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# Ordinance No. 98-782C: 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

Metro (Or.)

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO 98-782C  
METRO URBAN GROWTH BOUNDARY )  
AND THE 2040 GROWTH CONCEPT ) Introduced by Growth Management  
MAP IN ORDINANCE 95-625A IN THE ) Committee  
STAFFORD AREA OF CLACKAMAS )  
COUNTY )

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including these Urban Reserve Areas 31, 32, and 33; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Metro Council has initiated a series of legislative amendments to the Urban Growth Boundary, including this ordinance for lands inside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

WHEREAS, notice of Proposed Amendment for these urban reserve areas 31, 32, and 33, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of

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Land Conservation and Development at least 45 days prior to the December 3, 1998 final hearing; and

WHEREAS, the staff report for these areas was available at least seven days prior to the December 3, 1998 final hearing; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, and December, 1998 hearings to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.
2. The Metro Urban Growth Boundary is hereby amended to add the portions of urban reserve areas 31, 32, and 33 as shown on the map in Exhibit B, attached, and incorporated by reference herein.
3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

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4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

5. In support of Findings and Conclusions adopted in Section 2 of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6 Growth Management hearing and the December 7, 1998 close of the record prior to final adoption of this ordinance.

6. The following conditions of approval are needed to assure compliance of the developed use with statewide planning goals and Metro's acknowledged regional goals and objectives:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, an urban reserve plan shall be completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. Adoption of an urban comprehensive plan designation in urban zoning for this area shall include means to assure the speed, temperature, sediment and chemical composition of the stormwater runoff to meet state and federal water quality standards.

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D. Urban zoning shall address on-site stormwater detention requirements.

The city shall consider a requirement the amount of stormwater runoff after completion of development shall not be greater than the stormwater runoff before development.

E. Adoption of an urban comprehensive plan designation in urban zoning for the subject area shall be approved only after the city or county adopts functional plan requirements for vegetation, Title 3 setbacks from top of bank of streams, wetlands and address federal requirements adopted pursuant to the Endangered Species Act (ESA).

F. Prior to urban development, an urban service agreement consistent with ORS 195.065 and based on the Rosemont Village Concept Plan shall be entered into among the units of local government and special districts that provide service to this area and that are identified as appropriate parties by a cooperative agreement under ORS 195.020.

G. Prior to urban development, an enhanced sheriff patrol or other service agreement with a city police agency shall be approved to provide an urban level of police service to this area.

H. Prior to the conversion of the urbanizable land created by this ordinance to urban land available for development, the appropriate city or county indicated in the urban services agreement for this area shall amend its comprehensive plan to include the following provisions:

(1.) Land use designations and zoning shall be adopted consistent with Exhibit A of this ordinance and this concept plan as it may be further described in the urban services agreement prior to its adoption into the appropriate comprehensive plans under Metro Code 3.07.1130.

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(2.) The functional classification of the streets and roads serving this area added to the UGB by this ordinance shall be changed to be consistent with the Regional Motor Vehicles System Map (1997) of the Regional Framework Plan.

(3.) The transportation element of the comprehensive plan of the governing cities and Clackamas County shall be amended to adopt the alternative Level of Service provision for the area added to the UGB by this ordinance authorized by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.640.

(4.) The transportation element of the comprehensive plan of the governing cities and county shall be amended to require 10-16 local street connections per mile as required by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.630.

(5.) The transportation element of the comprehensive plan of the governing cities and county shall require the City to coordinate transit service with Tri-Met to phase in increased transit service as this area is developed.

(6.) The Public Facilities Plan shall be amended to add rough cost estimates for each of the on-site transportation facilities in Exhibit "D" (Table 2A) and off-site transportation facilities Exhibit "D" (Table 3A) needed for this area to address existing and future needed road improvements which were identified in the approved urban reserve plan.

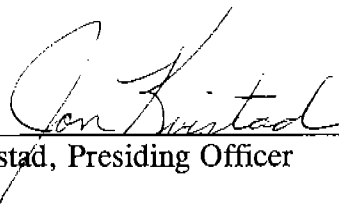
(7.) A school site plan consistent with ORS 195.110 that addresses the future needed school sites identified in the urban reserve plan.

(8.) Funding strategies and planning requirements for the acquisition and protection of adequate land to meet or exceed locally adopted level of service standards for provision of public parks, natural areas, trails, and recreational facilities. Lands which are

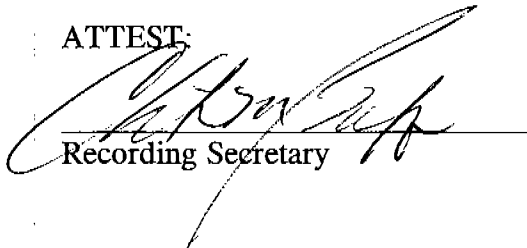
undeveloped due to natural hazards or environmental protection purposes (i.e., steep slopes, floodways, riparian corridors, wetlands, etc.) shall only be considered to meet the natural area level of service standards if the land will be preserved in perpetuity for public benefit.

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Clackamas County and the cities of Tualatin, Lake Oswego, and West Linn shall include the area added to the Urban Growth Boundary by this Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

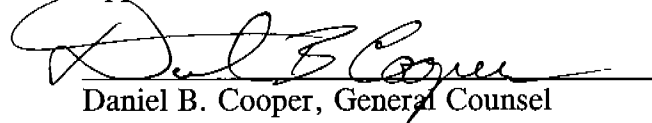
ADOPTED by the Metro Council this 17<sup>th</sup> day of DECEMBER 1998.

  
\_\_\_\_\_  
Jon Kvistad, Presiding Officer

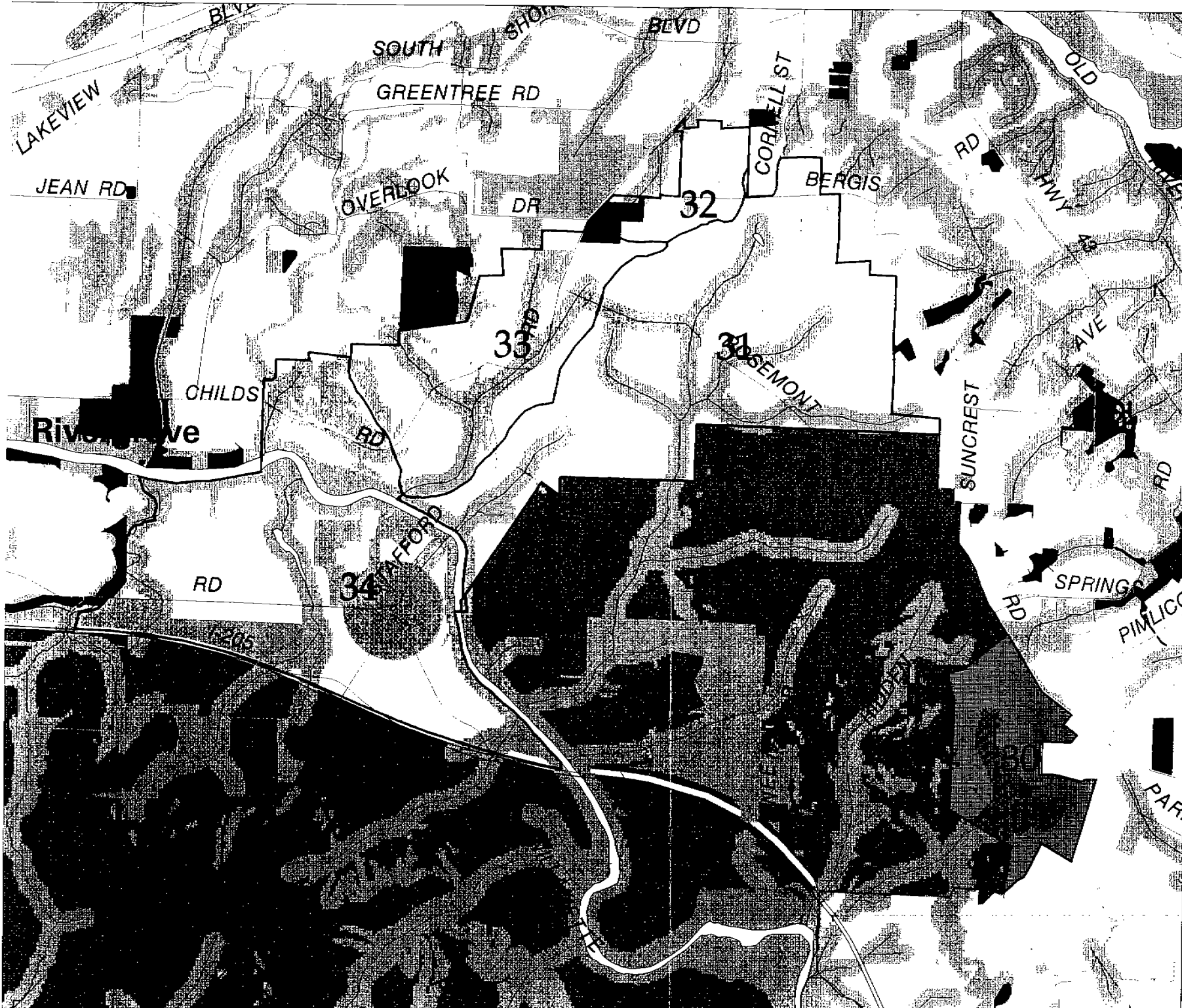
ATTEST:

  
\_\_\_\_\_  
Recording Secretary

Approved as to Form:

  
\_\_\_\_\_  
Daniel B. Cooper, General Counsel

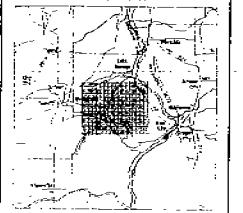
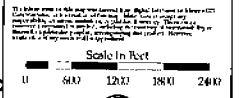
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(12/10/98)



Draft 2040  
Design Types  
Urban Growth Boundary  
Legislative Amendment  
index number 8

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Corridors
- Main Streets
- Proposed Regional Throughways
- Potential Regional Throughways
- Green Corridors
- Planned & Existing Light Rail Lines
- Proposed Light Rail Alignments
- Potential I.C.T. Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Interstates
- Intermodal Rail Yards
- Rail Distribution Network
- Exclusive Farm Use
- Foreign Land in Urban Reserves
- Reserve Land in Urban Reserves
- Urban Reserves not in Legislative Amendment
- Rural Reserves
- Open Space
- Urban Growth Boundary
- Urban Reserve Boundaries
- Areas added by Reserve by Metro Council Ordinance
- Neighboring Cities
- Public Parks

DRAFT





# Ordinance #98-782 c Urban Reserve #31-33 (Partial)

Non-First Tier  
Within Metro Boundary




-  Area Considered by Council
-  First Tier Urban Reserve
-  Urban Growth Boundary

Exhibit B 1 of 1

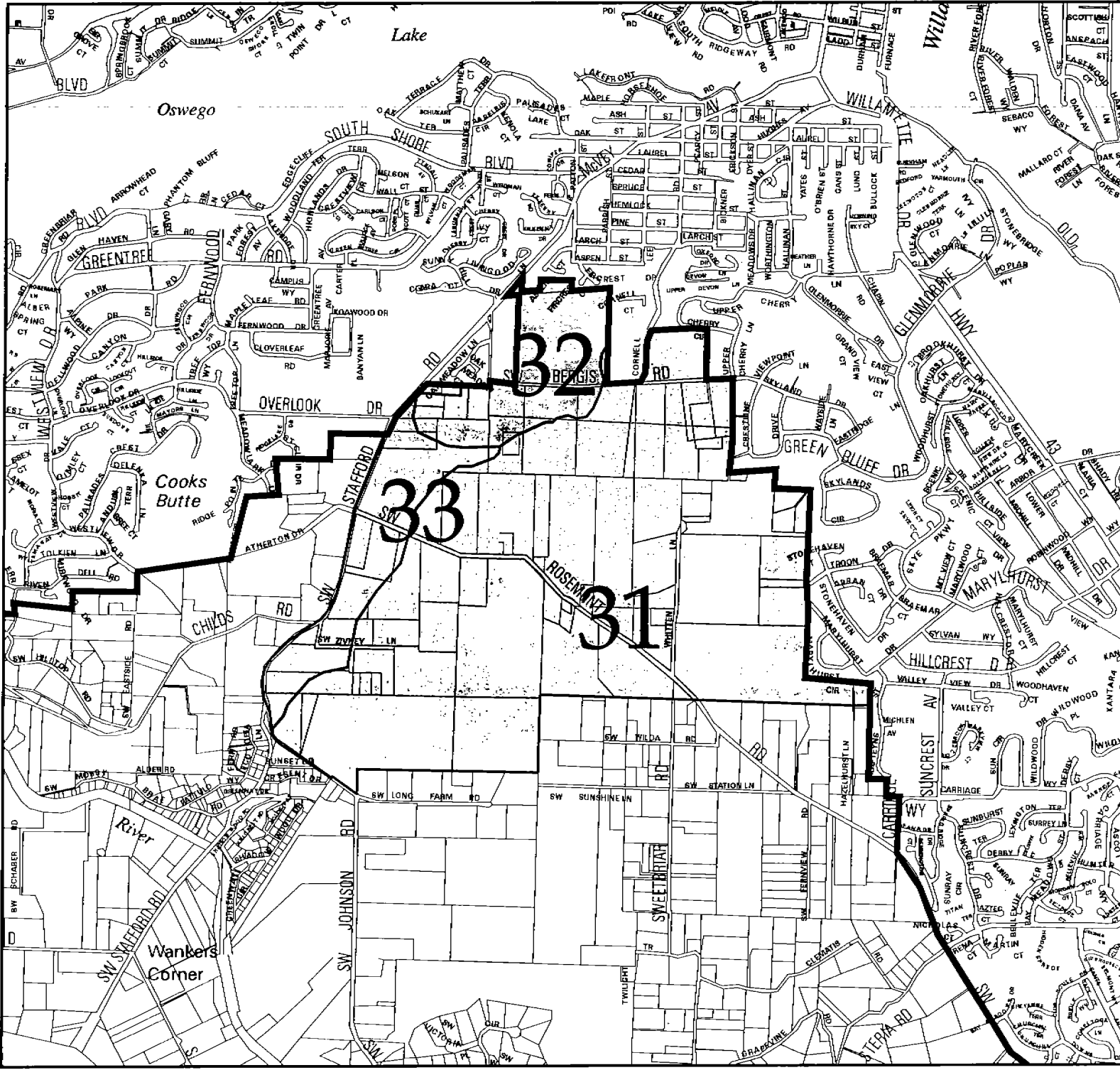
The information on the map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



Scale: 1" = 2000'  
0 500 1000 1500



**METRO**  
600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metrodot.or.us



## ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98 782 C URAs 31 - 33)

I. Supplement to Mark Turpel's October 26, 1998 Alternatives Analysis

These findings supplement the above memorandum concerning alternatives specifically regarding Item 17 Stafford area. Where the Turpel analysis conflicts or is otherwise inconsistent with the analysis below, this analysis shall prevail.

These findings, together with those in the Turpel analysis, establish the Rosemont Village plan amendment's compliance with applicable acknowledged Metro code standards. The Metro standards are acknowledged to be in compliance with applicable Goals and administrative rules regarding urban growth boundary amendments including Goal 2, Goal 14 and OAR 660-04-020; 022 and 660-014-040. Accordingly, Metro need not apply these standards directly to any UGB amendment. However, in the alternative and in an abundance of caution, these Goal and standards, together with the standards in ORS 197.732, are applied herein as part of this alternatives analysis. This alternatives analysis is termed a reasons exception analysis, notwithstanding its primary Metro Code basis

Reasons Exception Standards

The Metro Code, like OAR 660-040-0020(2)(b), requires a demonstration that areas which do not require new exception cannot be reasonably accommodate the use. This standard also requires a general discussion of why other areas which do not require a new exception cannot reasonably accommodate the proposed use. However, in this regard, economic factors may be considered along with other relevant factors in determining that the use cannot be reasonably be accommodated in other exception areas. In addition, it requires an analysis of whether there are other resource areas that can accommodate the proposed use that are irrevocably committed to nonresource uses.

The law makes it clear that it is unnecessary to do a review of specific alternative sites unless another party to the proceeding describes why there are specific cites that can more reasonably accommodate the proposed use by specifically describing facts that support the assertion that the alternative sites are more reasonable then the one chosen. In this case, no party has described any other alternative cites that do not require a new exception that can reasonably accommodate the 2040 concept community as well as Rosemont Village in a the manner that provides realistic opportunities for affordable and moderate priced housing.

Clackamas County has generally argued that First Tier sites ought to be urbanized first. Clackamas County has been accommodated as much as possible in this regard by Metro's inclusion of most of URA 4 and 5 in the UGB, as well as URA 14 and 15, among other "First Tier" sites. However, the significance of the First Tier is not the what Clackamas County appears to ascribe to it. Metro has conceded in the urban reserve proceeding that the First Tier referred to by Clackamas County is moot by later code amendments. Moreover, the first tier does not necessarily meet state law requirements. Each area must be measured on its merits under applicable law.

Clackamas County offers no specific facts to conclude any first tier area that is exception land or lower quality land zoned EFU that is not included in the adopted Metro legislative

package that could serve as a better alternative based to urbanization of Rosemont Village. It is noted herein that the Rosemont Village Concept plan area is land selected from the North Stafford area which is itself completely surrounded by exception areas and not composed of high value farm land as defined under ORS 197.710. Accordingly, the Rosemont Village Concept plan area is of a coequal priority to exception areas under principles of state law as they are expressed in ORS 197.298. Therefore, Clackamas County's assertions in this regard supply no basis to conclude there are alternative areas which must, as a matter of law or policy, be included in the UGB ahead of the Rosemont Village Concept plan area.

It is noted that the first tier areas in the North Stafford area include the URA 34 exception area that Lake Oswego favors located near the border of Tualatin, as well as the first tier portion of URA 33 is included in a different legislative UGB amendment ordinance. Both of these areas are included within the UGB at the request of Lake Oswego. In this regard, the concerns of the City of Lake Oswego have been accommodated as much as possible.

Moreover, the City of Lake Oswego has identified several URA sites which it states have lower urbanization costs than Rosemont Village, based on the Productivity Analysis. However, the cities of Lake Oswego and Tualatin both added numerous transportation improvements located well outside the Rosemont Village Concept plan area to the productivity analysis. However, no other URA had such large off site public infrastructure costs loaded into the Productivity Analysis. In fact, the Productivity Analysis itself makes it clear that its comparative methodology assumes only an analysis of the infrastructure adjacent to the specific URA area. Accordingly, the substantial extra Rosemont Village area transportation improvements that nearly doubled the transportation costs for the North Stafford area cause the productivity analysis to be unfavorably inflated against the North Stafford area which makes the comparison invalid as is explained below. Moreover, this statement about relative cost comparisons does not justify an alternatives analysis on other bases. This statement goes to the relative ability of the Rosemont Village Concept plan area to meet applicable legal standards. This is explained throughout these findings. There is nothing specifically identified in the City of Lake Oswego's correspondence that requires a site specific alternatives analysis beyond what is provided in these findings.

Generally, the Rosemont Village concept plan serves a particular need in this area of the region for the opportunity to plan and develop over the 20 year planning horizon a 2040 concept community complete with opportunities for affordable housing as well as a mix of housing choices that otherwise do not exist within the 6 mile radius area identified on the map attached to the February 13, 1976 Leland Consultants report, which is included in this record.

Moreover, also generally other areas are highly parcelized, or serve some other function in the regional planning context, as is the case with regard to URA 34 which has been specifically identified as an area for employment and industrial uses by both the City of Tualatin and DLCD. Other exception areas across I-205 while composed of exception areas are not contiguous to the existing Metro UGB and are also opposed by the Clackamas County Farm Bureau because they provide farming opportunities. In addition, the area south of I-205, as demonstrated by the Farm Bureau's two letters to the Metro Council supporting the Rosemont Village Concept Plan area's inclusion within the UGB, create an urban intrusion into an area that is prized agricultural land. Therefore, while the exception areas across I-205 may themselves be

exception areas, very close by is the prime and unique farm land of the Canby area which the Clackamas County Farm Bureau desperately wishes to preserve and protect.

The Stafford area includes exception land which has not been included in the urban growth boundary. This exception land includes land not previously included within the Metro designated urban reserves that is generally south of the Rosemont Village concept plan area, as well as URA 30, a small and generally unproductive part of URA 33 and all of URA 34

#### Area South of Rosemont Village and URA 30

This exception land contains steep slopes equal to or greater than 25%, as well as a continuous corridor of trees that is wider than the significant riparian corridors in this area that run along steep ravines to the Tualatin River. The upland forest area in these exception areas are quite dense, far more dense than anything seen in the Rosemont Village Concept plan area. These exception areas, together with the EFU zoned land with which they are a functional part, provide some wildlife habitat of a kind that does not otherwise exist in this North Stafford area because it includes a relatively large and continuous forested area which could provide wildlife habitat beyond the limited riparian areas which are seen in the Rosemont Village area and which the Rosemont Village concept plan protects.

The protection of wildlife habitat in areas where there exist continuous tree and wildlife habitat, as accomplished by the designation of Rosemont Village to be included within the Metro UGB, reflects the region's commitment to honoring a concern expressed by various agency and citizen participants in this process as much as possible, while balancing the objectives of urbanization in appropriate areas.

Moreover, the upland forest area omitted from the UGB decision which is thus protected from urbanization is a conscious tradeoff favoring dense development of the mixed uses of Rosemont Village which has few such sensitive lands, in a manner consistent with the City of Lake Oswego's sensitive lands ordinance. In other words, protection of the exception and EFU zoned lands south of Rosemont Village, but North of URA 34, protects the values expressed in the Lake Oswego sensitive lands ordinance, while making Rosemont Village available for dense urban development. Rosemont Village does not have upland forests that require special protection from development, other than the treed area shown on the Rosemont Village concept plan map as an area meriting protection or the riparian corridors that are also protected under the Rosemont Village Concept plan.

Accordingly, omitting the exception and EFU zoned area south of Rosemont Village and North of URA 34 accommodates the concerns of agencies, cities and citizens as much as possible by excluding the most significant habitat area in the north Stafford triangle area.

Moreover, the City of Lake Oswego, and others, expressed concern about the development of steeper slopes in the Stafford area and the necessity of maintaining water quality of the Tualatin River. This concern is accommodated as much as possible by excluding the steeper sloped areas south of Rosemont Village as well as the densely forested areas south of the Rosemont Village composed of areas providing riparian cover and water quality filtration opportunities, offering significant potential benefit to the Tualatin River watershed. Similarly,

avoiding urbanization of this steeper exception area characterized by deep ravines, will further protect the water quality of the Tualatin River. A large amount of the terrain in this excluded area contain slopes equal to or greater than 25 percent in the excluded exception area. Such lands were deemed unbuildable in the Metro analysis of the Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain in this exception area is found to contain slopes between 18 and 24 percent. The City of Lake Oswego's concerns are hereby accommodated as much as possible to protect and preserve water quality in the Tualatin River by excluding this area from urbanization.

We note in this regard, that the Tualatin River tributaries include land subject to urbanization in other areas of the region, such as Hillsboro, Tualatin and Wilsonville which the City of Lake Oswego, Tualatin and Clackamas County appear to support. These cities and Clackamas County's apparent satisfaction with the water quality protective mechanisms in the South Hillsboro Concept plan and the plans regarding urbanization in Tualatin reflect a tolerance of certain protective mechanisms and development generally upland of the Tualatin River. Here, the Rosemont Village concept plan includes protective mechanisms supporting water quality protection in the Rosemont Village concept plan area, that are as comprehensive and protective as those found elsewhere in areas newly added to the UGB as adopted in other parts of this decision.

Moreover, Clackamas County supports urbanization of URA 4 and 5 which has known water quality and flooding challenges to overcome, which challenges are feasible to resolve with appropriate protective mechanisms. This illustrates the region, and the local governments interested in this UGB amendment of the Rosemont Village concept plan area, do not have a zero tolerance for upland development of river and stream corridors. Rather, this illustrates in a regional context, the local governments of the region are ready, willing and able to employ best management practices to protect water courses, including the Tualatin River. The Metro Council finds the inclusion of the Rosemont Village master plan area within the UGB, while excluding the balance of the north Stafford area, particularly the steeper, ravines and riparian corridors south of Rosemont Village, employs best management practices and is protective of the Tualatin River, while applying consistent BMP standards and practices to the urbanization decisions region wide.

The exception areas to the south of Rosemont Village are located within designated rural reserves as shown on the Acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed with urban uses over the 2040 planning horizon. Rural reserves are intended to support and protect farm and forest operations and to maintain a separation between communities. Exclusion of the exception lands south of Rosemont Village serve to separate the communities of West Linn, Lake Oswego and Tualatin as much as possible, in the regional context.

In addition, the Metro Code, Section 3.01.020(d) states the location of a UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, flood plains, power lines, major topographic features, and historic patterns of land use or settlement. The proposed location of the UGB to include only the Rosemont Village

area will result in a clear transition between the urban and rural lands in a manner that is at least as clear as the existing transition that now exists.

In this regard, it is important to note the entirety of the north Stafford basin is relatively developed with large lot home sites. However, extending the UGB to include the Rosemont Village concept plan area simply extends the boundary of urbanization southward from the City of Lake Oswego to a point at the end of the Rosemont Village concept plan area in a way that does not significantly impair the existing sense of separation. Moreover, including only Rosemont Village in the UGB maintains the existing rural residential nature of the balance of the north Stafford urban reserve area providing an equivalent clear, albeit smaller, transition between urban and rural lands as much as possible while honoring state law regarding urbanization of first and second priority lands such as Rosemont Village.

