

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING THE )     ORDINANCE NO. 81-118  
METRO URBAN GROWTH BOUNDARY )  
IN WASHINGTON COUNTY FOR )     Introduced by the Regional  
CONTESTED CASE NO. 81-4 )     Development Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The District Urban Growth Boundary (UGB), as adopted by Ordinance No. 79-77, is hereby amended as indicated in Attachment A of this ordinance which is incorporated by this reference.

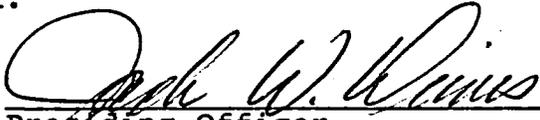
Section 2. In support of the amendment in Section 1 of this ordinance, the Council hereby adopts findings of fact, conclusions and proposed order in Attachment B of this ordinance which is incorporated by this reference.

Section 3. In support of the findings of fact, conclusions and proposed order adopted in Section 2 of this Ordinance, the Council hereby designates as the record herein those documents and records submitted before or at the hearing in this matter on September 1, 1981.

Section 4. This Ordinance is the final order in Contested Case No. 81-4 for purposes of Metro Code Section 5.02.045.

Section 5. Parties to Contested Contested Case No. 81-4 may appeal this Ordinance under 1979 Or. Laws Chapter 772.

ADOPTED by the Council of the Metropolitan Service District  
this 5th day of November, 1981.

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

ATTEST:

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

RURAL

CURRENT UGB

501  
4.00Ac

636.96

250  
18.97

2647.6  
50046E  
2649.9

160  
601  
483.4

1361.25  
N 0° 46' W

C. S. 12677

40 CH  
WEST LINE J. PAINTER D.L.C.

4.0 CH

374  
801  
34.94Ac

20 CH

ELLIGSEN  
10 CH

30 CH

1200  
19.60Ac

1100  
58.18Ac

ELLIGSEN RD

1229.7

1500  
39.24Ac

1400  
36.14Ac

1300  
24.4Ac

1401  
102Ac

(C.S. No 11849)

PROPOSED UGB ADDITION

URBAN

101-3

CURRENT UGB

BONNEVILLE

POWER

WILSONVILLE

ADMINISTRATION

1601  
6.85Ac

1305M/L

1600  
6.85Ac

6173M/L

12 C L A C K A M A S

C O U N T Y

Attachment A

1 METROPOLITAN SERVICE DISTRICT

2

3 IN THE MATTER OF A PETITION ) CONTESTED CASE NO. 81-4  
 4 FOR LOCATIONAL ADJUSTMENT BY )  
 5 DOUG SEELY ) FINDINGS OF FACT, CONCLUSIONS  
 6 ) AND PROPOSED ORDER

7 This petition for a locational adjustment to the Urban  
 8 Growth Boundary (UGB) was presented at a hearing before the  
 9 undersigned Hearings Officer on September 1, 1981.

10 The petitioner requests a locational adjustment pursuant  
 11 to Metro Ordinance No. 81-105 to add 2.2 acres to the UGB along the  
 12 northeast edge of the Wilsonville UGB. The UGB in this area was  
 13 established to follow the city limits of Wilsonville and includes  
 14 all but the subject property south of Elligsen Road. The subject  
 15 property is surrounded by the City on three sides and Elligsen Road  
 16 on the fourth. Amendment would make the UGB in this area a straight  
 17 line and would place the entire right of way for Elligsen Road  
 18 within City jurisdiction.

19 The city of Wilsonville and Washington County both support  
 20 this adjustment, as do other service providers.

21 The undersigned Hearings Officer has determined that the  
 22 standards which must be met for approval of this petition are  
 23 contained in Section 8, paragraph d of Metro Ordinance No. 81-105.  
 24 Therefore, the undersigned, being fully advised of the issues and  
 25 facts in this case, makes the following findings of fact under each  
 26 of the applicable standards for approval.

26 /////  
 27

FINDINGS OF FACT

D(1): Not applicable.

D(2): THE PROPOSED UGB MUST BE SUPERIOR TO THE UGB AS PRESENTLY LOCATED, BASED ON A CONSIDERATION OF THE FACTORS IN SUBSECTION (a)....

A(1): Orderly and Economic Provision of Public Facilities and Services. A locational adjustment shall result in a net improvement in the efficiency of public facilities and services, including but not limited to water, sewerage, storm drainage, transportation, fire protection and schools in the adjoining area within the UGB; any area to be added must be capable of being served in an orderly and economical fashion.

