

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL ORDER) ORDINANCE NO. 85-193
ORDER AND AMENDING THE METRO URBAN)
GROWTH BOUNDARY FOR CONTESTED CASE)
NO. 85-4: FOSTER PROPERTY)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Council hereby accepts and adopts as the Final Order in Contested Case No. 85-4 the Hearings Officer's Report and Recommendations in Exhibit "B" of this Ordinance, which is incorporated by this reference.

Section 2. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, is hereby amended as shown in Exhibit "A" of this Ordinance, which is incorporated by this reference.

Section 3. Parties to Contested Case No. 85-4 may appeal this Ordinance under Metro Code Section 2.05.050 and ORS ch. 197.

ADOPTED by the Council of the Metropolitan Service District
this 19th day of December, 1985.



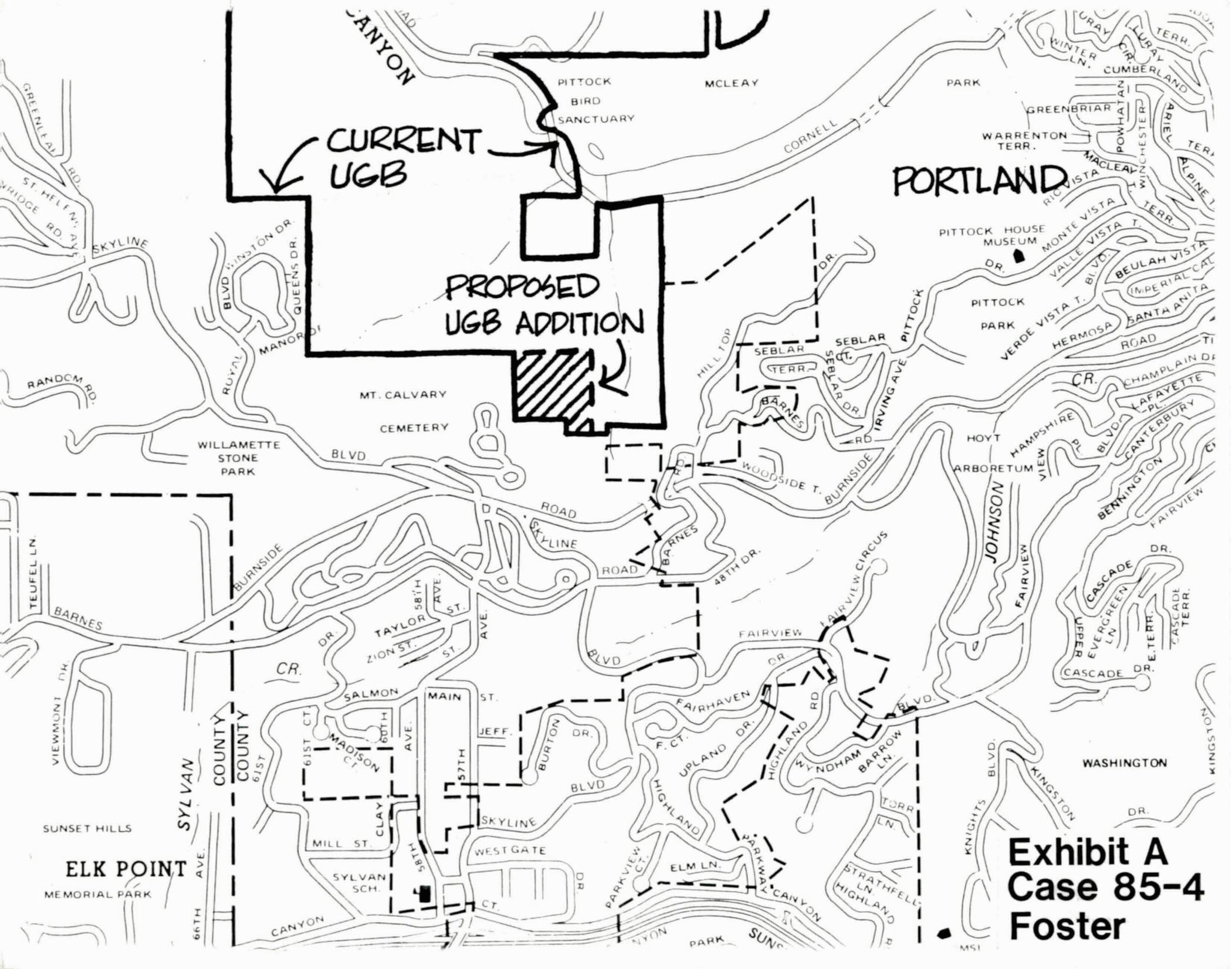
Richard C. Waker
Deputy Presiding Officer

