

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL ORDER)
AND AMENDING THE METRO URBAN)
GROWTH BOUNDARY FOR CONTESTED CASE)
NO. 91-4:PCC ROCK CREEK)

ORDINANCE NO. 92-472

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

Section 1. The Council of the Metropolitan Service District adopted Resolution No.92-1630, attached as Exhibit C of this Ordinance and incorporated by this reference, on June 25, 1992, stated its intent to amend the Metro Urban Growth Boundary with certain conditions for Contested Case 91-4:PCC Rock Creek pending annexation of the subject property to the Metropolitan Service District within 6 months of adoption of the resolution.

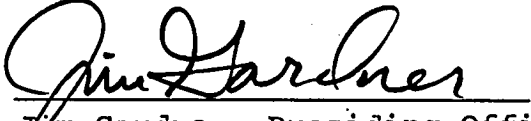
Section 2. The Portland Metropolitan Area Local Government Boundary Commission acted on August 27, 1992, to annex the petitioner's PCC Rock Creek Campus property, the subject of Contested Case No. 91-4:PCC Rock Creek, to the Metropolitan Service District. The action of the Boundary Commission is attached to this Ordinance as Exhibit D, which is incorporated by this reference.

Section 3. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Order in Contested Case No. 91-4 the Hearings Officer's Report and Recommendations in Exhibit B of this Ordinance, which is incorporated by this reference.

Section 4. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, is hereby amended as shown in Exhibit A of this Ordinance, which is incorporated by this reference.

Section 5. Parties to Contested Case No. 91-4 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

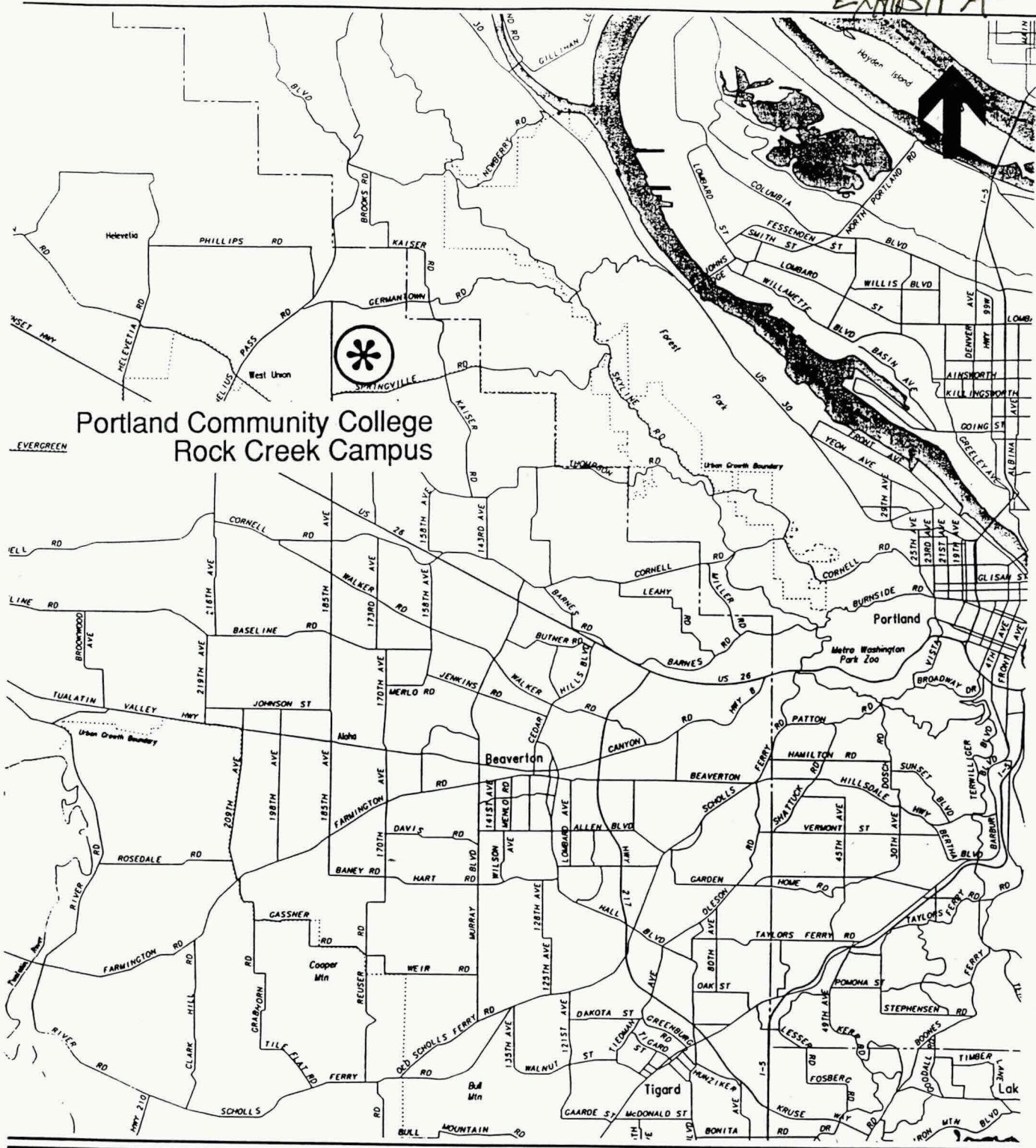
ADOPTED by the Council of the Metropolitan Service District this 22nd day of October, 1992.


Jim Gardner, Presiding Officer

ATTEST:


Clerk of the Council

ES/es
8/31/92



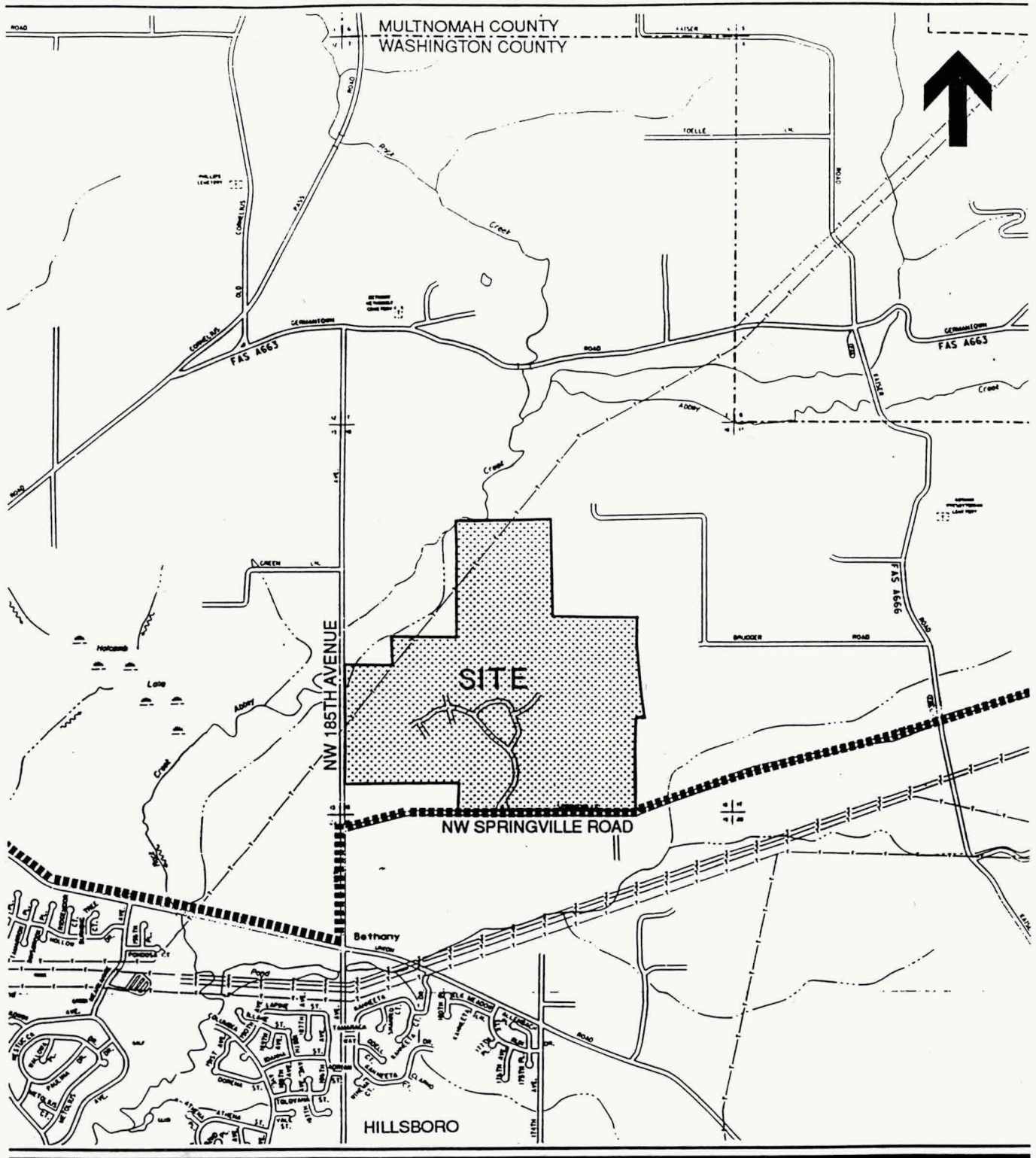
Portland Community College
Rock Creek Campus

Source: Metro Service District - 1990, Major Arterial Map. 1" = 2 miles.

EXHIBIT 1

VICINITY MAP

Portland Community College
Rock Creek Campus



Source: Metro Service District - 1988, map #18802. 1" = 2000'.

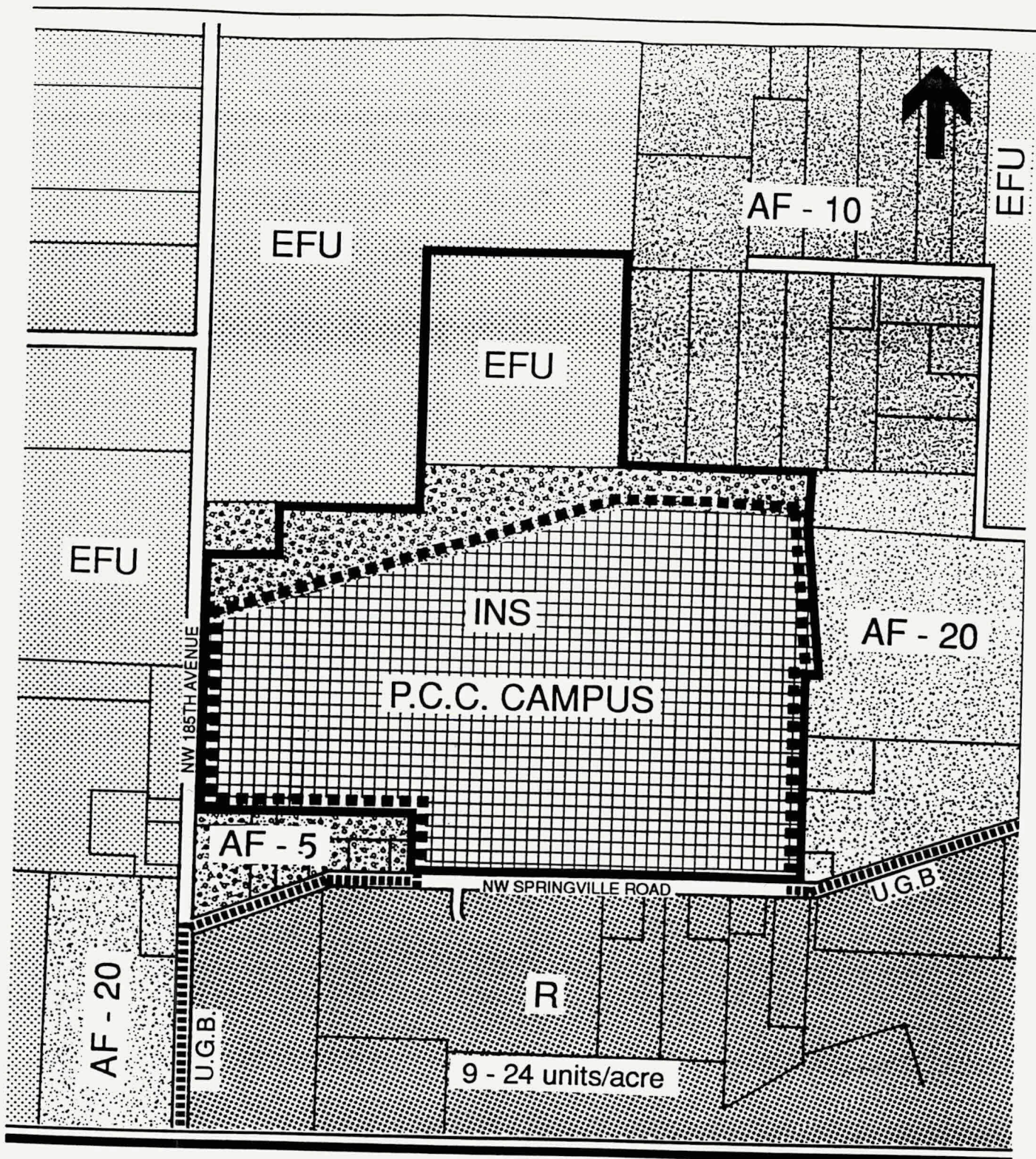
EXHIBIT 2

LOCATION MAP

LEGEND

-  Portland Community College Campus
-  Existing Urban Growth Boundary

Portland Community College
Rock Creek Campus



LEGEND




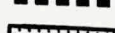



-  P. C. C. Site Boundary
-  Existing U.G.B.
-  Proposed U. G. B.
-  Exclusive Farm Use - EFU
-  Agriculture & Forest - AF - 5, - 10, - 20
-  Residential - R
-  Institutional - INS

EXHIBIT 6

PROPOSED U.G.B. AND PLAN DESIGNATIONS

Portland Community College
Rock Creek Campus

SRG Partnership, PC
architecture • planning • interiors
621 SW Morrison, Suite 200
Portland, Oregon 97205
(503) 222-1917 fax (503) 294-0272

MEMORANDUM

September 10, 1991

PROJECT: PCC Rock Creek Campus
MASTER PLAN / URBAN GROWTH BOUNDARY

PROJECT NO. 9004.02

SUBJECT: DEFINITION OF AREA TO BE AMMENDED TO UGB

To facilitate the draft petition, we have delineated a proposed UGB location, and calculated very roughly the dimensions and resulting area of the amendment. It must be made extremely clear that this is only a very rough definition, which must be made formal by a surveyor or civil engineer. The dimensions and azimuths used are derived from a 1972 survey by Walter Caswell, provided by PCC. There are some discrepancies between that survey and the county tax maps.

See the attached sheets for calculations and diagrams. The following is a rough meets and bounds description.

1. Initial Point is SE property corner of Lot 200, Section 18, T1N, R1W, Washington County, on the north line of Springville Road.
2. From I.P. proposed UGB turns (North) to $N02^{\circ}27'29''E$, for 1371.44';
3. then (East) $S88^{\circ}32'31''E$, for 64.5';
4. then (North) $S01^{\circ}33'49''E$, for 919.67';
5. then (West) $S88^{\circ}14'43''E$, for 1173.51';
5. then (Southwest) parallel with existing building E.-W. grid at $S71^{\circ}35'36''W$, for 2297'±, to a point 435.6' East of the East line of 185th avenue, approximately intersecting the south line of the power line easement;
6. then (Southwest) parallel with the south line of the power line easement at $S40^{\circ}13'29''W$, for approximately 700'± to the east line of NW 185th Avenue;
7. then (South) $S01^{\circ}25'59''W$, for 710'±, to the north line of Tax Lot 305;
8. then (East) following the North lines of Tax Lots 305, 306, 300;
9. then (South) following the East lines of Tax Lots 300, and 500 to intersect with the existing UGB at Springville Road;
10. the UGB then continues West in its existing location.

The PCC Rock Creek Campus area included within the adjusted UGB as described above is approximately 160 acres, which would then be converted by Washington County Comprehensive Plan Amendment from the rural AF-5 designation, to the urban INS (Institutional) designation. The designated EFU portion of Lot 200 is not affected.

PCC Rock Creek / Draft UGB amendment legal desc

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

In the matter of the petition of Portland Community College to amend the Urban Growth Boundary to add 160 acres north of NW Springville Road and east of NW 185th Avenue in Washington County) Contested Case No. 91-04
) HEARINGS OFFICER
) REPORT &
) RECOMMENDATION

I. Nature and Summary of the Issues

Petitioners propose to add about 160 acres (the "Subject Property") to the Urban Growth Boundary (UGB) in Washington County. The Subject Property is part of a 250-acre parcel owned by Portland Community College, the Petitioner, and is the site of the college's Rock Creek campus. The remaining 90 acres of the petitioner's parcel will remain outside of the UGB and zoned for Agriculture and Forest (AF-5) and Exclusive Farm Use (EFU).

Petitioner proposes to include the Subject Property in the UGB principally to recognize the urban nature of the community college campus and, once the petitioner applies for and receives approval of a comprehensive plan amendment and zone change from Washington County, to enable further development on the campus. Under existing plan and zone designations, Washington County land use regulations effectively prevent substantial development at the campus.

The issue in this case is whether the amendment complies with the 7 factors in Statewide Planning Goal 14 (Urbanization) for locating an urban growth boundary and other applicable Goals. The petitioner argued the amendment complies with applicable Goals.

There was considerable dispute regarding the amendment. Witnesses in support of the amendment generally stressed the importance of the college campus and its need to be able to expand at Rock Creek. Witnesses against the amendment generally stressed the availability of alternate sites in the UGB for college activities and the lack of adequate street services for the proposed expansion at the campus, among other concerns.

The Hearings Officer conducted two hearings to receive testimony regarding the petition. Based on the record, including the testimony received in this matter, the Hearings Officer concludes that the proposed UGB amendment complies with the applicable Statewide Planning Goals, and recommends that the Council approve the petition.

II. Procedures and Record

A. History, Proceedings, and Comments from Affected Jurisdictions.

1. On or about October 1, 1991, Bill McDonald, vice president for administrative services, filed a petition for a UGB amendment for tax lot 200 in Section 18, Township 1 North, Range 1 West, WM, Washington County (the "Subject Property") on behalf of the Portland Community College District. See Exhibit 8.

2. On February 5, 1992, Metro staff mailed notice of the petition to the Oregon Department of Land Conservation and Development. See Exhibit 17. On or about March 10, 1992, the Hearings Officer sent notices by certified mail to owners of land within 500 feet of the Subject Property that a hearing would be held March 30, 1992 regarding the petition. See Exhibit 21. A notice of the hearing also was published in *The Oregonian* on or before March 20.

3. On March 30, 1992, from 7:00 pm until about 10:00 p.m., the Hearings Officer held a public hearing at the Auditorium of the Washington County Public Services Building. Seventeen witnesses testified in person about the petition at that time, including Metro staff. Because the petitioner introduced new evidence at that hearing and a witness requested that the hearing be continued as a result, the Hearings Officer continued the hearing until April 27, 1992, when it reconvened at approximately 2:30 p.m. Five witnesses testified in person at that time. At the conclusion of the public hearing, the Hearings Officer closed the public record.

