

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING THE)	ORDINANCE NO. 81-119
METRO URBAN GROWTH BOUNDARY)	
IN WASHINGTON COUNTY FOR)	Introduced by the Regional
CONTESTED CASE NO. 81-5)	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.

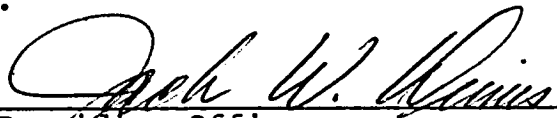
Section 2. In support of the amendment in Section 1 of this ordinance, the Council hereby adopts findings of fact, conclusions and proposed order in Attachment B of this ordinance which is incorporated by this reference.

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. 81-5 for purposes of Metro Code Section 5.02.045.

Section 5. Parties to Contested Contested Case No. 81-5 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

JH/srb/4190B/252

SECTION 35 T1N R4W W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 400'

CURRENT UGB

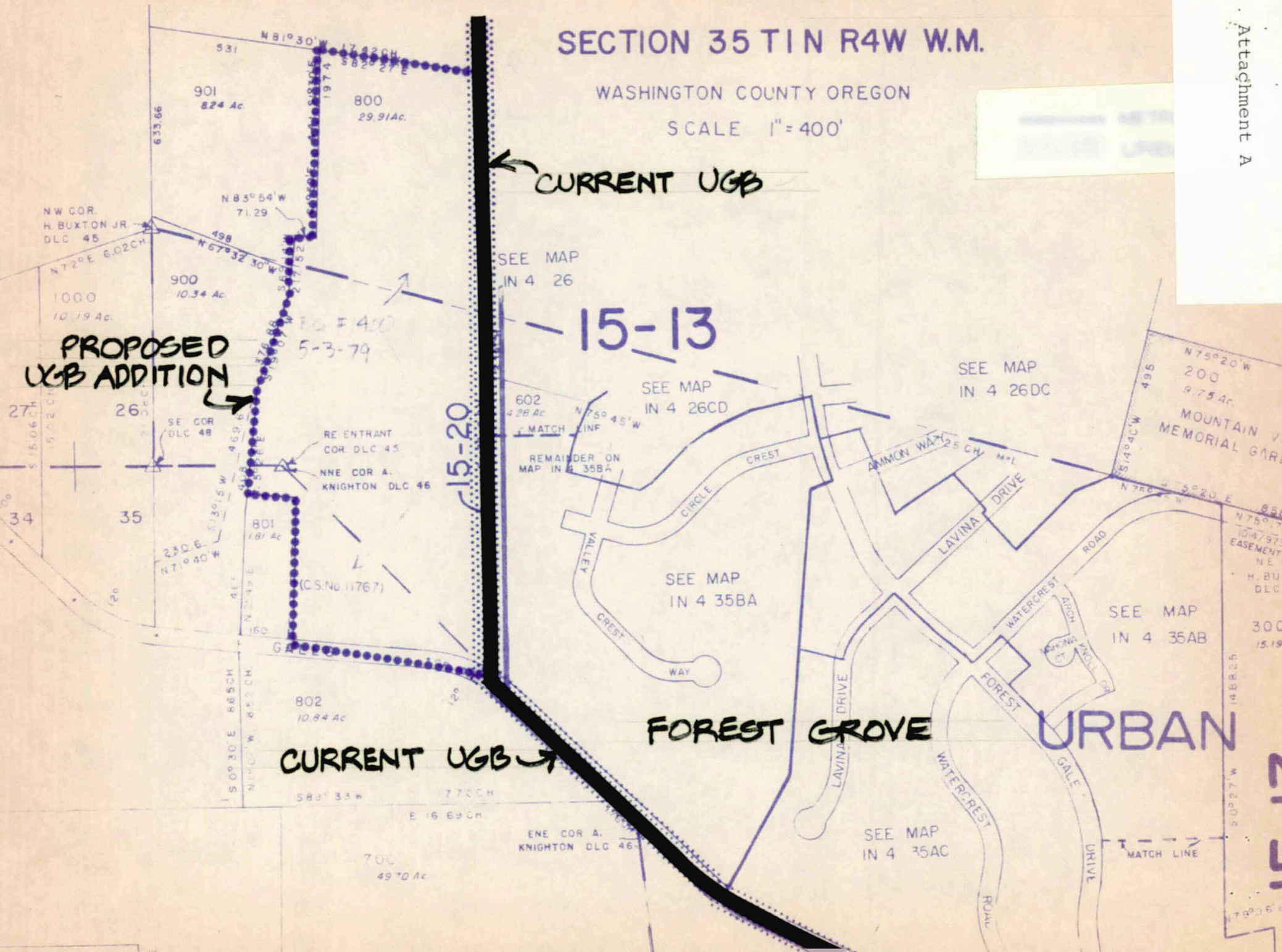
PROPOSED UGB ADDITION

15-13

15-20

FOREST GROVE URBAN

CURRENT UGB



SEE MAP
IN 4 26

SEE MAP
IN 4 26CD

SEE MAP
IN 4 26DC

SEE MAP
IN 4 35BA

SEE MAP
IN 4 35AB

SEE MAP
IN 4 35AC

15-13

METROPOLITAN SERVICE DISTRICT

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3	IN THE MATTER OF A PETITION)	CONTESTED CASE NO. 81-5
	FOR AN URBAN GROWTH BOUNDARY)	
4	LOCATIONAL ADJUSTMENT BY W GK)	FINDINGS OF FACT, CONCLUSIONS
	DEVELOPMENT CORPORATION)	AND PROPOSED ORDER

5

6 This petition for an Urban Growth Boundary (UGB)
7 locational adjustment was presented at a hearing before the
8 undersigned Hearings Officer on September 1, 1981. The petitioner
9 requests a locational adjustment pursuant to Metro Ordinance
10 No. 81-105 to include land at the western edge of Forest Grove
11 within the UGB. The subject property has been considered for
12 annexation by the city of Forest Grove for several years, but the
13 inconsistencies between the City's position and the location of the
14 UGB, as identified by Washington County and Metro have precluded
15 annexation to date. The proposed development would be adjacent to a
16 large phased subdivision within the city of Forest Grove, and if the
17 amendment were approved, would serve as the location for the sewer
18 lines to serve these existing urban properties.

19 The city of Forest Grove and Washington County both
20 recommend approval of this adjustment which is also supported by the
21 service providers.

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

1 of the applicable standards for approval.

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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 areas within the UGB; and any area to be added must be capable of being served in an orderly and economical fashion.

- The area can be provided with services in an orderly and economical fashion.
- The proposed adjustment would improve the efficiency of storm drainage and sewerage service provision for adjacent lands within the UGB.
- No negative effects on the efficiency of public facilities and services has been identified; the net effect of the adjustment would, therefore, be positive.

A(2): Maximum efficiency of land uses. Considerations shall include existing development densities in the area included

1 within the amendment, and whether the
2 amendment would facilitate needed
3 development on adjacent existing urban land.

- 4 - A steep ravine runs through the
5 property, making it about two-thirds
6 undevelopable.
- 7 - Physical barriers to development make
8 an effective demarcation between urban
9 and nonurban land.
- 10 - Where, as commonly, property lines do
11 not follow physical barriers such as
12 ravines precisely, policy alternatives
13 are:

14 (i) to use the property line on
15 the near side of the ravine
16 as the urban growth
17 boundary, i.e., excluding
18 developable lands between
19 the property line and the
20 ravine;

21 (ii) to use the property line on
22 the far side of the ravine
23 as the urban growth
24 boundary, i.e., including
25 both developable and
26 undevelopable lands; or

(iii) place the UGB along the ravine dividing the property to include the developable portion and exclude the undevelopable portion.

- The third alternative serves no useful purpose. A boundary which does not follow property lines is difficult to map and describe with precision, and the inclusion of the unbuildable portion of a lot allows the entire site to be designed as a cluster development which uses the area most efficiently.

- Inclusion of the entire property, both buildable and unbuildable, should be preferred where, by so doing, all adjacent buildable land is included within the UGB, since exclusion would leave a pocket between the urban and nonurban area that is effectively isolated from both and cannot be efficiently utilized for either purpose.

- Where, however, this is not the case, the presence of a physical barrier

1 should be considered neutral: neither
2 inclusion nor exclusion of the
3 property in question would make the
4 UGB co-terminus with a physical
5 barrier at all points and the benefits
6 of bringing the UGB to its physical
7 limits at one point are
8 counterbalanced by the fact that all
9 similarly situated contiguous property
10 is not so treated.

11 - In the subject case, the ravine runs
12 out from the UGB to the north, and so
13 inclusion of the subject site includes
14 all developable land to the west of
15 the City. Approval of the proposed
16 adjustment would, therefore, promote a
17 more effective UGB and improve the
18 efficiency of land use in the area.

19 A(3): Environmental, Energy, Economic and Social
20 Consequences. Any impact on regional
21 transit corridor development must be
22 positive, and any limitations imposed by
23 the presence of hazards or resource lands
24 must be addressed.

25 - There are no resources protected by
26 Goal No. 5 in the area affected.

- The steep slopes are a hazard that
preclude development of a portion of

1 the land. Since development can be
2 clustered on the buildable portion of
3 this site, the presence of this hazard
4 does not have any negative
5 environmental consequences.

- 6 - No other environmental, energy,
7 economic or social consequences,
8 positive or negative, have been
9 identified.

10 A(4): Retention of Agricultural Land: When a
11 petition includes lands with Class I
12 through IV Soils that is not irrevocably
13 committed to nonfarm use, the petition
14 shall not be approved unless the existing
15 location of the UGB is found to have severe
16 negative impacts on service or land use
17 efficiencies in the adjacent urban area and
18 it is found to be impracticable to
19 ameliorate these negative impacts except by
20 means of the particular adjustment
21 requested.

- 22 - The applicant has not argued that the
23 site is entirely irrevocably committed
24 to nonfarm use--in fact, 15 percent of
25 the site is currently being farmed.
26 This standard does, therefore, apply.

- The existing UGB does, however, create
severe negative impacts on the
efficient provision of sewer and storm
drainage facilities that it would be
impractical to ameliorate except by

1 means of the adjustment requested.

2 A(5): Compatibility of proposed urban uses with
3 nearby agricultural activities. When a
4 proposed adjustment would allow an urban
5 use in proximity to existing agricultural
6 activities, the justification in terms of
7 factors (1) through (4) of this subsection
8 must clearly outweigh the adverse impact of
9 any incompatibility.

10 Because of the ravine running through the
11 property, the site is effectively separated
12 from adjoining agricultural uses, and urban
13 development would not be incompatible with
14 them.

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

18 - The adjustment is requested in order
19 to provide more efficient sewer and
20 storm drainage facilities for adjacent
21 urban land and to include within the
22 UGB all buildable lands east of the
23 ravine that runs through the
24 property. There are no similarly
25 situated contiguous lands to which
26 these factors apply.

27 D(3): ADDITIONS SHALL NOT ADD MORE THAN 50 ACRES OF
28 LAND TO THE UGB AND GENERALLY SHOULD NOT ADD
29 MORE THAN TEN ACRES OF VACANT LAND TO THE

1 UGB.... THE LARGER THE PROPOSED ADDITION, THE
2 GREATER THE DIFFERENCE SHALL BE BETWEEN THE
3 SUITABILITY OF THE PROPOSED UGB AND THE
4 SUITABILITY OF THE EXISTING UGB, BASED ON
5 CONSIDERATION OF THE FACTORS IN SUBSECTION (a)
6 OF THIS SECTION.

- 7 - Although the addition adds more than
8 ten acres of vacant lands, only
9 approximately ten acres of the site
10 are buildable.
- 11 - The land use efficiencies of including
12 within the UGB all buildable lands
13 west of the City to the ravine that
14 runs through the subject site make the
15 UGB proposed more suitable than the
16 existing UGB.
- 17 - The service efficiencies alleged also
18 make a compelling case for the greater
19 suitability of the proposed UGB than
20 the existing UGB, but this allegation
21 requires more detailed documentation.

22 D(4): Not applicable.

23
24 CONCLUSIONS AND RECOMMENDATION

25 The undersigned Hearings Officer finds that this petition
26 for locational adjustment has been justified and satisfies each of

1 the applicable standards as set out above. The undersigned
2 recommends that the petition be approved and that an ordinance be
3 adopted to amend the UGB as requested in the petition.

4 Dated this 28 day of Sept, 1981.

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7 Dale M. Hermann
Hearings Officer

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9 DMH/MAH/gl
4132B/259

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BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

IN THE MATTER OF A PETITION)
FOR AN URBAN GROWTH BOUNDARY)
LOCATIONAL ADJUSTMENT BY)
WGK DEVELOPMENT CORPORATION)

CONTESTED CASE NO. 81-5
ORDER

WHEREAS, WGK Development Corporation 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, Conclusions and a Proposed Order; and

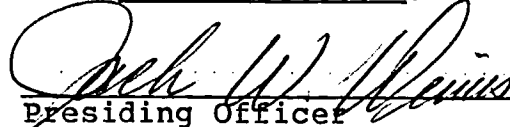
WHEREAS, The Council has reviewed and agrees with the Findings of Fact, Conclusions and Proposed Order as submitted by the Hearings Officer; now, therefore,

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. 81-5.
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

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.