

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING THE METRO )           ORDINANCE NO. 84-170  
URBAN GROWTH BOUNDARY IN WASHINGTON )  
COUNTY FOR CONTESTED CASE NO. 83-2 )

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 Recommendations in Exhibit "B" of this Ordinance which is incorporated by this reference.

Section 3. This Ordinance is a Final Order in Contested Case No. 83-2.

Section 4. Parties to Contested Case No. 83-2 may appeal this Ordinance under 1979 Or. Laws, ch. 772 as amended.

ADOPTED by the Council of the Metropolitan Service District  
this 22nd day of March, 1984.

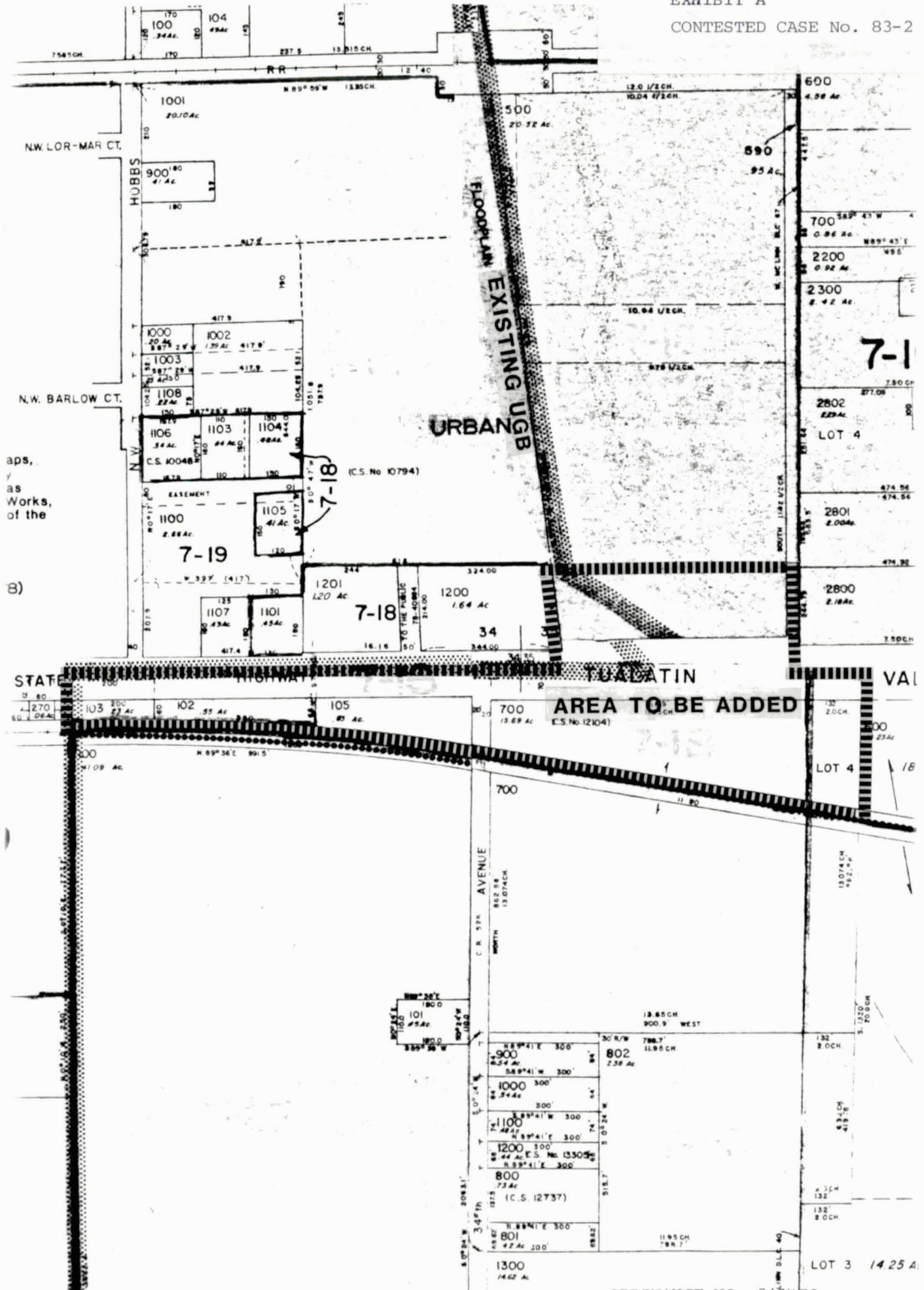
  
\_\_\_\_\_  
Presiding Officer

ATTEST:

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

MB/srb  
0685C/373  
02/07/84

ORDINANCE NO. 84-170



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7-1

7-19

(C.S. No. 10794)

7-18

AREA TO BE ADDED  
 (C.S. No. 12104)

LOT 4

LOT 3 14.25 A.

