

**CITY OF WILSONVILLE
PLANNING COMMISSION**

**WEDNESDAY
NOVEMBER 13, 2013**

6:00 P.M.



**WILSONVILLE CITY HALL
29799 SW TOWN CENTER LOOP EAST
WILSONVILLE, OREGON**

**PLANNING COMMISSION
WEDNESDAY, NOVEMBER 13, 2013
6:00 PM**

AGENDA

I. 6:00 PM CALL TO ORDER - ROLL CALL

Ben Altman, Chair
Al Levit
Marta McGuire
Ray Phelps

Eric Postma, Vice Chair
Peter Hurley
Phyllis Millan
City Council Liaison Julie Fitzgerald

II. 6:05 PM PLEDGE OF ALLEGIANCE

III. 6:10 PM CITIZEN'S INPUT – This is an opportunity for visitors to address the Planning Commission on items **not** on the agenda.

IV. 6:15 PM CITY COUNCIL LIAISON REPORT

A. City Council Update

V. 6:20 PM CONSIDERATION OF THE MINUTES

A. Consideration of the September 11, 2013 Planning Commission minutes

VI. 6:25 PM WORK SESSION

A. Goal 10 Housing Needs Analysis (Mangle)

VII. 8:00 PM OTHER BUSINESS

- A. 2013 Planning Commission Work Program
- B. Commissioners' Comments
 - OCPDA Training Summary (Altman & Millan)

VIII. 8:15 PM INFORMATIONAL ITEMS

- A. Basalt Creek Concept Plan update
- B. Industrial Form Based Code
- C. Metro decision regarding the West Linn-Wilsonville School District Advance Road UGB Amendment

IX. 8:30 PM ADJOURNMENT

Time frames for agenda items are not time certain.

Public Testimony

The Commission places great value on testimony from the public. People who want to testify are encouraged to:

- Provide written summaries of their testimony
- Recognize that substance, not length, determines the value of testimony
- Endorse rather than repeat testimony of others

Thank you for taking the time to present your views.

For further information on Agenda items, call Linda Straessle, Planning Administrative Assistant, at (503) 570-1571 or e-mail her at straessle@ci.wilsonville.or.us.

Meeting packets are available on the City's web site at: <http://www.ci.wilsonville.or.us/pcdocs>.

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City of Wilsonville

**PLANNING COMMISSION
WEDNESDAY, NOVEMBER 13, 2013**

V. CONSIDERATION OF THE MINUTES

- A. Consideration of the September 11, 2013 Planning Commission minutes

**PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 11, 2013
6:00 P.M.**

DRAFT

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

Minutes

I. CALL TO ORDER - ROLL CALL

Chair Altman called the meeting to order at 6:00 p.m. Those present:

Planning Commission: Ben Altman, Eric Postma, Ray Phelps, Peter Hurley, and Phyllis Millan. Marta McGuire and Al Levit arrived shortly after Roll Call. City Councilor Julie Fitzgerald was absent.

City Staff: Chris Neamtzu, Barbara Jacobson, Kerry Rappold, Katie Mangle, Daniel Pauly, and Mike Ward

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

III. CITIZEN'S INPUT - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

IV. CITY COUNCIL LIAISON REPORT

A. City Council Update

V. CONSIDERATION OF THE MINUTES

A. The August 14, 2013 Planning Commission minutes were unanimously approved as presented.

VI. WORK SESSIONS

A. Goal 10 Housing Needs Analysis (Mangle)

Katie Mangle, Long Range Planning Manager, introduced ECONorthwest consultants Bob Parker and Beth Goodman, whom had done a lot of the technical work on the project, which was designed to demonstrate that Wilsonville complied with statewide Planning Goal 10 or identify strategies needed to ensure the City's compliance, as well as help strategize for planning the Frog Pond area. Tonight, the focus would shift from the analysis aspect of the project toward the policy and strategy aspects. Staff and the consultants wanted to be sure the Planning Commission was comfortable with all of the recommendations so far, before the joint session with City Council on October 7, where a lot of the same issues would be discussed.

Mr. Parker and Ms. Goodman presented the results of the Goal 10 Housing Needs Analysis via PowerPoint, noting that the City of Wilsonville had enough land to accommodate new housing based on Metro's forecast, and that the City was compliant with Goal 10, so no substantial changes are needed to the City's planning program. He reviewed and provided context about the policy considerations related to the Goal 10 Analysis, which were presented in Attachment A.

Discussion and feedback regarding the consultants' questions regarding these policy considerations was as follows with responses to questions from the Commission as noted:

- Planning for Frog Pond. Density was discussed at the previous meeting. What additional considerations, issues or further direction did the Commission have for Staff or the consultants that were important to consider when going through concept planning for Frog Pond.

- Staff would find out what densities were zoned for the property on other side of Boeckman Rd south of Frog Pond. Concern had been expressed by some people that had one of the developments going in behind their property at a higher density. There were at least two different densities there.
 - The zoning in Wilsonville was somewhat difficult because Staff could say how a property was zoned, but it would not necessarily be exactly what was built after the SROZs, etc. were factored in.
- Providing the lot sizes related to the various densities or per buildable acre, net and gross, would be helpful. Having a visual of the gross net would provide context of what the 90 percent that are single family detached homes could look like, and how big of a lot the houses would be put on.
 - Five units per gross acre would equate to about 6 units per net acre, which was a 7200 sq ft lot, if it was all single-family homes; however, other factors would also be involved.
 - Taking a tour and walking various sites to get a feel for them, and then learning the density and actual lot sizes would provide a better feel for density and what it looked like.
 - Such things would be done once the Frog Pond concept planning began, again, due to the many other factors to consider. It was important to remember it was not just the numbers, although right now, it was about the numbers because this estate structure of the study was being done. For example, Brenchley Estates and The Village at Main had approximately the same density, yet they looked very different.
 - In Wilsonville, it was difficult to figure out the net and gross acres in some existing developments because of the PDR process. In addition, the City does not really have a zone that permits development in the 5 to 8 du/ac range; it was one of the gaps in the density range, so it was particularly difficult to illustrate in Wilsonville.
 - The fact that not a lot of housing in the 5 to 8 du/ac was available should perhaps, be noted and that such housing lots of that size might make a difference.
 - Density was difficult to conceptualize. If gross and net acres could not be associated with a neighborhood the Commissioners had seen, they did not have a sense of the density.
 - Providing the public an idea of how the density in Frog Pond might compare to other Wilsonville neighborhoods would be easier for transparency; they could get an idea of lot and home sizes.
 - The concept planning process allowed people to envision what they wanted. Concept planning was not just about laying out density on the site; it prompted thinking about circulation, how an area would fit in or be integrated with the surrounding neighborhoods, and what it would look and feel like. Tours were a good idea to get a handle on what is in the community now and what appeals to people.
 - One problem with tours was only the front was being seen, not the back of the lots (i.e. pie-shaped lots). A limited context, however, was still better than no context.
- One conundrum was the open spaces required of developers that the homeowners must pay for; Villebois being the extreme example. Lots might be 7200 sq ft, but in Wilsonville, a certain amount of open space was also required that skewed the look of the development.
 - Right now, the Villebois zone and PDR zone both had significant open space requirements, and the zoning for Frog Pond was unknown.
- At this point, assumptions were being discussed looking at a giant snapshot of the city; the Commission was not fixing a 90 percent ratio for Frog Pond. It was incumbent upon the Planning Commission and City Council to be disciplined in the future to try to create something in the Comprehensive Plan context that looked like the 90 percent ratio. No decision was being made, only an assumption that someday the decision could look something like that.
 - Ms. Mangle clarified that right now, assumptions were being made to put into a model that must be run to demonstrate compliance with the State. The City wants to learn as much as possible from that modeling exercise to inform the Frog Pond planning, and that information was setting a certain course. The guidance provided by the Commission and the assumptions made now were not fixed and were not necessarily what would happen in Frog Pond.
 - The Commission and Council could say, "That's really what we want to do, and we need to make sure that's where we end up." However, in a year additional information could cause the

Commission and Council to make adjustments as the planning progressed. Either would be entirely valid.

- These assumptions being made would not set any numbers in stone for Frog Pond, only a general indication. Housing type ratios and densities for Frog Pond would be an ongoing conversation about which everyone would have to pay attention.
- If that 90 percent ratio of single family detached, relative to multifamily housing, was what the community actually wanted, it would take a lot of work to get there and the City would have to be disciplined to achieve what the community wanted.
- Planning development in Town Center. Should the City be planning for more or less housing in Town Center? What is the vision for Town Center, as far as type of housing, ground floor retail, etc?
 - There was an opportunity for higher density, but the concern was whether the market was there or not. To a certain degree, the Marathon project at the Fred Meyer site with residential and retail was a test. What was the status of the project and how was it being marketed?
 - The retail was slow; no occupants had been received yet on the retail side. When checked a month ago, the dwelling units were more than 50 percent rented. A large surge was seen in the summer months with a couple units per week being leased at that point. That residential development had only been renting for three or four months, not a long time.
 - Mr. Parker described why residential over commercial developments might be having some difficulty. A number of case studies had been done around the Northwest on these types of developments. While enticing from a planning perspective, there was a lot of struggle leasing the space in some jurisdictions. It is important that the ground level space be configured correctly, with the right space depths, etc. Some jurisdictions had professional offices and other things on the ground floor.
 - If the objective was to generate street level activity, were there other ways to equally and efficiently achieve that objective? Retail is clearly a frontrunner in that kind of outcome, but other things could be integrated that might yield similar results. Having public buildings downtown, like City Hall, are fairly substantial investments that could have impacts in some instances.
 - It might be useful to get a better grip on what the market for retail was in Town Center and the factors that might enhance that market. While more housing in Town Center could feed the market, often not enough housing was put in to support the amount of retail that was built. Some places, like Eugene, OR, struggled with that, basically nothing was happening because the zoning was so restrictive that the market could not do anything.
 - In Tualatin, the offices around the Commons were a nice try, but did not work. Maybe two were occupied on the ground level, after many years.
 - In Town Center, there seemed to be an opportunity to have adjacency, rather than vertical design. The walking environment could be enhanced to provide the opportunity for more people downtown and still have retail without trying to design everything in the same building.
- This should not be such a difficult issue in the Town Center because people were already shopping there, and adding housing above the retail should enhance the development, not make it any worse. The Fred Meyer area was isolated and out of the way, and it was not working in Villebois because there were not enough people there.
 - The difference was the requirement. Some areas had required that the first floor be commercial, rather than allowing it. If commercial was allowed and it happened, that was one thing, but requiring first floor commercial with residential, restricted the market from doing what it might want to do otherwise. It also created challenges when designing buildings. There was no need for such a requirement in the Town Center because commercial already exists; why put commercial under residential instead of having residential adjacent within walking distance?
 - Mr. Parker added part of the problem with vertically integrated mixed use was that it changed the configuration of the retail spaces, which may or may not be conducive to the market conditions. The types of uses currently in Town Center tended to be clustered shops, some of which were larger and some were smaller. With vertically integrated mixed use, primarily smaller spaces were being considered, such as boutique shops, but not a lot of medical offices, which tend to site in areas that could build-to-suit, essentially. The mix of uses and how they would function in Town Center now and in the future was an important consideration.

- The inventory identified 13 acres of vacant or redevelopable land. The truly vacant parcels were indicated on the Buildable Lands Inventory Map, and also identified for the Commission on Slide 9. The parcel across the street from City Hall was one of the four vacant parcels in Town Center. These vacant parcels were assumed to be mixed-use housing developments. Redevelopment of the parking lots was not being relied upon in the model.
- The current Development Code required that the majority of the first floor be in retail use to put housing in the commercial zone.
 - Recalling the Economic Opportunities Analysis for Goal 9, which addressed commercial and industrial lands, the Commission had a lot of discussion about redevelopment in Town Center. The potential capacity on the Frye's site, for example, was fairly significant, particularly when considering vertical configuration. Staff used Goal 10 rules on the vacant land. There were not a lot of redevelopable scenarios in Town Center because it was fairly new. The detailed planning work regarding Town Center has not been done. The City started working with the interns from PSU on a vision for Town Center and a lot of progress had been made, but that was still an outstanding piece of work. Any general overarching recommendations on policy from the Commission for Town Center could be helpful to document in the study.
 - During that Town Center conversation, it was illustrated how the entire Portland downtown, from the waterfront to the park blocks, fit into Town Center, a 100-acre area that had a lot of potential.
- In regards to multi-use, residential-over-commercial, was there more success if the developer went with a higher price point, in terms of construction size, quality, etc., like in the Pearl District, instead of a notch above Section 8, or were there too many economic factors to determine whether that would make it?
 - Mr. Parker said he was reluctant to generalize on that, but in thinking about the market dynamics, the Pearl District had a lot of public investment from BDC to make it work, and it seemed to be a reasonable transition and investment for the community. In general, higher-end units would attract households with higher incomes and therefore more disposable income that would theoretically support more of the types of uses desired. In a place like Town Center, the question was, "where is the tipping point?"
 - It was not uncommon for communities like Wilsonville to desire to get some higher end, condominium products, such as \$300,000 or \$400,000 units. The challenge was whether the city offered those things that would attract people to move downtown or into Town Center. Also, what was the depth of that market, so more analysis would be required.
 - It all came back to the issue of what was desired in Town Center and what the 20 year-plus planning horizon looked like because in 20 years, some buildings in Town Center would become functionally obsolete and there would likely be pressure to redevelop. The challenge in places like this was that land value ultimately drives rental or sales price points that can be challenging for the prevailing rents to support in the community. He noted that was a generalization, because the analysis had not been done yet; however it had been seen in many places like Wilsonville.
- Leaning toward a higher density range in Town Center was one recommendation. There was a great opportunity to develop Town Center with more of a vision for a downtown versus the loop that currently existed. If there was going to be high density anywhere, it made sense to concentrate it in Town Center and close to transportation options.
- While mixed use had market constraints, it was something that required a vision. Although Villebois was not quite there yet, the mixed use would be awesome when it came to fruition. Although patience was needed, having access to commercial elements right below housing would create an amazing place and amazing livability.
- Redeveloping Town Center in more of a grid pattern or using other creative approaches over time had been discussed. Although such redevelopment might be long-term, housing would have a huge impact on how Town Center would be redeveloped, such as how the east and west sides could be better connected, and how Town Center could be more walkable using pedestrian and bike pathways, etc.
- Wilsonville was scattering development for housing to the periphery, which would increase traffic. The environmental issues had not really been addressed, which was another goal that would have to be

dealt with sooner or later. Having a higher density in Town Center was one way to balance some of that provided it was connected.

- If Town Center was redeveloped, a more efficient way would be needed to get to WES, especially for pedestrians. Being 20 minutes from Beaverton provided more opportunities. It was clear why Town Center would be higher density for a variety of reasons.
- Commissioner Postma stated that while higher density made sense, but it could become too high or too fixed, which was a concern. About two months ago, when City Council addressed a question from the public, Council unanimously agreed that Wilsonville was due for a correction away from multi-family and toward a lower density, in order to offset the large number of apartments. He was leery of assuming that even higher numbers were needed right now than those already being discussed. Although correcting the existing imbalance would not work mathematically, the Commission should not give up and accept that Wilsonville would have a 60:40 apartment to single-family ratio or worse from this point forward. It was a correction he believed needed to happen and one that he also heard from Council.
 - Wilsonville would never reach the level of communities with 50:50 ratios, which was unfortunate, but to look at this solely with the intent of trying to tip the balance took away a lot of options.
 - While the Commission had to be disciplined with regard to increasing density, it was also important to keep the big picture in mind. If higher density was put downtown, there could be lower density on the periphery. It was about balance and resource efficiency in terms of utilizing the infrastructure that exists within Town Center. A 4,000 sq ft single-family home would not make sense in the middle of Town Center. It made sense to support local businesses and provide those who need public transportation easier access to get to their jobs. The density discussion had to be kept in context, and all of the benefits and implications as far as housing choices and community demographics had to be considered.
 - Commissioner Postma responded that he agreed, but favored lower density numbers, especially considering the mandate heard from City Council. While the Commission could not draw a line and say, "no more multi-family," if higher density numbers were allowed in one area, they could not blindly assume that the required discipline would continue in the future so that the density numbers would not be pushed higher and higher. The problem was that a developer had every incentive to try to push higher density and the number of housing units. It was incumbent upon the Commission to be disciplined and make sure that a system was not created whereby the bar was set with the understanding that people would push the bar just a bit higher. Therefore, he leaned toward lower density numbers, regardless.
- The City needed to look at ways to get to a lower density on the perimeter. The issue regarding higher density in the middle versus on the perimeter of town was something the City should be prepared to argue about with Metro. In discussions with Metro two years ago, the indication was that it could probably be done, but more recently, it was understood that Wilsonville would be held to a higher net density within the future urban areas. This needed to be challenged to say that the entire city should be looked at for meeting the housing goals, not the last 20 or 30 acres that were brought in to make up for something. While that would create more opportunities for other things to happen, the City also needed to look long-term, 50 or 100 years from now, and consider where the city center might actually be.
- A suggestion was made to have a table that identifying the existing housing mix of the whole community, not broken down by area. The table would detail the number of single-family, multi-family, and attached homes, and project what was expected in Villebois, and then add in what these assumptions would generate at different densities to see how it would mathematically affect the housing mix. Perhaps the balance could be tipped, although probably not dramatically. It would be interesting to at least have a sense of that, otherwise the Commission would continue debating about what they wanted; some facts were needed to inform the discussion.
 - Previous planning documents suggested that some of these issues had been ongoing, which was not that surprising.
- Town Center was included as part of the Housing Analysis discussion because it was included as part of the available buildable lands where residential could be built.

- Another issue to consider was how tall high-rise buildings should be if they are wanted. If the objective was for Town Center to increase by 200 to 270 dwelling units, what building height would be required?
 - The current height restriction was 35 ft to the middle height of the roofline. However, it was a waivable standard given good design, but high-rise building would definitely not be allowed.
 - Generally, the numbers assumed three to five-story buildings, though five-stories would be a stretch at this point. There could potentially be 200 to 270 dwelling units in three- to five-story buildings on three or four different sites.
 - The Zoning Code currently allowed for a lot of housing in Town Center on land that was currently parking lots or buildings, not just the four vacant lots identified. If the City wanted to encourage more housing in Town Center, as some Commissioners were articulating, there were a few ways to nudge it in that direction, instead of passively allowing that housing through some of the mixed-use restrictions, etc.
 - Changes in the Town Center would largely involve private property owners leading the charge, in terms of amending the Town Center Master Plan. The City was not starting a planning process for Town Center, but the City clearly had a role to play with the Zoning Code, and there might be some areas where the City could encourage more to be done.
- Commissioner Phelps questioned why Town Center was being discussed. It was not a viable option because it would not really contribute much to the need for 2769 dwelling units. All those units would fit there, but only if the City allowed for much taller buildings. If multi-family was concentrated in the Town Center area with single-detached homes in the outlying portions of town, things would change. However, if 200 to 270 units was the outcome of three to five buildings, it was not really viable.
 - Mr. Parker explained one reason this issue was raised was because the amount of housing being assumed in the study for Town Center was minimal. However, it could get teed up for the Commission's work program in the future if the Commission began considering what Town Center should be and how it related to the housing study.
- Market information would be helpful because 200 to 230 units would not attract too much attention from developers because of cost. Information was needed about where the threshold for the market would be to actually entice someone to do something in Town Center.
 - Mr. Parker responded that right now, it was probably exceeded by land values or the Commission would probably be seeing something come before them at some point in the future. In other words, development in Town Center did not pencil out under the current planning system.
 - High-rise buildings have never been encouraged in Wilsonville, so nobody was willing to waste their time trying to pencil something when they know the answer would be "no." The threshold question was whether the City was willing to have higher buildings to take care of some of the multi-family needs, so that the outlying areas were not as compact.
 - Mr. Parker noted the restrictions in Town Center did not encourage high-rise development, which did not seem to be desired in that area. An even worse outcome would be to get a bunch of garden apartments because, presumably, that was not what the Commission desired.
 - If anything, high-rise condominiums were desired to bring some money into Town Center. The Commission needed to consider where to invest its energy and consider any incentives that could be helpful. Right now, it was very unlikely that anything would happen given the current regulations as well as the expectations and history regarding what was expected in a town center. The other side of that involved careful thought and putting together a plan, which the Commission started a couple years ago, about what they really desired in a Town Center. It was the difference between allowing and incenting to really make it happen.
- Legislative Action on Policy Changes. The consultants noted three housekeeping Code amendments to be compliant with statewide planning. What legislative changes would the Commission recommend to provide the flexibility needed to accommodate the housing types desired?
 - The restriction on first floor retail in the Town Center was something that could be considered.
 - Building height, particularly in the Town Center, needed to be updated because historically, the 35-ft height limit was adopted because that was as far as the fire district could reach. The Code provided for a waiver if the developer could prove that the fire district had adequate access.