4. On May 28, 1992, the Hearings Officer filed with the Council this Report and Recommendation.

B. Written record. The following documents are part of the record in this matter.

<u>Exhibit No.</u>	<u>Subject matter</u>
1.	July 10, 1991 draft Rock Creek Campus Master Plan (SRG)
2.	September 13, 1991 letter from Steve Poland (SRG) to Ethan Seltzer
3.	September 16, 1991 response form from Gene Birchill (Tualatin Valley Fire & Rescue)
4.	September 17, 1991 response form from Gary Pippin (Tualatin Valley Water District)
5.	September 19, 1991 letter and response form from Russell Lawrence (USA) to Metro
6.	September 27, 1991 letter from Bonnie Hays (WashCo) to Ethan Seltzer
7.	September 27, 1991 letter and response form from Douglas Capps (Tri-Met) to Ethan Seltzer
8.	October 1, 1991 revision of Petition for UGB Amendment and PMALGBC forms 1A, 3, 5, and 6
9.	October 1, 1991 response form from John Rosenberger (WashCo DLUT)
10.	October 3, 1991 letter from Ethan Seltzer to Betty Duvall
11.	October 18, 1991 letter from Betty Duvall (PCC) to Ethan Seltzer
12.	October 18, 1991 response form from James Hager (Bvtn. School District)
13.	October 18, 1991 response form from James Tacchini (Hillsboro Union School District)
14.	October 30, 1991 letter from Ethan Seltzer to Betty Duvall
15.	December 13, 1991 letter from Betty Duvall to Ethan Seltzer
16.	February 3, 1992 letter from Mary Dorman to Ethan Seltzer
17.	February 5, 1992 notice to DLCD from Metro
18.	February 24, 1992 Metro Staff Report
19.	Metro Ordinance No. 85-189 as amended by Ordinance No. 86-204
20.	February 27, 1992 Memo from Ethan Seltzer to Larry Epstein with notice list
21.	March 3, 1992 letter from Hal Bergsma (WashCo) to Ethan Seltzer
22.	March 10, 1992 Postal Service form 3877 with list of names and address to whom notice of the hearing was sent and copy of notice
23.	March 12, 1992 letter from Mary Dorman to Larry Epstein with attached January 21, 1992 letter from Marcy Jacobs (OEDC) to Mary Dorman
24.	March 12, 1992 letter from Alan & Kyle-Jean John to Larry Epstein
25.	March 18, 1992 letter from Lindsay Peters to Larry Epstein
26.	March 19, 1992 letter from Charles Fischer to Larry Epstein
27.	March 20, 1992 letter from Mary Tobias (TVEDC) to Larry Epstein
28.	March 20, 1992 letter from Hal Bergsma to Ethan Seltzer
29.	March 23, 1992 letter from Betty Atteberry to Larry Epstein
30.	March 24, 1992 letter from Irv Nikolai to Larry Epstein

31. March 24, 1992 letter from Mark J. Greenfield to Larry Epstein
32. March 25 letter John Breiling, CPO 7 Chair, to Ethan Seltzer and Larry Epstein
33. March 26 letter from Shirley Huffman, Mayor of Hillsboro, to Larry Epstein
34. March 27 letter from Jim Hager to Larry Epstein
35. March 30, 1992 letter from Glenn Hinton to Metro UGB planners
36. March 30, 1992 letter from George and Eugenia Geannopoulos to Larry Epstein
37. March 30, 1992 letter from Susan Nolte and Lee Grunes to hearing officer
38. April 2, 1992 letter from James L. Tacchini to Larry Epstein
39. April 6, 1992 letter from Frank L. Buehler to Ethan Seltzer
40. April 7, 1992 letter from Daniel F. Moriarty to Ethan Seltzer with a copy of the Board Resolution of April 20, 1987
41. April 24, 1992 letter from Debbie Pezzotti to Larry Epstein
42. April 27, 1992 letter from Jerry Arnold to Larry Epstein; includes goals 1, 2, 6, 12-14, Alternate Site Cost Analysis, three photographs of rural settings, two aerial photos of the PCC campus and vicinity
43. Non-dated bound volume entitled "Petition for a Major Amendment to the Metro Urban Growth Boundary"
44. 8 maps from Washington County Department of Assessment and Taxation
45. 6 notices returned as undeliverable or unclaimed
46. Undated communication from Jerry Arnold
47. Undated testimony from Robert R. French
48. Diagrams of "typical road facility capacities"
49. Parties of record list

C. Responses from service providers and affected jurisdictions.

1. The Subject Property is in the Tualatin Valley Fire and Rescue District, Tualatin Valley Water District, Unified Sewerage Agency district, Tri-County Metropolitan Transportation District, Beaverton School District #48, and the Hillsboro Union High School District. Each district filed a written comment recommending approval of the petition. See Exhibits 3 through 5, 7, 12 and 13, respectively. The Beaverton School District 48 and Hillsboro Union High School District superintendents also filed letters in support of the petition. See Exhibits 35 and 39.

2. The Subject Property is in unincorporated Washington County. The County Commissioners adopted a Board Order stating no comment regarding the petition. The Department of Land Use and Transportation also filed a written response of no comment regarding the petition. See Exhibits 6 and 9, respectively.

3. The Subject Property is north of the City of Hillsboro. The Mayor filed a written recommendation in favor of the petition. See Exhibit 34. The Subject Property is north of Washington County School District 15. The district superintendent submitted a written recommendation in favor of the petition. See Exhibit 30.

III. Basic Findings About the Subject Property and the Surrounding Area

A. Location. The Subject Property is situated east of and adjoining NW 185th Avenue and north of and adjoining NW Springville Road. See Figures 4 and 7 in Exhibit 44.

B. Legal description. The Subject Property is a portion of tax lot 200 in Section 18, Township 1 North, Range 1 West, WM, Washington County.

C. Size and shape. The Subject Property is an irregularly-shaped area that contains about 160 acres, based on Exhibit 8.

D. Existing and proposed uses.

1. The Subject Property is the site of the Rock Creek campus of Portland Community College. Construction of the campus began in 1974.

a. Existing campus buildings are clustered in the center of the Subject Property. About 101 acres of the Subject Property area developed with buildings (7 acres), parking and landscaping (24 acres), and agriculture/landscape/carpentry program facilities (70 acres). The remainder of the Subject Property is forest and pasture land surrounding the buildings and other campus facilities. See page 15 and Figure 4 in Exhibit 44.

b. There are about 390,000 square feet of buildings and site improvements including pedestrian walkways, plazas and landscaping and 1155 parking spaces with associated internal circulation roads and maneuvering space. A total of 4532 full- or part-time students were enrolled at the Rock Creek campus during fall, 1991. On-campus faculty staff is estimated at 307. There are about 2000 to 2400 Full Time Equivalent (FTE) students averaged over the year.

c. The campus offers a mix of programs. That mix has changed somewhat since inception of the campus with decreasing interest in traditional agricultural programs. Lower division collegiate programs are the fastest growing segment of the campus curriculum. These programs prepare the undergraduate student for transfer to a more traditional 4-year college or university. Professional-technical programs include construction technology, aviation technology, business technology, veterinary technology, diesel technology, welding and landscape technology. Development and community education programs include a wide variety of subject matter, including English as a second language, adult basic education, and general equivalency diploma programs. The student body is distributed among these programs as follows:

Lower division collegiate programs	53%
Professional-technical programs	41%
Development/community education programs	6%

d. Since 1986/87, the student population has grown 3.1% per year (FTE). From 1986 to 1990, the student population (head count) grew 12.3%. See page 11 of Exhibit 44. Based on testimony by PCC Board member Marsha Atkinson and Executive Dean Duvall, student enrollment has grown 20 to 23% in the past year, and growth has averaged 7% in the last 3 to 4 years.

e. The replacement cost for the existing building at the campus is estimated to be about \$45 million in 1991 dollars. The replacement cost for the existing physical plant, including land and infrastructure costs, is estimated to be about \$60 million in 1991 dollars. See page 1 of Exhibit 8 and pages 1 through 4 and 22 through 24 of Exhibit 44.

f. The campus also contains offices for the Educational Service District and the Washington County Historical Society Museum.

2. If the UGB amendment is approved, the petitioner intends to apply to the Portland Metropolitan Area Local Government Boundary Commission to annex the Subject

Property to the Metropolitan Service District and to apply to Washington County for an Institutional Comprehensive Plan designation and zone.

3. If the plan amendment and zone change are approved, the petitioner plans to apply to Washington County for approval of a staged development program through the year 2010 consistent with the July, 1991 master plan for the campus.

a. The campus master plan assumes 100% growth in FTE enrollment and 80% enlargement in building area. The gross area of existing and proposed campus buildings will be about 610,000 square feet after completion of the master plan. See Exhibit 1.

b. The petitioner also plans to improve a new access point from the campus to NW 185th Avenue during implementation of the master plan.

4. The portion of the petitioner's property not planned for inclusion in the UGB will remain predominantly in open space and timber use. A Bonneville Power Administration powerline corridor crosses the portion of the site that will remain outside the UGB.

E. Comprehensive plan designations, zoning, and existing surrounding land uses.

1. Washington County approved a conditional use permit for the Rock Creek campus in 1974. However, since that time, the UGB was created and significant zone changes occurred. The Subject Property is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. Land owned by the college immediately north of the Subject Property also is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. Land owned by the college further north is designated and zoned Exclusive Farm Use (EFU). The campus and surrounding non-EFU-zoned land was approved as an exception to Statewide Planning Goal 3 (Agriculture), because it was already committed to non-resource use and served with public water and sewer (Exception Area #034). A community college is not listed as a permitted use in the AF-5 zone. The campus is recognized as a legal non-conforming use by the County. See Exhibits 21, 26 and 28.

2. Land north and west of the Subject Property is designated and zoned Exclusive Farm Use (EFU). Land to the northeast and east is outside the UGB and is designated Agriculture-Forest and is zoned AF-20 and AF-10, respectively. Land to the south across Springville Road is inside the UGB and is designated for medium to high density residential development and is zoned Residential (9 to 24 units per acre). Land to the southwest on the north side of Springville Road is outside the UGB and is designated Agriculture-Forest and zoned AF-5. Land southwest of the site across 185th Avenue is outside the UGB and is designated Agriculture-Forest and zoned AF-20.

3. Land north, east and west of the Subject Property is used principally for agriculture, animal husbandry, woodland, and open space. There is a small area of rural residential development in the northeast quadrant of the intersection of NW 185th Avenue and Springville Road. Land south of Springville Road east of 185th Avenue is rapidly urbanizing. Substantial single family housing developments have been built in that area. The County hearings officer recently approved a request for a dormitory in that area. Substantial additional residential development is planned or permitted by existing zoning. A new high school has been approved south of the new residential area east of 185th Avenue. Extensive low and medium density residential development has occurred between West Union Road and Highway 26.

F. Public facilities and services.

1. Water for the Subject Property is provided by the Tualatin Valley Water District. There is a 14-inch diameter main which forms a loop around major buildings on the campus and connects to a 16-inch diameter main in Springville Road. According to the campus master plan, this main is adequate to serve the campus through 2010. No pumping is required to serve the campus. To improve water service in the Bethany area, the Water District plans to extend a 25-inch diameter water main in Springville Road to connect with a main in Kaiser Road to loop and intertie the existing network of water lines, with construction scheduled to begin within two years. The source of water for the Water District is the Bull Run system. The District has long-term contracts to buy water from the City of Portland. See page 19 of Exhibit 1 and page 27 of Exhibit 43.

2. The Unified Sewerage Agency (USA) provides sanitary sewer service to the Subject Property pursuant to a contract with petitioner. A 12-inch diameter sewer line extends south of the campus across Springville Road and southwest to the Bronson Creek trunk line near 185th Avenue and West Union Road. If the petition is granted, the petitioner would annex the Subject Property to the USA. The existing sewer infrastructure can continue to serve the campus if the site is developed consistent with the Master Plan. See page 19 of Exhibit 1 and page 28 of Exhibit 43.

3. Storm water from impervious areas of the Subject Property are collected and discharged on-site. Additional development on the site would be subject to USA requirements for storm water collection, detention, and enhancement. Given the permeable area of the site and the wetlands north of the site, ample room exists to accommodate storm water from design storm events. See page 19 of Exhibit 1 and page 28 of Exhibit 43.

4. The Subject Property is served by the Tualatin Valley Fire and Rescue District. The closest district facility is about one mile south of the site at the intersection of Highway 26 and 185th Avenue. Automatic fire protection systems are installed throughout buildings on the site and fire hydrants are located within 300 feet of buildings. The existing water supply is adequate to serve fire protection needs. See pages 28 and 29 of Exhibit 43.

5. The Washington County Sheriff provides police services to the Property. The petitioner supplements police services with on-site campus security staff. See page 29 of Exhibit 43.

6. Electrical, gas, telephone, cable, and solid waste services are provided to the site as noted on page 29 of Exhibit 43.

7. Roads and transit access. See generally pages 30-31 of Exhibit 1, Exhibit 21, and pages 21 and 26-27 of Exhibit 43.

a. The site adjoins and has direct vehicular access to NW Springville Road, a major collector street with a 2-lane paved section between gravel shoulders and drainage ditches. There is turn lane at the campus entry. There are not curbs, sidewalks, or bicycle lanes along this street.

(1) NW Springville Road now carries about 6000 average daily trips (ADT) east of 185th Avenue. County guidelines for a major collector recommend traffic volume of 1500 to 10,000 ADT.

b. The campus also adjoins NW 185th Avenue, which is a rural minor arterial street with a 2-lane paved section between gravel shoulders and drainage ditches north of Springville Road.

(1) The campus does not have direct vehicular access to this street at this time, except apparently for minor traffic associated with the farm activities in the dwelling at the west end of the campus. The college proposes to provide direct vehicular access to that street in the future; the location and nature of that access has not been determined and would be subject to access permit requirements of Washington County.

(2) NW 185th Avenue now carries about 3000 ADT north of Springville Road. County guidelines for a minor arterial recommend traffic volume of less than 10,000 ADT. A 90-foot right of way is required, whether the road is urban or rural. There are not curbs, sidewalks, or bicycle lanes along this street. Based on the County Transportation Plan, NW 185th Avenue north of Springville Road would not ultimately include a bicycle lane, sidewalk or curb. However, if the County grants access to the road for the college, the County may require the college to improve the road between the access point and Springville Road with such features (as well as requiring other improvements).

(3) NW 185th Avenue is programmed to be widened to 5 lanes between West Union Road and Highway 26. There is sufficient right of way to widen this segment of the road to 5 lanes. Funding has been dedicated to widen the road to 3 lanes from Highway 26 to Tammarack Lane, about 300 feet south of West Union Road. NW 185th Avenue is programmed to be widened to three lanes between West Union Road and Springville Road. Although funding for this widening is not allocated, it is expected to be provided by the County Traffic Impact Fee (TIF) program.

c. The intersection of Springville Road and 185th Avenue is controlled by stop signs that apply to north- and southbound traffic on 185th Avenue. Traffic turning east from 185th Avenue to Springville Road and traffic turning south from Springville Road to 185th Avenue is not required to stop. Traffic Engineer Bruce Haldors, on behalf of the petitioner, testified that signalization of the intersection will be needed by the time the campus build-out is complete. A traffic signal at the intersection of NW 185th Avenue and West Union Road is planned and eligible for TIF funding, based on testimony from Traffic Engineer Dan Seeman.

d. About 90 percent of campus-related traffic comes from the south on NW 185th Avenue to Springville Road. Only about 3 percent of students use Tri-Met bus service. The remaining 97 percent arrive by private automobile. Of that number 81 percent of the students drive to campus, 14 percent share rides as passengers, and 2 percent are dropped off by others who do not remain on campus. Most students are on campus only for a portion of the day. Peak traffic volumes occur between 9 am and 12 pm and between 7 pm and 10 pm, based on Exhibit 1. Traffic Engineer Bruce Haldors testified that peak traffic associated with the campus occurs between the hours of 2 to 3 pm and 9 to 10 pm.

e. The Subject Property is not within one-quarter mile of a transit corridor designated by Metro. Tri-Met bus route 52 serves the campus on half-hour intervals from 6:25 am until 10:33 pm. When the Westside light rail project is completed, bus route 52 will connect to the 185th Avenue LRT center and will serve the campus with a bus every 15 minutes.

f. Based on testimony by Bruce Haldors for the petitioner, the following trip generation and average daily traffic does and will occur.

Year 1992	All traffic		College traffic	
	Peak hr. ¹	ADT ¹	Peak hr. ¹	ADT ¹
Springville Road	700-800	7000-8000	500-600	5000-6000
185th Avenue ²	200-300	2000-3000	< 20	<200
<hr/>				
Year 2010				
Springville Road	800-900	8000-9000	560-750	5600-7500
185th Avenue ^{2,3}	500-600	5000-6000	350-480	3500-4800
<hr/>				
¹ Trips per hour or per day in both directions ² North of Springville Road ³ Assuming Washington County allows direct access to 185th Avenue				

G. Soil, slope and natural features.

1. The portion of the campus to be included in the UGB is situated at an elevation of about 250 feet above mean sea level and slopes gently to the southeast and northwest. Soils on the Subject Property are predominantly Helvetia and Cascade silt loams with slopes of less than 7 percent, based on the SCS Soil Survey for Washington County. See page 25 of Exhibit 43.

2. North of this area, the campus elevation drops about 70 feet to the Rock Creek floodplain and wetland. The lowland area north of the Subject Property contains Verbort and Huberly soils, which are poorly drained and hydric consistent with their wetland characteristics. The lowlands will remain outside the UGB. The proposed UGB boundary follows the change in topography. See page 25 of Exhibit 43.

3. The area around most buildings, drives and roads has been landscaped with a variety of deciduous and conifer shrubs and trees. Beyond these areas are expanses of pasture, which are grazed by sheep and cattle herds that are maintained as part of the veterinary technology program. There also is a field of clover on the east part of the uplands portion of the campus that is farmed by a private individual under contract with the college. North of the campus buildings is a 90-acre natural area. On the uplands portion of this area are second growth conifer trees that are used as part of the environmental education program. Further north are the wetlands on the lowland portion of the site. See pages 25-26 of Exhibit 43.

IV. Applicable Approval Criteria for Major Amendment

A. Regional Urban Growth Boundary Amendments by Metro.

1. The UGB is intended to accommodate urban growth through the year 2000. A change to the UGB involving more than 50 acres is called a Major Adjustment. Metro Ordinance No. 85-189, as amended by Ordinance No. 86-204, addresses various procedural matters regarding a Major Adjustment but, instead of creating new substantive criteria for such an amendment, specifies that a Major Amendment must comply with the Statewide Planning Goals adopted by the Oregon Land Conservation and Development Commission.

B. Statewide Planning Goals. The Statewide Planning Goals relevant to the proposed Major Amendment are limited to the following:

1. Statewide Planning Goal 1 (Citizen Involvement).

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

2. Statewide Planning Goal 2 (Land Use Planning), Part II.

When, during the application of the statewide goals to plans, it appears that it is not possible to apply the appropriate goal to specific properties or situations, then each proposed exception to a goal shall be set forth during the plan preparation phases and also specifically noted on the notices of public hearing. The notices of hearing shall summarize the issues in an understandable and meaningful manner.

If the exception to the goal is adopted, then the compelling reasons and facts for that conclusion shall be completely set forth in the plan and shall include: (a) why these and other uses should be provided for; (b) what alternative locations within the area could be used for the proposed uses; (c) what the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use; and (d) a finding that the proposed uses will be compatible with other adjacent uses.

OAR 660-04-010 provides that compelling reasons for the exception can be provided by complying with the seven factors in Goal 14.

3. Statewide Planning Goal 3 (Agricultural Lands).

Goal: To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space. These lands shall be inventoried and preserved by adopting exclusive farm use zones pursuant to ORS Chapter 215. Such minimum lot sizes as are utilized for any farm use zones shall be appropriate for the continuation of the existing commercial agricultural enterprise with the area. Conversion of rural agricultural land to urbanizable land shall be based upon consideration of the following factors: (1) environmental, energy, social and economic consequences; (2) demonstrated need consistent with LCDC goals; (3) unavailability of an alternative suitable location for the requested use; (4) compatibility of the proposed use with related agricultural land; and (5) retention of Class I, II, III and IV soils in farm use. A governing body proposing to convert rural agricultural land to urbanizable land shall follow the procedures set forth in the Land Use Planning goal (Goal 2) for goal exceptions.

4. Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources).

Goal: To conserve open space and protect natural and scenic resources.

Programs shall be provided that will: (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, (3) promote healthy and visually attractive environments in harmony with the natural landscape character.

The goal goes on to list the resources that must be inventoried and considered in the preparation of plans and programs and describes how conflicts among resources and uses must be addressed.

5. Statewide Planning Goal 6 (Air, Water and Land Resources Quality).

Goal: To maintain and improve the quality of the air, water and land resources of the state.

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards...

6. Statewide Planning Goal 9 (Economy of the State).

Goal: To diversify and improve the economy of the state.

Both state and federal economic plans and policies shall be coordinated by the state with local and regional needs. Plans and policies shall contribute to a stable and healthy economy in all regions of the state...

7. Statewide Planning Goal 11 (Public Facilities and Services).

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

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served...

8. Statewide Planning Goal 12 (Transportation).

Goal: To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation ..., (2) be based upon an inventory of local, regional and state transportation needs, (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes, (4) avoid principal reliance upon any one mode of transportation, (5) minimize adverse social, economic and environmental impacts and costs, (6) conserve energy, (7) meet the needs of the transportation disadvantaged ..., (8) facilitate the flow of goods and services so as to strengthen the local and regional economy, and (9) conform with local and regional comprehensive land use plans...

9. Statewide Planning Goal 13 (Energy Conservation).

Goal: To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

10. Statewide Planning Goal 14 (Urbanization).

Goal: To provide for an orderly and efficient transition from rural to urban land use.

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based on the following factors.

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
2. Need for housing, employment opportunities, and livability;
3. Orderly and economic provision for public facilities and services;
4. Maximum efficiency of land uses within and on the fringe of the existing urban area;
5. Environmental, energy, economic and social consequences;
6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
7. Compatibility of the proposed urban uses with nearby agricultural activities.

