

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING )  
TEMPORARY RESTRICTIONS ON )  
DEVELOPMENT WITHIN THE URBAN )  
GROWTH BOUNDARY )

ORDINANCE NO. 79-80  
Introduced by the  
Planning and Development  
Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Purpose and Authority:

(a) The purpose of this ordinance is to establish temporary restrictions on certain land inside the District Urban Growth Boundary to prevent premature and inappropriate development of such land and to implement and protect the integrity of the Urban Growth Boundary until such time as county comprehensive plans have been adopted and acknowledged by the Oregon Land Conservation and Development Commission (LCDC), which plans shall continue the purpose of this ordinance.

(b) This ordinance is adopted pursuant to ORS 268.030 (4), 268.360 (1) 1979 Oregon Laws, Chapter 402 and 1977 Oregon Laws, Chapter 665, Section 18.

Section 2. Findings:

(a) The Council finds:

(1) That the District is charged with the statutory responsibility of adopting and implementing an urban growth boundary for the region consistent with Statewide Goals, and that the District Urban Growth Boundary was adopted by Ordinance No. 79-77 on November 8, 1979.

- (2) That the Land Conservation and Development Commission (LCDC) has directed, pursuant to Statewide Goals, that certain land within the District Urban Growth Boundary be protected from premature development and inappropriate sewage facilities.
- (3) That such development and facilities would, if allowed, interfere with the region's ability to comply with Statewide Goal Nos. 11 and 14 by creating premature conversion of future urbanizable land to urban use and by establishing untimely, inappropriate and inefficient sewage facilities, and that failure to immediately enact restrictions on such development and facilities may cause prospective subdividers and developers to seek approvals of such development and facilities prior to the completion of county comprehensive plans.
- (4) That temporary restrictions on development and individual sewage disposal systems within the Urban Growth Boundary are necessary to allow local jurisdictions time to properly plan the use of urban land and to prevent local planning options from being precluded by premature development.
- (5) Because the District has shown, in the "Urban Growth Boundary Findings" adopted November 8, 1979, that sufficient land exists within the boundary for all purposes until the year 2000, temporary residential development restrictions adopted herein will not

cause any shortage, unavailability or dislocation of housing and will therefore not violate Statewide Goal No. 10 (Housing).

- (6) That "Specially Protected Areas," designated herein, and individual sewage disposal systems, defined herein, are areas and activities having significant impact upon the orderly and responsible development of the metropolitan area, and said impacts must be controlled temporarily until local comprehensive plans are adopted which regulate such impacts.
- (7) That time is of the essence; hence, thorough analysis of the applicability of, and consistency with all Statewide Goals is impossible. However, such analysis will be accomplished during the period of this ordinance for inclusion in county comprehensive plans.

Section 3. Residential Development Restrictions:

(a) For purposes of this section, "residential development" shall mean the construction of new residential housing units or the subdivision or partitioning of land for the purpose of such construction.

(b) Except as provided in paragraph (c) of this section, residential development is hereby prohibited on land within the boundaries of Specially Protected Areas, which Areas are generally described on the map entitled "Specially Protected Areas," which is attached hereto as Appendix B and incorporated herein, and specifically described in that document entitled "Specially Protected Areas

Legal Description," which is attached hereto as Appendix "A" and incorporated herein. Counties in which Special Protected Areas are located shall not exercise their land use planning, zoning, subdivision and permit-issuing authority in contravention of the terms or purpose of this section.

(c) Lots within Specially Regulated Areas which are or were lawfully created and recorded prior to acknowledgement of the District Urban Growth Boundary (December 14, 1979), and lots which are within the corporate limits of a city, are not and shall not be subject to the provisions of this section.

Section 4. Sewage Disposal Restrictions:

(a) For purposes of this section, "individual sewage disposal system" shall mean septic tanks, cesspools and any other method or means of disposing of residential, commercial or industrial sewage other than central sewage disposal collection and treatment systems.

(b) For purposes of this section, "development" shall mean the construction of new residential, commercial or industrial structures or land uses and the subdivision or partitioning of land for the purpose of such construction or uses.

(c) Except as provided in paragraph (d) of this section, development is hereby prohibited on any and all land within the District Urban Growth Boundary which development would, if allowed, require the construction or use of an individual sewage disposal system.

(d) The provisions of this section shall not apply in the following circumstances:

- (1) Where individual sewage disposal systems are permitted by a county and the Oregon Department of

- Environmental Quality for three or more residential units per net acre (net of public uses); or
- (2) Where lots upon which individual sewage disposal systems are to be used were lawfully created and recorded prior to acknowledgement of the District Urban Growth Boundary (December 14, 1979); or
  - (3) Where a county comprehensive plan specifically identifies land with unique topographic or other natural features which make construction and use of sewers or sewer extensions impractical, and which land is practical for large-lot homesites; or
  - (4) Where an area of land is subject to an existing, enforceable sewer moratorium and where sewers were not planned for the area within the next five-year period, and where a local comprehensive plan specifically provides for the orderly use of individual sewage disposal systems as an interim development measure and assures that sewerage services will be available to such land in the future. Local plans and ordinances allowing such interim development measure must assure that such interim development be within a sewerage service district, must provide for the installation of on-site sewerage lines capable of being connected to a future sewerage system, and must assure urban density when a sewerage system is available.
  - (5) The provisions of this section shall not apply to lots or land within the corporate limits of any city.