ATTEST:



Clerk of the Council

JH/gl
4715C/435-2
11/15/85



CURRENT UGB

PROPOSED UGB ADDITION

PORTLAND

Exhibit A
Case 85-4
Foster

**Exhibit A
Case 85-4
Foster**

PROPOSED UGB

NON-URBAN

URBAN

EXISTING UGB

(d) 660

743.34

561.76 ±

(10)
10.25 Ac.

(70)
12.28 Ac.

(21)
10.22 Ac.

(d) 40 Rods.

(11)
9.85 Ac.

(58)
7.27 Ac.

(78)

30' 10" 12" W

Rd.

10' 2" 10' 2" W

1/4 mile to W line of SW 1/4 of SEC 14

400

300

131.70

1/4 SEC 14

135

100

BEFORE THE METROPOLITAN SERVICE DISTRICT

In the Matter of the Application)	Contested Case No. 85-4
of FOSTER CONSOLIDATED, INC.,)	
for an Amendment to the Urban)	REPORT and RECOMMENDATION
Growth Boundary)	of HEARINGS OFFICER

I. Nature of the Case

This is an application by Foster Consolidated, Inc., (Foster) to add 12.28 acres to the area within the regional urban growth boundary. The land lies just outside the City of Portland near the intersection of West Burnside Road and S.W. Skyline Boulevard, north of Burnside and east of Mount Calvary Cemetery. The description of the property is TIN, RIE, Section 31, TL 70, W.M.

Multnomah County has chosen to express no opinion on the petition, but by letter has pointed out that the petition (1) Would change the urban growth boundary; (2) Might conflict with the City of Portland's Northwest Hills study; and (3) Affects the Unified Sewerage Agency of Washington County. Following the Multnomah County action, the City of Portland's Bureau of Planning, through its acting director, stated that it did not object to the proposed UGB amendment and that the amendment might result in a more efficient land use pattern, subject to the following conditions: (1) Once within the UGB, the owner seek annexation to the City; (2) The property be provided with gravity-flow sanitary sewer service from the City using the Nicolai sewer basin; (3) On development, a storm drainage system be provided releasing storm water to the Balch Creek drainage at rates not exceeding those in a natural condition; and (4) The

developer contribute toward improved traffic control at the intersection of Skyline and Burnside. Since the property presently is outside the City, the City Council has not expressed an opinion on the petition.

II. Proceedings and Record

On September 16, 1985, following the publication and mailing of notice to 13 property owners who Foster or the hearings officer identified as living within 250 feet of the subject property, the hearings officer held a hearing on the application at Metro's office. Foster's president, Eldon R. Foster, testified in support of the application. William Ehlen, Jr., testified in opposition to the application. Following the testimony, the hearings officer closed the hearing subject to his receiving from the Metro staff data on the traffic capacity of West Burnside Road and the expected volume of traffic on the road in year 2000. The parties agreed to waive any right to rebut the data to be submitted.

Following the hearing, Ehlen objected that some property owners had not received notice of the hearing. These property owners were not within 250 feet of the subject property, but were within 250 feet of an abutting property, described below, that also is owned by Foster, is within the present UGB, and would be developed jointly with the subject property. None of these property owners requested that the hearing be reopened and there was no indication they would introduce evidence not already in the record. The hearings officer, therefore, declined to reopen the

hearing.

