

Meeting: Metro Council

Date: Thursday, Dec. 6, 2012

Time: 2 p.m.

Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

- 1. INTRODUCTIONS
- 2. CITIZEN COMMUNICATION
- 3. CONSIDERATION OF THE MINUTES FOR NOV. 29, 2012
- 4. **RESOLUTIONS**
- 4.1 **Resolution No. 12-4394**, For the Purpose of Revising the North Portland Enhancement Committee Policies and Authorizing the Committee to Charge Expenditures to the Fund Principle.
- 5. ORDINANCES SECOND READ
- 5.1 **Ordinance No. 12-1296**, For the Purpose of Amending the Urban Growth Boundary in the Vicinity of the City of Lake Oswego Upon Application by the City of Lake Oswego.

Public Hearing

- 6. CHIEF OPERATING OFFICER COMMUNICATION
- 7. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for Dec. 6, 2012 Metro Council meeting

Clackamas, Multnomah and Washington	Portland
counties, and Vancouver, WA	Channel 30 – Portland Community Media
Channel 30 – Community Access Network	Web site: www.pcmtv.org
Web site: www.tvctv.org	<i>Ph</i> : 503-288-1515
Ph: 503-629-8534	Date: Sunday, Dec. 9, 7:30 p.m.
Date: Thursday, Dec. 6	Date: Monday, Dec. 10, 9 a.m.
Gresham	Washington County
Channel 30 - MCTV	Channel 30- TVC TV
Web site: www.metroeast.org	Web site: www.tvctv.org
<i>Ph</i> : 503-491-7636	<i>Ph</i> : 503-629-8534
Date: Monday, Dec. 10, 2 p.m.	Date: Saturday, Dec. 8, 11 p.m.
	Date: Sunday, Dec. 9, 11 p.m.
	Date: Tuesday, Dec. 11, 6 a.m.
	Date: Wednesday, Dec. 12, 4 p.m.
Oregon City, Gladstone	West Linn
Channel 28 – Willamette Falls Television	Channel 30 – Willamette Falls Television
Web site: http://www.wftvmedia.org/	Web site: http://www.wftvmedia.org/
Ph: 503-650-0275	<i>Ph</i> : 503-650-0275
Call or visit web site for program times.	Call or visit web site for program times.

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement Coordinator to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

Agenda Item No. 3.0

Consideration of the Minutes for Nov. 29, 2012

Metro Council Meeting Thursday, Dec. 6, 2012 Metro, Council Chamber **Resolution No. 12-4394**, For the Purpose of Revising the North Portland Enhancement Committee Policies and Authorizing the Committee to Charge Expenditures to the Fund Principle.

Resolutions

Metro Council Meeting Thursday, Dec. 6, 2012 Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REVISING THE)	RESOLUTION NO. 12-4394
NORTH PORTLAND ENHANCEMENT)	
COMMITTTEE POLICIES AND AUTHORIZING)	Introduced by Rex Burkholder
THE COMMITTEE TO CHARGE)	
EXPENDITURES TO THE FUND PRINCIPAL)	

WHEREAS, on January 23, 1986, the Metro Council adopted Resolution No. 86-620, For the Purpose of Establishing the North Portland Rehabilitation and Enhancement Advisory Committee, which created the North Portland Rehabilitation and Enhancement Advisory Committee to assist Metro in developing policies for the Rehabilitation and Enhancement Fund program; and

WHEREAS, on August 28, 1986, the Metro Council adopted Resolution No. 86-682, For the Purpose of Creating the North Portland Rehabilitation and Enhancement Committee and established, among other things, the duties and responsibilities of the Committee and the Enhancement fund program policies and criteria; and

WHEREAS, in Resolution No. 86-682 the Metro Council established as an enumerated duty and responsibility of the Committee, that "[t]he Committee and Council shall endeavor to preserve the Rehabilitation and Enhancement Fund principal"; and

WHEREAS, on November 10, 1988, the Metro Council adopted Resolution No. 88-1010, For the Purpose of Revising the Duties and Responsibilities of the North Portland Enhancement Committee as Established by Resolution No. 86-682, and revised the policy regarding expenditure of Enhancement fund principal to allow waiver of the policy to preserve the fund principal in limited circumstances; and

WHEREAS, the Enhancement fund was generated from a \$0.50 charge collected on each ton of solid waste disposed at St. John's Landfill and, since the landfill's closure in 1990, the fund has generated revenue through the amount of interest earned on the principal; and

WHEREAS, the amount of funds disbursed by the Committee has decreased significantly since 2008 because of the decrease in interest rates; and

WHEREAS, on October 23, 2012, the Committee met to consider the future of the Rehabilitation and Enhancement Fund and voted in favor of a recommendation to disburse the balance of the Rehabilitation and Enhancement Fund, including the fund principal, by fiscal year 2018; and

WHEREAS, removing limits on the amount of time a Committee member may participate on the Committee is in the best interest of the public given the expected depletion of the fund by fiscal year 2018; now therefore

BE IT RESOLVED that the Metro Council

- (1) Adopts the recommendation of the North Portland Rehabilitation and Enhancement Committee and authorizes the Committee to disburse the balance of the Enhancement fund, including the principal, by fiscal year 2018:
- (2) Revises the Committee policies as set forth in Exhibit A;
- (3) Authorizes the Chief Operating Officer to issue revised policies in a form substantially similar to Exhibit B;

	Code Section 2.19.030 (c)(1)-(3) (Membership of the to the North Portland Rehabilitation and Enhancement 2.19.140).
ADOPTED by the Metro Council this	day of December 2012.
	Tom Hughes, Council President
Approved as to Form:	
Alison Kean Campbell, Metro Attorney	

Section 3 of Resolution No. 86-682 is deleted in its entirety as follows:

3. That the Committee shall consist of seven members including:

- Three members appointed by the Metro Council from a list presented by the Executive Officer all of whom shall reside within the rehabilitation and enhancement program boundary;
- b. Three members appointed by the organization designated by the City of Portland to provide neighborhood participation services to north Portland. These members shall reside within the rehabilitation and enhancement program boundary; and
- c. The Metro Councilor representing District 12, who shall be the chairman of the Committee.

The initial term of service for members appointed under subsection a shall be for two years; all other appointments shall be for a term of four years. Except for the chairman no Committee member shall serve more than one full term except for members initially appointed under subsection a or member appointed to fill a vacancy.

Section 5a of Resolution No. 86-682, revised by 88-1010, is revised as follows:

a. The committee shall propose an annual budget for the North Portland Rehabilitation and Enhancement Fund for approval by the Metro Council. The budget shall at a minimum identify general program or project areas for the fiscal year, except that the Committee may recommend that no expenditures be made during a fiscal year. The committee and Council shall endeavor to preserve the Rehabilitation and Enhancement Fund principal. The Committee may request the Council to waive the policy of preserving the fund principal when it determines a project for projects are of sufficient benefit to the residents or businesses in the Enhancement area. The committee may charge funding for projects and programs to the Rehabilitation and Enhancement Fund principal.

Section 7 of Resolution No. 86-682 is revised as follows:

7. The ExecutiveChief Operating Officer shall assign staff to assist The Committee in carrying out its duties and responsibilities at the level budgeted in the Rehabilitation and Enhancement Fund. Before assigning staff, the ExecutiveChief Operating Officer shall consult with the Committee about Committee needs and qualifications of proposed staff. Additional assistance may be acquired following Metro's contract procedures. Direct costs incurred to administer the rehabilitation and enhancement program shall be paid by the Rehabilitation and Enhancement Fund. The Council shall not charge overhead costs to the Rehabilitation and Enhancement Fund

The Metro policies for the North Portland Rehabilitation and Enhancement Committee, established by Resolution No. 86-682 and revised by Resolution Nos. 88-1010 and 12-4394, are as follows:

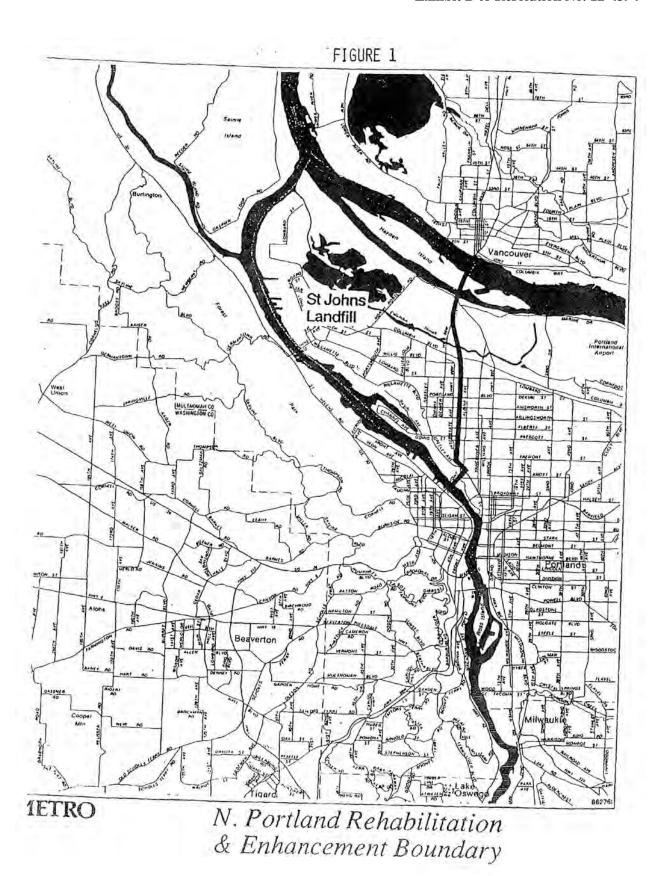
- 1. That the Metro Council hereby creates the North Portland Rehabilitation and Enhancement Committee, hereinafter referred to as the "Committee" to advise the Metro Council on the development and implementation of the rehabilitation and enhancement program.
- 2. That the boundary of the rehabilitation and enhancement program encompasses the area between the Columbia and Willamette Rivers and the Interstate 5 and Interstate 405 Freeways as shown on Figure 1, attached.
- 3. That fees collected according to state law (\$.50 per ton of waste deposited at the St. Johns Landfill) shall be budgeted and accounted for in a separate fund. Revenue accruing to the fund shall be invested in accordance to Metro's investment policies.
- 4. That the specific duties and responsibilities of the Committee shall be as follows:
 - a. The committee shall propose an annual budget for the North Portland Rehabilitation and Enhancement Fund for approval by the Metro Council. The budget shall at a minimum identify general program or project areas for the fiscal year, except that the Committee may recommend that no expenditures be made during a fiscal year. The committee may charge funding for projects and programs to the Rehabilitation and Enhancement Fund principal.
 - b. The Committee may solicit requests for proposals or projects which may be funded from the Rehabilitation and Enhancement Fund. Any project or proposal to be funded through the Rehabilitation and Enhancement Fund shall be approved according to Metro contract procedures. Projects or proposals shall not be split into components when approved. No project or proposal shall be considered by Metro which has not been recommended by the Committee.
- 5. That the Metro Council approves the criteria described in Exhibit A, attached, which shall be used by the Committee and the Council in recommending and approving the Rehabilitation and Enhancement Fund. The Committee may at any time request the Council to change or modify the criteria.
- 6. The Chief Operating Officer shall assign staff to assist the Committee in carrying out its duties and responsibilities at the level budgeted in the Rehabilitation and Enhancement Fund. Before assigning staff, the Chief Operating Officer shall consult with the Committee about Committee needs and qualifications of proposed staff. Additional assistance may be acquired following Metro's contract procedures. Direct costs incurred to administer the rehabilitation and enhancement program shall be paid by the Rehabilitation and Enhancement Fund. The Council shall not charge overhead costs to the Rehabilitation and Enhancement Fund.

EXHIBIT A

Criteria for Funding Projects/Programs

- Projects/Programs will only be funded within the boundaries as specified in Figure 1.
- Any person or any organization may submit proposals.
- The Committee will provide an open public process for project/program review and recommendation. It will coordinate with Metro's budget process.
- 4. The fund shall not substitute for projects/programs funded by other sources or to fund projects or programs connected with the St. Johns Closure Plan.
- 5. Projects/Programs may be funded in part or in full.
- 6. Projects/Programs that best enhance or rehabilitate areas most severely impacted by the landfill will receive priority consideration for approval.
- 7. Projects/Programs shall be directed to the aid of residents, non-profit corporations and businesses (as defined by the Small Business Administration) and shall meet one or more of the following guidelines:
 - a. Result in increased employment/economic opportunities for North Portland residents.
 - b. Result in rehabilitation, upgrading or direct increase in the market value of a significant portion of the housing stock of residential land in North Portland.
 - c. Result in the preservation or enhancement of existing wildlife and marine areas of North Portland, or improve public awareness or opportunity to enjoy them.
 - d. Result in improvement to or increase in recreational areas of North Portland.
 - e. Result in improvement in the safety of the area of North Portland.
 - f. Result in an improvement of the appearance or cleanliness of the areas of North Portland neighborhoods or a significant portion thereof.
 - g. Result in a significant increase in the utilization or occupancy of a North Portland commercial area.
 - h. Result in programs such as training opportunities to benefit North Portland youth and elderly.

6041C/471



Page 3 of 3 – Exhibit B to Resolution No. 12-4394

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4394, FOR THE PURPOSE OF MAKING PROGRAM CHANGES TO THE NORTH PORTLAND ENHANCEMENT GRANT PROGRAM

Date: December 6, 2012 Prepared by: Stacey Triplett, 503-797-1882

BACKGROUND

The North Portland Enhancement committee recommends allocating the entire balance of the rehabilitation and enhancement fund by the close of fiscal year 2017-2018. This action will not be in keeping with past practice of *endeavoring to protect the fund principal*. This change is required to address the developments of the recent (and not so recent) past: 1) the 1990 St. Johns landfill closure; 2) the economic downturn and drastic reduction in interest earned in the fund, and 3) Metro's administrative decision to reimburse annual program administrative costs from the current fund balance starting in fiscal year 2013. The fund allocation is recommended as between \$500,000 and \$1 million to the North Portland Greenway trail project and the remaining portion for community-driven grants and program administrative costs.

In the summer of 2012, the North Portland Enhancement Committee conducted various community conversations to receive help in addressing the current choices the committee identified to tackle the realities confronting the continuation of the North Portland community enhancement grant program. The committee completed its deliberations and reached the above recommendation in October 2012. The North Portland Enhancement committee conducted a geographically-limited Opt In panel survey. The survey was conducted for one month in September and October 2012. More than 700 existing Opt In panel members reside in the area served by the North Portland grant program; these people received multiple invitations to participate in the survey. Almost 150 panel members replied.

In addition, and at the direction of the committee, staff promoted the survey at Riverfest 2012 in Cathedral Park, through emails sent to past grantees and applicants, and in news releases that appeared in enewsletters and on websites of other local organizations and elected officials. Committee members also actively promoted the survey to their respective networks. These efforts netted approximately 100 more survey responses. Of those respondents, almost half voluntarily joined the Opt In panel upon completion of this survey to be available for future engagement. The Opt In survey results are included as Attachment 1.

At the October 23, 2012 meeting of the North Portland Enhancement Committee, members voiced their desire to use the remaining grant awards to address community needs that have surfaced in past grant cycles. Recognizing that these awards will likely be larger than in the recent past, the committee expressed interest in soliciting advice about administering funds from the local grant-making community.

To help bring about long-term, maximum benefits in the community, the committee would like to explore various approaches that include (but are not limited to) the following:

- awarding multi-year contracts
- projects and programs that significantly leverage other funds and partnerships amongst service providers, government agencies, private philanthropy and others
- support for projects and program responsive to existing funding goals
- building capacity of local organizations (e.g., leadership development of staff and boards, outcome measurement and evaluation tools and techniques)

Additionally, the committee validated the results of the community survey by voicing support for North Portland Greenway regional trail improvements. This capital project was seen as desirable for some portion of the remaining fund balance.

ANALYSIS/INFORMATION

1. Known Opposition

Throughout the final years of the grant program, there will likely be applicants that would prefer that the fund continue into the future, beyond 2018, for their own purposes.

2. Legal Antecedents

This recommendation requests a change from Metro Council Resolution No. 86-682 (which detailed specific duties and responsibilities of the North Portland Enhancement committee, including "preserve the rehabilitation and enhancement fund principal").

3. Anticipated Effects

Staff will work with the North Portland Enhancement Committee to reach agreement on what portion of the existing funds will be dedicated to the future grants and what portion will to dedicated to North Portland Greenway trail project costs. This contribution will likely greatly leverage other funds for the project. Additionally, staff support is expected to research and discuss grant-making practices with the committee to make program changes that are supportive of the likelihood of increased award amounts in the next rounds of grant awards and the committee's stated desire to use future awards to address building community capacity for the time when the fund has been depleted.

4. Budget Impacts

Enhancement grant program administrative costs have been identified; the staff time committed to the program that will be reimbursed by the fund may be sufficient to support implementation of the program changes. If there are additional resources required, those would be reimbursed by the fund balance.

RECOMMENDED ACTION

The Sustainability Center suggests moving forward with the committee's recommendations. There will be staff support to the committee to accomplish the final disbursements from the fund. Without some program change, the annual interest earnings of the rehabilitation and enhancement fund would continue to be far less than the costs required to cover Metro's grant program administration. Without program changes, the current situation leaves no opportunity for annual awards and no opportunity for protection of the fund principal. The committee's recommendation provides a path forward to address the current situation.



Metro Opt In – North Enhancement Grant Survey

Davis, Hibbitts, & Midghall, Inc. (DHM Research) conducted an online survey among Opt In members and others who are residents of Arbor Lodge, Cathedral Park, Kenton, Overlook, Portsmouth, St. Johns and, University Park neighborhoods.

Research Design: DHM Research emailed 703 Opt In members with North Portland addresses and invited them to participate in the survey between September 19 and October 15, 2012. Metro also promoted the link to residents of the North Portland area. In total, 241 residents participated in the survey.

Majority of North Portland residents have not heard of the Enhancement Grant Program (Q1).

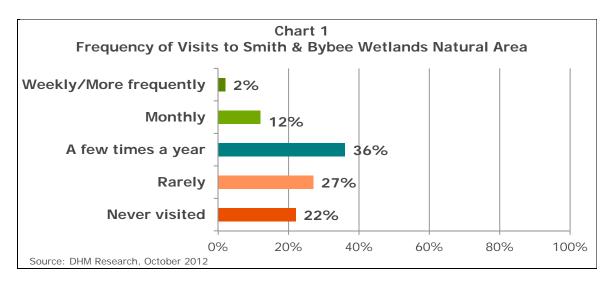
Overall, 59% of North Portland residents were unaware of Metro's Enhancement Grant Program. Of those that were aware, 61% consider themselves very or somewhat familiar with the program. Top sources of awareness include being an active member of a neighborhood association (26%), being an applicant or recipient of the grant (18%), and being a volunteer or staff for an organization that has applied or received grant funds (17%).

• Residents age 35 and older are more likely than those younger to have heard of the Enhancement Grant Program (42% vs. 24%).

Most did not visit the St. Johns landfill before it closed in 1990, but half frequent Smith and Bybee Wetlands Natural Area at least a few times a year.

Nine in ten (88%) did not visit the St. John's landfill before it was closed in 1990. However, half (50%) visit the Smith and Bybee Wetlands Natural Area at least a few times a year. One in five (22%) have never visited the Smith and Bybee Wetlands Natural Area.

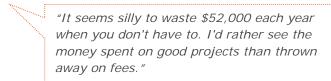
• Residents age 55 and older are more likely than those younger to have visited the St. Johns landfill before it was closed (35% vs. 3%).



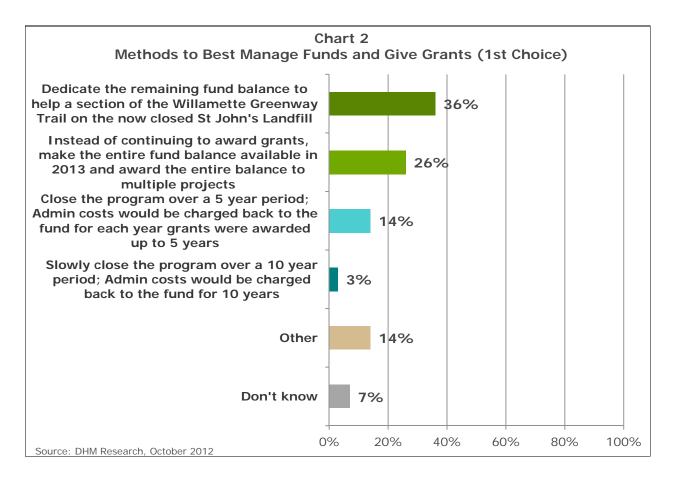
Residents want remaining funds to help build a section of the Willamette Greenway Trail

More than one third (36%) of North Portland residents said their top choice for the remaining fund balance was to build a section of the Willamette Greenway Trail. More than one in four (26%) would prefer to have the entire fund balance available and used in 2013 for multiple projects. About 14% of residents would prefer to see the program closed over a five year period of awarding grants. Some of the more prominent alternative ideas include keeping the fund around until the economy and interest rates recover, and lowering administrative costs. By far, the option that was prioritized below all others was slowly closing the program over a ten year period.

