

Council meeting agenda

Thursday, August 10, 2017

2:00 PM

Metro Regional Center, Council chamber

1. Call to Order and Roll Call

2. Citizen Communication

3. Consent Agenda

- 3.1 Consideration of the Council Meeting Minutes for July 27, 2017 [17-4858](#)

- 3.2 Resolution No. 17-4819, For the Purpose of Amending the 2015-18 Metropolitan Transportation Improvement Program (MTIP) to Modify and/or Add New Projects as Part of the June 2017 Formal MTIP Amendment (JN17-06-June) Involving a Total of Four Projects Affecting Clean Water Services, Gresham, Portland, and ODOT [RES 17-4819](#)

Attachments: [Resolution No. 17-4819](#)
[Exhibit A to Resolution No. 17-4819](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)

4. Ordinances (First Reading and Public Hearing)

- 4.1 Ordinance No. 17-1406, For the Purpose of Amending the Urban Growth Boundary in the Vicinity of the City of Sherwood Upon Application by the Sherwood School District [ORD 17-1406](#)

Presenter(s): Tim O'Brien, Metro

Attachments: [Ordinance No. 17-1406](#)
[Exhibit A to Ordinance No. 17-1406](#)
[Exhibit B to Ordinance No. 17-1406](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)

- 4.1.1 Public Hearing for Ordinance No. 17-1406

5. Ordinances (Second Reading)

- 5.1 Ordinance No. 17-1407, For the Purpose of Amending the Title 14 Map of the Urban Growth Management Functional Plan to Conform with Changes Enacted by the Oregon Legislature in House Bill 2047

[ORD 17-1407](#)

Presenter(s): Tim O'Brien, Metro

Attachments: [Ordinance No. 17-1407](#)
[Exhibit A to Ordinance No. 17-1407](#)
[Staff Report](#)
[Attachments 1-5 to Staff Report](#)

6. Chief Operating Officer Communication
7. Councilor Communication
8. Adjourn

EXECUTIVE SESSION ORS 192.660(2)(i): TO REVIEW AND EVALUATE THE JOB PERFORMANCE OF A CHIEF EXECUTIVE OFFICER, OTHER OFFICERS, EMPLOYEES, OR STAFF

Metro respects civil rights

Metro fully complies with Title VI of the Civil Rights Act of 1964 and related statutes that ban discrimination. If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro's civil rights program, or to obtain a discrimination complaint form, visit www.oregonmetro.gov/civilrights or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1700 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. For up-to-date public transportation information, visit TriMet's website at www.trimet.org.

Thông báo về sự Metro không kỳ thị của

Metro tôn trọng dân quyền. Muốn biết thêm thông tin về chương trình dân quyền của Metro, hoặc muốn lấy đơn khiếu nại về sự kỳ thị, xin xem trong www.oregonmetro.gov/civilrights. Nếu quý vị cần thông dịch viên ra dấu bằng tay, trợ giúp về tiếp xúc hay ngôn ngữ, xin gọi số 503-797-1700 (từ 8 giờ sáng đến 5 giờ chiều vào những ngày thường) trước buổi họp 5 ngày làm việc.

Повідомлення Metro про заборону дискримінації

Metro з повагою ставиться до громадянських прав. Для отримання інформації про програму Metro із захисту громадянських прав або форми скарги про дискримінацію відвідайте сайт www.oregonmetro.gov/civilrights. або Якщо вам потрібен перекладач на зборах, для задоволення вашого запиту зателефонуйте за номером 503-797-1700 з 8.00 до 17.00 у робочі дні за п'ять робочих днів до зборів.

Metro 的不歧視公告

尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 www.oregonmetro.gov/civilrights。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1700（工作日上午8點至下午5點），以便我們滿足您的要求。

Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo www.oregonmetro.gov/civilrights. Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullanka dadweynaha, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

Metro의 차별 금지 관련 통지서

Metro의 시민권 프로그램에 대한 정보 또는 차별 항의서 양식을 얻으려면, 또는 차별에 대한 불만을 신고 할 수 www.oregonmetro.gov/civilrights. 당신의 언어 지원이 필요한 경우, 회의에 앞서 5 영업일 (오후 5시 주중에 오전 8시) 503-797-1700를 호출합니다.

Metroの差別禁止通知

Metroでは公民権を尊重しています。Metroの公民権プログラムに関する情報について、または差別苦情フォームを入手するには、www.oregonmetro.gov/civilrights。までお電話ください。公開会議で言語通訳を必要とされる方は、Metroがご要請に対応できるよう、公開会議の5営業日前までに503-797-1700（平日午前8時～午後5時）までお電話ください。

សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកាតបណ្តឹងរើសអើងសូមចូលទស្សនាការបោះពុម្ព www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني www.oregonmetro.gov/civilrights. إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

Paunawa ng Metro sa kawalan ng diskriminasyon

Iginagalang ng Metro ang mga karapatang sibil. Para sa impormasyon tungkol sa programa ng Metro sa mga karapatang sibil, o upang makakuha ng porma ng reklamo sa diskriminasyon, bisitahin ang www.oregonmetro.gov/civilrights. Kung kailangan ninyo ng interpreter ng wika sa isang pampublikong pulong, tumawag sa 503-797-1700 (8 a.m. hanggang 5 p.m. Lunes hanggang Biyernes) lima araw ng trabaho bago ang pulong upang mapagbigyan ang inyong kahilingan.

Notificación de no discriminación de Metro

Metro respeta los derechos civiles. Para obtener información sobre el programa de derechos civiles de Metro o para obtener un formulario de reclamo por discriminación, ingrese a www.oregonmetro.gov/civilrights. Si necesita asistencia con el idioma, llame al 503-797-1700 (de 8:00 a. m. a 5:00 p. m. los días de semana) 5 días laborales antes de la asamblea.

Уведомление о недопущении дискриминации от Metro

Metro уважает гражданские права. Узнать о программе Metro по соблюдению гражданских прав и получить форму жалобы о дискриминации можно на веб-сайте www.oregonmetro.gov/civilrights. Если вам нужен переводчик на общественном собрании, оставьте свой запрос, позвонив по номеру 503-797-1700 в рабочие дни с 8:00 до 17:00 и за пять рабочих дней до даты собрания.

Avizul Metro privind nediscriminare

Metro respectă drepturile civile. Pentru informații cu privire la programul Metro pentru drepturi civile sau pentru a obține un formular de reclamație împotriva discriminării, vizitați www.oregonmetro.gov/civilrights. Dacă aveți nevoie de un interpret de limbă la o ședință publică, sunați la 503-797-1700 (între orele 8 și 5, în timpul zilelor lucrătoare) cu cinci zile lucrătoare înainte de ședință, pentru a putea să vă răspunde în mod favorabil la cerere.

Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib www.oregonmetro.gov/civilrights. Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwu ua ntej ntawm lub rooj sib tham.

Television schedule for Metro Council meetings

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.	Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 Call or visit web site for program times.
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 Call or visit web site for program times.	Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.
Oregon City and Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times. Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities.

Agenda Item No. 3.1

Consideration of the Council Meeting Minutes for July 27,
2017

Consent Agenda

Metro Council Meeting
Thursday, August 10, 2017
Metro Regional Center, Council Chamber

Resolution No. 17-4819, For the Purpose of Amending the
2015-18 Metropolitan Transportation Improvement
Program (MTIP) to Modify and/or Add New Projects as
Part of the June 2017 Formal MTIP Amendment (JN17-06-
June) Involving a Total of Four Projects Affecting Clean
Water Services, Gresham, Portland, and ODOT

Consent Agenda

Metro Council Meeting
Thursday, August 10, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2015-18	)	RESOLUTION NO. 17-4819
METROPOLITAN TRANSPORTATION)	
IMPROVEMENT PROGRAM (MTIP) TO MODIFY	)	Introduced by Chief Operating Officer
AND/OR ADD NEW PROJECTS AS PART OF THE	)	Martha Bennett in concurrence with
JUNE 2017 FORMAL MTIP AMENDMENT (JN17-	)	Council President Tom Hughes
06-JUNE) INVOLVING A TOTAL OF FOUR)	
PROJECTS AFFECTING CLEAN WATER)	
SERVICES, GRESHAM, PORTLAND, AND ODOT)	

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan (RTP) to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2015-18 MTIP on July 31, 2014; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the US Department of Transportation (USDOT) has issued new MTIP amendment submission rules and definitions for Formal and Administrative amendments that both ODOT and Oregon MPOs must adhere to; and

WHEREAS, Clean Water Services determined that an ODOT CMAQ grant was not the appropriate funding source for them to develop a CNG fueling center at their facility and have declined receipt of the grant resulting in the project now being deprogrammed and canceled in the MTIP; and

WHEREAS, awarded federal Transportation Community and System Preservation (TCSP) funds to the city of Gresham for their Division Street Corridor Improvements Project have lapsed and now require the TCSP funds programmed in the Right-of-Way and Construction phases to be deprogrammed and removed from the MTIP while Gresham works on an alternative funding plan for the project which will be addressed in the new 2018 MTIP; and

WHEREAS, this amendment will add Portland's new SW Moody and Bond Ave Corridor Improvements Project to the 2015 MTIP that includes an ODOT \$1,000,000 Immediate Opportunity Fund (IOF) grant enabling Portland to initiate Preliminary Engineering before the end of federal fiscal year 2017 plus be ready for construction before the end of federal fiscal year 2018; and

WHEREAS, ODOT's new OR99W SW Naito Pkwy – SW Huber St Phase 2 Project that is being added to the 2015 MTIP through this amendment will erect two overhead signs to increase sign visibility, safety, and improve way finding in support of findings and mitigation recommendations from the Barbur Road Safety Audit allowing ODOT to obligate the awarded Highway Safety Improvement Program (HSIP) funds and initiate the Preliminary Engineering phase before the end of federal fiscal year 2017; and

WHEREAS, all four projects were evaluated against seven MTIP review factors to ensure all requested changes and additions can be accomplished legally through the MTIP amendment process; and

WHEREAS, the MTIP review factors included project eligibility/proof of funding, RTP consistency with the financially constrained element, consistency with RTP goals and strategies, determination of amendment type, air conformity review, fiscal constraint verification, and compliance with MPO MTIP management responsibilities; and

WHEREAS, the MTIP's financial constraint finding is maintained as the project changes and new funding has been verified, or reflect lateral funding to existing programmed projects; and

WHEREAS, no negative impacts to air conformity will exist as a result of the changes completed through the June 2017 Formal MTIP Amendment; and

WHEREAS, all projects included in the June 2017 Formal MTIP Amendment successfully completed a required 30-day public notification/opportunity to comment period without any significant issues raised; and

WHEREAS, TPAC received their notification and recommended approval on June 30, 2017; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on July 20, 2017 to formally amend the 2015-18 MTIP to include the June 2017 Formal Amendment bundle of four projects requiring necessary changes and updates.

ADOPTED by the Metro Council this ____ day of _____ 2017.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

2015-2018 Metropolitan Transportation Improvement Program
Exhibit A to Resolution 17-4819



Proposed May 2017 Formal Amendment Bundle Amendment Type: FORMAL, JN17-06-JUNE Total Number of Projects: 4			
ODOT Key	Lead Agency	Project Name	Required Changes
19185	Clean Water Services	ROCK CREEK CNG FUELING INFRASTRUCTURE (HILLSBORO)	Project is being deprogrammed and canceled per ODOT direction. Clean Water Service (planned CMAQ recipient) elected not to receive the CMAQ grant funds.
16986	Gresham	Division Street Corridor Improvements (Gresham)	Deprogram and delete Right-of-Way and Construction phase funding as TCSP funding is no longer available to project. PE phase completed, but no further progress expected. Deprogramming action effectively cancels the project.
21092 New Project	Portland	SW MOODY AVE AND BOND AVE CORRIDOR IMPROVEMENTS	Add new project to the 2015-18 MTIP.
21071 New Project	ODOT	OR99W: SW NAITO PKWY - SW HUBER ST PHASE 2	Add full project to allow PE to obligate the HSIP funds before the end of 2017. Project will erect two overhead signs to increase sign visibility and improve way-finding. Construction phase planned for FFY 2018

Exhibit A to Resolution 17-4819

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING									
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost
19185	70816	Clean Water Services	ROCK CREEK CNG FUELING INFRASTRUCTURE (HILLSBORO)					Other	\$ 3,269,333
Project Description:			Construct a Compressed Natural Gas fueling station to dispense renewable natural gas.						
Existing MTIP Project Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Wav	Construction	Other	Total
CMAQ (State)		Federal	2015					\$ 1,169,000	\$ 1,169,000
Local	Match	Local	2015					\$ 133,797	\$ 133,797
Other	Overmatch	Local	2015					\$ 1,966,536	\$ 1,966,536
Total:				\$ -	\$ -	\$ -	\$ -	\$ 3,269,333	\$ 3,269,333

PROPOSED AMENDED CHANGES									
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost
19185	70832	ODOT	ROCK CREEK CNG FUELING INFRASTRUCTURE (HILLSBORO)					Other	\$ -
Project Description:			Construct a Compressed Natural Gas fueling station to dispense renewable natural gas.						
Amended MTIP Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
CMAQ (State)		Federal	2015					\$ -	
Local	Match	Local	2015					\$ -	
Other	Overmatch	Local	2015					\$ -	
Total:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.								
	2.CMAQ - State: Federal Congestion Mitigation Air Quality (CMAQ) improvement funds allocated to ODOT.								
	Local: Local agency funds provided as the required match to the federal funds.								
Amendment Summary: The amendment deprograms and cancels the project from the 2015 MTIP									

Exhibit A to Resolution 17-4819

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING:									
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost
16986	70543	Gresham	Division Street Corridor Improvements (Gresham)					Local Road	\$ 1,310,600
Project Description:		Complete Street construction includes multi-use path sidewalk and pedestrian crossings.							
Existing MTIP Project Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Wav	Construction	Other	Total
TCSP	L680	Federal	2013		\$ 161,514				\$ 161,514
Local	Match	Local	2013		\$ 18,486				\$ 18,486
Other	Overmatch	Local	2013		\$ 20,000				\$ 20,000
TCSP	L680	Federal	2017			\$ 211,020			\$ 211,020
Local	Match	Local	2017			\$ 24,152			\$ 24,152
Other	Overmatch	Local	2017			\$ 14,828			\$ 14,828
TCSP	L680	Federal	2017				\$ 460,600		\$ 460,600
Local	Match	Local	2017				\$ 52,718		\$ 52,718
Other	Match	State	2017				\$ 347,282		\$ 347,282
Total:				\$ -	\$ 200,000	\$ 250,000	\$ 860,600	\$ -	\$ 1,310,600
Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.								
	2. TCSP = Transportation Community and System Preservation Program Funds								
	3. Other = Additional local funds provided by the lead agency (often referred to as overmatch) to cover project phase costs								
	4. Local = local agency funds provided as the required match to the federal funds.								

PROPOSED AMENDED CHANGES									
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost
16986	70543	Gresham	Division Street Corridor Improvements (Gresham)					Local Road	\$ 200,000
Project Description:			Complete Street construction includes multi-use path sidewalk and pedestrian crossings.						
Amended MTIP Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Wav	Construction	Other	Total
TCSP	L680	Federal	2013		\$ 161,514				\$ 161,514
Local	Match	Local	2013		\$ 18,486				\$ 18,486
Other	Overmatch	Local	2013		\$ 20,000				\$ 20,000
TCSP	L680	Federal	2017			\$ -			\$ -
Local	Match	Local	2017			\$ -			\$ -
Other	Overmatch	Local	2017			\$ -			\$ -
TCSP	L680	Federal	2017				\$ -		\$ -
Local	Match	Local	2017				\$ -		\$ -
Other	Match	State	2017				\$ -		\$ -
Total:				\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000
Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.								
	2. STP-FLX = Federal Surface Transportation Program allocated to ODOT on an annual basis								
	3. State = Required State matching funds to the federal funds								

Amendment Summary	
Right of Way and Construction phase funding deprogrammed and canceled as TCSP federal funding has expired.	
Project has not been carried over into the new draft 2018-21 MTIP as well.	

Exhibit A to Resolution 17-4819

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING - None **New Project**

PROPOSED AMENDED CHANGES									
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost
21029	TBD	Portland	SW MOODY AVE AND BOND AVE CORRIDOR IMPROVEMENTS					Local Road	\$ 10,270,900
Project Description:		The project will construct approximately three-tenths of a mile of SW and install new traffic signals on SW Curry Street							
Amended MTIP Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Wav	Construction	Other	Total
Other	OTH0	Local	2017		\$ 1,000,000				\$ 1,000,000
IOF	S600	State	2018				\$ 1,000,000		\$ 1,000,000
Other	OTH0	Local	2018				\$ 8,270,900		\$ 8,270,900
Total:			\$ -	\$ 1,000,000	\$ -	\$ 9,270,900	\$ -	\$ 10,270,900	
Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.								
	2. Other = Additional local funds provided by the lead agency (often referred to as overmatch) to cover project phase costs								
	3. IOF = State "Immediate Opportunity (grant) Funds" - non federal								

Amendment Summary

This amendment adds the project to the 2015 MTIP enabling the PE phase to be initiated before the end of Federal Fiscal Year (FFY) 2017 to help ensure Construction can begin during FFY 2018

Exhibit A to Resolution 17-4819

2015-2018 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment

Action: Amend the MTIP to increase or adjust required funding and add new projects for the following projects



EXISTING MTIP PROGRAMMING - None New Project

PROPOSED AMENDED CHANGES									
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost
21071	TBD	ODOT	OR99W: SW NAITO PKWY - SW HUBER ST PHASE 2					Highway	\$ 775,000
Project Description:			Erect two overhead signs to increase sign visibility and improve way finding						
Amended MTIP Fund Programming by Phase									
Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Wav	Other (Utility Relocation)	Construction	Total
HSIP	ZS30	Federal	2017		\$ 162,000				\$ 162,000
HSIP	ZS30	Federal	2018			\$ 50,000			\$ 50,000
HISP	ZS30	Federal	2018				\$ 20,000		\$ 20,000
HSIP	ZS30	Federal	2018					\$ 543,000	\$ 543,000
Total:				\$ -	\$ 162,000	\$ 50,000	\$ 20,000	\$ 543,000	\$ 775,000
Notes:	1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.								
	2. HSIP = Federal Highway Safety Improvement Program (Fund code of ZS30 =100% federal funds - no match required)								

Amendment Summary

This amendment adds the full project to the 2015 MTIP enabling the Federal PE funds to be obligated before the end of the Federal Fiscal Year 2017. Construction is planned for 2018.

Memo

Date: Tuesday, July 25, 2017
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead, 503-797-1785
Subject: June 2017 MTIP Formal Amendment plus Approval Request of Resolution 17-4819

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2015-18 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO MODIFY AND/OR ADD NEW PROJECTS AS PART OF THE JUNE 2017 FORMAL MTIP AMENDMENT (JN17-06-JUNE) INVOLVING A TOTAL OF FOUR PROJECTS AFFECTING CLEAN WATER SERVICES, GRESHAM, PORTLAND, AND ODOT.

BACKGROUND

What this is:

The June 2017 Formal MTIP Amendment bundle contains required changes and updates to four projects. Highlights of the required changes include:

- **Key 19185:**
Impacts ODOT & Clean Water Services' planned Rock Creek Fueling Infrastructure at Hillsboro. The amendment will deprogram the CMAQ plus matching funds and cancel the project from the MTIP & STIP.
- **Key 16986:**
Applies to the city of Gresham's Division Street Corridor Improvements project. The amendment will deprogram lapsed Transportation and Community System Program (TCSP) funds from the Right of Way a (ROW) and Construction phases. Gresham is in progress of developing a new funding plan with additional local funds in place of the TCSP funds.
- **Key 21029:**
The amendment adds the SW Moody Ave and Bond Ave Corridor Improvements project for Portland to the 2015 MTIP allowing the PE phase to be initiated before the end of federal fiscal year 2017.
- **Key 21071:**
The amendment adds ODOT's OR99W SW Naito Pkwy to SW Huber St Phase 2 project to the 2015 MTIP that will erect two overhead signs to increase visibility and improve way finding, plus allow PE to obligate the HSIP funds before the end of 2017.

What is the requested action?

Staff is requesting Metro Council approval of resolution 17-4819 to Metro Council enabling the two new projects, one proposed canceled project, plus one partially deprogramming action to occur in the 2015-18 MTIP allowing final approvals to then occur from USDOT.

A summary of the projects included in the June 2017 Formal MTIP Amendment bundle is provided in the following tables on the next pages.

JUNE 2017 FORMAL AMENDMENT BUNDLE CONTENTS

1. Project: ROCK CREEK CNG FUELING INFRASTRUCTURE (HILLSBORO)	
Lead Agency:	Clean Water Services
ODOT Key Number:	19651
Project Description:	Construct a Compressed Natural Gas (CNG) fueling station to dispense renewable natural gas.
What is changing?	Through this amendment, the project with nearly \$1.17 million of CMAQ plus match for a total of \$3,269,333 is being deprogrammed and canceled from the MTIP and STIP.
Additional Details:	<p>The grant award originates from the ODOT Compressed Natural Gas Infrastructure Program that was approved to award projects that spur clean technology in Oregon and reduce transportation related emissions. Subsequent to the grant award, Clean Water Services decided not to move forward with the construction of the CNG Fueling facility.</p> <p>The federal process to construct a CNG fueling center is complicated. With the associated regulations and requirements when CMAQ funding added to the mix, the effort becomes even more complicated. Clean Water Services' review of the project and requirements resulted in a decision to decline the ODOT CMAQ grant for the Rock Creek Fueling Center. Clean Water Services is still looking at injecting their gas into a pipeline and selling it off-site for vehicle use, but decided that an on-site fueling facility, which is what the ODOT grant would have funded, did not make sense for them at this time.</p>
Why a Formal amendment is required?	Per the STIP & MTIP Amendment Matrix: Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal amendment
Total Programmed Amount:	The project programming will decrease from \$3,269,333 to \$0.
Other and Notes:	The project was a special CMAQ grant award from ODOT.

2. Project: DIVISION STREET CORRIDOR IMPROVEMENTS (GRESHAM)	
Lead Agency:	Gresham
ODOT Key Number:	16986
Project Description:	Complete Street construction includes multi-use path sidewalk and pedestrian crossings.
What is Changing?	This amendment removes the lapsed Transportation Community and System Preservation (TCSP) funds from the ROW and Construction phases. The project will be left with only PE programmed.
Additional Details:	<p>This is a mandated "clean-up" amendment to remove the lapsed TCSP funds from the project before the 2015 MTIP expires. Gresham received a total of \$833,134 in TCSP funding for the project in 2011. As of 2015, only the PE TCSP funds had been obligated. The TCSP funds were awarded with a conditional "year of award plus three years" obligation shelf life requirement. This meant all awarded TCSP funds had to be awarded by September 30, 2014.</p> <p>The city of Gresham requested a funding shelf-life extension from FHWA on 7/22/2014 and provided three primary reasons for the project delay. They included:</p>

	<p>A detailed explanation as to why the extension is needed. What delayed the project?</p> <ul style="list-style-type: none"> ○ The change associated with FHWA's Map 21 project and the newly acquired NHS status of Division <ul style="list-style-type: none"> ▪ Because Gresham became aware of the Map 21 process after receiving the Division grant, a series of meetings between Gresham, ODOT, Metro & FHWA were needed to sort out what this change meant and how it might affect the project. This caused several months of delay to the original schedule. ○ Difficulty associated with developing an approvable section in light of the new NHS status <ul style="list-style-type: none"> ▪ The result of the meetings with the parties above resulted in Gresham abandoning the original concept of off-street shared paths and pursue a more conventional on street bicycle arterial cross-section. In order to achieve a layout concept that Gresham felt met the guidance outlined from ODOT, Metro & FHWA, Gresham had to carefully explore existing topographic and right-of-way constraints and investigate feasible options and their impacts. This resulted in an additional four months of delay. ○ Time associated with getting required consultants under contract <ul style="list-style-type: none"> ▪ ODOT's process and workload caused a significant delay in getting our environmental & right-of-way consultant under contract. The process to get a consulting team under contract and working on the project took over 1 year. Although much of this time overlaps with the delay explained in the 1st 2 bullets, this difficulty getting a consultant under contract added to the delay in developing an acceptable cross-section. <p>The fund extension was denied. FHWA staff directed the city of Gresham to begin working with ODOT for alternative funding options.</p>
Why a Formal amendment?	<p>Changes in Fiscal Constraint by the following criteria: Projects \$1M and over – increase/decrease over 20% require a formal amendment.</p> <p>The cost decrease reflects an 84.7% change in funding which exceeds the 20% threshold.</p>
Total Programmed Amount:	Total programmed amount decreases from \$1,310,600 to \$200,000
Other and Notes:	The city of Gresham is evaluating funding options and developing a new funding plan with local funds for the project. The revised project will be re-added to the 2018 MTIP during the first amendment this Fall.

3. Project:	SW MOODY AVE AND BOND AVE CORRIDOR IMPROVEMENTS
Lead Agency:	Portland
ODOT Key Number:	21029
Project Description:	The project will construct approximately three-tenths of a mile of SW Bond and install new traffic signals on SW Curry Street.
What is Changing?	This amendment adds the project to the 2015 MTIP allowing the PE phase to begin before the end of FFY 2017. The project received an ODOT \$1,000,000 Immediate Opportunity Fund (IOF) grant in support of the project. The remaining required funding for the project will be from local funds. The total project cost is estimated at \$10.27 million.
Additional Details:	<p>The Oregon Business Development (OBDD) and the Oregon Department of Transportation (ODOT) have worked closely with the city of Portland and Oregon Health & Science University (OHSU) on the latter's organization establishment of two new facilities, the Knight Cancer Research Building and the Center for the Health & Healing 2 Facility in the South Waterfront District of Portland's Central City.</p> <p>Completion and operation of the buildings will require transportation improvements to the SW Moody Avenue/SW Bond Avenue Corridor including the extension of SW Bond Avenue between River Parkway and Tilikum Crossing as well as new traffic signals at the intersections of SW Moody Ave and SW Bond Ave with SW Curry Street. A summary of the planned improvements include:</p> <ul style="list-style-type: none"> - Extend SW Bond Ave between SW River Parkway and SW Porter to serve the Knight Cancer Research Building (about 3/10 of a mile) (to be 2 through-lanes, 1 in each direction). - SW Bond extension will connect the existing SW River Pkwy cul-de-sac with Tilikum Crossing and provide a connection to the SW Meade Street extension that will provide access to the Knight Cancer Research Building. - Install new traffic signals at the intersection of SW Moody and SW Curry Street - Install new traffic signals at the intersection of SW Bond and SW Curry Street to serve the Center for Health & Healing 2.

	<ul style="list-style-type: none"> - Include on-street parking access. - Add required street lighting underground utilities. - Add temporary asphalt pedestrian/bicycle facilities to be replaced with permanent 13-foot sidewalks & a separated bike lane upon development of the adjacent sites. <p>The roadway must be elevated for a majority of its extent in order to match the grade of adjacent proposed development and connect to the Tilikum Crossing. As a result, the project will be built in two phases. Retaining walls and fill must be installed and allowed to settle in the first phase, known as surcharge. The second phase includes utility installation, paving, street lights and traffic signals. However, before either phase can begin, contaminated soil must be removed, disposed of, and replaced with fill.</p>
Why Formal?	Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal/full MTIP amendment.
Total Programmed Amount	The total project programming amount will be \$10,720,900. \$1,000,000 is estimated to complete PE with the remainder in the Construction phase.
Other and Notes:	Construction is planned for 2018.

4. Project:	OR99W: SW NAITO PKWY - SW HUBER ST PHASE 2
Lead Agency:	ODOT
ODOT Key Number:	21071
Project Description:	Erect two overhead signs to increase sign visibility and improve way finding
What is Changing:	The amendment adds the project to the 2015 MTIP enabling the HSIP funds programmed in PE to be obligated before the end of federal fiscal year 2017
Additional Details:	<p>The project supports the Barbur Road Safety Audit (Barbur RSA) implementation. The project is located on Barbur Boulevard (Oregon 99 West) between Southwest Huber Street and Southwest Naito Parkway in Multnomah County. The total cost for the project is approximately \$775,000 and will be funded by the Oregon Department of Transportation (ODOT) Region 1 All Roads Transportation Safety (ARTS) Program via the Road Safety Audit Implementation project in the 2018-2021 Draft STIP.</p> <p>The Oregon Department of Transportation (ODOT) conducted a Road Safety Audit (RSA) in July 2015 on Oregon 99 West (Barbur Boulevard) to identify system-wide and location-specific safety issues including short, intermediate, and long term recommendations for improving safety on Oregon 99 West between Southwest Naito Parkway to Southwest Huber Street in the City of Portland. ODOT has since committed to using the recommendations from the RSA to select and fund projects that support goals for short and intermediate term improvements that will improve safety on the corridor.</p> <p>The Barbur RSA report identified inconsistent signage as one of the key safety issues of Southwest Barbur corridor between Naito Parkway and Capitol Highway and suggested overhead signing to increase sign visibility and improve way finding. ODOT evaluated and prioritized recommendations provided by the Barbur RSA team and identified two overhead signs for priority implementation to improve safety in the corridor:</p> <p>Northbound Oregon 99 West :</p> <ul style="list-style-type: none"> • MP 2.01 – south of Southwest Barbur at Southwest Naito Parkway Split, and • MP 2.2 – north of Southwest Bancroft Street. <p>If the signs are not constructed at these locations, it is possible that ODOT will not fulfill all the safety improvement recommendations in the Barbur Road Safety Audit which could result in more crashes on the corridor.</p>

Why Formal?	Adding or cancelling a federally funded, and regionally significant project to the MTIP/STIP and state funded projects which will potentially be federalized requires a formal amendment.
Total Programmed Amount:	The total project programming amount will be \$775,000 of Highway Safety Improvement Program (HSIP) funds. The HSIP funds are 100% federal and no not require a state or local match.
Other and Notes:	The project was approved by the OTC for inclusion in the STIP during their May 18, 2017 meeting.

METRO REQUIRED PROJECT AMENDMENT REVIEWS

In accordance with 23 CFR 450.316-328, Metro is responsible for reviewing and ensuring MTIP amendments comply with all federal programming requirements. Each project and their requested changes are evaluated against seven MTIP review factors. The seven factors include:

- Project eligibility/proof of funding commitment and verification
- RTP consistency review with the financially constrained element
- RTP goals and strategies consistency
- Amendment type determination; **Formal** or Administrative
- Air conformity review
- Fiscal constraint verification
- MPO responsibilities completion

MPO responsibilities include the completion of a required 30-day public notification period for all projects in the June 2017 Formal Amendment. All four projects have been posted on Metro's MTIP web page for notification and comment opportunity. **The 30 day public notification period began on June 16, 2017 and was completed on July 17, 2017.** There were no significant comments received requiring a formal response. The projects can be amended as requested and added to the 2015-18 MTIP without issue. TPAC received their notification and presentation of the June 2017 Formal MTIP Amendment on June 30, 2017. JPACT recommended approval of Resolution 17-4819 at their July 20, 2017 meeting.

APPROVAL STEPS AND TIMING

Metro's approval process for formal amendment includes multiple steps. The required approvals for the June 2017 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	June 16, 2017
• TPAC notification and approval recommendation.....	June 30, 2017
• Completion of public notification process.....	July 17, 2017
• JPACT approval recommendation to Council.....	July 20, 2017
• Metro Council approval.....	August 10, 2017

USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Metro development of amendment narrative package	August 10, 2017
• Amendment bundle submission to ODOT and USDOT.....	August 11, 2017
• ODOT clarification and approval.....	Mid-late August, 2017
• USDOT clarification and final amendment approval.....	End of August 2017

Approval Steps Added Note:

ODOT and USDOT normally expect and require at least 30 days for review and approval of formal amendments submitted to them. On paper, the approval schedule leaves insufficient time for the required review and approvals. However, senior ODOT staff at Salem expressed confidence all required approvals and subsequent fund obligations can occur before the federal fiscal year 2017 obligation window closes as of September 1, 2017.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2015-2018 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 14-4532 on July 31, 2014 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Budget Impacts:** None

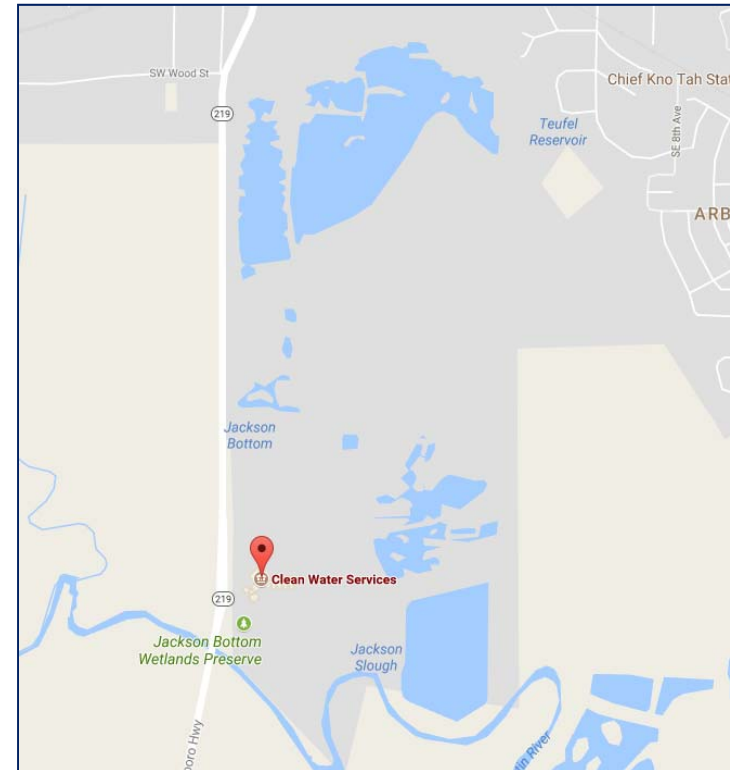
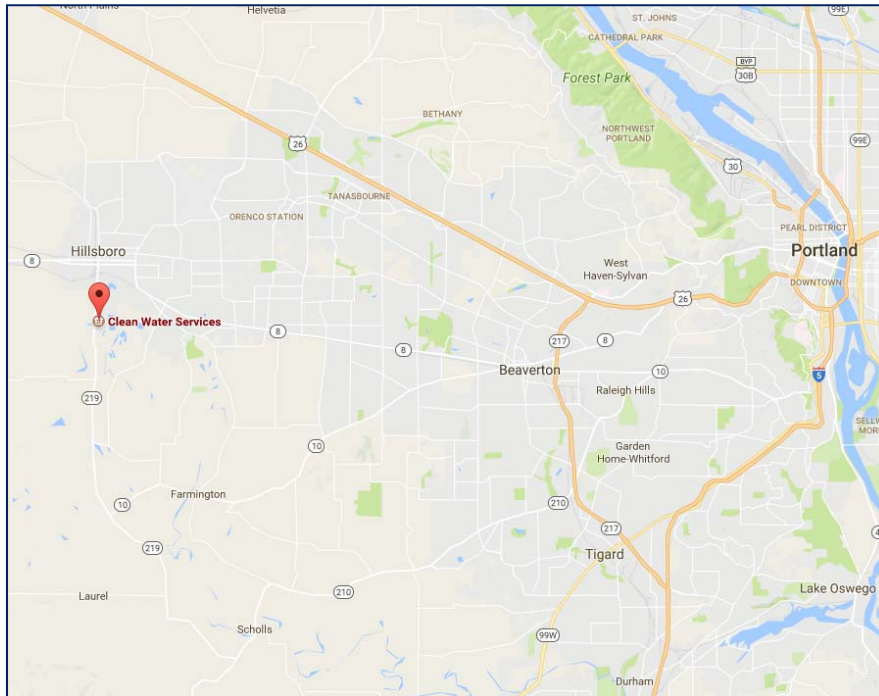
RECOMMENDED ACTION:

JPACT recommends the approval of Resolution 17-4819.

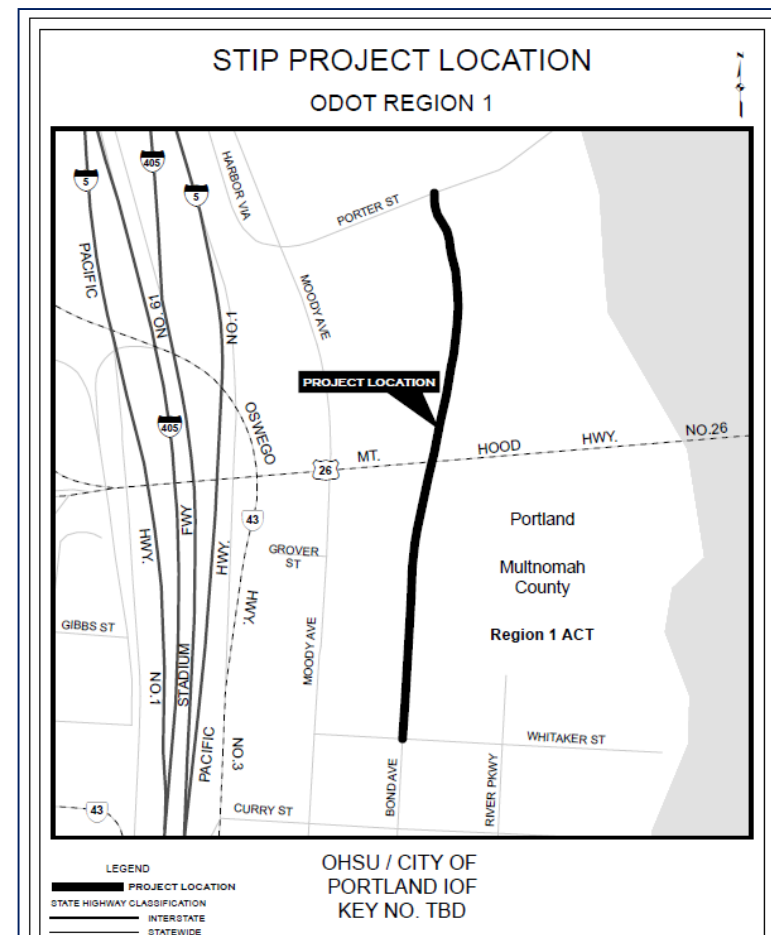
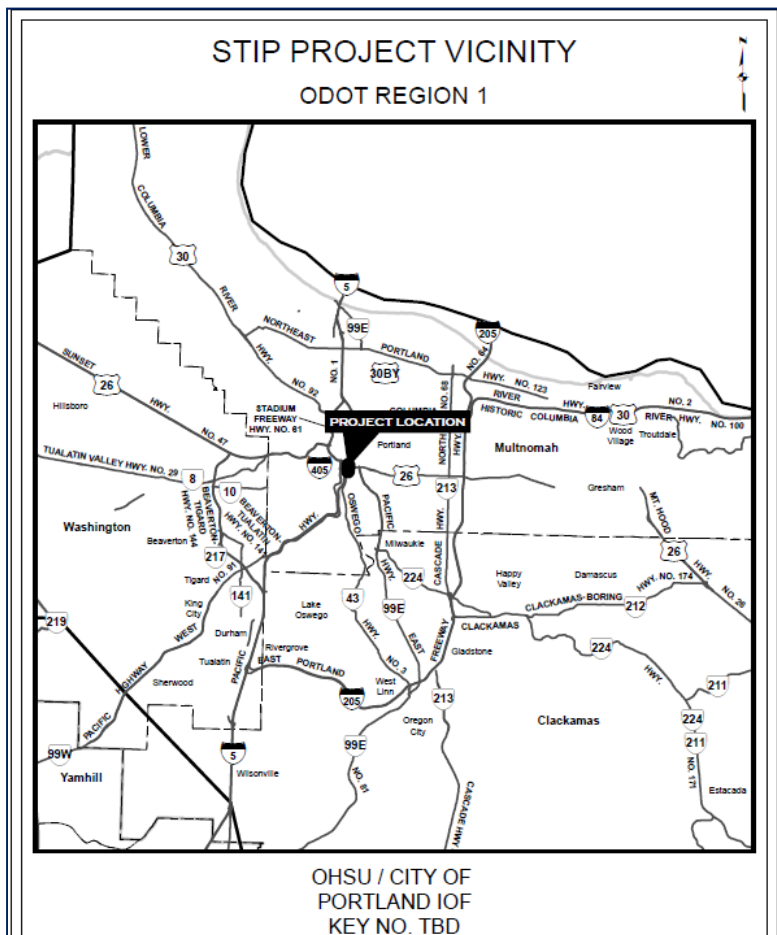
Attachment: Project Location Maps

**JUNE 2017 FORMAL MTIP AMENDMENT
PROJECT LOCATION MAPS
In Support of Resolution 17-4819**

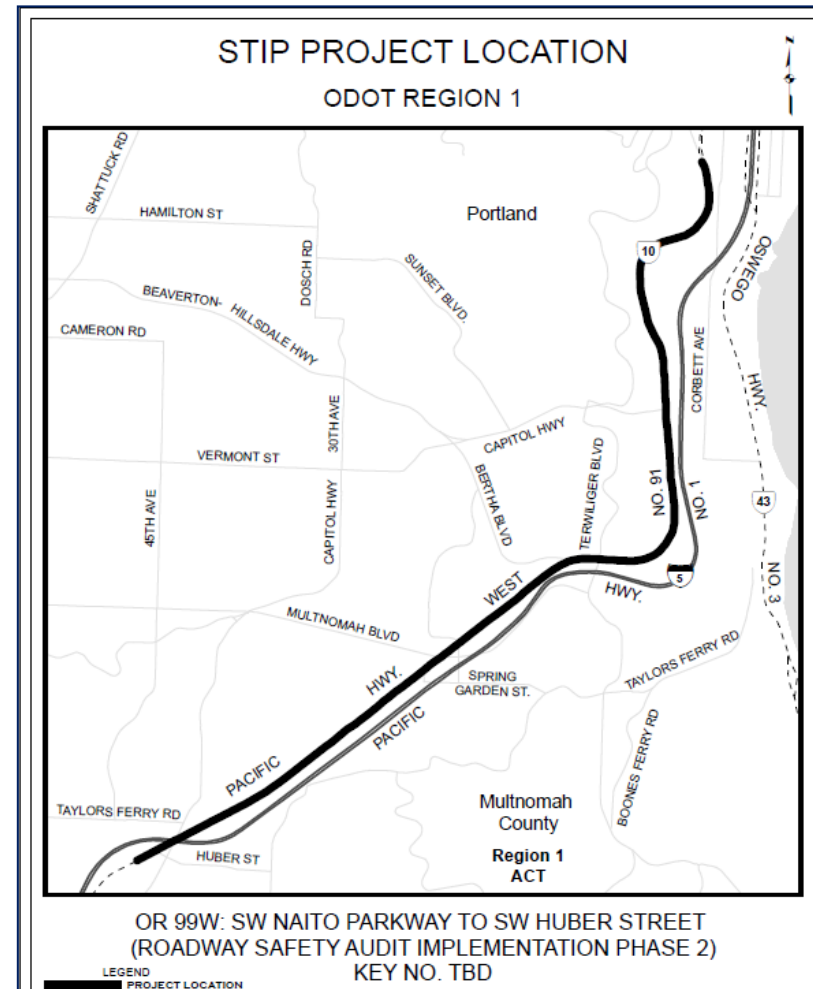
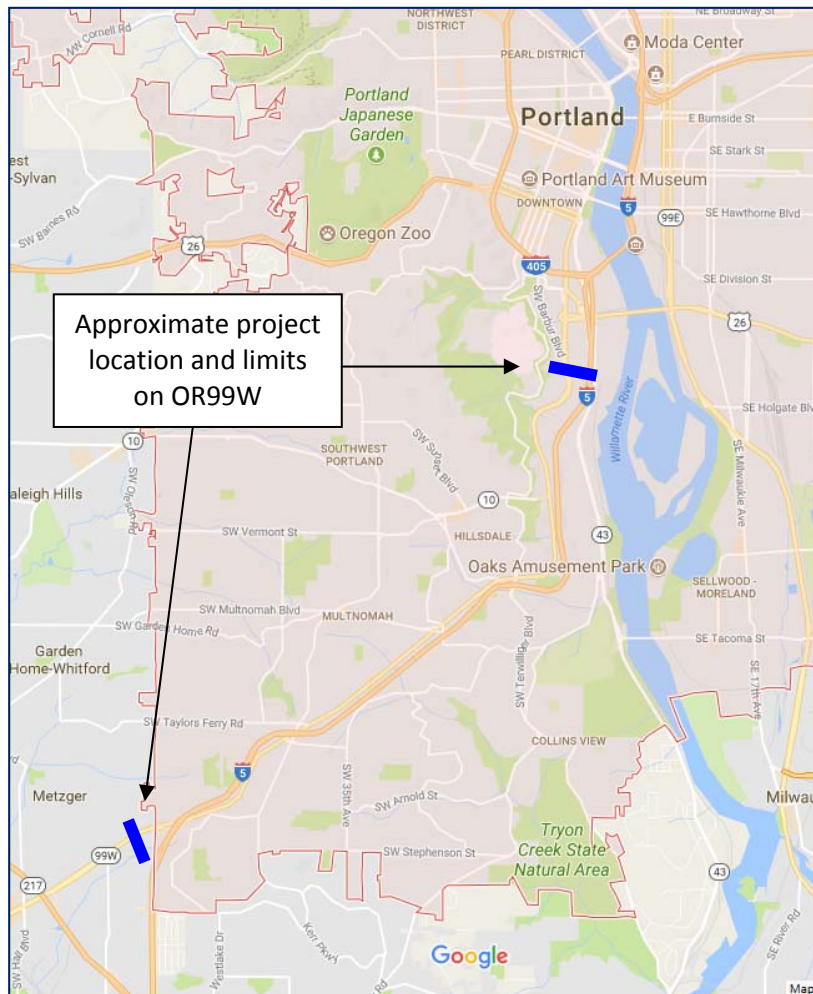
**Key19185
ROCK CREEK CNG FUELING INFRASTRUCTURE (HILLSBORO)**



Key 21029
SW MOODY AVE AND BOND AVE CORRIDOR IMPROVEMENTS



Key 21071
OR99W: SW NAITO PKWY - SW HUBER ST PHASE 2



Agenda Item No. 4.1

Ordinance No. 17-1406, For the Purpose of Amending the
Urban Growth Boundary in the Vicinity of the City of
Sherwood Upon Application by the Sherwood School
District

Ordinances (First Read and Public Hearing)

Metro Council Meeting
Thursday, August 10, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE URBAN	)	Ordinance No. 17-1406
GROWTH BOUNDARY IN THE VICINITY OF THE)	
CITY OF SHERWOOD UPON APPLICATION BY	)	Introduced by Chief Operating Officer
THE SHERWOOD SCHOOL DISTRICT	)	Martha Bennett with the Concurrence of
	)	Council President Tom Hughes

WHEREAS, the Metro 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 for public facilities and other non-housing purposes; and

WHEREAS, the Sherwood School District filed an application for a major amendment pursuant to Metro Code Section 3.07.1430 to add approximately 82 acres to the UGB for the purpose of constructing a new high school to serve the Sherwood area; and

WHEREAS, the application was considered by a hearings officer appointed by Metro at public hearings in the City of Sherwood on May 24, 2017 and June 6, 2017; and

WHEREAS, on July 21, 2017 the hearings officer submitted to Metro 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 applicable state law; and

WHEREAS, the Council considered the proposed order and testimony at a public hearing on August 10, 2017 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 82.3 acres to the UGB for development of a high school with sports fields and a roadway improvement, subject to the following three conditions of approval:
 - a. The property must be used for a public high school, associated accessory uses, and public transportation improvements consistent with the application for this UGB amendment.
 - b. The applicant must comply with the state Transportation Planning Rule (TPR) at the time the zoning is established on the subject property.
 - c. The City of Sherwood shall complete the requirements of Urban Growth Management Functional Plan Title 11, section 3.07.1120: Planning for Areas Added to the UGB, prior to development occurring.

2. The Findings of Fact and Conclusions of Law contained in the hearings officer's recommendation attached as Exhibit B and hereby incorporated into this ordinance, explain how this amendment to the UGB complies with applicable provisions of the Regional Framework Plan, Metro Code, and applicable statewide planning laws.

ADOPTED by the Metro Council this ____th day of August 2017.

Tom Hughes, Council President

Attest:

Approved as to form:

Nellie Papsdorf, Recording Secretary

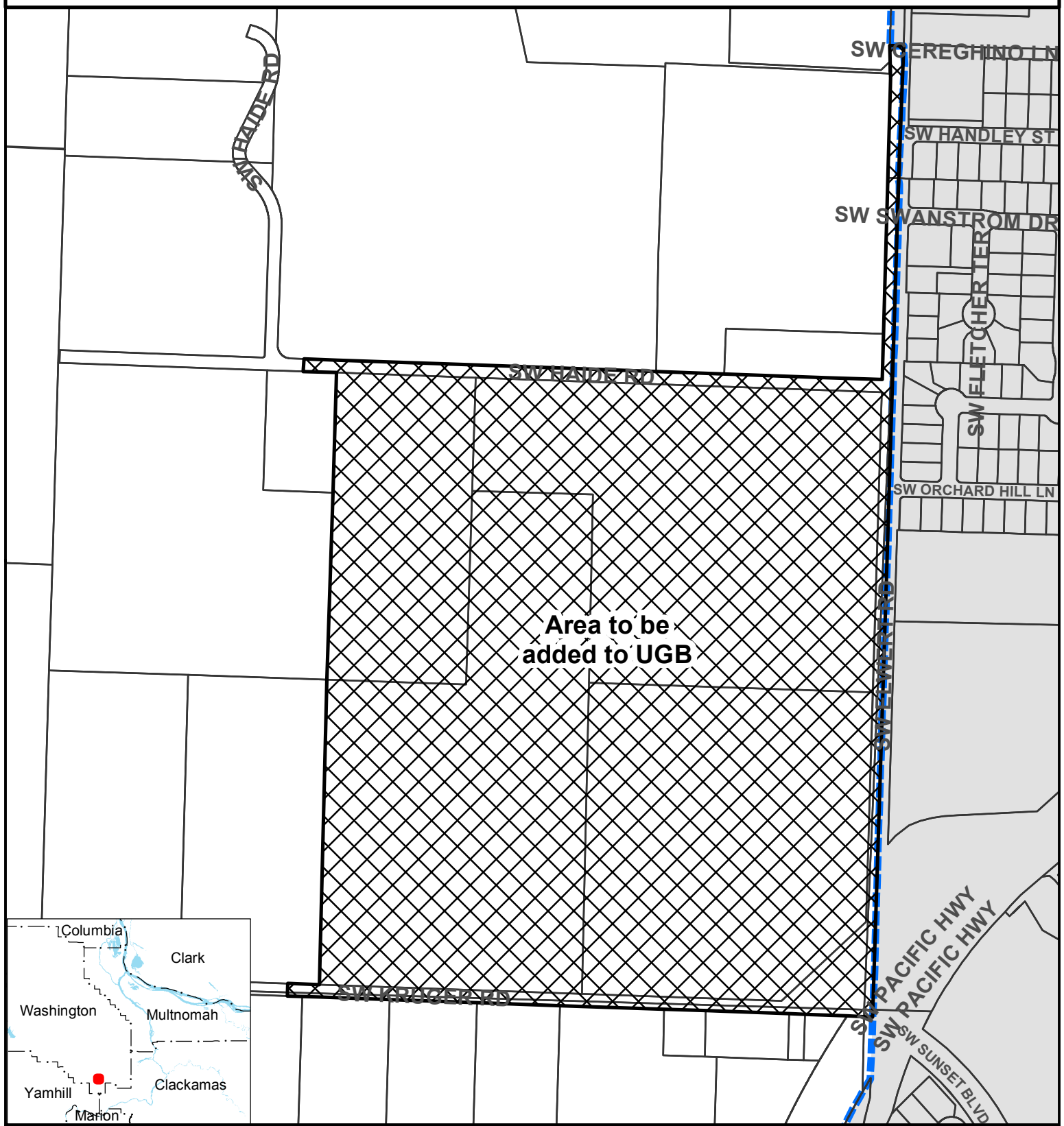
Alison R. Kean, Metro Attorney

Case No. 17-02

2S2W25, 2S2W36

Urban Growth Boundary Major Amendment

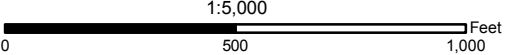
Washington County



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

Case No. 17-02 UGB Major Amendment

- Area to be annexed
- Taxlots
- Urban growth boundary



The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

Exhibit B

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

**Sherwood School District Urban Growth Boundary
Major Amendment, Case 17-02**

JULY 21, 2017

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

TABLE OF CONTENTS

SECTION I – APPLICATION SUMMARY.....	3
SECTION II – BACKGROUND INFORMATION.....	3
SECTION III: APPLICABLE REVIEW CRITERIA.....	4
MC Section 3.07.1440(A).....	4
Text and Context.....	10
Legislative History	18
MC Section 3.07.1440(B)	23
MC 3.07.1425(B)(1).....	24
MC 3.07.1425(B)(2)	27
MC 3.07.1425 (B)(3)	29
MC 3.07.1425 (C)(1).....	34
The Seven Urban Reserve Areas.....	39
The Six Sites Studied within the Sherwood West Urban Reserve Area.....	42
MC 3.07.1425(c)(2).....	43
MC 3.07.1425(c)(3).....	47
MC 3.07.1425(c)(4).....	49
MC 3.07.1425(c)(5).....	50
MC 3.07.1425(c)(6).....	50
MC 3.07.1425(c)(7).....	50
MC 3.07.1425(c)(8).....	51
MC 3.07.1425(c)(9).....	52
MC 3.07.1440 (D).....	53
MC 3.07.1440 (E).....	54
MC 3.07.1440 (F).....	54
MC 3.07.1440 (B)(1).....	54
Findings Addressing OAR 660- Division 24 and the Applicable Statewide Planning Goals.....	58
Additional Issues Raised by Opponents.....	73
SECTION IV: HEARINGS OFFICER’S SUMMARY AND RECOMMENDATION...	74

SECTION I: APPLICATION SUMMARY

FILE NAME: UGB Case 17-02: Sherwood School District Urban Growth Boundary Major Amendment

APPLICANT: Sherwood School District
23295 SW Main Street
Sherwood, OR 97140

PROPOSAL: 82-acre expansion of the urban growth boundary (UGB) for a high school campus with sports fields. Realign SW Elwert Road and SW Kruger Road in Sherwood.

