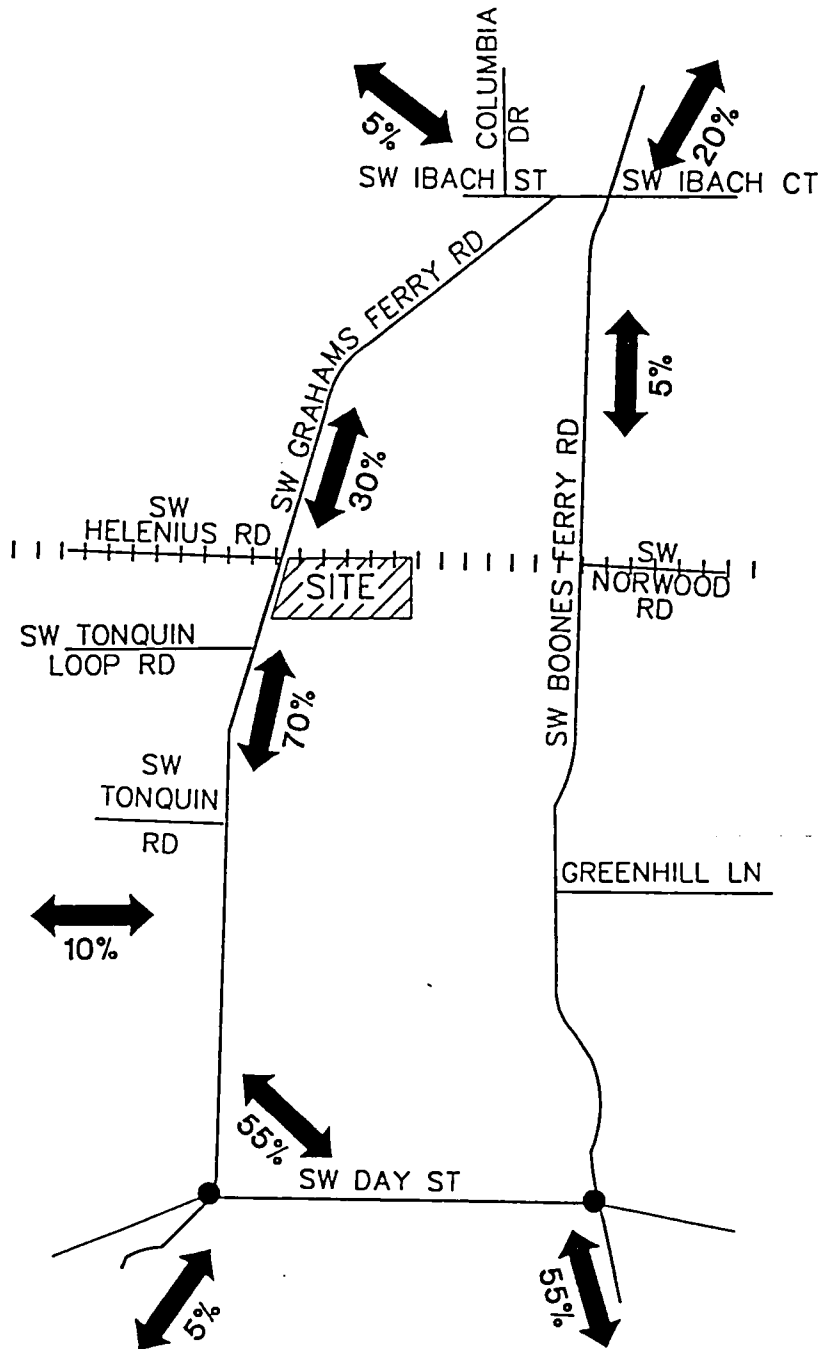
The distribution of site-generated trips onto the roadway system within the study area was based on an examination of existing traffic patterns in the surrounding area. This resulted in an assignment of 70 percent of the traffic going to or from the south, primarily oriented towards Boones Ferry Road and I-5, and 30 percent going to or from the north. A more detailed distribution is illustrated in Figure 7. The site-generated trips during the weekday a.m. and p.m. peak hours are shown in Figure 8.

Total Traffic and Peak Hour Operation with Site Developed — Year 2015

The year 2015 background traffic volumes shown in Figure 5 were added to the site-generated traffic shown in Figure 8 to arrive at the total weekday a.m. and p.m. peak hour traffic volumes shown in Figure 9. This assignment assumes that no new access would be constructed. Table 5 shows the level of service at the study area intersections with the site fully developed.

