

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE APPROVING IN PART THE) ORDINANCE NO. 82-147
CITY OF PORTLAND'S PETITION FOR)
LOCATIONAL ADJUSTMENT OF METRO'S)
URBAN GROWTH BOUNDARY (UGB) FOR)
THE AREA KNOWN AS SCHOPPE ACRES)

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 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 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.

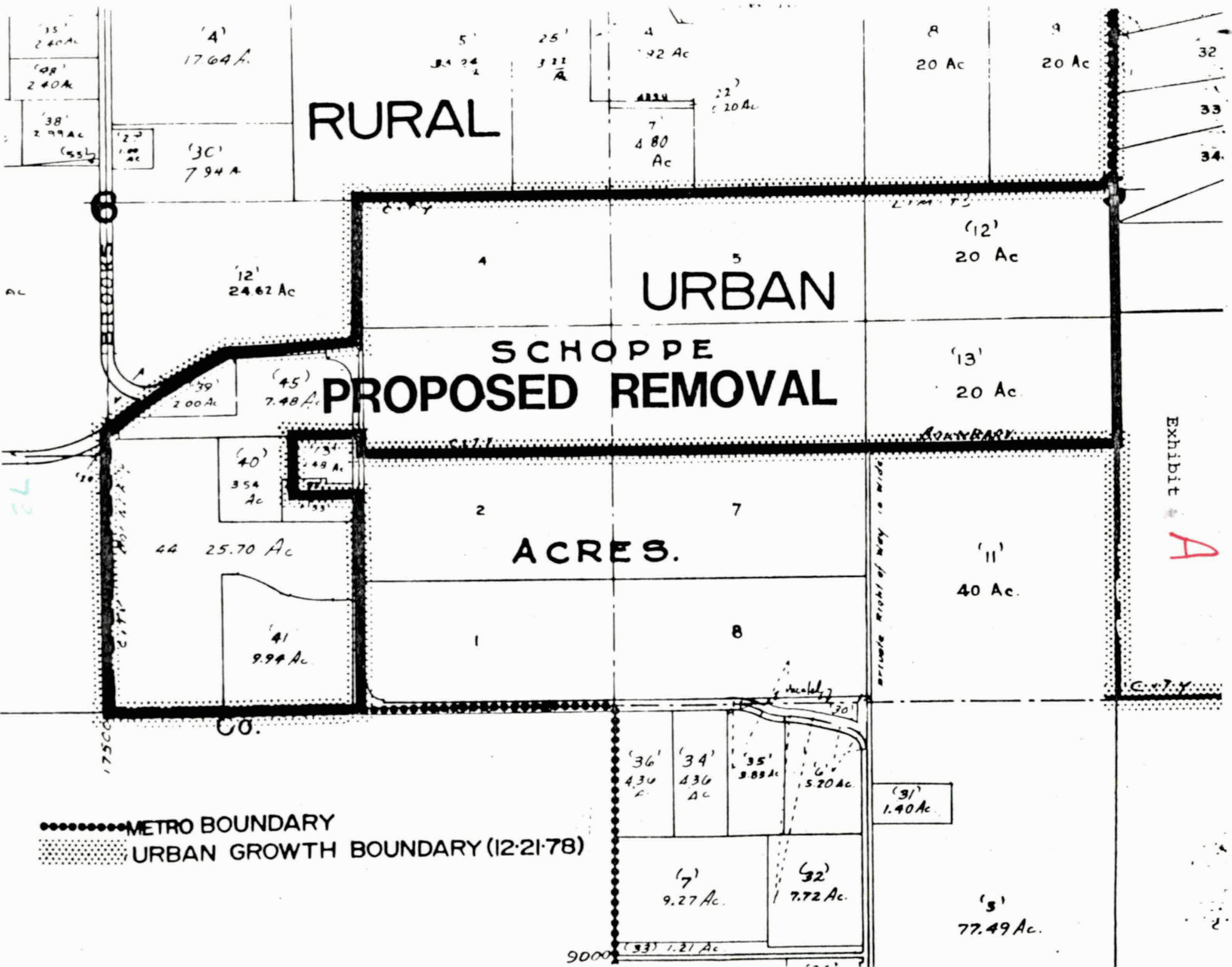
ADOPTED by the Council of the Metropolitan Service District
this 2nd day of December, 1982.



Presiding Officer

ATTEST: 

