

# MINUTES OF THE METRO COUNCIL MEETING

November 12, 1998

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Ed Washington, Don Morissette, Patricia McCaig, Susan McLain, Rod Monroe

Councilors Absent:

Presiding Officer Kvistad convened the Regular Council Meeting at 2:07 p.m.

## 1. INTRODUCTIONS

**Betsy Wright, Friends of Forest Park**, recognized the Metro Council for the work well done. She stated that this year was the 50th anniversary of the dedication of Friends of Forest Park. The vision for Forest Park was about 100 years old based on the work that the Olmsteads brought out here at that time. In recognition of the anniversary, two events were held which included a day-long celebration in the park. At that time, significant partners were recognized, those that played a part in protecting the park. One of those partners was Metro. She pointed out that Forest Park was understaffed as the largest forested park in the United States relative to other natural areas around the country and the way they were protected. Metro had made a real difference in how the Friends organization could protect and enhance the park. Working with Friends of Forest Park, the specific partners have been: on the old growth project, Jane Hart, Nancy Chase and Greg Wolley; working on land acquisition had been Barb Edwardson; providing leadership to both those areas had been Charlie Ciecko. Councilor Ed Washington was recognized as being ever present in his loyal support of the park. Ms. Wright presented a 50th anniversary poster to thank Metro as well as the citizens of the tri-county area for making these special people available to help protect the park.

## 2. CITIZEN COMMUNICATION

**Art Lewellan**, LOTI, 3205 SE 8th #9 Portland OR stated that he had been opposing South / North Light Rail. He presented a map relating to how the area should have built the South / North Light Rail. He stated that he had attended the JPACT meeting on this date. He stated that he was not fully satisfied that the direction Metro needed to take regarding planning on light rail was adequate. He displayed a map showing an electric bus system on the transit mall instead of light rail thereby leaving the light rail line east of the river. There were reasons for this of which the public should be aware. Mr. Lewellan stated that the Ross Island bridge would be used with buses running every five minutes to the Lloyd Center area. There would also be intermittent lines that make the transit mall service run every 2.5 minutes. That frequency could remove more diesels from the mall without the passengers ever having to wait for a vehicle. This would also extend the mall. The map included some work that had been proposed capping the freeway. He supported going to Portland International Airport with light rail, a worthy project according to Mr. Lewellan. He would run the streetcars through the planned urban center because it was so straight. It could run down to Macadam Avenue but would need the bridge displayed on the map. He would direct it across the Hawthorne bridge to tie into the South / North Light Rail that was on the east side of the river. Building up this alignment on First Avenue into a future surface alignment would require another cap over the freeway to get over to Front Avenue, out Front to Barbur Boulevard, Multnomah, Oleson Road, Hart Road, Washington Square, Tigard, King City,

Durham and perhaps on to Wilsonville. This was the direction Mr. Lewellan took with his overall planning. He stated his belief that Ross Island Bridge should be the first priority of investment. The connection of that bridge to I-5 would be beneficial to neighbors on both sides.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

There were no communication from Executive Officer Mike Burton.

### 4. AUDITOR COMMUNICATIONS

There were no communication from Auditor Alexis Dow.

### 5. MPAC COMMUNICATION

**Councilor McLain** stated that MPAC would meet on November 30. They were reviewing some of the urban reserve decisions and Urban Growth Boundary amendments and resolutions. Formal presentations would be made if any were required.

### 6. CONSENT AGENDA

6.1 Consideration meeting minutes of the November 5, 1998 Regular Council Meeting.

**Motion:** **Councilor Washington** moved to adopt the meeting minutes of November 5, 1998 Regular Council Meeting.

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

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

### 7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 98-783**, For the Purpose of Granting a Franchise to Waste Management of Oregon for the Purpose of Operating a Solid Waste Facility Authorized to Receive Putrescible Wastes, Deliver Them Directly to Metro's Contract Disposal Operator, and to Conduct Other Activities.

**Presiding Officer Kvistad** assigned Ordinance No. 98-783 to the Regional Environmental Management Committee.

7.2 **Ordinance No. 98-784**, For the Purpose of Granting a Franchise to Willamette Resources, Inc. for the Purpose of Operating a Solid Waste Facility Authorized to Receive Putrescible Wastes, Deliver them Directly to Metro's Contract Disposal Operator, and to Conduct Other Activities.

**Presiding Officer Kvistad** assigned Ordinance No. 98-784 to the Regional Environmental Management Committee.

7.3 **Ordinance No. 98-785**, For the Purpose of Granting a Franchise to Pride Recycling Company for the Purpose of Operating a Solid Waste Facility Authorized to Receive Putrescible Wastes, Deliver Them Directly to Metro's Contract Disposal Operator, and to Conduct Other Activities.

**Presiding Officer Kvistad** assigned Ordinance No. 98-785 to the Regional Environmental Management Committee.

## 8. RESOLUTIONS

8.1 **Resolution No. 98-2713**, For the Purpose of Authorizing Release of RFB # 98B-63-REM, For the Provision of Diesel Fuel.

**Motion:** **Councilor McFarland** moved to adopt Resolution No. 98-2713.

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

**Discussion:** **Councilor McFarland** reviewed the RFB #98B-63-REM which had to do with Metro's purchasing diesel which was then used to transport the garbage to the landfill in Arlington. This had been done because it saved taxpayers money. It was now time to redo this action. Councilor McFarland asked Bruce Warner, Director of the Department of Regional Environmental Management to explain the Resolution. Councilor McFarland stated that there has been some criticism of the way this RFB was written in the sense that it was written to eliminate some of the potential bidders on this. The committee had written an RFB in which the first consideration of the standards was safety because wherever we bought these fuels was crucial to be safe.

**Bruce Warner**, Regional Environmental Management Director of Metro stated that there was an agreement with STS, formerly Jack Gray Transport that we would purchase the diesel fuel for the transportation of the waste. Metro enjoyed the excise tax savings available to governments from the federal government which amounted to about \$350,000 per year, a substantial savings to the rate payers of the region. The existing contract expired November 30, 1998. It was Metro's intent to have a new contract in place by the end of the month. This represented the second try at this bid. The Council previously approved RFB 98-35 in June. They did attempt to obtain fuel at both the eastern terminus in Arlington and for fuel on the west side. They received no bids for fuel on the western end here in Portland and received two nonresponsive bids. They were both rejected. They were now here with a proposal to rebid the eastern end. They actually had an agreement to deal with the small amount of fuel we will be purchasing here in the Portland area through a separate agreement. The RFB had been modified to be much more precise in specifications in order to obtain responsive bids. Finally, this RFB should result in a contract that fulfilled Metro's level of service obligations to STS regarding the manner in which the fuel was supplied mainly in terms of a level to which they were accustomed and which dealt with safety issues.

**Councilor McFarland** announced that she had nothing further to add to Mr. Warner's report. She asked Mr. DeVries to brief the Council on the letter submitted into the record.

**Doug DeVries** read a letter from STS into the record, (a copy of which is included with permanent records of this meeting).

**Councilor McFarland** stated that this issue has been tried twice and a clear understanding was necessary. Staff had been responsible to create an acceptable document. Anyone who made a bid and fits the demands of the document would be well-qualified to do this job. She recommended an aye vote on this matter.

**Councilor Monroe** stated that when he first read through the document, he wondered as to why fuel was being purchased in Gilliam County when everybody knew that fuel was cheaper in the Portland area. He stated that he heard two answers to this question: The first one was that part of the contract was economic development in Gilliam County; using a vendor there provided that. Second, since the trucks must lay over in Gilliam County and when they laid over, they needed to have full fuel tanks. He wondered if there were other reasons.

**Councilor McFarland** stated that the prime reason was that in the past, difficulty was experienced in finding an area that would take regional garbage. Gilliam County was willing to do so with a few addendum of her own, Laura Prior.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain . The motion passed unanimously.