Many do not understand why the cost of running the grant program is so high.



- Those that had previously heard of the fund, as well as females, are more likely than their counterparts to support closing the fund over a 5 year period.
- Residents who visit the Smith and Bybee Wetlands are more likely to support dedicating the remaining balance to help build a section of the Willamette Greenway Trail.



When residents were asked why they selected their first choice, some common themes arose.

Dedicate the remaining fund balance to help build a section of the Willamette Greenway Trail on the now-closed St. John's Landfill. This section would be part of the 40-mile loop. (36%)

- "It is my first choice because it would benefit the whole community, in addition to North Portland, provide a temporary economic boost because of construction jobs, support regional active transit plans, and bring more people to St. John's businesses."
- "It was the only one of these projects with as much potential lasting permanence as the initial grant was intended to give back to the community. Closing out the grant whether it's over 1 year, 5, or 10 means the end of this fund's ability to give to the community."
- "This will be a long-standing benefit to people of the region and visitors."
- "Likely more impactful than many small projects; creates something lasting; builds a project that will serve many people over time"

Instead of continuing to award grants year after year, make the entire fund balance available in 2013. The entire fund balance would be awarded to multiple projects. (26%)

- "Spending at a time of a sluggish economy and with interest rates low gives us the biggest bang for our buck. Distributing a large amount across the neighborhoods can make a lasting difference for numerous projects."
- "This option minimizes administration costs (although I don't see how annual administration costs would be the same for managing 1.6 million in one year as managing a tenth of that amount). Also, this option is preferable to the North Portland Greenway investment, because it allows the whole North Portland community to compete for funding. This more closely reflects the spirit of the grants program."
- "Allows time for grant proposals to come in, including proposals for use by the Greenway fund, but minimizes administration costs. Thus maximizing the remaining funds."
- "I feel like there would be great change with the money being awarded in just one year. To me, that seems very powerful for the community. A lot of change in a small period of time would give so much pride and hope in our community."

Close the program over a 5-year period. Administration costs would be charged back to the fund each year grants were awarded for up to 5 years. The yearly administration cost is currently \$52,000 a year (14%).

- "It would continue to provide some funding out to the community without an abrupt end point, and allow programs and projects that had previously been grant funded time to pursue options to sustain them, if appropriate."
- "I'm in favor of spending the money down to zero and feel that a 5-year plan both infuses a lot of money into North Portland and does so over a multi-year period ensuring a significant impact. One year is too short and ten too long."
- "It seems like it makes the most sense to eliminate these grants as an ongoing source. I selected the five year option because I think it will give the best balance and return on investment in terms of investment in the community over time. Ten years seems like too long to continue to pay the administrative costs of the program given the level of grants, and one year seems too short, and I would suspect it might not generate the best long term outcomes to grant out all the money this year."

Other Suggestions

"Purchase the white oak heritage tree and land adjacent to Overlook Terrace to protect this green space that is threatened for development."

"Award grants every 3 or 5 years until interest rates are higher and can offset the admin costs."

Residents place the highest priority on preserving and enhancing existing wildlife and marine areas, and improving and increasing recreational areas

Respondents were presented with a list of funding goals and asked to rate them on a five point scale where a 5 represents a very high priority. Looking at top scores, respondents place the highest priority (4+5) on:

- Preserving and enhancing existing wildlife and marine areas (73%)
- Improving and increasing recreational areas, such as parks and trails (71%)

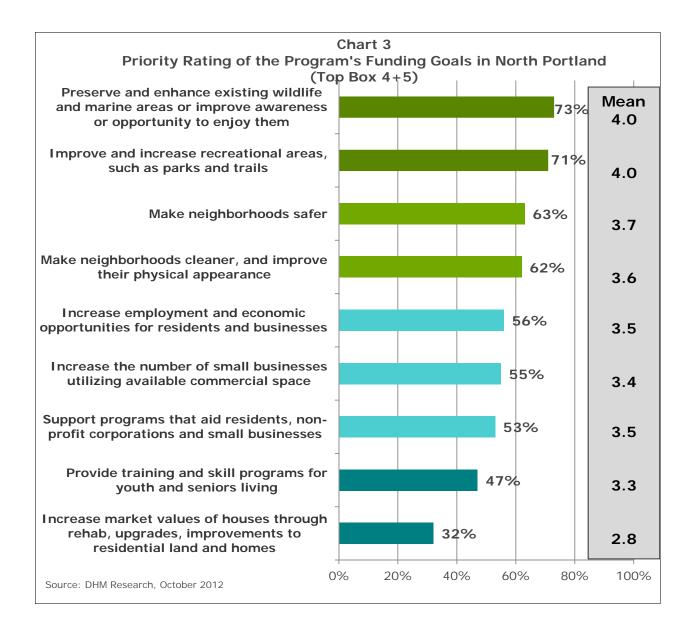
Second tier priorities:

- Making North Portland neighborhoods safer (63%) and cleaner (62%)
- Increasing employment and economic opportunities (56%)
- Increasing the number of small businesses in North Portland (55%)

The lowest priority:

• Increasing market values of houses through rehabilitation (32%)

[&]quot;Reduce yearly administration costs and seek sources of additional income allowing for ongoing civic improvement projects."



1 | INTRODUCTION & METHODOLOGY/ANNOTATED QUESTIONNAIRE

Davis, Hibbitts, & Midghall, Inc. (DHM Research) conducted an online survey among Opt In members and others who are residents of Arbor Lodge, Cathedral Park, Kenton, Overlook, Portsmouth, St. Johns and, University Park neighborhoods.

<u>Research Design</u>: DHM Research emailed 703 Opt In members with North Portland addresses and invited them to participate in the survey between September 19 and October 15, 2012. Metro also promoted the link to residents of the North Portland area. In total, 241 residents participated in the survey.

The surveys were hosted on an independent and secure DHM server and was available to respondents 24 hours a day. In gathering responses, DHM employed quality control measures including pre-testing and monitoring the online survey to identify potential browser issues.

Note to the Reader: The Opt In panel is a form of public engagement. Responses to Opt In feedback opportunities are meant to engage residents in the public planning and decision-making processes.

DHM Research: DHM Research has been providing opinion research and consultation throughout the Pacific Northwest and other regions of the United States for over three decades. The firm is non-partisan and independent and specializes in research projects to support public policy-making. www.dhmresearch.com

2 | ANNOTATED QUESTIONNAIRE

Metro Opt In North Enhancement Grant Survey September 2012; Opt In members in qualifying areas DHM Research

OPT IN INTRODUCTION

Survey to target the following neighborhoods:

- Arbor Lodge
- Cathedral Park
- Kenton
- Overlook
- Portsmouth
- St. Johns
- University Park

Your neighborhood is eligible for grants aimed at making the community greener, cleaner, safer, and healthier through Metro's North Portland Enhancement Program.

Back in 1985, the Oregon Legislature created the North Portland Enhancement Grant Program to help fund projects to improve your community, which at the time was affected by the St. John's Landfill. The landfill closed in 1990. The enhancement program has supported 465 local projects with \$2.2 million in investments since 1985, including:

- After school programs for youth
- Adult education at community centers
- Tool lending library to make gardening and home repairs more affordable
- Concerts in Cathedral Park

The enhancement program was created by a 50-cent surcharge on each ton of garbage disposed at the now-closed St. John's Landfill beginning in 1985. The interest earned on the fund created by the surcharge pays for the grants.

Due to falling interest rates, the grant program is in a position of potential change. Your opinions and ideas will help shape decisions about how nearly \$2 million in the North Portland Enhancement fund will be invested in your community.

SURVEY

1. Before today, had you heard of Metro's North Portland Enhancement Grant Program?

Response Category	N=241
Yes	37%
No	59%
Don' t know	5%

2. (If yes) How familiar are you with Metro's North Portland Enhancement Grant Program?

Response Category	N=88
Very familiar	28%
Somewhat familiar	33%
Not too familiar	32%
Not at all familiar	7%
Don' t know	0%

3. (If familiar) How do you know about the program? Please check all that apply.

Response Category	N=82
You are or were an Enhancement committee member	7%
You are or were an applicant or recipient of an	18%
Enhancement Grant	1070
You volunteer or are staff at an organization that has	17%
applied for or received Grant funds	1770
You are an active member of a neighborhood	26%
association	2070
Other (please specify) (provide text box)	40%
Don' t know	12%

4. Did you ever go to the St. John's Landfill before it closed in 1990?

Response Category	N=241
Yes	12%
No	88%
Don' t know	1%

5. The Smith and Bybee Wetlands Natural Area is across from the now-closed St. John's Landfill. How often do you visit this natural area:

Response Category	N=241
Weekly or more frequently	2%
Monthly	12%
A few times a year	36%
Rarely	27%
Never visited	22%
Don' t know	0%

The Challenge

Metro and the committee that helps manage the enhancement grant program face some tough decisions.

The major problem is this: the cost of awarding grants currently exceeds the amount of money the enhancement fund generates.

The following things have caused decreases in the amount of interest earned by the fund:

- The St. John's Landfill is closed, so the fund is no longer receiving the 50-cent enhancement fee per ton to fund the grant program
- Interest rates are falling, especially after the downturn in the economy, so the amount of money available for grants continues to decrease
- Metro's budget is limited, so starting next year Metro will no longer cover the administrative cost of the program. This means the administrative cost will need to be covered by the fund.

By the Numbers

Current Fund Balance: \$1.6 million

Annual Grant Giving: \$15,000 in 2011 (compared to \$159,000 paid out in 1990)

Interest earned: \$9,800 in 2011 (compared to \$138,000 in 1990)

Annual Management Cost: \$52,000 (estimated for 2012)

6. Neighbors who serve on the North Portland Enhancement Committee brainstormed some options for how best to manage the fund and give grants moving forward, given current conditions. Please rank the following by your preference. 1=first choice, 4=last choice. If you have a better idea, please list it and provide a rank (programmer, allow 1-5. Randomize. Do not force to rank)

Response Category	1 st choice	2 nd choice	3 rd choice	4 th choice	5 th choice
Dedicate the remaining fund balance (about \$1.6 million) to help build a section of the Willamette Greenway Trail on the now-closed St. John's Landfill. This section would be part of the 40-mile loop.	36%	27%	10%	14%	4%
Instead of continuing to award grants year after year, make the entire fund balance (about \$1.6 million) available in 2013. The entire fund balance would be awarded to multiple projects. After 2013, no more grants will be available. This would require a \$52,000 administration cost for one year only.	26%	28%	17%	13%	3%

Response Category	1 st choice	2 nd choice	3 rd choice	4 th choice	5 th choice
Slowly close the program over a 10-year period. Administration costs would be charged back to the fund each year for 10 years. The yearly administration cost is currently \$52,000 a year.	3%	11%	18%	44%	11%
Close the program over a 5-year period. Administration costs would be charged back to the fund each year grants were awarded for up to 5 years. The yearly administration cost is currently \$52,000 a year.	14%	17%	39%	15%	2%
Other (please specify)	14%	7%	4%	0%	3%
Don't know	7%	11%	12%	14%	77%

7. Why was (insert option given first choice) your first choice? (Open, provide text box)

The goal of the program is to make communities in the area greener, cleaner, safer, and healthier. The enhancement committee evaluates project proposals based on how well they meet the program's funding guidelines. While they are all interconnected, each guideline is somewhat distinct.

Below are the program's funding goals. Please rank each of following goals using a 0=not at all a priority to 5=a very high priority. (Randomize) Projects that will...

Response Category	Top Box (4+5)	Mean	Don't know
8. Increase employment and economic opportunities for North Portland residents and businesses.	56%	3.5	1%
 Increase market values of houses through rehabilitation, upgrades and improvements to residential land and homes in North Portland. 	32%	2.8	2%
10. Preserve and enhance existing wildlife and marine areas in North Portland or improve public awareness or opportunity to enjoy them.	73%	4.0	1%
11. Improve and increase recreational areas, such as parks and trails in North Portland.	71%	4.0	2%
12. Make neighborhoods safer in North Portland.	63%	3.7	1%
13. Make neighborhoods in North Portland cleaner, and improve their physical appearance.	62%	3.6	1%
14. Increase the number of small businesses utilizing available commercial space in North Portland.	55%	3.4	1%
15. Support programs that aid residents, non profit corporations and small businesses.	53%	3.5	2%
16. Provide training and skill programs for youth and seniors living in North Portland.	47%	3.3	2%

- 17. Do you have any other thoughts you'd like to share about the North Portland Grant Enhancement Program? (Open, provide text box)
- 18. Would you like us to email you updates about the North Portland Enhancement Grant Program (For non-Opt In members, provide text box)?

Response Category	N=241
Yes	67%
No	33%

Learn more about the North Portland enhancement grant program:

(hyper link: http://www.oregonmetro.gov/index.cfm/go/by.web/id=6796)

Learn about the stewardship of natural area investments in North Portland:

(hyper link: http://www.oregonmetro.gov/index.cfm/go/by.web/id=33853)

Age

Response Category	N=241
18-24	1%
35-34	23%
35-54	37%
55-64	12%
65+	7%
Refused	20%

Gender

Response Category	N=241
Male	30%
Female	50%
Refused	20%

County

Response Category	N=241
Multnomah	100%

When it comes to politics, do you consider yourself...

Response Category	N=241
More of a Democrat	52%
More of a Republican	3%
More of an Independent/Other party	22%
Refused	22%

Education

Response Category	N=241
Some high school	0%
High School graduate	1%
Some college/technical/	10%
community college/2-yr degree	10%
College degree/4-yr degree	28%
Post graduate	39%
Refused	20%

Ethnicity

Response Category	N=241
Native American/American	2%
Indian	270
Asian/Pacific Islander	2%
Black/African American	2%
Hispanic/Latino	2%
Slavic	1%
White/Caucasian	71%
Two or more races	0%
Other	1%
Refused	24%

Source

Response Category	N=241
Opt In	60%
Other	40%

Additional Open-Ended Responses

Dedicate the remaining fund balance to help build a section of the Willamette Greenway Trail on the now-closed St. John's Landfill. This section would be part of the 40-mile loop. (36%)

- "It would provide direct access from peninsula to downtown, much needed for bicycle safety and other activities."
- "Doing something significant and dramatic with it that benefits North Portland residents seems appropriate."
- "It seems like a good use of the money that you have left. Spending \$52,000 on the administrative to keep annual grants going doesn't seem as effective as just donating the money towards a Greenway Trail that will serve as a regional asset for years to come."
- "This seems like a much better use of the funds. I would want to see the evaluation and monitoring reports from projects that received funds to accurately measure their impact."
- "Most lasting impact on the neighborhood and directly connected (literally) to the landfill."
- "It is my first choice because it would benefit the whole community, in addition to North Portland, provide a temporary economic boost because of construction jobs, support regional active transit plans, and bring more people to St. John's businesses."
- "It was the only one of these projects with as much potential lasting permanence as the initial grant was intended to give back to the community. Closing out the grant whether it's over 1 year, 5, or 10 means the end of this fund's ability to give to the community."
- "It would provide the most bang for the buck."
- "I use part of the 40 mile loop for riding my bike."
- "The Greenway Trail will be a permanent enhancement to the environment and people will use and enjoy it forever."
- "This is a specific project that I know about and want to see happen. I would use the trail."
- "Because I would be very likely to use it regularly, it is a good project, and it is a known outcome."
- "It's connected to a larger metro plan and specifically improves livability for North Portland residents."
- Because the landfill is quite beautiful now and i love natural places that provide homes for wildlife where people can also visit."
- "Continuing to pay administrative costs diminishes the fund. This way it goes to a project that enhances the entire area."
- "I need a new place to run, this will be an amazing addition to North Portland. It would make living here so much better and would make trail and running areas safer."
- "This completes a project and does not leave a pending obligation over additional years."
- "It would be a long lasting improvement to the neighborhood. It would improve quality of life and attract people to the neighborhood. It would expose more people to the neighborhood who normally would not come here."
- "This is a great idea and a wonderful effort, as a bike rider I look forward to seeing this completed."
- "Seems like the best use of funds to serve the most people. Small grants don't leverage many resources."
- "I think the 40-mile loop will receive much greater use when it is complete."
- "Because I think that would add value to the community and would be a fitting use of the money earned from the landfill. I would love to use that trail."
- "An appropriate use of money generated by the land the trail would be built on."
- "Developers have been turning every available inch into row housing, apartments, etc. The increasing population needs more green space for recreation."
- "Ties into the original intent of the grant, and eliminates the administrative costs over the years, AND closes a 40 mile bike loop. Win, win and win."

- "It seems since the fund came from the landfill, restoring and repurposing the area as part of the greenway would be one of the most equitable uses of the money."
- "The money came from landfill, it should return there."
- "Let's put the money in one place to make a significant impact. As far as I know, there aren't other obvious options to fund the remaining parts of the trail system so it would be nice to get this part done."
- "The planning for the trail is nearing completion, so the money could be used to build the trail in the near future. It would provide an excellent new route for pedestrians and cyclists between downtown Portland and St. Johns."
- "Beautification of the area and transportation and recreation for its citizens is of utmost importance."
- "The Willamette Greenway Trail will be a huge gain in connectivity for Portland's off-road trail system. Completing it will be a great step forward for our bike/pedestrian facilities, which are stellar by U.S. standards, but sad compared to some European countries. Considering the cost of administrating the trust is exceeding the amount of grants given, it seems more beneficial to the community to spend the bulk of the remaining funds on projects, not administration."
- "This most closely aligns to the spirit of the fund, as I see it, by directly benefiting the landfill's neighbors and North Portland in general with as little administrative cost as possible.
- "As a bike commuter and recreational cyclist, I am invested in the completion of this travel option."
- "The landfill property is one of the links needed for the North Portland Greenway Trail between Kelley Point Park and the Eastbank Esplanade, and would help provide a lasting positive legacy making up for the long-term impact that St. Johns Landfill had on North Portland."
- "This would have the most lasting impact now and in the future. It is large enough to make an impact."
- "I believe the trail to be a very, if not the most important part of North Portland and river community and conservation. The end product will serve people and nature."
- "This will benefit not just North Portland but the whole region."
- "That would be a good use of the money that the maximum number of people could enjoy. The completion of the Greenway Trail is a huge benefit to the community and will be a source of pride for the entire city."
- "Likely more impactful than many small projects; creates something lasting; builds a project that will serve many people over time; least administrative costs; has a connection to the original landfill."
- "Extending the Greenway will make good use, for now and the future, of what is now wasted space. I would strongly oppose development of that space for industrial, retail/commercial or residential use!"
- "I use the trails frequently as a runner, and also love having trails available for my family. If it is an option to use the remaining money to open up more trails then I think that is the best option."
- "I use bike and hiking trails frequently and I think dedicating the funds to this sort of environmental and recreational enhancement makes sense and is desirable. The funds were clearly meant to improve the community in this manner. I do think the North Portland Greenway is the trail that could provide the community with the best possible recreational and commuting connection."
- "This will be a long-standing benefit to people of the region and visitors."

Additional Open-Ended Responses (cont.)

