600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | Agenda

REVISED, 10/7/13

Meeting: Metro Council
Date: Thursday, Oct. 10, 2013
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

3.1 Consideration of the Council Minutes for Oct. 3, 2013

3.2 **Resolution No. 13-4445**, For the Purpose of Approving the Sale of Certain Real Property to Union Pacific Railroad Company.

4. ORDINANCES – SECOND READING & QUASI-JUDICIAL HEARING

4.1 **Ordinance No. 13-1316**, For the Purpose of Amending the Urban Growth Boundary in the Vicinity of the City of Wilsonville Upon Application By the West Linn-Wilsonville School District. **Tim O'Brien, Metro**

4.1.1 Public hearing on Ordinance No. 13-1316.

5. ORDINANCES – SECOND READING

5.1 **Ordinance No. 13-1318**, For the Purpose of Amending the FY 2013-14 Budget and Appropriations Schedule to Add 0.75 FTE to Each of the Parks Levy Fund and the Zoo Bond Fund. **Tim Collier, Metro**

5.1.1 Public hearing on Ordinance No. 13-1318.

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for Oct. 10, 2013 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network *Web site*: www.tvctv.org *Ph*: 503-629-8534 *Date*: Thursday, Oct. 10	**Portland** Channel 30 – Portland Community Media *Web site*: www.pcmtv.org *Ph*: 503-288-1515 *Date:* Sunday, Oct. 13, 7:30 p.m. *Date*: Monday, Oct. 14, 9 a.m.
Gresham Channel 30 - MCTV *Web site*: www.metroeast.org *Ph*: 503-491-7636 *Date*: Monday, Oct. 14, 2 p.m.	**Washington County** Channel 30– TVC TV *Web site*: www.tvctv.org *Ph*: 503-629-8534 *Date*: Saturday, Oct. 12, 11 p.m. *Date*: Sunday, Oct. 13, 11 p.m. *Date*: Tuesday, Oct. 15, 6 a.m. *Date*: Wednesday, Oct. 16, 4 p.m.
Oregon City, Gladstone Channel 28 – Willamette Falls Television *Web site*: http://www.wftvmedia.org/ *Ph*: 503-650-0275 Call or visit web site for program times.	**West Linn** Channel 30 – Willamette Falls Television *Web site*: http://www.wftvmedia.org/ *Ph*: 503-650-0275 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 and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative 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.

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Agenda Item No. 3.1

Consideration of the Council Minutes for Oct. 3, 2013

Consent Agenda

Metro Council Meeting
Thursday, Oct. 10, 2013
Metro, Council Chamber

Agenda Item No. 3.2

Resolution No. 13-4445, For the Purpose of Approving the Sale of Certain Real Property to Union Pacific Railroad Company.

Consent Agenda

Metro Council Meeting
Thursday, Oct. 10, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE SALE OF CERTAIN REAL PROPERTY TO UNION PACIFIC RAILROAD COMPANY	))))	RESOLUTION NO. 13-4445 Introduced by Chief Operating Officer Martha Bennett in Concurrence with Council President Tom Hughes

WHEREAS, Metro Code Section 2.04.026(2) requires Metro Council authorization prior to the sell or transfer of real property owned by Metro; and

WHEREAS, Metro owns a parcel of real property located in Block 71, East Portland (the "Metro Property"); and

WHEREAS, Union Pacific Railroad Company ("Union Pacific") owns and operates a railroad line that lies adjacent to the Metro Property; and

WHEREAS, Union Pacific seeks to shift its existing main line rail track to a point that would enter upon and cross a portion of the Metro Property; and

WHEREAS, Union Pacific has proposed to purchase from Metro a 1,474-square-foot portion of the Metro Property (the "Sale Parcel"), depicted as "Parcel 1" on Exhibit A to this Resolution, which Sale Parcel Union Pacific requires in order to make the adjustment of its main line rail track; and

WHEREAS, as part of the sale price, Union Pacific proposes to release and quitclaim to Metro a communications line easement held by Union Pacific that burdens a 2,270-square-foot portion of the Metro Property, depicted as "Parcel 2" on Exhibit A to this Resolution; and

WHEREAS, as part of the transaction, Union Pacific has also agreed to grant to Metro or its designee an easement or other property right that would, in connection with other permit approvals, allow an overcrossing at Rivergate Boulevard and an at-grade trail crossing at City Dump Road, each needed for the North Portland Greenway Trail; and

WHEREAS, the Metropolitan Exposition Recreation Commission determined by Resolution No. 13-15 that the possibility that the Sale Parcel would be developed, improved or otherwise required by the Oregon Convention Center or Metro is minimal and that the transfer of the Sale Parcel will not in any way impair or impede the operation of the Oregon Convention Center; and

WHEREAS, the Metro Council has determined that the Sale Parcel is not needed for public use and that authorizing its sale to Union Pacific would further the public interest by, among other things, releasing the remainder of the Metro Property from Union Pacific's communications line easement and furthering completion of the North Portland Greenway Trail.

NOW, THEREFORE, BE IT RESOLVED, that the Metro Council hereby authorizes Metro's Chief Operating Officer, on forms approved by the Office of Metro Attorney, to convey the Sale Parcel to Union Pacific provided that Union Pacific:

1. Releases and quitclaims to Metro any and all interest of Union Pacific in the remainder of the Metro Property burdened by the communications line easement;
2. Union Pacific bears all costs associated with acquisition of the Sale Parcel by Railroad Easement Deed, including closing costs, escrow fees, recording costs and title insurance fees; and

3. Agrees to grant to Metro or its designee the right to enter Union Pacific's right-of-way for no monetary consideration to construct an overcrossing of Rivergate Boulevard over the South Rivergate lead and an at-grade crossing at City Dump Road, on terms approved by the Office of Metro Attorney; and
4. Satisfies any other terms and conditions as the Chief Operating Officer deems necessary to protect the interests of Metro and the general public.

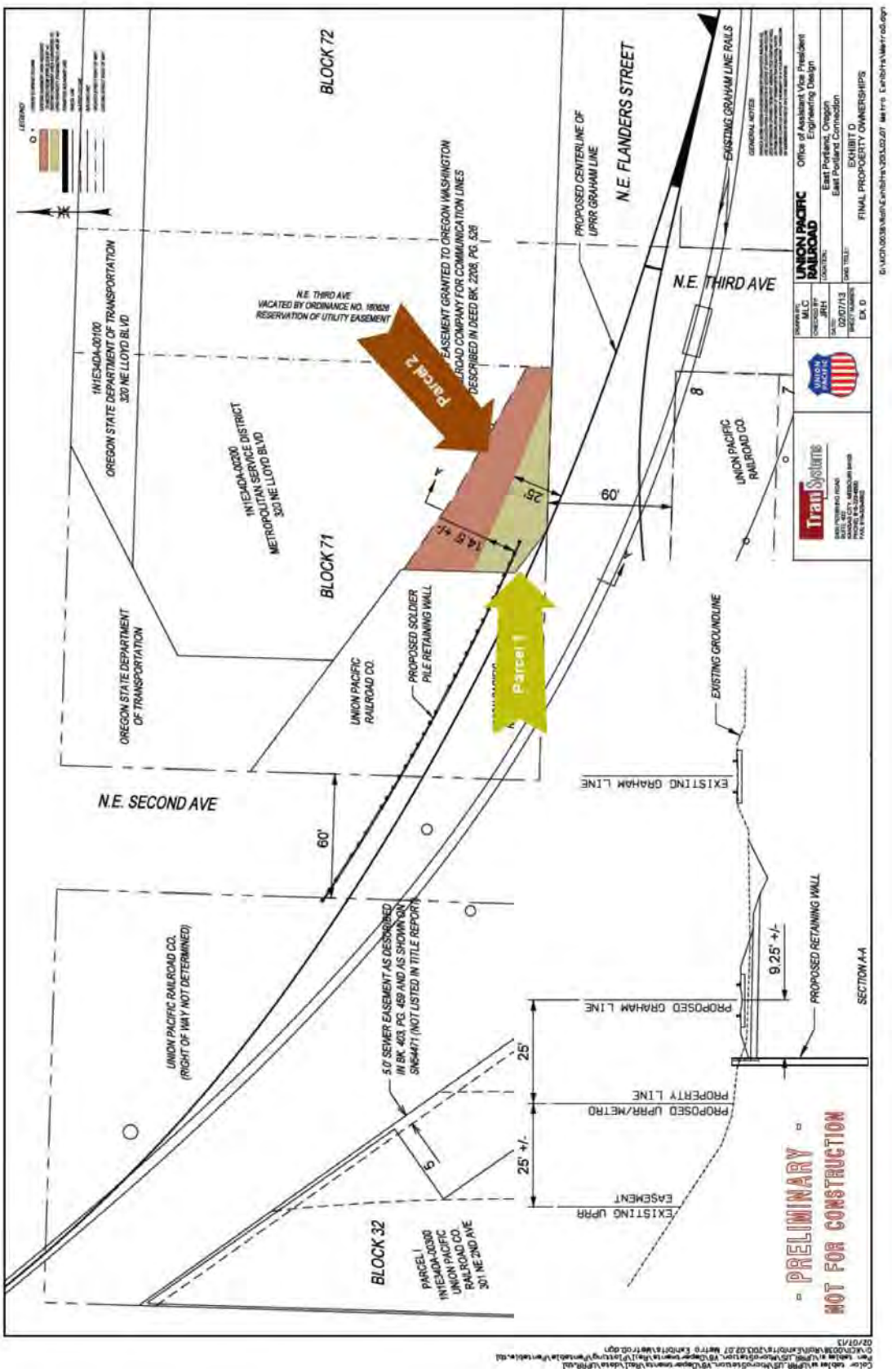
ADOPTED by the Metro Council this 10th day of October, 2013.

Tom Hughes, Council President

Approved as to form:

Alison R. Kean, Metro Attorney

PARCEL DEPICTIONS



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 13-4445, FOR THE PURPOSE OF APPROVING THE SALE OF CERTAIN REAL PROPERTY TO UNION PACIFIC RAILROAD COMPANY

Date: October 10, 2013 Prepared by: Hope S. Whitney, ext. 1661
Office of Metro Attorney

BACKGROUND

Union Pacific Railroad Company ("Union Pacific") owns and operates a main line track adjacent to the Oregon Convention Center ("OCC") parking lot on NE Lloyd Avenue, west of Martin Luther King Jr. Blvd., at the bottom of the slope behind the parking lot. Union Pacific has developed a plan to shift its existing track to the north. This shift will cause the track to cross a portion of real property owned by Metro and managed by OCC. Union Pacific has proposed to acquire a 1,474-square foot portion of the Metro property, and at the same time, relinquish Union Pacific's interest in a communications easement that crosses a 2,270-square foot portion of the remaining Metro property.

Because the portion of property that would be transferred to Union Pacific lies immediately adjacent to Union Pacific's main line track, on a steep slope, the possibility that that portion of the property would be developed, improved, or otherwise required by OCC or Metro is sufficiently low to be deemed *de minimus*. The transfer of the property to Union Pacific will not in any way impair or impede the operation of OCC. The Metropolitan Exposition Recreation Commission approved the sale on July 10, 2013. The relinquishment of Union Pacific's communications easement would remove a restriction on the use of the affected property thereby enhancing the value of the remaining property to Metro and OCC.

As part of the transaction, Union Pacific has agreed to grant to Metro or its designee an easement or other property right that would, in connection with other permit approvals, allow an overcrossing at Rivergate Boulevard and an at-grade trail crossing at City Dump Road. These crossings are needed for the North Portland Greenway Trail.

The proposed Metro Council resolution would authorize Metro's Chief Operating Officer to convey the Sale Parcel to Union Pacific on the following terms and conditions:

1. Union Pacific releases and quitclaims to Metro any and all interest in the remainder of the Metro Property burdened by the communications line easement;
2. Union Pacific bears all costs of acquisition of the Sale Parcel (by Railroad Easement Deed), including all closing costs, escrow fees, recording costs and title insurance fees;
3. Union Pacific agrees to grant to Metro or its designee the right to enter Union Pacific's right-of-way for no monetary consideration to construct an overcrossing of Rivergate Boulevard over the South Rivergate lead and an at-grade crossing at City Dump Road, on terms approved by the Office of Metro Attorney; and
4. Union Pacific satisfies any other terms and conditions as the Chief Operating Officer deems necessary to protect the interests of Metro and the general public.

ANALYSIS/INFORMATION

1. **Known Opposition**
   None

2. **Legal Antecedents**
   Metro Code Section 2.04.026(2)
   Approval by MERC Resolution No. 13-15 on July 10, 2013.

3. **Anticipated Effects**
   Sale of property to Union Pacific Railroad Company to allow Union Pacific Railroad Company to shift its existing main line track.

4. **Budget Impacts**
   None

RECOMMENDED ACTION

Staff recommends adoption of Resolution 13-4445, approving the proposed sale of real property to Union Pacific on the conditions set forth in the resolution.

Agenda Item No. 4.1

Ordinance No. 13-1316, For the Purpose of Amending the Urban Growth Boundary in the Vicinity of the City of Wilsonville Upon Application By the West Linn-Wilsonville School District.

Second Reading & Quasi-Judicial Hearing

Metro Council Meeting
Thursday, Oct. 10, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE URBAN GROWTH BOUNDARY IN THE VICINITY OF THE CITY OF WILSONVILLE UPON APPLICATION BY THE WEST LINN-WILSONVILLE SCHOOL DISTRICT	)))))	Ordinance No. 13-1316 Introduced by Chief Operating Officer Martha Bennett with the Concurrence of Council President Tom Hughes

WHEREAS, Urban Growth Management Functional Plan Title 14: Urban Growth Boundary provides a mechanism to amend the urban growth boundary (UGB) through a "major amendment" process; and

WHEREAS, the West Linn-Wilsonville School District filed an application for a major amendment to the UGB pursuant to Metro Code Section 3.07.1430; and

WHEREAS, the application was considered by a hearings officer appointed by Metro at a public hearing in the City of Wilsonville on June 27, 2013; and

WHEREAS, on August 12, 2013 the hearings officer submitted a proposed order recommending approval of the application, together with findings of fact and conclusions of law in support of a decision by the Metro Council that the application satisfies the requirements of the Metro Code; and

WHEREAS, the Council considered the proposed order and testimony at a public hearing on October 10, 2013 under the procedural requirements of Metro Code Section 3.07.1430.U; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The UGB is hereby amended, as indicated in Exhibit A, attached and incorporated into this Ordinance, to add 40.05 acres to the UGB for use as a primary and middle school campus and city park facility, subject to the following two conditions of approval:

    a. The subject property shall only be developed with a middle school, a primary school, and a public park.

    b. The City of Wilsonville shall zone the subject property with a designation, such as Public Facility (PF), that allows the school and park uses described in the application and that requires site plan review for the subject property; the city shall also adopt conditions of approval requiring development for the identified school and park uses.

2. The hearings officer's analysis, conclusions and recommendations set forth in Exhibit B, attached and incorporated into this ordinance, are adopted by the Metro Council as Metro's findings of fact and conclusions of law explaining how this amendment to the UGB complies with applicable provisions of the Regional Framework Plan, Metro Code, and applicable statewide planning laws.

ADOPTED by the Metro Council this 10th day of October 2013.

_____
Tom Hughes, Council President

Attest:

_____
Kelsey Newell, Regional Engagement Coordinator

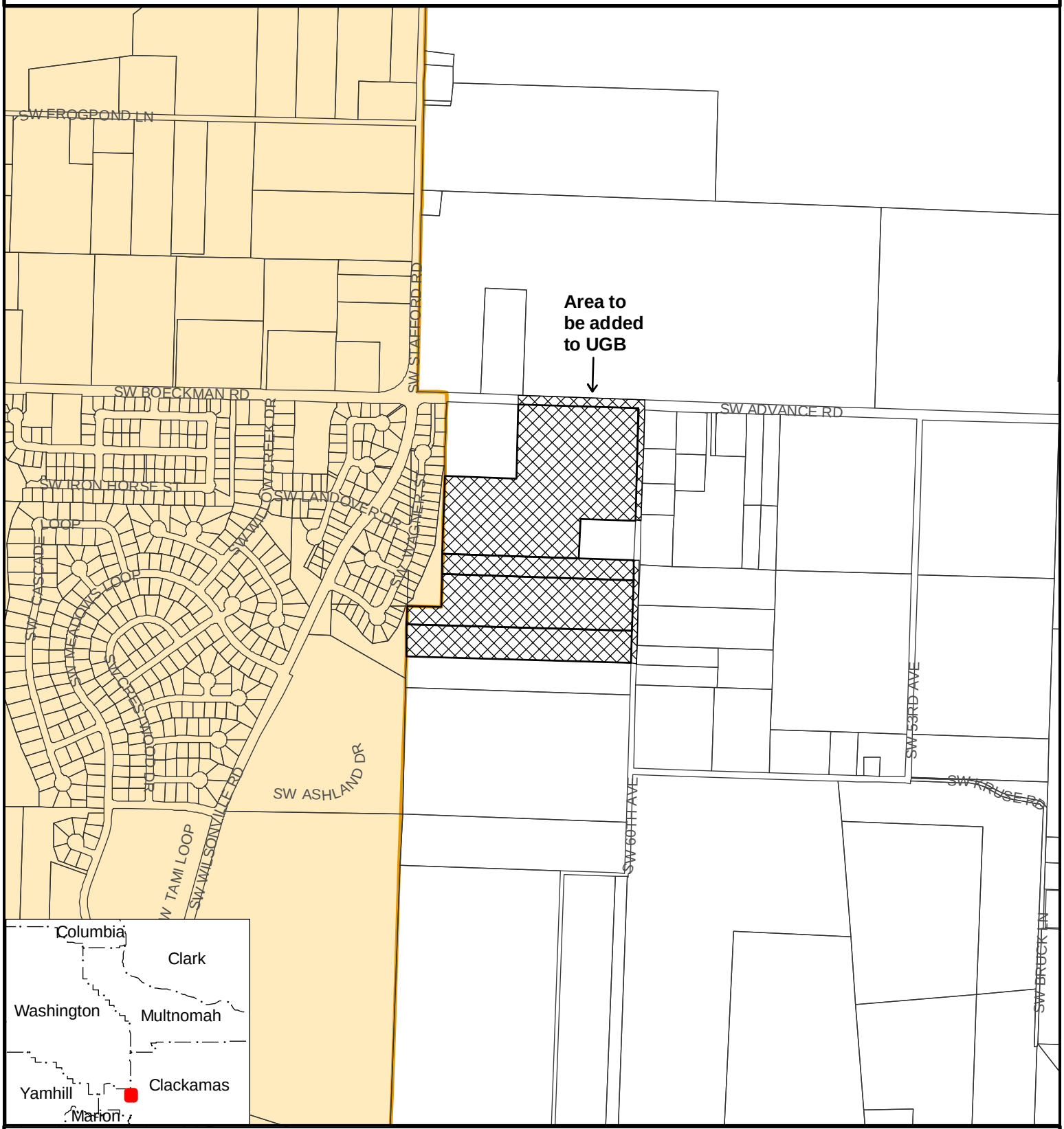
Approved as to form:

_____
Alison R. Kean, Metro Attorney

Exhibit A

Case No. 13-01

3S1E07, 3S1E18 | **Urban Growth Boundary Major Amendment** | Clackamas County



Metro

Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.oregonmetro.gov/drc

Case No. 13-01 UGB Major Amendment

Area to be added to UGB
Taxlots
Urban growth boundary

1:10,000

0 840 1,680 Feet

Exhibit B

METRO HEARING OFFICER'S ANALYSIS, CONCLUSIONS, AND RECOMMENDATIONS TO THE METRO COUNCIL

West Linn-Wilsonville School District
Urban Growth Boundary Major Amendment, 13-01

AUGUST 12, 2013

ANDREW H. STAMP, P.C.
KRUSE-MERCANTILE PROFESSIONAL OFFICES, SUITE 16
4248 GALEWOOD STREET
PORTLAND, OR 97035

SECTION I: APPLICATION SUMMARY

FILE NAME:	West Linn-Wilsonville School District Urban Growth Boundary Major Amendment, 13-01
PETITIONER:	West Linn-Wilsonville School District
PROPOSAL:	The petitioner requests that Metro expand the urban growth boundary (UGB) to include 40 acres to be used for a primary and middle school campus and a city park facility.
LOCATION:	The property consists of four tax lots located along SW60th Ave near SW Advance Road, Wilsonville. The subject properties are in Urban Reserve Area 4H.
APPLICABLE REVIEW CRITERIA:	Metro Code sections 3.07.1425 (B, C, D, E, & F) and 3.07.1440 (A & B). 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.

SECTION II: HEARINGS OFFICER RECOMMENDATION

Based upon information available in the record, the Hearings Officer forwards a recommendation for ***approval*** to the Metro Council, with conditions.

SECTION III: BACKGROUND INFORMATION

Proposal Description: Petitioner requests that Metro expand the UGB to include 40 acres, for use as a primary and middle school campus and city park facility on land owned by West Linn-Wilsonville School District.

Site Information: The site consists of four tax lots located within unincorporated Clackamas County on the south side of SW Advance Road, immediately east of the Wilsonville city limits and west of SW 60th Avenue, as shown in Attachment 1, attached hereto. The site has frontage on both roads, is zoned Exclusive Farm Use (EFU) and is located within Urban Reserve 4H.

The east fork of the headwaters of Meridian Creek, which is an intermittent stream that ultimately flows to the Willamette River, traverses the west property line of the subject property. Meridian Creek is considered a wildlife corridor and the portion of the stream that is currently in the city is regulated under Wilsonville's Significant Resource Overlay Zone. The adjacent properties to the north, south and east are within Urban Reserve 4H and contain some small scale agriculture and forest to the south, rural residences to the east and open grass and scrub land to the north.

Case History: The West Linn-Wilsonville School District (District) includes the city of West Linn; the city of Wilsonville (except for Charbonneau and the extreme northwestern portion of the city); a small southeastern portion of the city of Tualatin; Clackamas County (primarily between West Linn and Wilsonville); and a small section of Washington County along the western edge of the District. To

facilitate future planning and to comply with State requirements for fast-growing school districts, the West Linn-Wilsonville School District prepared its first long range plan in 1996. The plan has been updated several times including a revision that is nearing completion (draft version February 6, 2013). The District purchased the subject properties in 2003 to accommodate forecast needs at the primary and middle school levels. The site was selected because of its proximity to the city of Wilsonville, accessibility to students living in the city, as well as the unincorporated portions of the District and its flat topography to accommodate the facilities and minimize construction costs. According to the applicant, the City and the District have a long history of collaborating to gain maximum efficiency of park and school land for the benefit of district athletics and city recreation needs.

Local Government Statement: This UGB major amendment is being considered at the request of the West Linn-Wilsonville School District. The City of Wilsonville and the District jointly developed a concept plan for the property, Advance Road Site Report (August 2010), which analyzed the feasibility of providing urban services and facilities, including a traffic report. A preferred conceptual site plan was developed as part of this analysis. Clackamas County submitted a written statement supporting the proposed UGB amendment.