8.2 **Resolution 98-2721A**, For The Purpose of Confirming Ed Gronke as a Citizen Alternate to the Metro Policy Advisory Committee (MPAC).

**Motion:** **Councilor McFarland** moved to adopt Resolution No. 98-2721A.

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

**Discussion:** **Councilor McFarland** stated that when this came to committee, both Councilors present voted to accept Mr. Gronke on this advisory committee. Mr. Gronke, she continued, had been very active in the many venues of government. He had been very active in reference to Metro and had served an appointive term by being appointed to the council.

**Vote:** The vote was 7 aye / 0 nay / 0 abstain. The motion passed unanimously.

8.3 **Resolution No. 98-2723**, For The Purpose of Appointing Arthur Wagner, Pamela Ake, and Barbara Walker to the three expiring terms on the Metro Central Station Community Enhancement Committee.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 98-2723.

**Second:** **Councilor McLain** seconded the motion.

**Discussion:** **Councilor Washington** stated that this resolution was in reference to the three transfer stations owned by Metro, namely, Central Transfer Station in northwest Portland, South Transfer Station in Oregon City, the transfer station in Forest Grove and Arlington. For every ton of garbage that was taken to those transfer stations, fifty cents went to an enhancement fund. The monies accumulated over a period of time and was eventually used to provide community projects throughout the enhancement district. The central enhancement district included all of northwest Portland and a small portion of north Portland that went into Cathedral Park. To date, the Metro Central Enhancement Committees had awarded over \$1.2 million to 90 projects and expected to award another \$400,000 in the next two-year cycle. Councilor Washington introduced the people who had been nominated by their neighborhood committees to serve for the next term:

**Arthur Wagner**, representing Linton had worked and lived in the Linton area for twenty and thirty-four years respectively. He and his family had a commitment to the area. He had served on Linton neighborhood association, the land use committee and was currently president of the Columbia River District Council with the International Longshoreman's Union.

**Pamela Ake**, represented the Northwest Industrial Neighborhood Association (NINA). She owned Connections Northwest, a business in the Northwest Industrial area. She had been treasurer for NINA and was currently on the NINA Neighborhood Plan Steering Committee.

**Barbara Walker** represented the environmental community. For the past twenty-five years had been a volunteer and on the board of the Forty Mile Loop Land Trust. She was a member of the Friends of Markham Nature Park, World Forestry Center, Oregon Urban and Community Forest Council, Oregon Recreational Trails Advisory Council and with Metro Greenspaces program.

**Vote:** The vote was 7 aye / 0 nay / 0 abstain . The motion passed unanimously.

8.4 **Resolution No. 98-2724**, For the Purpose of Authorizing Amending the East Buttes/Boring Lava Domes Target Area Refinement Plan to Authorize Additional Land Acquisitions in the East Buttes.

**Motion:** **Councilor McFarland** moved to adopt Resolution No. 98-2724.

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

**Discussion:** **Councilor McFarland** stated that a \$4 million matching grant available with other governmental units to purchase property around the Mt. Talbert area from willing sellers. Metro had come through with a large number of willing sellers of a nice amount of space to add to the original area. This resolution asked to take the cap off the purchase so that when willing sellers were identified, Metro's partners were there. Metro would furnish 75 percent of it and they furnished the other 25%. When this could be worked out, it was a good deal for Metro.

**Vote:** The vote was 7 aye / 0 nay / 0 abstain . The motion passed unanimously.

9. **PUBLIC HEARING on possible movement of the Urban Growth Boundary with emphasis on Urban Reserve Sites 31-34. Testimony will also be accepted on any other urban reserve sites.**

**Ordinance No. 98-779A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Areas 43 and 47 of Washington County.

**Ordinance No. 98-788A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Area 55 of Washington County.

**Ordinance No. 98-786A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Sunnyside Area of Clackamas County.

**Ordinance No. 98-781A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Pleasant Valley Area of Clackamas County.

**Ordinance No. 98-782**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Stafford Area of Clackamas County.

**Resolution No. 98-2726A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 62, 63 and 65 in Washington County.

**Resolution No. 98-2728A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 53, 54 and 55 to the Hillsboro Regional Center Area.

**Resolution No. 98-2729A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 39, 41, and 42 in the Vicinity of Wilsonville.

**Presiding Officer Jon Kvistad** opened a public hearing in the above mentioned Growth Management Ordinances and Resolutions to consider amendment to the Urban Growth Boundary. He briefly described the procedures by which the hearing would be conducted. Courtesy would be afforded to public officials in that they would be heard first.

**Commissioner Judie Hammerstad** of Clackamas County read a letter into the record (a copy of which is included with permanent record of the urban growth boundary amendment record).

**Councilor Morissette** said that Commissioner Hammerstad had quoted him correctly but he wanted to finish the rest of the quotation. "I believe that Lake Oswego and West Linn have a responsibility to growth in this region. My goal is to try to put housing and jobs as close as possible together. In Washington County, I believe we have accomplished that with the need that we have discerned. Without going through the battle again and talking about the need being different from what we have currently voted on I believe our best opportunity to stop gridlock on the roads is to try to put jobs near housing. I believe Lake Oswego and West Linn need to do their fair share in the responsibility of the growth for the region. Right now, we fill the need with what we have available to us in Washington County."

**Elaine Wilkerson**, Director of Growth Management Services, reviewed that four sites totaling 1915 acres were being considered in the Stafford area of which Metro's productivity analysis the potential for 6866 dwelling units. The area was covered by Ordinance No. 98-782 which was sent to Council without recommendation. It was an ordinance since this area was within the Metro boundary. The Rosemont Village Plan which would be discussed covered primarily Urban Reserves 31, 32, and a little of 33. It was 8409 acres; just about half of the entire area of which was being discussed. Lake Oswego had sent a letter recently where it committed to plan the First Tier Lands which were very small; about 50 acres. These lands include two pockets one in Urban Reserve 33 and one in Urban Reserve 34.

**Ron Bunch**, City of Lake Oswego read a letter into the record, (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Tom Coffee**, Associate City Manager, City of Lake Oswego read a letter into the record, (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Evan Boone**, Deputy City Attorney, City of Lake Oswego read a letter into the record, (a copy of which may be found in the permanent records of the urban growth boundary amendment record).

**Tom Lowery**, City Council member, City of Lake Oswego read a letter into the record, (a copy of which may be found in the permanent records of the urban growth boundary record).

**Dan Drentlaw**, Planning Director, City of West Linn read a letter into the record, (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Jim Jacks**, City of Tualatin read a letter into the record, (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Richard Stevens**, Rosemont Property Owners, 18880 Winter Lane, West Linn, Or 97068 urged inclusion of Urban Reserve #31 within the Urban Growth Boundary.

**Warne Nunn**, 2405 SW Delwood, Lake Oswego, OR 97034 spoke in support of the inclusion of the Stafford Triangle Land in the Urban Growth Boundary and read a letter into the record (a copy of which is included with permanent records of the urban growth boundary record).

**C. P. Davenport**, 671 SW Long Farm Road, West Linn OR 97068 said his farm was five acres. They were just outside the proposed Urban Growth Boundary if you included #31. There were seven residents on the road including himself. He spoke for six of them. Both sides of the road totaled about sixty acres. None of them bought their property with any idea of ever subdividing it. He had the property for thirty years and had enjoyed it. Along with the other property owners along the road, they felt intimidated by the thought of dwellings within fifty to one-hundred feet of their present homes. They were opposed to the inclusion Parcel #31 for all the reasons that had been expressed by Clackamas County and representatives from Lake Oswego, West Linn and Tualatin which had been heard today. He suspected the Council had heard from others about the alleged impact on the infrastructure of the area if they had what he would call urban development. The Council had probably heard them ad infinitum if not ad nauseam. However, there was one additional item he wished to mention: For seven of them who lived on that road, six of them got out water from wells. He knew that the water level in his well was higher than either Lake Oswego, the Willamette or the Tualatin Rivers. He had to assume that any urban development within area #31 which was uphill from all them, both hydrologically and topographically, was going to impact the water table. He would hope that somewhere down the road, someone would take the responsibility or feels that it was incumbent upon them to determine what the impact of development within Section #31 would be on the water wells.

