

As adopted by the
Metro Council,
June 26, 1980

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO THE USE)	ORDINANCE NO. 80-95
OF URBANIZABLE LAND AND THE)	
CONVERSION OF URBANIZABLE LAND)	Introduced by the Regional
TO URBAN USE WITHIN THE URBAN)	Planning Committee
GROWTH BOUNDARY AND PRESCRIBING)	
REGULATIONS THEREFOR)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section I. Purpose and Authority.

A. The purpose of this ordinance is to implement the Metro Urban Growth Boundary (UGB), and to establish temporary restrictions on certain land therein consistent with policies relating to "Specially Protected Areas" and to conversion of urbanizable land as approved by the Land Conservation and Development Commission (LCDC) as conditions upon the acknowledgment of the UGB under ORS 197.251.

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

Section II. Findings

A. The Council finds as follows:

1. Metro is required by 1979 Oregon Laws, ch 402 to "(a)dopt an urban growth boundary for the district in compliance with applicable goals adopted under ORS 197.005 to 197.430," said UGB having been adopted by Ordinance No. 79-77 on November 8, 1979. Pursuant to LCDC rulings in LCDC Nos. 78-039, 79-001 and 79-009 the applicable Statewide Goals are Goal #1 (Citizen Involvement), Goal #2 (Land Use Planning) and Goal #14 (Urbanization).

2. Goal #14 (Urbanization) requires that "(c)onversion of urbanizable land to urban uses shall be based on consideration of: (1) Orderly, economic provision for public facilities and services; (2) Availability of sufficient land for the various uses to insure choices in the marketplace; (3) LCDC goals; and (4) Encouragement of development within urban areas before conversion of urbanizable areas."

3. Guideline A2 of Goal #14 provides that "(t)he size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land recourse and enable the logical and efficient extension of services to such parcels." Guideline B1 of Goal #14 provides that "(t)he type, location and placing of public facilities and services are factors which should be utilized to direct urban expansion."

4. During the process of acknowledgment of the Metro UGB pursuant to ORS 197.251, the LCDC directed that the UGB could not be acknowledged as complying with Goal #14 unless Metro or its constituent local jurisdictions adopted and implemented policies relating to the conversion of future urbanizable land to urban use in accordance with Goal #14. Prior to acknowledgment, such policies were developed by Metro (Metro Resolution No. 79-83 and Resolution No. 79-102) in coordination with Washington, Multnomah and Clackamas Counties. Such policies must be implemented in Washington and Clackamas Counties by July 1, 1980. LCDC acknowledged the Metro UGB based in part on a finding in the Acknowledgment of Compliance order dated January 16, 1980, that 'Metro is committed to continue to

utilize...the policy guidelines in Metro's Resolution of August 23, 1979, as amended on November 8, 1979.' The Order established additional expectations for local jurisdictions relative to Goals #3, #11 and #14.

5. Multnomah and Clackamas Counties have adopted policies for the conversion of urbanizable land within their jurisdictions to urban use which are substantially consistent with the policies approved by the LCDC. Washington County has not adopted such policies and has informed Metro that the County will not be able to adopt such policies by July 1, 1980. Washington County has, however, endorsed said policies pursuant to Washington County Resolution No. 79-197 dated August 21, 1979.

6. Temporary restrictions on development and individual sewage disposal systems within Washington County are necessary to allow the County time to properly plan the use of urban land and to prevent local planning options from being precluded by premature development.

7. Washington County's Comprehensive Plan will be reviewed by Metro to ensure that that it includes and implements policies for the conversion of urbanizable land and the protection of Specially Regulated Areas which are equally as strong as those adopted by Metro in Resolutions Nos. 79-83 and 79-102.

8. Metro has shown in the "Urban Growth Boundary Findings" adopted November 8, 1979, that sufficient land exists within the Boundary to accommodate projected needs until the year 2000. In adopting the Boundary, Metro examined several methods of controlling the premature conversion of urbanizable land to urban

uses. Metro concludes the temporary residential development restrictions adopted herein will cause the least shortage, unavailability or dislocation of housing. To minimize adverse impacts, Metro will monitor the effect this ordinance has on development in Washington County, and the Metro Council will review the ordinance after six months.

9. The unincorporated land within Washington County and within the UGB, and the conversion of that land to urban use, 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.

10. The purpose of this ordinance is to promote urban level development which can be efficiently provided with urban services. This ordinance is not intended to inhibit or otherwise regulate annexations to cities in any way.

11. This ordinance establishes minimum standards for the approval of certain specified land use actions in Washington County, and does not supercede County regulations except to the extent that such regulations may be inconsistent with this ordinance. The ordinance is to be administered in a manner consistent with other applicable rules and regulations, including but not limited to LCDC goals and DEQ rules for the issuance of septic tank permits.

Section III. Application and Duration

A. This ordinance shall apply to all unincorporated land in Washington County, Oregon, which is within the UGB adopted by Metro in Ordinance No. 79-77. The County shall take no land use related action inconsistent with the terms of this ordinance.

B. The terms of this ordinance shall apply, as stated in paragraph A of this section, until July 1, 1981 or until the Comprehensive Plan of Washington County, Oregon, is submitted to LCDC for compliance with the Statewide Goals pursuant to ORS 197.251, whichever shall occur first.

C. Six months from the effective date of this ordinance, Metro staff will present to the Council for its consideration a review of the effects of this ordinance. Such review will include an evaluation of the impacts of this ordinance on the rates of residential development and on the conversion of urbanizable land to urban use.

Section IV. Definitions

For purposes of this ordinance:

- A. "County" means Washington County, Oregon.
- B. "Metro" means the Metropolitan Service District.
- C. "Specially Regulated Areas" refers to all land described in Appendix A of this ordinance, which is incorporated herein by this reference.

Section V. Subdivision and Partitions

A. When consistent with other applicable law, the County may approve subdivisions and partitions inside the UGB but outside of Specially Regulated Areas only when one of the following conditions is met:

- 1. The land is zoned by the County for one of the following: RU-3, RU-4, RU-6, RU-8, RU-10, RU-15, RU-20, RU-30, B-1, B-2A, B-2, B-3, B-4, RD, MA-1, or MA-2; and connections to public sewer and public water systems will be provided concurrent with development.

2. Appropriate zoning for the development proposed is not available outside the Urban Growth Boundary; consistent with LCDC Goals #5 (Natural Resources) and #7 (Natural Hazards), the County finds that topographic or other natural constraints are such as to make development at densities of 10,000 square feet or less per unit inappropriate as a planned urban use; and connection to a public sewer and public water systems will be provided concurrent with development;

3. Appropriate zoning for the development proposed is not available outside the Urban Growth Boundary; consistent with LCDC Goals #5 (Natural Resources), #7 (Natural Hazards), and #11 (Public Facilities and Services), the County finds that topographic or other natural constraints are such as to make development at densities of 10,000 square feet or less per unit inappropriate as a planned urban use; and that the topographic or other natural constraints on land are such as to make sewer extension impractical in the long-term.

4. All lots in the proposed subdivision or partition are ten (10) acres or larger, where the lot area is defined in the manner provided in Article II, Chapter 104 of the Washington County Community Development Ordinance.

B. When acting on subdivisions or partitions subject to the requirements of paragraph A.4 of this section, the County may approve variances from the 10 acre minimum lot size required. Such variances may be granted only pursuant to and in accordance with the procedures, conditions and guidelines established in the County's Community Development Ordinance for the purposes of granting variances from lot area requirements are followed.

Section VI. Specially Regulated Areas

In Specially Regulated Areas, the following regulations shall apply:

A. In Specially Regulated Areas zoned for residential use, the partitioning or subdivision of land is prohibited.

B. In Specially Regulated Areas zoned for commercial or industrial use, the following regulations apply:

1. No building permit shall be issued for residential use.
2. No building permit shall be issued for non-residential use unless it is found that there are no suitable alternative locations elsewhere within the Urban Growth Boundary outside Specially Regulated Areas.

C. LCDC has established that Goal #3 (Agricultural Lands) applies to Specially Regulated Area lands. The requirements for taking an exception to Goal #3, as provided in Goal #2 (Land Use Planning), may place further restrictions on the development of these lands.

Section VII. Septic Tank Permits

When consistent with other applicable law, the County may issue septic tank permits within the Urban Growth Boundary only for lots which meet one of the following conditions:

A. The lot was legally created and recorded prior to the effective date of this ordinance and has not been further partitioned or subdivided; and, if the lot is zoned for residential use, the location of the house on the lot will not prevent future

urbanization at a density of at least 6 units an acre and will not interfere with the efficient provision of sewer, water and streets when the land is urbanized.

B. The lot has been created as a result of a subdivision or partition approved pursuant to Section V, paragraph A. 3 of this ordinance.

C. The lot is located outside of a Specially Regulated Area; the lot is ten (10) acres or larger or has received a lot size variance pursuant to Section V, paragraph B; and a waiver of the right to remonstrate against future formation of a local improvement district for sewers has been recorded as a deed restriction.

Section VIII. Severability

The provisions of this ordinance shall be severable. If any provision or section of this ordinance is found unlawful or invalid by any Court or agency of competent jurisdiction, all other provisions and sections shall remain in effect.

ADOPTED by the Council of the Metropolitan Service District
this 26th day of June , 1980.


Presiding Officer

ATTEST:


Clerk of the Council

AJ/gl
8498/130

- 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
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APPENDIX A: SPECIALLY REGULATED AREAS

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

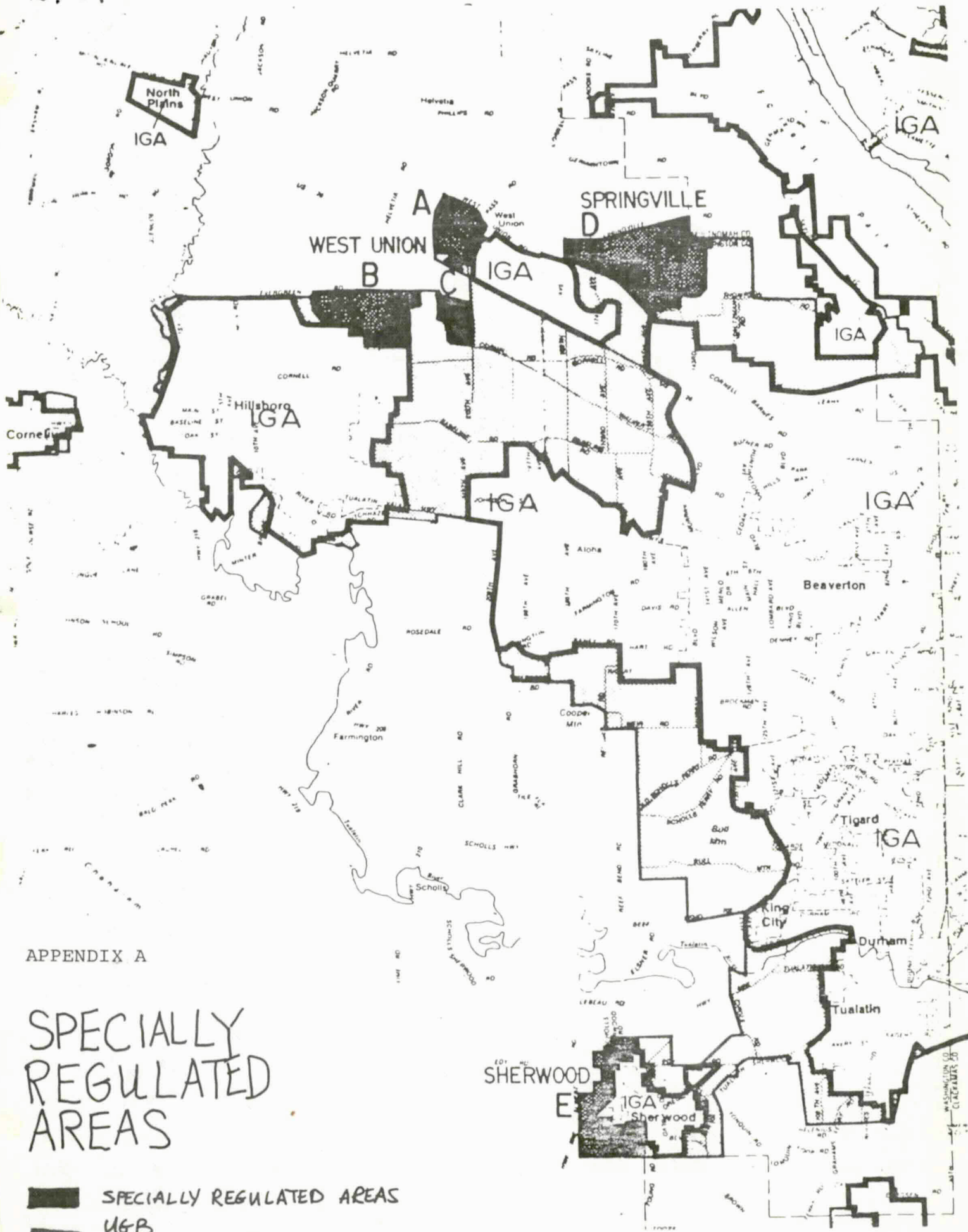
- (N)- Evergreen Road
- Cornelius Pass Road
- South and Western Corners of Lot 2600 (1N 2W Sec. 26)

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.



THIS 26th DAY OF June 1980AGENDA MANAGEMENT SUMMARY
Cynthia M. Weikman
CLERK OF THE COUNCIL

TO: Metro Council
FROM: Executive Officer
SUBJECT: Amendment and Adoption of Ordinance No. 80-95, Relating to the Use of Urbanizable Land (Washington County)

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Second reading of Ordinance No. 80-95 and amendment as recommended by Regional Planning Committee and adoption.
- B. POLICY IMPACT: Approval of the recommended amendments will make the ordinance clearer and more workable. Adoption of the amended ordinance is consistent with Resolution Nos. 79-83 and 79-102 establishing policy guidelines for the control of urban sprawl and will fulfill the agreement among LCDC, Metro and Washington County to implement these guidelines by July 1.
- C. BUDGET IMPACT: None. The necessary monitoring of the administration and effects of the ordinance can be undertaken as part of the Urban Growth Boundary (UGB) maintenance program currently included in the proposed budget.

II. ANALYSIS:

- A. BACKGROUND: The attached copy of the ordinance incorporating the amendments proposed by the Regional Planning Committee was developed through a two-month process for public review and comment. All but three of the proposed amendments were available to the Council and interested parties at the first reading of the ordinance May 22.

The three additional amendments are: (1) provision for a variance procedure for the ten-acre minimum lot size; (2) definition of lot area; and (3) a language clarification.

In response to Committee questions, staff has consulted with DLCD staff on the variance provision and been assured that DLCD does not view such a provision as a "violation" of the guidelines.

Staff has also reexamined the question of lot area definition and recommends a small revision in the language to clarify rather than revise the definition. The revision proposed by Jim Allison would establish a situation where two properties of identical dimensions could be affected differently depending on whether the

property was zoned AF-5 (in which case it might use street dedications to meet the 10-acre minimum) or RS-1 (in which case it could not). Staff believes this type of arbitrary variation in the application of the ordinance should be avoided.

A staff report explaining the basis for each proposed amendment was included in the agenda materials for the June 9 Regional Planning Committee meeting. Additional copies of this staff report are available from the Metro Council Secretary.

- B. ALTERNATIVES CONSIDERED: Since a preliminary draft of the ordinance was first released for hearing, staff has continued to evaluate every alternative which would make this ordinance simpler, clearer, more effective and more responsive to public concern within the framework of the guidelines established by the Council last fall. The revised ordinance submitted to the Council for first reading incorporated a series of revisions to the preliminary ordinance as a result of this evaluation. The recommended amendments are a continuation of this effort.
- C. CONCLUSION: A recommendation for Council adoption of Ordinance No. 80-95, amended as recommended by the Regional Planning Committee, will provide for the successful fulfillment of Metro's commitment to LCDC in a manner as responsive as possible to the various needs and interests affected.