SECTION IV: APPLICABLE REVIEW CRITERIA

The criteria for a major amendment of the UGB are contained in Metro Code sections 3.07.1425 (B, C, D, E, & F) and 3.07.1440 (A & B). The criteria (**in bold**), petitioner responses to the criteria *(in italics*), and staff analysis follow.

Metro Code section 3.07.1440(A). 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 this section only for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs;

Petitioner Response

Metro is required to evaluate the region's ability to accommodate anticipated residential and employment growth for a 20-year period. This analysis of the buildable land supply will be underway again in 2014, and according to the Metro Code (§3.07.1430 A.) major amendment applications may not be accepted during the buildable land analysis, unless special approval is granted by the Metro Council. As explained in this application, the enrollment pressure at the middle school level is becoming increasingly acute, with a district-wide capacity shortfall roughly equivalent to one half of a middle school expected by 2017 (Attachment 2- table 2 in petition).

The district retained a demographer to provide an updated short-term enrollment forecast (Attachment 3 – appendix C in petition). The forecast is based upon an evaluation of current enrollment, birth rates (particularly relevant for K-5 enrollment), and residential development projects that are underway or expected to be under construction over the next five years. The demographer interviewed the local planning departments and selected developers to create a residential development forecast.

As can be seen in Attachment 3, a significant amount of residential development (over 1,800 units) is anticipated in Wilsonville over the next five years. This development information was then used to forecast enrollment by multiplying the number and type of residences by the observed number of students coming from new residential units. The short-term forecast conducted in 2012 shows that the number of students will continue to climb, and the overall enrollment pressure will be the most pronounced at the middle school level (Attachment 2). With middle schools generally designed to accommodate

approximately 700 students, the middle school enrollment deficit in Wilsonville will be the equivalent of one half of a new school by 2017.

From beginning to end, the process for constructing a new school takes several years to complete. This is because there is a series of steps that must be completed before an identified school facility need can be fulfilled:

1. *The district must identify facility capacity needs along with the general area to be served.*
2. *The district works with district stakeholders to shape a bond package to take to the voters.*
3. *The district must have a school site that is within the UGB and zoned for development.*
4. *The development plans for the school must be created and permits obtained.*
5. *The school is constructed and opened.*

The district has identified the need (Step 1 above) as described in Section IV of the application and is beginning initial conversations with stakeholders (Step 2) about how to finance future school district improvements, including a middle school in Wilsonville. Experience with previous school construction projects suggests that the final three steps will take approximately four years to complete. Waiting to apply for a major amendment in 2015 would lead to a middle school not opening until 2019, meaning that the middle school overcrowding will plague the district well into the future.

The city has a Parks and Recreation Department, which is responsible for senior programs, adult and youth programs, special events, and parks planning and maintenance. The department operates a community center, a variety of parks, and sports fields. The Wilsonville Parks and Recreation Master Plan was created in 2007 to guide how the city provides recreational opportunities for its residents.

One of the "key overarching elements" of the plan is to "continue to provide sports field space for the growing needs of the community." One of more significant projects highlighted in the plan is to "create shared use community/school parks at the Advance Road and Villebois school sites that include shared use gymnasium and sports field space." This was partially implemented with the opening of Lowrie Primary School in Villebois in fall 2012. The city and district now intend to collaborate in a similar manner at the Advance Road site, as described in this application.

The city has three soccer fields and five baseball fields, which are all located in Memorial Park, south of the Town Center. Memorial Park is the city's preeminent recreational facility. Because of limited space, the fields overlap so that only a maximum of five baseball games or three soccer games and one baseball game may be played at any given time. The last of these athletic fields was completed in 1999.

Since the completion of the last sports field, the city's population has risen by over 40% from approximately 14,000 in 2000 to almost 20,000 in 2010 according to the US Census Bureau. The increase in the city's population, coupled with the inability to utilize all athletic fields at once, has contributed to rising pressure to have more athletic fields in the city to accommodate baseball, soccer, lacrosse, and other field sports. The city and the school district have a long history of collaborating to gain maximum efficiency of park and school land for the benefit of district athletics and city recreation needs.

Hearings Officer's Analysis

There are two criteria contained in Metro Code section 3.07.1440(A) that are analyzed separately below:

1) The proposal must be for a non-housing need.

Petitioner proposes to add land to the boundary for a public school and a public facility need, both of which are non-housing needs. No party to the case disputed this analysis or offered evidence or argument to the contrary. LUBA has held that a UGB expansion which is based on a specific land need must be conditioned on the property being zoned and developed with the uses that are set forth in this UGB Amendment Petition. *See Concerned Citizens of the Upper Rogue v. Jackson County,* 33 Or LUBA 70, 109 (1997). The only uses allowed by this UGB Amendment are the uses set forth in the Application (middle School, primary school, and public park). A condition of approval is recommended to ensure that these are the only uses built.

2) The proposal must be intended to meet needs that cannot wait until the next analysis of land supply (December 2014).

Title 14 of Metro's Urban Growth Management Functional Plan includes the Major Amendment process to amend the UGB for a number of specific non-housing needs, including schools and public parks. This process is intended to provide an opportunity to meet these specific land needs outside of the Legislative process the Metro Council conducts on a five-year cycle as required by State law.

As part of the Legislative UGB Amendment process, Metro conducts an inventory of the current residential and employment capacity within the UGB, forecasts population and employment growth over a 20-year timeframe, determines the capacity of the current UGB to accommodate that growth and documents the results of these analyses in an urban growth report. The most recent urban growth report, completed in 2009, addressed both school and park land needs on a regional scale. Regarding schools, the 2009 Urban Growth Report ("UGR") noted that school districts own 1,000 acres of vacant land within the UGB region wide.

However, some of the regions school districts do anticipate growth, while others are experiencing declining enrollment. Apparently, none of the school districts have conducted a needs analysis which looks out to the same 20-year timeframe that the urban growth report considers. Depending on the particular physical, financial, and expected growth characteristics of each school district, plans for accommodating projected increases in enrollment vary.

The 2009 UGR notes that the Major Amendment process may be a more appropriate means of addressing specific school district needs that can be accommodated through UGB expansions. Similarly, the 2009 UGR estimated that 1,100 acres of vacant land inside the UGB would be used for future parks based on System Development Charge ("SDC") revenue for park providers. However, these 1,100 acres are not owned by specific park providers, it is an assumption that some vacant land will be developed into parks during the 20-year planning horizon. Thus, a line item in an urban growth report for parks will not necessarily result in parks being developed for citizens to enjoy where there currently is a park deficit; rather it simply reduces the vacant land supply assumption. Again, the 2009 UGR suggests that the Major Amendment process may be a more appropriate means of addressing specific park needs that can be accommodated through UGB expansions.

Petitioner has completed both long-term and short-term enrollment forecasts that identify potential inadequate school capacities, with the most pressing capacity shortfall to occur at the middle school level by 2017. It outlined a timeline and process for developing new school sites, and has shown that in order to alleviate the capacity shortfall expected in 2017 in a timely fashion, the planned school site must be available for construction of the school a few years prior to needed occupancy. In addition, a viable school site is necessary for the District to initiate the school bond financing process.

As noted above, the Metro Council is required to complete a 20-year forecast and analysis of land need to maintain a 20-year supply of residential and employment land inside the UGB on a five-year cycle. The

next regional analysis of land supply or urban growth report will be finalized at the end of 2014, with a possible growth management decision occurring in 2015 or 2016. That process may or may not result in an expansion of the UGB, depending on a number of factors. Delaying the proposed amendment for these specific school and park needs until that time, when these specific types of need are not necessarily addressed in the regional analysis, is not an appropriate or an efficient way to provide these needed services. Worse yet, it would result in the District experiencing overcrowding of its facilities, particularly at the middle school level.

Hearings Officer's Recommendation:

The petition meets the two criteria contained in Metro Code section 3.07.1440(A).

Metro Code section 3.07.1440(B), referring to 3.07.1425 (B, C, D, E, & F).

3.07.1425 (B) (1) Demonstrated need to accommodate future urban population, consistent with a 20-year population range forecast coordinated with affected local governments;

Petitioner Response

As described herein, the need for additional middle school capacity is well documented in the district's Long Range Plan (Appendix A in the petition) and in Attachment 2, which shows the existing and projected capacity deficit. The district's three middle schools are currently operating at or over capacity and substantial residential development is occurring or planned in the near-term within the existing UGB. The long-range outlook shows this growth will shift to the east side of the city as Frog Pond, Advance Road (UR 4H) and other Urban Reserve areas (Norwood and I-5 East Washington County) develop. The requested UGB amendment will allow the district and the city meet current as well as anticipated short- and long-term needs for educational and recreation capacity.

The district's Long Range Plan utilized Metro's 2035 Population and Employment Forecast Distribution (2012) which looked at urban reserve capacity and infrastructure timing to develop three scenarios to see how the District may change in the future as additional development and redevelopment occurs within the current UGB and the urban reserves within the district boundary. The scenarios are based upon adopted comprehensive plans and supporting information provided by the cities of West Linn, Wilsonville and Tualatin, Clackamas County and Metro.

The Wilsonville Parks and Recreation Master Plan was created in 2007 to guide how the city provides recreational opportunities for its residents. One of the "key overarching elements" of the plan is to "continue to provide sports field space for the growing needs of the community." Working cooperatively with the school district is a consistent theme throughout the plan. Creating "school parks", which include design features and amenities to facilitate harmonious sharing of facilities for school and city use, is a major component of the plan. A school community park is identified in the plan on the Advance Road site (Figure 3: Parks System Map and project P18 in Chapter 3 of the master plan). The city and district intend to create a school community park as described in the plan. Not only will this be more economical to build and maintain, it will maximize efficient use of land by sharing outdoor areas, indoor facilities, parking, and access.

The last of city's three soccer and five baseball fields were completed in 1999. Since the completion of the last sports field, the city's population has risen by over 40% from approximately 14,000 in 2000 to almost 20,000 in 2010 according to the US Census Bureau. The increase in the city's population, coupled with the inability to utilize all athletic fields at once, has contributed to rising pressure to have more athletic fields in the city to accommodate baseball, soccer, lacrosse, and other field sports.

Hearings Officer's Analysis

The Hearings Officer concurs with the Petitioner's analysis, as set forth above. Goal 14 allows Metro to approve a UGB amendment based on a specific land need. *BenjFran Development v. Metro Service Dist*., 17 Or LUBA 30, 42 (1988), *aff'd*, 95 Or LUBA 22, 767 P2d 467 (1989). Therefore, it is appropriate to expand a UGB if a need is shown for additional school and park land.

The Metro Council adopted the 2009 UGR in 2010, and, based on that report, made a growth management decision in 2011 to accommodate a 20-year residential and large lot industrial need based on a range forecast. As noted above, the 2009 UGR did not address specific school and park land needs. Petitioner has provided information regarding a long-range and short range need for providing specific school facilities to meet present and future populations based on established methodologies for the proposed use. These forecasts were coordinated with the population and demographic projections used in West Linn, Wilsonville, Tualatin and Clackamas County's Comprehensive Plans and with Metro's 2035 Population and Employment Forecast Distribution.

With regard to park needs, Wilsonville's Park and Recreation Department has apparently been unable to keep up with the recreation needs of its citizens due to an increase in population growth of over 40% in the last 13 years. Supporting evidence for these figures is provided in its Parks Master Plan. The Parks Master Plan also identifies collaborative opportunities between the City and the District as a key way to meet the city's recreation needs, which this petition will accomplish.

No party challenged any of the data contained in the Application related to this topic. In light of both the facially reasonable conclusions set forth in the analysis submitted by the applicant, and the fact that no party has submitted evidence to the contrary, the Hearings Officer finds that the applicant's data and analysis constitutes substantial evidence. *Younger v. City of Portland*, 305 Or 346, 357, 752 P2d 262 (1988) (The term substantial evidence means evidence that a reasonable person could accept as adequate to support a conclusion); *Constant Velocity Corp v. City of Aurora*, 136 Or App 81, 901 P2d 258 (1995). *Contrast Dickas v. City of Beaverton*, 17 Or LUBA 574, 580-85 (1989) (Finding of adequate school capacity not supported by substantial evidence where report by school district's expert was contradicted by other evidence). Thus, Petitioner has shown there is a demonstrated land need to accommodate future urban populations with school and park services, consistent with a 20-year population range forecast coordinated with affected local governments.

Hearings Officer's Recommendation:

The petition meets this criterion, and a condition of approval is recommended to ensure that the identified land need is developed on the subject property.

Metro Code 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;

Petitioner Response

There are currently nine primary schools, three middle schools, three high schools, and one charter school operated by the district. Of the nine primary schools, Lowrie and Trillium Creek primary schools are new facilities that opened in the fall of 2012. The existing school capacities are shown in Attachment 2. As shown in the table, school capacity is currently adequate with the exception of the district's three middle schools that are currently over capacity. The capacity problem is especially acute at Wilsonville's

Wood Middle School where portable classrooms must remain until permanent facilities are funded and constructed.

As can be seen in Attachment 3, a significant amount of residential development (over 1,800 units) is anticipated in Wilsonville over the next five years. The short-term forecast conducted this year shows that the number of students will continue to climb, and the overall enrollment pressure will be the most pronounced at the middle school level (Attachment 2). With middle schools generally designed to accommodate approximately 700 students, the middle school enrollment deficit in Wilsonville will be the equivalent of one half of a new school by 2017.

It is worth noting that the primary school enrollment is also expected to increase markedly in the Wilsonville area over the next five years. The district will respond initially by adjusting school attendance areas, but this will only be an interim solution. Ultimately, additional primary school capacity in the Wilsonville area will be required to accommodate new residential growth within the current city limit and the identified Urban Reserve expansion areas.

The Wilsonville Parks and Recreation Master Plan was created in 2007 to guide how the city provides recreational opportunities for its residents. One of the "key overarching elements" of the plan is to "continue to provide sports field space for the growing needs of the community." Working cooperatively with the school district is a consistent theme throughout the plan. Creating "school parks", which include design features and amenities to facilitate harmonious sharing of facilities for school and city use, is a major component of the plan. Since the completion of the last sports field in 1999, the city's population has risen by over 40% from approximately 14,000 in 2000 to almost 20,000 in 2010 according to the US Census Bureau. The increase in the city's population, coupled with the inability to utilize all athletic fields at once, has contributed to rising pressure to have more athletic fields in the city to accommodate baseball, soccer, lacrosse, and other field sports.

Hearings Officer's Analysis

In this case, the School District serves a broad area that extends from the rural land west of the City of Wilsonville west to the Willamette River and Northeast to include the City of West Linn. See Applicant's PowerPoint Slide No. 9, presented at June 27, 2013. The petitioner has demonstrated a need for providing specific school facilities to meet present and future populations in the City of Wilsonville. Both the District's long-range and short range forecasts show a need for additional middles schools and primary schools.

Petitioner presented data showing that Wood Middle School in particular currently is experiencing a capacity shortfall, and this shortfall will increase to an over-enrollment of 350 students by the year 2017. *See* Applicant's PowerPoint Slide No. 17, presented at June 27, 2013. The long term projection further reinforces the need for additional school facilities in this area. *See* West Linn-Wilsonville School District Long Range Plan, dated February 6, 2013 (the LRP is hereby incorporated by reference as additional findings of fact). There was no evidence presented to the contrary. The Long Range Plan constitutes substantial evidence of the need for additional school facilities.

Furthermore, with regard to parks, the City of Wilsonville has seen a tremendous amount of growth over the last decade and has not been able to deliver the appropriate amount of park facilities to meet the demand from this growing population. Supporting evidence for these figures is provided in its Parks Master Plan. The Parks Master Plan (PMP) is hereby incorporated by reference as additional findings of fact. Working cooperatively with the District, as envisioned in the Parks Master Plan, presents the City of Wilsonville the opportunity to provide much needed sports fields.

Thus, the Petitioner has shown there is a demonstrated land need to accommodate both school and park services.

Hearings Officer's Recommendation:

The petition meets this criterion.

Metro Code section 3.07.1425 (B)(3) A demonstration that any need shown under paragraphs (1) and (2) of this subsection cannot be accommodated on land already inside the UGB.

Petitioner Response

The majority of the residential growth in the city is presently occurring to the west of I-5 in Villebois. In addition, there are significant residential developments, including Jory Trail, located to the north of the city center. Looking to the future, residential development activity will shift to the east as Frog Pond and Advance Road (UR 4H) urbanize. Looking further ahead, there are several Urban Reserve areas located north of Frog Pond, which will contribute to long-term enrollment growth. This includes Norwood (UR 4D) and I-5 East Washington County (UR 4F and 4G).

Potential school sites selected for evaluation included sites of one or more properties which were vacant or underdeveloped with a minimum total area of 20 acres (the size guideline for a middle school) or larger. This search yielded seven potential sites (Attachment 4 - Figure 13 in petition). In evaluating the potential school sites, summarized in Attachment 5 (Table 4 in petition), the district considered several variables. The primary considerations include:

- *Plan Designation – Like all other developments, schools must be located on land that is designated to allow the uses proposed. These typically include land that is planned for residential or institutional uses. All properties of sufficient size were considered. However, residentially designated land is generally favored over commercial/industrial land because residential land will typically be located within the residential neighborhoods to be served by the school.*
- *Availability – The time required for site acquisition, permitting, and construction must allow completion of the school in time to meet the educational needs of the students in the district. One of the key issues relating to the seven potential sites is that four have owners who have been historically unwilling to sell, and of the four, two are designated for industrial and commercial use. These conditions lead to uncertainty and extra time to either acquire them and/or obtain the necessary plan and zoning amendment.*
- *Site Character – Important characteristics of the site include size, configuration, topography, environmentally sensitive areas, and surrounding land uses.*
- *Location – To provide efficient access to school facilities throughout the district, schools should be located close to where students live. While primary schools may be located relatively close together because of their relatively small attendance areas, middle and high schools should be located farther apart. For the Wilsonville area, which will ultimately have comparable amounts of residential development on both sides of I-5, it is important to "balance" the Wood MS facility with a middle school in the eastern side of the city. This also provides better access for students living in Clackamas County.*
- *Urban Facilities, Services, and Transportation – The availability of water, sanitary sewer, storm water facilities, and multi-modal transportation improvements are essential to successfully operate a schoo*l.

In summary there are very limited possibilities for locating a middle school within the current UGB to serve the district's target population. Six of the sites evaluated are not suitable for the reasons summarized in Attachment 5. Only the Advance Road site has all of the necessary qualities to enable the

district to provide a middle school that could relieve the overcrowding at the middle school level. There are significant advantages associated with combining a primary/middle school campus and community park. When these additional elements are considered, the Advance Road site is the only one that will accommodate this symbiotic combination of uses.

In addition, the Advance Road site is the best alternative considering:

- *Availability and the ability to construct a school on a reasonably predictable schedule once the UGB amendment is approved.*
- *Site characteristics including sufficient area to provide an efficient primary/middle school campus and community park complex.*
- *A location that will provide proper distribution of middle schools in Wilsonville. Considering future residential growth in the eastern Wilsonville area, the site is also well positioned to provide primary school capacity in addition to the middle school.*
- *Urban facilities and services may be planned, designed and provided on a schedule necessary to allow timely provision of much needed middle school capacity.*

The location of existing schools and their associated attendance areas leaves the eastern portion of Wilsonville as the only general area that makes sense in the context of Metro, Clackamas County, and Wilsonville planning directives. All things considered, the Advance Road site is the most desirable location for the primary and middle school campus and community park. The site represents a logical middle school location to complement Wood Middle School on the west side of I-5. The property is relatively self-contained by two roadways (Advance Road and 60th Avenue) and the Meridian Creek riparian corridor and existing urban development in the city, enabling the creation of a concept plan that is separate from the remainder of UR 4H.

The only other candidate site with reasonable potential is the Frog Pond area. The primary problems here revolve around property size/configuration and timing. At 25 acres, this site does not have sufficient land area for a primary/middle school campus. Perhaps more important, the configuration, with the two halves of the property touching at one corner, does not allow a cohesive arrangement of school improvements and access. In addition, a community park would not be possible on this property.

The uncertain timing associated with the necessary concept planning for Frog Pond is another major issue. When the district purchased the property prior to 2002, the housing market was booming, and a concept plan was expected to be completed shortly thereafter. A concept planning effort was initiated by the developers in Frog Pond, but when the market cooled, the concept plan evaporated. The city now hopes to re-initiate the concept planning work, but it is contingent on receiving a grant from Metro. The best case would be plan completion in approximately two years. However, this will be longer if funding is not available.

These considerations lead the district to conclude that the Advance Road site is clearly the best option available. Frog Pond, and district property in particular, is best suited as a potential future primary school site to accommodate anticipated enrollment growth coming from Frog Pond and the Urban Reserve areas to the north.

Hearings Officer's Analysis

In this case, the School District serves a broad area that extend from Rural Lands west of the City of Wilsonville west to the Willamette River and Northeast to include the City of West Linn. *See* Application at p. 20, Figure 11. The School District has demonstrated an acute, short-term need for additional middle-school capacity in the Wilsonville area. The existing middle school in Wilsonville is located in the western portion of Wilsonville, but draws students from the entire city. For this reason, it is readily apparent that the need is best served by providing a new middle-school facility in the eastern portion of the City of Wilsonville.

Compliance with this criterion requires the Petitioner to demonstrate that the need for a combined middle school and park facility cannot be met on land currently inside the UGB. Due to the wide geographic range of the District, the Hearings Officer limited his scope of review of alternative sites to those that are within the City of Wilsonville UGB, because this is where the capacity shortfall is most acute. Land located within either the current West Linn UGB or the Tualatin UGB is too geographically remote to fulfill the needs for school capacity in the City of Wilsonville. Therefore, when considering alternative sites for purposes of Metro Code section 3.07.1425 (B)(3), alternative sites located inside of the West Linn or Tualatin UGBs are rejected without further analysis.

The School District completed an analysis of six sites within the UGB and one site outside the UGB (i.e. the subject Advance Road site property). The District identified a 20-acre minimum site size requirement for the analysis. The District looked at sites consisting of one or more lots that were vacant or underdeveloped. The Hearings Officer finds that these are reasonable threshold considerations that can be used to pare down potential sites for further analysis.

Recognizing the importance of timing for alleviating the expected enrollment deficit, the analysis included five primary considerations:

- Plan Designation;
- Availability;
- Site Character;
- Location; and
- Urban Facilities, Services and Transportation.

Although no law mandates the use of these particular five factors, the Hearings Officer finds that these five factors are reasonable considerations for the alternatives site analysis.

Applying the 5 factors, the District rated five of the six sites within the UGB as being "poor" locations, for various reasons, including: close proximity to existing middle and primary schools, located to the west of I-5 whereas middle school capacity is needed on the east side, and being isolated from residential areas.

The Hearings Officer agrees that that it makes little sense to select a second middle school site in the vicinity of the existing Inza Wood Middle School. *See* Petitioner's Powerpoint dated June 27, 2013 at p. 11. The primary need for a middle school exists on the east side of the City of Wilsonville, not the west side. Furthermore, potential locations on the west side of I-5 are not practical and efficient to serve growth occurring on the east side of the City, due to the fact that it would put additional traffic pressure on the three major over / under passes crossing I-5. From a planning standpoint, it is imperative to reduce pressure on these key transportation "chokepoints" by balancing the availability of school and park facilities. This entails building the next middle school on the east side of I-5. Therefore, alternative sites 1 and 2 can be eliminated from further discussion on that basis.