Safety Considerations and High Accident Locations

Two of the study area intersections are shown on as high accident locations by Washington County. These are the intersection of SW Day Road and SW Boones Ferry Road and the intersection of SW Grahams Ferry Road and SW Helenius Road. A detailed accident analysis was not conducted as part of this long-range study since it does not impact the decision being made in terms of the Transportation Planning rule and since such an analysis would be conducted as part of the site review. This issue is typically addressed in the short-term planning processes undertaken by the Washington County which include participation by new develop-



END

UGB

ESTIMATED TRIP DISTRIBUTION

RAINTREE RESIDENTIAL
PORTLAND, OREGON

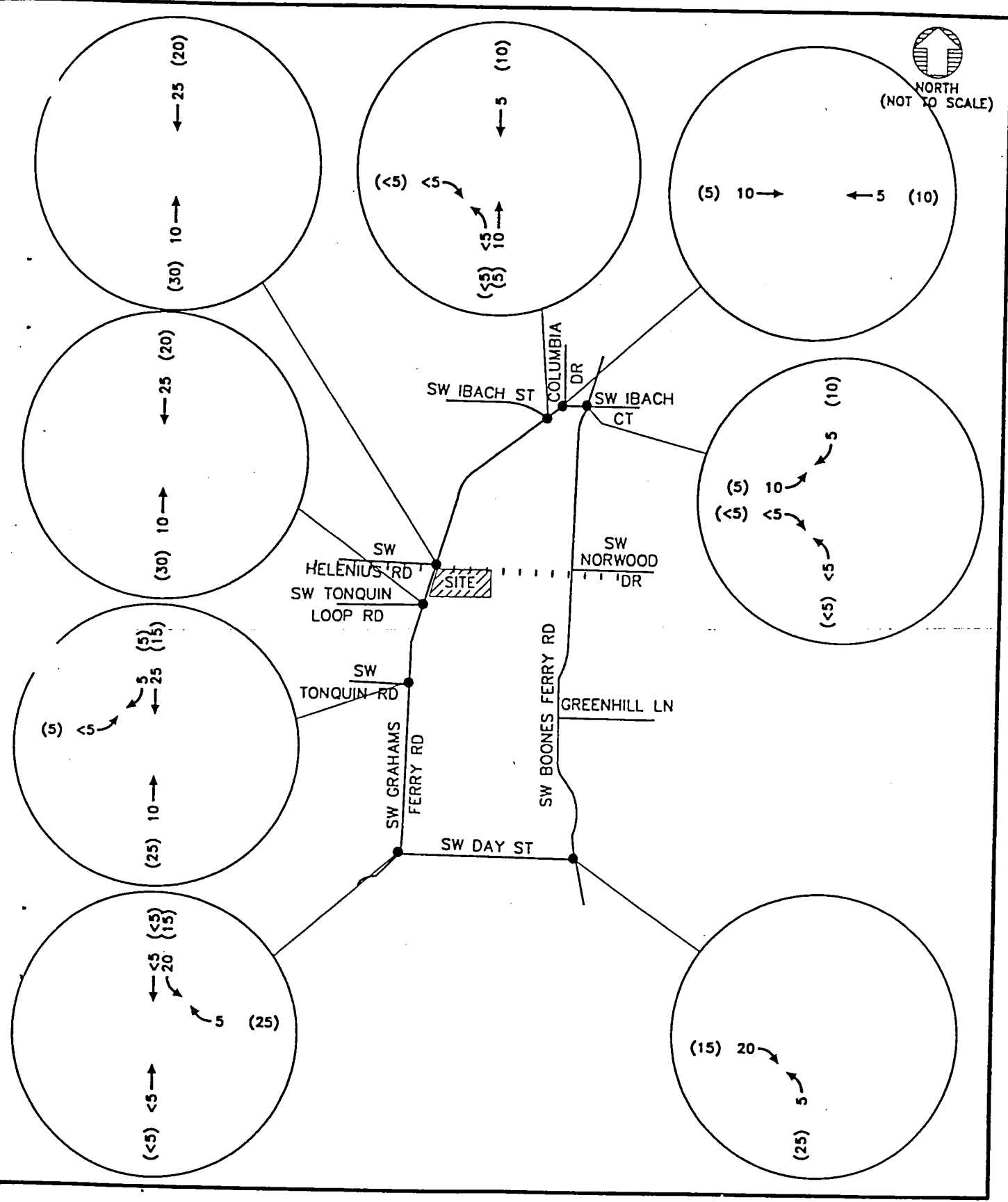
MARCH 1998

FIGURE

7



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LEGEND

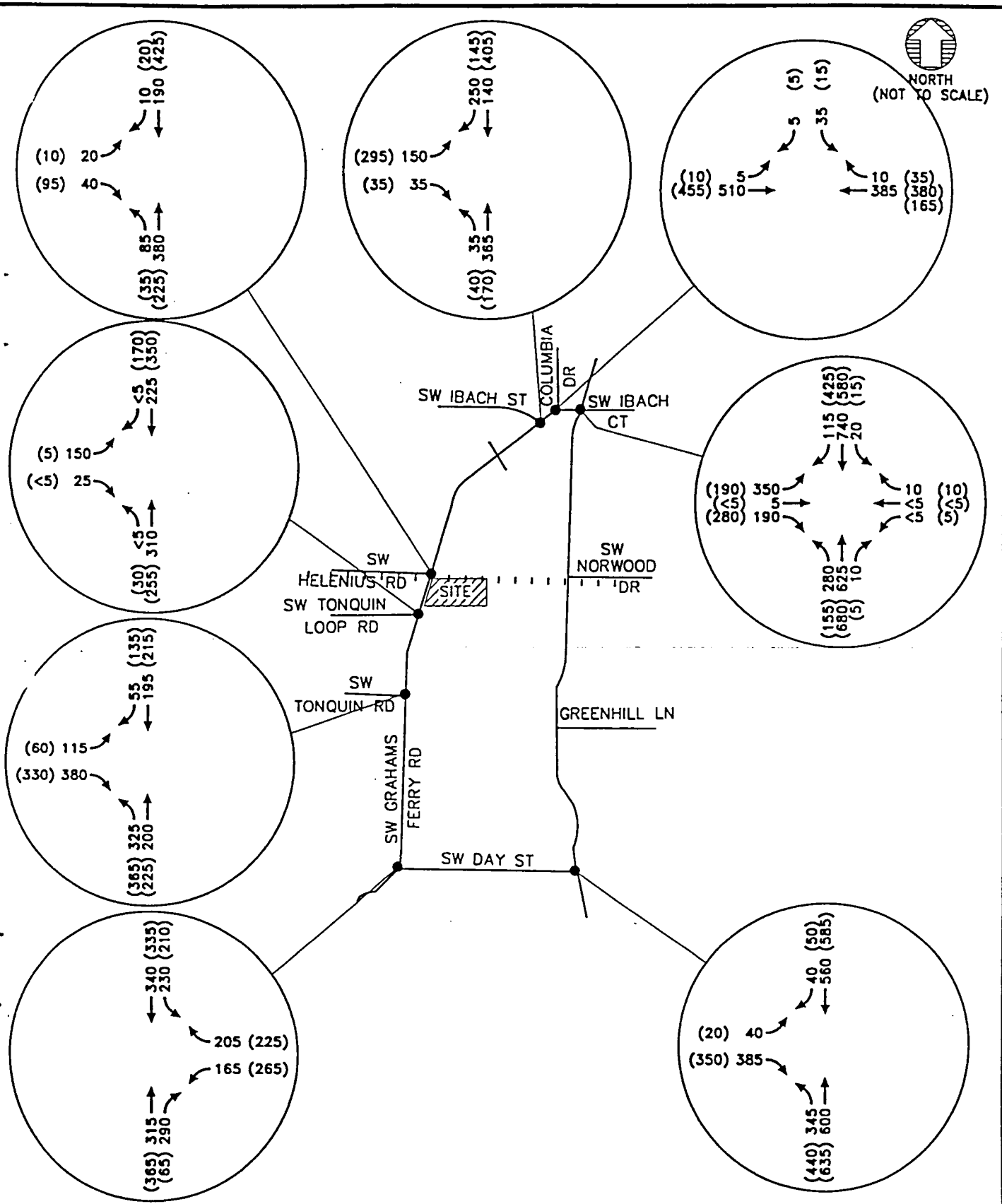
XX - AM PEAK
 (XX) - PM PEAK
 --- UGB

SITE GENERATED TRAFFIC

RAIN TREE RESIDENTIAL PORTLAND, OREGON	FIGURE 8	
MARCH 1998		

Table5
2015A.M/ P.M. Peak Hour Level of Service with Project

Intersection	Unsignalized				Signalized		
	Critical Approach	Critical V/C	Average Delay	LOS	V/C	Average Delay	LOS
Weekday A.M. Peak Hour							
SW Boones Ferry Road/SW Ibach Court/SW Grahams Ferry Road					0.91	24.5	C
SW Ibach Street/Grahams Ferry Road					0.51	8.9	B
SW Grahams Ferry Road/ SW Helenius Street	EB	0.11	6.1	B			
SW Grahams Ferry Road/ SW Tonquin Loop	EB	0.53	14.9	C			
SW Grahams Ferry Road/ SW Tonquin Road					0.85	25.0	C
SW Grahams Ferry Road/SW Day Road					0.74	11.7	B
SW Day Road/SW Boones Ferry Road					0.73	12.4	B
Weekday P.M. Peak Hour							
SW Boones Ferry Road/SW Ibach Court/SW Grahams Ferry Road					0.60	15.9	C
SW Ibach Street/Grahams Ferry Road					0.71	14.1	B
SW Grahams Ferry Road/ SW Helenius Street	EB	0.24	7.4	B			
SW Grahams Ferry Road/ SW Tonquin Loop	EB	0.03	10.7	C			
SW Grahams Ferry Road/ SW Tonquin Road					0.80	21.5	C
SW Grahams Ferry Road/SW Day Road					0.67	10.6	B
SW Day Road/SW Boones Ferry Road					0.70	10.8	B



