

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING THE METRO )      ORDINANCE NO. 83-162  
URBAN GROWTH BOUNDARY (UGB) IN )  
CLACKAMAS COUNTY FOR CONTESTED )  
CASE NO. 81-2 )

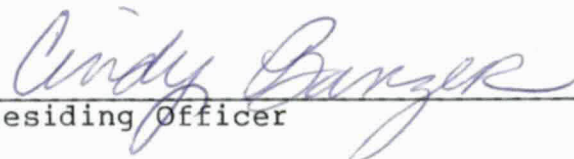
THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

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

Section 3. This Ordinance is a Final Order in Contested Case No. 81-2. Parties to Contested Case No. 81-2 may appeal this Ordinance under 1979 Or. Laws, ch. 772 as amended.

ADOPTED by the Council of the Metropolitan Service District  
this 6th day of October, 1983.

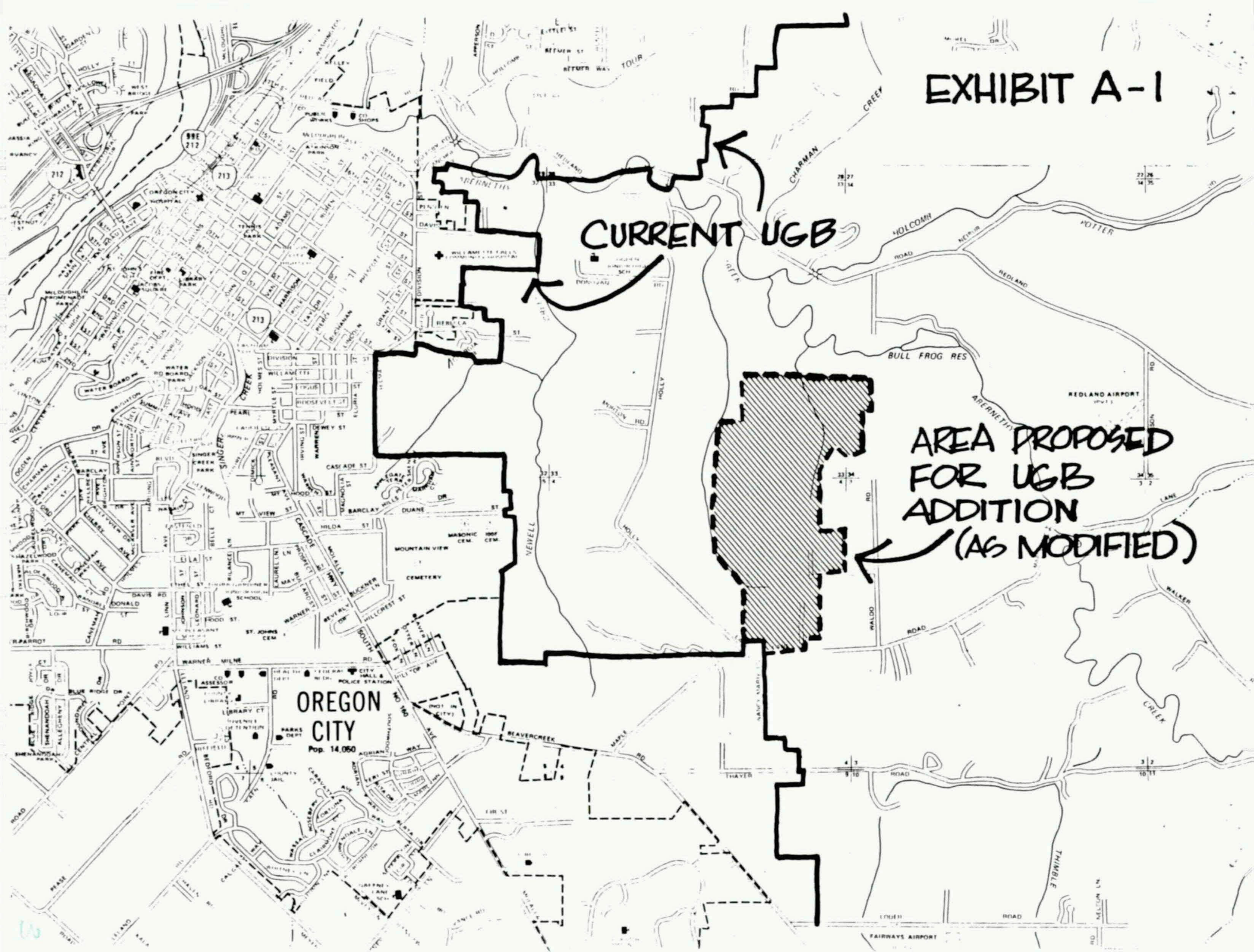
  
\_\_\_\_\_  
Presiding Officer

ATTEST:

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

MB/gl  
9312B/353

# EXHIBIT A-1



CURRENT UGB

AREA PROPOSED  
FOR UGB  
ADDITION  
(AS MODIFIED)

OREGON  
CITY  
Pop. 14,060

# EXHIBIT A-2

9.50Ac

LOT 3 11.0

## 62-03

SE COR  
DLC 44

NE Cor  
DLC 45

100Ac  
2500  
5.05Ac  
2400  
6.07Ac  
2300  
2.27Ac  
7300  
7.15Ac  
7200  
7.85Ac  
7100  
14.05Ac  
7000  
16.75Ac  
6901  
0.93Ac  
6902  
3.09Ac  
6900  
20.97Ac