Section 5. Duration of Ordinance

(a) It is the intent of the Council that this ordinance become effective only upon acknowledgment of the District Urban Growth Boundary by the LCDC, which acknowledgment proceeding is scheduled for December 13, 1979, and December 14, 1979. Therefore, this ordinance shall become effective as of December 14, 1979, unless the LCDC fails or declines to grant such acknowledgment on or before said date. For purposes of this ordinance, "acknowledgment" refers to an affirmative vote of acknowledgment by the LCDC on the record and does not require the execution of a final order.

(b) This ordinance shall be effective within each county until and including July 1, 1980. However, if a comprehensive plan of a county within the District is acknowledged by the LCDC for compliance with statewide goals prior to July 1, 1980, this ordinance shall, upon said acknowledgment, cease to be effective within such county. After July 1, 1980, this ordinance shall have no force or effect.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_ day of \_\_\_\_\_, 1979.

\_\_\_\_\_  
Presiding Officer

ATTEST:

TABLED -- DECEMBER 6, 1979

\_\_\_\_\_  
Clerk of the Council

## Legal Description

### SPA No. A - West Union

- (N)- West Union Road
- Cornelius Pass Road
- South side of lot 100 (1N 2W Sec 23), Southwestern corner of lot 100 (1N 2W Sec 23), Southeastern corner of lot 104 (1N 2W Sec 22)
- East and North sides of lot 102 (1N 2W Sec 22), East side of the Bonneville Power Administration powerline right-of-way.

### SPA No. B - West Union

- (N)- Evergreen Road
- East and South sides of lot 100 (1N 2W Sec. 27)
- Airport Road, South and West side of lot 1600 (1N 2W Sec. 28) South (western 1350 feet) side of lot 1601 (1N 2W Sec. 28), Airport Road
- 268th Avenue

### SPA No. C - West Union

- (N)- Evergreen Road
- Cornelius Pass Road
- South and Western Corners of Lot 2600 (1N 2W Sec. 26)

### SPA No. D - Springville Road

- (N)- Springville Road
- Southwestern corner of Sec 16 (1N 1W) Multnomah/Washington County line, North, East and Southeastern sides of lot 1100 (1N 1W Sec. 21), East side of lot 1300 (1N 1W Sec. 21), East side of lot 1400 (1N 1W Sec. 21), across Laidlaw Road, East and South sides of lot 1300 (1N 1W Sec. 21), South side of lot 1206 (1N 1W Sec. 20), across Bonneville Power Administration powerline right-of-way, East, North, and West sides of lot 1201, (1N 1W Sec. 20), Kaiser Road, South side of lot 205 (1N 1W Sec. 29), Southwestern corners of lot 300 (1N 1W Sec. 29)
- West Union Road
- 185th Avenue

