

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ALLOWING THE ) RESOLUTION NO. 13-4492  
BEAVERTON SCHOOL DISTRICT TO FILE )  
AN APPLICATION FOR A MAJOR ) Introduced by Councilor Kathryn  
AMENDMENT TO THE URBAN GROWTH ) Harrington and Councilor Craig Dirksen  
BOUNDARY )

WHEREAS, section 3.07.1430 of the Metro Code allows local governments and special districts to request “major amendments” to the urban growth boundary (“UGB”) to add land for non-residential purposes; and

WHEREAS, section 3.07.1430.A of the code provides that Metro may not accept applications for major amendments to the UGB during the calendar year in which Metro is required by state law to analyze the region’s buildable land supply and determine the capacity of the UGB unless the Metro council waives this restriction upon a finding of good cause and an affirmative vote of five members of the Metro Council; and

WHEREAS, calendar year 2014 is a year in which Metro must complete its analysis of the buildable land supply; and

WHEREAS, the Beaverton School District has requested a waiver in order to submit an application by February 1, 2014 for a major amendment to add land to the UGB for a new high school site in the South Cooper Mountain area, an area which was previously added to the UGB in 2011 and is currently part of litigation regarding the reserves and UGB; and

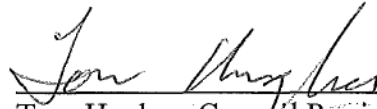
WHEREAS, the Metro Council considered the school district’s request at a public meeting on December 19, 2013 and determined that the district has demonstrated good cause for submitting an application due to the fact that the district is unable to obtain a clean opinion from bond counsel, jeopardizing its ability to stay on schedule and other factors as set forth in testimony from the meeting; now, therefore,

The Metro Council resolves that:


1. The Beaverton School District has demonstrated good cause for submitting an application for a major amendment to the UGB by February 1, 2014.
2. The request by the Beaverton School District to submit an application for a major amendment to the UGB under Metro Code section 3.07.1430.A is granted, and the Chief Operating Officer is directed to allow the school district’s application and commence a

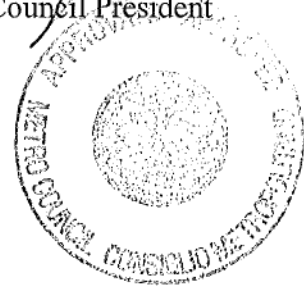
quasi-judicial process to determine whether or not to grant the application for the UGB amendment at issue.

ADOPTED by the Metro Council this 19th day of December, 2013.

  
\_\_\_\_\_  
Tom Hughes, Council President

Approved as to form:

  
\_\_\_\_\_  
Alison R. Kean, Metro Attorney



## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION 13-4492 FOR THE PURPOSE OF ALLOWING THE BEAVERTON SCHOOL DISTRICT TO FILE AN APPLICATION FOR A MAJOR AMENDMENT TO THE URBAN GROWTH BOUNDARY

Date: December 10, 2013      Prepared by: Ramona Perrault and Beth Cohen

#### BACKGROUND

Metro is responsible for managing the Portland metropolitan region's Urban Growth Boundary (UGB). State law requires Metro to analyze the capacity of the UGB every five years and to ensure that it includes sufficient capacity for the next 20 years' worth of growth. In addition, Metro accepts applications for major amendments to the UGB between February 1 and March 15 of each calendar year except that calendar year in the which the Council is completing its analysis of buildable land supply (Urban Growth Report) under ORS 197.299. Metro will complete its analysis of buildable land supply in 2014. Based on the major amendment procedures in Metro Code Section 3.07.1430, Metro will not accept applications for Major Amendments to the UGB during the February 1 to March 15, 2014 application window.

Metro Code does allow the Metro Council to accept a major amendment application at other times by a vote of five members of the Council, upon a request by a Metro Councilor and a finding of good cause. Land may be added to the UGB under the major amendment process for public facilities and services, public schools, natural areas and other non-housing needs.

The Beaverton School District is seeking to submit a major amendment application in 2014 to meet an enrollment capacity deficit in 2017. The property in question was brought into the UGB in 2011 and is part of the city of Beaverton's on-going South Cooper Mountain planning process, partially funded through Metro's Community Planning and Development Grant program (CET funds). However, pending a decision by the Court of Appeals on both urban and rural reserves and the 2011 UGB expansion areas, the district is unable to obtain a clean opinion from bond counsel, jeopardizing its ability to stay on schedule. The district must have additional capacity for 2,200 students by September 2017.

This resolution will direct the Chief Operating Officer to receive the Beaverton School District's major amendment application and initiate a quasi-judicial process in which a hearings officer will issue a recommendation for the Metro Council to consider.

#### ANALYSIS/INFORMATION

##### 1. Known Opposition

It is possible that parties to the 2011 UGB expansion appeal may be opposed to this incremental expansion.

##### 2. Legal Antecedents

Section 3.07.1430 provides for a major amendment to the UGB to add land for public school purposes, and section 3.07.1430(A) provides that the Metro Council may accept a major amendment application outside of the February 1 to March 15 application window by a vote of five members of the Council.