ments in correcting deficiencies. Moreover, as the area develops, it is likely that the roads in the study area will be upgraded from their current rural road design to roadway cross-sections that are more in keeping with the type and level of traffic to be carried by these roadways. Finally, it is anticipated that project access would be designed to accepted engineering standards and as such would not introduce a traffic safety problem to the area. As shown in Table 5, with the assumed improvements, there is adequate surplus capacity in the study area roadway system to accommodate the additional traffic generated by 70 single family homes on the site.

Conclusions

Based on the results of the traffic analysis described in this letter, the assumed transportation system in the area would be adequate to accommodate year 2015 traffic with or without development of 70 additional single family homes. There are existing operational problems at the intersection of SW Boones Ferry Road and Grahams Ferry Road; however, these are being addressed by planned reconfiguration and signalization of the intersection.

The following conclusions and recommendations can be drawn from the analysis:

Existing Conditions

Under existing conditions, the intersection of SW Boones Ferry Road and SW Grahams Ferry Road operates at an unacceptable LOS "F" during both the a.m. and p.m. peak hours. The current project that involves a reconfiguration of the intersection and a traffic signal would improve the LOS to an acceptable level of service (Level of Service D or better) during both peak periods.

There are two high accident locations in the study area. It is suggested that these be addressed through the site development process using the procedures established by Washington County.

Year 2015 Conditions

With the addition of turn lanes and selected traffic signals, which is consistent with the functional classification of the roadways in the system, there would be adequate roadway capacity in the vicinity of the site to accommodate future traffic with or without the site being brought into the UGB.