The remaining four sites should be analyzed with regard to their suitability to accommodate both a combined primary and middle school site as well as the park facility. As the applicant noted at the June 27, 2013 hearing, a combined primary and middle school provides a number of efficiencies in terms of capital and operating costs. The ability to have shared facilities, such as auditoriums, cafeterias, libraries, athletic fields, access, and parking is a key reason to select a larger site. In these times of shrinking government budgets, Metro should be encouraging and rewarding this type of innovative approach to school facility planning.

Turning to the six alternative sites, it is readily apparent that none of the other potential sites can accommodate the stated need.

Site 3 is referred to by the applicant as the "North Wilsonville" site. This 32-acre site should be eliminated from further consideration because it is zoned for industrial uses and is located far away from the concentration of residential properties on the east side of town. It is surrounded by commercial development, which is not an ideal adjacent uses for a school. The site is not large enough to co-locate school and park facilities. This site is, therefore, not a good alternative to meet the need for a school and park under a short-term time horizon.

Site 4 can be eliminated from further consideration because zoned for industrial uses and are the owners have stated that are going to use the site for industrial and/or commercial purposes. This site is also not ideal because there is a significant drainage feature running through the site. This terrain feature makes it more difficult (and significantly more expensive) to build a school and park that feature good pedestrian and vehicular connectivity to one another. In addition, the planned completion of Canyon Creek road would further reduce the amount of buildable land available at this location. For these reasons, the site should not be considered available to meet the need for a school and park under a short-term time horizon.

Site number 5 consists of only 22 acres, and is therefore less than ideal for use as a combined site for a middle school and park. Furthermore, it is an oddly-shaped lot which reduces the efficiency of potential development. According to Petitioner, providing appropriate access could also be problematic. Furthermore, the owner of the property is not willing to sell it at this time. While it is possible for a City to exercise it condemnation authority to purchase a site from an unwilling seller, it is not clear that the City of Wilsonville would be willing to do so, particularly since the site is less than ideal. .

The sixth site, located in the Frog Pond area, is approximately 25 acres in size. It is owned by the school district, which has identified it as a primary school site. The presence of the Frog Pond site presents the biggest hurdle to the applicant, and represents a potential reason for denial of the application. Although this issue presents a close call, the Hearings Officer recommends approval of the application despite the presence of the Frog Pond site, for the reasons that follow.

Metro added the Frog Pond to the UGB in 2002 through the adoption of Metro Ordinance 02-969B. Exhibit M to Ordinance 02-969B - Conditions on Addition of Land to UGB directs the city or county with land use planning responsibility for the areas included in the UGB to complete the planning required by Urban Growth Management Functional Plan (Functional Plan) Title 11: Planning for New Urban Areas for the area. Exhibit M also contains conditions for specific areas; the conditions for Frog Pond (aka Area 45) are found on page 3 of Exhibit M. Wilsonville has planning responsibility for Frog Pond (Area 45).

As noted above, Functional Plan Title 11, entitled "Planning for New Urban Areas" is the Metro Code section that outlines the required planning components for areas brought into the UGB. See Code Section 3.07.1120 for these requirements. Metro Code Section 3.07.1120 requires comprehensive planning for the expansion areas. Before land that is added to the UGB can be developed, a local jurisdiction must complete a new urban area planning process consistent with Metro Urban Growth Management Functional Plan requirements. The UGMFP requires cities and developers to look at urban form and development of the entire area as a whole. Topics that must be addressed include street layout, density, as well as financing of local public facilities and services. These requirements cannot be completed for individual tax lots or small groups of tax lots. Page nine of the Metro staff report references these requirements.

The other local jurisdictions that had planning responsibility for areas added to the UGB in 2002 as well those areas added in 2004/2005 have completed the required new urban area planning requirements for their entire expansion area prior to development occurring, consistent with the conditions of approval and Metro Code Section 3.07.1120. A similar planning process has not been initiated for the Frog Pond area. The record does not explain why planning for the Frog Pond area has not moved forward in a similar timely manner, other than a suggestion by the applicant that planning for Frog Pond ceased in 2008 when the housing buddle burst. See Supplemental Information and Findings, dated July 11, 2013, at p. 7.

Regardless, the City of Wilsonville's Long Range Planning Manager submitted a letter into the record that makes clear that even under a "best-case" scenario, Petitioner's Frog Pond site could not be planned and ready for development until well into 2016. *See* letter from Katie Mangle, dated July 10, 2013. These types of master planning projects have a lot of moving parts and tend to experience delays in their implementation. Based on the Hearings Officer's experience with similar planning projects throughout the region, the timeline set forth in Ms. Mangle's letter could very well be optimistic; the project could easily experience delays that push construction into 2017 or 2018. In the meantime, however, the children attending Wood Middle school will continue to experience overcrowding issues, which does not seem like a reasonable compromise.

Metro staff notes that the City of Wilsonville has requested grant funding from Metro to complete this required planning process. Nonetheless, Metro staff believes that allowing the new urban area planning to be completed solely for the school district's property in the Frog Pond area is inconsistent with the code requirements, and is not good planning practice. Thus, the planning process required by the Metro Code will delay the ability to begin any construction on the Frog Pond school site until at least 2016, depending on whether or not the city receives grant funding. This delay would not allow the district to meet its enrollment deficit by 2017. Because Petitioner is seeking to meet a short-term need for a middle school, the Frog Pond site cannot, as a practical matter, meet that short-term need.

In addition, the Frog Pond site's size and configuration is also problematic. As shown in the Applicant's Supplemental Information and Findings, dated July 11, 2013, at p. 7, the three lots owned by the School District are rectangular in shape and are contiguous only at one point. The current configuration of the Frog Pond does not lend itself to the concept of shared facilities between a primary school and middle school. The District would need to acquire additional property, and at this time, it is unknown whether the current owners of adjacent properties are willing to sell their lands to the School District. Without additional land acquisition, these lots do not lend themselves to the development of a combined primary/middle school campus, nor would they accommodate a city park facility. Due to the critical short-term need for additional middle school facilities, the Frog Pond site simply cannot be made shovel ready in a time period that alleviates the infrastructure shortage being experienced by the School District.

Mr. William Ciz testified at the hearing in opposition to the application, and followed up with written letters to the same effect. *See* Letter from William Ciz dated July 11, 2013; Undated letter summarizing testimony presented at the June 27, 2013 hearing. Mr. Ciz argues that the applicant has not met its burden to show that the identified land need cannot be met on the Frog Pond site. Mr. Ciz points out, correctly, that the School District has owned the Frog Pond property for over 12 years and has done little to prepare that site for development. Analogizing to variance law, Mr. Ciz views the School District's actions as a "self-imposed hardship," and argued that the School District's inaction should not be rewarded by granting them a UGB amendment.

While there is a degree of truth in what Mr. Ciz is stating, it is difficult to blame the School District for

getting behind in their planning efforts, given the 2008 housing crash. Very few people accurately predicted the level of disruption caused by the collapse of the housing market in 2008. Furthermore, the resulting budget constraints affected all levels of government. Most planning efforts came to a screeching halt throughout the region, and those that moved forward did so only on the basis of federal stimulus spending. So the fact that the School District finds itself a bit behind the curve in terms of planning can hardly be chocked up to inattention.

Moreover, the Hearings Officer agrees with the School District that "Mr. Ciz does not appear to appreciate that the school district does not have the authority or financial ability to unilaterally initiate a concept plan for the larger Frog Pond area." *See* Applicant's Final Rebuttal dated July 25, 2013. In truth, there are a lot of stake holders that will have their hand in formulating the concept plan for Frog Pond. The School District may be a spoke in that wheel, but it is not able to control the timing of that process. But regardless of that, the bottom line is that casting blame about how the situation got to the point it did is really not the purpose of this exercise. The question before the Hearing Officer is whether the Frog Pond site can accommodate the short-term need for additional school and park capacity to alleviate overcrowding at the Woods Middle School, among other things. And the answer to that question is "no." The Hearings Officer is cognizant of the fact that the Frog Pond site is in a sort of "planning purgatory" at the moment, and until further funding is available, the timing of the availability of that site for development is uncertain. The needs of the school children to have adequate school facilities is a problem that should not be forced to remain in limbo pending the planning of Frog Pond, given that this alternative option is available.

In summary, the analysis set forth above demonstrates that the short term need for a middle school cannot be accommodated on land already inside the UGB. While it is certainly possible that the Frog Pond site could be used to meet the less time-sensitive needs for a primary school, the fact that the applicant wishes to co-locate these facilities to conserve financial resources should be sufficient reasons to bring in the entire 40-acre Advance Road site at this time.

Hearings Officer's Recommendation:

The petition meets this criterion.

Metro Code 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;

As noted previously, 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 and not specific criteria that must be met. Thus, the relevant determination is whether or not the petition addressed the locational factor and a determination of which area better meets the need considering the factor.

Petitioner Response

In addition to Urban Reserve 4H Advance Road, there are seven other Urban Reserve areas, which are completely or partially within the West Linn-Wilsonville School District boundary (Attachment 6 – Figure 1-S in petition). Metro recently finalized its regional growth forecast for Urban Reserve areas in the region. Of the eight Urban Reserve (UR) areas in the district, 4H Advance Road and 5H Wilsonville Southwest are assumed in the Metro growth forecast to have urban infrastructure by 2025-2030. Understanding that urban facilities and services are a prerequisite for establishing a new school, the

district has naturally focused its property acquisition attention in areas with the potential to be served in the near-term. In addition to availability, the district always strives to locate schools in areas that will be proximate to the students they will serve. As described in the application, urban services and facilities are available to serve the 40-acre Advance Road site today. This infrastructure availability for UR 4H and

5H is well ahead of the remaining six Urban Reserve areas, which are expected to have urban infrastructure after 2035 (Attachment 7 – Appendix A-S in petition Metro Map "Urban Reserves Capacity and Infrastructure Timing"). A comparison of the Advance Road site with the other seven urban reserve areas is found in Attachment 8 – Table 1-S in supplemental findings of the petition.

The district and city have identified needs for additional school and park capacity to accommodate current residents and anticipated population growth. The West Linn-Wilsonville School District Long Range Plan (Appendix A in petition) documents this growing middle school capacity deficit. Relative to the existing school facilities in the Wilsonville area, the Advance Road site represents an efficient location because:

- *The other middle school in Wilsonville (Wood) is located on the west side of I-5, and a second middle school located in the eastern portion of the city will facilitate convenient access for students in Wilsonville and unincorporated Clackamas County to the east.*
- *City utilities are available to serve this site, which is adjacent to the city limit and only a short distance from utility lines that have sufficient capacity to accommodate a school campus/community park.*
- *Direct and efficient access will be available via major streets, which are intended to accommodate significant motor vehicle, pedestrian, bicycle, and transit needs. In addition, the Wilsonville TSP and Parks and Recreation Master Plan call for a pathway connection between Wilsonville Road and this site.*
- *It is in an optimal location to serve future development in UR 4H, Frog Pond, and other designated Urban Reserve areas (Norwood and I-5 East Washington County) to the north.*
- *Utilizing a 40-acre site to ultimately accommodate two schools and a community park will allow much greater efficiency than locating each use on a separate site. The proposed site will allow for shared parking and access, more efficient programming for school physical education and school/community sports, and reduced operations and maintenance costs. The district and city have long history of partnering to maximize public funding of educational and community programs.*

Relative to other Urban Reserve areas, which are potentially available, the Advance Road site is superior primarily due to location and timing. As noted in Attachment 8, UR 4A Stafford, 4B Rosemont, 4C Borland, and 4D Norwood are all appropriately served by two middle schools – Athey Creek (located in 4C) and Rosemont Ridge (located immediately south of 4B). The provision of urban services is over 20 years away, and waiting that long is simply not an option for the district given the current and forecast enrollment pressures.

UR 4F and 4G East Washington County are well served by Athey Creek Middle School. Perhaps more important, the north end of Wilsonville (and this portion of the district) is largely dedicated to commercial and industrial use, meaning there are few students to serve in this vicinity. With the eventual concept planning and urbanization of these Urban Reserve areas, this could change, but not for an estimated 20 years or more. UR 5H Wilsonville Southwest is in an area served by Wood Middle School, which is located nearby on the north side of Wilsonville Road. Another middle school in this location would not efficiently serve the students in the eastern portion of Wilsonville.

Hearings Officer's Analysis

The District undertook an analysis of seven other urban reserve areas that are within the district boundary. Metro Code does not allow for the creation of an island of urban land so the analysis must be limited to those properties that are directly adjacent to the current UGB. Urban reserve 4D and the majority of urban reserve 4E are not logical locations to analyze as alternative sites as the UGB runs along the middle of the I-5 and I-205 right-of-way, essentially requiring the provision of urban services across this significant public right-of-way owned by the Oregon Department of Transportation (ODOT).

In addition urban reserve 4F is separated from the UGB by urban reserve 4G and would require land in 4G to be added to the UGB in addition to land in 4F. The district's analysis showed that urban reserve areas 4A Stafford, 4B Rosemont, 4C Borland, 4D Norwood, and 4F and 4G East Washington County are not expected to urbanize for a number of years based on Metro's 2035 Population and Employment Forecast Distribution.

Furthermore, the cities adjacent to urban reserve areas 4A, B & C have indicated their opposition to providing any urban services to those areas, and the cities of West Linn and Tualatin have challenged the decision to designate those areas as urban reserves by filing appeals with the Oregon Court of Appeals. Knowing that the availability of urban facilities and services are needed for establishing a new school, locating a new school in these urban reserve areas that are not expected to urbanize for some time is not an efficient way to accommodate the identified need. In addition to land readiness, the district strives to locate schools in areas that will be proximate to the students they will serve. Since these six urban reserve areas are not geographically located near where the forecasted need is, they cannot efficiently accommodate the identified need. There are existing primary and middle schools adjacent to urban reserve area 5H and providing another middle school in this location would not satisfy the identified need that is projected for the eastern side of Wilsonville.

Based on the urban reserve areas that were analyzed, the analysis shows that the Advance Road property best meets the need considering efficient accommodation of identified land needs due to future timing of urban services in the other urban reserve areas, current lack of adjacent local government interest in providing urban services and the other urban reserve areas not being located near where the identified future enrollment need will occur.

Hearings Officer's Recommendation:

The petition adequately addresses this factor.

Metro Code 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;

Petitioner Response

In addition to Urban Reserve 4H Advance Road, there are seven other Urban Reserve areas, which are completely or partially within the West Linn-Wilsonville School District boundary (Attachment 6). Metro recently finalized its regional growth forecast for Urban Reserve areas in the region. Of the eight Urban Reserve areas in the district, 4H Advance Road and 5H Wilsonville Southwest are assumed in the Metro growth forecast to have urban infrastructure by 2025-2030. Understanding that urban facilities and services are a prerequisite for establishing a new school, the district has naturally focused its property acquisition attention in areas with the potential to be served in the near-term. In addition to availability,

the district always strives to locate schools in areas that will be proximate to the students they will serve. As described in the application, urban services and facilities are available to serve the 40-acre Advance Road site today. This infrastructure availability for UR 4H and 5H is well ahead of the remaining six Urban Reserve areas, which are expected to have urban infrastructure after 2035 (Attachment 7). A comparison of the Advance Road site with the other seven urban reserve areas is found in Attachment 8.

As noted in Section III of the petition, sufficient capacity is available to provide urban facilities and services:

- *Water and sanitary sewer facilities currently have adequate capacity to serve the site.*
- *Storm water capacity will be provided by on-site facilities releasing storm water into Meridian Creek according to city standards.*

- *Transportation facilities have adequate capacity to serve the site. As noted above and in the appendices, improvements will need to be made as the site is developed.*
- *Police/public safety services can be provided by the city and county.*
- *Fire/emergency services are available from TVFR.*
- *Park and recreation capacity will be greatly enhanced to address the significant population growth, which has occurred and will continue.*
- *School capacity is currently deficient at the middle school level, and additional pressure will be felt by the district at the primary and middle school level in the coming years. Securing and developing this site will address these short- and long-term issues.*

The Advance Road site fully satisfies this factor because urban facilities and services can be appropriately provided today. This is generally true of UR 5H Wilsonville Southwest, however, an expensive lift station would be required. Public facilities and services are a minimum of 20 years away for the remaining six Urban Reserve areas as noted in Attachments 7 & 8. Concept planning has not been initiated for these areas, and the adjacent cities in a position to provide urban facilities and services are not ready to plan these areas yet, let alone serve them.

Hearings Officer's Analysis

Metro Code does not allow for the creation of an island of urban land so the analysis must be limited to those properties that are directly adjacent to the current UGB. The School District undertook an analysis of seven other urban reserve areas that are within the district boundary and which are directly adjacent to the current UGB. These alternative sites are known as Stafford (4A), Rosemount (4B), Borland (4C), Norwood (4D), I5 East Washington County (4F and 4G) and Wilsonville SW (5H).

In reviewing these 6 other urban reserve areas, it is readily apparent that none are better suited to meet the short-term need for a middle school to serve students in the Wilsonville Area than UR 4H. Stafford (4A), Rosemount (4B), Borland (4C), Norwood (4D) are located too far away from the area needed to be served. Furthermore, urban reserve 5H is located too close to the existing Izra Woods Middle School to be a good location for a new middle school. It is important to balance out the City of Wilsonville by selecting a middle school site on the east side of town. As mentioned earlier, the City of Wilsonville has three key transportation chokepoints in the form of the I-5 overpasses and underpasses. Any decision which fails to account for these chokepoints and directs traffic away from them is simply irresponsible from a planning perspective.

Urban reserve 4D and the majority of urban reserve 4E are not logical locations to analyze as alternative sites as the UGB runs along the middle of the I-5 and I-205 right-of-way, essentially requiring the provision of urban services across this significant public right-of-way owned by the ODOT.

In addition urban reserve 4F is separated from the UGB by urban reserve 4G and would require land in 4G to be added to the UGB in addition to land in 4F. This analysis showed that urban reserve areas 4A Stafford, 4B Rosemont, 4C Borland, 4D Norwood, and 4F and 4G East Washington County are not expected to urbanize for a number of years based on Metro's 2035 Population and Employment Forecast Distribution.

Furthermore, the cities adjacent to urban reserve areas 4A, B & C have indicated their opposition to providing any urban services to those areas, and the cities of West Linn and Tualatin have challenged the decision to designate those areas as urban reserves by filing appeals with the Oregon Court of Appeals. Since the availability of urban facilities and services are needed for establishing a new school, locating a new school in these urban reserve areas to accommodate the identified need would not result in the orderly and economic provision of public facilities and services.

The Advance Road site can be served with urban services now, as can urban reserve 5H, however urban reserve 5H would require a lift station. Based on the urban reserve areas that were analyzed, the analysis shows that the Advance Road property best meets the need considering orderly and economic provision of public facilities and services due to future timing of urban services in the other urban reserve areas, current lack of adjacent local government interest in providing urban services to these other areas, additional expense to serve 5H and the other urban reserve areas not being located near where the identified enrollment need will occur.

Hearings Officer's Recommendation:

The petition adequately addresses this factor.

Metro Code 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;

Petitioner Response

In addition to Urban Reserve 4H Advance Road, there are seven other Urban Reserve areas, which are completely or partially within the West Linn-Wilsonville School District boundary (Attachment 6). A comparison of the Advance Road site with the other seven urban reserve areas is found in Attachment 8.

The consequences of bringing the Advance Road site into the UGB compares favorably with the other candidate sites reviewed in Attachment 8.

- *Environmental Consequences. Other than the Meridian Creek corridor located on the extreme west edge of the site, it is devoid of any environmental constraints. Because of its location adjacent to the city, facilities and services can be efficiently provided, and the site is located to enable efficient transportation to and from the site for students and park users alike. The shared use of the site for schools and a community park allow for efficient use of land and reduced impervious surfaces – especially with shared access and parking.*
- *Energy Consequences. As noted above, the site is well-served by transportation facilities. With the development of the site additional improvements will be made to facilitate multi-modal access*

to the site, including street improvements, pathway improvements, and potential SMART bus service extension. As the remainder of UR 4H urbanizes, the site will be centrally located within a pedestrian- and bicycle-friendly neighborhood, reducing the need for motorized access to the school campus and the community park.

- *Economic Consequences. The cost to develop this property, with its relatively flat topography, access to utilities, and the ability to share common facilities between two schools and a community park, make this site significantly more economical than any of the other potential sites. The cost of providing urban facilities and services are comparable to providing similar levels of service within the existing UGB. As noted in Section III, facilities and services are readily available to the site.*
- *Social Consequences. Quality education and recreational opportunities are essential elements for building and maintaining successful communities. The proposed UGB expansion site represents a location that can provide equitable access to quality educational and recreational facilities through the district and city of Wilsonville.*

The Advance Road site will be capable of providing positive consequences related to this factor. As explained in Attachment 8, the primary reason for this is the other Urban Reserve sites are removed from the areas where school capacity is needed. The northern Urban Reserve areas (4A-4D and 4F and 4G) are currently well-served by two middle schools in the vicinity. UR 5H is located in the southwestern portion of the district, within ½ mile of Wood Middle School and Boones Ferry Primary School. Similar to the other alternative Urban Reserve areas, UR 5H would fail to provide school capacity near the students to be served in the eastern portion of Wilsonville.

This school location/student disconnect, which characterizes all of the Urban Reserve alternatives to the Advance Road site, would lead to comparatively greater air quality/green house gas impacts due to the increased bussing and driving necessary to connect students, faculty, and parents from their homes to the school. The social benefits of having an easily accessible community center and park will not be fulfilled in the more distant Urban Reserve areas. Located adjacent to current students and future residential growth areas, the Advance Road site is superior to the alternative Urban Reserve locations.

Hearings Officer's Analysis

The District undertook an analysis of seven other urban reserve areas that are within the district boundary. Metro Code does not allow for the creation of an island of urban land so the analysis must be limited to those properties that are directly adjacent to the current UGB. Urban reserve 4D and the majority of urban reserve 4E are not logical locations to analyze as alternative sites as the UGB runs along the middle of the I-5 and I-205 right-of-way, essentially requiring the provision of urban services across this significant public right-of-way owned by the ODOT.

In addition, urban reserve 4F is separated from the UGB by urban reserve 4G and would require land in 4G to be added to the UGB in addition to land in 4F. While there are some locations in urban reserve areas 4A Stafford, 4B Rosemont, 4C Borland, and 4G East Washington County that could be developed with little to no environmental consequences, these locations are relatively remote from the identified need. This would result in greater energy, economic and social consequences due to increases in bussing and driving that result in air quality degradation, higher operational costs for the district and the loss of a community center for the residential areas where the students reside.

Urban reserve 5H would have similar, but less substantial energy, economic and social consequences, as well as some potential environmental consequences as there are significant natural resources located in this urban reserve area. The Advance Road site contains the Meridian Creek corridor that is located on the very western edge of the property, which allows for the opportunity to develop the school campus without

negatively impacting the natural resource area. The Advance Road location is also near the identified enrollment need, which will result in much less energy, economic and social consequences due to less driving and the opportunity to connect the new school campus to the existing high school campus through a planned walkway/bikeway (Community Walkway/Bikeway 19).