**Anticipated Effects:** Adoption of Resolution 4492 will allow the Beaverton School District to submit an application for a major amendment to the urban growth boundary outside of the normal application time window.

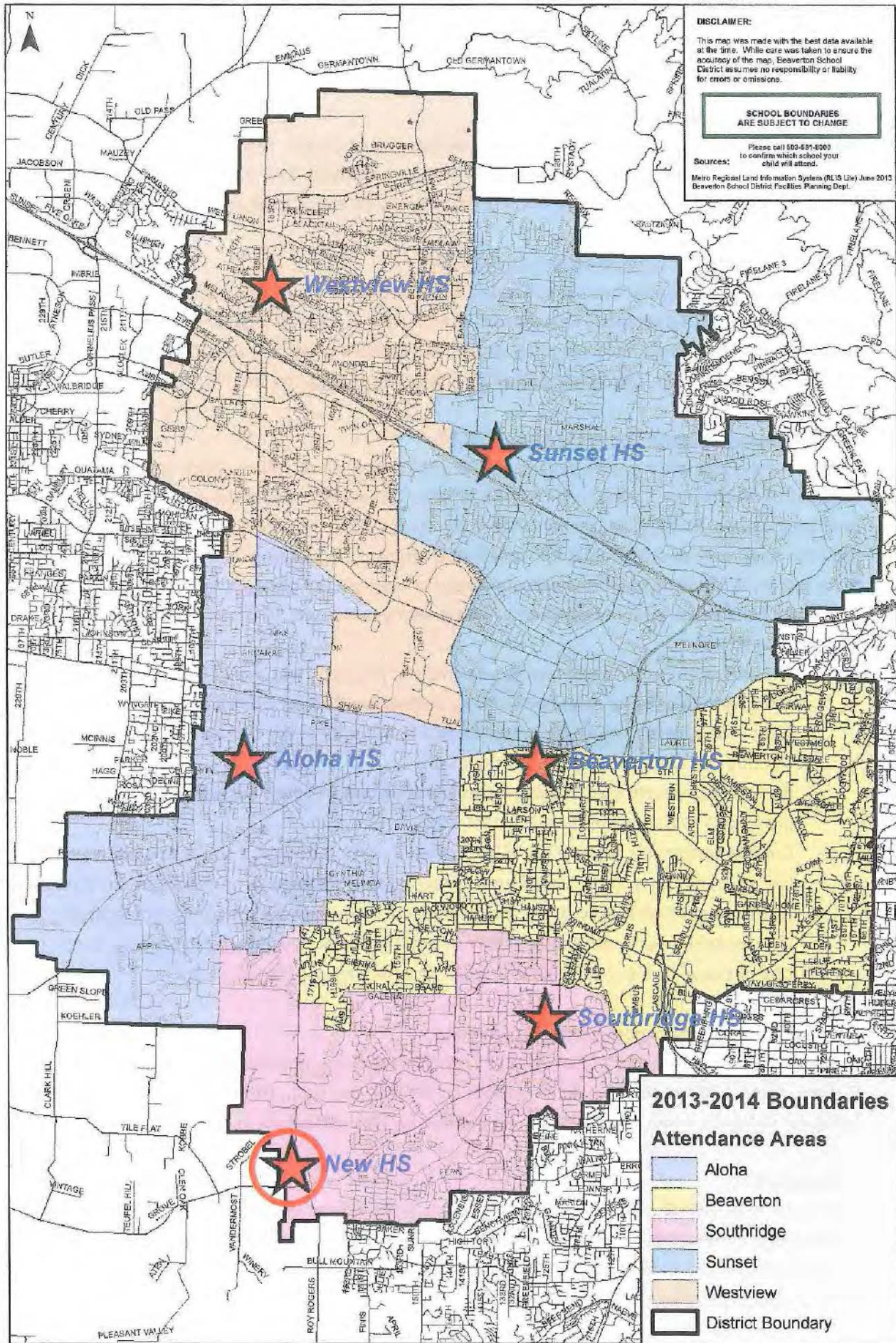
**Budget Impacts:** There is no budget impact. An applicant for a major amendment is required to file an application fee to cover all costs of processing the amendment request.

#### RECOMMENDED ACTION

Staff recommends adoption of Resolution No. 13-4492

# Beaverton School District

## 2013-2014 High School Attendance Boundaries



**DISCLAIMER:**  
 This map was made with the best data available at the time. While care was taken to ensure the accuracy of the map, Beaverton School District assumes no responsibility or liability for errors or omissions.

**SCHOOL BOUNDARIES ARE SUBJECT TO CHANGE**

Please call 503-637-8300 to confirm which school your child will attend.

**Sources:**  
 Metro Regional Land Information System (RLIS Lite) June 2013  
 Beaverton School District Facilities Planning Dept.

**2013-2014 Boundaries Attendance Areas**

- Aloha
- Beaverton
- Southridge
- Sunset
- Westview
- District Boundary

Attachment 1 to Res. No. 13-4492