The two high accident locations will likely be addressed in short-term planning activities. It can be fairly assumed that upgrading the roads to provide turn lanes, shoulders, selected traffic signals, along with upgraded geometric design as needed, will occur before the 2015 horizon year of this study.

STATEWIDE GOAL 12 (Transportation Planning Rule)

Subsection 660-12-060 (1) of the Transportation Planning Rule (TPR) sets forth the relative criteria for evaluating land use regulation amendments. Specifically, the subsection reads as follows: "Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility"

The rule defines "significantly affects" according to the following four criteria. A response to each of the criteria is included.

A plan or land use regulation amendment significantly affects a transportation facility if it:

- a) Changes the functional classification of an existing or planned transportation facility;

Response: The proposed amendment to bring the property into the UGB will not require or result in any changes to the functional classification of any transportation facility in the vicinity of the site. Criteria a) is not met.

- b) Changes standards implementing a functional classification system;

Response: The proposed amendment to bring the property into the UGB will not require or result in any changes to the standards that implement the functional classification system. Criteria b) is not met.

- c) Allows types of land uses which would result in level of travel or access which are inconsistent with the functional classification or a transportation facility;

Response: The level of travel under residential zoning designations are consistent with the functional classifications of the facilities as the site is served by a Major Collector (SW Grahams Ferry Road), via connections on local streets to the north through a property to be jointly developed. Criteria c) is not met.

- d) Would reduce the level of service of the facility below the minimum acceptable level of service identified in the TSP.