7500  
62.38Ac

7600

7700  
4.18Ac

7601  
3.83Ac

7790  
7.50Ac

7800  
1.10Ac

7890  
4.99Ac

901  
5.5Ac

S LINE DLC 45  
N LINE DLC 39

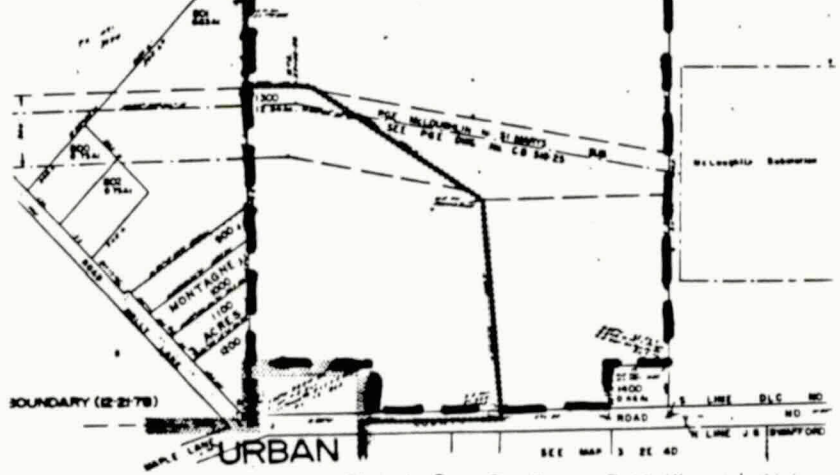
S LINE DLC NO 45  
N LINE DLC NO 39

**PROPOSED  
LGB  
ADDITION  
(AS MODIFIED)**



## 62-33

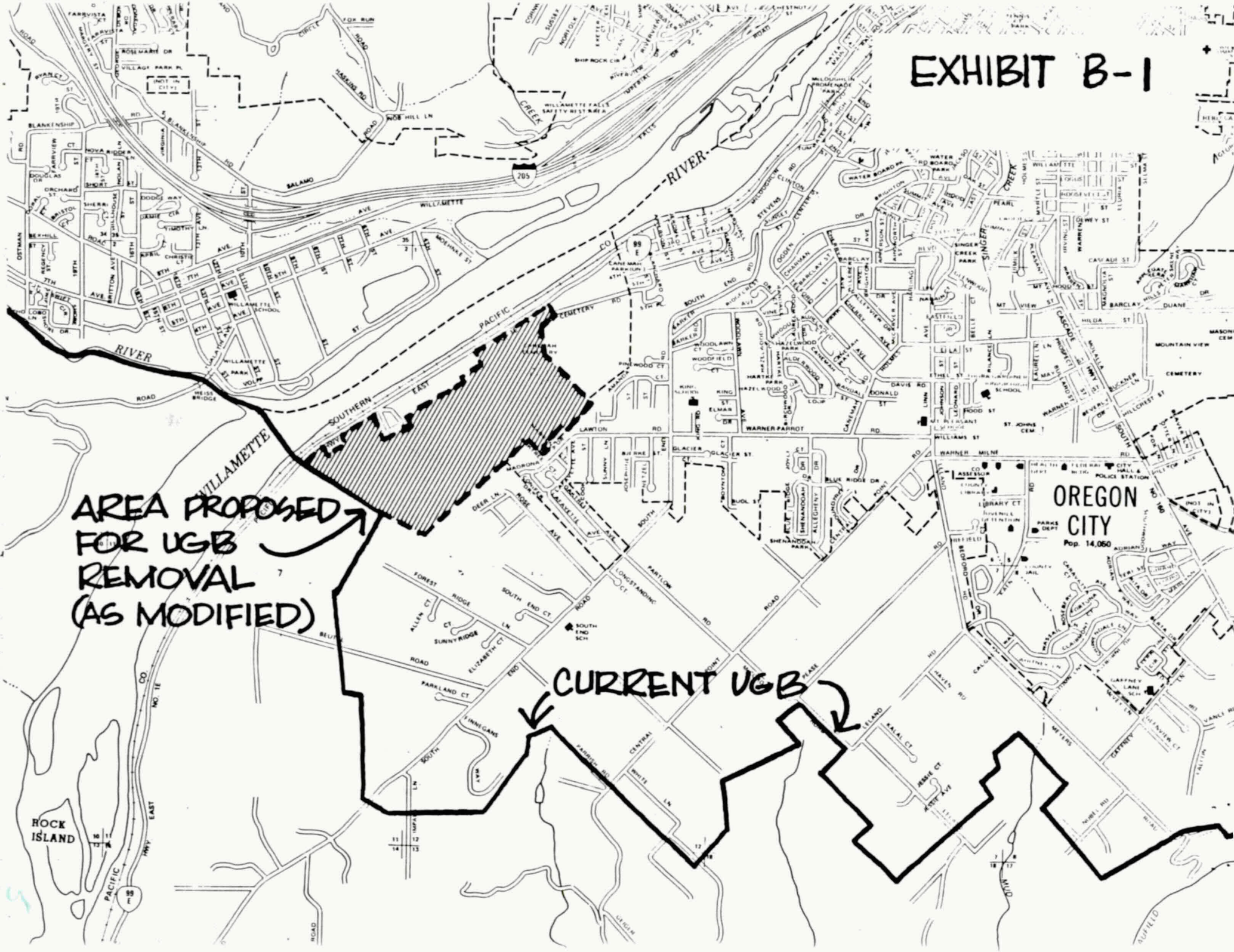
RURAL



URBAN

SEE MAP 3 BE 40

# EXHIBIT B-1

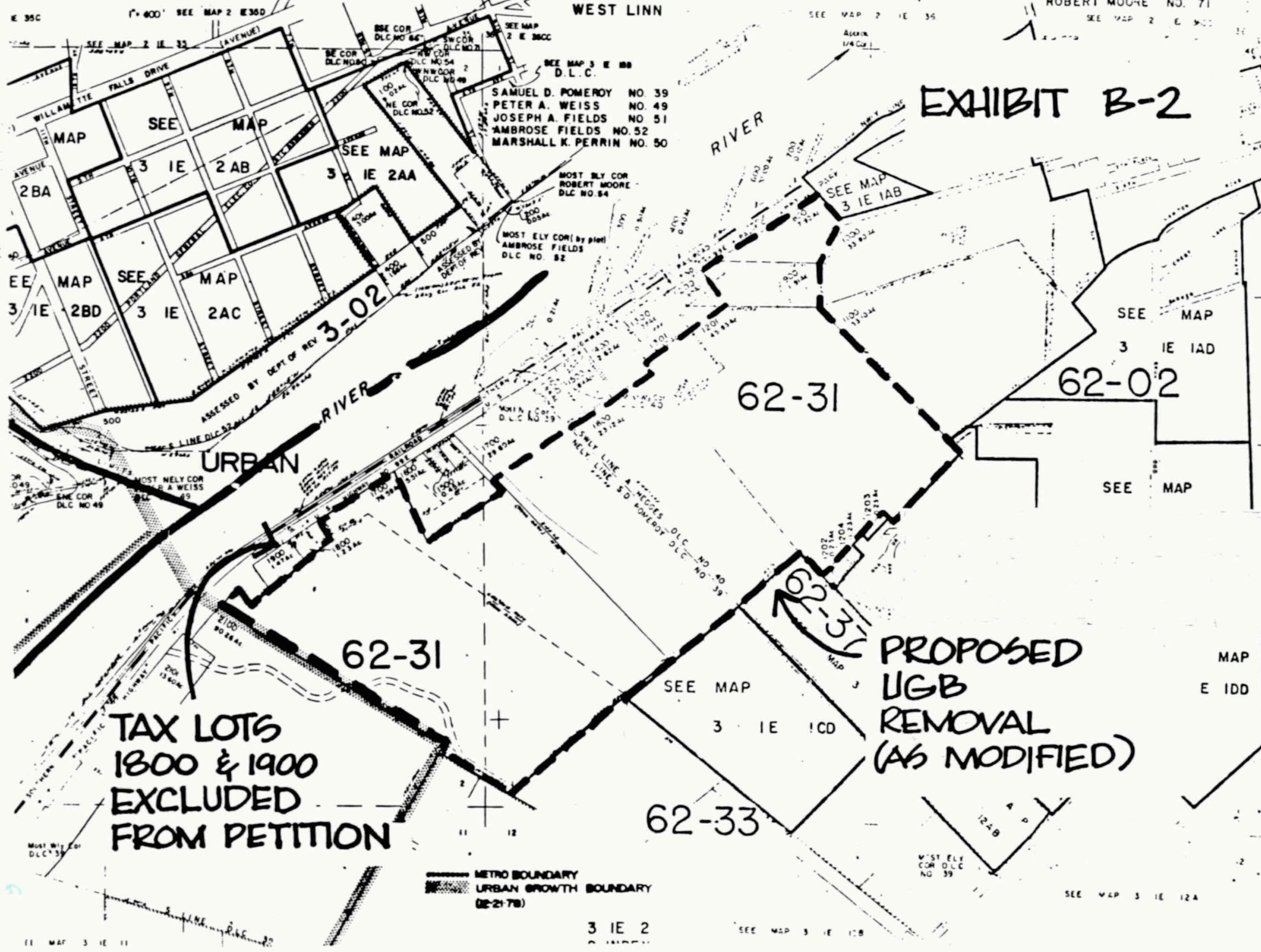


**AREA PROPOSED  
FOR UGB  
REMOVAL  
(AS MODIFIED)**

**CURRENT UGB**

**OREGON  
CITY**  
Pop. 14,060

# EXHIBIT B-2



SEE MAP 3 E 88 D.L.C.  
 SAMUEL D. POMEROY NO. 39  
 PETER A. WEISS NO. 49  
 JOSEPH A. FIELDS NO. 51  
 AMBROSE FIELDS NO. 52  
 MARSHALL K. PERRIN NO. 50

MOST BLY COR  
 ROBERT MOORE  
 DLC NO. 84

MOST ELY COR (by plat)  
 AMBROSE FIELDS  
 DLC NO. 82

SEE MAP 3 IE IAB

SEE MAP 3 IE IAD

62-02

SEE MAP

62-31

62-31

62-31

**PROPOSED UGB REMOVAL (AS MODIFIED)**

**TAX LOTS 1800 & 1900 EXCLUDED FROM PETITION**

SEE MAP 3 IE ICD

62-33

METRO BOUNDARY  
 URBAN GROWTH BOUNDARY (22-21-78)

3 IE 2

SEE MAP 3 IE ICB

SEE MAP 3 IE I2A

SEE MAP 3 IE I1

STAFF REPORT

Agenda Item No. 7.2

Meeting Date October 6, 1983

CONSIDERATION OF THE WALDO ESTATES URBAN  
GROWTH BOUNDARY (UGB) AMENDMENT CONTESTED  
CASE NO. 81-2

Date: September 15, 1983

Presented by: Mark Brown

FACTUAL BACKGROUND AND ANALYSIS

In March 1981, Clackamas County proposed an amendment to the UGB that would include an area known as Waldo Estates in the urban area, and would remove an area known as Canemah. On January 7, 1982, the Council adopted Resolution No. 82-293 in which the Council declared its intent to amend the UGB, to include Waldo Estates and exclude Canemah, subject to annexation of Waldo Estates to the Metropolitan Service District.

On May 6, 1982, the Boundary Commission approved Boundary Change Proposal No. 1838 annexing the Waldo Estates area to the Metropolitan Service District. Therefore, staff finds that the annexation condition specified in Resolution No. 82-293 has been met.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval.

COMMITTEE CONSIDERATION AND RECOMMENDATION

The Regional Development Committee initially conducted a hearing in this case on June 11, 1981. The Committee held hearings on the proposed trade on December 7 and December 17, 1981, and introduced the "Resolution of Intent."

MB/gl  
9311B/353  
09/14/83

1 IN THE MATTER OF CONTESTED CASE ) FINDINGS, CONCLUSIONS AND  
 NO. 81-2, A PETITION BY CLACKAMAS ) RECOMMENDATIONS OF THE  
 2 COUNTY FOR A LOCATIONAL ADJUST- ) REGIONAL DEVELOPMENT  
 MENT OF THE URBAN GROWTH BOUNDARY ) COMMITTEE  
 3 TO ADD WALDO ESTATES AND REMOVE )  
 CANEMAH )  
 4

5 INTRODUCTION

6 The County's petition proposes Urban Growth Boundary (UGB)  
 7 changes in two areas: 1) removal of 185 acres in the Canemah area  
 8 south of Oregon City; and 2) addition of the 193 acres in Waldo  
 9 Estates property east of Oregon City.

10 This petition follows earlier action by the Metro Council  
 11 expressing its intent to approve the addition of Waldo Estates if  
 12 requested as part of a trade consistent with the standards in Metro  
 13 Ordinance No. 81-105.

14 In responding to this action, the County evaluated six possible  
 15 sites for removal against the Metro standards. The Canemah area was  
 16 the only site to meet all criteria and, accordingly, on October 16,  
 17 1981, the County adopted Resolution No. 81-2413, petitioning Metro  
 18 to remove the Canemah area from the UGB and add Waldo Estates, based  
 19 upon findings attached to the Resolution demonstrating consistency  
 20 with Metro's standards.

21 These findings, and the County staff report on which they were  
 22 based, are added to the earlier record of Metro's consideration of  
 23 Waldo Estates as part of the record for this proceeding.

24 The standards for approval of the City's request are the  
 25 standards for trades found in Section 8(c) of Ordinance No. 81-105.  
 26 These standards require an evaluation of the merits of the area

1 proposed for removal (Subsection c(1)) and for addition (Subsections  
2 c(2) and c(3)), as well as evaluation of the overall merits of the  
3 entire trade (Subsections c(4) and c(5)).

4 The format of this report is to evaluate each area individually  
5 first against the applicable standards, and then to use these  
6 evaluations in making the findings necessary on the entire trade.

#### 7 I. REMOVAL OF CANEMAH

##### 8 Summary:

9 The proposed withdrawal area is currently designated Low  
10 Density Residential, Resource Protection, Major Hazards and Public  
11 and Community Use Open Space in Clackamas County's comprehensive  
12 plan.

13 The proposed withdrawal area is located on the southwest side  
14 of Oregon City bounded on the northwest by Highway 99 and on the  
15 southeast by Canemah Rim. The area is vacant, and 185 acres in size  
16 consisting of ten lots. Virtually the entire area has been  
17 identified as land movement area and is designated Major Hazards  
18 Open Space. Slopes vary from 0 to 50 percent and in site specific  
19 areas are nearly vertical. Most of the site is 10 - 20 percent and  
20 20 - 35 percent slope.

21 The area consists of a series of fairly flat benches  
22 interrupted by steep slopes. The area is heavily forested with  
23 Douglas Fir, Western Red Cedar, Red Alder and Oregon Ash being the  
24 predominant tree species. Small drainage courses run from the top  
25 of Canemah Rim westerly toward Highway 99.

26 Oregon City abuts the area on the southeast. This area is



1 developed with detached single family residential uses. South of  
2 the city limits, lots are generally one to five acres, developed  
3 with single family residences. The existing UGB abuts to the south  
4 of the proposal area. Lot sizes vary from five to 90 acres.  
5 Comprehensive Plan designations are Rural and Forest.

6 Northeast of the proposed withdrawal area to the city limits is  
7 Urban Low Density Residential undeveloped land. The four lots are  
8 1, 4, 30 and 30 acres in size. Existing commercial uses fronting on  
9 Highway 99, abut the west side. Uses include a marina, mobile home  
10 court, motel, concrete figurine sales, warehousing and one vacant  
11 lot. The Willamette River lies to the west paralleled by Highway 99  
12 and the railroad tracks.