Clerk of the Council



RURAL

URBAN

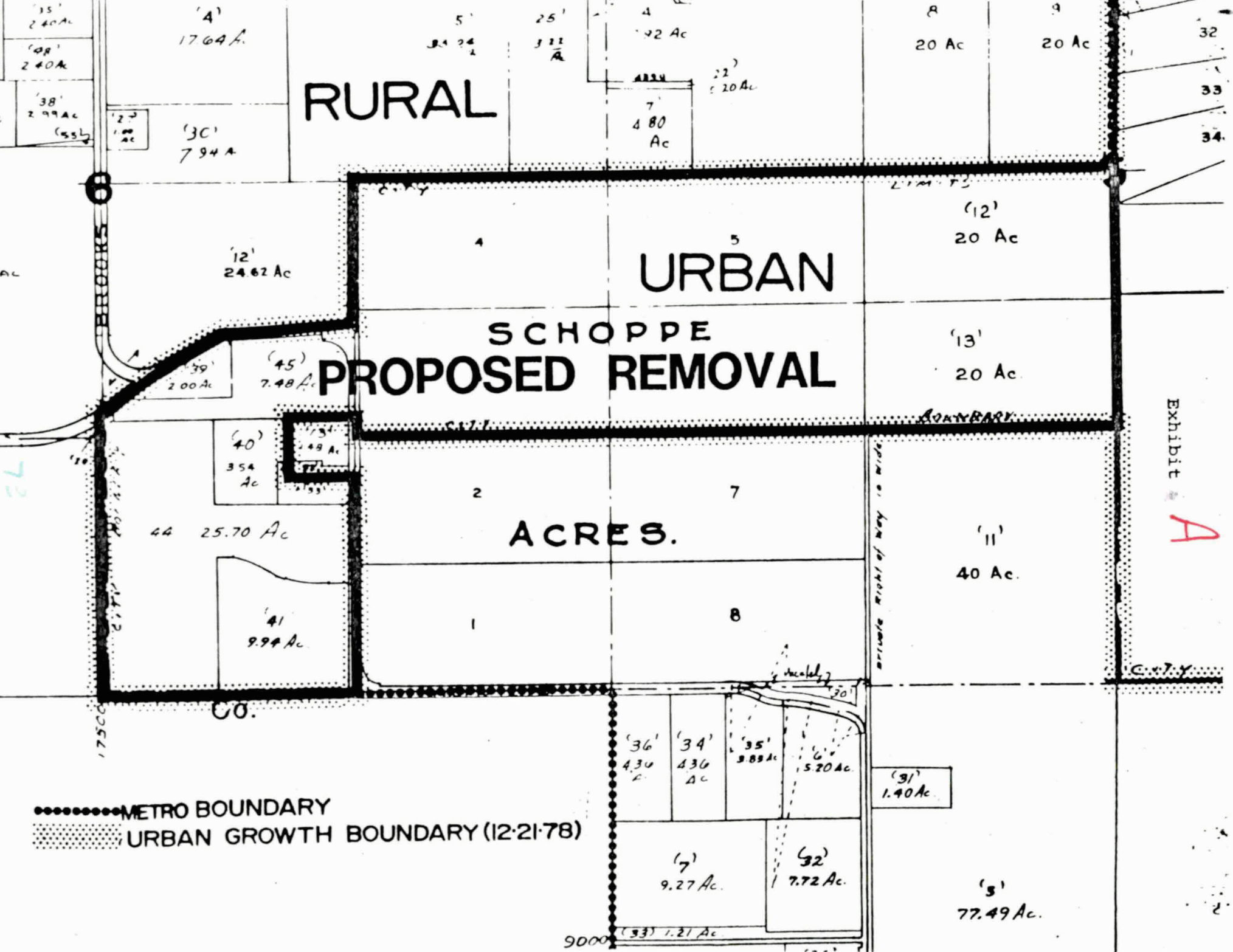
SCHOPPE
PROPOSED REMOVAL

ACRES.

Exhibit

A

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



FINDINGS, CONCLUSIONS AND PROPOSED ORDER
OF THE REGIONAL DEVELOPMENT COMMITTEE IN
CONTESTED CASE NO. 81-6: PETITION FOR
LOCATIONAL ADJUSTMENT BY CITY OF PORTLAND

INTRODUCTION

The City's petition involves proposed UGB changes in three areas: 1) the removal of 170 acres at Schoppe Acres; 2) the addition of 170 acres at Jenne Lynd Acres; and 3) the addition of five acres owned by Kenneth and Melinda Scott. The Scott property is the subject of separate Council action; this report addresses the first two areas.

The standards for approval of the City's request are the standards for trades found in Section 8(c) of Ordinance No. 81-105. These standards require an evaluation of the merits of each area proposed for removal (Subsection c(1)) and addition (Subsections c(2) and c(3)), as well as evaluation of the overall merits of the entire trade (Subsections c(4) and c(5)).

The format of this report is first to evaluate each area individually against the applicable standards, and then to use these evaluations in making the findings necessary on the entire trade. The discussion of the Jenne Lynd Acres area begins on p. ____ .

I. REMOVAL OF SCHOPPE ACRES

Summary:

This petition is one part of a three-part proposal by the City of Portland for a locational adjustment involving a trade of approximately 170 acres to be removed from the Urban Growth Boundary (UGB) and approximately 175 acres to be added to the UGB.

This section examines the petition to remove 170 acres located at the extreme northwest "hook" of the City of Portland in the vicinity of Kaiser, Brooks and Quarry Roads. The area is rural in character and contains four dwelling units.

Of the service providers contacted, all of them support the proposed de-annexation and subsequent UGB adjustment. Multnomah County did not review this portion of the City's proposed trade since most of the land is now within the City's jurisdiction.

Standards for Approval (Section 8(c), Ordinance No. 81-105):

c(1): THE LAND REMOVED FROM THE UGB MEETS THE CONDITIONS FOR REMOVAL IN SUBSECTION (b) OF THIS SECTION.

b(1): CONSIDERATION OF THE FACTORS IN SUBSECTION (a) OF THIS SECTION DEMONSTRATE THAT IT IS APPROPRIATE THAT THE LAND BE EXCLUDED FROM THE UGB.

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.