LOCATION: Tax Lots 2S236-200, -201, -206, and -207

SITE ADDRESSES: 18880 SW Haide Road, 22895 SW Elwert Road and 18985 SW Kruger Road, Sherwood, Oregon 97140

URBAN RESERVE AREA: Area 5B.

CURRENT ZONING: AF-20

METRO CODE: Metro Code Sections 3.07.1425 (B, C, D, E & F) and 3.07.1440 (A & B). Code Section 3.07.1425(C)(1-9)

SECTION II: BACKGROUND INFORMATION

Proposal Description: The applicant requests an expansion of the City of Sherwood UGB to include approximately 82 acres for a high school campus with sports fields. This proposal also seeks to realign the intersection of SW Elwert Road and SW Kruger Road for improved and safer traffic flow.

Site Information: The site consists of four tax lots located within unincorporated Washington County on the west side of SW Elwert Road, between SW Haide Rd and SW Kruger Rd as shown in Attachment 1. The property has frontage on SW Elwert, SW Haide and SW Kruger Roads. The entire property is zoned AF-20 (Agricultural and Forest District) by Washington County with a minimum lot size of 80 acres. The entirety of the property is located within the Sherwood West Preliminary Concept Plan area (Metro Urban Reserve Area 5B). The site slopes

gently down to the east towards SW Elwert Road with approximately 40 foot grade change across the site. There is a shallow valley and ridge within this slope.

The properties have been used for various agricultural activities including a Christmas tree farm, tree plantation and row crops. The tax lot in the southeast corner of the site, adjacent to the intersection of SW Elwert and SW Kruger Roads is owned by the City of Sherwood, a portion of which will be used for the road realignment. A 40-foot wide permanent Northwest Natural gas easement zigzags along the western edge of the site, separating the northwest corner of the site from the remainder of the property.

Case History: The Sherwood School District (District) is centered on the city of Sherwood and extends into the surrounding rural area in all directions, including a small area east of I-5, between Wilsonville and Tualatin. The District includes an area of 4.31 square miles and an estimated population of 18,884. The District has seven schools that provide educational services to just over 5,000 students, the majority of which live in the city of Sherwood. The District experienced substantial growth in the late 1990's and early 2000's leading to a community effort in 2005 to determine facility needs. This resulted in the successful 2006 bond measure which included funding for an addition to the current high school to increase capacity to 1,550 students, consistent with phase 1 of the 2006 high school master plan. Current enrollment at the high school is over 1,700 students and projections show over 2,250 students by the 2025-26 school year. In early 2014 the District's Long Range Planning Committee made recommendations to the School Board regarding enrollment and growth challenges, facilities analysis and needs and financing options. In 2015 the District documented the condition and educational adequacy of its facilities, leading to bond visioning and steering committees in 2016. This resulted in the District's voters approving a bond measure in 2016 providing funding for school improvements including construction of a new high school. The District continues to engage the community through a design committee and community input sessions.

Local Government Statement: This UGB major amendment is being considered at the request of the Sherwood School District. The City of Sherwood completed the Sherwood West Preliminary Concept Plan for urban reserve area 5B and submitted a service provider form supporting the school district's application. The school district participated in the concept planning process and the subject site is one of the school locations identified in the preliminary concept plan. Washington County submitted a written statement supporting the application with proposed conditions for Metro to consider. Tualatin Valley Fire and Rescue submitted a written statement supporting the application and Clean Water Services is neutral on the application.

SECTION III: APPLICABLE REVIEW CRITERIA

The criteria for a Major Amendment to the UGB are contained in Metro Code Section 3.07.1425(B, C, D, E, & F) and 3.07.1440 (A & B). The approval criteria appear ***bold 12-pt Aerial Narrow font***, and the hearings officer's analysis follows.

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;

This code section requires that the applicant show, by substantial evidence in the whole record, that it is an eligible entity allowed to use the interim ORS 197.299 Major Amendment UGB process rather than wait until the next regular Metro UGB amendment cycle (in December, 2018).

Hearings Officer's Analysis: Title 14 of the Metro Code (*i.e.* 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, which is designed to implement ORS 197.299(4), is intended to provide an opportunity to meet these specific land needs outside of the legislative housing needs process the Metro Council conducts on a six-year cycle as required by ORS 197.299(1) and ORS 197.296.

As part of the six-year legislative housing needs 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. ORS 197.296(6)(a), which is one of the state's needed housing statutes, envisions that local governments with populations over 25,000 will factor in land for schools at the same time as they determine the amount of land needed to be brought in to the UGB for housing. In this regard, the need for land for schools under ORS 197.296(6)(a) is a "derivative need" which is linked to, and dependent upon, a finding that there is a need for land to be brought into the UGB to accommodate an identified housing need. As noted in more detail below, this process has proven to be long, drawn out affair, which is not sensitive to short-term needs. Furthermore, because it is done on a large-scale regional basis, is not always sensitive to more localized school and park needs.

In fact, Metro's most recent urban growth report, adopted in 2015, did not address school and park land needs at the regional level at all. Some school districts anticipate growth, others see declining enrollment and none look out over the 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. Similarly, park districts acquire property and develop park facilities based on numerous operational and funding parameters that can't be considered at the regional level. In addition, it is quite common for school districts and cities to collaborate on opportunities to meet the city's recreation needs as well as the school district's team needs. For these reasons, the Major Amendment process is the appropriate means of addressing specific school district and park needs that can be accommodated through UGB expansions.

Metro has adopted specific criteria to implement ORS 197.299(4). 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, and

2) The proposal must be intended to meet needs that cannot wait until the next analysis of land supply (December 2018).

There does not appear to any disagreement that the first criterion is met: the applicant proposes to add land to the boundary for a public school and a public facility need, both of which are non-housing needs. The Sherwood School District's Sherwood High School is a "public school" within the meaning of Metro Code Section 3.07.1440(A).

However, whether the applicant has met the second criterion has proven to be more controversial. The applicant addresses its need as follows:

As of 2015, the Sherwood School District encompasses 4.31 square miles serving a population of approximately 18,884 residents and 5,000 students. The Sherwood School District includes:

- The City of Sherwood city limits;
- Portion of the western area of the City of Tualatin (mostly industrial land);
- Rural Clackamas County (primarily between Sherwood and Wilsonville); and
- Rural Washington County north and west of Sherwood, as well as a small area east of I-5 between Wilsonville and Tualatin.

To facilitate future planning and to comply with State requirements for a fast-growing school district, the District adopted a long-term facilities plan in January of 2008, which assumed that additional school capacity would therefore likely be needed within ten years of the plan's adoption. As predicted school facilities have recently become overtaxed. In 2015, to assess current resources, the Sherwood School District completed a Facilities Planning and Assessment Report to determine both condition and available capacity. Enrollment based on the most current demographic data and capacity shows that school capacity is near or over capacity at all school levels as shown in Staff Report Attachment 2 (Table 1 in petition).

The School District commissioned Davis Demographics & Planning Inc. to complete an updated 10-year demographic study in May of 2016. The study reviewed the following factors that determine student enrollment: (1) the current and planned residential development over the next ten years; (2) student yield factors that apply to new residential development; (3) birth factors for the District area; and (4) mobility factors, which examine the in/out migration of students within existing housing units. The forecast projects a deficiency in capacity in all levels, with the

high school level having the largest deficiency. Staff Report Attachment 3 (Table 2 in petition) shows 10-year enrollment projections compared with existing school building capacity. The table demonstrates that if no capacity is added (no-build) the school facilities will be far over capacity in 10 years with the Sherwood High School having the largest capacity issue operating at 141% of capacity.

From the updated capacity assessment and demographic data, it became apparent that facilities must be expanded to keep pace with continued student enrollment growth. A Long Range Planning Committee, Bond Steering Committee, Bond Visioning Committee and Sherwood High School Programming Committee were formed to study facility needs. Led by the Bond Management Team, these committees met from 2014 to 2016, making recommendations to the Sherwood School District Board. The process included input from a number of participants from the community including City Council and staff representation, School District staff, architects, civil engineers, financial advisors, business leaders, citizens, parents and students. Throughout this process, the Sherwood City Council was provided with updates and community input was sought via various public outreach methods.

As evidenced by capacity study and demographic growth data, the high school level is where there is the biggest need for additional capacity both now and to a greater extent within 7 to 10 years. Therefore, the Bond Management Team first looked to the existing high school campus for opportunities for expansion to accommodate this growth. With the conclusion that the existing high school cannot be upsized to meet demand, the District's Bond Management Team began looking for a long-term solution and the School Board, with voter approval, ultimately decided to build a new high school. The new high school is planned to be sized to initially accommodate 2,000 students, but allow for easy expansion to 2,400 students. This size will allow for projected growth over the next 10 years and foreseeable future.

Once a new high school is online, the existing high school building can be repurposed as a consolidated middle school with both existing middle schools (Laurel Ridge and Sherwood Middle) being relocated to the existing high school campus. Once this occurs, the two existing middle schools can be converted to elementary school use to expand needed elementary school capacity. Finally, the proposal allows for Hopkins Elementary School, a building nearing its useful lifespan, to be taken out of

school service and converted to administrative functions. The existing administrative offices consist of portable buildings in varying locations and with the conversion of Hopkins, office space can be centralized for increased efficiencies.

The primary opponent argues that the applicant has not justified the use of the Major Amendment process instead of waiting until the normally scheduled Metro 2018 UGB expansion. Their attorney states: “Metro's scheduled UGB expansion in 2018 is the appropriate time to analyze the expansion for the proposed high school because more data will be available and the full set of impacts can be analyzed. The delay will also resolve the issues with inadequate notice in the current application.” *See* Letter from Jennifer Bragar dated June 6, 2017, at p. 8.

What the opponents appear to be arguing is that this application is premature, and the applicant should wait until 2018 when the 20-year buildable lands analysis will be available. Furthermore, the opponents do believe that the Major Amendment process authorized by ORS 197.299(4)(a)(A) requires the same type and level of analysis required when Metro conducts its periodic legislative housing need analysis required by ORS 197.299(1) and ORS 197.296. The opponent’s unstated assumption is that school needs must be evaluated as a derivative need of housing using the ORS 197.296(6) process.

Metro staff weighed in on the debate via a Memorandum dated June 9, 2017, which states, in relevant part:

Metro’s legislative process for reviewing the UGB is guided partially by ORS 197.296. Subsection 197.296(2) directs Metro to demonstrate that there is sufficient buildable land within the UGB to accommodate estimated housing needs for 20 years. A housing need is the only need identified in the statute. ORS 197.296(6) says if the housing need is greater than the capacity of the UGB Metro shall take one or more actions that could include amending the UGB to include sufficient buildable lands to accommodate housing needs for 20 years. Subsection (6)(a) goes on to say that if the UGB was amended to accommodate housing needs for the next 20 years, then the amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities.

The statutory directive to Metro is to include sufficient land for school facilities as part of any UGB expansion that is required to meet a 20-year need for housing. In Metro’s most recent analysis of the 20-year housing supply (the 2015 UGR), Metro determined there was sufficient capacity inside the existing UGB to accommodate housing needs; therefore, no corresponding analysis for public school facilities was required.

Even if the Metro Council had determined there was a need to expand the UGB in 2015 to accommodate a 20-year housing need, there is no certainty that the location where the land would be added to meet the housing need is also a location where a local school district needs additional land to meet its facility needs. Likewise there is no certainty that the specific land needs of a school district are coordinated with the local jurisdictions desire for additional housing. For instance, a UGB expansion adjacent to Hillsboro to meet a regional housing need would not support the Sherwood School District's need for a new high school.

These difficulties arise, in part, from the size of the Metro region and the fact that it consists of 24 individual cities and 17 different school districts. It is important to recognize that the provisions of ORS 197.296(6)(a) regarding planning for accommodation of new school facilities is included in the statutory section that describes the analysis required for all cities in the State of Oregon. While it would not be as difficult for a smaller jurisdiction to coordinate future public school needs with future housing needs in making UGB expansions, that task is much more complicated in the Metro region.

The disconnect in the Metro region between the location of UGB expansions to meet a 20-year housing need and the needs of existing school districts is addressed, in part, by ORS 197.299(4)(a), which is the statute that directs Metro to establish the process being utilized by the Sherwood School District in this proceeding. ORS 197.299(4)(a) requires Metro to allow "off-cycle" UGB expansions as necessary to accommodate a need for land for a public school that cannot reasonably wait.

Given that the opponents have a very different interpretation of the purpose and meaning of ORS 197.299(4) when compared to Metro staff and the applicant, a discussion of statutory interpretation is in order.

A statute is considered "ambiguous" if it is capable of at least two reasonable interpretations. *State v. Tarrence*, 161 Or App 583, 985 P2d 225 (1999); *Kenton Neighborhood Ass'n v. City of Portland and Oregon Waste Systems, Inc.*, 17 Or LUBA 784, 797 (1990) (when code is internally inconsistent, it is ambiguous).¹ If the legislation is unambiguous, local governments and courts are bound to apply the statute in that manner, regardless of how inartful the enactment seems. *Sanchez v. Clatsop County*, 146 Or App 159, 164 n 4, 932 P2d 557 (1997). Stated another way, an unambiguous statute should not be "interpreted." *City of Hillsboro v. Housing Dev'l Corp of Washington County*, 61 Or App 484, 488, 657 P2d 726 (1983). See *GTE*

¹ See also *Fisher v. City of Gresham*, 69 Or App 411, 416, 685 P2d 486 (1984); *McCoy v. Linn County*, 90 Or App 271, 276 nl, 752 P2d 323 (1988).

Northwest, Inc., v. Oregon Public Utility Comm’n, 179 Or App 46, 39 P3d 201 (2002). Rather, unambiguous words should be given their plain, natural, and ordinary meaning. *PGE v. BOLI*, 317 Or at 611.²

In this case, the hearings officer believes that the relationship between ORS 197.296 and ORS 197.299 creates sufficient ambiguity to warrant an exercise of statutory interpretation.

Text and Context.

When construing a statute, the court will often first look directly at the text of the statute itself. See *Whipple v. Howser*, 291 Or 475, 635 P2d 782 (1981) (citing *Greyhound Corp. v. Mount Hood Stages, Inc.*, 437 US 322, 330, 98 S Ct 2370, 2375 (1978)). Emphasizing the need to look first to the language of the statute, the *Whipple* court stated:

“The cardinal rule for the construction of a statute is to ascertain from the language thereof the intent of the law makers as to what the purpose was to be served, or what the objective was designed to be attained.”

Whipple, 291 Or at 479 (citing *Swift & Co. and Armour & Cove, Co. v. Peterson*, 192 Or 97, 233 P2d 216 (1951)). See also *State of Oregon v. Buck*, 200 Or 87, 92, 262 P2d 495 (1953). The *Whipple* court also cited to *State ex rel. Cox v. Wilson*, 277 Or 747, 562 P2d 172 (1977), in which the court stated:

“There is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give impression to its wishes.”

Courts do not view the text in a vacuum; they consider the context of the language at issue as well. In fact, the context of the statute is as important to the interpretation as the text. *State v. Webb*, 324 Or 380, 927 P2d 79 (1996); *Friends of Neaback Hill v. City of Philomath*, 139 Or App 39, 48, 911 P2d 350 (1996). See e.g., *Shadrin v. Clackamas County*, 34 Or LUBA 154 (1998). In some cases, the court may consider the context before examining the text, in situations where the context “provided perspective on the text.” See *Plotkin v. Washington County*, 165 Or App 246, 250, 997 P2d 226 (2000). In this case, consider the two statutes in tandem.

ORS 197.299 provides as follows:

² See also *OSHU v. Hass*, 325 Or 492, 501, 942 P2d 261 (1997); *Zidell Marine Corp. v. West Painting, Inc.*, 322 Or 347, 906 P2d 809 (1995); *State v. Langley*, 314 Or 247, 256, 839 P2d 692 (1992); *Curly’s Dairy, Inc. v. State Dept of Agriculture*, 244 Or 15, 415 P2d 740 (1966) (If statute is clear and unambiguous, the court may not resort to rules of statutory construction in ascertaining and declaring the legislative intent.); *Sullivan v. City of Ashland*, 130 Or App 480, 882 P2d 633, *rev den*, 320 Or 453, 887 P2d 792 (1994) (An unambiguous code provision cannot be interpreted, even if that provision is contrary to the express purposes of the provision.); *City of Portland v. White*, 61 Or App 120, 655 P2d 629 (1982).

197.299 Metropolitan service district analysis of buildable land supply; schedule for accommodating needed housing; need for land for school; extension of schedule.

(1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296(3) not later than six years after completion of the previous inventory, determination and analysis.

(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296(6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.

(b) The metropolitan service district shall take all final action under ORS 197.296(6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.

(c) The metropolitan service district shall take action under ORS 197.296(6)(b), within one year after the analysis required under ORS 197.296(3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing needs for 20 years from the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

(b) At the request of a large school district, the metropolitan service district shall assist the large school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3). [1997 c.763 §2; 2001 c.908 §2; 2005 c.590 §1; 2007 c.579 §2; 2014 c.92 §5]

As quoted above, ORS 197.299(1) cross-references ORS 197.296(3), which, in turn, cross-references to ORS 197.296(2). These two statutes together set forth a process for evaluating and accommodating housing needs:

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of housing need by type and density range, in accordance with ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years. (Underlined emphasis added).

As the underlined language indicates, ORS 197.296 is a statute narrowly-tailored towards the process used to establish and fulfill an identified housing need. It is an expansion of the basic concepts set forth in Statewide Planning Goal 10, but it goes beyond Goal 10 in scope.

As part of that process, the effect of ORS 197.296(6) should also be considered as context:

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or more of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school

districts and the local government that has the authority to approve the urban growth boundary;

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or

(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.

A few key points can be quickly gleaned from ORS 197.296. First, by its terms, ORS 197.296(2) only applies to periodic review or another "legislative review of the [...] regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use." This Major Amendment application is not periodic review and is also not a legislative review of Metro's regional framework plan, *i.e.*, the every six-year UGB amendment cycle. The Major Amendment application is subject to a quasi-judicial process and will result in a quasi-judicial decision by the Metro Council.

Strawberry Hill 4 Wheelers v. Board of Comm'rs sets out a list of factors to be weighed to determine whether a land use decision is legislative or quasi-judicial. 287 Or 591, 602-603, 601 P2d 769 (1979). Under *Strawberry Hills*, the Major Amendment is quasi-judicial because (a) the application process is bound to result in a decision, (b) the decision must apply pre-existing criteria to concrete facts, and (c) the action is directed at a closely circumscribed factual situation.

With regard to the first question, the *Strawberry Hills 4-Wheelers* Court asks practitioners to consider the following question: "Does the statute require the [local government] to reach a decision after the hearing, as in an adjudication, or may it indefinitely postpone or abandon the issue, like a legislative proposal?" 287 Or at 605. At first glance, one might assume that any land use decision that originates from an application being submitted (as opposed to be initiated by the local government itself) would be "bound to result in a decision." Indeed, that seems to have been the original intent of the *Strawberry Hill* Court. However, over the years LUBA and the Court of Appeals have increasingly read this factor more and more narrowly and will only find that that a decision is "bound to result in a decision" if the code either expressly requires a decision to be made, or if that requirement can be fairly read into the language of the code based on the context. *Estate of Gold v. City of Portland*, 87 Or App 45, 48, 740 P2d 812 (1987) ("the statute simply says that the governing body *may* approve the proposal, not that it *must* do anything."); *Johnson v. City of La Grande*, 37 Or LUBA at 388; *Valerio v. Union County*, 33 Or LUBA 604 (1997); *Miner v. Clatsop County*, 46 Or LUBA 467 (2004). In some cases, LUBA has not been as exacting in its analysis, holding that although the code did not:

“expressly state that once a person requests an interpretation of a provision of the city's zoning ordinance that the person is entitled to a decision. We believe, however, that any reasonable person reading this ordinance would conclude that if a person requested an interpretation from the planning director, received that interpretation and then appealed the interpretation to the planning commission and to the city council, the person filing the appeal would be entitled to a decision from the city council.”

Hoffman Ind. Inc. v. City of Beaverton, 2 Or LUBA 411 (1981); *Dean v. City of Oakland*, 33 Or LUBA 806, 809 (1997)(“While the cited policy does not require a decision within a specified time, the most natural reading of its terms requires a decision.”) The fact that any given ordinance in question states that the decision-maker “may” make a decision should not be a fact which is determined to be indicative of a legislative decision, but unfortunately, in practice it is just that. In this regard, the statute at issue in *Strawberry Hill* did not expressly require that a decision be made. However, the Supreme Court found no difficulty in concluding that “although affirmative action is optional, the statute appears to contemplate that the County Court will *eventually* reach and pronounce some decision whether to act or not. *Id.* at 606. (Emphasis added).

In this case, the MC 3.07.1440(g) requires the Metro Council to make a final decision on the petition. Therefore, this factor suggests that the decision is quasi-judicial.

The second of the *Strawberry Hill* questions has, in practice, become somewhat of a non-factor. Both LUBA and the Court of Appeals have recognized that all land use decisions in Oregon are subject to “preexisting criteria” and apply to concrete facts. LUBA has addressed this issue as follows:

Turning to the “apply existing criteria to concrete facts” factor, that factor is present to some extent in all land use decisions. *Valerio*, 33 Or LUBA at 607. This factor is therefore less important than the other two factors, particularly where, as is the case here, the decisions are adopting new land use laws rather than applying existing land use laws to grant land use approval for a single property or a small number of properties. *Churchill v. Tillamook County*, 29 Or LUBA 68, 71 (1995); *McInnis v. City of Portland*, 27 Or LUBA 1, 5-7 (1994).

Carver v. Deschutes County, 58 Or LUBA 323 (2009). *See also Casey Jones Well Drilling, Inc. v. City of Lowell*, 34 Or LUBA 263, 271 (1998); *Johnson v. Jefferson Country*, 56 Or LUBA 72 (2008). In this case, the MC 3.07.1440 sets forth criteria for a Major Amendment to a UGB. Therefore, this factor suggests that the decision at issue is quasi-judicial.

Under the third factor, LUBA and the Courts are supposed to assess whether the decision either (1) affects either a small number of owners and properties or (2) the “action directed at a closely circumscribed factual situation,” or whether the decision has more broad

applicability. According to early decisions by the Court of Appeals, “the number of people affected and the size of the area covered are less important considerations,” and the focus should instead be on “the importance of assuring that the decision is factually correct and that the decision-maker gives fair attention to affected individuals.” *1000 Friends of Oregon v. Wasco Co. Court*, 80 Or App 532, 536, 723 P2d 1034 (1986), *rev’d on other grounds*, 304 Or 76, 742 P2d 39 (1987). In practice, this third bean-counting “factor” has become the most critical issue to LUBA, and, despite suggestions to the contrary, in most cases it is more-or-less the dispositive factor. In fact, LUBA has found decisions to be legislative even when the other two factors favored a determination that a decision was quasi-judicial. *Davenport v. City of Tigard*, 22 Or LUBA 577 (1992).

In this case, the proposal involves 82 acres consisting of four tax lots in unknown ownerships. This is well within the size and ownership limits that would allow the conclusion that the decision is quasi-judicial.

The primary opponent argues that this Major Amendment is a "legislative decision." The primary opponent states that “[t]he decision amends the Metro Boundary map that is incorporated into the Metro Urban Growth Functional Plan, and as such the change is legislative.” See Letter from Jennifer Brager dated June 23, 2017 at p. 1. However, map amendments are not necessarily or inherently legislative or quasi-judicial in nature. Compare *Thomas v. City of Veneta*, 44 Or LUBA 5 (2003) (TSP and zoning map amendment affecting two tax lots comprising 6.4 acres); *Dan Giles & Assoc., Inc. v. McIver*, 113 Or App 1, 3, 831 P2d 1024 (1992) (zone change for single 29-acre parcel in unified ownership is quasi-judicial); *Neuberger v. City of Portland*, 288 Or 155, 603 P2d 771 (1979) (re-zoning involving 601 acres of land owned by three landowners is quasi-judicial).³ Contrast *Valerio v. Union County*, 33 Or LUBA 604 (1997) (comprehensive plan amendment and zone change pertaining to 185 acres in a “number of different ownerships” is legislative); *Friends of Cedar Mill v. Washington County*, 28 Or LUBA 477 (1995) (PAPA relocating arterial and changing it from 5 lanes to 3 lanes is legislative, where it affects 40 properties and will carry 17,000 – 18,000 trips per day.); *McInnis v. City of Portland*, 27 Or LUBA 1 (1994) (Proposal which rezones 5000 acres in 110 different ownerships is legislative.); *Davenport v. City of Tigard*, 22 Or LUBA 577 (1992) (Transportation plan map amendment that directly involves nine property owners, but has “indirect effects” on a broader population is legislative). Nor is a UGB amendment inherently legislative in nature. *BenjFran Development, Inc. v. Metro*, 17 Or LUBA 30 (1988) (denial of request for UGB amendment comprising almost 500 acres in three ownerships is quasi-judicial).

Cases such as *Davenport* and *Friends of Cedar Mill* suggest that large transportation projects will be considered legislative due to the broad secondary effects that transportation facilities can have on commuters. The hearings officer does not believe that this line of cases can be extended to a school, however, based simply on the fact that many kids will attend the school. If that were the case, then any land use decision involving a Wal-Mart or Home Depot store would be legislative, because those uses have higher usage / trip generation rates than a typical school.

³ See *Neuberger v. City of Portland*, 37 Or App 13 (1978), *rev’d in part, aff’d in part*, 288 Or 155, 603 P2d 771 (1979).

Opponent's counsel cites *Colwell v. Washington County*, 79 Or App 82, 87-8 (1986) for the proposition that this Major Amendment is a legislative (and not a quasi-judicial) decision (see Bragar letter dated 23 June 2017, pp 1-2). *Colwell* does not support that conclusion, and is easily distinguished. In *Colwell*, the Washington County Planning Commission made a land use decision which opponents wished to appeal to the Board of Commissioners, but their appeal was dismissed for failure to timely pay for the quasi-judicial Planning Commission hearing transcript. *Colwell*, 79 Or App at 85. Opponents appealed to the LUBA, which dismissed the appeal for failure to exhaust remedies at the local (County) level. The Oregon Court of Appeals reversed and remanded, finding that the Washington County governing body (*i.e.* the elected Board of County Commissioners) - and not the unelected County Planning Commission - must make Comprehensive Plan amendments, pursuant to ORS 215.050(1) and ORS 215.060.

Opponent's argument might have some merit if this unelected hearings officer was the one to make the final decision on this Major Amendment land use application. Only the elected Metro Council has that authority, however. This hearings officer's findings and determination are merely a recommendation to the Metro Council, and the Council is free to accept or reject this Hearings officer's decision, as the Council sees fit. Since the Metro Council will be the governmental body to make the final land use decision in this case, the Court of Appeals' holding in *Colwell* shall be followed for this application.

Despite the lengthy analysis set forth above, the hearings officer does not really believe that the quasi-judicial vs. legislative debate is dispositive, in any event. Rather, it is a red herring. Stated another way, the hearings officer does not believe that ORS 196.296 would apply to this UGB Amendment even if it was a legislative decision. By its terms, ORS 197.296 only applies to UGB amendments that "require the application of a statewide planning goal relating to buildable lands for residential use." As discussed elsewhere in this recommendation, an amendment to a UGB which adds AF-20 zoned land for use as a school does not implicate Goal 10 in any meaningful way.

Second, ORS 197.296 sets forth a mandatory periodic process that is focused on only one type of land need: a need for housing. We can credit the Home Builder Association for being active in the legislature over the past 30+ years and influencing the adoption of specific statutory language, such as ORS 197.296, which relates specifically to their industry. But we should also not lose sight of the fact that there are other types of land need under Goal 14 that don't implicate ORS 197.296.

Taking a step back, recall that Goal 14 states that a UGB amendment must be based on consideration of six factors set forth in the Goal. The first two factors are commonly referred to as the "need" factors. The need factors require either a demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments, or a demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories. While the need for housing is governed by ORS 197.296, other land needs are governed by Statewide Planning Goal 14, and in some cases, by OAR Ch. 660, Div 24. Note, as an example, that OAR Ch. 660, Div. 24 does not address now a livability need is established; Goal 14 seems to be the sole administrative pronouncement of its use. What is important to understand for purposes of this case is that ORS 197.296 is not the sole way to

establish land need, and a school need is not limited to being established as a derivative need of housing under ORS 197.296(6).

Among the more common types of land need mentioned in Goal 14 include a need for employment land, a need for public facilities, a need for schools, a need for parks, and the amorphous catch-all known as a “livability need.”⁴ With one exception related to public schools, ORS 197.296 does not govern substantively how these other types of land needs are established. Nor does it establish a *process* by which those other needs are established. Rather, ORS 197.296(2) & (3) are narrowly focused on accommodating a housing need, and as shown below, accommodating land for public schools as a derivative need stemming from housing need.

Consider ORS 197.296(6) as context: this statute applies when a local government is undertaking periodic review or a legislative review of a UGB that implicates Goal 10. If during such a process, the local government determines that a need exists for additional residential land and that accommodating that land need must necessarily involve a UGB amendment, then ORS 197.296(6)(a) requires that local government to “include sufficient land reasonably necessary to accommodate the siting of new public school facilities.” Thus, under that process, a public school facility is considered a derivative need that arises by operation of a demonstrated need for housing. However, there is nothing in ORS 197.296(6) that makes ORS 197.296 the exclusive process by which a need for schools can be established. As demonstrated by the applicant a need for new school facilities can exist independent of housing needs. And while the primary opponent chalks up the applicant’s current need to poor planning on the District’s part (a sentiment that may have some basis in fact), ORS 197.299(4) appears to be written as a safety valve that can be used by school districts regardless of the causes that led to the need.

ORS 197.299(4)(a)(A) provides additional key textual clues which help understand the nature of the process currently being undertaken. This provision authorizes Metro to “establish” and “design” a “process” that will fulfill a need that must be accommodated “*between*” periodic analyses of urban growth boundary capacity required by subsection (1) of this section.” By giving Metro the authority to “establish” and “design” a unique UGB amendment process for schools, the statute makes clear that the school need specific “4(a)” process is not the *same* process as the legislative six-year process required by ORS 197.299(1) and 197.296(3). The ORS 197.296 process is already “established” and “designed” by statute, and really only puts a regional government much as Metro in an implementation role. On the other hand, ORS 197.299 delegates to Metro a role that is greater than mere implementation of a pre-existing process. Furthermore, ORS 197.299(4)(a)(4) further emphasizes that the school-specific process is only supposed to be used “*between*” the 6-year legislatively-mandated processes for accommodating housing needs, and it can only be invoked if the identified school need cannot wait until the next scheduled six-year legislative process.

⁴ LUBA cases confirm that a need to improve livability can provide a basis for adding land to a UGB. Such an analysis requires, in addition to identifying a significant livability problem, an evaluation of probable and negative impacts on livability that may occur if the UGB is amended, and an explanation of why the livability benefits outweigh negative impacts on livability. *1000 Friend of Oregon v. City of North Plains*, 27 Or LUBA 372, 383, *aff’d*, 130 Or App 406 (1994); *1000 Friends of Oregon v. Metro Service Dist.*, 18 Or LUBA 311, 320 (1989).

The gravamen of opponents' complaints with respect to ORS 197.299(4) stem from a misunderstanding of the relationship between the ORS 197.299(1) six-year UGB amendment process with the ORS 197.299(4) public school amendment process. Much of opponent counsel's testimony at the June 13, 2017, hearing and again in her June 23, 2017 letter, was directed generally at a dissatisfaction with how Metro plans for regional housing and employment needs and opponents' opinion that allowing out-of-cycle UGB expansions for public schools exacerbates Metro's alleged poor planning. In its June 23, 2017 letter, opponents argued that this Major Amendment application does not meet the requirements of ORS 197.296(2).

At its core, the opponent's argument hinges on the assumption that the school-specific process must be substantively the same as the periodic six-year legislative process. Stated another way, the opponents argue that the substantive standards and criteria that govern the school specific process are the same as the housing-specific legislative process under which school need can be established as a derivative need. However, if that were truly the case, however, there would be no need for Metro to "establish" and "design" a new process. Rather, if the legislative intent was to mandate the same rigorous process that is used to establish housing need and to otherwise limit school need as a derivative need, the legislature would have simply stated that a school-related need can form the basis for accelerating the time frame under which the legislative housing need process is conducted. And that in itself does not make any sense because nothing in ORS 197.299(1) or ORS 197.296 prohibits Metro from conducting the legislative housing-needs process sooner than on a 6-year increment. In fact, ORS 197.299(1) merely states that Metro must undertake the ORS 197.296 process "*not later than six years after completion of the previous inventory, determination and analysis.*" In theory, Metro could voluntarily conduct that inventory and analysis on a bi-annual or other timeline. In light of this observation, ORS 197.299(4) would be a redundancy if interpreted in the manner that the primary opponent advocates.

Courts strive to give effect to all parts of a statute, in order to produce a harmonious whole. ORS 174.010.⁵ As a corollary, courts will avoid interpretations that render a portion of the statute redundant or meaningless surplusage.⁶ See *State v. Stamper*, 197 Or.App. 413, 418, 106 P.3d 172, rev. den., 339 Or. 230, 119 P.3d 790 (2005) ("we assume that the legislature did not intend any portion of its enactments to be meaningless surplusage"). If the school-specific process were not a separate process governed by different substantive criteria than ORS 197.296, it would not accomplish anything that Metro did not already have the right to do.

Rather than being drafted as an authorization to conduct the existing six-year legislative housing needs process at any time increment earlier than six years if a need exists that cannot wait six years, ORS 197.299(4)(a)(A) contemplates a *new* process *designed* by Metro to cater to

⁵ *Lane County v. LCDL*, 325 Or 569, 578, 942 P.2d 278 (1997); *Bolt v. Influence, Inc.*, 333 Or. 572, 581, 43 P.3d 425 (2002) ("we are to construe multiple provisions, if possible, in a manner that will give effect to all"). See also *Davis v. Wasco IED*, 286 Or 261, 267, 593 P.2d 1152 (1979); *Tatum v. Clackamas County*, 19 Or App 770, 775, 529 P.2d 393 (1974); *Plotkin v. Washington County*, 36 Or LUBA 378 (1996); *Walz v. Polk County*, 31 Or LUBA 363 (1996); *Fechtig v. City of Albany*, 31 Or LUBA 410 (1996) (Ordinance).

⁶ *Certain Underwriters at Lloyd's London and Excess Ins. Co., Ltd. v. Massachusetts Bonding and Ins. Co.*, 235 Or.App. 99, 230 P.3d 103 (2010); *State v. Stamper*, 197 Or.App. 413, 417, 106 P.3d 172, rev. den., 339 Or. 230, 119 P.3d 790 (2005); *EQC v. City of Coos Bay*, 171 Or.App. 106, 110, 14 P.3d 649 (2000).

school needs as a primary independent need, not as a secondary derivative need resulting from a housing need. Because it is a different process that is intended to evaluate a needs other than a housing needs, the process and requirements (*i.e.* inventory, determination, and analysis) of ORS 197.296 do not apply to this separate process. And discussed below, the legislative history confirms this analysis.

Legislative History

Prior to 2001, the case of *Portland Gen. Elec. Co. v. Bureau of Labor & Indus.*, 317 Or 606, 611–612, 859 P2d 1143 (1993) (hereinafter *PGE*) made clear that legislative history could not be used to determine legislative intent if the text and context of the law made the meaning of that law unambiguous. The case of *State v. Gaines*, 346 Or 160, 171–172, 206 P3d 1042 (2009) essentially acknowledges that the *PGE v. BOLI* approach was legislatively modified in 2001 via amendments to ORS 174.020, and that the statute now permits the consideration of legislative history even when the text and context seem to make the meaning unambiguous. For this reason, a careful treatment of *Gaines* is warranted here.

The OSB publication entitled “Interpreting Oregon Statutes” Steve Johansen, Hon. Jack Landau, and Anne Villella ed. OSB CLE (2009) contains a lengthy but highly relevant discussion of *Gaines*, as follows:

In *Gaines*, the defendant was convicted of obstructing governmental administration when she refused to cooperate in being photographed after her arrest. On appeal, she argued that her behavior did not constitute a “‘means of . . . physical . . . interference or obstacle’ “within the meaning of the relevant statute. *Gaines*, 346 Or at 162 (quoting ORS 162.235(1)). She argued further that the 2001 amendments to ORS 174.020 required the court to consider the legislative history of ORS 162.235(1) along with the text and context of the statute, even if the court found that its analysis of the text and context did not render the legislative intent ambiguous. *Gaines*, 346 Or at 165. Interestingly, in assessing the meaning of the 2001 amendments to ORS 174.020, the court found that a text-and-context analysis suggested that the amendments did not significantly change the *PGE* standard. *Gaines*, 346 Or at 166. However, the court did not stop its analysis at the text-and-context level. As the plaintiff argued that ORS 174.020 required, the court went on to examine the legislative history. The legislative history revealed a clear legislative intent to eliminate the requirement that a court only look to legislative history “if but only if” the text and context left the meaning ambiguous. *Gaines*, 346 Or at 169.

* * * * *

The court will now consider proffered legislative history even when the text and context of a statute appear to render it unambiguous. In effect, *Gaines* brings legislative history into the step-one analysis along with the text and context of a statute. That said, legislative history remains a second step of statutory analysis—the court will consider it only after analyzing the text and context of a statute. The weight the court gives that legislative history also remains within the discretion of the court. A party attempting to overcome seemingly plain and unambiguous text through reference to legislative history has “a difficult task before it.” *Gaines*, 346 Or at 172.

Although *Gaines* modifies the *PGE* methodology, the full extent of that modification remains to be seen. However, a recent appellate court decision suggests the extent may be relatively slight. *State v. Kelly*, 229 Or App 461, 211 P3d 932 (2009). *Kelly* raised the issue of the meaning of ORS 811.335(1)(b), which requires drivers to signal a turn “during not less than the last 100 feet traveled by the vehicle before turning.” The defendant, who signaled a turn after he had stopped at an intersection, argued that the legislative history showed that the intent of the statute was to require a signal for at least as long as it took to travel the last 100 feet, but not to signal for the specified distance. The court agreed that under *Gaines* it needed to consider the legislative history. The court also made several points as to what weight it would give that legislative history.

The court first made clear that legislative history alone cannot overcome statutory text that is truly capable of only one interpretation. *Kelly*, 229 Or App at 466. Beyond that caution, the court explained the traditional limits of legislative history: legislative history is most helpful when it uncovers the general legislative intent of a statute (*Kelly*, 299 Or App at 466); statements of single legislators or non-legislators are generally, though not always, less helpful (*Kelly*, 299 Or App at 466–467), and the existence of a particular problem that precipitated a bill does not necessarily mean the statute was intended to address only that problem (*Kelly*, 299 Or App at 468). What *Kelly* does not suggest is that *Gaines* changes in any significant way *how* courts use legislative history. Rather, it only changes *when* the court will consider legislative history. Thus, even under *Gaines*, legislative history will be most helpful when an analysis of the text and context does not resolve an ambiguity of the statute. Legislative history may also be useful to reinforce an apparently unambiguous interpretation of a statute. (Emphasis added).

Courts are not likely to be persuaded by legislative history when that history does not give any indication that the precise legal question at issue was considered during the legislative enactment.⁷

The subsection in question, subsection 4, was added to ORS 197.299 in 2005 as part of Senate Bill 1032. Testimony at legislative committee hearings from bill authors and proponents indicates SB 1032 was intended to grant Metro new expedited authority to expand the UGB for the purpose of allowing construction of new schools, and such a process would be separate from the “normal” UGB expansion process typically required by state statutes.

Testimony of several speakers during the May 17, 2005 public hearing provide insight regarding the policy goals behind SB 1032. The main speaker, Gary Conkling, represented the Beaverton School District and was one of the authors of the bill. Mr. Conkling began his testimony in favor of the bill by outlining the pressing problems that face the city of Beaverton. He stated that “in the last decade or so the Beaverton School District has added more than ten thousand students” and that those students alone would make up the fifteenth largest school district in the state.⁸

Mr. Conkling explained that overabundance problems are common in the metropolitan areas of Portland, and most suitable plots of land for schools have been used for other projects intended to spur economic development. Mr. Conkling “anticipate[d] [Beaverton] will have to look outside the UGB for one or more additional school sites” to meet the growing demand. He ended his testimony by stating two main objectives of SB 1032. First, the bill is designed to gain “guidance from Metro, cities, and urban service providers as to where we should look outside the UGB” for suitable plots of land for schools. Second, the bill has language that “will encourage Metro to provide an accelerated process to add those lands once . . . the need has been established . . . so that lands can be added on an accelerated basis to the UGB.”⁹

Metro Legislative Affairs Director Randy Tucker, a second advocate of SB 1032, added some additional points regarding the purpose and scope of the bill. Mr. Tucker explained that developing lands for schools requires additional planning considerations than developing lands for other purposes because schools must be located in particular locations. These additional considerations include that ideally, schools should be located near city centers, and schools must fall within existing school district boundaries. This makes it even more difficult to find suitable land for new school construction without expanding the UGB.

⁷ For example, the court often dispense with legislative history in one sentence by stating simply that the legislative history is silent on the particular issue facing the court. *Ritcherson v. State*, 131 Or App 183, 186, 884 P2d 554 (1994) (seeking to determine if ORS 138.510(2) included retroactive application of its two-year statute of limitations period); *see also Windsor Ins. Co. v. Judd*, 321 Or 379, 387, 898 P2d 761 (1995) (“[W]hat little [discussion of the amendment] there reveals nothing that sheds light directly on the question posed in this case.”); *State v. Holloway*, 138 Or App 260, 267, 908 P2d 324 (1995) (“Unfortunately, our examination of the legislative history sheds no light on the matter.”); *In Def. of Animals v. Or. Health Scis. Univ.*, 199 Or App 160, 173 n 9, 112 P3d 336 (2005) (“We note that the legislative history . . . provides no assistance in determining the provision’s meaning.”).

⁸ Hearing on S.B. 1032 Before the S. Comm. on Environment & Land Use, 2005 Leg., 73rd Assemb., Reg. Sess. (Or. 2005) (statement of Gary Conkling, Representative of Beaverton School District).

⁹ *Id.*

Finally, Mr. Tucker added that Metro intended to implement SB 1032 by amending its own code to make it easier to expand the UGB for schools “when [new schools] cannot be reasonably accommodated in the UGB, and when they must be accommodated before we would normally do an UGB expansion.” Here, Mr. Tucker indicated that Metro should be authorized to quickly initiate UGB expansion for schools outside of the “typical” or “normal” legislative process of reevaluating the buildable land supply inside the UGB every [six] years.

Later, in a May 31, 2005 work session on SB 1032, Messrs. Conkling and Tucker again provided testimony in support of the bill and explained its purpose and scope. Mr. Conkling stated the bill’s main purpose is to provide Metro “[with a] process that can work in between its periodic review, and provide for an accelerated process to bring these school sites inside the UGB.”

After the testimony of Mr. Tucker, Senator Charlie Ringo, Chair of the Committee, asked if the bill will “facilitate Metro addressing the problem with high growth districts not finding land for schools.”¹⁰ Mr. Tucker stated his answer was yes, and that the bill would provide the basis for immediate negotiation as to what land should be included in the UGB as part of an amendment. Mr. Tucker explained that the bill would be beneficial to districts like Beaverton because “it facilitates the process for expanding the UGB for a school district that has need.” Mr. Tucker stated that ideally, after revising the Metro code to implement the statute, the process to expand the UGB to include land for a school would take only four months.

The legislative history of HB 1032 indicates that one main purpose of the bill was to streamline the process for amending the UGB for the purpose of building new schools. The testimony of both Conkling and Tucker describe a pressing need for land in metropolitan areas for new school construction that cannot always be met within the typical five-year UGB cycle. Proponents of the bill clearly express intent to grant Metro authority to amend the UGB through a process that would be separate from the regular review cycle and corresponding 20-year need analysis.

Proponents of the bill used words such as “streamline” and “accelerated” in the context of a new expansion process that could occur outside and separate from the “normal” time intensive 20-year need analysis, and described a process that would be based exclusively on a demonstrated need for additional school facilities. Testimony regarding the purpose of SB 1032 indicates that the purpose of the legislation was to allow a separate and expedited process exclusively for school siting, which would not be tied to the 20-year buildable land supply analysis that is required under ORS 197.296.

As described above, it is clear from legislative history that the 2005 Oregon legislature was acutely aware of the problem of holding school districts to a six year Metro planning cycle during the enactment of SB 1032. Metro’s Randy Tucker specifically stated that SB1032

¹⁰ Work Session on S.B. 1032 Before the S. Comm. on Environment & Land Use, 2005 Leg., 73rd Assemb., Reg. Sess. (Or. 2005) (statement of Sen. Charlie Ringo, Chair, S. Comm. on Environment & Land Use).

“facilitated” school districts obtaining a UGB amendment for school facilities.¹¹ According to the Merriam-Webster dictionary, the word “facilitate” means “to make (an action or process) easy or easier.” It makes little sense to believe that the legislature would desire to make obtaining a Metro UGB amendment *just as, or even more difficult* for schools while simultaneously creating an “accelerated” process specifically for schools. Indeed, Metro’s own Legislative Affairs Director – no stranger to tightly-crafted statutory language - was quite clear in stating that the purpose of SB 1032 was to “facilitate” (that is, make easier) the process for Metro-area schools.

In addition, the hearings officer finds that the ORS 197.299’s school-specific UGB amendment process is no less thorough or exacting than an application that could have been filed in due course of the next six-year Metro planning cycle. It is true, as opponents claim, that the next Metro 20-year buildable lands analysis is not yet available, and thus cannot be taken into account during this application. The law does not require that, however, and requiring school applicants to wait until the next six-year Metro planning cycle would render the passage of ORS 197.299 pointless. The entire point of ORS 197.299 was to provide schools with an interim, accelerated, easier (“facilitated”) application process, rather than waiting for the next 6 year Metro planning cycle. Statutes should not be construed such that they make other statutes completely meaningless.

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 six-year cycle. However the Metro Council has directed staff to complete an urban growth report in 2018, three years after the urban growth report was adopted in 2015, with a possible growth management decision occurring in December 2018 that may or may not result in an expansion of the UGB. Delaying the proposed amendment for these specific school and park needs until that time, when these types of specific needs are not addressed in the regional analysis, is not an appropriate or an efficient way to provide these needed services and would result in the District experiencing ever-increasing overcrowding of their facilities.

Thus, in summary, review of the text and context of ORS 197.299 and ORS 197.296 in combination with the legislative history of the 2005 Amendments which created ORS 197.299(4) bring the legislative intent into clear focus. ORS 197.299(4) explicitly provides a “safety valve” of sorts for public school needs. The statute de-couples the need for schools from the derivative secondary needs analysis set forth in ORS 197.296(6). The legislature apparently understood the critical nature of schools to serve the community and felt strongly enough about that to provide a mechanism to ensure that needed schools can be built. Opponents’ attempt to saddle Major Amendments with all of the trappings of a six-year legislative review of the region’s UGB is contrary to both the plain text of ORS 197.299(4) and its legislative history.

Having resolved the statutory interpretation question, we turn back to the evidence of need. The District originally adopted a long-term facilities plan in January 2008 that assumed additional school capacity would be needed in ten years. This proved true, as of 2017 the high

¹¹ Testimony before the Senate Environment and Land Use Committee, May 31, 2005, beginning at minute 1.13, available at <http://records.sos.state.or.us/webdrawer/webdrawer.dll/webdrawer/rec/4193397/>. Mr. Tucker’s statement is found at minute 1.18, in response to a question from Senator Ginnie Burdick.

school is at 109% of capacity and the four elementary schools are at 99% capacity. A ten-year demographic study by Davis Demographics & Planning Inc., completed in May 2016, forecasted a deficit in capacity at all levels with the high school operating at 141% of capacity. In order to meet the growing need, the District determined, with the assistance of numerous committees, that a new high school would be needed. Voters approved a bond measure in 2016 to construct a new high school and make other facility improvements. The applicant adequately addressed the urgent need for the new high school by substantial evidence in the whole record in its application submittal and its subsequent submittals. (See application narrative ("Narrative") at 14-15, 33, Appendices G, H, and I; June 8, 2017, District letter at 1-3, Attachment i; June 13, 2017, District letter at 5.)

The applicant has met its burden of showing compliance of the two criteria found in Metro Code section 3.07.1440(A) by substantial evidence in the whole record.

Metro Code Section 3.07.1440(B)

3.07.1440 Major Amendments - Criteria

(b) The applicant shall demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria and factors in subsections (b), (c), (d), (e), and (f) of section 3.07.1425. The applicant shall also demonstrate that: (1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land; (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; and (3) If the amendment would add land for industrial use pursuant to section 3.07.1435, a large site or sites cannot reasonably be created by land assembly or reclamation of a brownfield site.

[Note: This Provision Incorporates by Reference: 3.07.1425(B), (C), (D), (E), & (F), which are Discussed Below].

MC 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;

Hearing Officer's Analysis: MC 3.07.1425(b)(1) requires that the Major Amendment application show a [d]emonstrated need to accommodate future urban population, consistent with a 20-year population forecast coordinated with affected local governments. " This criterion is taken word for word from the first need factor set forth in Statewide Planning Goal 14. In the context of periodic review, Factor 1 pertains to a determination of overall land need in order to accommodate population growth. In this case, the need is for additional school capacity to alleviate an overcrowding situation at the Sherwood high School. For this reason, the first need factor set forth at MCC 3.07.1425(B)(1) is to be considered, but it is not determinative by itself.

In *Residents of Rosemont v. Metro*, 173 Or App 321, 328, 21 P3d 1108 (2001), the Court of Appeals explained that "[w]e held in *Baker [v. Marion County]*, 120 Or App 50, 852 P2d 254, *rev den*, 317 Or 485, 858 P2d 875 (1993),] that factors 1 and 2 of Goal 14 are interdependent and

that, if one of the factors is not fully satisfied, or is less determinative, that factor must still be considered and discussed in deciding if a need for expansion of a UGB has been shown under factors 1 and 2 of Goal 14."

This factor requires the applicant to show, by substantial evidence in the whole record, that there is a demonstrable need for the new Sherwood High School based on a forecast that is consistent with the adopted 20-year population range forecast which has been coordinated with affected local governments.

The District and Metro staff address this provision at: Application Narrative at pp. 15, 34, App'x H; May 4, 2017, staff report ("Staff Report") at 5; June 9, 2017, Metro memo; June 13, 2017, District letter at 1-2. In particular, the applicant attempts to meet its burden of proof with the following analysis:

As described herein, the need for additional school capacity including the need for a new high school is well documented as described in Section III of the petition. The existing high school is operating overcapacity and the constraints of the existing high school site and building do not allow for feasible expansion to 2,400 students to serve long-term needs. Building a new high school will also allow the existing high school building to be converted to middle school use by consolidating the two existing middle schools to one location. This will further allow for the conversion of the two existing middle schools to elementary school use. The capacity analysis and 10-year demographic projections indicate that there will be capacity issues at all school levels if nothing is done. The proposed project will provide the long-term capacity needed.

The School District commissioned Davis Demographics & Planning Inc. to complete an updated 10-year demographic study in May of 2016. The study reviewed the following factors that determine student enrollment: (1) the current and planned residential development over the next ten years; (2) student yield factors that apply to new residential development; (3) birth factors for the District area; and (4) mobility factors, which examine the in/out migration of students within existing housing units. The forecast projects a deficiency in capacity in all levels, with the high school level having the largest deficiency. Staff Report Attachment 3 (Table 2 in petition) shows 10-year enrollment projections compared with existing school building capacity. The table demonstrates that if no capacity is added (no-build) the school facilities will be far over capacity in 10 years with the Sherwood High School having the largest capacity issue operating at 141% of capacity.

Metro's 20-year population range forecast is part of the 2015 urban growth report ("UGR"). Therein, the Metro Council determined that the region could meet the expected 20-year residential and employment forecast need within the UGB and no expansion of the UGB was needed to meet housing or employment needs. The UGR did not address specific school and park land needs. As a result, the District prepared a ten-year demographic study that supports a need for additional land for a new high school in order to accommodate future urban population. The District completed this demographic study using population and demographic projections for the cities of Sherwood and Tualatin.

The parties do not focus much, if any, of their debate on whether the population and demographic projections in the District's 10-year study are "consistent" with the assumptions in the 2015 UGR. Such as comparison is complicated by the fact that the UGR takes a high-level regional look at residential and employment needs, whereas the District's 10-year demographic study is much more narrowly focused on Sherwood's population. Nonetheless, the hearings officer reviewed both the 10-year study and the UGR and finds that there is no glaring inconsistency between them. The 2105 UGR anticipates continued high levels of growth in our region. The UGR further recognizes that there is still a considerable amount of vacant and redevelopable land located in and near the City of Sherwood. This would indicate that the District needs to be prepared to accommodate a large amount of additional school children. Given that the regional 20-year forecast did not address school and park land needs, the District's ten-year demographic study, which supplements the long-term facility plan completed in 2008, demonstrates a need to accommodate future urban population by substantial evidence in the whole record. The applicant has provided information regarding a ten-year demographic study showing a need for providing specific school facilities to meet present and future populations based on established methodologies for the proposed use. The applicant also provided written and verbal testimony from experts such as architect Karina Ruiz of Dull Olson Weekes IBI Group Architects, Inc, planner Keith Jones AICP of Harper Houf Peterson Righellis Inc, and traffic engineers Scott Mansur, P.E. and Carl Springer, P.E. of DKS Associates. Having reviewed these materials and observed their testimony, the hearings officer finds them more credible and assigns great weight to their views.

Staff is also correct when it states that even if Metro had expanded the UGB in 2015 for a 20-year housing need, there is no guarantee that the location of the added land would have accommodated the specific need for a new high school in Sherwood. ORS 197.299(4) provides a safety valve for such a situation.