STAFF REPORT

Agenda Item No. 7.1

Meeting Date March 22, 1984

CONSIDERATION OF EDMUND DUYCK, ET AL, URBAN  
GROWTH BOUNDARY AMENDMENT, CONTESTED CASE NO. 83-2

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Date: February 3, 1984

Presented by: Mark Brown

FACTUAL BACKGROUND AND ANALYSIS

This case involves a petition to add approximately eight (8) acres of land to the UGB on the eastern edge of Cornelius in Washington County. The property is located on the north and south sides of Tualatin Valley Highway at S. W. 345th Avenue. The petition includes five parcels of land under separate ownerships.

The public hearing in this matter was held on December 2, 1983, by Metro's Hearings Officer. The applicant was represented at the hearing and presented evidence in support of the petition. No one appeared in opposition.

The Hearings Officer and Metro staff conclude that the applicable standards of the Metro Code, Chapter 3.01, have been satisfied and recommend approval of this locational adjustment.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval.

COMMITTEE CONSIDERATION AND RECOMMENDATION

Not applicable.

MB/srb  
0684C/373  
02/07/84

BEFORE THE METROPOLITAN SERVICE DISTRICT

1  
2 In the Matter of the Application )  
3 of EDMOND DUYCK, DAN SPEER, JERRY )  
4 DAVIS, RON SMITH, and RONAL DUSICK ) CONTESTED CASE NO. 83-2  
5 for an amendment to the District )  
Urban Growth Boundary ) REPORT AND RECOMMENDATION  
OF HEARINGS OFFICER

I. Nature Of The Case

6  
7 This is a request by five property owners to add 8.23  
8 acres to the District urban growth boundary. The land lies in and  
9 adjacent to the City of Cornelius along the Tualatin Valley Highway  
10 east of the existing UGB in Washington County. A plat of the  
11 properties showing current and proposed UGB locations and the  
12 Cornelius city limits appears as the next page of this report.  
13

The names of the property owners and their ownerships are:

<u>Name</u>	<u>Description</u>	<u>Size of Parcel</u>
Edmond Duyck	T1S, R3W, Sec.2B TL 700(part)	4.00 acre
Ron Smith	T1S, R3W, Sec.3A TL 102	0.55 acre
Ronal Dusick	T1S, R3W, Sec.3A TL 103	0.23 acre
Dan Speer	T1S, R3W, Sec.3A TL 105	0.83 acre
Jerry Davis	T1N, R3W, Sec.3C TL 500 (part)	2.62 acre

The applicants wish to use their parcels for various small scale commercial purposes.

Applicants' request has been approved by the City of Cornelius Planning Commission and City Council, and by the Washington County Planning Commission and Board of Commissioners.

//

1                   II. Proceedings And Record

2                   On December 2, 1983, following publication and mailing of  
3 notice to property owners identified by applicants as living within  
4 250 feet, a hearing was held on the application at Metro's offices.  
5 Planning consultant Ryan O'Brien and Applicant Jerry Davis re-  
6 presented the applicants; no other proponents or opponents appeared.  
7 The following exhibits which, together with the tape recording of  
8 the proceeding, constitute the record of this proceeding were entered:

9                   Exhibit 1 - Notice of hearing

10                  Exhibit 2 - Receipts for certified mailing of notice

11                  Exhibit 3 - Affidavit of publication of the notice in the  
12                                   "Oregonian"

13                  Exhibit 4 - Metro staff report

14                  Exhibit 5 - Application for UGB adjustment (twenty-three pages)

15                  Exhibit 6 - Responses to Metro's requests for comments from  
16                                   service providers (eleven pages)

17                  Exhibit 7 - Aerial photo

18                  Exhibit 8 - Letter to Cornelius City Manager Mark Arbuthnot  
19                                   from Engineer Robert A. Wright (July 21, 1983)

20                   III. Standards Applicable: Findings and Conclusions

21                   The standards applicable to this UGB adjustment are con-  
22 tained in Metro Ordinances Nos. 81-105 and 82-133, which have been  
23 acknowledged by LCDC. They are:

24                   1. Section 4(d): the adjustment must not result in an  
25 island of urban land outside the contiguous UGB, or create an island  
26 of non-urban land within the UGB. This application would do neither.