- Ms. Mangle clarified that this list of policy changes was supposed to be oriented toward complying with Goal 10. Other issues needed to be addressed, such as how density is calculated, but those were not needed to comply with Goal 10. There might be other items to address, but in terms of complying with Goal 10, there were not a lot of big policy changes.
- Monitoring Development Activities would give the City better information to inform [Metro's UGB expansion process](#). The City did a good job of monitoring building permit activity, but the story could be told a little differently and on a more ongoing basis. Some jurisdictions do annual reports on development activity that come to the Planning Commission and Council. If the number of variables were limited, it would be manageable for Staff. The report would provide information about some of the policy choices being made and some of the questions that arose in discussions throughout the project.
 - The reports currently being received noted how many permits were issued, the assessed value and total permit value, which did not mean anything as far as what was being accomplished; so, further guidance about what would be included when reporting such activities would be useful.
 - Mr. Parker suggested breaking the issued permits out by location, or map them, and look at the density of the developments, at least on a net scale, as well as track the rate of development year-over-year, to see how many permits were being issued for new dwellings, etc. It was fairly straightforward work that had been started for this project, and would be fairly simple for Staff to continue.
- Additional Review of Comprehensive Plan. Data in one Comprehensive Plan policy regarding the housing elements was found to be outdated, and the consultants made a number of comments about the substantial list of implementation measures, some of which were out of date. The Commission might want an additional review of those implementation measures and Comprehensive Plan to consider whether to continue with the existing direction and potentially take a different strategy. More information would be provided at a future meeting.
- The Timeline on Page 2 of 19 of the summary memo was corrected to state, "Early ~~2013~~ 2014".

The Commission provided feedback about what that the consultants should emphasize at the joint work session with City Council in October as follows:

- It was suggested that Mr. Parker emphasize his broad-brush stroke insight about how much of the residential over commercial did not pan out.
 - Even with the amount of public money poured into such developments along MAX, it still has not worked 25 years later. It looked cool for planners and having housing above the old storekeeper was a romantic notion, but it did not pan out in the 21st century.
- The policy changes the Commission discussed should be emphasized, which was what the Commission wanted to engage the City Council with.
 - Density should be focused on relative to the strategy the City moved forward with; that direction needed to be reaffirmed by Council in terms of their expectations.

Mr. Neamtzu encouraged the Commission to be thinking about the Open House in November which would be held on the regular Planning Commission meeting night in the Committee for Citizen Involvement (CCI) venue. The questions regarding Town Center could be posed to the broader community to draw out some of their ideas and thoughts. He encouraged the project team to think of how to engage that type of discussion.

Chair Altman suggested also getting feedback from both the Council and the community on the issue of higher densities on the fringe, as opposed to the center of town. If the public was okay with it, that was a whole other issue, but it was not how the original plan was laid out.

Ms. Mangle reminded the Commission that the joint work session with City Council was on October 7, at about 6:00 p.m.

VII. PUBLIC HEARING

A. LP13-0005 - Villebois Village Master Plan amendment relating to the Future Study Area (Polygon NW, applicant) (Pauly) This item was continued from the August 14, 2013 meeting.
The Planning Commission action is in the form of a recommendation to the City Council.

The following exhibits were entered into the record:

- Attachment U: Email testimony from Janell Beals regarding the LEC and Attachment N dated September 5 and September 11, 2013, respectively.
- Attachment V: Email dated September 11, 2013 from Planning Director Chris Neamtzu responding to questions from Commissioner McGuire that included potential changes to policy language.

Chair Altman reopened the continued hearing for LP13-0005 at 7:13 p.m. and reviewed highlights from the initial hearing. He noted that as requested by the Planning Commission, Staff had made revisions to the Staff report and resolution.

Daniel Pauly, Associate Planner, presented the revisions made to the Staff report with these comments:

- The Applicant's list of proposed changes was used to create a summary of the changes as well as a detailed list of the specific changes to the related text and figures, which were shown on Pages 3 through 10 of 48. The changes also included those to various items from the DKS memorandum on traffic and circulation, as well as general editorial and miscellaneous changes.
- The Applicant also prepared a red line version of the Villebois Village Master Plan (Attachment N) that included all of the existing Master Plan, showing the changes, and highlighting those changes on the figures.
- Additional discussion about the nature and location of the parks, and how they related to and complied with the Village Master Plan.
- Attachment D had been updated to provide a current and proposed version of each figure to better clarify what had and had not changed in each figure.

Barbara Jacobson, Assistant City Attorney, noted red line copies of the Staff report and resolution were also included in the packet that indicate the exact changes.

Commissioner McGuire asked for the approximate lot sizes were on the medium, standard, and large lots.

- Mr. Pauly believed the smallest size for a medium lot, which had some requirements for lot width, etc., was about 2,900 sq ft; standard lots are 2,900-something up to 4,500 sq ft, and larges were about 5,400 sq ft or so stepping up.

Commissioner Levit:

- Asked whether the increase of 145 units from 2010, noted in the second bullet on Page 4 of 124, and prior increases were included.
 - Mr. Pauly responded that the 2645 total units included the approximate number put into the Future Study Area, as well as the refinements that had been approved by DRB since 2010.
- Noting Page 6 of 124, he confirmed there were 47 miles of trails and pathways, which included all sidewalks and anything that could be walked on that was not shared with vehicles.
- Noted that his prior comment about showing the existing entrance into the Grahams Oaks Nature Area was still not reflected, for example, on Attachment D Figure 5. The entrance was near Grenoble St where the crosswalk and linear green exist.
 - Mr. Pauly explained that the linear green was the connection.
- Stated it was hard to read the Current and Proposed conditions in Figure 9B.
 - Mr. Pauly replied both Staff and the consultant have had difficulty finding a clean copy of Figure 9B to include. He clarified that Proposed Figure 9B added Street Section T, a residential median for the main entrance on Grahams Ferry. The Proposed figure had been cleaned up, but the old Figure 9B was still somewhat hard to read.
- Noted the existing language in Item 8 on Page 99 of 124 needed to be cleaned up because Villebois Dr and Ravenna Lp actually parallel each other; they do not cross. If the bicycle boulevard was to be on Villebois Dr, it had to be Barber St and a different street, not Ravenna Lp.

- Mr. Pauly responded that Staff would look at it.

Commissioner McGuire:

- Asked if the Commission could make a recommendation to change the color of the proposed land use. For example, changing a medium lot to a standard lot. Did they have to accept the color as is, or did the Commission have to accept or reject the proposal.
 - Chris Neamtzu, Planning Director, answered that ideally, findings would be made about why something would be acceptable or not acceptable. Staff tried to apply the criteria to the proposal which could be found in the record and Staff reports, and if something would lead the Commission to that recommendation, that would be an ideal path.
 - Chair Altman noted the Commission was setting the land use category.
 - Mr. Pauly believed the current language proposed a land use pattern similar to the other edges of Villebois.
- Noted that Figure 5 in Attachment D was not completely current, because more green spaces had been added through the refinement and DRB process near Barber St that were not reflected, so it was a bit misleading.
- Asked if the large and standard lots located along Grahams Ferry Rd had previously been estate lots that were refined during the Arbor Villebois planning process.
 - Mr. Pauly answered yes, some of those lots had originally been estates. In the original Master Plan, there were a couple estate lots at the end of San Remo, but that was refined at the SAP level and then later master plans reflected that change.
- Confirmed that portions of the red section near Tooze Rd (Figure 1) had previously been the school site. She asked if an amendment process took place to redo that land use pattern after the school was moved, and if that would be the currently adopted land use pattern.
 - Mr. Neamtzu replied yes, the school was moved there, and then moved to and constructed at the current Lowrie site. The land use pattern in the original plan was reapplied to the area where the school was removed. The original plan did not have a school there, so about 10 acres of land was planned, but the land use was reapplied to the 10 acre area, not changed, when the school moved. The school moved four times, but the area reverted back to the original land plan identified in the original Master Plan.
- Believed that because this was a master planned development and a substantial amount of people bought into the Master Plan, knowing the amenities, general land use pattern, housing types and parks that would be offered, the community should have a large say in how it was developed, balanced with the market. Knowing the area was designated as a Future Study Area, there should have been a larger stakeholder engagement process to provide more time for community participation and input into what the area looked like. Based on community input the Commission has received to date, it seemed the community generally wanted the land at a lower density with larger lots and more park spaces.
- Recognized the proposal had been revised, but upon further review, she believed the Future Study Area should be primarily standard, large and estate lots, with no medium category, in order to balance the site with the rest of Villebois. There were many more smaller houses with no yards, and more houses of a larger scale with more yard space were needed to balance the supply and provide a variety of products; 2,900 sq ft was not that big and did not provide much yard space.
- Said she had reiterated her point in her emails about the shared common spaces, and recognized Staff had gone through and looked. She still felt that a shared common space was missing. At the same time, she would rather have standard, large and estate lots with no medium category to set the precedent during the refinement process for the DRB to look back and see what was proposed and provide that additional guidance to them. If the subject proposal went to the DRB as is, she imagined the DRB would use the fact that there were a lot of medium family lots, as well the proposed number of units within the table, as their guidance for the development.
- Wanted to ensure the site was developed consistent with the Master Plan, which is really balanced and supports the interest of the Villebois residents. She liked the additional policy language Staff proposed in the email, Exhibit B, but would rather see it changed to standard- to estate-sized lots, with the medium category eliminated.

Chair Altman:

- Stated that this property had been dangling out there as a study area with a lot of expectations around it, but in his opinion, it was distinctly different than the all of the land Villebois is built on, in that over half is open space already, setting it apart as a distinct neighborhood in itself. They were trying to make it a part of the rest of the program, but it was distinct enough that it was not the same. Similar or compatible was not "the same as," and he believed that should be added considered. He also noted that the category being applied was not necessarily the map (Figure 1), but Category 2, which included all four lot types: medium, standard, large, and estate. He asked for the Commission's input on Commissioner McGuire's comments about removing the medium lot category.
 - Barbara Jacobson, Assistant City Attorney, stated the application before the Commission was the four lot types. The Commission had to decide whether to recommend the lot types or not. The Commission could not amend the application and approve only three lot types. The Commission's purview was to recommend to City Council whether or not this was an acceptable plan from their perspective. If the Commission voted against the proposed plan, which included the four lot types, it would then be up to the Applicant and City Council to determine what the next steps would be.
- Reiterated that the designation being applied was the Category 2, detached single-family, which included four types of lot patterns. While Proposed Figure 1 was a recommendation or proposal by the Applicant for the particular distribution of the four lot types. He understood the Commission was not specifically adopting that, as much as adopting the Category 2, and then the refinement process fills in the blanks in terms of the actual lots.
 - Mr. Pauly answered that was correct, adding at that point, everyone would have much more concrete information and criteria to really make an informed decision on the appropriate amount of lots.

Commissioner McGuire asked, if that were the case, why weren't all the lots the same color. She understood the discussion, but still believed a precedent was being set by adopting this plan, regardless. She would be fine if the color was changed to the standard color, and asked if that could be done or did it have to be done as proposed.

- Mr. Pauly responded Staff had a strong feeling that if approved, the Applicant would submit a similar lotting pattern for DRB review. In that case, the proposal was better than something nobody would ever see again. He believed it was a moot point and not worth Staff's or the consultant's time to change the colors because it did not set a precedent from the resolutions or from the findings.

Chair Altman said he understood that the colors on the map were not as specific as the Category 2, which allowed and basically designated the area for single-family detached homes.

- Mr. Pauly said it was an idea that, preliminarily, the Applicant had put together, but the Commission had already said that a certain mix or number of lots would not be approved.

Commissioner McGuire:

- Responded that the number of units was stated in the plan, which ~~what~~ was very confusing. She understood the plan was preliminary and would be refined, but putting a Master Plan into the record with certain colors and a total number of units was setting a precedent.
 - Ms. Jacobson noted that language had been changed in the Staff report as suggested by Commissioner Postma last time.
- Noted the second bulleted item on Page 4 of 48 had not changed; it still had the same language regarding the number of units.
 - Mr. Pauly responded the Master Plan has an exact number that is adjustable by 10% through the SAP process. Whether 50 lots or 200 lots were put on the property, the number still had the same meaning.
 - Some nuances are involved when working with an existing Master Plan with a level of detail, and they would not amend the Master Plan to remove those details. However, it had been clear on the record that they were not setting a precedent for DRB, but allowing them to review all the pertinent details on traffic, etc., and all the different criteria to make an

informed decision and determination, which was the purview of the DRB, not the Planning Commission.

- Stated she understood, but reiterated that the Commission was setting the land use pattern.

Commissioner Levit confirmed that neither the Proposed Figure 1 nor Current Figure 1 were accurate representations of Villebois as it exists. The streets were different, and the housing layout and lot sizes were different. Although Figure 1 had not been updated, it had not forced the development to go in that direction, and so he did not know that this proposal would be any different; it was more a conceptual plan than any detail. That said, how would DRB know the Commission's intentions when deliberating without the history of the Commission's discussion?

- Mr. Neamtzu replied findings are written to the Master Plan itself; therefore, the linkage would be through the policies and implementation measures in the Master Plan that would be referenced as part of SAP refinements and zone changes, so there would be linkage through subsequent DRB processes. However, it was not the entire record of this hearing.

Chair Altman said he did not see that as being any different than other PDR zones where this complicated review process did not exist. With PDR zones, there was a designation on a map for a certain allowed density, which was the same thing being done here but there were just more colors to pick from, and the Commission was picking the one group of four colors that would be applied to this property, and it would move forward to specific development with that as the boundary. It was no different than the property down the street that was designated PDR 5, which is six to seven units per acre in the Code, that density is implemented, as well as the lot sizes and etc. that are allowed. In his opinion, it was the same thing. The Commission was not going any deeper than that because that was not the Commission's role.

Commissioner Postma agreed it was not their role, but was sensitive to the fact that, at some point in time, they were still pushing a snowball down the hill and it would begin to gather some momentum no matter what. He was sensitive to the fact that they were talking about an application, and unfortunately, it was the Commission's role to either accept or reject it. The Applicant was present and listening, and it was important to remember that this was what they were looking for, and that any number of those present could testify before the DRB. He hoped to hear if the Applicant tried submit a plan that did not look very similar to the current one and then he hoped to be sitting next to some of his fellow Commissioners testifying to the DRB, saying, "That was not what they had talked about, and while you are not bound by it, we should stick with what we've been talking about through the entirety of this process." Unfortunately, that was the Commission's only role.

- Mr. Neamtzu noted something that had not been discussed was Staff's communication with the Applicant about the potential for a Street of Dreams at the site, which he believed would be helpful for the Applicant to talk about. He understood Staff to say that estate-size lots were not being precluded. In fact, Staff had real conversations with the homebuilders association about putting a Street of Dreams at the site, which would require that estate-sized lot, so again it was Category 2. There had been real conversations about a certain percentage of these homes being tremendous. There were questions about whether it would happen, but the stage was being set for that to potentially happen; it was not being precluded with the application. He was not sure the Commission was aware of that conversation or background, or whether it had been in the application materials.

Chair Altman recalled hearing that, but did not believe it was relevant because the Commission was not dealing with that level of decision.

- Mr. Neamtzu stated his point was that it did not preclude the estate-size lots from happening in a subsequent DRB application. This site plan also showed a lot of encroachments into the resource areas, and Staff has to take an incredibly high-level, focused, detailed review of those impacts and would make strong recommendations to the DRB regarding those impacts.
- The DRB had tremendous discretion in granting percentages of encroachments. In a number of places, it stated the encroachments were illustrative, but again, the review at this point was at the 40,000 ft level, setting the stage for the future conversations. He understood Commissioner McGuire was not being comfortable with that. Staff had struggled to lay this out in the best way possible, but they had a lot of questions. If there were too many homes on the site; if there were transportation problems; if level of

service could not be satisfied on local streets; or resources were degraded, Staff could not grant approval for a higher number that did not meet those Development Code criteria, and there would have to move to a lesser number of lots. Those would be really long conversations with a lot of passion and emotion surrounding them. But because Staff did not have that, they could not evaluate that, but they had to start somewhere, and they had to start the conversations somewhere. The proposal would start moving through screens of information to start telling Staff whether the proposal met the infrastructure, traffic, safety and natural resource encroachment tests, which were things the DRB dealt with all the time and were very good at addressing. The DRB took Staff's recommendations very seriously, which were strong recommendations.

Commissioner McGuire reiterated that she understood what was being said. She wanted to see the area developed, but believed that if the community was responsible for developing it, there would be more green spaces and only medium, standard and large-size lots. She understood it was driven by the developer and Staff was doing a lot of work to bring the plan forward, but the community should be taken into consideration.

- She asked if an alternative application could have been just those three lot categories or if someone could have proposed a Master Plan amendment limiting the number of land use categories to those three. She believed this proposal was being taken as the absolute, with no other alternative, but there was still that potential, although this was the proposal before the Commission.

Chair Altman understood something would have to be amended way back in time, in terms of the Master Planning, in order to change Category 2 to eliminate one of the lot size categories, and he did not believe that was an option.

Commissioner McGuire understood that with the conceptual plan, all four categories must be included.

Chair Altman:

- Replied, that is right; the Commission was adopting a category of land with single-family detached units that included an option of four different styles of lots and the background of the overall Master Plan. That category had been established a long time ago and the Commission was not in a position today to modify it.
 - Using the analogy of another zone, he explained the Commission would not have the option of designating a property 6 to 9 units per acre, because that category was not available in the Code or Comprehensive Plan. Therefore, the Commission was applying an available category and limiting the development to single-family detached and the four types of lots. The process beyond the refinement process would determine exactly how that configuration would look.
 - Mr. Pauly added Staff knew how the SAP South Pattern Book defined a medium lot, but at this point, this proposed amendment was not actually defining or adopting what a medium lot was for this SAP Area. At the DRB, with additional information, a separate pattern book could be used that might require a medium lot to be, for example, 3,500 sq ft. Designating medium lots did not necessarily mean the lots would be a certain size.
- Asked if policy direction or a recommendation from the Commission to Council could be outlined under Areas of Special Concern, similar to specific design concerns noted in the past, to somehow frame within Category 2 the concern of acknowledging neighborhood input and the need to look toward larger lots. He was seeking a way to get this discussion passed forward, as done previously under Area of Special Concerns. The Commission could not answer all the questions, so concerns were listed to be addressed in the future.

Commissioner McGuire:

- Noted Staff's proposed policy language shown in blue on Page 2 of Attachment V could be added, and asked if it could state, "The residential land uses in the Future Study Area will be limited to single-family lots in the ~~medium standard~~ to estate" sizes.
 - Mr. Pauly replied that findings were needed because the current findings in the Staff report would not support that change. The staff report was looking at the sizes being similar to other edges of Villebois.

- Replied that she disagreed with the findings then.
 - Ms. Jacobson stated this was what was being proposed by the Applicant and their proposal included the whole range in that designation. The Commission could either vote to recommend it or vote against it. The entire record would be before the City Council, so Commissioner McGuire's statements and concerns would be seen. It was ultimately the Council's decision. When Commissioner McGuire cast her vote, she could articulate her concerns some more, if she believed it would be helpful.

Chair Altman:

- Asked if additional language could be forwarded as guidance on how to determine the lot sizes when the development moved forward to refinements. As he understood Mr. Pauly, the lot sizes were not specifically set in any one of the four categories.
 - Commissioner McGuire believed they would look at SAP South.
 - Mr. Pauly stated the lot sizes would likely be very similar to other SAPs.
- Asked if there were findings that described what the community had been communicating and the Commission's concerns about the refinement process and the ultimate result possibly being 90% medium-size lots and no estate lots, which it could.
 - Mr. Pauly replied Staff had addressed that by using a similar pattern described in the Staff report as having the large and standard on the edges with a mix on the next interior ring, similar to other areas on the edges of Villebois. For example, the developer could not build a bunch of medium lots along Grahams Ferry Rd. That new language was in Attachment V and taken directly from one of the 'Whereas' of the resolution. It was also reflected on Page 3 of the Staff report in the summary of changes regarding land use.

Commissioner McGuire understood Staff was suggesting that the medium lots stay where currently indicated by color.

- Mr. Pauly stated from a Staff standpoint, that was supported by the record and what currently exists in Villebois; it was a reasonable request by the Applicant.

Commissioner Postma confirmed that Attachment V was not currently incorporated in the Staff report. Mr. Pauly added it could be incorporated as an option, but Staff did not necessarily believe it was necessary.

Mr. Pauly entered the following additional exhibits into the record:

- Attachment U: Email testimony from Janell Beals regarding the LEC and Attachment N dated September 5 and September 11, 2013, respectively.
- Attachment V: Email dated September 11, 2013 from Planning Director Chris Neamtzu responding to questions from Commissioner McGuire that included potential language changes.

Commissioner McGuire asked if the Commission was going to allow public testimony.

Chair Altman said he wanted to ensure the Commission had a clear understanding before complicating it any further.