Moreover, the proposed location of the UGB to encompass the Rosemont Village concept plan area, utilizes the steeper area just to the south of Rosemont Village as a geographical and natural separation feature distinguishing Rosemont Village from the rest of the Stafford area. To the east of Rosemont Village is an additional drainage directly west of URA 30, that abuts a watershed boundary that is functionally unrelated to the Rosemont Village concept plan area. Accordingly, this area also is distinct from Rosemont Village. Stafford Road provides a built feature separation between Rosemont Village and the balance of URA 33 which is excluded from the UGB.

The exclusion of the exception and EFU zoned lands to the south of the Rosemont Village concept plan area excludes environmentally sensitive lands as well as the only pocket of good farm soil within the north Stafford area, and protects it for farming opportunities, to the extent possible. This is responsive to the concerns expressed by Clackamas County to protect better agricultural land, while also accommodating the needs expressed by the Clackamas County Farm Bureau to bring in a significant amount of the North Stafford area into the UGB in order to take the significant pressure off of the truly fine agricultural areas of Canby and elsewhere.

While the Rosemont Village concept plan area is not composed predominately of prime and unique agricultural land as that term is defined in ORS 215.710, the excluded lands zoned EFU in the north Stafford area are composed of the best soils that do exist in the north Stafford area and, in deference to the concerns expressed, this area is protected from development.

A portion of URA 30 which was included in the urban reserves was challenged by the City of West Linn and Metro conceded in its brief and at oral argument at LUBA that West Linn's challenge to a portion of URSA in the City of West Linn challenge correctly identified a mapping error as to a few acres of land with greater than 25% slopes and that this area's inclusion within the urban reserves without explanation about these slopes was erroneous. Accordingly, it is inappropriate to include that area within the UGB unless and until this issue is resolved.

The balance of URA 30 is similarly excluded as it is not functionally a part of the Rosemont Village concept plan area and does not well serve identified needs in the equivalent, efficient manner that Rosemont Village is able to serve such needs. Moreover, the City of West Linn has opposed a UGB amendment in this area. There is no reason to include this URA in the

UGB at this time under these circumstances. The Metro Council is approving less than one half of the area it initially thought wise in the UGB at this time. This is in deference to the City of Lake Oswego, West Linn, Tualatin's and Clackamas County's requests to include less land near these cities within the UGB. The inclusion of only Rosemont Village accommodates these requests as much as possible in the regional context where Metro must allow urbanization of meritorious areas, but also make good faith efforts to accommodate local governments as much as possible.

In addition, some of the excluded exception areas include a small pocket of fairly dense existing settlement patterns, comprised almost entirely of small acreage single family residential dwellings. The residents in this area expressed serious concerns about the area's suitability for urbanization. These lands do not provide an adequate amount of additional development capacity to the UGB to justify its inclusion, given the serious objections of the persons who reside in the area, as well as the objections of the cities of Lake Oswego, West Linn, Tualatin and Clackamas County. While Rosemont Village provides great productivity for a 2040 concept community, these excluded areas do not furnish similar efficient opportunities to do so. To achieve the same amount of 2040 concept community planning in the excluded exception areas as is accommodated in Rosemont Village would require utilization of more land, with greater environmental impact, making more people unhappy with less public benefit.

Especially in the Stafford area, only that area which is especially suitable for development, subject to the Rosemont Village Concept Plan and, which has relatively high marks for productivity, are worthwhile for the region to include in the regional UGB given the serious concerns expressed by the surrounding cities and Clackamas County. In this way, their concerns are accommodated as much as possible within the required regional context.

#### URA 34

A very small portion of the "First Tier" area of URA 34 is included in a different legislative amendment package. The larger, general area of URA 34 that is not first tier, has been identified by DLCD and the City of Tualatin as especially suited to industrial and commercial development. However, the recognized need for this UGB expansion is overwhelmingly for more residential land. The need supporting this particular UGB amendment is the need to comply with ORS 197.299 which requires 1/2 of the region's housing need be accommodated in 1998 by a UGB amendment as well as the subregional need for affordable housing opportunities close to jobs and consumer opportunities to avoid reliance on the automobile. While Metro was interested in including URA 34 to complement Rosemont Village, the City of Tualatin indicated it wished for URA 34 to be included at a later point when it had funding to master plan this area itself. Given the City of Tualatin's interest in URA 34 for industrial and commercial purposes, and the fact that the region is only racing this year to include land required for residential purposes in order to comply with ORS 197.299, and given that Rosemont Village includes adequate commercial opportunities to reduce reliance on the automobile for the residents of the Village and the nearby area, it is appropriate to exclude URA 34 and include only Rosemont Village. In this way, the concerns of Tualatin have been accommodated as much as possible. However, it is noted that when a specific land need is identified for the addition to the UGB of more employment land, URA 34 is a prime candidate to be brought into the boundary to satisfy that need.

Accordingly, the Rosemont Village Concept Plan area is the only area that can reasonably accommodate the proposed use as an area with demonstrated capability to provide realistic affordable housing opportunities that do not otherwise exist within this subarea of the region. In this regard, it is appropriate for the Council to consider the specific regional need for affordable housing opportunities in the Lake Oswego subarea in its consideration of the statewide planning goals including Goals 3, 4 and 10 and 11. ORS 197.340, 197.298(3)(4).

#### Other Resource Areas

There are no other candidate areas zoned EFU that have less productivity for agricultural use than Rosemont Village. There are no other candidate agricultural zoned areas that are more committed to nonresource use than Rosemont Village. A factor in this analysis is that Rosemont Village is an area considered a coequal priority to exception land under ORS 197.298 because it is within an area that is completely surrounded by exception areas and is not high value farm land as that term is defined by ORS 215.710. The entire surrounded area is not included for a variety of reasons including that it is not strictly needed and in deference to the coordination requirement that the needs of the City of Lake Oswego, West Linn Tualatin and Clackamas County be accommodated as much as possible. Each has expressed that they wish less rather than more of the North Stafford completely surrounded area to be included within the UGB. This decision accommodates their concerns as much as reasonably possible, within the regional context that Stafford cannot be ignored for urbanization because of its high suitability for the same.

Moreover, there certainly are no other EFU zoned areas with the 6 mile radius area identified in the map appended to the February 13, 1997 Leland Consultants report, herein incorporated by this reference, that is capable of accommodating the opportunity for a 2040 concept community like Rosemont Village provides. Clearly, the First Tier areas in URA 34 and 33 do not provide a 2040 concept community opportunity elsewhere described and explained, that accommodates regional and subregional needs, as Rosemont Village does.

Any adverse consequence that may result from urbanization of Rosemont Village, will result to any other area zoned EFU or even any other area for which an exception has been taken.

The policy choice has already been made in acknowledged Metro planning documents to concentrate density and human activity, rather than to spread it out. Concentrated activity has a greater singular impact on facilities and services than piecemeal additions that gobble up more land. However, piecemeal additions of urban activity is not the policy goal. The policy goal is to concentrate human activity to get the greatest public facility efficiency outcome from the investment of public funds.

There will be no adverse impact to water tables from Rosemont Village. Rosemont Village will not rely on water wells. Moreover, the storm water drainage system contemplates natural swales and ground water recharge, rather than piping runoff away and making water otherwise unavailable for this purpose. Moreover, the costs of improving roads and providing urban services to Rosemont Village are cheaper than most other candidate areas as outlined in the Rosemont Village concept plan Table 8. None of these factors justify choosing another area over Rosemont Village to absorb its assigned density.



II. Findings Concerning MC 3.01.020(a)-(b).

MC 3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. In addition, with respect to Rosemont Village, these findings establish that even if it were not within a designated urban reserve, Rosemont Village meets the priorities stated in the balance of ORS 197.298, particularly those associated with the "completely surrounded" special needs prongs explained elsewhere in this decision.

Since the Metro Code has been acknowledged by the Land Conservation and Development Commission, compliance with this code section satisfies Goals 2 and 14. Although, also stated elsewhere, alternative findings are adopted herein in compliance with goal and rule standards.

**3.01.020(b)(1) and (2) General Need Factors**

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both. This acknowledged code section predates ORS 197.298(3). Therefore, need may, also, be met by complying with this statute on specific land need.

### **3.01.020(b)(1)(A) Factor 1**

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff for conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs. However, all Metro planning documents make it clear that the addition of housing in newly added areas of the UGB must be accomplished under dense "Village" standards that provide opportunities for working, shopping and pedestrian scale living environments. Accordingly, the newly added UGB amendment area of the Rosemont Village Concept plan includes not only housing opportunities, but also opportunities for jobs and consumer choices at a pedestrian scale as required.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (URBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3 regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control.

Metro Staff have a completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors and wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listed resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are well in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife

Habitat planning and National Marine Fisheries Service restrictions for Lower Willamette River Steelhead. The Council will revisit the UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).

### 3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory “along with all other appropriate data” to be completed to determine whether the projected need for land to accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217, 430 dwelling units and about 473,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32, 370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

### 3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro’s Functional Plan, which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro’s jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the requirements in ORS 197.299 that Metro must assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. As a result, it will be some time before the full impact of the upzoning required by the Functional Plan can be measured. The Functional Plan requirements direct development of all residential lands at higher densities than existing comprehensive plans. No surplus lands zoned for nonresidential uses have been identified.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes there is minimal opportunity to redirect industrial land to accommodate housing because those areas are already jobs poor or converting employment to housing will have adverse impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

### 3.01.020(b)(1)(D)

Consideration of a legislative amendment requires “review of an analysis of land outside the present UGB to determine areas best suited for expansion of the UGB to meet the identified need” (emphasis added). This analysis was done in stages. The first stage was to identify lands outside the UGB which cannot meet the need (see Appendix A). The second stage was designation of urban reserves. The third stage was a productivity analysis of urban reserves. Phase I of that analysis narrows the 18,600 acres of urban reserves designated to the year 2040 to 12,000 acres studied in Phase II. The analysis rated the productivity of 12,000 acres. Then, in Phase II, the absence of 998 quasi-judicial applications for UGB amendments, the Metro Council identified lands among the most productive Phase II lands which had begun conceptual plans for 1998 UGB amendment consideration. All of the lands considered for 1998 UGB amendment and more will be needed to comply with ORS 197.299 by December, 1999.

The Council reviewed exception lands outside the UGB which are not designated as urban reserves. That analysis is contained in Exhibit A of the staff reports and is entitled “Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion.” This report and accompanying map are attached as Appendix A and are incorporated into these findings by this reference. The factors that weighed against inclusion in the UGB included lands zoned for EFU, lands that would eliminate the separation between communities, lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that effect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The Council then considered the urban reserves designated in March, 1997. That process was the culmination of several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1). All urban reserves were then reviewed in the Productivity Analysis to determine those urban reserves which were relatively more efficient to serve in the near term to comply with the deadline set by ORS 197.299(2)(a).

The Productivity Analysis was conducted in two phases. Phase 1 analysis examined all 18,571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate about 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total

urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:

- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves with at least 40 percent buildable land to gross acreage were selected for Phase 2.
- Serviceability Rating. Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- Exceptions. Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for about 12,000 acres.

The Council then reviewed the urban reserves identified in Phase 2 of the Productivity Analysis to determine whether sufficient information was available at this time to corroborate the service assumptions used for individual urban reserves. This analysis is found in Exhibit B of the staff reports and is attached as Appendix B and incorporated into these findings by this reference, to the extent they are not inconsistent. This report identifies some of the urban reserves where the cost estimates may not be reliable because there is little actual data available on service feasibility or funding sources for extension of existing services. The report also identifies some of the urban reserves which, if urbanized, would exacerbate an existing subregional jobs/housing imbalance. The Council finds that the remaining urban reserves are those for which there is sufficient information at this time upon which to consider specific UGB amendments. The Rosemont Village Concept plan is reviewed on its merits. For the reasons explained in this decision, the staff reports contain inaccurate analyses. Moreover, the Productivity Analysis is not useful as a comparative tool for Rosemont Village because of incomparable costs added by Lake Oswego and Tualatin into the basic assumptions in a manner inconsistent with how other urban areas were considered in the Productivity Analysis. The best

comparative cost analysis for Rosemont Village is in the December 1, 1998, Rosemont Village Concept plan, Table 8.

The identified need for about 32,000 dwelling units for a 20-year UGB must be fully accommodated by December, 1999. ORS 197.299(2)(a) requires at least one-half of that need to be accommodated within one year of the December, 1997 need analysis. This statutory requirement, to do half the needed UGB amendments by a date certain, affects the analysis of land outside the UGB to meet the identified need. The staff reports on the urban reserve areas identified for 1998 legislative UGB amendment consideration conclude that if all these lands were added to the UGB only about 28,700 dwelling units would be accommodated. Therefore, all of these lands, and more are the “best suited” lands outside the UGB to meet the identified need.

### III. Rosemont Village Concept Plan findings.

#### A. Introduction.

The Rosemont Village concept plan includes most of URA 31, all of URA 32 and a small portion of URA 33. It is composed of land shown on the concept plan map shown in the Rosemont Village Concept Plan, which is incorporated herein by this reference. The Rosemont Village concept plan area boundaries are distinguished by topographical separations, Stafford road, and the UGB. The property within the Rosemont Village concept plan area was previously designated by the Metro Council in Ordinance number 96-655E, adopted on March 6, 1997, as an urban reserve. The findings and conclusions from that document regarding the Stafford Urban reserves are incorporated herein by this reference.

The Rosemont Village concept plan area is appropriate to include within the UGB under ORS 197.298(1)(a) as a designated urban reserve and also under ORS 197.298(1)(b) as a “second” priority area that, while zoned exclusive farm use (EPU), is “completely surrounded by exception areas” and is not high value farmland as described in ORS 215.710. In this regard the Rosemont Village concept plan area is not predominately composed of lands made up of soils described in ORS 215.710.

The Rosemont Village concept plan area is also included within the UGB under the alternative special analysis of ORS 197.298(3).

#### B. MC 3.01.012(e)(2).

MC 3.01.012(e)(2), is an alternative standard to MC 3.01.012(e)(1). MC 3.01.012(e)(2) requires two determinations. First, it requires the determination that the proposed UGB amendment is necessary to enable the region or local area to comply with law. Second, it requires an agreement consistent with ORS 195.065 be made a condition of UGB amendment approval, as is included in this ordinance.

These principles are simple and were adopted to respond to proposals by certain local governments that Metro give away its authority as coordinating body for the UGB in favor of a local veto of proposed UGB amendments that were unwanted by any local government. Metro

could not then and cannot now give away its statutorily mandated responsibility as the region's coordinating body. Accordingly, the Council previously determined it appropriate to enact MC 3.01.012(e)(2) to protect its authority and responsibility in this regard. The legislative history of that enactment is included in the record of his decision and is relied on in this decision.

While MC 3.01.012(e)(2) may not be written as artfully as possible, the Metro Council interprets its own code to make it clear this provision is intended to enable approval of a UGB amendment that meets applicable legal standards, but not test of local popularity, so long as there is imposed a condition of approval regarding an agreement consistent with ORS 195.065 which must be satisfied prior to urban level development. There would have been no purpose in adopting MC 3.01.012(e)(2) if the condition of approval must have been applied to be satisfied by the UGB candidate area prior to UGB amendment approval at all. That is the point precisely of MC 3.01.012(e)(1) (i.e., that local jurisdiction will agree to either annex or establish an intergovernmental agreement to urbanize a particular area). MC 3.01.012(e)(2) is only triggered if such kinds of agreements in (e)(1) do not exist.

MC 3.01.012(e)(2) also reflects the region's desire that regional concept planning standards be interpreted in a manner consistent with state law and in the best interest of the region, while accommodating the legitimate desires of potentially affected local government as much as possible. State law does not allow an otherwise meritorious area to be ignored for urbanization simply because of local jurisdiction refuses to constructively participate in UGB expansion efforts. See the November 4, 1998 letter from DLCD.

Metro is obliged to consider all of the evidence regarding the UGB expansion areas and cannot allow any area of the region to refuse to avoid urbanization. UGB amendment decisions must be based on a fair evaluation, designation and appropriate comparisons of potential urbanization areas. UGB amendment decisions and choices must be rational and based on appropriate evaluations of law and policy, furthering the interest of the region as a whole, while correcting regional subregional imbalances foreseen over to 20-year planning horizon, as necessary.

The region's fair share policy, as well as regional and state law, require that each area of the region be eligible for UGB amendments. The only questions are whether areas meet legal standards. Clearly, no city can be allowed to insist that its share of growth be absorbed by another jurisdiction. Determining the locations for UGB amendments must be an exercise based on legal and policy principles. The critical UGB long-term planning decision cannot be allowed to degenerate into a popularity contest based on short-term desires of current political leadership.

Accordingly, Metro, as the coordinating authority, is left with the inevitable task in this case of determining the merits of the Rosemont Village concept plan without great cooperation from Lake Oswego, Clackamas County or West Linn. To date, all have expressed disagreement with the policy choice to accommodate significant growth in the Stafford area or have expressed disagreement that the north Stafford area should be evaluated for inclusion in the Metro area UGB at all. Other jurisdictions within the region have provided constructive and helpful input regarding the Rosemont Village concept plan area. This reflects the region's interest in moving forward appropriate UGB amendments.



1. Regional need for land for housing — ORS 197.299.

As is explained above, the region has an unmet housing need. ORS 197.299 requires that Metro include in the UGB, by the end of 1998, at least one half of the land needed to accommodate its unmet housing need. The regions, cities and counties have strongly encouraged Metro to include areas within the UGB that are concept planned under MC 3.01.012(e) to best ensure new urban development is consistent with the 2040 growth concept, frame work and functional plans, as well as state law. Metro uses concept planning as a tool to evaluate UGB amendments for consistency with applicable law.

It is necessary for the region to include the Rosemont Village concept plan area within the UGB because of the region's unmet need for housing units, which the concept plan area greatly assists in solving. The Rosemont Village concept plan area should be included in the UGB because that area has been planned under the Rosemont Village concept plan in a manner that is consistent with MC 3.01.012(e) and, as such, provides unique opportunities to provide affordable housing opportunities to this part of the region where such opportunities do not otherwise exist.

Moreover, the Metro adopted Housing Needs Analysis states:

“Since 1990, there has been a growing concern on the issue of housing affordability in the Portland Metropolitan region.”

Housing Needs Analysis page 5. The Housing Needs Analysis goes on to identify a non-exclusive list of factors contributing to the housing affordability issue in the Portland Metropolitan region. Those factors are (1) a widening gap between household income and the cost of housing; (2) an increase in population and homelessness; (3) rising land costs; (4) a lack of available land. Housing Needs Analysis page 5. The Housing Needs Analysis identifies the issue of housing affordability as a critical Goal 10 issue for the region to resolve. Housing Needs Analysis page 1. The Housing Needs Analysis identifies Clackamas County has having the least amount of concentration of single and multi-family housing lagging behind Multnomah County which has almost half the region's multi-family housing stock and 39 percent of the region's single family stock, and Washington County that has the second highest concentration of both.

Housing Needs Analysis page 20. Moreover, Clackamas County has among the fewest number of lower cost units as compared with Multnomah and Washington counties. Housing Needs Analysis page 20. Also according to the Housing Needs Analysis, the City of Lake Oswego has the highest housing cost of any other jurisdiction in the region. Housing Needs Analysis page 41. Moreover, the Housing Needs Analysis predicts that the region will see an increase in the demand for many low and moderate income households seeking decent housing they can afford. Housing Needs Analysis page 46. The Housing Needs Analysis also identifies as a regional barrier to the development of affordable housing, suburban areas zoning requirements for a minimum lot size for detached single family dwellings that are set above 500 square feet per lot. The Housing Needs Analysis establishes that lot sizes over 5,000 square feet correlate to the size of the houses built on the land. Housing Needs Analysis page 49. One of the strategies identified in the Housing Needs Analysis of providing affordable and moderately priced housing to solve the region's need for the same, is providing adequate access

to public goods and services. Housing Needs Analysis page 57. Accordingly, areas with inadequate access to transit services, retail and employment centers and other centers are adversely affected in the opportunity for affordable housing. Id.

This recognizes that affordable housing opportunities require adequate access to public goods and services, but also at a level of high enough density to reduce the per dwelling unit cost of such housing. Providing urban services without correspondingly increasing densities, simply perpetuates housing pricing by spiraling out of control with no corresponding public benefit. The Housing Needs Analysis is consistent with the Goal 10 requirement that each city and county within the region work with Metro to establish local and regional policies to provide the opportunity within each jurisdiction for accommodating a portion of the region's needs for affordable housing opportunities, as well as for subregional needs for affordable housing opportunities. Accordingly, there is a particular regional need for affordable housing opportunities close to goods and services. This means that for a community to be livable, this means it must have adequate opportunities for decent and affordable housing. To achieve this, 2040 concept communities must be established in newly urbanizing areas outside of the existing UGB in order to facilitate a balance of housing and jobs in the newly urbanizing area so that people have an opportunity to live and work as well as have access to services within the area within which they live.

Including the Rosemont Village concept plan area within the Metropolitan UGB is required to assist the region in accommodating this regional need for housing including opportunities for 2040 concept communities which include the opportunity for affordable housing.

2. Regional and subregional need for opportunities for affordable and moderately priced housing within the Lake Oswego area.

It is also necessary to include the concept plan area within the UGB because it furnishes critically needed land supply in the Stafford area that furnishes the realistic opportunity to accommodate serious needs for affordable and moderately priced housing in this area. This subregional area has the most profound housing affordability problem in the entire region. ORS 197.298(3) and (4).

The non First Tier portion of URA 34, while composed of exception lands, has been identified by the City of Tualatin, DLCD and others as an appropriate area for employment and commercial/industrial purposes, not housing. Moreover, URA 33 has low productivity. This means URSA 31 and 32 and a portion of 33 that functionally makes up the Rosemont Village concept plan area, are the other most reasonable candidates to satisfy this special housing need. There have been several analyses of the availability and cost of housing within the Lake Oswego area. The analysis of both Leland Consultants of February 13, 1997, as well as the various memoranda from Randall Pozdena of ECONorthwest from 1998, are relied upon and hereby incorporated by this reference. The December 1, 1998 ECONorthwest memoranda contains expert opinion regarding housing opportunities within the Rosemont Village concept plan area and affordability issues as well as unique opportunities in Rosemont Village that will occur because of Rosemont Village, not the market forces generally. This analysis concludes that the Rosemont Village concept plan envisions a ratio of apartments and condominiums relative to

single family homes that is 66.8 times the ratio currently observed in the surrounding market place, that is represented by the communities of Lake Oswego and West Linn. Because the housing stock of those two communities has evolved in response to market forces seeking maximum development value it is likely that the village design deviates significantly from the value maximizing pattern of development that previously has characterized Lake Oswego and West Linn.

The Rosemont Village concept plan includes a large number of condominiums/apartment style units and smaller single family houses and townhomes. These kinds of housing opportunities as well as the possibility for a manufactured housing park, strongly enhances the affordability of Rosemont housing. This is demonstrated with two alternative analyses.

The first is to determine what proportion of the proposed housing would be affordable by a population with income characteristics like those of the surrounding communities of Lake Oswego and West Linn. This is the comparison required under the Metro Code MC 3.01.012(e)(7).

Under this analysis, 92.9 percent of the units in Rosemont Village would be affordable by individuals at the median household income or above in the relevant adjacent area of West Linn and Lake Oswego, and 75.1 percent would be affordable to household at 80 percent of the median household income or above. This affordability finding is a direct result of the heavy emphasis in the Rosemont Village concept plan that is placed on apartments and condominiums.

Another approach responds to criticism from the City of Lake Oswego that affordability should be based not simply on the Metro Code standard of examining adjacent communities but should be examined on other basis. Accordingly, the second approach was to look at the pattern of the incomes of employees in the area rather than residents, and determine whether the proposed village provides a type of housing that would permit some of the area workers to live in the area. To be consistent with other analysis already performed in this regard the Leland Consultant Group information was updated by ECONorthwest. It was concluded that most people who work within the six miles radius area that was studied in the Leland report herein incorporated cannot afford the typical single family home in the City of Lake Oswego or West Linn. The housing that is affordable to these employees (smaller homes and condominiums/apartment style homes) do not have a great presence in the current market. Rosemont Village, in contrast, proposes that more that 81 percent of residential units be of these project types. Rosemont Village offers significant opportunities for the region as well as the subregion, to enjoy already improved jobs/housing, balance. Accordingly, Rosemont Village responds to a very real need for increased housing affordability opportunities within the Lake Oswego subregion and response to these needs appropriately. So long as a condition of approval is included, as consistent with MC 3.01.012(e)(2), the Rosemont Village concept plan complies with this section of the Metro Code.

3. Rosemont Village's Mix of Commercial Uses Make The Area Livable as Required by Acknowledged Metro Code Standards

In the Metro RUGGOs, Goal II begins with this statement:

The quality of life and the urban form of our region are closely linked. The Growth Concept is based on the belief that we can continue to grow and enhance the region's livability by making the right choices for how we grow. The region's growth will be balanced by:

- II.i Maintaining a compact urban form, with easy access to nature;
- II.ii Preserving existing stable and distinct neighborhoods by focusing commercial and residential growth in mixed use centers and corridors at a pedestrian scale;
- II.iii Assuring affordability and maintaining a variety of housing choices with good access to jobs and assuring that market-based preferences are not eliminated by regulation;
- II.iv Targeting public investments to reinforce a compact urban form.

The Metro Council, in adopting Urban Reserve Planning requirements and criteria, recognizes the critical importance of applying these important concepts not just within the existing UGB, but also within the process of taking new land areas into the UGB to meet regional and local growth needs. This approach is consistent with the implementation actions and studies that have followed adoption of the RUGGOs on December 14, 1995, including amendments to the Regional Framework Plan and Functional Plan, adoption of urban reserve planning requirements, and the Urban Growth Report.