Response: As indicated in the previous sections, bringing the property into the UGB with proposed re-zone to residential uses (amounting to a maximum increase of 70 residential units) will not result in a degradation in level of service category at any study area intersection under the assumed long-range configuration of the study area intersections. Criteria d) is not met.

Based on the criteria set forth in Subsection 660-12-060 (1) of the Transportation Planning Rule, it is concluded that the proposed 9.8 acre rezone will not significantly affect any of the transportation facilities serving the site. As such, the Goal 12 Transportation Planning Rule requirements are satisfied.

Note: The Appendix of traffic tables is available upon request.

REQUEST FOR COMMENT FROM SERVICE PROVIDER

(Part I to be completed by petitioner and submitted to each service provider. Part II to be completed by the service provider and returned to Growth Management Section, Metro, 600E. Grand Avenue, Portland, Oregon 97232.)

PART I

To: Oregon Department of Transportation

Name of Service Provider

From: Matrix Development Corporation Case 98-6

Name of Petitioner

Attached is a copy of a petition for an amendment to the Metro Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but **NO LATER THAN** _____.

In general, land placed inside the UGB will develop to an average residential density of ten units per net buildable acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it more efficient (less expensive) or less efficient (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) whether there would be an orderly and economic way to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Growth Management Services Department at Metro, 797-1700, if you have any questions.

PART II

I have reviewed the attached petition for a locational adjustment to Metro's UGB. In reviewing the petition, I have reached the following conclusions (mark an "X" in the appropriate space and indicate your reasons):

1. Approval of the petition would make it more efficient (less expensive on a per unit basis), less efficient (more expensive on a per unit basis), or X would have no efficiency impact (same expense on a per unit basis) to serve other adjacent areas inside the UGB for which service is planned and expected, for the following reasons: _____

2. If the petition were approved, the area X could, or could not be served by us in an orderly and economic fashion, for the following reasons:

3. My position on the application is:

 I Support Approval

 I Oppose Approval

X I am Neutral

 I Support with Conditions

Comments and explanation (explain any conditions): see attached letter

Signed

Mark Danielson

Date

6/1/98

Title

Development Review Planner, ODOT Region 1

June 1, 1998

Oregon

Metro
Growth Management
600 NE Grand Ave.
Portland, OR 97232

DEPARTMENT OF
TRANSPORTATION

Region 1

Att: Ray Valone

FILE CODE:

Re: Case 98-6: Matrix Development Corporation
Stafford Rd. Interchange

PLA9-2A-METRO-141

Position: Neutral

Findings: If the subject property were to develop with urban services, the signalized intersection 95th Ave. and Boones Ferry Road is expected to be impacted. According to the Oregon Highway Plan, this facility has a District level of importance. The Stafford Road Interchange at I-5 is also expected to be impacted. According to the Oregon Highway Plan, the Stafford Rd. Interchange has an interstate level of importance. We have an interest in ensuring that proposed land uses do not negatively impact the safe and efficient operation of these facilities.

The signalized intersection of 95th Ave. and Boones Ferry Road is operating near capacity. According to the applicants traffic study, over half of the site generated trips are expected to use this intersection. A proposed prison site at the intersection of Day Rd. and Grahams Ferry Rd. is also being considered at this time. If chosen for the prison site, the traffic generated is also expected to impact this intersection. With existing and potential development in the vicinity of the proposed locational adjustment, the intersection of 95th Ave. and Boones Ferry Road may need improvements in the near future.

Conclusion: Recently, ODOT reduced the number of intersections between the Stafford Road Interchange and the Day Rd./Boones Ferry Rd. intersection which created the 95th Ave. intersection with Boones Ferry Road. ODOT has no plans to further improve this intersection in the near future.

Thank you for the opportunity to comment on the above referenced land use action.



Marah Danielson, Planner
Development Review

Cc: Leo Huff, Bill Ciz, Martin Jensvold, Simon Eng, Gail Curtis, Sonya Kazen, ODOT
Region 1



123 NW Flanders
Portland, OR 97209-4037
(503) 731-8200
FAX (503) 731-8259



UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

March 9, 1998

Growth Management Section
Metro
600E Grand Avenue
Portland, OR 97232

Re: Request for Service Provider Comment
2S135CB 100

Unified Sewerage Agency has reviewed the above petition for a locational adjustment to Metro's UGB and has the following comments.

The 9.89 acres in the proposal is not within the Agency's service area, but is within the drainage basin. The closest public sanitary sewer would be within the city of Tualatin; there are no Agency lines to serve the site. Wastewater treatment would be provided by Unified Sewerage Agency at its Durham facility. USA has no information on availability of storm sewer systems to serve the site.