The results of the above considerations shall be included in the comprehensive plan. In the case of a change of boundary, a governing body proposing such change in the boundary separating urbanizable land from rural land, shall follow the procedures and requirements as set forth in the Land Use Planning Goal (Goal 2) for goal exceptions...

V. Summary of Arguments

A. Arguments in support of the petition. The petitioner presents the arguments in support of the petition principally at pages 30 - 62 of Exhibit 43 and in oral testimony at the hearings in this matter. Because the hearings officer recommends approval of the petition for many of the reasons advanced by the petitioner, those arguments are not summarized here. They are reflected in section VI of this recommendation.

B. Arguments against the petition. Arguments against the petition are included principally in Exhibits 24, 35 through 37, 39, 42 and 46 and in testimony offered by the authors of those exhibits and others residents of the vicinity. In summary, they offer the following arguments:

1. Roads are inadequate to serve the campus, particularly 185th Avenue. Allowing the UGB amendment will lead to expansion of the campus and its traffic impact on those roads.

2. It is inefficient to expand a campus location on the edge of the urban area, and results in higher travel costs, less mass transit accessibility and energy conservation, and, consequently, worse air quality impacts.

3. There is not a need to enlarge the UGB. PCC could establish a new satellite campus or otherwise increase the programs offered at other locations more centrally located to the urban area, particularly in locations along the Westside Light Rail corridor. The campus is not an urban use. Therefore, the petitioner should be required to show that a need exists to enlarge the UGB.

4. Enlarging the UGB in this case will lead to speculation in real estate in the non-urban area and adversely affect the stability of the agricultural area to the north and west.

5. There was a lack of citizen involvement in the development of the master plan for the campus. Therefore, it should not be relied on. There is no assurance the master plan can be implemented given access constraints and constraints on funding due to ballot measure 5.

6. Granting the petition will leave a wedge of land outside the UGB in the northeast quadrant of the intersection of 185th Avenue and Springville Road. Those properties will be adversely affected by more intense development of the campus, particularly the proposed access to 185th Avenue.

7. The campus originally had an agricultural emphasis and warranted a non-urban location. That emphasis is changing to a more urban/liberal education one. Therefore, there is no need for the campus to be situated at the edge of the urban area.

8. There is a lack of adequate drainage services to accommodate increased development that would follow from the UGB amendment.

VI. Findings Applying Approval Criteria to the Facts of the Case

A. Compliance with Goal 1. The proposed amendment complies with Goal 1, based on finding II.A, because:

1. The hearings officer mailed written notice of the March 30 hearing regarding the petition to owners of property within 500 feet of the Subject Property by certified mail, return receipt requested. Metro mailed notice of the hearing to the Oregon Department of Land Conservation and Development and published notice of the hearing in a newspaper with circulation in the area in question. See Exhibits 17, 20, and 22.

2. The petitioner solicited comments from affected jurisdictions. See finding II.C and exhibits cited therein.

3. Members of the general public and organizations representing public interests participated in the public hearings regarding the petition orally and in writing. See generally Exhibits 12, 13, 23 through 30, 32 through 42, 46, 47 and 49 and audio tapes of the hearings in this matter.

4. Whether the PCC Rock Creek master plan (Exhibit 1) was subject to public involvement is not relevant to the UGB decision. Goal 1 requires the land use decision under review, (i.e., the UGB amendment petition), to be subject to public involvement; not the exhibits cited in that land use decision. Moreover, the record reflects that PCC did meet with Citizen Planning Organizations #7 and #8 to review the plan. See Exhibit 32, page 50 of Exhibit 43 and testimony by Betty Duvall at the hearing on March 30. Although the plan could have been developed after a more substantial public involvement process, that does not warrant denying the petition. Additional public involvement opportunities will arise before any of the development envisioned in the master plan can be initiated, based on Chapter 205 of the Washington County Code.

B. Compliance with Goal 2, Part II. The petition complies with Goal 2, Part II (Exceptions), because:

1. The Subject Property is physically developed to the extent that it is no longer available for uses allowed by Goal 3, based on finding III.D.

2. The UGB should be amended to include the Subject Property, because the Rock Creek campus represents a substantial public investment and provides an important public education service which should be allowed to be continued as a permitted use, rather than as a nonconforming use.

a. If the UGB is not amended to include the Subject Property, then the campus will continue to be a nonconforming use. Based on Exhibits 28 and 31 and testimony by Mr. Greenfield at the March 30 hearing, that means that the facilities on the campus cannot be expanded significantly.

b. Increased educational services would have to be provided elsewhere, resulting in an inefficient duplication of educational facilities. Providing adequate educational services is critical to the social and economic well-being of the region. Those services cannot be provided to the same extent if more sites have to be developed to deliver those services than are needed for that purpose or if a critical mass of facilities is needed to deliver those facilities at one location. The petitioner demonstrated there is a need to develop such a critical mass at the Subject Property, because of the existing development at the campus and because of the opportunities such a setting provides for cross-disciplinary

interaction and for most efficient use of support services such as libraries, computers, counseling and administration. At a college campus serving such a diverse population as Rock Creek, the sum of the campus is greater than its parts. The parts cannot be broken apart into various satellite locations and venues without detracting from the merits of the institution as a whole. See Exhibit 40 and pages 40 through 42 and 45 through 49 of Exhibit 43 and testimony of Marsha Atkinson, Betty Duvall, Mary Dorman, and Daniel Moriarty at the hearing of March 30.

c. If the UGB is amended to include the Subject Property, then Washington County can amend the comprehensive land use plan to apply an Institutional designation to the property and can evaluate proposed expansion of the campus facilities and, if approved, impose appropriate conditions of approval addressing traffic, drainage, land use compatibility and other issues related to such an expansion. See Volumes IV through VI of the Washington County Community Development Plan.

3. The Subject Property is irrevocably committed to an urban use, based on the statewide planning goal exception adopted by Washington County for Exception Area #034, incorporated herein by reference, and the following:

a. The use is urban, because it is a key facility for community governmental services, i.e. for educational services, under Goal 11 (Public Facilities and Services); the site is intensely developed with substantial structures, parking, utilities, landscaping, and ancillary facilities not in keeping with a rural use; similar uses are situated entirely in the urban area; the use generates significant traffic volumes; and the use serves a population that resides predominantly in the urban area. See, *Shaffer v. Jackson County*, 17 Or LUBA 922 (1989). Although programs at the campus originally emphasized agricultural sciences, the campus also provided a wide range of other programs and serves a predominantly urban population. The change in emphasis at the campus from agricultural to other disciplines has increased the relationship of campus programs to the urban population.

b. Although not all of the site is covered with urban structures and related features, the Subject Property is configured to provide a rational and logical extension of the UGB. The inclusion of the Subject Property complies with the locational factors in Goal 14, based on the findings regarding that goal. See also, *City of Salem v. Families for Responsible Government*, 64 Or App 238, 668 P2d 395 (1983) and *Halvorson v. Lincoln County*, 82 Or App 302 (1986).

4. Because the Subject Property is irrevocably committed to an urban use, the petition is not required to comply with the four factors in OAR 660-040-020(2), based on OAR 660-14-030(1).

C. Compliance with Goal 3 (Agriculture). The petition is consistent with Goal 3, because the Subject Property is part of an Exception Area to Goal 3. Therefore, it is not subject to the Goal. That portion of the PCC ownership outside of the Exception Area is not proposed to be included in the UGB; it will remain designated and zoned for Exclusive Farm Use. The substantial change in topography between the Subject Property and the EFU area (see finding III.G) and the open space and woodland between the developed portion of the campus and the lowland area (see Figure 7 of Exhibit 43) buffer and protect the farmland from encroachment, significant adverse effects, significant increases in costs of production, or other conflicts with the urban use on the Subject Property.

D. Compliance with Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). The petition is consistent with Goal 5, because:

1. The Subject Property does not contain significant open spaces, scenic or historic areas or natural resources identified in the County Comprehensive Plan.

2. The lowland portion of the land owned by the college is identified as a significant natural resource by the County Comprehensive Plan. That land will remain outside the UGB and will continue to be used for agriculture and related educational purposes that preserve its open space character and protect the natural resources thereon.

E. Compliance with Goal 6 (Air, Water and Land Resources Quality). The petition complies with Goal 6, because:

1. Development of the Subject Property is subject to the use and development standards in Washington County Code, applicable solid waste regulations of the Metropolitan Service District, applicable storm water regulations of the Unified Sewerage Agency, and applicable air and water quality regulations of the Oregon Department of Environmental Quality and US Environmental Protection Agency. By complying with these regulations, the use of the site maintains and protects air, water and land resource quality.

2. Regional air quality problems result principally from automobile emissions. To the extent expansion of development at the Subject Property will increase those emissions, the petition does not improve air quality. However, development of any new uses anywhere in the regional airshed will increase automobile emissions. Maintaining and improving air quality depends not so much on the impacts of any one use as on the impacts of automobile use in the region as a whole. That is why the new administrative rule for Goal 12 requires a transportation demand management element in local and regional transportation plans rather than focusing on specific uses. The availability of the Westside Light Rail and implementation of programs to enhance mass transit service to the campus can minimize the air quality impacts of additional development on the Subject Property. Washington County, in conjunction with the petitioner, Tri-Met and other institutions in the area, can require and facilitate traffic demand management and mass transit measures to reduce air quality impacts from traffic associated with the campus. Requiring establishment of additional campuses will not reduce air quality impacts more and is likely to increase automobile trips between campuses and satellite facilities, producing no substantially different net effect than allowing expansion of the Rock Creek campus.

F. Compliance with Goal 9 (Economy of the State). The petition complies with Goal 9, because it enables use of the existing substantial development on the Subject Property for permitted uses rather than nonconforming uses. By continuing to treat the existing facilities as nonconforming uses, applicable land use designations and regulations unreasonably constrain the ability to modify the campus and, thereby, to fulfill the purposes of the college and serve the educational needs of the district's population. If the petition is denied, then, to serve those same purposes, the college would have to develop additional campuses, spend funds for facilities that duplicate what already is available at the Subject Property, and reduce funds available for teachers and other direct services. See Exhibit 28. This wastes valuable economic resources of the State and detracts from a stable and healthy economy. If the petition is granted and urban plan designations and zones are applied to the Subject Property, the campus can continue to be used and modified to keep pace with the need for educational services, increasing employment and improving the local economy.

G. Compliance with Goal 11 (Public Facilities and Services). The petition complies with Goal 11, because:

1. The Subject Property is served by public sanitary sewer, public water, public mass transit, storm water drainage, and electricity, natural gas, telephone and cable. These facilities enter the campus from Springville Road to the south and do not cross designated agricultural or natural resource lands to reach the campus. Therefore, they do not promote urban development of non-urban land. See finding III.F and exhibits cited therein.

2. The Subject Property is developed with an urban use, for the reasons noted in response to Goal 2. It is timely to recognize that situation by including the Subject Property in the UGB. It is orderly and efficient to allow the public facilities that serve the site to be used more intensely, and consequently more efficiently, by allowing the campus to be more intensely developed. As noted above regarding Goal 2, the only way to allow for more intense development of the campus, given Washington County regulations, is to include the campus in the UGB, so that urban designations can be applied to the site, subject to appropriate review procedures and conditions.

3. Including the Subject Property in the UGB will not lead to an untimely or disorderly arrangement of public facilities contrary to the existing land use framework for the area, because of different physical conditions that exist east, north and west of the Subject Property and the limitations of the public facilities that serve the site. Including the Subject Property in the UGB may make it more likely that the wedge of property in the northeast quadrant of the intersection of Springville Road and 185th Avenue will be included in the UGB in the future. However, if those properties can be served by existing public facilities in Springville Road, and their inclusion otherwise complies with standards for a locational adjustment, then such a UGB amendment does not result in untimely or disorderly development, given that wedge could be served by existing public facilities and is surrounded on three sides by land inside the UGB.

H. Compliance with Goal 12 (Transportation). The petition complies with Goal 12, because:

1. The site has access to a major collector road that can accommodate traffic volumes and peaks generated by the college campus at existing and proposed intensities. Access to an adjoining minor arterial also may be provided to the campus, subject to Washington County review and approval. The intersection of those roads appears to warrant additional improvements whether or not new access is provided to NW 185th Avenue. If the County finds that those roads and their intersection are improved to the extent warranted for access to the site and expansion of the use on the site, or the County imposes conditions to ensure that such improvements are made in a timely manner, then allowing the UGB amendment facilitates provision of a safe, convenient and economic transportation system.

2. The Hearings Officer accepts the arguments of opponents to the petition that NW 185th Avenue is not improved sufficient to accommodate expansion of the campus. The UGB amendment, if granted, does not dictate expansion of the campus and does not limit Washington County from requiring the petitioner to improve roads affected by development at the campus. The issue for purposes of the UGB amendment is not whether existing road conditions are adequate to provide a safe, convenient and economic transportation system; rather, the issue is whether that system can be provided. Volumes IV through VI of the Washington County Community Development Plan ensure traffic impacts of proposed development at the campus will be considered and appropriate improvements will be required before expansion of the campus will be permitted. That

ensures an adequate transportation system can be provided. It is the responsibility of the County to ensure that such a system is in fact provided. Metro does not have the authority to do so directly in the context of a UGB amendment proceeding.

3. Improvement of NW 185th Avenue and Springville Road can be made consistent with the Goal 12 rule even on the portions of 185th Avenue and Springville Road that remain outside the UGB. See pages 3 and 4 of Exhibit 31.

I. Compliance with Goal 13 (Energy Conservation). The petition complies with Goal 13, because it maximizes the use of the existing facilities on the site and facilitates energy economies of scale by promoting the most efficient and effective use of existing and potential future facilities at the campus without requiring wasteful duplication of facilities. Allowing expansion of the campus facilities makes it more likely that mass transit services can be provided more effectively to the site by increasing the pool of potential mass transit users and making campus-specific mass transit services more economical.

1. The Hearings Officer appreciates the arguments presented by opponents that allowing expansion of the campus, rather than denying the petition and implicitly requiring location of additional satellite campuses closer to the Westside Light Rail, may increase the number of vehicle miles that will be traveled by students. See Exhibits 35, 42 and 46.

2. However, the Hearings Officer is not convinced that it is more energy efficient to deny the petition for that reason alone. After all, if satellite campuses are established to substitute for proposed expansion at the Rock Creek campus, additional miles also will have to be traveled by students, faculty and staff to move between or among campuses. Moreover, even if a new campus is established in the light rail corridor, it does not ensure significantly more students will use that transit. Use of mass transit, even light rail, depends on the timeliness and convenience of connections. Given class schedules, mass transit may remain largely inconvenient and untimely, even with a more central campus location. The Hearings Officer believes that more effective use of mass transit can be achieved by allowing the college to develop a more intense Rock Creek campus, because that will allow the college to develop timely and convenient ties to the mass transit system tailored to the needs of its students, rather than the other way around.

J. Compliance with Goal 14 (Urbanization). The petition complies with the seven factors for a change in the regional urban growth boundary, based on the following findings.

1. There is a demonstrated need to include the Subject Property in the UGB to accommodate urban population growth requirements consistent with LCDG Goals, and to enhance housing, employment opportunities and liveability, (Factors 1 and 2), because Portland Community College (PCC) is the only provider of community college services in Washington County, and the Rock Creek campus is the only major PCC facility in the County. Educational services provided by the college are an important prerequisite to enhancing employment opportunities and liveability of the population of the region in general and Washington County in particular, given the significant reliance placed on an educated workforce by major employers in the County and the County's high population growth rate. College facilities must expand to accommodate increased demand for educational services in the County and to respond to changes in the nature of demand for such services. PCC cannot significantly expand or modify the Rock Creek campus unless the campus is included in the UGB. See finding VI.B.2. Therefore, the amendment is necessary to serve the educational needs of the growing urban population and to enhance employment opportunities and liveability served by such education. See Exhibits 6, 23, 27, 29, 30, 33, 34, 38, 41 and 47 and pages 32 through 36 of Exhibit 43.

2. Even if the preceding does not substantiate a need for the Subject Property to be included in the UGB, such a showing is not necessary, because the site already is committed to urban use. See OAR 660-14-030(5) and finding VI.B.3 and citations therein.

3. Including the Subject Property in the UGB facilitates the orderly and economic provision of educational services and water, sewer, drainage and transportation services necessary to support the campus and its expansion. See pages 36 and 37 of Exhibit 43.

a. The campus already is served by public water and sewer systems and energy and communications facilities. Those systems and facilities can accommodate existing and increased intensity of development on the Subject Property without expansion. See findings II.C.1 and III.F. Increased use of those facilities enhances their efficiency by increasing system revenue without increasing system costs or infrastructure requirements.

b. The campus already is served by roads. Although those roads appear to warrant improvement to accommodate development in the area generally and to accommodate expansion of the campus facilities specifically, procedures and standards exist to require such improvements, funds are being collected by the County to pay for those improvements, those improvements are programmed or planned, and those improvements can be required to be made in a timely manner. See finding VI.H.

4. Including the Subject Property in the UGB promotes the maximum efficiency of land uses within and on the fringe of the existing urban area, because urban housing development that extends to the edge of the Subject Property now and in the near future, a nearby high school, and existing firms and institutions in the vicinity will be served more effectively and efficiently by educational services on the Subject Property if the campus is allowed to evolve to meet the demand of the populations that live, learn and work in the area. It does not promote the efficiency of the educational system to require duplication of facilities and services where such duplication is not necessary to achieve the purposes of that system. In this case, such duplication is not necessary to achieve the purposes of the system, based on Exhibit 40. See also pages 39 and 40 of Exhibit 43. It also does not enhance the efficiency of land uses within the urban area to require institutional use of land designated for industrial, office or commercial purposes; it simply displaces or preempts potential industrial, office or commercial uses, contrary to the goal of maximizing use of lands so designated for the purposes for which they were intended.

5. The environmental, energy, economic and social consequences of including the Subject Property in the UGB have been considered in this recommendation. Adverse environmental effects are not reasonably likely to occur, because the Subject Property does not include lands subject to significant hazards, and because future development is subject to regulations noted in finding VI.E.1. Adverse energy effects will not occur for the reasons noted in finding VI.I. Adverse economic effects will not occur, because the campus will continue to be able to serve the demand for educational services without unnecessarily duplicating facilities without consummate economic benefits. See finding VI.F. Adverse social consequences will not occur, because the campus incorporates buffers and mitigation measures to protect the liveability of residents of adjoining properties, and because those residents have a right to participate in review of future development plans through the Washington County land use process. Beneficial environmental, energy, economic and social effects of including the Subject Property in the UGB are described above and at pages 40 through 42 of Exhibit 43.

6. Including the Subject Property in the UGB will not affect retention of agricultural land designated for that purpose, because the site is in an area for which an exception to Goal 3 was adopted and approved, and because the site already is substantially

developed with and is irrevocably committed to urban uses. Also, the petition includes only that portion of the contiguous PCC-owned land necessary for the existing facilities and other land that is unsuited for agricultural use due to steep slopes and its relation to the existing facilities. By minimizing the conversion of agricultural land to urban land, the petition is consistent with this factor.

7. Including the Subject Property in the UGB will be compatible with nearby agricultural activities, because the urban uses on the site are buffered from those uses by distance, topography and roads, and because the campus has not conflicted with agricultural activities in the vicinity during the 15-year history of the campus.


VII. Conclusions and Recommendation

A. Conclusion. The proposed UGB amendment complies with Metro Code Chapter 3.10, Metro Ordinance No. 85-189, and Metro Ordinance No. 86-204, because it complies with the applicable Statewide Planning Goals or Exceptions thereto.

B. Recommendation. For the foregoing reasons, the Hearings Officer recommends that the Metropolitan Service District Council grant the petition in Contested Case 91-04.

DATED this 28th day of May, 1992.

Respectfully submitted,



Larry Epstein, Esq., AICP
Hearings Officer

BEFORE THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

Certified A True Copy of the Original Thereof
Paula J. Miller
Clerk of the Council

FOR THE PURPOSE OF EXPRESSING)
COUNCIL INTENT TO AMEND METRO'S) RESOLUTION NO. 92-1630
URBAN GROWTH BOUNDARY FOR CON-)
TESTED CASE NO. 91-4:PCC ROCK CREEK)

WHEREAS, Contested Case No. 91-4 is a petition from Portland Community College to the Metropolitan Service District for a major amendment of the Urban Growth Boundary to include approximately 160 acres north of Springville Road in Washington County as shown on Exhibit A; and

WHEREAS, A hearing on this petition was held before a Metropolitan Service District Hearings Officer on March 30, 1992, and again on April 27, 1992, in Hillsboro; and

WHEREAS, The Hearings Officer has issued his Report and Recommendation, attached as Exhibit B, which finds that all applicable requirements have been met and recommends that the petition be approved; and

WHEREAS, The property is currently outside, but contiguous with, the boundary for the Metropolitan Service District; and

WHEREAS, The Metropolitan Service District Code Section 3.01.070(c)(1) provides that action to approve a petition including land outside the District shall be by resolution expressing intent to amend the Urban Growth Boundary after the property is annexed to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Metropolitan Service District, based on the findings in Exhibit B, attached, and incorporated herein, expresses its intent to adopt an Ordinance amending the Urban Growth Boundary as shown in Exhibit A within 30 days of receiving notification that the

property has been annexed to the Metropolitan Service District, provided such notification is received within six (6) months of the date on which this resolution is adopted.

