

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE ) ORDINANCE NO. 02-984A  
METRO URBAN GROWTH BOUNDARY TO )  
ADD LAND FOR A PUBLIC SCHOOL IN )  
STUDY AREA 85 ) Introduced by Community Planning Committee

WHEREAS, state law requires Metro to assess the capacity of the urban growth boundary (UGB) every five years and, if necessary, increase the region's capacity to accommodate the long-term need for employment opportunities; and

WHEREAS, the same state law requires Metro to include sufficient land to accommodate the siting of new public school facilities; and

WHEREAS, the Metro Council and the Land Conservation and Development Commission agreed that the Council would undertake the assessment and any necessary action to increase the capacity of the UGB as part of the state's periodic review process; and

WHEREAS, Task 2 of the periodic review work program calls for completion of the same assessment of capacity and increase in capacity, if necessary, by December 20, 2002; and

WHEREAS, the Council identified a specific need for land to site a public elementary school in the Beaverton School District that cannot reasonably be accommodated on land within the UGB, or on land of higher priority under state law for inclusion within the UGB; and

WHEREAS, the Council consulted its Metropolitan Planning Advisory Committee and the 24 cities and three counties of the metropolitan region and considered their comments and suggestions prior to making this decision; and

WHEREAS, Metro conducted five public workshops in locations around the region to provide information about alternative locations for expansion of the UGB and to receive comment about those alternatives; and

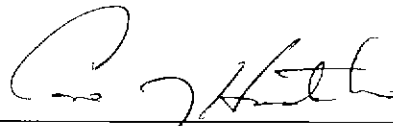
WHEREAS, Metro published, on August 25, 2002, notice of public hearings before the Council on the proposed decision in compliance with Metro Code 3.01.050; and

WHEREAS, the Metro's Community Planning Committee and the Metro Council held public hearings on the proposed decision on October 1, 3, 10, 15, 22, 24 and 29 and November 21, and December 5, 2002, and considered the testimony prior to making this decision; now, therefore,

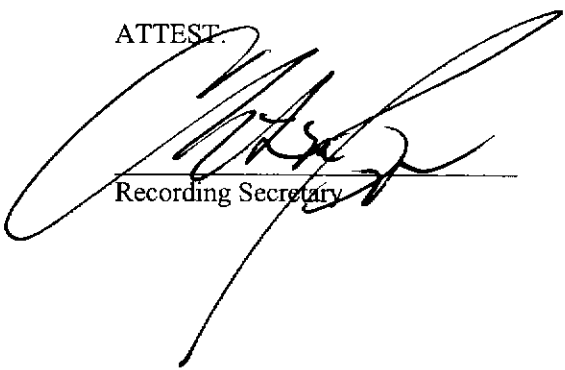
THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The Metro UGB is hereby amended to include a portion of Study Area 85, more precisely identified and mapped on Exhibit A, attached and incorporated into this ordinance, in order to accommodate a site for a public elementary school for the Beaverton School District.
2. Inclusion of the Beaverton School District site within the UGB is subject to the conditions set forth in Exhibit B, attached and incorporated into this ordinance, in order to ensure that development on the site is limited to the public elementary school for which the Council included the site.
3. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how the record demonstrates that addition of the Beaverton School District site complies with state planning laws, the Regional Framework Plan and the Metro Code.

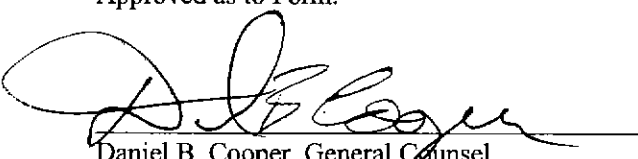
ADOPTED by the Metro Council this 5<sup>th</sup> day of December 2002.

  
\_\_\_\_\_  
Carl Hosticka, Presiding Officer

ATTEST:

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

Approved as to Form:

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

**UGB Expansion Areas**

Ordinance 02-984B

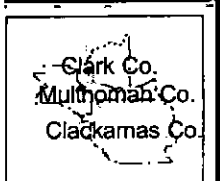
December 5, 2002

**Exhibit A**

 UGB Expansion Areas

**SPRINGVILLE**

DATE: 12/11/02  
 DRAWN BY: JH  
 CHECKED BY: JH  
 APPROVED BY: JH  
 PROJECT: UGB Expansion Areas  
 SCALE: 1" = 1000'



Location Map



UNIVERSITY MICROFILMS INTERNATIONAL  
 300 N ZEEB RD  
 ANN ARBOR MI 48106-1500  
 (810) 993-3211  
 www.umi.com

**Exhibit B to Ordinance No. 02-984A**  
**Conditions on Addition of Beaverton School District Site to UGB**

1. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (UGMFP), section 3.07.1120, for the Beaverton School District site (“school site”) within two years following the effective date of this ordinance.
2. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, the city shall apply interim protection standards to the school site as provided in Metro Code Title 11, UGMFP, section 3.07.1110.
3. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, the city shall designate the school site Inner Neighborhood as shown on the 2040 Growth Concept Map.
4. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, the city shall adopt provisions in its comprehensive plan and zoning regulations – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery - to ensure compatibility between school activities on the school site and agricultural practices on any land zoned for farm use to the north, south and east of the school site.
5. Washington County or, upon annexation of the area to the city of ~~Hillsboro~~ Beaverton, the city shall adopt provisions in its comprehensive plan and zoning regulations to limit development on the school site to public school facilities and other development necessary and accessory to public school use, and public park facilities and uses identified in the conceptual school plan required by Title 11, subsection 3.07.1120I.
6. The conceptual transportation plan required by Title 11, subsection 3.07.1120F for the area shall provide for bicycle and pedestrian access to and within the school site from the surrounding area designated for residential use.

**Exhibit C to Ordinance No. 02-984A**  
**Findings of Fact, Conclusions of Law**

**I. Need for Land**

These findings address ORS 197.298(3)(a); ORS 197.732(1)(c)(A); Goal 2, Exceptions, Criterion (c)(1); Oregon Administrative Rules 660-004-0010(1)(c)(B)(i) and 660-004-0020(2)(a); Goal 9 (local plan policies); Goal 10; Goal 14, Factors 1 and 2; Metro Regional Framework Plan (RFP) Policies 1.2, 1.6 and 1.7; and Metro Code 3.01.020(b)(1) and (2).

Land for Public Schools

The Metro Council determined in its Urban Growth Report, Appendix A, Item 3, to Ordinance No. 02-969, that the region needs 900 acres of additional land for schools to serve the forecast population. Nearly all of this need can be accommodated either on buildable land within the UGB, as it existed prior to the expansion made by Ordinance No. 02-969, or on land added to the UGB by that ordinance.

Specific Need for Land for Public School in Beaverton School District

The Beaverton School District prepared its "Beaverton School District Facility Plan, May, 2002" ("facility plan") as required for fast-growing school districts under ORS 195.110. The facility plan identifies a specific need for an elementary school to serve the north end of the district. Based upon this facility plan and the District's "Petition for an Amendment to the Urban Growth Boundary for an Elementary School" ("petition"), the Council concludes that this need must be accommodated within or near the north end of the district. It cannot be met elsewhere in the Portland metropolitan region because the population to be served by the school arises in the north end of this fast-growing district.

**II. Alternative Sites**

These findings address ORS 197.298(1); ORS 197.732(c)(B), (C) and (D) and Goal 2, Exceptions; OAR 660-004-0010(1) and 660-004-0020(2); Goal 14, Factors 3-7; Metro Regional Framework Plan (RFP) Policies 1.2, 1.6 and 1.7; and Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d).

Within the UGB

The Beaverton School District has taken efficiency measures, such as year-round schools, multi-track educational programs, portable classrooms, multi-story construction and double shifting, more fully described in the facility plan, to reduce its need for land for new schools. The District has revised its targets for school sizes downward so smaller lots can accommodate some of the demand for new sites. The District has also adopted a policy to coordinate site selection with Tualatin Hills Parks and Recreation District to use sites jointly for education and recreation. These measures cannot satisfy the need for a site for an elementary school at the north end of the district.

The District looked at 30 sites within the UGB, including five sites involving aggregation of small parcels. These sites are now part of approved residential subdivisions, have natural resource or powerline constraints, or are too close to existing elementary schools. For these reasons, more fully discussed in the petition, none of these sites can reasonably accommodate the district's elementary school facilities.

The Council concludes that the need described in section I, above, cannot reasonably be accommodated with the UGB as it existed prior to expansion by Ordinance No. 02-969.

#### On Higher Priority Land Outside the UGB

Metro has not designated any land outside the UGB as "urban reserve" since its 1997 designation was invalidated on appeal. Exception areas, therefore, are the highest priority location for the school site. The School District considered four sites on exception land outside and adjacent to the UGB near district boundaries. Each has lot configuration or natural resource constraints that renders it unsuitable for a school site, as explained in the petition. None can reasonably accommodate the district's elementary school facilities.