The following documents were either introduced during the course of the hearing or appeared in Metro's public file in this matter. Together with the testimony, they constitute the record upon which this report and recommendation is based.

- Petitioner's Exhibit 1 - Petition for Locational Adjustment.
- Petitioner's Exhibit 2 - Applicant's Statement.
- Petitioner's Exhibit 3 - Letter dated November 13, 1981, from R. A. Wright Engineering.
- Petitioner's Exhibit 4 - Letter dated November 20, 1983, from John McDonald Engineering.
- Petitioner's Exhibit 5 - Statement of Sewer Service Availability, dated October 4, 1984.
- Petitioner's Exhibit 6 - Comment from Multnomah County, dated January 17, 1985.
- Petitioner's Exhibit 7 - Comment from Sylvan Water District, dated April 1, 1985.
- Petitioner's Exhibit 8 - Comment from Portland Fire Marshal, dated July 23, 1985.
- Petitioner's Exhibit 9 - Comment from Portland Public Schools, dated July 30, 1985.
- Petitioner's Exhibit 10 - Letter from Michael S. Harrison, dated July 12, 1985.
- Petitioner's Exhibit 11 - Letter from Michael S. Harrison, dated July 25, 1985.
- Petitioner's Exhibit 12 - Action of Multnomah County Planning Commission, Meeting of May 13, 1985.
- Petitioner's Exhibit 13 - Letter from Jane McGarvin, dated June 4, 1985.
- Petitioner's Exhibit 14 - Memorandum from Martin Winch.

Petitioner's Exhibit 15 - Letter from Commissioners Anderson, Kafoury, and Blumenauer, dated June 4, 1985.

Staff Exhibit 1 - Staff Report on Contested Case No. 85-4 (Foster), dated September 9, 1985.

Staff Exhibit 2 - 13 Post Office receipts for certified mail, 11 certified mail addressee receipts, and 1 letter marked return to sender (addressee received duplicate at a different address).

Staff Exhibit 3 - Regional Transportation Plan, July 1982.

Staff Exhibit 4 - Memorandum from James A. Giesecking, Jr., dated September 20, 1985.

III. The Site and Surrounding Area

Foster owns three adjacent tax lots: The Subject Lot, which is TL 70 (Back Lot), and TLS 58 and 307 (Front Lots). The Front Lots contain 10.31 acres. Together, the three lots form an approximately rectangular parcel of land containing 22.59 acres, with the Front Lots being the southerly portion of the parcel and the Back Lot being the northerly portion. On the south side of the parcel is Burnside. The address is 5300 W. Burnside. The southwestern corner of the parcel is just east of the intersection of Burnside and Skyline. On the west side of the parcel is Mount Calvary Cemetery. Just touching the northwest corner is a 40 acre lot held by the Oregon Parks Foundation. On the north side of the parcel is a 21 acre lot held by the Audobon Society. On the east side of the Back Lot is a 10 acre privately held lot, TL 21. On

the east side of the Front Lots are a 5 acre privately held lot, TL 28; and a small privately held lot, TL 308, which fronts on W. Burnside and has a single residence on it.

With the exception of TL 308, to the southeast of the parcel, and Mount Calvary Cemetery, to the west, the parcel itself and the adjacent properties are undeveloped woodlands. They are covered with trees and shrubs. The trees primarily are maple, alder, and wild cherry, with occasional evergreens.

The Back Lot is the innermost tip of a long, narrow peninsula of presently non-UGB land that juts from the northwest into the presently UGB area. The peninsula also includes the Oregon Parks Foundation and Audobon Society lots to the north and northwest and the privately held TL 21 to the east. On the other hand, Mount Calvary Cemetery, the Front Lots, and the privately held TL 28 and TL 308 (east of the Front Lots) are inside the UGB. Thus Foster, by its application, is seeking to bring the Back Lot into the UGB for development together with the Front Lots. Foster was in the process of acquiring the Back Lot at the time of the UGB designation, but had not yet completed the acquisition process. If Foster had completed the process, it is likely that either all or none of the consolidated parcel would have been included within the UGB.