- According to the City, the land under consideration was annexed in 1965 as the first stage in a plan to extend City services south to Sunset Highway. The plan has since been abandoned.
- The land does not currently receive the full level of urban services. The nearest City water line is to the east at NW Skyline Boulevard. Private wells currently serve the four residences in the area.
- The surrounding roads are not improved to urban standards and there is no convenient bus service to the site. By not allowing urban development, which would create new transportation demands in an isolated area, transportation efficiency is enhanced.
- There is no sewer service and there are no plans to extend sewer lines to the area. Because of topography, the logical trunk line would extend from USA facilities in Washington County. It would, however be impractical for USA to extend trunk lines through the intervening non-urban area solely to serve this narrow strip of urban land.
- Maintenance of roads in the area would remain the responsibility of Multnomah County. Removal of the land would not result in a change of responsibility for road maintenance.
- The removal of this land from the UGB would reduce the amount of City land which is expensive and relatively inefficient to serve at urban levels with police and fire protection. The net effect of this proposal, therefore, would be a slight increase in overall service provision efficiency.

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.

- The City's current plan designation for the land is Farm and Forest, which permits agricultural use and residential development with a minimum lot size of two acres. This land, which is unsubdivided and either in agricultural use or heavily wooded, is similar to the surrounding rural land already outside the UGB. The removal of this land would not hinder the development of the adjoining urban land lying to the east.
- In December 1980, the City approved a property owner's request for de-annexation of thirty-three (33) acres on the site currently proposed for UGB removal. This action resulted in a noncontiguous boundary for the City. The proposed UGB adjustment in conjunction with the de-annexation of the remaining land in question would re-establish a contiguous and presumably more efficient City boundary.
- The property is surrounded by non-urban land on three sides. Its removal would create a straighter more effective UGB.

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 or resource lands must be addressed.

- The site in question is not located near any regional transit corridors.
- Land which is not in agricultural use contains stands of trees which might be retained as timber or other forest resource if the site is removed from the UGB. The surrounding land, currently under Multnomah County's jurisdiction, is zoned either Multiple Use Agriculture or Multiple Use Forest.
- There have been no other resources identified which would inhibit urban development if the land were to remain

within the UGB, other than the agricultural resource discussed in a(4) below.

a(4): Retention of agricultural land. 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 UGB 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.

- The soils on the subject site range from Class III to Class VI. The City notes that much of the land which is not wooded is being farmed, as is the adjacent land already outside the UGB. Approximately eighty (80) acres are under farm tax deferral status.
- Removing this land from the UGB would promote its retention as agricultural land.

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) through (4) of this subsection must clearly outweigh the adverse impact of any incompatibility.

- Non-urban use for the area would be more compatible with adjoining non-urban lands zoned Multiple Use Forest or Multiple Use Agriculture.
- The land immediately east of the site which would remain in the UGB is zoned by the City as Farm and Forest with a two acre minimum lot size for residential development. It is unlikely, at the densities allowed, that this adjoining urban land would prove incompatible with agricultural activity on the site proposed for removal from the UGB.

b(2): THE LAND IS NOT NEEDED TO AVOID SHORT-TERM LAND SHORTAGES FOR THE DISTRICT OR FOR THE COUNTY IN WHICH THE AFFECTED AREA IS LOCATED AND ANY LONG-TERM LAND SHORTAGE THAT MAY RESULT CAN REASONABLY BE EXPECTED TO BE ALLEVIATED THROUGH ADDITION OF LAND IN AN APPROPRIATE LOCATION ELSEWHERE IN THE REGION.

- The trade proposed involves the addition of approximately 131 vacant acres and the removal of approximately 166 vacant acres, resulting in the net removal of 35 vacant acres in Multnomah County. However, since Schoppe Acres is unlikely to be sewerred even it remains in the UGB, the development potential of the land to be added is actually greater than that of the area to be removed.
- On the 166 vacant acres proposed for removal, the probable conversion from City zoning (two-acre lots) to County zoning (20-acre lots) would decrease the potential population by approximately 137. This would have little impact on the projected year 2000 capacity even for that portion of Multnomah County west of the Willamette.
- The proposal will not create short- or long-term land shortages in either the District or the County.

b(3): REMOVALS SHOULD NOT BE GRANTED IF EXISTING OR PLANNED CAPACITY OF MAJOR FACILITIES SUCH AS SEWERAGE, WATER AND ARTERIAL STREETS WILL THEREBY BE SIGNIFICANTLY UNDERUTILIZED.

- As noted above, the City does not serve the subject property with sewer or water and there are no plans to extend these services. The adjacent land on the eastern border, which would remain within the UGB, is zoned by the City for low density residential/agricultural use (Farm and Forest). There is little likelihood that the City will invest in high capacity water and sewer lines in the area.
- Of the access roads serving the subject property, Skyline Boulevard has never been upgraded to urban standards. Multnomah County maintains Skyline as well as Brooks and Kaiser Roads.
- Since urban level services have not been planned, no existing or planned services will be underutilized as a result of the proposed removal.

b(4): NO PETITION SHALL REMOVE MORE THAN 50 ACRES OF LAND.

- This standard does not apply to land removed as part of trade. See discussion at c(4) in Section IV of this report.

II. ADDITION OF JENNE LYND ACRES

Summary:

The Jenne Lynd Acres area is approximately 170 acres located between the cities of Portland and Gresham, forming a non-urban "hook" in the UGB. The area is divided into some 80 parcels owned by some 40 property owners. About half the parcels are developed for single family use. The lots range in size from less than one acre to over 10 acres. Johnson Creek runs along the western and northern edges of the area. A portion of the area is located within the 100-year floodplain and the entire area is within the Johnson Creek drainage basin. Jenne Road runs through the area from Foster Road to the south to S. E. 174th to the north. All three of these roads require upgrading to serve existing and planned development.

Standards for Approval, Section 8, paragraph c, of Ordinance No. 81-105:

c(2): CONSIDERATION OF THE FACTORS IN SUBSECTION (A) OF THIS SECTION DEMONSTRATE THAT IT IS APPROPRIATE THAT THE LAND TO BE ADDED SHOULD BE INCLUDED WITHIN THE UGB.

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.

WATER AND SEWER:

- A 12-inch City of Portland water line (former supply line) is located in Jenne Road and already serves about ten households because of failures in private water supplies. The reliability of supply in the area has been improved by the recent construction of storage facilities and a transmission line in the Clatsop Butte area to the west of Jenne Lynd Acres. Construction of an underground reservoir on Powell Butte will further increase water pressure and supply to the area. The existing 12" line is available for immediate extension to serve additional development.
- The area is in the Johnson Creek Interceptor service area. Current sewer lines exist north of Johnson Creek in Circle Avenue and to the southwest at Foster and 162nd Avenue. The Johnson Creek Interceptor was constructed to accommodate development in this area at no greater density than is permitted by R10 zoning. Sewer extensions

into this area would likely be funded through a Local Improvement District (LID). Opponents who could remonstrate against an LID for their area, argued that they would not support such an improvement because they have functioning septic tanks and could not afford the cost of such a system.

- Because no system improvements would be needed to water storage and transmission facilities or to sewer lines in order to serve this area, the addition would increase the efficiency of water and sewer services within the existing UGB by increasing overall system usage for little or no increase in cost. Water and sewer service can also both be provided efficiently to the area, but unless and until area residents support annexation and the extension of city services, these services are unlikely to be provided.

TRANSPORTATION:

- Jenne Road, running through the area, as well as Foster Road and S. E. 174th, serving both the area affected and the adjacent urban area, will require upgrading to serve existing and projected traffic, whether or not the subject petition is approved.
- The City of Portland is currently conducting a Mt. Scott/Powell Butte Transportation Study to identify improvements needed in its study area. The City will include an analysis of improvements needed as a result of this addition, if it is approved.
- The City estimates that urbanization of the area would produce a maximum of 418 units, generating 4,180 trips a day on Jenne Road. These trips would represent about 16 percent of projected traffic on Jenne at Foster and about 11 percent of the projected traffic on 174th south of Powell.
- Approval of this addition would allow the City to plan the road improvements needed to serve an urban level of development for the subject site and to establish appropriate design and improvement standards to be applied in conjunction with approval of development requests in this area.
- Some means of mitigating the volume and danger of traffic on Jenne Road, whether through road improvements or through development of alternate routes, will have to be found even if Jenne Lynd remains rural. The road does now serve area

residents and will continue to do so if the area is urbanized. The increased traffic resulting from urbanization can be considered a negative impact on transportation service in the area itself (on Jenne Road) and in the adjoining urban area (on Foster, Powell and 174th). However, inclusion within the UGB would have the positive effect of allowing for the traffic problems in this area to be studied and resolved on a comprehensive basis and based on consideration of ultimate development patterns and traffic demand, provided the entire area is under the control of one jurisdiction. In net, the positive and negative effects in both the area itself and the adjoining urban area balance one another and the overall effect is judged neutral.

SCHOOLS:

- The Centennial School District as a whole has had declining enrollment.
- The area is served by Pleasant Valley School, where enrollment has been increasing. Starting next year, students in the seventh and eighth grades will be transferred to Lynch Terrace Middle School. If there are no further increases in enrollment at Pleasant Valley, enrollment after the seventh and eighth graders are transferred would then be at 1977-1978 levels for students remaining at Pleasant Valley.

In addition, four additional classrooms have been added at Pleasant Valley. Centennial School District initially filed a position of "no comment"; however, the Superintendent of the District later submitted a letter stating that the District disapproves of the locational adjustment because of resulting transfers and disruption for the Pleasant Valley School attendance area. The Superintendent also states that the District is prepared to meet the growth of Anderegg Meadows and Hunters Highlands developments, but "additional development in the Jenne Lynd neighborhood could create overloads in those schools bordering the southern portion of our District."

- According to the testimony of the Superintendent of the Centennial School District, urbanization of this area may cause some disruption and overcrowding in the service area for the Pleasant Valley School. However, because enrollments have been declining in the rest of the District, the

District as a whole does have the capacity to provide school services to the area. For that portion of the School District within the existing urban area, the increase in enrollment that would result from including this area within the UGB might be considered to increase the District's efficiency, but without the District Superintendent's support for this view, the impact on the adjacent urban area must be considered neutral.

STORM DRAINAGE:

- If and when the land is resubdivided for urban level development, facilities for detention and release of stormwater would be provided. The City of Portland's subdivision ordinance requires that adequate drainage facilities be provided as determined by the City Engineer.
- The provision of drainage facilities for the area would neither increase nor decrease the efficiency of storm drainage facilities in the adjoining urban area. The environmental consequences of urbanization of this area regarding drainage and flooding are discussed under a(3), below.

POLICE AND FIRE PROTECTION:

- The City of Portland would provide police protection for the area if it were annexed. Although response time would increase somewhat, emergency service would be dispatched from the closest available unit, whether City or County, through the 911 system.
- The area is currently served by RFPD #10. The Portland Fire Bureau commented that should annexation occur, RFPD #10 would continue to provide protection for the area via contract with the City. Fire hydrants connected to the existing water lines in Jenne Road would be provided by the Water Bureau upon annexation.
- The area can be provided with adequate police and fire protection without increasing or decreasing the efficiency of these services to the adjoining urban area.

CONCLUSIONS:

- The area can be provided with urban services in an orderly and economical fashion, provided it is annexed in its entirety to a city which is

responsible for sewer extension and capable of identifying and implementing transportation improvements needed to relieve traffic hazard and congestion in and adjacent to the area.

Urbanization would have neither a positive nor a negative impact on the provision of police and fire protection, transportation, schools and storm drainage to the adjacent urban area; but would increase the efficiency of existing water and sewerage facilities in the adjacent urban area, resulting in a net increase in services overall. This increase in efficiency is particularly significant when evaluated in conjunction with the efficiencies achieved through removal of Schoppe Acres in trade for this addition.

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.

- The area is abutted by the Urban Growth Boundary and the city limits of Portland and Gresham on three sides. Over the next 20 years, almost all of these abutting urban lands will be developed.
- Most of the area is part of the Jenne Lynd subdivision, containing some 70 lots and about 35 ownerships. About half the parcels in the area are developed for single family uses.
- If the area remained rural, present Multnomah County zoning would allow construction of a maximum of about 50 new houses on existing lots of record and new lots portioned from the larger existing lots. Development of all legal existing and new lots would depend on whether or not a septic tank permit could be issued.
- Soils in the area are generally rated poor for subsurface sewerage disposal. In a letter to Co-Petitioner Anderson, W. H. Doak, a soil scientist and registered sanitarian, states that "There have been quite a number of septic tank denials in the immediate area." Furthermore, Mr. Anderson was ordered by Multnomah County to replace his septic tank before he took up residence three years ago.
- The City estimates that 24 acres of the area are unbuildable, 65 acres would be subject to a variable density zone overlay designed for

application in areas "characterized by a diversity of physiographic conditions," including both stable and unstable soils allowing development at an estimated average density of 2.1 units an acre; and 81 acres are buildable at R10 densities (4.35 units an acre). Under this zoning, the maximum development potential would be 418 units. Full development to maximum potential is unlikely, however, due to existing development, platting, and topographic patterns.

- As the land in the adjacent urban area continues to develop, along with further development on lots of record in Jenne Lynd Acres itself, the pressures for urbanization of Jenne Lynd will increase, and the viability of a continued rural life style diminish. Eventual urbanization of the area appears virtually inevitable. Although the existing level of rural development limits the degree to which the area can develop to urban densities, efficient urbanization and service extensions will be still more difficult if attempted later rather than sooner.
- The City of Portland has voted to support a triple majority petition for annexation of the southern portion of the area. Properties to the north are not currently proposed for annexation and residents appear opposed at this time to any annexation proposal. If the northern portion of the area is not annexed to a city capable of providing sewer service to allow urbanization, this portion of the area would remain a pocket of rural development surrounded by urban uses on all sides. The inefficiencies of such a land use pattern would defeat many of the benefits of the addition.
- Approval is not needed to facilitate development of adjacent urban lands.

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 or resource lands must be addressed.

- A portion of the area is located within the Johnson Creek 100-year floodplain and the entire area is located in the Johnson Creek drainage basin.
- Approximately 20 percent of the area is sloped 30 percent or more. Much of the soil in the area is clay with poor drainage and slow permeability.

- Inclusion in the proposed addition to the UGB of land within the floodplain is necessary to include buildable lands to the south and east.
- Section 34.70.020(B) of Portland's subdivision ordinance requires that: "Drainage facilities shall be provided within the subdivision to serve both the subdivision and areas that drain through or across the subdivision. The facilities shall connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision may be required to include on-site retention facilities, as required by the City Engineer. Design criteria for the retention facilities shall fulfill the requirements of the City Engineer."
- The City of Portland has indicated that it will have storm sewers, emptying into Johnson Creek, installed in conjunction with development of the area. The use of storm sewers would mitigate the negative impacts of increased run-off from the high land in the southern portion of the area through the lowlands in the northern portion. Urbanization will, however, increase the total volume of stormwater run-off.
- Portland Resolution No. 32544 further provides for the imposition of Metro's Stormwater Management guidelines within the Johnson Creek Basin. These guidelines include standards for on-site retention, to be applied by the City Engineer.
- Metro's Stormwater Management Guidelines for Johnson Creek provide that when land is subdivided, provision must be made for sufficient on-site detention of stormwater to ensure that the volume of runoff from the site during a storm of such severity as would occur once every 25 years would not be greater than the volume of runoff that would be produced from the site, if it remained undeveloped, during a storm of such severity as would occur once every 10 years. Since less rain, and thus less runoff, is produced in a 10-year than in a 20-year storm, this standard means that after the property is developed, the volume of stormwater runoff should be less than or equal to the volume of runoff prior to development. This standard applies to both the amount of stormwater that must be detained and to the rate at which detained stormwater may be released. Implementation of this policy will mitigate impacts of urbanization on the flooding of Johnson Creek.

- Implementation of these guidelines is nonetheless not sufficient to eliminate altogether the negative impacts of increased runoff from urbanization. In particular, there are two problems the guidelines, and the City's implementation of them, do not address. First is the timing of the release of detained stormwater. Because there are no standards controlling when stormwater may be released, release may occur during times of flooding and thus exacerbate flooding problems. Second, the guidelines do not explicitly require, and the City of Portland does not appear to have provided for, inspection and maintenance of drainage facilities to ensure that they continue to function effectively.
 - Opponents have questioned if and how the City's drainage policies have been and will be effectively enforced. Testimony regarding stormwater gushing from storm sewers when the Creek is flooding may indicate either that facilities have been improperly constructed or that even when stormwater is properly retained and released, the amount and timing of stormwater release can still cause problems.
 - These negative impacts should, however, be balanced against the positive impacts of urbanization, including the environmental benefit of replacing septic tanks with sewers and the overall environmental, energy and economic benefits of development in the Jenne Lynd area, in close proximity to urban facilities and services and to shopping and employment opportunities, in place of the more remote Schoppe Acres.
 - The area is not adjacent to the regional transit corridor identified by Metro in its "Priority Corridor Report." Inclusion of this area within the UGB will, however, provide development to help support improved transit service for this area.
- 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 UGB 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.
- Although many residents raise animals on their property, Multnomah County's plan, as acknowledged

by LCDC, includes an exception to Goal No. 3 (Agricultural Lands) for this area, based upon its commitment to non-farm use. This standard, therefore, does not apply.

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) through (4) of this subsection must clearly outweigh the adverse impact of any incompatibility.

- The land to the south has been designated by the County for rural residential, rather than agricultural use. This standard, therefore, does not apply.

c(3): 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 UGB WITHOUT UPGRADING OR EXPANDING THE CAPACITY OF THOSE FACILITIES OR SERVICES, THE PETITION SHALL NOT BE APPROVED ABSENT A SHOWING OF UNUSUAL CIRCUMSTANCES.

- Approval of this addition would require an upgrading of Foster Road, Jenne Road and S. E. 174th.
- However, these roads require improvement to serve existing and planned development in the adjacent urban area and approval of this addition will allow these improvements to be designed based on the area's eventual urban development.
- Since eventual urban development of the area, given its location and parcelization, appears inevitable, its inclusion now will allow these improvements to be identified and provided in a more orderly and efficient manner than if a decision on urbanization were postponed.
- This standard is designed to protect the service planning efficiencies of a fixed UGB. In this case, however, transportation plans for the adjoining area have not been finalized and sewer plans were designed and implemented prior to UGB adoption and were based on this area's urban development.
- The plans for urban development of the area proposed for removal from the UGB as part of this trade have been abandoned. The sewer extension and road improvements needed to allow Schoppe Acres to urbanize would be far more substantial than the road improvements needed to accommodate urbanization of the Jenne Lynd area.

- This combination of circumstances is sufficient to justify approval of the trade proposed notwithstanding the road improvement needed to accommodate this proposed addition.

III. OVERALL EVALUATION OF PROPOSED TRADE

c(4): ANY AMOUNT OF LAND MAY BE ADDED OR REMOVED AS A RESULT OF A PETITION UNDER THIS SUBSECTION BUT THE NET AMOUNT OF VACANT LAND ADDED OR REMOVED AS A RESULT OF A PETITION SHALL NOT EXCEED TEN (10) ACRES. ANY AREA IN ADDITION TO A TEN (10) ACRE NET ADDITION MUST BE IDENTIFIED AND JUSTIFIED UNDER THE STANDARDS FOR AN ADDITION UNDER SUBSECTION (d) OF THIS SECTION.

- The total addition requested is 174 acres, of which approximately 131 acres are vacant.
- The requested removal is for 170 acres of which approximately 166 acres are vacant.
- The trade, if approved, would result in the net removal of approximately 35 vacant acres from the UGB.
- Because Schoppe Acres is less parcelized and developed, and subject to fewer natural constraints to development than Jenne Lynd, the net reduction in development capacity is, in theory, still greater than this figure would suggest. In practice, however, the extension of sewers to Schoppe Acres is so impractical that it is unlikely to develop at more than one unit per two acres even if it remained within the UGB. Accordingly, the trade would provide for some increase in the development capacity of the Urban Growth Boundary.

c(5): THE LARGER THE TOTAL AREA INVOLVED, THE GREATER MUST BE THE DIFFERENCE BETWEEN THE RELATIVE SUITABILITY OF THE LAND TO BE ADDED AND THE LAND TO BE REMOVED BASED ON CONSIDERATION OF THE FACTORS IN SUBSECTION (a).

- The differences between the Schoppe Acres area proposed for removal and the Jenne Lynd Acres proposed for addition are extreme:
 - (1) Schoppe Acres is a convex finger in the UGB, surrounded by non-urban land; Jenne Lynd Acres is a concave finger, surrounded by urban land;
 - (2) Schoppe Acres could be extended sewers only at enormous cost and inefficiency; Jenne Lynd Acres can be served by existing capacity in the Johnson Creek Interceptor and the sewer lines that serve it;

- (3) There are no shopping or employment opportunities close to Schoppe Acres, and planned densities in that area would not accommodate transit, while Jenne Lynd Acres is close to employment and shopping opportunities and planned housing development that could be served by transit.
- Both areas would need road improvements to accommodate an urban level of development; thus the improvements needed to accommodate urbanization of Jenne Lynd Acres should be considered as a neutral factor in comparing the relative suitability of the two areas.
 - Jenne Lynd Acres is more parcelized and developed than Schoppe Acres. On the one hand, this means the area will be more difficult to urbanize efficiently; on the other, that it is more difficult to preserve for resource use. On balance, the level of development should be considered neutral when comparing the suitability of the two sites.
 - The only way in which Jenne Lynd Acres compares unfavorably with Schoppe Acres is in terms of hazards present. The presence of the Johnson Creek floodplain in Jenne Lynd Acres limits the development potential on a portion of that area and development in the remainder of the area may have a negative impact on stormwater runoff. The development potential of the area outside the floodplain still exceeds that for Schoppe Acres, however, due to the ready availability of sewers, and the Johnson Creek Stormwater Management Guidelines will help protect against increasing stormwater runoff from development of the remainder of the area.
 - On balance, the difference between the urban suitability of the two sites is sufficiently strong to warrant an adjustment of this size.

IV. CONCLUSIONS AND PROPOSED ORDER

The Development Committee finds that the City of Portland's petition for a trade to add some 170 acres in the area known as Jenne Lynd Acres and to remove 170 acres in the area of the West Hills known as Schoppe Acres meets the standards for trades established in Ordinance No. 81-105, provided that the entire Jenne Lynd Acres area is annexed to a city within two years. The Committee recommends, accordingly, that the Council adopt a Resolution of Intent to approve the petition if, at any time in the next two years, such annexation occurs.

JH/gl
5334B/274

STAFF REPORT

Agenda Item No. 5.3

Meeting Date December 2, 1982

AMENDING THE URBAN GROWTH BOUNDARY (UGB) TO
REMOVE PROPERTY OWNED KNOWN AS SCHOPPE ACRES
(CONTESTED CASE NO. 81-6)

Date: October 6, 1982

Presented by: Joseph Cortright

FACTUAL BACKGROUND AND ANALYSIS

On October 5, 1982, the Council approved Resolution No. 82-356, expressing its intent to approve a UGB amendment in Contested Case No. 81-6. The attached Ordinance amends the Boundary and is the final action for this property.

This Ordinance implements an adopted Council policy position and has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

Adoption of this ordinance is consistent with the Council intent expressed in Resolution No. 82-356.

COMMITTEE CONSIDERATION AND RECOMMENDATION

No recommendation necessary.

JC/gl
6874B/318
10/14/82

6.3 Public Hearing on Ordinance No. 82-147, An Ordinance approving in part the City of Portland's petition for locational adjustment of Metro's Urban Growth Boundary (UGB) for the area known as Schoppe Acres. (First Reading)

Motion to adopt Ordinance No. 82-147 (Bonner/Kafoury).

Mr. Cortright stated that no communication had been received from anyone in Schoppe Acres. He indicated that the property owner had petitioned for the removal of the property from the UGB and that the City of Portland had pursued the action by the Council.

There was no one present to testify on the ordinance.

The ordinance was passed to second reading on December 2, 1982.

6.4 Ordinance No. 82-141, Relating to Local Improvement Districts and Repealing Code Chapter 4.05 (Ordinance Nos. 79-78 and 80-93). (Second Reading)

The vote on the previous motion of October 28, 1982 to adopt the ordinance resulted in:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Rhodes, Schedeen, and Banzer.

Nays: None

Absent: Councilors Berkman, Oleson, and Williamson.

Abstention: None

7.1 See action on this item following Agenda Item 6.1.

7.2 Resolution No. 82-367, For the purpose of authorizing Metro to enter into a \$3 million loan contract for the financing and construction of sewers in East Multnomah County in conjunction with construction of Light Rail Transit.

Motion to adopt Resolution No. 82-367 (Deines/Kafoury).

Mr. Phillip Whitmore presented the staff report, as contained in the agenda of the meeting.

6.2 Ordinance No. 82-145, amending the Metro Urban Growth Boundary (UGB) in Washington County for Contested Case No. 81-8. (Second Reading)

Deferred until December 2, 1982.

6.3 Ordinance No. 82-147, approving in part the City of Portland's petition for locational adjustment of Metro's Urban Growth Boundary (UGB) for the area known as Schoppe Acres. (Second Reading)

Deferred until December 2, 1982.

7.1 Citizen Involvement in the Budget Process for FY 1983-84.

Councilor Deines presented his report on Citizen Involvement in the Budget Process for FY 1983-84, as contained in the agenda of the meeting. He said most of the points were agreed to by the Coordinating Committee although there was no formal recommendation from the Committee.

Motion to adopt the report (Deines/Burton).

Councilor Etlinger stated he was going to vote against the proposal because he felt there were groups outside Metro who should be reviewing the budget, such as the Metro Citizens League.