Finally, the city's transit service, SMART, currently runs limited service on Stafford Road to Advance Road, which could be expanded to serve the new school/park facilities.

Based on the urban reserve areas that were analyzed the analysis shows that the Advance Road site best meets the need considering comparative environmental, energy, economic and social consequences due to the need for less driving/bussing of students, the ability to develop the property without impacting natural resources and the opportunity to provide a social hub for nearby residences through the school and park facilities, especially in conjunction with the high school campus.

Hearings Officer's Recommendation:

The petition adequately addresses this factor.

Metro Code 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;

Petitioner Response
In addition to Urban Reserve 4H Advance Road, there are seven other Urban Reserve areas, which are completely or partially within the West Linn-Wilsonville School District boundary (Attachment 6). A comparison of the Advance Road site with the other seven urban reserve areas is found in Attachment 8.

As noted in the petition, the surrounding uses within UR 4H do not include significant active farming activity. This relative absence of agricultural value and activity along with proximity to the city of Wilsonville led to its designation as an Urban Reserve rather than a Rural Reserve. The larger parcels typically have grass fields single family residences. Several of the smaller acreages have limited agricultural use, such as nursery stock and Christmas trees. Other farm crops or livestock are not evident on any of the properties surrounding the subject site. As UR 4H is urbanized, the site will be within an urban neighborhood and not on the edge of a more permanent boundary between urban and agricultural activities.

As described in Attachment 8, the Advance Road site is not near any active farm or forest activities on the surrounding remainder of UR 4H.Ultimately, urban development will surround the site. UR 5H is similarly buffered by urban and park/open space areas, but it will be immediately east of land designated as Rural Reserve. The remaining Urban Reserve areas (4A-4D and 4F and 4G) will generally not afford as many opportunities to separate a school from surrounding rural uses. Like the Advance Road site, these areas will eventually urbanize, but over a significantly long timeframe.

Hearings Officer's Analysis

The District undertook an analysis of seven other urban reserve areas that are within the district boundary. Metro Code does not allow for the creation of an island of urban land so the analysis must be limited to those properties that are directly adjacent to the current UGB. Urban reserve 4D and the majority of urban reserve 4E are not logical locations to analyze as alternative sites as the UGB runs along the middle of the

I-5 and I-205 right-of-way, essentially requiring the provision of urban services across this significant public right-of-way owned by the ODOT.

In addition, urban reserve 4F is separated from the UGB by urban reserve 4G and would require land in 4G to be added to the UGB in addition to land in 4F. As noted in the petition, the expectation is that the urban reserve areas will eventually urbanize over the long term, however the development of a school site in an urban reserve area could be incompatible with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal during the interim time. This is true for a portion of urban reserve 4G and the northern portion of 4A where there are agricultural activities occurring on resource designated land that is adjacent to the UGB. However the presence of two utility line easements through urban reserve 4G limits the potential for developing a school in this area. The remainder of the resource land in area 4A is located away from the UGB and the island provision in Metro Code eliminates any potential conflict.

Urban reserve areas 4B & C do not contain land designated for agriculture or forestry pursuant to statewide planning goals and thus a school facility in these areas would be compatible with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal. Nonetheless, these urban reserve areas are located some distance from the identified need based on population growth in the city of Wilsonville and a school located in these urban reserve areas would not efficiently satisfy that need.

All of the land in urban reserve 5H is designated for agriculture or forestry pursuant to a statewide planning goal with the vast majority in agricultural activity. Development of a school site in this urban reserve may impact these activities. Similarly, all of the land in the remainder of urban reserve area 4H, outside of the Advance Road site, is designated for agriculture or forestry pursuant to a statewide planning goal, although most of the adjacent land is not in agricultural use. There is a very small amount of agricultural activity occurring to the southeast of the Advance Road site within urban reserve 4H. It is possible that the development of the school may conflict with these limited agricultural activities; however given the location and the limited amount of agricultural activity occurring, the school/park use could be compatible as the majority of the activity will be focused to the north. As noted previously, the expectation is for these lands to be urbanized at some point in the future.

Based on the urban reserve areas that were analyzed the analysis shows that the Advance Road site property best meets the need for accommodating the enrollment deficit in the Wilsonville area, 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.

Hearings Officer's Recommendation:

The petition addresses this factor.

Metro Code section 3.07.1425 (C)(5) 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 equitable and efficient distribution of housing and employment opportunities throughout the region;

Petitioner Response
This criterion is not directly relevant to the location of school and park facilities. However, the location of schools and a community park on this site will provide equitable and efficient distribution of school and park facilities to serve existing and future residential neighborhoods. As explained in Table 1-S, this

equitable and efficient distribution would not be possible by locating in one of the alternative Urban Reserve areas.

Hearings Officer's Analysis

Petitioner notes the petition is not intended for housing or employment needs and therefore consideration of equitable and efficient distribution of housing and employment opportunities is not applicable.

Hearings Officer's Recommendation:

The petition does address this factor.

Metro Code section 3.07.1425 (C)(6) 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 contribution to the purposes of Centers and Corridors;

Petitioner response

The site is not within a Center or Corridor but, it is near the Wilsonville Town Center, which is zoned to accommodate mixed use development. As a relatively low intensity use, this proposed school campus and community park is well located to support the more intensive uses that are more appropriately situated within the Town Center. The alternative Urban Reserve areas are all situated farther from a town center and would not be expected make any meaningful contribution to their development.

Hearings Officer's Analysis

The District undertook an analysis of seven other urban reserve areas that are within the district boundary. Metro Code does not allow for the creation of an island of urban land so the analysis must be limited to those properties that are directly adjacent to the current UGB.

Urban reserve 4D and the majority of urban reserve 4E are not logical locations to analyze as alternative sites as the UGB runs along the middle of the I-5 and I-205 right-of-way, essentially requiring the provision of urban services across this significant public right-of-way owned by the ODOT. In addition, urban reserve 4F is separated from the UGB by urban reserve 4G and would require land in 4G to be added to the UGB in addition to land in 4F.

Urban reserve areas 5H and 4B, C & D are a significant distance from a designated Center or Corridor and a school located in these areas would not contribute to the purpose of Centers and Corridors as defined in the 2040 Growth Concept.

Having said that, the Advance Road site is also a significant distance from a designated Center or Corridor. A new school facility at this location, combined with the existing Wilsonville High School/Boeckman Creek Primary School campus does provide education and recreational facilities a relatively short distance from the Wilsonville Town Center, which could help attract the development of additional residences in the area.

In summary, none of the alternative areas strongly support the purposes of Centers and Corridors, but the Advance Road site, combined with the other nearby school facilities does have the best potential to support the Wilsonville Town Center.

Hearings Officer's Recommendation:

The petition does adequately address this factor.

Metro Code section 3.07.1425 (C)(7) 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 protection of farmland that is most important for the continuation of commercial agriculture in the region;

Petitioner response
With the designation of the Advance Road area as an Urban Reserve area, Metro and Clackamas County have determined that this area is clearly not critical for the continuation of commercial agriculture in the region. As noted in this application, there is very little agricultural activity occurring on the properties surrounding the site. Bringing this site into the UGB before the remainder of UR 4H will have no impact upon the future or viability of agriculture in the county or the region.

By virtue of their designation, all of the Urban Reserve areas in the district are not regarded as being important farmland in the long-term. So from this viewpoint, the Advance Road site offers a similar degree of protection for commercial agricultural uses as a location in the other Urban Reserve areas. The Advance Road site will clearly provide both a short-term separation from agricultural uses in UR 4H, and it will ultimately be within an urban neighborhood and far removed from Rural Reserve areas and the farmland they contain.

Hearings Officer's Analysis

Staff points out that the regional urban and rural reserves process completed by Metro and Clackamas County designated the most important land for commercial agriculture in the county as rural reserve and the most suitable land for urbanization as urban reserve. Designation of all of the alternative areas as urban reserve means any farmland within these areas is not the most important for the continuation of commercial agriculture in the region.

Hearings Officer's Recommendation:

The petition adequately addresses the factor.

Metro Code 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;

Petitioner response

As noted in this application, the property is well-suited for development because it is relatively flat with a minor drainage and environmentally sensitive area along the western edge of the site. The size and shape of the property will allow for development of school facilities, athletic fields, and a community park while keeping all of the identified sensitive areas intact.

As noted in this supplement, the district has not evaluated any potential school sites in the other Urban Reserve areas. For the purpose of these findings, it would be fair to assume that sites could be found in any of these areas that would also allow for appropriate habitat protection and enhancement.

Hearings Officer's Analysis

The District undertook an analysis of seven other urban reserve areas that are within the district boundary and is summarized in Attachment 8 to the Staff report. No party testified in opposition to the District's analysis, or otherwise suggested that any of the alternative urban reserve areas would better meet the needs while having less impact on fish and wildlife resources.

Urban reserve 4D and the majority of urban reserve 4E are not logical locations to analyze as alternative sites as the UGB runs along the middle of the I-5 and I-205 right-of-way, essentially requiring the provision of urban services across this significant public right-of-way owned by the ODOT. In addition urban reserve 4F is separated from the UGB by urban reserve 4G and would require land in 4G to be added to the UGB in addition to land in 4F.

Much of the lands in urban reserves 4A & 4C that border the UGB contain some significant fish and wildlife habitat related to Saum Creek and tributaries to Pecan and Wilson Creeks. The northern portion of urban reserve area 4A adjacent to Lake Oswego does not contain any significant fish and wildlife habitat and could be developed with a school facility without impacting habitat areas. However as noted previously locating a school/park facility in this area does not help meet the identified enrollment need in the Wilsonville area.

A similar situation occurs in urban reserve 4B adjacent to West Linn; however the Rosemont Middle School is directly adjacent and locating a new middle school/park facility here would not meet the need identified for the Wilsonville area.

Urban reserve 4G also contains some fish and wildlife habitat mainly associated with Boeckman Creek. The portion of 4G north of SW Elligsen Road does provide the opportunity to develop a school/park facility without impacting habitat areas, but this area is adjacent to a significant commercial retail area and would not be ideal for locating the needed facilities. Boeckman Creek bisects the southern portion of the reserve area limiting the opportunity to develop a school/park facility without impact to the habitat area along the stream corridor, especially when considering the site impacts of the two power line easements.

Urban reserve 5H contains some identified significant fish and wildlife habit, mainly along the southern edge of the reserve area, which would allow for the opportunity to develop a school facility while avoiding the habitat areas. However as noted previously, the Boones Ferry Primary and Izra Wood Middle Schools are close by and locating a new school/park facility in this location is not ideal for meeting the enrollment need on the east side of Wilsonville.

The petition shows that a new school/park facility on the Advance Road site can be developed without impacting the habitat areas along Meridian Creek. For this reason, the Advance Road site location best meets the identified enrollment deficit need for the west side of Wilsonville while avoiding conflict with regionally significant fish and wildlife habitat.

Hearings Officer's Recommendation:

The petition addresses this factor.

Metro Code 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.

Petitioner response

With its location adjacent to the Wilsonville city limit and its northern and eastern boundary largely defined by public roads, the site will have built features, which will provide a buffer and transition between an urban school campus/community park and nearby rural uses (Figure 2 in petition). Because UR 4H extends beyond the site, the significance of such a buffer will disappear as the remainder of this Urban Reserve area is transformed from rural to urban uses.

As noted in Attachment 8, retaining a clear distinction between urban and rural land will be more problematic in the alternative Urban Reserve areas. Establishing a school site in UR 4A and 4B will necessitate crossing the Rosemont Road "dividing line" into the rural area. Distinct boundaries, such as a road, tend to absent in UR 4C, 4D, 4F, and 4G, and therefore, a logical way to create an acceptable transition (also from the standpoint of urban facilities) would be to locate a school adjacent to the existing UGB. However, such locations would be far removed from the students who need to be served by the new educational facilities. Also, all of these northern Urban Reserve alternatives could not be used by Wilsonville to help satisfy demand for parks and recreational opportunities. A school in UR 5H could potentially provide a similar transition between urban and rural, but as indicated above, it would not be a good location for serving students.

Hearings Officer's Analysis

The District undertook an analysis of seven other urban reserve areas that are within the district boundary and is summarized in Attachment 8. Metro Code does not allow for the creation of an island of urban land so the analysis must be limited to those properties that are directly adjacent to the current UGB.

Urban reserve 4D and the majority of urban reserve 4E are not logical locations to analyze as alternative sites as the UGB runs along the middle of the I-5 and I-205 right-of-way, essentially requiring the provision of urban services across this significant public right-of-way owned by the ODOT. In addition, urban reserve 4F is separated from the UGB by urban reserve 4G and would require land in 4G to be added to the UGB in addition to land in 4F. There are no clear natural or built features that provide for a transition from urban to rural land for the lands adjacent to the UGB and located in the remaining alternative urban reserve areas (4A, B & C, 4G and 5H). Boeckman Creek could provide somewhat of a transition area for a portion of area 4G, but the presence of two power lines severely limit the potential for locating a school and park facility there.

The Advance Road site is bounded by SW Advance Road and SW 60th Ave. Even assuming these two streets develop to urban standards in the future, the roadways will not provide a clear transition from urban to rural uses. It should be noted that the lands adjacent to all of the analysis sites are also within urban reserves and these lands are expected to be urbanized at some time in the future, which would then provide an opportunity to provide buffers if no natural feature is available to act as a transition area. Thus, none of the alternative sites best meets the need considering a clear transition between urban and rural lands, using natural and built features to mark the transition.

Hearings Officer's Recommendation:

The petition adequately addresses this factor.

Metro Code section 3.07.1440 (D) The Council may consider land not designated urban or rural reserve for possible addition to the UGB only if it determines that:

1. Land designated urban reserve cannot reasonably accommodate the need established pursuant to subsection B of this section; or
2. The land is subject to a concept plan approved pursuant to section 3.07.1110 of this chapter, involves no more than 50 acres not designated urban or rural reserve and will help the concept plan area urbanize more efficiently and effectively.

Petitioner response
The proposed area for UGB is within an urban reserve.

Hearings Officer's Recommendation:

The proposed expansion is within an urban reserve. The petition meets this criterion.

Metro Code section 3.07.1440 (E) The Council may not add land designated rural reserve to the UGB.

Petitioner response

The proposed area for UGB expansion is not within a rural reserve.

Hearings Officer's Recommendation:

The proposed expansion is not within a rural reserve. The petition meets this criterion.

Metro Code section 3.07.1440 (F) The Council may not amend the UGB in such a way that would create an island of urban land outside the UGB or an island of rural land inside the UGB.

Petitioner response

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.

Hearings Officer's Analysis

The hearings officer concurs with the applicant. The proposed expansion is adjacent to the current UGB and will not create an island of urban land outside the UGB or an island of rural land inside the UGB.

Hearings Officer's Recommendation:

The petition meets this criterion.

Metro Code 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.

Petitioner response

The proposed major amendment site is surrounded by land that is either within the city of Wilsonville or Urban Reserve 4H (Figure 2, p. 4 in petition). The land in the city is fully urbanized with single and

multi-family residences. The Meridian Creek tributary and SROZ environmental overlay provide a permanent buffer between the subject property and nearby city properties.

The remaining properties within UR 4H are relatively large (2 acres and greater) and the existing homes have substantial setbacks from their respective property boundaries. The conceptual site plan (Figure 3, p.5 in petition) places school buildings and major activity areas away from adjoining properties. As is the district's standard practice, it will work closely with surrounding property owners as development plans are created to minimize any potential adverse impacts related to school construction and operation.

While the development of a school site and park would potentially be the first urban development in UR 4H, the regional and local plans anticipate redevelopment of this entire area. The early urban development projects always will cause some tension between existing residents who welcome the change and those who are content with its current rural character. So well-designed solutions to deal with compatibility issues may still feel like "encroachment" to rural residents. The development of the site will include public involvement during the design development and permit approval process, allowing ample opportunity for the neighbors to help address specific compatibility issues. In the long term, establishing the school and park first will provide the opportunity for subsequent urban developments to be oriented and designed to optimize their physical relationship with the school and park. This will allow the Advance Road Urban Reserve properties to "grow up together" compared to inserting a large public facility into an established residential neighborhood.

Hearings Officer's Analysis

Metro Code section 3.07.1440 (F) requires the decision-maker to adopt findings demonstrating that "the proposed use of land would be compatible, or through measures can be made compatible, with uses of adjacent land." This criterion requires the hearings officer to apply concepts of "compatibility" as it relates to a school and park site and adjacent rural residential use. Thus, the correct meaning of the term "compatible" becomes paramount. It also requires the hearings officer to determine what is meant by the phrase "adjacent." The Hearings Officer addresses both issues below.

The meaning of the term "adjacent" is critical to the proper resolution of this criterion. The Metro Code does not define the term "adjacent." It is unclear if the term "adjacent" only includes properties that direct abut the subject property, or if the term "adjacent" also considers properties that are "nearby." There is no information in the record as to how the Metro interprets the term "adjacent" in this context.

Nonetheless, in other cases LUBA has found that an interpretation of the term "adjacent" that equates it with the term "nearby" is "a reasonable and correct interpretation of the meaning of the term." *Stephan v. Yamhill County*, 21 Or LUBA 18 (1991). In light of the ambiguity inherent in the term, the hearings officer will err on the side of caution and interpret the term broadly to mean "nearby," which includes both the property which "abuts" the subject property to the South, as well those properties that are separated by right-of-way such as 60th Ave.

Employing this definition, adjacent land uses include urban-density residences to the west, and rural-density residences and vacant land to the north, east and south. There is no agricultural activity located directly adjacent to the subject property. Looking beyond the first row of rural residential houses to the east of 60th Ave., there does appear to be some harvesting of hay occurring on fields nearby the subject property. Aerial photography suggest that an orchard to the east of the first row of houses abutting the western boundary of 60th Ave.

The definition of "compatible" is also critical to a proper interpretation of this criterion. The term is not defined in the Metro Code. Turning to Webster's Third New International Dictionary, the term

"compatible" is defined as follows:

> "Capable of existing together in harmony." Capable of existing together without discord or disharmony.

Webster's Third New International Dictionary, 1993. *See generally Vincent v. Benton County*, 5 Or LUBA 266 (1982), *aff'd*, 60 Or App 324, 653 P2d 279 (1982) (noting this definition). The same dictionary offers the following definitions of the terms used in the definition above.

> **Harmony**: "Correspondence, accord" <lives in *harmony* with her neighbors>
>
> **Correspondence**: "the agreement of things with one another, a particular similarity."
>
> **Accord**: "to bring into agreement: reconcile."

LUBA has stated that even though compatibility is defines as there being an "agreement," it does not require that the surrounding landowners necessarily agree that the proposed use is compatible. *Clark v. Coos County*, 53 Or LUBA 325 (2007). Rather, it is up to the decision-maker to make a determination, based on the evidence in the record, whether the proposed use is compatible with its surroundings. In other words, neighbors do not necessarily have "veto' power over an application. Nonetheless, neighbor testimony is important when evaluating whether two land uses are going to be able to live in harmony with one another.

LUBA has considered a number of cases where the "compatibility" standard has been an issue, and a set of rules for analysis has emerged from the case law:

- Compatibility is measured by assessing both the characteristics and scale of the use and the surrounding uses. *Hannan v. Yamhill County*, 6 Or LUBA 83, 92 (1982). "For example, how intensive is the use, how much traffic it will generate and are these characteristics 'compatible' with existing structures and uses." *Ruef v. City of Stayton*, 7 Or LUBA 219 (1983).

- The compatibility analysis is not a balancing test of need versus impact. *Vincent v. Benton County*, 5 Or LUBA 266 (1982).

- Compatibility does not necessarily mean that *all* negative impacts of the proposed use be eliminated. *Clark v. Coos County*, 53 Or LUBA 325 (2007); *Knudsen v. Washington County*, 39 Or. LUBA 492 (2001). However, it does, by its very definition, preclude such negative impacts that prevent the proposed and existing uses from existing in harmony or agreement with each other.

- When codes use the phrase "surrounding uses," the focus of the analysis is on the "status of those living nearby:"

  > "Here, the ordinance does not call for evaluation of the impacts on surrounding land uses. Compatibility with scenic views is the issue. The difference is significant. When surrounding land uses are protected under particular ordinance provisions, <u>the status of those living nearby is given special significance."</u> *Marineau v. City of Bandon*, 15 Or. LUBA 375 (1987). (Emphasis added).

- The compatibility standard extremely subjective, and the fact that there is conflicting evidence will not necessarily create an issue requiring remand, since LUBA is not allowed to substitute its judgment for the decision-maker. *Corbett/Terwilliger Neigh. Assoc. v. City of Portland*, 25 Or LUBA 601, 617 (1993). *See also Knudsen v. Washington County*, 39 Or. LUBA 492 (2001).

- The decision-maker "is entitled to appropriate deference in selecting the factors it chooses to consider and how it weights those factors." *Clark v. Coos County*, 53 Or LUBA 325 (2007). Thus, the result of the analysis may hinge on which relevant factors the local decision maker felt deserved emphasis. *Knight v. City of Eugene*, 41 Or LUBA 279 (2002).

- The manner on with the term "surrounding uses" is defined can have an influence on the outcome of the analysis. *Id.*

- What is critical is that the decision-makers findings, as a whole, respond to the compatibility issues raised below. *Id.*

When the issue of "compatibility" is discussed at the UGB amendment level, the term is generally used broadly as a means of discouraging sensitive uses, such as residential uses or places of public gathering, from being placed next to obviously incompatible uses such as heavy industrial uses, junkyards, or commercial uses that create strong odors, vibrations, or noise etc. However, uses such as primary education schools (K-12) schools and parks are the types of land uses which are generally assumed to be compatible with residential uses. In fact, virtually every urban zoning code in Oregon lists primary education schools as a "conditional use" in residential zones. *See, e.g., Jaqua v. City of Springfield*, 193 Or App. 573, 91 P3d 817 (2004); *Damascus Community Church v. Clackamas County*, 45 Or App 1065, 610 P2d 273 (1980). This fact is a legislative recognition at the local level that schools and parks can live in harmony and co-exist in residential neighborhoods.

That fact, of course, does not mean that *every* school or park proposal will *automatically* be compatible with adjacent residential uses. In fact, the very nature of the conditional use process is an acknowledgement that a specific proposal may not be a good fit at the location under consideration. Conditional uses, by their very nature, can and do create impacts that need to be evaluated on a case by case basis with the benefit of a specific detailed proposal. Certainly, the scale of a particular proposal may create impacts that the surrounding infrastructure is incapable of handling. Nonetheless, as a generalization, schools and parks are almost always going to be capable of being compatible if measures and limitations (in the form of conditions of approval) are imposed to ensure such compatibility.

Mr. William Ciz, a resident living at 28300 SW 60th Ave, Wilsonville, Or 97070, opposes the application on a number of separate grounds, most of which relate to traffic impacts upon the rural residential uses and farm uses in the areas. He also argues that the UGB expansion will change the rural character of the surrounding properties, and that the night skies will no longer be as bright. The school and park will also bring increased levels of noise to the area.

