

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE APPROVING IN PART THE)	ORDINANCE NO. 82-129
CITY OF PORTLAND'S PETITION FOR)	
LOCATIONAL ADJUSTMENT OF METRO'S)	Introduced by the Regional
URBAN GROWTH BOUNDARY (UGB) AS)	Development Committee
REQUESTED BY CO-PETITIONERS)	
KENNETH AND MELINDA SCOTT AND)	
AMENDING THE UGB AS APPROVED)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The District UGB, as adopted by Ordinance No. 79-77, is hereby amended as indicated in Exhibit 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, Conclusions and Recommendations in Exhibit B of this Ordinance which is incorporated by this reference.

Section 3. In support of the Findings, Conclusions and Recommendations adopted in Section 3 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 November 23, 1981.

Section 4. For purposes of Metro Code Section 5.02.045 this Ordinance is the final order in that portion of Contested Case No. 81-6 regarding the area shown in Exhibit A.

Section 5. Parties to Contested Case No. 81-6 may appeal this Ordinance under 1979 Or. Laws ch. 772.

ADOPTED by the Council of the Metropolitan Service District
this 4th day of March, 1982.

Cindy Banzer
Presiding Officer

ATTEST:

Sue Haynes
Clerk of the Council

JH/srb
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02/12/82

URBAN

GLEN HARBOR

10

WILLALATIN PARK

MARINE VIEW

MAYBROOK

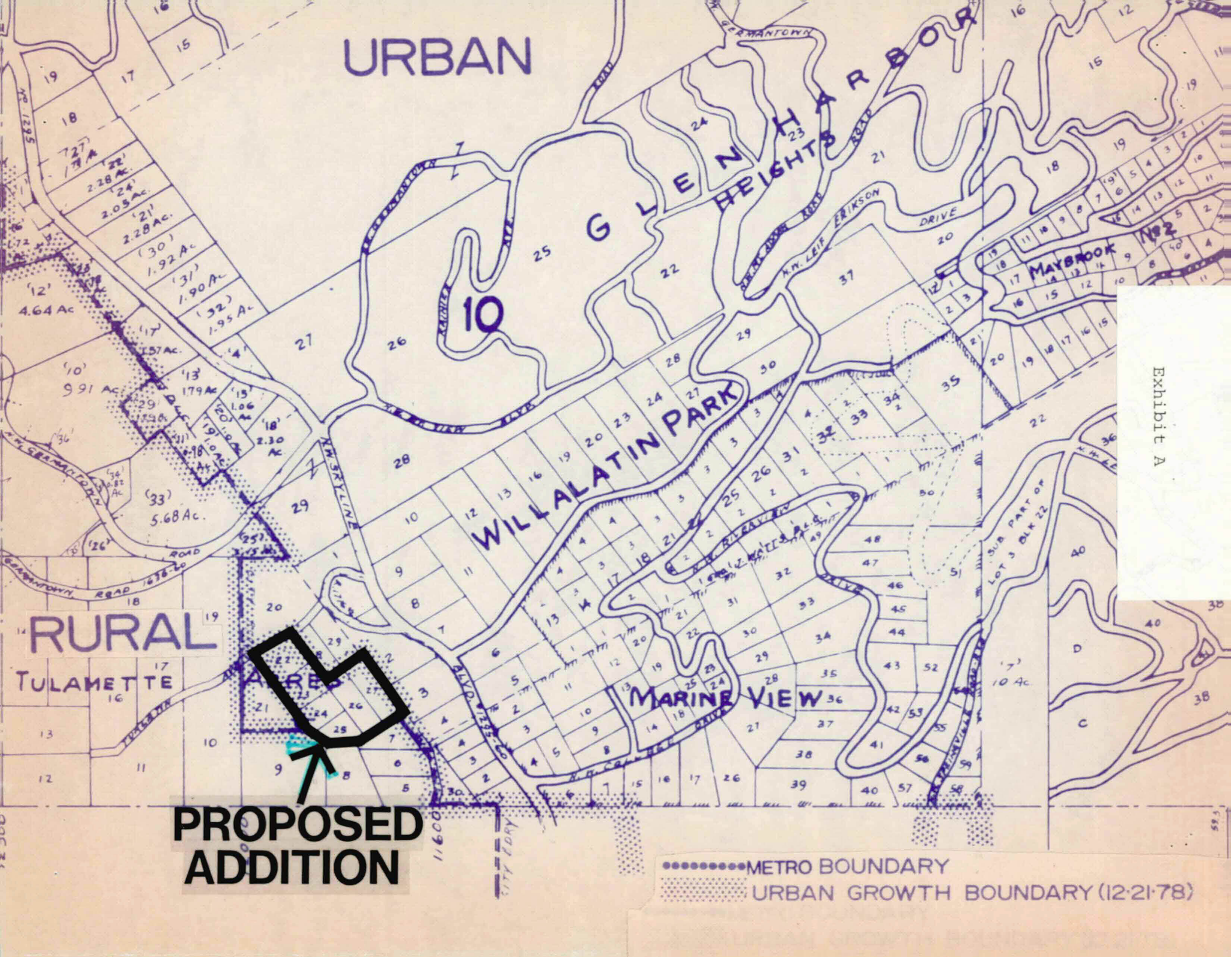
RURAL

TULAMETTE

PROPOSED ADDITION

Exhibit A

.....METRO BOUNDARY
.....URBAN GROWTH BOUNDARY (12-21-78)



BEFORE THE HEARINGS OFFICER
OF THE METROPOLITAN SERVICE DISTRICT

Petition for Locational Adjust-)	NO. 81-6
ment by City of Portland and)	
Co-Petitioners Kenneth and)	FINDINGS, CONCLUSIONS AND
<u>Melinda Scott</u>)	RECOMMENDATION

III. ADDITION OF SCOTT PROPERTY

Summary:

This petition is to add 4.57 acres to the UGR located near Skyline Boulevard south of the intersection of Germantown Road and abutting NW Tualatin Avenue. The site is currently in Multnomah County and is surrounded on the west, north and east sides by the City of Portland in the Forest Park area.

Both Multnomah County and the City of Portland have expressed approval of the adjustment and the subsequent annexation to the City. Other service providers contacted have expressed support of the proposal, except the Portland Bureau of Planning, Transportation Department, which had no comment.

STANDARDS FOR APPROVAL
FINDINGS AND CONCLUSIONS

