



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Agenda

Meeting: **METRO COUNCIL**
Date: **December 13, 1990**
Day: **Thursday**
Time: **5:30 p.m.**
Place: **Metro Council Chambers**

Approx.
Time*

Presented By

5:30 p.m. **CALL TO ORDER/ROLL CALL**

1. **INTRODUCTIONS**
2. **CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS**
3. **EXECUTIVE OFFICER COMMUNICATIONS**

5:45 (5 min.) 4. **CONSENT AGENDA**

4.1 **Minutes of July 12 and 26, 1990 (Action Requested: Motion to Approve the Minutes)**

REFERRED FROM THE CONVENTION AND VISITOR FACILITIES COMMITTEE

4.2 **Resolution No. 90-1366, For the Purpose of Endorsing the Oregon Tourism Alliance's Regional Strategies Program (Action Requested: Motion to Adopt the Resolution)**

REFERRED FROM THE FINANCE COMMITTEE

4.3 **Resolution No. 90-1364, Adopting the FY 1990-91 Pay Plan for Zoo Visitor Services Workers (Action Requested: Motion to Adopt the Resolution)**

REFERRED FROM THE INTERGOVERNMENTAL RELATIONS COMMITTEE

4.4 **Resolution No. 90-1372, For the Purpose of Accepting the November 6, 1990, General Election Abstract of Votes of the Metropolitan Service District (Action Requested: Motion to Adopt the Resolution)**

5. **ORDINANCES, FIRST READINGS**

5:50 (5 min.) 5.1 **Ordinance No. 90-376, Amending Metro Code Section 4.01.060 Revising Admission Fees and Policies at Metro Washington Park Zoo (Referred to Zoo and Finance Committees)**

* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

6. ORDINANCES, SECOND READINGS

REFERRED FROM THE FINANCE COMMITTEE

- 6:00 (5 min.) **6.1 Ordinance No. 90-373, Amending Ordinance No. 90-340A Revising the Fiscal Year 1990-91 Budget and Appropriation Schedule for the Purpose of Allocating \$10,000 From General Fund Contingency to Support Arts Plan 2000 (Action Requested: Motion to Adopt the Ordinance)** Wyers
- 6:05 (5 min.) **6.2 Ordinance No. 90-374, Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Enhancing Computer Acquisitions in the Transportation Department and Providing an RLIS Marketing Consultant (Action Requested: Motion to Adopt the Ordinance)** Devlin
- 6:10 (5 min.) **6.3 Ordinance No. 90-375, Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Enhancing the Parks and Natural Areas Program of the Planning and Development Department (Action Requested: Motion to Adopt the Ordinance)** Gardner

7. ORDERS

- 6:15 (25 min.) **7.1 Order No. 90-23, In the Matter of Contested Case No. 87-3, Blazer Homes, A Petition for a Locational Adjustment of Metro's Urban Growth Boundary (Action Requested: Motion to Adopt the Order Denying the Petition)** Shaw

8. RESOLUTIONS

NON-REFERRED RESOLUTIONS

- 6:40 (45 min.) **8.1 Resolution No. 90-1351, For the Purpose of Expressing Council Intent to Amend Metro's Urban Growth Boundary for Contested Case No. 90-1, Wagner (Action Requested: Council may adopt resolution or remand findings)** Shaw

* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

Agenda Item No. 4.1
Meeting Date: December 13, 1990

MINUTES OF JULY 12 AND 26, 1990



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

DATE: December 11, 1990

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Committee Clerk

RE: MINUTES OF JULY 12 AND 26, 1990

The above minutes will be distributed at the Council meeting December 13, 1990. Anyone interested in receiving copies of those minutes can contact the Clerk of the Council after December 13.

/pa

Agenda Item No. 4.2
Meeting Date: December 13, 1990

RESOLUTION NO. 90-1366



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503 221-1646

Memorandum

DATE: December 11, 1990

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Committee Clerk

RE: RESOLUTION NO. 90-1366, COUNCIL COMMITTEE REPORT

The Council Committee report will be distributed prior to the December 13, 1990, Council meeting.

/pa

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING) RESOLUTION NO. 90-1366
THE OREGON TOURISM ALLIANCE'S)
REGIONAL STRATEGIES PROGRAM) INTRODUCED BY EXECUTIVE
) OFFICER RENA CUSMA

WHEREAS, the Metropolitan Service District is a member of
the Oregon Tourism Alliance (OTA); and

WHEREAS, OTA is proposing a three-component program for
Northwest Oregon tourism development, consisting of a regional
strategies program, a strategic plan, and a list of tourism
development projects; and

WHEREAS, OTA has drafted a regional strategies program
position paper; and

WHEREAS, OTA has requested its member governments to
consider the regional strategies program position paper prior to
its December 14, 1990 board meeting; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District
endorses the Oregon Tourism Alliance's regional strategies
program.

Adopted by the Council of the Metropolitan Service District
this 13th day of December, 1990.

Tanya Collier, Presiding Officer

OREGON TOURISM ALLIANCE

MEMORANDUM

November 23, 1990

TO: OTA Governments
OTA Government Staff

FROM: Gene E. Leo, Jr
OTA Chairman

SUBJ: Endorsement of Regional Strategies Position Paper

Attached is a copy of OTA's Regional Strategies Position Paper, approved in concept by the OTA Board. OTA would like to approach the Legislature with a three-component program regarding NW Oregon tourism development:

- Endorsement of the Regional Strategies Program (attached position paper)
- OTA Strategic Plan (to be completed January, 1991)
- Preliminary list of tourism development projects (due February 1, 1991)

Please review the attached Regional Strategies Position Paper with your Commission or Council. The OTA Board meets again on December 14th, and we will be looking for a unanimous endorsement at that time.

If you have any questions, either give me a call at 227-2681 or Mary McArthur at 228-5565. Thank you!

c/o Portland/Oregon Visitors Association • 26 SW Salmon • Portland, OR 97204 • 228-5565

CLACKAMAS, CLATSOP, COLUMBIA, LINCOLN, MULTNOMAH, TILLAMOOK, WASHINGTON, YAMHILL
CITY OF PORTLAND, METROPOLITAN SERVICE DISTRICT, PORT OF PORTLAND

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Increase visibility of the program; communicate regional success stories and happenings throughout the State. Identify and implement ways to improve communication between OEDD departments such as Community Development and Community Initiatives and the Regional Strategies groups. Establish a coordinating group of Board Chairs from each region which meets twice a year to review industry activities and strategies.

- Increase technical assistance support. However, broaden the support to include technical assistance for projects, not just development of an industry strategy. For example, small communities and outlying counties often do not have the staff or financial resources to write or pursue grants, identify marketing and/or development opportunities, or conduct feasibility studies of potential development projects. Technical assistance should be coordinated through the regional group to leverage and support other assistance needs in the region.
- Encourage regions to continue/adopt strategies that address the multi-dimensional aspects of their industries. For example, infra-structure is becoming increasingly important to a number of industries, such as tourism, agriculture, fishing, etc. Regions should not just emphasize the business development or marketing aspects of the strategy, but include as well how the industry will be implemented and serviced. These infra-structure components include transportation, labor force, housing, job training, etc.
- Be an "agent" of change rather than a "victim" of change during the upcoming legislative session. Working with the regional strategies groups, draft the 3rd biennium Regional Strategies Program modifications and present the draft to the legislature. Include a detailed rationale for each component of the program, based on this fall's workshops and regional reports. Ideally, this will speed the decision-making regarding funding of the Program and making administrative rule changes when the Regional Strategies budget is approved.
- Emphasize "specific examples of economic development" in reports of Regional Strategies successes. Specific economic indices such as job creation and revenue generation are important, but other measures of economic development are equally relevant. For example, surveys of new businesses in the OTA region reveal a link to implementation of the Alliance's tourism strategy. Another potential measure might be non-family wage jobs. Secondary jobs are critical to today's economy, as families can no longer maintain on one family wage job. Secondary jobs provide income and work flexibility for parents with child care needs. Finally, the ability of the selected industry to begin to diversify a region's economy is also an important measure - providing a level of economic stability and continuity to residents of the area.
- Encourage Regional Strategies staffing that is knowledgeable about industry development and emphasizes the partnership between the regions and OEDD. As staff is added or changed, it will be important to recognize the level of Regional Strategy and industry experience within each of the regions. A strength of the current Regional Strategies Program is the scarcity of top down decision-making. This should be retained to maintain the "team" spirit which currently exists with the Program. Since the Program has been in place for four years, staff experienced in economic development will also be critical to maintain momentum.
- Place no limits on the which strategy a region may select. Tourism is no exception. Tourism is a regional industry and is highly appropriate as a regional strategy. The State Tourism Division concentrates on marketing Oregon, leaving industry development the responsibility of the regional groups.

OREGON TOURISM ALLIANCE

MEMORANDUM

November 23, 1990

TO: OTA Governments
OTA Government Staff
OTA Attractions Development Committee

FROM: Gene E. Leo, Jr
OTA Chairman

SUBJ: Development of a Project List for 1991-1993 Lottery Funding

Passage of the property tax limitation places additional pressure on the limited lottery funds available for economic development. As the Legislature makes its funding choices, tough questions will be asked regarding continued funding of the Regional Strategies Program. Although there is no guarantee of continued funding for Regional Strategies, the OTA Board has agreed that the best strategy is to provide the Legislature with a preliminary list of projects - consistent with our long term NW Oregon tourism development strategy.

The Governor's budget includes \$15 million for regional strategies funding - similar to this year's actual budget (with the lottery shortfall). If the \$15 million is approved, OTA could potentially receive up to \$7 million. Attached is a copy of the OTA project application to be used for project proposals. **A prioritized list of projects is due the OTA Attractions Development Committee February 1.**

Suggestions regarding the projection application process:

- Review this year's "B" List projects for re-submission.
- Review projects outlined in the strategic plans for those small communities that participated in OTA's "Opening Doors" program.
- Concentrate on "bricks and mortar" projects. OTA's Marketing, Visitor Services and Transportation committees will propose 1991-1993 regional marketing, hospitality, etc, programs.
- Bring all tourism development projects through the process - some may request lottery funding, other may just need endorsement to pursue other funding.
- Be creative. Remember fishing, agriculture, etc all have linkages to tourism. The more we can connect our funding strategies, the stronger our legislative proposal will be.
- Encourage participation from multiple constituencies, eg Confederated Tribes, small communities, legislative lobbyists, etc.
- Hold a minimum of 2 public hearing on the projects. Send Mary copies of the public notices of your hearings.

c/o Portland/Oregon Visitors Association • 26 SW Salmon • Portland, OR 97204 • 228-5565

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CITY OF PORTLAND, METROPOLITAN SERVICE DISTRICT, PORT OF PORTLAND

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We know this is going to be a busy time - with no guarantee of success. Still we believe our chances with the Legislature are vastly improved if we can demonstrate to them what their tourism development lottery dollars will be "buying." If we are not successful, these project applications can be used to leverage other public and private funding. Again, **the deadline for a prioritized list of projects is February 1, 1991.**

If you have any questions, either give me a call at 227-2681 or Mary McArthur at 228-5565. Thank you!

OREGON TOURISM ALLIANCE

Preliminary Information for Consideration of Oregon Tourism Alliance Regional Strategies Funding

County: _____

Priority: _____

1. Project Name: _____ Date: _____

2. Submitted by: _____

Name: _____ Organization: _____

Address: _____ Phone: _____

3. Describe the project you are proposing: _____

4. Amount requested from Oregon Tourism Alliance Regional Strategies funding? _____

5. Describe type of attraction: (eg. Outdoor, Historic, Agriculture, Water, Arts/Culture, Wildlife, Events, Recreation, Education, etc) _____

6. Usage (Describe):

Primary users of attraction _____

Anticipated attendance _____

Extends visitor market/season _____

7. Economic Impact (Describe):

Income/revenue generated _____

Private development generated _____

Number of direct jobs _____

Indirect jobs/multiplier effect _____

Return on lottery dollars _____

Keeps Oregonians in the State _____

Future self-sufficiency/profit _____

Property taxes generated _____

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CITY OF PORTLAND, METROPOLITAN SERVICE DISTRICT, PORT OF PORTLAND

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OREGON TOURISM ALLIANCE

ATTRACTIONS DEVELOPMENT

Project Selection Criteria

OBJECTIVE

Identify projects that strengthen OTA's multi-county tourism development. Projects should demonstrate direct benefit to OTA county tourism development as well as to the development of tourism in the OTA region. Multi-County focus can be demonstrated by the way a project links together county tourism efforts in such areas as:

- Outdoor adventure: Skiing, rafting, boating, hiking, camping, etc.
- Historic: End of the Oregon Trail, Lewis and Clark, Ft Clatsop, Capt Gray, Oregon Historical Center, etc.
- Agriculture: Wineries, Sauvie Island fruits/vegetables, restaurants, Rose Garden, Arboretum, Tillamook Cheese Factory, etc.
- Water: Lakes, rivers, streams, Newport Aquarium, Mariners Center, Blue Lake, Rodger's Boat Landing, etc.
- Arts and Culture
- Wildlife: Wildlife Guide by Fish and Wildlife.
- Events: Rose Festival, Garibaldi Days, Rodeos, etc.

Usage by Visitors to the OTA Area: Considerations include:

- o Broadens or extends visitor market. Draws visits from out-of-state/in-state free and independent travelers (FITs) and conventioners.
- o Extends visitor "season." Encourages off-season visits, broadens the seasonality of visits to the region.
- o High attendance. Relative to the size of the attraction, area market, and other attractions under consideration.
- o Entertainment, recreation, educational and/or cultural value to residents and visitors.

Economic Impact: Considerations include:

- o Annual income - revenue generated.
- o Imports income. Brings money into the State, keeps money from being spent out of State.
- o Total indirect jobs. "Multiplier" effect jobs.
- o Return on lottery dollars.
- o Uses State resources. Project that keep Oregonian's in the state.
- o Total jobs. Family wage, permanent part time, flex-time, minimum wage, temporary jobs which are the direct result of the project if implemented.
- o Self sufficiency and profitability.
- o Annual property taxes.

c/o Portland/Oregon Visitors Association • 26 SW Salmon • Portland, OR 97204 • 228-5565

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CITY OF PORTLAND, METROPOLITAN SERVICE DISTRICT, PORT OF PORTLAND

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Agenda Item No. 4.3
Meeting Date: December 13, 1990

RESOLUTION NO. 90-1364

FINANCE COMMITTEE REPORT

RESOLUTION NO. 90-1364 ADOPTING THE 1991 PAY PLAN
FOR ZOO VISITOR SERVICE WORKERS

DATE: December 7, 1990

Presented by: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At its December 6, 1990 meeting the Committee voted unanimously to recommend Council adoption of Resolution No. 90-1364. Voting in favor were Councilors Devlin, Gardner, Van Bergen and Wyers. Councilor Collier was excused.

COMMITTEE DISCUSSION/ISSUES: Kim Huey, Acting Personnel Officer, presented the staff report. She indicated that the purpose of the resolution is to amend the Visitor Services Worker Pay Plan to meet Oregon minimum wage standards. The Plan also incorporates changes to accommodate flexible merit pay increases based on evaluations rather than automatic step increases. This practice is consistent with the District's Pay Plan for other non-represented employees.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1364
ADOPTING THE FY 1990-91 PAY PLAN
FOR ZOO VISITOR SERVICES WORKERS

Date: November 26, 1990

Presented by: Kim Huey

ACTUAL BACKGROUND AND ANALYSIS

The Oregon Legislature has adopted a revised minimum wage schedule which raises the Oregon minimum wage to \$4.75 per hour effective January 1, 1991. The accompanying resolution establishes the beginning rate of pay for Visitor Services Workers in conformance with the new minimum wage and establishes a range for the classifications of Visitor Services Worker 1, 2, and 3 based on percentage increases over that minimum wage.

The current Visitor Services Worker Pay Plan (attachment #1) adopted by Council on January 11, 1990 mandates specific step increases for Visitor Services Workers based solely on months of service without allowing consideration of performance issues, effective employee evaluation or cost control. In addition, those increases randomly range from a high of 8.5% to a low of 6.6%, and in most cases are significantly higher than increases granted to other groups of employees (attachment #2). The Pay Plan recommended for adoption addresses each of these issues of concern.

The recommended Visitor Services Worker Pay Plan is structured in a range format similar to the Pay Plan for other non-represented employees. It will continue to be administered under the provisions of Code Section 2.02.275 and established Metro practices in that Visitor Services Worker employees will be eligible for an increase after 12 months, 24 months, 36 months, 48 months and 60 months of service; however the percentage of these increases will not be automatic or the same for each employee regardless of performance, but will be based on the established performance appraisal system and will be granted as indicated on the Pay Plan document. In this way, outstanding performance may be rewarded, adequate performance will be recognized, and managers will have the ability to control costs, enhance morale and effectively monitor staff production.

Approximately 85% of Visitor Services Workers are involved in food service, 10% in retail sales and 5% in warehouse activities. The recommended Visitor Services Worker Plan appropriately falls within current market wages for temporary food service, retail and warehouse positions as revealed by market analysis. Major local fast food employers offer \$4.75 - \$7.75 per hour with performance increases after six months averaging 6-8%. Adoption of the recommended Pay Plan will enable Metro to remain competitive in the local market in filling positions and retaining skilled and trained employees.

Fiscal Impact: The Visitor Services Division of the Metro Washington Park Zoo currently has budgeted 41 FTE Visitor Services Workers. Assuming that all these positions were filled all available hours through the remainder of the Fiscal Year, the fiscal impact of adoption of this Pay Plan would be \$21,400 through June 1991. This amount is presently in the Visitor Services Division budget and no additional funds will be necessary. In addition, based on past years, it is highly unlikely that all the positions will be filled at all times, so that amount represents the maximum impact of this action.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 90-1364.

KMH

EXHIBIT A

TABLE S

SEASONAL VISITOR SERVICES WORKERS

<u>Code</u>	<u>Classification</u>	<u>Salary</u> <u>Range</u>	<u>Beg.</u> <u>Rate</u>	<u>After</u> <u>12 mc.</u> <u>480 hrs</u>	<u>After</u> <u>24 mo.</u> <u>480 hrs</u>	<u>After</u> <u>36 mo.</u> <u>480 hrs</u>	<u>After</u> <u>48 mo.</u> <u>480 hrs</u>	<u>After</u> <u>60 mo.</u> <u>480 hrs.</u>
001	V.S. Worker 1	0	4.25	4.61	4.96	5.32	5.68	6.03
002	V.S. Worker 2	0	4.61	4.96	5.32	5.68	6.03	6.39
003	V.S. Worker 3	0	4.96	5.32	5.68	6.03	6.39	6.75

This table is coordinated with the State Minimum Wage. This table is effective January 1, 1990.

901192.ExA

*Adopted by
Council.
1/11/90*

ATTACHMENT #2

SEASONAL VISITOR SERVICES WORKERS PAY PLAN

PAY PLAN EFFECTIVE JANUARY 1, 1990

CODE	CLASS	BEG. RATE	12 MO	24 MO	36 MO	48 MO	60 MO
001	VSW1	4.25	4.61	4.96	5.32	5.68	6.03
002	VSW2	4.61	4.96	5.32	5.68	6.03	6.39
003	VSW3	4.96	5.32	5.68	6.03	6.39	6.75

PERCENTAGE INCREASE FOR PAY PLAN EFFECTIVE JANUARY 1, 1990

CODE	CLASS	BEG. RATE	12 MO	24 MO	36 MO	48 MO	60 MO	AVG. INC.
001	VSW1	N/A	8.5%	7.6%	7.3%	6.8%	6.2%	7.2%
002	VSW2	8.5%	7.6%	7.3%	6.8%	6.2%	6.0%	7.0%
003	VSW3	7.6%	7.3%	6.8%	6.2%	6.0%	5.6%	6.6%

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF)
ADOPTING THE FY 1990-91)
PAY PLAN FOR ZOO VISITOR)
SERVICE WORKERS

RESOLUTION NO 90-1364

Introduced by Executive
Officer, Rena Cusma

WHEREAS, Metro Code Section 2.02.145 requires the Executive Officer to prepare a Pay Plan for non-represented District employees for approval by the Council of the Metropolitan Service District; and

WHEREAS, Metro Code Section 2.02.275 established personnel rules for Zoo Visitor Services employees which among other things requires Visitor Services employees to be paid at a rate in the pay plan approved by the Council; and

WHEREAS, the Council has approved a separate pay schedule (Table S) for seasonal Zoo Visitors Services employees, the beginning rate of which is in conformance with the State minimum wage; and

WHEREAS, The State of Oregon has increased the State minimum wage effective January 1, 1991 to \$4.75 per hour which is \$.50 higher than the beginning rate on the existing seasonal Visitor Services pay plan schedule; now, therefore,

BE IT RESOLVED,

1. That the Pay Plan schedule for non-represented Zoo seasonal Visitor Services employees is amended and approved as shown on Exhibit A attached hereto.

ADOPTED by the Council of the Metropolitan Service District this 27th day of December, 1990.

Tanya Collier, Presiding Officer

EXHIBIT A

TABLE S

SEASONAL VISITOR SERVICES WORKERS

<u>Code</u>	<u>Classification</u>	<u>Beginning Rate</u>	<u>Maximum</u>
001	V.S. Worker 1	4.75	6.98
002	V.S. Worker 2	5.13	7.54
003	V.S. Worker 3	5.54	8.14

Merit increases will average four to six percent using the following scale. The maximum rate will not be reached prior to 60 months of service.

- 0-3% Meets standards.
- 4-6% Meets all standards, and exceeds several.
- 7-8% Outstanding performance, exceeds all standards.

This table is coordinated with the State Minimum Wage. This table is effective January 1, 1991.

Agenda Item No. 4.4
Meeting Date: December 13, 1990

RESOLUTION NO. 90-1372



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503 221-1646

Memorandum

DATE: December 11, 1990

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Committee Clerk

RE: RESOLUTION NO. 90-1372 COUNCIL COMMITTEE REPORT

The Council Intergovernmental Relations Committee will consider the above resolution on December 11, 1990. The Committee report will be distributed at the Council meeting December 13, 1990.

/pa

COUNCIL STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1372, FOR THE
PURPOSE OF ACCEPTING THE NOVEMBER 6, 1990, GENERAL
ELECTION ABSTRACT OF VOTES OF THE METROPOLITAN SERVICE
DISTRICT

Date: December 5, 1990

Presented by: Donald E. Carlson

FACTUAL BACKGROUND AND ANALYSIS

A general election was held on November 6, 1990 for District 1 and 12 Council positions. ORS ch. 255.295 requires the Council to determine the result of the election upon receipt of the abstract of votes from the Multnomah County Director of Elections (the election official for the entire Metropolitan Service District).

By adopting Resolution No. 90-1372, the Council will determine that the District is in receipt of the election abstract of votes (see Exhibit A to the resolution) and that the voters have taken the specific actions identified in the "Be It Resolved" paragraphs of the resolution.

gpwb
901372.sr
12/05/90

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ACCEPTING THE	)	RESOLUTION NO. 90-1372
NOVEMBER 6, 1990, GENERAL ELECTION)	
ABSTRACT OF VOTES OF THE	)	Introduced by Tanya Collier
METROPOLITAN SERVICE DISTRICT	)	Presiding Officer

WHEREAS, A general election was held in the Metropolitan Service District November 6, 1990; and

WHEREAS, The positions of Metro Councilors representing Districts 1 and 12 appeared on the general election ballot; and

WHEREAS, ORS ch. 255.295 requires that Metro shall determine the result of the election upon receipt of the abstract of votes; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District has received the abstract of votes of the November 6, 1990, general election attached hereto as Exhibit A.

2. That the voters of District 1 have elected Susan McLain to the position of Metro Councilor.

3. That the voters of District 12 have elected Sandi Hansen to the position of Metro Councilor.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

MULTNOMAH COUNTY GENERAL ELECTION, NOVEMBER 6, 1990 METROPOLITAN SERVICE DISTRICT COUNCILOR, 12TH DISTRICT												
	REGISTRATION	BALLOTS CAST	TURNOUT	METROPOLITAN SERVICE COUNCILOR DISTRICT 12 BLANK	OVER-VOTES	SANDI HANSEN	ROBERT L. LIBERTY					
PCT 0102	58	46	79.3	18	0	14	14					
PCT 0500	2	0	0.0	0	0	0	0					
PCT 0606	0	0	0.0	0	0	0	0					
PCT 1001	396	284	71.7	105	0	103	74					
PCT 1002	212	148	69.8	40	0	45	42					
PCT 1012	287	200	69.6	44	0	59	93					
PCT 1013	747	561	75.1	132	0	149	270					
PCT 1014	893	716	80.1	154	0	134	421					
PCT 1017	574	466	81.1	80	0	89	293					
PCT 1025	534	378	70.7	99	0	145	126					
PCT 1028	570	405	71.0	98	0	151	152					
PCT 1031	399	296	74.1	58	0	78	158					
PCT 1034	558	393	70.4	99	0	111	171					
PCT 1040	580	354	61.0	83	0	123	140					
PCT 1043	931	672	72.1	170	0	191	284					
PCT 1045	162	117	72.2	43	0	34	40					
PCT 1047	333	240	72.0	70	0	78	91					
PCT 1049	700	485	69.2	129	0	175	178					
PCT 1053	702	348	49.5	92	1	130	118					
PCT 1103	544	409	75.1	123	0	163	121					
PCT 1107	415	328	79.0	98	0	112	114					
PCT 1117	317	240	75.7	78	0	66	95					
PCT 1118	412	261	63.3	54	0	113	89					
PCT 1305	733	382	52.1	98	0	162	111					
PCT 1308	446	205	45.9	43	1	97	59					
PCT 1500	62	52	83.8	18	0	20	14					
PCT 1503	34	26	76.4	10	0	12	4					
PCT 2002	935	561	60.0	111	0	266	178					
PCT 2003	971	626	64.4	135	1	298	180					
PCT 2005	595	381	64.0	72	0	165	138					
PCT 2015	857	562	65.5	88	1	227	235					
PCT 2018	959	619	64.5	128	0	258	218					
PCT 2021	556	375	67.4	61	0	167	143					
PCT 2023	816	501	61.3	119	1	210	163					
PCT 2025	583	202	34.6	35	1	78	85					
PCT 2026	850	540	63.5	84	1	234	215					
PCT 2027	976	615	63.0	129	2	281	196					
PCT 2028	493	323	65.5	77	1	147	92					
PCT 2029	606	379	62.5	63	0	168	143					
PCT 2034	615	389	63.2	76	0	169	139					
PCT 2043	634	414	65.2	91	0	170	143					
PCT 2046	540	344	63.7	62	0	162	114					
PCT 2049	606	383	63.2	72	0	168	139					
PCT 2050	932	609	65.3	91	1	245	264					
PCT 2051	833	608	72.9	101	0	247	252					
PCT 2061	923	634	68.6	115	3	230	280					
PCT 2074	1004	695	69.2	128	1	264	297					
PCT 2077	768	482	62.7	92	1	183	201					
PCT 2083	401	260	64.8	53	1	131	70					
PCT 2086	491	295	60.0	55	1	145	89					
PCT 2096	513	245	47.7	50	0	113	74					
PCT 2100	671	490	73.0	86	1	194	202					
PCT 2107	684	492	71.9	91	1	184	215					
PCT 2109	1009	696	68.9	120	2	321	243					
PCT 2114	683	514	75.2	102	1	201	207					
PCT 2115	566	395	69.7	79	0	173	139					
PCT 2116	472	272	57.6	60	2	123	85					
PCT 2118	818	450	55.0	101	3	205	140					
PCT 2123	671	428	63.7	76	1	163	181					
PCT 2135	374	201	53.7	35	1	101	61					
PCT 2142	545	423	77.6	57	4	178	180					
PCT 2143	1277	857	67.1	232	3	402	213					
PCT 3021	1096	721	65.7	150	1	281	281					
PCT 3039	634	369	58.2	82	0	122	159					
PCT 3299	395	287	72.6	83	2	121	79					
PCT 3300	202	110	54.4	30	0	47	33					
ABSENTEE TOTALS	39155	2267	5.7	491	4	778	973					
GRAND TOTALS	39155	28026	71.5	6021	55	10894	10711					

COUNCILOR 12TH DISTRICT
 METROPOLITAN SERVICE DISTRICT,
 GENERAL ELECTION 1990
 MISC. WRITE-IN VOTES = 74

Certificate
 I certify that the votes recorded on this abstract
 correctly summarize the tally of votes cast at the
 election indicated.
Victor K. Erwin
 Victor K. Erwin, Director of Elections
 Multnomah County, Oregon

MULTNOMAH COUNTY GENERAL ELECTION, NOVEMBER 6, 1990
 METROPOLITAN SERVICE DISTRICT COUNCILOR, 1ST DISTRICT

36

	REGISTRATION	BALLOTS CAST	TURNOUT	METROPOLITAN SERVICE COUNCILOR DISTRICT 1 BLANK	OVER-VOTES	DALE C. JOHNSON	SUSAN MC LAIN							
PCT 1001	0	0	0.0	0	0	0	0							
PCT 1500	229	186	81.2	0	0	58	71							
PCT 1503	128	88	68.7	3	0	19	31							
ABSENTEE TOTALS	357	20	5.6	7	0	9	4							
GRAND TOTALS	357	294	82.3	100	1	86	106							

Certificate

*I certify that the votes recorded on this abstract
correctly summarize the tally of votes cast at the
election indicated.*

Urbie K. Ewin

Director of Elections

11/20/90

STATEMENT OF VOTES CAST

9:00:02 19-Nov-1990

NOVEMBER 1990 GENERAL ELECTION

WILSONVILLE CITY COUNCIL - 4 YR TERM (VF3)

- VOTE FOR 3
- 1 GREG CARTER
- 2 JOHN GRIFFIN
- 3 GEORGE R HONNELL
- 4 JERRY KRUMMEL
- 5 NORMA J LAWRENCE
- 6 BRUCE MILLER
- 7 ARLEN POUNDS

- 8 FRANK REDFORD
- 9 FRIEDGARD VAN ECK
- 10 Overvotes
- 11 Undervotes

METROPOLITAN SERVICE DIST - COUNCILOR - ZONE 1

- 12 DALE C JOHNSON
- 13 SUSAN MCLAIN
- 14 Overvotes
- 15 Undervotes

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
0008 0008 TERRA LIND												144	161	25	240
0013 0013 WITCH HAZE												40	29	7	65
0079 0079 BEAVER ACR												242	230	28	410
0081 0081 MCKINLEY S												100	118	21	155
0088 0088 CHRIST UNI												167	132	20	205
0097 0097 HERITAGE V												143	186	29	241
0102 0102 DAVID HILL												148	173	11	201
0103 0103 HILLSBORO												78	122	9	137
0104 0104 BROOKWOOD												306	305	7	425
0105 0105 COURTHOUSE												291	264	8	416
0106 0106 JB THOMAS												235	231	13	330
0107 0107 POYNTER JR												268	284	9	359
0108 0108 BROOKWOOD												183	260	10	359
0109 0109 WALT HENRY												300	312	17	425
0110 0110 ECHO SHAW												137	172	10	219
0111 0111 CORNELIUS												158	182	11	263
0112 0112 DILLEY ELE												8	6	0	11
0113 0113 UNITED MET												173	188	3	237
0114 0114 JOSEPH GAL												254	246	6	337
0115 0115 FG HIGH SC												241	243	6	330
0116 0116 1ST CHRIST												179	175	3	206
0117 0117 JOSEPH GAL												183	182	8	264
0120 0120 BEAVER ACR												44	62	2	54
0122 0122 N ARMSTRON												30	40	5	49
0123 0123 POYNTER JR												20	23	1	28
0126 0126 INDIAN HIL												222	263	47	337
0130 0130 T MCCALL M												9	30	1	33
0131 0131 BETHLEHEM												234	298	36	412
0132 0132 INDIAN HIL												185	202	26	262
0133 0133 ORENCO PRE												40	37	7	68
0134 0134 EVERGREEN												12	17	1	25
0135 0135 WEST UNION												1	4	0	1
0138 0138 OAK HILLS												303	262	43	444
0139 0139 BETHANY SC												318	279	68	551
0140 0140 ROCK CREEK												197	218	37	280
0144 0144 T MCCALL M												251	277	4	289
0146 0146 BETHANY BA												123	107	20	196
0147 0147 ROCK CREEK												163	179	20	236
0148 0148 MOOBERRY S												249	292	15	358
0149 0149 MOOBERRY S												170	160	11	226
0150 0150 WV MCKINNE												170	187	4	233
0151 0151 HILLSBORO												230	236	10	374
0152 0152 FAITH BAPT												221	258	9	359
0153 0153 LENOX SCHD												235	229	38	338
0154 0154 HILLSBORO												168	177	3	231

NOVEMBER 1990 GENERAL ELECTION

WILSONVILLE CITY COUNCIL - 4 YR TERM (VF3)

VOTE FOR 3
1 GREG CARTER
2 JOHN GRIFFIN
3 GEORGE R HONNELL
4 JERRY KRUMMEL
5 NORMA J LAWRENCE
6 BRUCE MILLER
7 ARLEN POUNDS

8 FRANK REDFORD
9 FRIEDGARD VAN ECK
10 Overvotes
11 Undervotes
METROPOLITAN SERVICE DIST - COUNCILOR - ZONE 1
12 DALE C JOHNSON
13 SUSAN MCLAIN
14 Overvotes
15 Undervotes

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
0155 0155 BETHANY SC	234	278	48	391
0157 0157 ORENCO PRE	9	7	1	11
0158 0158 BROWN JR H	130	143	18	216
0159 0159 OAK HILLS	227	194	23	253
0160 0160 POYNTER JR	13	5	0	12
0164 0164 ECHO SHAW	1	1	0	0
0167 0167 FARMINGTON	10	11	0	11
0168 0168 LADD ACRES	219	268	50	355
0171 0171 N ARMSTRON	13	11	0	7
0172 0172 BEAVER ACR	109	142	20	200
0173 0173 ST ALEXAND	0	2	0	2
0174 0174 ST ALEXAND	34	54	8	54
0175 0175 FAITH BAPT	97	97	2	142
0177 0177 FG HIGH SC	26	42	7	46
0178 0178 1ST CHRIST	5	6	0	6
0179 0179 BROOKWOOD	6	10	0	19
0181 0181 BROOKWOOD	11	16	1	19
0196 0196 ST ALEXAND	12	12	0	13
0200 0200 MEADOW PK	39	67	9	107
0202 0202 CORNELIUS	13	13	2	18
0205 0205 ST ALEXAND	2	0	0	2
0206 0206 FAITH BAPT	1	2	1	2
0207 0207 TUALATIN E	0	0	0	0	2	0	2	0	2	0	0				
0210 0210 ECHO SHAW	138	188	6	211
0212 0212 HILLSBORO	100	142	6	149
0218 0218 EVERGREEN	4	5	0	9
0219 0219 FIVE OAKS	214	253	19	394
0227 0227 LENOX SCHO	137	124	12	196
0229 0229 POYNTER JR	83	124	9	160
0230 0230 INDIAN HIL	114	164	25	206
0231 0231 MCKINLEY S	56	80	2	89
0232 0232 FIVE OAKS	262	203	11	285
0233 0233 MCKINLEY S	6	6	2	8
0234 0234 POYNTER JR	1	1	0	2
TOTAL	0	0	0	0	2	0	2	0	2	0	0	9,899	10,709	951	14,814

Agenda Item No. 5.1
Meeting Date: December 13, 1990

ORDINANCE NO. 90-376

STAFF REPORT

Agenda Item No. _____

Meeting Date _____

CONSIDERATION OF ORDINANCE NO. 90-376
FOR THE PURPOSE OF AMENDING METRO CODE SECTION 4.01.060
REVISING ADMISSION FEES AND POLICIES
AT METRO WASHINGTON PARK ZOO

Date: December 5, 1990

Presented by: Y. Sherry Sheng

FACTUAL BACKGROUND AND ANALYSIS

With the approval by the voters of Ballot Measure #5 it has become necessary for the Zoo to re-examine the five year financial projections. In order for the Zoo to maintain a quality program in Caring Now for the Future of Life we must consider reduced costs as well as enhanced revenues.

To assist in meeting the challenges presented by Measure #5 the Zoo has reviewed its programs and is reducing budgeted expenditures for fiscal year 1990-91 by \$198,491. These reductions will help maintain the fund balance needed to assure cash flow until taxes are distributed in November/December of each year. These savings for 1990-91 have been achieved by: the closure of the Childrens Zoo and Night Country which will allow a more efficient use of Animal Management and Facilities Management staff plus a savings in utilities and materials needed for repairs; a reduction in night keeping staff; not running the train except for ZooLights from December 15 to March 15; a more efficient use of Visitor Services, the deferral of equipment purchases and the deferral of a money measure for Animals Around Us. These and other savings will continue through subsequent fiscal years. By 1994-95 Zoo staffing is projected to be 11.54 FTE's less than shown in the 1989 Five Year Financial Plan. Part of the reduction relates to lower projected attendance because of the delay in Animals Around Us.

In 1984, the Metro Council adopted the following policies relating to the Zoo:

1. The Zoo shall rely on property tax for a portion of its revenue;
2. A ratio of approximately 50 percent tax and 50 percent non-tax revenue shall be maintained for funding zoo operations; and
3. The Council shall annually review admission fees to assist in meeting policy 2 above.

The Five-year Financial Plan prepared in 1989 projected revenues and costs in accordance with these policies. The passage of Ballot Measure #5 and the estimated loss of approximately \$500,000 of tax support requires the review of admission policies at this time. The current admission schedule is \$3.50 for adults, \$2.00 for senior citizens and youths and \$1.00 for individuals in education groups. The recommended new fee schedule is \$4.50 for adults, \$3.00 for senior citizens, \$2.50 for youths and \$2.00 for individuals in education groups. The new admission fee schedule will assist in providing the non-tax revenues required to balance the budget and keep non-tax revenues in excess of 50% of the O & M budgets.

The actual level of attendance and revenues during any fiscal year is subject to the opening of new exhibits, weather conditions and other circumstances beyond the Zoo's control. Actual amounts may vary either positively or negatively compared to projections.

Expenses are monitored to conform with revenues. The proposed fee increase is readily justifiable based on the expanded services provided by the Zoo including the new Africa Rain Forest Exhibit that will open this year. In addition to the new exhibit the zoo will provide programs that include: the Birds of Prey Show, the Zoo Lights Festival, summer concerts, animal keeper talks, summer camps, special classes and a new October special event.

The proposed admission rate at the Zoo remains a bargain compared to similar institutions in the west and to other educational and entertainment facilities in the Metro area as shown in Tables I and II. The recent trend of increased visitors does suggest that visitors to the zoo are willing to pay a fair admission fee for an experience that leaves them with some new knowledge in an increasingly sophisticated and pleasing environment. Recent surveys conducted for the Zoo indicate that people will consider the proposed fee a fair one.

TABLE I: SELECTED WEST COAST ZOOS

	<u>Adults</u>	<u>Youth</u>	<u>Seniors</u>
Wildlife Safari	\$8.50	\$5.25	\$7.00
	+ \$1 per car		
San Francisco Zoo	\$6.00	\$3.00	\$3.00
Los Angeles Zoo	\$6.00	\$2.75	\$5.00
Denver Zoo	\$4.00	\$2.00	\$2.00
Rio Grande Zoo	\$4.00	\$2.00	\$2.00
Point Defiance Zoo (Tacoma)	\$5.50	\$3.75	\$5.00
Woodland Park Zoo (Seattle)	\$4.00	\$2.00	\$2.00
Hogle Park Zoo (Salt Lake)	\$4.00	\$2.00	\$2.00

TABLE II: SELECTED METRO AREA EDUCATIONAL/ENTERTAINMENT FACILITIES

	<u>Adults</u>	<u>Youth</u>	<u>Seniors</u>
Movie Theaters	\$6.00	\$3.00	\$3.00
OMSI	\$4.50	\$3.00	\$3.50
Shows at Expo Center (avg.)	\$4.00	\$2.00	\$4.00
High Desert Museum (Bend)	\$4.50	\$2.50	\$4.00
Pittock Mansion	\$3.00	\$1.00	\$2.50
Children Museum	\$3.00	\$2.50	\$3.00
Japanese Gardens	\$3.50	\$2.00	\$2.00
Art Museum	\$3.00	\$1.50	\$3.00
World Forestry Center	\$3.00	\$2.00	\$2.00

In addition to changes in the fee structure staff is suggesting a change in the way free admission to the Zoo is handled. Instead of granting free admissions on Tuesday after 3:00 p.m. the staff is recommending that a number of tickets, predetermined annually and approved by the Executive Officer, be distributed to the various social service agencies within Metro for use by disadvantaged individuals. This procedure would more directly aid those in need than the current practice, which allows for access irrespective of need. It also allows those in need to attend at times most convenient to them rather than a set time only.

In summary, the proposed new rate structure and special free admission policy will assist to:

- provide over 50% of the costs for maintenance and operations from non-tax sources
- allow us to adequately care for the service needs of our visitors (custodial, landscaping, visitor services, security, etc.)
- provide proper care for the animals on exhibit
- maintain the considerable capital assets at the Zoo

Staff Recommendation:

Based on the forgoing information it is recommended that the admission rates be increased to \$4.50 for adults, \$3.00 for senior citizens, \$2.50 for youths and \$2.00 for students and chaperons and that the policy regarding special free admission be changed as described above.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 90-376.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING THE)
REVISION OF METRO CODE SECTION 4.01.060)
REVISING ADMISSION FEES AND POLICIES AT)
METRO WASHINGTON PARK ZOO)

ORDINANCE NO. 90-376

Introduced by Rena
Cusma, Executive
Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

The Metro Council establishes fees and policies for admission to the Metro Washington Park Zoo. Voter approval of Ballot Measure Five requires a review and adjustment of the fees and policies at this time.

NOW THEREFORE,

Metro Code Section 4.01.060 Admission Fees and Policies is amended to read as follows:

4.01.060 Admission Fees and Policies:

(a) Regular Fees:

(1) Definitions:

- (A) An Education discount is offered to groups of five (5) or more students in a state accredited elementary, middle, junior or high school or pre-school/daycare center. Qualifications for Education Discount include a minimum of one chaperon for every five (5) students of high school age or under; registration for a specific date at least two weeks in advance; and the purchase of curriculum materials offered by the Zoo, or submission of a copy of the lesson plan that will be used on the day of the visit.
- (B) The Group Discount is defined as any group of twenty-five (25) or more (including school groups that have not met the requirements for the Education Discount).

(2) Fee Schedule:

Adult (12 years and over)	\$3-50	\$4.50
Youth (3 years through 11 years)	\$2-00	\$2.50
Child (2 years and under)	-free	
Senior Citizen (65 years and over)	\$2-00	\$3.00
Education Groups (per student)	\$1-00	\$2.00
Chaperons accompanying Education Groups	\$1-00	\$2.00
Groups other than Education groups 25 or more per group		20% discount from appropriate fee listed above

(b) Free and Reduced Admission Passes:

(1) Free and reduced admission passes may be issued by the Director in accordance with this Ordinance.

(2) A free admission pass will entitle the holder only to enter the Zoo without paying an admission fee.

(3) A reduced admission pass will entitle the holder only to enter the Zoo by paying a reduced admission fee.

(4) The reduction granted in admission, by use of a reduced admission pass (other than free admission passes), shall not exceed twenty percent.

(5) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:

(A) Metro employees shall be entitled to free admission upon presentation of a current Metro employee identification card.

(B) Metro Councilors and the Metro Executive Officer shall be entitled to free admission.

(C) Free admission passes in the form of volunteer identification cards may, at the Director's discretion, be issued to persons who perform volunteer work at the Zoo. Cards shall bear the name of the volunteer, shall be signed by the Director, shall be non-transferable, and shall terminate at the end of each calendar year or upon termination of volunteer duty, whichever date occurs first. New identification cards may be issued at the beginning of each new calendar year for active Zoo volunteers.

(D) Reduced admission passes may be issued to members of any organization approved by the Council, the main purpose of which is to support the Metro Washington Park Zoo. Such passes shall bear the name of the pass holder, shall be signed by an authorized representative of the organization, shall be non-transferrable, and shall terminate not more than one year from the date of issuance.

(E) Other free or reduced admission passes may, with the approval of the Director, be issued to other individuals who are working on educational projects or projects valuable to the Zoo. Such passes shall bear an expiration date not to exceed three months from the date of issuance, shall bear the name of the pass holder, shall be signed by the Director and shall be non-transferable.

(c) Special Admission Days:

(1) Special admission days are days when the rates established by this Ordinance are reduced or eliminated for a designated group or groups. Six special admission days may be allowed, at the discretion of the Director, during each calendar year.

(2) Three additional special admission days may be allowed each year by the Director for designated groups. Any additional special admission days designated under this subsection must be approved by the Executive Officer.

~~(d) Special Free Hours--Admission to the Zoo shall be free for all persons from 3:00 p.m. until closing each Tuesday afternoon.~~

(d) Special Free Admission Tickets: A number of free admission tickets may be distributed annually by the Zoo Director to social service agencies within the Metro area. These tickets shall be for the use of disadvantaged people who cannot afford regular Zoo admission. The tickets shall be dated and valid only for the fiscal year in which they are issued. The number of tickets to be issued each fiscal year must be approved in advance by the Executive Officer.

(e) Commercial Ventures: Proposed commercial or fund-raising ventures with private profit or nonprofit corporations involving admission to the Zoo must be authorized in advance by the Executive Officer. The Executive Officer may approve variances to the admission fees to facilitate such ventures.

- (f) Special Events: The Zoo, or portions thereof, may be utilized for special events designed to enhance Zoo revenues during hours that the zoo is not normally open to the public. The number, nature of and admission fees for such events shall be subject to the approval of the Executive Officer.

ADOPTED by the Council of the Metropolitan Service District this
_____ day of _____, 1990.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

Agenda Item No. 6.1
Meeting Date: December 13, 1990

ORDINANCE NO. 90-373

FINANCE COMMITTEE REPORT

ORDINANCE NO. 90-373 AMENDING THE FY 1990-91 BUDGET AND
APPROPRIATIONS SCHEDULE TO ALLOCATE \$10,000 FROM GENERAL
FUND CONTINGENCY TO SUPPORT ARTS PLAN 2000

Date: December 7, 1990 Presented by: Councilor Judy Wyers

Committee Action: At its December 6, 1990 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 90-373. Voting in favor were Councilors Devlin, Gardner, Van Bergen and Wyers. Councilor Collier was excused.

Committee Discussion/Issues: Neil McFarlane presented the staff report. He indicated that the purpose of this budget amendment is to provide funds for part of Metro's contribution to the Arts Plan 2000 study. The other part (\$10,000) is to be funded through the Metro ERC budget. This planning effort will produce a plan for funding arts programs and facilities in the region. It will take approximately eight months to complete and the Metropolitan Arts Commission will present the plan to the Council when it is completed.

In response to Committee questions, Mr. McFarlane said that this planning effort is complementary to the Regional Facility study presently being conducted by a separate task force. He pointed out that efforts have been made to coordinate the studies to avoid any duplication.

Council staff distributed the Convention Center and Visitor Facilities Committee report on this ordinance which is attached as Exhibit A to the report.

JW:DEC:lar
A:LEGIS\90-373.RPT

CONVENTION & VISITOR FACILITIES
COMMITTEE REPORT

RECOMMENDATION TO THE FINANCE COMMITTEE TO SUPPORT THE ALLOCATION OF FUNDS FROM GENERAL FUND CONTINGENCY TO SUPPORT ARTS PLAN 2000+

Date: December 3, 1990

Presented by: Councilor Knowles

COMMITTEE RECOMMENDATION: At its November 13, 1990, meeting the Convention & Visitor Facilities Committee voted 4-0 to recommend to the Finance Committee that it support allocating \$10,000 from General Fund Contingency to support Arts Plan 2000 Plus. Voting were Councilors Knowles, Buchanan, McFarland, and Van Bergen. Councilor Hansen was absent.

COMMITTEE DISCUSSION/ISSUES: The CVF Committee was told that their requested action was to make a recommendation to the Finance Committee on the policy aspects of the Arts Plan 2000+ study; Finance will consider a subsequent ordinance dealing with the fiscal implications of transferring funds for the project. In addition, MERC will also be asked for a \$10,000 contribution.

CVF heard from Bing Sheldon, chair of the Arts Plan 2000+ Task Force, and Ann Mason, Task Force staff. Their presentation described the goals of the study, which is to study the role of the arts in the community through the year 2020; to determine the depth and breadth of public support for the arts; and to determine what arts events are important to the public. The study will take about a year. It has a budget of \$200,000, coming from the 3 counties, Metro, City of Portland, National Endowment for the Arts, and grants and gifts from private foundations and corporations. Mr. Sheldon believes that this study will tie in with Metro's Regional Facilities Study.

Councilor McFarland stated that the study should look at support for the arts from outside the tri-county area. Mr. Sheldon responded that the study will focus on the tri-county area, but may include a look at arts support and interest statewide.

Councilor Van Bergen asked whether the task force was created for this study, and whether the request for funds was limited to this study. The answer to both questions was yes: it's a one-time request to fund the Arts Plan 2000+ study. He also asked whether Metro funds were to be obligated before the remainder of the money come in. Mr. Sheldon answered that Metro is late on the list, and that most of the rest of the money is already committed. Councilor Van Bergen pointed out that there's going to be a money crunch soon for supporting MERC facilities, and that we're committing funds for the Regional Facilities study. He wants to be sure that the Arts Plan 2000+ study complements other efforts, and he was assured it would.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)
90-340A REVISING THE FY 1990-91)
BUDGET AND APPROPRIATIONS SCHEDULE)
FOR THE PURPOSE OF ALLOCATING)
\$10,000 FROM GENERAL FUND)
CONTINGENCY TO SUPPORT ARTS PLAN)
2000 PLUS)

ORDINANCE NO. 90-373

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to modify the FY 1990-91 Budget; and

WHEREAS, The need for a modified budget plan has been justified;
and

WHEREAS, Adequate funds exist for other identified needs; now,
therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 90-340A, Exhibit B, FY 1990-91 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in Exhibits A and B to this Ordinance for the purpose of allocating \$10,000 from the General Fund Contingency to support Arts Plan 2000 Plus.

ADOPTED by the Council of the Metropolitan Service District this
_____ day of _____, 1990.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

kr:ord90-91:90-373:ord
November 7, 1990

EXHIBIT A
ORDINANCE NO. 90-373

FISCAL YEAR 1970-71		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND: Executive Management							
	Total Personal Services	8.80	477,987	0.00	0	8.80	477,987
	Materials & Services						
521100	Office Supplies		4,141		0		4,141
521110	Computer Software		500		0		500
521260	Printing Supplies		1,000		0		1,000
521290	Other Supplies		100		0		100
521310	Subscriptions		3,158		0		3,158
521320	Dues		14,705		0		14,705
524190	Misc. Professional Services		50,000		10,000		60,000
525640	Maintenance & Repairs Services-Equipment		956		0		956
525710	Equipment Rental		1,170		0		1,170
525731	Operating Lease Payments-Building		2,700		0		2,700
526200	Ads & Legal Notices		1,820		0		1,820
526310	Printing Services		4,456		0		4,456
526320	Typesetting & Reprographics Services		1,550		0		1,550
526410	Telephone		3,870		0		3,870
526420	Postage		3,390		0		3,390
526440	Delivery Services		150		0		150
526500	Travel		19,455		0		19,455
526800	Training, Tuition, Conferences		6,165		0		6,165
529500	Meetings		7,160		0		7,160
529800	Miscellaneous		370		0		370
	Total Materials & Services		126,816		10,000		136,816
	Total Capital Outlay		4,400		0		4,400
	TOTAL EXPENDITURES	8.80	609,203	0.00	10,000	8.80	619,203

EXHIBIT A
ORDINANCE NO. 90-373

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND:General Expenses							
Interfund Transfers							
581513	Trans. Indirect Costs to Bldg. Fund		117,577		0		117,577
581610	Trans. Indirect Costs to Support Svs. Fund		396,669		0		396,669
581615	Trans. Indirect Costs to Insurance Fund		6,804		0		6,804
582140	Trans. Resources to Transportation Fund		391,446		0		391,446
582142	Trans. Resources to Plan. & Dev. Fund		695,423		0		695,423
582610	Trans. Resources to Support Svs. Fund		230,818		0		230,818
Total Interfund Transfers			1,838,737		0		1,838,737
Contingency and Unappropriated Balance							
599999	Contingency		135,000		(10,000)		125,000
	Unappropriated Fund Balance		65,000		0		65,000
Total Contingency and Unappropriated Balance			200,000		(10,000)		190,000
TOTAL EXPENDITURES		17.30	3,333,633	0.00	0	17.30	3,333,633

EXHIBIT B
 ORDINANCE NO. 90-373
 SCHEDULE OF APPROPRIATIONS FY 1990-91

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
GENERAL FUND			
Council			
Personal Services	373,323	0	373,323
Materials & Services	308,570	0	308,570
Capital Outlay	3,800	0	3,800
Subtotal	685,693	0	685,693
Executive Management			
Personal Services	477,987	0	477,987
Materials & Services	126,816	10,000	136,816
Capital Outlay	4,400	0	4,400
Subtotal	609,203	10,000	619,203
General Expense			
Interfund Transfers	1,838,737	0	1,838,737
Contingency	135,000	(10,000)	125,000
Subtotal	1,973,737	(10,000)	1,963,737
Unappropriated Balance	65,000	0	65,000
Total General Fund Requirements	3,333,633	0	3,333,633

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

NOTE: THIS ACTION ASSUMES THE ADOPTION OF THE FY 1990-91 SUPPLEMENTAL BUDGET

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 90-373 AMENDING ORDINANCE 90-340A REVISING THE FISCAL YEAR 1990-91 BUDGET AND APPROPRIATION SCHEDULE FOR THE PURPOSE OF ALLOCATING \$10,000.00 FROM GENERAL FUND CONTINGENCY TO SUPPORT ARTS PLAN 2000 PLUS

DATE: November 6, 1990

PRESENTED BY: Neil McFarlane

BACKGROUND

The Metropolitan Arts Commission has undertaken a regional cultural planning effort known as Arts Plan 2000 Plus, and is requesting that Metro support this effort financially. The process for developing the plan involves the City of Portland, Metro, Multnomah, Clackamas and Washington Counties.

The goals, organization, and issue list for Arts Plan 2000 Plus are shown as Attachment A, B and C to this staff report. The development of the plan is to occur over the next eight months.

Metro and the Metro ERC are linked with appointments to the Arts Plan 2000 Plus advisory committees. The Executive Officer and Councilor Knowles serve on the elected officials Committee, and Metro ERC Commissioners Richard Ares and Mitzi Scott serve on the steering committee.

The efforts of the Arts Plan 2000 Plus are complementary to those of the Metro regional facilities study -- particularly as regards examination of the role of the Portland Center for the Performing Arts and its funding. Overlapping committee memberships have been made to ensure coordination of information and recommendations.

Recently, the Metropolitan Arts Commission has retained a national consultant, the Wolf Organization, to undertake the technical work required. The consultants work plan includes a cultural needs assessment, assessment of organizational structures that exist in Portland to sustain cultural life, a general public survey, funding assessment, review of public art programs, comparable community analysis, policy and planning review, all to result in development of a cultural master plan. The Wolf Organization workplan contains

elements that are directly complimentary to Metro's Facilities Study. The attached intergovernmental agreement anticipates and describes subject areas of mutual interest and utility. The full scope of work of the consultant is available upon request.

Proposed Action

The Arts Commission has requested that Metro provide \$20,000.00 to support the efforts of the plan. Similar requests will be made of other jurisdictions, foundations, and others.

It is proposed that Metro provide this financial support through two funds:

- (1) \$10,000.00 from Metro General Fund Contingency (excise tax); and
- (2) \$10,000.00 from the Metropolitan Exposition Recreation Commission Management Pool funds.

Adequate funds are appropriated in the Metro ERC Management Pool to cover the \$10,000.00 expenditure - which will be subject to approval of a separate contract action by the Commission. The Metro ERC is expected to consider this action at its November meeting.

Metro General Fund (excise tax) funds are not currently allocated for this purpose. In order to make funds available, the Council will need to allocate \$10,000.00 from general fund contingency to the category of "Miscellaneous Professional Services" for the purposes of funding the Intergovernmental Agreement attached as Attachment D. Adequate funds exist in the contingency account. Execution of the Intergovernmental Agreement is contingent on Council approval of the required budget action.

Executive Officer's Recommendation

The Executive Officer recommends that Metro provide \$20,000.00 to support Arts Plan 2000 Plus through:

- (1) The Metro Council allocating \$10,000.00 from Metro general fund contingency through approval of Ordinance No. 90-373; and
- (2) The Metro ERC approving expenditure of \$10,000.00 of budgeted Metro ERC Management Pool funds.

ARTS PLAN 2000 PLUS

WHAT:

A ten month planning process to develop a Cultural Action Plan for the Portland, Tri-County Metropolitan region. The comprehensive planning effort is aimed at assessing the role and function of arts programs and facilities relative to other important community needs and priorities. When completed, AP2+ will propose objectives in meeting the region's cultural needs in the 90's, identify the resources required to meet them, and designate responsibility for implementation.

HOW:

Solid research, tapping of creative and effective leadership and public input are all important elements of this comprehensive planning effort. A 43 member Steering Committee representing the civic, business, arts, education and philanthropic leadership of the region will guide the process. The Wolf Organization, the nation's premier cultural planning team, has been engaged to act as advisors and facilitators for the process. Specific products of AP2+ will include:

- 1) A formal written plan assessing existing programs, activities, facilities, and resources.
- 2) Specific recommendations in such areas as arts in education, audience development and outreach, cultural diversity, stabilizing arts institutions, public/private funding partnerships and regional approaches to delivery of and support for arts services.
- 3) A timeline for implementation of recommendations
- 4) Market survey data for the Tri-County area which can be used by arts personnel to develop more effective target marketing strategies and techniques.
- 5) Economic impact research designed to produce reliable data about the arts role in the regional economy.

WHY:

The arts sector's continued viability and future contribution to our community's quality of life and economic vitality is threatened by an image of elitism, controversy over management of facilities, limited resources and confusion over

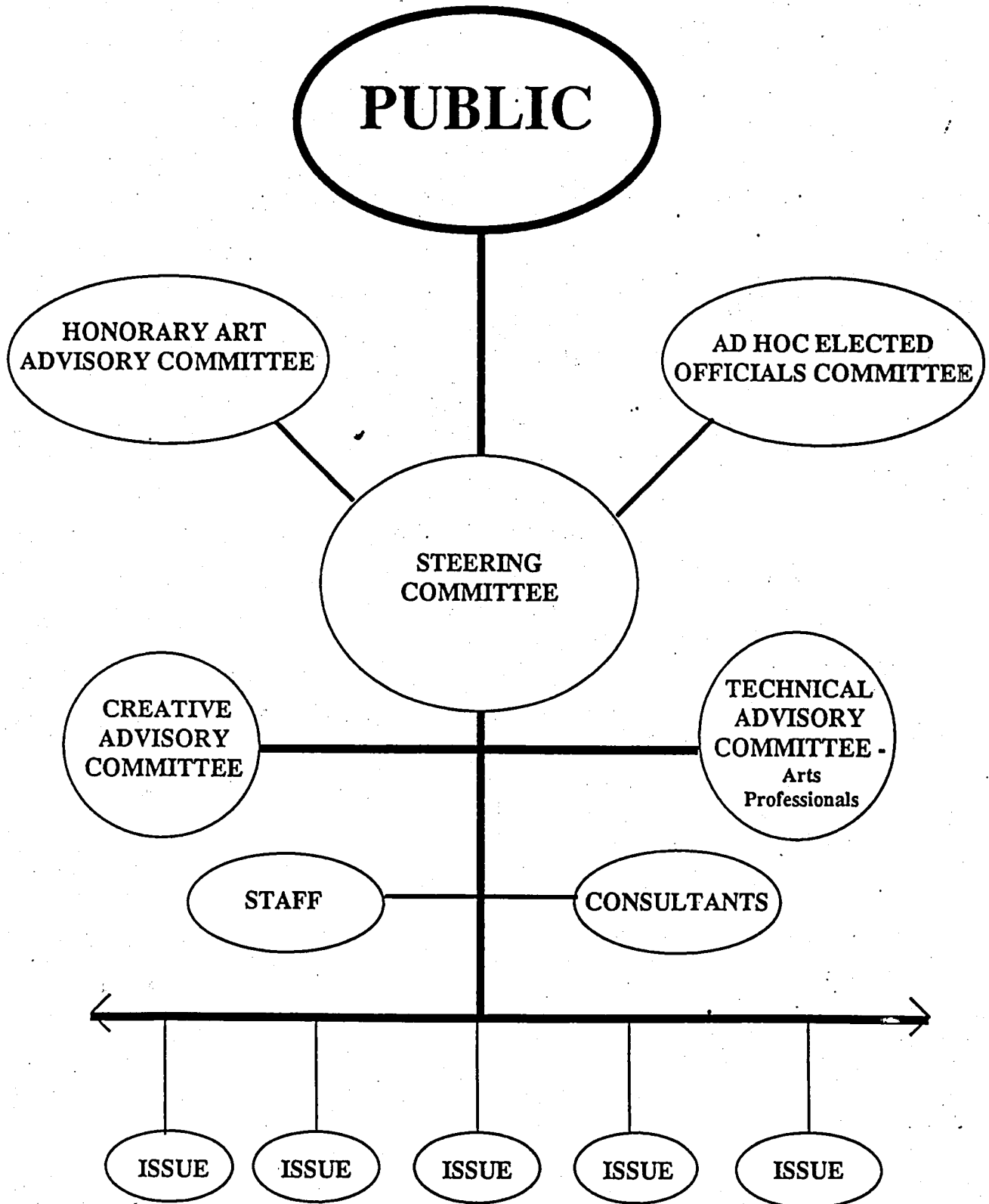
goals and priorities. It is time to plan carefully for sensible stewardship and wise investment in our cultural resources.

A Cultural Action Plan is needed to:

- 1) Broaden the constituency for arts programs and develop new ways to reach underserved audiences such as minorities, children, seniors and the economically disadvantaged;
- 2) Promote a climate which supports and encourages artistic excellence;
- 3) Plan for regional coordination and delivery of cultural services;
- 4) Coordinate and enhance arts sector involvement in tourism, economic development, neighborhood revitalization and education;
- 5) Coordinate greater cooperation among arts organizations and other agencies;
- 6) Improve the financial and management stability of cultural institutions.
- 7) Establish clear priorities for public and private support for our cultural programs and facilities.
- 8) Strengthen and broaden the base of resources and leadership available to provide stewardship for our cultural resources
- 9) Integrate planning for the arts sector with other planning efforts such as the Portland Future Focus, the METRO Facilities Study, and the Governor's Commission on Higher Education;

WHERE: The cultural planning effort was initiated by the Metropolitan Arts Commission and Portland City Commissioner Mike Lindberg. The plan now has an office for staff in space donated by Walker & Macy Landscape Architects, 111 S.W. Oak, Suite 200. Ann Mason has been hired as the plan coordinator. More information may be obtained by calling the AP2+ office, 223-0831 or MAC, 796-5111.

ARTS PLAN 2000 +



ISSUE STUDY GROUPS will include the public at large, issue specialists, artists, business, philanthropy and government. Possible issue topics include: Resource Development, Education and the Arts, Public Art, Audience Outreach, Cultural Diversity, Economic Impact, Arts in the Community, Artist Issues, Facilities, etc.

ATTACHMENT C

ARTS PLAN 2000 PLUS - ISSUES WHICH MAY BE ADDRESSED

Final decisions about arts and cultural issues to be addressed in the planning process will be made by the Steering Committee with input based upon public meetings, opinion research, interviews, etc. Certainly the process of prioritizing issues and strategies will involve tough decisions. Nevertheless, the following have emerged as a result of preliminary planning.