ADOPTED by the Council of the Metropolitan Service District this

25th day of June, 1991.



Jim Gardner, Presiding Officer

ES/es
6/15/92

Planning Department
2000 S.W. First Avenue
Portland, OR 97201-5398
(503) 221-1646 Fax 273-5585

DATE: October 19, 1992

TO: Presiding Officer Gardner and Metro Council members

FROM: Mark Turpel, Senior Regional Planner

SUB: PCC Rock Creek - Ordinance #92-472

Background

The PCC Rock Creek Campus was outside the Metro jurisdiction at the time of the petition for an Urban Growth Boundary amendment. The Metro Council did not have the authority to approve a change to the Urban Growth Boundary. Accordingly, the Council heard the PCC case in June (when the Hearings Examiner appeared) and approved a Resolution of Intent to approve the amendment if the Metro boundary were changed. The Boundary Commission approved the Metro Boundary change and October 8 was set as the first reading for an ordinance to approve the Urban Growth Boundary change.

At the October 8 Metro Council meeting, there was a request to have the Hearing Examiner attend the October 22 Council meeting to describe the differences between the PCC Rock Creek case and the BenjFran case.

The Hearings Examiner for the PCC Rock Creek case, Larry Epstein, indicated that this could be accomplished, but that there would be an additional cost, as he had already made an appearance before the Council at the PCC Rock Creek Resolution of Intent Hearing. In addition, as Mr. Epstein was not the Hearings Examiner for the BenjFran hearings, he estimated that it would take perhaps 15 hours to read the BenjFran record and prepare a description. This would cost approximately \$1,300 more, as the application fees collected were expended for the previous hearing work.

Recommendation

Staff recommends that in lieu of the additional cost of an appearance of the Hearing Examiner, staff prepares a brief comparison of the two cases in question (see attachment #1). Mr. Epstein also has made available his review of past cases (see attached memo and data). Staff further recommends approval of Ordinance #92-472, as directed by Resolution #92-1630.

c: Andy Cotugno, Larry Shaw

METRO

Planning and Development
2000 S.W. First Avenue
Portland, OR 97201-5398
(503) 221-1646

Memorandum

DATE: October 16, 1992
TO: Metro Councilors
FROM: Stuart Todd, Assistant Regional Planner
SUB: Ordinance #92-472, PCC Rock Creek

Benjfran Case 85-8 and PCC Rock Creek Case 91-4

Councilor Van Bergen asked for hearings officer Larry Epstein to address the Council regarding the difference between the PCC Rock Creek case and the Benjfran case (denied in 1986). In lieu of his appearance, because of prohibitive costs, the staff will submit the following summary of the differences in the two cases.

Benjfran Development sought to incorporate 472 acres for industrial park development adjacent to the urban growth boundary (UGB) at the approximate location of SW 219th Ave. and the Tualatin Valley Highway. The petitioner sought to create four industrial parks (the Roseway Business Center) on the vacant land. The developer was responding to the need for a proximate and consolidated site for support firms to the hi-tech industry developing in the Sunset Corridor. Specifically, the petitioner asserted that there was no comparable site available within 20 minutes of this emerging business corridor.

The hearings officer recommended against the case, the Council upheld this decision, and LUBA affirmed the decision in the appeal. The basis for denial was primarily a lack of demonstrated need (Statewide Planning Goal 14, Factor 1). The findings showed a lack of "demonstrated need" to amend the UGB to accommodate this use at this site. It was found the petitioner could not substantiate the locational need of supply industries within a questionable 20 minutes (peak pm) travel time of the primary industry, and there was conflicting testimony to this effect. As well, there was no clear reason why four parcels, as proposed needed to be located next to each other on this site. There was a failure to address the region's industrial land supply and the potential for new industrial development opportunities in the future. Therefore, the petitioner's claim that there were no other proximate sites within the UGB was not substantiated, for methodological and factual reasons.

Portland Community College at Rock Creek which owns 250 acres at approximately NW 185th Ave. and NW Springville Road, has sought to bring 160 acres into the UGB. The property is located adjacent to the UGB (on Springville Rd.). Student enrollment has continued to increase, averaging 12.3% over the last four years, and the college wants to expand the educational facility. This expansion is not allowed under existing plan designation and zoning. The campus began construction in 1974 (prior to UGB adoption), it is located in adopted statewide Exception Area #34, and now seeks an Institutional comprehensive plan designation to allow a staged development of the campus.

The hearings officer recommended the approval of the amendment for PCC Rock Creek, and the Metro Council passed Resolution #92-1630 on June 25, 1992 expressing its intent to amend the UGB in this case. The primary reason cited (under Statewide Planning Goal 2, part II - for exceptions, Goal 9, Goal 14) is that the site is irrevocably committed to urban use, represents a substantial public investment and an important educational service, that should be a permitted use rather than a non-conforming use. The educational facilities and structures, with accompanying parking lots, utilities, and landscaping are not in keeping with rural uses.

Secondarily the hearings officer report cited the inefficiencies a duplication of efforts would create (citing Goal 14). It found, if the College's expansion were to occur in alternate satellite locations within the UGB and not on this property, a costly and inefficient provision of facilities such as library, computer, and administration services would result, with consequent negative implications for travel and effectiveness of the institution. Additional urban service capacity is available at the current location, in keeping with the efficient expansion of the campus.

Conclusion

There are unique elements influencing each case described. Benjfran was unable to establish need for a major amendment to the UGB based on its premise and methodology, while PCC Rock Creek with an existent urban condition and an evidenced need was convincing. Metro Council, by resolution #92-1630, expressed its intent to amend the urban growth boundary as petitioned for by PCC Rock Creek.

RECEIVED
OCT 19 1992

Larry Epstein, PC
Attorney At Law

Larry Epstein, member
Oregon State Bar and
American Institute of Certified Planners

722 SW Second Avenue, Suite 400
Portland, Oregon 97204-3131
(503) 223-4855 • FAX (503) 228-7365

October 16, 1992

Mark Turpel
Metropolitan Service District
2000 SW First Avenue
Portland, OR 97201

SUBJECT: UGB CASES

Dear Mark:

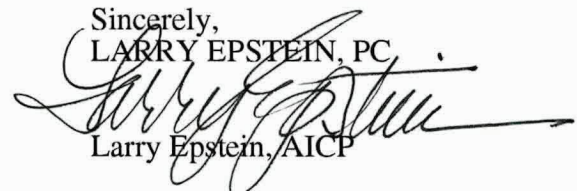
You telephoned me last week to explain that Council member Van Bergen had expressed concern about the consistency of the Hearings Officer recommendation in the PCC Rock Creek Campus case with other UGB cases. I explained briefly how I thought that case differed from other UGB amendment applications and offered to provide more details if you wanted it. You declined to have me do more now, but requested whatever information I had on hand that might help the Council.

In response, I enclose a summary of UGB amendment cases through August, 1987 at no cost. I prepared this summary before starting as hearings officer for Metro in 1988. My goal was to try to gain a grasp of the issues that had been decided in the past so that I could be as consistent as possible with past decisions. As you know, land use decisions such as UGB amendments do not constitute binding precedents, because each piece of land and each land use decision is unique. But it is in the interests of good government to be as consistent as possible and to vary from prior decisions only when the facts of one case vary from those of another case. Hence the purpose for the enclosed summary.

Feel free to consider the summary and to distribute it to Metro staff and officials. However, please include this cover letter or similar caveats with it. The summary is the result of a brief review of the cases listed; I did not intend to be exhaustive. The summary does not include cases since August, 1987. Therefore, many important cases are not listed. None of the cases listed involve major amendments to the UGB; only minor amendments and trades are addressed. Therefore, cases more directly relevant to major amendments, such as the Benj. Fran., Dammasch Hospital, and Rock Creek cases, are not included. Lastly, the summary was prepared without the benefit of comment by Metro staff and officials. The opinions expressed are mine alone. I take credit for any brilliance and blame for any faults in the summary. Also, I used abbreviations freely. There is no key to the abbreviations, but they are fairly straightforward. Feel free to call me if you have any questions about the meaning of my shorthand.

If you want, I can update the summary to include subsequently decided cases. I will have to charge Metro for my time in doing so. (The enclosed original summary was prepared at no cost to Metro.) To help if you want to update the summary on your own, I enclose a blank data base sheet to use as a model. Good luck!

Sincerely,
LARRY EPSTEIN, PC



Larry Epstein, AICP

CaseNo	<input type="text"/>	CaseName	<input type="text"/>	AppType	<input type="text"/>
Summary	<input type="text"/>				
Decision	<input type="text"/>			DecDate	<input type="text"/>
Issue:Area;Isl	<input type="text"/>				
Area;Isl	<input type="text"/>				
Issue:Services	<input type="text"/>				
Services	<input type="text"/>				
Issue:LandUse	<input type="text"/>				
LandUse	<input type="text"/>				
Issue:EEES	<input type="text"/>				
EEES	<input type="text"/>				
Issue:AgLands	<input type="text"/>				
AgLands	<input type="text"/>				
Issue:Need;ContigProp	<input type="text"/>				
Need;ContigProp	<input type="text"/>				
Comment	<input type="text"/>				

CaseNo	81-2, part1	CaseName	Waldo Estates	AppType	Trade
Summary	This part concerned proposed 160-ac addition (Waldo Estates Mob Home Subdiv) only				
Decision	Conditionally approved if equivalent deletion approved			DecDate	8/6/81
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services					
Issue:LandUse					
LandUse					
Issue:EEES					
EEES					
Issue:AgLands					
AgLands					
Issue:Need;ContigProp	Is need for more housing/mob homes sufficient to warrant change without trade				
Need;ContigProp	No; urb land supply adeq, incl mob home land, in UGB given high cost of mob hsg				
Comment					

CaseNo	81-2, part 2	CaseName	Waldo Estates/Canemah	AppType	Trade
Summary	Add 193 ac (Waldo Est); remove 185 ac (Canemah)				
Decision	Conditionally approved; >700 elderly du, annex, TriMet, lot size limit			DecDate	10/6/83
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services					
Issue:LandUse					
LandUse					
Issue:EEES					
EEES					
Issue:AgLands	Is land agricultural				
AgLands	No; in exception area; good text of ag exception				
Issue:Need;ContigProp					
Need;ContigProp					
Comment					

CaseNo	81-2, part 3	CaseName	Waldo Estates/Canemah	AppType	Trade
Summary	Modify conditions of approval of 1983 decision				
Decision	Approved change from 700 to 600 du; delete subdiv reqmt & TriMet	DecDate	9/25/86		
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services					
Issue:LandUse					
LandUse					
Issue:EEES					
EEES					
Issue:AgLands					
AgLands					
Issue:Need;ContigProp					
Need;ContigProp					
Comment	Good interlineation of findings & conclusions to support changes				

CaseNo	81-3	CaseName	Hillsboro	AppType	Mistake
Summary	Add 50 acres south of Hillsboro; 1976 draft maps differ from adopted ones; no reason				
Decision	Approved	DecDate	11/5/81		
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services	Sevices available, including 36" sewer line; use of line results in greater efficiency				
Issue:LandUse					
LandUse	Indus'l use planned; shown as urban on city and county maps relying on draft UGB maps				
Issue:EEES					
EEES	Site incl 13 ac in floodplain/37 buildable ac; change would follow natural divider (river)				
Issue:AgLands					
AgLands	Sewer serves site; included as urban on city plans; creek buffers; light burden/proof				
Issue:Need;ContigProp					
Need;ContigProp					
Comment	Legisl intent to incl land outside floodplain consis w/ local plans; clear evidence of mistake				

CaseNo	81-4	CaseName	Seely	AppType	Minor
Summary	Add 2.2 ac to UGB on north edge of Wilsonville to make boundary follow road				
Decision	Approved			DecDate	11/5/81
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services	Services provided; inclusion needed for access to them & city control of road				
Issue:LandUse					
LandUse	Straighter boundary; prop surrounded by city on 3 sides & road on fourth				
Issue:EEES					
EEES	TriMet serves				
Issue:AgLands					
AgLands	Too small; separated by road; surrounded by city				
Issue:Need;ContigProp					
Need;ContigProp					
Comment	No contiguous properties outside boundary				

CaseNo	81-5	CaseName	WGK Development Corp	AppType	Minor
Summary	Add 30 acres west of Forest Grove				
Decision	Approved			DecDate	11/5/81
Issue:Area;Isl					
Area;Isl	Only 10 acres of land developable; steep ravine splits site				
Issue:Services					
Services	Services for adjoining urban area are to pass through site				
Issue:LandUse					
LandUse	Good discussion re which prop line/feat to use to locate boundary given ravine on site				
Issue:EEES					
EEES					
Issue:AgLands	15% of site is farmed; applicant did not show site committed to nonfarm use				
AgLands	Only way to fix service inefficiency is to incl land altho agric'l; ravine is barrier				
Issue:Need;ContigProp					
Need;ContigProp					
Comment	No similarly situated properties because of division created by ravine				

CaseNo	81-6, part 1	CaseName	Shoppe Acres/Jenne Lynd Acres	AppType	Trade
Summary	Remove 170 ac (Shoppe Ac) (166 vacant); add 175 ac (Jenne Lynd Ac) (131 vacant)				
Decision	Approved; planned condition req'g annexation in 2 years was deleted			DecDate	12/2/82
Issue:Area;Isl					
Area;Isl	Net loss = 35 vacant ac; Shoppe had low potential; Jenne has 80 parcels/40 owners				
Issue:Services	Traffic in Jenne area problem; inclusion allows systematic anal/mitigat - neutral effect				
Services	No services in Shoppe Ac; road, water, sewer capacity serve Jenne - some recent				
Issue:LandUse					
LandUse	Shoppe Ac surr by ag land; Jenne surrounded by cities/urbanization conflicts inevitable				
Issue:EEES	Jenne has 20% steep slopes /much in floodplain; problems w/city drainage policies noted				
EEES	No transp. serv. to Shoppe Ac; inclusion of land in floodplain needed for logical boundary				
Issue:AgLands					
AgLands	Shoppe Ac incl Class III soil being farmed; Jenne subj to exception				
Issue:Need;ContigProp					
Need;ContigProp					
Comment	Good side by side comparison; School capacity in Centennial argued but judged neutral				

CaseNo	81-6, part 2	CaseName	Scott	AppType	Minor
Summary	Add 4.5 acres to UGB near Skyline/Germantown Rd				
Decision	Approved			DecDate	3/4/82
Issue:Area;Isl					
Area;Isl					
Issue:Services	Sewer service not likely but subsurface service okay				
Services	Req'd water & road improvements increase developability of adjoining land in UGB				
Issue:LandUse					
LandUse					
Issue:EEES					
EEES					
Issue:AgLands					
AgLands					
Issue:Need;ContigProp					
Need;ContigProp					
Comment	Very light burden of proof				

CaseNo	81-8	CaseName	Cereghino (later sold to West Coast Auto)	AppType	Minor
Summary	Add .33 ac and 10 ac to UGB; properties now split by UGB; will annex to Sherwood if approved				
Decision	Approved			DecDate	12/2/82
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services	Sewer/water planned/programmed; avail for devmt; more efficient w/access north				
Issue:LandUse					
LandUse	Bisects house; unusual/inefficient shape for devmt				
Issue:EEES					
EEES	Rock Creek floodplain on west and north portions of site; engineer to mitigate/drain				
Issue:AgLands	Class II to unclassified soils; no detailed soil mapping, but visibly very rocky				
AgLands	Never been farmed; subject to erosion and dampness; applicant farms onions to north				
Issue:Need;ContigProp					
Need;ContigProp	Distinc from surrounding land now used for farming				
Comment	See also Case No 86-2 for later mapping correction & good map of site				

CaseNo	81-9, part 1	CaseName	Corner Terrace (add)/Malinowski (remove)	AppType	Trade
Summary	Findings before remand				
Decision	Approved			DecDate	5/3/84
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services	In-place facils can be used more efficiently if serve both sides of street than new				
Issue:LandUse					
LandUse	To leave one quad of intersection vacant is ineffic/poor urb form/land use conflicts				
Issue:EEES					
EEES					
Issue:AgLands					
AgLands	Lack of full util of in-place facil=severe loss of serv effic/loss of publ investmnt				
Issue:Need;ContigProp					
Need;ContigProp					
Comment					

CaseNo	81-9, part 2	CaseName	Corner Terrace (add)/Malinowski (remove)	AppType	Trade
Summary	Add 30 ac zoned FF-20 & EFU/part of which is Class II/III; remove 20 ac zoned R5 in WashCo				
Decision	Approved; remanded on appeal to LUBA (LUBA 84-047)			DecDate	9/1/84
Issue:Area;Isl					
Area;Isl					
Issue:Services	Opponents argued must be existing inefficiency to find net improvmt				
Services	OK to concl max use of exist'g in-place facils increases efficiency vs more new facils				
Issue:LandUse	Use of ridge as boundary; Concl that one vac corner ineffic/conflict not supported				
LandUse	Ridge OK boundary, but imprecise descr problematic;				
Issue:EEES	Adeq of findings about compat w/ farm uses; Ord recog need for buffer, but does not req one				
EEES	Need to have findings (1) no incompat or (2) need to balance + & - show net benefit				
Issue:AgLands	Issue of severity of negative impact of existing UGB notwithstanding farm land				
AgLands	Nonuse of avail facils not sufficient proof; need evi of cost of serv as is/proposed				
Issue:Need;ContigProp	2d part of 8(a)(2) reqs finding that UGB will facilitate needed devmt on urb land				
Need;ContigProp	All devmt on land in UGB is not needed by definition w/o clear legisl intent				
Comment	This record summarizes LUBA decision				

CaseNo	81-10	CaseName	Sharp (add); Hough/Jenkins (remove)	AppType	Trade
Summary	Add 30 ac SW of Tualatin; remove 20 ac in NW WashCo				
Decision	Approved			DecDate	12/21/82
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services	No serv to removal land; exist adjoining add land and can be looped instead of deadended				
Issue:LandUse					
LandUse	Promotes logical indus'l devmt pattern				
Issue:EEES					
EEES					
Issue:AgLands	Add land adjoins quarry outside UGB & industry inside UGB; cannot be saved for farming				
AgLands	Both contain ag lands, but removal adjoins farms while add adjoins industry/gravel pit				
Issue:Need;ContigProp					
Need;ContigProp					
Comment	.85 ac more than 10 ac net add OK; .85 ac negligible				

CaseNo	82-1	CaseName	Mutual Materials, Inc.	AppType	Minor
Summary	Add 6 ac of parcel about 4 ac of which already in UGB				
Decision	Approved			DecDate	9/8/83
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services	Sewer/water avail in road; extension allows water looping instead of dead end system				
Issue:LandUse					
LandUse	Value of hsg near indus'l area in UGB; isolated from surrounding parcel outside UGB				
Issue:EEES					
EEES	Physical constraints of ravine/slopes/river can be addressed by loc gov				
Issue:AgLands	Site is Class I-IV & zoned ag'l; balance potential adverse effects w/ benefits				
AgLands	Concluded land irrevocably committed to nonfarm use, altho there is no Exception				
Issue:Need;ContigProp	Site isolated by Clack Riv & steep slopes; too small/inaccess for farming				
Need;ContigProp	Urb use of land likely to result in fewer LU conflicts than ag use				
Comment					

CaseNo	83-1	CaseName	McCarthy & DeShirla	AppType	Minor
Summary	Add 14.77 ac SW of Gresham in MultCo to adjoin Butler Rd & 190th Drive				
Decision	Approved			DecDate	4-11-85
Issue:Area;Isl	Two petitions as proposed would have created island				
Area;Isl	Petitions consolidated & island added to consol'd petition before decision				
Issue:Services	Sewer serv avail w/ ord extension from N; only way to serve prop to E is thru site				
Services	Water avail from new reservoir; more efficient to serve thru site before adj'g land				
Issue:LandUse	Exist'g use not impede urb devmt -- 2 dilapidated older dwellings on site edge				
LandUse	Facil devmt of adj'g urb land w/ serv north/east; farmland across arterials south/west				
Issue:EEES	No signif nat'l resources of hazards				
EEES	Under current zoning, 2 more dwellings allowed outright on site, so low potential for ag use				
Issue:AgLands	Adj'g urb land if dev'd w/o buffer would impede farm use & create conflicts				
AgLands	Acknowledged MultCo Plan designates site as resid'l, so committed to nonfarm use				
Issue:Need;ContigProp	Excl prop if: not nec to facil urb devmt, sep by arterial,density diff, contig uses				
Need;ContigProp	Incl prop if: contig, nec'ly served by same utils, create isl, must use together				
Comment	Determined to use centerline of road for edge of UGB; good decision structure/discussion				