1. The standards set forth in 81-105, Section 9(a) (1)-(5), and my Findings and Conclusions with regard to these standards are set forth below:

Finding:

The subject site is currently vacant.

The petitioner has applied to Multnomah County for a zone change from Multiple Use Forest (MUF-19) to Urban Low Density Residential with a minimum lot size of 40,000 square feet (LR-40). The County, however, approved a change to F-2, which allows a minimum lot size of two acres. This zone is equivalent to the City's zone of Farm and Forest which applies to the adjacent urban land on most sides of the site in question. This zone change allows the construction of two residences instead of the three originally planned by the applicant.

The proposed level of development is not inconsistent or incompatible with the surrounding City land which is zoned Farm and Forest.

Conclusion:

The inclusion of this site within the UGB to a small degree would facilitate development on adjacent urban land by removing a small pocket of previously non-urbanizable land.

Section 8(a)(3):

"Environmental, Energy, Economic and Social Consequences. Any impact on regional transit corridor development must be positive, and any limitations imposed by the presence of hazards on resource lands must be addressed."

Finding:

There is no evidence in the record that the addition of two or three residences on this particular site will have any environmental, energy, economic or social consequences. The property had been designated by Multnomah County for Multiple Use Forest. Its small size, however, and the fact that it is nearly surrounded on all sides by urban land would limit its forestry use. There are no other natural resources or construction hazards which would inhibit the development proposed.

There would be no impact on the regional transit corridor.

Conclusion:

Based upon the above Finding, this standard has been satisfied.

Section 8(a)(1):

"(a) ... locational adjustments shall be consistent with the following factors:

(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."

Finding:

No sewer service is planned for the two or three proposed residential structures on the site. The Multnomah County Sanitation Engineer has tentatively approved three subsurface sewage disposal systems to serve the residences. Since sewer extension to the adjacent land within the UGB is impractical, septic tanks provide for economic sewerage disposal.

The development proposed for the site would have little impact on storm drainage nor would it strain the capacity of the school system.

