

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING SECTION) ORDINANCE NO. 84-174
3.01.040 OF THE CODE OF THE)
METROPOLITAN SERVICE DISTRICT)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Code of the Metropolitan Service District (Metro) is amended as follows (language to be removed is bracketed; language to be added is underlined):

3.01.040(a)

(4) Retention of agricultural land. When a petition includes land with Class I-IV soils that is not irrevocably committed to non-farm use, the petition shall not be approved unless it is factually demonstrated that: [the existing location of the UGB is found to have severe negative impacts on service or land use efficiencies 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.]

- Retention of the agricultural land would preclude urbanization of an adjacent area already inside the UGB, or
- Retention of the agricultural land would prevent the efficient and economical provision of urban services to an adjacent area inside the UGB.

3.01.040(c)

(3) The land proposed to be added is more suitable for urbanization than the land to be removed, based on a consideration of each of factors (1), (2), (3) and (5) of Section [5.07.040(a)] 3.01.040(a).

Section 2. In support of the amendment in Section 1 of this Ordinance, the Council hereby adopts the Findings in Exhibit "A" of this Ordinance which is incorporated by this reference.

Section 3. Persons who participated orally or in writing in the proceedings leading to adoption of this amendment may appeal this

Ordinance under the provisions of ORS 197.830 to 197.845.

ADOPTED by the Council of the Metropolitan Service District
this 5th day of July, 1984.

Corky Kirkpatrick
Presiding Officer

ATTEST:

Emilee Hanigan
Clerk of the Council

SS/MB/gl
1270C/382
06/14/84

EXHIBIT "A"

FINDINGS AND CONCLUSIONS

Amending Section 3.01.040 of the Code of
the Metropolitan Service District.

1. Metro's UGB Locational Adjustment Procedures were acknowledged by the Land Conservation and Development Commission (LCDC) in October 1981.
2. The UGB Locational Adjustment Procedures are intended for use in cases dealing with net changes in the UGB of 50 acres or less.
3. Recent experience has shown a certain lack of clarity with regard to that portion of the petition approval standards relating to the Retention of Agricultural Land; specifically use of the phrase "...severe negative impact on service...."
4. Goal 14 requires, in part, with regard to urban growth boundaries that the "...change of the boundaries shall be based upon consideration of the following factors: ...(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority...."

The amendment to the standard includes consideration of the retention of agricultural land and specifies certain circumstances under which rural land could be converted to urban uses. Under this standard, agricultural land will be retained unless it can be shown that the conversion is necessary for the urbanization of land already inside the UGB or the efficient delivery of services.

5. Goal 3 requires that the conversion of agricultural land to urbanizable land shall be based upon the five factors contained in the goal.

The five factors contained in Goal 3 were addressed in the Findings attached to Metro Ordinance No. 81-105 which was previously acknowledged. Those findings are incorporated by this reference, and are deemed to be unaltered by this amendment.

6. The procedures and requirements contained in Goal 2 must be followed in the review and revision of plans and implementing ordinances.

Local governments and interested parties were given the opportunity to participate in the process of amending this standard. This process included the circulation of a questionnaire on March 15, 1984, review of a draft of the proposed amendment on April 13 and May 17, 1984, and the opportunity for public comment at meetings on May 7 and June 11, 1984.

Conclusion

This amendment provides clarification of the retention of agricultural land standard, and specifies the circumstances under which an amendment to the UGB may be approved. This amendment is responsive to and in keeping with the applicable statewide planning goals.

MB/srb
1270C/373
05/17/84

STAFF REPORT

Agenda Item No. 7.1

Meeting Date July 5, 1984

CONSIDERATION OF ORDINANCE NO. 84-174 FOR THE
PURPOSE OF CLARIFYING A PORTION OF THE CODE OF
THE METROPOLITAN SERVICE DISTRICT, SECTION
3.01.040 - URBAN GROWTH BOUNDARY LOCATIONAL
ADJUSTMENT STANDARDS

Date: May 23, 1984

Presented by: Steve Siegel

FACTUAL BACKGROUND AND ANALYSIS

Recent Urban Growth Boundary (UGB) cases have brought to light a certain lack of clarity with regard to use of the phrase "...severe negative impacts on service...", as it is used in the standards for petition approval. In order to remedy this situation, Metro staff is proposing the attached amendment to Section 3.01.040(a)(4) of the Metropolitan Service District Code.