Before getting into the specifics of his arguments, the hearings officer feels obliged to point out that there will always be some degree of impact that occurs as land in an urban reserve area makes the transition from rural land to urban land. No matter which land is ultimately chosen for urbanization, there will always be a certain amount of "impact" on the residents living on the adjacent rural lands. Whether that impact takes the form of increase traffic, increase noise, and reduction of dark nighttime skies, etc., it does go without saying that the area will change in character. Because some degree of impact and change will occur regardless of which site is chosen for urbanization, decision-maker such as the Metro Council must focus only in those incompatibilities that are more extraordinary in nature. To consider every

"incompatibility" with existing rural residences, however slight, as a reason for denial of a UGB amendment would quickly lead to paralysis by analysis. Thus, compatibility does not necessarily mean that *all* negative impacts of the proposed use be eliminated. *Clark v. Coos County*, 53 Or LUBA 325 (2007); *Knudsen v. Washington County*, 39 Or. LUBA 492 (2001). The focus must be on those types of incompatibilities that will make a given unit of land poorly suited for the uses which are being proposed, when compared to existing uses on adjacent lands. As an example, if the land in question were adjacent to rural lands that have historically been used to industrial activity or active mining or landfill operations, then it would be likely that significant incompatibilities would exist that it would make the proposed land poorly suited for a school and a park.

With that introduction in mind, the hearings officer turns to the specific allegations of incompatibility. First, Mr. Ciz argues that traffic impacts associated with the proposed 40-acre site will be incompatible with rural residential and farm properties adjacent to 60th Ave. Letter of William Ciz, dated July 11, 2013, at p. 2. He states that "there will be traffic safety and congestion impacts if 69th avenue is used in its current configuration." *Id*. These allegations are very general in nature, and are not developed well enough or backed up with sufficient evidence to take them out of the realm of speculation. In particular, with regard to farm uses in the area, Mr. Ciz did mention at the hearing that farm vehicles use 60th Ave to access farm properties located to the South. However, there is no information provided as to the nature and frequency of these travels, or any explanation as to how continued farm-related travel would be prevented or hampered by the inclusion of the subject property into the UGB. While the applicant maintains the burden to show compatibility, the hearings officer finds that these allegations of inconsistency are not presented with sufficient specificity as to merit detailed discussion or analysis.

In addition, the applicant points out, correctly, that both Clackamas County of the City of Wilsonville have adopted road standards that would require the School District to improve 60th Ave when the subject property is developed. This is particularly true to the extent that the applicant proposes to take access from (and thereby increase the usage of) 60th Ave. For this reason, the streets will likely be improved sufficiently to adequately handle the traffic anticipated by the proposed use. Certainly, at the "UGB amendment" level of analysis, the fact the streets may not be currently built to standards sufficient to handle increased amount of urban traffic is not a reason to deny a UGB amendment.

Mr. Ciz then states, that in the alternative, if 60th Ave is improved, that "there will be impacts to adjacent properties and driveways with grade and locational changes for the new road." Letter of William Ciz, dated July 11, 2013, at p. 2. Mr. Ciz mentions that such work will require right-of-way acquisition and the relocation of existing driveways. Without a specific proposal presented, it is admittedly difficult to anticipate the precise nature of such impacts. Even if Mr. Ciz is correct that such impacts will occur, however, these are fairly routine types of issues that occur in virtually all cases, regardless of which land is brought into the UGB. These are certainly not the type of impacts that would give pause to deny a UGB amendment on the basis of "incompatibility."

Furthermore, Mr. Ciz does not provide any specific information that suggests that such problems will be insurmountable or that they cannot be cured via engineering solutions and the impositions of conditions of approval. In fact, the topography is relatively flat in this area, and therefore it is difficult to conceive of problems for which engineering solutions do not exist. Thus, for purposes of this UGB amendment, these potential problems are not reasons for denial. The Hearings Officer finds that whatever potential access and grade issues may occur in the future, those issues will be worked out when the applicant brings forth a specific development plan and undergoes future land use review. At that time, the City and/or County will require the applicant to propose specific mitigation measures to ensure that adjacent property owners maintain adequate and safe access to their properties. In addition, when the applicant comes forth with a specific development proposal, there will be an opportunity to address specific traffic related concerns as

well. The applicant will have the burden to demonstrate compliance with specific site plan review criteria set forth the Wilsonville Development Code. See Wilsonville Code 4.400-4.450.

Mr. Ciz further asks the hearings officer to propose one of two conditions of approval aimed at limiting traffic impacts to 60th Ave. *See* Letter of William Ciz, dated July 11, 2013, at p. 2. First, he requests that the 60th Ave right-of-way not be included in the UGB amendment. Second, he requests that access to the proposed middle school and park not be allowed until such time as the properties east of 60th Ave and South of Advance Road are brought into the UGB. The hearings officer does not agree that such conditions of approval would be needed to ensure "compatibility" between the proposed school / park and adjacent residential uses.

60th Ave will, to some degree, create a modest buffer between the park uses to the west and the rural residential uses to the east. However, the Court of appeals has recognized that "highways and a BPA right of way do not, under all circumstances, automatically create a barrier between properties that prevents any effects on adjacent properties." *Dimone v. City of Hillsboro*, 182 Or App. 1, 47 P3d 529 (2002). The applicant has prepared a conceptual site plan (Figure 3, p.5 in petition) places the middle school building and major activity areas away from adjoining properties. The hearings officer that this design, and the possible addition of landscaping and similar measures will be sufficient to create a compatible environment for neighboring rural residential uses. The hearings officer incorporates by reference the applicant's discussion of this criterion, as set forth above.

The petitioner, in conjunction with the city of Wilsonville completed the Advance Road Site Report that included a conceptual site plan that indicates there are opportunities to place the buildings and athletic fields away from adjoining properties in an effort to make the proposed use compatible with adjacent rural residential land uses. Development of the site will be subject to the city's design development and permit approval process, which includes a public hearing before the Development Review Board that will provide for public involvement opportunities to help address compatibility issues. Therefore, the proposed uses of the site can be made compatible, through measures, with the uses of the adjacent land.

As a final point, it is also worth noting that Mr. Ciz is undoubtedly correct that the school and park will bring some incremental increases in noise and activity, and, over the long term, the rural character of surrounding land will change. However, Metro's Code is not aimed at preserving the status quo in every particular; urbanization will always result in incremental increases in noise etc, and urbanization will always change the character of the surrounding area. If Metro were trying to preserve the status quo, it would not allow any UGB amendments in any locations. But that is simply not realistic, especially in light of current U.S. immigration policy and the fact that the birth rate exceeds the death rate in the United States. These factors lead to population growth, and such growth leads to the need to expand the UGB periodically. As mentioned above, compatibility criteria are not intended to ensure that *all* negative impacts of the proposed use be eliminated. Nonetheless, much of that impact on the rural residential neighbors is mitigated by the fact that land in urban reserve areas invariably becomes more valuable, esp. when the land in close proximity to existing urban land and when the land is capable of being served efficiently with urban services.

Hearings Officer's Recommendation:

The petition meets this criterion.

Metro Code section 3.01.1440 (B)(2) If the amendment would add land for public school facilities, the coordination required by subsection C(5) of section 3.07.1120 of this chapter has been completed.

Petitioner response

Metro Code Section 3.07.1120C(5) states: "Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110." This requirement is satisfied as described in this application. The district has had a long range plan since the mid-90s, and it is completing an update of the plan with a focus on enrollment demands and facility needs. The district and city have been coordinating their planning regarding this site for years as demonstrated by the identification of this site for future school and park use in the West Linn-Wilsonville School District Long Range Plan and the Wilsonville TSP and Parks and Recreation Master Plan.

Hearings Officer's Analysis

The West Linn-Wilsonville School District prepared its first long range plan in 1996 and has updated the plan several times, including a revision that is nearing completion. The District and the City of Wilsonville have a long standing record of coordination and the subject site has been identified in planning documents for both the District and the City.

Hearings Officer's Recommendation:

This petition meets this criterion.

Metro Code section 3.01.1440 (B)(3) If the amendment would add land for industrial use pursuant to section 3.07.1435, a large site or sites cannot be reasonably be created by land assembly or reclamation of a brownfield site.

Petitioner response

The proposed UGB expansion area will not add land for industrial use.

Hearings Officer's Analysis

The proposed expansion is not for industrial use.

Hearings Officer's Recommendation:

This criterion is not applicable.

SECTION V: SUMMARY AND RECOMMENDATION

The petitioner seeks to amend the UGB to include 40 acres for a primary and middle school campus and a city park facility. The petitioner has provided sufficient evidence to demonstrate that the criteria are satisfied and the locational factors have been addressed. As detailed herein, the petitioner has demonstrated that there is a long-range need for the school and park facilities, specifically identifying an enrollment deficit at the middle school level by 2017. Delaying the decision to await a legislative amendment of the UGB by the Metro Council which may or may not occur in the 2015-16 timeframe would not allow the district the time to construct a school facility to meet the expected deficit by 2017. Approving the expansion, allows the school district to continue with its process to construct a new school and park facility, which takes several years to complete. The petitioner provided adequate comparison of the proposed UGB expansion area with other possible expansion areas in seven other urban reserve areas

and a determination that the need cannot be met on land currently within the city limits. In addition the petition has shown the proposed use can be made compatible with adjacent uses through site design and the city's development design review process provides for public involvement.

The Hearings Officer hereby forwards a recommendation to the Metro Council for ***approval*** of this petition, with the following condition of approval.

1. The subject property shall only be developed with a middle school, a primary school, and a public park.
2. The City shall zone the subject property with a designation, such as Public Facility (PF), that requires Site Plan Review for the subject property. See Wilsonville Development Code 4.400 – 4.450.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 13-1316, FOR THE PURPOSE OF AMENDING THE URBAN GROWTH BOUNDARY IN THE VICINITY OF THE CITY OF WILSONVILLE UPON APPLICATION BY THE WEST LINN-WILSONVILLE SCHOOL DISTRICT

Date: September 24, 2013

Prepared by: Tim O'Brien
Principal Regional Planner

PROPOSED ACTION

Adoption of Ordinance 13-1316, approving *UGB Case 13-01: West Linn-Wilsonville School District*, a major amendment to the urban growth boundary (UGB). The proposed amendment area is shown on Attachment 1. Staff recommends approval of the ordinance as described below, which would add approximately 40 acres to the UGB east of Wilsonville for a primary and middle school campus and city park facility.

SUMMARY OF PROCESS

According to Metro Code an application for a major amendment to the UGB is first set for a public hearing before a hearings officer. The hearings officer prepares a proposed order, with findings of fact and conclusions of law recommending approval or denial of the application and forwards that order to the Metro Council along with the record of the hearing. The Metro Council must consider the hearings officer's report and recommendation at an "on the record" public hearing where participants in the proceedings before the hearings officer will be allowed to submit oral and written argument. The argument must be based on the evidence provided to the hearings officer, and no new evidence may be submitted to the Metro Council.

Final Council action on the proposed amendment is as provided in Section 2.05.045 of the Metro Code. When the proposed order necessitates the adoption of an ordinance, as is the case for an amendment to the UGB, staff shall prepare an ordinance for Council adoption. The ordinance shall incorporate the rulings, findings and conclusions required by 2.05.045(a) & (b). If the Council decides to expand the UGB, the Council shall adopt an ordinance within 15 days after the public hearing.

BACKGROUND AND ANALYSIS

Proposal Description:
The West Linn-Wilsonville School District filed an application for a 40-acre amendment to the UGB for a primary and middle school campus and city park facility on district owned land. The site consists of four tax lots located within unincorporated Clackamas County on the south side of SW Advance Road, immediately east of the Wilsonville city limits and west of SW 60th Avenue. The site has frontage on both roads, is zoned Exclusive Farm Use (EFU) and is located within Urban Reserve 4H. The adjacent properties to the north, south and east are within Urban Reserve 4H and contain some small scale agriculture and forest to the south, rural residences to the east and open grass and scrub land to the north.

The West Linn-Wilsonville School District includes the city of West Linn; the city of Wilsonville (except for Charbonneau and the extreme northwestern portion of the city); a small southeastern portion of the city of Tualatin; Clackamas County (primarily between West Linn and Wilsonville); and a small section of Washington County along the western edge of the District. To facilitate future planning and to comply

with State requirements for fast-growing school districts, the West Linn-Wilsonville School District prepared its first long range plan in 1996. The plan has been updated several times including a revision that was completed in April of this year. The District purchased the subject properties in 2003 to accommodate forecast needs at the primary and middle school levels. The site was selected because of its proximity to the city of Wilsonville, accessibility to students living in the city as well as the unincorporated portions of the District and its flat topography to accommodate the facilities and minimize construction costs. The City and the District have a long history of collaborating to gain maximum efficiency of park and school land for the benefit of district athletics and city recreation needs.

Public Hearing before the Hearings Officer

The Hearings Officer, Andrew H. Stamp, conducted a public hearing at the City of Wilsonville on June 27, 2013. Metro staff recommended approval of the application. Four people testified at the hearing, one in favor of the application, one against the application and two neutral. In addition, the Wilsonville Area Chamber of Commerce and the Wilsonville Planning Commission submitted written testimony in favor of the application. The hearings officer granted a request to keep the record open for fourteen days, allowed for rebuttal by participants and final argument by the applicant; the record closed at 5 p.m. on July 25, 2013.

Hearings Officer Recommendation and Proposed Findings

On August 12, 2013 the Hearings Officer submitted a proposed order recommending approval of Case 13-01, based upon the findings and conclusions in his report. The hearings officer included two conditions of approval in his recommendation:

1. The subject property shall only be developed with a middle school, a primary school and a public park.
2. The City of Wilsonville shall zone the subject property with a designation, such as Public Facility (PF), that requires Site Plan Review for the subject property. *See* Wilsonville Development Code 4.400-4.450.

A hearing on the recommendation before the Metro Council is set for October 10, 2013. All parties to the case were notified in writing of the Metro Council hearing date and the notice was also posted on Metro's website. In addition, the Hearings Officer's proposed order was made available for review by all parties.

Record (*Click here to view full record*)

West Linn-Wilsonville School District Application, dated March 15, 2012
Wilsonville Area Chamber of Commerce letter, dated March 15, 2013
West Linn-Wilsonville School District Supplemental Information, dated April 19, 2013
City of Wilsonville Planning Commission letter, dated June 19, 2013
West Linn-Wilsonville School District presentation June 27, 2013
Scott Starr, Wilsonville City Councilor, written testimony June 27, 2013
William Ciz, citizen, written testimony June 27, 2013
West Linn Wilsonville School District supplemental information, dated July11, 2013
William Ciz, citizen, supplemental information, dated July 11, 2013
Tim O'Brien, Metro Staff, memorandum, dated July 11, 2013
William Ciz, citizen, rebuttal, dated July 18, 2013
West Linn-Wilsonville School District, final argument, dated July 25, 2013

SUMMARY/OPTIONS

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

- Adopt Ordinance 13-1316 to approve *Case 13-01: West Linn-Wilsonville School District* based on the findings of fact and conclusions of law in the hearings officer's order. Staff recommends this option.

- Vote in favor of adopting Ordinance 13-1316 to approve *Case 13-01: West Linn-Wilsonville School District* 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 13-01: West Linn-Wilsonville School District* based on revised findings of fact and conclusions of law to be prepared by Metro staff.

In addition, pursuant to Code Section 3.07.1455, the Council may establish conditions of approval it deems necessary to ensure the addition of land complies with state planning laws and the Regional Framework Plan. Metro staff recommends the Council include the following conditions of approval, which are part of Ordinance 13-1316 as proposed:

1. The subject property shall only be developed with a middle school, a primary school and a public park.
2. The City of Wilsonville shall zone the subject property with a designation, such as Public Facility (PF), that allows the school and park uses described in the application and that requires site plan review for the subject property; the city shall also adopt conditions of approval requiring development for the identified school and park uses.

INFORMATION

Known Opposition: One person who lives in the vicinity of the proposed UGB expansion area testified verbally and in writing in opposition to the application at the public hearing before the hearings officer and by providing additional written information to the hearings officer during the open record period.

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.

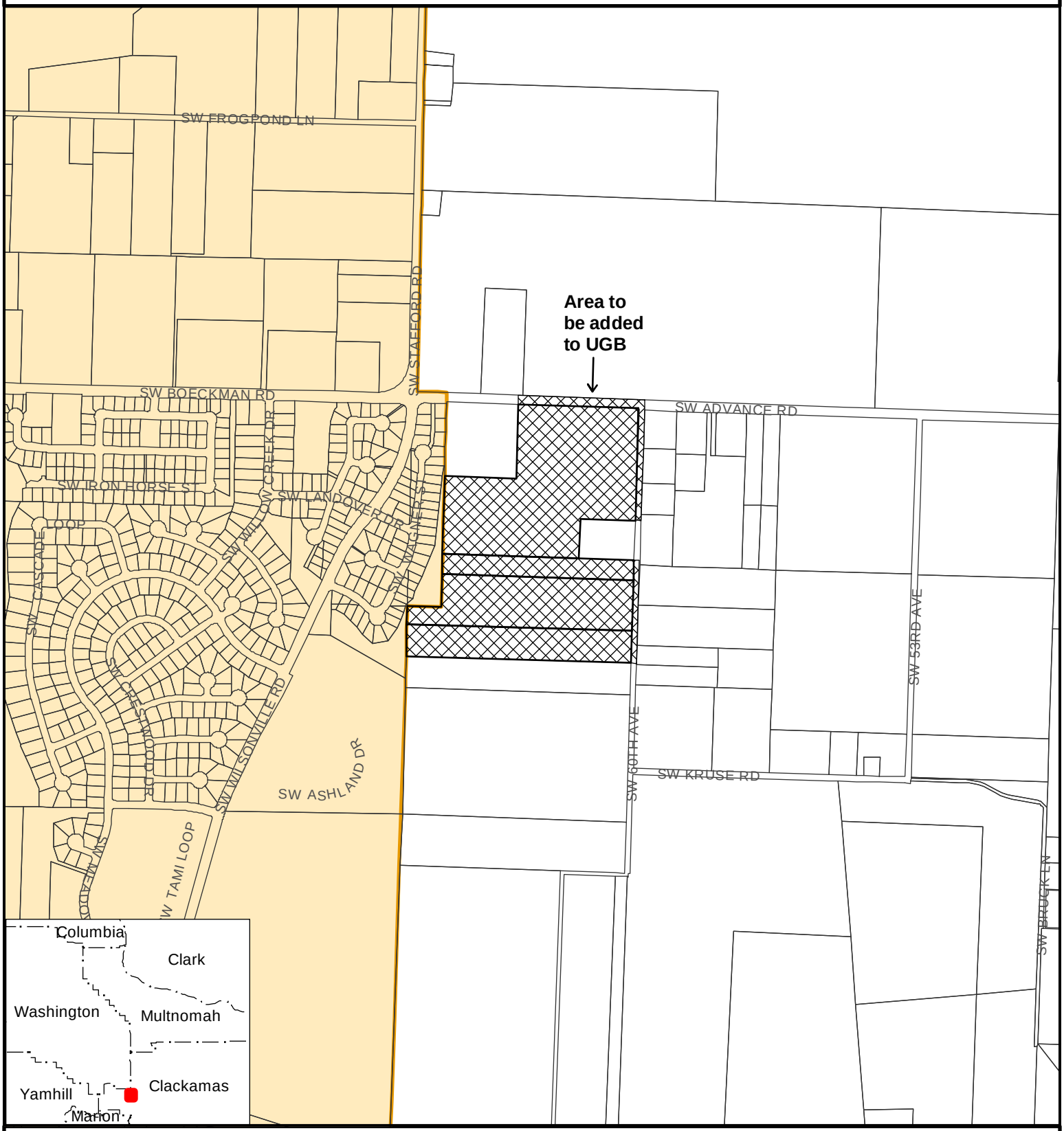
Anticipated Effects: The adoption of Ordinance 13-1316 will add 40 acres of land to the urban growth boundary in the vicinity of Wilsonville for a primary and middle school campus and city park facility.

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

Attachment 1

Case No. 13-01

3S1E07, 3S1E18 | **Urban Growth Boundary Major Amendment** | Clackamas County



Metro

Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.oregonmetro.gov/drc

Case No. 13-01 UGB Major Amendment

Area to be added to UGB
Taxlots
Urban growth boundary

1:10,000

0 840 1,680 Feet

Agenda Item No. 5.1

Ordinance No. 13-1318, For the Purpose of Amending the FY 2013-14 Budget and Appropriations Schedule to Add 0.75 FTE to Each of the Parks Levy Fund and the Zoo Bond Fund.

Second Reading

Metro Council Meeting
Thursday, Oct. 10, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2013-14 BUDGET AND APPROPRIATIONS SCHEDULE TO ADD 0.75 FTE TO EACH OF THE PARKS LEVY FUND AND THE ZOO BOND FUND	))))))	ORDINANCE NO. 13-1318 Introduced by Martha Bennett, Chief Operating Officer, with the concurrence of Council President Tom Hughes

WHEREAS, voters approved a five-year local option levy in May 2013 to care for Metro's growing portfolio of natural areas and regional parks and many of these projects will require a significant, strategic effort to engage neighbors, local governments, nonprofits and other stakeholders; and

WHEREAS, these engagement efforts are critical to the successful implementation of the levy and are not feasible at existing staffing levels; and

WHEREAS, voters approved a $125 million general obligation bond in 2008 to fund Oregon Zoo capital projects to protect animal health and safety, conserve and recycle water and improve access to conservation education; and

WHEREAS, additional construction support is needed to ensure the projects are completed on time and bond investments meet the expectations of the voters; and

WHEREAS, Metro Code chapter 2.02.040 requires Metro Council approval to add any new position to the budget; and

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations and add FTE within the FY 2013-14 Budget; and

WHEREAS, the need for the increase of appropriation and FTE has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2013-14 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance.