CaseNo	83-2	CaseName	Duyick, Speer, Davis, Smith, Dusick	AppType	Minor
Summary	Add 8+ acres next to Cornelius & TV Hwy				
Decision	Approved	DecDate	3/22/84		
Issue:Area;IsI					
Area;IsI					
Issue:Services					
Services					
Issue:LandUse					
LandUse	Site in/adjoin city & betwe city & heavily dev'd resid'l area that will be incl'd in UGB				
Issue:EEES					
EEES	None				
Issue:AgLands					
AgLands	Site committed to nonfarm use by WashCo; Adj'g ag use separated by SPRR ROW				
Issue:Need;ContigProp					
Need;ContigProp					
Comment	Good recitation of findings with simple facts and straightforward circumstances				

CaseNo	84-1	CaseName	Ray/Crow	AppType	Minor
Summary	Add 8+ acres east of Lake Oswego				
Decision	Approved with modifications; good staff comments	DecDate	11/20/84		
Issue:Area;IsI					
Area;IsI					
Issue:Services	Increase traffic on local street from 100 to 500 VPD OK; paved & loaded ≤ other streets				
Services	Traffic control is local issue; add'n needed for access to roads & sewers for land now in UGB				
Issue:LandUse	Inclusion allows devmt of 6+ ac in UGB				
LandUse					
Issue:EEES	Potential soil hazard applies thruout city; No evi prop is undevelopable; let process work				
EEES	Inclusion leading to devmt of storm drainage syst will accomm exist drainage problem				
Issue:AgLands	Site and adjoining land is in approved exception area				
AgLands					
Issue:Need;ContigProp	Contig prop distinguished by drainage basin & relat to land-locked parcel to SW				
Need;ContigProp	Need = consistent with comprehensive plan (LUBA 84-047 (McPherson v MSD))				
Comment	Mistake alleged becuz UGB splits house; but mistake ltd to clerical error; no mistake here				

CaseNo	84-2	CaseName	Portland General Electric/TDC/Ricklick	AppType	Minor
Summary	Add 50 ac west of King City/N of Bull Mtn in WashCo				
Decision	Denied; recommend reapplication as trade after much consideration			DecDate	1/9/86
Issue:Area;Isl	Abuts UGB on 2 sides (R6/R15/NC); BPA lines on 3d; RR on 4th				
Area;Isl					
Issue:Services	In water distr w/ capacity & logical line extension; sewer LID formed & can serve site				
Services	Storm drain reqmts; access to 2 arterials w/ road improvmt plans inferred; others neutral				
Issue:LandUse	Becuz land is vacant, full urbanization possible except along power line				
LandUse	Some benefit to LID/road improvmt progr; no showing of signif adv by supplanting uses in UGB				
Issue:EEES					
EEES	If bus serv provided in future, urbanization will provide more riders = increase efficiency				
Issue:AgLands	In exception area				
AgLands					
Issue:Need;ContigProp	Contig prop disting'd by sewer serv limits w/o pump & by partial parcelzation				
Need;ContigProp	While proposed UGB superior to existing one, it is not superior enuf given large change				
Comment	MSD Legal Counsel memo regarding ascending burden of proof; major burden here				

CaseNo	84-3	CaseName	Burright + 14 property owners	AppType	Minor
Summary	Add 39 ac of FF10 land SE of UGB in ClackCo used for 53 mob hom pk/11 SFDUs/17 ac vacant				
Decision	Denied			DecDate	8/14/86
Issue:Area;Isl	Adjoins UGB on north & east, rural land on south & west				
Area;Isl					
Issue:Services	No sewer & freq. septic failures; water distr opposed; no improvmt plans for rural rds				
Services	Amendmt proposed to get sewer from PDX, but 2 mile exten'n req'd; altern exist w/o amendmt				
Issue:LandUse	Little need for sewer in unsewered urban area now; little ability to provide by applicant				
LandUse	Maximum efficiency (ie developmt) not possible unless sewers are provided; not likely				
Issue:EEES					
EEES					
Issue:AgLands					
AgLands					
Issue:Need;ContigProp	Staff noted HO got need issue wrong: "need" = compliance w/ comp plan				
Need;ContigProp					
Comment					

CaseNo	85-1	CaseName	May/Wilsonville	AppType	Minor
Summary	Add 46.25 ac NE/adjoining city in WashCo; W/S is comm'l; N/E by farm/forest land				
Decision	Denied; new evi not allowed; affirmed by LUBA 86-037 (10/9/86)			DecDate	5/5/86
Issue:Area;Isl					
Area;Isl					
Issue:Services	Immed access to all utils & roads				
Services	However no signif net improvmt in efficiency despite some potential serv advantages				
Issue:LandUse	Site has orchard/forest & 1 du zoned AF-10; 1 ac of site is EFU plan'd for water tank				
LandUse	No enhanced lu efficiency; adj'g land in UGB already being dev'd; EFU can be used for water tank				
Issue:EEES					
EEES					
Issue:AgLands	Adj'g EFU land in small forest tracts used for water tank; non-EFU farm land in exception				
AgLands	Serv avail to urb area already, so EFU land cannot comply w/ standard; no incompatibility tho				
Issue:Need;ContigProp	No similar contig prop; separated by drainage ditch; adj'g land used for farming				
Need;ContigProp	Large vacant area (45 ac) = high burden of proof				
Comment	City thought they had to incl 45-ac betw water tank site & city to cross site; not so				

CaseNo	85-2	CaseName	Tualatin Hills Church	AppType	Minor
Summary	Add 1.8 ac for existing church at Norwood Rd/Boones Ferry adj'g Tualatin in WashCo				
Decision	Approved			DecDate	3/13/86
Issue:Area;Isl					
Area;Isl					
Issue:Services	Sewer line exists w/in 1/2 mile & extension on 2 sides of site planned; no publ water				
Services	Water/sewer capacity avail if extensions made; fire serv improvmt from connection				
Issue:LandUse	No LU inefficiencies				
LandUse					
Issue:EEES	No hazards/natural resources/transit impacts				
EEES					
Issue:AgLands	No ag land on site/in vicinity				
AgLands					
Issue:Need;ContigProp	Contig land disting'd by use (church-public vs dwelling-private) & serv needs				
Need;ContigProp					
Comment					

CaseNo	86-2	CaseName	West Coast Auto Salvage	AppType	Minor
Summary	Add 3600 sq. ft to UGB to correct mapping inaccuracy so UGB does not split bldg/lot				
Decision	Approved resolv to amend UGB if land annexed to MSD w/in 6 months			DecDate	2/12/87
Issue:Area;Isl					
Area;Isl					
Issue:Services					
Services					
Issue:LandUse	Bisected bldg subject to rural/urb regs cannot be used efficiently				
LandUse	Slight increase in utilization of garage creates slight service efficiencies				
Issue:EEES					
EEES					
Issue:AgLands	Retention of subject area in ag use would preclude urbanization of adj garage in UGB				
AgLands					
Issue:Need;ContigProp					
Need;ContigProp					
Comment	Same property as Case No. 81-8 corrected to reflect accurate survey				

CaseNo	87-4	CaseName	Brennt	AppType	Minor
Summary	Add 4.61 ac to UGB south of/abutting Lake Oswego in ClackCo; to be annexed if approved				
Decision				DecDate	8/17 (HO)
Issue:Area;Isl					
Area;Isl					
Issue:Services	Exist'g 1/2-rd adj'g site unimproved = deficiency; emerg'y access better thru city;				
Services	School services deficient long term/subj to levy/ adding more exacerbates probl a little				
Issue:LandUse	Land now has 1 du; Rural/RRFF5 - wants R10; adjoins developed land in UGB on W/N				
LandUse	Most of site vacant & accessible to serv thru city = highly efficient				
Issue:EEES	None				
EEES					
Issue:AgLands	None				
AgLands					
Issue:Need;ContigProp	Site = only prop outside UGB w/ frontag/acces to city st; only 1 on x rd outside				
Need;ContigProp	Steep slope isolate site from adjoining land outside UGB				
Comment	Complete explanat'n of evolut'n of locat'l adjustmt standards/relationship to goals & findings				

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1630: FOR THE PURPOSE OF EXPRESSING COUNCIL INTENT TO AMEND METRO'S URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 91-4:PCC ROCK CREEK

Date: June 15, 1992

Presented By: Ethan Seltzer

BACKGROUND

Contested Case No. 91-4 is a petition from Portland Community College (PCC) for a major amendment of the Urban Growth Boundary in Washington County. The property proposed for inclusion in the UGB totals approximately 160 acres and constitutes the site for the PCC Rock Creek Campus, as shown in Exhibit A to the Resolution. Washington County and area cities have taken positions in support of the amendment.

Currently, Metro considers petitions for major amendments to the UGB according to the process and criteria described in Metro Ordinance No. 85-189, as amended by Metro Ordinance No. 86-204. Unlike Metro's process and criteria for making Locational Adjustments, contained in Chapter 3.01 of the Metro Code and acknowledged by State as being consistent with the Statewide Planning Goals, the Major Amendment process has not been either codified by Metro or acknowledged by the state. Consequently, applicants for Major Amendments are required to address all applicable Statewide Planning Goals in their petition, especially Statewide Planning Goals 2 and 14.

Metro Hearings Officer Larry Epstein held hearings on this matter on March 30, 1992, and again on April 27, 1992, both times in Hillsboro. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B to the Resolution, concludes that the petition complies with the applicable statewide planning goals and that the petition should be granted.

Following presentation of the case by the Hearings Officer, and comments by the petitioner, the parties to the case will be allowed to present their exceptions to the Council. The petitioner will be given the opportunity to respond to the exceptions posed by parties. The Hearings Officer will be available to clarify issues as they arise.

At its meeting on the 25th of June, 1992, Council can approve this Resolution or remand the findings to staff or the Hearings Officer for modification. If the Resolution is approved, petitioner will need to annex the property to Metro prior to Council action on an Ordinance formally granting the petition.

The annexation to the Metro district is an action of the Portland Metropolitan Area Local Government Boundary Commission. Should the Council approve this resolution, and if the petitioner accomplishes the annexation of the subject property to the Metro district within 6

months of the date of Council approval, then the Council should expect to see an ordinance finally amending the UGB in the fall of 1992.

ANALYSIS

This case raises a number of interesting issues. First, construction of PCC-Rock Creek began in 1974, before the adoption of either the Washington County Comprehensive Plan or the Urban Growth Boundary (UGB). The campus is currently comprised of some 390,000 square feet of buildings and improvements, including 1155 parking spaces. The campus currently receive full urban services, and the Hearings Officer has determined that those services have or are planned to have the capacity needed to serve the long term needs of PCC. In addition, Washington County found, during its comprehensive planning process, that the 160 acres proposed for addition to the UGB were irrevocably committed to a non-farm use. The Hearings Officer has, in light of current land use cases decided by the Oregon Court of Appeals, therefore concluded that the petitioner need not demonstrate compliance with the alternative sites "tests" in Statewide Planning Goal 2.

In order to meet what is projected to be the demand in the year 2010 for community college services in Washington County, the campus would need to include some 610,000 square feet of buildings and improvements. Replacing the current improvements at another site would cost approximately \$45 million, or some \$60 million including the cost of land, all in 1991 dollars. Under the existing rural zoning, PCC cannot expand at the Rock Creek site. If the campus is added to the UGB, then Washington County would apply an institutional zoning designation needed to develop the campus according to the masterplan.

One of the most important considerations for the Council is the extent to which the petitioner has demonstrated a need for the amendment. Any proposed amendment over 50 acres in size is considered a major amendment and therefore subject to a showing of compliance with Statewide Planning Goal 14. Goal 14, as noted by the Hearings Officer, proposes seven factors to be considered when establishing or amending a UGB.

In this case, the Hearings Officer has found that PCC is the only provider of community college services in the community, and that the continued provision of those services is and will be vital to the economy and livability of Washington County. Further, the Hearings Officer found that due to the nature of the overall program offered at PCC-Rock Creek, multiple, satellite locations were not a viable alternative to the continued growth and development of the program at the current site. Hence, the Hearings Officer found that there was a demonstrated need for additional community college capacity, and that both the nature of the program and the cost of duplicating the entire campus in a new location required that expansion occur at the current site.

Finally, the Hearings Officer determined that although a number of questions were raised about both the provision of transportation services to the site as well as the advisability of increasing the demand for those services at the site, current transportation system plans and

capacity were adequate to handle the projected traffic. A number of design issues will need to be resolved to accomplish this, but those issues will be addressed through the local zoning process in Washington County, should the UGB amendment be approved.

In addition, the Hearings Officer could find no evidence to support the contention that satellite sites, even if on the light rail line, would necessarily be more energy efficient than a single site as proposed. The reason is that satellite sites would necessitate movement among sites, at all hours of the day. Even a single, large satellite site would require either considerable movement between the site and the main campus, or the duplication of many of the central services (library, food services, student services, etc.) available already at the main campus.

For these reasons, and others included in his report, the Hearings Officer found that the petition satisfied the requirements of Goal 14 and Goal 2, as well as other applicable statewide planning goals. At hearing a number of issues were presented in opposition to the petition, most of which have been addressed by the Hearings Officer, and many of which dealt with transportation. On page 12 of the Report and Recommendation of the Hearings Officer, a number of these issues are summarized in section V(B). In particular, issue 6 in that section relates to a number of neighboring properties "sandwiched" between the campus to the north, 185th Avenue to the west, and Springville Road to the south. A number of property owners in that area raised concerns regarding the nature of the proposed development on the campus and its possible impact on their property.

Should the Council approve the petition, the development impacts would be considered through the Washington County planning process at the time that zoning designations are applied to the campus and as development permits are sought. One owner requested that if the campus is included in the UGB, that the property of he and his neighbors be included at the same time as well. However, no evidence was presented to support the need for additional land, beyond that associated with the campus and its community educational purposes, inside the UGB. Further, the improvement of road facilities on both 185th and Springville to serve the campus in the future were shown not to require and future alteration of the UGB. Hence, the Hearings Officer concluded that there was no basis for including these additional properties in the amendment request made by PCC.

As of the date of this staff report, no exceptions have been received to the Report and Recommendation of the Hearings Officer. However, staff expects that parties may file exceptions on or about the June 19th deadline for such filings. A complete report on any exceptions will be provided by staff and the Hearings Officer at the Council hearing on June 25, 1992.

EXECUTIVE OFFICER'S RECOMMENDATION

The Council should approve Resolution 92-1630, and declare its intent to amend the Metro Urban Growth Boundary for Contested Case No. 91-4: PCC.

August 27, 1992 Hrg.

PROPOSAL NO. 3104 - UNIFIED SEWERAGE AGENCY - Annexation

Petitioner: Portland Community College

90th Day: September 25, 1992

Proposal No. 3104 was initiated by a petition of the property owner. The petition meets the requirement for initiation set forth in ORS 199.490(1)(c) (owners of at least 50% of land area annexation method). The proposal will be effective 45 days after the approval subject to the provisions in ORS 199.510 and 199.519.

The territory to be annexed is located on the north edge of the district, north of NW Springville Rd., east of NW 185th Ave. The territory contains 160 acres, six major college buildings, several smaller structures, and is tax exempt.

August 27, 1992 Hrg.

PROPOSAL NO. 3105 - METROPOLITAN SERVICE DISTRICT - Annexation

Petitioner: Portland Community College

90th Day: September 25, 1992

Proposal No. 3105 was initiated by a petition of the property owner. The petition meets the requirement for initiation set forth in ORS 199.490(1)(c) (owners of at least 50% of land area annexation method). The proposal will be effective 45 days after the approval subject to the provisions in ORS 199.510 and 199.519.

The territory to be annexed is located on the north edge of the district, north of NW Springville Rd., east of NW 185th Ave. The territory contains 160 acres, six major college buildings, several smaller structures, and is tax exempt.

Note: Proposal No 3104 and Proposal No. 3105 contain the same territory. Proposal No. 3104 is to annex to the Unified Sewerage Agency and Proposal No. 3105 is to annex to Metro. A single staff report has been prepared for both proposals.

REASON FOR ANNEXATION. The petitioners propose to add about 160 acres to the Urban Growth Boundary to facilitate expansion of the Rock Creek Campus of Portland Community College. The affected territory is 160 acres of the 250 acre parcel owned by PCC. The Metropolitan Service District has adopted a resolution stating its intent to amend the urban growth boundary upon annexation of the territory to the Metro boundary. The territory must be within the boundary of the Metropolitan Service District in order for Metro have authority to amend the UGB. The annexation to the Unified Sewerage Agency is proposed to allow urban sanitary services to be extended to the proposed new uses.

The petitioner plans to apply to Washington County for approval of a staged development program through the year 2010 consistent with the July, 1991 Master Plan for the campus. The Master Plan assumes 100% growth in full time enrollment (currently 2000 to 2400 averaged over the year) and 80% enlargement in building area. The portion of the petitioner's property not planned for inclusion in the UGB and proposed for annexation to USA will remain predominantly in open space and timber use.

The following information was provided by the petitioner:

"The existing campus is a legal non-conforming use under Washington County AF-5 District zoning. Expansion and more efficient use of the campus facilities is limited under this status. The Metro Council has passed a Resolution of Intent to include the 160 acre site within the Regional UGB, pending annexation of the subject property to the Metropolitan Service District and the Unified Sewerage Agency. Following the annexation and final UGB amendment, PCC will proceed with an application for a plan amendment to Institutional and seek Master Plan approval for phased expansion/improvements on the campus.

"Facility and program improvements at PCC Rock Creek are necessary to meet growing education and training needs of Washington County residents and employers. The community college is an important educational resource and institution for Washington County and the entire metropolitan area. Continued strong growth in population and employment is projected for the area served by the Rock Creek Campus. Further, enrollment caps and tuition increases at the state colleges and universities are placing increased pressures on the community colleges to meet needs for accessible and

affordable lower division college courses. Bringing the campus within the Regional UGB will provide the necessary planning and regulatory framework to improve the efficiency of the existing institution to respond to changing needs.

"Based on projected population growth and enrollment trends, PCC anticipates a doubling of the current enrollment at Rock Creek over the next twenty years. This western metropolitan area growth cannot be met through expansion of the Sylvania and Cascade Campuses. Further, students would have to travel substantially greater distances to reach the other campuses, in violation of efforts to reduce vehicle miles traveled.

"The campus Master Plan indicates that the 100% growth in FTE enrollment and desired facility improvements will require approximately 80% growth in building area. The projection increases the gross square footage from 341,000 gsf to 610,000 gsf.

"The immediate or short term need is for additional classroom, student activity and faculty office/conference space. Other short term needs include expansion of the alternative learning center and counseling/testing areas. If PCC proceeds with a bond measure for district-wide facility improvements [this bond measure was approved by voters in May], funds dedicated to the Rock Creek Campus will be issued for remodeling of existing buildings and construction of a new science lab/classroom building.

"Longer term requirements include library stack and study space expansion, additional classrooms and proportionate growth in most other facilities.

"The projected campus growth can be used to organize and clarify circulation, parking, and site development. As the campus grows, the opportunity exists to consolidate the campus components into a more consistent character."

LAND USE PLANNING

Site Characteristics. The Rock Creek Campus of PCC is located on the north side of Springville Road and to the east side of 185th Ave. The lands to the north are wetlands, a floodplain, agriculture and a BPA right-of-way. To the east and west the land uses are agriculture and rural dwellings. To the south, within the urban growth boundary, lands across Springville Road are designated for medium to high density residential development and are zoned Residential (9 to 24 units per acre). The County has approved a dormitory in that area. A new high school has been approved south of the new residential area east of 185th Ave. Extensive low and medium density residential development has occurred between West Union Road and Highway 26.

Existing campus buildings are clustered in the center of the site. About 101 acres of the site are developed with buildings (7 acres), parking and landscaping (24 acres), and agriculture/landscape/carpentry program facilities (70 acres). The remainder of the site is forest and pasture land surrounding the buildings and other campus facilities.

Regional Planning. The territory is currently outside the acknowledged regional urban growth boundary and outside the jurisdictional boundary of the Metropolitan Service District (Metro). Both boundaries are located along Springville Road.