- All major public facilities and services can be provided to the site in an orderly and economical fashion. The proposed locational adjustment will result in an improvement in the efficiency of water service for the adjoining area, since an existing 14-inch water main runs along the far (non-urban) side of the property. Inclusion of the site within the UGB will allow maximum utilization of this line and will allow adjoining properties to the south to connect to this main in the most efficient manner.
- The proposed locational adjustment

1 will result in an improvement in the  
2 efficiency of transportation service  
3 to the adjoining area, since it will  
4 bring the entire right-of-way along  
5 Elligsen Road within city limits and  
6 allow for more efficient road  
7 maintenance and improvement than  
8 possible when the road runs through  
9 two jurisdictions.

10 A(2): Maximum Efficiency of Land Uses.  
11 Consideration shall include existing  
12 development densities on the area included  
13 within the amendment, and whether the  
14 amendment would facilitate needed  
15 development on adjacent existing urban land.

- 16 - The locational adjustment would  
17 enhance the effectiveness of the  
18 boundary by making it co-terminus with  
19 Elligsen Road, a straighter and  
20 stronger boundary than the current  
21 one.
- 22 - The property is surrounded by the city  
23 of Wilsonville on three sides;  
24 inclusion within the UGB now will  
25 allow the City to coordinate  
26 development and service extension with  
the adjacent proposed development of

1 Parkway Center.

- 2 - Development of the property is  
3 proposed for multi-family housing;  
4 inclusion within the UGB would promote  
5 provision of a needed housing type.

6 A(3): Environmental, Energy, Economic, and Social  
7 Consequences. Any impact on regional  
8 transit corridor development must be  
9 positive, and any limitations imposed by  
10 the presence of hazards or resource lands  
11 must be addressed.

- 12 - The property does not include any  
13 hazards or resource lands and has no  
14 significant impact on regional transit  
15 corridor development.

- 16 - The property can be served by transit  
17 (existing Tri-Met Line No. 38).

18 A(4): Retention of Agricultural Lands. When a  
19 petition includes land with Class I through  
20 IV Soils that is not irrevocably committed  
21 to nonfarm use, the petition shall not be  
22 approved unless the existing location of  
23 the UGB is found to have severe negative  
24 impacts on service or land use efficiency  
25 in the adjacent urban area, and it is found  
26 to be impractical to ameliorate those  
negative impacts except by means of the  
particular adjustment requested.

- 27 - The property is irrevocably committed  
28 to nonfarm use by virtue of its small  
29 size (2.2 acres), and separation by  
30 Elligsen Road from other nonurban  
31 lands, and by virtue of the fact that

1                   it is surrounded by a city on three  
2                   sides.

3                   A(5):       Compatability of Proposed Urban Uses with  
4                   Nearby Agricultural Activities. When a  
5                   proposed adjustment would allow an urban  
6                   use in proximity to existing agricultural  
7                   activities, the justification in terms of  
8                   factors (1) through (4) of this subsection  
9                   must clearly outweigh the adverse impact of  
10                   any incompatibility.

11                   -       No nearby agricultural activities are  
12                   present.

13                   ...THE MINOR ADDITION MUST INCLUDE ALL SIMILARLY SITUATED  
14                   CONTIGUOUS LAND WHICH COULD ALSO BE APPROPRIATELY INCLUDED WITHIN  
15                   THE UGB AS AN ADDITION, BASED ON THE FACTORS IN SUBSECTION (a).

16                   -       The property is proposed for inclusion  
17                   because it is surrounded by a city on  
18                   three sides and a road on the fourth.  
19                   This is the only property in the area  
20                   so situated.

21                   D(3):       ADDITIONS SHALL NOT ADD MORE THAN 50 ACRES OF  
22                   LAND TO THE UGB AND GENERALLY SHOULD NOT ADD  
23                   MORE THAN TEN ACRES OF VACANT LAND TO THE  
24                   UGB... THE LARGER THE PROPOSED ADDITION, THE  
25                   GREATER THE DIFFERENCE SHALL BE BETWEEN THE  
26                   SUITABILITY OF THE PROPOSED UGB AND THE  
27                   SUITABILITY OF THE EXISTING UGB, BASED ON  
28                   CONSIDERATION OF THE FACTORS IN SUBSECTION (a)  
29                   OF THIS SECTION.