                  2. Section 4(e): the petition may not request addition

1 of more than 50 acres. This application is for 8.2 acres.

2 3. Section 5(a): the petition must include the written  
3 action by the governing bodies of each city and county having  
4 jurisdiction over the areas included in the petition. In this  
5 case, the record does show that the City of Cornelius and Washington  
6 County have approved this UGB adjustment.

7 4. Section 7(a): the application must be made by 50  
8 percent of the property owners of the area proposed to be annexed.  
9 This application has been made by a majority of the property owners  
10 in the 8.2 acre area.

11 5. Section 8(a)(1):

12 "Orderly and economic provision of public  
13 facilities and services. A locational adjust-  
14 ment shall result in a net improvement in the  
15 efficiency of public facilities and services,  
16 including but not limited to, water, sewerage,  
17 storm drainage, transportation, fire protection  
18 and schools in the adjoining areas within the  
19 UGB; and any area to be added must be capable of  
20 being served in an orderly and economical fashion."

21 The five parcels under consideration are on the easterly  
22 limit of the City of Cornelius. Two of the parcels (Tax Lots 102  
23 and 103) are already within the Cornelius city limits. Current  
24 zoning and proposed uses for the properties are:

21	<u>Property</u>	<u>Current Zoning</u>	<u>Proposed Use</u>
22	Tax Lot 102	Cornelius C-2 (Hwy Comm'l)	Office buildings
23	Tax Lot 103	Cornelius C-2 (Hwy Comm'l)	Mini storage
24	Tax Lot 105	County MA-1 (industrial)	Manufacturing
25	Tax Lot 500	County AF-5	Mini storage
26	Tax Lot 700	County AF-5	Restaurant



1           The City Engineer states that gravity sewer service can  
2 be provided to most of the area from an existing eight-inch sewer  
3 in North 31st Avenue, and any area which cannot use gravity can  
4 be pumped. (Ex. 8). Water system connections are also available  
5 within a short distance from the properties. Both sewer and water  
6 extensions would be made at applicants' expense. (Id.) Police  
7 and fire protection are readily available.

8           Tax Lots 102 and 103 are currently within the City of  
9 Cornelius. They cannot develop unless sewer and water are extended  
10 from north of the TV Highway, across the TV Highway to their properties.  
11 The road crossing would be uneconomical if only those properties  
12 shared the cost; however it is economical if spread over the four  
13 tax lots south of the highway.

14           Other services to the properties are adequate. The  
15 properties front on the TV Highway, a five-lane arterial. Storm  
16 water disposal would present no difficulties because there is a  
17 major drainage swale just to the east.

18           6. Section 8(a)(2):

19                   "Maximum efficiency of land uses.  
20                   Considerations shall include existing  
21                   development densities on the area included  
22                   within the amendment, and whether the  
23                   amendment would facilitate needed develop-  
24                   ment on existing urban land."

25           Applicants' properties are situate in or adjacent to  
26 the Cornelius city limits, and between the city limits and a heavily  
developed residential area, which is not within the UGB. It is  
clear from an observation of the area that this residential area

1 will eventually have to be included within the UGB; and that to  
2 bring in the residential area, applicants' properties would also  
3 have to be included. To leave applicants' small parcels out would  
4 leave an island of rural land in an area that is, or will be,  
5 densely developed. As stated below, these properties are not fit  
6 for agricultural use, and to leave them classified rural between  
7 two urbanized areas would be illogical.

8           7. Section 8(a)(3):

9           "Environmental, energy, economic and  
10           social consequences. Any impact on the  
11           regional transit corridor development must  
12           be positive and any limitations imposed by  
13           the presence of hazard or resource lands must  
14           be addressed."