**Gary Bufford**, 415 N State Street, Lake Oswego OR 97034 said he owned property and represented ownership of the 7.4 acres of land designated Tier 1 in Urban Reserve #34. He spoke briefly at the public meeting on October 20, 1998 of the Growth Management Committee. His wife and he had owned this property designated as first tier for approximately 30 years. Their land was immediately adjacent to the Urban Growth Boundary within the city limits of Lake Oswego. They bordered those boundaries on two sides. He first spoke with City Council in December 1991 concerning the desire to amend the Urban Growth Boundary and annex them into the City of Lake Oswego. He had been working with city staff, Clackamas County Staff and Metro Staff for approximately seven years through the process of public hearings of the planning process for amendment of the Urban Growth Boundary. In February, 1998, Resolution 98-10 of Lake Oswego City Council was unanimous approved of council, there was a vote to support the amendment of the Urban Growth Boundary to include their land within the Urban Growth Boundary. City Council reached consensus that urban services could be made available to the land and system-wide capacity existed to accommodate that would eventually result from the land being included within the Urban Growth Boundary. Furthermore, it was the consensus of council

that the use of existing and adjacent urban services would not impose costs upon existing residents or have negative impacts on the city's quality of life. They had played by the rules of Metro and the City of Lake Oswego and Clackamas County for the past seven years through the planning process for amendment of the Urban Growth Boundary. They had the support of the City of Lake Oswego and Clackamas County for amendment of the Urban Growth Boundary to include the 7.4 acres of first tier land in Urban Reserve #34. Now he said they sought an affirmative decision by Metro Council to amend the Urban Growth Boundary to include the 7.4 acres of first tier land in Urban Reserve #34 within the Urban Growth Boundary and they requested this be accomplished within the calendar year of 1998. They had a copy and believed the Council did also, of a letter to Mike Burton, Metro Executive Officer, from the City of Lake Oswego, with regard to the schedule to provide urban reserve planning for the first tier land. They would work with the city to that end. Mr. Bufford appreciated the opportunity to speak before Metro Council and would take any questions the Council had.

**David T. Adams**, 19621 S Hazelhurst Lane, West Linn OR 97068, and father of Margaret Louise Adams read his daughter's note into the record since Miss Adams needed to go to her piano lesson. (A copy of her note is included with permanent records of the urban growth boundary amendment record).

**Roger L. Woehl**, Superintendent of West Linn - Wilsonville School District, Box 38, West Linn OR 97070 was representing the school district but he wanted to say that the district board had not taken an official position opposing or supporting this. They generally had concerns about any additional growth in the area but had not taken a public vote on that. His testimony reflected the kinds of concerns and issues that the school district had addressed. They were three: first, the projections for enrollments. The numbers that were in the plan for the Rosemont Village, compared to the numbers they used today in planning for new growth, had some significant differences. It was not a matter of whether we needed to talk about what those differences were but before a plan was finally approved, there needed to be some agreement on what that might mean. There was roughly a one-thousand student difference between what the plan said and what they would anticipate. That had a significant impact on how they planned for schools. Secondly, there was an item that had been generally ignored in the looking at that whole area in those urban reserve area and that was that there was another boundary that ran through them and that was the school districts boundaries. Lake Oswego and West Linn - Wilsonville shared a boundary that cut through about the northern 25% of the proposed Rosemont Village Development. 25 to 30 percent of the land area was in Lake Oswego and the other seventy to seventy-five percent was in West Linn - Wilsonville School District. How those enrollments played out between those two land masses and how transportation was addressed was a major issue for both school districts. If roads were not conducive to transporting students to school, the Council would have other Margarets here to hear from that they were on the bus a long time. That plan needed to be devised in such a way that it addressed transportation, addressing three cities as well as two school districts. Third, embedded in some of his comments, was that transportation was a major issue and the road designs in the design had to embed that need. Using the enrollment counts, his anticipation was that if you used the planned numbers for schools, they would need about three additional schools. If you used his enrollment figures, it would be about four additional schools just in the West Linn - Wilsonville School District. That was a capital cost to us, in today's dollars, of anywhere from \$55 - \$65 million of construction and it had an impact of 70 to 85 acres depending on how you calculated the enrollment. If those school sites were not included inside of the proposed Urban Growth Boundary, that meant that school districts in the future would be again looking to those fringe areas for school sites. This was an opportunity to plan for those sites inside whatever plans got approved.



**Dell Smith**, 380 Rosemont Road, West Linn OR 97068 had been a resident there for nine years. 380 Rosemont was 7 mile from the Stafford - Rosemont Road intersection. He had lived and worked, for the last 24 years within four miles of that same intersection. The first time he had heard of the master plan for Rosemont Village was in an Oregonian article dated June 19, 1998. There were subsequent articles that came out that indicated that most, not all of the people that resided there and owned property there, were in favor of this development. In talking with his neighbors, most of whom owned small parcels, he realized that he wasn't simply asleep but rather that they had not been invited to participate or to dialogue regarding the development of this master plan at all. He realized that the hour was late in terms of consideration but felt that they had been left with very little in terms of alternatives. In talking with his neighbors, he believed that he was speaking for them, the small ones, when he said that they objected to the lack of due process. They objected to the invitations to dialogue which had been offered by yet to be realized and they objected to the presumption that there was a correlation between the amount of acreage that they owned and the measure of their opinion. There was another article in the Lake Oswego Review which indicated that they could do anything we wanted to do with out property as long as they liked apartment houses looking down on them. He raised fleece animals on his property. He had been told that quality of life and preservation of green space may not settle well. He did not believe that was true. He believed that Metro was much wiser than that. He had talked to literally hundreds of people in the last couple of months and without exception, except for persons who were part of the property owners and even some of them were against urbanization of the Stafford Triangle. All of them urged a "no" vote on the master plan and as well as a "no" vote to #31 through #34 being included in the urban Growth Boundary.

**Wynn Munson**, 1335 Woodbine Road, West Linn OR 97068 read his testimony into the record (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Peter Ackerman**, 865 Clematis Road, West Linn OR 97068 read his testimony into the record (a copy of which is included with permanent records of the urban growth boundary amendment record).

**David Coles**, 750 Rosemont Road, West Linn OR 97068 read his testimony into the record (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Bill Markt**, 20490 Sweetbrier Road, West Linn OR 97068 read his testimony into the record (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Scott Richmond**, 19996 South Sweetbrier Road, West Linn OR 97068 read his testimony into the record (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Karen Wagner**, 800 Rosemont Road, West Linn OR 97068 read her testimony into the record (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Nancy Breen**, 505 SW Long Farm Road, West Linn OR 97068 read her testimony into the record (a copy of which is included with permanent records of the urban growth boundary amendment record).