JH:bk
8505/135
6/26/80

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Ordinance Relating to the Use of Urbanizable Land
(Washington County)

I. RECOMMENDATIONS:

- A. **ACTION REQUESTED:** Public hearing on and first reading of Ordinance No. 80-95.
- B. **POLICY IMPACT:** Adoption of the Ordinance is consistent with Resolution Nos. 79-83 and 79-102 establishing policy guidelines for the control of urban sprawl and will fulfill the agreement among LCDC, Metro and Washington County to implement these guidelines by July 1.

The public hearing continues a process for public review of and comment on the proposed ordinance, consistent with Goal #1 (Citizen Involvement).

- C. **BUDGET IMPACT:** None

II. ANALYSIS:

- A. **BACKGROUND:** During the acknowledgment of the regional UGB, Metro provided testimony to LCDC regarding its interest in and ability to control urban sprawl within the UGB. Metro committed to allowing the counties the time to implement the guidelines through their own planning process which in all three counties was scheduled for completion by at least July 1, 1980. Metro also committed to implementing the guidelines through use of its statutory UGB powers, should the counties not enforce the guidelines. Since that time, Washington County has officially adopted a compliance schedule which shows completion of their comprehensive plan, including growth management policies, not occurring until December, 1980.

The attached ordinance is intended to assure that land within the Washington County portion of the UGB is effectively used for urban development. Availability of urban services and assurances of urban densities provide the major criteria for allowing new development. Lots of record existing prior to July 1, 1980, are exempt from these regulations.

Both Multnomah County and Clackamas County are scheduled to have adopted and/or acknowledged comprehensive plans, including development controls, prior to July 1, 1980. Because of this timing, Ordinance No. 80-95 is proposed, at

this time, to apply only to Washington County. If the proposed ordinance is adopted, it would ensure that the guidelines are met in Washington County between July 1, 1980, and the time of the County's plan adoption.

A public hearing was held in Washington County before the Regional Planning Committee on April 21. In addition, a series of meetings was held with a variety of different groups including a Special Conversions Guidelines Task Force.

As a result of response received, the ordinance, as originally proposed, has been substantially revised. The Task Force endorsed the revised ordinance at its April 30 meeting and on May 5, the Regional Planning Committee released it for first reading before the Council.

The Regional Planning Committee will determine its recommendation to the Council at its June 9 meeting. Second reading of the Ordinance and Council action is scheduled for June 26.

- B. ALTERNATIVES CONSIDERED: The revised ordinance is the result of an evaluation of alternatives with respect to some 10 issues raised in the public involvement process. These alternatives and the staff recommendations were included in the report to the Regional Planning Committee for their May 5 meeting. Additional copies of these agenda materials are available at the Metro office. The two most significant changes in the revised ordinance are: (1) the elimination of Types I, II and III land classifications, and (2) provision for septic tanks on newly created lots 10 acres or larger. In general, these changes were designed to make the operation of the ordinance simpler and clearer, and to tie its provisions more directly to regional policy interests.

Based on comments of the Regional Planning Committee, staff is still investigating alternative concepts and wording for Section V, paragraph B on page 9 of the ordinance. This provision is designed to allow development in zones with a minimum lot size greater than 10,000 square feet in areas subject to a Community Plan or other adopted plan which provides for a range of zoning consistent with the overall average density for new development assumed in the UGB Findings. Based on these investigations and testimony received, staff may recommend an amendment to this section to the Regional Planning Committee at its June 9 meeting.

- C. CONCLUSION: Public hearing on and first reading of Ordinance No. 80-95 will continue the process for public review and comment on a schedule allowing for Council action by July 1, to fulfill the commitments expressed in Resolution Nos. 79-83 and 79-102.

SUMMARY OF ORDINANCE NO. _____ RELATING TO THE USE OF
URBANIZABLE LAND (WASHINGTON COUNTY)

As Revised May 5, 1980

(Deletions are marked out with ~~dashes~~, Additions are underlined)

General Features

- Applies to land inside the Urban Growth Boundary (UGB) only.
(Section III, A, p.4)
- Applies only until the County submits its plan to LCDC for acknowledgment, or until July 1, 1981, whichever comes first.
(Section II B, p.4)
- DOES NOT APPLY TO LOTS OF RECORD, i.e., Does not affect the issuance of a building permit or septic tank permit to construction of one house (or other use) on a lot legally recorded prior to the effective date of the ordinance.
(Section VII A)

In summary, this ordinance affects only land inside the UGB which would be subdivided or partitioned within the next year.

Regulations on Development Outside Specially Regulated Areas
(Section V, p.8)

- Multi-family housing and commercial and industrial uses are permitted wherever public sewer and water are available
(subject to the County's zoning and other regulations)
- Subdivision and partitioning of land for single family housing is subject to the following requirements in addition to zoning and planning requirements currently established by the County:

LOTS 10,000 SQUARE FEET OR SMALLER: Public sewer and water hook-ups are required.

LOTS BETWEEN 10,000 SQUARE FEET AND TEN ACRES: Allowed only in special circumstances as listed in Section V, paragraphs B, C, and D (p.9).

LOTS 10 ACRES OR LARGER: A waiver of the right to remonstrate against future formation of a local improvement district must be entered as a deed restriction.

Specially Regulated Areas (Section VI, p. 9)

- Regulations apply only in the areas shown on the map included with the ordinance as attachment A.
- Subdivisions or partitions for residential purposes are prohibited.
- Non-residential uses are allowed only when there are no suitable alternative locations for the proposed use elsewhere within the UGB.

JH:lz

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

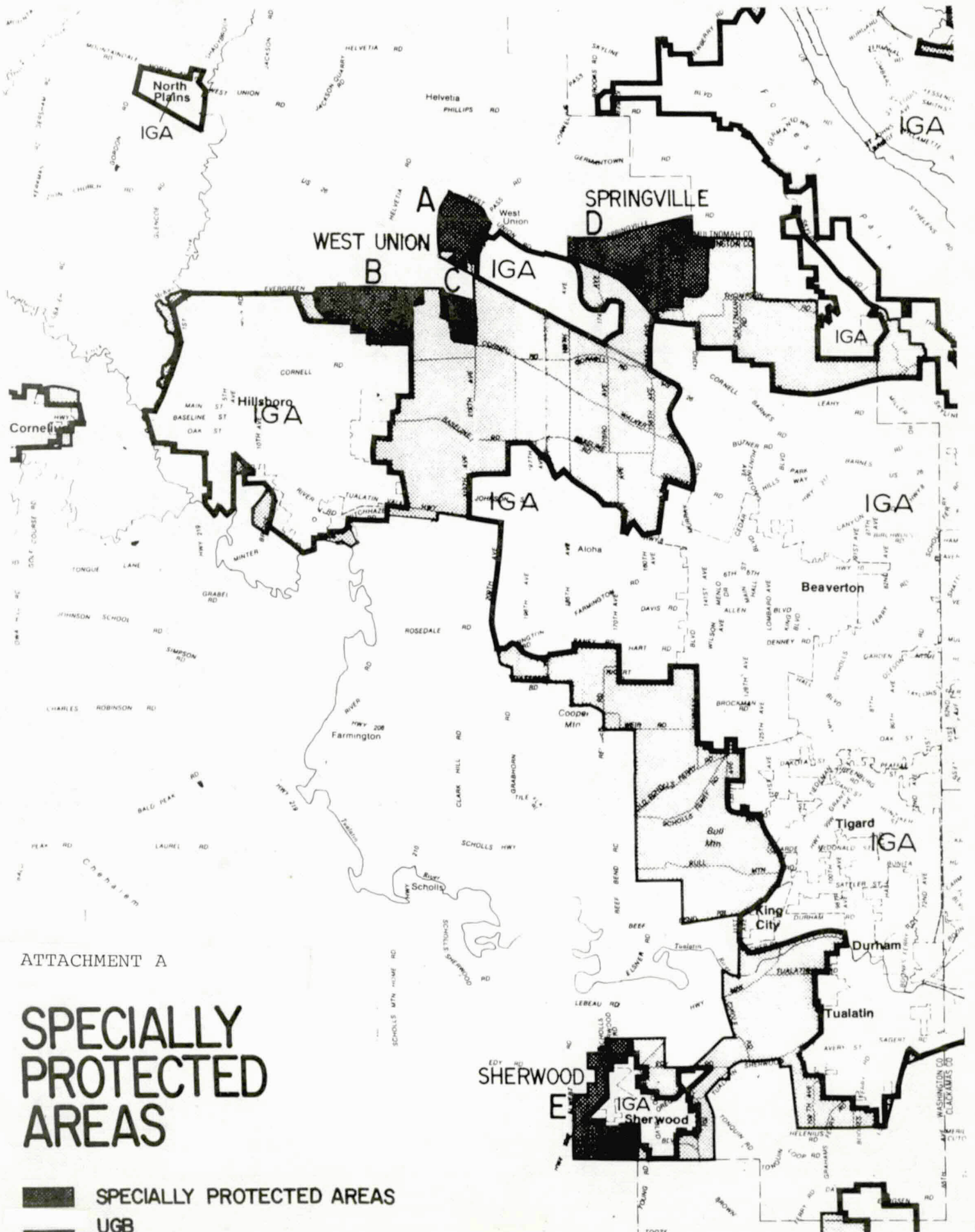
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 - Southwestern corner of Sec 16 (1N 1W) Multnomah/Washington County line, North, East and Southeastern sides of lot 1100 (1N 1W Sec. 21), East side of lot 1300 (1N 1W Sec. 21), East side of lot 1400 (1N 1W Sec. 21), across Laidlaw Road, East and South 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)
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- 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.

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ATTACHMENT A

SPECIALLY PROTECTED AREAS

SPECIALLY PROTECTED AREAS
UGB

April 28, 1980

Metropolitan Service District
Portland, Oregon

Re: An ordinance relating to the use of urban-
izable land and the conversion of urbanizable
land to urban use within the urban growth
boundary and prescribing regulations therefore

Community Planning Organization #4 - Bull Mt. Area, is opposed to this ordinance because it does not fulfill Goal #10 under Statewide Planning Goals namely, "Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow the flexibility of housing location, type and density."

This ordinance takes away the opportunity for any SUBURBAN LIFESTYLE, as the subdivided or partitioned lots must either be 10 acres, or 10,000 sq. feet or higher density. Our community plan calls for a varied lifestyle in this area with high density near Pacific Highway and large lots, acreages of 1, 2, 5 or 10 acres on the other land westward to Beef Bend Road and Scholls Ferry Road. This is the established living pattern now, and we are not proposing any change in this pattern; this ordinance requires a complete change. We oppose this !

We also oppose the use of the word "Temporary", as there is a way that anytime that word is used and an ordinance of any kind is passed, the next step is to become "permanent". We believe that if the Washington County Comprehensive Plan does not contain the exact wording or wording so similar, it will not be accepted, and then the citizens or the County are not doing the local planning but some third or fourth parties called Metro and LCDC. There are ways to allow large lot building now, and redivide for smaller lots at some time in the future. There are probably other options also, all of which should be considered, together with the Community Plan which the citizens in an area have spent time and effort to do.

Sincerely,

Beverly Froude, CPO #4
12200 SW Bull Mt. Rd.
Tigard, Oregon 97223

RECEIVED
APR 28 1980

METRO SERVICE DISTRICT

222 S.W. Harrison, Suite 4 / Portland, OR 97201
(503) 227-0455

April 30, 1980

Mr. Richard Gustafson
Executive Officer
Metropolitan Service District
527 SW Hall
Portland, Oregon 97201

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MAY 1 1980

METRO SERVICE DISTRICT

Dear Mr. Gustafson:

This letter provides comment on Metro's draft ordinance to "Implement and Enforce Rules to Control Urban Development in Washington County". Please enter this letter into the public record of Metro's public hearings on the ordinance on behalf of our client Shute Joint Venture.

Section X of the draft ordinance prohibits residential development on Type III land or "Specifically Protected Areas" (formerly called Agricultural Soft Areas). We object to the outright prohibition of residential development even though Section III B specifies that the ordinance shall be effective for a term not to exceed July 1, 1981.

The policy guideline adopted by Metro in Resolution 79-83 as amended, is much more reasonable and reads in part:

Prohibition of residential development [shall be in effect for Type III Lands] for 10 years except for lots of record. Exceptions to this policy may be included in local jurisdiction comprehensive plans and policies as follows:

- (1) these specially protected areas may be re-evaluated every two years in accordance with clear and concise conversion criteria;
- (2) evaluate each parcel on a case-by-case basis as part of an annual review process in accordance with clear and concise conversion criteria.
- (3) allow development only after annexation;

One or a combination of these exceptions may be used, but the criteria must be identified in a local jurisdiction's comprehensive plan and must address why these lands are needed prior to the conversion of other vacant urban land in the jurisdiction's urban planning area.

Mr. Richard Gustafson
Page 2

We strongly urge the Metro Council to adopt the language on exceptions as cited above rather than an outright prohibition of residential development. We understand the ordinance self-terminates as of July 1, 1981, and we understand Washington County has a new work program which schedules adoption of its own rules by December, 1980. However, the Metro ordinance conceivably could be readopted intact in July, 1981, thus extending the prohibition of residential development.

In 1979, the adoption of Resolution 79-83 -- with its exceptions provisions -- was a result of participation by all interested parties including Wilsey & Ham, and our clients, Shute Joint Venture (see our letter to Mr. Gustafson dated October 22, 1979). To adopt an unnecessarily restrictive ordinance would devalue the process of Metro's hearings held previously and the substance of Resolution 79-83. In the fall of 1979, the Metro Council responded very well to making reasonable changes to its growth management policies while still protecting the public interest. We hope that the Council will be consistent in its responsiveness and effective use of the public forum.

If you have any questions, do not hesitate to contact me.

Sincerely,

WILSEY & HAM



Timothy R. Holder
Urban Planner

TRH:lmh

cc: Larry Frazier, Washington County
Don Schauermann
Stephen Bump



WASHINGTON COUNTY

ADMINISTRATION BUILDING — 150 N. FIRST AVENUE
HILLSBORO, OREGON 97123

(503) 648-8681

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METRO SERVICE DISTRICT

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MILLER M. DURIS, Chairman
JIM FISHER, Vice Chairman
VIRGINIA DAGG

ROOM 418

April 23, 1980

Mr. Rick Gustafson, Executive Officer
Metropolitan Service District
527 S.W. Hall
Portland, Oregon 97201

Dear Rick:

As you know, there has been much discussion regarding the new ordinance proposed by Metro on conversion, on the issuing of building permits in Washington County within the urban area until such time as our Comprehensive Plan is adopted.

I have personally felt there is a need for a variety of housing in Washington County including larger lot sizes in the urban intermediate area which are not currently serviced by sewer and would not be served within several years. By utilizing those larger lots, it would relieve pressure to convert more farm land to urban designation to amend the Comprehensive Plan within a few years. I can foresee some properties in the County being used for homesites now, at lower density, that might not ever be used if sewers were required.

I personally would favor, as a condition to issuing building permits in such instances that the owner agree not to remonstrate against an LID for sewer to serve that particular area.

In talking with Gary Krahmer, General Manager of USA, and his assistant, Chuck Liebert, an idea was suggested that would be an answer to worries about septic tanks not working properly or perhaps even failing. The County could also impose a condition that for such a building permit to be issued that the applicant also agree to a condition that the County would impose a continued fee on the lot to enable the County or perhaps the USA to insure that the septic tank have periodic inspections and to be pumped every 3-5 years.

Our personell in USA indicate that with proper maintenance, septic tanks very rarely fail.

The maintenance of the septic tanks could be monitored by the County or USA, by using private contractors on a bid basis.