13 The property northeast is designated Low Density Residential  
14 with a partial Resource Protection Open Space overlay. Oregon City  
15 has designated land within the city limits Low Density Residential  
16 and Historic District. The developed area east of Canemah Rim is  
17 designated Low Density Residential.

18 The parcels lying between the proposed withdrawal area and the  
19 city limits to the north are vacant as is the parcel lying  
20 immediately south of the proposed area. Vacant lands are  
21 interspersed with large lot single family development south of the  
22 city limits east of the Canemah Rim.

23 Existing access to the area is through Oregon City (Fourth and  
24 Fifth Streets) and from Highway 99. The proposed withdrawal area  
25 has no public roads within the site. Access is precluded on the  
26 northern portion fronting Highway 99 due to a vertical basalt cliff

1 approximately 25 feet in height.

2 South End Road is designated a minor arterial. Highway 99 is  
3 designated a major arterial and scenic roadway. Fourth and Fifth  
4 Streets are designated as local streets by Oregon City. City staff  
5 have indicated Fourth and Fifth Streets cannot be widened due to  
6 steep slopes and existing homes which were constructed within  
7 platted rights-of-way.

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

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

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

14 a(1): Orderly and economic provision of public  
15 facilities and services. A locational adjustment  
16 shall result in a net improvement in the  
17 efficiency of public facilities and services,  
18 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.

19 - Sanitary sewers do not exist and the area is  
20 not within the Tri-Cities Service District  
21 Boundary, although the area is part of the  
22 Tri-Cities ultimate service area.

23 - The proposed withdrawal area is not  
24 currently served by and is not within an  
25 existing water district.

26 - Provision of services to the site will be

1 extremely difficult and quite expensive.  
2 Slopes vary from 0 to 50 percent and, in  
3 site specific areas, are nearly vertical.  
4 Virtually the entire area has been  
5 identified as a land movement area. Road  
6 construction, sewers, waterlines and other  
7 public facilities will be extremely  
8 difficult to construct on this site.  
9 Aggravating this situation is the fact that  
10 very few units can be provided on the site.  
11 The result is that a tremendous expenditure  
12 for public facilities and services, would be  
13 necessary to provide a limited housing  
14 supply. And, that supply would be provided  
15 at very high cost per unit.

- 16 - Removal of this property will not impair the  
17 efficiency of services in the adjoining  
18 urban area in any way and will, instead,  
19 improve overall service system efficiencies  
20 by eliminating an area that is costly to  
21 serve and difficult to develop.

22 a(2): Maximum efficiency of land uses. Consideration  
23 shall include existing development densities on  
24 the area included within the amendment, and  
whether the amendment would facilitate needed  
development on adjacent existing urban land.

- 25 - Steep slopes, land movement and flooding  
26 create development hazards in this area.

- 1 - Much of the land has, in consequence, been  
2 designated "major hazard" in the County's  
3 plan.  
4 - The property cannot, as a result, be  
5 developed efficiently at urban densities.  
6 - The area is Douglas Fir Forest Site Class II  
7 and III and is currently forested. The  
8 County proposes a Transitional Timber  
9 District designation which would help  
10 conserve and enhance this timber resource.  
11 - The property is almost entirely vacant; the  
12 level of development, therefore, neither  
13 promotes nor inhibits urbanization.  
14 - No evidence has been submitted to indicate  
15 that retention of this area within the UGB  
16 would facilitate development of adjacent  
17 urban lands in any way.

18 a(3): Environmental, energy, economic and social  
19 consequences. Any impact on regional transit  
20 corridor development must be positive, and any  
limitations imposed by the presence of hazards or  
resource lands must be addressed.

- 21 - Highway 99E, which runs along the north of  
22 the property, is a regional transit  
23 corridor. However, a 25-foot vertical  
24 basalt cliff precludes direct access to the  
25 highway from the site. In addition, the  
26 area is currently planned for low density

1 residential development, and the presence of  
2 hazards would further limit the density of  
3 development possible. Therefore, retention  
4 of an urban designation would provide little  
5 to enhance transit corridor development and  
6 its removal will have no negative impact.

7 - Hazards in the area, discussed above,  
8 preclude urban development of most of the  
9 area; a non-urban designation is consistent  
10 with protecting development from these  
11 hazards.

12 - The timber resources in the area are best  
13 protected by a non-urban designation.

14 - No other energy, economic, environmental or  
15 social consequences have been identified.

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

26 - Since the area is currently urban, this  
standard 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)

1 of this subsection must clearly outweigh the  
2 adverse impact of any incompatibility.

3 - Since the petition would allow currently  
4 urban land to be designated for resource  
5 use, this standard does not apply.

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

12 - Sewering of the Canemah area, if it remained in  
13 the UGB, would occur in the second phase of  
14 Tri-Cities Service District System Construction.  
15 It is not, therefore, available for development in  
16 the short-term and so its removal will not affect  
17 the short-term land supply.

18 - Any long-term shortages that may result will be  
19 alleviated by the inclusion of the Waldo View  
20 Estates property which will provide more housing  
21 density than can be accommodated on the Canemah  
22 site.

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

- No water or sewer lines or new roads have been  
constructed to serve the site.

- The area is not within an existing water district.

1           -     The area is not within current Tri-Cities Service  
2           District boundaries but is part of the Tri-Cities  
3           Service area. However, Service District plans can  
4           easily be modified to exclude sewer service for  
5           this area, without creating any inefficiencies for  
6           the remaining areas to be served. The planned  
7           Willamette trunk line would have served only this  
8           area and can be eliminated without revising plans  
9           for serving the remaining urban area.

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

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

## 14                     II. ADDITION OF WALDO ESTATES

### 15           Summary:

16           The area is located approximately one-mile east of Oregon City  
17           lying north of Maple Lane and east of Holly Lane. The property is  
18           vacant with the exception of the Waldo residence on Tax Lot 600.  
19           The property is 195 acres consisting of five lots. The southerly  
20           half is flat (0-10 percent slope) lacking significant vegetation  
21           with the exception of a ravine of 20 - 35 percent slope on the  
22           western edge. The central third of the site consists of 0 - 10 and  
23           10 - 20 percent slope. This portion has been identified by DOGAMI  
24           as a land movement area. The northern portion of the site varies  
25           from 0 - 10 to 35 - 50 percent slope. A bench separates the middle  
26           and northern portions. A tributary to the main stem of Abernethy

1 Creek flows north along the eastern edge of the property.

2 Areas by slope category for the property are:

3 0 - 10 percent	87.98 acres	20 - 35 percent	28.50 acres
4 10 - 20 percent	51.72 acres	35 - 50 percent	26.50 acres

5 Significant vegetation is scattered in groves, associated with  
6 steeper slopes, ravines and watercourses. Principal tree species  
7 are Douglas Fir, Western Red Cedar and Red Alder.

8 Four electrical transmission easements cross the site.

9 In proximity are many small homesites and property owned by the  
10 Oregon City School District. There is a mobile home park  
11 one-fourth-mile to the south and east, south of Maple Lane.  
12 Adjacent to the property on the east is McLoughlin Substation  
13 operated by Portland General Electric. Abernethy Creek flows  
14 westerly north of the site.

15 The areas to the north and east of the site are vacant.

16 Smaller lots immediately adjacent to Waldo Road are developed with  
17 single family residential uses.

18 Site access is via Maplelane Road. Maplelane Road and Holly  
19 Lane are both designated minor arterials. Waldo Road to the east is  
20 a designated local street. The Oregon City bypass is designated  
21 freeway/expressway and scenic road. Right-of-way acquisition is in  
22 progress. Construction funds have not been released.

23 All land surrounding the site is designated Rural except for a  
24 small part of the southwest corner. Newell Creek Canyon, which lies  
25 between the site and the UGB to the west, is designated Forest.  
26 This designation extends from the Oregon City UGB east to the upper



1 slopes of Newell Creek Canyon near Holly Lane.

2 The area is currently not served by sanitary sewers; however,  
3 the Board of Commissioners has recommended to the Portland  
4 Metropolitan Area Local Government Boundary Commission the area be  
5 included in the Tri-Cities Sewer District.

6 The Council earlier reviewed this proposed addition and  
7 supported its inclusion within the UGB if requested in conjunction  
8 with the removal from the UGB of a comparable amount of land  
9 elsewhere, consistent with the applicable standards and procedures  
10 of Ordinance No. 81-105. The following findings are based on the  
11 record of the earlier proceeding and the findings adopted by the  
12 Council at that time as part of Resolution No. 81-269 (herein  
13 referenced as August 6 Findings).

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

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

18 a(1): Orderly and Economic Provision of Public Facilities and  
19 Services. A locational adjustment shall result in a net  
20 improvement in the efficiency of public facilities and  
21 services, including but not limited to water, sewerage,  
22 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.

23 - The Council has already found that the property  
24 can be provided with urban services in an orderly  
25 and efficient manner (August 6 Findings No. 26 and  
26 No. 27, pg. 9), assuming sewerage service is

1 provided by the Tri-Cities Service District and  
2 transit service is provided by private shuttle or  
3 other arrangement satisfactory to Tri-Met.

4 Approval of the County's petition should,  
5 therefore, be conditioned to assure that these two  
6 assumptions are realized.

7 - Inclusion of this area will facilitate early  
8 construction of the Tri-Cities Sewage Treatment  
9 Plant by making at least \$700,000 in prepaid sewer  
10 construction fees available to help fund system  
11 implementation.

12 - Inclusion of this area will also provide for  
13 construction of a water pump station at Molalla  
14 Avenue which will improve water service to the  
15 urban areas along Molalla Avenue and South End  
16 Avenue.

17 - Waldo Estates can be provided with sewer service  
18 more efficiently than Canemah. Approval of this  
19 addition in trade for the Canemah area thus  
20 eliminates the inefficiency of providing sewer  
21 service to the Canemah area while adding an area  
22 that can be sewered more easily.

23 - The addition would not create any reduction in the  
24 efficiency of other services; approval would,  
25 therefore, result in a net increase in service  
26 efficiencies in the adjoining urban area.

1 a(2): Maximum Efficiency of Land Uses. Consideration shall  
2 include existing development densities on the area  
3 included within the amendment, and whether the amendment  
4 would facilitate needed development on adjacent existing  
5 urban land.

- 6 - The Council has already found that development of  
7 the property as proposed promotes maximum land use  
8 efficiency (August 6 Findings Nos. 30 and 31,  
9 pp. 10-12).
- 10 - The property is vacant except for one house; the  
11 level of existing development thus neither  
12 promotes nor inhibits urbanization.
- 13 - Approval of the addition would support commercial  
14 development along Mollala Avenue.