The relevant growth management objectives include:

“A regional ‘fair share’ approach to meeting the housing needs of the urban population” [RUGGO II.2.i];

“The continued growth of regional economic opportunity, balanced so as to provide an equitable distribution of jobs, income, investment and tax capacity throughout the region and to support other regional goals and objectives” [RUGGO II.2.iii]; and

“The creation of a balanced transportation system, less dependent on the private automobile, supported by both the use of emerging technology and the location of jobs, housing, commercial activity, parks and open space” [RUGGO II.2.v].

These objectives recognize the importance of maintaining housing and economic development opportunities throughout the region, while locating and balancing those opportunities to achieve healthy, functioning communities. The objectives recognize that bringing complementary land uses close together offers citizens access to open space, recreation, work, education, commerce, and socializing, all within local neighborhood areas close to their homes. As a result, reliance on private automobiles is reduced. Housing with easy access to all these activities is a cornerstone of quality of life in the region.

Accordingly, the Metro Council has previously determined it is necessary to promote opportunities for balanced, integrated neighborhoods and communities within the context of selecting UGB expansion areas. This is achieved by considering proposed expansion areas' potential yields not only with respect to production of housing units, but also based on demonstration that balanced, livable neighborhoods will result. This goal is reinforced by the

urban reserve planning requirements in the Metro Code, which mandate consideration of numerous factors affecting quality of life.

The Metro Council therefore finds it appropriate to take into the UGB those areas that demonstrate a compact, localized mix of complementary land uses and transportation system elements. This balancing approach must to be applied not only with respect to the region as a whole, but in specific UGB expansion areas; if residents' needs for employment, open space, recreation, shopping, and services cannot be met in the immediate vicinity of their homes, their only option is to travel for all of those needs. At both the local and regional levels, such travel demand increases congestion and VMT, with resulting direct and indirect negative impacts on quality of life in the region, such as extended travel delays, fuel consumption, air and surface water pollution, and costly demands for transportation infrastructure.

Currently, housing and jobs are not in balance in several areas of the region, and particularly in the 6 mile subregion identified in the February 13, 1997 Leland Report in Clackamas County when viewed from the standpoint of the housing that jobs in this area can buy. This results in an overwhelming demand for commuter travel between housing located there and employment centers in other parts of the region. The resulting congestion, travel delays, and other impacts are detrimental to quality of life throughout the region. Without Rosemont Village which provides the opportunity for a different paradigm in this area that so badly needs it, the situation can only get worse over the 20 year planning horizon.

Consistent with this approach, the Metro Council finds that the Rosemont Village Concept Plan, while satisfying the housing fair share objective, is consistent with the Metro Council's preferred approach to managing the regional UGB to preserve quality of life. By providing land planned for housing, with affordable dwelling unit types and densities, the concept plan creates opportunities for many households that cannot currently afford housing located in the exclusive Lake Oswego/West Linn market area. Centrally located within the concept plan area, however, is a mixed-use employment, residential, and "Main Street" shopping district, flanked to the north by the City of Lake Oswego's planned Luscher Farm Park, and to the west by a proposed public services center. A riparian open space corridor provides a trailhead opportunity at the southern "Main Street" plaza. This integration of multiple quality-of-life elements into the "Village Center" provides an example of the kind of community design the RUGGOs and Metro planning requirements are specifically intended to promote.

The balancing of these land areas to serve local needs has been demonstrated by comparison to market data for Clackamas County. The ratios of office space to households and population at Rosemont Village are within 5% of the comparable values for the City of Lake Oswego. Similarly, residential-to-commercial property value ratios were predicted for Rosemont Village and compared to ratios for Clackamas County, Lake Oswego, and West Linn. Lake Oswego and Clackamas County established the low end of the range, at 7.2 and 7.5 to 1, respectively; West Linn yielded a ratio of 31.2 to 1; and Rosemont Village produced a value of 11.9 to 1. This figure is within a reasonable range, and indicates that Rosemont Village will have somewhat more residential property value, compared to commercial property values, than either Lake Oswego or Clackamas County today. See ECONorthwest, December 1, 1998.

The Metro Council therefore finds that the Rosemont Village Concept Plan including its commercial elements is needed to enable the region to satisfy its established and acknowledged livability elements contained in the acknowledged RUGGOS. The simple provision of needed housing in any area of the region without corresponding plans for commercial uses at a pedestrian scale and in a multi modal context, will only exacerbate long range transportation congestion which the acknowledged 2040 concept planning standards seek to avoid.

4. Feasibility of an agreement consistent with ORS 195.065.

ORS 195.065 concerns the following urban services: Sanitary sewers; water; fire protection; park; open space; recreation; streets; roads; and mass transit. (ORS 195.065(4)). There is nothing that makes an agreement regarding these services, including their provision, function, planning, management and service responsibility, unfeasible in any respect. The evidence in the record is clearly to the contrary. Water and sewer service are available to service the concept plan area from a variety of potential sources, including the Unified Sewerage Agency (sewer), Portland (water and sewer), and Lake Oswego (water). Tualatin Valley Fire and Rescue have stated its ability to provide fire protection services to the area. This concept plan sets aside adequate areas for parks and recreational opportunities, and the area includes three different park properties currently owned by the public, that the City of Lake Oswego has acquired and planned for recreational purposes outside of the UGB within the Rosemont Village concept plan area and immediately outside of it. The Rosemont Village concept plan provides approximately 166 acres of land for open space uses. Streets, roads and paths planned in and around the concept plan area maximize connectivity and safe and efficient conveyance of people to, from, and within the concept plan area. Potential income streams from the development of the concept plan area provide adequate revenue sources to support development of it. Metro will exercise its authority as the coordinating body under ORS 195.065 to ensure an agreement consistent with ORS 195.065(2). This is Metro's responsibility and is based in part on Metro's authority to control UGB amendments under state law. No local government may legitimately refuse to participate in this process. All areas within UGB's are required to be available for urban development and must be served under Goal 11.

Accordingly, Metro requires as a condition of this UGB amendment approval an agreement consistent with ORS 195.065. All UGB amendments must be approved subject to conditions in any case (MC 3.01.040). Accordingly, the City of Lake Oswego city attorney's letter stating that conditions of legislative UGB amendment approvals are contrary to the Metro Code is clearly erroneous. All legislative amendments must be subject to conditions of approval as is clearly demonstrated in MC 3.01.040. Moreover, the Metro Code was adopted with the expressed provision and possibility of a condition of approval could be attached requiring agreement consistent with ORS 195.065. There is nothing inordinately difficult or impossible about this condition of approval.

IV. MC 3.01.012(e)(4).

This section requires urban reserve plans to provide average residential densities of at least 10 dwelling units per net developable residential acre, or lower densities which conform to the 2040 concept plan designed type designation for the area. Here, for the Rosemont Village concept plan, there is no existing adopted 2040 design type in the Rosemont Village plan area.

The Rosemont Village concept plan provides for the potential production of 4,242 dwelling units in residentially designated land areas. The combined net developable acreage of the residentially designated areas is 410.2, resulting in an aggregate density of 10.3 dwelling units per unit developable residential acre. An additional 218 units are to be provided within the mixed used village center's commercial office residential mix and commercial retail and service/residential mix areas, yielding a projected total of 4,460 dwelling units for the Rosemont Village concept plan area. The Metro Council finds the Rosemont Village concept plan achieves an average of 10.3 dwelling units per unit developable residential acre, which exceeds the 10 units per acre required by this section, and complies with the minimum residential density requirements for urban reserve plans. Inner-neighborhood main street designations are applied by the Rosemont Village concept plan and are hereby adopted by the council to apply in the manner it's shown in the Rosemont Village concept plan to limit and measure uses potentially allowable under the concept plan hereby approved. These inner-neighborhood and main street designations are appropriate and consistent with Metro standards and create the kind of 2040 community in the Rosemont Village concept plan area that will make it a uniquely beautiful, livable and affordable place to live. Under applicable Metro standards, a key objective of the urban reserve planning process is to identify the highest and best use of designated urban reserves, enabling the Metro Council to adopt region 2040 design type designations in conjunction with, and relating specifically to, urban reserve plans as they are adopted. Among other requirements, such designation must be consistent with the requirement in the Metro Code at 3.01.012(e)(4) and the urban growth management functional plan Title 11 3.07.01120(D) that urban reserve plan provide for residential densities of at least 10 dwelling units per net developable residential acre, except where a lower density design type designation has been adopted by Metro.

No design type designation has been previously adopted by Metro in the Rosemont Village concept plan area lending an unique opportunity to the region and to the subregion to apply appropriate design types to strengthen and emphasize nature features as well as efficiently utilizing the substantial amount of planned and actual existing public infrastructure that serves the area and to provide a uniquely livable and affordable community.

The Rosemont Village concept plan area has been widely recognized as capable of supporting a level of use and population density higher than rural development, and higher than either of the region 2040 neighborhood design types alone (inner-neighborhood and outer-neighborhood). Furthermore, the 2040 growth concept emphasizes the importance of design type designations enabling people to live, work, shop, and recreate in close proximity, thus reducing automobile dependency. Such designation are advantageous because they promote livability, encourage use of alternative transportation modes, such as walking, bicycling and transit; reduced vehicle miles traveled (VMT), and ultimately reduce traffic congestion in the region.

The Metro Urban Growth Report, which is the primary source of the region's unmet land demand calculation and figures, include specific density standards for region 2040 design types in urban reserve areas. Appendix C of the UGR "buildable lands and capacity analysis," explains the method used by Metro to represent changes needed in local plans to implement the 2040 growth concept, and includes a set of three tables identified as the "2040 growth concept matrix." Based on Metro plan categories, this matrix identifies the changes in land designations necessary to achieve the 2040 growth concept. That is for any given land area, the appropriate future Metro

plan category designation can be identified based on its current Metro plan category designations and the region 2040 growth concept design type(s) adopted for a period in addition, the matrix indicates the corresponding maximum residential and employment capacity needed, and 2040 expected yields for each Metro plan category, to achieve the 2040 growth concept. As are many urban reserve areas, the Rosemont Village concept plan area is currently located in an area principally shown on Metro's "FF-Farm and Forest, agricultural commercial uses".

Importantly, in anticipating the transition to 2040 design types, the urban growth report and the 2040 growth concept matrix recognize differences between established urban areas, such as existing main streets and corridors, and the design types that will be introduced in the newly designated urban reserve area. The matrix specifically differentiates between main streets and urban reserve main streets, transit corridors and UR corridors, Neighborhood I (inner-neighborhood) and UR neighborhood I and neighborhood II outer-neighborhood and UR neighborhood II.

Concurrent with legislative UGB amendment proposal, the Metro Council is considering proposed 2040 design type designations to apply to UGB areas which were previously identified as urban reserve areas. The Metro Council hereby finds that in the Rosemont Village plan area, an Inner-Neighborhood designation shall be adopted and applied to most of that area, as shown on the Rosemont Village concept plan map included in the concept plan. Moreover, a Main Street is to be adopted and applied along Rosemont road extending west from the Wilson Creek Corridor to a drainage way corridor located approximately 400 feet east of Stafford Road, as shown on the Rosemont Village concept plan map included in the hereby approved Rosemont Village concept plan. Such Main Street designation applies to a corridor which is 400 wide (200 feet on each side of the Rosemont road center line) and approximately 2,400 feet long, contained in an area of approximately 22 acres, which is the length. Of course, in the actual development of this area, the main street corridor may be reduced by adoption of protective buffers along the two drainage ways.

The Metro regional zoning categories, maximum capacities, and 2040 expected yields as they will apply to the Rosemont Village area are shown on table 4 of the Rosemont Village concept plan which is hereby adopted and incorporated here and by this reference, and is determined to have been based on the proposed growth concept designations, the Urban Growth Report and the 2040 growth concept matrix and consistent with all of these. Table 5 of the Rosemont Village concept plan similarly adopted and herein and incorporated by this reference, contains designations and provides a comparison with the Rosemont Village concept plan. Rosemont Village is anticipating housing productivity of 4,460 dwelling units is between the required maximum and projected yield values found in the matrix, 4,507 and 3,849 respectively. Employment figures for Rosemont Village are somewhat higher than projected in the matrix at 1,773 versus the projected 1,516 potential jobs. Converted to Dwelling Unit Equivalent (DUE), the Rosemont Village concept plan yields a DUE total of 5,199, representing 4,460 households plus (1,773 jobs/2.4 persons per average household).

Furthermore, the density per net acre represent target yield figures within a range of density values as follows: Village center residential ranging from 16 to 30 dwelling units/net acre, with an aggregate target yield of 22 DU/net acre; condos/apartments/manufactured dwelling park residential ranging from 10 to 22 dwelling units/net acre, with an aggregate target yield of



16 DU/net acre; townhouse/small lot single family residential, ranging from 8 to 12 DU/net acre, with an aggregate target yield of 10 DU/net acre; and single-family residential, ranging from 4 to 6 DU/acre, with an aggregate target yield of 5 DU/net acre; and, therefore, the average housing density for Rosemont Village is 10.3 housing units per net for each net developed residential acre or 24.6 persons per net developed residential acre.

These broad density ranges provide for an interesting and complex community structure surrounding the village center, providing the opportunity for range of housing types and styles to meet the needs of Oregon households of different sizes and incomes. This also provide an adequate opportunity for the subregion represented by the Rosemont Village concept plan to meet identified and severe shortages of lower and moderate class housing by providing a strong supply of high density living opportunities, close to services, transit and employment opportunities that should also reduce the need for lower income families to own and maintain private vehicles, travel vast distances, thus further enhancing high quality but lower cost living opportunities.

The Rosemont Village concept plan meets the requirements of the RUGGO's, the Urban Growth Report and the Region 2040 design types, proposed for the Rosemont Village plan area.

#### **MC 3.01.012(e)(5)**

The concept plan includes demonstrable measures to provide a diversity of housing stock that will fulfill needed housing requirements as that term is defined in ORS 197.303.

ORS 197.303 defines needed housing as follows: “[H]ousing types determine to meet the need shown for housing within an urban growth boundary of particular price ranges and rent levels. [N]eeded Housing also includes: “(a) housing that includes, but is not limited to, attached and detached single family housing and multi-family housing for both owner and renter occupancy; (b) government assisted housing; (c) mobile home or manufactured dwelling parks. (d) manufactured homes on individual lots planned in zone for single family residential use that are in addition to lots within designated manufactured dwelling subdivisions.”

The concept plan includes opportunities for rentals. Rentals and home ownership at a variety of price ranges. Examples of potential units within the concept plan area are shown on Figure 17 of the Rosemont Village Concept Plan which is approved and adopted herein by this reference. The concept plan offers unique opportunities for establishing all the needed housing types required under state law, including manufactured dwelling parks and mobile home parks. These opportunities are otherwise unavailable in the Lake Oswego and the West Linn area for the reasons previously explained under the ECONorthwest and Leland Consultants analysis. The concept plan provides the opportunity to establish needed and otherwise unavailable housing opportunities within this subregional area, as well as in the region as a whole.

#### **V. MC 3.01.012(E)(6)**

The standard requires that the concept plan establish, without relying on subsidies, how residential developments will provide housing affordable to households with incomes at or below area median incomes for home ownership, and at or below 80% of area median incomes for rental, as defined by the US Department of Housing and Urban Development for the adjacent

urban jurisdiction. Adjacent jurisdictions to the Rosemont Village concept plan area are West Linn and Lake Oswego.

The method of calculating median household income inconsistent with the Metro Code for this concept plan was proposed in a memorandum circulated by fax to Metro staff Sonny Conder and Mark Turple on September 14, 1998, followed by a telephone conversation with Sonny Conder confirming the validity of the method. See Supplemental Technical Appendix. Subsequently, ECONorthwest refined the method by averaging the income figures for Lake Oswego and West Linn according to their respective populations, arriving at the \$75,150 median household income figure used in the ECONorthwest calculations. Using this method, ECONorthwest not only found that 92.9% of the housing units proposed in Rosemont Village would be affordable for ownership by households earning median incomes, but found further that 75.1% of the housing units would be affordable for ownership by households at 80% of the calculated median income. (See Table 12).

The City of Lake Oswego has argued the method of analysis used by ECONorthwest, following review of the median household income estimate by Metro staff, is inappropriate. Accordingly, as part of the coordination responsibility, the housing affordability test was applied a second time, based on estimated household incomes derived from average wage figures of employers located within a 6-mile radius of the Rosemont/Stafford intersection, i.e., applying an analysis similar to that produced by the Leland Consulting Group and adopted in the Metro Council findings for Ordinance 96-655E, the Urban Reserve Area Designations. This analysis resulted in a range of estimated household incomes based on the average wages for employment categories within the 6-mile radius, which prove to be substantially lower than median household income figures in Lake Oswego and West Linn.

These estimated household income figures were then compared to the ownership costs of dwelling units, by type and number of bedrooms, in Lake Oswego, West Linn, and Rosemont Village. Table 13 lists the average value per unit for those housing types, which Rosemont Village creates the opportunity to provide, the current distribution of units in Lake Oswego and West Linn by type and number of bedrooms, and the proposed distribution in Rosemont Village.

Two related observations can be drawn from this analysis. First, of the dwelling unit types affordable to households within the 6-mile employment radius — generally condominiums, apartments, townhouses and other small-lot types — Lake Oswego and West Linn collectively provide a total of only 294 existing units. Two-bedroom single-family homes, affordable to 20% of households in this analysis, make up a total of 606 units, resulting in unmet demand of 563 units of the housing type. Only 5% of the households in this analysis could afford 3- or 4-bedroom homes in Lake Oswego or West Linn.

Rosemont Village, by contrast, provides the opportunity for (111) 2-bedroom single-family homes, (1217) 2- and 3-bedroom townhouse/small-lot units, and (2,365) 1-, 2-, and 3-bedroom condominiums and apartments affordable to households with employment in the 6-mile vicinity. The opportunity for provision of such affordable units represent an 83% share of the total number of dwelling units planned in Rosemont Village. These units have the potential for addressing the housing needs of literally thousands of households with one or more members who work in the 6-mile radius areas.

This analysis demonstrates the mix of housing product types proposed in Rosemont Village is designed to address a pressing sub-regional affordable housing need, and will provide both home ownership and rental housing opportunities for individuals and families who will otherwise be excluded entirely from the West Linn and Lake Oswego housing markets. The Metro Council finds that the concept plan meets the criterion for provision of affordable housing without public subsidy.

#### VI. MC 3.01.012(E)(7)

This standard requires the concept plan provide sufficient land for commercial and industrial development for the needs of the area and adjacent land inside the urban growth boundary consistent with 2040 Growth Concept Design types. Compliance with this standard is difficult, given that there is a relatively small region-wide need for additional jobs. The most pressing need justifying the UGB expansion is for housing units. In deference to the extreme need for land for housing over the 20-year planning horizon, the concept plan focuses on the provision of such housing. However, in an effort to balance a number of different planning goals, including reducing demand on the automobile for environmental, affordability, and efficiency reasons, this concept plan includes the opportunity for 1,773 new jobs. In addition, Metro standards require such mixtures of jobs and housing opportunities.

The Rosemont Village Center provides a “Main Street” area where local retail, services, and jobs will be located, at a scale appropriate to the Village’s population. The location and acreage designations of the Village Center are designed to yield a balance that will enable Village residents at a wide variety of income levels to live, work, and shop within the Village area. This intended to bring jobs and housing into balance and to achieve related benefits, such as reduced vehicle miles traveled per capita (VMT) and increased reliance on walking, bicycling, and transit.

The employment and housing planned for the Rosemont Village Center itself are consistent with the “Main Street” 2040 design type, providing an estimated 1,773 jobs and 218 dwelling units, and achieving a density of 52.7 Persons Per Acre. This figure meets the requirement of 39 persons per acre in the RUGGOs and Title 1 of the Functional Plan. (See Table 5).

Table 14 compares the yield of the Village Center’s designated office area, expressed as square feet of net rentable area, on a ratio basis with the office/household ratios of several communities in the south Metro area. This analysis demonstrates that Rosemont Village’s office space per household and office space per resident ratios are similar to existing ratios in Lake Oswego, higher than ratios in Beaverton and Tualatin/Sherwood, and lower than in Tigard. This test validates the healthy relationship between the office employment and housing opportunities provided at Rosemont Village.

The Main Street area of Rosemont Village also provides opportunities for approximately 150,000 square feet of retail and service commercial development. A square-footage-based comparison of retail and service commercial uses against residential development is not possible due to limitations in available dates. However, data are available for capital values of commercial and residential properties, and ratios can be compared to gauge generally the

proportionality of land allocations among communities. Table 15 demonstrates that ratios of residential to commercial properties, and ratios can be compared to gauge generally the proportionality of land allocations among communities. Table 15 demonstrates that ratios of residential commercial property values range from a low of 7.2:1 in Lake Oswego and 7.5:1 in Clackamas County, to a high of 31.2 in West Linn. Rosemont Village's ratio of 11.9:1 is within this range, and indicates relatively more residential than commercial development as compared to either Lake Oswego or Clackamas County.

Finally, both DLCD and others have identified URA 34 as a particularly important area for provision of an industrial or commercial center, given its superior freeway access and relatively flat, undeveloped character. URA 34 will be brought into the boundary at the time a need for additional employment and industrial land is identified. Accordingly, the concept plan reserves, and anticipates itself harmonizing with, the ultimate development of URA 34 as an employment or industrial center. Development of Rosemont Village paves the way for development of URA 34, because of maximization of public infrastructure efficiencies, as outlined in the Clackamas County urban fringe study.

The Metro Council finds the Rosemont Village Concept Plan provides sufficient and appropriate land allocations for employment and commercial development to meet the needs of the concept plan area and adjacent areas within the UGB. The Council further finds that the Village Center is consistent with the 2040 Growth Concept Main Street design type, which is appropriate at its proposed location. The concept plan is consistent with MC 3.01.012(e)(7).

#### VII MC 3.01.012(e)(8)

This standard requires a conceptual transportation plan consistent with the Regional Transportation Plan (RTP) and the protection of natural resources as required by Metro functional plans. The concept plan includes a conceptual transportation plan consistent with the RTP which RTP is part of both the Rosemont Village Concept Plan as well as the Supplemental Technical Appendix and Technical Supplement incorporated herein by this reference. A number of the improvements proposed in the concept plan are specifically envisioned in the documents making up the RTP. No part of the concept plan's transportation analysis is inconsistent in any respect with any RTP or other plan, including the comprehensive plans of Lake Oswego, West Linn and Clackamas County. It is noted that the Comprehensive Plans of these cities do not currently apply to Rosemont Village because it is located outside of any city and there is no applicable intergovernmental agreement covering the area. However, there is nothing functionally inconsistent with the Village and any of those plans.

Moreover, the transportation analysis is sensitive to important natural features and avoids affecting such features in a manner that is inconsistent with the functional plan, including Title 3. Specifically, no Title 3 resources are adversely affected under the concept plan's transportation analysis or the concept plan itself. Rosemont Village's land use design provides complimentary uses within close proximity to one another and relatively high development densities close to the Village Center. A principle goal of the Village's design which is consistent with the Region 2040 design principles, as well as the TPR, is to encourage modes of travel other than reliance on the automobile. These alternative modes include walking, bicycling and transit, offering people choices among several modes of travel to reach their destination. In this regard

the comments by the City of , City Attorney's office as well as the planning office that alternative modes are not included simply overlooks this aspect of the Rosemont Village Concept Plan.

A further goal of the integrated land use and transportation plan included in the Rosemont Village Concept Plan is the reduction of vehicle miles traveled (VMT) and congestion in the region as well as the subregion represented by the Rosemont Village Concept Plan area. Like any other well-designed urban area, Rosemont Village needs and incorporates a functional structure of arterial, collector and local streets; pedestrian and bicycle facilities; and transit routes that it connects to, and makes it a part of the regional transportation system.

Like several areas facing development pressures, including other urban reserves at the perimeter of the Metropolitan Region, the Stafford area does not have roads capable of accommodating all the traffic they currently carry. To evaluate transportation system needs in the Stafford area, Kittleson and Associates measured current traffic volume counts a key intersections and used year 2015 metro trip generation forecasts to identify the roadway and intersection configurations necessary to provide adequate levels of service under projected year 2015 conditions. From a system-wide perspective, this analysis indicates both signalization and widening/lane configuration improvements will be required independent of the Rosemont Village at the following intersections along Stafford Road: Rosemont Road, Childs Road, Borland Road, and both north- and south-bound ramps to interstate 205. As part of the approval of this concept plan, Metro hereby determines that the improvements to Stafford Road shall be added to the RTP strategic projects list, as a preferred alternative to establish its viability. The City of Tualatin indicated it wished to see a second bridge over the Tualatin River and asserted this was necessary to comply with the TPR and functional plan. Metro hereby disagrees. A second bridge is a waste of both human and public resources, is unnecessary and adds unjustified expense to urbanization of this area. It was also suggested that Rosemont Road should be a five-lane arterial its entire length. Metro also disagrees. Transportation analysis establishes a lane configuration of Rosemont Road as proposed for a segment of five lanes and a predominance of three lanes, is more than adequate for the Rosemont Village concept plan area to function appropriately. Adding more width would provide few transportation benefits and would provide disproportionate adverse impacts on aesthetic values as well as efficient land uses. In this regard the City of Lake Oswego expressed concern regarding green corridors along Rosemont and Stafford Roads. This concern is accommodated as much as possible by limiting unnecessary transportation improvements to those that are necessary to allow the maintenance of as much as a green corridor as possible in this area. The concept plan is consistent with the adopted and acknowledged RTP provisions included in the Metro area functional plan.

Because Rosemont Village may evolve and grow over time, only a few new streets and limited improvements to existing roadways and intersections will be required initially. However, nothing prevents a more aggressive program of establishing such roadways and intersections.

Gradually, new collector streets and signals will be needed within the Village and improvements on Stafford and Rosemont Roads will be required. Based on the concept plan's integrated approach, Stafford Road ultimately will require two travel lanes in each direction between Rosemont Road and the I-205 interchange. This will facilitate the development of URAs 33 and 34 for future UGB amendments. Metro respectfully disagrees that Stafford Road

must be turned into a five-land collector beyond Rosemont Village all the way through the City of Lake Oswego to Highway 43. In this regard, the analysis of Kittleson and Associates and the Rosemont Village and supporting documents is hereby adopted.

