

Exhibit List for ZDO 265

Last updated: April 19, 2017 (10:30AM)

Record Closed

Exhibit No.	Date Received	Document Date	Who Submitted	Brief Summary of Comments
1	02/10/2017	02/10/2017	Jenny Weller, email	Expresses concerns about high growth in Stafford Hamlet area
2	02/23/2017	02/23/2017	Mike Stewart, email	Expresses concern that animosity at 3/23/17 Stafford Forum led to an environment that not everyone was comfortable to speak up
3	02/27/2017	02/27/2017	Lauren Hughes, email	Expresses concern that the county and Metro are moving forward without listening to cities and Hamlet
4	02/27/2017	02/27/2017	CJ Kroll, email	Opposes Urban Reserve designation of Stafford Hamlet
5	02/27/2017	02/27/2017	Kirk Morganson, email	Supports "Stafford Compromise"
6	02/28/2017	02/28/2017	Kelly Bartholomew, email	Expresses concern about the community ramifications of urbanizing the Stafford area, including traffic, crime, air quality and water
7	03/01/2017	03/01/2017	Walt Gamble, email	Encourages Commissioner to consider the Stafford Hamlet's plan
8	03/01/2017	03/01/2017	Carol Reinmiller	Wants the Stafford Hamlet to remain as it is now
9	03/02/2017	03/02/2017	Patrick Thurston, email	Expresses concern about increased traffic and the costs of utility infrastructure
10	02/23/2017	02/23/2017	Judy Large, Kirk Morganson, Megan Burt, comment forms provided at 2/23/17 Stafford Forum	Three comment forms received after 2/23/17 meeting, generally supporting the Stafford Hamlet plan
11	03/03/2017	02/25/2017	Stacey Krish, email	Opposes urban development in Stafford, support rural reserve in Stafford
12	03/03/2017	03/01/2017	Rich Cook, letter via email	Expresses concern about process and communication between county and Stafford community, relating to the Hamlets plan and the forthcoming IGA with the county and Metro
13	03/06/2017	03/06/2017	Paul Starr, letter	Opposes development in the Stafford Hamlet
14	03/06/2017	03/06/2017	Eileen Starr, letter	Expresses concern with current levels of traffic. Supports Stafford Compromise
15	03/13/2017	03/12/2017	Herb Koss, letter via email	Letter discussing elements of Stafford Land Owners Association (SLOA) plan for Stafford area. Supports legislative resolution for area
16	03/20/2017	03/20/2017	Jan Castle, letter via email	McVey-South Shore Neighborhood Association in Lake Oswego is concerned about traffic impacts of development. Requests the IGA be signed by the cities (5-party IGA)
17	03/14/2017	03/14/2017	Kelly Bartholomew, email	Elaborates on concerns about urban reserve designation of Stafford, including whether traffic issues are resolved, quality of life, air quality, water and additional court proceedings

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18	03/21/2017	03/21/2017	Michael Salch, document vial email	Presentation that discusses traffic concerns, cut-through traffic in the Stafford area. Recommends the county contract a traffic study for Stafford and neighboring areas
19	04/03/2017	03/23/2017	Mike Stewart, email	Supports urban reserves. Includes map of "willing" property owners in the Stafford area.
TESTIMONY RECEIVED AFTER BCC PACKET SUBMITTED AND POSTED (4/3/2017)				
20	04/10/2017	04/07/2017	Darren Sheets, email	Wants community to remain rural - be designated rural reserve; cites traffic concerns
21	04/10/2017	04/02/2017	Ann Culter, letter via email	Opposes Urban Reserve designation of Stafford Hamlet area; notes numbers of residents voting for undesignated and Stafford Hamlet plan
22	04/10/2017	04/09/2017	Liz Rogers, email	Supports urban reserve for Stafford Hamlet area
23	04/10/2017	04/09/2017	Kathy Hanavan, email	Opposed to Stafford Hamlet area being in the urban growth boundary; cites traffic concerns. Not opposed to development in Borland area
24	04/10/2017	04/10/2017	Jay Minor, email with attachments	Request to enter the <i>Stafford Hamlet Values and Vision Statement</i> (2009); <i>Stafford Hamlet Community Vision Plan</i> (2015); and the 2010 Reserves IGA between the County and Metro into the record
25	04/11/2017	04/10/2017	Steve & Monica Cox, email	Opposed to adding a large number of new residents to Stafford area
26	04/11/2017	04/11/2017	Kelly O'Neill Jr, Planning & Building Director, City of Sandy, email with attachments	City requests the record include the 1998 and 2011 IGAs between the city and county, relating to the desire of the city to maintain a rural buffer from the Portland metro area
27	04/11/2017	04/11/2017	Don & Elaine Young, email	Supports Stafford Hamlet Plan; opposes decisions so far by BCC and Metro
28	04/12/2017	04/11/2017	Lauren Hughes, email	Opposed to Metro and County moving forward with urbanization of Stafford area; cites natural area and traffic concerns
29	04/12/2017	04/11/2017	Bonnie Combs, email	Opposed to urbanizing Stafford; cites agricultural identity and traffic concerns
30	04/12/2017	04/11/2017	Thane Eddington, email	Supports Stafford Compromise and working together with County, Metro, cities and citizens in area
31	04/12/2017	04/11/2017	Steven DeLugach, email	Opposed to including Stafford in urban reserve; cites concerns for wildlife and quality of life
32	04/12/2017	04/11/2017	Heather Burden, email	Supports Stafford Compromise; cites infrastructure, wildlife, and quality of life concerns
33	04/12/2017	04/11/2017	Mike Stewart, email	Support urban reserve designation for Stafford area; feels it will help economic future of county
34	04/12/2017	04/11/2017	Mark Stevens, letter via email	Supports urban reserve designation; feels measured growth in Stafford area is practical and timely
35	04/12/2017	04/11/2017	Richard Bohrer, email	Opposed to urbanization in Stafford; cites concerns about traffic and natural area impacts

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36	04/12/2017	04/12/2017	Herb Koss, emails	Supports Stafford area urban reserve the plan developed by the Stafford Landowners Association (SLOA); thinks finance and infrastructure issues can be resolved
37	04/12/2017	04/12/2017	Alexandra Wenig, email	Opposed to urbanizing Stafford; cites density, school capacity and traffic concerns
38	04/12/2017	04/12/2017	Carol Yamada, letter via email	Opposed to urban reserve in Stafford area; states concerns about certain information provided by the SLOA, including the map of " the willing"
39	04/12/2017	04/12/2017	Nelson Smith, email	Requests Stafford Vision be used as a foundation to move forward and that infrastructure be funded before development considered
40	04/12/2017	04/12/2017	Richard Fiala, email	Objects to the findings for urban reserve designation of Stafford area; cites concerns about evidence
41	04/12/2017	04/12/2017	Mark Kimball, email	Supports keeping Stafford triangle rural; cites infrastructure problems and ability to grow local food
42	04/12/2017	04/12/2017	Leonard Schaber, email	Stafford - Lower Tualatin Valley CPO supports Stafford Hamlet Plan
43	04/12/2017	04/12/2017	Jay Minor, letter via email	Requests BCC not affirm the revised findings for Stafford area reserves; cites infrastructure and livability concerns
44	04/12/2017	04/12/2017	James Adkins, HBA, letter via email	Home Builders Association supports county's efforts to resolve and finalize reserves
45	04/12/2017	04/12/2017	Greg Wolfe, email	Opposed to urbanizing Stafford area; cites traffic and development concerns
46	04/12/2017	04/12/2017	Steven Pfeiffer, Perkins Coie, letter and attachments via email	Asserts that the findings proposed for adoption are deficient; details reasons
47	04/12/2017	04/12/2017	Carol Reinmiller, email	Wants to keep the Stafford area as it is now; cites traffic issues and preservation of open spaces
TESTIMONY RECEIVED AT 4/12/2017 PUBLIC HEARING				
48	04/12/2017	04/11/2017	Steven DeLugach & Gail Kempler, letter	Opposed to urban reserve designation for Stafford Hamlet; cites wildlife and quality of life concerns
49	04/12/2017	04/12/2017	David Powell, Lake Oswego city attorney, letter	Agrees with J Condit (Ex.50) that the record does not support an urban reserve designation for Stafford area; supports development of 5-party IGA for area
50	04/12/2017	04/12/2017	Jeffrey Condit, Miller Nash, letter and attachments	Attorney represents Tualatin and West Linn; asserts that the record does not support the urban reserve designation of 4A-4D; details reasons; supports a 5-party IGA
51	04/12/2017	05/14/2009	David Adams, map	Map of Stafford Land Owners Association concept plan for the Stafford triangle area

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52	04/12/2017	04/12/2017	Bill Markt, testimony	Expresses concern about traffic in area and notes which groups are opposed to developing area
TESTIMONY RECEIVED AFTER 4/12/2017 PUBLIC HEARING				
53	04/13/2017	04/12/2017	Christine Roth, email	Requests Stafford area be undesignated; cites traffic and funding concerns
54	04/13/2017	04/12/2017	Nancy Phelps & John Keith, letter via email	Cites issues with Board moving forward with urban reserves designation in Stafford Triangle, including wildlife, water quality and traffic safety; requests Board delay actions for more analysis
55	04/13/2017	04/13/2017	Nancy Leveque, email	Opposed to urbanizing Stafford Hamlet; cites agricultural identity and concerns with traffic, crime, air quality and water supply
56	04/13/2017	04/13/2017	Kirk Morganson, email	Opposes urbanization of Stafford area; supports limited development near transportation corridors
57	04/17/2017	04/17/2017	Richard Cook, email and attachments	Questions need for study planned by county and cities with Metro grant; includes three attachments related to funding development and the Metro grant
58	04/18/2017	04/18/2017	Jeff Bachrach, letter via email	Requests the Board change designation of a property along I-5; asserts that the Board can change designation through this process
59	04/18/2017	04/18/2017	Jackie Byer, email	Opposes urbanization of Stafford Hamlet; cites traffic and quality of life concerns
60	04/18/2017	04/18/2017	Catherine LeJeal, email	States concerns about birds and wildlife in Stafford area and about the impact of development on traffic in the area
61	04/18/2017	04/18/2017	Seri Lopez, email	Opposes urbanizing Stafford Hamlet; cites agricultural identity and concerns about traffic
62	04/18/2017	04/18/2017	Jay Minor, email with attachments	Attachments include petition posted online by Stafford Hamlet and list of over 1,100 names and a large number of comments related to petition
63	04/18/2017	04/18/2017	Steve & Monica Cox, email	Opposed to urbanizing Stafford Hamlet; opposed to developing Borland area; cites traffic and agriculture
64	04/18/2017	04/18/2017	Steve Wenig, email	Expresses concerns about urbanizing Stafford Hamlet and traffic issues
65	04/18/2017	04/18/2017	Felicia Guerchon, email	Opposed to urbanizing Stafford Hamlet; cites rural character and traffic and safety concerns
66	04/18/2017	04/18/2017	Travis Noteboom, email	Opposed to further development of Stafford area; cites traffic and crime
67	04/18/2017	04/18/2017	Ed Tarbell, email	Thinks urban designation of Stafford is a bad idea; cites desire for farms , open spaces and concerns about traffic
68	04/18/2017	04/18/2017	Lauren Hughes, email	Opposed to Metro and County moving forward with urbanization of Stafford area; cites natural area and traffic concerns

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69	04/18/2017	04/18/2017	Don and Elaine Young, email	Opposed to decisions Board and Metro have made regarding Hamlet; cites livability and traffic concerns
70	04/18/2017	04/18/2017	Chris Larsen, email	States that housing and economic development are crucial but asks Board to consider other models of growth
71	04/18/2017	04/18/2017	Mike Guerchon, email	Opposed to urbanizing Stafford Hamlet; cites traffic concerns and rural character
72	04/18/2017	04/18/2017	Mark Ottenad, City of Wilsonville, letter via email	City supports designation of French Prairie area as rural reserve; references attachments discussing regional industrial lands supply and articles about 2016 county open houses
73	04/18/2017	04/18/2017	Art Fiala, email	Supports urban and rural reserve designations; wants to see responsible, environmental friendly community developed
74	04/18/2017	04/18/2017	Josh Barinstein, email	Opposed to developing Stafford area; cites agricultural identity and concerns about traffic
75	04/18/2017	04/18/2017	Tony Cantine, email	Does not agree that area should be in urban growth boundary; cites quality of life concerns
76	04/18/2017	04/18/2017	Randall Yamada, email	Against urban reserve designation for Stafford Hamlet; requests delay in decision for 10-15 years
77	04/18/2017	04/18/2017	Catherine Myers, email	Asks for reasonable and thoughtful planning for growth; cites current traffic difficulties and concern for animals
78	04/18/2017	04/18/2017	Jeff, Cathy, William & Natalie Maurer, email	Opposed to urbanizing Stafford Hamlet; cites traffic concerns and rural character
79	04/18/2017	04/18/2017	Sarah & Doug Kusyk, email	Opposed to urbanizing Stafford Hamlet; cites traffic concerns and agricultural identity
80	04/18/2017	04/18/2017	Mary Moore, email	Opposed to urbanization of Stafford Hamlet; cites identity preservation and lack of solution for utilities infrastructure and traffic
81	04/19/2017	04/19/2017	Eleanor Wynn, email	Requests Stafford Hamlet be preserved; does not want commercial development or subdivisions in area
TESTIMONY RECEIVED AT 4/19/2017 PUBLIC HEARING				
82	04/19/2017	04/19/2017	Jeff Bachrach, letter and attachments	Requests the Board change designation of a property along I-5, south of Wilamette River; includes documents previously submitted with a land use application to change the zoning of the property
83	04/19/2017	04/19/2017	Jeffrey Condit, Miller Nash, letter and attachments	Adds documents to record that were factual exhibits to the November 19, 2015 letter submitted with previous testimony (see Exhibit 50)
OTHER TESTIMONY RECEIVED PRIOR TO CLOSE OF RECORD AT 10:30AM, 4/19/2017				
84	04/19/2017	04/19/2017	Ed Trompke, email	Support urban reserve designation for Stafford area but expresses concerns about the draft IGA potentially allowing a city to delay the urbanization process
85	04/19/2017	04/19/2017	David Hedges, email	Opposes urban density development in Stafford Basin; cites rural buffer and concern that county not listening to Stafford Hamlet

From: Josh Barinstein <jocenask@yahoo.com>
Sent: Tuesday, April 18, 2017 5:08 PM
To: Fritzie, Martha
Subject: File number ZDO-265

Dear Ms. Fritzie,

As a resident who would be affected by urbanization, I am opposed to the expansion of the Stafford Hamlet. It is crucial that we preserve this area's roots, our true heritage: our farmlands, agricultural and semi-wilderness areas, and plots that allow families to connect with nature and grow their vegetables.

Is this not part of the American dream?

Developing the area goes entirely counter to keeping this agricultural identity alive. It's already busy enough traveling on Stafford Rd. and at the cross streets — just look at traffic during peak hours. Adding more cars and other vehicles from residents and businesses would completely change the character of this beautiful, untarnished area.

I urge you to please listen to what our community has to say. We want to preserve this area's heritage. And while we understand that there are other forces at hand, we always wish for our voice to be heard and our opinions seriously considered.

Best,

Josh Barinstein
971-224-4614

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Fritzie, Martha

From: Toby Cantine <tobcantine@aol.com>
Sent: Tuesday, April 18, 2017 6:28 PM
To: Fritzie, Martha
Subject: Re Urbanizing Stafford Hamlet

I do NOT agree that we should be place inside the urban growth boundary and labeled as URBAN

Here are some of the reasons:

1. I have around 4-500 people a year come to my little farm in the Stafford Hamlet area. They come to see the animals, the see the beautiful river running past, and to chill from their rapid lives. It is a wonderful resource. we need more and not less of this sort of thing: A pretty little farm so close to the cities.
2. Stafford is a green area, something people in the area consider to be precious. It is a bit of old Oregon. It is why we live here in Oregon: because there are rural areas so accessible.
3. While I might not sell immediately, the existence of cities near my property will create a situation of my taxes going up. I can barely afford to pay them now. I will be forced to move.
4. We voted and 85 percent of us in the Hamlet want to NOT be urban. Why would the BIGGER government want to force us to change our way of life? Because they can! It is not fair.
5. I realize that there were rules created by the Legislature, but the rules can be changed and exceptions can be made.
6. There are other solutions for the lack of affordable housing. One would be to create some more intensely populated areas IN the cities rather taking away the beautiful Hamlet area and making IT the city. Make the cities more city and save the outer areas places to encourage visitors and space for people to experience LIFE.
7. Rather than take away the Hamlet, make it a semi green area. I believe such a plan could be created: encourage people IN the Hamlet to open their land to city people to share. If we had a choice, some of us (me, and some others I have spoken to about this) would be willing to do this.
8. My father left this land to me as his legacy. It has been beautiful. Now it is going to be destroyed. I might not sell, but no only will my taxes go up, buy my neighbors will sell, and the quality of life here will be GONE!

Please do not just take away our heritage, our beautiful land and make it into a city! Stop and stand firmly against this.

Thank you.

Toby Cantine
260 S.W. Tualatin Loop
West Linn, Or. 97068



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Fritzie, Martha

From: Randall Yamada <yamada2@mindspring.com>
Sent: Tuesday, April 18, 2017 7:41 PM
To: Fritzie, Martha
Cc: Randall Yamada
Subject: RE: File # ZDO-265

RE: File # ZDO-265

E-mail testimony against implementation of the urban reserve status for the Stafford Hamlet.

Dear Ms. Fritzie,

As it was 40 years ago when statewide land use planning came to Oregon it is now not possible to accurately predict the future needs of urbanization in the Metro region.

Once the decision is made to implement the urban reserve status of the Stafford area there is no turning back. Pressure on politicians to take the next steps toward development of the area will be tremendous.

Future politicians with no sympathy for our ideas can agree to change the conditions of current agreements paving the way for development.

The process of developing the Stafford area will result in decades of major road projects for Lake Oswego, Tualatin, West Linn, Tigard, and Wilsonville with additional impacts on I5 and I205.

Major changes are coming to urban planning and zoning concepts due to electronic communication, transportation control devices and new ideas about the relationship of residence to workplace, services and education.

Future changes in urban planning ideas may result in much greater efficiency in utilization of currently developable land making it unnecessary to develop the Stafford area for the foreseeable future.

Since there is no immediate need to develop this land - Metro, the County, and the Cities should agree to wait 10 to 15 years before considering implementation of the urban reserve status for the Stafford area.

Randy Yamada
3291 Childs Rd.
Lake Oswego, OR 97034

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Fritzie, Martha

From: Catherine Myers <cmyers@aracnet.com>
Sent: Tuesday, April 18, 2017 8:26 PM
To: Fritzie, Martha
Subject: Traffic, people and the animals

Dear M Fritzie,

My name is Catherine Myers

I live at 2332 SW Mossy Brae Rd

West Linn, OR 97068

I have difficulty transitioning onto Stafford, and turning from Stafford onto my street during heavy traffic times.

M-F; On Stafford Rd, between 5pm-630pm, there now exists a line of cars that come to a stop before going over the bridge going over the Tualatin River, all the way up to the Rosemont Rd roundabout, going into Lake Oswego, and or towards the city of West Linn.

Our space will not sustain-ably support a rapid and high in numbers population growth.

Most all of the animals numbers are in decline due to the rapid growth in numbers of people, cars, and no rescue road access going over or under the freeways. Horrible!

There are no overlays of planned walking paths connecting towns and parks. They will be lost in the rapid growth.

I am asking for reasonable and thoughtful planning for growth that brings rich culture, and safe, clean, humane environment.

Thank you,

Catherine Myers

503-999-8235

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END-ANTISPAM-VOTING-LINKS

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Fritzie, Martha

From: maurerfamily@comcast.net
Sent: Tuesday, April 18, 2017 8:50 PM
To: Fritzie, Martha
Cc: raxelrod@westlinnoregon.gov
Subject: File number ZDO-265

Ms. Fritzie,

Our family is opposed to urbanizing the Stafford Hamlet. This unique, bucolic community drew us in nearly 20 years ago with its country within a city charm. This area of large parcels, and varied farms is a tremendous benefit to both its residents as well as neighboring communities and visitors. It serves as a physical and visual buffer for those that pass through on the way to work or school. Neighboring communities increasingly rely on the Stafford Hamlet as an area to walk, run and cycle. Everyone's blood pressure drops as they pass through the Hamlet.

Area feeder streets and highways are already overloaded and in need of repair. Increasing housing density and population will make that worse, will decrease livability, and will not bring enough tax revenue to address these problems.

The Stafford Hamlet provides a number of tangible benefits to everyone:

- Heritage farmland supporting: animal husbandry, viniculture, family gardens, farm-to-table goods and more
- An important animal habitat
- Valuable watershed land and tributaries
- A visual buffer to suburban sprawl
- An area for recreation

It would be a tremendous loss, and for short term gain, to allow urbanization of the Hamlet only to end up with another Sunnyside. The Stafford Hamlet is a unique and special area that should be preserved rather than urbanized. Just as we are challenged to accommodate growth and higher density, we are also challenged to retain and reclaim ties to our natural environment. The Stafford Hamlet is worth preserving.

Thank you for your consideration, and thanks to Clackamas County for providing a forum.

Best regards,
Jeff, Cathy, William and Natalie Maurer
SW Sweetbriar Circle
West Linn, OR
503.723.7668

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Spam

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Reserves Remand
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Fritzie, Martha

From: Sarah <sshearer_kiwi@yahoo.com>
Sent: Tuesday, April 18, 2017 9:14 PM
To: Fritzie, Martha
Subject: File #ZDO-265

Dear Ms Fritzie,

I am opposed to urbanizing the Stafford Hamlet. I personally feel that any community needs an area to bring us back to our roots, that is- farmland, both agriculture and semi-wilderness area, including family plots for growth of veggies. Developing Borland is definitely counter productive to keeping the agricultural identity alive. I have no objection to whatever buildings are presently in the area, including churches.

It's busy enough traveling on Stafford Rd and the cross streets, without adding more cars and other vehicles from residents and businesses. We live off of Johnson Road and I have witnessed accidents on Stafford Road every couple of months. Please look into the traffic records for this section of road and you will be surprised at how dangerous it has become.

Please heed the concerns of the residents of the area.

Best Regards,
Sarah & Doug Kusyk
1600 Sunset Drive
West Linn, OR 97068

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END-ANTISPAM-VOTING-LINKS

From: Mary Moore <maryrebekahmoore@gmail.com>
Sent: Tuesday, April 18, 2017 11:33 PM
To: Fritzie, Martha
Subject: File number ZDO-265

Hi Martha,

Here is my written testimony for the Clackamas County Commissioners Land Use Hearings:

I bought my first home in the Stafford Hamlet in 2015 and could not feel more at peace here with the independent and rural character community as is. Adding the Stafford Hamlet as a whole to the urban reserves is not in the best interest of my neighborhood or the three cities (Tualatin, West Linn and Lake Oswego) that surround our Hamlet for several reasons; including traffic, issues of identity and the cost and difficulty of upgrading already functional utilities infrastructure.

Living off Stafford road is a blessing in my life, but has proven to be difficult for driving at certain times of the day. This issue will only become worse if the density of my neighborhood and the Hamlet as a whole is increased. The biggest issue on my roads that I see are cars often accelerate very quickly across the Stafford Road bridge while people coming from the (well documented) Childs Road bottle neck are frustrated and also accelerate well above the speed limit of 40 mph. They can go up to 60+mph in a short span.

One scary incident took place when I was on my way to attend a Stafford Hamlet Town hall around 7 PM at night. Cars speeding from both directions made it impossible for 10 minutes for me to leave Shadow Wood Drive to join Stafford Road headed towards Athey Creek Middle School. When an opening eventually came, the excessive speeding of the cars from both directions made it a close call from a T-Bone collision. I have avoided accidents on several occasions, but cutting it close is not something I would like to happen with more frequency and with more residents and cars it would.

Despite the current traffic woes The Stafford Hamlet is still a community of rural lands and agricultural buffers with residents who are interested in independence. This means they built their own methods of self reliance while the surrounding cities have municipalities and infrastructure that they invested in to provide community and identity. With the merging of these ideas that ultimately puts 4 separate identities at stake; The Stafford Hamlet, Tualatin, West Linn and Lake Oswego. With the addition of the urban reserves status all 4 identities could potentially be forced to blend together with growth.

I have learned, from my time spent on the Stafford Hamlet Board, that the urban growth boundaries were intended to avoid sprawl between cities and discourage mass grid lock and prevent the potential homogenous feel which came about for southern California cities. Currently, my neighborhood is unique and independent and I said this includes our utilities. My home water is on a cooperative well and my sewer is on my

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own septic tank system. Both systems are in strong shape and neither require replacement. It would be a waste of money to up root those systems to add my utilities to a city boundary.

Along with independent utilities we have unique roadways to access our homes on Shadow Wood Drive. Our dead-end road is quite steep so if a through street were to be added that would potentially lead to rolled or stranded cars because of the strong unexpected curves on the road. I have seen non-resident drivers stuck in the ditch on several occasions and I have only lived here for two years. These are huge issues that would face my neighborhood and would certainly lead to accidents and potentially car accident deaths. There is no way to straighten these roads based on the river path.

For all these reasons and many more urbanization of The Stafford Hamlet is very unreasonable. There are no safe, cost effective or simple solution for traffic, identity preservation or utilities infrastructure solutions.

Thank you for hearing my story. I hope to make an impact in the Clackamas County Commissioners vote so that they vote against urbanization of the Stafford Hamlet. I invite the board and county staff to visit www.staffordhamlet.com for updated community information regarding land use and community activities.

Mary Moore

503.475.8014 cell

[Spam](#)

[Not spam](#)

[Forget previous vote](#)

Fritzie, Martha

From: BCCMail
Sent: Wednesday, April 19, 2017 7:26 AM
To: Krupp, Don; Fritzie, Martha; Rogalin, Ellen; McCallister, Mike; Boderman, Nathan; Moss, Kevin; Bernard, Jim; Fischer, Sonya; Howatt, Drenda; Humberston, Kenneth; Savas, Paul; Schrader, Martha; Cartasegna, Mary Jo; DeSantis, Kimberlee; Klepper, Emily; Moreland, Tracy
Cc: Hill, Caroline
Subject: Eleanor Wynn: Stafford Hamlet

-----Original Message-----

From: Eleanor Wynn [mailto:eleanorwynn3@gmail.com]
Sent: Tuesday, April 18, 2017 7:48 PM
To: BCCMail <BCCMail@co.clackamas.or.us>
Subject: Stafford Hamlet

I live in West Linn. One of the attractors for the area is the adjacent rural area and open country roads.

I would never have bought a house in a heavily developed area like Tigard, Tualatin, or Beaverton. I don't want our area to become like that.

While people with 80-acre rural properties, which they bought knowing the zoning laws, may wish to profit by subdividing, the value to those few large landowners comes at the cost of reduced property values for thousands of others, not to mention reduced quality of life implied in more traffic, pollution, congestion, and burden on public services. To support added wealth for a handful of landowners and developers. This is a betrayal of the promise of urban growth boundary.

I don't want commercial development of Borland. I don't want any new subdivisions at all. Anywhere.

I would not object to a reduction in lot size to a smaller acreage where a family compound of a handful of houses could be built.

But, please. Don't allow our Stafford area to be destroyed. We can't get our open space back once it's built.

Developers never pay for infrastructure. I will pay for their profit at the cost of something I value highly, which is the beautiful farm land and open country that I regularly drive through. Please preserve Stafford Hamlet.

Eleanor Wynn
6311 Palomino Way
West Linn OR 97068
503 656-7108

Sent from my iPhone

BEGIN-ANTISPAM-VOTING-LINKS

Jeff Bachrach
Bachrach.Law P.C.

The Pittcock Block, Suite 320
921 SW Washington Street
Portland, Oregon 97205

(o) 503.295.7797
(c) 503.799.0242
jeffb@bachrachlaw.com

April 19, 2017

Clackamas County Board of Commissioners
Jim Bernard, Chair
2051 Kaen Road
Oregon City, OR 97045

Hand-Delivered

Re: Land Use Hearing – Urban and Rural Reserves
Attachments for the Record
Subject Property: 26444 NE Butteville Road (“I-5 Parking Lot and Warehouse Site”)

Dear Chair Bernard and Commissioners:

As you know from my testimony before the Board on April 12, 2017, I represent LCD, the owner of the Subject Property.

LCD requests that, based on the site-specific testimony and evidence that has been submitted, you remove the Rural Reserve designation from the Subject Property, and thereby maintain the property in its current undesignated status.

Enclosed with this letter are copies of the exhibits that were presented at the hearing on April 12, along with additional evidence that supports LCD's request.

My client filed a zone change application for the property in 2015, requesting a change from EFU to Rural Industrial. County staff recommended against approval, in part, because of the Rural Reserve designation that had been in effect prior to the remand of the urban-rural reserve decision by the Oregon Court of Appeals in 2014. (The Rural Reserve designation prohibits zone changes.) Many of the documents included with this letter were submitted to the county as part of the zone change application.

Please be sure this letter and all attachments are included in the record of this proceeding.

Thank you.

Very truly yours,


Jeff Bachrach



DOCUMENTS RE: I-5 PARKING LOT AND WAREHOUSE SITE
26444 NE BUTTEVILLE ROAD

SUBMITTED ON BEHALF OF LCD

TO THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS FOR INCLUSION IN THE
RECORD IN MATTER OF RECONSIDERATION OF RURAL RESERVE DESIGNATIONS IN
RESPONSE TO LCDC REMAND.

APRIL 19, 2017



RENDERING
 EXHIBIT 82
 ZDO 205
 Res 163 Remand
 Page 3 of 13

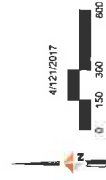
Proposed Parking Lot and Warehouse Site

Aerial Perspective Looking South

DOWL
 720 SW Washington Street, #750
 Portland, Oregon 97205
 971-280-4641
 Project No. 2322.14361.01
 Contact: Jeff Shoemaker, PE

4/11/2017

Clackamas County, Oregon



DOWL
 720 SW Washington Street, #750
 Portland, Oregon 97205
 Project No. 23221453101
 Contact: Jeff Shoemaker, PE

Parking Lot and Warehouse Site

Clackamas County, Oregon

ty Info

of I-5 freeway
n of Wilsonville
uth of Portland
County Jurisdiction

Use Permit for Retail Store

Legend

- 26444 NE Butteville Road, Aurora
- Property Boundary





Exception Land
RRFF-5 Zoning



EXHIBIT 82
ZDO-265:
Reserves Remand
Page 7 of 132



EXHIBIT 82
ZDO-265:
Reserves Remand
Page 8 of 132



EXHIBIT 82
ZDO-265:
Reserves Remand
Page 9 of 132

As documented in a Powell Valuation, Inc. appraisal conducted for the property and dated October 3, 2012, "the audited cost of the improvements, including buildings and fixtures, asphalt, infrastructure and landscaping total \$3,664,860." This appraisal is included as Exhibit G of this application package.

Services Provided

The existing utilities include an on-site well for water and an on-site subsurface septic system. Stormwater is treated and detained onsite before eventual release into the I-5 Right-of-Way (ROW). Prior environmental analysis of the site contracted by the applicant has revealed that the site is serviced by one well that extracts water at a volume of 20 gallons per minute with a 3,000 gallon stainless steel holding tank. In addition, there are nine tanks and drain fields in addition to a separate 3,000 gallon gray water tank system to handle sanitary sewage generated on the site. These facilities have been found to be in good condition and, given the nature of the proposed use (preparation and temporary servicing of vehicles), it is anticipated that water and sanitary sewer demand will be significantly less than the farm store use as food and produce preparation would not be a component of the proposed use. Therefore, there are no known capacity constraints that would inhibit the ability to use the site for the proposed use.

Access

Access to the site is provided via a driveway entrance located approximately 400-feet west of the I-5/NE Butteville Road Interchange. Per the findings in the county Final Order under Z0393-05-C, the driveway is within a 20-foot access easement between the site and NE Butteville Road. This driveway allows entry from the northeastern corner of the lot and a paved area allows circulation around the three primary structures located on site. A narrow driveway leads from the primary vehicle circulation route to the cell tower, located at the southern portion of the lot.

Surrounding Uses

As identified in detail in Exhibit H, Surrounding Uses, uses surrounding the project area are as follows:

- **North:** The site is bordered immediately to the north by the ODOT right of way which includes NE Butteville Road. Property north of NE Butteville Road is heavily forested and is zoned RRFF5 (Rural Residential Farm Forest with a 5-acre minimum lot size). Farther to the north, approximately one half mile north of the subject site, is a marina located at the intersection of NE Butteville Road and NE River Vista Lane. West of the marina, located along the Willamette River, are a series of large single family residences.
- **South:** The site to the south is also zoned Agriculture and is in a heavily forested condition. A stream corridor traverses the southern limits of the site and approximately 4.5 acres of the southern limits of the site fall within the riparian corridor associated with this stream. T
- **East:** The site is bordered to the east by the I-5 right of way. East of I-5, land uses at the northeast quadrant of the I-5 interchange are within the Urban Growth Boundary (UGB), which is located approximately 900 feet east of the site. These land uses in the UGB include a professional office building and, farther to the east, small lot single family residences located within the Charbonneau community. Additionally, the St Francis of Assisi Episcopal Church is located at the southeast quadrant of the interchange, also within the UGB. The Langdon Farms Golf Course is located just south of the church and outside of the UGB. Small lot agricultural uses exist east of the golf course along with some rural residences.
- **West:** Adjoining properties to the west include a 17.46-acre parcel owned by Dwayne and Patricia Wamsher, which is currently used as a rural residence with pastureland. Additionally, an approximately 65-acre property composed of two tax lot parcels owned by Loretta and Duane Stroupe is located south of the Wamsher property and west of the site. The southeast portion of the Stroupe property is heavily forested and not currently in agricultural use. The northern and southwest portion of the property is currently in operation as a plant nursery.

Figure 2: NE Butteville Rd Current Zoning

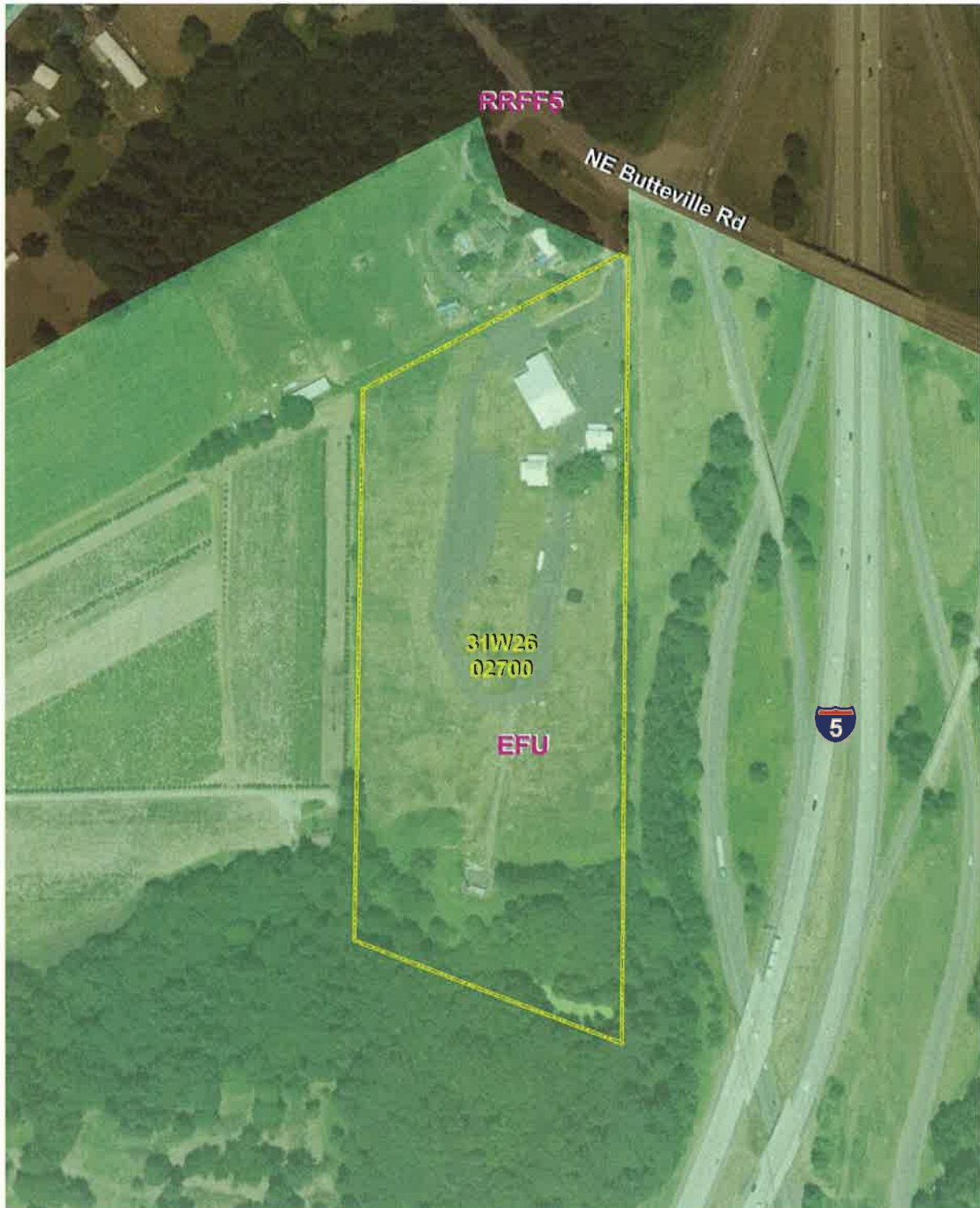


Figure 3: NE Butteville Rd Current Comprehensive Plan Designation



APPLICABLE REGULATIONS AND AUTHORITIES

In addition to satisfying the applicable standards and policies in the ZDO, approval of the requested comprehensive plan amendment and zone change must also address applicable Statewide Planning Goals and the state statute for the granting of an Exception, for which the applicable statute (ORS 197.732) is implemented through the administrative rule ("OAR") provisions contained in OAR 660-004.

Based on the extensive development of the site, the applicant is requesting a "physically developed" exception to Statewide Planning Goal 3 (Agriculture), as allowed by OAR 660-004-0018 and -0025.

Although the property was included as a Rural Reserve area when Clackamas County and Metro adopted the urban-rural reserve designations ("URR") for the region in 2011, that designation is not currently in effect due to the still-pending remand of the URR decision from the Oregon Court of Appeals and LCDC. Thus, standards for rural reserve areas are not applicable to the review of this application.

STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process

Response: Consistent with the County's citizen involvement policies, two public hearings are conducted. One before the Planning Commission and one before the Board of County Commissioners are required as part of a Type IV review required for the request. Notice of the proposal will be provided to surrounding residents, cities, as prescribed in applicable urban growth management agreements, special districts, government agencies and community members. Through the notice and public hearing process all interested parties will be given the opportunity to review the application, comment on the proposal, and participate in the decision.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: The proposed project will follow the Type IV review procedures established in the ZDO Section 1307 consistent with Goal 2 and the provisions in Chapter 4, Land Use Planning, of the Clackamas County Comprehensive Plan.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

Response: The applicant is seeking an exception to Goal 3. See Exhibit J, a memorandum from Bachrach Law, P.C. that makes goal exception findings. As summarized in this memorandum, the extensive commercial uses currently allowed on the site were found to be in compliance with the county's Agricultural Lands policy with the county's decision on Z0393-05-C. The limited use of the property proposed by the applicant will have fewer impacts on the agricultural lands in the area than what is currently permitted. Thus, it is reasonable to conclude that the propose use is also consistent with the county's goal 3 policy.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: Exhibit F of this application package includes a memorandum prepared by Johnson Economics that discusses the important economic considerations associated with the applicant's proposal. The Johnson Economics memorandum demonstrates how the proposal is consistent with the intent of Goal 9 to ensure the "health, welfare, and prosperity of Oregon's citizens." Specifically, the following key findings are included in the memorandum:

- *Under the current CUP, the operation as restricted is highly unlikely to be successfully operated. In other words, the current entitlements will likely result in the existing improvements slowly depreciating without any productive use. The estimated cost of demolition of the improvements to allow for a return to agricultural uses on the site would be roughly \$750,000, reflecting a cost of \$0.95 per square foot. Unimproved farmland in the area is valued at less than \$0.35 per square foot, less than half the cost of demolition of the improvements. As a result, there is no reason to expect that the improvements will be removed to allow for active farming of the property.*
- *A rural industrial designation would allow for a viable use to occupy the structures and ensure their long term maintenance and repair. The proposed designation would provide economic and fiscal benefits to the County, as the property would accommodate employment as well as pay increased property taxes. The property currently generates negligible property tax revenues despite an estimated RMV by the assessor of \$945,246. If zoned as Rural Industrial, the property and improvements would be expected to have a real market value (RMV) of over \$2.5 million. Given the millage rate in the area, the differential in annual property taxes would be approximately \$33,000, providing an estimated \$880,000 in revenue to the County, schools and service districts over the next twenty years.*

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Clackamas County has adopted a Transportation System Plan, which evaluates current access and roadway use and anticipates future demands to ensure the transportation needs of residents are met. Additionally, the County maintains building, electrical, engineering, wastewater and water design and construction plans to ensure that public facilities and services needs are met for areas outside of the Urban Growth Boundary (UGB) limits. The proposed development site will not require connections to public water or sanitary sewer lines and can be sustained under the existing well and septic systems in place. Because the proposed use would not require new utility extensions to the site or any other public services beyond what currently exist, it applicant's request is not anticipated to affect or inhibit the timely and orderly public facilities and services as required under Goal 11.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system. In addition to addressing the needs of the transportation disadvantaged.

Response: Clackamas County has adopted a Transportation System Plan that evaluates current access and roadway use and anticipates future demands to ensure the transportation needs of residents are met. No changes in street classifications are necessary. A traffic assessment was conducted by Charbonneau Engineering in 2004 for the previous CUP approval (Z0393-05-C). The study projected that the proposed use would generate a total of 660 average weekday daily trips (ADT), with 103 AM peak hour week day trips and 41 PM week day peak hour trips. As described in Exhibit I, the September 28, 2015 memorandum from Kittelson and Associates, the proposed use is anticipated to generate

substantially fewer vehicular trips compared to the approved I-5 farm store use and, as a consequence, would ensure and encourage safe and effective vehicular mobility in the project vicinity and on the surrounding road network.

STATE STATUTES AND ADMINISTRATIVE RULES (OARs)

ORS 197.732—Goal Exception standards

GOAL EXCEPTIONS

(2) A local government may adopt an exception to a goal if:

- (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

Response: Exhibit J includes a memorandum from Bachrach.Law, P.C. that analyzes the applicable legal requirements for a Goal 3 exception due to the “physically developed” condition of the property, and explains how this application satisfies them.

OAR 660-004-0015 Inclusion as Part of the Plan

- (1) A local government approving a proposed exception shall adopt, as part of its comprehensive plan, findings of fact and a statement of reasons that demonstrate that the standards for an exception have been met. The reasons and facts shall be supported by substantial evidence that the standard has been met.
- (2) A local government denying a proposed exception shall adopt findings of fact and a statement of reasons that demonstrate that the standards for an exception have not been met. However, the findings need not be incorporated into the local comprehensive plan.

Response: As the reviewing and approval authority for this request, it is anticipated that Clackamas County will draft findings of fact and a statement of reasons, based on the application, to support the determination that the site has addressed and satisfied the standards for a physically developed to substantiate the exception to Statewide Goal 3, “Agricultural Lands.”

OAR Chapter 660, Division 12—Transportation Planning

OAR 660-012-0060 Plan and Land Use Regulation Amendments

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

Response: The proposed vehicle storage and preparation use will generate substantially fewer vehicle trips than the previously approved I-5 Farm Store. Exhibit I of this application includes a memorandum from Kittelson and Associates that verifies that the proposed use would generate approximately 82 weekday ADT with approximately 22 weekday PM peak hour trips and approximately 22 weekday AM peak hour trips. This total is substantially less than the approved I-5 Farm Store use approved for the site, which was estimated to generate approximately 660 weekday average daily trips (ADT), with approximately 103 AM weekday peak hour trips and 41 PM weekday peak hour trips. Additionally, unlike the approved use for the site, the proposed use would not include weekend events associated with a farmer's market. The applicant is proposing to limit the number of trips to those of the I-5 farm store use, which will ensure that threshold for the

request to "significantly affect an existing or planned transportation facility" will not be triggered. The significance threshold relates to a change in functional classification or the degradation of a facility so that it would not meet the standards identified in the TSP. No such change is anticipated as the trip levels associated with the proposed use would be less than currently allowed on the site.

CLACKAMAS COUNTY COMPREHENSIVE PLAN

Chapter 3: Natural Resources and Energy

Agriculture

Goals

- **Preserve agricultural lands.**
- **Maintain the agricultural economic base in Clackamas County and the State of Oregon.**
- **Increase agricultural markets, income and employment by creating conditions that further the growth and expansion of agriculture and attract agriculturally related industries.**
- **Maintain and improve the quality of air, water, and land resources.**
- **Conserve scenic areas, open space and wildlife habitats.**

Policies

- 1.0 Recognize agricultural areas through appropriate zoning. All agricultural areas shall continue unencumbered by activities/land uses unrelated to agriculture in order to insure productive farm land. Specific policies relating to land use in agricultural areas are found in the Land Use Chapter of this Plan.**

Response: Per OAR 660-004-0025), the applicant is requesting a physically developed exception to Goal 3 – Agricultural Lands as described with supportive findings in the Bachrach.Law, P.C. memorandum included in Exhibit J.

- 3.0 Encourage cooperative agricultural projects in support of small agricultural businesses within the County, e.g., establishment of a receiving/shipping station for fresh produce and a farmers market for the direct exchange of local farm products between growers and the public to benefit the economic viability of agricultural businesses.**

Response: In 2005, the subject project site was approved for a CUP to allow for a farmer's market and commercial sales on the site, consistent with Policy 3. Based on the CUP, the prior property owner completed site improvements, including substantial paving to allow the approved I-5 Farm Store and market. However, the county determined that, in order to qualify as a farm-use consistent with the EFU designation, the farm-stand uses had to be restricted to the sale of farm and non-farm goods grown or raised on a farm within a local agricultural area, which was defined as within a 15-miles radius of the site. That restriction proved an insurmountable impediment to having a profitable farm stand on the site.

Chapter 4: Land Use

Rural Industrial

Goals

- **To provide for the continuation of industrial uses in non-urban areas having an historical commitment to such uses.**

Policies

- 4.MM.1 The Rural Industrial plan designation may be applied in non-urban areas to provide for industrial uses that are not labor-intensive and are consistent with rural character, rural development, and rural facilities and services.**

Response:

The proposed preparation of vehicles on the site will not be labor intensive. It is anticipated that approximately 10 employees would work on the site, with shifts that would occur between 7:00 AM and 5:00 PM, Monday through Friday. Inbound vehicles to the facility would be delivered by a truck hauler with approximately eight cars per load. Delivery of outbound vehicles will depend on inventory flow but would average between zero and four cars per day. Approximately 100 cars will be kept on-site on the average for inventory.

As documented in the September 28, 2015 Kittelson and Associates memorandum in Exhibit I, it anticipated that the proposed use would generate approximately 82 week day ADT with approximately 22 week day PM peak hour trips and approximately 22 week day AM peak hour trips. This total is substantially less than the approved I-5 Farm Store use approved for the site, which was estimated to generate approximately 660 weekday average daily trips (ADT), with approximately 102 AM weekday peak hour trips and 40 PM weekday peak hour trips. Additionally, unlike the approved use for the site, the proposed use would not include weekend events associated with a farmer's market. The applicant is proposing to limit the number of trips to those approved with the I-5 farm store to ensure that the applicant's proposal will not have the potential to increase trips from those currently permitted on the site.

The applicant's proposed use can be accommodated by the existing improvements and services. No additional buildings or any other type of improvement is being proposed. The county previously determined that that level of improvements is consistent with rural development and the rural character of the area.

In paragraph 7(a) on Page 27 of the final order issued for the I-5 Farm Store (Z0393-05-C), the hearings officer found that the farmers market was not likely to have a significant impact on farm or forest practices on lands devoted to that purpose and that the presence of an outdoor market with up to 100 vendor tents could compatibly operate with surrounding farm uses. Unlike the I-5 Farm Store operation, the proposed use would have very limited outdoor operations. Outdoor activities would be restricted to temporary storage of vehicles, delivery of materials and vehicles, employee parking and routine maintenance of the buildings and surrounding grounds. No retail sales would occur on the site and the property would not be open to the general public.

In addition, unlike the approved I-5 Farm Store, the proposed use would not require any food preparation and the need for water and sewer facilities would be limited to that needed for employee operations. Therefore, the existing well and septic facilities provide sufficient capacity for this limited use and the use is consistent with rural character, rural development and rural facilities and services.

In addition, the site's proximity to the I-5 interchange and the local rural road network isolate it from the rural uses to the north – mostly small lot residential – and the farm uses to the west. The subject property and the access driveway are located immediately after exiting I-5 onto Butteville Road. Thus, the proposed use is not anticipated to generate traffic that will pass any other properties or rural uses.

Moreover, because the site is well-screened and set back approximately 160-feet from Butteville road, the proposed use will not be visible from the road, which will help maintain the rural character of the area.

4.MM.2.

The Rural Industrial (RI) zoning district implements the Rural Industrial plan designation.

Response:

In conjunction with the proposed comprehensive plan designation of Rural Industrial, the applicant is also requesting a zone change to the Rural Industrial (RI) zoning district.

4.MM.3. Areas may be designated Rural Industrial when the first, the second, or both of the other criteria are met:

4.MM.3.1. Areas shall have an historical commitment to industrial uses;

Response: Because the property satisfies the state requirements for a physically developed exception (see, Exhibit J, legal memorandum from Bachrach.Law), the county has policy discretion to determine the most appropriate non-Agricultural plan designation.

As determined in the exception analysis, the subject property has been physically developed to an extent that farm-uses are no longer feasible. The existing improvements on the site, upon which the exception is based, could accommodate a number of different uses permitted in both the RI and RC zones. The specific vehicle service use proposed by the applicant is permitted in both the RI and the RC zones.

Both the RI and RC designations have identical "historical commitment" policy considerations, as set out in 4.MM.3 for the RI designation and 4.LL.3.1 for the RC designation. For this application, the historical commitment policy applies to the physical development of the site, as established by the exception, not to the uses.

The comprehensive plan does not define what is meant by "historical commitment." Thus, the county has discretion in how it interprets and applies that policy when evaluating any particular comprehensive plan amendment. Moreover, LUBA and other reviewing agencies grant broad discretion to a county commission's interpretation of a provision in its own comprehensive plan.

In the absence of any longevity standard for applying the historical commitment policy, the county can find that the site improvements that support the exception determination have been there long enough to satisfy 4.MM.3.1 or 4.LL.3.1.

While the uses allowed by the prior CUP approval generally could fit within the allowable uses listed for either the RI zone district or the RC zone district, it is not the uses that justified the exception, but rather the physical development of the site.

The question is which designation is more consistent with the site improvements and the proposed new use. On balance, the RI designation is more appropriate because it is more consistent with the limited car service use and the prohibition on retail uses. Moreover, the RC designation limits uses to those that are necessary for rural development, while uses in the RI district are not limited to supporting rural development.

Agricultural

Goals

- **Preserve agricultural use of agricultural land.**
- **Protect agricultural land from conflicting uses, high taxation and the cost of public facilities unnecessary for agriculture.**
- **Maintain the agricultural economic base of the County and increase the County's share of the agricultural market.**
- **Increase agricultural income and employment by creating conditions that further the growth and expansion of agriculture and attract agriculturally related industries.**

Policies

4.OO.3. Land uses that conflict with agricultural uses shall not be allowed.

Response:

Agricultural uses in the area are identified in Exhibit H. The site is bordered to the west by an active plant nursery and pastureland. However other surrounding uses consist primarily of vacant forest land, public rights of way and rural residences. The proposed vehicle storage and detail preparation work is a low intensity use and vehicle travel onto and off the site will be limited and infrequent. The primary services will occur within enclosed buildings.

The proposed preparation of vehicles on the site will not be labor intensive. It is anticipated that approximately 10 employees would work on the site, with shifts that would occur between 7:00 AM and 5:00 PM, Monday through Friday. Inbound vehicles to the facility would be delivered by a truck hauler with approximately eight cars per load. Delivery of outbound vehicles will depend on inventory flow but would average between zero and four cars per day. Approximately 100 cars will be kept on-site on the average for inventory.

As documented in the September 28, 2015 Kittelson and Associates memorandum in Exhibit I, it anticipated that the proposed use would generate approximately 82 week day ADT with approximately 22 week day PM peak hour trips and approximately 22 week day AM peak hour trips. This total is substantially less than the approved I-5 Farm Store use approved for the site, which was estimated to generate approximately 660 weekday average daily trips (ADT), with approximately 102 AM weekday peak hour trips and 40 PM weekday peak hour trips. Additionally, unlike the approved use for the site, the proposed use would not include weekend events associated with a farmer's market. Additionally, unlike the approved use for the site, the proposed use would not include weekend events associated with a farmer's market. The applicant is proposing to limit the number of trips to those approved with the I-5 farm store to ensure that the applicant's proposal will not have the potential to increase trips from those currently permitted on the site.

In paragraph 7(a) on Page 27 of the final order issued for the I-5 Farm Store (Z0393-05-C), the hearings officer found that the farmers market was not likely to have a significant impact on farm or forest practices on lands devoted to that purpose and that the presence of an outdoor market with up to 100 vendor tents could compatibly operate with surrounding farm uses. Unlike the I-5 Farm Store operation, the proposed use would have very limited outdoor operations. Outdoor activities would be restricted to delivery of materials and vehicles, employee parking and routine maintenance of the buildings and surrounding grounds. No retail sales would occur on the site and the property would not be open to the general public.

4.OO.4. New sewer facilities shall not be allowed in Agricultural areas

Response:

The proposed use will not require the extension of sewer facilities and will utilize the existing septic system on the site. The on-site septic system includes nine tanks and drain fields in addition to a separate 3,000-gallon gray water tank system. As noted above, unlike the approved I-5 Farm Store, the proposed use would not require any food preparation and the need for water and sewer facilities would be limited to that needed for employee operations. Therefore, the existing well and septic facilities provide sufficient capacity for this limited use and the use is consistent with rural character, rural development and rural facilities and services.

Chapter 5: Transportation System Plan

Policies

5.O.10

Rural: Plan to support the existing development pattern and through traffic needs of the rural communities, and not to support or promote urbanization.

Response: The primarily roads in the project vicinity, as identified on the Surrounding Land Uses map in Exhibit H include NE Prah Road, NE Butteville Road, NE Boones Ferry Road and NE Miley Road. The I-5 right of way obstructs east-west travel in the immediate vicinity of the site. Due to the proximity of the to the I-5 interchange, it is anticipated that most traffic to and from the site will utilize I-5.

As documented in the September 28, 2015 Kittelson and Associates memorandum in Exhibit I, it anticipated that the proposed use would generate approximately 82 week day ADT with approximately 22 week day PM peak hour trips and approximately 22 week day AM peak hour trips. This total is substantially less than the approved I-5 Farm Store use approved for the site, which was estimated to generate approximately 660 weekday average daily trips (ADT), with approximately 102 AM weekday peak hour trips and 40 PM weekday peak hour trips. Additionally, unlike the approved use for the site, the proposed use would not include weekend events associated with a farmer's market. The applicant is proposing to limit the number of trips to those approved with the I-5 farm store to ensure that the applicant's proposal will not have the potential to increase trips from those currently permitted on the site. This will also ensure that the proposal will not impede the traffic needs of the surrounding rural community.

5.Q.5 **Access Standards shall be implemented through the Zoning and Development Ordinance and the County Roadway Standards. Where access management standards are adopted by the County in Special Transportation Plans, those standards shall apply.**

Response: Access to the site is provided via a driveway with a 20-foot access easement from NE Butteville Road. The existing access is adequate to support the limited uses and no changes are proposed.

5.R.1 **Require new development to be served by adequate transportation facilities and access points that are designed and constructed to safely accommodate all modes of travel.**

Response: No new development is being proposed with this application. The existing road network and access are adequate to serve the proposed uses. Access to the site is provided via a driveway with a 20-foot access easement from NE Butteville Road. The driveway and access easement were a part of the previous CUP approval (Z0393-05-C) and it is not anticipated to change with the proposed use.

Chapter 8: Economic

Goals

- **Establish a broad-based, stable, and growing economy to provide employment opportunities to meet the needs of the County's residents.**
- **Retain and support the expansion of existing industries and businesses.**
- **Attract new industrial and commercial development that is consistent with environmental quality, community livability, and the needs of County residents.**

Policies

- 8.A.2** Encourage maintenance of sufficient vacant lands to provide room for the future expansion or relocation of the County's industry and business.
- 8.B.7** Encourage the retention of vacant industrial and commercial lands in large parcels until committed for development, at which time overall development plans should be prepared for the site.
- 8.C.4** Cooperate with the private sector to achieve economic development in the County.
- 8.C.5** Coordinate with local jurisdictions to obtain compatible policies, ordinances, and land-use designations for economic development.

Response: The proposed vehicle repair use will ensure a productive use of the existing facilities on the site, which will allow for the employment of approximately 10 employees and the placement of an economically viable use on the site that will allow for the continued maintenance and preservation of the assessed value of structures on the property.