15           As discussed below, urban development of these lands  
16           would neither remove resource land from production, nor adversely  
17           affect nearby resource lands. Given their small size, and the uses  
18           proposed for them, any adverse environmental effects from their  
19           development would be trivial and any other negative consequences  
20           would be negligible. Urban development of these parcels as proposed  
21           by applicants would be economically beneficial to the city and county.

22           8. Sections 8(a)(4) and 8(a)(5):

23           "Retention of agricultural land. When  
24           a petition includes land with Class I-IV  
25           soils that is not irrevocably committed to  
26           non-farm use, the petition shall not be  
27           approved unless the existing location of the  
28           UGB is found to have severe negative impacts  
29           on service or land-use efficiencies in the  
30           adjacent urban area and it is found to be  
31           impractical to ameliorate those negative  
32           impacts except by means of the particular  
33           adjustment requested."



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

9           The only resource lands proximate to applicants' parcels  
10          lie across the Southern Pacific Railway line south of Tax Lots 102,  
11          103, 105, and 700. Applicants own those lands, which are in grain  
12          and nursery stock.

13          The lands for which this application is made have been  
14          determined by Washington County to be committed to non-farm use.  
15          Given their separation from the resource lands to the south by the  
16          railroad right of way, there is no reason to think that commercial  
17          development of these lands would interfere with agricultural  
18          production. There is, moreover, no evidence of any such interference.


#### 19                                   IV. Conclusion

20          The advantages of including this land within the UGB, to  
21          the applicants and to the economics of the local jurisdictions  
22          involved, are considerable, and the negative impacts, if any, are  
23          negligible.

24          For the reasons set forth above, I recommend that the  
25          application be approved, and that these properties be included in  
26          the District UGB.

DATED: January 19, 1984.

Respectfully submitted,

  
\_\_\_\_\_  
Frank Josselson

ORDINANCE NO. 84-170

HOBBS ROAD

RYLAND PARK SUBDIVISION

PROPOSED UGB BOUNDARY

13

37-D

500 2.62 AC.

T.V. HIGHWAY

13

103 0.23 AC.

102 0.55 AC.

105 0.83 AC.

700 4.00 AC.