#### Beaverton School District Site is the best Site

The School District considered six sites on resource land outside and adjacent to the UGB near district boundaries. Of these, only one has an appropriate lot configuration and is free from natural resource or other constraints that render other sites unsuitable for the school site, as explained in the petition. Only the 10-acre Beaverton School District Site can reasonably accommodate the district's elementary school facilities.

As set forth in greater detail in the district's petition, sewer, water and transportation services can be extended to the site in an orderly and efficient manner (existing facilities are capable of accommodating storm-water from the site at no additional cost). The site is adjacent to the Portland Community College (PCC) Rock Creek campus. Sewer and water services can be extended to the site from the Rock Creek campus. The site has access to NW Brugger Road to the north, but a traffic study may determine a better access.

Proximity to the Rock Creek campus of PCC maintains a compact urban form and will allow efficient use of educational facilities to the college and the elementary school. Given inclusion in the UGB of land in Study Areas 84, 85 and 86 by Ordinance No. 02-987, the school site is well-located to serve not only the north end of the current district, but new residential development in the added land. The school site will be available for shared use by Tualatin Hills Parks and Recreation District. The Council relies upon the facts and analysis in the District's petition.

The Council finds that no significant adverse environmental, energy, economic or social consequences will be caused by school facilities on the site. The site contains no resources protected in Washington County's Goal 5 program. Application of Title 3 of Metro's Urban Growth Management Functional Plan to the site, as required by Condition 1 of Exhibit B, will protect water quality from the development of school facilities on the site. Economic, social and energy consequences will be insignificant or positive, as more fully discussed in the district's petition.

The Council agrees with and incorporates the analysis and findings on environmental, economic, energy and social consequences in the District's petition, pages 36-38.

The site is zoned for farm use and contains Class II soils. Development of an elementary school on the site will make the property unavailable for agricultural production. For reasons discussed above, other sites within the UGB, on exception land or lower quality farmland cannot reasonably accommodate the school.

Given inclusion of Study Areas 84, 85 and 86 in the UGB by Ordinance No. 02-987, also part of this periodic review work task, there is no protected farmland adjacent to or in the vicinity of the site. If Study Area 85 were not included in the UGB, Condition 4 of Exhibit B would reduce incompatibility between school development on the site and agricultural activities in Area 85.

Inclusion of the site in the UGB will not intrude upon the separation between the UGB and a neighboring city. There is none in the vicinity. If Study Area 85 were not included in the UGB, the site would be an extension of urban development from the Rock Creek campus to the west into the farmland of Area 85.

Inclusion of this site helps fulfill Metro's responsibility under ORS 197.296(6)(a) and Goal 14 to provide sites for public schools. The Council has consulted and worked with the school district, Washington County, the City of Beaverton and likely service providers (through the school district) in order to accommodate their concerns as much as possible.

#### Citizen Involvement

The Council considered this ordinance in the same process it followed for Ordinance No. 02-969. Hence, the Council incorporates into this ordinance the findings it made in that ordinance to show compliance with statewide planning Goal 1 and Regional Framework Plan Policy 1.13.

#### Coordination with Local Governments

The Council considered this ordinance in the same process it followed for Ordinance No. 02-969. Hence, the Council incorporates into this ordinance the findings it made in that ordinance to show compliance with statewide planning Goal 2 (Coordination). Metro worked closely on this ordinance with the Beaverton School District, the City of Beaverton and Washington County and accommodated their interests as much as possible.

#### Water Quality and Natural Resources

There are no inventoried and protected Goal 5 resources on the school site. Title 3 requires Washington County and the City of Beaverton to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county planning for the area.

#### Areas Subject to Natural Disasters and Hazards

Conditions 1 and 2 in Exhibit B of this ordinance require the City of Beaverton or Washington County to complete the planning requirements of Title 11, Urban Growth Management Functional Plan (UGMFP), including compliance with Title 3 of the UGMFP on floodplains and erosion control.

### Public Utilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the county or the City of Beaverton to develop a public facilities and services plan and an urban growth diagram with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the school site.

### Transportation

Metro has responsibility to ensure that this ordinance does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County from up-zoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until the county revises its comprehensive plan and zoning ordinances to authorize urbanization; and (2) requires the county or the City of Beaverton to develop a conceptual transportation plan and an urban growth diagram with the general locations of arterial, collector and essential local streets for the area.

### Regional Framework Plan

Metro coordinated the inclusion of this site for an elementary school with the Beaverton School District, the City of Beaverton and Washington County, as required by the Regional Framework Plan (RFP), Policy 1.14. The included school site lies adjacent to the UGB as it existed prior to expansion in this periodic review, extending the form of the UGB. Inclusion by Ordinance No. 02-987 of land in Study Areas 84, 85, 86 and 87 which border the school site on three sides, makes this site well-positioned in the north end of the Beaverton School District to serve the population within the old and the new UGB. Because the site lies in the midst of these areas, there is need to provide a clear transition between the school site and rural land. Had Metro not added these areas to the UGB, Condition 4 of Exhibit B would provide the transition. Oregon law allows the siting of schools within farm zones under specified circumstances, recognizing that schools can be relatively compatible with agricultural activities. In this case, the school will be oriented toward the adjoining Rock Creek Campus of Portland Community College, away from nearby agricultural activity.



## **STAFF REPORT**

### **CONSIDERATION OF ORDINANCE NO. 02-984 FOR THE PURPOSE OF AMENDING THE METRO URBAN GROWTH BOUNDARY TO ADD LAND FOR A PUBLIC SCHOOL IN STUDY AREA 85; AND DECLARING AN EMERGENCY**

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Date: November 2002

Prepared by: Brenda Bernards

## **PROPOSED ACTION**

Adoption of Ordinance No. 02-984 bringing a site into the Urban Growth Boundary (UGB) to accommodate an elementary school in the Beaverton School District.

## **BACKGROUND**

Metro is currently undertaking a process that will result in a legislative amendment to the UGB in December 2002. The school districts were offered the opportunity to participate in this process by requesting inclusion into the UGB of specific sites that were required to meet the districts' needs. The Beaverton School District has taken advantage of this opportunity and submitted a request for consideration of a specific site as part of Metro's legislative action to amend the UGB.

The Beaverton School District Site is located in Alternative Analysis Study Areas 85, shown on Exhibit A of Ordinance No. 02-984. If Study Area 85 is brought into the UGB as part of the general land need consideration, this separate amendment to include the site is unnecessary.

## **ANALYSIS/INFORMATION**

### **Known Opposition**

There is no known opposition to the proposed legislation.

### **Anticipated Effects**

Adoption of this Ordinance will result in the inclusion of a 10 acre site into the Urban Growth Boundary for an elementary school.

### **Budget Impacts**

Adoption of this ordinance has no budget impact.

## **PROCESS**

At the request of State Representatives for the Beaverton and Hillsboro School Districts, Metro staff met with school district representatives to discuss a process for the inclusion of specific sites to meet the school districts' needs in Metro's legislative process to amend the UGB. The Forest Grove, Sherwood, Tigard-Tualatin and West Linn-Wilsonville School Districts were also invited to participate. Potential sites for inclusion to meet the needs of the Gresham-Barlow and Oregon City School Districts were also discussed with these school districts. By offering this opportunity, Metro recognizes that expansion in one part of the region will not meet the needs of a school district whose boundaries are not within the expansion area.

A school district choosing to take advantage of this process needed to address the seven Statewide Planning Goal 14 factors identified in Metro Code 3.01.020(b). The first two factors address need and the remaining five address the locational factors that can be considered for inclusion in the UGB. A school district needed to have completed a Facilities Plan that, among other requirements, identifies the need for additional sites and the process and criteria for selecting a potential site.

### **SCHOOL DISTRICTS' LONG RANGE SCHOOL FACILITIES PLANS**

The Beaverton School District was advanced enough in their planning, with a completed Facilities Plan and an identified site, to be able to participate in this current legislative process. A Copy of the Facilities Plans has been included as part of the record of the Periodic Review Program. The Facilities Plan meets the requirements of ORS 195.110. This Plan assists the school district to facilitate future planning efforts. It is a valuable tool that enable the school district to forecast future school enrollment growth, the distribution of that growth, and the timing and need for new schools. The Beaverton School District sufficiently demonstrated that there is a need for an additional school and that the site selected to accommodate this need is the most appropriate to meet the identified need. The school district outlined its selection process using its established policies for school siting to guide the decision. Metro staff is satisfied that the process used has determined the most appropriate location to meet the defined need as set out in Metro Code 3.01.020.