Commissioner McGuire said she understood it from the Staff's perspective and believed the findings were adequate. However, from a community perspective, she believed it related directly to tonight's conversation about the Goal 10 Housing Analysis. In stepping back and looking at the land use pattern map, the guiding tenant of the Villebois Master Plan came into play in terms of the balance and diversity of housing options and types. She was concerned there was an opportunity to provide more of that housing diversity and balance with larger land use pattern designations, which was really important, which was interesting come from her, as more of an advocate of higher density housing. She reiterated her belief that it was important to represent what the community wants and what they had bought into, having invested their money into a planned community.

Commissioner Phelps noted Page 4 of 124, Item 3 Parks, Trails and Open Space continued to show that over half the site, approximately 23 of the 43 acres, was preserved for open space. He asked if the Applicant was proposing that the City pay for all of that open space or would the Applicant pay for it.

- Mr. Pauly replied the Applicant would pay for it. He noted that whatever number of houses there were would pay HOA fees to maintain 23 acres of open space. The more houses there were, the less cost per house. It would be a month-to-month cost.

Chair Altman confirmed there were no more questions of Staff.

Ms. Jacobson reminded that last time, the Commission agreed to continue the hearing and keep it open for more testimony from both the public and the Applicant. Before closing the hearing, both sides and those neutral to the proposed amendments needed the opportunity to speak.

Chair Altman recalled that the Commission had continued the hearing and had not closed it.

- Ms. Jacobson believed that was where the Commission had been heading because they wanted time to make a decision, but Commissioner McGuire had asked that the hearing be kept open.

Commissioner McGuire stated if it was advertised as a public hearing, she believed the Commission had to give the public and the Applicant an opportunity to speak.

Commissioner Postma added the Commission could vote to do that, if they felt it was needed.

The Commission agreed that they had already voted to allow more public testimony.

Chair Altman called for testimony from the Applicant.

Fred Gast, Polygon Northwest, 109 E 13th Street, Vancouver, WA 98660, thanked the Commission for taking time to hear the Applicant's proposal and thanked Staff for working diligently since the last session. He noted the Applicant was supportive of the Staff report and the adjustments that had been made.

- He reiterated that the Applicant's responsibility was to balance many different competing interests and/or forces. They looked to the market quite a bit, as well as community input. They held and had taken input at a number of meetings, including City Council meetings, board and design review meetings, Commission meetings, and community meetings. The Applicant tried to take all of those different things and create a plan that was fair and represented a balance between the different interests.
- This was a unique property, and the Applicant believed they had created a plan that they intended to build as shown. It was their intention to do the land uses as arranged.
 - The numbers were remarkable; the site was designated for urban compact development, which was the notion of Villebois. Although this site was a piece of Villebois, it was a very unique piece, which is why the Applicant felt comfortable maintaining that diversity standard, but under the lower density development with single-family lots. There were no smalls, no townhomes and no cottages, which were typically associated with Villebois. The Applicant focused all of their efforts on the large lots. Frankly, he believed there was stronger demand in the marketplace today for that style of home.
 - That said, the site was being developed on a gross basis of less than three homes per acre. When the Commission deliberated on other properties, they were talking about having six, seven, eight, or ten homes per acre; this site would have quite a bit lower density than was even being contemplated for future expansions.
- A lot of the site was open space, which was one of its benefits. It had a great natural landscape that the Applicant wanted to take advantage of by building one more neighborhood section of Villebois. However, it was a balanced approach that was still keeping within the appropriate tenure of Villebois.
- He thanked the Planning Commission and Staff again, adding he would be glad to answer any questions.

Commissioner Postma asked if the Applicant had received a copy of Attachment V and how they felt about the revisions that specifically provided limitations to single-family lots in the medium to estate land use category.

- Mr. Gast replied the Applicant had provided comment to the revisions proposed by Staff and had no objections.

Commissioner McGuire asked if the Applicant would object to added language that encouraged the standard to large lot sizes.

- Mr. Gast answered yes, he would object. The Applicant had made an adjustment from what was typically seen in Villebois development applications, which were small lots, towns and other facets. They were focusing their efforts into the larger category, which provided a lot of opportunity and flexibility to respond to the marketplace, as well as the Applicant's objective to get larger lots in Villebois and other parts of the city. The proposed amendments gave the Applicant all the tools necessary to respond to the marketplace without further limiting the normal diversity standard found in Villebois.

Chair Altman called for public testimony in favor of, opposed, and neutral to the proposed Master Plan amendments.

Andy James, 11976 SW Lausanne St, Wilsonville, OR 97070, stated the red line changes were extensive, and he really appreciated Staff for making the revisions to the Staff report. He believed that he now had a much greater understanding of the refinement process.

- Last time he had commented about the streets facing the Significant Resource Overlay Zone (SROZ), as opposed to houses facing the SROZ. As stated, this was a unique area and part of the uniqueness was that it was surrounded by forest, so having the streets border the forest area would allow community residents to enjoy the forest. He was not sure if that was a part of the Planning Commission process or DRB process, but wanted to reiterate that point.
- Secondly, he had signed up to receive emails about this issue, as had others. He asked if they would automatically be informed about DRB topics related to the area as the DRB process went forward or would they subsequently have to find out about it, sign up, and proceed accordingly.

Mr. Neamtzu replied that Staff would be happy to add him to all the mailing lists. Any interested parties and anyone who participated in this process would be included in all subsequent mailing lists, in addition to those within a 250-ft radius that are required to be notified as part of the quasi-judicial process.

Mr. Pauly noted that Staff would be happy to include anyone on the emailing list who had signed the petition, but their contact information was needed.

Mr. James stated he would help get the word out and confirmed that those wanting to be on the mailing list could direct emails to Mr. Pauly.

Commissioner McGuire asked Mr. James what he thought about the revised changes and if he believed the proposal was now adequate.

- Mr. James responded that was one area he definitely wanted to see some change was the streets bordering the SROZ, but he was not certain if that was to be addressed at the Commission level or not.
 - Proposed Figure 5 Parks and Open Space Plan was displayed. He explained that Normandy Ln currently borders the south part of Villebois as well as the Graham Oaks Natural Area. That pattern was also repeated in that area where trails go through the forested section so the streets border the SROZ, allowing the community access, which was one of the selling points within the Villebois community.
 - However, in the Future Study Area, the proposed street layout incorporated some of that in the north section, but along the southwest and southeast sides, it was flipped so the houses bordered the SROZ. If someone wanted to walk and enjoy the forest along the streets, they would only see garages, cars, and the tops of the trees.
- Mr. Pauly believed more analysis was needed, though that was certainly a desirable design tenet. As Mr. Gast stated, a lot of things were being balanced. If an added street removed natural areas, was that truly desirable? Ensuring that the right balance was being struck was appropriate for the DRB to review. Street alignments could be adjusted through the refinement process.

- Mr. Neamtzu added it was not as if the site plan ignored that tenet, which was shown in a number of locations. The entire north property line was a single-loaded street along the SROZ, as was the area along the east side where a single-loaded street completed the eastern loop with SROZ across that street.

Chair Altman asked if there was a specific guide in the SAP that would direct that refinement.

- Mr. Pauly replied it did specifically say as a criterion that streets should be oriented a certain way. There was a general idea, especially concerning parks and open space, to push amenities as much as practical to the edges to provide that additional level of experience with the natural area. Having that experience from the sidewalks along the streets was also desirable.
 - As he had originally reviewed the Applicant's proposal, and considering Mr. James' comments from the last meeting, there were a lot of streets that did that, and Staff would need to carefully determine if it was practical to do so on the other streets. There were questions about SROZ and tree impacts in some areas, especially in the very south of the project that might totally change the lot pattern there anyway.
 - Mr. Neamtzu added it would be fair for the Applicant to talk about their street grid design if the Commission was interested in hearing that as well.

Chair Altman commented that issues are brought to the Commission for discussion, but there was a gap in terms of how issues get out to the refinement process, and the Commission seemed to keep struggling with that piece. If there was no basic guide within the overall Master Plan that discussed preferences for single-loaded streets along natural areas, he did not see the Commission adding it in this particular case. That feature had occurred in specific areas, but not in every case. If that was the general framework, he was comfortable with that approach, but he was looking for ways to connect back to pass on guidance.

Commissioner McGuire asked if it could be added as an implementation measure for consideration, as a catalyst for discussion.

Chair Altman replied it would something to add under the open space discussion in Attachment V.

Ms. Jacobson added another place to address the matter thoroughly was at the DRB. She encouraged citizens to make the same comments heard tonight, which may not be directly within the Commission's decision-making authority, to the DRB. Even though those testifying were on the mailing list, it was really important for them to present the same testimony to the DRB, because that Board would make the final decision on that. It was good to get such comments on the record now, because then both the Planning Commission and City Council would hear it.

Mr. Pauly noted that as discussed before, the earlier the issues were raised provided the design team and Staff more time to discuss the issues and see if additional opportunities were available.

Mr. James [regarding his comment about being reaffirmed he wanted to be put on the mailing list, adding now that he understood the refinement process, he would bring a lot of his concerns to the DRB level.

Commissioner Levit asked Mr. Gast about the time frame for developing the property, assuming everything was approved through City Council.

- Mr. Gast replied the time frame was largely determined by when the City Council meeting was held and that process. The Applicant would process their application within 30 to 45 days of getting the City Council's decision. The earliest construction timeline would be summer of 2014.

Ms. Jacobson asked Mr. Gast if he had any comment for the Commissioners regarding the street grid.

- Mr. Gast replied that his comment would be deeper than just the street grid. The Applicant had stated in both presentations at the previous hearing and this evening that they would listen. The Applicant did take things into consideration and had demonstrated that even on this proposal with modifications that had been made. He never foreclosed taking these considerations further in the site plan, although the Applicant had done a great job of balancing to date. That was not to say that the Applicant did not listen

and did not make adjustments to the plan, which they have demonstrated on this application and others they have processed in the city. Whether it was a street grid, open space, park orientation or land uses, all of those things would be considered and the Applicant's team would work on it. The Applicant understood very clearly the direction of the Villebois neighborhood and the group, and while they could not always agree on everything, the Applicant certainly looked to find the places where they could come up with the best possible community and plan. He expressed appreciation for the process and the interaction.

Chair Altman closed the public hearing at 8:18 p.m. and called for Commission discussion.

Commissioner Postma believed there was no harm and some potential good in the revisions included in Attachment V. He proposed revising the language on Page 2 of the resolution, the paragraph starting with "NOW, THEREFORE," the third line down, he proposed the language could be revised to read, "...recommendations contained therein and **the revisions proposed in Attachment V...**" to memorialize the potential addition to the Staff report within the resolution.

Commissioner Phelps stated he was inclined to move the resolution forward with a recommendation that the City Council approve it.

Commissioner Levit agreed.

Commissioner Postma also agreed, adding he believed it was important for the Commission to keep an eye on the process themselves. As previously stated, it was extremely important that the public continue to be involved in the process. Much more would happen and a lot more refinement would take place. If those present had any inclination as to whether they liked the current plan or not, there would be more opportunities for input as the plan was refined even further, and the Commission wanted and needed the public to speak into that process. It would be important that the public comments and concerns discussed at this hearing were translated into the next step of the process. Having sat on DRB himself for a long time, as had other Commissioners, such input was invaluable if the public wanted to ensure the City adhered to the process and held everybody accountable for the way the city looked.

- He noted that the resolution stated there had been an adequate process with the community and there was a difference between adequate and ideal. He believed that perhaps, the City had reached the adequate standard, but not the ideal standard, and needed to endeavor to be better about hitting these processes early. Getting to this point seemed to have been somewhat of a "whirlwind tour".
- He was not sure if the process was as indicative as it should be for community involvement. What was intended to be a two-month process and turned into a three-month process was too fast to get community involvement on such a project, when citizen input was expected in the middle of summer.
- He encouraged the City to strive to be a bit better to being open to what the community had to say.
- He had a little reservation about the resolution's language that said the process with the community had been adequate. While he believed the process had been adequate, Staff, the Applicant and all applicants needed to strive for better to ensure they were involving the community in the processes as soon as possible so citizens could truly weigh in. Otherwise, he was generally favorable to the proposal.

Commissioner McGuire stated she would not support the proposal for some of the reasons Commissioner Postma had just mentioned. Primarily, she did not believe the criteria regarding citizen involvement had been met. Secondly, she felt the process had been rushed and that there had been constant confusion at the public hearing, where the Commission was still questioning what was actually being voted on. She did not believe that was good process. She also had issues with designation in a Master Plan that was said to be a Future Study Area, and then having done it in a three-month process.

- While she recognized there were things happening behind the scenes, she believed it was critically important, especially when there was a willing audience, to allow community participation. Even at the Commission level, having another work session, instead of a public hearing venue, to work through the amendments would have been beneficial and would have provided an opportunity for the public to come

discuss it and clarify the process. Many people had been disengaged because it was confusing, and continually having to tell people, "Not now, come back later" was really hard.

- She appreciated that Polygon had a neighborhood meeting and presented their more detailed proposal, but that was even more confusing for the public because they heard the proposal and then came to the public hearing to provide feedback, but were told they could not comment on the proposal. It did not sit right with her and she was not comfortable making this decision without having adequate process. Had there been adequate process, a lot of her questions could have been resolved, and perhaps she would be more in support of the proposal.

Commissioner Hurley said he had to remind himself when going through the process at what level the Planning Commission took action. He understood and echoed Commissioner McGuire's frustration, but for the level at which the Commission was working, he was comfortable with where the Commission was responsible and where this is.

Commissioner Millan stated it had been a bit of a confusing process, especially being new on the Planning Commission. She was not sure what she was making a decision on for at least two of the sessions.

- She had a lot of significant, extreme concerns about the SROZ overlay. The SROZ was a wonderful natural habitat, nationally recognized by the Audubon Society as a "burning hotspot." What happened with the SROZ was extremely important. She believed the process and what was being adopted was taking a Future Study Area into the Villebois Master Plan. That made sense. Whether she agreed with everything or not, again, some of those decisions would be made during the refinement process. She was comfortable going forward.

Chair Altman said he was in the same boat as everyone else. He was comfortable with the process that the Commission ultimately reached. This was his first time going through the "Villebois maze" and he found it to be an amazingly complicated mess, in his opinion. On the other hand, the overall development had come out pretty well, therefore he had hope that it would all work out.

- The most frustrating and confusing part for the Commission as well as those residents who wanted to participate was not being clear and upfront about the Commission's specific role. Perhaps, the Applicant had not even understood that, in terms of how it was presented in the neighborhood meetings, etc. It would have been very helpful if everyone had understood the steps of the process and the narrow window the Commission had to operate within, in terms of including the proposed amendments in the Master Plan. The Commission was not addressing a design development piece.
- He was comfortable with the general framework and the package the Commission had come up with and he agreed that Attachment V needed to be incorporated or referenced into the resolution, if the Commission was going to move it forward.

Commissioner Postma asked if Staff had any additional refinements to propose to the resolution.

Ms. Jacobson stated she liked Commissioner Postma's idea. She had narrowed it down a bit because Attachment V had a lot of answers to other questions. She read the entire last paragraph of the resolution as she believed the Commission envisioned, stating, "NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the amended Planning Staff Report as presented at the September 11, 2013 public hearing, including the findings and recommendations contained therein and, *including the proposed revisions contained on Attachment V, which amend the language to the text of the Master Plan on page 10 and to Policy 2 on page 14 of the Master Plan*, does hereby recommend to the Wilsonville City Council that the Wilsonville City Council approve and adopt the proposed Villebois Village Master Plan amendment as described on pages 3-10 of the staff report as approved on September 11, 2013 by the Planning Commission; and".

Commissioner Postma moved to adopt Resolution No. LP13-0005, recommending to City Council the approval of LP13-0005 with the amendments to the Resolution as read into the record by Assistant City Attorney Barbara Jacobson, and the addition of Attachments V and U.

(Note: added language in bolded, italicized text)

The third paragraph on Page 2 of Resolution LP13-0005 was amended to state:

“NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the amended Planning Staff Report as presented at the September 11, 2013 public hearing, including the findings and recommendations contained therein and, **including the proposed revisions contained on Attachment V, which amend the language to the text of the Master Plan on page 10 and to Policy 2 on page 14 of the Master Plan**, does hereby recommend to the Wilsonville City Council that the Wilsonville City Council approve and adopt the proposed Villebois Village Master Plan amendment as described on pages 3-10 of the staff report as approved on September 11, 2013 by the Planning Commission; and”

Commissioner Phelps seconded the motion, which passed 6 to 0 to 1 with Commissioner McGuire opposed.

A. UR13-0001 - Creation of a 5-Parcel Tax Increment Finance (TIF) Zone (Retherford) *The Planning Commission action is in the form of a recommendation to the City Council.*

Chair Altman called the public hearing to order for UR13-0001 at 8:30 pm.

Kirstin Retherford, Economic Development Manager, confirmed that the draft plan regarding the addition of a sixth property had been distributed to the Commission. Xerox agreed to include a portion of its property just yesterday. The report with all the financial analysis for the Xerox property was not yet available, but the draft plan was what was subject to the Commission's review. She noted the additional materials distributed to the Commission, entering Exhibit 6 into the record as noted:

- Exhibit 6: Building 83-26440 SW Parkway Avenue Urban Renewal Plan dated September 11, 2013 related to the sixth property added to the TIF Zone.
- Revised Staff report dated September 11, 2013 with changes noted in blue, reflecting that six (6) parcels were included in the TIF Zone that replaced the Staff report in the meeting packet.
- New Draft Resolution No. UR13-0001 reflecting that six (6) parcels were included in the TIF Zone.

Commissioner Phelps:

- Confirmed the resolution applied to six properties and asked if Stream Global was one of the six properties.
 - Ms. Retherford answered no, the Stream Global property was removed from consideration early in the summer when Stream took over that facility because it was unlikely to be converted to a manufacturing facility within the five-year window.
 - She clarified that at the time the Stream property was removed, Staff learned that Building 83 on the Xerox property was vacant and approached Xerox to see if they were interested in participating in the program, and Xerox had just responded yesterday with a yes.
- Asked if the ballot specifically identified the six properties.
 - Ms. Retherford replied no, the ballot was generic, stating "up to six properties" but not naming specific properties; the public had no expectation of site specifics, only criteria regarding properties in the program.

Ms. Retherford presented the revised Staff report regarding the City of Wilsonville's proposed Tax Increment Finance (TIF) Zones via PowerPoint with the following key additional comments and responses to clarifying questions as noted:

- She corrected the revised Staff report, noting the Subject line should state “that ~~five~~ **six** proposed Tax Increment Finance Zone (TIF Zone).”
- The proposal for TIF Zones was vetted through the public process having been taken to the voters in March of 2013 when the ballot measure was approved by 79 percent of the voters.

- She reviewed the potential benefits of the TIF zones and described the features, criteria and urban renewal statutory requirements of the TIF Zone Program. Pictures of the six subject sites were displayed as part of the presentation.
 - She confirmed that a key objective, in addition to the conversion of underutilized warehouse space, was to utilize existing infrastructure. The community had already made the investment in infrastructure, including roads, water, sewer, etc., and the subject facilities could carry a larger capacity of economic growth, so the City was trying to take advantage of what the community had already invested.
 - She explained that 150 percent of the average Clackamas County Wage was about \$62,000 per year.
 - The 25% Assessed Value Limit of 4.94 percent was calculated on the first five properties; she estimated the total assessed value after adding the sixth district would be approximately 5.1 percent, still clearly well below the 25 percent limit.
- An Urban Renewal Strategic Planning Task Force would convene later in September to consider whether some districts would be available for closure along with a number of other issues. The Task Force would look at the East Side District overall, and the time span for closing down that Year 2000 Plan District, as well as the West Side District. The TIF Zone program would be studied to see if the City might want to pursue this model again. Over the next few months, the Task Force would also discuss creating an urban renewal district in Coffee Creek Industrial area or Frog Pond. If districts were created anywhere else, the City would have to remove a significant amount of acreage, probably from the East Side District, and quite a bit of acreage would have to be annexed to make the ratios work out.
- She would be circling back with the Urban Renewal Agency to get formal action on formally adding the sixth property, most likely in October.
- She also reviewed the upcoming steps regarding notices, an open house and public hearing, noting the goal was to have these Plans recorded with Clackamas County and Washington County in December, so that the districts were ready to go after the new year.
- Regarding the issues before the Commission tonight, she noted that each TIF Zone was designated Industrial in the Comprehensive Plan and also had a PDI Zone Designation, so no conflicts exist for the proposed uses with either the Comprehensive Plan or Land Use Code.