SOUTHERN PACIFIC RAILROAD

37-A

37-A

37-D

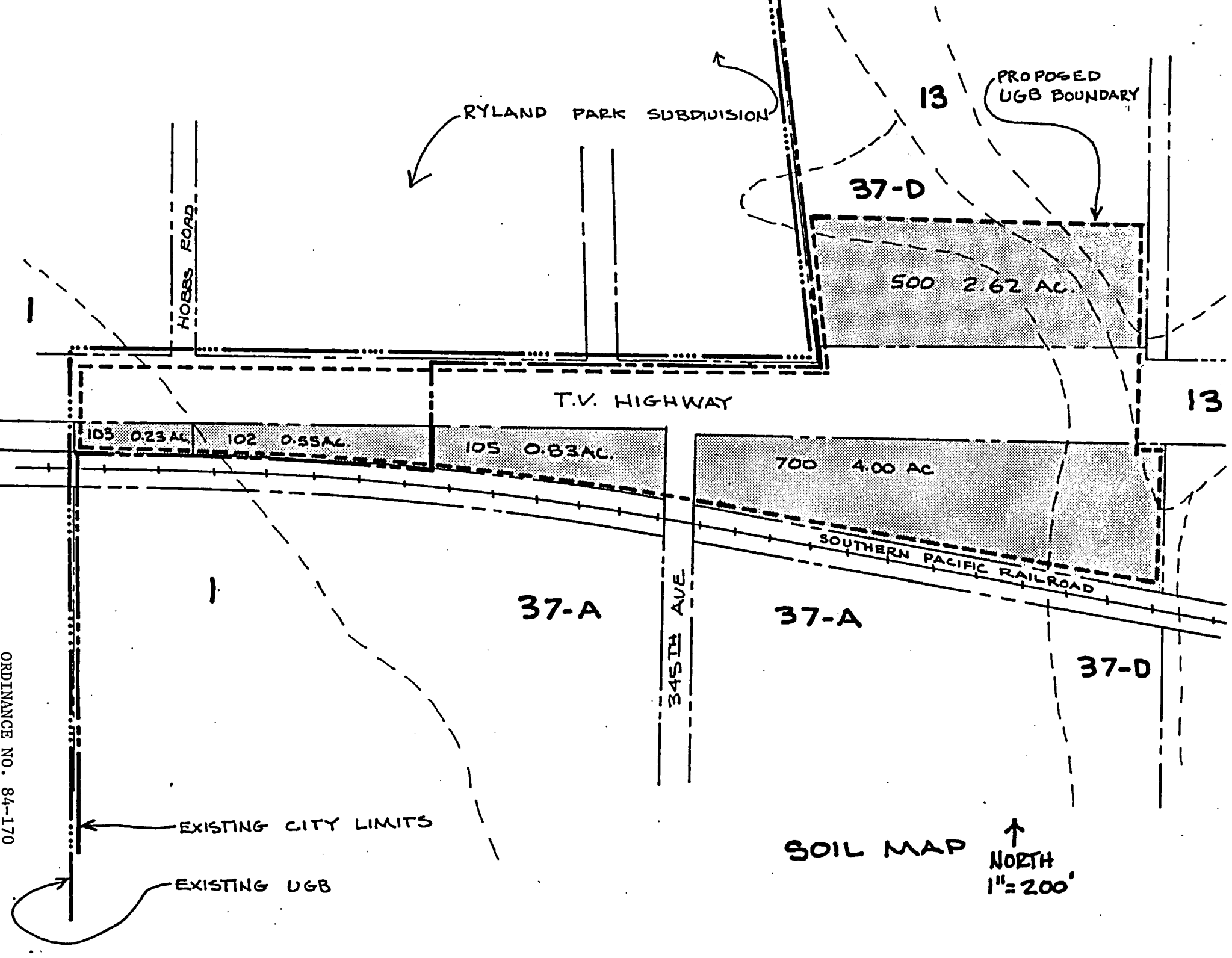
345TH AVE

EXISTING CITY LIMITS

EXISTING UGB

SOIL MAP

↑  
NORTH  
1" = 200'



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

IN THE MATTER OF A PETITION OF ) ORDER  
EDMUND DUYCK FOR AN AMENDMENT TO )  
THE REGIONAL URBAN GROWTH BOUNDARY )  
(CONTESTED CASE NO. 83-2) )

WHEREAS, Edmund Duyck, et al has submitted a petition (Contested Case No. 83-2) for an amendment to the Urban Growth Boundary (UGB) to add approximately eight (8) acres to the urban area; and

WHEREAS, A hearing was held on the proposed amendment before the Metro Hearings Officer on December 2, 1983; and

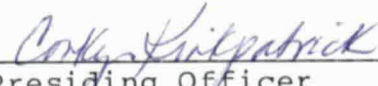
WHEREAS, The Hearings Officer has submitted Findings, Conclusions and Recommendations recommending approval of the proposed amendment; now, therefore,