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2013.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison Kean, Metro Attorney

Exhibit A
Ordinance No. 13-1318

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Revision FTE	Revision Amount	Amended Budget FTE	Amended Budget Amount
Natural Areas Local Option Levy Fund							
Parks & Environmental Services							
	Personnel Services						
SALWGE	*Salaries & Wages*						
501000	Reg Employees-Full Time-Exempt						
	Assistant Management Analyst	1.00	48,957	-	0	1.00	48,957
	Construction Coordinator	1.00	65,530	-	0	1.00	65,530
	Senior Management Analyst	1.00	59,500	-	0	1.00	59,500
	Senior Public Affairs Specialist	-	0	0.75	47,955	0.75	47,955
	Service Supervisor II	1.00	68,377	-	0	1.00	68,377
501500	Reg Empl-Full Time-Non-Exempt						
	Administrative Specialist II	1.00	47,566	-	0	1.00	47,566
	Park Ranger	2.00	87,308	-	0	2.00	87,308
FRINGE	*Fringe Benefits*						
511000	Fringe Benefits - Payroll Taxes		31,783		4,054		35,837
512000	Fringe Benefits - Retirement PERS		54,489		8,776		63,265
513000	Fringe Benefits - Health & Welfare		95,040		10,215		105,255
515000	Fringe Benefits - Other Benefits		1,648		0		1,648
Total Personnel Services		**7.00**	**$560,198**	**0.75**	**$71,000**	**7.75**	**$631,198**
	Materials & Services						
SVCS	*Services*						
524000	Contracted Professional Svcs		536,346		(71,000)		465,346
525000	Contracted Property Services		200,000		0		200,000
Total Materials & Services			**$736,346**		**($71,000)**		**$665,346**
	Capital Outlay						
572000	Buildings & Related		1,000,000		0		1,000,000
Total Capital Outlay			**$1,000,000**		**$0**		**$1,000,000**
	Interfund Transfers						
INTCHG	*Internal Service Transfers*						
582000	Transfer for Direct Costs						
	* to General Fund		929,953		0		929,953
Total Interfund Transfers			**$929,953**		**$0**		**$929,953**
	Contingency & Unappropriated Balance						
CONT	*Contingency*						
	Contingency						
701002	* Contingency		715,760		0		715,760
Total Contingency & Unappropriated Balance			**$715,760**		**$0**		**$715,760**
TOTAL REQUIREMENTS		**7.00**	**$3,942,257**	**0.75**	**$0**	**7.75**	**$3,942,257**

Exhibit A
Ordinance No. 13-1318

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Revision FTE	Revision Amount	Amended Budget FTE	Amended Budget Amount
Oregon Zoo Infrastructure and Animal Welfare Fund							
	Personnel Services						
SALWGE	*Salaries & Wages*						
501000	Reg Employees-Full Time-Exempt						
	Assistant Management Analyst	1.00	63,895	0.75	37,600	1.75	101,495
	Manager II	1.00	100,385	-	0	1.00	100,385
	Program Director	1.00	128,128	-	0	1.00	128,128
	Construction Coordinator	2.00	153,846	-	0	2.00	153,846
FRINGE	*Fringe Benefits*				0		
511000	Fringe Benefits - Payroll Taxes		37,503		3,147		40,650
512000	Fringe Benefits - Retirement PERS		75,316		4,938		80,254
513000	Fringe Benefits - Health & Welfare		67,500		10,215		77,715
514000	Fringe Benefits - Unemployment		13,182		0		13,182
515000	Fringe Benefits - Other Benefits		1,743		0		1,743
Total Personnel Services		**5.00**	**$641,498**	**0.75**	**$55,900**	**5.75**	**$697,398**
Total Materials & Services			**$14,753**		**$0**		**$14,753**
Total Capital Outlay			**$25,108,917**		**$0**		**$25,108,917**
Total Interfund Transfers			**$242,153**		**$0**		**$242,153**
	Contingency and Ending Balance						
CONT	*Contingency*						
	Contingency						
700000	* General contingency		5,200,000		(55,900)		5,144,100
UNAPP	*Unappropriated Fund Balance*						
801000	* Unappropriated Balance		35,371,118		0		35,371,118
Total Contingency and Ending Balance			**$40,571,118**		**($55,900)**		**$40,515,218**
TOTAL REQUIREMENTS		**5.00**	**$66,578,439**	**0.75**	**$0**	**5.75**	**$66,578,439**

Exhibit B
Ordinance 13-1318
Schedule of Appropriations

	Current Appropriation	Revision	Revised Appropriation
NATURAL AREAS LOCAL OPTION LEVY FUND			
Oregon Zoo	297,413	0	297,413
Parks & Environmental Services	2,296,544	0	2,296,544
Sustainability Center	5,227,100	0	5,227,100
Special Appropriations	750,000	0	750,000
Non-Departmental			
Interfund Transfers	929,953	0	929,953
Contingency	715,760	0	715,760
Total Appropriations	10,216,770	0	10,216,770
Unappropriated Balance	0	0	0
Total Fund Requirements	**$10,216,770**	**$0**	**$10,216,770**
OREGON ZOO INFRASTRUCTURE AND ANIMAL WELFARE FUND			
Oregon Zoo	25,765,168	55,900	25,821,068
Non-Departmental			
Interfund Transfers	242,153	0	242,153
Contingency	5,200,000	(55,900)	5,144,100
Total Appropriations	31,207,321	0	31,207,321
Unappropriated Balance	35,371,118	0	35,371,118
Total Fund Requirements	**$66,578,439**	**$0**	**$66,578,439**

All other appropriations remain as previously adopted

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2013-14 BUDGET AND APPROPRIATIONS SCHEDULE TO ADD 0.75 FTE TO EACH OF THE PARKS LEVY FUND AND THE ZOO BOND FUND.

Date: September 6, 2013 Prepared by: Laura Oppenheimer Odom 503-797-1879
Heidi Rahn 503-220-5709

BACKGROUND

Communications FTE for Parks and Natural Areas Levy:
Voters across the Portland metropolitan area approved a five-year local option levy in May 2013 to care for Metro's growing portfolio of natural areas and regional parks. Their investment will raise about $10 million per year to restore, maintain and improve the 16,000 acres that Metro oversees. Projects funded by the levy fall in several major categories:

- Natural area restoration and maintenance
- Natural area improvements for visitors
- Park maintenance and improvements
- Volunteer program expansion
- Conservation education program expansion
- Nature in Neighborhoods community grants program expansion

Many of these projects will require a significant, strategic effort to engage neighbors, local governments, nonprofit organizations and other stakeholders. In addition, an overarching stakeholder engagement strategy will help develop long-term relationships that advance the region's parks, trails and natural areas goals. These engagement efforts are critical to the successful implementation of the levy.

Communications needs were scoped during the development of the levy. However, a detailed levy work plan was needed to fully analyze the skill sets and FTE required to support planned projects. Based on an analysis of the five-year project list and the year one work plan approved by the Chief Operating Officer in July 2013, an immediate need was identified for a senior public affairs specialist to lead public involvement and oversee stakeholder engagement for levy-funded projects. This 1.0 FTE would be fully funded by the levy and would be a limited duration position through June 30, 2018.

The proposed senior public affairs specialist will be responsible for involving residents and other stakeholders in visitor improvements and restoration projects on voter-protected land such as Newell Creek Canyon in Oregon City, Chehalem Ridge Natural Area in Washington County and Blue Lake Regional Park in Fairview. The new position would also oversee a strategy to coordinate Metro's relationships with key stakeholders in the parks and natural areas field, including local governments, nonprofit organizations and businesses.

This amendment requests funding and authorization for 0.75 FTE in FY 2013-14. The cost, estimated at $71,000, will be funded by underspending in budgeted contracted professional services in the Levy fund. The position will be full time, starting in October 2013 and authorized at full time (1.0 FTE) through June 30, 2018. Funding for years beyond FY 2013-14 will be addressed during the regular FY 2014-15 budget process.

Additional FTE will be requested in next year's budget, based on the five-year analysis of levy public engagement work.

Oregon Zoo Bond Fund FTE:
Voters across the Portland metropolitan area approved a $125 million general obligation bond in 2008 to fund Oregon Zoo capital projects to protect animal health and safety, conserve and recycle water and improve access to conservation education. Projects funded by the bond include:

- Veterinary Medical Center
- Water main building
- Penguin life support system
- Wildlife Live
- Elephant Lands
- Train
- Condors of the Columbia
- Education Center
- Polar Bears
- Primates
- Rhinos
- Remote Elephant Center

Construction efforts are ramping up at the zoo as there is a significant shift from a planning phase to a development phase. Additional construction support is needed to ensure the projects are completed on time and bond investments meet the expectations of the voters. The bond program is in immediate need of a Construction Assistant Project Manager. This 1.0 FTE would be fully funded by the bond funds and would be a limited duration position through completion of the final bond-funded project, currently scheduled for June 30, 2019.

The proposed Construction Assistant Project Manager will support the Zoo Bond project team with construction documentation, research, contracts and communication. This will allow the current construction team to spend more time managing projects, troubleshooting and providing quality control out in the field.

This amendment requests funding and authorization for 0.75 FTE in FY 2013-14. The position will be full time, starting in fall 2013 and authorized at full time (1.0 FTE) through June 30, 2019. Costs for FY 2013-14 are estimated at $55,900, to be funded by budgeted contingency in the Zoo Bond Fund. Funding for years beyond FY 2013-14 will be addressed during the regular FY 2014-15 budget process.

ANALYSIS/INFORMATION

1. **Known Opposition**: None Known

2. **Legal Antecedents:** Metro code chapter 2.02.040 requires the Metro Council to approve the addition of any position to the budget. ORS 294.463 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.

3. **Anticipated Effects:** This action provides resources necessary to ensure that Metro can successfully implement the 2013 Parks and Natural Areas levy and 2008 Oregon Zoo bond measure.

4. **Budget Impacts:** This action adds a limited duration Senior Public Affairs Specialist position, authorized through June 30, 2018, and a limited duration Assistant Management Analyst position, authorized through June 30, 2019, or completion of the final zoo bond construction project. The FY 2013-14 budget impacts are $71,000 to the Parks and Natural Areas Levy and $55,900 to the Zoo Bond Fund.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Materials following this page were distributed at the meeting.

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | *Making a great place*

METRO COUNCIL MEETING
Meeting Summary
Oct. 3, 2013
Metro, Council Chamber

Councilors Present: Council President Tom Hughes, and Shirley Craddick, Sam Chase, Kathryn Harrington, Bob Stacey, Carlotta Collette and Craig Dirksen

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 2:03 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSIDERATION OF THE COUNCIL MINUTES FOR SEPT. 26, 2013

Motion:	Councilor Craig Dirksen moved to approve the Sept. 26, 2013 council minutes.
Second:	Councilor Bob Stacey seconded the motion.

Vote:	Council President Hughes, and Councilor Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion and minutes as amended. The vote was 7 ayes, the motion passed.

4. ORDINANCES – FIRST READ

4.1 **Ordinance No. 13-1316**, For the Purpose of Amending the Urban Growth Boundary in the Vicinity of the City of Wilsonville Upon Application By the West Linn-Wilsonville School District.

Second read, public hearing and Council consideration and vote are scheduled for Oct. 10, 2013. Ordinance No. 13-1316 will require a quasi-judicial hearing.

4.2 **Ordinance No. 13-1318**, For the Purpose of Amending the FY 2013-14 Budget and Appropriations Schedule to Add 0.75 FTE to Each of the Parks Levy Fund and the Zoo Bond Fund.

Second read, public hearing and Council consideration and vote are scheduled for Oct. 10, 2013.

5. RESOLUTIONS

5.1 **Resolution No. 13-4462**, For the Purpose of Adopting Changes to the Metro Capital Asset Management Policy.

Motion:	Councilor Shirley Craddick moved to approve Resolution No. 13-4462.
Second:	Councilor Carlotta Collette seconded the motion.

Mr. Tim Collier and Mr. Brian Kennedy of Metro provided a brief staff report for Resolution No. 13-4462. Each year, as part of the budget process, the Metro Council is asked to readopt the agency's financial policies. However, given the significance of the resolution's proposed changes, staff has chosen to bring the capital asset management policy for Council consideration and review mid-year. The resolution, if adopted, would approve the following policy changes:

(1) Consolidate several existing agency policies and procedures into one comprehensive policy;
(2) Recognize the common practices between MERC and Metro, and consolidate Metro and MERC capital asset management policies; and
(3) Incorporate the agency's sustainability and green building policies into the capital asset management policy.

(See Exhibit A and staff report for details.)

Vote:	Council President Hughes, and Councilor Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

5.2 **Resolution No. 13-4464**, For the Purpose of Approving an Agreement Between the Tri-County Metropolitan Transportation District of Oregon (TRIMET) and Metro for Purchase of Convention Event Passes.

Motion:	Council President Hughes moved to approve Resolution No. 13-4464.

Ms. Teri Dresler of Metro introduced Resolution No. 13-4464, which if adopted would approve an intergovernmental agreement between TriMet and Metro to provide free rail transportation for citywide conventions. The program, previously provided by Fareless Square and other rail programs, was a partnership between TriMet, City of Portland, and Metro under the old visitor facilities intergovernmental agreement. Under that agreement, each of the three parties covered one third of the cost of operation of the program beyond the city center and Lloyd District areas. Unfortunately, Fareless Square was eliminated in fall 2012.

Since September 2012, Metro, TriMet and Travel Portland have discussed opportunities to continue the program as it not only provides economic and environmental benefits, but is also a valuable incentive for meeting planners. In August 2013, the Metro Council approved an amended and restated the visitor facilities IGA which included a new *Convention Visitor Public Transit Passes* bucket. The IGA, as listed in Resolution No. 13-4464, describes the administration of the program and funding, and agreements made between Metro, TriMet and Travel Portland regarding measuring the actual use of transit passes. Funds from this bucket will be used to pay for the pilot program until June 30, 2017. At that time, Metro and partners will review the data collected and determine if the funding is sufficient based on the ticket usage, and discuss if additional visitor facility trust account funds are necessary to cover for the program or if the program should be changed. Metro staff thanked Travel Portland and TriMet for being great partners on this project.

Council discussion
Councilors asked clarifying questions about how many transit passes are actually used by convention goers. Staff estimates that 60 percent of the passes distributed to visitors are actually used. Staff expect to have more concrete data after the close of the program pilot when better information is available on the general trending of what percentage of tickets provided are actually used. Councilors also discussed work Metro, Travel Portland and TriMet are doing to encourage convention attendees to take transit. Examples included improved transit signage at the airport and at rail platforms, and annual trainings with hotel concierge staff on how best to orient travelers and provide simple information on how to navigate the region. Councilors also stated that the program will benefit local hoteliers and businesses in downtown Portland and beyond because it provides convention attendees free, system-wide transportation. Councilors also noted that the program is an opportunity to transition a functional transportation system into an attraction for the region.

Vote:	Council President Hughes, and Councilor Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

5.3 **Resolution No. 13-4465**, For the Purpose of Approving the Oregon Convention Center Hotel Memorandum of Understanding with City of Portland and Multnomah County.

Motion:	Councilor Kathryn Harrington moved to approve Resolution No. 13-4465.
Second:	Councilor Collette seconded the motion.

Ms. Dresler and Ms. Cheryl Twete of Metro provided a brief staff report on Resolution No. 13-4465. Over the past several months, Metro and partners City of Portland and Multnomah County work collaboratively to review, amend and restate the visitor facilities intergovernmental agreement, and develop the Oregon Convention Center Hotel Project's term sheet. As part of that process, partners expressed interest in developing an updated list of goals and expectations about the development and operation of the OCC Hotel.

The resolution, if adopted, would approve a memorandum of understanding between Metro, the city and county that memorializes the goals and issues and concerns raised, and can be used to guide Metro's future discussions with the Hotel development team. The MOU goals address, for example, hotel brand, size and available amenities, parking and labor peace agreements, establish a commitment that the hotel will serve as a rate leader, and calls for a land appraisal to verify the

appropriate market value. Staff confirmed that the city and county approved the MOU on Sept. 19 and Sept. 26 respectively. (Full MOU included as Exhibit A to resolution.)

Council discussion
Councilors thanked Council President Hughes for his leadership and Metro and partner staff for their hard work on the project. Councilors stated that Metro and partner jurisdictions have managed to move the project to the furthest point to date, a project concept that began 25 years ago. Councilors stated that the MOU provides an opportunity identify and acknowledge the issues and/or concerns raised by Metro, partners and the public, and assure all parties that these concerns will be addressed. Councilors emphasized that project decisions are not made unilaterally, and that the MOU is a useful tool to have in place as development discussions move forward.

Additional comments addressed the hotel design. Councilors expressed interest in developing a hotel that encompasses the Portland area's brand, look and feel.

Vote:	Council President Hughes, and Councilor Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

5.4 **Resolution No. 13-4466**, For the Purpose of Approving the Amended Agreement Regarding Consolidation of Regional Convention, Trade, Spectator and Performing Arts Facilities Owned and Operated by the City of Portland and Metro.

Motion:	Councilor Craddick moved to approve Resolution No. 13-4466.
Second:	Councilor Harrington seconded the motion.

Ms. Twete introduced Resolution No. 13-4466. If adopted, the resolution would amend a consolidation agreement between the City of Portland and Metro regarding Metro's management of the city's *Portland'5 Center for the Arts* facilities: the Schnitzer, Winningstad, Keller, Newmark, and Brunish theaters. The amended agreement would:

(1) Modify the consumer price index definition that guides the annual adjustment in the payment of funding from the city to Metro for operating the performing arts centers;
(2) Clarify that the city's contributions to Metro can be used for both operating and capital expenses at the art facilities; and
(3) Update the notification provisions between the city and Metro for official notifications.

Vote:	Council President Hughes, and Councilor Craddick, Collette, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

6. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett provided an update on:

- Ms. Bennett thanked the Westside Economic Alliance (WEA), Clackamas County Business Alliance (CCBA), and Homebuilders Association for hosting the Oct. 2 forum on infrastructure. She thanked the organizations for leading a robust and engaging conversation.
- Councilors are invited to attend two upcoming Transit Oriented Development events: Oct. 9 groundbreaking ceremony of the Radiator project, and Oct. 24 hardhat tour of the Prescott apartment complex.
- Metro has received a membership offer to sit on four local business association boards, WEA, CCBA, Columbia Corridor Association, and the East Metro Economic Alliance, at a reduced rate of $10,000 total. Council President Hughes would be responsible for appointing the Metro representatives to the associations; all positions would be voting members. Ms. Bennett confirmed that there are sufficient funds in Metro's FY13-14 budget. Ms. Bennett asked, and fully received, the Metro Council's support for the agency to become members of the above four associations.
- The tour of Waste Management's Arlington landfill is scheduled for Friday, Oct. 4. The bus will leave promptly at 7:45 a.m.

7. COUNCILOR COMMUNICATION

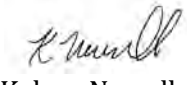
Councilors provided updates on the following meetings or events: the Land Conservation and Development Commission's Local Officials Advisory Committee meeting, Oregon Zoo Foundation meeting, MERC meeting, and Washington County's Community Participation Organization (CPO) #7 meeting.

Councilors expressed interest in a work session to discuss the Oregon Zoo Foundation's recent structure and organizational changes. In addition, councilors requested information on which, if any, areas in the Metro service district overlap with urban and/or rural reserves.

8. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 3:12 p.m. The Metro Council will convene the next regular council meeting on Thursday, Oct. 10 at 2 p.m. at Metro's Council Chamber.

Respectfully submitted,



Kelsey Newell, Regional Engagement & Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCT. 3, 2013

Item	Topic	Doc. Date	Document Description	Doc. Number
3.	Minutes	9/26/13	Council minutes for Sept. 26, 2013	100313c-01
5.3	Legislation	N/A	Revised Res. No. 13-4465 (redline)	100313c-02

West Linn – Wilsonville School District

ADVANCE ROAD PROPERTY
Major UGB Amendment

Metro Council

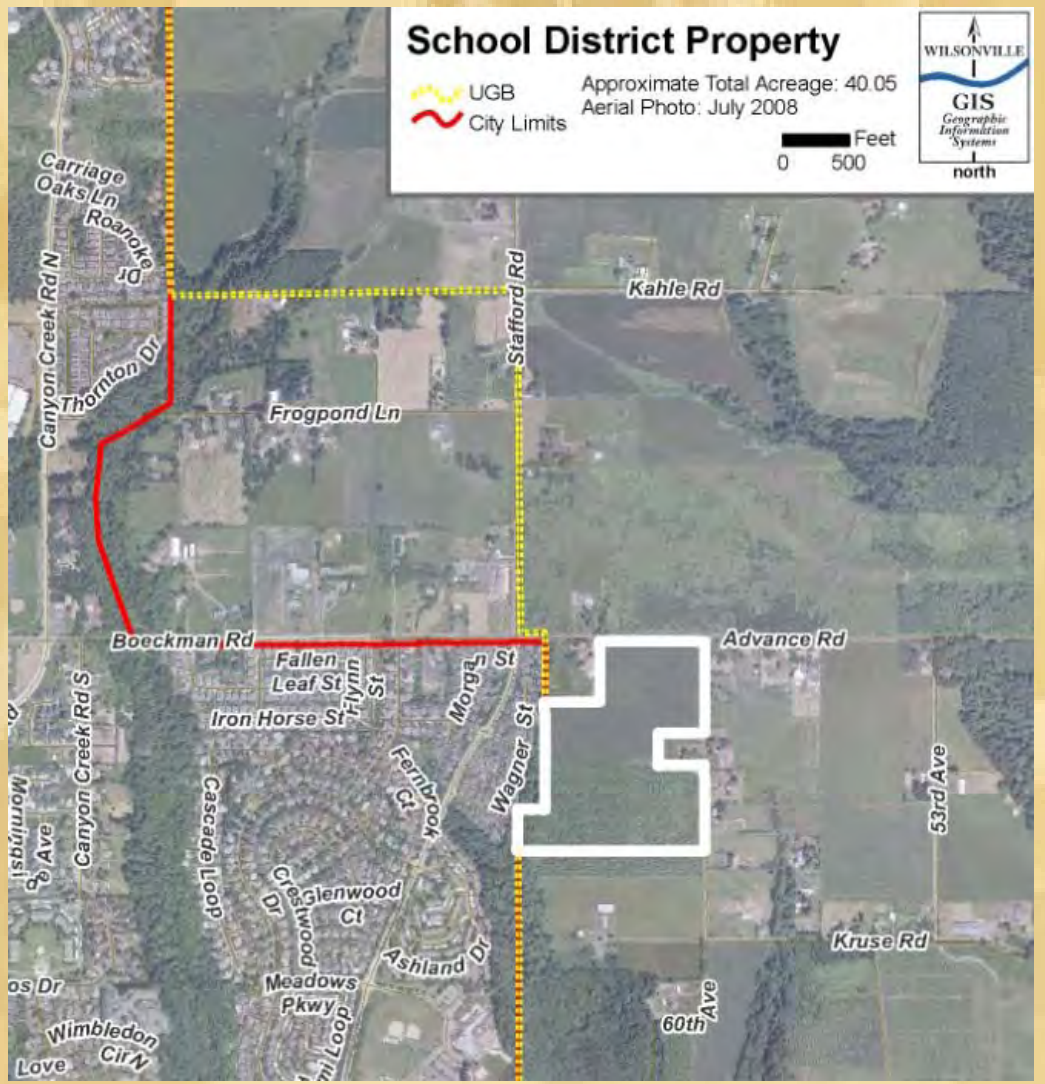
October 10, 2013

APPLICATION SUMMARY

VICINITY MAP

Advance Road Property:

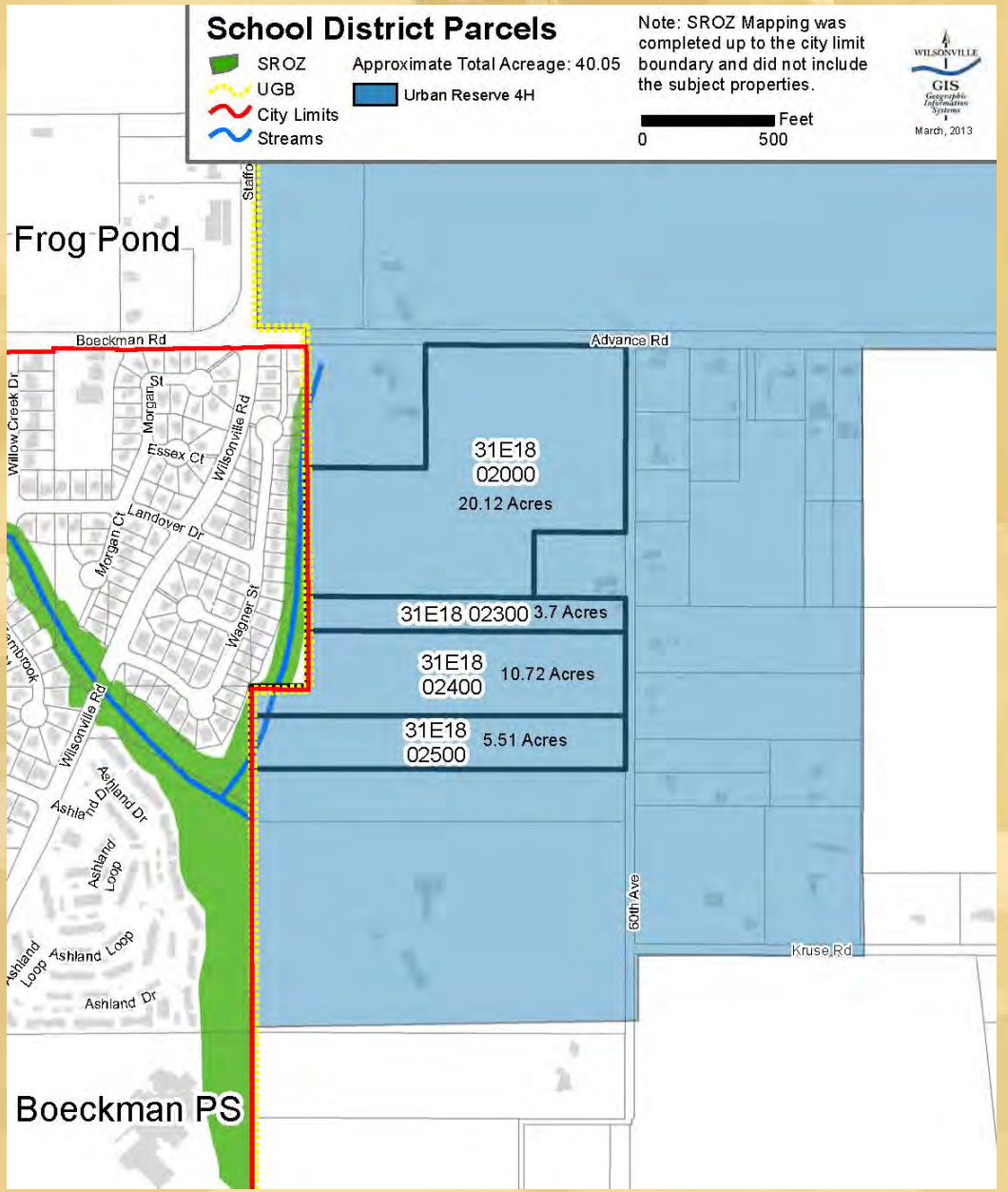
- Immediately east of current UGB & city limit
- South of Advance Road
- East of 60th Avenue



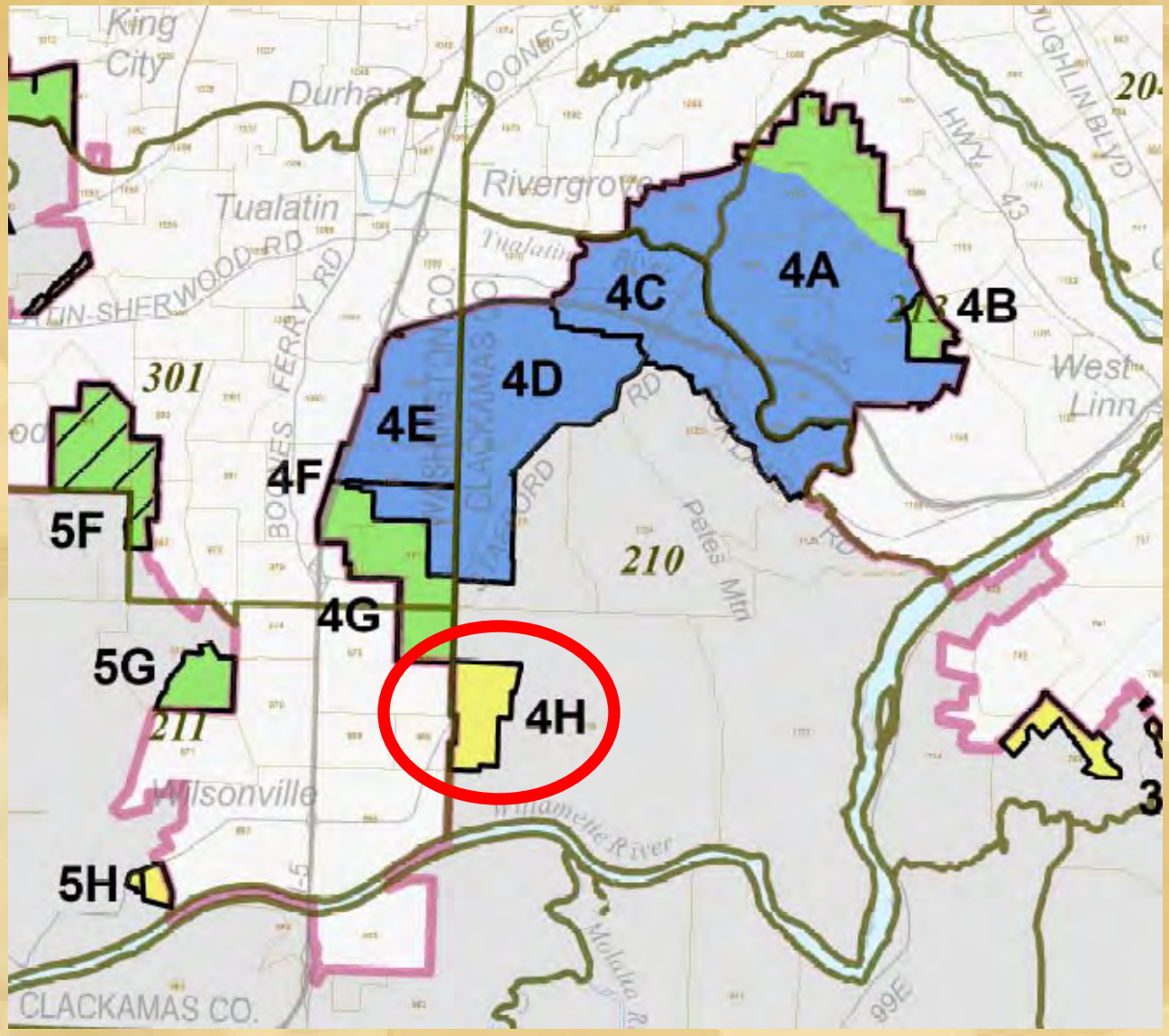
SITE MAP

Advance Road Property:

- 4 tax lots
- 40 acres
- Within Advance Road Urban Reserve 4H



METRO UGB EXPANSION AREA 4H



ZONING & LAND USE

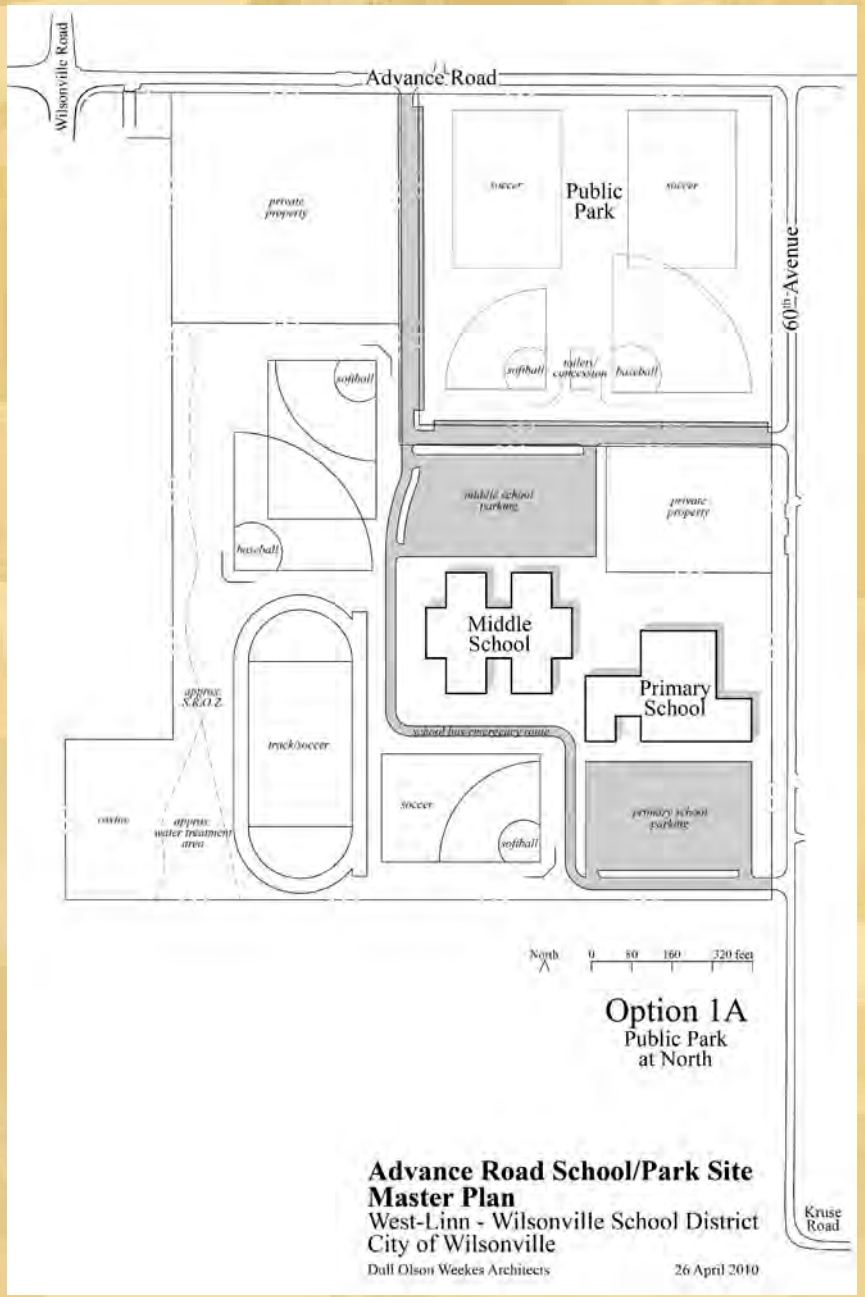
PARCELS	ZONE DESIGNATION	LAND USE	METRO DESIGNATION
Subject Property	Clackamas Co. EFU	Open field and riparian area on extreme western edge	Urban Reserve Area 4H
North	Clackamas Co. EFU	Unfarmed land and rural residences	Urban Reserve Area 4H
East	Clackamas Co. EFU	Rural residences and minor agricultural use	Urban Reserve Area 4H
South	Clackamas Co. EFU	Rural residences and minor agricultural use	Urban Reserve Area 4H
West	Wilsonville PDR-3*	Single family residential	-

*PDR-3: Planned Development Residential 3 (avg. lot size of 7,000 sq. ft.)

CONCEPT PLAN

Joint District/City Plan:

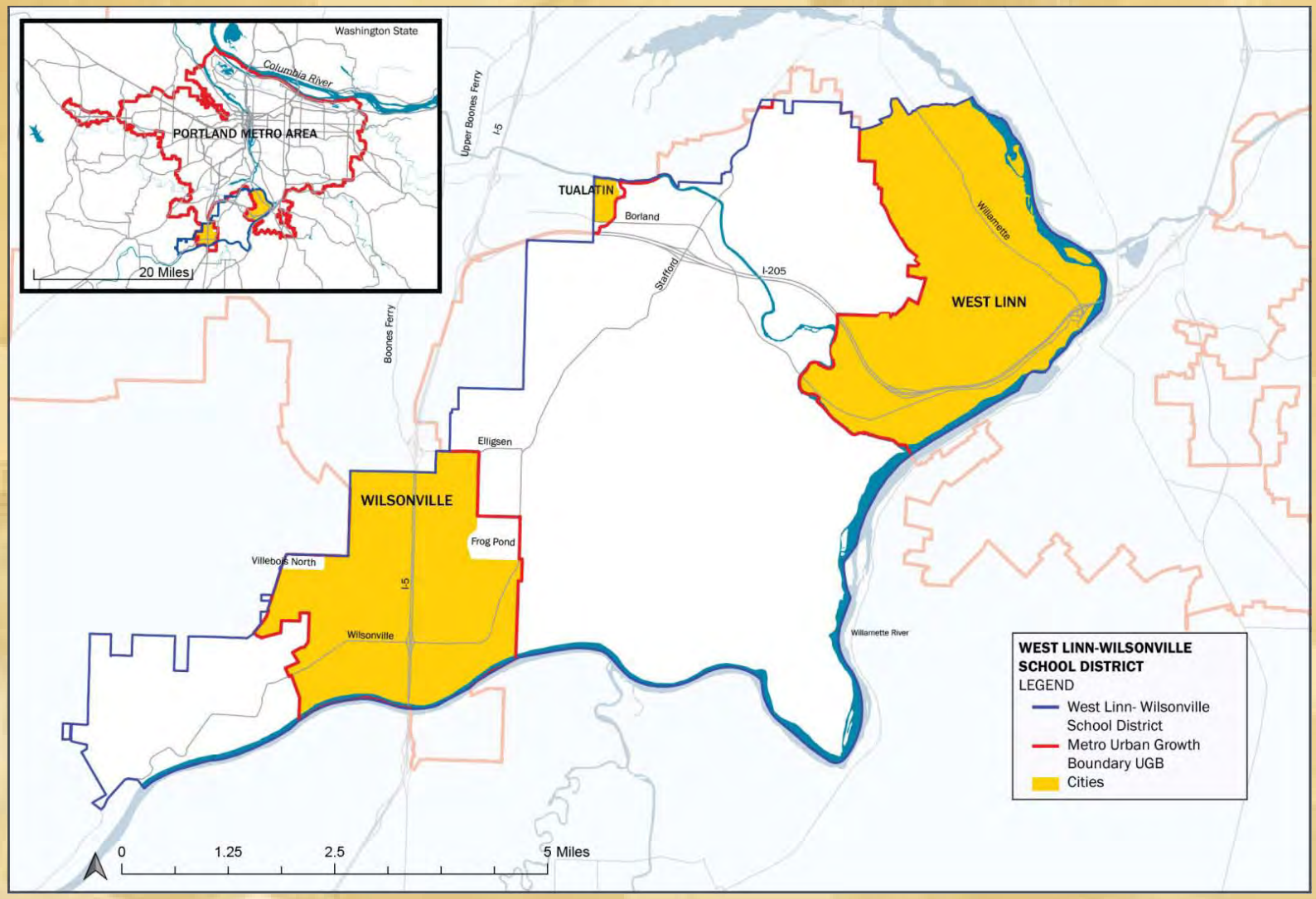
- Primary & middle school campus (30 ac.)
- City community park (10 ac.)
- Promotes efficiency with shared parking/athletic fields
- Preliminary traffic analysis
- Phased development



PUBLIC FACILITIES & SERVICES

- Water
- Sanitary Sewer
- Storm Water
- Transportation
  - Major Streets
  - Pedestrian/Bicycle
  - Transit
- Fire Protection & Emergency Services
- Police
- Parks & Recreation

PURPOSE AND NEED



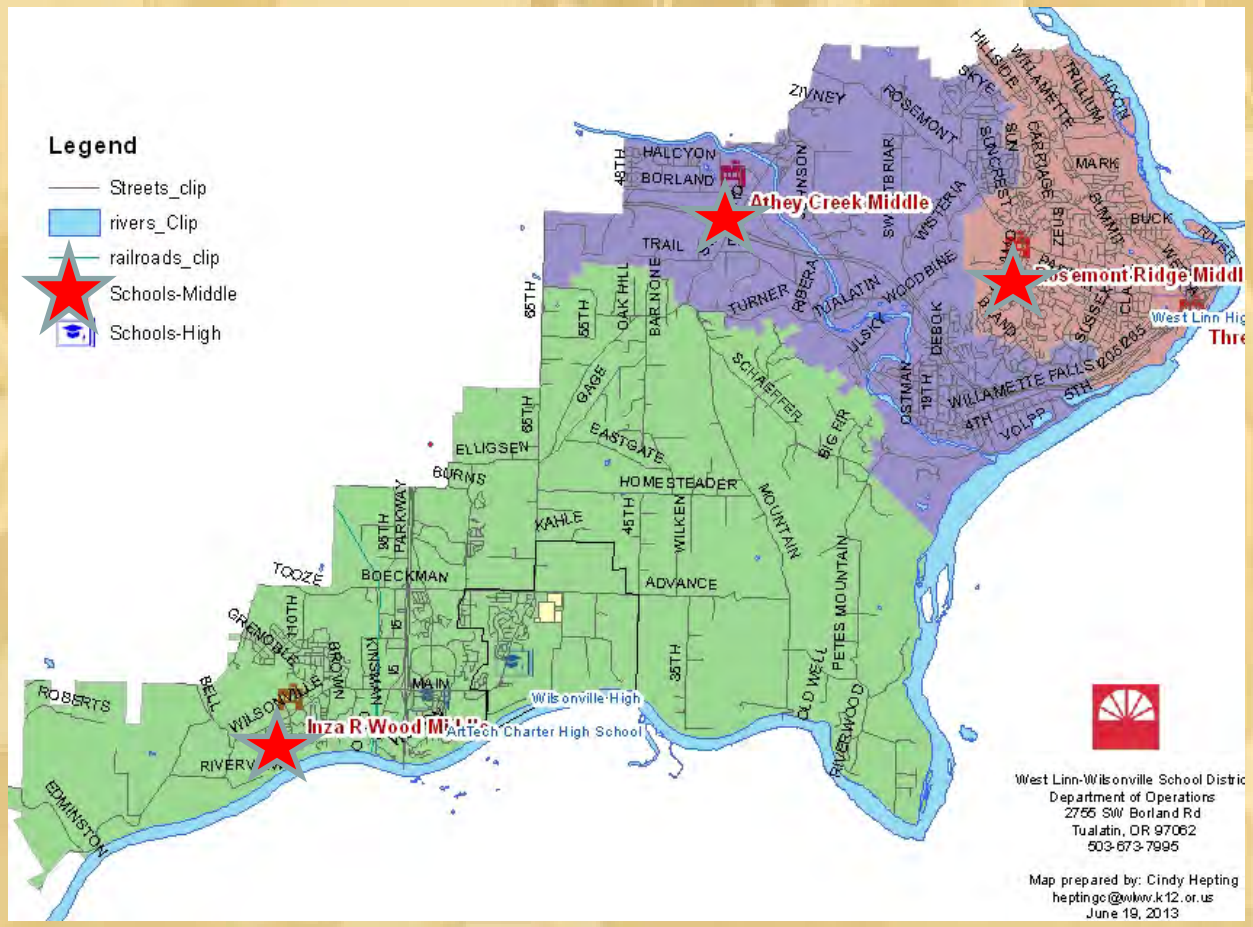
WEST LINN-WILSONVILLE SCHOOL DISTRICT

- 2013 enrollment – 8,660
- Schools – 9 primary, 3 middle & 2 high schools
- Capacity available at primary/high school levels
- Middle schools
  - Over capacity by 100 students district-wide
  - 129 students over capacity at Wood MS
- Future enrollment growth centered in Wilsonville

Middle Schools

Locations & attendance areas:

- Inza Wood
- Athey Creek
- Rosemont Ridge



LONG RANGE PLAN

Commitment to planning:

- 1st plan edition in 1996
- Multiple updates including 2013
- 3 parts –
  - Education philosophy & programs
  - School facilities
  - Capital improvements
- Anticipating facility needs is critical component

ENROLLMENT & CAPACITY

Long-term enrollment	Based upon Metro growth forecasts & local plans
Short-term forecasts	Evaluation of type & location of residential development
School capacity	Based on educational programs for each school

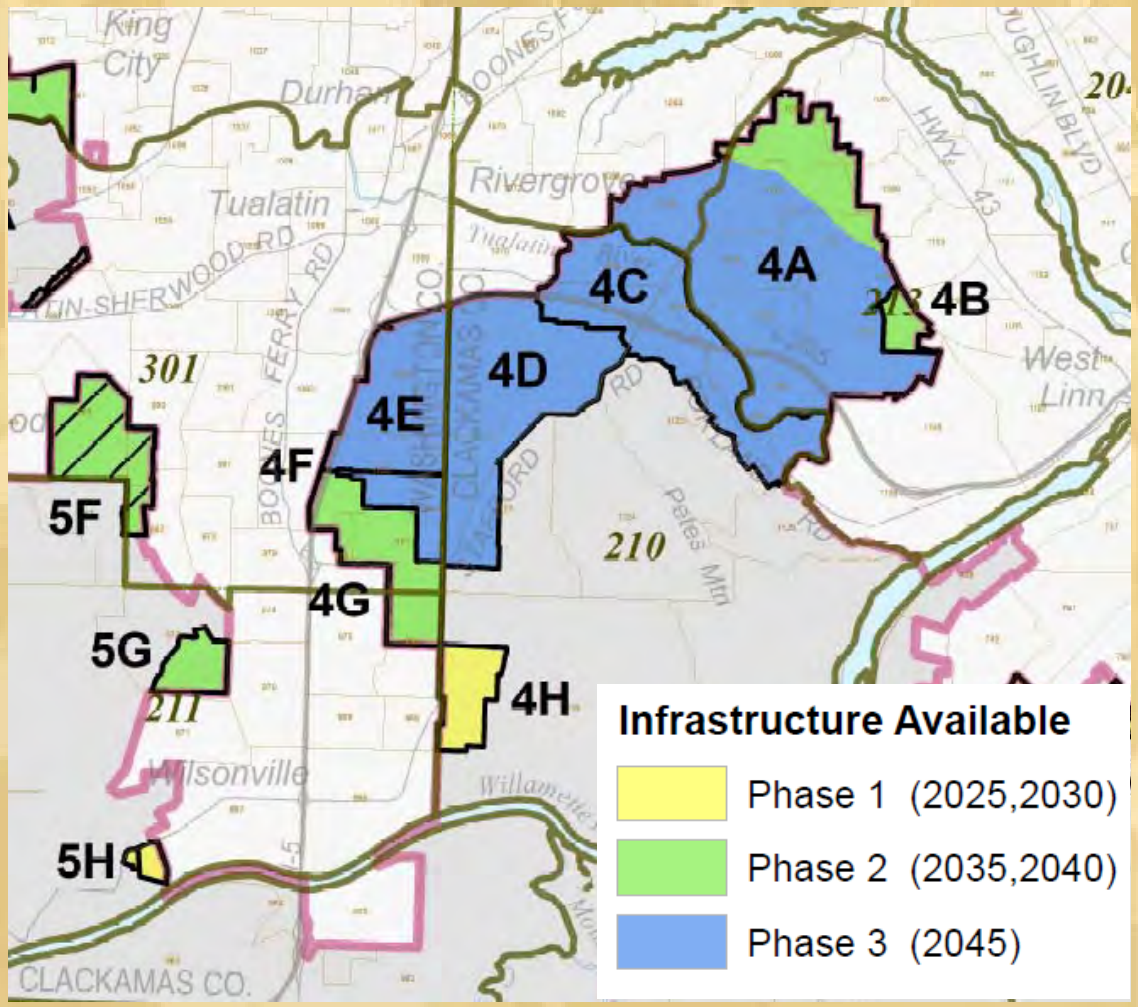
FUTURE GROWTH ASSUMPTIONS

Metro UGB Expansion Areas

Urban Reserves:

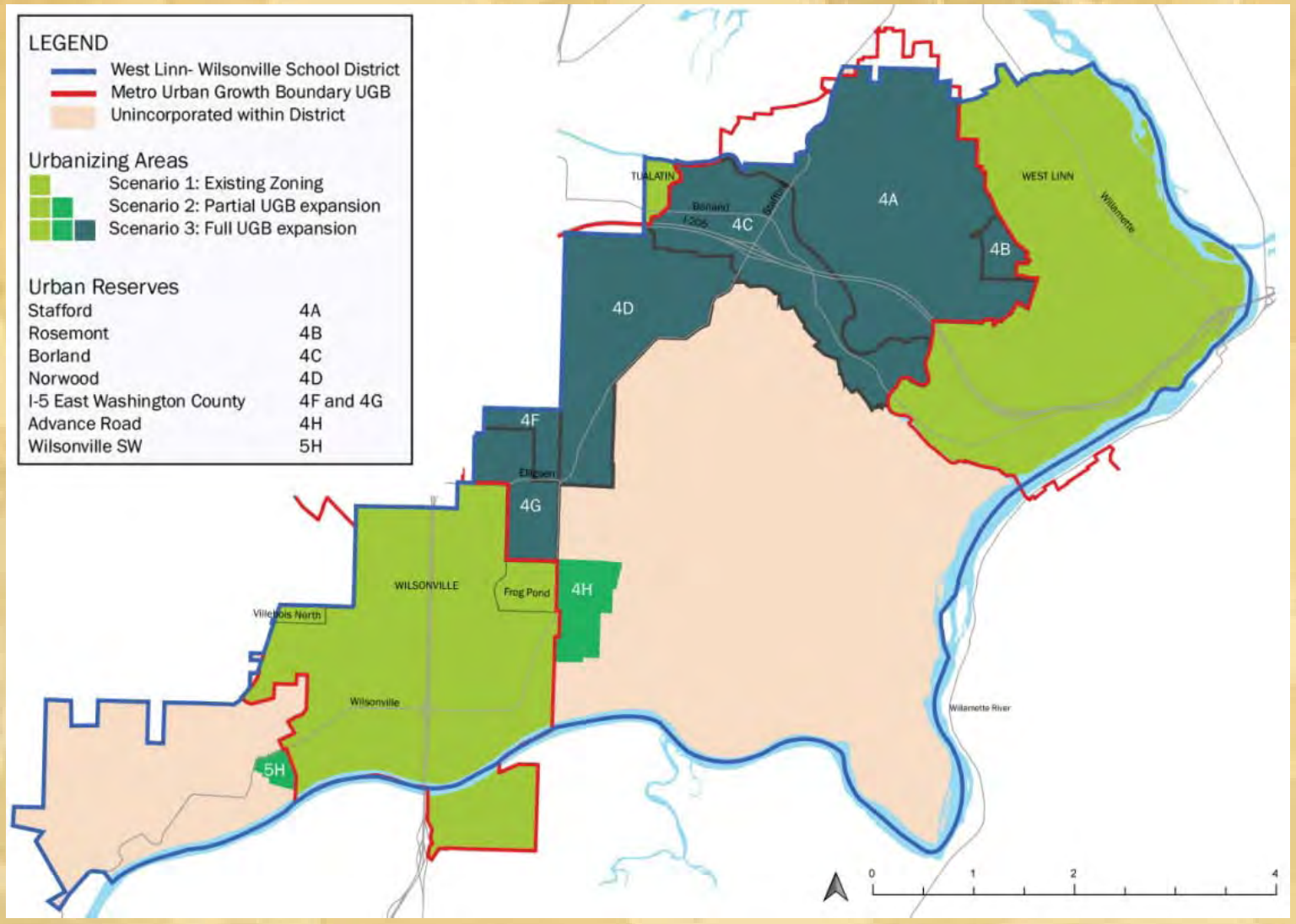
- **4A** – Stafford
- **4B** – Rosemont
- **4C** – Borland
- **4D** – Norwood
- **4F/G** – E. Washington Co.
- **4H** – Advance Road
- **5H** – Wilsonville SW

Used to estimate future enrollment



FUTURE GROWTH ASSUMPTIONS

Future Enrollment Growth within the District



POTENTIAL SCHOOL SITES

SCHOOL TYPE	BUILDING FOOTPRINT	PARKING AND ACCESS	ATHLETIC FIELDS PLAYGROUNDS	TOTAL ACRES*	ENROLLMENT
Primary	1.5 – 2	2.5 – 3	6 -10	**10-15**	**450-550 (800 campus**)**
Middle	2-3	3-4	12-14	**17-21**	**600-800**

* Approximate usable acreage

** A primary school campus is an alternative design that would have land needs similar to a middle school. Boones Ferry Primary School is an example of this type of facility.

ENROLLMENT & CAPACITY

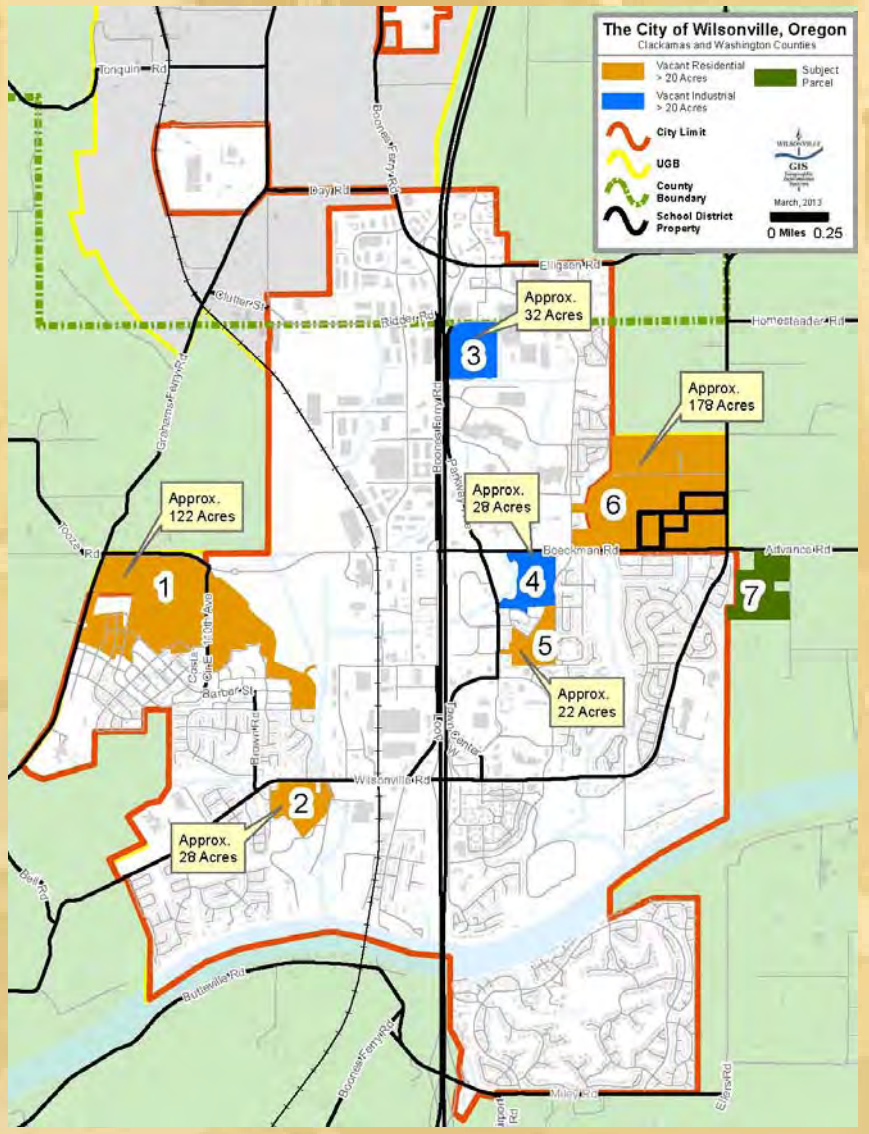
SCHOOL	CAPACITY	ENROLLMENT			PROJECTIONS*				
		2010	2011	2012	2013	2014	2015	2016	2017
MIDDLE									
Wood		**697**	**706**	**737**	**769**	**818**	**868**	**943**	**990**
Avail. Capacity	**640**			**-97**	**-129**	**-178**	**-228**	**-303**	**-350**
Athey Creek		566	602	607	534	515	481	495	485
Avail. Capacity	624			17	90	109	143	129	139
Rosemont Ridge		695	692	684	732	729	719	721	716
Avail. Capacity	668			-16	-64	-61	-51	-53	-48
Subtotal		1,958	2,000	2,028	2,034	2,062	2,068	2,159	2,191
Total Available Capacity (6-8)	**1,932**			**-96**	**-102**	**-130**	**-136**	**-227**	**-259**

* Projections assume that current school attendance areas remain unchanged.

POTENTIAL SCHOOL SITES

Wilsonville area:

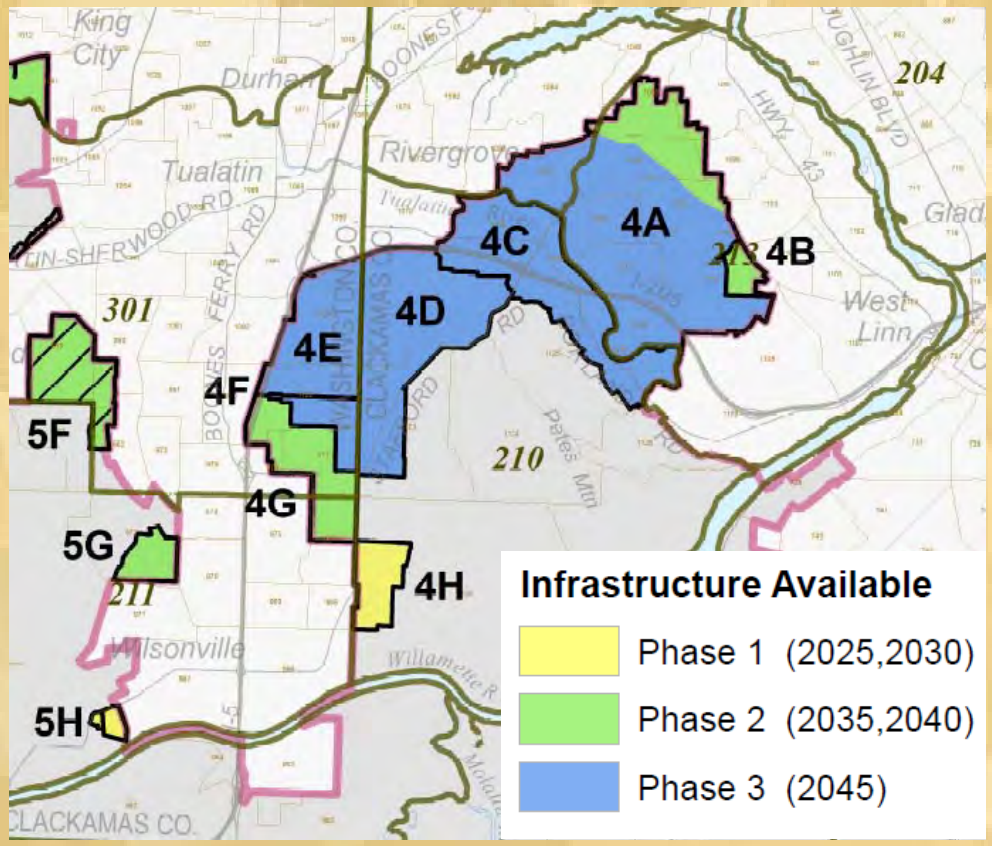
- Future enrollment growth concentrated in Wilsonville
- 20-acre minimum
- Primary considerations
  - Plan designations
  - Availability
  - Site character
  - Location
  - Urban facilities, services & transportation
- 7 potential sites evaluated
- *Advance Road site clearly the best*



POTENTIAL SCHOOL SITES

Urban Reserves in the District:

- **5H** too close to Wood MS
- Availability is *major issue* for other Urban Reserves
- **4A – 4D** too close to Athey Creek & Rosemont MS
- **4E – 4G** higher employment component
- ***Advance Road site clearly the best***



FROG POND – Primary Considerations

- Timing
- Cost
- Impact on students
- Final outcome

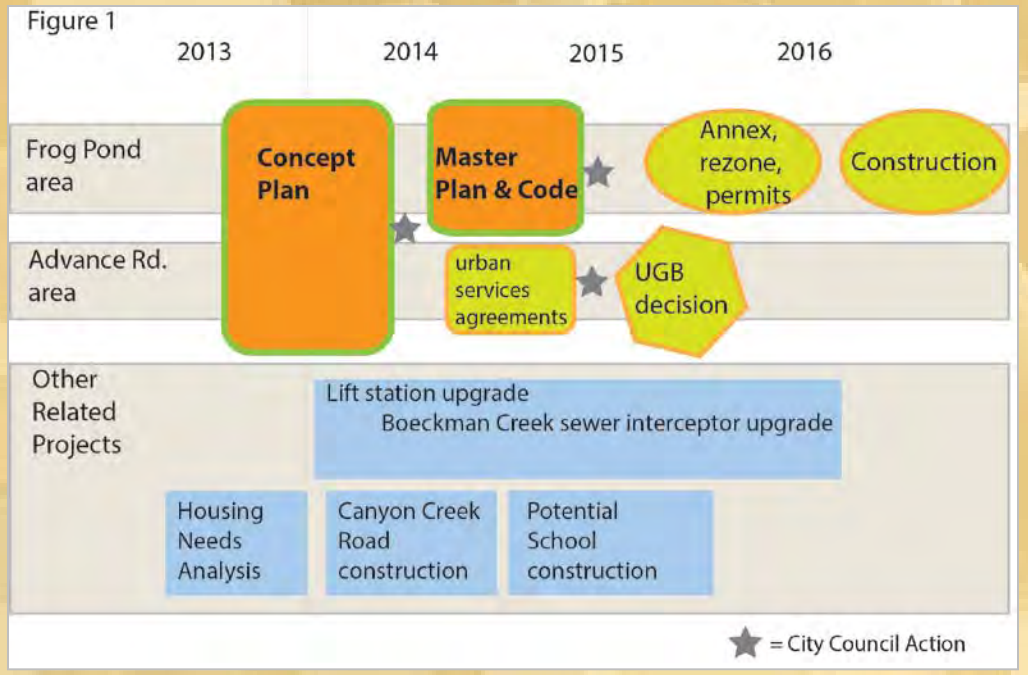
FROG POND – Timing

Steps to provide a school:

- ***Development-ready school site***
- ***1 year*** – Bond preparation, public information & election
- ***1-1.5 years*** – Design, permit & bid
- ***1-1.5 years*** - Construction & opening
- ***3-4 years total***

FROG POND – Timing

- ***Advance Road*** – 2017-18 opening possible
  - Site is development-ready
  - Services available
- ***Frog Pond*** – *2020 opening best case*
  - 2± years of planning prior to development-ready site
  - Property acquisition
  - Utility service plans & financing to be finalized



FROG POND – Cost

- No money to acquire 15 acres
- District staff & consultant time for acquisition
- Potential condemnation costs
- Purchase / lease of portables

FROG POND – Student Impact & Outcome

- **½ middle school in portables by 2017.**
- **Nearly a full middle school in portables by 2020.**
- **Advance Road or Frog Pond - same outcome:**
  - School campus & park surrounded by an urban neighborhood.
  - UGB expansion consistent with Metro plan.

APPLICABLE REVIEW CRITERIA
Metro Code Title 14

- **Need**
  - Acute middle school need, especially by 2017
  - Multi-year lead time to provide new school
  - Establishing a buildable site is essential 1st step
  - No viable sites within current UGB
- **Compatibility**
  - Adjacent to city limit
  - Roads & setbacks for buffering
  - Adjacent to other 4H land to be urbanized
  - Negligible impact on resource lands

Metro Code Title 14

- **Suitability**
  - Best available within UGB & Urban Reserve areas
  - Near areas of enrollment growth
  - Complementary to other middle school locations
  - Advance Road site size is appropriate for schools & park
  - Urban facilities & services can be efficiently provided
- **Environmental, energy, economic & social consequences**
  - Sensitive lands easily avoided during development
  - Close to students with multi-modal transportation
  - Less costly to develop & serve
  - Easily integrated with the community

CONCLUSION

Advance Road site is best alternative:

- Urban facilities & services available
- School & park near existing & future residents
- Opportunities for community integration

Cannot wait for legislative UGB process:

- Uncertain outcome
- Completion in 2016-17 will not accommodate current & short-term capacity needs

1. Remand the hearings officer's decision based on the following findings:

    a. The Metro Council concludes that the applicant has not met its burden to establish that the "Frog Pond" alternative site inside the existing UGB cannot accommodate the identified need once existing planning barriers are removed by Metro.
    b. The School District owns approximately 25 acres at this alternative site, which it acquired for school and park purposes, and there are adjoining vacant or nearly vacant parcels that could be aggregated with the school district's property to create a 40-acre or larger school and park site.
    c. The Metro Council can modify conditions adopted by Metro as part of the 2002 ordinance adding the Frog Pond area to the UGB in order to allow concept planning to occur for a subarea of the Frog Pond planning area on a schedule that will be consistent with the applicant's identified timing needs.
    d. The Metro Council interprets Metro Code 3.07.1120 to allow the applicant to undertake concept planning for a subarea of the Frog Pond planning area containing the existing district-owned property and sufficient other adjacent land to create a 40-acre school and park site.
    e. The Frog Pond school site can be provided sewer service upon annexation, according to the report of the city's community development director at Record, appendix C-S.

2. Direct Metro staff to bring an ordinance before the Metro Council, after appropriate public notice but no later than November 21, 2013, modifying the conditions attached to Metro's approval of the Frog Pond UGB expansion in Ordinance No. 02-969B in order to allow the adoption of planning and zoning for the school district site, as well as its annexation and development, prior to completion of planning for the entire Frog Pond area.

3. Direct the hearings officer to hold an evidentiary hearing on remand to analyze the applicant's ability to accommodate its identified needs on the Frog Pond property, in light of the findings adopted by the Metro Council. Specifically the hearings officer should consider the applicant's ability to acquire sufficient property to meet its identified need for a particular size and configuration of parcels, and the applicant's ability to acquire property and complete necessary planning efforts on a schedule that will be consistent with the applicant's identified timing needs. The hearings officer will then prepare a revised recommendation to the Metro Council regarding the alternative site analysis for the Frog Pond area.

WILSONVILLE
AREA CHAMBER OF COMMERCE
A South Metro Business Advocate

October 1, 2013

Honorable Tom Hughes, President
Metro Council
600 NE Grand Ave. Portland,
Portland, OR 97232

RE: Support for West Linn/Wilsonville School District's Application to Expand Metro Urban Growth Boundary

Dear President Hughes,

The Wilsonville Area Chamber of Commerce is a business advocacy organization located in the south metro area representing 560 businesses employing nearly 12,000 Oregonians. Our mission is to make business a priority and create and promote economic vitality for business in the south metro region.

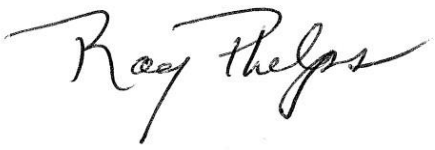
The Wilsonville Area Chamber of Commerce supports the West Linn/Wilsonville School District's application to expand the UGB to facilitate siting two schools and a public park.

There have been multiple media reports regarding how Wilsonville continues its substantial growth in population, as well as adding business and industry to our community. Our chamber members believe the most important piece to supporting new business is education and a qualified work force. In Wilsonville, we are always working toward a balanced community, where people can live, work, learn and play close to where they work.

We are fortunate to have many jobs, however many of the people who work in Wilsonville live outside of the city. The chamber and city continue to partner to help make Wilsonville a great community, and by allowing this UGB expansion, we believe it will meet for years to come both the educational and economic needs of our community.

As a chamber we supported this minor UBG expansion in 2011. We continue to support this expansion since it is a critical piece to master plan the growth of a city that is outpacing other cities in the greater Portland metropolitan area, even during these challenging economic times.

Sincerely,



Ray Phelps
President

Cc: Metro Councilors
Dr. Bill Rhodes, Superintendent
City of Wilsonville City Council

Metro Testimony, October 10, 2013

My name is William Ciz. I live at 28300 SW 60th Avenue, Wilsonville, 97070, in the Advance Urban Reserve Area 4H. I provided testimony at the June 27, 2013 public hearing and supplemental testimony in the record regarding "**Metro Code 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 hearing officer's recommendation did not include my request for two conditions to be added if the West Linn-Wilsonville School District (WLWSD) Urban Growth Boundary Major Amendment is approved. My detailed testimony regarding the need for the conditions is included in the record. The two conditions were:

- 60th Avenue will not be included within the UGB as part of the approval of the WLWSD Urban Growth Boundary Major Amendment. It will remain within its current Clackamas County zoning and within the Advance Road Urban Reserve Area 4H.
- Access to and from the WLWSD middle school and park site onto 60th Avenue will not be permitted until the properties east of 60th Avenue and south of Advance Road are included into the UGB. Planning for additional access to the WLWSD middle school and park site will be part of the Advance Road Urban Reserve Area 4H Concept plan. Funds for the Advance Road Urban Reserve Area 4H Concept plan have been requested from Metro.This will ensure that future urban development on adjacent land east of 60th Avenue and access to and from the WLWSD school and park site onto 60th Avenue are coordinated and in the best location to serve all properties and uses.

In September, I received a letter from the City of Wilsonville stating that Metro had approved funds to begin the Advance Road Urban Reserve Area 4H Concept plan and that the project will be up and running over the next few months.

Therefore in order to ensure that the Concept Planning effort and the school and park site planning are coordinated and that **"Metro Code 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"** is addressed, I request the following condition be added to the WLWSD Urban Growth Boundary Major Amendment if it is approved:

- Planning for the location and type of access to and from the WLWSD school and park site onto 60th Avenue will be determined as part of the Advance Road Urban Reserve Area 4H Concept plan. This will ensure that future urban development on adjacent land east of 60th Avenue and access to and from the WLWSD school and park site onto 60th Avenue are coordinated and planned in the best location to serve all properties and uses.

Thank you for the opportunity to provide input.

William Ciz
28300 SW 60th Ave
Wilsonville, OR 97070(503) 682-3468
lizciz@frontier.com