The primary opponent argues that the District could only demonstrate consistency with the 2015 UGR by submitting a new 20-year demographic study. *See* letter from Jennifer Bragar dated June 23, 2017, at p. 20. The opponent points to no specific law which expressly states such a requirement, and the hearings officer does not believe that such a requirement exists. As far as the hearings officer can determine, "consistency" in this context simply means using the same or similar growth rates contemplated in the 2015 UGR, and that appears to be the case here. *See* the updated 10-year demographic study conducted by Davis Demographics & Planning Inc. dated May, 2016. This is consistent with Goal 2, which requires the factual inventories and assumptions included in the comprehensive planning documents to form the "basis for all decisions and actions related to land use." *Rivergate Residents Ass'n v. LCDC*, 38 Or App 149,

5990 P2d 1233, *rev den.* 286 Or 521 (1979); *Hildenbrand v. City of Adair Village*, 217 Or App 623, 177 P3d 401 (2008) (“Plan policies or inventories can serve to justify subsequent and related plan amendments because comprehensive plans must be internally consistent under Goal 2.”) *See also 1000 Friends of Oregon v. Metro (Ryland Homes)*, 174 Or App 406, 26 P3d 151 (2001). *Compare GMK Developments v. City of Madras*, 225 Or App 1, 199 P3d 882 (2008) (Nothing in Goal 2 itself requires the sort of continuous data correction that the opponents urge us to impose in this case).

MC 3.07.1425(B)(1) requires the District to demonstrate a need to accommodate future urban population; consistent with the demographic study contained in the 2015 UGR. The District has done that, and that is all that is required. The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

MC 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;

This factor requires the applicant to show, by substantial evidence in the whole record, that there is a demonstrable “need for land suitable to accommodate * * * uses such as * * * schools * * *.” The applicant presents its case as follows:

As described herein, the need for additional school capacity including the need for a new high school is well documented as described in Section III of the petition. The existing high school is operating overcapacity and the constraints of the existing high school site and building do not allow for feasible expansion to 2,400 students to serve long-term needs. Building a new high school will also allow the existing high school building to be converted to middle school use by consolidating the two existing middle schools to one location. This will further allow for the conversion of the two existing middle schools to elementary school use. The capacity analysis and 10-year demographic projections indicate that there will be capacity issues at all school levels if nothing is done. The proposed project will provide the long-term capacity needed.

The School District commissioned Davis Demographics & Planning Inc. to complete an updated 10-year demographic study in May of 2016. The study reviewed the following factors that determine student enrollment: (1) the current and planned residential development over the next ten years; (2) student yield factors that apply to new residential development; (3) birth factors for the District area; and (4) mobility factors, which examine the in/out migration of students within existing housing units. The forecast projects a deficiency in capacity in all levels, with the high school level having the largest deficiency. Staff Report Attachment

3 (Table 2 in petition) shows 10-year enrollment projections compared with existing school building capacity. The table demonstrates that if no capacity is added (no-build) the school facilities will be far over capacity in 10 years with the Sherwood High School having the largest capacity issue operating at 141% of capacity.

The City of Sherwood and the Sherwood School District have an intergovernmental agreement to share ballfields. The City of Sherwood owns an extensive system of parks and trails. However, the City's ballfield resources are very limited with only one soccer field located at the City's Snyder Park. In the early 1990s, prior to rapid growth in the preceding 20 years, the City took measures to protect natural resources. This included the protection of floodplains and wetland areas surrounding the Cedar Creek stream corridor that flows south to north through the center of the City limits to the Tualatin National Wildlife Refuge. The City acquired much of this land and maintains these areas as natural open space, wetlands and walking paths. Since most of the areas are sensitive and passive recreation areas, they are off limits to ballfield construction. Because Sherwood has a very active sports community, the City and School District decided to share sports fields with most of these facilities being on school grounds.

In the case of the new High School site, the City owns the approximately 20-acre parcel in the southeast corner of the property. Some of this land, approximately 4 acres, will be used for the Elwert and Kruger Road realignment and roundabout, but the remaining balance will become part of the new high school campus and allow for construction of additional ballfields to be shared with both school and City sports functions.

As documented in Section III of the petition, viable high school sites are not available within the current UGB. The only viable sites, including the proposed site, have been identified within the Sherwood West Concept Planning Area (Urban Reserve Area 5B).

The subject site ("Site C") is the best alternative site considering that it has:

- No mapped sensitive areas (habitats, wetlands or waterways),
- Gently sloping topography to allow for construction of ballfields,
- Close proximity to SW Elwert Road and Highway 99W for ease of access,
- Availability of public utilities (water and sewer),

- Available downstream discharge point for stormwater, and
- Sufficient area to provide high school campus for 2,400 students and needed City/School District shared ballfields.

As shown above, the applicant has shown a compelling need for providing specific school facilities to meet present and future populations.

The City of Sherwood and the District have an intergovernmental agreement to share sports fields with most of the facilities on school grounds. The City has an extensive system of parks and trails but sport field resources are very limited with one soccer field located in a city park. Thus, the applicant has shown there is a demonstrated land need to accommodate both school and park services by substantial evidence in the whole record. That evidence may be found in the following: Applicant's Narrative at p. 12-32, 34, Appendices C, G, H, and I; June 8, 2017, District letter pp 1-3. Additionally, the applicant demonstrated that district bond financing rules require moving ahead with the application now, rather than wait until the end of 2018. *See* letter from applicant's counsel Kelly Hossaini dated June 8, 2017, page 3 (discussing the district's finances).

The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

MC 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.

MC 3.07.1425(B)(3) requires an alternatives sites analysis showing that the needed new school cannot be accommodated within the existing UGB. This requirement stems from state law. Among other laws, Statewide Planning Goal 14 requires the applicant to consider, as part of the needs analysis, all suitable lands inside the UGB as positive alternatives, and even requires the City to consider whether zone changes could make land suitable for the project. *See Brandt v. Marion County*, 22 Or LUBA 473, 481 (1991); *Turner v. Washington County*, 8 Or LUBA 234, 258 (1982), *aff'd*, 70 Or App 575, 689 P2d 1318 (1984).

The applicant's narrative discusses MC 3.07.1425(B)(3) at p. 19-21, 34-35. For example, on pages 16-17 of the narrative, the applicant states as follows:

As evidenced by capacity study and demographic growth data, the high school level is where there is the biggest need for additional capacity both now and to a greater extent within 7 to 10 years. Therefore, the Bond Management Team first looked to the existing high school campus for opportunities for expansion to accommodate this growth.

Expansion of Existing High School

The existing Sherwood High School is located on approximately 37.8 acres of land at 16956 SW Meinecke Road. The existing high

school has capacity for 1,550 students and, as of the writing of this report, is well over capacity with an enrollment of 1,689. This growth is expected to continue with a needed student capacity of approximately 2,200 by the year 2025 and peaking at approximately 2,400 students. Therefore, the School District will need a long-term high school capacity for 2,400 students.

Expanding the existing high school campus to meet this need is problematic on many fronts due to existing size limitation and irregular configuration of the site boundaries. Further, the campus cannot expand beyond its current boundaries as the campus is completely surrounded by existing residential development to the north, south and west and Stella Olsen Park and the sensitive wetland areas along Cedar Creek to the east as shown in Staff Report Attachment 4(Figure 5 in petition).

With respect to the buildings themselves, the School District has made additions over the years to accommodate growth, but the buildings are now completely overtaxed. Based on capacity analysis performed by the School District's contract architect, DOWA, the existing high school campus could be renovated to accommodate only another 450 students. This would increase capacity from 1,550 to approximately 2,000 students. However, at 2,000 students, the school would only have capacity for 7 years requiring the School District to add capacity again down the road. In review of the School District's bonding capacity, the School District will not be in a financial position to make any changes in 7 years and would be saddled with overcapacity schools for the foreseeable future. Therefore expanding the existing campus would provide for a short-term fix but would not provide the long-term solution the District is looking for.

New High School Siting Criteria

With the determination that a new high school is needed, the Bond Management Team identified the following criteria for aid in locating sites for further consideration:

1. Minimum Size: 50 acres
2. Zoning: Site must be zoned or planned for residential or institutional use that allow schools
3. Location: Site must be in Sherwood or contiguous to Sherwood (The City of Sherwood and mostly western Sherwood is where 90% of the student population resides)
4. Topography: Flat to mostly flat to accommodate ballfields

5. Wetlands and Waterways: No wetlands or minimal wetlands/waterways
6. Water and Sanitary Sewer: Adequate public utilities must be available or can feasibly be extended to serve the site
7. Stormwater Drainage: Downstream drainage capacity must exist to accommodate new impervious areas
8. Transportation: Site must be located near major streets to allow ease of access for students and limited routing of school traffic and buses through existing or planned residential areas

Inside the Current UGB

Using Metro's Regional Land Information System, City's Residential Buildable Lands Map and concept planning documents, potential sites were searched within the Sherwood School District Boundary that is inside the Existing Sherwood Urban Growth Boundary and within the Wilsonville or Tualatin existing Urban Growth Boundary.

Northeast Sherwood (Commercial and Industrial Land)

Sherwood City Limits

The northwest area of the City of Sherwood is zoned commercial and industrial, zoning that does not allow for school uses. In addition, much of the commercial and industrial land is built-out or contains wetlands and sensitive areas that cannot be developed. The largest vacant developable site in this area is located at the southeast corner of SW Langer Farms Parkway and SW Century Drive and is only 22 acres, too small for a high school.

Tonquin Employment Area

In 2004, 300 acres of industrial land was added to the Sherwood urban growth boundary in east Sherwood, known as the Tonquin Employment Area. A concept planning document was completed for this area in October of 2010. None of the area has of yet been annexed into the City of Sherwood to allow for urban development. There is an 88 acre parcel that fronts SW Tualatin-Sherwood Road that has potential to accommodate a new high school (12900 SW Tualatin Sherwood Road – 2S128D000100). However, this parcel was added to the UGB for the purpose of providing industrial uses and not for school uses. In addition, this site is located at the far east end of the existing Sherwood city limits and is not close to the student population that predominately resides on the west side of Sherwood. Therefore, locating the

school here would result in an inconvenient and isolated high school campus in the midst of industrial uses. Thus, the site was rejected from further consideration.

South and West Sherwood (Residential Land)

The southern and western areas of Sherwood are mostly residential. Residential zoning allows for school uses. This is also where most of the School District's student population resides (more than 90% of the student population lives in southern and western Sherwood). South of the existing city limits and within the urban growth boundary is the 250-acre Brookman Road Addition Concept Planning Area (Brookman Planning Area). The primarily-residential Brookman Planning Area has a completed concept plan from May of 2009. However, the area has not yet been annexed into the City of Sherwood and therefore has not been developed for urban uses.

The City of Sherwood recently completed a draft Housing Needs Analysis dated June 2015 for the existing urban growth boundary. The housing needs analysis contained a 2014 residential buildable lands inventory map that identified vacant buildable residential land within the City's UGB including the Brookman Planning Area. The residential buildable lands inventory map identified some available residential land. However, the available land is fragmented and/or constrained with no large developable sites that would accommodate a high school campus of 50 acres. Further there is no opportunity to consolidate this fragmented land in a way that would meet the District's criteria for a high school site. The Sherwood Buildable lands map is shown in Staff Report Attachment 5 (Figure 6 in petition).

Within the Wilsonville or Tualatin Urban Growth Boundary

There are some limited areas of the Sherwood School District that are within Wilsonville and Tualatin's urban growth boundary, including the following:

Southwest Tualatin Concept Planning Area

Adjacent and east of the Sherwood Tonquin Employment Area is the Southwest Tualatin Concept Planning Area. Similar to Tonquin, this 614-acre area was added to the urban growth boundary in 2004. The area is planned for industrial use, and is even further away from west Sherwood students than Tonquin Road. Therefore, the area was rejected from further consideration.

Basalt Creek and Coffee Creek Planning Areas

Both of these planning areas are too far from the west Sherwood student population to be seriously considered. In addition, discussions with the City of Tualatin, who is leading the planning for Basalt Creek, indicates that there are no sites large enough with the correct zoning within Basalt Creek that would accommodate a new high school. The Coffee Creek planning area is designated by Metro as Regionally Significant Industrial land. This designation does not allow for school uses under any circumstances.

In summary as noted in Section III of the petition there are no suitable sites for a new high school within the current UGB to serve the Districts target population.

As noted in the findings set forth above, the District first examined the ability to expand the current high school to meet future capacity needs. However expanding the existing high school building is problematic due to existing size limitation and the configuration of the existing school campus. The current high school building includes a series of additions designed and constructed in an attempt to incrementally accommodate growth in the student population, resulting in a crowded non-operational and functional facility. Thus additional expansions to meet long term needs are not possible. In addition, the current high school campus is surrounded by residential development on three sides with the fourth side bordering a city park and natural resource area, thereby not allowing expansion of the campus itself.

The District identified eight site location criteria to help guide their search for appropriate site locations within the Sherwood city limits as well as limited areas within Tualatin and Wilsonville that are within the District boundary. The analysis of land within the city limits offered no usable sites. The city's industrial and commercial zones don't allow school uses and the vacant and developable land within the residentially zoned portions of the city is fragmented and constrained with no large enough sites available. The industrial designated land within the UGB but not in the city (Tonquin Employment Area) does contain one site large enough to meet the need; however it was included in the UGB for industrial purposes, is adjacent to existing industrial uses including an active quarry site and is located away from the main student population base. The limited land area within Tualatin and Wilsonville also include either industrially zoned land or very limited parcel sizes that does not provide an opportunity to site a high school. In addition, these areas are even a longer distance from the main student population base in the central and western portions of the city.

No opponents take issue with the applicant's analysis.

The hearings officer believes that it is relatively obvious that there are no sites within the City limits that could meet the need, even considering rezoning as an option. While there is vacant land in the existing UGB, the applicant has shown there are no suitable sites within the

UGB to meet the identified land need. The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

MC 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 the following factors:

(1) efficient accommodation of identified land needs;

Hearing Officer's Analysis: Once a local government establishes a "demonstrated need" to expand the urban growth boundary, it then must apply the Goal 14's four "locational factors." When Goal 14 was amended in 2005, the locational factors were amended to make clear that the analysis is to be comparative in nature, as opposed to establishing minimum thresholds. The rule now states:

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) efficient accommodation of identified land needs
- (2) orderly and economic provision of public facilities and services;
- (3) comparative environmental energy, economic and social consequences; and
- (4) compatibility of the proposed urban uses with nearly agricultural and forest activities accruing on farm and forest land outside the UGB. (Underline emphasis added).

Metro has taken the four state-mandated locational factors set forth in Goal 14 and expended them to nine factors. Regardless of this, the goal of the locational analysis remains the same as state law, which is to determine the "best" land to include within the UGB to meet the land need, based on appropriate *consideration and balancing* of each factor. *1000 Friends of Oregon v. Metro (Ryland Homes)*, 38 Or LUBA 565, 584 (2000), *rev'd in part on other grounds* 174 Or App 406, 26 P3d 151 (2001). In *Barkers Five, LLC v. LCDC*, 261 Or App 259, 289 (2014), the court stated that consideration of factors means that the local government must:

"(a) apply and evaluate each factor, (b) weigh and balance the factors which are not independent approval criteria-as a whole, and (c) meaningfully explain why a designation as urban or rural reserves is appropriate. "

Barkers Five, 261 Or App at 300.

OAR 660-024-0060(3) also provides guidance for how one "considers" the location factors and states:

The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the Metro UGB location, Metro must show that all of the factors were considered and balanced.

In conducting this analysis, one point that cannot be over-emphasized is that no one locational factor can be considered to be a determinative reason to include or exclude any one particular site. Thus, a decision to include or exclude land from a UGB must be based on a *balancing* of all these factors, rather than reliance on any one factor. OAR 660-024-0060(3). *See also Branscomb v. LCDC*, 64 Or App 738, 745, 669 P2d 1192 (1983)(Court held that land could not be excluded from consideration *solely* because it was agricultural land and, as such, fared badly under factor 6). *D.S. Parklane*, 165 Or App at 25; *1000 Friends of Oregon v. Metro (Ryland Homes)*, 174 Or App 406, 409-10 (2001).

A related issue is that local governments often incorrectly treat the locational factors as threshold criteria. In fact, this misunderstanding was so pervasive that at one point LUBA even wrongly suggested that each of the locational factors had a “minimum objective threshold” that had to be identified and met by each site included in a UAR/UGB. *See D.S. Parklane Development, Inc., v. Metro*, 35 Or LUBA 516, 572-3 (1999), *aff’d as modified*, 165 Or App 1, 24, 994 P2d 1205 (2000). However, on appeal, the Court of Appeals clarified that the locational factors were not intended to be applied as threshold (“go - no go”) criteria. *Id.* In other words, the intent is *not* to confirm that the preferred site was “good enough” to urbanize based on minimum threshold standards. Rather, the locational factors were intended to be “applied equally” to include lands into a UGB only “where all of the factors justify that inclusion.” *Id.* In other words, the intent in establishing these factors was to assist in evaluating and ranking which site(s) amongst *all* potential candidate sites were, relative to one another, the *best* sites to urbanize in order to meet the demonstrated land need.

With that introduction in mind, we turn to a discussion of the first factor. The applicant discusses the first locational factor as follows:

Urban reserves are lands outside the existing urban growth boundary that are considered suitable for accommodating urban development and expanding the growth boundary when additional urban land is determined to be needed over a 50-year period. The following urban reserve areas are within the Sherwood School District Boundary and are identified in Staff Report Attachment 6 (Figure 7 in petition):

Sherwood North – North of Sherwood UGB
Sherwood South – South of Sherwood UGB
Sherwood West – West of Sherwood UGB
Tonquin – South and West of Sherwood UGB
Grahams Ferry – Northwest of Wilsonville

I-5 East – East of I-5 and north of Wilsonville
Elligsen Road - East of I-5 and north of Wilsonville

I-5 East, Elligsen Road and Grahams Ferry Urban Reserve Areas
These urban reserve areas were immediately rejected from further consideration due to the distance from west and south Sherwood where the majority of the student enrollment resides. These areas are 2 to 5 miles away in a straight line and even further when traveling on the road network.

Tonquin Urban Reserve Area
This area is directly south of the Sherwood Tonquin Employment UGB area and west of the Southwest Tualatin UGB area. The Tonquin Urban Reserve area encompasses approximately 571 acres. The area has parcels large enough to accommodate the high school site. However, much of the property is mapped as containing Upland Habitat Class A (Metro Title 13) and Riparian Areas Class I, II and III (Metro Title 3). This urban reserve area and it is likely to be designated industrial and/or employment due to its close proximity to other industrial areas. This urban reserve area is on the east side of the City and not centrally located for use by the majority of the School District students. The area is further isolated by a rock bluff that forms the eastern boundary of the current urban growth boundary and Sherwood City limits. This bluff is perched above the Rock Creek stream corridor that effectively isolates this area from the existing residential neighborhoods of Sherwood. Finally, the area does not have adopted concept plan or plan for how utilities will be extended to serve the area.

Sherwood North Urban Reserve Area
This area represents slivers of land along the existing urban growth boundary at the north end of the City of Sherwood. The area was designated urban reserve because it is not within the floodplain of the Tualatin River. However, this land is not large enough to accommodate a high school site and therefore was rejected from further consideration.

Sherwood South Urban Reserve Area
This area is directly south of the Brookman Road UGB area. This area consists of rolling hills with much of the area identified by Metromap online mapping system having slopes greater than 10%. There is also two stream corridors that travel through the area with many areas mapped by Metromap as being riparian or upland habitat. One potential site is located between Oberst Road and Labrousse Road that is not mapped as having upland habitat or

riparian areas. However, this land is mapped by Metro as having slopes of greater than 10% making development of a high school campus and ballfields difficult. The biggest challenge of developing in this area is that the Brookman Road UGB area would need to be annexed and developed first before this area can be made available for development. Therefore, development in this urban reserve area is likely years away and the only promising site is at the south end of and not next to the existing Brookman Road UGB area. This area also does not have a concept plan. For these reasons, this area was rejected from further consideration.

Sherwood West Urban Reserve Area

In February 2016, Sherwood completed a Preliminary Concept Plan for the Sherwood West Planning area (aka Metro Urban Reserve Area 5B). Sherwood West encompasses 1,291 acres along the west border of Sherwood's existing urban growth boundary. The Sherwood West Planning Area is shown in Staff Report Attachment 7 (Figure 8 in petition).

Six alternative high school sites (A-F) were identified within the Sherwood West Urban Reserve Area that are large enough to accommodate a new high school. The six alternative sites (A-F) within the Sherwood West Concept Plan Area were evaluated based on site selection criteria. The site locations and evaluation criteria are indicated in Staff Report Attachment 8 (Figures 9 to 14 in petition). The School District's site alternative analysis is summarized in the table below.

(Table 1 – Alternative Sites Summary in petition)

Alternative Selection Criteria	Alternative Sites*					
	A	B	C	D	E	F
<i>Flat Topography</i>	<i>N</i>	<i>U</i>	<i>Y</i>	<i>U</i>	<i>U</i>	<i>U</i>
<i>Wetlands</i>	<i>N</i>	<i>Y</i>	<i>Y</i>	<i>U</i>	<i>Y</i>	<i>N</i>
<i>Water Service</i>	<i>N</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>N</i>
<i>Sanitary Sewer Service</i>	<i>N</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>N</i>	<i>Y</i>
<i>Storm Drainage</i>	<i>Y</i>	<i>Y</i>	<i>U</i>	<i>N</i>	<i>N</i>	<i>Y</i>
<i>* Y-Meets Criteria - N-Does Not Meet Criteria – U-Undetermined</i>						

From the site alternatives analysis, it became clear that Sites B and C were the most promising with other sites lacking utilities, having significant wetlands, drainage issues and/or significant topography that would make construction challenging. Alternative Sites B and C are located near each other both west of SW Elwert Road at SW Haide Road, just north of Highway 99W. Site C was selected due

to having more of a gentle slope and less grade changes. Most of Site C has a consistent slope change of approximately 40 feet over the length of the site with only a small valley and ridge. Site B has a more drastic slope change of 50 to 60 feet with a more defined ridge running through the middle of the site. Site B would be far more challenging to grade and develop for a high school than Site C. The Sherwood West Concept Plan contained a phasing and funding strategy. The phasing plan identified six phases (A-F). The subject site (Site C) is located within Phase A of the concept plan.

The subject site represents an efficient location because:

- The location is next to existing western Sherwood and close to the vast majority of the District's student population (90%).
- City utilities are available to serve this site or can be extended as the site is adjacent to the city limits.
- Direct and efficient access will be available via major streets that are intended to accommodate significant motor vehicle, pedestrian and bicycle needs.
- The site will be developed on the north, south and west along existing right-of-ways and will be developed to the existing City limits and UGB. This location is a logical location to develop first within the Sherwood West Concept Plan, as it is really the first site north of 99W. Other sites in Sherwood West would result in undesirable leapfrog development.
- Utilizing the approximate 76-acre site to ultimately accommodate the large 2,400-student high school and the School District/City shared ballfields will provide greater efficiency than developing play fields independently. The district and City have a long history of partnering to maximize use of shared ball field resources.

As set forth in the District's narrative and response to MC 3.07.1440(a), there is an identified need for a major amendment of the UGB to provide for a new high school site and this need cannot wait until the next analysis of the building land supply under ORS 197.299. As allowed by MC 3.07.1425(b), the District specified characteristics necessary for land to be suitable for the identified need, *i.e.*, the new high school. *See* Applicant's Narrative at 18-19, 33-35. These characteristics included a minimum site size of 50 acres; zoning that would allow for an institutional use; within or contiguous to Sherwood, where 90% of the children served by the District reside; flat to mostly flat topography; no or minimal constraints such as streams, wetlands, intact upland habitat; adequate/feasible access to public utilities, including water, sanitary sewer, and storm sewer; and near to major (collector or arterial) streets to accommodate high school-level transportation impacts. As also required by MC 3.07.1425(b), the District has demonstrated that the need for the new high school cannot be accommodated on land already inside the UGB.

As shown above, the District undertook an analysis of seven urban reserve areas that are within the district boundary, three of which are not adjacent to the city of Sherwood. The 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. MC 3.07.1425(f).

The Seven Urban Reserve Areas

Within the District's boundary, there are seven areas that contain urban reserves (*see* Application Narrative p. 22 of 39, showing map of all seven areas). They are:

- Sherwood North
- Sherwood South
- I-5 East
- Elligsen Road
- Tonquin
- Graham's Ferry
- Sherwood West

Each will be discussed in turn.

The Sherwood North Urban Reserve Area

The Sherwood North urban reserve area is comprised of slivers of land without flood plain constraints north of the existing city limits and south of Tualatin River. This area does not contain one or more contiguous parcels that would be large enough to meet any of the District's siting criteria for a high school site. Therefore, the hearings officer finds that the Sherwood North urban reserve area cannot accommodate the need for a new high school.

The Sherwood South Urban Reserve Area

The Sherwood South urban reserve area is adjacent to the Brookman Road UGB area. Some of the Brookman Road UGB area was recently annexed to the city, but much of it still has not been annexed. The Sherwood South area consists of rolling hills with much of the area identified by Metro Map as having slopes greater than ten percent, which would not meet the District's siting criterion of a flat to relatively flat site. (See Attachment 3.) There are also two stream corridors that traverse the area with many areas mapped by Metro as being riparian or upland habitat. (See Attachment 4.) There is a potential site located between Oberst Road and Labrousse Road that is not mapped as being constrained by upland habitat or riparian areas, but is mapped as having slopes greater than ten percent, which would not meet the District's siting criterion for a flat to relatively flat site. A challenge in the overall development of this area is that the Brookman Road area within the UGB must be annexed and developed first before the Sherwood South area will have the public services it needs to be able to develop. Further, Sherwood South is not even concept planned yet. As far as the hearings officer is aware, no such planning has been scheduled. As noted earlier, MC 3.07.1110 requires that urban reserve areas be concept planned before they be considered for inclusion in the UGB. As set forth in response

to MC 3.07.1440(a) there is a pressing need for the new high school. To wait at least one or more years for the City to concept plan the Sherwood South urban reserve area under MC 3.07.1110 is not consistent with the pressing need for the new high school that precipitated this major amendment application. Therefore, the hearings officer concludes Sherwood South cannot accommodate the need for a new high school.

The I-5 East Urban Reserve Area

The I-5 East urban reserve area is at the extreme eastern end of the District's boundary, east of I-5, next to Tualatin. This urban reserve area does not meet the District's siting criterion that the new high school site be within or contiguous to Sherwood, where 90% of the children served by the District reside. Further, as set forth in the staff report, these urban reserves are constrained by natural resources issues and steeper slopes yielding no buildable areas big enough to accommodate a new high school. For all of these reasons, the hearings officer finds and concludes that this urban reserve cannot accommodate the new high school.

The Elligsen Road Urban Reserve Area

Similarly, the Elligsen Road urban reserve area is at the extreme eastern end of the District's boundary, east of I-5, next to Tualatin, and immediately south of the I-5 East urban reserve area. This urban reserve area does not meet the District's siting criterion that the new high school site be within or contiguous to Sherwood, where 90% of the children served by the District reside. Travel to western Sherwood would be at least five miles for the vast majority of students along the already-congested Tualatin-Sherwood Road (*see* Application Narrative p. 22 of 39, showing map). Further, as set forth in the staff report, these urban reserves are constrained by natural resources issues and steeper slopes yielding no buildable areas big enough to accommodate a new high school. For all of these reasons, the hearings officer finds and concludes that this urban reserve cannot accommodate the new high school.

The Tonquin Urban Reserve Area

The fifth urban reserve is the Tonquin urban reserve area. This area lies on the east side of Sherwood and is contiguous to Sherwood's city boundary. As set forth in the Narrative, this urban reserve area is directly south of the Sherwood Tonquin Employment UGB area and, according to Julia Hajduk, the City's Community Development Director, will be used to accommodate the City's future industrial and employment needs given its proximity to other industrial uses and Sherwood's employment/industrial core. Therefore it is not likely to allow for zoning for an institutional use. As noted in the staff report, another issue with building a new high school in this area is that the majority of adjacent land within the UGB is not yet developed to urban standards. Any out-of-sequence development in this area, then, would require a costly and inefficient extension of public services. Further, much of the property in this urban area is mapped as containing Upland Habitat Class A (Metro Title 13) and Riparian Areas Class I, II, and III (Metro Title 13). (See Attachment 1.) This area is further isolated by a rock bluff that forms the eastern boundary of the current UGB and city limits. This bluff is perched above the Rock Creek stream corridor that effectively isolates the area from the existing residential neighborhoods of Sherwood, thereby making it less efficient to serve the student population

given that the bulk of that population is in the southern and western areas of the city. Significant areas of the urban reserve also have substantial slopes of ten percent and greater, along with floodplain constraints, which would not meet the District's siting criterion of a flat to relatively flat site. (See Attachment 2.) Further, this urban reserve area does not have a concept plan in place or a plan for how utilities might be extended to serve the area. Concept planning has not been completed for this area. MC 3.07.1110 requires that urban reserve areas be concept planned before these areas can be considered for inclusion in the UGB. As set forth in response to MC 3.07.1440(a) there is a pressing need for the new high school. To wait at least one or more years for the City to concept plan the Tonquin urban reserve area under MC 3.07.1110 is not consistent with the pressing need for the new high school that precipitated this major amendment application.¹² Therefore, the hearings officer concludes the Tonquin urban reserve area cannot accommodate the need for a new high school.

The Grahams Ferry Urban Reserve Area

The Grahams Ferry urban reserve area is at the District's extreme southeast boundary next to Wilsonville. This urban reserve areas meet the District's siting criterion that the new high school site be within or contiguous to Sherwood, where 90% of the children served by the District reside. Travel to from Graham's Ferry to western Sherwood would be at least seven miles for the vast majority of students along the already-congested Tualatin-Sherwood Road (*see* Application Narrative p. 22 of 39, showing map). Further, as set forth in the staff report, this urban reserve area is constrained by natural resources and steeper slopes yielding no buildable areas big enough to accommodate a new high school. For all of these reasons, the hearings officer finds and concludes that these urban reserves cannot accommodate the new high school.

The Sherwood West Urban Reserve Area

The seventh and final urban reserve area studied was Sherwood West. The hearings officer finds this is the only urban reserve area that can efficiently accommodate a new high school consistent with the citing criteria, for these reasons: Sherwood West has been MC 3.07.1110 concept planned and so may be considered for inclusion within the UGB. Sherwood West is adjacent to the city's existing UGB and in close proximity to the bulk of the District's student population. The area is planned for predominantly residential uses, including schools, and so as Sherwood West develops even more of the student population will reside in the vicinity of the proposed high school site. The District studied the 1,291-acre Sherwood West urban reserve for places within it that could accommodate a new high school site. The applicant District did this by utilizing an engineer and architect to evaluate all sites in the urban reserve that were flat to relatively flat; had a minimum buildable site size of approximately 50 acres or more; no or minimal constraints from streams, wetlands, and intact upland habitat; adequate/feasible access to public utilities; and proximity to a major (collector or arterial) street network. Findings addressing MC 3.07.1425(c) can be found in the Narrative and in the staff report. The applicant District included an analysis of the six areas within Sherwood West. Therefore, the hearings officer finds that, given the framework of MC 3.07.1425(b) and (c), no urban reserve except for

¹² Urban Reserve Areas are intended to provide a 50-year supply of land. Given that the City has no plans to complete a concept plan for the area, and because contiguous areas within the UGB would need to develop first to extend the needed infrastructure, it is safe to conclude that development of this area is at least several years away.

Sherwood West should advance to MC 3.07.1425(c) to determine which urban reserve can best meet the identified need, because no other urban reserve can meet that need.

The Six Sites Studied within the Sherwood West Urban Reserve Area

The District identified six sites (designates Sites A through F) within the Sherwood West urban reserve area that were large enough to accommodate a new high school campus. Each of the six is discussed in turn:

Site A – The hearings officer finds this site cannot efficiently accommodate the new high school due to slope, natural area constraints, public infrastructure issues or a combination of these factors. There is a small wetland in the center of this site. The western portion is mostly occupied by Chicken Creek. There is no water service available from SW Elwert Road, and water extensions would be required along Elwert frontage and east from SW Edy Road. The site is low-lying and sanitary sewer connection is not available from SW Edy Road, so a major pumping station would have to be built.

Site B - The hearings officer finds this site *could* possibly accommodate the new high school. However, it has a significant ridge running through the middle of the site, which would require extensive grading, with slopes running both east and west with a 50-60 foot grade change. Both public water and a 15” sanitary sewer pipe are available off SW Elwert Road.

Site C - This site is quite flat, with no more than a 40 foot grade change required. It has water and sewer connections off SW Elwert Road. There are no wetlands. The hearings officer finds that Sites B and C are the two areas that can most efficiently accommodate a new high school, but Site C is clearly superior because Site B has a significant topographic ridge running north-south through the middle of the site with an approximately 50-60 foot grade change. Site C has less topography to manage, which is important when one considers that ballfields, tracks, and other sports facilities needed as part of the new high school cannot be developed on slopes. Therefore, the hearings officer concludes and finds Site C can most efficiently meet the identified need of a new high school.

Site D - The hearings officer finds this site cannot efficiently accommodate the new high school due to slope, natural area constraints, and public infrastructure issues. The entire site slopes down to the east towards private property, with a grade change in excess of 50 feet. There is no sanitary sewer service available. A very costly sewer line extension and public system improvements would be necessary. There are no established public storm drains in the vicinity. Street improvements on Kruger Road and offsite improvements would likely be required. Sites D also suffers from not being adjacent to the existing Sherwood UGB, which means more land would be required to be brought into the UGB than is necessary for the school site in order to ensure contiguity and public infrastructure would have to be extended further to serve the new high school, which is inefficient and expensive.

Site E - The hearings officer finds this site cannot efficiently accommodate the new high school due to slope, natural area constraints, and public infrastructure issues. The entire site slopes down to the east towards Highway 99, with a grade change around 75 feet. There is no

sanitary sewer service available. A very costly sewer line extension and public system improvements would be necessary. There are no established public storm drains in the vicinity.

Site F - The hearings officer finds this site cannot efficiently accommodate the new high school due to wetlands, drainage, powerlines, and lack of public water supply. While quite flat, this site has wetlands, drainage, and a BPA power line easement running through it. While there is a nearby sewer line, there is no water line, and costly improvements would have to be made to supply the school with drinking and irrigation water as well as meeting firefighting needs. Site F is further constrained by a BPA easement that cuts diagonally through what would otherwise be the flattest, least constrained part of that area and this flat area is segregated from the existing UGB by Chicken Creek and protects a riparian corridor. Site F also suffers from not being adjacent to the existing Sherwood UGB, which means more land would be required to be brought into the UGB than is necessary for the school site in order to ensure contiguity and public infrastructure would have to be extended further to serve the new high school, which is inefficient and expensive.

Conclusion of the Alternative Sites Analysis for the Six Sites in Sherwood West

The District evaluated the alternative sites related to five selection criteria noted above and determined that four of the six sites (A, D, E & F) lacked utilities, had significant wetlands, drainage issues or topography that restricted the ability to efficiently accommodate the identified land need. In addition, site D is not adjacent to the current UGB and therefore would create an island of urban land which is not allowed under Metro Code. Areas B & C better met the selection criteria with site C being the best site due to less grading and site work to accommodate the identified land need. Based on the urban reserve areas analyzed site C in the Sherwood West urban reserve best meets the need considering efficient accommodation of the identified land need. For these reasons, the hearings officer concludes and finds that proposed Site C (on the northwest corner of SW Elwert and Kruger Roads) can most efficiently meet the identified need of a new high school.

MC 3.07.1425(c)(2): 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:

(2) the orderly and economic provision of public facilities and services.

Hearings Officer's Analysis: This suitability factor focuses on the orderly and economic provision of public facilities and services. Because Sherwood West has been concept planned pursuant to MC 3.07.1110, the provision of public facilities and services within the Sherwood West Concept Plan area has been studied to a larger degree than other URAs. The Sherwood West Concept Plan was prepared with analyses of existing sanitary sewer, water, storm water, and transportation conditions and analyses of how those systems need to be upgraded, extended, and phased to meet the future development of Sherwood West. (See Sherwood West Concept Plan, pages 15-21, 40-44, Appendix 3 (Existing Conditions Report), and Appendix 8 (Transportation Options Alternative Analysis Report and Cost Estimates). The concept plan was prepared in coordination with all of the future service providers, including those services that

will be provided by the City and those that will be provided by others, including Clean Water Services, ODOT, Tualatin Valley Fire & Rescue, and Washington County. (See Sherwood West Concept, acknowledgements page and Appendix 6 (Service Provider Interviews). The District was also part of the Technical Advisory Committee that informed the concept planning effort. Because all of this extensive analysis and coordination work had already been done for Sherwood West, the District used that work as the jumping off point for its analysis of the area for orderly and efficient accommodation of public services.

As demonstrated in the Narrative, pages 24-31, four of the six sites (A, D, E, and F) have significant barriers to provision of public infrastructure. Sites B and C have the fewest barriers and are most feasible for public infrastructure service. This is consistent with the findings of the Sherwood West Concept Plan, which anticipates phasing public infrastructure to serve the area encompassed by Sites B and C first, i.e., Area A. (See Sherwood West Concept Plan, pages 40-44.) Service provider interviews conducted as part of the concept planning effort also identified Area A as the "first stage development area." (See Sherwood West Concept Plan, Appendix 6, page 5.) It is also worth noting that, according to the concept plan, Area A of the concept plan has most infrastructure in place, "presents the best near-term opportunity for development in Sherwood West," and the cost to serve is on the lower end of the cost scale. (Sherwood West Concept Plan, pages 42-43.) The District also engaged a licensed traffic engineer to prepare the March 15, 2017, Sherwood High School UGB Expansion Transportation Study (the "Transportation Study") to address effects of a new high school on Site C on the surrounding transportation system. The Transportation Study found that, with appropriate mitigation, Site C can accommodate the new high school while maintaining an adequate transportation system. See also District's findings in response to Goals 11 and 12 with respect to the provision of public facilities and services to Site C.

As part of this UGB amendment application effort, the District obtained service provider comments from the City of Sherwood, Washington County, Tualatin Valley Fire and Rescue, and Clean Water Services, all of whom supported the siting of the new school on Site C from an infrastructure provision standpoint, consistent with the Sherwood West Concept Plan.

In sum, Sites B and C best meet the need for a new high school considering the orderly and economic provision of public services per the Sherwood West Concept Plan and the District's own analysis.

The primary opponent makes only a desultory effort to challenge the applicant's proposed findings. See letter from Jennifer Brager dated June 23, 2017, at p. 7. Ms. Brager concludes, without much in the way of analysis, that "Site C is unworkable." The only evidence that the opponent cites as support for this theory is the DKS Traffic Study dated March 15, 2017, which shows that currently there are several failing intersections in the vicinity. However, failing intersections is not in any way determinative when considering the locational factors.

The proposed site has positive attributes from the transportation and traffic perspective. The site is close to the area's major north-south highway (Highway 99) and east-west arterial (the Tualatin-Sherwood Road). It has a relatively flat topography, reducing hazards in wet or snowy conditions. With the planning modifications, the site will have adequate access and

capacity for peak school commuting times (7.15 to 8 am and 2.50 to 3:45 pm). Road widths and sightlines will be sufficient for safety purposes, an important consideration for less-experienced drivers, such as high school juniors and seniors.

The traffic issue has been addressed by un rebutted evidence from the applicant's civil and traffic engineers - the *only* expert testimony in the record - and is belied by the fact that all of the public service providers for the Sherwood West area, including Washington County, the City of Sherwood, and Clean Water Services, submitted service provider letters that support the new high school on Site C, and state that such services can be provided. (*see* Appendix to the Application Narrative for copies of these letters).

At the public hearing, local residents Carolyn McBee and Karen Labahn raised issues of traffic safety at the proposed site, specifically on Kruger and Elwert Roads. They testified, convincingly, that the roads abutting the preferred alternative site are rural in nature and not capable of handling the traffic generated by the school. As the hearings officer emphasized at the hearing, the analysis is comparative in nature. A site does not have to be good; it just has to be better than the alternatives. This is true even if all of the alternatives are objectively bad. In fact, it will undoubtedly be the case that the roads in all seven of the candidate urban reserve areas are rural in nature and incapable of handling urban levels of traffic. At this stage, the analysis is high level and really only focused on identifying issues that made any one site particularly good or horrendously bad in relation to the others.

In this case, the applicant's traffic engineers Scott Mansur, P.E. and Carl Springer, P.E. of DKS Associates wrote the following in a June 28, 2017 memorandum:

DKS prepared the March 15, 2017, Sherwood High School UGB Expansion Transportation Study ("March Transportation Study"). The March Transportation Study assesses the proposed UGB amendment impacts and identifies a roster of system improvements for the short-term and long-term. This study acknowledges that several local intersections are heavily congested during peak hours, and that the rural street infrastructure nearby the proposed UGB amendment site does not meet either the City's or the County's facility design standards today. What this study also tells us, however, is that with proper mitigation the proposed school site can be adequately served with transportation infrastructure. The next step in the planning process is the post-UGB amendment Title 11 planning, as required by Metro, and it is during that process that the next transportation planning steps will be taken. These planning steps include designating urban zoning and land use types within the newly added UGB area. During this stage, we will engage in additional technical studies, including a second transportation impact study, to (1) refine the specific project needs, (2) ensure that the Transportation Planning Rule is met, (3) ensure that performance standards can be maintained over time, and (4) ensure that a safe transportation network is provided for the new

high school. Based on our transportation analyses so far, we are confident that the Sherwood School District can provide adequate state and local transportation facilities to support the proposed Site C high school.

While the residents' traffic safety concerns are well meant, and taken seriously by the hearings officer, the engineers are undoubtedly correct that the applicant's preferred alternative site can be improved with reasonable cost expenditure. The improvements discussed at the hearing were typical of what one would expect when land urbanizes, and do not involve any highly extravagant technical solutions such as bridges over wetlands / streams, or expensive highway overpasses. The hearings officer had the opportunity to evaluate these engineering experts and considers their representations highly credible. No evidence was presented pertaining to other sites that would suggest that any other site would be significantly better from a transportation standpoint, and several of the sites required more expensive improvements.

The opponents argue that the applicant gamed the system by counting traffic in the middle of winter. *See* letter from Jennifer Brager dated June 23, 2017, at p. 8. Again, this argument seems to lose focus of the intended exercise. That argument might have merit if the applicant's traffic engineers had performed their traffic counts at some locations in winter, but at other locations in summer (when traffic is lighter because school is out of session and many workers are not commuting, due to vacations). That did not happen. The applicant's traffic study clearly states:

To perform the intersection analysis, traffic counts were collected during the AM peak (7:00 – 9:00 am) on Feb 1, 2017 and the PM peak (4:00-6:00 pm) on Jan 31, 2017. Study intersections on ODOT facilities (i.e. OR 99W) were analyzed using estimated 30th highest hour traffic volume (30 HV) conditions. The 30 HV development process for existing conditions *includes the determination of seasonal adjustments*. (DKS "Sherwood High School UGB Expansion Transportation Study" dated March 15, 2017, p. 9, italic emphasis added).

Site C is located in close proximity to existing urban arterials, which in and of itself makes it a better site as compared to alternatives such as Sites D and F, which are more isolated and remote. Sites A, E, and F will be more expensive to develop than Sites B and C. Sites D and F suffer from not being contiguous with the existing UGB and so public infrastructure would have to be extended further, out of sequence, to reach those sites. This creates a significant unnecessary expense. Further, sites with steeper topography and natural resource constraints, like Sites A, D, E, and F will also be more costly to develop. Sites B and C will cost less than the other sites to develop, but Site C will cost even less than Site B due to its flatter topography.

The hearings officer wishes to emphasize that the public will have many additional opportunities to comment on and influence the types of transportation improvements that will be built.

MC 3.07.1425(c)(3): 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:

(3) comparative environmental, energy, economic, and social consequences.

A comparison of the six sites with respect to environmental, energy, economic, and social consequences of development is set forth below:

Environmental Consequences: There are areas within Sherwood West that have significant natural resources within them. The maps at Figure 6 of the Sherwood West Concept Plan and Appendix B of Appendix 3 of the Sherwood West Concept plan are instructive in this regard. From those maps one can see that Sites A, D, and F have significant areas of floodplains, wetlands, protected stream corridors, and inventoried wildlife habitat. In contrast, Sites B and C have little to no environmental resources on them. Further, Sites B and C are closest to the city's existing urban core, which give them the most direct transportation connections, thus limiting air quality degradation. Therefore, development of these sites with a high school would have the least negative environmental consequences of all of the alternative sites.

Energy Consequences: From an energy standpoint, all of the sites are reasonably close to the bulk of the student population to be served, but Sites E and F are more remote. This will be exacerbated as Sherwood West develops with mostly residential uses. Sites A, B, C, and D are most centrally located, which will allow more students to walk and bike to school and reduces the number of students being bused and driven to school, and allows for the least vehicle miles traveled for those who use cars and buses. Site D would require an out-of-sequence extension of public infrastructure to the more interior of the urban reserve, however, which ticks its adverse energy consequences somewhat higher than Sites A, B and C.

Economic Consequences: Public bond dollars are finite and must not be wasted. Taxpayers expect that school districts will be good stewards of the public money and building new school facilities is no exception. Being more remote from the existing urban area and public infrastructure, Sites A, E, and F will be more expensive to develop than Sites B and C. Sites D and F suffer from not being contiguous with the existing UGB and so public infrastructure would have to be extended further, out of sequence, to reach those sites. This creates a significant unnecessary expense. Further, sites with steeper topography and natural resource constraints, like Sites A, D, E, and F will also be more costly to develop. Sites B and C will cost less than the other sites to develop, but Site C will cost even less than Site B due to its flatter topography. The effect of topography on the cost of building a high school site with its need for ball fields and other sports facilities should not be underestimated. Even small amounts of slope will have significant, expensive consequences on a school site due to the cost of grading.

Site C has another factor that weighs in its favor over Site B, which is that Site B contains a number of single-family residences that would have to be purchased and demolished to build the new high school. Purchasing houses to tear them down is not a good use of bond dollars if it can be avoided. Therefore, Site C clearly comes out ahead in this consideration.

Social Consequences: Siting the new high school in the most centrally located area possible is important to fostering a sense of civic and school pride. Although high schools can have fairly significant impacts on an area, they should be sited where the bulk of the population resides and be a use that brings people together in a place that the citizens identify as an integral part of their community. One of the alternatives that the District considered in its facilities planning to alleviate the capacity issue at the existing Sherwood High School was building a second high school. The community, however, was very much opposed to that idea. A small, cohesive community like Sherwood wants to remain bound together not divided by different allegiances to different high schools. All of the sites analyzed in Sherwood West would be superior to any sites in any other urban reserve for these reasons alone; however, within Sherwood West Sites B and C are most centrally located - both now and in the future as the city continues to grow to the south and west. Even so, development of Site B has a more immediate social consequence that Site C does not have. There are a number of residences in Site B that would have to be purchased and demolished in order to develop the new high school. Displacing residents from their homes needlessly is a very adverse social consequence and should not occur if it can be avoided, which in this case it can. Therefore, Site C comes out ahead here, too.

Conclusion: Sites B and C are the two sites that come out the most favorably when one factors in the environmental, energy, economic, and social consequences. However, Site C edges ahead of Site B due to Site B's increased adverse economic and social consequences.

MC 3.07.1425(c)(4): 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

- (4) 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 Analysis: The District identified a number of site characteristics that a new site would need to meet in order to accommodate a new high school. As discussed above, is one urban reserve area that can efficiently accommodate a new high school - Sherwood West. Sherwood West has been MC 3.07.1110 concept planned and so may be considered for inclusion within the UGB. Sherwood West is adjacent to the city's existing UGB and in close proximity to the bulk of the District's student population. The area is planned for predominantly residential uses, including schools, and so as Sherwood West develops even more of the student population will reside in the vicinity of the proposed high school site. The District studied the 1,291-acre urban reserve for areas within it that could accommodate a new high school site. The District did this by utilizing an engineer and architect to evaluate all sites in the urban reserve that were flat to relatively flat; had a minimum buildable site size of approximately 50 acres or more; no or minimal constraints from streams, wetlands, and intact upland habitat; adequate/feasible access to public utilities; and proximity to a major street network. This analysis yielded six sites, which were then ranked according to the site criteria.

With respect to how the six sites meet the need for a new high school considering the compatibility of proposed urban uses with nearby agricultural and forest activities, it is important to note that the entire Sherwood West area is slated for eventual urban development, regardless of the current uses and zoning of land within it. It was designated as an urban reserve instead of a rural reserve partly due to its small-scale, intermittent farming and forestry activity, parcelization, and rural residential development. That said, urbanizing land that is adjacent to existing urban development is more consistent with this boundary location factor than urbanizing land further into the undeveloped portions of an area, which will likely remain in rural use much longer whether the new high school is built in the area or not. Sites A, B, and C are closest to existing urban development. Sites D, E, and F are more remote from existing urban development. Therefore, in this respect, A, B, and C will have fewer impacts on any nearby agricultural and forest activities. Site A does not appear to have any adjacent agricultural or forest activities occurring adjacent to it. The other sites have very minor to small amounts of agricultural activities occurring on adjacent land. Therefore, none of the sites would appear to have much impact on agricultural or forest activities. Given the sites' rough equivalency in this regard, Sites B and C are the least costly to serve and most readily developable according to the Sherwood West Concept Plan, so developing in those areas "now" will have fewer impacts on nearby agricultural and forest activities than jumping ahead to an area that might have otherwise remained rural for the next 20 years. This gives Sites B and C the edge in considering this factor.

MC 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

(5) equitable and efficient distribution of housing and employment opportunities throughout the region.

Hearings Officer's Analysis: This factor is not directly relevant to the siting of a new high school and therefore is not determinative in any way.

MC 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

(6) contribution to the purposes of Centers and Corridors.

Hearings Officer's Analysis: This factor is not found within Statewide Planning Goal 14 but is instead a consideration created internally at Metro. According to Metro's 2040 Growth Concept Map, the proposed site is not in a Regional or Town center, nor is it directly on a Corridor. Site A is closest to a Corridor, but as staff pointed out in the staff report, it is mostly undeveloped or in single-family residential use. None of the other sites are close enough to any Centers or Corridors to contribute to them at this point in time. Therefore, none of the alternatives support the purposes of Centers and Corridors in any significant way.

MC 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:

(7) protection of farmland that is most important for the continuation of commercial agriculture in the region.

Hearings Officer's Analysis: This factor is not found within Statewide Planning Goal 14 but is instead a consideration created internally at Metro.

As noted by staff in the staff report, Metro and Washington County completed an urban and rural reserve process that designated the most important land for commercial agriculture in the county as rural reserve and the land most suitable for urban development as urban reserve. This means that development within any urban reserve will, at least presumptively, protect farmland that is most important for the continuation of commercial agriculture in the region.

However, this factor seems to reach beyond that concern and require further differentiation of urban reserve areas, at least to the extent that any of these urban reserves are still in commercial agricultural production. Of the six sites studied in Sherwood West urban reserve area, none appear to have any significant commercial agriculture. As such, it seems their agricultural output does not form a significant component of the Sherwood area's economy.

The applicant points out that development of sites within an urban reserve that are closest to the existing UGB and to areas within the UGB that actually contain urban-level development, helps to keep agricultural and forest land further from the UGB and urban areas in unaffected operation until such time as urban development grows further in that direction.

MC 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

(8) avoidance of conflict with regionally significant fish and wildlife habitat.

Hearings Officer's Analysis: This factor is not found within Statewide Planning Goal 14 but is instead a consideration created internally at Metro.

The Sherwood West urban reserve has some significant fish and wildlife habitat within in it, much of which is associated with Chicken Creek. According to the Sherwood West Concept Plan, Steelhead (*Oncorhynchus mykiss*), a federally listed species, are known to exist within Chicken Creek. Sites located closer to Chicken Creek would therefore tend to be less suitable for this project.

All of the sites *except* for Sites B and C are constrained by a significant or moderate level of natural resources:

Site A has a wetland right in the middle, and the entire western portion of this site is mostly creek, and its drainage discharge is right into Chicken Creek (see Narrative, p. 25).

Site D has creek drainage running through the southern portion of the site. Since there is no established public storm drainage anywhere in the vicinity, so a costly system to route storm discharge would have to be built with input from the City of Sherwood and Clean water Services to avoid negatively impacting significant fish and wildlife habitat.

Site E is steeply sloped down to the east towards Highway 99, with a grade change around 75 feet. There are no established public storm drains in the vicinity. so a costly system to route storm discharge would have to be built with input from the City of Sherwood and Clean water Services to avoid negatively impacting significant fish and wildlife habitat.

Site F has creek drainage and potential wetlands running through the entire site (see Narrative, p. 30), so extensive mitigation measures could be required to avoid negatively effecting significant fish and wildlife habitat.

As shown on Figure 6 of the Sherwood West Concept Plan, the western edge of Site B abuts a tributary of Chicken Creek and includes some associated wildlife habitat. Site C has no such identified resources, and, therefore, the hearings officer concludes and finds that Site C best avoids conflicts with regionally significant fish and wildlife habitat.

MC 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

(9) a clear transition between urban and rural lands, using natural and built features to mark the transition.

Hearings Officer's Analysis: This factor is not found within Statewide Planning Goal 14 but is instead a consideration created internally at Metro.

The boundaries of Sherwood West do not appear to have been designated according to providing a clear transition between urban and rural reserves using natural or built features. It is bisected in large part at its northern end by Chicken Creek. But Chicken Creek will not form a natural barrier between urban and rural uses, as the Sherwood West Concept Plan contemplates development on either side of the creek. So, Chicken Creek will end up being a natural area within an urban area - not a boundary between urban and rural uses. Because the boundaries of Sherwood West were not created according to natural or built features, and because all of the six sites studied within Sherwood West for a new high school are internal to Sherwood West and will eventually be in the midst of other urban area, this factor is not particularly relevant to this application. Even so, as staff notes in the staff report, there are no built or natural features that would mark even an internal transition from urban to rural lands for Sites C and E. Site B is flanked by Chicken Creek, which could form such a barrier, but, again, there will be urban development on the other side of that "barrier" one day. Site A is also flanked by Chicken Creek, but the creek and natural resources associated with that site also limit the development

potential of that site for a new high school. Further, there will be urban development on the other side of those natural barriers one day, so they will not really mark the transition that this factor contemplates. Site D has some natural resources on it that could provide a barrier of sorts, but which also reduce the buildable area, and, again, the concept plan does not contemplate these natural areas being any sort of permanent barrier between urban and rural uses. Site F has a large amount of wildlife habitat, but that habitat, too, cuts into the buildable area and will provide no such barrier as contemplated by this factor.