The adoption of the Rosemont Village Concept Plan and the roadway system it envisions, facilitates the eventual development of URAs 33 and 34 for future UGB amendments in the manner consistent with that requested by the City of Tualatin. In this regard, it is specifically noted that the City of Tualatin suggested that URA 34 be available for consideration for UGB amendment within the next five years. Accordingly, this concern of the City of Tualatin has been accommodated as much as possible in this decision.

Comparatively, the concept plan transportation systems within and adjacent to the Rosemont Village Concept Plan area are relatively inexpensive to construct to accommodate the Rosemont Village Concept Plan. If URA 33 and 34 urbanized, these areas can also share a cost of the street improvements because such improvements benefit far more than simply Rosemont Village.

### Streets

Rosemont Village's major street network is compatible with the transportation system planning that has been performed prior to designation of the Stafford urban reserves, while responding to the projected travel needs of the area in an urban context. Specifically, the Regional Transportation Plan, and local transportation planning by Clackamas County and the Cities of Lake Oswego and West Linn, all recognize the arterial functions of Stafford and Rosemont Roads. The Rosemont Village plan provides for development of these arterials to meet the urban function they increasingly serve already.

Within Rosemont Village, the concept plan calls for a connected network of collector streets, as specifically identified in the Transportation System map, and local service streets at a minimum spacing of 10-16 streets per mile. This requirement's objective is to provide many alternative routes for local travel, consistent with the Transportation Planning Rule, Title 6 of the Functional Plan, and the RUGGOs. Because of the need to address multiple planning objectives, such as minimizing the number of needed stream crossings and associated impacts, local street alignments are not proposed in the concept plan, but will be prepared as part of specific development proposals within the concept plan area. At some locations, such as where inflexible street intersection spacing would conflict with Title 3 provisions or other legal or planning objectives, development standards will be required to allow exceptions. Accordingly, the system structure and capacities of the arterial and collector streets within the concept plan area are designed to function satisfactorily within the context of balancing such competing objectives. Figure 2A in the Transportation Section of the Supplemental Technical Appendix shows the standard cross-section proposed for local streets in the village area.

### Transit

Making transit service feasible and attractive is a major transportation-related objective of this concept plan. Because Rosemont Village is currently outside the Urban Growth Boundary, plans have not yet been made for expansion of transit to this area. However, the planned

residential densities within Rosemont Village will merit expanded bus service over the next planning period, providing an estimated 500 weekday boarding rides, according to an analysis by Tri-Met. See Concept Plan Technical Supplement.

Transit is supported by the relatively high densities of both employment and housing concentrated in and around the Village Center, making bus ridership convenient and functional for residents and employees. Youth as well as adults will be able to ride transit to and from the Luscher Farm Park for recreational activities. Within the village Center's Public Services area, a transit center can provide a designated central location where bus riders can wait with dignity and reliably transfer between routes. As the Village Center and surrounding residential areas develop, transit service should be provided along the Stafford Road and Rosemont Road corridors, providing linkages to the Oregon City and Lake Oswego Transit Centers. In addition, direct transit connections to Tualatin and Beaverton areas should be evaluated. To implement these transit extensions efficiently and economically, Tri-Met's existing routes 36, 76 and 154 could be extended into and through the Rosemont Village area. Route 36, South Shore, could provide direct access to Tualatin, Lake Oswego, and Portland with minor route modifications. Similarly, Route 76, Beaverton-Tualatin, and Route 154, Willamette, could be extended to provide service to Tualatin and Beaverton west of Rosemont Village, and West Linn and Oregon City to the east. A new Stafford Road bus line should be established, providing 10-15 minute peak and 1/2 hour non-peak service to/from Lake Oswego Transit Center. Bus routing within Rosemont Village should facilitate travel to activity nodes and residential areas, while doubling as feeder routes to bus trunk lines. This internal service would logically be provided as extensions to the new service described above.

To facilitate efficient bus operations, transit-friendly street improvements shall be provided within the Village as well as on arterials in the vicinity. Examples of such installations include transit pullouts, shelters, and information centers, all of which improve the convenience and efficiency of transit service to the area.

#### Bicycle & Pedestrian Accessibility

The standard design cross-section for public streets within Rosemont Village requires sidewalks on both sides of the street, as illustrated in Figure 2A in the Transportation Section of the Supplemental Technical Appendix. In addition, bicycle facilities are to be provided on all regional boulevards, community boulevards, collectors, and arterials to make bicycling a safe and convenient mobility choice.

In the absence of aggressively planning for greater variety of housing opportunities, there is no meaningful way to supply such opportunities to the Rosemont Village master plan area and the greater area it serves. As indicated in the memorandum from Randall Pozdina dated November 25, 1998, this general area has relatively high housing costs that exceed the wage capacity of most area workers. Accordingly, the existing paradigm requires employees to travel from homes located outside to the area to their jobs thus increasing traffic congestion.

By providing the opportunity for lower and moderate priced housing within the Rosemont Village Concept Plan area, a dramatic improvement in this jobs/housing balance is anticipated, thereby minimizing the need for travel by these present and future employees. It is

anticipated that employees, by virtue of being located near their jobs, will be able to travel to work via modes other than the automobile. This is further facilitated by the provision of a multi-model transportation system in the Rosemont Village Concept Plan that includes pedestrian and bicycle facilities, and local and regional transit routes. Currently, there is no transit service to the Rosemont Village Concept Plan area. There are few safe and pedestrian and bicycle opportunities. By virtue of the employee demographics, few employees live close enough to their employment to attempt to ride a bicycle or walk to work. As a consequence, multi-model mobility is improved for this area by the development of the Rosemont Village Concept Plan area.

The transportation system for the Rosemont Village Concept Plan area was developed in collaboration with the development of other elements of the project, including land use, urban design, economics, and public infrastructure. Each of these elements is integrated, and were developed and refined during a series of development team meetings over a period of about nine months. This insured the proposed concept plan provided transportation choices, improved accessibility and safety and conformed with the Metro 2040 growth concept.

#### 2015 Background and Total Capacity Analysis

The forecast methodology used for this analysis is described in detail on pages 7 through 20 in the Preliminary Transportation System Review dated August 28, 1998. It should be noted that the traffic volume forecasts for 2015 are conservatively high due to some double counting for land uses currently in URAs 31 and 32 and those proposed in the Rosemont Village Concept Plan; therefore, the level of transportation infrastructure may be overestimated.

#### Evaluation Criteria

The evaluation criteria used to identify the adequacy of public services in the area of the Rosemont Village Concept Plan area comes from several sources. Metro has recently adopted new level-of-service standards in the Regional Functional Plan. In the Functional Plan, Metro has a number of conditions for which standards are specified. These congestion performance standards are identified for levels that are Preferred, Acceptable, and Exceeds. The Functional Plan specifies that Preferred Operating Conditions should be met unless physical, environmental, fiscal, operating, or political conditions exist that would prohibit feasible attainment of this standard. In this event, an Acceptable Operating Standard applies. In recognition that severe physical, fiscal, political, and sometimes environmental conditions exist in those constrained corridors in the site vicinity (*i.e.*, Stafford Road and Rosemont Road), the Acceptable Operating Standard was used in this analysis.

Metro's technical interpretation of Title 6 (Section 4b) requirements for transportation performance standards (as defined in a Working Paper that was provided as technical background for the Functional Plan) indicates that to meet an *Acceptable Operating Condition*, the first peak hour should not exceed LOS "E", and that the second hour should not exceed LOS "E" and the second average volume-to-capacity ratio should not exceed 0.95 for an area.

While the Metro Functional Plan has a number of conditions for which standards are specified, the plan states that Preferred Operating Conditions should be met unless physical,



environmental, fiscal, operating, or political conditions exist that would prohibit feasible attainment of this standard. In the Rosemont Village area, topographical constraints render this standard unfeasible. Hence, the Acceptable Operating Condition was considered an attainable one, thereby complying with Metro Title 6 (Section 4b).

In recognition that future travel forecasts were not available for the two-hour peak, it was necessary to estimate the second hour peak volume. Based on observed traffic counts at the most critical intersection in the study area, Stafford/Rosemont, the second peak hour entering volume is 91% of the peak hour volume. Thus, using Metro's standard of 0.95 minimum acceptable volume-to-capacity ratio for the second peak hour, then the acceptable volume-to-capacity for the peak hour could range as high as 1.04. However, it is not reasonable to assume that during the peak hour that volume should exceed capacity; hence, an adjusted volume-to-capacity ratio of 0.98 was used for the peak analysis.

### Trip Generation

The trip generation methodology used to evaluate the Rosemont Village Concept Plan is described in detail on pages 10 through 15 of the Preliminary Transportation System Review.

### Trip Distribution/Assignment

The trip distribution and assignment methodology used to evaluate the Rosemont Village Concept Plan is described in detail on pages 15 through 16 of the Preliminary Transportation System Review.

### 2015 Background and Total Traffic Conditions

Figure 3A shows the estimated 2015 background and total (with the development of Rosemont Village) weekday p.m. peak hour roadway link volumes. As noted in previous submissions to Metro (Rosemont Village Concept Plan — Preliminary Transportation System Review), the improvements to the interchange at I-205 and along the Stafford Road corridor are required with or without Rosemont Village if URAs 33 and 34 develop in a manner generally consistent with the Executive Officer's Exhibit "A" (September 1996) assumptions. Rosemont Village simply provides an efficient and prudent amortization of public infrastructure improvements to maximize the utilization of the transportation infrastructure investment. In addition, several of the improvements listed to mitigate year 2015 total traffic conditions are required without the development of Rosemont Village. These improvements are outlined in Table 1A.

As shown in Table 1A, five intersections along the Stafford Road corridor would be required to be improved in Year 2015 *without the development of the Rosemont Village Concept Plan area*. Several of these improvements are already listed in the Clackamas County's Five-Year Capital Improvement Program, including:

- Borland Road/Stafford Road — The program calls for a new traffic signal and left-turn lanes to be installed at this intersection (\$1,500,000).

- Rosemont Road/Stafford Road — The program calls for the intersection to be re-aligned and left-turn lanes to be installed at this intersection (\$75,000).
- Stafford Road (Rosemont Road to I-205) — The program calls for the reconstruction and widening of Stafford Road up to Rural Standards (2-lane section) from Rosemont Road to Interstate-205 (\$5,000,000).

Based on these programmed improvements, approximately \$7,250,000 has been or will be allocated for transportation system improvements along the Stafford Road corridor. As such, this amount of funding can be deducted from the total Year 2015 total (without development) off-site improvements costs. However, it should be noted that approximately \$1,400,000 of necessary \$3,300,000 in Year 2015 background transportation improvements are not currently programmed by either Clackamas County or ODOT.

### Capacity Analysis

Operation of the future roadway transportation system, and its ability to accommodate the increased demand from Rosemont Village, was examined by determining the volume-to-capacity ratios on the key arterial and collector roadways in the site vicinity. The roadway capacities in the emme/2 model were used, and the volumes that were used are shown in Figure 3A. The resultant volume-to-capacity ratios for each key link are shown in Figure 4B.

As described previously, the Acceptable Operating Standard was applied, which indicates a maximum 0.95 volume-to-capacity ratio threshold for the second peak hour was applied to evaluate the available capacity within the study area. As described previously, a maximum volume-to-capacity ratio of 0.98 was used as the threshold for acceptable operations for the first peak hour.

Based on this operating standard, it can be stated that all the facilities within the concept plan area will operate within acceptable parameters. It should be noted that a short segment of Rosemont Road within the Village Center is forecasted to operate above the volume-to-capacity ratio threshold of 0.98. However, the model fails to account for numerous alternative routes available to access the commercial and other amenities at the Village Center. Specifically, it should be noted that the model's analysis did not account for all local street and site-access points located along each segment of Rosemont Road. It is likely that the motorists desiring to travel east along Rosemont Road will use the available local street network to access commercial uses within the village and multi-family residential developments, which in turn will reduce the overall demand on Rosemont Road. Accordingly, we find that, based on the available local and collector street accesses to the Village Center, that Rosemont Road will operate within acceptable volume-to-capacity ratios.

Based on this operating standard, it was found that the local transportation system would meet the Acceptable Operating Standards set forth in Metro's Functional Plan.

### Relationship to External Transportation Network/Connectivity

As in any area outside the UGB, there are transportation improvements on the area-wide transportation system needed to facilitate the development of 2040 concept communities, including Rosemont Village. The recommended improvements to Rosemont Village are described in this section.

a. Streets

The previously completed Preliminary Transportation System Review and the next section of this addendum highlight all the recommended street improvements inside and outside the Rosemont Village development area. The proposed street plan (See Figure 1A — Functional Classification Map) was developed to promote alternative travel modes and reduce overall vehicle miles traveled within and to/from the development area. This street plan was developed in compliance with the Urban Growth Management Functional Plan and the Regional Transportation Plan. All regional boulevards, community boulevards, arterials, and collectors have been designed to promote bicycle and pedestrian travel modes. Furthermore, the street cross-sections have been designed to accommodate bus pullouts and shelters within the Village Center (i.e., regional and community boulevards). Further discussion on the street plan is provided in the Preliminary transportation System Review and the Rosemont Village Concept Plan.

b. Transit

Transit improvements have been described in detail in the Preliminary Transportation System Review and earlier in this addendum. These improvements include:

- Increase frequency and modify Routes 36, 76, and 154 to better serve Rosemont Village, as necessary.
- Expand neighborhood oriented bus service within the Rosemont Village and adjacent neighborhoods.
- Add a Stafford Road bus line, providing 10-15 minutes peak and ½ hour non-peak service to the Lake Oswego Transit Center.

c. Bicycle & Pedestrian

Based on the adopted Lake Oswego and West Linn Transportation System Plans and the Regional Transportation Plan, the planned Rosemont Village on-site bicycle facilities will match well with those planned off-site. In order to provide for good bicycle circulation to/from the adjacent communities (Lake Oswego and West Linn), all collector and arterial facilities should have bike lanes. Similarly, all collector and arterial facilities connecting to Rosemont Village should maintain bike lanes and sidewalks. This provision is called out in the proposed Street Design Standards (see Figure 2A).

The Rosemont Village Concept Plan identifies exclusive multi-purpose paths along designated greenways to facilitate the movement of bicycles and pedestrians (see Rosemont

Village Concept Plan). Furthermore, all future residential developments should provide interconnecting pathways to the Village Center and the other activity centers within the development area.

### Transportation Improvement Costs and Phasing

#### a. On-Site Transportation Improvements

Table 2A shows the on-site transportation improvements and costs that would be associated with Rosemont Village. This table assumes that all transportation facilities would be constructed to the standards shown in Figure 2A. This table includes only the costs of street construction, and does not include right-of-way, and also does not include the costs of bicycle facilities that are not adjacent to streets, or transit routes. The latter costs are not estimated because it is impossible to know these costs with any certainty. Moreover, no other potential UGB site that we are aware of has made any attempt to quantity these costs for this reason. Metro has not identified this as a deficiency in this regard, and we do not believe that there is one. Accordingly, the estimated total on-site transportation improvement costs an estimated of \$32,688,000. These improvements are required to be added to the Public Facilities Plan of the appropriate comprehensive plans by the conditions of this ordinance.

#### b. Off-Site Transportation Improvements

Table 3A shows the off-site transportation improvements recommended to accommodate the increased traffic associated with the development of Rosemont Village. It should be noted that the transportation system improvements required on Stafford Road, Rosemont Road, and the Interstate-205 interchange are not solely created by the development of the Rosemont Village concept plan area. In order to estimate the cost of transportation infrastructure attributable to the project, it was assumed that development area would be responsible for only its proportionate share of these transportation system improvements. Based on this cost proportioning, the Rosemont Village concept plan area development would be responsible for an estimated \$28,317,000 of the total \$54,786,000 of off-site transportation improvements. It should be noted this proportional share is based on the assumption that URSA 33 and 34 are not developed. Rosemont Village's proportional share would be further reduced with the development of these two other URSA's. These improvements are required to be added to the Public Facilities Plan of the appropriate comprehensive plans by the conditions of this ordinance.

It should be noted that of the \$54,786,000 in off-site transportation system improvements, Clackamas County has already programmed \$7,250,000 in improvements to accommodate the continued growth in traffic along the Stafford Road corridor. This growth is irrespective of the future growth created by the development of URSA 31, 32, 33 or 34. Therefore, the actual off-site transportation improvement costs attributable to Rosemont Village should be approximately \$24,570,000 [ $\$54,786,000 - \$7,250,000$ ] \* ( $\$28,317,000 / \$54,786,000$ )] without the development of URSA 33 and 34. The Financial Element of this Concept Plan is provided in detail in the economic analyses prepared by ECONorthwest (see Rosemont Village Technical Supplemental dated October 16th).

It should be noted the recommended widening of the Stafford Road corridor to five lanes is not currently in the Strategic Regional Transportation Plan. While it has been determined that the Rosemont Village area generates sufficient value to economically provide these improvements, it is recommended the Strategic Regional Transportation Plan to include this improvement. This recommendation is based on the fact that this corridor improvement. This recommendation is based on the fact that this corridor improvement provides a significant regional benefit to the existing transportation systems in Lake Oswego and West Linn, as well as the future development of URSAs 33 and 34.

c. Phasing of the Transportation Infrastructure

It is difficult at best to predict and plan for phasing of improvements where no specific development is proposed. This is a problem not unique to the Rosemont Village Concept Plan. As with other proposed larger UGB amendment areas, given the size of development, the uncertainty of the sequence of development of portions of the site, and the rate of growth of other areas within the southern Portland Metropolitan Urban Growth Boundary, it is very difficult to develop a phasing plan. In any case, for purposes of developing the necessary transportation infrastructure, three development phases were assumed: Year 2005 (anticipated improvements prior to year 2005); Year 2010 (anticipated improvements between years 2005 and 2010); and Year 2017 (anticipated improvements between years 2010 to 2017).

The phasing of the Rosemont Village transportation infrastructure is described and illustrated in the Rosemont Village concept Plan (RVCP) and further illustrated in Figure 5A. The phasing illustrated for both on-site and off-site transportation improvements is based on careful examination of long-range travel forecasts, anticipated potential sequencing of land development, and our best professional judgment. It should be noted that the phasing plan also allows the proper funding to be available as the area develops. However, it should be noted that there are no unique impediments to the earlier staging of improvements.

Relationship to Other Programs/Policies.

This section addresses the consistency of the Rosemont Village Concept Plan transportation element with other plans.

a. Consistency with Regional Transportation Plan.

The Concept Plan used the Regional Transportation Plan base "strategic" model network as a starting point, from which transportation improvements were then identified. In addition, the transportation improvements recommended in the Concept Plan are consistent with the policies in the RTP; to maintain a safe, efficient transportation system with reduced reliance on the automobile.

b. Consistency with Transportation System Plan

Metro's Functional Plan, Clackamas County's Comprehensive Plan and Lake Oswego and West Linn's Transportation System Plans were used as a basis for the policy and infrastructure recommendations made for the Concept Plan. As a result, the Concept Plan is consistent.

c. Consistency with Transportation Planning Rule

A primary goal of the Oregon Transportation Planning Rule (TPR) is to provide a balanced, fundable transportation system with reduced reliance on the automobile, by providing viable choices for alternative modes. One objective of the Concept Plan is to provide the opportunity for moderate and lower cost housing to satisfy the needs generated by existing and planned jobs in the area. The Concept Plan provides these alternatives by increasing densities and creating a village center, thereby minimizing distances to be traversed by bicycling and walking; designating substantially expanded transit, bicycle, and pedestrian plans that will effectively reduce vehicle trips an estimated 25 percent; and, designating transportation improvements that are fundable.

d. Consistency with Public Facilities and Service Plan

The Public Facilities and Service Plan was developed in concert with the Transportation Plan. Public facilities are generally routed along street rights-of-way. The streets included in this Transportation Plan will, therefore, facilitate the orderly implementation of the Public Facilities and Services Plans.

e. Consistency with Natural Resources

The transportation element supports the natural resources within Rosemont Village by minimizing street crossings of natural areas, wherever possible. In this way, the concept plan is consistent with natural resources.

f. Bicycle & Pedestrian Consistency with Park & Recreation Plan

There is an extensive on- and off-street bicycle and pedestrian network in the Concept Plan. This network will be fully connected within the site, as well as to points outside the site. This network, by design, succeeds in connecting key bicycle corridors to parks, recreational uses, and activity centers. The bike and pedestrian system connects neighborhoods and provides mobility to commercial areas within the Village Center. Thus, the Concept Plan is consistent with the Park & Recreation Plan.

Based on these findings, it is concluded that the proposed Concept Plan is consistent with other applicable programs and policies.

Urban Growth Management Functional Plan Relationship

This section discusses the Concept Plan's compliance with the Urban Growth Management Functional Plan (UGMFP).

a. Title 6, Section 2: Boulevard Design

Stafford Road is designated as a Regional Boulevard between "A" Street and Bergis Road. Accordingly, the design standard for Regional Boulevard is recommended for this facility (see Figure 2A - Street Design Standards). The design standard is consistent with the Regional

Boulevard standards established in Metro 's Creating Livable Street - Street Design Guidelines for 2040.

b. Title 6, Section 3: Design Standards for Street Connectivity

It is recommended that local streets be provided at a minimum of 10-16 streets per mile. The community boulevards and collector streets within the study area are provided at roughly t/4-mile spacings. These characteristics indicate that the design standards are consistent with the UGMFP.

c. Title 6, Section 4: Transportation Performance Standards

Based on consultation with Metro staff, a two-hour peak performance standard was applied in the analysis. This two-hour standard was applied through the use of factors to the one-hour peak hour travel forecasts. The resulting volume-to-capacity ratio used in the analysis for the peak hour is 0.98. Assuming the improvements specified in this report, the Rosemont Village concept plan is in compliance with the standard.

Based on these findings, it is concluded that the proposed Concept Plan is in compliance with the UGMFP.

Summary of Findings

Based on the findings in this transportation addendum and the preliminary transportation system review, the proposed Rosemont Village Concept Plan meets the criteria established in the Regional Transportation Plan and Metro's Code for Urban Reserve Plans. The plan is consistent with the Transportation Policy, Functional Classification System, Needs, Strategies, and Projects, System Implementation, Technical Methods, Outstanding Issues/Refinement Studies, and Urban Growth Management Function Plan of the Regional Transportation Plan.

VII MC 3.01.012(e)(9)

Both DLCD and others have identified URA 34 as a particularly important area for provision of an industrial or commercial center, given its superior freeway access and relatively flat, undeveloped character. URA 34 will be brought into the boundary at the time a need for additional employment and industrial land is identified. Accordingly, the concept plan reserves, and anticipates itself harmonizing with, the ultimate development of URA 34 as an employment or industrial center. Development of Rosemont Village paves the way for development of URA 34, because of maximization of public infrastructure efficiencies, as outlined in the Clackamas County urban fringe study.

The Metro Council finds that the Rosemont Village Concept Plan provides sufficient and appropriate land allocations for employment and commercial development to meet the needs of the concept plan area and adjacent areas within the UGB. The Council further finds that the Village Center is consistent with the 2040 Growth Concept Main Street design type, which is appropriate at its proposed location. The concept plan is consistent with MC 3.01.012(e)(7).

VII. MC 3.01.012(e)(8).

This standard requires a conceptual transportation plan consistent with the Regional Transportation Plan (RTP) and the protection of natural resources as required by Metro functional plans. The concept plan includes a conceptual transportation plan consistent with the regional RTP. In fact, a number of the improvements proposed in the concept plan are specifically envisioned in the RTP. No part of the concept plan's transportation analysis is inconsistent in any respect with any RTP or other plan, including the comprehensive plans of Lake Oswego and Clackamas County as explained in detail above. Moreover, the transportation analysis is sensitive to important natural features and avoids affecting such features in a manner that is consistent with the Functional Plan, including Title 3. No Title 3 resources are adversely affected under the concept plan's transportation plans. This standard is met.

#### VIII. MC 3.01.012(e)(9).

This standard requires the (1) identification, (2) mapping, and (3) funding strategy for protection of wildlife habitat, natural hazards mitigation, and water quality enhancement. It also requires that a natural resource protection plan be included as part of the comprehensive planning and zoning applied to the concept plan area. The concept plan provides an adequate basis for such mapping and implementation through local comprehensive plan amendments, zoning, and related ordinances.

##### A. Identification and Mapping

1. Wildlife habitat areas are the riparian corridors identified on the map in Figure 7. The majority of the land in the concept plan area is in pasture grasses, with the most dense shelter, forage, and travel opportunities for birds, small animals, and more adaptable larger animals occurring in and along the connected riparian corridors of Wilson Creek and its tributaries. See SHAPIRO memorandum of June 18, 1998, Technical Supplement. These corridors correspond to resource areas protected under Title 3 of the Functional Plan. At this location, the buffer widths prescribed under Title 3 are expected to be sufficient in width to provide continued habitat functions along these streams for the species expected to occur in the Rosemont Village plan area, and to provide adequate insulation of those functions from developed areas. This is particularly true in the southernmost part of the concept plan area, where the main stem of Wilson Creek widens and steeper slopes protected under Title 3 occur, providing a wider habitat area immediately adjacent to the steeper and more densely canopied terrain outside the urban reserves.

The concept plan includes a riparian corridor enhancement program designed to improve habitat conditions through removal of non-native plant species and replanting with suitable native species. This process will create a multi-layered, structurally diverse riparian system capable of providing habitat for terrestrial species, and improving water quality and aquatic habitat conditions. This strategy is supplemented by surface water quality and quantity management requirements and implementation of BMPs to maintain stream flows similar to pre-development characteristics.