- * **Public involvement/outreach:** The need to counter an image of the arts as elitist; reach out to new audiences and inform all citizens of the wealth of available arts opportunities.
- * **A Regional Approach:** The need to assess arts programs, facilities and audiences from the standpoint of impact, support and participation on a regional basis.
- * **Cultural Diversity:** How can our arts programs and audiences better reflect the involvement of the range of ethnic minorities residing in Portland? How can access to programs, resources and diverse artistic expressions be improved?
- * **Facilities:** The need to develop a public service oriented plan and adequate resource base for effective, regionally based management of existing and/or new arts facilities.
- * **Education:** How can arts programs be more thoroughly integrated into the educational system and more active and effective partnerships with cultural institutions and artists be encouraged?
- * **Artists:** How can we create a climate supportive of innovation and creativity which encourages the finest artists to live, produce and present their work here.
- * **Resources:** How can effective public/private partnerships be established to provide responsible stewardship and appropriate investment in our cultural programs, institutions and facilities?
- * **Stability of arts institutions:** 11 of the 17 largest arts institutions in our community are carrying accumulated deficits and the failure or near failure of arts organizations has been a regular news item over the last few years. How can management effectiveness and financial stability be improved.
- * **New roles for the arts:** New roles and working relationships and strategies linking the arts to tourism, economic development, neighborhood revitalization and the human services should be assessed in comparison to traditional programs and current resource allocations.
- * **Public art:** The success of the program has yielded a large and diverse collection. It is time for a thorough analysis of our practices, policies and priorities in public art as the program expands and the collection grows.

Contract No. _____

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT dated this ____ day of _____ 1990, is between METROPOLITAN SERVICE DISTRICT, a municipal corporation, hereinafter referred to as "METRO," whose address is 2000 S.W. First Avenue, Portland, OR 97210-5398, THE METROPOLITAN EXPOSITION RECREATION COMMISSION, whose address is 777 N.E. Martin Luther King, Jr. Blvd. Portland, OR 97234, and METROPOLITAN ARTS COMMISSION, hereinafter referred to as "CONTRACTOR," whose address is The Portland Building, 1120 S. W. Fifth Avenue, Portland, Oregon, 97204, for the period of December 1, 1990, through June 30, 1991, and for any extensions thereafter pursuant to written agreement of both parties.

WITNESSETH:

WHEREAS, This Agreement is exclusively for Personal Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to METRO the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. To comply with 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, as if such provisions were a part of this Agreement;

4. To maintain records relating to the Scope of Work on a generally recognized accounting basis and to make said records available to METRO at mutually convenient times;

5. To indemnify and hold METRO, its agents and employees harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, with any patent infringement arising out of the use of CONTRACTOR'S designs or other materials by METRO and for any claims or disputes involving subcontractors;

6. To comply with any other "Contract Provisions" attached hereto as so labelled;
and

7. CONTRACTOR shall be an independent contractor for all purposes, shall be entitled to no compensation other than the compensation provided for in the Agreement. CONTRACTOR hereby certifies that it is the direct responsibility employer as provided in ORS 656.407 or a contributing employer as provided in ORS 656.411. In the event CONTRACTOR is to perform the services described in this Agreement without the assistance of others, CONTRACTOR hereby agrees to file a joint declaration with METRO to the effect that CONTRACTOR services are those of an independent contractor as provided under Chapter 864 of Oregon Laws, 1979.

METRO AGREES:

1. To pay CONTRACTOR for services performed and materials delivered in the maximum sum of Twenty Thousand AND 00/100THS (\$ 20,000.00) DOLLARS and in the manner and at the time designated in the Scope of Work; and

2. To provide full information regarding its requirements for the work.

BOTH PARTIES AGREE:

1. That METRO may terminate this Agreement upon giving CONTRACTOR five (5) days written notice without waiving any claims or remedies it may have against

CONTRACTOR;
Page 2 - AGREEMENT

2. That, in the event of termination, METRO shall pay CONTRACTOR for services performed and materials delivered prior to the date of termination; but shall not be liable for indirect or consequential damages;

3. That, in the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court;

4. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

5. That this Agreement may be amended only by the written agreement of both parties.

METROPOLITAN ARTS COMMISSION:

By: _____

Date: _____

METROPOLITAN SERVICE DISTRICT

By: _____

Date: _____

METROPOLITAN EXPOSITION-
RECREATION COMMISSION

BY: _____

DATE: _____

APPROVED AS TO FORM

CITY ATTORNEY

APPROVED AS TO FORM

METRO GENERAL COUNSEL

Exhibit A
SCOPE OF WORK

In consideration of financial support of Arts Plan 2000 Plus, the Metropolitan Arts Commission shall provide to Metro:

1. Opportunity to have input on the design of opinion surveys, interviews and organizational assessments, so that relevant questions regarding Metro and Metro ERC facilities are asked. Input will be coordinated through Metro's Facilities Committee - PCPA Subcommittee. Arts Plan 2000 Plus will conduct this research.
2. Access to task force meetings and notes from deliberations.
3. Recommendations on the following topics:
 - a. regional approaches to the development of cultural programs, facilities, and audiences.
 - b. estimates of the resources needed to support existing new programs on a region-wide basis.
 - c. funding mechanisms and strategies for the support of cultural services and facilities from both the public and private sectors.
 - d. strategies to better integrate cultural programs into regional economic development, and tourism and convention promotion efforts.
4. The Arts Commission shall, at the conclusion of planning process provide presentations on the plan to:
 - a. Metro Executive
 - b. Metro ERC
 - c. Metro Council

Exhibit B
COMPENSATION

For the products and process provided for in this agreement, Metro shall pay to the Metropolitan Arts Commission \$20,000.00 in the following manner:

1. \$10,000.00 from the Metro ERC Management Pool Fund within 30 days of the General Manager's receipt of an invoice requesting the funds.
2. \$10,000.00 from the Metro General Fund within 30 days of Metro's receipt of an invoice requesting funds.

Agenda Item No. 6.2
Meeting Date: December 13, 1990

ORDINANCE NO. 90-374

FINANCE COMMITTEE REPORT

ORDINANCE NO. 90-374 AMENDING THE FY 1990-91 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF ENHANCING COMPUTER ACQUISITIONS AND PROVIDING AN RLIS MARKETING CONSULTANT

Date: December 7, 1990 Presented by: Councilor Devlin

Committee Recommendation: At its December 6, 1990 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 90-374. Voting in favor were Councilors Devlin, Gardner, Van Bergen and Wyers. Councilor Collier was excused.

Committee Discussion/Issues: Kathy Rutkowski, Budget Analyst presented the staff report. The budget amendment is for two purposes -- 1) to implement the Transportation Department computer plan, and 2) to hire a consultant to provide assistance in marketing and pricing RLIS services to the general public. These expenditures will be funded mainly from an unanticipated increase in the department's fund balance carried over from the prior two fiscal years and a transfer of \$25,000 from the General Fund contingency to the Transportation Planning Fund.

Councilor Gardner indicated that these expenditures have been reviewed and are supported by the Intergovernmental Relations Committee.

RD:DEC:lar
A:LEGIS\90-374.RPT

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.) ORDINANCE NO. 90-374
90-340A REVISING THE FY 1990-91)
BUDGET AND APPROPRIATIONS SCHEDULE) Introduced by Rena Cusma,
FOR THE PURPOSE OF ENHANCING COMPUTER) Executive Officer
ACQUISITIONS IN THE TRANSPORTATION)
DEPARTMENT AND PROVIDING FOR AN RLIS)
MARKETING CONSULTANT)

WHEREAS, The Council of the Metropolitan Service District
has reviewed and considered the need to modify the FY 1990-91
Budget; and

WHEREAS, The need for a modified budget plan has been
justified; and

WHEREAS, Adequate funds exist for other identified needs;
now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

That Ordinance No. 90-340A, Exhibit B, FY 1990-91 Budget,
and Exhibit C, Schedule of Appropriations, are hereby amended as
shown in Exhibits A and B to this Ordinance for the purpose of
enhancing computer acquisitions in the Transportation Department
and providing for an RLIS marketing consultant.

ADOPTED by the Council of the Metropolitan Service
District this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

EXHIBIT A
ORDINANCE NO. 90-374

FISCAL YEAR 1990-91		REVISIONS						PROPOSED BUDGET	
		CURRENT BUDGET		Computer Enhancements		RLIS Consultant			
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
TRANSPORTATION PLANNING FUND RESOURCES									
Resources									
299000	Fund Balance		204,815		73,500		10,000		288,315
331110	Federal Grants-Operating-Categorical-Direct								
	FY 91 Sec. 8		206,248		0		0		206,248
	FY 90 103(e)(4) UMTA		40,000		0		0		40,000
	UMTA 103(e)(4) Ph. II AA/DEIS-1205		678,361		(41,100)		(10,000)		627,261
	UMTA 103(e)(4) Milwaukie AA		980,058		0		0		980,058
	FY 88 Sec 8-Pub/Priv (OR-08-0054)		36,000		0		0		36,000
	Hillsboro Ext AA-Sec 9-Pass thru from Tri-Met		247,978		(57,400)		0		190,578
	FY 91 Sec 9-Pass thru from Tri-Met		150,000		0		0		150,000
	FY88 Sec 8 (OR-08-0051)		10,000		0		0		10,000
	FY89 Sec 9-Pass thru from Tri-Met		16,500		0		0		16,500
334110	State Grants-Operating-Categorical-Direct								
	FY 91 PL		239,501		0		0		239,501
	FY 91 FHWA-HPR		150,000		0		0		150,000
	FY 91 FHWA TA-HPR		21,500		0		0		21,500
	FY90 FHWA (e)(4)		35,000		0		0		35,000
	FY89 FHWA (e)(4)		50,463		0		0		50,463
	FY 91 ODOT Supplemental		150,000		0		0		150,000
	Westside Bypass - ODOT		30,000		0		0		30,000
337110	Local Grants-Operating-Categorical-Direct								
	Ph.II AA/DEIS Local Match-1205		109,242		0		0		109,242
	Milwaukie AA Local Match		150,348		0		0		150,348
	FY 90 Westside from Tri-Met		10,000		0		0		10,000
	FY 91 Tri-Met Sec 8/(e)(4)/Sec 9 match		22,000		0		0		22,000
	Hillsboro AA - local match		56,994		0		0		56,994
	Bi-State Study - IRC		15,000		0		0		15,000
339100	Local Government Dues Assessment		315,000		0		0		315,000
339200	Contract Services		25,989		0		0		25,989
341500	Documents & Publications		21,499		0		0		21,499
361100	Interest on Investments		12,000		0		0		12,000
379000	Other Miscellaneous Revenue		46,353		0		0		46,353
391010	Trans. Resources from Gen'l Fund		391,446		0		25,000		416,446
391530	Trans. Resources from S.W. Oper. Fund		208,153		0		0		208,153
Total Resources			4,630,448		(25,000)		25,000		4,630,448

EXHIBIT A
ORDINANCE NO. 90-374

FISCAL YEAR 1990-91		REVISIONS						PROPOSED BUDGET	
		CURRENT BUDGET		Computer Enhancements		RLIS Consultant			
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
TRANSPORTATION PLANNING FUND EXPENDITURES									
	Total Personal Services	30.50	1,436,787	0.00	0	0.00	0	30.50	1,436,787
	Materials & Services								
521100	Office Supplies		24,380		0		0		24,380
521110	Computer Software		15,000		43,100		0		58,100
521240	Graphics/Reprographic Supplies		2,690		0		0		2,690
521310	Subscriptions		570		0		0		570
521320	Dues		1,100		0		0		1,100
524110	Accounting & Auditing Services		5,000		0		0		5,000
524190	Misc. Professional Services		1,152,000		(98,500)		25,000		1,078,500
524210	Data Processing Services		750		0		0		750
525640	Maint. & Repairs Services-Equipment		36,985		18,215		0		55,200
526200	Ads & Legal Notices		2,500		0		0		2,500
526310	Printing Services		29,350		0		0		29,350
526320	Typesetting & Reprographics Services		1,000		0		0		1,000
526410	Telephone		6,060		0		0		6,060
526420	Postage		500		0		0		500
526440	Delivery Services		350		0		0		350
526500	Travel		21,000		0		0		21,000
526800	Training, Tuition, Conferences		6,720		0		0		6,720
528100	License, Permits, Payments to Other Agencies		1,035,000		0		0		1,035,000
529500	Meetings		1,000		0		0		1,000
529800	Miscellaneous		1,000		0		0		1,000
531100	Capital Lease-Furniture & Equipment		69,101		(15,265)		0		53,836
	Total Materials & Services		2,412,056		(52,450)		25,000		2,384,606
	Capital Outlay								
571500	Purchases-Office Furniture & Equipment		75,785		27,450		0		103,235
	Total Capital Outlay		75,785		27,450		0		103,235
	Interfund Transfers								
581513	Trans. Indirect Costs to Bldg. Fund		94,062		0		0		94,062
581610	Trans. Indirect Costs to Support Svs. Fund		320,428		0		0		320,428
581615	Trans. Indirect Costs to Insurance Fund		5,897		0		0		5,897
582142	Trans. Resources to Planning & Development Fund		111,582		0		0		111,582
582610	Trans. Resources to Support Svs. Fund		20,000		0		0		20,000
583610	Trans. Direct Costs to Support Svs. Fund		42,528		0		0		42,528
	Total Interfund Transfers		594,497		0		0		594,497

EXHIBIT A
ORDINANCE NO. 90-374

FISCAL YEAR 1990-91		REVISIONS						PROPOSED BUDGET	
		CURRENT BUDGET		Computer Enhancements		RLIS Consultant			
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
TRANSPORTATION PLANNING FUND EXPENDITURES (continued)									
Contingency and Unappropriated Balance									
599999	Contingency		92,479		0		0		92,479
	Unappropriated Fund Balance		18,844		0		0		18,844
	Total Contingency and Unappropriated Balance		111,323		0		0		111,323
	TOTAL EXPENDITURES	30.50	4,630,448	0.00	(25,000)	0.00	25,000	30.50	4,630,448

EXHIBIT A
ORDINANCE NO. 90-374

FISCAL YEAR 1990-91		REVISIONS							
		CURRENT BUDGET		Computer Enhancements		RLIS Consultant		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND EXPENDITURES									
	ALL OTHER EXPENDITURES OF FUND	17.30	1,304,896		0		0	17.30	1,304,896
	Interfund Transfers								
581513	Trans. Indirect Costs to Bldg. Fund		117,577		0		0		117,577
581610	Trans. Indirect Costs to Support Svs. Fund		396,669		0		0		396,669
581615	Trans. Indirect Costs to Insurance Fund		6,804		0		0		6,804
582140	Trans. Resources to Transportation Fund		391,446		0		25,000		416,446
582142	Trans. Resources to Plan. & Dev. Fund		695,423		0		0		695,423
582610	Trans. Resources to Support Svs. Fund		230,818		0		0		230,818
	Total Interfund Transfers		1,838,737		0		25,000		1,863,737
	Contingency and Unappropriated Balance								
599999	Contingency		125,000		0		(25,000)		100,000
	Unappropriated Fund Balance		65,000		0		0		65,000
	Total Contingency and Unappropriated Balance		190,000		0		(25,000)		165,000
	TOTAL EXPENDITURES	17.30	3,333,633	0.00	0	0.00	0	17.30	3,333,633

EXHIBIT B
ORDINANCE NO. 90-374
SCHEDULE OF APPROPRIATIONS FY 1990-91

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
GENERAL FUND			
Council			
Personal Services	373,323	0	373,323
Materials & Services	308,570	0	308,570
Capital Outlay	3,800	0	3,800
Subtotal	685,693	0	685,693
Executive Management			
Personal Services	477,987	0	477,987
Materials & Services	136,816	0	136,816
Capital Outlay	4,400	0	4,400
Subtotal	619,203	0	619,203
General Expense			
Interfund Transfers	1,838,737	25,000	1,863,737
Contingency	125,000	(25,000)	100,000
Subtotal	1,963,737	0	1,963,737
Unappropriated Balance	65,000	0	65,000
Total General Fund Requirements	3,333,633	0	3,333,633
TRANSPORTATION PLANNING FUND			
Personal Services	1,436,787	0	1,436,787
Materials & Services	2,412,056	(27,450)	2,384,606
Capital Outlay	75,785	27,450	103,235
Interfund Transfers	594,497	0	594,497
Contingency	92,479	0	92,479
Unappropriated Balance	18,844	0	18,844
Total Transportation Planning Fund Requirements	4,630,448	0	4,630,448

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

NOTE: THIS ACTION ASSUMES THE ADOPTION OF ORDINANCE NO. 90-370, THE FY 1990-91 SUPPLEMENTAL BUDGET, AND ORDINANCE NO. 90-373

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 90-374 AMENDING
ORDINANCE NO. 90-340A REVISING THE FY 1990-91 BUDGET
AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF
ENHANCING COMPUTER ACQUISITIONS IN THE TRANSPORTATION
DEPARTMENT AND PROVIDING AN RLIS MARKETING CONSULTANT

Date: November 15, 1990

Presented by: Andrew C. Cotugno
Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

This Ordinance provides the necessary amendments to the FY 1990-91 budget to increase and enhance computer acquisitions in the Transportation Department and to provide funding for a marketing consultant for the RLIS program. The specific requests are explained in detail below.

Computer Acquisitions

The adopted FY 90-91 budget provided for several major areas of computer acquisitions for the Transportation Department:

- . Replacement of the Masscomp computer used for travel forecasting
- . Expansion of the HP computer used for RLIS
- . Addition of personal computers for transportation planners
- . Addition of peripherals for common usage

Over the past six months, Transportation and Data Processing staff have gone through an extensive process to evaluate how to best serve the needs of the department. The overall data processing plan for the department was established in October 1988, as shown in Attachment A. The FY 90-91 budget provided for implementation of major components of the system plan, including replacement of the Masscomp computer, upgrading of the RLIS computer (HP), addition of PCs for the Planning section and additions of shared peripherals. Since adoption of the FY 90-91 budget, a detailed "Request for Proposals" process was completed for the major elements of the acquisition involving the Masscomp replacement and common peripherals. Based upon this evaluation, the budget amendments summarized below (see Attachment B for details) are recommended:

1. Masscomp Replacement - The total cost of the Masscomp replacement is proposed to be increased by approximately \$53,000 as follows:

	<u>Budget</u>	<u>Proposed</u>
New Computer lease	\$ 40,044	\$ 32,234
Software	3,726	26,900
EMME/2 License		
Upgrade	2,500	18,700
Maintenance	8,470	23,420
Printer	0	2,100
Installation and Training	0	4,000
Total	<u>\$ 54,740</u>	<u>\$107,354</u>

This replacement computer provides a significant improvement in capacity and provides a future upgrade path. Providing this level of improvement is critical because of the overload during the past year in need for travel forecasts. The project schedules for Metro and other agencies have been seriously hampered as a result. The increased cost reflected here is largely due to software costs. The EMME/2 license upgrade cost is based upon the power of the machine running the software. Due to the substantial increase in power over the Masscomp, a significant portion of the increase is software license cost. In addition, the new license fee is based upon its application to a more detailed travel forecasting system (1,000 traffic zones rather than 500), necessitated by the finer level of detail needed for Metro studies. The second item involves purchasing rather than leasing other software, including the computer operating system, a word processor, a spreadsheet, a statistical package and a report generator. The actual computer lease cost is reduced from the budget level since it is included for six months rather than a full year. The FY 91-92 cost will be correspondingly higher. The maintenance costs are higher due to the delay in retirement of the Masscomp and the higher cost of maintenance for a larger machine.

The acquisition also includes a laser printer (\$2,100), allowing the travel forecasting section to retire an old Tektronix terminal and screen copier for an annual maintenance cost savings of \$2,489 per year.

2. RLIS - The budget included expansion of the memory and disk for the HP computer used for RLIS plus the addition of a work station. These acquisitions are complete or in process for a \$7,000 savings. In addition, a laser printer (\$2,100) is proposed to be added for the use of this section. The

existing printer in use by this section will be shifted to the Transportation Planning section (described in 3. below).

3. **Transportation Planning** - This section of the Department requires personal computers that can serve multiple functions, including high capacity and graphics quality for access to the travel forecasting and RLIS computers. In addition, stand alone functions involving spreadsheet applications, word processing, report generation and statistical analysis is needed for their studies and reports. The budget provided for two new computers and two upgrades to existing computers. The budget is proposed to be amended to allow instead for four new computers so that the section can standardize with Apple Macintosh and to allow one of the upgrades to continue to be used for the travel forecasting section as a stopgap until the Masscomp replacement is available. This change involves an increase in the budget from \$18,000 to \$24,500.
4. **Shared Equipment** - The adopted budget provided for two components of department-wide shared equipment. The budget amendment revises the cost on these two items plus proposes to add two new items, as follows:
 - a. **Network** - The budget included installation of a local area network to interconnect the three sections of the department and provide access to shared equipment. The budget is proposed to be increased from \$7,775 to \$22,210 based upon a more detailed specification of the installation.
 - b. **Optical Disk Drive** - The lease of a multiple disk drive was budgeted at \$13,670. The revised budget includes a single disk drive (to be leased at \$1,790) instead to meet short-term needs. Future evaluation will be given on the need for more capacity for future needs.
 - c. **Electrostatic Color Plotter** - Color plots are frequently produced using the RLIS and EMME/2 programs. The current method involves using a multi-pen plotter. This method is effective for line drawings (such as street maps) but is very inefficient for complicated plots involving shading of large portions of a map (typical of an RLIS map). An electrostatic color plotter is proposed to be added to provide a higher quality and faster method of plotting complex maps (typically reducing plot time from three hours to eight

minutes). This is proposed to be leased at \$8,591 for six months of FY 91. The total three-year lease will be \$51,546.

- d. Secretarial and General Access Printer - The existing NEC printer available to the secretaries is proposed to be retired and replaced with a new printer. It doesn't support some of the printing capabilities provided by the software in use in the department and requires frequent service. The replacement would be available to the full staff through the network rather than just the secretaries as is presently the case. The added cost is \$2,800.
- e. Surge protection devices have been added at a cost of \$5,500 to protect the department's equipment from power fluctuations.

The proposed budget amendment would revise the Materials and Services and Capital spending authority to allow for these changes. The overall spending authority remains unchanged as a result of a corresponding reduction in M&S costs associated with LRT consultant activity which has been either reduced or delayed. The actual consultant contract amounts will be established in the UMTA grants upon receipt and will carry forward into FY 91-92. The increased revenues for these added computer costs (\$74,000) are proposed to be from an unanticipated increase in the Transportation Department fund balance carried over from FY 89-90 to FY 90-91.

RLIS Marketing Consultant

At the direction of the IGR Committee, staff has initiated a consultant selection process to provide assistance in defining how to market and price RLIS services to the general public and business community. The IGR Committee has reviewed and concurred with the RFP. This task is estimated to cost \$35,000.

The proposed budget amendment would allow for this contractual service within existing M&S authority as a result of LRT consultant activity having been reduced or delayed. The revenues are proposed to be \$10,000 from an unanticipated increase in the Transportation Department fund balance plus \$25,000 increase in the transfer from the General Fund to the Transportation Department. The change in the transfer amount is included in this ordinance as a budget amendment which is offset by a corresponding reduction in the General Fund contingency.

Staff Report
Ordinance No. 90-374
Page 5

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends the adoption of Ordinance No. 90-374, increasing and enhancing computer acquisitions for the Transportation Department and providing a marketing consultant for the RLIS program.

TRANSPORTATION DEPARTMENT STRATEGIC PLAN

Computer System Concept Overview

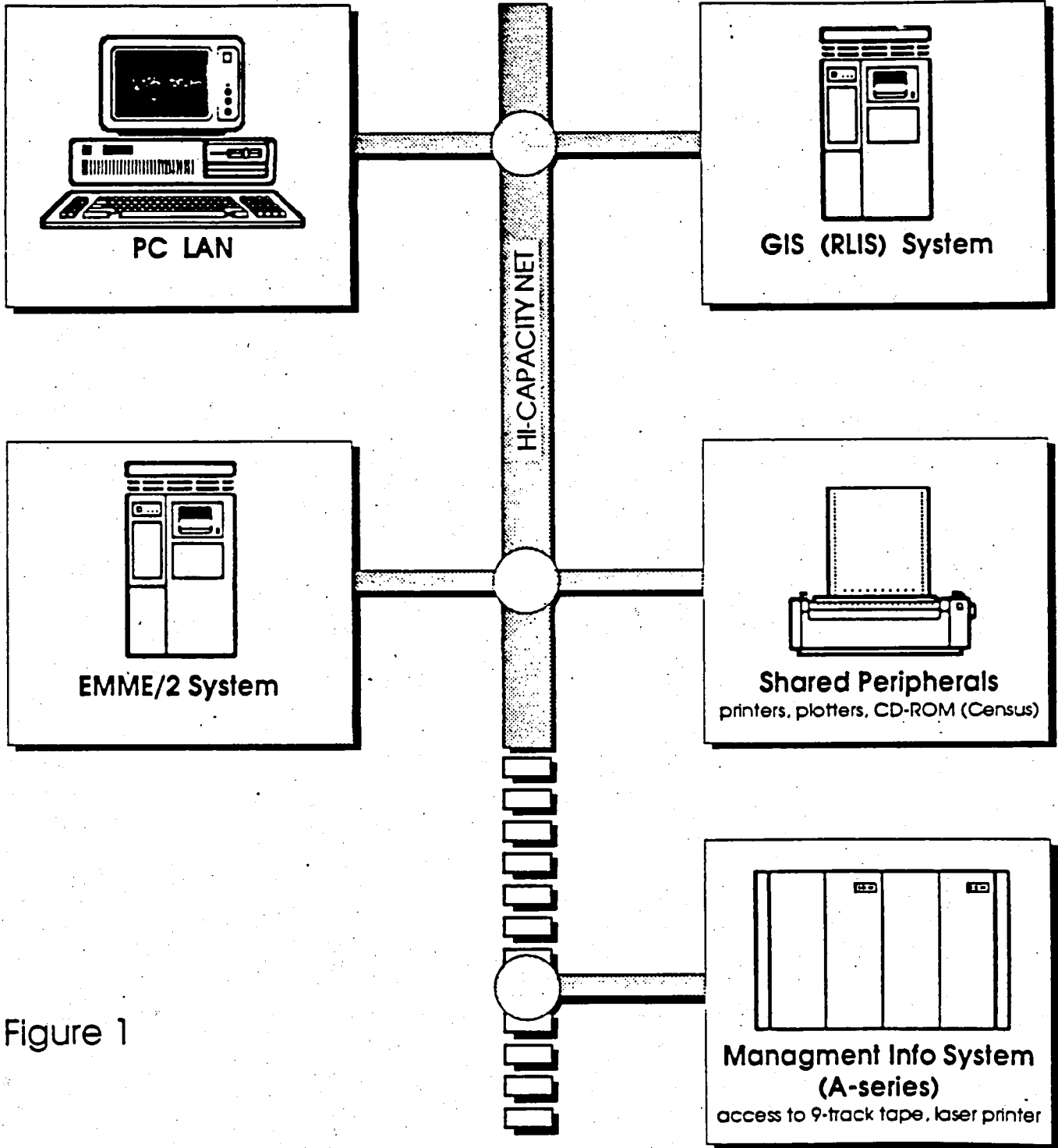


Figure 1

Attachment B

FY 90-91 Transportation Department Budget Amendment

<u>Account</u>	<u>Description</u>	<u>Adopted Budget</u>	<u>Change</u>	<u>Proposed Budget</u>
521110	Computer Software			
	EMME/2 License Upgrade	\$ 2,500	16,200	\$ 18,700
	New Computer Software	0*	26,900	26,900
	All Others	<u>12,500</u>	<u>0</u>	<u>12,500</u>
		\$ 15,000	43,100	\$ 58,100
	*See also under 531100 - Leased Furniture and Equipment			
525640	Maintenance and Repairs - Equipment			
	Masscomp/INRO/New Computer Maintenance	\$ 8,740	14,950	\$ 23,420
	Network	375	2,825	3,200
	Optical Disk	1,000	(400)	600
	Electrostatic Plotter	0	840	840
	All Others	<u>27,140</u>	<u>0</u>	<u>27,140</u>
		\$ 36,985	18,215	\$ 55,200
531100	Capital Lease - Furniture and Equipment			
	Optical Disk	\$ 12,670	(11,480)	\$ 1,190
	New Masscomp Replacement	40,044	(7,810)	32,234
	Masscomp Replacement Software	3,726	(3,726)	0
	Electrostatic Plotter	0	7,551	7,551
	All Others	<u>12,661</u>	<u>0</u>	<u>12,661</u>
		\$ 69,101	(15,265)	\$ 53,836
571500	Capital - Office Furniture and Equipment			
	New PCs (Macintosh)	\$ 14,000	8,000	\$ 22,000
	PC Upgrade	4,000	(1,500)	2,500
	Network	7,400	11,610	19,010
	HP-RLIS Expansion	37,000	(7,160)	29,840
	Switches, Cables, Surge Protection, etc.	1,500	5,500	7,000
	Printers	0	7,000	7,000
	New Computer Installation and Training	0	4,000	4,000
	All Others	<u>11,885</u>	<u>0</u>	<u>11,885</u>
		\$ 75,785	27,450	\$103,235

<u>Account</u>	<u>Description</u>	<u>Adopted Budget</u>	<u>Change</u>	<u>Proposed Budget</u>
524190	Miscellaneous Professional Services			
	RLIS Marketing Consultant	\$ 0	35,000	\$ 35,000
	I-205/Milwaukie LRT	770,000	(51,100)	718,900
	Hillsboro LRT	132,000	(57,400)	74,600
	All Others	250,000	0	250,000
		<u>\$1,152,000</u>	<u>(73,500)</u>	<u>\$1,078,500</u>
All Other Categories		2,575,757	0	2,575,757
Total Department		\$3,924,628	0	\$3,924,628

Amended Contracts List - Transportation

	<u>Approved</u>	<u>Proposed</u>
EMME2/INRO Proc New equipment necessitated higher license	\$ 2,500	\$ 18,700
RLIS Marketing Study		35,000
Software - New Computer - SAS, WordPerfect, FrameMaker, Unix		26,900
Masscomp/INRO/New Computer Maintenance	8,470	23,420
PC (Macintosh) 4	14,000	22,000
Networks - Ethernet, Netcard		19,010

Agenda Item No. 6.3
Meeting Date: December 13, 1990

ORDINANCE NO. 90-375

FINANCE COMMITTEE REPORT

ORDINANCE NO. 90-375 AMENDING THE FY-1990-91 BUDGET AND APPROPRIATIONS SCHEDULE TO ENHANCE THE PARKS AND NATURAL AREAS PROGRAM.

Date: December 7, 1990

Presented by: Councilor Jim Gardner

Committee Recommendation: At its December 6, 1990 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 90-375. Voting in favor were Councilors Devlin, Gardner, Van Bergen and Wyers. Councilor Collier was excused.

Committee Discussion/Issues: Kathy Rutkowski, Budget Analyst, presented the staff report. She indicated that these amendments do two things -- 1) fund the replacement costs of the parks planner on loan to the department from the City of Portland, and 2) fund increased data base development including the purchase of computers for the parks program. No additional resources are needed to fund these items rather the ordinance shifts existing funds within the budget.

JG:DEC:lar
A:LEGIS\90-375.RPT

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)
90-340A REVISING THE FY 1990-91)
BUDGET AND APPROPRIATIONS SCHEDULE)
FOR THE PURPOSE OF ENHANCING THE)
PARKS AND NATURAL AREAS PROGRAM OF)
THE PLANNING & DEVELOPMENT)
DEPARTMENT)

ORDINANCE NO. 90-375

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to modify the FY 1990-91 Budget; and

WHEREAS, The need for a modified budget plan has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 90-340A, Exhibit B, FY 1990-91 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in Exhibits A and B to this Ordinance for the purpose of enhancing the parks and natural areas program of the Planning and Development Department.

ADOPTED by the Council of the Metropolitan Service District this

_____ day of _____, 1990.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

kr:ord90-91:p&d:ord
November 14, 1990

EXHIBIT A
ORDINANCE NO. 90-375

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING & DEVELOPMENT FUND							
Urban Growth Management Program							
Personal Services							

511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Director of Planning & Develop	0.50	31,110			0.50	31,110
	Regional Planning Supervisor	1.00	47,268			1.00	47,268
	Senior Regional Planner	3.50	141,881			3.50	141,881
	Senior Management Analyst	1.00	40,121			1.00	40,121
	Assoc. Regional Planner	0.25	6,194	0.25	11,000	0.50	17,194
	Assoc. Management Analyst	1.00	34,662			1.00	34,662
	Administrative Assistant	0.50	14,250			0.50	14,250
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	0.50	11,730			0.50	11,730
	Secretary	0.50	8,748			0.50	8,748
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Temporary Administrative Help	0.50	7,200		1,000	0.50	8,200
512000	FRINGE		98,342		5,500		103,842
	Service Reimbursement-Workers' Compensation		6,601				6,601
	Total Personal Services	9.25	448,107	0.25	17,500	9.50	465,607
Materials & Services							

521100	Office Supplies		5,500				5,500
521110	Computer Software		3,080				3,080
521240	Graphics/Reprographic Supplies		2,500				2,500
521260	Printing Supplies		1,125				1,125
521290	Promotion Supplies		300				300
521310	Subscriptions		2,860				2,860
521320	Dues		2,000				2,000
524190	Misc. Professional Services		593,659		(21,500)		572,159
525640	Maint. & Repairs Services-Equipment		1,550				1,550
525710	Equipment Rental		750				750
526200	Ads & Legal Notices		2,200				2,200
526310	Printing Services		27,200				27,200
526320	Typesetting & Reprographics Services		4,500				4,500
526410	Telephone		3,210				3,210
526420	Postage		8,200				8,200
526440	Delivery Service		1,500				1,500
526500	Travel		12,350				12,350
526700	Temporary Help Services		1,000				1,000
526800	Training, Tuition, Conferences		9,200				9,200
529500	Meetings		8,050				8,050
	Total Materials & Services		690,734		(21,500)		669,234

EXHIBIT A
ORDINANCE NO. 90-375

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING & DEVELOPMENT FUND (continued)							
Urban Growth Management Program							
Capital Outlay							
571400	Purchases-Equipment & Vehicles		6,750				6,750
571500	Purchases-Office Furniture & Equipment		350		4,000		4,350
Total Capital Outlay			7,100		4,000		11,100
TOTAL EXPENDITURES		9.25	1,145,941	0.25	0	9.50	1,145,941

EXHIBIT B
 ORDINANCE NO. 90-375
 SCHEDULE OF APPROPRIATIONS FY 1990-91

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
PLANNING & DEVELOPMENT FUND			
Urban Growth Management			
Personal Services	448,107	17,500	465,607
Materials & Services	690,734	(21,500)	669,234
Capital Outlay	7,100	4,000	11,100
Subtotal	1,145,941	0	1,145,941
Solid Waste Planning			
Personal Services	397,332	0	397,332
Materials & Services	394,835	0	394,835
Capital Outlay	11,550	0	11,550
Subtotal	803,717	0	803,717
General Expenses			
Interfund Transfer	346,328	0	346,328
Contingency	174,837	0	174,837
Subtotal	521,165	0	521,165
Total Planning & Development Fund Requirements	2,470,823	0	2,470,823

ALL OTHER APPROPRIATIONS REMAIN THE SAME AS PREVIOUSLY ADOPTED

NOTE: THIS ORDINANCE ASSUMES THE ADOPTION OF ORDINANCES 90-370, 90-373 AND 90-374

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 90-375 AMENDING ORDINANCE NO. 90-340A REVISING THE FY 1990-91 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF ENHANCING THE PARKS AND NATURAL AREAS PROGRAM OF THE PLANNING AND DEVELOPMENT DEPARTMENT

Date: November 16, 1990

Presented by: Rich Carson
Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

On June 8, 1988, the Council adopted Resolution No. 88-933 supporting continuation of a study in cooperation with local governments which identified aspects of parks functions that could best be provided on a regional basis and those best provided on a local basis, and calling for a plan to implement a regional/local parks system. Subsequently it became clear that the metropolitan area's greatest open-space planning deficiencies centered around the preservation and management of natural areas and the linkages between such areas, as opposed to active recreational facilities and highly developed parks. Thus, natural areas and regional linkages are now the focus of Metro's Parks and Natural Area Planning Program for the next several years.

INTERGOVERNMENTAL LOAN OF PARKS PLANNER

The adopted budget for FY 1990-91 established a new Associate Regional Planner position to assist on the Parks and Natural Areas Program. This position is being filled on a six month temporary basis by a senior parks planner on loan from the City of Portland Parks Bureau. The addition of this planner, who brings an extensive background to the program, has allowed the department to accelerate the Parks and Natural Areas Program to include production of studies and reports as well as the preliminary work on a functional plan. In effect, the department is proceeding with phases 3, 4 and 5 concurrently.

This budget amendment is made in response to a request from the Portland Parks Bureau to revise the intergovernmental agreement. The City is requesting that Metro fund a part-time replacement for the City of Portland Parks Bureau senior planner who is on loan to Metro. This action amends the FY 1990-91 budget and transfers half of the amount of the intergovernmental agreement to Personal Services to cover this replacement hire. Approximately \$16,500 will remain in the Materials & Services category to fund the revised intergovernmental agreement authorizing the loan of personnel. Metro's total expenditure commitment has not changed.

DATABASE SERVICES - PARKS & NATURAL AREAS

The FY 1990-91 budget also included \$5,000 for outside database services in support of the parks and natural areas program. These services can be provided by in-house staff in Metro's RLIS program at a savings to the Planning & Development Department. This action requests the transfer of \$1,000 of these identified funds from Materials & Services to Personal Services to allow for in-house staff to provide these services. The remaining \$4,000 is requested to be transferred to Capital Outlay to provide computers for parks and natural areas program staff to use in the production of the studies and reports outlined at the beginning of this staff report.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance 90-375, enhancing the Parks and Naturals Areas program of the Planning & Development Department.

kr:ord90-91:p&d:sr
November 16, 1990

Agenda Item No. 7.1
Meeting Date: December 13, 1990

ORDER NO. 90-23

STAFF REPORT

ORDER NO. 90-23: IN THE MATTER OF CONTESTED CASE NO. 87-3, BLAZER HOMES, A PETITION FOR LOCATIONAL ADJUSTMENT OF METRO'S URBAN GROWTH BOUNDARY

November 29, 1990

Presented By: Larry Shaw

Order No. 90-23 and attached findings support the Council's decision to deny the petition of Blazer Homes for a locational adjustment of the Metro Urban Growth Boundary (UGB). The petition proposed the addition of some 43 acres to the UGB. Metro's own criteria for making locational adjustments of the UGB require the factual demonstration of a substantial improvement in the location of the boundary when entertaining petitions of this size.

Metro's original approval of the petition was remanded to Metro by the Land Use Board of Appeals because of insufficient factual support for the proposed amendment. The basis for the remand was supported by the Oregon Court of Appeals, and the Oregon Supreme Court refused to entertain further claims of appellants.

Metro Council was asked to reconsider the petition based on the existing record and new findings drawn from that record. The Council concluded that the existing record did not contain evidence sufficient to show a substantial improvement in the location of the UGB particularly with respect to transportation and sewerage services. Council directed Counsel to prepare an order and findings denying the petition, now contained in Order No. 90-23.

At its meeting on the 13th of December, no public hearing is scheduled, but the Council can decide whether it wants to hear arguments from parties to the case on the proposed order.

ES/es
11/29/90

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

IN THE MATTER OF CONTESTED CASE)
NO. 87-3, BLAZER HOMES, A)
PETITION FOR A LOCATIONAL)
ADJUSTMENT OF METRO'S URBAN)
GROWTH BOUNDARY)

ORDER NO. 90-23

WHEREAS, Mr. Dennis Derby on behalf of Blazer Homes, Inc., has submitted a request for a locational adjustment to the Urban Growth Boundary (UGB) in Clackamas County as shown in Exhibit B; and

WHEREAS, This request was heard before a Metro Hearings Officer in a contested case hearing and subsequently approved by the Metro Council on October 27, 1988; and

WHEREAS, The decision of the Metro Council to approve the petition was appealed to the Land Use Board of Appeals and the Oregon Court of Appeals, which resulted in a remand of the decision to the Metro Council for evidentiary reasons; and

WHEREAS, The Council of the Metropolitan Service District has reviewed the reasons for the remand, the relevant portions of the record, petitioner's proposed findings on remand, and written exceptions to the proposed findings on remand and has determined that the evidence in the record cannot satisfactorily address the issues on remand; now, therefore,

IT IS HEREBY ORDERED:

1. That the Council adopts the Findings of Fact on Remand for Contested Case 87-3 attached and incorporated herein as Exhibit A.

2. That the Petition from Blazer Homes, Inc., in Contested Case No. 87-3 is hereby denied based on the findings in Exhibit A.

SO ORDERED this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

ES/es
11/21/90

BEFORE THE METROPOLITAN SERVICE DISTRICT
OF THE STATE OF OREGON

IN THE MATTER OF THE APPLICATION)	
OF BLAZER HOMES, INC. FOR A	)	FINDINGS OF FACT
LOCATIONAL ADJUSTMENT TO THE	)	ON REMAND IN CONTESTED
REGIONAL URBAN GROWTH BOUNDARY	)	CASE NO. 87-3

I. INTRODUCTION

This cause is before the Council on the petition of Blazer Homes, Inc. ("Petitioner") to add approximately 43.7 acres southeast of Laké Oswego to the regional Urban Growth Boundary (the "UGB"). Hearings on this matter originally resulted in Ordinance No. 88-268, with a Final Order adopted October 27, 1988. This action was appealed and the case was returned to the Council on remand from the Land Use Board of Appeals (LUBA). This document constitutes the Council's Supplemental Findings and Order on Remand. The record in Contested Case No. 87-3 was not reopened following the remand. Reconsideration was based on the existing record and it was restricted to the issues which were the basis for remand.

II. SUPPLEMENTAL FINDINGS

The Council did not extensively review the record or consider changes to those portions of the original findings that were not remanded by LUBA. Based on Council review of the original record on the issues of sewer facilities, streets, and traffic, and the burden of proof for locational adjustments the original findings are hereby readopted with the following amendments:

FINDINGS OF FACT IN CONTESTED CASE NO. 87-3

At Exhibit B of Ordinance No. 88-268, paragraphs XII-XV, pages 13-22, are hereby amended to read as follows:

"XII. Net Efficiency of Public Facilities

This locational adjustment would not result in substantial improvement in public facilities and services within the existing UGB. Specifically, it would result in the following net improvement:

- a. Water Service. Inclusion of this site in the UGB would allow the dead end lines in Meadowlark Lane, Ridge

Pointe Road, and St. Clair Drive to be looped. This would improve fire flows to the surrounding subdivisions currently within the UGB; provide improved water pressure to those subdivisions; reduce sedimentation in water lines and thus reduce the need for periodic manual cleaning of the lines by opening the lines at their stubs or at hydrants; increase the efficiency of the lines by spreading their utilization over a larger population.

b. Sewer Service. An approximately 5 acre area within the UGB that currently has no service would be served as a result of the proposed locational adjustment. However, the area is too low to be served by gravity flow or by the existing pump station. If petitioner's site were brought into the UGB, a new pump station would be added to serve this presently unserved area. Replacement of an existing pump station with a new pump station to serve the petitioner's property and 5 unserved acres is only a slight net improvement in sewer facilities because a small number of unserved acres are reached only by the loss of the investment in the existing pump station.

c. Streets and Traffic. Development of the site by the proposed locational adjustment would facilitate potential completion of Westview Road by the dedication of right-of-way and construction of a portion of the roadway. Westview is shown on the Lake Oswego plan as a collector to provide direct access to the arterial Stafford Road from residential areas to the southwest. However, the record does not indicate that this amendment would result in the completion of Westview. Even if right-of-way across the proposed locational adjustment property were constructed by petitioner to serve the added property, there is no evidence that the lengthy unbuilt portion of Westview in hilly terrain to the southwest of the site will be constructed. Therefore, the only improvement of Westview resulting from this petition in the record is facilitating the potential development of Westview.

Development of the site will permit completion of Meadowlark Lane, St. Clair Drive, and Ridge Pointe Drive, which are currently stubbed at the UGB. It would, therefore, increase the traffic bearing capacity and utilization of those existing roadways within the UGB, and, hence, their efficiency.

The net improvement of efficiency to streets and traffic from this petition is a slight increase in efficiency to three existing residential streets.

d. Police Protection. The improvement of efficiency to the three residential streets is based on greater utilization of the existing capacity of the roadways. More

traffic and population at the outer limits of the service area does not increase efficiency of police services.

e. Storm Water Drainage. Drainage systems in the UGB would be improved in efficiency by the substitution of a large basin in the proposed addition for existing, small, hard-to-maintain basins within the UGB. The proposed addition area is well suited for this facility because of the main drainageway within it.

f. Conclusion. For the foregoing reasons, this UGB adjustment would result in a slight improvement in the efficiency of some public facilities and services in adjoining areas within the UGB.

"XIII. The Proposed UGB Is Not Greatly Superior to the Present UGB

The Council adopts the Findings of the Hearings Officer as stated in numbered paragraphs 2, 3, 4 and 5 at pp. 24-25 of the Hearings Officer's Report.⁴

Based on the Council's findings, the Council concludes that the proposed UGB is not greatly superior to the existing UGB, as required by Metro Code Section 3.01.040(a)(3). The larger the proposed adjustment over 10 acres, the greater must be the weight of evidence of increased suitability of the proposed UGB. Since this proposed 43.7 acres is near the 50-acre limit for locational adjustments, the evidence must demonstrate a greatly superior UGB as a result of the adjustment. Water, sewer, storm sewer, and traffic improvements were slight. There was no increase in the efficiency of police services. Therefore, the UGB as proposed is not sufficiently more suitable than the existing UGB based on the consideration of the factors in Metro Code Section 3.01.040(a).

"XIV. Similarly Situated Contiguous Land

There is no need to feach the consideration of all similarly situated contiguous land under Metro Code Section 3.01.040(d)(2) because of the insufficient evidence of improvement in public facilities and services, above.

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⁴Those paragraphs are uncontested.

"XV. Conclusion and Order

For the foregoing reasons, this petition for locational adjustment is hereby denied."

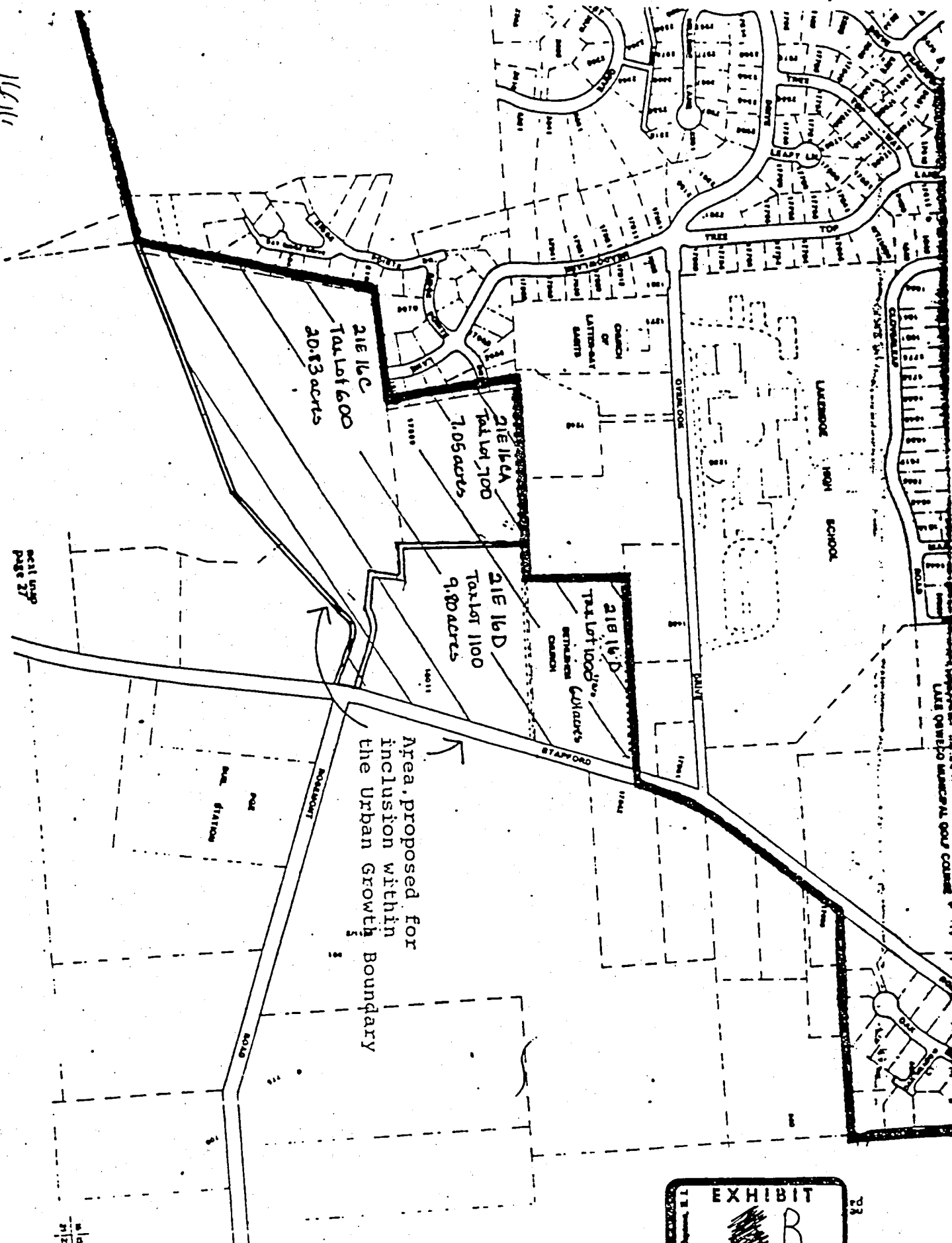
DATED: December , 1990.

By Order of the Metropolitan
Service District Council

By _____
Gwen Ware-Barrett
Clerk of the Council

LS
1034

16/11



see map
page 27

Area proposed for
inclusion within
the Urban Growth
Boundary

EXHIBIT
~~16B~~ B
 16B Amended

EXHIBIT A

see map
page 28

Agenda Item No. 8.1
Meeting Date: December 13, 1990

RESOLUTION NO. 90-1351



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503.221-1646

Date: December 4, 1990

To: Metro Council
Executive Officer
Interested Parties

From: Gwen Ware-Barrett, Clerk of the Council *gwb*

Regarding: CONSIDERATION OF RESOLUTION NO. 90-1351, FOR THE PURPOSE OF EXPRESSING COUNCIL INTENT TO AMEND METRO'S URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 90-1, WAGNER

The Council will consider Resolution No. 90-1351 at its meeting on December 13. Because of the volume of the documents, it is being distributed to you in advance under separate cover. At the December 13 meeting, the Council, at its discretion, may choose to approve the resolution or remand the findings to staff or the hearings officer for modifications.

gwb
901351.mem
attachment

Agenda Item No. 8.2
Meeting Date: December 13, 1990

RESOLUTION NO. 90-1357



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503-221-1646

Memorandum

DATE: December 11, 1990

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Committee Clerk

RE: RESOLUTION NO. 90-1357

The Metro Relocation Task Force will meet December 11 to consider the above resolution and give will its report at the December 13 Council meeting.

/pa

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1357 FOR THE PURPOSE OF AUTHORIZING THE AMENDMENT OR TERMINATION OF THE SALES AGREEMENT FOR THE ACQUISITION OF THE SEARS FACILITY TO EXTEND THE DUE DILIGENCE PERIOD.

December 7, 1990

Presented by: Sims/McFarlane

BACKGROUND

At its October 11, 1990 meeting, the Metro Council approved Resolution No. 90-1338 authorizing the Executive Officer to enter into a Sales Agreement for the Sears Facility, and authorizing a due diligence review work program. The Sales Agreement provided a 67-day due diligence period, allowing Metro the opportunity to terminate the agreement at no cost. This due diligence period, and the opportunity to terminate, ends on December 17, 1990. On that date, Metro would be obligated to pay \$50,000 to escrow if it determines to proceed with the Sales Agreement.

The Sales Agreement as written calls for closing by December 28, 1990, at which time Metro would be required to pay the seller an additional \$950,000.

The Council has also reviewed a supplemental budget request, which allocates funds for the purpose of financing the purchase and initial site development work. This supplemental budget has received its first reading and public hearing, and is awaiting review by the TSCC. Final Council adoption is anticipated on December 27, 1990.

Since approval of the Sales Agreement, staff have undertaken the due diligence work program, retaining and directing the Consultants shown on Attachment A. Results of the due diligence review are summarized below.

DUE DILIGENCE FINDINGS

1. The Sears site offers a number of qualitative advantages as a Metro headquarters site, which are not easily reflected in the financial analysis. These advantages are:

a. Parking: 496 parking spaces on-site currently. Converting the basement level to parking is feasible, and adds at a minimum 118 spaces to the inventory. This will also offer potential overflow parking for Coliseum and Oregon Convention Center events.

b. Size/Capability for Expansion: The facility, under the assumed plan developed by the due diligence phase architect, BOOR/A, offers approximately 120,000 usable square feet. Metro, at time of move, is projected to utilize 51,231 square feet, with 66,905 available for tenants and future Metro office needs.

c. Quality of Office: The development plan and program developed by BOOR/A will offer a high quality office environment. High ceilings, potential atrium, large floor plates, adequate meeting and storage space, and the opportunity for in-house childcare all will improve the Metro office environment.

d. Regional Accessibility: The site has excellent regional access, for both vehicle and transit modes, and is nearby the Convention Center and Coliseum.

e. Image: The site is at the key gateway to the Lloyd District, and has excellent visibility from the Banfield Freeway, Grand, Lloyd and King Boulevards.

f. Long-Term Stability: Establishing a permanent home for Metro will stabilize office costs--allow permanence of location for the Agency, and will afford Metro room to grow.

g. Assets: Metro will use its office costs to build a long-term asset for the benefit of the Agency's future.

2. Project Budget: the Sears Building is estimated to cost \$20,145,338 to buy and reconstruct--including all tenant improvements. Costs are detailed on Attachment B. Financing costs are anticipated at \$3,063,000. Alternative furniture packages were analyzed, ranging from \$885,098 to \$1,822,520.

3. Pro Formas (Annual Costs): Attachments C, D and E show three different pro forma models, as follows:

a. Sears Occupancy (Attachment C):

Assumes successful sub-lease of current building, and phased leasing of tenant spaces at Sears. This also assumes a "ramped" debt service, so debt service payments will be more affordable in the early years with increases reflecting projected market rates in future years.

b. Stay Put (Attachment D):

Assumes Metro stays at current building until lease expires, then leases new space at then current market rates (equivalent to \$15.50 a square foot in 1990 dollars).

c. Worst Case (Attachment E):

Assumes Metro cannot sub-lease current building, and therefore delays Sears reconstruction to coincide with current lease expiration (1996). In this case, Metro carries the costs of acquisition in addition to its current lease costs during the 1991-1996 period. Some moderate reconstruction/strengthening of the Sears facility may be desirable even in this case during this interim.

Conclusions indicate that this transaction carries a number of risks for Metro. Under the worst case pro forma, if Metro does not sub-lease current offices, the interest payments for the Sears purchase will provide a major financial burden to the Agency. Equivalent costs per square foot could increase from \$17.31 now to \$25 to \$30 in the 1992-1996 period. By 1996, however, at termination of the current lease, rates would drop to \$18.35 per square foot, the estimate of what Class A space will typically cost at that time. The exposure of this extra liability for Metro, if the worst case comes true, would affect the cost effectiveness of the building's financing.

The difference in costs projected under the "Stay Put" (Attachment D) and "Sears Occupancy" (Attachment C) is relatively minor--with the "Stay Put" alternative slightly lower. This may be mitigated by the gradual building of equity in the Sears site.

4. Architectural Review: Attachment F is the summary of work contracted by BOOR/A architects. In general, the architects found that the "building and its site meet the objectives and criteria for the headquarters program and provides numerous options for tenant space that can act as valuable expansion in the future for Metro."

5. Structural (Attachment G): The main building and the parking garage do not meet current earthquake codes, but can be modified to do so. Costs for the structural upgrade are included in the project budget.

6. Mechanical/Electrical (Attachment H): All new mechanical and electrical systems are required. Costs are included.

7. Hazardous Waste (Attachment I): Asbestos is wide-spread in the building--costs to abate (responsibility of the seller) is estimated at \$222,483. Studies indicated three potential underground storage tanks. Studies to confirm location, and to assess if any contamination exists, are still underway. Costs to remove or decommission are the responsibility of the seller.

8. Real Estate: Information provided by Robert Charles Lesser Company, Real Estate Advisor, indicated two primary concerns. The Grand Avenue level, because of the large bay depth, lack of windows and access, may prove difficult to lease as Class A office. Analysts were unable to identify adequate comparable leases for this space. This conclusion has been contested by Metro's brokers. Lesser also noted that the City policy to locate retail tenants along the Grand Avenue frontage is not supportable by the market, with the exception of perhaps one restaurant/deli.

ANALYSIS

Both the "worst case" pro forma and the real estate analysis indicate that Metro may expose itself to undesirable risk if it moves ahead with the Sales Agreement as negotiated. The major risks are:

- sub-leasing our current offices,
- leasing tenant space--particularly on the Grand Avenue level in the new building at projected rates (approximately \$12.50 + per square foot).

These risks may create major obstacles to a smooth and cost-effective financing of the building. At the worst, they could create a major financial drain to the Agency.

Additional due diligence time would allow Metro the ability to better address these risks. With additional time, Metro could refine the estimates for the proposed project, allow development of a marketing strategy for bonds, and ensure that we will be able to secure reasonably priced financing. This will allow Metro to feel secure that moving ahead will not adversely affect our general credit rating and future revenue streams.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 90-1357 which directs that either:

1. The Executive Officer negotiates a 6-month extension of the due diligence period at no cost, allowing Metro additional time to deal with the risks identified, or
2. In the event that the due diligence extension cannot be negotiated with the seller, that the Executive Officer terminate the Sales Agreement, as allowed, prior to December 17, 1990.

DRAFT

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)
THE AMENDMENT OF THE SALES)
AGREEMENT FOR THE ACQUISITION)
OF THE SEARS FACILITY TO EXTEND)
THE DUE DILIGENCE PERIOD)
)

RESOLUTION NO. 90-1357
Introduced by Rena Cusma,
Executive Officer,

WHEREAS, by Resolution No. 90-1338, the Council of the Metropolitan Service District authorized the execution of a sales agreement for the acquisition of the Sears facility as the site for Metro's administrative offices; and

WHEREAS, the Sales Agreement included a provision for a 67 day due diligence period by which Metro would employ a variety of consultants to determine the economic and pragmatic feasibility of the Sears facility as Metro's headquarters; and

WHEREAS, Metro staff has retained and directed such consultants, and reviewed their findings; and

WHEREAS, the findings indicate the need to amend the sales agreement previously approved via Resolution No. 90-1138; and

WHEREAS, Resolution No. 90-1138 requires prior Council approval before the Executive Officer proceeds with the sales agreement by depositing the cash earnest money.

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District authorizes the Executive Officer to negotiate revisions to the Sales Agreement to extend the Due Diligence period to June 17, 1991 at no additional cost to Metro.

2. In the event the Executive Officer is unable to extend the due diligence period to June 17, 1991, the Executive Officer shall provide written notice to the Seller rescinding the Sales Agreement approved by Resolution No. 90-1338.

3. Provided the Seller agrees to extend the due diligence period, the Executive Officer is authorized to continue due diligence investigations and to report findings regularly to the Relocation Task Force and Metro Council.

ADOPTED by the Council of the Metropolitan Service District this ___ day of December, 1990.