Metro has land use authority over proposed amendments to the Regional UGB. Metro has established procedures for hearing petitions for Locational Adjustments (less than 50 acres) and for Major Amendments (more than 50 acres). The Metro Council recently adopted Regional Urban Growth Goals & Objectives (RUGGO) to provide a policy framework for management of the Regional UGB. Metro is also working to revise UGB amendment procedures and detail specific review criteria.

When proposed UGB amendments are located outside the boundary of Metro, a procedure has been established whereby Metro conducts its review process and adopts a resolution which supports the proposed amendment and states Metro's findings and conclusions and its intention to amend the boundary upon annexation of the territory to Metro. This procedure has been adopted in Metropolitan Service District Code Section 3.01.070(c)(i). Once the annexation to Metro is effective, Metro adopts an ordinance to finalize the UGB amendment within six months of the date of the Council approval.

The Metro Council considered the UGB amendment proposal on June 15, 1992. The Metro Council adopted Resolution No 92-1630 adopting its Hearings Officer's Report supporting the UGB amendment. In summary, the Hearings Officer found that PCC is the only provider of community college services in the community, and that the continued provision of those services is and will be vital to the economy and livability of Washington County. Further, the Hearings Officer found that due to the nature of the overall program offered at PCC-Rock Creek, multiple, satellite locations were not a viable alternative to the continued growth and development of the program at the current site. Hence, the Hearings Officer found that there was a demonstrated need for additional community college capacity, and that both the nature of the program and the cost of duplicating the entire campus in a new location required that expansion occur at the current site.

Finally, the Hearings Officer determined that although a number of questions were raised about both the provision of transportation services to the site as well as the advisability of increasing the demand for those services at the site, current transportation system plans and capacity were adequate to handle the projected

traffic. A number of design issues will need to be resolved to accomplish this, but those issues will be addressed through the local zoning process in Washington County.

In addition, the Hearings Officer could find no evidence to support the contention that satellite sites, even if on the light rail line, would necessarily be more energy efficient than a single site as proposed. The reason is that satellite sites would necessitate movement among sites, at all hours of the day. Even a single, large satellite site would require either considerable movement between the site and the main campus, or the duplication of many of the central services (library, food services, student services, etc.) available already at the main campus.

For these reasons, and others included in his report, the Hearings Officer found that the petition satisfied the requirements of Goal 14 and Goal 2, as well as other applicable statewide planning goals.

County Planning. The site is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. The Rock Creek Campus of Portland Community College was located at this site after receiving Washington County approval for a conditional use permit in 1974 before adoption of the Washington County Framework Plan in 1983 and the Regional UGB in 1979. The campus and surrounding non-EFU-zoned land was approved as an exception to Statewide Planning Goal 3 (Agriculture), because it was already committed to non-resource use and served with public water and sewer.

The AF-5 zoning district is intended to respect rural character and conserve natural resources while providing for rural residential uses. The district is applied to recognized parcelization and diverse ownerships existing at the time of adoption of the Comprehensive Plan. A five (5) acre minimum lot size is normally required for creation of new parcels.

In applying designations for rural residential, commercial or industrial uses outside the Regional UGB, Washington County had to justify "exceptions" to the statewide agriculture and forest lands goals. Washington County took an exception for the PCC-Rock Creek Campus because the property was already built and committed to non-resource use and served with public sewer and water.

A community college is not listed as a permitted use under the AF-5 zone. The existing use is recognized as a legal, non-conforming use which predated the AF-5 zoning. The Community Development Code lists community colleges as a potential Type III use (subject to a public hearing and discretionary approval) in the Institutional zoning district and the R6 residential district. The Institutional and R6 zoning districts can only be applied within the Regional UGB.

UTILITIES AND SERVICES.

Sanitary Sewers. The Unified Sewerage Agency (USA) provides sanitary sewer service to the subject property pursuant to a contract with petitioner. A 12-inch diameter sewer line extends south of the campus across Springville Road and southwest to the Bronson Creek trunk line near 185th Avenue and West Union Road. The Bronson Creek trunk conveys wastewater by gravity flow to the Rock Creek sewage treatment plant.

According to the application, PCC recognizes that annexation to the USA service district will be required in conjunction with an amendment of the UGB to include the college campus. No changes in the existing sanitary sewer system are anticipated.

USA recently completed an upgrade of the segment of the sewer trunk which extends from the Sunset Highway north to West Union Road. The existing infrastructure can continue to serve the campus if the site is developed consistent with the Master Plan. When development of the Rock Creek Campus was approved in 1974, sanitary sewer service did not extend north of 185th/West Union. PCC paid for the sewer line extraterritorial extension.

Water. The territory is within the boundary of the Tualatin Valley Water District. When Washington County approved the conditional use permit for the community college in 1974, a condition was attached to the approval which mandated connection to urban water and sewer facilities. Annexation of the Rock Creek Campus to the Wolf Creek Highway Water District (now the Tualatin Valley Water District) was required for connection to urban water lines. The water district annexation was approved by the Boundary Commission on August 21, 1974 (Proposal No. 753).

There is a 14-inch diameter main which forms a loop around major buildings on the campus and connects to a 16-inch diameter main in Springville Road. According to the campus Master Plan, this main is adequate to serve the campus through 2010. No pumping is required to serve the campus. According to the campus Master Plan new construction will necessitate reconstruction of portions of the loop main.

To improve water service in the Bethany area, the Water District plans to extend a 25-inch diameter water main in Springville Road to connect with a main in Kaiser Road to loop and intertie the existing network of water lines, with construction scheduled to begin within two years.

The source of water for the Water District is the Bull Run system. The District has long-term contracts to buy water from the City of Portland.

Fire. The territory is within the boundary of the Tualatin Valley Fire and Rescue District. The closest district facility is about one mile south of the site at the intersection of Highway 26 and 185th Avenue. Automatic fire protection systems are installed throughout buildings on the site and fire hydrants are located within 300 feet of buildings. The existing water supply is adequate to serve fire protection needs.

Police. The territory is currently outside the UGB which is the boundary between the Washington County Enhanced Law Enforcement District and general rural level police protection services. The Washington County Sheriff currently provides police protection services to this site at the rural, county-wide base level of service of .5 officers per thousand population. The College supplements police services with on-site campus security staff.

The Washington County Enhanced Law Enforcement District was formed to serve all lands within the regional UGB. The Enhanced Law Enforcement District finances an added increment of police protection raising the urban level of service to 1 officer per thousand population. If the territory is within the UGB the territory should also be annexed to the law enforcement district to maintain the integrity of the principle upon which the district was formed.

Storm Sewer. The Unified Sewerage Agency (USA) has authority over surface water management within its boundaries. Upon annexation to USA the site will be subject to USA regulations.

Storm water from impervious areas of the site are collected and discharged on-site. The existing campus is served by a separate storm sewer system. Site drainage from existing campus buildings, parking areas and roadways is collected and dispersed on-site to a low area to the east of the primary entrance road. Additional development on the site would be subject to USA requirements for storm water collection, detention, and enhancement. USA requires bio-filtration for normal surface runoff, and detention of runoff from a 25 year storm event. The application indicates that PCC will explore options to pre-treat stormwater and direct it north of the campus to provide for enhancement of the wetland. Given the permeable area of the site and the wetlands north of the site, ample room exists to accommodate storm water from design storm events.

Transportation. The following information is from the Findings of the Metro Hearings Officer Report on the UGB amendment:

"The site has direct access to NW Springville Road, a major collector street with a 2-lane paved section between gravel shoulders and drainage ditches. There is a turn lane at the campus entry. There are no curbs, sidewalks, or bicycle lanes along this street. NW Springville Road now carries about 6000

average daily trips (ADT) east of 185th Avenue. County guidelines for a major collector recommend traffic volume of 1500 to 10,000 ADT.

"The site also adjoins NW 185th Avenue, which is a rural minor arterial street with a 2-lane paved section between gravel shoulders and drainage ditches north of Springville Road. The campus does not have direct vehicular access to this street at this time, except apparently for minor traffic associated with the farm activities in the dwelling at the west end of the campus. The college proposes to provide direct vehicular access to that street in the future; the location and nature of that access has not been determined and would be subject to access permit requirements of Washington County.

"NW 185th Avenue now carries about 2000 ADT north of Springville Road. County guidelines for a minor arterial recommend traffic volume of less than 10,000 ADT. A 90-foot right of way is required, whether the road is urban or rural. There are no curbs, sidewalks, or bicycle lanes along this street. Based on the County Transportation Plan, NW 185th Avenue north of Springville Road would not ultimately include a bicycle lane, sidewalk or curb. However, if the County grants access to the road for the college, the County may require the college to improve the road between the access point and Springville Road with such features (as well as requiring other improvements).

"NW 185th Avenue is programmed to be widened to 5 lanes between West Union Road and Highway 26. There is sufficient right of way to widen this segment of the road to 5 lanes. Funding has been dedicated to widen the road to 3 lanes from Highway 26 to Tamarack Lane, about 300 feet south of West Union Road. NW 185th Avenue is programmed to be widened to three lanes between West Union Road and Springville Road. Although funding for this widening is not allocated, it is expected to be provided by the County Traffic Impact Fee (TIF) program.

"The intersection of Springville Road and 185th Avenue is controlled by stop signs that apply to north- and southbound traffic on 185th Avenue. Traffic turning east from 185th Avenue to Springville Road and traffic turning south from Springville Road to 185th Avenue is not required to stop. . . Signalization of the intersection will be needed by the time the campus build-out is complete. A traffic signal at the intersection of NW 185th Avenue and West Union Road is planned and eligible for TIF funding. . .

"About 90 percent of campus-related traffic comes from the south on NW 185th Avenue to Springville Road. Only about 3 percent of students use Tri-met bus service. The remaining 97

percent arrive by private automobile. Of that number 81 percent of the students drive to campus, 14 percent share rides as passengers, and 2 percent are dropped off by others who do not remain on campus. Most students are on campus only for a portion of the day. Peak traffic volumes occur between 9 am and 12 pm and between 7 pm and 10 pm . . .

"The Subject Property is not within one-quarter mile of a transit corridor designated by Metro. Tri-Met bus route 52 serves the campus on half-hour intervals from 6:25 am until 10:33 pm. When the Westside light rail project is completed, bus route 52 will connect to the 185th Avenue LRT center and will serve the campus with a bus ever 15 minutes.

* * *

"The Hearings Officer accepts the arguments of opponents to the petition that NW 185th Avenue is not improved sufficiently to accommodate expansion of the campus. The UGB amendment, if granted, does not dictate expansion of the campus and does not limit Washington County from requiring the petitioner to improve roads affected by development at the campus. The issue for purposes of the UGB amendment is not whether existing road conditions are adequate to provide a safe, convenient and economic transportation system; rather, the issue is whether that system can be provided. Volumes IV through VI of the Washington County Community Development Plan ensure traffic impacts of proposed development at the campus will be considered and appropriate improvements will be required before expansion of the campus will be permitted. That ensures an adequate transportation system can be provided. It is the responsibility of the County to ensure that such a system is in fact provided. Metro does not have the authority to do so directly in the context of a UGB amendment proceeding.

"Improvement of NW 185th and Springville Road can be made consistent with the Goal 12 rule even on the portions of 185th Avenue and Springville Road that remain outside the UGB."

According to the application, the Master Plan recommends that PCC implement a traffic management program to encourage increased use of the existing transit service and other travel modes (carpools, bicycles) as a means to accommodate growth in student population without burdening the street network.

RECOMMENDATION. Based on the study and the proposed Findings and Reasons For Decision attached as Exhibit B the staff recommends that Proposals No. 3104 and 3105 be approved.

The staff recommends that the Commission adopt a resolution to initiate annexation of the subject territory to the Washington County Enhanced Law Enforcement District. A proposed resolution is attached as Exhibit A.

RESOLUTION NO. 69

RESOLUTION OF THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION INITIATING THE ANNEXATION OF TERRITORY TO THE
WASHINGTON COUNTY ENHANCED LAW ENFORCEMENT DISTRICT.

It appearing that:

1. The Boundary Commission is authorized by ORS 199.490 to initiate proceedings for a minor boundary change.
2. Boundary Commission Proposals No. 3104 and 3105 were initiated by the board of directors of the Portland Community College to annex the Rock Creek campus to the Metropolitan Service District to facilitate an amendment to include the campus within the regional urban growth boundary (UGB) and to annex to the Unified Sewerage Agency (USA) to make the USA boundary consistent with the UGB.
3. During the staff study on the proposal it was determined that the territory is not included in the Washington County Enhanced Law Enforcement District. The Enhanced Law Enforcement District, like the USA, has district boundaries established at the regional UGB. The purpose of the Enhanced Law Enforcement District is to provide an additional increment of police protection above the base county-wide level to meet the added police service needs of urban areas.
4. The applicant was not informed in advance by the Boundary Commission staff that the boundary of the Enhanced Law Enforcement District should be amended as well as the boundaries of the Unified Sewerage Agency and Metro. The Community College is a governmental entity and does not pay property taxes. The District has no incentive to request inclusion within the Enhanced Law Enforcement District.
5. The Boundary Commission is charged with assuring that governmental boundaries are logical. The primary reason to annex the territory to the Enhanced Law Enforcement District is to maintain the consistency of the Urban Growth Boundary as the District's boundary. It is appropriate that the Boundary Commission initiate the annexation to maintain the logic of the district's boundary in relationship to the UGB.

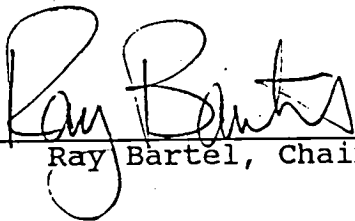
IT IS HEREBY RESOLVED BY THE BOUNDARY COMMISSION AS FOLLOWS:

1. That the Boundary Commission by this resolution initiates the proceedings for the annexation of territory to the Washington County Enhanced Law Enforcement District, the boundaries of said territory being described in Exhibit A and depicted in Figure 2 attached hereto.
2. That the Executive Officer be and is hereby instructed to file and enter this Resolution in the Boundary Commission records and file a certified copy with the Washington County Enhanced Law Enforcement District.

PRESENTED and passed this 27th day of August, 1992.

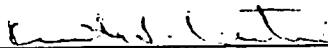
PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION

BY:



Ray Bartel, Chairperson

Attest:


Kenneth S. Martin, Executive Officer



PACIFIC

8405 S.W. Nimbus Avenue
P.O. Box 80040
Portland, OR 97280

3105

ASSESSMENT AND TAXATION DEPT.
155 N. FIRST AVE., MAIL STOP # 9
HILLSBORO, OR 97124-3087

By *James O'Dea*

July 22, 1992

URBAN GROWTH BOUNDARY AMENDMENT

A parcel of land lying in the southwest 1/4 and the southeast 1/4 of Section 18, Township 1 North, Range 1 West of the Willamette Meridian and being a portion of property deeded to Portland Community College and being more particularly described as follows:

Beginning at the 1/4 corner common to Sections 18 and 19, said point also being on the centerline of Northwest Springville Road; thence along said centerline South 88°05'11" East 1,121.08 feet; thence leaving said centerline and along the easterly boundary of the Portland Community College parcel the following courses: North 02°27'29" East 1,391.58 feet; South 87°32'31" East 64.50 feet; and North 01°33'49" West 919.67 feet; thence leaving said easterly boundary North 88°14'43" West 1,173.51 feet; thence parallel with the existing Portland Community College building east-west grid South 71°35'36" West 2,510.97 feet to the easterly line of a Bonneville Power Administration easement; thence along said easement South 40°13'29" West 464.36 feet to the centerline of Northwest 185th Avenue; thence along said centerline South 01°25'59" West 683.09 feet; thence leaving said centerline and along the boundary of said Portland community College parcel South 88°15'11" East 1,339.74 feet; thence continuing along the boundary of said parcel south 01°35'36" West 388.99 feet to the centerline of Northwest Springville Road; thence along said centerline South 88°02'14" East 1,325.42 feet to the Point of Beginning.

Bearings and distances based on Washington County Survey Number 14,109.

The parcel of land to which this description applies contains 159.53 acres more or less.

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ugb.leg

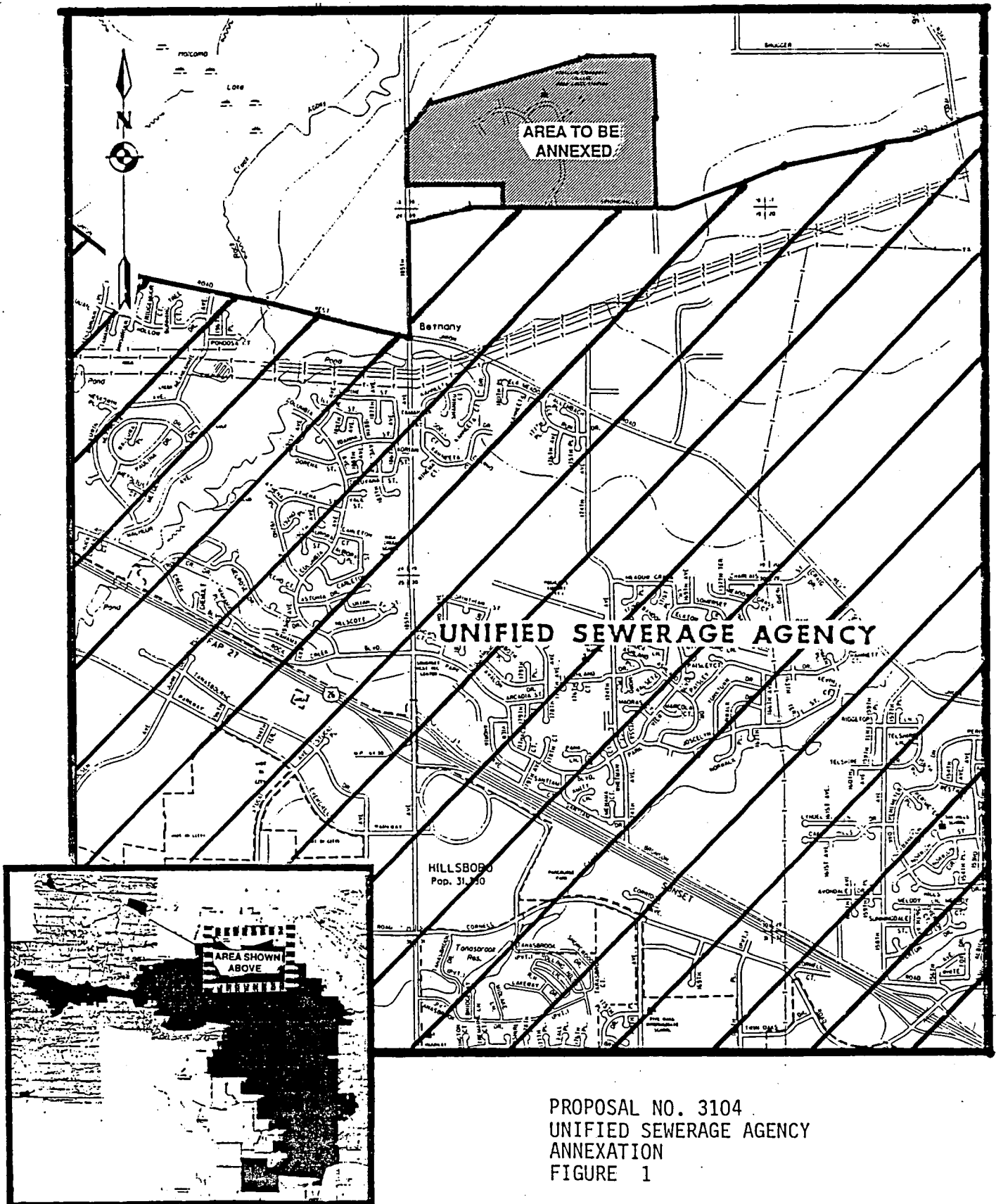
REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Stuart Hitchen