Exhibit F of this application package includes a memorandum prepared by Johnson Economics that discusses the important economic considerations associated with the applicant's proposal. The Johnson Economics memorandum demonstrates how the proposal is consistent with the intent of Statewide Planning Goal 9 and Chapter 8 of the county comprehensive plan. Specifically, the following key findings are included in the memorandum:

- *Under the current CUP, the operation as restricted is highly unlikely to be successfully operated. In other words, the current entitlements will likely result in the existing improvements slowly depreciating without any productive use. The estimated cost of demolition of the improvements to allow for a return to agricultural uses on the site would be roughly \$750,000, reflecting a cost of \$0.95 per square foot. Unimproved farmland in the area is valued at less than \$0.35 per square foot, less than half the cost of demolition of the improvements. As a result, there is no reason to expect that the improvements will be removed to allow for active farming of the property.*
- *A rural industrial designation would allow for a viable use to occupy the structures and ensure their long term maintenance and repair. The proposed designation would provide economic and fiscal benefits to the County, as the property would accommodate employment as well as pay increased property taxes. The property currently generates negligible property tax revenues despite an estimated RMV by the assessor of \$945,246. If zoned as Rural Industrial, the property and improvements would be expected to have a real market value (RMV) of over \$2.5 million. Given the millage rate in the area, the differential in annual property taxes would be approximately \$33,000, providing an estimated \$880,000 in revenue to the County, schools and service districts over the next twenty years.*

Chapter 11: The Planning Process

Amendments and Implementation

Clackamas County citizens need a Comprehensive Plan that will meet and guide changing needs and circumstances for the physical and economic growth within the County. . . . It must be kept current through . . . appropriate review.

Response: Amending the subject property's comprehensive plan designation from Agriculture to Rural Industrial is consistent with the County policy to keep the Plan current by taking appropriate actions to recognize and address changing needs and circumstances. As a general policy matter, the Board of Commissioners ("BCC") has recognized the property's unique circumstances as supporting the change to a Rural Industrial designation.

CLACKAMAS COUNTY ZONING & DEVELOPMENT ORDINANCE PROVISIONS

Section 1202—Zone Changes

1202.03 General Approval Criteria

A zone change requires review as a Type III or IV application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

A. The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.

Response: The goals and policies in the comprehensive plan applicable to this request are listed and addressed in responses in this narrative to demonstrate how the applicant's request is consistent with the Comprehensive Plan.

B. If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.

Response: The planned use of the site would not require public services. Planned operations on the site will continue to use the septic and well systems available on the site. Stormwater infrastructure, including stormwater detention basins, is already in place on the property.

C. The transportation system is adequate, as defined in Subsection 1007.09(D), and will remain adequate with approval of the proposed zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from Subsection 1202.03(C). For the purpose of this criterion:

- 1. The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic for a 20-year period beginning with the year that a complete zone change application is submitted pursuant to Section 1307.**

Response: As documented in the September 28, 2015 Kittelson and Associates memorandum in Exhibit I, it anticipated that the proposed use would generate approximately 82 week day ADT with approximately 22 week day PM peak hour trips and approximately 22 week day AM peak hour trips. This total is substantially less than the approved I-5 Farm Store use approved for the site, which was estimated to generate approximately 660 weekday average daily trips (ADT), with approximately 102 AM weekday peak hour trips and 40 PM weekday peak hour trips. Additionally, unlike the approved use for the site, the proposed use would not include weekend events associated with a farmer's market. The applicant is proposing to limit the number of trips to those approved with the I-5 farm store. This proposal will limit the number of trips to ensure that the proposed use of the property will operate at a scale and intensity that is less than that will not exceed existing approved land uses permitted under the current comprehensive plan and zoning designation.

- 2. It shall be assumed that all improvements identified in Comprehensive Plan Table 5-3a, 20-Year Capital Projects; the Statewide Transportation Improvement Plan; and the capital improvement plans of other local jurisdictions are constructed.**

Response: A trip comparison memorandum has been prepared by Kittelson and Associates and is provided in Exhibit G of this application. Because the proposed use of the property would generate substantially fewer trips than the permitted I-5 Farm Store on the property, a full traffic impact analysis has not been prepared and is not necessary to demonstrate the adequacy of system capacity over the 20-year horizon.

- 3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.**

Response: The applicant is proposing to limit the number of trips to the level identified in the Kittelson and Associates memorandum in Exhibit G, which will ensure that the proposed use of the property will operate at a scale and intensity that is less than that allowed under existing conditions, which will ensure that the proposal will not result in any greater

transportation impact than that permitted under the current comprehensive plan and zoning designation.

4. **Transportation facility capacity shall be calculated pursuant to Subsection 1007.09(E).**

Response: Because the proposed use of the property would generate substantially fewer trips than the approved I-5 Farm Store, a full traffic impact analysis with an evaluation of transportation facility capacity has not been prepared.

5. **A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.**

Response: A full assessment of the traffic impacts for the I-5 Farm Store was conducted in 2005 by Charbonneau Engineering and was submitted with Z0393-05-C. This study provides substantial analysis regarding the system adequacy for the I-5 Farm Store and county staff and the county hearings officer found that the transportation system could adequately serve the farm store use. The proposed use of the property for the preparation and temporary storage of vehicles, as described in the Kittelson and Associates memorandum in Exhibit G, would result in substantially fewer trips than the approved farm store use. Given the relatively recent traffic analysis conducted with the I-5 Farm Store and the substantial reduction in vehicular trips anticipated from the proposed use, a trip generation comparison memorandum has been provided rather than a transportation impact study.

- D. **The proposed zone change, as it relates to transportation facilities under the jurisdiction of the State of Oregon, complies with the Oregon Highway Plan.**

Response: The applicant is proposing to limit the allowable trips on the site to those already permitted for the I-5 farm store operation, a use that has been approved by the County with Z0393-05-C. With this limitation, the applicant has ensured that there will be the zone change will not result in the degradation of the level of service of the surrounding local and state road facilities.

- E. **Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.**

Response: Approval of the prior use of the site included a safety review as documented in the I-5 Farm Outlet Traffic Assessment and Sight Distance Certification dated January 22, 2004 by Charbonneau Engineering LLC. A trip cap is proposed in conjunction with the proposed zone change, ensuring that no additional vehicular trips are generated by the site as compared to the former approved site use.

CONCLUSION

As discussed in detail in this narrative and as evidenced in the attached supporting materials, the Applicant's request for a comprehensive plan amendment and zone change on the site is warranted given the physically developed condition of the property and due to numerous other supporting factors including:

- A substantial reduction in the number of vehicular trips that could occur with the use compared to the approved I-5 Farm Store.
- As described in the application, the uses will be limited to servicing new cars and no retail sales of any kind will be allowed. Furthermore, the traffic generated by approved use, and any additional uses proposed in the future, must meet the trip cap described in Exhibit I, a September 28, 2015 memorandum from Kittelson and Associates, Inc.

- The limited scale and nature of the proposed use will ensure that the proposed use is consistent with the active farm operations to the west of the site and the overall rural character of the area.
- Costs of demolition of existing structures exceed the value of the site as unimproved farmland serving as an economic impediment to committing the site to agricultural production.
- Allowance for the proposed use will ensure that existing facilities on the site will be maintained over time and will provide sustained property tax revenues on the site for Clackamas County.



NE Butteville Road Zone Change

Exhibit A Site Map

EXHIBIT 82
ZDO-265:

Reserves Remand
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**BEFORE THE LAND USE HEARINGS OFFICER
OF CLACKAMAS COUNTY, OREGON**

Regarding an application by David Van Doozer for a) **FINAL ORDER**
conditional use permit for a commercial use in conjunction)
with farm uses at 26444 NE Butteville Road, Aurora, in the) **Case No. Z0393-05-C**
EFU zone in unincorporated Clackamas County, Oregon) **(Van Doozer)**

A. SUMMARY

1. On May 24, 2005, Daniele Flynn Riehl filed an application on behalf of David Van Doozer (the "applicant") for a conditional use permit ("CUP") to build and operate what the applicant characterizes as an agricultural marketing and service center in conjunction with farm uses on the site. The County found that the application was complete after the applicant amended it on June 20.

a. The site is a roughly rectangular 18.25-acre parcel at 26444 NE Butteville Road; also known as tax lot 2700, Section 26, T3S, R1W, WM, Clackamas County. The site is zoned Exclusive Farm Use ("EFU") and contains high value farmland. The site is developed with a home, barn, storage building, pavilion, cell tower, storm water pond, large farm stand, crops and timber. Adjoining properties also are zoned EFU. To the west and northwest are lots containing 29, 36 and 17 acres that are in farm and/or forest use. To the south and east is the Interstate-205 right of way. A 7-acre parcel across Butteville Road to the north is zoned RRFF-5 (Rural Residential Farm & Forest – 5 acre minimum lot size) and is used for a home and farming.

b. The applicant proposes a farm stand (already permitted and under construction), accessory buildings and a farmers' market; sales, display and service of farm supplies, machinery and equipment; preparation of meat and produce grown on and off the site; storage of materials including landscape material and soil amendments; sales of fuel and fuel conversion services; and sale of non-farm items.¹ See the preliminary site plan and descriptions of the proposed use in the application narrative and exhibits. The farmers' market would accommodate up to 100 vendors beneath temporary tents. Access is proposed by means of an existing 20-foot wide easement to NE Butteville Road. Water will be provided by on-site wells. Sanitary waste will be disposed by means of a subsurface septic system. Portable sanitary systems also will be used. Storm water will be treated and detained on site and discharged to the Interstate-205 right of way.

2. On August 4, 2005, Clackamas County Land Use Hearings Officer Larry Epstein (the "hearings officer") held a public hearing about this application. County staff recommended that the hearings officer deny the application because of the lack of

¹ In Exhibit AA, the applicant withdrew the part of the application that relates to sales of natural gas, biodiesel and alternative fuels. In Exhibit DD, the applicant withdrew the part of the application that relates to services to convert vehicles to burn natural gas or biodiesel. Therefore the hearings officer does not address these uses further. This decision does not authorize them.

evidence that the site is suitable for the proposed subsurface septic system. See the Staff Report and Recommendation to the Hearings Officer dated July 27, 2005 (the "Staff Report"). The applicant responded to the findings and recommendations in the Staff Report. Six persons testified orally against the application or with questions or concerns. Other persons testified in writing. The hearings officer ordered the public record held open for a total of five weeks after the hearing to allow the parties to introduce additional written argument and evidence.

3. The hearings officer lists the major issues in dispute in the case as follows:

a. Whether and to what extent the proposed uses are permitted in the EFU zone and pursuant to what authority (e.g., as primary uses, uses subject to planning director review, or as conditional uses). Related issues include the description of "local agricultural area," the nature of agricultural products, supplies and services, the definition and amount of sales of incidental items, and other issues related to the scope of and limits on the proposed uses if they are approved. ZDO 202, 401 and 1203.01.A, ORS 215.203 and 215.283, OAR 660-033-020 and cases cited in the Staff Report.

b. Whether the physical characteristics of the site make it suitable for the proposed use, including characteristics related to soils and suitability for subsurface septic disposal systems. ZDO 1203.01.B.

c. Whether access to the site is or will be consistent with the concurrency standards in ZDO 1022.07 and will be safe. ZDO 1203.01.C.

d. Whether the proposed use will alter the character of the area in a manner that substantially limits use of surrounding properties for farm and forest purposes, and whether it will force a significant change in or will significantly increase the cost of accepted farm or forest practices on land devoted to farm or forest use. ZDO 401.07.A and 1203.01.D.

4. The hearings officer observes that the proposed complex of uses is relatively novel in the area, and the relevant law is relatively complex, ambiguous and conflicting. Although this application raises issues that are similar to issues raised in other cases and other contexts, this application raises them for the first time in this context. Reasonable people can disagree about how to construe ambiguous standards relevant to this review. Nevertheless the hearings officer concludes that the applicant sustained the burden of proof that most of the proposed uses are permitted in the EFU zone in the manner proposed or in some similar manner, subject to the feasible limits provided herein; that the site is or will be suitable for the proposed use notwithstanding certain constraints; that safe and adequate access can and will be provided notwithstanding other constraints; and that the proposed use will not *significantly* impede use of surrounding land for the primary purposes permitted in the zone or force a change in or significantly increase the cost of farm or forest practices on land devoted to farm or forest use. Therefore the CUP does or will comply with the relevant approval standards of the Clackamas County

Zoning and Development Ordinance (the "ZDO") and other applicable standards identified herein, provided the applicant complies with conditions of approval recommended by County staff or warranted by the facts and law to ensure the proposed use does comply in fact with those standards. Therefore the hearings officer approves the application subject to the conditions at the end of this final order based on the findings and conclusions in this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the public hearing about this application on August 4, 2005. All exhibits and records of testimony are filed at Clackamas County Department of Transportation and Development. At the beginning of the hearing, the hearings officer made the declaration required by ORS 197.763. The hearings officer disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony and evidence offered at the public hearing.

2. County planner Mike McCallister summarized the proposed CUP, reviewed the preliminary site plan and identified the uses and zoning in the vicinity.

a. The first issue is whether and to what extent the proposed uses are permitted in the EFU zone, and pursuant to what procedural authority. This issue is central to ZDO 1203.01.A. He noted that the County relied on ZDO 401.04, ORS 215.203 and OAR 660-33-0020 to provide definitions for the analysis of the uses proposed in the CUP. The County argues that each of the proposed uses --- other than essentially the growing and marketing of crops and animals raised on the site consistent with accepted farm practices in the area --- is allowed only as a use subject to planning director review and approval or as a commercial use in conjunction with a farm use, which triggers certain limits on uses and authority to impose limits. The applicant disputes that argument with regard to some uses.

i. Mr. McCallister acknowledged that there are existing and proposed farm uses on the property, (e.g., raising crops, livestock and poultry; horse stabling, training and showing) that are primary uses and not part of the CUP. A farm stand approved based on the existing farm use is approved and being built. It is not relevant except to the extent that the applicant proposes to operate it as a year-round store with produce from an area that fluctuates significantly with product availability. A cell tower on the site was approved by an earlier CUP, and the applicant does not propose to change it. Given the small area it affects, it is not significant to the application.

ii. He argued that OAR 660-33-0020 makes distinctions between "preparation" and "products or by products" that affected the County's analysis of the proposed uses, although not quite explaining how. He argued that the applicant failed to meet the burden of proving that the property will be operated *primarily* as a farm use with an intent to make a profit from farming, highlighting the various existing and

proposed non-farm activities and improvements on the site. He testified that he observed only 3 to 4 acres of the site in farm use. Because, he argued, the applicant failed to show that the primary use of the property is farm use, processing of agricultural produce and meats is not permitted on the site as a primary use under the administrative rule. It is permitted as a use subject to planning director approval, provided it complies with certain limits, including a requirement that at least 25% of the products processed on the site must be grown on the site. ZDO 401.06.B. There is not substantial evidence in the record to support such a finding.

iii. He argued that the proposed vendors' area is not a farm use, because the vendor space will be leased, making it a commercial enterprise. Also most of the vendors will not sell products raised on the site. He argued that it can be permitted only pursuant to the CUP as commercial activity in conjunction with farm use. He argued that the scale of the farmers' market area is too extensive to qualify as an incidental use.

iv. As commercial uses in conjunction with a farm use, the proposed conditional use must enhance farm enterprises in the area and have a direct relationship with farming in the local agricultural area. The term "local" is not defined. The applicant proposes a 25-mile radius for "local." See Exhibit 6 in the application. County staff recommend a maximum 15-mile radius, because the vendors identified by blue dots in the application are within 15 miles of the site. *Sandy v. Clackamas County*, 28 Or LUBA 316 (1994).

b. The second issue is whether the site is suitable for the proposed use. Mr. McCallister argued that it is, citing evidence in the record, except with regard to the capacity to accommodate a septic system. The applicant has not defined the nature and scope of the proposed uses sufficient for the County Soils Section to determine what septic requirements to apply. Until the Soils Section is able to do so, the suitability of the site cannot be determined. He responded to comments about fire flows, concluding that the issue of fire flows can be addressed in permitting, with the applicant providing supplemental water storage on site as directed by the Fire District.

c. The third issue involves access and parking. He described the proposed access and summarized written comments from County Transportation & Engineering staff. County staff conclude that adequate access exists or can be provided. Proposed parking is based on substantial evidence in the application, and County staff support that parking amount, provided that the applicant monitors parking use during farmers' market events, reports results to the planning director for a period of time and modifies the use or the parking if the director requires it based on the monitoring.

d. He concluded by recommending that the hearings officer deny the application unless the applicant provides substantial evidence that the site is suitable for a septic system for the uses proposed; in which case, he recommended that the

hearings officer approve the application subject to the conditions of approval in the Staff Report.

3. Danielle Riehl (née Flynn), Robert Sweeney and David Van Doozer testified for the applicant.

a. Ms. Riehl testified about the lack of a suitability statement or equivalent from the Soils Section. She testified that the application included a soil feasibility study application. A County soil scientist inspected test pits on the site and found the soils to be suitable generally, but could not determine the type and size of the system to require.

b. Robert Sweeney testified as a registered environmental health specialist with 28 years of experience. He testified that he did a detailed soil study that he submitted to the County in 2003. In 2004 he prepared a conceptual design for the system. Since then he has refined the design. He assumed about 2400 gallons of peak daily flow on weekends that would be collected into a dosing tank and directed through the cells of a serial drainfield to achieve an average of 1355 gallons per day into the drainfield. He assumed that the use would include meat preparation, a bakery, public restrooms, food preparation, produce processing, 15 employees and 300 customers per day. He has not discussed the plan with County soils scientists since January 2004, when there was some uncertainty about whether the County could issue the necessary permit or whether ODEQ must do so. Since then he testified that OAR 340-71 was adopted and went into effect, clearly authorizing the County to do so.

c. Ms. Riehl agreed with County staff that the findings addressing ZDO 1203.01.D are sufficient to show that the application also complies with ZDO 401.07.A based on Exhibit P. She argued that the proposed use will enhance agriculture in the local area by providing a convenient market.

d. Ms. Riehl argued that the site primarily is and will be used for farm purposes, citing to Exhibit Q. She also provided photographs of what she testified are crops, cattle, horses and timber on the site. Exhibit R.

i. She argued that the hearings officer should recognize that the *proposed* uses exist for purposes of the CUP, but the hearings officer declined to do so.

ii. The hearings officer questioned the adequacy of the evidence in support of the finding that the site does and will operate *primarily* as a farm use with an intent to make a profit from farming. Mr. Van Doozer asked the hearings officer to hold open the record to give him the opportunity to provide additional evidence.

iii. Ms. Riehl acknowledged that the site is not a traditional farm unit. But she argued that it is a farm. She admitted it is difficult to separate the elements of the farm use from the commercial activity in conjunction with farm use. But she

argued that the meat and produce preparation areas and vehicle parking and circulation areas are farm uses or essential to the farm uses. She argued that similar uses have been approved in the EFU zone in the past, albeit at smaller scales. She agreed to accept conditions of approval with changes to substitute a percentage limitation for an outright prohibition on certain non-farm products and services.

iv. She argued that OAR 660-33 does not require a specific minimum percentage of products sold on the site to be from the farm, and she objected to such a minimum as a condition of approval.² She argued that seasonal variations in productivity (among other causes) will change the percentage of the products in the farm stand that are grown on the site. That reflects the seasonal nature of agricultural products.

v. She argued that, because the farmers' market will contain vendors whose products are grown, raised or processed on the site, the whole farmers' market should count toward the farm use on the site rather than as a commercial use in conjunction with the farm use. She argued that this is consistent with Exhibit S, an opinion Ms. Riehl wrote when she was on the County Code Compliance staff. She argued the act of leasing the vendor spaces is not relevant to the classification of the use of the farmers' market.

vi. She testified that the applicant intends to take local agricultural products and prepare them into ready-to-eat foods – baked goods, processed meats and other value-added products – and sell them at the farmers' market and/or farm stand. She argued that all of this is part of the farm use, because it involves local agricultural products.

vii. She requested approval for 25% of the goods sold on the site to be "incidental," i.e., not a product of the local agricultural area, including pond supplies, landscaping ornaments, and other products County staff recommended be prohibited.

viii. She discussed plans to sell small tractors and irrigation supplies, attempting to distinguish them from similar non-farm supplies that County staff recommend be prohibited.

ix. She discussed plans to sell landscape materials such as bark dust, fertilizer, and potting soil, which County staff recommend be prohibited. She introduced Exhibits T and U to show that these materials are used in farms in the area and are sold by a local farm supplier. Mr. Van Doozer testified that he has about 3000 hydrangeas planted in a mix that includes the bark dust and soil. Ms. Riehl also argued it

² Ms. Riehl proposed a maximum 25% incidental sales limit. However she objects to the use of a minimum percentage of farm products raised/grown on the site as a limit on the value of farm products sold from the site.

should be allowed, because it is allowed in the RFFF-5 zone, as noted in Exhibit V, a zone in which farms are allowed.³

x. She argued that proposed sale of natural gas and biodiesel products should be permitted as part of the CUP, which County staff recommend be prohibited. She argued that they are used in farm operations in the area and that farmers in the area expressed an interest in using them in the future. Exhibit X. Mr. Van Doozer argued that very little of the site area would be used for fuel sales. He intends to produce biodiesel for his own use. The hearings officer expressed doubt about the adequacy of the evidence to support a fuel station and fuel conversion service as a commercial use in conjunction with a farm use given the applicable regulations and case law.

xi. She discussed plans for the dwelling on the site. The dwelling will be retained and used for residential purposes for the foreseeable future. Someday the applicant might move or remove it.

xii. She testified that the applicant would provide recommended loading spaces and submit to design review, but noted that several buildings already exist on the site, and the applicant does not volunteer to substantially change or remove them.

xiii. In response to her questions, the hearings officer opined that the application did not include group events; therefore the CUP does not authorize any. The hearings officer noted that the applicant could amend the application to include events, but, depending on the nature, number and scale of the events, such a change could require new public notice and a continued or new hearing. However the hearings officer opined that the applicant can provide live music that is accessory and incidental to the farmers' market.

xiv. She raised a concern about the breadth of recommended condition of approval 9 that requires the applicant to obtain permits before beginning operations, to which the hearings officer agreed to respond in the final order.

xv. She requested that the hearings officer state what products and services are farm products and services and what products and services are non-farm products and services. She proposed that the hearings officer limit the sales of non-farm products to 15% of total sales and limit the sales of farm products from outside the local area to 25%. She argued that the "local area" should extend 25 miles from the site.

4. Reginald Kenney testified on behalf of Wilcox Farms, which owns Edelweiss Farms on Danbrook Road, a large commercial egg production facility. He objected to the proposed poultry facility, which is shown on the preliminary site plan as a 180-foot x 60-foot structure. He argued that the design of the facility would not protect against the

³ Mr. McCallister noted that the Board of Commissioners construed the RFFF-5 zone to allow landscape supplies, but expressly said that the interpretation did not apply in the EFU zone. See Exhibit V.

spread of disease or bio-terrorism. The hearings officer explained that, under state law, the County cannot regulate the poultry facility for purposes of land use, because it is a farm use.

5. Tony Holt testified as a director of the Charbonneau Homeowners' Association and resident of Charbonneau. He testified about the Associations' efforts to limit certain development. He also expressed concern about the proposed use, because of the curve west of the site that constrains sight distance on Butteville Road. He favored the limits recommended by County staff in this case. He argued that the 20-foot wide driveway to the site is not adequate or safe.

6. Patricia and Duane Wamsher testified as the owners of a 17-acre parcel on the west side of the site. They farm their property. They are concerned about the size of the farm store.⁴ They were concerned about the impact of refrigerated semi-trailers on the driveway and Butteville Road as it relates to views and noise at their home. They argued against allowing use of the easement to Butteville Road, opining that the applicant should have to obtain deeded frontage to the road where he can have access. They objected to the impact of the proposed use of the privacy and security of their home and the increased noise from traffic and people and loss of trees along their common boundary with the site. They expressed concern about the restrooms and the safety of septic effluent given that they draw drinking water from a well. They expressed concern about the size of the poultry barn and confirmed that the applicant does not intend to slaughter poultry at the site. They testified that there is an ongoing dispute about the precise location of the common property line. They discussed the requirement for three loading berths at the site and their concerns about the extent of the commercial activity that they will be able to observe on the site.

7. Anna Wagoner testified against the application. Although she raised the issue of an unresolved grading violation on the property (see Exhibit N), her principal objections concerned the safety of the transportation system. She argued that development and traffic volume have increased significantly on Butteville Road in the last ten years. She described the peak hour traffic on weekend afternoons, and argued that the traffic study is not adequate, because it did not address traffic performance during those hours.

8. Lindsay Hughes testified for the purpose of determining how long the hearing officer would hold open the record. The hearings officer described his predisposition regarding the open record period and invited public response. No one responded.

9. There was additional discussion by Ms. Riehl, Mr. McCallister, Mr. and Mrs. Wamsher and the hearings officer, but it did not include new evidence nor raise new issues. Mr. and Mrs. Wamsher continued to argue that the evidence is inadequate to

⁴ According to Exhibit F, the farm stand building contains 7200 square feet. In Exhibit DD, Ms. Riehl states that it contains 9600 square feet. The record does not resolve the difference in testimony.

support the necessary findings under ZDO 1022.07, because the application did not include an adequate traffic study. For instance, the applicant did employ traffic counters to establish a baseline of existing use. The hearings officer invited the Wamshers to introduce substantial evidence regarding traffic during the open record period.

10. At the end of the public hearing, the hearings officer ordered the record held open for a total of five calendar weeks. The hearings officer held open the record for an initial two weeks for all parties to introduce new evidence and argument; for a subsequent two weeks for all parties to introduce evidence and argument in response to evidence and arguments submitted the prior to two weeks; and for a subsequent week for the applicant to submit a closing written argument without new evidence. The record in this case closed on September 15, 2005.

C. DISCUSSION

1. The Staff Report is intended to identify the applicable standards for the application, so that the parties know what standards apply.

a. The hearings officer finds that the approval criteria identified in the Staff Report are the applicable approval standards for the application, and the hearings officer adopts that list as his own.

b. The hearings officer also finds that ZDO 1303 contains relevant procedures and standards for certain conditions of approval. The Clackamas County Roadway Standards and Tables V-1 through V-5 of the Transportation Element of the Comprehensive Plan are incorporated into the ZDO by reference and are also relevant. To the extent that the ZDO implements corresponding provisions of Oregon Revised Statutes ("ORS"), that law, related Oregon Administrative Rules ("OAR") and the case law relating to them also are relevant as described more herein and in the Staff Report. The County decision must comply with the applicable standards in the ZDO unless superseded by applicable state law.⁵

⁵ ORS 215.416(8)(a) provides as follows:

Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the County and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the County as a whole.

However the hearings officer also observes that, on appeal, the Land Use Board of Appeals shall reverse or remand a local government decision that is "contrary to a state statute, land use goal or rule that the comprehensive plan provision or land use regulation implements." ORS 197.829(1)(d). Therefore state statutes and administrative rules regarding agricultural land also are relevant to that extent.

2. The Staff Report contains findings that the application does or can comply with the applicable approval standards with one exception subject to the recommended conditions of approval. The hearings officer agrees with and adopts the affirmative findings in the Staff Report as his own except to the extent that they are inconsistent with the following discussion or conclusions.

3. There is no dispute in the record that the proposed uses do or can comply with most of the applicable approval standards for the application. The principal disputes involve the classification of and limits imposed on the proposed land uses as a result.⁶ The hearings officer prefaces the discussion by saying that the variety of proposed uses and their interrelationships makes the analysis particularly difficult in light of the ambiguities in many of the relevant regulatory standards and terms.

4. The first dispute involves the classification of the proposed uses on the site pursuant to ZDO 1203.01.A, quoted in the prior footnote.⁷

⁶ ZDO 1203.01 provides as follows:

The Hearings Officer may approve a conditional use pursuant to Section 1300 if the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates that the proposed use satisfies the following criteria:

- A. The use is listed as a conditional use in the underlying zoning district.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
- C. The proposed development is consistent with Section 1022 and safety of the transportation system is adequate to serve the proposed development.
- D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the underlying zoning district.
- E. The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use.

⁷ The hearings officer understands that the proposed uses include the following, which the hearings officer classifies in the subsequent findings:

- Farming. The hearings officer mentions this land use for the sake of being thorough. Farming, *per se*, is not subject to regulation pursuant to the ZDO. However the ZDO and other standards are relevant to what qualifies as a "farm use."
- A farm stand. Although sometimes referred to in the record as a "farm store," the hearings officer understands from its repeated description as such that it is a farm stand.
- A farmers' market consisting of up to 100 tents for lease.
- Preparation of meats (but not slaughtering) and farm crops (e.g., produce, grains, nuts, fruits).
- Sales and service of agricultural supplies, machinery and equipment, including outdoor display and indoor and outdoor materials storage.
- Processing of farm products grown on and off the site into value-added products such as cooking fruit to make pies and jam, carding fleece into yarn, and blending berries with other ingredients to make drinks or foods.
- Sale of non-farm items and farm products from outside the local agricultural area in several of the foregoing (which the hearings officer discusses in the content of the associated use).

a. Farm use. ZDO 401.04 lists the primary uses permitted in the EFU zone on high value farm land, including “farm use” consistent with ORS 215.203.⁸ Substantial evidence in the record reflects that the applicant is using the site for farm use.⁹ See particularly the photographs and illustrations and volumes of planted crops, ferns, flowers, etc. (including their coverage as illustrated on the site plan) in Exhibits Q, R and AA and the testimony by Mr. Van Doozer and Ms. Riehl. Although neighbors dispute the extent of the farming on the site, and County staff dispute whether the primary purpose of the site is to obtain a profit in money from the farm use of the site, the hearings officer is persuaded that the applicant does use the site for farm purposes. The hearings officer addresses the primary purpose of the use of the site in the findings regarding the preparation facility.

b. The farm stand. ZDO 401.04.H allows “farm stands” as a primary use on low or high value farmland in the EFU zone. However there are disputes about what the farm stand can sell in this case.

i. The applicant argues that the proposed farm store is a farm stand to the extent that it sells agricultural products from the site and local agricultural area.

⁸ ZDO 401.03.B incorporates ORS 215.203(2)(a), which defines “farm use” as follows in relevant part:

[T]he current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. . . “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.

ORS 215.203(2)(b) provides that “Current employment” of land for farm use includes the following:

(F) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(x) and 215.283 (1)(u);
(H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

ORS 215.203(2)(c) defines “accepted farming practice” to mean:

A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

⁹ Substantial evidence is evidence a reasonable person would rely on in reaching a decision. *Carsey v. Deschutes County*, 21 Or LUBA 118, *aff’d* 108 Or App 339, 815 P2d 233 (1991).

The applicant concedes that some of the sales from the farm store will involve non-farm products and farm products from outside the local agricultural area. The applicant proposes that no more than 25% of the gross value of products sold at the store will be for non-farm products and products grown or raised outside the local agricultural area, and that no more than 15% of gross sales will be for non-farm products. The applicant argues that the 25% cap is consistent with the standards for a farm stand.¹⁰

ii. County staff agree with the applicant that the proposed farm store is a farm stand and thus a primary use in the EFU zone, subject to the terms of the definition of "farm stand." But staff recommend a limit of 15% on gross sales of incidental items (i.e., products from the stand that were not raised/grown on the site or in the local agricultural area or are non-farm products). Staff argue that this cap is appropriate based on the following:

"[D]ue to the very large scale of the proposed facility, variety of produce, crops and livestock to be sold and range of other proposed services... [T]hese limitations are necessary to ensure the proposed use primarily serves the local agricultural area, does not become a regional draw, and does not draw the non-farming community on-site for sales and services... The County may regulate or limit commercial activities that are in conjunction with farm uses more restrictively than required by State law. It is appropriate to do so when the proposed uses include a range of sales, services and products that may be purchased for non-farm use..." p. 10, Staff Report.

County staff also point to precedents in at least three recent County decisions for a cap of 15% or less on incidental sales involving commercial uses intended to serve the local agricultural area.¹¹

¹⁰ ZDO 401.03.I defines "farm stand" as follows:

A structure designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of the incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

This definition is substantively identical to the one in ORS 215.283(1)(r). A farm stand is a permitted use in the EFU zone on low or high value farmland. ZDO 401.04.H.

¹¹ In the final order in File No. Z0011-00-C (Dorie Feed Store), the hearings officer imposed a 10% cap on gross sales of non-farm products at a store that was allowed as a commercial activity in conjunction with a farm use in the RRFF-5 zone.

iii. The hearings officer observes that, on one hand, the applicant is proposing a farm stand, and that stand should be subject to the standards that apply to it. That is, each proposed use should be considered separately, and evaluated relatively independent of other proposed uses for the site. This is the applicant's approach. On the other hand, the applicant is proposing much more than a farm stand on the site. Therefore it could be argued that all of the proposed uses on the site need to be considered together as a whole, and that the impact of the sum of the proposed uses may be greater than their constituent impacts considered individually. This is the basis of the County staff's approach. Each approach has merit in that each is based on reasonable logic and certain reasonable assumptions.

iv. The hearings officer is aware of the overriding legislative goal served by ZDO 401: to preserve agricultural use of agricultural land consistent with Statewide Planning Goal 3. Also see ORS 215.243 and Board of Commissioner's Order 01-179 regarding File No. Z0585-00-I.¹² It is reasonable to be concerned that a multiplicity of uses on a given site could detract from that goal, particularly when the applicant proposes to push the edge of the envelope (e.g., regarding the limits of the "local agricultural area"). But if proposed uses do or can and will fit into that envelope, they are primary uses, and the hearings officer is not aware of any legal authority for restricting those uses more than authorized by the plain meaning of the unambiguous words in the law.

v. The hearings officer finds that the farm stand on the site is a "structure designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand." Therefore, based on the plain meaning of the unambiguous words in ZDO 401.03.I, the farm stand remains a farm stand provided not more than 25% of the total sales from the farm stand are for incidental items and, given the applicant's proposal in this case, not more than 15% of

In the final order in File No. Z0484-00-C (Lyon), the applicant agreed to limit sales at a proposed store in the EFU zone to a specific list of goods that the hearings officer found served the local agricultural area exclusively, allowing an unspecified, incidental amount of sales of other products.

In the final order for File No. Z0775-02-C (Hammons Farm Stand), Hearings Officer Turner imposed a 15% cap on the incidental sales at a farm stand in the RRFF-5 zone. See condition 3 and the discussion at pp. 4-6 of that final order, incorporated herein by reference.

In each of these decisions, the hearings officer required the applicant to maintain records substantiating the source and its location and the nature and value of all products sold and to report certain results to the planning director periodically or when requested.

¹² In the Board of Commissioner's Order 01-179 regarding File No. Z0585-00-I, the Board construed "farm use" in the EFU zone to be "narrower" than use of the same term in the RRFF-5 zone. Exhibit V.

total sales from the farm stand are for non-farm products.¹³ The structure is not suited or intended for banquets, public gatherings or public entertainment.¹⁴ The hearings officer is not persuaded that the County can legally restrict sales of incidental items to less than 25% of total sales at a farm stand based on the plain meaning of the unambiguous words in ZDO 401.03.I.¹⁵

(A) The hearings officer construes the words “incidental items” in ZDO 401.03.I to mean any non-farm products and products that were not grown or raised within the local agricultural area.

(B) The ZDO does not define the term “local agricultural area.” The hearings officer construes that term to mean the geographic area within which similar accepted agricultural practices, suppliers and markets are used to raise, produce and market similar products in roughly similar physical settings. Often one such area is separated from another such area by distance, intervening land use uses or significant physical obstacles and/or such an area can be centered around some market opportunity or resource. Local agricultural areas for different products may differ.

(C) In this case, the hearings officer finds that the applicant did not bear the burden of proof that the “local agricultural area” for the farm stand proposed on this site includes farms more than 15 miles from the site.¹⁶

(1) All of the farms identified in Exhibit 6 of the application narrative are within roughly 15 miles of the site and half are within five miles.

(2) The applicant failed to show that farms beyond a 15-mile radius are “local” in question in terms of accepted agricultural practices, suppliers, markets, physical or other relevant characteristics. The applicant did not show that selling crops from more distant farms benefits the local agricultural area where “local” means:

1. relating to place.

¹³ The hearings officer can impose the additional 15% cap on incidental sales of non-farm goods in this case, because the applicant proposed such a cap.

¹⁴ The hearings officer finds that use of the farm stand to make and sell value-added products using products of the farm on the site and in the local agricultural area is part of the farm use. However to the extent that the value-added products are made from products from outside the local agricultural area, they are incidental goods and/or part of the commercial use in conjunction with farm use.

¹⁵ A lesser cap would emphasize sales of more local farm products. But the law quoted in the footnote above is not ambiguous about the cap amount, and it does not authorize the County to reduce that amount.

¹⁶ It is possible to do so; the applicant simply did not do so in this case. Contrast the record and result in this case with the record and result in File No. Z1039-00-C (Casey) (discussed more in the next footnote).

2. of, characteristic of, or confined to a particular place.
3. restricted; narrow; confined...".¹⁷

(3) Without additional substantial evidence of a relevant relationship between the site and more distant agricultural areas, the hearings officer finds that more distant areas are not local to the agricultural area in question, in part, because they are separated from the site by significant distance and barriers (e.g., rivers, highways, urban development and other physical features). Therefore, even if sales at the site involve farm products, they are incidental sales for purposes of ZDO 401.03.I if the products were not raised or grown within a 15-mile radius of the site.¹⁸

vi. There is some dispute about whether sales of certain products or byproducts at the farm stand (or farmers' market) qualify as part of the farm use. Based on the plain meaning of the words in ORS 215.203(2)(a), a farm use can include preparation of products or by-products of farm use under certain circumstances.¹⁹

(A) The hearings officer finds that sales of goods that are prepared from farm products grown or raised on the site or in the local agricultural area are part of the farm use of the site, based on OAR 660-033-0020(7) and ORS 215.203(2)(a).²⁰

¹⁷ WEBSTER'S NEW WORLD DICTIONARY OF THE AMERICAN LANGUAGE (1966). Based on this definition, the hearings officer finds an applicant must describe and substantiate with some particularity the basis for including in the "local agricultural area" farms that are more distant. In the case of File No. Z1039-00-C (Casey), the local area was larger because the product being processed was alpaca wool, which the record in that case showed included as an accepted agricultural practice collection of wool from a larger area, because the alpacas are an exotic animal that are distributed widely throughout a large area. The hearings officer is not persuaded that the same rationale exists in this case, because the applicant can and does buy the more common produce, fruits and other farm products he sells from farms within a smaller area.

¹⁸ In the final order in File No. Z0775-02-C (Hammons Farm Stand), Hearings Officer Turner defined "local agricultural area" as farms within an *average* of ten miles of the site, based on the dollar amount of farm products bought from each farm. However that definition introduces a certain amount of complexity to monitoring. In this case the hearings officer finds a fixed radius of 15 miles is more certain and easier to enforce and warranted by the multiplicity of uses on the site. A 15-mile radius also includes an area more than twice as large as a fixed 10-mile radius (706 sq. miles vs. 314 sq. miles), so it allows access to more farm land in the local area for marketing products and byproducts as part of the farm use on the site.

¹⁹ ORS 215.203(2)(a) provides as follows in relevant part:

... "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use...

²⁰ OAR 660-033-0020(7) was amended in 2004 to read as follows. No similar language exists in the ZDO, but the OAR reflects the vote of the Land Conservation and Development Commission about the meaning of term "farm use" in relation to Statewide Planning Goal 3 (Agriculture).

(B) There is a dispute about whether sale of products or byproducts of farms outside the local agricultural area and value-added goods that are prepared from them are incidental sales for purposes of the farm stand in light of OAR 660-033-0020(7)(b). No court has addressed the issue, based on the hearings officer's review.

(1) The applicant relies on OAR 660-033-0020(7)(b) to argue that the farm use of the site includes preparation and marketing (e.g., sale) of any product or byproduct of a qualifying farm situated anywhere.

(2) OAR 660-033-0020(7)(b) says that "farm use" includes the preparation and marketing of any product or byproduct raised on a farm *situated anywhere*, as long as the property where the goods are prepared is used for the primary purpose of making a profit in money from the farm use of the land.

(3) The hearings officer finds that the administrative rule is ambiguous because it appears to conflict with the definition of "farm stands" in ORS 215.283(1)(r) (and its mate in the ZDO), which clearly limits the sale of products to those raised on the property or in the local agricultural area. See footnotes above. It also conflicts with ORS 215.283(1)(u) (and its mate in ZDO 401.06.B(1)), which clearly requires at least 25% of the products at a facility for processing farm crops to be from the farm operation where processing occurs.

(4) Given the ambiguity created by this apparent conflict, the hearings officer considered the context of the administrative rule. That context begins with strong legislative policies to protect farm land. But the subsequent exceptions and qualifications reflect multiple priorities, and the testimony attributed to DLCD staff Ron Eber regarding the rule reinforces that conclusion. The result is that the hearings officer cannot determine the meaning of the administrative rule based on the context.

(5) The hearings officer considered the legislative history of the administrative rule in the record, which is limited to a characterization of testimony by Mr. Eber about his agency's intention not to require prepared products and

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- (a) "Farm Use" as that term is used in ORS Chapter 215 and this division means "farm use" as defined in ORS 215.203.
 - (b) As used in the definition of "farm use" in ORS 215.203 and in this division:
 - (A) "Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or by-products; and
 - (B) "Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

byproducts to be from within a given area so as to unburden farmers. However the hearings officer finds that LCDC did not intend the ambiguity in OAR 660-033-0020(7)(b) to be construed in a way that would conflict with the plain meaning of the words in ORS 215.283(i)(r) or (u), because neither the rule nor Mr. Eber's testimony address those provisions. Therefore resort to legislative history does not resolve the ambiguity.²¹

(6) The hearings officer considered common rules of statutory construction to resolve the dispute, including the following: statutes take priority over administrative rules; statutes and administrative rules take priority over County rules that address farm land; and statutes and rules should be construed to be consistent and to apply to the extent possible. To be consistent with the plain meaning of the unambiguous words in ORS 215.283(1)(r) and (u), the hearings officer construes OAR 660-033-0020(7)(b) to allow the following:

(I) Sales of products and byproducts of farm crops from outside the local agricultural area that, when combined with other incidental sales, do not exceed 25% of the gross sales from the farm stand and farmers' market; and

(II) Preparation of farm products and byproducts grown or raised anywhere; provided, at least 25% of the value of the goods prepared in the facility are grown or raised on the site on an annual basis; and, the site is being used for the primary purpose of obtaining a profit in money from farm use.²²

(7) The hearings officer notes that processing farm crops in the EFU zone is not allowed as a conditional use. ORS 215.283(2)(a) and ZDO 401.07.B(1).

vii. A condition of approval is warranted pursuant to ZDO 1303.09.A and B(1) to require the applicant to record the value of all goods sold in conjunction with the farm stand (and the farmers' market and processing facilities), including products, byproducts, processed and prepared goods raised or grown on a farm or created from those farm goods and non-farm goods (i.e., goods that were not raised or grown on a farm or created from those farm goods). The applicant agreed to comply with such a condition. Although neighbors disputed the applicant's credibility, the hearings officer is not persuaded that the applicant will not comply with such a condition.

²¹ DLCD's participation in this case might have helped explain away the conflict. This particular issue took an inordinate amount of time for the hearings officer to resolve, and the hearings officer continues to harbor uncertainties regarding the administrative rule. The hearings officer regrets the decision took so long to issue, and apologizes to the parties for the delay.

²² In effect the hearings officer finds that LCDC exceeded its authority in adopting part of the administrative rule, because it conflicts with the plain meaning of the unambiguous words in the statute. Of course the hearings officer does not have jurisdiction over LCDC or DLCD. But to make this decision, the hearings officer must construe the rule in light of the statute. That construction is not entitled to deference by LUBA or the courts; it is a question of law.

(1) Such records should identify clearly and in a manner that can be reproduced and verified readily where all farm goods originate (i.e., products, byproducts, processed and prepared goods raised or grown on a farm or created from those farm goods). The record should include a list of the relevant farms and their location on a scaled map. The applicant should be required to show by means of these records that not more than 25% of the gross value from the farm stand is derived from the sale of non-farm goods and goods grown or raised (or created from those farm goods) on a farm more than 15 miles from the site (measured in a straight line from the closest point on the site) nor more than 15% of the gross value from the farm stand is derived from the sale of non-farm goods. The applicant should be required to maintain and provide these records to the planning director at least annually or more often if requested by the planning director.

c. The Farmers' Market. ZDO 401.04.H allows "farm stands" as a primary use in the EFU zone. ZDO 401.07.B(1) allows commercial activities in conjunction with farm use (other than processing farm crops) as a conditional use in the EFU zone. There is a dispute about whether the farmers' market qualifies as one or the other kind of use.

i. The applicant argues that the proposed farmers' market is a farm use because it includes a qualifying farm stand. That is, the applicant argues that some number of the maximum 100 vendors in the farmers' market will sell farm goods grown or raised on the site and on farms in the local agricultural area. Therefore the farmers' market is a farm stand. The applicant will ensure that not more than 25% of the gross sales will be from non-farm goods and goods not grown or raised in the local agricultural area. Ms. Reihl highlighted Exhibit S in this regard, which is a letter she wrote regarding an unrelated farm stand at a different location in the EFU zone when she was employed in the Clackamas County Community Environment Division. Faced with a noncompliant farm stand, she offered to allow the property owner to treat income from the several vendors there as a unit rather than separately. The other alternative she offered to remedy the violation was to require each vendor to show that not more than 25% of their sales are incidental (i.e., from non-farm goods and goods not grown or raised in the local agricultural area). She argues the hearings officer should rely on this precedent to treat the farmers' market as a unit rather than as up to 100 individual vendors.

ii. County staff respond that the farmers' market is inherently a non-farm use, because it results in income derived from something other than growing or raising farm goods: leasing land and sales facilities. It is inherently commercial in nature. Also there is no assurance that the market always will include farm goods grown or raised on the site. County staff argue that the farmers' market is permitted only as a conditional use. County staff recommend that the hearings officer approve the farmer's market as a conditional use, subject to conditions limiting the source of the goods sold to farms within a 15-mile radius, and limiting the goods to farm products, byproducts and goods largely processed from them.

iii. The hearings officer finds that the applicant failed to meet the burden of proof that the proposed farmers' market will be a farm stand. What the applicant provided in the way of evidence is largely speculative or preliminary in nature. The farmers' market does not exist. The applicant has not provided substantial evidence that any particular vendors plan or have executed any letters of intent or similar commitment to lease space. The applicant has not identified crops from any particular farms in the area that will be marketed at the farmers' market. The applicant expects, perhaps reasonably, that if the farmers' market is approved, vendors from the local agricultural area will appear in sufficient numbers and with sufficient goods to maintain the market as a farm stand. Similarly the applicant expects, perhaps reasonably, that the applicant will offer goods for sale at the farmers market that were raised or grown on the site. But there is not sufficient substantial evidence in the record to support the necessary findings to that effect, particularly given the scale of the proposed farmers' market. The hearings officer can make reasonable inferences from substantial evidence in the record, but generally, unsupported assurances by the applicant or the applicant's representative that an applicable standard will be met are not substantial evidence that the proposal complies with the standard. *Wuester v. Clackamas County*, 25 Or LUBA 425, 437 (1993).

iv. The hearings officer agrees with Staff Report that the proposed farmers' market qualifies as a commercial use in conjunction with farm use for purposes of ZDO 401.07.B(1), provided that it meets the test in *Craven v. Jackson County*, 308 Or. 281, 289, 779 P.2d 1011, 1015 (1989), that the commercial activity "enhance[s] the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates." 308 Or. at 289.²³

v. The hearings officer also largely agrees with Staff Report that a farmers' market enhances the farming enterprises of the local agricultural community to which the site relates only if the goods offered for sale or display primarily are grown or raised in the local agricultural area or are created primarily of such goods.²⁴ However, based on *Craven*, some allowance can be made for incidental sales without violating the law. Therefore the hearings officer finds that the farmers' market should be allowed to include some incidental sales of non-farm goods and farm goods that were not raised or grown in the local agricultural area. There is no adopted standard in the ZDO, OARs or

²³ The hearings officer also was not persuaded that the farmers' market cannot be a farm stand simply because it consists of leased land and hardware. Marketing farm goods can be a farm use. ORS 215.203(2)(a). If an accepted agricultural marketing practice in a local agricultural area includes leasing land off the farm for sale of farm products and byproducts or products prepared from them, it is a farm use. The applicant in this case did not offer substantial evidence that farmers' markets are an accepted agricultural marketing practice in this area, although the hearings officer is familiar with such markets in urban areas.

²⁴ It is not the vendors but the goods for sale that must come from the area. County staff recommended a strict prohibition on sales of non-farm goods and goods from beyond the local agricultural area. However they did not provide a rationale for such a strict prohibition in light of the incidental sales allowed at other commercial uses in conjunction with farm use, and the 25% incidental sales allowed in a farm stand.

ORS for how much incidental sales is too much. The hearings officers have imposed a 15% cap on such sales for other commercial uses in conjunction with farm use. Although there is nothing magic about that number, it ensures that at least 85% of the sales are for farm goods from the site and the local agricultural area, which sufficiently enhances farming in the area to pass muster under *Craven*.

vi. The same sort of recordkeeping and reporting should apply to the farmers' market as applies to the farm stand, provided that the cap on incidental sales shall be 15%.

(1) It is not clear from the record how the applicant intends to undertake such recordkeeping of sales by vendors in a way that is verifiable. There will be potential for abuse, given the many vendors and, from the hearings officer's experience at other farmers' markets, the common use of cash without receipts. The applicant should be required to propose how vendors will be required to verify sales, such as by requiring duplicate receipts for all sales or pre- and post-market inventories and accountings, subject to review and approval by the planning director.

(2) The applicant should be allowed to reduce the size of the proposed farmers' market without amending the conditional use permit, because it will reduce the impacts of the use.

d. Preparation facility. The applicant proposes to clean, sort, cut, package and temporarily store a portion of the meats and produce sold in the farm stand and farmers' market in a proposed 4960-square foot building along the east setback line. ORS 215.283(1)(r) and ZDO 401.06.B(1) allow a facility for processing farm crops subject to certain standards as a use subject to planning director review. OAR 660-033-0020(7) allows preparation as a "farm use" subject to certain standards. The applicant and the County dispute how to classify the preparation facilities.

(1) Based on the construction of OAR 660-033-0020(7) adopted above, the applicant can prepare farm products and byproducts grown or raised outside the local agricultural area as a primary (i.e., farm) use; provided, at least 25% of the weight or value of the goods prepared in the facility are grown or raised on the site on an annual basis (ORS 215.283(1)(r) and ZDO 401.06.B(1)); and, the site is being used for the primary purpose of obtaining a profit in money from farm use (OAR 660-033-0020(7)).

(2) There is a dispute about whether preparation will be "only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land." OAR 660-033-0020(7)(b).²⁵ County staff conclude that there is too little

²⁵ The administrative rule is ambiguous in several ways. It could be read to allow processing only if the site of the processing activity is used for primary purpose of making a profit from its use for farming. That construction would allow processing facilities only as a temporary use, because the land where it is situated

evidence to support such a finding. The applicant made an effort to fill that gap at and after the hearing; County staff did not respond to the new evidence.²⁶ Neighbors disputed the applicant's evidence.

i. On the one hand, the hearings officer finds that there is substantial evidence in the record that the site now is being used for farming, based on Exhibits Q, R, AA and DD. The photographs in Exhibits R and AA and the table in Exhibit Q show that much of the site is cultivated or used for farm purposes (including the woodlot that also is used to grow mushrooms). The tax return in Exhibit AA appears to show that the applicant's business generated annual gross sales of \$121,000 and a net profit of about \$56,000 in 2004. Based on ORS 215.203(2)(b)(F), the land under the farm stand and the processing building is in farm use. Arguably the land beneath the farmers' market area is in farm use to the extent that the vendors sell products or byproducts grown on the site and in the local agricultural area. Although neighbors disputed the applicant's primary purpose, their testimony was not persuasive to the hearings officer.

ii. On the other hand, the hearings officer finds that some of the evidence is ambiguous. On its face, the tax return is for a business known as the I-5 Farm Store, Inc. with a listed address on Second Avenue in Canby. It is not clear whether that is the farm on Butteville Road, but the hearings officer assumes that it is based on the text on p. 1 of Exhibit AA. The return lists supplies of \$65,000. It is not clear what that expense is for. To the extent that it is for farm goods purchased from off the site for resale, it would affect the analysis. Similarly it is not clear how much of the income from the property will be generated from the sale of products grown or raised on the site (or created from them) as opposed to rent and income from products not raised or grown on the site. Buildings, parking, storage and vehicle circulation occupy more than 4 acres of the site. Some aspects of the farm operation, e.g., the poultry barn, may be impracticable, based on the testimony of an expert in such matters. Moreover the poultry barn would be isolated from other aspects of the farm by the proposed 3.67-acre graveled area and landscape storage. Lastly the poultry barn does not exist, and there is no evidence in the record that its existence is reasonably certain at any time. The applicant proposed 3.67 acres of gravel-covered display area as part of the conditional use (see p. 4 of the application narrative), although its limits are not apparent from the preliminary plan. There is a lot going on other than traditional farm uses on the site.

iii. Although a very close question, due to the uncertainties in the record, the hearings officer concludes that the applicant did not sustain the burden of proof that preparation is occurring only on land being used for the primary purpose of

must be used for farming most of the year. However the hearings officer finds that such a construction is unreasonable, because there was no suggestion in the legislative history that that was the intent of LCD, and processing facilities typically are of a permanent nature in the experience of the hearings officer. The hearings officer construes the word "land" in the rule to refer to the farm operation as a whole.

²⁶ A timely staff response to new evidence on disputed issues would assist the hearings officer.

obtaining a profit in money from the farm use of the land. After removing 4+ acres of buildings and pavement and almost 4 acres of gravel surface, only about 10 of the 18 acres are available for farm use, and some of that is wooded. The hearings officer cannot determine the share of the income that will come from raising or growing farm products on the site. Although some of the structures qualify in whole or in part as farm uses, the hearings officer is not persuaded that income from growing and raising farm products and byproducts will exceed income from the conditional uses and preparation facility, in which case the land is not being used for the primary purpose of obtaining a profit in money from the farm use of the land.

(A) The hearings officer concludes that the proposed preparation facility is permitted only as a use subject to planning director review. Therefore at least 25% of the goods prepared must be from the applicant's farm operation. ZDO 401.06.B(1) and ORS 215.283(1)(r). Such a limit is feasible, because the applicant can control the source and amount of prepared goods, and recordkeeping and reporting can ensure compliance, pursuant to conditions of approval.

(B) The applicant should be allowed to reduce the size of the proposed processing facility or any of the other proposed structures from that listed in the preliminary plan without amending the conditional use permit, because it will reduce impacts and the intensity of the use.

e. Storage, sales and service of agricultural supplies, machinery and equipment, including outdoor display. The applicant proposes to sell farm machinery, implements and supplies in a 2048-square foot structure situated on the east setback line and to maintain and repair farm vehicles, machinery and equipment in two 2520-square foot buildings proposed along the east setback line. At the south end of the row of buildings along the east setback line, the applicant proposes a 10,000 square foot storage building. The applicant proposes about 40,000 square feet for outdoor storage of "landscape material" along the west edge of the site and 160,000 square feet of outdoor display between the landscape storage and the buildings to the east.

i. The parties and hearings officer agree that storage, sales and service of agricultural supplies, machinery and equipment are allowed as a conditional use in conjunction with farm use if they comply with applicable standards.

ii. To be "in conjunction with farm use," the commercial activity must enhance the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates. The agricultural and commercial activities must occur together in the local community. *Craven v. Jackson County*, 308 Or 281, 289, 779 P2d 1011, 1015 (1989).²⁷

²⁷ In *Craven*, the Oregon Supreme Court dealt with the question of whether a winery that would receive grapes from growers in the area, and would include a tasting and sales room where wine and winery related retail items would be sold was properly categorized as a "farm use" that might be permitted outright on

iii. The hearings officer agrees with County staff that sales and service of supplies, machinery and equipment for commercial and noncommercial farms will enhance the local agricultural community in which it is situated. Financing of those goods should be limited to the goods sold on the site, because financing of farm equipment outside the local agricultural area does not sufficiently enhance farming in the area.

iv. The hearings officer agrees with the applicant that the tractors and related equipment listed and displayed in Exhibit AA are suitable only for and will enhance commercial and noncommercial farms and should be permitted.

v. Sales and service of irrigation systems and fencing suitable only for commercial and noncommercial farms also should be permitted for the same reason.

vi. Building supplies and hardware are not inherently farm-related. However if the applicant is able to show to the satisfaction of the planning director that particular building supplies and hardware are suitable primarily for commercial and noncommercial farms or essential to their operation, that should be permitted.

vii. Sales of farm supplies including seeds, fertilizers, weed killers, soil amendments, rakes, shovels and other farm implements should be permitted.

viii. There is some dispute about landscape materials. The applicant argues that he and others use such landscape materials as bark dust as a plant-growing medium or as an ingredient in a mix of materials for that purpose. The County argues that the applicant failed to show that landscape supplies, garden decorations and pond supplies were part of any accepted agricultural practice. The parties agree that soil amendments are allowed.

(A) The hearings officer is persuaded that some landscape materials have a sufficient relationship to accepted farming practices to be allowed as part of the conditional use, such as bark dust and other materials that could be mixed with

EFU-zoned land, or whether it was a "commercial activit[y] that [is] in conjunction with farm use" ... that could be permitted provided the use complied with applicable conditional use criteria. The Court analyzed each aspect of the proposed use, concluding that (1) growing grapes fell within the definition of "farm use" set out in ORS 215.203(2)(a); and (2) wineries and tasting rooms are "accepted farming practices" because they are "customarily utilized in conjunction with" vineyards. The Court also concluded that a winery building may be constructed prior to the maturation of grapes on the property, as a "nonresidential building customarily provided in conjunction with farm use" pursuant to ORS 215.283(1)(f), provided the "structure's size and capacity must be proportional and commensurate to the existing level of dedication of land in that immediate area to the crop for which the structure is suited." *Craven*, 308 Or at 286. Turning to the retail sales aspect of the proposed use, the Court held that such retail uses could be allowed as commercial activities that are in conjunction with farm use, so long as the commercial activity "enhance[s] the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates." *Id.* at 289.

clean soil and other amendments. These materials should be allowed as part of the conditional use.