Drafts of this proposal have been previously reviewed by the local jurisdictions and recent participants to the locational adjustment process. The attached proposal incorporates the comments received during that process.

As a housekeeping matter, the citation at 3.01.040(c)(3) which reads "...of section 5.07.040(a)" should be changed to read "...of section 3.01.040(a)."

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval.

COMMITTEE CONSIDERATION AND RECOMMENDATION

The Regional Development Committee recommended approval of the Ordinance with the following amendments:

1. Bullet #2 under Section 3.01.040(a),
 - The efficient provision of urban services to an area inside the UGB would be impractical without making the subject change.be substituted with
 - Retention of the agricultural land would prevent the efficient and economical provision of urban services to an adjacent area inside the UGB.

2. Under Section 3.01.040(a)(4) add "it is factually demonstrated that" following "unless."

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 June 28, 1984
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8.3 Consideration of Ordinance No. 84-173, relating to the FY 1983-84 Budget and Appropriations Schedule, and amending Ordinance No. 83-153. (Second Reading)

Jennifer Sims, Budget and Administrative Services Manager, stated that all of the changes to the FY 1983 Budget had been reviewed by the Coordinating Committee at their meeting of June 18, 1984. She pointed out there were a typographical error in Exhibit B of the ordinance under Finance & Administration. She said the Revised Appropriation Schedule for Capital Outlay should read \$113,065 and not 0.

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

There was no public testimony.

Vote: The vote on the motion to adopt Ordinance No. 84-173, made by Councilors Kelley and Williamson on June 7, 1984, resulted in:

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

Nays: None.

Absent: Councilors Cooper, Oleson, and Williamson.

Motion carried, Ordinance adopted.

8.1 Consideration of Ordinance No. 84-174, amending Section 3.01.040 of the Code of the Metropolitan Service District. (First Reading)

Motion: Councilor Kafoury moved adoption of Ordinance No. 84-174. Councilor Bonner seconded the motion.

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

Councilor Kafoury reported that the Regional Development Committee recommended adoption of the ordinance as amended. She stated a letter had been distributed from Bob Stacey of 1000 Friends of Oregon which supported the ordinance as amended by the Development Committee (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 5, 1984.

7.1 Ordinance No. 84-174, amending Section 3.01.040 of the Code of the Metropolitan Service District. (Clarifying the Code relating to Urban Growth Boundary Locational Adjustment Standards) (Second Reading).

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

There was no public testimony.

Vote: The vote on the motion to adopt Ordinance No. 84-174, made by Councilors Kafoury and Bonner on June 28, 1984, resulted in:

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

Nays: None.

Absent: Banzer and Oleson.

Motional carried, Ordinance adopted.

7.2 Ordinance No. 84-175, relating to Public Contract Procedures and amending Code 2.04.001, 002, 003, 005, 010, 015, 020, 030, 035, 040, and 045. (Second Reading).

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

There was no public testimony.

Vote: The vote on the motion to adopt Ordinance No. 84-175, made by Councilors Bonner and Kelley on June 28, 1984, resulted in:

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

Nays: None.

Absent: Banzer and Oleson.

Motion carried, Ordinance adopted.



METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and
other Regional Services

July 6, 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

Sharron Kelley
District 7

Cindy Banzer
District 9

Bruce Etlinger
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

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

Dear Ms. McGarvin:

Enclosed are true copies of the following ordinances
adopted by the Council of the Metropolitan Service
District on July 5, 1984:

Ordinance No. 84-174, amending Section
3.01.040 of the Code of the
Metropolitan Service District.

Ordinance No. 84-175, relating to
Public Contract Procedures and Amending
Code Sections 2.04.001, 002, 003, 005,
010, 015, 020, 030, 035, 040 and 045.

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

Sincerely,

Everlee Flanigan
Clerk of the Council

EF/gl
1591C/D1

Enclosures

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



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Providing Zoo, Transportation, Solid Waste and
other Regional Services

July 6, 1984

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District 10

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District 11

Gary Hansen
District 12

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

Dear Mr. Stilwell:

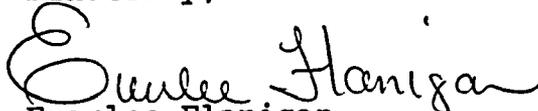
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Public Contract Procedures and Amending
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maintained by your county.

Sincerely,


Everlee Flanigan
Clerk of the Council

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1591C/D1

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