OREGON
JULY 22 1992
J. STUART HITCHEN
2341



PROPOSAL NO. 3104



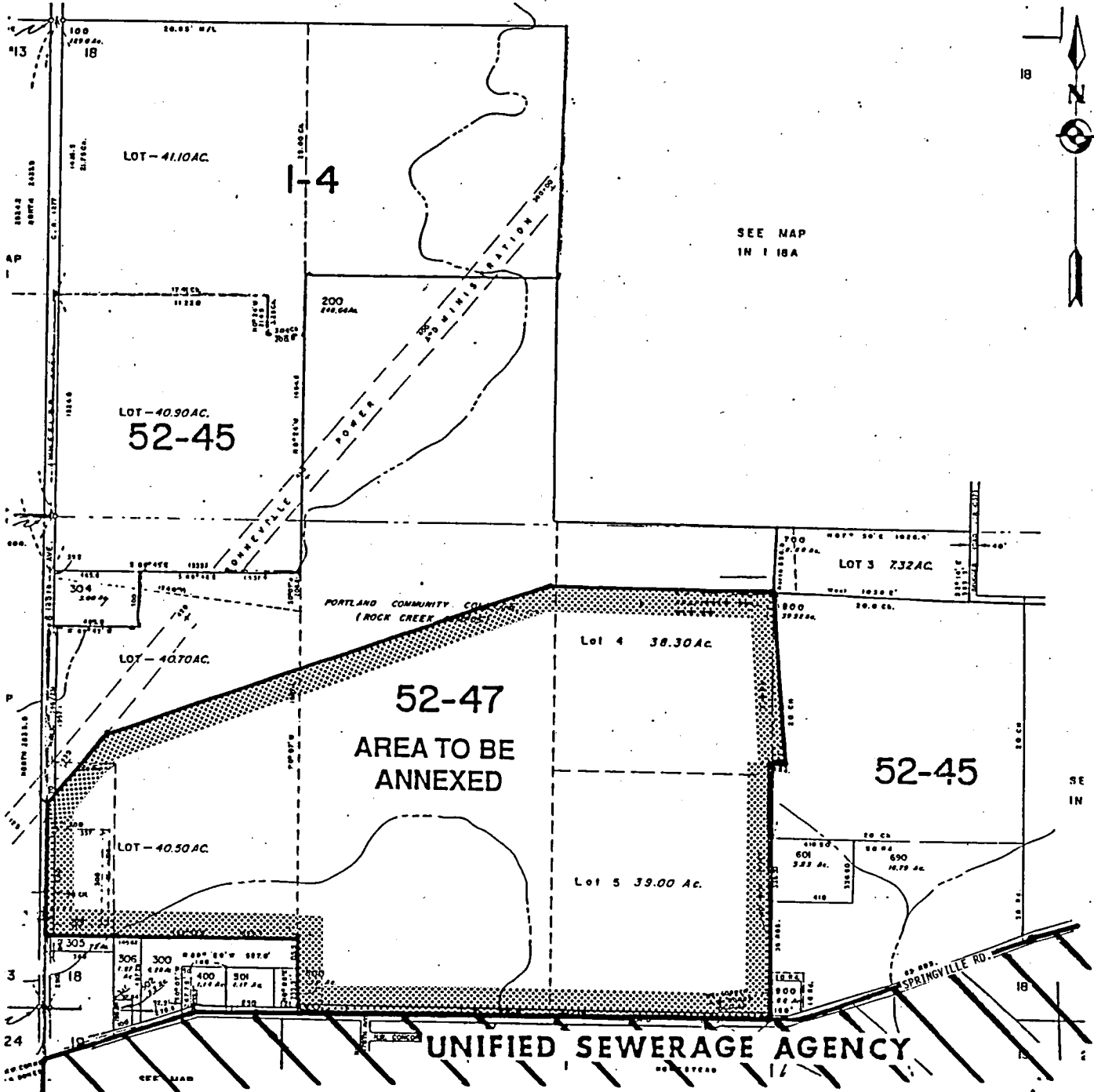
PROPOSAL NO. 3104
UNIFIED SEWERAGE AGENCY
ANNEXATION
FIGURE 1

PROPOSAL NO. 3104

SECTION 18 T1N R1W W.M.
Washington County, Oregon

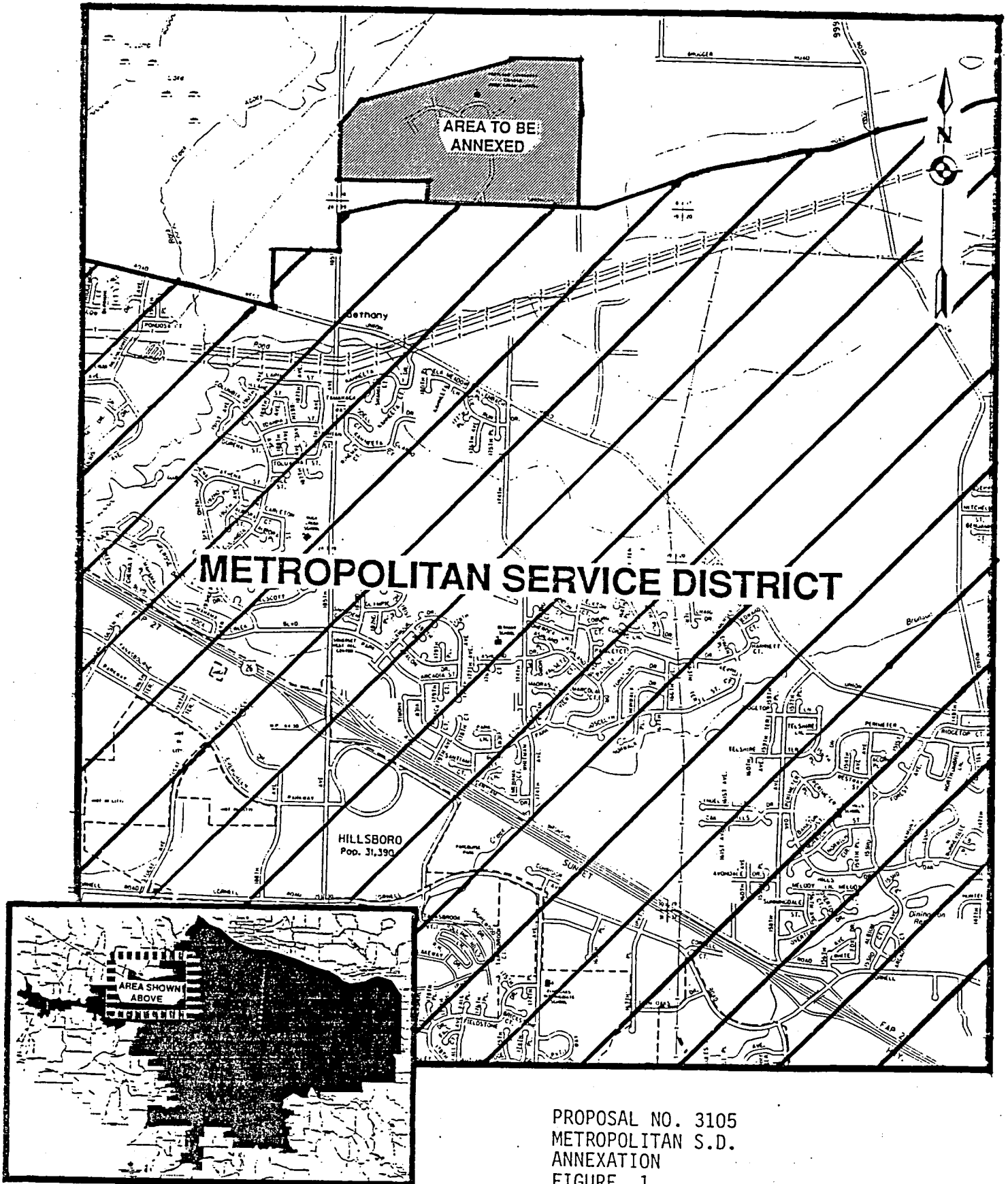
IN 1 18
& INDEX

Scale: - 1" = 800'



PROPOSAL NO. 3104
UNIFIED SEWERAGE AGENCY
ANNEXATION
FIGURE 2

PROPOSAL NO. 3105



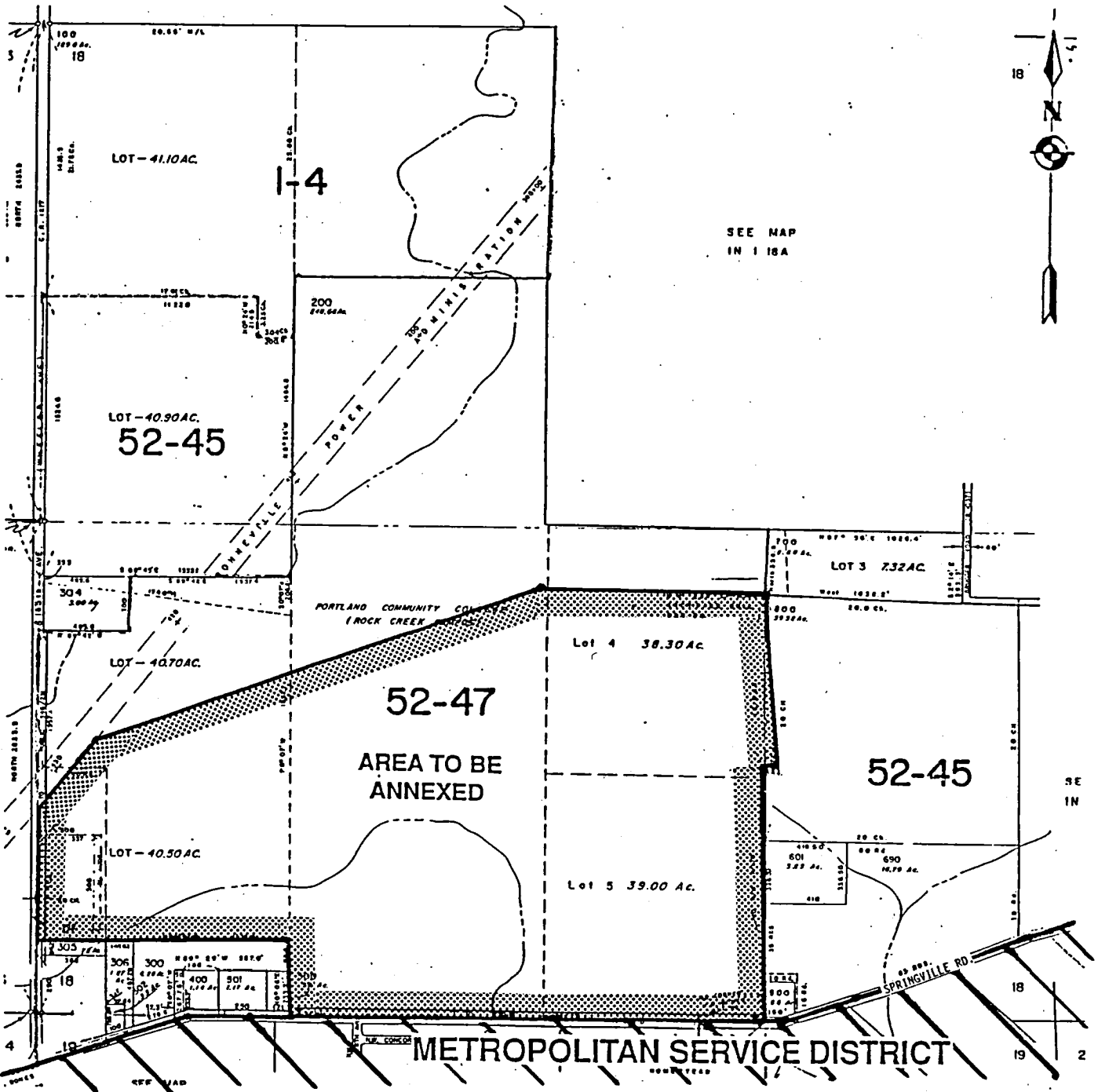
PROPOSAL NO. 3105
METROPOLITAN S.D.
ANNEXATION
FIGURE 1

PROPOSAL NO. 3105

SECTION 18 T1N R1W W.M.
Washington County, Oregon

IN 1 18
& INDEX

Scale: 1" = 800'



Revised 8-3-92

PROPOSAL NO. 3105
METROPOLITAN S.D.
ANNEXATION
FIGURE 2

FINDINGS

Based on the study and the public hearing the Commission found:

1. The territory to be annexed contains 160 acres, six major college buildings, several smaller structures, and is tax exempt.
2. The petitioners propose to add about 160 acres to the Urban Growth Boundary to facilitate expansion of the Rock Creek Campus of Portland Community College. The affected territory is 160 acres of the 250 acre parcel owned by PCC. The Metropolitan Service District has adopted a resolution stating its intent to amend the urban growth boundary upon annexation of the territory to the Metro boundary. The annexation to the Unified Sewerage Agency is proposed to allow urban sanitary services to be extended to the proposed new uses.

The petitioner plans to apply to Washington County for approval of a staged development program through the year 2010 consistent with the July, 1991 master plan for the campus. The master plan assumes 100% growth in full time enrollment (currently 2000 to 2400 averaged over the year) and 80% enlargement in building area. The portion of the petitioner's property not planned for inclusion in the UGB and proposed for annexation to USA will remain predominantly in open space and timber use.

The following statement was provided by the petitioner:

"The existing campus is a legal non-conforming use under Washington County AF-5 District zoning. Expansion and more efficient use of the campus facilities is limited under this status. The Metro Council has passed a Resolution of Intent to include the 160 acre site within the Regional UGB, pending annexation of the subject property to the Metropolitan Service District and the Unified Sewerage Agency. Following the annexation and final UGB amendment, PCC will proceed with an application for a plan amendment to Institutional and seek master plan approval for phased expansion/improvements on the campus.

"The immediate or short term need is for additional classroom, student activity and faculty office/conference space. Other short term needs include expansion of the

alternative learning center and counseling/testing areas. If PCC proceeds with a bond measure for district-wide facility improvements [this bond measure was approved by voters in May], funds dedicated to the Rock Creek Campus will be issued for remodeling of existing buildings and construction of a new science lab/classroom building.

"Longer term requirements include library stack and study space expansion, additional classrooms and proportionate growth in most other facilities.

"The projected campus growth can be used to organize and clarify circulation, parking, and site development. As the campus grows, the opportunity exists to consolidate the campus components into a more consistent character."

3. The lands to the north of the proposed annexation are wetlands, a floodplain, agriculture and a BPA right of way. To the east and west the land uses are agriculture and rural dwellings. To the south, within the urban growth boundary, lands across Springville Road are designated for medium to high density residential development and are zoned Residential (9 to 24 units per acre). The County has approved a dormitory in that area. A new high school has been approved south of the new residential area east of 185th Ave. Extensive low and medium density residential development has occurred between West Union Road and Highway 26.

Existing campus buildings are clustered in the center of the site. About 101 acres of the site are developed with buildings (7 acres), parking and landscaping (24 acres), and agriculture/landscape/carpentry program facilities (70 acres). The remainder of the site is forest and pasture land surrounding the buildings and other campus facilities.

4. The territory is currently outside the acknowledged regional urban growth boundary and outside the jurisdictional boundary of the Metropolitan Service District (Metro). Both boundaries are located along Springville Road.

Metro has authority over proposed amendments to the Regional UGB. Metro has established procedures for hearing petitions for Locational Adjustments (less than 50 acres) and for Major Amendments (more than 50 acres). The Metro Council recently adopted Regional Urban Growth Goals & Objectives (RUGGO) to provide a policy framework for management of the Regional UGB. Metro is also working to revise UGB amendment procedures and

detail specific review criteria. Until those criteria are adopted UGB amendments are reviewed under LCDC Goal criteria.

When proposed UGB amendments are located outside the boundary of Metro, a procedure has been established whereby Metro conducts its review process and adopts a resolution supporting a proposed amendment and stating Metro's findings and conclusions and its intention to amend the boundary upon annexation of the territory to Metro. This procedure has been adopted in Metropolitan Service District Code Section 3.01.070(c)(i). Once the annexation to Metro is effective Metro adopts an ordinance to finalize the UGB amendment within six months of the date of the Council approval.

The Metro Council considered the UGB amendment proposal on June 15, 1992. The Metro Council adopted Resolution No. 92-1630 adopting its Hearings Officer's Report supporting the UGB amendment.

In summary, the Hearings Officer found that PCC is the only provider of community college services in the community, and that the continued provision of those services is and will be vital to the economy and livability of Washington County. Further, the Hearings Officer found that due to the nature of the overall program offered at PCC-Rock Creek, multiple, satellite locations were not a viable alternative to the continued growth and development of the program at the current site. Hence, there is a demonstrated need for additional community college capacity, and both the nature of the program and the cost of duplicating the entire campus in a new location requires that expansion occur at the current site.

The Hearings Officer determined that although a number of questions were raised about both the provision of transportation services to the site and advisability of increasing the demand for those services at the site, current transportation system plans and capacity were adequate to handle the projected traffic. A number of design issues will need to be resolved to accomplish this, but those issues will be addressed through the local zoning process in Washington County.

In addition, the Hearings Officer could find no evidence to support the contention that satellite sites, even if on the light rail line, would necessarily be more energy efficient than a single site as proposed. The reason is that satellite sites would necessitate movement among sites, at all hours of

the day. Even a single large satellite site would require either considerable movement between the site and the main campus, or the duplication of many of the central services (library, food services, student services, etc.) available already at the main campus.

For these reasons, and others included in his report, the Hearings Officer found that the petition satisfied the requirements of Goal 14 and Goal 2, as well as other applicable statewide planning goals.

5. The site is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. The Rock Creek Campus of Portland Community College was located at this site after receiving Washington County approval for a conditional use permit in 1974 before adoption of the Washington County Framework Plan in 1983 and the Regional UGB in 1979. The campus and surrounding non-EFU-zoned land was approved as an exception to Statewide Planning Goal 3 (Agriculture), because it was already committed to non-resource use and served with public water and sewer. A community college is not listed as a permitted use in the AF-5 zone. The community college is recognized as a legal nonconforming use by the County.

The AF-5 zoning district is intended to respect rural character and conserve natural resources while providing for rural residential uses. The district is applied to recognized parcelization and diverse ownerships existing at the time of adoption of the Comprehensive Plan. A five (5) acre minimum lot size is normally required for creation of new parcels.

In applying designations for rural residential, commercial or industrial uses outside the Regional UGB, Washington County had to justify "exceptions" to the statewide agriculture and forest lands goals. Washington County took an exception for the PCC-Rock Creek Campus because the property was already built and committed to non-resource use and served with public sewer and water.

A community college is not listed as a permitted use under the AF-5 zone. The existing use is recognized as a legal, non-conforming use which predated the AF-5 zoning. The Community Development Code lists community colleges as a potential Type III use (subject to a public hearing and discretionary approval) in the Institutional Zoning District and the R6 residential district. The Institutional and R-6 zoning

districts can only be applied within the Regional UGB.

6. The Unified Sewerage Agency (USA) provides sanitary sewer service to the Subject Property pursuant to a contract with petitioner. A 12-inch diameter sewer line extends south of the campus across Springville Road and southwest to the Bronson Creek trunk line near 185th Avenue and West Union Road. The Bronson Creek trunk conveys wastewater by gravity flow to the Rock Creek sewage treatment plant.

According to the application, PCC recognizes that annexation to the USA service district will be required in conjunction with an amendment of the UGB to include the college campus. No changes in the existing sanitary sewer system are anticipated.

USA recently completed an upgrade of the segment of the sewer trunk which extends from the Sunset Highway north to West Union Road. The existing infrastructure can continue to serve the campus if the site is developed consistent with the Master Plan.

7. The territory is within the boundary of the Tualatin Valley Water District. When Washington County approved the conditional use permit for the community college in 1974, a condition was attached to the approval which mandated connection to urban water and sewer facilities. Annexation of the Rock Creek Campus to the Wolf Creek Highway Water District (now the Tualatin Valley Water District) was required for connection to urban water lines. The water district annexation was approved by the Boundary Commission on August 21, 1974 (Proposal No. 753).

There is a 14-inch diameter main which forms a loop around major buildings on the campus and connects to a 16-inch diameter main in Springville Road. According to the campus master plan, this main is adequate to serve the campus through 2010. No pumping is required to serve the campus. According to the campus Master Plan new construction will necessitate reconstruction of portions of the loop main.

To improve water service in the Bethany area, the Water District plans to extend a 25-inch diameter water main in Springville Road to connect with a main in Kaiser Road to loop and intertie the existing network of water lines, with construction scheduled to begin within two years.

The source of water for the Water District is the Bull Run system. The District has long-term contracts to buy water from the City of Portland.

8. The territory is within the boundary of the Tualatin Valley Fire and Rescue District. The closest district facility is about one mile south of the site at the intersection of Highway 26 and 185th Avenue. Automatic fire protection systems are installed throughout buildings on the site and fire hydrants are located within 300 feet of buildings. The existing water supply is adequate to serve fire protection needs.
9. The territory is currently outside the UGB which is the boundary between the Washington County Enhanced Law Enforcement District and general rural level police protection services. The Washington County Sheriff currently provides police protection services to this site at the rural, county-wide base level of service of .5 officers per thousand population. The College supplements police services with on-site campus security staff.

The Washington County Enhanced Law Enforcement District was formed to serve all lands within the regional UGB. The Enhanced Law Enforcement District finances an added increment of police protection raising the urban level of service to 1 officer per thousand population. If the territory is within the UGB the territory should also be annexed to the Enhanced Law Enforcement District to maintain the integrity of the principle upon which the district was formed.

10. The Unified Sewerage Agency (USA) has authority over surface water management within its boundaries. Upon annexation to USA the site will be subject to USA regulations.

Storm water from impervious areas of the site are collected and discharged on-site. The existing campus is served by a separate storm sewer system. Site drainage from existing campus buildings, parking areas and roadways is collected and dispersed on-site to a low area to the east of the primary entrance road. Additional development on the site would be subject to USA requirements for storm water collection, detention, and enhancement. USA requires bio-filtration for normal surface runoff, and detention of runoff from a 25 year storm event. The application indicates that PCC will explore options to pre-treat stormwater and direct it north of the campus to provide for enhancement of the wetland.

11. Approximately 90% of the traffic to the campus comes from the south on 185th Avenue to Springville Road. The following information is from the Findings of the Metro Hearings Officer Report on the UGB amendment:

"The site has direct access to NW Springville Road, a major collector street with a 2-lane paved section between gravel shoulders and drainage ditches. There is a turn lane at the campus entry. There are no curbs, sidewalks, or bicycle lanes along this street. NW Springville Road now carries about 6000 average daily trips (ADT) east of 185th Avenue. County guidelines for a major collector recommend traffic volume of 1500 to 10,000 ADT.

"The site also adjoins NW 185th Avenue, which is a rural minor arterial street with a 2-lane paved section between gravel shoulders and drainage ditches north of Springville Road. The campus does not have direct vehicular access to this street at this time, except apparently for minor traffic associated with the farm activities in the dwelling at the west end of the campus. The college proposes to provide direct vehicular access to that street in the future; the location and nature of that access has not been determined and would be subject to access permit requirements of Washington County.

"NW 185th Avenue now carries about 2000 ADT north of Springville Road. County guidelines for a minor arterial recommend traffic volume of less than 10,000 ADT. A 90-foot right of way is required, whether the road is urban or rural. Based on the County Transportation Plan, NW 185th Avenue north of Springville Road would not ultimately include a bicycle lane, sidewalk or curb. However, if the County grants access to the road for the college, the County may require the college to improve the road between the access point and Springville Road with such features (as well as requiring other improvements).

"NW 185th Avenue is programmed to be widened to 5 lanes between West Union Road and Highway 26. There is sufficient right of way to widen this segment of the road to 5 lanes. Funding has been dedicated to widen the road to 3 lanes from Highway 26 to Tamarack Lane, about 300 feet south of West Union Road. NW 185th Avenue is programmed to be widened to three lanes between West

Union Road and Springville Road. Although funding for this widening is not allocated, it is expected to be provided by the County Traffic Impact Fee (TIF) program.

"The intersection of Springville Road and 185th Avenue is controlled by stop signs that apply to north- and southbound traffic on 185th Avenue. Traffic turning east from 185th Avenue to Springville Road and traffic turning south from Springville Road to 185th Avenue is not required to stop. . . Signalization of the intersection will be needed by the time the campus build-out is complete. A traffic signal at the intersection of NW 185th Avenue and West Union Road is planned and eligible for TIF funding. . .

"About 90 percent of campus-related traffic comes from the south on NW 185th Avenue to Springville Road. Only about 3 percent of students use Tri-met bus service. The remaining 97 percent arrive by private automobile. Of that number 81 percent of the students drive to campus, 14 percent share rides as passengers, and 2 percent are dropped off by others who do not remain on campus. Most students are on campus only for a portion of the day. Peak traffic volumes occur between 9 am and 12 pm and between 7 pm and 10 pm . . .

"The Subject Property is not within one-quarter mile of a transit corridor designated by Metro. Tri-Met bus route 52 serves the campus on half-hour intervals from 6:25 am until 10:33 pm. When the Westside light rail project is completed, bus route 52 will connect to the 185th Avenue LRT center and will serve the campus with a bus ever 15 minutes.

* * *

"The Hearings Officer accepts the arguments of opponents to the petition that NW 185th Avenue is not improved sufficiently to accommodate expansion of the campus. The UGB amendment, if granted, does not dictate expansion of the campus and does not limit Washington County from requiring the petitioner to improve roads affected by development at the campus. The issue for purposes of the UGB amendment is not whether existing road conditions are adequate to provide a safe, convenient and economic transportation system; rather, the issue is whether that system can be provided. Volumes IV through VI of the

Washington County Community Development Plan ensure traffic impacts of proposed development at the campus will be considered and appropriate improvements will be required before expansion of the campus will be permitted. That ensures an adequate transportation system can be provided. It is the responsibility of the County to ensure that such a system is in fact provided. Metro does not have the authority to do so directly in the context of a UGB amendment proceeding.

"Improvement of NW 185th and Springville Road can be made consistent with the Goal 12 rule even on the portions of 185th Avenue and Springville Road that remain outside the UGB."

According to the application, the Master Plan recommends that PCC implement a traffic management program to encourage increased use of the existing transit service and other travel modes (carpools, bicycles) as a means to accommodate growth in student population without burdening the street network.

REASONS FOR DECISION

Based on the Findings the Commission determined:

1. The proposal is consistent with County and Regional planning.
2. There is an adequate quantity and quality of services available to serve the site.

FINAL ORDER

RE: BOUNDARY CHANGE PROPOSAL NO: 3105 - Annexation of territory to the Metropolitan Service District, organized under ORS 268.

Proceedings on Proposal No. 3105 commenced upon receipt by the Boundary Commission of a petition from the property owner on July 27, 1992, requesting that certain property be annexed to the District. The petition meets the requirements for initiating a proposal set forth in ORS 199.490, particularly paragraph (c) of Section (1)

Upon receipt of the petition the Boundary Commission published and posted notice of the public hearing in accordance with ORS 199.463 and conducted a public hearing on the proposal on August 27, 1992. The Commission also caused a study to be made on this proposal which considered economic, demographic and sociological trends and projections and physical development of the land.

The Commission reviewed this proposal in light of the following statutory guidance:

"199.410 Policy. (1) The Legislative Assembly find that:

(a) A fragmented approach has developed to public services provided by local government. Fragmentation results in duplications in services, unequal tax bases and resistance to cooperation and is a barrier to planning implementation. Such an approach has limited the orderly development and growth of Oregon's urban areas to the detriment of the citizens of this state.

(b) The programs and growth of each unit of local government affect not only that particular unit but also activities and programs of a variety of other units within each urban area.

(c) As local programs become increasingly intergovernmental, the state has a responsibility to insure orderly determination and adjustment of local government boundaries to best meet the needs of the people.

(d) Local comprehensive plans define local land uses but may not specify which units of local government are to provide public services when those services are required.

(e) Urban population densities and intensive development require a broad spectrum and high level of community services and controls. When areas become urbanized and require the full range of community services, priorities are required regarding the type and levels of services that the residents need and desire. Community service priorities need to be established by weighing the total service needs against the total financial resources available for securing services. Those service priorities are required to reflect local circumstances, conditions and limited financial resources. A single governmental agency, rather than several governmental agencies is in most cases better able to assess the financial resources and therefore is the best mechanism for establishing community service priorities.

(2) It is the intent of the Legislative Assembly that each boundary commission establish policies and exercise its powers under this chapter in order to create a governmental structure that promotes efficiency and economy in providing the widest range of necessary services in a manner that encourages and provides planned, well-ordered and efficient development patterns.

(3) The purposes of ORS 199.410 to 199.519 are to:

(a) Provide a method for guiding the creation and growth of cities and special service districts in Oregon in order to prevent illogical extensions of local government boundaries and to encourage the reorganization of overlapping governmental agencies;

(b) Assure adequate quality and quantity of public services and the financial integrity of each unit of local government;

(c) Provide an impartial forum for the resolution of local government jurisdictional questions;

(d) Provide that boundary determinations are consistent with local comprehensive plans and are in conformance with state-wide planning goals. In making boundary determinations the commission shall first consider the acknowledged comprehensive plan for consistency of its action. Only when the acknowledged local comprehensive plan provides inadequate policy direction shall the commission consider the timing, phasing and availability of services in making a boundary determination; and

(e) Reduce the fragmented approach to service delivery by encouraging single agency service delivery over services delivery by several agencies.

199.462 Standards for review of changes; territory which may not be included in certain changes. (1) In order to carry out the purposes described by ORS 199.410 when reviewing petition for a boundary change or application under ORS 199.454, a boundary

commission shall consider local comprehensive planning for the area, economic, demographic and sociological trends and projection pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change or application under ORS 199.464 and the goals adopted under ORS 197.225."

(2) Subject to any provision to the contrary in the principal Act of the affected district or city and subject to the process of transfer of territory:

(a) Territory within a city may not be included within or annexed to a district without the consent of the city council;

(b) Territory within a city may not be included within or annexed to another city; and

(c) Territory within a district may not be included within or annexed to another district subject to the same principal Act.

The Commission also considered its policies adopted under Administrative Procedures Act (specifically 193-05-000 to 193-05-015), historical trends of boundary commission operations and decisions, and past direct and indirect instructions of the State Legislature in arriving at its decision.

FINDINGS

(See Findings in Exhibit "A" attached hereto).

REASONS FOR DECISION

(See Reasons for Decision in Exhibit "A" attached hereto.)

ORDER

On the basis of the Findings and Reasons for Decision lasted in Exhibit "A", the Boundary Commission approved Boundary Change Proposal No. 3105 on August 27, 1992.

NOW THEREFORE IT IS ORDERED THAT the territory described in Exhibit "B" and depicted on the attached map, be annexed to the Metropolitan Service District as of October 11, 1992.*

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION

DATE: AUG. 27, 1992

BY: Raymond Bentes
Chair

ATTEST: [Signature]

DRAFT

* The area to be annexed contains no registered voters so the effective date is not altered by the upcoming election. See ORS 199.519(3).

FINDINGS

Based on the study and the public hearing the Commission found:

1. The territory to be annexed contains 160 acres, six major college buildings, several smaller structures, and is tax exempt.
2. The petitioners propose to add about 160 acres to the Urban Growth Boundary and the Unified Sewerage Agency (USA) to facilitate expansion of the Rock Creek Campus of Portland Community College. The affected territory is 160 acres of the 250 acre parcel owned by PCC. The Metropolitan Service District has adopted a resolution stating its intent to amend the urban growth boundary upon annexation of the territory to the Metro boundary. The annexation to the Unified Sewerage Agency is proposed to allow urban sanitary services to be extended to the proposed new uses.

The petitioner plans to apply to Washington County for approval of a staged development program through the year 2010 consistent with the July, 1991 master plan for the campus. The master plan assumes 100% growth in full time enrollment (currently 2000 to 2400 averaged over the year) and 80% enlargement in building area. The portion of the petitioner's property not planned for inclusion in the UGB and proposed for annexation to USA will remain predominantly in open space and timber use.

The following statement was provided by the petitioner:

"The existing campus is a legal non-conforming use under Washington County AF-5 District zoning. Expansion and more efficient use of the campus facilities is limited under this status. The Metro Council has passed a Resolution of Intent to include the 160 acre site within the Regional UGB, pending annexation of the subject property to the Metropolitan Service District and the Unified Sewerage Agency. Following the annexation and final UGB amendment, PCC will proceed with an application for a plan amendment to Institutional and seek master plan approval for phased expansion/improvements on the campus.

"The immediate or short term need is for additional classroom, student activity and faculty office/conference

space. Other short term needs include expansion of the alternative learning center and counseling/testing areas. If PCC proceeds with a bond measure for district-wide facility improvements [this bond measure was approved by voters in May], funds dedicated to the Rock Creek Campus will be issued for remodeling of existing buildings and construction of a new science lab/classroom building.

"Longer term requirements include library stack and study space expansion, additional classrooms and proportionate growth in most other facilities.

"The projected campus growth can be used to organize and clarify circulation, parking, and site development. As the campus grows, the opportunity exists to consolidate the campus components into a more consistent character."

3. The lands to the north of the proposed annexation are wetlands, a floodplain, agriculture and a BPA right of way. To the east and west the land uses are agriculture and rural dwellings. To the south, within the urban growth boundary, lands across Springville Road are designated for medium to high density residential development and are zoned Residential (9 to 24 units per acre). The County has approved a dormitory in that area. A new high school has been approved south of the new residential area east of 185th Ave. Extensive low and medium density residential development has occurred between West Union Road and Highway 26.

Existing campus buildings are clustered in the center of the site. About 101 acres of the site are developed with buildings (7 acres), parking and landscaping (24 acres), and agriculture/landscape/carpentry program facilities (70 acres). The remainder of the site is forest and pasture land surrounding the buildings and other campus facilities.

4. The territory is currently outside the acknowledged regional urban growth boundary and outside the jurisdictional boundary of the Metropolitan Service District (Metro). Both boundaries are located along Springville Road.

Metro has authority over proposed amendments to the Regional UGB. Metro has established procedures for hearing petitions for Locational Adjustments (less than 50 acres) and for Major Amendments (more than 50 acres). The Metro Council recently adopted Regional Urban Growth Goals & Objectives (RUGGO) to provide a policy framework for management of the Regional UGB.

Metro is also working to revise UGB amendment procedures and detail specific review criteria. Until those criteria are adopted UGB amendments are reviewed under LCDC Goal criteria.

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The Metro Council considered the UGB amendment proposal on June 15, 1992. The Metro Council adopted Resolution No. 92-1630 adopting its Hearings Officer's Report supporting the UGB amendment.

In summary, the Hearings Officer found that PCC is the only provider of community college services in the community, and that the continued provision of those services is and will be vital to the economy and livability of Washington County. Further, the Hearings Officer found that due to the nature of the overall program offered at PCC-Rock Creek, multiple, satellite locations were not a viable alternative to the continued growth and development of the program at the current site. Hence, there is a demonstrated need for additional community college capacity, and both the nature of the program and the cost of duplicating the entire campus in a new location requires that expansion occur at the current site.

The Hearings Officer determined that although a number of questions were raised about both the provision of transportation services to the site and the advisability of increasing the demand for those services at the site, current transportation system plans and capacity were adequate to handle the projected traffic. A number of design issues will need to be resolved to accomplish this, but those issues will be addressed through the local zoning process in Washington County.

In addition, the Hearings Officer could find no evidence to support the contention that satellite sites, even if on the light rail line, would necessarily be more energy efficient than a single site as proposed. The reason is that satellite

sites would necessitate movement among sites, at all hours of the day. Even a single large satellite site would require either considerable movement between the site and the main campus, or the duplication of many of the central services (library, food services, student services, etc.) available already at the main campus.

For these reasons, and others included in his report, the Hearings Officer found that the petition satisfied the requirements of Goal 14 and Goal 2, as well as other applicable statewide planning goals.

5. The site is designated Agriculture-Forestry on the Washington County Rural/Natural Resource Plan and is zoned AF-5. The Rock Creek Campus of Portland Community College was located at this site after receiving Washington County approval for a conditional use permit in 1974 before adoption of the Washington County Framework Plan in 1983 and the Regional UGB in 1979. The campus and surrounding non-EFU-zoned land was approved as an exception to Statewide Planning Goal 3 (Agriculture), because it was already committed to non-resource use and served with public water and sewer.

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6. The Unified Sewerage Agency (USA) provides sanitary sewer service to the Subject Property pursuant to a contract with petitioner. A 12-inch diameter sewer line extends south of the campus across Springville Road and southwest to the Bronson Creek trunk line near 185th Avenue and West Union Road. The Bronson Creek trunk conveys wastewater by gravity flow to the Rock Creek sewage treatment plant.

According to the application, PCC recognizes that annexation to the USA service district is required in conjunction with an amendment of the UGB to include the college campus. No changes in the existing sanitary sewer system are anticipated.

USA recently completed an upgrade of the segment of the sewer trunk which extends from the Sunset Highway north to West Union Road. The existing infrastructure can continue to serve the campus if the site is developed consistent with the Master Plan.

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9. The territory is currently outside the UGB which is the boundary between the Washington County Enhanced Law Enforcement District and general rural level police protection services. The Washington County Sheriff currently provides police protection services to this site at the rural, county-wide base level of service of .5 officers per thousand population. The College supplements police services with on-site campus security staff.

The Washington County Enhanced Law Enforcement District was formed to serve all lands within the regional UGB. The Enhanced Law Enforcement District finances an added increment of police protection raising the urban level of service to 1 officer per thousand population. If the territory is within the UGB the territory should also be annexed to the Enhanced Law Enforcement District to maintain the integrity of the principle upon which the district was formed.

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11. Approximately 90% of the traffic to the campus comes from the south on 185th Avenue to Springville Road. The following information is from the Findings of the Metro Hearings Officer

Report on the UGB amendment:

"The site has direct access to NW Springville Road, a major collector street with a 2-lane paved section between gravel shoulders and drainage ditches. There is a turn lane at the campus entry. There are no curbs, sidewalks, or bicycle lanes along this street. NW Springville Road now carries about 6000 average daily trips (ADT) east of 185th Avenue. County guidelines for a major collector recommend traffic volume of 1500 to 10,000 ADT.

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"NW 185th Avenue is programmed to be widened to 5 lanes between West Union Road and Highway 26. There is sufficient right of way to widen this segment of the road to 5 lanes. Funding has been dedicated to widen the road to 3 lanes from Highway 26 to Tamarack Lane, about 300 feet south of West Union Road. NW 185th Avenue is programmed to be widened to three lanes between West Union Road and Springville Road. Although funding for this widening is not allocated, it is expected to be provided by the County Traffic Impact Fee (TIF) program.

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"The Hearings Officer accepts the arguments of opponents to the petition that NW 185th Avenue is not improved sufficiently to accommodate expansion of the campus. The UGB amendment, if granted, does not dictate expansion of the campus and does not limit Washington County from requiring the petitioner to improve roads affected by development at the campus. The issue for purposes of the UGB amendment is not whether existing road conditions are adequate to provide a safe, convenient and economic transportation system; rather, the issue is whether that system can be provided. Volumes IV through VI of the Washington County Community Development Plan ensure traffic impacts of proposed development at the campus will be considered and appropriate improvements will be required before expansion of the campus will be

permitted. That ensures an adequate transportation system can be provided. It is the responsibility of the County to ensure that such a system is in fact provided. Metro does not have the authority to do so directly in the context of a UGB amendment proceeding.

"Improvement of NW 185th and Springville Road can be made consistent with the Goal 12 rule even on the portions of 185th Avenue and Springville Road that remain outside the UGB."

According to the application, the Master Plan recommends that PCC implement a traffic management program to encourage increased use of the existing transit service and other travel modes (carpools, bicycles) as a means to accommodate growth in student population without burdening the street network.

REASONS FOR DECISION

Based on the Findings the Commission determined:

1. The proposal is consistent with County and Regional planning.
2. The Boundary Commission adopted Resolution No. 769 initiating annexation of the territory to the Washington County Enhanced Law Enforcement District.
3. There is an adequate quantity and quality of services available to serve the site.

STAFF REPORT

CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE 91-4:PCC ROCK CREEK

Date: September 28, 1992

Presented By: Mark Turpel

BACKGROUND

On June 25, 1992, the Metro Council held a public hearing and approved Metro Council Resolution Number 92-1630(attached), expressing its intent to amend the Metro Urban Growth Boundary, as requested in Contested Case 91-4, pending annexation of the subject property to the Metro District. When the Metro Council wishes to amend the Urban Growth Boundary to add property not currently within the Metro District Boundary, it states its intent to do so in the form of a resolution, with final action on an ordinance delayed until the property is brought under its territorial jurisdiction.

On August 27, 1992, the Boundary Commission approved the annexation of the subject property to the Metro District. Therefore, Ordinance Number 92-472 is now before the Metro Council to complete the amendment consistent with the Council's earlier statement of intent.

Contested Case No. 914 is a petition from Portland Community College for a major amendment of the Urban Growth Boundary in Washington County. The property proposed for inclusion in the UGB comprises approximately 160 acres. The lands affected by this proposal are shown on the map included as Exhibit A. Washington County has gone on record in support of the amendment. Metro Hearings Officer Larry Epstein held a hearing on this matter on March 30, 1992, in Hillsboro, and again on April 27, 1992 in the Metro Council Chambers. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B, concludes that the petition meets the applicable standards and should be approved. No exceptions to the decision were filed.

At its meeting on the 25th of June, 1992, Council heard from parties to the case, reviewed the record, reviewed the report and recommendation of the Hearings Officer, and approved the resolution. The petitioner was given 6 months from the date of adoption of the Resolution No. 92-1630 to complete the annexation. Petitioner has successfully completed this step, and final action by the Metro Council is now requested.

EXECUTIVE OFFICER'S RECOMMENDATION

The Metro Council should approve Ordinance No. 92-472, consistent with its intent as stated in Resolution No. 92-1630.

ES/st
9/28/92