A small delineated wetland in URA 32, on the east side of Stafford Road immediately north of the existing Bergis Road intersection, was identified in materials submitted by the Petersen property owners. See Figure 6. Widening and realignment of the Bergis Road/Stafford



Road intersection will be required in conjunction with urban development in any of the URAs on the east side of Stafford Road, requiring a strategy for wetland impact mitigation. Two conceptual alignment alternatives are illustrated in the concept plan's Transportation System diagram (Figure 11). Alternative "A" provides for the intersection of the proposed new north-south collector to be aligned with Sunny Hill Drive on the west side of Stafford Road. This alternative provides better intersection safety and operational performance, but would have a larger impact on the wetland than Alternative B, which would involve widening of Bergis Road and minor intersection realignment at the present location. However, these impacts can feasibly be mitigated. Conversely, the offset alignment in Alternative B is more complicated geometrically and operationally, which could lead to safety concerns, especially with respect to vehicular turning movements and pedestrian safety. Similar mitigation strategies will be appropriate for either alternative, likely consisting of enhancement of the existing delineated wetland areas not affected by construction, and possibly creation of additional wetlands in the immediate vicinity. The scale of the mitigation required is likely to be the principal difference between the two alignment alternatives illustrated. Either alternative is feasible and appropriate for the City and County to choose, based on local preference. In either case, an enlarged and/or enhanced wetland feature will be part of the proposed landscaped corridor along Stafford Road, and will form a "gateway" transition feature for people entering or leaving Rosemont Village at this location.

More site-specific analysis in conjunction with specific development proposals in the concept plan area may reveal other areas to be protected consistent with applicable law.

2. Water quality enhancement areas are shown in Figure 14. Specific water quality enhancement areas shall be established finally pursuant to specific development approvals by the approving jurisdiction(s). To protect water quality and streamflow characteristics in the Wilson Creek system, a series of small water quantity/quality treatment facilities, such as swales and detention ponds, and an annual maintenance plan and commitment to adhere to the plan will be required in conjunction with each development proposal. This method is based on accepted stormwater management BMPs, with the objectives of cleansing water before releasing it into the natural drainageways and maintaining pre-development flow characteristics. A network of small facilities has the additional advantage of advantage flows throughout the watershed, without requiring construction of large, public stormwater detention and treatment facilities, with potentially higher Costs and impacts on the Wilson Creek system.

3. The very few natural hazard areas are identified on the map shown in Figure 9 (Urban Fringe Study, 1991). As demonstrated on the map as well as the DOGAMI Relative Earthquake Hazard map, it is clear that the area is relatively free from natural hazards. This conclusion is supported by the Analysis by Talbott Associates, Inc. in the Supplemental Technical Appendix. Simple compliance with building codes and sound engineering principles will provide adequate protection against natural hazards in the concept plan area.

#### B. Funding Strategy

The economic analyses in the technical appendix and supplemental technical appendix make it clear that the concept plan area generates sufficient revenue to contribute its own infrastructure needs as well as additional, undedicated funds. See the ECONorthwest analyses in

the Technical Appendix and Supplemental Technical Appendix. Depending on the particular development proposals, as long as it is fair and consistent with state and constitutional law, some natural resource protection may be accomplished through developer dedication of land and developer-constructed water quality enhancement areas. Project-scale water quality enhancement is often part of individual development projects and, to the extent necessitated by the impacts of the development, these improvements are often reasonably paid by the developer.

The concept plan area will generate sufficient revenue to publicly acquire land to protect special places or values. It is not possible to estimate the amount of money required for such funding, as it is unknown what kind of contributions developers can be asked to provide. Also unknown is the amount and scale of acquisitions that may be made privately by groups such as the Three Rivers Land Conservancy, which has indicated an interest in land acquisition in this area, and is likely to act on that interest. Such private acquisitions offset the need for public acquisition of natural resource areas. Necessarily, the funding strategy must consist of an adequate revenue base for funding natural resource area protection. The concept plan is reasonably anticipated to provide this funding.

The surface water management funding method applied throughout the Tualatin River basin by USA has been discussed above. The program includes a surface water management systems development charge (SDC); on-site installation of surface water management facilities as a development requirement, providing treatment for phosphorus removal; stormwater detention and managed release to maintain desirable downstream flow characteristics; preparation of a maintenance plan and commitment to adhere to that plan; and a rate-based surface water management fee paid on an ongoing basis, similar to fees for water and sewer utility services. A program based on the USA model could be implemented by the future governing jurisdiction. Alternatively, USA could extend its service area to provide surface water management services in the Stafford urban reserves - which are within the Tualatin River basin - if invited and contracted to do so by a local jurisdiction. (See Supplemental Technical Appendix.)

#### IX. MC 3.01.012(E)(10)

This standard requires a conceptual public facilities and services plan, as well as rough cost estimates for water, sewer, storm drainage, transportation, fire, parks, and police protection facilities. In addition, a financing strategy for these costs is required.

The concept plan focuses closely on the land use pattern for the village, its transportation, utility, and stormwater management systems, and its needs for facilities and services, such as schools, recreation, and police and fire protection. The costs and benefits, as well as analysis of standards, focus on systems in and abutting the Rosemont Village Concept Plan area. However, the concept plan also includes an integrated, systematic approach to determine the costs and feasibility of urbanizing the remainder of the designated Stafford urban reserves.

Civil engineering design of public facilities and services, consisting of water, sanitary sewer, and surface water management systems, was performed by URS Greiner. Technical specifications of system requirements and cost estimates for the provision of needed services are contained in the Technical Supplement and Supplemental Technical Appendix.

The costs and integration of water, sewer, stormwater and transportation systems in the concept plan area into URAs 33 and 34 were analyzed by URS Greiner and Kittelson and Associates, who concluded that, generally, the costs of accommodating the anticipated growth of URAs 31-34 as estimated in the Productivity Analysis are not inconceivable. In turn, the higher costs attributed to URA areas 31-34 in round 2 of the Productivity Analysis were factored into the economic analysis performed by ECONorthwest. As explained in greater detail in the Technical Appendix to the concept plan, even with these higher costs factored into the public facilities analysis, the integrated system functions with a positive cash flow and generates adequate revenues for Rosemont Village to pay its fair share.

Additional public services traditionally funded by local government revenues other than rate-payer bases, such as police, fire, library, and parks and recreation services, are included in the modeling approach used by ECONorthwest. Rosemont Village's achievement of fiscal balance indicates its ability to pay its fair share of public costs to fund needed infrastructure systems and public services.

X. MC 3.01.012(e)(11)

This standard requires a conceptual school plan. The conceptual school plan is required to provide the amount of land and improvements needed for school facilities. The plan is also required to coordinate the estimates of needed school land among affected school districts, the city or county, and special districts consistent with the "procedures" in ORS 195.110(3), (4), and (5).

The procedures in ORS 195.110(3) requires that the school facility plan identify school needs consistent with population projections and land use designations. Here, the concept plan is consistent with regional population projections, because it plans for consistent amounts and types of development to accommodate projected populations. Provision of schools is consistent with comprehensive plans. The concept plan's proposed schools will not be located on high value farmland, as there is no a "high value farmland," as defined in ORS 215.710, in the concept plan area. Moreover, the applicable city and comprehensive plans must be amended to be consistent with this concept plan.

The procedures in ORS 195.110(4) contemplate provision of notice to an affected school district when considering plan or land use regulation amendments that significantly affect the school district. Such notice was provided. Additionally, the concept plan was well-coordinated with both the West Linn-Wilsonville School district, which covers nearly the entire concept plan area, and the Lake Oswego school district, which includes a much smaller share. See Figure 15. Both districts attended coordination meetings and received notice of letters and other city and county correspondence when various jurisdictions were considering this concept plan.

Moreover, the procedures in ORS 195.110(4) require assessment of capacity of affected school districts consistent with school planning documents. Both the school planning documents of the Lake Oswego and West Linn-Wilsonville school districts were consulted and this concept plan is consistent with them. The concept plan enrollment projections are consistent with these documents.

ORS 195.110(5) requires that a school district school facility plan “provide for the integration of existing city or county land dedication requirements with the needs of the school district.” When the city and county comprehensive plans are amended to achieve consistency with this concept plan, they shall include requirements as required by this section.

This standard is satisfied.

### XIII. MC 3.01.012(e)(12)

This standard requires a map showing certain features as well as demonstration of certain information. The concept plan includes such maps and information:

- (1) Major roadway connections (see Concept Plan Figure 11 and the Kittelson memorandum of December 1, 1998 in the Supplemental Technical Appendix);
- (2) General locations of commercial and industrial lands (see Figure 2);
- (3) General locations of single-family and multi-family housing (see Figure 2);
- (4) General locations of public open space, plazas and neighborhood centers (see Figures 2 and concept plan maps.)
- (5) Location of “unbuildable lands including steeper slopes, wetlands, floodplains and riparian areas.” (see Figure 19.) It is noted that in the concept plan area, there are no unbuildable slopes or FEMA designated floodplains or floodways.
- (6) General locations or alternative locations of any needed school, park or fire hall sites. (See Figure 2 and concept plan maps).

### X. MC 3.07.11.010(13)

This standard requires coordination of the proposed concept plan among city, county, and other school districts, including a dispute resolution process if necessary. It also requires that the urban reserve plan be considered for approval by the affected city or county.

Coordination of the concept plan has been extensive with the City of Lake Oswego, West Linn, Tualatin, Clackamas County, West Linn Wilsonville School District, Lake Oswego School district, among others. Meetings and forums have been conducted, as demonstrated in Figure 3 to the Rosemont Village Concept plan. MPAC and MTAC have had review opportunities. Moreover, the proposed concept plan was presented and considered for approval by the cities of West Linn, Tualatin, and Lake Oswego. Minutes of the West Linn and Tualatin meetings in this regard are in the record. The resolutions of the cities West Linn and Lake Oswego disapproving of the concept plan are also in the record.

The concept plan was placed on MPAC’s agenda for consideration, and the professional team was available to present the plan at MPAC. However, the MPAC chair determined the concept plan would not be considered by MPAC. The local newspapers reported this event and,

immediately following these newspaper accounts, West Linn and Lake Oswego adopted resolutions disapproving the concept plan.

Lake Oswego in particular, and West Linn to a lesser extent, has complained that they have had an inadequate opportunities to review the concept plan and that it was inadequately coordinated with them. The Council, however, is well aware of the substantial efforts of the project team to gain audience with these cities and to seek their concerns and comments. In fact, once concerns and comments were given in public forums in November, the Concept Plan was revised to respond to those concerns. Moreover, the Concept Plan was build on the concept plan ideas reflected in Lake Oswego version of a concept plan it drafted out. The Council itself made the opportunity of MPAC and MTAC available to these jurisdictions as an opportunity to resolve and air their concerns.

Nevertheless, it was not until November that these jurisdictions and Clackamas County did submit comments to Metro or the project team about the proposed draft concept plan, and this was at the Metro public hearings beginning on November 12, 1998. Even though the draft concept plan was produced in June and available to these jurisdictions in July, and even though presentations were made or offered and workshops were requested to work with these jurisdictions as much earlier points in the process regarding the draft concept plan during the summer of 1998, none of the jurisdictions offered feedback regarding revisions or constructively participated in concept planning for this area until November 1998. Metro staff only analyzed the Rosemont Village concept plan in public meetings through staff reports dated November 23 and 30, 1998. On December 2, 1998, a final Rosemont Village concept plan was prepared that responded to all the various concerns expressed by these governments as well as Metro staff. Under the circumstances, given the timing of the analysis of the draft concept plan by affected jurisdictions and their refusal to consult or participate in the development of the concept plan, it is unjustified criticism that the final concept plan should not be adopted by Metro because it was produced late in response to late expressed concerns.

The Metro Council expressly finds the Rosemont Village Concept Plan was distributed to affected units of governments. The concerns of affected units of governments were invited and when finally identified, those concerns were accommodated as much as possible as explained herein. Metro does not have the luxury of starting over or delaying appropriate UGB amendment approval. ORS 197.299 makes it clear that Metro is required to bring qualifying areas into the UGB. All of the affected units of government regarding Rosemont Village were aware of this and that Metro was bound to consider privately funded concept plan under its own code; was specifically interested in considering the Rosemont Village Concept plan; was in fact considering that plan. All had the draft concept plan several months prior to the final decision in this UGB amendment case, had ample opportunities to influence its final design and chose not to participate in the development of the concept plan. There is a difference between refusal to participate and not being given the opportunity to do so. It lacks credibility to assert that these units of governments did not foresee that late expressed concerns beginning on November 12, 1998 would have to be addressed and accommodated as much as possible in the production of a responsive final concept plan for Rosemont Village before the scheduled UGB amendment decision date of December 3, 1998.

It may be that Metro, as the coordination authority, will have to institute a dispute resolution process in which affected jurisdictions are required to participate in good faith if these jurisdictions refuse to comply with applicable law, including the concept plan and this decision. If such an exercise is necessary, it will be far more productive and constructive to do so after the concept plan area is within the UGB and the issue of “whether to grow” in a 2040 concept way is simply off the table. In any case, Metro expects these jurisdictions to comply with applicable legal requirements.

It is noted that the City of Lake Oswego has represented to the Metro Council that it agrees that it is inevitable that this area will develop, at some point. It has also represented that it is willing to participate in an effort in this regard, at some point. The council finds that the adoption of the Rosemont Village concept plan and the inclusion of the Rosemont Village concept plan area within the UGB at this point, provides that opportunity to the city. The UGB spans a 20-year planning horizon. The Rosemont Village includes a suggested phasing plan. That phasing plan is not a required element such that a sooner timetable would require a new exception. However, the timetable does suggest flexibility in the implementation of the Rosemont Village concept plan. Twenty years is a long time. The Council finds it is long enough to provide Lake Oswego a meaningful opportunity to plan and implement the 2040 concept community that is Rosemont Village, without unduly burdening the City.

MC 3.07.030

This UGB amendment is subject to the condition of approval that an agreement consistent with ORS 195.065 must be adopted. The adoption of this agreement will be followed by the final plan amendments to reflect the agreement’s terms in a manner that is consistent with the Rosemont Village Concept plan. This standard will be completely satisfied at that point when final amendments are adopted.

This UGB amendment complies with Functional plan Title 11.

## XII. Consistency With Acknowledged RUGGOS

This concept plan is consistent with all acknowledged RUGGOs, including design types and the 2040 concept. It is also consistent with the principle that each community is required to absorb its fair share of growth in areas the region determines are appropriate to do so. Stafford is an appropriate area for growth. It represents an area with a huge unmet need for dense housing opportunities affordable to people who currently work in the area, as well as those who are anticipated to live and work in the area in the future. Application of the RUGGO’s fair share policy requires the exercise of political will to prevent the unfair migration of growth to other areas. Allowing politically powerful and affluent areas to opt out of growth is the best and quickest way to disenfranchise the rest of the region’s citizens.

The RUGGO’s policy of community separation is accommodated as much as possible in this decision, while mindful of other obligations as expressed herein. Only small portions of the existing UGB areas near West Linn are in close proximity to the concept plan area. The rest of West Linn and Lake Oswego are separated by the substantial land omitted from the concept plan area. The land zoned EFU outside the designated urban reserves, together with exception areas

omitted from the concept plan area, separate the two cities. These lands also protect from urbanization the largest concentration of forested habitat in the North Stafford triangle, surrounding an impressive riparian corridor. In this regard, the recognized rural reserves that separate the cities of West Linn and Lake Oswego are observed by the concept plan. The urban reserve areas are also observed, as required by and consistent with the RUGGOs.

### XIII. Consistency With The Functional Plan

This concept is consistent with the provisions of the Functional Plan.

#### Title 1

The concept plan is consistent with the design types of the Metro 2040 Growth Concept, including those identified in Title 1. Title 1 also provides that “As a matter of regional policy, each city and county must contribute its fair share to increasing the development capacity of land within the UGB” (Functional Plan, page 3). There is inadequate capacity within the existing UGB to accommodate regional growth needs.

The City of Lake Oswego recently asked its planning commission to consider whether the City should refuse to require minimum densities consistent with Title 1 (and necessarily Table 1 of the Functional Plan, which represents the City’s agreed fair share of density increases inside the UGB), if the UGB were amended to include more land, and whether the City should refuse to require such minimum densities until Metro addressed “unfunded” growth “mandates.”

The UGB must be amended, as is clear from the UGR. However, the UGR relies on significant and aggressive infill and redevelopment, as well as assumptions about minimum density, to maintain the small UGB expansion required for the 20-year planning horizon. No city, not even the City of Lake Oswego, can refuse to comply with the state and regional planning program. No exception has been requested, granted or justified for any city from any goal, particularly Goal 10, in this UGB amendment process. The UGB amendment proposed under the concept plan cannot legitimately be used as a shield to participation in regional infill and redevelopment requirements that every other city is working to achieve. Nothing about this concept plan is a legitimate impairment to infill and redevelopment.

#### Title 2

Title 2 is designed to implement the state TPR by limiting parking and vehicle miles traveled. This philosophy also characterizes the concept plan philosophy. Limited parking as required under Title 2 is considered and accommodated in the design of the concept plan commercial and employment areas. Moreover, the design of Rosemont Village is carefully considered to ensure adequate and appealing pedestrian pathways and trails to encourage pedestrian travel within the village area and to the transit stops and transit center envisioned in the concept plan. (See Figures 18 and 20).

#### Title 3

This important Functional Plan title was applied to the concept plan. All identified Title 3 resources and buffers are included. Refer to Figure 5. The concept plan is consistent with Title 3.

#### Title 4

The concept plan envisions a mixed use community. It includes lower story retail opportunities and upper floor residential opportunities. More than 40 acres are designed to accommodate a variety of commercial uses, including a grocery store and approximately 470,000 square feet of Class A office space, along the lines of a Kruse Way model, or not as large. The remainder of the commercial space will be available for a mixture of shops, restaurants, clinics, and the like. Economic analyses shows the proposed commercial opportunities are adequate to be served and to serve the concept area. See the ECONorthwest analysis in the Technical Supplement. The concept plan is consistent with Title 4.

#### Title 5

The concept plan does not intrude into designated rural reserves, as required by this policy. In fact, this UGB amendment specifically excludes the designated rural reserves that include both EFU zoned areas as well as exception areas.

#### Title 6

The concept plan complies with Title 6 of the Functional Plan. The concept plan introduces functional multi-modal transportation opportunities to the Rosemont Village area, which were previously unavailable to the area. Multi-modal opportunities will significantly enhance traffic movement in the area. Concentration of activity in the Village center encourages trips for shopping, employment, doctor visits and the like to be accomplished by means of walking or bike riding or wheelchair access. Pleasant pathways connecting the village to nature as well as other recreation and walking amenities are included in the concept plan. Vehicles will not furnish the sole means of getting from work and consumer opportunities to home, which is the situation that currently exists.

Congestion is minimized under the Rosemont Village concept plan, which was developed under the 2040 Growth Concept design types acknowledged to serve this function, among others. Street functional classifications as outlined in the December 1, 1998 Kittelson memorandum in the Supplemental Technical Appendix and incorporated herein by this reference, are consistent with the applicable design types for the concept plan area.

Streets are designed to comply with Title 6 street types and design. The Kittelson December 1, 1998 analysis in the Supplemental Technical Appendix Street connectivity is well planned and functions to encourage through trips to utilize arterial streets and provides local trips with alternative routes to avoid congestion on the Regional transportation network. Local street connectivity of 10-16 connections per mile are required by conditions of approval of this ordinance.



The Kittelson memoranda in the Technical Supplement and Supplemental Technical Appendix, together with this concept plan document, demonstrate compliance with Title 6 of the Functional Plan.

### Title 7

This title requires a fair share strategy for the assurance of a range of housing at prices affordable to citizens. Lake Oswego has no realistic hope of providing such opportunities in any significant way, given its remarkable lack of developable land, the fact that most of the City in R0 to R-5 zoning districts is developed with newer homes that are not candidates for redevelopment over the long-term planning horizon, and the fact that these are very few infill lots available within the City and its urban services boundary. The only minimum density ordinance in the city applies to these R-0 and R-5 zoning districts. The City has not yet adopted, and is currently questioning whether to adopt, a minimum density ordinance for its many R-7 to R-15 districts. In any case, affordable housing choices are quite limited. The concept plan and its high density districts are themselves the first important step in a program to provide a realistic opportunity for dense, affordable housing in a livable community.

Lake Oswego is encouraged to adopt clear and objective standards and a development-friendly clear and objective approval process that mitigates the costs of obtaining residential dwelling development approval within the City.

The concept plan identifies the range of housing prices in each category that implementation of this concept plan can potentially achieve. As explained in the concept plan, the concept plan area provides many more opportunities than currently available based on a historic pattern of almost exclusively high end development.

### Title 11

This concept plan meets all of the requirements of Title 11, which effectively replicates the standards of MC 3.01.012(e). This urban reserve concept plan was coordinated among all affected jurisdictions including the cities of Lake Oswego, West Linn, Tualatin, and Clackamas County, Unified Sewerage Agency, City of Portland BES and Water Bureau, TVF&R, Clackamas County Sheriff, West Linn/Wilsonville school district and Lake Oswego school district. All legitimate concerns have been addressed and accommodated as much as possible, in the context of a region where no one local government can opt out of growth.

The RUGGO Objective 5 dispute resolution process has not been triggered because no functional plan provision has been adopted and because Metro chooses not to presume further recalcitrance after the UGB amendment approved under this concept plan is finalized. This concept plan does implement a functional plan provision as it will be incorporated into applicable comprehensive plans, including the plan of Clackamas County. The condition of approval attached to this decision requires identified cities and Clackamas County and service providers to adopt an agreement consistent with ORS 197.065. The Council concludes it is inappropriate to presume that these entities will refuse to comply with this legal requirement.

Accordingly, Metro determines under its own RUGGOS, it is premature to invoke a dispute resolution process which anticipates problems with or impediments to functional plan

compliance. While Lake Oswego and Clackamas County have not exhibited a particular spirit of regionalism or cooperation, their principle problems have stemmed from a vigorous disagreement with Metro's policy choice to urbanize the concept plan area, ignoring that it is an area indisputably composed of first priority land for urbanization under ORS 197.298. However, their objections have been addressed and resolved as much as reasonably possible in a regional context in this process and in the approved December 1, 1998 Rosemont Village concept plan and Technical Supplement. It is believed that these entities will accept their legal responsibilities once this area is included within the UGB. The divisive issue has been whether to urbanize this first priority area. The region hopes and believes that when the 'whether to accommodate newcomers' question is removed from the table, appropriate land use actions consistent with state and regional law will prevail. Any other interpretation of the RUGGOs, Objective 5 and Functional Plan in this context, is wrong.

#### IVX Goal 2 Coordination

The City of Lake Oswego together with the City of West Linn and Tualatin and Clackamas County have expressed concern regarding whether the Rosemont Village Concept Plan was adequately coordinated under state and Metro law standards.

#### State Law

Several state law standards require that UGB amendments be "coordinated" between the planning activities of counties, cities, special districts and state agencies. ORS 195.025. It is well established that the coordination and resolution of conflicts among cities and counties land use planning jurisdiction is within the exclusive authority of Metro, City of Portland v. City of Beaverton, 131 Or App 630 (1994). Similarly, it is well established that local government subject to Metro's coordination authority in responsibility may not "unilaterally alter the acknowledged land use planning status quo and that to do so violates statewide planning Goal 2." City of Portland v. City of Beaverton, supra at 131 Or App 633. The cases make it clear that it is Metro that has "unilateral" authority and responsibility over resolution of land use conflicts.

Similarly, it is well established that cities and counties are required by state law as well as statewide planning goals 11 and 14 to assure the "timely, orderly and efficient arrangement of public facilities and services...." Bear Creek Valley Sanitary Authority v. City of Medford LUBA No. 92-172. The arguments regarding coordination presented by the Cities of Lake Oswego, West Linn, Tualatin and Clackamas County are no more than attempts to assume Metro's coordination and responsibility. In essence, the Cities in Clackamas County take the position they need not make their decisions consistent with statewide planning goals or with any respect towards Metro's authority as a coordinating body. See Jackson County v. BCVSA, 53 Or App 823, 829 (1981). Of course, both the counties and the cities must exercise their planning responsibilities in accordance with the statewide planning goals. Moreover, they are required to follow regional directives of the regional governing body in the exercise of its coordination function. Moreover, under Goal 2, the cities' and counties' comprehensive plans must be consistent with Metro's framework and functional plans.

LUBA's decision in City of Portland v. Washington County, LUBA No. 93-195 (May 6, 1994), made it clear that when planning jurisdictions are unable to agree about whether to adopt a new land use policy the conflicts within affected jurisdiction's existing land use policy, such a standoff is resolved with Metro's exercise of its coordination responsibility. In BCVSA, LUBA made it clear that statutory and statewide planning goal basis are the manner of resolving such standoffs including consistency with Goal 2. LUBA also noted "therefore authority for Washington County, Beaverton and Portland to resolve the standoff that exists between them, if such authority exists must lay elsewhere. We conclude that such authority exists in ORS 197.190(1) and 268.385(1) which specifically require, and assigns responsibility for regional coordination of land use planning, within the Metropolitan Service District." Similarly, in Rajneesh v. Wasco County, 13 Or LUBA at 209-11, LUBA made it clear the obligation to coordinate involves two steps which are: (1) the makers of the plan must engage in an exchange of information between the planning jurisdiction and affected governmental units or at least invite such an exchange. (2) The jurisdiction must use the information to balance the needs of all governmental units as well as the needs of citizens in the plan formulation or revision.