Tanya Collier
Presiding Officer

Attachments List

- A. List of Due Diligence Contracts
- B. Project Budget
- C. Pro Forma: Sears Occupancy
Assumes Metro sub-leases 2000 SW 1st; Moves to Sears by July 1, 1992.
Reasonable and phased leasing of tenant space at Sears.
- D. Pro Forma: Stay Put
Assumes Metro stays at 2000 SW 1st until current lease expires--then leases space elsewhere at then expected market rates.
- E. Pro Forma: Worst Case
Assumes Metro purchases Sears--cannot sub-lease current space; Delays reconstruction to coincide with current lease expiration (1996).
- F. BOOR/A Architects Review: Executive Summary*
- G. Summary of Structural Review*
- H. Summary of Mechanical/Electrical Review*
- I. Summary of Hazardous Waste Review*

*Full report available for review upon request

Attachment A

Sears Bldg. Project

Due Diligence Contracts Summary
As of Monday, Nov. 5, 1990

<u>Contract Item.</u>	<u>Proposals From:</u>	<u>Selected Contractor</u>	<u>Price</u>
Bldg. Appraisal	Appraisals Group Palmer, Grothe, Pietka Curtis Slocum	App. Grp. (B. Delacy)	\$4,000
ALTA Survey	OTAK Chase Jones Wilsey Ham Pacific	OTAK	3,850
Structural/Seismic	Walker, et al KPFK Van Domelin, et al	Walker, et al	5,700
Mech/Electrical	Glumac PAE Interface Systems Design Consultants Carson, Bekooy, et al	Glumac	5,000
Architect	BOOR/A ZGF SERA Fletcher, Farr et al Yost, Grube, Hall JKS GBD Ankrom Mosum	BOOR/A	9,700
Market Feasibility	Robert Charles Lesser Leland Associates	Robert Charles Lesser	10,000
Hazardous Waste	Dames & Moore PBS, Inc Hazcon	Dames & Moore	5,900

Attachment B
Sears Worksheet 1

	A	B	C	D
1	Sears Building Project Budget			
2				
3	Real Estate			
4	Land/Improvements	5,150,000		
5	Interim Management - Parking	24,000		
6	Administration/Broker Fee	175,000		
7	Due Diligence Consultants/testing	65,000		
8	Subtotal		5,414,000	
9				
10	Legal/Financial/etc.			
11	Insurance (Builder's Risk)	25,000		
12	Subtotal		25,000	
13				
14				
15	Project Management			
16	Art (1% of construction)	110,152		
17	Construction Management	250,000		
18	Design Services	750,000		
19	Hook-Up Charges	30,000		
20	Metro Project Administration	340,000		
21	Permits	95,000		
22	Printing	15,000		
23	Utilities	90,000		
24	Taxes	80,000		
25	Testing	100,000		
26	Subtotal		1,860,152	
27				
28	Construction			
29	Renovation/New Construction	7,719,972		
30	Contingency on Construction (20%	1,543,994		TI/Sq. ft.
31	Tenant Improve. / Irving/3rd	374,682	17,031	\$22.00
32	Tenant Improve. / Grand - Leased	1,358,032	52,232	\$26.00
33	Tenant Improve. / Metro spaces	1,434,468	51,231	\$28.00
34	Telephone/data wiring/ Metro	128,038		
35	Subtotal		12,559,186	
36				
37	Owner's Contingency	500,000	500,000	
38				
39	Total Gross		20,358,338	
40				
41	Parking Revenue Offset		-213,000	83%
42	Project Total		20,145,338	
43				
44	Financing Costs			
45	Underwriter's Discount		213,000	
46	Debt Reserve		1,700,000	
47	Interest Reserve		1,100,000	

Sears Worksheet 1

	A	B	C	D
48	Bond Counsel		25,000	
49	Financial Advisor		25,000	
50				
51	Subtotal		3,063,000	
52				
53	Overall Project Total		23,208,338	
54				
55				
56	Furniture Fixtures & Equipment			
57	Furniture - BOOR/A Scheme B	1,042,933		
58	Telecommunications - equipment	135,000		
59	Office Equipment	5,000		
60	Cleaning/Maintance Equipment	5,000		
61	Audio/Visual Equipment	5,000		
62	Misc.	5,000		
63	Subtotal		1,197,933	
64				
65	Furniture downgrade (Scheme A)	-157,835	885,098	
66	Furniture upgrade (Scheme C)	779,587	1,822,520	
67	Deduct Atrium	-420,000		
68				

COST ANALYSIS WITH PURCHASE AND RENOVATION OF THE SEARS BUILDING FOR USE BY METRO CENTRAL

ESTIMATIONS PROJECTED 12/05/90
 FY89-90
 Adopted Budget

FY89-90		FY 1990-91	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02
Adopted Budget		Adopted	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat
Historical FTE	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount
Resources												
131,808	166,589	347220	95,086	670,418	940,938	940,938	940,938	940,938	787,546	922,005	922,005	922,005
50,893	50,995	374000	51,061	448,291	442,636	458,798	476,091	494,595	514,393	567,341	626,536	692,797
40,618	32,690	392010	117,577	102,245	98,942	100,687	106,486	111,778	143,077	151,123	158,943	166,820
56,650	79,810	392140	94,062	135,171	130,805	133,111	140,778	147,774	189,152	199,790	210,128	220,541
0	0	392142	41,946	95,659	92,570	94,202	99,628	104,578	133,862	141,390	148,706	156,075
0	0	392531	107,408	163,476	158,196	160,985	170,257	178,718	228,761	241,626	254,129	266,723
18,209	22,083		25,422	29,749	28,788	29,296	30,983	32,523	41,630	43,971	46,246	48,538
139,110	158,070	392610	249,137	326,547	316,001	321,572	340,094	356,994	456,956	482,655	507,629	532,787
0	0	391750	0	109,939	106,389	108,264	114,500	120,190	153,844	162,496	170,904	179,374
437,288	530,237		781,699	2,081,495	2,315,265	2,347,853	2,419,755	2,488,087	2,649,222	2,912,398	3,045,225	3,185,661
Expenditures												
			605,099	566,823	589,496	613,076	637,599	663,103	674,356	701,330	729,384	758,559
			16,600	199,478	203,987	208,540	213,134	217,765	184,615	188,508	192,419	196,345
			0	1,189,917	1,394,917	1,425,444	1,467,494	1,504,926	1,687,620	1,919,120	2,019,140	2,125,600
			110,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000
			50,000	45,278	46,865	20,792	21,526	22,293	22,631	23,440	24,282	25,157
			781,699	2,081,495	2,315,265	2,347,853	2,419,755	2,488,087	2,649,222	2,912,398	3,045,225	3,185,661
			17.31	18.79	18.19	18.51	19.57	20.55	21.92	23.15	24.35	25.55
			0	694,277	718,847	743,339	772,732	802,004	831,132	865,091	898,853	937,390
			17.31	5.24	4.15	4.00	4.49	4.89	8.40	9.08	9.72	10.30
				1,301,808								
				6.21	6.21	6.21	6.21	6.21	0.00	0.00	0.00	0.00

SPACE COST ANALYSIS WITH PURCHASE AND RENOVATION OF THE SEARS BUILDING FOR USE BY METRO CENTRAL
VARIATIONS PROJECTED 12/05/90

Assumptions:

1. 120,494 sq ft of available space less Metro requirements
2. \$1,231 sq ft used by Metro including MERC first year.
3. 5,850 sq ft used by MERC initially.
4. 95.0% Tenant occupancy
5. \$13.00 per sq ft per year tenant rent FY1992-93 through FY1996-97
6. 10.0% premium on tenant rental rate for common space.
7. 20.0% increase in Metro used space at the end of the fifth year.
8. 17% decrease in remaining taxable portion at end of year five.
9. 15.0% increase in tenant's rental rate at the end of the fifth year.
10. \$56.00 per month initial parking fee
11. 346 Parking spots allocated to the state at 100% occupancy
12. 338 Parking spaces available to Metro to rent independently.
13. 7.0% per year increase in non-state parking rates
14. \$51.00 per month parking rate for the State year 2 through 5
15. 15.0% per year increase in State parking fees starting sixth year
16. 7.0% per year increase per year from the first year is a cap on the state parking rate
17. \$4.00 per sq ft per yr initial operating costs on Metro space
18. \$5.50 per sq ft per yr initial operating costs on tenant space.
19. 4.0% per year increase in operating costs.
20. 46% of the value is taxable initially
21. \$21,324,000 initial value of remodeled property
22. 0.02000000 tax rate.
23. \$30,000 per year of capital outlay for minor remodels after occupancy.
24. 7.0% contingency on capital outlay and operating costs the first two years.
25. 3.0% contingency on capital outlay and operating costs after the first two years.
26. Transfers from Funds is kept proportional to the adopted FY1990-91 budget and provides the re
27. 12.5% of the value the first year is in the land.
28. 3% per year land appreciation
29. 4% New construction inflation per year and a building has a 50 year life.
30. 36,712 sq ft in current building and adopted budget
31. Tenant occupancy rates ramp up starting Feb 1, 1992 at 50%, moving each 3 months to 65%, 70%,
32. 5 months initial free rent with original lease to tenants.
33. \$30,000 capital replacement account per year added into Capital Outlay account.
34. \$6.00 per sq ft tenant renovation FY1997-98 on half of the tenant space added into oper
35. 3.5 months free rent FY1997-98 on half of tenant space for new tenants subtracted fro
35. 131,317 Gross sq ft less penetrations

SPACE COST ANALYSIS WITH PURCHASE AND RENOVATION OF THE SEARS BUILDING FOR USE BY METRO CENTRAL
Assumptions Continued:

36. 11,706 Common area sq ft
37. \$2,660,000 Initial land value
38. 120,494 Net sq ft available for use excluding basement which is used for parking.
39. 175,000 Cap on broker's fee
40. 5% /year times 5 years leasing fee charged first year.
41. \$0.70 /year times 5 year leasing fee cap charged first year
42. \$105,875 relocation fee for Metro central
43. 1,042,933 Furniture - BOCR/A Scheme A
44. 20,000 Office, Cleaning, Maintenance, Audio, Visual and Misc. equipment.
45. 135,000 Telecommunications equipment - end point
46. 5 Number of years to pay off above 4 one time expenses
47. 7.00% Effective interest rate on the four one time expenses above
48. 742 Gross parking spots
49. 38 visitors parking spots not rented
50. 20 dock parkins spots not rented
51. 346 parking spots allocated to the state
52. 100% rental occupancy in state parking spots
53. 95% rental occupancy in other parking spots
54. 213,000 Parking Revenue before move-in

RSR 12/05/90

SPACE COST ANALYSIS STAYING AT 2000 S. W. FIRST UNTIL 1996 & THEN MOVE TO QUALITY RENTAL SPACE

FY89-90 Adopted Budget		FY 1990-91														
FY89-89		Adopted	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	
Historical FTE	Amount	FTE	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	
Resource																
131,400	166,389	347,220	Sublease Income	95,086	58,505	58,505	27,798	27,798	27,798	15,057	0	0	0	0	0	0
50,693	50,995	374,000	Parking Fees	51,061	47,061	47,061	50,355	53,880	57,652	61,687	0	0	0	0	0	0
40,618	52,690	392,010	Trans. Indirect Costs from Gen'l Fund	117,577	126,417	126,851	133,420	130,187	137,955	147,199	175,911	244,158	244,957	245,821	246,753	189,347
56,450	79,810	392,140	Trans. Indirect Costs from Transportation	94,062	101,134	101,482	106,736	104,150	110,364	117,760	140,729	195,327	195,967	196,657	197,403	151,478
0	0	392,142	Trans. Indirect Costs from Plan. & Dev. Fund	41,946	45,100	45,255	47,598	46,445	49,216	52,514	62,757	87,104	87,389	87,697	88,030	67,550
0	0	392,531	Trans. Indirect Costs from S.W. Revenue Fund	107,408	115,483	115,880	121,881	118,927	126,023	134,468	160,696	223,042	223,772	224,560	225,412	172,971
4,370	5,079	392,558	Trans. I.C. from OCC-->Regional Fac Plan Fund	25,422	27,333	27,427	28,848	28,149	29,828	31,827	36,035	52,791	52,964	53,150	53,352	40,940
139,110	158,070	392,610	Trans. Indirect Costs from Support Svs. Fund	249,137	267,868	268,789	282,707	275,857	292,316	311,904	372,742	517,353	519,047	520,876	522,851	401,212
423,449	513,233		Total Resources	781,699	788,902	791,250	799,343	785,392	831,152	872,417	950,869	1,319,776	1,324,096	1,328,761	1,333,800	1,023,499
Expenditures																
			Personal Services	83,279	83,279	89,941	97,137	104,908	113,300	122,364	50,000	54,000	58,320	62,986	68,024	73,466
			Other Materials and Services	213,666	213,666	224,349	235,567	247,345	259,712	272,698	0	0	0	0	0	0
			Operating Lease Payment	234,384	234,384	290,760	290,760	290,760	290,760	290,760	720,869	1,235,776	1,235,776	1,235,776	1,235,776	920,032
			Taxes	16,600	16,600	5,507	5,507	5,507	5,507	5,507	0	0	0	0	0	0
			Debt Service	0	0	0	0	0	0	0	0	0	0	0	0	0
			Capital Outlay	110,000	60,000	66,520	50,000	50,000	50,000	64,215	0	0	0	0	0	0
			Maintenance & repair services	73,770	40,973	59,173	65,373	31,873	56,873	61,873	0	0	0	0	0	0
			Contingency & Unappropriated	50,000	110,000	25,000	25,000	25,000	25,000	25,000	0	0	0	0	0	0
			Churn and Moving Expenses		30,000	30,000	30,000	30,000	30,000	30,000	180,000	30,000	30,000	30,000	30,000	30,000
			Total	781,699	788,902	791,250	799,343	785,392	831,152	872,417	950,869	1,319,776	1,324,096	1,328,761	1,333,800	1,023,499
			Metro Space sq ft	36,712	36,712	36,712	40,016	40,016	40,016	40,016	61,477	61,477	61,477	61,477	61,477	61,477
			Metro Cost/sq ft	17.31	18.61	18.68	18.02	17.59	18.64	19.88	15.47	21.47	21.54	21.61	21.70	16.65
			Supplimental Furniture Expense								1,268,887					
			Supplimental Rate For Furniture/sq ft								5.17	5.17	5.17	5.17	5.17	

RNR 12/05/90

SPACE COST ANALYSIS STAYING AT 2000 S. W. FIRST UNTIL 1996 & THEN MOVE TO QUALITY RENTAL SPACE

Assumptions:

1. The operating costs as adopted by the Council in the 1990-91 Budget are the starting point.
2. Future space costs will be allocated to the Funds in the ratio used in FY1990-91.
3. 5.0% per year increase in "other" materials and services.
4. 3.35% Property tax FY1990-91
5. 2.50% Property tax FY1991-92
6. 2.25% Property tax FY1992-93
7. 2.00% Property tax FY1993-94
8. 1.75% Property tax FY1994-95
9. 1.50% Property tax FY1995-96
10. 5.0% per year per square foot increase in assessed valuation for tax purposes.
11. 6.0% per year increase in salaries
12. \$5.00 per square foot additional capital for converting space from tenant to Metro use.
13. 7.0% per year increase in parking rates.
14. 4,000 Reduction in initial parking revenues from budget amount due to increase in visitor parking.
15. \$100,000 cost for carpeting divided into four years starting FY1991-92, added into maintenance and repair services.
16. \$34,100 FY1990-91 identified maintenance and repair services.
17. \$27,300 FY1991-92 identified maintenance and repair services.
18. \$33,500 FY1992-93 identified maintenance and repair services.
19. \$0 FY1993-94 identified maintenance and repair services.
20. \$25,000 FY1994-95 identified maintenance and repair services.
21. \$35,000 FY1995-96 identified maintenance and repair services.
22. \$6,873 15% of six year average maintenance and repair added to first six years
23. \$46,962 per year maintenance and repair services 1996 on (= average of first 6 years)
24. 5.0% per year increase in maintenance and repair services after 1996.
25. \$50,000 Estimated reduction in adopted capital outlay FY1990-91.
26. \$234,384 Annual lease payment FY1990-91
27. \$290,760 Annual lease payment FY1991-96
28. 7.0% Annual percentage rate compounded times 5 years to estimate next lease rate.
29. 3,304 Space (Not Tax Exempt) switching from tenant to Metro February 1992
30. 2,843 Space (Tax Exempt) switching from tenant to Metro January 14, 1996
31. 7,804 Taxable space assumed in the FY1990-91 Adopted Budget
32. 3,304 Taxable square feet expected FY1991-92
33. \$0 Unappropriated
34. \$25,000 Contingency actually spent on average
35. \$5,000 Additional expenses FY1991-92 due to Sears Building Evaluation
36. \$15.00 Market value lease costs 1990 including load
37. 5.00% Inflation factor for lease costs
38. 5 Months of free rent upon move in.

SPACE COST ANALYSIS STAYING AT 2000 S. W. FIRST UNTIL 1996 & THEN MOVE TO QUALITY RENTAL SPACE

Assumptions Continued:

39. \$150,000 Moving Expense
40. \$30,000 Churn Expense
41. 20% Increase in space when moving to new location.
42. 61,477 Sq Ft in new rental facility FTJ996-97 matches space assumed same date at Sears building
43. 1,042,933 MOOR/A Scheme A Furniture 1991 Costs
44. 4.00% Inflation rate for Furniture Costs
45. 8.00% Interest rate on furniture lease purchase
46. 5 Payoff period for furniture

RSR 12/05/90

"WORST CASE SCENARIO" -- SPACE COST ANALYSIS BUYING SEARS FACILITY, STAYING AT 2000 S. W. FIRST UNTIL 1996 & THEN FINISHING METRO SPACE ONLY AND MOVE TO SEARS FACILITY
 NO OTHER TENANTS AVAILABLE -- REST OF SEARS BUILDING NOT DEVELOPED

FY89-90		FY 1990-91														
Adopted Budget		Adopted	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	F'cat	
FY88-89		FY 1990-91														
Historical FTE	Amount	FTE	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	
Resources																
131,808	168,589	347,220	Sublease Income	95,086	58,505	58,505	27,798	27,798	27,798	15,057	0	0	0	0	0	0
50,893	50,995	374,000	Parking Fees	51,061	47,061	47,061	50,355	51,880	57,452	61,687	0	0	0	0	0	0
			Parking Fees Sears Parking Structure			38,640	148,253	151,776	155,546	159,580	395,600	411,400	453,900	501,200	554,200	613,600
40,618	52,690	392,010	Trans. Indirect Costs from Gen'l Fund	117,577	170,817	215,651	322,220	218,987	226,755	233,369	281,927	298,509	303,930	313,199	322,456	352,510
56,650	79,810	392,140	Trans. Indirect Costs from Transportation	94,062	136,654	172,522	177,777	175,190	181,405	186,696	225,543	237,208	243,145	250,560	257,966	282,009
0	0	392,142	Trans. Indirect Costs from Plan. & Dev. Fund	41,946	60,939	76,934	79,278	78,124	80,896	83,253	100,578	105,781	108,428	111,735	115,037	125,759
0	0	392,531	Trans. Indirect Costs from S.W. Revenue Fund	107,408	156,043	197,000	203,001	200,047	207,143	213,186	257,544	270,865	277,644	286,111	294,567	322,022
4,370	5,079	392,558	Trans. I.C. from OCC-->Regional Fac Plan Fund	23,422	36,933	46,427	48,048	47,349	49,028	50,458	60,957	64,110	65,715	67,719	69,720	78,218
139,110	158,070	392,610	Trans. Indirect Costs from Support Svc. Fund	249,137	361,948	456,949	470,868	464,017	480,477	494,492	597,383	628,281	644,006	663,646	681,261	746,943
423,449	513,233		Total Resources	781,699	1,028,902	1,271,250	1,279,343	1,265,392	1,311,152	1,338,202	1,523,932	1,602,754	1,642,869	1,692,971	1,743,008	1,905,462
Expenditures																
			Personal Services	83,279	83,279	89,941	97,137	104,908	113,300	122,364	0	0	0	0	0	0
			Other Materials and Services	213,666	213,666	224,349	235,567	247,345	259,712	272,698	0	0	0	0	0	0
			Operating Costs Sears Facility	0	0	0	0	0	0	0	239,732	299,186	311,153	323,599	339,543	350,005
			Operating Lease Payment	234,384	234,384	290,760	290,760	290,760	290,760	290,760	0	0	0	0	0	0
			Taxes	16,600	16,600	5,507	5,507	5,507	5,507	5,507	0	0	0	0	0	0
			Debt Service	0	0	0	0	0	0	0	984,234	1,130,354	1,155,091	1,189,165	1,219,498	1,367,542
			Capital Outlay	110,000	60,000	66,520	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
			Maintenance & repair services	73,770	40,973	59,173	65,373	31,873	56,873	61,873	64,966	68,214	71,625	75,206	78,987	82,915
			Contingency & Unappropriated	50,000	110,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
			Churn and Moving Expenses		30,000	30,000	30,000	30,000	30,000	30,000	180,000	30,000	30,000	30,000	30,000	30,000
			Interest on Loan for Sears Bldg.		240,000	480,000	480,000	480,000	480,000	480,000	0	0	0	0	0	0
			Total	781,699	1,028,902	1,271,250	1,279,343	1,265,392	1,311,152	1,338,202	1,523,932	1,602,754	1,642,869	1,692,971	1,743,008	1,905,462
			Metro Space sq ft	36,712	36,712	36,712	40,016	40,016	40,016	40,016	61,477	61,477	61,477	61,477	61,477	61,477
			Metro Cost/sq ft	17.31	25.15	30.70	26.31	25.79	26.74	27.54	18.35	19.38	19.34	19.39	19.34	21.01
			Supplemental Furniture Expense								1,268,887					
			Supplemental Expense For Furniture								317,801	317,801	317,801	317,801	317,801	

RSR 12/05/90

"WORST CASE SCENARIO" -- SPACE COST ANALYSIS BUYING SEARS FACILITY, STAYING AT 2000 S. W. FIRST UNTIL 1996 & THEN FINISHING METRO SPACE ONLY AND MOVE TO

Assumptions:

1. The operating costs as adopted by the Council in the 1990-91 Budget are the starting point.
2. Future space costs will be allocated to the Funds in the ratio used in FY1990-91.
3. 5.0% per year increase in "other" materials and services.
4. 3.35% Property tax FY1990-91
5. 2.50% Property tax FY1991-92
6. 2.25% Property tax FY1992-93
7. 2.00% Property tax FY1993-94
8. 1.75% Property tax FY1994-95
9. 1.50% Property tax FY1995-96
10. 5.0% per year per square foot increase in assessed valuation for tax purposes.
11. 8.0% per year increase in salaries
12. \$5.00 per square foot additional capital for converting space from tenant to Metro use.
13. 7.0% per year increase in parking rates.
14. 4,000 Reduction in initial parking revenues from budget amount due to increase in visitor parking.
15. \$100,000 cost for carpeting divided into four years starting FY1991-92, added into maintenance and repair services.
16. \$34,100 FY1990-91 identified maintenance and repair services.
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37. 3.00% Inflation factor for lease costs
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"WORST CASE SCENARIO" -- SPACE COST ANALYSIS BUYING SEARS FACILITY, STAYING AT 2000 S. W. FIRST UNTIL 1996 & THEN FINISHING METRO SPACE ONLY AND MOVE TO

Assumptions Continued:

39. \$150,000 Moving Expense
40. \$30,000 Churn Expense
41. 61,477 Sq Ft in new rental facility FY1994-97 matches space assumed same date at Sears building
42. 1,042,933 BOCR/A Scheme A Furniture 1991 Costs
43. 4.00% Inflation rate for Furniture Costs
44. 8.00% Interest rate on furniture lease purchase
45. 5 Payoff period for furniture
46. 6,000,000 Loan with interest only payments for Sears facility plus parking structure renovation
47. 8.00% Interest rate on internal loan.
48. 460 Spaces in Parking Structure
49. 50% Occupancy on Parking Structure. State takes less than maximum.
50. 160 Spaces actually used in the parking structure by the state
51. \$36 Initial monthly rate in parking structure
52. 7% Annual rate increase in parking rates allowed by market
53. \$51 Parking rate for state years 2 through 5
54. 15% Parking rate increase on state after year 5 until market rate is reached
55. 3 Months available for parking in parking structure after repair during FY1990-91.
56. 80% Parking lot revenue vs full occupancy of building including tenants
57. 67% Construction costs versus full building occupancy.
5% Annual rate of increase in construction costs

ARCHITECTURAL DUE DILIGENCE REPORT

I. EXECUTIVE SUMMARY

The following report outlines the study conducted by BOOR/A along with a team of consultants to analyze the viability and costs of using the vacated Sears Building in the southwest corner of the Lloyd District as the new headquarters for Metro.

The study has found that the building and its site meet the objectives and criteria for the headquarters program and provides numerous options for tenant space that can act as valuable expansion in the future for Metro

Parking is an important criteria for the program. The Sears Building provides ample parking for Metro, building tenants, as well as spaces designated on a long term lease to the adjacent Oregon State Office Building. The terms of the building sale also includes adjacent off-site parking spaces to be provided by Pacific Development. The development plan calls for the basement to be converted to parking.

The large floor plates of the Sears Building allow room for Metro's largest departments to be located near each other on the Irving Street Floor. This will maximize communication between departments and allow for greater public access. This floor also can accommodate the council chamber and other critical front door functions, while other administrative functions can be located on the Upper Level.

It was felt that due to the large bay depths of the existing building it was necessary to place an atrium somewhere in the center of the building. This is particularly important to introduce natural light to the lowest occupied floor, the Grand Avenue Level as well as create a greater sense of entry and natural light for the other floors.

The Grand Avenue Level is designated for "back of house" support functions for Metro, Day Care Center, and Retail and Office tenant space. Most of this floor has good daylight and will offer good flexibility from a space planning stand point. However, the northern portion of this floor presents the most difficult leasing situation in the building. It is expected to be leased to a large user that has a significant amount of back of house support functions and thus a lower requirement for natural light. Skylights and high relites are planned for this area to introduce as much natural light as possible. This area would be an excellent expansion space for Metro's support needs such as storage, archives, printing, etc.

In reviewing the city design guidelines for the Lloyd District with the City Planning Staff, it was found that the placement and amount of retail space on the west edge of the Grand Avenue Floor was a major concern. The City guidelines call for Grand Avenue to be a retail intensive, pedestrian oriented boulevard. The placement of the building at the extreme southern edge of the district may suggest that pedestrian traffic on this block will be limited. The approach followed in the development plan assumes primarily tenant

space on the Grand Avenue Level with the exception of a small amount of Metro support space located in the middle of the east edge of the floor. Hopefully, retail tenants can be found to utilize space along Grand Avenue as the city desires. However, it may be necessary to look toward more traditional office types of tenants to fill this floor if retailers are not available. If this occurs it may be necessary to renegotiate this issue with the City

Even if office tenants occupy the Grand Avenue edge of this floor, the facade of the building can be designed to reflect the city guidelines for maintaining pedestrian scale elements and accessibility.

Also mentioned in the city guidelines is the goal of creating gateways to mark district entrances. The southwest corner of the site forms an obvious gateway to the entire district. A potential strategy to pursue could be the development of the tower located on the southern edge of the building as a gateway element marking both the building as Metro's Headquarters and an entry way to the district. This could provide a strong symbol for the region regarding Metro's presence in the community.

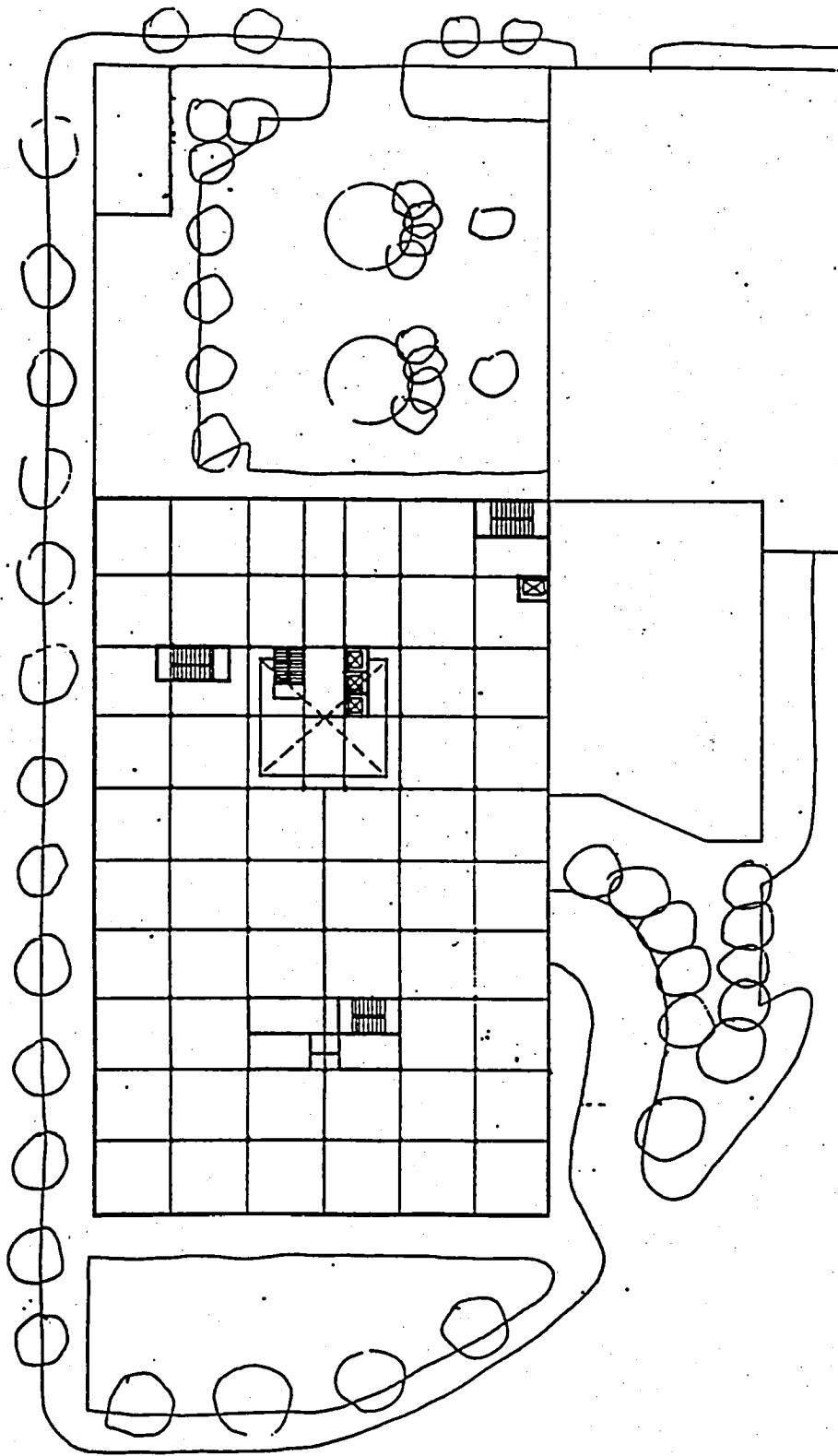
The building also can provide additional flexibility in the future in that a fourth floor could be added with relative ease. This could be used for additional tenant office space or even housing as the structural modules are ideally suited for that use.

The costs developed in this report reflect a building that is of institutional quality with a completely new exterior skin. The existing skin was considered for restoration, but it was determined that this was not a cost effective or functionally appropriate approach.

The project should be considered as an effective reuse of an existing building shell and one that has a contemporary feel in all respects with new mechanical, electrical systems and efficient communications equipment. The reuse of a building of such significance seems to be an appropriate direction for Metro to pursue for its own headquarters.

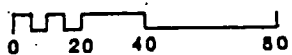
The cost estimate for the base building renovation including a twenty percent contingency is \$9,263,966. Tenant improvements are estimated at \$3,112,734 for a total construction cost of \$12,376,700.

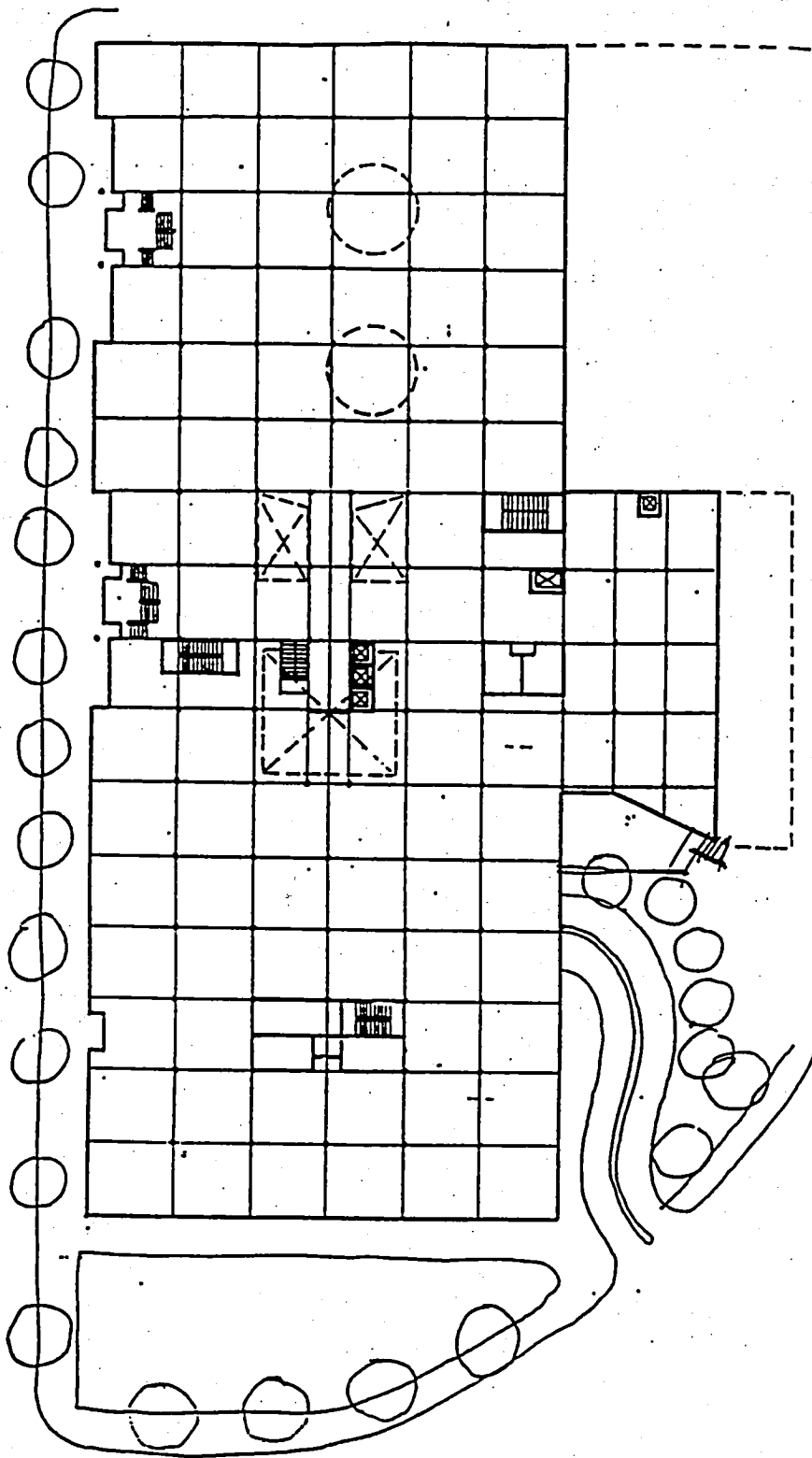
The following material provides additional information regarding our conclusions.



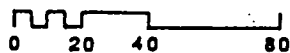
METRO HEADQUARTERS-SEARS STUDY

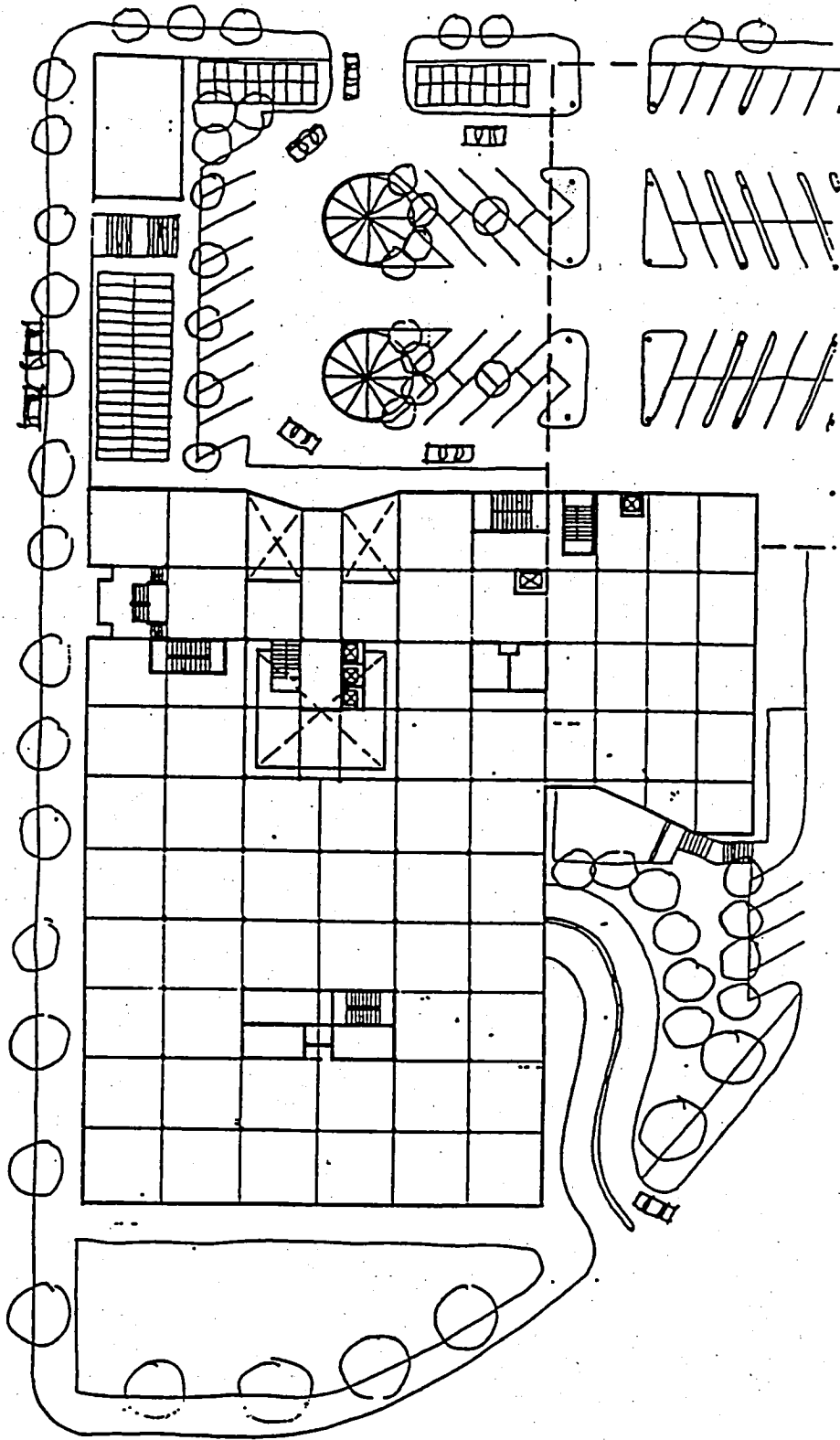
UPPER LEVEL





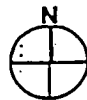
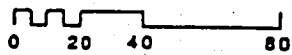
METRO HEADQUARTERS-SEARS. STUDY
GRAND AVENUE LEVEL

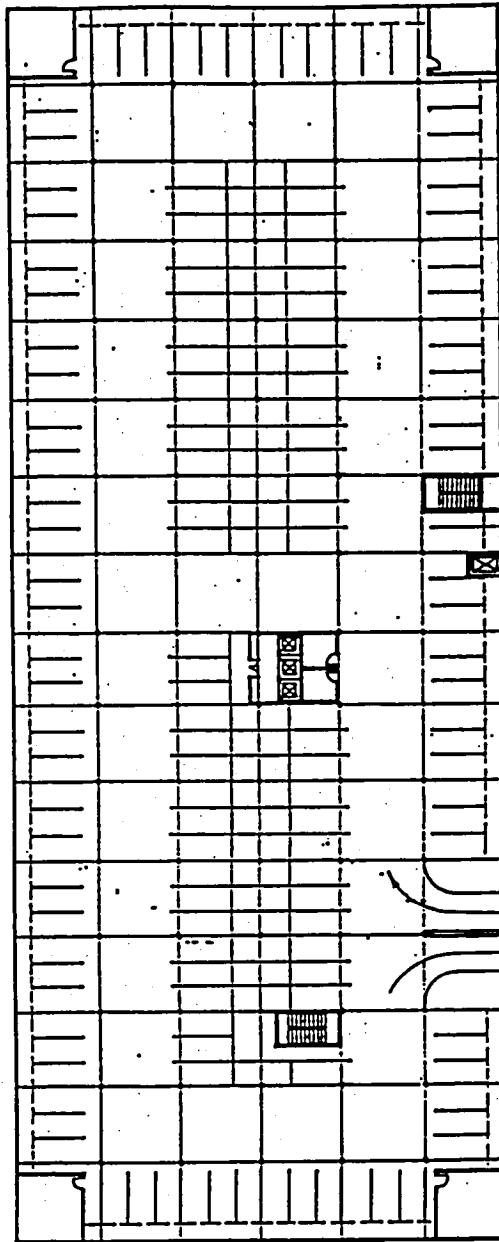




METRO HEADQUARTERS-SEARS STUDY

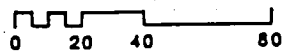
IRVING STREET LEVEL

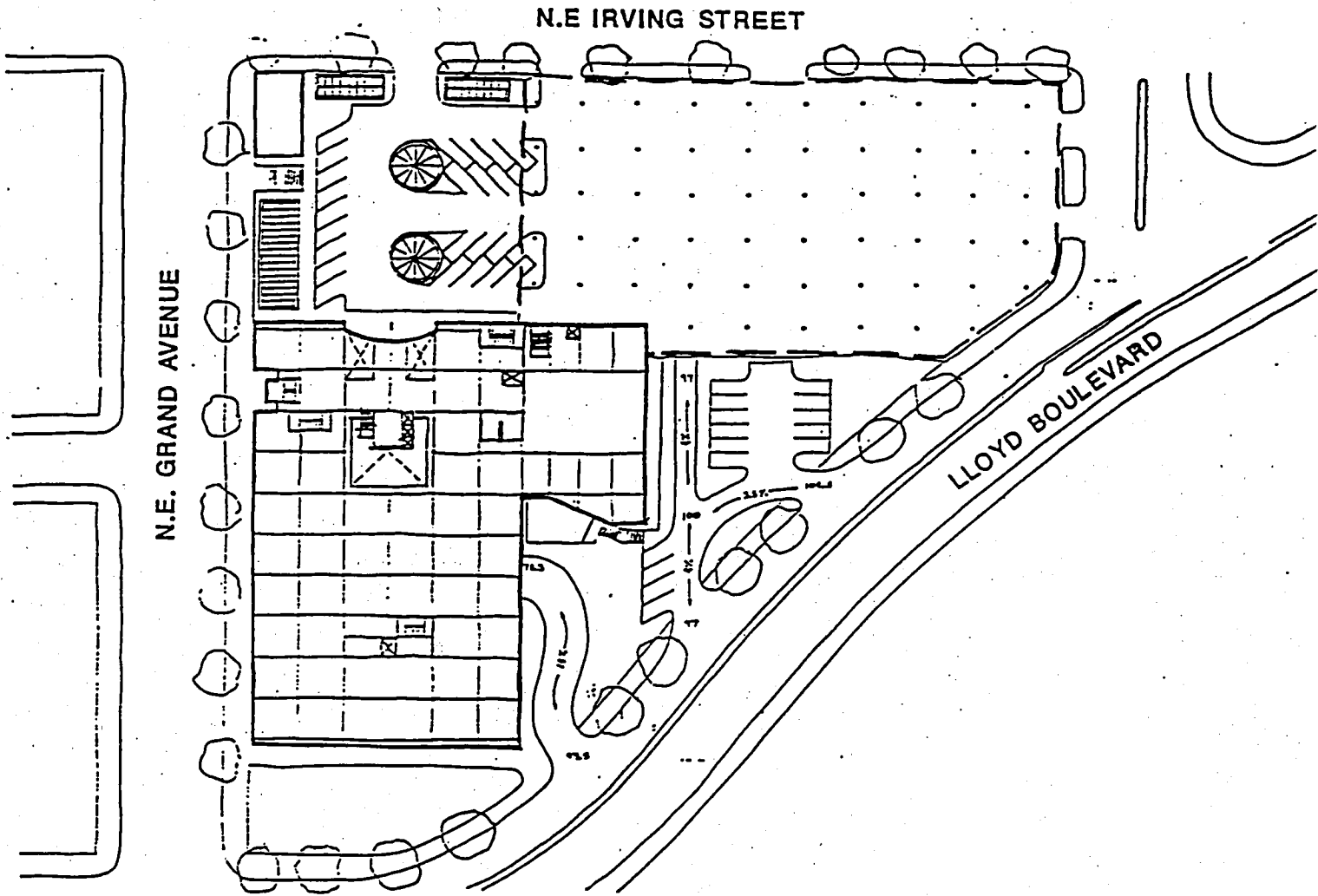




METRO HEADQUARTERS-SEARS STUDY

BASEMENT LEVEL-PARKING
ATTENDANT PARKING-220 SPACES
SELF PARKING-118 SPACES





N.E. GRAND AVENUE

N.E. IRVING STREET

LLOYD BOULEVARD

METRO HEADQUARTERS-SEARS STUDY

SITE PLAN

NTS



METRO BEARS BUILDING DUE DILIGENCE

Summary of Structural

Structural Findings

- * The main building and the parking garage do not meet current earthquake code lateral load designs and will require modifications.
- * The parking garage and main building require connecting together to eliminate potential "pounding" during earthquakes.
- * The building requires removal of heavy obsolete building materials such as tile and brick infill, exterior brick veneer and marblecrete, parking structure asphalt topping, and abandoned mechanical units and piping to reduce seismic loads.

Structural Recommendations

- * Install new concrete shear walls in the main building and parking garage to stiffen them against lateral earthquake loads.
- * The main building requires the addition of one new shear wall and upgrading of an existing wall to make up for the lateral load resisting deficiencies. The new wall would be located at the south end near LLOYD Blvd approximately 50 feet long running east/west and extending from the basement to the roof. This wall will also allow the addition of new exterior windows and skylights. The existing wall to be upgraded is located between the parking garage and the main building, is approximately 100 feet in length, and would require some demolition and added reinforcement from the basement to the roof. The two structures would be tied together at this location.
- * The parking garage requires the addition of three new shear walls to add lateral bracing in the north/south direction. The three walls would be between 10 and 20 feet apart located in the main building at the connection wall between the main building and the parking garage on the east side of the building and the south side of the parking garage. The walls would be 18 feet long and extend from the basement to the roof.
- * The parking garage requires extensive structural repairs, removal of existing asphalt coatings, and resealing of parking decks with a waterproof coating system to prevent further deterioration of the floor and roof systems.

METRO SEARS BUILDING DUE DILIGENCE

Summary of Mechanical/Electrical

Mechanical Findings

- * Replace HVAC (heating, ventilating, & air conditioning) systems since they have exceeded their economic life and they are not suitable for intended use of building.
- * Replace plumbing systems except for underground waste piping and utility connections.
- * Modify existing fire protection systems for new occupancy use and upgrading to code.

Mechanical Recommendations

- * Install new combination HVAC system utilizing water source heat pumps with a cooling tower and hot water boiler for tenants and two large variable volume rooftop air conditioning units with VAV (variable air volume) fan powered boxes with electric heat for Metro.
- * This HVAC system has medium initial cost, lowest life cycle cost, flexibility to serve various tenant needs, retail tenants can be metered separately, and life expectancy of equipment is 15 to 25 years.
- * Install a new plumbing system to meet code requirements including new cast iron & copper piping to feed new plumbing fixtures and equipment.
- * Modify existing fire sprinkler system to meet building use needs and code requirements.

Electrical Findings

- * Replace main electrical service from PP&L due to wrong size and voltage for intended use of building.
- * Replace Main switch gear to meet current code.
- * Replace distribution panels to meet current code. Re-use the sub-distribution serving the parking garage.
- * Replace the emergency generator.
- * Replace all lighting except parking garage sub-distribution system.
- * Replace fire alarm system.
- * Replace telephone and data wiring systems.

Electrical System Recommendations

- * Install a new 3,000 AMP 480Y/277 volt service with modern switch gear.
- * Install isolated power distribution for Metro's use and branch panels having 70 to 80 connection points for each 15,000 Sq. Ft. of leasable space.
- * Install a new 200 KW emergency generator.
- * Install new energy saving recessed fluorescent fixtures in office areas, new HPS fixtures for basement parking and replace fixtures in parking garage. Parking garage branch circuit wiring and conduit will be reused.
- * Install a modern addressable fire alarm system.
- * Rough-in (provide cable tray) for data and telephone for Metro's space.
- * Rough-in for a new security system.

Attachment I
Metro Sears Building Due Diligence
Hazardous Waste Summary

Asbestos

- As previously reported, asbestos-containing material are present throughout the building. Some areas previously abated have visible, residual asbestos containing materials.
- The asbestos does not pose an immediate danger to human health--but renovation will disturb that asbestos remaining requiring removal.
- Dames & Moore, consultant hired to review the structure, recommends the complete removal of asbestos containing residue from the structure.
- Safety programs for contractors, and additional warning stickers are also recommended.
- The estimated cost to abate the structure is \$222,483.00.

Underground Tanks

- Dames & Moore found the potential of three underground storage tanks on the Sears site. The presence of these tanks could not be verified without a more extensive geo-physical survey. This work will be authorized in the event the seller agrees to extend the due diligence period as requested. Dames & Moore would also conduct limited soil gas analysis to determine the potential for leakage of volatile organic compounds, such as gasoline or cleaning solvents, from site locations.
- Property transfer and site history review produced no previous risk uses on this site.

Agenda Item No. 8.3
Meeting Date: December 13, 1990

RESOLUTION NO. 90-1361

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 90-1361
A WORK PLAN FOR THE ANALYSIS OF)	
ISSUES RELATED TO THE TRANSFER	)	INTRODUCED BY COUNCILOR
OF MASS TRANSIT SERVICES FROM	)	JIM GARDNER
TRI-MET TO THE METROPOLITAN)	
SERVICE DISTRICT)	

WHEREAS, the Metropolitan Service District has the authority under ORS 268.370 to order transfer of the transit system of the Tri-County Metropolitan Transit District (Tri-Met) to the Metropolitan Service District; and

WHEREAS, the Metro Council adopted Resolution No. 90-1293A on July 12, 1990, "Supporting the Merger of Tri-Met with the Metropolitan Service District and Establishing a Process to Pursue the Merger," which established a five-member Tri-Met Merger Subcommittee (the subcommittee); and

WHEREAS, the Metro Council adopted Resolution No. 90-1322 on September 13, 1990, "Approving a Contract for the Provision of Metro/Tri-Met Merger Services to the Council and its Designated Committees," which authorized a contract with Cogan Sharpe Cogan pursuant to their August 27, 1990, proposal; and

WHEREAS, Cogan Sharpe Cogan has submitted its report, "Analysis of Issues Related to Possible Merger of Metro and Tri-Met" to the subcommittee on November 27, 1990 (attached as Exhibit A); and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) submitted to the subcommittee on November 13, 1990, a report on the transit service and transportation planning implications of a merger (attached as Exhibit B), which included

among its conclusions that, "[t]he consideration of a Tri-Met merger should be delayed until the fall of 1991 after the completion of negotiations for the Westside Light Rail full funding agreement"; and

WHEREAS, the region's top priority transportation project is the construction of Westside Light Rail, which requires a commitment of funds from the 1991 Oregon Legislature and execution by September 30, 1991, of a full funding agreement between Tri-Met and the Urban Mass Transit Administration (UMTA) which stipulates 75% federal funding of the Westside Light Rail project; and

WHEREAS, efforts to secure full federal funding for Westside Light Rail should take precedence over other long-term transit issues until the full funding issue is resolved; and

WHEREAS, the transit service's governance structure is a legitimate issue within the broader discussion of how best to provide public services in the region; and

WHEREAS, the Metro Council recognizes the necessity of establishing a comprehensive and public process for examining the issues surrounding a transfer of the transit system, which process should include provisions for involving JPACT, local governments, citizens' groups interested in transit and transportation issues, and the general public in the identification and resolution of issues concerning transit service and transit governance; and

WHEREAS, Metro's ability to transfer the transit system from Tri-Met to the Metropolitan Service District now exists, and attempts to eliminate or modify the transfer provisions of existing

statutes in the 1991 legislative session may be counter-productive;
and

WHEREAS, the Tri-Met Merger Subcommittee recommends that a thorough analysis be conducted of the issues involved in a potential transfer of the transit district to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service adopts the following work plan regarding the potential transfer of the Tri-Met transit system to the Metropolitan Service District:

1. The Executive Officer shall prepare, as part of her budget proposal for the 1991-92 fiscal year, a request for funding a comprehensive study of issues related to transfer of the transit system to Metro. The budget request shall include, but not be limited to, a proposed timeline for analysis of the issues listed below, and shall also include provisions for the involvement of JPACT, local governments, interested citizens' groups, and the general public.

2. Issues to be addressed in the study shall include:

- Development of a strategic plan to identify the relationship between the transfer and other immediate Metro agenda items, including development of a home rule charter, Metro's role in regional growth management, and resources needed to address multiple new initiatives concurrently.

- A detailed personnel study to identify what effect transfer would have on staffing and potential cost savings resulting from transfer.

- A determination of whether to refinance Tri-Met bonds, and the timing and financial effects of refinancing.

- Development of alternatives for long-range financing for the region's transit system.

- Identification of the positive and negative effects of transfer on transit service and planning.

- Effect of transfer on development and implementation of light rail expansion, particularly Westside Light Rail and Clackamas County Light Rail.

- Examination of the possibilities for reconfiguring the transit system to provide more flexibility in serving suburban areas.

- Development of local government concurrence on the structure of the region's Metropolitan Planning Organization following a transfer.

- Boundary issues, including a determination whether action by the legislature would be necessary to resolve boundary issues.

- Review of Metro's governance structure and contracting procedures in relation to carrying out transit responsibilities.

- Identification of time and costs required to absorb Tri-Met's control systems, including whether to fully or partially merge them.

3. The release of any Request For Proposals for performing any or all parts of the study shall occur upon resolution of the UMTA full funding issue.

4. The Metropolitan Service District's agenda for the 1991 Legislative Assembly shall include opposition to any efforts to repeal the existing provisions of ORS 267.020 or 268.370 pertaining to the relationship between Metro and Tri-Met. The Council and the Executive Officer shall encourage other governments in the region, including cities, counties, Tri-Met, and the Oregon Department of Transportation, similarly to pledge their opposition to repealing statutory language regarding the relationship between Metro and Tri-Met.

5. Metro will actively encourage local government participation in the review and analysis of the issues listed in #2 above, based on their recommendations in the JPACT report.

6. Upon completion of the study, Metro will conduct a series of public hearings throughout the district to solicit public comment on the study's findings. These hearings will precede consideration of the study by the full Metro Council and will be considered to be part of the process of reviewing the scope of issues related to a possible transfer.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

Council
12/13/90

TRI-MET MERGER SUBCOMMITTEE
COMMITTEE REPORT

RESOLUTION NO. 90-1361, FOR THE PURPOSE OF ESTABLISHING A WORK PLAN FOR THE ANALYSIS OF ISSUES RELATED TO THE TRANSFER OF MASS TRANSIT SERVICES FROM TRI-MET TO THE METROPOLITAN SERVICE DISTRICT

Date: November 30, 1990

Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION: The Tri-Met Merger Subcommittee voted 5-0 to approve Resolution No. 90-1361 and forward it to the Intergovernmental Relations Committee with a recommendation that they forward it to the Council. Subcommittee members voting were Councilors Gardner, Devlin, and McFarland, Executive Officer Rena Cusma, and Tri-Met Board President Loren Wyss.

COMMITTEE DISCUSSION/ISSUES: Councilor Van Bergen attended the meeting, and was invited to participate in the subcommittee's discussion. He raised questions about references to the legislature's "intent" and "belief" regarding the benefits of consolidating regional services in general and transferring the transit system's governance from Tri-Met to Metro, specifically. He also asked whether the Executive Officer could actually perform all the tasks she would be directed to do in #1 and #2 of the Be it Resolved section of the resolution.

Councilor Devlin spoke to the sections of the resolution dealing with Metro's position regarding possible attempts to tamper with the "marriage clause" in the statutes. He stated that it would be inappropriate to put additional hurdles in the way of a transfer, and that Metro's ability to assume Tri-Met's bonds, or other issues, should not be tampered with. He thought this idea was implicit, if not explicit, in the resolution. He further stated that the list of items to be studied should not be considered all-inclusive: other items could be added later.

Councilor McFarland agreed with Councilor Van Bergen on the legislative intent statements. She stated that legislative intent can only be found out by talking with the legislators who voted on a measure. The only person to address the subcommittee who had been in the legislature at the time was Commissioner Earl Blumenauer, who said that the legislature included language authorizing a transfer as a compromise, and intended to remove it later.

Mr. Wyss advised that in attempting to discern legislative intent, we should consider the status of Metro and Tri-Met at the time the statutes were adopted. Both agencies were less mature then, and no one could have envisioned how they would develop. He said the resolution was timely and supportable, but he had problems with some of the Whereas statements which drew conclusions not supported by the Cogan Sharpe Cogan report. Mr. Wyss added that it has never been on Tri-Met's agenda or plan to attempt to change the legislation as it currently exists.

Councilor Devlin then moved to eliminate Whereas clauses 10, 11, and 12* (see attached). He later added an amendment to his motion to include deletion of part of the subsequent Whereas.

After discussion of possible language of the latter amendment, the subcommittee voted 3-1 to delete Whereas clauses 10, 11, and 12. (Councilor McFarland was temporarily out of the room; when she returned, she stated that she supported the motion.) Councilor Gardner explained that he voted No because he supported a reference in the resolution to the potential benefits of a transfer.

Mr. Wyss moved an amendment to the next-to-last Whereas, as follows (words in [brackets] to be deleted, words underlined to be added):

WHEREAS, [retention of] Metro's ability to transfer the transit system from Tri-Met to the Metropolitan Service District [is in the best interests of the citizens of the region] now exists and attempts to eliminate or modify the transfer provisions of existing statutes in the 1991 legislative session [would] may be [inappropriate and] counter-productive; and

The amendment was approved unanimously, followed by approval of the main motion.

Mr. Wyss then voiced a concern that the resolution had no reference to the advantages and disadvantages of a governance change on Tri-Met riders and taxpayers.

* Much of the subcommittee's discussion concerned three Whereas statements which the subcommittee voted to delete. The text of those statements is attached to this report for reference.

#10. WHEREAS, the Oregon Legislature has established its intent that regional services be consolidated under one government wherever possible; and

#11. WHEREAS, the existence of the statutory provisions enabling Metro to transfer governance of the transit system demonstrates the Legislature's belief that transfer poses the potential long-term benefits of consolidating multiple regional services and providing direct accountability for transit service through an elected governing body which directly represents the citizens of all parts of the metropolitan region; and

#12. WHEREAS, transfer of the transit system's governance from Tri-Met to Metro poses additional potential benefits through improved coordination of land use and transportation planning, resulting in more effective management of the region's projected growth; and

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

RESOLUTION NO. 90-1361, ESTABLISHING a WORK PLAN for the ANALYSIS of ISSUES RELATED to the TRANSFER of MASS TRANSIT SERVICES from TRI-MET to the METROPOLITAN SERVICE DISTRICT

Date: December 12, 1990

Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION: At its December 11, 1990 meeting, the Intergovernmental Relations Committee voted 4-1 (Councilors Bauer, Gardner, Hansen and McFarland in favor, Councilor Devlin opposed) to recommend Council adopt Resolution No. 90-1361, with two amendments:

- 1 delete the phrase "as part of her budget proposal for the 1991-92 fiscal year" found at page 3, lines 10-11, and
- 2 delete all of paragraph number 3 at page 5, lines 1-3, "The release of any Request ... full funding issue."

COMMITTEE DISCUSSION/ISSUES: The Committee first considered Resolution No. 90-1361 with Councilor McFarland absent. Councilor Devlin moved approval. Councilors Hansen and Bauer were concerned about Metro blocking its ability to start the study until late 1991 because waiting that long could mean losing the initiative to the Charter Commission. Councilor Devlin explained the reasoning behind the Resolution: full funding for LRT is the top priority; the study could be perceived as endangering full funding by UMTA and the state; Metro won't have money for the study until next fiscal year; and, interested parties have promised not to interfere with the "marriage clause" in the interim. Councilor Gardner regretted the delay and said although the study should not affect full funding, the perception of harm was real; the study and possible transfer still remain the long-term goal. The motion failed 2-2 (Devlin and Gardner in favor, Bauer and Hansen opposed).

Councilor McFarland joined the meeting. The Committee agreed to reconsider. Commissioner McFarland moved approval of Resolution No. 90-1361, which she said is a decision to continue the study later. Councilor Hansen proposed the amendments described above. He said the issue is accountability of the transit governing board. Councilors Devlin and Gardner said the study remains Metro's top priority, and the Charter election probably would occur after mid-1992. Councilor Devlin said Council needs time to garner support for transfer. Councilor McFarland said the Councilors' role is to follow their own opinions of what is best. The Committee voted 4-1 (Bauer, Gardner, Hansen and McFarland in favor) to make the first amendment, and 3-2 (Bauer, Hansen and McFarland in favor) to make the second amendment. Councilor Devlin gave notice that he would file a minority report.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 90-1361
A WORK PLAN FOR THE ANALYSIS OF)	
ISSUES RELATED TO THE TRANSFER	)	INTRODUCED BY COUNCILOR
OF MASS TRANSIT SERVICES FROM	)	JIM GARDNER
TRI-MET TO THE METROPOLITAN)	
SERVICE DISTRICT)	

WHEREAS, the Metropolitan Service District has the authority under ORS 268.370 to order transfer of the transit system of the Tri-County Metropolitan Transit District (Tri-Met) to the Metropolitan Service District; and

WHEREAS, the Metro Council adopted Resolution No. 90-1293A on July 12, 1990, "Supporting the Merger of Tri-Met with the Metropolitan Service District and Establishing a Process to Pursue the Merger," which established a five-member Tri-Met Merger Subcommittee (the subcommittee); and

WHEREAS, the Metro Council adopted Resolution No. 90-1322 on September 13, 1990, "Approving a Contract for the Provision of Metro/Tri-Met Merger Services to the Council and its Designated Committees," which authorized a contract with Cogan Sharpe Cogan pursuant to their August 27, 1990, proposal; and

WHEREAS, Cogan Sharpe Cogan has submitted its report, "Analysis of Issues Related to Possible Merger of Metro and Tri-Met" to the subcommittee on November 27, 1990 (attached as Exhibit A); and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) submitted to the subcommittee on November 13, 1990, a report on the transit service and transportation planning implications of a merger (attached as Exhibit B), which included

among its conclusions that, "[t]he consideration of a Tri-Met merger should be delayed until the fall of 1991 after the completion of negotiations for the Westside Light Rail full funding agreement"; and

WHEREAS, the region's top priority transportation project is the construction of Westside Light Rail, which requires a commitment of funds from the 1991 Oregon Legislature and execution by September 30, 1991, of a full funding agreement between Tri-Met and the Urban Mass Transit Administration (UMTA) which stipulates 75% federal funding of the Westside Light Rail project; and

WHEREAS, efforts to secure full federal funding for Westside Light Rail should take precedence over other long-term transit issues until the full funding issue is resolved; and

WHEREAS, the transit service's governance structure is a legitimate issue within the broader discussion of how best to provide public services in the region; and

WHEREAS, the Metro Council recognizes the necessity of establishing a comprehensive and public process for examining the issues surrounding a transfer of the transit system, which process should include provisions for involving JPACT, local governments, citizens' groups interested in transit and transportation issues, and the general public in the identification and resolution of issues concerning transit service and transit governance; and

WHEREAS, Metro's ability to transfer the transit system from Tri-Met to the Metropolitan Service District now exists, and attempts to eliminate or modify the transfer provisions of existing

statutes in the 1991 legislative session may be counter-productive;
and

WHEREAS, the Tri-Met Merger Subcommittee recommends that a thorough analysis be conducted of the issues involved in a potential transfer of the transit district to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service adopts the following work plan regarding the potential transfer of the Tri-Met transit system to the Metropolitan Service District:

1. The Executive Officer shall prepare~~[, as part of her budget proposal for the 1991-92 fiscal year,]~~ a request for funding a comprehensive study of issues related to transfer of the transit system to Metro. The budget request shall include, but not be limited to, a proposed timeline for analysis of the issues listed below, and shall also include provisions for the involvement of JPACT, local governments, interested citizens' groups, and the general public.

2. Issues to be addressed in the study shall include:

- Development of a strategic plan to identify the relationship between the transfer and other immediate Metro agenda items, including development of a home rule charter, Metro's role in regional growth management, and resources needed to address multiple new initiatives concurrently.

- A detailed personnel study to identify what effect transfer would have on staffing and potential cost savings resulting from transfer.

- A determination of whether to refinance Tri-Met bonds, and the timing and financial effects of refinancing.

- Development of alternatives for long-range financing for the region's transit system.

- Identification of the positive and negative effects of transfer on transit service and planning.

- Effect of transfer on development and implementation of light rail expansion, particularly Westside Light Rail and Clackamas County Light Rail.

- Examination of the possibilities for reconfiguring the transit system to provide more flexibility in serving suburban areas.

- Development of local government concurrence on the structure of the region's Metropolitan Planning Organization following a transfer.

- Boundary issues, including a determination whether action by the legislature would be necessary to resolve boundary issues.

- Review of Metro's governance structure and contracting procedures in relation to carrying out transit responsibilities.

- Identification of time and costs required to absorb Tri-Met's control systems, including whether to fully or partially merge them.

~~[3. The release of any Request For Proposals for performing any or all parts of the study shall occur upon resolution of the UMTA full funding issue.]~~

[4.] 3. The Metropolitan Service District's agenda for the 1991 Legislative Assembly shall include opposition to any efforts to repeal the existing provisions of ORS 267.020 or 268.370 pertaining to the relationship between Metro and Tri-Met. The Council and the Executive Officer shall encourage other governments in the region, including cities, counties, Tri-Met, and the Oregon Department of Transportation, similarly to pledge their opposition to repealing statutory language regarding the relationship between Metro and Tri-Met.

[5.] 4. Metro will actively encourage local government participation in the review and analysis of the issues listed in #2 above, based on their recommendations in the JPACT report.

[6.] 5. Upon completion of the study, Metro will conduct a series of public hearings throughout the district to solicit public comment on the study's findings. These hearings will precede consideration of the study by the full Metro Council and will be considered to be part of the process of reviewing the scope of issues related to a possible transfer.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

INTERGOVERNMENTAL RELATIONS COMMITTEE

MINORITY REPORT

RESOLUTION NO. 90-1361, ESTABLISHING a WORK PLAN for the ANALYSIS of ISSUES RELATED to the TRANSFER of MASS TRANSIT SERVICES from TRI-MET to the METROPOLITAN SERVICE DISTRICT

Date: December 13, 1990 Presented by: Councilor Devlin

RECOMMENDATION

I recommend Council adopt Resolution No. 90-1361 as originally published, without amendments.

DISCUSSION

The Resolution as originally published

Resolution No. 90-1361 is a decision to make a complete study of the transfer of Tri-Met to Metro during FY 91-92, with any Request for Proposals to be released upon resolution of the UMTA full funding issue.

The Resolution represents an exchange of assurances: the transfer study will continue after the full funding process is finished, and during that time other jurisdictions will not disturb the statutory basis for the transfer.