Instead of continuing to award grants year after year, make the entire fund balance available in 2013. The entire fund balance would be awarded to multiple projects. (26%)

- "Labor capacity and materials costs are at an all-time low due to the economic downturn. Good projects have been identified that we can spend this money on. There has not been a better time to take action on infrastructure projects in the last 80 years, so let's take action rather than squander the money on administrative procedures."
- "I would want community organizations to be able to apply for the funds for specific projects, rather than the managers deciding to fund only one project without other input. Also, it would be the least amount of overhead costs."
- "Minimizes administration costs and maximizes benefit to the community."
- "It seems silly to waste 52,000 each year when you don't have to. I'd rather see the money spent on good projects than thrown away on fees."
- "Spending at a time of a sluggish economy and with interest rates low gives us the biggest bang for our buck. Distributing a large amount across the neighborhoods can make a lasting difference for numerous projects. One last year of administrative spending means the excellent staff won't be left in the lurch."
- "The administration cost seems wasteful to continue year after year. It only takes away from the mission of the grants."
- "Don't waste money on administrative costs. Get all the money out there and doing as much good as possible."
- "Reduces administrative costs, allows for many projects to happen during a recession. It may also create jobs."
- "This option minimizes administration costs. Also this option is preferable to the North Portland Greenway investment, because it allows the whole North Portland community to compete for funding. This more closely reflects the spirit of the grants program."
- "It would be more fair than giving it all to the Greenway project or to any other one project."
- "It seems like the best use of the money considering it is costing so much to manage. I also imagine using the money now would create much needed jobs."
- "More of the grant funds would go towards making changes rather than being eaten up by administration costs.
- "It would be cool to see North Portland community projects get a big shot in the arm for this year. It would be important to make sure the projects funded weren't relying on this funding to be continued, but that it could go to one-time projects that could provide their own ongoing maintenance through volunteerism or other existing program funds."
- "The option of closing the program over a 5 10 year time frame is not convincing in terms of added cost; my assumption would be that continuing these programs would be more costly over the long term. Rather, provide assistance for those projects that need it now."
- "Continuing to administer the fund uses dollars that could instead be allocated to projects beneficial to the community. This seems wasteful and irresponsible in the current economic climate."
- "I think it maximizes the impact it can have now, rather than having inflation and materials costs eat further into the grant funds in future years."
- "It would allow multiple projects access to the money, administrative costs would be kept down, and it would tie up the loose ends quickly and cleanly."
- Allows time for grant proposals to come in, including proposals for use by the Greenway fund, but minimizes administration costs, thus maximizing the remaining funds."
- "Less would be lost to administrative costs. I would rather see similar programs funded than the greenway trail."

- "\$1.6M is not a sustainable grant fund, and a 3.25% admin costs is way too high. This way 1) more of the fund goes to support N Portland. 2) The larger influx of grant money to this area may assist in the local economic recovery more than several years of smaller grants."
- "This choice allows projects to be completed across the peninsula and not just along the trail area."
- "I would say that a good portion of the money could be spent on the trail, but also allowing for other community projects."
- "I feel like there would be great change with the money being awarded in just one year. To me, that seems very powerful for the community. A lot of change in a small period of time would give so much pride and hope in our community."
- "It costs too much money to manage the fund. \$52K is too expensive to maintain a dwindling and clearly running out fund. That \$52K over how many years can be put to good use on other projects, then turn off the lights on the fund."
- "There may be other project I'm not aware of that could use the grant instead of it going to just one place."
- "The money will be used for multiple projects that better our community. It does make me sad, though, that the administrators could lose their jobs, and also that this important fund will no longer be in place."
- "The relatively small amount in the fund should not be depleted by administrative costs. Let them program sunset, but go out with a bang and generate enthusiasm for North Portland."
- "This option provides the biggest bang for the buck, without sinking more of limited funds into administrative costs. The amount is large enough that it could be distributed amongst many different projects and programs and have a real, immediate impact."
- "It allows for in large influx of money into community programs to make a real, measurable impact on our neighborhoods almost immediately, instead of spreading it out over many years. Portland has so many wonderful nonprofits and community programs that could benefit, especially in a time when grant awards are down overall."
- "It would save the administration costs and put more money into projects."

Additional Open-Ended Responses (cont.)

Close the program over a 5-year period. Administration costs would be charged back to the fund each year grants were awarded for up to 5 years. The yearly administration cost is currently \$52,000 a year (14%).

- "It would continue to provide some funding out to the community without an abrupt end point, and allow programs and projects that had previously been grant funded time to pursue options to sustain themselves, if appropriate."
- "Because I think doing it all at once is too soon to appropriately plan, but I hate to spend the extra money for too many years."
- "It maximizes the amount available for the community in a variety of potential projects while balancing admin. costs. Dedicating all the money to one project doesn't distribute the dollars equitably over the broad N PDX geography. And while 10 years' worth of projects would get this distribution, it is at an extreme administrative cost."
- "This will keep the program going for 5 years, after which the economic picture may be different, and funds might become available to continue the program in future years."
- "I would like to see smaller projects continue to be funded in the short term as the economy struggles so that underserved youth and families can continue to benefit from the program."
- This seemed like the best option; not to drag it on over too much time, but also not to close it immediately since there could be new projects to surface."
- "It would allow for more people to apply for the grant but keep administration costs down, and not put it all to one project."
- "Seems like the most moderate choice. We never know what will happen in the next five years, so it'd be nice to have some funding just in case for the next five years. In the meantime, the fund can be phased out for good too."
- "As an award recipient, this seemed to be the option that would best serve our organization. Grant sizes would be larger than if it was spread out over 10 years, but funding would continue to be a possible funding source for 5 years."
- "Would create a continued funding stream for longer than one year, but not use up as much of the available dollars on admin (compared to the 10 year plan)."
- "Because the math seemed to make more sense than the other options. Plus I would like the money to be spread throughout North Portland and not just in one area (i.e., St. Johns)."
- "Slow but not too slow phase out of the program so people can adjust to the change and begin finding new funding sources."
- "Continue funding and allow time to determine new funding sources without spending significant amounts on continued administration funds without additional income."
- "I would like to see grant funding for a variety of projects be available for as long as possible, even if the grants are small."
- "To allow time for more growth in the positive ways this neighborhood has been changing lately.

 Ten years is too long, one is too short."
- "Because I think too many people do not even know this is an option. I think it should be advertised, and then used over a period of time that allows people to prepare for it being gone."
- "I'm in favor of spending the money down to zero and feel that a 5-year plan both infuses a lot of money into North Portland and does so over a multi-year period ensuring a significant impact. One year is too short and ten too long."

Ordinance No. 12-1296, For the Purpose of Amending the Urban Growth Boundary in the Vicinity of the City of Lake Oswego Upon Application by the City of Lake Oswego.

Ordinances - Second Reading

Metro Council Meeting Thursday, Dec. 6, 2012 Metro, Council Chamber

BEFORE THE METRO COUNCIL

URBAN GRO VICINITY O	JRPOSE OF AMENDING THE OWTH BOUNDARY IN THE OF THE CITY OF LAKE PON APPLICATION BY THE	 Ordinance No. 12-1296 Introduced by Chief Operating Officer Martha 	
	KE OSWEGO) Bennett with the Concurrence of Council) President Tom Hughes	
		nt Functional Plan Title 14: Urban Growth Boundary h boundary (UGB) through a "major amendment"	
	EREAS, the City of Lake Oswego filetro Code Section 3.07.1430; and	lled an application for a major amendment to the UGB	
	EREAS, the application was conside ke Oswego on September 20, 2012	ered by a hearings officer appointed by Metro at a public; and	
recommendin	ng approval of the application, toget	hearings officer submitted a proposed order her with findings of fact and conclusions of law in he application satisfies the requirements of the Metro	
		proposed order and testimony at a public hearing on nents of Metro Code Section 3.07.1430.U; now,	
THE	METRO COUNCIL ORDAINS A	S FOLLOWS:	
1.		s indicated in Exhibit A, attached and incorporated into to the UGB for development of an indoor tennis facility menities.	
2.	The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how this amendment to the UGB complies with applicable provisions of the Regional Framework Plan, Metro Code, and applicable statewide planning laws.		
ADO	PTED by the Metro Council this _	day of December 2012.	
		Tom Hughes, Council President	
Attest:		Approved as to form:	
Kelsey Newe	ll, Regional Engagement	Alison Kean Campbell, Metro Attorney	

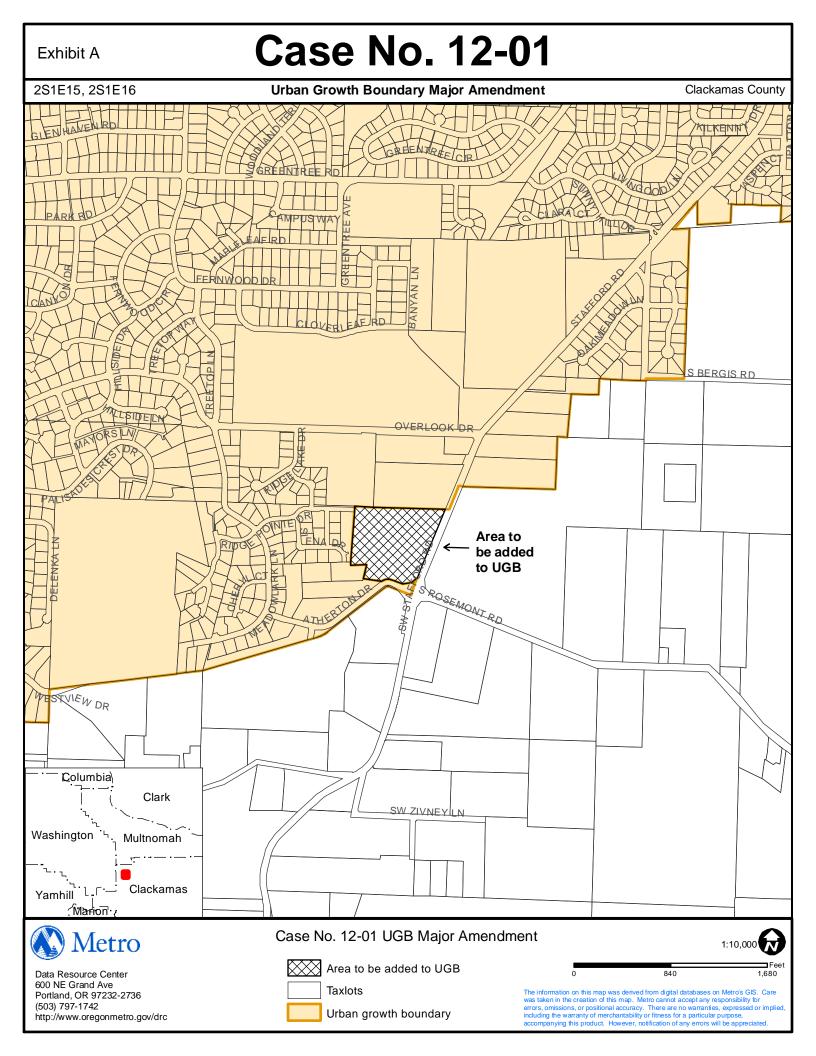


Exhibit B to Ordinance 12-1296

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS STATE OF OREGON

for METRO

IN THE MATTER OF)	PROPOSED ORDER
THE APPLICATION FOR MAJOR)	
AMENDMENT TO THE URBAN)	
GROWTH BOUNDARY FILED BY)	OAH Case No. 1202947
CITY OF LAKE OSWEGO)	UGB Case No. 12-01

HISTORY

On June 12, 2012, the City of Lake Oswego (the City), through city manager David Donaldson, submitted an Application for a Major Amendment to the Metro Urban Growth Boundary (UGB), proposing an addition to the UGB of approximately 9.8 acres of property. The proposed use of the property is to accommodate an indoor tennis center and related neighborhood park amenities. Metro published a Notice of Public Hearing for Tuesday August 14, 2012, at 7:00 p.m. in the Lake Oswego Council Chambers, 380 A Avenue, Lake Oswego (Lake Oswego Council Chambers). Metro published a Notice of Postponed Public Hearing for Thursday September 20, 2012 at 6:00 p.m. to be held at the same location.

The matter was referred to the Office of Administrative Hearings (OAH) for a hearing on August 30, 2012. Senior Administrative Law Judge (ALJ) A. Bernadette House of the OAH was assigned to the matter. On September 20, 2012, at 6:00 p.m., ALJ House convened a public hearing at the Lake Oswego Council Chambers.

Applicant: City of Lake Oswego

Applicant's Representative: Angelo Planning Group

Appearing at Hearing on behalf of Applicant: Jack D. Hoffman, Mayor; Mary Dorman, project manager for Angelo Planning Group; Sally Moncrief, City Councilor; and Kim Gilmer, director, Parks and Recreation Department.

Representative for Metro Tim O'Brien, principle regional planner

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary
OAH Case No. 1202947
Page 1 of 40

Individuals giving public comment:

Individuals giving public comment¹

- 1. Jay Minor in favor (with accompanying written statement)
- 2. Brian Dunkley opposed (with accompanying written statement)
- 3. Andrew Gibson, Stoel Rives, LLP, for the Atherton Heights Homeowners Association (HOA) opposed (record left open for submission of written statement)
- 4. Anita Derry opposed
- 5. Jeannann McCoy opposed
- 6. Paul Kachel in favor
- 7. Rick Cook opposed (with additional written statement)
- 8. Doug Jost in favor
- 9. Charlie Kachel in favor
- 10. Cyndi Murray in favor
- 11. Tia Ross opposed
- 12. Carolyne Jones opposed
- 13. Liz Lamade in favor
- 14. Josie Dix in favor
- 15. Lili Bekuhrs in favor
- 16. Jim Zupancic, on behalf of Stafford Hills Club, LLC. opposed (with accompanying written statement.)
- 17. Kathy Schaub in favor
- 18. Mary Olson opposed
- 19. Gary McKenzie in favor
- 20. Gunnar Brinck in favor
- 21. Charles Ormsby opposed (requested record to be left open for submission of written statement none received.)
- 22. Evie Fuson in favor

EVIDENTIARY STANDARDS

Testimony and evidence must be directed toward the applicable criteria or other criteria that the person believes apply to the proposal. Metro Code 3.07.1430(L)(2). A person wishing to represent an organization, orally or in writing, must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it. Metro Code 3.07.1430(J).

EVIDENTIARY RULINGS

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary

OAH Case No. 1202947

¹ Appendix I is a list of exhibits submitted by the parties and written testimony submitted by members of the public.

Prior to, and during, the September 20, 2012 public hearing, several individuals submitted testimony as representatives of an organization. The following written testimony, marked as the exhibit listed, was submitted without documentation of the date of the meeting at which the organization adopted the position represented and authorized the person to present it, per Metro Code section 3.07.1430(J): Exhibit H, letter of September 19, 2012, from Brian Dunkley, as Secretary of the Atherton Heights Homeowners Association (Atherton HOA), is marked for the record. It was not considered as the position of the Atherton HOA but was considered as Mr. Dunkley's personal testimony.

ISSUE

Whether the City of Lake Oswego's proposal to add approximately 9.8 acres of land to the Metro UGB for the purpose of developing a tennis facility meets the criteria for a major amendment to Metro's Urban Growth Management Plan. Metro Code 3.07.1430.

FINDINGS OF FACT

- (1) On June 4, 2012, David Donaldson, city manager acting on behalf of City, filed a petition to amend the UGB to include 9.8 acres for an indoor tennis and neighborhood park facility. City is the property owner. The subject property, also known as known as the Rassekh Park Property (the property), consists of one tax lot (Tax Lot 21E16D 01100) located at the corner of SW Stafford Road and SW Rosemont Road. The property is located within the boundaries of the City of Lake Oswego. (Ex. A1, Ex. D.)
- (2) The property was initially included in the UGB through Metro Ordinance 98-799D, adopted on December 17, 1998. In 2006, the City requested a UGB trade under the Minor Adjustment process to remove the property from the UGB and include six tax lots totaling 13.9 acres inside the UGB. The purpose of the 2006 request was to build a recreational facility that was better suited on the larger site due to environmental impacts on the larger parcel. On May 18, 2006, the request was approved and the majority of the 13.9 acres added to the UGB are composed of the Hazelia Field at Luscher Farm that includes a dog park, football-soccer artificial fields, natural area-wildlife viewing, playground area, restrooms, and trails and paths. (Ex. D.)
- (3) In 2009, Metro, as required by Oregon land use law, assessed the region's capacity to accommodate the number of people anticipated to live or work inside the UGB over the next 20 years. The Metro forecast projected population and employment growth over a 20-year timeframe; conducted an inventory of vacant, buildable lands inside the UGB; assessed the capacity of the then-current UGB to accommodate population and employment growth; determined whether additional capacity was needed and documented the results of the analyzes in the Urban Growth Report. Metro Council

accepted the 2009 Urban Growth Report and completed the 5-year legislative process required by State law in 2010-2011. (Ex. A1 at 29.²) Through that most recent legislative process, Metro addressed residential and employment growth, with a particular focus on large sites for traded-sector industrial uses. (*Id.*, D at 2.)

- (4) Metro's focus on industrial and housing needs precluded opportunities for cities to present specific needs related to parks. (Test. of Dorman.)
- (5) The next legislatively required analysis of land supply will not occur before December 2014. (Ex. D at 3.) The current proposal is for the purpose of adding land to the boundary for a recreational need. In 2009, the Metro UGB Report estimated that 1,300 acres of vacant land inside the UGB would be used for future parks. The 2009 estimate was based on local ability to provide for future parks through system development changes. It was not based on a compilation of needs indicated by individual cities and counties. The report was intended to be a reasonable estimate and not a precise accounting and does not preclude demonstration of a specific need of a city or county that cannot be satisfied in another part of the region. Even if the next Metro Council five-year review were to include consideration for park needs, and it may not, including a line item in an urban growth report for parks will not necessarily result in parks for citizens to enjoy. (*Id.*, at 3, 4; Test. of O'Brien, Dorman.)
- (6) The Major Amendment process provides a mechanism by which a local jurisdiction may bring land into the UGB for specific park needs that are not anticipated in the cyclical legislative UGB expansion considerations. The City based its proposal on studies and other information regarding a specific long range need for providing tennis facilities to meet present and future populations based on established methodologies for the proposed use and coordinated population demographic projections used in the City's Comprehensive Plan Update (August 2010) and Parks Plan (2025). (Ex. D3 at 4.)
- (7) In 2008, the City Council directed staff to conduct a long-term feasibility study for the Municipal Golf Course with the goal of developing options for improved profitability of the golf course as well as investigating the feasibility of co-locating a new indoor tennis facility at the golf course site. The City hired the consulting team of PBK Architects, Inc., National Golf Foundation, and Tennis Planning Consultants, Inc., to conduct the Golf and Tennis Feasibility Study³ (GTF Study). As part of its analysis, the team considered each facility individually, including current operations and proposed

² As cited in the City's proposal, *see 2010 Growth Management Assessment*, Metro (August 2010) at http://library.oregonmetro.gov/files/ugr.pdf. The 2009 Urban Growth Report, relied upon in the *2010 Growth Management Assessment*, was accepted by the Metro Council on December 10, 2009. (http://news.oregonmetro.gov/1/post.cfm/metro-council-accepts-regional-forecast-and-urban-growth-report).

³ *The Golf and Tennis Feasibility*, PBK Architects, Inc., National Golf Foundation, and Tennis Planning Consultants, Inc., prepared for the City of Lake Oswego (December 15, 2009.)

options for improving the long term financial capabilities of both facilities. (Ex. A1 at 1, 2.)

- (8) The consulting team identified minimum site requirements for alternative sites for an indoor tennis facility. The minimum requirements included considerations for future expansion from 8 courts to 10-12 courts to avoid the current situation where expansion on the current site to meet increased need is not possible. The team recommended a total of 4.10 acres for the facility, possible expansion, parking, and landscaping buffer zones. (Ex. A1 at 7.)
- (9) The consulting team, with input from the City's Parks and Recreation Advisory Board (PRAB) and a 16-member Golf-Tennis Subcommittee identified and evaluated six alternative sites based on the proposed minimum site requirements. The team focused on sites already owned by the City for cost considerations but also considered an additional site, the National Guard Armory Site, not currently owned by the City but within city limits. (Ex. A1 at 7.)
- (10) Based on its commission, the consultant team analyzed and projected the market share available to each facility (golf and indoor tennis), evaluated current facility operations, and proposed options for improving the long term financial capabilities of both facilities. The tennis market study considered the following factors: population within the market area (15 minute drive-time); median income within market area; tennis population as a percentage of total population based on median income; existing indoor tennis facilities within the market area; and effective tennis players per court within the market area. (Ex. A1 at 2.)
- (11) Tennis Planning Consultants (TPC) defined the Lake Oswego Tennis Market (LOTM) as the areas within the City zip codes 97034 and 97035 because those areas closely match Lake Oswego Urban Service Boundary. In 2009, the total population within the market area was approximately 42,861. The estimated number of tennis players, which for purposes of the study was determined to track closely with median income, was 7,238 within the City's tennis market. (Ex. A1 at 2.) TPC's methodology and conclusions were based on industry standards and the projections of demand represent the best planning information that is available. (Ex. P at 3.)
- (12) Currently there are 13 indoor tennis courts within the City's tennis market, including the 4 indoor courts at the exiting City facility and 9 indoor courts at the Mountain Park Racquet Club. These 13 courts serve the estimated 7,238 players which translate to a ratio of 557 players per court. TPC's norm for ratio of player to court ratio for indoor tennis facilities is 200 or up to 250 players at full occupancy per indoor court. Additionally, TPC determined the City has a very strong market for additional indoor tennis courts. (Exs. A1 at 2, P at 2.)
 - (13) The 2009 feasibility study considered the additional indoor courts at the

Stafford Hills Racquet Club (SHC). The SHC was under construction at the time of the study but is projected, when completed in November 2012, to include 7 indoor tennis courts as part of a full-service athletic club. The facility is not located within the City market area as defined in the study. However, the feasibility study, accounted for the projected 7 additional indoor courts at SHC (due to the close proximity to the immediate market area) in addition to existing area courts at the Mountain Park Racquet Club (9 courts), and the 8 courts from the proposed Rassekh property indoor. The total number of 24 courts equates to about 300 players per court based on existing demand from the Lake Oswego tennis market. (Ex. A1 at 2.)