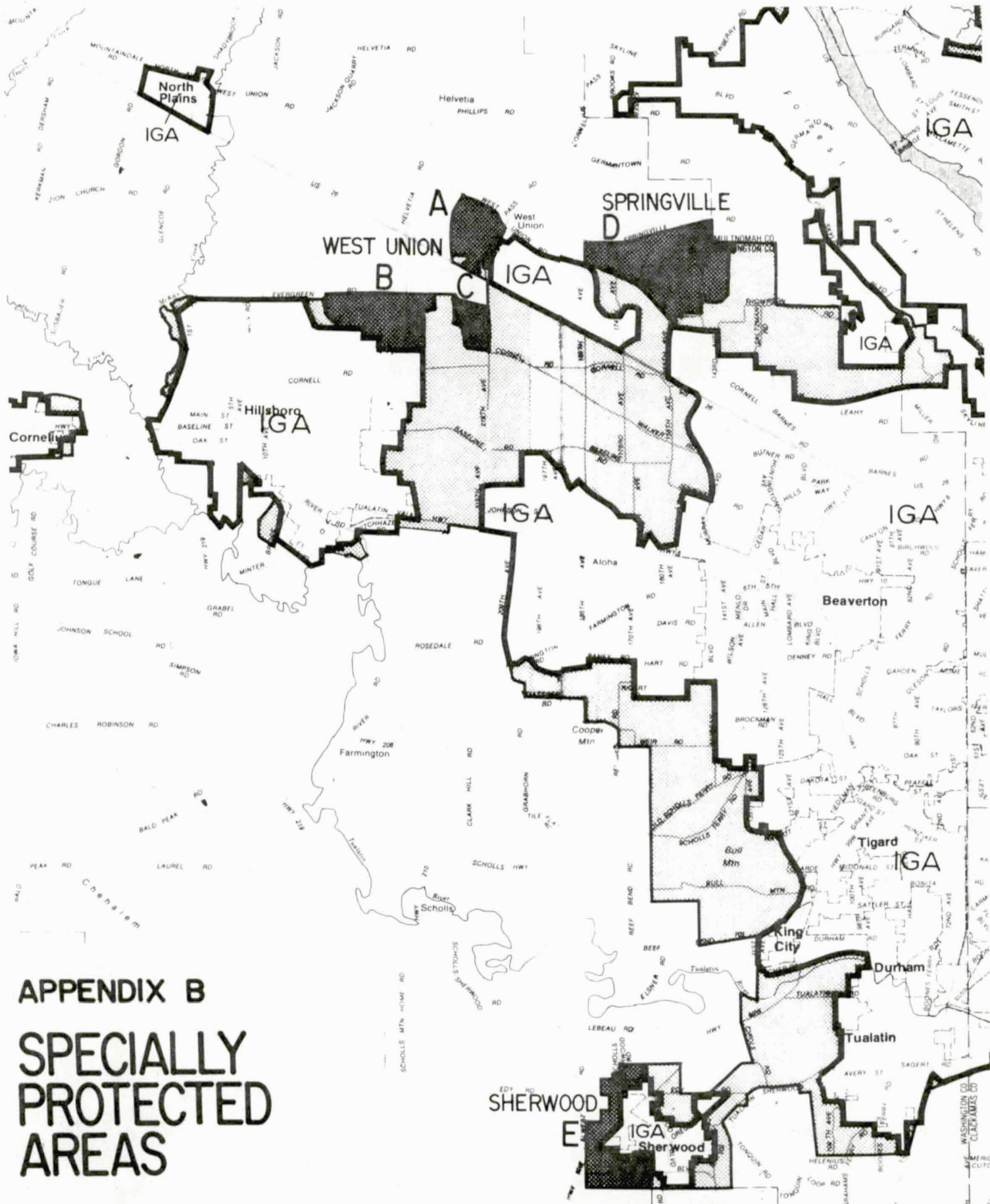
### SPA No. E - Sherwood

- (N)- South and East sides of lot 701 (2S 1W Sec. 30C), North (Western half) side of lot 300 (2S 1W Sec. 30C), East & North sides of lot 200 (2S 1W Sec. 30C), Across Edy Road, North (Eastern portion) side of lot 400 (2S 1W Sec. 30C), West and North sides of lot 500 (2S 1W Sec. 30B), Northwestern corner and North side of lot 400 (2S 1W Sec. 30B), South side of lot 300 (2S 1W Sec. 30B), along and across Scholls Sherwood Road.



- West, North and east sides of lot 100 (2S 1W Sec. 3
- West side of lot 600 (2S 1W Sec. 30A), along and across Scholls Sherwood Road, East and South sides of lot 1400 (2S 1W Sec. 30A), south (eastern portion) side of lot 1500, (2S 1W Sec. 30A) East and South sides of lot 1601 (2S 1W Sec. 30A), across Edy Road, East side of lot 100 (2S 1W Sec. 30C), East side of lot 300 (2S 1W Sec. 30C), across and along south side of Pacific Hwy 99W, North side of lot 500, (2S 1W Sec. 31B), a city limit line 200 feet West of the East side of lot 500 (2S 1W Sec. 31B), the 200 feet (Eastern portion ) of the South side of lot 500 (2S 1W Sec. 31B), South side of lot 2000 (2S 1W 31A), South side of lot 2090 (2S 1W 31A), West and North sides of lot 2200 (2S 1W Sec. 31A), West and South and East sides of lot 2201 (2S in Sec. 31A), West Villa Road, East & South sides of Section 31 (2S 1W )
- West side of Sec. 31 (2S 1W), along Elwert Road.

AJ:gl  
5953A  
0081A





**APPENDIX B**  
**SPECIALLY**  
**PROTECTED**  
**AREAS**

 **SPECIALLY PROTECTED AREAS**  
 **UGB**

AMENDMENTS TO ORDINANCE NO. 79-80

Section 4(c) should read:

"(c) Lots within Specially Regulated Areas which are or were lawfully created and recorded prior to acknowledgment of the District Urban Growth Boundary (December 14, 1979), and lots which are within the corporate limits of a city, are not and shall not be subject to the provisions of this section."

Section 4(d) (2) should read:

"(2) Where lots upon which individual sewage disposal systems are to be used were lawfully created and recorded prior to acknowledgment of the District Urban Growth Boundary (December 14, 1979); or"

Strike the second sentence of Section 5(a)

ORDINANCE NO. 79-80

TITLE ESTABLISHING TEMPORARY RESTRICTIONS  
ON DEVELOPMENT WITHIN THE URBAN  
GROWTH BOUNDARY

DATE INTRODUCED November 20, 1979

FIRST READING November 20, 1979

SECOND READING December 6, 1979

DATE ADOPTED \_\_\_\_\_

DATE EFFECTIVE \_\_\_\_\_

*Tabled  
Dec 6, 1979*

ROLLCALL

	Yes	No	Abst.
Burton			
Stuhr			
Williamson			
Berkman			
Kirkpatrick			
Deines			
Rhodes			
Schedeen			
Miller			
Banzer			
Peterson			
Kafoury			

*12/6/79*