Hearings Officer's Analysis and Summary of the Nine MC 3.07.1425(c) Locational Factors

In summary, little weighing and balancing is needed in this case, because the applicant's preferred alternative, Site C, nearly always came out as the site that best met the intent of each individual factor. With respect to two factors, Sites B and C equally met the intent of the factor, and with respect to another factor Site B came in a fairly close second to Site C. All in all, however, Site C best met all of the factors. In sum, all of the factors were applied and evaluated, and on-balance, Site C came out ahead. Thus, whatever weighing and balancing of all of the nine locational factors with respect to the six sites that could potentially accommodate a new high school is required, the Hearings officer finds that the applicant's analysis clearly demonstrates that the proposed site, Site C, better meets the applicable locational factors than the other sites.

No discussion presented by any opponent to the contrary is convincing. In disputing the District's location factor analysis, the primary opponent pointed to individual aspects of different sites and argued why it believed those aspects made one site better than another with respect to a given, discrete aspect. The opponent's sniping is ineffective, however, because unlike the applicant, the opponent did not evaluate the sites *holistically* based on the nine enumerated factors. Stated it another, it may be the case, that some of the alternative sites fair better than the applicant's preferred alternative in some particular or another. No site is perfect, after all, and each site has its positives and its negatives. However, when viewed as a whole, on balance, the applicant's preferred alternative fairs the best over the broadest consideration of the nine factors. Therefore, the opponent failed to demonstrate that the MC 3.07.1425(C) factors findings are deficient.

The opponent also argues that Sherwood South cannot be ruled out as a possible area for the Major Amendment even though it has not been concept planned under MC 3.07.1110, because MC 3.07.1110(6) provides that such an area can be added even if it has not yet been concept planned. *See* Brager letter dated June 23, 2017 at p.7. MC 3.07.1110(6) states:

"If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection (a), then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to forecasted growth."

First, the MC 3.07.1110(6) exception is restricted to situations where "the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan." There is no evidence that any local governments responsible for a concept plan for Sherwood South are unable to reach agreement on that concept plan. In fact, there seems to be no question that the City of Sherwood will be planning for Sherwood South-it just hasn't done it yet, and has no current plans to do so. Second, the fact that no pre-UGB expansion concept planning has been done for Sherwood South is just one of many reasons the District gave for why Sherwood South ceased to be considered as a viable area for the new high school. The opponent has not pointed to an area within Sherwood South that would meet the District's siting criteria. In fact, in the opponent's June 23, 2017, letter, the opponent points to "a large block of property" south of the recent Brookman Road annexation area, but then appears to agree that it is too sloped to work as a high school site. See Letter from Jennifer Brager dated June 23, 2017, at p.6.

Metro Code section 3.07.1425(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.*

Hearing Officer's Analysis: The proposed expansion is within an urban reserve. This criterion is not relevant because the site and surrounding properties to the north, east and south are within an Urban Reserve area (no property within or next to the subject site is outside of urban reserve areas).

This criterion is not applicable.

Metro Code section 3.07.1425(E): The Council may not add land designated rural reserve to the UGB.

Hearing Officer's Analysis: The proposed expansion is not within a rural reserve. This criterion is not relevant because the subject site and surrounding properties to the north, east and south are within an Urban Reserve area.

This criterion is either not applicable or has been met.

Metro Code section 3.07.1425(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.

Hearing Officer's Analysis: The subject site and the remaining portion of the Sherwood West urban reserve are adjacent to the City of Sherwood. The transformation of this area from rural to urban represents a logical and methodical way to enlarge an urban area, which will not create an island of urban development outside of the UGB.

The proposed expansion will not create an island of urban land outside the UGB or an island of rural land inside the UGB. The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

Metro Code section 3.07.1440 (B)(1) The applicant shall also demonstrate that:

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

Hearing Officer's Analysis: The applicant addresses this criterion as follows:

The proposed major amendment site is surrounded by land that is either within the City of Sherwood or the Sherwood Urban Reserve Area 5B (aka Sherwood West Preliminary Concept Plan Area) (see Attachment 6). The land in the City located north and east of SW Elwert Road is fully urbanized with single-family subdivisions and constructed houses. City land located south and east of SW Elwert Road is the location of the Sherwood Elks Lodge. The Elks Lodge site contains a large area of vacant land around the existing building and parking lot. The Elks Lodge and undeveloped surrounding land is zoned Low Density Residential (LDR).

Land to the north, south and west is currently rural and within the urban reserve area (Sherwood West Concept Plan). This County land is zoned Agricultural Forest (AF) and is a patchwork of sites zoned AF-5, AF-10 and AF-20 with the subject site zoned AF-20. AF-5 has a minimum lot size of 5 acres, AF-10 of 10 acres and AF-20 has a minimum lot size of generally 80 acres. The surrounding property has been highly parcelized and consists of a patchwork of small forests/farms and rural residential properties with none more than 80 acres and many under five acres in size.

The site is compatible with surrounding residential properties as the property has separation provided by existing streets on the north (Haide Road), south (Kruger Road) and west (Elwert Road) boundaries. The eastern boundary consists of mostly forestland with only one house near the site boundary near the northwest corner of the site. All school traffic will be able to access the site

from Elwert Road and will not be routed through existing or proposed residential areas or streets.

While the development of a school site will be the first urban development in the Sherwood West Concept Plan Area, the regional and local plans anticipate redevelopment of this entire area for primarily residential land. Schools typically locate within residential areas and are considered to be compatible with residential land uses when the impacts of the school on residential uses are considered within the design.

The first urban development projects to occur within rural areas typically can 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 will provide the opportunity for subsequent urban developments to be oriented and designed to optimize their physical relationship with the school. This will allow the development of future Sherwood West properties to “grow up together” compared to infilling a large public facility into an established residential neighborhood.

The subject site borders the UGB on the east along SW Elwert Road. Adjacent land uses include single family homes and the Sherwood Robin Hood Elk Lodge that also includes some vacant land that is zoned for residential use, which is expected to develop over time. Directly to the southeast across Highway 99W is the Sherwood Regional Family YMCA. To the north across SW Haide Road is mostly open land with some out-buildings and one dwelling that appears to be vacant. To the west are forested parcels with one dwelling adjacent to the NW corner of the subject parcel. To the south across SW Kruger Road is the Countryside Community Church, limited agricultural activities and four dwellings. The typical weekend use of the church complements the weekday uses of a school. The land to the south also borders Highway 99W.

The District has developed a preliminary site plan that shows the school buildings located in the center of the property with sports fields generally to the south and west and parking located to the north. The southeast corner of the site will contain the realignment of SW Elwert and SW Kruger Roads. The three adjacent roads provide some buffering for the very few adjacent homes and the NW Natural Gas Easement also buffers the southwest corner of the site. The district currently has a High School Design Committee charged with working with the design team to provide advice on a number of design elements and a couple of community input meetings will be scheduled in 2017. In addition there will be public input opportunities during the City’s development review and permit approval process.

Finally the subject site is within a very large urban reserve area that has the potential to urbanize over time. As noted previously this portion of the Sherwood West urban reserve was identified as phase A in the preliminary concept plan the City completed. This allows the adjacent land to be designed and developed in a manner that enhances and embraces this important community facility. Therefore the proposed use of the site can be made compatible, through measures, with the uses of the adjacent land.

The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

Metro Code section 3.01.1440 (B)(2) The applicant shall also demonstrate that:

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.

Hearing Officer's Analysis: MC 3.07.1120(C)(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."

The applicant addresses this requirement as follows:

This requirement is satisfied as described in Section III of the application. In summary, the Sherwood School District adopted a long-term facilities plan in January of 2008. The long-term plan assumed that additional school capacity would likely be needed within 10 years of the plan's adoption. (The 2008 Long Term Facilities Plan is provided in Appendix C).

In 2014 to 2016, the School District did significant planning prior to placing a bond on the November 2016 ballot that was ultimately approved by voters. This included inventorying existing school facilities, completing updated demographic information, as well as significant planning and public outreach to identify a plan for school facilities that includes the proposed new high school.

As the District points out, it experienced substantial growth in the late 1990's and early 2000's leading to a community effort in 2005 to determine facility needs. This resulted in the successful 2006 bond measure which included funding for an addition to the current high school to increase capacity to 1,550 students, consistent with phase 1 of the 2006 high school master plan. The District completed a long term facilities plan in 2008. Current enrollment at the high school is over 1,700 students and projections show over 2,250 students by the 2025-26 school

year. In early 2014 the District's Long Range Planning Committee made recommendations to the School Board regarding enrollment and growth challenges, facilities analysis and needs and financing options. In 2015 the District documented the condition and educational adequacy of its facilities, leading to bond visioning and steering committees in 2016. This resulted in the District's voters approving a bond measure in 2016 providing funding for school improvements including construction of a new high school. The District and the city of Sherwood have an intergovernmental agreement to share sport fields with most of the facilities occurring on school grounds. Thus the coordination required by subsection C(5) of Metro Code Section 3.07.1120 has been completed.

The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

Metro Code section 3.01.1440(B)(3) The applicant shall also demonstrate that:

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.

Hearing Officer's Analysis: The proposed expansion is not for industrial use. This criterion is not applicable.

Findings Addressing OAR 660- Division 24 and the Applicable Statewide Planning Goals.

OAR 660-024-0020 requires that all UGB amendments apply the Statewide Planning Goals to the amendment process. This directive applies to the whole gamut of UGB amendments, from the every-six-year Metro legislative review of its UGB to a quasi-judicial major amendment under the Metro code to provide land for a specific public need, such as a school or other public facilities. However, this does not mean that the Goals will apply equally and in the same way in each situation. It may even be that one or more of the Goals may not apply at all to a given situation.

The primary opponent asserts that the applicant failed to adequately address the Statewide Planning Goals. *See* Letter from Jennifer Bragar dated June 6, 2017. While that was correct at the time Ms. Brager wrote her letter, the applicant followed up two days later with proposed findings. The Hearings officer finds that the applicant did adequately demonstrate compliance with the applicable Statewide Planning Goals by substantial evidence in the whole record, and adopts the applicant's suggested findings, with slight modification, as set forth below. The opponent's specific objections are also addressed below.

OAR 660-024 -0020

OAR 660-024-0020 sets out which of the Statewide Planning Goals are applicable to UGB amendments. The Goals will have a somewhat limited applicability to a UGB amendment for a specific need, but the relevant Goals are addressed below.

Goal 1 - Citizen Involvement

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

Hearings Officer Analysis: This Major Amendment application does not alter Metro's citizen involvement program. Consequently, compliance with Goal 1 is established through compliance with the public involvement requirements of Metro's code. Those requirements have been followed.

Goal 2 - Land Use Planning

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

Hearings Officer Analysis: OAR 660-024-0020(1)(a) states that the exceptions process in Goal 2 and OAR 660, Division 4 are not applicable unless a goal exception is part of the application. A goal exception is not part of the Major Amendment application and so those provisions will not be addressed. Other than goal exceptions, Goal 2 requires the establishment of a comprehensive plan, a need for coordination of government entities in planning, and the need for public hearings and an opportunity for comment and review.

1) Coordination: This Major Amendment application has required coordination with and between Metro, Washington County, the City of Sherwood, and public service providers including ODOT, Tualatin Valley Fire & Rescue, and Clean Water Services. This includes coordination at the Major Amendment level and at the Sherwood West Concept Plan level. Therefore, the required coordination has occurred.

2) Public Hearings/Opportunities for Comment and Review: Metro staff sent the required notice for the hearing before the hearings officer, and there has been opportunity for comment and review of the application materials. The hearing was continued, which provides additional opportunity for comment and review, and the hearings officer has stated he is likely to leave the record open after the second hearing concludes. There will also be at least one hearing before Metro Council. Further, the proposed high school will have additional approvals to obtain after the Major Amendment application has been approved, such as annexation, a zone change and a conditional use permit, all of which include a public involvement component. Therefore, there has been and will continue to be public hearings and an opportunity for comment and review.

Goal 3- Agricultural Lands

Hearings Officer Analysis: Not applicable under OAR 660-024-0020(3)(b).

Goal 4 - Forest Lands

Hearings Officer Analysis: Not applicable under OAR 660-024-0020(3)(b).

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

Hearings Officer Analysis: OAR 660-024-0020(1)(c) requires states that Goal 5 and its related rules apply only in areas added to the UGB. The area to be added to the UGB is the site identified in this application. There are no Goal 5 resources on the site identified by Metro, Washington County or the City of Sherwood in the Sherwood West Concept Plan. Therefore, this goal is not applicable.

Goal 6 - Air, Water and Land Resources Quality

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

Hearings Officer Analysis: As LUBA recently stated:

“[t]he relevant Goal 6 inquiry for a decision that amends comprehensive plan and zoning map designations, without approving any particular new development, is whether there is a reasonable expectation that applicable state and federal environmental quality standards can be met at the time the property is developed in the future. *See Friends of the Applegate Watershed v. Josephine County*, 44 Or LUBA 786, 802 (2003), (at the post-acknowledgment plan amendment stage, a local government need only show it is reasonable to expect that applicable state and federal environmental quality standards can be met); *see also Salem Golf Club v. City of Salem*, 28 Or LUBA 561, 583 (1995) (same).

See Nicita v. City of Oregon City, ___ Or LUBA ___ (LUBA No. 2016-045, Jan 25, 2017, slip op. at 27).

The hearings officer does not see how there could not be any “reasonable expectation that applicable state and federal environmental quality standards can be met at the time the property is developed [as a school].” The proposed school campus poses no significant adverse air, land or water quality impacts. There are no expected significant "waste or process discharges" from the new high school campus. The high school does not "process" anything and so there are no process discharges associated with the high school. Any waste that will be produced by high school activities will be handled through the normal course of business. For example, any solid waste generated by the school will be subject to recycling and solid waste collection by the franchised garbage hauler for the area. Any waste associated with sanitary sewers or storm events will be handled as part of the public sanitary and storm water facilities. As the property develops, the District will be required to coordinate with the state Department of Environmental Quality and with Clean Water Services to ensure that air, land and water resources are not degraded. As noted in response to Goal 5, no significant Goal 5 resources have been mapped on this property by Metro, Washington County or the City. Further, the proposed new high school site is adjacent to the existing UGB and will allow for efficient multi-modal transportation of the

bulk of the student population - especially as Sherwood West builds out with primarily residential uses in the decades to come.

The primary opponents make a half-hearted attempt to challenge the applicant's Goal 6 compliance, but its argument is too vague and too unfocused to provide a basis for denial. First, the opponent state that "air quality issues should be examined for a new school to be built near Highway 99." See letter from opponent's counsel Jennifer Brager, at p. 2, 6. This argument appears to assume that highway 99 causes sufficient level of pollution that a school should not be located in close proximity thereof. The opponents suggest that a "buffer" and "distancing is needed. The opponent never suggests what a proper buffer would be. The Hearings officer finds this concern to be speculative, unsupported by substantial evidence in the record, and beyond the scope of Goal 6's reach. Even if the hearings officer believed this was a valid concern, the hearings officer finds the air quality benefits of locating a school away from a major arterial would be offset by the additional VMT needed to transport school children a further distance.

Goal 7- Natural Hazards

"To protect life and property from natural disasters and hazards."

Hearings Officer Analysis: Goal 7 (Areas Subject to Natural Hazards). Goal 7 requires local governments to evaluate risks to people "upon receiving notice" of new hazard information from DLCD, and based on evaluation of that risk to prohibit development in areas "where the risk to public safety cannot be mitigated." Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

No natural hazards have been mapped on the properties that comprise the proposed school site. (See, e.g., Sherwood West Concept Plan, figures 6 and 7.) The applicant's proposed site appears to be devoid of any natural hazards: It is not in a flood plain or a coastal zone. It does not have steep slopes that would be vulnerable to landslides. It does not contain soils that are exceptionally vulnerable to being an earth quake hazard (at least any more so in comparison to the rest of the Portland Metro region generally). Therefore, this goal is inapplicable.

Goal 8- Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."

Hearings Officer Analysis: As set forth in the Narrative, the District provides most of the athletic fields for the City of Sherwood. The City and the District have had a long history of partnering in the provision, use, and maintenance of these fields so that recreational opportunities are provided as efficiently as possible. The new high school campus will include a number of new fields and sports facilities on which the City and the District will continue to partner. The new fields and sports facilities will be in addition to the existing fields and sports facilities already in use as part of the existing school facilities. See page 32 of the Narrative for additional

detail. The new high school campus, then is supportive of this goal, as it will help satisfy the need for recreational facilities in the city and in the District.

Goal 9 - Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

Hearings Officer Analysis: Goal 9 applies to areas within an urban growth boundary. OAR 660-09-0010(1). *Port of St. Helens v. Land Conservation & Development Committee*, 164 Or App 487, 495, 996 P 2d 1014 (2000). Goal 9 requires that jurisdictions provide adequate opportunities for a variety of economic activities. Goal 9 planning is limited to areas within UGBs, and local land use plans are required to comply with Goal 9 at periodic review and whenever a jurisdiction undergoes a post-acknowledgment plan amendment that changes the plan designation of more than two acres of land from industrial/employment use to a nonindustrial/non-employment use. OAR 660-009-0010(1), 0010(2), and 0010(4).)

Pursuant to OAR 660-024-0020, certain Goals, including Goal 9, are also applicable when the UGB is amended. The Major Amendment application expands the UGB to allow an existing high school to move several miles away from one site within the City of Sherwood to another site that will be annexed into the City of Sherwood for that purpose. This appears to be fairly neutral from the standpoint of economic opportunities.

The opponent cites *Barkers Five, LLC v. LCDC*, 261 Or App 259, 289 (2014), and states that Goal 9 "requires a determination of the potential future land need for employment and is supposed to occur at the time the UGB is expanded," and that "the school itself has to be analyzed as an 'other employment use' as defined under OAR 660-009-0005 because it will involve a governmental employment activity." *See* letter from Jennifer Bragar dated June 6, 2017, at p. 2. That might be true for a UGB amendment that proposes to add employment land, but it not explain the relevance of Goal 9 to this particular UGB application, which is specific to a need for land for a new high school. In this case, the UGB amendment is targeting a specific need, *i.e.*, the relocation of an existing high school several miles away within the same city. Goal 9 is not applicable as the UGB expansion is for a specific need for a high school.

The cited passage from *Barkers Five* should be read in context. LCDC was referring to OAR 660-027-0050(2) and Metro's analysis for employment land needs occurring as part of its urban growth report. There is nothing in that passage that would make such an analysis a requirement for a major amendment application submitted under ORS 197.299(4). As stated in the findings for Goal 9, this goal is not applicable to a UGB amendment for a specific high school need. To the extent that the high school will have any Goal 9 impacts, the Hearings officer finds those impacts will be positive in terms of temporary construction jobs during development and provision of part-and-full time employment year-round.

Furthermore, if the opponent is implying that Metro must engage in a full-blown economic opportunities analysis in the context of a major amendment application for a high school, that conclusion does not follow from the opponent's stated premises or from Goal 9. The

opponent's argument is not developed well enough to allow the hearings officer to evaluate it on the merits: the opponent has not explained how this application actually impacts the requirements or scope of Goal 9.

Goal 10 - Housing

"To provide for the housing needs of citizens of the state."

Hearings Officer Analysis: The applicant states that Goal 10 is not applicable as the UGB expansion is for a specific need for a high school. The opponent states that "Goal 10 is implicated because housing opportunities will be lost as a result of this large land grab by the school district." See letter from Jennifer Bragar dated June 6, 2017, at p. 2. While it is true that any use of land for non-residential purposes results in that land not being available for housing, that truism does not create a Goal 10 violation. As best as the hearings officer can determine, the opponent is arguing that the Preliminary Sherwood West Concept Plan shows a small school site surrounded by housing, and the applicant's current plan shows the entire site being used for a school and no housing. The opponent concludes that this change in plans 'will limit the planned housing in the Sherwood West Concept Plan Area,' which, according to the opponent, "has Goal 10 implications." See letter from Jennifer Bragar dated June 6, 2017, at p. 2-3. It appears that the opponent is arguing that the Concept Plan locks in the density and mix of housing, and any change to the Concept Plan requires an analysis of Goal 10 compliance.

The hearings officer finds that the concept plan does not have the regulatory effect that the opponent assigns to it. The opponent cites to nothing in any local zoning code or Comprehensive Plan that gives this sort of regulatory effect to this (or any other) concept planning effort. Goal 10 would not have that type of regulatory effect until the property subject to the Concept Plan is brought into the UGB and assigned urban zoning designations. As currently situated, the land at issue is not within the UGB and so is not considered "buildable lands" under Goal 10 and Goal 14, and is not included in any buildable land inventory. Therefore, there is no buildable lands inventory to measure the Major Amendment application against and Goal 10 does not anticipate that there would be in this situation. By its terms, Goal 14 requires that jurisdictions "provide for the housing needs of citizens of the state" by inventorying "buildable lands for residential use. " Goal 10 defines buildable lands as lands in "urban and urbanizable areas that are suitable, available and necessary for residential use. " Under the definitions section of the Statewide Planning Goals, "urban land" is defined as "land inside an urban growth boundary, " and "urbanizable land" is defined as urban land, i.e., land inside a UGB, that is presently unavailable for any number of reasons. Therefore, the opponent's argument that, in the context of a Major Amendment, Goal 10 requires Metro to "demonstrate that its actions do not leave it with less than adequate residential land supplies" is wrong..

Moreover, as the applicant points out, the City's urban reserves include a 50-year land supply for the City. There is no evidence that siting a new high school in Sherwood West, in the location that the Concept plan contemplated a new school, will in any way negatively impact the ability of the City to provide for its housing needs, especially when Sherwood West is combined with Sherwood North and Sherwood South.

The opponent also complains that the applicant is seeking to bring in 82 acres when it defined its current need as requiring only a 50-acre site. *See* letter from Jennifer Bragar dated June 6, 2017, at p. 2. The hearings officer is at a loss to understand the relevance of this argument to a Goal 10 challenge. The opponent's argument is simply not developed sufficiently to allow the hearings officer to understand the nature of the complaint.

The opponent also argues that an 82-acre school site "contradicts the two school sites considered in the Preliminary Sherwood West Concept Plan. *See* letter from Jennifer Bragar dated June 6, 2017, at p. 2. However, Concept Plans are not regulatory documents in the sense that they do not limit the size of planned facilities. The Concept Plan took the provision of additional school sites into account when it was developed. Although the concept plan includes two identified school sites, it is important to remember that the Concept Plan is a general plan that addresses how the area will develop generally. The Concept Plan does not specify the types of schools that the conceptual school sites reflect, e.g., elementary, middle or high school. Therefore, one should not view the blue squares denoting school sites in the Concept Plan in the literal sense of trying to determine how big the Concept Plan believed the sites will ultimately be. Such information comes from future refinement of the Concept Plan after areas are brought into the UGB.

Moreover, as the applicant points out, Goal 10 concerns itself with land already within a UGB, which the subject property is not. Therefore, Goal 10 has very limited applicability to a Major Amendment application for a new public school site. That said, the justification for the proposed expansion area of 82 acres is included in the Narrative. (Narrative at 31-32.) As set forth in the Narrative, approximately seven of the 82 acres will be needed for transportation improvements that will support the new high school. There is also a 40-foot wide gas pipeline easement that runs across the site, occupying approximately 2.2 acres but requiring protection of additional, adjacent property of approximately 20 feet on either side. This pipeline easement essentially gives the site an irregular shape, which reduces the efficiency with which it can be developed. The Narrative also discusses the shared sports fields arrangement between the City of Sherwood and the District that provides for additional ballfields. The District would also note that Figure 3 of the Narrative depicts a conceptual layout of the high school site and related transportation improvements over the entire 82-acre area. (Narrative at 7.) As one can see on that conceptual layout, the entire site will be fully utilized.

In the Appendix 6 Service Provider Interviews, the District warns that the current high school was at-capacity at the time of the interview (the appendix is dated June 15, 2015), and with the growth expected in Sherwood the high school could be expected to become over-capacity. (See Appendix 6, pages 3-4.) The District stated that expanding the existing high school and adding a new high school to the District would both be explored. The relevant information to be gleaned from the Concept Plan is that the majority of Sherwood West is intended to be developed with varying densities of housing and that the Concept Plan integrated the need for at least two additional school sites, with an understanding that the existing Sherwood High School would soon be over-capacity.

In its June 23, 2017 letter, the opponent argues that Metro "must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations,

and affordability ranges affected." *See* letter from Jennifer Bragar dated June 23, 2017, at p.2. As support for this requirement, the opponent relies on *Burk v. Umatilla County*, 20 Or LUBA 54 (1990). In *Burk*, the Port of Umatilla filed an application with the City of Umatilla to amend the city's comprehensive plan map for a 42-acre area within the city's urban growth boundary, but outside the city limits, from single-family residential to industrial. The city's buildable land inventory for housing included the 42 acres, because that acreage was within its UGB. Even with the 42 acres included in the buildable lands inventory, the city was deficient in land available for single-family housing. The city approved the map amendment even though it increased that deficiency, which earned the city a remand by LUBA.

The facts of *Burk* are different than those presented by this Major Amendment application. The land in question in *Burk* was inside a UGB and was already planned for zoned and residential uses. That is a key factual difference from the present case, because the land in this case is planned for agriculture and forestry. The land proposed to be added to the UGB is not "buildable land," and is not in any current inventory. For this reason, the Goal 10 analysis required in *Burk* is not applicable here.

Goal 11 - Public Facilities and Services

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

Hearings Officer Analysis: As set forth in response to MC 3.07.1425(c)(2), the Sherwood West Concept Plan extensively studied the provision of public facilities and services with respect to that urban reserve. The concept plan was prepared with analyses of existing sanitary sewer, water, and storm water conditions and analyses of how those systems need to be upgraded, extended, and phased to meet the future development of Sherwood West. The concept plan was prepared in coordination with all of the future service providers, including those services that will be provided by the City and those that will be provided by others, including Clean Water Services. The concept plan discusses the provision of public facilities and services to the area at pages 16-18 and 40-44, as well as in Appendix 3 (Existing Conditions Report) and Appendix 6 (Service Provider Interviews). According to the Concept Plan, the area in which the school site is proposed "presents the best near-term opportunity for development in Sherwood West," and the cost to serve the area is on the lower end of the cost scale. (Sherwood West Concept Plan, pages 42-43.) The District used this work as a jumping off point to study the proposed site for inclusion in the UGB (as well as other sites within Sherwood West). See Narrative, pages 24-31 and Application Appendix A (New High School Preliminary Site and Utility Exhibit) and Appendix B (Service Provider Letters). All of the foregoing information addresses the orderly and efficient arrangement of sanitary sewer, water, and storm drainage facilities to serve the new school property, as well as the larger Sherwood West area and all of the evidence consistently points to the chosen property as a property that can served in a timely, orderly, and efficient manner.

The opponents argue that Goal 11 is not met, because the local sewer and water agency (Clean Water Services) has a concern about the installation of a temporary pump station. *See* letter from Jennifer Brager dated June 23, 2017, at p. 5. The opponents offer no testimony, expert

opinion, or evidence that would call into question the conclusions reached by the applicant's engineers, KPFF. Goal 11 does not require that every technical engineering solution be worked out at the time of UGB amendment. The KPFF engineers seem to believe that an engineering solution is not only possible, but likely, which is all that is required at this stage. See KPFF memo dated June 13, 2017. This Hearings officer has evaluated the opinion of the KPFF engineers, and finds them more credible.

The opponents further argue that "fire flow tests have not been completed." See Letter from Jennifer Brager dated June 23, 2017, at p. 5. The opponents do not explain why fire flow tests are mandated by Goal 11 in the context of a UGB amendment, nor is it obvious why they would be. The KPFF engineers seem to be satisfied that the fire flow issue can be adequately handled, and this hearings officer finds them more credible.

Goal 12 - Transportation

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

Hearings Officer Analysis: Early LUBA cases suggested that a local government could not "pass the buck" by deferring compliance with Goal 12 and the TPR until the time of site plan review.¹³ However, more recent case law clarifies that conditions of approval can be used to limit new development until such time as the TPR is addressed. For example, in *Citizens for Protection of Neighborhoods v. City of Salem*, 47 Or LUBA 111 (2004) (*Citizens*), the City of Salem approved a zone change to allow mixed residential and commercial use of a 275-acre property. That approval included a condition that prohibited development of the property until later adoption of a master plan for the property. The City of Salem's code criteria applicable during the master plan process included requirements that were substantially identical to the requirements of the TPR. Based on the condition requiring master plan approval, the city found that the zone change did not significantly affect the transportation facility because no development could occur until the subsequent master plan phase. *Id.* at 115, 116. LUBA held that the city could properly conclude that the rezoning of the property did not significantly affect any transportation facility because the condition essentially prohibited development on the property without first showing that any allowed development is consistent with the function, capacity and performance standards of affected transportation facilities. *Id.* at 120.

In *ODOT v. City of Klamath Falls (Southview Dev'l, LLC)*, 39 Or LUBA 641, 660, *aff'd* 177 Or App 1, 34 P2d 667 (2001), LUBA affirmed that portion of a county decision which approved a zone change with a condition that prevented additional development from impacting a transportation facility until such a time in the future when the TPR is addressed. LUBA found that this condition was sufficient to ensure compliance with the TPR in the interim.

Finally, in *Willamette Oaks, LLC v. City of Eugene*, 59 Or. LUBA 60 (2009), the city approved a zone change, and imposed a condition of approval prohibiting development of the property without approval of a planned unit development (PUD) application and a showing of

¹³ *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994), *aff'd*, 130 Or App 406 882 P2d 1130 (1994); *Concerned Citizens of the Upper Rogue v. Jackson County*, 33 Or LUBA 70 (1997).

consistency with the TPR as part of the PUD application and review. LUBA approved this approach, stating as follows:

In sum, with one caveat discussed below,¹⁴ we think it is permissible for the city to defer consideration of compliance with the TPR to a subsequent review process at the time actual development is proposed, provided that the zone change or plan amendment is effectively conditioned to prohibit traffic or other impacts inconsistent with the TPR's requirements unless and until those requirements are fully addressed. Applicant offers no reason in the present case why deferring the application of the provisions of the TPR to a later PUD application process is insufficient to ensure that allowed uses of the subject property are consistent with

¹⁴ LUBA stated in a footnote that the PAPA procedural requirements would still need to be satisfied as part of the deferred process:

The caveat mentioned above is that unless the local government takes steps to ensure otherwise, the subsequent review process may not require a comprehensive plan or land use regulation amendment and therefore will not trigger **[**12]** the notice obligations of a post-acknowledgment action under ORS 197.610 *et seq.* Under those statutes, a local government that amends its comprehensive plan or land use regulations, including zone changes, must provide to the Department of Land Conservation and Development (DLCD) timely notice of the hearing on the proposed amendments as well the decision adopting the amendments. DLCD, in turn, provides notice of the proposed amendments and any subsequent adoption to persons or agencies who request such notice. OAR 660-018-0025. The requirement to provide notice of post-acknowledgment plan amendments to DLCD and other parties is a critical component of a statutory and rule-based scheme that is designed to ensure that post-acknowledgment plan and land use amendments comply with the applicable statewide planning goals and rules, including the TPR. *See Oregon City Leasing, Inc. v. Columbia County*, 121 Or App 173, 177, 854 P2d 495 (1993) (failure to provide DLCD the notice required under ORS 197.610 *et seq.* is a substantive, not procedural error). The efficacy of that scheme is undermined if a local government defers consideration **[**13]** of compliance with the TPR to a subsequent review process that does not provide equivalent notice to that required by ORS 197.610 *et seq.* Without such notice, it is possible that DLCD and parties who may rely on DLCD's re-notice, potentially including ODOT, may not learn of the review proceeding or have an opportunity to participate in that proceeding.

the function, capacity and performance standards of the affected transportation facilities. *ODOT v. City of Klamath Falls*, 39 Or LUBA at 660.

Under OAR 660-024-0020(1)(d), the Transportation Planning Rule ("TPR") need not be applied to a UGB amendment if the land will remain zoned as urbanizable. That will be the case with the properties subject to the proposed UGB amendment. The current AF-20 zoning will remain until the is annexed into the City of Sherwood. During the forthcoming Metro Title 11 concept planning process for the properties, the City will determine the appropriate zone and this will include a TPR analysis. The zoning will not actually be changed, however, until after annexation.

With respect to Goal 12 generally, as set forth in response to MC 3.07.1425(c)(2), the Sherwood West Concept Plan extensively studied the provision of public facilities and services, including transportation, with respect to that urban reserve. The concept plan analyzed the existing transportation system and how that system will need to be upgraded, extended, and phased to meet the future development of Sherwood West. The concept plan was prepared in coordination with all of the future transportation service providers, including Washington County and ODOT. The concept plan discusses the transportation system within the plan area at 18-21, 40-44, as well as in Appendix 3 (Existing Conditions Report), Appendix 6 (Service Provider Interviews), and Appendix 8 (Transportation Options Alternative Analysis Report). The District used this work as the jumping off point to study the proposed site for inclusion in the UGB (as well as other sites within Sherwood West). See Narrative at pages 10-11, and Appendix B (Service Provider Letters). The District also engaged a licensed traffic engineer to prepare the March 15, 2017, Sherwood High School UGB Expansion Transportation Study (the "Transportation Study") to address the provision of a safe, convenient, and economic transportation system for the new high school site. (The Transportation Study has been submitted to the record.) The Sherwood West Concept Plan takes a higher-level look at the transportation needs of the Sherwood West area in general, including the need for new streets and intersection improvements. The Narrative provides general information about how the school site will be served and the Transportation Study provides more detail than is commonly found at the UGB expansion stage, but finds that, with some mitigation improvements, a new high school on the proposed site can be served by the appropriate transportation system. The Transportation Study will become more relevant at the Title 11 concept planning and annexation stages of the high school site development. Because the new high school is very near to an existing, urban-level street system, and because Washington County and the City will be constructing a new intersection improvement adjacent to the new high school, the provision of transportation services to the new school will be more economical. According to the concept plan, the area in which the school site is proposed "presents the best near-term opportunity for development in Sherwood West," and the cost to serve the area is on the lower end of the cost scale. (Sherwood West Concept Plan, pages 42-43.) In sum, all of the cited evidence supports a finding that it is possible to safely, conveniently, and economically provide for the transportation needs of the new high school.

For this reason, the applicant proposes a condition of approval to the UGB amendment that prohibits any new development on the subject property until a Comprehensive Plan Map and Zoning Map Amendment are completed, and that the TPR will be addressed at that time.

Several opponents expressed concerns about the adequacy of the surrounding transportation system to support the proposed high school. It is tempting to jump ahead to the specific traffic impacts of a proposed use even at this early stage of the land use process. It is important to keep in mind, however, that the Major Amendment application is just the first application in a series of land use proceedings that must occur prior to the high school actually being approved on the property. With respect to the Major Amendment application, Goal 12, OAR 660-024-0060(8), and MC 3. 07. 1425(c)(2) are applicable and implicate transportation facilities. The District has submitted findings with supporting substantial evidence to address all of those provisions. The District also submitted additional evidence from its traffic engineer to address particular issues raised with respect to the March 15, 2017, Sherwood High School UGB Expansion Transportation Study. (See June 28, 2017, DKS memorandum.)

No one besides the District provided any evidence or testimony from a traffic engineer regarding any aspect of the Major Amendment application. Opponents correctly point out that there are existing transportation deficiencies in the area that surrounds the proposed high school site. Those opponents also correctly point out that if those deficiencies are not addressed then the new high school will exacerbate them. All of that is true, but it would be expected to be true regardless of where the new high school is sited, *i.e.*, nearly every area in and around Sherwood has existing transportation deficiencies and siting a new high school in any of those areas would impact the transportation system. Where the opponent's logic fails is in the apparent assumption that the transportation impacts of the new high school will not be addressed as part of the planning and permitting processes that are required prior to the new school opening its doors in 2020. That assumption is incorrect.

The laws and regulations that govern the permitting of the new high school simply do not allow the new school to be plopped down anywhere without transportation impacts being analyzed and mitigated in accordance with the law. The specifics of that analysis and mitigation for the chosen site are largely irrelevant at the UGB amendment stage. Instead, those specific transportation impacts will be addressed through subsequent Title II planning for the UGB amendment area, and through annexation, zone change, and conditional use permit processes. Through these processes, the Transportation Planning Rule will be addressed, appropriate off-site mitigation within an appropriate timeframe will be required, and appropriate frontage improvements for all of the abutting streets will be conditioned. Public involvement is included in each of those steps as part of each of the planning and permitting processes. (See June 28, 2017, DKS & Associates memorandum.)

Goal 13 - Energy Conservation

"To conserve energy."

Hearings Officer Analysis: LUBA and the Courts have never given any regulatory affect to this Goal. The Hearings officer views this goal as being essentially meaningless. The general practice has been for applicants and staff to write some flowery prose that extorts the energy

saving virtues of the project. In this vein, the applicant states:

As explained under the District's response to MC 3.07.1425(c)(3), which is the analog of Goal 14, Location Factor 3 (ESEE energy consequences), the proposed school site's adjacency to the existing UGB, served by major streets, facilitates multi-modal access for students, teachers, families, and administrative staff to and from the school campus. This multi-modal facilitation will only increase as Sherwood West builds out into a predominantly residential area with nodes of neighborhood commercial.

Without some baseline standard to measure against, it is difficult to evaluate whether any given proposal will “conserve energy” or not. But at least it sounds good.

For its part, the opponent’s arguments do not shed much light on the issue. They merely state that an “energy analysis” must be provided. *See* Letter from Jennifer Brager dated June 6, 2017, at p. 3. The opponents do not explain exactly what an “energy analysis” entails, nor it is particularly apparent on its face. Given that no focused argument concerning Goal 13 was raised by any party, the hearings officer finds that the applicant’s proposed findings comply with Goal 13 – whatever it means.

Goal 14 - Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

Hearings Officer Analysis: Goal 14 is addressed throughout this submittal.

Goals 15 through 19

Hearings Officer Analysis: These goals are not applicable, as the proposed UGB expansion does not include Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes or Ocean Resources.

OAR 660-024-0040 - 0050

OAR 660-024-0050 directs local governments to inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040. The District's Major Amendment application does not directly implicate these rule provisions, because the need for the new high school site did not arise out of an OAR 660-024-0040 overall land needs analysis and subsequent OAR 660-024-0050 buildable lands analysis. A specific need for a new high school site arose out of long-term facilities planning engaged in by the District. However, once the need for the new high school was identified, the District analyzed land that was within both the District boundaries and the Sherwood, Wilsonville, and Tualatin UGBs for land that could accommodate the need for the

new high school based on its suitability criteria. (See Narrative at pages 8-21.) There was no suitable land within those areas. The analysis required by OAR 660-024-0050 tracks closely in some respects with the analysis required by MC 3.07.1425(a), which was addressed by the District in its application. The caveat, however, is that identified specific land need, such as land for a new school, is not the same as a generalized need for more residential land or employment land. Given the specific need for a new school site, MC 3.07.1440(a) allows a UGB expansion tailored to just that need under certain circumstances.

OAR 660-024-0060 - Metro Boundary Local Alternatives Analysis

OAR 660-024-0060 sets forth the provisions that apply when a need within the Metro UGB has been specified and there is no land within the UGB that can accommodate that need. The provisions in OAR 660-024-0060 track closely with the provisions contained in MC 3.07.1425(c), which have been addressed in the District's application submittal, the Metro staff report, and the additional findings submitted by the District in response to the hearings officer's request.

OAR 660-024-0060:

(1) When considering a Metro UGB amendment, Metro must determine which land to add by evaluating alternative urban growth boundary locations. For Metro, this determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, Metro must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

Hearings Officer Analysis: The highest priority of land available is land designated urban reserve. (ORS 197.298(1)(a).) The District's application included an analysis of urban reserve land.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, Metro must apply the location factors of Goal 14 to choose which land in that priority to include in the Metro UGB.

Hearings Officer Analysis: As set forth in the District's Major Amendment application, there is suitable land within an existing urban reserve to satisfy the need deficiency, i.e., the new high school. Accordingly, the location factors of Goal 14 were applied to that land. Those location factors are the first four location factors found in MC 3.07.1425(c)(1)-(9) and have been addressed in the District's application submittal, the Metro staff report, and the additional findings submitted by the District in response to the hearings officer's request.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, Metro must determine which land in the next priority is suitable to

accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

Hearings Officer Analysis: This is not applicable as there is urban reserve land that can accommodate the need.

(d) Notwithstanding subsection (a) to (c) of this section, Metro may consider land of lower priority as specified in ORS 197.298(3).

Hearings Officer Analysis: This is not applicable as there is urban reserve land that can accommodate the need.

(e) For purposes of this section, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

Hearings Officer Analysis: This provision is similar to MC 3.07.1425(b), in which site characteristics may be specified for land to be suitable for an identified need. The District specified such characteristics in the Narrative at page 19.

(2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during a legislative review of the Metro UGB, Metro may approve an application under ORS 197.610 to 197.625 for a Metro UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

Hearings Officer Analysis: This provision is not applicable.

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the Metro UGB location, Metro must show that all the factors were considered and balanced.

Hearings Officer Analysis: This provision is consistent with how Metro interprets its analogous boundary location factors in MC 3.07.1425(c), which were applied to the District's Major Amendment application.

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

Hearings Officer Analysis: The District's analysis took into account all of the land in the urban reserves that otherwise met the District's siting criteria. Some of the land analyzed did not abut the UGB, but was rejected for other reasons.

(5) If Metro has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, Metro may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

Hearings Officer Analysis: This provision is similar to MC 3.07.1425(b), in which site characteristics may be specified for land to be suitable for an identified need. The District specified such characteristics in the Narrative at page 19.

(6) The adopted findings for a Metro UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

Hearings Officer Analysis: The District mapped all of the alternative areas evaluated in the boundary location alternatives analysis and evaluated them separately.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

Hearings Officer Analysis: The District took into account the public facilities and services enumerated in this provision when it evaluated MC 3.07.1425(c)(2), which is the analog to Goal 14 Boundary Location Factor 2.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative Metro UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation (ODOT) with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the Metro UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the Metro UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

Hearings Officer Analysis: As set forth in the responses to Goals 11 and 12, Sherwood West has been concept planned pursuant to MC 3.07.1110, and so the provision of public

facilities and services within the Sherwood West concept plan area and as those services relate to the rest of the city have been studied extensively, as required by MC 3.07.1110. The Sherwood West Concept Plan was prepared with analyses of existing sanitary sewer, water, stormwater, and transportation conditions and analyses of how those systems need to be upgraded, extended, and phased to meet the future development of Sherwood West without adversely impacting the existing city development. The concept plan was prepared in coordination with all of the future service providers, including those services that will be provided by the City and those that will be provided by others, including Clean Water Services, ODOT, and Washington County.¹⁵

Additional Issues Raised by Opponents

1. Metro Staff Provided Proper Notice to DLCD.

Opponents allege that Metro failed to provide notice to DLCD of a proposed plan map amendment under ORS 197.610. *See* Letter from Jennifer Bragar dated June 23, 2017, at p. 8. This is not correct. Metro submitted the requisite notice to DLCD on April 20, 2017, as evidenced on the weekly DLCD notice summary dated April 21, 2017, which is attached to the June 30, 2017 letter from Metro counsel Roger Alfred.

2. The Fair Housing Act Is Inapplicable.

The opponent argues that Metro must apply the Fair Housing Act ("FHA") to the Major Amendment application, because "Metro has a duty to affirmatively further fair housing." *See* Letter from Jennifer Bragar dated June 23, 2017, at p. 3-5.

The opponent does not point to any approval criterion that requires Metro to apply the FHA directly to this application, and did not include any convincing argument as to why a UGB expansion to accommodate a new public high school would require the FHA to be addressed. As best as the hearings officer can ascertain, the opponent's core argument is that the FHA is a *de-facto* approval standard for every Comprehensive Plan Amendment and zone change decision. In this regard, Ms. Brager states that "Metro has a duty to affirmatively further fair housing" and that "Metro needs to address fair housing implications in this Major Amendment application through analysis under Goal 10 and under Metro's locational factors, Metro Code 3.07.1425(c)(5) regarding equitable and efficient distribution of housing." The argument is not well-developed; the opponent seems to be arguing that the FHA must be complied with, but that compliance with Goal 10 and the Metro Code establishes compliance with the FHA.

Beyond that, the opponent complains that Sherwood does not have enough subsidized housing, which "does not properly address the housing issues in Washington County for low-income households, especially protected classes." That statement is followed up with the conclusion that the "failure to analyze the school siting in context of the regional need for fair housing only exacerbates the inequitable distribution of affordable housing in the Metro region."

¹⁵ This coordination effort included service provider interviews included as Appendix 6 of the Sherwood West Concept Plan. Appendix 8 provides more detail regarding the provision of transportation infrastructure to the Sherwood West Concept Plan area.

Letter from Jennifer Bragar dated June 23, 2017, at p. 5. Again, the hearings officer is at a loss to understand the opponent's argument, especially since the opponent does not tie their ultimate policy concern back to any specific language in the FHA or any other law for that matter. This argument is simply not developed sufficiently to allow for its review and evaluation. If the argument is that every school siting project has an inclusionary zoning requirement for additional low-income / subsidized housing, that argument is rejected.

SECTION IV: HEARINGS OFFICER'S SUMMARY, RECOMMENDATION, AND PROPOSED CONDITIONS OF APPROVAL.

The applicant seeks to amend the UGB to include approximately 82 acres for a high school with sports fields and the realignment of SW Elwert and SW Kruger Roads. The Applicant has provided sufficient evidence to demonstrate that the criteria are satisfied and the locational factors have been addressed. As detailed herein, the applicant has demonstrated that the high school is currently over capacity and by 2025 will be severely over capacity. Delaying the decision to await a legislative amendment of the UGB by the Metro Council which may or may not occur in the 2018 timeframe only exacerbates the capacity issues which impacts the District's ability to meet the goals of its strategic plan. The applicant provided adequate comparison of the proposed UGB expansion area with other possible expansion areas in seven different urban reserve areas and a determination that the need cannot be met on land currently within the urban growth boundary. In addition the applicant 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. Additionally the adjacent land is within an urban reserve and is expected to urbanize over time, allowing for the development of a cohesive neighborhood and school/park facility.

Therefore, the hearings officer forwards a recommendation to the Metro Council for *approval* of this petition, with the following two conditions of approval:

1. The property must be used for a public high school, associated accessory uses, and public transportation improvements consistent with the application are required for this Major Amendment.
2. The applicant must comply with the Transportation Planning Rule (TPR) at the time the zoning is established on the subject property.

Respectfully submitted this 21st day of July, 2017.

ANDREW H. STAMP, P.C.

Andrew H. Stamp

Andrew H. Stamp

AHS:ahs

ATTACHMENTS

Attachment 1: Subject Property Map

Attachment 2: Current Enrollment and School Building Capacities, Table 1 of petition

Attachment 3: Projected Enrollment, Table 2 of petition

Attachment 4: Existing High School Campus, Figure 5 of petition

Attachment 5: 2014 Sherwood Residential Buildable Lands Inventory Map, Figure 6 of petition

Attachment 6: Urban Reserve Areas within Sherwood School District Boundary, Figure 7 of petition

Attachment 7: Sherwood West Planning Area, Figure 8 of petition

Attachment 8: Sherwood West Alternative High School Sites, Figures 9-14 of petition

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1406, FOR THE PURPOSE OF AMENDING THE URBAN GROWTH BOUNDARY IN THE VICINITY OF THE CITY OF SHERWOOD UPON APPLICATION BY THE SHERWOOD SCHOOL DISTRICT

Date: July 27, 2017

Prepared by: Tim O'Brien
Principal Regional Planner

PROPOSED ACTION

Adoption of Ordinance 17-1406, approving *UGB Case 17-02: Sherwood 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 82 acres to the UGB west of Sherwood for a high school campus and sports fields. In addition a portion of the land will be used for the construction of a roundabout at SW Elwert and SW Kruger Roads.

SUMMARY OF PROCESS

The proposed amendment is a “major amendment” to the UGB under the Metro Code, which is a special process reserved for requests to include land for public facilities and other non-housing needs that cannot wait until the next UGB cycle. An application for a major amendment is first considered at a public hearing before a hearings officer appointed by Metro. After receiving testimony from interested parties, the hearings officer prepares a proposed order, with findings of fact and conclusions of law recommending approval or denial of the application, and forwards the recommendation 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 individuals who participated in the proceeding before the hearings officer are allowed to submit oral and written argument. The argument must be based on the evidence that was provided to the hearings officer, and no new evidence may be submitted to the Metro Council. If the Council decides to approve the application and expand the UGB, the Council must adopt an ordinance within 15 days after holding a public hearing.

BACKGROUND AND ANALYSIS

Proposal Description:

The Sherwood School District filed an application for an 80-acre amendment to the UGB for a high school campus and sports fields. The site consists of four tax lots located within unincorporated Washington County on the west side of SW Elwert Road, between SW Haide Road and SW Kruger Road, immediately west of the City of Sherwood. The site has frontage on all three roads, is zoned Agriculture and Forest (AF-20) and is located within Sherwood West Urban Reserve 5B. The adjacent properties to the north, south and west are also within Urban Reserve 5B and contain rural residences with limited agriculture and a church to the south, wooded lots and rural residences to the west and open fields and rural residences to the north. The subject properties have been used for various agricultural activities including a Christmas tree farm, tree plantation and row crops. The tax lot in the southeast corner of the site, adjacent to the intersection of SW Elwert and SW Kruger Roads is owned by the City of Sherwood, a portion of which will be used for the SW Elwert and SW Kruger Road roundabout improvement. A 40-foot wide permanent Northwest Natural gas easement zigzags along the western edge of the site, separating the northwest corner of the site from the remainder of the property.

The Sherwood School District is centered on the city of Sherwood and extends into the surrounding rural area in all directions, including a small area east of I-5, between Wilsonville and Tualatin. The District includes an area of 4.31 square miles and an estimated population of 18,884. The District has seven schools that provide educational services to just over 5,000 students, the majority of which live in the city of Sherwood. The District experienced substantial growth in the late 1990s and early 2000s leading to a community effort in 2005 to determine facility needs. This resulted in the successful 2006 bond measure which included funding for an addition to the current high school to increase capacity to 1,550 students, consistent with phase 1 of the 2006 high school master plan. Current enrollment at the high school is over 1,700 students and projections show over 2,250 students by the 2025-26 school year. In early 2014 the District's Long Range Planning Committee made recommendations to the School Board regarding enrollment and growth challenges, facilities analysis and needs and financing options. In 2015 the District documented the condition and educational adequacy of its facilities, leading to bond visioning and steering committees in 2016. This resulted in the District's voters approving a bond measure in 2016 providing funding for school improvements including construction of a new high school. The District continues to engage the community through a design committee and community input sessions.

Public Hearing before the Hearings Officer

The hearings officer, Andrew H. Stamp, conducted a public hearing at the Sherwood Police Department Community Room on May 24, 2017. Metro staff recommended approval of the application. Six people testified at the hearing, five in favor of the application and one against the application. The hearings officer continued the hearing to June 13, 2017 in response to a procedural question. Three people testified at the June 13th hearing, all in opposition to the application, including one who had also testified at the May 24th hearing. The hearings officer granted a request to keep the record open for ten days, followed by additional time for rebuttal by participants and final argument by the applicant; the record closed on July 7, 2017.

The primary opponent of the application is Byers Properties, LLC, which is the entity that owns one of the parcels of property to be included in the proposed expansion. Byers is currently involved in condemnation proceedings with the Sherwood School District regarding acquisition of the property for public use. Byers raised numerous legal issues in the proceedings before the hearings officer, all of which were ultimately rejected in the final order and recommendation to the Metro Council.

Hearings Officer Recommendation and Proposed Findings

On July 21, 2017 the hearings officer submitted a proposed order recommending approval of Case 17-02, based upon the findings and conclusions in his report. The hearings officer included two conditions of approval in his recommendation:

1. The property must be used for a public high school, associated accessory uses, and public transportation improvements consistent with the application for this Major Amendment.
2. The applicant must comply with the state Transportation Planning Rule (TPR) at the time the zoning is established on the subject property.

A hearing on the recommendation before the Metro Council is set for August 10, 2017. All parties to the case were notified in writing of the 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 record](#))

Sherwood School District Application, dated March 14, 2017, with supplemental information dated March 23, 2017

Letter from attorney Jennifer Bragar of Tomasi Salyer Martin on behalf of Byers Properties LLC, dated May 22, 2017

Presentation by Sherwood School District dated May 24, 2017

Sherwood West Preliminary Concept Plan (12/08/15) submitted by applicant on May 24, 2017
 Letter from hearings officer Andrew Stamp dated May 25, 2017
 Email from Gayle Ostgard dated May 25, 2017
 Sherwood West Preliminary Concept Plan Appendices, submitted by applicant on June 1, 2017
 Sherwood High School UGB Expansion Transportation Study, submitted by applicant on June 1, 2017
 Letter from attorney Jennifer Bragar on behalf of Byers Properties LLC, dated June 6, 2017
 Letter from attorney Kelly Hossaini of Miller Nash LLP on behalf of the Sherwood School District, dated June 8, 2017
 Metro Staff memorandum, dated June 9, 2017
 Letter from attorney Kelly Hossaini on behalf of the Sherwood School District dated June 13, 2017
 Written testimony from Carolyn Mcbee and Karen Labahn dated June 13, 2017
 Email from Carolyn Mcbee and Karen Labahn dated June 21, 2017
 Letter from attorney Jennifer Bragar on behalf of Byers Properties LLC, dated June 23, 2017
 Metro Staff memorandum, dated June 23, 2017
 Letter from attorney Jennifer Bragar on behalf of Byers Properties LLC, dated June 30, 2017
 2014 Metro Urban Growth Report, submitted June 30, 2017
 Memo from Mark Wharry, KPFF Consulting Engineers, dated June 30, 2017
 Letter from Metro attorney Roger Alfred to hearings officer Andrew Stamp dated June 30, 2017
 Memo from DKS Associates dated June 28, 2017
 Letter from attorney Kelly Hossaini on behalf of Sherwood School District, dated July 7, 2017

SUMMARY/OPTIONS

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

- Adopt Ordinance 17-1406 to approve *Case 17-02: Sherwood School District* based on the findings of fact and conclusions of law in the hearings officer's order. Staff recommends this option.
- Vote in favor of adopting Ordinance 17-1406 to approve *Case 17-02: Sherwood 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 17-02: Sherwood 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 three conditions of approval, the first two of which were recommended by the hearings officer:

1. The property must be used for a public high school, associated accessory uses, and public transportation improvements consistent with the application for this Major Amendment.
2. The applicant must comply with the state Transportation Planning Rule (TPR) at the time the zoning is established on the subject property.
3. The City of Sherwood shall complete the requirements of Urban Growth Management Functional Plan Title 11, section 3.07.1120: Planning for Areas Added to the UGB, prior to development occurring.