**David T. Adams**, 19621 S Hazelhurst Lane, West Linn, OR 97068 had lived in the Stafford - Rosemont Corridor for twenty years. He had seen many changes in those twenty years as you might imagine. One thing, however, that had not changed in those twenty years was the old country roads. In the last ten years, the city population had grown 80% and the county had grown at least 69% and yet they were still driving on these old county roads. Clackamas County coffers was woefully low due to the dramatic decline of timber revenues. In addition, the cost for new infrastructure from a decade of enormous development had left this county strapped. As a consequence, the county had had to shift all its priorities with regard to transportation entirely into maintenance and preservation. To help illustrate this point, he would like to bring to the Council's attention Clackamas County's five and twenty years plans. The first map in front of the Council was the five-year plan. In looking at the Stafford area, there were two areas identified by the county for implementing projects in the next five years. There was only one of those that was funded. In looking at the twenty-year plan, it was prioritized by high, medium and low. On this twenty-year plan, the county had identified only three intersections as high priority. The upgrades to the roads in this area received only medium priority. That was the twenty-year part. Councilors, we needed these improvements five years ago; not twenty years from now. He spoke of the impact of dumping ten thousand additional cars onto these old country roads. Those who were pushing this development would have us believe that by widening only two lanes of Stafford Road, from Rosemont to I-205 and by widening one mile of Rosemont Road that this area could handle an additional fifty thousand vehicle trips per day. This plan was grossly inadequate that it was laughable. He suggested looking at the big picture. Even if the Metro plan could move ten thousand cars, where were they going to go. It was well-documented that Highway 43 was a disaster, I-205 was a disaster. In addition to the county, ODOT had no plans for the next five years to do anything to I-205. In closing, he made just one comment: A good traffic plan was the foundation upon which a successful community was built. To proceed with this plan would be like building the famous Sears Tower on a foundation of mud. He urged the Council to vote "no" on Stafford. Stafford was a can of snakes.

**Councilor McCaig** stated said that members of Metro Council sometimes sit quietly on the dais, not responding to arguments from those offering their testimony in hopes of moving the meeting along. Constituents did not receive verbal or visual indications from those sitting on the dais regarding the issues the council was grappling with. Councilor McCaig expressed her concern that money, either on a county, regional basis or state basis, was not available to deal with those kind of transportation needs. She commented that citizens had continually voted down vehicle registration fees, additional gas taxes, and so forth, the proceeds of which would go to building roads. She asked for Mr. Adam's assistance in understanding this problem of traffic, which was what she had also heard from the Hillsboro public hearing.

**Mr. Adams** said that he did not oppose growth . . .

**Councilor McCaig** said that although Mr. Adams stated that he did not oppose growth, he just wanted it to happen somewhere else; somewhere where there were not the traffic problems. She told him that the traffic problems were region-wide; they were not just in his neck of the woods; they were all over this region and they were horrifying. They were not getting better. Metro Council was forced to make some very difficult decisions about where to put this growth. She stated her appreciation about what would happen to his neighborhood if the growth was placed there. In the upcoming testimony this afternoon, Councilor McCaig once again stressed that council members hear this, no matter where you went in the region you were still confronted with the same problem. There was not the adequate infrastructure, there was not the money and we had population needs that must be addressed if we wanted to protect the quality of life in the region.

**Presiding Officer Kvistad** said that Councilor McCaig's remark was not meant to be personal but that Metro Council had some very frustrating issues facing them with all of the Urban Growth Boundary decisions in the future.

**Councilor McCaig** said that this was not personal and it was not because she particularly supported Stafford. The kind of testimony she was hearing was not helping her and was not moving her any closer to a decision. She stated her understanding of these needs but also needs to find other solutions. If those solutions were not forthcoming, the council would be left with the choices identified today.

**John English**, 500 Bergis Road, Lake Oswego OR 97035 read his testimony into the record (a copy of which is included with permanent records of the urban growth boundary amendment record).

**David Houston**, 1425 S Clematis, West Linn OR 97068 said his professional work was an engineer in project management in private industry. Capacity planning, estimating and project sizing were key parts of his professional skills. Tuesday night he attended the presentation by the project team of Harper, Hough and Regalis on the planned road improvements at Wanker's Corner. The project engineers measured traffic loop flow through the Wanker's Corner intersection at peak time as 600 cars per hour. This was a schematic of the planned improvements. They were committed to spending \$1.5 million on this larger intersection. It would increase capacity by 360 cars. That was \$1.5 million for 360 additional cars. What, in fact, would urbanization of the Stafford Triangle have on this intersection. Consider 5000 added dwelling units in round numbers. Each dwelling unit would average two cars. That was 10,000 cars per peak time driving those roads. From the Stafford Triangle there were only three ways to go. You go left on Stafford, right on Stafford or south on Rosemont. That gave 1700 more cars per hour going through the Wanker's Corner intersection. The planned capacity after improvement was only 960 cars per hour and this capacity would be used with the completion of Tanner Basin. Therefore, urbanization of the Stafford Triangle would require an intersection three times as large as the planned \$1.5 million improvement to handle the 2660 cars per hour that would need to go through Wanker's Corner. The cost to improve this intersection and the 18 other intersections serving the Stafford Triangle plus roadway widening would exceed \$50 million. The Clackamas County five-year capital improvement plan had funding of only \$104 million for the entire county for five years. His suggestion, to answer Councilor McCaig's question about what do we do about this, was to make sure, if we did approve the addition of the Stafford Triangle in the Urban Growth Boundary, to require that an adequate development charge be assessed on these units to cover the cost of appropriate traffic development. That charge would come to \$10,000 per dwelling units for roads alone.

**Karyl Frangler**, 18135 Cresthaven Dr. Lake Oswego OR 97034 lived adjacent to urban growth site 31 - 34 and was against amending those sites. She had lived in Oregon for 25 years and in the Lake Oswego area for 18 years. She had two common sense points to make. Before she moved to Lake Oswego, she lived in Linn County. Her husband and she bought 13 acres as an investment, the sum of the money she had from a retirement plan. A year later, that property was rezoned to EFU only. This made them upset since they couldn't do any thing with the land now; at one time they had even thought of building a house on it. They couldn't sell. They moved out of the area and moved back east. They were even farther away from the property. Finally they moved back to the Oregon area and found a realtor who was willing and would help them sell it to someone who wanted to use it as EFU only. That's how they were able to sell the property. They lost all of their investment on it. Was she bitter about it? No, she was not because she felt like the laws

were made for this purpose and they shouldn't have bought it in the first place. They should have done more investigation into it and they should have allowed people to come in there who wanted to use 13 acres to run their sheep on it. So now this area north of Lebanon was being used for EFU only. She was not bitter about it at all. She supported the land use laws of Oregon. That was one of the reasons why she was excited about moving to the state of Oregon in 1973 from Idaho. She felt like this was a state that would put their money where their mouth was, so to speak. She still believed that. She lived in an area that was northeast of the proposed sites for development and she had to say that it was a very beautiful area. She would like other people to enjoy it and there was an area just adjacent to their house that was being developed. It had been included into the city and was going to be developed as part of Lake Oswego. They were slowly working through that situation with the city. But, at the same time, she had to say that people came and they looked from her back yard down into that area. She had had more than one person say, "Oh, this looks like what San Diego used to look like when I was a child." She thought to herself, was this where we were heading? Was this what we were going to look like, was San Diego? Most of the developers who came to this area would probably retire in San Diego but she didn't want to retire in San Diego. She wanted to retire here.

**Lori James**, of the League of Women Voters of West Clackamas County, 335 Childs Road, Lake Oswego OR 97034 said she was outside the Urban Growth Boundary. She had provided the Council with testimony which came from their study of the area, and she wouldn't go into that. She was here just to remind the Council that they served with consent of the governed. All of the major service providers in this area had said that could not provide service in this area at this time. These entities were the City of Lake Oswego, Clackamas County and the cities of Tualatin and West Linn. They represented the majority of the citizens of this area. They thought that it was imperative that Metro returned to its original guidelines and be sure that adequate planning encompassing all of the elements they had mentioned in their testimony were taken into consideration before this was included inside the Urban Growth Boundary. Special attention must be given to services both within the area and necessary improvements to be made in impacted areas and, of course, how all of this would be financed. They hoped that the Council would consider the opinions of the majority of the people who lived in this area.