15 a(3): Environmental, Energy, Economic and Social  
16 Consequences. Any impact on regional transit corridor  
17 development must be positive, and any limitations  
18 imposed by the presence of hazards or resource lands  
19 must be addressed.

- 20 - Highway 99E is the regional transit corridor that  
21 would serve both this area and the area proposed  
22 for removal. Because this area can be more  
23 efficiently developed, and so can accommodate more  
24 people, and because the project proposed for this  
25 area is designed for elderly residents, who have a  
26 higher proportion of transit ridership than the  
population as whole, the impact of this amendment  
on transit in this corridor, if any, would be  
positive.
- About 55 acres of the site is sloped 20 percent or

1 more, and some of the steep slopes may be subject  
2 to land movement. However, the area affected by  
3 hazards is substantially less than in the Canemah  
4 area, and so the environmental consequences of  
5 developing this area instead of Canemah are  
6 positive.

7 - Inclusion of this area within the UGB would allow  
8 for development of a large mobile home subdivision  
9 for seniors, with a variety of community  
10 amenities. Provision of moderate cost retirement  
11 housing for seniors in a community of their peers  
12 has clear and important positive social  
13 consequences.

14 - Waldo Estates is surrounded by non-resource land  
15 on all sides, with the exception of some lands  
16 which abut the property to the northeast, for  
17 which the County's rural designation has been  
18 successfully contested on the grounds that the  
19 County has not demonstrated that these lands are  
20 irrevocably committed to non-resource use.

21 - Unless and until the County demonstrates that it  
22 is impossible to protect these lands for resource  
23 use, they must be considered a farm or forest  
24 resource protected by LCDC Goal #3 or #4, or both.

25 - Approval of the proposed addition would have  
26 negative environmental consequences on this

1 resource only if the urban development so allowed  
2 would cause conflicts with farm or forest use on  
3 these adjoining lands.

4 - The applicant has expressed his willingness to  
5 design the proposed subdivision in such a way that  
6 all lands east of the section line (see Exhibit  
7 A-3), are developed at a density not to exceed one  
8 unit on every five acres, so as to provide an  
9 effective buffer between urban and resource use  
10 that will eliminate any potential conflicts.

11 - If the subdivision is designed and approved  
12 accordingly, there will be no negative  
13 environmental consequences for adjacent farm or  
14 forest use, nor can this amendment be considered  
15 to interfere with farm or forest use in any way.  
16 Approval should, therefore, be conditioned upon  
17 such a buffer being provided.

18 a(4): Retention of Agricultural Lands. When a petition  
19 includes land with Class I through IV Soils, that is not  
20 irrevocably committed to nonfarm use, the petition shall  
21 not be approved unless the existing location of the UGB  
22 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.

23 - Metro has reviewed and accepted the applicant's  
24 findings entitled "Waldo View Estates: Proposed  
25 Findings Re: Commitment to Non-Farm Uses"  
26 (Attachment I).

1 - Metro finds, accordingly, that Waldo Estates is  
2 irrevocably committed to non-farm use and that  
3 this standard, therefore, does not apply.  
4 - Metro has also received from the applicant  
5 "Proposed Findings Re: Negative Impacts on Service  
6 and Land Use Efficiency." The positive impacts on  
7 adjacent commercial activity and on implementation  
8 of the Tri-Cities Sewer District, discussed in  
9 these proposed findings, have been considered in  
10 addressing standards a(1) and a(2) above.  
11 Because, however, standard A(4) has been found not  
12 to apply, Metro makes no findings on whether or  
13 not these factors would constitute a severe  
14 negative impact on land-use and service  
15 efficiencies in the adjoining urban area  
16 sufficient to meet this standard if it were  
17 applicable.

18 a(5): Compatibility of Proposed Urban Uses with Nearby  
19 Agricultural Activities. When a proposed adjustment  
20 would allow an urban use in proximity to existing  
21 agricultural activities, the justification in terms of  
22 factors (1) through (4) of this subsection must clearly  
23 outweigh the adverse impact of any incompatibility.

24 - This standard does not apply, as there are no  
25 nearby agricultural activities (August 6 Findings,  
26 No. 39, pg. 13).

27 c(3): IF, IN CONSIDERING FACTOR 1 OF SUBSECTION (A) THE PETITIONER  
28 FAILS TO DEMONSTRATE THAT EXISTING OR PLANNED PUBLIC SERVICES  
29 OR FACILITIES CAN ADEQUATELY SERVE THE PROPERTY TO BE ADDED TO

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

- 4 - Development of the area proposed for addition would  
5 require upgrading of the Claremount Water District's  
6 facilities in order to provide an adequate water supply  
7 to the site. However, some improvements to the system  
8 would be needed in any case and this addition would  
9 allow needed improvements to be made most effectively.
- 10 - Furthermore, approval of this addition as part of the  
11 trade proposed allows for more efficient provision of  
12 sewer service than would be possible if the Canemah area  
13 were sewered instead.
- 14 - Finally, the benefits to the region of allowing  
15 development of the proposed senior community are strong  
16 enough to justify any negative consequences resulting  
17 from modification of service plans.
- 18 - Metro finds, accordingly, that these unusual  
19 circumstances warrant approval even though some  
20 facilities will need to be upgraded in consequence,  
21 provided that approval is conditioned to ensure that the  
22 land to be added is used for the purposes proposed.

### 23 III. OVERALL EVALUATION OF PROPOSED TRADE

24 c(4): ANY AMOUNT OF LAND MAY BE ADDED OR REMOVED AS A RESULT OF A  
25 PETITION UNDER THIS SUBSECTION BUT THE NET AMOUNT OF VACANT  
26 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.

26 /////

- 1 - Metro has modified the County's petition to delete 2.7  
2 acres of deveoped land from the area to be removed and  
3 to delete two acres of vacant land from the area to be  
4 added.
- 5 - The proposed addition as modified is 191 acres, of which  
6 all but approximately one acre is vacant.
- 7 - The proposed removal as modified is 182 acres, of which  
8 all but approximately two acres are vacant.
- 9 - The net amount of vacant land to be added is  
10 approximately ten acres, consistent with this standard.

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

- 14 - The Canemah area proposed for removal is almost entirely  
15 constrained by steep slopes and land movement, while  
16 less than a third of the Waldo Estates property to be  
17 added is subject to these hazards. Furthermore, because  
18 the Waldo Estates property is in one ownership that  
19 includes both buildable and unbuildable lands, density  
20 can be transferred from hazards to achieve a higher  
21 density than is normally possible in the County's low  
22 density residential areas, while the hazard areas can be  
23 integrated into the project to provide open space and  
24 recreational oppourtunities.
- 25 - The Canemah area is not only less suited topographically  
26 for urbanization, but is suitable for resource



1 protection under the County's Transitional Timber  
2 District.

3 - The Waldo Estates property would be used to provide a  
4 unique and desirable senior community for which the  
5 Canemah area is neither suitable nor available.

6 - The differences between the suitability of the two sites  
7 for urban development are sufficiently great to warrant  
8 an adjustment of this size.

9 IV. CONCLUSIONS AND PROPOSED ORDER

10 Metro finds that Clackamas County's petition for a trade, as  
11 shown on Exhibits A and B, to add 191 acres in the area known as  
12 Waldo Estates and to remove 182 acres in the area known as Canemah  
13 meets the standards for trades established in Ordinance No. 81-105.

14 These findings are based upon certain assumptions about how the  
15 property will be developed, and approval, therefore, includes the  
16 following conditions subsequent:

- 17 A. that Waldo Estates is developed as a mobile home  
18 subdivision providing at least 700 units, available  
19 predominantly to households with heads 50 years of  
20 age or older;
- 21 B. the Waldo Estates property is annexed to the  
22 Tri-Cities Service District; and
- 23 C. the developer of the Waldo Estates property enters  
24 into an agreement with Tri-Met to provide for  
25 adequate transit service to the site.

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D. that the subdivision approved for Waldo Estates does not include any lots smaller than five acres on the land designated as "reduced density area" on Exhibit A-3 of Resolution No. 82-293.

/////

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MB/g1

4664B/274

Councilor Waker asked that information be provided on what the lost revenue would be if the new language were adopted. Mr. Durig said he would return with an estimate, although he believed it would have a minimal impact.

The ordinance was passed to second reading on October 27, 1983.

7.2 Consideration of Ordinance No. 83-162, amending the Urban Growth Boundary (UGB) in Clackamas County for Contested Case No. 81-2. (First Reading)

Councilor Kafoury reviewed the history of the case. She noted that the condition that annexation to the Metropolitan Service District occur before the UGB was amended had been satisfied.

Motion: Councilor Kafoury moved adoption of Ordinance No. 83-162. Councilor Williamson seconded the motion.

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

There was no public testimony or Council discussion.

The ordinance was passed to second reading on October 6, 1983.

7.3 Consideration of Ordinance No. 83-161, for the purpose of updating the Adopted Metropolitan Service District Regional Transportation Plan. (First Reading)

Councilor Williamson reported that TPAC and JPACT had recommended approval as well as the Regional Development Committee.

Motion: Councilor Williamson moved adoption of Ordinance No. 83-161. Councilor Kirkpatrick seconded the motion.

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

There was no public testimony.

Councilor Bonner commented that the RTP included the Bike Plan and a good agreement on the light rail corridor. He said it was a noteworthy document in those areas and complimented the people who had been involved.

The ordinance was passed to second reading on October 6, 1983.

Council Minutes  
October 6, 1983  
Page 5

7.1 Consideration of Ordinance No. 83-162, amending the Urban Growth Boundary (UGB) in Clackamas County for Contested Case No. 81-2. (Second Reading)

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

Mark Brown, Regional Services Planner, stated no new information had been received since the first reading of the ordinance.

There was no Council discussion or public testimony.

Vote: The vote on the motion to adopt Ordinance No. 83-162, made by Councilors Kafoury and Williamson on September 29, 1983, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Oleson, Waker, and Williamson.

Nays: None.

Absent: Councilors Kafoury, Kirkpatrick, and Van Bergen.

7.2 Consideration of Ordinance No. 83-161, for the purpose of updating the adopted Metropolitan Service District Regional Transportation Plan. (Second Reading)

Councilor Etlinger asked which document, the Regional Transportation Plan (RTP) or the Transit Development Program (TDP), had the most significance as far as transit policy. Andy Cotugno, Transportation Director, responded that the Regional Transportation Plan was a broad view of what the overall transit system should do and the Transit Development Program followed the policies in the RTP but was more detailed with short-term transit system improvements as opposed to long term ones.