- (14) TPC accounted for three indoor tennis facilities, located outside of the market area, but which draw some players from within the market area. Only a portion of those clubs affect the market area due to factors such as location, tennis programs, and tennis facilities. The exiting demand for indoor tennis facilities with the City's market area is more than twice the normal player per court ratios. (Exs. P at 7, D at 5.)
- (15) Expansion of the existing City indoor tennis facility at Springbrook Park is prohibited by City Charter. (Ex. B.) Past attempts to remove the limitation have not been successful. (Ex. A1 at 1.) In addition, the current facility has limited lobby space and faces compliance issues with accessibility requirements under the Americans with Disabilities Act (ADA). (Test. of Gilmer.)
- (16) Usage of the existing indoor facility fluctuates seasonally, with lower indoor court usage during summer months. Data for summer 2012 showed an increase in the number of individuals taking classes, despite a lower number of class offerings. (Test. of Gilmer; Ex. O at 3, 6.)
- (17) Year round court use averages 50 % nationally. The City's current facility year round use averaged 66.10% in 2011. According to TPC data, national average use for an indoor facility during the playing season (September through May) is 70%. For the period 2006 through 2011, the City's facility use has averaged over 80% in four of the past five years during the playing season, and was at 81.75% in 2011. TPC found that historically the City's indoor facility operated at near capacity for court rentals and tennis players cannot easily reserve court time during prime season of September through May. (Test. of Gilmer; Ex. O at 4, 5.)
- (18) Class enrollment capacity has not been at 100%. TPC found that the limited number of current courts, four, limits the number, types, and times of classes that can be offered are factors limiting enrollment for classes. Despite these limitations, the existing facility had, at the time of the 2009 study, increased its efficiency and program offerings which resulted in a 35% increase over the five prior years while maintaining relatively low hourly court rates. (Ex. P at 10.)
 - (19) The consulting team reported its findings in the Golf and Tennis Feasibility

Study (the Study). The team's review of each site and summarized findings are included in the City's amendment proposal. (Ex. A1 at 8-10.) Each site was reviewed for location, ownership, usable area, and site characteristics. The team concluded that three locations, the Rassekh, the West end Building (WEB), and the National Guard Armory properties were the best potential sites for the proposed new indoor tennis facility. The team also recommended sale of the existing facility and other details to facilitate uninterrupted services and potential funding sources for the anticipated costs of the project. (Ex. A1 at 11.)

- (20) The alternatives analysis in the GTF Study started with six sites, with five of the sites inside the existing UGB including: Iron Mountain Park Site, Lake Oswego Golf Course Driving Range, West Waluga Park Site, National Guard Armory Site and the West End Building site. The sixth site is the subject property, the Rassekh Site that is inside the city limits but outside the UGB. (Ex. A1 at 7, D at 5.)
- (21) Of the six alternative sites analyzed, the Golf and Tennis Feasibility Study concluded:

The Rassekh, West End Building (WEB) and National Guard Armory properties represent the best potential sites for a proposed new indoor tennis facility in the Lake Oswego tennis market. This conclusion is based on an in-depth market study of the Lake Oswego tennis market demographic population/income levels, a study of exiting and proposed indoor tennis projects within the Lake Oswego tennis market for the proposed facility, and an analysis of estimated construction and operating costs for a proposed new facility.

(Ex. D at 6, citing to the GTF Study.)

- (22) The GTF Study recommended sale of the existing 2.81 acre site with the four-court Lake Oswego Indoor Tennis Center (LOITC), leasing it back from the purchaser for the short term, and building a new eight-court indoor tennis center at one of the three recommended sites. The GTF Study estimated that sale of LOITC property would produce an estimated \$1 million for the City. The funds could be applied to the new construction and lower the overall costs of financing and operating the new indoor tennis center. (Ex. D at 6.)
- (23) The information from the GTF Study was incorporated into the Indoor Tennis Center Site-Study by PRAB. PRAB developed the following comparison cost summary chart:

Table 1: provides a cost summary for the three site options.

Table 1: Cost Summary of Site Options

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary
OAH Case No. 1202947
Page 7 of 40

Project	Site	Name/	Location:
----------------	------	-------	-----------

Comparison

	Area	Cost/Square Foot	Total
Armory Site – Design Option "A"			
Direction Construction Cost Site Development Cost Soft Cost Allocation Purchase of Land Total Cost Project Cost	69,100 GSF	\$66	\$4,032,122 \$547,491 \$775,905 \$500,000 \$5,855,518
WEB Site - Design Option "B"			
Direction Construction Cost Site Development Cost Soft Cost Allocation Total Cost Project Cost	69,700 GSF	\$85	\$4,750,254 \$1,141,930 \$900,349 \$6,792,533
Rassekh Site – Design Option "C" Baseline			
Direction Construction Cost Site Development Cost Soft Cost Allocation Total Cost Project Cost	73,290 GSF	\$55	\$2,985,076 \$1,063,264 \$810,033 \$4,858,373

(Ex. A1 at 19, citing to *Indoor Tennis Center – Site Study*, at 44, City of Lake Oswego Parks & Recreation Department (August 28, 2010)⁴

- (24) The PRAB reviewed the Study and approved separate recommendations to the City Council relating to golf and tennis in November 2009. Among the recommendations endorsed by the City Council were the following:
 - a. A new 8 court indoor tennis facility should be constructed to address the unmet need for more indoor tennis courts. The facility should be sited and designed to accommodate an expansion to at least 10-indoor courts in the future.

_

 $^{^4\} http://www.ci.oswego.or.us/calendar/councilmtgs/2010CCMinutes/Tennis_Report.pdf$

- b. The new 8-court indoor tennis facility should include lobby/pro shop, viewing area/banquet room, adequate restroom, changing room and shower facilities, and possibly a small fitness/warm up area.
- c. The new facility should be located on property that is separate from the Golf Course. The Rassekh property, West End Building, and the Armory National Guard site(s) are identified as good potential locations for a new tennis facility.
- d. The new facility should be paid for without taxpayer dollars, preferably with a combination of the sale of the existing indoor court property, Tennis Fund capital reserves, and revenue bonds.
- e. The project should take a phased approach to provide for major decision points along the way.

(Ex. A1 at 11.)

- (25) The City, following PRAB's recommendations, retained an architect to develop specific site plans and refine development costs for each of the top three properties identified in the Study. The final report for the Indoor Tennis Center Site Study (Site Study⁵) considered a specific set of factors set out by the City and summarized the data into key findings. (Ex. A1 at 12-19.)
- (26) After the City Council and PRAB considered the results of the Site Study, the City Council identified the Rassekh Site as the preferred option for the indoor tennis center. The City gave primary consideration to the Rassekh site's lower development costs and site opportunities relative to the usable site area, compared with the other two alternatives, because the project will be financed with tennis revenues. Among the listed project costs, direct construction costs alone were estimated at \$2,985,076 for the Rassekh property versus \$4,032,122 for the Armory Site, and \$4,750,254 for the WEB Site. (Ex. A1 at 19.)
- (27) On February 7, 2012, the City Council established its annual goals and work plan for 2012, which included further steps to support the proposed project. The City Council directed staff to prepare and submit an application to Metro to include the Rassekh property within the UGB. (Ex. A1 at 19.)
- (28) The City has engaged in an extensive three year process, including a market and feasibility study for the proposed indoor tennis center, evaluated alternative sites, and refined site plans, construction costs estimates and financing options. Further steps

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary OAH Case No. 1202947

⁵ See *Indoor Tennis Center – Site Study prepared for City of Lake Oswego*, Brian C. Jackson, Architect, LLC. (August 28, 2010.)

necessary to continue with the project include, among other things, architectural design and land use permitting processes. The inclusion of the Rassekh property within the UGB is necessary before beginning those additional steps. The proposed use of the property, if it is approved for addition to the UGB, will then be subject to the local land use process, which includes opportunity for public input. That process will require a significant amount of time. (Ex. A1 at 1-27).

- (29) The City proposes to finance the project as an enterprise, based on tennis revenues, with revenue bonds. Current interest rates and the competitive bid environment for construction projects are favorable. (Exs. A1 at 29, P at 12, 13.) The City successfully used the enterprise funding model with the existing tennis center and retired the revenue bonds in 2005. (Ex. A1 at 42.)
- (30) Metro Staff determined that the City's petition was for a non-housing need and was intended to meet needs that cannot wait until the next analysis of land supply. (Ex. D at 3.)
- (31) The City's Comprehensive Plan, originally completed over 35 years ago, is currently under a State-mandated review process. The Comprehensive Plan work program, approved by the Department of Land Conservation and Development in 2010, is to be completed by 2013. The first year of the process focused on developing and testing a Community Vision for 2035, including a preferred land use scenario and developing a conceptual vision Map. The concentration of park, education and other community facilities near Stafford Road and Overlook Drive is identified as a "community hub." (Ex. A1 at 24, citing *Community Vision for 2035*, City of Lake Oswego.⁶)
- (32) The City has also completed a Parks Plan 2025, concurrent to the Comprehensive Plan update. The City has coordinated planning efforts, including the use of consistent population and demographic forecasts. Key themes resulting from public outreach and information from the Parks Plan 2025 work have been included in the proposed text amendments for Comprehensive Plan Goals & Policies relating to Recreation. Those themes include:
 - A focus on filling gaps in recreation services by adding new facilities to existing parks or partnering with other providers; creating parks that serve multiple needs rather than acquiring new park land.

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary
OAH Case No. 1202947

Page 10 of 40

⁶ Community Vision for 2035, City of Lake Oswego,

http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/cityprojects/12161/exhibit _f-2_lo_community_vision_for_2035.pdf. *Also see 2035 Vision Map at*

http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/cityprojects/12161/exhibit _e-1_2035_visionmap.pdf.

- Identification of the three essential services that residents should have close access to from their homes; play for children, nature experience, and exercise and sports.
- Improving bike and pedestrian access to parks throughout the City.
- Identifying goals to provide facilities that promote community health, provide year-round recreational opportunit8ies, and provide multiple services to a broad range of people.

(Ex. A1 at 24.)

- (33) Metro staff reviewed the City's process and resulting proposal to include the Rassekh property into the UGB. Staff determined that the City had shown that the needs demonstrated under Metro Code 3.07.1425(B)(1) and (2) could not reasonably be accommodated on land already inside the UGB. (Ex. D at 6.)
- (34) City also evaluated four additional areas in Urban Reserve 4A that are city owned and could be considered as possible alternative sites. The City prioritized minimizing overall development costs for the public project, focusing on properties already owned by the City. Properties in the urban reserve that are not city owned and would require public acquisition were not considered viable alternative from a financial perspective. (Ex. A1 at 41, 42)
- (35) Areas 1 and 2, as identified in Exhibit E, are within the adopted Urban Reserve Area (URA) #4A. They were purchased by the City with open space bond funds and any future use is restricted by the conditions of the bond for open space only. (Ex. E at 3.)
- (36) In addition Area #2 is encumbered with a deed restriction. The deed restricts future used for open space only and directs that no development of any kind except trails, picnicking, perimeter landscaping and safety lighting may occur on the property. (Ex. E at 9.) Therefore these two areas could not accommodate an indoor tennis center and related neighborhood park amenities and cannot be deemed to better meet the need for efficient accommodation of the identified land needs for the proposal. (*Id.*, at 3, 9.)
- (37) City staff analyzed each area regarding suitability for orderly and economic provision of public service facilities and services as required under Metro Code 3.07.1425(C). Area #1, with frontage on both Childs Road and Hilltop Road (residential/local streets), has topographic conditions (steep sloped area) which would make access to an indoor tennis center and related neighborhood park amenities difficult. There is no existing public transportation service to the area. When asked, TriMet indicated that Stafford Road could accommodate buses if service were to be provided.

Area #1 does not have frontage on Stafford Road. (Ex. E at 4.)

- (38) Area # 2 has limited frontage on Atherton Drive, which would need to be extended into the site to provide adequate circulation. There is no existing public transportation to the area. As with Area # 1, Area # 2 also lacks frontage on Stafford Road. (Ex. E at 9.)
- (39) Water and sewer services would be difficult and expensive to provide to Area #1 due to lack of proximity to existing services and the high costs of providing infrastructure to such a highly sloped area. Extending necessary public facilities to the area would be less orderly and economical than providing these services to the Rassekh property. (Ex. E at 4.) For Area #2, sewer and water service exist either within Atherton Drive (water)or internal to the Atherton subdivision (sewer) approximately 200 feet north of the analysis area. Proximity and topographical barriers would affect infrastructure costs, making the extension of necessary public facilities to the area less orderly and economical than providing these services to the Rassekh property. (*Id.* at 9.)
- (40) Staff analyzed each site for environmental consequences. Area # 1, has severe topographical challenges (steep slopes) that would make is ill suited to active recreation uses such as the proposed indoor tennis center. Developing the indoor tennis center on more topographically challenging sites would increase environmental impacts from more cut and fill. Correspondingly, costs for the project would increase due to increased site preparation, creating economic disadvantages for the overall financial viability of the project. (Ex. E at 5.)
- (41) Area #2, as demonstrated in the staff report, has similar geographical challenges as Area #1, resulting in similar environmental impacts and cost increases. (Ex. E at 9.)
- (42) Regarding energy consequences of developing each alternative site, staff determined neither Area #1 nor Area #2 are well served by transportation infrastructure, nor can either area be readily served by water and sewer infrastructure due to the lack of proximity to existing services and infrastructure costs that would be incurred due to topographic considerations. (Ex. E at 5, 9.)
- (43) Regarding economic consequences, properties with the analysis Area #1 were purchased with open space bond funds and are restricted by the conditions of the bond for open space only. Area #2 is likewise restricted, and is further encumbered by deed restrictions which prohibit development such as that proposed for the indoor tennis center. (Ex. E at 5, 9.)
- (44) Regarding social consequences, neither Area #1 nor Area #2 had inherent social advantages when compared with the Rassekh property. The City selected the Rassekh property following extensive analysis and public input as the most appropriate

for the proposed project. (Ex. E at 6, 10.)

- (45) Areas #1 and #2 are both zoned Rural Residential Farm and Forest 5 acres (RRFF-5) and are surrounded by similarly zoned properties. The proposed uses as outlined for the project would have minimal impact on surrounding agricultural and forest activities. (Ex. E at 6, 10.)
- (46) Areas #1 and #2, due to use bond and deed restrictions, cannot be used to accommodate housing or employment opportunities. (Ex. E at 6, 10.)
- (47) Areas #1 and # 2 are not close enough to designated Metro Centers or Corridors in the Lake Oswego area to have a direct impact on the purposes of those centers or corridors. (Ex. E. at 6, 10.)
- (48) Staff considered the requirement regarding protection of farmland that is most important for continuation of commercial agriculture in the region. Areas # 1 and #2 are included within the Stafford area. Clackamas County has determined that the entire Stafford URA is comprised of Conflicted Agricultural land and is not suitable for long-term agricultural or forestry operations based on a number of factors. Stafford URA is generally developed with rural residences, very few parcels are greater than 20 acres and commercial agriculture activities limited. Surrounding development, parcelization and potential future residential development at the URA boundaries further limit agricultural potential in this area. Agricultural potential is futher reduced by the location of I-205 which isolates the area from rural lands to the south. In addition, the Oregon Department of Forestry has not identified any Mixed Forest/Agriculture or Wildland Forest within the area. Topographical features of both sites and current zoning would also increase the difficulty of farming/agricultural operations. (Ex. E at 6, 7.)
- (49) Regarding avoidance of conflict with regionally significant fish and wildlife habitat, Area # 1 does not include any identified regionally significant fish or wildlife habitat areas. (Ex. E at 7) Area # 2 is designated a Moderate Value Habitat Conservation Area. The area is small and can be avoided if development of the site were to occur. Under the deed restrictions, this area may be to be included in a trail/open space system in the future. (Ex. E at 7, 11.)
- (50) Area # 3 contains small areas of Sensitive Lands and Habitat Conservation Areas in both the northern and southern portions. This area represents a small portion of the entire area and could be avoided if development of the site were to occur. Mile significant, these features could be protected and incorporated in any future site planning and development. (Exs. E at 16, D at 21)
- (51) Regarding a clear transition between urban and rural lands, using natural and built features to mark the transition, Area #1 represents a "finger" that extends away from the existing UGB. The area would need to be brought into the UGB as part of a

lager amendment process that would include property in the surrounding are to create such a transition. (Ex. E at 7.) Likewise, Area #2 does not provide a clear transition and would require a similar inclusion into a larger amendment process. The Rassekh property provides a clearer transition because it the major roadways (Stafford and Rosemont) provide a defined edge to urban development. (*Id.* at 11.)

- (52) Area #3 includes the original Luscher Farm and is comprised of six tax lots totaling approximately 84 acres. Specific development challenges for the northern portion of Area #3 (set out in Exhibit E at 12, 13) would result in more costly development relative to the Rassekh property. The increased costs would likely make the cost of developing the project exceed the identified project funding sources. In addition, the City has undertaken master planning efforts that have been extensively reviewed by the community. The public review process has identified a number of potential uses for the area including passive, urban agricultural use. There are certain development restrictions covering the portion of the Area #3 that is adjacent to Stafford and Rosemont Roads and immediately across the Stafford Road from the Rassekh property. These restrictions would limit the ability to accommodate an indoor tennis center and related neighborhood park amenities as proposed on the Rassekh site. Community support is also very strong for existing current urban agricultural activities on at least 10-acres of this site. (Ex. D at 8, Ex. E at 12, 13.)
- (53) In relation to compatibility of the proposed urban use, and in comparing the Rassekh site to Area # 3, Area # 3 is zoned Exclusive Farm Use (EFU) with a portion of the area, approximately 26 acres in the southwest corner, zoned EFU1HL overlay. Properties to the east and south are similarly zoned property. As noted earlier, the southern portion of Area #3 is the core area for the Luscher Farm community garden and urban agriculture activities. The public process for the Luscher Area master planning effort strongly indicated a desire to keep a similar use if and when the property was ever brought inside the UGB. As well, Urban Agriculture has become a large public priority for this portion of Luscher Farm. There is currently a 10-acre CSA, 180-plot community garden, children's garden, Clematis botanical collection, and an Oregon Tilth organic demonstration garden. The community has strongly indicated a desire to retain these activities and to further develop the educational aspects of the Urban Agriculture program. (Exs. A1 at 51, D at 16.)
- (54) Regarding Area # 4, it is not contiguous to either the existing UGB or city limits. An amendment to bring this area into the UGB would create an island of urban land outside of the UGB, which is not allowed under Metro Code. (Ex. E at 18.)
- (55) City staff considered the location of the alternative sites compared to the Rassekh site. The Rassekh site is not as centrally located as some of the alternative sites that were considered. It is located on a major roadway and is easily accessible to the entire community. Staff determined that the proposed development of the indoor center at this location will complement existing and potential future community uses at the

southerly entrance to the City. For example, co-locating several community-scale recreational facilities in the Luscher Farm area will allow for the efficient accommodation of these needs. Parking areas, restrooms, and other support facilities can potentially be shared between the various park uses (including tennis center, Luscher Farm and Hazelia Field) reducing the amount of land needed relative to siting each park use separately. Co-location will also make it more efficient to provide on-going maintenance and management of the park & recreation facilities. (Exs. A1 at 43, D at 9, E at 14.)