### **BEAVERTON SCHOOL DISTRICT'S REQUEST**

The Beaverton School District is requesting an adjustment of the UGB to include a 10-acre site located in Alternative Analysis Study Area 85 which is adjacent to, and east of, the Portland Community College Rock Creek campus and north of NW Springville Road. Study Area 85 is a Tier 3 area surrounded by Tier 1 Study Areas 84 and 86. The site is adjacent to the UGB and is intended to meet the need for an elementary school in the northern portion of that school district.

This site was previously considered as part of a larger proposal to include a 109-acre site known as Gossamer Hills (former Urban Reserve Area 65).

The school district's Facility Plan forecasted a short-term need (2002 to 2007) for two to three new elementary schools, one middle school and one high school. Since the need is distributed throughout the school district, the siting of all of these schools will not necessarily involve expanding the UGB. One of the new elementary school is proposed to be located on the 10-acre site outside of the UGB to serve the northern portion of the school district.

#### **Need for an Additional School Site**

Over the last decade, the population within the Beaverton School District's boundary has grown from 151,285 residents to 215,167 residents. This represents a 42 percent increase in population and has resulted in a steep increase in student enrollment. Since 1990, the enrollment has grown over 37 percent, almost 10,000 new students. Much of the population and corresponding enrollment growth has occurred in the northern and southern portions of the school district. Growth forecasts prepared by Metro's Data Resource Center and the Portland State University Center for Population Research and Census indicate that student enrollment will continue to grow over the next twenty years at an annual average growth rate of at least 1.8%

Before considering building a new school, the school district considers other techniques for expanding existing school capacity such as additions to schools, portable classrooms and redrawing school attendance boundaries.

### Site Selection Process

The Beaverton School District uses the site selection process noted below. For an elementary school, the school district looks for a site of 7 to 10 acres. In addition to the physical size of a site, the Facility Plan includes a set of general site selection guidelines to identify and select new sites for schools.

#### **1. Location**

- a. Is the site geographically located in a place where a school is needed within the next ten years based on enrollment growth?
- b. Is the site located in a land use zone where a school is not a prohibited use?
- c. Is the site inside the Urban Growth Boundary? If not, it is preferred that the site be adjacent to the Urban Growth Boundary.
- d. Are adjacent land uses compatible with the grade level of the proposed school?  
Compatibility is generally defined as:
  - i. Elementary and middle school sites should be adjacent to residential land.
  - ii. High school sites should be adjacent to residential land with limited and compatible non-residential uses adjacent.
- e. If site assembly is required, can several parcels be aggregated to create an appropriately sized and configured school site? Because site assembly potentially adds additional time and expense to the District, the following characteristics are preferred:
  - i. Six or fewer parcels to reach the 7- to 10-acre minimum.
  - ii. Improvements on fewer than 20% of the parcels.
  - iii. Improvement values of less than \$250,000.
  - iv. Probability of need for condemnation on fewer than 20% of the parcels.
  - v. Probability of need for condemnation of owner occupied residences on fewer than 10% of the parcels.
- f. Public utilities are currently available or are readily available through the development process.
- g. Is the site served by the preferred classification of roads?
  - i. Local road or minor collector for elementary schools.
  - ii. Minor or major collector for middle schools.
  - iii. Major collector or arterials for high schools (access to an arterial preferred).

#### **2. Topography**

- a. Are the existing slopes on the site consistent with reasonable grading costs to provide for the building and grounds needed for the proposed school?
- b. Are the existing slopes configured such that site configuration and access to public streets can be reasonably accommodated?
- c. Are the site geology and soils conditions appropriate for the required construction?

#### **3. Environmental**

- a. Is the site encumbered with excessive wetland or riparian areas?
- b. Are there existing stands of trees or vegetation that would interfere with site development?
- c. Is there significant wildlife habitat on the site?
- d. Is the site adjacent to a stream that will require significant setbacks or be subject to periodic flooding?

- e. Has the site previously been in an industrial or commercial use that may have resulted in contamination?

**4. Economic**

- a. Can the site be secured at a fair market value?
- b. Are there extraordinary development costs?
- c. Will there be extraordinary operating costs?

These guidelines are intended to assist and inform the school district in evaluating potential future school sites. They are not intended to be absolute decision factors. Many factors go into determining the suitability of a new site and these factors need to be balanced with school district objectives and conditions at the time of site selection.

Selection of the Proposed Site

As noted above the school district's Facility Plan has recommended that new elementary schools be constructed on building sites in the 7 to 10-acres size range. The school district undertook an analysis to find a potential school site in the 7 to 10-acres range in the northern portion of the school district. This analysis included two steps. First, sites seven acres or greater with an improvement value of less than \$250,000 were evaluated in the designated north study area, inside the UGB, to determine if there were potential sites to locate a new elementary school in this area. The analysis focused on the area north of West Union Road because that is where the majority of the new residential growth is anticipated. Additionally, the analysis looked closely at the western portion of the north study area because the eastern portion already has two elementary schools.

Based on this analysis, a total of 25 sites in the 7-acres or greater range and inside the UGB were identified. Each site was examined to determine the potential for siting an elementary school. Of these 25 sites, none are considered to have the potential for locating a new elementary school. The issues associated with these sites include approved (but yet to be built) subdivisions, natural resource or public facility (power line) constraints, proximity to existing elementary schools, or schools are not a permitted use in the zoning category. Consideration of the zoning of the alternative sites is necessary. Unlike commercial, residential or industrial developers, school districts have finite resources for property acquisition and development, which is coupled with the duty to spend public money wisely. Residentially zoned land that does not allow schools are prohibitively expensive because not only is the price of the land itself exorbitant, but also rezoning the property contributes to the expense of developing, while adding an element of uncertainty to the school siting. Furthermore, rezoning multi-family residential sites so that a school is allowed reduces the buildable land supply and impedes Beaverton's ability to reach Metro's target densities.

The second step was to consider the opportunity for aggregating smaller lots into a 7-acre or greater site for a new elementary school. Lot aggregation, while feasible, requires substantially more time and costs to the school district and offers less certainty in terms of when a new school could be constructed. Issues such as multiple property owner negotiations, use and/or removal of existing structures, relocation costs, and potential condemnation issues complicate the process of lot aggregation. However, the analysis for this application did examine those existing lots inside the UGB that are two acres or greater with improvement values less than \$250,000 to identify if there were opportunities inside the north study area to aggregate smaller lots into a viable elementary school site.

This assessment discovered that there were five groupings of tax lots that could potentially be assembled into a 7 to 10-acre site for an elementary school. However, in all five instances, the groupings are located in the eastern portion of the north study area, in close proximity to two existing elementary schools.

The close proximity of potential sites to the existing elementary schools preclude them from being viable school sites. The school district and the community place great value on neighborhood schools, especially at the elementary level. Multiple elementary schools in such close proximity will divide the neighborhood and community, cause confusion among parents and students over which school they should attend, and create significant difficulties for determining school attendance boundaries.

The school district determined that there are no feasible parcels available within the UGB in the north study area of the Beaverton School District for an additional elementary school. The need for a school is in the northwest corner of the Beaverton School District. Recently constructed elementary schools serve the areas in the northeast corner of the study area. The only feasible alternative is to locate a new elementary school outside the UGB. There are several parcels greater than seven acres outside of the UGB but located within the school district boundaries. Many of these parcels are not adjacent to the UGB, and therefore would not comply with Section 3.01.020(d) of Metro Code. These parcels were ruled out of consideration.

The proposed site is large enough (ten acres) and is a feasible location and configuration for an elementary school to serve the north study area of the school district. The subject site has other advantages that make it appropriate for a future elementary school site. These advantages include:

1. The site's immediate proximity to the Rock Creek Campus of Portland Community College. This proximity will provide the Beaverton School District and Portland Community College an opportunity to explore collaborative educational programs between the two campuses. Discussions have already occurred regarding potential opportunities to establish programs such as early childhood development, after-school daycare and/or activities and teacher aide programs.
2. The fact that the property is already in public ownership and is dedicated to a specific public use – namely an elementary school. The public use of this property is further reinforced in Washington County's Bethany Community Plan that identifies this property as a future school site.
3. Services can be made readily available to the subject site.

### **APPLICABLE REVIEW CRITERIA**

The criteria for a Legislative UGB amendment are contained in Metro Code 3.01.020.

Metro Code 3.01.020(a) states that the purpose of Metro Code 3.01.020 is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and the Regional Urban Growth Goals and Objectives (RUGGO). This section details a process, which is intended to interpret Goals 2 and 14 for specific application to consideration of lands to be added to the UGB. Compliance with this section constitutes compliance with ORS 197.298, statewide planning Goals 2 and 14 and the RUGGOs.

Metro Code 3.01.020(b) notes that, while all of the seven Goal 14 factors must be addressed, the factors cannot be evaluated without reference to each other. Rigid separation of the factors would

ignore obvious overlaps between them. Demonstration of compliance with one factor or sub-factor may not constitute a sufficient showing of compliance with the goal, to the exclusion of the other factors when making an overall determination of compliance or conflict with the goal. Generally, the consideration of the factors for legislative amendments is undertaken by Metro staff. In the case of the Beaverton School District's request for consideration of its site in the current legislative amendment process, the school district undertook this work. Not all elements of the factors apply to the school district; these elements are noted as not applying. The school district has demonstrated the need for an additional school site and demonstrated that the priorities of ORS 197.298 have been followed and that the recommended site is better than alternative sites, balancing factors 3 through 7.

The seven factors to be addressed are included in Metro Code 3.01.020(b)(1)-(7). Attachment 1 to this report detail the response of the school district to the seven factors and other applicable criteria outlined in the Metro Code.

### **EXECUTIVE OFFICER'S RECOMMENDATION**

It is recommend that this site be brought into the UGB for school purposes.

## **BEAVERTON SCHOOL DISTRICT**

### **APPLICABLE REVIEW CRITERIA**

The criteria for a major UGB amendment are contained in Metro Code 3.01.020. The criteria and Metro staff analysis follow.

Metro Code 3.01.020(a) states that the purpose of Metro Code 3.01.020 is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and the Regional Urban Growth Goals and Objectives (RUGGO). This section details a process, which is intended to interpret Goals 2 and 14 for specific application to consideration of lands to be added to the UGB. Compliance with this section constitutes compliance with ORS 197.298, statewide planning Goals 2 and 14 and the RUGGOs.

Metro Code 3.01.020(b) notes that, while all of the seven Goal 14 factors must be addressed, the factors cannot be evaluated without reference to each other. Rigid separation of the factors would ignore obvious overlaps between them. Demonstration of compliance with one factor or sub-factor may not constitute a sufficient showing of compliance with the goal, to the exclusion of the other factors when making an overall determination of compliance or conflict with the goal. Generally, the consideration of the factors for legislative amendments is undertaken by Metro staff. In the case of the Beaverton School District request for consideration of its site in the current legislative amendment process, the School District undertook this work. Not all elements of the factors apply to the School Districts; these elements are noted as not applying. The School District has demonstrated the need for an additional school site and demonstrated that the priorities of ORS 197.298 have been followed and that the recommended site is better than alternative sites, balancing factors 3 through 7.

The seven factors to be addressed are included in Metro Code 3.01.020(b)(1)-(7)

#### **FACTOR 1: Demonstrated need to accommodate long-range urban population growth [3.01.020(b)(1)].**

**(A) The district shall develop 20-year Regional Forecasts of Population and Employment, which shall include a forecast of net developable land need, providing for coordination with cities, counties, special districts and other interested parties, and review and comment by the public. This factor goes on to indicate how land needs are to be calculated, which necessary land for schools to be included in these calculations.**

**(B) The forecast and inventory, along with all other appropriate data shall be considered by the district in determining the need for net developable land. This factor goes on to indicate how Metro is to conduct this analysis.**

**(C) If the inventory of net developable land is insufficient to accommodate the housing need identified in the 20-year Regional Forecast at the actual developed density that has occurred since the last periodic review of the urban growth boundary, the district shall (this subsection goes on to describe the process Metro will follow to evaluate additional land need).**

**(D) For consideration of a legislative UGB amendment, the district council shall review an analysis of land outside the present UGB to determine those areas best suited for expansion of the UGB to meet the identified need.**

**(E) The district must find that the identified need cannot reasonably be met within the UGB, consistent with the following considerations:**

- (i) That there is not a suitable site with an appropriate comprehensive plan designation.**
- (ii) All net developable land with the appropriate plan designation within the existing UGB shall be presumed to be available for urban use during the planning period.**

**(iii) Market availability and level of parcelization shall not render an alternative site unsuitable unless justified by findings consistent with the following criteria:**

**(I) Land shall be presumed to be available for use at some time during the planning period of the UGB unless legal impediments, such as deed restrictions, make it unavailable for the use in question.**

**(II) A parcel with some development on it shall be considered unavailable if the market value of the improvements is not significantly less than the value of the land, as established by the most recent assessor records at the time of inventory. Standard measures to account for the capability of infill and redevelopment will be developed by the district to provide a means to define what is significant when comparing structure value and land values. When a city or county has more detailed or current gross redevelopable land inventory data, for all or part of their jurisdiction, it can request that the district substitute that data in the district gross developable land inventory.**

**(III) Properly designated land in more than one ownership shall be considered suitable and available unless the current pattern or level of parcelization makes land assembly during the planning period unfeasible for the use proposed.**

### **Beaverton School District: Staff Response**

Factor 1 primarily sets forth requirements for Metro to undertake when evaluating regional land needs and future Urban Growth Boundary requirements. Metro is currently considering the entire UGB through periodic review and will make recommendations by the end of 2002 regarding where UGB expansions will occur to accommodate the anticipated 20-year need for urban land.

Metro has requested that the Beaverton School District provide information regarding the specific ten-acre site it wishes to bring into the UGB. Section III (Background) of this petition provides the technical documentation and findings on the need for an additional elementary school in the North Study Area, which satisfied MCC 3.01.020(b)(1)(B). Section III also provides an analysis demonstrating that the identified need for an elementary school cannot reasonably be met inside the UGB.

The analysis in Section III examines the potential for school sites within the UGB based on (1) parcels seven acres and greater (see Table 6) and (2) sites seven acres and greater comprised of several adjacent parcels ("aggregated sites" – see Table 7). The analysis did not rely on market availability or level of parcelization as criteria for site suitability, in compliance with Factor 1Eiii.

According to Factor 1Eiii, market availability and level of parcelization are not to render alternative sites unsuitable unless findings show that alternative sites (1) have deed restrictions; (2) have high improvement/building values relative to their land values; or (3) are located in areas where the current pattern or level of parcelization makes land assembly unfeasible. Per Factor 1Eiii(II), the analysis focused on parcels with building values of \$250,000 or less. By limiting the potential parcels to those with building values of \$250,000 or less, the parcels being examined are more realistic options, given that their building values are generally lower than their land values. The building value limitation is necessary to prevent effort spent on analyzing sites that would be nearly impossible to acquire and, therefore, impractical to develop.

Aggregation of parcels also must be analyzed through the lens of realistic alternatives. Aggregation of parcels can often be inefficient, in that it can require more time for acquisition and condemnation than does acquisition of one parcel. Per Factor 1Eiii(II), only parcels with building values of \$250,000 or less (each) were examined for potential aggregation.

Land patterns, or zoning districts, per Factor 1Eiii(III), were used as valid criteria for site suitability. Schools are not permitted in several zoning districts in Washington County, and several sites were ruled



out because they were located in inappropriate zones. The assumptions used for site suitability criteria in the analysis in Section III are in compliance with Factor 1E.

This analysis clearly demonstrates that there are no suitable sites in the UGB where student enrollment growth is driving the need for a new elementary school. This information satisfies the requirements of Factor 1E and ORS 195.110.

**FACTOR 2: Need for housing, employment and livability. A proponent may choose to address either subsection (A) or (B) or both, as described below.**

**(B) To assert a need for a UGB because of a livability need, an applicant must:**

**(i) factually define the livability need, including its basis in adopted local, regional, state, or federal policy;**

**(ii) factually demonstrate how the livability need can best be remedied through a change in the location of the UGB;**

**(iii) identify both positive and negative aspects of the proposed boundary amendment on both the livability need and on other aspects of livability; and**

**(iv) demonstrate that, on balance, the net result of addressing the livability need by amending the UGB will be positive.**

#### **Beaverton School District: Staff Response**

Factor 2A does not apply to this petition for UGB Amendment. The proposed amendment is for the siting of an elementary school and is not based upon housing or employment opportunities.

Factor 2B applies to this petition because the need for the UGB amendment is directly based on livability and the provision of public education services to the growing population in the Beaverton School District. Regarding the specific subsections of Factor 2B, the following findings are provided:

◆ The Beaverton School District is obligated to provide public education services to all residents within its boundaries. Because the Beaverton School District is classified as a “high growth district”, it is required, by state statute (ORS 195.110) to prepare and adopt a School Facility Plan to identify school facility needs based on population growth projections. The District adopted the Facility Plan in June 2002. Elements of this Facility Plan will be incorporated into the Washington County and City of Beaverton Comprehensive Plans and will become land use planning policy.

◆ The Beaverton School District Facility Plan has identified the need for up to three new elementary schools in the District in the next five years. The Facility Plan indicates that at least one of these three schools needs to be located in the northern portion of the District, which includes the North Study Area, where significant population growth has occurred. Inclusion of the ten-acre parcel within the UGB will serve the documented need for an elementary school to serve enrollment in the northern portion of the Beaverton School District. As demonstrated in Section III, this need cannot be met inside the UGB, and must, therefore, be accommodated outside of the UGB. Also see ORS 195.110(8).

◆ The proposed UGB amendment will provide a positive benefit to the livability of residents in the District by offering additional school capacity in an area where existing schools are reaching or exceeding their enrollment capacities. Enrollment growth forecasts clearly indicate that there will be more demand for additional student capacity in the northern portion of the District. Absent new elementary school facilities in this area, existing schools will need to accommodate this growth. As this petition and the District’s Facility Plan demonstrate, the existing schools serving the area are at or above capacity and, therefore, will be unable to accommodate the significant increases in enrollment projected for this portion of the District.

- ◆ Additional benefits of the UGB amendment include the provision of recreational and community space that will be provided when school is not in session (play fields, etc.) and the site's proximity to the Rock Creek Campus of Portland Community College. This proximity will provide the Beaverton School District and Portland Community College an opportunity to explore collaborative educational programs between the two campuses. Discussions have already occurred regarding potential opportunities to establish programs such as early childhood development, after-school daycare and/or activities and teacher aide programs.
- ◆ As land is included in the UGB, a change in the character of the land will occur. While this can be perceived as a negative impact associated with a new school, given the fact that the site is located next to an existing public educational institution (Rock Creek Campus of Portland Community College) the proposed use is already an established use in the area. A new elementary school will result in additional school buses and student access on the road system that will access the site via either the PCC Rock Creek Campus, NW Brugger Road, or an alternative appropriate route the school obtains via its condemnation authority. In the event that the access is via NW Brugger Road, some residents along NW Brugger Road may be affected by the increase in vehicle traffic (consisting of mostly school buses, teachers, and parents), more people would be impacted positively by the location of the school than impacted negatively by slight increase in traffic. The provision of public educational services in a growing community always involves tradeoffs, and the petitioner believes that the provision of adequate and accessible education outweighs the small number of potential additional vehicles on NW Brugger Road.
- ◆ When the positive and negative aspects of this proposal are balanced, the proposed school site will have a major positive benefit to the residents of the immediate area and the Beaverton School District by providing needed elementary school capacity to accommodate enrollment growth.

#### "LOCATIONAL" FACTORS

Having established the need for a UGB amendment based on factors 1 and 2, factors 3 through 7 require an analysis of other sites outside the UGB to determine if they are better alternatives for inclusion in the UGB than the BSD site, and whether any of the alternative sites can reasonably accommodate the identified need.

MC 3.01.030(b)(3)-(7) sets out factors and subfactors that must be considered and balanced for the alternative sites, and then compared to the subject site. The fundamental legal standard that must be addressed and satisfied is set out in MC 3.01.030(b), which provides:

"While all of the following Goal 14 factors must be addressed, the factors cannot be evaluated without reference to each other. Rigid separation of the factors ignores obvious overlaps between them . . . factors 3 and 7 are intended to assist in the decision as to which site is **most appropriate** for inclusion within the boundary through a **balancing of factors** . . ."

**(Emphasis added)**

According to LUBA, factors 3 and 7 "set forth five considerations that must be balanced in deciding where to expand the urban growth boundary. The goal of that process is to determine the 'best' land to include within the UGB, based on appropriate consideration and balancing of each factor." *1000 Friends v. Metro*, 38 Or LUBA, 565, 584 (2000) ("*Ryland I*"), *aff'd as modified*, *1000 Friends v. Metro*, \_\_ Or App \_\_, \_\_P3d\_\_ (May 31, 2001) ("*Ryland II*"). The Oregon Court of Appeals has made clear that the factors and subfactors relevant to the alternative site analysis are not independent approval criteria, but rather, the less demanding standard is that each of them be considered and balanced. The court stated: "... the locational factors are not independent approval criteria. It is not necessary that a designated level of satisfaction of the objectives of each of the factors must always be met before a local government can justify a change in a UGB. Rather, the local government must show that the factors were 'considered' and balanced by the local government in determining if a change in the UGB for a particular area is

justified. It is within a local government's authority to evaluate the Goal 14 factors and exercise its judgment as to which areas should be made available for growth. *Branscomb v. LCDC*, Or App 738, 743, 699 P2d 1192 (1983), *aff'd* 297 Or 142, 681 P2d 124 (1984)."

**Ryland II, 3.**

The Court of Appeals has emphasized the importance of the balancing process for UGB amendment by explaining, "[t]he purpose of Goal 14 is to allow a local government to evaluate the seven factors and to exercise its judgment as to which areas should be available for urban growth in the most orderly, economic manner with the least adverse consequences." *Branscomb v. Land Conservation and Development Commission*, 64 Or App 738, 699 P2d 1192, 1195 (1983), *aff'd* 297 Or 142, 681 P2d (1984).

**FACTOR 3: Orderly and economic provision of urban services. Consideration of this factor shall be based upon the following [3.01.020(b)(3)]:**

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

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

**Beaverton School District: Staff Response**

The proposed site for the elementary school will promote both orderly and economic provision of urban services because (1) the site is located adjacent to the UGB, and (2) the site is located adjacent to a similar use (Portland Community College, Rock Creek campus), and will require similar types of services.

The following service providers were contacted regarding this proposal: Clean Water Services, Tualatin Valley Water District, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue, Washington County Sheriff, and Tri-Met (see Service Provider Letters, Appendix).

**Sanitary Sewer:** The site can be serviced by the existing sanitary sewer system via gravity service (see Figure 8). Sanitary sewer service is available approximately 2,000 feet south of the site near the intersection of NW Springville Road and NW Samuel Drive. The existing sanitary sewer service consists of an 8-inch pipe, which drains directly into a 21-inch Clean Water Services (CWS) mainline. According to CWS, the existing system has capacity to serve development on the BSD site, likely via an extraterritorial line extension.

**Storm Drainage:** No costs would be required to service this site with storm drainage facilities. Stormwater detention will not be required for the development of the BSD site, per the Gossamer Hills Preliminary Water Quality/Water Quantity Stormwater Report, prepared by CES/NW, Inc. and dated July 20, 2000. CES/NW analyzed the downstream flow to a point approximately 660 feet downstream of the site and found all existing storm facilities to this point to have capacity adequate to convey the increased

flows from development up to 50 acres. There are no streams or floodplains located on the BSD site. Stormwater quality treatment facilities can easily be constructed on site at a minimal cost with no required off-site improvements. Treatment facilities can consist of ponds or biofiltration swales.

**Water:** Efficient water service can be provided to this site. Water service is available approximately 1,500 feet south of the site in NW Springville Road. Pressures from the existing facilities will be adequate to serve the site with domestic and fire protection flow. The Tualatin Valley Water District supports the petition (see Figure 9).

**Schools:** The use of the ten acres as an elementary school site will provide the surrounding area with a needed elementary school facility as supported by the Beaverton School District Facility Plan 2002. Though the school's primary purpose would be education, the school would also provide the surrounding neighborhood with a community focal point and recreational space.

**Parks and Recreation:** Development of the site as an elementary school will include play fields and other areas for use by both students and the general public. The school is intended to not only provide the area with a needed elementary facility to accommodate increasing enrollment, but is also intended to serve as a community focal point and gathering place for the neighborhood. The Tualatin Hills Park and Recreation District (THPRD) was contacted regarding the provision of park and recreation services to the BSD site. THPRD has not yet commented on service to this site. According to an Intergovernmental Agreement between the Beaverton School District and THPRD, the sharing of facilities between THPRD and the Beaverton School District is encouraged. The Beaverton School District works closely with THPRD to make their facilities available for parks and recreation programs.

**Fire and Life Safety:** Fire and rescue services are available to the site. TVFR has personnel and equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and/or rescue operations. As mentioned previously, water pressure would be adequate to serve the site with water for fire protection purposes.

**Police:** The site is serviceable by police. The Washington County Sheriff supports the petition.

**Transit:** According to Tri-Met, the site can be served by Tri-Met's Line 67 (30 minute peak hour frequencies), and Tri-Met does not foresee a need to implement additional service changes. Tri-Met recommends that the development of a school on the site should be well-integrated with the community as a community amenity.

**Transportation:** The size and operation of the elementary school has not yet been determined, and, therefore, a traffic study has not yet been prepared. The site has access to NW Brugger Road. Discussions are under way with Portland Community College to determine if a potential access easement would be available to access the site from Springville Road. A different alternative route could also be explored, if necessary, which could be obtained via the Beaverton School District's condemnation authority.