Hoping these ideas might be compatible to a less restrictive ordinance, I remain,

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Fisher".

Jim Fisher, Vice Chairman
Washington County Board of Commissioners

JF:rb

cc: Gary Krahmer
Art Schlack

Revised May 5, 1980

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO THE USE)	ORDINANCE NO. 80-95
OF URBANIZABLE LAND AND THE)	
CONVERSION OF URBANIZABLE LAND)	Introduced by the
TO URBAN USE WITHIN THE URBAN)	Regional Planning
GROWTH BOUNDARY AND PRESCRIBING)	Committee
REGULATIONS THEREFOR)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section I. Purpose and Authority.

A. The purpose of this ordinance is to implement the Metro Urban Growth Boundary (UGB), and to establish temporary restrictions on certain land therein consistent with policies relating to "Specially Protected Areas" and to conversion of urbanizable land as approved by the Land Conservation and Development Commission (LCDC) as conditions upon the acknowledgment of the UGB under ORS 197.251.

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

Section II. Findings

A. The Council finds as follows:

1. Metro is required by 1979 Oregon Laws, ch 402 to "(a)dopt an urban growth boundary for the district in compliance with applicable goals adopted under ORS 197.005 to 197.430," said UGB having been adopted by Ordinance No. 79-77 on November 8, 1979. Pursuant to LCDC rulings in LCDC Nos. 78-039, 79-001 and 79-009 the applicable Statewide Goals are Goal #1 (Citizen Involvement), Goal #2 (Land Use Planning) and Goal #14 (Urbanization).

2. Goal #14 (Urbanization) requires that "(c)onversion of urbanizable land to urban uses shall be based on consideration of: (1) Orderly, economic provision for public facilities and services; (2) Availability of sufficient land for the various uses to insure choices in the marketplace; (3) LCDC goals; and (4) Encouragement of development within urban areas before conversion of urbanizable areas."

3. Guideline A2 of Goal #14 provides that "(t)he size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land recourse and enable the logical and efficient extension of services to such parcels." Guideline B1 of Goal #14 provides that "(t)he type, location and placing of public facilities and services are factors which should be utilized to direct urban expansion."

4. During the process of acknowledgment of the Metro UGB pursuant to ORS 197.251, the LCDC directed that the UGB could not be acknowledged as complying with Goal #14 unless Metro or its constituent local jurisdictions adopted and implemented policies relating to the conversion of future urbanizable land to urban use in accordance with Goal #14. Prior to acknowledgment, such policies were developed by Metro (Metro Resolution No. 79-83 and Resolution No. 79-102) in coordination with Washington, Multnomah and Clackamas Counties and were approved for implementation by the LCDC in its Acknowledgment of Compliance order dated January 16, 1980. Such policies must be implemented in Washington and Clackamas Counties by July 1, 1980.

5. Multnomah and Clackamas Counties have adopted policies for the conversion of urbanizable land within their jurisdictions to urban use which are substantially consistent with the policies approved by the LCDC. Washington County has not adopted such policies and has informed Metro that the County will not be able to adopt such policies by July 1, 1980. Washington County has, however, endorsed said policies pursuant to Washington County Resolution No. 79-197 dated August 21, 1979.

6. Temporary restrictions on development and individual sewage disposal systems within Washington County are necessary to allow the County time to properly plan the use of urban land and to prevent local planning options from being precluded by premature development.

~~7.---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 #10-(Housing).~~

7. Metro has shown in the "Urban Growth Boundary Findings" adopted November 8, 1979, that sufficient land exists within the Boundary to accommodate projected needs until the year 2000. In adopting the Boundary, Metro examined several methods of controlling the premature conversion of urbanizable land to urban uses. Metro concludes the temporary residential development restrictions adopted herein will cause the least shortage, unavailability or dislocation of housing. To minimize adverse

impacts, Metro will monitor the effect this ordinance has on development in Washington County, and the Metro Council will review the ordinance after six months.

8. The unincorporated land within Washington County and within the UGB, and the conversion of that land to urban use, 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.

9. The purpose of this ordinance is to promote urban level development wherever it can be efficiently provided with services for future urban level development.

Section III. Application and Duration

A. This ordinance shall apply to all unincorporated land in Washington County, Oregon, which is within the UGB adopted by Metro in Ordinance No. 79-77. The County shall take no land use related action inconsistent with the terms of this ordinance.

B. The terms of this ordinance shall apply, as stated in paragraph A of this section, until July 1, 1981 or until the Comprehensive Plan of Washington County, Oregon, is submitted to LCDC for compliance with the Statewide Goals pursuant to ORS 197.251, whichever shall occur first.

C. Six months from the effective date of this ordinance, Metro staff will present to the Council for its consideration a review of the effects of this ordinance. Such review will include an evaluation of the impacts of this ordinance on the rates of

residential development and on the conversion of urbanizable land to urban use.

Section IV. Definitions

For purposes of this ordinance:

~~A.---"Contiguous" shall mean adjacent to, or surrounded on at least three (3) sides by urban-level development.~~

~~B.---"Efficient provision of public facilities and services" includes at least public sewers and public water.~~

A. ~~-C.~~ "County" means Washington County, Oregon.

~~B.---"Future urban use" refers to lands within the Urban Growth Boundary not designated for immediate urban use, as defined herein.~~

~~E.---"Immediate urban use" refers to that land designated "Urban" in the Washington County Framework Plan as revised February 14, 1977, and subsequently.~~

B. ~~-F.~~ "Metro" means the Metropolitan Service District.

C. "Specially Regulated Areas" refers to all land described in Appendix A of this ordinance, which is incorporated herein by this reference.

Section V. Land Conversion Classifications

~~A.---For purposes of this ordinance, all unincorporated land within both the USB and Washington County is hereby classified as either Type-I, Type-II or Type-III.~~

~~B.---Type-I land shall be land:~~

~~1.---which, as of the date of this ordinance, is designated by the County, in the existing County plan, for immediate urban use, and~~

~~2.---which, as of the date of this ordinance, is zoned by the County to allow one of the following:~~

~~a.---single-family residential development on lots of 10,000 square feet or less, or~~

~~b.---multi-family residential development at a density of 14 units per net acre or more, or 3,200 square feet per unit or less, or~~

~~c.---urban commercial or industrial development.~~

~~C.---Type II land is all land other than Type I and Type III.--~~

~~D.---Type III land is all land described in Appendix A of this ordinance, which is incorporated herein by this reference.~~

Section VI.--Type I Land Use Regulations

~~The following regulations shall apply to all Type I land:~~

~~A.---Except as provided in paragraph B of this section, no building or development permit shall be issued without prior County approval of connection to a public sewer system and a public water system.~~

~~B.---Paragraph A of this section shall not apply to or on lots in Type I lands duly created and recorded prior to the effective date of this ordinance.~~

Section VII.--Type II Land Use Regulations

~~The following regulations shall apply to all Type II land:~~

~~A.---Except as provided in Section VIII, no Type II land shall be subdivided or partitioned into lots of less than ten (10) acres.~~

~~B.---Except as provided in paragraph C of this section and in Section VIII, no septic tank permits shall be issued for development on Type II land.~~

~~C.---Paragraph B of this section shall not apply to or on lots in Type II lands which were duly created and recorded prior to the effective date of this ordinance.~~

Section VIII.---Variances

~~A.---The County may grant variances to the provisions of Section VII of this ordinance as follows:~~

~~1.---Septic tank permits may be issued for development on Type II land if the lot cannot at any time in the future feasibly be served with sewers.~~

~~2.---Minimum lot sizes may be varied if the land cannot at any time be divided further due to topographic or other natural constraints on the land.~~

~~B.---In granting variances provided for in subsection (A) of this section, the County shall use those procedures otherwise required by County ordinances for granting variances.~~

Section IX.---Redesignation of Land From Type II to Type I

~~A.---The County may approve amendments to its plan map or zoning map which would redesignate land from Type II to Type I subject to the provisions of paragraph B of this section.---Such--redesignation may occur whenever such amendments would result in county plan and zone designations which meet the requirements of Section V-B of this ordinance.~~

~~B.---The redesignation of land from Type II to Type I shall be limited by the following conditions:~~

~~1.---A zone change may be granted by the County only when supported by findings that the land can be developed with the use on the minimum lot size~~

~~provided-for-in-the-zone-for-which-the-change-is
approved;~~

~~2.---A-plan-amendment-to-redesignate-land-for-immediate
urban-use-may-be-approved-by-the-County-only-when
supported-by-findings-that:~~

~~a.---the-conversion-will-result-in-development-which
will-be-contiguous-to-other-urban-level-develop-
ment,-or~~

~~b.---the-land-to-be-converted-can-be-immediately-and
efficiently-provided-with-urban-level-public
services.~~

~~Section X.---Type III Land Use Regulations~~

~~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-Type-III-land.~~

~~C.---Lots-within-Type-III-areas-which-are-or-were-lawfully
created-and-recorded-prior-to-the-effective-date-of-this-ordinance
are-not-and-shall-not-be-subject-to-the-provisions-of-this-section.~~

Section V. Subdivision and Partitions

The County may approve subdivisions and partitions inside the
UGB and outside of Specially Regulated Areas only when one of the
following conditions is met:

A. The land is zoned by the County for one of the following:
RU-3, RU-4, RU-6, RU-8, RU-10, RU-15, RU-20, RU-30, B-1, B-2A, B-2,

B-3, B-4, RD, MA-1, or MA-2; and connections to public sewer and public water systems will be provided concurrent with development.

B. The land is zoned consistent with land use designations in an adopted plan for the area which provides for an overall average density for development of vacant residential land of at least 6.23 units per net residential acre, and connections to public sewer and public water systems will be provided concurrent with development.

C. Appropriate zoning for the development proposed is not available outside the Urban Growth Boundary; topographic or other natural constraints are such as to make development at densities of 10,000 square feet or less per unit inappropriate as a planned urban use; and connection to a public sewer system will be provided concurrent with development.

D. Appropriate zoning for the development proposed is not available outside the Urban Growth Boundary; topographic or other natural constraints are such as to make development at densities of 10,000 square feet or less per unit inappropriate as a planned urban use; and the topographic or other natural constraints on land are such as to make sewer extension impractical.

E. All lots in the proposed subdivision or partition are ten (10) acres or larger.

Section VI. Specially Regulated Areas

In Specially Regulated Areas, the following regulations shall apply:

A. In Specially Regulated Areas zoned for residential use, the partitioning or subdivision of land is prohibited.

B. In Specially Regulated Areas zoned for commercial or industrial use, the following regulations apply:

1. No building permit shall be issued for residential use.
2. No building permit shall be issued for non-residential use unless it is found that there are no suitable alternative locations elsewhere within the Urban Growth Boundary outside Specially Regulated Areas.

C. LCDC has established that Goal #3 (Agricultural Lands) applies to Specially Regulated Area lands. Compliance with Goal #3 may place further restrictions on the development of these lands.

Section VII. Septic Tank Permits

Septic tank permits may be issued by the County within the Urban Growth Boundary only for lots which meet one of the following conditions:

A. The lot was legally created and recorded prior to the effective date of this ordinance and has not been further partitioned or subdivided.

B. The lot has been created as a result of a subdivision or partition approved pursuant to Section V, paragraph D of this ordinance.

C. The lot is not located in a Specially Regulated Area, the lot is ten (10) acres or larger) and a waiver of the right to remonstrate against future formation of a local improvement district for sewers has been recorded as a deed restriction.

Section Xf. VIII. Severability

The provisions of this ordinance shall be severable. If any provision or section of this ordinance is found unlawful or invalid by any Court or agency of competent jurisdiction, all other provisions and sections shall remain in effect.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1980.

Presiding Officer

ATTEST:

Clerk of the Council

AJ/gl
7588/118

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Regional Planning Committee
FROM: Executive Officer
SUBJECT: Release for the First Reading of an Ordinance Relating to
the Use of Urbanizable Land (Washington County)

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Amendment and release of Ordinance No. ___ for public hearing and first reading by the Council May 22. Action at the Committee's May 5 meeting is necessary to allow for ordinance adoption by July 1.
- B. POLICY IMPACT: Action on the ordinance amendments recommended by staff will ensure that the ordinance released for hearing accurately reflects Council intent, as expressed in Resolution No 79-83 and No. 79-102 adopting and amending policy guidelines for the control of urban sprawl. It also may include such additions or refinements (some of which are based on comments from outside sources on the original draft ordinance) as the Committee feels appropriate.

Action on the amendments prior to the ordinance's release for hearing will ensure full opportunity for public comment on such changes as the Committee may feel appropriate. The Committee will, however, have a second opportunity to consider needed changes at its June 9 meeting, when it can vote to recommend that the ordinance as released be further amended at the June 26 Council meeting for which the second reading is scheduled.

- C. BUDGET IMPACT: None

II. ANALYSIS:

- A. BACKGROUND: During the acknowledgment of the regional UGB, Metro provided testimony to LCDC regarding its interest in and ability to control urban sprawl within the UGB. Metro committed to allowing the counties the time to implement the guidelines through their own planning process which in all three counties was scheduled for completion by at least July 1, 1980. Metro also committed to implementing the guidelines through use of its statutory UGB powers, should the counties not enforce the guidelines. Since that time, Washington County has officially adopted a compliance schedule which shows completion of their comprehensive plan, including growth management policies, not occurring until at least December, 1980.

The attached ordinance is intended to assure that land within the Washington County portion of the UGB is effectively used for urban development.

At its April 7 meeting, the Committee approved release of this ordinance for a public hearing in Washington County on April 21, at its April 7 meeting. A summary of testimony presented at the hearing is attached, along with a summary of public notification procedures.

- B. ALTERNATIVES CONSIDERED: Alternatives are discussed in the attached staff report.
- C. CONCLUSION: Release of the Ordinance for public hearing and first reading will continue a process for public review and comment on a schedule allowing for Council action by July 1. Action on the recommended amendments prior to release will enhance opportunities for meaningful input at the hearing.

JH:bk
7933/33

STAFF REPORT: GROWTH MANAGEMENT ORDINANCE FOR WASHINGTON COUNTY

Since the Committee released this ordinance for hearing, Metro staff have participated in a series of briefings and discussions with a variety of groups in order to explain the preliminary ordinance and solicit comment on it. These groups included the Washington County Planning Commission and Board of Commissioners, Washington County CPO leaders, a group of private sector development interests, and a special Conversion Guidelines Task Force representing a range of different interests. A number of productive comments have emerged from these discussions, suggesting ways the ordinance might be amended to make it more effective.

Staff has used these suggestions, along with testimony received at the April 21 hearing, to develop and evaluate a series of alternatives for possible ordinance amendment. Following is a discussion of these alternatives, along with staff recommendations for Committee action. The material is organized to follow the sequence in the original ordinance.

Overall Approach

The current approach uses County plan and zone designations to categorize all land in the County as Type I (planned and zoned for urban level development), Type II (urbanizable land requiring action by the County on plan or zone changes to allow urban level development), and Type III (Specially Regulated Areas). Members of the Task Force are uncomfortable with this approach because:

1. it adds a new classification system and new terminology which will complicate efforts to explain clearly and implement effectively the new regulations in conjunction with existing County regulations; and
2. it perpetuates and may appear to support the County's "line within a line" approach which requires a plan amendment for any conversion and which, therefore, slows and restricts the conversion process.

This group would like a simpler and more straightforward approach which makes it clear that urban development anywhere in the County is consistent with Metro policy guidelines, provided it occurs at the minimum densities provided for in Policy Guideline #3 and, where appropriate, meets the tests for contiguity or efficient service provision provided for in Policy Guidelines #1. Staff is currently investigating alternative approaches which would address these concerns. The next meeting with the Task Force is scheduled for April 30. Following this meeting, one or more alternatives for ordinance revision will be developed for presentation to the Committee at its May 5 meeting.