The City Water Bureau has determined that City water can be provided efficiently and will probably require extension of water mains to the site.

According to Findings submitted by Multnomah County, the extension of water service and the improvement of access roads on the subject site may facilitate the provision of these services to the parcel northwest of the site which is already in the UGB and which is zoned Farm and Forest.

Conclusion:

The impact on service efficiency for water and roads to the adjacent land within the UGB would be positive in that usage of existing facilities could be increased without overloading their capacity. The area is capable of being served in an orderly and economical fashion by all needed public facilities and services.

Section 8(a)(2):

"Maximum Efficiency of Land Uses. Consideration shall include existing development densities on the area included within the amendment, and whether the amendment would facilitate needed development on adjacent existing urban land."

Section 8(a)(4):

"Retention of Agricultural Lands. When a petition includes land with Class I through IV Soils, that is not irrevocably committed to nonfarm use, the petition shall not be approved unless the existing location of the UGR is found to have severe negative impacts on service or land use efficiency in the adjacent urban area, and it is found to be impractical to ameliorate those negative impacts except by means of the particular adjustment requested."

Finding:

Since Multnomah County's plan has been acknowledged by LCDC, the fact that the County has not reserved this site for Exclusive Farm Use is sufficient evidence that the land is irrevocably committed to non-farm use.

Section 8(a)(5):

"Compatibility of Proposed Urban Uses with Nearby Agricultural Activities. When a proposed adjustment would allow an urban use in proximity to existing agricultural activities, the justification in terms of factors (1) and (4) of this Subsection must clearly outweigh the adverse impact of any incompatibility."

Finding:

There is no land adjacent to the site, either in or outside the UGR, which is being farmed for commercial purposes. The proposal would not, therefore, produce incompatible land use patterns.

Conclusion:

Based upon the above Finding, this standard, therefore, does not apply.

2. Section 8c(3) provides:

"If, in considering factor (1) of Subsection (a) the petitioner fails to demonstrate that existing or planned public services or facilities can adequately serve the property to be added to the UGR without upgrading or expanding the capacity of those facilities or services, the petition shall not be approved absent a showing of unusual circumstances."

Finding:

The petitioner has demonstrated that existing or planned public facilities or services can adequately serve the property

to be added to the UGB without upgrading or expanding the capacity of such facilities or services.

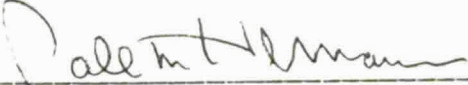
Conclusion:

Based upon the above Finding, this standard has been satisfied.

RECOMMENDATION

In regard to the petition for the addition of the Scott property as noted in Paragraph III above, this proposed addition meets all of the requirements of Ordinance 91-105 and, therefore, it should be approved.

Dated: December 22, 1981.



Dale M. Hermann
Hearings Officer

ADDENDA TO EXHIBIT B PROPOSED BY STAFF:

This locational adjustment has also been reviewed against and found to meet the following applicable standards:

Standard 8(d)(2):

For all other additions, the proposed UGB must be superior to the UGB as presently located based on a consideration of the factors in subsection (a). The minor addition must include all similarly situated contiguous land which could also be appropriately included within the UGB as an addition based on the factors in subsection (a).

Finding:

The Hearings Officer has found that the UGB is superior to the UGB as presently located, for the reasons set forth above. The following Findings from Multnomah County's review of this addition demonstrate that it includes all similarly situated contiguous property:

"There are about seven homes within a 1/2-mile radius of the site and within unincorporated Multnomah County.

The applicant's site is located at about the center of the easterly edge of a five square mile area of unincorporated Multnomah County surrounded by City jurisdiction on the north, east and south, and by Washington County on the west.

- a. Within this area roughly the easterly two contiguous square miles are designated MUF and about the westerly 2-1/2 square miles are designated MUA-20.
 - (1) The MUF district is more restrictive than the MUA-20 because the former requires aggregation of contiguous substandard parcels under common ownership while the latter does not and because the former allows non-resource uses only as a conditional use, while the latter allows residential use on any lot of record as a primary use.
 - (2) The area which is zoned MUF is primarily characterized by larger forested tracts than the MUA-20 area. The MUA-20 area is characterized by a mixture of rural residential uses abutting County roads and by a mixture of non-commercial timber uses and mixed agricultural uses, primarily pasture.
- b. The southerlymost 1/2 square mile of this five square mile area is designated and zoned Rural Residential,

which permits single family homes on new lots of at least five acres in area or on existing lots of record of any size. This area is about 1-2/3 miles southeast of the applicant's property.