The Resolution responds appropriately to the widely-held belief that active study of transfer before full funding for LRT is resolved would hamper the region's ability to advocate in unity for full funding and would endanger full funding at the state and federal levels.

The Resolution ensures that Council will be able to pursue two of its top priorities - full funding for LRT and continuation of the transfer study process - without endangering either priority.

The Resolution confirms Council's intent to continue the transfer study, and it outlines a work plan to carry out that intent. It directs the Executive Officer to include in her FY 91-92 budget a proposal following certain guidelines. It specifies issues to be included in the study, outlining a much more thorough study than

was conducted previously.

The Resolution is the outcome of a process of participation, study and comment. It resolves that the participatory and public nature of the process shall continue. It received the unanimous support of the Tri-Met Merger Subcommittee, which disbanded upon approval of the Resolution.

The Tri-Met Merger Subcommittee was an inter-agency task force which Council appointed to establish a process to pursue the merger. It considered comment from numerous jurisdictions, elected officials, and others. It took into account the results of a study it commissioned. The Subcommittee included three members of the Intergovernmental Relations Committee.

On December 13, 1990, JPACT unanimously recommended Council adoption of Resolution No. 90-1371 as originally published, without amendments.

The Resolution as amended

The amendments proposed by the Intergovernmental Relations Committee do not well serve either the Committee's stated concerns nor the Council's interests.

The amendments remove the core of the Resolution. They remove the certainty and the timetable for funding the study. They endanger the assurances which Metro gained that the transfer power will not be challenged. And, they may contribute to endangering full funding for LRT at the state and federal levels.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 90-1361
A WORK PLAN FOR THE ANALYSIS OF)	
ISSUES RELATED TO THE TRANSFER	)	INTRODUCED BY COUNCILOR
OF MASS TRANSIT SERVICES FROM	)	JIM GARDNER
TRI-MET TO THE METROPOLITAN)	
SERVICE DISTRICT)	

WHEREAS, the Metropolitan Service District has the authority under ORS 268.370 to order transfer of the transit system of the Tri-County Metropolitan Transit District (Tri-Met) to the Metropolitan Service District; and

WHEREAS, the Metro Council adopted Resolution No. 90-1293A on July 12, 1990, "Supporting the Merger of Tri-Met with the Metropolitan Service District and Establishing a Process to Pursue the Merger," which established a five-member Tri-Met Merger Subcommittee (the subcommittee); and

WHEREAS, the Metro Council adopted Resolution No. 90-1322 on September 13, 1990, "Approving a Contract for the Provision of Metro/Tri-Met Merger Services to the Council and its Designated Committees," which authorized a contract with Cogan Sharpe Cogan pursuant to their August 27, 1990, proposal; and

WHEREAS, Cogan Sharpe Cogan has submitted its report, "Analysis of Issues Related to Possible Merger of Metro and Tri-Met" to the subcommittee on November 27, 1990 (attached as Exhibit A); and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) submitted to the subcommittee on November 13, 1990, a report on the transit service and transportation planning implications of a merger (attached as Exhibit B), which included

among its conclusions that, "[t]he consideration of a Tri-Met merger should be delayed until the fall of 1991 after the completion of negotiations for the Westside Light Rail full funding agreement"; and

WHEREAS, the region's top priority transportation project is the construction of Westside Light Rail, which requires a commitment of funds from the 1991 Oregon Legislature and execution by September 30, 1991, of a full funding agreement between Tri-Met and the Urban Mass Transit Administration (UMTA) which stipulates 75% federal funding of the Westside Light Rail project; and

WHEREAS, efforts to secure full federal funding for Westside Light Rail should take precedence over other long-term transit issues until the full funding issue is resolved; and

WHEREAS, the transit service's governance structure is a legitimate issue within the broader discussion of how best to provide public services in the region; and

WHEREAS, the Metro Council recognizes the necessity of establishing a comprehensive and public process for examining the issues surrounding a transfer of the transit system, which process should include provisions for involving JPACT, local governments, citizens' groups interested in transit and transportation issues, and the general public in the identification and resolution of issues concerning transit service and transit governance; and

WHEREAS, Metro's ability to transfer the transit system from Tri-Met to the Metropolitan Service District now exists, and attempts to eliminate or modify the transfer provisions of existing

statutes in the 1991 legislative session may be counter-productive;
and

WHEREAS, the Tri-Met Merger Subcommittee recommends that a thorough analysis be conducted of the issues involved in a potential transfer of the transit district to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service adopts the following work plan regarding the potential transfer of the Tri-Met transit system to the Metropolitan Service District:

1. The Executive Officer shall prepare, as part of her budget proposal for the 1991-92 fiscal year, a request for funding a comprehensive study of issues related to transfer of the transit system to Metro. The budget request shall include, but not be limited to, a proposed timeline for analysis of the issues listed below, and shall also include provisions for the involvement of JPACT, local governments, interested citizens' groups, and the general public.

2. Issues to be addressed in the study shall include:

- Development of a strategic plan to identify the relationship between the transfer and other immediate Metro agenda items, including development of a home rule charter, Metro's role in regional growth management, and resources needed to address multiple new initiatives concurrently.

- A detailed personnel study to identify what effect transfer would have on staffing and potential cost savings resulting from transfer.

- A determination of whether to refinance Tri-Met bonds, and the timing and financial effects of refinancing.

- Development of alternatives for long-range financing for the region's transit system.

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- Effect of transfer on development and implementation of light rail expansion, particularly Westside Light Rail and Clackamas County Light Rail.

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- Development of local government concurrence on the structure of the region's Metropolitan Planning Organization following a transfer.

- Boundary issues, including a determination whether action by the legislature would be necessary to resolve boundary issues.

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- Identification of time and costs required to absorb Tri-Met's control systems, including whether to fully or partially merge them.

3. The release of any Request For Proposals for performing any or all parts of the study shall occur upon resolution of the UMTA full funding issue.

4. The Metropolitan Service District's agenda for the 1991 Legislative Assembly shall include opposition to any efforts to repeal the existing provisions of ORS 267.020 or 268.370 pertaining to the relationship between Metro and Tri-Met. The Council and the Executive Officer shall encourage other governments in the region, including cities, counties, Tri-Met, and the Oregon Department of Transportation, similarly to pledge their opposition to repealing statutory language regarding the relationship between Metro and Tri-Met.

5. Metro will actively encourage local government participation in the review and analysis of the issues listed in #2 above, based on their recommendations in the JPACT report.

6. Upon completion of the study, Metro will conduct a series of public hearings throughout the district to solicit public comment on the study's findings. These hearings will precede consideration of the study by the full Metro Council and will be considered to be part of the process of reviewing the scope of issues related to a possible transfer.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

Agenda Item No. 8.4
Meeting Date: December 13, 1990

RESOLUTION NO. 90-1370



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: December 4, 1990
To: Intergovernmental Relations Committee
From: Councilor Jim Gardner ^{56.}
Regarding: RESOLUTION NO. 90-1370: OREGON REGIONAL COUNCILS
LEGISLATIVE PROPOSAL

As Metro's representative on the Board of the Oregon Regional Council's Association, I am submitting ORCA's legislative proposal to the Committee for inclusion in Metro's legislative package. The proposal attached to Resolution No. 90-1370 does the following:

- o establishes legislative policy recognizing the importance of regional councils,
- o authorizes regional councils to apply for certification by the Governor based on specified criteria,
- o creates a regional council fund of \$1,000,000 each year (lottery funds) to provide financial aid to certified regional councils in the amount of \$75,000 per council per year with the balance to be distributed on a population basis, and
- o requires State agencies to notify regional councils of new or changes in existing programs which will significantly affect residents in local governments in the region.

It should be noted that the attached draft of LC 1625 is marked up with changes authorized by the ORCA Board at its last meeting. This legislative proposal is the culmination of several years' discussion by ORCA members. It is a significant step for the organization and is worthy of our support.

DEC:gpwb
a:\901370.cr

attachment

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF INCLUDING A) RESOLUTION NO. 90-1370
LEGISLATIVE PROPOSAL OF THE OREGON)
REGIONAL COUNCIL ASSOCIATION IN THE) Introduced by
DISTRICT'S LEGISLATIVE AGENDA) Councilor Jim Gardner

WHEREAS, The Metropolitan Service District is a member of the Oregon Regional Councils Association (ORCA); and

WHEREAS, The ORCA Board of Directors has approved a legislative proposal for submission to the Senate Interim Committee on Government Operations for introduction in the 1991 Legislature; and

WHEREAS, The ORCA legislative proposal provides for State recognition of regional councils and financial support; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District endorses the ORCA legislative proposal attached as Exhibit A for submission to the Senate Interim Committee on Government Operations and includes it in its 1991 legislative package.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

LC 1625

11/01/90 (JB/bg)JB

D R A F T**SUMMARY**

Declares legislative policy of facilitating operation of regional councils through certification and providing financial assistance to such councils.

Allows regional council to request certification by Governor.

Requires certified regional council to provide at least three of ~~seven~~ **NINE** specified services and to include in its membership majority of general purpose local governments with majority of population in its region.

Creates Regional Councils Fund in State Treasury to provide financial aid to certified regional councils.

Allocates \$1 million per annum of lottery revenues to Regional Councils Fund.

Requires distribution of ~~\$50,000~~ ^{\$75,000} per annum to each certified regional council and distribution of remaining moneys based on population of regional councils.

Requires state agencies administering programs in region to notify regional council of commencement or change in program when program significantly affects residents or local governments in region.

Defines "regional council" and other terms.

A BILL FOR AN ACT

1

2 Relating to regional councils; and appropriating money.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** (1) The Legislative Assembly declares that since the pro-
5 grams of any unit of local government may affect the activities and programs
6 of other nearby local governments within a region, regional councils of local
7 governments constitute an important means for finding solutions to govern-
8 mental problems that transcend local government boundaries. The Legisla-
9 tive Assembly also finds that regional councils are important and
10 appropriate local entities for providing:

11 (a) Regional services in an efficient and effective manner;

12 (b) Implementation of economic development, urban growth management
13 and transportation planning for regions of the state;

LC 1625 11/01/90

1 (c) Coordination of state government policies and programs with local
2 governments; and

3 (d) Delivery of state programs within regions.

4 (2) Therefore, the Legislative Assembly declares that it is the policy of
5 this state to require state agencies to communicate with the regional coun-
6 cils regarding state programs and policies which affect their members and,
7 to the maximum feasible extent, to coordinate with regional councils in the
8 administration of state programs and policies that affect the regions of this
9 state.

10 (3) The Legislative Assembly by enactment of this Act intends to facili-
11 tate the establishment and operation of regional councils through a certif-
12 ication process and to provide financial assistance to regional councils.

13 **SECTION 2.** As used in this Act, unless the context requires otherwise:

14 (1) "Certified regional council" means a regional council certified by the
15 Governor under section 3 of this Act.

16 (2) "Council of governments" means an entity organized by units of local
17 government under an intergovernmental agreement under ORS 190.003 to
18 190.110, which does not act under the direction and control of any single
19 member government.

20 (3) "Metropolitan service district" means a municipal corporation organ-
21 ized under ORS chapter 268.

22 (4) "Region" means an area consisting of one or more entire and contig-
23 uous counties or an area included within the boundaries of a metropolitan
24 service district.

25 (5) "Regional council" means a council of governments or a metropolitan
26 service district organized and operating within a region.

27 (6) "State agency" has the meaning given that term in ORS 183.025.

28 **SECTION 3.** (1) The governing body of a regional council, by resolution,
29 may ask the Governor to designate that regional council as the certified re-
30 gional council for its region.

31 (2) In order to be designated as the certified regional council for a region,

1 the regional council must include in its membership a majority of the general
2 purpose local governments of the region which include a majority of the
3 population within the region as parties to the intergovernmental agreement
4 ~~or a statute which created the regional council~~ and must provide or agree to
5 provide at least three of the following services and functions for or within
6 its region:

7 (a) Participation as a clearinghouse for reviewing and submitting com-
8 ments on proposed federal grants, direct federal actions or plans for con-
9 struction of federal facilities.

10 (b) Planning services, including development of functional plans for
11 transportation and other programs, coordination of comprehensive land-use
12 planning and technical assistance to individual local government planning
13 programs.

14 (c) Economic development programs and services.

15 (d) Human services, including planning, coordination and supervision of
16 service contracts for human services or direct operating responsibilities for
17 programs.

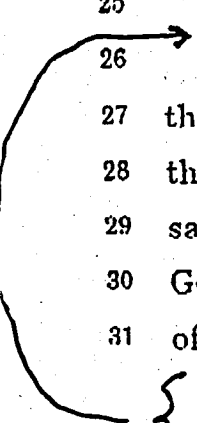
18 (e) Technical assistance to local governments to meet a variety of com-
19 munity needs.

20 (f) Secure or administer federal, state and other sources of outside finan-
21 cial aid for community development projects and other local purposes.

22 (g) Work force functions, including services to assist the unemployed,
23 job-training and programs to improve utilization of the region's human re-
24 sources.

25 (h) Environmental quality planning and coordination.

26 (3) A regional council that seeks certification from the Governor under
27 this section shall submit a copy of the resolution requesting certification to
28 the Governor. The regional council shall also submit evidence, in a form
29 satisfactory to the Governor, that demonstrates to the satisfaction of the
30 Governor that the regional council meets the requirements of subsection (2)
31 of this section.



{ (i) SOLID WASTE PLANNING OR MANAGEMENT
(j) FACILITATING RESOLUTION OF INTER GOVERNMENTAL DISAGREEMENTS. [3]

LC 1625 11/01/90

1 (4) When the Governor receives a resolution for certification from a re-
2 gional council, if the Governor finds that the regional council meets the re-
3 quirements of subsection (2) of this section, the Governor shall, in writing,
4 certify the regional council for the purposes of this Act. The Governor shall
5 deliver a copy of the certification to the regional council and shall notify the
6 Executive Department and all other state agencies that the regional council
7 has been certified under this Act.

8 (5) When a regional council is certified under this Act, it shall remain
9 the certified regional council for its region unless it is decertified by the
10 Governor.

11 (6) When a regional council fails to provide at least three of the services
12 described in subsection (2) of this section or when the regional council no
13 longer includes in its membership a majority of the general purpose local
14 governments of the region which include a majority of the population within
15 the region, the regional council shall notify the Governor of such failure
16 or withdrawal. If the Governor determines that the regional council is no
17 longer qualified for certification under this Act, the Governor shall, in
18 writing, decertify the regional council not later than 60 days after the no-
19 tification required by this subsection. The Governor shall notify the Execu-
20 tive Department and all other state agencies that the regional council has
21 been decertified.

22 (7) The Governor shall certify only one regional council for a region
23 during any specified period of time.

24 **SECTION 4.** (1) Any state agency that administers a program or project
25 that significantly affects the local governments or residents in a region for
26 which a certified regional council exists, shall notify that regional council
27 of the commencement of the program or project or of any significant changes
28 in an existing program or project. A state agency, to the fullest extent
29 practicable, shall communicate information concerning the changes in an
30 agency program or project to the certified regional council for that region.
31 Notification to or communication with a regional council under this sub-

LC 1625 11/01/90

1 section shall be given by a state agency prior to the commencement or sig-
2 nificant change in a program or project.

3 (2) When notifying a regional council of the commencement or change of
4 program or project under this section, a state agency shall seek comment and
5 suggestions from the regional council concerning the program or project
6 prior to implementation.

7 **SECTION 5.** (1) There is created in the State Treasury, separate and
8 distinct from the General Fund, the Regional Councils Fund, consisting of
9 all moneys credited thereto, including moneys allocated from the Executive
10 Department Economic Development Fund, and all interest earned on the
11 Regional Councils Fund. The moneys in the Regional Councils Fund are
12 continuously appropriated to the Executive Department to be used for grants
13 to regional councils under this Act.

14 (2) Moneys in the Regional Councils Fund shall not be used to pay ad-
15 ministrative expenses of the department or to retire any debt.

16 **SECTION 6.** (1) In each biennium commencing after June 30, 1991, there
17 is allocated to the Regional Councils Fund from the Executive Department
18 Economic Development Fund the sum of \$2 million.

19 (2) The allocation of moneys from the Executive Department Economic
20 Development Fund authorized under this section shall be made at the rate
21 of \$1 million in each fiscal year.

22 **SECTION 7.** (1) On July 1 and January 1 in each year, the Executive
23 Department shall certify the amount of money available in the Regional
24 Councils Fund for distribution to regional councils under this Act. Not later
25 than 30 days after such certification, the Executive Department shall dis-
26 tribute the available moneys, but not exceeding a total amount of ~~\$500,000~~^{\$750,000},
27 to certified regional councils as follows:

28 (a) ~~\$25,000~~^{\$37,500} to each certified regional council; and

29 (b) All the remaining moneys to certified regional councils in such shares
30 as their respective populations bear to the total population of all the certi-
31 fied regional councils in this state.

LC 1625 11/01/90

1 (2) Moneys received by a regional council under this section may be ex-
2 pended for any purpose for which moneys may lawfully be expended by a
3 regional council under the statute or intergovernmental agreement which
4 created the regional council.

5

Chair:
Sen. GLENN OTTO

Staff:
GAIL RYDER
SYLVIA LOPTUS

Members:
Sen. JIM BURN
Sen. JANE CRASE
Sen. DICK SPRINGER
Sen. EUGENE TIMMS

SENATE COMMITTEE ON
GOVERNMENT OPERATIONS
453 I State Capitol
Salem, Oregon 97310
(503) 378-5781

AGENDA

Date: 12/18/90
Time: 9:00 A.M.
Place: HR A

Work Session

I. COUNCILS OF GOVERNMENT

Request for introduction of LC 1625 - Regional councils
--Alan Hershey, Mid-Willamette Valley Council of Govt.
--Don Carlson, Metro

II. COUNTY POPULATION STUDY

Status report and work session
--Committee Staff

III. BUSINESS LICENSING

Request for introduction of LC 1263 - Business licenses
--B. J. Smith, League of Oregon Cities and Advisory Task
Force on Business Licensing

IV. CHARITABLE CONTRIBUTIONS

Request for introduction of LC 326 - State charitable
contributions program
Request for introduction of LC 327 - Payroll deductions
--Executive Department
--Justice Department

V. LUNCH

VI. EMERGENCY PREPAREDNESS

Introduction of additional legislation (if necessary)

VII. BUILDING OFFICIALS ASSOCIATION

Request for introduction of legislative concept
--Michael Cliburn, Oregon Building Officials Association

VIII. DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES (DOGAMI)

Presentation of legislative package
--Don Hull, State Geologist, DOGAMI
--John Beaulieu, Deputy State Geologist, DOGAMI

Agenda Item No. 8.5
Meeting Date: December 13, 1990

RESOLUTION NO. 90-1358B

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 90-1358B, FOR THE PURPOSE OF RECOGNIZING AND GIVING PRIORITY TO THE WASHINGTON COUNTY LOCAL GOVERNMENT SOLUTION

Date: December 4, 1990

Presented by: Councilor DeJardin

Committee Recommendation: At the December 4, 1990 meeting, the Committee voted unanimously to reconsider Resolution No. 90-1358A, to rescind committee approval of Resolution No. 90-1358A, and to substitute Resolution No. 90-1358B for Resolution No. 90-1358A. The Committee also voted unanimously to recommend Council adoption of Resolution No. 90-1358B. Voting in favor were: Councilors Buchanan, Collier, DeJardin, Saucy and Wyers.

Committee Issues/Discussion: Councilor Richard Devlin outlined the differences between proposed Resolution No. 90-1358B and Resolution No. 90-1358:

1. The title has been changed to state that the resolution is for the purpose of recognizing and giving priority to the Washington County local government solution; the reference to establishing procurement guidelines and a procurement process has been deleted.
2. Resolution No. 90-1358B is introduced by the Council Solid Waste Committee.
3. The fourth "whereas" paragraph of Resolution No. 90-1358B states that a local government solution has been developed in accordance with Resolution No. 89-1156 for Metro Council consideration, rather than stating that the proposed solution is consistent with the Regional Solid Waste Management Plan (RSWMP).

Councilor Devlin explained that this change clearly indicates that the Council is following its adopted policy regarding the local government solution, but recognizes that the Plan is subject to further Council consideration in conjunction with the technical analysis.

4. The first paragraph under "Be it Resolved" states that the Council recognizes and gives priority to Washington County's Solid Waste System Plan provided it is determined to be consistent with all RSWMP provisions, including the Washington County System Plan Chapter. The paragraph has been revised to delete the statement that the Council recognizes and gives priority to the Washington County Plan as being consistent with the RSWMP.
5. The second paragraph under "Be it Resolved" provides that the Council Solid Waste Committee and Metro staff will work with Washington County staff and the Steering Committee to complete the Washington County Chapter of the RSWMP.

6. Paragraph 3 of Resolution No. 90-1358, relating to procurement guidelines, has been deleted.

Councilor Devlin explained that it is redundant to include procurement guidelines in Resolution No. 90-1358B, because Metro guidelines have been adopted in Resolution No. 89-1156, and because guidelines proposed by Washington County are included in the Washington County plan proposal, which is appended to the Resolution as an exhibit.

7. Renumbered paragraph 3 of Resolution No. 90-1358B provides that the Council approves the process and timeline in Exhibit B, unless the technical analysis warrants modification.

8. Renumbered paragraph 5 of Resolution No. 90-1358B has been revised to delete the reference to the Metro Council's historical preference for a two transfer station system in Washington County.

Nancy Roche, President of the Cornell Meadows Homeowners Association, testified about concerns regarding the rationale for private ownership, the need for open bidding, the location of the proposed sites, and the possible impact on rates.

Dale Johnson, Washington County resident, testified regarding his preference for private ownership, and his view that monopolies are a fact of life in the solid waste industry.

Officials representing Washington County and the local jurisdictions testified that although they prefer the initial draft of the resolution, they accept the modified version because it moves the planning process forward.

Representatives of haulers in Washington County and the tri-county area also indicated their support for the modified version.

Councilor Wyers indicated that she would vote in favor of the resolution, but with two caveats: she strongly objects to giving a priority to the Washington County plan, and she reserves the right to vote against adoption of the plan if it will result in a rate increase.

TD:KF:pa
90-1358B.RPT

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOGNIZING	)	RESOLUTION NO. 90-1358B
AND GIVING PRIORITY TO THE)	
WASHINGTON COUNTY LOCAL GOVERN-	)	Introduced by the Council
MENT SOLUTION	)	Solid Waste Committee

WHEREAS, Ordinance No. 88-266B adopted the Regional Solid Waste Management Plan in October, 1988; and,

WHEREAS, the Regional Solid Waste Management Plan, Policy 16.0, gives priority to local government solid waste management solutions in the Regional Solid Waste Management Plan; and,

WHEREAS, Resolution No. 89-1156 identifying a process, timeline and minimum standards for development of the Washington County solid waste system as a local government solution, was adopted in October, 1989; and,

WHEREAS, Washington County and the cities therein have developed a local government solution in accordance with Resolution No. 89-1156 for Metro Council consideration; and

WHEREAS, the Regional Solid Waste Management Plan, Policy 16.2 identifies the need for each city and county to provide appropriate zoning for planned solid waste facilities by establishing clear and objective standards; and

WHEREAS, the Regional Solid Waste Management Plan, Policy 11.1 states that "*local solid waste management options may affect local rates*" so a base case must be established for the technical analysis to conduct this assessment; and

WHEREAS, a need for policy guidance to complete development of the Washington County system has been identified; now, therefore,

BE IT RESOLVED:

1. That the Council of the Metropolitan Service District recognizes and gives priority to Washington County's Solid Waste System Plan (Exhibit "A") provided it is determined to be consistent with all Regional Solid Waste Management Plan provisions, including the Washington County System Plan Chapter.
2. That Metro staff and the Council Solid Waste Committee, working cooperatively with Washington County staff and the Steering Committee, complete the Washington County Chapter to the RSWMP. At a minimum, the Chapter shall include:
 - a) waste flow and tonnage projections,
 - b) analysis of viable facility system options,
 - c) base case scenario,
 - d) self-haul analysis,
 - e) post collection material recovery analysis,
 - f) high grade waste processing analysis,
 - g) public vs. private ownership analysis,
 - h) analysis of public and private financing options, including turn-key and joint public/private financing,
 - i) facility service areas for allocating waste to facilities,
 - j) vertical integration impacts and mitigation,
 - k) rate analysis.
3. That the Council approves the process and timeline as listed in Exhibit " B" for the purpose of completing the Washington County system, unless the technical analysis warrants modification.

4. That Metro will work cooperatively with local governments to initiate the adoption process for incorporating clear and objective standards into local planning codes by late Spring, 1991.
5. That the base case facility scenario used for purposes of conducting the rate impact analysis will be a two transfer station system with tonnage allocations delineated upon the East and West service area concept contained in the technical analysis.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1990.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

WASHINGTON COUNTY, OREGON

Regional Solid Waste Management Plan

Chapter 18: WASHINGTON COUNTY SOLID WASTE SYSTEM PLAN

The following outline for a System Plan was passed unanimously by the Washington County Solid Waste Facilities Design Steering Committee on October 15, 1990.

WHAT SHOULD THE WASHINGTON COUNTY SYSTEM LOOK LIKE?

1. Washington County System Configuration Data/Assumptions

Metro's mid-range waste generation and disposal projection has been used as the basis for this plan. The mid-range projection assumes a 40% increase in the per capita waste disposal rate between 1990 and 2013. The mid-range waste disposal projection is as follows:

ANNUAL WASTE TO BE HANDLED AT TRANSFER/MATERIAL RECOVERY STATIONS			
Year	Residential Tons	Non-Residential Tons	Total Tons
1993	82,149	143,599	225,748
2003	101,852	194,943	296,794
2013	134,299	258,238	392,538

The projection assumes that no Washington County waste is shipped to transfer stations outside of Washington County and only minor amounts of waste are imported from Clackamas and Multnomah Counties to Washington

County transfer stations (i.e. where hauler franchise areas overlap). While the latter assumption was used for modeling purposes, the County is open to the idea of importing mutually agreed upon amounts of Clackamas County waste to a transfer/material recovery facility in the southeast portion of Washington County should Metro decide this would be useful for the overall efficiency of the regional solid waste system.

2. Number of Transfer/Material Recovery Facilities

The Steering Committee's Plan would put in place no later than 1993 two transfer station/material recovery centers with the immediate ability to handle at least 200,000 tons of waste annually and the future ability to handle up to 300,000 tons annually. This is sufficient capacity through the year 2003 if the mid-range waste disposal forecast is accurate.

The existing facility at Forest Grove would be expanded to:

- a capacity of 120,000 tons; and
- include material recovery for at least commercial waste (residential still being studied).

A facility in the Wilsonville area would be constructed with:

- a start-up capacity of at least 120,000 tons;
- the ability to expand as need demands to handle a total of 175,000 tons of Washington County waste;

- a compactor;
- maximum material recovery for all portions of waste stream which are cost-effective today; and
- the ability preserved to add more material recovery based on changing cost-effectiveness.

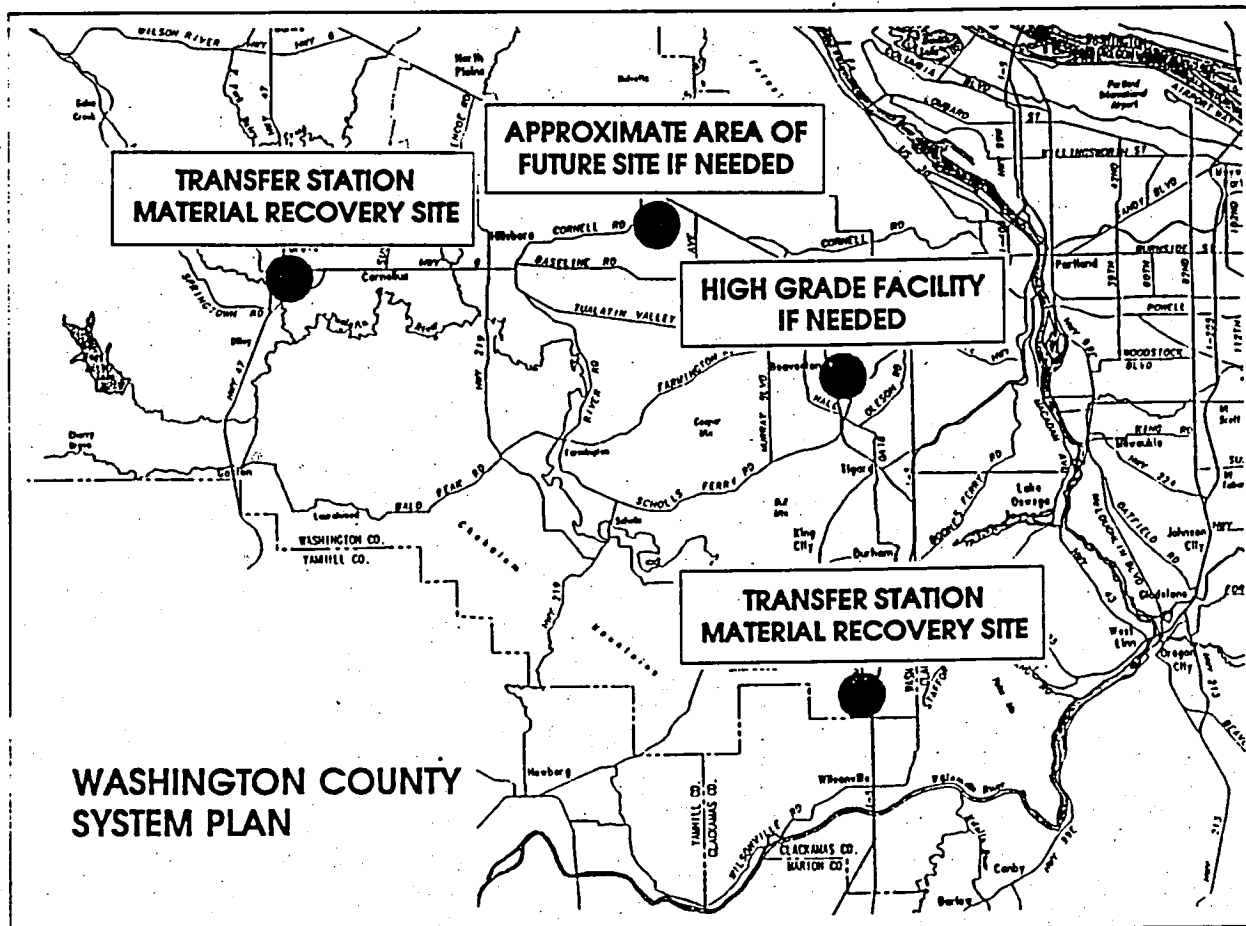
The mid-range projections indicate capacity to handle an additional 100,000 tons will be needed by 2013. Since this is the final 100,000 tons in the regional system Metro is likely to need maximum flexibility to determine how best to handle this tonnage. If Metro wishes, the County will help find a site in the Sunset Corridor area (Hillsboro) to procure immediately for development in 2003. This site could be procured through a private siting process, but owned by Metro. A decision on the function and operation of the site would be deferred

until a later time when more is known about the actual growth in waste disposal tonnage and evolution in the rapidly changing transfer station/material recovery field. Substantially increased levels of recycling or controls on packaging may make it unnecessary to develop the site at all. If the site is needed, Metro may wish to use it for a composter, high grading, or some use other than a standard transfer station/material recovery center.

A summary of the System Plan follows. All of the tonnage figures need to be fine-tuned with additional technical analysis regarding the economic needs of the facilities and site constraints and opportunities.

3. Post Collection Material Recovery

The region's goal of achieving a 56% recycling rate must be achieved or exceeded as soon as possible. The optimum situation is to separate as much recyclable material out of the waste



WASHINGTON COUNTY TRANSFER/MATERIAL RECOVERY FACILITIES

	Approximate Tonnages			
	1990	1993	2003	2013
Forest Grove	65,000	105,000	120,000	120,000
Wilsonville	N/A	120,000	175,000	175,000
Hillsboro	N/A	N/A	N/A	100,000

stream as possible before it enters the transfer station. Any material which can be cost-effectively recovered after it enters the transfer station should be recovered. The ability should be provided to expand stations for additional material recovery if more methods become cost-effective in the future.

4. High-Grade Processing

Technical analysis on the need for a separate high-grade processing facility has not yet begun. However, the waste disposal projections rely on substantial levels of high grading (25,633 tons in 1993 and 46,472 tons in 2013). If the technical analysis indicates that a high grade facility is warranted in the near future the Steering Committee's plan would place such a facility in the Highway 217 corridor (Beaverton).

HOW SHOULD THE WASHINGTON COUNTY SYSTEM BE PUT IN PLACE?

5. Facility Ownership

The Forest Grove facility would continue to be privately owned by A.C. Trucking Company. The Wilsonville facility would be owned by United Disposal Service. If a facility in Hillsboro ultimately is needed Metro would have the flexibility to determine whether it should be publicly or privately owned, depend-

ing on the regional system needs at that time. It is assumed that the Hillsboro facility would be privately operated.

6. Vertical Integration

Transfer station/material recovery facility ownership by haulers would be allowed so long as Metro controls the gatehouse operations of these facilities.

7. Financing

The Forest Grove and Wilsonville facilities would be privately financed. Metro would determine how best to finance the Hillsboro facility if it is needed.

8. Facility Procurement

The facility procurement for the Forest Grove and Wilsonville facilities would be completed as follows:

- Metro, in cooperation with Washington County, would complete the technical analysis, and establish minimum service standards (e.g. material recovery rates) for the Forest Grove and Wilsonville facilities. Additional technical analysis would also be conducted to fine-tune the tonnage figures and phasing schedules for these facilities.
- The owners of the Forest Grove and Wilsonville facilities would have 150 days to demon-

strate their ability to finance and construct a system which meets these minimum standards. Land use approvals, construction/design drawings and financial statements would also be filed with Metro during this time period.

- If all minimum standards are met, and the ability to put the system in place is demonstrated, Metro would negotiate a direct franchise for these two facilities. The tipping fee would be negotiated at this time, using the technical analysis and other existing Metro facilities as benchmarks.

- If the above process does not result in successfully negotiated franchises, Metro would initiate a competitive bidding process to procure a system based on the system configuration and other aspects of the System Plan and the technical standards developed during this process.

- If Metro determines it wishes to put a site for a potential future Hillsboro facility in the "bank" now, it could procure it through a private siting process. The County would actively participate with Metro to ensure that an appropriate site is secured.

9. Land Use Siting

The local governments in Washington County would adopt clear and objective standards to site solid waste facilities at the earliest feasible time, consistent with the policy in the Regional Solid Waste Management Plan. The facility at Forest Grove is an outright permitted use and could be expanded in the nature proposed in the System Plan without further land use permits. The Wilsonville facility has a local permit to provide service for its own collection system, but will need an expansion of that permit to provide regional service at the levels proposed in the System Plan. Preliminary indications from the City are that a facility owned and operated by United Disposal within the tonnage limits proposed in the System Plan

could be supported.

HOW SHOULD THE WASHINGTON COUNTY SYSTEM OPERATE?

10. Flow Control

Metro would guarantee flows based on service areas for the Forest Grove and Wilsonville facilities.

11. Rates

Technical analysis on Washington County rate impacts of this system are yet to be conducted.

SUMMARY

This System Plan meets the goal and objectives of the Regional Solid Waste Management Plan. It is:

"regionally balanced, cost effective, technologically feasible, environmentally sound and publicly acceptable."

The Plan provides Metro with the means to meet the transfer/material recovery needs within the County for the next decade and the maximum flexibility to adapt the final component of the system to realities in the year 2003. This Plan is supported by the public and private sector leadership in Washington County and is consistent with the existing transportation and land use systems in the County. The Steering Committee believes this planning process has been consistent with overall regional management and specifically Policy 16.0, which states:

"The implementation of the Solid waste Management Plan shall give priority to solutions developed at the local level that are consistent with all Plan policies."

The Steering Committee believes this planning process is an excellent example of constructive regional cooperation and looks forward to continuing its partnership with Metro in the implementation of this Plan.

EXHIBIT " B"
PROPOSED TIMELINE

- Nov. 30 Technical analysis completed.
- Dec. 13 Council adoption of resolution outlining the process to complete the Washington County system.
- Dec. 30 Staff¹ completes summary of technical analysis.
- Jan. '91 Steering Committee review and recommendations on technical analysis conclusions.
- Feb. '91 CSWC review and recommendations on technical analysis conclusions.
- Mar. '91 Staff writes the RSWMP Washington County System Plan chapter, which will include the Washington County local government solution.
- Staff develops procurement criteria.
- Apr. '91 Steering Committee review of Plan chapter and procurement criteria.
- May '91 CSWC Public Hearing on Plan chapter and procurement criteria.
- Council adoption (Ordinance).
- June '91 Procurement process initiated.
- July 1 Request for franchise applications advertised, assuming the Washington County System Plan is determined to be consistent with the RSWMP provisions.
- Sept. 15 Deadline for receipt of franchise applications.
- Sept. 15-
Oct. 30 Staff review of franchise applications.
- Nov. '91 Council selection of vendor(s) for franchise negotiation. Give authorization to proceed with negotiation.
- Staff initiates development of mitigation agreements with local government(s) hosting the facility(ies).

¹The term "staff" refers to the Planning and development Department and the Solid Waste Department working cooperatively with the Washington County staff.

- Dec. '91 Negotiation process completed.
- Jan. '92 Council award of franchise if negotiations are successful.² The award is contingent upon acquisition of all necessary state and local permits.
- Feb. '92 Facility construction phase begins.
- April ' 93 Facility operations begin per franchise conditions.

²If negotiations are not successful, the Metro Council will initiate an open competitive RFP procurement process.

If no applications are submitted in response to the request for applications, or if Metro's review of the applications submitted finds no applicant that complies with the review criteria, the Metro Council will immediately initiate an open competitive RFP procurement process. The minimum plan requirements and evaluation criteria used for the franchise process will be contained in the RFP.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Council
12/13/90

DATE: December 13, 1990
TO: Metro Council
FROM: Councilor Ruth McFarland *RMF*
RE: RFP for Conceptual Design

At its meeting of December 6, 1990, the Council Zoo Committee authorized release of RFP 90R-137-ZO, for conceptual design of Zoo facilities in conjunction with the Master Plan Update. The work to be done is development of conceptual plans for new or renovated exhibits to replace the existing feline complex, the existing Childrens Zoo, the east bear grotto, the entrance complex, and an off-site education/exhibit complex.

The budget for this part of the Master Plan Update is \$50,000, and funds are available in the appropriation for the Master Plan Update. The work will take 3-4 months, and should be completed this spring.

Council
12/13/90

CONVENTION & VISITOR FACILITIES
COMMITTEE REPORT

RECOMMENDATION TO THE FINANCE COMMITTEE TO SUPPORT THE ALLOCATION
OF FUNDS FROM GENERAL FUND CONTINGENCY TO SUPPORT ARTS PLAN 2000+

Date: December 3, 1990

Presented by: Councilor Knowles

COMMITTEE RECOMMENDATION: At its November 13, 1990, meeting the Convention & Visitor Facilities Committee voted 4-0 to recommend to the Finance Committee that it support allocating \$10,000 from General Fund Contingency to support Arts Plan 2000 Plus. Voting were Councilors Knowles, Buchanan, McFarland, and Van Bergen. Councilor Hansen was absent.

COMMITTEE DISCUSSION/ISSUES: The CVF Committee was told that their requested action was to make a recommendation to the Finance Committee on the policy aspects of the Arts Plan 2000+ study; Finance will consider a subsequent ordinance dealing with the fiscal implications of transferring funds for the project. In addition, MERC will also be asked for a \$10,000 contribution.

CVF heard from Bing Sheldon, chair of the Arts Plan 2000+ Task Force, and Ann Mason, Task Force staff. Their presentation described the goals of the study, which is to study the role of the arts in the community through the year 2020; to determine the depth and breadth of public support for the arts; and to determine what arts events are important to the public. The study will take about a year. It has a budget of \$200,000, coming from the 3 counties, Metro, City of Portland, National Endowment for the Arts, and grants and gifts from private foundations and corporations. Mr. Sheldon believes that this study will tie in with Metro's Regional Facilities Study.

Councilor McFarland stated that the study should look at support for the arts from outside the tri-county area. Mr. Sheldon responded that the study will focus on the tri-county area, but may include a look at arts support and interest statewide.

Councilor Van Bergen asked whether the task force was created for this study, and whether the request for funds was limited to this study. The answer to both questions was yes: it's a one-time request to fund the Arts Plan 2000+ study. He also asked whether Metro funds were to be obligated before the remainder of the money come in. Mr. Sheldon answered that Metro is late on the list, and that most of the rest of the money is already committed. Councilor Van Bergen pointed out that there's going to be a money crunch soon for supporting MERC facilities, and that we're committing funds for the Regional Facilities study. He wants to be sure that the Arts Plan 2000+ study complements other efforts, and he was assured it would.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Council
12/13/90

Date: December 4, 1990

To: Metro Council
Executive Officer
Interested Parties *gwb*

From: Gwen Ware-Barrett, Clerk of the Council

Regarding: CONSIDERATION OF RESOLUTION NO. 90-1351, FOR THE PURPOSE OF EXPRESSING COUNCIL INTENT TO AMEND METRO'S URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 90-1, WAGNER

The Council will consider Resolution No. 90-1351 at its meeting on December 13. Because of the volume of the documents, it is being distributed to you in advance under separate cover. At the December 13 meeting, the Council, at its discretion, may choose to approve the resolution or remand the findings to staff or the hearings officer for modifications.

gwb
901351.mem
attachment

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF EXPRESSING)
COUNCIL INTENT TO AMEND METRO'S)
URBAN GROWTH BOUNDARY FOR CON-)
TESTED CASE NO. 90-1, WAGNER)
PROPERTY)

RESOLUTION NO. 90-1351

WHEREAS, Contested Case No. 90-1 is a petition from Marvin and Bonnie Wagner to the Metropolitan Service District for a locational adjustment of the Urban Growth Boundary to include approximately 6.35 acres east of Wilsonville in Clackamas County as shown on Exhibit A; and

WHEREAS, A hearing on this petition was held before a Metropolitan Service District Hearings Officer on September 25, 1990, in Wilsonville; and

WHEREAS, The Hearings Officer has issued his Report and Recommendation, attached as Exhibit B, which finds that all applicable requirements have been met and recommends that the petition be approved; and

WHEREAS, The property is currently outside, but contiguous with, the boundary for the Metropolitan Service District; and

WHEREAS, The Metropolitan Service District Code Section 3.01.070(c)(i) provides that action to approve a petition including land outside the District shall be by resolution expressing intent to amend the Urban Growth Boundary after the property is annexed to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Metropolitan Service District expresses its

↓ based on the findings in Exhibit B attached and contained herein

intent to adopt an Ordinance amending the Urban Growth Boundary as shown in Exhibit A within 30 days of receiving notification that the property has been annexed to the Metropolitan Service District, provided such notification is received within six (6) months of the date on which this resolution is adopted.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1989.

Tanya Collier, Presiding Officer

ES/es
11/26/90

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1351 FOR THE PURPOSE
OF EXPRESSING COUNCIL INTENT TO AMEND METRO'S URBAN
GROWTH BOUNDARY FOR CONTESTED CASE NO. 90-1, WAGNER

Date: November 26, 1990

Presented By: Larry Shaw

BACKGROUND

Contested Case No. 90-1 is a petition from Marvin and Bonnie Wagner of Wilsonville for a locational adjustment of the Urban Growth Boundary in Clackamas County. The property proposed for inclusion in the UGB is an approximately 6.35 acre parcel located east of Wilsonville, as shown in Exhibit A to the Resolution. The City of Wilsonville has gone on record in support of the amendment. Clackamas County has taken a position in support of an amendment to accommodate the proposed road realignment, but has concerns about the compatibility of making the total amendment with the County's comprehensive plan.

Metro Hearings Officer Larry Epstein held a hearing on this matter on September 25, 1990, in Wilsonville. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B to the Resolution, concludes that the petition meets the applicable standards and should be approved. A number of exceptions have been filed to the decision, and they are attached to this staff report for your review.

Following presentation of the case by the Hearings Officer, and comments by the petitioner, the parties to the case will be allowed to present their exceptions to the Council. The petitioner will be given the opportunity to respond to the exceptions posed by parties. The Hearings Officer will be available to clarify issues as they arise.

At its meeting on the 13th of December, 1990, Council can approve this Resolution or remand the findings to staff or the Hearings Officer for modification. If the Resolution is approved, petitioner will need to annex the property to Metro prior to Council action on an Ordinance formally granting the petition.

The annexation to the Metro district would occur concurrently with annexation to Wilsonville, and is an action of the Portland Metropolitan Area Local Government Boundary Commission. Should the Council approve this resolution, and if the petitioner then accomplishes the annexation of the subject property to the Metro district within 6 months of the date of Council approval, then the Council should expect to see an ordinance finally amending the UGB early in 1991.

ANALYSIS

There are several issues raised by this case. First, the subject property is currently zoned for agricultural use. The locational adjustment procedure is very protective of land zoned for agricultural use and requires the applicant to show factually that development consistent with adopted and acknowledged comprehensive plans inside the existing UGB would be precluded without the amendment.

The Hearings Officer has concluded that the proposed realignment of Wilsonville Road must include an amendment of the UGB for at least the right-of-way needed for the project. He goes on to conclude that Metro's own findings for the locational adjustment process, and past practice in making locational adjustments, suggest that the entire parcel should be included in the amendment. The petitioners conclude that it would violate state law not to include the entire parcel in the amendment.

Opponents to the petition generally agree that the road right-of-way should be brought into the UGB, and that the road itself will make a good division between urban and rural. However, they disagree with the Hearings Officer's conclusion that the remainder of the 6.35 acre parcel, slightly more than 5 acres, should be included in the amendment. Hence, a decision to approve the resolution and thereby accept the Hearings Officer's Report and Recommendation would ratify Council's past practice of not "splitting" parcels when making locational adjustments of the UGB.

As the Hearings Officer notes on page 1 of his report, an interpretation of ORS 215.213 is required to rule on this petition. I concur with the Hearings Officer's interpretation that the proposed road is a reconstruction of a public road under ORS 215.213(2)(r) that is not a permitted use because a new "parcel", as defined in ORS 215.010(1), would be created via the acquisition of the additional right of way by partition and deed. Therefore, an addition to the UGB of at least the right of way is needed for the road alignment, which as findings F.1. demonstrate, creates a superior UGB.

This petition may be considered in whole or in part under Metro Code 3.01.070. The findings proposed by the Hearings Officer conclude that this particular 6.35 acre parcel should be treated as a whole because of its relatively small size and the Council's past practice of not splitting parcels. If the Council concludes that inclusion of this 6.35 acre parcel in the UGB results in any benefit to land already in the UGB then the petition complies with the efficiency standard in Metro Code 3.01.040(a)(1).

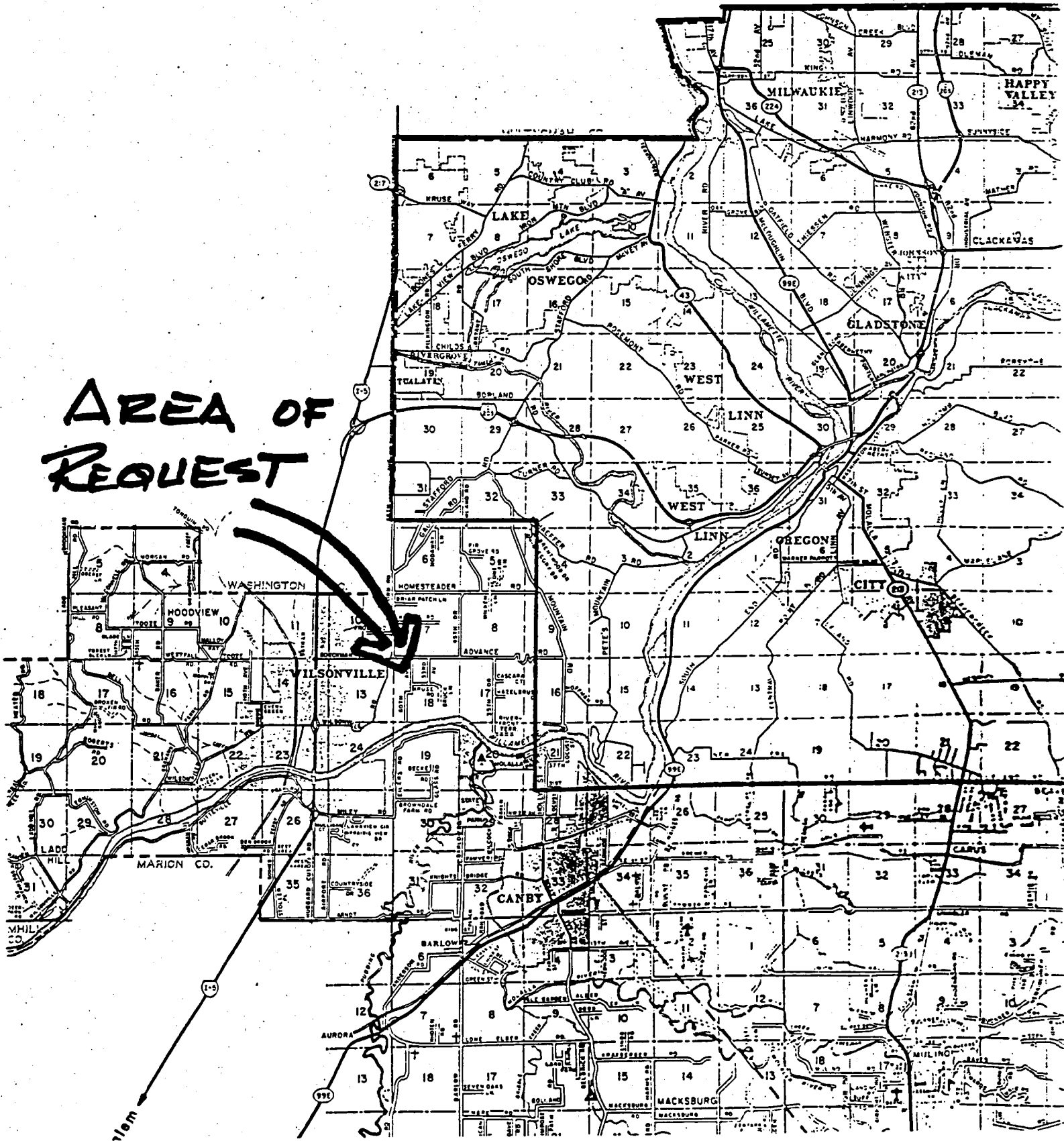
Based on these findings, if the council decides to exercise its discretion to split the parcel and add only the proposed road right of way to the UGB, the "remainder" 5.35 acre portion cannot,

Resolution 90-1351: Staff Report page 3

by itself, be included in the UGB because it would violate Metro Code 3.01.040(a)(4). The "remainder" portion, if treated separately, could only be included if additional benefits are demonstrated by the evidence, and the findings proposed by the Hearings Officer are amended.

LS:ES/es
11/30/90

AREA OF REQUEST



STAFFORD MARKET

S.W. 25

AMERIDIAN

CITY

CITY

CITY

CITY

CITY

94.42 Ac.

700
0.43 Ac.
800
0.60 Ac.
900
0.21 Ac.

601
29.25 Ac.
27480

LOT 43.82

3-05

1500
4.08 Ac.

1500
3.94 Ac.

1600
3.00 Ac.

1700
1.00 Ac.

1800
10.00 Ac.

R.R.F.F. - 5

1000
0.42 Ac.
27520

1101
60.00 Ac.

G.A.D.

LOT 43.72

2200
10.62 Ac.

2201
8.12 Ac.

1902
3.94 Ac.

1901
0.94 Ac.

1903
0.94 Ac.

1900
3.32 Ac.

2000
3.00 Ac.

2001
2.00 Ac.

2100
3.70 Ac.

ROAD

1200
4.00 Ac.
6351

PROPOSED UGB
AMENDMENT

ROCKMAN ROAD

TRAIL ACRES

1000

900

800

700

600

500
2.40 Ac.

100
14.00 Ac.

7140

7020

6940

6860

6780

400
0.33 Ac.

26245

RA-1
3-5 du/
acre

2100
4.84 Ac.
6360

2000
19.44 Ac.

G.A.D.

LOT 43.78

2200
6.33 Ac.

2001
2.00 Ac.
28335

2300
3.60 Ac.

2400
10.98 Ac.

2400

200
3.80 Ac.

1800
10.25 Ac.

300
21.00 Ac.

200
3.80 Ac.

2500
5.22 Ac.

2600
6.52 Ac.

3-19

ANGEL LANE

PUBLIC

D D D

SEE DRAWING 13333

2012 CB 2786.21

1491.34 1840.00 821.70 ADVANCE

SEE P3 3402

1234.20 S 89°40'E (2820.00) (P36382)

SEE P3 986
SEE P3 8352

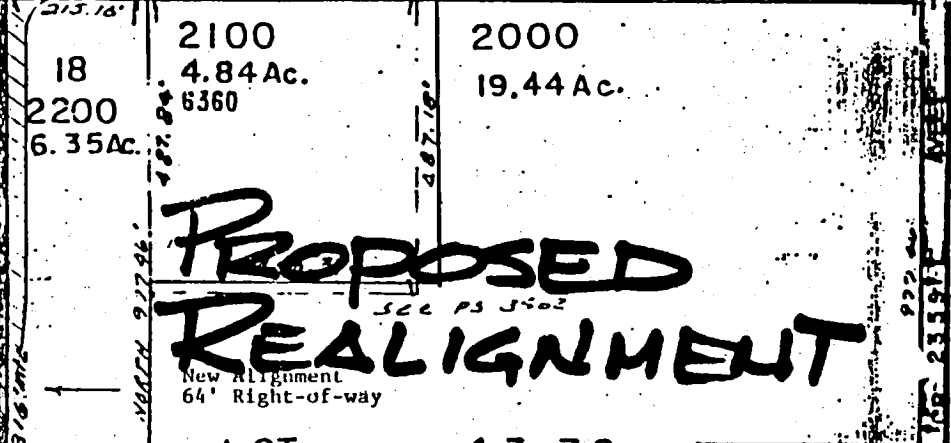
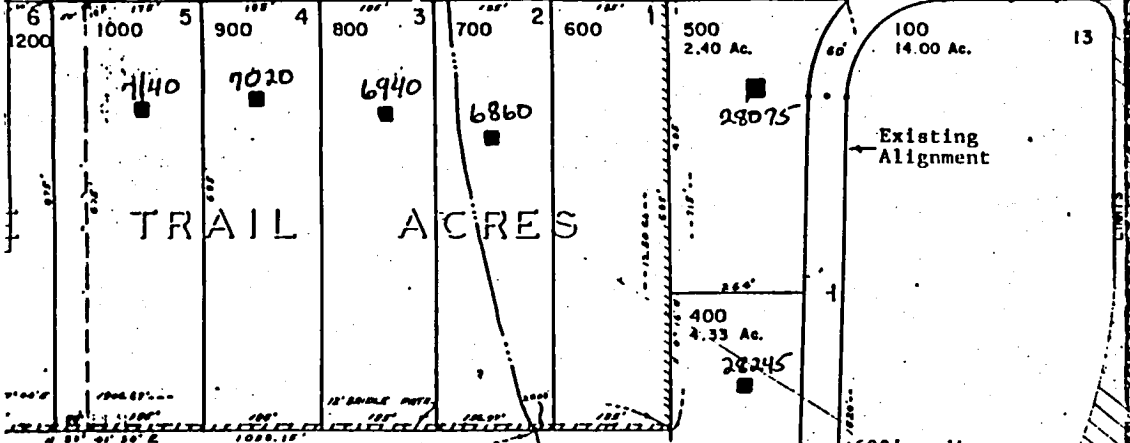
(1480)

1483.00
389° 46:30"W

SEE MAP 3 IW 1201 69 68 67 66

U.G.B.

BOECKMAN ROAD 401.34 1448.04 821.20 ADVANCE



PROPOSED REALIGNMENT

LOT 43.78.

2001
2.00 Ac.
By PS 986
1228.60'
28335

1234.20' S89°40'E 13000.2' (PS 8352)

2300
3.60 Ac.

2400
10.98 Ac.

See PS 986
See PS 8352

(1480)

2500
5.22 Ac.

2600
6.52 Ac.

2700
25.81 Ac.

1443.09'

389° 46:20" W

1487.3' N12 (1990)

3-19

ANGEL LANE PUBLIC RD.

WILSONVILLE RD.

EASEMENT 1/16 COR.

200
3.60 Ac.

300
21.00 Ac.

600 ft. radius

28740

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

In the matter of the petition of Marvin and Bonnie Wagner to amend the Urban Growth Boundary to add 6.35 acres to the urban area north of Wilsonville in Clackamas County)))))	<u>Contested Case No. 90-01</u> HEARINGS OFFICER REPORT & RECOMMENDATION
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I. Nature and Summary of the Issues

Petitioners propose to add 6.35 acres (the "Subject Property") to the Urban Growth Boundary (UGB) north of and adjoining Wilsonville in Clackamas County. Petitioners also own 17.6 acres already in the UGB adjoining the Subject Property. Petitioners propose to include the Subject Property in the UGB to facilitate development of their property and to facilitate dedication of a realigned right of way for Wilsonville Road.

The majority of the road realignment will occur on land already in the UGB. However, a roughly 800-foot long half-width section of the road is planned on the northwest part of the Subject Property outside the UGB on land zoned for exclusive farm use.

One issue in this case is whether the petitioners can dedicate the half-width right of way for realigned Wilsonville Road if the petition is denied. If the right of way can be dedicated for the road outside the UGB, or if the road can be built on land already inside the UGB, then the petition should be denied, because it does not result in an improvement in urban service efficiency to land already inside the UGB.

Petitioners argued they cannot dedicate right of way on land zoned GAD based on state law. No one else addressed the issue. Metro Counsel should advise the Council regarding this issue. Given the record, the hearings officer concludes that the petitioners cannot create a parcel necessary to dedicate right of way from land zoned for exclusive farm use.

If the right of way cannot be dedicated without granting the petition, then granting the petition facilitates the substantial public service efficiency represented by the realigned road, and it should be approved if it complies with other criteria for a Locational Adjustment, because granting the petition is a necessary first step to dedication of the right of way.

Another issue is whether the Council can and should treat the "right of way" and "remainder" portions of the Subject Property differently. The half-width right of way for realigned Wilsonville Road on the Subject Property is referred to as the "right of way" portion. The rest of the Subject Property is referred to as the "remainder" portion.

Metro Code (MC) Section 3.01.070 allows the Council to approve a petition in whole or in part; therefore, the two portions of the Property can be considered and acted on separately. Whether the Council should consider them separately is discretionary and not dictated by clear and objective standards. In acting on UGB Locational Adjustment cases in the past, the Council has not considered parts of a property separately.

Findings adopted in support the rules for Locational Adjustments in the Metro Code provide that, if including a parcel containing 10 acres or less in the UGB results in any benefit to land already in the UGB, then the petition complies with the efficiency standard of MC section 3.01.040(a)(1) for the whole parcel. This suggests that a parcel containing 10 acres or less should be considered as a unit at least for purposes of MC section 3.01.040(a)(1).

If the Subject Property is treated as a unit, then the merits of the road realignment warrant finding that the all of the Property complies with MC section 3.01.040(a)(1).

If the "right of way" and "remainder" portions of the Subject Property are treated separately, the hearings officer concludes that only the "right of way" portion fulfills the increased service efficiency standard of MC section 3.01.040(a)(1). Inclusion of the "remainder" portion of the property does not increase the efficiency of public facilities.

The hearings officer also concludes that including the "remainder" portion is not necessary for urbanization of or for delivery of public services to land inside the UGB, and that it increases the potential incompatibility between urban uses on the Subject Property and nearby agricultural activities, and therefore violates MC section 3.01.040(a)(4) and (5), respectively.

Given the past practice of the Council of considering a locational adjustment parcel as a single unit, the finding adopted in support of the rules noted above, and the circumstances of the case, including the relatively small size of the Subject Property, the buffer provided by the natural feature on the "remainder" portion, and the residential land use east of the north part of the Property, the hearings officer recommends that the Subject Property be considered as a unit.

The hearings officer recommends the UGB be amended to include the Subject Property, because dedication and improvement of the road increases the efficiency of road services for land already within the UGB, that increased efficiency cannot be accomplished without use of agricultural lands, including the Subject Property will not cause significant environmental, energy, social or economic impacts, and urban use of the Subject Property will be compatible with nearby agricultural activities.

However, so that the Council can evaluate the merits of treating the Subject Property as a unit versus treating each portion separately, the Report and Recommendation provides findings for both approaches. That way, the Council can draw its own conclusions about how the property should be treated.

II. Procedures and Record

A. History, Proceedings, and Comments from affected jurisdictions.

1. On or about June 28, 1990, Richard Whitman filed a petition for a Locational Adjustment for Parcel 2200 in Township 3 South, Range 1 East, WM, Clackamas County (the "Subject Property") on behalf of its owners, Marvin and Bonnie Wagner. See Exhibits 4 and 5.

2. On or about August 27, 1990, the hearings officer sent notices by certified mail to owners of land within 250 feet of the Subject Property, the petitioners, the City of Wilsonville, Clackamas County, and the Far West Citizens Planning Organization (CPO) that a hearing would be held September 25 regarding the petition. The notices and certificates of mailing are included as Exhibits 2 and 3. A notice of the hearing also was published in *The Oregonian* on or before September 5.

3. On September 25, 1990, from 2:30 pm until about 4:30 pm, the hearings officer held a public hearing at the Wilsonville City Hall. Nine witnesses testified in person about the petition. The hearing was recorded on audio tape. Two witnesses testified in writing. See Exhibits 18 and 19.

4. After the September 25 hearing, the hearings officer left the record open for 3 days to allow William Ciz to submit written testimony and for an additional 3 working days for submission of a response from the petitioner. See Exhibits 25 and 26.

5. On November 1, 1990, the hearings officer filed with the Council this Report and Recommendation.

B. Written record. The following documents are part of the record in this matter. The hearings officer also takes official notice of relevant provisions of the comprehensive plans and land development ordinances of the City of Wilsonville and Clackamas County.

<u>Exhibit No.</u>	<u>Subject matter</u>
1	Memorandum from Seltzer to Epstein dated 8/20/90
2	Notice of public hearing and map of the Subject Property
3	Certificates of mailing of notice of hearing
4	Letter from Seltzer to Whitman dated 6/28/90
5	Petition for Locational Adjustment
6	Notice of Proposed Action to DLCD
7 A-D	Requests for comment from Clackamas County Sheriff, West Linn School District, Tualatin Valley Fire and Rescue District, and Clackamas County
8	Comment from Tualatin Rural Fire Protection District
9	Comment from West Linn School District
10	Letter from Whitman to Sorenson dated 6/22/90
11	Letter from Whitman to Seltzer with attachments (PMALGBC forms)
12	Letter from Whitman to Seltzer dated 9/5/90
13	Letter from Starmer (Wilsonville) to Seltzer dated 9/4/90
14	Letter from Bruck to Wagner dated 9/4/90
15	Letter from Cook (Clackamas County) to Seltzer with attachments
16	Clackamas County Board Order 90-806
17	Wilsonville Resolution 778
18	Letter from Beck to Epstein dated 9/25/90
19	Letter from Connolly to Epstein dated 9/24/90
20	Letter from Van Lente (Far West CPO) to Epstein dated 9/25/90
21	Soil Survey for Clackamas County Area (excerpt)
22	Petition in support of application and attached map
23	Letter from Wagner to Connolly dated 9/19/90
24	Map showing existing and proposed orchard and rights of way
25	Letter from Ciz to Epstein dated 9/27/90
26	Letter from Whitman to Epstein dated 10/3/90
27	Profiles of Commercial Agriculture (excerpt)

C. Responses from service providers and affected jurisdictions.

1. The Subject Property is in the Tualatin Valley Fire and Rescue District and West Linn School District 3J. Both districts filed a written comment recommending approval of the petition. See Exhibits 8 and 9.

2. The Subject Property is in unincorporated Clackamas County. The County Commissioners adopted a Board Order recommending approval of the Locational Adjustment only to the extent the land included in the UGB will be included in a realigned right of way for Wilsonville Road. See Exhibit 16. The County did not make an express recommendation regarding that portion of the Subject Property that is not needed for the realigned right of way of Wilsonville Road. However, the Board Order includes the following findings:

... It further appearing to the Board it is not necessary to include the entirety of the parcel within the Urban Growth Boundary in order to incorporate the road realignment, and

... It further appearing to the Board the County Comprehensive Plan allows agricultural land be designated urban only after considering retention of that agricultural land, and it appears the request to include all the property in the Urban Growth Boundary is not supported by County Comprehensive Plan policies to retain agricultural lands...

3. The Subject Property adjoins the City of Wilsonville. The City Council adopted a resolution recommending approval of the petition. See Exhibit 17.

III. Basic Findings About the Subject Property and the Surrounding Area

A. Location. The Subject Property is situated south of and adjoining Boeckman/Advance Road, east of the southerly extension of Stafford Road, and about 475 feet east of Wilsonville Road. The west edge of the site adjoins the UGB and the city limits of Wilsonville in Clackamas County. See the map included in Exhibit 2.

B. Legal description. The legal description of the Subject Property is Tax Lot 2200, Township 3 South, Range 1 East, WM, Clackamas County.

C. Size and shape. The Subject Property is a rectangle about 215 feet wide (east-west) and 1316 feet deep (north-south) and contains about 6.35 acres.

D. Existing and proposed uses.

1. The subject property is used predominantly for an agricultural purpose in conjunction with the adjoining 17.6-acres to the west. Based on Exhibit 24, the Subject Property contains about 253 filbert trees on the northwesterly 3.6 acres of the property. The southeasterly 2.75 acres of the Subject Property is not developed; it contains native vegetation and a seasonal drainageway.

2. The petitioner intends to annex the Subject Property to Wilsonville (see Exhibit 11) and to apply for an appropriate Comprehensive Plan amendment and zone change to an urban designation and a residential zone. If the annexation, plan amendment and zone change are approved, the petitioner plans to:

a. Dedicate the northwesterly 1 acre of the Subject Property for a realignment of Wilsonville Road consistent with City development requirements,

b. Develop about 2.75 acres of the Property for dwellings together with the adjoining 17.6 acres owned by petitioners inside the UGB (TL 1800 and 200), and

c. Establish 2+ acres of the Property as an open space and drainage tract.

3. The residential density that would be permitted on the area dedicated for road and open space purposes will be transferred to the remainder of the petitioner's land (TL 1800 and 200 and the developable portion of TL 2200). If TL 2200 has the same zoning as adjoining land in the UGB, it could be developed for up to 31 dwelling units. Storm water from all three parcels would be discharged to the drainageway on the Subject Property. The petitioner did not submit more detailed plans for the proposed development.

E. Surrounding land uses, designations, and zoning.

1. The 14-acre parcel west of the Subject Property (TL 1800) and the 3.6-acre parcel to the southwest (TL 200) also are owned by the petitioners. Unlike the Subject Property, the parcels to the west are inside the Urban Growth Boundary and the City of Wilsonville. The parcel to the west contains the petitioners' home; both parcels contain filbert trees that are part of the orchard that includes the trees on the Subject Property. The properties are designated Residential on the Wilsonville Comprehensive Plan Map and are zoned RA-1 (Residential-Agriculture, 3 to 5 dwellings per acre). The property inside the UGB can be developed for up to 88 dwelling units, based on existing zoning.

2. Land south, east, northeast, and north of the Subject Property is designated Agricultural and zoned GAD (General Agricultural District) by the Clackamas County. Land to the south and southeast is used for nursery stock. Directly east of the north part of the Subject Property is a single family home on a 4+ acre parcel. Farther east are tilled fields and pasture. Land to the north across Boeckman/Advance Road is used for a tree farm.

3. Land northwest of the site is designated Rural on the County Comprehensive Plan Map and is zoned RRF5 (Rural Residential/Farm and Forest 5 acres). That land is used predominantly for rural residential development and small scale farming and animal husbandry.

F. Public facilities and services.

1. Sewer and water.

a. The Subject Property is not served by a private well or sanitation system or public water system or sewer. The nearest water and sewer lines are situated about 800 feet southwest of the Subject Property in the Wilsonville Road right of way south of the stream at the southwest corner of Tax Lot 1800.

b. Tax Lots 1800, 400, and 500 --- inside the Wilsonville city limits and the UGB --- also are not served by public water or sewer. To provide water and sewer to those properties and to the Subject Property, the City would have to extend lines across the stream at the southwest corner of Tax Lot 1800.

c. Water and sewer lines extended as part of recent development in the City southwest of the Subject Property were sized to accommodate service to all properties in the urban area, based on testimony from City Engineer Richard Drinkwater. Mr. Drinkwater concluded the incremental impact of service to these properties on capital facilities of the City is negligible, although the system would not accommodate further expansion to the north, and, at some undetermined time, the City will have to expand its capital facilities to provide sewer service to all developable land in the City.

2. Storm water drainage.

a. The Subject Property is not served by an improved public storm water drainage system. There is a roadside ditch along Boeckman/Advance Road at the north edge of the property. Also a natural drainage channel that enters the Subject Property near its northeast corner and extends southwest diagonally through the Subject Property to its southwest corner before continuing off-site to merge with a drainageway south of TL 200.

b. The City has not prepared a storm drainage master plan for the area that includes the Subject Property or adjoining urban land to the west. City policies promote use of natural drainageways. The City urban renewal plan provides that storm drainage is to be provided as part of the Wilsonville Road realignment project. See Exhibit 26.

3. Roads and transit access.

a. The north edge of the Subject Property adjoins Advance/Boeckman Road. That road is identified as a collector street on the Wilsonville Master Street System Plan. It has a 20-foot paved section between gravel shoulders and drainage ditches.

b. Stafford Road terminates at a 90° intersection with Boeckman/Advance Road at the northwest corner of the Subject Property. It is identified as an arterial road. It has a 20-foot paved section between gravel shoulders and drainage ditches.

c. Wilsonville Road is about 475 feet west of the Subject Property. It is designated as an arterial road on the Wilsonville Master Street System Plan. It has a 90° intersection with Boeckman/Advance Road. It has a 20-foot paved section between gravel shoulders and drainage ditches adjoining TL 1800 and 200, but has been improved to full urban standards adjoining recent development further south.

(1) There have been 5 vehicle accidents at the intersections of Wilsonville and Boeckman Roads and of Stafford and Boeckman Roads in the last three years, based on a summary by the petitioner of accident statistics from the sheriff's office.

(2) Wilsonville Road is to be realigned so the centerline of the road aligns with the centerline of Stafford Road. The realigned right of way will extend south and southwest to intersect with existing Wilsonville Road near the southwest corner of Tax Lot 1800. It will roughly split Tax Lot 1800 into two equal pieces and will require removal of the existing dwelling and much of the filbert orchard on that lot. The right of way for realigned Wilsonville Road will be 64 feet wide with 6-foot wide permanent easements on both sides, based on testimony from City Engineer Richard Drinkwater. The existing right of way of Wilsonville Road may be vacated once the road is relocated; however, at least a portion of the road is likely to continue to be used for access to TL 400 on the west side of the road because it will not adjoin relocated Wilsonville Road.

(3) The City of Wilsonville will require the petitioner to dedicate the realigned Wilsonville Road right of way through TL 1800 as a condition of approval of development permits for TL 1800 and 200 west of the Subject Property. See Exhibit 13. The City also will require the petitioner to improve the street before occupancy of structures on the Subject Property, such as by making the improvement, participating in a local improvement district (LID), or including the project in the City's Urban Renewal District with financing provided by tax increment revenue.

d. The Subject Property is not within one-quarter mile of a transit corridor designated by Metro.

G. Soil, slope and natural features.

1. The Subject Property contains predominantly Aloha Silt Loam soils on slopes of 0 to 6%, based on the SCS Soil Survey of Clackamas County. This soil has a agricultural capability class of Class II. The soil survey map is at a scale that makes it difficult to state precisely the area of the site with this soil, but it appears that about 2/3 of the site or about 4 acres is this type of soil. It is found on the north and west portions of the Subject Property.

2. The seasonal drainage channel on the Subject Property contains Xerochrepts and Haploxerols soil on slopes of 20% or more, based on the SCS map. This soil has an agricultural capacity class of Class VIIe. The site contains a little more than 2 acres of this soil type. Petitioners' attorney testified 2.8 acres of the site contains this soil, but there is no precise quantification in the record. Based on an inspection of the site, little of the Xerochrepts and Haploxerols soils are sloped more than 20%, particularly at the north end of the drainage channel. A topographic survey is needed to determine slopes precisely.

3. The predominant natural feature on the site is the seasonal drainageway that extends from near the northeast corner of the Subject Property to the south edge of the property, from which point it continues south. The drainageway was dry during site inspection. The banks of the drainageway are covered in predominantly deciduous trees and shrubs. The remainder of the Subject Property does not contain significant natural features; most native vegetation was removed to enable farming of the site.

H. Relevant Comprehensive and Urban Renewal plan designations, policies, & zoning.

1. The Subject Property is designated Agricultural on the Clackamas County comprehensive plan map and is zoned GAD (General Agricultural District). The Subject Property is not in an area approved as an exception to Goal 3 (Agriculture).

2. The Wilsonville Comprehensive Plan does not designate the Subject Property. However, the Master Street System and Function Classification Map in the City Plan provides conceptually that Wilsonville Road is to be realigned to extend northeast across TL 1800 west of the Subject Property and along the north part of the west edge of the Subject Property so the centerlines of Wilsonville Road and Stafford Road align. This will eliminate a "jog" created by two 90° turns in a 1/10-mile section of road where Wilsonville Road and Stafford Road now join. The Clackamas County Plan also provides for realignment of Wilsonville Road (Transportation Element 32 and Map V-9).

a. A final design for the Wilsonville Road realignment has not been prepared by the City. The City has considered several scenarios for realigning the road, including one or more that do not use land outside the UGB. If the final road plan differs from the conceptual plan in the comprehensive plan, the City may need to amend the plan.

3. The Wilsonville Comprehensive Plan does not require the City to provide funds to acquire and develop the right of way for the Wilsonville Road realignment per se. Policies 3.3.1, 3.3.3 and 3.3.5 of the Plan provide in relevant part:

The Street System Master Plan has been designed to meet projected year 2000 traffic volumes. It specifies the design standard for each arterial and major collector street. The conceptual location of proposed new major streets are also identified. However, actual alignments may vary from the conceptual alignments based on detailed engineering specifications and design considerations, provided that the intended function of the street is not altered...

... Dedication of adequate right of way, as established in the Street System Master Plan, or as otherwise approved by the Planning Commission, shall be required prior to actual site development...

The City shall assume the responsibility to plan, schedule, and coordinate all street improvements through a Capital Improvements Plan...

4. The Wilsonville Urban Renewal Plan includes the realignment of Wilsonville Road as a project. The Urban Renewal District does not extend beyond the city limits; therefore, the project does not involve the Subject Property. If the Subject Property is not involved in the project, only a half-width dedication and improvement would be made at the north end of the road realignment. The project includes associated storm drainage, water, and sewer system development. The Urban Renewal Plan for the City has yet to be adopted, and is scheduled for an advisory vote in November, 1990. Costs of the Wilsonville Road realignment project are listed below:

Construction	\$496,000
Property acquisition	\$100,000
Engineering and legal fees	\$189,400
Total	\$785,400

5. Wilsonville Zoning Ordinance section 4.167(f) requires, prior to issuance of a building permit or recording of a final plat, an applicant to dedicate right of way in accord with the Street System Master Plan and to file a waiver of remonstrance against formation of a local improvement district. It also requires a minimum setback of 55 feet from the centerline of a street or 25 feet from the edge of the right of way whichever is greater.

6. Regarding storm water management, the City Plan provides the following in Policies 3.4.3 and 3.4.4 in relevant part:

Major natural drainageways shall be established as the backbone of the drainage system and designated as open space. The integrity of these drainageways shall be maintained as development occurs... Developers shall be required to retain and protect existing vegetation in steeply sloped (15 percent or above) and landslide prone areas to decrease the amount of surface runoff, to preserve areas of natural percolation and help stabilize landslide prone areas...

7. Section 402 of the Clackamas County Zoning and Development Ordinance (ZDO) contains the regulations for the GAD zone. That section does not allow roads or drainage utilities as a principal use. However, "utility facilities necessary for public services" and "public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat or resources" are permitted as nonfarm uses following a public hearing and compliance with certain approval criteria.

8. Clackamas County Comprehensive Plan Map V-15 provides for a bicycle path along Wilsonville Road. The Pathways Master Plan and Policies 3.3.11 and 3.3.12 of the Wilsonville Comprehensive Plan also provide for development of a bicycle path along Wilsonville Road. Policy 3.3.12 provides in relevant part:

... When land is developed which includes a designated pathway, appropriate dedication of right of way or easements shall be required. In cases where the proposed development will substantially increase the need for the path, construction also may be required prior to occupancy...

Policy 3.3.13 provides that pathways shall be completely separated from vehicular traffic, unless physical barriers or interim phasing warrant creation of a pathway that is merely delineated by pavement markings, curbs, or bumper blocks or that shares traffic right of way with motor vehicles.

9. Wilsonville Zoning Ordinance section 4.136(5) provides for density transfers:

When calculating the density of a planned development, the total area shall include the area of the proposed development, including streets, dedications, and mapped open space designated in the Comprehensive Plan up to 10% of the total land area.

10. Wilsonville Zoning Ordinance section 4.161(5) protects stream corridors. The width of the protected area along a stream varies with the classification of the stream. Along a "major drainageway," the minimum buffer is 20 feet from the channel bottom centerline plus 1 additional foot for each percent of bank slope greater than 12%. Along a "minor drainageway," the minimum buffer is 10 feet from the channel bottom centerline plus 1 additional foot for each percent of bank slope greater than 12%. Along a "seasonal drainageway," the minimum buffer is 10 feet from the channel bottom centerline. Based on the record, the City would classify the drainageway on the Subject Property as seasonal.

IV. Applicable Approval Criteria for Location Adjustment

A. Background.

1. The UGB is intended to accommodate urban growth through the year 2000. It can be changed in two ways. One method involves Major Amendments, which generally involves a change of more than 50 acres in the UGB.

2. The other way to change the UGB is called a Locational Adjustment. Metro Ordinance No. 81-105 provides that a Locational Adjustment may be warranted where a patent mistake was made when the UGB was drawn, where the addition uniquely facilitates development of land already in the UGB, where the addition of two acres or less would make the UGB coterminous with property lines, or where other conditions warrant the addition based on standards in that ordinance, codified in Metro Code Chapter 3.01.

a. Need for more urban land is not relevant to a Locational Adjustment.

b. A Locational Adjustment cannot add more than 50 acres to the UGB. To prevent contiguous, incremental amendments from exceeding the 50 acre maximum, a Locational Adjustment cannot add more than 50 acres including all similarly situated land.

c. It is assumed that a change of 50 acre in the region would not affect the efficiency of major public facilities, considering the population and area for which major public facilities are designed. But, all land in the UGB is intended to be developed for urban uses. If 50 acres is added to one part of the UGB, it could supplant use of a comparable size area or combination of areas elsewhere in the UGB. This could affect the efficiency of public services and increase energy consumption and pollution from travel in the region. That is, there would be costs and potential service inefficiencies, because public facilities would be available to serve land in the UGB that would not be developed and because there would be costs to serve the land that is added to the UGB.

d. To ensure the effect of adding land to the UGB is warranted despite the potential service inefficiencies elsewhere in the region, Ordinance 81-105 requires Metro to consider whether the addition of a given area to the UGB would increase the efficiency of public services and facilitate development inside the existing UGB. If so, then the benefit from adding the land can outweigh the cost that may accrue from not developing a comparable area inside the UGB.

e. The larger the size of the area to be added, the greater the cost that may accrue from not developing a comparable area inside the UGB. The cost of leaving a 10 acre or smaller parcel inside the UGB vacant is so small that it is not significant if, as a result of adding a comparable size area to the UGB, any benefit accrues to land in the UGB abutting the land to be added. For Locational Adjustments involving more than 10 acres, a net benefit should result to the area inside the UGB. The larger the area involved, the greater the benefit required.

f. Statewide Planning Goal 3 (Agriculture) is intended to protect agricultural land. The UGB is one way to fulfill that goal by clearly delineating urban and nonurban areas. The Locational Adjustment standards reflect this priority by allowing agricultural land to be included in the UGB only under compelling circumstances.

B. Locational Adjustment standards. The relevant standards for addition of land to the UGB, contained in Metro Code Section 3.01.040(a), are as follows.

(a) As required by subsections (b) through (d) of this section, Locational Adjustments shall be consistent with the following factors:

(1) *Orderly and economic provisions 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, fire protection and school in the adjoining areas within the UGB; and any area to be added must be capable of being served in an orderly and economical fashion.

(2) *Maximum efficiency of land uses.* Considerations shall include existing development densities on the area included within the amendment, and whether the amendment would facilitate needed development on adjacent existing urban land.

(3) *Environmental, energy, environmental 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.

(4) *Retention of agricultural land.* When a petition includes land with Class I-IV soils that is not irrevocably committed to non-farm use, the petition shall not be approved unless it is factually demonstrated that:

- Retention of the agricultural land would preclude urbanization of an adjacent area already inside the UGB, or
- Retention of the agricultural land would prevent the efficient and economical provision of urban services to an adjacent area inside the UGB.

(5) *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 factors (1) through (4) of this subsection must clearly outweigh the adverse impact of any incompatibility...

(d) Petitions to add land to the UGB may be approved under the following conditions:

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

(2) For all other additions, the proposed UGB must be superior to the UGB as presently located based on consideration of the factors on subsection (a). The minor addition must include all similarly situated contiguous land which could also be appropriately included within the UGB as an addition based on the factors in subsection (a).

V. Arguments in Support of the Petition

A. In summary, petitioners make the following major arguments in favor of the Locational Adjustment:

1. Development of the 17.6 acres owned by petitioners inside the UGB and 4.83 other acres inside the UGB is impossible without dedication and improvement of the realigned Wilsonville Road, including that portion of the realigned right of way now outside the UGB, because traffic in the area exceeds the capacity of Wilsonville Road until the road is realigned, and dedication of the right of way and improvement of the roadway is not possible unless the area needed for the road is included in the UGB and annexed to the City.

a. The City should not, and perhaps cannot, annex land outside the UGB or include such land in the Urban Renewal District.

b. Petitioners cannot dedicate right of way for realignment of Wilsonville Road outside the UGB without violating ORS 215.213(2).

(1) ORS 215.213(2) and 215.296 allow construction of public roads and highways in an agricultural zone (such as GAD) if it does not create a new parcel or force a significant change in accepted farm practices on surrounding land devoted to farm use or significantly increase the cost of accepted farming practices.

(a) Under ORS 215.010(1), a "parcel" is created on agricultural land by partition or by deed. The right of way for the realignment would be acquired by partition and deed pursuant to Clackamas County regulations. Therefore, dedication of the right of way (by granting a deed) on land zoned GAD would violate ORS 215.213(2). One way around this prohibition is for the County to acquire all of the Subject Property. This would substantially increase land acquisition costs, if the County purchases the property for the road realignment.

(b) If 1 acre of the Subject Property is used for a road, and 2.75 acres of the Subject Property is not suitable for agriculture because it is part of the drainageway, then only about 3 acres of the Subject Property could be used for agriculture. Such a small area of land cannot be used practicably for agriculture without forcing a significant change in or significantly increasing the cost of accepted farming practices.

2. Petitioners cannot discharge storm water from land in the UGB to the drainageway on the Subject Property outside the UGB, because the Clackamas County GAD zone does not allow urban level utility facilities. Therefore, petitioners would have to build a new 1700-foot long storm sewer at a cost of \$200,000 to accommodate storm water from land now within the UGB.

3. Petitioners could not build a bicycle path on the east side of the realigned Wilsonville Road, because the Clackamas County GAD zone does not allow urban level utility facilities. Therefore, the path would have to be located on the west side of the road, requiring the path to cross the road at its south end.

4. If the road realignment cannot be financed by Urban Renewal tax increment funds, then it will fall on the petitioners to build it. This would cause an onerous financial impact on petitioners, and would prevent or delay urbanization of the petitioners' land already in the UGB.

5. Including the Subject Property in the UGB will increase the efficiencies of scale for the petitioners by increasing the number of dwelling units that can be built on petitioners' property. This will reduce the incremental cost per unit of development, including costs of extending public water, sewer and roads. Because including the Subject Property increases the permitted number of dwelling units on petitioners' property by about 35%, (31 units allowed on Subject Property + 88 units allowed on land already in UGB), the cost per unit of infrastructure improvements is reduced an equivalent amount. Also, if the subject 6.35 acres is added to the UGB, then the area of land inside the UGB that needs public water and sewer services is increased by about 25% (6.35 + 24.83 acres = 25%). This, too, reduces the per unit service delivery cost an equivalent amount and results in more efficient service delivery.

6. The impact of the road realignment on petitioners' property inside the UGB --- it splits the property in half with a curvilinear road creating two triangular parcels --- makes it more difficult to design a practicable housing complex. Including the Subject Property in the UGB will offset in part the negative effects of the road relocation on the petitioners' property by increasing the number of units on that property and by providing a larger buildable area on the east side of the realigned road.

7. Pursuant to the City comprehensive plan and development codes, the easterly 2.75 acres of the Subject Property will be preserved as an open space and drainage tract. This provides a buffer between urban development on petitioners' property and adjoining agricultural uses to the east and southeast. More than 45 residents of the area signed a petition supporting the Locational Adjustment, showing that they believe the adjustment will not adversely affect their agriculture activities. Petitioners also agreed to execute a covenant waiving rights to object to lawful agricultural practices on adjoining land. Taken altogether, this shows urban development on the Subject Property will not adversely affect agricultural uses in the area.

8. Granting the petition enables Wilsonville Road to be developed by the City sooner than it would be by the County and enables the road and adjoining development to be subject to one set of standards.

VI. Findings Applying Approval Criteria to the Facts of the Case

In applying the approval criteria to the facts of the case, it is useful to distinguish the merits of including that portion of the Subject Property that will be dedicated for the Wilsonville Road realignment (the "right of way portion") from the merits of including the rest of the Subject Property in the UGB (the "remainder portion").

A. Orderly and economic provision of and net improvement in efficiency of public facilities and services (§ 3.01.040(a)(1)).

1. Water and sewer.

a. Water and sewer can be provided to the Subject Property by extending a line from the public water and sewer lines that will be built in the realigned Wilsonville Road right of way. It would be orderly and economic to serve the Subject Property with water and sewer service once Wilsonville Road is realigned and associated infrastructure improvements are made. Realignment and improvements will be made as a condition of approval of development of petitioners' land already in the UGB. Therefore, the Subject Property can be served by public water and sewer systems in a timely and orderly manner.

b. Including the "right of way portion" of the Subject Property in the UGB increases the City's options about where to locate the water and sewer lines. That is, if the right of way portion is included in the UGB, then the water and sewer lines can be placed anywhere in the right of way. However, the City could locate the water or sewer lines in the right of way to be dedicated from land already in the UGB. Therefore, the Locational Adjustment is not necessary to provide water or sewer service to land already in the UGB. Including the right of way portion of the Subject Property to the UGB does not affect the construction or operating cost of the water or sewer line. Therefore, including the "right of way portion" of the Subject Property to the UGB has no net effect on the provision or efficiency of water or sewer service.

c. Including the "remainder portion" of the Subject Property in the UGB is not necessary to provide water or sewer service to land already in the UGB, because water and sewer lines will not cross the Subject Property to serve land already in the UGB. Including the "remainder portion" of the Subject Property to the UGB potentially increases the number of dwelling units served by the water and sewer systems, marginally increasing service efficiency by having the system serve more dwelling units and reducing per unit service costs by spreading those costs over more users. However, such a result by itself cannot result in a net improvement service efficiency for purposes of the Locational Adjustment standards, or else every petition would have to be approved on that basis. The service cost reductions per unit will be offset by higher gross construction cost. Therefore, including the "remainder portion" of the Subject Property in the UGB has no net effect on water or sewer system service efficiency in the UGB.

d. To the extent including both portions of the Subject Property in the UGB expedites development of all of petitioners' land, it also expedites water and sewer system improvements associated with realignment of Wilsonville Road and expedites delivery of water and sewer services to land already in the UGB that do not have those services, including TL 1800 and 400. However, water and sewer service to land already in the UGB is physically practicable without including either portion of the Subject Property in the UGB. Also, water and sewer service can be provided to land in the UGB when petitioners' land already in the UGB is developed. Therefore, including both portions of the Subject Property in the UGB has no effect on water or sewer system service efficiency in the UGB.

2. Roads and transportation.

a. If the Subject Property is included in the UGB, it can have vehicular access to realigned Wilsonville Road and to Boeckman/Advance Road. Therefore, the Subject property can be served by roads in an orderly and efficient manner.

b. Property already in the UGB can be served by Wilsonville Road. However, the permitted use of land already in the UGB may be constrained by the capacity of Wilsonville Road, because its route and level of improvements. If the road is realigned and improved, then full use of adjoining urban land would be permitted.

c. Wilsonville Road is required to be realigned and improved before urban use of the petitioners' property already in the UGB.

(1) Petitioners argue ORS 215.213(2) and 215.296 preclude dedication of the right of way outside the UGB, because such a dedication results in creation of a "parcel" and would force a significant change in accepted farm practices on adjoining farm land.

(2) Given the limited record regarding this issue, the hearings officer agrees with petitioners that dedication of a portion of the Subject Property for the road would violate ORS 215.213(2), because dedication of right of way from the Subject Property results in creation of a parcel as defined by state law. Therefore, including the "right of way portion" of the Subject Property results in more efficient delivery of road services that benefit land already inside the UGB. The hearings officer notes, an argument could be made that state law was not intended to treat a right of way as a parcel and that dedication of the right of way does not result in creation of an additional parcel; it merely adjusts the boundary between two existing parcels --- TL 1800 and TL 2200.

(3) However, dedication of the half-width right of way from the Subject Property would not violate ORS 215.296, because it would not force a significant change in accepted farming practices. It would reduce the farmable area of the Subject Property by one acre. It is not so much the dedication of the right of way from the Subject Property that makes farming the Subject Property problematic; it is the loss of the remainder of the filbert orchards on petitioners' property already inside the UGB. By developing their land already in the UGB, petitioners' eliminate most of their orchard. It is that development that has the most significant impact on the farm use potential of the Subject Property. Even if the right of way is not dedicated from the Subject Property, the Subject Property still is too small to be farmed by itself, given the drainageway on the property, based on Exhibits 14 and 27. Petitioners could dedicate right of way for the northeast half-width of realigned Wilsonville Road without violating ORS 215.296.

d. Including the "remainder portion" of the Subject Property in the UGB is not necessary to provide and does not facilitate access to other property inside the UGB. It makes it easier for petitioners to recover the cost of road improvements or reduces the per unit cost by allowing petitioners to build more units whose residents can be charged for the improvements. However, that does not result in more efficient delivery of urban services; only that it would be more economical to the petitioner if the petitioner ultimately builds the road. This sort of private economic benefit is not relevant to the Locational Adjustment. Therefore, including the "remainder portion" of the Subject Property in the UGB does not affect road system service efficiency in the UGB.

3. Police and Fire. Police and fire protection services can be provided to the Subject Property from existing or planned facilities in the vicinity, based on responses from service providers. Fire hydrants can be added as needed. Given the relatively small size and potential development of the Subject Property, no change in the efficiency of delivery of these services would follow from including the Subject Property in the UGB.

4. Schools. School services can be provided to the Subject Property from existing and planned facilities in the vicinity, based on responses from service providers. By including the Subject Property in the UGB and realigning Wilsonville Road, school-related traffic would benefit from improved road services.

5. Storm drainage.

a. The Subject Property can be served by storm drainage by discharging water into the drainageway on the property. Therefore, the property can be served by drainage facilities in a timely and orderly manner.

b. Including the "right of way" portion of the Subject Property in the UGB will make it possible for the realigned Wilsonville Road to contain complete storm drainage features. Therefore, including that portion of the property in the UGB results in a net improvement in the efficiency of the storm drainage system.

c. It is not necessary to include the "remainder portion" of the Subject Property in the UGB to provide drainage services for land already in the UGB. Petitioners' property already in the UGB can discharge water to the storm sewer scheduled to be built in the Wilsonville Road right of way, to the drainageway south of the TL 1800, or to the drainageway on the Subject Property.

(1) The hearings officer disagrees with petitioners' argument that storm water cannot be discharged from land inside the UGB to land outside the UGB, because such an activity is not listed as a permitted use in the GAD zone. Clackamas County could conclude the use of the drainageway for drainage does not rise to the level of a land use under the GAD zone or could grant a conditional use permit for the drainage features as a public utility.

(2) Including the "remainder portion" of the Subject Property in the UGB makes it easier to discharge storm water from the urban area to the drainageway, because a conditional use permit would not be necessary. It is not clear from the Rules for Locational Adjustments or from past actions pursuant to those rules whether administrative ease is intended to be a measure of service efficiency, however the hearings officer concludes administrative ease is not a measure of service efficiency.

(3) Given that drainage services can be provided to land inside the UGB without the "remainder portion," including that portion of the property in the UGB does not result in a net improvement in the efficiency of the storm drainage system.

B. Land use efficiency (§ 3.01.040(a)(2)).

1. Including the "right of way portion" of the Subject Property in the UGB is necessary to enable full development of a realigned Wilsonville Road and thus to enable full development of land already in the UGB. Therefore, including the "right of way portion" results in maximum efficiency of land uses in the urban area.

2. Including the "remainder portion" of the Subject Property in the UGB is not necessary to enable urban use of land already in the UGB and therefore does not affect the efficiency of land uses inside the UGB. Including the "remainder portion" of the Subject Property in the UGB does not provide access which otherwise does not exist to the adjoining property; it does not provide services which would not otherwise exist to the adjoining property; it does not remedy physical development limitations which exist on the adjacent urban property. The Subject Property and adjoining lands to the north, east, and south are developed for agricultural and rural residential uses consistent with their County Comprehensive Plan Map designation. The adjoining land to the west can be developed independent of the "remainder portion" of the Subject Property, consistent with their City Comprehensive Plan Map designation.

3. Including the "remainder portion" of the Subject Property in the UGB could facilitate development of the adjoining land to the west by allowing more dwelling units to be built on land in the UGB through density transfers --- the density allowed on land dedicated for roads and for open space could be transferred to the land already in the UGB. More efficient use of land in the UGB results if such density transfers occur. However, the density from the drainageway and road could be transferred onto the "remainder portion" of the Subject Property rather than onto land to the west. There is no means to assure that density from the undevelopable parts of the Subject Property would be transferred to land to the west.

4. Petitioners also argued the costs of development associated with property in the UGB can be spread over a larger area and more dwelling units if the "remainder portion" of the Subject Property is included in the UGB. However, private economic benefits due to potential cost-spreading are not relevant to a Locational Adjustment except to the extent they are shared by the public at large. In this case, including the "remainder portion" of the Subject Property does not result in cost savings to the public.

5. The curvilinear route of realigned Wilsonville Road makes development of TL 1800 more difficult, because of the long curved road frontage. Including the "remainder portion" of the Subject Property in the UGB would make it easier to develop part of TL 1800, because it could be combined with TL 1800 to create a larger and therefore more flexible developable area. To this extent, including the "remainder portion" of the Subject Property in the UGB facilitates more efficient use of land already in the UGB.

C. Environmental, energy, social and economic consequences (§ 3.01.040(a)(3)).

1. Including the Subject Property in the UGB will not have significant environmental, energy, or economic consequences, because of the relatively small size and development potential of the property. Physical development limitations presented by the drainageway on the property will be addressed pursuant to land development laws of the local governments; the Wilsonville Code requires protection of at least a 20-foot wide portion of the drainageway as an open space tract. The Locational Adjustment would not affect regional transportation corridors, because the site is so far from I-5.

2. Including the Subject Property in the UGB could have adverse social consequences if urban development on the property disrupts nearby agricultural uses and rural residences. Adverse consequences could include a perception that urban uses are extending into the agricultural area, reducing the certainty that agricultural uses will be protected from such intrusions, and encouraging speculation.

a. Including the "right of way portion" of the Subject Property will not cause adverse social consequences, because the road will buffer urban uses on land in the UGB from adjoining agricultural land to the northeast, and the "remainder portion" of the Property and the drainageway on the southeast portion of the Subject Property will buffer urban uses on land in the UGB from agricultural land to the southeast.

b. Including the "remainder portion" of the Subject Property will not cause adverse social consequences, because the drainageway on the southeast portion of the Subject Property will buffer urban uses from agricultural land to the southeast, and the limited developable area at the north end of the property and the existing home on land to the east of the north end of the property will minimize the potential for urban/farm conflicts.

D. Retention of agricultural land (§ 3.01.040(a)(4)).

1. The Subject Property contains Class VII soils based on Exhibit 21. The Locational Adjustment is subject to Section 3.01.040(a)(4), because the property also contains Class II soils, is designated and zoned for farm use by Clackamas County, and is not irrevocably committed to non-farm use.

2. Retention of the "right of way portion" of the Subject Property in agricultural use would preclude development of realigned Wilsonville Road to full width standards. Unless Wilsonville Road is developed to full urban standards, development of land already in the UGB could exceed the capacity of the road system. It is necessary to include the

"right of way portion" of the Property in the UGB to enable development of Wilsonville Road to full width standards and thus permit full development of land within the UGB.

3. Retention of the "remainder portion" of the Property in agricultural use would not preclude urbanization of adjacent land inside the UGB, because adjoining land in the UGB can be developed without that portion. Retention of the "remainder portion" of the Subject Property would not prevent the efficient and economical provision of urban services to the adjacent land inside the UGB, based on findings VI.A.1.c and d, 2.d, 5.c, and B.2. This is the principal reason to treat the "right of way" and "remainder" portions of the Subject Property separately --- conversion of agricultural land is not necessary to provide the service efficiencies that in large part justify a Locational Adjustment.

4. On the other hand, the "remainder portion" of the Subject Property is not large enough on its own to accommodate accepted farming practices common to the area. The minimum developable area required for such use is 5 acres, based on Exhibits 14 and 27. The "remainder portion" contains not more than 3 acres of developable land. The minimum lot size for farm uses in the area --- the smallest lot size allowed by Clackamas County --- is 9 acres. The "remainder portion" could be joined with land to the east to create a larger developable area. However, because there is a home on the developable land east of the north part of the Subject Property, it is unlikely that combining the "remainder portion" with adjoining land to the east will enhance its productivity for agriculture. Therefore, if the "remainder portion" is not included in the UGB, it will be a substandard sized parcel that cannot be used for any purpose without a conditional use permit from Clackamas County unless merged with adjoining nonurban land. That makes it of low value for agricultural purposes except to the extent it provides a buffer between agricultural and urban lands.

E. Compatibility with agricultural activities (§ 3.01.040(a)(5)).

1. The Locational Adjustment would allow an urban use in the vicinity of agricultural activities described in finding III.E. These agricultural activities could be adversely affected by trespass and vandalism from residents of the Subject Property or users of the road across the Subject Property, and residents of the Subject Property could object to accepted farming practices, such as use of natural and chemical fertilizers.

2. Potential adverse effects of urban use of the "right of way portion" of the Subject Property on agricultural uses in the area could be reduced by fencing the east side of realigned Wilsonville Road, prohibiting direct access from that road to adjoining agricultural lands for nonfarm purposes, and establishing a buffer between that portion of the property included in the UGB and adjoining agricultural land. The substantial public interest in realigning Wilsonville Road, including the service efficiencies noted above, outweigh the potential incompatibility between urban uses on the "right of way portion" of the property and nonurban uses on land to the east.

3. Potential adverse effects of urban use of the "remainder portion" of the Subject Property would be reduced by the buffering effect of the drainageway-open space tract and by the presence of a single family home east of the north portion of the property. Urban uses and agricultural activities would not adjoin directly. However, they would be physically closer to each other if the "remainder portion" of the Subject Property is included in the UGB. This increases the potential for incompatibility. The negligible public benefits resulting from inclusion of the "remainder portion" of the Subject Property in the UGB do not outweigh the potential incompatibility between urban uses on the property and nonurban uses on land to the east. This is a second reason to treat the "right of way" and "remainder" portions of the Subject Property separately --- to provide the maximum protection and compatibility for nearby agricultural activities.

F. Superiority of proposed UGB (§ 3.01.040(d)(2)).

1. If the "right of way portion" of the Subject Property is included in the UGB, then Wilsonville Road can be realigned. This enhances road services and provides greater flexibility regarding the location of utilities within the right of way. The north part of that road would form the edge of the urban area, resulting in a superior UGB, because the road is an easily perceptible boundary between urban and nonurban areas. As it is now, the UGB falls between two of petitioners' properties and is not readily apparent on the ground. Therefore, including the "right of way portion" of the Subject Property in the UGB does result in a superior UGB.

2. If the "remainder portion" of the Subject Property is included in the UGB, then the drainageway on the east side of the property becomes the edge of the UGB. This has little effect on the efficiency of urban services. The drainageway creates an easily perceptible boundary at the southeast part of the property, but not at the northeast part of the property where it differs little from surrounding land in appearance, similar to the existing UGB. Including the "remainder portion" of the Subject Property in the UGB does not result in an inferior or superior UGB.

3. The existing UGB is coterminous with property lines. If the "right of way portion" of the Subject Property is included in the UGB, but not the "remainder portion," then the UGB will not be coterminous with property lines. The UGB will split the Subject Property into 1-acre and 5.35-acre portions. However, the 1-acre portion will be dedicated for right of way purposes, so that the west property line of the Subject Property will be the east edge of the Wilsonville Road right of way. Therefore, in the end, the UGB will be coterminous with property lines if the "right of way portion" of the Subject Property is included in the UGB, but not the "remainder portion."

G. Similarly situated land (§ 3.01.040(d)(3)).

The petition includes similarly situated lands, considering topography, soils, and other natural features of the land and considering the ownership patterns in the area. The only property owned by petitioners with access to realigned Wilsonville Road that can be served by public sewer and water facilities is the Subject Property.

VII. Conclusions and Recommendation

A. Whether the Subject Property is considered as a unit or in two portions, public facilities and services can be provided in an orderly and economic manner, including water, sewer, storm drainage, roads, fire, police, and schools.

B. If the Subject Property is considered as a unit, then the efficiency resulting from inclusion of the "right of way portion" of the Property is sufficient to warrant inclusion of the "remainder portion" of the Property. If the two portions of the Property are considered separately, then the "remainder portion" of the Property does not comply with the increased service efficiency criterion of MC section 3.01.040(a)(1).

1. Including the "right of way portion" of the Subject Property increases the efficiency of road services for land already in the UGB, because it provides right of way for realignment and widening of Wilsonville Road. That realignment and widening cannot be done to full urban standards consistent with ORS 215.213(2) without the amendment. The realignment and widening is necessary for urban development of land inside the UGB.

2. Including the "remainder portion" of the Subject Property in the UGB does not increase or reduce the efficiency of urban services for land already in the UGB, although it would facilitate higher density on adjoining land inside the UGB pursuant to a density transfer and would expedite development of land in the UGB.

C. Including the "right of way portion" of the Subject Property increases land use efficiency in the UGB by allowing realignment and widening of Wilsonville Road, thus allowing full urban development of land already in the UGB. Including the "remainder portion" of the Subject Property in the UGB is not necessary to enable urban use of land in the UGB and does not necessarily increase the efficiency with which that land is used. Therefore if the Subject Property is treated as a unit, the petition complies with MC section 3.01.040(a)(2). If the Subject Property is treated in two portions, the "remainder portion" of the Subject Property does not comply with that section.

D. Whether the Subject Property is considered as a unit or in two portions, including the Subject Property in the UGB will not have adverse environmental, energy, social, or economic consequences and will comply with MC section 3.01.040(a)(3).

E. Retention of the "right of way portion" of the Subject Property in agricultural use would preclude development of realigned Wilsonville Road to full width standards. Therefore, including the "right of way portion" in the UGB complies with MC section 3.01.040(a)(4). Retention of the "remainder portion" of the Subject Property, which is agricultural land, would not preclude urbanization of an adjacent area already inside the UGB, because adjoining land in the UGB can be developed without that portion of the property. Therefore, if the Subject Property is treated in two portions, the "remainder portion" of the Subject Property should not be included in the UGB, because it would violate MC section 3.01.040(a)(4).

F. The substantial public interest in realigning Wilsonville Road, including the service efficiencies noted above, outweigh the potential incompatibility between urban uses on the "right of way portion" of the property and nonurban uses on land to the east. The lack of public benefits resulting from inclusion of the "remainder portion" of the Subject Property in the UGB do not outweigh the increased potential incompatibility between urban uses on the property and nonurban uses on land to the east. Therefore, if the Subject Property is treated in two portions, the "remainder portion" of the Subject Property should not be included in the UGB, because it would violate MC section 3.01.040(a)(5).

G. If the Subject Property is treated as a unit, then the UGB will be superior to the present UGB if the Subject Property is included in the UGB. If the Subject Property is treated in two portions, then the UGB will be superior to the present UGB if the "right of way portion" of the Subject Property is included in the UGB, but not if the "remainder portion" of the Subject Property is included in the UGB.

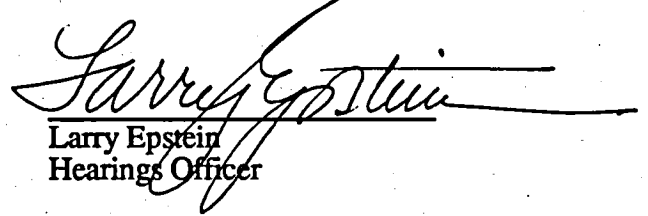
H. The petition does include all similarly situated contiguous land outside the UGB.

I. For the foregoing reasons, the hearings officer recommends that the Metropolitan Service District Council grant the petition in Contested Case 90-01 if the Council decides the treat the Subject Property as a unit. If the Council decides to treat the property as two portions, then the hearings officer recommends the Council grant the petition only for the "right of way portion" of the Property and deny the petition for the "remainder portion" of the Property.

J. Given the past practice of the Council of considering a locational adjustment parcel as a single unit, the finding adopted in support of the rules for locational adjustments noted above, and the circumstances of the case, including the relatively small size of the Subject Property, the buffer provided by the natural feature on the "remainder" portion, and the residential land use east of the north part of the Property, the hearings officer recommends that the Subject Property be considered as a unit and, therefore, that the Council approve the petition for the whole Property.

DATED this 1st day of November, 1990.

Respectfully submitted,

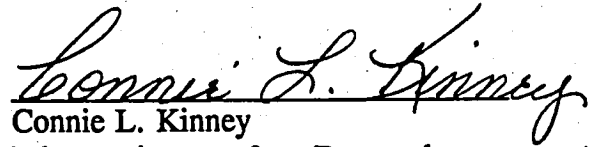


Larry Epstein
Hearings Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of November, 1990, I served a true copy of the foregoing Report and Recommendation of the Hearings Officer: Contested Case No. 90-1: Wagner, on each of the persons on the attached list either in person or by depositing an envelope containing the copies in the U.S. Mail at Portland, Oregon, with first-class postage prepaid thereon, addressed respectively, as shown on the attached list.

Dated this 2nd day of November, 1990.


Connie L. Kinney
Planning & Development
Department

EXHIBITS FOR CONTESTED CASE 90-1: WAGNER



METRO


2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Case # 90-1 Exhibit # 1
Offered by METRO STAFF
Date received 9/25/90 By LE
METRO HEARINGS OFFICER

August 20, 1990

To: Larry Epstein, Hearings Officer

From: Ethan Seltzer, Land Use Coordinator 

Re: STAFF REPORT ON CONTESTED CASE NO. 90-1, PETITION FROM MARVIN G. AND BONNIE WAGNER FOR A LOCATIONAL ADJUSTMENT OF THE URBAN GROWTH BOUNDARY

Petitioner requests the addition of approximately 6.35 acres located south of Boeckman Road and immediately east of the present Wilsonville city boundary. To be approved, the petitioner must demonstrate compliance with the standards in Metro Code Section 3.01.040.

Locational adjustments are meant to be small scale, technical adjustments to the Urban Growth Boundary (UGB). They are a device used to adjust the boundary when a mistake was made in the original drawing of the boundary line, when the addition of a small acreage will uniquely facilitate the development of lands adjacent to the proposed addition and already in the UGB, or the addition involves an addition of two acres or less intended to make the UGB coterminous with property lines. In any case, the need for the property in the UGB is not a factor in judging the suitability of the proposed addition.

In brief, a successful demonstration of compliance with the standards must show that the adjustment will:

- result in a net improvement in the efficiency of the delivery of public facilities and services in adjoining areas within the UGB, and that the land in question itself can be served in an orderly and economic manner;
- lead to maximum efficiency of land uses;
- positively relate to any regional transit corridors and positively address any limitations imposed by the presence of hazard or resource lands;
- retain agricultural land when the petition involves lands for which no exceptions to goals 3 and 4 have been granted; and
- be compatible with nearby agricultural uses, or show why adherence to all the other conditions clearly outweigh any incompatibility.

In addition, a locational adjustment adding land to the UGB must be for less than 50 acres and must include within its boundaries all similarly situated contiguous lands, in order to avoid the piecemeal expansion of the UGB through a series of contiguous locational adjustments.

I have reviewed the materials submitted by the petitioner and would like to direct your attention to the following issues for further examination during the hearing on this matter, scheduled for September 25, 1990:

- 1) Proposal involves rural lands not excepted from Statewide Planning Goals 3 and 4 - The locational adjustment process was intentionally designed to be very protective of agricultural and forest resource lands. Care was taken to ensure that the process not become a "backdoor" exceptions process for rural resource lands adjacent to the urban growth boundary. Consequently, petitioner will need to show that either planned urbanization on existing urban land is prevented without the addition or that no alternative exists to meet the identified urban need without including some amount of the rural resource land in question inside the urban growth boundary.
- 2) No urban development without the road improvement - Petitioner contends that no urban development can occur on approximately 20 acres without the improvement of the road (Page 3, II(1)(A)). However, petitioner notes that new development in the vicinity generating some 15,000 trips per day has recently been allowed. Petitioner also notes that Wilsonville would require dedication of an easement prior to allowing development. Petitioner should clarify whether development would be prevented without the improvement or whether the city would prevent development that didn't provide for the improvement at some time in the future.
- 3) Cost Spreading - Petitioner notes that including the 6.35 acre parcel in the urban area would accomplish a "25%" reduction in the cost of providing water and sewer services. This is apparently based on the assumption that the per acre assessment would be lower as the number of acres in the project increases. Yet, as petitioner notes, some 2.3 acres would be retained as open space. Petitioner should clarify how the assessments would be made and provide data regarding the extent to which the proposed addition would actually decrease assessments for existing urban land.
- 4) Amendment as only way to correct road problem - On pages 7 and 8 petitioner cites two reasons in state law and the Clackamas County comprehensive land use plan which support their argument that there is no other means but a UGB amendment to realign the road. First, petitioner claims that the road realignment would create a new parcel, one for the right-of-way and one for the remainder of Tax Lot 2200, and that therefore the whole Tax Lot needs to be included to avoid this problem. This raises an

interesting issue, since conceivably a road realignment could occur in a situation like this where the adjacent parcel was not 6.35 acres but perhaps 500 acres. Would this require the inclusion of all 500 acres?

Second, petitioner has noted that new substandard parcels cannot be created. However, petitioner also notes that the average parcel size in the vicinity is somewhat in excess of 9 acres, making the existing parcel already "substandard". No data have been presented which sustain the claim that the existence or creation of "substandard" parcels would result in forcing a change in significant farm or forest practices or force an increase in the cost of significant farm or forest practices.

Finally, Clackamas County, in its position regarding the petition, supports including the acreage needed for the right-of-way but not the remainder of the parcel fearing a violation of its comprehensive land use plan policies. The essence of the issue here seems to revolve around whether any rural resource lands beyond those needed directly for the right-of-way can or should be included in an amendment, and whether a UGB amendment is, in fact, the appropriate vehicle for addressing all issues regarding the improvement of roads or other facilities straddling the UGB.

Clearly, petitioner has raised a number of important issues. At hearing it will be critical to clarify the issues noted above and to resolve any apparent conflict between petitioner's reading of the County's comprehensive plan, and the County's interpretation of the extent to which they believe the boundary ought to be moved.

5) Urban Renewal Funding - Petitioner claims that since urban renewal funding is the likely source for financing the improvement, that the entire right-of-way needs to be urban (page 9, II(4)(B)(c)). Petitioner should clarify the status of the urban renewal district and whether other alternatives exist for funding the improvement.

6) Split Jurisdiction - Petitioner claims that not making the amendment would result in a jurisdictional quagmire (page 10, II(4)(B)(d)). However, split responsibility for facilities and the development of joint agreements for planning and management are not unique in this region. Petitioner should clarify the unique implications of this associated with this case.

Please feel free to contact me should you have any questions. I have furnished a copy of this staff report to the petitioner.

NOTICE OF PUBLIC HEARING
METROPOLITAN SERVICE DISTRI

Case # 90-1 Exhibit # 2
Offered by METRO STAFF
Date received 9/2/90 By UE
METRO HEARINGS OFFICER

Tuesday, September 25, 1990, at 2:30 pm at the Wilsonville City Hall, 30000 Town Center Loop East, Wilsonville, Oregon, the Metropolitan Service District (Metro) will hold a public hearing on a petition to include approximately 6.35 acres within the Portland Metropolitan Area Urban Growth Boundary (SEE ATTACHED MAP).

The petitioners, Marvin G. and Bonnie Wagner of Wilsonville, OR, have requested a locational adjustment of the UGB, a specific land use action included in the Metro Code. The property is comprised of one tax lot located south of Boeckman Road and east of and adjacent to the present Wilsonville city boundary. The legal description is Tax Lot 2200, Section 18, T3S, R1E, W.M. Its present zoning is GAD, as described in the Clackamas County comprehensive land use plan.

BACKGROUND

Under ORS 268.390 Metro is responsible for management of the Urban Growth Boundary for the Portland metropolitan area consistent with the Statewide Planning Goals adopted by LCDC. LCDC Goal 14 (Urbanization) lists seven factors that must be considered when an urban growth boundary is amended, and also requires compliance with the standards and procedures for taking a goal exception, as listed in Goal 2 (Land Use Planning).

Metro has adopted standards and procedures for smaller adjustments to its Urban Growth Boundary that LCDC has acknowledged for compliance with the requirements of Goal 14 and Goal 2. These standards and procedures are contained in Chapter 3.01 of the Metro Code and apply to this case.

Copies of the applicable code sections and the standards for locational adjustments are available from Metro staff.

HEARING

The hearing will be conducted before attorney, Larry Epstein, who has been designated as Hearings Officer by the Metro Council. Procedures for the hearing are those set forth in Metro Code Chapters 2.05 and 3.01. Following the close of the hearing record, the Hearings Officer will prepare a written report and recommendation to the Metro Council recommending that the application be approved or denied. Thereafter, the Council will hold a public meeting and either approve or deny the application or remand the matter to the Hearings Officer for further proceedings. Parties at the hearing may, but need not, be represented by an attorney.

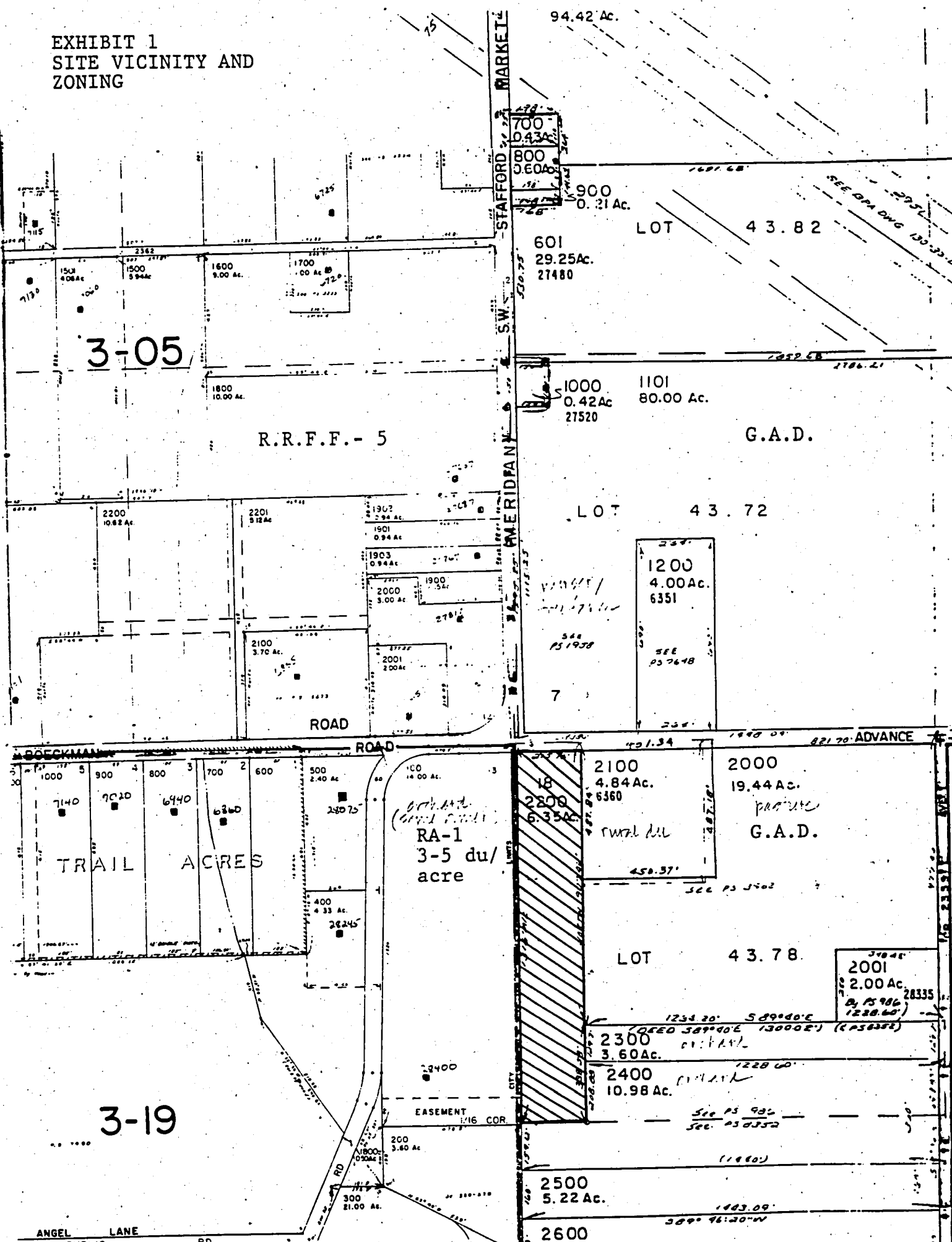
In order to have standing in this case, both before the Metro Council and later, should an appeal result, you must either testify at the hearing or submit written comments to the Hearings Officer prior to the close of the hearing record. Therefore, not participating at this stage of the process could effect your ability to participate at a later date.

The hearing will commence promptly at 2:30 pm and continue until completed. Interested persons may submit additional testimony orally or in writing. Please address written testimony to Larry Epstein, Attorney at Law, 722 SW Second Avenue, Suite 400, Portland, OR 97204. Depending upon the number of persons wishing to testify, the Hearings Officer may impose time limits on testimony. The Hearings Officer may continue the hearing without further notice.

FOR MORE INFORMATION...

For further information about this case, about the standards for approving the request, or about any aspect of the proceeding, please contact Ethan Seltzer, Land Use Coordinator, at the Metropolitan Service District, 2000 S.W. First Avenue, Portland, Oregon 97201-5398, telephone 220-1537. Copies of a summary of hearing procedures and of the standards of approval will be mailed upon request, and will be available at the hearing. Other relevant materials may be copied and mailed at cost, or may be reviewed at the Metro Office.

**EXHIBIT 1
SITE VICINITY AND
ZONING**



3-05

R.R.F.F.- 5

ROAD

TRAIL ACRES

3-19

ANGEL LANE PUBLIC RD.

STAFFORD MARKET
SW
AMERICAN

94.42 Ac.

700
0.43 Ac.
800
0.60 Ac.

900
0.21 Ac.

601
29.25 Ac.
27480

LOT 43.82

1000
0.42 Ac.
27520

1101
80.00 Ac.

G.A.D.

LOT 43.72

1200
4.00 Ac.
6351

SEE PS 1938

SEE PS 7648

7

ROAD

ADVANCE

RA-1
3-5 du/
acre

2100
4.84 Ac.
6360

2000
19.44 Ac.

G.A.D.

LOT 43.78

2001
2.00 Ac.
28335

2300
3.60 Ac.

2400
10.98 Ac.

EASEMENT

200
3.60 Ac.

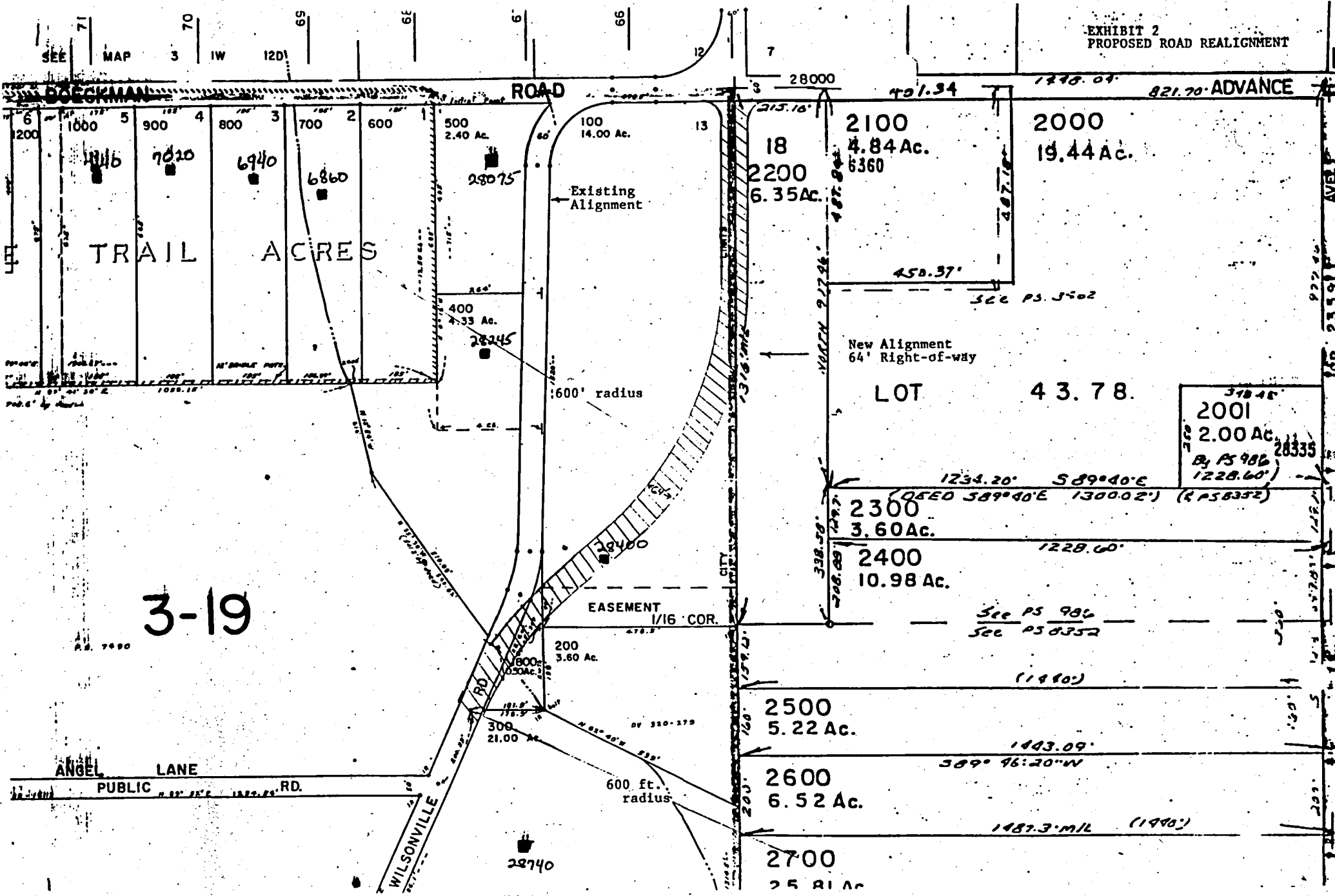
300
21.00 Ac.

2500
5.22 Ac.

2600

EXHIBIT 2
PROPOSED ROAD REALIGNMENT

SEE MAP 3 IW 12D1



3-19

2100
4.84 Ac.
6360

2000
19.44 Ac.

18
2200
6.35 Ac.

LOT 43.78.

2001
2.00 Ac.
By PS 986
1228.60'

2300
3.60 Ac.

2400
10.98 Ac.

2500
5.22 Ac.

2600
6.52 Ac.

2700
25.81 Ac.

Existing Alignment

New Alignment
64' Right-of-way

EASEMENT
1/16 COR.

600 ft.
radius

600' radius

ANGEL LANE
PUBLIC RD.

WILSONVILLE

AVENUE

28740

500
2.40 Ac.
28075

100
14.00 Ac.

400
33 Ac.
28245

200
3.60 Ac.

300
21.00 Ac.

TRAIL ACRES

6 200
5 1600
4 900
3 800
2 700
1 600

28000

1278.04'

821.70' ADVANCE

491.34

458.37'

SEE PS 3502

1234.20' S 89° 40' E 1300.02' (PS 8352)

1228.60'

See PS 986
See PS 8352

(1980)

1443.09'

589° 46' 20" W

1487.3' M/L (1980)

922.40'

108.15'

1088.15'

378.45'

28335

1228.60'

1487.3'

1487.3'

1487.3'

1487.3'

1487.3'

1487.3'

1487.3'

1487.3'

1487.3'

1487.3'

1487.3'

1487.3'



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Case # 90-1 Exhibit # 4
Offered by SELTZER
Date received 9/25/90 By kl
METRO HEARINGS OFFICER

June 28, 1990

Richard M. Whitman
Ball, Janik, and Novack
101 SW Main Street, Suite 1100
Portland, OR 97204-3274

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Gary Hansen
Deputy Presiding
Officer
District 12

Lawrence Bauer
District 2

Jim Gardner
District 3

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Judy Wyers
District 8

Tanya Collier
District 9

Roger Buchanan
District 10

David Knowles
District 11

Dear Mr. Whitman,

This letter acknowledges receipt of the application of the Wagners for a locational adjustment of the Metro Urban Growth Boundary. This application will be known as "Wagner" and has been assigned Case Number 90-1.

I have reviewed the application and have determined that the following elements are needed before the application can be accepted as complete:

- 1) Comment from local jurisdictions - Comment from Wilsonville and/or Clackamas County is required and has not been received by this office.
- 2) Service Provider Comment - Comment is required from providers of water, sewerage, storm drainage, and transportation services to the subject property. A letter from the relevant local planning department is sufficient for transportation and storm drainage. Service provider comments for school and fire services have been received by this office to date.

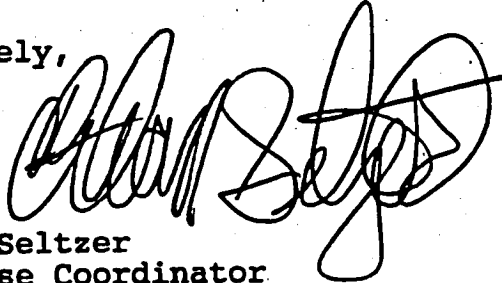
It is the responsibility of the petitioner to see that all items noted above are received by this office no later than 5 pm on Monday, July 23, 1990. Failure to complete the application as noted above will result in the rejection of the petition. Should the petition be completed, Metro will then schedule a hearing before a Hearings Officer no sooner than 45 days from the date on which the application is accepted by Metro as complete.