INFORMATION

Known Opposition: Attorney Jennifer Bragar, representing one of the subject property owners, testified verbally and in writing in opposition to the application before the hearings officer and by providing additional written information during the open record period. Two persons who live in the vicinity of the proposed UGB expansion area testified verbally and in writing in opposition to the application before the

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

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 the major amendment process.

Anticipated Effects: The adoption of Ordinance 17-1406 will add 82.3 acres of land to the urban growth boundary in the vicinity of Sherwood for a high school campus with sports fields and road improvements.

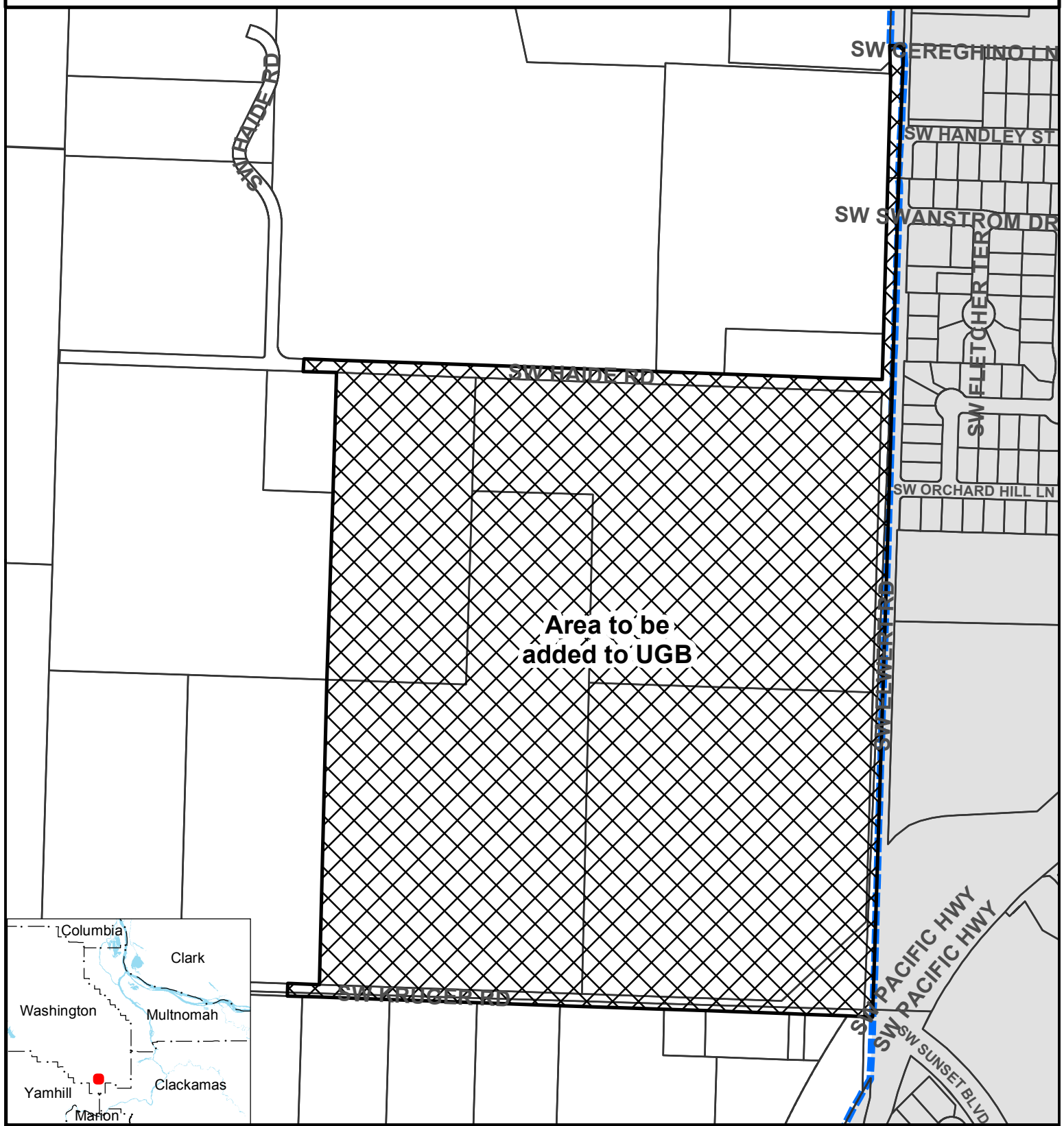
Budget Impacts: There is no budget impact from adopting this ordinance.

Case No. 17-02

2S2W25, 2S2W36

Urban Growth Boundary Major Amendment

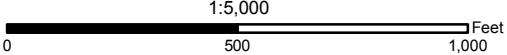
Washington County



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

Case No. 17-02 UGB Major Amendment

- Area to be annexed
- Taxlots
- Urban growth boundary



The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

Agenda Item No. 5.1

Ordinance No. 17-1407, For the Purpose of Amending the
Title 14 Map of the Urban Growth Management Functional
Plan to Conform with Changes Enacted by the Oregon
Legislature in House Bill 2047

Ordinances (Second Read)

Metro Council Meeting
Thursday, August 10, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 17-1407
THE TITLE 14 MAP OF THE URBAN)	
GROWTH MANAGEMENT FUNCTIONAL	)	Introduced by Martha J. Bennett, Chief
PLAN TO CONFORM WITH CHANGES	)	Operating Officer, with the concurrence of
ENACTED BY THE OREGON	)	Tom Hughes, Council President
LEGISLATURE IN HOUSE BILL 2047)	
)	

WHEREAS, in 2010 and 2011 Metro, Washington County, Multnomah County and Clackamas County entered into agreements regarding the designation of urban reserves and rural reserves in the Metro region pursuant to ORS 195.141, and those reserve areas were formally adopted and mapped on April 21, 2011 via Metro Ordinance No. 11-1255; and

WHEREAS, the Land Conservation and Development Commission (LCDC) reviewed the urban and rural reserve designations and voted to approve those designations in 2011; and

WHEREAS, relying on LCDC's vote of approval regarding the urban reserve areas, Metro proceeded with its 2011 growth management decision and expanded the Urban Growth Boundary (UGB) to include four areas in Washington County on October 20, 2011 via Ordinance No. 11-1264B; and

WHEREAS, LCDC issued its written decision approving the urban and rural reserve designations on August 14, 2012 via Order No. 12-ACK-001819, and issued its written decision approving the UGB expansion on December 21, 2012 via Order No. 12-UGB-001826; and

WHEREAS the LCDC order approving the urban and rural reserve designations was reversed and remanded by the Oregon Court of Appeals on February 20, 2014; and

WHEREAS, in response to the decision issued by the Court of Appeals, the Oregon Legislative Assembly enacted House Bill 4078 on April 1, 2014, which: (a) legislatively enacted Metro's 2011 UGB expansion, (b) added approximately 1,178 acres of land formerly designated as urban reserve to the UGB in Washington County, (c) made changes in the designation of certain urban and rural reserve areas in Washington County, and (d) identified certain land being brought into the UGB as being specifically designated for employment and industrial purposes; and

WHEREAS, in order to reflect the map amendments enacted by House Bill 4078, Metro revised its maps under Title 4 and 14 of the Urban Growth Management Functional Plan through the adoption of Ordinance 14-1336 on July 31, 2014; and

WHEREAS, it was later discovered that House Bill 4078 contained mapping errors related to urban and rural reserve designations in Washington County; and

WHEREAS, in order to correct those mapping errors, the 2015 Oregon Legislative Assembly enacted House Bill 2047; and

WHEREAS, the map revisions enacted by House Bill 2047 became effective on January 1, 2016 and create discrepancies with the map adopted by Metro in 2014; and

WHEREAS, Metro is obligated to revise its map under Title 14 of the Urban Growth Management Functional Plan in order to make the corrected urban and rural reserve locations correspond with the locations adopted by the legislature; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Title 14 map of the UGB and urban and rural reserves is hereby amended, as indicated in Exhibit A, attached and incorporated into this Ordinance, to revise the location of urban and rural reserves as required by House Bill 2047.

ADOPTED by the Metro Council this _____ day of August 2017.

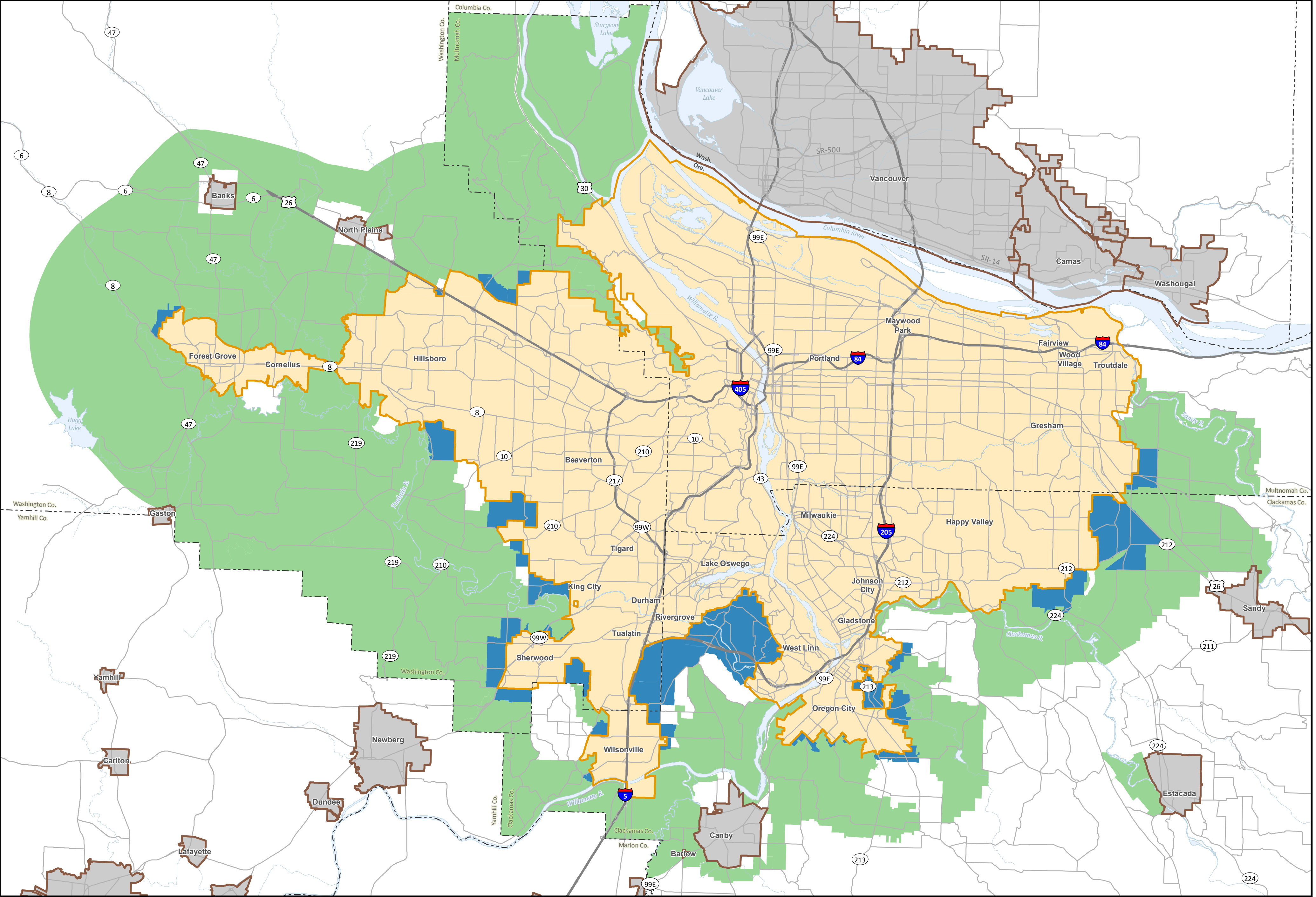
Tom Hughes, Council President

Attest:

Approved as to Form:

Nellie Papsdorf, Recording Secretary

Alison R. Kean, Metro Attorney

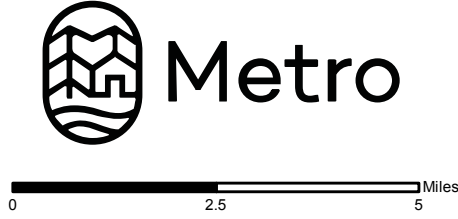


Title 14, Urban Growth Boundary

Exhibit A

August 2017

- Metropolitan Portland Urban Growth Boundary
- Rural Reserves
- County Boundaries
- Urban Reserves
- Other Urban Growth Boundary



The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors are appreciated.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1407, FOR THE PURPOSE OF AMENDING THE TITLE 14 MAP OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TO CONFORM WITH CHANGES ENACTED BY THE OREGON LEGISLATURE IN HOUSE BILL 2047

Date: July 12, 2017

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

After the Oregon Legislature enacted House Bill 4078 (the land use “Grand Bargain”) in 2014, it was discovered that there were a handful of errors in the technical legal descriptions of some of the properties being described as urban or rural reserves. Those errors were corrected in the 2015 legislative session by House Bill 2047, and the corrections became effective in 2016. The purpose of this ordinance is to conform Metro’s official map of urban and rural reserves with the technical fixes that were enacted by House Bill 2047.

PROPOSAL

Urban Growth Management Functional Plan (Functional Plan) Title 14: Urban Growth Boundary contains Metro’s code requirements related to expansion of the UGB. The Urban Growth Boundary and Urban and Rural Reserves Map contained in Title 14 is the official depiction of the UGB and the urban and rural reserves in the Metro region. Thus, the Title 14 map needs to be amended to reflect the changes to the urban and rural reserves as a result of the technical fixes made by House Bill 2047. A summary of the changes is outlined in the table below and represented on Attachments 1-4. Attachment 5 represents these changes on the Title 14 Map. The 2040 Growth Concept Map will be updated to reflect the changes adopted on the Title 14 Map on the effective date of this ordinance.

Amendments to the Urban and Rural Reserves	
Undesignated to Rural Reserve	Attachment
Highway 47/NW Purdin Road Intersection right-of-way	1
NW Gordon Road right-of-way	2
Urban Reserve to Undesignated	
Highway 26/NW Helvatia Road Interchange right-of-way parcel	3
Rural Reserve to Urban Reserve	
NW Cornelius Pass Road right-of-way	4
Tax lot IN214A004050	4
Tax lot (partial) 1N214D0000400	4
Undesignated to Urban Reserve	
NW West Union Road right-of-way	4

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

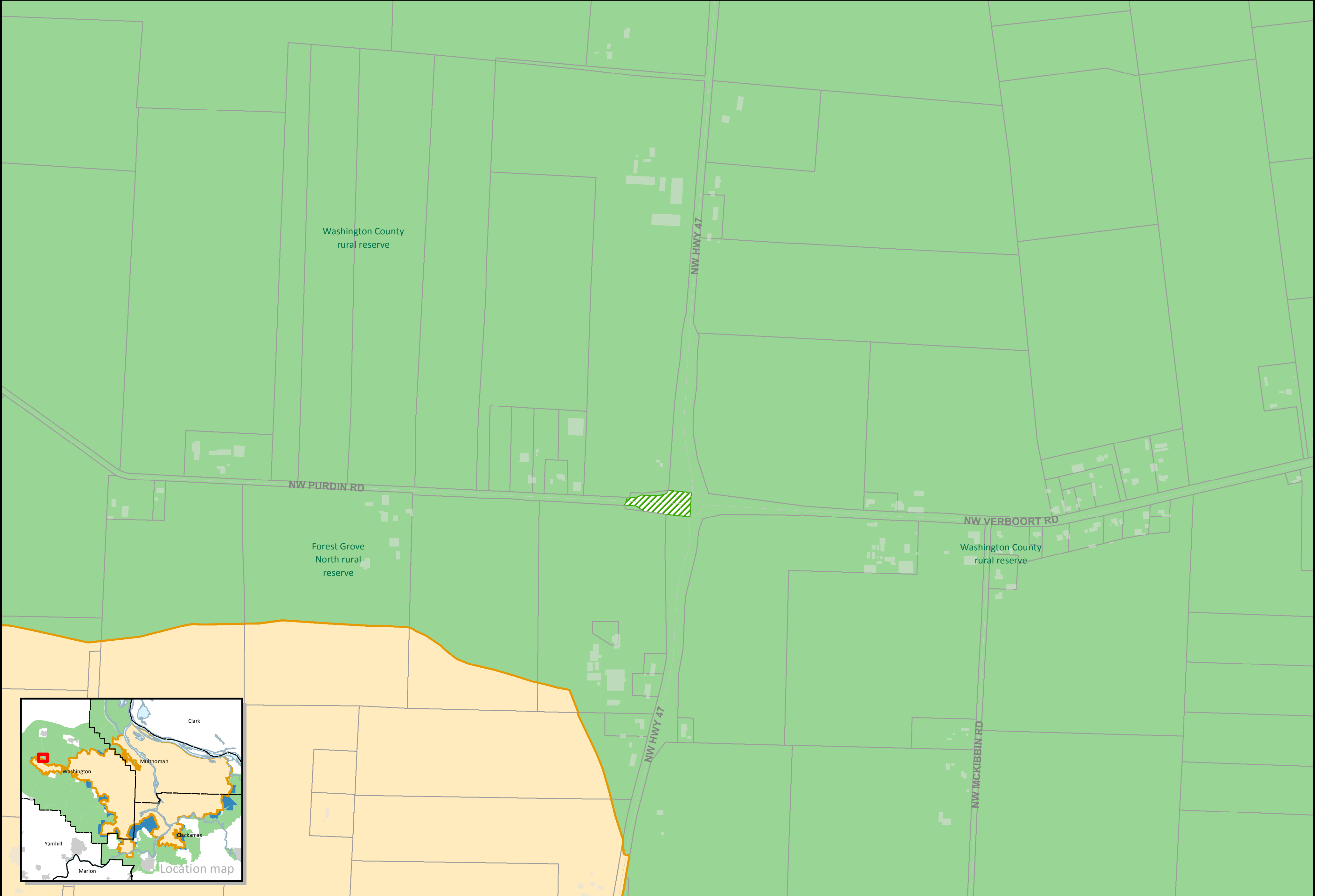
Legal Antecedents: Oregon Revised Statute (ORS) 197.298 and 197.299 and Metro Code Section 3.07.1400 provide evaluation and amendment requirements for an amendment to the urban growth boundary.

Anticipated Effects: Adoption of Ordinance No. 17-1407 will amend the urban and rural reserves in Washington County on the Title 14 Map consistent with the provisions of House Bill 2047.

Budget Impacts: There is no budget impact.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 17-1407.



HB2047 Urban and Rural Reserves
Washington County Area - Attachment 1
August 2017

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors are appreciated.

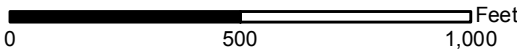
Existing Reserves

- Rural Reserve
- Urban Reserve

Reserve Changes

- Rural to Urban
- Undesignated to Urban
- Undesignated to Rural
- Urban to Undesignated

- Metropolitan Portland Urban Growth Boundary
- Taxlots





HB2047 Urban and Rural Reserves
Washington County Area - Attachment 2
August 2017

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors are appreciated.

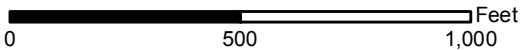
Existing Reserves

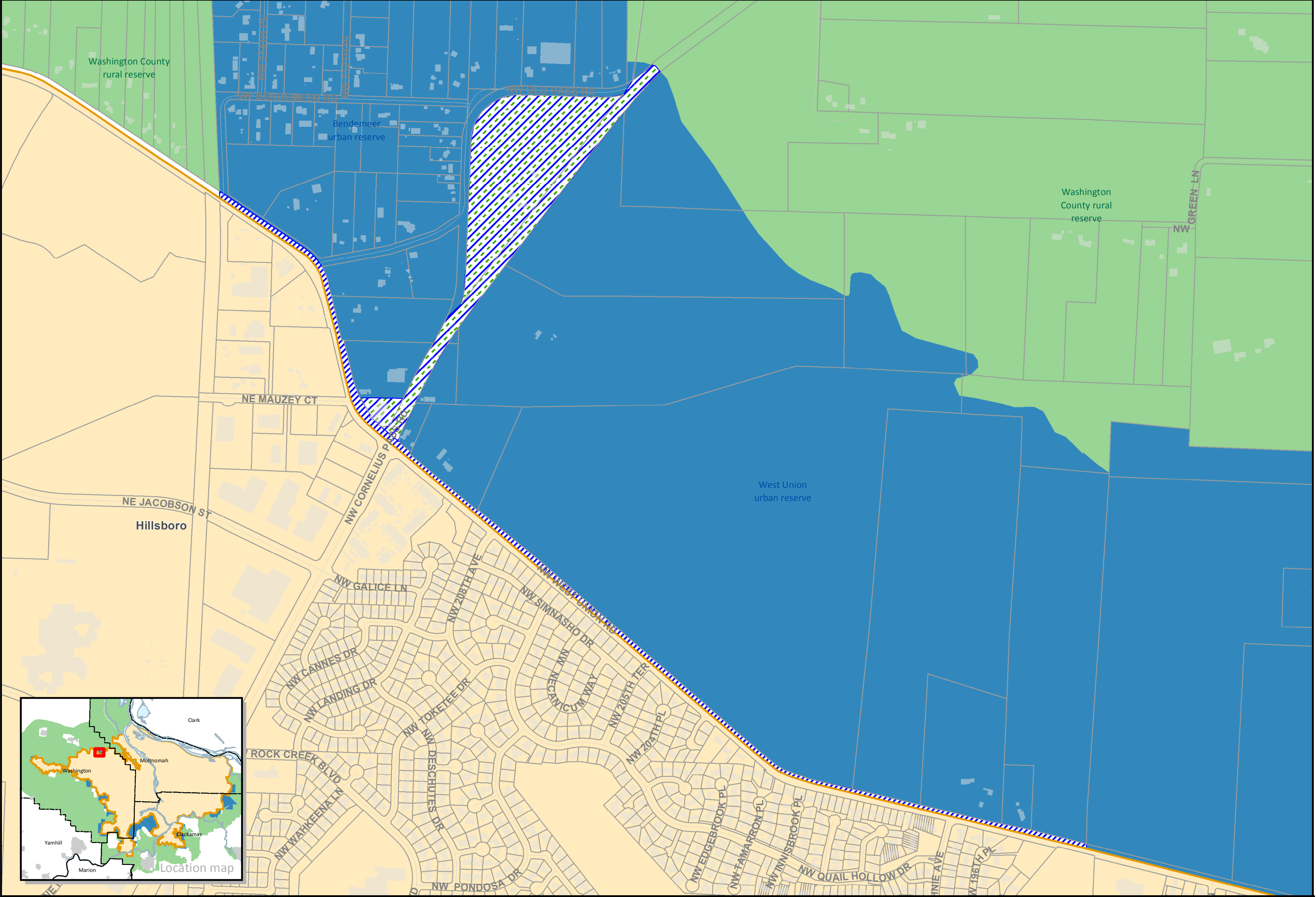
- Rural Reserve
- Urban Reserve

Reserve Changes

- Rural to Urban
- Undesignated to Urban
- Undesignated to Rural
- Urban to Undesignated

- Metropolitan Portland Urban Growth Boundary
- Other Urban Growth Boundary
- Taxlots





HB2047 Urban and Rural Reserves
Washington County Area - Attachment 4
August 2017

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors are appreciated.

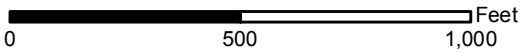
Existing Reserves

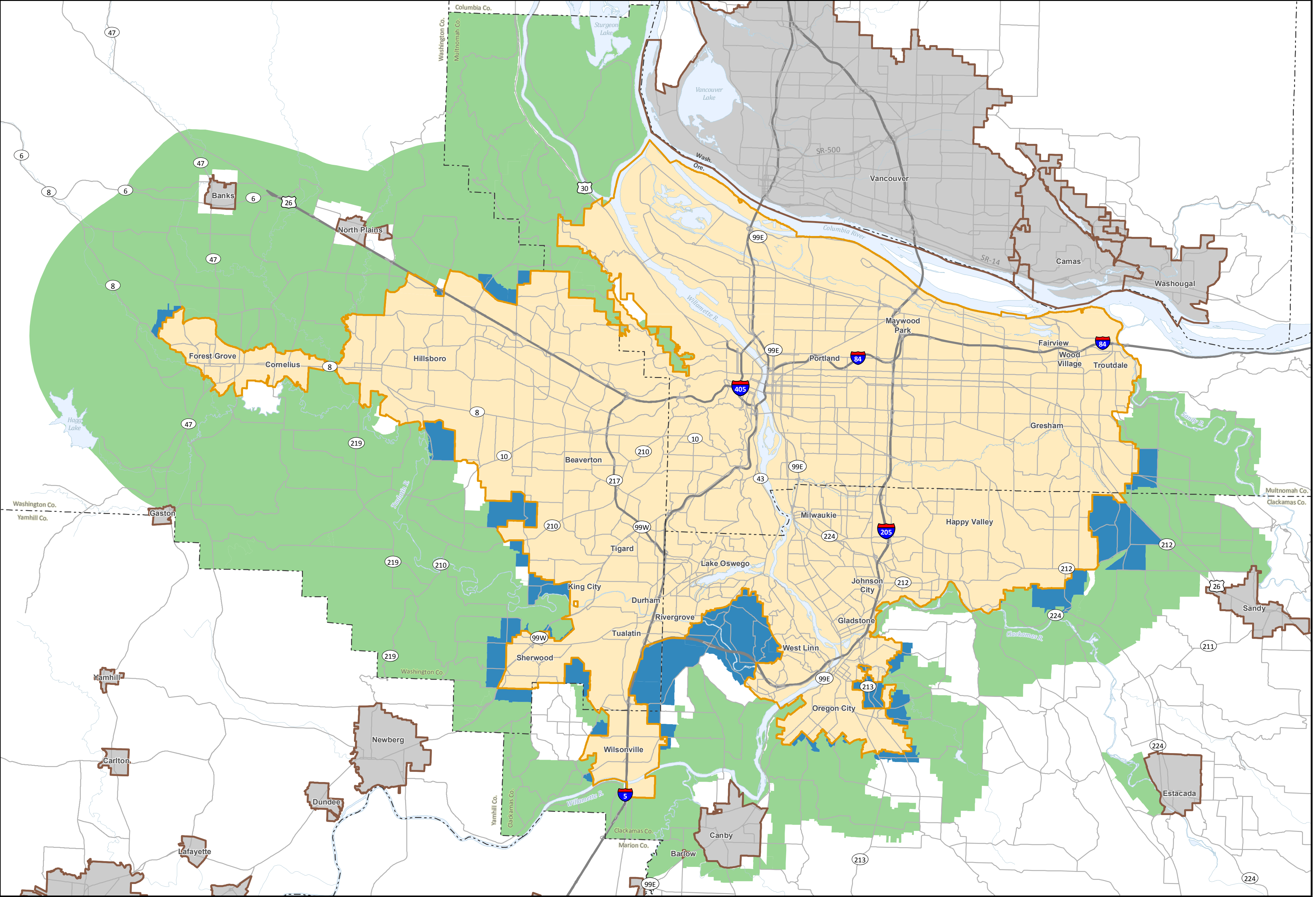
- Rural Reserve
- Urban Reserve

Reserve Changes

- Rural to Urban
- Undesignated to Urban
- Undesignated to Rural
- Urban to Undesignated

- Metropolitan Portland Urban Growth Boundary
- Taxlots

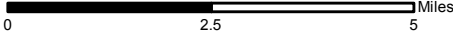




Title 14, Urban Growth Boundary
Attachment 5

August 2017

- Metropolitan Portland Urban Growth Boundary
- Other Urban Growth Boundary
- Rural Reserves
- Urban Reserves
- County Boundaries



The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors are appreciated.

Materials following this page were distributed at the meeting.

Metro

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



Metro

Minutes

Thursday, July 27, 2017

2:00 PM

Metro Regional Center, Council chamber

Council meeting

1. Call to Order and Roll Call

Council President Tom Hughes called the Metro Council meeting to order at 2:02 p.m.

Present: 6 - Council President Tom Hughes, Councilor Carlotta Collette, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Kathryn Harrington, and Councilor Bob Stacey

Excused: 1 - Councilor Sam Chase

2. Citizen Communication

There was none.

3. Consent Agenda**Approval of the Consent Agenda**

A motion was made by Councilor Craddick, seconded by Councilor Stacey, to adopt items on the consent agenda. The motion passed by the following vote:

Aye: 6 - Council President Hughes, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

Excused: 1 - Councilor Chase

3.1 Consideration of the Council Meeting Minutes for July 20, 2017**4. Resolutions****4.1 Resolution No. 17-4816, For the Purpose of Approving the Air Quality Conformity Determination for the 2018-2021 Metropolitan Transportation Improvement Program**

Council President Hughes called on Mr. Ted Leybold, Metro staff, for a brief presentation on Resolutions Nos. 17-4816 and 17-4817. Mr. Leybold explained that Resolution No. 17-4816 would approve the air quality conformity determination for the 2018-2021 Metropolitan Transportation Improvement Program (MTIP). He informed the Council that the determination analyzed and documented the concurrence of Metro's partner agencies

that the regional transportation investments scheduled in the MTIP would not result in emissions that violated any of the region's air emissions limits. He noted that with the Metro Council's approval, the determination would be submitted to the Federal Highway Administration (FHWA) for their concurrence. Mr. Leybold explained that the investments outlined in the MTIP were not allowed to proceed without the FHWA's concurrence.

Mr. Leybold then provided an overview of Resolution No. 17-4817, which would adopt the 2017-2021 MTIP. He noted that the document ensured the financial capacity for all of the MTIP projects to be funded and provided transparency for the process for all of the federal funds that would be spent in the region. He added that it also ensured compliance with federal regulations and acknowledged that the federal investments were coordinated in a comprehensive way, in partnership with the state and transportation and transit agencies. Mr. Leybold noted that the four year period represented \$1.6 billion in investments in 213 projects and provided a general overview of the projects included. He explained that the MTIP was a living document and would be amended over the years to reflect needed adjustments. For example, he stated that with the recent passing of the state transportation package, the MTIP would need to be amended as the package's funds were assigned to projects. Mr. Leybold also shared an overview of the MTIP's extensive public comment process, noting that responses demonstrated that Metro was generally moving in the right direction. He thanked Metro staff, Metro's partner agencies, the Joint Policy Advisory Committee on Transportation (JPACT), and the Metro Council for their contributions to the program.

Council Discussion

Councilor Stacey thanked Mr. Leybold for the presentation and spoke to the importance of preserving the region's air quality. He asked about the performance standards set in the air quality plan and the timeline of investments, as well as the potential for reevaluating the region's air quality needs now that its demographics had changed so significantly. Councilor Collette discussed the connection between federal funds and federal air quality standards. Mr. Leybold noted that in addition to not receiving the federal dollars, the region would also experience other significant consequences if it was not in compliance with federal standards, including impacts on industrial permitting. Councilors discussed additional opportunities to limit emissions and preserve air quality.

A motion was made by Councilor Dirksen, seconded by Councilor Craddick, that this item be adopted. The motion passed by the following vote:

Aye: 6 - Council President Hughes, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

- 4.2 Resolution No. 17-4817, For the Purpose of Adopting the 2018-2021 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area

Resolutions Nos. 17-4816 and 17-4817 were presented together; please see above.

A motion was made by Councilor Dirksen, seconded by Councilor Collette, that this item be adopted. The motion passed by the following vote:

Aye: 6 - Council President Hughes, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

Excused: 1 - Councilor Chase

5. Ordinances (First Reading and Public Hearing)

- 5.1 Ordinance No. 17-1407, For the Purpose of Amending the Title 14 Map of the Urban Growth Management Functional Plan to Conform with Changes Enacted by the Oregon Legislature in House Bill 2047

Council President Hughes introduced Mr. Tim O'Brien, Metro staff, to provide a brief staff report. Mr. O'Brien explained that approval of the ordinance would correct technical errors made to the urban and rural reserves legislative action. He informed the Council that after the Oregon state legislature enacted House Bill 4078, it was discovered that there were a few errors in the legal descriptions of some of the properties and roadways being described as urban or rural reserves. He noted that the errors were corrected by House Bill 2047. Mr. O'Brien explained that Ordinance No. 17-1407 would make the required changes to the Title 14 map, Metro's official map of the urban growth boundary (UGB). He stated that the changes, outlined in the staff report, concerned a road right-of-way and a parcel thereof. Mr. O'Brien noted that there were no significant changes to the map and the adjustment would eliminate future problems if the areas were added to the urban growth boundary later on.

Council Discussion

Councilor Harrington asked if the characteristics of the map ensured that sufficient right of way would be preserved if the area outside of the UGB was brought into it in the future. Mr. O'Brien confirmed this was the case.

5.1.1 Public Hearing for Ordinance No. 17-1407

Council President Hughes opened up a public hearing on Ordinance No. 17-1407 and requested that those wishing to

testify come forward to speak. Seeing none, Council President Hughes gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1407 would take place on Thursday, August 10.

6. Chief Operating Officer Communication

Ms. Martha Bennett noted that Metro's Committee on Racial Equity (CORE) would have its first meeting on July 27 at 6:00pm. She announced that Mr. Matt Tracy, Metro staff, had been appointed to the Gladstone City Council and offered her congratulations. Ms. Bennett then shared details about the new Right 2 Dream Too site near the Moda Center, noting that Metro staff had provided signage to the site and connected its residents to free waste education opportunities.

7. Councilor Communication

Councilors provided updates on the following meetings or events: the East Portland Action Plan meeting on July 26.

8. Adjourn

There being no further business, Council President Hughes adjourned the Metro Council meeting at 2:35 p.m. He announced that the Metro Council would convene in the Council Annex for an executive session pursuant to ORS 192.660(2)(e). The Metro Council will convene the next regular council meeting on August 10 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,



Nellie Papsdorf, Legislative and Engagement Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 27, 2017

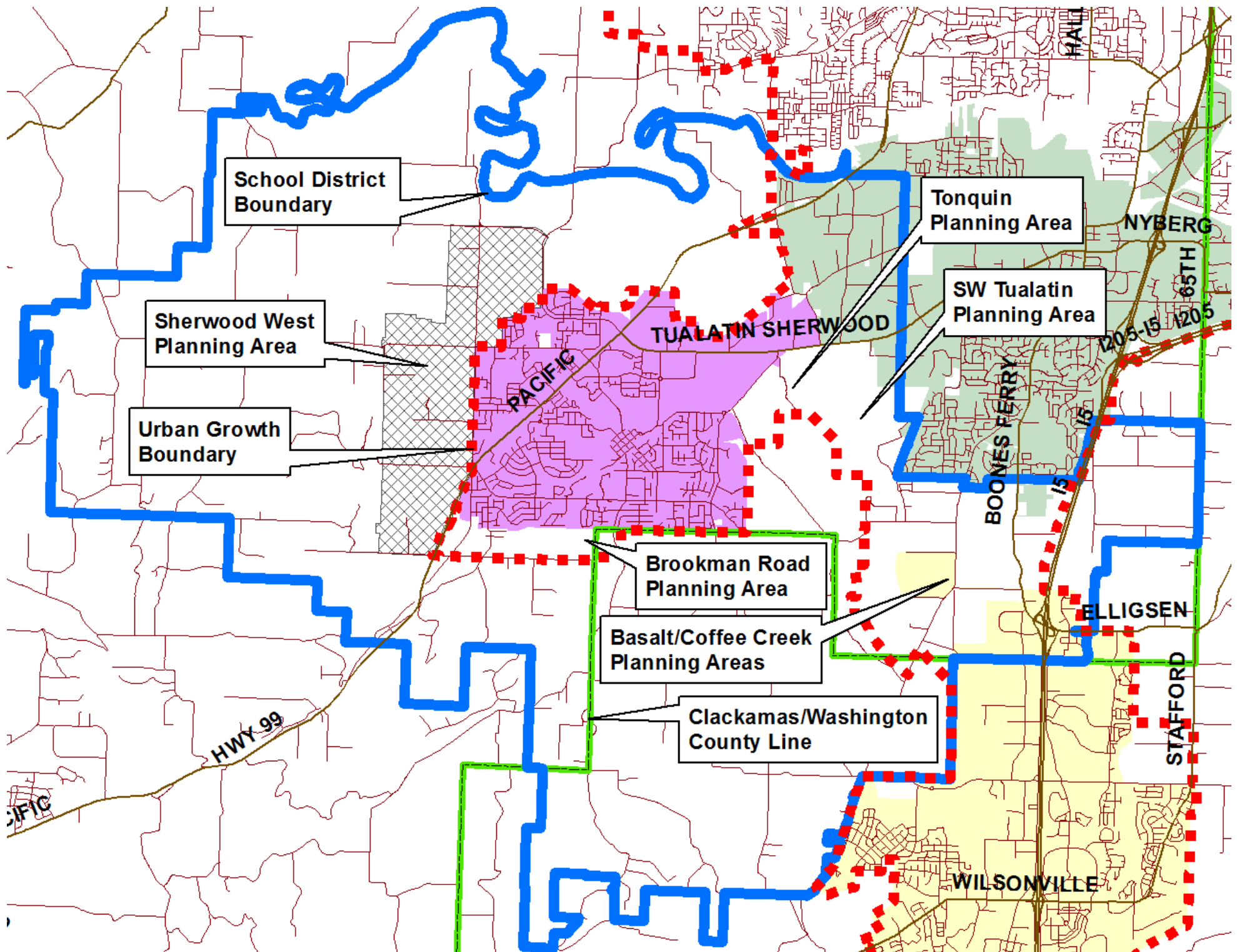
ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
3.1	Minutes	07/27/17	Council Meeting Minutes from July 20, 2017	072717c-01

New Sherwood High School

Metro Council – UGB Amendment Hearing

August 10, 2017





Existing Conditions	Enrollment March 1, 2017	January 2016 Main Building Capacity (without portables) (DOWA Architects)	% Capacity
Elementary School			
Archer Glen	548	500	110%
Edy Ridge	572	575	99%
Hopkins	529	625	85%
Middleton	599	575	104%
<i>Subtotal</i>	2248	2275	99%
Middle School			
Laurel Ridge	478	620	77%
Sherwood Middle	712	940	76%
<i>Subtotal</i>	1190	1560	76%
High School			
Sherwood High School	1689	1550	109%

Future Capacity (No-Build)	10-year Projection - Year 2025 (Davis Demographics)	January 2016 Main Building Capacity (without portables) (DOWA)	% Capacity
Elementary School			
Archer Glen	704.8	500	141%
Edy Ridge	505.8	575	88%
Hopkins	750.2	525	143%
Middleton	633.2	575	110%
<i>Subtotal</i>	2594.0	2175	119%
Middle School			
Laurel Ridge	554.1	620	89%
Sherwood Middle	1069.9	865	124%
<i>Subtotal</i>	1624.0	1485	109%
High School			
Sherwood High School	2181.9	1550	141%

HIGH SCHOOL PLANNING HISTORY



Sherwood School District 88J Long Term Facilities Plan

Introduction

The Sherwood School District enrollment has grown substantially over the last decade from 2,330 students in 1997 to 4,224 in 2007. This represents an increase of 81% over the ten year period. This growth significantly impacted the District's facilities plans in its efforts to provide an adequate learning environment for all students in the District. This rapid pace of growth has slowed in recent years but is still expected to require careful facility planning in the future. This document is intended to set forth the facility plans for the Sherwood School District for the next fifteen years and is based on projections of student growth at both the elementary and secondary levels.

Student population

Exhibit A shows student growth from 1997 through 2007 by grade.

Facility Planning Process

The dramatic growth in student population over the past 10 years and the projections of continued student growth over the next fifteen years resulted in a community effort in 2005 to determine the facility needs for the district. The process included a number of participants from the community including board members, staff, architects, financial advisors, business leaders, parents and students. The six month process evaluated a number of facility improvement options to meet the District's growing demand.

At the end of the process, the committee made a recommendation to the Board that became the basis for the bond measure that was approved by voters in November 2006. The recommendation included the construction of an additional elementary school, an additional middle school and a major addition to the high school. These improvements and related land acquisitions amounted to an estimated \$98,000,000.

With the passage of the 2006 bond measure, new facilities are under construction. They include a new elementary school with a capacity of 600 students and a new middle school with a capacity of 500 students. Also included is an addition to the high school that will add 600 students to its capacity. The new elementary and middle schools are scheduled to open in the fall of 2009 while the addition to the high school is scheduled to open in the fall of 2008. These improvements will provide capacity for 1,700 additional students to the District.

Current and New Facilities

The District currently has the following school facilities.

Hopkins Elementary School	Built in 1950, remodeled in 1995 and 2000
Archer Glen Elementary	Built in 1995
Middleton Elementary	Built in 2000
Sherwood Middle School	Built in 1936, remodeled in 1996 and 2000
Sherwood High School	Built in 1971, remodeled in 1996 and 2001

In addition, the District has a transportation and maintenance facility on Cipole Road that was constructed in 2000 and a District office that was constructed in 1996.

The following table compares the 2007/08 capacity and student enrollments to the 2009/10 capacity and projected enrollments. 2009/10 is the school year the new elementary and middle schools are scheduled to open.

Facility	2007/08 Capacity	2007/08 Enrollment	2009/10 Capacity	2009/10 Enrollment
Archer Glen Elementary School	600	674	600	545
Hopkins Elementary School	600	687	600	545
Middleton Elementary School	600	691	600	545
New Elementary School			600	542
Total Elementary Schools	1,800	2,052	2,400	2,177
Sherwood Middle School	900	1,049	900	700
New Middle School			500	413
Total Middle Schools	900	1,049	1,400	1,113
Sherwood High School	1,000	1,123	1,600	1,228
Total	3,700	4,224	5,400	4,518

Future Growth

At a projected 3% student population growth per year, capacity with the new schools will be reached in 2015/16. At this rate of growth, it is projected that an additional elementary school will be needed by 2019. A phase two expansion to the high school is provided for in the current design that will add an additional capacity to the high school of 400 students. This is accomplished by the addition of a second two story classroom wing. The new middle school is also designed with the potential for a phase two expansion adding an additional 400 students to its capacity. Both of these phase two expansions and the addition of a fifth elementary school will require funding in the future. Estimated costs based on current projects and 7% construction inflation per year are as follows:

Fifth Elementary School	Estimated construction 2019	\$32,000,000
Addition to High School	Estimated construction 2015	\$24,000,000
Addition to the Middle School	Estimated construction 2021	<u>\$36,000,000</u>
Total Potential Capital Financing Need		<u>\$92,000,000</u>

School Facilities Planning and Pubic Outreach Process Summary
(2016 Bond Measure Projects)
Prepared 2/23/2016

Long Range Planning Committee

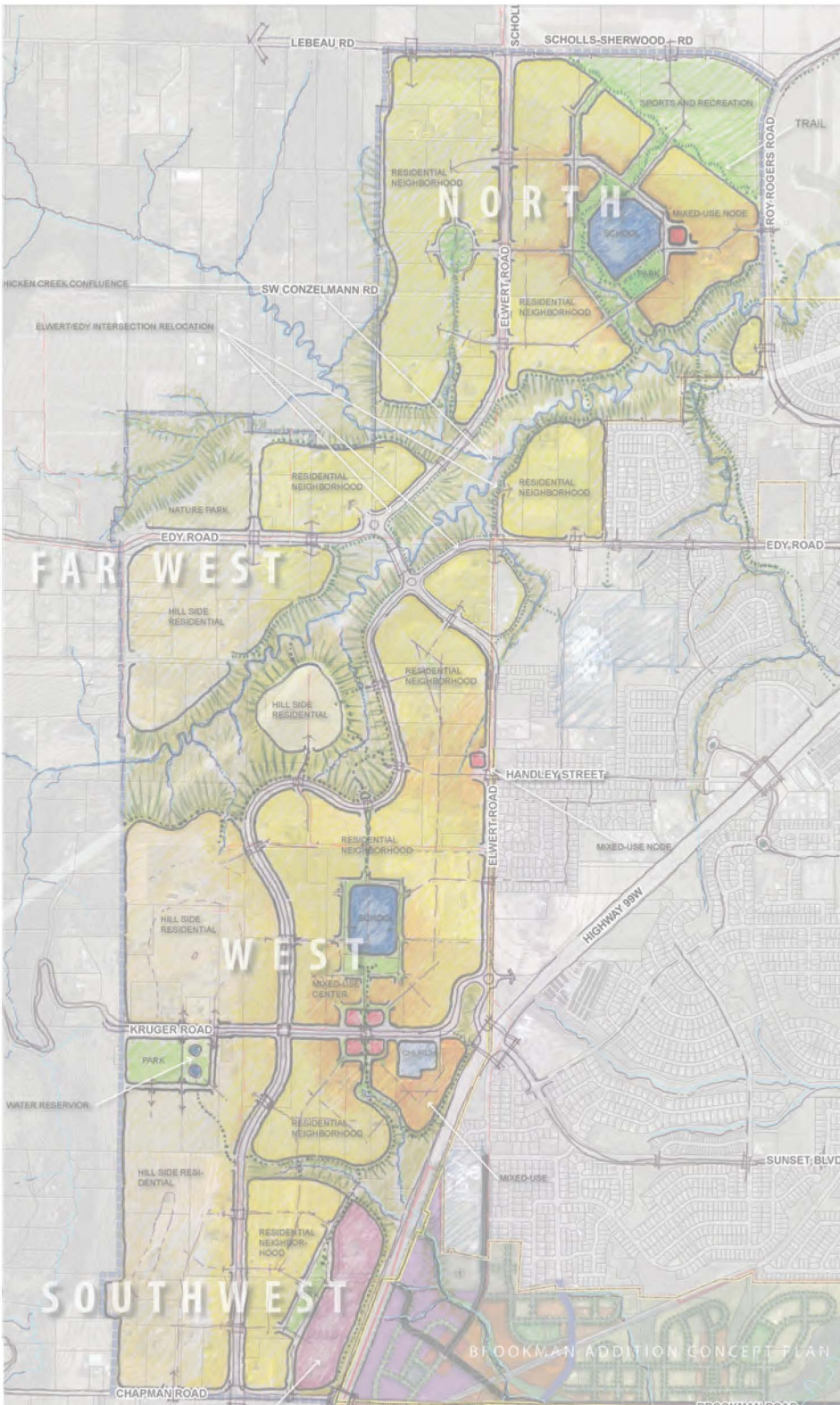
Timeframe: January – April 2014

Purpose: The purpose of the Long Range Planning Committee (LRPC) was to be an advisory committee to the Sherwood School District Board of Directors that would provide recommendations and findings specific to long-range planning issues and challenges for the Sherwood School District. The LRPC was presented data on three issues; Enrollment & Growth challenges, Facilities Analysis & Needs, and Financing Options to Meet Student Needs. Following the committee presentations, discussions and debate, LRPC members presented recommendations to the School Board on how the district might respond to these three issues facing the district.

Participants: The LRPC included (28) stakeholders including Community Parents and Business partners, Community Arts partners, City of Sherwood Planning department staff, Sherwood Police officers, Sherwood SD elementary and secondary Principals and Teachers, the Sherwood SD Superintendent, Chief Financial Officer and Director of Support Services.

Meeting Dates and Descriptions:

January 29, 2014	Overview of Issues Facing the District (Enrollment, Facilities & Financing)
February 5, 2014	Growth - City of Sherwood Growth Projections presented
February 19, 2014	Enrollment – Forecasts from 2010-2015 PSU Demographic study
March 5, 2014	Enrollment – School enrollment and capacities
March 19, 2014	Facilities Needs and Financing Options
March 31, 2014	Review Report to Board of Directors
April 9, 2014	LRPC Report to the Board of Directors – Board Presentation

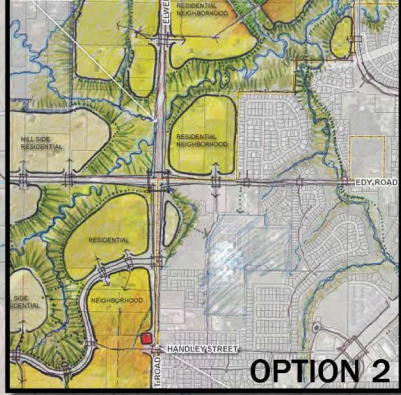


Sherwood West

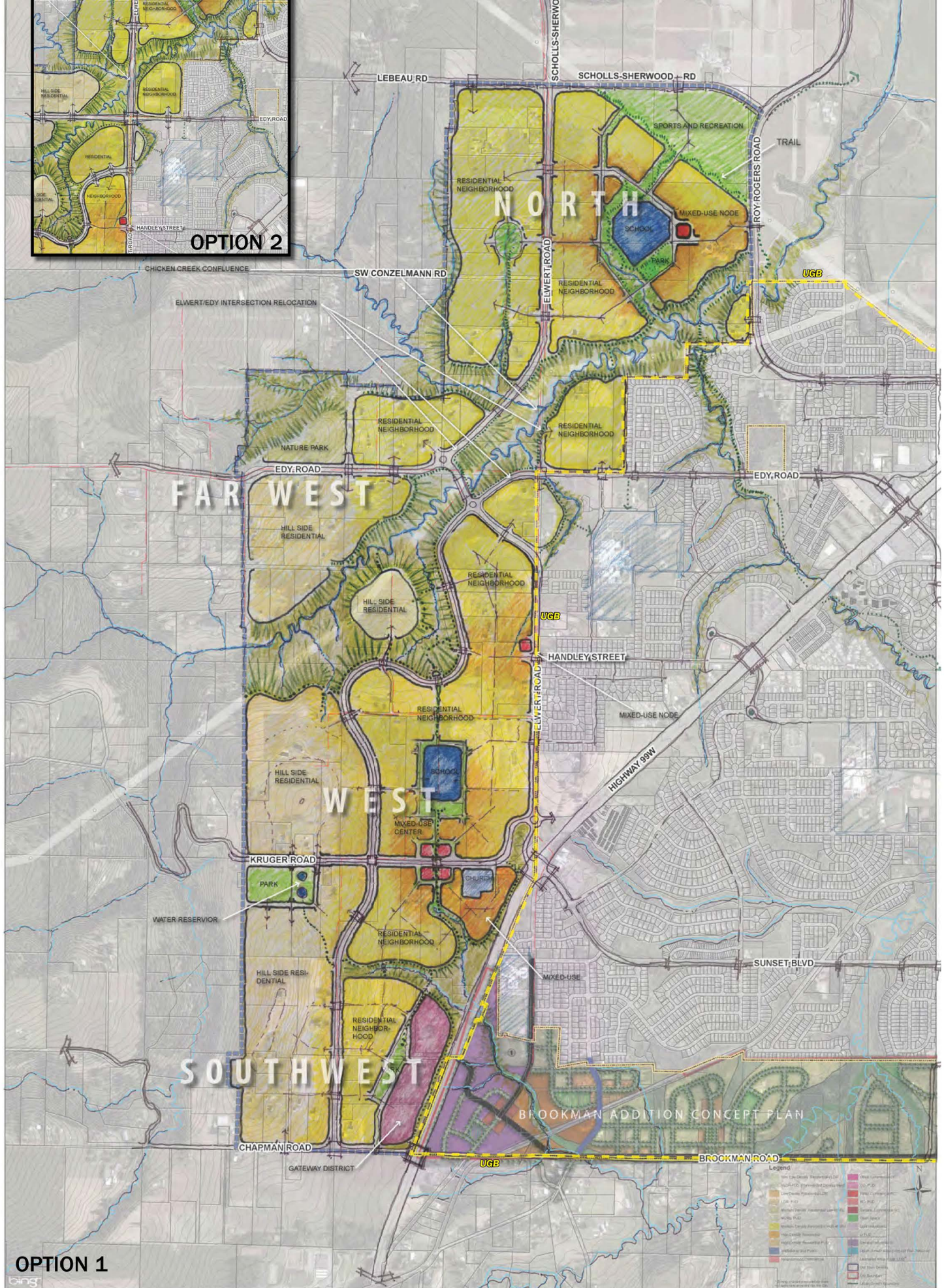
Preliminary Concept Plan

A long range look at our future.

February 4, 2016



OPTION 2



OPTION 1

- LEGEND**
- RESIDENTIAL - HILLSIDE
 - RESIDENTIAL - NEIGHBORHOOD
 - RESIDENTIAL - NEIGHBORHOOD
 - RESIDENTIAL - MIXED-USE
 - MIXED USE COMMERCIAL

0' 600' 1200' 2400'





Facilities Condition & Educational Adequacy Assessments

Timeframe: February – August 2015

Purpose: The purpose of the Facilities Condition & Educational Adequacy Assessments was to document the condition and educational adequacy of Sherwood School District's school facilities.

Participants: Participants in the process included the principals of all Sherwood schools, the Director of Support Services, the Director of Technology, as well as architectural and engineering consultants.

Meeting Dates and Descriptions:

February 11, 2015	Presentation to School Board – Overview of LRFP Process
April 22-23, 2015	Educational Adequacy Interviews with all School Principals
April 22-24, 2015	Onsite School Facility Assessments
May 6, 2015	Meeting with Technology Department Staff
August 26, 2015	Presentation of Final Assessments to School Board

There may have been some community open houses held by the District (not involving DOWA) during this time.