(B) However the hearings officer is not persuaded that landscape timbers, garden rocks, ornaments, lights or goods of that kind generally bear a sufficient relationship to farm use.

(C) In case of doubt, the planning director should be authorized to determine what landscape materials bear a sufficient relationship to farm use.

ix. To the extent that supplies, material and machinery do not bear a sufficient relationship to farm use in the local agricultural area, their sale is permitted as part of the incidental sales of the conditional use. The hearings officer finds that incidental sales (i.e., sales of goods that are not authorized by the conditional use permit) should be allowed from the supply/equipment/machinery facilities as with the other facilities. For purposes of the repair and service facilities, all goods needed to service or repair an eligible product are authorized by the conditional use permit. The hearings officer finds that 15% of sales of these facilities may be incidental, consistent with the County practice in other cases involving commercial uses in conjunction with farm use. Recordkeeping is required to ensure compliance as with other aspects of the proposed use.

x. Outdoor advertising displays are expressly prohibited in the EFU zone. ZDO 401.08.C. The hearings officer finds that the proposed outdoor display of farm equipment, supplies or machinery is for the purpose of advertising those goods. Therefore the hearings officer finds that the proposed outdoor display is not permitted by conditional use permit or otherwise. The applicant should be prohibited from applying gravel to the surface of the land to accommodate such displays. The maximum possible surface area of the site should remain available for farm use when not used for another purpose authorized herein so that the site can remain in farm use to the maximum extent practicable.

f. Value-added products. The applicant proposes to use farm products grown on and off the site to make value-added products such as cooking fruit to make pies and jam, carding fleece into yard, and blending berries with other ingredients to make drinks or foods. The hearings officer understands that this activity may happen in the farm stand, which the hearings officer finds is acceptable, or in one or more other buildings on the site or in other locations in the local agricultural area where ingredients are grown. The hearings officer and the parties agree that processing, storage and sale of such products are permitted provided that income from the sale of such products is from incidental sales to the extent that the ingredients are not grown or raised on the site or in the local agricultural area. It is feasible to enforce such a limitation through recordkeeping and reporting.

g. In summary the hearings officer concludes that the proposed uses are allowed pursuant to the following classifications:

<i>Primary Uses</i>	<i>Uses Subject to Planning Director Review</i>	<i>Conditional Uses</i>
Farm uses, including growing and raising crops and animals, the farm stand, processing of farm goods into value-added products using farm products grown or raised in the local agricultural area	The preparation facility	The farmers' market; sales and service of agricultural supplies, machinery and equipment, without outdoor display; indoor storage; outdoor storage of soil amendments and ingredients

5. Having determined what part of the proposal is subject to the conditional use permit, the hearings officer can proceed to the second criterion for that permit: whether the site is suitable for the proposed conditional uses considering size, shape, location, topography, existing improvements and natural features.

a. County staff concluded that the applicant failed to meet the burden of proof that the site is suitable for a septic system. Based on Exhibits Y and BB, the hearings officer finds that it is suitable, subject to a condition of approval requiring approval and implementation of a permit for such a system.

b. Dwayne and Patricia Wamsher argued that the location of their home so close to the driveway to the site makes the site unsuitable. The loss of trees along the south edge of the driveway easement will make things worse for them by reducing their visual and aural privacy and security.

i. By referring to Exhibit 10 attached to the application narrative, the hearings officer observes that the Wamshers' home is situated immediately south of the trees that adjoin and perhaps extend into the 20-foot wide driveway easement between Butteville Road and the site. Trimming or removal of those trees would reduce the buffer between their home and the driveway. Increased traffic on the driveway would be perceptible to them, as could the noise of compressors for refrigeration equipment and the noise of truck engines, people and activity related to the proposed uses.

ii. The hearings officer finds that the location of the site is not unsuitable for the conditional uses, because the applicant can be required to provide a sight-obscurer fence or equivalent to mitigate the loss of trees if they have to be cut to provide safe access to the site. The precise need for and nature of the fence can be determined in design review, by which time the applicant should be required to determine precisely whether and to what extent vegetation south of the driveway easement must be removed to make the driveway comply with the relevant conditions of approval and how

to mitigate that impact. The hearings officer should amend the condition of approval regarding design review to that effect.

iii. The hearings officer finds that the farther east the applicant takes access to Butteville Road, the less the impact to the Wamshers of traffic associated with the conditional use. But the site adjoins I-5 to the east, which limits the potential for relocating the access. The hearings officer infers from Exhibit J and Exhibit 10 of the application narrative that ODOT would not authorize moving the driveway eastward. Therefore it would not be feasible to require it as a condition of approval.

6. The third criterion for the conditional use permit relates to concurrency and the safety of the transportation system. The only disputed issue under this criterion relates to the transportation system.

a. Neighbors and residents of the area argue that Butteville Road carries too much non-resident traffic and is not safe due to speeding and a sight distance constraint (i.e., a "blind curve") to the west.

b. County staff conclude that the transportation facilities serving the site are adequate, because they comply with level of service standards, and the safety of the transportation system is adequate to serve the proposed development, based on substantial evidence in the record (see Exhibit J), including a traffic study from a professional traffic engineer on behalf of the applicant (see Exhibit 12 of the application narrative).²⁸ The hearings officer agrees with the County staff, based on the evidence cited in the Staff Report and herein.

c. The hearings officer observes that the County has adopted a measure of the adequacy of a road, called a "level of service" or LOS. This measure is commonly used and is generally accepted for the purpose. By law intersections affected by traffic from a proposed development cannot cause an intersection to operate at less than the minimum LOS during the weekday peak hour. Based on substantial evidence in the record (Exhibit J and p. 3 of Exhibit 12 attached to the application narrative), the LOS at affected intersections will be adequate. The LOS analysis does not and cannot take into account peak traffic impact of a Saturday/Sunday activity, such as a typical weekend farmers' market. But the analysis of the adequacy of safety does consider the traffic impact on weekends.

d. County staff confirmed that adequate sight distance is available at the access driveway to Butteville Road. See Exhibit J and p. 3 of Exhibit 12 attached to the application narrative. They acknowledge a sight distance constraint to the west, but argue

²⁸ There is substantial evidence in the record that the proposed uses will generate up to 660 one-way trips when the farmers' market is operating at capacity. When added to the existing average daily traffic on Butteville Road of 1400 vehicles, this means that the road will carry more than 2000 vehicle trips per day (VPD), which is within its capacity given its functional classification and improvements.

that the proposed use will generate relatively little traffic in that direction (15% or about 15 trips). Also accident rates are not high. As a consequence, County staff concluded that traffic from the site is insignificant for purposes of traffic safety. They conclude that the transportation system is "adequate." The hearings officer agrees. Safety always could be better. But the impact of 15 vehicles to or from the site during the peak hours is not significant given the capacity of the road, adequate LOS at affected intersections and the absence of evidence of a safety hazard based on accidents.

7. The fourth criterion for the conditional use permit prohibits a conditional use from altering the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the underlying zoning district. Related to this criterion is ZDO 401.07.A, which requires the applicant to show that the proposed conditional uses "will not force a significant change in" nor "significantly increase the cost of accepted farming practices on land devoted to farm or forest use." After reviewing the nature of the uses and farm practices on adjacent and nearby properties used for farm and forest purposes, County staff consider the following potential impacts: noise, lighting, dust, traffic, views, surface water. They conclude either that an impact will not occur or that it will not be significant. Also see Exhibit P from the applicant.

a. The substantial evidence in the record shows that surrounding properties devoted to farm purposes use agricultural practices common for row crops, with soil preparation and planting in the spring; maintenance, watering and weeding throughout the summer; harvesting, preparing and shipping or marketing in the fall; and removal of crop residue and preparation for the spring. Farms in the area are relatively small, so are unlikely to use aerial spraying. Only the Wamshers' farm adjoins the site, and they do not appear to raise animals who could be affected by the noise and activity on adjoining land. The hearings officer finds that members of the public shopping at a farmers' market are not reasonably likely to object to impacts of farming nearby. The hearings officer finds that the increased traffic on area roads as a result of peak traffic from the site may reduce the speed with which farm vehicles can enter or travel along Butteville Road, but concludes that this is not a significant impact for purposes of ZDO 401.07.A or ZDO 1203.01.D. Provided that the applicant is required to mitigate the potential for raising dust, the hearings officer finds that the proposed conditional uses will not have a significant impact on farm or forest practices on lands devoted to that purpose.

b. The Staff Report lists the primary uses in the EFU zone. They do not include residential uses. Therefore the impacts to the peaceful occupancy of the Wamshers' home are not relevant to ZDO 1203.01.D. For the reasons listed in the Staff Report and at pp. 19-21 of the application narrative and supporting evidence in the record regarding the impacts of the proposed uses, the hearings officer finds that the conditional use will not the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the underlying zones.

8. The fifth criterion for a conditional use permit requires compliance with applicable provisions of the Comprehensive Plan. The hearings officer finds that the applicant will comply with the applicable provisions of the Comprehensive Plan, based on the findings in the Staff Report, which were not disputed.

9. ZDO 1303.09.A requires conditions of approval to be fulfilled within a reasonable time. It is not be timely to require the applicant to obtain permits before they are necessary. The hearings officer should amend condition of approval 9 to recognize that.

10. To the extent that the arguments raised other issues, the hearings officer finds that they were not relevant, were not supported by substantial evidence or were supported by substantial evidence that was not as persuasive to the hearings officer as equally or more probative substantial evidence in the record.

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the hearings officer concludes that file number Z0393-05-C (Van Doozer) should be approved in large part, because the application does or can comply with applicable standards of the Clackamas County ZDO and the applicable provisions of ORS 215 and OAR 660-033-0020(7) as construed herein, provided it is subject to conditions that ensure timely compliance in fact with the ZDO and relevant Comprehensive Plan Policies incorporated by reference in the Staff Report.

E. DECISION

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves Z0393-05-C (Van Doozer) subject to the following conditions:

1. Approval is for the specific use identified in the application materials and on the submitted site plan labeled as Exhibits 3 to the extent they are consistent with the remaining conditions of approval. The applicant may reduce the size or number of buildings proposed and/or may reduce the area of outdoor storage and/or of the Farmers' Market without amending the conditional use permit.
2. This approval and associated conditions do not limit the proposed farm uses identified in this application or any other farm uses allowed under ORS 215.
3. The applicant shall continuously record the value and source of all income derived from the farm stand, the preparation facilities, the farmers' market and the agricultural supplies, machinery and equipment facility. For purposes of this condition, "local agricultural area" means an area extending in a straight line 15 miles from the closest edge of the site.

- a. Regarding the farm stand, the preparation facilities and the farmers' market, the records shall do the following:
- i. Distinguish farm goods from non-farm goods; and
 - ii. Distinguish farm goods grown, raised or produced on the site and in the local agricultural area from farm goods grown, raised or produced outside the local agricultural area;
 - iii. For value-added products, distinguish the value of the farm goods grown or raised on the site or in the local agricultural area that are used in those products from the value of other farm goods used in those products.
 - iv. Identify clearly and in a manner that can be reproduced and verified readily where all farm products and byproducts originate and shall include a list of the relevant farms and their location on a scaled map or in other form in relation to the local agricultural area.
 - v. Identify each vendor who leases a tent site by name and address and the location of the farm in which the products originated. The applicant should be required to propose how vendors will be required to verify sales, such as by requiring duplicate receipts for all sales or pre- and post-market inventories and accountings, subject to review and approval by the planning director.
 - vi. Not more than 25% of the gross value of sales from the farm stand may be derived from the sale of non-farm goods and goods grown or raised (or created from those farm goods) on a farm outside the local agricultural area.
 - vii. Not more than 15% of the gross value of sales from the farm stand may be derived from the sale of non-farm goods.
 - viii. Not more than 15% of the gross value of sales from the farmers' market and preparation facilities may be derived from the sale of non-farm goods and goods grown or raised (or created from those farm goods) on a farm outside the local agricultural area.
- b. Regarding the agricultural supplies, machinery and equipment facilities, the records shall distinguish between goods authorized for sale herein (or approved by the planning director as having an essential relationship to accepted farming practices on commercial and/or noncommercial farms in

the local agricultural area) and all other goods. For purposes of this condition, the "all other goods" are referred to as "incidental" goods.

- i. Not more than 15% of the gross value of sales from the agricultural supplies, machinery and equipment facility shall be for incidental goods.
- c. Regarding maintenance and repair facilities, the applicant may maintain and repair only farm supplies, machinery or equipment used in accepted farming practices in the local agricultural area or sold from the site.
 - i. Except as otherwise required pursuant to condition 3.c.ii, the applicant is not required to keep records of the source of goods sold in conjunction with repairs or maintenance of farm supplies, machinery or equipment, because they are all in conjunction with farm use by definition.
 - ii. The planning director may require in writing that the applicant keep and timely produce records of the subject and source of any supplies, machinery or equipment maintained or repaired at the site to facilitate compliance with this condition.
- d. At least annually or more often if requested by the planning director, the applicant shall submit to the planning director a copy of the records required in condition 3.a and b above for the prior twelve months and a report summarizing the records in relation to the limits in this condition of approval and, if necessary, any changes proposed to bring the use into compliance and a schedule for implementing those changes.
- e. The planning director may waive or reduce the frequency of reports required by this condition of approval in whole or in part if he or she determines, based on a consistent record of results for at least five years from the date the County authorizes occupancy of the building containing a use, that the uses authorized herein, including the farm stand, preparation facility, farmers' market and agricultural supplies, machinery and equipment facility have been operated substantially in compliance with these conditions of approval. If, after waiving or reducing reporting requirements in any given year or years, the planning director may require in writing that the applicant or successor in interest file such reports annually or more often.
- f. In case of doubt about how to classify a given product, the planning director shall make a written determination pursuant to at least at Type I process consistent with the findings in this final order.

- g. The following goods are non-farm or incidental goods:
 - i. Crafts, jewelry, art, etc. and other non-agricultural related items;
 - ii. The sale of landscape materials such as bark dust, decorative rock, ponds and pond supplies, etc., unless they are used for an essential agricultural purpose, such as to provide or to mix with other ingredients to create a medium for plants.
 - iii. The sale of dog and cat food and food for other domestic animals.
 - iv. Irrigation supplies for home lawns and gardens.
 - v. Small lawnmowers and tractors commonly used for home lawns and gardens.²⁹
- h. The following are prohibited:
 - i. Fuel and alternative fuel sales and conversion services.
 - ii. Events such as weddings, concerts, bands or other public gathering or events.³⁰
 - iii. Slaughtering of livestock, poultry and other animals except for those that are raised on the subject property.
 - iv. Farm equipment financing or loan services except for machinery and equipment sold from the subject property.
 - v. Outdoor display of agricultural supplies, machinery or equipment.
- 4. Before the County issues a building or change of use permit for development on the site other than for a primary use, the applicant shall apply for and receive approval of a Design Review application for the development in question pursuant to Section 1102 of the ZDO. To comply with this condition, the applicant shall apply for and attend a pre-application meeting and submit a complete Design Review application that complies with applicable standards. Design Review shall consider the relevant standards of the following sections of the ZDO and the

²⁹ The machines and equipment illustrated in the attachment to Exhibit AA and substantially similar or larger machines and equipment are not incidental or non-farm goods.

³⁰ Musical and other forms of entertainment are permitted provided that it is clearly incidental and accessory to an activity authorized herein or otherwise permitted by law.

findings and conditions of approval in this decision:

- a. Section 401.
- b. Section 1007.
 - i. Parking spaces shall meet minimum and maximum *ZDO* section 1007 requirements, both in number and dimensions.
 - ii. A minimum of 64 off-street parking spaces is required for all of the development authorized herein, although the applicant may propose to reduce the scale of any part(s) of the development or propose phasing of the development in a way that changes the minimum number of required parking spaces.
 - iii. The plans shall list the number of parking spaces required and the number of parking spaces provided. The applicant shall label all compact, carpool, handicap, and loading berth spaces on the plans. All parking and maneuvering areas that are not required to be paved shall be surfaced with screened gravel or better.
 - iv. The applicant shall provide at least the minimum number of illuminated bicycle-parking spaces in accordance with *ZDO* section 1007, Table 2. A minimum of 2 spaces is required for the proposed development. Both spaces shall be within 50 feet of a public entrance to the building, in conformance with *ZDO* subsection 1007.07 E.
 - v. The applicant shall propose how, when and where to monitor parking to confirm that it is adequate, particularly for peak traffic events, such as the weekend farmers' markets. The applicant shall modify the use or parking or both if the planning director requires it based on the results of monitoring.
- c. Any proposed lighting shall demonstrate that the lights are directed downward and do not shine on to adjacent properties.
- d. Section 1008 – Storm Drainage.
- e. Section 1009 – Landscaping.
- f. Section 1010 – Signs, if applicable.

- g. The garbage/recycling enclosure and its location shall be reviewed and approved by Susan Terry, Clackamas County Community Environment section.
- h. Regarding the vegetation between the site driveway and what is now the Wamshers' home to the south, the applicant shall:
 - i. Identify what, if any, changes the applicant has made or will make to reduce the vegetation to comply with County access requirements consistent with condition of approval 9; and
 - ii. Mitigate any reduction of the buffer by providing up to an eight-foot high sight obscuring fence or equivalent within the easement or any other mitigation that the owners of the adjoining property agree in writing to accept and to authorize the applicant to install or provide.
- i. The applicant shall show how dust will be prevented from traffic or outdoor storage and activities associated with the conditional uses.
- j. The Design Review authority shall endeavor not to require significant structural changes to existing buildings that will be retained.
- 5. The applicant shall obtain all necessary permits for proposed buildings and other site improvements including building, grading, plumbing, electrical and mechanical permits as applicable before undertaking development or occupancy for which such a permit is required.
- 6. The applicant shall provide a copy of the Engineer's drainage study and detention calculations to DTD Engineering, Deana Mulder, and shall remedy or obtain any required permit to remedy any existing grading violation before the County issues an occupancy permit or final inspection for anything other than a primary use on the site.
- 7. The applicant shall provide adequate on-site circulation for the parking and maneuvering of all vehicles anticipated to use the parking and maneuvering areas, including a minimum of 24 feet of back up maneuvering room for all 90-degree parking spaces. Angled parking spaces shall provide adjacent drive aisle widths in accordance with requirements provided in Planning's Design Review handbook. Loading spaces shall also be afforded adequate maneuvering room. The applicant shall show the paths traced by the extremities of anticipated large vehicles (delivery trucks, fire apparatus, garbage and recycling trucks), including off-tracking, on the site plan to insure adequate turning radii are provided for the anticipated large vehicles maneuvering on the site.

8. The applicant shall provide and maintain adequate intersection sight distance at the intersection of the site driveway with Butteville Road. Adequate intersection sight distance for drivers turning left into the site shall also be provided and maintained. In addition, no plantings at maturity, retaining walls, embankments, fences or any other objects shall be allowed to obstruct vehicular sight distance. Minimum intersection sight distance, at the driveway intersection with Butteville Road, shall be 500 feet, both easterly and westerly along Butteville Road, measured 15 feet back from the edge of the travel lane. Minimum intersection sight distance for drivers turning left into the site shall be 365 feet measured from the driver's location at the intersection to the middle of the oncoming travel lane.
9. The applicant shall trim/prune the existing evergreen trees adjacent to the southerly side of the access driveway between Butteville Road and the gated entrance at the northerly property line in order to maintain a 20-foot wide access driveway with 14 feet of vertical clearance.
10. The applicant shall install and maintain a 30-inch "STOP" sign, with the bottom of the sign positioned at least five feet above the pavement surface at the driveway intersection with Butteville Road.
11. All traffic control devices, located where private driveways intersect County facilities shall be installed and maintained by the applicant, and shall meet standards set forth in the *Manual on Uniform Traffic Control Devices* and relevant Oregon supplements.
12. Prior to the issuance of a building permit, the applicant shall submit to Clackamas County Engineering Office:
 - a. Written approval from the local Fire District for the planned access, circulation, fire lanes and water source supply. The applicant is advised that the local and State Fire Marshall will require adequate fire flows to be provided by fire hydrants or other approved source. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - b. Written approval from the Department of Transportation and Development for surface water detention facilities and erosion control measures.
 - c. A set site improvement construction plans for review, in conformance with *Clackamas County Roadway Standards* Section 130, to Deana Mulder in Clackamas County's Engineering Office and obtain written approval, in the form of a Street Construction and Encroachment Permit. The permit will be for drainage, circulation, and parking improvements. The permit fee is a minimum of \$400.00 or calculated at \$50.00 per new or

reconstructed parking space, whichever is greater. The applicant shall have an Engineer, registered in the state of Oregon, design and stamp the construction plans for all required improvements.

- d. Since the Department of Transportation and Development is the surface water authority for the proposed project and detention facilities are a requirement of development, the applicant shall provide a copy of an approved grading permit to DTD Engineering, Deana Mulder, prior to the issuance of a SC&E permit.
13. Direct access to I-5 is prohibited. But access to Butteville Road at a point further east than the existing easement is permitted, subject to review and approval by the county engineer and ODOT.
14. The applicant shall obtain all necessary County and State licenses and approvals for food handling and other regulated aspects of this business.
15. This Conditional Use is granted subject to the conditions of approval. Non-compliance with any of these conditions constitutes a violation of this permit and shall be cause for revoking this permit.
16. This approval is valid for a period of two years from the date of final written decision. If the proposed use has not been established within that time, the approval shall expire unless a timely application for extension of the permit is filed with the County under ZDO Section 1203.03 and the application is approved. The conditional use approval is implemented when all necessary permits for the development have been secured and are maintained.
17. Approval is subject to the above stated conditions. Failure to comply with any of the conditions of approval may be cause for revocation of this approval.

DATED this 13th day of October 2005.

Larry Epstein, Esq., AICP
Clackamas County Land Use Hearings Officer

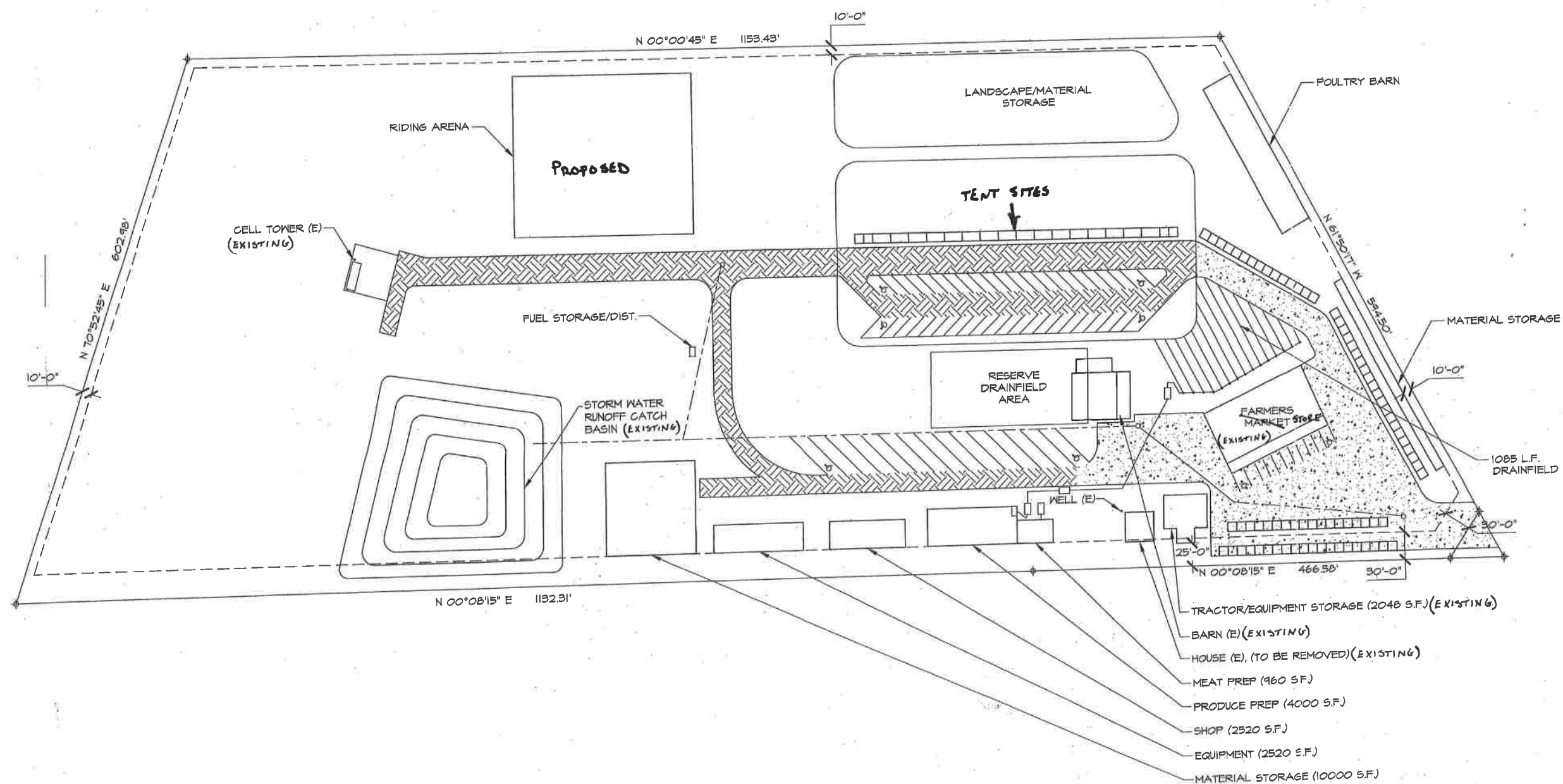
ENDANGERED SPECIES ACT NOTICE

This decision addresses only the applicable criteria under the ZDO. It does not address whether the activities allowed by this decision will comply with the provisions of the federal Endangered Species Act ("ESA"). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsible for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

APPEAL RIGHTS

ZDO 1304.01 provides that the Land Use Hearings Officer's decision is the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules adopted by LUBA describe when and how an appeal must be filed with LUBA. Presently, ORS 197.830(8) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." ZDO 1304.02 provides that this decision will be "final" for purposes of a LUBA appeal as of the date of mailing of this final order (which date appears on the last page herein).

TAX LOT 2700, 18.43 ACRES
S.E.¼, SECTION 26, TOWNSHIP 3 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON

EXHIBIT C

ON THE INTERCHANGE OF
INTERSTATE - 5 AND EXIT (287-B)
CHARBONNEAU "SOUTH BOUND" AND EXIT
(182) CANBY "NORTH BOUND" LOOK FOR
THE BIG RED BARN & GREEN GATES

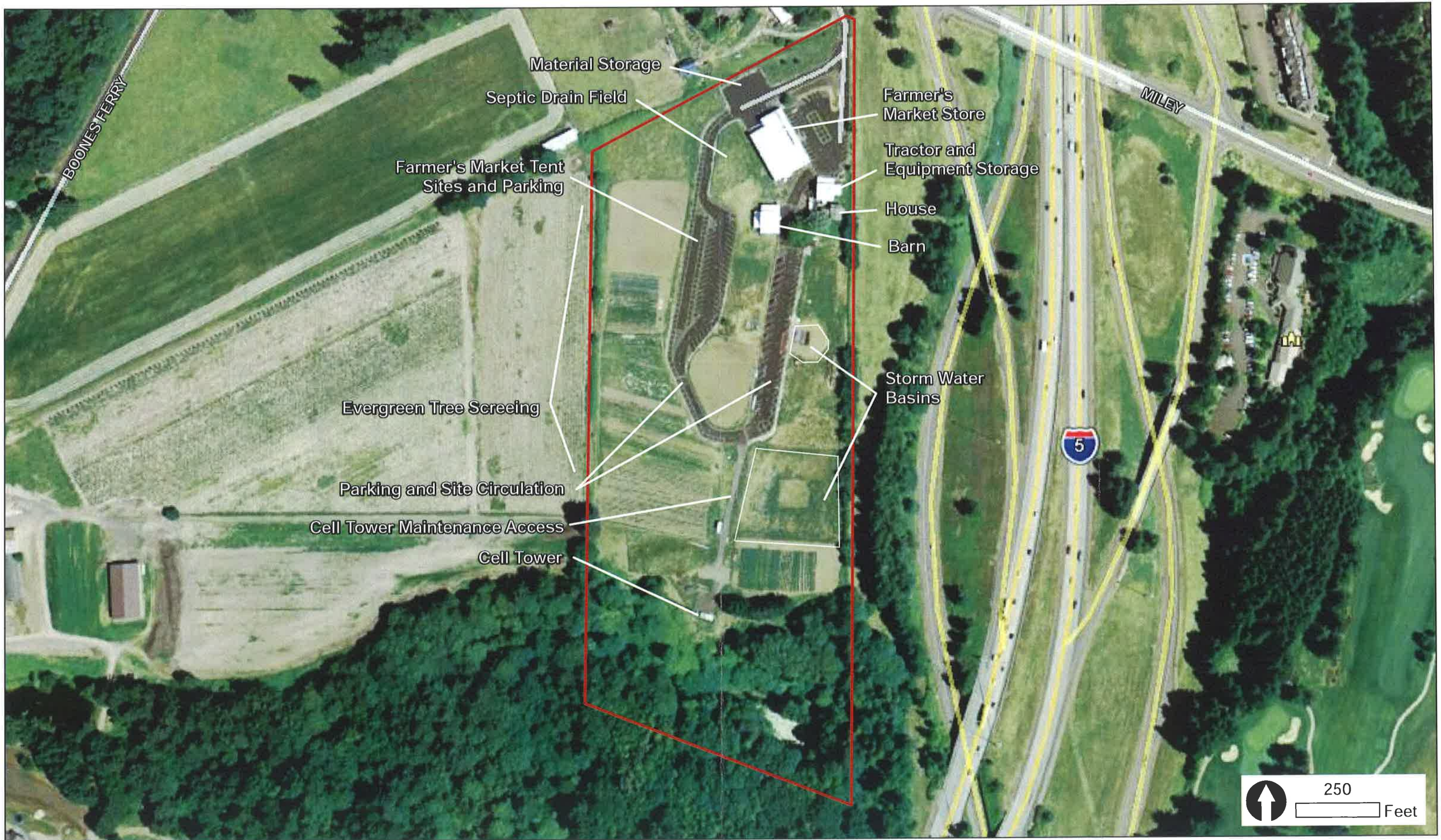
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TITLE: SITE PLAN
PROJECT: I-5 FARM STORE
LOCATION: WILSONVILLE, OR

DRAWN	mmp
CHECKED	mmp
DATE	08-10-04
SCALE	1"=60'-0"
SHEET	

EXHIBIT 82
ZDO-265:

Page 62 of 132



NE Butteville Road Zone Change

Exhibit C I-5 Farm Store 2006 Built Conditions



MEMORANDUM

DATE: September 29, 2015

To: BL & DJ, LLC.

FROM: Jerry Johnson
JOHNSON ECONOMICS

SUBJECT: Economic Analysis of a Zone Change Application for a Site at 26444 NE Butteville Road

This memorandum summarizes our evaluation and assessment of the proposed zone change and comprehensive plan amendment for the aforementioned property.

SITE DESCRIPTION

The subject site is an 18.25-acre property at the southwest quadrant of the intersection of I-5 and Wilsonville Road. The site is currently zoned Exclusive Farm Use (EFU), and designated in the comprehensive plan as Agricultural. A conditional use permit (CUP) was approved in 2005 that allowed for construction of several buildings as well as paving. The CUP included a series of limits on income generated on the property. These include:

- *Not more than 25% of the gross value of sales from the farm stand may be derived from the sale of non-farm goods and goods grown or raised on a farm outside of the local agricultural area;*
- *Not more than 15% of the gross value of sales from the farm stand may be derived from the sale of non-farm goods; and*
- *Not more than 15% of the gross value of sales from the farmers' market and preparation facilities may be derived from the sale of non-farm goods and goods grown or raised on a farm outside of the local agricultural area.*



The "local agricultural area" is defined as being within 15 miles of the closest edge of the site. The improvements included maintenance and repair facilities, and the CUP limited use of those facilities to only



repair of farm supplies, machinery or equipment used in accepted farming practices in the local agricultural area or sold from the site.

PROPOSED CHANGE

The applicant, BL & DJ, LLC, is proposing a zone change and comprehensive plan amendment to change the zoning to Rural Industrial (RI), with a Rural Industrial (RI) comprehensive plan designation. The intended use on the site would be auto detailing of new cars in support of the Wilsonville Toyota showroom and sales facility. Commercial uses on the site would be prohibited. Activities associated with this use would be expected to have an intensity at or below the traffic volumes allowed under the current CUP, and have fewer impacts on nearby properties than what is currently permitted. The requested approval would also allow for existing facilities to be used as a fire and rescue response facility.

The proposed change in designation and the uses it is intended to accommodate represent a logical response to the current site conditions, which makes sense from both an economic as well as a planning and land use perspective.

- The site has existing improvements that have significant value, but which are unable to be utilized given the restrictions on use in the current CUP. The previous owner attempted to operate under the current CUP limitations and was unsuccessful. While the location of the property allows for strong regional access via the I-5 corridor, farm stands perform best when surrounded by significant residential density, and are not viewed as an adequate draw to pull traffic off of the Interstate. In addition, agricultural production is highly seasonal, and the limited "local agricultural area" would not provide the range of product offerings necessary to create a regional draw or carry an operation through seasons with limited local production.
- Under the current CUP, the operation as restricted is highly unlikely to be successfully operated. In other words, the current entitlements will likely result in the existing improvements slowly depreciating without any productive use. The estimated cost of demolition of the improvements to allow for a return to agricultural uses on the site would be roughly \$750,000, reflecting a cost of \$0.95 per square foot. Unimproved farmland in the area is valued at less than \$0.35 per square foot, less than half the cost of demolition of the improvements. As a result, there is no reason to expect that the improvements will be removed to allow for active farming of the property.
- The extensive site improvements, coupled with the requirement that the source of income for any farm use on the site must come from the "local agricultural community," makes it highly unlikely that the site can support a profitable farm use. The land within the 15-mile radius defined as the local agricultural area includes a large amount of urban and rural exception land. There is not enough high-value active farm use within the remainder of the area to reasonably support a commercial farm use on the subject property.
- A rural industrial designation would allow for a viable use to occupy the structures and ensure their long term maintenance and repair. The proposed use is just one of many that could productively utilize the existing improvements. The proposed designation would provide economic and fiscal



benefits to the County, as the property would accommodate employment as well as pay increased property taxes. The property currently generates negligible property tax revenues despite an estimated RMV by the assessor of \$945,246. If zoned as Rural Industrial, the property and improvements would be expected to have a RMV of over \$2.5 million. Given the millage rate in the area, the differential in annual property taxes would be approximately \$33,000, providing an estimated \$880,000 in revenue to the County, schools and service districts over the next twenty years.

PROJECTED PROPERTY TAX REVENUES

Estimated Assessed Value	\$2,500,000		
Entity	Rate/\$000	Annual	20-Year
Clackamas Community College	0.5557	\$1,389	\$37,330
Clackamas Educational Service District	0.3675	\$919	\$24,687
Canby School District	4.5765	\$11,441	\$307,431
Total Education	5.4997	\$13,749	\$369,447
Clackamas County	2.9549	\$7,387	\$198,498
County Extension and 4-H	0.0499	\$125	\$3,352
County Library	0.3961	\$990	\$26,608
County Public Safety Local Option	0.2480	\$620	\$16,660
County Soils Conservation	0.0499	\$125	\$3,352
FD63 Aurora	0.8443	\$2,111	\$56,717
FD63 Aurora Local Option	0.4900	\$1,225	\$32,916
Port of Portland	0.0699	\$175	\$4,696
Recreation Canby Area Parks	0.0000	\$0	\$0
Urban Renewal County	0.0277	\$69	\$1,861
Vector Control	0.0065	\$16	\$437
Vector Control Local Option	0.0250	\$63	\$1,679
Total General Government	5.1622	\$12,906	\$346,776
Clackamas Community College Bond	0.1491	\$373	\$10,016
Canby School Bond	2.2888	\$5,722	\$153,752
Total Excluded from Limitations	2.4379	\$6,095	\$163,768
Total Rate	13.0998	\$32,750	\$879,991

- While the site is not within the Wilsonville UGB, the proposed use allows for an intensification of use on urbanizable property within Wilsonville's UGB through the transfer of low intensity uses from within the UGB to the subject site. The proposed use on the site is consistent with an oft repeated desire to see low intensity components of auto sales moved to lower value locations.
- The proposed use better utilizes transportation infrastructure investments for limited industrial use, and is expected to reduce transportation impacts on neighboring farm uses relative to the currently allowed use.

In summary, as currently entitled the property is likely to remain largely unutilized. The improvements have value if the entitlements would be changed, but the allowed uses do not represent a sustainable economic use for the site under the current CUP. The cost of demolition of the improvements is likely greater than the value of the underlying property for agricultural uses, and as a result, the properties will likely continue to slowly deteriorate under the EFU designation and CUP limitations.

A rural industrial designation will allow for a viable use to occupy the structures and ensure their long-term maintenance and repair. The proposed zone change would allow for productive use of the existing



structures and infrastructure, while not inhibiting continued agricultural use of the neighboring properties. In addition to more efficient utilization, the net benefits to Clackamas County include enhanced property tax revenues from the site.

**VALUATION SERVICES**

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Land
Subdivisions
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Office
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Retail
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Religious
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Farms / Agricultural
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Powell Valuation Inc

2005 Madrona Avenue SE
Salem, Oregon 97302
(503) 371-2403 voice
(503) 371-2613 fax
www.powellvaluation.com

REAL ESTATE APPRAISAL SUMMARY REPORT



Photo taken 10/3/2012 (9594-1)

FORMER I-5 FARM STORE

26444 NE Butteville Road
Aurora, Oregon 97002

REVS File Number: 12-1155 OR

PREPARED FOR

Gregory M. Lowes, Vice President
Real Estate Valuation Services
Umpqua Bank
6650 SW Redwood Lane, Suite 215
Tigard, Oregon 97224

PREPARED BY

Shirley A. Layne
Katherine Powell Banz, MAI
PV Inc File Number: P121410

EFFECTIVE DATE OF VALUE

As Is Value: October 3, 2012

POWELL VALUATION INC

EXHIBIT 82

ZD01265
Reserves Remand
Page 68 of 132



POWELL VALUATION INC

October 10, 2012

Gregory M. Lowes, Vice President
Real Estate Valuation Services
Umpqua Bank
6650 SW Redwood Lane, Suite 215
Tigard, Oregon 97224

RE: FORMER I-5 FARM STORE
26444 NE Butteville Road
Aurora, Oregon 97002
REVS File Number: 12-1155 OR

Dear Mr. Lowes:

As requested, the captioned property has been valued using generally accepted appraisal principles and practices. The report is intended to comply with the development and report requirements of the Uniform Standards of Professional Appraisal Practice (USPAP), the Appraisal Institute, the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA), the Interagency Appraisal and Evaluation Guidelines (effective December 10, 2010) and any supplemental requirements of Umpqua Bank. A copy of your engagement letter is included in the Addenda.

The subject is a multi-building farm related enterprise, vacant on the day of inspection. Access was available to the site and buildings on October 3, 2012.

Based upon our investigation and analysis of available information, the concluded values under the requested scenarios, as of October 3, 2012 were:

MARKET VALUE SCENARIOS	DATE	VALUE
"As Is" Value – Fee Simple	October 3, 2012	\$2,700,000
180 Day Disposition Value – Fee Simple	October 3, 2012	\$1,250,000
Estimated Marketing/Exposure Time		At Least One Year

According to a survey provided by David Van Doozer in 2007, the site size is 18.43 acres or 802,811 SF. County records list the site as 18.25 acres. It is assumed for the purpose of this report that the most recent survey of the site is most reliable. A copy of the survey is provided in the Addenda.

The subject was previously appraised on August 2, 2007, July 30, 2009, April 21, 2010, December 17, 2010 and May 4, 2012. (Powell Valuation Inc File numbers P071358, P091219, P091282, P101202, P101503 and P121244).

This appraisal is subject to the conditions and comments presented in this report. If any questions arise concerning this report, please contact the undersigned.

Sincerely,

POWELL VALUATION INC



Shirley A. Layne
OR State Certified General Appraiser
No. C000516
Expiration Date: September 30, 2014



Katherine Powell Banz, MAI
OR State Certified General Appraiser
No. C000897
Expiration Date: August 31, 2014

KPB: sal

P121410

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EXECUTIVE SUMMARY

PROPERTY INFORMATION	
REVS File No:	12-1155 OR
Property Name:	Former I-5 Farm Store
Address:	26444 NE Butteville Road Aurora, Oregon 97002
Tax ID:	00831764
Map/Tax Lot:	3-1-26 (tax lot 2700)
Property Type:	Vacant Farm Related Operation
Current Use:	Vacant
Proposed Use:	N/A
Owner of Record:	David A. & Deanna Gwyn Van Doozer
BUILDING CHARACTERISTICS	
Number of Buildings:	4
Gross Building Area:	18,706 SF
Percent Occupied:	0%
Year Built:	1920 – 2005
Condition:	Average
Substantial Deferred Maintenance:	None
SITE CHARACTERISTICS	
Land Area:	18.43 Acres (802,811 SF)
Zoning Designation:	EFU – Exclusive Farm Use
Conforming Use:	Yes
HIGHEST AND BEST USE	
As if Vacant:	Farm Related Uses
As Improved:	Existing improvements
Excess / Surplus Land:	None
VALUATION INFORMATION	
Site Valuation:	\$2,000,000 (\$2.49/SF)
Cost Approach:	\$3,000,000
Sales Comparison Approach:	\$2,500,000
VALUE CONCLUSION	
Date of Value:	October 3, 2012
Concluded Market Value:	\$2,700,000
Disposition Value – 180 days	\$1,350,000
Allocation for Furniture, Fixtures and Equipment	None

PRELIMINARY APPRAISAL INFORMATION

SCOPE OF WORK

Scope of Work is defined in *2012-2013 USPAP* as "the type and extent of research and analyses in an assignment." The scope of work addresses the application and extent of the development process. It can include, but is not limited to: the extent to which the property is identified, the extent to which tangible property is inspected, the type and extent of data researched and the type and extent of analyses applied to arrive at opinions or conclusions. The seven items used in defining the scope of work and the proposed solution are discussed in detail below:

PROPOSED SOLUTION

This summary report is designed to inform the reader of all factors influencing the property's value in a clear and concise manner. The Preliminary Appraisal Information sections provide an overview of the property and general information. The Description section starts with general regional issues and proceeds to more specific issues directly related to the property. The Highest and Best Use section establishes the premise upon which the property is valued.

The goal of the appraisers is to produce a credible value conclusion. Credible is defined in *2012-2013 USPAP* as "worthy of belief."

In order to conclude a credible market value estimate, a meeting of the minds between the client and appraisers determined that the Valuation section focuses on the "as is" market value of the property. It describes the Cost and Sales Comparison Approaches, and includes comparable information, application of market information to the subject, and valuation analysis. The approaches utilized are reconciled into final value conclusions as applicable. All comparable data has been verified by either a party to the transaction or an agent, unless otherwise identified. Per the client's request the 180-day disposition value is also included. Supporting information is attached in the Addenda.

CLIENT

The client for this appraisal is Umpqua Bank.

OTHER INTENDED USERS

Other intended users include the client's regulatory agencies.

INTENDED USE

The purpose of this appraisal is to estimate market values, in **fee simple**, under the applicable scenarios, as described in this report.

Without prior written approval from the authors, **the use of this report is limited to decision-making regarding internal asset monitoring by the client.** All other uses are expressly prohibited. Reliance on this report by anyone other than the client for a purpose not set forth above is prohibited. The authors' responsibility is limited to the client.

PRELIMINARY APPRAISAL INFORMATION (continued)

TYPE OF VALUE

The "**As Is**" Value represents the value of the subject property, in its current status as of the date of inspection.

Disposition Value: The most probable price that a specified interest in real property is likely to bring under all of the following conditions:

1. Consummation of a sale will occur within a limited future marketing period specified by the client.
2. The actual market conditions currently prevailing are those to which the appraised property interest is subject.
3. The buyer and seller is each acting prudently and knowledgeably.
4. The seller is under compulsion to sell.
5. The buyer is typically motivated.
6. Both parties are acting in what they consider their best interests.
7. An adequate marketing effort will be made in the limited time allowed for the completion of a sale.
8. Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto.
9. The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.¹

INSPECTION DATE

October 3, 2012

EFFECTIVE DATES OF VALUE

As Is Value: October 3, 2012

Disposition Value: October 3, 2012

DATE OF REPORT

October 10, 2012

PROPERTY CHARACTERISTICS

The subject is identified as 18.43 acres of EFU zoned land with farm-related improvements (Farm Store, Barn and Display Building). The Farm Store and Display Buildings were constructed in 2005 with interiors completed from 2006 and 2007. The Barn and Farmhouse are original to the property. The subject is within Clackamas County, Aurora, Oregon.

¹ The Appraisal Institute Dictionary of Real Estate Appraisal, 4th Edition.

PRELIMINARY APPRAISAL INFORMATION (continued)

ASSIGNMENT CONDITIONS

- An interior and exterior inspection of the subject.
- Interviewing the subject's listing agent.
- Inspecting of the subject property neighborhood.
- Gathering and confirming land sales and improved sales from the immediate area and competing marketplaces.
- Inspecting the exterior of all comparables utilized.
- Highest and best use analysis.
- The application of the Cost and Sales Comparison Approaches to arrive at an indication of value for the subject property.
- A review of the written report.

DEFINITION OF MARKET VALUE

This definition is in compliance with the OCC (Office of the Comptroller of the Currency), FDIC (Federal Deposit Insurance Corporation), *FIRREA (Federal Institutions Reforms, Recovery, and Enforcement Act)*, and *USPAP (Uniform Standards of Professional Appraisal Practice)* as adopted by the Appraisal Foundation and the Appraisal Institute.

Market Value, as defined by the *Uniform Standards of Professional Appraisal Practice*, 2012-2013 Edition, is:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in United States Dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.²"

² *Uniform Standards of Professional Appraisal Practice*, 2012-2013 Edition, Appraisal Standards Board of the Appraisal Foundation.

PRELIMINARY APPRAISAL INFORMATION (continued)

PROPERTY RIGHTS APPRAISED

Fee Simple Estate, defined in *The Dictionary of Real Estate Appraisal*, Fifth Edition (2010), Appraisal Institute, as:

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

SPECIFIED FINANCING

Cash to seller, with or without financing.

OWNERSHIP AND SALES HISTORY ANALYSIS

According to the Clackamas County Assessor's office, the subject property is currently under the ownership of **David A. & Deanna Gwyn VanDoozer**. The current owners purchased the subject in July 2001 for a recorded consideration of \$499,500 (\$0.63/SF - \$27,103/AC). A vesting change occurred in November 2004 with no consideration recorded.

According to Clackamas County and John Sugar, Vice President, Special Assets, Umpqua Bank, Van Doozer still owns the property, and Umpqua is still the lender. Van Doozer initially filed Chapter 7 bankruptcy and then changed it to a Chapter 11 bankruptcy. A title report would reflect **Umpqua Bank** and Patrick McKittrick, Bankruptcy Trustee, as owner.

The property is under a current listing agreement with Coldwell Banker Real Estate (CBRE) with Stuart Skaug, SIOR as the listing agent. It was listed March 26, 2012 at a listed price of \$2,800,000 or \$149.68 per SF of buildings. According to Patty Schaffer, Client Services Assistant to Mr. Skaug, there has been high interest, however no written offers. The listing expired September 30, 2012 and at this writing has not been renewed.

ASSESSMENT AND TAX INFORMATION

Annual real estate taxes levied by the Clackamas County Assessor's Office are summarized on the following table:

Account #	2011 Real Market Value			Maximum Assessed Value (MAV)	Annual Taxes	Millage Rate
	Land	Improvements	Total	Total		
831764	\$444,743	\$419,790	\$864,533	\$580,084	\$7,614.46	\$0.01313

PRELIMINARY APPRAISAL INFORMATION (continued)

The subject taxes are not paid with arrears as follows:

Year	Base Tax	Interest to 10/15/2012	Foreclosure Penalty	Sum
2008	\$6,671.64	\$3,914.03	\$1,923.04	\$12,508.71
2009	\$7,285.37	\$3,108.42	\$0.00	\$10,393.79
2010	\$7,453.88	\$1,987.70	\$0.00	\$9,441.58
2011	\$7,614.46	\$812.21	\$0.00	\$8,426.67
Total	\$29,025.35	\$9,822.36	\$1,923.04	\$40,770.75

Clackamas County Assessor's Office reported a Foreclosure Penalty effective with Year 2008 which adds a 5.0% penalty onto the total amount of taxes due. The reported penalty of \$1,023.04 was effective June 25, 2012.

In May 1997 Oregon voters approved Ballot Measure 50, which is a property tax limitation. The maximum assessed value reported above reflects a 10-percent deduction from the 1995/96 assessed value and subsequent increases after 1998/99 of 3-percent per year plus bonded indebtedness.

LEGAL DESCRIPTION

Please refer to the Addenda for a full legal description.

INSPECTION

Date of Inspection:	October 3, 2012
Property Representative:	Michael Toon, representative of Peter McKittrick, Bankruptcy Trustee
Powell Valuation Inc:	Shirley A. Layne Katherine Powell Banz, MAI (exterior only – October 9, 2012)

SOURCES OF INFORMATION

The following sources were contacted to obtain relevant information:

Source	Information
Stuart Skaug, Former Listing Agent, CBRE	Subject Information.
Michael Toon, Property Representative	Subject information.
Clackamas County Assessor's Office	Subject data; tax information.
David VanDoozer, Owner	Original report data, costs, etc.
Edward O'Hanlon, Bottaini, Gallucci & O'Hanlon	Construction Costs
Clackamas County Planning Department	Zoning information.
MetroScan	Subject data, comparable research.
Multiple brokers and real estate professionals	Local area data; comparable confirmation.
Willamette Valley Multiple Listing Service	Comparable research.
Regional Multiple Listing Service	Comparable research.
Loopnet	Comparable research.
CoStar	Comparable research.
County Deed Records	Comparable research.

EXHIBIT 82
ZDO-265:

PRELIMINARY APPRAISAL INFORMATION (continued)

COMPETENCY RULE

We are aware of the competency rule as detailed in *USPAP*, and with our understanding, we possess the education, knowledge, technical skills, and practical experience to complete this assignment competently, in conformance with the stated regulations. Ms. Banz and Shirley A. Layne have appraised numerous commercial and farm related properties in the Willamette Valley and the State of Oregon in recent years.

PERSONAL PROPERTY, FIXTURES, AND INTANGIBLE ITEMS

No personal property, trade fixtures, or intangible items were included in this valuation.

USE OF RECOGNIZED APPRAISAL APPROACHES

This report utilizes two recognized valuation methods: Cost and Sales Comparison Approaches to value. The Income Capitalization Approach is not relevant due to the special property type comprising the subject and lack of similar properties from which to compare.

UNAVAILABILITY OF INFORMATION

All information necessary to develop an estimate of value of the subject property was available to the appraisers.

EXPOSURE TIME AND MARKETING PERIOD

Exposure time is defined within the *USPAP*, Statement 6, as:

The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market.

Exposure time is best established upon the experience of recent comparable sales. The sales indicate a standard exposure period of **at least one year** for appropriately priced commercially zoned land.

Commercial Land Sales		
Comp #	City	DOM
C-1	Eugene	90
C-2	Forest Grove	108
C-4	Oregon City	270
C-5	Woodburn	720
Average Days on Market		297
Months on Market		9.90

C-1 is located adjacent to the east of Coburg, at the I-5 interchange. C-2 is less than one acre, level with good secondary highway frontage. C-3 was not included due to the Wal-Mart purchase without benefit of a Realtor. C-5 has been on and off the market for seven to 10 years, with the most recent listing 720 days (two years).

PRELIMINARY APPRAISAL INFORMATION (continued)

Average exposure equals 9.90 months. The transactions listed were formally exposed through typical Realtor channels.

Improved Commercial/Industrial Sale Comparables – The sales used in this appraisal were formally listed and exposed through typical Broker channels.

Improved Commercial/Industrial Sales		
Comp #	City	DOM
1	Salem	112
2	Portland	106
4	Clackamas	239
5	Oregon City	1,163
6	Salem	317
Average Days on Market		387
Months on Market		12.91

The five comparables averaged 387 days or nearly 13 months of exposure before securing a buyer. Days on market is calculated from when the listing was signed to when escrow is closed.

Marketing period is very similar to exposure time, but reflects a projected time period to sell the property, rather than a retrospective estimate. As such, a similar time period of **at least one year** is estimated for the subject's marketing period.

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is subject to the following assumptions and limiting conditions:

HYPOTHETICAL CONDITIONS

A hypothetical condition is a condition that is contrary to the facts, and yet will be used to value a property. An example of a hypothetical condition would be assuming a larger amount of land than actually exists to arrive at a value.

No hypothetical conditions were assumed in this analysis.

EXTRAORDINARY ASSUMPTIONS

An extraordinary assumption is an assumption made that does not exist, but could reasonably exist.

According to a survey provided by the subject's owner in 2007, the site size is 18.43 acres or 802,811 SF. County records list the site as 18.25 acres. It is assumed for the purpose of this report that the most recent survey of the site is the most reliable.

ORDINARY ASSUMPTIONS

The analysis assumes that the Clackamas County Assessor's office legal description accurately represents the subject property. However, a land survey was provided to the appraisers and is included in the Addenda. Please refer to the land survey for further verification.

We assume no responsibility for matters legal in character, nor do we render any opinion as to title, which is assumed to be marketable.

All existing liens, encumbrances, and assessments have been disregarded, unless otherwise noted, and the property is appraised as though free and clear, under responsible ownership, and competent management.

The exhibits in this report are included to assist the reader in visualizing the property. We have made no survey of the property and assume no responsibility in connection with such matters.

Unless otherwise noted herein, it is assumed that there are no encroachments, zoning, or restrictive violations existing in the subject property.

This report is not a real property inspection; the appraiser only performed a visual inspection of accessible areas and this appraisal cannot be relied upon to disclose conditions and/or defects in the property.

The appraisers assume no responsibility for determining if the property requires environmental approval by the appropriate governing agencies, nor if it is in violation thereof, unless noted.

Information presented in this report has been obtained from reliable sources, and it is assumed that the information is accurate.

This report shall be used for its intended purpose only, and by the parties to whom it is addressed. Possession of the report does not include the right of publication.

ASSUMPTIONS AND LIMITING CONDITIONS (continued)

Simply because a borrower or third party may receive a copy of the appraisal, does not mean that the borrower or third party is an Intended User as that term is defined in USPAP.

The appraisers may not be required to give testimony or to appear in court by reason of this appraisal, with reference to the property in question, unless prior arrangements have been made.

The statements of value and all conclusions shall apply as of the dates shown herein. The appraisers have no present or contemplated future interest in the property that is not specifically disclosed in this report.

Neither all, nor any part, of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media without the written consent or approval of the authors. This applies particularly to value conclusions and to the identity of the appraisers and the firm with which the appraisers are connected.

This report must be used in its entirety. Reliance on any portion of the report independent of others may lead the reader to erroneous conclusions regarding the property values. No portion of the report stands alone without approval from the authors.

The valuation stated herein assumes professional management and operation of the building(s) throughout the lifetime of the improvements, with an adequate maintenance and repair program.

The valuation is based on the projection that the complex will maintain a stabilized occupancy level over its economic life, with tenants paying market level rents.

The liability of Powell Valuation Inc and employees is limited to the client only and only up to the amount of the fee actually received for the assignment. Further, there is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than the client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The appraisers are in no way responsible for any costs incurred to discover or correct any deficiency in the property. The appraisers assume that there are no hidden or unapparent conditions of the property, subsoil, or structures that would render it more or less valuable. In the case of limited partnerships or syndication offerings or stock offerings in real estate, the client agrees that in case of lawsuit (brought by lender, partner, or part owner in any form of ownership, tenant, or any other party), any and all awards, settlements, or cost, regardless of outcome; the client will hold Powell Valuation Inc completely harmless.

The appraisers are not qualified to detect the presence of toxic or hazardous substances or materials which may influence or be associated with the property or any adjacent properties. We have made no investigation or analysis as to the presence of such materials, and expressly disclaim any duty to note the presence of such materials.

ASSUMPTIONS AND LIMITING CONDITIONS (continued)

Therefore, irrespective of any degree of fault, Powell Valuation Inc and its principals, agents, and employees, shall not be liable for costs, expenses, damages, assessments, or penalties, or diminution in value, property damage, or personal injury (including death) resulting from or otherwise attributable to toxic or hazardous substances or materials, including without limitation hazardous waste, asbestos material, formaldehyde, or any smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids, solids, or gasses, waste materials or other irritants, contaminants, or pollutants.

The appraisers assume no responsibility for determining if the subject property complies with the *Americans with Disabilities Act (ADA)*, which prescribes specific building standards which may be applied differently to different buildings, depending on such factors as building age, historical significance, amenability to improvement, and costs of renovation. Powell Valuation Inc its principals, agents, and employees, shall not be liable for any costs, expenses, assessments, penalties, or diminution in value resulting from non-compliance. Except as otherwise noted herein, this appraisal assumes that the subject complies with all ADA standards appropriate to the subject improvements; if the subject is not in compliance, the eventual renovation costs and/or penalties would negatively impact the present value of the subject. If the necessary renovation costs, time period needed for renovation, and penalties for non-compliance (if any) were known today, appropriate deductions would be made to the value conclusion(s) reported herein.