Any alternative developed is not expected to effect any substantive changes in the nature of the regulations, nor in the steps a property owner would have to go through to comply with those regulations. An alternative could, however, describe and implement the regulations in a somewhat different way.

Section II (Findings) and Section III (Application and Duration)

Based on a recommendation made by the Home Builders at a Task Force meeting, staff recommends that the Committee amend the proposed ordinance to include the following two additional paragraphs:

REPLACE SECTION 2.A.7 WITH THE FOLLOWING:

Metro has shown in the "Urban Growth Boundary Findings" adopted November 8, 1979, that sufficient land exists within the Boundary to accommodate projected needs until the year 2000. In adopting the Boundary, Metro examined several methods of controlling the premature conversion of urbanizable land to urban uses. Metro concludes the temporary residential development restrictions adopted herein will cause the least shortage, unavailability or dislocation of housing. To minimize adverse impacts, Metro will monitor the effect this ordinance has on development in Washington County, and the Metro Council will review the ordinance after six months.

ADD THE FOLLOWING AT THE END OF SECTION III, p. 4:

"C. Six months from the effective date of this ordinance, Metro staff will present to the Council for their consideration a review of the effects of this ordinance. This review will include an evaluation of the impacts of this ordinance on the rates of residential development and on the conversion of urbanizable land to urban use."

Data from the Land Market Monitoring process will be available during this period for use in such an evaluation. In addition, the Home Builders have offered assistance from their data records.

Staff believes that a review clause of this type is an appropriate way to ensure that the ordinance is effective in achieving its objectives.

Section V (Land Conversion Classifications): Minimum Urban Densities

The definition of Type I zones on p. 5 establishes separate minimum densities for single family and multi-family zones. The Task Force, and the Washington County Planning Commission and Board of Commissioners, would like this definition amended to establish the minimum density for all residential development as 10,000 square feet per unit or less. Alternatives are as follows:

- ESTABLISH SEPARATE MINIMUM DENSITIES FOR MULTI-FAMILY DEVELOPMENT. This would require ordinance amendment, since the County's current zones allow single family housing at appropriate densities in multi-family zones, so that even the lower density multi-family zones "qualify" as Type I under the provisions of paragraph 2 (a). Such an amendment would prohibit some multi-family development which uses less land per unit than allowed single family development. Staff does not believe it is necessary or desirable to discourage multi-family development in any way and so does not recommend such an amendment.
- ESTABLISH A MINIMUM DENSITY FOR ALL RESIDENTIAL DEVELOPMENT OF 10,000 SQUARE FEET OR LESS. Although this is the effect of the current provisions, given the character of the County's zoning regulations, the ordinance should be amended to express its intent more clearly and directly. Staff believes such an amendment is appropriate, and will develop specific language after the task force has prepared a recommendation on the overall approach anticipated by April 30.
- ESTABLISH AN OVERALL MINIMUM DENSITY FOR ALL RESIDENTIAL DEVELOPMENT OF 7,000 SQUARE FEET. If separate minimum densities for single family and multi-family development are not imposed, then a minimum density of the assumed overall average density of 6.23 units a net acre would be more strictly consistent with the assumptions in the UGB Findings. This would be an extremely restrictive provision, however, and one which would appear to be unnecessary and inappropriate when the Findings do recognize 10,000 square foot lots as an appropriate density for new single family development. Since this is an interim measure, designed only to make sure the County's options for meeting the regionwide averages are not foreclosed by substantially lower density development in the interim, such a regulation would be excessive.

RECOMMENDATION: The ordinance should be amended to establish 10,000 square feet per unit as the minimum density for residential development. Recommended language changes will be provided by staff at the May 5 meeting.

Section VII (Type II Land Use Regulations): Septic Tank Prohibition

Paragraph B of this section prohibits the issuance of septic tank permits except for development on lots of record (as provided for in paragraph C) or when a variance is granted (as provided for in Section VIII, discussed below). Two issues have been raised about this provision.

1. SEPTIC TANKS ON NEWLY CREATED LOTS TEN ACRES OR LARGER

The ordinance as written would prohibit development on new lots 10 acres or larger by virtue of the prohibition on septic tank permits. As currently drafted, the 10 acre minimum would allow the sale of portions of lots 20 acres or larger: but development would be prohibited after purchase until it is further subdivided and developed at urban level densities, under the provisions of Section IX (Redesignation of Land from Type II to Type I). The only exception would be through the variance procedures provided for in Section VIII.

These provisions were established based on staff's interpretation of the Council's intent relative to Policy Guidelines #2 and #4. Policy #2 provides for a 10 acre minimum on parcelization, but does not speak to development. Policy #4 provides for a prohibition on septic tanks, subject to certain exceptions, but does not include lots over 10 acres as such an exception.

A strict reading of these two policy guidelines suggests, therefore, the Council's intent to allow parcelization, but not development of lots 10 acres or larger. However, the guidelines have been generally understood by many to allow development on septic tanks on new lots 10 acres or larger. Both Multnomah and Clackamas County's plans currently allow such development to occur. A Committee decision on this issue will thus affect not only the provisions of the ordinance for Washington County, but the possibility of needed plan and zoning changes in the other two counties as well.

At its April 23 meeting, the Task Force passed a motion requesting the Committee to express its intent clearly on this issue, although it did not take a position on how the issue should be resolved. Opinion was unanimous, however, that the ordinance as written is not sufficiently clear in its prohibition on development of new lots 10 acres or larger, and that it is thus misleading and unfair.

Alternatives are as follows:

- . ADOPT A MOTION AFFIRMING THE COMMITTEE'S COMMITMENT TO A PROHIBITION ON SEPTIC TANKS FOR NEW LOTS 10 ACRES OR LARGER AND DIRECTING STAFF TO REVISE THE ORDINANCE AND/OR EXPLANATORY MATERIALS TO MAKE THIS EFFECT OF THE ORDINANCE CLEAR.

This approach is clearly the most effective in limiting any type of nonurban development which impedes future redevelopment to urban level densities. At the same time, to the extent 10 acres is considered an adequate parcel size for conversion, it may be considered sufficiently large to allow efficient conversion even when a house is constructed on such a lot. A provision which allows land to be sold, but not developed, is confusing and may invite abuse. Since discussions with DLCD staff indicate that a somewhat more liberal interpretation of the policies would not be inconsistent with Metro's understanding with the LCDC, staff does not recommend this approach.

. AMEND THE ORDINANCE TO PROHIBIT PARCELIZATION ON TYPE II LANDS.

Such an amendment would eliminate any possible misunderstandings about the effect of the ordinance and, if the Council's intent was to virtually prohibit development on urbanizable lands, would be consistent with this intent. This approach would, nonetheless, create severe hardships on owners of large parcels who wish to sell off portions of it, whether to provide for a retirement income or for any other reason. There does not appear to be sufficient policy justification for the imposition of such a hardship.

. AMEND THE ORDINANCE TO ALLOW ISSUANCE OF SEPTIC TANK PERMITS ON ALL LOTS 10 ACRES OR LARGER.

No data is currently available on the frequency of new construction on 10 acre lots within the UGB, but it would seem likely that such activity is limited. Such an amendment would be unlikely to have a significant impact on redevelopment potential, therefore, and would make the regulations more understandable and more consistent with past understandings on the meaning and effect of the policy guidelines. To minimize the impact on future redevelopment, an additional requirement for a waiver of the right to remonstrate against future sewer assessment could be added.

RECOMMENDATION: Amend the ordinance to allow the issuance of septic tank permits on any lot 10 acres or larger upon receipt of a waiver of the right to remonstrate against sewer assessment. Septic tank permits could be issued for lots of record without such a waiver. Staff will provide specific language for such an amendment at the May 5 meeting.

2. PROHIBITION OF SEPTIC TANKS FOR INDUSTRIAL DEVELOPMENT

Although industrial development was not extensively discussed at the time the policy guidelines were adopted, Policy Guideline #4, establishing limited conditions for septic tank approval, did not exempt industrial use from the general prohibition.

The County's MA-E zone currently allows for land extensive industrial development in the Urban Intermediate (Future Urban) area on septic tanks. The appropriateness of such a zone has long been a subject of debate, and the city of Tualatin in particular has continued to oppose vigorously the County's approval of such developments in the area between Tualatin and Sherwood.

Industries which employ few workers on large expanses of land can be served by septic tanks and are costly to serve with sewer. The need to limit septic tanks as a way of controlling development, which may preclude future urban conversion, does not arise since the development which would be permitted would be permanent rather than interim

in nature. The issue, then, is whether such development is appropriate as a permanent urban use or whether industries which are not labor intensive are an inefficient use of the limited supply of urban industrial land and so should not be allowed.

In general, staff believes that a decision on the appropriateness of land extensive industrial as a planned use for the year 2000 is a planning decision which should be made in the context of the County's adoption of its comprehensive plan and which should not be made now by Metro. A continued prohibition on septic tanks for industrial use does not constitute a decision that such uses should never be allowed, only that they should not be allowed in advance of the County's comprehensive reconsideration of this issue.

If, however, the Committee approves the staff recommendation on the issuance of septic tanks for any lot 10 acres or larger (#1, above), this would naturally allow continuation of industrial development on such lots as well, unless the Committee chose to adopt additional amendments to exclude it.

RECOMMENDATION: Industrial development should not be treated any differently than other types of development affected by this ordinance.

Section VIII (Variances)

Two types of variances are currently provided for the provisions of Section VII, regulating land use in Type II areas: one relating to septic tanks (paragraph A(1)) and one to lot sizes (paragraph A(2)). To develop a new lot smaller than 10 acres (but larger than 10,000 square feet), both variances would be required.

Phil Thompson testified both at the hearing and at Task Force meetings that both variances are based on tests which can never be met and so should be revised to provide for more flexibility.

In evaluating possible amendments to this section, two objectives should be separately considered. These are:

- a. to ensure that interim, non-urban development does not foreclose or impede the opportunity for future redevelopment to urban level densities; and
- b. to ensure that permanent, urban development occurs at densities consistent with the UGB Findings in particular and the efficient use of land generally.

1. Interim Development

More flexibility might be provided in allowing lot sizes at the upper end of the range (e.g., between five and ten acres) if development on such lots were regulated to protect redevelopment potential. Such regulations might include requirements for:

- a. a redevelopment plat (as proposed by Mr. Thompson), showing future lot division, street locations, etc., to ensure that the location of interim development would not physically restrict redevelopment opportunities;
- b. a waiver of the right to remonstrate against future sewer assessment; or
- c. actual construction of sewer lines to be stubbed ready for connection when sewer service is available.

Staff recognizes that a package of such regulations might be equally as effective as a 10 acre minimum lot size in protecting redevelopment options. However, a good deal of research and evaluation would have to be undertaken to design such a package which could be relied upon to be effective. Staff believes the investigation of these alternatives can best take place at the local level as part of the comprehensive planning process, and the ordinance as proposed is the most efficient approach as an interim measure to keep options open while this work is being done. Alternatives are as follows:

- . AMEND THE ORDINANCE TO PROVIDE MORE FLEXIBILITY FOR INTERIM DEVELOPMENT.

This amendment could include the one proposed by Mr. Thompson for septic tanks, alone or in conjunction with other requirements. Mr. Thompson's proposed amendment might have to be supplemented by some method to distinguish "interim" from "permanent" development, since replatting or other requirements would not be appropriate for, e.g., development on one acre lots which, due to topographic constraints, were found unsuitable for any future redevelopment.

- . MAINTAIN THE TEN ACRES MINIMUM LOT SIZE AS THE METHOD FOR REGULATING INTERIM DEVELOPMENT.

This approach is both simple and effective. While staff is actively investigating all ways to make the ordinance as flexible as possible in allowing appropriate urban level development, staff does not believe that Metro has an obligation to facilitate interim, non-urban development within the UGB. Although property owners may have to hold their land in large parcels for some time until it can be developed to urban level densities, this hardship may be necessary to make land available for those who desire urban level densities with urban services. Provisions allowing more flexibility for interim development would only encourage those seeking large lot development to locate inside rather than outside the Boundary.

. DIRECT STAFF TO WORK WITH WASHINGTON COUNTY TO DEVELOP A PACKAGE OF REGULATIONS TO CONTROL INTERIM DEVELOPMENT ON LOTS LESS THAN TEN ACRES, FOR INCORPORATION IN THE COUNTY'S PLAN IF POSSIBLE OR IN AN AMENDMENT TO METRO'S ORDINANCE IN JANUARY, IF NEEDED.

If the Committee is committed to exploring ways to provide more flexibility in this area, this alternative would be appropriate. This work could be undertaken at the start of the next fiscal year as part of the program on UGB Maintenance, but only at the expense of the diversion of staff time from other elements of this program.

RECOMMENDATION: The ten acre minimum should be maintained as the appropriate method for control of interim development during the time for which the ordinance would be in effect.

2. Permanent Development

Although development on less than ten acres may not be appropriate on an interim basis, Metro recognizes that development on lots ranging in size from 15,000 square feet up to one or two acres may be appropriate as a planned year 2000 level of development in limited circumstances, provided the range of densities Countywide is consistent with regional assumptions on appropriate overall density.

In Policy Guideline #3 the Council recognized that development at less than regionwide averages would be appropriate on "land with unique topographic or natural features." This guideline did not establish a standard for determining what densities are appropriate in such cases, however.

The standard chosen for the ordinance as written, that the density proposed must be the maximum density possible, is a stringent standard deemed to be appropriate for these interim circumstances. In practice, virtually all lands can be physically developed at four units an acre or more, although the costs of development at such densities may rise dramatically with the number and type of topographic constraints present.

Alternatives are as follows:

- . MAINTAIN THE CURRENT STANDARD (Section VIII paragraph 2 (a)).

As an interim measure, this approach may be the simplest and most effective, but it does prohibit urban development (e.g., on half acre lots on sewers) which would be allowed elsewhere in the region and which is not necessarily inconsistent with regional objectives.

In addition, the difficulty of getting a variance under the standard in the draft ordinance may lead to misunderstandings on the part of those who purchase land with the expectation of receiving a variance which is unlikely to be forthcoming.

. ELIMINATE ANY LOT VARIANCES.

If the Committee nonetheless wants to provide maximum protection for future options, this approach would be clearer and more straightforward and have virtually the same effect as the current approach. This approach would be stricter than provided for by Policy Guideline #3, however, and would limit development opportunities without strong policy justification.

. AMEND THE ORDINANCE TO PROVIDE MORE FLEXIBILITY FOR YEAR 2000 DENSITIES.

Staff is working on an amendment that would establish procedures for the County to make case-by-case decisions on when lower densities are appropriate as a year 2000 urban use. In general, these provisions would be similar to the second variance provision proposed by Mr. Thompson, allowing the creation of lots between 10,000 square feet and ten acres on lands where topographic or other natural features make smaller lots undesirable. With such a provision, the variance on septic tanks should allow the issuance of a permit whenever the lot sizes so approved are found to be too large to be sewered economically.

To avoid to liberal an application of these provisions by the County, staff is investigating additional language to ensure that the County provides "compensation" for such development in the overall densities provided for in its plan.

RECOMMENDATION: The ordinance should be amended to allow development on lots between 10,000 square feet and ten acres in cases where topographic or other natural features make the proposed densities appropriate for a planned year 2000 urban use. Specific provisions and language will be provided at the May 5 meeting.

Section X (Type III Land Use Regulations)

1. Clarification

An amendment to this section is needed both to eliminate ambiguities in the current regulations on residential development and to implement the policy guidelines relative to commercial and industrial use. Staff recommends the following amendment:

DELETE SECTION X AND REPLACE WITH THE FOLLOWING:

- A. On Type III lands zoned for residential use, the partitioning or subdividing of land is prohibited.