Designs for existing treatment facilities did not consider any development outside the Agency's service area. Unified Sewerage Agency will be updating its long range conveyance and treatment facility masterplans during the upcoming fiscal year and will include those areas designated as Urban Reserve Study Areas (URSA). The parcel is within an URSA.

Until this long-range planning is complete, the Unified Sewerage Agency is not able to formulate an opinion on the relative efficiency of potential service to this parcel. If the adjustment were approved and service required prior to the completion of the plan(s), Unified Sewerage Agency would require that the applicant perform a downstream capacity analysis of the sanitary and storm sewer systems. Any collection system and treatment facility capacity upgrades and public system extensions would be the developer's responsibility. Therefore, there would be no negative economic impact to the Agency.

Sincerely,

Nora M. Curtis
Engineering Division Manager

c: D. Godwin

EXH. 13

MAR-11-98 WED 02:05 PM HOEVET & SNYDER, PC

FAX NO. 5032287112

P. 02/03

REQUEST FOR COMMENT FROM SERVICE PROVIDER

(Part I to be completed by petitioner and submitted to each service provider. Part II to be completed by the service provider and returned to Growth Management Section, Metro, 600E Grand Avenue, Portland, Oregon 97232.)

PART I

To: _____ City of Tualatin Police Department

Name of Service Provider

From: Matrix Development Corporation

Name of Petitioner

Attached is a copy of a petition for an amendment to the Metro Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but **NO LATER THAN** March 11, 1998.

In general, land placed inside the UGB will develop to an average residential density of ten units per net buildable acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it more efficient (less expensive) or less efficient (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) whether there would be an orderly and economic way to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Growth Management Services Department at Metro, 797-1700, if you have any questions.

PART II

I have reviewed the attached petition for a locational adjustment to Metro's UGB. In reviewing the petition, I have reached the following conclusions (mark an "X" in the appropriate space and indicate your reasons):

1. Approval of the petition would make it more efficient (less expensive on a per unit basis), less efficient (more expensive on a per unit basis), or X would have no efficiency impact (same expense on a per unit basis) to serve other adjacent areas inside the UGB for which service is planned and expected, for the following reasons: _____

EXH. 14

MAR-11-98 WED 02:06 PM HOEVET & SNYDER, PC

FAX NO. 5032287112

P.03/03

2. If the petition were approved, the area X could, or ___ could not be served by us in an orderly and economic fashion, for the following reasons: _____

3. My position on the application is:

X I Support Approval

___ I Oppose Approval

___ I am Neutral

___ I Support with Conditions

Comments and explanation (explain any conditions): _____

Signed

Bruce H. Jones

Date

3/11/98

Title

LIEUTENANT, TUALATIN POLICE DEPT.

REQUEST FOR COMMENT FROM SERVICE PROVIDER

(Part I to be completed by petitioner and submitted to each service provider. Part II to be completed by the service provider and returned to Growth Management Section, Metro, 600 E. Grand Avenue, Portland, Oregon 97232.) 600 NE.

PART I

To: CITY OF TUALATIN PARKS AND RECREATION
Name of Service Provider

From: MATRIX DEVELOPMENT CORP.
Name of Petitioner

Attached is a copy of a petition for an amendment to the Metro Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, BUT NO LATER THAN March 13, 1998.

In general, land placed inside the UGB will develop to an average residential density of ten units per net buildable acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it more efficient (less expensive) or less efficient (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) whether there would be an orderly and economic way to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Growth Management Services Department at Metro, 797-1700, if you have any questions.

PART II

I have reviewed the attached petition for a locational adjustment to Metro's UGB. In reviewing the petition, I have reached the following conclusions (mark an "X" in the appropriate space and indicate your reasons):

1. Approval of the petition would make it more efficient (less expensive on a per unit basis), less efficient (more expensive on a per unit basis), or X would have no efficiency impact (same expense on a per unit basis) to serve other adjacent areas inside the UGB for which service is planned and expected, for the following reasons:

An additional 10-50 houses would not significantly increase the service population for this area.



Title 3 DRAFT Section 2s1w35

Proposed Protection Areas Growth Management Functional Plan







NOTE:
This map, which represents proposed protection areas, is not an independent, legal document. It is intended to be used as a guide for delineating sensitive areas, in conjunction with the Title 3 ordinance language, adopted by the Metro Council.