Elaine Howard, Urban Renewal Consultant, stated that the proposed TIF Zones were reviewed for compliance with the Comprehensive Plan and noted the Comprehensive Plan sections relating to the urban renewal plans were identified in each urban renewal plan. Because each plan was doing the same thing, the findings were exactly the same for each of the six urban renewal plans. She reviewed the applicable Comprehensive Plan sections and policies presented in the revise Staff report via PowerPoint, with these key additional comments:

- The City of Wilsonville had done a thorough job meeting the requirements for citizen involvement (Section A).
- Wilsonville had complied with Policy 1.3 through the process used to establish the Economic Development Strategy and also through the required notice to the taxing jurisdictions about the urban renewal plans.
- The City also sent notice to and contacted each of the other taxing agencies and asked if they wanted a personal meeting in addition to the required notice.
 - Ms. Retherford added the the Task Force membership included representatives from Tualatin Valley Fire and Rescue, the West Linn Wilsonville School District, as well as from Clackamas County, Clackamas County Economic Development Commission, Clackamas Community College, and Oregon Institute of Technology.
 - Presentations about the TIF Zones would also be made to both the Washington and Clackamas County Commissions.

Ms. Retherford noted that Action 2.1, found on Page 9 of 10 of the revised Staff report, spoke directly to Commissioner Phelps' comments about promoting the reuse of vacant buildings or infill development and redevelopment.

Commissioner Phelps:

- Explained that manufacturing was identified as the reuse component in relation to wages and because it was an export-type product. He stated a great deal of his information came from City Councilor Goddard, who was very helpful in helping him to grasp the benefit of the TIF Zone Program.
- Commented that the City had 200 acres of Coffee Creek that everyone was anxious to develop, and yet they were sitting on 2 million sq ft of empty buildings. The idea was to quickly revitalize those vacancies and make these TIF Zones a different kind of development, but consistent with industrial. [1036 3:45]
 - Ms. Retherford added a couple of changes had been seen in the overall market. A lot of these buildings were originally designed for warehousing and distribution, and a lot of that business had been lost as it moved to the central United States. Warehousing and distribution has also changed, instead of stockpiling large quantities of material, a lot more just-in-time delivery was being used, so there was not as big of a demand for enormous buildings just for warehousing as there had been 20 or 30 years ago. The City was looking at how such buildings could be repurposed to fill them and bring in high-quality, high-wage jobs and get some fairly intensive capital investment occurring in the properties, and converting to manufacturing was the best way to achieve that.
 - In terms of general economic development, Staff did not see many inquiries for warehousing from the State and the region, but there are many inquiries for manufacturing. Because converting a warehousing facility to a manufacturing facility is expensive, one question that is always asked is, "what sort of incentives does the City offer." In the past, Wilsonville had to say "none", whereas Hillsboro, Beaverton and Gresham, Wilsonville's competition in the region, had been able to offer Enterprise Zones or other forms of tax-abatement programs to help in that conversion to manufacturing.

Commissioner Postma:

- Understood that the 75 percent rebate was somewhat tailored with the mindset of wanting to ensure that the tax was still available for things such as schools and emergency services.
 - Ms. Retherford stated that was correct. She clarified that the 75 percent split was of the tax increment growth. When the frozen base was established, 100 percent of those property taxes would continue to be distributed; only the growth from this investment would be split with 25 percent going to the other taxing districts for schools, fire and safety, etc.
- Confirmed there would be an increase increased potential risk and need for emergency services depending on the type of manufacturing that went into the buildings, so the City had ensured the tax was covered for emergency services and schools, which was built into the plan.

Commissioner Levit:

- Stated the City would not care if it was manufacturing or something else, such as a research lab, as long as the salaries and investment were high.
 - Ms. Retherford replied, to meet the qualifications, that was correct. In terms of the capital investment, it was very unlikely that a company would reach the threshold unless some pretty expensive equipment went into the research and development facility.
- Asked if Xerox could repopulate the Xerox building with an investment and get the credit.
 - Ms. Retherford answered they could, if Xerox met the job threshold.

Chair Altman confirmed the Xerox building was currently empty. Tektronix had used it, but once they stopped using it, it was not reused much afterwards. The building had been underutilized for a very long time.

Commissioner Millan:

- Understood there was no restriction on the type of manufacturing business that went into the buildings, as long as it met the criteria.
 - Ms. Retherford confirmed that was correct; however, another process that would begin shortly was the application process. Any company that applied for the TIF Program, would have to go through an application that must be approved by City Council, so there would be some discretion. The Task Force discussed issues like the potential of a high-polluting, smoke-stack kind of business coming in, which was where the issue of attributes came into the discussion because the City wanted to offer

incentives for businesses, but wanted to retain control as well. The City wanted businesses with certain attributes that benefited the community and were a good fit for the community.

- Noted certain types of businesses certainly have a higher risk factor, in terms of potential of fires, explosions, etc. Many of the properties were close to populated areas and housing developments, so she was concerned about the scrutiny involved when choosing which businesses go in.
 - Ms. Retherford replied the Task Force chose not to address that specifically in the plans, but to leave it to the application process.

Commissioner Phelps noted that a lot of manufacturing went on in the city, which was surprising because it did not have the stereotypical smoke-stacks, etc. That process is entirely managed through the City's application approval process and this program would not change that one iota; the same standards with the same oversights would still apply.

Chair Altman added the Industrial Zone had performance criteria built into it, beyond what might be filtered in terms of the application, in terms of the basic land use, vibration, pollution, etc.

- He confirmed the Planning Commission was not acting on the addition of the Xerox building or the financials, but on compliance of the TIF Program with the Comprehensive Plan and the Code.
 - Ms. Retherford added the only thing that would be different from the ones that they had was the establishment of the frozen base, which was the assessed value. Staff attempted to figure the assessed value out today, but it was very complicated because all of Xerox was assessed together and Staff was unable to separate Building 86 and make those calculations in time for the hearing. Everything else, including the maximum indebtedness and project, would look very similar to every other report.

Chair Altman noted that no one was in the audience for public testimony.

Commissioner McGuire commented that she had participated in the Advisory Committee in the beginning, so it was exciting to see the program come to fruition. This would be an amazing tool for Wilsonville to have for future investment, and she commended Ms. Retherford for her wonderful work.

Commissioner Levit asked what would happen if a company in the TIF Program went out of business.

- Ms. Howard replied a clawback provision was included. The companies would not receive the rebate until after the taxes were paid. Each year of the rebate period would be monitored to ensure the company still performed and still had the number of jobs in place. If the company deviated from those requirements, a certain percentage clawback would occur within the second year, and that percentage would change in the third year. The company would be pursued for any rebate given to pay the City back. In a bankruptcy situation, the City of Wilsonville would be in line with the other creditors.
- Ms. Howard added that unlike a typical urban renewal area, the City or Urban Renewal Agency really had no exposure because nothing was given to the developer until their property taxes were paid. Once the company paid its property taxes, the assessor allocated the property taxes to the City, and then the City gave them back to the developer. The City would not be putting infrastructure in ahead of a development that might not come in, so the program was structured very well.
- Ms. Retherford agreed, stating there was no upfront payment to the company, who had to perform each year in order to receive the rebate the following year. If the company did not perform, the City would go backward to try to get it back.

Commissioner Phelps added the investment required to be made was part of the new property tax. Therefore, even if the company went bankrupt, the property owner would be paying a higher property tax on the facility. Right now, the buildings were empty and the property tax was diminishing. One advantage was that the initial investment would result in an increased value for the purposes of property tax. He understood that value depreciated quickly according to the tables, but right now, nothing was happening except the City was losing money.

Chair Altman closed the public hearing at 9:05 p.m.

Commissioner Phelps moved to adopt Resolution No. UR13-0001, recommending that City Council adopt an ordinance to create six new urban renewal areas (TIF Zones) as outlined in the revised Staff Report and new Exhibit 6. The motion was seconded by Commissioner Millan and passed unanimously.

B. OTHER BUSINESS

A. 2013 Planning Commission Work Program

Chris Neamtzu, Planning Director proposed cancelling the regular October meeting in lieu of the City Council work session, as there were currently no pending agenda items to warrant a regular meeting. Goal 10 would be discussed with City Council on October 7th and dinner would be provided.

The Commission consented to not hold the regular Planning Commission meeting.

B. Commissioners' Comments

Commissioner Levit asked about the grant for the French Prairie Bridge and when the project would ever start.

- Mr. Neamtzu replied Staff had been trying to schedule their first coordination meeting with ODOT, but scheduling in the summer months had been difficult for both Staff and ODOT, but that first meeting had been scheduled. The first step for the project required an intergovernmental agreement (IGA) with ODOT. In any circumstance, the money would not be available until this fall. The grant funding was tied through federal funds and ODOT had a lot to do with that which was why ODOT was involved.

Commissioner Millan asked for a progress report on the Boeckman Creek Bridge.

- Mr. Neamtzu responded the project was under construction and the surcharge had been removed. Repairs were being done, but he could not recall the opening date.
- Ms. Jacobson said she had heard they were fairly confident the bridge would be done by this Thanksgiving, possibly a little before.

Commissioner McGuire announced McMenamins was hosting a benefit concert on Tuesday, September 17th from 5:00 pm to 11:00 pm. for Lowrie Primary School, which was in its second year of operation. The performers were two local musicians with children at the school who were donating their performance. McMenamins would donate 50 percent of all sales, including all beverages and food sales. There was a huge turnout last year, with City Councilors and numerous Chamber of Commerce members in attendance, and the school was trying to beat that record. The SMART trolley would be available at Lowrie Primary School to transport people to and from McMenamins at 20-minute intervals.

VIII. INFORMATIONAL ITEMS

A. Basalt Creek Concept Plan update

IX. ADJOURNMENT

Chair Altman adjourned the regular meeting of the Wilsonville Planning Commission at 9:12 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Linda Straessle, Planning Administrative Assistant



City of Wilsonville

**PLANNING COMMISSION
WEDNESDAY, NOVEMBER 13, 2013**

VI. WORK SESSION

- A. Goal 10 Housing Needs Analysis (Mangle)

**PLANNING COMMISSION
 STAFF REPORT**

Meeting Date: November 6, 2013	Subject: Statewide Planning Goal 10 Housing Needs Analysis Project Staff Member: Katie Mangle Department: Planning
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Commission Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:

Staff Recommendation: None. This is a briefing for information and discussion only.
Recommended Language for Motion: N/A

PROJECT / ISSUE RELATES TO:		
<input checked="" type="checkbox"/> Council Goals/Priorities 5 - Thoughtful Land Use	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE THE COMMISSION:

The Housing Needs Analysis project is designed to both meet state Periodic Review requirements and to inform planning for the Frog Pond and Advance Road areas. This agenda item will revisit the Commission’s work session on the same topic in September 2013, finishing the “needs analysis” phase of the project, and developing strategies for meeting those needs.

EXECUTIVE SUMMARY:

The purpose of the housing needs analysis is to develop a technical report that forecasts Wilsonville's housing needs over the next 20 years. Based on this technical analysis, Wilsonville will develop policies and strategies to ensure that the City provides an opportunity for development of needed housing consistent with the City's values.

See Attachment A for a memorandum from ECONorthwest presenting the *revised* results of the housing needs analysis and framing the discussion of Wilsonville's housing policy issues. After this meeting, the next steps in the project will be to discuss the housing strategy with City Council, then complete a draft of the full housing needs analysis report with an accompanying user friendly executive summary.

TIMELINE:

The project schedule is designed to provide the City with information needed for concept planning of the Frog Pond area:

- **December 2, 6pm:** Joint work session with City Council to discuss the City's housing strategy.
- **December:** Draft Wilsonville Residential Lands Report will be ready for Commission review. This report includes a Summary Report and the Housing Needs Analysis, which will be attached as a technical appendix largely focused on demonstrating compliance with state requirements.
- **January:** The Committee for Citizen Involvement will host a widely-advertised public forum on the draft strategy. Council will hold a work session on the draft Wilsonville Residential Lands Report.
- **Spring 2013:** Review and conduct public hearings on the final draft of the Wilsonville Residential Lands Report, which will include the Summary, Needs Analysis, and Strategy.

ATTACHMENTS

- A. Memo on *Metro Housing Forecasts and Revisions to the Wilsonville Residential Housing Needs Analysis*, ECONorthwest, October 29, 2013

DATE: October 29, 2013
TO: Katie Mangle and Chris Neamtzu
FROM: Bob Parker and Beth Goodman
SUBJECT: METRO HOUSING FORECASTS AND REVISIONS TO THE DRAFT WILSONVILLE RESIDENTIAL HOUSING NEEDS ANALYSIS

The City of Wilsonville is conducting a housing needs analysis (HNA), which is a task in the City's Periodic Review work program. Prior meetings with the Wilsonville Planning Commission have focused on demographic and housing market trends affecting housing need. During its August meeting, the Commission discussed the amount of housing that can be accommodated on land identified as developable in the City's residential buildable lands inventory.

This memorandum presents a revision to the housing needs analysis summary presented to the Planning Commission in the September 4, 2013 memorandum. This revision is necessary as a result of further review of the Metro Gamma forecast for Wilsonville. In the prior memorandum, ECONorthwest only included the household forecast for the Wilsonville city limits and did not include the forecast for household growth in areas within the Metro UGB where Wilsonville is planning to grow, most notably Frog Pond.

This memorandum also presents an update to the policy considerations discussion from the September memorandum. The updates reflect issues related to planning for the Frog Pond area, as well as the potential need to add the Advance Road area to the UGB within the 20-year planning horizon.

HOUSING NEEDS ANALYSIS RESULTS

The results of the housing needs analysis are based on: (1) the Metro forecast for new dwelling units in Wilsonville over the 20-year planning period, (2) information about Wilsonville's housing market relative to the Portland Region, (3) the demographic composition of Wilsonville's existing population and expected long-term changes in the demographics of the Portland Region, and (4) input from discussions with the Planning Commission and City Council.

Table 1 shows the Metro forecast of household growth for 2014 to 2034 for the Wilsonville city limits, and areas currently outside the city limits but within the UGB that the City expects to annex for residential uses (most notably Frog Pond). For the purpose of the Residential Lands Study, we call these areas combined the "Wilsonville planning area." Appendix A presents detailed information about: (1) the areas included the Wilsonville planning area and (2) Metro's forecast for household growth within the Wilsonville planning area.

Table 1 shows Wilsonville is forecasted to add 3,749 new households during the 20-year period between 2014 and 2034. Metro's forecast is for 2,769 new households inside the existing city limits (included in the original analysis) and 980 new households in areas currently outside the

city limits most of which are forecast for Frog Pond. These 980 units outside the city limits were not included in the original analysis presented in the September 4th memorandum.

Table 1. Extrapolated Metro forecast for household growth, Wilsonville planning area, 2014 to 2034

Year	Households		
	Wilsonville City Limits	Areas Currently Outside City Limits	Wilsonville Planning Area
2014	8,682	47	8,729
2034	11,451	1,027	12,478
Change 2014-2034			
Households	2,769	980	3,749
Percent	32%	2085%	43%
AAGR	1.4%	16.7%	1.8%

Source: Metro Gamma Forecast, November 2012

Table 2 shows a forecast of needed new housing units by type in the Wilsonville planning area during the 2014 to 2034 period based on the forecast in Table 1. The projection is based on the following assumptions, which have not changed from the September 2013 analysis:

- The assumptions about the needed mix of new housing (e.g., the “housing needs projection” as defined in OAR 660-007-0005(5)) in Table 2 are:
 - Fifty percent of new housing will be single-family detached, a category which may include manufactured housing.
 - Ten percent of new housing will be single-family attached. This assumption is consistent with information from the American Community Survey that shows that about 10% of Wilsonville’s existing housing stock is single-family attached.
 - Forty percent of new housing will be multi-family.
- The projection assumes a housing mix that is consistent with the findings of the residential capacity analysis, which showed that about 50% of Wilsonville’s new housing would be built at densities that are consistent with development of single-family detached housing and 50% would be built at densities that are consistent with development of single-family attached and multifamily housing.¹
- The housing needs projection meets the requirements of OAR 660-007-0030 “to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing.” Under OAR 660-007-0030, a city can justify an alternative housing mix based on changing circumstances.

¹ ECONorthwest memorandum titled “Wilsonville Residential Housing Capacity” dated July 31, 2013.

Table 2. Forecast for new needed housing units, Wilsonville planning area, 2014-2034

	Needed New Housing Units (2014-2034)	
	Percent of new dwellings	Number of new dwellings
New dwelling units		
Single-family detached	50%	1,875
Single-family attached	10%	375
Multifamily	40%	1,499
Total new dwelling units	100%	3,749
Average new du developed annually		187

Source: Metro forecast of housing units; Calculations by ECONorthwest

Table 3 shows the forecast of needed housing units by average density (in gross acres) in the Wilsonville planning area based on the housing needs projection shown in Table 2. The forecast in Table 3 assumes:

- The overall density of housing in Wilsonville will be 7.1 dwelling units per *gross* acre, which is an average of about 8.7 dwelling units per *net* acre.²
 - Single-family detached housing will develop at an average density of 5 dwelling units per gross acre (which equates to homes on lots averaging approximately 7,100 square feet).
 - Single-family attached housing will develop at an average density of 10 dwelling units per gross acre (which equates to homes on lots averaging approximately 3,500 square feet).
 - Multifamily housing will develop at an average density 13 dwelling units per gross acre.
- This housing mix is consistent with the findings of the capacity analysis. At the August 2013 Planning Commission worksession, the Commission clearly favored the low density scenario (e.g., scenario that provides opportunities for 90% of new development in the

² OAR 660-024-0010(6) uses the following definition of net buildable acre. "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads. While the administrative rule does not include a definition of a gross buildable acre, using the definition above, a gross buildable acre will include areas used for rights-of-way for streets and roads. Areas used for rights-of-way are considered unbuildable.

Net acres refers to the amount of land needed for housing, not including public rights-of-way (e.g., roads). *Gross acres* refers to the estimated amount of land needed for housing inclusive of public rights-of-way.

The conversion from gross acres to net acres is 18.5% for all housing types. This assumption is based on assumptions for street rights-of-way from the 2010 Metro *Urban Growth Report*. The *Urban Growth Report* makes the following assumptions about net-to-gross conversion, as part of the capacity analysis: (1) tax lots under 3/8 acre have 0% set aside for future streets, (2) tax lots between 3/8 and one acre have 10% set aside for future streets, and (3) tax lots over one acre have 18.5% set aside for future streets.

Frog Pond area to be single-family detached housing). Under this scenario, the average density for needed new dwelling units in the entire Wilsonville planning area over the 2014-2034 period is 7.1 dwelling units per gross acre.

Table 3. Forecast of needed housing units by mix and density, Wilsonville planning area, 2014-2034

Housing Type	New Dwelling Units (DU)	Percent	Density (DU/gross acre)	Gross Acres
Single-family detached	1,875	50%	5.0	375
Single-family attached	375	10%	10.0	38
Multifamily	1,499	40%	13.0	115
Total	3,749	100%	7.1	528

Source: ECONorthwest

The assumed housing mix meets the requirement of OAR 660-007-0030 to “designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing.” The forecast in Table 3 results in an average density of 8.7 dwelling units per net acre. This housing density meets the requirements of OAR 660-007-0035(2) “provide for an overall density of eight or more dwelling units per net buildable acre.”

Some members of the Planning Commission expressed concerns about the housing mix the City is planning for, as well as the average density. While the City can assume lower densities than those shown in Table 3 (the obligation is to provide opportunity for new housing to achieve an average density of 8.0 dwelling units per net acre), planning for densities lower than the assumed average of 8.7 would require: (1) substantial legislative changes to Wilsonville’s residential land-use policies, such as downzoning large properties already within the City or reducing the planned number of units in the adopted Villebois Master Plan and (2) justifying an alternative to the assumed housing mix shown in Table 2.

Table 4 shows the summary of housing capacity on suitable buildable land for the Wilsonville planning area, originally presented in the August 6, 2013 memorandum to the Planning Commission. Table 4 is presented as a reminder of the results of the capacity analysis, which have not changed from the August memorandum.

Table 4. Summary of housing capacity on suitable buildable land, Wilsonville planning area

Comprehensive Plan Designation	Low Capacity (dwelling units)	High Capacity (dwelling units)	Average Development Densities (dwelling units per gross acre (du/ga))		
			Suitable Buildable Land (gross acres)	Low Capacity (du/ga)	High Capacity (du/ga)
Residential	701	942	102	6.9	9.3
Residential, Area of Special Concern L (Frog Pond)**	738	1,256	148	5.0	8.5
Villebois	1,736	1,736	206	8.4	8.4
Commercial	215	295	22	9.9	13.6
Total	3,390	4,229	477	7.1	8.9

Source ECONorthwest

**Note: Frog Pond is located within the Metro UGB but outside of Wilsonville's city limits.

Table 5 shows a comparison of the capacity of residential buildable land with the need for new housing in the Wilsonville planning area. Table 5 concludes:

- **Low capacity scenario.** Under the low capacity scenario and density assumptions, Wilsonville does not have enough land to accommodate new housing over the 20-year period. Wilsonville has a deficit of land to accommodate 359 new dwelling units, 253 of which are single-family detached and 106 of which are attached single-family or multifamily.
- **High capacity scenario.** Under the high capacity scenario and density assumptions, Wilsonville has enough land to accommodate new housing over the 20-year period. Under this scenario, Wilsonville can accommodate 480 dwelling units more than the Metro forecast projects over the 20-year period.