Councilor Etlinger then asked when it was appropriate to amend the RTP to incorporate additional long range transit policies. Councilor Williamson responded that the RTP could be amended at any time as long as it followed a reasonable procedure for amendment.

Councilor Bonner said he thought what Councilor Etlinger was aiming for was a process which allowed review of the more specific transit development policies to determine whether they were or were not in compliance with the RTP.

## WALDO VIEW ESTATES

PROPOSED FINDINGS RE COMMITMENT TO NONFARM USES

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...

This statement has been prepared for inclusion in the Clackamas County Comprehensive Framework Plan. It also serves as a basis for Metro's finding that the subject property is committed to nonfarm uses.

The subject property consists of about 195 acres, of which four acres are already included within the UGB. The property is comprised of predominantly Classes II and III agricultural soils and of Douglas fir forest site Classes II and III. Elevation of the property slopes from 400 feet along Maple Lane to less than 100 feet to the north.

The property is currently the subject of an application by Clackamas County to the Metropolitan Service District for inclusion of the subject property within the UGB. The Metropolitan Service District Council, like the Clackamas County Board of Commissioners, has found that the land is committed to nonresource uses. Both the majority report (which was adopted), favoring inclusion of the land within the UGB as soon as a trade can be arranged, and the minority report, favoring outright inclusion of the parcel at this time, agree that the various factors impacting the parcel make agriculture and forestry impossible. A subcommittee of the LCDC has reviewed the findings describing these factors and impacts and recommended to the full Commission that the findings themselves are not adequate to explain commitment. LCDC did not find that

the land itself was not committed, but only that the findings were inadequate to explain the decision. Based upon additional evidence, these findings will again review the situation.

#### APPLICABLE STANDARDS

The land contains agricultural and forestry soils and, therefore, is subject to Goals 3 and 4 unless an exception is taken under the procedures established in Goal 2. The "irrevocably committed test" for satisfying the Goal 2 exception requirements have been described recently in the case of 1000 Friends of Oregon v. Clackamas County, LUBA No. 80-060. The test focuses on a specific showing of how activities or development on the site in question and surrounding properties prevent its continued use for farming purposes. The issue is whether there can be a finding that the subject land cannot now, or in the foreseeable future, be used for any of the purposes contemplated in Goals 3 and 4 after considering one or more of the following criteria:

- a. Adjacent uses;
- b. Parcel size and ownership patterns;
- c. Public services;
- d. Neighborhood and regional characteristics;
- e. Natural boundings;
- f. Other relevant factors.

It is important to note that the committed lands test is not a policy decision by the local governing body. Instead, it is a factual determination that a given area can no longer support agricultural enterprise.

The decision is reviewed by LCDC in a three-step process. First, the Commission inquires into whether the proper standards

were addressed. Second, the findings must be supported by substantial evidence. Third, if there is substantial evidence in the record, the Commission asks whether the findings themselves present a compelling case for commitment. The Commission does not reweigh conflicting evidence. Nor does it make an independent factual determination as to the status of the property. Its review is confined to the record and the findings based upon the record.

In considering these findings, it is important to note that commitment to forest uses is not relevant. Metro is operating under an acknowledged locational adjustments ordinance which refers only to consideration of farm uses. Metro's review is confined to determining whether or not the property is precluded from being used now or in the future for farm purposes.

In accord with recent LCDC decisions, we will consider profitability as one minor aspect of the commitment analysis. Profit has been defined by LCDC to mean the gross profit concept found in ORS Chapter 215:

"[Profit and money] does not mean profit in the ordinary sense, but rather refers to gross income inasmuch as this was the test under the former \$500 standard and is the present statutory standard for unzoned farmland. Since the Legislature did not specify a gross dollar amount required for lands to qualify for exclusive farm zones under ORS 215.213, it intended that this be a matter of discretion for the counties. LCDC may as a part of its Goal impose limits on that discretion." 1000 Friends of Oregon v. Benton County, 32 Or.App. 413, 575 P.2d 651 (1978).

LCDC has determined that the reasonable amount of a gross profit may vary from region to region and county to county, depending on the kind of farming activities which are possible. They have authorized the use of the figures used to determine

qualification for agricultural tax deferral as a guide for determining whether "farm use" of any given area can reasonably be expected to take place. Clackamas County uses a standard of \$2,000 per year on parcels in excess of 20 acres.

a. Adjacent uses, parcel size and ownership patterns.

In general, the parcel is surrounded by large lot residential development. There are homes on nearly all of the surrounding parcels. The UGB crosses the southern portion of the property and, therefore, we can expect some effort to increase the density in this area. There are no farming operations in the vicinity. The average lot size in the surrounding area is less than five acres.

The LCDC staff and Commission subcommittee have reviewed these surrounding properties and found their findings to be sufficient to consider them committed to nonresource use. The subject parcel is, therefore, surrounded by lands which are committed to nonresource use because of their residential development.

The high degree of surrounding residential development prevents the subject parcel from being used for agricultural or forestry purposes. The property has been analyzed by Ross J. Bowles, a qualified timber consultant, who made the following observations about the adjacent uses and their impact on timber productivity.

"This land was cleared by the early settlers for farm use. It has never been used for timber growing purposes since, and as the pressure for residential property has increased, these old farms near industrial centers have been subdivided. This is a natural outgrowth and expansion of Oregon City.

"At present, the adjacent property has been subdivided into typical residential sections along both sides of four



dedicated roads and streets. There are a number of lots accommodating horses with corrals, barns and small pasturages. The average lot size along Holly Lane, Redland, Market and Waldo View Roads is about 4.54 acres. From the number of homes and families already established on the neighboring property, it is readily apparent that this is a residential section and certainly not an area to introduce heavy industry such as timber growing.

"A forest stand in close proximity to a densely populated area exposes seedlings to extreme risk of grass fires. Employment of airplanes in fire suppression, beetle control and in timber removal operations is out of the question in this residential area. Forested tracts invite trespass by neighboring children building trails, cabins and 'hide-outs' in the timbered area with the resultant damage. Small trees are skinned delimbed, ringed and cut down. Larger ones are debarked and have nails and other metal objects pounded into them that prohibits their use in sawmills. The cost of fencing and patrolmen would be prohibitive.

"Safety and environmental objections are other factors that must be evaluated with respect to the use of the adjacent land. People in the neighborhood would not abide the noise pollution of chain saws, log trucks and other logging equipment. Felling of timber would represent a danger to children and pets used to playing in the woods. Increased traffic in residential areas by logging trucks and support equipment would greatly increase the risk of accident.

"Timber growing is not compatible with the normal activities of a residential neighborhood in such close proximity, and to convert the entire neighborhood from residential to all forestry is not justifiable."

Mr. Bowles comments are confirmed by testimony of residents of the area during the hearings on the UGB amendment. Concerns with trespass, traffic and compatible activities were expressed.

The same factors which negatively impact forestry activities also prevent agricultural use of the property. A land use feasibility study of the site prepared by Roger D. Bristol of Agri-Management Technology included:

"The property is economically incapable of supporting an owner-operator as a conventional commercial farm and contributes very little to the agricultural land base of the area. Development into rural homesites would be consistent with the surrounding area and create less adjacent land use conflicts than continued use for commercial agriculture and woodlands."

This report also confirms that the area has been dedicated to rural homesites and that there are no commercial farms in the surrounding vicinity. The report also cites the fact that the property is adjacent on the east to a proposed site for a new public high school and that there is a mobile home park within one-quarter mile to the south and east. The report closes by stating:

"Close proximity to houses and schools increases liability dangers, the problems of theft and vandalism, and creates potential land use conflicts from the noise, dust and chemicals of commercial agriculture."

The facts and circumstances presented to us present a compelling case that this land is not capable of agricultural or forestry production. The amount of residential development surrounding the property produces impacts which prevent resource uses. These impacts include theft and vandalism, as well as the inevitable conflict resulting from sensitive residential dwellers being subjected to noise, dust and chemical impact from agriculture and forestry operations.

The opinions of these experts are not merely speculation. The dangers which they have commented on in fact exist on the property. The December 4 letter of Herman Waldow quite specifically describes the problems he has experienced. He has lived in the area for about 75 years and has watched the area change over time. He states:

"While there was a time when surrounding development was minimal and the marginal quality of the land was due primarily to its poor soils, difficult topography and lack of water, the situation is now much different. The poor soils, bad topography and lack of water are still a problem; but, in addition, the large number of people who have moved into the area have finally made this marginal piece of ground completely unproductive."

Mr. Waldow is experiencing overwhelming problems with trespass:

"One of the most disturbing things to me is that I have been overwhelmed by trespassers. I have put up signs but they are always ripped down. If any equipment is left outside of a locked enclosure, it is vandalized. The Sheriff will confirm that he has been called many times because of the sound of gunfire, both day and night."

Mr. Waldow then recounts the problems that he has had in attempting to raise a viable crop on the land in the face of the impacts from surrounding development. Attempts at raising livestock have failed. Two cows have been shot. In describing the problems he had had with raising livestock, Mr. Waldow states:

"I am familiar with agriculture in many areas of the state and I know for a fact that they do not have near the numbers of armed trespassers coming across their property as I do. I also know that they are not surrounded by suburban development on all sides. Anyone who says that the problems that I have are typical of any farming area is attempting to mislead you. In the recent past, I had four cows stolen off of the property. It is not possible to farm and live with problems like that."

Mr. Waldow has also attempted to raise other crops including potatoes and strawberries. He states that due to the problems caused by trespass and by the inability to use some agricultural techniques due to conflicts with neighboring property owners, these crops were failures. He also points out that the source of the trespass problems is the surrounding residential development. There are no nearby agricultural areas and he points out that cattle stolen off the property "ends up in someone's freezer, not on their farm".

Based upon this evidence, it is quite clear, both from expert testimony and from practical experience with the land, that the degree of residential development in the area causes severe impacts which preclude the use of the land for farm purposes now or in the future.

The applicant has demonstrated that the property has been submitted for farm tax deferral, but that the County Assessor has refused to grant such a deferral. The testimony of Agri Management Technology and of the County Extension Agent agree with this conclusion. Mr. Waldow has provided evidence that due to the damage to crops that takes place from vandalism and other impacts the gross profit is less than \$1,000 per year. This falls short of the \$2,000 per year standard used by Clackamas County to grant eligibility for deferral.

The opponents have cited the partial budgets included in the Agri Management study to contend that while a net return is impossible on the land, a gross return is possible. Agri Management has submitted additional commentary on its calculations indicating that they are based on the assumption that there is no interference with production caused by impacts from surrounding development. The most recent letter reiterates that this assumption cannot be made for the reasons described in the original report. These reasons are summarized at p. 20 of the original report. It is the expert's opinion that if the land were not surrounded by development, it would produce a gross profit, but no net profit. With the degree of surrounding development that exists, and the interference with production that is caused by this development, it is not possible to produce a gross profit. This opinion is in accord with the evidence submitted by Mr. Waldow and by the County Extension Agent. It justifies the county's refusal to grant deferral status to this property.