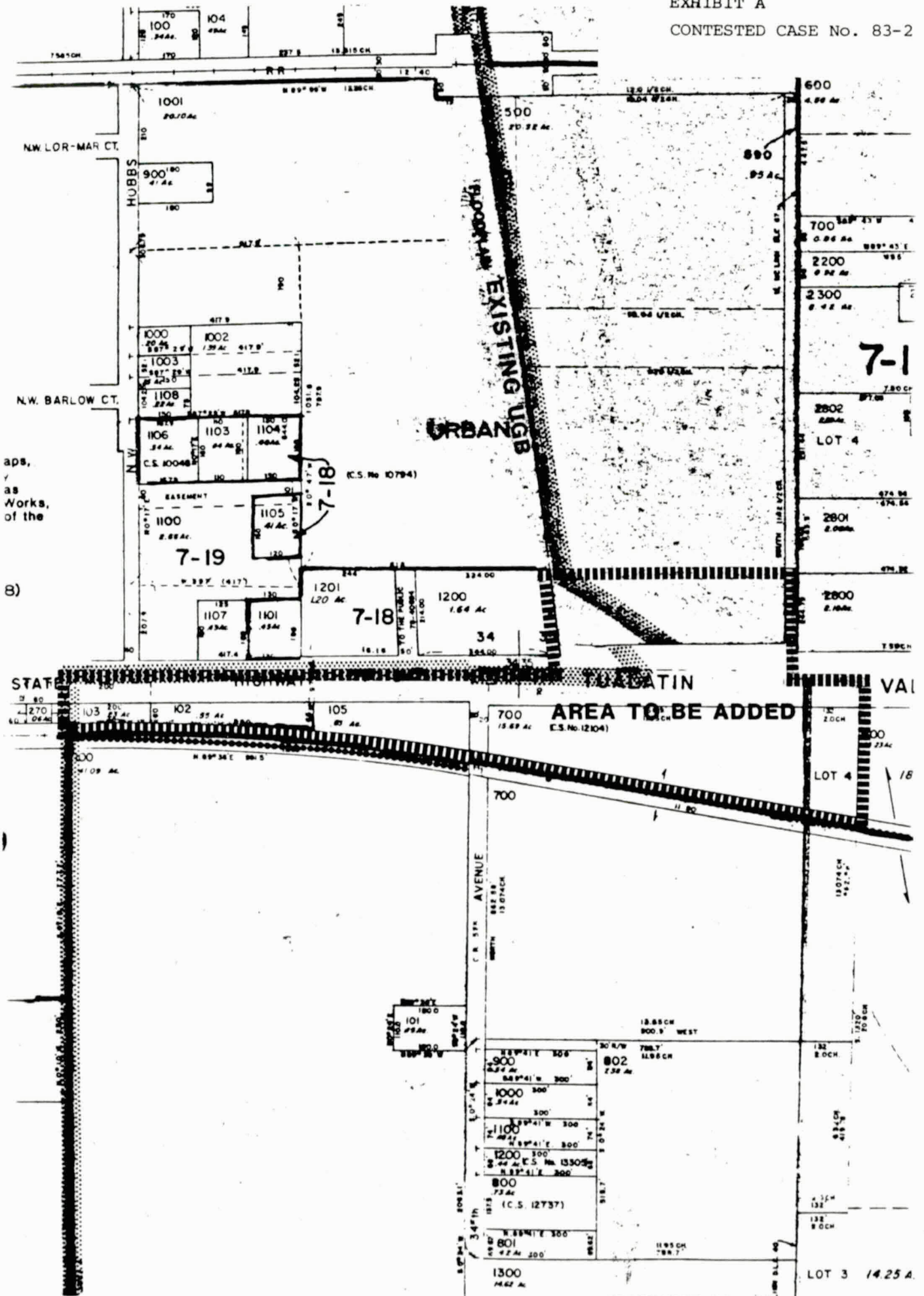
IT IS ORDERED,

1. That the Council of the Metropolitan Service District approves the petition to add approximately eight (8) acres to the Portland metropolitan UGB, as shown in Exhibit "A," and staff is directed to prepare an ordinance amending the UGB accordingly.

2. That the Council accepts and adopts the Findings, Conclusions and Recommendations submitted by the Hearings Officer on Contested Case No. 83-2 and designates as the record in this case all documents submitted to the Hearings Officer.

ADOPTED by the Council of the Metropolitan Service District  
this 23rd day of February, 1984.

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



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Council Minutes  
February 23, 1984  
Page 6

Vote: The vote on the motion to adopt Ordinance No. 84-168, made by Councilors Kafoury and Deines on January 26, 1984, resulted in:

Ayes: Councilors Bonner, Deines, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Councilors Banzer and Etlinger.

Motion carried, Ordinance adopted.

8.2 Consideration of Order and Ordinance No. 84-170, amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 83-2. (First Reading)

Mark Brown, Development Services Department, presented the staff report as contained in the agenda of the meeting. He said no exceptions to the Hearings Officer's report had been received.

Councilor Deines asked why lots within the City of Cornelius were not initially included in the UGB and were now being included.

Mr. Edmund Duyck, 2020 S.W. 325th Street, Hillsboro, stated that when he bought his property he believed the property was in the UGB but subsequently found that it was not.

Motion: Councilor Waker moved adoption of the Order in the matter of a petition of Edmund Duyck for an amendment to the Regional Urban Growth Boundary. Councilor Van Bergen seconded the motion.

Vote: The vote on the motion to adopt the Order resulted in:

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

Nays: Councilor Kafoury.

Absent: Councilors Banzer and Etlinger.

Motion carried, Order adopted.



Council Minutes  
February 23, 1984  
Page 7

Motion: Councilor Waker moved adoption of Ordinance No. 84-170. Councilor Williamson seconded the motion.

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

The ordinance was then passed to second reading on March 22, 1984.