**Richard Bohrer**, 2174 SW Mossy Brae Rd. West Linn, OR 97068 said he understood the council's frustrations but they believed the Council had to weigh what they would lose as well as what you would gain by the amending of this. His home, which he bought in 1972, was on Mossy Brae Road. His property had waterfront on the Tualatin River and was within a stone's throw of Stafford Road Bridge. That section of the river was a rural habitat for Canadian geese who raised their goslings in that neighborhood. He was not necessarily an environmentalist but he believed these were considerations. Apart from occasional houses along the banks of the river, the river ran through a wilderness corridor that was home to small wild animals and many varieties of birds. Many cities, notably Chicago, had for a period of time guarded and boasted of their forest preserves running through or near their cities. He pleaded for Portland. He pleaded for our spotted owls. If it weren't for the forests, it might work for us. He pleaded for the spotted owls in the Tualatin River Basin. The contemplated changes would severely impact the rural character of this basin.

**David Hedges**, 20750 S Sweetbrier Dr., West Linn, OR 97068 was a fifth-generation Clackamas County resident and had lived on Sweetbrier Road for twenty-four years and he guaranteed, Patricia McCaig, that she would not have heard his testimony before. The real issues here were greed and collusion on the part of those who profited from growth. Greed and collusion drove the engine of boundary expansion. This hearing was proof of that. They were here today because developers were dying to sink their fangs into the Stafford Triangle and because their co-

conspirators in the legislature again bowed to their master, the almighty dollar. Toss into this only mix the land speculators with dollar signs dancing in their eyes. It was all buy and sell. An obscene brick wall butts up against the Urban Growth Boundary at the crest of Rosemont Road. Legions of road houses and oversized homes on undersized lots pollute Tanner Basin and now Rosemont Village. The Council's plan to accommodate growth was a developer's dream but a nightmare to the rest of them. Unless the Council retooled their thinking, growth would overwhelm the region. Turn efforts to slowing growth. Turn to the European model which recognized the need for buffers between cities. Spare Lake Oswego and West Linn the fate of Beaverton and Tigard. If the Council opened the Stafford Triangle for development, they prostituted not only themselves but Tom McCall's vision of handing future generations something special, this intangible notion we proudly call Oregon.

**Judy Eselius**, 18018 Skyland Circle, Lake Oswego, OR 97034 read her testimony into the record (a copy of which may be found in the permanent record of the urban growth boundary amendment record).

**Eric Eselius**, 18018 Skyland Circle, Lake Oswego, OR 97034 understood he lived in area #31. He thought it should become apparent to everyone that the Oregon they moved to twenty years ago and others who have moved here more years than they had was growing. It was not going to stop. They couldn't prevent 300,000 to 500,000 people from coming here. It was going to cause traffic problems and congestion. The whole gist of what they were hearing here today was that "Yes, it is but let's not put it here in the Stafford area. Let's move it over east where Damascus is, where Sandy is, where some other community is." The changes were not going to be altered if we hunkered down and said no development here. They were still going to be here. The density that was reflected in that plan we made as the Rosemont Property Association was not their idea. This was not what we wanted. This was a direct reflection of MPAC's input to Metro Council. Here they saw the unique position of Commissioner Hammerstad as a member and, he believed, Chair of MPAC, indicating this was the density we must have and then we see Commissioner Hammerstad removing that hat and putting on the hat of a Clackamas County commissioner and saying, "Well, under the circumstances, with this density, we certainly couldn't develop. That was a rather unique position. He wished that he had that opportunity to take both sides of a question and defend it.

**Lee Leighton**, Planner with Shapiro and Associates, 1650 NW Naito Pkwy, Suite 302, Portland, OR 97209 was the project manager for the land use planning for this project. He would like to say a few words about our agency and public coordination and outreach efforts. They began their efforts by meeting with Metro staff. They also met with Lake Oswego staff, Ron Bunch and Tom Coffee. They worked with many service provider agencies on technical matters in preparing the Rosemont Village concept plan. When it was available, they had a multi-agency briefing meeting in Lake Oswego on July 23. One of the things they achieved at that meeting was passing around this large sign-in sheet. He thought you would find that a number of people who were in that meeting spoke to Council today including Mr. Bunch, Mr. Coffee, Mr. Woehl of the Wilsonville – West Linn School District and Mr. Drentlaw from West Linn. The fact was they had worked very hard to contact agencies with information as soon as they had had it available. That very evening was the public open house. In the Rosemont Village area, they invited many public officials to attend. It was written up in the Lake Oswego Review, the West Linn Tidings. The door was not barred; in fact there was no door. It was out in a field and they also then had briefings with newspapers and even a small amount of television coverage. There were scheduled briefings with the councils of the city of Tualatin, at a work session and at a public hearing with the City of West Linn but at both of those meetings they gave them less than ten minutes to try to convey their message. In Lake Oswego they requested such a briefing and they

didn't receive it. By now the Council must be curious about what all this excitement was about. He prepared this map to show Council. The detail shown up the hill reflected the level of detail they applied to Rosemont Village. There was a relatively lesser level of detail that they had been able to do for the remainder of the reserves but generally an employment area would be likely or feasible in the I-205 / Stafford Interchange area. Please look at the detailed technical analyses on traffic and other issues that were in the Technical Supplement.

**Robert Thomas**, 2563 Pimlico Dr., West Linn, OR 97068 read into the record his faxed letter (a copy of which may be found in the permanent record of the urban growth boundary amendment record).

**Kelly Ross**, representing the Home Builders of Metropolitan Portland came before the Council today not to talk about any of the specific Urban Reserve areas that were before the council today but to offer some comments on the Urban Growth Boundary as a whole and hope the Council would consider them in the future hearings on this. He was going to be sending the Council a detailed letter on this so he would be brief. The Home Builders would like to urge the Council to go beyond the bare minimum required by state law for land being added to the Urban Growth Boundary in 1998 and approve all the land and all the parcels in Urban Reserve areas that came to the Council from the Growth Management Committee. The need was there. There was no disputing that. The need would be there next year even if the Council did add the entire amount of land that was before them in these hearings. Even if the land was added, they were not going to be seeing or hearing the engines of bulldozers or cement mixers or asphalt trucks pulling into these area the day after the Council made their decisions. There would be years of planning required and probably years of court appeals. So, with that in mind, he suggested starting the job now and get going. There was no reason to wait. The region was getting drastically short on available land. The people kept moving and kept wanting homes. The Home Builders urged the Council to start it now and not prolong this any longer.

**Victor Ives** 1180 SW Sivney Lane, Lake Oswego OR 97034 said his property was in no-man's land at Stafford and Childs Road. No-man's land because they were north of the river. West Linn didn't want us. They were south of Lake Oswego. They don't want to provide services to them in the event this planning went forward. He wanted to provide some anecdotal evidence to refute some of the earlier testimony. He felt a great sympathy for the lady who didn't do well with the Asian pears but he didn't want to be disadvantaged because of the failure of her crop. His wife and daughter operate a singularly successful equestrian facility on their small, seven-acre horse farm where they breed horses, train and teach the Olympic disciplines and ship semen world-wide. They found the Stafford area to be entirely suitable for that agricultural pursuit. The one positive aspect that came from the discussion that he had followed over the last couple week of this issue was that if you did choose the Stafford option, the Council would probably make one segment of our society very happy. From what he had heard, the lack of support and the belief that this was not consistent with Metro's own plans would probably put a lot of underemployed lawyers to work so it was likely a moot point anyway because as the gentleman said that they won't hear the bulldozers for years to come but it might just stay in a matter of litigation until 3040. It might just be a moot point.