For the reasons described, it is clear that the appli-

cant has made a compelling showing that the property is precluded from being used for agricultural purposes now or in the future. These findings describe the reasons why surrounding development precludes agricultural productivity on the land and the resulting inability to produce a gross profit which meets the county's standard for farm tax deferral.

b. Public Services

Like the surrounding residential properties, the subject parcel is serviced by the Clairmont Water District. In fact, at Holly Lane, the Clairmont Water District has a pump station that pumps the water up Holly Lane, west on Maple Lane to Beaver Creek Road. The waterline in Holly Lane is the main supply for the Water District system. At all times, there is water in the main from the pump station along Holly Lane which supplies water continuously to the adjacent residences along Holly Lane. The subject parcel is adjacent to Holly Lane.

Also adjacent to the subject property is a BPA substation served by a high tension line rated at 230 KV. Four other BPA branch lines radiate from this substation. The main powerline crosses the eastern portion of the subject property and powerlines cross it at an angle in the southerwestern portion. There is also an easement for an additional line crossing the property. The existence of these powerlines precludes the use of the land for timber and agricultural purposes. Timber cannot be grown under the line, nor felled near it primarily from a safety standpoint. The operation of timber management or logging equipment is also limited by the existence of these powerlines for the same reasons. The existence of the towers and lines also precludes use of aerial

spraying for agricultural or forestry purposes. This renders the property unusable for these purposes.

In addition, public roads in the area are not constructed to permit their use as heavy haul trucks which eliminates their use as logging truck roads. Log trucks haul gross weights of 35 tons and would break up the pavement on streets and roads designed to support only 10 or 12 tons. City ordinances prohibit these kinds of loads inside the city limits except on designated thoroughfares.

c. Neighborhood and Regional Characteristics.

There are certain obvious characteristics of this area which commit it to nonresource use. First, it is completely isolated from any farm or forest uses. No uses of this type exist in the area in order to help provide a market base or offer potential of consolidation or cooperative management.

Second, the parcel is surrounded by residential uses. The intensity of these uses is such that farm and forest experts have already concluded that the property cannot be made useful for resource purposes. This situation will only become worse in the future. The presence of the UGB, crossing one portion of the property, serves notice that residential uses in this area will intensify. Moreover, nearby commercial and institutional development reinforces the likelihood of this trend. Less than one mile away is a Fred Meyer shopping center and, within less than one-half mile, a major medical facility is being constructed at the intersection of Molalla Avenue and Beaver Creek Highway. This site is also in close proximity to Clackamas Community College and, therefore, the neighborhood characteristics are such

that residential intensification should occur in order to take full advantage of the investment that has already been made in public and private facilities.

The degree of surrounding residential development has been recognized by LCDC. The subject property is almost completely surrounded by land which the Commission has indicated can be justified as committed to nonresource use. Only a very small portion of the property, in the northeast corner, is connected with land which LCDC recommends for resource use. This portion of the subject property has been excluded from the UGB amendment application and, therefore, none of the proposed area is directly connected with land which is anticipated to be designated for resource purposes.

Other neighborhood and regional characteristics are less obvious. The agricultural study of the property concluded that there is little probability of developing irrigation on this property. Both surface run off and underground water from wells have been explored with negative results. Surface water rights filed with the State of Oregon Water Resources Division indicate that previous water rights have been established on both the minor surface waterways adjacent to the property. Other property owners have the right to whatever water there is in these two small drainageways. 15 well logs were examined from wells in the immediate area and most yielded less than 30 gallons per minute and ranged in depth from 60 to 300 feet. None of these wells were capable of providing water in a quantity adequate to make irrigation economical on this property.

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Throughout the area, and including this property, wet spots are indicated based upon the presence of water-loving shrubbery plants in several of the fields. Evidence of such wet spots indicates that tillage of the entire field as a unit would be difficult due to the variable soil conditions. Seepage spots would be too muddy to till in early spring when the rest of the field would be ready to till. This fact makes the already small fields even more difficult to manage on a commercial agricultural basis.

At one time, dairying was major industry in this area. Unfortunately, technological changes in dairying equipment, forage handling and the move to confinement buildings, required tremendous physical and economic expansion in order to maintain efficiency or profitability. In areas such as this one, the presence of residential development prevents such expansion and precludes what at one time might have been viable.

d. Natural Boundings and Topography

The major drainage of this area is to the north and west through Abernethy Creek which flows into the Clackamas River. There are many small intermittent creeks and streams that contribute to Abernethy Creek. These waterways are located in well defined stream beds which divide the area with steep ravines. These ravines are bushy and heavily wooded. The drainage,



topography and timber results in small, irregular and undulating parcels. This pattern makes large-scale agriculture in the region impossible. The fields cannot be combined into manageable units. The presence of ravines and other topographic barriers builds tremendous inefficiency into any attempts to cultivate the land.

On the subject parcel, farm equipment access between the fields is limited. Large modern agricultural equipment would be awkwardly and precariously moved from one field to the next through the narrow passageways between the trees and brushlands and through the deep and irregular gulleys. One 9.3 acre area at the northeast extreme of the property is not accessible from the other contiguous parcels and can only be accessed down Waldo Road. The approach to this field banks off steeply from the road and there is insufficient room to maneuver large tractor-trailer rigs or large tractors with tillage implements.

The general topography of the property is hilly, with scattered undulating fields with variable to steep slopes dissected with steep and deep ravines and drainageways. The total relief of the property ranges from 80 ft. mean sea level to a high of 420 ft. mean sea level. The slopes of the fields range up to 15% and many conventional tillage and harvesting operations are difficult on a slope in excess of 5%.

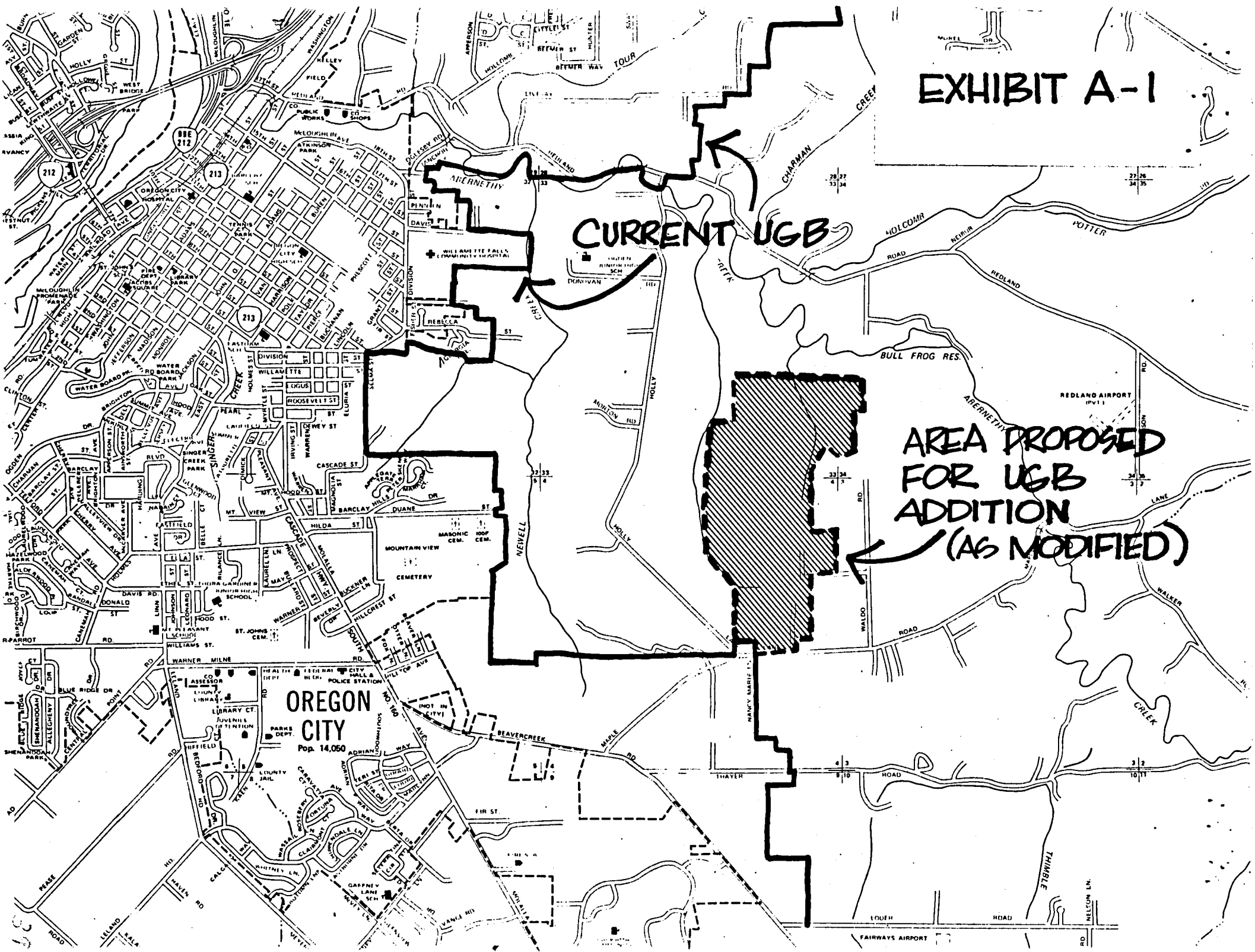
Natural features effectively preclude any intensive use of this area. Steep topography north of the site effectively isolates it from the Redland Road area. Similarly, a ravine between the site and the rural residential area on Holly Lane separates the area from the site. East of the site, the

substation and powerlines act as a physical barrier from areas further east. Therefore, the only adjacent area not physically separated from the site is the existing rural residential area fronting on Maple Lane to the south.

#### CONCLUSION

Based upon the above reasons and facts, we are compelled to conclude that the subject parcel is committed to nonresource uses and that it cannot be combined with other parcels in order to make it usable for farm or forestry uses. The impacts of residential development, including vandalism, increased fire danger and incompatibility with mechanized operations are so great that the property cannot be used now or in the future for resource purposes. Furthermore, the topography of the area and the presence of BPA powerlines and towers prevents this land from being used for resource purposes. We, therefore, find that the land is committed to nonresource uses and that the proposed RRFF-5 zone designation is appropriate.