The MUF area abutting the site to the west and south are sloped to the west and south respectively and are therefore in a different drainage pattern from and have a different solar orientation than the applicant's parcel. The applicant's property is part of a funnel-shaped "fold" the edges of which are relatively higher, whose wide end adjoins Skyline Boulevard and whose tip is at the channel's end at the southwest corner of lot 23. The applicant's property is oriented toward the centerline of that funnel and thus differs from surrounding property in unincorporated Multnomah County in its orientation.

The MUF areas to the south and east are generally more heavily forested than the applicant's site, except for portions of lots 9 and 10 of Tulamette Acres which are cleared of vegetation."

Conclusion:

The proposed addition of the Scott property creates a UGB superior to the existing UGB and includes all similarly situated contiguous property.

Standard 8(d)(3):

Additions shall not add more than 50 acres of land to the UGB and generally should not add more than 10 acres of vacant land to the UGB. Except as provided in subsection (4) of this subsection, the larger the proposed addition, the greater the differences shall be between the suitability of the proposed UGB and suitability of the existing UGB, based upon consideration of the factors in subsection (a) of this section.

Finding:


The proposed adjustment would add 4.57 acres of vacant land. The burden of proof for addition of this site is relatively light.

Conclusion:

The difference between the proposed UGB and the existing UGB is slight but positive, as indicated in the above findings. The degree to which the proposed adjustment improves upon the existing UGB is sufficient to warrant an amendment of this size.

March 4, 1982

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: Approving In Part a Petition by the City of Portland for a Locational Adjustment as Requested by Co-petitioners Kenneth and Melinda Scott and Amending the UGB as Approved

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adoption of Ordinance No. 82-129, approving in part a petition by the City of Portland for a locational adjustment as requested by co-petitioners Kenneth and Melinda Scott and amending the UGB as approved.
- B. POLICY IMPACT: 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. Adoption of the Hearings Officer's Recommendation would add another five acres to urban area.
- C. BUDGET IMPACT: None.

II. ANALYSIS:

- A. BACKGROUND: Last July, Kenneth and Melinda Scott submitted a petition for a locational adjustment of the UGB to include their property. When the City of Portland subsequently voted to petition Metro for a trade involving the addition of 170 acres in the Jenne Lynd Acres area on the eastside and the removal of 170 acres in Schoppe Acres area on the westside, the City included, at the Scott's request, the Scott property in its petition. Both the City and Multnomah County reviewed the Scott adjustment separately from the remainder of the City's petition and both bodies voted unanimously to support this adjustment.

Portland's entire petition was given a hearing before Metro Hearings Officer Dale Hermann on November 23, 1981. Although the Hearings Officer recommended that the remainder of the City's petition be denied, he found that the addition of the Scott's property met the standards in Ordinance No. 81-105 and he recommended accordingly that it be approved. None of the parties to Contested Case No. 81-6 filed exceptions to this portion of the Hearings Officer's recommendation. The Committee reviewed the Hearings Officer's Recommendations at its January 19 and February 8 meetings. Although they did not endorse the Hearings Officer's recommendation on the remainder of the City's petition, the Committee supported his Findings and Recommendations regarding the Scott property.

The remainder of the City's petition will not be before the Council until March 25. Action on this uncontested portion of case is requested at an earlier date in order to relieve the Scotts of further, unnecessary delay.

The Hearings Officer's Findings, Conclusions and Recommendations regarding the Scott property have been excerpted from his full report and are attached as Exhibit B. In addition, Exhibit B includes addenda proposed by staff to address findings on those standards for additions which were not addressed in the original staff report because they did not apply in the case of a trade and which were inadvertently omitted from the Hearings Officer's report.

- B. ALTERNATIVES CONSIDERED: The alternative of denying this portion of the City's petition is not recommended by either the Hearings Officer or the Development Committee and would be inconsistent with the standards for approval of additions as applied by the Council in action on other petitions this year.
- C. CONCLUSION: The Council should adopt the attached Ordinance to amend the UGB to include the Scott property.