**Kristine Roth**, Chair of the Lake Oswego Neighborhood Action Coalition, 18951 Indian Springs Road, Lake Oswego OR 97035. They were a coalition of neighborhood associations and CPOs within the Lake Oswego urban service boundary. She would make a couple comments about what could be done to avoid bringing Stafford in. Things like encouraging infill and redevelopment. In her neighborhood which was in unincorporated Clackamas County, there had been areas that had been rezoned and down zoned to permit smaller lots from 10,000 square feet to 7500. Many

big lots with tiny old houses that were prime redevelopment potential and that was what was happening now. As market had found land was very expensive, there was pressure for smaller lot sizes and those houses seem to sell well. Metro could continue to encourage that and the market had already began to push in that direction. She suggested Metro could give that a little boost. Rezoning small parcels to accommodate more land was really a relatively painless way to go into an area that was already built. If you choose an area for inclusion into the Urban Growth Boundary, the Council could choose areas where there were existing services. Stafford had very few existing services, no sewer or water. They had all heard about traffic. Those were problems that were extremely expensive to cure. Couple that with the fact that this was an area full of difficult sites. Out of the 700 acres in the Rosemont Village area, probably only about 400 to 450 acres of that was potentially buildable. There was a huge area included and the Council was not going to take advantage of that. If Metro wanted to continue density and continue building at maximum efficiency, build in areas where there was already infrastructure with some possibility of increasing road capacity. In the Stafford area, there was nowhere to increase. There were the hills and the lake. It was a very difficult area to develop. She would also encourage the Council to encourage other jurisdictions to implement full-cost SDCs. They would go part of the way toward making development pay more of its own cost. Her final comment would be that she had spoken about accommodating this growth. Her question to the Council was why do they need to grow? She had heard no rationalization that said they must accommodate. They could choose to make a smaller amount of land available and not have as many people come. She was just curious why?

**Presiding Officer Kvistad** stated that 40% of the growth coming was our own children wanting to stay in the area. That was 40% off the top if the region didn't want to grow without one person wanting to move here.

**Councilor Washington** commented that Ms. Roth had said that 40% was an unusual figure. It was not unusual.

**Randy Poseda**, economist with Econ Northwest in Portland, 888 SW 5th Ave Ste 1460 Portland OR 97204. As an economist, he was here to help the Council. He was here to help the Council understand that the Rosemont Village could, in fact be a tub that could stand on its own feet fiscally. The Council had heard a lot of allegations about the cost that will be imposed. The Council had heard very little discussion about the revenues that this element could, in fact, generate to remediate all those costs and perhaps then some. Shapiro and Associates provided them with planning description of the village. From this, they estimated the population and employment characteristics, property values, tax revenues and the burden on public services using a nation planning model. From this they found fiscal balance or surplus at the county, municipal and school district levels., more than adequate development values to support levies for sewer, water and surface water management, infrastructure, \$40 million in revenues in road user charges, gas taxes and registration fees. \$30 million in payroll taxes would go to Tri-Met. Finally, a large proportion of the units qualify as affordable housing. Because there had been so much discussion of infrastructure costs and school feasibility, he wanted to focus on those. If you took all the infrastructure costs that were attributed to this property by the Urban Reserve productivity analysis including 20 years of maintenance and operation, this was the piece of the pie that it represented. If that could somehow, despite Measure Five, into a property tax increment, it would be 70 mils. It was very small. There was a lot of value here that could pay for whatever it needed. That left \$40 million to flow into remediation of congestion phenomenon or other problems that occurred elsewhere on the transportation network. On the school side, they had 1700 new schoolchildren. The Council had heard that there should be about a thousand more. Those were preschoolers. There would be 185,000 square feet of school space. When you took

the existing capitation of the surrounding communities, the existing typical state capitation grant, Rosemont Village's pie on the left looked just like the average of every other single Oregon school district in the state. There were no unusual capital costs nor were there unusual operating costs. In fact, the ease of developing these facilities in a green field setting where you could get 32 acres to develop these facilities made this, in fact, a preferable location. Bottom line, this was a facility where there was enough value and enough revenue streams for this tub to stand on its own bottom. It simply took the will to mobilize that value and direct it at the problems that needed to be remediated.

**Steve Morasch, Schwabe, Wyatt and Williamson**, 1211 SW 5th Avenue Ste 1700, Portland OR 97202 represented Ted Halton and the Halton Company. He was here to discuss the so-called governance standard. What did that really mean. It seemed that when people said that the Stafford area lacked governance what they meant was that they wanted a local veto over the Metro's power to do Urban Growth Boundary amendments in the vicinity of their local jurisdictions. However, there was no such authority in the Metro Code or the state statutes or in state administrative rules for local veto authority or for a Urban Growth Boundary amendment. The state statute clearly bestowed that responsibility upon Metro. The only relevant provision of Metro's code that anyone had pointed out was Metro's code, Section 3.01.12e which was reproduced in this reader board next to him. He read the relevant portions of the code, subsection, said, 'a conceptual land use plan and concept map shall be required for all legislative amendments of the Urban Growth Boundary including at least the following when applicable:' sub-1 which was the subsection that had been referred to earlier today by many people. 'Provision for either annexation to a city and any necessary service districts at the time the final approval of the Urban Growth Boundary amendment consistent with 3.01.065 or an applicable city-county planning area agreement which requires at least the following.' So that was subsection one. Subsection two said, 'notwithstanding subsection one above' (that meant you could have one or two. It was an either/or situation, not both.) 'notwithstanding one above the Metro Council may approve a major or legislative amendment to the Urban Growth Boundary if the proposed amendment is required to assist the region to comply with the 2040 Growth Concept or to assist the region, a city or county in demonstrating compliance with state rule or state-wide goal requirements for land within the Urban Growth Boundary. These requirement included House Bill 2709 OS 197.303, the statewide planning goals and Regional Urban Growth Goals and Objectives.' The caveat was 'an urban service agreement consistent with ORS 195.065 (which is Senate Bill 122) shall be required as a condition of approval in the amendment under this subsection.' Condition of approval meant a condition subsequent. There was no basis in Oregon land use law for applying a condition precedent and it had been unheard of in Oregon. No court had ever interpreted the term 'condition of approval' to mean a condition that must be satisfied prior to giving an approval. The way conditions work was that if development was approved, then the developer needed to satisfy the conditions of approval before they could begin selling property to people. For instance, in a subdivision, you got a tentative plan approval. You must put in the streets, roads and other infrastructure and all this must be done in compliance with the conditions before you could sell lots. Metro's code made this clear in an express provision, 3.04.040. that sections says, sub-a 'district may attach conditions of approval which may be needed to assure compliance of the developed use with state-wide goals and regional land use planning' Sub-b 'the district shall attach to the approved urban reserve plan and map required at 3.01.02. He summed up with one quick quote from the legislative history, he paraphrased Councilor Morissette from the minutes of the February 27, 1997 meeting where sub-e2 was discussed, 'Councilor Morissette clarified Larry Shaw that this would not give local partners veto authority over Metro Council's ability to manage the Urban Growth Boundary. Mr. Shaw referred to his memo addressing the issue. This memo referred to by Mr. Morissette discussed a time line. It would make no sense to have a condition precedent and then impose a time line.'



**Wendy Kellington**, Schwabe, Wyatt and Williamson, 1211 SW 5th Avenue Ste 1700, Portland OR 97204. (tape changed, testimony was not recorded. Ms. Kellington indicated she would provide her comments in written form for the record, a copy of which may be found in the permanent record of the urban growth boundary amendment record).

**David Farr**, 580 Bergis Road, Lake Oswego, OR 97034 said presently there was a sewer line in the Stafford Oaks subdivision which was just north of his property. There was an additional, newly constructed sewer line which ran from Stafford Road to Cornell Road and Bergis Road. Property on both sides of this line was not in the Urban Growth Boundary. There was also a water line running down Bergis Road that served property not in the Urban Growth Boundary and was a main trunk provider of domestic water for the City of Lake Oswego. How could the City of Lake Oswego say they couldn't serve #32. In March of 1989, CH2M-Hill was commissioned by the City of Lake Oswego to do a sewer service impact study of the City of Lake Oswego and the areas that could be served from the existing facilities. This study stated that in the Bergis Road and Skyline area there were 370 acres in the area that could be developed. 75% of it could be developed with the extension of sewer lines. Those sewer lines were now in place. In 1994, his wife and he sold approximately eight acres to the City of Lake Oswego so they could expand the Leshar Farm Park so they could be next to the existing services and the city boundary in the Stafford Oaks subdivision. Please note that the city had figured out how to extend their sewer and water lines without bringing Leshar Farm into the Urban Growth Boundary. He asked how Lake Oswego, the second largest land owner in this area could refuse to annex and provided urban services for seventy acres that they owned which abutted the city limits in the Stafford Basin. If Metro did not require this annexation, the sky was the limit for every other municipality to refuse extensions of their boundaries. Was this the message that Metro wanted to send to all the other municipalities? If Lake Oswego could do it, we could too. Let's not let Lake Oswego be the exception to the rule.