- B. On Type III land zoned for commercial or industrial use, the following regulations apply:
 - 1. No building permit shall be issued for residential use.
 - 2. No building permit shall be issued for non-residential uses unless it is found that there are no suitable alternative locations elsewhere within the UGB outside Type III lands.
- C. Zone changes may be granted to commercial or industrial zones.
- D. Except as provided in paragraph E, no septic tank permits shall be issued.
- E. Paragraph D shall not apply to or on lots in Type III lands lawfully created and recorded prior to the effective date of this ordinance.

In the Task Force's discussion of this proposed amendment, Phil Thompson recommended that the word "available" be added after "locations." Staff recognizes that land which cannot be expected to become available during the next twenty years -- e.g., being held by an industrial user for expansion -- should not be considered a suitable alternative. To go further and exclude as alternatives land which may not be on the market at the time a development request in a Specially Regulated Area is processed appears to go beyond the intent of the Council's guidelines for these areas.

2. Application of Goal #3 (Agricultural Lands)

In the compliance acknowledgment order for the Metro UGB, LCDC established that Goal #3 should still be applied in Specially Regulated Areas. This means that no land use action relating to non-farm uses (including zone changes or the issuance of building permits for commercial or industrial use) can be approved without taking an exception to this goal. Exception requirements are more extensive than those provided for by the policy guidelines for these areas.

The ordinance as written did not include these additional requirements because the application of Goal #3 is a requirement imposed directly by LCDC, rather than by the Metro Council in its policy guidelines.

The Task Force recommended that the application of Goal #3 nonetheless be referenced in the ordinance to avoid misunderstandings.

Staff recommends that the following paragraph be added to the amendment proposed above (#1):

- F. LCDC has established that Goal #3 (Agricultural Lands) applies to Type III lands. Compliance with Goal #3 may place further restrictions on the development of these lands.

3. Exceptions for Residential Development

On November 8, 1979, the Council amended the guidelines for Specially Regulated Areas to provide that "exceptions to this policy may be included in local comprehensive plans and policies" consistent with standards provided. Staff has not attempted to provide for a comparable exception process in the proposed ordinance. Staff believes that such exceptions can be effectively developed and evaluated only within the context of the local comprehensive planning process and that a complete prohibition on residential development remains appropriate as an interim protective measure until such work is completed.

JH:bk
7919/127

SUMMARY OF ORAL TESTIMONY

Public Hearing - Washington County
April 21, 1980 - Regional Planning Committee
Conversion of Urbanizable Land to
Urban Use

Councilors Present: Donna Stuhr, Cindy Banzer, Mike Burton,
Ernie Bonner, Corky Kirkpatrick

Jim Fisher (Washington County Commissioner) - Criticized Metro's role in Washington County. Explained that the conversion policies were too restrictive, that they would encourage development on agricultural lands outside the UGB, prevent the construction of the variety of housing types required by Goal #10, and discourage a rural lifestyle. He also criticized the lack of involvement of the CPO's in Washington County in developing the policies and ordinance.

Audrey Jackson (Action 80) - Testified in support of the ordinance. She pointed out that Washington County made an agreement to put the necessary conversion policies into place and that since they seem unable to do so, Metro must take the responsibility for them.

Philip Thompson (Architect) - Criticized the proposed ordinance as being too rigid and restrictive. Pointed out that citizens were not aware that LCDC's acknowledgment of the UGB was contingent on conversion policies in Washington County. Believes the policies were drafted rapidly and under pressure, without adequate participation from Washington County officials and citizens. Suggested that if these policies are adopted, a variance procedure also be implemented to allow more flexibility. He submitted written testimony to the Councilors describing his proposed variance procedure.

Jim Allison (Washington County Landowners' Association) - Does not support adoption of the ordinance since the conversion policies were developed without adequate citizen involvement. He indicated that Metro could anticipate a law suit on a Goal #1 violation and requested the Council review Goal #1 requirements.

In addition to his comments on procedural violations, Mr. Allison explained that he did not believe LCDC approved the UGB contingent upon Metro adopting conversion factors and that the proposed ordinance exceeded LCDC approval requirements.

Richard Matthews (Representative, Industrial Developer) - The land owned by his client is a perfect site for industrial development, but because of the present land use designation, he cannot build since sewer and water are not available. Mr. Matthews requested a statement be included in the policies which would permit a builder/developer to build on septic tank provided he would not object to being brought into the UGB when services were available or oppose an LID. Denton Kent explained that since the land in question was inside Metro's UGB and was a lot of record, the owners could develop on septic tanks. Mr. Matthews responded that he was concerned the area would be annexed to the city of Tualatin and become part of its UGB or planning area. This designation would prohibit development on septic tanks.

Charles Kennerly (Property owner, Sherwood Specially Protected Area) - Explained that he was not sufficiently prepared to testify since the report was not available until the night of the hearing. He indicated that the legal and technical nature of the ordinance makes it difficult for the average citizen to comprehend. He also resented not being able to get definite information from either Washington County or Metro on the policies. Referred to an article in the Oregonian which discussed the inability of citizens to use their property as they saw fit. Resents the indecision and interference of government.

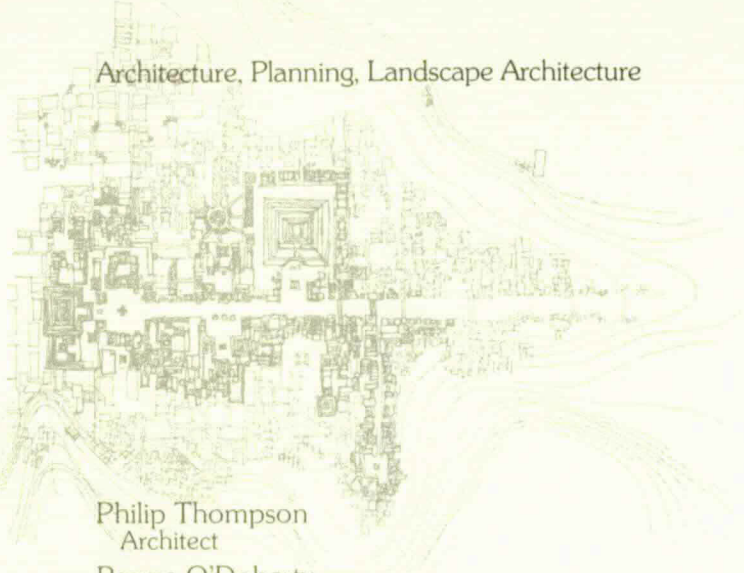
Leah Zednik (Citizen and property owner, Bull Bountain Area) - Does not endorse the ordinance because the policies are too restrictive. The inability to develop on septic tanks condemns too much land which is not suitable for agricultural use. She does not support urban sprawl, but as a resident of the Bull Mountain area, feels the minimum 10 acre lot policy will cause a hardship on property owners. She believes that 10 acres can accommodate subdivisions on septic tanks if designed properly.

Jim Fisher requested an opportunity to clarify his earlier testimony. Suggested Metro make a greater effort to notify CPO's in the future. Also pointed out to the Councilors that a sufficient amount of high density housing will develop in Washington County and that Metro was too concerned about density. He also stated that Washington County feared a lawsuit from Metro if they refused to adopt the ordinance as drafted.

Jim Allison returned to testify and a lengthy discussion between Mr. Allison, Commissioner Fisher and the Metro Councilors followed concerning the question of citizen involvement. The Councilors expressed their concern that adequate opportunity for citizen input be provided.

Sue Klobertanz explained to the Councilors that written communication had been sent to each CPO leader. Councilor Stuhr also pointed out that there would be another public hearing held on May 22 at the Metro offices.

Hal Hewett, a private planning consultant, suggested that Metro use the City of Portland's method of notification (using paid ads for public notice), as he found it superior to that of Washington County and Metro.




Philip Thompson
Architect
Pearse O'Doherty
Landscape Architect

April 21, 1980

Proposed Revision to Section VIII. Variances

A. The County may grant variances to the provisions of Section VII of this ordinance as follows:

1. Septic tank permits may be issued for development on Type II land if there is no plan to provide sewers to the land within a period of five years from the date of application for such development, provided that:
 - a. Such permits shall be subject to DEQ and county health department regulations.
 - b. Plans for such development include a provision for future redevelopment of these areas to urban densities.
2. Developments may be approved with minimum lot sizes which are larger than 10,000 sq. ft., but less than 10 acres, upon a showing that topographic or other natural constraints on the land are such that higher densities would be undesirable.


Philip Thompson

Philip Thompson
Architect

Pearse O'Doherty
Landscape Architect

September 6, 1979

Oregon State Land Conservation and
Development Commission
1175 Court St., N.E.
Salem, OR 97310

Subject: Summary and expansion of testimony given at the September 6th Hearing-
Agenda Item 4.2, and editorial comments and observations.

Ladies and Gentlemen:

My name is Philip Thompson. I am a planner in the Portland Metropolitan Area and a registered architect in the state of Oregon. In my business, we annually develop plans and secure approval for 1,000 to 2,500 urban, sub-urban, and rural units on parcels from 2 to 100 acres. I have been a resident of the Portland Metropolitan Area all of my life and have had a strong and continuing interest in the LCDC, in the development of the goals and guidelines and in the CRAG/MSD urban growth planning process. I have been monitoring it throughout. I have not testified previously because it appeared to me that given a difficult task with a multitude of political ramifications, the planning agencies have been doing an acceptable job of identification of an urban growth boundary.

Several years ago, when the goals and guidelines were being adopted, I testified that I felt that a boundary was not a good idea. Nonetheless, the concept of an urban boundary was adopted under Goal #14 and we have, since that time, worked within the adopted land use concepts dictated at the state level.

I am not an idealist. I understand that the pendulum has to swing away from Oregonians' desire for large lot single family residences to a higher density mode of living, in order to control urban sprawl and to protect the agricultural areas of the state. I understand that the pendulum has to swing perhaps too far and that some people have to get hurt in order for this goal to be achieved. I would like to point out that in Mr. Josselson's testimony concerning this issue, he stated that it is going to take us ten years to find out whether or not we are wrong. Mr. Josselson is clearly correct. We are now planning for a twenty year time span, and in ten years we'll find out whether we did the right thing in 1979. This should be carefully kept in mind in all decisions being made in reference to the adoption of an urban growth boundary.

I am here now because, at the last minute, after four years of consideration of such a boundary, the MSD has made a major error in adopting policy guidelines which will effectively eliminate a significant portion of the general population from living chosen and traditional lifestyles for the foreseeable future. These policies have been adopted without public input or notice. Mr. Kvarsten has testified today that this has been essentially a staff procedure. Mr. Burton testified that the enforcement of these policies was a question of trust between LCDC and MSD. Mr. Gustafson has testified that he had to get conversion policies through some very tough circumstances. I should like to submit to you that there has not been, during the last sixty days, public scrutiny of these policies. If there had been such scrutiny, the policies would not be before you today as they are. There was no published notice that the MSD would consider growth management policies within the urban boundary at its August 23rd meeting, which was not advertised. The testimony today seconds that opinion. It has been the development

industry's understanding that an urban growth boundary was to be adopted in order to protect agricultural and timberland outside of the boundary, but that within such boundary the industry would be allowed the freedom to respond to market demands. The boundary itself protects against sprawl. Sprawl within the boundary is expected to occur in the near future and to be limited over time as the effect of the boundary becomes felt.

As I see it, the Urban Growth Boundary is a politically necessary compromise that over time will hopefully change the average Oregonian's incessant desire for large lots, view property, and other aspects of the American Dream which, taken together, help create sprawl. The purpose of the boundary is to protect agricultural land, not to tell us what our cities will look like and how we will develop within the boundary. The location of the boundary has been subjected to enormous amounts of debate and intense scrutiny in public hearings. The boundary should be approved as submitted. It is intended to be studied and changed over time as we learn, grow and accommodate the inevitable errors of today's actions. In my opinion, the boundary should be large enough to accommodate a free market and not cramped in a manner that will provide only for high density housing within the urban area. After all, this is only 1979 and we are planning for the year 2000 as though we know what is going to be happening then. It is clear that we cannot have any idea what is going to be happening by the year 2000.

My opinion of what has occurred in the last sixty days is as follows:

In response to heavy lobbying by 1,000 Friends of Oregon, who are lawyers, not planners, and whose interest is in enforcing the law, not in the quality of lifestyle enjoyed by Oregonians in general, you and your staff have directed the staff of MSD to adopt growth management policies within the UGB to prevent sprawl.

It is not enough that the purpose of the boundary itself is to prevent sprawl. Apparently these policies are created in order to prevent mini-sprawl in the near future as opposed to overall sprawl in the distant future. Dutifully, such policies were prepared by MSD in conjunction with LCDC staff, and adopted without public scrutiny and with no regard to the workings of the marketplace. The adoption of these policies has withdrawn two basic American lifestyles from the options of Oregonians without a second thought.

Policy Guideline #3 (LCDC Conversion Policy #1) states that you can't live on a lot that is less than ten acres. There are to be no more two acre lots or five acre lots. There is to be no more rural lifestyle. No more hardworking American dream where one buys a small parcel and gets a house on it and, holding down one or two jobs, works the land, fixes up the house and gets himself established. There is to be no place where you can grow a garden in your spare time, manage five acres of filbert trees, run a small apple orchard, or whatever other agricultural pursuits might be appropriate, while working at another job in order to feed the family and grow and build a life for yourself.

Outside the urban boundary, everything is agricultural or forest lands. These carry a twenty or thirty-eight acre minimum. They are large enough for working farm units. Such a requirement is clearly needed. However, by fiat the MSD has eliminated small, part-time truck farms without any hearing on the need for such uses.

I think it's important that, in our twenty year plan for the Portland Metropolitan Area, we do allow time for the pendulum to swing. There was room within the UGB for these uses to be accommodated in the near future while plans and studies progress and while we learn. Now, with the limitation on subdivision of any parcels within the UGB smaller than ten acres, this lifestyle is effectively eliminated.

Policy Guideline #4 (LCDC Conversion Policy #4): There are to be no large lots on septic tanks, there is to be no more sub-urban living.

Once upon a time in the planning business, we had four land classifications in urban areas. We had urban, sub-urban, rural, and agriculture and forest. Now, without due consideration, we have taken these four classifications and made them into two: Urban-suburban and rural-agricultural. Finally, by MSD's action, we have eliminated the two troublesome intermediate classifications by fiat. The allowable lot size within the urban area is either ten acres or 10,000 square feet. No more rural, no more sub-urban.

These policies speak directly to the lifestyle I have lived and intend to continue to live, and they do not allow a decent, say ten year, interval for Oregonians to adjust the new policies and new lifestyles which may be required under growth management programs. I think that my life to date is a fairly typical example of the way Oregonians have lived and intend to live, and I think this example should be taken into consideration when urban growth and management policies are adopted. I started my married life in an apartment in Portland. As soon as we could afford it, we moved to a five acre farmlet on Bonny Slope. We were renting the place. It had a barn and an orchard and enough room for a garden. We fixed it up a little, grew a garden for a couple of years, took apples from the orchard and never could afford a cow to put in the barn. I was unsuccessful at holding down two jobs and farming the property, and we left, but somebody else picked it up and made a nice place out of it. It is still a working hobby farm.

Later, we moved to a half acre lot in Lake Grove, buying a fifty year old shack which was on a septic tank. I fixed it up and when the sewer came by we built another house on the lot. The entire Lake Grove area is now redeveloping to

urban standards because sewers are available. My kids are nine and eleven years old. In two or three years if I am lucky perhaps I can buy an acre lot on Bull Mountain or Cooper Mountain or in Beaver Creek. I want them to have some room to grow up in. I am interested in now, not twenty years from now. I am interested in how my kids are going to live during the next ten years. This is what I refer to when I discuss this swing of the pendulum. We have to allow some time for people who have been working for as much as twenty years with a dream in mind to achieve that dream. We have to allow some time for people to change their goals. You can't just change all of society all at once. I agree with the goals, but we have to remember that people have rights as well.