To the north of the general area are MacLeay and Forest Parks. Nearby to the south is Washington Park. Altogether, there are approximately 4,600 acres of open space either directly

abutting or nearly abutting the Foster parcel. Much of the nearby land within the UGB is developed with residences, but not up to the density permitted by applicable zoning.

The Foster parcel lies in Multnomah County. It is just outside the City of Portland, with only TL 21 east of the Back Lot and TLS 28 and 308 east of the Front Lots separating it from the City. Foster has signed a petition for annexation to the City, conditioned on inclusion of the Back Lot within the UGB. The Front Lots are zoned R-10 (1 dwelling unit per 10,000 square feet) and the Back Lot is zoned MUF-19 (1 dwelling unit per 19 acres). The Comprehensive Plan designation for the Back Lot is Multiple Use Forest. If the Back Lot were brought within the UGB, Foster probably would seek a Comprehensive Plan amendment and rezoning of the Back Lot to R-20 or R-10. Mount Calvary Cemetery to the west is zoned R-10 Community Service. The properties across Burnside to the south are zoned R-10. The properties to the north are zoned MUF-19. The property east of the Back Lot, TL 21, is zoned MUF-19. The properties east of the Front Lots, TLS 28 and 308, are zoned R-10.

Both the Front Lots and the Back Lot, as well as the surrounding land, are hilly. The Front Lots contain three ravines with small creeks that start from springs within or just west of the Front Lots. The two southerly ravines are narrow and have side slopes of 60 percent. The northerly ravine is more open and flat on the bottom. The Back Lot has no ravines or creeks and is

more favorable for development in terms of slope, soil stability, and freedom from erosion. The average slope on the Back Lot is 36 percent. The average slope on TL 21, the privately held lot to the east, is 65 percent. The average slope on the Audobon Society property to the north is 54 percent.

As stated above, the Front Lots already are within the UGB and are zoned R-10. The development of the Front Lots, however, would present difficulties because of the topography. On the ravine slopes, in particular, there is a need to maintain the plant root systems in order to avoid erosion of upper silt layers. The impact of these problems could be substantially reduced by developing the entire Foster parcel, consisting of the Front Lots and the Back Lot, as a Planned Unit Development, with the units concentrated on the less difficult Back Lot. Whatever the development, however, long-term soil stability will require the installation of small water check dams and plantings and other erosion control features. Given proper care, however, development of the Front Lots alone or the Front Lots and Back Lot together is geologically feasible, with developemnt together being preferable from an economic and geologic point of view.

The Foster parcel is one of the most desirable undeveloped properties in the metropolitan area. It has great natural beauty. It has a view to the east of East Multnomah County and to the north of Vancouver and Mt. St. Helens. It is 5 minutes from downtown Portland and therefore is much closer to the City center

than other undeveloped property presently within the UGB.

Probable development on the entire parcel would be a planned unit development of 40 detached single family units, with the majority located on the Back Lot due to the topography, the better view, and greater privacy. Another possibility would be a PUD with a greater number of condominium-type units, again with the majority located on the Back Lot.

IV. Standards and Related Findings

The standards applicable to this UGB adjustment application are set out in Chapter 3.01 of the Metro Code. Metro's standards and the findings related to them are set out below.

A. Islanding. - Metro Code section 3.01.020(d) states that a UGB adjustment must not result in an island of urban land outside the contiguous UGB or in an island of non-urban land within the UGB.

Finding: The proposed adjustment would not result in either type of island.

B. 50 Acre Maximum. - Metro Code section 3.01.010(e) states that an application may not seek to add over 50 acres within the UGB.

Finding: This application seeks to add only 12.28 acres within the UGB.

C. Other Government Action. - Metro Code section 3.01.025(a) states that the application must include the written action of the governing body of each city and county having jurisdiction over the property.

Finding: The record includes the written action of the Multnomah County Commission, expressing no position on the application. This is the only written action required by this section.

D. Number of Owners. - Metro Code section 3.01.035(a)(2) states that the application must be made by 50 percent or more of the property owners of the area to be included within the UGB.