- (56) Staff considered site features for ease of development. The Rassekh site allows for the efficient accommodation of the needed facilities on the land due to the relative lack of natural resource and slope constraint. These topographical features allow for efficient construction of a tennis center suited to level, open sites. In comparison to the alternative sites, the Rassekh property can efficiently accommodate the needed tennis center (as demonstrated by the 2010 Indoor Tennis. Center Site Study) and the site allows room for future expansion on the same site rather than requiring additional land for future expansion. (Exs. A1 at 43, D at 9, E at 14.)
- (57) Considering the current proposed development and possible future expansion, development of the Rassekh site allows for the natural resources on the site to be protected, preserved, and integrated into the larger design of the tennis center and other park facilities. The existing topography of the Rassekh site provides an opportunity to recess a portion of the tennis facility and to assure a site and building design that is compatible with and related to agricultural/cultural/historic uses at Luscher Farm. (Exs. A1 at 43, D at 9, E at 14.)
- (58) The proposed UGB amendment will reinforce the concentration of more active recreational uses close to Stafford Road, in proximity to the existing residential neighborhood, church, high school, Hazelia Field and golf course. The existing farm uses in the North Stafford area are generally small in size (most parcels are less than 20 acres) and are not involved in large-scale commercial operations. Agriculture operations on these farms include hay production, horse raising and boarding, and tree nurseries. (Exs. A1 at 51, D at 16, 17.)
- (59) All providers of public facilities and services for the proposed amendment area have indicated that they can serve the Rassekh property in an efficient manner. (Ex. C.) All providers either support or are neutral towards the proposed UGB amendment. According to the City's Engineering Department, the area proposed for inclusion in the UGB can be served in a comparably cost effective manner without detracting from other areas in the UGB. The service provider comments document that the subject property proposed to be included in the UGB can be served with public facilities and services in an orderly and economic manner and will have no impact on the delivery of facilities and services to other lands that are already within the UGB. (*Id.*, Exs. A1 at 44, D at 10.)

- (60) The City maintains an existing 12" water line in Stafford Road abutting the subject parcel's east street frontage. There is also an existing 8" water line located in Atherton Drive along the parcel's south street frontage. The water lines are supplied by reservoirs in the City View/Bergis pressure zone. The system has adequate capacity and pressure to serve the property. (Exs. A1 at 44, D at 10, 11.)
- (61) The City has an 8" diameter collection system that was stubbed to the west property line of this parcel, and provides gravity flow to a pump station located at the end of Sienna Drive. (Exs. A1 at 44, D at 11.)
- (62) A tributary of Pecan Creek crosses through the western fringe of the parcel, and flows to the south. The western portion of the parcel drains directly into this tributary. The eastern portion of the parcel drains to a roadside ditch along Stafford Road, and then enters a constructed conveyance system for the roundabout located at the intersection of Stafford Road and Atherton Drive. This drainage then outfalls back into a roadside ditch along the east side of Stafford Road and continues to flow south, eventually entering Pecan Creek. (Exs. A1 at 44, D at 11.)
- (63) The subject property has frontage on Stafford Road a two lane rural road with gravel shoulders. Stafford Road is designated as a minor arterial in the City's Comprehensive Plan. The subject property also has frontage on Atherton Drive, a City local roundabout was constructed at the intersection street. Stafford/Rosemont/Atherton in 2003 and there are existing and planned trails and pathways in the vicinity of the subject property. There is no existing public transportation service to the proposed amendment area. TriMet submitted comments on the initial application and indicated that Stafford Road could accommodate buses if service were to be provided. TriMet did not comment on the amended application. (Exs A1 at 44, D at 11.)
- (64) The City of Lake Oswego Police Department already handles calls to the subject property because it is within the city limits and due to the city's ownership of the land. The Police Department does not anticipate that including the subject property within the UGB to develop a new indoor tennis center would require any additional police resources. (Exs. A1 at 434, D at 11.)
- (65) Both the City's Fire Department, and the Tualatin Valley Fire and Rescue (TVF&R) indicated that their existing facilities have capacity to serve the proposed amendment area without detracting from service levels within the UGB. (Exs. A1 at 44, 45, D at 11.)
- (66) The Lake Oswego Parks and Recreation Department indicated that including the subject property in the UGB will enable the department to more effectively meet the parks and recreation needs of its community, in particular development of a larger indoor tennis center which is not possible within the existing UGB. The subject property is

currently zoned Parks & Natural Area (PNA) under Lake Oswego Code. The PNA restricts land use to: Protect, preserve, conserve and enhance natural areas, greenways, and park. It permits a wide range of passive and active recreational uses, and accessory uses on properties for the future use and enjoyment of the city and its residents. The PNA zone implements Statewide Planning Goal 8, Recreation Needs. It also establishes a master planning process for park planning and development. (Exs. A1 at 45, D at 11.)

- (67) The proposed amendment area would not generate any additional students. The Lake Oswego School District indicated that while the proposed amendment would not directly increase housing or have a direct impact on enrollment, the District is supportive of the amendment. (Exs. A1 at 45, D at 11.)
- (68) Metro staff found that the City provided an alternative analysis of additional city owned lands within adjacent urban reserve area 4A. Metro staff also determined that, as the identified need is a city owned facility that will provide services to the Lake Oswego community it was appropriate that the analysis only addresses the urban reserve area that is contiguous to the city limits, and not any other urban reserve area. (Ex. D at 12.)
- (69) Metro staff also noted that, for the alternatives analysis, the City focused on city owned sites within urban reserve 4A and did not evaluate any privately owned properties. Metro staff determined this was a reasonable process given the significant additional cost of acquiring property in an urban reserve where the potential for future urban development would increase the value of the property to a point where the project would not be feasible with the expected "enterprise" funding sources. Based on the five sites that were analyzed, Metro staff concluded that the analysis showed that the Rassekh property best meets the need for considering orderly and economic provision of public facilities and services based on the efficiency of providing public services such as sanitary sewer and water and that the petition addressed the factor as necessary. (Ex. D at 11.)
- (70) Analysis of the Rassekh Property for environmental consequences shows that the proposed UGB amendment parcel is more environmentally suitable than other portions of the proposed Stafford Urban Reserve area that lie adjacent to Lake Oswego. This conclusion is based on the topography and natural resources in other parts of the proposed Urban Reserve, including the area currently zoned for rural residential use. (Exs. A1 at 49, D at 14.)
- (71) The rural residential areas southwest of Stafford and Rosemont Roads have steep slopes and more riparian corridors than the proposed UGB amendment area to the north side of Rosemont Road. Active recreation uses such as an indoor tennis center would not be well suited to steeper slopes. Developing the proposed indoor tennis center on more topographically challenging sites would increase environmental impacts due to greater amounts of cut and fill and would also increase construction costs, creating

economic disadvantages for the overall financial viability of the project. (Exs. A1 at 49, D at 14.)

- (72) The Lake Oswego Comprehensive Plan identifies stream corridors, tree groves, and wetlands on the proposed UGB amendment site. Through the land use review process for major park development in the PNA zone, these resources will be protected and integrated into the overall site development plan. As proposed in the Draft Luscher Area Master Plan, the riparian area on the Rassekh property will be enhanced ecologically by removing blackberry and other invasive species, and replanting with native plants. An interpretive trail loop will take visitors through the restored area and offer natural resource educational opportunities. The internal park trails will connect to pathways along Atherton Drive and Stafford Road and allow access to Cooks Butte Park, Stevens Meadow and to the Stafford Basin Trail to the east. (Exs. A1 at 49, D at 14, 15.)
- (73) City staff also analyzed development of the Rassekh site regarding impact for energy consequences. As noted previously, staff determined that the proposed amendment area is already well served by transportation infrastructure and can readily be served by water and sewer infrastructure from Lake Oswego (see Service Provider Comments, Exhibit C). Additionally, the site is located in proximity to other city facilities in the area. Staff determined that this proximity can help to reduce travel distances between facilities and related energy consumption. (Exs. A1 at 49, D at 15.)
- (74) For the Rassekh site, the costs to construct and serve the needed public recreational facilities would also be lower for the proposed UGB amendment site than for other parts of the Stafford urban reserve due to the relatively level land with few natural resource constraints and the proximity of existing urban services. Bringing the site into the UGB would also provide economic benefits to the City of Lake Oswego because the City expects to finance construction of the indoor tennis center via revenue bonds that are repaid with tennis user fees. Of the three sites considered in the Indoor Tennis Center Site Study, the Rassekh site is preferred from the perspective of overall development costs and financial viability. The City also considered the current low interest rate environment as an optimal factor for allowing for the City to proceed with this improvement entirely on the basis of "enterprise "funding, without burdening the general fund. (Exs. A1 at 49, 50, D at 15.)
- (75) The proposed UGB amendment site has social advantages over other parts of the Stafford urban reserve. The subject property currently represents a "notch" in the existing UGB and is bounded by developed roadways and urban development on two sides. The City purchased the property for park and open space uses and the site was initially envisioned for development of up to two athletic fields. The site is within the city limits and is zoned for Park & Recreation uses. (Exs. A1 at 50, D at 15.)
- (76) Staff analysis and previous studies have identified the existing Lake Oswego Indoor Tennis Center as an important part of the City's overall recreational programming

for life-long active recreation and community livability. The City has maximized use of the existing Indoor Tennis Center and the 4 indoor courts cannot adequately accommodate the community need. The City has undertaken careful and methodical analysis and planning to address the overall need, evaluated alternatives, and projected anticipated costs and financing options for the proposed project. Based on thorough analysis and public input, the City Council concluded that the Rassekh site is the most suitable site for the proposed new indoor tennis center. The City believes that including this site within the UGB will enable the City to move forward with the project and maintain and enhance the overall viability of the indoor tennis program to serve the existing community and also make more indoor and active recreation opportunities available to new users. (Exs. A1 at 50, D at 15.)

- (77) Metro staff determined that the City had provided an alternative analysis of additional city owned lands within adjacent urban reserve area 4A. As the identified need is a city owned facility that will provide services to the Lake Oswego community, Metro staff found it appropriate that the analysis only addressed the urban reserve area that is contiguous to the city limits, and not any other urban reserve area. (Ex. D at 15.)
- (78) For the alternatives analysis, Metro staff determined that the City appropriately focused on city owned sites within urban reserve 4A and did not evaluate any privately owned properties. Staff concluded this was a reasonable process given the significant additional cost of acquiring property in an urban reserve where the potential for future urban development would increase the value of the property to a point where the project would not be feasible with the expected "enterprise" funding sources. Staff found that, based on the five sites that were analyzed, the City's analysis shows that overall the Rassekh property best meets the need considering comparative environmental, energy, economic and social consequences due mainly to less environmental and economic consequences. (Ex. D at 16.)
- (79) The City analyzed the compatibility of the proposed urban use with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal. The land adjacent to the Rassekh property to the east of Stafford Road and south of Rosemont Road is outside the UGB and zoned Exclusive Farm Use; existing uses include Luscher Farm, small-scale "lifestyle "farms and rural residences. The proposed UGB amendment will reinforce the concentration of more active recreational uses close to Stafford Road, in proximity to the existing residential neighborhood, church, high school, Hazelia Field and golf course. The existing farm uses in the North Stafford area are generally small in size (most parcels are less than 20 acres) and are not involved in large-scale commercial operations. Agriculture operations on these farms include hay production, horse raising and boarding, and tree nurseries. (Exs. A1 at 51, D at 16, 17.)
- (80) The City determined that the approximately 10 acre Rassekh property represents a "notch" in the existing UGB. The site is bounded by major roads and urban

uses on two sides. There are no forest activities occurring on nearby land. The agriculture activities on Luscher Farm include a relatively unique combination of "urban agriculture" uses. The mix of passive and active open space and recreational uses that exist are already an important part of Lake Oswego, and will assume a more important social and community role over the next 20 years. The proposed indoor tennis center on the Rassekh site will compliment the overall mix of uses and maintain the compatibility and transition between urban and rural uses. (Exs. A1 at 51, D at 17.)

- (81) The centers and corridors most closely related to the alternative analysis areas are the Lake Oswego and Lake Grove Town Centers; the A Street and SW Boones Ferry Road Main Streets; and the OR 43, SW Boones Ferry Road, and Country Club Road Corridors. The Lake Oswego Town Center lies roughly 2 and 1/2 miles (along roadways) from the proposed amendment area; the Lake Grove Town Center is roughly 3 miles away. (Exs. A1 at 51, D at 18.)
- (82) As noted by the City, the 2040 Growth Concept describes the purposes of Town Centers, Main Streets, and Corridors as follows:
 - Town centers: Town centers provide localized services to tens of thousands of people within a two- to three-mile radius * * * One-to three--story buildings for employment and housing are characteristic. Town centers have a strong sense of community identity and are well served by transit.
 - Main streets: Similar to town centers, main streets have a traditional commercial identity but are on a smaller scale with a strong sense of the immediate neighborhood * * * Main streets feature good access to transit.
 - Corridors: Corridors are major streets that serve as key transportation routes for people and goods * * * Corridors are served extensively by transit.

(Exs. A1 at 51, 52, D at 18.)

- (83) Areas #1, # 2, and #3 are not close enough to any of the Centers or Corridors to have a direct impact. Area # 4 is not contiguous to either the existing UGB or city limits. An amendment to bring Area # 4 into the UGB would create an island of urban land outside of the UGB, which is not allowed under Metro Code. (Exs. A1 at 51, 52, D at 18.)
- (84) The Rassekh site is not close enough to any of the Centers or Corridors to have a direct impact. (Exs. A1 at 52, D at 18.)
- (85) The Rassekh property is already within the city limits and is not designated or protected as farmland. EFU lands in proximity to the Rassekh property are located

within the proposed Stafford Urban Reserve (area 4A). According to Clackamas County findings for adoption of the urban reserves, the entire Stafford urban reserve area is comprised of Conflicted Agricultural Land, meaning it is not suitable for long-term agricultural or forestry operations due to existing on-site land use patterns, adjacent land use patterns and lack of agricultural infrastructure. The designated urban reserve area is generally developed with rural residences, there are very few parcels greater than 20 acres, and commercial agriculture activity is limited. The few commercial operations that do exist are compromised by surrounding development, parcelization and potential future residential development at the UGB edge. Agricultural potential in this area is further reduced because it is effectively cut off from rural lands to the south by Interstate 205, making it too small and isolated to stand alone as a viable commercial agricultural operation. In addition, the Oregon Department of Forestry does not identify any Mixed Forest/Agriculture or Wildland Forest located within this area. (Exs. A1 at 54, D at 19, 20.)

- (86) There is an area of regionally significant fish and wildlife habitat on the Rassekh site. The City has delineated the boundaries of several of the resources on the site. Lake Oswego Community Development Code section 50.05.010: Sensitive Lands Overlay Districts protects riparian and wetland resources as well as tree groves based on the results of the required Economic, Social, Environmental, and Energy (ESEE) Process Analysis in compliance with Statewide Land Use Planning Goal 5. In addition, the City of Lake Oswego has tree protection standards (Chapter 55) that would provide a higher level of protection for upland trees than currently exists under Clackamas County code. (Exs. A1 at 54, D at 21.)
- (87) Through the land use review process for the new indoor tennis center; the City will avoid conflict with the regionally significant fish and wildlife habitat. As part of the Indoor Tennis Center Site Study, the sensitive lands were removed from the assumed buildable site area. (Exs. A1 at 54, D at 21.)
- (88) The Rassekh property will provide a clear and logical transition between urban and rural lands using both natural and built features. The proposed UGB will parallel Stafford Road and Atherton Drive, and the Indoor Tennis Center site will be adjacent to urban uses to the west and north. The roundabout intersection at Rosemont and Stafford will help emphasize the transition by serving as an unofficial "signal" that a change in the character of the land is occurring. In addition, the Luscher Farm buildings are highly visible from both Rosemont and Stafford Roads and are considered a focal point for the community and help define the agricultural history of this area. These farm buildings will serve as another visual queue that a shift is taking place between urbanized areas to the north of Rosemont Road and rural areas to the south. (Exs. A1 at 55, D at 22.)
- (89) The proposed area for inclusion in the UGB is within an urban reserve. The proposed area is not within a rural reserve. The proposed area for UGB expansion will

not create an island of urban land outside the UGB or an island of rural land inside the UGB. (Exs. A1 at 55, D at 22.)

- (90) Existing uses in the vicinity of the subject property are described as follows:
- Existing uses to the west side of Stafford Road, between Atherton and Overlook Drive, include a church and preschool, a retirement facility, and an established single family residential neighborhood. Cooks Butte Park is located up the hill further to the west. Lakeridge High School and the Lake Oswego Municipal Golf Course are also located to the west side of Stafford Road, north of Overlook Drive. All of these uses are within the existing UGB.
- Exiting uses to the east side of Stafford Road, between Rosemont and Overlook Drive, include the City-owned Luscher Farm and Hazelia Field and park Existing uses on Luscher Farm include the historic farm, community gardens, community supported agriculture (GSA)-program, Clematis collection, gardening classes, trails, etc. Exiting uses at Hazelia Field include the artificial turf athletic field, parking area, restrooms, dog parks and trails. Hazelia Field is currently within the UGB and Luscher Farm is outside of the UGB.
- Existing uses to the south of Rosemont Road include a mix of rural residential and agricultural uses. Other uses at the southeast quadrant of the Stafford/Rosemont roundabout include a retail nursery and a power substation (PGE). Uses south of Atherton Drive include the historic Cook residence and City park (Stevens Meadow). The area south of Rosemont Road and Atherton Drive is outside of the UGB.

(Exs. A1 at 30, D at 24.)

(91) The City's intended use for the Rassekh property is as an indoor tennis center and neighborhood park. A tributary of Pecan Creek is located on the west side of the property and will provide a natural separation and wooded buffer between the recreational facility and established residential neighborhoods to the west. A church is located immediately north of the proposed tennis center site and the two institutional types of uses are compatible. The City will explore options for shared parking and potentially a shared access driveway to serve the two uses. The City is committed to working with the Palisades neighborhood to assure compatibility of the tennis center with the residential neighborhood and rural setting and minimize impacts. The City cites as example of it commitment for compatibility one of the reasons it selected the Rassekh property. The City identified the Rassekh property as a preferred site for the tennis center is because of the unique site features. The relatively large parcel and natural contours and existing vegetation provide opportunities to recess the building and use vernacular architecture that is compatible with rural/agricultural structures and uses, including agricultural structures at Luscher Farm. (Exs. A1 at 30, D at 24.)