Water Quality and Flood Management
Areas (Approximate - Not Field Surveyed)
Oregon Statewide Planning Goals 6 & 7

Flood Management Area:

-  FEMA 100-Year Floodplain
-  Feb. 1996 Flood Inundation

Water Quality Resource Areas (Vegetated Corridor):

-  Riparian Areas
-  Wetland Areas
-  Primary Protected Water Features
-  Secondary Protected Water Features
-  Unprotected Water Features
-  Tax Lot Lines
-  Metro Boundary

NOTE: Due to positional error inherent in mapped data, a field survey is required to determine the precise location of natural boundaries (i.e. wetlands) in relation to tax lot boundaries.

SOURCES:

RIVERS & STREAMS:
County assessor maps, 1994. Data collection scale: 1:300' - 1:600'.
US Geological Survey Digital Elevation Model (DEM), received in 1995.
Data collection scale: 1:24,000
Description: A DEM was used to calculate stream drainage areas of 50 & 100 acres. This information was used to enhance existing data.
Local jurisdictional updates (1997-1998)
FLOOD MANAGEMENT AREAS
Army Corps of Engineers, FEMA maps, 1993.
(See Federal Insurance Rate Maps (FIRMs) for actual flood elevations)
Feb. 1996 Flood inundation line (from aerial photos taken 2/9 - 2/11)
(See 1994 Flood inundation source data for actual flood elevations)

WETLANDS
U.S. Department of Fish and Wildlife, 1983-1990.
Local jurisdictional updates and local wetland inventories.
SOURCES:

TAX LOT MAP
City of Beaverton, Multnomah County and Tigard.
Source: City, 1994. Map accuracy: central point positional accuracy is plus or minus five feet or better. Data collection scale: 1"=300'.
Source: Multnomah County Assessor, 1995. Map accuracy: based on existing control points. Line work entered using coordinate geometry. Remainder of region.
Source: Portland General Electric and others, 1994. Map accuracy: central point positional accuracy is plus or minus ten feet. Data collection scale: 1"=300', 1"=250' or 1"=600'.
Scale: 1" = 800'



0 250 500



\\ds9\proj\1\tile3\sectbw.aml, plot date: April 19, 1998

URA #43

EXH. 16

**GRAHAM'S FERRY U.G.B. AMENDMENT
SOUTHERN SECTION
OUTSIDE URBAN GROWTH BOUNDARY**

Preliminary Engineers Construction Cost Estimate

JOB NUMBER: 108-042

SCHEDULE A - GRADING & STREET CONSTRUCTION	<u>\$ 187,380.00</u>
SCHEDULE B - SITE DRAINAGE	<u>\$ 95,920.00</u>
SCHEDULE C - SANITARY SEWER	<u>\$ 122,600.00</u>
SCHEDULE D - WATER SYSTEM	<u>\$ 77,915.00</u>
SCHEDULE E - OFFSITE IMPROVEMENTS	<u>\$ 37,835.00</u>
 GRAND TOTAL:	 <u>\$ 521,650.00</u>
 COST PER LOT	 <u>\$ 11,586.00</u>

Date: October 23, 1998

By: Steve Wadleigh

[1] QUANTITIES ARE IN PLACE

[2] BLASTING AND ROCK EXCAVATION IN TRENCH NOT INCLUDED

[3] CONNECTION FEES AND ASSESSMENTS ARE NOT INCLUDED

**GRAHAM'S FERRY U.G.B. AMENDMENT
SOUTHERN SECTION
WITHIN URBAN GROWTH BOUNDARY
SCHEDULE OF PRICES**

**SCHEDULE A - GRADING & STREET CONSTRUCTION
JOB NO. 108-042
44 LOTS**

Item No.	Quan. Total	Unit	Description	Unit Price	Total
1	1	LS	Mobilization	\$ 10,000.00	\$ 10,000.00
2	1	LS	Demolition, Clearing & Grubbing	10000.00	10,000.00
3	5,285	SY	Street 3" A.C. surfacing (type "C") (two lifts)	7.00	36,995.00
4	1,670	CY	Base rock 8" of (1 1/2" - 0) and leveling course 2" of (3/4" - 0) = 10" of total rock	30.00	50,100.00
5	3,050	LF	Concrete curb and gutter.	8.50	25,925.00
6	6	EA	Wheel chair ramps	650.00	3,900.00
7	2,900	LF	Joint utility trenching	2.50	7,250.00
8	2,900	LF	PGE Conduit	6.00	17,400.00
9	3	EA	Utility crossings	750.00	2,250.00
10	3	EA	Transformer vaults	1,500.00	4,500.00
11	1	EA	Gravel construction entrance	1,200.00	1,200.00
12	1	LS	Erosion control	3,000.00	3,000.00
13	8	EA	Inlet barriers	50.00	400.00
14	8	EA	Street lights	1,250.00	10,000.00
15	1,330	LF	Erosion control fence	2.00	2,660.00
16	4	EA	Stop signs and street name signs	450.00	1,800.00
				TOTAL	\$ 187,380.00