If I am sixty-five years old today, instead of forty, and I live on a ten acre parcel that I bought twenty years ago, so that I could be near the city and have some space and have a good investment, I don't have time to wait ten years for a sewer. I need to recoup my investment now, while I am still alive.

Adoption of an urban growth boundary without internal management programs will allow for these kinds of transitions to occur within the boundary, if such boundary is large enough to accommodate a twenty year growth span. Such a boundary without internal management will allow for the workings of the market and for the changes which are occurring in the market to occur without executive fiat.

As a working planner, I know how strong the demand for large lots is. Developers do not usually develop large lots in areas that are served by sewers, because it is too expensive and not very profitable. However, whenever we have a large lot subdivision in the planning stage we get continual calls from people who have found out about it who are interested in purchase. This does not occur with standard developments on R-10 or R-7 lots, not does it usually occur when we are planning apartment projects.

Also, as an expert planner, I would like to testify that it is extremely possible to re-develop small parcels of land to urban densities when services and market conditions are available and when the land itself comes on the market. We do it all the time. We have done four and six lot subdivisions on an acre to an acre and a half, we have done a number of subdivisions on five to seven acres. It is also possible to re-develop single family residences on 50 x 100 lots into duplexes or triplexes. Higher density is entirely possible within the framework of existing development, when the market is ready.

The staff's insistence on orderliness and contiguity ignores the fact that we can only develop land which the people who have the right to own their land are willing to sell. If contiguity is required and if demand continues, the requirement for contiguity will clearly be reflected in land costs. If larger parcels are not allowed to develop until such time as some county or civic agency is prepared to provide sewer and water to the parcels, this will clearly be reflected in the land costs of the parcels which do have services. If larger parcels are not allowed to develop on septic tanks to densities approximating one unit per acre, these parcels will not be allowed on the market, and other parcels to which full urban services have been extended will develop at the lower densities demanded by the sector of the market which desires this lifestyle. The market for half acre and acre lots, and even for five acre lots, is strong and continuing and is not affected by cost restraints.

I am here to testify that MSD Policy Guidelines #2 and #4 are in fact not needed. If the goal is to control urban sprawl, Policies #1 and #3 will do just fine thank you. They are extremely difficult to achieve and will control development to urban densities. There is no existing problem with development at lower than urban densities on parcels of land which are not served with all public

services. If such parcels are developed, they can clearly be re-developed when the services arrive.

Policies #2 and #4 are not in fact directed at sprawl, but at development. They attempt to determine the allowable use of a parcel and to determine that it shall be developed at a minimum of three dwelling units to the net acre or not at all, or that full urban services shall be available prior to development and that, no matter what the communities' master plan and time frame for provision of those services, that there shall be no allowable interim use. This is unconscionable. It has never been an LCDC goal that planners could dictate development type and timing on urban land. Encourage, yes, dictate, no. There have been no findings to support these policies. If there had been findings, the policies could not have been adopted. If there had been public hearings, the policies would not have been adopted.

Frankly, we have had very little time to prepare for this hearing. I was surprised to see what had happened when I read the paper on August 24th. I immediately called MSD and requested documentation and inquired as to provisions for rehearing. I was told there were no provisions for petition for rehearing at MSD, and that I should talk to my counselor. Finally on August 30th, I received a letter from Mr. Gustafson, which is enclosed, which states that public input on these policies would be appropriate when LCDC considers acknowledgement of the boundary on September 6th, or when the counties hold hearings on implementing ordinances. The letter also states that the MSD has the assurance of the county jurisdictions that these conversion policies, or equally strong alternatives, will be enacted. In fact, Mr. Gustafson stated in public hearing today that he "will push through the policies." Thus, all has been previously agreed to by staffs of LCDC, MSD and the counties, without any direct input from the public.

Under separate cover, we are submitting a brief stating our legal position. The brief concentrates on Goal #1, Citizen Involvement (there has been none to my knowledge at this time), Goal #2, Land Use Planning, which requires plans and implementation ordinances to be adopted after public hearing (and which requires opportunities for review and revision on a periodic cycle to take into account changing public policies and circumstances), and Goal #14, the urbanization goal, which requires availability of sufficient land for the various uses to insure choices in the marketplace, and which also requires an orderly transition from urban to rural land use. I submit that nobody who has reviewed these plans and these policies has any idea what the Portland Metropolitan Area is going to look like in the year 2000, if these policies are adopted and made operative at this time, and if they are not revised over time. Clearly, the Metropolitan Area is going to be entirely a high density community. The Willamette Valley will be agricultural, and immediately at the boundary of the Metropolitan Area, high density apartments will begin. There will be no green space left in the city except for that open space which exists within city parks, there will be a minimum of trees, and there will be a minimum of suburban and rural lifestyle in the Portland Metropolitan Area. These aspects should be clearly considered if a hard and fast urban growth boundary, with containment policies within the boundary, are going to be adopted at this time.

On the other hand, if the UGB is going to be adopted and if the market is going to be allowed to operate within its own constraints for the next five to ten years, while there is still some room to maneuver, I believe that the boundary will have a chance to be successful, and that it will be possible to change the goals and lifestyles of Oregonians to goals which more nearly approximate the

requirements of life in a large metropolitan urban area. This cannot be done by executive fiat. This must be done over time, so that Oregonians may have time to change their plans, to adjust their lifestyles and to recognize the requirements that their environment has placed upon them.

Respectfully submitted,

Philip Thompson

cc: Rick Gustafson
Mike Burton

Editorial Comments on the LCDC Hearing concerning the MSD UGB, September 6, 1979,
Agenda Item 4.2.

Listening to Burton Weast and Bob Stacey speak, I was again reminded of the reason why I chose not to attend the advertised public hearing on August 23, at which time the MSD not only adopted the UGB, as advertised, but adopted the growth management policy guidelines; which were not advertised. I know what Burton Weast has to say and I know what Bob Stacey has to say. I also am aware of what the Counties have had to say, so, in effect, I know what everybody's position was on the day of the hearing and it was my expectation that the boundary would be adopted in some form or another. I knew that not everybody would get what they wanted, but we have understood that if there were any specific problems that occurred in the final adoption of the boundary, they could be hammered out in later hearings.

For those of us in the private planning industry, this is the way of things, since it is not possible to constantly monitor every action of everyone of the 27 ± community plans in the Metropolitan Area. We have become used to comprehensive plans becoming compromises between various political and citizen factions. The compromises are never perfect. However, the public hearing process does hammer out a great deal of what is wrong, unclear, fuzzy and muddled in original public planning staff presentations. The public hearing process is not the most efficient way to achieve an adequate comprehensive plan, but it is clearly the most democratic method. No public planning staff can adequately predict and cover every aspect of a comprehensive plan without public assistance and input, nor can any private planner.

We clearly saw, today, the flaws which can occur when two public staffs attempt to produce a compromise which is then adopted by a commission when none of them have listened to the input of all interested parties. The problems I refer to are major; I have to believe, for example, that it was not the intention of the municipalities and the MSD to eliminate all lot sizes within the UGB between 10,000 square feet and ten acres.

This was my first LCDC meeting. I was struck by the professionalism of the testimony received. Each of the members of the public who spoke appeared to be able to condense a twenty minute presentation into five minutes and still get his point across. The speaking was good, forceful and to the point. I was thereby reminded of the rarified atmosphere within which LCDC sits, in which lawyers discuss fine points of law and question whether there is a need, because a supreme court judge who also sits in a rarified atmosphere once determined that a need had to be proven to exist.

This atmosphere is so entirely different from the atmosphere within which comprehensive plans are developed, through community planning organization meetings and through public hearings at planning commissions and boards of commissioners, that the LCDC cannot possibly know the difficulty with which these compromises, which are evidenced in final community plans, are reached. Citizens who have received public notice come unprepared to meetings to find out what's going on. Citizens whose property is directly affected by such meetings, frequently discover this fact only at the last minute. Business men and private industry planners who are unable to constantly monitor every plan in every municipality are caught un-awares and present arguments at the last minute. This is the process over which LCDC sits in judgement.

Well financed organizations such as 1,000 Friends of Oregon spend all their time monitoring LCDC actions. Other well financed attorneys with a specific axe to grind make well prepared presentations. In the interim, the great mass of citizenry who does not have the time or the money to monitor every step of the process waits for plans to be adopted, inserts input at the appropriate times, and assumes, because Goal #2 says that they should be able to assume this, that plans can be adjusted from time to time and that we will be able to rectify the inevitable errors in the future. This is the only possible way to see the successful completion of the process: that it is variable, to be refined over time.

Finally, I would like to express again, as a planner and architect, my frustration that we have come to a place where we continually seem to be arguing over points of law instead of doing any realistic planning. There appear to be nothing in Goal #14 that requires anybody to consider what the physical result of the comprehensive plan will be. Nobody is talking about what the Portland Metropolitan Area is going to look like or live like if this plan is adopted. This was my testimony during the process of adoption of the goals and it remains my opinion today. If the MSD UGB and the MSD Plan is adopted with the conditions and restrictions requested by 1,000 Friends of Oregon, who have their own bias toward high density housing, the Portland Metropolitan Area in the year 2000 will be a high density city without the fortuitous fingers of green which have occurred as a result of some leap frogging and random sprawl. As I testified today, I am aware that the pendulum has to swing, and I am aware that leap frogging and sprawl must be controlled. However, it is my considered prediction that ten years from today, we will understand the need for preserving the open space that has fortunately remained as a result of random development because we will begin to understand what the application of these goals means in the physical result of the total urbanization of the Portland Metropolitan Area.

I do not believe that the community is going to appreciate the physical result of this planning and I believe that the community is going to rise up in opposition, and will effect changes in the UGB's and their location, and in the density requirements being adopted today. I am willing to wait, because I do not believe that these changes can be politically effectively adopted at this time. However, I think that the LCDC, and the MSD, should not undertake to adopt a final plan in 1979 for the next twenty years. It cannot be done correctly. It cannot be done politically and it cannot be accomplished operationally. The plan must be seen as flexible and continuing. We must be allowed to learn from our mistakes. We must be allowed to make mistakes and hopefully to revise them before they are irreversible. Therefore, I support the mistaken adoption of the urban containment boundary as proposed, because I believe that through the operation of time, the mistakes that have been made will surface and that adjustments will occur. I firmly believe that while 1,000 Friends of Oregon may be correct in their assessment of the law, they are incorrect in their assessment of the eventual results of the adoption of this plan. I think that the LCDC should understand that most public planning staffs and most jurisdictions have not undergone the rigors of trial by fire in the economic necessities of private industry, and that private industry, which is so deeply affected by these plans, does not have the resources nor the clout to affect the necessary changes at this time, and that they will not do so until irresistibly pressed by market requirements.

The LCDC should understand that in the rarified atmosphere of the State Capitol Building, its acknowledgement of individual community plans is not a final

act, but only the beginning of a continuing and developing planning process which will of necessity include changes throughout the next twenty years.

Respectfully submitted,

Philip Thompson

enclosure:

cc: Rick Gustafson
Mike Burton



METROPOLITAN SERVICE DISTRICT

527 S.W. HALL PORTLAND, OREGON 97201 503/221-1646

August 28, 1979

RECEIVED

AUG 30 1979

PHILIP THOMPSON

Mr. Philip Thompson
938 NW Everett Street
Portland, Oregon 97209

Dear Mr. Thompson:

Rick Gustafson,
Executive Officer

I understand that Judith Bieberle, MSD Public Information Officer, has contacted you regarding the concerns expressed in your August 24 letter.

MSD Council

Mike Burton,
Presiding Officer
District 12

Donna Stuhr,
Deputy Presiding
Officer
District 1

Charles Williamson
District 2

Craig Berkman
District 3

Corky Kirkpatrick
District 4

Jack Deines
District 5

Jane Rhodes
District 6

Betty Schedeen
District 7

Caroline Miller
District 8

Cindy Banzer
District 9

Gene Peterson
District 10

Marge Kafoury
District 11

Enclosed is a copy of the policy guidelines as adopted by resolution by the Council on Thursday, August 23. These policy guidelines were prepared in response to a request from LCDC that MSD provide direction to local jurisdictions on the management of growth within the Urban Growth Boundary. The MSD has the assurance of the county jurisdictions that these conversion policies or equally strong alternative policies will be enacted and implemented in local plan and ordinance adoption. Public input on these policies would be appropriate when LCDC considers acknowledgment of the boundary on September 6 or when the counties hold hearings on implementing ordinances. *will push through the policies*

Ms. Bieberle also suggested that we include the UGB Findings (copy enclosed) and the August 23 Council meeting minutes which will be forwarded to you at a later date. An appendix to the policies has been prepared for LCDC and includes the Initial Housing Policies, the executive summary of the Housing Opportunity Plan, the Market Level Housing Prospectus, and copies of county resolutions supporting the conversion policies. Should you wish copies of any of these materials, the Information Office staff will forward them to you.

I hope these materials will meet your needs. Please feel free to contact me or my staff for further information.

Sincerely,

Rick Gustafson
Executive Officer

RG:bh

for Oregon, I sure haven't seen it," Mr. [redacted] gone into the Packwood coffers because [redacted] are frequently in trouble in the com- huge emphasis on education. [redacted] munity, and come from [redacted] schools have a higher incidence of a

Editor's note: Have 'elite' taken away housing?

By J. RICHARD NOKES

Editor, The Oregonian

SOMETIMES a letter from an old subscriber, a person completely unknown to the editor, can bring you up with a start. Such a letter hit my desk this week, and I'll share it with you because it says some things that maybe the "elite," as he calls us, forget from time to time as we adopt laws concerning land-use planning, zoning, building restrictions and the like. And as we adopt monetary policies that send the interest rate soaring, or permit inflation to rage unabated.

Here's the letter in its entirety:

Dear Mr. Nokes:

I believe you are in the same age generation as I am, that is, in the lower 60s. I am a Northwest native born in Tacoma. You seem to be a kind, considerate and compassionate person. I am a high school grad but not college, so there is a huge Grand Canyon between us due only to one item, and that is your brain-washed experience in college.

Have you and your ilk ever thought that the working class and the poor and majority of senior citizens who have never attended college have a far different

opinion, need, viewpoint, outlook and solution to our many problems than does the elite college minority?

Take housing, for example. Thirty years ago, the lower classes could buy a cheap lot or acreage and build a tent, shack, cabin or garage and live in it until they could afford better housing. In this so very precious and important right, they could save much money and could look to a future that could only grow more bright. They had primitive sanitation, but this was all of a temporary nature. They had a stake or concrete investment in the United States.

This has all been destroyed, demolished with not one iota of thought for the wants or needs of the lower classes by a snobbish, college-educated elite who have become ignorant, calloused, indifferent in their greed to amass a million dollars and who have run roughshod over the historic, traditional, basic rights of a free human being to buy, build and live in a shelter that he can afford, not what the county commissions, city councils, state legislatures or U.S. Congress say that he shall build.

If there is anything unconstitutional in this so-called free nation, it is in the brazen denial of the poorest to build a shelter of

their own and on available land that, if necessary, the government, either federal or state, will make affordable to all.

The plan of government prodded by the moneyed classes to (enact) bylaws, building ordinances, restrictions, zoning, etc. to block the lower classes, and even well-paid working people, from buying, building shelters on land that is affordable, thereby forcing them to become renters of high-priced rental apartments — many subsidized by government — is on the same moral level as the greed and laws that stole the Indians' native lands and also that failed criminally to give the freed slaves in 1865 — 40 acres and a mule.

The czar of Russia in 1862 freed the serfs and gave them land to till. The blacks and Indians have coming to them untold billions to pay for the suffering and thievery of the greedy white entrepreneurs, who are even now using the same tricks to deprive the working class and poor from owning their own shelter, no matter how humble; after all, who can afford a \$60,000 ranch home, or who among the lower classes want it? Can't the establishment, the college elite, understand that we don't want or need that fancy housing?