School Board Presentations

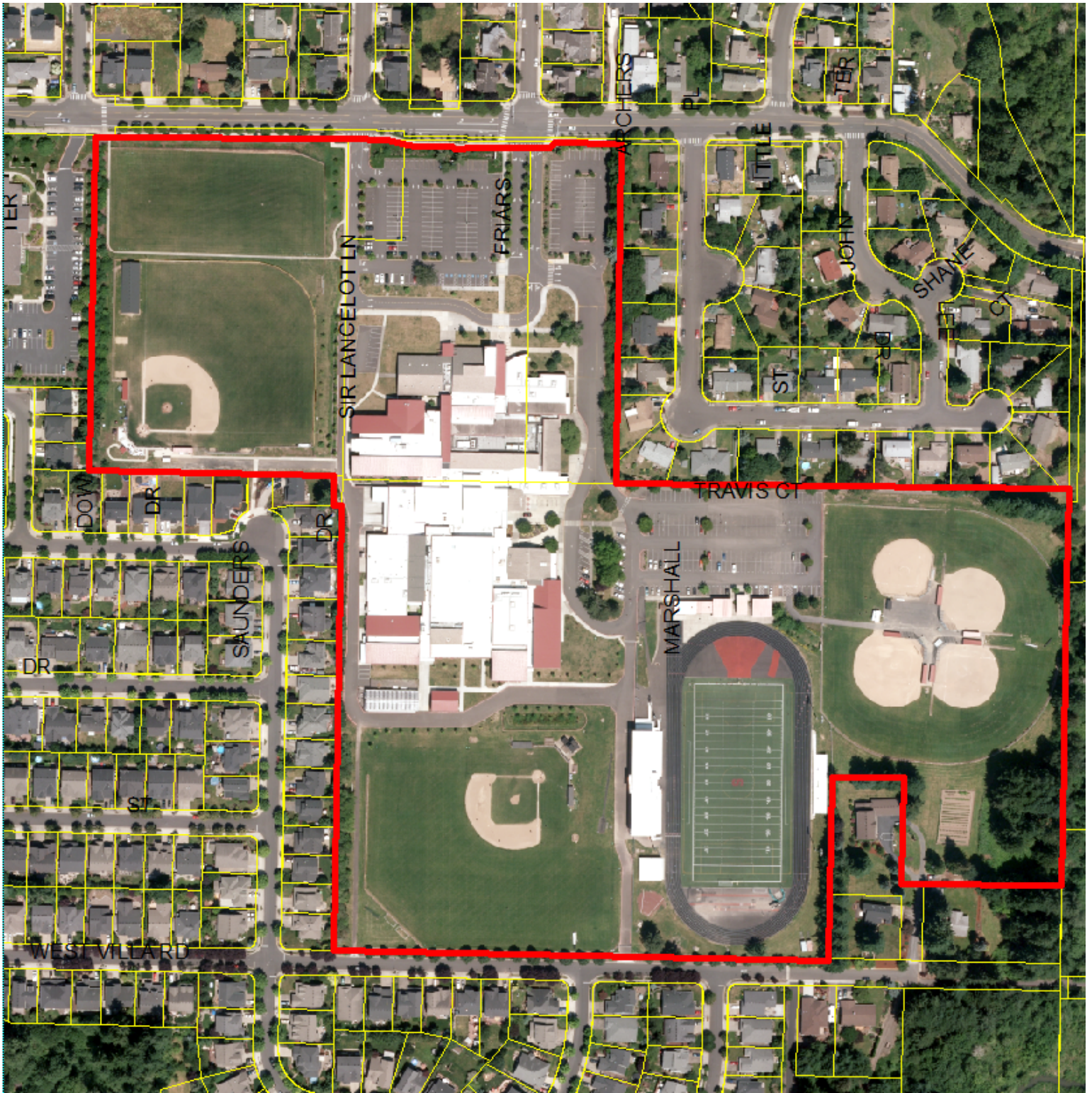
Timeframe: January – March 2016

Purpose: Following the completion and acceptance of the Final Facilities Condition & Educational Adequacy Assessments, two (2) additional School Board presentations were held to initiate the bond planning process, engage the Board in bond planning discussions, and provide an opportunity to review potential bond scenarios proposed by the Bond Visioning Committee.

Participants: Participants in the process included School Board Members, the Superintendent, and other District administrators.

Meeting Dates and Descriptions:

January 27, 2016	Bond Planning Workshop – School Board
March 29, 2016	Review of Potential Bond Projects





Dull Olson Weekes - IBI Group Architects, Inc.
907 SW Stark Street
Portland OR 97205 USA

tel 503 226 6950
fax 503 273 9192

Memorandum

To/Attention	Keith Jones	Date	March 6, 2017
From	Karina Ruiz	Project	New Sherwood HS
cc		Project No.	17001
Subject	Existing Sherwood HS Issues		

Site

The existing Sherwood High School is embedded within established Sherwood–Tualatin North residential neighborhoods. The resulting community connections are strong and multiple. Unfortunately, as the district's student population has grown, and the need for additional space has intensified, the constraints of the existing HS site have become impediments to this necessary growth. **There is no additional land available to expand adjacent to the existing school site. Staff, student, and visitor parking, bus and parent drop-off loops, and outdoor athletic facilities are all below the school's requirements and create significant operational and programmatic compromises for school staff, students, and community.**

Building

A master plan was completed in July 2006 that was designed to accommodate a capacity of 2,000 students. **The 2006 Capital Improvement Bond funded Phase 1 of this master plan to accommodate an increase in capacity to 1,550 students. Current enrollment at Sherwood HS is over 1,700 students and demographic projections show the campus will need to house over 2,250 students by the 2025-26 school year.** The current school building is a result of a series of additions designed and constructed in an attempt to incrementally accommodate the growth of the student population. While these additions have added classroom capacity and targeted needs such as additional band and choir program space; an additional weight room and lockers room reconfigurations; additional space for special education; and food delivery improvements, the school's growth has exceeded the capacity that these additions and improvements have provided. Students reference "claustrophobic" spaces such as the existing library, classrooms, counselling, and other important student support areas. A lack of internal storage space has also resulted in items being stored in hallways and classrooms and adding to the crowding within the building.

"Core spaces" such as the cafeteria and auditorium have proven difficult to improve given their central location within the school and the landlocked nature of the site. Additionally, the cost to add capacity for these spaces, in a manner that functions properly, has been prohibitive. As a result, the spaces continue to be undersized, do not meet functional or operational needs, do not allow the proper delivery of school lunches, and cannot accommodate the entire school population. Students note challenges associated with these inadequate program spaces such as the inability to house the entire band for performances, the inability of parents and family members to secure tickets to concerts, and the constraints caused by insufficient stage and back-stage areas.



Existing corridors, intersections, and configurations are often circuitous and do not properly accommodate timely and efficient flow of students. Students complain of the difficulties they face in circulating from class to class within allotted passing times; the challenges maze-like corridors present to wayfinding; and the confusion resulting from one-way circulation patterns in stairways and other areas. Additionally, they note frequent conflict caused by the crowded conditions as well as the inability to find appropriate locations for important social and academic interactions. Further, students struggle to find quiet places to study; to collaborate and study with classmates; and to meet with teachers and other adult mentors. Staff note challenges with respect to providing appropriate levels of passive and active supervision.

Finally, students and educators alike note the challenges they face finding ways to display student work, showcase the activities of students, and in creating the adjacencies between programs that yield important synergies and facilitate multi-disciplinary learning -- and where students can explore, chart their own paths, learn from peers, and make connections between big topics and areas of study.

Bond Visioning Committee

Timeframe: February 2016

Purpose: Sherwood School District's Bond Visioning Committee was charged with collectively establishing a vision for the District's future bond planning work.

Participants: The Bond Visioning Committee included over 100 stakeholders, including community members, parents, business leaders, staff, students, administrators and industry representatives.

Meeting Dates and Descriptions:

February 16, 2016	Kick-off Meeting/Next Generation Learning
February 22, 2016	Virtual Tours/Physical Environment Implications
February 29, 2016	Develop/Confirm Vision for SSD School Facilities

Bond Steering Committee

Timeframe: February – March 2016

Purpose: The purpose of the Bond Steering Committee was to organize and recommend a bond package based on the vision of the Bond Visioning Committee and community input.

Participants: The Bond Steering Committee included Board members, the Superintendent, Assistant Superintendent, Chief Operating Officer, school principals, other school administrators, and architectural consultants.

Meeting Dates and Descriptions:

February 16, 2016	Review of Facilities Condition Assessment Data (Bldg. Improvement Needs)
February 19, 2016	Educational Adequacy Review
February 23, 2016	Technology and Safety/Security
March 1, 2016	Organization of Project Needs

2016 SCHOOL BOND



Bond Proposal

Bond-funded projects will include:

- District-wide safety and security upgrades
- District-wide deferred maintenance
- Curriculum and technology
- Construction of a new high school on a new site
- Costs associated with the issuance of the bond

Project List

Bond funds will support:

- Construction of a new high school on a new site, with 2,000 student capacity and 2,400 core capacity (expandable total capacity to 2,400 in a future, second phase)
- Relocating Laurel Ridge and Sherwood Middle to existing high school campus
- Relocating Hopkins to Sherwood Middle campus
- Converting The Ridges campus to two elementary schools
- Relocating District programs and community spaces to existing Hopkins site

Community Forum

Timeframe: May 2016

Purpose: The Community Forum provided community members with an opportunity to provide input the proposed bond scenarios developed by the Bond Visioning Committee for Sherwood School District.

Participants: The Community Forum was a public meeting open to all Sherwood community members. The meeting was advertised extensively to encourage participation from a wide variety of community members.

Meeting Dates and Descriptions:

May 2, 2016	Bond Community Forum to Review/Discuss Bond Options
-------------	---

Sherwood High School Programming Committee

Timeframe: January 2017

Purpose: The Sherwood High School Programming Committee was charged with working with the design team to develop a draft area program for the new Sherwood High School, establishing proposed space allocations for all programs and functions.

Participants: The Programming Committee included the SHS Principal, SHS Associate Principal, SSD Assistant Superintendent, owner's representative and architectural team.

Meeting Dates and Descriptions:

January 4, 2017	Kick-off Meeting
January 12, 2017	Area Program Work Session
January 17, 2017	Refinement of Draft Area Program
January 24, 2017	Presentation of Final Area Program

Sherwood High School Design Committee

Timeframe: January – March 2017

Purpose: The Design Committee is charged with working with the design team to provide advice on the vision, guiding principles, area program, space adjacencies and design elements for the new Sherwood High School.

Participants: The Committee includes Board members, the Superintendent, Assistant Superintendent, Chief Operating Officer, SHS Principal, SHS Associate Principal, SHS teachers, SHS classified staff, SHS students, SSD parents and community members.

Meeting Dates and Descriptions:

January 31, 2017	Kick-off Meeting
February 6, 2017	High School Visioning Session / Guiding Principles
February 15, 2017	Area Program / Spatial Relationships Exercise
February 28, 2017	Area Program Confirmation / Conceptual Master Plan Charrette
March 1, 2017	School Site Tour: Ridgeview High School
March 6, 2017	Conceptual Master Plan Review
March 15, 2017	Conceptual Master Plan Approval

Community Input Sessions

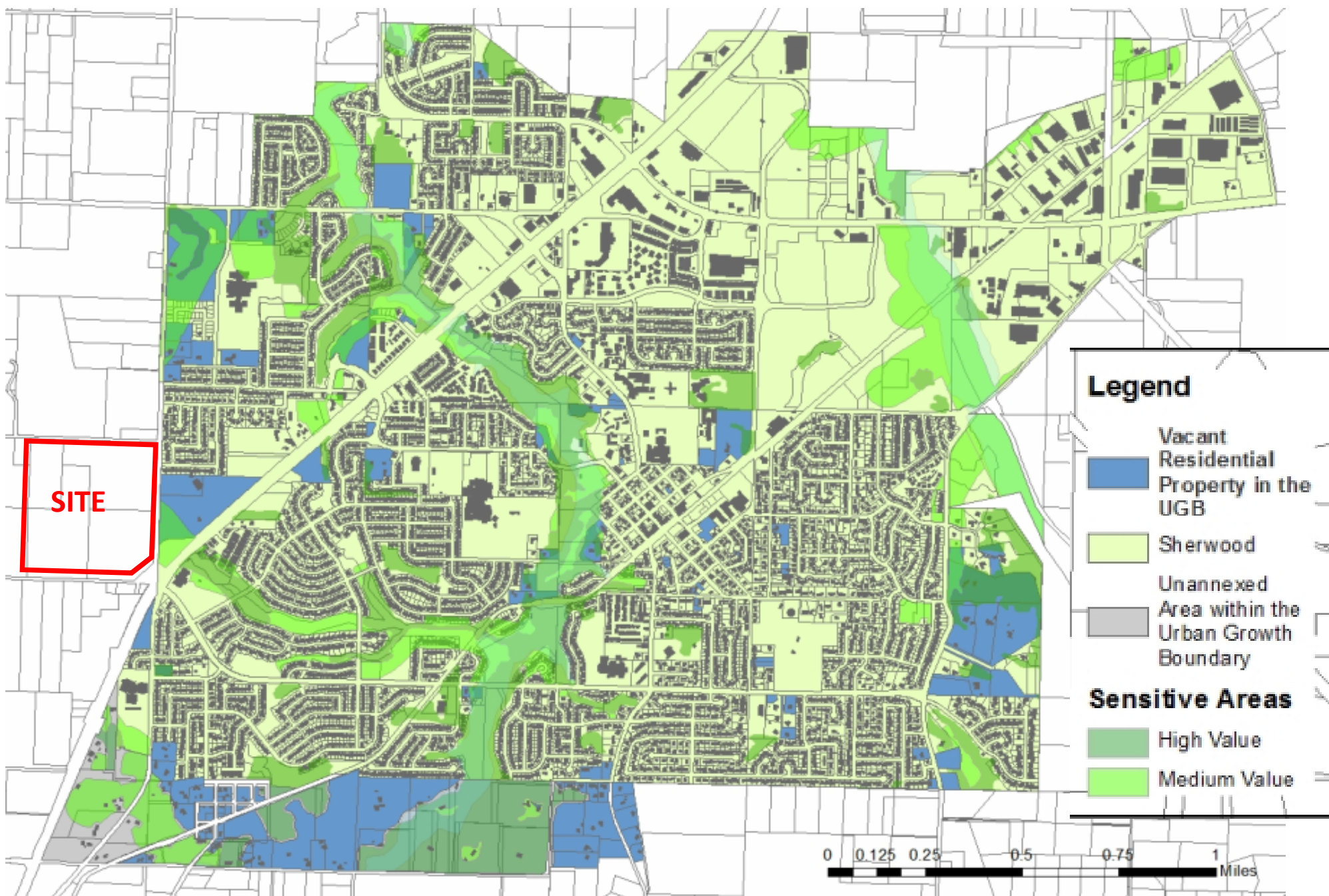
Timeframe: Specific dates/times TBD

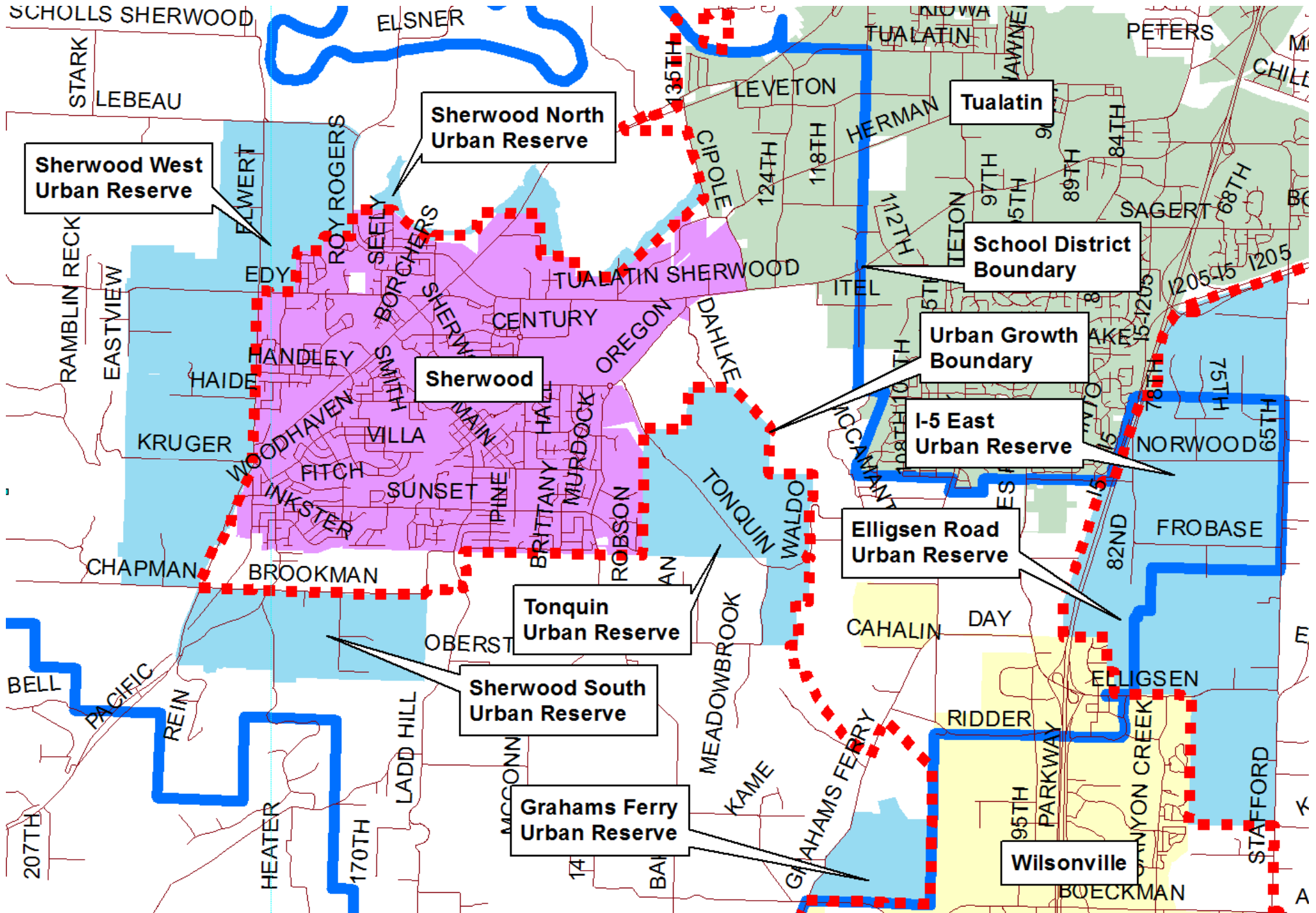
Purpose: Community Input Sessions will provide community members with an opportunity to provide input on the vision and design concepts for the new Sherwood High School.

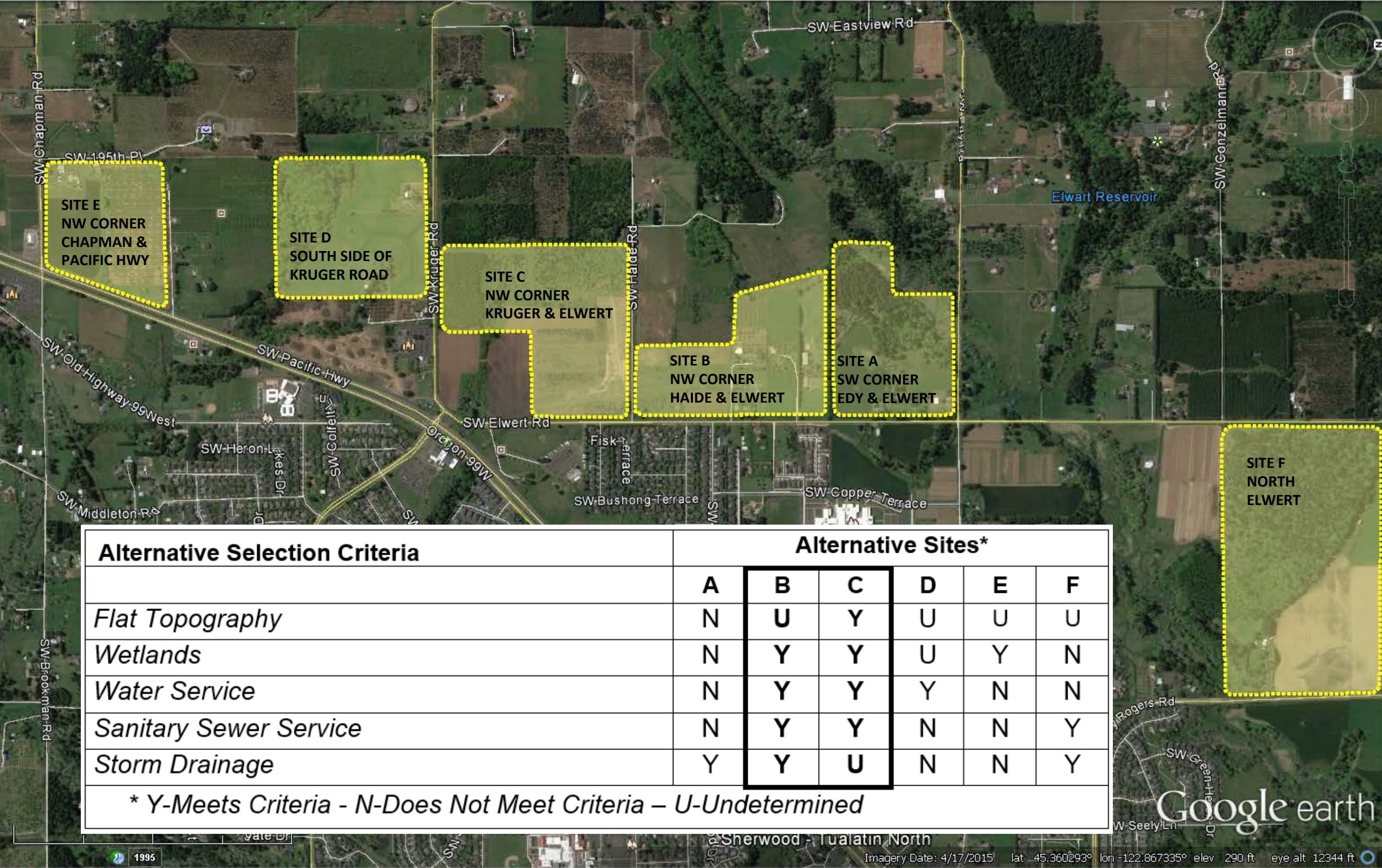
Participants: The Community Input Session will be a public meeting open to all Sherwood community members. The meeting will be advertised extensively to encourage participation from a wide variety of community members.

Meeting Dates and Descriptions:

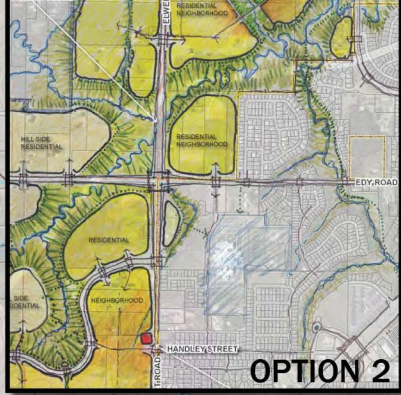
Spring 2017 (Date TBD)	Community Input Session #1
Spring 2017 (Date TBD)	Community Input Session #2



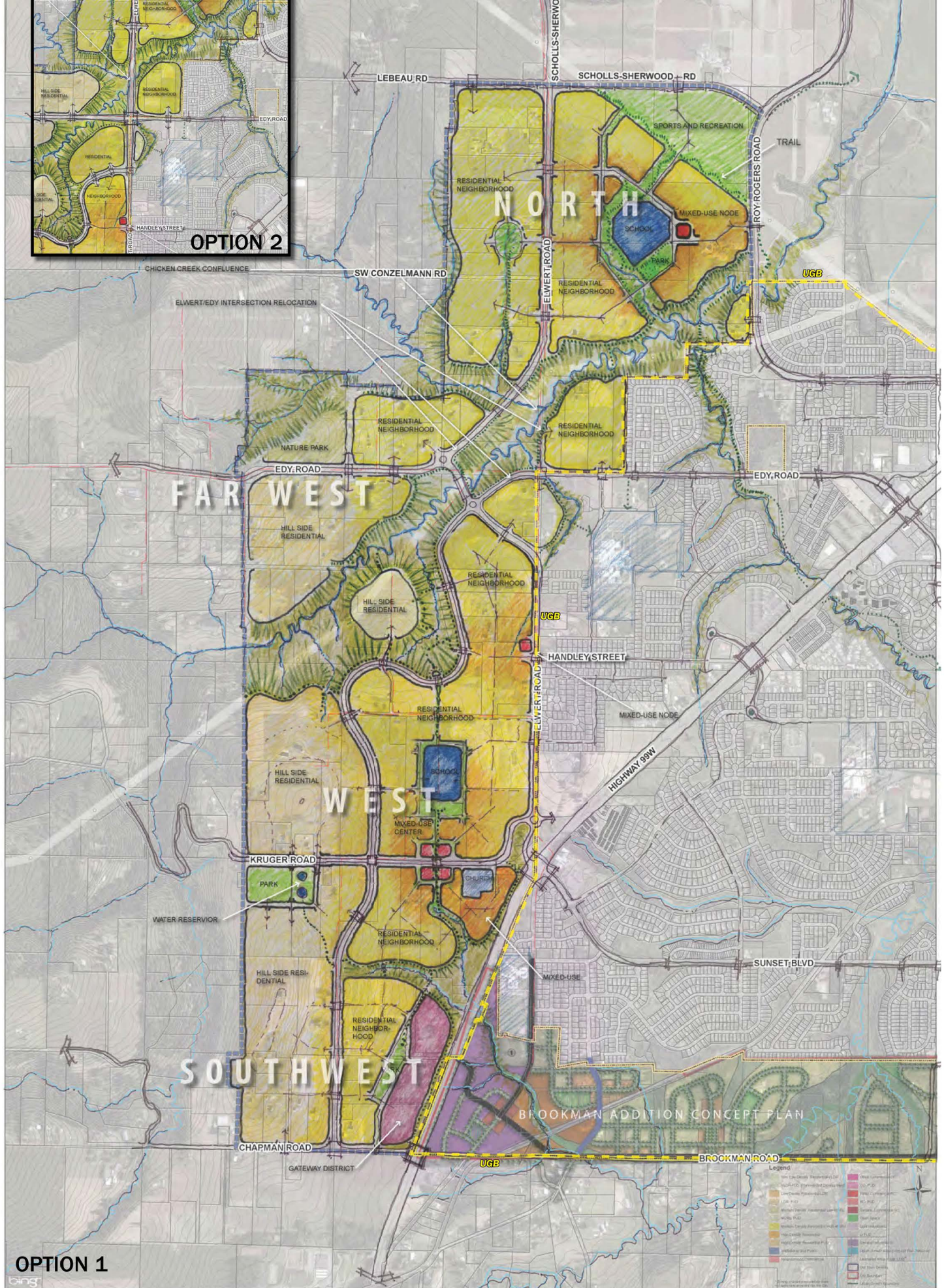




Alternative Selection Criteria	Alternative Sites*					
	A	B	C	D	E	F
Flat Topography	N	U	Y	U	U	U
Wetlands	N	Y	Y	U	Y	N
Water Service	N	Y	Y	Y	N	N
Sanitary Sewer Service	N	Y	Y	N	N	Y
Storm Drainage	Y	Y	U	N	N	Y
* Y-Meets Criteria - N-Does Not Meet Criteria – U-Undetermined						



OPTION 2



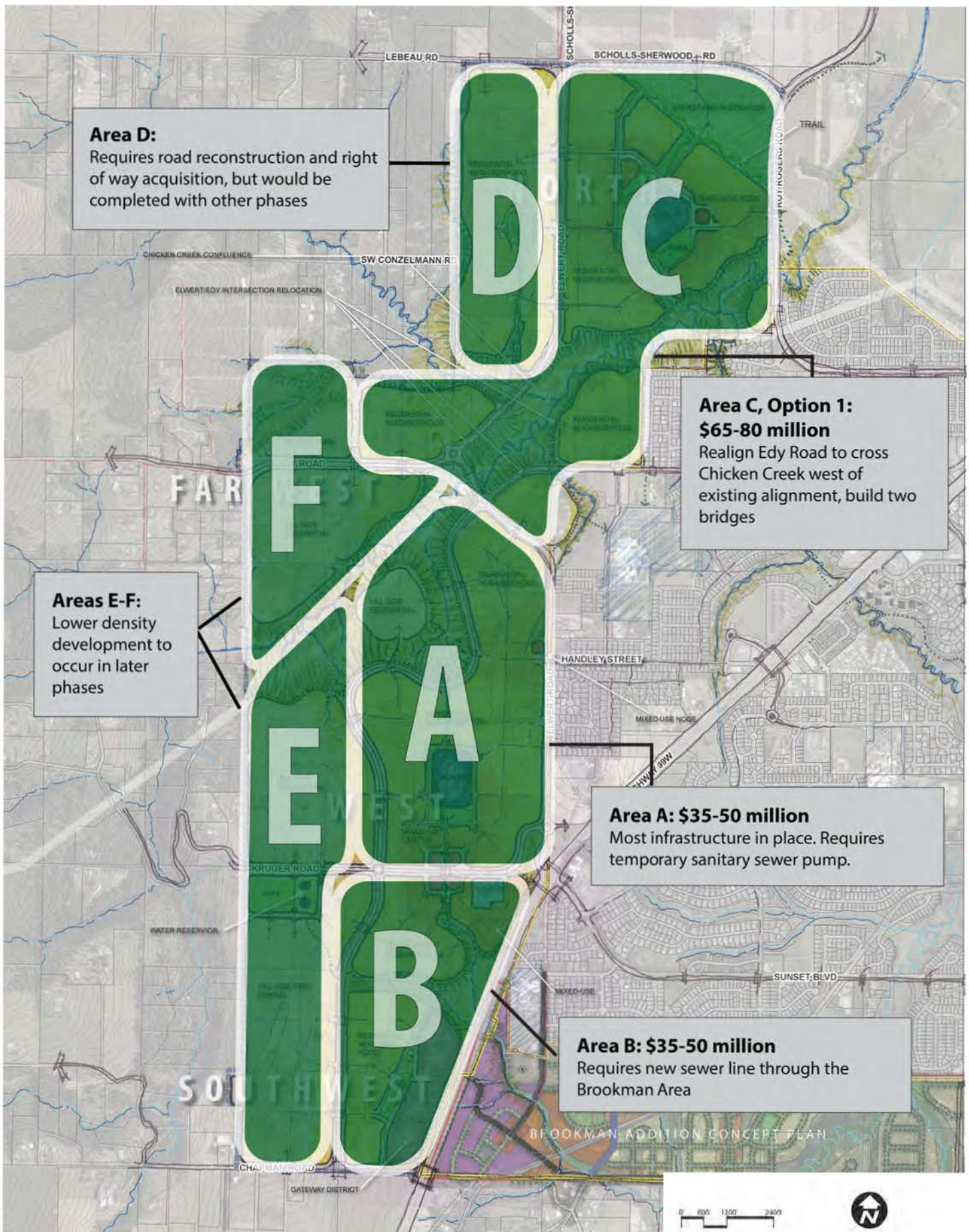
OPTION 1

- LEGEND**
- RESIDENTIAL - HILLSIDE
 - RESIDENTIAL - NEIGHBORHOOD
 - RESIDENTIAL - NEIGHBORHOOD
 - RESIDENTIAL - MIXED-USE
 - MIXED USE COMMERCIAL

0' 600' 1200' 2400'

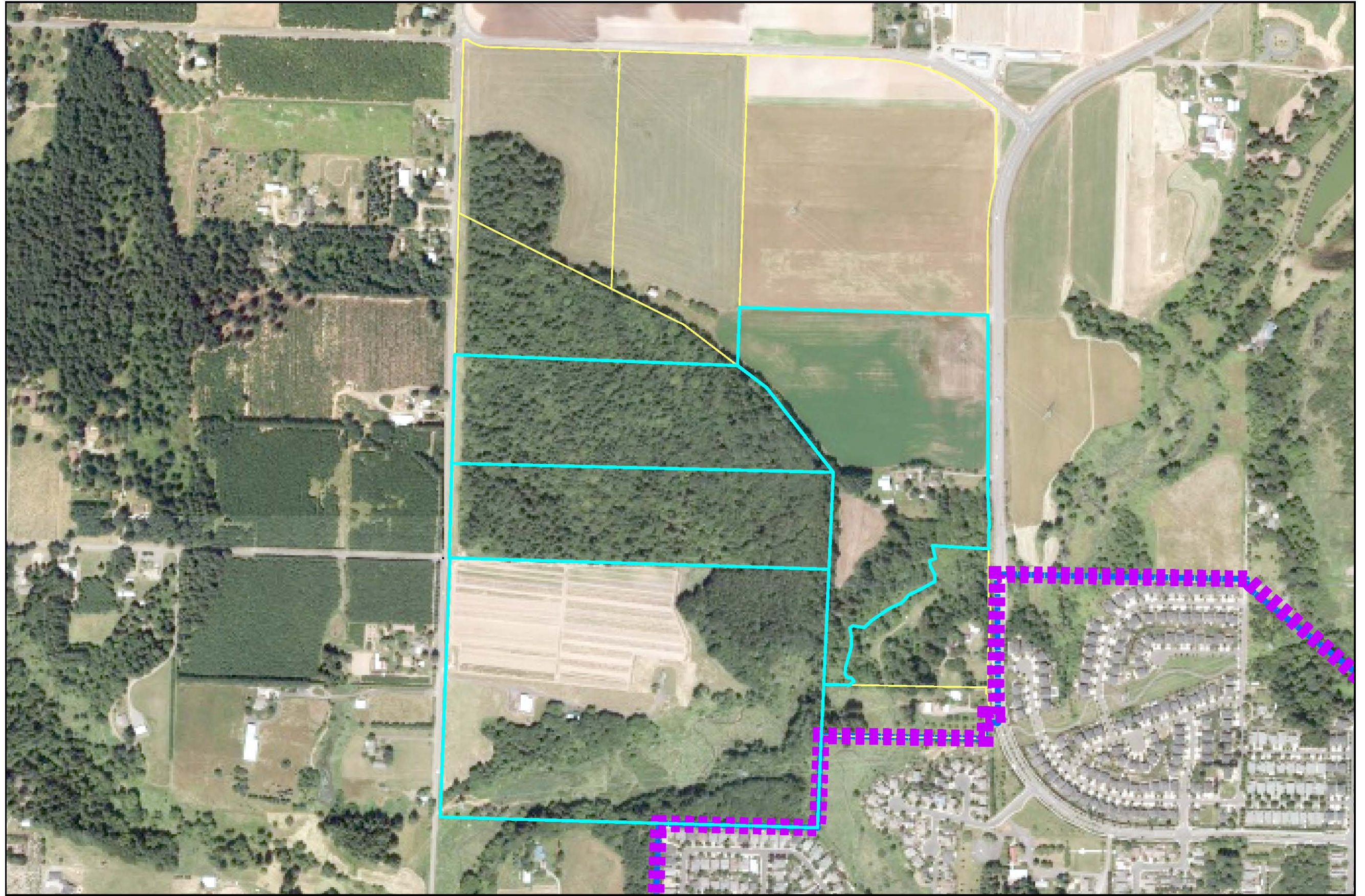


Figure 10.1 Sherwood West Preliminary Concept Plan Phasing, Option 1



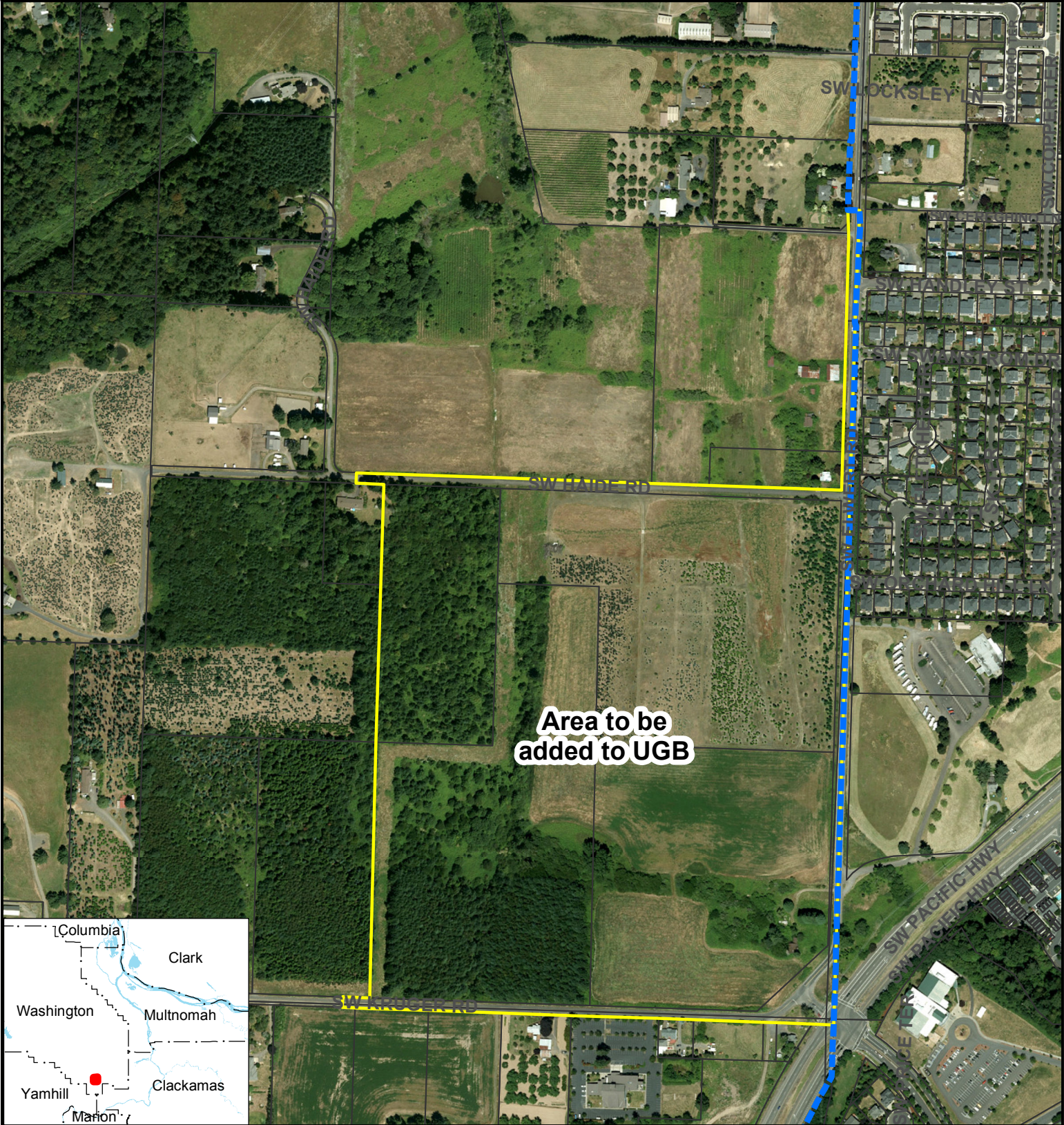
THANK YOU







Current Concept Plan



Area to be added to UGB

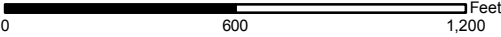


Research Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.oregonmetro.gov/drc>

Case No. 17-02 UGB Major Amendment

- Urban growth boundary
- Area to be annexed
- Taxlots

1:6,000



The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

We would like to thank Metro for the opportunity we had to participate in this decision-making process. It has been both eye opening and interesting. We wish we could say we were happy with the recommendation the Hearings Officer has made, but we are sorely disappointed and discouraged that the recommendation for this school site is moving forward. As taxpayers, it feels like those who live outside of our town have come in, used our taxpayer monies, made decisions that greatly influence the quality of our lives in our region, and then leave us holding the bag of problems left behind in your wake. Time after time we have heard city leaders, developers, architects, or school district lawyers, share a 'great plan' or concept. They invite citizen input, tell us about a plan, but the final outcome seldom looks anything like the concepts we have discussed or proposed.

Developers promise driveways won't go onto main thoroughfares, because there will be an alleyway behind houses. Reality? No alley...but driveways open onto crowded roads. There is always a ready excuse. The city buys property with the goal to fix transportation issues at Sunset & Krueger, but it sits quietly undeveloped for five years, until now, when it will be sold back to the school district for twice the amount of money. Our money. How many times will we taxpayers buy this piece of property? And what about the traffic flow problem- was it fixed? No, of course not. Nothing has changed. We have gotten nothing for our money.

Do you know the worst of it? Generations of families who cleared land, planted it, tilled it, harvested crops, and made a living from it for over a hundred years are now told their land has been "condemned" and "seized" as if it were worthless. We know the law, that it's the "right of imminent domain." History is ignored. Love of the land is ignored. The cry is, "It's for the greater good!" But where is the compassion for the grieving family? People feel completely devalued, and it is a shame for their grandchildren and their children's future. Also, seldom does the compensation ("fair market value"), make a dent in what it could mean to future generations. It does not 'feel good' to have this happen to you. It feels as if the rush to get *this particular site* is a rush to get land the school district will not have to pay as much for, as they would have if the land had already been within the UGB. Maybe we are wrong, but we have seen it happen before, so we are leery of the promises and false reassurances, because we are doubtful about all the "good intentions". Skeptics? Yes, but with good reason. It has been our experience.

We fear all the promises heard about mitigating traffic issues on the "failed intersections and roads" will not come to fruition in a timely fashion. Certainly it does not seem possible within the next three years. We predict the high school will open in 2020, but the roads will not be improved, and then more money will be needed (again out of OUR pockets) and more bonds and proposals will be made. The school district will come begging for more money to fix things. Traffic will be a mess. Neighbors will be inconvenienced. Accidents will happen. We are afraid it will probably – and unfortunately – take a major tragedy to highlight the errors made from this decision. When the first high school student is in a fender-bender, hit, or killed, then the ah-ha moment will come, but it will be too late. When

neighborhoods are crammed with parked cars on Saturday night productions and Friday night football games, and people are unable to get out of their own driveways, only then will the problems be clearly realized, just as we have predicted. But not to worry, those of you making this decision won't be inconvenienced, because you don't live here. It won't affect you, but it will GREATLY affect us.

We stand by our original statements: Haste makes waste, and the site selected by the school district at Krueger and Elwert seems chosen for reasons OTHER than what is best for students, children, and the safety of the surrounding neighborhoods. It seems chosen for expediency and convenience according to "the plan." Certainly safety does not appear to be the top priority. Rather, it appears spending the bond money in a timely fashion is the priority. It is just another example of poor planning compounding future traffic problems. We, as individual citizens, don't have the money to fight this. Our money has been allocated to the city and the school district, and it is being used to make decisions against our better judgment. We know why so many citizens don't get involved. It's the old adage, "You can't fight city hall." Over and over we have heard our neighbors say, "Thanks for trying to make a difference, but why have you bothered? It's already a done-deal." Even our local paper, the Gazette, confirmed that statement. It printed an article indicting the school board had already voted to approve spending money for THIS site before Metro even made their decision. Perhaps they knew something we didn't? We thought the final decision was being made this Thursday by Metro.

Frustrated? You bet. We'll be waiting and watching the ramifications of what is decided this Thursday, August 10, by Metro Council, because we will still be living here, dealing with the fallout.

With great concern,

Carolyn M. McBee and Karen Labahn



Sherwood High School

A GREAT PLACE FOR ALL KIDS

16956 SW Meinecke Road • Sherwood, OR 97140
503.825.5500 • Fax 503.825.5501
www.sherwood.k12.or.us

July 31, 2017

To Metro Council,

This letter is my testimony in support of the UGB expansion to accommodate the building of a new high school in Sherwood. I am the Principal of Sherwood High School and have served in this role for the past five years. During these five years, we have grown by over 300 students to a total this coming year of 1,750 students. This puts us 250 students over the classroom capacity and over 500 students over the core capacity of the building (gym, cafeteria, etc..). We are projected to grow by 40-50 students each year for the foreseeable future.

The over-crowding caused by this growth has caused us to convert every useable space in the building into classrooms, including storage closets and meeting areas. Many of these spaces are not large enough to allow our average class size to all have desks. In some rooms, students sit on chairs lined up against the back wall and then move up to tables they share when they need to do work. For lunch, students are forced to eat on the floor in hallways and on stairs due to a lack of space in the cafeteria.

The building of a new Sherwood High School on the site proposed would allow us to adequately serve the needs of all the current and future students of Sherwood.

Sincerely,

Ken Bell
Principal



Jennifer M. Bragar
Attorney
Admitted in Oregon, Washington,
and California
jbragar@tomasilegal.com

121 SW Morrison St, Suite 1850
Portland, Oregon 97204
Tel 503-894-9900
Fax 971-544-7236
www.tomasilegal.com

August 10, 2017

Metro Council
600 NE Grand Ave.
Portland, OR 97232-2736

Re: Byers Properties LLC's Argument for UGB Case No. 17-02: Sherwood School
District Major Amendment

Dear Council President Hughes and Councilors:

This office represents Byers Properties LLC ("Byers Properties"), owner of the property identified as T2S R2W Sec. 36, Tax Lot 207 ("Byers' Lot"), subject to the Major Amendment to the Urban Grown Boundary ("UGB"). Byers Properties is a Party of Record and spent the last several months opposing the Major Amendment application of Sherwood School District ("District") to make a land grab to bring property, including the Byers' Lot, inside the Metro UGB for a new high school and park land. The Hearings Officer's recommendation should not be accepted.¹

Do not be fooled, the decision before you is a legislative one that will result in exclusionary consequences if not done correctly. The current record before you is deficient in several respects and the Major Amendment should be denied. The adverse housing impacts of this decision have been raised by Byers Properties since the outset, but fell on deaf ears, despite express Metro Code provisions that require consideration of the issue, and Goal 10 requirements to address housing impacts.² Even if express code provisions and Goal 10 were not implicated, the locational factors for the UGB expansion require consideration of social impacts, and favoring an oversized school over housing land causes an unexamined social impact. These all amount to policy decisions.

In addition, the Applicant's proposal suggests that even more than the 50 acres of land desired for the high school is required to construct parks. However, no analysis of land availability within the UGB for park land was performed. These shortcomings are magnified by the Applicant's reliance on a 10-year population projection for schoolchildren, when Metro is required to plan for a 20-year overall population growth. And, to top off the errors in the Recommendation, Metro failed to adequately meet its coordination requirements in the consideration of this application.

¹ The Hearings Officer's July 17, 2017 recommendation is referred to herein as the "Recommendation."

² Byers Properties reserves and incorporates all of its prior arguments raised before the Hearings Officer on this topic and all other topics.

I. This Major Amendment is a legislative decision

The Hearings Officer focuses his discussion of whether the decision is legislative or quasi-judicial on the application of *Strawberry Hill 4-Wheelers v. Benton County Board of Commissioners*, 286 Or 591, 602-603 (1979) factors. The factors are:

1. Is the process bound to result in a decision?
2. Is the decision bound to apply preexisting criteria to concrete facts?
3. Is the action directed at a closely circumscribed factual situation or a relatively small number of persons?

No single factor is determinative of the distinction between legislative and quasi-judicial decision making.

The Hearings Officer's analysis focuses on the application of specific criteria to the Major Amendment application to determine whether to approve the proposal, and on the number of people that will be affected. Recommendation pp. 14-15. However, the Hearings Officer ignores *League of Women Voters v. Metro*, 17 Or LUBA 949, 961 (1999), *aff'd* 99 Or App 333 (1999) that expressly concludes that Metro's UGB is comprehensive plan provision. This comprehensive plan amendment represents the first legislative decision by Metro that will enable future quasi-judicial decisions to allow the high school and park uses to be built.

While Metro may have intended to create a quasi-judicial process in adopting the Major Amendment code provisions, the application of the code to this specific case results in a legislative decision making process.³

A. The process is not bound to result in a decision.

The Metro Council has the decision making authority in this case, not the hearings officer. The Metro Council can deny the application, so that the process will not result in a decision to approve the UGB expansion. The denial could, as Byers Properties has urged, rest on

³ The Hearings Officer tries to argue that the legislative history of the authorizing bill somehow binds the process to quasi-judicial and removes the need to address the express language in ORS 197.296(2) because of statements made by Mr. Conkling,

"Mr. Conkling explained that overabundance problems are common in the metropolitan areas of Portland, and most suitable plots of land for schools have been used for other projects intended to spur economic development." Recommendation p. 21.

However, Byers Properties review of the cited Senate Committee hearing does not bear out this overgeneralization across the Metro region. Instead, what Mr. Conkling expressly states is that he is only speaking on behalf of Beaverton School District and not on behalf of other districts. Hearing on S.B. 1032 Before the S. Comm. On Environment & Land Use, 2005 Leg., 73rd Assemb., Reg. Sess. (OR. 2005) at 55:26 – 55:37.

the Metro Code 3.07.1440(A) and a finding that the amendment can and should wait for the next regularly scheduled UGB expansion in 2018.

B. The decision is not bound to apply preexisting criteria to concrete facts.

Whether the decision is legislative depends on the character of the decision as a whole, not its constituent parts. *DeBell v. Douglas County*, 42 Or. LUBA 176, 192 (2002). This decision to amend the UGB is the first legislative decision in a series of quasi-judicial decisions that will follow. The policy is set when Metro amends its comprehensive plan. Metro is required to exercise policy judgment to comply with the decision in *Housing Land Advocates v. Happy Valley*, LUBA Nos. 2016-031/105 (March 24, 2017). In the *Housing Land Advocates* case, LUBA identified Metro's gatekeeping role regarding needed housing. In addition, the locational factors require policy judgment, not merely the application of concrete facts to criteria.

Thus, when a multitude of decisions are separated into piecemeal quasi-judicial decision making, as the Applicant would have you believe, no entity is responsible for the policy choices that result. Instead, this decision must be considered legislative, especially, as is the case here, where the record establishes that member Metro jurisdictions are regularly making exclusionary decisions. Before subsequent quasi-judicial decision points can be reached, such as annexations and specific land use approval, as the Applicant has emphasized over and over again will occur, this first legislative decision must be made.

Moreover, the choice of alternatives does not result in the application of concrete facts to the criteria. The alternatives selection broadens the factual underpinning of this decision and requires an in-depth analysis of each site based on policy discussions raised by the Byers Properties and others who testified about the Applicant's and Metro's inability to plan for schools, as well as policy decisions to expand close to a highway despite testimony that the preferred alternative is in a dangerous location compared to other alternatives. The very fact that the locational factors include a balancing test among the alternatives where Metro will exercise discretion counsels towards legislative decision making.

C. This Major Amendment will impact a broad population.

The cases cited by the Hearings Officer – *Valerio v. Union County*, 33 Or LUBA 604, 608 (1997) (number of property owners involved makes this a legislative decision); *Friends of Cedar Mill v. Washington County*, 28 Or LUBA 477, 482 (1995) (involving the relocation of an arterial is a legislative decision); and *Davenport v. City of Tigard*, 22 Or LUBA 577 (1992) (a re-designation of transportation facilities has "indirect affects" on a broader population and is legislative) support a finding that this amendment to Metro's comprehensive plan is legislative. Recommendation p. 15. While the Hearings Officer claims there is a distinction between transportation projects and big box quasi-judicial decision making, that distinction makes no sense in the context of a school district's expansion request.⁴ Rather, a school district is akin to a

⁴ The Hearings Officer states,

public facility like a road. Just as a re-designation of a road type could affect tens of thousands of commuters, the location of a school that requires a UGB expansion that is shown to have exclusionary impacts will affect the population throughout the Metro region. The Hearings Officer's dismissal of this line of cases in the context of this Major Amendment is unconvincing and unsupported. Like those cases cited here that involved impacts to thousands of people, this Major Amendment will have impacts of a similar magnitude.

This is especially the case when Byers Properties has identified the negative impacts of an approval on the availability of land in the Sherwood West Preliminary Concept Plan (referred to herein as "Concept Plan") area for housing. In the absence of any findings on housing in this record, Byers Properties contends that the housing impacts are much more direct in their exclusionary nature, and not indirect traffic impacts as LUBA found in *Davenport* and *Friends of Cedar Mill*, further supporting the legislative distinction in this case.

As Byers Properties established in raising the Fair Housing Act and Metro's duty to affirmatively further fair housing, the decisions that Metro makes in its comprehensive planning, including this decision, if approved, are all having exclusionary effects on housing availability to protected classes within the Metro UGB. Byers Properties established on page 4 of its June 23, 2017 letter that the City of Sherwood is not providing enough housing for protected classes, and Washington County as a whole is not providing enough housing for protected classes. Further, other decisions within Metro's UGB reinforce exclusionary policies as shown by the data from Clackamas County and a recent decision in Happy Valley to downzone residential property within Metro's UGB. See Exhibit 1 to Byers Properties' June 23, 2017 letter.

The Hearings Officer seeks to downplay the impacts by focusing on the number of children who will attend the high school, but that is too narrow a look at indirect effects on a broader population. This decision is undoubtedly legislative and requires Metro Council to make a policy judgment of general applicability about how much land in the Sherwood West urban reserve area will ultimately be available for housing, as compared to an oversized school and parks land grab. *Waite v. City of La Grande*, 31 Or LUBA 77, 82 (1996). Therefore, all requirements of legislative decision making, including application of updated housing data, must be considered before this decision can be made.

"Cases such as *Davenport* and *Friends of Cedar Mill* suggest that large transportation projects will be considered legislative due to the broad secondary effects that transportation facilities can have on commuters. The hearings officer does not believe this line of cases can be extended to a school, however, based simply on the fact that many kids will attend the school. If that were the case, then any land use decision involving a Wal-Mart or Home Depot store would be legislative, because those uses have higher usage/trip generation rates than a typical school."

Significantly, a UGB expansion justified to allow construction of a Wal-Mart or Home Depot has not been identified by the Hearings Officer.

II. Housing Needs

This section analyzes the numerous failures in the Applicant's submittals, Metro Staff's review, and the Hearings Officer's Recommendation not to analyze housing impacts caused by this application.

A. Legislative Decisions are subject to ORS 197.296(2).

Under ORS 197.296(2), this decision is a legislative review of the comprehensive plan that concerns the urban growth boundary and requires the application of the statewide planning goal relating to buildable lands for residential use. As described above the decision is a legislative change to a comprehensive plan that requires application of Goal 10. No party has disputed that the Statewide Planning Goals apply, inclusive of Goal 10.

Goal 10 describes buildable lands to include urban land:

"Buildable Lands -- refers to lands in urban and urbanizable areas that are suitable, available and necessary for residential use." (underlined emphasis added).

Urban land includes areas outside incorporated cities that may support public facilities and services. *1000 Friends v. LCDC*, 301 Or 447, 456 (1986). The urban reserves designation and the work to date on the Sherwood West Preliminary Concept Plan show that the area encompassed by preferred Alternative C is urban land that are buildable lands - suitable, available and necessary for residential use. Therefore, Goal 10 applies and buildable lands impacts must be analyzed. The decision to both ignore the legislative nature of this decision and the impacts of the decision to replace land available for residential use, and particularly needed affordable housing, with a school and parks is an error.