**GRAHAM'S FERRY U.G.B. AMENDMENT
SOUTHERN SECTION
WITHIN URBAN GROWTH BOUNDARY
SCHEDULE OF PRICES**

**SCHEDULE B - SITE DRAINAGE
JOB NO. 108-042
44 LOTS**

Item No.	Quan. Total	Unit	Description	Unit Price	Total
1	1,390	LF	Furnish & install 12" PVC pipe including all excavations and rock backfill	32.00	44,480.00
2	1,760	LF	Furnish & install 4" PVC pipe including all excavations and rock backfill	19.00	33,440.00
3	4	EA	Manhole	1,800.00	7,200.00
4	8	EA	Gutter and curb CB	1,050.00	8,400.00
5	40	EA	12"x4" tees	60.00	2,400.00
TOTAL					\$ 95,920.00

**GRAHAM'S FERRY U.G.B. AMENDMENT
SOUTHERN SECTION
WITHIN URBAN GROWTH BOUNDARY
SCHEDULE OF PRICES**

SCHEDULE C - SANITARY SEWER
JOB NO. 108-042
44 LOTS

Item No.	Quan. Total	Unit	Description	Unit Price	Total
1	1,475	LF	Furnish & install 8" PVC sewer pipe including all excavation & rock backfill & testing	<u>\$40.00</u>	<u>\$ 59,000.00</u>
2	1,760	LF	Furnish & install 4" PVC sewer pipe including all excavation & rock backfill & testing	<u>30.00</u>	<u>52,800.00</u>
3	40	EA	Furnish & install 8" X 4" tees	<u>60.00</u>	<u>2,400.00</u>
4	4	EA	Standard manhole	<u>2,100.00</u>	<u>8,400.00</u>
				TOTAL	<u>\$ 122,600.00</u>

**GRAHAM'S FERRY U.G.B. AMENDMENT
SOUTHERN SECTION
WITHIN URBAN GROWTH BOUNDARY
SCHEDULE OF PRICES**

**SCHEDULE D - WATER SYSTEM
JOB NO. 108-042
44 LOTS**

Item No.	Quan. Total	Unit	Description	Unit Price	Total
1	1,690	LF	8" DIP iron pipe including fitting and all other appurtenances, all excavation, backfill testing and disinfection.	<u>\$31.00</u>	<u>\$ 52,390.00</u>
2	4	EA	Fire hydrant assembly (complete)	<u>1,900.00</u>	<u>7,600.00</u>
3	7	EA	8" gate valve (complete)	<u>550.00</u>	<u>3,850.00</u>
4	21	EA	Double water service	<u>625.00</u>	<u>13,125.00</u>
5	2	EA	Single water service	<u>475.00</u>	<u>950.00</u>
				TOTAL	<u>\$ 77,915.00</u>

**GRAHAM'S FERRY U.G.B. AMENDMENT
SOUTHERN SECTION
WITHIN URBAN GROWTH BOUNDARY
SCHEDULE OF PRICES**

**SCHEDULE E - OFFSITE IMPROVEMENTS
JOB NO. 108-042
44 LOTS**

Item No.	Quan. Total	Unit	Description	Unit Price	Total
1	900	SY	Street 4" AC surfacing - 2" Class-B and 2" Class-C (two lifts)	<u>\$10.00</u>	<u>\$9,000.00</u>
2	395	CY	Base rock 12" (1 1/2"-0) and leveling course 2" (3/4"-0) = 14" of total rock	<u>\$42.00</u>	<u>\$16,590.00</u>
3	440	LF	Concrete curb and gutter	<u>\$8.50</u>	<u>\$3,740.00</u>
4	375	LF	Sidewalk	<u>\$17.00</u>	<u>\$6,375.00</u>
5	2	EA	Wheel chair ramps	<u>\$650.00</u>	<u>\$1,300.00</u>
6	415	LF	Sawcut	<u>\$2.00</u>	<u>\$830.00</u>
				TOTAL	<u><u>\$37,835.00</u></u>