How much more happy, con-

tented and free of worry is the family that lives in a tent or shack — but on its own land? How much is this neglect adding to inflation? We have no say in local or state government. Money talks.

Roy G. Sandwick
5700 N. Kerby, No. 206
P.S. Dry sewage disposal is perfected. No water, expensive pipes or construction needed. Greed and denial of basic human rights from cave man days is destroying the U.S.

RGs

The man is right, you know; 30 years and more ago (at least up to World War II) a person of low income or without a job could buy a little piece of ground not too far from Portland for a mere pittance and put up a garage to live in or a tar paper shack and an outhouse until things "got better," as they used to say in depression days. Now tar paper shacks and outhouses would be verboten and code restrictions have added tremendously to the costs of today's homes.

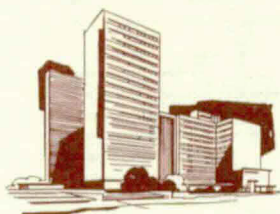
Civilization has become too complicated as we strive to protect the environment, and most of the protective restrictions have come from the "college elite." Does the little man get crushed? Have the "elite" gone too far in telling us what is good for us?

Sandwick certainly thinks so. Maybe the rest of us ought to think about it a little.



NOKES

Oregonian 4/20/80



RICHARD C. MATTHEWS

REALTOR



commercial • industrial • investment real estate

April 24 , 1980.

Mr. Mike Burton
Councillor
Metropolitan Service District
527 S.W. Hall St.
Portland, Oregon 97201

Dear Mr. Burton:

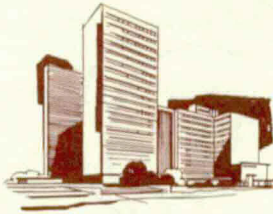
We attended the public hearing that was held at the Washington County Court House on April 21, 1980. The meeting was held on the proposed use of Urbanizable Lands, within Washington County and outside the cities within the County.

It is our understanding that this procedure is required as the Washington County proposed Comprehensive Plan will not be presented to L.C.D.C., until sometime in December of this year. It is also understandable that some interim plan must be drawn for the orderly processing of building permits in Specially Protected areas.

We testified at this meeting on April 21, at Washington County Court House, regarding our Clients two Parcels of Land comprising a total of 53 Acres, zoned M.A.E. in Washington County. Tax Lot 800 of 22 Acres in S.E. 1/4 Section 21, Twns. 2 South, Range 1 West W.M., and Tax Lot 100, of 33.56 Acres contiguous with Tax Lot 800 on the South. Tax Lot 800 fronting Herman Road, and Tax Lot 100 fronting Cipole Road. The 53 acres are served by 1900 feet of Southern Pacific Rail. Our Client has a Sand Mining Permit that expires in September, 1980, and it appears that he will not be using same. Pettibone Mercury Corp. is contiguous on the East of lot 800. A.S.M. Industries Fabricators and other Industrials more or less fill the land on the South side of Herman up to the new Industrial Park being developed by Southern Pacific. The City limits and a 21" sewer line are about 4000' East of our Tax Lot 800. It appears that no great problem would be incurred in connecting to the existing sewer as it would be gravity flow and the Tualatin City Engineer informs us that they have plenty capacity.

We have said all this to get to the meat of our testimony, that we would desire Annexation by the City of Tualatin, and that we would not remonstrate against L.I.D.'s being organized to serve our area, and we have already discussed this with other Industrial people who would be served by the same Urban Services and they are of like mind.

(continued)



RICHARD C. MATTHEWS

REALTOR



commercial • industrial • investment real estate

Our proposal to the Metropolitan Service District was that where immediate Development is required, in the MAE zone of Washington County, and the Urban Services are attainable, where the land is in the potential Urban Growth boundry that development could proceed on the following basis:

the Developer or owner would apply for a building permit, that would require approval for a Septic System, along with a Drilled Well, to be used until the land was Annexed into the City of Tualatin, and able to be supplied with Urban Services, ie: Water, Sewer, Storm Drains. This proceedure would require that the applicant would not Remonstrate against any of the Urban Services and do so in writing and agree not to sell or hypothecate the land in any manner without passing on the same conditions that allowed the Permit initially.

We do have an immediate need to build a 100,000 sq. ft. Manufacturing Plant on Tax Lot 100, this would house a Light Manufacturing facility that would meet all zoning requirements for MAE as well as an anticipated Industrial Zone of the City of Tualatin.

As to adopting a proceedure as requested above, it appears economically feasible for the Commercial or Industrial user but might put a severe strain on an applicant who desired to build one Residence. There might be instances where several applicants in the same area might be able to form an L. I. D. and proceed for Annexation.

In the mean time we are a bit confused as we have had two different opinions from your Staff, Mr. Kent, told us in the meeting that this ordinance didn't apply to our particular situation, and a different opinion from another staff member in a telephone conversation. We would like an immediate response so that we could proceed with Washington County, in applying for Septic Permits, and other necessary survey and Engineering.

Respectfully yours,


R. C. Matthews

CC: Mr. Wink Brooks
Mr. Kenneth J. Bush

Enclosures:

Letter from City of Tualatin April 17, 1980
Letter to C R A G from Mr. Bush
Letter to City Council Tualatin
Plat Map of Tax Lots 800 and 100
Area Map of same

*Copies available
on request from
Deigh Zimmerman,
Metropolitan Development
Division*



METROPOLITAN SERVICE DISTRICT

527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

M E M O R A N D U M

Date: April 24, 1980
To: Regional Planning Committee
From: Sue Klobertanz, Local Government Assistant
Regarding: Public Notification of the Washington County
Public Hearing

As per your request, information on the Metro action to publicize the proposed ordinance to temporarily regulate urban development in Washington County is attached.

As suggested through public testimony at the April 21 hearing, a mailing also went out on April 22, 1980 to all Washington County CPO groups affected by this proposed ordinance. This mailing supplements the oral presentation given to the CPO leaders on April 16, 1980 by Metro staff.



RECEIVED
MAY 22 1980

METRO SERVICE DISTRICT

Home Builders Association of Metropolitan Portland

May 22, 1980

3140 N. E.
Broadway /
Portland, Oregon
97232 /
Telephone
288-0121

Metropolitan Service District
527 S.W. Hall
Portland, OR 97201

OFFICERS

DALE C. JOHNSON
President
National Director
PAT M. BRIDGES
1st Vice President
National Director
JAMES R. IRVINE
Vice President-Treasurer
National Director
W. RICHARD COOLEY
Vice President-Secretary
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Parliamentarian/Sgt. at Arms
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Executive Vice President

DIRECTORS

RICHARD E. EDWARDS
Immediate Past President
National Director
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TERRY E. SHEA
Builder Director
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Builder Director
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TOM TYE
Supporting Director
ROBERT B. ROGERS
Chairman
Past Presidents Council
CLAYTON TEACH
Chairman
Clackamas County Division
ROY G. ASBAHR
Chairman
Multnomah County Division
RICHARD C. WAKER
Chairman
Washington County Division
JIM DeYOUNG
Chairman
Yamhill County Division
W. ROSS DEY
President
Multifamily Housing Council
ROBERT S. MILLER
President
HOW Council
JOHN A. McLEOD
National Life Director
WILLIAM R. LAMB
National Life Director
DALE C. DeHARPPORT
National Director
RYCHEN M. PADDACK
National Director
CLIFF SCHILLING
National Director
ALLEN EDWARDS, JR.
National Director
RON STEINKE
National Director
RICHARD SMELSER
OSHBA Representative
JIMMIE C. TAYLOR
NAHB Oregon Representative

HONORARY DIRECTORS

VINCENT RASCHIO
AL NORBRATEN
FRANK D. EVANS
KENNETH HODSON
TED R. ASBAHR
ARCHIE HODGES
WILLIAM C. COOLEY
RAY HALLBERG

Dear Councillors:

With regret, we ask for your approval of the ordinance controlling the conversion of land in Washington County. Our regret is based upon our continuing concern over the failure of Washington County to comply with the statewide planning goals.

As a participant in the process of developing the ordinance before you, we believe that the proposal is the best possible under the circumstances. Some strengths of the ordinance are:

1. The ordinance conforms to the existing land-use patterns and terminology of Washington County, and will not create major confusion during its implementation.
2. The ordinance calls for a six-month review to monitor both the effectiveness of the ordinance and its impact upon needed residential construction.
3. The proposal insures that development will occur at densities consistent with the LCDC order approving the urban growth boundary.

We support the amendment proposed by staff concerning large lot development in compliance with an adopted comprehensive plan.

It should be clear to anyone familiar with the situation in Washington County that the ordinance is not an attempt by Metro to take over the county. It should also be clear that Washington County, no matter the reason, will not be allowed to avoid its planning responsibilities required under the law.

We urge your adoption of the ordinance.

Sincerely,

Burton C. Weast
Burton C. Weast
Director of Planning
and Governmental Affairs

cc: Dick Waker

Dale Johnson

CITY OF BEAVERTON

4950 S.W. Hall Blvd. Beaverton, Oregon 97005 (503) 644-2191

May 22, 1980

RECEIVED
MAY 22 1980

METRO SERVICE DISTRICT

Metropolitan Service District
527 S.W. Hall
Portland, OR 97201

Dear Councilors:

The City of Beaverton has reviewed the proposed Ordinance regulating development in Washington County and would like to make the following comments for the record of your hearing on May 22, 1980.

First I would like to state that the City supports the Urban Growth Boundary and conversion policies necessary to implement the boundary. The following comments are meant to be in support of the proposed ordinance; however we have suggested changes to improve its administration and implementation and are even more concerned that the proposed ordinance doesn't go far enough.

1. While we understand the rationale for establishing the UGB primarily based upon availability of sewer and water, as the two essential services, we believe that within the boundary, when it comes to conversion, Metro should be seriously concerned that conversion take place when other essential urban services are available as well, especially those services of regional import. In Washington County's case transportation facilities and services are critical, and the lack of such facilities and services is a regional issue. The proposed ordinance, while it makes findings under Goal 14 does not suggest that there are other essential urban services, such as transportation, that must exist before conversion can take place. As now written, it appears that Metro's only concern in Washington County will be sewer and water. The City of Beaverton sees transportation as just as critical from a regional perspective and requests this recognition in the ordinance. The fact that county voters turned down the tax base and a 2¢/gallon gasoline tax for road improvements further demonstrates the near crisis at hand.
2. Under Section V, subsection C and D, particularly D, appear to be loopholes to the intent of the ordinance. "Appropriate" and "inappropriate" are terms difficult to administer and interpret on an individual case by case basis. Who will be the judge? What kind of proof is needed?

3. It is unclear in reading this ordinance how it fits in with other county ordinances, who administers it, how it can be appealed, and what sort of hearing and notice provisions apply to its administration and implementation. Metro should give clear direction to the county in the ordinance as to how it expects this ordinance to be administered.

In summary, then, the City supports the proposed ordinance but feels a sense of frustration in that it does not go as far as it should in assuring that growth in Washington County will be orderly, efficient, economic and not premature, all concepts embodied in Goal #14 (Urbanization). We are hopeful that you will consider strengthening the ordinance before final adoption.

Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack Nelson", written over a horizontal line.

Jack Nelson
Mayor

JN:LD:jg:30

ORDINANCE NO. 80-95

TITLE AN ORDINANCE RELATING TO THE USE OF
URBANIZABLE LAND AND THE CONVERSION OF
URBANIZABLE LAND TO URBAN USE WITHIN THE
URBAN GROWTH BOUNDARY AND PRESCRIBING
REGULATIONS THEREFOR

DATE INTRODUCED May 22, 1980

FIRST READING May 22, 1980

SECOND READING June 26, 1980

DATE ADOPTED June 26, 1980

DATE EFFECTIVE July 1, 1980

ROLLCALL

	Yes	No	Abst.
Burton	X		
Stuhr	X		
Williams	X		
Berkman			X
Kirkpatrick			X
Deines		X	
Rhodes	X		
Schedeen	X		
BONNER XXXXXX			X
Banzer	X		
Peterson	X		
Kafoury	X		



METROPOLITAN SERVICE DISTRICT
527 SW HALL ST. PORTLAND, OR. 97201. 503.221-1646

Rick Gustafson
EXECUTIVE OFFICER

July 28, 1980

Metro Council

Marge Kafoury
PRESIDING OFFICER
DISTRICT 11

Jack Dimes
DEPUTY PRESIDING
OFFICER
DISTRICT 5

Donna Stuhr
DISTRICT 1

Charles Williamson
DISTRICT 2

Craig Berkman
DISTRICT 3

Corky Kirkpatrick
DISTRICT 4

Jane Rhodes
DISTRICT 6

Betty Schedeen
DISTRICT 7

Ernie Bonner
DISTRICT 8

Cindy Banzer
DISTRICT 9

Gene Peterson
DISTRICT 10

Mike Burton
DISTRICT 12

Clerk of the Board
Room 606
Multnomah County Courthouse
Portland, Oregon 97204

Gentlemen:

Enclosed are true copies of the following ordinances
adopted by the Council of the Metropolitan Service District:

Ords. Nos. 80-97 and 80-95, adopted June 26, 1980

Ord. No. 80-91, adopted June 27, 1980.

Please file these copies in the Metro ordinance files.

Sincerely,

Cynthia M. Wichmann
Cynthia M. Wichmann
Clerk of the Council

: CW



METROPOLITAN SERVICE DISTRICT
527 SW. HALL ST. PORTLAND, OR. 97201 503 221-1646

Rick Gustafson
EXECUTIVE OFFICER

July 28, 1980

Metro Council
Marge Kafoury
PRESIDING OFFICER
DISTRICT 11

Jack Deines
DEPUTY PRESIDING
OFFICER
DISTRICT 5

Donna Stuhr
DISTRICT 1

Charles Williamson
DISTRICT 2

Craig Berkman
DISTRICT 3

Corky Kirkpatrick
DISTRICT 4

Jane Rhodes
DISTRICT 6

Betty Schedeen
DISTRICT 7

Ernie Bonner
DISTRICT 8

Cindy Banzer
DISTRICT 9

Gene Peterson
DISTRICT 10

Mike Burton
DISTRICT 12

Mr. Daniel O. Potter
County Administrator
Administration Building
150 North 1st
Hillsboro, Oregon 97123

Dear Mr. Potter:

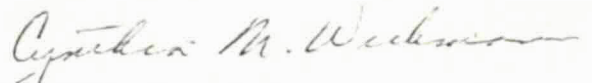
Enclosed are true copies of the following ordinances
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trict:

Ords. Nos. 80-97 and 80-95, adopted June 26, 1980

Ord. No. 80-91, adopted June 27, 1980.

Please file these copies in the Metro ordinance files.

Sincerely,


Cynthia M. Wichmann
Clerk of the Council

: CW



METROPOLITAN SERVICE DISTRICT
527 SW. HALL ST., PORTLAND, OR. 97201, 503 221-1646

Rick Gustafson
EXECUTIVE OFFICER

July 28, 1980

Metro Council
Marge Kalmury
PRESIDING OFFICER
DISTRICT 11

Jack Deines
DEPUTY PRESIDING
OFFICER
DISTRICT 5

Donna Stuhr
DISTRICT 1

Charles Williamson
DISTRICT 2

Craig Berkman
DISTRICT 3

Corky Kirkpatrick
DISTRICT 4

Jane Rhodes
DISTRICT 6

Betty Schedeen
DISTRICT 7

Ernie Bonner
DISTRICT 8

Cindy Banzer
DISTRICT 9

Gene Peterson
DISTRICT 10

Mike Burton
DISTRICT 12

Mr. George Poppen
County Clerk
Clackamas County Courthouse
Oregon City, Oregon 97045

Dear Mr. Poppen:

Enclosed are true copies of the following ordinances
adopted by the Council of the Metropolitan Service Dis-
trict:

Ords. Nos. 80-97 and 80-95, adopted June 26, 1980

Ord. No. 80-91, adopted June 27, 1980.