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

IN THE MATTER OF A PETITION                    )  
FOR AN URBAN GROWTH BOUNDARY                )  
LOCATIONAL ADJUSTMENT BY                    )  
DOUG SEELY                                        )

CONTESTED CASE NO. 81-4  
ORDER

WHEREAS, Doug Seely has submitted a request for a locational adjustment to the Urban Growth Boundary (UGB) in Washington County; and

WHEREAS, Such request was given a contested case hearing before a Metro Hearings Officer on September 1, 1981; and

WHEREAS, The Hearings Officer has submitted Findings of Fact, Conclusions and a Proposed Order; and

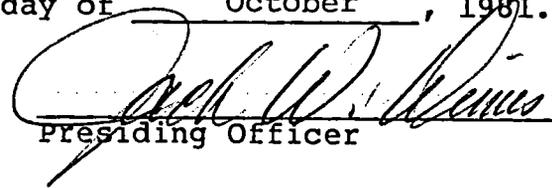
WHEREAS, The Council has reviewed and agrees with the Findings of Fact, Conclusions and Proposed Order as submitted by the Hearings Officer; now, therefore,

IT IS HEREBY ORDERED:

1. That the Council accepts and adopts the Findings of Fact, Conclusions and proposed Order submitted by the Hearings Officer in Contested Case No. 81-4.
2. That the Council designates as the record in this case all documents and evidence submitted before or at the September 1, 1981 hearing on this matter.
3. That an ordinance be prepared for Council adoption in accordance with the Findings of

Fact, Conclusions and Proposed Order adopted by  
paragraph 1 above.

SO ORDERED this 22nd day of October, 1981.

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

MAH/gl  
4145B/259

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

*Ord 81-118  
119  
Res # 81-284*

TO: Metro Council  
FROM: Executive Officer  
SUBJECT: Petitions for Locational Adjustment of the Urban Growth Boundary (UGB) by Doug Seely (Contested Case No. 81-4) and WGK Corporation (Contested Case No. 81-5).

I. RECOMMENDATIONS:

A. ACTION REQUESTED: Adoption of the attached Hearings Officer's Findings of Fact, Conclusions and Proposed Orders in the matters of petitions for locational adjustment of the UGB by Doug Seely (Contested Case No. 81-4) and WGK Corporation (Contested Case No. 81-5); and of the attached ordinances amending the UGB as ordered.

B. POLICY IMPACT: These petitions for locational adjustment of the UGB have been submitted pursuant to Metro Ordinance No. 81-105, which establishes procedures and standards for review of some amounts to the UGB. Approval of the petitions is consistent with the standards in this Ordinance.

Approval of these two petitions would add 32 acres to the urban area. Section 16 of Ordinance No. 81-105 provides that over the next three years, the average annual net addition of land should not exceed 100 acres. A summary of all petitions received and the total acreage requested for addition is attached.

C. BUDGET IMPACT: None.

II. ANALYSIS:

A. BACKGROUND: The Hearings Officer heard both cases on September 1, 1981, and adopted the staff recommendations in each case. The Regional Development Committee, at their October 5, 1981 meeting, recommended adoption of the Hearings Officer's findings. In contested cases, only parties present at the hearing may submit exceptions to the Hearings Officer's Findings, and the Committee and the Council should limit public testimony to argument by the parties on written exceptions filed. No other parties besides the petitioners appeared at either hearing and no written exceptions have been filed.

A summary of each case is presented at the beginning of the attached reports, followed by findings addressing each of the applicable standards.

- B. ALTERNATIVES CONSIDERED: Staff concurs with the Hearings Officer's recommendation and finds no basis for the alternative of denial.
  
- C. CONCLUSION: Adoption of the attached Findings, Conclusions, Orders and Ordinances will approve adjustments of the UGB that increase its effectiveness and efficiency, consistent with the standards in Ordinance No. 81-105.

JH/srb  
4177B/252  
10/09/81

The meeting was called to order by Presiding Officer Deines.

There were no introductions, written communications or citizen communications to Council on non-agenda items.

#### 4. Consent Agenda

The consent agenda consisted of the following items:

- 4.1 Minutes of Meetings - 9/24/81 and 10/1/81.
- 4.2 Appointment of Solid Waste Review Committee.
- 4.3 Approval of Financing of Rossman's Landfill Closure.
- 4.4 Approval of Bid for Zoo Maintenance Building Construction Contract.
- 4.5 Resolution No. 81-285, For the Purpose of Changing the Designation of Registered Agent for Receipt of Legal Service.
- 4.6 Ratification of Labor Agreement with Municipal Employees Local #483.

Item No. 4.3 was deleted from the agenda. The Executive Officer had informed the Council that the negotiations for this purchase had fallen through.

Motion that the remainder of the consent agenda be adopted; carried unanimously. (Schedeen/Bonner)

#### 5.1 Order in Contested Case No. 81-3, In the Matter of a Petition for an Urban Growth Boundary Locational Adjustment by the City of Hillsboro.

Jill Hinckley briefly reviewed the order which represented the city's petition to remedy an error in the urban growth boundary.

Motion that the order be adopted; carried unanimously. (Bonner/Kafoury)

#### 5.2 Public Hearing on Ordinance No. 81-117, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-3.

Motion to adopt Ordinance No. 81-117. (Kafoury/Burton)

There was no one present who wished to speak during the public hearing.

#### 5.3 Resolution No. 81-284, For the Purpose of Declaring an Intent to Approve a Locational Adjustment for Tax Lots 1600 and 1700.

Motion that Resolution No. 81-284 be adopted; carried unanimously. (Bonner/Schedeen)

#### 5.4 Order in Contested Case No. 81-4, In the Matter of a Petition for an Urban Growth Boundary Locational Adjustment by Doug Seeley.

Motion that the order be adopted; carried unanimously. (Kafoury/Bonner)

#### 5.5 Public Hearing on Ordinance No. 81-118, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-4.

Motion to adopt the ordinance. (Berkman/Schedeen)

There was no one present who wished to speak during the public hearing.

5.6 Order in Contested Case No. 81-5, In the Matter of a Petition for an Urban Growth Boundary Locational Adjustment by WGK Development Corporation.

Motion that the order be adopted; carried unanimously. (Kafoury/Schedeen)

5.7 Public Hearing on Ordinance No. 81-119, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-5.

Motion that the ordinance be adopted. (Schedeen/Bonner)

There was no one present who wished to speak during the public hearing.

5.8 Public Hearing on Ordinance No. 81-120, An Ordinance for the Purpose of Exempting the Recycling Support Fund Program from Competitive Bidding.

Motion that the ordinance be adopted. (Banzer/Rhodes)

There was no one present who wished to speak during the public hearing.

General discussion between the Council and Richard Hertzberg on the selection process for recipients of recycling support funds.

5.9 Ordinance No. 81-114, An Ordinance Repealing Ordinance No. 80-91 (which established the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District).

A vote on the previous motion (Schedeen/Burton) indicated that adoption of the ordinance carried by the following vote:

YEAS: Banzer, Bonner, Burton, Deines, Etlinger, Rhodes and Schedeen.  
NAYS: Berkman, Kafoury, Oleson and Williamson.  
ABSENT: Kirkpatrick.  
ABSTAINING: None.

5.10 Ordinance No. 81-115, For the Purpose of Providing for a Temporary Partial Waiver of Charges at the St. John's Landfill for Vegetative Yard Debris.

A vote on the previous motion (Banzer/Burton) indicated that adoption of the ordinance carried unanimously.

5.11 Ordinance No. 81-116, An Ordinance Relating to Personnel, Adopting Personnel Rules and Repealing Metro Code Chapter 2.02 (Ordinance No. 79-73).

A vote on the previous motion (Kafoury/Burton) indicated that adoption of the ordinance carried unanimously.

Further discussion of the recycling support funds program.

Item No. 6.1 (Penguinarium Design Contract: Approval of Bid) was removed from the agenda.

The meeting was called to order by Presiding Officer Deines.

Presiding Officer stated he had received one written communication regarding the Resource Recovery Facility and had turned it over to Coun. Banzer, Chairman of the Services Committee.

#### 4. Consent Agenda

Motion that the consent agenda (4.1 A-95 Review) be adopted; carried unanimously. (Schedeen/Bonner)

#### 5.1 Ordinance No. 81-117, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-3. (Second Reading)

A vote on the previous motion (Kafoury/Burton) indicated that adoption of the ordinance carried unanimously.

#### 5.2 Ordinance No. 81-118, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-4. (Second Reading)

A vote on the previous motion (Berkman/Schedeen) indicated that adoption of the ordinance carried unanimously.

#### 5.3 Ordinance No. 81-119, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-5. (Second Reading)

A vote on the previous motion (Schedeen/Bonner) indicated that adoption of the ordinance carried unanimously.

#### 5.4 Ordinance No. 81-120, An Ordinance for the Purpose of Exempting the Recycling Support Fund Program from Competitive Bidding. (Second Reading)

A vote on the previous motion (Banzer/Rhodes) indicated that adoption of the ordinance carried unanimously.

Resolution No. 81-286, For the Purpose of Declaring a Public Necessity to Acquire Real Property in Oregon City Adjacent to the Clackamas Transfer and Recycling Center and the Resource Recovery Facility.

Executive Officer Gustafson stated that passage of this resolution would clear the way for Metro to send a letter to Southern Pacific Railroad threatening condemnation of the property in order that Eucon Corp. may proceed to expand the property under their present contract which expires January 1, 1982.

Motion that Resolution No. 81-286 be adopted; carried unanimously. (Schedeen/Bonner)

General discussion.

#### 6.1 Executive Officer's Report.

Executive Officer Gustafson introduced Jane Hartline, the Public Involvement Coordinator for the Zoo.