LUBA stated in Portland v. Washington County, *supra*, that the substantive portion of the coordination requirement is achieved through "balancing of the needs of all affected governmental units and selecting a particular course of action from among the competing proposed courses of action." Therefore, clearly a planning recommendation by particular jurisdiction may be either be accepted or rejected without violating a goal or standard for consistency between comprehensive plans. *See also Lee v. City of Portland*, 3 Or LUBA 31, 37 (1981), *aff'd* 57 Or App 798 (1982) (change in location of fire station results in insufficient impacts on nearby jurisdictions to trigger coordination obligation). Metro must exercise its authority under ORS 268.390(4) to recommend and require the City of Lake Oswego as well as Clackamas County to make changes in their plans. These are necessary to assure their plans conform to Metro's in the Metro UGB. Metro has provided ample opportunities for comment. The Rosemont Village Concept plan was forwarded to the Cities of West Linn, Lake Oswego, City of Tualatin as well as Clackamas County and MPAC for the review, and consideration of all of these, among others. The fact that the concept plan was forwarded to these jurisdiction by the private consulting team that put the plan together is of no moment. The Metro Code clearly establishes that a concept plan may be prepared and proposed by private entities.

Metro has not been required to propose concept plans to any other jurisdiction for consideration and coordination and, in fact, the Cities of West Linn and Lake Oswego as well as Tualatin, have supported the South Hillsboro concept plan as well as others which have been coordinated and reviewed by working within the Metro processes, but not by the Metro Council's specific actions. Moreover, the concept plan together with the findings adopted herein demonstrate that the Metro Council has considered and accommodated the needs of the affected jurisdictions as much as possible within the context of the regional governments legal and policy obligations to provide a UGB that is beneficial to the entire region.

### Applicable Goals

Some have argued that applicable standards for a UGB amendment require the governing body to identify applicable goals and explain why the policy embraced by those goals should not

be applied to the subject land. This is not clearly required by Metro's own acknowledged code. OAR 660-04-010(c)(B) specifically states that for a change to a UGB, compliance with the seven Factors of Goal 14 makes a reasons exception unnecessary. Urbanization of the Rosemont Village Concept plan area complies with the 7 Factors of Goal 14 as explained below. Accordingly, a reasons exception to Goals 3 and 4 and 14 seems surplusage and unnecessary. However in an abundance of caution and in the alternative, this explanation of reasons why the policy embraced by Goals 3, 4 and 14 regarding rural land should not be applied here follows.

A portion of the land within the Rosemont Village Concept plan area is zoned EFU. Accordingly, this land is subject to Goal 3 and a reasons exception to Goal 3 is included in the alternative, to bring this land into the UGB. Similarly, this land is considered rural land under Goal 14 because it is currently outside of the existing UGB. Converting the area within Rosemont Village to urbanizable land in the alternative, is done under an exemption to Goal 14. It is unclear whether Goal 4 could be applicable. These are cases that suggest Goal 3 and 4 are interchangeable and, therefore, where one applies, the other ought to be considered. The reasons why Goal 3 should not be applied to Rosemont Village are virtually identical to the reasons why Goal 4 should not be applied to Rosemont Village. Accordingly the following findings, including those under the seven factors of Goal 14 as well as the master plan standards explained herein, also serve to explain the reasons why the policies of Goals 3, 4 and 14 regarding rural land should not be applied to Rosemont Village and that urban policy ought to be applied.

It is specifically determined herein and in other parts of this decision that the subject UGB amendment to include Rosemont Village is consistent with Goals 1, 2 5, 6, 7, 8, 9, 10, 11, 12, and that Goals 15-19 are inapplicable in any case. These findings are readopted here.

#### Limit Uses

The specific reasons exception findings are explained herein. However, under OAR 660-04-018, it is necessary to make clear the scope of uses authorized by the particular reasons exception herein approved are specifically limited to those uses that provided the justification for this reasons exception.

The reasons exception is justified based on the specific scope of uses outlined in the Rosemont Village Concept plan dated December 1, 1998 and as supplemented by the Supplemental Technical Appendix and Technical appendices which support that plan. Metro Code 3.01.12.040(b) specifically requires that this concept plan and map be attached as a condition of UGB amendment approval "to assure compliance of developed uses with the 2040 Growth Concept and any applicable functional plan provisions."

Accordingly, under the reasons exception standards as well as the Metro Code, compliance with the Concept Plan, including provision for the opportunity for the specific mix of uses provided therein together with the densities and housing mixes and types, identified natural, transportation, recreation, public and other features and amenities are required as conditions of this UGB amendment approval. In this regard, plan and zoning code amendments consistent with the Rosemont Village Concept plan, dated December 1, 1998, are anticipated to be adopted. However, this approval is subject to the condition of approval regarding an agreement consistent with ORS 195.065. This ORS 195.065 process may point to additional units of government with

comprehensive planning authority that may also wish to govern and serve a portion of Rosemont Village. Rosemont Village has tremendous value associated with it and Metro wishes to facilitate a productive process leading to an agreement consistent with ORS 195.065 that allows West Linn or Tualatin to seek to serve a portion of the area. The precise designation of the extent to which the Rosemont Village Concept plan must be incorporated into the plans of Tualatin West Linn and Lake Oswego is being left open in deference to allowing the condition of approval regarding an agreement consistent with ORS 195.065 to work to the benefit of the affected units of government as well as the region. This is an accommodation to those units of government. In this, the Rosemont Village UGB amendment accommodates the needs of these cities and Clackamas County as much as reasonably possible.

The approved concept plan provides adequate flexibility to these local governments to choose the precise location of public facilities and services and of preservation or recreational areas to enable deviation to suit local needs. In this regard it is important to keep in mind that the public has not yet acquired public areas and therefore those areas will necessarily float within the concept plan area until precise choices are made. However, any changes to the precise location of features must include adequate shifting of density and other features shown on the concept plan to enable this planned healthy urban community to flourish as a 2040 concept community.

XV. MC 3.012.020; Factor 3; Goal 14, Factor 3, Orderly and Efficient Provision of Urban Facilities and services

Rosemont Village ranks highly for urbanization under this factor. In the November 23 and 30 staff reports Metro staff ranked URA 31 and URA 32 unreasonably low under this factor for reasons which are not entirely clear. The evidentiary support for such low ranking under this factor is also not clear. In any case, the Rosemont Village concept plan area is highly appropriate for urbanization under this standard.

The November 23, 198 staff report gives the Rosemont Village a zero score for utility feasibility, apparently on the misperception that the failure of a local government to enter into an intergovernmental agreement to provide urban services to this area is fatal. However, the Metro Council finds that there is no legal basis for the council to determine an area may not be served with public facilities and services in an orderly and efficient manner under this factor simply if the area lacks local support.

The November 4, 1998 letter by DLCD makes it clear that state law does not allow Metro to pass over an otherwise meritorious area, here an area that is essentially the legal equivalent of an exception area because it is completely surrounded by exception areas and the kind of farmland described in ORS 215,710, simply because a local government does not want to see the area urbanized. Metro is bound to review the relative merits of Rosemont Village based on legal considerations viewed in light of what is best in the long term interests of the region. It would make little sense to adhere to the short term political demands of local governments, when there is a clear land use planning problem on the long term horizon. Here, in the absence of the inclusion of Rosemont Village in the UGB, this area will have inadequate housing opportunities to enable long term compliance with Goal 10. The Metro Council can little afford to ignore this serious problem simply because certain officials would like it to do so. Accordingly, it is

appropriate to evaluate the extent to which Rosemont Village may be serviced with urban facilities in an orderly and efficient manner.

The Metro Council notes the City of Portland has verified that its water and sewer facilities can be provided to serve the Rosemont Village area. The Unified Sewerage Agency (USA) can provide sewer service to the Rosemont Village. The City of Lake Oswego has represented that if it is asked to provide water to Rosemont Village it will have inadequate capacity to serve its existing urban area. While the Council is skeptical of this claim, it is unnecessary to rely on Lake Oswego water service. The City of Portland is willing to supply its water to allow service to Rosemont Village. In this regard, the Rosemont Village concept plan is hereby clarified to require City of Portland water service unless it is demonstrated that Lake Oswego may provide water from its own water sources to Rosemont Village without adversely impacting its ability to serve its existing urban area.

It is herein noted that the school plan is consistent with the planning documents of the West Linn/Wilsonville school district, as well as Lake Oswego school district. These districts have participated in meetings about the concept plan, offered feedback requesting more school acreage and these concerns were accommodated with greater acreage (60 acres) for school sites assumed for the Final Rosemont Village Concept plan.

Tualatin Valley Fire & Rescue has represented that it will provide emergency services to Rosemont Village. The Clackamas County Sheriff has stated it will provide public services to the Rosemont Village area. Tri-Met has indicated Rosemont Village has adequate density to justify transit service.

There is no justification for asserting that land inside a UGB may languish without public facilities or services. Once land is within the UGB, state law requires that it be available for urbanization and that public facilities and services be extended to it. It is no answer to that issue that a city is anticipated to refuse to comply with state or regional law.

Moreover, Metro, as the body state law assigns to have coordination responsibility and authority over the UGB, has the job of ensuring that public facilities are provided to the Rosemont Village area if it is brought into the UGB. If a local government refuses to follow the law and cooperate in Metro's efforts to perform this responsibility, DLCD can step in with its enforcement powers. DLCD has well demonstrated its capacity and ability to do so in the numerous enforcement cases against counties who refuse to comply with Goal 3. No one likes to be in this situation, but there is a legal framework to do so if required. Metro can also invoke its mediation role with MPAC if necessary. At this point, Metro does not determine it is necessary or appropriate to invoke either process. It will not presume unlawful behavior by its constituent local governments.

The job of the concept plan in this paradigm, is to establish that it is feasible to provide such facilities and services in an orderly and efficient manner. The enforcement and compliance issue have nothing to do with concept planning. As a matter of law, if services can be provided in an orderly and efficient way, that a service provider (composed of a different political leadership than those expressing disagreement with urban policy) may in the future refuse to comply with Goal 11 and state law to serve the area, is irrelevant to concept planning. Also, it is

incorrect that such a refusal is appropriate to presume in the concept plan process. UGBs and concept plans span a period of 20 years. It is poor policy and poor leadership by a coordinating body to base 20-year regional land use policy solely based on local opposition by certain of the region's current political leadership.

The only reason services could not be extended to Rosemont Village is if Metro refused to exercise its coordination authority and responsibility and local governments refused to comply with state and regional land use law. Metro has demonstrated its commitment to statewide land use planning and there is no basis to assume it will not exercise its coordination authority on this issue. Moreover, the law does not allow either of these things to occur and, therefore, reasonable people do not and, indeed, may not presume either as a matter of Oregon land use planning law.

Even under the productivity analysis, Rosemont Village fares about average in terms of costs to serve. However, the Productivity analysis produced an invalid comparison as to Rosemont Village because of the incomparable transportation infrastructure costs built into it by Lake Oswego and Tualatin. It is noted that the more expensive URAs in the Stafford area to serve per DUE (URA 33 and 34) were not included in this UGB amendment. As is detailed under the December 1, 1998 Rosemont Village concept plan, the actual per DUE cost of serving Rosemont Village including extra Rosemont Village area costs, is \$14,298.14. This analysis makes Rosemont Village the 9th cheapest to serve per DUE using the Lake Oswego chart provided at Attachment A to its November 11, 1998 letter to the Metro Council.

The productivity analysis incorrectly attributes to Rosemont Village substantial improvements to the I-205 interchange not located anywhere near Rosemont Village or even within URA 31 through 34 at all, a five lane Stafford Road from the I-205 interchange all the way to Highway 43 in the City of Lake Oswego, again a substantial road improvement well outside of the Rosemont Village or even any of the Stafford urban reserve areas. The productivity analysis attributes all of the cost of reconstruction of the existing aging Tualatin River bridge to Rosemont Village and all of the Stafford URA's notwithstanding that the bridge will very likely require reconstruction in any case given its age over the 20 year planning horizon and also given that the bridge is located outside of the Rosemont Village area. In addition, the productivity analysis adds not just one bridge across the Tualatin, but two bridges crossing the Tualatin River were attributed to the Stafford urban reserves. Again, the second bridge would be located well outside of the Rosemont Village area and likely outside of any of the Stafford URA areas and again, there is no known support that a second bridge is required, appropriate or makes any sense other than as a way to misrepresent the costs of Rosemont Village.

Moreover, the Cities of Tualatin and Lake Oswego insisted on Rosemont Road being converted to a five lane highway from Stafford Road through the City of West Linn, notwithstanding that there is no transportation analysis to support a need for such an improvement. Similar improvements were required for Childs Road, located outside of the Rosemont Village area.

Accordingly, a proper analysis of Rosemont Village for comparative purposes requires analysis of the concept plan itself. The Rosemont Village concept plan establishes that services can be provided to the site in an orderly and efficient manner. The proposed phasing plan illustrates the manner in which public facilities can be introduced into the Rosemont Village area

without unduly burdening infrastructure or taxpayers. The phasing plan also suggests a plan for introduction of uses in a manner that takes advantage of and coordinates service efficiency to provide the best service at the lowest cost. Of course, the record also makes it clear that the city of Lake Oswego has aging infrastructure that requires modification and upgrade and that the city is worried about how to finance those improvements. The urbanization in the Rosemont Village concept plan area provides an opportunity to the city, if it chooses to do so, to combine needed infrastructure improvements and upgrades with service opportunities to Rosemont Village. This will enable the city to spread the costs of needed infrastructure over a larger ratepayer base.

The Urban Reserve decision Appendix 2 at page 57 of the Findings and Conclusions to the Urban Reserve's ordinance determines that:

“Providing Urban services to URSA 31 is relatively easy, provides economies of scale and is independently comparatively inexpensive. The URSA study model reanalysis gives URSA 31 a rate of 5.0 for utility feasibility. For the reasons explained below, even this good score is unreasonably low considering better, more site-specific information in the record. The high scores for roadway network 9 and for traffic congestion and schools correctly reflect the site-specific information. URSA 31 utility feasibility rating of 5 based on the general data that URSA study model is too low based on a site-specific analysis of URSA 31 performed by U.S. Greiner.

“The URS Greiner report supplements the more general work performed by KCM. The council has weighed all of the evidence in this regard and chooses the evidence furnished by the URS Greiner study as the most credible.

“The URSA study model utility feasibility score is based upon KCM's assumption of a total utility cost per EDU for URSA 31 of 4,670. However, because potential sewage treatment capacity is available or is currently being planned by URSA at the Durham Wastewater Treatment Plant and the Tri-Cities Wastewater Treatment Plant (an RFP is currently underway), it is unnecessary to include sewage treatment costs. KCM did not have adequate information in this regard, including new information only recently available, concerning USA capacity to serve URSA 31. Therefore, instead of KCM's estimate of 2,900 per EDU for sewer service to URSA 31, the appropriate estimate is \$1,509 per EDU for sanitary service. In addition, URS Greiner determined after a site-specific analysis of URSA 31, that URSA 31 may be served with gravity water service. KCM assumed pumped service, but acknowledges in its report that it lacked the resources to perform a site-specific analysis. The council chooses the more specific evidence in this regard. Therefore, the URS Greiner cost per EDU of \$1,120 rather than the KCM cost of \$1,400 per EDU is chosen. Strong facilities can be developed in accordance with applicable drainage standards and the KCM estimate of \$370 per EDU is reasonable. Accordingly, the best evidence shows the total comparative costs of providing services to URSA 31 is \$3,000 per EDU. These revised comparative costs providing service make URSA 31 the third least expense URSA to serve as compared to the other 72 URSA's in the region. This comparison with the cost to serve other URSA's uses the KCM study as the



baseline, as it is generally accurate. Therefore, URSA 31 merits a top score of 10 for utility feasibility." (Emphasis supplied.)

Accordingly, the Council disagrees with the staff utility feasibility analysis that the Rosemont Village Concept plan area merits a "zero," as the Metro Council has already legislatively determined in the Urban Reserve's decision that this area merits a score of 10.

Of all the candidate Lake Oswego area URAs (URA 31-34), Rosemont Village justifies the lowest public cost provision of urban services. Of the entire region as outlined by the City of Lake Oswego, it is about ninth lowest cost. However, the costs to serve Rosemont Village are not out of line with the costs to serve other newly urbanizing areas. Moreover, a number of urban services already exist in the Rosemont Village area thus minimizing the cost burden and making the most efficient use of such facilities. These facilities include the Luscher Farm complex located outside of the existing UGB; the federal investment in the I-205 interchange at Stafford Road which is inadequately utilized and serves a largely rural population at this point.

Moreover, Rosemont Village enables the efficient and cost effective provision of public services to URA 34 as well as the First Tier sites of URA 33 and 34. Otherwise, these areas are expensive to serve. Accordingly, Rosemont Village facilitates the development of URA 34 as an eventual commercial or industrial center as expressed by DLCD and Tualatin. In this way, the concerns of the City of Tualatin have been considered and accommodated as much as possible.

The Rosemont Village Concept plan also analyzes and suggests the lowest cost provision of public facilities and services, including water, sewer, storm water and roads to provide service to the Rosemont Village concept plan area. Development of public facilities and services shall be consistent with the approved Rosemont Village Concept plan. The concept plan makes it clear that choices of road alignments, and public facility alignments as well as the boundaries of Rosemont Village provide the lowest public cost provision of urban services. In this regard, it is the best candidate site because it has the lowest net increase in the total cost for provision of all urban services, as compared with other UGB amendment candidate areas generally, as well as within the subregional area identified in the Leland 6 mile radius map in the February 13, 1997 map used for analyzing the subregional housing affordability need and the wages in that area. Also as noted in the concept plan, urbanization of Rosemont Village provides the very real opportunity for the City of West Linn and Lake Oswego to amortize the cost of upgrading needed public infrastructure over a larger population base, thus improving the delivery of urban services to citizens located within the existing UGB.

Also as required under MC 3.01.020, Factor 3, Rosemont Village facilities will be provided in an orderly manner. Rosemont Village is adjacent to the existing UGB. Transit is suggested in the Rosemont Village Concept Plan and in the Concept Plan's attached and incorporated Supplemental Technical Appendix as well as the Technical Appendix also incorporated, as extending existing lines as well as the potential for new lines to serve the area. Tri-Met has indicated the densities provided in the Rosemont Village Concept plan area adequate to justify enhanced transit service. As to sewer, gravity is possible for a portion of the site as outlined by URS Greiner in the incorporated Technical Appendix as well as incorporated Supplemental Technical Appendix. It is noted that this entire area was studied under a federally

funded project in 1968 for basin sewerage at a regional scale. The area is not so served, but it has been possible to do so for many years and several analyses have provided large amounts of information to clearly establish regional scale sewerage service is quite feasible. However, the sewerage options shown in the Rosemont Village Concept plan are chosen as viable, alternative choices for this amendment. The Rosemont Village Concept plan envisions service either through the USA Durham facility or the Tryon Creek Facility used by the City of Lake Oswego, but owned by the City of Portland. Both represent service alternatives from already serviced areas. Both would extend orderly service to the concept plan area.

c. **Transportation Plan.** The transportation plan in the Rosemont Village Concept plan is compliant with all applicable Metro standards as well as Goal 12. While the Transportation Planning Rule (TPR) does not directly apply because the Metro Code is acknowledged, it has been reviewed in the alternative in an abundance of caution. As demonstrated in greater detail in these findings as well as the Kittleson memoranda supporting the concept plan, including the December 1, 1998 memoranda, and the determinations in the concept plan, the transportation facilities proposed and accommodated in the Rosemont Village concept plan are consistent with the TPR.

d. **Public Facilities Plan.** The public facilities plan for Rosemont Village is exhaustive and is based on the work of four different firms providing four different analyses of public facilities to the area. All of them conclude that public facilities can and will be provided in an orderly and efficient manner.

It is also noteworthy the acknowledged 1991 Clackamas County urban fringe study determined that the efficient urbanization of the Stafford exception areas, *i.e.*, URA 34 and most of 33 necessarily requires the urbanization of the Rosemont Village area in order to provide the maximum in efficiency of public facilities and services. It is further noted the City of Tualatin has indicated its interest in urbanizing URA 34 for industrial and commercial purposes at some point in the future. The City of Tualatin has indicated an interest in waiting a period of about five years to do so, but nevertheless, this cannot occur until and unless the Rosemont Village area is also urbanized. Accordingly, the public facilities plan is completely compliant with all applicable standards, including state law standards, and there is no basis for a conclusion that the Rosemont Village concept lacks the ability to be provided and to provide orderly and efficient urban public facilities and services.

#### MC 3.01.020, Factor 4; Goal 14, Factor 4 — Maximum Efficiency of Land Uses

The acknowledged 1991 Clackamas County urban fringe study makes the following determinations concerning the EFU zoned acres in the North Stafford area (the area North of I-205 in the Triangle just south of Lake Oswego and west of the City of West Linn) in part:

“[T]his area would necessarily need to be urbanized if the surrounding exception areas were in order to provide services efficiently.”

There is a current need for residential units within the region. The City of Tualatin has indicated it wishes for the region to consider urbanizing URA 34 within the next 5 year period.

It has previously been pointed out to the region that Clackamas County has particular shortages of land for industrial and commercial use opportunities. URA 34 makes great sense as an area to solve this problem. While inadequate justification to add URA 34 to the UGB exists at this time, it is reasonably likely to anticipate that need may well be established over the next 5 year period. While Rosemont Village does not require the development of URA 34 to be efficient and comply with applicable law, Rosemont Village makes it possible for URA 34 to move forward in the manner Tualatin has indicated it may wish to pursue.

Given this potentiality, to add Rosemont Village to the UGB to solve for currently established needs, provides the maximum efficiency of land uses for the region and Clackamas County. Rosemont Village sets the stage for future urbanization that can reasonably be anticipated given current indicators. In this way, Rosemont Village offers a realistic opportunity to provide urban infrastructure amortization with URA 34 to enable URA 34 to develop. URA 34 as illustrated by the productivity analysis and the letters from the City of Tualatin requires greater urbanization amortization structures in place than it alone can justify to be urbanized. Planning ahead by urbanizing Rosemont Village provides the realistic opportunity for URA 34 to develop with industrial and commercial uses over the planning horizon that the City of Tualatin has expressed interest in pursuing.

Urbanizing the Rosemont Village master plan area itself enables maximizing the efficiency of land uses in the area because it is a highly efficient use of land. In the context of providing 5,199 DUE on a total land area of about 828.5 acres, Rosemont Village also provides 72 acres of land for parks and recreation opportunities, 41 acres are set aside as Title 3 resources, 60 acres are set aside as opportunities for school sites, 12.1 acres of land set aside as opportunities for civic facilities. Within a relatively small land area, this 2040 community will thrive and flourish amidst parks, open spaces and recreational opportunities within a pedestrian scale environment with opportunities for affordable housing of a type unavailable in this subregion.

Urbanizing Rosemont Village has no adverse consequence to the reasonably anticipated development of land within the existing UGB. All land within the existing UGB may continue to be served with public facilities and services in an orderly and efficient way notwithstanding the development of Rosemont Village. The City of Lake Oswego asserts that the land along McVey Road in Lake Oswego will not be able to develop if Rosemont Village moves forward because Rosemont Village will rob the city of its transportation capacity. This is wrong for at least two reasons. First, the Kittleson transportation analysis makes it clear this is incorrect and the Kittleson reports in this regard are incorporated herein by this reference. Under the Kittleson report, the reasonably anticipated traffic behavior of Rosemont Village assumes traffic trips migrating to I-205 to get to Rosemont Village destinations in the region rather than seeking to reach other regional destinations over Hwy 43. The Metro Council finds this transportation analysis credible and reasonable. In addition, as can be seen from the Lake Oswego zoning map that covers the McVey area, it is overwhelmingly zoned for large lot residential development, predominately for 7,500, 10,000 and 15,000 square foot minimum lot sizes. This area is already highly developed consistent with those zoning designations. Accordingly there is little opportunity for infill in the McVey area cited by the city, in any case. Moreover, there is no minimum density ordinance in the City of Lake Oswego covering residential development on lots zoned for larger than 5,000 square foot feet.

Large lot zoning in the city of the kind that characterizes the McVey area referred to by the city in its November correspondence, is not subject to a minimum density ordinance. In fact, the city has suggested that if Metro expands the UGB, as it must, and does not respond to “unfunded growth mandates” that it may not adopt further minimum density standards. As the city zoning map makes clear, most of the city is in large lot zoning not covered by the minimum density ordinance. Accordingly, this concern is lacks merit.

Water will be furnished from the City of Portland water sources, so there is no possibility that the provision of water will be in any way impaired to existing Lake Oswego residents or those reasonably anticipated to be accommodated within the city’s urban service boundary. The city uses the City of Portland’s Tryon Creek Sewer Treatment Plant and the city of Portland indicates that plant can adequately accommodate Rosemont Village and Lake Oswego development. Rosemont Village can be served by police and fire other than the City of Lake Oswego. The precise service providers in this regard shall be determined through the development of an agreement consistent with ORS 195.065. However, the point here is that the development of Rosemont Village in no way impairs development within the existing UGB.

The Rosemont Village Concept plan meets MC 3.01.020 factor 4, (A) and (B). The Rosemont Village concept plan as adopted by the council complies with all Metro standards, including standards requiring efficient urban form. It includes a mix of employment and residential densities capable of supporting transit as is confirmed by the letter from Tri-Met. The Village is drawn at a pedestrian scale to ensure that pedestrian, bicycling and transit use is encouraged. The plan specifically includes provision for transit shelters and stops. Pathways abound to all areas in the Village, including opportunities to walk close to nature near the riparian areas, as well as to Luscher Farm Park, the Village Center, schools, civic centers, and home. Rosemont Village more readily accommodates such urban form because it is the least steep, least environmentally sensitive but most productive residentially focused area with in the subregion that is also adjacent to the UGB. As has been pointed out before URA 34 has been strongly advocated as a commercial and industrial site; URA 33 is not highly productive and, by itself, would not meet these standards; URA 30 suffers from the same problems. Moreover, the opposition of Lake Oswego, West Linn, Tualatin and Clackamas County causes Metro to err on the side of less land being urbanized within the area and Metro chooses the Rosemont Village concept plan area as the most efficient and appropriate site for a compact, livable 2040 community, adjacent to the existing UGB in this subarea as well as the region to assist in satisfying the region’s need for more residentially zoned land.