Please file these copies in the Metro ordinance files.

Sincerely,

Cynthia M. Wichmann
Cynthia M. Wichmann
Clerk of the Council

CMW:

Affidavit of Publication
Daily Journal of Commerce

DAILY EXCEPT SATURDAY AND SUNDAY

2014 N.W. 24th Ave. • Portland, Oregon 97210

Phone: (503) 226-1311

STATE OF OREGON, COUNTY OF MULTNOMAH,—ss.

I, I. J. CAPLAN, being first duly sworn, depose and say that I am the Manager of the DAILY JOURNAL OF COMMERCE, a newspaper of general circulation in the counties of CLACKAMAS, MULTNOMAH and WASHINGTON as defined by ORS 193.010 and 193.020; published at Portland in the aforesaid County and State; that the

NOTICE

Council Meeting

Ad No. 8360

a printed copy of which is hereto annexed was published in the entire issue of said newspaper

for one ~~xxxxxxx~~ time in the following issues:

May 16, 1980

Case

No.

Subscribed and sworn to before me this 16 day of May 19 80

Notary Public for Oregon.

My Commission Expires Sept. 6, 1981

This portion may be detached.

DAILY JOURNAL OF COMMERCE, 2014 N.W. 24th Ave., Portland, Ore. 97210

Metroploitan Service District.
527 S.W. Hall
Portland, Oregon 97201

NOTICE
METROPOLITAN SERVICE DISTRICT
NOTICE is hereby given that the Metropolitan Service District Council will convene in the Metro Council Chamber, 527 SW Hall St., Portland, on Thursday, May 22, at 3:00 PM, for a special meeting to consider results of the Zoo ballot measures and future funding alternatives. The Council will reconvene at 7:30 PM for its regular meeting to consider the following items of business:

- Public Communications
- PUBLIC HEARING on Ordinance No. 80-95, Relating to the Use of Urbanizable Land and the Conversion of Urbanizable Land to Urban Use Within the Urban Growth Boundary and Prescribing Regulations Therefor (First Reading) 7:35 PM
- Reports from Executive Officer and Council Committees
- A-95 Review Report
- Ordinance No. 80-93, Relating to Local Improvement District Procedures, and Amending Ordinance No. 79-78 (First Reading)
- Ordinance No. 80-94, For the Purpose of Transferring Appropriations Within the Solid Waste Operating Fund for the Fiscal Year 1981 Metropolitan Service District Budget (First Reading)
- Ordinance No. 80-96, For the Purpose of Establishing Disposal Charges to be Collected at the St. Johns Landfill and Declaring an Emergency.
- Resolution No. 80-147, For the Purpose of Recommending a Continuance of the city of Tualatin's Request for Acknowledgment of Compliance with the LCDC Goals
- Resolution No. 80-148, For the Purpose of Adopting the International City Management Association (ICMA) Retirement Corporation Plan Option for Metro Employees
- Resolution No. 80-149, For the Purpose of Stating the Council's Intent to Proceed with the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District
- Resolution No. 80-150, For the Purpose of Clarifying the Intention of the "208" Waste Treatment Management Component with Regard to the Columbia Region Treatment Plan Element Thereof
- Resolution No. 80-151, For the Purpose of Approving the FY 1981 Unified Work Program (UWP)
- Resolution No. 80-152, For the Purpose of Authorizing Federal Interstate Funds for a Resurfacing, Restoration and Rehabilitation (3R) Project on I-84, Sundial Road to Sandy Boulevard
- Resolution No. 80-153, For the Purpose of Authorizing Federal I-505 Funds for Preliminary Engineering of the Terwilliger/Barbur Blvd. Project
- Resolution No. 80-154, For the Purpose of Authorizing Federal Funds for the City of Portland Central Business District Bicycle Parking Project
- Resolution No. 80-155, For the Purpose of Approving and Authorizing the Positions of Chief Landfill Clerk and Landfill Attendant in the Solid Waste Department.

Agenda item material is available for public viewing at the Metro Office, 527 SW Hall St., Portland, and will be available at the Council meeting.
Published May 16, 1980 8360-11



METRO
METROPOLITAN
SERVICE DISTRICT
527 SW HALL, PORTLAND, OREGON
503 221 1646

REGULAR METRO COUNCIL MEETING
Time: Thursday, June 26, 2:00 P.M.
Place: Metro Council Chamber
527 SW Hall St., Portland

Matters to be considered:

Public Communications

Consent Agenda:

- A-95 Review
- Minutes of May 22, 1980

Reports:

- Executive Officer's Report
- Council Committee Reports
- A-95 Review Report

Ordinances:

- Use of urbanizable land and the conversion of urbanizable land to urban use within the Urban Growth Boundary. (No. 80-95, Second Reading)
- Adoption of the annual budget of the Metropolitan Service District for Fiscal Year 1981, making appropriations from District funds in accordance with said budget and levying ad valorem taxes. (No. 80-97, Second Reading)

Resolutions:

- Recommendation for Continuance of Oregon City's request for comprehensive plan acknowledgment. (No. 80-156)
- Authorization to establish new positions. (No. 80-157)
- Establishment of rate for mileage reimbursement. (No. 80-158)
- Amendment to the FY 1981 Unified Work Program for inclusion of the Bi-State Transportation Study. (No. 80-159)
- Authorization of Federal Aid Interstate Funds for the Willamette Falls Safety Rest Area remodeling project. (No. 80-160)
- Authorization of Federal Funds for 16(b)(2) special transportation projects. (No. 80-161)
- Endorsement of the Section 504 Special Needs Transportation Transition Plan. (No. 80-162)
- Recommendation on feasibility study for development of a river transit system. (No. 80-163)

New Business:

- Adoption of rule to allow negotiated bid for resource recovery facility. (CRB 80-4)
- Selection of panel of hearings officers
- Metro consideration of local plan continuance reviews

General Discussion:

- Five-Year Operational Plan and financing options.

The regular meeting will be adjourned to 12:00 Noon, Friday, June 27, for the Second Reading of Ordinance No. 80-91, establishing the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District.

Public Hearing:

Time: Thursday, June 26, 7:00-10:00 P.M.
Place: Convention Hall, gate 8 (south side)
Memorial Coliseum

The Metro Council will receive public testimony on the proposed establishment of the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District. Deadline for accepting remonstrances on this project has been extended to 5:00 PM, June 23, 1980.

ADJOURNED METRO COUNCIL MEETING
Time: Friday, June 27, 12:00 Noon
Place: Metro Council Chamber
527 SW Hall St., Portland

Matter to be considered:

Ordinance No. 80-91, Establishing the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District. (Second Reading)

Copies of ordinances/ resolutions and additional information is available at Metro.

In the _____ Court of the State of Oregon
for the County of Multnomah

	Plaintiff
vs.	
	Defendant

Affidavit of Publication

STATE OF OREGON

County of Multnomah

I, E. Morgan being first duly sworn depose and say that I am the Principal Clerk Of The Publisher of The Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published in the City of Portland, in Multnomah County, Oregon; that the advertisement, a printed copy of which is hereto annexed, was published without interruption in the entire and regular issues of The Oregonian for one ~~such~~ issue on the following dates:

June 20, 1980

Subscribed and sworn to before me this 21th day of July 19 80

[Signature]
Notary Public for Oregon

My Commission Expires March 15, 1981

F-1703



METRO

METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: April 17, 1980

To: Donna Stuhr

From: Caryl Waters

Regarding: Media Notification of Washington County
Public Hearing

The Public Information Office has taken the following steps to notify the public and press of the April 21 public hearing in Washington County on the urban development regulations:

Legal Notice

The legal notice (copy attached) was approved by Andy Jordan and mailed on April 9 to the following papers:

The Oregonian for publication on April 11
The Daily Journal of Commerce for publication on April 11
The Hillsboro Argus for publication on April 15

Media Public Affairs Notice

A notice of public hearing was mailed on April 9 to radio and TV public affairs directors and to the community calendar editors of local newspapers. A copy of the notice and list of labels is attached.

News Release

A news release has been prepared for mailing today, April 17, to the news media list. A copy of the press release and the mailing list is attached.

Board to tackle land-use issues; MSD plans role

By HARRY BODINE

of The Oregonian staff

HILLSBORO — Washington County commissioners will tackle two controversial land use issues — one dealing with rural land, the other concerning urban development — at a hearing Tuesday night.

Meanwhile, the Metropolitan Service District is preparing to step into the county's land-use planning work to control development in unincorporated urban areas.

The hearing will focus on the long-debated new rural zones for the county's updated comprehensive land-use plan, and on plans for development of the 252-acre Peterkort property north of the Sunset Highway.

The drafting of language implementing the five rural zones has occupied the attention of the county Planning Commission, County Commission, county staff and landowners for months.

Tuesday, the commission will hear testimony on revisions worked out in a series of work sessions.

A central issue has been spelling out conditions by which single-family homes can be built outside the Portland-area regional urban growth boundary, the area to be regulated through the rural zone text.

A new group has entered the picture since the last round of County Commission-Planning Commission discussions.

Led by County Extension Agent Lloyd Baron and farmers, the new group is asking that tighter restrictions be placed on persons seeking to build homes in exclusive farm and forestry areas.

The Baron group also wants the new comprehensive plan to retain a 38-acre minimum lot size in any future land partitioning in the exclusive zones, in order to help preserve land for farm and forestry uses.

The Peterkort issue centers on how the large open tract of land west of St. Vincent Hospital is to be developed.

The Planning Commission has approved plan and zone changes which would open the way for extensive commercial development north of the Sunset Highway-Cedar Hills Boulevard interchange and allow a new alignment of Southwest Barnes Road between St. Vincent and Cedar Mill.

Neighborhood groups along the northern periphery of the Peterkort property, particularly residents along Northwest 112th Avenue, are challenging the proposed Barnes realignment, as well as the amount of commercial and multiple-unit housing the changes would permit.

Meanwhile, the Metropolitan Service District plans to enter the Washington County land-use planning picture actively on Monday, April 21.

The service district will consider an ordinance regulating the conversion of Washington County land to urban uses because the county thus far has not taken that step.

Service district staff members will explain the proposed urban growth management ordinance to county officials at an 8 a.m. work session that day. At 7 p.m., a public hearing has been scheduled on the topic in Room 402 of the County Administration Building, Hillsboro.

The most controversial aspect of the service district proposal is a requirement that future land partitioning in "future urban" areas be limited to parcels of 10 acres or more.

The proposed ordinance offers an escape hatch, allowing lots of 10,000 square feet — four units per acre — in areas where steep terrain makes smaller lots impractical.

Septic tanks rather than sewers would be allowed on the same premise — that a sewer line would be impractical to build.

The service district decision to adopt a growth management ordinance for Washington County has generated opposition from local officials who resent what they feel is outside interference.

Service district executive officer Rick Gustafson said the district would act on its proposed ordinance prior to June 30 because it promised the state Land Conservation and Development Commission a year ago that urban growth policies would be in force throughout the metropolitan area by then.

The Oregonian
ESDAY, APRIL 15, 1980
ALSO DAYTON, MCMINNVILLE, NEWBERG, WILSONVILLE AND YAMHILL
IN WASHINGTON COUNTY



METROPOLITAN SERVICE DISTRICT
527 SW. HALL ST., PORTLAND, OR. 97201, 503/221-1646

METROPOLITAN SERVICE DISTRICT

NOTICE is hereby given that the Metropolitan Service District will hold the following public hearings on a proposed ordinance to temporarily regulate Urban Development in Washington County:

April 21, 1980 Room 402, Administration Bldg.
Washington County Courthouse,
150 N. First, Hillsboro
7:00 p.m.

May 22, 1980 Metro Council Chamber
527 SW Hall, Portland
7:30 p.m.

Deadline for receipt of written testimony is 5:00 p.m.,
May 23, 1980. Written testimony should be sent to:
Executive Officer, Metro, 527 SW Hall, Portland, Oregon,
97201.

Copies of the proposed ordinance are available from
the Metro Information Office, 221-1646.



METRO

METROPOLITAN SERVICE DISTRICT
527 SW. HALL ST., PORTLAND, OR. 97201, 503/221-1646

Public Hearings since

PUBLIC HEARINGS:

Proposed Metro ordinance to temporarily regulate urban development in Washington County

DATES:

Monday, April 21

7:00 P.M.

Room 402, Administration Bldg.

Washington County Courthouse Complex

150 N. First, Hillsboro

Thursday, May 22

7:30 P.M.

Metro Council Chamber

527 SW Hall Street, Portland

PURPOSE:

The Metro Council will receive public testimony on a proposed ordinance which would put into place interim rules for allowing urban development within the acknowledged regional Urban Growth Boundary (UGB) in Washington County. The rules are based on the "Policy Guidelines on the Control of Urban Sprawl" and the "Policy for Amending the Urban Growth Boundary" adopted by the Council on August 23, 1979, and would be effective July 1, 1980.

Deadline for receipt of written testimony is 5:00 p.m., May 23, 1980. Written testimony should be sent to: Executive Officer, Metro, 527 SW Hall, Portland, Oregon 97201.

Copies of the proposed ordinance are available from the Metro Information Office, 221-1646.

FOR ADDITIONAL INFORMATION:

Contact Sue Klobertanz at Metro, 221-1646.

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Public Affairs Directors/Community Calendar Editors (Metro)

March 1980

* original



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

PRESS RELEASE:

FOR IMMEDIATE RELEASE

April 17, 1980

contact: Caryl Waters or Jill Hinckley

METRO PROPOSES GROWTH CONTROL POLICIES FOR WASHINGTON COUNTY

A series of public hearings has been scheduled on proposed conversion policies for development of land within the Urban Growth Boundary in Washington County.

Metro (the Metropolitan Service District) has developed the policies as part of an agreement made with the Land Conservation and Development Commission (LCDC) at the time of LCDC's approval of Metro's Urban Growth Boundary (UGB).

That agreement was based on the understanding that the three counties within the Metro boundary would have adopted comprehensive plans by July 1, 1980, and that those plans would ensure urban development within the UGB. Washington County's plan is now scheduled to be completed by December, 1980. Metro's proposed conversion policies are intended to be an interim measure until the County's comprehensive plan and growth management policies are in place.

The proposed conversion policies include measures that would:

- (1) limit all development within the Urban Growth Boundary to urban densities (that is, lots of 10,000 square feet or less for residential or urban commercial and industrial development);
- (2) establish a minimum lot size of 10 acres for that land within the UGB which cannot now be developed to those densities in order to protect that land for future development; and
- (3) restrict septic tank permits.

These policies would not apply to development on "lots of record" (lots legally recorded prior to adoption of the ordinance

(more)

containing the conversion policies) if that development can occur without further parcelization.

Metro Executive Rick Gustafson stated, "Our meetings with Washington County officials on the proposed policies have been productive. They recognize the need for policies to control urban sprawl. The policies developed by Metro staff will, in my opinion, assure the highest and best use of the land within the Urban Growth Boundary."

Gustafson and Metro planning staff will meet again with Washington County Commissioners on Monday, April 21 at 8 AM to brief them on the ordinance. A public hearing on the policies will be held by the Metro Council Regional Planning Committee, also on Monday, April 21, at the Washington County Courthouse in Hillsboro starting at 7 PM.

Metro Councilor Donna Stuhr, chairperson of the Regional Planning Committee, represents District 1 including most of Washington County. Councilor Stuhr commented, "These controls are not intended solely to restrict development. They will also encourage development to urban densities where it is appropriate and increase the long-term availability of land for urban uses."

The Metro Council will conduct another public hearing on the policies at their regular meeting of Thursday, May 22, 7:30 PM at the Metro offices, 527 SW Hall, Portland. Second reading of the ordinance and final adoption is scheduled for the Metro Council meeting of June 12.

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