The Bethany Community Plan and the Gossamer Hills Master Plan, which were both approved by Washington County, support the development of an elementary school on the BSD site. Both of these plans provide for the servicing of the school site with transportation and other public facilities. Washington County has already reviewed the infrastructure plans to serve the site, and has approved the development application. If the Gossamer Hills area were to be included in the UGB, the plans for access to the school would be in place.

This information satisfies the requirements of Factor 3.

**FACTOR 4: Maximum efficiency of land uses within and on the fringe of the existing urban area. Consideration of this factor shall be based on the following [3.01.020(b)(4)]:**

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

**Beaverton School District Response**

The elementary school will benefit the neighborhood by serving the growing population in the northwestern portion of the Beaverton School District, an area where there are no existing elementary schools in close proximity to students. The BSD site is located adjacent to an educational use, the PCC-Rock Creek campus. The proximity of the two educational facilities provide the Beaverton School District and Portland Community College the unique opportunity to explore collaborative educational programs between the two campuses. Discussions have already occurred regarding potential program opportunities. The proximity of these two educational facilities is one unique advantage that the BSD site has over other potential sites.

The use proposed for the BSD site, an elementary school, will be developed with features of an efficient urban growth form and will be integrated into the urban fabric of the neighborhood. The site will be accessible by bicyclists and pedestrians, and pedestrian and bicycle facilities would be designed for accommodating students and teachers traveling to and from school, as well as community members seeking recreational or extra-curricular opportunities while school is not in session. The school would have safe and adequate bicycle parking, and the site is serviceable by transit. The site size (ten acres) meets the guidelines for elementary school site size recommended in the Beaverton School District Facility Plan (7-10 acres), and, therefore would maximize utilization of land. The school will meet educational, recreational, and public gathering space needs of the community.

Although other sites outside the UGB could potentially be developed with urban growth forms similar to those possible on the BSD site, there is no reason to believe that another site could be more efficient than the BSD site (see Table 8). Many of the other potential sites outside the UGB have environmental constraints or odd configurations, which detract from efficiency of land development. Some potential sites (#5 and #9) are too large, and would require the purchase of over 20 acres of excess property, which is inefficient in terms of the use of public money and facility decision-making.

Potential sites within the UGB (see Tables 6 and 7) have zoning or environmental constraints, or are too close to existing elementary schools. Locating an elementary school too close to another elementary school (e.g. within one mile) is an inefficient distribution of educational facilities and would create attendance boundary issues. The BSD Site is located over 1.5 miles from the nearest elementary school, and, therefore, would contribute to a better distribution of educational benefits among the community.

The Bethany Community Plan and the Gossamer Hills Master Plan, which were both approved by Washington County, support the development of an elementary school on the BSD site. Both of these plans provide for the servicing of the school site with transportation and other public facilities. Washington County has already reviewed the infrastructure plans to serve the site, and has approved the development application. If the Gossamer Hills area were to be included in the UGB, the plans for provision of a mix of uses and multi-modal transportation service would be in place.

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

**Beaverton School District: Staff Response**

The BSD site is located immediately adjacent to the UGB and to an existing educational use. The Beaverton School District Facility Plan recommends siting a new elementary school in the northern portion of the Beaverton School District, which includes the North Study Area. The Facility Plan is consistent with existing local community plans which support the elementary school use in this location. In 1999, Washington County amended the Bethany Community Plan portion of the comprehensive plan to designate the school site and surrounding area (the "Gossamer Hills" area) as appropriate for an urban use. (Ordinance No. 546 and Resolution and Order No. 99-186; October 1999). The Bethany Community Plan identifies the Gossamer Hills site, which includes the school site, as "Area of Special Concern #2" and includes a series of design elements for the area to guide future urban development. Included in the design elements is the following language:

*Area of Special Concern No. 2 encompasses land located east of the PCC Rock Creek Campus and north of Springville Road. This area was included within the regional Urban Growth Boundary (UGB) by action of the Metro Council in 1999. Consistent with the conditions of that action, the following provisions shall apply to new development in this area:*

*f) Prior to commencement of development in the area, the developer shall provide the opportunity for the Beaverton School District to acquire up to 10 acres of land on the development site for an elementary school.*

Following adoption of this language the Gossamer Hills Master Plan was approved by Washington County (Casefile 00-601-M; July 2001). This Master Plan included the ten-acre site and identified it as a future school site. Following Master Plan approval, the County approved a Property Line Adjustment creating the ten-acre site (Casefile 01-399-PLA; October 2001). The zoning on the property, as shown on current Washington County records, is R-9. Elementary schools are permitted in this zoning district. The Bethany Community Plan and the Gossamer Hills Master Plan, which were both approved by Washington County, support the development of an elementary school on the BSD site. Both of these plans provide for the servicing of the school site with transportation and other public facilities. Washington County has already reviewed the infrastructure plans to serve the site, and has approved the development application. If the Gossamer Hills area were to be included in the UGB, the plans for provision of a mix of uses and multi-modal transportation service would be in place. If approved, the Gossamer Hills site will be developed in an efficient urban form, in conformance with the Gossamer Hills Master Plan.

The Washington County Comprehensive Framework Plan for the Urban Area includes the following policies and implementation strategies that address school facilities:

***POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:***

*It is the policy of Washington County to work with service providers, including cities and special districts, and the Portland Metropolitan Area Boundary Commission, to insure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.*

*Implementing Strategy:*

*1. Enter into intergovernmental agreements with high growth school districts which are consistent with ORS 195.020 and ORS 195.110, and which contain at a minimum the following items:*

- 1. An explanation of how objective criteria for school capacity in the District's school facility plan will be used by the County;*
- 2. School District involvement with the County's periodic review; and*
- 3. How the County will coordinate comprehensive plan amendments and residential land use regulation amendments with the District, including notice of hearing. These intergovernmental agreements may be adopted by the Board of County Commissioners through Resolution and Order.*

**POLICY 30, SCHOOLS:**

*It is the policy of Washington County to coordinate with school districts and other educational institutions in planning future school facilities to ensure proper location and safe access for students.*

*Implementing Strategies*

*The County will:*

- a. Include as an element of the Resource Document of the Comprehensive Plan, the School Facility Plans adopted by high growth school districts pursuant to ORS 195.110. The County will also provide notice to the affected high growth school district when considering a plan or land use regulation amendment that affects school capacity.*
- b. Include in the Community Development Code the opportunity for school districts to review and comment on all development proposals subject to the growth management standards.*
- c. Include in the Community Development Code clear and objective criteria regarding the location and design of educational facilities. Such criteria will address pedestrian, bicycle and vehicle access, the means to ensure compatibility of the facility with surrounding uses and consistency with the applicable Community Plan.*
- d. Encourage the re-use of school buildings when such facilities are removed from use by the school district.*

The Comprehensive Plan also states that Washington County and school districts should coordinate regarding school facility placement, future development potentially affecting school facilities, and safety. The Comprehensive Plan policies and implementation strategies above primarily focus on Washington County's coordination with administrative districts, and school districts in particular. As stated in Policy 30, Implementation Strategy A, the County is to include School Facility Plans adopted by high growth school districts pursuant to ORS 195.110 (e.g. Beaverton School District) as part of the Resource Document of its Comprehensive Plan. The Objective Enrollment Capacity Criteria contained in the District's Facility Plan will be adopted into the County's Community Development Code. The Beaverton School District Facility Plan identifies a need for an elementary school in the northern portion of the Beaverton School District, contains an analysis of the northern portion of the Beaverton School District, notes that the Northern Study Area lacks adequate elementary school site options, and states that the BSD site is well positioned to serve the growing student enrollment demand in the northern portion of the District in the next five years, with or without any expansions for residential development to the UGB in the area. This petition supports the conclusions presented in the Beaverton School District Facility Plan and the Washington County Comprehensive Plan.

**FACTOR 5: Environmental, energy, economic and social consequences. An evaluation of this factor shall be based upon consideration of at least the following [3.01.020(b)(5)]:**

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

Washington County's Comprehensive Plan identifies and maps "significant natural resources," which include minerals, water areas and wetlands, wildlife habitat, fish habitat, scenic resources, significant natural areas and historic and cultural resources. The BSD site does not contain any resources or hazards subject to special protection identified in the Washington County Comprehensive Plan.

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

**Beaverton School District: Staff Response**

No adverse economic impacts are expected to occur as a result of the development of an elementary school on the subject site. Economic impacts would primarily be positive, the most significant including the provision of education for future productive members of society. Other economic benefits would include job creation for teachers, staff, and administration, as well as the generation of need for food services, construction, maintenance, and other services.

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

**Beaverton School District: Staff Response**

Long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site would not be significantly more adverse than consequences resulting from siting an elementary school on the alternative sites.

*Environmental Impacts.* As stated previously, the site does not contain any resources or hazards subject to special protection identified in the Washington County Comprehensive Plan. In 1999, EnviroScience, Inc. prepared a Natural Resource Evaluation and Protection Plan for Site #65, which included the subject BSD site. This Plan confirmed that the ten-acre site does not require any special environmental mitigation. A majority of the potential sites outside the UGB (see Table 8) have environmental constraints, such as streams, floodplains, or steep terrain. The lack of environmental resources or hazards on the BSD site means that locating an elementary school in this location would have less environmental impact than locating on one of the sites with environmental constraints.

*Energy Impacts.* Increases in energy usage as a result of the approval of this petition would primarily be due to heating, cooling and lighting needs for the elementary school building and vehicles and school buses traveling to and from the site. However, these energy impacts would be comparable regardless of where the school is sited, although traveling to sites 6-8 would trigger more vehicle miles traveled for students because of the distance between these sites and the student population. In order to mitigate energy usage resulting from transportation, the school will be designed to accommodate and encourage pedestrian, bicycle, and transit usage. It may be possible to obtain an easement for pedestrian and bicycle usage (and potentially vehicle usage) through one of the parcels between the subject site and Springville Road, or to obtain access via eminent domain. The approved Gossamer Hills Master Plan includes such



connections. The location of this site adjacent to the UGB will minimize energy usage with regard to many services. Energy use on-site will be addressed as development plans progress.

*Economic Impacts.* As discussed in the response to Factor 5B, economic impacts resulting from the development on the subject site would be positive.

*Social Impacts.* The social impacts resulting from the siting of a school would be overwhelmingly positive. Education is one of the foundations for productive, civic-minded members of society. The construction of a new school in the North Study Area is necessary to prevent overcrowding from the expected continued population growth in the area. In addition to benefits for the students themselves, the school would offer the community a place for congregating for community events or extracurricular activities, such as athletic events or civic organizations. The new school would also serve the neighborhood by providing open space for recreation and exercise. As mentioned previously, there are no known historical or archaeological resources located on the site. If during construction such resources are discovered, development will comply with appropriate federal and state regulations. These environmental, energy, economic, and social impacts are no more adverse for the BSD site than for other potential sites. With regard to environmental impacts, this site is preferable because it has no significant environmental features. Economic and social impacts are positive, based on the nature of the school facility and its location near the population it is intended to serve. Energy impacts related to building needs and maintenance are no different than on any other site. Energy impacts related to transportation will be minimized through the provision of adequate transit, pedestrian, and bicycle facilities. The Beaverton School District is exploring opportunities to access the site via an agreement with PCC. Other transportation access options include a route acquired by powers of eminent domain, or via NW Brugger Road.

**FACTOR 6: Retention of agricultural land. This factor shall be addressed through the following [3.01.020(b)(6)]:**

**(A) Prior to the designation of urban reserves, the following hierarchy shall be used for identifying priority sites for urban expansion to meet a demonstrated need for urban land:**

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

#### **Beaverton School District: Staff Response**

Factor 6 establishes a hierarchy for including sites in the UGB to meet a demonstrated need. In this case, the demonstrated need is for a site of at least seven acres that meets the District's site selection criteria. In accordance with ORS 195.110(8), the District identified the BSD site as being the most appropriate site to meet the demonstrated need. The alternative sites cannot meet the demonstrated need because of

impediments such as environmental and topographic constraints, proximity to existing elementary schools and site size and configuration problems. See Figure 7 and Table 8 in Section III.

The alternative sites that are designated exception areas include site numbers 2, 6, 7 and 8. Although these exception sites are preferred in the Factor 6 hierarchy, it is appropriate to consider lower ranked agricultural land for inclusion in the UGB because the exception lands cannot meet the demonstrated need. Specifically, sites 6-8 are located in Multnomah County and are too distant from the students that need service. These sites are further impeded by steep terrain, stream and environmental constraints. Site 2 cannot meet the demonstrated need because of its proximity to existing elementary schools in the eastern portion of the Study Area and topographic and stream/environmental constraints.

Based on their designation in Washington County's Comprehensive Plan, the BSD site and the remainder of the alternative sites analyzed are considered primary agricultural lands under the Factor 6 hierarchy. As such, these sites and the BSD site have equal priority for inclusion in the UGB under Factor 6. Although these sites are equally ranked, the BSD site can best meet the demonstrated need. The primary constraint for the alternative sites is their size and configuration. Specifically, site 4 is too narrow to accommodate all of the needed elementary school facilities, and sites 5 and 9 are too large for the needed school, so utilizing these sites would require the District to purchase excess property. Sites 1 and 3 are also too large for the elementary school, and also include stream and environmental constraints.

As discussed above, Factor 6 must be balanced with the other locational factors to determine which site is most appropriate for inclusion in the UGB (MC 3.01.030(b)). Based on the demonstrated need and for a site of at least seven acres that meets the District's site selection criteria, the BSD site is the most appropriate site under Factor 6. This finding is consistent with the District's identification of the BSD site as being the most appropriate site to meet the demonstrated need, in accordance with ORS 195.110(8).

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

**Beaverton School District: Staff Response**

This factor is not applicable. Per a January 2000 Court of Appeals ruling, Urban Reserves have ceased to exist.

**(C) After urban reserves are designated and adopted, and a proposed amendment is for land not wholly within an urban reserve, the petition must also demonstrate by substantial evidence that the need cannot be met within urban reserves.**

**Beaverton School District: Staff Response**

This factor is not applicable. Per a January 2000 Court of Appeals ruling, Urban Reserves have ceased to exist.

**FACTOR 7: Compatibility of proposed urban development with nearby agricultural activities [3.01.020(b)(7)].**

**(A) The record shall include an analysis of the potential impact on nearby agricultural activities including, but not limited to, the following:**

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

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

**Beaverton School District: Staff Response**

The proposed elementary school will have little if any effect on agricultural activities within one mile of the subject site or the agricultural economy in the area. The subject site itself is currently vacant, and not being used for agricultural purposes. Therefore, the inclusion of these ten acres of land inside the UGB would not reduce the amount of productive farmland. The urbanization of the land south of Springville Road has already created the majority of impacts possible on farming in the North Study Area.

A Farming Practices Report was prepared for Site 65 at Bethany in 2000. The subject site was previously part of Site 65. The Report was prepared with the assistance of Clifford Joss, a farmer with 60 years of experience farming in the North Study Area and Keith Fishback, a farmer with 20 years of experience farming in the area. The Report identified the current farm usage within one mile of Site 65, which included the BSD site. According to the Report, there is not enough contiguous land in the one-mile area to support full time farming. Within the one-mile radius, some small farms exist that grow grain, wheat, red clover, grass, and grass seed, oats, Christmas trees, nursery stock and pasture. Many parcels also include single-family dwellings. According to the Report, the average parcel size of EFU land that is farmed in this area is smaller than 30 acres, which is too small for viable farming. As noted in the Report, the farms are too small for farmers to make a living wage. The largest parcel in the area belongs to Portland Community College (247 acres) and is located within the UGB. All farming in this area is dryland farming, and requires no taking of water from other uses.

The majority of farms within a one-mile radius of the site are not accessed by Brugger Road, a proposed access road for the elementary school site. Similarly, farm traffic does not utilize the interior PCC roads, the other proposed access for the BSD site. Therefore, conflicts would be minimized. There is urban housing development along the south side of Springville Road, and the largest farms are located along the west side of 185<sup>th</sup> Avenue, well-separated from the subject site. According to the Farming Practices Report, most slow-moving farm traffic uses West Union Road, US 26, or 185<sup>th</sup> Avenue. The Report states that trips to and from farms are concentrated around certain times of the year (typically during the summer when school is not in session), and, therefore, any conflicts between farm vehicles and trips to the school would occur sporadically rather than on a regular basis. Many of the potential conflicts between farm vehicles and other vehicles already exist based on current development patterns. The addition of an elementary school to the area would make little difference in terms of traffic flow.

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

- (1) The land need identified cannot be reasonably accommodated within the current UGB; and**
- (2) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts; and**
- (3) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas than the proposed site and requiring an exception.**

### **Beaverton School District: Staff Response**

This petition meets the requirements of Section 3.01.020(b) as discussed in the previous responses, and satisfies the three criteria listed in this section of the Metro Code, as follows:

- (1) As discussed in the Introduction to this petition and as determined in the Beaverton School District Facility Plan, there is an identified need for an elementary school in the northern portion of the Beaverton School District (North Study Area) to serve the growing population in this area. As discussed in response to Section 3.01.020.b.1(e) and in the Introduction to this petition, there are no adequate sites for an elementary school in the UGB within the North Study Area. Sites which are large enough either have environmental constraints or are located in extremely close proximity to the other two elementary schools in the North Study Area, which is not as preferable as locating the school closer to the population it is intended to serve (the western portion of the North Study Area). It is best to distribute schools evenly through a community to achieve neighborhood benefits and provide neighborhood schools. Potential aggregation of land into sites at least 7 acres also does not produce adequate sites due to environmental constraints, proximity to existing elementary schools, or odd site configuration.
- (2) The proposed use of the BSD site is an elementary school, which is compatible with adjacent land uses. The BSD site is located adjacent to the PCC-Rock Creek campus, another educational use. As discussed in the response to Section 3.01.02.b.2, this proximity will provide the Beaverton School District and Portland Community College an opportunity to explore collaborative educational programs between the two campuses. The BSD site is also located near existing residential land uses, which will help foster a sense of community ownership. Design measures such as landscaping will be incorporated into the school's site plan during the development review process in accordance with Washington County code.
- (3) As discussed in the response to Section 3.01.02.b.5, Long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site would not be significantly more adverse than consequences resulting from siting an elementary school in other areas.

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

### **Beaverton School District: Staff Response**

The proposed UGB amendment would maintain a clear transition between urban and rural lands, as it is located adjacent to the UGB. The BSD site would be used for an elementary school, and would be located directly east of the Portland Community College (PCC) Rock Creek Campus. The elementary school use would be compatible with the existing educational use (the PCC campus). The proposed addition does not include any islands of non-urban land. The site is large enough to incorporate landscaping or buffering requirements that will be applied during the development review process.

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

### **Beaverton School District: Staff Response**

There are no additional statewide goals that apply to this petition.

**3.01.020(f) Section 3.01.020(a), (b), (c) and (d) shall be considered to be consistent with and in conformance with the Regional Urban Growth Goals and Objectives.**

**Beaverton School District: Staff Response**

As demonstrated in the responses to Sections 3.01.020(a-d), this petition for UGB Amendment is in conformance with the Regional Urban Growth Goals and Objectives.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE ) ORDINANCE NO. 02-984  
METRO URBAN GROWTH BOUNDARY TO )  
ADD LAND FOR A PUBLIC SCHOOL IN )  
STUDY AREA 85; AND DECLARING AN ) Introduced by Community Planning Committee  
EMERGENCY )

WHEREAS, state law requires Metro to assess the capacity of the urban growth boundary (UGB) every five years and, if necessary, increase the region's capacity to accommodate the long-term need for employment opportunities; and

WHEREAS, the same state law requires Metro to include sufficient land to accommodate the siting of new public school facilities; and

WHEREAS, the Metro Council and the Land Conservation and Development Commission agreed that the Council would undertake the assessment and any necessary action to increase the capacity of the UGB as part of the state's periodic review process; and

WHEREAS, Task 2 of the periodic review work program calls for completion of the same assessment of capacity and increase in capacity, if necessary, by December 20, 2002; and

WHEREAS, the Council identified a specific need for land to site a public elementary School in the Beaverton School District that cannot reasonably be accommodated on land within the UGB, or on land of higher priority under state law for inclusion within the UGB; and

WHEREAS, the Council consulted its Metropolitan Planning Advisory Committee and the 24 cities and three counties of the metropolitan region and considered their comments and suggestions prior to making this decision; and

WHEREAS, Metro conducted five public workshops in locations around the region to provide information about alternative locations for expansion of the UGB and to receive comment about those alternatives; and

WHEREAS, Metro published, on August 25, 2002, notice of public hearings before the Council on the proposed decision in compliance with Metro Code 3.01.050; and

WHEREAS, the Metro's Community Planning Committee and the Metro Council held public hearings on the proposed decision on October 1, 3, 10, 15, 22, 24 and 29 and November 21, 2002, and considered the testimony prior to making this decision; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The Metro UGB is hereby amended to include a portion of Study Area 85, more precisely identified and mapped on Exhibit A, attached and incorporated into this ordinance, in order to accommodate a site for a public elementary school for the Beaverton School District.
2. Inclusion of the Beaverton School District site within the UGB is subject to the conditions set forth in Exhibit B, attached and incorporated into this ordinance, in order to ensure that development on the site is limited to the public elementary school for which the Council included the site.
3. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how the record demonstrates that addition of the Beaverton School District site complies with state planning laws, the Regional Framework Plan and the Metro Code.
4. This ordinance is necessary for the immediate preservation of public health, safety and welfare because state law requires Metro to ensure that the region's UGB includes sufficient land to accommodate the siting of new public school facilities, and the Beaverton School District has an immediate need for facilities. An emergency is therefore declared to exist, and this ordinance shall take effect on \_\_\_\_\_, 2003, pursuant to Metro Charter section 39(1).

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

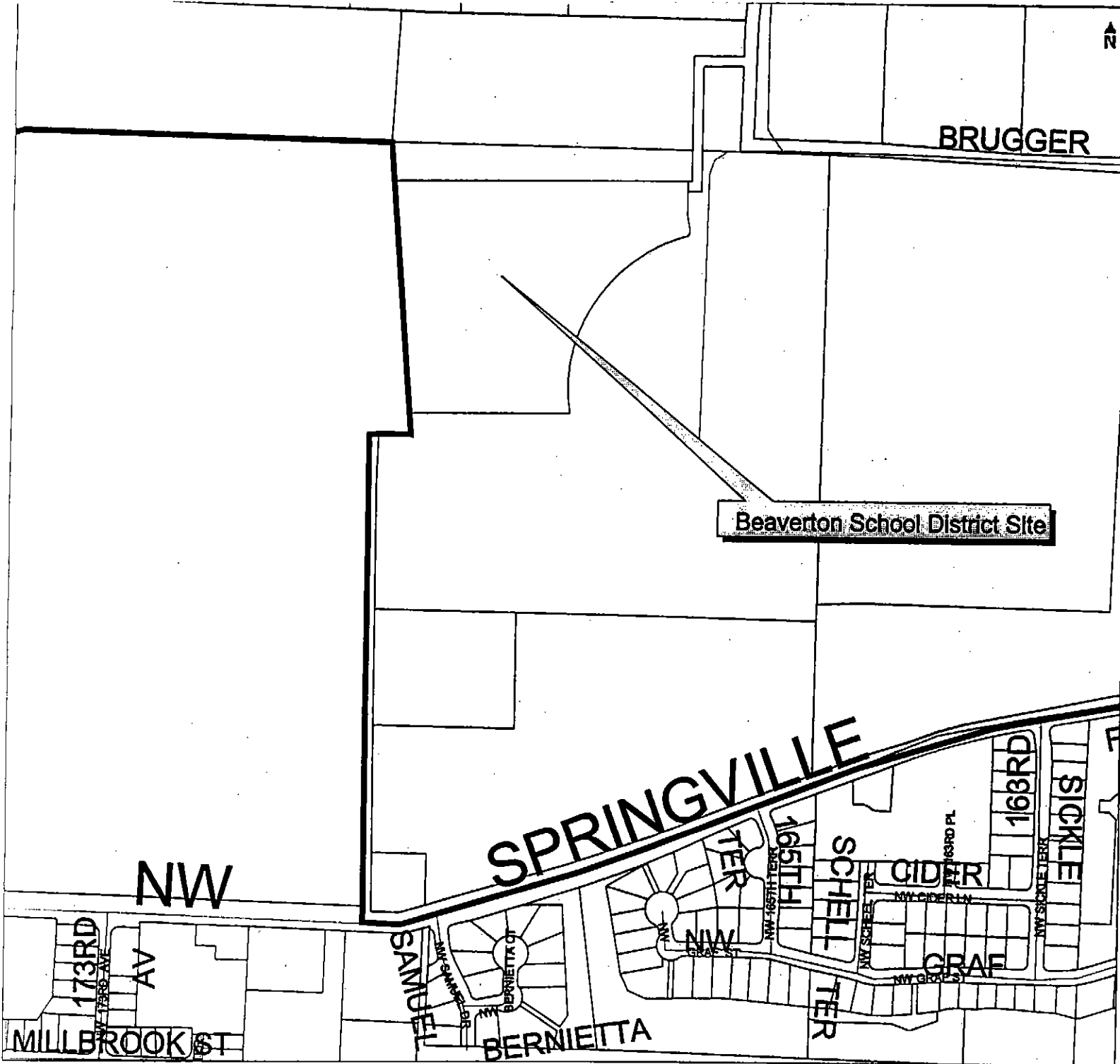
\_\_\_\_\_  
Recording Secretary

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

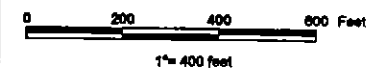


# Proposed Beaverton School District Site

 Urban Growth Boundary



The information on this map was derived from digital data as shown on sheets 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. Care was taken to the creation of this map. Metro cannot accept any responsibility for errors, omissions, or misstatements. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, correction of any errors will be appreciated.



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