The compact urban form envisioned for Rosemont Village in its concept plan is consistent with the comprehensive plans of Lake Oswego and West Linn as well as Tualatin and Clackamas County. It is also highly consistent with the regional Functional Plans as well as the RUGGOs. It is the determination of the Metro Council that, after reviewing the December 1, 1998 Rosemont Village Concept Plan together with its supporting appendices, that it provides a land use planning program that greatly improves the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

Goal 14, Factor 5 — ESEE Consequences; OAR 660-04-020; 660-14-0040

Environmental Consequences

As has been made clear in other places in this decision, the Rosemont Village concept plan is hereby incorporated by this reference. It includes important findings determining compliance with applicable standards including a description of natural resource inventories in the area as well as protective programs.

Under MC 3.O1.O12(e)(9), the Rosemont Village concept plan program of identifying and protecting natural resource areas is explained. This analysis and explanation is incorporated herein by this reference. The City of Lake Oswego contends that the Rosemont Village concept plan is inadequate to inventory upland forest and other areas adequate to enable it to apply its sensitive lands ordinance. This is incorrect. Natural features were appropriately and adequately identified in the concept plan, their significance explained and protective programs both suggested and required. Specific additional protection opportunities were contemplated and explained in the concept plan with the caveat being that density and legal including constitutional standards must be observed. However, there is nothing to suggest that this program of environmental protection and conservation forecloses the city from applying its sensitive lands ordinance and the council believes it does not. The concept plan provides a framework within which the city may work to apply its sensitive lands ordinance as well as other planning programs protective of natural resources while also being protective of adequate 2040 concept planning program housing opportunities.

Moreover, the acknowledged Goal 5 inventories of Clackamas County were consulted in the development of the concept plan. The Rosemont Village concept plan is consistent with these documents as well and its determinations are incorporated herein by this reference.

Both actual field visits as well as consultation with federal and state inventories were evaluated to determine significant resources in the concept plan area. The Three Rivers Inventory Document submitted into the record identifies particular viewshed to the opportunities which are adequately, specifically designated and protected in the Rosemont Village concept plan. In short, the Rosemont Village Concept plan includes an adequate inventory and analysis of the environmental qualities in the area. If other environmental amenities are identified, the City is free to include appropriate programs for those resources as part of its comprehensive planning for the Rosemont Village concept plan area. The concept plan specifically contemplates additional items as a potentiality upon application of county or city zoning and planing regulations.

Natural hazards were analyzed under the Rosemont Village concept plan and by expert opinion in the Supplemental Technical appendix. There are no natural hazards in the Rosemont Village Concept plan area that cannot be mitigated with appropriate protective programs under the existing building code program used throughout the region. See Talbott Memorandum, Supplemental Technical Appendix, incorporated herein by this reference. Moreover, there are relatively few natural hazards in the Rosemont Village area at all. In this regard there are no FEMA mapped floodplains or floodways. The area is free of significant hazards under Metro mapping documents showing hazard areas included in the record. The developed City of Lake Oswego and West Linn have far greater hazard potential according to these maps than does Rosemont Village.

There are very few steeper slopes in the Rosemont Village area. Those that exist are shown in the concept plan maps and tables and will be easy to mitigate against because they are

so small and insignificant to the Rosemont Village concept plan elements and features. After careful analysis it is determined there are no natural features that adversely affect the potential development of Rosemont Village that require any special protection or mitigation measures outside of what is contemplated in the plan and sound engineering practices. Rosemont Village suffers from fewer potential hazards than nearly any other area of the region. Certainly, it fares better than any nearly any other urbanizing area. The unbuildable areas of the Rosemont Village concept plan area are identified in the concept plan. These areas include the riparian areas protected under Title 3. These areas are valuable natural resource amenities and provides important water quality and wildlife areas. These areas are adequately protected in the concept plan.

There is no regional economic impact analysis.

In sum, any adverse effects from urbanizing Rosemont Village are adverse effects ascribed to growth generally. Areas previously undeveloped will be developed. There will be more people in a concentrated area and more traffic. However, all of the impacts of the anticipated growth that will be accommodated in Rosemont Village have been considered and mitigated against consistent with acknowledged Metro planning documents as well as state law in the approved Rosemont Village concept plan. Locating Rosemont Village's share of growth in other areas simply unfairly transfers the Village elsewhere, without providing a corresponding benefit to solve the subregional need for opportunities for affordable housing like Rosemont Village provides.

### Social

The social consequences of including Rosemont Village are overwhelmingly positive. Rosemont Village introduces the first opportunity in the area within which it is located for planning a 2040 concept community that includes the opportunity for affordable housing as well as a pedestrian scale development within which people can live and work, thus reducing automobile dependency. The advance planning contemplated under the 2040 Concept planning paradigm as well as the compliant Rosemont Village Concept plan establishes planned opportunities for adequate schools to serve school age children. It establishes planned opportunities for adequate infrastructure to serve its citizens. Clearly, such planning has not uniformly occurred in the region and as a matter of state and regional policy, such advance planning can do nothing but improve the social condition of the Rosemont Village citizens, the citizens of the adjacent communities, the citizens of the region as well as the citizens of the state given the socially positive precedent that Rosemont Village facilitates.

### Energy

The energy consequences of Rosemont Village are also positive. Automobile dependency is reduced by the planning policy embraced by the concept plan of providing a mix of tight, dense, uses at a pedestrian scale for the Rosemont Village. The City of Lake Oswego asserts that the energy consequences of Rosemont Village are undesirable because pump systems will be required for sewer system delivery. The city's comments assume that no gravity service is possible. This is incorrect. The studies by URS Greiner make it clear that gravity sewer service is contemplated for some of Rosemont Village. There will likely be some pumping required. This is a consequence of the reality that Rosemont Village is not located on flat

Willamette Valley farmland. However, the loss of prime and unique farmland does not justify making the Rosemont Village concept plan area off limits to development because there will likely be some pumping required for sewer delivery. The city's primary concern that it has previously expressed about sewer service was its cost to Lake Oswego. However, the city does not even own the candidate treatment plants that Rosemont Village would use. In this regard, neither the USA Durham plant nor the Tryon Creek plant belong to the city.

The city's concern about energy consequences of pump sewer for some of the sewer delivery operations is accommodated as much as possible by establishing that gravity is available in part to the Rosemont Village concept plan area. There is little more the region can do other than shift Rosemont Village's share of regional growth to another area of the region that cannot solve the specific identified land need and that will either be flat Willamette valley farmland or involve pumping some waste at the expense of some other area.

The Metro Code and Goal 14 factors are factors to be balanced. The factor of energy efficiency is to be balanced against other goals, including the goal to provide Goal 10 opportunities to this subregion of the region over the 20 year planing horizon. This factor, on balance, is satisfied.

### Economy

The economic consequences of the inclusion of Rosemont Village are positive. According to the analysis provided by Randall Podzena of ECONorthwest, the revenue streams reasonably expected from Rosemont Village are adequate to enable the village to pay for itself and more. This responds to the concerns expressed by Lake Oswego, West Linn and Clackamas County and to a lesser extent Tualatin, that Rosemont Village not add burdensome financial obligations to the existing taxpayers of those communities. As is evident from the Pozdena analysis, Rosemont Village provides serious, real and achievable economic opportunity.

The addition of housing opportunities that do not otherwise exist in the region is a positive addition to the region that has positive economic consequences. Making home ownership achievable to greater numbers of this region's families is a undeniably positive economic consequence.

These long term ESEE consequences of Rosemont Village are positive. The significant measures built into the Rosemont Village concept plan to ensure it is compatible with nearby areas and its 2040 concept compatibility are all designed to reduce adverse impacts from its development. Certainly there is nothing to establish that the adverse impacts which may result from the development of Rosemont Village are any more adverse than consequences that would typically result from urbanization of the Rosemont Village concept plan in some other location. The adverse consequences of growth from a project of the size and intensity of Rosemont Village are similar throughout the region. It is hereby determined, however, that the consequences from Rosemont Village are less adverse than in other candidate areas and actually produce a net positive analysis on its ESEE consequences.

The City of Lake Oswego city attorney's memorandum dated December 7, 1998 asserts that he Rosemont Village concept plan is inconsistent with the carrying capacity of the area.

However, the city does not explain what leads it to this conclusion and Metro is unaware of any “carrying capacity” limitations in the Rosemont Village area. The water resources associated with the area including the Tualatin River will be protected by adequate storm water management practices that are as good or better than are being employed anywhere else in the region. The air quality impacts are no worse associated with the development of Rosemont Village than any other URA within the Metro region. While Lake Oswego contends to the contrary, their analysis reflects a lack of familiarity with the Rosemont Village Concept plan and its supporting technical documents. The Rosemont Village concept plan includes significant opportunities for transportation connectivity and pedestrian scale improvements as well as significant reliance on transit to establish Rosemont Village plans for and accommodates a multi-modal transportation system that reduces the need for automobile reliance. The air resource will be protected under the kind of planning envisioned by the Rosemont Village concept plan as well as or better than by the equivalent addition of infill development in the City of Lake Oswego or anywhere else that does not have the opportunity to plan for a pedestrian scale multi-modal approach because of existing development and development patterns.

MC 3.01.020, Factor 6; Goal 14, Factor 6

Rosemont Village is within a designated urban reserve. Accordingly, under MC 3.01.020, Factor 6, (B) is considered to be satisfied by the adoption of the urban reserves designation and the findings included therein which are adopted herein by this reference. Moreover, Rosemont Village is either composed of exception land or EFU zoned land that is completely surrounded by exception land. This EFU zoned land within Rosemont Village is not properly considered high value farm land as that term is defined in ORS 215.710. See 1991 Clackamas County Urban Fringe study; Miles’ Agricultural analyses of URA 31; December 3, 1998 DLCD letter. Accordingly, under ORS 197.298, Rosemont Village is appropriately considered the highest priority for inclusion under either the urban reserve prong or the second priority exception and completely surrounded prong. It is considered the legal and policy equivalent of exception land. DLCD in its December 3, 1998 letter makes it clear that Rosemont Village is composed of lower quality agricultural meriting inclusion in the UGB ahead of other areas on agricultural factors.

The Clackamas County Farm Bureau has twice written to the Metro Council asking that it include the Rosemont Village concept plan area within the UGB to protect truly good farming elsewhere. The Clackamas County Farm Bureau has made it clear it has looked at the issue and attests that there is no real farming going on the Rosemont Village concept plan area.

The Urban Reserve decision correctly noted that in the application of Rule 14 Factor 6 and 7 regarding agricultural land, URSA 31 must be given credit for being first priority land for urbanization, because it is completely surrounded by exception areas and is not considered high value farmland as that term is defined in ORS 215.710. In the Urban Reserve ordinance, URSA was given a score of 9 for agricultural retention and 9 for agricultural compatibility. There is little reason to justify the Rosemont Village concept plan area for agriculture.

MC 3.01.020, Factor 7; Goal 14 Factor 7, OAR 660-04-020(2)(d)

Within one mile of the borders of the Rosemont Village concept plan there are primarily exception areas to the south. The north, west and east is the UGB. There are scattered farming



enterprises within this area. However, nothing suggests that Rosemont Village will be incompatible with any of them in ways that they are not already impacted. There is already sufficient urbanization in the area to generate complaints about aerial and other spraying practices. There is already too much traffic on the main roads such as Stafford and Rosemont, to safely drive slow moving farm implements and tractors. The positive mitigating factors about Rosemont Village include that it is separated topographically from areas where there may be some farming within the one mile radius area. Moreover, the most dense and activity human activity is within the Rosemont Village center, located in the middle of Rosemont Village. Less intense land use are planned for the fringes of Rosemont Village to ensure the maximum possible compatibility with both land uses nearby as well as any agricultural operations within the EFU zoned areas in the 1 mile radius area. Moreover, Rosemont Village envisions densely vegetated transportation corridors. This will further buffer Rosemont Village from nearby areas including any EFU zoned areas where farming may otherwise be occurring.

It is noted that compatibility in this context is not an absolute term. The Metro Council finds that the limited agriculture on the EFU zoned land within 1 mile of the Rosemont Village concept plan area will not find Rosemont Village incompatible with their operations.

### A note on the Staff Analysis under Factors 6 and 7

Evidence submitted by Judy Eselius and Marilyn Brock, parties to this proceeding, who own property in the Rosemont Village concept plan area, document their field observations of agricultural activities in the Rosemont Village area, and on non-exception lands within one mile around the Village. The submitted map and accompanying notes identify the parcels examined. This field observation and reconnaissance is more accurate than the determinations in the Metro Staff analysis regarding agricultural operations in the same areas, which staff analysis was based on aerial photo interpretation. Such aerial photo interpretation does, not surprisingly, match actual activities and practices as they are in fact known to Ms. Eselius and Ms. Brock and observed by them from roads in the area on a recent visit to the area for the purpose of performing such a study.

#### Within the Rosemont Village Plan Area

The map and notes indicate that parcels totaling 361.5 acres identified by Metro staff as producing "field crops," and 11 acres identified as producing "fresh vegetables" are not in fact in use for such production within the Rosemont Village plan area. With respect to these properties, testimony and other evidence in the record indicate that grasses are mown as necessary to comply with fire suppression requirements, but the field observations make it clear that these are not in commercial crops production. Moreover, other evidence in the record confirms this. Other testimony in the record states the area is not capable of generating a commercially viable crop yield due to urbanization that interferes with farming practices, crops blight, lack of water and poor soil types. With regard to supporting livestock; testimony in the record indicates the limited number of livestock kept in the area require imported feeds. The map and notes indicate that 6.5 acres identified by Metro staff as "row crops" in fact consist of an Asian Pear Orchard owned by Ms. Eselius, about which the Metro Council has received substantial evidence, including samples, establishing inability of that orchard to produce commercially viable crops, despite best efforts by the property owners.

The Metro Council therefore finds it appropriate to adjust the tabulated figures for General Crop Types in the staff analysis of the Rosemont Village plan area by reducing "field crops" by 361.5 acres, reducing "fresh vegetables" by 11 acres, and increasing "unfarmed" by 372.5 acres; and by reducing "row crops" by 6.5 acres and adding 6.5 acres to the "orchards" category.

#### Outside the Rosemont Village Plan Area

The field observations note one parcel of approximately 5 acres immediately south of the Rosemont Village plan area identified by Metro staff as producing "field crops," but which is in fact the operations site of a sanitary service operation, and is unfarmed. Otherwise, the designations of "general crop types on EFU lands" were generally confirmed by field observations.

The maps produced by Metro staff for the analysis of general crop types indicate the parcel boundaries throughout the vicinity. From this mapping and analysis the Council determines that most of the designated EFU land parcels outside the proposed UGB expansion

area range in size from approximately 4 to 25 acres; that the largest of the parcels are located in steep, forested areas adjacent to Wilson Creek, and are identified as "unfarmed" in the Metro staff analysis. The parcels identified as producing "field crops" range in size from approximately 4 to 10 acres, and consist of home sites. Residential subdivisions in exception areas are located in the immediate vicinity, and no farming operations that produce conflicts with the existing residential development are noted in the record.

Clackamas County Farm Bureau Letter of November 30, 1998

A letter received from Mr. Paul Iverson, President of the Clackamas County Farm Bureau, indicates that "[t]he Stafford area, particularly URSA 31 is a good example of an area that should be brought into the urban growth boundary. It is not intensively farmed and is primarily large home sites." The letter goes on to note transportation conflicts, and the presence of several existing and proposed urban uses surrounding the Stafford urban reserves, all of which conflict with farming practices: schools, churches, and planned ball fields.

The Metro Council, after considering the evidence in the record, concludes that the area proposed for inclusion in the UGB does not support significant agricultural production. The Council finds further that the conversion of that area to urban uses will be compatible with the limited, small-scale rural activities on adjacent EFU lands, which are themselves completely surrounded by urban or exception lands. Moreover, Rosemont Village will not be incompatible with agricultural activities on land zoned EFU or otherwise within one mile of the Rosemont Village concept plan area.

**A Note on Protecting the Policies Embraced Under Goal 3 or 4 in the Rosemont Village area**

The policies of Goals 3 and 4 support the protection of land suitable for agriculture and timber production. These policies are balanced under ORS 197.298. Moreover, ORS 197.340 requires that equal weight be given to all the planning goals in land use actions. Here, the dictates of the need for long term Goal 10 compliance and for needed housing in this subregion must be recognized. The appropriate use of adjacent rural land must be evaluated in this light.

In the Rosemont Village area, it is poor policy to protect Rosemont Village area for resource protection purposes. It is also a colossal exercise in self-deception to determine this area is appropriate for resource preservation and should not be available to provide a share of the region's needed housing. Agricultural policy, as pointed out by the farm bureau, requires the protection and preservation of the best agricultural land. Making Stafford off-limits simply puts pressure on better quality land that is actually farm or forest land or can be reasonably used for either over the planning period. This point is driven home by the farm bureau in its letter asking the council to bring the Rosemont Village concept plan area into the UGB.

Rosemont Village exists within the North Stafford area, which is completely surrounded by the UGB and exception areas. It is not high quality agricultural or timber land. The acknowledged 1991 Clackamas County Urban Fringe study makes it clear that the North Stafford area within which Rosemont Village is located, is characterized by only "marginal" soils for resource use.

The areas roads are already heavily traveled with nonresource oriented traffic. There is tremendous public investment in infrastructure in this are including the nation's investment in I-205/Stafford Road interchange which underserves the public. The area is highly parcelized. Clearly, slow moving log trucks or farm trucks would add unsafe and incompatible traffic to the area and further cause poor utilization of the public's investment in I-205 and the Stafford Road interchange. Moreover, the area is parcelized and not in large blocks of farm land that can be aggregated and used as such. The parcels in the Rosemont Village concept plan area are owned by people who have chosen a residential lifestyle, not farmers. The only working farm (Luscher Farm) was acquired by the City of Lake Oswego and converted into an extra-UGB major park facility with ballfields, lights, parking lots and the like. There is no realistic hope of turning that land use pattern around and converting the area into an intensively managed area for farm or forestry operations. The policy of Goals 3 and 4, to the extent they must be considered, should not be applied here. This area is highly suited for urbanization and poorly for resource use.

The policies of Goals 3 and 4 and the rural policy of Goal 14 is inappropriate to apply to the Rosemont Village concept plan area. If resource preservation policy is applied, it is not for the purpose of protecting these resources. Rather, it is to protect the area from development. However, no area can draw a line around itself and make it off-limits and send its growth elsewhere. Anti-growth sentiment is not an appropriate basis to insist upon application of a natural resource preservation policy that can protect no natural resources any better than the Rosemont Village concept plan offers the actual natural resources and opportunities in the area.

#### **MC 3.01.020(c)(2)**

As is demonstrated in the Rosemont Village concept plan, Rosemont Village is compatible with other adjacent uses through its location and design. The residential uses on the fringe of the Village are of lot sizes that are consistent with the existing urban areas of Lake Oswego and West Linn. The highest density is located at the Village Center. Transportation system design makes the Rosemont Village concept plan function at appropriate and adequate levels of service as determined under the transportation analysis. Under the Kittleson analysis dated December 1, 1998, it is recommended that the Strategic Regional Transportation Plan to include the improvements listed therein. This SRTP has not yet been officially adopted. However, when it is, the Metro Council hereby directs staff to consider the improvements listed in the Kittleson report as eligible for SRTP designation.

The long-term ESEE consequences are positive and certainly are not more adverse than would typically result if the proposal ere located elsewhere in the region. As is explained above, the long-term planning represented in the Rosemont Village Concept plan is consistent with acknowledged Metro planning documents as a way to ensure the long term health and livability of the region. The Village is drawn at a pedestrian scale with amenities to encourage pedestrian, bicycle and multi-modal transportation uses.

As explained above, the Rosemont Village Concept plan results in a clear transition between the cities of Tualatin, West Linn and Lake Oswego. The plan does not include a number of areas for reasons explained above that are designated rural reserves. Separation is protected in the adoption of the Rosemont Village Concept plan and this UGB amendment.

The Rosemont Village Concept plan area included within the UGB is within Metro's regional boundary and, therefore, Metro has authority to adopt this amendment.

### **Statewide Planing Goals**

#### **Goal 1**

Citizens have had numerous opportunities to be involved in the development of the Rosemont Village Concept plan as well as having had the opportunity to participate in acknowledged Metro process concerning this UGB amendment. All acknowledge Metro processes were adhered to in approving the Rosemont Village Concept plan as well as this UGB amendment.

#### **Goal 2**

The numerous opportunities provided local governments as part of the coordination responsibility to participate in this UGB amendment as well as the approval of the Rosemont Village Concept plan has resulted in a better concept plan and numerous accommodations of local government and citizen needs. The draft concept plan was first made available to local governments in June or July of 1998, and in response to comments on that plan that were made in November, 1998, the concept plan was revised to address those concerns and the December 1, 1998 Concept Plan is the outcome of that coordination and involvement. Coordination has also been discussed in this decision in detail above.

The West Linn Wilsonville School District requested that additional land be added to the concept pan area and this request was accommodated by nearly doubling the amount of land assumed for school function. Now, the concept plan includes an assumption of 60 acres for school sites.

#### **Goal 5**

As the concept plan makes clear there are no identified historic or cultural resources in the concept plan area in any acknowledged plan, other than the historic Luscher Farm. The Luscher Farm is protected and honored as a park, consistent with the City of Lake Oswego and Clackamas County planing documents. If other resources are later identified, local comprehensive planning and zoning ordinances are in a position to adequately protect them. The Concept plan adequately identifies natural resources n the area and identifies those viewed and significant deserving protection and plans for protection for those resources. Other natural resource deemed less significant are not afforded specific protection under the concept plan. However, if the city or county wishes to afford protection to some of these resources, so long as density and the basic scope and nature of uses are maintained under the concept plan, the concept plan suggested protective programs that might be considered to add additional protections if determined to be locally desirable to do so.

#### **Goal 6**

The City of Lake Oswego asserts that the development of a dense 2040 concept community in the Rosemont Village Concept plan area will have adverse effect on air and water

resources. These assertions have been addressed above. To reiterate. Adequate water quality facilities are proposed under the Rosemont Village Concept plan. Natural drainage swales and catch basins are envisioned. Water quality will be maintained and recharge functions protected. The substantial amount of land not included in the urban reserves or the UGB will further ensure the watershed is not over burdened. Water quality protective mechanisms are proposed that are at least as protective if not more so than in UGB amendment areas the city supports, such as south Hillsboro, which the concept plan makes clear will drain into the Tualatin River. Short of a zero tolerance policy which neither the region nor Lake Oswego or any other city advocates, the Rosemont Village concept plan protects water quality and quantity with as great a mitigation measure strategy as possible.

Moreover, as to air quality, the Rosemont Village concept plan strongly encourages and facilitates nonautomobile movement. It has a strong multi-modal component. It is envisioned that the mixture of uses proposed in Rosemont village and the uniquely beautiful and livable environment, will encourage people to walk or bike to shop, work, or play. It will not be strictly necessary to even own a car in Rosemont Village, at final build out. Rosemont Village is a 2040 concept community completely consistent with Regional and state mandates to plan dense housing next to centers to facilitate more of a sense of place and pedestrian scale development and less dependency on the automobile.

Moreover, Rosemont Village is planned at adequate densities to justify transit service. Its location near to downtown Portland will make transit an attractive choice for Portland commuters. The commute to Portland will be one of the shortest commutes in the region as compared to other candidate new UGB areas. In other words, Rosemont Village is closest of any other UGB candidate area to the central city than is any other UGB amendment area. There will be no unmitigated air quality impacts.

Because the area is not already densely populated there is no danger of running afoul of "carrying capacity" concerns in the Rosemont Village concept plan area. The land, air and water resources can well tolerate the 2040 concept community planned for Rosemont Village.

#### Goal 7

Natural hazards are not particularly problematic in this area. See Talbott and Assoc. Report, Supplemental Technical Appendix; 1991 Clackamas County Urban Fringe Study; and supporting Hazards maps introduced into the record. While the surrounding areas of Lake Oswego and west Linn have some hazard potential, Rosemont Village is relatively free from natural hazards which limit development. Any natural hazards that existing within the Rosemont Village area are quite mitigatable by simple adherence to sound engineering principles and the building code.

#### Goal 8

The concept plan includes adequate recreation opportunities. Several trails, natural area and parks are proposed. No one has assert that recreational opportunities are lacking, and the Metro council finds that such opportunities are adequately accommodated consistent with Goal 8.

#### Goal 9

It is clear from the Pozdena/EcoNorthwest Memoranda from the first in the Draft Concept plan, to those in the Technical Supplement and Supplemental Technical Appendix that Rosemont Village has positive economic advantages and provides positive economic opportunities to the citizens of the region; Rosemont Village and the surrounding communities.

#### Goal 10

This Goal has been explained at length in the adopted concept plan; urban reserves decision and in the findings supporting this decision above. Rosemont Village clearly provides regional and subregional affordable housing opportunities for needed housing. Moreover, the subregion has particularly acute housing affordability deficiencies that Rosemont Village can go a long way to help correct. While Rosemont Village is not the total panacea for the region's or subregions' affordability problems, it is a solid first step that will make Goal 10 housing opportunities available that are scarce in the region and virtually nonexistent in the subregion.

#### Goal 11

As explained elsewhere in these findings, public facilities and services can and will be extended to Rosemont Village in an orderly and efficient manner as demonstrated in the Concept plan and its technical supporting documents, including the reports of URS Greiner.

#### Goal 12

Transportation systems are adequately planned to comply with this goal as explained in earlier findings and in the adopted concept plan and supporting Technical Appendix and Supplemental Technical Appendix, particularly the December 1, 1998 Kittleson Memoranda.

#### Goal 13

The design of Rosemont Village fosters energy efficiency by reducing reliance on the automobile and encouraging multi-modal transportation uses. Much of Rosemont Village is south facing, so it should be a light and bright area requiring fewer lights. No party has contended that Rosemont Village will lack energy efficiency and the Metro council finds that it will be energy efficient and is designed to conserve energy resources.