**George Mitchener**, 20500 S Sweetbrier Road, West Linn, OR 97068 read his testimony into the record (a copy of which is included with permanent records of the urban growth boundary amendment record).

**Kevin Harold**, 1705 Fern Road, Lake Oswego, OR 97034 said his general point was that the economy was slowing down. They were all in a big rush to expand to make room for who? You could see the world crisis upon us. He suggested taking a breath and thinking about it for a minute and decide if we really needed to make all these expansions and then turn around and have houses with nobody to fill. Bill Atherton was just elected based on a growth-neutral platform. The people had spoken. Let's listen to what was just said in the election. The person who ran against him was funded 6:1 on dollars and supported by the Homebuilders Association. He lost. The public had said please, let's slow down and think about this. Don't just "glom" onto all this land. The Rosemont Property Owners Association was a minority. Their presentation was about as glitzy and organized as their whole plan. It was a lot of smoke and a lot of emotion and a lot of screaming and yelling but it really didn't amount to a hill of beans. This was not a farm land issue. It was said that the farms couldn't survive but there was no sense putting 50 houses there just because the farm didn't work. Where was the infrastructure? Where were the homes? Where were the roads that supported all this. Highway 43 and Highway 205 could not handle 50,000 more vehicle trips per day. Urbanizing Stafford would require additional schools to be built. Who was going to pay for all that? The people who wanted it were strictly doing this, and if he was them, maybe he would think that same way, but it was for financial services, not the good of the people. He had not heard many people come up here today and say, well, for the good of the people and the future, I would like to offer up my 50 acres to be subdivided to make room

for the masses. Please take your time and think about this. There had been a lot of buttons up here that said make it fair. He said that was just not fair. They didn't have to expand this area just so some people could make some money.

**Debbie Craig**, Three Rivers Land Conservancy, 850 Cedar St., Lake Oswego OR 97034 said she was the president of Three Rivers Land Conservancy. There were over 300 members represented in that organization. Some of them were on both sides of the table today. They had been worried about this area for about three years. Three years ago, they realized Metro was not doing an inventory of the area. Lake Oswego, West Linn and Tualatin park departments were not addressing the area. The Conservancy went out and hired an individual over the summer. They raised money, they were a little organization. They raised money from people that lived in the area too pay the salary for somebody to inventory the Stafford Basin for Open Space and Resources. He completed the inventory. They then actively got involved in trying to raise money in a bond measure so they could protect some Greenspaces out there. Metro Greenspace had not had any sites that they had identified out there. There was one canoe landing that had been picked up because Riverkeepers encouraged Metro to do so. They were opposed to the inclusion at this time. They didn't pretend to know what would happen to growth down the road. They needed time so they could complete the planning in this area and they needed the resources to help them with the planning. Lake Oswego, West Linn, Tualatin nor Metro had given them that. Little organizations like the Conservancy could only do so much. They were very active in that area. We successfully got a \$6 million bond dedicated to open space on the election. There were pieces that were identified in the Stafford Basin. They believed that there would be change. They believed that they had to plan for it and they were going need Metro's help. So please help them out by giving them the time and the resources so they could complete the planning so that it would become as desirable as they all hoped it would.

**Anita Derry** 2195 SW Pattulo, West Linn OR 97068 lived in the Mossy Brae neighborhood which was next to the Tualatin River alongside Stafford Road and just north of the bridge. She was here today not because she had facts or figures but to speak about my ten-year experience of living there. She had seen a lot of changes in ten years, not the least of which was traffic. There was a lot less wild life. It was a much more dangerous place to live for the children that went to school there. She road her bike in that area and her biking had become a high-risk activity. People exceeded the speed limit of Stafford Road every single day. She also came as a former member of the Mossy Brae Water District. They were in an unincorporated area. Nobody wanted them. It was not a very expensive housing area. Neither was Shadowwood right across the way. They each had our own water system which was paid for by the people that lived there. There were 43 houses in our neighborhood. No government agency wanted to help them when they needed to replace their main five years ago. Not one government agency. Local, state or federal. So they funded their water changes and they would continue to do so. She would like to know what studies were being done with future development in this area and how that was going to impact the water tables in that area. She would like to know that before people start building. She grew up in Eugene, Oregon. She moved here twenty-three years ago. In 1972, she read a book called Limits to Growth. They seemed to not be facing the reality that they had limits to growth. She would like to Council, as her representatives, to say this area which had been livable was becoming unlivable. The Council needed to discourage growth. She knew the mentality of this county was based on growing but they were also becoming a dying species at the expense of many, many already dead species. When were they going to start becoming reality-based that they were limited in growth and resources. They had to say no. She was childless, she had made a decision not to bring children into this world, not because she economically could not afford them but when were they each going to start taking responsibility for the decisions they made now and how they impacted the future generations. They were doing a damned poor job. They were

polluting our earth. They were bringing in large numbers of people. There were homeless people throughout this urban area. They needed to be addressed not a large-scale, high-end housing development.

**Herbert Arthur Stevens** 1551 SW Childs Rd, Lake Oswego, OR 97034 came to this meeting having no intention of speaking publicly. He had never attended one of these meetings. He didn't profess to have the background to the erudite position of his previous speakers. However, he did recognize provincialism when he saw it. He recognized problems when he observed them. He could assure you at his age, he was not as mercenary as my eloquent speaker three or four removed over here. He shared two or three things that may benefit to the Council. He was a long-time resident of Lake Oswego, owning fifty acres out there, long before LCDC was every heard of, and, in fact, had personally opposed to zoning back in his earlier years. Zoning came into existence. He sat on LCDC committees that established the fall line. He sat as chairman of the freeway argument in the City of Lake Oswego when they argued north side versus south side. They brought them together and we settled on the Tualatin Valley. That was a good decision. In the earlier days of his experience, he fought cemeteries in the beautiful rolling hills the Council was now talking about. He fought radio towers precisely where the Council was talking about. This was before they had this body of intelligent people making intelligent decisions. He was a farmer. He had significant holdings in Sherman County where he was Conservation Farmer of the Year, together with his partners in the mid-1980s. He could tell you of a much larger problem than was sitting here collectively, was the erosion of our beautiful farm land in the Willamette Valley at the expense of development. This had nothing to do with the Stafford Triangle. He moved there because he drew a circle around downtown Portland where he knew he had to work. He was less than ten miles from downtown. He wanted to raise a family. He moved to the corner of Childs and Stafford Roads and raised five children. They went to every school in the City of Lake Oswego. During that period of time, he sat on the highway commission when they tried to figure out what to do with Highway 43. The closest they ever got was double decking. They got support from Glen Jackson at that time. So these were not new problems. Now, when they talked - one other debate rebuttal - he asked the card of the gentleman from Tualatin. He heard him talk about the entities that were going to solve this problem. He thought he mentioned seven political bodies and he never went once through a citizen's input. The citizens knew what to do. He was not here speaking in favor of the Rosemont group although that was his son. He grew up on his family farm on Childs and Stafford. He also had property Klickitat County which was a very remote and rural area where he now resided. He had a beautiful apple in his pocket but his point was there was agricultural land which they could competitively produce grain in Sherman County and there was land where you couldn't competitively produce. He agreed that population was the problem.

**Councilor McFarland** pointed out that Klickitat County was in Washington and that when you compare the apples from Washington and the pears from Oregon, that was an apples and oranges situation.