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air and in fact, it is projected that the area will more than meet the goal.

Coun. Burton reported that a resolution of differences between the Portland and Vancouver plans is being pursued. It has not yet been decided how the "cushion" of offsets will be credited to Portland and Vancouver.

Don Bryan of the Portland Air Quality Advisory Committee spoke in favor of adoption of the SIP's.

7.2 Resolution No. 82-307, Providing for the Metropolitan Citizens' League Review and Recommendation on Metro's Governing Structure.

Motion to adopt Resolutio No. 82-307. (Bonner/Etlinger)

Motion to amend the Resolution by deleting the following wording in the paragraph numbered 1. in the Resolution:

"...with a view to recommending ways to improve Metro's fundamental governing structure as set forth in the State statutes."

(Rhodes/Deines); carried by the following roll call vote:

YEAS: Williamson, Kafoury, Etlinger, Rhodes, Oleson, Schedeen and Berkman.
NAYS: Bonner, Deines, Banzer, Burton and Kirkpatrick.

7.3 Resolution No. 82-308, A Resolution Establishing Budget Control Procedures.

Motion that Resolution No. 82-308 be adopted; carried unanimously. (Burton/Berkman)

7.4 Resolution No. 82-309, In the Matter of Initiating a Metropolitan Service District Boundary Annexation to Include the Area of the Waldo View Estates UGB Amendment.

Motion that Resolution No. 82-309 be adopted; carried. (Bonner/Schedeen, Kafoury voting "no")

7.5 Resolution No. 82-310, A Resolution Providing for the Assessment of Dues to Local Governments for FY 1983.

Motion that Resolution No. 82-310 be adopted; carried unanimously. (Deines/Kirkpatrick)

Prior to the vote on adoption of the resolution, there was a motion by Coun. Etlinger, seconded by Coun. Bonner, to increase the dues from 50¢ to 51¢ per apita. The motion on the amendment failed by a 2-10 vote.

8.1 Public Hearing on Ordinance No. 82-129, An Ordinance Approving in Part the City of Portland's Petition for Locational Adjustment of Metro's Urban Growth Boundary (UGB) as Requested by Co-petitioners Kenneth and Melinda Scott and Amending the UGB as Approved.

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

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

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

MARCH 4, 1982

Members present: Couns. Banzer, Deines, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes and Williamson.

Members absent: Couns. Berkman, Bonner, Burton and Schedeen.

Staff present: Andy Jordan, Dan LaGrande, Kay Rich and Ethan Seltzer.

Visitors present: Bob Weil, Metropolitan Citizens' League.

The meeting was called to order by Presiding Officer Banzer. There were no written or citizen communications to Council.

4. Councilor Communications.

Coun. Oleson introduced Resolution No. 82-316, Relating to the Development of a Solid Waste Transfer Station in Washington County, and asked that the resolution be referred to the Services Committee for consideration at their next meeting. He stated it is important for Metro to respond to the Washington County Solid Waste Advisory Committee promptly.

The resolution was referred to the Services Committee.

Presiding Officer Banzer noted the Metro employees art show, the works of which may be seen in the hallways of the building.

5.1 Ordinance No. 82-128, For the Purpose of Adopting and Implementing the Regional Stormwater Management Plan. (Second Reading)

Coun. Rhodes stated that there had been some amendments made in the ordinance; language changes making the plan voluntary rather than mandatory and an amendment proposed by Coun. Deines adding the provision in the Plan that program activities would take place subject to availability of financial resources.

A vote on the previous motion (Oleson/Rhodes) to adopt the ordinance carried unanimously.

5.2 Ordinance No. 82-129, Approving in Part the City of Portland's Petition for Locational Adjustment of Metro's Urban Growth Boundary (UGB) as Requested by Co-petitioners Kenneth and Melinda Scott and Amending the UGB as Approved. (Second Reading)

A vote on the previous motion (Bonner/Schedeen) to adopt the ordinance carried unanimously.

5.3 Ordinance No. 82-130, Adopting Contract Procedures and Establishing a Contract Review Board. (Second Reading)

Council considered a memo from Andy Jordan suggesting the following amendments: