

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING THE METRO) ORDINANCE NO. 83-158
URBAN GROWTH BOUNDARY IN MULTNOMAH)
COUNTY FOR CONTESTED CASE NO. 81-6)

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 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 Recommendation in Exhibit B of this ordinance which is incorporated by this reference.

Section 3. This ordinance is a final order in Contested Case No. 81-6.

Section 4. Parties to Contested Case No. 81-6 may appeal this ordinance under 1979 Or. Laws, ch. 772 as amended.

ADOPTED by the Council of the Metropolitan Service District
this 7th day of July, 1983.



Presiding Officer

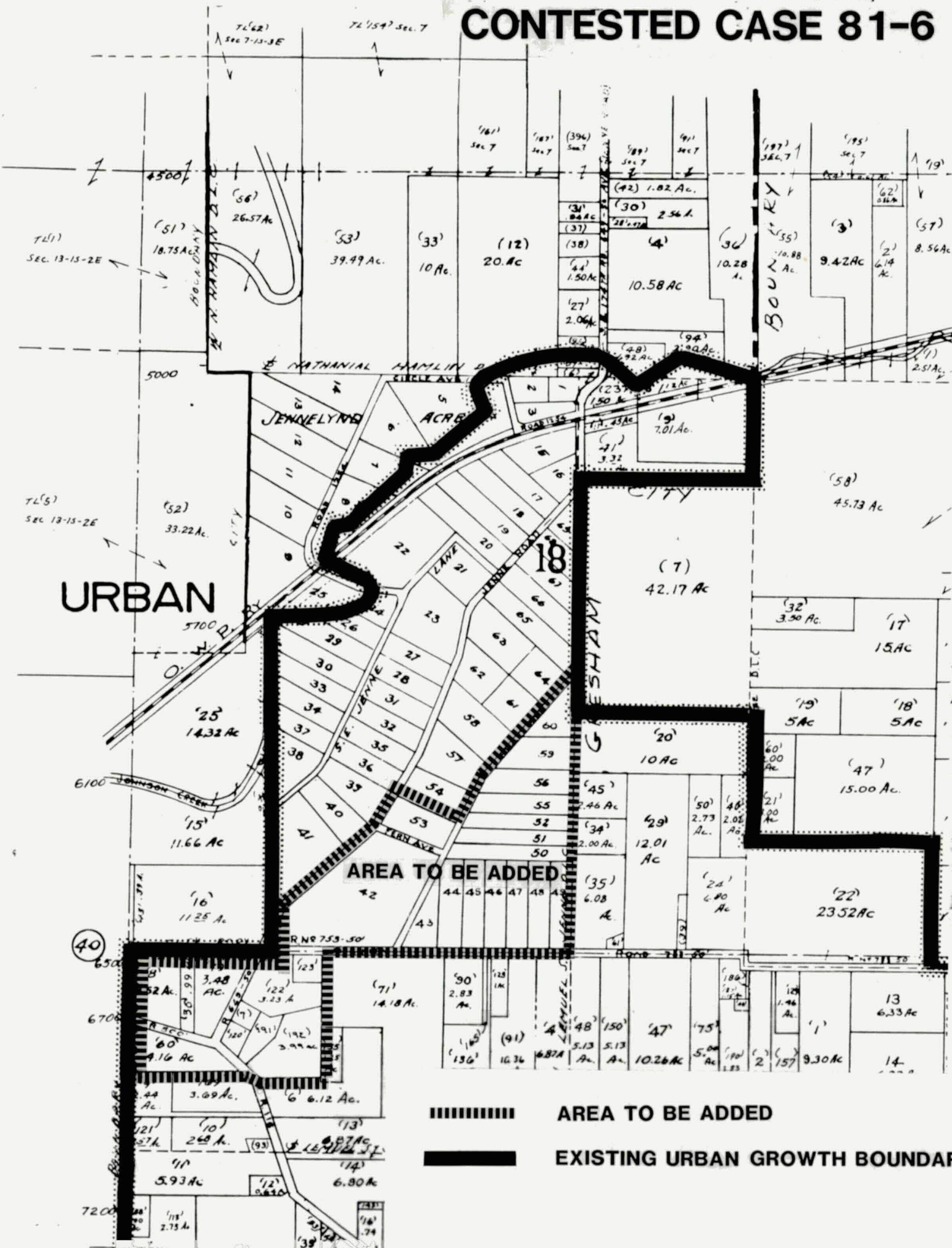
ATTEST:



Clerk of the Council

MB/gl
8812B/349

CONTESTED CASE 81-6



AREA TO BE ADDED

EXISTING URBAN GROWTH BOUNDARY

FINDINGS AND CONCLUSIONS IN
CONTESTED CASE NO. 81-6: PETITION FOR
LOCATIONAL ADJUSTMENT OF THE URBAN GROWTH BOUNDARY
IN MULTNOMAH COUNTY (JENNE LYND ACRES)

The original petition in Contested Case No. 81-6 involved the removal of an area known as Schoppe Acres from the Urban Growth Boundary (UGB) and the addition of a portion of the Jenne Lynd Acres area. The removal of Schoppe Acres was completed on December 2, 1982, when the Council adopted Ordinance No. 82-147. The addition of Jenne Lynd Acres area to the UGB was subject to a condition that the area annex to Portland. The Boundary Commission on October 7, 1982, approved Boundary Change Proposal No. 1864 which annexed approximately 85 acres to the City of Portland of the Jenne Lynd Acres.

The following findings demonstrate conformance with Ordinance No. 81-105, Section 8. Standards for Petition Approval:

- (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 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 major capital water investment is already in place in the area. A line of this size can efficiently and economically serve the whole area. Additional hookups will be of benefit to the whole system. Development of the area on public water is preferable to securing additional wells for development in the County.

- 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) or at the developer's expense.
- 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 (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 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.

(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 new houses on existing lots of record and new lots partitioned 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.
- 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 area. Properties to the north are not currently proposed for annexation.

- Approval is not needed to facilitate development of adjacent urban lands.
- (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.
- 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.

- Any negative storm drainage 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 Regional Transportation Plan (RTP). Inclusion of this area within the UGB will, however, provide development to help support improved transit service for this area.

(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.

(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.

(6): The net amount of vacant land proposed to be added may not exceed 10 acres; nor may the net amount of vacant land removed exceed 50 acres.

- Council's intent under Order and Resolution No. 82-356 was to add 174 acres, of which 131 acres are vacant.
- The approved removal was for 170 acres of which approximately 166 acres are vacant.
- This trade will eventually result in a net removal of approximately 35 vacant acres from the UGB.

(7): The land proposed to be added is more suitable for urbanization than the land to be removed, based on a consideration of factor (1), (2), (3) and (5) of Section (8) (a).

- The extension of sewers to Schoppe Acres to permit urbanization would be at considerable cost and inefficiency. Jenne Lynd Acres can be served by existing water and sewer lines, water storage facilities and sewage treatment plant.

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STAFF REPORT

Agenda Item No. 8.1

Meeting Date July 7, 1983

CONSIDERATION OF THE JENNE LYND ACRES URBAN
GROWTH BOUNDARY (UGB) AMENDMENT CONTESTED
CASES NO. 81-6

Date: June 13, 1983

Presented by: Mark Brown

FACTUAL BACKGROUND AND ANALYSIS

The City of Portland has proposed an amendment to the UGB that would include an area known as Jenne Lynd Acres in the urban area and would remove Schoppe Acres. On October 4, 1982, the Council adopted Order and Resolution No. 82-356 which specified two conditions for the final order in this matter as follows:

- A. For the area to be removed, the Council declares its intent to adopt an ordinance for removal.
- B. For the area proposed to be added, the Council declares its intent to add to the UGB those areas that annex to a city.

On December 2, 1982, the Council adopted Ordinance No. 82-147 removing Schoppe Acres from the UGB. The Boundary Commission, on October 7, 1982, approved Boundary Change Proposal No. 1864 which annexed approximately 85 acres to the City of Portland of the Jenne Lynd Acres. Therefore, the conditions specified in Order and Resolution No. 82-356 to add the area identified in Exhibit A (attached) to the UGB have been met.

EXECUTIVE OFFICER'S RECOMMENDATION

I recommend that the Council vote to approve this ordinance.

COMMITTEE CONSIDERATION AND RECOMMENDATION

As Order and Resolution No. 82-356 was an action of the Council, this matter has not been considered by any Committee.

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7. Consideration of Ordinance No. 83-158, amending the Metro Urban Growth Boundary in Multnomah County for Contested Case No. 81-6 (Jenne Lynd Acres). (First Reading)

Mark Brown, Development Services Planner, presented the staff report, as contained in the agenda of the meeting. He said the conditions specified in Resolution No. 82-356 had been met and the area should now be added to the urban growth boundary.

Motion: Councilor Etlinger moved adoption of Ordinance No. 83-158. Councilor Kirkpatrick seconded the motion.

The ordinance was read the first time, by title only.

Presiding Officer Banzer noted that a letter had been received from Bruce R. Burmeister opposing the addition of Jenne Lynd Acres to the Urban Growth Boundary (a copy of the letter is attached to the agenda of the meeting).

There was no public testimony.

The ordinance was passed to second reading on July 7, 1983.

8. Public Hearing on Metro/Tri-Met Relationship

(Inasmuch as there was time before the time certain hearing on this agenda item, the Council took up agenda items 9 through 11 before hearing this item. See after Agenda Item No. 11 for discussion.)

9. Consideration of Resolution No. 83-414, for the purpose of declaring the Metropolitan Service District Council's intent to proceed with the truck wash facility at Clackamas Transfer & Recycling Center, and directing staff to obtain construction bids and file for local permits.

Councilor Hansen reported that the Services Committee recommended adoption of the resolution.

Motion: Councilor Hansen moved adoption of Resolution No. 83-414. Councilor Oleson seconded the motion.

Councilor Deines stated that he thought the elaborate process they were going through to construct a wash facility for garbage trucks was unnecessary and that the costs were prohibitive.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger,
Hansen, Kafoury, Kelley, Kirkpatrick,
Oleson, and Waker.

Nays: Councilors Deines, Van Bergen, and
Williamson.

Motion carried, Resolution adoption.

8.1 Consideration of Ordinance No. 83-158, amending the Metro Urban
Growth Boundary in Multnomah County for Contested Case No.
81-6. (Jenne Lynd Acres) (Second Reading)

Mark Brown, Development Services Planner, briefly reviewed the staff report, as contained in the agenda of the meeting. He stated that no new information had been received since the first reading of the ordinance.

The ordinance was read a second time, by title only.

Frances Hyson, 16507 S.E. Mill Street, stated that at the meeting of June 23rd when the ordinance was read the first time, a letter from Bruce Brewmeister was entered into the record but not actually read into the record. She said it should have been and proceeded to read the letter into the record.

Councilor Kelley said she was not on the Council when the initial decisions were made on the proposal and she could not support the ordinance.

Vote: The vote on the motion to adopt Ordinance No. 83-158, made by Councilors Etlinger and Kirkpatrick on June 23, 1983, resulted in:

Ayes: Councilors Banzer, Bonner, Deines,
Etlinger, Hansen, Kirkpatrick, Oleson,
Van Bergen, Waker, and Williamson.

Nays: Councilors Kafoury and Kelley.

Motion carried, Ordinance adopted.