- (92) Major park improvements are categorized as conditional uses in the Park and Natural Area Zone. The conditional use process requires a public hearing and provides a forum for a site specific focus on compatibility issues and measures to minimize impacts of major park improvements. Issues that are considered through the conditional use process include traffic and parking, lighting building design, protection of trees and sensitive areas, and landscaping and buffering. During that process, the city may impose design and development standards such as vegetative buffers, transportation improvements, protection of natural amenities, and other requirements to ensure compatibility. (Exs. A1 at 31, D at 24.)
- (93) In summary, the City has determined that the change in the location of the UGB to accommodate an indoor tennis center on the Rassekh property will not result in a dramatic change in the type and scale of passive recreation, active recreation and open space/natural resource uses that were proposed in the 1997 Luscher Farm Master Plan. The proposed indoor tennis center use on the site, while oriented to residents of Lake Oswego, will still reflect the rural nature of the area and will provide a softer transition between urban and rural development instead of a hard "edge" that is visible in many parts of the region. Once included in the UGB, additional land use reviews will provide the opportunity for consideration of more detailed site and building plans and specific measures to assure compatibility with uses of adjacent land. (Exs. A1 at 31, D at 24.)
- (94) The proposed UGB expansion is not for school facilities nor will it add land for industrial use. (Ex. A1 at 30.)
- (95) The City has developed a concept plan for the proposed UGB amendment. (included within Ex. A1, Figures 11 and 12, at 37, 38) in compliance with Title 11 of the Urban Growth Management Functional Plan (UGMFP) 3.07.111A The City matched the scale of the plan to the scale of the proposed amendment (less than 10 acres), the City ownership of the parcel, and the proposed park, open space and recreational uses. The subject property is already within the city limits and is designated and zoned PNA. Under the 1997 Luscher Farm Master Plan, active recreational uses were anticipated for the subject property. The proposed type of active use, an indoor tennis center instead of athletic fields, was the result of more specific studies of alternative sites for both the tennis center and athletic fields. The bonds used to purchase the site included restrictions which preclude alternative uses such as conversion to housing or employment, or sale of the land. (Ex. A1 at 33.)
- (96) Under the guidance provisions of Metro Code 3.07.1110(C), the City has included the following provisions:
 - General locations of public facilities and services -- The plan (at Fig. 12) identifies the general location of public facilities and services on and abutting the parcel proposed to be included in the UGB, including

- water and sewer lines. Additionally, the service provider comments from the City's Engineering Department address the adequacy of existing facilities and services (see Exhibit C).
- Mode, function, and general location of state transportation facilities, arterials, regional transit facilities, trail facilities, and freight intermodal facilities – The plan (at Fig. 13) identifies the general location of the existing roads (Stafford Road and Atherton Drive) abutting the land to be included in the UGB. There are no state transportation facilities, regional transit lines or freight intermodal facilities in proximity to the proposed UGB amendment. Fig. 17 shows potential access points into the site and regional and local trail connections along the site boundaries.
- System facility connections Fig. 12 identifies the potential access connections to the roadway network and possible connection points to the water and sewer system. The service provider comments from the City Engineering Department address facility connections and adequacy in greater detail (See Exhibit C). The criteria, under the Lake Oswego Development Code, ⁷ for approval of a Master Plan in the PNA include, but are not limited to, the following:
 - iii. The improvements and uses proposed for the site are capable of being served by the existing or planned transportation systems, public facilities and services;

* * * * *

- A master plan shall include an analysis of the projected v. average daily vehicle trips to be generated by the proposed uses to be authorized under the master plan and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the uses[.]
- Preliminary methods to finance --- Similar to the existing 4-court indoor tennis center in Lake Oswego, the proposed 8-court indoor tennis center on the Rassekh property would be paid for by a revenue bond based on funds generated from tennis operations. Because interest rates are currently very low and construction bids are competitive, the Parks and Recreation Department expects that the timing would be very good for proceeding with the revenue bond method to finance the proposed indoor tennis facility. The Indoor Tennis Center - Site Study includes a discussion of

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary OAH Case No. 1202947

⁷ Lake Oswego Development Code, section 50.02.003(3) Master Plan Criteria, Park and Natural Zone Area, (Revised December 2011), http://www.codepublishing.com/or/lakeoswego/?f

financing options for the indoor tennis center based on two Lake Oswego revenue bond programs.

(Ex. A1 at 34.)

- (97) TPC, through real estate research in Lake Oswego, determined that the City can reasonably expect to receive an estimated \$1 million from the 2.81-acre site of the existing LOITC if it can be zoned R-10 (8 lots @ approximately \$125,000 per lot). Design and construction costs for the new tennis center can further be reduced by applying \$500,000 in reserves from the Tennis Fund, which can be generated by slightly increasing fees over a period of 1-2 years to augment current reserves in the Tennis Fund. This strategy has already been implemented, with these funds earmarked as "capital reserves" for the project.
- (98) The City's Parks and Recreation Department has demonstrated a history of successfully financing and operating a strong indoor tennis program. In addition to having retired the previous revenue bonds for the existing LOITC, the facility operation has contributed approximately \$25,000 in net revenues to the general fund over the past five years. Financial projections for the construction and operation of new facility are not expected to impact the City's general fund or property taxes. (Ex. A1 at 34, 35.)
- (99) Updated data on the current LOITC usage (defined as "hours of court time") shows the following: from 2006 through 2012, total percentage of capacity use for winter-spring was 2006 76%, 2007 78%, 2008 81%, 2009 73%, 2010 79%, 2011 80%, 2012 78%. For 2006 through 2012, total capacity use for summer was 2006 12%, 2007 22%, 2008 20%, 2009 20%, 2010 21 %, 2011 20 %, 2012 16 %. In summer 2012, the summer Adult Drill & Play class was cancelled, bringing the hours used in adult classes down to 85, versus a range of a low in 2007 of 125 to a three year consistent high of 149 for each of 2008, 2009, and 20120. (Ex. O at 4.)
- (100) Total percentage of year-round court usage for 2006- 2011 (as of September 21, 2012) was as follows: 2006 62.61%, 2007 66.86%, 2008 66.36%, 2009 63.42%, 2010 66.49%, 2011 66.10%. Total percentage of playing-season usage for 2006-2011 was as follows: 2006 79.24%, 2007 81.98%, 2008 82.18%, 2009-78.08%, 2010- 81.76%, 2011 81.75%. The national average court usage, according to TPC is 70% for the playing season and 50% for year round averages. (Ex. O at 4.)
- (101) There was a decline in class participation for 2010 to the summer of 2012. Additional data shows programmatic uses have increased such as the number of hours of seasonal court use and league play. The overall need for a new tennis facility has not declined. (Testimony of Gilmer; Ex. O at 2.)

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary OAH Case No. 1202947 Page 25 of 40

⁸ Percent capacity was calculated as the percentage of court hours used in comparison to available hours (4 courts x 16 hours/day x number of days in season). (Ex. O at 4.)

(102) The City addressed additional concept planning requirements (set out in an additional six bullet points) in its proposal. The City's proposal is sufficient to address Title 11 concept planning requirements. The proposed acreage is minimal compared to similar concept plans developed for other areas in Washington County, which included many complex factors. The current proposal addresses property that is already included within city limits, is publicly owned, and is designed for park and recreation uses. (Ex. A1 at 35.)

(103) Following an initial proposal amendment for adding the 93-acre Luscher Farm Area to the UGB, the Clackamas County Board of Commissioners issued, on April 3, 2012, a statement of a lack of support for that amendment due to numerous concerns. The City met with representatives of Clackamas County, as well as those from the cities of West Linn and Tualatin in April 2012. The City also met with the Stafford Hamlet Board in May 2012. Subsequently, the City reduced the proposed scope of the UGB application to include only the 9.8 acre Rassekh property that is already within the City and subject to City land use regulations. (Ex. A1 at 36.)

(104)Traffic impact on the surrounding area is projected to be minimal. The number of courts and the corresponding number of users is low. Users will access the facility throughout the day in small numbers according to the availability of courts. Users will not enter and leave in large numbers at key times such as peak commuting hours or school start and end times. (Testimony of Gilmer.)

(105) Stafford Road and Rosemont Road are major arterial roadways that provide access to the Rassekh site. (Testimony of Dorman.)

STANDARD OF REVIEW

To withstand appeal, a decision must be supported by substantial evidence in the whole record. ORS 197.835(9)(a)(C). Substantial evidence is evidence on which a reasonable person would rely in reaching a decision. *Portland v. Bureau of Labor & Industries*, 298 Or 104, 119. (1984.)

APPLICABLE REVIEW CRITERIA

Metro Code sections 3.07.1245 (B, C, D, E, & F) and 3.07.1440 (A & B). Metro Code sections 3.07.1425 (C) (1-9) are considered locational factors that are weighed and balanced to determine the most suitable location for the UGB expansion. The remaining code sections contain criteria that must be satisfied.

OPINION

Metro Code section 3.07.1440(A) provides that:

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary
OAH Case No. 1202947
Page 26 of 40

The purpose of the major amendment process is to provide a mechanism to address needs for land that cannot wait until the next analysis of buildable land supply under ORS 197.299. Land may be added to the UGB under sections 3.07.1430 and 3.07.1440 only for public facilities and services, public schools, natural areas and other non-housing needs and as part of a land trade under subsection D. An applicant under section 3.07.1430 must demonstrate compliance with this purpose and these limitations.

The City's petition meets the two required criteria contained within section 30.07.1440(A). The City proposed the amendment to add land to the UGB for a recreational need, which is a non-housing need, as required under the Code. As discussed below, the City has also shown that the proposal addresses needs for land that cannot wait until the next analysis of buildable land supply under ORS 197.299 which will occur in December 2014.

As found by Metro staff in its report, the City has completed an extensive amount of work including a marketing and feasibility study for the proposed indoor tennis center, evaluated alternative sites, and refined site plans, construction cost estimates and financing options. Further architectural design or land use permitting steps for the project would be premature and not prudent until there is certainty that the project can move forward. Determination that the property can be brought into the UGB is the next step. If approved, significant additional time will be needed to complete the local land use planning process, which includes the opportunity for public input. financing is planned to be accomplished through revenue bonds, for which current interest rates are affordable and the current contracting market is favorable for lower bids. The evidence supports the City's position that delaying the project until the next regional analysis of land supply (2012) and possible growth management decision (2014-2016), especially when there is no certainty that needs for parks lands will be addressed, is not appropriate or an efficient way for the City to address the needs of its citizens. The major amendment mechanism provided for in the Code is the appropriate means to address this need as utilized by the City.

Metro Code section 3.07.1440(B) provides that:

The applicant shall demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria and factors in subsections B, C, D, E, F and G of section 3.07.1425.

Under the above provision, it is therefore necessary to address all of the factors set forth in Metro Code section 3.07.1425(B) through (G). Each of those factors are addressed separately below.

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary OAH Case No. 1202947 Page 27 of 40

Section 3.07.1425(B)(1) Demonstrated need to accommodate future urban population, consistent with a 20-year population range forecast coordinate with affected local governments[.]

The City met its burden to show that the proposed amendment meets the long-range criteria set out in this provision of the Code. The 2009 Urban Growth Report estimated a necessary area of vacant land within the UGB which could be used, according to local ability, to provide future parks through system development. It was an estimate of need for purposes which results in a reduction of the assumption of the vacant land supply. There is no certainty that the next cyclical analysis will include considerations for parks needs in existing urban areas that may see substantial growth. The Major Amendment process provides an opportunity for a local jurisdiction, such as the City, to bring land into the UGB for specific park needs that are not anticipated in the cyclical analyses. The City's proposal is based on funded studies for the proposed use, and it was planned in coordination with the City's Comprehensive Plan Update (August 2010) and the Parks Plan 2025 (currently under public review), both of which incorporated citizen participation and preferences.

Section 3.07.1425(B)(2) Demonstrated need for land suitable to accommodate housing, employment opportunities, livability or uses such as public facilities and services, schools, parks, open space, or any combination of the foregoing in this paragraph[.]

The City met its burden to show a demonstrated land need to accommodate park services. TPC's study and analysis compared the City's market area and exiting facilities to national market area user needs and facility ratios. The existing available facilities within the City's market area result in a player to court ratio that is more than twice that of the national average. Market analysis showed the City's market area to have a strong demand for additional indoor tennis courts. The current facility cannot be expanded. The City has shown a demonstrated need for additional land suitable for park services.

Section 3.07.1425(b)(3) A demonstration that any need shown under paragraphs (10 and (2) of this subsection cannot be accommodated on land already inside the UGB[.]

The City began its analysis with the Golf and Tennis Feasibility Study consideration of six sites, five of which are located inside the existing UGB. The sixth site is the subject property, the Rassekh property, which is located within the city limits but outside the UGB. Following analysis and consideration of the Study, the PRAB recommended to the City Council three of the potential sites as the most optimal, the West End Building, the National Armory property, and the Rassekh property. The City then commissioned the architectural review and proposal, the Site Study, for the project relative to all three of the top sites. PRAB and the City council then reviewed the Site

Study.

The City Council next identified the Rassekh property as the preferred site due, in part to the lower development costs and site opportunities relative to the alternative sites. Because the proposed funding mechanism is to remain an enterprise fund with no general tax support, the Rassekh Site lower development cost relative to the alternative sites. The City has shown that the needs demonstrated under paragraphs (1) and (2) of subsection (B) cannot be accommodated on land already inside the UGB.

Section 3.07.1425(C)(1) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering efficient accommodation of identified land needs;

Because the identified need is a city-owned facility that will provide services to the Lake Oswego community, the city appropriately focused its analysis on areas inside the urban reserve that were contiguous to the city limits. The City also focused its analysis on city-owned sites, and did not evaluate any privately owned properties. Given the additional cost associated with obtaining additional private land, and the City's desire to utilize "enterprise" funding sources, the City's approach was reasonable. The City reasonably concluded that development of the tennis facility would not be economically viable if it had to purchase additional land.

The City's analysis demonstrated that the Rassekh property best meets the identified need considering efficient accommodation of identified land needs. The cost to develop the Rassekh property is significantly less than would be the case with alternative cites. In addition, due to development restrictions related to open space bond funds for two of the alternative sites in addition to deed encumbrances on one of those two alternative sites, and topographic constraints on the alternative sites, make development of alternative sites impractical.

Section 3.07.1425(C)(2) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering orderly and economic provision of public facilities and services;

As explained above, the City focused its analysis on city-owned land adjacent the city limits. Because the identified need is a city-owned facility to serve the needs of the Lake Oswego community, that approach is reasonable. Also, because acquiring private land would make the project economically unfeasible, the City reasonably focused its analysis on land already owned by the City. The City's analysis demonstrated that the Rassekh property best meets the identified need considering orderly and economic provision of public facilities and services based on cost of development and the efficiency of providing public services such as sanitary sewer and water.

Section 3.07.1425(C)(3) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering comparative environmental, energy, economic and social consequences;

The City provided a detailed analysis comparing the environmental, energy, economic and social consequences to developing a tennis center on the identified properties. In all respects, the Rassekh property best meets the identified need after consideration of those consequences. One alternative site would not be permissible under the Metro Code because it is not contiguous to the current UGB. Three of the other identified alternative sites are on steep terrain, which would require greater amounts of cut and fill, thus resulting in added environmental impacts.

Two of the three alternative sites are not currently well-served by transportation infrastructure. One of the sites is relatively well-served by existing transportation infrastructure, but is not currently served by public transit. None of those three alternative sites can be easily served with existing water and sewer services. In contrast, the proposed site is already well served by transportation infrastructure and can readily be served by water and sewer infrastructure from Lake Oswego.

The proposed site also is preferable from an economic standpoint. Because it is relatively flat, and has easier access to sewer and water infrastructure, the cost to develop the site would be relatively inexpensive in comparison with the other sites. Due to various restrictions imposed when the city acquired the lands, two of the alternative sites could not be used for development of an indoor tennis facility. The remaining site would be prohibitively expensive to develop for that purpose.

The proposed site is bounded by developed roadways and urban development on two sides and was purchased by the City specifically for use as parks and open space. None of the alternative sites provide superior social consequences in comparison with the proposed site.

The City met its burden to establish that the proposed site best meets the identified need in comparison with alternative sites with regard to environmental, energy, economic and social consequences.

Section 3.07.1425(C)(4) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal;

Two of the three identified alternative sites are zoned Rural Residential Farm and Forest - 5. Use of those sites for the tennis center would have no impact on nearby agricultural or

forestry activities. However, neither of those sites are viable due to conditions attached to the property at the time the City acquired them. Use of the third alternative site could have some minor impact on nearby agricultural activities. Property adjacent to that site is zoned EFU but is used primarily for urban agriculture programs.

The Rassekh property is adjacent to land zoned EFU, but again, that land is used primarily for urban agriculture programs. In addition, the Stafford Road traffic circle provides somewhat of a buffer to the EFU zoned lands to the east. Based on the five sites that were analyzed, the Rassekh property best meets the identified need considering compatibility with proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.

Section 3.07.1425(C)(5) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering equitable and efficient distribution of housing and employment opportunities throughout the region;

The City is not seeking to expand the UGB for housing or employment. Consideration of equitable and efficient distribution of housing and employment opportunities is not applicable.

Section 3.07.1425(C)(6) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering contribution to the purposes of Centers and Corridors;

None of the potential sites identified by the City are close enough to the 2040 designated Centers or Corridors in Lake Oswego to have a direct impact. Consideration of this factor does not favor any particular site over the others.

Section 3.07.1425(C)(7) If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering protection of farmland that is most important for the continuation of commercial agriculture in the region.

The proposed site has been designated by Metro as part of the urban reserve. That designation means that the property is not the most important for the continuation of commercial agriculture in the region.

Section 3.07.1425 (C)(8) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering avoidance of conflict with regionally significant fish and wildlife habitat;

Due to use restrictions on two of the three alternative sites, the property may not be used for an indoor tennis center. Impacts to the identified habitat on the third alternative site could be avoided if the site were to be developed.

There is an area of regionally significant fish and wildlife habitat on the Rassekh site. This area represents a small portion of the entire area and could be avoided if development of the site were to occur. Significantly, the City, through the Indoor Tennis Center –Site Study removed the areas of sensitive lands from the portion of the land considered to be buildable. In addition, the City has a development review process in place that can be used to ensure that those sensitive areas are not impacted by the anticipated development. Given that review process, and the and the lack of viable alternatives to the development, the proposed site best meets the identified need while avoiding conflict with regionally significant fish and wildlife habitat.

Section 3.07.1425 (C)(9) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering a clear transition between urban and rural lands, using natural and built features to mark the transition.

The proposed site forms a "notch" in the UGB. The proposal would, in effect, eliminate that notch without intruding into rural lands; which would be the effect of using the identified alternative sites. In addition, by making the UGB conterminous with the two adjacent roadways, and eliminating the "notch," use of the proposed site would mark a clear transition between urban and rural lands, using both natural and built features to mark that transition. Of all identified sites, the Rassekh property offers the best available site for providing a clear transition between urban and rural lands.

Section 3.07.1440 (B)(1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land.

The City has demonstrated that the use of the subject property can be made compatible with the use of adjacent land. The proposed facility will be subject to the city's conditional use process that requires a public hearing and provides a forum for a site-specific focus on compatibility issues. Because the proposed site is relatively large, the building may be recessed from the property line. The development can take advantage of topography and existing vegetation to make the proposed use compatible with adjacent land uses. There is also the potential to use vernacular architecture that is compatible with the agricultural structures at nearby Luscher Farm which would help minimize any impacts. In short, the size of the property, and the City's conditional use process, provides a reasonable assurance that the use of the property for a tennis center can be made compatible with the uses of adjacent lands.

Section 3.07.1440(B)(2)

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary OAH Case No. 1202947 Page 32 of 40 Metro Code Section 3.07.1440 (B)(2) imposes certain requirements if the amendment to the UGB would add land for public school facilities. That provision does not apply to this case.

Section 3.01.1440(B)(3)

Metro Code section 3.01.1440 (B)(3) imposes certain requirements if the amendment would add land for industrial use. That provision does not apply to this case.

Sections 3.07.1440 (D) and (E)

Metro Code Section 3.07.1440 (D) requires the Council to make specific findings if the proposed extension of the UGB would include land not designated as urban or rural reserve. Because the petition in this case concerns land designated as part of the urban reserve, such findings are unnecessary.

Metro Code Section 3.07.1440 (E) prohibits the Council from adding land designated as rural reserve to the UGB. The property at issue has not been designated as rural reserve, so this provision is not applicable.

Section 3.07.1440 (F)

Metro Code Section 3.07.1440 (F) prohibits amending the UGB in a way that would create and island of urban land outside the UGB or an island of rural land inside the UGB. The proposed cite is adjacent to the UGB. Expansion of the UGB to include this property will not create an island.

Citizen testimony in favor of the petition

Citizen testimony in favor of the petition agreed with the need for the facility as stated by the City and with the location. Citizens provided anecdotal evidence, in one case a 30-year history, of the inability to get indoor tennis court time within the Lake Oswego area. Students testified to the loss of local school tennis teams due to the lack of indoor court availability. Affordability was another factor cited in support of the City's proposal. Citizens in support of the petition agreed that the site provided an optimal location nearby local schools and as a natural transition to more rural lands beyond the Stafford Road/ Rosemont Road areas. Local residents testified that to reserve time at the current LOITC, one must enter a lottery system and many do not get selected. Residents sometimes drive to Vancouver, Washington, up to 30 miles away, to find alternative indoor court availability

Citizen testimony in opposition to the petition

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary
OAH Case No. 1202947
Page 33 of 40

Citizen testimony in opposition to the petition for a major amendment to the UGB challenged whether the City's proposal met the burden to show the need for land that cannot wait until the next analysis of buildable land supply. Metro Code section 3.07.1440(A). As discussed above, the City met its burden of proof relative to that provision of the Code.

Atherton Heights HOA opposes the City's proposal to amend the UGB. (Written testimony, letter of September 19, 2012, by Elaine Albrich, attorney at law, of Stoel Rives, LLP.) (Ex. G.) The HOA questions the urgency of the application based in part on favorable market conditions and construction markets. The opinion addresses the concern in that portion finding that the City met the criteria for need for land that cannot wait until the next analysis of buildable land supply. Atherton Heights HOA also asserts that the proposed tennis center does not address a "critical City service." There was no showing that "critical City service" is a required criterion under the amendment requirements. The City documented the need and interest in the indoor tennis facility and that amendment is proposed for adding land to the UGB for a park use, one of the acceptable proposed uses. Further, the HOA notes that neither the master planning for the Luscher Farm area (which includes the Rassekh property) nor the City's comprehensive plan update is complete. There was no showing that waiting for these processes to be completed was required. Additionally, the City's proposal demonstrated that the petition is in accord with the currently available projections in both plans.