Finding: All owners of property to be included are applicants.

E. Public Facilities and Services. - Metro Code section 3.01.040(a)(1) states:

"(1) Orderly and economic provision of public facilities and sources. A locational adjustment shall result in a net improvement in the efficiency of public facilities and services, including, but not limited to water, sewerage, storm drainage, transportation, fire protection and schools in the adjoining areas within the UGB; and any area to be added must be capable of being served in an orderly and economical fashion."

Finding: (a) Water: The Foster property is within the service area of the Sylvan Water District. It would receive service from a 10-inch water main in W. Burnside Avenue, which runs to within 30 feet of Foster's Front Lots. The cost to connect to the Water District's main to serve the Foster property will be born by Foster. The cost will be the same to make the connection whether Foster develops only the Front Lots or both the Front Lots and the Back Lot together.

Since the Sylvan Water District would serve the Foster property with no additional public investment, inclusion of the Back Lot within the UGB will slightly improve the efficiency of public water facilities and services. Service to the Back Lot, developed together with the Front Lots, would be both orderly and economical.

(b) Sewerage: The most likely means of sewerage for the Back Lot within the UGB would be by connecting to City of Portland, Nicolai basin sewers at the intersection of Burnside and N.W. 48th. This would take 1,250 feet of 8 inch line, which would cost approximately \$60,000 to construct. The cost would be born by Foster. The City has adequate sewer capacity to handle this connection with no additional public investment. Inclusion of the Back Lot within the UGB, therefore, will slightly improve the efficiency of public sewer facilities and services. Service to the Back Lot, developed together with the Front Lots, would be both orderly and economical.

Connection to the Nicolai basin sewers would require prior annexation to the City and approval of the City Bureau of Environmental Services. These would be consistent with City plans and desires.

(c) Storm Drainage: Current storm drainage on the combined parcels is by ravines in the Front Lots. Any development on the parcels will require construction of storm water retention facilities and the use of care in preserving plant

root systems that prevent erosion. Joint development of the Back Lot and the Front Lots actually will allow concentration of development on the Back Lot where drainage and erosion concerns are not as great, thus reducing problems of development runoff.

Inclusion of the Back Lot within the UGB will not affect the efficiency of public storm drainage facilities and services. The installation by the owner of storm drainage control measures can be accomplished in an orderly and economical fashion.

(d) Transportation: Access to the Back Lot would be by private roadway running from W. Burnside just east of its intersection with S.W. Skyline. The private roadway probably would be a one way loop running from Burnside through the Front Lots, into the Back Lot, and back through the Front Lots to Burnside.

W. Burnside presently is designated as a minor arterial. It carries a major Tri-Met route, No. 77.

As stated above, the Front Lots alone are within the UGB. Although zoned R-10, the Front Lots, if developed alone, probably would be developed to an R-20 density. This would provide for 20 dwelling units providing about 120 average daily trips. Inclusion of the Back Lot would allow the addition of another 20 dwelling units generating a further 120 average daily trips.

W. Burnside's present capacity east of the Skyline intersection is 1,200 vehicles per hour. Its capacity west of the intersections is 900 vehicles per hour. Traffic projections for

the year 2,005 indicate that peak traffic volumes on W. Burnside will be 1,950 east of Skyline and 1,650 west of Skyline. Burnside thus is not presently adequate to handle projected year 2005 traffic volumes.

The Metro Regional Transportation Plan has the function of setting out improvements needed to solve expected year 2005 transportation problems. The Plan identifies Burnside's inadequacy to handle year 2005 traffic volumes as a problem needing a solution, but to date there is not an approved solution.

In the context of the major year 2005 traffic problem on W. Burnside, the total 120 average daily trips to be generated by the inclusion of the Back Lot within the UGB is minimal. There will have to be some solution to the major problem, and any reasonable solution also would accomodate the small traffic volume from the Back Lot. Furthermore, there is a reasonable likelihood that Foster would have to contribute financially to at least part of the solution, such as signalization of the Burnside/Skyline intersection, which would benefit the public generally.