Table 5. Comparison of housing capacity with demand for new housing, Wilsonville planning area, 2014-2034

	Capacity on Buildable Residential Land (dwelling units)		Demand for New Housing (dwelling units)	Comparison Capacity <i>minus</i> Demand (dwelling units)	
	Low Capacity	High Capacity		Low Capacity	High Capacity
Single-family detached	1,622	2,016	1,875	-253	141
Single-family attached and multifamily	1,768	2,213	1,874	-106	339
Total	3,390	4,229	3,749	-359	480

Source: ECONorthwest

OAR 660-770 requires that a housing needs projection consider the financial capability of present and future area residents of all income levels over the 20-year planning period. Table 6 shows an estimate of needed dwelling units by income level for the 2014-2034 period, based on the forecast in Table 2.

The analysis in Table 6 is based on American Community Survey data about income levels in Wilsonville. Income is categorized into market segments consistent with HUD income level categories, using Clackamas County’s 2012 Median Family Income (MFI) of \$73,000. Table 6 is based on current household income distribution (for the 2007 to 2011 period within the existing city limit), assuming that approximately the same percentage of households will be in each market segment in the future in the Wilsonville planning area.

Based on Wilsonville’s current household income distribution, Table 6 shows that about 31% of households in Wilsonville could be considered low or very low income, 22% are low-middle income households and 47% could be considered high or upper-middle income.

Table 6. Estimate of needed dwelling units by income level, Wilsonville planning area, 2014-2034

Market Segment by Income	Income Range	Number of households	Percent of Households	Commonly Financially Attainable Housing Products	
				Owner-occupied	Renter-occupied
High (120% or more of MFI)	\$87,600 or more	1,162	31%	All housing types; higher prices	All housing types; higher prices
Upper Middle (80%-120% of MFI)	\$58,400 to \$87,600	600	16%	All housing types; lower values	All housing types; lower values
Lower Middle (50%-80% of MFI)	\$36,500 to \$58,400	825	22%	Single-family attached; condominiums; duplexes; manufactured on lots	Single-family attached; detached; manufactured on lots; apartments
Lower (30%-50% of less of MFI)	\$21,900 to \$36,500	450	12%	Manufactured in parks	Apartments; manufactured in parks; duplexes
Very Low (Less than 30% of MFI)	Less than \$21,900	712	19%	None	Apartments; new and used government assisted housing

Source: ECONorthwest
MFI is Median Family Income

In conclusion, **Wilsonville’s housing needs analysis meets the requirements of OAR 660-007 “to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” (without justifying an alternative housing mix) and “provide for an overall density of eight or more dwelling units per net buildable acre.”** This conclusion is consistent with the findings of the analysis of capacity of Wilsonville’s buildable residential land base, Metro’s household forecast, and Wilsonville’s housing need projection.

Wilsonville will have an on-going need for housing affordable to lower-income households. The housing need analysis, and the related policy review, demonstrate that the City is meeting its obligation to plan for needed housing types (as required by ORS 197.304) for households at all income levels. These policies include those that allow for development of a range of housing types (e.g., duplexes, manufactured housing, and apartments) and policies that support government-subsidized housing. This conclusion is supported by the fact that Metro’s 2012 *Compliance Report* concluded that Wilsonville was in compliance with Metro Functional Plan Title 1 (Housing Capacity) and Title 7 (Housing Choice).

The comparison of Metro’s forecast with the capacity of residential lands in Wilsonville for the 2014-2034 planning period shows that the land supply is very close to Metro’s forecast. Using the low capacity estimate, with an average density of 7.1 dwelling units per gross acre, Wilsonville has a small deficit of housing capacity (359 dwelling unit deficit). Using the high capacity estimate, with an average density of 8.9 dwelling units per gross acre, Wilsonville has a small surplus of housing capacity (480 dwelling unit surplus).

POLICY CONSIDERATIONS

The housing needs analysis concludes that Wilsonville is complying with the key mix and density provisions of Goal 10 and OAR 660-007. Moreover, the housing needs analysis concludes that, depending on which density assumptions are used, Wilsonville may (using higher density assumptions) or may not (using lower density assumptions) have enough buildable residential land to accommodate Metro's forecast of new dwelling units for the 2014-2034 period. The City's housing policy discussions include considering options for addressing the potential residential land deficiency in the later portion of the 20-year planning period.

In addition to a potential residential land deficit, the housing needs analysis identified several other policy considerations. These (including the potential residential land deficiency) are described in more detail below.

Frog Pond

One of the objectives of the Residential Land Study is to inform the Frog Pond Concept Plan and subsequent Master Plan. Specifically, the City is interested in developing strategies to determine desired densities and housing types for the Frog Pond Concept Plan. Given the city's experience with Villebois, the adoption of a Frog Pond Concept Plan will provide a sufficient regulatory framework to provide certainty about achieving a specific mix and density of housing.

The topic of density and mix of housing in Frog Pond was initially analyzed in the preliminary land capacity analysis (e.g., the analysis that estimates the number of dwelling units that buildable residential land can accommodate). The land capacity analysis modeled two density and mix scenarios:³

- Low Capacity: this scenario assumed a housing mix of 90% single family detached and 10% multifamily and/or single-family attached housing with an average density of 5.0 dwelling units per gross residential acre, with lot sizes averaging about 7,100 square feet.
- High Capacity: this scenario assumed a housing mix of 75% single-family detached and 25% multifamily and/or single-family attached housing with an average density of 8.5 dwelling units per gross residential acre, with lot sizes averaging about 4,200 square feet.

The density and mix assumptions eventually built into the Frog Pond Concept Plan must consider the results of the housing needs analysis, complying with the density and mix requirements of OAR 660-007 and the context of overall housing need in Wilsonville. Both scenarios are compliant with the state requirements.

³ ECONorthwest memorandum titled "Wilsonville Residential Housing Capacity" dated July 31, 2013.

That initial analysis was presented to the Wilsonville Planning Commission in a worksession with the specific objective of getting Planning Commission input on a preferred housing density and mix assumption for the Frog Pond Concept Plan. The City has considerable local discretion over the Frog Pond planning process.

At the August 2013 Planning Commission worksession, the Commission clearly favored the low density scenario (e.g., scenario that provides opportunities for 90% single-family detached housing). During the concept planning process, other considerations will include community design and the number of units needed to support required infrastructure and desired public amenities.

The capacity provides a set of foundational assumptions to build into the Frog Pond concept planning process. The concept planning process will include additional analysis that will inform the actual density and mix assumptions for the area.

Town Center

City staff estimated the capacity in the Planned Development Commercial-Town Center (PDC-TC, hereafter called Town Center) zone ranges from 200 to 270 dwelling units based on assumptions about the type of development anticipated to locate in Town Center. The PDC-TC zone (Section 4.131), allows any use allowed in a PDR zone, provided “the majority of the total ground floor area is commercial”.

The Buildable Land Inventory identified 13.2 vacant or potentially redevelopable acres in the Town Center zone. The capacity analysis assumed that residential development in the Town Center would occur at densities between 9.9 and 13.6 dwelling units per gross residential acre. The capacity analysis implicitly assumes that all 13.2 acres in the Town Center zone would receive housing (vertically mixed with some commercial uses).

The issue of how much housing to encourage in the Town Center is beyond the scope of the Residential Land Study. Housing in the Town Center is an allowable use with ground floor commercial under existing zoning. Questions about the extent of the market for housing in the Town Center, how Town Center relates to other residential areas, and the City’s overall vision for the Town Center. ECO recommends the Planning Commission consider addressing questions related to Town Center at an appropriate juncture.

Legislative action on code changes

As part of this study, Wilsonville staff conducted a Goal 10 policy and development code evaluation.⁴ Staff provided the following summary of the analysis:

“Overall, the City of Wilsonville is in compliance with applicable Federal and State housing regulations, with no amendments needed to comply with the regulations outlined below. Code amendments desired to implement the City’s housing strategy will be identified in a subsequent task. It is recommended that the City make three changes to the Development Code:

- Add “duplex” to the list of uses allowed in all PD-R zones (Section 4.124). These zones allow single family and multifamily development; duplexes are already allowed in every other zone in the City.
- Add an alternative, objective, review process for new attached and detached single family housing proposed in the Old Town Overlay Zone.
- Prohibit mobile home or manufactured housing parks in the Planned Development Commercial and Industrial zones.”

These are relatively minor code amendments that do not need to be linked to any of the other policy considerations identified in this memorandum. While these do not need to link to other strategies, ECO recommends that the Planning Commission take action on these amendments as soon as possible.

Monitoring development activity

The determination of residential land sufficiency is based on dwelling unit forecasts prepared by Metro. The Metro forecasts show new housing units increasing at a rate of 1.8% annually between 2014 and 2034 in the Wilsonville Planning Area. Population growth over the 1990-2012 period averaged 4.9%. Moreover, the housing needs analysis concluded that, depending on which density assumptions are used, Wilsonville may (using higher density assumptions) or may not (using lower density assumptions) have enough buildable residential land to accommodate Metro’s forecast of new dwelling units for the 2014-2034 period.

If growth occurs at rates faster than the assumptions in Metro’s forecast, or if housing densities are closer to the low capacity assumptions, Wilsonville will have a deficit of land to accommodate growth over the 2014 to 2034 period.

Our evaluation is that land supply is not yet a major issue at this time, but that it almost certainly will be within the 20-year planning horizon. Metro is required to re-evaluate the UGB every five years. As a Metro jurisdiction, Wilsonville participates in that review. With systematic monitoring, the City can engage Metro in a dialog about future growth forecasts and

⁴ Memo from Katie Mangle to the Wilsonville Goal 10 Technical Advisory Committee, June 7, 2013. This memo was summarized for the Planning Commission in the June 4, 2013 Staff Report for a work session on the Goal 10 Needs Analysis Project.

land need well in advance of experiencing land supply restrictions. If growth continues at rates experienced in the most recent past, this dialog could begin as Metro initiates the next round of forecasting in the next year or so.

A monitoring program will allow Wilsonville to understand how fast land is developing and to provide data to Metro at least a year in advance of when an Urban Growth Report is issued. In short, the data can help inform Metro's UGB planning process. We recommend using the following metrics to monitor residential growth:

- **Population.** The City already routinely monitors population growth by using the annual population estimates prepared by the Center for Population Research at Portland State University.
- **Building permits.** The Residential Lands Study included a review of building permits by dwelling type, plan designation, zone, and net density. Because the City is already collecting this data, we recommend that city staff update this analysis on an annual basis. The City already reports building permit data by dwelling type on a quarterly basis, but including the zone and net density will enable the City to understand the type, density and location of housing that is being developed.
- **Subdivision and partition activity.** This metric is intended to measure the rate and density of land divisions in Wilsonville. It may also be useful in determining right-of-way and open space dedications. Specific data to include with subdivision and partition activity are the area of the parent lot, the area in child lots, the number of child lots, the average size or density of lots, and the area in dedicated right-of-way.
- **Land consumption.** This metric relates closely to the building permit data. The building permit data include tax lot identifiers for each permit. The City should match each permit to data in the buildable lands inventory and report how much land is being used by plan designation, zone, and land classification (e.g., vacant, redevelopable, infill, etc.). Additionally, we recommend the City map the location of development on an annual basis.
- **Right-of-way and open space dedications.** The Wilsonville Comprehensive Plan states residential density targets in terms of gross acres. The density target in OAR 660-007 is stated in net acres and the density analysis conducted for the Residential Land Study was also presented in net acres. Monitoring net-to-gross factors can provide information that is useful in better understanding the amount of land that is used for streets and required open space dedications. Measuring this has some inherent complications in terms of how to define and measure different components. It is potentially easiest in major subdivisions and village areas.

Advance Road Urban Reserve

Title 11 of Metro’s Urban Growth Management Functional Plan provides guidance on the conversion of land from rural to urban uses. Section 3.07.1110 of the Metro Urban Growth Management Functional Plan (Planning for Areas Designated Urban Reserve) addresses Urban Reserves. Advance Road was identified as an Urban Reserve area for residential uses. The Metro “Gamma” Forecast shows that infrastructure will be available in Advanced Road between 2025 and 2030.

The results of the housing needs analysis show that Wilsonville may have need for additional residential land, later in the 20-year planning period. Information from Wilsonville’s residential growth monitoring program can inform regional discussions with Metro about expansion of the UGB. These discussions happen on a five-year cycle and will help refine the timing of bring Advanced Road into the UGB to accommodate Wilsonville’s residential growth.

APPENDIX A. ADDITIONAL INFORMATION ABOUT THE METRO FORECAST

In the September version of this memorandum, ECO used data from the Metro Gamma Forecast Jurisdictional Profiles report.⁵ The forecast in the September memorandum forecast household growth for the Wilsonville city limits, which did not include growth areas like Frog Pond.

This memorandum presents a household forecast for the Wilsonville planning area, which includes the city limits and areas that Wilsonville expects to bring into the city limits for by 2035. The Wilsonville planning area is approximated using Metro's Transportation Analysis Zone (TAZ) areas, which is the geographic level that Metro uses to develop household forecasts. We assume a one-to-one relationship between households and dwelling units, meaning that each new household will require a new dwelling unit.

Map A-1 shows Metro's forecast for new households by TAZs for the Wilsonville planning area over the 2010 to 2035 planning period. The black numbers are the TAZ identifiers and the blue numbers show the number of new households that Metro forecasts will be added to the TAZ over the 25-year period.

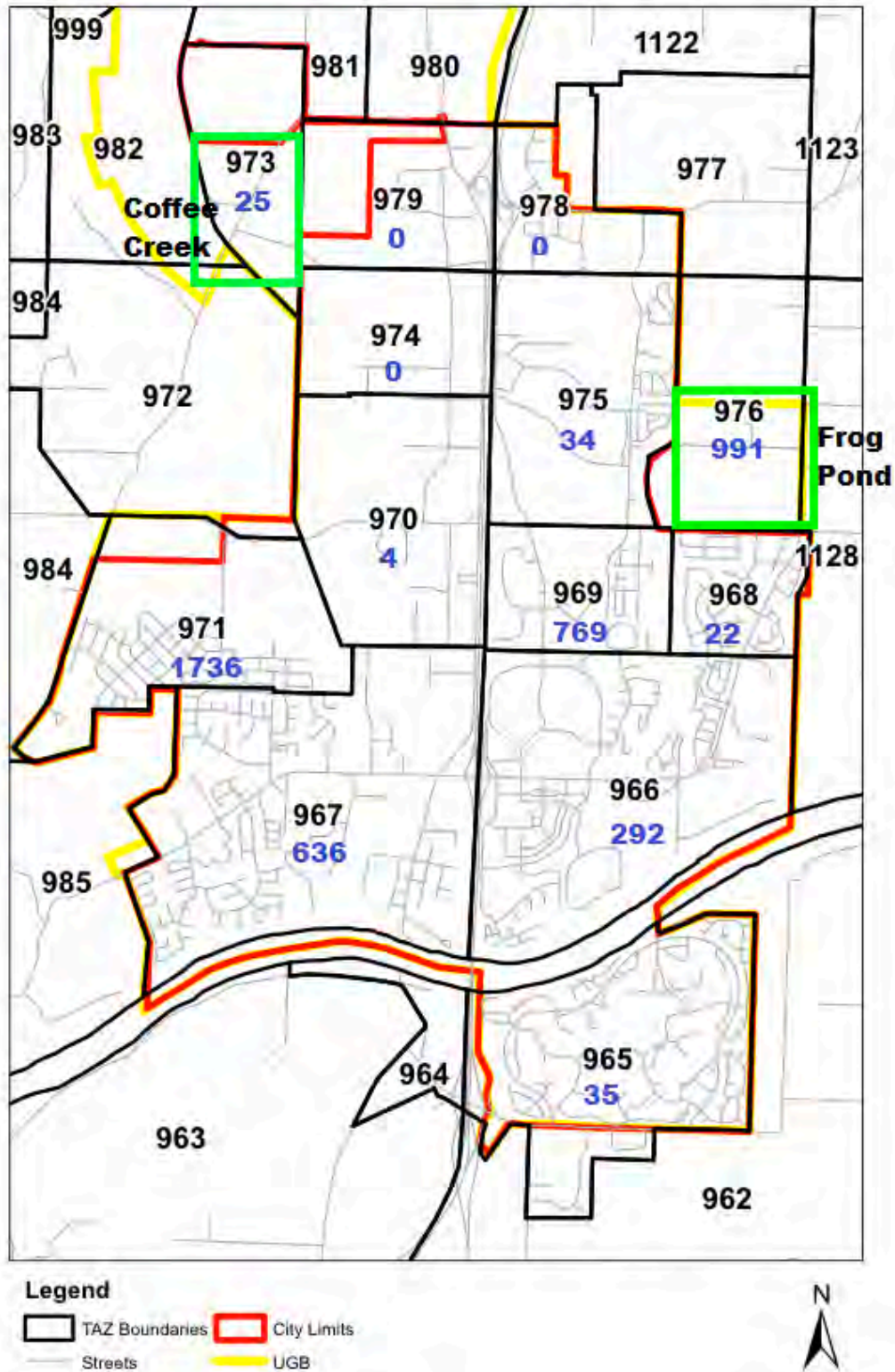
The household growth forecast for the Wilsonville planning area includes:

- All TAZs within the city limits, including TAZ 965, 966, 967, 968, 969, 970, 971, 974, 975, 978, and 979.
- All TAZs that Wilsonville plans to annex by 2035 that have residential growth, including:
 - TAZ 976, the southern part of which is Frog Pond. Metro forecasts growth of 991 new households in the Frog Pond portion of this TAZ by 2035. The northern portion of this TAZ (directly north of Frog Pond and south of TAZ 977) is in the Metro Urban Reserves and expected to be annexed after 2035.
 - TAZ 973, part of the Coffee Creek Area. Metro forecasts growth of 25 new households in this TAZ by 2035.

⁵ ftp://ftp.oregonmetro.gov/dist/gm/TazAlloc2010/FINAL_2035-2040_TAZforecast/Metro%20Gamma%20Forecast%20Distribution%20City%20and%20County%20Profiles.pdf

Map A-1: New Households Forecast by TAZ, 2010-2035, Wilsonville planning area

TAZ Boundaries and Wilsonville City Limits/UGB



Source: City of Wilsonville, Metro Gamma Forecast, 2010-2035, and ECONorthwest
 Note: Black numbers are TAZ identifiers, blue numbers are forecast new households for each TAZ

Table A-1 presents Metro’s forecast for population growth and new housing development in the Wilsonville planning area (the 13 TAZs described above and shown in Map A-1) for the 2010 to 2035 period. The table shows Metro’s forecast for the Wilsonville city limits, areas currently outside the city limits that are expected to be annexed by 2035 (TAZ 973 and 976), which are together the Wilsonville planning area. Table A-1 shows Metro’s forecast for the number of households in each of the following years:

- **2010.** Metro’s forecast uses an estimate of the number of households (in each TAZ) in 2010 as the starting point of the forecast.
- **2025.** As part of the forecasting process, Metro developed a forecast of households in each TAZ for 2025 to allow jurisdictions an opportunity to review and comment on the forecast for growth between 2010 and 2025.
- **2035.** Metro’s forecast estimates the number of households in each TAZ by 2035. Part of the forecasting process was providing jurisdictions an opportunity to review and comment on the forecast for growth through 2035.

Table A-1. Metro forecast for household growth, Wilsonville planning area, 2010 to 2035

Year	Wilsonville City Limits	Areas Currently Outside City Limits	Wilsonville Planning Area
2010	7,980	47	8,027
2025	10,944	753	11,697
2035	11,508	1,063	12,571
Change 2010 to 2035			
Households	3,528	1,016	4,544
Percent	44%	2162%	57%
AAGR	1.5%	13.3%	1.8%

Source: Metro Gamma Forecast, November 2012

Note: The “areas currently outside city limits” are TAZ 973 and 976, which are areas that the City plans to annex by 2035 with residential growth.

The housing needs analysis must be based on a 20-year period (in this instance 2014 through 2034) but Metro’s forecast describes growth over a 25-year period. Table A-2 shows an extrapolation of Metro’s forecast for the 2014 to 2034 period. ECONorthwest extrapolated Metro’s forecast (Table A-1) using the following assumptions:

- **Households in 2014.** ECONorthwest estimated the number of households in the Wilsonville planning area using the number of households in 2010 and the growth rate in the forecast between 2010 and 2025.

For example, in 2010 Metro estimated that there were 7,980 households within the Wilsonville city limits and would be 10,944 households in 2025. Between 2010 and 2025, the average annual growth rate for households within the city limits was 2.13%. Assuming that household growth in Wilsonville was 2.13% per year, there would be 8,682 households in Wilsonville in 2014.

- **Households in 2034.** ECONorthwest estimated the number of households in the Wilsonville planning area using the number of households in 2025 and the growth rate in the forecast between 2025 and 2035.

For example, in 2025 Metro estimates that there would be 10,944 households within the Wilsonville city limits and would be 11,508 households in 2035. Between 2025 and 2035, the average annual growth rate for households within the city limits was 0.50%.

Assuming that household growth in Wilsonville was 0.50% per year, there would be 11,451 households in Wilsonville in 2034.

Table A-2 shows that the Wilsonville planning area will add 3,749 new households between 2014 and 2034, with 2,769 new households inside the existing city limits (included in the original analysis) and 980 new households in outside the current city limits (which were not reflected in the September memorandum).

Table A-2. Extrapolated Metro forecast for household growth, Wilsonville planning area, 2014 to 2034

Year	Wilsonville City Limits	Areas Currently Outside City Limits	Wilsonville Planning Area
2014	8,682	47	8,729
2034	11,451	1,027	12,478
Change 2014-2034			
Households	2,769	980	3,749
Percent	32%	2085%	43%
AAGR	1.4%	16.7%	1.8%

Source: Metro Gamma Forecast, November 2012

Note: The "areas currently outside city limits" are TAZ 973 and 976, which are areas that the City plans to annex by 2035 with residential growth.



City of Wilsonville

**PLANNING COMMISSION
WEDNESDAY, NOVEMBER 13, 2013**

VII. OTHER BUSINESS

- A. 2013 Planning Commission Work Program

2013 Annual Planning Commission Work Program

DATE	AGENDA ITEMS		
	Informational	Work Sessions	Public Hearings
November 13	Basalt Creek Concept Plan Industrial Form Based Code School District's Advance Road UGB Amendment Decision	Goal 10 Housing Needs Analysis	
December 11	Frog Pond / Advance Road Concept Plan Old Town Plan implementation	Goal 10 Housing Needs Analysis and Code Amendments	
2014			
January 8		Goal 10 Housing Needs Analysis: CCI Public Forum on Wilsonville's Residential Lands Strategy	
February 12		Form Based Code	

2013

- 1 5-year Infrastructure Plan
- 2 Asset Management Plan
- 3 **Basalt Creek Concept Planning**
- 4 Code Amendments to the Solid Waste and Recycling Section of the WC
- 5 Community Investment Initiative
- 6 Climate Smart Communities (Metro)
- 7 **Density Inconsistency Code Amendments**
- 8 **Development Code amendments related to density**
- 9 **Frog Pond / Advance Road Concept Planning**
- 10 **Goal 10 Housing Plan**
- 11 Old Town Code Amendments
- 12 Parks & Rec MP Update - Rec Center/Memorial Park Planning
- 13 French Prairie Bike/Ped Bridge

*Projects in bold are being actively worked on in preparation for future worksessions



City of Wilsonville

**PLANNING COMMISSION
WEDNESDAY, NOVEMBER 13, 2013**

VIII. INFORMATIONAL ITEMS

- A. Basalt Creek Concept Plan update



City of Wilsonville City of Tualatin

Joint Work Session Meeting October 29, 2013

Basalt Creek / West Railroad Concept Planning

**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: October 29, 2013	Subject: Basalt Creek / West Railroad Concept Planning Joint Work Session with Tualatin City Council Staff Member: Katie Mangle Department: Community Development	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable <hr/> Comments: 	
Staff Recommendation: N/A		
Recommended Language for Motion: N/A		
PROJECT / ISSUE RELATES TO:		
<input checked="" type="checkbox"/> Council Goals/Priorities Economic Development	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

The Wilsonville and Tualatin City Councils will hold a joint work session to kick-off the Basalt Creek / West Railroad Concept Plan project. The discussion will inform the scope of work for the project and frame the collaboration on the process to come.

EXECUTIVE SUMMARY:

In 2004, Metro expanded the Urban Growth Boundary to include approximately 840 acres of land located in between Tualatin and Wilsonville. In June 2011, the Cities of Tualatin and Wilsonville, Washington County, Metro and ODOT signed an Intergovernmental Agreement which outlined the roles and responsibilities for the Basalt Creek concept planning efforts. One

of the first tasks was to complete the Basalt Creek Transportation Refinement Plan to help identify the major multi-modal transportation investments to be made in the area. In December 2012, a Policy Advisory Group composed of elected and administrative leaders from each of the agencies, unanimously recommended the adoption of the Basalt Creek Transportation Refinement Plan.

In recognition that Tualatin and Wilsonville are less than a mile apart, the Cities wish to work together to plan this area. The collaborative effort will ensure that the property owners, community members, elected officials, and staff from both Cities are involved in creating a vision for the future of this area that enhances the quality of life. The Cities of Tualatin and Wilsonville signed a Memorandum of Understanding in 2010 that acknowledged this cooperative approach to planning. This agreement also established Tualatin as the fiscal agent to administer grant funds received from Metro to conduct this planning work and directed staff from both cities to join together in the selection of a consultant. The project staff selected a consultant team led by Fregonese Associates to lead the concept planning work.

Broadly speaking, a concept plan identifies a vision for the area and guides future land use and transportation. Additionally, it outlines an implementation strategy for future provision of urban services (water, sanitary sewer, and storm sewer systems), other public services and protection of natural and cultural resources. Jurisdiction of the area will ultimately be divided between the two cities, both of which envision it including parks, green spaces, a small amount of retail, as well as employment and residential uses. Wilsonville has expressed that its portion of Basalt Creek/ West Railroad area be primarily used for employment, while Tualatin, which has little land remaining for housing has expressed its portion be primarily used for residential purposes. Both cities see the area contributing to a major regional economic workshed anchored by Coffee Creek in Wilsonville and Southwest Concept Plan in Tualatin.

The Basalt Creek/ West Railroad Area has been in the UGB since 2004; however, property owners have been unable to pursue urban development because a concept plan has not been prepared. Prior to incorporating this land into either City, Metro requires that both Cities adopt a Concept Plan, and then Washington County requires each City to amend their Urban Planning Area Agreement at which point land can be annexed. The Concept Plan work provides the opportunity to address the needs of the area residents as well as other community members and set a plan to provide adequate services, coordinate land use and transportation, and preserve natural resources.

EXPECTED RESULTS:

The meeting purpose is to kick-off the Concept Plan phase of work. The objectives for tonight are to:

- Start the project with a shared understanding of the process and potential outcomes.
- Identify issues and challenges that could present during concept planning.

TIMELINE:

The project is expected to take 18 months to two years to complete. Staff and the Consultant

team are preparing a scope of work for a contract to be presented to Tualatin City Council for authorization in November 2013. Note that, because Tualatin is the grant recipient, Tualatin City Council will be the only body to approve the consultant contract, and Tualatin staff will manage it. Wilsonville City Council will be consulted at key milestones throughout the project, and will have decision-making authority on any deliverables that pertain to the Wilsonville planning area.

CURRENT YEAR BUDGET IMPACTS:

The City of Tualatin received approximately \$350K from Metro’s Construction Excise Tax (CET) grant program to perform concept planning. The City of Wilsonville has, and will continue to, invest staff time into the process.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

The project will incorporate participation from affected residents, businesses, and property owners. Developing a public involvement plan will be one of the first tasks of the consultant team.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): The southern portion of the Basalt Creek area will be important for the long-term growth of Wilsonville’s industrial base. Growth in the Basalt Creek area will affect industrial-zoned properties in the Coffee Creek area, and it will be important to solicit the involvement of representatives from this area.

ALTERNATIVES: None at this time.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Meeting Agenda
- B. Aerial Photo Map
- C. Planning Area Map
- D. Summary of March 2011 Joint Meeting



City of Tualatin City of Wilsonville



TUALATIN AND WILSONVILLE CITY COUNCIL WORK SESSION OCTOBER 29, 2013 6:00 P.M.

Wilsonville City Hall
29799 SW Town Center Loop
Wilsonville, Oregon
Willamette River Room, City Hall, 2nd floor

Tualatin Council
Lou Ogden, Mayor
Monique Beikman
Ed Truax
Joelle Davis
Frank Bubenik
Nancy Grimes
Wade Brooksby

Wilsonville Council
Tim Knapp, Mayor
Scott Starr
Julie Fitzgerald
Richard Goddard
Susie Stevens

6:00 CALL TO ORDER

6:05 WELCOME AND INTRODUCTIONS

A. Introductions: Council, Staff and Consultant Team

6:20 STAFF PRESENTATION

A. Overview of the project

B. Introduction of consultant team and their approach to the project

7:00 ROUNDTABLE DISCUSSION

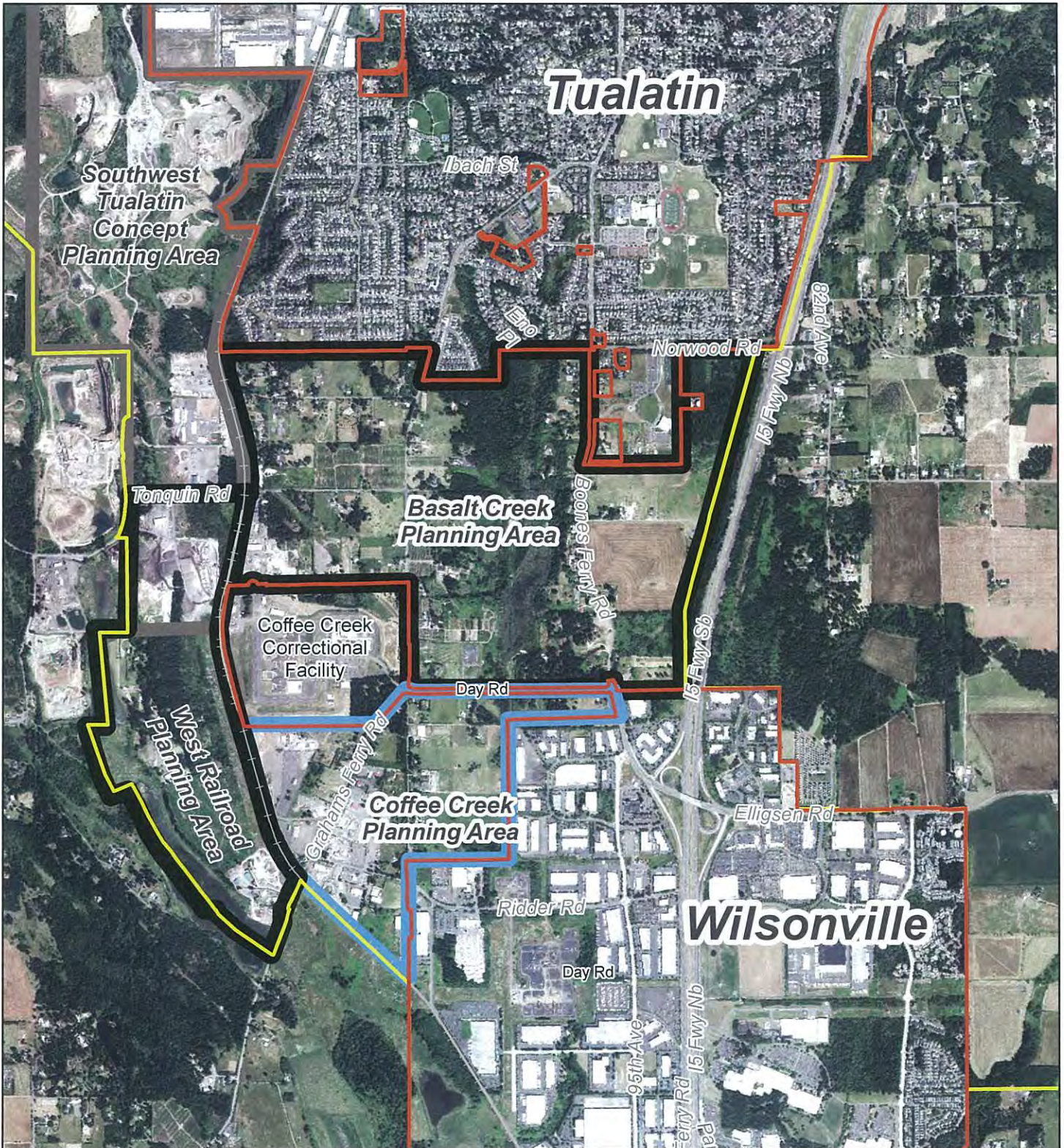
Objectives:

- **Start the project with a shared understanding of the process and potential outcomes.**
- **Identify issues and challenges that could be present during concept planning.**

1. What should the guiding principles be for the concept plan?

2. What do you see as the big issues facing Basalt Creek?
3. What do you want to see accomplished from Basalt Creek/ West Railroad planning? What would a successful project look like to you?
4. What are your ideas for decision making and process?

9:00 ADJOURN



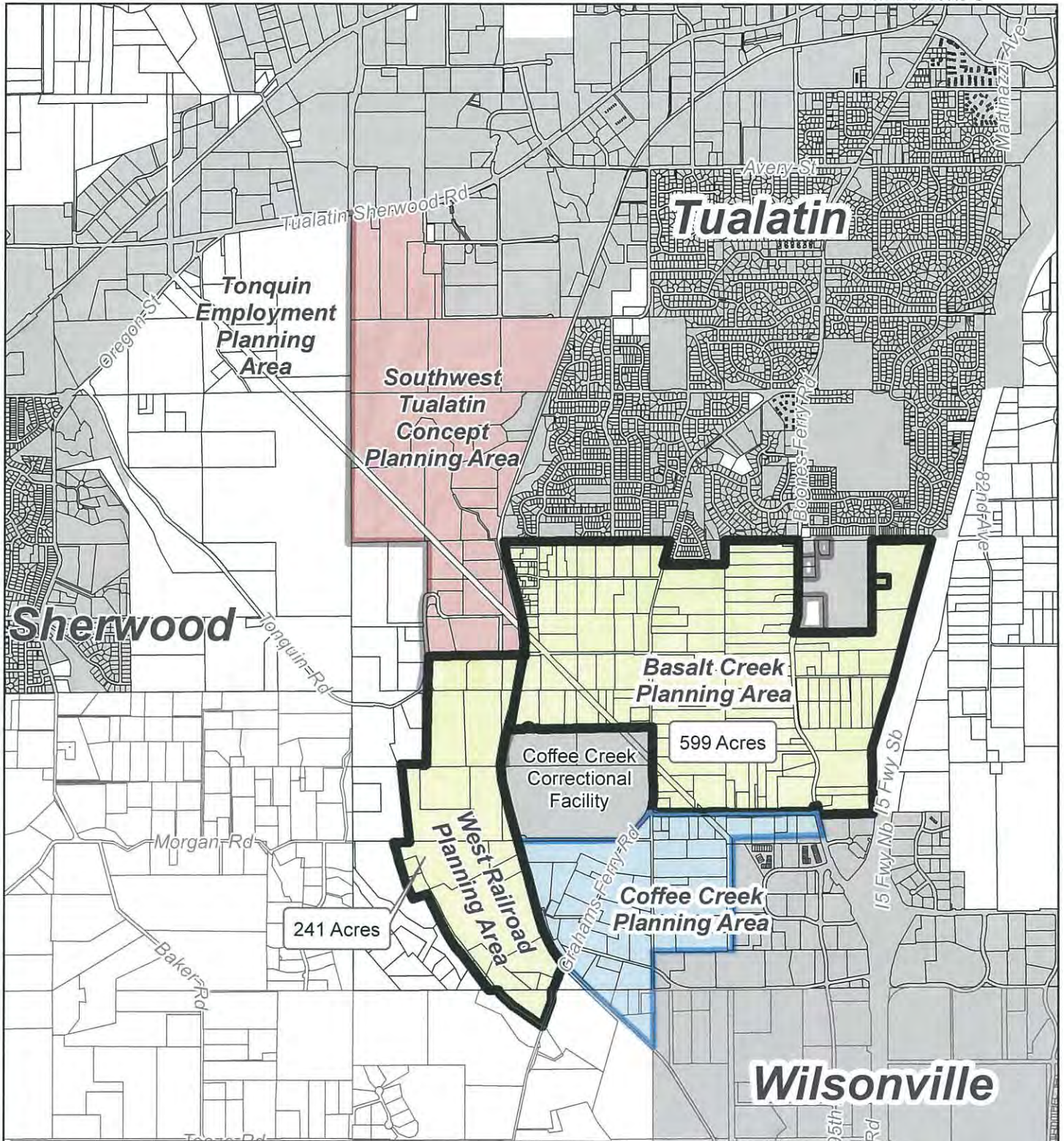
The City of Wilsonville

-  Tualatin Planning Area
-  Proposed Tualatin/Wilsonville Joint Planning Area
-  Wilsonville Planning Area
-  City Limit
-  UGB





7/15/2013





The Cities of Wilsonville and Tualatin

Planning Areas

-  Proposed Tualatin/Wilsonville Joint Planning Areas
-  Current City Limits



7/15/2013







City of Tualatin City of Wilsonville



Joint Council Meeting Roundtable Discussion Notes

Council Question 1: What are the big issues facing your City?

City of Tualatin	City of Wilsonville
Increasing Citizen Involvement	Creating Transparency in Government Operations
Improving Transportation & Mobility (T-S Rd.)	Managing Traffic and Limiting Congestion (I-5)
Developing Opportunities for Business Infill	Attracting Businesses
Expanding Local Public Transit	Protecting Boone Bridge
Representing City & South Region at Metro	Preserving Wilsonville Lifestyle & Community Feel
Balancing  Service Demands &  Revenues	Funding Infrastructure Improvements
Parks Charter Amendment	Replacing the Wastewater Treatment Plant
	Recruiting / Hiring City Manager

Council Question 2: What are the opportunities in the South Metro Region?

- Opportunity for elected officials, staff representatives, and community members to work together as a team and collaborate to find solutions
- Opening for greater local input
- Chance to create a louder voice in the South Metro Region
- Opportunity to preserve an attractive place to live, work, and play
- Prospect of maximizing assets through high quality development
- Time to develop trust between two elected bodies
- Opportunity to support each other on uncommon issues

Council Question 3: What do you want to see accomplished from Basalt Creek / West Railroad planning?

- Creates consistency with the Southwest Tualatin Concept Plan
- Provides solutions to accommodate the transportation needs of the planning area and surrounding community (effective SW 124th extension & access to West Railroad Area)
- Offers the ability to attract a large business campus type development
- Affords the protection of the South Tualatin neighborhoods
- Incorporates transitional land uses and/or buffer between industrial and residential uses
- Provides annexation plan so that none of the land is left unincorporated
- Maximizes the industrial development opportunities that present a financial gain through higher assessed value
- Protects the I-5 / Elligsen Road interchange
- Establishes a vision that will be a success in 20 – 30 years and makes both communities “better”
- Assesses the infrastructure needs
- Identifies a provision for natural areas, parks, and recreational space
- Completed through an engaging process



City of Tualatin City of Wilsonville

Attachment D



Next Steps:

- Schedule another joint council work session in late Spring
- Approve a Memorandum of Understanding with Washington County for concept planning
- Participate in Washington County's transportation analysis regarding the extension of SW 124th to the I-5 interchange
- Determine which portions of the planning efforts can be done concurrently with transportation analysis



City of Wilsonville

PLANNING COMMISSION
WEDNESDAY, NOVEMBER 13, 2013

VIII. INFORMATIONAL ITEMS

- B. Industrial Form Based Code

STATEMENT OF WORK

Oregon Transportation and Growth Management Program (“TGM”) Light Industrial Form-based Zoning Code Standards Project City of Wilsonville Code Update

A. PROJECT MANAGEMENT TEAM (“PMT”)

“Consultant” – Urbsworks

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Oregon Department of Transportation (“ODOT”) Regional Planner

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Department of Land Conservation and Development (“DLCD”) Regional Representative

Jennifer Donnelly
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Portland Metro Regional Solutions
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B. PROJECT BACKGROUND AND OBJECTIVES

Background

Wilsonville has about 20,500 residents and consists of a mix of residential, industrial, and commercial development. It is the southernmost community in the Metro urban growth boundary, is bisected by Interstate 5, and serves as a job center for the southern metro area. Much of the local employment base comprises technology companies, warehouse, and distribution centers.

The City of Wilsonville (“City”) seeks to increase Wilsonville’s light industrial and office employment, while at the same time ensuring high quality urban design that enables multimodal transportation. The City currently uses a discretionary development review process to achieve its design goals, but it seeks to streamline the process through the development of a form-based code for light industrial areas. This new form-based code would result in a faster and more predictable review process for light industrial development, which will make Wilsonville more attractive to companies that might locate there. At the same time the form-based code will address the appearance of buildings, as well as how site design accommodates freight, automobile, pedestrian, bicycle, and bus traffic, so that industrial traffic, employees, and others will be able to comfortably use the transportation mode that meets their needs.