9.1 Consideration of the continuance items regarding Hillsboro's request for acknowledgement. (Informational)

Councilor Kafoury reported that the Regional Development Committee was given a status report on the City of Hillsboro's request for acknowledgement. She said that the Executive Officer was writing a letter to LCDC explaining that Metro still took issue with the City's response to Goal 10 and was requesting a continuance of the acknowledgement. She said the Regional Development Committee wanted the Council to know what was going on with the request.

9.2 Consideration of Budget Committee Appointments.

Councilor Bonner stated that the Council Coordinating Committee had reviewed the citizen nominations to the Budget Committee and was recommending the following citizens for appointment: John Kelly, Juanita Leger, Jerome Levey, Henry Miggins and Lester Rawls. In addition, he said, the Coordinating Committee was recommending that the following Councilors be appointed to the Budget Committee: Councilors Kafoury, Kelley, Hansen, Oleson and Kirkpatrick.

Motion: Councilor Bonner moved adoption of the Council Coordinating Committee's recommendation for appointments to the Budget Committee. Councilor Kafoury seconded the motion.

Councilor Van Bergen commented that there was no statutory requirement for the committee and that he objected to the committee because it involved time that was not really necessary.

Councilor Oleson said he disagreed with the Committee's reasoning that because Hardy Meyers was thinking about running for a Metro Council position that he should not be appointed to the Budget Committee.

Council Minutes  
 March 22, 1984  
 Page 3

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger,  
 Hansen, Kafoury, Kelley, Kirkpatrick,  
 Oleson, Van Bergen, and Williamson.

Nays: None.

Absent: Councilors Deines and Waker.

Motion carried, Consent Agenda adopted.

7.1 Ordinance No. 84-170, amending the Metro Urban Growth  
 Boundary in Washington County for Contested Case No. 83-2.  
 (Second Reading).

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

There was no Council discussion.

Vote: The vote on the motion to adopt Ordinance No.  
 84-170, made by Councilors Waker and Williamson  
 on February 23, 1984, resulted in:

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

Nays: Councilor Kafoury.

Absent: Councilors Deines and Waker.

Motion carried, Ordinance adopted.

8.1 Consideration of Procurement Options for Implementing the  
 Washington County Transfer Station.

Norm Wietting, Solid Waste Department, presented the staff report as contained in the agenda of the meeting. He said the Services Committee had spent a considerable amount of time reviewing three options for implementation of the transfer station: a) Version I--the conventional approach by which Metro would site the location and hire independent contractors for the design, construction, and operation of the facility; b) Version II--whereby Metro would site the facility and then request proposals for one firm to design,





**METROPOLITAN SERVICE DISTRICT**  
Providing Zoo, Transportation, Solid Waste and  
other Regional Services

March 26, 1984

Rick Gustafson  
Executive Officer

**Metro Council**

Corky Kirkpatrick  
Presiding Officer  
District 4

Ernie Bonner  
Deputy Presiding  
Officer  
District 8

Bob Oleson  
District 1

Richard Waker  
District 2

Charlie Williamson  
District 3

Jack Deines  
District 5

George Van Bergen  
District 6

Sharon Kelley  
District 7

Cindy Banzer  
District 9

Bruce Etlinger  
District 10

Marge Kafoury  
District 11

Gary Hansen  
District 12

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

0969C/D5 - Merge List for 0968C/D5

Dear :

Enclosed is the true copy of the following ordinance  
adopted by the Council of the Metropolitan Service  
District on March 22, 1984:

Ordinance No. 84-170, an ordinance  
amending the Metro Urban Growth  
Boundary in Washington County for  
Contested Case No. 83-2.

Please file this ordinance in the Metro ordinance files  
maintained by your county.

Sincerely,

Everlee Flanigan  
Clerk of the Council

EF/srb  
0968C/D5

Enclosures

Mr. Don Stilwell  
County Administrator  
Washington County  
150 N. First Avenue  
Hillsboro, OR 97123  
Mr. Stilwell

Ms. Juanita Orr  
County Clerk  
Clackamas County Courthouse  
8th & Main  
Oregon City, OR 97045  
Ms. Orr

Ms. Jane McGarvin  
Clerk of the Board  
Multnomah County  
1021 S.W. 4th Avenue  
Portland, OR 97204  
Ms. McGarvin

0969C/D5 - Merge List for 0968C/D5