# EXHIBIT A-1



# EXHIBIT A-2

LOT 3 II.0

## 62-03

SE COR  
(DLC 44)

NE Cor  
DLC 45

100Ac  
2500  
5.05Ac

2400  
607Ac

2300  
2.27Ac

7300  
7.15Ac

7200  
7.85Ac

7100  
14.05Ac

7500  
62.38Ac

7600

7000  
16.75Ac

7700  
4.18Ac

7601  
3.83Ac

6902  
3.09Ac

6900  
20.97Ac

7790  
7.50Ac

7800  
3.10Ac

7890  
4.99Ac

7901  
5.55Ac

S LINE DLC 45  
N LINE DLC 39

S LINE DLC NO 45  
N LINE DLC NO 39

**PROPOSED  
UGB  
ADDITION  
(AS MODIFIED)**

**LEGAL  
DESCRIPTION  
TO BE  
PROVIDED  
AT MEETING**

## 62-33

### RURAL

BOUNDARY (12-21-78)

### URBAN

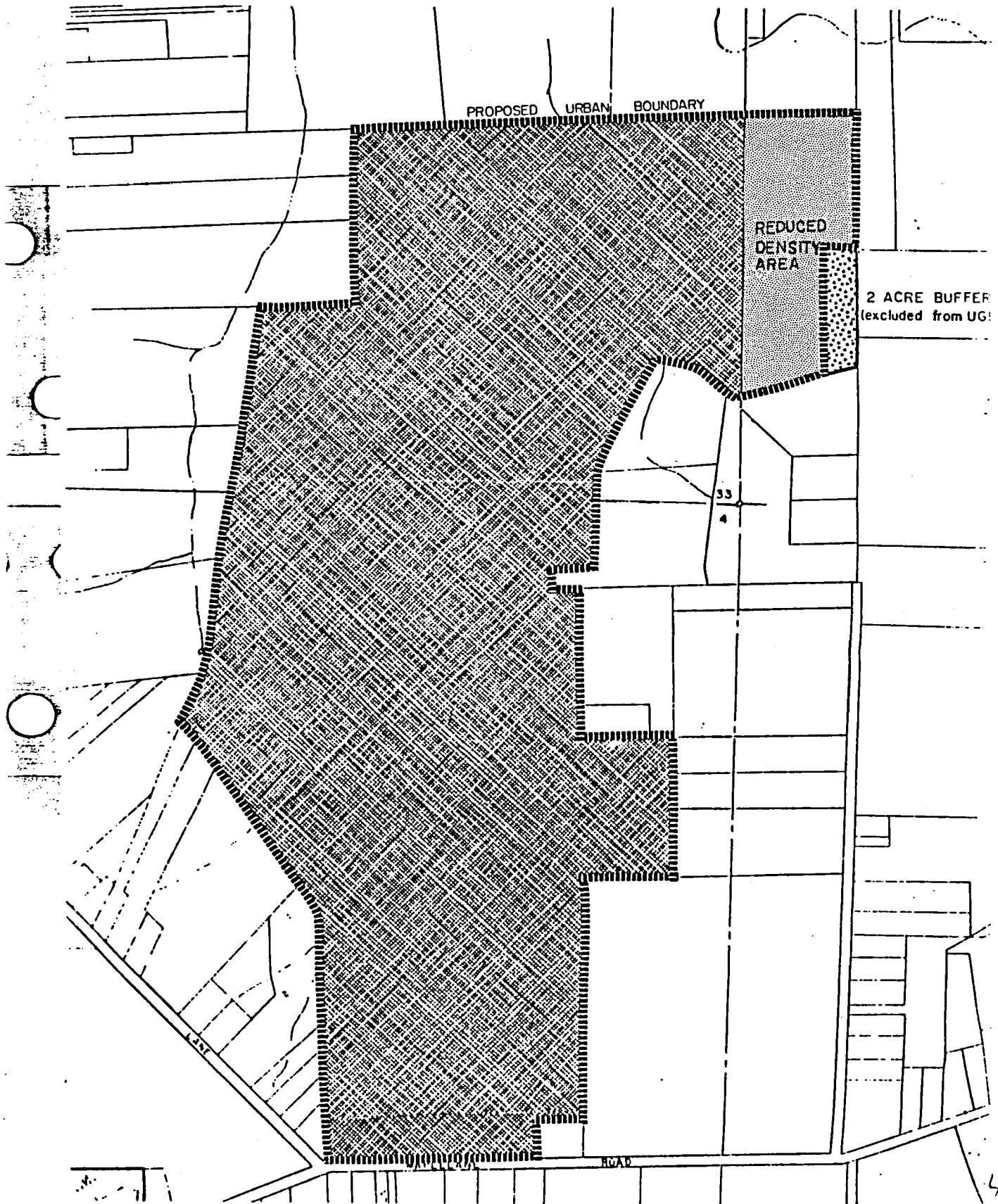
SEE MAP 13 2E 40

S LINE DLC NO  
N LINE J.B SWAFFORD

MAP D  
SEE

# WALDOW VIEW ESTATES UGB AMMENDMENT

EXHIBIT A-3



PROPERTY DESCRIPTION  
TWO ACRE BUFFER AREA  
TO BE EXCLUDED FROM U.G.B.  
FOR JIM JOHNSON

A portion of that tract in the southwest-quarter of Section 34, T. 2 S., R. 2 E., W.M., Clackamas County, Oregon described in deed to Waldow Farms, recorded February 18, 1970 under Clackamas County Recorder's Fee No. 70-3163, and more particularly described as follows:

Beginning at an iron rod set in the east line of the L.D.C. Latourette D.L.C. No. 45 at a point S. 00° 15' E., 1191.13 feet from the northeast corner thereof, and running thence along said east line N. 00° 15' W., 571.13 feet; thence S. 89° 45' W., 150.00 feet; thence parallel with the east line of said D.L.C. S. 00° 15' E., 590.66 feet to a point on the north line of that tract described in deed to Wendell W. Heagle recorded December 23, 1976 under Clackamas County Recorder's Fee No. 76-46049; thence along said north line N. 82° 20' E., 151.27 feet to the point-of-beginning, containing two acres, more or less.

*See - put this  
in record*

PROPERTY DESCRIPTION

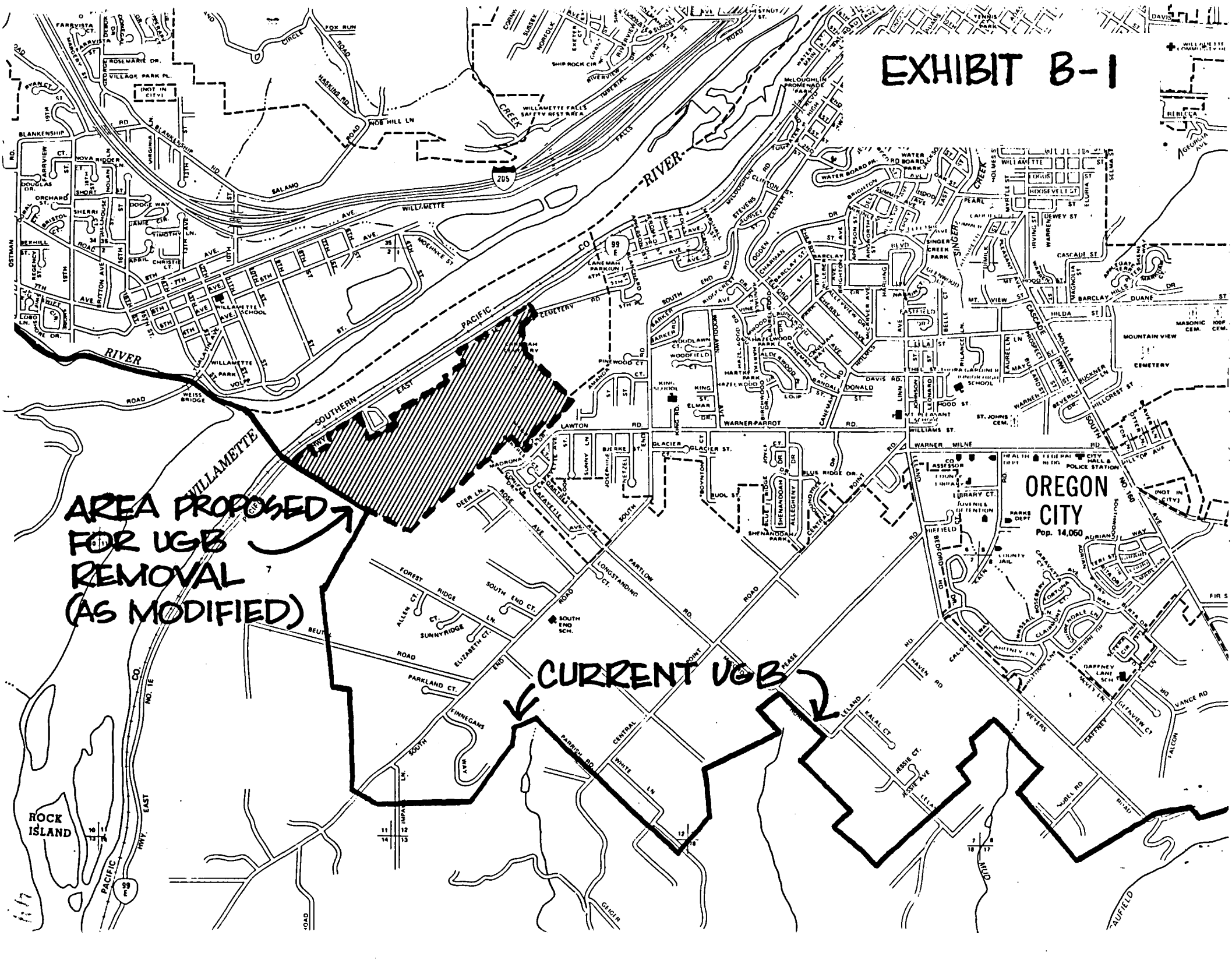
T.L. 7690 (Map 2-2E-33)

FOR JIM JOHNSON

A tract of land in the southwest-quarter of Section 34,  
T. 2 S., R. 2 E., W.M., Clackamas County, Oregon described  
as follows:

Beginning at the northeast corner of the L.D.C. Latourette  
D.L.C. No. 45 and running thence along the north line of  
said D.L.C. S. 88° W., 508 feet, more or less, to the west  
line of said Section 34; thence southerly along said section  
line 1242 feet, more or less, to the north line of that tract  
described in deed to Wendell W. Heagle recorded December 23,  
1976 under Clackamas County Recorder's Fee No. 76-46049;  
thence along said north line of the Heagle tract N. 82° 20' E.,  
518 feet, more or less, to a point on the east line of said  
D.L.C. and the northeast corner of said Heagle tract; thence  
along said east line of the D.L.C. N. 00° 15' W., 1191.13  
feet to the point-of-beginning.