The form-based code is anticipated to be applied to the Coffee Creek Industrial Area, an area immediately outside Wilsonville’s northwest boundary in unincorporated Washington and Clackamas Counties, but within Metro’s urban growth boundary. Once developed, application to other areas of Wilsonville will be evaluated. In 2007, the City adopted a master plan for the Coffee Creek Industrial Area (partially funded by a grant from the TGM program) and expects to annex the area in the future. The form-based code would help implement that master plan.

Project Objectives and Major Deliverables

The objectives of the project are to create code standards that will streamline light industrial development while ensuring high quality design and a multi-modal transportation network that accommodates pedestrians, bicycles, transit, automobiles, and freight.

In order to achieve these objectives Consultant shall:

1. develop a Light Industrial Form-based Code for the Coffee Creek Industrial Area that includes a public hearing and administrative review process;
2. prepare a Pattern Book of light industrial zone building typologies; and
3. present the Light Industrial Form-based Code and Pattern Book (“FBC”) to the City Planning Commission and City Council for review and approval.

The FBC (developed in Tasks 3, 4, and 5) must meet certain standards. The FBC is regulatory, not advisory; and it must conform to the definition and description of form-based codes developed by the Form-based Codes Institute, in italics below.

The FBC's regulations and standards must be:

- *presented in both words and clearly drawn diagrams and other visuals; and*
- *keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.*

The FBC must address:

- *the relationship between building facades and the public realm;*
- *the form and mass of buildings in relation to one another; and*
- *the scale and types of streets and blocks.*

The FBC must include the following elements:

- *Regulating Plan. A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being coded.*
- *Public Space Standards. Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).*
- *Building Form Standards. Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.*
- *Administration. A clearly defined application and project review process.*
- *Definitions. A glossary to ensure the precise use of technical terms.*
- *Architectural Standards. Regulations controlling external architectural materials and quality.*
- *Landscaping Standards. Regulations controlling landscape design and plant materials on private property as they impact public spaces (e.g., regulations about parking lot screening and shading, maintaining sight lines, ensuring unobstructed pedestrian movement, etc.).*
- *Annotation. Text and illustrations explaining the intentions of specific code provisions.*

Purpose of Contract - Transportation Relationships and Benefits

The TGM Program is a joint effort of ODOT and DLCD. The purposes of TGM are to strengthen the capability of local governments to effectively manage growth and comply with

the Transportation Planning Rule, to integrate transportation and land use planning, and to encourage transportation-efficient land uses that support modal choice and the efficient performance of transportation facilities and services. Specifically, TGM supports efficient use of land and resources; human-scaled, walkable communities; good connections between local destinations; and pedestrian, bicycle, and transit-oriented development.

This project will advance these objectives by creating a light industrial form-based code that will lead to more human-scaled building and site design, while promoting modal choice by requiring site and transportation network design that accommodates pedestrians, bicycles, and transit.

C. GENERAL PROVISIONS

Project Management

Project management tasks are integrated into each of the tasks in this work order contract (“WOC”), but are described here to establish a framework for managing the project. A PMT, comprising a City Project Manager, Agency Project Manager, and Consultant, shall provide overall guidance for the project. PMT shall meet as specified by the statement of work (“SOW”) to coordinate logistics of the project and to give feedback to Consultant. PMT shall meet by telephone conference or in person; the duration of each meeting is not anticipated to exceed two hours.

City shall lead Planning Commission and City Council Work Sessions and Public Hearings as described in this SOW. City shall also provide all staff reports, necessary public notices and notifications.

Deliverables: Due Dates, PMT Review, and Consultant Edits

Consultant shall provide all deliverables to PMT for review and comment. Deliverables that will be distributed for public (including committees, planning commission, and city council) review shall be submitted to PMT at least ten working days prior to the scheduled distribution of the deliverables, unless otherwise stipulated in this SOW or unless Agency Project Manager agrees to a different length of time. Consultant shall provide meeting materials to City Project Manager for photocopying and distribution, and to Agency Project Manager, at least five working days prior to the relevant meeting date unless agreed to differently by PMT. Based on PMT comments received, Consultant shall revise all meeting summary notes before they are finalized and shall make required edits to all deliverables and meeting materials prior to distribution or use.

Project Cooperation

The SOW for this WOC describes the responsibilities of all entities involved in this cooperative project. Consultant shall only be responsible for those responsibilities and deliverables identified as being assigned to Consultant in this WOC and its SOW. All work assigned to other entities is not subject to this WOC. References to work to be performed or responsibilities of any other entities in this SOW other than references to Consultant are merely for informational purposes and are in no way binding. Neither are these other entities parties to this WOC. Any tasks or deliverables assigned to a sub-contractor shall be construed as being the responsibility of Consultant.

Any Consultant tasks or deliverables which are contingent upon receiving information, resources, assistance, or cooperation in any way from another entity as described in the SOW shall be subject to the following guidelines:

1. At the first indication of non-cooperation, Consultant shall provide written notice (email acceptable) to Agency Project Manager of the specific acts or inaction indicating non-cooperation, and of any deliverables that may be delayed due to such lack of cooperation by other entities referenced in the SOW.
2. Agency Project Manager shall contact the non-cooperative entity/ies to discuss the matter and attempt to correct the problem and expedite items determined to be delaying Consultant.
3. If Consultant has followed the notification process described in item 1, and delinquency or delay of any deliverable is found to be a result of the failure of other referenced entities to provide information, resources, assistance, or cooperation, as described in the SOW, Consultant shall not be found in breach or default of contract; nor shall Consultant be assessed or liable for any damages. Neither shall Agency be responsible or liable for any damages to Consultant as the result of such non-cooperation by other entities. Agency Project Manager shall negotiate with Consultant in the best interest of the State, and may amend the delivery schedule to allow for delinquencies beyond the control of Consultant.

Consultant shall ensure that any work products produced pursuant to this WOC include the following statement:

This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Moving Ahead for Progress in the 21st Century (MAP-21), local government, and the State of Oregon funds.

The contents of this document do not necessarily reflect views or policies of the State of Oregon.

Key Personnel

Consultant acknowledges and agrees that Agency selected Consultant, and is entering into this WOC, because of the special qualifications of Consultant's key people. In particular, Agency, through this WOC, is engaging the expertise, experience, judgment, and personal attention of Marcy McNelly ("Key Personnel"). Consultant's Key Personnel shall not delegate performance of the management powers and responsibilities that Key Personnel is required to provide under this WOC to another (other) Consultant employee(s) without first obtaining the written consent of Agency.

Further, Consultant shall not re-assign or transfer Key Personnel to other duties or positions such that Key Personnel is no longer available to provide Agency with Key Personnel's expertise, experience, judgment, and personal attentions, without first obtaining Agency's prior written consent to such re-assignment or transfer. In the event Consultant requests that Agency approve a re-assignment or transfer of Key Personnel, Agency shall have the right to interview, review the qualifications of, and approve or disapprove the proposed replacement(s) for Key Personnel. Any approved substitute or replacement for Key Personnel shall be deemed Key Personnel under this WOC.

Public Involvement Approach

Public involvement must allow residents and business owners an opportunity to provide input into the planning process. Consultant and City shall consider environmental justice issues, which is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Fair treatment means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

The public involvement program must include specific steps to provide opportunities for participation by federal Title VI communities. City shall utilize the ODOT Title VI (1964 Civil

Rights Act) Plan guidance to identify Title VI populations, formulate public involvement strategies, and report outreach efforts to and participation by Title VI communities.

D. WORK TASKS AND DELIVERABLES

Task 1: Project Kick-Off

The purpose of this task is for Consultant to become familiar with community conditions City and with City's planning documents, to confirm the objectives of the project, and to refine the project schedule.

- 1.1. Consultant shall review City's Comprehensive Plan, sections 4.134 through 4.135.5 (Day Road Design Overlay District and Planned Development Industrial Zone) of the Wilsonville Planning and Land Development Ordinance, the meeting minutes from the Day Road Design Overlay public hearings, the Coffee Creek Master Plan, and the Coffee Creek Infrastructure Plan and Industrial Site Readiness Project. Consultant shall prepare a Discussion Memorandum identifying the top issues or questions resulting from the review for discussion with PMT.
- 1.2. Consultant shall conduct Site Visit and Community Tour in Wilsonville to become familiar with existing conditions on the ground. City shall arrange to accompany Consultant on site visit and community tour to assist Consultant and provide context.
- 1.3. Consultant shall conduct PMT Meeting #1 in Wilsonville to review objectives and scheduling of the project, confirm City's expectations, and discuss issues and options for general course of action. The City attorney and relevant City staff shall also attend the meeting. Consultant shall prepare Summary Notes of PMT Meeting #1, including a project schedule identifying major milestones.
- 1.4. Consultant shall review best practices for light industrial areas nationwide in order to identify those that have achieved high design standards and multimodality while accomplishing a more efficient public review process. Consultant shall use information gleaned during the site visit and community tour, as well as PMT Meeting #1 to select four case studies that are relevant to the community. Consultant shall write up the Four Case Studies and provide to City.

Task 1 Consultant Deliverables:

- 1.1 Discussion Memorandum
- 1.2 Site Visit and Community Tour
- 1.3 PMT Meeting #1 and Summary Notes
- 1.4 Four Case Studies

Task 1 City Deliverables:

- 1.2 Site Visit and Community Tour
- 1.4 PMT Meeting #1

Task 2: Evaluation of Existing Regulations

The purpose of this task is to illustrate what type of development the current Wilsonville Planning and Land Development Ordinance would produce and seek feedback from City to inform the creation of a FBC.

- 2.1 Consultant shall create no fewer than six Sketches of what industrial development done under the existing Planned Development Industrial (PDI) Zone and the Day Road Design Overlay District (Day Road DOD) would look like. Consultant shall write a brief 3-5 page Evaluation Memorandum on the existing PDI zone and Day Road DOD (to accompany the sketches). The Evaluation Memorandum must review the existing zoning in the context of the project objectives, which are to create code standards that will streamline light industrial development while ensuring high quality design and a multi-modal transportation network that accommodates bicycles, pedestrians, and transit, as well as automobiles and freight.
- 2.2 Consultant shall conduct PMT Meeting #2 in Wilsonville to discuss the deliverables from Task 2.1, the relationship of the new FBC to the existing PDI and Day Road DOD, and what should be included in the new code and Pattern Book. Consultant shall prepare Summary Notes of PMT Meeting #2.

Task 2 Consultant Deliverables:

- 2.1 Sketches and Evaluation Memorandum
- 2.2 PMT Meeting #2 and Summary Notes

Task 2 City Deliverables:

- 2.2 PMT Meeting #2

Task 3: First Draft

In this task Consultant shall prepare the first draft of the FBC and Pattern Book and recommend how these codes will relate to City's existing Planning and Land Development Ordinance.

- 3.1 Consultant shall prepare Light Industrial Form-based Code Draft #1 and Pattern Book Draft #1 ("Draft #1"), which conforms to the requirements listed under "'Project Objectives and Major Deliverables" in Part B of this SOW. City and Agency shall review Draft #1 and provide Comments to Consultant at least five working days prior to PMT Meeting #3.

- 3.2 Based on previous feedback, including that received at PMT Meeting #2, Consultant shall write a Regulation Memorandum recommending how the FBC will integrate with City's existing Planning and Land Development Ordinance. The Regulation Memorandum must include general recommendations for any necessary changes to the existing regulations in order to integrate the new FBC.
- 3.3 Consultant shall conduct PMT Meeting #3 in Wilsonville (or by conference call) to discuss City and Agency comments on Draft #1. Consultant shall make minor edits to Draft #1 prior to submitting the draft to the Planning Commission and prepare Summary Notes of the PMT Meeting #3.
- 3.4 City shall convene a Planning Commission Work Session in which Consultant shall make a 20-minute slide presentation on Draft #1 prior to gathering input from the Planning Commission. Consultant shall provide a copy of Draft #1 to City Project Manager at least one week prior to Planning Commission Work Session. Consultant shall prepare Summary Notes of the Planning Commission Work Session.
- 3.5 City shall organize three Stakeholder Meetings: 1) the Chamber of Commerce Economic Vitality Committee and any similar group City identifies; 2) City code administrators; and 3) area property owners, developers, and any similar group or person City identifies as important to include. At the meetings, Consultant shall present Draft #1 and solicit feedback in order to understand the desires of citizens, property owners, and professionals in industrial development. City shall ensure that all stakeholder meeting invitees receive a copy of Draft #1 at least one week prior to the Stakeholder Meetings. Consultant shall prepare and distribute Stakeholder Feedback Memorandum, summarizing the feedback from Stakeholder Meetings, to meeting participants and the PMT at least five days prior to PMT Meeting #2.

Task 3 Consultant Deliverables:

- 3.1 Light Industrial Form-based Code Draft #1 and Pattern Book Draft #1
- 3.2 Regulation Memorandum
- 3.3 PMT Meeting #3, Summary Notes, and minor edits to Draft #1
- 3.4 Planning Commission Work Session and Summary Notes
- 3.5 Stakeholder Meetings and Stakeholder Feedback Memorandum

Task 3 City Deliverables:

- 3.1 Comments on Draft #1
- 3.3 PMT Meeting #3
- 3.4 Planning Commission Work Session
- 3.5 Stakeholder Meetings

Task 4: Second Draft

In this task Consultant shall prepare a second draft of the FBC and Pattern Book based on feedback received in Task 3.

- 4.1 Consultant shall prepare Light Industrial Form-based Code Draft #2 and Pattern Book Draft #2 (“Draft #2”) by incorporating the comments received from PMT, Planning Commission, and Stakeholder Meetings. City and Agency shall review Draft #2 and provide comments to Consultant. If necessary, Consultant shall make edits prior to releasing Draft #2 for public review.
- 4.2 City shall create a page (or pages) on its website to engage the public by providing information about the FBC (including a copy of Draft #2) and by soliciting public input on the project. Consultant shall assist City with creating and designing content for the web pages as follows:
 - a) City shall create a draft webpage and request needed text, images, and documents from the Consultant in writing.
 - b) Consultant shall provide requested materials and written feedback on the webpage draft to City.
 - c) Additional collaboration may take place via telephone.
 - d) City shall promote the project web pages widely, and compile the results of the public input and provide them to PMT.
- 4.3 City shall convene Planning Commission and City Council Work Sessions (or a joint work session) in which Consultant shall present Draft #2 and gather input and comments from the Planning Commission and City Council. Consultant shall prepare Summary Notes of the Planning Commission and City Council Work Session(s).
- 4.4 City shall convene PMT Meeting #4 in Wilsonville (or by conference call). The purpose of this meeting is to discuss the results of the first Planning Commission Work Session (Task 3.4), the stakeholder meetings (Task 3.5), the online public engagement (Task 4.2), and the Planning Commission and City Council Work Session(s) (Task 4.3); and then agree on necessary changes to Draft #2 based on the work sessions, meetings, and public engagement, and PMT feedback. Consultant shall prepare Summary Notes of PMT Meeting #4. City and Agency shall review and comment on Summary Notes before they are finalized by Consultant.

Task 4 Consultant Deliverables:

- 4.1 Light Industrial Form-based Code Draft #2 and Pattern Book Draft #2
- 4.2 Internet public engagement: content and written feedback
- 4.3 Planning Commission and City Council Work Sessions (or joint work session) and Summary Notes
- 4.4 PMT Meeting #4 and Summary Notes

Task 4 City Deliverables:

- 4.2 Internet public engagement: publication, promotion, and results
- 4.3 Planning Commission and City Council Work Sessions (or joint work session)
- 4.4 PMT Meeting #4

Task 5: Final Draft and Adoption

The purpose of this task is for Consultant to prepare a final Light Industrial Form-based Code

and Pattern Book, based on input from PMT, public involvement, the Planning Commission, and City Council.

- 5.1 Consultant shall prepare Final Light Industrial Form-based Code and Pattern Book (“Final Draft”) by incorporating the comments received from PMT, the public and stakeholders, Planning Commission, and City Council. City and Agency shall review the Final Draft and provide comments to Consultant at least five days prior to PMT Meeting #5.
- 5.2 City shall convene PMT Meeting #5 in Wilsonville (or by conference call) to discuss the Final Draft. Consultant shall provide Final Draft to PMT at least two weeks before PMT Meeting #5. Consultant shall prepare Summary Notes of PMT Meeting #5 and make any edits to the Final Draft.
- 5.3 Consultant shall present Final Draft to the Planning Commission and City Council, in either one joint meeting or two separate meetings. If desired, City Council shall indicate support for the Light Industrial Form-based Code by means of a resolution. City shall identify a Timeline for code implementation.

Task 3 Consultant Deliverables:

- 5.1 Final Light Industrial Form-based Code and Pattern Book
- 5.2 PMT Meeting #5, Summary Notes, and edits to Light Industrial Form-based Code and Pattern Book
- 5.3 Presentation to Planning Commission and City Council

Task 3 City Deliverables:

- 5.2 PMT Meeting #5
- 5.3 Planning Commission and City Council meeting(s), Timeline

Task 6: Contingent Tasks

The purpose of this task is to provide for additional meetings or document amendments as may be necessary for Consultant to conduct or attend during the course of the project. **Work may not proceed on this task or any subtask under this task without written authorization from Agency Project Manager.**

- 6.1 Contingent Meeting #1: Consultant shall appear at an additional meeting, work session, or hearing of the Planning Commission, City Council, or joint meeting of the Planning Commission and City Council. Consultant shall present information as required using material from previous meetings and products developed over the course of the project. Consultant shall prepare Summary Notes of Contingent Meeting #1. City and Agency shall review and comment on Summary Notes before they are finalized by Consultant.
- 6.2 Contingent Meeting #2: Consultant shall appear at an additional meeting, work session,

or hearing of the Planning Commission, City Council, or joint meeting of the Planning Commission and City Council. Consultant shall present information as required using material from previous meetings and products developed over the course of the project. Consultant shall prepare summary notes of Contingent Meeting #2. City and Agency shall review and comment on Summary Notes before they are finalized by Consultant.

- 6.3 Contingent Amendments to the Light Industrial Form-based Code and Pattern Book per Planning Commission or City Council direction.
- 6.4 Contingent PMT Meeting: Consultant and City shall attend an additional PMT Meeting by conference call. Consultant shall prepare Summary Notes of Contingent PMT Meeting. City and Agency shall review and comment on Summary Notes before they are finalized by Consultant.