The Atherton Heights HOA also asserted that the City's analysis of alternative sites and choice of the Rassekh property were not supported by the evidence. As discussed above, I found that the City had met its burden of proof on consideration of each of the necessary criteria.

Citizen testimony in opposition in one instance related to overall concerns of the relationship between Lake Oswego and surrounding communities. The hearing held for this petition for a major amendment to the UGB has no method for accounting for such concerns and no means to affect any such issues outside those requirements within the Code. In the current matter, the petition met the requirements for communication with and approval of specified governmental bodies.

Citizen testimony in opposition also focused on perceived increased traffic in the area, specifically on Stafford Road at the intersection of Rosemont Road. One citizen cited recent traffic studies from Clackamas County indicating a 12 percent increase in traffic on Stafford Road from 2008 to 2011. The source of that data was not provided. In addition there was no data on whether traffic accessing the proposed facility would statistically add to the current traffic volume on Stafford or Rosemont Roads.

Additionally, there was testimony that any increase in traffic attributable to the

proposed indoor tennis center on the Rassekh property would be minimal and would be spread throughout the day rather than concentrated at specific times as might occur with other recreational uses. The City's proposed plan adequately accounted for transportation, including access issues, when evaluating and selecting the proposed site.

Additional citizen testimony in opposition voiced concerns over a lack of an overall traffic and transportation plan for the area known as the Stafford Basin. Although understandable, the concern was not related to a specific requirement under the Code provisions for major amendments to the UGB. More specifically, the proposed development was not projected to have a major impact on the existing traffic patterns. Therefore, the proposed amendment was not required to address this issue and had no means to effect such an overarching potential issue.

Testimony on behalf of the SHC contended that the demand for the facility as presented in the proposal was incorrect and had been significantly diminished by the addition of the nearby private facility developed in West Linn. Staff testimony as well as the proposal data showed that the SHC courts had been accounted for, even overestimated, when calculating demand for the new indoor tennis facility. Considering all of the greater Lake Oswego area court availability, the City's data showed a significantly high unmet need for indoor tennis courts. In addition, the SHC facility is a private facility with higher costs and thus less accessibility than the proposed publicly owned proposed facility.

Citizen testimony was given representing the opinion of members of City Council who disagreed with the City Council's vote in approval of going forward on the petition for the major UGB amendment. As argued by Mayor Huffman, the City Council did vote on the proposal and the majority of the Council voted to proceed with the petition. There was no authority for revisiting dissenting views within the City's governing body within this hearing process.

Conclusion

As detailed in the above Proposed Order, and in agreement with the Metro Staff Report of August 30, 2012, I find that the City's Petition for a Major Amendment to expand the UGB to incorporate 9.8 acres (the subject property) to be used for an indoor tennis and neighborhood park facility has met the required criteria under Metro Code sections 3.07.1245 (B, C, D, E, & F) and 3.07.1440 (A & B) in addition to consideration of locational factors under Metro Code sections 3.07.1425 (C) (1-9). Based on the record as a whole, I find substantial evidence supports a recommendation to approve the petition.

PROPOSED ORDER

The application by the City of Lake Oswego, dated June 4, 2012, for a Major Amendment to the Metro Urban Growth Boundary (UGB) to the Metro Council, to expand the UGB to incorporate 9.8 acres (the subject property) to be used for an indoor tennis and neighborhood park facility, is recommended for approval.

A. Bernadette House

Senior Administrative Law Judge Office of Administrative Hearings

APPENDIX I

List of Exhibits and Written Testimony

- A1 Rassekh Park Property Urban Growth Boundary Amendment, Major Amendment, submitted to Metro Council-Summary, Narrative Proposal, and List of Figures (site maps), Lake Oswego Parks and Recreation Staff (June 15, 2012)
- A City's signed application form, Major Amendment to the Metro UGB (June 4, 2012)
- B Lake Oswego Charter, chapter X., Park Development Limitation
- C Service Provider Comments
- D Notarized Affidavit and Mailing List
- E. Supplemental Findings for the Rassekh Park Property UGB Amendment, Lake Oswego Parks and Recreation Staff (July 20, 2012)
- F. Email statement, Mary Ann Kunkel (support), September 17, 2012
- G. Letter, Elaine Albrich, with Stoel Rives, on behalf of Atherton Heights Home Owners Association (Atherton HOA), (not in opposition but with concerns), September 19, 2012
- H. Letter, Brian Dunkley, resident and secretary, Atherton HOA, (opposed) September 19, 2012
- I. Written Testimony, Jay Minor, resident of West Linn, (support), September 20, 2012
- J. Written Testimony, Rick Cook, resident (opposed), September 20, 2012
- K. Letter, James Zupancic, Esq., Zupancic Rathbone Law Group, LLC., for Stafford Hills Club, LLC. (SHC), located in West Linn, (opposed), September 20, 2012
- L. Attachments to SHC September 20, 2012 letter SHC Key Facts
- M. Email statement, Kasey Holwerda, resident (opposed), September 20, 2012
- N. Email (via Tim O'Brien, Metro) with additional comments from Mary Olson, Lake Oswego City Councilor (September 27, 2012)
- O. Letter and supporting documents in response to questions raised at September 20, 2012 public hearing, Kim L. Gilmer, parks and recreation director,

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary

OAH Case No. 1202947

City of Lake Oswego, September 27, 2012, including the following:

Appendix A – Lake Oswego Tennis Facility Usage Data, 2006 through summer 2012.

Appendix B – Tennis Class & Program Participation

Appendix C – Summer 2012 class enrollment

Appendix D – Summer Classes 2006-2012

P. Indoor Tennis Facility Operations Analysis for the City of Lake Oswego, by The Sports Management Group (2012) and Appendix

Q. Letter, Lauren Hughes, Board Member, Citizens for Stewardship of Lake Oswego Lands, (September 27, 2012) (marked but not considered)

In the Matter of City of Lake Oswego, Proposed Major Amendment to the Urban Growth Boundary
OAH Case No. 1202947

Page 38 of 40

⁹ Ms. Hughes did not attend or testify at the hearing at September 20, 2012 hearing and could not have requested the record left open for additional testimony under Metro Code 3.07.1430(N).

APPENDIX II

Public Hearing Re: City of Lake Oswego Petition for Major Amendment to the Urban Growth Boundary

September 20, 2012: 6:00 p.m.

City of Lake Oswego, Council Chambers, 380 A Avenue, Lake Oswego Oregon

Individuals giving public comment with addresses

- 1. Jay Minor, 18300 S. Whitten Lane, West Linn, OR 97068
- 2. Brian Dunkley, 18296 Meadowlark Lane, Lake Oswego, OR 97034
- 3. Andrew Gibson, Stoel Rives LLP, for Atherton Heights HOA, 1956 Cheryl Court, Lake Oswego, OR 97034
- 4. Anita Derry, 2195 SW Pattulo Way, West Linn, OR 97068
- 5. Jeannann McCoy, President, Atherton Heights HOA, 1973 Cheryl Court, Lake Oswego, OR 97934
- 6. Paul Kachel, 3085 Westview Circle, Lake Oswego, OR 97034
- 7. Rick Cook, 18451 SW Stafford Road, Lake Oswego, OR 97034
- 8. Doug Jost, 3140 Westview Circle, Lake Oswego, OR 97034
- 9. Charlie Kachel, 3085 Westview Circle, Lake Oswego, OR 97034
- 10. Cyndi Murray, 3140 Westview Circle, Lake Oswego, OR 97034
- 11. Tia Ross, 1557 SW Wilds Road, Lake Oswego, 97036
- 12. Carolyne Jones, 2818 Poplar Way, Lake Oswego, 97034
- 13. Liz Lamade, 2486 Palisades Crest Drive, Lake Oswego, 97034 in favor
- 14. Josie Dix, 15750 Springbrook Court, Lake Oswego, 97034
- 15. Lili Bekuhrs, 15750 Springbrook Court, Lake Oswego, 97034
- 16. Jim Zupancic, 4949 Meadows Road, #600, Lake Oswego, 97035
- 17. Kathy Schaub, 2105 Clubhouse Drive, West Linn, OR 97068
- 18. Mary Olson, 18453 Tamaway Drive, Lake Oswego, Or 97034
- 19. Gary McKenzie, 7585 SW Middle Greens Road, Wilsonville, OR 97070
- 20. Gunnar Brinck, 2 Sherwood Court, Lake Oswego, Or 97035
- 21. Charles Ormsby, 170 SW Birdshild Road, Portland, 97219
- 22. Evie Fuson, 1255 Chandler Road, Lake Oswego, 97034

CERTIFICATE OF MAILING

On November 1, 2012 I mailed the foregoing Proposed Order issued on this date in OAH Case No. 1202947.

By: First Class Mail and Via Email

Martha Bennett Chief Operating Officer Metro 600 NE Grand Avenue Portland, OR 97232

By: Email Only

Robin.mcarthur@oregonmetro.gov

Tim.O'brien@oregonmetro.gov

Lucy Garcia

Administrative Specialist Hearing Coordinator

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 12-1296, FOR THE PURPOSE OF AMENDING THE URBAN GROWTH BOUNDARY IN THE VICINITY OF THE CITY OF LAKE OSWEGO UPON APPLICATION BY THE CITY OF LAKE OSWEGO

Date: November 20, 2012 Prepared by: Tim O'Brien Principal Regional Planner

PROPOSED ACTION

Adoption of Ordinance 12-1296, approving *UGB Case 12-01: City of Lake Oswego*, a major amendment to the urban growth boundary (UGB). The proposed amendment area is shown on Attachment 1.

SUMMARY OF PROCESS

Metro Code provides that applications for UGB amendments are first heard by a hearings officer. After holding a public hearing, the hearings officer prepares a proposed order, with findings of fact and conclusions of law, and forwards the proposed order as a recommendation to the Metro Council, along with the evidentiary record of the hearing. The Metro Council then considers the hearings officer's recommendation and holds an "on the record" public hearing where individuals who participated before the hearings officer are allowed to submit oral and written argument. Such argument must be based on the evidence provided to the hearings officer, and no new evidence may be submitted to the Metro Council.

Final Metro Council action on the proposed UGB amendment is as provided in Section 2.05.045 of the Metro Code. If the Council's decision is to approve the application to amend the UGB, staff has provided a proposed ordinance for Council adoption. The Council may either adopt the hearings officer's findings recommending approval, or instruct Metro staff to prepare revised or supplemental findings in support of approval. The Council may also adopt conditions of approval as part of its decision.

If the Council's decision is to deny the application, the Council must adopt a final order rejecting the hearings officer's recommendation, supported by findings of fact and conclusions of law explaining why the Council believes the criteria have not been met. If the Council believes additional evidence is necessary in order to make a final decision, the Council may remand the decision back to the hearings officer for further proceedings.

BACKGROUND AND ANALYSIS

Proposal Description:

The City of Lake Oswego filed a petition for a 9.8-acre major amendment to the UGB for an indoor tennis and neighborhood park facility. The site consists of one tax lot within the city limits of Lake Oswego at the intersection of NW Stafford Road, NW Rosemont Road and Atherton Drive. The subject property is identified as the Rassekh property, is owned by the City of Lake Oswego and zoned PNA (Park and Natural Area).

Public Hearing before the Hearings Officer

The hearings officer, Senior Administrative Law Judge A. Bernadette House, conducted a public hearing at the City of Lake Oswego on September 20, 2012. Metro staff recommended approval of the application. Twenty-two people testified at the hearing, 12 in favor of the application and 10 against. In addition, four people submitted written testimony, one in favor and three against the application. The hearings officer granted a request to keep the record open for seven days; the record closed at 5:00 p.m. on September 27, 2012.

Hearings Officer Recommendation and Proposed Findings

On November 1, 2012 the hearings officer submitted a proposed order recommending approval of Case 12-01, based upon her findings that all applicable criteria have been met. The Metro Council will hold an "on the record" hearing on the recommendation on December 6, 2012. All parties to the case were notified in writing of the Metro Council hearing date and the notice was posted on Metro's website. Parties were asked to submit their written argument to Metro seven days in advance of the hearing, in order to provide sufficient time for review and analysis. The hearings officer's recommendation has been provided to the Council and made available to the parties.

SUMMARY

According to Metro Code 2.05.045(b), the Council shall either:

- Adopt Ordinance 12-1296 to approve *Case 12-01: City of Lake Oswego* based on the findings of fact and conclusions of law set forth in the hearings officer's proposed order.
- Vote in favor of adopting Ordinance 12-1296 to approve *Case 12-02: City of Lake Oswego* based on revised findings of fact and conclusions of law to be prepared by Metro staff.
- Remand the proceeding to the Hearings Officer for further consideration.
- Vote to adopt a Resolution entering an order to deny *Case 12-01: City of Lake Oswego* based on revised findings of fact and conclusions of law to be prepared by Metro staff.

Also, the Metro Code expressly allows the Council to establish conditions of approval it deems necessary to ensure the UGB expansion complies with state planning laws and the Regional Framework Plan. Metro Code 3.07.1455.C.

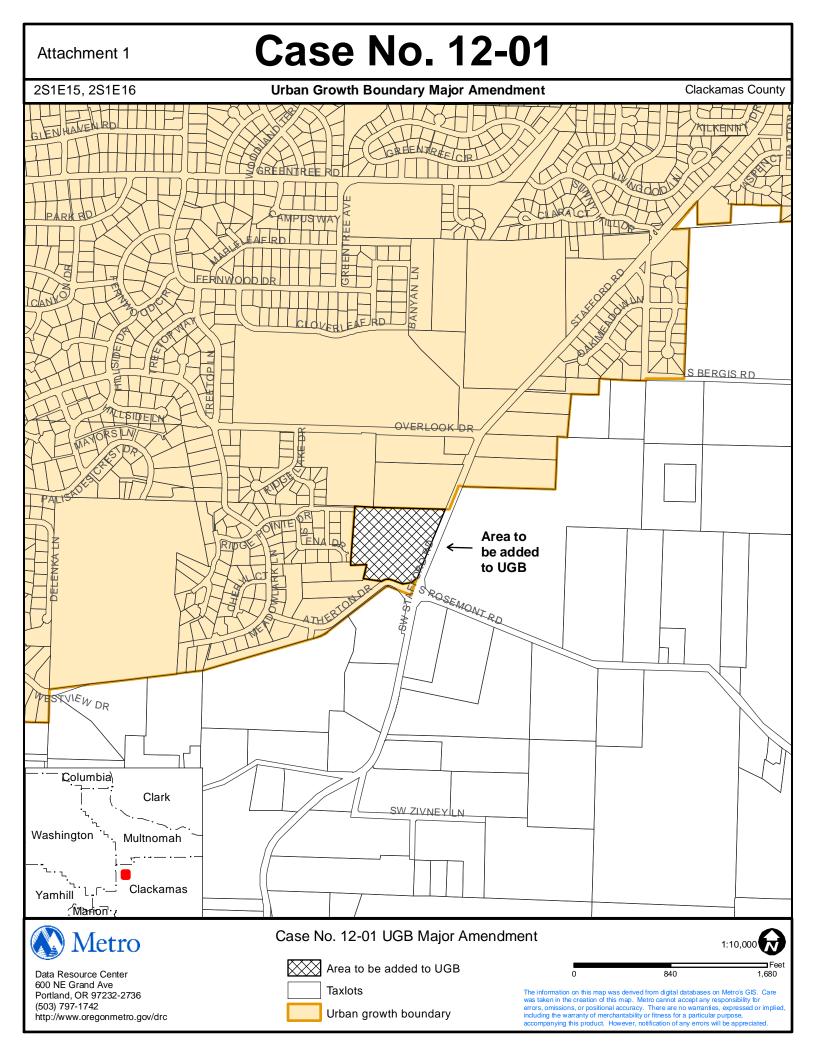
INFORMATION

Known Opposition: Numerous people testified verbally and in writing in opposition to the proposed UGB amendment at the public hearing before the hearings officer.

Legal Antecedents: The Metro Regional Framework Plan and Urban Growth Management Functional Plan Title 14: Urban Growth Boundary authorizes amending the Urban Growth Boundary through a Major Amendment process.

Anticipated Effects: The adoption of Ordinance 12-1296 will add 9.8 acres of land to the urban growth boundary in the vicinity of Lake Oswego for an indoor tennis and neighborhood park facility.

Budget Impacts: There is no budget impact from adopting this ordinance.

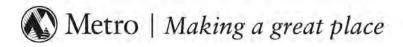


Materials following this page were distributed at the meeting.

President Hughes and Metro Councilors. My name is Courtney Scott and I am here today to urge you take immediate steps to remove the Oregon Zoo elephants to a preserve or a sanctuary. The fact that the zoo has a contractual agreement with a circus that trains animals for entertainment, especially for a company with such cruel training methods as Have Trunk Will Travel, speaks volumes about the zoo's lack of concern for Packy, Rama, Tusko, Shine, Chendra, Rose-Tu, Samudra and the new baby who is destined to live in a space with a range of motion a dog would soon find boring. These are social, highly intelligent creatures who do not deserve this kind of treatment. Twenty two zoos and counting have closed their elephant exhibits and moved their elephants to sanctuary. Left in zoos, elephants often contract terrible foot and joint disease which the zoo cannot cure but merely treat—until the elephants die a terrible painful death with their bones going through their feet because they just stand or pace all day. And head bobbing is not a sign of happiness in case you hear zoo staff who may tell you otherwise. It is instead a sign of extreme stress and despair, as testified to by wild elephant expert Dr. Joyce Poole.

In 2008, we gave the zoo \$125 million dollars. Part of that money was for capital expenses for an offsite preserve. If the zoo and Metro are not able to find the operating costs and have no projected timeline of when they will find those funds, then they never should have allowed the public to believe that this bond was going to produce the preserve in the first place. We the people gave the zoo that money not so it could breed more elephants and sell them to circuses, but so that our current herd would get the space they need to live a more natural and free life. The zoo's proposed six acre expansion is not sufficient to provide for elephants, especially when the zoo keeps breeding more. If the zoo needs to raise money, how about offering a 24/7 live camera feed at the new preserve. The public can make contributions online to pay for viewing elephants living lives that more accurately reflect their true nature, not the dejected, broken spirits that merely exist at the zoo today.

We know that baby elephants bring in more money for the zoo but that is not a good reason to keep abusing these animals. Luckily the Seattle Times and other media are coming forward and reporting about the reality of life in zoos for elephants. And it is far from a happy picture. Stop letting the zoo spin PR tales that shield the public from the truth. Because the truth will out. And the truth I fervently hope, will one day set the elephants free. In fact, I insist on it, as it was my tax money and all of Portland's, that helped to pay for their freedom.



METRO COUNCIL MEETING

Meeting Summary Nov. 29, 2012 Metro, Council Chamber

<u>Councilors Present</u>: Council President Tom Hughes and Councilors Rex Burkholder,

Kathryn Harrington, Carlotta Collette, Barbara Roberts, Carl Hosticka and

Shirley Craddick

Councilors Excused: None

Council President Tom Hughes convened the regular council meeting at 2:02 p.m.

1. **INTRODUCTIONS**

There were none.

2. <u>CITIZEN COMMUNICATIONS</u>

Ramsey McPhillips, Coalition to Stop the Dump: Mr. McPhillips stated, on behalf of the parties he represented, that he was oppose to transporting garbage to Yamhill County via the Forest Grove Transfer Center. He referenced Attachment 1 to Resolution No. 12-4387 and stated that the financial impact to Washington County residents – if the Metro region transported all its waste to Columbia Ridge Landfill versus the Riverbend Landfill – would only increase at most \$1.80 per citizen per month. He also stated that when Waste Management led its initiative to expand the landfill the company falsely stated that if Riverbend was not expanded local residents could expect garbage rates to increase 250 percent. Lastly, Mr. McPhillips stated that the transport of garbage to landfills – in general – needs to stop and that municipalities should address their own waste issues. (Written testimony included as part of the meeting record.)