# EXHIBIT B-1



**AREA PROPOSED  
FOR UGB  
REMOVAL  
(AS MODIFIED)**

**CURRENT UGB**

**OREGON  
CITY**  
Pop. 14,060

ROCK  
ISLAND

WILLAMETTE  
FALLS  
SAFETY REST AREA

MOUNTAIN VIEW  
CEMETERY

MASONIC  
CEMETERY

WILLAMETTE  
FALLS  
SAFETY REST AREA

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SAFETY REST AREA

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SAFETY REST AREA

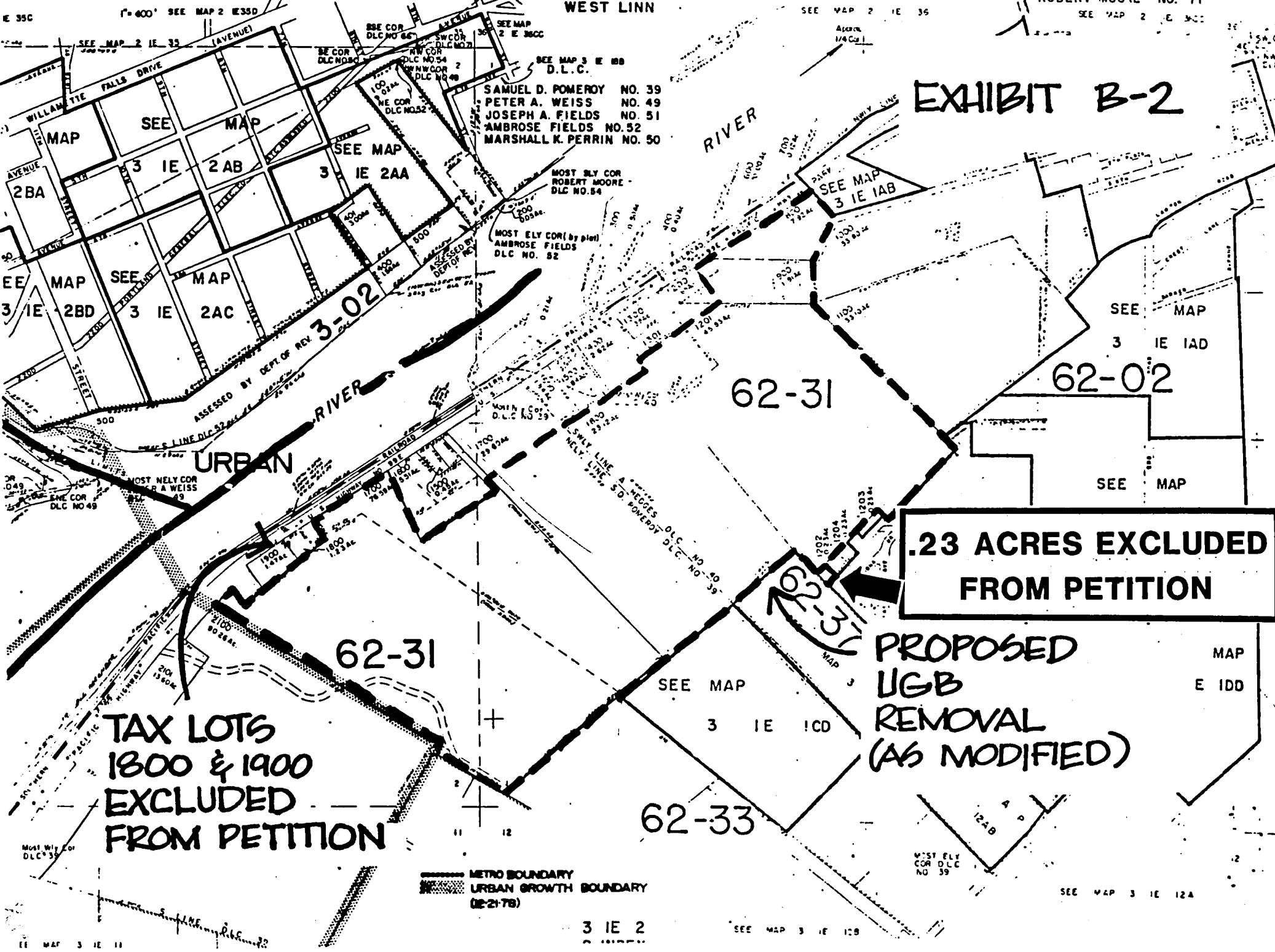
WILLAMETTE  
FALLS  
SAFETY REST AREA

WILLAMETTE  
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WILLAMETTE  
FALLS  
SAFETY REST AREA

WILLAMETTE  
FALLS  
SAFETY REST AREA





# EXHIBIT B-2

SAMUEL D. POMEROY NO. 39  
 PETER A. WEISS NO. 49  
 JOSEPH A. FIELDS NO. 51  
 AMBROSE FIELDS NO. 52  
 MARSHALL K. PERRIN NO. 50

**.23 ACRES EXCLUDED FROM PETITION**

**TAX LOTS 1800 & 1900 EXCLUDED FROM PETITION**

**PROPOSED UGB REMOVAL (AS MODIFIED)**

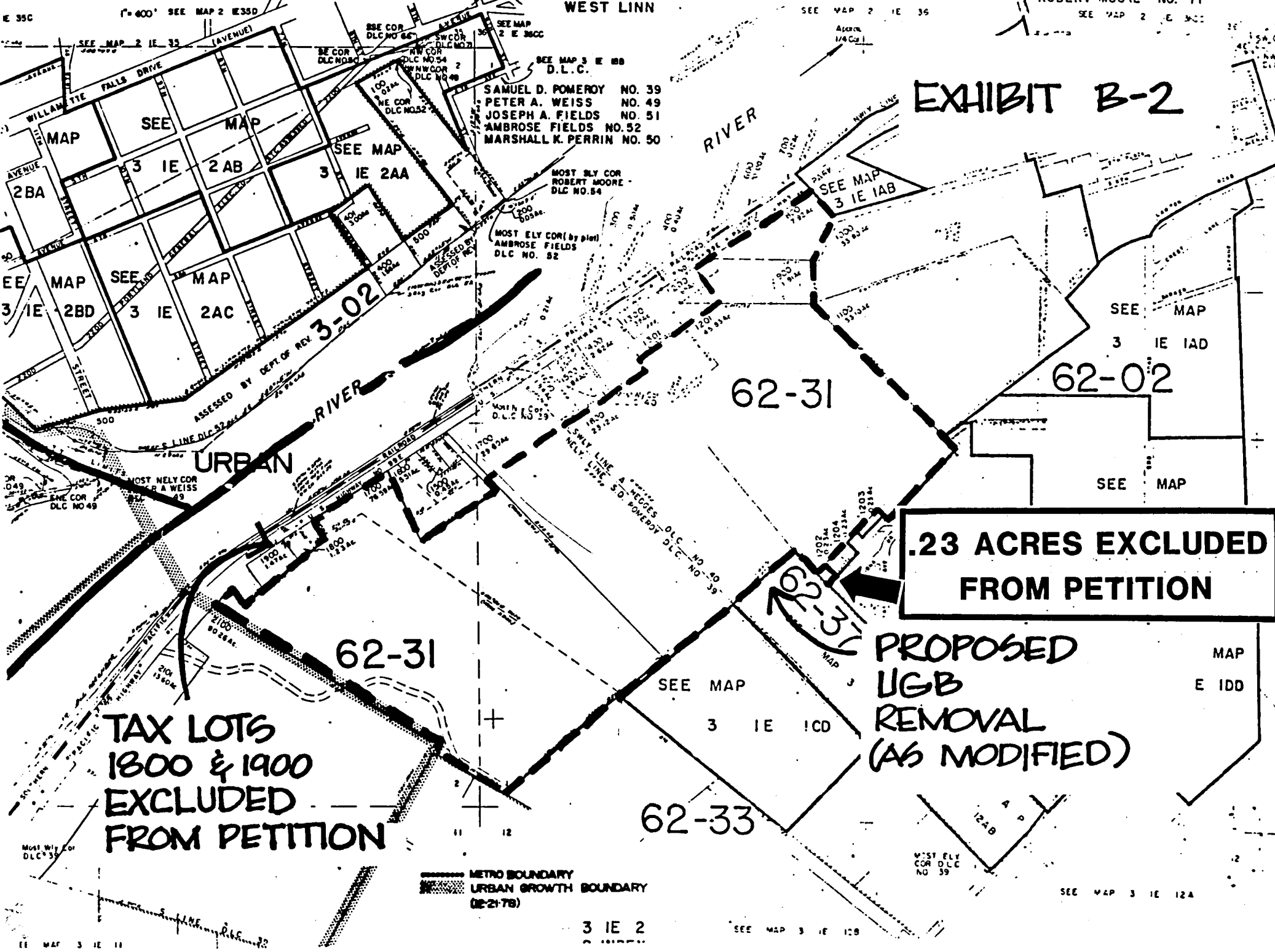
METRO BOUNDARY  
 URBAN GROWTH BOUNDARY (2-21-78)

3 IE 2

SEE MAP 3 IE 100

SEE MAP 3 IE 124

SEE MAP 3 IE 11





## METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and  
other Regional Services

October 10, 1983

Rick Gustafson  
*Executive Officer*

### Metro Council

Cindy Banzer  
*Presiding Officer*  
District 9

Bob Oleson  
*Deputy Presiding*  
*Officer*  
District 1

Richard Waker  
District 2

Charlie Williamson  
District 3

Corky Kirkpatrick  
District 4

Jack Deines  
District 5

George Van Bergen  
District 6

Sharon Kelley  
District 7

Ernie Bonner  
District 8

Bruce Etlinger  
District 10

Marge Kafoury  
District 11

Gary Hansen  
District 12

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

Dear Ms. McGarvin:

Enclosed are true copies of the following ordinances  
adopted by the Council of the Metropolitan Service  
District on October 6, 1983:

Ordinance No. 83-161, An Ordinance for the purpose  
of updating the Adopted Regional Transportation  
Plan.

Ordinance No. 83-162, An Ordinance amending the  
Metro Urban Growth Boundary (UGB) in Clackamas  
County for Contested Case No. 81-2.

Please file these ordinances in the Metro ordinance  
files maintained by your County.

Sincerely,

Everlee J. Flanigan  
Clerk of the Council

Enclosure

527 SW Hall St.  
Portland, OR  
97201  
503/221-1646