**Robert van Brocklin**, Stoel Rives LLP, 800 SW 5th Avenue Ste 1268, Portland OR 97204-1268 was here today representing Larry Peterson and the Peterson Trust. They reviewed four maps. The first map was a vicinity map, they would be discussing area #32. The Peterson property was at the very northernmost point of the triangle. It was an interesting situation that the Peterson's had because they owned two parcels. They owned a small parcel which could be seen immediately to the west of this piece that was blocked out. That parcel to the west was 9.76 acres. That parcel was inside the Urban Growth Boundary. It was inside the Lake Oswego urban services boundary. It was inside the City of Lake Oswego. In fact, in June of 1997 it was annexed into the City of Lake Oswego. He handled that matter for the Peterson's and the city

fully supported its annexation into the city for purposes of it being urbanized. There were two parcels owned by the same family, one of which was inside the city, the other of which was not. One was 9.76 acres; the other was 44 acres. That 44 acres was in area #32. In fact, it was referred to earlier in the hearing by the person that had the pears as the property that had the filbert orchard that was adversely by eastern filbert blight, both because the soil quality and also just because of the blight that occurred to it and so it's tried to produced nuts and couldn't. It was not productive land for those purposes. They hadn't tried pears or apples but they viewed it as not a productive agricultural area. Two other points about it: It was immediately bordered on the north, east and west by the city. It was not only bordered by the city but was bordered and residential housing developments. You can see that by the yellow that was around it on three sides. It was nearly completely surrounded by development. It was north of Bergis Road which ran immediately to its south. His client would like to coordinate development on the property it owned. The 9.76 acres was going to be developed. The 44 acres it would like to develop. They believed that was the logical way to develop this parcel in one piece because it abuts Bergis. It had access directly onto Stafford and it ought to be developed that way. The map immediately behind it was the zoning and he pointed to the fact that there was residential zoning all around it and if one looked at a map, one would see R-15 showed the parcel to the east just developed. Just to the immediate north, soon to be Metro Councilor Atherton, lived in one of these houses up here.

**Don Hansen**, OTAK, Stoel Rives LLP, 800 SW 5th Avenue Ste 1268, Portland OR 97204-1268 map No. 3 in your pack was a site analysis map and it illustrated that they had city limits of Lake Oswego on three sides and they had public facilities on four sides of their project so it was easily connected. The topography was also shown, it was very gentle. The site was certainly capable of six units to the acre as a development pattern which they thought was appropriate given Metro's objective and appropriate for the character of the surrounding area. Transportation: Bergis Road, which was on the south and west frontages on the property was a designated collector. Their project, if it was developed, would improve that road. It was easily accessed from Stafford and Bergis. Public Facilities: The existing sewer and water main that were in Bergis surrounding this site on two sides was sized to serve the property. The water in both the water main and the sewer main could be served with a gravity system. The fourth map that he submitted was a concept plan for the property. Their intent was to provide some diversity in the housing by using four different densities that filtered up into the site from Stafford. Starting with town homes and running up to larger lots abutting and adjacent and like development. They thought this development pattern could provide good diversity housing and would really complement what the city was trying to do downtown with truly urban density housing. The denser town homes would be affordable on the Lake Oswego scale of home pricing. Schools: Palisades Elementary, Waluga and Lakeridge High School all had capacity to serve the project. In summary, the project was easily served with traffic, with utilities that existed in the area with roads and utilities and it was also a density that was certainly feasible on this site. They thought that the project, when it was developed, would essentially have a public network of roads on site and given that without improvements to Bergis Road, it really paid its way in terms of infrastructure and put significant SDCs in the fund for future regional projects. If developed at this density, the SDCs would be between \$1.4 and \$1.4 million that would go into city funds that could be used for other improvements.

**Olive Kuhl**, 445 Rosemont Road, West Linn OR 97068 said she and her husband Jim lived in Urban Reserve area #31 for 37 years. The zoning when we moved in was four houses to the acres or 10,000 square feet. In 1979, at the advent of LCDC, Clackamas County changed the zoning to EFU-20. She was told by a Clackamas County planner that this was to hold the land for future development. There was no Urban Reserve at that time. She a little difficulty facing her

description as a wealthy land owner. She must remember this next time she repainted the back steps and tried to rip up thistles, tansy weed and black berries. It was a losing battle. Many of the points that she chose to make have been made already. The earthquake hazard, after the last earthquake scare, her area, #31, was one of the safest areas around. Much safer than the city of Lake Oswego. One person quoted a CH2-M study which was five years old. There had been three excellent studies since then. About transportation: One of the problems they had was that there was very little money spent on transportation on the east side of the Willamette River. Most of the money in Clackamas County was budgeted and spent on the east side. If one looked at the five-year plan, something like 3.5% of a big budget was going to be spent on her side. They said there was no money, there was no development, there were no buildings therefore there was no money. They couldn't develop because there wasn't transportation. This was a catch-22 or a self-fulfilling prophecy. She was concerned about the nibbling that was going on with the annexations which had taken place recently on Bergis, on Skylands Road and Lake Oswego was again requesting Tier-1 property in #34 which would cost something like \$98,000 per dwelling unit to take care of. She thought her group had played by the rules. They had looked at the decision-making factors. They had paid for a plan which they truly believed fulfilled those factors. In regard to governance, she hoped and believed that they could move past the political wrangle that had marked this discussion and work with the county and municipalities to improve the plan to provide housing, schools and recreation areas for our children and grandchildren. She was interested to see that on her property there was a school site. She supported schools. She asked that the Council take the time to read the plan, particularly the technical supplement. They believed it was a good plan and not just pretty pictures and asked for open-mindedness and most of all, a sense of fair play in making their decision.

**Greg Leo**, 11938 SW 25th Avenue, Portland OR was here representing the Rosemont Property Owners Association. The map before you was an ownership map. In green, one could see where the association members live. In brown was the areas where people lived who were not supporting Rosemont Village. This was in response to a question that came forth in Growth Management. He could say with certainty that over 50% of the property owners representing over 80% of the property of this area support the Rosemont Village Plan. Further, he would like to make just a couple additional comments. The Association had tried to address all of the region's needs when coming up with the plan. This was a Metro-oriented plan. They had looked at the criteria and designed this plan according to those ideas which Metro had thought most important. They tried to improve the jobs - housing balance by providing some employment within this area. They had tried to provide for orderly and efficient transition of transportation. Obviously the roads weren't good now. There needed to be a greater commitment made to roads. They needed to have a better taxation system that provided money for roads. These roads had been neglected and because the area on three sides had been urbanized without the accompaniment improvement in roads, no wonder the roads were a mess at this point in time. Their plan anticipated these problems. They had planned for better roads. They were fully aware of the amount of traffic and they had planned accordingly. Further, the design preserved the topographical character and the water quality. They had designed it with the appropriate setback and in tune with the nature of the area. They had tried to make Rosemont Village a place to live, work, and recreate in the way of a community and it was with that spirit that they were going to carry forward. On behalf of the Rosemont Property Owners, they understood how difficult a decision this was for the Council. They understood that many Oregonians would like to deny the growth which was inevitable. The growth would come. If the region didn't plan successfully for this growth, they would see an erosion of quality of life which none of us want. They had done their best as private citizens using private dollars to do a plan and try to bring some fairness to this process. They now turned it over to the Council. It was amazing to him that people actually ran for these offices that the

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Council held. The Council had to make some of the toughest decisions in Oregon today. He asked the Council to do the right thing. Tonight they asked the Council to be fair.

**Presiding Officer Kvistad** closed the public hearing.

#### **10. COUNCILOR COMMUNICATION**

**Presiding Officer Kvistad** said there will be two more public hearings, November 16th and 19th..

#### **11. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 5:01 p.m.

Prepared by,

Chris Billington  
Clerk of the Council