3. OFFICE OF THE AUDITOR: FY11-12 ANNUAL REPORT

Metro Auditor Suzanne Flynn provided a brief presentation on FY 2011-12 annual report for the Metro Auditor's Office. Her presentation included information on FY 11-12 accomplishments and audits released, the Office's expenditures and available staffing, ethics line approach and annual report, and performance measures. Highlighted audits for the current fiscal year included the Span of Control scheduled for release in Nov. 2012 and Transportation Project Outcomes anticipated for March 2013.

Councilors asked clarifying questions regarding the percentage of audit recommendations implemented, and what were the common cases and the severity of the ethics line reports. Auditor Flynn clarified that her office aims to have an 80 percent implementation rate of audit recommendations and stated that management may choose not to implement recommendations because the recommendation is perhaps unclear or does not fit the agency. She stated that it is perfectly normal that not all audit recommendations are implemented. Additionally, Auditor Flynn stated that there have been very few ethnics line cases that she would consider malfeasance. She stated that most reports that were found to be true related to the travel policy where people were

Metro Council Meeting 11/29/12 Page 2

unaware of the policy and therefore were in violation of it. Additional discussion included certification requirements for auditors.

4. METRO SUSTAINABILITY REPORT

Ms. Molly Chidsey of Metro provided a presentation on Metro's sustainability report for internal business operations for FY 2011-12. Metro's sustainability goals address five main areas: carbon reduction, waste prevention, water conservation, enhance habitat and eliminate priority toxics. Ms. Chidsey briefly overviewed Metro's internal operations achievements for FY 11-12 for each of the five agency sustainability goals. The findings were as follows:

- Metro's electricity use is down 8 percent;
- Metro eliminated 13,000 pounds of hazardous material;
- Metro's recycling has increased 9 percent;
- Metro's water use is down 8 percent;
- Metro's effective impervious surface is down 2 percent; but unfortunately,
- Metro's waste generated increased 17 percent.

Additionally, Ms. Chidsey, with assistance from Pete Hillman, briefly highlighted a few projects at Metro that have helped in addressing Metro's sustainability goals including energy efficiency in lighting, local food purchase, and Metro Central's ecoroof.

Council requested additional information be presented in the future regarding fiscal savings related to using the triple bottom line approach to sustainability, and information on Metro's ability to normalize for weather. Additional discussion potential areas where Metro could increase its recycling, and the effort and collaboration it takes to move the needle on addressing the agency's sustainability goals.

5. <u>CONSENT AGENDA</u>

Motion:

Councilor Kathryn Harrington moved to approve the Nov. 29 consent agenda which consisted of:

- Consideration of the Minutes for Nov. 15, 2012
- **Resolution No. 12-4387**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Forest Grove Transfer Station for Delivery and Disposal of Putrescible Waste at the Riverbend Landfill Located in Yamhill County, Oregon;
- **Resolution No. 12-4388**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Willamette Resources, Inc. for Delivery and Disposal of Putrescible Waste at the Riverbend Landfill Located in Yamhill County, Oregon;
- Resolution No. 12-4389, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Pride Recycling Company for Delivery and Disposal of Putrescible Waste at the Riverbend Landfill Located in Yamhill County, Oregon;
- **Resolution No. 12-4390**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Hoodview Disposal and Recycling, Inc. for Delivery and Disposal of Putrescible Waste at the Riverbend Landfill Located in Yamhill County, Oregon;

- **Resolution No. 12-4391**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to West Linn Refuse and Recycling, Inc. for Delivery of Putrescible Waste to Canby Transfer and Recycling, Inc. for the Purpose of Transfer and Disposal at the Riverbend Landfill Located in Yamhill County, Oregon;
- **Resolution No. 12-4392**, For the Purpose of Confirming Appointments to the Metro Public Engagement Review Committee (PERC);
- Resolution No. 12-4393, For the Purpose of Confirming the Appointment of Anne Darrow to the Metro Audit Committee; and
- **Resolution No. 12-4396**, For the Purpose of Making Citizen Appointments to the Transportation Policy Alternatives Committee (TPAC).

Vote:

Council President Hughes and Councilors Craddick, Roberts, Hosticka, Burkholder, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u>.

Council President Hughes recognized members of the PER committee who were in the audience and thanked them for volunteering to serve on the committee.

Councilor Shirley Craddick stated that while she was in support of the above non-system license agreements, she was also empathetic to the residents and businesses in Yamhill County. She stated that she supported the resolutions because of the potential transportation costs and environmental impacts if waste was sent to Gilliam County (over an additional 280 miles away) versus Yamhill County. She stated that opposing the NSLs would not align with Metro's values or efforts. However, she agreed with Yamhill County residents regarding the landfill and supported their effort. She stated that she looked forward to future Metro discussions regarding long-term waste disposal and management.

Councilor Harrington stated her preference for community seats on committees – such as PERC – to be filled by non-government partners. She believed that Metro has staff positions and staff-level committees for this work.

6. ORDINANCES - FIRST READ

6.1 **Ordinance No. 12-1296**, For the Purpose of Amending the Urban Growth Boundary in the Vicinity of the City of Lake Oswego Upon Application by the City of Lake Oswego.

Second read, public hearing, and Council consideration and vote are scheduled for December 6.

7. ORDINANCES – SECOND READ

7.1 **Ordinance No. 12-1292A**, For the Purpose of Adopting the Distribution of the Population and Employment Growth to year 2035 to Traffic Analysis Zones in the Region Consistent with the Forecast Adopted by Ordinance No. 11-1264B in Fulfillment of Metro's Population Coordination Responsibility Under ORS 195.036.

Motion:	Councilor Harrington moved to approve Ordinance No. 12-1292A.
Second:	Councilor Carlotta Collette seconded the motion.

Councilor Harrington introduced Ordinance No. 12-1292A. Councilor Harrington stated that approval of the ordinance would complete another key step in the region's urban growth management planning cycle, a cycle which overall shapes the region's future and assists local communities in achieving the plans and visions for great places. She stated that the regional growth distribution:

- Helps the region build the future its residents;
- Supports good jobs and safe, healthy communities;
- Is rooted in Metro's forecasting expertise and informed by local community plans; and
- Meets the requirements of Oregon law.

Councilor Harrington stated that approval of Ordinance No. 12-1292A would not adopt new growth forecasts for the region, but rather was next step in the five-year process that started in 2009 with the adoption of the 20-year population and employment forecasts. She stated that the localized population and employment growth distribution was produced for the years 2025, 2035 and 2040.

Councilor Harrington stated that city, council and collective region planning staff, and elected officials have learned a lot from the distribution effort. She highlighted many examples including diverse development throughout the region, especially close to major transportation corridors, and development in urban reserve areas brought into the UGB. Additionally, Councilor Harrington stated that approval of the ordinance would help the region and local communities support ongoing efforts such as the Climate Smart Communities efforts to address climate change, and set the stage for the next Regional Transportation Plan update.

Lastly, Councilor Harrington stated that the ordinance reflected Metro's best thinking and expertise in forecasting future growth and reiterated that the forecast has been informed and improved by the contributions and valuable critiques by Metro's local partners.

Council President Hughes opened a public hearing on Ordinance No. 12-1292A. Seeing no members of the public who wished to testify, the public hearing was closed.

Councilor Burkholder thanked Councilor Harrington for the "A" version of the ordinance which called for more research so the region could understand the implications. He stated that the population and employment forecast was based on current assumptions and policies, and believed there were some questionable conclusions that may or may not be good regarding land use. He referenced and read from a letter submitted by 1000 Friends of Oregon and stated that additional information was needed so the region could make the good decisions and preserve resources. Councilor Burkholder stated that if the region expects a different outcome, leaders will have to think about the different policy choices. (Letter included as part of the meeting record.) Councilors shared Councilor Burkholder's thoughts, and stated that the document was a work in progress.

Metro Council Meeting 11/29/12 Page 5

Councilors wanted to use the documents to help local communities understand that they too have policy decisions to make. Additional Council discussion included the City of Damascus' assumptions included in the forecast.

Vote:

Council President Hughes and Councilors Craddick, Roberts, Hosticka, Burkholder, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u>.

7.2 **Ordinance No. 12-1294**, For the Purpose of Amending Metro Code Chapter 2.19.100 Regarding Term Length and Membership of the Public Engagement Review Committee (PERC).

Motion:	Councilor Harrington moved to approve Ordinance No. 12-1294.
Second:	Councilor Collette seconded the motion.

Councilor Harrington introduced Ordinance No. 12-1294, which if approved would set term limits for committee members and change membership limits. PERC is part of a multi-track strategy to ensure that Metro's public involvement is effective, reaches diverse audiences and harnesses emerging best practices. The committee is comprised of 15 members including county staff, community organizations and the public. PERC, which is scheduled to meet twice a year, will help guide Metro's public engagement efforts throughout the year. Councilor Harrington stated that the committee will first review and assist with updating Metro's public involvement process.

Councilor Harrington stated that PERC members will serve three-year terms. In the committee's inaugural year, some members will serve one or two-year terms to ensure a rotating membership and recruitment process. In addition, she stated that the ordinance allows the Council more flexibility to add additional members to the committee in the future to better fulfill its mission.

Council President Hughes opened a public hearing on Ordinance No. 12-1294. Seeing no members of the public who wished to testify, the public hearing was closed.

Council thanked PERC members for their service. Councilors discuss the transition from the former Metro Committee for Citizen Involvement to PERC, and stated that PERC provided a new model that would fulfill Metro's commitment to engage the public in a more effective way. Councilors thanked staff and stated that PERC was creative approach to address public engagement.

Vote:

Council President Hughes and Councilors Craddick, Roberts, Hosticka, Burkholder, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u>.

7.3 **Ordinance No. 12-1295**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule and the FY 2012-13 through 2016-17 Capital Improvement Plan.

Council President Hughes passed the gavel to Deputy Council President Burkholder while he carried the legislation.

Motion:	Council President Hughes moved to approve Ordinance No. 12-1295.
Second:	Councilor Hosticka seconded the motion.

Metro Council Meeting 11/29/12 Page 6

Council President Hughes introduced Ordinance No. 12-1295. Council President Hughes stated that the ordinance was the first of three routine budget amendments completed during a fiscal year. The close of the first financial quarter has identified some areas where changing circumstances require adjustments to Metro's financial plan. Adoption of Ordinance No. 12-1295 would approve the following five technical or substantive amendments:

- Technical amendments affect the following projects:
 - o Cascade Marsh and African Lagoon Aviaries
 - o Energy efficiency assessment for elephant habitat design
 - o The discretionary General Fund beginning reserves
- Substantive amendments affect the following projects:
 - o Creating a new 0.5 FTE fee-based tour specialist at the Oregon Zoo
 - Creating a more robust Metro Data Center for the Metro Regional Center, Oregon Zoo and Oregon Convention Center

(See the staff report to Ordinance No. 12-1295 for project details.)

Deputy Council President Burkholder opened a public hearing on Ordinance No. 12-1295. Seeing no members of the public who wished to testify, the public hearing was closed.

Councilors noted that the ordinance was recently presented and thoroughly discussed at a work session.

Vote:

Council President Hughes and Councilors Craddick, Roberts, Hosticka, Burkholder, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u>.

8. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett's update included the following:

- The Oregon Business Summit is scheduled for Monday, Dec. 3.
- Metro's Charitable Giving Campaign is just \$5,000 shy of the agency's 2012 goal of \$75,000.
 She encouraged Metro Councilors and staff to participate and donate by Friday, Nov. 30 if possible.
- Metro's employee holiday event is scheduled for Thursday, Nov. 29. Ms. Bennett stated that no councilors or senior staff would be able to visit elephant Rose-Tu or her calf whose birth is expected soon.

9. <u>COUNCILOR COMMUNICATION</u>

There were none.

10. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 3:37 p.m. Council is scheduled for a joint work session with the Metropolitan Exposition Recreation Commission on Tuesday, Dec. 4, 2012 at noon at the Metro Council Chamber. Additionally, the

Metro Council Meeting 11/29/12 Page 7

Metro Council will convene the next regular council meeting on Thursday, Dec. 6 at 2 p.m. at the Council Chamber.

11. EXECUTIVE SESSION HELD PURSUANT WITH ORD 192.660(2)(e). TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

Council reconvened in the Metro Council Annex for an executive session.

Respectfully submitted,

Kelsey Newell, Regional Engagement and Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOV. 29, 2012

Item	Topic	Doc. Date	Document Description	Doc. Number
2.0	Testimony	N/A	Handout provided by R. McPhillips	112912c-01
3.0	PowerPoint	N/A	FY 2011-2012 Annual Report	112912c-02
4.0	PowerPoint	11/29/12	Green Metro – 2012 Sustainability Report	112912c-03
4.0	Flyer	N/A	Green Metro Report Card	112912c-04
5.1	Minutes	11/15/12	Council minutes for Nov. 15, 2012	112912c-05
5.2- 5.6	Letter	11/29/12	Letter from the Yamhill County BOC RE: Riverbend Landfill	112912c-06
7.1	Letter	11/29/12	Letter from 100 Friends of Oregon RE: Ordinance No. 12-1292A.	112912c-07

Citizen Comments on Resolution No. 12-4394, For the Purpose of Revising the North Portland Enhancement Committee Policies and Authorizing the Committee to Charge Expenditures to the Fund Principle.



12/3/12

Dear Metro Council,

The North Portland Enhancement funds have allowed Urban Opportunities to support underserved students at Roosevelt High School in a variety of ways. Weekly classroom instruction focuses on jobreadiness skills, as well as college and career activities. In addition, students have the opportunity to participate in paid internships that give students the real world experience of putting their newly acquired skills and knowledge into action in their North Portland Community.

We have had the great pleasure of partnering with St John's Farmer's Market. Students are placed at the Farmer's Market each summer where they develop and solidify vital job-readiness skills. These interns learn the value of punctuality, accountability, team work, customer service skills, initiative, and problem solving. This opportunity not only benefits the youth, but also the Farmer's Market and larger community as well. By supporting North Portland High School students to engage and participate in their community, the overall health of the community is enhanced.

The North Portland Greenway Trial Project is a valuable initiative and Urban Opportunities would be thrilled to partner is this project. Job-readiness graduates would be ideal candidates to assist in trail construction, maintenance, as well as community outreach efforts and peer education. Students would, undoubtedly gain important, as well as transferrable, skills from participation in this community project.

However, we believe that the Farmer's Market experience is equally as valuable in terms of skill attainment and community involvement and we would love to see this mutually beneficial partnership continue as well.

Thank you for your time,

Nikki Hasandras, MSW - Program Supervisor

Impact NW - Inspiring Hope. Empowering Independence.

Tel: 503-421-5398

E-Mail: nhasandras@impactnw.org

www.impactnw.org

DANCING TREE FAMILY CENTER

MAILING:

PO Box 33530

Portland, OR 97292-3530

OFFICE:

10055 E. Burnside

Portland, OR 97217

P. 503.988.6000

F. 503.988.6099

www.lmpactNW.org



friends of the north portland greenway trail

5 December 2012

Honorable Tom Hughes and Metro Council

Re: Item 4. 1 Resolution No. 12-4394, For the Purpose of Revising the North Portland Enhancement Committee Policies and Authorizing the Committee to Charge Expenditures to the Fund Principle

Dear Honorable Chair and Council Members,

North Portland Greenway (npGreenway) is a local non-profit organization championing the construction of a multipurpose trail linking the Eastbank Esplanade and the Columbia River.

The north Willamette River Greenway Trail is an opportunity to build a world class trail that links recreation and commuting to north Portland recreation sites and Rivergate industries with adjoining neighborhoods. The benefits are many!

Members of npGreenway have had opportunities to review the disbursement of the North Portland Enhancement Grants funds proposal. It is our understanding that part of the consideration is that administrative costs should now be charged to the funds and that a recommendation from north Portland neighborhoods is to disband the funds and use part of the funds for the north Willamette River Greenway Trail and a portion to grant projects proposed by the community. We also recognize that local groups have requested and been granted use of these funds that have benefited north Portland immensely. We are concerned as to how these projects/groups will be funded in the future if these funds are disbursed. There appear to be options open to the Council such as disbursing funds every so many years (not every year) or after the interest has accrued to \$150,000 or so---as set by Metro Council or have another entity administer.

Overall, npGreenway concurs with the recommendation of the local committee. Of concern, however we note that the Resolution does <u>not</u> specifically say that the funds will be dispersed for the trail. The staff report and an online survey call out the trail specifically. From the survey, 36% responded that the funds should be used to <u>build</u> a section of the trail.

Recommendation: IF the grant program is to be closed out and funds dispersed, then we further recommend strongly that the funds be used for building a section of the trail. There are several bridges and many amenities along the trail that are worthy of funding.

Thank you for this opportunity to be involved in furthering transportation options in the Portland Metro area.

Respectfully,

On Behalf of npGreenway Core Group

Curt Schneider, Co-Chair WRT SUHNEIDER

Francie Royce, Co-Chair
Pam Arden, Treasurer
Joe Adamski, Secretary
Lenny Anderson, SITMA
Shelley Oylear, Washington County Transportation
Beate Hoelscher, Daimler North America

From: Pam Arden [pam_arden@hotmail.com]
Sent: Wednesday, December 05, 2012 11:26 PM

To: Metro Council

Subject: North Portland Grants

To: Metro Council From: Pam Arden

Date: December 6, 2012

RE: North Portland Enhancement Fund - Proposed Changes

Thank you for the opportunity to submit testimony on the proposed changes to the North Portland Enhancement Fund.

I am responding to the proposal from several perspectives - which in some ways will sound conficting. I served on the first North Portland Enhancement Committee. It was a new concept and we were able to create the "rules" the committee operated under. The main idea we worked from was to keep the principal intact so as to provide community groups an opportunity to apply for funding. The need for small grants was enormous then and remains so to today. Through my service on the committee, we also discussed using larger parts of the fund if we felt there was a project that would use a larger infusion of money to help it accomplish a goal that would greatly benefit the community. We were lucky that interest rates were such that we had funding to use for grants and could help with larger grants occasionally. Times have changed, as indicated in the report and survey info, regarding the amount realized from low interest rates and now administrative charges.

I am concerned about the proposal to deplete the principal over the next five years. NPEC afforded the opportunity for small grants - that opportunity will be unavailable even though there is still a need in the community. Could there be a way to allow a community grant cycle every other - or every third year so as to create less of a burden administratively and have some extra money for grants? After my service on the committee, I applied for NPEC grants for a variety of projects. Those opportunities won't soon be available.

I understand that the administration fees will help deplete the fund over time - have there been any discussions with the North Portland Neighborhood Office about their taking over the administration of these funds?

Here's the conflicting testimony. You have received a letter from npGREENWAY endorsing the proposed funding of part of the trail as it connects to the St. Johns Landfill. I am a member of that group and would appreciate the funding to help with grant proposals for the trail. I still think there is a way to assist npGREENWAY as supported by survey answers and also have a grant program that lasts beyond the proposed five years.

NPEC funding is unique and it helps to erase the memory of hosting the St. Johns Landfill - even if the landfill is moving from a liability to an asset for the community. I would appreciate the opportunity to be part of a conversation about the future of the fund after the Council decision.

Thank you for the opportunity to submit this testimony.

Mary Skarie [meskarie@gmail.com] Wednesday, December 05, 2012 9:59 AM Metro Council From: Sent:

To:

I agree with these recommendations of the Metro Committee for North Portland.

Mary Skarie

Dear Commissioner Burkholder,

As a North Portland resident and a Student Alliance Project Youth Leader, I am sending you my testimony with regards to the North Portland Enhancement Grant Fund legislation. I would like to encourage you to vote "Yes" on this legislation. From personal experience, I know that the existing trail has shortened my walks to places like the grocery store. With no car, two young children and a job, this time savings makes a huge difference to me and my family. I can only imagine the gratitude of other families who don't drive, once the gap in the trail is filled. This will provide much needed access to employment opportunities to the North Portland community. Express Personal (temp agency) employs mostly in the Rivergate area which is often not bus accessible I have worked in the Rivergate area myself and ultimately had to resign my position because I didn't have transportation.

I support the use of North Portland Enhancement Grant Funds to fill the gap in the NPGreenway Trail and use the remaining funds for local organizations. I particularly urge you to consider using the remaining funds to support youth programs in the North Portland area that include job readiness and job training program, for the young men in the North Portland in particular. These young people would then be more competitive in the jobs that the trail would provide access to. I know from personal experience that when a young person has the confidence, opportunity and connections to expand their "work network," they can turn their negative impact in a community into a positive one, improving life for all of us in North Portland.

Thank you for your consideration.

Sincerely,

LaQuisha Minnieweather