AERIAL PHOTOGRAPH

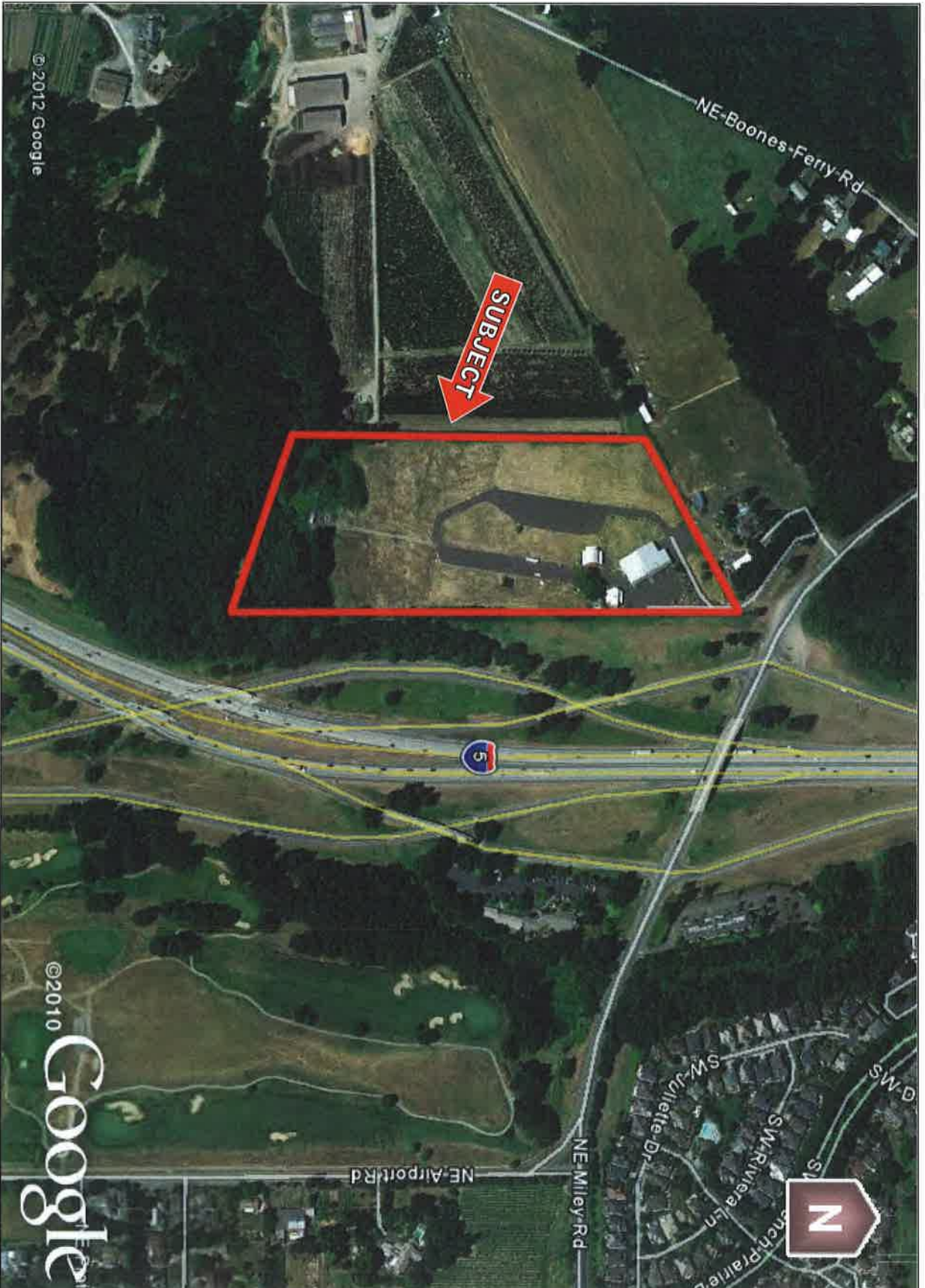


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REGIONAL MAP



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NEIGHBORHOOD MAP

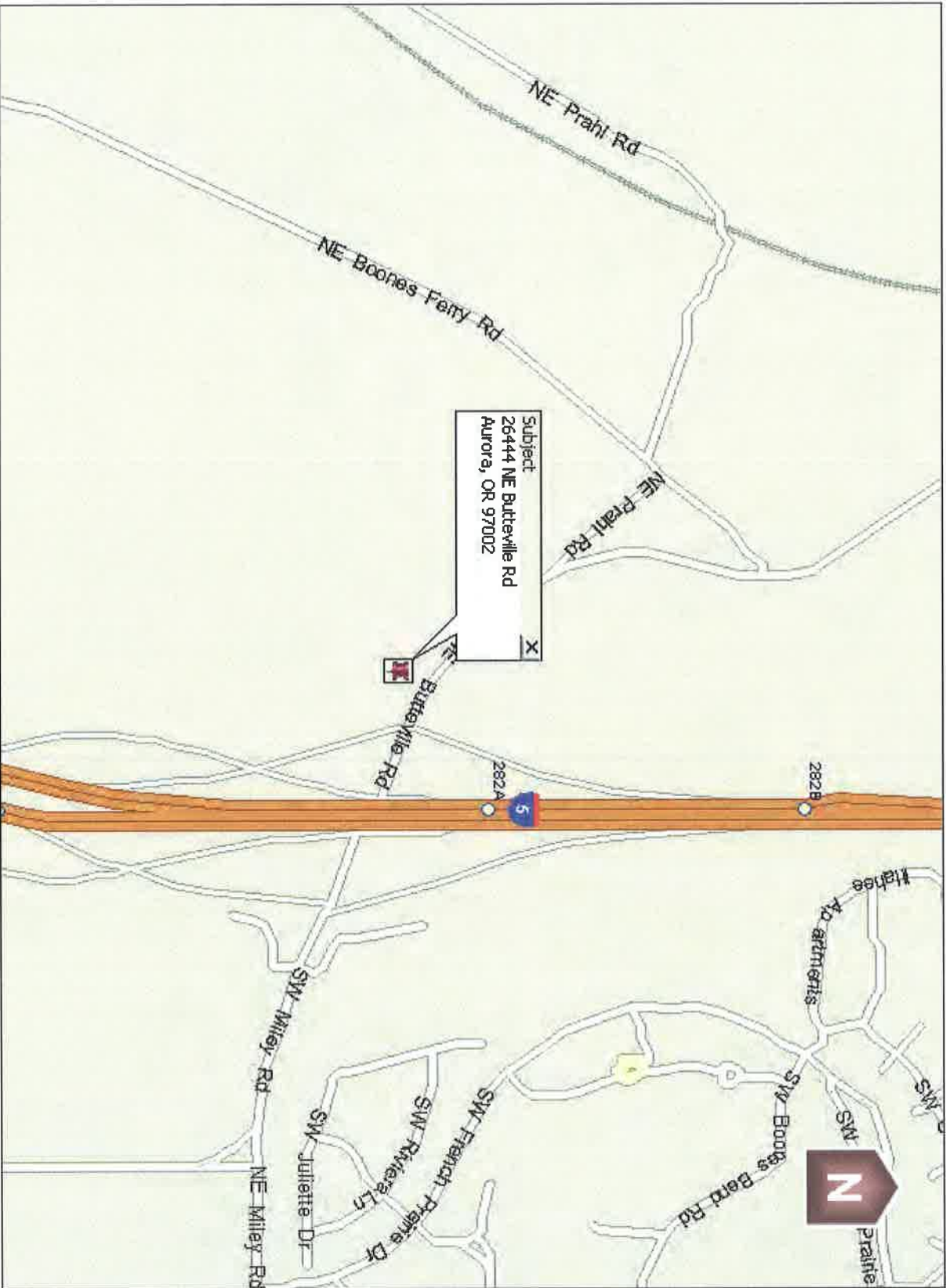


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DESCRIPTION

REGIONAL DESCRIPTION

Please see the Addenda for a detailed description of the Portland MSA.

NEIGHBORHOOD DESCRIPTION

A neighborhood is defined as a geographic area characterized by a similarity of users and/or uses within which any change has a direct and immediate effect on the subject and its value or marketability. The subject is located within the Portland MSA, within Census Tract #228.

Summary Census Demographic Information - Census Tract #228.00

Tract Income Level	Upper	Tract Population	4,121
Underserved or Distressed Tract	No	Tract Minority %	5.14%
2011 HUD Estimated MSA		Minority Population	212
Median Family Income	\$72,000	Owner-Occupied Units	1,482
2011 est Tract Median Family Income	\$98,978	1-4 Family Units	1,840
2000 Tract Median Family Income	\$76,233	Renter Occupied Units	534
Tract Median Family Income %	137.47%		

source: www.ffiec.gov

The 2011 updated census data reveals upper income levels with a majority of resident's homeowners.

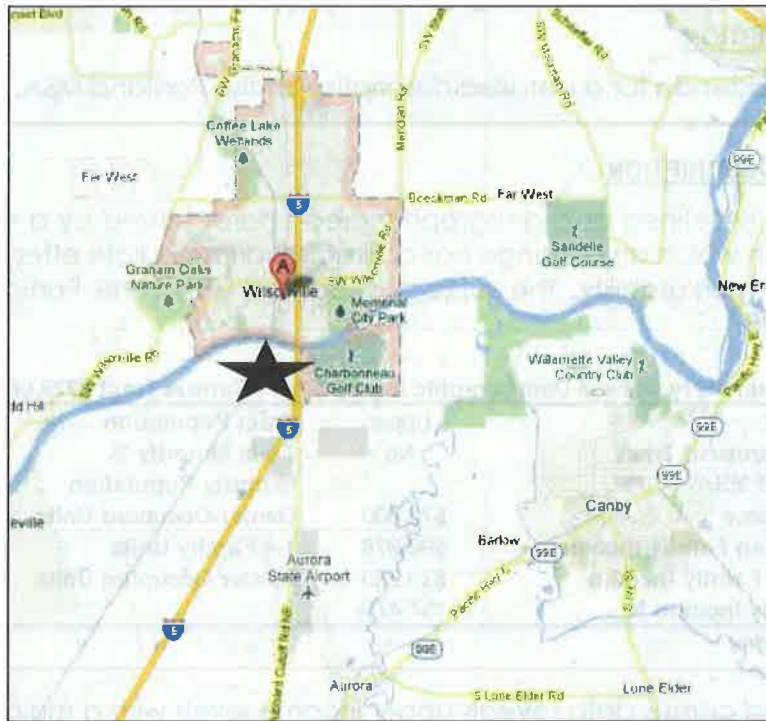
The subject has an Aurora address, however is located outside the city limits and Urban Growth Boundary. The subject's I-5 location is south of Wilsonville and the Boone Bridge over the Willamette River, and north of the Canby/I-5 interchange. Population available through Portland State University as follows:

Location	2004	2005	2006	2007	2008	2009	2010	2011	Annual % Change	Annual % Change
									2004-2011	2010-2011
Aurora*	660	660	785	920	955	970	980	920	5.63%	-6.12%
Wilsonville	16,250	16,510	16,885	17,405	17,940	18,020	18,095	19,565	2.91%	8.12%
Canby	14,110	14,385	14,705	15,140	15,165	15,230	15,230	15,830	1.74%	3.94%
Woodburn*	21,790	22,110	22,615	22,875	23,355	23,350	23,150	24,090	1.51%	4.06%
Clackamas County	356,250	361,300	367,040	372,270	376,660	379,845	381,775	378,480	0.89%	-0.86%
State of Oregon	3,582,600	3,631,440	3,690,505	3,745,455	3,791,060	3,823,465	3,844,195	3,857,625	1.10%	0.35%

*Marion County

Wilsonville is the largest city within the subject's immediate sphere of influence. From 2010 to 2011, population strongly increased by 8.12%. Over the reporting period, this city grew by 2.91% per year. Aurora, which is the subject's address, grew from 2004 to 2011 by 5.63% setting the upper end of the range of annual change. However, a significant decrease occurred from 2010 to 2011 of 6.12%. This community is removed from the I-5 corridor and is primarily agricultural.

DESCRIPTION (continued)



The City of Wilsonville welcomes Pacific Natural Foods, one of the Northwest's leading organic food companies, to the community. On May 9, 2012, CBRE real-estate brokerage announced that Pacific Natural Foods has signed a long-term lease for 302,765 square feet at the site of the former Nike Distribution Center (DC), 27255 SW 95th Ave, Wilsonville, with the intention to move-in on approximately September 1, 2012. Construction within Wilsonville as reported by the City website is as follows:

PROJECTS UNDER CONSTRUCTION	
<i>Projects that have been approved and are currently under construction.</i>	
Branchley Estates	
Fred Meyer and Old Town Square	
Lowrie (Villevois) Primary School	
Wilsonville Road Business Park	
APPROVED PROJECTS	
<i>Approved project that have not begun the actual construction phase.</i>	
SM&RT Operations Fleet Facility	
Willamette Landing	
PROPOSED PROJECTS	
<i>Projects that have been proposed but have not been approved through the Planning Commission and/or Development Review Board.</i>	
Villevois - PDP 5-South - Tenquin Woods #1	
Villevois - PDP 1-North - Tenquin Woods 2 and 3	
Villevois Village Community Center and Swimming Pool	

DESCRIPTION (continued)

This nearby activity enhances the subject as this community moves closer to their Urban Growth Boundary.

Charbonneau is directly east of the subject and home to the Charbonneau Golf Course, built in 1975 with three nine-hole courses. Further, condominiums, single family housing and apartments complete the development.

Traffic counts per the Oregon Department of Transportation for 2010 (most recent available) impacting the subject are:

2010 TRAFFIC COUNTS - OREGON DEPT OF TRANSPORTATION	
Location	# of VP-24 Hours
0.40 miles south of Aurora/Donald Interchange	86,300
1.38 miles south of Wilsonville/Hubbard (Hwy 51)	86,600
0.30 miles south of Wilsonville Interchange	117,200

In conclusion, the subject is within the path of progress, however with no expectation of incorporation into the Urban Growth Boundary, its future remains agriculturally oriented.

SITE DESCRIPTION

Hazardous Waste/Asbestos

Upon physical inspection of the site, no hazardous material was evident. We have made no independent investigation regarding this issue. The property representative reported that no environmental contamination exists. This appraisal assumes the site is free of all hazardous waste and toxic materials. Please refer to the Assumptions and Limiting Conditions section regarding this issue.

Current Use

The site is improved with the **Former I-5 Farm Store.**

Address

26444 Butteville Road
Aurora, Oregon
Clackamas County

Census Tract

#228 - 2011

Site Size

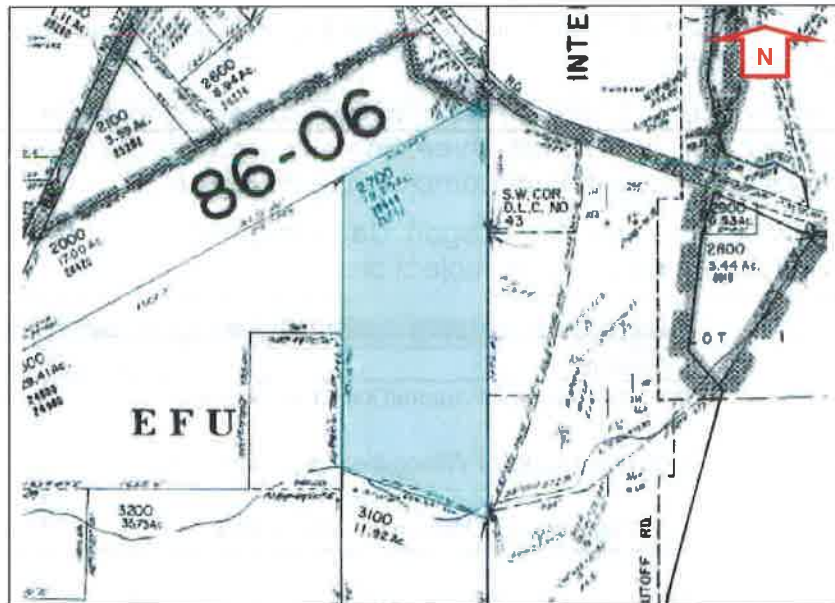
18.43 acres (802,811 SF)
Clackamas County
Survey in Addenda

Shape

Irregular.

DESCRIPTION (continued)

Plat Map



Map and Tax Lot

3-1-26 (tax lot 2700)
Clackamas County, Oregon

Topography

Generally level and at street grade.

Abutting Properties--

North

NE Butteville Road

East

Interstate 5

South

State of Oregon Rest Area

West

Unimproved EFU acreage

Utilities

No public water or sewer is available. Electric power, natural gas and telephone are available to the entire property. It is serviced by one well extracting 20 gallons per minute with a 3,000 gallon stainless steel water holding tank.

DESCRIPTION (continued)

Utilities (continued)



Photo taken 10/3/2012 (9594-10)

There are nine (9) tanks and drain fields in addition to a 3,000 gallon separate grey water tank system. This information was current July 30, 2009 and is assumed to be accurate. On October 3, 2012, there appeared to be no disturbance of these items. All electricity, gas, and water have been shut off by the respective utility companies. Without electricity, the well is inoperable.

Street Improvements

NE Butteville Road is a two-way neighborhood street providing direct access to the north and southbound ramps onto I-5. There are no curbs, gutters or sidewalks.

Exposure

The site is located at the interchange of Interstate 5 and the Charbonneau District (Exit 282). It is visible from Interstate 5 and located directly adjacent to the State of Oregon Rest Area on the south.

Accessibility

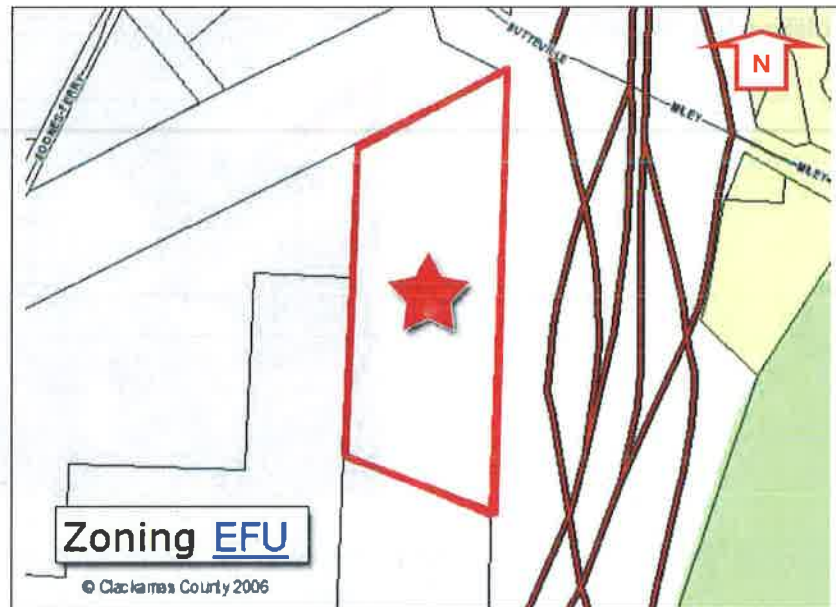
The site is easily accessible via NE Butteville Road from Charbonneau District Exit 282 via I-5 either north or southbound.

Easements and Encumbrances

A preliminary title report was not provided for review. Upon reviewing county plat maps, there did not appear to be any adverse easements, encroachments, or encumbrances relevant to the subject property. If questions arise regarding easements, encroachments, or encumbrances, further research is advised.

DESCRIPTION (continued)

Zoning and Comprehensive Plan



The site is zoned **EFU (Exclusive Farm Use)** per Clackamas County Planning Department. The site is outside the Urban Growth Boundary.

The purpose of the EFU zoning is:

- Preserve agricultural use of agricultural land
- Protect agricultural lands from conflicting uses, high taxation, and the cost of public facilities unnecessary for agriculture
- Maintain and increase the agricultural economic base of the County
- Increase agricultural income and employment by creating conditions which further the growth and expansion of agriculture and which attract related industries
- Maintain and improve the quality of air, water, and land resources
- Conserve scenic and open space
- Protect wildlife habitats

The last text revision was September 26, 2011.

The listing of primary uses includes, but is not limited to the following allowed on low and high value farmland:

- Farm uses
- Nonresidential buildings customarily provided in conjunction with farm uses
- Accessory buildings customarily incidental to existing dwelling

DESCRIPTION (continued)

Zoning and Comprehensive Plan (continued)

- Propagation and harvesting of a forest product
- Creation, restoration, or enhancement of wetlands
- Winery
- **Farm Stands**
- Operations for the exploration for, and production of, geothermal resources

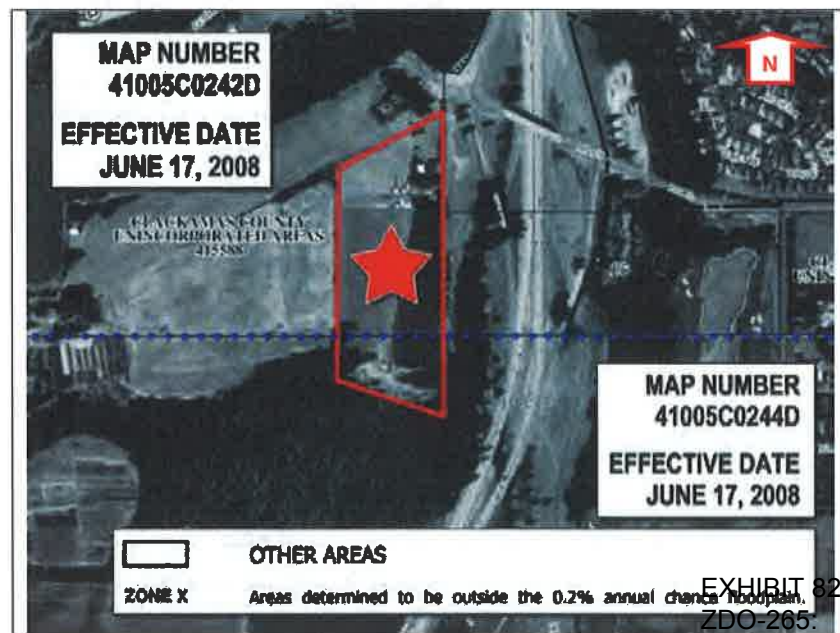
Conditional uses allowed on Low and High Value Farmland include:

- **Commercial activities that are in conjunction with farm use but no including the processing of farm crops**
- Mineral, aggregate, oil and gas uses
- Personal use airports, including associated hangar, maintenance, and service
- Roads, highways and other transportation facilities and improvements
- **Transmission towers over 200 feet in height***
- Commercial utility facilities for generating power for public use by sale
- Home occupation to host events

Based on the interchange location, the site could capitalize on commercial uses allowed under the EFU zone. ***The on-site transmission tower is outside the scope of this appraisal. It was reported that the lease payments from the cell tower were assigned to a trust controlled by David Van Doozer and go to him as Trustee.**

The complete zoning code can be located at the Clackamas County website.

Floodplain



DESCRIPTION (continued)

Floodplain (continued)

According to the Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM), Community-Panel Nos. 41005C0242D, dated June 17, 2008 and Panel 41005C0244D, dated June 17, 2008, the subject site lies in **Zone X**, defined as areas determined to be outside the 0.2% annual chance floodplain.

Soils

Soils found on the United States Department of Agriculture's Natural Resources Conservation Service Web Soil Survey map for Clackamas County.



The type and location of the soils as reported in this map above and the following charts are considered to be accurate. However, due to the Web Soil Survey's mapping technique, the resultant site allocation percentages are approximations only.

Clackamas County Area, Oregon (OR610)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
88A	Willamette silt loam, wet, 0 to 3 percent slopes	2.8	15.0%
88B	Willamette silt loam, wet, 3 to 7 percent slopes	8.6	46.3%
91B	Woodburn silt loam, 3 to 8 percent slopes	3.0	16.1%
91C	Woodburn silt loam, 8 to 15 percent slopes	0.7	3.8%
92F	Xerochrepts and Haploxerolls, very steep	3.5	18.9%
Totals for Area of Interest		18.5	100.0%

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DESCRIPTION (continued)

Soils (Continued)

As such, the total area of the site calculated by the soil Web Soil Survey (18.5 acres) is slightly larger when compared to the surveyed area of the site (18.43 acres).

According to the United States Department of Agriculture's Natural Resources Conservation Service, the subject has 80% of Class II soils (high value).

Site Rating

The subject is located in a rural setting with development north and east. The adjacency of the Urban Growth Boundary of Clackamas County may prove advantageous in the long term. Location, site size, topography and exposure give the subject site a high rating for farm related commercial uses allowed under the EFU zone.

DESCRIPTION OF IMPROVEMENTS

Introduction

The improvement description is primarily based upon a physical inspection and an interview with the property representative.

Hazardous Materials/Asbestos

This appraisal assumes that the structures are free of all hazardous waste and toxic materials, including (but not limited to) asbestos. Please refer to the Assumptions and Limiting Conditions section regarding this issue.

General Description

The subject property contains four buildings:

1. A single family dwelling built in 1920
2. A barn – construction date unknown
3. A Display Building built in 2005
4. A Market Building built in 2005

The following descriptions of each building will be segregated as listed above.

Single Family Dwelling

A single family dwelling constructed in 1920 contains four bedrooms/one bath and measures 2,224 SF. It is wood framed with composition shingle roof and a concrete foundation. It is original to the site and has not been upgraded and does not offer any contributory value to the site.

DESCRIPTION (continued)

Barn



(9594-15) taken October 3, 2012 by Shirley Layne.

This building was on site when purchased in 2001 and measures **5,054 SF**. Year of construction is unknown. It was formerly a milking barn. It is wood sided with a metal roof and concrete floor. It has been rewired with a single phase system. The second floor is wood framed for storage. There is no sewer service to this building. This building has storage on the west side and animal stalls on the south side. It was painted in 2005.

Display Building



(9594-4) taken October 3 2012 by Shirley Layne

This single story wood framed building was constructed in 2005 and measures **2,048 SF**. A 403 SF mezzanine office space is accessible via a wooden staircase. The office overlooks the display area below. This building has one overhead door and a concrete floor. It is an all steel structure with ½" glass windows. Heat is via a gas furnace mounted on the wall and there is one restroom. It has 3-phase power with a step-down transformer going from 227 to 480 volt to 120-128 volt. It is wired for computer and internet service to six stations. Lastly, it has mercury vapor lighting. The condition of the wiring and transformer is unknown.

DESCRIPTION (continued)

Market Building



(9594-29) taken October 3, 2012 by Shirley Layne

This building is commonly called **The Market Building** constructed in 2005 and measures **11,201 SF**. It is single story save for a small office mezzanine in the southwest corner. It was built on a concrete slab. Floors are concrete based acid etched, sealed and waxed.

The building is steel framed with two 10"x10" overhead doors located on the north and south sides. All walls are concrete clad insulated with meal on the exterior. The north side is dock high with tractor-trailer turnaround capability. There is one bathroom with a

sink, urinal and toilet. On the north end, there is a room for freezer equipment and walk-in freezer with no equipment installed. All the windows surrounding the building are thermopane.

Interior improvements to this building include the following list. These improvements were in place on October 3, 2012.

- Display cases bolted to the concrete floor and connected to the drain system
- Cooking areas which have stainless steel counters, galvanized and stainless steel backsplashes and overhead exhaust hoods and sinks.
- Lucks built-in proofer
- Walk in meat freezer
- Dry Good permanently fixed display cases
- Computerized smoke and video system (both market and display buildings)
- Built-in refrigerated meat cases
- Surround sound
- Electronic front doors
- Freon gas detectors, heat and smoke detectors
- Lighted ceiling fixtures (T-5, 277 volt)

Site Improvements

The following site improvements were physically seen on October 3, 2012.

Site improvements include extensive asphalt paving, underground utilities (natural gas and water) running north to south and a required retention pond in the southeast corner of the site.

There are three (3) electric vaults with single and 3-phase power to service all existing and future improvements.

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DESCRIPTION (continued)

Site Improvements (continued)

The entire property is serviced by one well extracting 20 gallons per minute with a 3,000 gallon stainless steel holding tank. It is **potable** water only under a pressurized system. In addition, there are five springs feeding into a 6" irrigation line and 400,000 gallon pond for irrigation.

The sewer system has all approvals from Clackamas County and Department of Environmental Quality (DEQ).

Lastly, there is a complete irrigation system servicing the entire 18 acres. A gray water sewer system services the cooking areas and is independent of the primary sewer system. There is 3.5 miles of natural gas and electrical pipe. A metal entry gate provides access into the site.

On the south side of the site, there is a natural gas filling station and a fully approved holding tank with automatic feeder from a well with automatic leveling. It is fenced and has full DEQ approvals. It was fire department designed and monitored during construction.

Throughout the site are freestanding light poles with electric plugs as well as asphalt walkways connecting the east to west sides of the site.

The appraiser makes no warranties that the items listed above are in working order, however, there was no evidence at the physical inspection that any removal of these items was done.

Parking

Ample asphalt parking is available throughout the site for both tractor-trailer rigs and smaller vehicles approved by Clackamas County. There is as total of **3.50 acres of asphalt paving**. Electric and wireless service for RV and bus parking may still be in place. There are a total of 88 tent spaces on the asphalt for outdoor retail sales with nearby electricity and water services. Striping has faded and vegetation is overtaking the asphalt.

Effective Age

The single family dwelling has an actual age of 92 years with no contributory value to the site.

The age of the barn is unknown; however it has been marginally updated. Effective age is about 45 years.

The Display and Market Buildings were constructed in 2005 with an actual age of seven years. Actual and effective age is seven years.

DESCRIPTION (continued)

Audited Improvement Cost

Per Edward O'Hanlon with Bottaini, Gallucci & O'Hanlon, PC 1500 NE Irving St, Suite 440, Portland, Oregon 97232 (503-233-1133), the audited cost of the improvements including buildings and fixtures, asphalt, infrastructure and landscaping total \$3,644,860. These costs were reliable July 30, 2009 and are used in this appraisal.

Actual Total Costs	\$3,644,860
Buildings Only	(\$2,618,586)
Fixtures, Infrastructure, paving, fencing	\$1,026,274

Heating and Air Conditioning

Forced air gas heating and cooling systems are installed in the Display and Market Buildings.

Condition

The building improvements have been vacant since 2010. Access was available on October 3, 2012 to the Market and Display Buildings. There was no evidence of vegetation entering the buildings, nor was there evidence of roof leaks. The exterior paint of the Display Building is deteriorating. The SFR contributes no value to the property. On balance, the overall condition is fair to average.

Summary – The preceding information is a basic description of the subject improvements. This information is utilized in the valuation of the property. Reliance has been placed upon information provided by the owner and previous appraisals, the physical inspection and county records. It is assumed that there are no hidden defects, and that all structural components are functional and operational. If questions arise regarding the integrity of the structures or their operational components, it may be necessary to consult additional professional services.

SUBJECT PHOTOGRAPHS

OCTOBER 3, 2012

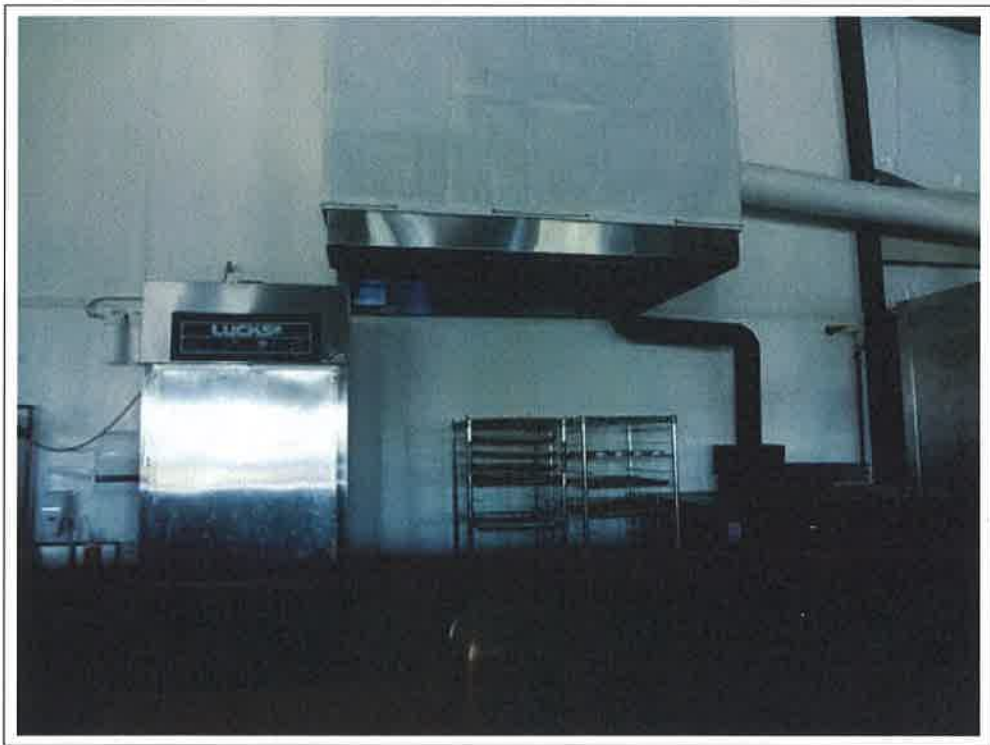


1. Exterior of Market Building. (9594-28)



2. View north of interior of Market Building. (9594-39)

SUBJECT PHOTOGRAPHS – OCTOBER 3, 2012 (continued)



3. View of Market Building built-ins. (9594-34)



4. Exterior of meat freezer. (9594-37)

SUBJECT PHOTOGRAPHS – OCTOBER 3, 2012 (continued)



5. View of cooking built-ins. (9594-35)



6. View south of interior of Market Building. (9594-44)

SUBJECT PHOTOGRAPHS – OCTOBER 3, 2012 (continued)



7. View of south elevation of Market Building. (9594-46)



8. View of north elevation of Market Building. (9594-26)

SUBJECT PHOTOGRAPHS – OCTOBER 3, 2012 (continued)



9. View of west elevation of barn. (9594-24)



10. West elevation of Display Building. (9594-30)

SUBJECT PHOTOGRAPHS – OCTOBER 3, 2012 (continued)



11. Interior of Display Building. (9594-7)



12. Interior of Display Building. (9594-5)

SUBJECT PHOTOGRAPHS – OCTOBER 3, 2012 (continued)



13. View of mezzanine of Display Building. (9594-8)



14. View north of pavement. (9594-18)

SUBJECT PHOTOGRAPHS – OCTOBER 3, 2012 (continued)



15. View of retention pond. (9594-17)



16. Exterior of SFR. (9594-14)

SUBJECT PHOTOGRAPHS – OCTOBER 3, 2012 (continued)



17. View west of driveway. (9594-2)



18. View west on Butteville Road; access on left. (9594-47)

TAXES, ASSESSMENT DATA, DEED & LEGAL DESCRIPTION


agentfirst® & lenderfirst

**26444 NE BUTTEVILLE RD
AURORA, OR 97002
00831764**

Property Profile Report

Property Information

Owner(s):	VANDOOZER DAVID A / GWYN DEANNA	Parcel#	00831764
Property:	26444 NE BUTTEVILLE RD AURORA, OR 97002	Map Coord:	745-D3:745-D3
Mailing:	PO BOX 692 CANBY OR 97013	Census Tract:	0228.00
Owner Ph:		County:	CLACKAMAS
Legal:	SECTION 26 TOWNSHIP 3S RANGE 1W TAX LOT 02700		
Lot #	2700		

Characteristics

Use:	FARMS	Year Built:	1920	Sq. Feet:	2224
Zoning:	EFU	Lot Size:	794970sq (18.25)	# of Units:	
Bedrooms:	4	Bathrooms:	1	Fireplace:	
# Rooms:		Quality:	BELOW AVERAGE	Heating:	FORCED AIR
Pool/Spa:	N	Air:		Style:	
Stories:	1	Improvements:		Parking:	
Flood:		Gross Area:	2224	Garage Area:	
Basement Area:	894				

Property Sale Information

Sale Date:	11/23/2004	* \$/Sq. Ft.		2nd Mtg.	
Estimated Sale Price:		1st Loan:	\$1,150,000.00	Prior Sale Amt:	\$499,500.00
Doc No:	108252	Loan Type:		Prior Sale Dt:	07/12/2001
Doc Type:	BARGAIN & SALE DEED	Xfer Date:	11/24/2004	Prior Doc No:	54866
Seller:	SEKLA TRUST	Lender:	PRIVATE INDIVIDUAL	Prior Doc Type:	WARRANTY DEED

* \$/Sq. Ft. is a calculation of Estimated Sale Price divided by Sq. Feet

Tax Information

Imp Value:	\$419,790.00	Exemption:	
Land Value:	\$444,743.00	Tax Year/Area:	2011/086006
Total Value:	\$864,533.00	Tax Value:	\$580,084.00
Tax Amount:	\$7,614.46	Improved:	48.6 %

Information compiled from various sources and is deemed reliable but not guaranteed.

NN

David A. Van Doozer, Trustee

Grantor's Name and Address
David A. Van Doozer

Grantee's Name and Address

After recording, return to (Name, Address, Zip):

David A. Van Doozer

P. O. Box 692

Canby, OR 97013

Until requested otherwise, send all tax statements to (Name, Address, Zip):

David A. Van Doozer

P. O. Box 692

Canby, OR 97013

STATE OF OREGON,

Clackamas County Official Records
Sherry Hall, County Clerk

2004-108252



\$31.00

00764017200401082520020023

11/24/2004 10:55:31 AM

D-D Cnt=1 Stn=2 BEVL.
\$10.00 \$11.00 \$10.00

NAME

TITLE

By _____, Deputy.

BARGAIN AND SALE DEED - STATUTORY FORM

(INDIVIDUAL GRANTOR)

David A. Van Doozer, Trustee of the Sekla Living Trust, dated October 30, 1998

conveys to David A. Van Doozer and Deanna Gwyn Van Doozer, husband and wife

the following real property situated in Clackamas County, Oregon, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$ -0- (Here, comply with the requirements of ORS 93.030.)

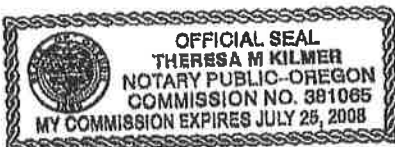
DATED November 23 2004

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

David A. Van Doozer, Trustee

STATE OF OREGON, County of Multnomah

This instrument was acknowledged before me on November 23, 2004
by David A. Van Doozer, Trustee



Notary Public for Oregon

My commission expires

7/25/08

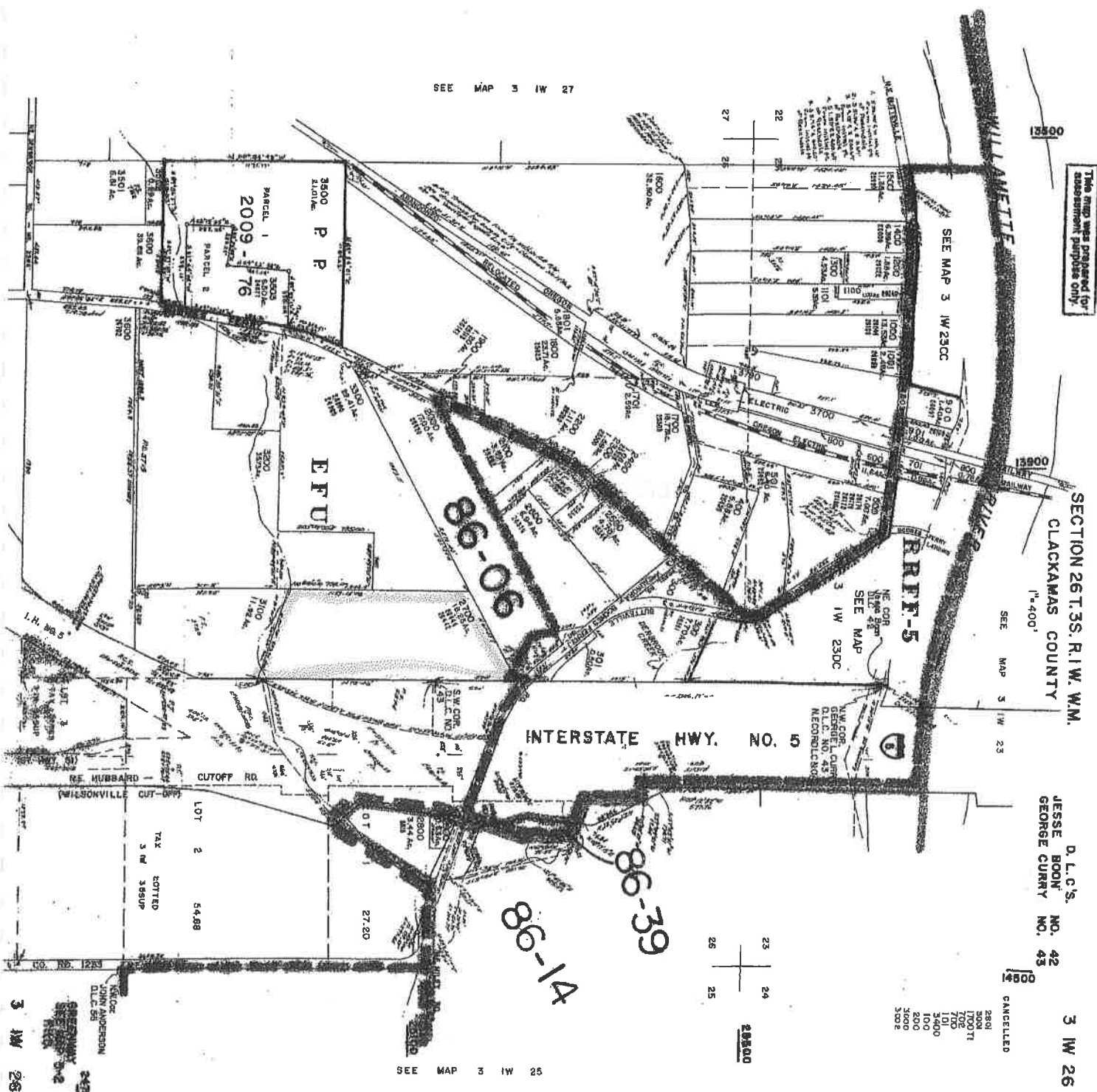
EXHIBIT "A"
Legal Description

A tract of land in the Jesse V. Boone Donation Land Claim in Township 3 South, Range 1 West of the Willamette Meridian, in the County of Clackamas and State of Oregon, said tract being also in Section 26, said Township and Range, described as follows:

Beginning on the East Donation Land Claim line 22.83 chains North of the Southeast corner of said claim which point is the Northeasterly corner of the tract described in deed recorded February 2, 1960 in Deed Book 566, Page 716; thence North 70° West 603.9 feet to the Northwesternly corner of said tract and a point in the East line of tract described in deed recorded November 4, 1927 in Deed Book 190, Page 495; thence North on the East line of said tract 1159.18 feet, more or less, to the Southerly line of the tract conveyed to Harry A. Ross, et ux, by deed recorded September 22, 1965 in Deed Book 663, Page 311; thence North 61°45' East on the Southerly line of said Ross tract to the East line of said Donation Land Claim; thence South along said Donation Land Claim line to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded July 30, 1969, Recorder's Fee No. 69-14321.

(2)



This map was prepared for assessment purposes only.

13500

13500

SECTION 26 T. 3S. R. 1W. W.M.
CLACKAMAS COUNTY
1"=400'

SEE MAP 3 1W 23

SEE MAP 3 1W 23

NEW COR. JESSE BOON D.L.C. NO. 43 RECORDED

D.L.C.S. NO. 42
JESSE BOON
GEORGE CURRY NO. 43

13500

CANCELLED

2801
3008
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SEE MAP 3 1W 25

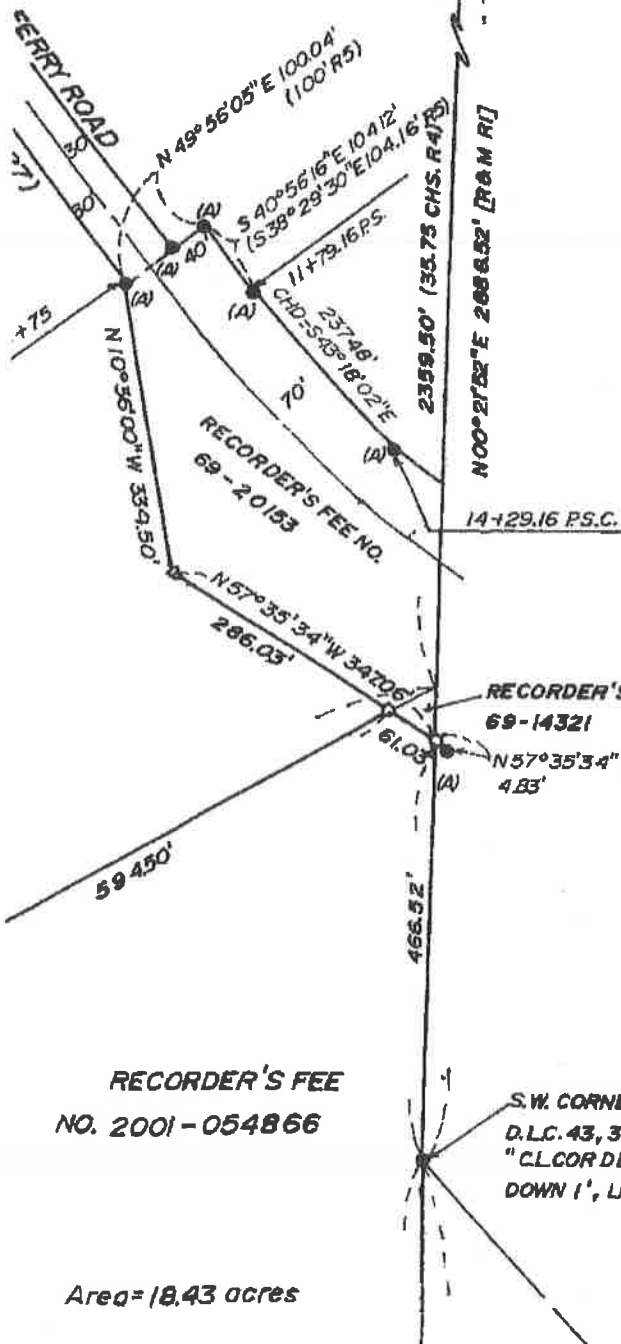
SEE MAP 3 1W 27

LISTING FLYER

LAND SURVEY

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 PER LP-033



SCALE: 1"=200'

REGIONAL DESCRIPTION

REGIONAL DESCRIPTION

PORTLAND METROPOLITAN AREA

LOCATION



Portland is a city of 583,845 people (Source: Portland State University as of July 2011), with a supporting metropolitan population of over 2.2 million located in the northwestern part of the State of Oregon. It is situated along the banks of the Willamette River near its confluence with the Columbia River, 110 water miles from the Pacific Ocean. In 1983, the federal government designated greater Portland as a Primary Metropolitan Statistical Area (PMSA), consisting of Multnomah, Washington, Clackamas, and Yamhill counties.

The geographic delineation was expanded in 1994 to include Oregon's Columbia County and Clark County in Washington. As of January 2005, the Office of Management and Budget (OMB) included Skamania County, Washington, as part of the Portland-Vancouver-Beaverton OR-WA Metropolitan Statistical Area. The Portland-Vancouver MSA is the largest economic and population center on the West Coast between San Francisco (650 miles south) and Seattle (180 miles north).

CLIMATE

Portland has warm and dry summers, with an average high in August of 80.3 degrees and an average low of 56.9 degrees. The winters are usually long and wet, and snow rarely falls, with an average of 2.1 inches a year. The average high in January is 45.4 degrees with a low of 33.7 degrees. Portland typically gets about 33.6 inches of rain each year, the majority in the winter months.

HOUSEHOLD INCOME

The Portland MSA has a lower percentage of poor households and a larger middle class than the rest of the nation. On the high end of the income scale, an estimated 35.6 percent of U.S. households had incomes exceeding \$75,000, while Portland had 41.0 percent of total households in this income category.

PORTLAND REGIONAL DESCRIPTION (continued)

PORTLAND-VANCOUVER MSA MEDIAN HOUSEHOLD INCOME

COUNTY	MEDIAN HOUSEHOLD INCOME				PERCENT CHANGE	
	1989	2000	2005	2010	89-'00	'05-'10
CLACKAMAS	\$ 35,472	\$ 53,036	\$ 59,550	\$ 65,818	49.5%	10.5%
CLARK (WA.)	\$ 31,806	\$ 48,456	\$ 54,648	\$ 60,610	52.3%	10.9%
COLUMBIA	\$ 29,563	\$ 45,801	\$ 51,724	\$ 57,718	54.9%	11.6%
MULTNOMAH	\$ 26,970	\$ 41,982	\$ 47,759	\$ 54,391	55.7%	13.9%
SKAMANIA (WA.)	\$ 28,778	\$ 40,007	\$ 43,678	\$ 46,783	39.0%	7.1%
WASHINGTON	\$ 35,571	\$ 53,085	\$ 58,956	\$ 64,838	49.2%	10.0%
YAMHILL	\$ 28,422	\$ 44,552	\$ 48,922	\$ 54,183	56.8%	10.8%
PORTLAND MSA	\$ 31,055	\$ 47,375	\$ 53,542	\$ 60,099	52.6%	12.2%
OREGON	\$ 27,284	\$ 41,417	\$ 46,486	\$ 51,871	51.8%	11.6%
UNITED STATES	\$ 30,097	\$ 42,729	\$ 47,837	\$ 53,746	41.9%	11.4%

Source: U.S. Department of Commerce, Bureau of the Census

Within the region, the lowest incomes are predominantly located in the central areas of Portland (Multnomah County), where the older housing stock exists. This pattern holds true in the smaller suburban cities in the metropolitan area as well. Higher income households are concentrated in suburban locations, with the exception of the affluent, centrally located neighborhoods including the West Hills, Eastmoreland, Laurelhurst, Grant Park, Alameda, and Mt. Tabor in Portland. The largest proportion of upper income households is located west of the Willamette River, in areas with view properties.

POPULATION

The Portland MSA is the 23rd largest metropolitan area in the country. The 2011 population figures as presented by Portland State University Population Research Center reflect a nominal increase from 2010 to 2011; however, the average annual growth of 1.31% between 2005 and 2011 exceeds the state as a whole. The following chart summarizes population growth trends for the Portland MSA and Oregon from 1990 to 2011.

POPULATION

	1990	2000	2005	2006	2007	2010	2011	Annual % Chg 2005-11	Annual % Chg 2010-11
MULTNOMAH	583,887	660,486	692,825	701,545	710,025	736,785	741,925	1.18%	0.70%
WASHINGTON	311,554	445,342	489,785	500,585	511,075	531,070	536,370	1.59%	1.00%
CLACKAMAS	278,850	338,391	361,300	367,040	372,270	376,780	378,480	0.79%	0.45%
CLARK (WA)	238,053	345,238	391,500	403,500	415,000	439,971	428,000	1.55%	-2.72%
YAMHILL	65,551	84,992	90,310	91,675	93,085	99,405	99,850	1.76%	0.45%
COLUMBIA	37,557	43,560	46,220	46,965	47,565	49,430	49,625	1.23%	0.39%
SKAMANIA (WA)	8,289	9,872	10,300	10,600	10,700	10,643	11,150	1.38%	4.76%
PORTLAND MSA	1,523,741	1,927,881	2,082,240	2,121,910	2,159,720	2,244,084	2,245,400	1.31%	0.06%
STATE OF OREGON	2,842,321	3,421,399	3,631,440	3,690,505	3,745,455	3,837,300	3,857,625	1.04%	0.53%

Source: Center for Population Research and Census, Portland State University
Claritas, Inc. State of Washington: Office of Financial Management

Recessionary conditions have prevailed locally and nationally, resulting in minimal to no growth in population over the most recent period.

PORTLAND REGIONAL DESCRIPTION (continued)

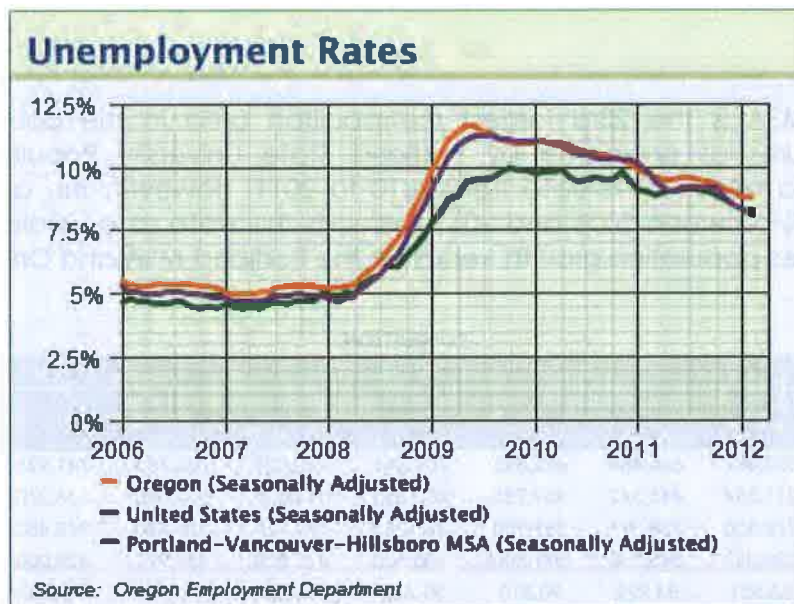
EMPLOYMENT

The Portland metropolitan area is home to more than 75,000 businesses. Of these, nearly 1,500 are classified as headquarter firms. Eighty major manufacturing companies maintain their headquarters in the Portland area, including the Fortune 500 firms of Precision Castparts Corp.; Tektronix, Inc.; Willamette Industries; Nike; and PacifiCorp.

While the metro area and the state have spent the past year making very modest gains in unemployment, job growth remains elusive and will be the one significant key to the pace and shape of the area's recovery. Despite the area's high unemployment rate, the Portland metro area continues to attract transients from around the country, which is contributing to the elevated jobless rate, as most of these in-migrants come with no job. On the other hand, those relocating to Portland tend to have a high education level and are highly employable. Portland's brain gain has not gone unnoticed, as the area was recently ranked 11th on *The Daily Beast's* smartest cities list, out of the 55 largest U.S. Cities.

The technology industry has a strong presence in Portland. Along with Tektronix and Intel, Portland is home to many smaller, but worldwide technology companies. Xerox, Novellus and Infocus are just a few of these. The rapid growth of the semiconductor industry over the past 20 years, particularly in the Portland MSA, has earned it the nickname "Silicon Forest" in reference to Intel and many smaller printed circuit board (PCB) and processor (chip) manufacturers.

Historic annual unemployment rates are summarized below.



National, state and regional employment was steady between 2006 and 2007; however, the residential market collapse and subsequent "Great Recession" doubled unemployment rates in the Portland MSA, state of Oregon, and the nation. The rates reflect a steady downward trend beginning in mid-2009; however, they remain elevated as compared with pre-recession unemployment statistics. Unemployment in Oregon and Portland continues to gradually recover in 2012.

PORTLAND REGIONAL DESCRIPTION (continued)

Specific data relevant to the Portland MSA is presented below.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2012	8.3	8.1	-	-	-	-	-	-	-	-	-	-	-
2011	10.1	9.8	9.4	9.2	9.0	9.2	9.2	9.2	9.2	9.2	8.8	8.5	9.1
2010	11.0	11.0	10.9	10.8	10.6	10.5	10.5	10.4	10.4	10.4	10.3	10.3	10.6
2009	9.2	9.9	10.4	10.8	11.1	11.2	11.2	11.2	11.1	11.1	11.0	11.0	10.8
2008	4.8	4.7	4.8	4.9	5.2	5.5	5.8	6.2	6.6	7.1	7.8	8.5	6.0
2007	4.8	4.7	4.7	4.7	4.7	4.8	4.9	4.9	5.0	5.0	4.9	4.9	4.8

As the chart illustrates, unemployment in the Portland MSA has steadily decreased over the past one to two years.

ECONOMY

The Portland metropolitan area has a diversified economy that reflects national business conditions. A diversified industrial base within the Portland MSA provides a stable economic base, lessening the effects of business cycles, which often appear in state economy which is heavily invested in the lumber and wood products industries.

High unemployment, stagnating wages, increased savings rates among the populace and moderating standard of living expectations will all prove impediments to the recovery. Oregon's state budget will also present a significant obstacle as the state struggles to address its looming budget shortfall and tax burdens adjust to meet fiscal challenges. Although there is significant discourse in the media and business community regarding the view that the business tax climate is harsh in Oregon, the National Tax Foundation recently released its annual *State Business Tax Climate Index* and found Oregon to be the 14th best state with regard to its business tax climate. In addition, a recent *Forbes Magazine* ranking found Oregon to be the 6th best place for business and careers, ranking Oregon's labor supply 4th in the nation and its growth prospects 12th. Taken together, these indices give cause for an optimistic view of the area's recovery trajectory in comparison to the national average.

Local Governments

A regional agency, the Metropolitan Service District (METRO), takes responsibility within urbanized areas for review of city and county comprehensive growth plans, solid waste management, and transportation planning. METRO manages regional parks and green spaces, and the Metro Washington Park Zoo. It also oversees operation of the Oregon Convention Center, Civic Stadium, the Portland Center for Performing Arts, and the Expo Center. METRO is governed by an executive officer elected region-wide, a seven-member council elected by districts, and an auditor who is elected region-wide.

Local governments can augment revenues with bonded indebtedness. Oregon does not have a sales tax, but has an income tax. Although a sales tax has been considered as a probable source of new revenue, sales tax initiatives have historically been soundly defeated by voters.