The applicability of ORS 197.296(2) has been extensively discussed by Byers Properties in previous submittals and until Metro updates and analyzes the buildable lands analysis to accommodate needed housing for the 20-year timeframe, this application cannot be approved. See Section II.C of Byers Properties June 23, 2017 letter page 5, and Byers Properties June 30, 2017 letter.

B. The record contains no housing analysis.

In addition to the requirements of ORS 197.296(2), Goal 10 directly requires an analysis of the decision on housing because urban land is being removed from availability for housing. In addition, the locational factors under MC 3.07.1425(c)(5) require consideration of equitable and efficient distribution of housing opportunities throughout the region. Incredibly, the Hearings Officer's decision is silent on an analysis of housing needs. Instead, the Hearings Officer sides with Metro staff and the Applicant to claim that siting a public school is not a housing-related decision. The record shows otherwise and Metro's failure to analyze housing needs is going to lead to the failure of this Major Amendment. See *1000 Friends of Oregon v. Metro (Ryland Homes)*, 174 Or App 406, 410 (2001).

The Byers Properties never suggested that the Concept Plan is binding and restricts the amount of land dedicated to a school and related parks. Rather, Byers Properties presented the Concept Plan as evidence that the land within the area proposed for the high school had been determined to be available for housing. Byers Properties could not rely on housing data contained in the 2015 Housing Needs Analysis ("HNA") incorporated into the Concept Plan because that document has not been incorporated in the City's Comprehensive Plan which was adopted in 1991. See Attachment 1⁵ and *1000 Friends of Oregon v. City of Dundee*, 203 Or App 207, 215 (2005). But, even discussing the applicability of the Housing Needs Analysis is premature because here no Goal 10 analysis was done at all. A Goal 10 analysis is the only way to understand the impacts of the decision to make a land grab, favoring parks and schools over land that is available for housing.

In trying to justify the land grab of 82 acres instead of 50 acres identified by the Applicant's need for a school facility, the Hearings Officer suggests that the proposed alternative might be constrained by the natural gas pipeline. Recommendation p. 63. However, the Applicant's Figure 3 suggests the area around the pipeline will be used as green space and does not reduce site size by very much (and has never been quantified in the application). If the Byers' Lot were removed from the land grab, the site would still have plenty of room for the high school, and exceed the 50 acres identified as necessary to construct the use. This hold true even if some of the site is necessarily designed as greenspace to address the pipeline easement. In this way, the 24 acres that comprise the Byers' Lot could be preserved for housing. The overarching aim of an UGB is to encourage compact forms of development. A sprawling high school and parks that gives no attention to the need for housing fails to achieve this aim.

Moreover, Metro's Urban Growth Report ("UGR") supports Byers Properties' position that housing needs should be the framework in which this UGB expansion is contextualized. While the Hearings Officer makes some attempt to draw out consistency findings with the UGR at page 26 of the Recommendation, the discussion is merely an opinion unsupported by analysis. However, if one reviews the UGR, page 12 highlights exactly the concerns raised and unanalyzed in this application – median incomes in Sherwood are the highest in the region, and these higher incomes displace lower income folks from the community. See Attachment 2.⁶ Further, the UGR, at page 23, also specifically identifies that the City of Sherwood desires to expand its UGB in order to provide housing. See Attachment 2.

The housing purposes for UGB expansion for Sherwood West should not be compromised by an out of cycle UGB expansion to bring in more land than necessary for a high school and parks. As the UGR stresses, the demand for housing is fluid, and the demand is on the rise in Sherwood as incomes continue to rise in the area, driving demand for more housing. The result must not be exclusionary. But, exclusion will be the outcome if more land than necessary is used for this high school and parks land grab without an analysis of the impacts to

⁵ The adopted comprehensive plan is subject to official notice. *Ft. Vannoy Irrigation v. Water Res. Comm.*, 345 Or 56, 84 n. 19, (2008)

⁶ The UGR is subject to official notice. See note 6, *supra*.

housing. As Byers Properties has asserted, building quality schools encourages demand for housing by high income earners at the expense of displacing or excluding protected classes.

But, only looking at the 2015 UGR, limits the discussion of what is required by the law. The requirement to analyze a 20-year population forecast comes from the Goal 14 requirement under OAR 660-024-0040(1). This population forecast must conform to the requirements of Div. 660-032. The population forecast has not been applied in this case, nor is there any analysis or mention of the forecast as adapted in the April 2016 issued 2060 Population Forecast. The 2060 Population Forecast contains, for the first time data regarding race and ethnicity - in other words data regarding protected classes. See Attachment 3.⁷ Failure to apply the 20-year population forecast means that housing impacts, and exclusionary effects cannot be properly analyzed.

Notwithstanding the foregoing, a Goal 10 impact results by removing land that could be used for farmworker housing. Farmworker housing is allowed under the Washington County CDC 430-37.2 and 344-4.1 as a farm dwelling, as authorized under ORS 215.277 and .278. No analysis of the loss of farmworker housing, a form of needed housing, has been provided.

C. The ESEE Analysis is inadequate in its treatment of the social factor.

The housing impacts were raised by Byers Properties throughout the hearings process, including citation to social concerns about the exclusionary effects of the current Sherwood zoning scheme and development that has occurred under that scheme, and throughout the Metro region. The social consequence findings do not address the loss of developing property within the Sherwood West Concept Plan area with the high school and parks system instead of setting aside the most land as possible for housing opportunities. See *Eckis v. Linn County*, 22 Or LUBA 27, 47 (1991), *aff.* 110 Or App 309 (1991) (livability is a social consequence and once identified must be addressed). The Hearings Officer's Recommendation improperly fails to address the loss of housing land by approving this UGB expansion.

III. Inclusion of park facilities in this application is not justified

Part of the Applicant's proposal is for park facilities and shared ballfields. This combination is a convenient statement of preference, but no alternatives to the park use, separate from colocation with the high school, were considered. See Recommendation p. 28 quoting the Applicant's justification for park usage. Statements about the City's priority to create an extensive parks and trails system, but not ballfields does not justify a UGB expansion for those ballfields. Further, it is unclear on this record, whether the park facilities could be constructed within the UGB. But, it is more than likely that land within the UGB could be used or rezoned

⁷ See Metro's 2060 Population Forecast and related FAQs attached here. This 2060 population analysis shows that race and ethnicity could be taken into account. Even if these documents are not subject to official notice as public records, this decision is legislative and new information can be considered. See note 6, *supra*. Even if Metro rejects the inclusion of the 2060 Population Forecast, no 20-year forecast has been applied.

for such uses, existing parkland is not the exclusive inventory for land that could be used for parks.⁸ *DLCD v. Douglas County*, 36 Or LUBA 26, 40 (1999) (inadequate analysis provided about the availability of commercial land with the UGB).

As a matter of local code regulations, parks are already an allowed use under the Washington County Community Development Code ("CDC") 344-4.2.K. Thus there is no need to expand the UGB at this time for park uses.⁹ Based on this information, the application, particularly incorporating parks, cannot satisfy the need factor under Metro Code 3.07.1425(B)(3).

Importantly, this convenient characterization of the project as both a school and park need favors using land in the Concept Plan for recreational facilities that could otherwise be used for needed housing. This is done without any analysis under Metro Code 3.07.1425(c)(5). Rather, the Hearings Officer merely concluded that the factor "is not directly relevant." Recommendation p. 49. This conclusory and mistaken finding is contrary to LUBA's holding in *Friends of Linn County v. Linn County*, 41 Or LUBA 342, 346-348, that land within the UGB must be considered for the park aspect of the project, prior to making a land grab for more than 50 acres scoped for this Major Amendment proposal. See also *Caine v. Tillamook County*, 25 Or 209, 232 (1993) (county must justify the full amount of land it intends to incorporate within its growth boundary).

IV. The decision does not comply with Metro Code 3.07.1425(B)(1) that requires demonstrated need to accommodate future urban population, consistent with a 20-year population range forecast coordinated with affected local governments

As Byers Properties has previously argued, the Applicant and Metro staff failed to analyze the application against a 20-year population forecast. Byers Properties maintains its previous arguments, that a 10-year school population projection does not establish consistency with a 20-year population range forecast. Further, as discussed above under Section II.B *supra*., even if the Hearings Officer could salvage the failure of the Applicant and staff in this regard

⁸ The Hearings Officer supports such a conclusion when he describes that the UGR recognizes there is still a considerable amount of vacant land in Sherwood. Recommendation p. 26.

⁹ Washington County's CDC 344-4.2.K provides:

"Permitted Uses which are subject to Section 344-4.3:

* * *

K. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Private parks on any other land must comply with OAR 660-033. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable. Parks within three (3) miles of an UGB must also comply with Section 344-6."

CDC 344-4.3 discusses changes to agricultural uses, and CDC 344-6 limits enclosed structures within three miles of a UGB, but would not prevent the kind of park uses contemplated by the Applicant here.

with respect to concluding, without support, that the 10-year population projection is consistent with the UGR population projections, the conclusion is contrary to the UGR.

As set forth above, the UGR contemplates the need for the City of Sherwood to expand its boundary, and its context identifies concerns with exclusionary zoning patterns that would be reinforced by a land grab that elevates parks and school use over housing density; and a newer analysis of the population forecast examining race and ethnicity was completed in 2016 which shows that Metro could have, but did not, apply race and ethnicity impacts to this application. This decision is better left to the normally scheduled UGB expansion in 2018 so that the full plan for Sherwood West can be considered and measured for compliance with all the goals, including those to provide a new high school.

V. If the preferred alternative is selected, public facilities are not available to serve existing uses

Under MC 3.07.1425(c)(2), the code requires findings that support "the orderly and economic provision of public facilities and services." The Applicant has to show whether the proposal will impact availability of public facilities for existing services. *Roth v. v. Yamhill County*, 31 Or LUBA 181, 186 (1996). The Applicant's traffic study states that Metro's mobility standards are defined as a volume to capacity ratio (v/c) of less than .99. Applicant's TIA at p. 10.¹⁰ All of the future build tables, including future build with mitigation, show intersections exceeding the v/c standard. See Applicant's Traffic Impact Analysis ("TIA"), Table 14 at p. 23, Table 15 at p. 25, Table 16 at p. 26. These failures show that public transportation facilities have not been shown to be available and findings cannot be made under MC 3.07.1425(c)(2).

Further, the availability of transportation facilities for other alternatives, including Site B, have not been analyzed or compared as required by the locational factors analysis. Other members of the public, McBee and Labahn, provided evidence to support that transportation facilities better serve Alternative Site B, and no further evidence can be shown to contradict this assertion.

The Hearings Officer suggests that future traffic mitigation design will address these problems, but that conclusion is inconsistent with the analysis in the TIA that shows failing intersections will persist despite planned mitigation. A competing traffic expert is not required when the TIA speaks for itself.

¹⁰ In fact, Byers Properties pointed out that the traffic counts straddling January and February resulted in significantly different monthly adjustments, where the afternoon peak hour was subject to a lower multiplier than would have been used in January. The Hearings Officer's opinion that traffic count adjustments between summer and winter months are the only games to be played in analyzing traffic are not supported, while the discrepancy between the adjustment multiplier are expressly shown in the Traffic Impact Analysis. See Recommendation p. 46 and Byers Properties' June 23, 2017 letter page 8, and DKS TIA, Table 6, page 9.

VI. Metro has failed to fulfill its coordination requirement

Under ORS 195.025, Metro is required to coordinate with all affected local governments. The Sherwood School District Boundary includes the Cities of Sherwood, Tualatin, and Wilsonville, as well as portions of unincorporated Washington County. The Applicant's Appendix D discussing the school facilities planning, did not include members from the staff of the City of Tualatin or the City of Wilsonville. See Applicant's Appendix D, p. 1 and *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372, 394 (1994). Metro also should have coordinated with the Oregon Department of Transportation. *Id.* at 395.

Further, while the Applicant mentions numerous committees formed to pass bond measures and plan for the school, no information in the record suggests that the required coordination with the City of Tualatin or the City of Wilsonville for this Major Amendment occurred. For example, Applicant's Appendix I contains the 2015 Sherwood School District Facilities Planning and Assessment Report. None of the participants listed on page 1 include members from the staff of any affected City or the County. Further, comments received from Washington County suggest that coordination is incomplete as the management of transportation systems has not been finalized. Moreover, the notice list provided by Metro for this application and contained in the record does not list the City of Tualatin, City of Wilsonville, or Washington County.

Conclusion

For all the reasons stated above, Metro should avoid the risk of making an exclusionary decision by approving this Major Amendment. The regularly scheduled UGB expansion in 2018 offers ample time to consider the housing impacts of this decision, and to finish the required analysis under the Metro Code. Sherwood School District should withdraw its application, rather than waste precious bond money on further challenges and delays in this Major Amendment application, when the regularly scheduled UGB expansion shows every indication that Sherwood West, or at least an adequately analyzed portion of it, or the Sherwood South location could be incorporated into the UGB for a school site.

Sincerely,



Jennifer M. Bragar

JMB/dh

cc: Client
Kelly Hossaini
Roger Alfred

GENERAL INFORMATION

A. PLAN BACKGROUND

The document which follows represents the results of a planning process which formally began in 1973 with the drafting of a Comprehensive Land Use Plan for the City of Sherwood. The draft plan was presented to the City Council for consideration in February of 1974. Action on the Plan was tabled at that time due to the need for the development of a plan which would meet requirements to be set forth by the Oregon Land Conservation and Development Commission (LCDC) in a set of Statewide Planning Goals and Guidelines later that year. State law (SB 100) passed in 1973, required that Oregon cities and counties adopt plans which are in conformance with the State Goals and Guidelines and that plans be coordinated with affected local governments, agencies and special districts. In order to accomplish this task, LCDC made available planning assistance monies to partially defray costs incurred in plan development.

Eventually the City of Sherwood Community Development plan was completed in draft form in July 1979, adopted by City Council in August 1980 and acknowledged by LCDC in May 1981.

The current document represents a Plan Update beginning in 1989 and required by State law, a process officially known as periodic review. Elements of the original plan remain, but modifications have also been incorporated reflecting changing conditions in Sherwood and revisions to state law. The draft update was completed in April 1990 and adopted by City Council March 13, 1991. LCDC again made planning assistance monies available to partially defray costs incurred in the update. The update was prepared by City staff, the Comprehensive Plan Update Citizens' Advisory Committee, the Sherwood Planning Commission and City Council and citizens of the Sherwood Urban Area.

B. PLAN PURPOSE AND AUTHORITY

The purpose of the Sherwood Community Development Plan (Part 2 of the Comprehensive Plan) is to guide the physical growth and development of the Sherwood Planning Area consistent with City policy goals and State Goals and Guidelines. It is the fundamental assumption of this plan that planning is a process and not a document. The document which follows seeks to communicate the process and the results of the process at the point in time of the document's last revision. The Plan is intended to be the City of Sherwood's perception of what it is, what it seeks to be and how it seeks to become what it wants to be as a City. Its aim is to preserve what is essential to its identity, develop what it needs to be economically and environmentally healthy and meet the needs of the people who contribute to its community life and make use of its land use resources.

The Community Development Plan when adopted together with the Background Data and Analysis (Part 1) and Community Zoning and Development Code (Part 3) will constitute the City of Sherwood's Comprehensive Plan. The Comprehensive Plan will be the basis for the

Policy considerations

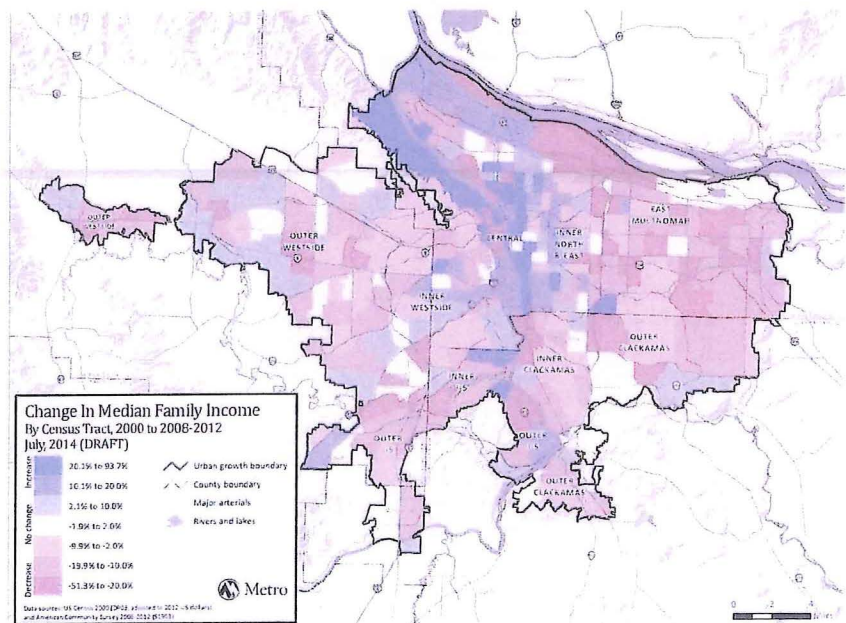
OPPORTUNITIES FOR WORKFORCE HOUSING

Market-rate workforce housing is typically provided by existing housing stock, not new construction. Yet, existing housing in locations with good access to jobs is often too expensive for the region's workforce. What policies, investments, innovative housing designs and construction techniques could provide additional workforce housing in locations with good transportation options? Who has a role?

UNINTENDED CONSEQUENCES OF REDEVELOPMENT

Our region has made a commitment to ensuring its decisions improve quality of life for all. Yet, like many metropolitan areas, we've struggled to make good on that intent. Investments made to encourage redevelopment and revitalization have too often disproportionately impacted those of modest means. The consequence has been that people with lower incomes have often been displaced from their long-time communities when redevelopment in the city center drives up land values and prices follow.

Map 3 shows the change in median family income around the region over the last decade. There is a clear trend of incomes increasing in close-in Northwest, Northeast, and Southeast Portland, Lake Oswego, and West Linn, while incomes have stagnated or decreased elsewhere. Outlying areas like outer east Portland, Gresham, Cornelius, and Aloha stand out as having decreasing incomes. In many cases, increases in incomes in central locations and decreases elsewhere indicate displacement of people from their communities as housing prices increase.



Map 3 Change in median family income 2000-2012

GROWTH WITHOUT SERVICES AND FACILITIES

Over the last couple of decades, the trend of depopulation of the urban core and the movement of the middle class to the suburbs has reversed in many regions in the U.S. The Portland metropolitan region is no exception. While there have been positive outcomes, this has also led to displacement and concentrations of poverty in places that lack adequate services and facilities like sidewalks and transit. Additional information about access to opportunity around the region can be found in Appendix 10. Information about housing and transportation cost burdens can be found in Appendix 12.

Policy considerations

PROVIDING HOUSING OPPORTUNITIES

As policymakers consider their options for responding to housing needs, there are considerations to keep in mind.

- If policymakers decide that a urban growth boundary expansion is needed to provide room for housing, where should that expansion occur? Metro is aware of two cities in the region that are currently interested in UGB expansions for housing – Sherwood and Wilsonville. Both cities had residential land added to the UGB in 2002 that they have not yet annexed. Sherwood requires voter-approved annexation and voters have twice rejected annexing the area. What is a reasonable time frame for seeing results in past and future UGB expansion areas?
- Given that the region has ample growth capacity for multifamily housing but a more finite supply of single-family growth capacity, should policymakers consider ways to encourage “family-friendly” housing in multifamily and mixed-use zones? To what extent might that address single-family housing needs in this analysis? Are there ways to ensure that housing in downtowns and along main streets remains within reach of families with moderate or low incomes?
- State land use laws and regional policy call for efficient use of any land added to the UGB. However, over the years very little multifamily housing has been built in UGB expansion areas. What is the right mix of housing types in areas added to the UGB in the future and how are they best served?
- How might policymakers balance residential preferences with other concerns such as infrastructure provision, transportation impacts, affordability, and environmental protection?

IMPACT OF MILLENNIALS ON HOUSING

Millennials, those born since 1980, are the biggest age cohort the U.S. has ever had (bigger than the Baby Boomer cohort) and will have a significant influence on the types of housing that are desired in the future. Today, 36 percent of the nation's 18 to 31-year olds are living with their parents. This has variously been attributed to student loan debt, high unemployment or fear of losing a job, and stricter mortgage lending standards. Builders have responded by reducing their housing production and focusing on apartment construction. What will these trends mean for home ownership, housing type, and location choices in the longer term?



Population Forecast to 2060

Portland-Vancouver-Hillsboro, OR-WA, Metropolitan Statistical Area

Metropolitan Area Population Forecast

by

Race/Ethnicity

Gender

Age

April 2016

Metro
600 NE Grand Ave.
Portland, OR 97232

Metro Research Center

Population Projections, 2010 to 2060

Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area

Prepared: April 2016

MALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
white	850,750	877,624	911,656	936,714	955,709	967,369	974,077	978,638	983,237	988,313	994,405
black	36,379	38,475	41,701	44,674	47,481	49,911	52,072	54,093	56,115	58,142	60,146
Nat. Am.	12,909	13,991	16,473	18,624	20,618	22,404	24,186	26,111	28,229	30,415	32,617
Asian	65,886	74,548	88,752	100,989	112,986	124,349	135,940	148,281	161,470	175,164	189,516
pacific isl.	6,772	7,522	8,534	9,442	10,317	11,127	11,912	12,697	13,491	14,281	15,076
Hispanic	126,427	146,762	179,577	211,447	244,256	276,398	308,984	342,976	378,731	415,365	452,429
all races	1,099,123	1,158,922	1,246,694	1,321,889	1,391,367	1,451,559	1,507,171	1,562,796	1,621,273	1,681,681	1,744,188
FEMALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
white	881,836	904,549	937,349	962,769	983,331	996,718	1,004,580	1,009,366	1,013,419	1,017,774	1,023,526
black	33,899	36,153	39,650	42,909	46,041	48,835	51,376	53,763	56,127	58,487	60,812
Nat. Am.	13,452	14,640	17,283	19,571	21,691	23,569	25,409	27,369	29,514	31,740	33,997
Asian	75,431	84,355	99,289	112,044	124,472	136,124	147,914	160,385	173,629	187,254	201,416
pacific isl.	6,851	7,621	8,683	9,631	10,549	11,403	12,236	13,074	13,923	14,763	15,599
Hispanic	115,417	136,260	170,252	202,985	236,649	269,692	303,414	338,893	376,515	415,346	454,862
all races	1,126,886	1,183,579	1,272,507	1,349,910	1,422,734	1,486,341	1,544,929	1,602,850	1,663,127	1,725,364	1,790,212
TOTAL	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
white	1,732,586	1,782,173	1,849,005	1,899,483	1,939,040	1,964,088	1,978,657	1,988,004	1,996,656	2,006,087	2,017,932
black	70,278	74,628	81,351	87,583	93,522	98,747	103,448	107,856	112,242	116,629	120,958
Nat. Am.	26,361	28,631	33,756	38,195	42,309	45,973	49,595	53,480	57,742	62,156	66,614
Asian	141,317	158,903	188,041	213,033	237,459	260,473	283,854	308,666	335,098	362,417	390,931
pacific isl.	13,623	15,143	17,217	19,073	20,865	22,530	24,148	25,770	27,414	29,044	30,675
Hispanic	241,844	283,022	349,829	414,432	480,905	546,090	612,398	681,869	755,247	830,711	907,290
all races	2,226,009	2,342,500	2,519,200	2,671,800	2,814,100	2,937,900	3,052,100	3,165,646	3,284,400	3,407,045	3,534,400

source: Metro Research Center

white MALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	49,300	49,615	47,807	47,150	46,701	46,319	45,915	45,645	45,462	45,395	45,452
5-9	50,158	49,502	50,161	48,235	47,559	47,076	46,719	46,364	46,151	45,989	45,951
10-14	52,841	50,822	50,951	51,318	49,335	48,574	48,136	47,891	47,655	47,492	47,388
15-19	52,439	53,353	51,954	51,858	52,175	50,120	49,397	49,060	48,909	48,719	48,601
20-24	49,981	52,513	53,739	52,255	52,152	52,446	50,426	49,761	49,479	49,357	49,195
25-29	61,281	51,567	55,950	56,502	54,913	54,622	55,029	53,279	52,894	52,724	52,751
30-34	62,444	63,954	57,468	60,683	61,009	59,069	58,972	59,866	58,599	58,429	58,496
35-39	62,065	64,104	67,853	60,620	63,666	63,742	61,960	62,235	63,475	62,384	62,380
40-44	62,573	62,465	65,580	68,978	61,758	64,701	64,874	63,295	63,751	65,085	64,090
45-49	64,930	62,287	62,765	65,742	69,133	61,965	64,971	65,269	63,817	64,342	65,735
50-54	66,635	63,677	61,545	62,031	65,059	68,465	61,513	64,612	65,028	63,677	64,276
55-59	63,841	64,881	62,418	60,418	60,995	64,062	67,523	60,831	64,015	64,520	63,277
60-64	53,333	60,998	62,385	60,176	58,449	59,135	62,279	65,805	59,461	62,701	63,314
65-69	35,767	50,015	57,519	59,034	57,163	55,737	56,552	59,766	63,320	57,371	60,649
70-74	22,724	32,351	45,534	52,591	54,228	52,745	51,700	52,634	55,881	59,384	53,978
75-79	16,360	19,489	28,015	39,605	45,998	47,689	46,655	46,053	47,095	50,278	53,637
80-84	12,541	12,990	15,745	22,712	32,299	37,728	39,374	38,806	38,666	39,717	42,710
85-89	7,878	8,337	8,860	10,879	15,850	22,746	26,795	28,227	28,113	28,415	29,336
90-94	2,954	3,740	4,094	4,450	5,604	8,301	12,110	14,490	15,508	15,700	16,238
95-99	628	865	1,166	1,292	1,456	1,888	2,858	4,264	5,226	5,716	5,927
100+	77	97	148	185	208	240	319	485	732	919	1,025
	850,750	877,624	911,656	936,714	955,709	967,369	974,077	978,638	983,237	988,313	994,405

white FEMALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	46,406	47,529	45,562	44,930	44,505	44,139	43,753	43,495	43,321	43,260	43,313
5-9	47,652	46,666	48,160	46,059	45,407	44,941	44,597	44,268	44,065	43,913	43,885
10-14	49,823	48,394	48,256	49,433	47,269	46,523	46,102	45,885	45,682	45,531	45,443
15-19	50,109	50,401	49,640	49,257	50,377	48,132	47,426	47,113	46,997	46,843	46,738
20-24	52,177	50,323	50,939	50,067	49,664	50,748	48,529	47,877	47,615	47,525	47,396
25-29	63,505	54,060	54,204	54,073	53,063	52,439	53,633	51,692	51,332	51,185	51,248
30-34	62,726	66,620	60,611	59,485	59,087	57,674	57,245	58,951	57,521	57,385	57,486
35-39	60,151	64,757	71,042	64,174	62,861	62,174	60,909	60,869	62,938	61,686	61,722
40-44	61,284	60,854	66,582	72,451	65,548	64,126	63,526	62,460	62,604	64,760	63,602
45-49	65,572	61,304	61,474	67,006	72,831	65,935	64,590	64,110	63,159	63,363	65,571
50-54	68,629	64,787	61,009	61,141	66,662	72,455	65,719	64,501	64,126	63,251	63,518
55-59	67,199	67,461	64,077	60,386	60,581	66,084	71,896	65,358	64,265	63,970	63,173
60-64	56,716	65,190	65,809	62,621	59,171	59,456	64,980	70,820	64,536	63,573	63,376
65-69	38,815	54,282	62,682	63,450	60,561	57,402	57,815	63,353	69,187	63,182	62,371
70-74	26,388	36,118	50,802	58,875	59,838	57,330	54,582	55,145	60,647	66,397	60,798
75-79	21,040	23,662	32,674	46,120	53,688	54,820	52,781	50,552	51,272	56,638	62,197
80-84	19,241	17,526	20,030	27,776	39,418	46,108	47,363	45,896	44,343	45,157	50,207
85-89	15,040	13,714	12,771	14,791	20,746	29,720	35,064	36,367	35,593	34,837	35,701
90-94	7,113	8,156	7,664	7,310	8,698	12,451	18,157	21,754	22,936	22,805	22,820
95-99	1,997	2,435	2,944	2,856	2,843	3,522	5,210	7,820	9,618	10,406	10,617
100+	253	310	416	507	515	540	704	1,079	1,663	2,107	2,344
	881,836	904,549	937,349	962,769	983,331	996,718	1,004,580	1,009,366	1,013,419	1,017,774	1,023,526

black MALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	3,311	2,406	2,827	3,075	3,191	3,159	3,082	3,025	3,082	3,189	3,253
5-9	3,164	3,330	2,462	2,869	3,115	3,227	3,198	3,126	3,075	3,133	3,244
10-14	3,246	3,218	3,448	2,559	2,960	3,198	3,314	3,294	3,233	3,185	3,249
15-19	3,288	3,303	3,344	3,549	2,656	3,049	3,290	3,417	3,408	3,351	3,309
20-24	2,650	3,304	3,373	3,398	3,600	2,709	3,104	3,354	3,489	3,485	3,434
25-29	2,734	2,718	3,464	3,500	3,521	3,714	2,834	3,243	3,507	3,649	3,654
30-34	2,640	2,883	3,052	3,728	3,753	3,754	3,958	3,112	3,547	3,823	3,979
35-39	2,535	2,735	3,119	3,238	3,900	3,911	3,924	4,152	3,334	3,779	4,065
40-44	2,647	2,563	2,847	3,200	3,317	3,966	3,986	4,016	4,258	3,456	3,906
45-49	2,445	2,641	2,617	2,882	3,230	3,344	3,993	4,026	4,068	4,315	3,526
50-54	2,401	2,407	2,634	2,606	2,870	3,214	3,333	3,982	4,025	4,073	4,324
55-59	1,961	2,324	2,359	2,581	2,559	2,821	3,164	3,290	3,937	3,988	4,043
60-64	1,334	1,844	2,208	2,249	2,471	2,458	2,720	3,062	3,195	3,832	3,891
65-69	783	1,224	1,708	2,053	2,103	2,323	2,322	2,582	2,917	3,055	3,675
70-74	569	694	1,096	1,535	1,856	1,913	2,126	2,136	2,389	2,710	2,850
75-79	307	471	584	925	1,303	1,586	1,646	1,848	1,866	2,104	2,398
80-84	207	213	335	418	668	950	1,169	1,229	1,400	1,425	1,626
85-89	107	124	132	208	263	424	610	760	810	936	963
90-94	40	55	65	70	111	142	230	334	421	454	534
95-99	9	16	23	26	29	45	57	92	135	170	185
100+	1	3	5	6	6	7	10	13	20	29	37
	36,379	38,475	41,701	44,674	47,481	49,911	52,072	54,093	56,115	58,142	60,146

black FEMALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	3,286	2,304	2,694	2,932	3,041	3,012	2,938	2,886	2,935	3,039	3,103
5-9	3,057	3,310	2,367	2,744	2,978	3,083	3,057	2,988	2,942	2,994	3,100
10-14	3,068	3,118	3,440	2,473	2,844	3,070	3,179	3,162	3,104	3,063	3,120
15-19	3,035	3,134	3,257	3,552	2,580	2,941	3,172	3,292	3,287	3,234	3,198
20-24	2,545	3,074	3,228	3,332	3,622	2,647	3,011	3,250	3,378	3,377	3,329
25-29	2,462	2,636	3,267	3,383	3,479	3,757	2,792	3,169	3,423	3,558	3,566
30-34	2,444	2,643	3,014	3,569	3,670	3,743	4,032	3,099	3,505	3,771	3,921
35-39	2,261	2,569	2,919	3,233	3,773	3,856	3,939	4,252	3,347	3,764	4,040
40-44	2,073	2,318	2,713	3,029	3,335	3,864	3,953	4,052	4,379	3,487	3,910
45-49	2,164	2,098	2,398	2,771	3,081	3,381	3,911	4,012	4,121	4,453	3,572
50-54	2,054	2,153	2,124	2,411	2,779	3,086	3,387	3,920	4,029	4,143	4,477
55-59	1,683	2,018	2,142	2,110	2,394	2,757	3,063	3,368	3,903	4,016	4,135
60-64	1,216	1,619	1,959	2,080	2,056	2,335	2,695	3,002	3,308	3,839	3,959
65-69	823	1,148	1,540	1,867	1,990	1,975	2,248	2,604	2,909	3,213	3,738
70-74	632	755	1,063	1,429	1,739	1,861	1,857	2,122	2,468	2,766	3,064
75-79	455	561	678	956	1,289	1,574	1,694	1,701	1,952	2,281	2,565
80-84	303	371	466	566	801	1,083	1,331	1,441	1,461	1,683	1,981
85-89	208	200	251	319	392	559	762	945	1,033	1,065	1,233
90-94	99	94	94	120	155	195	283	391	492	547	578
95-99	28	28	29	30	38	50	65	95	134	171	194
100+	4	4	5	5	5	6	8	11	15	22	28
	33,899	36,153	39,650	42,909	46,041	48,835	51,376	53,763	56,127	58,487	60,812

Nat. Am. MALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	892	688	1,305	1,394	1,410	1,413	1,467	1,588	1,753	1,875	1,946
5-9	944	921	752	1,354	1,440	1,452	1,457	1,516	1,641	1,808	1,932
10-14	1,036	1,004	1,045	852	1,448	1,527	1,542	1,556	1,625	1,754	1,926
15-19	1,154	1,098	1,135	1,151	952	1,539	1,622	1,647	1,672	1,745	1,879
20-24	1,015	1,191	1,187	1,206	1,218	1,016	1,603	1,693	1,727	1,756	1,833
25-29	996	1,099	1,369	1,331	1,343	1,345	1,150	1,748	1,853	1,893	1,930
30-34	1,008	1,163	1,448	1,649	1,598	1,590	1,603	1,435	2,058	2,175	2,229
35-39	997	1,125	1,419	1,651	1,840	1,773	1,774	1,811	1,667	2,297	2,424
40-44	948	1,055	1,265	1,526	1,751	1,930	1,872	1,887	1,937	1,801	2,434
45-49	935	977	1,137	1,326	1,581	1,798	1,981	1,934	1,958	2,013	1,884
50-54	874	938	1,011	1,158	1,344	1,594	1,812	1,999	1,959	1,988	2,047
55-59	739	858	944	1,010	1,155	1,336	1,584	1,804	1,994	1,960	1,993
60-64	579	702	830	911	978	1,118	1,298	1,542	1,761	1,952	1,925
65-69	352	535	657	778	857	925	1,061	1,236	1,475	1,688	1,877
70-74	191	314	483	595	707	783	850	980	1,148	1,374	1,579
75-79	128	161	269	411	508	608	678	743	861	1,016	1,221
80-84	74	91	119	196	300	374	451	509	567	661	790
85-89	32	46	59	77	125	193	243	296	339	382	450
90-94	12	18	27	33	43	69	106	135	166	192	220
95-99	3	6	10	12	15	19	29	44	56	69	80
100+	0	1	3	3	4	4	5	7	10	13	16
	12,909	13,991	16,473	18,624	20,618	22,404	24,186	26,111	28,229	30,415	32,617

Nat. Am. FEMALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	841	657	1,246	1,332	1,347	1,348	1,398	1,512	1,671	1,791	1,856
5-9	915	873	726	1,299	1,383	1,394	1,397	1,452	1,571	1,732	1,854
10-14	1,042	981	1,009	835	1,402	1,478	1,493	1,505	1,571	1,694	1,860
15-19	1,056	1,111	1,123	1,124	945	1,501	1,581	1,607	1,631	1,702	1,830
20-24	1,045	1,104	1,213	1,206	1,202	1,017	1,575	1,663	1,698	1,725	1,800
25-29	1,077	1,142	1,304	1,375	1,360	1,344	1,165	1,737	1,840	1,881	1,917
30-34	1,051	1,264	1,527	1,614	1,669	1,631	1,626	1,477	2,076	2,192	2,248
35-39	993	1,185	1,549	1,754	1,829	1,865	1,836	1,856	1,731	2,339	2,466
40-44	974	1,065	1,345	1,673	1,871	1,935	1,978	1,963	1,998	1,880	2,493
45-49	1,034	1,014	1,162	1,419	1,740	1,930	1,999	2,051	2,047	2,086	1,975
50-54	991	1,045	1,059	1,194	1,446	1,761	1,953	2,028	2,087	2,087	2,130
55-59	850	984	1,062	1,070	1,202	1,449	1,763	1,957	2,038	2,100	2,104
60-64	636	824	969	1,042	1,052	1,182	1,426	1,736	1,932	2,016	2,081
65-69	402	604	790	928	1,001	1,014	1,143	1,383	1,687	1,881	1,968
70-74	219	371	563	736	868	939	957	1,082	1,314	1,608	1,798
75-79	140	197	338	509	667	789	858	880	999	1,219	1,495
80-84	93	117	169	285	430	564	671	734	760	866	1,063
85-89	57	63	83	119	200	302	399	478	529	557	638
90-94	27	27	33	42	60	101	154	206	251	282	304
95-99	8	9	11	12	15	21	35	53	72	89	102
100+	1	2	3	3	3	3	4	6	9	12	15
	13,452	14,640	17,283	19,571	21,691	23,569	25,409	27,369	29,514	31,740	33,997

Asian MALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	5,296	5,206	5,718	6,349	7,127	7,799	8,417	9,087	9,893	10,830	11,885
5-9	5,534	5,917	6,481	6,745	7,322	8,020	8,727	9,440	10,207	11,052	12,035
10-14	5,048	5,996	6,880	7,255	7,476	7,989	8,714	9,499	10,287	11,087	11,966
15-19	4,725	5,343	6,604	7,369	7,719	7,901	8,432	9,204	10,036	10,844	11,666
20-24	4,250	4,951	5,824	6,987	7,731	8,050	8,248	8,819	9,629	10,478	11,304
25-29	4,952	4,695	5,868	6,561	7,686	8,375	8,721	8,988	9,628	10,468	11,351
30-34	5,409	5,641	6,129	7,020	7,654	8,689	9,419	9,877	10,255	10,943	11,836
35-39	6,102	6,016	6,924	7,160	7,995	8,546	9,617	10,452	11,012	11,437	12,173
40-44	5,403	6,465	6,827	7,568	7,771	8,551	9,129	10,269	11,171	11,763	12,221
45-49	4,757	5,636	7,004	7,254	7,970	8,140	8,938	9,566	10,752	11,676	12,292
50-54	3,933	4,887	6,013	7,272	7,511	8,197	8,389	9,227	9,896	11,097	12,040
55-59	3,274	4,002	5,137	6,175	7,401	7,626	8,322	8,554	9,420	10,105	11,315
60-64	2,420	3,285	4,164	5,202	6,206	7,385	7,633	8,351	8,619	9,492	10,189
65-69	1,772	2,395	3,354	4,146	5,135	6,092	7,243	7,524	8,254	8,540	9,413
70-74	1,267	1,707	2,394	3,238	3,971	4,886	5,803	6,909	7,218	7,931	8,231
75-79	796	1,153	1,616	2,194	2,937	3,587	4,419	5,273	6,295	6,612	7,285
80-84	553	678	1,023	1,384	1,859	2,473	3,027	3,745	4,497	5,381	5,691
85-89	270	390	507	741	1,000	1,340	1,789	2,206	2,751	3,339	4,012
90-94	101	138	212	271	396	537	728	983	1,228	1,553	1,920
95-99	21	38	60	80	101	144	196	269	368	467	600
100+	3	7	14	15	18	21	29	39	53	71	90
	65,886	74,548	88,752	100,989	112,986	124,349	135,940	148,281	161,470	175,164	189,516

Asian FEMALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	5,192	5,028	5,535	6,117	6,856	7,491	8,082	8,726	9,500	10,393	11,403
5-9	5,467	5,869	6,413	6,652	7,176	7,828	8,501	9,196	9,943	10,761	11,704
10-14	5,147	5,970	6,914	7,255	7,446	7,901	8,582	9,340	10,116	10,899	11,754
15-19	4,720	5,468	6,630	7,446	7,759	7,908	8,382	9,114	9,923	10,720	11,528
20-24	4,505	4,977	6,001	7,058	7,851	8,129	8,295	8,811	9,584	10,410	11,228
25-29	5,978	5,001	5,985	6,814	7,830	8,562	8,869	9,108	9,699	10,502	11,366
30-34	6,635	6,741	6,570	7,250	8,013	8,931	9,707	10,133	10,490	11,132	11,993
35-39	7,721	7,309	8,146	7,703	8,321	8,994	9,952	10,840	11,375	11,782	12,475
40-44	6,270	8,131	8,203	8,860	8,382	8,941	9,641	10,673	11,632	12,201	12,643
45-49	5,637	6,543	8,733	8,684	9,314	8,801	9,381	10,133	11,216	12,198	12,792
50-54	4,726	5,807	6,985	9,050	8,991	9,589	9,106	9,731	10,526	11,627	12,629
55-59	4,042	4,831	6,113	7,201	9,227	9,156	9,769	9,335	9,995	10,805	11,919
60-64	3,192	4,090	5,053	6,242	7,305	9,276	9,236	9,880	9,497	10,172	10,997
65-69	2,058	3,191	4,212	5,095	6,246	7,275	9,212	9,220	9,889	9,542	10,231
70-74	1,533	2,029	3,219	4,143	4,982	6,074	7,082	8,967	9,023	9,696	9,396
75-79	1,147	1,448	1,988	3,044	3,892	4,668	5,697	6,671	8,455	8,552	9,215
80-84	792	1,005	1,326	1,771	2,678	3,412	4,103	5,028	5,926	7,520	7,658
85-89	412	590	782	1,018	1,360	2,052	2,630	3,189	3,940	4,691	5,981
90-94	195	236	353	466	615	831	1,269	1,649	2,030	2,542	3,085
95-99	55	77	106	147	195	262	361	561	745	937	1,199
100+	7	13	22	25	33	42	58	81	126	170	218
	75,431	84,355	99,289	112,044	124,472	136,124	147,914	160,385	173,629	187,254	201,416

pacific isl. MALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	693	592	612	650	686	710	734	760	796	844	897
5-9	661	723	655	663	698	730	756	784	815	854	904
10-14	634	683	770	693	699	731	764	794	826	859	899
15-19	653	648	713	794	716	720	753	788	820	854	888
20-24	618	663	671	731	811	732	736	771	809	842	876
25-29	625	638	707	706	765	842	764	773	811	850	885
30-34	600	657	708	762	760	814	893	821	835	876	918
35-39	502	628	719	757	809	803	859	943	877	893	937
40-44	438	518	666	749	785	835	830	890	978	913	932
45-49	417	448	543	684	766	801	851	849	912	1,001	938
50-54	331	419	463	553	692	771	808	861	862	925	1,015
55-59	237	330	427	467	555	691	771	809	864	867	931
60-64	181	234	333	423	463	548	681	762	802	858	863
65-69	82	176	233	325	412	450	533	663	743	784	840
70-74	47	79	171	222	306	387	425	504	629	706	747
75-79	29	44	76	154	199	274	347	383	456	571	642
80-84	11	25	40	65	129	166	229	291	325	387	487
85-89	9	9	20	29	47	92	120	166	213	240	288
90-94	3	5	5	11	16	25	50	65	92	119	137
95-99	1	1	2	2	4	6	9	18	24	34	45
100+	0	0	1	1	1	1	1	2	3	5	6
	6,772	7,522	8,534	9,442	10,317	11,127	11,912	12,697	13,491	14,281	15,076

pacific isl. FEMALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	673	569	590	622	656	679	700	726	763	808	859
5-9	625	706	638	645	674	704	729	755	787	826	873
10-14	623	649	757	679	685	710	741	771	801	834	875
15-19	681	639	682	784	704	708	734	768	800	831	865
20-24	666	693	665	703	803	723	727	755	791	824	856
25-29	672	690	743	705	741	838	759	767	799	836	871
30-34	608	709	767	805	764	796	895	822	836	870	911
35-39	511	641	778	823	857	812	846	951	883	900	937
40-44	436	531	684	812	855	887	843	881	989	924	942
45-49	400	449	560	706	832	873	906	866	907	1,016	952
50-54	309	407	469	574	718	842	884	920	883	924	1,035
55-59	237	313	420	478	581	723	846	890	928	893	936
60-64	179	238	322	423	480	581	721	845	891	931	898
65-69	94	178	243	321	419	475	574	713	837	884	924
70-74	62	93	178	237	312	405	460	556	692	813	860
75-79	33	59	92	168	222	291	378	431	523	652	767
80-84	24	30	55	82	147	194	254	332	381	464	581
85-89	11	18	25	43	63	113	149	197	259	301	368
90-94	5	7	12	15	26	39	70	93	125	167	198
95-99	1	2	4	5	7	11	17	31	42	57	78
100+	0	0	1	1	1	2	3	4	7	10	13
	6,851	7,621	8,683	9,631	10,549	11,403	12,236	13,074	13,923	14,763	15,599

Hispanic MALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	15,057	12,754	16,588	19,719	22,208	23,665	24,756	26,138	28,192	30,406	32,254
5-9	14,295	15,699	14,113	17,671	20,738	23,135	24,629	25,829	27,314	29,412	31,675
10-14	12,958	15,144	17,443	15,521	19,002	21,959	24,401	26,025	27,357	28,897	31,057
15-19	11,166	13,958	17,195	19,097	17,091	20,442	23,455	26,056	27,834	29,235	30,850
20-24	10,415	12,375	16,441	19,191	20,990	18,838	22,256	25,456	28,245	30,105	31,600
25-29	12,051	11,991	15,609	19,040	21,653	23,251	21,200	24,861	28,305	31,198	33,180
30-34	12,309	13,243	14,493	17,613	20,928	23,375	25,049	23,211	27,066	30,599	33,583
35-39	11,282	12,932	14,568	15,555	18,611	21,834	24,321	26,106	24,380	28,282	31,863
40-44	8,800	11,624	13,683	15,162	16,115	19,115	22,358	24,909	26,758	25,070	28,998
45-49	6,237	9,031	12,143	14,081	15,532	16,448	19,460	22,744	25,339	27,212	25,560
50-54	4,336	6,358	9,346	12,337	14,243	15,660	16,595	19,629	22,936	25,544	27,437
55-59	3,013	4,370	6,489	9,380	12,315	14,188	15,607	16,570	19,606	22,902	25,511
60-64	1,974	2,986	4,391	6,407	9,208	12,052	13,903	15,328	16,311	19,312	22,573
65-69	1,107	1,968	3,030	4,343	6,274	8,962	11,722	13,552	14,974	15,964	18,914
70-74	642	1,101	1,978	2,956	4,194	6,018	8,589	11,241	13,030	14,423	15,407
75-79	351	616	1,073	1,841	2,714	3,821	5,478	7,844	10,280	11,967	13,285
80-84	255	319	573	919	1,524	2,208	3,100	4,460	6,431	8,445	9,909
85-89	122	189	253	412	635	1,024	1,480	2,094	3,039	4,436	5,858
90-94	46	72	115	142	216	317	508	743	1,066	1,569	2,340
95-99	10	24	41	49	55	72	102	163	240	349	521
100+	1	6	12	12	12	12	14	19	28	39	55
	126,427	146,762	179,577	211,447	244,256	276,398	308,984	342,976	378,731	415,365	452,429

Hispanic FEMALE	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>	<u>2040</u>	<u>2045</u>	<u>2050</u>	<u>2055</u>	<u>2060</u>
0-4	14,358	12,268	15,921	18,883	21,244	22,626	23,671	24,995	26,960	29,072	30,834
5-9	13,635	15,065	13,747	17,105	19,999	22,261	23,683	24,845	26,281	28,293	30,460
10-14	12,067	14,560	16,960	15,276	18,553	21,325	23,637	25,199	26,506	28,000	30,080
15-19	10,522	13,155	16,786	18,754	16,978	20,113	22,946	25,429	27,159	28,540	30,115
20-24	9,051	11,855	15,871	18,974	20,827	18,887	22,095	25,131	27,816	29,633	31,115
25-29	10,493	10,786	15,386	18,716	21,668	23,301	21,462	24,935	28,234	31,032	32,979
30-34	10,869	11,815	13,522	17,582	20,784	23,553	25,264	23,652	27,333	30,729	33,625
35-39	9,712	11,570	13,273	14,692	18,681	21,782	24,590	26,421	24,927	28,659	32,106
40-44	7,244	10,110	12,410	13,941	15,320	19,243	22,365	25,242	27,139	25,684	29,444
45-49	5,417	7,527	10,712	12,880	14,379	15,714	19,647	22,815	25,738	27,659	26,238
50-54	4,059	5,594	7,934	10,997	13,130	14,591	15,938	19,893	23,090	26,026	27,967
55-59	2,839	4,136	5,797	8,055	11,070	13,168	14,633	16,003	19,957	23,152	26,091
60-64	1,992	2,861	4,229	5,814	8,019	10,960	13,038	14,513	15,898	19,819	23,000
65-69	1,195	2,023	2,968	4,258	5,792	7,929	10,810	12,877	14,358	15,746	19,623
70-74	752	1,209	2,073	2,953	4,186	5,654	7,728	10,534	12,571	14,036	15,415
75-79	530	743	1,217	2,000	2,813	3,954	5,334	7,306	9,966	11,926	13,347
80-84	359	499	732	1,123	1,795	2,490	3,491	4,720	6,492	8,862	10,658
85-89	199	293	425	592	888	1,396	1,936	2,729	3,715	5,155	7,065
90-94	94	131	199	273	373	550	867	1,216	1,736	2,395	3,385
95-99	26	49	74	97	126	164	242	386	551	801	1,128
100+	3	10	19	21	25	29	38	56	88	126	185
	115,417	136,260	170,252	202,985	236,649	269,692	303,414	338,893	376,515	415,346	454,862

FAQ: Metro 2060 Population Forecast

Race, Ethnicity, Age and Gender Forecast for the Portland MSA and 3 counties

What's new?

A new population forecast series has been developed around Metro's official baseline population forecast (adopted under the 2015 Urban Growth Management Decision). This regional forecast series uses the baseline "middle-growth" population forecast as a control for projecting population by gender, race/ethnicity, and age. There are five race categories: white, black, Native American, Asian, and Pacific Islander. In addition, Hispanic or Latino population is included as a mutually exclusive category as its own separate "race". Age is estimated in single year age brackets up to 100 or older years of age, though summarized in 5-year age brackets.

What is the population forecast for the region?

According to the Census, in 2010, 2,226,009 residents lived inside the MSA (metropolitan statistical area). Metro's latest adopted Urban Growth Report has MSA-level population rising to 3,052,100 residents in 2040. By 2060, the population in the 7-county MSA is expected to reach 3,534,400 residents. Portland State University, Population Research Center estimates the current (2015) population of the MSA is 2,362,655 residents (note: counties in Washington State are estimated by the Office of Financial Management).

How fast is the region (MSA) expected to grow as compared to historically?

(Annual average percent growth)

HISTORY							FORECAST		
1960-70	1970-80	1980-90	1990-00	2000-10	2010-15	2015-30	2030-40	2040-50	2050-60
2.1%	2.2%	1.3%	2.4%	1.4%	1.2%	1.2%	0.8%	0.7%	0.7%

Source: Census and Metro

How does the latest regional forecast compare to the population forecast from 5-years ago?

MSA Population Forecast, 2010 to 2040

(Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area)

	Current Forecast (2014)	Prior Forecast (2009)
2010	2,226,009	2,265,500
2020	2,519,200	2,703,600
2030	2,814,100	3,050,100
2040	3,052,100	3,371,500
2050	3,284,400	3,669,300
2060	3,534,400	3,993,400

Source: 2010 Census and Metro (Sep. 2009 and Sep. 2014 forecast releases from UGR.)

Note: 2010 figure in the prior forecast was a projection as the 2010 Census wasn't yet available.

Why is there a difference in regional population forecasts between the 2010 and 2015 releases?

Metro strives to utilize the latest information and assumptions available in preparing each forecast. During the last 5 years, several factors have arisen that has altered the outlook for future regional growth. First, expected population growth in the region slowed during the Great Recession. The full impact of the recession is integrated into the latest regional forecast. Second, the Census Bureau recently revised and lowered its birth rate projections; this is reflected in the regional population outlook. Third, the Census Bureau lowered its immigration outlook for the U.S. and this also was incorporated into Metro's regional migration assumptions going forward (although immigration is only a small part of overall migration in the region).

What's the forecast horizon for the new forecast series?

Year 2060, and it starts with the 2010 Census as its base year. A so-called range forecast had been prepared for long-range planning (UGB management decision) purposes. The Metro Council opted to discard the low and high growth scenarios. Only the middle-growth regional forecast carries forward with population by race, gender, and age.

What's the geography of the new race and gender population forecast?

MSA level: the most demographic detail of population by race/ethnicity, gender, and age. MSA is a federal census designation. Present delineation includes Clackamas, Clark (WA), Columbia, Multnomah, Skamania (WA), Washington, and Yamhill counties of Oregon and Washington State.

County level: some aggregation of population details – gender is combined, age bracket in 5-year cohorts, Asian and pacific islander races are combined. Counties are Clackamas, Multnomah, Washington and the remaining MSA counties are lumped together as “other”.

Is there a county-level forecast?

Yes.

In fact there are 4 series alternatives based on the middle-growth regional forecast.

Because we are unsure how minority (and white) populations may settle and divide out by county, we have prepared 4 alternative county-level population growth scenarios based on future dispersal patterns by race / ethnicity. These county-level population series alternatives are based on these 4 variations on future settlement assumptions:

1. “Status quo county trend” - assumes steady increase in minority share between counties by race while adjusting for the rising percentage of minorities in the MSA.
2. Faster share of minorities shifting outward to live in suburban and exurban counties (i.e. urban area fringes)
3. Minority shift to urban fringe & white “flight” into central city (same as #2 and at the same time increasing the share of whites into living in Portland city)
4. Metro UGB “captures” proportionally higher share of minority population growth of the MSA

Why prepare 4 series alternatives for the county-level forecast?

Because of uncertainty. Frankly, we just aren't very sure how future development patterns would change over time, and have few forecast indicators that can be relied on to point a most likely direction. We could prepare more series alternatives, but these seem to be plausible alternatives that we think many people would be interested in understanding.

In the MSA, which racial/ethnic group (in total) is expected to grow the fastest during the next 50 years (2010 to 2060)?

The Hispanic (or Latino) population segment is expected to add another 665,000 people by 2060, the largest increase in a race or ethnic population. Whites will grow by another 285,000 followed by another 250,000 Asians

What's this talk about majority minority?

Whites will still represent a plurality in the MSA. However, projections now suggest the majority of people living in the MSA will be a member of one of the non-white categories.

When will we hit majority minority in the MSA region?

2070 is when we expect the shift in status – assuming extrapolations and various other growth assumptions are correct. The greatest degree of uncertainty is the forecast rate of in-migration of Hispanic and Asian Americans to this region from elsewhere in the U.S. To a lesser extent, immigration from abroad will also impact minority growth rates in this region, but immigration contributes much less to population growth in Oregon.

How many Millennials are there today? And how many more are expected?

In 2015, the MSA population includes 575,000 people of the millennial generation. The tail end of the Millennials will be coming of age by year 2020 at which time, their numbers in the MSA will swell to over 630,000 members. The number of Millennials will continue to edge up through additional net in-migration; their numbers will top out at over 750,000 people by 2045. Higher mortality rates eventually kick-in and their numbers will finally begin to decline as the leading edge closes in on retirement age.

Why does Metro produce population forecasts?

Metro's Charter makes the agency "accountable" for carrying out its "primary responsibility" of regional "planning and policy making to preserve and enhance the quality of life and the environment." Under municipal, state and federal regulations this means that Metro is directed to prepare long-range regional transportation and land use planning. This planning requires an update to population and economic (regional) forecasts with sufficient technical detail to inform policy.

What is the population forecast used for primarily?

Traditionally, Metro has applied the population forecast in its state and federally mandated regional transportation plan (RTP) updates. RTP updates happen every 4 years. Also, the population forecast is the basis for assessing whether the Metro UGB contains development capacity for a 20-year period. Since 1997, the forecast has been updated at least once every 5 years.

How frequently are the population forecasts to be updated?

ORS 197.299 (amended) requires Metro to periodically assess the sufficiency of the Metro UGB to maintain development capacity for a 20-year period and for Metro to complete this analysis at least every 6 years. Thus we anticipate being able to update our forecasts and projections at least every 6 years.

Why produce a range forecast?

Projecting population growth has a degree of risk and uncertainty, particularly when so much could happen between now and 50 years from now. Policy makers would like a sense to the degree plans may change under different growth scenarios. A so-called range forecast is provided for the 20 year and 50 year population forecast. The range forecast consists of a low, baseline (medium), and high growth alternative series. However, this range doesn't break down the population forecast by race. We take the adopted forecast (middle growth series) and complete our analysis by dividing this population total by race and gender.

Why doesn't Metro just use the Census or Portland State or Oregon State population forecasts?

These other organizations at present are not preparing population forecasts by race and ethnicity.

Why produce population forecast by race and ethnicity?

Many programs administered by Metro using federal grants require an environmental justice component to determine how public policy impacts people and communities of color. These assessments are based on existing conditions, however, we can be more alert to potential policy impacts going forward if policy makers were made more aware about change expectations in the future.

Are the Metro forecasts peer reviewed?

Yes. At different points of the forecast process, we convene forecast experts and stakeholders to review our inputs and assess the reasonableness of our forecast outlooks.

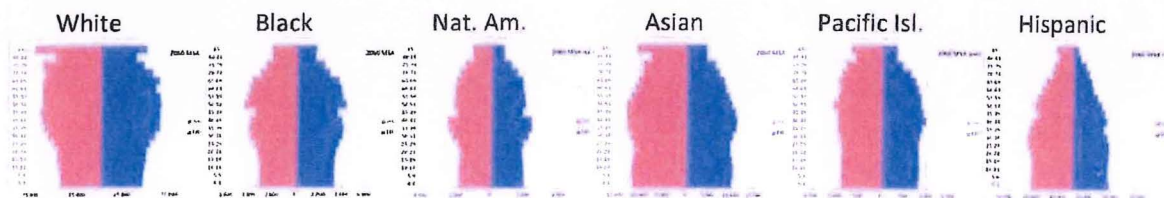
Metro 2060 Population – Baseline projection series

What's new?

Metro population projections have been around for a long time, but what's new is the differentiation of population growth by MSA (7-county region) and county-level (Clackamas, Multnomah, & Washington):

- ✓ Gender (male or female)
- ✓ Race and ethnicity (white, black, native Indian, Asian, pacific islander, Hispanic)
- ✓ Single year cohorts from age 0 to 101+

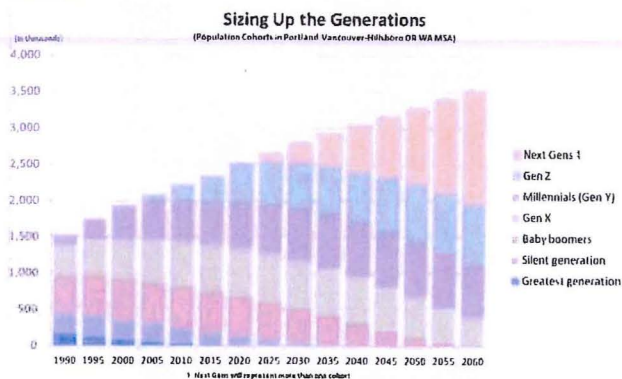
Chart 1



Generation Theory

While all people in generations are unique, there is a tendency for many in the same generation to share similarities such as belief, values, attitudes and lifestyle. These attributes allow for the study of generations and leads to segmentation of people and households into market shares and general residential preferences.

Chart 2



Race and ethnicity through year 2060

Chart 3

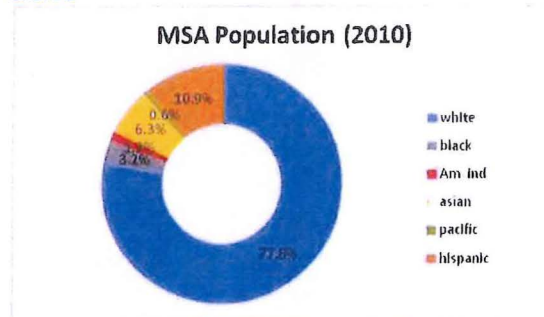
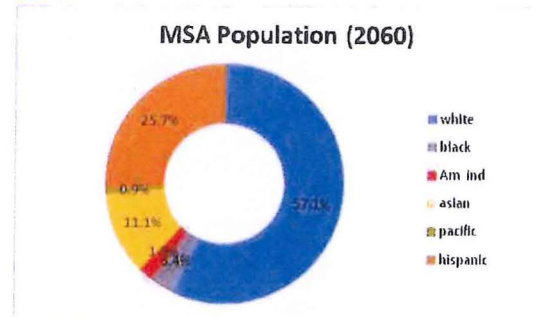


Chart 4



Forecast timeframe is from a 2010 Census (base year) to year 2060. Further extrapolations indicate a majority minority by year 2070, if earlier trend assumptions hold true.

Metro 2060 Population Forecast

Modeling Methodology for the MSA and County Population Projections

Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area (MSA)

MSA Methodology

The Metro Research Center employs a cohort-component method to project regional population trends for age, gender, and race/ethnicity. The region is delineated by the latest designation of counties assigned to the metropolitan statistical area (MSA), 7 counties in all. In Oregon, these counties include Clackamas, Columbia, Multnomah, Washington and Yamhill; in Washington State, the counties are Clark and Skamania. From a 2010 base year, the population forecast is projected forward annually for the entire region by single-year cohorts, gender and 5 race and Hispanic origin groups: (1) non-Hispanic White, (2) non-Hispanic Black, (3) non-Hispanic American Indian or Alaska Native (AIAN), (4) non-Hispanic Asian, (5) non-Hispanic Hawaiian or Pacific Islander, and (6) Hispanic / Latino.

When Metro refers to a forecast or growth projection as “baseline”, it means that it is the “likely” scenario alternative that assumes demographic factors and growth assumptions that represent the greatest likelihood of potentially materializing in the future. A baseline projection largely assumes that people have the right to migrate where they choose and that no major natural catastrophes will befall the region, state or the nation to alter its outlook. Metro also prepares “high and low growth scenarios” that under alternative growth conditions may prevail. They represent possible alternatives, but are judged less likely of actually occurring. These alternatives are not prepared by gender and race. At Metro, alternative growth scenarios are created as probabilistic expressions derived from “monte carlo” simulation in which components of the cohort method are perturbed based on historical statistical deviations and include projected forecast errors. These simulations are collected together that in terms of likelihood represent a probability distribution of possible population futures¹.

Metro’s cohort-component approach to forecasting population growth takes the region’s base year population (2010) and grows out the trends of that population according to how many people will likely survive into the next year and so on. Death rates are applied on an age-adjusted basis to calculate survival. Births and net migration (i.e., the difference between inflows and outflows of residents of the region) are added at each interval and in ensuing years are included to the population and its chance of survival is also calculated with the previous year’s population. Fertility assumptions are applied to women of childbearing age to form new cohorts. A cohort component method traces people born in a given year throughout their lives; as each year passes, cohorts change due to mortality and migration assumptions.

¹ Alternate growth scenarios or ranges are only available for MSA and not county-level.

Assumptions and General Growth Projection Details

The cohort-component forecast method is built around a mathematical identity equation for the growth of a population. A fundamental demographic concept is used in calculating population growth from a base year to future years. This fundamental demographic equation estimates tomorrow's population based on today's population and components of change in births, deaths and net migration in the MSA region. The generalized form of this equation is:

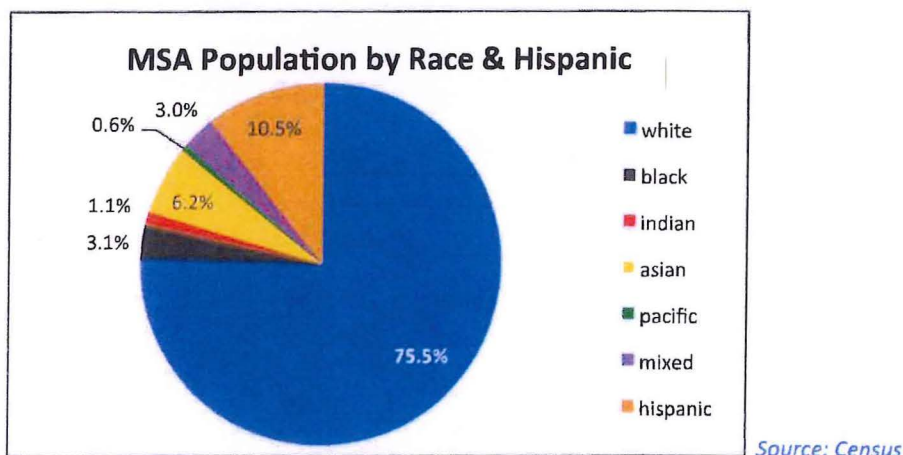
Equation 1

$$\text{Population}_{t+1} = \text{Population}_t + \text{Birth}_{t+1} - \text{Death}_{t+1} + \text{Net Migration}_{t+1}$$

where a future Population at $t+1$ must equal to Population at time t , plus births and in-migrants less deaths and out migrants that occur in the interval $\text{time}=t$ and $\text{time}=t+1$. This is a very data intensive approach and if age, gender, and race is to be projected, then the data needs rise in step with the number of years into the future and the interval of growth plus detailed by the need to produce a specified forecast by age bracket, gender, and race categories. The data requirements become multiplicatively large depending upon the specified level of detail needed for a complete cohort-component population model.

Base Population – For its base-year benchmark, Metro used the 2010 Census counts and modified the race category to eliminate the “two or more” race (i.e., mixed race) category and to treat the “Hispanic or Latino” category as a separate race. The population of the two or more (TOM) race category was reassigned to white, black, Native American, Asian, or pacific island based on imputed apportionment calculations made by Metro. The delineation of population by race is consistent with Bureau of the Census definitions.

Chart 5

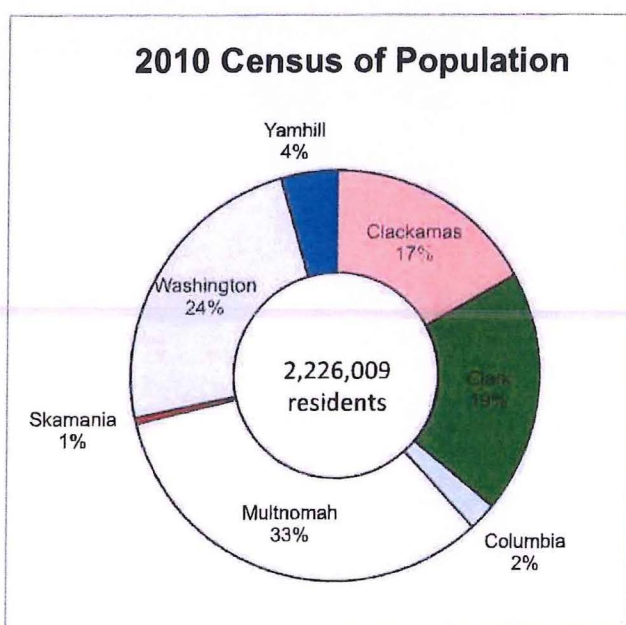


Race/ethnicity – The Metro population projection includes a breakdown of population growth by race and ethnicity. The race categories are white, black, Native American, Asian, and Hawaiian/pacific islander and ethnic Latinos/Hispanics. Individuals of mixed race or two or more races are proportionally

re-assigned using more detailed race data to 1 of the 5 race or ethnic categories. (About 3% of the current population in the region identify as two or more races.) For purposes of the forecast, Latino or Hispanic is treated as a race category. So if a person is Hispanic or Latino, he/she is only counted once in the Hispanic category and not in one of the other race categories. (Someone identifying as Hispanic or Latino may also be classified by race or of mixed racial descent, but for purposes of this study, each person is assigned to one race.)

The base year population is of the Portland-Vancouver-Hillsboro, OR-WA metropolitan statistical area (MSA). The current MSA rendition includes a total of 7 counties and a total population over 2.2 million.

Chart 6



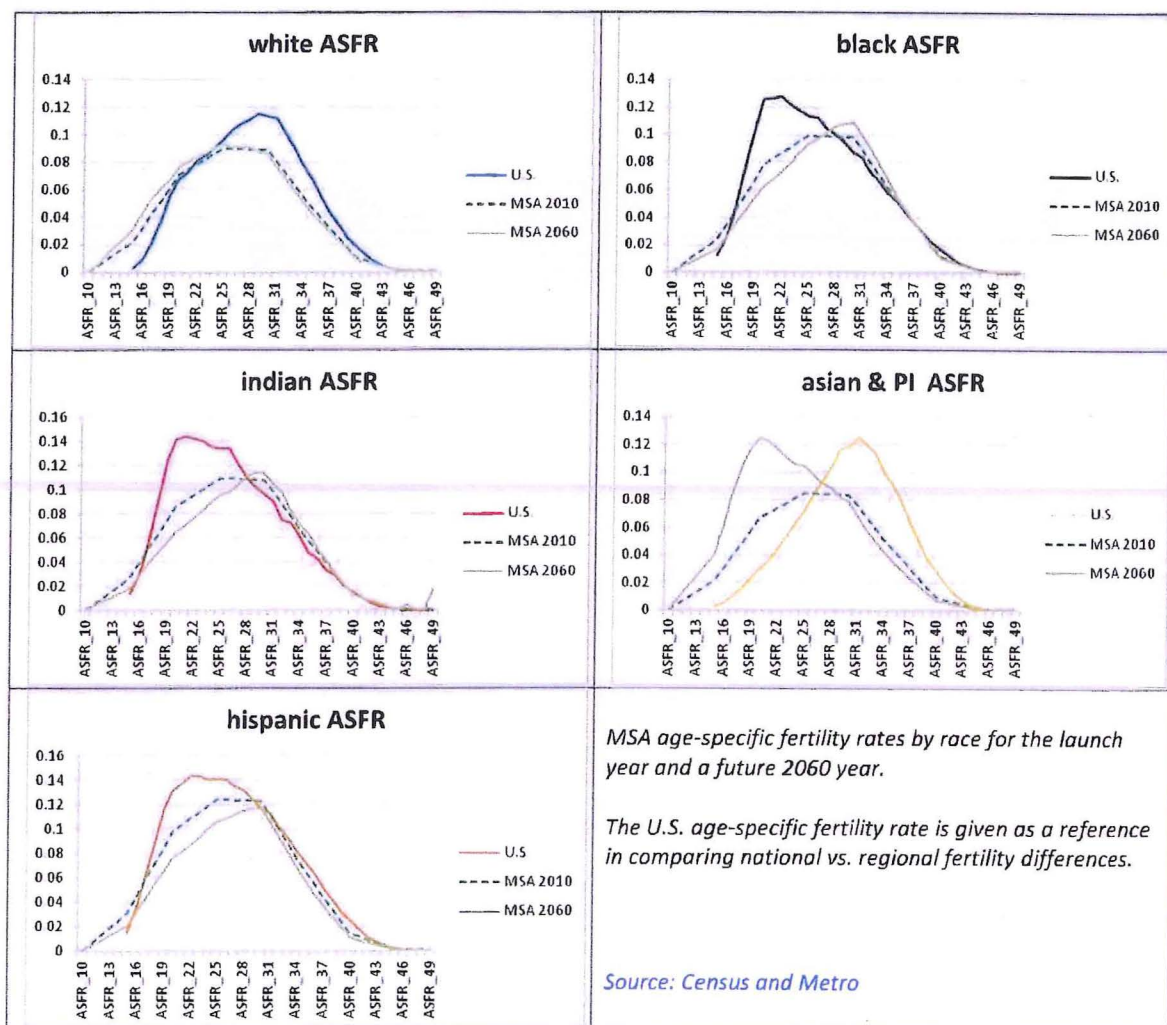
Source: Census

Births (Fertility Rate Assumptions by Race) – Birth rates historically vary from year to year because of prevailing economic conditions and societal norms which shape the birth rates of Americans and foreign born residents who have migrated to live in the U.S. Recently, the Great Recession forced annual birth rates to decline as prospective parents delayed having children until the uncertainty and economic challenges during the recession disappeared. The birth rate for all races dipped during the Great Recession.

We expect birth rates in the near term to return to a pre-recession normal, but may take a while for conditions to settle. Still, it is reasonable to avoid starting from base year birth rates which seem too low. To smooth out the launch point values for the regional birth rates, base-year age-specific birth rates are calculated as a blend over a 5 year period (2008-2013). Annual fluctuations in birth rates are smoothed out using the 5 year data. Thus the 5-year blend serve as launch values for the extrapolation of future-year age-specific birth rates.

Future year MSA fertility rate projections are extrapolated on the basis of national fertility rate assumptions from the 2012 National Population Projections series. The national assumptions are considered representative of a medium growth rate scenario. The age-specific fertility rates (ASFR) are displayed in the series of charts nearby.

Chart 7



Total fertility rates (TFR) do and will vary by race and ethnicity as well as distinct distributions of age-specific fertility rates by race. The TFR represent on balance the number of children each woman is expected to have during her lifetime. Some women will have more than the average and others fewer, but in general, Asian and white women currently have the lowest TFR while Hispanic women presently average the most children. Over subsequent generations, the TFR for all race of women are expected to converge closer together due to cultural assimilation and harmonizing of economic and social

conditions. This is an assumption that exists in the national projections, and is carried along into the projections of regional fertility rate.

Table 1

Race/ethnicity	Total Fertility Rate (TFR)	
	Base year TFR	Future year (2060) TFR
White	1.657	1.714
Black	1.831	1.755
Native American Indian	2.011	1.873
Asian & Pacific Islander	1.561	1.982
Hispanic or Latino	2.286	1.940

Source: Census, Oregon Dept. Health Statistics, and Metro

Death (Mortality Rate Assumptions by Race) – Life expectancy estimates at birth help summarize the mortality rate assumptions incorporated into baseline regional population projections. Life expectancies do and will vary by race and ethnicity. The base year and projected life expectancies derived from projected age-specific death rates are arrayed by race/ethnic group and gender.

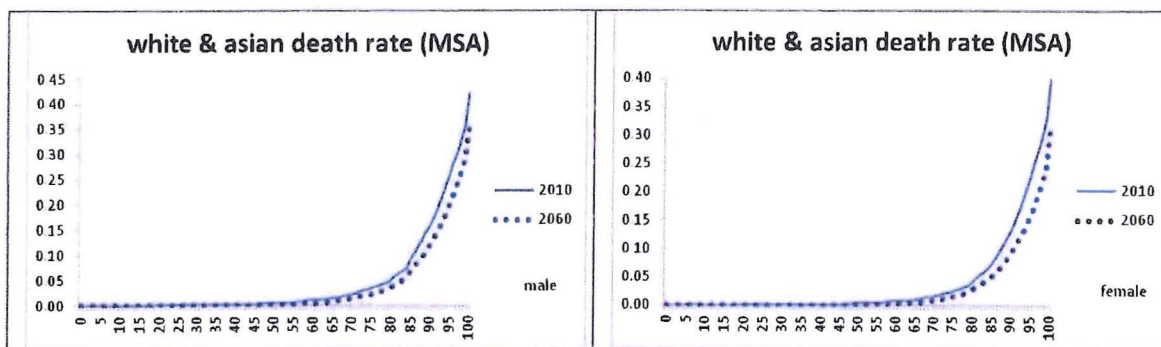
Table 2

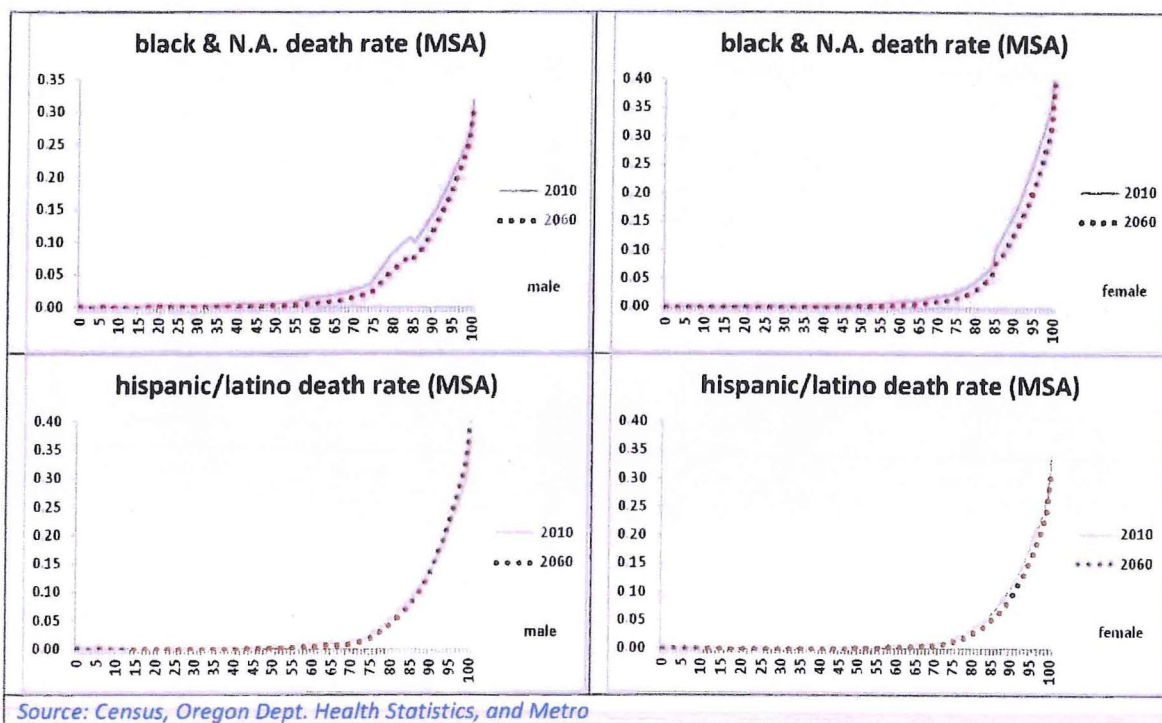
	Life Expectancy at Birth					
	White, Asian & Pacific Isl.		Black & Native American		Hispanic or Latino	
	Male	Female	Male	Female	Male	Female
Base year	77.8	81.5	73.4	78.3	80.7	84.5
Future (2060)	83.9	87.1	81.5	84.5	84.2	87.8

Source: Census, Oregon Dept. Health Statistics, and Metro

The following charts illustrate the death rates estimated from 2010 vital statistics and population data and the projection of these death rates to year 2060 based on the life expectancy assumptions shown in a nearby table. According to Census assumptions, death rates for Asians and whites are expected to be almost the same, blacks and native Americans are grouped together, while Hispanics/Latino members of the population are expected to have the highest life expectancy as reflected in the death rates.

Chart 8



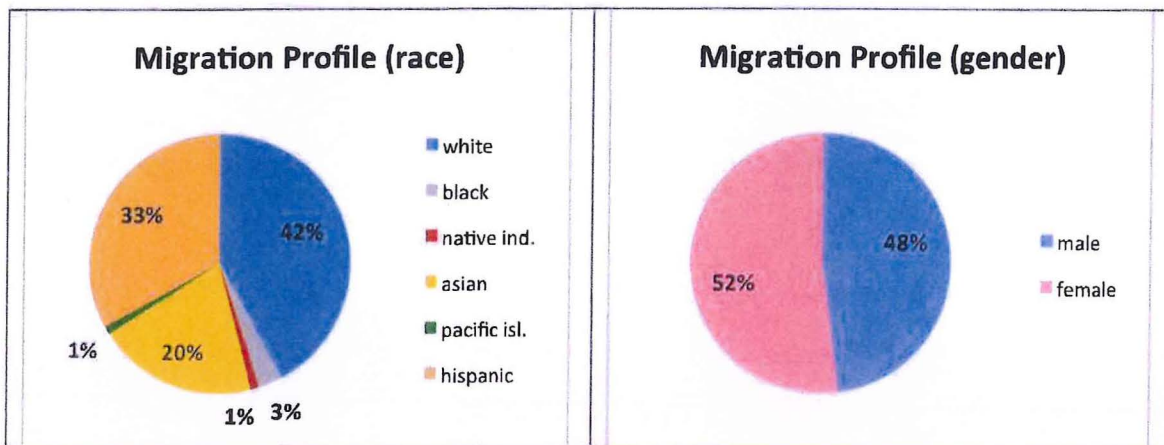


Deaths are calculated by applying regional age-specific survival rates, constructed separately for men and women in each of the race/ethnic categories for the MSA population. Launch values for the death rates are based on a blend of a five year period, 2008 to 2013, of death statistics for the Oregon portion of the MSA.

Future year MSA-level age-specific death rate projections are extrapolated on the basis of national mortality rate assumptions from the 2012 National Population Projections series. The national assumptions are considered representative of a medium growth scenario. The set of age-specific death rates (ASDR) by race are displayed in a series of nearby charts.

Migration – Migration totals are developed using an in-house econometric model that produces a trend migration-level forecast. This migration trend is then proportioned out by race/ethnicity and gender for the population forecast. The migration proportions are summarized in charts nearby. These assumptions are produced using a “survived population method” between the last two decennial censuses (i.e., 2000 and 2010). Decomposing the components of population change between the last two Census years, we are able to compute the change in growth due to births, deaths and net migration by gender and race. From this decomposition the region’s population growth from the last decade, these ratios and shares are extrapolated to produce the migration details for each cohort going forward.

Chart 9

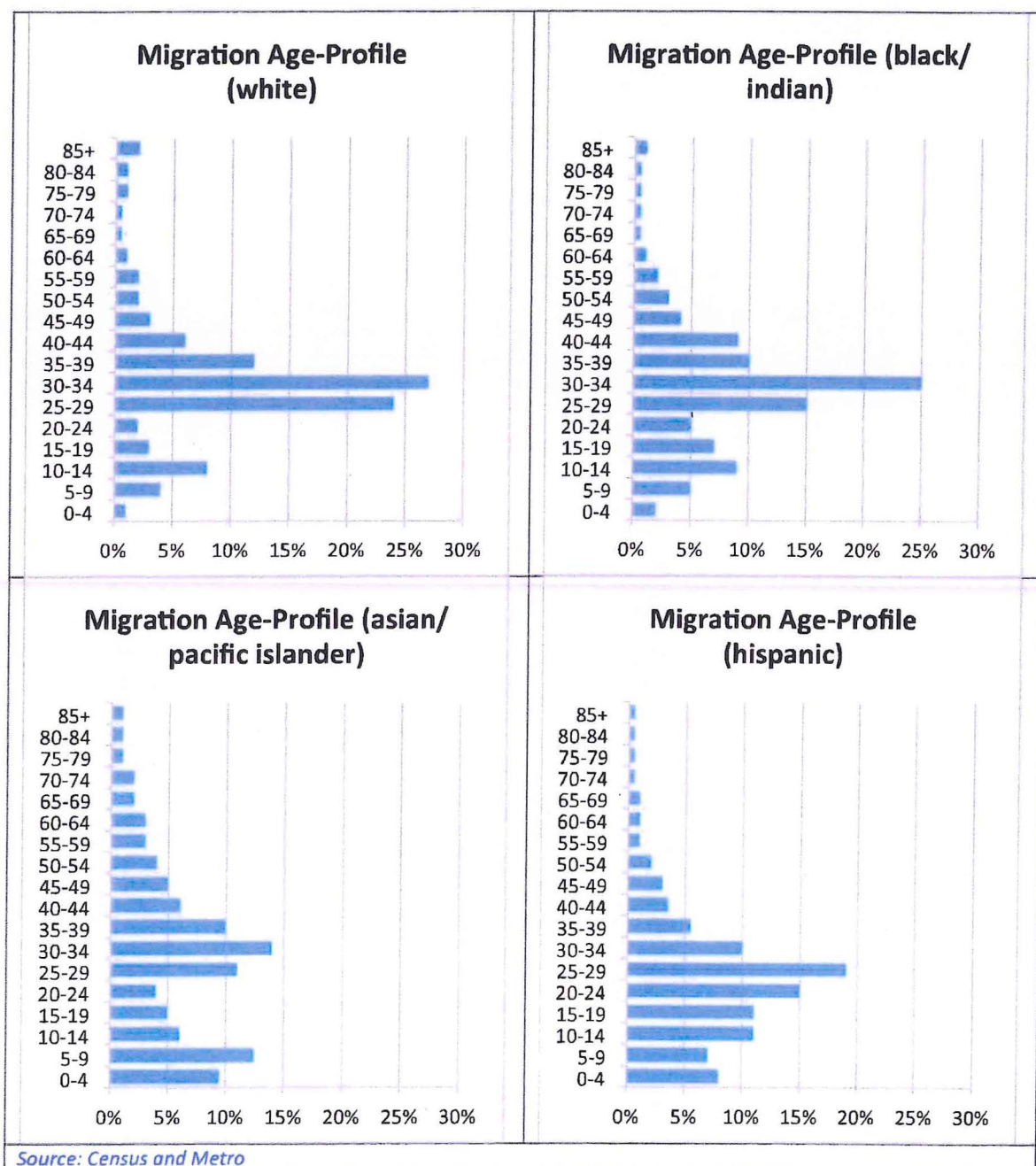


Source: Census and Metro

The net migration of white residents is represented by a 42% plurality. This is a fairly significant regional change from when whites were a majority. People of Hispanic or Latino ethnicity are expected to be one-third of future migrants, almost double the region's current share of population. Asian migrants are expected to account for one-fifth of future net migrants, representing 3 times over the share of Asians in the region today. The share of future migrants of Black, Native Indian and Pacific Island descent are expected to be about the same as today's regional shares, respectively, 3%, 1%, and 1%. The future migration profile reinforces the racial profile of future births in the region such that we anticipate a majority of minorities by about the year 2070. The ascension of majority minorities is about 25 years delayed as compared to the U.S. as a whole (according to Census Bureau middle series projections) because of the much higher concentration of white residents from the onset of the forecast.

In terms of gender difference between migrants and births in the region, the baseline population forecast predicts a slightly higher percentage of female migrants (52%) as compared to the current ratio of women in the region (50.6%) and births of baby girls (49%). The assumed higher projected rate of female migrants stems from an historical trend that has revealed even higher proportion of female net migration (57%) than male net migration, but for projection purposes we have dampened the gender migration disparity going forward.

Chart 10



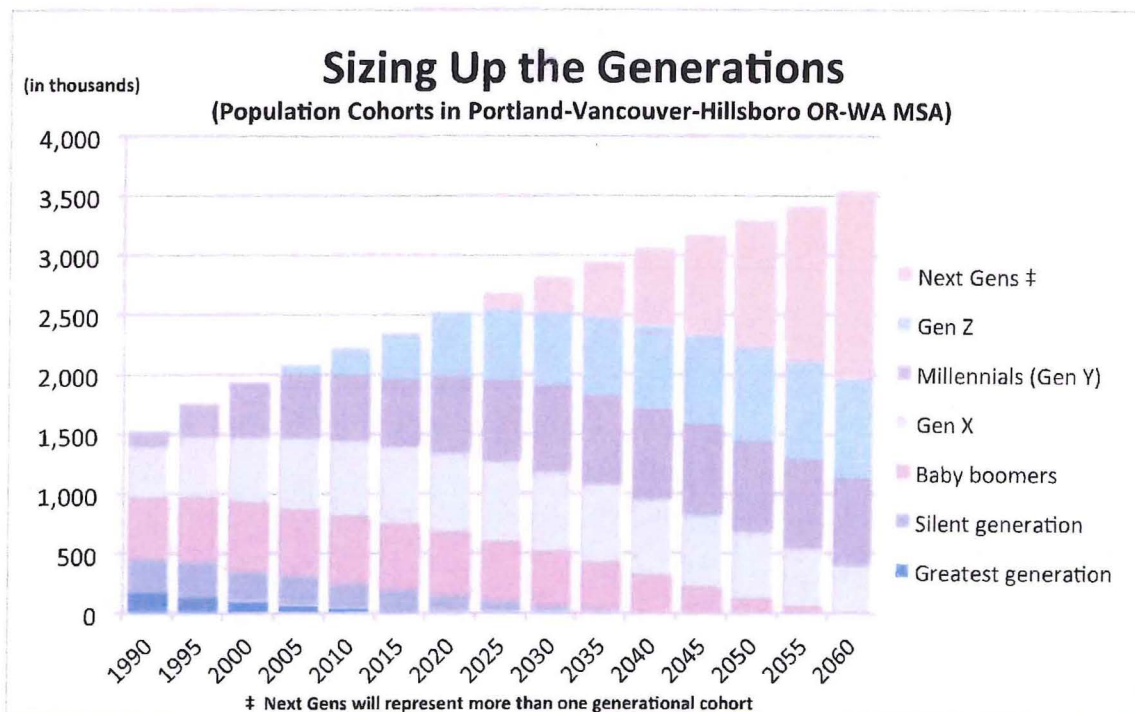
Age-specific migration rates or profiles are derived from the same 10 year look back at Census data for the region. Profiles for the Native American population are combined with blacks, and the Pacific Islander population combined with Asians due to small numbers of Native Indian and Pacific Islander migrants. We find that the age profile for white net-migrants have very pronounced mode between ages

25 to 34, while the mode for blacks and Indians is between 30 to 34 years of age. Asians and Pacific Islanders appear to have two distinct modes between ages 25 to 39 and 0 to 9; this suggests very strongly that the migration of this group may be traditional family groups. The Hispanic population shows a distinct and greater propensity of its net migrant population to be under age 30; this likely reflects the historic trends of Latinos of Mexican descent settling in places where farm work and low-skilled occupations are available. Proportionally fewer retirement age or older Hispanics and blacks seemed to have moved and settled here in the region during the last decade, whereas whites and Asian retirees were almost twice as many proportionally.

Overview of the Region's Baseline Population Trend Projection

Perhaps an interesting and a more functional means of examining population is through a "generational lens" that groups cohorts with like similarities based on specific historical, cultural, socio-economic attitudes, norms and circumstances. This generational analysis divides the population based on age groups that by observation or perception display distinctive characteristics. Although it may be useful to lump people together into generations, it is also equally important to remember that there are as many differences in attitudes, values, behaviors and lifestyles within a generation as there are differences between generations. However, we believe that a generation view of population trends reveals simplifications and generalizations that help us understand the complexity of regional populations.

Chart 11



source: Metro

Legend information:

Generation	Age Bracket	Coming of Age	Age in 2015	Description
Greatest Generation	1905-1924	1923-1942	91 to 110	Came of age during Great Depression and fought WWII ²
Silent Generation	1925-1945	1943-1963	70 to 90	Hard working, kept quiet on own beliefs & opinions ³
Baby Boomers	1946-1964	1964-1982	51 to 69	Consumer oriented yet nonconformist, led various movements of liberal agendas ⁴
Generation X (Gen X)	1965-1983	1983-2001	32 to 50	Marked by disappointment, economic headwinds & underachievement ⁵
Millennials (Gen Y)	1984-2002	2002-2020	13 to 31	Raised on fast evolving technology & during drastic liberalization of social norms ⁶
Gen Z	2003-2021	2021-2039	12 or younger	More realistic – jaded by recession, terrorism – and more technology reliant ⁷
Next Gens ‡	2022 and beyond	2040 and beyond	Not alive	Future generations?

The Greatest and Silent Generations are sometimes combined and called the Traditionalists. As year 2015 fades, there will be fewer than 4,000 residents from the Greatest Generation by 2020. The number of Silent Generation residents will fall below 150,000 by 2020 or under 6% of the region's total population. By 2040, the number of traditionalists will be virtually gone, leaving fewer than half a percent of the total population.

Going forward from 2015, the number of Baby Boomers alive has already peaked in the region. As each year passes the number of Baby Boomers alive in the region will begin to fall away faster and faster. From an economic standpoint, Boomers will decline as an economic force. But the generation will achieve one last economic stimulus as an engine of economic growth. They're last major economic thrust will be felt in post-retirement and from its impact on health care and through social security for seniors. The baby boomers was a larger cohort than the traditionalist cohort, their economic impact on housing and the economy as a proportion has yielded roughly twice the economic and social influence due to this generations much larger numbers.

Succeeding the Baby Boom Generation is the Gen Xers. In this region, due largely to migration, the region has seen the Generation X population grow to significantly larger than its peers from the Baby

² http://www.goodreads.com/author/quotes/18495.Tom_Brokaw

³ <http://study.com/academy/lesson/the-silent-generation-definition-characteristics-facts.html>

⁴ <http://study.com/academy/lesson/what-are-baby-boomers-definition-age-characteristics.html>

⁵ http://www.valueoptions.com/spotlight_YIW/gen_x.htm

⁶ <http://elitedaily.com/life/the-20-differences-between-the-baby-boomers-and-generation-y/>

⁷ <http://growingleaders.com/blog/six-defining-characteristics-of-generation-z/>

Boom Generation. Gen X was at one time popularized with the phrase “Baby Busters”, perhaps because of the lower fertility rate that spawned this generation or because of its counter-culture attitudes of its preceding Boomer generation. Regardless of its name and lower birth rates, the Gen X crowd in the region may be expected to top nearly 700,000 residents at its projected zenith in 2025. Net migration continues to add to the total number of Generation X residents in the region; after 2030, the number of Gen X residents taper as mortality rates accelerate and as migration numbers fall off due to age.

Millennials (previously called Gen-Y by some researchers) represent an even larger regional population segment than any previous generation. The number of Millennials will continue to grow as Millennial-aged migrants move-in from elsewhere and settle in this region. The future cohort is expected to top 760,000 residents in the region by 2045. Afterwards, mortality rates will start accelerating and the number of these residents will start declining. At its zenith, the number of Millennials in the region will approach 1 in 4.

Gen Z is expected to be the largest identified population segment in the region during the forecast period. Their numbers for this region will top out after 2060 at nearly 850,000 residents and will exceed 1 in 4 residents.

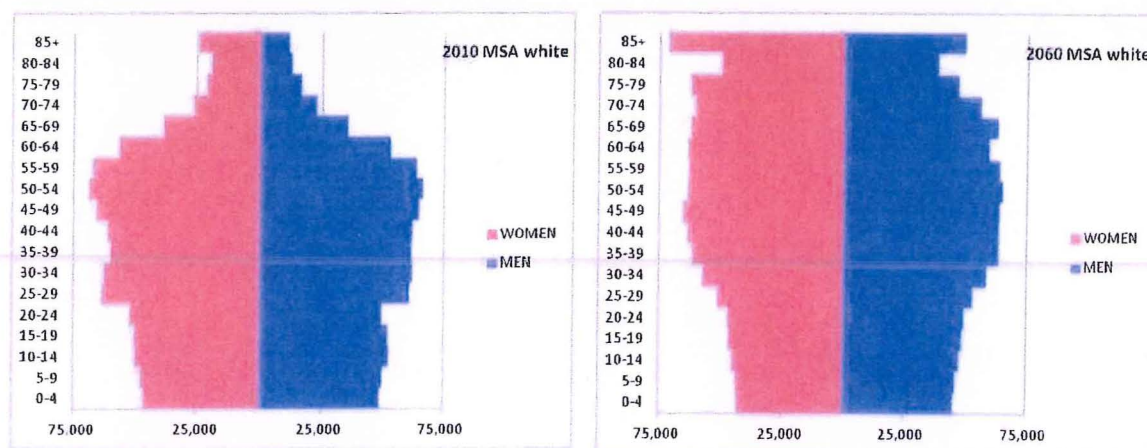
The next generations could be even larger than the projections for Gen Z. Time will tell of course.

MSA Growth Projections by Race and Gender

White Population

- The age pyramid for the white population in the MSA is identified by a constrictive population pyramid. The region's white population is expected to become older with median age rising, and characterized by a longer life expectancy, a low death rate, but also a low birth rate. The pyramid would be even narrower near the bottom (younger ages) if not for domestic net in-migration in which migrants are generally younger than the resident population.
- Median age in 2010 = 38.7 years (est.)
- Median age in 2060 = 46.8 years (est.)

Chart 12



Source: Census (2010) and Metro

Table 3

	2010	2020	2030	2040	2050	2060
Total Pop.	1,732,585	1,848,925	1,938,925	1,978,489	1,996,265	2,017,368
APR%		0.72%	0.40%	0.14%	0.10%	0.13%
Male	850,749	911,576	955,594	973,909	982,845	993,842
Female	881,836	937,349	983,331	1,004,580	1,013,419	1,023,526
Dependency Ratio	43.5	53.2	61.7	65.5	70.0	71.6
Children (0 to 14)	24.5	24.1	23.4	23.0	23.2	23.1
Seniors (65 and over)	18.9	29.1	38.3	42.5	46.8	48.5

Source: Census (2010) and Metro

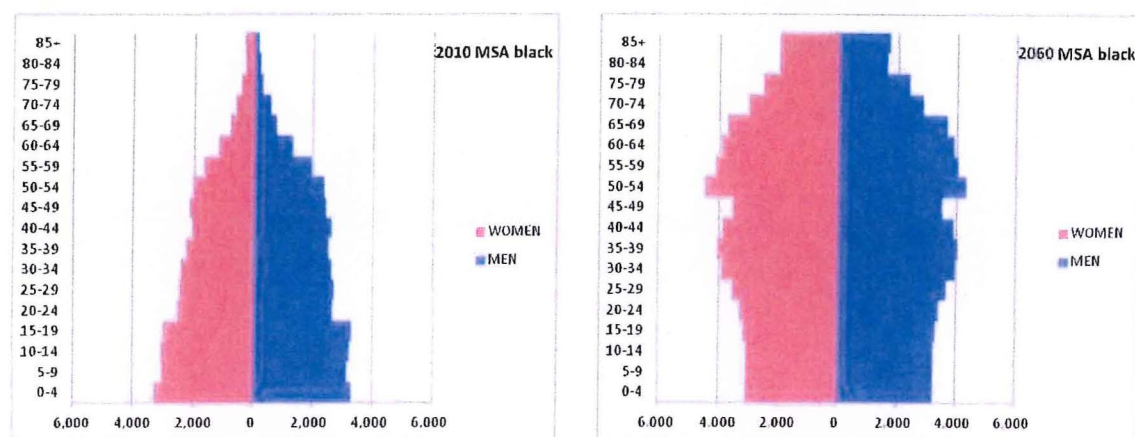
Black Population

- The age pyramid for the black population in the MSA can be described as either stationary or a constrictive population pyramid. The region's black population is expected to age relatively fast, with median age rising quickly in 50 years, and characterized by a longer life expectancy, a lower death rate, but also a low birth rate. The age pyramid at the bottom remains roughly the same

in numbers, but the middle aged and senior cohorts expand significantly in the next 50 years. The wave of net in-migration of blacks to this region is expected to be limited in numbers.

- Median age in 2010 = 28.3 years (est.)
- Median age in 2060 = 42.1 years (est.)

Chart 13



Source: Census (2010) and Metro

Table 4

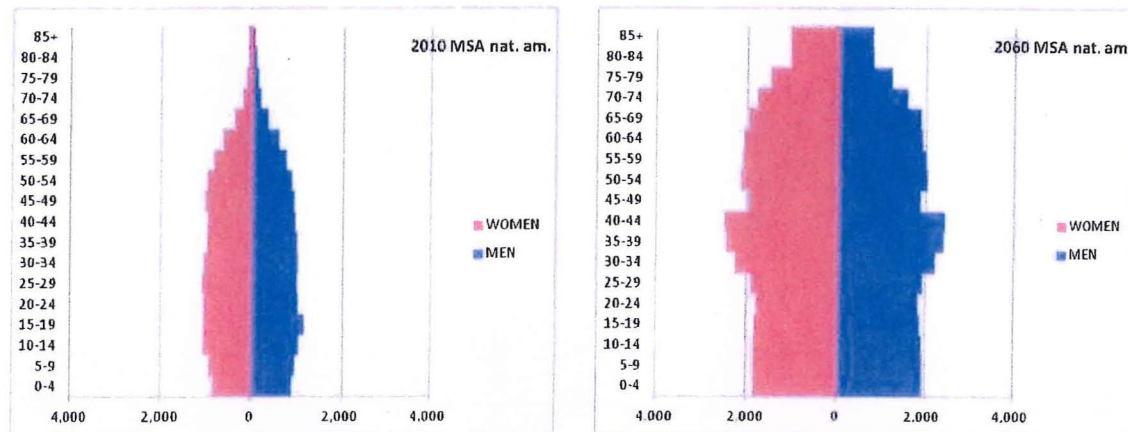
	2010	2020	2030	2040	2050	2060
Total Pop.	70,278	81,348	93,518	103,442	112,231	120,937
APR%		1.75%	1.30%	0.92%	0.80%	0.72%
Male	36,379	41,699	47,477	52,066	56,104	60,125
Female	33,899	39,650	46,041	51,376	56,127	60,812
Dependency Ratio	50.9	45.2	46.3	51.5	52.8	58.7
Children (0 to 14)	41.1	30.8	28.9	27.5	25.0	25.0
Seniors (65 and over)	9.8	14.4	20.4	24.1	27.8	33.6

Source: Census (2010) and Metro

Native American Indian Population

- The age pyramid for the native Indian population in the MSA can be described as either stationary or a constrictive population pyramid. The median age of the region's native Indian population is expected to rise, and characterized by a longer life expectancy, a lower death rate, but also a low birth rate. A slight bulge appears in the middle-age cohorts in 2060 due to a boomlet of births that was projected 30 years prior in 2020/30 and expanded out with net in-migration as a subsequent wave.
- Median age in 2010 = 31.8 years (est.)
- Median age in 2060 = 40.4 years (est.)

Chart 14



Source: Census (2010) and Metro

Table 5

	2010	2020	2030	2040	2050	2060
Total Pop.	26,361	33,754	42,306	49,592	57,736	66,605
APR%		3.24%	2.05%	1.58%	1.56%	1.37%
Male	12,909	16,472	20,615	24,183	28,223	32,608
Female	13,452	17,283	21,691	25,409	29,514	33,997
Dependency Ratio	39.1	40.3	50.7	49.4	53.3	60.0
Children (0 to 14)	29.9	25.3	30.0	26.4	26.1	27.3
Seniors (65 and over)	9.2	15.0	20.7	23.0	27.2	32.7

Source: Census (2010) and Metro

Asian Population

- The age pyramid for the Asian population in the MSA can be described as a fairly stationary population pyramid. The region's Asian population is expected to age, and characterized by a longer life expectancy, a lower death rate, and a slightly higher projected birth rate than historically in the region. A higher share of net in-migration also adds to the population growth.
- Median age in 2010 = 33.1 years (est.)
- Median age in 2060 = 40.6 years (est.)

County Growth Projections by Race

The distribution of MSA population growth to counties is strictly based on strong assumptions generated for each of the aforementioned scenario series.

Series 1: "Status quo county trend" - assumes constant minority share between counties while simultaneously adjusting for higher percentage of minorities in the MSA

Series 2: A shift of minority concentration to suburban and exurban counties

Series 3: A shift of minority concentration to suburban and exurban counties plus a "white flight" returning to the region's central city

Series 4: The Metro UGB is explicitly presumed to capture a proportionally higher share of the MSA's overall population growth.

We postulate in the 4 series alternatives different county-level settlement pattern for the region's minority classes and white population. These postulates guide the shift in concentration of minority growth for each county.

- In the case of series 1, the implicit proportion of population by race by county is held constant through the forecast, but the effective proportion of population by race and by county is adjusted higher to reflect the growing racial proportions of minorities at the MSA level (recall that we predict the gradual shift to majority minority by approximately year 2070 in the region).
- In the case of series 2, from the initial launch proportions of population by race and county, we presume the minority shares decrease in Multnomah County and explicitly re-apportioned to the suburban and exurban counties. Furthermore, since the MSA population is projected to increase minority populations proportionally, especially Asian and Hispanic minorities, the cumulative effect of these assumptions reinforce stronger population and minority growth in suburban and rural counties.
- In the case of series 3, the race proportions, we presume going forward a modest shift in white population growth favoring Multnomah County at the expense of white population growth in the other counties. This assumption is combined with the previous assumption of minority diffusion in series 2.
- In the case of series 4, the Metro UGB is assumed to have a much stronger pull on overall population growth as compared to the other counties. Thus Clackamas, Multnomah and Washington County are expected to grow faster at the expense of somewhat slower Clark growth and the other rural counties. Series 4 most closely aligns with the Metro TAZ growth distribution forecast (i.e., developed for the 2016 RTP update) in terms of each county's population growth distribution.

Table 9

TOTAL POPULATION COUNTS

Projection series 1

	<u>Clack</u>	<u>Mult</u>	<u>Wash</u>	<u>Tri-county</u>	<u>%Tri-county</u>
2010	375,993	735,334	529,710	1,641,037	73.7%
2020	417,834	836,181	612,607	1,866,622	74.1%
2030	458,089	938,549	699,005	2,095,643	74.5%
2040	488,358	1,022,091	772,792	2,283,241	74.8%
2050	516,562	1,104,037	847,429	2,468,028	75.1%
2060	547,084	1,191,990	927,650	2,666,723	75.5%

Projection Series 2

	<u>Clack</u>	<u>Mult</u>	<u>Wash</u>	<u>Tri-county</u>	<u>%Tri-county</u>
2010	375,993	735,334	529,710	1,641,037	73.7%
2020	422,689	818,921	619,707	1,861,317	73.9%
2030	470,619	893,454	717,609	2,081,681	74.0%
2040	511,196	939,095	807,114	2,257,405	74.0%
2050	552,826	971,259	902,447	2,426,532	73.9%
2060	600,173	996,512	1,008,775	2,605,460	73.7%

Projection Series 3

	<u>Clack</u>	<u>Mult</u>	<u>Wash</u>	<u>Tri-county</u>	<u>%Tri-county</u>
2010	375,993	735,334	529,710	1,641,037	73.7%
2020	409,367	850,943	613,059	1,873,369	74.4%
2030	442,675	960,620	703,665	2,106,960	74.9%
2040	468,415	1,041,924	785,767	2,296,106	75.2%
2050	495,257	1,109,632	873,721	2,478,610	75.5%
2060	527,438	1,171,339	972,481	2,671,258	75.6%

Projection Series 4

	<u>Clack</u>	<u>Mult</u>	<u>Wash</u>	<u>Tri-county</u>	<u>%Tri-county</u>
2010	375,993	735,334	529,710	1,641,037	73.7%
2020	421,756	855,562	608,435	1,885,753	74.9%
2030	467,476	981,231	690,955	2,139,662	76.0%
2040	504,555	1,090,635	761,566	2,356,755	77.2%
2050	541,117	1,201,117	833,987	2,576,222	78.4%
2060	581,733	1,321,021	912,854	2,815,609	79.7%

source: Metro

%Tri-county is the annual share of population in the Tri-county and the MSA level population

Post-legislature transportation sign-on letter

FINAL VERSION – REVISED | August 2, 2017

Summer vacation has offered little break from the Portland region's transportation troubles. We still steam through heavy traffic on freeways. Many of us face long, hot waits for transit. We witness grim crashes and endure jolting potholes throughout our communities.

It is time to get out of this jam. Thanks to state lawmakers, we're getting on our way.

The state transportation bill – passed in early July by the Legislature and soon to be signed by Gov. Kate Brown – is a critical first step to untangle traffic, improve transit, fix roads and make streets safer in this region and across Oregon.

We say with one voice to our lawmakers in Salem: Thank you for the effort, leadership and courage it took to pass this bill, the biggest investment in transportation in Oregon history.

This bill will relieve traffic bottlenecks, keeping the state's economy moving and helping workers get home to their families. Oregonians will enjoy smoother and safer streets in their neighborhoods, especially around schools. Bus service will be more frequent and reliable thanks to new funds for transit operations. Freight will get a major boost to reach ports and businesses on time.

Oregonians will invest together – and move forward together.

More than a year of hard work and the input of Oregonians across the state made this success possible. It deserves to be celebrated. But let's be clear: This bill leaves more work to do for our communities. And we will need to look beyond the State Capitol to get us all the way.

Too many people are still stuck in traffic. Too many still wait for more frequent transit, or safer streets in their neighborhood.

We must work together to build on this bill's momentum – as leaders, residents, businesses and advocates. Until we do, many important projects will remain stalled, especially in some parts of the region – such as communities along Interstate 205 and in the Southwest Corridor. We must go further to find solutions that fight congestion, improve safety and provide more options and opportunities throughout the region's roads, streets and transit.

We have the green light. Let's keep our wheels rolling in the right direction for our communities.