This letter also acknowledges receipt of the Wagner's check in the amount of \$2300.00 as a deposit against Metro and Hearings Officer costs in processing this application. The check will not be deposited until Metro accepts the application as complete. If the application is not

accepted, your deposit of \$2300.00 will be returned in full.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ethan Seltzer', written in a cursive style.

Ethan Seltzer
Land Use Coordinator

Petition for Locational Adjustment
Metro's Urban Growth Boundary (UGB) (check one):

addition removal

Note: To add land in one location and remove land in another, please complete one form for the addition and another for the removal.

1. a. Petitioner's name and address:

Marvin G. and Bonnie Wagner
28400 S.W. Wilsonville Road
Wilsonville, OR 97070
Phone number: 682-3667

b. Contact person, if other than petitioner (consultant or attorney) or if petitioner is a local government:

Mr. Richard Whitman
Ball, Janik & Novack
101 S.W. Main Street, Suite 1100, Portland, OR 97204
Phone number: 228-2525

2. What is petitioner's interest in the property:

- Property Owner
 Contract Buyer
 Option to buy
 Other legal interest (Specify: _____)
 Local government

3. County in which property is located: Clackamas

4. If the locational adjustment requested were approved, would you seek annexation to (or de-annexation from) a city?

Yes, the City of Wilsonville
 No

5. Description of properties included in the petition (list each lot individually and attach a copy of the appropriate tax assessor's map(s)):

a. Legal Description
(Township, Range,
Section, Lot):

Part of the Northwest quarter of the Northwest quarter of Section 18, T3S., R1E of the W.M., Clackamas County, Oregon (Assessor's parcel No. 2200).

- b. Acres: 6.35
- c. Owner's Name & Address
(Mark "Same" if same as petitioner): Same
- d. Improvements on property (e.g., none, one single family dwelling, barn, gas station, etc.): None

Attach additional sheets as needed.

6. a. What sewerage facilities currently serve the property?

- None, all land is vacant
- Package sewage treatment plant
- Sewer Line to public system
- Septic Tank

b. If septic tanks, have any septic tanks in the area failed?

- Yes, (Explain: _____)
- No

7. How close is the nearest sewer trunk? 800 ft.

8. a. Are additional sewer trunks for the area planned?

- Yes No

b. If yes, how close to the property would planned sewer lines run? adjacent

9. How is water provided to the property?

- Private Well
- _____ inch water line provided by _____ (city or water district)
- No water provided

10. How close is the nearest water main? 800 ft.

11. a. Are additional water mains for the area planned?

Yes No

b. How close to the property would planned water lines run? adjacent

12. Are there any natural or man-made boundaries to development running along or near your property (rivers, cliffs, etc.)?

Yes (Describe: Intermittent stream along eastern edge of property)

Mark location on assessor's map or attach other map or photo.

No

13. What is the current local plan designation of the property? Agricultural

14. What is the current local zoning designation? GAD

15. Does the comprehensive plan identify any natural hazards in this area?

Yes (Describe and explain applicable comprehensive plan policies: _____)

No

16. Does the comprehensive plan identify any natural or historic resources in this area? No

Yes (Describe resources and explain applicable plan policies: _____)

17. How do you plan to develop the property if your petition is approved?

The intermittent stream will be rezoned for open space - providing a buffer between the road and adjoining agricultural uses. The remainder of the property will be used for road right-of-way, and for planned residential development.

18. On a separate sheet of paper, please discuss how approval of your petition would comply with each of the applicable standards from the Metro Code (attached green sheets). Only petitions found consistent with these standards may be approved. Metro staff will use the information received from

this petition, the local government, and other sources as needed, to prepare a list of questions for the Hearings Officer on whether these standards have been met. You and other parties may then submit any additional testimony in support of or opposition to the petition at the hearing. The Hearings Officer will then weigh the testimony received and submit the findings and recommendations to the Metro Council for action.

18. Petitioners Signatures

I/WE THE UNDERSIGNED HEREBY PETITION THE METROPOLITAN SERVICE DISTRICT TO ADD TO/REMOVE FROM THE URBAN GROWTH BOUNDARY THE PROPERTY DESCRIBED HEREIN.

SIGNED,

<u>Name</u>	<u>Tax Lot</u>	<u>Date</u>
<u>Marvin G. Wagner</u>	<u>2200</u>	<u>5-11-86</u>
<u>Bonnie Wagner</u>	<u>2200</u>	<u>5-11-86</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

JH/gl
2383B/223
05/07/87

Summary of Applicant's Proposal and Compliance with Metro Standards for Locational Adjustments.

I. Summary of Need for Proposed Locational Adjustment.

A. Background.

Mr. and Mrs. Wagner are petitioning Metro for a locational adjustment to the City of Wilsonville's Urban Growth Boundary (UGB). The proposed minor boundary change would add a single parcel of 6.35 acres to the UGB. The parcel is owned by the Wagners, and is designated as Clackamas County Assessor's Parcel No. 2200, in R1E T3S Section 18, (hereafter the "Clackamas Property"). See attached Exhibit 1 (Site Plan).

This parcel is adjacent to other property owned by the Wagners inside the City of Wilsonville, in two parcels totalling 17.60 acres. The property inside Wilsonville (hereafter the "Wilsonville Property") contains a home and a barn, and is zoned RA-1 (designated as 3-5 units per acre on the Comprehensive Plan) by the City of Wilsonville.

The primary purpose of this proposed addition to Wilsonville's UGB is to enable the Wagners, in cooperation with the City, to plan and complete certain infrastructure improvements that are critical to the development of the Wilsonville Property.

B. Realignment of Wilsonville/Stafford Road and Related Intersection Improvements.

In its current alignment, Wilsonville/Stafford Road (designated as a major arterial in the Comprehensive Plans of both the City of Wilsonville and Clackamas County) takes two 90 degree turns within 1/10th of a mile as it crosses the Wilsonville city limit. See attached Exhibit 1 (Site Plan). These two corners, one of which is adjacent to a church, present a substantial public safety hazard that has led to four serious accidents in recent years according to the records of the Clackamas County Sheriff's office.

As a result of the threat to public safety posed by this alignment, both the City and the County have proposed relocating this section of Wilsonville/Stafford Road to eliminate the two corners. The proposed right-of-way for the new section of Wilsonville Road, and for the intersection with Boeckman and Advance Roads, encompasses the northwestern corner of the Clackamas Property outside the current UGB, and splits the Wilsonville Property diagonally (and would require removing the existing home). See attached Exhibit 2 (Proposed Road Alignment).

The City of Wilsonville has informed the Wagners that any development of the Wilsonville Property will be conditioned on the dedication of right-of-way for the proposed realignment and intersection improvements. In addition, the City has indicated that the road improvements themselves would be financed either through a local improvement district (LID) or, more likely, through inclusion of the project in the City's urban renewal district--with financing through tax-increment revenues.

As a result of the current alignment of Wilsonville/Stafford Road (the fact that the road enters the city limits at a corner), any realignment designed to eliminate the two corners now present has to encompass lands not presently within the City's UGB. Because it is impossible for development of the Wagner's Wilsonville Property to proceed without these improvements, and the improvements cannot occur on the Clackamas Property until it is annexed to the City of Wilsonville (for reasons explained below), the locational adjustment is required for the development of adjacent urban land as specified in Section 3.01.040(a) of the Metro Code.

C. Storm Drainage Improvements.

Another infrastructure improvement that is critical to the development of the Wagner's Wilsonville Property is storm drainage. Although the City has not prepared a storm drainage plan for this area, the City Engineer has reviewed the site and has indicated that storm drainage would be provided by making improvements to the intermittent stream which runs from North to South along the eastern portion of the Clackamas Property. See attached Exhibit 3 (Storm Drainage Improvements). This stream and its banks encompass 2.3 acres of the 6.35 acre Clackamas Property.

D. Buffering for Adjacent Agricultural Lands.

The realignment of Wilsonville/Stafford Road, while needed for public safety and efficiency, will move a major arterial closer to agricultural lands. Under Goal 4.4 of Wilsonville's Comprehensive Plan, agricultural lands outside the City should be protected either by providing a buffer use or a transition zone. City of Wilsonville Comprehensive Plan at 72. Recognizing this, the City of Wilsonville Planning Staff and the Wagners have agreed that upon annexation of the Clackamas Property to the City, the eastern portion (approximately two acres) of this property should be zoned for open space, and its natural vegetation and stream course left in place, to buffer adjacent agricultural lands. As noted above, this portion of the Clackamas Property is also needed for storm drainage improvements that will serve areas within the current UGB.

E. The Feasibility of Developing the Wilsonville Property Upon Relocation of Wilsonville/Stafford Road.

The dedication of right-of-way for the new section of Wilsonville/Stafford Road, and the intersection with Advance/Boeckman, will remove approximately 2.0 acres of developable land from the 17-acre Wilsonville Property. In addition, the new road alignment will result in the creation of two acute triangular parcels (with the narrow portions being undevelopable). This will severely reduce the amount of housing that the Wagners can develop on their property and may make it difficult to meet both Metro's housing goals for Wilsonville (8 dwelling units/acre) and Wilsonville's design criteria for residential planned developments. See, e.g., Wilsonville Code Section 4.421. Although much of the Wagner's Clackamas property is needed for infrastructure improvements, the remaining portions of the six-acre parcel can be used to offset (in part) the negative effects of the Wilsonville/Stafford Road relocation on residential development in the Wilsonville Property.

II. Metro Standards for Locational Adjustments to Urban Growth Boundaries.

Chapter 3.01 of the Metro Code sets forth certain standards for approval of petitions for locational adjustments to an Urban Growth Boundary. The application of each of these criterion to the Wagner proposal is set forth below.

1. Net Improvement in the Efficiency of Public Facilities and Services. Metro Code § 3.01.040(a)(1).

A. Effect of Locational Adjustment on Transportation Facilities. Metro Code § 3.01.040(a)(1).

As described above, improvements to Wilsonville/Stafford Road are required before the properties in this area of Wilsonville can be urbanized. The area dependent on this road improvement includes not only the Wagner's Wilsonville Property, but two additional parcels (Tax Lots 1800 and 400) with an additional 4.83 acres. In all, 22.43 acres of undeveloped land within the Wilsonville UGB will not be developed to urban densities without the proposed road realignment, which is in turn dependent on the addition of the 6.35 Clackamas parcel to the UGB.

The relocation of Wilsonville/Stafford Road, and the proposed UGB amendment, will also result in a net improvement in transportation services for other properties in Wilsonville to the South of Wagner property. Recent developments within one-half mile of the intersection have added 15,000 trips per day to the local street system. By removing one intersection

altogether, and straightening the other, the road relocation will make traffic flow more efficient for this major North/South arterial.

B. Effect of Locational Adjustment of Storm Drainage Services. Metro Code § 3.01.040(a)(1).

The development of the Wagner's Wilsonville Property to urban densities will require off-site storm drainage improvements to the seasonal stream shown on Exhibit 4. The improvements required are on lands outside the current UGB. Wilsonville's Comprehensive Plan calls for the utilization of major natural drainageways "as the backbone of the drainage system." Plan at 34. The Plan also specifies that these drainageways shall be designated as open space. Id.

C. Effect of Locational Adjustment of Water and Sewer Services. Metro Code § 3.01.040(a)(1).

There are existing water and sanitary sewer mains in Wilsonville Road within 200 feet of the Wagner's Wilsonville Property, and within 700 feet of the Wagner's Clackamas Property. Tax Lots 1800, 400 and 500 are also not served with water or sanitary sewer lines. Altogether, there are 24.83 acres of land within this area of the current UGB that are unserved.

Extending water and sanitary sewer lines will require constructing a crossing at the seasonal stream located on the southwestern edge of these properties. This crossing will be done in conjunction with the relocation and bridge work for Wilsonville/Stafford Road. The high cost of constructing the crossing, in conjunction with the relatively small area now within the UGB that would be served by the extension, makes it difficult to justify this project. The addition of 6.35 acres will increase the area over which this cost can be spread by over 25 percent, thereby substantially increasing the efficiency of extending water and sewer services.

D. Effect of Locational Adjustment of Fire Protection and School Services. Metro Code § 3.01.040(a)(1).

Fire protection services for this area are provided by a station of the Tualatin Rural Fire Protection District at Ellison Road. By enabling the relocation and improvement of Wilsonville/Stafford Road and the intersection with Boeckman and Advance Roads, this locational adjustment will improve response time to the area and remove a threat to the safety of both Fire District personnel and the public. During the past four years there have been four serious (injury), and over six less serious, accidents at this intersection. Since these intersections are heavily used by the school district's buses, this locational adjustment will also benefit the district.

Any development on the 6.35 acres outside the UGB will not have an appreciable effect on the utilization of fire or school services.

E. Ability to Provide Public Services to the Clackamas Property in an Orderly and Economical Fashion. Metro Code § 3.01.040(a)(1).

With the planned extension of water and sanitary sewer services along Wilsonville Road, these services will be available adjacent to the Clackamas Property. As stated above, water and sewer lines now terminate in Wilsonville Road, 700 feet from the Clackamas Property.

Road access to the site will be provided by the relocation of Wilsonville/Stafford Road. The site now has access at its northerly boundary to Advance Road.

2. Existing Development Densities of the Clackamas Property and Facilitation of Development of Adjacent Urban Land. Metro Code § 3.01.040(a)(2).

A. Existing Development Density of the Clackamas Property. Metro Code § 3.01.040(a)(2).

The 6.35 acre Clackamas Property is undeveloped. There are no existing improvements that present any impediment to urbanization.

B. Facilitation of Needed Development of Adjacent Urban Land/Consistency with Comprehensive Plans. Metro Code § 3.01.040(a)(2).

At the end of Chapter 3.01.040, a note to Metro's Code clarifies the interpretation of this standard. "Staff has found that it was the Metro Council's intent that, for the purposes of interpreting and applying this standard, the term 'needed' should be taken to mean 'consistent with the local comprehensive plan and/or applicable regional plans.'" This locational adjustment is consistent with the Comprehensive Plans of both Clackamas County and the City of Wilsonville.

The Wilsonville Comprehensive Plan contains specific references to the need to realign Wilsonville Road, and shows the realignment on its proposed list of transportation improvements. At page 30 of the Comprehensive Plan (Table II), the City states that Wilsonville Road, east of Town Center Loop should be realigned with Stafford Road, bypassing the "S" curve. Table at 30. This realignment is also indicated on the Comprehensive

Plan's Master Street System and Functional Classification, map at 29, and in the City's Pathway Plan, map at 33, and on the City's list of public facility projects, table at 51-53.

The Wilsonville Plan also identifies the need for residential development of the Wagner property now within the UGB. The Plan designation for the property is residential, with a density of three to five dwelling units per acre. This would allow for up to 88 units.

Clackamas County has also identified the need for a realignment of the Wilsonville/Boeckman intersection in its Comprehensive Plan. The Plan calls for Wilsonville Road to be upgraded to urban standards between the railroad tracks and the Northeast city limit, Transportation Element at 32, and the accompanying map shows the realignment (extending onto the Wagner's Clackamas Property outside the UGB), map V-9.

3. Environmental, Energy, Economic and Social (ESEE) Consequences. Metro Code § 3.01.040(a)(3).

A. Impact on Regional Transit Corridor Development. Metro Code § 3.01.040(a)(3).

The closest regional transit corridor to the Clackamas Property is Interstate 5, which is approximately one and one-quarter miles away. Development of the property at urban densities would generate no more than 500 trips per day, only a small portion of which would be on I-5. This impact is so small as to be insignificant.

B. Limitations Imposed by the Presence of Development Hazards. Metro Code § 3.01.040(a)(3).

The Clackamas County Comprehensive Plan lists the following as natural hazards: floodplains, landslide areas, organic/compressible soils, earth faults and slope of 20 percent or greater. None of these hazards are present on the Clackamas Property.

C. Limitations Imposed by the Presence of Resource Lands. Metro Code § 3.01.040(a)(3).

The properties adjacent to the site in Clackamas County are designated as resource land (agricultural) under the County's Comprehensive Plan, and are zoned as General Agricultural (GAD). The four parcels involved average 9.72 acres.

Under the City of Wilsonville's Comprehensive Plan and Zoning Code (if the site is annexed to Wilsonville), the eastern edge of the Wagners' property will be designated as open space and existing vegetation will be left in place. See Wilsonville

Comprehensive Plan Policies 3.4.3 and 3.4.4 (at 34-35), and Wilsonville Code Section 4.421(b). These provisions will insure preservation of an approximately 100 foot vegetated buffer between the Wagners' property and adjoining agricultural uses. In addition, the Wagners are willing to record a deed covenant, as a condition of this approval, recognizing the right of adjoining agricultural uses to continue accepted farming practices.

D. Other ESEE Consequences. Metro Code § 3.01.040(a)(3).

The Clackamas County Comprehensive Plan Inventory of Goal 5 resources does not identify any natural resources requiring protection in the vicinity of this site. Policies 1.0 and 2.0 of the County's Comprehensive Plan provide for Metro to take the lead in maintaining and amending urban growth boundaries.

4. Retention of Agricultural Lands. Metro Code § 3.01.040(a)(4).

A. Retention of the Clackamas Property as Agricultural Lands Would Preclude Urbanization of Adjacent Parcels Already Within the UGB. Metro Code § 3.01.040(a)(4)(A)(i).

As described above, development of 24.83 acres now within Wilsonville's UGB is dependent on off-site road and storm drainage improvements on the 6.35 acre property that is the subject of this petition. Without an amendment to the UGB, these improvements and their financing would be precluded.

The Wagner's Clackamas Property is zoned GAD, with a Comprehensive Plan designation of agricultural. Under ORS 215.213(2) the "reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels" is allowed on agricultural lands only where the local governing body finds that the road will not force a significant change in accepted farm practices on surrounding lands devoted to farm use, or significantly increase the cost of accepted farm practices. ORS 215.213(2)(r) and ORS 215.296(1).

Under these statutes, there are two obstacles to the realignment of Wilsonville Road onto agricultural lands outside the current UGB. First, the road realignment may not be made if it would result in the creation of a new parcel. ORS 215.213(2)(r). Under ORS 215.010(1) a "parcel" is created on agricultural lands by partition under ORS 92.010, by partition under local ordinance, or by deed. ORS 215.010(1). In this case, the right-of-way for the realignment within Clackamas County would be acquired by partition and deed pursuant to Sections 402.09, 402.11(A) and 1007 of the Clackamas County

Zoning and Development Ordinance (ZDO). Under ORS 215.010(1) this means that the road realignment necessarily would result in the creation of a new parcel, which is prohibited under ORS 215.213(2)(r). The only means around this prohibition is to have the County acquire the entire 6.35 acre property so that the prohibition on the creation of new parcels would not apply. This would add significantly to the expense of the road realignment (it would more than triple the amount of land needed to be acquired), making it extremely unlikely that the project would ever be built.

Secondly, under ORS 215.213(2)(r), a road realignment on agricultural lands is allowed only if the local governing body makes findings under ORS 215.296(1) that the road "will not: force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use." See also, Clackamas County Comprehensive Plan, Land Use Element, Agriculture Goals 3.0 and 6.0 (land uses which conflict with agricultural uses shall not be allowed; roads shall be developed in a manner and to a level compatible with maintaining agricultural areas).

In this case, the proposed road realignment will result in the direct loss of approximately five percent of the 6.35 acre Clackamas Property, of which fifty percent is already unsuitable for farm use due to the presence of an intermittent stream running from North to South along the eastern half of the property (this stream is inventoried on the National Wetlands Inventory and is not in farm use). The end result of the realignment would be the creation of an isolated three acre plot of agricultural lands, adjacent to a major arterial, and with access only from the narrow northern boundary. Given these circumstances, it is impossible for Clackamas County to find that the road will not force a significant change in, or significantly increase the cost of, accepted farming practices on adjacent lands.

Additional standards for divisions of lands are contained in Clackamas County ZDO Section 402.9. These standards prohibit the creation of lots smaller than the "acreage supporting the typical commercial farm unit in the area. . . ." ZDO Section 402.09(B)(1). A 6.25 acre parcel would not meet this standard.

B. Retention of the Parcel as Agricultural Lands Would Prevent the Efficient and Economical Provision of Urban Services to an Adjacent Area Already Within the UGB. Metro Code § 3.01.040(a)(4)(A)(ii).

a. Storm Drainage.

Under Section 402.03 of the Clackamas County ZDO, urban level utility facilities and services are not listed as a permitted use. Cf. ORS 215.213(1)(d). As a result, the off-site storm drainage facilities and improvements needed to develop the Wagners' Wilsonville Property would have to be located within the City of Wilsonville. These facilities and improvements are required under Policies 3.4.3 and 3.4.5 of the City's Comprehensive Plan.

Restricting storm drainage improvements to that portion of the Wagner property within the City of Wilsonville means that a new, 1700 foot, storm drain main would have to be built from North to South, probably along the new alignment of Wilsonville Road. Without the restriction, storm drainage would be directed to the existing natural drainageway in the Wagner's Clackamas Property. See Exhibit 3. The incremental expense of a new artificial storm drainage system is approximately \$200,000.

b. Bikeways.

As part of the Wilsonville Road realignment and improvement project, the City of Wilsonville Comprehensive Plan calls for the development of a primary pathway/bikeway. City of Wilsonville Comprehensive Plan at 33. This improvement is also called for in the Clackamas County Comprehensive Plan. Clackamas County Plan Map V-15. Under the City of Wilsonville's Comprehensive Plan, this bikeway is to be "completely separated from vehicular traffic and within an independent right-of-way." Wilsonville Plan at 25. To avoid multiple road crossings, the pathway/bikeway through the Wagners' property would have to be located on the eastern side of the new alignment, outside the UGB in Clackamas County. Like storm drainage, however, urban-level bikeways are not a permitted use in Clackamas County's GAD district, so that development of the Wagner Property now within the UGB would require relocating the bikeway and providing for two crossings of Wilsonville Road, a major arterial with high traffic volumes and speeds.

c. Financing.

Although the Wagners' will be required to dedicate the lands required for the urban level services described above, some of the improvements are planned to be financed through the City of Wilsonville's Urban Renewal District with tax increment financing. Most of these improvements are designed to serve a wider area of Wilsonville and tax increment financing will spread these costs on a more equitable basis.

As has been shown, many of these improvements are needed on lands currently outside the UGB and the City of

Wilsonville. Amending the UGB will allow the City to include these areas within its Urban Renewal District so that a single source of financing may be used for the entire project. The alternative, assuming land use hurdles can be overcome, is for the improvements to be financed directly by the Wagners. Given the high level of infrastructure improvements needed to develop this property in relation to the amount of developable land, owner financing is certainly onerous and will at least delay, if not prevent, the urbanization of the Wagners' Wilsonville Property.

d. Uniform Standards.

The City of Wilsonville and Clackamas County have differing standards for road improvements, storm drainage and bikeways. In the event Wilsonville Road could be realigned onto agricultural lands in the county, the eastern half of the road would be subject to county road standards and the western half to city standards. There is no agreement between Wilsonville and Clackamas County providing for which standards are to control in such a situation. Furthermore, there is no agreement regarding which jurisdiction would be responsible for maintenance. Amending the UGB will assure that consistent standards are applied and that responsibility for long-term maintenance is clearly identified.

5. Compatibility With Nearby Agricultural Activities. Metro Code § 3.01.040(a)(5).

See Section II.3.C., above.

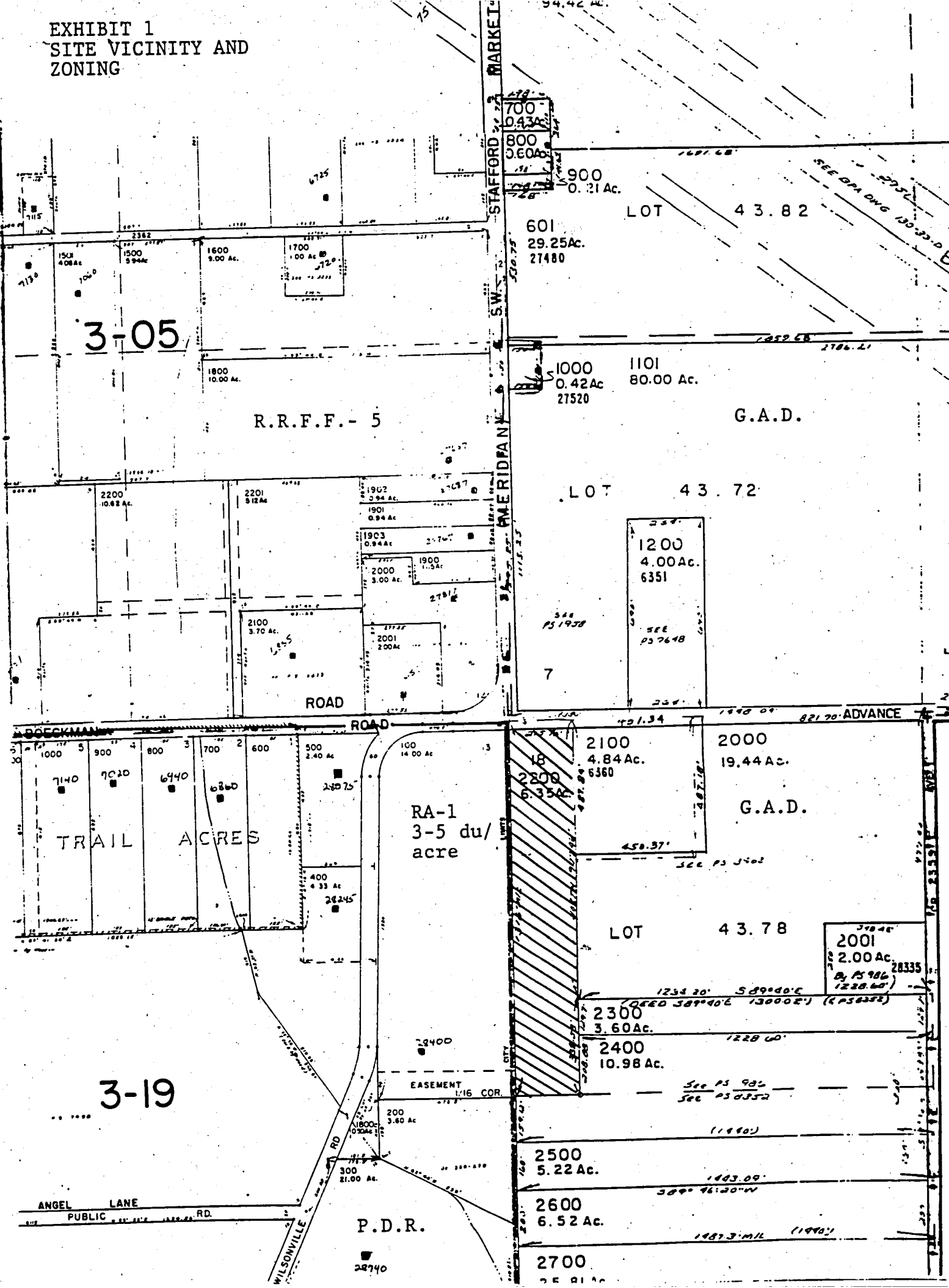
6. Superiority of the Proposed UGB and Inclusion of Similarly Situated, Contiguous Land. Metro Code § 3.01.040(d)(2).

Metro Code Section 3.01.040(d)(2) provides that minor additions to a UGB must include all similarly situated contiguous land. The Wagners' Clackamas Property is the only property necessary for the development of lands already within Wilsonville's UGB in this area due to the unique infrastructure requirements that apply.

7. Size Limits on Additions of Lands to the UGB. Metro Code § 3.01.040(d)(3).

The Metro Code states that "[a]dditions . . . generally should not add more than 10 acres of vacant land to the UGB. The Wagners' addition would add 6.35 acres, well within this limit. As amended, the UGB would follow the seasonal stream on the eastern edge of the property--providing a natural boundary, and all urban-level service improvements necessary for development would be provided within the UGB.

**EXHIBIT 1
SITE VICINITY AND
ZONING**



3-05

R.R.F.F.- 5

STAFFORD MARKET
SW
MERIDIAN

700
0.43 Ac.

800
0.60 Ac.

900
0.21 Ac.

601
29.25 Ac.
27480

LOT 43.82

1000
0.42 Ac.
27520

1101
80.00 Ac.

G.A.D.

LOT 43.72

1200
4.00 Ac.
6351

SEE
P. 1938

SEE
P. 2648

7

ROAD

BOECKMAN ROAD

ROAD

ADVANCE

TRAIL ACRES

RA-1
3-5 du/
acre

2100
4.84 Ac.
6360

2000
19.44 Ac.

G.A.D.

LOT 43.78

2001
2.00 Ac.
28335

2300
3.60 Ac.

2400
10.98 Ac.

SEE P. 986
SEE P. 0352

3-19

EASEMENT
1/16 COR.

200
3.60 Ac.

300
21.00 Ac.

2500
5.22 Ac.

2600
6.52 Ac.

2700

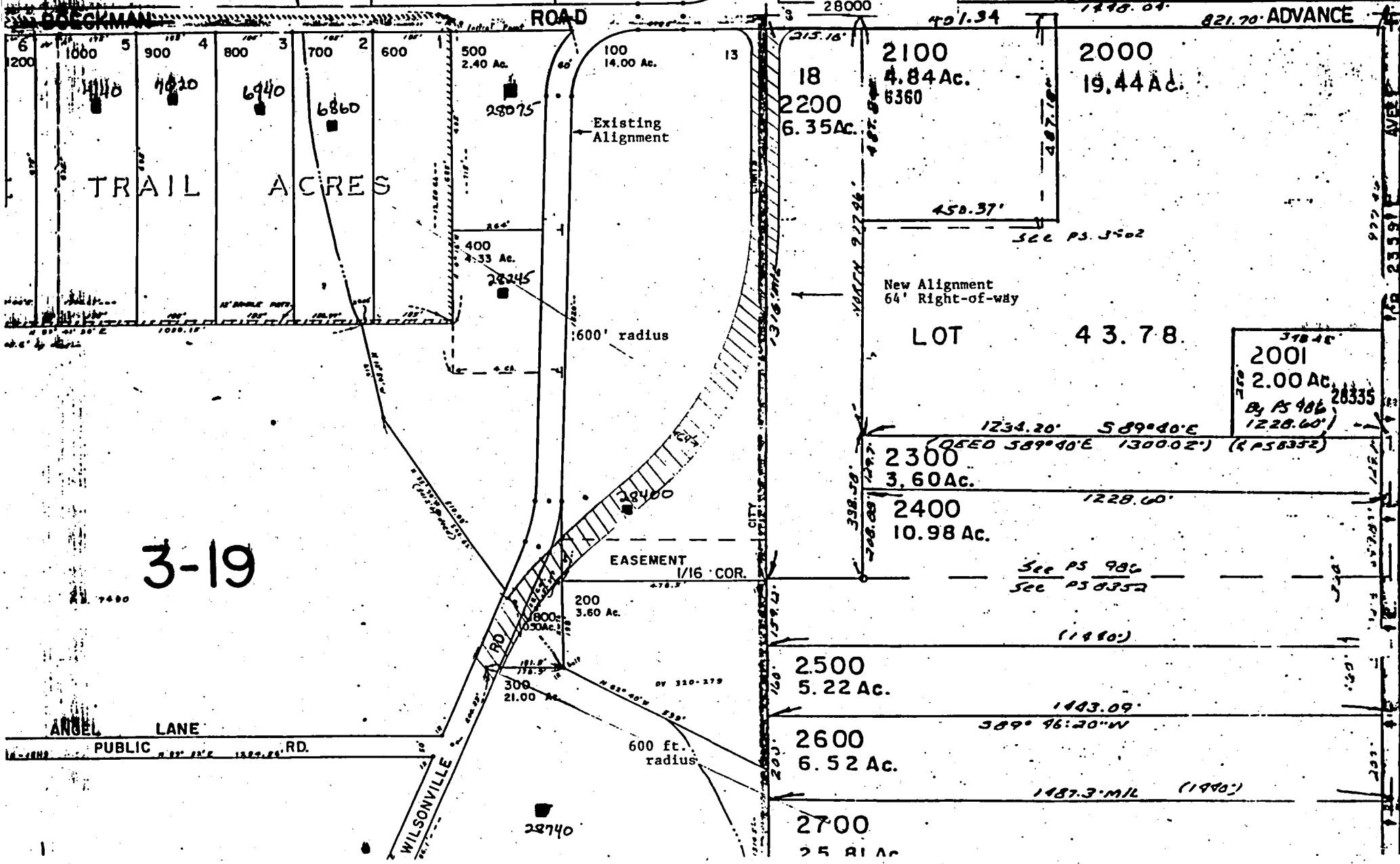
ANGEL LANE
PUBLIC

P.D.R.

28740

EXHIBIT 2
PROPOSED ROAD REALIGNMENT

SEE MAP 3 1W 12D1



TRAIL ACRES

3-19

ANGEL LANE PUBLIC RD.

WILSONVILLE RD.

231st AVE

ROAD

Existing Alignment

New Alignment
64' Right-of-way

EASEMENT
1/16 COR.

600 ft.
radius

LOT 43.78

2001
2.00 Ac.
By PS 986
1228.60'

18
2200
6.35 Ac.

2000
19.44 Ac.

2100
4.84 Ac.
6360

2300
3.60 Ac.

2400
10.98 Ac.

2500
5.22 Ac.

2600
6.52 Ac.

2700
25.81 Ac.

500
2.40 Ac.

100
14.00 Ac.

400
7.55 Ac.

200
3.60 Ac.

300
21.00 Ac.

1000

900

800

700

600

1110

1020

6940

6860

28075

28345

28400

28740

28000 401.34 1278.04 821.70 ADVANCE

450.37'

1234.20' S89°40'E 1300.02' (RPS8352)

1228.60'

See PS 986
See PS 8352

(1980)

1443.09'

S89°46:20"W

1487.3 MIL (1990)

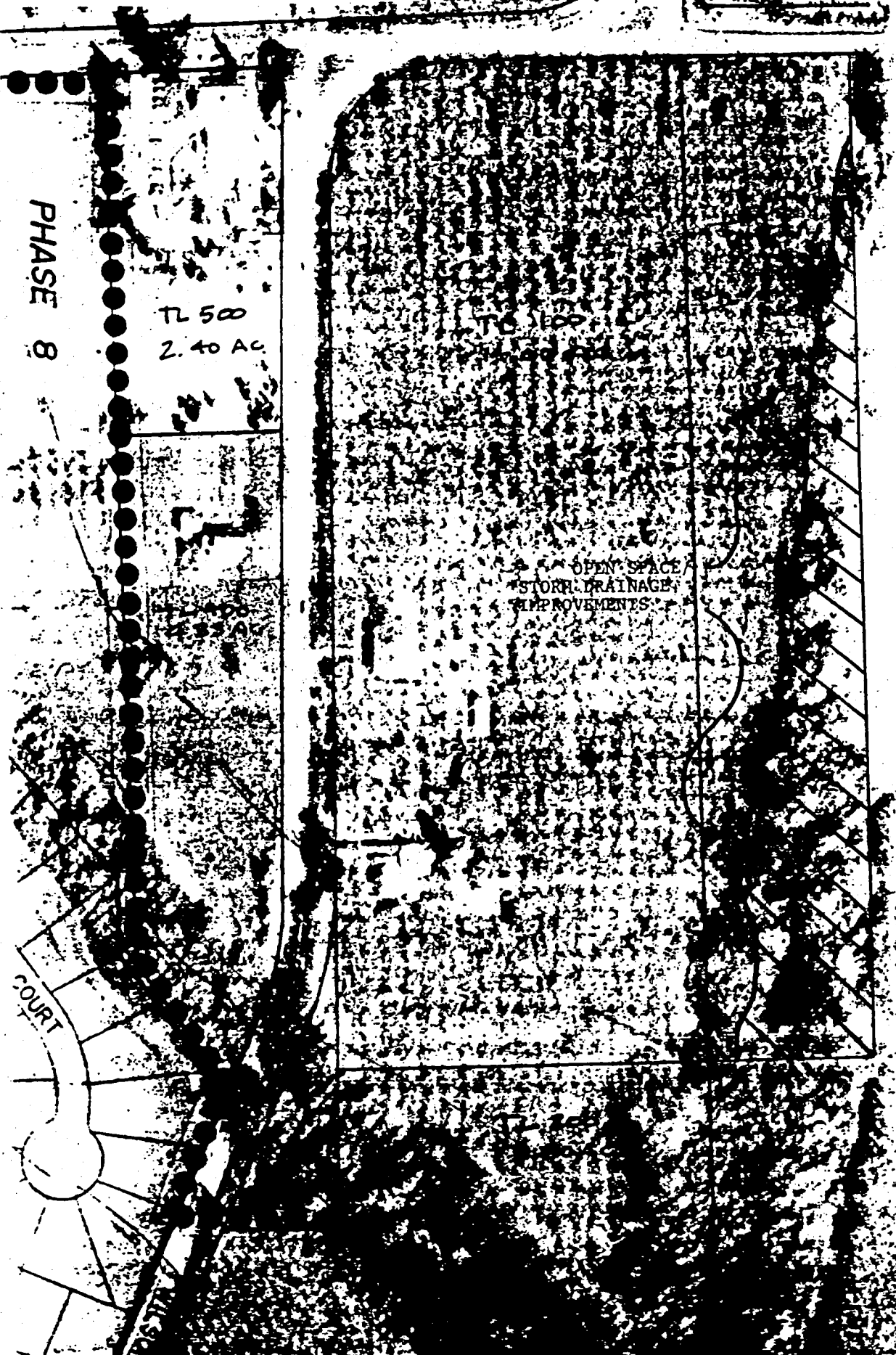
EXHIBIT 3
EXISTING CONDITIONS AND
STORM DRAINAGE

PHASE 8

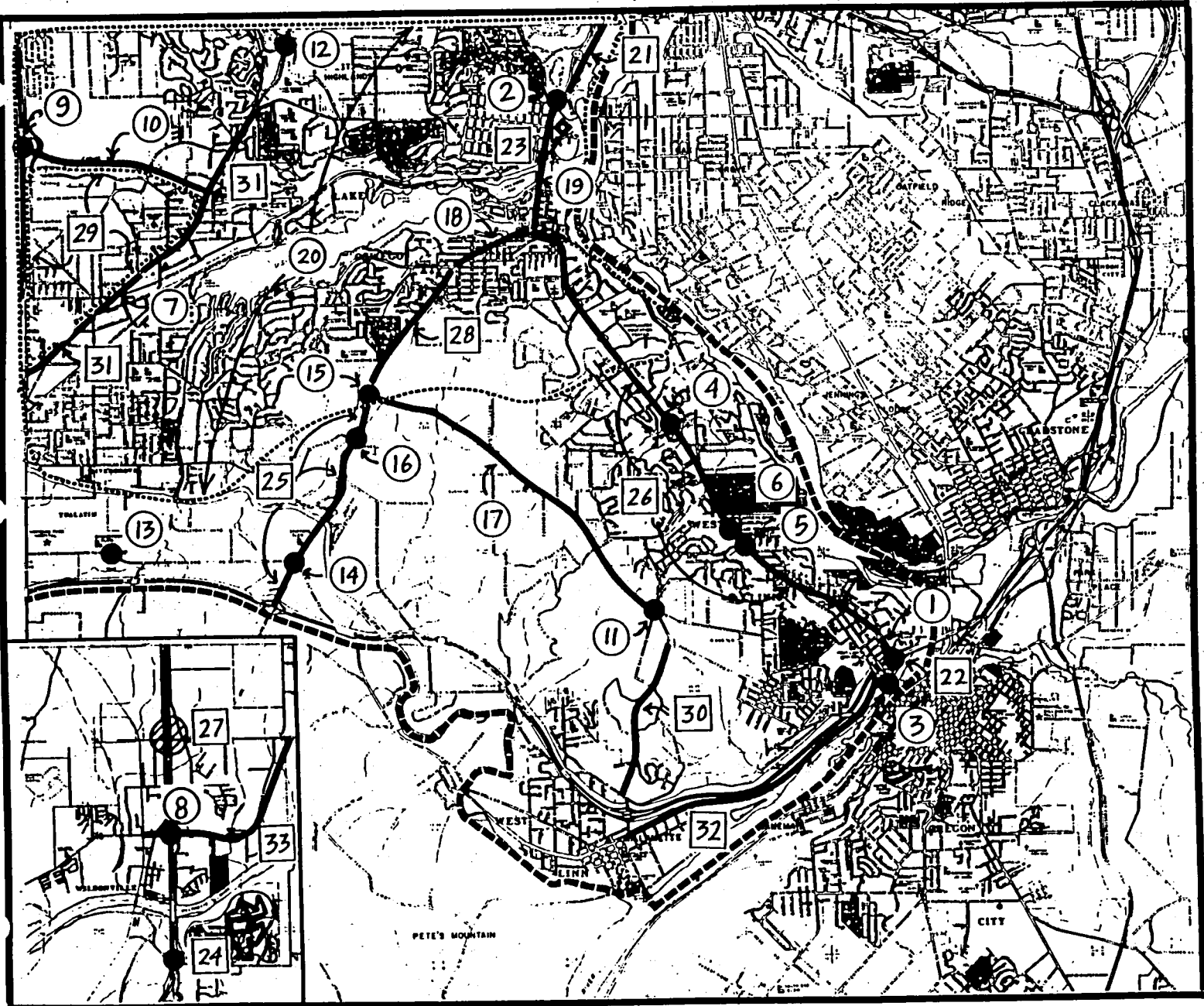
TL 500
2.40 AC.

OPEN SPACE/
STORM DRAINAGE
IMPROVEMENTS

COURT



CLACKAMAS COUNTY
COMPREHENSIVE PLAN



WEST URBAN AREA
PROJECTS NEEDED

① thru ②① 0-5 YEARS

②① thru ③③ 5-20 YEARS

— ROAD IMPROVEMENT

● INTERSECTION IMP.

◆ TRANSIT STATION

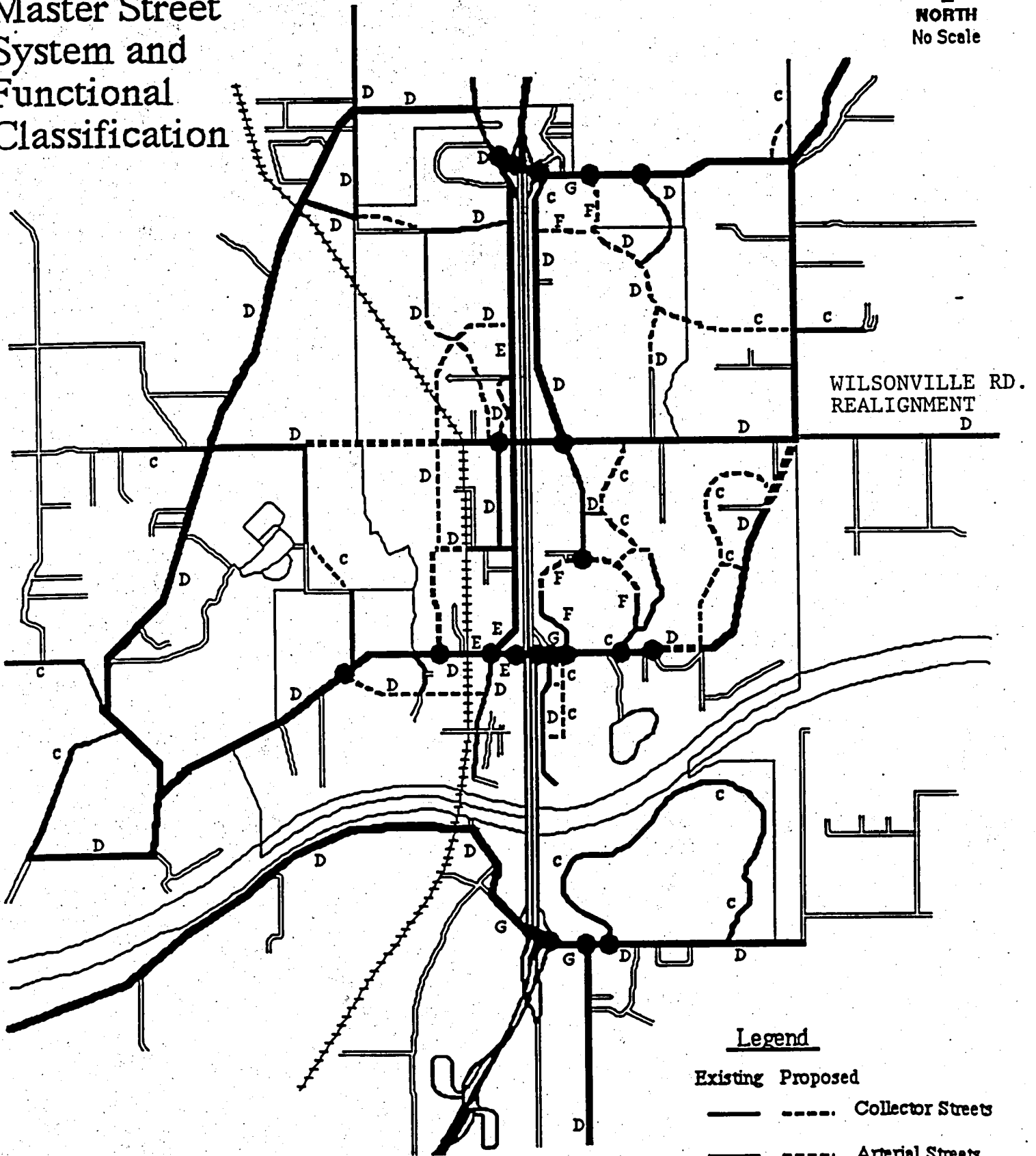
⊗ SPECIAL TRANSPORTATION
STUDY AREA

○ TRANSPORTATION/
CIRCULATION STUDY AREA

MAP V-9

WILSONVILLE ROAD REALIGNMENT

Master Street System and Functional Classification



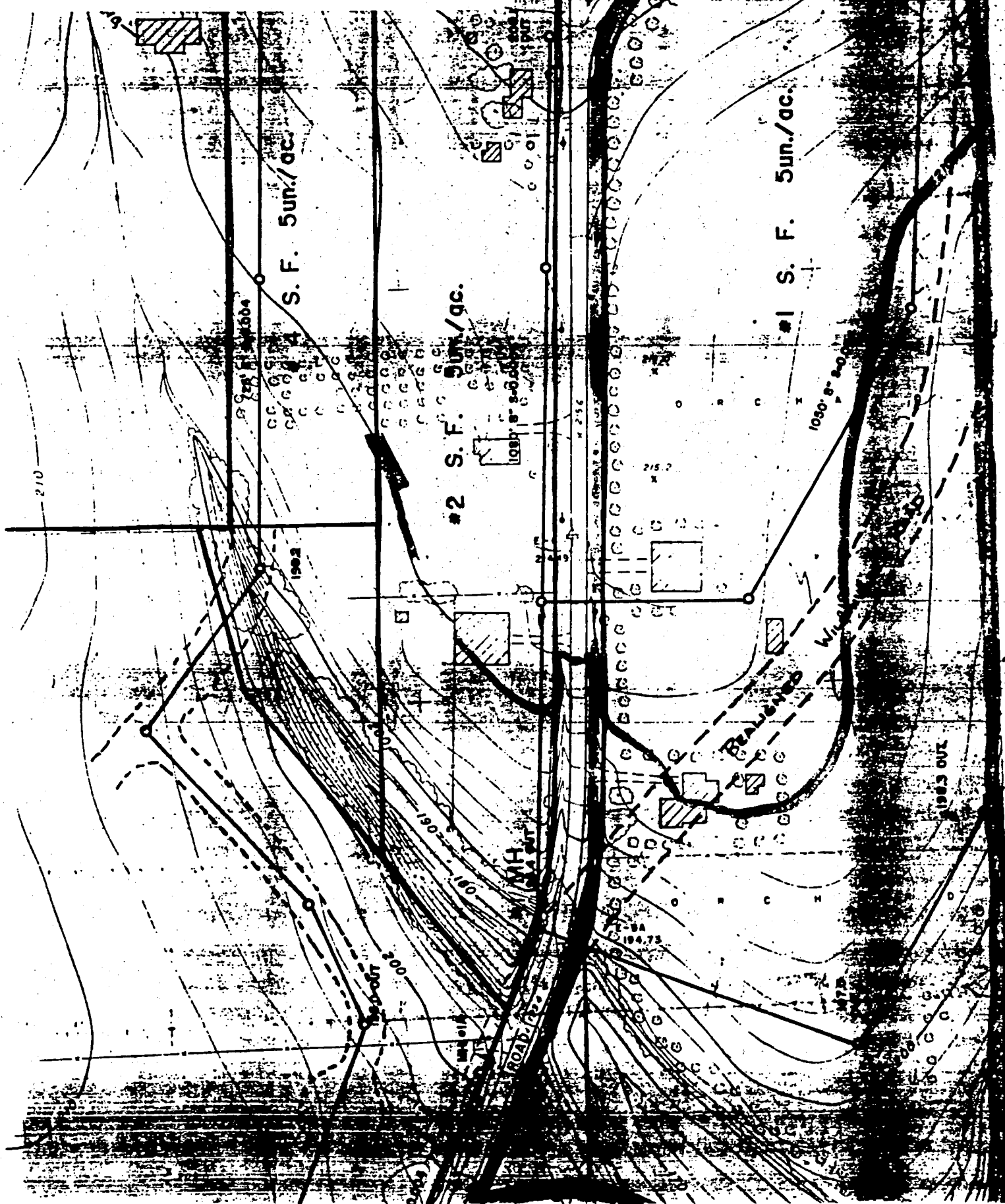
WILSONVILLE RD.
REALIGNMENT

Legend

Existing	Proposed	
—	- - - -	Collector Streets
—	■ ■ ■ ■	Arterial Streets
	C to G	Design Standards
	●	Traffic Signals

Note: Existing and proposed "A" and "B" classification local streets are not shown on this map.

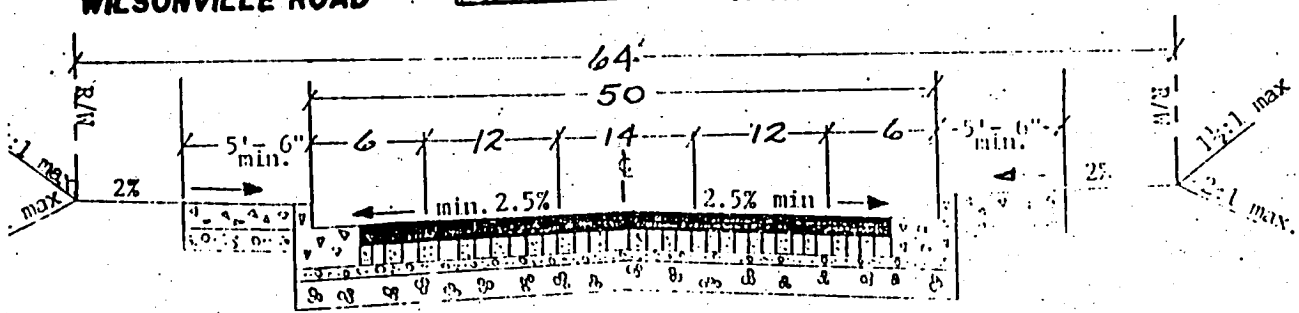
TOPOGRAPHY AND
WATER/SANITARY SEWER PLAN



WILSONVILLE ROAD

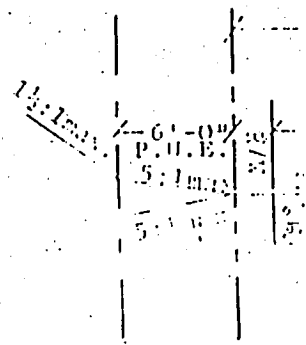
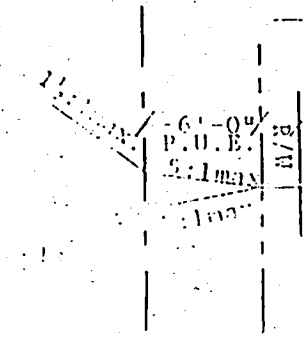
CITY LIMITS

SU



Arterial Road

PROPOSED STREET SECTIONS
MINIMUMS



SU

NOTICE OF PROPOSED ACTION

Must be sent to DLCD 45 days prior to
See OAR 660-18-020

Case # 90-1 Exhibit # 6
Offered by METRO STAFF
Date received 9/25/90 By BL
METRO HEARINGS OFFICER

Jurisdiction Metro

Date Mailed 7/27/90 Local File Number 90-1

Date Set for Final Hearing on Adoption 9 25 90
Month Day Year

Time and Place for Hearing 2:30 PM WILSONVILLE CITY HALL
3000 TOWN CENTER LOOP EAST

Type of Proposed Action (Check all that apply)

Comprehensive Plan Amendment Land Use Regulation Amendment New Land Use Regulation

Please Complete (A) for Text Amendments and (B) for Map Amendments

A. Summary and Purpose of Proposed Action (Write a brief description of the proposed action. Avoid highly technical terms and stating "see attached".):

Action on petition for locational adjustment of Metro's Urban Growth Boundary to add 6 acres east of Wilsonville at the intersection of Boeckman Road and Stafford Road.

B. For Map Amendments Fill Out the Following (For each area to be changed, provide a separate sheet if necessary. Do not use tax lot number alone.):

Current Plan Designation: Rural Proposed Plan Designation: Urban

Current Zone: GAD Proposed Zone: N/A

Location: Part of the NW 1/4 of the NW 1/4 of T3S, R1E, Section 18, TL 2200: East of Wilsonville, South of Boeckman Road.

Acreage Involved: 6.35

Does this Change Include an Exception? Yes No

For Residential Changes Please Specify the Change in Allowed Density in Units Per Net Acre:

Current Density: _____ Proposed Density: _____

List Statewide Goals Which May Apply to the Proposal: Metro takes the position that Goals 1, 2, 3, and 14 do not apply directly to locational adjustment proposals, but only through the standards and procedures adopted in Chapter 3.01 of the Metro Code, which has been acknowledged.

List any State or Federal Agencies, Local Government or Local Special Service Districts Which may be Interested in or Impacted by the Proposal:

Wilsonville, Clackamas County

Direct Questions and Comments To Ethan Seltzer

2000 SW First Avenue

Portland, OR 97201

(Phone) 220-1537

Please Attach Three (3) Copies of the Proposal to this Form and Mail To :

Department of Land Conservation and Development
1175 Court Street, N.E
Salem, Oregon 97310-0590

NOTE: If more copies of this form are needed, please contact the DLCD office at 373-0050, or this form may be duplicated on green paper. Please be advised that statutes require the "text" of a proposal to be provided. A general description of the intended action is not sufficient. Proposed plan and land use regulation amendments must be sent to DLCD at least 45 days prior to the final hearing (See OAR 660-18-020).

***** FOR DLCD OFFICE USE *****

DLCD File Number _____ **Days Notice** _____

<pa>proposedform

JUN 25 1990

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
ONE MAIN PLACE
101 S.W. MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3274
TELEPHONE (503) 228-2525
TELECOPY (503) 295-1058

9TH FLOOR, 601 PENNSYLVANIA AVE. N.W.
WASHINGTON, D.C. 20004
TELEPHONE (202) 638-3307
TELECOPY (202) 783-6947

RICHARD M. WHITMAN

June 22, 1990

Case # 90-1 Exhibit # 7A-0
Offered by WHITMAN
Date received 9/25/90 By LE
METRO HEARINGS OFFICER

@

Lt. Don Vicars
Clackamas County Sheriff's Office
2223 S. Kaen Road
Oregon City, OR 97045

Dear Lt. Vicars:

Enclosed is a copy of a petition to Metro for a minor boundary change to the Wilsonville UGB in the vicinity of the Wilsonville Road/Boeckman Road intersection. Under Metro's Code, all service providers, including the Sheriff's Office, may comment on proposed minor UGB changes.

The minor boundary change, or "locational adjustment," would add 6.35 acres to Wilsonville's UGB in order to allow the City to proceed with the realignment of Wilsonville Road to eliminate two dangerous 90 degree turns. According to the Clackamas County Sheriff's Office at least four serious accidents have occurred on this section of Wilsonville Road in the last four years. Due to provisions of ORS 215.213 and Clackamas County's Comprehensive Plan it is effectively impossible to accomplish this realignment without changing the UGB.

We feel strongly that this project is beneficial to public safety as it would eliminate a dangerous intersection that is heavily used by traffic at high speeds. In addition, the intersection is immediately North of a new school in the City of Wilsonville. Both the City of Wilsonville and Clackamas County identify the need for this realignment in their Comprehensive Plans and the existing alignment is a serious public safety hazard. As a result we feel that a positive recommendation to Metro is appropriate.

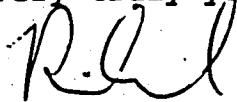
The Sheriff's Office's recommendation must be submitted to Metro by July 21, 1990 to be considered. If it is possible to provide comments sooner than this we would appreciate it. Please let me know if there are any timing problems with this schedule.

BALL, JANIK & NOVACK

Clackamas County Sheriff's Office
June 22, 1990
Page 2

Thank you for your consideration of this matter and please feel free to call me if you have any questions.

Very truly yours,



Richard M. Whitman

RMW:jvg

Enclosures

cc: Mr. and Mrs. Wagner
Mr. Stephen T. Janik
Mr. Ethan Seltzer

Request for Comment from Service Providers

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: Tualatin Valley Fire and Rescue
Name of Service Provider

From: Mr. and Mrs. Wagner
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's 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 a residential density of at least four units a net 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 easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

Support Approval Oppose Approval
 Have No Comment Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed [Signature]

Date 6/27/90

Title PLANS Exam.

Request for Comment from Service F

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: West Linn School District
Name of Service Provider

From: Mr. and Mrs. Wagner
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's 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 a residential density of at least four units a net 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 easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

- Support Approval
- Oppose Approval
- Have No Comment
- Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed Robert L. Cox
Title Superintendent

Date 6/25/90

Case # 90-1 Exhibit # 10
Offered by WHITMAN
Date received 9/15/90 By LE
METRO HEARINGS OFFICER

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
ONE MAIN PLACE
101 S.W. MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3274
TELEPHONE (503) 228-2525
TELECOPY (503) 295-1058

9TH FLOOR, 601 PENNSYLVANIA AVE. N.W.
WASHINGTON, D. C. 20004
TELEPHONE (202) 638-3307
TELECOPY (202) 783-6947

RICHARD M. WHITMAN

June 22, 1990

Mr. Wayne Sorenson
Planning Director
City of Wilsonville
P.O. Box 220
Wilsonville, OR 97070

Dear Wayne:

Enclosed is a copy of the Wagners' petition for a minor boundary change to the Metro/Wilsonville UGB. We have made several changes to the petition since our meeting on June 14, 1990, including adding to the analysis of why the UGB amendment is needed to facilitate the development of lands already within the UGB.

One of the questions which arose at our meeting was why we couldn't restrict the UGB change to only that portion of the property needed for the new road alignment. I have looked into this question and there are three reasons why this could not be done. First, it is generally Metro's policy to have the UGB follow property lines. See Metro Code Section 3.01.040(d)(1). Secondly, the other portions of the property are required for storm drainage and bikeway improvements, and Metro requires that "all similarly situated contiguous land" be included in the petition. See Metro Code Section 3.01.040(d)(2). Finally, under ORS 215.213(2) and Section 402 of the Clackamas County Zoning and Development Ordinance, the parcel can't be divided. In sum, the only way for this road realignment to occur is for the entire parcel to be included in an amended UGB.

Any concerns the City or County may have regarding the effect of this amendment on agricultural lands should be allayed upon a close examination of the petition and what the City of Wilsonville's Code provides for a parcel such as the one involved here. The City's Code and Comprehensive Plan, by imposing a setback of at least 55 feet from the centerline of an arterial (Code Section 4.167(f)), and by requiring that natural drainage ways be designated as open space (Plan Policy 3.4.3), effectively preclude any development on the lands proposed for addition to the UGB. This will insure that the agricultural uses on

Mr. Wayne Sorenson
June 22, 1990
Page 2

adjoining properties are not effected by this change to the UGB and that the potential for conflict between urban and agricultural uses is not increased.

It is my understanding that this petition will go to the Planning Commission as an information item on July 9, 1990, and to the City Council for a resolution/recommendation on July 16, 1990. As you know, the City's comments must be in to Metro by July 21, 1990 to be considered with the petition. Please let me know if there are any timing problems and if there will be an opportunity to testify on what position the City should take.

We feel strongly that this UGB amendment and road realignment is in the best interests of both the City of Wilsonville and Clackamas County. As you know, both jurisdictions identify this realignment in their Comprehensive Plans and the existing alignment is a serious public safety hazard. As a result we feel that a positive recommendation to Metro is appropriate. Please feel free to call me if you have any questions regarding this matter.

Very truly yours,


Richard M. Whitman

RMW:jvg
Enclosures

cc: Mr. and Mrs. Wagner
Mr. Stephen T. Janik
Mr. Ethan Seltzer

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
ONE MAIN PLACE
101 S.W. MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3274
TELEPHONE (503) 228-2525
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9TH FLOOR, 601 PENNSYLVANIA AVE. N.W.
WASHINGTON, D. C. 20004
TELEPHONE (202) 638-3307
TELECOPY (202) 783-6947

RICHARD M. WHITMAN

June 28, 1990

BY MESSENGER

Mr. Ethan Seltzer
Land Use Coordinator
METRO
2000 S.W. First Avenue
Portland, OR 97201-5398

Re: Wagner Petition for Locational Adjustment

Dear Ethan:

Enclosed please find the Wagners' Petition for a locational adjustment to Metro's Urban Growth Boundary. At our earlier meeting on June 14, 1990, you indicated that we needed to explain in more detail why the retention of the subject property as agricultural lands would preclude urbanization of adjacent parcels already within the Urban Growth Boundary. As you know, the urbanization of the Wagners' (and other) property currently within the City of Wilsonville is contingent on the realignment of Wilsonville Road to lands outside the City's boundaries. While public road modifications are a permitted use under ORS 215.213(2)(r), such projects are permitted only in the event that they do not result in the creation of a new parcel, and only if the county can make findings that the road will not force a significant change in accepted farm practices or significantly increase the cost of such practices. Given that a new parcel would result from the acquisition of right-of-way by Clackamas County, and that the right-of-way would remove a significant portion of the agricultural lands on the property (only part of which are suitable for farm use), this project is effectively impossible so long as the parcel is outside the Urban Growth Boundary.

*Why would
new parcel
result?
What effect?*

The Wagner Petition includes the completed Metro forms, an analysis of how the Petition complies with Metro's standards for locational adjustments, a series of exhibits, a notice list for all property owners within 500 feet, a check for \$2,300 and calculation of UGB amendment deposit form, and a completed application to the Boundary Commission for annexation. As per our phone conversation yesterday, comments from the City of Wilsonville will be available after their meeting on July 16,

BALL, JANIK & NOVACK

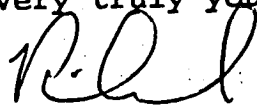
Mr. Ethan Seltzer
June 28, 1990
Page 2

1990 and comments from the County should be available after their meeting on July 5, 1990. Comment forms for all other service providers have been sent out and should be received by you shortly. One of these comment forms (from Tualatin Valley Fire & Rescue) has been returned to us directly and I am enclosing it with the Petition.

This should complete the Wagner Petition file pending receipt of comments. Please call me if you determine that there is any material missing from the application or if you feel that any additional information is needed to strengthen the application.

Thanks for your continuing assistance.

Very truly yours,



Richard M. Whitman

RMW:jvg

Enclosures

cc: Mr. Marvin C. and Bonnie Wagner
Mr. Stephen T. Janik
Mr. Gene Wolf

JVG\RMW\WAGNER\SELTZER.628

Transerv

PACKAGE EXPRESS

(503) 241-0484

NON-NEGOTIABLE AIRBILL SHIPPER'S AGENT
PICKUP TIME AND DATE

6/28 1:05

PDX 44525

AGENT'S COPY

DATE

June 28, 1990

DECLARED
VALUE \$

ACCT. NO.

DRIVER

M U

NAME		TELEPHONE		NAME		TELEPHONE	
FROM: COMPANY NAME		TO (FROM): COMPANY NAME					
ADDRESS		ADDRESS					
CITY	STATE	ZIP	CITY	STATE	ZIP REQUIRED		
REFERENCE		DEPT./ORDER NO.					
THIRD PARTY BILLING	NAME	ADDRESS	CITY	STATE	ZIP		
NO. PCS.	DESCRIPTION	WEIGHT	RATE	AMOUNT			
AIR EXPRESS		LOCAL DELIVERY	SPECIAL INSTRUCTIONS		RETURN DELIVERY		
NEXT DAY A.M. (DELIVER WEEKDAY)	<input type="checkbox"/> EXPRESS LETTER (UP TO 8 oz)	<input type="checkbox"/> SUPER RUSH			WRONG ADDRESS		
INTERNATIONAL	<input type="checkbox"/> EXPRESS ENVELOPE (UP TO 2 lbs)	<input checked="" type="checkbox"/> DIRECT (1 HOUR DEL. - RUSH)			WAITING TIME		
*NEXT DAY BY 9	<input type="checkbox"/> CUSTOMER PACKAGE (OVER 2 lbs)	<input type="checkbox"/> DEFERRED (3 HOUR DEL.)			OTHER		
*SATURDAY SVC.	<input type="checkbox"/> OVERNIGHT TUBE	<input type="checkbox"/> ROUND TRIP			VALUATION CHARGE		
*SAME DAY	<input type="checkbox"/> OVERNIGHT TUBE	<input type="checkbox"/> ROUTE			FIRST FLIGHT OUT SERVICE		
*LATE PICKUP	<input type="checkbox"/> OVERNIGHT TUBE				TOTAL		
*EXTRA CHARGE APPLIES		DEL. DEADLINE					
RECEIVED BY	TIME	DATE	TIME	DATE			
X	1:10	6/28					
RETURN TO							

NBF (503) 646 2

CALCULATION OF UGB AMENDMENT DEPOSIT

1. Deposit toward Administrative costs (actual costs billed at \$35/hour for Land Use Coordinator time)

Enter \$700 if petition is 20 acres or less,
\$1,400 if more than 20 but less than 50,
\$2,500 if more than 50 acres

\$700

2. Deposit toward Hearings Officer and Public Notice costs (actual costs billed from invoices received)

\$ 1,600

TOTAL

\$2,300

2750B/223

PMALGBC FORM #6
BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

- A. Land Area: Acres 6.35 acres or Square Miles _____
- B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

The property is generally level, with the exception of the eastern third, which has slopes of up to 30% leading to an intermittent stream. The flatter portions are in orchard.

- C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: TL 1101 - Nursery/tree farm (blue spruce); TL 2000 Rural residential.

East: TL 2100 - rural residential; TL 2000 - planted in pasture; TLs 2300, 2400 - orchard.

South: _____

West: Owner's parcel TL 100 - orchard

- D. Existing Land Use:

Number of single-family units 0 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses None

What is the current use of the land proposed to be annexed:

2/3rds in farm use (orchard), 1/3 in open space.

- E. Total current year Assessed Valuation \$ 2,160

F. Total existing population 0

II. REASON FOR BOUNDARY CHANGE

- A. ORS 199.462 of the Boundary Commission Act states: "In order to carry out the purposes described in ORS 199.410 when reviewing a boundary change..., a boundary commission shall consider local comprehensive planning for the area, economic, demographic, sociological projections pertinent to the proposal, past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change..." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary. (This information is often quoted in the Staff Report, so be thorough and complete.)

Annexation is proposed to facilitate the orderly and efficient provision of services to adjoining properties within the City of Wilsonville. Portions of the property will be used for a road realignment, portions for open space, and portions for storm drainage. All of these improvements are necessary to the development of adjacent land within the City of Wilsonville. See attachment for additional information. These improvements are specifically called for in both the City's and County's

- B. Comprehensive Plans. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.

The property to be annexed will be used primarily for open space, storm drainage, and road right-of way. The eastern third will be zoned for open space; the western two-thirds will be zoned for medium density residential. However, given the City's setback requirements, very little residential development is expected to occur on the annexed property.

III. LAND USE AND PLANNING

- A. Is the subject territory to be developed at this time? Within 2-3 years
- B. Generally describe the anticipated development (building types, facilities, number of units).

Medium density residential (approximately 16 units) in the south-
western portion of the site. Remainder in open space, road right-
of-way, and vacant land. Residential units would most likely be
multi-family, subject to planned development review requirements
of the City of Wilsonville.

- C. If no development is planned at this time, will approval of this proposal increase the development potential of the property? Marginally
If so, please indicate in terms of allowable uses, number of units).

See above.

- D. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

The City of Wilsonville Comprehensive Plan calls for the infra-
structure improvements that make up the bulk of this proposal, as
does Clackamas County's Plan. Any residential use would require a

- E. Plan amendment and zone change,
What is the zoning on the territory to be served? GAD

F. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

Approval	Project File #	Date of Approval	Future Requirement
Metro UGB Amendment	_____	_____	<u>X</u>
City or County Plan Amendment	_____	_____	<u>X</u>
Pre-Application Hearing (City or County)	_____	_____	<u>X</u>
Zone Change (City or County)	_____	_____	<u>X</u>
Preliminary Subdivision Approval	_____	_____	_____
Final Plat Approval	_____	_____	_____
Land Partition	_____	_____	<u>X</u>
Conditional Use/PDR	_____	_____	_____
Variance	_____	_____	_____
Sub-Surface Sewage Disposal	_____	_____	<u>X</u>
Building Permit	_____	_____	_____

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

G. Can the proposed development be accomplished under current county zoning? _____ Yes X No.

If No, ---has a zone change been sought from the county either formally or informally. _____ Yes X No.

Please describe outcome of zone change request if answer to previous questions was Yes. _____

H. Is the proposed development compatible with the city's comprehensive land use plan for the area? Yes X No
 City has no Plan for the area. Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)

City Planning commission X City Planning Staff X

City Council X City Manager _____
 Please describe the reaction to the proposed development from the persons or agencies indicated above.

Planning Director is very supportive, as is the City Engineer since the primary purpose of this proceeding is to enable a much needed road realignment. City Planning Commission and Council will hear Metro petition in July.

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and the address of a contact person.

Farwest Neighborhood Association, Jim Valente, tel. 635-5243.

IV. SERVICES AND UTILITIES

- A. If the reason for the annexation or withdrawal is to obtain specific municipal services such as water service, sewerage service, fire protection, etc., please indicate the following:

1. Proximity of facilities (such as water mains, sewer laterals, storm drains, etc.) to the territory to be annexed. (Please indicate location of facilities--for example: 8" water main in Durham Rd. 500' from east edge of territory). Please indicate whose facilities they are and whether in fact these facilities will be the ones actually providing service to the area. If the facilities belong to another governmental entity, explain the agreement by which they will provide the service and what the city's policy is on subsequent withdrawal and/or compensation to the other unit.

Water and sewer will be extended along the realignment of Wilsonville Road. Both water and sewer are available in the existing alignment, 700' from the property (8" main). Services are provided by the City of Wilsonville.

2. The time at which services can be reasonably provided by the city or district. When financing is available.
3. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

Preliminary cost estimate for road realignment, water, and sewer is \$785,400.

4. Availability of the desired service from any other unit of local government. (Please indicate the government.)

N/A.

B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City _____ Rural Fire Dist. Tualatin Valley
County Service Dist. _____ Sanitary District _____
Hwy. Lighting Dist. _____ Water District _____
Grade School Dist. West Linn Drainage District _____
High School Dist. West Linn Diking District _____
Library Dist. _____ Park & Rec. Dist. _____
Special Road Dist. _____ Other Dist. Supplying Water Service _____

C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe.

N/A

APPLICANT'S NAME Marvin and Bonnie Wagner

MAILING ADDRESS 28400 SW Wilsonville Rd.

Wilsonville, OR 97070

TELEPHONE NUMBER _____ (Work)

682-3667 (Res.)

REPRESENTING _____

DATE: _____

PMALGBC FORM #15

PETITION FOR ANNEXATION TO THE CITY OF WILSONVILLE, OREGON

TO: The Council of the City of WILSONVILLE, Oregon

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of WILSONVILLE. If approved by the city, we further request that this petition be forwarded to the Portland Metropolitan Area local Government Boundary Commission for the necessary procedures as prescribed by ORS 199.490(2).

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

See Exhibit A.

PMALGBC FORM #16

CERTIFICATION OF PROPERTY OWNERSHIP
(Double Majority Method)

I hereby certify that the attached petition for annexation of the territory described therein to the City of _____ contains the names of the owners of a majority of the land area of the territory to be annexed.

NAME _____
TITLE _____
DEPARTMENT _____
COUNTY OF _____
DATE: _____

.....
PMALGBC FORM #17

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of _____ contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME _____
TITLE _____
DEPARTMENT _____
COUNTY OF _____
DATE _____

PMALGBC FORM #4

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map _____) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE: _____

PMALGBC FORM #19

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

(To be completed IF the proposal contains 10 or fewer land owners/registered voters. Please indicate the name and address of all owners/voters regardless of whether they signed an annexation petition or not. This is for notification purposes.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
(1) <u>Mr. Marvin Wagner</u>	<u>28400 SW Wilsonville Rd.</u>	<u>2200, 18, T3S, R1E</u>
	<u>Wilsonville, OR 97070</u>	
(2) <u>Mrs. Bonnie Wagner</u>	<u>same</u>	<u>same</u>
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		

PMALGBC FORM #19 (continued)

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

(To be completed IF the proposal contains 10 or fewer land owners/registered voters. Please indicate the name and address of all owners/voters regardless of whether they signed an annexation petition or not. This is for notification purposes.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
(9)	_____	_____
	_____	_____
(10)	_____	_____
	_____	_____

PMALGBC FORM #18

RESOLUTION NO. _____

A RESOLUTION INITIATING ANNEXATION OF TERRITORY TO THE CITY OF Wilsonville

This matter is before the Common Council of the City of Wilsonville hereinafter referred to as Council; and

It appearing that:

- 1) The Council is authorized by ORS 199.490(2)(a)(B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed.
- 2) The Council has received the necessary "consents" in sufficient numbers to meet so-called "double majority" annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490(2)(a)(B).

~~xxxxThe territory proposed to be annexed is presently within the
 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxWater District and/or xxSewer
 Districts and/or xxPark and Recreation
 Districts and the Council intends to withdraw the territory from the
 xxDistrict(s)
 by authority of ORS 222.520 subsequent to consummation of the annexation.~~

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF Wilsonville AS FOLLOWS:

- 1) that the Council by this resolution approves the proposed annexation with the boundaries described in Exhibit "A" and depicted in Exhibit "B" attached hereto:
- 2) that the City recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

The foregoing Resolution adopted this _____ day of _____, 19____.

(City Recorder)

CITY OF: _____

ADDRESS _____

(Zip)

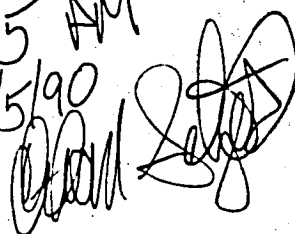
Case # 90-1 Exhibit # 12
Offered by WHITMAN
Date received 9/25/90 By LE
METRO HEARINGS OFFICER

BALL, JANIK & NOVACK
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WASHINGTON, D.C. 20004
TELEPHONE (202) 636-3307
TELECOPY (202) 783-6947

RICHARD M. WHITMAN

September 5, 1990

Received
4:55 AM
9/5/90


Mr. Ethan Seltzer
Land Use Coordinator
METRO
2000 SW First Avenue
Portland, OR 97201-5398

Re: Wagner Petition for a Locational
Adjustment to the UGB, Metro Case No. 90-1

Dear Ethan:

The following narrative is in response to the issues raised in your staff report on contested case No. 90-1. Please forward this response, including the enclosures, to Mr. Larry Epstein as part of the record for this case.

Issue No. 1: Is Planned Urbanization on Existing Urban Land Precluded or Made Less Efficient Without the Adjustment to the UGB?

Three of the issues raised for further examination (Numbers 1, 2 and 4) deal with the ultimate question of whether urbanization of existing urban lands would be precluded without the proposed amendment, Metro Code § 3.01.040(a)(4)(A)(i), or whether retention of the agricultural land would prevent the efficient and economical provision of urban services to an adjacent area inside the UGB, Metro Code § 3.01.040(a)(4)(A)(ii). Because each of the three issues raised in the staff report pertains to the same ultimate question, they are dealt with together in this response.

The issues raised in the staff report come down to two questions: 1) whether the portion of the Wagner property now within the UGB can be developed for urban uses without the road realignment and other public service improvements being made on lands outside the UGB, and 2) whether these improvements can be performed while retaining the land as agricultural land under ORS 215, Goal 3 and the county's comprehensive plan.

Mr. Ethan Seltzer
September 5, 1990
Page 2

1.A. Can the Wagner Property Within the UGB be Developed Without Improvements Being Made on the Wagner Property Outside the UGB?

The City of Wilsonville's Comprehensive Plan Policy 3.3 states that:

"[d]edication of adequate right-of-way, as established in the Street System Master Plan, or as otherwise approved by the Planning Commission, shall be required prior to actual site development.

If the proposed development would cause an existing street to exceed the minimum service capacity, then appropriate improvements shall be made prior to occupancy of the completed development."

The Street System Master Plan identifies the realignment of Wilsonville Road as a needed street system improvement. Thus, the city has informed the Wagners that development of their property may not occur without the dedication of the right-of-way for the realignment. As indicated in the petition, a portion of this right-of-way must, necessarily be on agricultural lands within Clackamas County. Furthermore, due to increasing traffic levels on Wilsonville Road, and to traffic anticipated from the development of the Wagner property and other projects in the vicinity, the city has told the Wagners that the improvement must be in place prior to occupancy of any development on their property. Thus, there is no question that the urbanization of that portion of the Wagner property already within the UGB is dependant on the realignment of Wilsonville Road, portions of which are on the Wagner property outside the UGB.

In addition, as explained in the petition, certain other services including storm drainage, sewer and water could be more efficiently and effectively provided to the Wagner property now within the UGB if this amendment were approved. One of these improvements, storm drainage, requires making urban level service improvements on the Wagner property outside of the UGB.

1.B. Can the Improvements be Made While Retaining these Lands as Agricultural Lands?

Both the staff report and Clackamas County's findings reflect some question as to whether the realignment of

Mr. Ethan Seltzer
September 5, 1990
Page 3

Wilsonville Road onto agricultural lands could be accomplished by adding only that portion of property necessary for the right-of-way. ORS 215.213(2)(q) allows as a use in areas zoned for exclusive farm use the "[c]onstruction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels." However, such uses are subject to ORS 215.296, which requires that such uses be allowed only if it is found that the use will not: a) force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or b) significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. ORS 215.296(1).

These statutes raise two issues: a) would the dedication of right-of-way to Clackamas County result in the creation of a new land parcel (prohibited by ORS 215.213(2)(q)), and b) what would the effect of the road realignment be on farm practices and costs on surrounding lands? As explained in the petition, Petition at 7-8, it is our position that dedication of the right-of-way would result in the creation of a new parcel and is thus prohibited so long as done on agricultural lands.

Perhaps more importantly, neither Metro staff nor the county have recognized what relocation of Wilsonville Road would do to the feasibility (let alone the cost) of agricultural use on the remaining portion of the 6.35-acre parcel. This parcel has been managed as a single farm unit (Filberts) along with the 17.60 acres the Wagners' own within the City of Wilsonville.

Realignment of the road would have the following consequences. First, by bisecting the Wagner parcel now within the city and removing the existing dwelling, the realignment would preclude any further agricultural use of that portion of the Wagners' property. This leaves the 6.35-acre parcel as a remnant.

Second, after the right-of-way for the realignment is taken, between 2.2 and 1.75 acres of the parcel outside of the UGB will remain suitable for agricultural use. See attached map. The net land remaining after deducting area for the right-of-way and the area which is too steep for agricultural use would produce approximately \$350/year in income. As demonstrated by the attached letter from Mr. Bruck, and from statistics in the attached survey by the Extension Service (which show that the

Mr. Ethan Seltzer
September 5, 1990
Page 4

minimum practicable parcel size for this type of farm use is 5.0 acres), this is too small an area to allow the existing agricultural use to continue. As a result, it is impossible for Metro, or Clackamas County to make supportable findings that the road realignment will not force a significant change in, or increase in cost of, accepted farm practices as required by ORS 215.213(2) and ORS 215.296(1). While the county may be able to make such findings for a larger parcel ("500 acres"), where the use has such a direct impact on a small parcel, it is inappropriate to try and maintain that agricultural lands could be preserved.

Issue No. 2: Effect of the Adjustment on Public Improvement Costs.

The City of Wilsonville has indicated that those portions of the 6.35-acre parcel that contain the stream corridor would be zoned for open space upon annexation to the city. See City of Wilsonville Comprehensive Plan at p. 34. The amount of area that would be zoned for open space is actually 2.75 acres (see attached map), not 2.3 acres.

Although this portion of the property would not be developed, it's addition to the UGB would nevertheless result in the spreading of development costs over a greater number of units and a lowering of the per unit cost of providing services. This is due to the fact that Wilsonville Code allows for density transfers from areas zoned for open space. The net result of this provision will be to both retain this area as open space, and to allow a larger number of units to be built on the portion of the property already within the UGB. As a result, the per unit cost of providing services will be decreased, whether financed through a local improvement district or directly by the developer.

The 25% reduction in cost stated in the Wagners' petition is based on two facts. First, because of the location of the realigned Wilsonville Road, and the city's designation of much of the 6.35-acre parcel for open space, no substantial development would occur on this portion of the property. Thus, there would be no marginal cost associated with providing services to the 6.35 acres. At the same time, because of the density transfer provision of the Wilsonville Code, the addition

Mr. Ethan Seltzer
September 5, 1990
Page 5

of 6.35 acres to the existing land areas within the UGB of 17.60 acres would result in a net increase in the number of units allowed of approximately 25%. As a result, the per unit cost of providing services to the area within the UGB would be reduced by at least this amount.

Additional cost savings, in the amount of approximately \$200,000 would be realized by utilizing the natural drainageway on the 6.35-acre parcel for storm drainage. See Petition at 9. Utilization of the natural drainageway for storm drainage is consistent with the city's comprehensive plan, and would greatly reduce the extent of artificial storm drainage improvements required to develop the property due to proximity of the natural drainageway.

Issue No. 3: Sources of Funding for Public Improvements.

As indicated in the Wagners' petition, the preferred source of funding for the realignment of Wilsonville Road is through an urban renewal district. This district has not yet been formed. The City of Wilsonville is awaiting the outcome of an advisory ballot measure (on the November ballot) before proceeding to finalize the district and adopt an urban renewal plan.

In the event the city does not proceed with the urban renewal district, the road relocation and other public facility improvements needed for the development of the Wagner property would be financed primarily through more traditional mechanisms such as local improvement districts and developer fees. It is expected that at least a portion of the cost of the road realignment would be borne by other developments in this area of Wilsonville.

Issue No. 4: Multiplicity of Public Improvement Standards.

The main discrepancy between the road standards of the City of Wilsonville and Clackamas County is that the city requires that an additional 25 foot setback be maintained along major arterials to preserve room for future road improvements, while the county has no such requirement. Without an amendment to the UGB and annexation of the parcel to the city, there is no basis for the county to require a property owner to maintain such a setback. Given that it is unlikely that the 6.35-acre parcel

Mr. Ethan Seltzer
September 5, 1990
Page 6

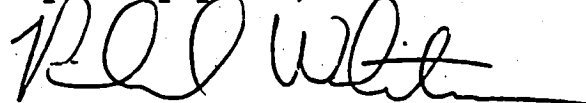
would remain in agricultural use due to its small size (see above), this means that the cost of future road improvements may be increased by incompatible development.

There is no question that both the city and the county prefer to have the relocation and improvement of Wilsonville Road be performed under the auspices of a single jurisdiction. The county, in its findings on this petition, found that "it is desirable to have all the realignment right-of-way within the Urban Growth Boundary and the City of Wilsonville in order to have consistent roadway development standards and provide for single jurisdiction maintenance." Clackamas County Board of Commissioners, Order No. 90-806.

The problem is not just one of road standards. The two jurisdictions also differ as to the timing of when the realignment should be performed. This makes coordinating the financing of the improvement difficult. Under the county's comprehensive plan, the improvement is not scheduled for funding until 5 to 20 years from now. Clackamas County Comprehensive Plan at Map V-9. In contrast, the city is willing to move ahead on this project now.

I hope that this clarifies some of the issues to be addressed at the hearing. Please let me know if you have any questions regarding the above material or the enclosures.

Very truly yours,



Richard M. Whitman

Enclosures

cc: Mr. Marvin Wagner
Mr. Stephen T. Janik

Case # 90-1 Exhibit # 13
Offered by STAR METRO
Date received 9/25/90 By LE
METRO HEARINGS OFFICER

City of
WILSONVILLE
In OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

September 4, 1990

Mr. Ethan Seltzer
Land Use Coordinator
METRO
2000 SW First Avenue
Portland, OR 97201-5398

Re: Wagner Petition for a Locational Adjustment to the UGB,
Metro Case No. 90-1.

Dear Mr. Seltzer:

It has come to our attention that one of the issues that will be addressed at the contested case hearing on the above-referenced petition is whether the city would allow development to occur on the portion of Mr. and Mrs. Wagner's property already within the City of Wilsonville prior to dedication and improvement of a new right-of-way for the relocation of Wilsonville Road.

As you know, the need for this realignment is reflected in both the city's and Clackamas County's comprehensive plans. Both jurisdictions have recently reaffirmed the need for the realignment in the context of their respective comments on the Wagner petition to Metro.

Regarding the specific issue noted above, Policy 3.3.3 of the city's comprehensive plan states that:

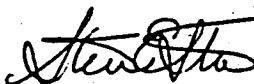
"[d]edication of adequate right-of-way, as established in the Street System Master Plan, or as otherwise approved by the Planning Commission, shall be required prior to actual site development.

If the proposed development would cause an existing street to exceed the minimum service capacity, then appropriate improvements shall be made prior to occupancy of the completed development."

Based on these provisions of the comprehensive plan, and our estimation of the traffic levels now on Wilsonville Road and the additional traffic that would be generated by development of the Wagner property in conjunction with other developments occurring in the area, we have advised the Wagner's that dedication and improvement of the right-or-way will be required prior to development of their property within the City of Wilsonville.

I hope this clarifies this issue, and I would request that this letter be made part of the record for the Wagner petition. Please feel free to contact Wayne Sorenson if you have any further questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Starner", with a long horizontal line extending to the right from the end of the signature.

Steve Starner
Community Development Director

cc. Mr. Wayne Sorenson
Mr. Marvin Wagner
Mr. Richard Whitman

Case # 90-1 Exhibit # 14
Offered by ~~BRUCK~~
Date received 9/25/90 By W
METRO HEARINGS OFFICER

September 4, 1990

Marvin Wagner
28400 SW Wilsonville Rd.
Wilsonville, OR 97070

Dear Marv,

In response to your inquiry as to my interest in renting a hazelnut orchard of approximately 2 acres - I currently rent 130 acres and would not consider renting less than 10 acres. The 2 acres you refer to would in no way be economical due to its size, lay out and location, which would require moving equipment many times each season.

Furthermore, it is my opinion that any orchard of 2 acres in size will be impossible to rent. A grower cannot afford to bother with so few trees.

Regards,

Earl Bruck
29665 SW 35th
Wilsonville, OR 97070

Earl Bruck

The following is a brief summary of what is involved in the care of a hazelnut orchard. Estimated costs involved as well as income based on the production years 1987, 1988 and 1989.

A. Operations Required/Annual Basis

1. Hand pruning of each tree and remove brush -
January, February, March
2. Fertilizer applied on the ground -
March
3. Spray tree rows to kill grass and weeds -
April, June
4. Spray for Leaf Roller insects -
April
5. Mow orchard floor -
April, May, June, July, August
6. Spray around each tree to control sucker growth -
April, May, June, July, August
7. Spray Boron - May
8. Spray for Leaf Roller - June
9. Spray for Filbert Worm - July, August
10. Float orchard floor in preparation for harvest -
August
11. Harvest Crop - October

B. Costs on a per acre basis (averaged out on an 18 acre orchard)

Operating Cost Only:

\$466.00 per acre ÷ 70 trees/A = \$6.66/Tree - Operating Costs Only, does not include land and equipment investment or taxes.

C. Income -

* \$639.00 per acre ÷ 70 Trees/A = \$9.13/Tree - Income averaged over production years 1987, 1988, 1989.

Income \$639.00 per Acre
Costs \$466.00 per Acre
\$173.00 per Acre Profit

* Nut Prices 1987 .43¢/lb
1988 .46¢/lb
1989 .38¢/lb
1990 - Not yet available - projected to be less than 1989



CLACKAMAS COUNTY

JUL 19

Case # 90-1 Exhibit # 15
Offered by CLACK COUNTY
Date received 7/25/90 By VE
METRO HEARINGS OFFICER

Department of Transportation & Development

WINSTON KURTH
EXECUTIVE DIRECTOR

RICHARD DOPP
DIRECTOR
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN
DIRECTOR
PLANNING & DEVELOPMENT

July 16, 1990

Ethan Seltzer
Land Use Coordinator
2000 SW First
Portland, OR 97201-5398

Dear Ethan,

Attached are proposed comments to Metro regarding the West Coast Grocery and Wagner UGB locational adjustment proposals. Our Board of Commissioners is expected to act on these comments Thursday, July 26.

As we discussed, Commissioner's Orders 84-1098 and 87-902 have set the general direction on locational adjustments when the service provider is a City. Attached are copies of those orders for reference.

I will forward copies of the Board action following their decision.

Sincerely,

GARY COOK, Planner
Planning and Economic Development

1/gc/0716:elk

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

Urban Growth Boundary locational
adjustments concurrent with city
annexation.

ORDER NO. 84-1098

WHEREAS the Metropolitan Service District is responsible for management of the regional Urban Growth Boundary (UGB), and the Metropolitan Service District's rules for UGB locational adjustments require comment by the governing body of the affected county, and

WHEREAS a property owner's desire for urban services and a city's ability to provide those services should be a decision made by the two parties most directly involved, now therefore

IT IS HEREBY ORDERED that the Board of County Commissioners of Clackamas County supports property owner applications to Metro for Urban Growth Boundary locational adjustments in those cases in which

- (1) the city which will provide urban services endorses the application, and
- (2) an application has been made to annex the property to the city, and
- (3) no other city or service district objects to the UGB locational adjustment, and

IT IS FURTHER ORDERED that UGB locational adjustment applications which do not meet the above three conditions shall be considered individually by this Board.

DATED this 2nd day of August, 1984.

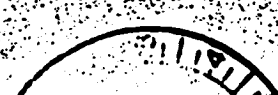
BOARD OF COUNTY COMMISSIONERS


Robert Schuchacher - Chairman


Ralph Groener - Commissioner


Dale Harlan - Commissioner

DES



BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLATSOP COUNTY, STATE OF OREGON

In the matter of Recommending
Metro Consideration of
Locational Adjustment to the
Regional Urban Growth Boundary

ORDER NO. 87-902

This matter coming before the Board at this time and it appearing to this Board that the Metropolitan Service District's procedures for managing the regional urban growth boundary require County comment on application for boundary adjustments and it further appearing that applications have been submitted to Metro for two properties (Prenni - T2B R1E Section 20A, Tax Lot 300 and Blazer Homes, Inc. - T2B R1E Section 16C Tax Lot 600 and T2B R1E Section 16CA Tax Lot 700) and

whereas the property owners desire for urban services and a city's ability to provide those services should be a decision made by the parties most directly involved and whereas

These applications do not now meet the following three criteria which according to Board Order 854-1088 are necessary for a County recommendation of support:

- (1) The City which will provide urban services endorses the application and
- (2) An application has been made to annex the property to the City and
- (3) No other City or service district objects to the UGB Locational Adjustment and

It further appearing to the Board that a recommendation of either approval or denial at this time may prejudice a future County hearing on amendments to the County's Urban Growth Boundary

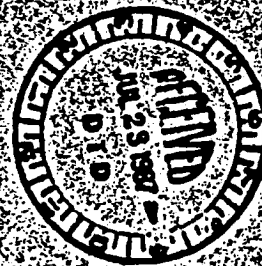
NOW THEREFORE BE IT RESOLVED that Clatsop County recommends to Metro that there is sufficient merit for Metro to conduct hearings to receive comments from Lake Oswego and interested citizens and then to determine consistency of the applications with Metro's locational adjustment standards

Given this 23rd day of July 1987

E. Lindquist
E. Lindquist, Chairman

Bob Farber
Bob Farber, Commissioner

Darlene Hooley
Darlene Hooley, Commissioner





CLACKAMAS COUNTY

Department of Transportation & Development

COPY

TO: Mike Swanson
FROM: Gary Cook
DATE: July 12, 1990

WINSTON KURTH
EXECUTIVE DIRECTOR
RICHARD DOPP
DIRECTOR
OPERATIONS & ADMINISTRATION
TOM VANDERZANDEN
DIRECTOR
PLANNING & DEVELOPMENT

SUBJECT: Request for Comments, Regional Urban Growth Boundary Amendment

We request the Board of Commissioners approve the attached Order (and materials) at their meeting on Thursday, July 26, 1990.

BACKGROUND:

Marvin and Bonnie Wagner have filed an application with Metro to include a 6.3 acre parcel in the regional Urban Growth Boundary adjacent to Wilsonville. The property is planned agriculture and zoned GAD. Metro has requested Clackamas County provide comments regarding this request.

The Clackamas County and City of Wilsonville comprehensive plans show a realignment of Wilsonville Road which is split by the existing Urban Growth Boundary. Logically, the realignment right-of-way should be included within the Urban Growth Boundary as the roadway would be developed to urban standards for urban uses. At issue is the request to include the remainder of the 6.3 acre parcel within the Urban Growth Boundary.

The attached Order supports amending the Urban Growth Boundary necessary to include the road realignment. The Order finds conversion of the remaining property is not supported by agricultural land retention policies in the County Comprehensive Plan. If Metro approves the application (or includes a portion of the property within the regional UGB) it would be necessary to conduct hearings to amend the County's Urban Growth Boundary. The City of Wilsonville would be responsible for providing water and sewer services and would assume land use authority following annexation.

FINANCIAL IMPACT:

Approval of this Order may require the County conduct future public hearings.

COUNTY COUNSEL:

Does not require Counsel review.

RECOMMENDED ACTION:

Approval of the attached Order forwarding Clackamas County's recommendation to Metro.

If you need additional information, please contact Gary Cook at 3314 or Larry Kato at 3312.

WINSTON W. KURTH - Executive Director
Department of Transportation and Development

902 Abernethy Road • Oregon City, OR 97045-1100 • (503) 655-8521 • FAX 650-3351

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Providing
Comments to Metro for the
Wagner Urban Growth
Boundary Amendment

ORDER NO.:
PAGE 1 OF 2

This matter coming before the Board of County Commissioners and it appearing Marvin and Bonnie Wagner have petitioned Metro to include a 6.3 acre parcel within the regional Urban Growth Boundary, and

It further appearing to the Board, Metro has requested comments from Clackamas County on this application, and

It further appearing to the Board petitioners own adjacent tax lots, one within the Urban Growth Boundary and one outside the Urban Growth Boundary, and

It further appearing to the Board the City of Wilsonville and Clackamas County have included the realignment of Wilsonville Road in their Comprehensive Plans, and

It further appearing to the Board, a portion of the road realignment would be required from the Wagner property which lies outside the regional Urban Growth Boundary, zoned GAD by Clackamas County currently in agricultural use, and

It further appearing to the Board, development is proposed on the property within the Urban Growth Boundary and the applicants are proposing inclusion of the entirety of the parcel lying outside the Urban Growth Boundary within the urban area, and

It further appearing to the Board it is not necessary to include the entirety of the parcel within the Urban Growth Boundary in order to incorporate the road realignment, and

It further appearing to the Board it is desirable to have all the realignment right-of-way within the Urban Growth Boundary and City of Wilsonville in order to have consistent roadway development standards and provide for single jurisdiction maintenance, and

It further appearing to the Board the County Comprehensive Plan allows agricultural land be designated urban only after considering retention of that agricultural land, and it appears the request to include all the property in the Urban Growth Boundary is not supported by the County Comprehensive Plan policies to retain agricultural lands, and

It further appearing to the Board, Metro has the statutory responsibility for maintenance and amendments to the regional Urban Growth Boundary, and

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Providing
Comments to Metro for the
Wagner Urban Growth
Boundary Amendment

ORDER NO.:
PAGE 2 OF 2

It further appearing to the Board, water and sewer services would be provided by the city of Wilsonville,

NOW, THEREFORE, IT IS HEREBY RESOLVED AND
ORDERED:

- Clackamas County supports the proposal to the extent the entire roadway realignment be included in the Urban Growth Boundary.
- If approved, Wilsonville is responsible for providing water and sewer services and would assume land use authority following annexation.
- If included in the regional Urban Growth Boundary, a public hearing be conducted to amend the County Urban Growth Boundary.

DATED this ____ day of _____, 1990

BOARD OF COUNTY COMMISSIONERS

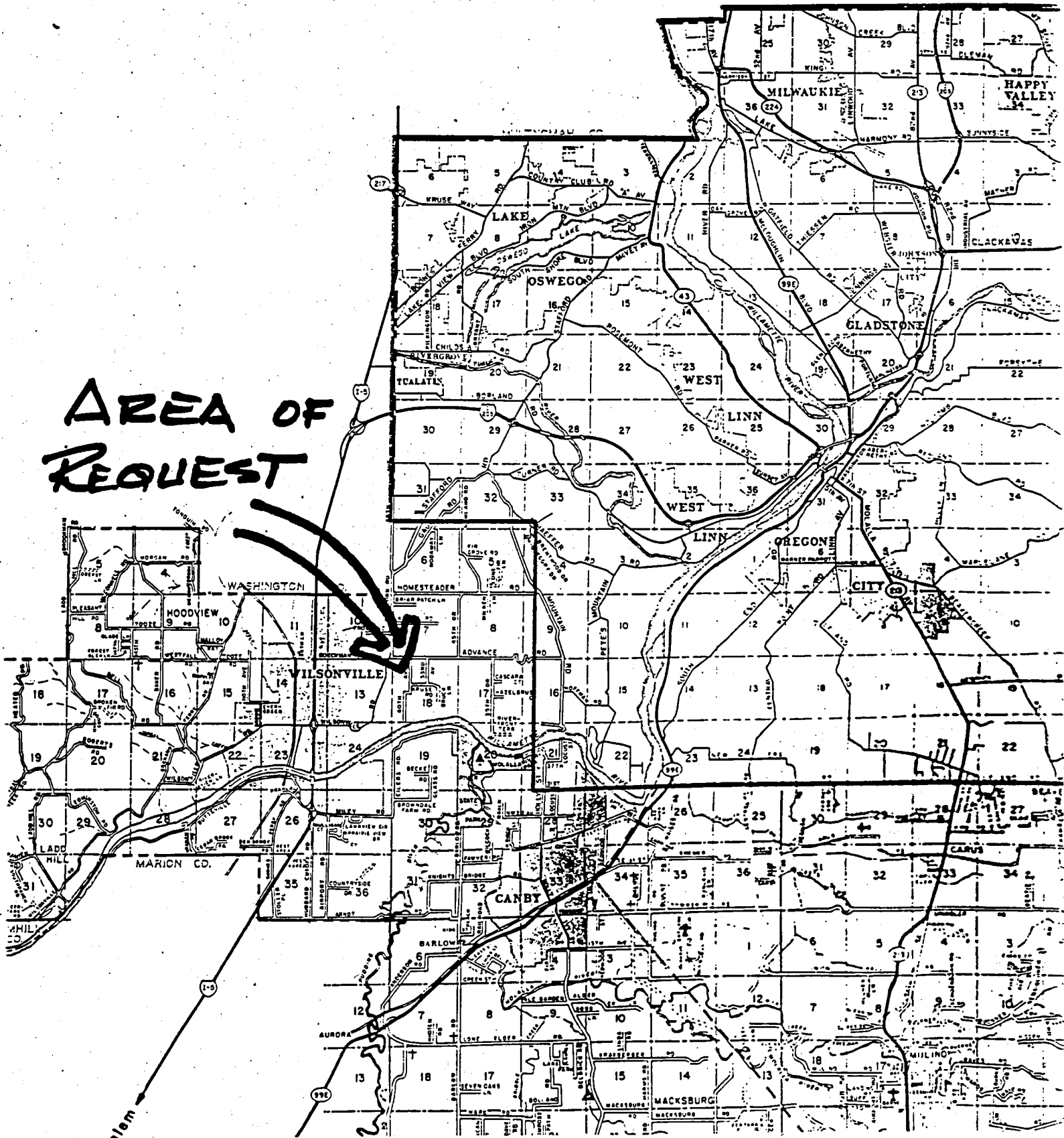
Darlene Hooley, Chair

Judie Hammerstad, Commissioner

Ed Lindquist, Commissioner

<da>bcc/gc/0711/2

AREA OF
REQUEST



STAFFORD MARKET
SW
AMERIDFANY

94.42 Ac.

700
0.43 Ac.
800
0.60 Ac.
900
0.21 Ac.

601
29.25 Ac.
27480

LOT 43.82

SEE DIA. DWG 1333

3-05

1800
10.00 Ac.

1000
0.42 Ac.
27520

1101
60.00 Ac.

G.A.D.

R.R.F.F.- 5

LOT 43.72

**PROPOSED UGB
AMENDMENT**

1200
4.00 Ac.
6351

ROAD

DOECKMAN ROAD

ADVANCE

TRAIL ACRES

RA-1
3-5 du/
acre

2100
4.84 Ac.
6360

2000
19.44 Ac.

G.A.D.

LOT 43.78

2001
2.00 Ac.
28335
By PS 986
1228.60'

2300
3.60 Ac.

2400
10.98 Ac.

3-19

EASEMENT
16 COR

See PS 936
See PS 5352

2500
5.22 Ac.

2600
6.52 Ac.

ANGEL LANE
PUBLIC RD

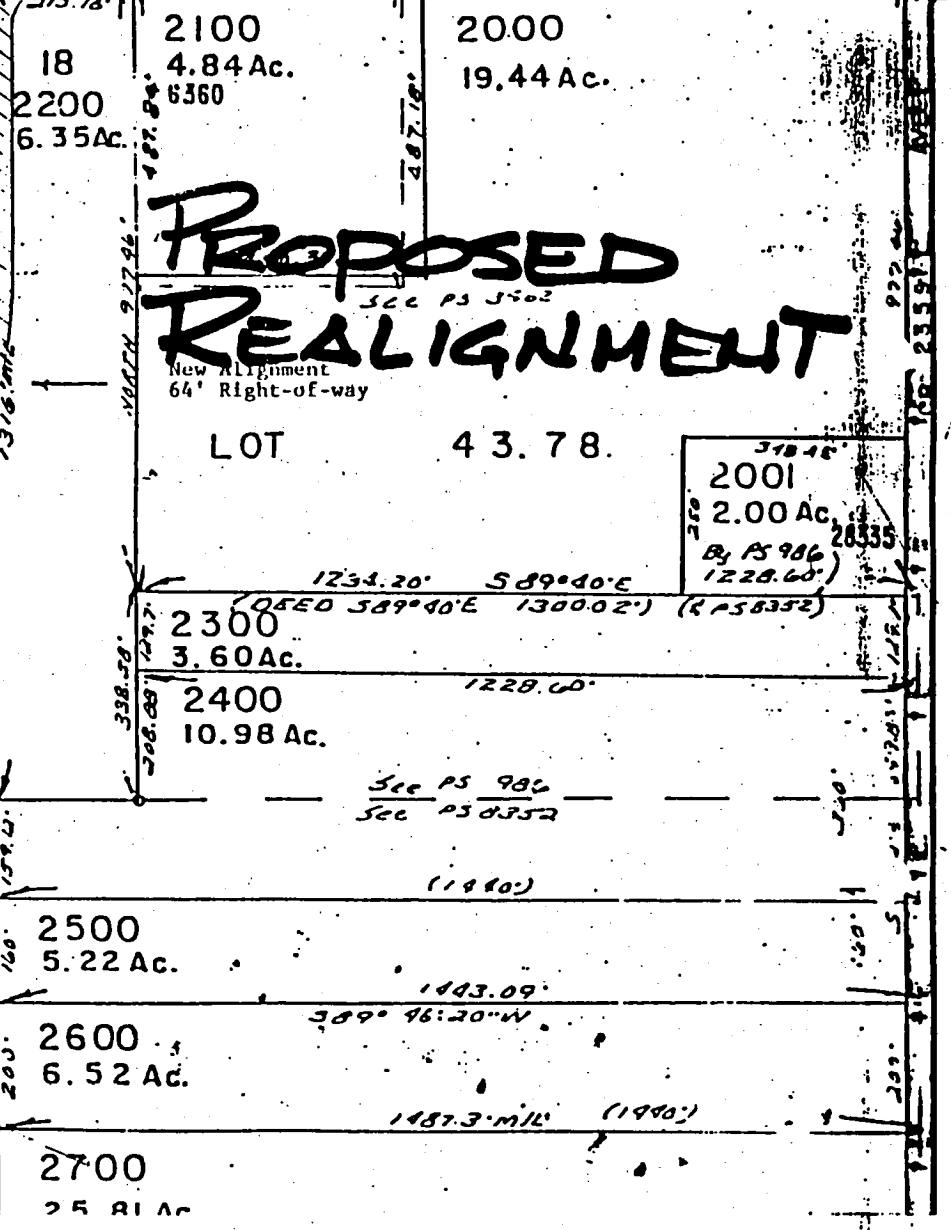
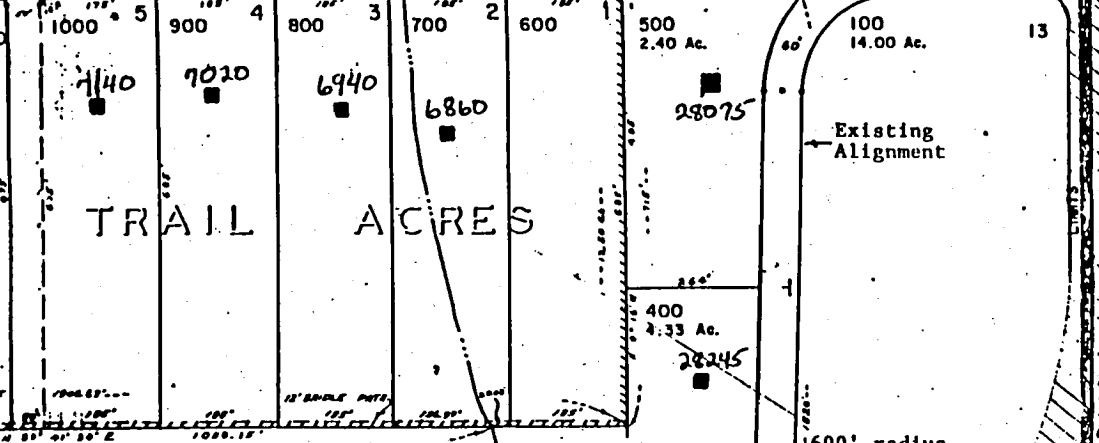
P.D.R.

WILLE RD

SEE MAP 3 1W 12D1
71 70 69 68 67 66

U.G.B.

DOECKMAN ROAD 401.34 1410.04 821.70 ADVANCE



PROPOSED REALIGNMENT
New Alignment
64' Right-of-way

3-19

ANGEL LANE PUBLIC RD.

WILSONVILLE

600 ft. radius

EASEMENT 1/16 COR.

2001
2.00 Ac.
By PS 986
1228.60'

CLACKAMAS COUNTY
COMPREHENSIVE PLAN

WEST URBAN AREA
PROJECTS NEEDED

① thru ⑳ 0-5 YEARS

㉑ thru ㉓ 5-20 YEARS

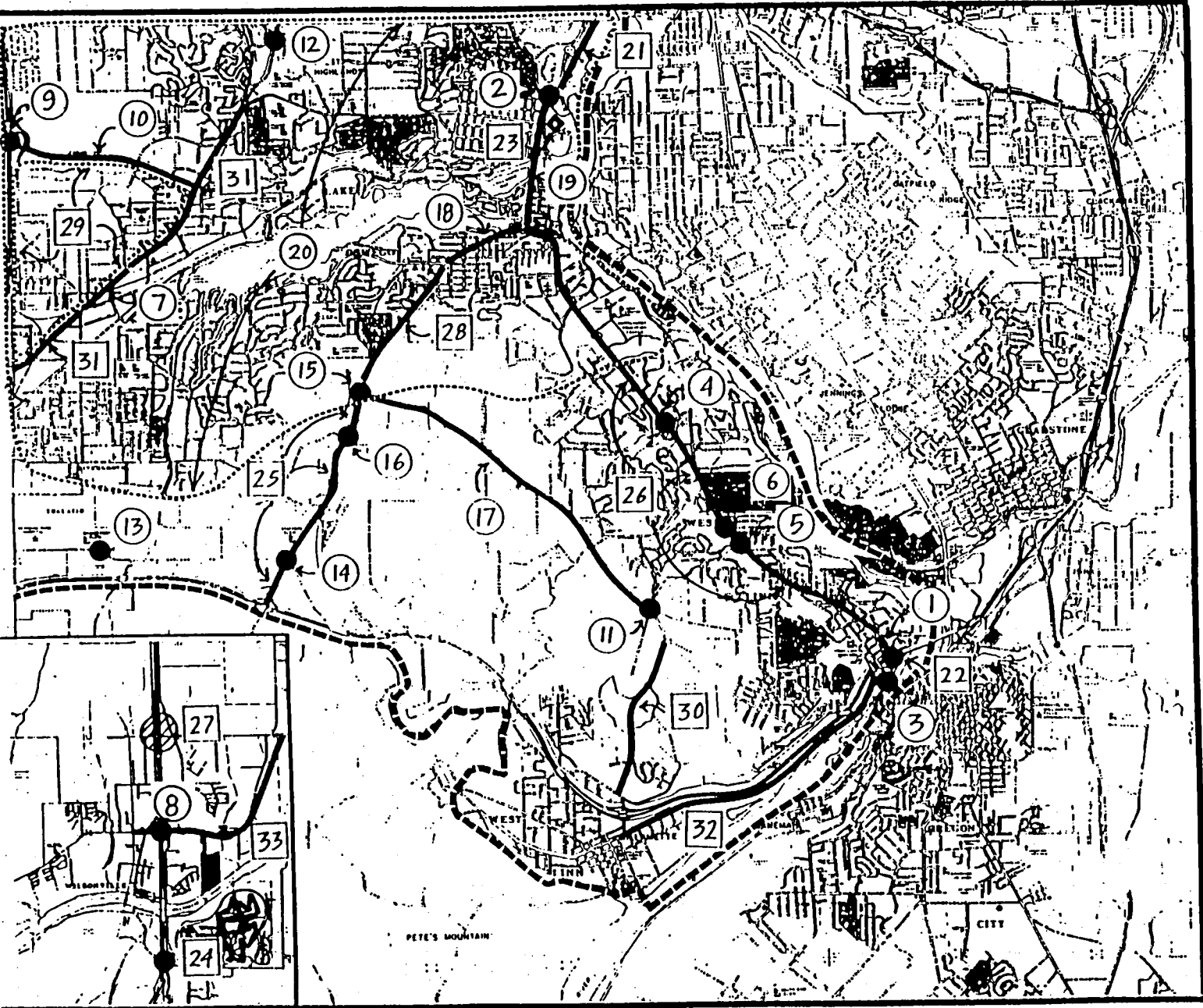
— ROAD IMPROVEMENT

● INTERSECTION IMP.

◆ TRANSIT STATION

⊘ SPECIAL TRANSPORTATION
STUDY AREA

⊘ TRANSPORTATION/
CIRCULATION STUDY AREA

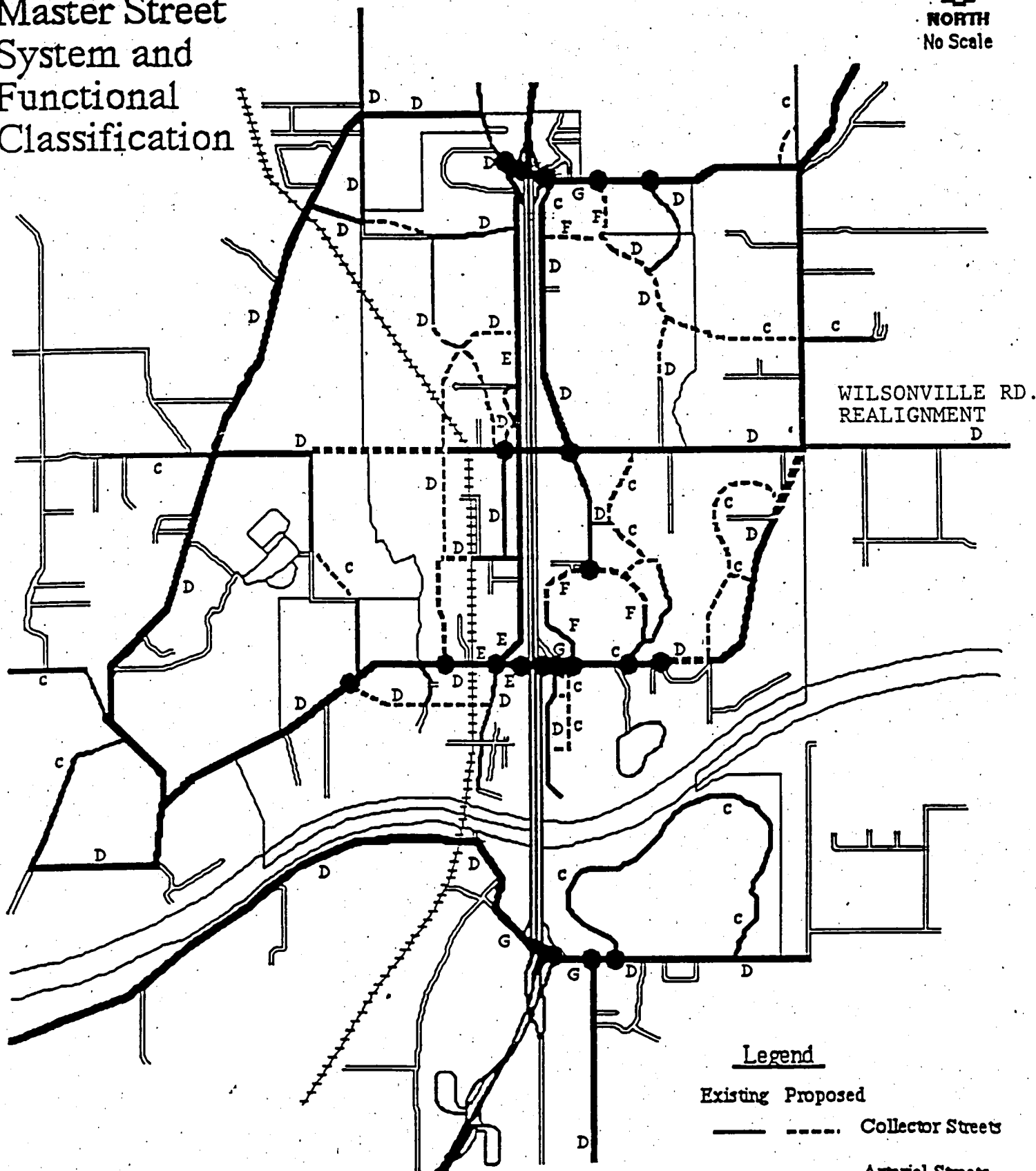


MAP V-9

WILSONVILLE ROAD REALIGNMENT

Master Street System and Functional Classification

NORTH
No Scale



WILSONVILLE RD.
REALIGNMENT
D

Legend

Existing	Proposed	
—	- - - -	Collector Streets
—	—	Arterial Streets
	C to G	Design Standards
	●	Traffic Signals

Note: Existing and proposed "A" and "B" classification local streets are not shown on this map.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Providing
Comments to Metro for the
Wagner Urban Growth
Boundary Amendment

ORDER NO.: 90-806

PAGE 1 OF 2

Case # 90-1 Exhibit # 16

Offered by CLACK. COUNTY

Date received 9/25/00 By VE

METRO HEARINGS OFFICER

This matter coming before the Board of County Commissioners and it appearing Marvin and Bonnie Wagner have petitioned Metro to include a 6.3 acre parcel within the regional Urban Growth Boundary, and

It further appearing to the Board, Metro has requested comments from Clackamas County on this application, and

It further appearing to the Board petitioners own adjacent tax lots, one within the Urban Growth Boundary and one outside the Urban Growth Boundary, and

It further appearing to the Board the City of Wilsonville and Clackamas County have included the realignment of Wilsonville Road in their Comprehensive Plans, and

It further appearing to the Board, a portion of the road realignment would be required from the Wagner property which lies outside the regional Urban Growth Boundary, zoned GAD by Clackamas County currently in agricultural use, and

It further appearing to the Board, development is proposed on the property within the Urban Growth Boundary and the applicants are proposing inclusion of the entirety of the parcel lying outside the Urban Growth Boundary within the urban area, and

It further appearing to the Board it is not necessary to include the entirety of the parcel within the Urban Growth Boundary in order to incorporate the road realignment, and

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It further appearing to the Board, Metro has the statutory responsibility for maintenance and amendments to the regional Urban Growth Boundary, and

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Providing
Comments to Metro for the
Wagner Urban Growth
Boundary Amendment

ORDER NO.: 90-806
PAGE 2 OF 2

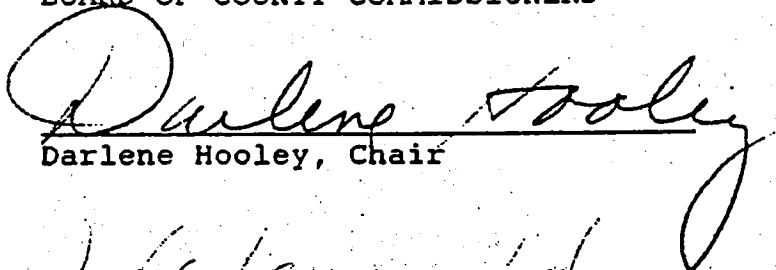
It further appearing to the Board, water and sewer services would be provided by the city of Wilsonville,


NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED:

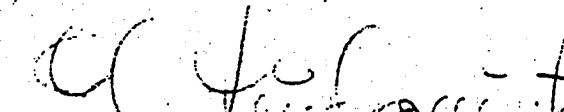
- Clackamas County supports the proposal to the extent the entire roadway realignment be included in the Urban Growth Boundary.
- If approved, Wilsonville is responsible for providing water and sewer services and would assume land use authority following annexation.
- If included in the regional Urban Growth Boundary, a public hearing be conducted to amend the County Urban Growth Boundary.

DATED this 26th day of July _____, 1990

BOARD OF COUNTY COMMISSIONERS


Darlene Hooley, Chair


Judie Hammerstad, Commissioner


Ed Lindquist, Commissioner

<da>bcc/gc/0711/2



RESOLUTION NO. 778

A RESOLUTION EXPRESSING THE WILSONVILLE CITY COUNCIL'S SUPPORT FOR AN URBAN GROWTH BOUNDARY AMENDMENT REQUESTED BY MARV WAGNER FOR ABOUT 6.35 ACRES OF LAND IDENTIFIED AS TAX LOT 2200, T3S-R1W, SECTION 18, CLACKAMAS COUNTY, OREGON

WHEREAS, Mr. Richard Whitman has prepared an application for Mr. and Mrs. Wagner requesting an amendment to the Portland Metropolitan Area Urban Growth Boundary; and

WHEREAS, the City of Wilsonville can extend and provide all necessary utilities and services needed to serve the subject property; and

WHEREAS, the subject property is located adjacent to the city's existing Urban Growth Boundary and, logically, would be best served by connection to city sewer, water and storm drainage to serve future development; and

WHEREAS, the Transportation Advisory Commission has reviewed this proposal and recommends that the City Council support and approve this application because it represents a positive step in realigning Wilsonville Road and increases the public safety; and

WHEREAS, the City Council has fully and carefully reviewed the petition for a locational adjustment and finds it to be a substantial and compelling argument in favor of amending the Boundary.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVED AS FOLLOWS:

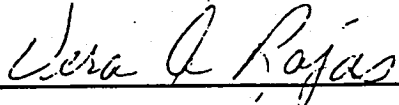
1. That the City Council does hereby declare its support for and recommends that the Metro Council approve Marv Wagner's request for a locational adjustment to the Portland Metropolitan Area Urban Growth Boundary.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 16th day of July, 1990 and filed with the Wilsonville City Recorder this same date.



JOHN M. LUDLOW, Mayor

ATTEST:



VERA A. ROJAS, CMC, City Recorder

SUMMARY of Votes:

Mayor Ludlow	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Dant	<u>AYE</u>

Request for Comment from Service Provider

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: City of Wilsonville
Name of Service Provider

From: Mr. and Mrs. Wagner
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 23, 1990.

In general, land placed inside the UGB will develop to a residential density of at least four units a net 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 easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

Support Approval

Oppose Approval

Have No Comment

Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed John M. Sullivan

Date July 16, 1990

Title Mayor

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
ONE MAIN PLACE
101 S. W. MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3274
TELEPHONE (503) 228-2525
TELECOPY (503) 295-1058

WASHINGTON, D. C. 20004
TELEPHONE (202) 638-2377
TELECOPY (202) 783-6947

RICHARD M. WHITMAN

June 22, 1990

Mr. Wayne Sorenson
Planning Director
City of Wilsonville
P.O. Box 220
Wilsonville, OR 97070

Dear Wayne:

Enclosed is a copy of the Wagners' petition for a minor boundary change to the Metro/Wilsonville UGB. We have made several changes to the petition since our meeting on June 14, 1990, including adding to the analysis of why the UGB amendment is needed to facilitate the development of lands already within the UGB.

One of the questions which arose at our meeting was why we couldn't restrict the UGB change to only that portion of the property needed for the new road alignment. I have looked into this question and there are three reasons why this could not be done. First, it is generally Metro's policy to have the UGB follow property lines. See Metro Code Section 3.01.040(d)(1). Secondly, the other portions of the property are required for storm drainage and bikeway improvements, and Metro requires that "all similarly situated contiguous land" be included in the petition. See Metro Code Section 3.01.040(d)(2). Finally, under ORS 215.213(2) and Section 402 of the Clackamas County Zoning and Development Ordinance, the parcel can't be divided. In sum, the only way for this road realignment to occur is for the entire parcel to be included in an amended UGB.

Any concerns the City or County may have regarding the effect of this amendment on agricultural lands should be allayed upon a close examination of the petition and what the City of Wilsonville's Code provides for a parcel such as the one involved here. The City's Code and Comprehensive Plan, by imposing a setback of at least 55 feet from the centerline of an arterial (Code Section 4.167(f), and by requiring that natural drainage ways be designated as open space (Plan Policy 3.4.3), effectively preclude any development on the lands proposed for addition to the UGB. This will insure that the agricultural uses on

Mr. Wayne Sorenson
June 22, 1990
Page 2

adjoining properties are not effected by this change to the UGB and that the potential for conflict between urban and agricultural uses is not increased.

It is my understanding that this petition will go to the Planning Commission as an information item on July 9, 1990, and to the City Council for a resolution/recommendation on July 16, 1990. As you know, the City's comments must be in to Metro by July 21, 1990 to be considered with the petition. Please let me know if there are any timing problems and if there will be an opportunity to testify on what position the City should take.

We feel strongly that this UGB amendment and road realignment is in the best interests of both the City of Wilsonville and Clackamas County. As you know, both jurisdictions identify this realignment in their Comprehensive Plans and the existing alignment is a serious public safety hazard. As a result we feel that a positive recommendation to Metro is appropriate. Please feel free to call me if you have any questions regarding this matter.

Very truly yours,


Richard M. Whitman

RMW:jvg
Enclosures
cc: Mr. and Mrs. Wagner
Mr. Stephen T. Janik
Mr. Ethan Seltzer

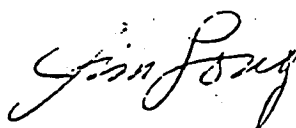
City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING
MEMORANDUM

DATE: JUNE 26, 1990

TO: WAYNE SORENSEN
PLANNING DIRECTOR

FROM: JIM LONG
ASSISTANT ENGINEER 

RE: WILSONVILLE ROAD REALIGNMENT THROUGH THE
WAGNER PROPERTY

The attached letter and map from Richard M. Whitman was presented to the Transportation Advisory Commission at its regular meeting on June 21, 1990. After some discussion, the Commission approved the proposal and sent a recommendation to the City Council, requesting that they support the Wagner petition to Metro.

jl:md

Attachments: 6/21/90 Correspondence
Map of Realignment
TAC Approval & Recommendation

cc: Project file
Inter-Office Communications - Engr.

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
ONE MAIN PLACE
101 S.W. MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3274
TELEPHONE (503) 228-2525
TELECOPY (503) 298-1088

9TH FLOOR, 601 PENNSYLVANIA AVE. N.W.
WASHINGTON, D. C. 20004
TELEPHONE (202) 638-3307
TELECOPY (202) 783-8947

RICHARD M. WHITMAN

June 21, 1990

BY TELECOPY

Mr. Jim Long, Assistant
City Engineer
City of Wilsonville
30000 S.W. Town Center Loop, E.
P.O. Box 220
Wilsonville, OR 97070

Re: Public Testimony to the City of Wilsonville
Traffic Advisory Committee Requesting an
Affirmation of the City's Policy on the
Wilsonville Road Realignment

Dear Jim:

Please submit the attached public testimony to the City of Wilsonville's Traffic Advisory Committee for their consideration. I would also appreciate it if you could pass on my apologies to the Committee for not being able to be present at tonight's committee meeting due to a scheduling conflict.

Thank you for your assistance and please call me at 228-2525 if you have any questions regarding this matter.

Very truly yours,



Richard M. Whitman

RMW:jvg

Enclosure

cc: Mr. and Mrs. Wagner
Mr. Wayne Sorenson
Mr. Stephen T. Janik

RMW\JVG\RMW\WAGNER\LONG.621

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
ONE MAIN PLACE
101 S.W. MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3274
TELEPHONE (503) 228-2528
TELECOPY (503) 298-1058

8th FLOOR, 801 PENNSYLVANIA AVE. N.W.
WASHINGTON, D. C. 20004
TELEPHONE (202) 638-3307
TELECOPY (202) 783-8947

RICHARD M. WHITMAN

June 21, 1990

City of Wilsonville
Traffic Advisory Committee
30000 S.W. Town Center Loop, E.
P.O. Box 220
Wilsonville, OR 97070

Re: Request for Affirmation of the City of
Wilsonville's Policy to Realign
Wilsonville Road

Dear Members of the Traffic Advisory Committee:

I am an attorney representing Mr. and Mrs. Wagner who reside at 28400 S.W. Wilsonville Road, Wilsonville, Oregon. For the past several months Mr. and Mrs. Wagner and I have been working with the City of Wilsonville, the Metropolitan Service District (Metro) and Clackamas County to resolve how the improvements to Wilsonville Road in the vicinity of its intersection with Boeckman Road and Advance Road should be performed. As you may know, both the City of Wilsonville's and Clackamas County's Comprehensive Plans call for the realignment of Wilsonville Road in this area to eliminate two dangerous ninety degree turns in the current road alignment. At least four serious and many minor accidents have occurred at these ninety degree turns during the past five years. Eliminating these two turns by realigning Wilsonville Road would require putting part of that new alignment on lands just outside the City of Wilsonville boundary. See attached map.

Under provisions of state law and Clackamas County's Comprehensive Plan and Zoning and Development Ordinance, the realignment of Wilsonville Road onto lands outside the City of Wilsonville's Urban Growth Boundary is prohibited. To overcome this obstacle, we are submitting a petition to Metro to amend the Urban Growth Boundary of the City of Wilsonville to include the area now in Clackamas County necessary for this realignment to occur. As part of this process, both the City of Wilsonville and Clackamas County are required to comment on the petition to Metro. The Wagners' Metro petition will be coming before the


City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING
MEMORANDUM

DATE: JUNE 26, 1990

TO: WAYNE SORENSEN
PLANNING DIRECTOR

FROM: JIM LONG
ASSISTANT ENGINEER 

RE: WILSONVILLE ROAD REALIGNMENT THROUGH THE
WAGNER PROPERTY

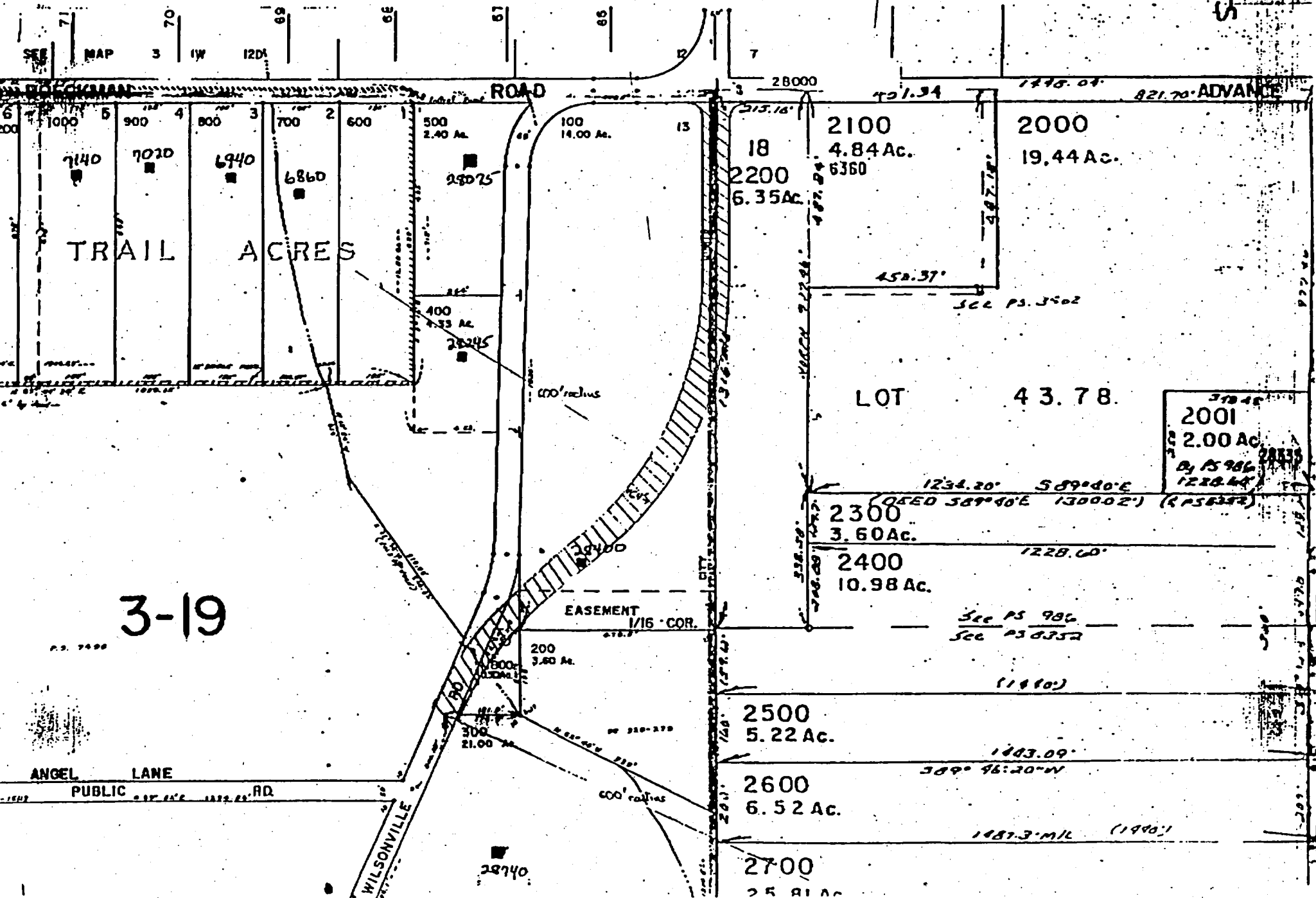
The attached letter and map from Richard M. Whitman was presented to the Transportation Advisory Commission at its regular meeting on June 21, 1990. After some discussion, the Commission approved the proposal and sent a recommendation to the City Council, requesting that they support the Wagner petition to Metro.

jl:md

Attachments: 6/21/90 Correspondence
Map of Realignment
TAC Approval & Recommendation

cc: Project file
Inter-Office Communications - Engr.

alignments
2001
2002



SEE MAP 3 1W 12D1

TRAIL ACRES

LOT 43.78

2001
2.00 Ac.
By 15 986
1228.44

3-19

ANGEL LANE PUBLIC RD

WILSONVILLE

2700
25.81 Ac.

Excerpt from the minutes of the Transportation Advisory Commission June 21, 1990 meeting.

Under Public Input, Written - Chairman Anderson read, for the record, a letter from attorney Richard M. Whitman, of the law firm of Ball, Janik & Novack, representing Mr. & Mrs. Wagner of Wilsonville.

"To the members of the Traffic Advisory Committee:

I am an attorney representing Mr. & Mrs. Wagner, who reside at 28400 S.W. Wilsonville Road, Wilsonville, Oregon. For the past several months Mr. & Mrs. Wagner and I have been working with the City of Wilsonville, the Metropolitan Service District, (Metro) and Clackamas County to resolve how the improvements to Wilsonville Road in the vicinity of its intersection with Boeckman Road and Advance Road should be performed. As you may know both the City of Wilsonville's and Clackamas County's Comprehensive Plans call for the realignment of Wilsonville Road in this area to eliminate two dangerous ninety degree turns in the current road alignment. At least four serious and many minor accidents have occurred at these ninety degree turns during the past five years. Eliminating these two turns by realigning Wilsonville Road would require putting part of that new alignment on lands just outside the City of Wilsonville boundary. See attached map.

Under provisions of state law and Clackamas County's Comprehensive Plan and Zoning and Development Ordinance, the realignment of Wilsonville Road onto lands outside the City of Wilsonville's Urban Growth Boundary is prohibited. To overcome this obstacle, we are submitting a petition to Metro to amend the Urban Growth Boundary of the City of Wilsonville to include the area now in Clackamas County necessary for this realignment to occur. As part of this process, both the City of Wilsonville and Clackamas County are required to comment on the petition to Metro. The Wagners' Metro petition will be coming before the City of Wilsonville Planning Commission and the City Council within the next three to four weeks.

Given the Traffic Advisory committee's leading role in setting transportation policy for the City of Wilsonville, we would like to request that the Committee reaffirm that it is the city's policy to realign Wilsonville Road in this area and that the Committee request that the Wilsonville City Council make a favorable recommendation to Metro regarding the Wagners' petition. A resolution of the Committee would help ensure that this badly needed road improvement occurs.

Thank you for your consideration of this matter."

(signed by Richard M. Whitman)

Chairman Anderson explained that in essence what is being talked about is one lane -- the east lane of the proposed realigned Wilsonville Road, which would fall outside of the Urban Growth Boundary and would make a four-way alignment with Wilsonville Road as it goes on past the intersection of Boeckman, Advance and Wilsonville Road.

When asked for additional information, Mr. Long pointed out that not only are the Wagners petitioning for the road section and right-of-way, to be included in the Urban Growth Boundary, but that the remaining portion of Tax Lot 2200 be included in the boundary change. For the city's support of this realignment, the Wagners are willing to provide the right-of-way for that road alignment. If the petition does not go through, and the City opts to proceed with this realignment it will be necessary to purchase or condemn the property. The city engineer and city planner have considered several options for the realignment of

Wilsonville Road, (a project which is part of the current comprehensive plan) and support this as the preferred alignment. Discussion continued.

LEW HENDERSHOTT MOVED, SECONDED BY BILL PRATT, THAT TAC SEND A RECOMMENDATION TO THE CITY COUNCIL, REQUESTING THAT THEY SUPPORT THE WAGNER PETITION TO METRO. MOTION CARRIED 4-0.

/md

Case # 90-1 Exhibit # 18
Offered by BECK
Date received 9/25/90 By le
METRO HEARINGS OFFICER

MILTON & FLORENCE BECK
19 Hitching Post Lane
Bell Canyon, CA 91307

September 25, 1990

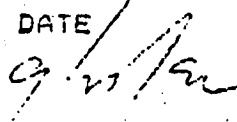
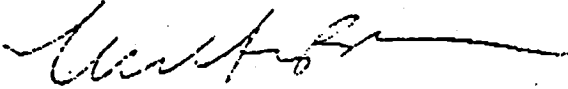
To: LARRY EPSTEIN, Esq.
BY FAX: 503-228-7365
Re: Petitioners Marvin G. & Bonnie Wagner of Wilsonville, Ore.

Marvin G. and Bonnie Wagner, owners of Tax Lot 2200, Section 18, T3S, R1E, W.M., have requested a locational adjustment UGB, a specific land use action included in the Municipal Code.

Therefore, as the lawful and recorded property owners of 6360 S.W. Advance Rd., located adjacent to, and directly east of the Wagner's property, we are, at present, not in objection to the proposed locational adjustment.

MILTON & FLORENCE BECK

DATE



Case # 90-1 Exhibit # 19
Offered by CONNOLLY
Date received 9/25/90 By JE
METRO HEARINGS OFFICER

6351 SW Advance Road
Wilsonville, OR 97070

September 24, 1990

Mr. Larry Epstein
Attorney at Law
722 SW Second Avenue, Suite 400
Portland, OR 97204

RE: Petition of Marvin & Bonnie Wagner
of Wilsonville, Oregon.

Dear Mr. Epstein:

We are opposed to the petition by the Wagners to move the Urban Growth Boundary in order to include their Tax Lot 2200, Section 18, T3S, R1E, W.M. We urge you to recommend it be denied.

We own a small farm within a few hundred yards of the subject property. We purchased this just over a year ago in order to move to a rural setting. The last thing we or any other farm owner in the area wants is further encroachment of high density housing into farmland. The preservation of rural areas is one of the reasons Urban Growth Boundaries have been established.

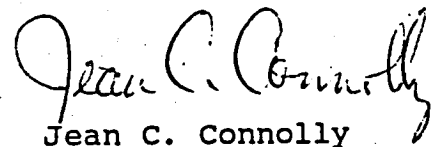
Attached is a letter from the petitioner which we received last week. Please note in the second paragraph the statement that the reason for the petition is to help the City of Wilsonville straighten out Wilsonville Road. We believe this is not a true representation of the petitioners' primary objective. On the contrary, we believe the petitioner simply wants to be able to sell the property for high density housing, but he cannot do so unless the property is included in the Urban Growth Boundary. A realtor has told us that the Wagners intended to list their property with him for sale.

It is our understanding that Clackamas County recently reviewed all Urban Growth Boundaries within the county for possible adjustment, and that this particular location was not one earmarked for consideration.

It is evident to us that the only reason the petitioners wish to have the Urban Growth Boundary moved is for personal financial gain. We ask you to recommend the petition be denied.

Very truly yours,


Joseph A. Connolly


Jean C. Connolly

Case # 90-1 Exhibit # 20
Offered by VAN LENTE
Date received 9/25/90 By LE
METRO HEARINGS OFFICER

Far West CPO
24025 S.W. Newland Road
Wilsonville, OR 97070

DATE: September 25, 1990
TO: METRO
ATTN: Hearings Officer Epstein

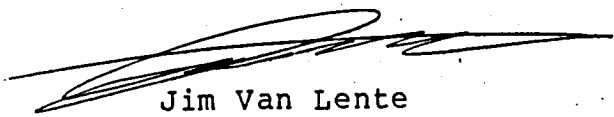
RE: Proposed Urban Growth Boundary Change for Wagner

We are concerned about the precedent created by this application.

Unfortunately, we are not able to hold a properly noticed meeting by this date as required for an official position.

However, we wish to reserve the right to do so on any future hearings, appeals, etc. that result from this application and proceedings.

Very truly yours,



Jim Van Lente
President
Far West CPO

United States
Department of
Agriculture

Soil
Conservation
Service

In cooperation with
United States
Department of
the Interior,
Bureau of Land
Management, and
Oregon Agricultural
Experiment Station

Soil Survey of Clackamas County Area, Oregon

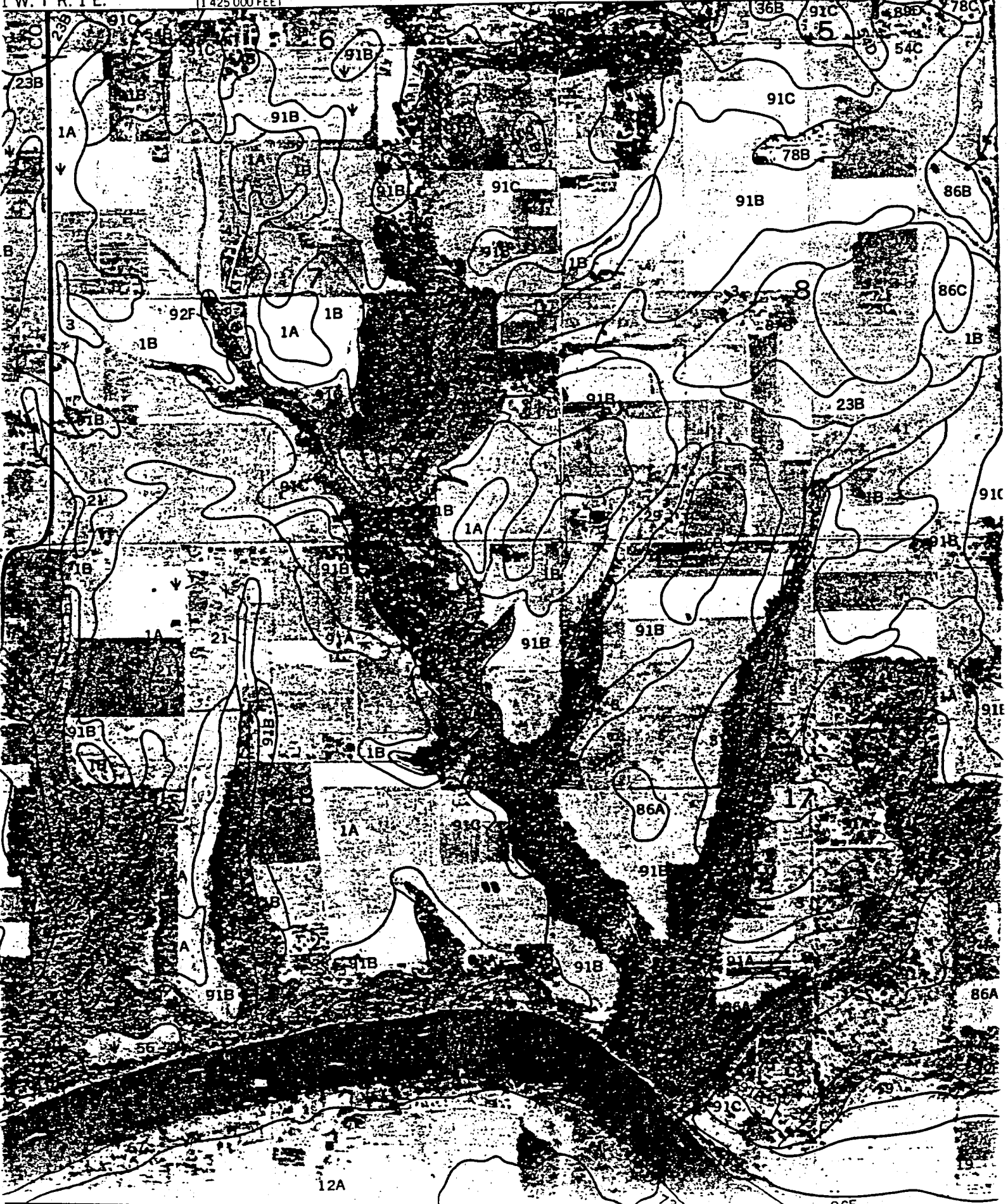
Case # 90-1 Exhibit # 21
Offered by WHITMAN
Date received 1/25/90 By KE
METRO HEARINGS OFFICER



1 W. | R. 1 E.

1:425 000 FEET

91B



12A

92F

Water capacity is about 10 to 13 inches. Effective rooting depth is 60 inches or more. Runoff is medium, and the hazard of water erosion is moderate. The water table is at a depth of 24 to 36 inches in winter and early in spring. This soil is droughty in summer.

This unit is used mainly for crops such as small grain, hay, and pasture. Berries are also grown. Some areas of the unit are used for timber production and as wildlife habitat and homesites. This unit is subject to increased use as homesites. Where the unit has been used as homesites, as much as 75 percent of the area not covered by buildings or other impervious material has been disturbed. The disturbed areas have been covered by as much as 24 inches of fill material or have had as much as 36 inches of the original profile removed by cutting or grading. The fill material is most commonly from adjacent areas of Woodburn soils that have been cut or graded.

This unit is suited to cultivated crops. It is limited mainly by wetness and slope. Wetness generally limits the suitability of this unit for deep-rooted crops. Crops that require good drainage can be grown if a properly designed tile drainage system is installed. In summer, irrigation is needed for maximum production of most crops. Sprinkler irrigation is a suitable method of applying water.

Excessive cultivation can result in the formation of a tillage pan, which can be broken by subsoiling when the soil is dry. When the soil is wet, grazing and other activities that cause trampling result in compaction of the surface layer, poor tilth, and excessive runoff. If the soil in this unit is plowed in fall, runoff and erosion can be reduced by fertilizing and seeding to a cover crop. All tillage should be on the contour or across the slope. Diversions and grassed waterways may be needed.

Returning all crop residue to the soil and using a cropping system that includes grasses, legumes, or grass-legume mixtures help to maintain fertility and tilth. Grain and grasses respond to nitrogen; legumes respond to phosphorus, boron, sulfur, and lime; and berries respond to nitrogen, phosphorus, and potassium.

This unit is suited to the production of Douglas-fir. The site index for Douglas-fir ranges from 160 to 175. On the basis of a site index of 169, the potential production per acre of merchantable timber is 10,800 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 102,080 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

The main concern in producing and harvesting timber is wetness. Conventional methods of harvesting timber generally are suitable, but the soil may become compacted if heavy equipment is used when the soil is wet. Roads for year-round use need heavy base rock. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills.

Brushy plants such as western hazel and blackberry limit natural regeneration of Douglas-fir.

If this unit is used for homesite development, the main limitations are the slow permeability, wetness, low soil strength, and slope. Drainage is needed if roads and buildings are constructed. Wetness is reduced by installing drain tile around footings. Roads and buildings should be designed to offset the limited ability of the soil in this unit to support a load. Preserving the existing plant cover during construction helps to control erosion. Septic tank absorption fields do not function properly during rainy periods because of wetness and the slow permeability.

In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees. Plants that tolerate wetness and droughtiness should be selected unless drainage and irrigation are provided.

This map unit is in capability subclass IIIe.

92F—Xerochrepts and Haploxerolls, very steep.

This map unit is on terrace escarpments. Slope is 20 to 60 percent. The native vegetation is mainly Douglas-fir, Oregon white oak, bigleaf maple, western redcedar, red alder, western hazel, Oregon-grape, and salal. Elevation is 50 to 1,000 feet. The average annual precipitation is 40 to 60 inches, the average annual air temperature is 50 to 54 degrees F, and the average frost-free period is 165 to 210 days.

This unit is about 50 percent Xerochrepts and 35 percent Haploxerolls. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Saum, Jory, Cascade, Witzel, and Woodburn soils. Included areas make up about 20 percent of the total acreage.

Xerochrepts are deep and well drained. They formed in colluvium derived dominantly from igneous rock. No single profile of Xerochrepts is typical, but one commonly observed in the survey area has a surface layer of dark brown silt loam about 8 inches thick. The upper 7 inches of the subsoil is dark brown gravelly loam, and the lower 33 inches is brown and dark yellowish brown gravelly clay loam. The substratum to a depth of 60 inches or more is brown very cobbly clay loam.

Permeability of the Xerochrepts is moderate to moderately slow. Available water capacity is about 5 to 10 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is severe.

Haploxerolls are deep and well drained. They formed in colluvium derived dominantly from basic igneous rock. No single profile of Haploxerolls is typical, but one commonly observed in the area has a surface layer of very dark grayish brown silt loam about 12 inches thick. The upper 12 inches of the subsoil is dark brown silt loam, and the lower 26 inches is dark yellowish brown

silty clay loam and gravelly silty clay loam. The substratum to a depth of 60 inches or more is dark yellowish brown very gravelly loam.

Permeability of the Haploxerolls is moderate to moderately slow. Available water capacity is about 8 to 12 inches. Effective rooting depth is 40 to 60 inches or more. Runoff is rapid, and the hazard of water erosion is severe.

This unit is used for timber production and as wildlife habitat and homesites.

This unit is suited to the production of Douglas-fir. The site index for Douglas-fir ranges from 130 to 155. On the basis of a site index of 140, the potential production per acre of merchantable timber is 8,700 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 77,280 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 80 years old.

The main concern in producing and harvesting timber is steepness of slope. The steepness of slope limits the kinds of equipment that can be used in forest management. Highlead or other cable logging methods can be used for harvesting timber. Use of these methods is limited during December through March.

The soils in this unit are subject to slumping, especially if road cuts are made in the steeper areas. Slumping can be minimized by locating roads in the more gently sloping areas and by using properly designed road drainage systems. Roads for year-round use need heavy base rock. Roads and landings can be protected from erosion by constructing water bars and by seeding cuts and fills. Brushy plants such as red alder and western hazel limit natural regeneration of Douglas-fir.

If this unit is used for homesite development, the main limitations are steepness of slope and the instability of the soils. The soils are subject to slumping, especially if road cuts are made in the steeper areas. Slumping can be minimized by locating roads in the more gently sloping areas and by using properly designed road drainage systems. Erosion is a hazard in the steeper areas. Only the part of the site that is used for construction should be disturbed. This unit generally is too steep to install septic tank absorption fields. Absorption lines should be placed in adjoining areas that are more nearly level.

This map unit is in capability subclass VIIe.

93E—Xerochrepts-Rock outcrop complex, moderately steep. This map unit is on high terraces and rolling uplands. Slope is 0 to 30 percent. The native vegetation is mainly Douglas-fir, Oregon white oak, western hazel, Oregon-grape, poison-oak, and grasses. Elevation is 100 to 500 feet. The average annual precipitation is 40 to 50 inches, the average annual air temperature is 52 to 54 degrees F, and the average frost-free period is 165 to 210 days.

This unit is about 60 percent Xerochrepts and 30 percent Rock outcrop. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Witzel, Nekia, and Saum soils. Included areas make up about 10 percent of the total acreage.

Xerochrepts are shallow to moderately deep and are well drained. They formed in colluvium derived dominantly from andesite and basalt. No single profile is typical of Xerochrepts, but one commonly observed in the survey area has a surface layer of dark brown gravelly loam or loam about 8 inches thick. The subsoil is brown gravelly loam or loam about 18 inches thick. Basalt is at a depth of 26 inches. Depth to basalt ranges from 15 to 40 inches.

Permeability of the Xerochrepts is moderate to moderately slow. Available water capacity is about 3 to 7 inches. Effective rooting depth is restricted by the depth to basalt. Runoff is medium, and the hazard of water erosion is moderate. This soil is droughty in summer.

Rock outcrop consists of areas of exposed bedrock. These areas support only moss and lichens.

This unit is used as wildlife habitat and homesites and for timber production.

This unit is poorly suited to the production of Douglas-fir. On the Xerochrepts, the site index for Douglas-fir ranges from 110 to 125. On the basis of a site index of 115, the potential production per acre of merchantable timber is 6,360 cubic feet from an even-aged, fully stocked stand of trees 60 years old or 57,960 board feet (International rule, one-eighth-inch kerf) from an even-aged, fully stocked stand of trees 90 years old.

The main concerns in producing and harvesting timber are the restricted rooting depth and large areas of Rock outcrop, which can interfere with felling, yarding, and other operations involving the use of equipment. The low available water capacity generally influences seedling survival in areas where understory plants are numerous. Brushy plants such as western hazel and Oregon-grape limit natural regeneration of Douglas-fir.

If this unit is used for homesite development, the main limitations are the areas of Rock outcrop and depth to rock. topsoil can be stockpiled and used to reclaim areas disturbed during construction. Removal of gravel in disturbed areas is needed for best results when landscaping, particularly in areas used for lawns. In summer, irrigation is needed for lawn grasses, shrubs, vines, shade trees, and ornamental trees. The limited depth to bedrock interferes with excavation for utilities and septic tank absorption fields.

This map unit is in capability subclass VIIIs.

94D—Zygore gravelly loam, 5 to 30 percent slopes. This deep, well drained soil is on mountainous uplands. It formed in colluvium derived dominantly from basalt and andesite mixed with volcanic ash. The native

PETITION

IN SUPPORT OF MARVIN AND BONNIE WAGNERS' APPLICATION TO METRO

We, the undersigned neighbors of Marvin and Bonnie Wagner, recognize that the two corners on Wilsonville Road as it crosses from the county into the city are a serious public safety hazard that has caused numerous accidents, and that this hazard is increasing as new homes and schools are built in the area. Furthermore, we recognize that to eliminate these corners, Wilsonville Road will have to be relocated through the Wagners' property both inside and outside the City of Wilsonville. To allow this relocation to occur, we recognize that the urban growth boundary will have to be changed to include the 6.35 acres remaining of the Wagners' property located outside the City of Wilsonville.

Therefore, we the undersigned neighbors of Marvin and Bonnie Wagner, support their application to Metro to change the Urban Growth Boundary.

Name

Address

1	<u>Robert E. Tappier</u>	<u>5901 SW Frogpond Ln. Wilsonville.</u>
2	<u>James E. Morgan</u>	<u>6720 SW Frogpond Ln. Wilsonville</u>
3	<u>Esther Beckman</u>	<u>745 SW Beckman Rd Wilsonville</u>
4	<u>Ken Bennett</u>	<u>7130 Frogpond Lane Wilsonville</u>
5	<u>Arthur Bruck</u>	<u>27427 SW 53rd Wilsonville</u>
6	<u>Edith E. ...</u>	<u>28900 SW 35th Wilsonville</u>
7	<u>Tom ...</u>	<u>7151 SW Beckman Rd Wilsonville</u>
8	<u>... ..</u>	<u>7025 SW Beckman Rd Wilsonville</u>
9	<u>Mrs. J. D. Hultine</u>	<u>7035 SW Beckman Rd Wilsonville</u>
10	<u>Ernest Russell</u>	<u>27657 SW Stafford Rd Wilsonville 97070</u>
11	<u>Joseph A. ...</u>	<u>27687 Stafford Rd Wilsonville</u>
12	<u>... ..</u>	<u>7070 Frogpond Lane Wilsonville</u>
13	<u>... ..</u>	<u>7315 SW Frogpond Ln. Wilsonville</u>
14	<u>Don Kilinger</u>	<u>6651 SW Beckman Rd 97070</u>
15	<u>... ..</u>	<u>... ..</u>
16	<u>... ..</u>	<u>... ..</u>

1 Henry Z Mehus

6725 S.W. Frogpond Ln 97070

2 Julien V. Mehus

" " "

3 Patty Buse

7320 S.W. Frogpond Ln. 97070

4 Gary R. Buse

" " "

5 P. J. O'Hagan

7400 SW FROGPOND LN 97070

6 Wayne L. Louie

28355 S.W. 60th Wilsonville 97070

7 Shirley L. Louie

28355 S.W. 60th Wilsonville 97070

8 Cliff W. Alexander

28424 S.W. 60th Wilsonville 97070

9 Paul Alexander

28424 S.W. 60th Wilsonville 97070

10 William D. Alexander

28424 SW 60th Wilsonville 97070

11 Nancy B. Coote

6860 SW Beckman Rd Wilsonville 97070

12 E. H. Coote

6940 SW Beckman Rd Wilsonville 97070

13 Ernest L. Wills

7120 SW Beckman Rd Wilsonville 97070

14 Timothy O'Neil

7020 " " " " " " " " " " " "

15 Anna M. Kruse Inskeep

5442 - S W. Kruse Rd - Wilsonville, OR

16 Jon J. Bruch

29500 SW Bruch Ln Wilsonville

17 Dale J. Kreibom

6875 S. W. BECKMAN RD. WILSONVILLE, OR

18 Charles J. Kreibom

" " "

19 Fred Hohman

27817 SW Sheppard - Wilsonville

20 Allen L. Wagner

28245 S.W. WILSONVILLE RD. WILSONVILLE

PETITION

IN SUPPORT OF MARVIN AND BONNIE WAGNERS' APPLICATION TO METRO

We, the undersigned neighbors of Marvin and Bonnie Wagner, recognize that the two corners on Wilsonville Road as it crosses from the county into the city are a serious public safety hazard that has caused numerous accidents, and that this hazard is increasing as new homes and schools are built in the area. Furthermore, we recognize that to eliminate these corners, Wilsonville Road will have to be relocated through the Wagners' property both inside and outside the City of Wilsonville. To allow this relocation to occur, we recognize that the urban growth boundary will have to be changed to include the 6.35 acres remaining of the Wagners' property located outside the City of Wilsonville.

Therefore, we the undersigned neighbors of Marvin and Bonnie Wagner, support their application to Metro to change the Urban Growth Boundary.

Name

Address

1	<u>Daniel Agito</u>	<u>6360 SW Advance Rd Wilsonville, OR</u>
2	<u>Heather Perry</u>	<u>2700 SW Buck Ln Wilsonville</u>
3	<u>Margie M. Tate</u>	<u>2301 SW EK Rd - West Linn, Or</u>
4	<u>Tim Fisher</u>	<u>2323 SW EK Rd. West Linn, Or.</u>
5	<u>Allen George</u>	<u>7500 SW Frog Pond Lane, Wilsonville, OR</u>
6	<u>David D. White</u>	<u>16161 SW Bell Rd. Sherwood OR</u>
7	<u>Nellie Kruse</u>	<u>5442 SW Kruse Rd., Isser.</u>
8	<u>Gap Kruse</u>	<u>5442 SW Kruse Rd 2W, Isser.</u>
9	<u>Lynn Young</u>	<u>27767 SW Stafford Rd Wilsonville</u>

9-20-90

to. LARRY EPSTEIN P.C.

I Am PART OWNER OF TAX Lots
2300, 2400, 2500 AND 2600 IN CLACKMAS
County AND I Am IN FAVOR OF INCLUDING
MARVIN WAGNERS 6.35 ACRES WITHIN THE
Portland Metro AREA Urban Growth Boundary.

I will NOT be ABLE to AT TESTIFY
ON Sept. 25 1990, SO FEEL FREE TO USE
THIS STATEMENT AS A YES VOTE -

Yours truly

Robert J. Besmehn
50776 4A Dike Rd.
Scappoose, ORE. 97056

Robert J. Besmehn

September 19, 1990

Mr and Mrs Joe and Jean Connolly
6351 SW Advance Road
Wilsonville, OR 97070

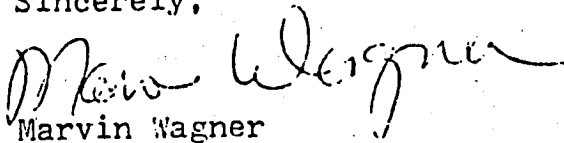
Dear Mr and Mrs Connolly:

I am writing to follow up on Mr Gene Wolf's conversation with you in late August regarding our petition to Metro to amend the Urban Growth Boundary to include a 6.35-acre parcel we own at the corner of Wilsonville and Advance Roads. As Mr Wolf stated, we wanted to meet with you, at your convenience, to discuss any concerns you might have regarding our petition. I was disappointed that you did not feel it necessary to meet with us, but I assumed that the reason was that after speaking with Mr Wolf any concerns that you had were resolved.

I have now heard that you are opposed to our petition, although I do not know what specific objections you have. I would like to repeat our offer to meet with you and any other neighbors who would like more information on what this matter involves at your convenience. We are making this petition to Metro in cooperation with the City of Wilsonville to make it possible to realign Wilsonville Road so that the two 90 degree corners at Advance Road and Boeckman Road can be eliminated. There have been a number of serious accidents on these corners in the last few years and one as recent as a few weeks ago. Both the city and the county would like to see the problem taken care of.

Please let me know if we can arrange a time to meet with you, or if there are any particular questions that you have regarding our petition.

Sincerely,


Marvin Wagner

28400 SW Wilsonville Rd.
Wilsonville, OR 97070
682-3667

EXHIBIT 24

NOTE: Exhibit 24 is a map that is too large for duplication.
It is available for review at the Metro offices.

Case # 90-1 Exhibit # 25
Offered by CIZ
Date received 9/28/90 By LE
METRO HEARINGS OFFICER

William Ciz
28300 S.W. 60th
Wilsonville, Oregon 97070

September 27, 1990

Mr. Larry Epstein
Attorney at Law
722 S.W. 2nd Avenue
Suite 400
Portland, OR 97204

Re: UGB Locational Adjustment
Petition of Marvin & Bonnie Wagner
of Wilsonville, Oregon.

Dear Mr. Epstein:

Thank you for leaving the record open for my written testimony which follows.

I own property approximately 1/4 to 1/2 mile from the parcel (Tax Lot 2200, Sec 18, T3S, R1E, W.M.) proposed to be included within the Wilsonville Urban Growth Boundary (UGB). I oppose the petition to add the 6.35 acres to the UGB for the following reasons:

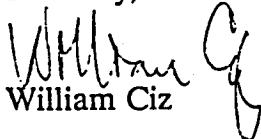
- Clackamas County did not include the addition of this property into Wilsonville's UGB during its recent periodic review.
- Clackamas County does not support the addition of this property to the UGB.
- Wilsonville does not currently have the water and sanitary sewage treatment capacity to handle all the developable property within the current UGB. The city is currently relying on urban renewal funds to finance these improvements. Should that program not come to pass, other methods to pay for these capital improvements would need to be provided. This may have some Goal 11, Public Facilities and Services, implications.
- Relocation of Wilsonville Road has other methods of compensation for the owner of the property and to finance construction of the road. An example of this is Urban Renewal Funds. The property is to be included within the city's Urban Renewal Area, those funds could pay for purchase of right of way and construction of the road.

Mr. Larry Epstein
September 27, 1990
Page 2

- The current zoning of the property, general agriculture (GAD), would provide a good buffer between urban and farm uses.
- Only 1.5 acres of the 6.35 are developable. The narrow shape of the 1.5 acres makes its development questionable. Why should the UGB be expanded to include property that can't be developed. It only allows the owner or developer to transfer the density to the parcel currently inside the UGB. This pushes higher densities to the urban fringe and will place additional pressure on rural lands north and east of the UGB to be urbanized.
- The transfer of development rights, which will increase density on the parcel inside the UGB, is not compatible with agricultural uses on property to the north and east of the UGB.
- The location of the Wilsonville Road as shown on the map attached to the public hearing notice is only conceptual. Upon development of the property, it could be in a different location. If we are to look at the road relocation, the transfer of development rights, and storm drainage problems in a total package, as suggested by Mr. Whitman, it seems only fair to see the zoning and total proposed development plans for the properties. This would be the only way to make an intelligent decision in this case.
- The property inside the current Wilsonville UGB will receive additional acreage from abandonment of the current Wilsonville Road right of way upon the road relocation. This will lessen the impact of the property needed for the new road right of way.

In closing, relocation of Wilsonville Road is needed and can happen without the addition of 6.35 acres into the UGB. This expansion of the UGB does not create a more efficient urban form nor is it superior to the present UGB.

Sincerely,


William Ciz

cc: Mr. Richard Whitman
Ball, Janik & Novack
101 SW Main Street
Suite 1100
Portland, OR 97204

Case # 90-1 Exhibit # 26
Offered by WHITMAN
Date received 10/3/90 By LE
METRO HEARINGS OFFICER

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
ONE MAIN PLACE
101 S.W. MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3274
TELEPHONE (503) 228-2525
TELECOPY (503) 295-1058

9TH FLOOR, 601 PENNSYLVANIA AVE. N.W.
WASHINGTON, D. C. 20004
TELEPHONE (202) 638-3307
TELECOPY (202) 783-6947

RICHARD M. WHITMAN

October 3, 1990

Mr. Larry Epstein
Hearings Officer
722 S.W. Second Avenue
Portland, OR 97204

Re: Petitioner's Rebuttal to Written Comments Submitted by Mr.
William Ciz; Metro Contested Case No. 90-1

Dear Mr. Epstein:

The following narrative is in rebuttal to the written comments submitted by Mr. William Ciz in Metro contested case No. 90-1. For your convenience, I have number our rebuttal testimony in order corresponding to Mr. Ciz's comments. Please include this response as part of the record for this case.

1. Failure of Clackamas County to Include UGB Addition in Periodic Review.

There is no requirement in state law, or in applicable local ordinances that a UGB locational adjustment be included in a county's periodic review. Metro has exclusive jurisdiction for reviewing locational adjustments to the UGB under ORS 268.390(3) and 197.185 to 197.190, and Clackamas County would be acting beyond its authority if it purported to designate lands as urban through the periodic review process. The appropriate vehicle by which a county has input in a Metro decision on a locational adjustment is through the comment process provided for in Metro Code § 3.01.025. Clackamas County has submitted comments on this proposal, and the failure to include review of this petition in the periodic review process is irrelevant.

2. Clackamas County's Lack of Support for UGB Addition.

It misconstrues the county's comments on this petition to state that "Clackamas County does not support the addition of this property to the UGB." In fact, the order adopted by the County Board of Commissioners in regard to this petition states that "Clackamas County supports the proposal to the extent the entire roadway realignment be included in the Urban Growth Boundary." Clackamas County Order No. 90-806.

While the findings adopted for this order indicate some concern with that portion of the proposed addition not necessary for the road right-of-way, the order itself does not oppose any portion of the petition. Petitioner has provided testimony that the parcel (taken as a whole) is generally unsuited for agricultural use, and that therefore under the County's urbanization policy, an urban designation is warranted. See Clackamas County Comprehensive Plan Urbanization Policies (attached).

Furthermore, Clackamas County is on record as supporting locational adjustments in those cases in which: 1) the city which will provide urban services endorses the application, and 2) an application has been made to annex the property to the city, and 3) no other city or service district objects to the UGB locational adjustment. Clackamas County Order No. 84-1098 (attached). This petition meets all three of these criteria.

3. Ability of the City of Wilsonville to Provide Sewer and Water Service.

Mr. Richard Drinkwater, Wilsonville City Engineer, has already provided testimony that the city currently has adequate water and sewer capacity to serve this property. Mr. Drinkwater's testimony pertained both to the capacity of the city's distribution system and its water supply and sewerage treatment capacities.

4. Use of City Funds to Compensate Owner for Diminution in Property Value.

As previously stated in petitioner's response to the Metro staff report, the City of Wilsonville's Comprehensive Plan Policy 3.3 states that:

"[d]edication of adequate right-of-way, as established in the Street System Master Plan, or as otherwise approved by the Planning Commission, shall be required prior to actual site development.

If the proposed development would cause an existing street to exceed the minimum service capacity, then appropriate improvements shall be made prior to occupancy of the completed development."

The city has gone on record as stating that the property owner will be required to make the improvements necessary for the realignment prior to development of the Wagners' property now within the city. While it is possible that urban renewal funding may be used to pay for the improvements associated with the right-of-way (see attached project list for urban renewal

district), this is highly speculative given the pending advisory ballot on the urban renewal district. At this point in time, it appear far more likely that the improvement will be funded through a local improvement district with the Wagners as one of the primary members of the district. As noted in the attached project list, this improvement carries a preliminary cost estimate of \$685,400.

5. GAD Zoning as a Buffer Between Urban and Farm Uses.

Metro Code Sections 3.01.040(a)(3) and (5) require some consideration of the effect of a locational adjustment on adjoining agricultural lands. Petitioner has already submitted testimony that under both the county's and the city's comprehensive plans the eastern portion of the parcel would be required to be retained in open space -- preserving a buffer for adjoining agricultural properties. Petitioner has also submitted testimony showing that the remainder of the parcel is unlikely to be developed due to the configuration of the road right-of-way, setbacks and the remaining developable lands.

In addition, the Wagners' have obtained the signatures of over 45 neighbors, most of whom live on properties adjoining the Wagners in Clackamas County (additional signatures, including the owner of a large adjoining parcel are attached). The support of adjoining property owners, many of whom are currently engaged in agricultural uses, is a clear indication of their opinion that the addition will not have a detrimental effect on their use. Finally, the Wagners' have previously stated (in their application) that they are willing to record a covenant on their property waiving any right to object to lawful agricultural practices. Collectively, these facts demonstrate that the addition would be compatible with nearby agricultural activities, and objector has provided no facts to substantiate his assertion to the contrary.

6. Possible Inability to Develop Lands Added to the UGB, and Transfer of Density to Lands Already Inside the UGB.

The fact that the primary use of the lands added to the UGB by this petition would be for open space, road right-of-way, and as a source of density transfer to lands already inside of the UGB is not a reason for denial. In fact, this use of the property insures continued compatibility with nearby agricultural uses. No standard in the Metro Code requires that the property added to the UGB be developed for residential uses.

Any transfer of density to adjoining lands already within the City of Wilsonville would have to be in conformity with the city and Metro's housing density goals, which currently call for an average density of approximately eight dwelling units per acre in Wilsonville. The Wagner property now within the city

is designated for three to five units per acre, leaving ample room for a density transfer while still coming in at or below the Metro housing density goal.

7. Need to See Proposed Zoning Final Development Plans for the Property.

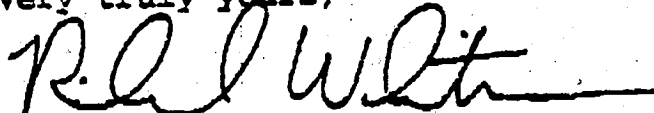
As stated at the hearing, the question before Metro in this case is whether the Wegners' property should be designated urban. There will be ample opportunity to comment on, or object to, specific development proposals for the Wagner property if and when it is annexed and rezoned by the Boundary Commission and the city.

8. Vacation of Current Right-of-Way as an Alternate Means of Compensation for Diminution in Property Value.

While it is possible that the city would vacate the current right-of-way for Wilsonville Road upon realignment, this seems unlikely due to the fact that the current alignment provides the only access to tax lot 400 (which is developed with a residence. At least half the alignment would have to be retained to provide access to this property (see attached map).

Thank you for this opportunity to submit rebuttal testimony.

Very truly yours,



Richard M. Whitman

attachments

cc. Mr. William Ciz
Mr. Marvin Wagner
Mr. Stephen T. Janik

URBANIZATION

GOALS

- . Clearly distinguish Urban areas from Rural, Agricultural and Forest areas.
- . Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.
- . Insure an adequate supply of land to meet immediate and future urban needs.
- . Provide for an orderly and efficient transition to urban land use.
- . Distinguish lands immediately available for urban uses from Future Urbanizable areas within Urban Growth Boundaries.

POLICIES

- 1.0 Coordinate with The Metropolitan Service District (Metro) in designating urban areas within Metro's jurisdiction and coordinate with affected cities in designating urban areas outside of Metro. Recognize the statutory role of Metro in maintenance of and amendments to the regional growth boundary.
- 2.0 The following areas may be designated as Urban:
 - a. Land needed to accommodate 20 years of future urban population growth.
 - b. Land needed for increased housing, employment opportunities and livability from both a regional and subregional view.
 - c. Land to which public facilities and services can be provided in an orderly and economic way.
 - d. Land which insures efficient utilization of land within existing urban areas.
 - e. Land which is best suited for urban uses based on consideration of the environmental, energy, economic and social consequences.
 - f. Agricultural land only after considering retention of agricultural land as defined, with Class I having the highest priority for retention and Class VI the lowest priority.
 - g. Land needed after considering compatibility of proposed urban uses with nearby agriculture activities.
 - h. Land where the strategic location of employment and living opportunities can minimize commuting distance, traffic congestion, pollution and energy needs.
- 3.0 Land use planning for urban areas shall integrate all applicable policies found throughout the Plan including the following:

- a. Locate land uses of higher density or intensity to increase the effectiveness of transportation and other public facility investments.
 - b. Encourage infilling of Immediate Urban Areas with a minimum of disruption of existing neighborhoods (see infill policies in the Housing Chapter).
 - c. Enhance energy conservation and transportation system efficiency by locating opportunities for housing near work and shopping areas.
 - d. Integrate developments combining retailing, office, and medium and high density housing at places with frequent transit service and pedestrian facilities.
- 4.0 Designate Immediate Urban land according to its definition. Map IV-1 illustrates Immediate Urban land as of 1989.
- 5.0 Convert land from Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer. Zoning will be applied, compatible with the Plan when land becomes immediate urban.
- 6.0 Use the following guidelines for annexations having the effect of converting Future Urbanizable to Immediate Urban land:
- a. Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.
 - b. Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.
 - c. Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.
 - d. Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met (see Planning Process Chapter).

7.0 Immediate Urban Policies

- 7.1 Control land uses in Immediate Urban areas through the zoning and subdivision ordinances and application of urban zoning districts.
- 7.2 Place conditions on development to insure adequate services and facilities prior to or concurrent with development (see Transportation, and Public Facilities and Services chapters).
- 7.3 Simplify County ordinances as much as possible to encourage development in Immediate Urban areas.

8.0 Future Urbanizable Policies

- 8.1 Plan Future Urbanizable areas for eventual urban uses but control premature development (before services are available) by application of a future urbanizable zone of ten (10) acre minimum lot size within the Metro's Urban Growth Boundary (UGB). Rural zones of 5 acres minimum lot size or larger or agricultural or forest zoning may be used for future urbanizable areas outside the Metro UGB.
- 8.2 Prohibit residential subdivisions, as defined in the subdivision and Partitioning Ordinance, until the land qualifies as Immediate Urban.
- 8.3 Review partition requests to insure that the location of proposed easements and road dedications, structures, wells, and septic drain-fields are consistent with the orderly future development of the property at urban densities.
- 8.4 For land within the urban growth boundaries of Canby, Estacada, Sandy and Molalla, require conversion to immediate urban uses to occur only through annexation to a city. (See Public Facilities Policy 8.0 for limitations on septic tank use inside UGB's).

9.0 Regional Spectator Facility

- 9.1 Areas appropriate for consideration of siting a Regional Spectator Facility shall be shown by a symbol on the Land Use Plan map. Such areas shall be of suitable size, near major traffic facilities and generally compatible with surrounding uses.

10.0 Study Areas

- 10.1 The area along 82nd Drive south of the area currently zoned C-3 to the Gladstone city limits shall be a study area to determine the appropriate land use. The study shall be done in 1989-1990.
- 10.2 The area at the west end of the 212/I-205 interchange, including Thiessen Road and Roots Road, shall be a study area to determine the appropriate land use and transportation improvements. The study shall be done in 1989-1990.

11.0 Access Guideline

- 11.1 The multifamily area south of Otty Road and north of Verde Valley Subdivision, between I-205 and 92nd Avenue, should not take access to 92nd Avenue south of Idleman Road, but rather should take access on 92nd Avenue north of Idleman Road or on Otty Road.
- 11.2 The large area known as Lincoln Cemetery or Panorama Estates shall not be developed until a new road identified as the "Lester to Idleman Road" in the Comprehensive Plan is provided for. Any development shall have direct access to the I-205/Johnson Creek Boulevard interchange to prevent undue impacts to the neighborhood and traffic on area streets. In addition, an acceptable dedication of land for future park use shall be designated before development. The property will be developed pursuant to a master plan as a Planned Unit Development.

WILSONVILLE URBAN RENEWAL PROGRAM .. PROJECT LIST .. COST ESTIMATES

(All Cost Estimates are in 1990 Dollar Values)

6/7/90

PROJECT LIST	<u>COST</u>	<u>TIF</u>	<u>OTHER SOURCES</u>
A. <u>ROADS / UTILITIES WHERE NOTED:</u>			
1. CANYON CREEK NORTH			
Boeckman to Elligsen	1,466,300		
Includes storm drain	393,700		
Elligsen Road segment	553,000		
Engineering	361,950		
TOTAL	2,774,950	1,796,080	978,870
2. CANYON CREEK SOUTH .. (includes R.O.W.)			
Wilsonville Road to Boeckman	1,836,750		
Includes storm drain	604,500		
Intersection with Town Center Loop E.	372,000		
Engineering	421,990		
TOTAL	3,235,240	3,235,240	
3. TOWN CENTER SOUTH			
Includes storm, water, sanitary	712,500		
Engineering	106,880		
TOTAL	819,380	819,380	
4. TOWN CENTER LOOP			
Southern Extension includes storm,			
water, sanitary	937,590		
Engineering	140,640		
TOTAL	1,078,230	1,078,230	
5. BOECKMAN ROAD, EAST			
Canyon Creek to S.W. 65th includes			
storm, water, sanitary	1,350,000		
Engineering	202,500		
TOTAL	1,552,500	1,552,500	
6. BOECKMAN INTERCHANGE/RAMPS			
Engineering	5,750,000		
	362,500		
TOTAL	6,612,500	3,306,250	3,306,250

Project 1: Funds for work outside Urban Renewal Area
 Project 6: ODOT

A:PROJCOST

PROJECT LIST	COST	<u>TIF</u>	OTHER SOURCES
A. <u>ROADS / UTILITIES WHERE NOTED: (continued)</u>			
7. WILSONVILLE ROAD, includes storm, water, sanitary			
East of I-5	987,500		
West of I-5	1,575,300		
Engineering	384,440		
TOTAL	2,947,240	2,947,240	
8. WILSONVILLE ROAD at Boeckman			
Realign, includes storm, water, sanitary	496,000		
Acquire property, sell residual .. net to Project	100,000		
Engineering/Legal fees	189,400		
TOTAL	785,400	785,400	
9. WEIDMAN ROAD AND RAMPS/OVERCROSSING			
Includes storm, water, sanitary (Cost to S.W. 95th by others)	1,501,000		
Overpass structure	2,250,000		
Engineering	562,650		
TOTAL	4,313,650	1,325,000	2,988,650
10. PARKWAY AVENUE, realignment at Boeckman			
Includes storm, water, sanitary	490,000		
Engineering	73,500		
TOTAL	563,500	563,500	
11. ALL "OLD TOWN" STREETS			
Includes storm drains, lighting	1,663,000		
Engineering	249,450		
TOTAL	1,912,450	1,912,450	
12. TRAFFIC SIGNALS (13 in U.R. Area)			
Engineering	1,560,000		
	234,000		
TOTAL	1,794,000	1,794,000	
<u>TOTAL ROADS / UTILITIES</u>	28,389,040	<u>21,115,270</u>	7,273,770
Project 9: ODOT			

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

Urban Growth Boundary locational
adjustments concurrent with city
annexation.

ORDER NO. 24-1098

WHEREAS the Metropolitan Service District is
responsible for management of the regional Urban Growth Boundary (UGB), and the Metropolitan
Service District's rules for UGB locational adjustments require approval by the governing body of
the affected county, and

WHEREAS a property owner's desire for urban
services and a city's ability to provide those services should be a decision made by the
two parties most directly involved, now therefore

IT IS HEREBY ORDERED that the Board of County
Commissioners of Clackamas County supports property owner applications to Metro for Urban
Growth Boundary locational adjustments in those cases in which

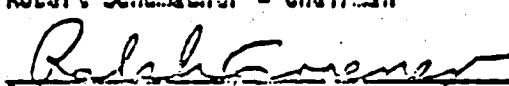
- (1) the city which will provide urban services endorses the application, and
- (2) an application has been made to annex the property to the city, and
- (3) no other city or service district objects to the UGB locational adjustment, and

IT IS FURTHER ORDERED that UGB locational
adjustment applications which do not meet the above three conditions shall be considered in-
dividually by this Board.

DATED this 2nd day of August, 1984.

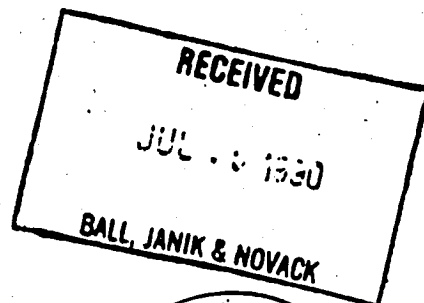
BOARD OF COUNTY COMMISSIONERS


ROBERT SCHUMACHER - Chairman


Ralph Gardner - Commissioner


Dale Harlan - Commissioner

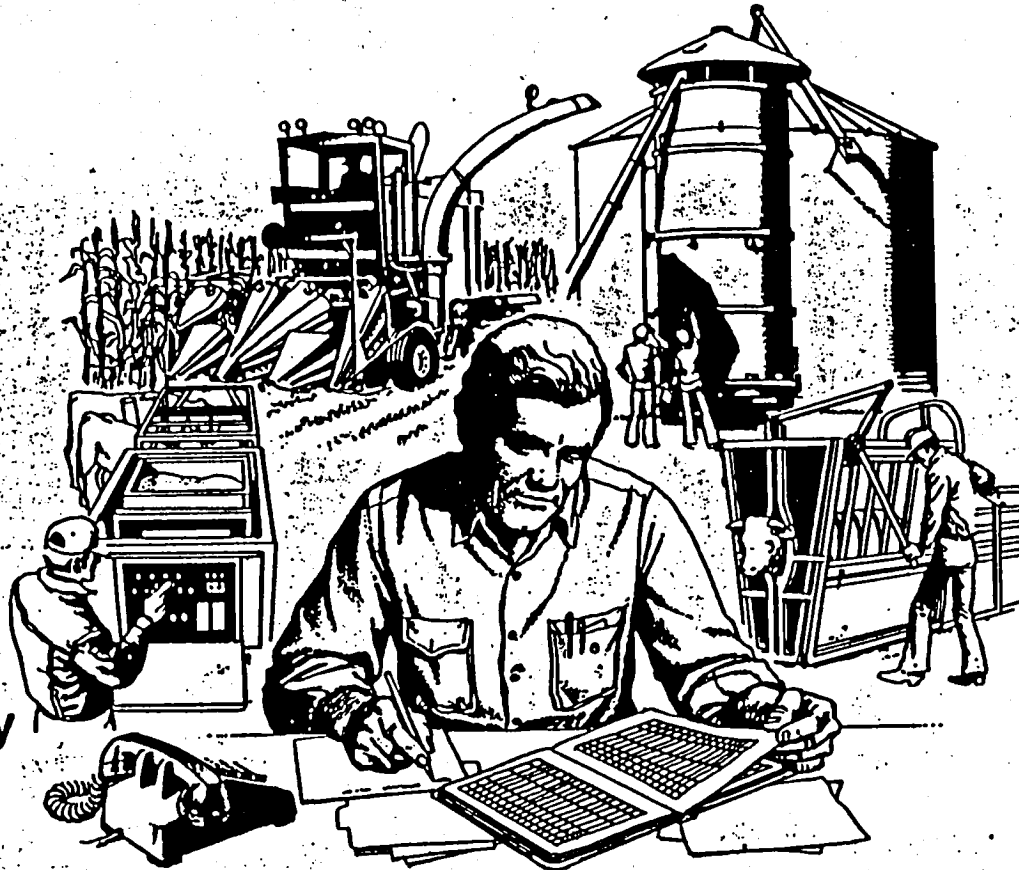
DES



Profiles of Commercial Agriculture for the Northern Willamette Valley

District I
Clackamas County

OSU Extension Service
Department of Geography
Oregon State University
Special Report 697



Case # 90-1 Exhibit # 27
Offered by WHT/MAN
Date received 2/25/90 By le
METRO HEARINGS OFFICER



OREGON STATE UNIVERSITY
**EXTENSION
SERVICE**

TREE NUTS

District 1, Clackamas Co. 1983
OSU Extension Service

Type of Agriculture Tree Nuts
 Landform¹ Valley Floor
 Number of Survey Responses 14
 Population Number (From Census Data) 81
 Size Range Used in Computations 1-320

Data Item		BY LANDFORM							
		Totals		Valley Floor		Central Foothills		Northeast Foothills	
1. Size (acres) of total farm unit (includes rented and leased lands) ¹	MEAN	131.0		114.67		NO CASES		NO CASES	
	S.E.	27.0		28.62					
	MED.	101.0		74.50					
	VC/MC	14/0		12/0					
2. Distribution of acreage by landform ²	MEAN	N/A		128					
	S.E.			33					
	MED.			103					
	VC/MC			10/2					
3. Gross Value of Products Sold (1982) (in thousands of dollars) ³	MEAN	85.39		97.73					
	S.E.	24.02		26.79					
	MED.	30.00		104.17					
	VC/MC	13/1		11/1					
4. Percent of leased or rented lands (Private and Public)		Pr.	Pu.	Pr.	Pu.	Pr.	Pu.	Pr.	Pu.
	MEAN	26.6	0	26.8	0				
	S.E.	10.1	0	11.3	0				
	MED.	10.9	0	10.0	0				
VC/MC	10/4	5/9	9/3	5/7					

S.E. = Standard Error

MED = Median

VC/MC = Valid Cases/Missing Cases

- 1 Farms are classified by landforms according to most income produced. Some acreage of a given farm may be on another landform.
 2 Acreage under landforms includes only that portion of a farm which is on the given landforms.
 3 Calculated by multiplying the # of farms in an income category by the mid-point of the income category.

District 1, Clackamas Co. 1983
OSU Extension Service

Data Item	BY LANDFORM			
	Totals	Valley Floor	Central Foothills	Northeast Foothills
5. Asset Value (1982): Land, Bldg., Equip. (In thousands of dollars) (See Item 22)	MEAN	361.43	387.75	NO CASES
	S.E.	116.09	132.33	
	MED.	113.50	113.50	
	VC/MC	14/0	12/0	
6. Annual Expenses (1982) (In thousands of dollars) (See Item 23)	MEAN	32.08	33.24	
	S.E.	8.25	9.03	
	MED.	31.00	31.35	
	VC/MC	11/3	10/2	
7. Minimum # of acres to arrange a contract with a buyer	MEAN	1.00	1.00	
	S.E.	.67	1.00	
	MED.	1.50	1.00	
	VC/MC	3/11	2/10	
8. Typical field size (most common acreage)	MEAN	21.00	22.36	
	S.E.	3.66	4.21	
	MED.	15.00	24.00	
	VC/MC	13/1	11/1	
9. Distance to rent typical field size (in miles, one way)	MEAN	7.00	7.89	
	S.E.	2.38	2.58	
	MED.	3.50	5.00	
	VC/MC	10/4	9/3	
10. Minimum field size (acres)	MEAN	6.00	6.50	
	S.E.	1.69	1.78	
	MED.	4.88	5.00	
	VC/MC	11/3	10/2	
11. Distance to rent minimum field size (in miles, one way)	MEAN	2.00	2.67	
	S.E.	1.00	1.13	
	MED.	1.00	1.25	
	VC/MC	10/4	9/3	

Clackamas County

AGRICULTURE SURVEY

1. If either of the following categories applies to the person to whom this survey is addressed, do not complete the survey. Please check, and return in the envelope provided.

DECEASED OR NO LONGER FARMING OR RANCHING
 TOTAL FARM SALES LESS THAN \$2,500 FOR 1982

2. Please indicate which one of the following agriculture types best represents your operation. If your production occurs in more than one type, choose the type which contributes 50% or more of your total sales. If you do not produce a commodity which contributes 50% or more in sales, choose the general farm category. (CHECK ONE)

CASH GRAINS (WHEAT, BARLEY, OATS, ETC.)
 FIELD CROPS (SEED CROPS, HAY, ETC.)
 VEGETABLE CROPS (CARROTS, SQUASH, SWEET CORN, ETC.)
 BERRIES, GRAPES
 TREE FRUITS
 TREE NUTS
 CHRISTMAS TREES
 HORTICULTURAL SPECIALTIES (NURSERIES, GREENHOUSES, ETC.)
 INTENSIVE ANIMAL HUSBANDRY (POULTRY, SWINE, SMALL ANIMALS, ETC.)
 DAIRY FARMS
 EXTENSIVE ANIMAL GRAZING (CATTLE, SHEEP)
 HORSES
 GENERAL FARMS, PRIMARILY CROP

3. How many acres do you operate? (Including rented or leased land)

ACRES

- 3a. How many of these acres, if any, are rented or leased from others?

ACRES (Private Land)
 ACRES (Public Land)

4. Please check if you are:

OWNER/OPERATOR
 OPERATOR
 OTHER (SPECIFY) _____

- 4a. Please indicate your age group (optional):

LESS THAN 35 YEARS
 36-49 YEARS
 50-65 YEARS
 65+ YEARS

5. Listed below are the major landforms in Clackamas County. Please indicate the number of acres in each landform for your farm or ranch, and check the dominant soil association on which you are operating in each landform area.

LANDFORM

A. _____ (ACRES) VALLEY FLOOR SOILS

Soil Association (CHECK ONE)

- | | |
|---------------------------------|--------------------------|
| _____ Cloquato-McBee-Newberg | _____ Latourell-Canderly |
| _____ Coburg-Conser-Malabon | _____ Salem-Clackamas |
| _____ Aloha-Woodburn-Dayton | _____ Don't know |
| _____ Willamette-Woodburn-Aloha | |

B. _____ (ACRES) NORTHEAST FOOTHILLS (North and east of the Clackamas River/Sandy-Grasham area)

Soil Association (CHECK ONE)

- | | |
|---------------------------------|------------------------|
| _____ Cascade-Powell | _____ Aschoff-Bull Run |
| _____ Bornstedt-Cottrell | _____ Don't know |
| _____ Alsbaugh-Cazadero-Molalla | |

C. _____ (ACRES) CENTRAL FOOTHILLS (South and west of the Clackamas River)

Soil Association (CHECK ONE)

- | | |
|--------------------------|---------------------------------|
| _____ Jory-Saum | _____ Alsbaugh-Cazadero-Molalla |
| _____ Bornstedt-Cottrell | _____ Don't know |

6. Which of the landforms listed in question 5 produces the most income for your farm or ranch? (CHECK ONE)

- _____ A. VALLEY FLOOR SOILS
 _____ B. NORTHEAST FOOTHILLS
 _____ C. CENTRAL FOOTHILLS

7. Acreage operated may be located any number of miles from a "home" farm or ranch. Using your home farm or ranch as the starting point, please indicate how many acres fall in each of the categories listed below. (Include land owned and land leased or rented from others)

ACRES

- (a) HOME FARM OR RANCH _____
 (b) NOT ADJACENT BUT LESS THAN FIVE MILES. _____
 (c) FIVE TO TEN MILES. _____
 (d) MORE THAN TEN MILES. _____
 TOTAL _____

8. (a) What is your most typical individual field size, in acres?

_____ ACRES

(b) How far can you afford to travel, one way, to rent a field of typical size?

_____ MILES ONE WAY

(c) What is your smallest field, in acres, which can be used for agriculture, considering equipment and other limitations?

_____ ACRES

(d) How far can you afford to travel to rent a field of minimum size?

_____ MILES ONE WAY

9. What was the 1982 annual gross value of total sales from your farm or ranch operation? (CHECK ONE)

- | | |
|----------------------------|------------------------------|
| _____ Less than \$10,000 | _____ \$70,000 to \$99,999 |
| _____ \$10,000 to \$19,999 | _____ \$100,000 to \$249,999 |
| _____ \$20,000 to \$39,999 | _____ \$250,000 to \$499,999 |
| _____ \$40,000 to \$69,999 | _____ \$500,000 or more |

WRITTEN EXCEPTIONS TO THE HEARINGS OFFICER'S REPORT

AND RECOMMENDATION FOR CONTESTED CASE 90-1: WAGNER