#### Goal 14

The Goal 14 factors are explained above. In sum, the Council concludes that Rosemont Village is an appropriate location for urbanization to assist the region in solving its need for more housing units with a 2040 concept community.

#### Conclusion

This amendment and the adoption of the Rosemont Village Concept Plan balances a number of regional and subregional needs while accommodating the needs expressed by

citizens, local governments and districts as much as possible. The Rosemont Village Concept plan is an appropriate planning step to launch the region and the subregion into a positive planning paradigm that characterizes the Metro 2040 concept planning program. The Metro Council concludes the Rosemont Village concept plan and the concept plan area meets all standards and, therefore, are herein approved.





METRO

Appendix A

Date: October 26, 1998

To: Mark Turpel, Senior Program Manager  
Growth Management Services Department

From: Glen Bolen, Associate Regional Planner *GB*  
Growth Management Services Department

Re: ***Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion***

In December 1997, Metro Council concluded, through adoption of the Urban Growth Report, the Urban Growth Boundary (UGB) did not contain sufficient land to accommodate the forecasted 20 years of residential development. The Metro Council adopted the report describing the deficiency as follows: the UGB must be expanded in order to accommodate just over 32,000 households and 2900 jobs.

According to State law, Metro has until December 31, 1998, to bring enough land into the boundary to accommodate one-half of the total need, just over 16,000 households and 1,450 jobs. State law requires that Metro establish urban reserves to designate the areas it will expand its UGB into over the next 30 years. Metro established 18,579 acres as urban reserves on March 6, 1997. In accordance with State law and Metro Code, the UGB can only be expanded into these adopted urban reserves.

State land-use laws specify a hierarchical approach to making a UGB expansion decision. The State requires Metro to first look at exception lands near the boundary. Exception lands are those that have been excepted from Statewide Planning Goals 3 and 4, protecting farm and forest lands. If exception lands cannot meet the entire need, then Metro may consider resource lands. Metro included both exception land and land designated for farm or forest use in designating its initial Urban Reserve Study Areas (URSAS). The adopted urban reserves, selected from the URSAS also contain both exception land and resource land.

To decide which lands in proximity to the current UGB can best accommodate the immediate forecasted need, Metro contracted with Pacific Rim Resources to perform a productivity analysis of the adopted urban reserves. The consultants completed their task in two phases. The first step was to analyze all of the urban reserves with a cursory look at household and job capacity. The first step allowed the consultants to narrow their focus to approximately 12,000 acres for a more detailed second phase of analysis. Some exception lands were dropped from consideration in the first phase because they were shown to be less productive or more costly to serve.

Some may question why not all the Exception Lands around the region have been considered. The intent of this memo is to describe why those lands were not considered in the UGB expansion.

The majority of the spatial information relied upon for this memo was derived from the data contained in Metro's RLISLITE CD-ROMS dated August 1998. Digital Ortho-photography comes from Metro's RLIS Photo CD-ROMS dated September 1997. Copies of the CD-ROMS utilized are attached. The remainder of the geographic information relied upon was taken from the acknowledged Region 2040 Growth Concept Map.

The staff analysis of exception lands not included in the urban reserves is categorized for ease of reading. The first two groupings include exception land some distance from or not contiguous to the current UGB. Categories 3 through 41 are set up geographically as a 'walk' around the UGB with an analysis on specific small groupings of exception lands that share a common issue.

Category  
Number Description

1. **Distance.** None of the lands included in category one are near enough to the present UGB to enable efficient urban expansion. All of these exception areas are at least one full mile from the present UGB. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle mile traveled.

In addition, many of the exception areas within this category are located within Metro identified rural reserves, and green corridors as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan, and the Regional Urban Growth Goals and Objectives (RUGGOs) specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations.

Metro is currently working with neighboring communities to develop agreements on shared policy. The intent of the agreement is to protect the rural reserves from urban development and maintain separation between communities.

A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

2. **Noncontiguous Areas.** These exception areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require that the intervening agricultural areas be urbanized. In addition, many of the exception areas within this category are located within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

3. **Columbia Gorge National Scenic Area.** Exception lands in Multnomah County that are affected by Columbia Gorge National Scenic Area were excluded from consideration for urbanization. Urbanization of these areas would conflict with the goals established by the federal government.
4. **Area East of Gresham.** This area has a considerable amount of land that consists of slopes in excess of 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, there is a significant canyon in the area with a stream that contains both wetlands and lands in the FEMA 100-year floodplain.
5. **Gresham Sandy Separation.** The RUGGOs Objective 26.1 specifies that communities will benefit from maintaining separation. This separation can be achieved by retaining the rural nature of the lands between the UGB and neighboring cities. The area between Gresham and Sandy serves this function. This area is also contained within a rural reserve as identified by the Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The Region 2040 Growth Concept Map also identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

6. **Area South of URAs 1, 2 and 3.** This area was shown by the 1996 "Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas" report completed by KCM to require "above average cost" for servicing. The land in this area is distant from existing urban services. The area contains a considerable amount of hilly land with slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This land is separated from the urban reserve land to the north by a watershed boundary, and drains to the south, away from the gravity systems of Portland and Gresham. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

The Regional Framework Plan Objective 1.11 (Neighbor Cities) specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area between Gresham and Sandy.

US Highway 26 is a designated Access Oregon Highway. The Region 2040 Growth Concept Map identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

7. **Area East of URAs 6, 7 and 8.** Much of the land in this area is shown to have slopes of equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is far from existing urban services.

A considerable portion of this area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. The scenic value of the buttes in this area is important to retain while balancing the land need for housing with quality of life needs for the general population.

A portion of this area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge adding significantly to the cost of urbanization.

8. **Area East and South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is distant from existing urban services.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

9. **Area South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the presence of wetlands further excludes this land from being urbanized.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

10. **Area North of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

11. **Area West of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

12. **Carver Vicinity.** This area is almost entirely consumed by unbuildable land. A large proportion of this land is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Most of the land that is not steeply sloped lies within the FEMA 100-year floodplain of the Clackamas River. Metro's adopted Urban Growth Management Functional Plan (Functional Plan) (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will be required to have storm drainage water treatment applied prior to discharge, adding significantly to the cost of development.

13. **Area South of Clackamas River.** This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area will have to have storm drainage water treatment applied prior to discharge.

This area contains significant amounts of land that is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Other lands in this area lie within the FEMA 100-year floodplain of the Clackamas River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

14. **Area East of Oregon City.** This area contains the Newell Creek Canyon, an area with significant amounts of land that is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. According to testimony from the City of Oregon City (see the legal record for the March 6, 1997, Urban Reserve Decision) the topography in this area makes it difficult to efficiently deliver urban services.

There is a substantial amount of land in this area that lies within the FEMA 100-year floodplain. It is also evident that there are several wetlands in this area. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The addition of this land area would create an island of non-urban land surrounding Highway 213 or would increase the pressures of urbanization on the agricultural lands between this area and the UGB.

15. **Beavercreek Area.** These lands were excluded from consideration largely due to the existing settlement patterns. Lot sizes in this area start as small as one-half acre. Examination of aerial photography shows land is being fully utilized by the existing development. There is only one large parcel (approximately 160 acres) of land in the area. This parcel, however, is under construction as a county-owned golf course. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

16. **Oregon City, Canby Separation.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The acknowledged Region 2040 Growth Concept Map identifies Highway 99 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

17. **Stafford Area.** Much of this exception land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the

Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain is found to contain slopes between 18-24 percent.

The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain a separation between communities.

The land directly west of URA 30 abuts a watershed boundary that directs sewer and stormwater away from the nearest service provider, the City of West Linn. This watershed boundary will make the efficient provision of urban services to these exception lands more costly. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

18. **South of Interstate-205.** The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

This area also contains environmentally sensitive lands. There are significant areas shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There are also lands in this area that lie within the FEMA 100-year floodplain of the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended

to support and protect farm and forestry operations and maintain a separation between communities. I-205 provides a clear boundary consistent with Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

19. **Sherwood, Tualatin, Wilsonville.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

A considerable amount of land in this area is environmentally sensitive. Some of this sensitive land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There is also a considerable amount of land in this area that lies within the FEMA 100-year floodplain, and in federally protected wetlands. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

In addition, the exception lands near Highway 99 are compromised by the presence of a green corridor as identified by the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

20. **South of Wilsonville.** All of these exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

21. **South of Sherwood.** These exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through



rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

22. **West of Sherwood.** Much of the exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas. The Oregon Department of Transportation (ODOT) has designated Highway 99 as an Access Oregon Highway. The region depends on this transportation facility as a free-flowing connection to communities in Yamhill County and at the Oregon Coast.

23. **Area West and South of URA 47.** All of the exception land south of URA #47 and a significant amount to the west are located within the FEMA 100-year floodplain for the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception lands are also compromised by the existing settlement patterns. Lot sizes in this area begin at less than one-half acre. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

24. **North of URA 49.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

25. **Cooper Mountain.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization, and that there is an

operating vineyard in the vicinity. There are deed restrictions in place currently that limit the additional capacity of the smaller acreage tax lots in this area. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

26. **Area Southwest of URA 51.** It would be difficult to provide public services to these exception lands if they were added to the UGB. Water, sewer, and storm drainage will have to be run perpendicular to the UGB for some distance in order to serve very few properties.

This area protrudes from the existing UGB into an area designated for farm or forest use by the Washington County Comprehensive Plan. Urbanization of this area would be in conflict to Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

27. **Area South of URA 55.** These exception lands are almost entirely within the FEMA 100-year floodplain. In addition, the presence of wetlands is also an issue. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

There is one small piece of exception land in this area that is isolated from the land that is constrained environmentally. This isolated parcel appears from aerial photography to be the clubhouse and other structures associated with the vineyard and golf course known as "The Reserve." Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

28. **Area West of Hillsboro.** These exception areas are designated rural reserves by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural area.

29. **Area between Cornelius Hillsboro.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the

RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 8 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

The western edge of this area is adjacent to the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

30. **Area North of Cornelius.** The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within both wetlands and the 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

31. **Area Southwest of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides,

floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

32. **Area North of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The majority of this land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

33. **Area North of Evergreen Road.** These exception lands are relatively small and situated within a larger area of agricultural lands. Urbanization of these lands would have negative effects on the agricultural activities in this area. This intrusion into an agricultural area would not be consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

Inclusion of these exception lands within the UGB will create difficulties in regard to the efficient provision of public services. Water, sewer and storm drainage will have to be run perpendicular to the UGB for a distance to serve very few properties.

In addition, to the presence of wetlands, these exception lands contain land within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

34. **Area West of URA 62.** This small area of exception land is almost entirely within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

In addition, the exception areas at the western end of Evergreen Road are within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

35. **Area Northeast of URA 62.** A considerable amount of the exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

36. **Area West of URA 65.** This area of exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The boundary of the adjacent URA #36 corresponds to the 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

37. **Area North of URA 65.** Agricultural lands and the FEMA 100-year floodplain surround this small area of exception land. Brugger Road was selected as the logical boundary to enhance a compact urban form consistent with the acknowledged Region 2040 Growth Concept and the Regional Framework Plan Objective 1.7.

38. **Area East of URA 65.** The majority of the exception lands in this area is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Agricultural lands also surround this area. In addition, the topography of this area limits the accessibility to sewer trunk lines, making the provision of public services more costly.

39. **Skyline Area.** This small area of exception lands is shown to almost entirely contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

40. **Highway 30.** The Region 2040 Growth Concept Map identifies Highway 30 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

41. **Sauvie Island.** The exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

This area also suffers from poor accessibility for transportation services.

# Exception Land

Outside Urban Reserves

Number on Map refers to Exception lands memo October 26, 1998

Urban Reserves

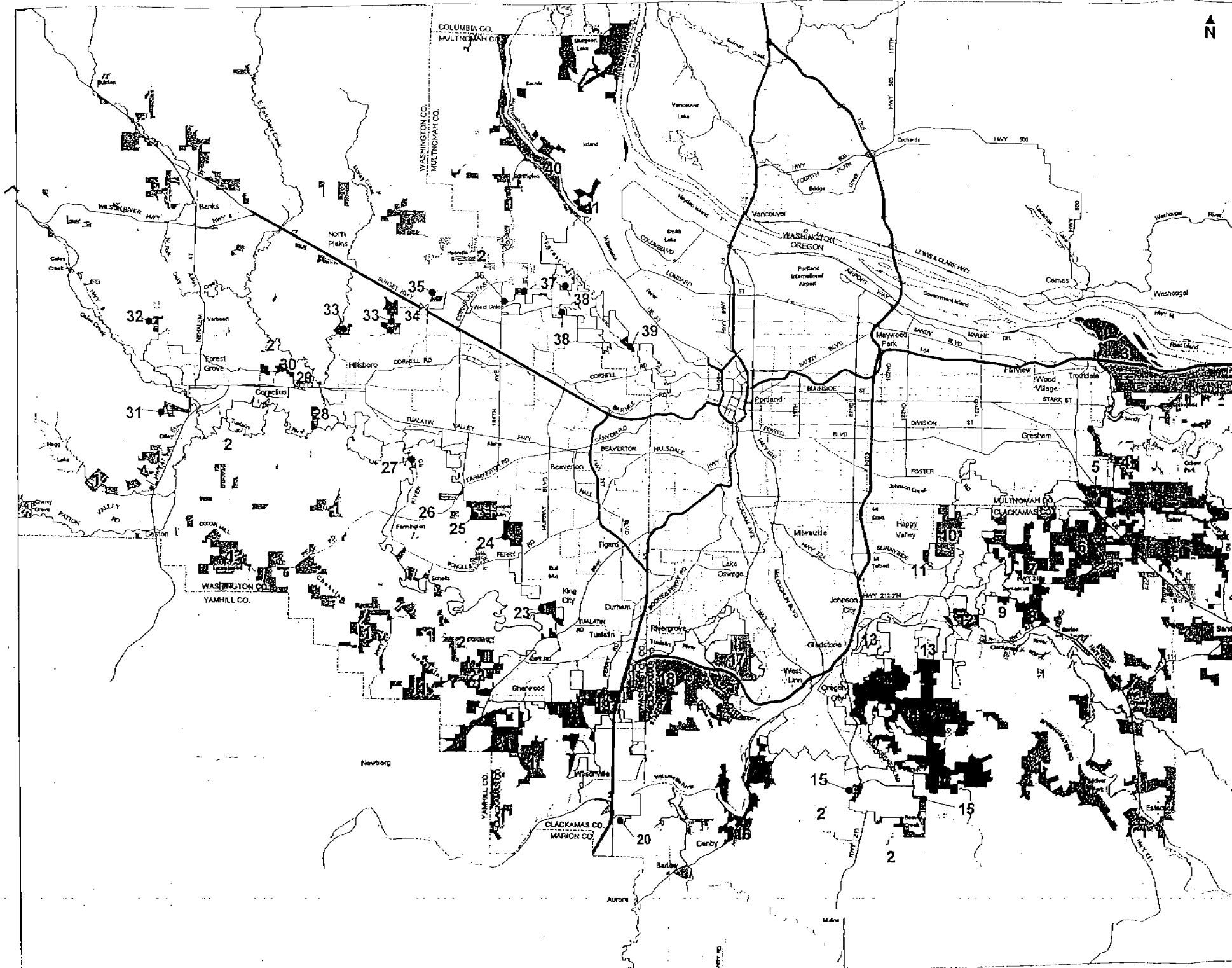


1" = 3.0 miles



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2738  
503 797-1742 FAX 503 797-1909  
Email: [dro@metro.dsi.or.us](mailto:dro@metro.dsi.or.us)



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## Appendix B – Additional Site Considerations

Urban  
Reserve

Reasons for No Further Consideration at This Time

- 
- URA #1 No evidence of public service feasibility when Gresham is already shouldering primary responsibility for planning and public facilities for very large, primarily exception land urban reserve (URA #5). A large number of highly productive agricultural uses (nurseries) are located within and around the site. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #3 Site added to the Metro UGB through locational adjustment in Fall 1998.
- URA #11 No evidence of public service feasibility when Clackamas County is already shouldering primary responsibility for URAs #14 and #15 in close proximity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #17 Site is amenable to urban residential, but not employment. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #18 Same as URA #17.
- URA #19 Same as URA #17.



- URA #22 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #23 Same as URA #17.
- URA #24 Same as URA #22.
- URA #25 Same as URA #22.
- URA #29 Site is amenable to urban residential, but not employment because of access and parcel size. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #30 Site is suitable for urban residential, but not employment, because of slopes. Considering local job/housing imbalance, addition of residential only now would further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #35 No evidence of public facility capability at this time when the City of Wilsonville is taking responsibility for planning and public facilities for URAs #41 and #42. The area has a water shortage to the extent that the City has adopted a moratorium. The problem may not be addressed until the year 2000. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #36 This URA is primarily a riparian area with very little buildable land. The Productivity Analysis estimates very high public facility cost per dwelling unit and very low productivity. This area is included as an URA for protection of resources. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #37 Same as URA #35.
- URA #44 Active aggregate resource extraction site and as such is a protected Goal 5 resource. Additional information about the resource is needed before further consideration and is not now in the record. Closure and reclamation are not yet initiated. The City of Tualatin and the property owner have agreed to begin the planning process next year. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #48 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #49 Same as URA #48.
- URA #61 Same as URA #48.
- URA #64 Same as URA #48.
- URA #67 This area has among the highest public facility costs as estimated by the Productivity Analysis. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

URA #68

The Productivity Analysis estimated very high public facility costs and very low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

URA #69

The Productivity Analysis estimated very high public facility costs. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

URA #70

The Productivity Analysis estimated very high public facility costs, low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

TABLE -2A  
ON-SITE TRANSPORTATION IMPROVEMENTS

YEAR	STREET NAME	SECTION/ LOCATION (FROM/TO)	DESCRIPTION OF IMPROVEMENT	FUNCTIONAL CLASSIFICATION	SECTION LENGTH (ft.)	CONSTRUCTION COST (1000'S)
2005	Rosemont Road	Stafford Road to "A" Street	New 3 lane	Community Boulevard	1600	\$512
2010	Rosemont Road	"A" Street to Whitten Lane	New 3 lane	Community Boulevard	4000	\$1280
2010	Rosemont Road	Whitten Lane to Wilda Street	New 3 lane	Collector	1000	\$320
2005	Bergis Road	Stafford Road to "A" Street (Alt. A)	New 3 lane	Collector	1200	\$384
2005	"A" Street	Stafford Road to "A" Street (Alt. B)	New 3 lane	Collector	1200	\$384 (see above)
2005	Bergis Road	"A" Street to Cornell Road/Whitten Ln.	New 2 lane	Collector	2000	\$640
2005	Bergis Road	Cornell Road/Whitten Lane to Skyland Drive	New 2 lane	Collector	1200	\$384
2010	Childs Road	Stafford Road to "A" Street	New 3 lane	Community Boulevard	1600	\$1344
2010	Childs Road	"A" Street to Rosemont Road	New 3 lane	Community Boulevard	2300	\$1932
2010	Childs Road	Rosemont Road to Whitten Circle	New 2 lane	Community Boulevard	1600	\$1344
2005	"B" Street	Bergis Road to Rosemont Road	New 2 lane	Collector	2800	\$896
2010	"A" Street	Bergis Road to Rosemont Road	New 3 lane	Community Boulevard	2200	\$1848
2005	"A" Street	Rosemont Road to Childs Road	New 3 lane	Community Boulevard	1000	\$840
2010	"A" Street	Childs Road to Wilda Street	New 3 lane	Collector	1100	\$924
2017	"A" Street	Wilda Street to Johnson Road	New 3 lane	Collector	700	\$588
2017	"A" Street	Johnson Road to Stafford Road	New 3 lane	Collector	1300	\$1092
2017	Johnson Road	"A" Street to Long Farm Road	New 2 lane	Collector	1600	\$512
2010	Whitten Lane	Bergis Road to Whitten Circle	New 2 lane	Collector	2400	\$2016
2017	Whitten Lane	Whitten Circle to Rosemont Road	New 2 lane	Collector	2000	\$1680
2017	Wilda Street	"A" Street to Wilson Creek	New 2 lane	Collector	2400	\$2016
2017	Wilda Street	Wilson Creek east	New 2 lane	Collector	1000	\$840
2010	Intersection Improvements and Traffic Signals					\$200
2017						\$200
Total Improvement Costs						\$21792
50% Contingency						\$10896
<b>TOTAL ON-SITE TRANSPORTATION IMPROVEMENTS*</b>						<b>\$32688</b>

\* Includes cost of engineering, design, construction, and contingency. Cost of route determination and right-of-way are not included.

TABLE -3A  
OFF-SITE TRANSPORTATION IMPROVEMENTS

YEAR	STREET NAME	SECTION/ LOCATION (FROM/TO)	DESCRIPTION OF IMPROVEMENT	FUNCTIONAL CLASSIFICATION	SECTION LENGTH FT.	CONSTRUCTION COST (\$1000s)	PERCENTAGE OF COST ATTRIBUTABLE TO RVCP AREA	COST ATTRIBUTABLE TO RVCP AREA (\$1000s)**
2010	Stafford Road	Bergis Road to Rosemont Road	New 3 lane	Regional Boulevard	3600	\$1152	49%	\$565
2010/ 2017	Stafford Road	Rosemont Road to Childs Road	New 3 lane/ 5 lane	Regional Boulevard	1600	\$512 \$704	60%	\$307 \$422
2010/ 2017	Stafford Road	Childs Road to "A" Street	New 3 lane/ 5 lane	Regional Boulevard	1200	\$384 \$528	60%	\$230 \$317
2010/ 2017	Stafford Road	"A" Street to Johnson Road (present)	New 3 lane/ 5 lane	Regional Boulevard	700	\$224 \$308	60%	\$134 \$185
2010/ 2017	Stafford Road	Johnson Road (present) to Tualatin River Bridge	New 3 lane/ 5 lane	Arterial	2000	\$640 \$880	60%	\$384 \$528
2017	Stafford Road	Tualatin River Bridge to Borland Road	New 5 lane	Arterial Collector	1600	\$1216	60%	\$729
2017	Stafford Road	Borland Road to I-205	New 5 lane	Arterial	1600	\$1216	57%	\$693
2017	Stafford Road	Tualatin River Bridge	Reconstruct	Arterial	N/A	\$4800	60%	\$2880
2017	I-205	Stafford interchange ramp improvements	Reconstruct and Widen	Arterial	N/A	\$20000	45%	\$9000
2005	Cornell Road	Bergis Road north	New 2 lane	Collector	1200	\$320	100%	\$320
2010	Childs Road	Stafford Road west	New 2 lane	Collector	800	\$840	60%	\$504
2005 2010 2017	Intersection Improvements and Traffic Signals					\$1400 \$400 \$1000	60%	\$840 \$240 \$600
Total Improvement Costs						\$36524		\$18878
50% Contingency						\$18262		\$9439
<b>TOTAL OFF-SITE TRANSPORTATION IMPROVEMENTS</b>						<b>\$54786</b>		<b>\$28317</b>

\*Includes cost of engineering, design, construction, and contingency. Cost of route determination and right-of-way are not included.

\*\* URSAs 31 and 32 proportional share without the development of URSAs 33 and 34.

# NOTICE OF ADOPTION

This form must be mailed to DLCD not later than 5 working days after adoption  
ORS 197.615 and OAR Chapter 660, Division 18

See reverse side for submittal requirements

Jurisdiction Metro Local File # \_\_\_\_\_

Date of Adoption December 17, 1998 Date Mailed December 18, 1998

Date the Proposed Notice was mailed to DLCD about October 13, 1998

- Comprehensive Plan Text Amendment       Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment       Zoning Map Amendment  
 New Land Use Regulation

Summarize the adopted amendment. Do not use technical terms; Do not write "See Attached."

Legislative amendment of regional UGB to meet capacity requirements of ORS 197.299.

The amendment adds portions of URAs 31, 32 and 33 to the regional UGB. These portions of URA 31, 32 and 33 have been master planned consistent with Metro Code Section 3.01.012(e).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

Same except that first tier exception land areas of URAs 33 and 34 were added to the regional UGB as part of a separate ordinance 98-779D

Plan Map Change From rural to urbanizable

Zone Map Change From \_\_\_\_\_ to \_\_\_\_\_

Location: URAs 31-33 (T2S, R1E, S15, 16, 19, 20, 21, 22, 23, 28, 29 and 30) Acres Involved: about 840

Specify Density: Previous Density rural New Density about 10 units per net developable acre

Applicable Goals: Goals 2 and 14 Was an Exception adopted?  Yes  No

DLCD File # \_\_\_\_\_

DLCD Appeal Deadline \_\_\_\_\_

Did DLCD receive a Notice of Proposed Amendment 45 days prior to the final hearing?

Yes     No:     The Statewide Planning Goals do not apply  
 Emergency Circumstances Required Expedited Review

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_  
24 cities and portions of 3 counties inside Metro's jurisdictional boundary.

Local Contact: Larry Shaw, Office of General Counsel    Phone: 503 797 1532  
Address: Metro, 600 NE Grand Avenue Portland, OR 97232

## SUBMITTAL REQUIREMENTS

ORS 197.615 and OAR Chapter 660, Division 18

1. Send this Form and One (1) Copy of the Adopted Amendment to:  

Department of Land Conservation and Development  
1175 Court Street, N.E.  
Salem, Oregon 97310-0590
2. Submit three (3) copies of bound documents and maps larger than 8½ by 11 inches.
3. Adopted materials must be sent to DLCD not later than five (5) working days following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you do not submit this Notice of Adoption within five working days of the final decision. Appeals to LUBA may be filed within 21 days of the date Notice of Adoption is sent to DLCD.
6. In addition to sending Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

If you need more copies of this form, please call the DLCD at 503-373-0050 or this form may be duplicated on green paper.