Task 6 Consultant Deliverables:

- 6.1 Contingent Meeting #1 and Summary Notes
- 6.2 Contingent Meeting #2 and Summary Notes
- 6.3 Contingent Amendments to the Light Industrial Form-based Code and Pattern Book
- 6.4 Contingent PMT Meeting and Summary Notes

Task 6 City Deliverables:

- 6.1 Contingent Meeting #1
- 6.2 Contingent Meeting #2
- 6.4 Contingent PMT Meeting

E. LUMP SUM PER DELIVERABLE AND PROJECT SCHEDULE

Task	Consultant Deliverables	Lump Sum Per Deliverable Amount
Task 1: Project Kick-Off		
1.1	Discussion Memorandum	\$1,530
1.2	Site Visit and Community Tour	\$820
1.3	PMT Meeting #1 and Summary Notes	\$810
1.4	Four Case Studies	\$5,080
Task 2: Evaluation of Existing Regulations		
2.1	Sketches and Evaluation Memorandum	\$5,230
2.2	PMT Meeting #2 and Summary Notes	\$810

Task	Consultant Deliverables	Lump Sum Per Deliverable Amount
Task 3: First Draft		
3.1	Light Industrial Form-based Code Draft #1 and Pattern Book Draft #1	\$16,590
3.2	Regulation Memorandum	\$780
3.3	PMT Meeting #3, Summary Notes, and minor edits to Draft #1	\$1,020
3.4	Planning Commission Work Session and Summary Notes	\$1,070
3.5	Stakeholder Meetings and Stakeholder Feedback Memorandum	\$1,930
Task 4: Second Draft		
4.1	Light Industrial Form-based Code Draft #2 and Pattern Book Draft #2	\$7,840
4.2	Internet public engagement: content and written feedback	\$660
4.3	Planning Commission and City Council Work Sessions (or joint work session) and Summary Notes	\$1,940
4.4	PMT Meeting #4 and Summary Notes	\$810
Task 5: Final Draft and Adoption		
5.1	Final Light Industrial Form-based Code and Pattern Book	\$5,340
5.2	PMT Meeting #5, Summary Notes, and edits to Light Industrial Form-based Code and Pattern Book	\$810
5.3	Presentation to Planning Commission and City Council	\$1,680
Task 6: Contingent Tasks		
6.1	Contingent Meeting #1 and Summary Notes	\$940
6.2	Contingent Meeting #2 and Summary Notes	\$940
6.3	Contingent Amendments to the Light Industrial Form-based Code and Pattern Book	\$6,130
6.4	Contingent PMT Meeting and Summary Notes	\$810
Project Total		\$63,570

SCHEDULE

Task	Consultant Deliverables	Completion
Task 1: Project Kick-Off		
1.1	Discussion Memorandum	October 2013
1.2	Site Visit and Community Tour	October 2013

Task	Consultant Deliverables	Completion
1.3	PMT Meeting #1 and Summary Notes	October 2013
1.4	Four Case Studies on best practices for light industrial areas	November 2013
Task 2: Evaluation of Existing Regulations		
2.1	Sketches and Evaluation Memorandum	November 2013
2.2	PMT Meeting #2 and Summary Notes	November 2013
Task 3: First Draft		
3.1	Light Industrial Form-based Code Draft #1 and Pattern Book Draft #1	January 2014
3.2	Regulation Memorandum	January 2014
3.3	PMT Meeting #3, Summary Notes, and minor edits to Draft #1	January 2014
3.4	Planning Commission Work Session and Summary Notes	February 2014
3.5	Stakeholder Meetings and Stakeholder Feedback Memorandum	February 2014
Task 4: Second Draft		
4.1	Light Industrial Form-based Code Draft #2 and Pattern Book Draft #2	February 2014
4.2	Internet public engagement: content and written feedback	March 2014
4.3	Planning Commission and City Council Work Sessions (or joint work session) and Summary Notes	March 2014
4.4	PMT Meeting #4 and Summary Notes	March 2014
Task 5: Final Draft and Adoption		
5.1	Final Light Industrial Form-based Code and Pattern Book	April 2014
5.2	PMT Meeting #5, Summary Notes, and edits to Light Industrial Form-based Code and Pattern Book	April 2014
5.3	Presentation to Planning Commission and City Council	April 2014
Task 6: Contingent Tasks		
6.1	Contingent Meeting #1 and Summary Notes	May 2014
6.2	Contingent Meeting #2 and Summary Notes	May 2014
6.3	Contingent Amendments to the Light Industrial Form-based Code and Pattern Book	May 2014
6.4	Contingent PMT Meeting and Summary Notes	May 2014



City of Wilsonville

PLANNING COMMISSION
WEDNESDAY, NOVEMBER 13, 2013

VIII. INFORMATIONAL ITEMS

- C. Metro decision regarding the West Linn-Wilsonville School District Advance Road UGB Amendment



Date: October 23, 2013

To: City and County Planning Directors

From: Tim O'Brien, Principal Regional Planner
Planning Department

RE: NOTICE OF METRO COUNCIL ACTION, UGB CASE NO. 13-01: WEST LINN-WILSONVILLE SCHOOL DISTRICT

Notice is hereby given that the Metro Council adopted Ordinance No. 13-1316 approving Urban Growth Boundary (UGB) Case No. 13-01: West Linn-Wilsonville School District for 40.05 acres located at the intersection of SW Advance Road SW 60th Ave., Wilsonville at a meeting on October 10, 2013. A copy of Ordinance 13-1316 is attached for your review.

For further information regarding the Metro Council's action please contact me at Tim.O'Brien@oregonmetro.gov or at 503-797-1840.

BEFORE THE METRO COUNCIL

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

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

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

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

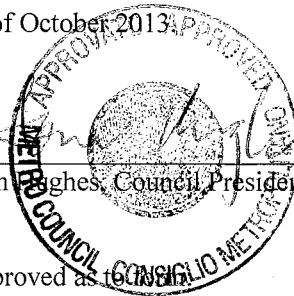
WHEREAS, on August 12, 2013 the hearings officer submitted a proposed order recommending approval of the application, together with findings of fact and conclusions of law in support of a decision by the Metro Council that the application satisfies the requirements of the Metro Code; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The UGB is hereby amended, as indicated in Exhibit A, attached and incorporated into this Ordinance, to add 40.05 acres to the UGB for use as a primary and middle school campus and city park facility, subject to the following two conditions of approval:
 - a. The subject property shall only be developed with a middle school, a primary school, and a public park.
 - b. The City of Wilsonville shall zone the subject property with a designation, such as Public Facility (PF), that allows the school and park uses described in the application and that requires site plan review for the subject property; the city shall also adopt conditions of approval requiring development for the identified school and park uses.
2. The hearings officer’s analysis, conclusions and recommendations set forth in Exhibit B, attached and incorporated into this ordinance, are adopted by the Metro Council as Metro’s findings of fact and conclusions of law explaining how this amendment to the UGB complies with applicable provisions of the Regional Framework Plan, Metro Code, and applicable statewide planning laws.

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



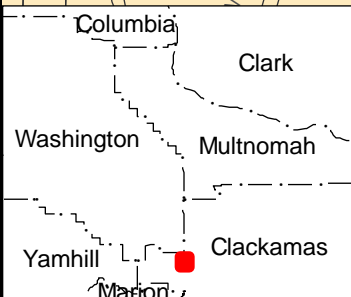
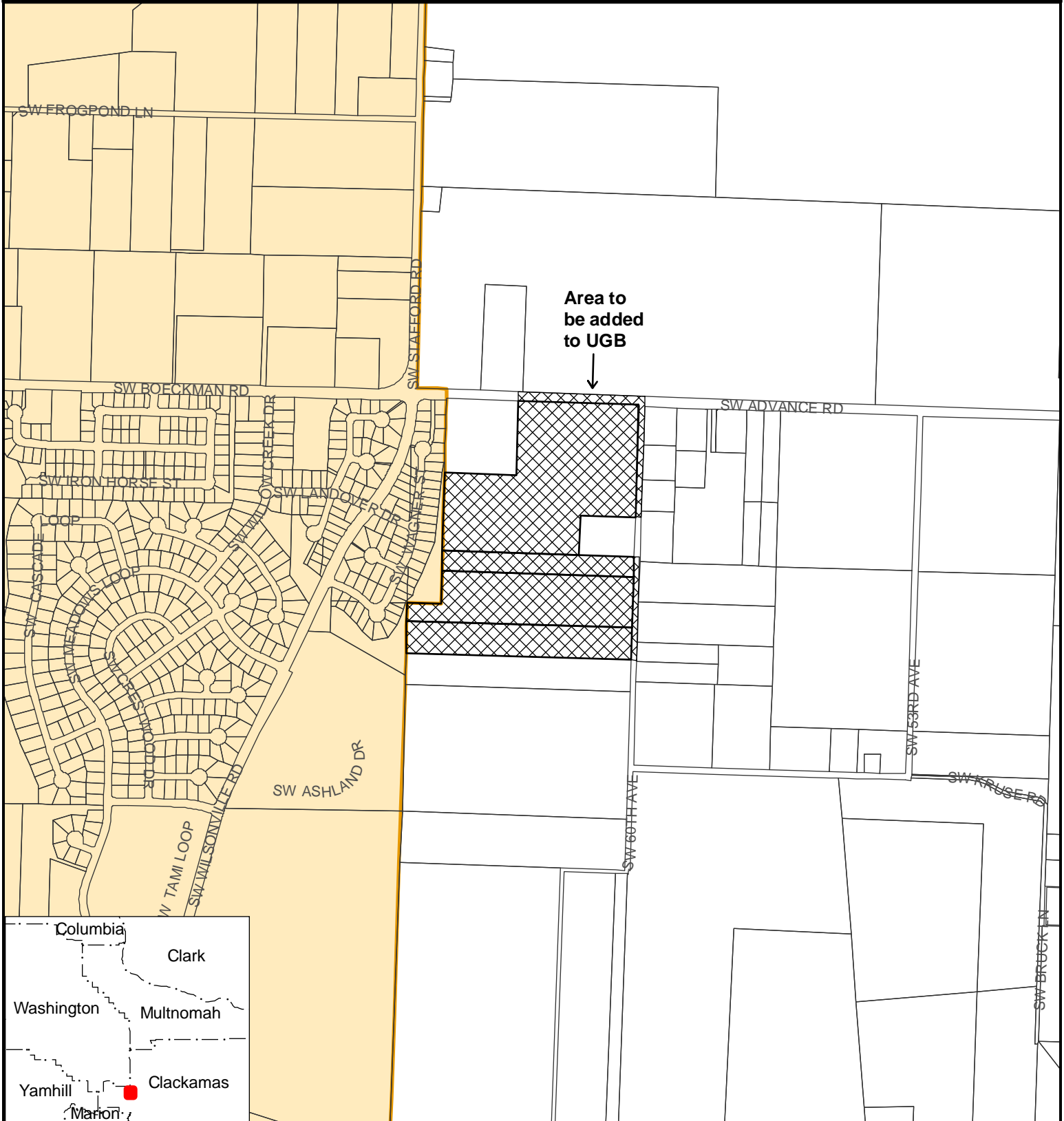
Tom Hughes, Council President

Approved as follows:

Attest:

Kelsey Newell, Regional Engagement
Coordinator

Alison R. Kean, Metro Attorney



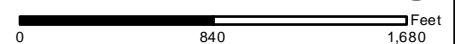
Case No. 13-01 UGB Major Amendment

1:10,000

Area to be added to UGB

Taxlots

Urban Growth Boundary
Planning Commission - Nov. 13, 2013
Advance Road School Site UGB Decision
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Exhibit B

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

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

AUGUST 12, 2013

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SECTION I: APPLICATION SUMMARY

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

PETITIONER: West Linn-Wilsonville School District

PROPOSAL: The petitioner requests that Metro expand the urban growth boundary (UGB) to include 40 acres to be used for a primary and middle school campus and a city park facility.

LOCATION: The property consists of four tax lots located along SW60th Ave near SW Advance Road, Wilsonville. The subject properties are in Urban Reserve Area 4H.

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

SECTION II: HEARINGS OFFICER RECOMMENDATION

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

SECTION III: BACKGROUND INFORMATION

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

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

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

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

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

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

SECTION IV: APPLICABLE REVIEW CRITERIA

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

Metro Code section 3.07.1440(A). The purpose of the major amendment process is to provide a mechanism to address needs for land that cannot wait until the next analysis of buildable land supply under ORS 197.299. Land may be added to the UGB under this section only for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs;

Petitioner Response

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

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

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

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

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

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

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

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

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

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

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

Hearings Officer’s Analysis

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

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

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

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

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

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

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

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

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

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

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

Hearings Officer's Recommendation:

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

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

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

Petitioner Response

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

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

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

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

Hearings Officer's Analysis

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

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

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

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

Hearings Officer's Recommendation:

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

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

Petitioner Response

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

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

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

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

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

Hearings Officer’s Analysis

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

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

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

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

Hearings Officer's Recommendation:

The petition meets this criterion.

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

Petitioner Response

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

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

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

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

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

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

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

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

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

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

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

Hearings Officer's Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hearings Officer’s Recommendation:

The petition meets this criterion.

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

As noted previously, Metro Code Sections 3.07.1425 (C) (1-9) are considered locational factors that are weighed and balanced to determine the most suitable location for the UGB expansion and not specific criteria that must be met. Thus, the relevant determination is whether or not the petition addressed the locational factor and a determination of which area better meets the need considering the factor.

Petitioner Response

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

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

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

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

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

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

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

Hearings Officer's Analysis

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

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

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

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

Hearings Officer's Recommendation:

The petition adequately addresses this factor.

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

Petitioner Response

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

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

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

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

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

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

Hearings Officer's Analysis

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

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

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

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

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

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

Hearings Officer's Recommendation:

The petition adequately addresses this factor.

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

Petitioner Response

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

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

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

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

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

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

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

Hearings Officer's Analysis

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

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

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

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

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

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

Hearings Officer's Recommendation:

The petition adequately addresses this factor.

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

Petitioner Response

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

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

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

Hearings Officer's Analysis

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

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

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

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

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

Based on the urban reserve areas that were analyzed the analysis shows that the Advance Road site property best meets the need for accommodating the enrollment deficit in the Wilsonville area, considering compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.

Hearings Officer's Recommendation:

The petition addresses this factor.

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

Petitioner Response

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

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

Hearings Officer's Analysis

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

Hearings Officer's Recommendation:

The petition does address this factor.

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

Petitioner response

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

Hearings Officer's Analysis

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

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

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

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

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

Hearings Officer's Recommendation:

The petition does adequately address this factor.

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

Petitioner response

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

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

Hearings Officer's Analysis

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

Hearings Officer's Recommendation:

The petition adequately addresses the factor.

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

Petitioner response

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

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

Hearings Officer's Analysis

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

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

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

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

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

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

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

Hearings Officer's Recommendation:

The petition addresses this factor.

Metro Code section 3.07.1425 (C)(9) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and

shall determine which areas better meet the need considering a clear transition between urban and rural lands, using natural and built features to mark the transition.

Petitioner response

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

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

Hearings Officer’s Analysis

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

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

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

Hearings Officer’s Recommendation:

The petition adequately addresses this factor.

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

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

Petitioner response

The proposed area for UGB is within an urban reserve.

Hearings Officer's Recommendation:

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

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

Petitioner response

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

Hearings Officer's Recommendation:

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

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

Petitioner response

The proposed area for UGB expansion will not create an island of urban land outside the UGB or an island of rural land inside the UGB.

Hearings Officer's Analysis

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

Hearings Officer's Recommendation:

The petition meets this criterion.

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

Petitioner response

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

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

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

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

Hearings Officer's Analysis

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

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

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

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

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

“compatible” is defined as follows:

“Capable of existing together in harmony.” Capable of existing together without discord or disharmony.

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

Harmony: “Correspondence, accord” <lives in *harmony* with her neighbors>

Correspondence: “the agreement of things with one another, a particular similarity.”

Accord: “to bring into agreement: reconcile.”

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

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

- Compatibility is measured by assessing both the characteristics and scale of the use and the surrounding uses. *Hannan v. Yamhill County*, 6 Or LUBA 83, 92 (1982). “For example, how intensive is the use, how much traffic it will generate and are these characteristics ‘compatible’ with existing structures and uses.” *Ruef v. City of Stayton*, 7 Or LUBA 219 (1983).
- The compatibility analysis is not a balancing test of need versus impact. *Vincent v. Benton County*, 5 Or LUBA 266 (1982).
- Compatibility does not necessarily mean that *all* negative impacts of the proposed use be eliminated. *Clark v. Coos County*, 53 Or LUBA 325 (2007); *Knudsen v. Washington County*, 39 Or. LUBA 492 (2001). However, it does, by its very definition, preclude such negative impacts that prevent the proposed and existing uses from existing in harmony or agreement with each other.
- When codes use the phrase “surrounding uses,” the focus of the analysis is on the “status of those living nearby:”

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

- The compatibility standard extremely subjective, and the fact that there is conflicting evidence will not necessarily create an issue requiring remand, since LUBA is not allowed to substitute its judgment for the decision-maker. *Corbett/Terwilliger Neigh. Assoc. v. City of Portland*, 25 Or LUBA 601, 617 (1993). *See also Knudsen v. Washington County*, 39 Or. LUBA 492 (2001).
- The decision-maker “is entitled to appropriate deference in selecting the factors it chooses to consider and how it weights those factors.” *Clark v. Coos County*, 53 Or LUBA 325 (2007). Thus, the result of the analysis may hinge on which relevant factors the local decision maker felt deserved emphasis. *Knight v. City of Eugene*, 41 Or LUBA 279 (2002).
- The manner on with the term “surrounding uses” is defined can have an influence on the outcome of the analysis. *Id.*
- What is critical is that the decision-makers findings, as a whole, respond to the compatibility issues raised below. *Id.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hearings Officer’s Recommendation:

The petition meets this criterion.

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

Petitioner response

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

Hearings Officer's Analysis

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

Hearings Officer's Recommendation:

This petition meets this criterion.

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

Petitioner response

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

Hearings Officer's Analysis

The proposed expansion is not for industrial use.

Hearings Officer's Recommendation:

This criterion is not applicable.

SECTION V: SUMMARY AND RECOMMENDATION

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

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

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

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

STAFF REPORT

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

Date: September 24, 2013

Prepared by: Tim O'Brien
Principal Regional Planner

PROPOSED ACTION

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

SUMMARY OF PROCESS

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

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

BACKGROUND AND ANALYSIS

Proposal Description:

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

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

Staff Report to Ordinance 13-1316

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

Public Hearing before the Hearings Officer

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

Hearings Officer Recommendation and Proposed Findings

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

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

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

Record ([Click here to view full record](#))

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

SUMMARY/OPTIONS

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

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

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- Vote in favor of adopting Ordinance 13-1316 to approve *Case 13-01: West Linn-Wilsonville School District* based on revised findings of fact and conclusions of law to be prepared by Metro staff.
- Remand the proceeding to the Hearings Officer for further consideration.
- Vote to adopt a Resolution entering an order to deny *Case 13-01: West Linn-Wilsonville School District* based on revised findings of fact and conclusions of law to be prepared by Metro staff.

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

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

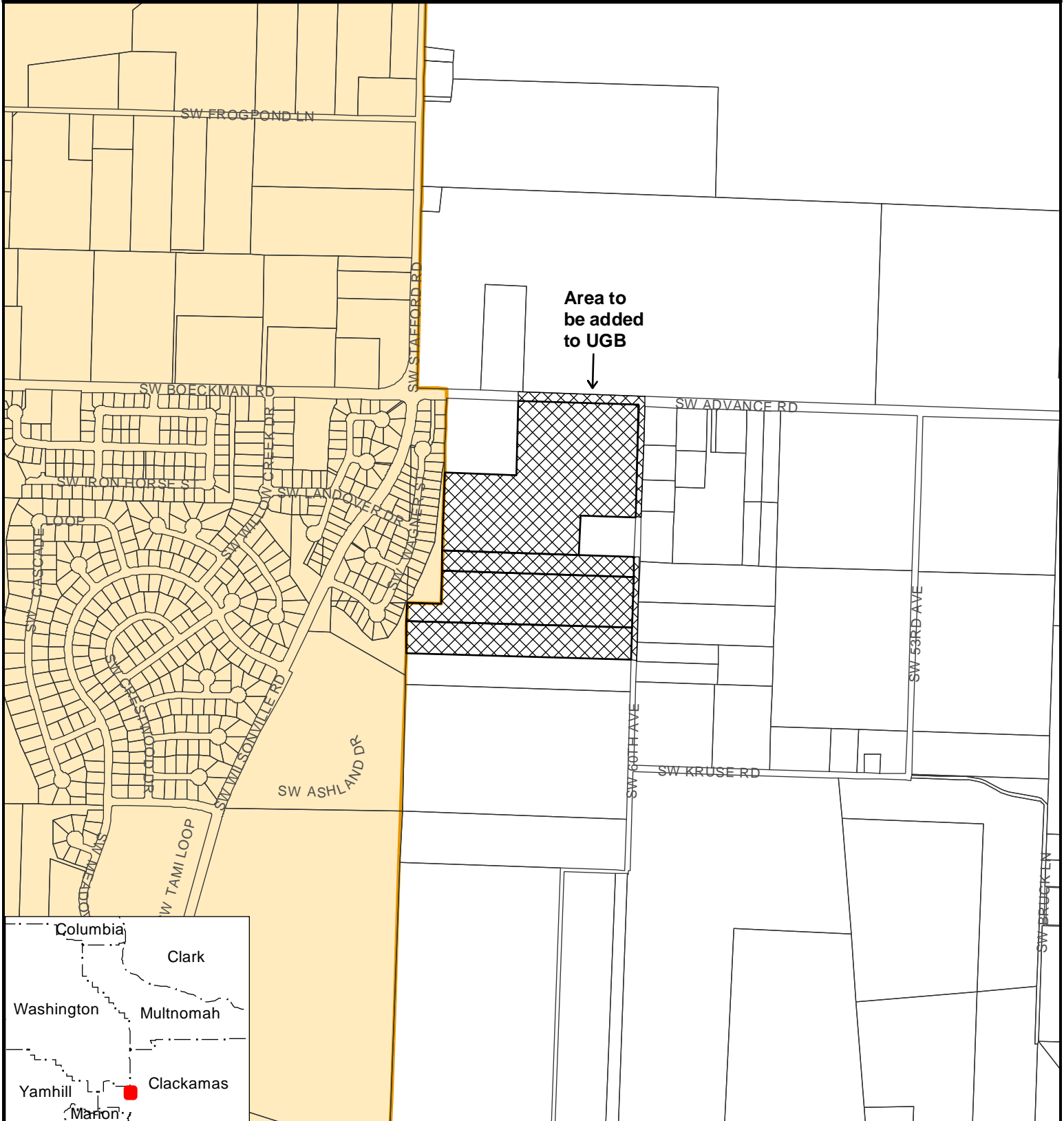
INFORMATION

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

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

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

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



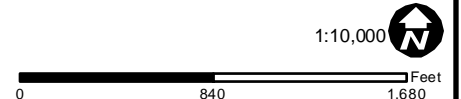
Data Resource Center
 600 NE Grand Ave
 Portland, OR 97232-2736
 (503) 797-1742
<http://www.oregonmetro.gov/drc>

Case No. 13-01 UGB Major Amendment

Area to be added to UGB

Taxlots

Planning Commission - Nov. 13, 2013
Advance Road School Site UGB Decision
 Urban Growth Boundary
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