The vote on the motion resulted in the following:

Ayes: Councilors Bonner, Burton, Deines, Oleson, Rhodes, Schedeen, and Banzer.
Nays: Councilor Etlinger
Absent: Councilors Berkman, Kafoury, Kirkpatrick, and Williamson.
Abstention: None.

7.2 First Quarter Financial Report.

The First Quarter Financial Report was distributed to the Council members and Don Carlson reviewed the highlights of the major areas contained in the report.

Councilor Burton suggested that the Council be given time to fully read the report and ask questions at a later date.

It was agreed that the report would be placed on the Coordinating Committee's agenda for November 15, 1982.

would be recaptured. He said if the public bodies did not recapture the money from the land which was to use the services, then the costs were shifted to a smaller area of property, which was a severe negative impact on property within the UGB. He said the same line of argument could be made with Tri-Met. He said Tri-Met was running very expensive equipment right by the property, not just to pick up the Rock Creek campus people, but in hopes of recapturing its investment in equipment by a utilized facility. He said the services and facilities were not there to encourage development but instead because a public body consciously decided what the service area would be before they made the investment.

Councilor Kafoury stated that Mr. Batchelor's argument was not in the material she had read. Mr. Batchelor responded that it was in the record and had been made during the course of the public hearings.

Councilor Williamson asked if the sewer and water lines were in place at the time the UGB was established. Mr. Batchelor responded yes.

The ordinance was then passed to second reading on December 21, 1982.

5.3 Ordinance No. 82-147, approving in part the City of Portland's petition for Locational Adjustment of Metro's Urban Growth Boundary (UGB) for the area known as Schoppe Acres. (Second Reading)

Councilor Bonner presented the Committee report.

Councilor Rhodes asked if everyone in the area agreed to be removed. Mr. Cortright responded that the City of Portland had requested removal of the property and it was his understanding that the City had contacted the property owner and had secured permission and consent to have it removed from the Urban Growth Boundary.

Vote: The vote on the motion to adopt Ordinance No. 82-147 resulted in:

Ayes: Councilors Banzer, Berkman, Bonner, Deines, Etlinger, Kafoury, Kirkpatrick, Rhodes, Schedeen, and Williamson.

Nays: None.

Abstention: None.

Absent: Councilors Burton and Oleson

Motion carried, Ordinance adopted.

ORDINANCE NO. 82-147

TITLE An Ordinance approving in part the
City of Portland's petition for locational
adjustment of Metro's Urban Growth Boundary
(UGB) for the area known as Schoppe Acres.

DATE INTRODUCED November 4, 1982

FIRST READING November 4, 1982

SECOND READING December 2, 1982

DATE ADOPTED December 2, 1982

DATE EFFECTIVE January 1, 1983

ROLLCALL

	Yes	No	Abst.	
Burton				absent
Oleson				absent
Williamson	X			
Berkman	X			
Kirkpatrick	X			
Deines	X			
Rhodes	X			
Schedeen	X			
Bonner	X			
Banzer	X			
Etlinger	X			
Kafoury	X			



METRO

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

December 6, 1982

Rick Gustafson
EXECUTIVE OFFICER

Metro Council

Cindy Banzer
PRESIDING OFFICER
DISTRICT 9

Bob Oleson
DEPUTY PRESIDING
OFFICER
DISTRICT 1

Charlie Williamson
DISTRICT 2

Craig Berkman
DISTRICT 3

Corky Kirkpatrick
DISTRICT 4

Jack Deines
DISTRICT 5

Jane Rhodes
DISTRICT 6

Betty Schedeen
DISTRICT 7

Ernie Bonner
DISTRICT 8

Bruce Etlinger
DISTRICT 10

Marge Kafoury
DISTRICT 11

Mike Burton
DISTRICT 12

Mr. Gordon Mulleneaux
Washington County Administrator
150 North First, Room 418
Hillsboro, Oregon 97123

Dear Mr. Mulleneaux:

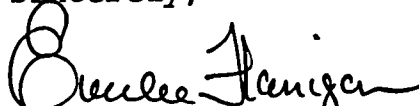
Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District on December 2, 1982:

Ordinance No. 82-145, An Ordinance amending the Metro Urban Growth Boundary (UGB) in Washington County for Contested Case No. 81-8.

Ordinance No. 82-147, An Ordinance approving in part the City of Portland's petition for Locational Adjustment of Metro's Urban Growth Boundary (UGB) for the area known as Schoppe Acres.

Please file these copies in the Metro ordinance files.

Sincerely,


Everlee Flanigan
Clerk of the Council

Enclosures



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December 6, 1982

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DISTRICT 8

Bruce Etlinger
DISTRICT 10

Marge Kafoury
DISTRICT 11

Mike Burton
DISTRICT 12

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

Dear Mr. Poppen:

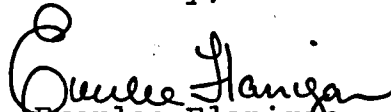
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Mike Burton
DISTRICT 12

Ms. Jane McGarvin
Clerk of the Board
Multnomah County Courthouse
1021 S.W. Fourth Avenue, Room 606
Portland, Oregon 97204

Dear Ms. McGarvin:

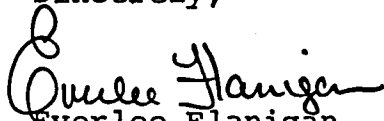
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