PORTLAND REGIONAL DESCRIPTION (continued)

PROPERTY TAXES

In November 1996, Oregon voters approved a property tax limitation measure (Measure 47) which went into effect during the 1997/98 tax year. Under the provisions of this measure, property taxes at July 1, 1997 will be reduced to the smaller of the 1994/95 tax, or the 1995/96 tax less ten percent. Tax increases for subsequent years are limited to three percent per year, with exceptions for new construction, major remodeling, annexations and rezoning.

On May 21, 1997, voters approved a re-write of Measure 47 in the form of Measure 50. This revision effectively rolls back assessed values and tax levies freezing tax rates to 1995/96 levels. In addition, appreciation is capped at three percent per year. Ramifications of this revision are yet to be interpreted by county assessors.

COMMUNITY FACILITIES

The Portland metropolitan area maintains a symphony orchestra, junior symphony, opera company, art museum, museum of science and industry, public zoo, and an extensive public library system with 19 branches. The Portland Center for the Performing Arts includes the 3,000-seat Civic Auditorium, the 2,776-seat Arlene Schnitzer Concert Hall, the 322-seat Winningstad Theater, and the 916-seat Intermediate Theater.

Also located in Portland are the Historical Preservation Gallery, Japanese Gardens, Western Forestry Center, and the International Rose Test Gardens. The city of Portland has the most parkland per capita in the country, which includes the 5,000-acre Forest Park. Portland supports a men's National Basketball Association (NBA), and a Western Hockey League junior ice hockey team that play in two indoor arenas and a professional indoor lacrosse team. The Portland Beavers, a AAA baseball team affiliated with the San Diego Padres, play in the renovated PGE Park. The Oregon Convention Center (400,000 SF) was completed in September 1990, and expanded during 2002 (507,500 SF). The expanded center's total capacity of 907,500 square feet makes it the largest facility of its type in the Pacific Northwest. It attracts national, regional, and local events.

The area is well served by public and parochial schools. Institutions of higher education include Portland State University, University of Portland, Lewis & Clark College and Law School, Reed College, and Oregon Health Sciences University. There are three large junior colleges and many community education centers. Oregon Museum of Science and Industry (OMSI) is a \$40 million facility on the east bank of the Willamette River in downtown Portland. OMSI is a major educational facility and tourist attraction.

The Memorial Coliseum is a 12,666-seat structure that currently hosts the Portland Winter Hawks hockey team, and other major entertainment attractions. The 21,000-seat Rose Garden Arena (\$262 million) opened in October 1995 and is the home of the Portland Trailblazers (NBA). This multi-event entertainment complex is located adjacent to Memorial Coliseum and has established a national reputation for excellence. The majority of the funding for this project was derived from private investors and the team owner, Paul Allen. This sports arena has generated significant new economic activity and has created hundreds of new full and part-time jobs.

PORTLAND REGIONAL DESCRIPTION (continued)

REGIONAL HIGHLIGHTS

The Portland–Beaverton–Vancouver MSA consists of many smaller cities in a six county region. Washington County, in the southeast Portland area, incorporates 11 cities; including Hillsboro, Tigard, Tualatin, Sherwood and Beaverton. Washington County utilizes a nationally recognized urban growth boundary to continue its practice of focused industrial and commercial growth. The county's developed regions are home to traditional suburban and new mixed-use neighborhoods, electronics leaders such as Intel, IBM and Tektronix, and world headquarters for both Nike and Columbia Sportswear.

Hillsboro, home to Intel and other high-tech leaders, relies primarily on the stable forestry and timber products industries as an employment base. However, the high-tech boom has attracted many service industries to support the manufacturing companies. With a 2011 population of 92,950, Hillsboro is the fifth largest city in Oregon. Population has increased 30.10% from 2000 to 2011. The median household income of Hillsboro was \$60,695 as of the 2010 census.

Tigard, located 15 minutes from downtown Portland, is also within the Portland Urban Growth Boundary. It is a growing suburban commuter community. Tigard's population was approximately 48,415 in 2011, with a median income of \$62,077. Tigard's population has increased 14.56% from 2000-2011.

Tualatin is located 12 miles south of Portland on the Tualatin River. It had a 2011 population of 26,060 and had a median household income of \$60,182 as of the 2010 Census. While Tualatin is home to roughly 160 manufacturing companies, several of the largest employers in the city include: Legacy Meridian Hospital, UPS, GE Security, and Novellus Systems. Bridgeport Village, a newer commercial and entertainment lifestyle center is located several miles to the north, between Tigard and Tualatin.

DEVELOPMENT

Industrial Market – The industrial market in the Portland metropolitan area has been very active since the mid-1990s. This was particularly evident during 1999 when net absorption reached 2.25 million square feet, but not enough to offset the construction of 4.00 million square feet, resulting in an overall vacancy rate of 10.1 percent. During 2000, this trend was reversed with 5.38 million square feet absorbed and 2,140,767 square feet constructed. This resulted in a year-end vacancy of 6.7 percent. By the beginning of 2001, national recessionary trends began to impact the local economy with escalating vacancy rates for industrial projects that continued through the end of 2003.

After four quarters of positive Gross Domestic Product (GDP) growth and record corporate profits, investors believe the much feared double-dip recession has been avoided. For the first quarter of 2011, net absorption came in at 243,119 square feet and vacancy has fallen from 11.8% in 2010 down to 11% in 2011. The Oregon economic recovery has been gaining momentum: 26,700 jobs in the state and 13,300 in the Portland Metro have been created over the course of the last 12 months; unemployment rates have fallen to 9.6 percent in Portland and 10.2 percent in the state and consumer sentiment and retail sales have improved. The outlook has also strengthened, as the state Office of Economic Analysis has revised its job growth forecast for 2011 and 2012, expecting gains of 1.4 and 2.0 percent, respectively.

PORTLAND REGIONAL DESCRIPTION (continued)

Construction activity will also pick up slightly and will be primarily limited to build-to-suit and owner-built projects. In addition to Intel's \$4 billion new D1X semiconductor fab, ON Semiconductor has announced plans for a \$30 million expansion.

Office – The Oregon economic recovery is gaining momentum with positive job growth and unemployment rates easing. Consumer sentiment is improving slightly and retail sales are rising, as reported by Grubb & Ellis. Thanks to a multitude of urban housing options, a well designed public transit system and a growing demographic of young, highly educated workers, the central business district is capturing much of the market. A migration of area businesses from the suburbs back to the city core will continue through 2011.

2011 began with a sharp increase in institutional investment activity localized to the CBD. Within the first few weeks of the New Year, four significant CBD office buildings were placed on the market for sale. Interest has been significant, with new players aggressively pursuing properties in the market. Shorenstein's First & Main sold to American Assets Trust for approximately \$129 million or \$354 per square foot and an approximate 6.9 percent cap rate. Consider this sale in comparison to the year-ago sales of One Main Place (\$180 per square foot; 9.25 percent cap rate) and KOIN Center (\$160 per square foot), and it is clear that the market for Class A CBD office buildings in Portland has recovered dramatically. With vacancy in the CBD Class A market now approaching 6 percent and one the last large blocks of space taken off the market, look for rents for premium space to spike and pre-development activity to increase.

Retail Market – The deflating housing market has had a major impact on retailers around the country and Portland is not immune. Declining home values and a halt to mortgage equity withdrawal has created a negative wealth effect, making consumers feel significantly less well off. This has placed a damper on consumer spending. Declining home values and rising cost of necessities such as fuel and food, has caused consumers to watch budgets closely and cut back on discretionary spending.

In a recent forecast of commercial real estate, Portland placed in the top 10 U.S. cities for office, retail and industrial real estate investment opportunities. The report, released by Grubb & Ellis, a Portland commercial real estate firm, found Portland to have an overall vacancy rate of around 10%. This placed Portland third on the report's list of 47 cities, just below New York and Washington, D.C., for investment opportunities. Portland fared best in retail, with a vacancy rate of 6.1%.

While Portland may face high unemployment, it's still considered a safe market for investors because the market was not overdeveloped when the economy went sour. This is particularly true for the retail sector and is one of the strongest draws for companies wanting to enter the Portland market. With limited space, competition for national retailers is high. It took a deal two years in the making to bring retail clothing giant H&M to downtown Portland, which opened late last year. The space was formerly held by Saks Fifth Avenue.

Multi-family – Current Portland market trends data indicates a decrease of -0.1% in the median asking price per unit for Multifamily properties compared to the prior 3 months, with an increase of +5.0% compared to last year's prices. County-wide asking prices for

EXHIBIT 82

ZDO-265:

Reserves Remand

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PORTLAND REGIONAL DESCRIPTION (continued)

Multi-family properties are 0.6% higher at \$96,230 per unit compared to the current median price of \$95,671 per unit for Multifamily properties in Portland, OR.

The Market Tightness Index, which examines vacancies and rents, rose to a record 90 from 78 last quarter. For all indexes, a reading above 50 indicates improving market conditions. Foreclosures continue to create renters faster than their former houses and condos are being added to the shadow supply of rental units. Modest job growth also is creating new renter households. Home prices remain soft, generating little urgency among renters who could afford to buy while mortgages, though historically cheap, are tough to get as lenders carefully scrutinize borrowers.

SUMMARY

The commercial real estate leasing market hit bottom in 2010 while the investment market – segments of it – perked up faster than was possible a year ago at this time. Thanks to quick action by the Federal Reserve and, arguably, more than \$1 trillion dollars in stimulus spending, the Great Recession ended in June 2009, and employers added a modest 1 million net new payroll jobs in 2010. This was a fraction of the 8.4 million jobs lost from the peak of the labor market in December 2007 to the trough in December 2009, but it was enough to put a floor under the leasing market and generate some positive net absorption in the second half of the year.

Grubb & Ellis expects GDP growth in the range of 2.5 to 3 percent in 2011, still a little below the economy's long-term growth potential of around 3 percent. U.S. companies are sitting on record cash reserves of nearly \$2 trillion, some of which they will deploy as demand from businesses and consumers expands modestly. Employers are likely to add 1.5 million net new payroll jobs, right at the level needed to accommodate the growing labor force, which means that the unemployment rate will remain stubbornly high for the next year or so.

APPRAISER QUALIFICATIONS



NE Butteville Road Zone Change

Exhibit H Surrounding Land Uses

EXHIBIT 82

ZDO-265-

Reserves Reformed
Page 126 of 132



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

September 28, 2015

Project #: 18865

Jerry Jones, Jr.
LCD
13625 SW Farmington Road
Beaverton, OR 97005

RE: NE Butteville Road Property Trip Generation Comparison

Dear Jerry,

Per your request, this letter summarizes a comparison of trip generation rates associated with land uses that could be developed on an 18.25-acre property located at 26444 NE Butteville Road in Clackamas County, Oregon. The site is currently located within an unincorporated portion of the County and is zoned Exclusive Farm Use (EFU). The site was previously developed as the I-5 Farm Store (no longer in operation) and hosts multiple buildings including a farm store, display building, a barn, and a farmhouse.

The applicant is proposing to change the property's zoning from EFU to Rural Industrial (RI). To comply with Oregon's Transportation Planning Rule (TPR), as documented in Oregon Administrative Rule 660-060-012, the rezone must not result in a significant effect on the transportation system. To test for a significant effect, we first reviewed the trip generation potential of the permitted land uses associated with the existing and proposed zoning. Our review found that implementing a trip cap on future land uses that would be allowed under the proposed zoning would ensure that resultant vehicular trip levels are less than or equivalent to those associated with the former site use (I-5 Farm Store and single family home), which were conducted under the existing zoning. Therefore, the proposed rezone would not result in an increase in trips generated by the property and would not result in a significant effect on the transportation system, as defined by the TPR.

Based on the analyses presented in this letter, we find that the proposed rezone will not result in a significant affect assuming implementation of a trip cap and that no additional technical transportation analyses should be needed to support the TPR findings. We recommend the trip cap be established at the level associated with the prior approved site uses, estimated to be 670 daily trips including 103 AM peak hour trips and 41 PM peak hour trips.

In addition to the proposed zone change, the property owner would like to re-occupy existing buildings on the site for use as a new vehicle preparation area to support two auto dealerships in Wilsonville. As documented herein, the proposed use of the site to support auto dealerships is expected to operate well under the recommended trip cap. The remainder of this memo documents our assumptions and analyses.

PRIOR LAND USE TRIPS

A traffic impact study was prepared for the former I-5 Farm Outlet Store¹. The study assumed the outlet store site development would total 14,900 square feet including a 7,200 square foot permanent farm store, a 4,200 square foot produce preparation building, a 1,000 square foot meat preparation building, and 2,500 square feet of materials storage building space. The store was assumed to operate Monday through Saturday between 7:00 AM and 10:00 PM and on Sundays between 12:00 PM and 7:00 PM. The study estimated the 14,900 square foot retail component of the property would generate 660 daily trips including 102 AM peak hour trips (49 entering and 53 exiting) and 40 PM peak hour trips 918 entering and 22 exiting). A copy of the original traffic study is attached to this letter.

In addition to the retail Farm Outlet Store, the study site includes an existing single family home and a barn.

PROPOSED LAND USE

Wilsonville Toyota proposes to accept and store new automobile deliveries from the Toyota factory at the site. Vehicles will undergo minor preparation/detailing work on-site before they are individually moved to the Wilsonville Toyota showroom for retail display and sale. The proposed on-site activities will utilize the existing site improvements (no new buildings proposed) and are expected to occur Monday through Friday.

TRIP COMPARISON

To comply with the TPR, potential land uses were assessed under the existing and proposed zoning as described below.

Existing EFU Zoning

Per Section 401 of the Clackamas County Zoning and Development Ordinance (ZDO), typical EFU permitted uses include farm uses, non-residential buildings customarily provided in conjunction with farm uses, accessory buildings customarily incidental to an existing dwelling, winery, farm stands (subject to Type II application), dog training classes, etc. For trip comparison purposes, we will assume reasonable "worst-case" development under the existing zoning is represented by the existing farm home, barn, and I-5 Farm Outlet Store.

¹ I-5 Farm Outlet Traffic Assessment and Sight Distance Certification dated January 22, 2004 by Charbonneau Engineering LLC

Proposed RI Zoning

Section 604 of the Clackamas County ZDO identifies RI primary uses including construction and maintenance contractors, farmers markets, indoor recreational facilities (including facilities for dance, gymnastics, martial arts, soccer, basketball, and skating but excluding health and fitness clubs), light metal and fiberglass fabrication, ornamental and horticultural nurseries, motor vehicle repair, retail sales of lumber and building materials, farm equipment retail sales and repair, upholstery shops, a veterinary hospital, and other uses. From a trip generation perspective, construction of a lumber and building materials retail sales building, an indoor recreational facility, or a veterinary hospital could each result in relatively high site trip generation.

Trip Generation Comparison

The 18.25-acre site conceivably could be developed to accommodate approximately 180,000 to 200,000 square feet of building space assuming a 0.25 floor area ratio.

Potential trip rates for a variety of land uses were reviewed from the standard reference *Trip Generation, 9th Edition* (Reference 1) and compared to the trip rates assumed for the I-5 Farm Store. Through this review, we determined that a lumber and building materials store constructed under the proposed RI zoning has the potential to generate more trips than the I-5 Farm Store under the existing zoning which in turn would result in additional impacts per the TPR.² Note that no ITE *Trip Generation* data is directly available for an indoor recreational facility or a veterinary hospital; however, one could expect a potentially large number of trips associated with either of these uses as well.

In order to ensure that site development under the proposed rezone does not result in an additional traffic impact per the TPR, we recommend that a trip cap be placed on the property as a condition of rezone approval. Trip caps have been used extensively across Oregon and are recognized by the Oregon Department of Transportation and Clackamas County. We recommend that a trip cap be established based on the existing site uses as documented in Table 1.

Table 1. Existing Site Development Trip Generation Estimate

Land Use	Data Source	Size	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
I-5 Farm Store	2004 Traffic Study ¹	14,900 square feet	660	102	49	53	40	18	22
Single Family Home	ITE Land Use 210	1 home	10	1	0	1	1	1	0
Total Trips			670	103	49	54	41	19	22

¹ Obtained from *I-5 Farm Outlet Traffic Assessment and Sight Distance Certification* dated January 22, 2004 by Charbonneau Engineering LLC

² Building Materials and Lumber Store (ITE Land Use 812) is estimated to generate 45.16 trips/1,000 square feet on a daily basis.

Note that the trip rates in Table 1 make no effort to account for trips to and from the existing barn building that was associated with the farm.

Proposed Use Trip Implications

The property owner proposes to unload, store, and prepare new motor vehicles at the site prior to transferring the vehicles to existing Wilsonville dealership sites. In addition to unloading and storing new automobiles from factory delivery vehicles, the site will provide services related to minor preparation/detailing work. We reviewed the proposed uses to assess how the trip generation of the proposed compares to trips associated with the existing site uses (previously detailed in Table 1). We also reviewed information contained in *Trip Generation* and concluded that there are no comparable data from which to calculate the like effects on the transportation system.

In lieu of national data, we used information provided by the property owner to develop a trip estimate for the proposed use, including:

- Up to 10 employees per day will work at the site during a daytime shift.
- Hours of operation will be from 7:00 AM to 5:00 PM weekdays. No weekend operations are anticipated.
- Approximately 100 vehicles will be stored on-site for future sale at the auto dealerships in Wilsonville.
- Vehicles will be delivered to the site from the factory via delivery truck (eight vehicles per load) for processing prior to relocation to the auto dealerships in Wilsonville.
 - Delivery truck frequency will vary depending on sales/inventory and is expected to range from no deliveries up to four deliveries per day.
- Vehicles will be transferred from the site to the car sales location (off-site) by individual driver with an average of five vehicle transfers anticipated per day.
- Assume up to five miscellaneous deliveries (UPS/FedEx, etc.) per day.

Summarizing the above information, Table 2 presents a trip estimate for the proposed site use (ITE *Trip Generation* does not have trip rate data directly applicable to the proposed use).

Table 2. Proposed Use Site Development Trip Generation Estimate

Site Activity	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
		Total	In	Out	Total	In	Out
<i>Site Employees Arrival</i> (shift start, assume 80% drive alone, 20% dropped off)	12	12	10	2	-	-	-
<i>Site Employee Lunch Trips</i> (assume 50% or 5 employees leave & return to site)	10	-	-	-	-	-	-
<i>Site Employee Departure</i> (shift end, assume 80% drive alone, 20% picked up)	12	-	-	-	12	2	10
<i>Toyota Delivery Truck</i> (assume 4 deliveries, each with 1 factory truck trip in and 1 out and assume 1 occurs during AM peak hour and 1 during PM peak hour)	8	2	1	1	2	1	1
<i>Vehicle Transfer from Site to Wilsonville Toyota</i> (assume 10 transfers/day. Further assume that each transfer requires a second vehicle to pick up and return transfer driver to site for a total of 3 trips consisting of: 1 trip out by vehicle being transferred, 1 trip out by companion driver and 1 return trip in with companion driver). Assume 20% occur during AM and PM peak hours.	30	6	2	4	6	2	4
<i>Miscellaneous deliveries</i> (assume 5 deliveries, 1 each during AM and PM peak hours)	10	2	1	1	2	1	1
Total Trips	82	22	14	8	22	6	16
Total Trips from Existing Use (refer to Table 1)	670	103	49	54	41	19	22
<i>Proposed Use Total Trips - Existing Use Total Trips</i>	-588	-81	-35	-46	-19	-13	-6

As shown in Table 2, the trip generation of the proposed new vehicle preparation use is expected to be lower than the trip generation of the current site uses on a daily and weekday AM and PM peak hour basis. Accordingly, we conclude the proposed uses trip generation will operate well within the limits of a trip cap established at the level of the previously permitted site uses.

SUMMARY

Based on our review of the existing and proposed site zoning, we recommend implementation of a trip cap to ensure the rezone complies with Oregon's Transportation Planning Rule (TPR) as documented in Oregon Administrative Rule 660-060-012. We further recommend the trip cap be established at the level associated with the existing site uses, estimated to be 670 daily trips including 103 AM peak hour trips and 41 PM peak hour trips.

Assuming implementation of this trip cap, development of the site under the proposed zoning would not result in higher levels of vehicular trip than allowable under reasonable "worst case" the existing zoning and there should be no significant effect for TPR purposes. The proposed new vehicle preparation use of the site is expected to operate well under the recommended trip cap.

Please let me know if you have questions or if you want to discuss.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Chris Brehmer, P.E.
Principal Engineer



Expires: 12-31-2015

REFERENCES

1. Institute of Transportation Engineers. *Trip Generation*, 9th Edition. 2012.

ATTACHMENTS

1. I-5 Farm Store Outlet Traffic Assessment and Sight Distance Certification

Jeffrey G. Condit, P.C.
jeff.condit@millernash.com
503.205.2305 direct line

April 19, 2017

Mr. Jim Bernard, Chair
and Clackamas County Commissioners
Public Service Building
2051 Kaen Road
Oregon City, Oregon 97045

Subject: Testimony of the Cities of West Linn and Tualatin on File ZDO-265
(Designation of Urban and Rural Reserves)

Dear Chair Bernard and Commissioners:

We represent the cities of Tualatin and West Linn (the "Cities"). The attached documents are the factual exhibits to the November 19, 2015, letter to the Metro Council that we submitted into the County record on April 12, 2017. They were inadvertently omitted from our prior testimony do to a technical error. Please accept these documents into the record.

The Cities, in conjunction with the City of Lake Oswego, continue to work with the County and Metro on a five-party IGA that we hope will alleviate the concerns expressed in the Cities' testimony.

The Cities appreciate the opportunity to submit additional testimony on these issues.

Very truly yours,


Jeffrey G. Condit, P.C.

Attachments: Exhibits

Testimony of the Cities of West Linn and Tualatin

11/19/16 Testimony Exhibits

169910-0013

EXHIBIT 83
ZDO-265:
Reserves Remand
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Stafford: A Joint Statement

Lake Oswego, Tualatin & West Linn - May 26, 2015

The cities of Lake Oswego, Tualatin and West Linn have long held that the Stafford Area is not appropriate for urban levels of development and does not meet the factors for designation as urban reserves. The adopted comprehensive plans of the respective cities and Metro's Regional Transportation Plan bear this out. The cities also hold that the present rural character of Stafford is important to the area residents, including current residents of the unincorporated Stafford area. This rural character offsets the effects of urban sprawl and maintains a sense of separate communities between Lake Oswego, West Linn, Tualatin, and Wilsonville. If, in the event, new information is brought to light which supports an urban reserve designation for Stafford, the cities of Lake Oswego, Tualatin and West Linn agree that:

1. One, or more, of the three cities should be the governing jurisdiction of any future urbanization of the Stafford area. The three cities will participate with Clackamas County and Metro in any discussions regarding reserve designation, future land use, transportation and infrastructure needs and solutions.
2. Prior to any reserve designation, an infrastructure assessment (which includes transportation, sewer, water and storm water) must evaluate the feasibility of urban development in the Stafford area. The assessment must identify regional and local impacts that will result from urban development; and propose improvements needed to mitigate impacts to bring each respective city's infrastructure systems to adopted urban standards, while protecting the quality of life for existing residents in each city. A capital cost/revenue analysis and operating cost/revenue analysis is needed to give the cities a tool to evaluate options. Funding sources must be identified that will be needed to fill any infrastructure development cost gaps without burdening existing city residents. This should include approximate but reasonable timelines for implementation and phasing.
3. Residential and employment densities under any future urban growth / land use scenario must be compatible with surrounding cities' comprehensive plans, including existing land use designations and development regulations, and all transportation and utility master plans.

3.4.2 STATE RTP SYSTEM

As Chapter 5 shows, the federal RTP system of investments built around the financially constrained funding targets falls short in meeting the performance targets for the plan. Oregon state law, however, has different requirements for transportation system plans (TSP). The RTP is the Portland Metro region's TSP. State law requires that TSPs adequately address the needs identified in the plan. The fundamental state requirement for the RTP is to develop a plan that is adequate to serve planned land uses. In addition, the region (through the RTP) and local governments (in local TSPs) must have a financing strategy that supports implementation of the plans.

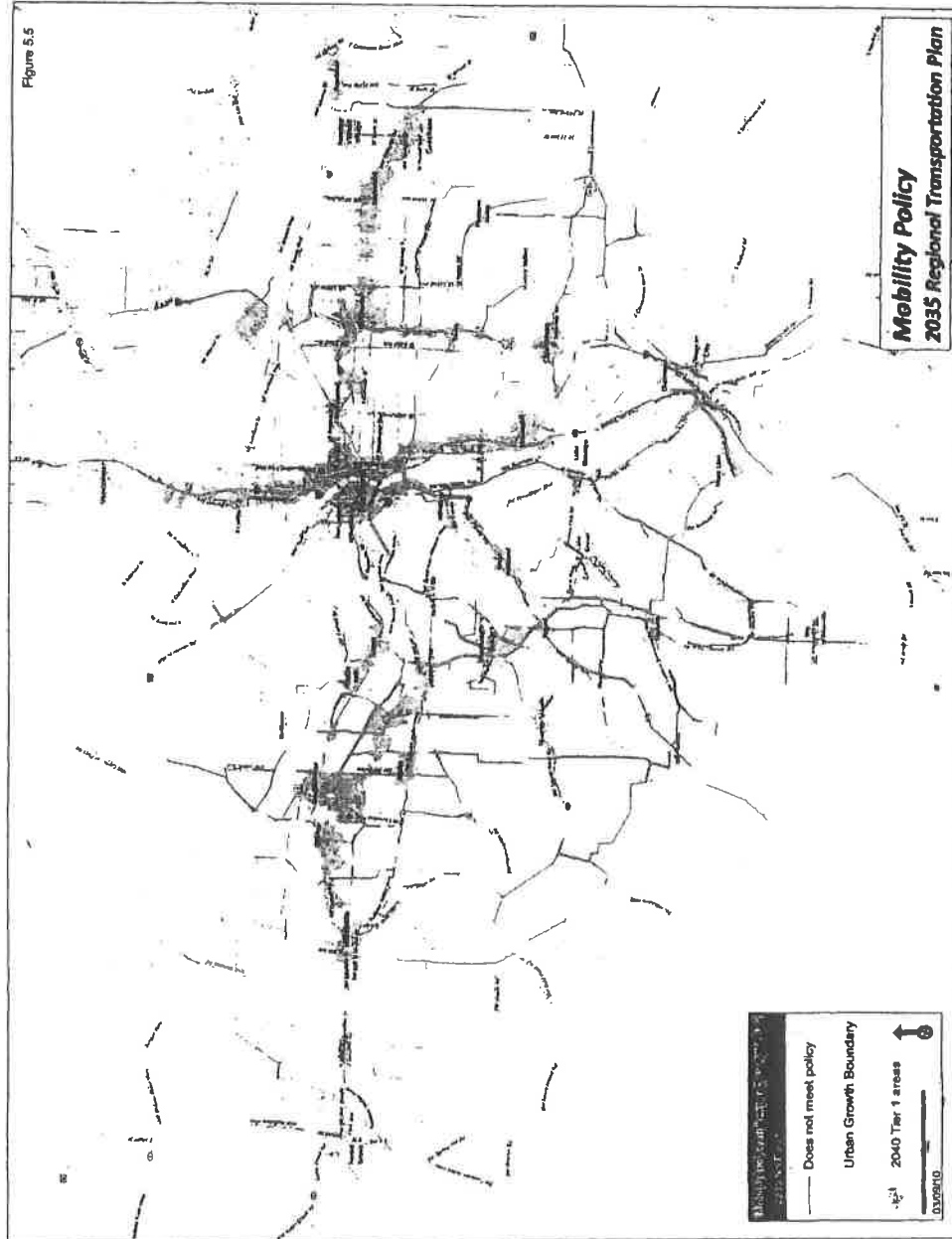
In 2009, the Joint Policy Advisory Committee on Transportation (JPACT) held policy discussions that focused on what level of investments should be assumed for the state *2035 RTP Investment Strategy* and what potential increases in state and local revenue might be reasonable to pursue for this more aspirational level of investment.

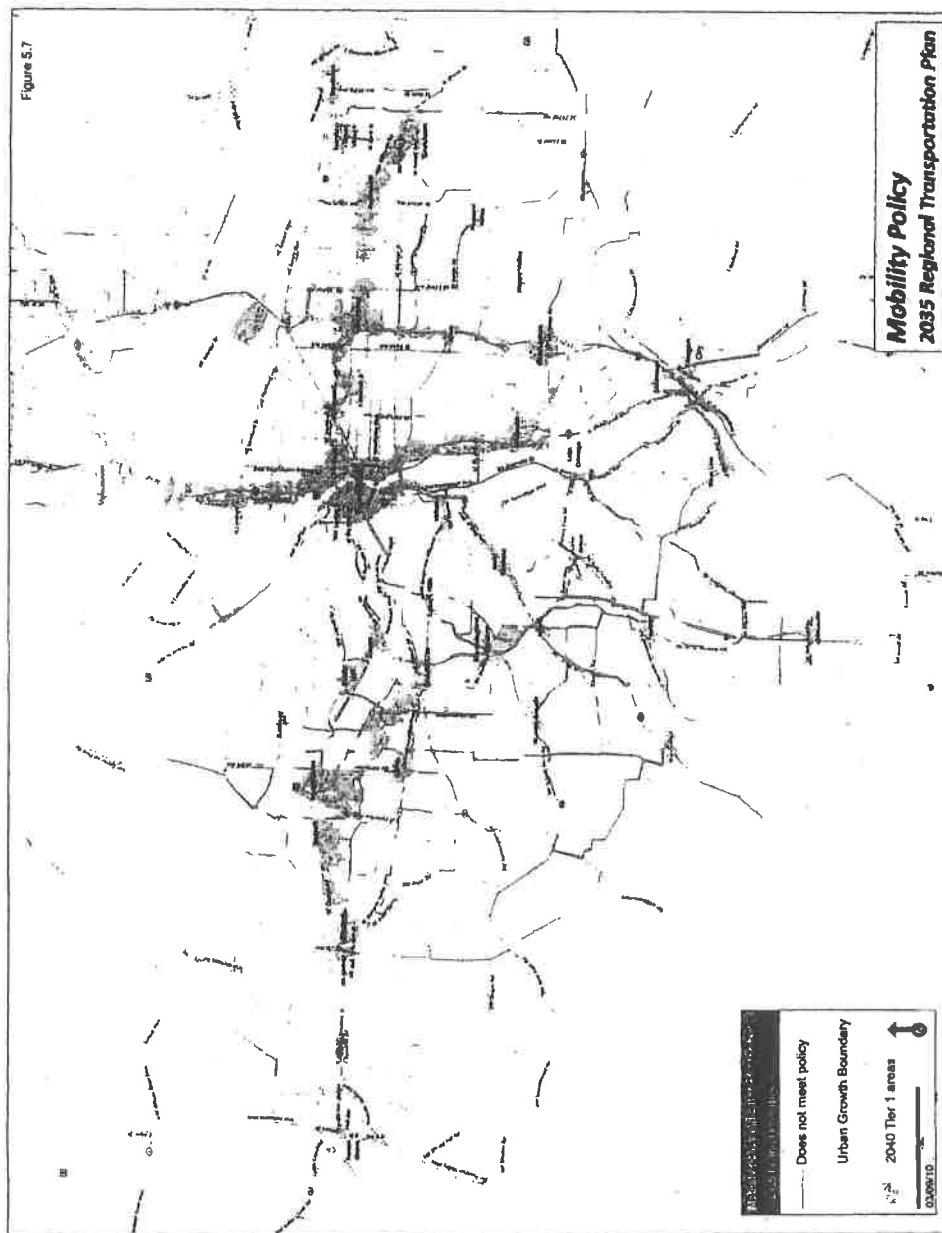
JPACT recommended the following revenue assumptions be used to develop a funding target for the *2035 RTP Investment Strategy*:

- The equivalent of a \$2 per year increase in the state vehicle registration fee through 2035
- Creation of a local/regional vehicle registration fee equivalent to \$1 per year through 2035
- Increasing local system development charges across the region up to the regional average
- The equivalent of a .02 percent increase in TriMet's payroll tax
- Local street utility fees to fund operations, maintenance and preservation

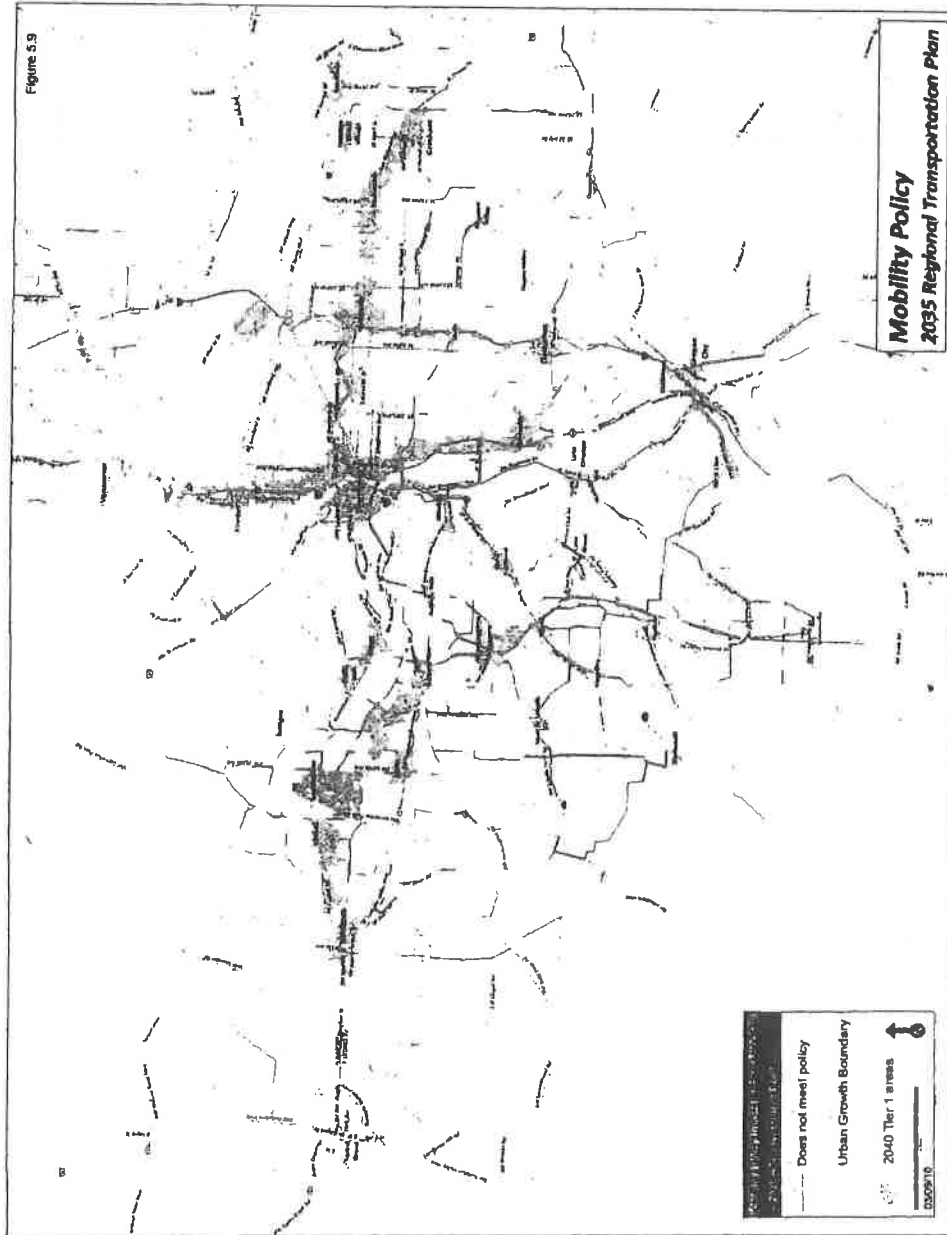
For the 2014 RTP Update the 2035 RTP Investment Strategy assumptions were used.

In addition to the local revenue sources above, the Washington County Coordinating Committee (WCCC) requested that JPACT add more than \$800 million in new state RTP revenue based on continuing their current MSTIP. JPACT endorsed the WCCC's recommendation at its August 2009 meeting. The following discusses the transportation revenue for the State RTP system. **Figure 3.7** shows the breakdown of federal, state, and local revenue.





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2010 Base Year - 4-6pm

7/3/2014

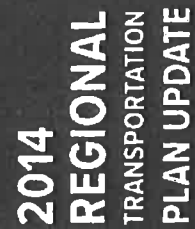


Figure 4.5

Mobility Policy

2040 No-Build - 4-6pm

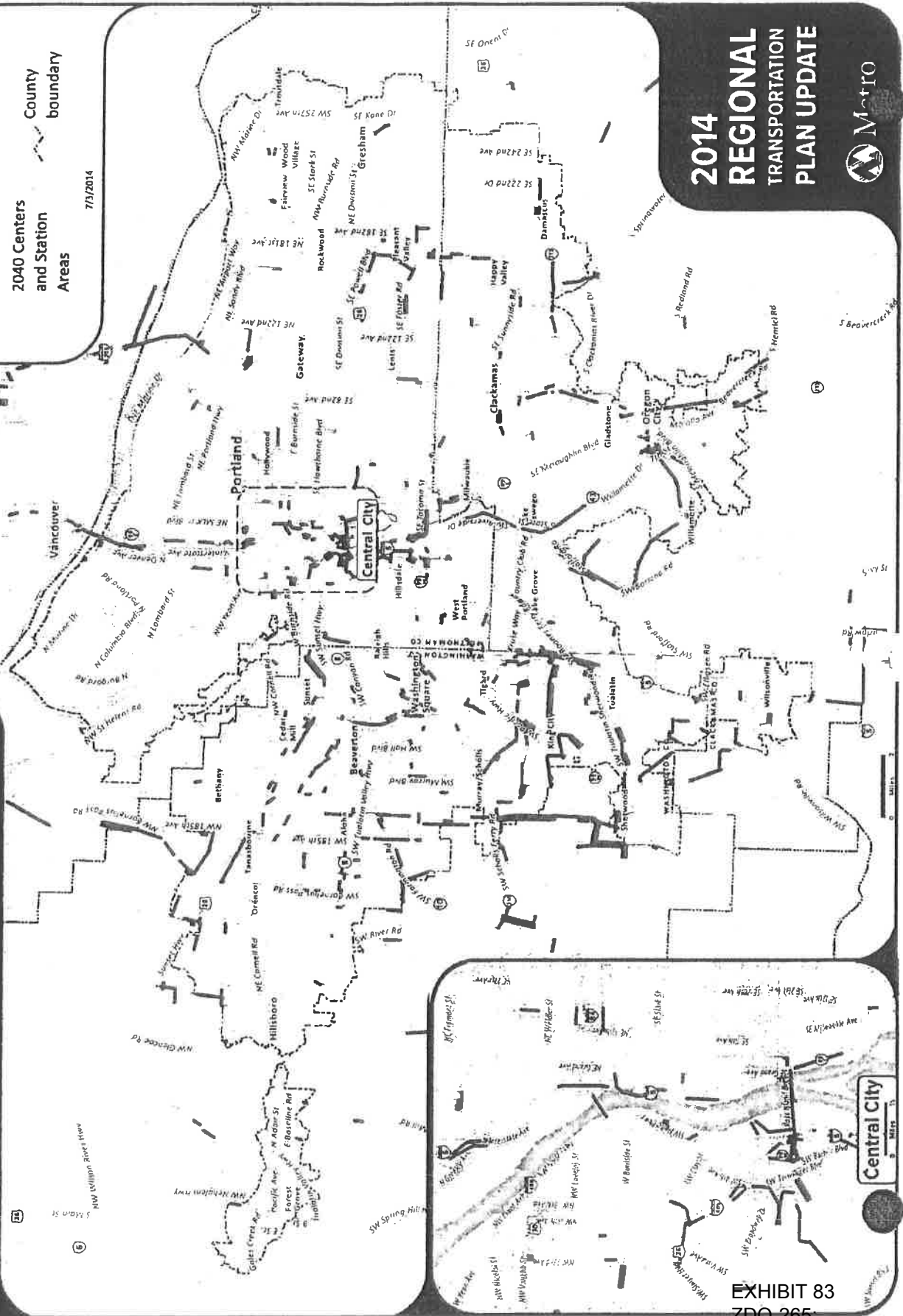
Does not APP-30
Urban growth
meet policy

Urban growth
boundary

2040 Centers
and Station
Areas

County
boundary

7/3/2014



2014 REGIONAL TRANSPORTATION PLAN UPDATE



Figure 4.7

Mobility Policy

2040 Federal Priorities - 4-6pm

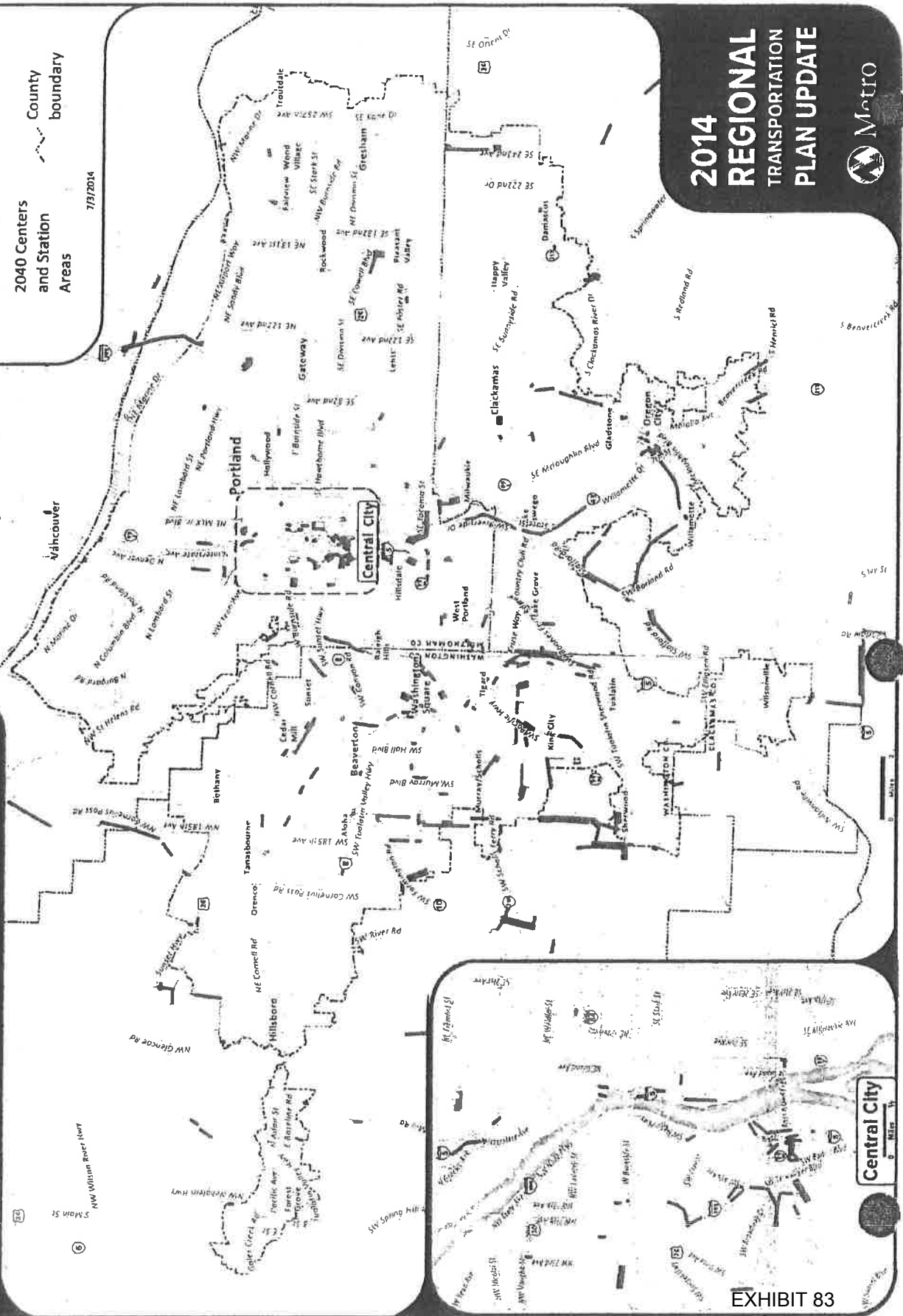
Does not APP-31
meet policy

Urban growth
boundary

2040 Centers
and Station
Areas

County
boundary

7/3/2014



2014 REGIONAL TRANSPORTATION PLAN UPDATE



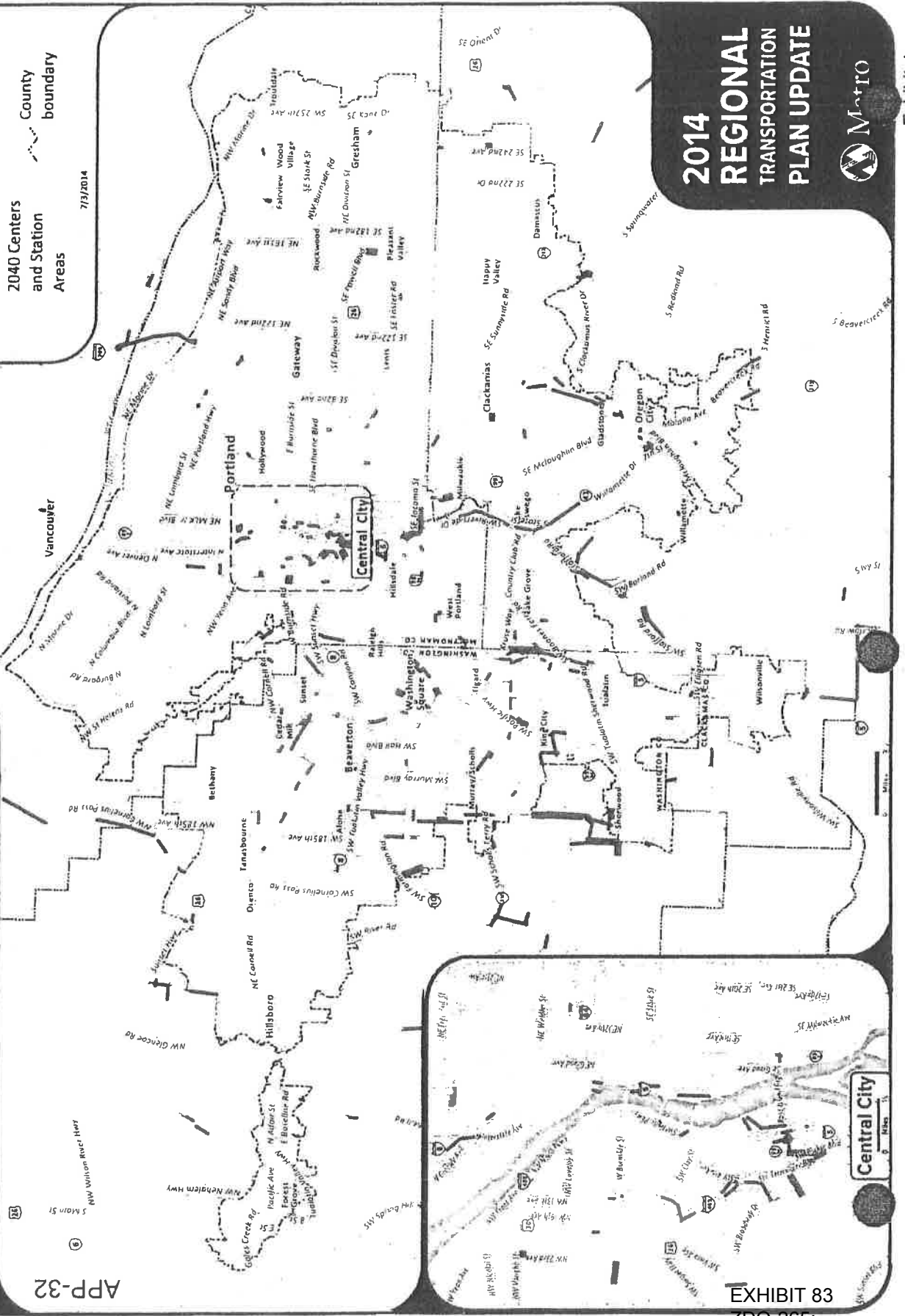
Exhibit 4

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ZDO-265.

Reserves Remand
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Figure 4.9
Mobility Policy
2040 Investment Strategy - 4-6pm



No Build – Failing Sections	Fed. Cons. - Failing Sections	Invest. Strat. - Failing Sections
205 – Stafford to Oregon City	205 – Stafford to Oregon City	
Stafford – Borland to Overlook	Stafford – Borland to Rosemont	Stafford – Borland to Rosemont
Rosemont – Stafford to Sweetbrier	Rosemont – Stafford to Sweetbrier + another section	Rosemont – Stafford to Sweetbrier
43 – LO to WL	43 – LO to WL	43 – LO to WL
West Section of Borland	Stafford 205 Overpass	Stafford Interchange South Side
	Stafford South of 205	Stafford South of 205
	Projects	Projects
	#10029 Stafford-205-Rosemont \$8,400,000 to \$12,432,000 2018 - 2024	#10043 Borland – TCL to Stafford \$5,680,000 to \$15,744,960 ?
	#10127 43 – Holly to Arbor \$21,400,000 to \$31,672,000 2018 - 2024	#11305 205 – Columbia River to I-5 \$100,000,000 to \$277,200,000 2033 - 2040
	#11497 205 – Oregon City to Stafford \$10,000,000 to 14,800,000 2033 - 2040	#11618 Borland – Stafford to WLCL \$10,300,000 to \$27,803,000 ?
	#11523 Rosemont – Stafford to WL \$8,750,000 to \$23,756,040 2033 - 2040	#10030 Stafford – 205 to Boeckman \$21,500,000 to \$59,598,000 ?
	#11553 Borland SW 65 th to TCL \$9,646,000 to \$14,276,000 2018- 2024	#11332 HCT on 205 \$150,000,000 to \$418,800,000 ?
		#11586 205 – Stafford to 43 \$190,000,000 to \$526,680,000 2033 - 2040

Stafford Basin Concept Planning Level Cost Estimates

PREPARED FOR: City of Tualatin
PREPARED BY: Darren Hippenstiel/PDX
Terry Chan/PDX
REVIEWED BY: Dave Mustonen/PDX
Steve Katko/PDX
DATE: July 13, 2009
PROJECT NO.: 392483.46.01

The objective of this memorandum is to summarize the planning level costs estimated to develop City provided infrastructure (water, wastewater, and streets) within the area SE of the City of Tualatin known as the Stafford Basin. The limits of the Basin are generally the Tualatin River to the north, Stafford Rd to the east, Interstate 5 to the West, and SW Frobase Rd to the south. The following planning level costs have been developed for the infrastructure development within Stafford Basin:

Infrastructure	Cost
Wastewater	\$148,000,000
Water	\$61,000,000
Transportation	\$163,000,000
Total	\$372,000,000

Attached to this memorandum is supporting documentation that outlines the assumptions and analysis used in developing these planning level costs. Wastewater and water are contained with Appendix A and Streets is contained in Appendix B. Included in each appendix are maps which were developed based on this information provided to CH2M HILL by the City of Tualatin, and which identify the location of each facility.

APPENDIX A

APPENDIX B

TECHNICAL MEMORANDUM

CH2MHILL

Stafford Basin Concept Planning - Water and Wastewater

PREPARED FOR: CH2M HILL
PREPARED BY: Terry Chan/PDX
REVIEWED BY: Dave Mustonen/PDX
DATE: July 13, 2009
PROJECT NO.: 392483.46.01

The objective of this memorandum is to establish a basis for developing concept level costs for water and wastewater infrastructure capital costs associated with the development of the Stafford Basin.

Summary

This technical memorandum documents the basis for developing concept level infrastructure costs with the Stafford Basin development; this includes an analysis of the water and wastewater flows associated with the Stafford Basin Concept Planning. The water demand and wastewater flows are dependent on the final land use zoning designated for basin development. Table 1 illustrates the type of land assumed for the Stafford Basin area that was used for developing water demands and wastewater flow rates. The concept level planning costs were developed based on the piping layout for both water and wastewater systems provided from the City of Tualatin. Asides from those pipelines associated with a new water Service Level D reservoir and wastewater pipelines to the Durham Wastewater Treatment plant, distribution pipelines analyzed in this memo do not include those pipes that extend outside of the Stafford Basin.

The concept level costs have been developed using standard engineering unit cost factors developed from infrastructure improvements in the Northwest. Actual projects have not been designed, or priced. In this Class V construction cost estimate (order of magnitude), no attempt has been made to differentiate the costs that would typically be shared between public and private entities, or between the developer and the homeowner. It is assumed, however, that water distribution and wastewater collection laterals are not included in this estimate. The resulting total cost is an approximate estimate made without detailed project specific engineering data. The Class V construction cost estimate will have an accuracy within +100 and -50 percent.

TABLE 1
Land Use Assumptions

Land Types	Low		High	
	Total Acres	Percent of Total	Total Acres	Percent of Total
Population – 10,000				
Dwelling Units (1-6.4 du/acre)	3,677	88%	534	40%
Medium-Low Density Dwelling Units (7-10 du/acre)	20	1%	40	3%
Public ROW – 20% of Net Developable	264	6%	264	20%
Employment/Commercial	137	3%	141	11%
Schools	49	1%	77	6%
Parks	58	1%	118	9%
Protected Open Spaces	N/A	N/A	147	11%
TOTAL	4,205	100%	1,321	100%

Acreages are taken from the Stafford Concept Planning Infrastructure Analysis spreadsheet sent from Aquilla Hurd-Ravich/City of Tualatin to Steve Katko/PDX on July 8, 2009.

Water

The City of Tualatin water system receives water from the Portland Water Bureau (PWB) through a gravity system driven by the Powell Butte Reservoir (HGL 530 ft). The Tualatin system has three distinct service areas, Service Level A (HGL= 295 ft), Service Level B (HGL= 399 ft) and Service Level C (HGL = 506). The water for these three service areas is purchased from the PWB and is transmitted by gravity from the PWB's Florence Lane master meter through 36-, 24-, and 18-inch-diameter transmission mains and pressure-reducing valves (PRV) to the lower service levels, Service Levels A and B. Service Level C is supplied by water pumped from Service Level B. For purposes of this study, it is assumed that the source water for the Stafford Basin will be the PWB via the existing Tualatin system connections. It is assumed that the Powell Butte Reservoir will continue to provide water and no other source water will be addressed in this memo. No additional PRV will be required.

In reviewing the topography of the new Stafford Basin, site topography varies from an elevation of 120 feet in the northeastern area, north of Borland Road, to a high elevation of 490 feet. The Level C service level is unable to effectively serve the higher elevations of the new Stafford Basin at the recommended pressure of 60 PSI. The Stafford Basin may require development of a new service level that is served by a gravity reservoir or a booster pump station. Table 2 below summarizes the elevations that each of the service levels can effectively serve at a pressure of 60 PSI, including a new Level D service level that could serve all elevations higher than 367 feet.

TABLE 2. WATER SYSTEM SERVICE LEVEL SUMMARY
Service Levels

Service level	Hydraulic Grade Line (HGL)	Highest Elevation Served at Pressure of 60 PSI
Level A	295	156 feet
Level B	399	260 feet
Level C	506	367 feet
Level D (NEW)	628	490 feet

There is a site located southeast of the terminus of SW 55th Avenue, as shown in Figure 1, at an elevation of 570 feet that could potentially be used for siting a new 60-foot tall Level D reservoir to achieve the hydraulic grade line required to serve the higher elevations of the Stafford Basin. A booster pump station would also be required to pump water to the new D level. Planning level costs presented in this memo reflect these improvements and are illustrated as separate line items.

In determining the concept level cost for the new Stafford Basin development it is assumed that the two existing 1 MG Level C Frobase Reservoirs (C-1 and C-2), would be able to provide water to the Stafford Basin. A booster pump station would provide water to the new Service Level D, and would be pumped to a HGL of 628 feet. The cost of the new source water will be \$2,000,000 per MGD, as shown in Table 4.

The cost of water system infrastructure presented here consists of three parts: transmission system costs, storage costs, and source water costs. Source water demand is based on the land use table presented in Table 1. Table 3 describes the unit water demand associated with each land use. Unit water demands for different land use types are used to estimate the gallons per acre per day (gpac) for each area to estimate the total source requirements.

TABLE 3
Unit Water Demand

Land Types	Acres	Unit Demand	Demand
Dwelling Units	3677 (low) 534 (high)	1,670 gpac	6.1 MGD
Medium-Low Density Dwelling Units (7-10 du/acre)	40	2,140 gpac	0.1 MGD
Public ROW – 20% of Net Developable	264	0 gpac	0 MGD
Employment/Commercial	141	2,035 gpac	0.3 MGD
Schools	77	1,700 gpac	0.1 MGD
Parks	118	2,020 gpac	0.2 MGD
TOTAL			6.8 MGD

For purposes of calculating a maximum water demand, high acreage values are used, except in the case of acres for dwelling units, where the low value is used. Typical water duty values taken from *Water Distribution Systems Handbook* (McGraw-Hill, 2000) and are assumed to be annual average demand.

The Stafford Basin water system concept level cost estimate is based on the construction of the new 12-inch diameter mains within the alignment illustrated in the concept map provided by the City of Tualatin, no costs have been allocated for distribution system laterals. Construction costs consist of three 1-million gallon steel water storage tanks. In addition infrastructure costs for the new Service Level D are presented, that consist of a new 1 MG storage tank, pump station and transmission piping. Costs associated with the water system expansion are presented in Table 4.

TABLE 4
Stafford Basin – Water System

	Unit Cost	Quantity	Total	Assumption
Source	\$2.0 M/MGD	6.8MGD	13,600,000	
Storage	\$1/gallon	3 * 1 MG	\$3,000,000	Ground level steel tank reservoirs
Electrical	10%		\$300,000	
Instrumentation and Controls and SCADA	10%		\$300,000	
Site Civil Development	5%		\$200,000	Stormwater management and access roads
Reservoirs Subtotal			\$3,800,000	
Water Transmission	\$120/LF	106,504 LF	\$12,800,000	New 12-inch diameter main lines per high level concept map
Transmission Pipe Subtotal			\$12,800,000	
Service Level A, B, C Subtotal			\$16,600,000	
NEW SERVICE LEVEL D (628 ft)				
Storage (New Reservoir)	\$1/gallon	1,000,000	\$1,000,000	1 ground level steel tank reservoir with Overflow Elev 628 ft.
Electrical	10%		\$100,000	
Instrumentation and Controls and SCADA	10%		\$100,000	
Site Civil Development	5%		\$50,000	Stormwater management and access roads
Booster Pump Station		2 MGD	\$2,000,000	Booster PS located at Frobase Site pumping to new 628 service level.
Transmission Pipe	\$120/LF	5,000	\$600,000	New main for connection of D Level Tank to transmission system.
New Service Level D Subtotal			\$3,900,000	
SUBTOTAL			\$34,100,000	

TABLE 4
Stafford Basin – Water System

	Unit Cost	Quantity	Total	Assumption
Additional Costs				
Contingency	40%		\$13,600,000	
TOTAL CONSTRUCTION COST			\$47,700,000	
Engineering and Permitting	25%		\$11,900,000	
Right-of-Way Land Acquisition	\$7/square foot			
Service Levels A, B, C		3 acres	\$900,000	
Service Level D		1 acre	\$300,000	
TOTAL PROJECT COST			\$61 M	

Costs in 2009 \$

Wastewater

The cost of wastewater infrastructure consists of three parts: collection system costs, pump station costs, and treatment costs. Sanitary sewer pipelines are sized based on projected flow rates. Flow values were determined based on contributing basin areas for each planned sewer segment. Figure 2 illustrates each contributing sewer area. Table 5 describes general sewer plan assumptions for the Stafford Basin.

TABLE 5
Unit Flows for New Developments

Land Use	Hydraulic Loading	Average Flow (gpd)
Residential	100 gal/cap/day (gpcd) 10,000 Population	1,000,000
Employment	1,830 gpad	516,080
Parks and Protected Open Spaces	3,660 gpad	281,820
Other (Schools)	3,660 gpad	431,880

Tualatin Sewer Master Plan, December 2002

Combining information in Table 1 and Table 5 produces an average wastewater flow of 1,230 gpad with a peaking factor of 3 for peak hour flows. This flow assumes that each sewer segment services a mixture of land uses, at similar proportions. Using areas gathered in GIS, flows contributing to the areas illustrated in Figure 1 are shown in Table 6. Pipe sizes are also sized based on a minimum pipe diameter of 8-inches or a minimum velocity of 2 feet per second (fps) and a maximum peak velocity of 12 fps.

TABLE 6
Wastewater Conveyance

Subbasin	Acres	Flow (gpm)	Peak Flow (gpm)	Pipe Size
A	127.43	898	2,889	21-inch
A1	141.62	121	363	8-inch
A2	112.07	289	867	12-inch
A2a	181.60	155	465	10-inch
A2b	44.59	38	114	8-inch
A3	442.12	378	1,133	12-inch
B	61.24	620	1,861	18-inch
B1	363.93	396	1,189	15-inch
B1a	100.14	88	257	8-inch
B2	108.81	93	279	8-inch
B3	92.13	79	236	8-inch
C	51.40	742	2,227	21-inch
C1	211.58	417	1,250	15-inch
C1a	155.05	236	708	12-inch
C1ai	67.22	57	172	8-inch
C1aii	54.25	46	139	8-inch
C2	329.86	282	845	15-inch

Pipes are sized at a minimum diameter of 8-inches, and to meet an average velocity of approximately 2 feet per second and a peak flow velocity no greater than 12 feet per second.

Peak flows are determined based on a 3 times peaking factor, where the peak flow is 3 times the average flow.

Costs associated with the wastewater system are presented in Table 7. It is assumed that the existing SW 65th Avenue pump station will be rebuilt to service those flows from subbasin A, and a new pump station will be built to service subbasins B and C, to pump flows to the Durham Wastewater Treatment Plant.

Recent studies for the Damascus/Boring area have found that treatment plant construction costs are typically in the range of \$14-18 per gallon per day, with wastewater flows in Clackamas County typically in the 240 gallons per equivalent dwelling units (EDU) per day range. This equates to a flow of approximately 1,050 gallons per acre per day. Wastewater flows in the Stafford Basin are calculated to be approximately 1,230 gallons per acre per day, for an average flow of 3.6MGD or a one-time capital cost of \$49,900,000-64,200,000 for improvements at the Durham WWTP, to upsize the WWTP for flows attributed to the Stafford Basin.

TABLE 7
Stafford Basin – Wastewater System

	Unit Cost	Quantity	Total	Assumption
Pump Station – SW 65 th Avenue		1	\$3,100,000	Peak Additional 3.9 MGD
Pump Station – NEW		1	\$4,700,000	Peak 5.9 MGD
Electrical	10%		\$800,000	
Instrumentation and Controls and SCADA	10%		\$800,000	
Site Civil Development	5%		\$400,000	
Pump Station Subtotal			\$9,800,000	
Gravity Conveyance Piping				
8-inch	\$100/LF	20,334 LF	\$2,000,000	
10-inch	\$110/LF	2,660 LF	\$300,000	
12-inch	\$105/LF	14,363 LF	\$1,700,000	
15-inch	\$133/LF	20,263 LF	\$2,700,000	
18-inch	\$152/LF	3,972 LF	\$600,000	
21-inch	\$172/LF	4,512 LF	\$800,000	
Pressurized Conveyance Piping				
12-inch	\$131/LF	19,255 LF	\$2,500,000	
Collection System Subtotal			\$10,600,000	
Durham Wastewater Treatment Plant Capacity Upsizing		\$18/gpd	\$64,200,000	Average 3.6 MGD
Wastewater Treatment Subtotal			\$64,200,000	
SUBTOTAL			\$84,600,000	
Additional Costs				
Contingency	40%		\$33,800,000	
TOTAL CONSTRUCTION COST			\$118,400,000	
Engineering and Permitting	25%		\$29,600,000	
Right-of-Way Land Acquisition	\$7/square foot		\$100,000	
TOTAL PROJECT COST			\$148 M	

Costs in 2009 \$

Costs associated with SW 65th Avenue Pump Station only address additional peak flow.

Assumptions for pump stations:

1. Provide standby power
2. Submersible pumps
3. Concrete wet well
4. Flows are based on a Peak Flow/Calculated Average Flow = 3

Piping costs assume a pipe depth less than 10-feet deep and arterial surface restoration.

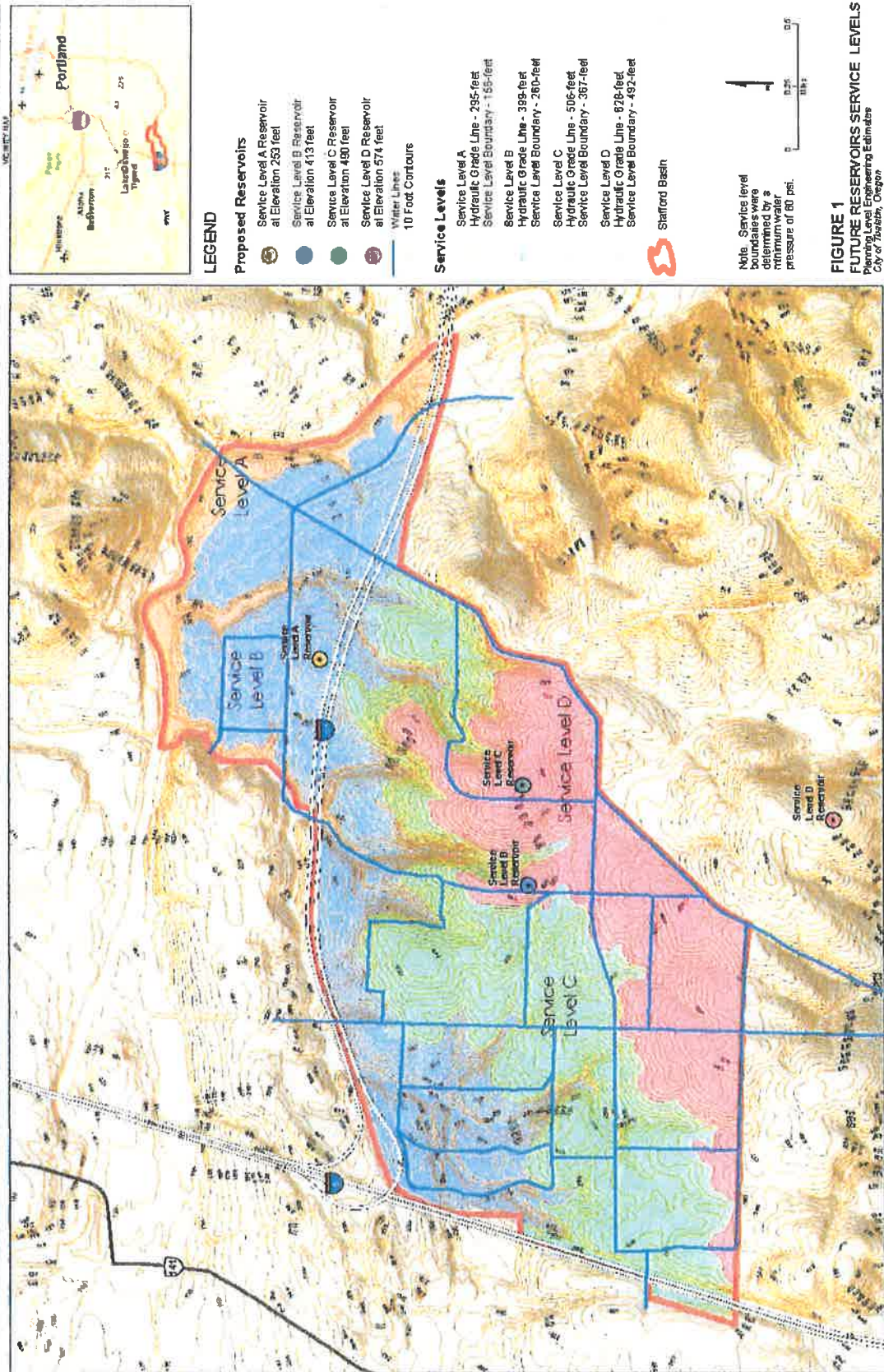


FIGURE 1
FUTURE RESERVOIRS SERVICE LEVELS
Planning Level Engineering Estimates
City of Astoria, Oregon
CH22M-HILL



LEGEND

- Sanitary Gravity Line
- Stafford Basin
- Sub-Basins
- 10 Foot Contours

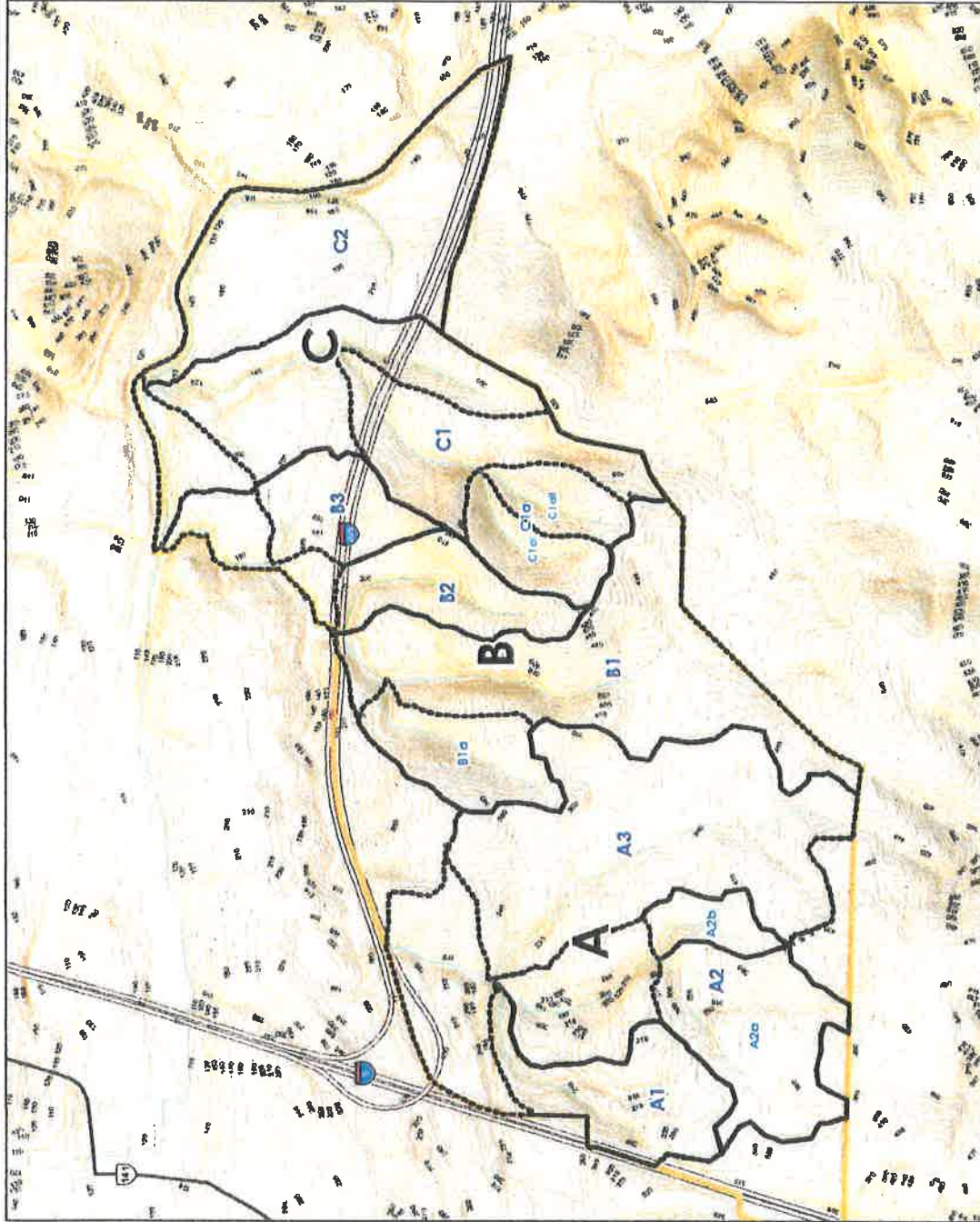


FIGURE 2
STAFFORD BASIN SUB-BASINS
Planning Level Engineering Estimates
City of Tualatin, Oregon

CH2M HILL

PROJECT: STAFFORD BASIN CONCEPT PLANNING - WATER AND WASTEWATER
DATE: 07/13/09
FILE: STAFFORD_BASIN_CONCEPT_PLANNING_WW_FINAL.DWG

Stafford Basin Concept Planning – Transportation

PREPARED FOR: CH2M HILL
PREPARED BY: Darren Hippenstiel/PDX
REVIEWED BY: Steve Katko/PDX
DATE: July 13, 2009
PROJECT NO.: 367677.FP.04

The objective of this memorandum is to establish a basis for developing concept level transportation infrastructure capital costs associated with the development of the Stafford basin.

Summary

This technical memorandum documents the assumptions and analysis of the street network development associated with the Stafford Basin Concept Planning. Roadway right-of-way widths were assumed based on roadway width information provided by the City of Tualatin in GIS format. Generally the basin is divided by three types of roadways based on the widths provided, major arterials, minor arterials, and minor collectors. Estimates were developed for each roadway separately and then combined for a total planning level cost. The planning level cost for developing the transportation infrastructure network in the Stafford Basin is estimated to be \$163,000,000.

Streets

Transportation facilities are based on the mapping provided by the City of Tualatin, information gathered from the City's TSP and general experience on projects within the City of Tualatin, OR. Table 1 describes the general street plan assumptions for the Safford Basin

TABLE 1
General Street Plan Assumptions

Asphalt Concrete Section for arterials assumed 8" HMAC/12" Agg.
Asphalt Concrete Section for collectors 6" HMAC/10" Agg.
4' of balanced earthwork assumed for all section. Additional earthwork added per roadway project as needed.
10% Mobilization
2.5% Construction Surveying
2% Erosion Control
TP&DT varies from 5%-8% depending on project complexity and future traffic assumed levels.
40% Contingency added all projects.
Cost provided are in 2009 \$
A full list of descriptions and unit costs is provided in Appendix D.

Estimates are based on a per lane-mile cost for development of roadway facilities. Each lane mile includes the cost of excavation and embankment, asphalt surfacing, aggregate base, and drainage. Lane-mile is determined for the curb-to-curb width of the selected roadway and its length. The following Table 2 identifies the ROW width for each segment of the Roadway. The number of the roadway (No.) corresponds to the location of the facility as represented in Figure 1. Right-of-way widths were provided by the City. From the widths provided an assumed roadway classification was selected from which the curb-to-curb width was determined for use in developing the total lane-mile for each roadway.

TABLE 2

NO.	ROADWAY DESCRIPTION	ROW (FT)	LENGTH (MI)	LN-MI
A-1	Stafford Road (Frobase to Borland)	98	2.95	16.09
A-2	SW 55th Ave (Schatz to Borland)	78	1.19	5.01
A-3	SW 65th Ave (Frobase to Borland)	98	1.88	11.10
A-4	SW 82nd Ave (Frobase to Norwood)	78	0.50	2.1
A-5	SW Frobase Road (82nd to Stafford)	78	1.30	5.5
A-6a	SW Norwood Road (82nd to 65th)	78	0.89	3.71
A-6b	SW Norwood Road (Vermillion to 82nd)	78	0.17	0.71
A-7	SW Schatz Road (65th to Stafford)	78	0.54	2.25
A-8	Borland Road (Prosperity Park to East Basin Limits)	78	0.74	7.92
C-1	SW Meridian Way (65th to 55th)	60	0.53	1.59
C-2	SW Norse Hall Rd (78th to 65th)	60	0.64	1.92
C-3	SW Delker Rd (65th to 55th)	60	0.57	1.71
C-4	SW Robbins Rd (78th to 65th)	60	0.66	1.98
C-5	SW Prosperity Park (65th to 55th)	60	0.97	2.91
C-6	SW Trail Road (Stafford to Schatz)	60	1.37	4.11
C-7	SW Halcyon Rd (Joshua to 35th)	60	0.47	1.41
C-8	SW 55th Ave (Stafford to Schatz)	60	0.46	1.38
C-9	Future Rd (Frobase to Norwood)	60	0.49	1.47
C-10	SW 76th Ave (Norwood to Norse Hall)	60	0.25	0.75
C-11	SW 70th Ave (Norse Hall to Robbins)	60	0.62	1.86
C-12	SW 75th Ave (Norse Hall to Robbins)	60	0.61	1.83
C-13	SW 78th Ave (Norse Hall to Robbins)	60	0.61	1.83
C-14	SW 35th Ave (Borland to Halcyon)	60	0.27	0.81
C-15	Future Rd (Borland to Halcyon)	60	0.27	0.81

Features other than those estimated in the per lane-mile of roadway include linear elements such as street lighting, sidewalk, enclosed drainage systems, curb, additional earthwork, bridges, walls and signals. Curb, sidewalk and drainage are estimated on a per mile basis and are lumped together. Signals, bridges, additional earthwork, and walls are provided on their unit basis and are estimated separately by each roadway as required.

Signals were assumed for only major intersections within the basin. For the purposes of this estimate, major intersections were assumed as intersections of two arterials, with the exceptions of SW 65th and Delker Rd., SW Stafford and SW Trail Rd., and SW Borland and

SW 35th Ave. For the three collector/arterial intersections an assumption of heavy traffic and significant delay on the minor roadway was made.

Water quality is of significant concern in this area and treatment of water from new impervious surfacing will be required. An estimate of the required treatment area from each drainage sub-basin within the Stafford Basin is provided in Table 3 below. It is expected that Low Impact Development or LID practices will be implemented within the Stafford Basin as part of the infrastructure development, however for the purposes of this estimate it is assumed the water quality treatment will be provided through regional extended dry ponds.

Drainage Sub Basin	Volume To Be Treated (CF)	Pond Area Required For Treatment (SF)
A	339,000	156,000
B	245,000	119,000
C	366,000	166,000
Total		441,000

The following Table 4 identifies the total costs, including curb-to-curb costs, sidewalk, landscaping, illumination, signals, drainage, design and construction engineering, right-of-way and other project costs such as mobilization, etc. Copies of estimates templates for each roadway section can be found in Appendix C of this document. Right-of-way cost is estimated at \$7 per square foot. Costs for right-of-way were provided by the City of Tualatin.

TABLE 4 -- STAFFORD BASIN ROADWAY COSTS

No.	Name	Cost
A-1	Stafford Basin - Stafford Road (Frobase to Borland)	\$30,340,000.00
A-2	Stafford Basin - SW 55th Ave (Schatz to Borland)	\$10,810,000.00
A-3	Stafford Basin - SW 65th Ave (Frobase to Borland)	\$24,640,000.00
A-4	Stafford Basin - SW 82nd Ave (Frobase to Norwood)	\$3,570,000.00
A-5	Stafford Basin - SW Frobase Road (82nd to Stafford)	\$8,420,000.00
A-6a	Stafford Basin - SW Norwood Road (82nd to 65th)	\$5,700,000.00
A-6b	Stafford Basin - SW Norwood Road (Vermillion to 82nd)	\$5,980,000.00
A-7	Stafford Basin - SW Schatz Road (65th to Stafford)	\$3,460,000.00
A-8	Stafford Basin - SW Borland Road (Prosperity Park to East Basin Limits)	\$13,410,000.00
C-1	Stafford Basin - SW Meridian Way (65th to 55th)	\$2,560,000.00
C-2	Stafford Basin - SW Norse Hall Rd (78th to 65th)	\$3,550,000.00
C-3	Stafford Basin - SW Delker Rd (65th to 55th)	\$2,920,000.00
C-4	Stafford Basin - SW Robbins Rd (78th to 65th)	\$3,510,000.00
C-5	Stafford Basin - SW Prosperity Park (65th to 55th)	\$5,420,000.00
C-6	Stafford Basin - SW Trail Road (Stafford to Schatz)	\$7,260,000.00
C-7	Stafford Basin - SW Halcyon Rd (Joshua to 35th)	\$2,270,000.00
C-8	Stafford Basin - SW 55th Ave (Stafford to Schatz)	\$2,290,000.00
C-9	Stafford Basin - Future Rd (Frobase to Norwood)	\$2,360,000.00
C-10	Stafford Basin - SW 78th Ave (Norwood to Norse Hall)	\$1,230,000.00
C-11	Stafford Basin - SW 70th Ave (Norse Hall to Robbins)	\$3,410,000.00
C-12	Stafford Basin - SW 75th Ave (Norse Hall to Robbins)	\$10,960,000.00
C-13	Stafford Basin - SW 78th Ave (Norse Hall to Robbins)	\$3,470,000.00
C-14	Stafford Basin - SW 35th Ave (Borland to Halcyon)	\$1,300,000.00
C-15	Stafford Basin - Future Rd (Borland to Halcyon)	\$1,300,000.00
Subtotal All Segments		\$160,000,000.00

	Unit	Qty	Unit Cost	Total
Right-of-Way for Water Quality Facilities	SF	441,000	\$7	\$3,100,000
Total Planning Level Cost				\$163,000,000

APPENDIX C

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - Stafford Road (Frobase to Borland)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (ML.):	DATE	NAME
			2.95	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	2.95	\$2,283,300
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	16.09	\$7,723,200
4	New Roadway Collector	Lane-Mi.	\$398,000	0.00	\$0
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	7,000	\$70,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	5.00	\$900,000
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	2.95	\$843,700
16	Landscaping	Mi.	\$200,000	2.95	\$590,000
17	Bridges (See note 2)	SF	\$300	8,400	\$2,520,000
18	Walls	SF	\$70	7,600	\$532,000
SUBTOTAL					\$15,462,200

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$386,600
TP & DT		3.0-8.0%	5.0%	\$773,100
Mobilization		8.0-10.0%	10.0%	\$1,546,200
Erosion Control		0.5-2.0%	2.0%	\$309,200
Contingency			40.0%	\$6,184,900
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$24,662,200
Design Engineering			13.0%	\$3,206,100
Construction Engineering			10.0%	\$2,466,200
Right-of-Way		SF	\$7	663,000
Right-of-Way				\$4,641,000
TOTAL PROJECT COST				\$30,340,000

NOTES:	
1	Eb&t major arterial cross section
2	Improvements are from Borland to Frobase
3	21' of bridge widening assumed at I-205
4	Illumination and Landscaping assumed for entire corridor
5	760' of 10' high (avg) walls assumed 100' south of Trail Rd.
6	5 signals assumed (Trail Rd., Mountain Rd., Schatz Rd., 55th Ave., & Frobase Rd.)
7	Assumes all existing pavement is replaced and minor alignment revisions are needed
8	Assumes 98 right-of-way (50' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW 55th Ave (Schatz to Borland)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			1.19	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	1.19	\$921,060
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	5.00	\$2,400,000
4	New Roadway Collector	Lane-Mi.	\$398,000	0.00	\$0
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	36,400	\$364,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	2.00	\$360,000
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	1.19	\$340,340
16	Landscaping	Mi.	\$200,000	1.19	\$238,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	12,600	\$882,000
SUBTOTAL					\$5,505,400

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$137,600
TP & DT		3.0-8.0%	5.0%	\$275,300
Mobilization		8.0-10.0%	10.0%	\$550,500
Erosion Control		0.5-2.0%	2.0%	\$110,100
Contingency			40.0%	\$2,202,200
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$8,781,100
Design Engineering			13.0%	\$1,141,500
Construction Engineering			10.0%	\$878,100
Right-of-Way		SF	\$7	492,000
TOTAL PROJECT COST				\$10,810,000

NOTES:	
1	Db&t minor arterial cross section
2	Improvements are from Borland to Schatz Rd.
3	Illumination and Landscaping assumed for entire corridor
4	1/4 length of 4' high (avg) walls assumed
5	2 signals assumed (Borland Rd. & Schatz Rd.)
6	Assumes all existing pavement is replaced and minor alignment revisions are needed
7	Additional 4' of earthwork assumed for 1/2 the total project length
8	Assumes 78 right-of-way

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW 65th Ave (Frobase to Borland)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			1.88	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	1.88	\$1,455,120
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	11.10	\$5,328,000
4	New Roadway Collector	Lane-Mi.	\$398,000	0.00	\$0
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	3.00	\$540,000
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	1.88	\$537,680
16	Landscaping	Mi.	\$200,000	1.88	\$376,000
17	Bridges (See note 2)	SF	\$300	14,400	\$4,320,000
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$12,556,800

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$313,900
TP & DT		3.0-8.0%	5.0%	\$627,800
Mobilization		8.0-10.0%	10.0%	\$1,255,700
Erosion Control		0.5-2.0%	2.0%	\$251,100
Contingency			40.0%	\$5,022,700
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$20,028,000
Design Engineering			13.0%	\$2,603,600
Construction Engineering			10.0%	\$2,002,800
Right-of-Way		SF \$7	475,000	\$3,325,000
TOTAL PROJECT COST				\$24,640,000

NOTES:	
1	Eb&t major arterial cross section
2	Improvements are from Borland to Frobase
3	36' of bridge widening assumed at I-205
4	Illumination and Landscaping assumed for entire corridor
5	No walls assumed
6	3 signals assumed (Delker Rd., Norwood Rd., & Frobase Rd.)
7	Assumes all existing pavement is replaced and minor alignment revisions are needed
8	Assumes 98 right-of-way (50' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW 82nd Ave (Frobase to Norwood)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.5	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.50	\$387,000
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	2.10	\$1,008,000
4	New Roadway Collector	Lane-Mi.	\$398,000	0.00	\$0
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	1.00	\$180,000
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.50	\$143,000
16	Landscaping	Mi.	\$200,000	0.50	\$100,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$1,818,000

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$45,500
TP & DT		3.0-8.0%	5.0%	\$90,900
Mobilization		8.0-10.0%	10.0%	\$181,800
Erosion Control		0.5-2.0%	2.0%	\$36,400
Contingency			40.0%	\$727,200
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$2,899,800
Design Engineering			13.0%	\$377,000
Construction Engineering			10.0%	\$290,000
Right-of-Way			SF \$7	\$0
TOTAL PROJECT COST				\$3,570,000

NOTES:	
1	Db&t minor arterial cross section
2	Improvements are from Frobase to Norwood Rd.
3	Illumination and Landscaping assumed for entire corridor
4	1 signal assumed at Norwood Rd Overcrossing
5	Assumes all existing pavement is replaced and minor alignment revisions are needed
6	Assumes 78 right-of-way

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Frobase Road (82nd to Stafford)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			1.31	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	1.31	\$1,013,940
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	5.50	\$2,640,000
4	New Roadway Collector	Lane-Mi.	\$398,000	0.00	\$0
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	1.31	\$374,660
16	Landscaping	Mi.	\$200,000	1.31	\$262,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$4,290,600

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$107,300
TP & DT		3.0-8.0%	5.0%	\$214,500
Mobilization		8.0-10.0%	10.0%	\$429,100
Erosion Control		0.5-2.0%	2.0%	\$85,800
Contingency			40.0%	\$1,716,200
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$6,843,500
Design Engineering			13.0%	\$889,700
Construction Engineering			10.0%	\$684,400
Right-of-Way			SF \$7 263,000	\$1,841,000
TOTAL PROJECT COST				\$8,420,000

NOTES:	
1	Db&t minor arterial cross section
2	Improvements are from 82nd to Stafford
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	Assumes 78' ROW (40' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Norwood Road (82nd to 65th)		REFERENCE NAME/PHONE		SHEET	
DESIGN LEVEL: Preliminary		503-235-5000		1 of 1	
KIND OF WORK: Roadway, Drainage		LENGTH (MI.):	DATE	NAME	
		0.89	7/13/2009	DAH	
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.89	\$688,860
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	3.71	\$1,780,800
4	New Roadway Collector	Lane-Mi.	\$398,000	0.00	\$0
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.89	\$254,540
16	Landscaping	Mi.	\$200,000	0.89	\$178,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$2,902,200

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$72,600
TP & DT		3.0-8.0%	5.0%	\$145,100
Mobilization		8.0-10.0%	10.0%	\$290,200
Erosion Control		0.5-2.0%	2.0%	\$58,000
Contingency			40.0%	\$1,160,900
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$4,629,000
Design Engineering			13.0%	\$601,800
Construction Engineering			10.0%	\$462,900
Right-of-Way		SF	\$7	179,000
TOTAL PROJECT COST				\$5,700,000

NOTES:	
1	Db&t minor arterial cross section
2	Improvements are from 82nd to 65th
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	Assumes all existing pavement is replaced and minor alignment revisions are needed
6	Assumes 78' total ROW (40" extg ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Norwood Road (Vermillion to 82nd)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.17	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.17	\$131,580
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.71	\$340,800
4	New Roadway Collector	Lane-Mi.	\$398,000	0.00	\$0
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	9,000	\$90,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.17	\$48,620
16	Landscaping	Mi.	\$200,000	0.17	\$34,000
17	Bridges (See note 2)	SF	\$300	7,800	\$2,340,000
18	Walls	SF	\$70	900	\$63,000
SUBTOTAL					\$3,048,000

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$76,200
TP & DT		3.0-8.0%	5.0%	\$152,400
Mobilization		8.0-10.0%	10.0%	\$304,800
Erosion Control		0.5-2.0%	2.0%	\$61,000
Contingency			40.0%	\$1,219,200
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$4,861,600
Design Engineering			13.0%	\$632,000
Construction Engineering			10.0%	\$486,200
Right-of-Way		SF	\$7	\$239,400
TOTAL PROJECT COST				\$5,980,000

NOTES:	
1	Db&t minor arterial cross section
2	Improvements are from Vermillion to 82nd
3	Illumination and Landscaping assumed for entire corridor
4	Additional fill above the standard assumption included for the widening up to the bridge both sides
5	Assumes all existing pavement is replaced and minor alignment revisions are needed
6	Assumes 26' bridge widening for 300' length (10' roadway, 16' sidewalks, no planter)
7	Assumes 78' ROW (40' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Schatz Road (65th to Stafford)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.54	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.54	\$417,960
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	2.25	\$1,080,000
4	New Roadway Collector	Lane-Mi.	\$398,000	0.00	\$0
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.54	\$154,440
16	Landscaping	Mi.	\$200,000	0.54	\$108,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$1,760,400

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$44,000
TP & DT		3.0-8.0%	5.0%	\$88,000
Mobilization		8.0-10.0%	10.0%	\$176,000
Erosion Control		0.5-2.0%	2.0%	\$35,200
Contingency			40.0%	\$704,200
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$2,807,800
Design Engineering			13.0%	\$365,000
Construction Engineering			10.0%	\$280,800
Right-of-Way		SF	\$7	227,000
TOTAL PROJECT COST				\$3,460,000

NOTES:	
1	Db&t minor arterial cross section
2	Improvements are from 65th to Stafford
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	3 signal assumed, quantity included in estimates for 55th, 65th, and Stafford
6	Assumes 78' ROW (40' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Borland Road (Prosperity Park to East Basin Limits)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			1.9	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	1.90	\$1,470,600
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	7.92	\$3,801,600
4	New Roadway Collector	Lane-Mi.	\$398,000	0.00	\$0
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	18,900	\$189,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	1.00	\$180,000
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	1.90	\$543,400
16	Landscaping	Mi.	\$200,000	1.90	\$380,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	2,000	\$140,000
SUBTOTAL					\$6,704,600

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$167,600
TP & DT		3.0-8.0%	8.0%	\$536,400
Mobilization		8.0-10.0%	10.0%	\$670,500
Erosion Control		0.5-2.0%	2.0%	\$134,100
Contingency			40.0%	\$2,681,800
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$10,895,000
Design Engineering			13.0%	\$1,416,400
Construction Engineering			10.0%	\$1,089,500
Right-of-Way			SF \$7 71,000	\$497,000
TOTAL PROJECT COST				\$13,410,000

NOTES:	
1	Db&t minor arterial cross section
2	Improvements are from Prosperity Park to East Basin limits
3	Illumination and Landscaping assumed for entire corridor
4	Additional earthwork above the standard assumption included for the widening
5	Assumes all existing pavement is replaced and minor alignment revisions are needed
6	1 signal assumed at either 35th or at new roadway
7	Assumes 4' wall needed for 5% of total project length
8	Assumes 78' ROW (60' Extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Meridian Way (65th to 55th)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.53	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.53	\$410,220
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.59	\$632,820
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.53	\$151,580
16	Landscaping	Mi.	\$200,000	0.53	\$106,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$1,300,620

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$32,500
TP & DT		3.0-8.0%	5.0%	\$65,000
Mobilization		8.0-10.0%	10.0%	\$130,100
Erosion Control		0.5-2.0%	2.0%	\$26,000
Contingency			40.0%	\$520,200
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$2,074,420
Design Engineering			13.0%	\$269,700
Construction Engineering			10.0%	\$207,400
Right-of-Way		SF \$7	56,000	\$392,000
TOTAL PROJECT COST				\$2,560,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from 65th Ave. to 55th Ave.
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals, walls, or bridges assumed
6	Assumes 60' ROW (40' Extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Norse Hall Rd (78th to 65th)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.64	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.64	\$495,360
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.92	\$764,160
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	19,500	\$195,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.64	\$183,040
16	Landscaping	Mi.	\$200,000	0.64	\$128,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	600	\$42,000
SUBTOTAL					\$1,807,560

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$45,200
TP & DT		3.0-8.0%	5.0%	\$90,400
Mobilization		8.0-10.0%	10.0%	\$180,800
Erosion Control		0.5-2.0%	2.0%	\$36,200
Contingency			40.0%	\$723,000
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$2,883,160
Design Engineering			13.0%	\$374,800
Construction Engineering			10.0%	\$288,300
Right-of-Way		SF	\$7	\$476,000
TOTAL PROJECT COST				\$3,550,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from 78th Ave. to 65th Ave and includes connecting existing segments of roadway
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes 4' max. wall for 10% of new roadway length
7	Assumes 5' additional earthwork above the standard 4' balance,
8	Assumes 60' ROW (40' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Delker Rd (65th to 55th)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.57	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.57	\$441,180
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.71	\$680,580
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	4,700	\$47,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.57	\$163,020
16	Landscaping	Mi.	\$200,000	0.57	\$114,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	600	\$42,000
SUBTOTAL					\$1,487,780

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$37,200
TP & DT		3.0-8.0%	5.0%	\$74,400
Mobilization		8.0-10.0%	10.0%	\$148,800
Erosion Control		0.5-2.0%	2.0%	\$29,800
Contingency			40.0%	\$595,100
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$2,373,080
Design Engineering			13.0%	\$308,500
Construction Engineering			10.0%	\$237,300
Right-of-Way		SF	\$7	\$420,000
TOTAL PROJECT COST				\$2,920,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from 65th Ave. to 55th Ave
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes 4' max. wall for 5% roadway length
7	Assumes 4' additional earthwork above the standard 4' balance at connections with 65th and 55th
8	Assumes 60' ROW (40' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Robbins Rd (78th to 65th)		REFERENCE NAME/PHONE		SHEET	
DESIGN LEVEL: Preliminary		503-235-5000		1 of 1	
KIND OF WORK: Roadway, Drainage		LENGTH (MI.):	DATE	NAME	
		0.66	7/13/2009	DAH	
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.66	\$510,840
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.98	\$788,040
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	11,800	\$118,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.66	\$188,760
16	Landscaping	Mi.	\$200,000	0.66	\$132,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	700	\$49,000
SUBTOTAL					\$1,786,640

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$44,700
TP & DT		3.0-8.0%	5.0%	\$89,300
Mobilization		8.0-10.0%	10.0%	\$178,700
Erosion Control		0.5-2.0%	2.0%	\$35,700
Contingency			40.0%	\$714,700
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$2,849,740
Design Engineering			13.0%	\$370,500
Construction Engineering			10.0%	\$285,000
Right-of-Way		SF	\$7	\$1,470,000
TOTAL PROJECT COST				\$3,510,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from 78th Ave. to 65th Ave, includes "future" roadway to 78th
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes 4' max. wall for 5% roadway length
7	Assumes additional earthwork above the standard 4' balance at varying depths throughout length
8	Assumes 60' ROW (0' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Prosperity Park (65th to 55th)		REFERENCE NAME/PHONE		SHEET	
DESIGN LEVEL: Preliminary		503-235-5000		1 of 1	
KIND OF WORK: Roadway, Drainage		LENGTH (MI.):	DATE	NAME	
		0.97	7/13/2009	DAH	
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.97	\$750,780
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	2.91	\$1,158,180
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	13,300	\$133,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.97	\$277,420
16	Landscaping	Mi.	\$200,000	0.97	\$194,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	3,500	\$245,000
SUBTOTAL					\$2,758,380

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$69,000
TP & DT		3.0-8.0%	5.0%	\$137,900
Mobilization		8.0-10.0%	10.0%	\$275,800
Erosion Control		0.5-2.0%	2.0%	\$55,200
Contingency			40.0%	\$1,103,400
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$4,399,680
Design Engineering			13.0%	\$572,000
Construction Engineering			10.0%	\$440,000
Right-of-Way		SF	\$7	102,000
TOTAL PROJECT COST				\$5,420,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from 65th Ave. to 55th Ave.
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes short retaining wall needed at varying locations along roadway
7	Assumes additional earthwork above the standard 4' balance at varying depths throughout length
8	Assumes 60' ROW (40' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Trail Road (Stafford to Schatz)		REFERENCE NAME/PHONE		SHEET	
DESIGN LEVEL: Preliminary		503-235-5000		1 of 1	
KIND OF WORK: Roadway, Drainage		LENGTH (MI.):	DATE	NAME	
		1.37	7/13/2009	DAH	
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	1.37	\$1,060,380
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	4.11	\$1,635,780
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	13,300	\$133,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	1.37	\$391,820
16	Landscaping	Mi.	\$200,000	1.37	\$274,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	2,900	\$203,000
SUBTOTAL					\$3,697,980

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$92,400
TP & DT		3.0-8.0%	5.0%	\$184,900
Mobilization		8.0-10.0%	10.0%	\$369,800
Erosion Control		0.5-2.0%	2.0%	\$74,000
Contingency			40.0%	\$1,479,200
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$5,898,280
Design Engineering			13.0%	\$766,800
Construction Engineering			10.0%	\$589,800
Right-of-Way		SF	\$7	\$2,023,000
TOTAL PROJECT COST				\$7,260,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Stafford Rd. to Schatz Rd
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes 4' height wall for 10% of length
7	Assumes additional earthwork above the standard 4' balance at varying depths throughout length
8	Assumes 60' ROW (40' extg. for 1/2 length)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW Halcyon Rd (Joshua to 35th)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.47	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.47	\$363,780
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.41	\$561,180
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.47	\$134,420
16	Landscaping	Mi.	\$200,000	0.47	\$94,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$1,153,380

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$28,800
TP & DT		3.0-8.0%	5.0%	\$57,700
Mobilization		8.0-10.0%	10.0%	\$115,300
Erosion Control		0.5-2.0%	2.0%	\$23,100
Contingency			40.0%	\$461,400
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$1,839,680
Design Engineering			13.0%	\$239,200
Construction Engineering			10.0%	\$184,000
Right-of-Way		SF	\$7	\$1,050,000
TOTAL PROJECT COST				\$2,270,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Joshua St to 35th Ave.
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes 60' ROW (0' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW 55th Ave (Stafford to Schatz)		REFERENCE NAME/PHONE		SHEET	
DESIGN LEVEL: Preliminary		503-235-5000		1 of 1	
KIND OF WORK: Roadway, Drainage		LENGTH (MI.):	DATE	NAME	
		0.46	7/13/2009	DAH	
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.46	\$356,040
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.38	\$549,240
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	3,600	\$36,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.46	\$131,560
16	Landscaping	Mi.	\$200,000	0.46	\$92,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$1,164,840

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$29,100
TP & DT		3.0-8.0%	5.0%	\$58,200
Mobilization		8.0-10.0%	10.0%	\$116,500
Erosion Control		0.5-2.0%	2.0%	\$23,300
Contingency			40.0%	\$465,900
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$1,857,840
Design Engineering			13.0%	\$241,500
Construction Engineering			10.0%	\$185,800
Right-of-Way		SF \$7	144,000	\$1,008,000
TOTAL PROJECT COST				\$2,290,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Stafford Rd to Schatz Rd
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes additional earthwork above the standard 4' balance at varying depths throughout length
7	Assumes 60' ROW (o' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - Future Rd (Frobase to Norwood)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.49	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.49	\$379,260
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.47	\$585,060
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.49	\$140,140
16	Landscaping	Mi.	\$200,000	0.49	\$98,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$1,202,460

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$30,100
TP & DT		3.0-8.0%	5.0%	\$60,100
Mobilization		8.0-10.0%	10.0%	\$120,200
Erosion Control		0.5-2.0%	2.0%	\$24,000
Contingency			40.0%	\$481,000
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$1,917,860
Design Engineering			13.0%	\$249,300
Construction Engineering			10.0%	\$191,800
Right-of-Way		SF	\$7	\$1,092,000
TOTAL PROJECT COST				\$2,360,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Norwood Rd. to Frobase Rd
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes 60' ROW (0' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - Future Rd (Frobase to Norwood)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.25	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.25	\$193,500
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	0.75	\$298,500
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	1,000	\$10,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.25	\$71,500
16	Landscaping	Mi.	\$200,000	0.25	\$50,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$623,500

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$15,600
TP & DT		3.0-8.0%	5.0%	\$31,200
Mobilization		8.0-10.0%	10.0%	\$62,400
Erosion Control		0.5-2.0%	2.0%	\$12,500
Contingency			40.0%	\$249,400
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$994,600
Design Engineering			13.0%	\$129,300
Construction Engineering			10.0%	\$99,500
Right-of-Way		SF \$7	39,000	\$273,000
TOTAL PROJECT COST				\$1,230,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Norwood Rd. to Norse Hall Rd
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes additional earthwork above the standard 4' balance at varying depths throughout length
7	Assumes 60' ROW (30' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW 70th Ave (Norse Hall to Robbins)		REFERENCE NAME/PHONE		SHEET	
DESIGN LEVEL: Preliminary		503-235-5000		1 of 1	
KIND OF WORK: Roadway, Drainage		LENGTH (MI.):	DATE	NAME	
		0.62	7/13/2009	DAH	
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.62	\$479,880
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.86	\$740,280
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	12,300	\$123,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.62	\$177,320
16	Landscaping	Mi.	\$200,000	0.62	\$124,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	1,300	\$91,000
SUBTOTAL					\$1,735,480

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$43,400
TP & DT		3.0-8.0%	5.0%	\$86,800
Mobilization		8.0-10.0%	10.0%	\$173,500
Erosion Control		0.5-2.0%	2.0%	\$34,700
Contingency			40.0%	\$694,200
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$2,768,080
Design Engineering			13.0%	\$359,900
Construction Engineering			10.0%	\$276,800
Right-of-Way		SF \$7	195,000	\$1,365,000
TOTAL PROJECT COST				\$3,410,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Norwood Rd. to Norse Hall Rd
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes additional earthwork above the standard 4' balance at varying depths throughout length
7	Assumes 4' wall over 10% length
8	Assumes 60' ROW (0' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW 75th Ave (Norse Hall to Robbins)		REFERENCE NAME/PHONE		SHEET	
DESIGN LEVEL: Preliminary		503-235-5000		1 of 1	
KIND OF WORK: Roadway, Drainage		LENGTH (Mi.):	DATE	NAME	
		0.61	7/13/2009	DAH	
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.61	\$472,140
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.83	\$728,340
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	20,000	\$200,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.61	\$174,460
16	Landscaping	Mi.	\$200,000	0.61	\$122,000
17	Bridges (See note 2)	SF	\$300	13,200	\$3,960,000
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$5,656,940

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$141,400
TP & DT		3.0-8.0%	3.0%	\$169,700
Mobilization		8.0-10.0%	10.0%	\$565,700
Erosion Control		0.5-2.0%	2.0%	\$113,100
Contingency			40.0%	\$2,262,800
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$8,909,640
Design Engineering			13.0%	\$1,158,300
Construction Engineering			10.0%	\$891,000
Right-of-Way		SF	\$7	192,000
TOTAL PROJECT COST				\$10,960,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Norse Hall Rd to Robbins Rd
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals assumed
6	Assumes additional earthwork above the standard 4' balance at varying depths throughout length
7	Assumes 275' length, 48' wide bridge.
8	Assumes 60' ROW (0' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW 78th Ave (Norse Hall to Robbins)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.61	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.61	\$472,140
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	1.83	\$728,340
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	15,000	\$150,000
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.61	\$174,460
16	Landscaping	Mi.	\$200,000	0.61	\$122,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	2,000	\$140,000
SUBTOTAL					\$1,786,940

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$44,700
TP & DT		3.0-8.0%	3.0%	\$53,600
Mobilization		8.0-10.0%	10.0%	\$178,700
Erosion Control		0.5-2.0%	2.0%	\$35,700
Contingency			40.0%	\$714,800
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$2,814,440
Design Engineering			13.0%	\$365,900
Construction Engineering			10.0%	\$281,400
Right-of-Way			SF \$7 192,000	\$1,344,000
TOTAL PROJECT COST				\$3,470,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Norse Hall Rd to Robbins Rd
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes additional earthwork above the standard 1/4 length 10' height
7	Assumes 10' wall for 200' length at pond
8	Assumes 60' ROW (0' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - SW 35th Ave (Borland to Halcyon)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.27	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.27	\$208,980
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	0.81	\$322,380
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.27	\$77,220
16	Landscaping	Mi.	\$200,000	0.27	\$54,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$662,580

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$16,600
TP & DT		3.0-8.0%	5.0%	\$33,100
Mobilization		8.0-10.0%	10.0%	\$66,300
Erosion Control		0.5-2.0%	2.0%	\$13,300
Contingency			40.0%	\$265,000
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$1,056,880
Design Engineering			13.0%	\$137,400
Construction Engineering			10.0%	\$105,700
Right-of-Way		SF	\$7	\$294,000
TOTAL PROJECT COST				\$1,300,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Borland Rd to Halcyon Rd
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes 60' ROW (30' extg. ROW)

CH2M HILL					
SUMMARY - ORDER OF MAGNITUDE COST ESTIMATE					
PROJECT: Stafford Basin - Future Rd (Borland to Halcyon)			REFERENCE NAME/PHONE		SHEET
DESIGN LEVEL: Preliminary			503-235-5000		1 of 1
KIND OF WORK: Roadway, Drainage			LENGTH (MI.):	DATE	NAME
			0.27	7/13/2009	DAH
NO.	ITEM	UNIT	UNIT COST	QUANTITY	COST
1	Curb, Gutter, Sidewalks & Drainage	Mi.	\$774,000	0.27	\$208,980
2	Bike Boulevard	Mi.	\$102,000	0.00	\$0
3	New Roadway Arterial	Lane-Mi.	\$480,000	0.00	\$0
4	New Roadway Collector	Lane-Mi.	\$398,000	0.81	\$322,380
5	Overlay Existing Roadway	Lane-Mi.	\$86,000	0.00	\$0
6	Reconstruct Extg. Roadway Arterial	Lane-Mi.	\$503,000	0.00	\$0
7	Reconstruct Extg. Roadway Collector	Lane-Mi.	\$418,000	0.00	\$0
8	Earthwork	CY	\$10	0	\$0
9	Guardrail	FT	\$20	0	\$0
10	Interconnect Signal	EA	\$30,000	0.00	\$0
11	New Signal	EA	\$180,000	0.00	\$0
12	Signal Modifications	EA	\$60,000	0.00	\$0
13	Transit Enhancements	Mi.	\$106,000	0.00	\$0
14	Traffic Calming (See Note 1)	%	-	0	\$0
15	Illumination	Mi.	\$286,000	0.27	\$77,220
16	Landscaping	Mi.	\$200,000	0.27	\$54,000
17	Bridges (See note 2)	SF	\$300	0	\$0
18	Walls	SF	\$70	0	\$0
SUBTOTAL					\$662,580

ADDITIONAL COSTS		RANGE	PERCENTAGE	COST
Construction Surveying		1.0-2.5%	2.5%	\$16,600
TP & DT		3.0-8.0%	5.0%	\$33,100
Mobilization		8.0-10.0%	10.0%	\$66,300
Erosion Control		0.5-2.0%	2.0%	\$13,300
Contingency			40.0%	\$265,000
Escalation (per year)			2.0%	
-Estimate Year			2009	
-Construction Year			2009	\$0
TOTAL CONSTRUCTION COST				\$1,056,880
Design Engineering			13.0%	\$137,400
Construction Engineering			10.0%	\$105,700
Right-of-Way		SF	\$7	\$294,000
TOTAL PROJECT COST				\$1,300,000

NOTES:	
1	Cs&p minor collector cross section
2	Improvements are from Borland to Halcyon
3	Illumination and Landscaping assumed for entire corridor
4	Assumes all existing pavement is replaced and minor alignment revisions are needed
5	No signals or bridges assumed
6	Assumes 60' ROW (30' extg. ROW)

APPENDIX D

Unit Price Descriptions (2005)

ITEM	DESCRIPTION	UNIT
Curb, Gutter, Sidewalks & Enclosed Drainage	~0.5-ft curb, 1.5-ft gutter pan and 6-ft wide sidewalk (each side) ~12-inch concrete pipe storm system w/ 2-ft of cover ~Storm manhole every 300 LF ~Standard catch basin every 300 LF (each side of the roadway)	Mile
New Roadway Arterial	~Subgrade preparation, 8-in of AC, 12-in of aggregate base ~Clearing/grubbing, excavation/embankment, removal of struct. ~12-in culverts every 300 LF. ~1 solid stripe of permanent pavement striping per lane	Lane-Mile
New Roadway Collector	~Subgrade preparation, 6-in of AC, 10-in of aggregate base ~Clearing/grubbing, excavation/embankment, removal of struct. ~12-in culverts every 300 LF. ~1 solid stripe of permanent pavement striping per lane	Lane-Mile
New Signal	~The signal system and all appurtenances (pole, wiring, detection devices, etc) for one intersection	Each
Illumination	~luminaire, pole, wiring, and all other appurtenances ~one light pole on each side of the roadway every 200 LF	Mile
Landscaping	~Plantings, topsoil, and irrigation requirements	Mile
Bridges	~Based on estimated square footage of bridge	Square Foot
Walls	~Cost of Standard Retaining Wall	Square Foot

Additional Costs

ITEM	DESCRIPTION
General Construction Costs	Insert the desired percentage from the common range for each factor: ~Construction Surveying: 1.0-2.5% ~Temporary Protection and Direction of Traffic: 3.0-8.0% ~Mobilization: 8.0-10.0% ~Erosion Control: 0.5-2.0%
Contingency Factor	General Contingency for Construction Costs: 40.0%.
Escalation Factor	Given the year and escalation percentage, this estimate can roughly approximate yearly inflation of prices: ~Insert the desired percentage from the common range: 0.5-2.0% ~Insert the current year (must be 2005 or later)
Engineering Costs	Calculated as a percentage of the total Construction Costs: ~Design Engineering: 13.0% ~Construction Engineering: 10.0%

Curb, Gutter, Sidewalks, & Enclosed Drainage
Unit: Mile

ITEM	UNIT	AMOUNT	UNIT COST	TOTAL	COMMENT
Standard Concrete Curb and Gutter	LF	10,560	\$12.00	\$126,720.00	For Both Sides of Rdwy
Sidewalk	SY	7,040	\$31.00	\$218,240.00	For Both Sides of Rdwy, 6' Wide
			SUBTOTAL	\$764,360.00	
TOTAL UNIT COST				\$773,532.32	

New Roadway Arterial

Unit: Lane-Mile

ITEM	UNIT	AMOUNT	UNIT COST	TOTAL	COMMENT
Asphalt	TN	3,207	\$80.00	\$256,568.89	12' Lanes, 5280' long, depth=8 IN, density=2.050 TN/CY
Aggregate Base	TN	4,341	\$22.00	\$95,509.33	12' Lanes, 5280' long, depth=12 IN, density=1.850 TN/CY
SUBTOTAL				\$469,464.89	
TOTAL UNIT COST				\$479,793.12	

New Roadway Collector

Unit: Lane-Mile

ITEM	UNIT	AMOUNT	UNIT COST	TOTAL	COMMENT
Asphalt	TN	2,405	\$80.00	\$192,426.67	12' Lanes, 5280' long, depth=6 IN, density=2.050 TN/CY
Aggregate Base	TN	3,618	\$22.00	\$79,591.11	12' Lanes, 5280' long, depth=10 IN, density=1.850 TN/CY
SUBTOTAL				\$389,404.44	

TOTAL UNIT COST \$397,971.34

New Signal
Unit: Each

ITEM	UNIT	AMOUNT	UNIT COST	TOTAL	COMMENT
New Signal	LS	1	\$180,000.00	\$180,000.00	Includes signal system and all appurtenances (pole, wiring, detection devices, etc.) for 1 intersection
				\$0.00	
				\$0.00	
TOTAL UNIT COST				\$180,000.00	

Landscaping

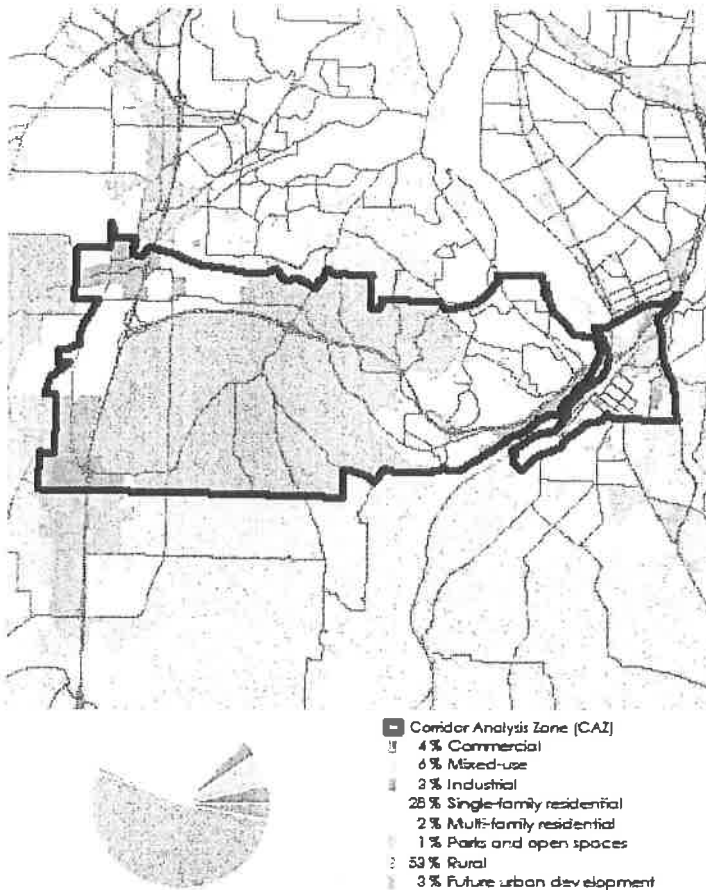
Unit: Mile

ITEM	UNIT	AMOUNT	UNIT COST	TOTAL	COMMENT
Landscaping	LS	1	\$ 200,000.00	\$200,000.00	Plantings, Trees, Topsoil, and Irrigation sums up to approximately \$200,000 per mile (for both sides of roadway)
				\$0.00	
				\$0.00	
TOTAL UNIT COST				\$200,000.00	

Walls
Unit: SF

ITEM	UNIT	AMOUNT	UNIT COST	TOTAL	COMMENT
Standard Retaining Wall (1 Unit)	SF	1	\$70.00	\$70.00	
				\$0.00	
				\$0.00	
TOTAL UNIT COST				\$70.00	

MOBILITY CORRIDOR #10 – OREGON CITY TO TUALATIN



CORRIDOR FUNCTION

What function(s) does the corridor serve?

2040 Access: Connects southern Metro area town centers of West Linn and Tualatin to the Oregon City Regional Center. Substantial Urban Reserves in Stafford area are anticipated to move inside the urban growth boundary by 2040.

Freight Mobility: Serves I-205 serves as the West Coast Trade (from Canada to Mexico) alternative to I-5 and air freight access to Portland International Airport.

Statewide Travel: Serves as an extension of the southern gateway to the region, provides statewide access to Portland International Airport, and Mt. Hood, and connects to the Willamette Greenway Trail corridor.

CORRIDOR CHARACTERISTICS

	2010	2040	2040 Regional Totals	% of Regional Total	% Change in Corridor	% Change in Region 2010- 2040
Population	53,116	68,385	2,991,589	2.3%	28.7%	45.1%
Households	18,236	24,225	1,225,212	2.0%	32.8%	50.9%
Employment	21,860	37,622	1,508,428	2.5%	72.1%	64.6%

REGIONAL TRANSPORTATION FACILITIES

HCT	Regional Trail	Regional Bridges	Throughways	Parallel Arterials	Heavy Rail
	<ul style="list-style-type: none"> Lower Tualatin River Greenway Trail 	<ul style="list-style-type: none"> I-205 Bridge (Willamette River) 	<ul style="list-style-type: none"> I-205 	<ul style="list-style-type: none"> Borland Rd Willamette Falls Dr. Stafford Rd 	

REGIONAL 2040 LAND USES

Regional Centers	Town Centers	Intermodal Facilities	Employment/ Industrial Areas	Other Key Destinations
<ul style="list-style-type: none"> Oregon City 	<ul style="list-style-type: none"> Tualatin Gladstone West Linn 		<ul style="list-style-type: none"> Legacy Meridian Park Medical North Wilsonville – Basalt Creek 	<ul style="list-style-type: none"> Willamette (West Linn) Wilsonville

NEEDS AND STRATEGIES

	Regional Needs	Corridor Strategies
Transit	<ul style="list-style-type: none"> • Address the lack of 30 minute or better service on surrounding arterial with the exception of a circulator through West Linn TC and along Willamette Falls Dr. • Address the lack of 15 minute or better peak transit service on the surrounding arterial streets. • Connect all 2040 Town Centers, Regional Centers, and the Central City with frequent transit service (consistent with RTP policy). • Connect all 2040 Regional Centers with high capacity transit (consistent with RTP policy). <ul style="list-style-type: none"> ○ Oregon City RC lacks HCT connection. • Direct, safe, comfortable, bike and pedestrian connections to all transit stops; • Ensure transit connections between HCT stations and essential destinations located greater than one mile from stations. • Provide bicycle parking and options for bike sharing at all HCT stations. • Potential bus connection from Oregon City RC to WES station in Tualatin. • Address transit priorities identified in HCT Plan. 	<ul style="list-style-type: none"> • Incentivize high to medium density, mixed-use, pedestrian oriented development in the Central City, Regional Centers, Town Centers, Main Streets, and around HCT station areas. If sufficient demand exists, additional transit service will be added to TriMet's 5-year Transit Investment Plan (TIP). When finances permit, TriMet will implement service. • HCT Plan identified a potential HCT line between Washington Square RC and Clackamas Town Center via I-205 as a "next phase" regional priority corridor. • Analyze transit stops in relation to bicycle and pedestrian network and build direct, safe, comfortable bicycle and pedestrian facilities in areas that do not have these facilities. Refer to TriMet's Pedestrian Network Analysis project for recommended places to focus attention and for replicable analysis methodology. • Identify essential destinations greater than one mile from transit stops, estimate demand for local transit service that connects to HCT lines. If sufficient demand exists, add local transit investment to TriMet's 5-year Transit Investment Plan (TIP). When finances permit, TriMet will implement. Also consider developing private shuttle services to serve this need. • Refer to the RTP Regional Transit Network map for regional bike-transit facility locations where demand is expected to be sufficient to warrant a major bike parking

Mobility Corridor 10 –Oregon City to Tualatin

Regional Needs	Corridor Strategies
<p>Bike and Pedestrian</p> <ul style="list-style-type: none"> • Direct, continuous and comfortable bicycle and pedestrian pathways between essential destinations, transit stops, housing, jobs, and retail. • Ek Rd., SW 65th Ave, Stafford Rd., Borland Rd., Johnson Road and Willamette Falls Drive lack shoulders and are unsafe for bikes. <p>Regional Trails</p> <ul style="list-style-type: none"> • Address the need for a Willamette, Tualatin and Clackamas River crossings. • Direct connections between trails and on-street bicycle and pedestrian facilities. 	<p>facility. Bikeway connections to these stations should be prioritized. For all other stations, refer to TriMet's bike parking design guidelines. When finances permit, TriMet will implement.</p> <ul style="list-style-type: none"> • Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan. • Identify where essential destinations are in relation to transit stops, housing, jobs, and retail and prioritize pedestrian pathways between these areas. • Use practical design to provide wider shoulders for bikes during pavement projects, particularly on Ek Rd., SW 65th Ave, Stafford Rd., Borland Rd. and Willamette Rd. • Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan. • Analyze regional trail access points in relation to on-street bicycle and pedestrian network and build direct, safe, comfortable bicycle and pedestrian facilities in areas that do not have these connections. • Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan.

	Regional Needs	Corridor Strategies
Throughways ¹⁷	<ul style="list-style-type: none"> 3 interchanges starting just west of the Willamette River (OR 43), east of the river (OR 99E), and OR 213 are spaced less than one-mile apart. <p>The following do not meet the performance threshold in Table 2.4: 2010 and 2040 NB PM 2-hour peak volumes exceed capacity on:</p> <ul style="list-style-type: none"> I-205 from Stafford Rd. to OR 213. I-205 is 4 lanes from Stafford Road until the OR 99E interchange, when it becomes 6 lanes. 	<ul style="list-style-type: none"> Over \$300,000,000 in unfunded projects identified to address congestion and capacity issues on I-205 between Stafford Rd. and Oregon City. Develop alternative mobility standards for this corridor. Explore tolling and peak pricing for I-205 and necessary legislative actions. Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan. <u>Implement Basalt Creek Transportation Refinement Plan to address lack of connectivity west of I-5 and south of Tualatin-Sherwood Rd including the SW 124th extension, East-West Connector, and the Day Rd overcrossing.</u> Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan.
Arterials ¹⁸	<p><u>Arterial Gaps</u></p> <ul style="list-style-type: none"> Address lack of street connectivity north and south of I-205. Potential need for an additional Willamette River crossing, an I-205 overcrossing west of 10th St. to relieve through trips on 10th St. in West Linn and for more Clackamas River crossings. One potential location is near the OR 213 and I-205 interchange. <p>The following do not meet the performance threshold in Table 2.4. 2010 and 2040 NB PM 2-hour peak volumes exceed capacity on:</p> <ul style="list-style-type: none"> Borland Rd. from I-5 to Stafford Rd. Borland Rd. is 2 lanes with a few stretches with left turn lanes. Rosemont Rd. has some traffic issues. Nyberg St. and Borland Rd. east of I-5 Address safety and at-grade crossing issues for high speed corridor route 	
At Grade Heavy Rail Crossings		<ul style="list-style-type: none"> Local TSPs evaluate at grade heavy rail crossings for deficiencies and solutions. Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan.

¹⁷ Do not meet performance thresholds defined in RTP Table 2.4 (Interim Regional Mobility Policy)

¹⁸ Do not meet performance thresholds defined in RTP Table 2.4 (Interim Regional Mobility Policy)

Mobility Corridor 10 –Oregon City to Tualatin

	Regional Needs	Corridor Strategies
Regional Bridges	<ul style="list-style-type: none"> Address Abernathy (I-205) Bridge capacity issues. 	<ul style="list-style-type: none"> Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan.
Safety	<ul style="list-style-type: none"> I-205 from Tualatin to Oregon City ranks on the ODOT SPIS list as Category 4 and 5 (Scale 1-5, 5 being highest priority). Auxiliary lanes on the Abernathy Bridge are a safety problem. Lack of bicycle facilities throughout corridor. Unsafe merge length on NB I-205 on-ramp from OR43. 	<ul style="list-style-type: none"> Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan. Truck climbing lane project on I-205 SB. Reduce weaving between OR213 and OR99E interchanges for I-205SB. Improve I-205NB on-ramp merge from OR 43.
Regional Freight	<p>Address freight bottleneck on I-205. (Does not meet the performance threshold in Table 2.4)</p> <ul style="list-style-type: none"> 2010 and 2040 midday one-hour volumes exceed capacity on the Abernathy Bridge. 	<ul style="list-style-type: none"> Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan.

2040 INVESTMENT STRATEGY

	Strategy
Near-Term (1 – 4 years)	<ul style="list-style-type: none"> System and demand management along mobility corridor and parallel facilities for all modes of travel as appropriate. Practical design Complete I-205 study to identify lower cost solutions for bike to high cost bottlenecks. Widen shoulders on rural roads where possible to accommodate bicycles and pedestrian connections to transit pedestrians. Complete Road Safety Audits on Stafford Rd, Rosemont to Boeckman, to identify high priority improvements. Participate in Oregon Rail Study. Develop plan and implement Service Enhancement Plan (SEP) to provide better service from Oregon City RC to Tualatin, West Linn and Wilsonville.
Medium Term (5 – 10 years)	<ul style="list-style-type: none"> Complete gaps in the arterial network. Complete corridor refinement plan for MC. Develop tolling and congestion pricing methodologies for I-205. Develop plan and implement SEP to connect Oregon City RC with HCT in this mobility corridor. Identify funding solutions for alternative mode options. Add paved shoulder and turn lanes at major intersections along Stafford Rd, Rosemont Rd and Borland Rd. Intersection improvements at Stafford Rd/Childs Rd and at 65th/Elligsen

Mobility Corridor 10 –Oregon City to Tualatin

	Rd/Stafford Rd.
Long-term	<ul style="list-style-type: none"> Construct HCT connection to Oregon City RC.
(10 – 25 years)	<ul style="list-style-type: none"> Improvements to I-205 to mitigate operational bottlenecks. Complete Ice Age – Tonquin Trail connection between Wilsonville and Tualatin.

Unfunded Projects

- I-205 widening, Stafford to Willamette, \$77,600,000
- Abernethy Bridge widening, \$106,400,000
- I-205 climbing lanes, \$56,800,000
- I-205 South aux lane improvements, \$74,600,000

Regional Actions	Local Actions
<ul style="list-style-type: none"> Continue work on identifying resources to complete corridor refinement plan. Conduct corridor refinement plan. Update Atlas of mobility corridors. Continue developing a data collection and performance monitoring system. Work on furthering the Active Transportation Concept. Participate in the Oregon Passenger Rail Study. 	<ul style="list-style-type: none"> Initiate actions related to the HCT System Expansion Policy. Address connectivity needs in local TSPs. Incorporate strategies from the Regional TSMO plan into local TSPs. Implement Regional Transportation Functional Plan and Urban Growth Management Functional Plan. Provide Metro with TSMO, bike and pedestrian inventory data when updated through TSP update.

TAZ	2010 Households	2010 Employment	2040 Households	2040 Employment	Delta Households	Delta Emp.
1085	475	173	1,278	301	803	128
1087	957	1,323	1,558	2,325	601	1,002
1110	123	79	440	149	317	70
1111	67	41	338	77	271	36
1112	23	-	681	44	658	44
1113	116	22	116	31	0	9
1114	77	5	82	9	5	4
1115	48	-	48	2	0	2
1116	58	20	66	11	8	12
1117	122	61	123	76	1	15
1118	24	158	24	174	0	16
1119	70	310	70	381	0	71
1120	204	39	204	39	0	0





City of Tualatin

www.ci.tualatin.or.us

July 7, 2010

Jeffrey Condit
Miller Nash LLP
3400 U.S. Bancorp Tower
111 SW Fifth Avenue
Portland, OR 97204

RE: TESTIMONY SUBMITTED TO METRO AND CLACKAMAS COUNTY ON
URBAN/RURAL RESERVES

Dear Jeff:

Please find attached correspondence the City of Tualatin submitted into the records at Metro and Clackamas County regarding the reserves program for your review. Brenda Braden requested that we forward this information to you.

Sincerely,

Douglas R. Rux, AICP
Community Development Director

dr
Enclosures: [11]

cc: Brenda Braden
Aquila Hurd-Ravich



City of Tualatin

www.ci.tualatin.or.us

May 20, 2010

Mr. David Bragdon, Council President
Metro
600 NE Grand Avenue
Portland, OR 97232

RE: CITY OF TUALATIN TESTIMONY ON ORD NO. 10-1238

Dear President Bragdon:

The City of Tualatin has been actively engaged in the urban and rural reserves discussion with Metro, Clackamas County and Washington County for designation of urban and rural reserves along our community's borders. We have shared our local aspirations with all three of these agencies. The City, through this process, has supported a portion of Area 5F (Attachment A). This area, totaling 118 acres, will assist in facilitating the construction of SW 124th Avenue between SW Tualatin-Sherwood Road and SW Tonquin Road. SW 124th Avenue has been discussed extensively to address traffic congestion in the Tualatin area for many years. With the Metro decision to bring in lands in 2002 and 2004 into the Urban Growth Boundary (UGB) for Regionally Significant Industrial Area (RSIA) land and industrial land in this general area, the addition of the 118-acre urban reserve area will help facilitate a transportation system to serve not only Tualatin but the City of Sherwood. As envisioned, the concept is for the road to take a straight alignment between the two existing roadways (SW Tualatin-Sherwood Road and SW Tonquin Road) rather than a circuitous route around the Knife River facility. Additionally, the area would further our long term economic position to provide industrial employment land either as general industrial or as large lot industrial. The City is willing to provide governance for this area.

The City also has supported the inclusion of Area 4E of approximately 840 acres (Attachment B) as an urban reserve for the long-term future of Tualatin consistent with our local aspirations. This area is envisioned to be predominately residential but would not be needed until the horizon years of 2030 – 2050.

President David Bragdon
May 20, 2010
Page 2 of 2

The City has repeatedly provided comments, feedback and testimony throughout the duration of the reserves process opposing the designation of urban reserves in the Clackamas County portion of the Stafford Basin. The County and Metro eventually entered into an Intergovernmental Agreement identifying a significant amount of urban reserve land within the basin known as 4A, 4B, 4C and 4D over the objections of the City. The City of Tualatin continues to object to the designation of these areas as urban reserve based on our analysis that the areas do not meet the factors for urban reserve designation. The City of Tualatin requests that all correspondence and communications between the City and Metro related to the urban reserves designation process up through the end of February 2010, which Metro has in its files on the urban/rural reserve process, be entered into the record for the public hearing for ORD NO. 10-1238.

The City of Tualatin requests that the Metro Council not adopt ORD NO. 10-1238 with it's supporting Attachment A unless Areas 4A, 4B, 4C and 4D are identified as undesignated.

Sincerely,



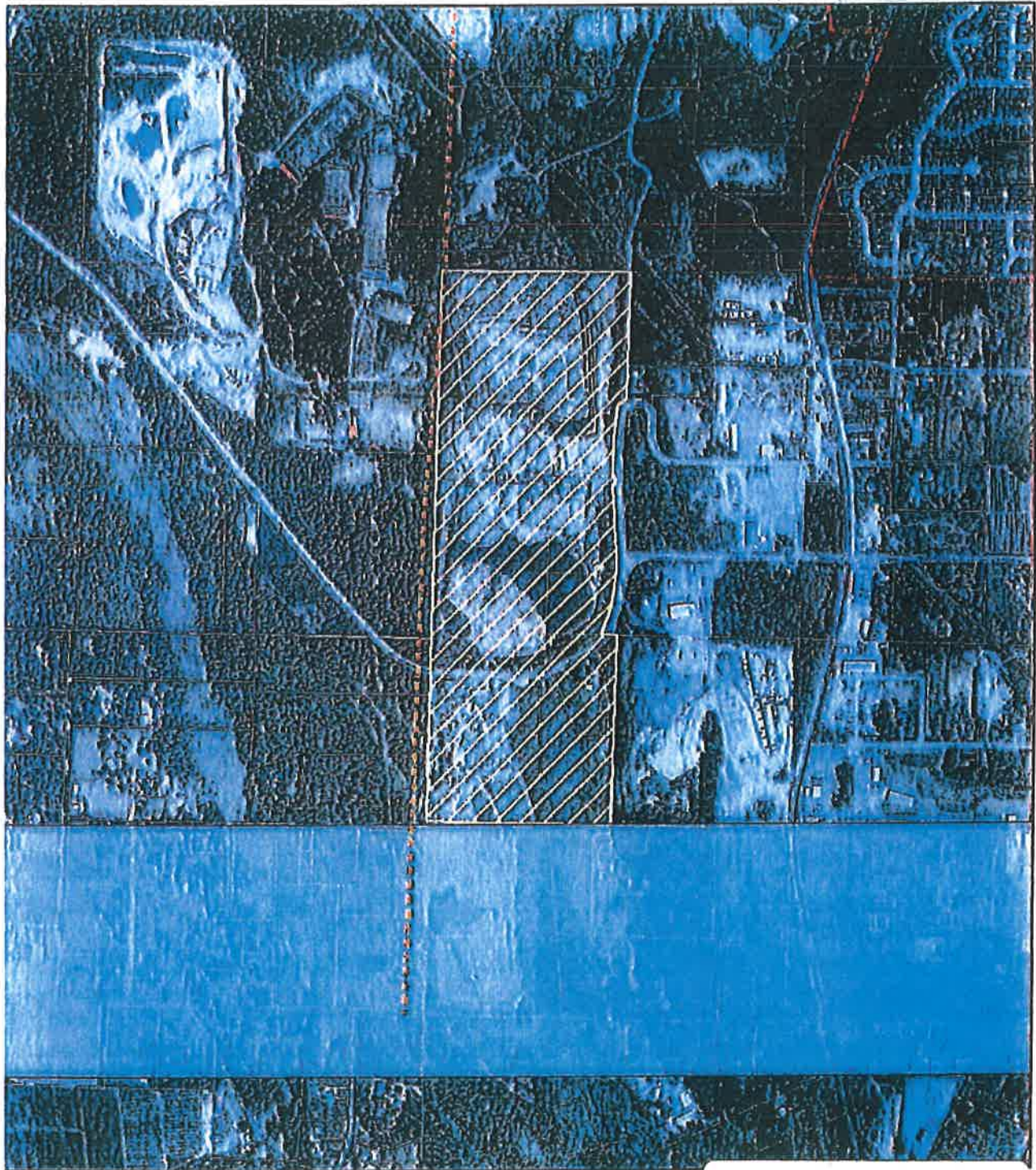
Douglas R. Rux, AICP
Community Development Director

Enclosures: [2]

cc: Tualatin City Council

Area of Interest

TUALGIS



Knife River Area

124th Ave Future Extension

RF 1:11,000

Attachment A

I-5 to 99W Connector Option

City Boundary





City of Tualatin

www.ci.tualatin.or.us

April 21, 2010

Lynn Peterson, Chair
Clackamas County Board of Commissioners
2051 Kaen Road
Oregon City, OR 97045

RE: CITY OF TUALATIN TESTIMONY ON ZDO-223

Dear Chair Peterson:

The City of Tualatin has been actively engaged in the Clackamas County process for designation of urban and rural reserves. The City has repeatedly provided comments, feedback and testimony throughout the duration of the process opposing the designation of urban reserves in the Clackamas County portion of the Stafford Basin. The County and Metro eventually entered into an Intergovernmental Agreement identifying a significant amount of urban reserve land within the basin known as 4A, 4B, 4C and 4D over the objections of the City. The City of Tualatin continues to object to the designation of these areas as urban reserve based on our analysis that the areas do not meet the factors for urban reserve designation. The City of Tualatin requests that all correspondence and communications between the City and County related to the urban reserves designation process up through the end of February 2010, which the County has in its files on the urban/rural reserve process, be entered into the record for the public hearing for ZDO-223.

The City of Tualatin requests that the Board of Commissioners deny ZDO-223.

Sincerely,

Douglas R. Rux, AICP
Community Development Director

cc: Tualatin City Council



City of Tualatin

www.ci.tualatin.or.us

January 20, 2010

RE: CITY OF TUALATIN COMMENTS AT THE URBAN AND RURAL RESERVES
METRO COUNCIL HEARING IN SHERWOOD

To Metro Councilors:

The Tualatin City Council's top priority is to preserve quality of life in Tualatin by maintaining the character of existing residential neighborhoods and continuing that character in new neighborhoods as the City grows. This priority guided our Local Aspirations and emerged from Tualatin's *Community Vision and Strategic Action Plan: Tualatin Tomorrow*. These comments are based on this top priority.

Oppose urban reserve designation of land east of 65th: The City of Tualatin does not support urban reserve designations of areas 4A, 4C, or 4D effectively the Stafford Basin. Our analysis of this area led to our conclusion that providing infrastructure in 4C and 4D would be cost prohibitive, and urbanization in these areas could impact the quality of life for Tualatin citizens. The interchange of I-205 and Stafford and possible high capacity transit could promote high density development that is not consistent with our existing neighborhoods. We submitted our staff's review of Clackamas County's analysis of 4C that found this area does not meet the factors for urban reserves to the Core 4 on October 13, 2009.

Oppose urban reserve designation in Stafford Basin: On November 23, 2009 the City Council adopted a resolution supporting a joint position statement with the City of West Linn opposing urbanization in 4C. Each city has separately expressed our unwillingness and lack of ability to provide services to an urbanized Stafford area. We submitted a copy of this joint position statement to Metro Councilors on December 1, 2009. Additionally, the City of Lake Oswego expressed this position in a letter submitted to the Core 4 on December 1, 2009.

Support land east of I-5 and west of 65th as an urban reserve: The City does support the urban reserve designation of 4E. Based on our analysis of infrastructure costs, providing services to this area would not be cost prohibitive and growth in this area could be managed to be compatible with our existing neighborhoods. We expressed our support for this area in our response to the "Making the Greatest Place" recommendations submitted on October 14, 2009 to Metro.

18880 SW Martinazzi Avenue | Tualatin, Oregon 97062-7092 | 503.692.2000

EXHIBIT 83
ZDO-265

Reserves Remand
Page 7 of 29
Page 7 of 45

Support land south of Sherwood and Tualatin in Clackamas County as an urban reserve: Finally, we support 5E as an urban reserve as it relates to the I-5 to 99W Connector project. This area will be a critical transportation connection to industrial areas in Tualatin and Sherwood. We also support 5F as an urban reserve except for land south of the Tualatin Valley Fire and Rescue training facility. This position was submitted to the Reserves Steering Committee and Core 4 on September 17, 2009.

When did soils (or Foundation agricultural land) become the only factor in SB 1011? The reserves process is intended to give the region the opportunity to decide where to invest future resources for urban development while simultaneously protecting important agricultural land and natural features. Future urban lands are equally important to ensuring our communities remain healthy, vibrant places to live work and play as preserving important agricultural land for the state's economy. If the reserves process reverts back to focusing on soils (foundation and important farm lands), then the region will face questions from the past about where not to develop rather than where to plan for future urban development to make great communities. Lands suitable for urban development and those that should remain agricultural should be equally weighed in the in this process. One should not be elevated at the expense of the other.

Over the last year and half the region has engaged in a tremendous level of work to analyze land in the five mile study area. Cities and counties have produced technical analysis weighing the state's factors for urban and rural reserves. Citizens and interest groups have engaged in the process through advisory committees and public input to help inform the Counties' recommendations to the Core 4. This work should not be lost or ignored as the process nears its conclusion. Please consider the original intent of SB1011 when making your decision about urban lands.



City of Tualatin

www.ci.tualatin.or.us

December 1, 2009

Metro
Metro Policy Advisory Committee
Attention: Kelsey Newell
600 NE Grand Avenue
Portland, OR 97232

RE: JOINT POSITION STATEMENT BY THE CITIES OF TUALATIN AND WEST LINN
REGARDING THE FUTURE URBANIZATION OF THE STAFFORD AREA NORTH
OF I-205 AND THE NORTHERN PORTION OF PETE'S MOUNTAIN ALONG THE
TUALATIN RIVER

Dear MPAC Members:

Please find enclosed a signed copy of a joint position statement by the Cities of Tualatin and West Linn. This matter was first discussed by the City of West Linn on October 20, 2009 and later adopted by the Cities of Tualatin and West Linn on November 23, 2009 through separate resolutions.

The impetus behind formulating a unified position statement is the Urban and Rural Reserve discussions that have been occurring around the region. The two cities have each separately expressed our unwillingness and lack of ability to provide services to an urbanized Stafford area. Yet, despite our communications with Clackamas County and Metro, a portion of Stafford has been recommended by the Clackamas County Board of Commissioners and Metro's Chief Operating Officer for an urban reserve.

The enclosed position statement represents our unified opposition of urbanization in this area.

Sincerely,

Doug Rux
Community Development Director

Enclosure



City of Tualatin

www.ci.tualatin.or.us

December 1, 2009

Metro Council
600 NE Grand Avenue
Portland, OR 97232

RE: JOINT POSITION STATEMENT BY THE CITIES OF TUALATIN AND WEST LINN
REGARDING THE FUTURE URBANIZATION OF THE STAFFORD AREA NORTH
OF I-205 AND THE NORTHERN PORTION OF PETE'S MOUNTAIN ALONG THE
TUALATIN RIVER

Dear Metro Councilors:

Please find enclosed a signed copy of a joint position statement by the Cities of Tualatin and West Linn. This matter was first discussed by the City of West Linn on October 20, 2009 and later adopted by the Cities of Tualatin and West Linn on November 23, 2009 through separate resolutions.

The impetus behind formulating a unified position statement is the Urban and Rural Reserve discussions that have been occurring around the region. The two cities have each separately expressed our unwillingness and lack of ability to provide services to an urbanized Stafford area. Yet, despite our communications with Clackamas County and Metro, a portion of Stafford has been recommended by the Clackamas County Board of Commissioners and Metro's Chief Operating Officer for an urban reserve.

The enclosed position statement represents our unified opposition of urbanization in this area.

Sincerely,

Doug Rux
Community Development Director

Enclosure



City of Tualatin

www.ci.tualatin.or.us

December 1, 2009

Clackamas County
Board of County Commissioners
2051 Kaen Road
Oregon City, OR 97045

RE: JOINT POSITION STATEMENT BY THE CITIES OF TUALATIN AND WEST LINN
REGARDING THE FUTURE URBANIZATION OF THE STAFFORD AREA NORTH
OF I-205 AND THE NORTHERN PORTION OF PETE'S MOUNTAIN ALONG THE
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Sincerely,

Doug Rux
Community Development Director

Enclosure



City of Tualatin

www.ci.tualatin.or.us

December 1, 2009

Metro
Core 4
Attention: Laura Dawson-Bodner
600 NE Grand Avenue
Portland, OR 97232

RE: JOINT POSITION STATEMENT BY THE CITIES OF TUALATIN AND WEST LINN
REGARDING THE FUTURE URBANIZATION OF THE STAFFORD AREA NORTH
OF I-205 AND THE NORTHERN PORTION OF PETE'S MOUNTAIN ALONG THE
TUALATIN RIVER

Dear Members of the Core 4:

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Sincerely,

Doug Rux
Community Development Director

Enclosure



Tualatin, Oregon
18880 SW Madinazzi Ave
Tualatin, OR 97062



CITY OF
West Linn

Exhibit A

Joint Position Statement by the Cities of Tualatin and West Linn Regarding the Future Urbanization of the Stafford Area North of I-205 and the Northern Portion of Pete's Mountain Along the Tualatin River

The Cities of Tualatin and West Linn, by separate resolutions of their Councils, dated November 23, 2009, and Nov. 23, 2009 respectively, hereby declare united opposition to the urbanization of the Stafford area and the designation of this area as an urban reserve by Metro.

Each city has communicated to Metro an unwillingness to serve the Stafford area with municipal services. Also, each city has communicated a general unwillingness to subject the Stafford area to the negative impacts of urbanization. Despite these communications, the Stafford area has been recommended by the Metro Chief Operating Officer for urbanization, and the Stafford area continues to be an area that the Metro Council wishes to "discuss further."

Our cities do not wish to discuss the prospect of urbanizing the Stafford area any further. The shared opposition to urbanizing the Stafford area is longstanding. Over time, the reasons for opposing urbanization have become even more relevant and more consistent with the current and long term interests of the cities and residents.

Evaluation of the Stafford area for urbanization in 1993 led the cities to conclude that the area was not suitable for urbanization. Recently, detailed analysis completed in 2009 by the City of Tualatin for the Borland Road area of Stafford showed that urbanization of the Stafford area would not be cost effective and would be of such great financial magnitude that no local government would or should be expected to attempt given the development costs the public would have to subsidize.

Since 1993, the acquisition of land by public agencies and some development has resulted in even less capacity for urban development in the Stafford area over which to spread the increasing costs of

infrastructure, while the availability of public financing has decreased. There is little reason to believe these circumstances would be reversed in the future.

Our cities oppose urbanization because it would not be cost effective, and because it would have significant negative impacts on existing neighborhoods. Those impacts would include increased traffic on major streets and cut-through traffic on local streets; reduced air, water and land resource quality; and diversion of public funds from needed improvements to existing utility and street systems.

Our cities also oppose urbanization because of how the Stafford area has and continues to evolve into a semi-rural area with a pastoral setting that is enjoyed by its residents for the lifestyle it affords them and by its neighbors for the relief it provides from the adjacent urban areas. The uses and related activities in the Stafford Area such as plant nurseries, landscaping materials, vineyards and small scale agriculture are supportive of the adjacent urban areas. Their location in the Stafford area means that they will not compete with more valuable farmland in other parts of the region."

The Stafford area's extensive drainage system; steep slopes; significant natural landscape features; limited transportation access; and parcelization make it unsuitable for urbanization and highly suitable for a buffer area between cities. There are few such areas remaining in the Portland Metropolitan Region. Rather than criticize our cities for wanting to preserve it for its unique qualities, Metro should be supportive of our efforts to protect what is also a significant regional resource.


Finally, the Stafford Area does not meet the factors for designation as urban reserve. This is evidenced by the detailed analysis of the factors prepared by the City of Tualatin for the Borland Area of Stafford that was presented to the Reserves Steering Committee and the CORE 4 on October 13, 2009. This analysis reiterates what has been known about the entire Stafford area since the Alternatives Analysis was completed by Metro in 2002 and prior to that in the late 1990's when Metro conducted its Urban Reserve Study Areas Analysis."

Our cities have all stated in our previously submitted aspirations to Metro that an urbanized Stafford is not part of our city's futures. Our cities are more focused on making our communities more complete and compact; on redeveloping their centers and corridors; on correcting deficiencies in existing transportation and utility systems and in maximizing the return on our investment in these systems; on ensuring that our communities are more sustainable and energy efficient; and on improving the quality of life for our residents. None of these goals would be served by expansion of our cities into the Stafford area.

We are confident that this unified position statement is consistent with our cities' positions on Stafford over the past 16 years. We are also confident that this unified position statement is consistent with the wishes of our citizens today and that it will remain so into the future.


Lou Ogden, Mayor
City of Tualatin

Date: 11-23-09


Patti Galle, Mayor
City of West Linn

Date: 11/23/09

Aquilla Hurd-Ravich



City of Tualatin

www.ci.tualatin.or.us

November 3, 2009

Commissioner Bob Austin
Commissioner Jim Bernard
Clackamas County Board of Commissioners
2051 Kaen Road
Oregon City, OR 97045

RE: STAFFORD AREA MEETING ON OCTOBER 1, 2009

Dear Commissioners Austin and Bernard:

On October 1, 2009 you facilitated a meeting with the cities of Lake Oswego, Tualatin and West Linn, Stafford Hamlet and other interested parties to discuss reserve designations in the Stafford Area. At that meeting the three cities verbally addressed our opposition to urbanization in the Stafford Area, specifically in the area of Borland Road and the northern Pete's Mountain area. This meeting gave all parties involved the opportunity to discuss the cities' opposition previously submitted in writing and the County's reasons for designating this specific area an urban reserve. Based on these discussions, we understood that the reserves recommendations made by the Board of County Commissioners were preliminary and that the recommendations would be revisited. What is the status of that review and what results were found?

We look forward to your response and to continuing to work with you in this process.

Sincerely,

Lou Ogden
Mayor

c: Mayor Jack D. Hoffman, Lake Oswego
Mayor Patti Galle, West Linn
Councilor Teri Cummings, West Linn

18880 SW Martinazzi Avenue | Tualatin, Oregon 97062-7092 | 503.692.2000



City of Tualatin

www.ci.tualatin.or.us

October 14, 2009

Mr. Michael Jordan
Chief Operating Officer
600 NE Grand Avenue
Portland, OR 97232

RE: "MAKING THE GREATEST PLACE" RECOMMENDATIONS

Dear Mr. Jordan and interested parties:

On Wednesday, September 30, 2009, Tualatin's City Council met in a work session to discuss your recommendations for "Making the Greatest Place". We appreciate the opportunity to review and comment on the reports released on September 15, 2009. We provided our comments below categorized by sections of the report. We are also aware that there will be other opportunities to comment through MPAC, JPACT and the Metro Council as further review occurs on your recommendations.

The *Strategies for a sustainable and prosperous region* included the quote below that exemplifies the spirit of Local Aspirations and the exercise the region went through last winter. That is the opportunity for local jurisdictions to provide choices to current and future residents by creating great communities in the region. Our Council believes that the Local Aspirations we and other cities worked to develop should guide the region's decision making in terms of growth and investments.

"Some people want to live in the suburbs and feel strongly that their quality of life, their American dream, is a house and a yard and a fence. Others want to live in a vital city where they're a regular at the coffee shop down the street. It's not that one is better than the other, but it is a fact that within this region, you can choose either, and that's what we're trying to achieve- not that everyone chooses the same, but that people can find what they want."

-Ethan Seltzer, Director, Toulon School of Urban Studies and Planning, Portland State University (Metro, *Overview September 15, 2009 COO Report- Strategies for a sustainable and prosperous region*. p11, September 15, 2009)

Performance Measures

While we acknowledge the need to track the region's progress toward achieving the six desired outcomes, we are concerned with the process used for establishing that

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tracking mechanism. The Performance Measures report does not contain enough information about how the performance targets will be developed. There should be more opportunities to participate in the development besides MPAC and JPACT. Additionally, the report does not clearly articulate the consequences of these measures on local jurisdictions. For example there is no discussion of what type of data collection and reporting could be required. Finally, Metro should provide some clarification of the policies and processes that could be required to achieve the Indicator targets. Our concern is that without involvement from local jurisdictions in establishing the targets, policies and processes we will not be able to ensure these targets align with our Local Aspirations.

Urban Growth Report

The residential section of the UGR uses a 33% refill rate for expected capacity and 7% refill rate for potential capacity. The expected housing capacity refill rate is higher than the average from 1997 to 2006 of 15.6% to 34.2% and may not be a reasonable expectation. The additional 7% assumed for potential growth relies on policy changes and investments. These investments are presumably those identified in the *Investing in Great Places matrix, September 15, 2009* but neither of these reports identifies the source of potential funding for investments. It is unreasonable to identify a potential capacity refill rate that relies on an unknown source of funding. Finally, where is refill at a 40% rate expected to occur? Where is the analysis and mapping showing where the refill will occur? This information is critical in determining capacity and the implications on the urban and rural reserve process and how it fits into Tualatin's Local Aspirations.

Protecting existing single-family neighborhoods is mentioned as an investment priority in the *Strategies for a sustainable and prosperous region* and in the UGR. These reports indicate this can be accomplished by focusing growth in cities and town centers and main streets within the current urban growth boundary and encouraging growth in centers and corridors to minimize impacts on existing neighborhoods. Tualatin's Local Aspirations are similarly focused in that we intend to protect the character of our existing single family neighborhoods and commercial and industrial areas while focusing redevelopment and any requisite policy changes and investments within our Town Center. Consequently, any refill rate higher than a historic average should only apply to centers and corridors.

In the employment section and the technical appendices there were several mentions of multi-story facilities for employment uses. We object to the assumption that industrial uses such as manufacturing, warehouse and distribution, and tech flex will locate in multi-story buildings as part of a future trend.

Regional Transportation Plan

We appreciate your efforts to update the RTP and other regional plans. Balancing the needs to move people and freight, protect neighborhood livability, protect the environment, and support the growth in the region's economy is a very complex and difficult task.

In reviewing the RTP it feels like we are not reviewing a plan but looking at a series of good ideas and some vague actions that may implement them. For example:

- Without modeling results it is not known if the projects in the draft RTP will achieve the goals of the plan.
- Without new performance standards how do we know how close we are coming to meeting them.
- The schedule does not appear to allow any time for iterations or discussion about the performance of the plan and projects versus the impacts on neighborhood, versus the cost to implement, versus the impacts on the economy versus changing the goals of the plan.
- It seems like there should be time built in to allow for this analysis to occur and if needed change the goals, measures, and projects to better achieve what we are trying to do.

Moving ahead to stay on schedule does not seem to be as important as taking the time to complete this project in a manner that will allow us all to work toward its implementation and making this region a Great Place.

As you know Tualatin is very concerned about the implementations of the recommendations from the I-5 to 99W Corridor study. We were very disappointed in the final efforts of the project. To have listened to and agreed with the concerns and issues raised by Wilsonville and Clackamas County over the final recommendations on the project, and all the participants AGREED with their issues and recommendations, and then to have them vote against their own recommendations was disheartening. That said we are very appreciative of the effort of Andy Cotugno to put together a plan to implement the recommendations of the I-5 to 99W Corridor Study. Mr. Cotugno's plan addresses Tualatin's concerns and we feel provides a logical well thought out series of events to address the transportation issues between I-5 and 99W in our area.

The I-5 to 99W Policy Steering Committee recommendations are included in the RTP appendix and shown in the work plan as something that needs to be resolved in the next few months. Our main concern has been and continues to be traffic in the Tualatin Town Center. We expect to deal with the traffic generated in Tualatin. Our concern is the thru traffic. To address this we are asking for your help and commitment on three key projects and concepts.

1. Widening Tualatin Sherwood Road. Project 10568:
Widening Tualatin Sherwood Road between Hwy 99W and Teton needs to be postponed until after 124th is connected between Tualatin Sherwood Road and Tonquin Road. We feel 124th will provide an outlet for the industrial traffic to access I-5 at Stafford Road in an all industrial route and not through the Tualatin Town Center. Widening without 124th will only bring more traffic to the Tualatin Town Center.
2. Extending Tualatin Road through the Community Park, across the Tualatin River and on to the Bridgeport Village Area. Project 10731:

"Making the Greatest Place" Recommendations

October 15, 2009

Page 4

We agree some improvement here is necessary to provide alternate routes to having all the east west traffic passing through the Tualatin Town Center. Widening Tualatin Road and the extension to the Bridgeport Village area to 4-5 lanes instead of the 2-3 lanes currently planned, and connecting to 99W on the west end in Sherwood is not in keeping with the scale of our vision. The proposal to evaluate and correctly scale these improvements that Andy had proposed addresses our concerns.

The appendix and project 10731 do not appear to be consistent. We urge you to resolve this inconsistency in favor of the language proposed by Andy Cotugno this summer.

3. Extending 124th from Tualatin Sherwood Road south to Tonquin and on to I-5 at exit 286. Project 10736.

This is a high priority for Tualatin and Wilsonville. This extension will provide access to an approximate 1,000 acres of industrial land. Tualatin is finishing the planning for the portion of the area north of Tonquin Road. The area between Tualatin and Wilsonville still needs some planning work. We are working with Wilsonville to accomplish this.

We look forward to participating in the discussions about the performance standards of the transportation system and how all components of the "Making the Greatest Place" work together and address all of the goals of the plans. We request you delay the final decisions so we can all be sure we are making the best choices, not just the choices that meet the schedule.

Aspirations and Investments

The *Investing in Great Places* matrix identified five common themes that emerged from Local Aspirations. Based on the matrix and the narrative it is clear that financial investments will be required to implement any policy changes that accomplish Local Aspirations. Tualatin's concern is where those sources of funding are going to come from. The report identifies developing an investment strategy as the next step in taking Local Aspirations to a strategy. While elements of such a strategy were identified targeted sources of possible funding were not identified.

We intend to submit information about the 99W Corridor in Tualatin. That corridor has been identified for future consideration of High Capacity Transit, and we will identify additional investments that could support or be supported by HCT in the 99W Corridor.

Urban and Rural Reserves

Specifically, we are concerned with the recommendation for the Stafford Triangle portion of the Stafford Basin. We do not agree with the recommendation to expand urban reserves beyond Clackamas County's recommendation. Further, we submitted correspondence to Clackamas County and to the Regional Steering Committee and the Core 4 stating our recommendation that this area be designated a rural reserve with the exception of the 840 acres located in Washington County within the Stafford Basin. This area is bound by I-5 on the west, I-205 on the north, 65th Avenue on the east and

Frobase Road on the south. To summarize our concerns previously stated providing urban level services to this area would be cost prohibitive to the City of Tualatin, there are questions of governance that need to be resolved, and urban level development could impact the quality of life in our existing neighborhoods. The City Council's top priority is to maintain quality of life in Tualatin by maintaining the character of existing residential neighborhoods and continuing that character in new neighborhoods as the City grows. This priority guided our Local Aspirations and emerged from Tualatin's *Community Vision and Strategic Action Plan: Tualatin Tomorrow*. Designating urban reserves identified by Clackamas County and expanding the area according to Metro's recommendation would not adhere to our Local Aspirations or our community's desire to preserve our quality of life.

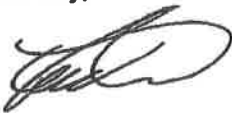
The cities of Lake Oswego and West Linn have also stated their opposition to the Stafford Basin as an urban reserve in their Local Aspirations.

Additionally, in the technical appendix to this report an assumed density of 15 dwelling units per acre was used to calculate the residential acreage range for urban reserves. Our concern with this assumed density is that we are not clear as to where this density applies. Is it only assumed for urban reserve land or has this density been applied to other land in calculating capacities? Through our Local Aspirations we have stated our intention to continue the existing residential neighborhood character in any new areas. An assumed density of 15 dwelling units per acre does not conform to our aspirations.

Regarding your recommendation for Urban Reserve land in the South Sherwood/ West Wilsonville area, we agree with your recommendations. Your assessment of land between the cities of Tualatin and Sherwood is correct in that urban reserve land will provide the opportunity to extend 124th Avenue to a future east west arterial road and make use of future public and private infrastructure investments. We also agree with the analysis that if the area is deemed suitable for urban reserves then all of the land should be designated urban without creating an island of rural reserve land. We continue to object to Clackamas County's recommendation for a small portion of this area to be a designated a rural reserve. Additionally, we support the City of Sherwood's aspirations for urban reserves in this area to support their long term jobs and housing needs.

Again, thank you for the opportunity to comment on these recommendations.

Sincerely,



Lou Ogden
Mayor



City of Tualatin

www.ci.tualatin.or.us

October 13, 2009

Reserves Steering Committee
Core Four
Metro
600 NE Grand Avenue
Portland, OR 97232

RE: CLACKAMAS COUNTY RESERVES RECOMMENDATIONS

Dear Reserves Steering Committee and Core Four Members:

Tualatin staff has reviewed the Clackamas County staff analysis of the Stafford Area-Borland Area and Pete's Mountain-northern portion (the specific areas recommended for urban reserves are smaller portions of each of these areas). The attached matrices are comprised of a comparison of Clackamas County's analysis and Tualatin's analysis; it is based on the work Clackamas County staff presented to their Policy Advisory Committee (PAC) on July 14, 2009. Based on our staff's analysis we found these two areas do not meet the factors for urban reserves.

Summary of Findings Stafford Basin-Borland Area:

- The cost of sewer, water, and transportation infrastructure are not efficient based on concept level planning estimates.
- The cost of parks and storm water was not assessed by Clackamas County and would not be cost efficient based on our cost estimates.
- There will be additional costs for police, fire and library services.
- An employment cluster in the Borland Area does not fit with Tualatin's Local Aspirations.
- Designing the area to be walkable may not be physically feasible according to Core 4 Technical Analysis of Connectivity Suitability.
- A variety of needed housing types will not be compatible with an employment cluster.
- Tualatin does not have plans to purchase land along the Tualatin River and therefore cannot guarantee protection of the mapped important natural feature at least in the manner envisioned by Clackamas County.
- The cities of West Linn and Lake Oswego are also opposed to urbanization in this area according to their Local Aspirations. Additionally, the Oregon Department of Fish and Wildlife is opposed to urbanization in the Borland Area.

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EXHIBIT 83

ZDO-265:

Reserves Remand

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Summary of Findings Pete's Mountain-northern portion:

- Clackamas County did not provide a cost assessment of sewer and water infrastructure services in the northern portion of Pete's Mountain. Based on Tualatin's analysis of land adjacent to the area provision of services does not appear to be cost efficient.
- Based on our analysis of the Stafford Basin provision of parks and storm water services are not cost efficient.
- The City of West Linn was continually cited as a potential service provider for infrastructure and other services, but West Linn has not expressed in their Local Aspirations or public communications to the County a willingness to provide services in this area.
- Oregon Department of Transportation has identified the costs of improving I-205 to accommodate more traffic as "huge" meaning over \$500 million.
- This area was identified to support an employment cluster in the Borland Area of Stafford Basin however; an employment cluster does not fit with Tualatin's Local Aspirations.
- The Tualatin River is an inventoried natural landscape feature. It makes up the northern boundary of the northern portion of Pete's Mountain and because of the small amount of land identified for urban reserves it could be difficult to develop urban level densities while protecting this natural landscape feature.
- Development may impact forest practices as Oregon Department of Forestry has identified a small section of mixed forest agriculture in the recommended reserve area.
- Clackamas County's analysis of Pete's Mountain indicates the area does not meet the urban reserve factors. Generally, with a few exceptions, the County did not provide a separate analysis of the northern portion. The findings for the majority of Pete's Mountain should also apply to the northern portion recommended for urban reserves.

In conclusion, the Stafford Basin-Borland Area and Pete's Mountain-northern portion do not meet the factors for urban reserves and neither area should be designated urban reserve land.

Thank you for the opportunity to comment.

Sincerely,



Lou Ogden
Mayor

Urban Reserves Analysis Matrix
Stafford Area- Borland Area

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ¹	Tualatin Analysis
<p><i>Factor 1: Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments.</i></p> <p><i>Factor 3: Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers.</i></p>		
Sanitary Sewer: High Sewer serviceability map shows this area as "high" suitability	Agree	Core 4 Technical Analysis released in February 2009 indicates this area is high suitability for service
Existing and future investments: The western portion would flow by gravity to the Durham WWTP in Washington County	Disagree	Sanitary sewer would need a lift station and pressurized line extending westward to reach a gravity line in downtown Tualatin. The Durham WWTP would need upsizing to accommodate new capacity, lift station, and thousands of feet of pressurized line.
Efficiently and cost-effectively served: Much of this area would drain to an existing pump station inside the UGB	Disagree, Cost Assessment	A new pump station is required to serve this area. Our analysis of a larger area, 2,900 acres as opposed to the 640 acres recommended for an urban reserve, show a total cost of \$148,000,000 ² .
Appropriate, financially, capable service providers: Clean Water Services in Washington County would be a logical service provider for the Borland Area.	Agree	Clean Water Services (CWS) is the service provider in Tualatin including the portion in Clackamas County. CWS would need to expand their service district boundary. A new service agreement would be required to serve the Borland Area.

¹ **Agree:** Tualatin agrees with Clackamas County's Analysis; **Disagree:** Tualatin does not agree with either the results or conclusion of the analysis; **Cost Assessment:** Tualatin assessed the costs when Clackamas County did not.

² The complete analysis is included as Attachment A.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ¹	Tualatin Analysis
Water: High Providing water services to Stafford would be relatively easy because of proximity to existing conveyance systems.	Agree	Core 4 Technical Analysis indicates this area is highly suited for water service.
Existing and future investments: Tualatin Valley Water District has a planned expansion project enabling them to serve more customers.	Disagree	The City of Tualatin would most likely be the service provider. Future investments could include transmission system, storage, purchase of water source and distribution system. Our charter limits the use of Willamette River water.
Efficiently and cost-effectively served: No investment in major facilities would be required to serve this area	Disagree, Cost Assessment	Our analysis indicated a cost of \$61,000,000 for a larger area than the Stafford Borland Area. This cost includes transmission system, storage and source water.
Appropriate, financially capable service providers: Water services could be provided by the City of Tualatin	Agree	Tualatin would be the most likely service provider for the Borland Area.
Transportation: Medium/Low Stafford would be marginally suitable for providing a transportation system capable of urban level development	Disagree	Core 4 Technical Analysis shows high suitability for system lane cost, but low suitability for added lane cost and connectivity cost.
Existing and Future Investments: Improvements would need to be made to local roads and to I-205.	Agree	Tualatin's analysis identified four arterials and collectors to improve or build in the Borland Area to serve urban levels of development.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ¹	Tualatin Analysis
Efficiently and cost-effectively served: The topography of the area makes it somewhat less cost-effective to serve.	Agree, Cost Assessment	Tualatin's analysis for the entire 2,900 acres estimates the cost at \$163,000,000. Additionally, ODOT estimates improvements to I-205 could cost over \$500 million.
Appropriate, financially capable service providers: Transportation is provided by federal, state, regional, county and city governments.	Disagree	Neither Clackamas County nor Tualatin has identified a source of funding to improve the transportation system.
Parks: Medium Like most rural areas, this area does not include a park system that would support urban levels of development.	Agree	Metro currently owns green space along the Tualatin River and there is an elementary and middle school with fields located in the Borland Area.
Existing and Future Investments: An urban parks system would be built concurrent with development	Disagree	Tualatin's Local Aspirations included parks and open space in any new area brought into the City. Funding sources would need to be secured. Unknown park development would be concurrent or after the fact.
Efficiently and cost-effectively served: An urban parks system would be built concurrent with development.	Cost Assessment	Tualatin analyzed the cost of parks and community services in the larger 2,900 acre area and concluded costs could range between \$75 and \$100 million. ³
Appropriate, financially, capable service providers: Parks are typically provided by a City or special district.	Agree	Tualatin would be the most likely service provider for parks in the Borland Area.

³ Park estimates are based on 20, 5 acre parks at \$1 million per acre for design and construction.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ¹	Tualatin Analysis
Storm Water: Medium Storm drainage/treatment is typically provided on-site as development occurs or in small sub basins.	Disagree	Storm water management was included as part of Tualatin's transportation cost estimates. Regional extended dry ponds were assumed to provide water quality treatment.
Efficiently and cost-effectively served: Flatter areas in the southwestern portion (Borland) would be most suitable for storm water services.	Disagree, Cost Assessment	Our analysis estimated right-of-way costs for water quality facilities at \$3.1 million in the 2,900 acre area. This does not include cost for private water quality facilities in private development.
Public Schools: High Most of the area is in the West Linn Wilsonville School District and there are several schools in this area.	Agree	The Borland Area is entirely in the West Linn Wilsonville School District and there is currently a middle school and elementary school there.
Existing and future investments: Public schools are typically provided concurrent with development.	Agree	Tualatin's analysis indicates there could be a need for additional school capacity if this area develops.
Appropriate financially capable service providers: West Linn Wilsonville School District	Disagree	The school district should be consulted to determine what new capacity they are physically and financially capable of providing.
Other public or private infrastructure: Other services (governance, police, fire, libraries etc) would be provided by the City of Tualatin.	Cost Assessment	There are costs associated with providing new police officers and equipment. A new fire station could cost around \$3.6 million, including land and construction costs, in 2009 dollars. Additionally costs are associated with expanded library services.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ¹	Tualatin Analysis
Factor 2: Includes sufficient development capacity to support a healthy economy		
Buildable Land: The area [Stafford Triangle] is relatively small, providing almost 1,500 acres of buildable land.	Disagree	Based on Clackamas County's September 10 recommendations there are 640 gross acres for development in the Borland Area. Tualatin's analysis indicates there are 180 net developable acres.
Employment Land: The [Borland Area] has been identified as suitable employment land, including a possible connected transportation system and excellent access to I-205. In combination with lands south of the freeway, this could become an employment cluster.	Disagree	In accordance with Tualatin's Local Aspirations this area would not be suitable for employment only. The land would need to support residential development in a manner that continues the character of our existing neighborhoods. In our analysis we estimated 49 acres of residential and 131 acres of employment with some office, commercial, R&D/ High tech.
Factor 4: Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers.		
Walkable; Medium The somewhat flatter areas in the western part...would be suitable for walkable neighborhoods.	Disagree	Streams in this area could make connectivity for walkability difficult. Core 4 Technical Analysis ranked this area as low suitability for connectivity. This means serving this area with a well connected transportation system will be difficult. Facilitating access to various land uses via multi-modes of transportation including walking will also be difficult.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ¹	Tualatin Analysis
Served by a well connected system of streets & bikeways: The <i>Connectivity Suitability Ratings</i> map rates this "low" i.e. the ability to build street connections meeting regional standards is low compared to other areas.	Agree	The <i>Connectivity Suitability Ratings</i> maps are part of the Core 4 technical analysis sited above.
Factor 5: Can be designed to preserve and enhance natural ecological system.		
Medium: The western portion contains adequate buildable land to allow relatively easy preservation/enhancement of the Tualatin River.	Agree	The Tualatin River makes the northern border of the Borland Area. If this area is part of the Clean Water Services service district a 125 foot buffer would be required and there are flood plain restrictions. Additionally, there are two streams in the area that will be required to have at least 50 foot buffers.
Factor 6: Includes sufficient land suitable for a range of needed housing types.		
Medium: There is enough land in various pockets in the area to accommodate a variety of housing, most with relatively good access to I-205 and I-5.	Disagree	Clackamas County identified this portion of the Stafford Triangle/Hamlet as suitable employment land that could possibly become an employment cluster. Given the small amount of land, 640 gross acres according to Clackamas County, providing a range of needed housing types and commercial services to serve the neighborhoods an employment cluster would not be compatible with residential development.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ¹	Tualatin Analysis
Factor 7: Can be developed in a way that preserves important natural landscape features included in urban reserves.		
Medium: Protection of the [Tualatin River a mapped important natural feature] could be achieved by purchase and preservation by a city, county, Metro or private organization.	Disagree	The County's analysis noted that protection could be provided by purchase by city, county, Metro or private organization. Tualatin does not have plans to purchase additional lands along the Tualatin River.
Factor 8: Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.		
High: This can easily be designed as an urban area to minimize adverse effects on farm practices in surrounding areas because there are not many existing practices.	Agree	The Borland Area and surrounding lands are designated by ODA as conflicted lands. Likewise there are no lands designated on the ODF forestland map.
Other issues, concerns, opportunities: West Linn is opposed to urbanization. Lake Oswego is opposed to urbanization. ODFW is opposed to urbanization in the Borland Area	Agree	Based on Tualatin's analysis of the area and the factors the Borland Area does not meet urban reserve factors.

**Urban Reserves Analysis Matrix
Pete's Mountain-northern portion**

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ⁴	Tualatin Analysis
<p><i>Factor 1: Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments.</i></p> <p><i>Factor 3: Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers.</i></p>		
<p>Sanitary Sewer: Low The sewer serviceability map shows a small area in the northwest corner of the area as "high suitability", with the majority shown as "low" suitability</p>	<p>Agree, Cost Assessment</p>	<p>According to the Core 4 Technical Analysis, of the area being recommended for urban reserves in Pete's Mountain, most is considered low suitability for sewer services and about one quarter is considered highly suitable. The cost assessment we estimated for 2,900 acres in the Stafford Area was \$148 million. Pete's Mountain area of 470 acres could add costs to the Stafford estimate proportionally or there could be unforeseen costs such as needing to upgrade the Tri-City treatment facility.</p>
<p>Existing and future investments: A new regional pump station would be required upstream of Willamette Falls to pump across the Tualatin or Willamette River</p>	<p>Agree</p>	<p>Clackamas County did not provide a cost assessment of a sanitary sewer system river crossing</p>

⁴ **Agree:** Tualatin agrees with Clackamas County's Analysis; **Disagree:** Tualatin does not agree with either the results or conclusion of the analysis; **Cost Assessment:** Tualatin assessed the costs when Clackamas County did not.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ⁴	Tualatin Analysis
Efficiently and cost-effectively served: Difficult conveyance due to steep slopes and expensive river crossings make this area less cost-effective to service than other areas.	Agree	This analysis should also apply to the northern portion recommended for urban reserves. There is no analysis indicating it is more cost-efficient to serve the northern area.
Appropriate, financially capable service providers: The city of West Linn would be the logical provider of sewage conveyance [in the northern area].	Disagree	West Linn has not indicated in their Local Aspirations or public communications to Clackamas County a willingness to serve this area.
Water: Low Water services would most likely be provided by West Linn.	Disagree	West Linn has not indicated in their Local Aspirations or public communications to Clackamas County a willingness to serve this area.
Although there is a small water district on Pete's Mountain, it could not serve urban levels of development without substantial improvements and probably an alternative water source.	Agree	Core 4 Technical analysis found this area to be low suitability for water service. Substantial investments in improvements and source water would be required to provide urban level services.
Existing and future investments: substantial investments in facilities would be needed to serve this area.	Agree	Future investments could include transmission system, storage, purchase of water source and distribution system.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ⁴	Tualatin Analysis
Efficiently and cost-effectively served: The area would require provision of urban-level water services.	Agree, Cost Assessment	Our analysis indicated a cost of \$61 million for 2,900 acres in the Stafford Basin. This cost includes transmission system, storage and source water. Pete's Mountain area of 470 acres could add costs to the Stafford estimate proportionally or there could be unforeseen costs such as the need for additional source water.
Appropriate, financially capable service providers: Water services would most likely be provided by West Linn.	Disagree	West Linn has not indicated in their Local Aspirations or public communications to Clackamas County a willingness to serve this area.
Transportation: Low Suitability for building an effective road system; High suitability for mobility/ accessibility This area would be relatively unsuitable for providing a transportation system capable of accommodating urban levels of development.	Agree	Core 4 Technical analysis ranks this area as highly suitable for system lane cost most likely because topography prevents a gridded system from being added. The area ranks low in suitability for added lane cost and low in suitability for connectivity most likely due to topography. Additionally, these rankings apply to the northern portion recommended for urban reserves.

Clackamas County Reserves Recommendations
October 12, 2009
Page 13 of 18

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ⁴	Tualatin Analysis
Existing and future investments: Improvements would need to be made to local roads and to I-205.	Agree, Cost Assessment from ODOT	ODOT identified I-205 as needing improvements that could cost over \$500 million dollars. ODOT's analysis stated that even without growth there is a need to widen I-205 to six lanes, widen the Abernathy Bridge... and improve several interchanges.
Efficiently and cost-effectively served: Topography makes it less cost effective to service than other areas. The cost to make needed improvements to I-205 limits suitability.	Agree	Clackamas County's analysis did not differentiate between the southern and northern portion of the area.
Parks: High This area has protected open space and recreational opportunities, but it does not include a park system that could support urban development.	Agree	The portion of land being considered for urban reserves is 470 gross acres according to Clackamas County. The limited amount of land may make it difficult to provide an urban level park system.
Existing and future investments; Efficiently and cost-effectively served: an urban park system would be built concurrent with development.	Agree, Cost Assessment	Tualatin analyzed the cost of parks and community services in the adjacent 2,900 acre area and concluded costs could range between \$75 and \$100 million.
Appropriate, financially capable service providers: Parks are typically provided by a city or special district- In this case West Linn is the most likely service provider.	Disagree	West Linn has not indicated in their Local Aspirations or public communications to Clackamas County a willingness to serve this area. Clackamas analysis did not identify a potential special district.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ⁴	Tualatin Analysis
Storm Water: Low Storm drainage is typically provided on-site as development occurs or in small sub-basins.	Disagree	Storm water management was included as part of Tualatin's transportation cost estimates in the assessment of Stafford Basin. Regional extended dry ponds were assumed to provide water quality treatment. The northern portion of Pete's Mountain was not analyzed separately by Clackamas County.
Efficiently and cost-effectively served: Steeper topography moderates suitability for storm water services.	Agree, Cost Assessment	Our analysis estimated right-of-way costs for water quality facilities at \$3.1 million in the Stafford Basin. The northern portion of Pete's Mountain was not analyzed separately by Clackamas County.
Appropriate, financially capable service providers: Typically storm water services would be provided by the sanitary sewer provider or a city- West Linn or WES.	Disagree	West Linn has not indicated in their Local Aspirations or public communications to Clackamas County a willingness to serve this area.
Public Schools: High This area is in the West Linn Wilsonville School District.	Agree	Currently there is an elementary and middle school nearby at Stafford and Borland roads.
Existing and future investments: Public schools are typically provided concurrent with development.	Agree	If this recommended area were added to the UGB, then capacity for schools would increase. However, due to the limited amount of land being recommended there will most likely not be room to build additional schools.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ⁴	Tualatin Analysis
Efficiently and cost-effectively served: Although the physical characteristics of an area don't make much difference in the ability to provide school facilities or services, topography on Pete's Mountain would make it marginally difficult to provide school busing, and would also make it more difficult to locate appropriate school sites.	Agree	This analysis should also apply to the northern portion recommended for urban reserves.
Appropriate, financially, capable service providers: West Linn Wilsonville School District	Agree	The school district should be consulted to determine what new capacity they are physically and financially capable of providing.
Other public or private infrastructure: Other services (governance, police, fire, libraries etc) would be provided by the City of West Linn or special service districts.	Disagree	West Linn has not indicated in their Local Aspirations or public communications to Clackamas County a willingness to serve this area. Based on their opposition to urbanization in Stafford Hamlet it is likely they are also opposed to urbanization in this area.
Factor 2: Includes sufficient development capacity to support a healthy economy		
Buildable Land: 2,350 acres	Disagree	Based on Clackamas County's September 10 th , 2009 recommendations there are 470 gross acres for development.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ⁴	Tualatin Analysis
Employment Land: Medium The small part in the north, close to the I-205 Interchange, could be considered suitable employment land. In conjunction with the Borland Road Area north of I-205, this could become an employment cluster.	Disagree	Clackamas County describes this land as supporting an employment cluster in the Stafford Borland Area. However an employment cluster does not support Tualatin's Local Aspirations. Therefore this piece of land could be an isolated piece of employment land. Clackamas County also identifies the difficulty in providing a connected transportation system from a potential employment cluster to surrounding land uses.
Factor 4: Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers.		
Walkable: Low The flatter areas in the northern and southern parts would be most suitable for walkable neighborhoods, however, these areas are somewhat isolated by barriers such as I-205 and the two river.	Agree	Although the identified area is flatter than other parts of Pete's Mountain it is isolated by I-205, the steep slope on Pete's Mountain and the Tualatin River.
Served by a well connected system of streets and bikeways: Low The <i>Connectivity Suitability</i> map rates this area "low" in that the ability to build street connections meeting regional standards is low compared to other areas.	Agree	The Core 4 Technical Analysis rates this area as low for connectivity. Low suitability for connectivity means that serving this area with a well connected transportation network will be difficult and it would be difficult to facilitate access to various land uses via multi-modes of transportation including walking.

Clackamas County Reserves Recommendations
October 12, 2009
Page 17 of 18

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ⁴	Tualatin Analysis
Served by a well connected system of recreation trails: High In the northern portion of Pete's Mountain the Regional trail map shows one trail that would run along the Tualatin River.	Agree	There is one regional trail that may serve this area if it is located on the south side of the river.
Factor 5: Can be designed to preserve and enhance natural ecological system.		
Low/ Medium: This area has a number of streams that could normally be preserved and enhanced.	Agree	The Tualatin River is the northern boundary of this area and there is an additional stream that flows through the area. Clackamas County analysis found that the limited amount of buildable land could make preserving natural ecological systems difficult and developing the area at urban densities.
Factor 6: Includes sufficient land suitable for a range of needed housing types.		
Medium: Although the potential for high capacity transit, good access to I-205 and I-5, steep topography, poor street connectivity and large amounts of constrained land limit this area's ability to accommodate higher density housing.	Agree	Clackamas County identified the northern portion of Pete's Mountain as suitable employment land that could possibly become an employment cluster. Given the small amount of land, 470 gross acres according to Clackamas County, providing a range of needed housing types and commercial services to serve the neighborhoods an employment cluster would not be compatible with residential development.

Clackamas County Analysis	Agree/ Disagree/ Cost Assessment ⁴	Tualatin Analysis
Factor 7: Can be developed in a way that preserves important natural landscape features included in urban reserves.		
High	Disagree	Clackamas County did not analyze the northern portion in for this factor. The Tualatin River is an inventoried natural feature. The analysis for Factor 5 should apply equally to Factor 7 in this area designated for urban reserves.
Factor 8: Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.		
Farm and Forest practices: High There are not many connecting points to farm practices, Pete's Mountain serves as barrier to farm practices in the East Wilsonville area, and there are no forestry lands.	Disagree	While ODA has identified the area as conflicted with some important land to the south, ODF identified a small area of mixed forest agriculture that could be in the northern portion of Pete's Mountain.
Other Issues, concerns, opportunities: ODFW is opposed to urbanization in the northern part of Pete's Mountain.	Agree	Based on Tualatin's analysis, Clackamas County did not analyze the northern portion separately and the findings for the majority of Pete's Mountain should apply to the northern portion as well.

Attachment A: Stafford Basin Concept Planning Level Cost Estimates-CH2M Hill



City of Tualatin

www.ci.tualatin.or.us

September 17, 2009

Reserves Steering Committee
Core Four
Metro
600 NE Grand Avenue
Portland, OR 97232

RE: Clackamas County Board of Commissioners Reserves Recommendations

Dear Reserves Steering Committee and Core Four members:

On September 10, 2009 the Clackamas County Board of Commissioners made their recommendations for urban and rural reserves in Clackamas County. The City of Tualatin has concerns about the consequences of several of those designations.

One area of continued interest and concern is in the Stafford Basin. On August 10, 2009 we submitted a letter to the Clackamas County Board of Commissioners recommending that land in our Area of Interest in Clackamas County be designated a rural reserve. This recommendation came after careful analysis of the factors in OAR 660-027-0050. Our analysis led to a conclusion that providing infrastructure to the entire area would be cost prohibitive. Additionally, urban level development in these areas could impact quality of life for Tualatin citizens in a way that does not make urbanization compatible with existing urban development. Finally there was a question of jurisdiction and which entity would govern these areas if they are urbanized. However, we also indicated that if the Board of Commissioners should designate this area as an urban reserve or leave it as undesignated then Tualatin expects to either take jurisdictional control or review any urbanization plans for suitability and compatibility with our city. Our original letter and map from August 10th are attached for your reference.

18880 SW Martinazzi Avenue | Tualatin, Oregon 97062-7092 | 503.692.2000

The Board of Commissioners recommended that a portion of land in the Stafford Basin commonly referred to as the "Borland Area" receive an urban reserve designation. This area is generally bounded by the Tualatin River on the north and east, I-205 on the south and the City of Tualatin on the west. The Board of Commissioners also recommended that land south of that area remain undesignated. This area is generally bounded by I-205 on the north, Stafford Road on the east, 65th Avenue or the county line separating Washington County and Clackamas County on the west and approximately Frobese road on the south. On September 7th the Washington County Reserves Coordinating Committee recommended that Tualatin's Area of Interest in the Stafford Basin in Washington County receive an urban reserve designation. Their recommendation aligns with Tualatin's aspirations and recommendation to Washington County.

This letter serves to indicate our intention to participate in questions of jurisdiction and urbanization of land previously identified in our Area of Interest and recommended for an urban designation or undesignated by the Clackamas County Board of Commissioners. In response to Metro's request, Tualatin developed Local Aspirations that identify how we want to grow and what our community will look like in 20 and 50 years. The Council's top priority is to maintain quality of life in Tualatin by maintaining the character of existing residential neighborhoods and continuing that character in new neighborhoods as the City grows. Our Local Aspirations reflect *Tualatin Tomorrow's Community Vision and Strategic Action Plan*. This document has a vision called *How We Grow: Growth, Housing and Town Center*. These documents are the result of years of work by volunteers from our community, city staff and the City Council. The community's overriding sentiment that emerged from this work is that Tualatin's growth needs to be managed and we need to continue to focus on the livability of our community. It is this perspective coupled with urban reserves analysis that led to our recommendation for land in the Stafford Basin to be designated as a rural reserve. The Clackamas County recommendations do not align with our Local Aspirations, our Vision and Strategic Plan or the recommendation we gave to Clackamas County.

If this area is brought in as an Urban Reserve, our Council believes there could be insurmountable pressure to bring this area into the Urban Growth Boundary. The intersection of Stafford and Borland Roads could be a site targeted for intense urban development. Given the proximity to Tualatin (one mile) our City could be forced to urbanize this area in a way that does not conform to our Local Aspirations or Tualatin Tomorrow. We believe development that is out of character with our existing neighborhoods could degrade the quality of life in Tualatin by further impacting congested roadways and draining City resources to pay for infrastructure.

The second area we are concerned with is the Tonquin Geologic Area in Clackamas County that was recommended by the Clackamas County Board for a rural reserve designation. Land adjacent to the Tonquin Geologic Area was brought in to the Urban Growth Boundary during 2002 and 2004 and identified for industrial uses. In fact certain pieces of land were identified by Metro as Regionally Significant Industrial Areas (RSIA). These areas were designated such because they have access to the regional

transportation system for movement and storage of freight and goods. Tualatin is in the process of concept planning an area that is a RSIA and part of the success of this area relies on building future transportation connections to the regional system which may be hindered by a rural reserve designation.

Creating jobs through industrial land designations is vital to our regional economy. The region has worked for years developing infrastructure and transportation plans to serve the industrial land in this area. A rural reserve designation in the Tonquin Geologic Area could impede the realization of these plans. The regional transportation draft plan includes language for a process to come to an agreement about appropriate transportation improvements. Please do not limit these options with a rural reserve designation.

I appreciate your consideration of our concerns.

Sincerely,



Lou Ogden
Mayor

Attachments: Letter and map to Clackamas County August 10, 2009



City of Tualatin

www.ci.tualatin.or.us

August 10, 2009

Clackamas County Board of Commissioners
2051 Kaen Road
Oregon City, OR 97045

RE: Urban and Rural Reserves

Dear Board of Commissioners:

After careful analysis and review of factors for designation of lands as urban reserves (OAR 660-027-0050), the City of Tualatin has decided the portion of our Area of Interest in Clackamas County is not well suited for an urban reserve designation. In February of 2009, Tualatin's City Council had the first of three discussions regarding Local Aspirations and Urban Reserves. These discussions began in response to Metro's request to cities in the Urban Growth Boundary (UGB) to provide growth aspirations for the next 20 and 50 years.

To facilitate the Council's discussion staff prepared an analysis of residential and employment growth capacity within the City. Additional lands outside the City in the UGB were also analyzed including an industrial area on the City's southwest border called the Southwest Tualatin Concept Plan and a potential residential area south of the City and north of Wilsonville called South Tualatin. Concurrently with Metro's request, Clackamas County and Washington County requested cities to identify their "Areas of Interest" for study as urban reserves. Consequently, the Council began discussing two Areas of Interest as they related to the City's Local Aspirations. Area of Interest 1, Stafford Basin, about 2,900 gross acres is located east of the City bounded by the Tualatin River on the north, Stafford Road on the east, Frobase Road on the South and Tualatin's boundary on the west. This area encompasses both Washington and Clackamas County. Area of Interest 2, Knife River, about 117 gross acres is located south of the Southwest Concept Plan and east of South Tualatin entirely in Washington County.

The result of the Local Aspirations discussion was that Area of Interest 1, Stafford Basin, might be a place for Tualatin's future growth to occur without increasing densities inside existing City boundaries. In the Stafford Basin, the City aspired to protect open space, protect groves of trees, and provide parkland and school sites to benefit the residents in the area and surrounding communities. The Stafford Basin was envisioned to have 10,000 residents and about 4,000 jobs in the next 50 years. Area of Interest 2, Knife River, was envisioned to provide a transportation connection between a future 124th Avenue and an east west arterial. Additionally, it was envisioned to provide industrial employment opportunities.

On Monday July 27th, 2009 the Council met in work session to discuss a recommendation of urban or rural reserves, undesignated or a combination of those for the two areas of interest. Staff provided an analysis of the urban reserve factors as identified by the state's administrative rule of both areas of interest. As part of staff's presentation, a review was included of the rural reserve analysis currently under way by both Washington and Clackamas County. A brief description of the Clackamas County Business Alliance's proposal for the area in the Stafford Hamlet was included and a review of the Stafford Hamlet's Vision and Values Statement. To analyze urban factors staff reviewed a number of studies the region has produced since the inception of urban rural reserves.

- Core 4 Technical Team, *Preliminary Analysis of Providing Urban Level Sanitary Sewer Service, Water, and Transportation Service Within Reserves Study Area* February 2009
- Metro, *Public Infrastructure Costs Case Studies* Draft June 2009
- Oregon Department of Agriculture, *Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands* January 2007
- Oregon Department of Fish and Wildlife, *Prioritization of Metro Natural Landscape Features* Draft July 2009
- Oregon Department of Transportation, *Urban Reserve Study Area Analysis* Spring 2009

In addition to these sources, Tualatin staff was in contact with school district representatives from West Linn-Wilsonville, Sherwood School District, and Tigard-Tualatin School District to assess the need and cost for new schools to accommodate new population. Tualatin Planning Division worked with Tualatin's Community Services Department staff to determine the need and cost of parks for the Stafford Basin. Finally, Tualatin Planning Division contracted with CH2M Hill for preliminary planning level capital costs to provide sanitary sewer, water and transportation services in the Stafford Basin.

Based on this analysis, the City Council decided that the Washington County portion of the Stafford Basin better meets the factors for urban reserves than the Clackamas County portion. Further, the City Council is recommending that the Clackamas County portion be designated a rural reserve. However, if this area is designated an urban reserve or left undesignated Tualatin seeks the ability to either take jurisdictional control or to review any such urbanization plans for suitability and compatibility with our City in terms of impacts, buffers, and adequate infrastructure, especially transportation. We also would look to coordinate with the surrounding cities, Lake Oswego and West Linn, and Clackamas County if any portion of the Stafford Basin in Clackamas County is designated rural reserve or undesignated.

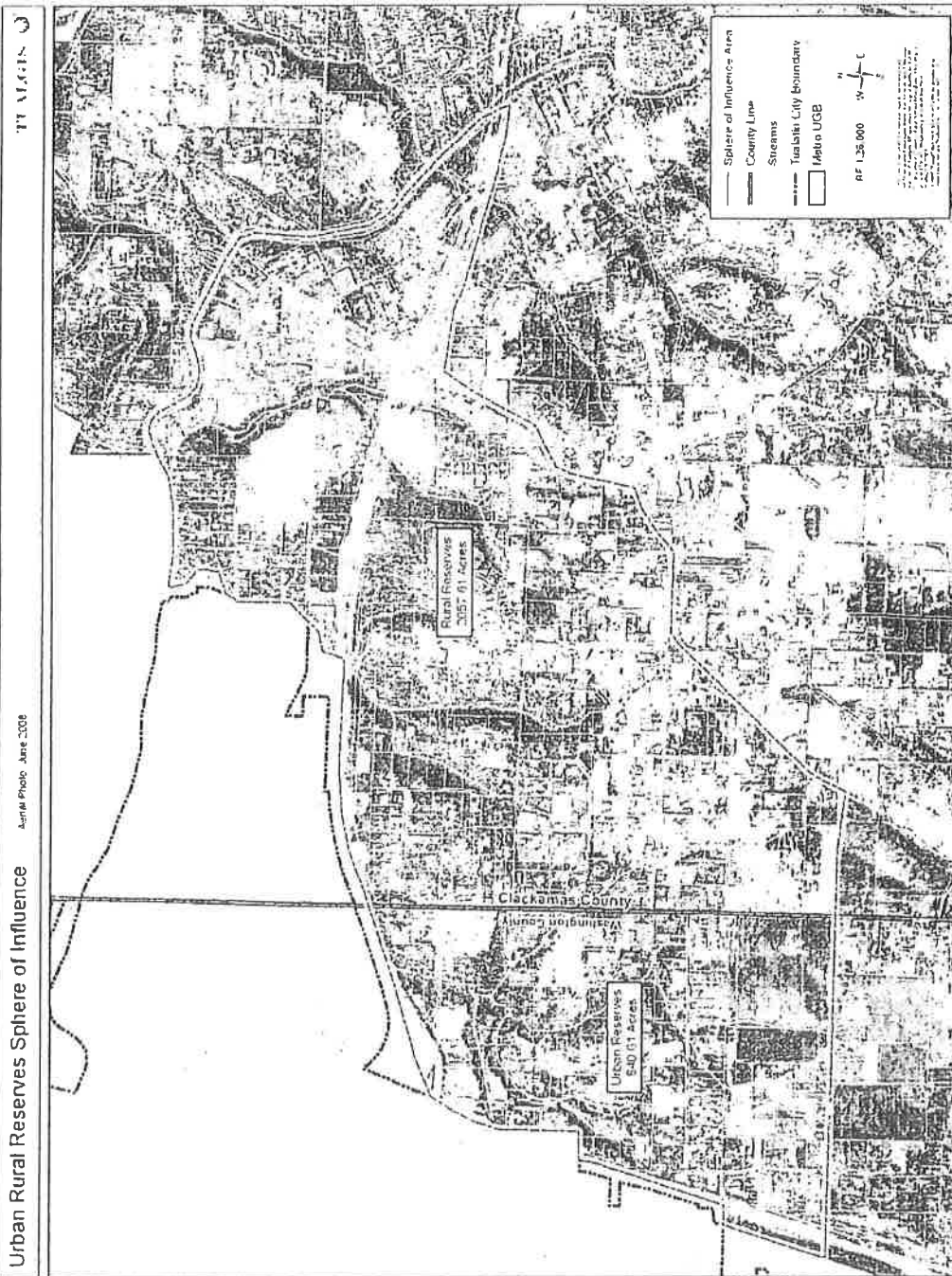
If you have questions about the analysis please contact, Aquilla Hurd-Ravich, Senior Planner at 503-691-3028.

Sincerely,



Lou Ogden
Mayor

Attachment: Map of Stafford Basin as identified by City of Tualatin





City of Tualatin

www.tualatinoregon.gov

November 13, 2015

Tom Hughes, Council President
Metro Councilors
600 NE Grand Ave
Portland, OR 97232-2736

RE: Urban Reserves Remand and the Stafford Reserves
November 19, 2015 Public Hearing

Dear President Hughes and Metro Councilors,

For your consideration at the November 19th public hearing, the City of Tualatin is providing a summary of our currently adopted public facility plans. This is to address Urban Reserves Factor (3):

Can be served by public schools and other urban-level public facilities and services efficiently and cost effectively by appropriate and financially capable service providers.

Tualatin currently has the following adopted public facility plans: 2014 Transportation System Plan, 2013 Water Master Plan, 2002 Sewer Master Plan, and a 2014 Capital Improvement Plan (CIP). With the exception of the 2002 Sewer Master Plan the remaining public facilities do not contemplate providing any services or making any improvements to the Stafford Area.

In fact the 2014 CIP includes a list identifying over \$850 million unfunded projects inside the current City limits. The CIP identifies projects over a five year period from 2016 to 2020 that total \$25 million; however, none of those projects address improvements that help to serve Stafford or future development in the area. The 2014 Transportation System Plan, which forecasts out to the year 2035, does not identify any projects to serve the Stafford Area as seen in the attached Figures. And the Clackamas County arterial road which connects Stafford to the City, Borland Road, is not built to urban standards. The 2013 Water Master Plan is a 20 year document and that also does not identify any projects to serve the Stafford Area as seen in the attached Figure.

The 2002 Sewer Master Plan reviewed implications to Tualatin's existing system inside current city limits if land were to develop in the Stafford area. The conclusion was a

Council President Hughes
November 13, 2015
Page 2 of 2

need to upsize the existing Nyberg Trunk Line. The Master Plan did not address extending services to the Stafford Area or any area beyond the 2002 Planning Area.

Maps identifying future projects are included for each plan to help demonstrate the geographical limitation of future public facilities. Based on these adopted public facility plans, we do not believe it is prudent at this time to consider the City as a financially capable provider of urban-level services beyond previously identified study areas.

Sincerely,



Sherilyn Lombos
City Manager

CC: City of West Linn
City of Lake Oswego
Clackamas County

Encl: Study Area Maps: 2014 TSP, 2013 Water Master Plan, 2002 Sewer Master Plan and
2014 CIP

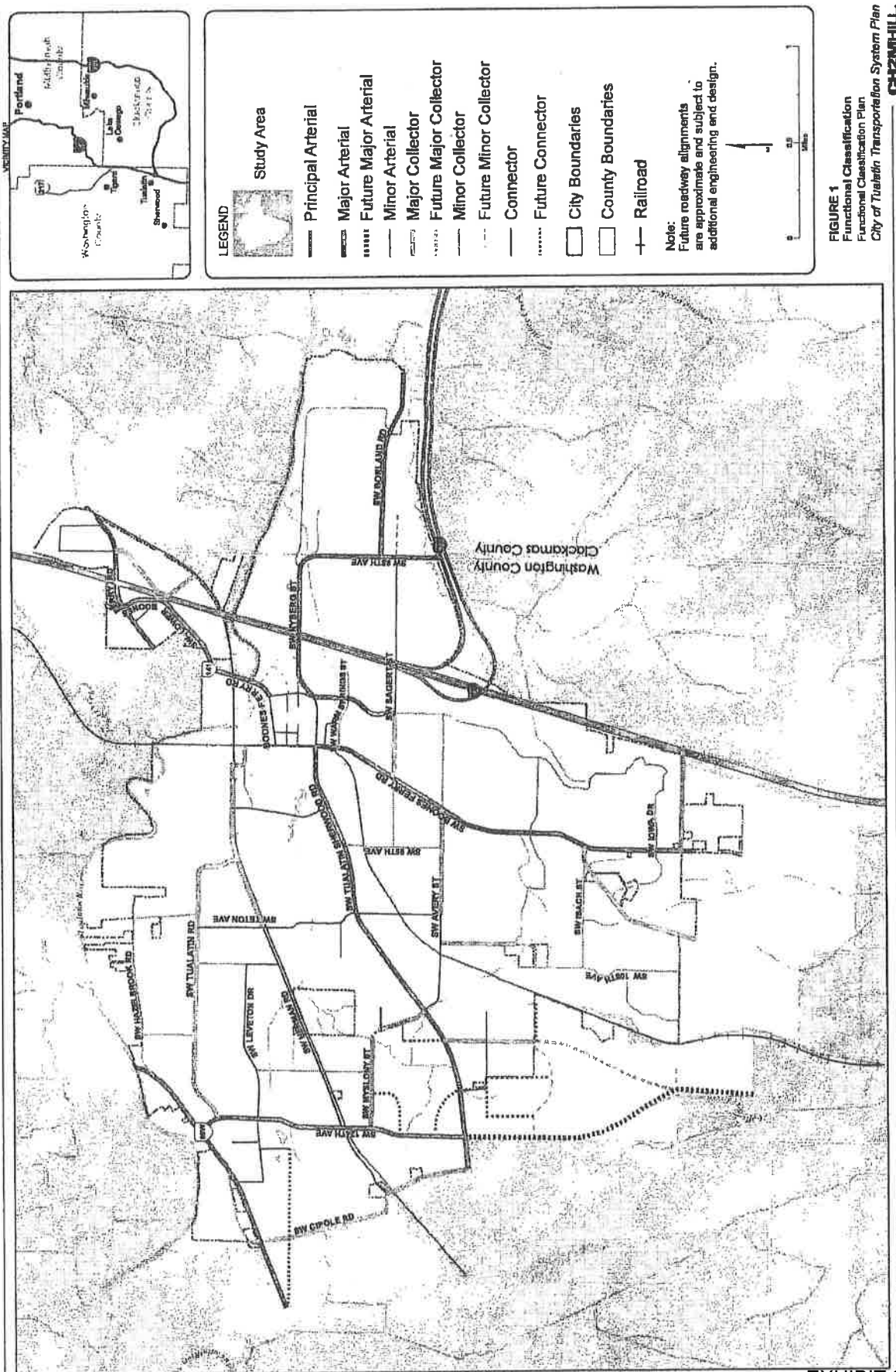
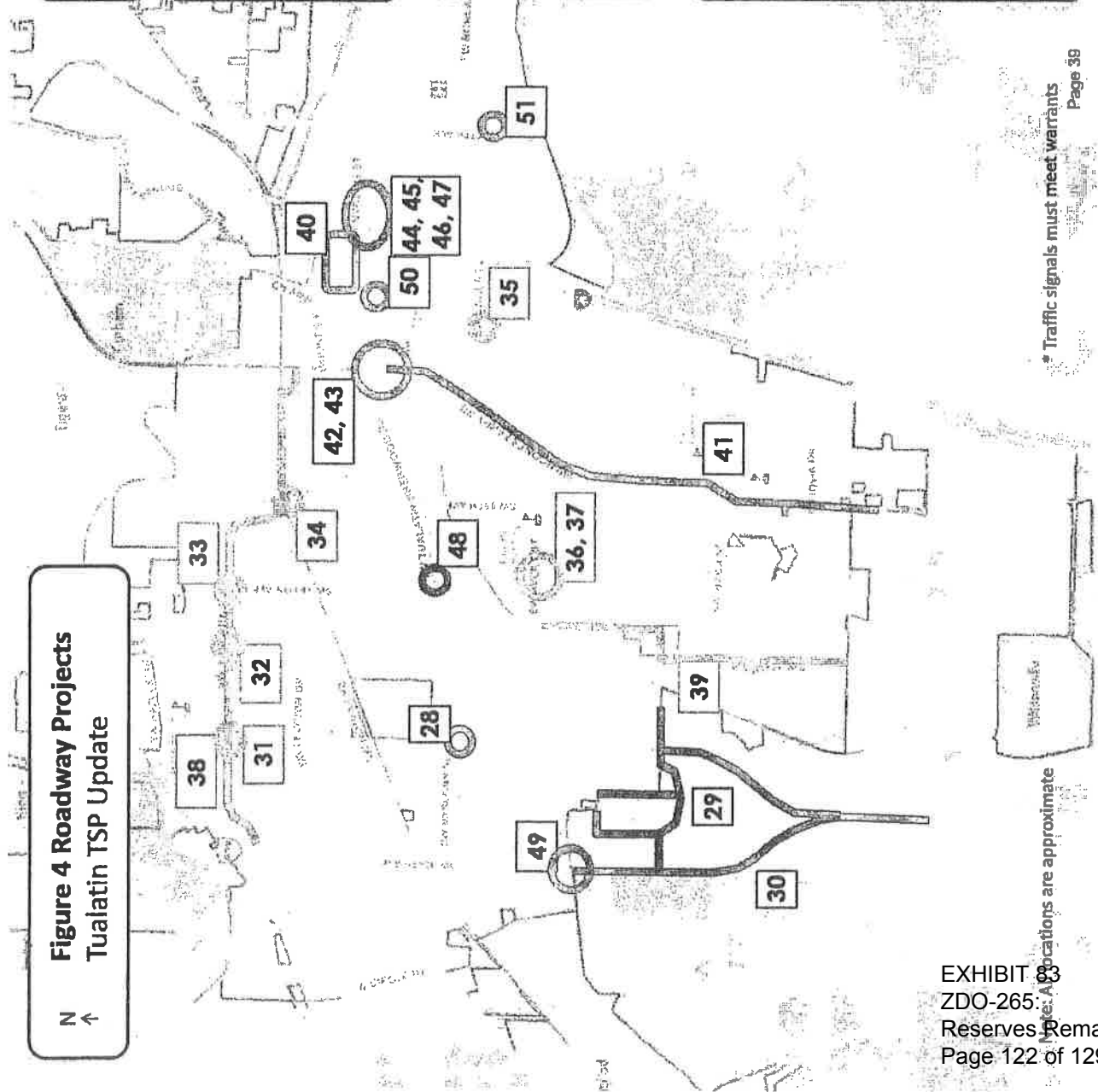


Figure 4 Roadway Projects
Tualatin TSP Update



New Streets and Street Extensions

28 Connect SW Myslony Street to SW 112th Avenue
 29 Build the roadways from the SW Concept Plan
 30 Extend SW 124th Avenue south (Regional Project)

City Intersection Improvements

31 Add signal* at SW Tualatin Road and SW 115th Avenue
 32 Remove some trees at intersection of SW Tualatin Road and SW 108th Avenue to improve sight distance
 33 Add signal* at SW Tualatin Road and SW Teton Avenue
 34 Remove the free right turn at SW Tualatin Road at the intersection of SW Herman Road, consider a roundabout
 35 Add a signal* or roundabout at SW Sogert St and SW Martinazzi Ave
 36 Add a southbound turn pocket from SW Teton Avenue to Avery Street
 37 Add a signal* at SW Avery Street and SW Teton Avenue

City Roadway Signs

38 Add signage indicating that Tualatin Road is for local traffic
 39 Add truck info signs along 108th/105th Avenues to indicate that these roads are for local traffic

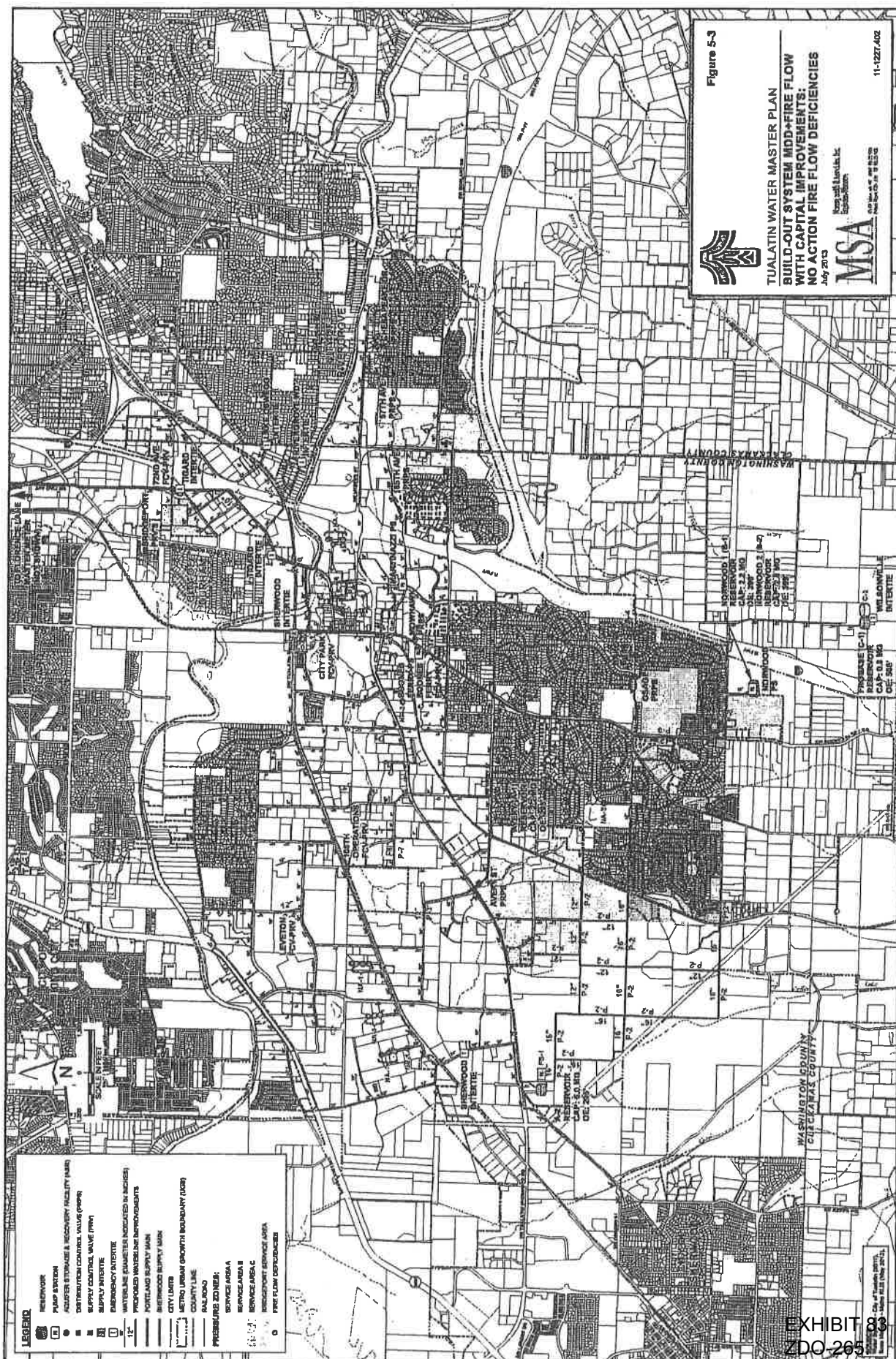
City Roadway Changes

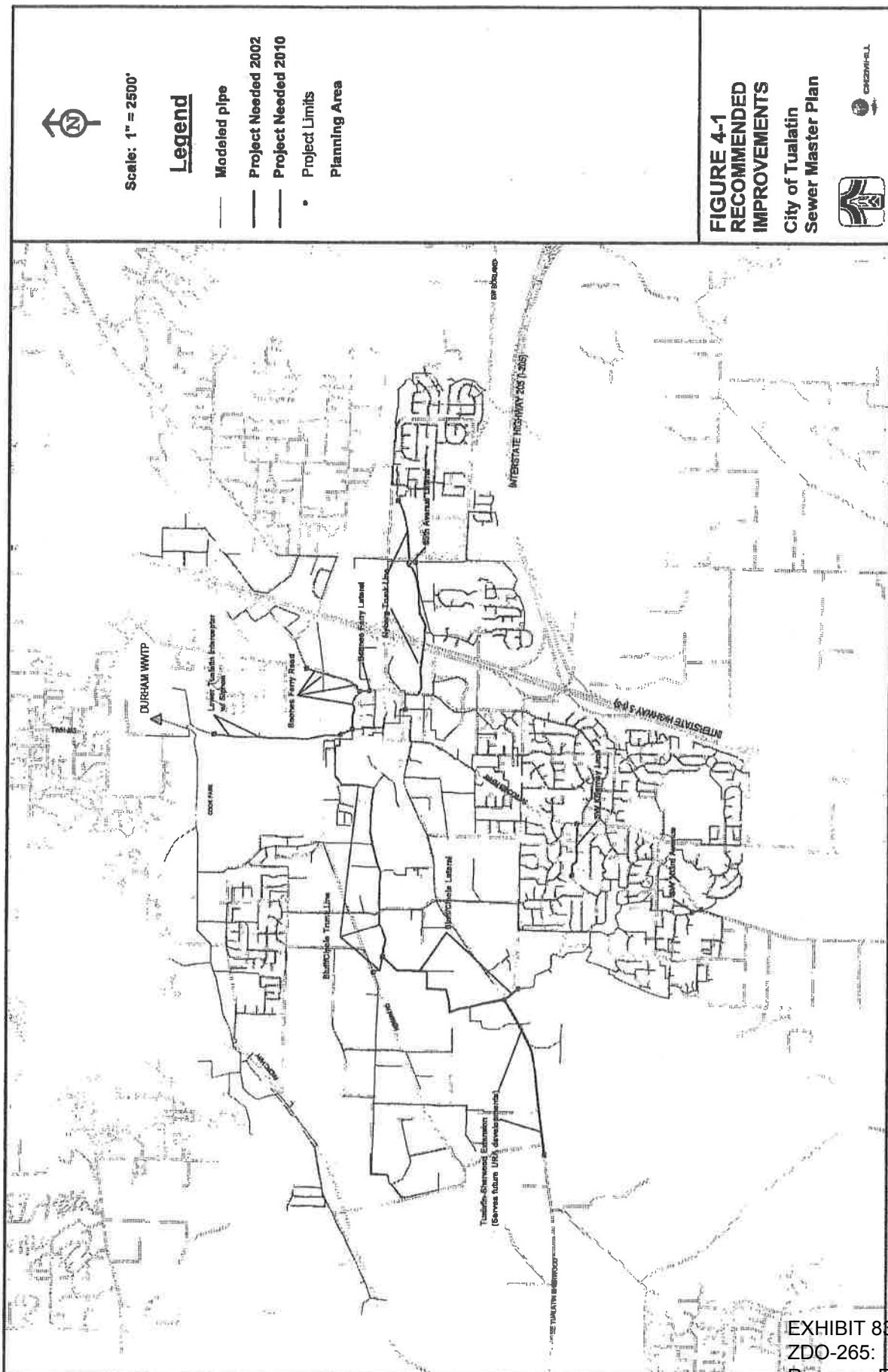
40 Create a local street grid system on Urban Renewal Block 2 upon redevelopment with a connection to SW Seneca Street
 41 Add bus pullouts on SW Boones Ferry Road at existing bus stops where possible (this project is also shown on the transit figure)

Regional Intersection Improvements

42 Add an eastbound right turn lane on SW Tualatin-Sherwood Road at SW Boones Ferry Road
 43 Extend the southbound left turn pocket on SW Boones Ferry Road at SW Tualatin-Sherwood Road
 44 Move guardrail on southbound off ramp to improve sight distance
 45 Northbound I-5 on-ramp: reduce pedestrian island, add an additional lane
 46 Add signage at the northbound off ramp to discourage traffic getting off and then back onto I-5
 47 Redesign SW Nyberg Street and Fred Meyer Intersection and improve pedestrian crossing, add striping and a pedestrian island
 48 Add a dedicated right turn lane on southbound SW Teton Avenue and SW Tualatin-Sherwood Road
 49 Add a right turn lane from westbound SW Tualatin-Sherwood Road to northbound SW 124th Avenue
 50 Improve lane signage west of the Nyberg interchange to indicate lanes passing through the interchange area
 51 Add signal* at SW 65th Avenue and SW Sogert Street

* Traffic signals must meet warrants
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City of Tualatin
2014 Capital Improvement Plan
PROJECT IDENTIFICATION MAP

Projects which affect a specific location are shown in the map below.
Projects affect multiple locations or have a citywide impact are not reflected on the map.

WASTE WATER



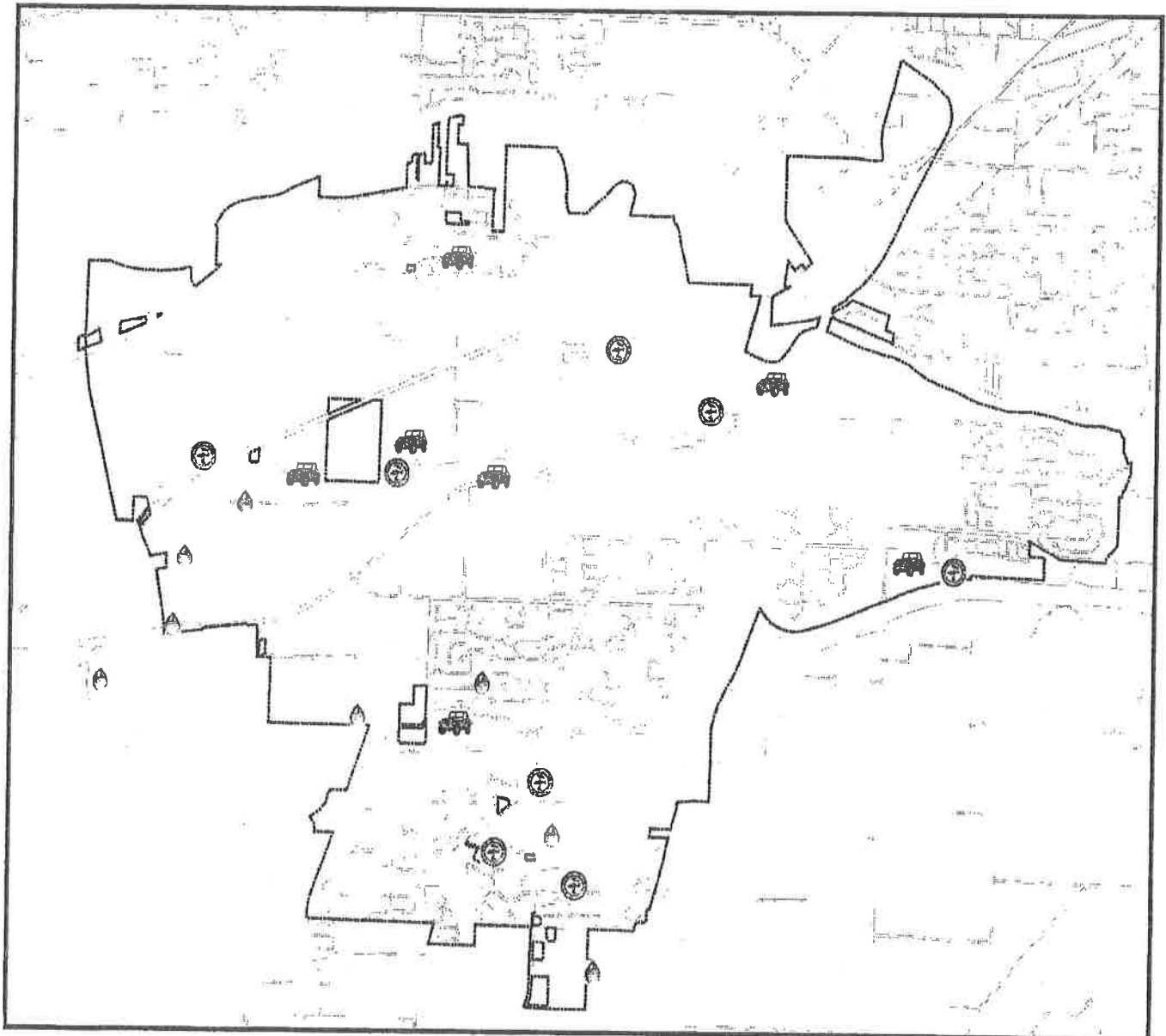
WATER

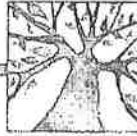


TRANSPORTATION



STORM





West Linn

November 16, 2015

Mr. Tom Hughes, President
Metro Council
600 NE Grand Ave.
Portland, OR 97232

RE: Additional evidence related to the proposed Stafford Area Urban Reserves designation

Dear President Hughes and Metro Councilors:

On behalf of the City of West Linn, please include this letter into the record as testimony opposing the Urban Reserve designation for the area commonly identified as Stafford; specifically reserve areas 4A, 4B, 4C, and 4D.

OAR 660-027-0050 specifies the factors for designation of lands as urban reserves. These include consideration of whether the land:

(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

For your consideration of this specific factor, please be aware of several facts about our adopted Transportation and Water Master Plans:

1. They do not anticipate providing facilities of any kind within the Stafford area;
2. They do not include any projects within our City that would in any way serve the future development of Stafford; and,
3. These Plans, including our current Capital Improvement Plan ("CIP"), recognize significant shortfalls in funding just to complete the public projects necessary to meet the needs of our community without any UGB expansions. For example, the difference between the funded and unfunded projects in our most recent CIP \$56 million.

Adding to the City's inability to provide public facilities into the Stafford area is the fact that the City is rapidly approaching build-out and any efforts to increase the capacity of our facilities will be particularly disruptive to our community. It is not efficient, cost-effective, nor politically

realistic for the City of West Linn to contribute to providing urban-level public facilities in the Stafford area.

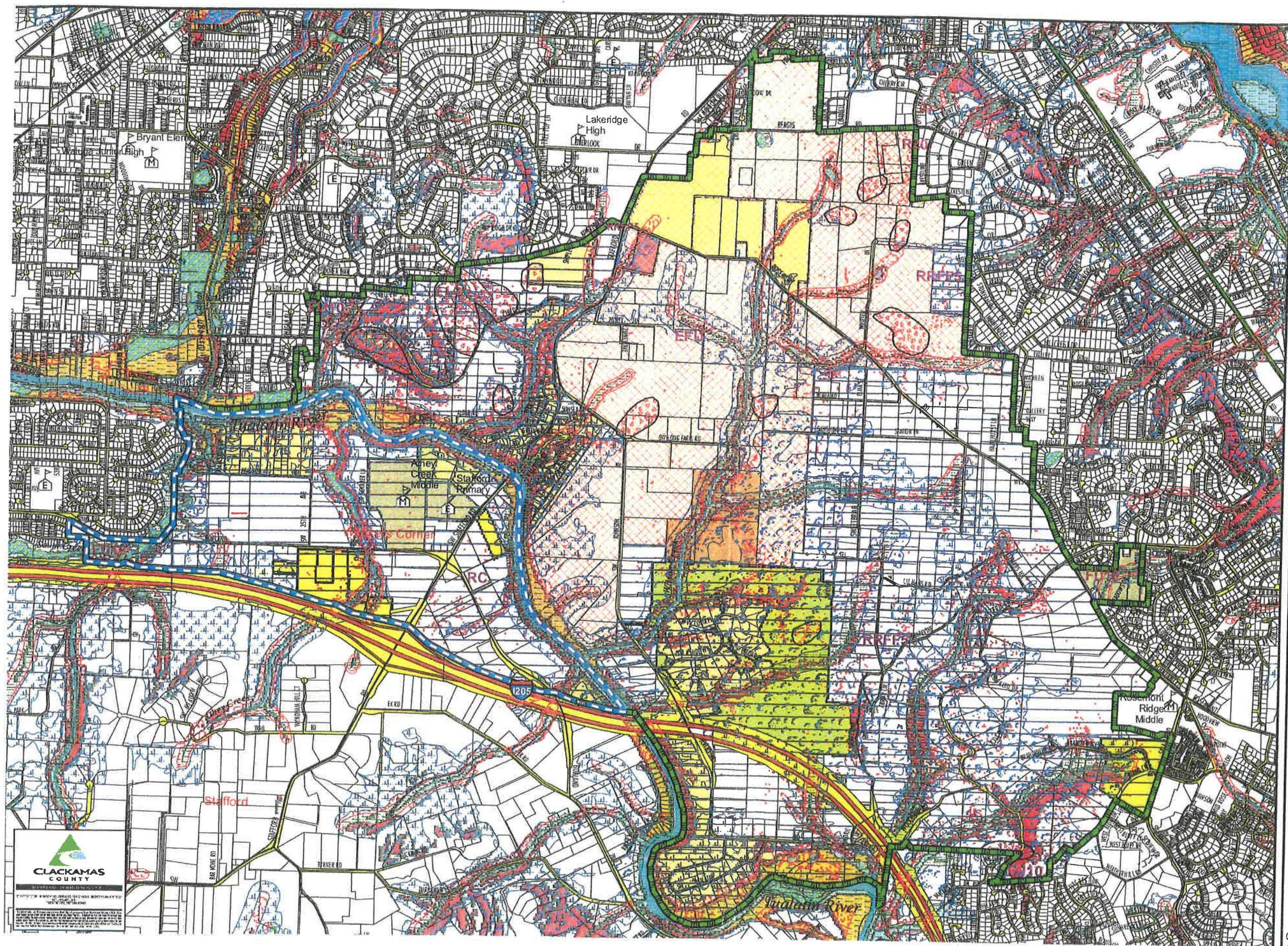
Our City looks forward to continuing to be part of the ongoing discussions about the future of the Stafford area.

Sincerely,

A handwritten signature in black ink, appearing to be 'CK' or similar initials, written over a horizontal line.

Chris Kerr
Community Development Director

Cc: Scott Lazenby, City Manager; City of Lake Oswego
Sherilyn Lombos, City Manager; City of Tualatin
John Ludlow, Chair; Clackamas County Board of County Commissioners



Stafford Hamlet

Boundary Info.

- Parcel Lines
- Barland Area
- Stafford-Tualatin Valley Hamlet & CPO

Street Info.

- Right of Way

Schools

- Elementary School
- Middle School
- High School

Zoning

- EFU
- RRF5

GeoHazards

- SLIDO Statewide Landslide Information Database for Oregon

Slope Stability

- High - Slopes greater than 45 percent and existing landslides.

Degree of Slope

- 20 - 45

FEMA 2008

- 500 Year Flood
- 100 Year Flood
- 100 Year Flood / Floodway

Habitat Inventory

- Riparian Corridors / Wildlife Habitat Class I - Areas support 3 or more riparian functions.
- Riparian Corridors / Wildlife Habitat Class II - Areas supporting 1 or 2 primary riparian functions.
- Upland Wildlife Habitat Class A - Areas with secondary riparian value that have high value for wildlife.
- Upland Wildlife Habitat Class B - Areas with secondary riparian value that have medium value for wildlife habitat.

Env. Features

- Title 3 Wetlands
- Title 3 Riparian

Parcels

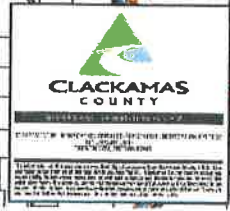
- Previously Developed Areas

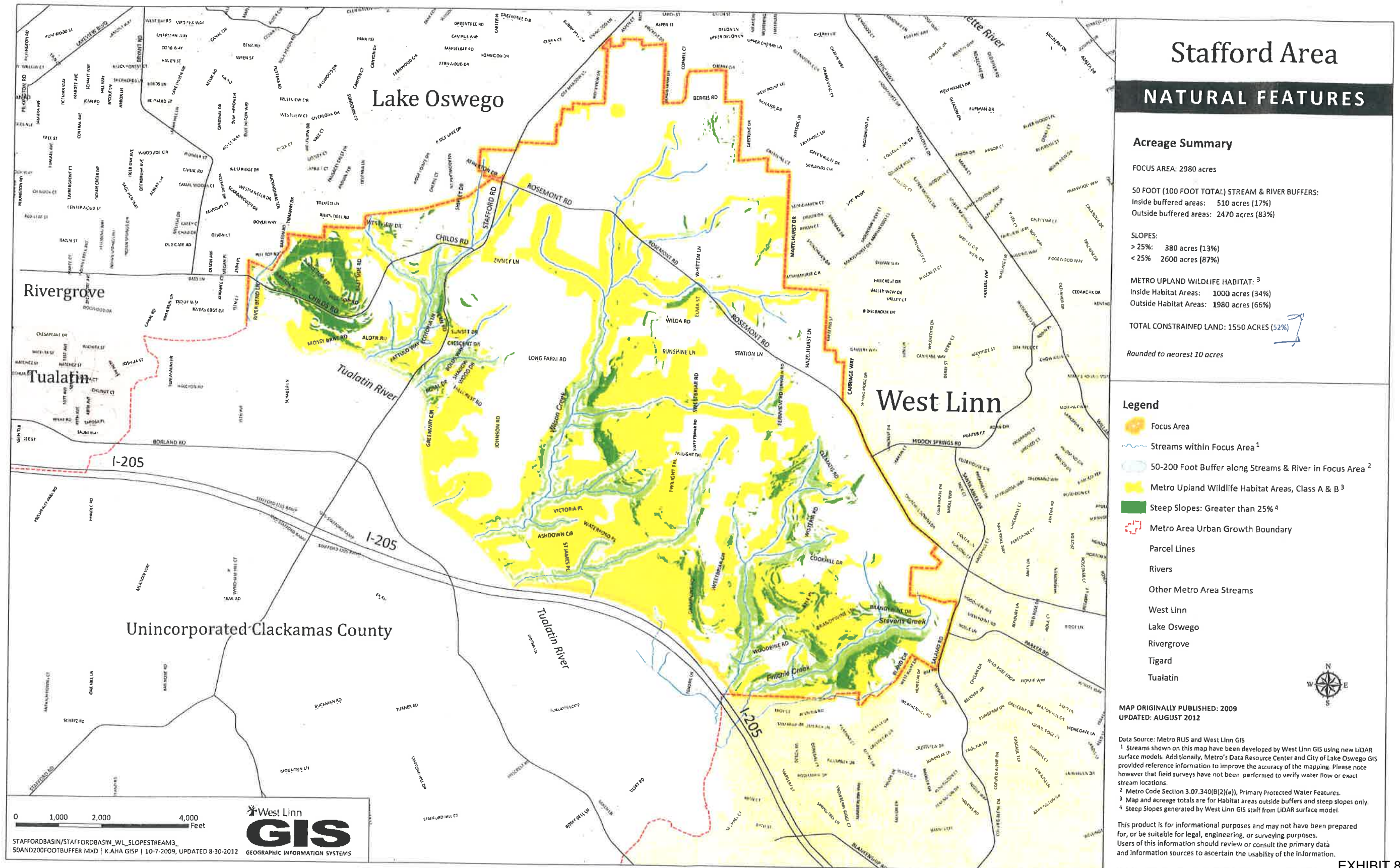
Land Ownership

- PGE Substation
- Church Owned Lands
- School Owned Lands

Parks - RLIS

- Open Space Acquisitions
- Public Owned Open Space
- Private Owned Open Space





Fritzie, Martha

From: Ed Trompke <Ed.Trompke@jordanramis.com>
Sent: Wednesday, April 19, 2017 9:25 AM
To: Fritzie, Martha; BCCMail
Subject: ZDO-265 Stafford Urban Reserves Hearing today - For the record

I was planning to testify in person today, but must meet with a client instead.

My wife and I have wanted to build a house in the Stafford area in a particular area in Stafford, for many years. We have been precluded by the zoning, which has diminished our ability over the years, until it was extinguished.

Adopting this Urban Reserve designation is a step to getting the land buildable, and we fully support that, and thank Chair Bernard to moving this forward.

However, we have concerns about the draft IGA that is part of this. The drafts which we saw allow the cities involved to veto all progress, and negate the intent and words of the Urban Reserve designation, by delaying the process, and they have shown both a willingness and ability to do just that. Such action deprives us, and others of the reasonable right to live in an area where we want to live, in Clackamas County. Please modify the IGA to allow either(1) the interested landowners to plan the area in consultation with the cities and counties if no plan is adopted within two or three years, or allow the County to plan the area, with or without special service districts. Elimination of those terms demonstrates that some parties contemplate a "stall and delay" tactic, that will extend past the end of our lives. And that is not right.

Thank you for your time.

Ed Trompke, for myself and Leana Trompke

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Fritzie, Martha

From: David Hedges <david@hedges.name>
Sent: Wednesday, April 19, 2017 9:29 AM
To: Fritzie, Martha
Subject: RE: File# ZDO-265

Dear Ms. Fritzie,

As a 43-year resident of North Stafford, I strongly oppose urban density development in the Stafford Basin.

Proponents of urbanization fail to consider the full impact of such a move on the region's future. Removing the rural buffer between West Linn, Lake Oswego and Tualatin will create a megalopolis, effectively merging these three cities with Wilsonville, Sherwood, Tigard, and Beaverton. Tigard and Beaverton already are joined at the hip. Tigard is connected to Lake Oswego at Bridgeport Village.

The Stafford Hamlet compromise yanks a piece from what makes the area special, but it shows good faith on the part of residents who don't wish to give up the full measure of their rural lifestyle. The consequences of urbanization are dire, and cannot be swept under the rug. The transportation nightmare is reason enough to negate any further discussion.

The county created the Hamlet. Unilaterally stripping Hamlet residents of their voice in the decision-making process is a gross and morally reprehensible violation of trust.

Best Regards,

David Hedges

20750 S. Sweetbriar Rd.

West Linn, OR 97068

503-655-1274

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