Thus inclusion of the Back Lot within the UGB will not significantly affect the efficiency of public transportation facilities and services. In addition, transportation access can be provided to the Back Lot in an orderly and economical fashion.

(e) Fire Protection: The Portland Fire Bureau is responsible for fire protection to the Front and Back Lots.

The nearest fire station is at N.W. 17th Avenue and Johnson

Street. The hydrant service is from the Sylvan Water District.

Since the City of Portland can provide fire service with no additional public investment, inclusion of the Back Lot within the UGB will slightly improve the efficiency of public fire protection facilities and services. Fire protection to the Back Lot, developed together with the Front Lots, can be provided in an orderly and economical fashion.

(f) Schools: The Portland School District is responsible for providing needed school services. The schools serving the site are Chapman Elementary School, West Sylvan Middle School, and Lincoln High School. The total number of school children from a 40 dwelling unit development would be 27 to 36, spread from kindergarten through twelfth grade, attending both public and private schools. Only half of these, or 13 to 18, would be from inclusion of the Back Lot within the UGB.

The three schools serving the site can accommodate these additional students with no additional public investment. Inclusion of the Back Lot within the UGB therefore will slightly improve the efficiency of public school facilities and services. The public school services can be provided in an orderly and economical fashion.

(g) Conclusion: To conclude the findings as to Metro Code section 3.01.040(a)(1), the requested addition of the Back Lot to the UGB will result in slightly improved efficiency of water, sewerage, fire protection, and school

facilities and services within the adjoining areas within the UGB with no change in the efficiency of storm drainage and transportation facilities and services. In addition, the area proposed to be added can be served by these facilities in an orderly and economical fashion.

F. Land Use Efficiency. - Metro Code section 3.01.040(a)(2) states:

"(2) Maximum efficiency of land uses. Considerations shall include existing development densities in the area included within the amendment, and whether the amendment would facilitate needed development on adjacent existing urban land."

Finding: As stated above, there presently is no development on the Back Lot. There also is no development on the Front Lots. The addition of the Back Lot within the UGB would greatly facilitate needed development on the Front Lots. Due to the hilly nature of the entire parcel, and in particular to the ravines in the Front Lots, the Front Lots are most efficiently and economically developed as part of a Planned Unit Development including the Back Lot. This would allow enhanced soil stability and freedom from erosion. It also would give residents a better view and greater privacy. The developer's investment in water service connection costs, sewerage connection costs, and storm drainage facilities costs will be the same whether the developer develops only the Front Lots or the Front and Back Lots together. The costs for assisting in traffic improvements on Burnside also

may be the same.

The cost for installation of the needed sewer line and making actual sewer connections will be approximately \$80,000. The cost for assisting with traffic improvements may be \$80,000 or more. Other uniform costs could be as much as \$40,000. Thus a developer would expect approximately \$200,000 in costs that will be required whether the Front Lots alone are developed or the Front and Back Lots are developed together. If only the Front Lots are developed, this means a \$10,000 per dwelling unit cost for these facilities. If the Front and Back Lots are developed together, this reduces the cost for these facilities to \$5,000 per dwelling unit. Thus inclusion of the Back Lot within the UGB will reduce the cost per dwelling unit by approximately \$5,000 and thus will facilitate and make more economical the needed development presently allowed on the Front Lots. The amount of reduction will be less if there is a condominium - type PUD with a greater number of dwelling units.

G. Consequences of Development. - Metro Code section

3.01.040(a)(3) states:

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

Finding: Inclusion of the Back Lot within the UGB would not have any impact on regional transit corridor development. The impact on W. Burnside is discussed above.

The combined parcels have some limitations to development due to the soil and topographic constraints discussed above. The Comprehensive Plan thus indicates the area has some hazards to development. The limitations primarily are on the Front Lots. Combined development of the Front and Back Lots, with development concentrated on the Back Lot, will allow development to occur while avoiding the hazards.

The Comprehensive Plan does not identify the Back Lot as resource land. Nevertheless, the Front and Back Lots are beautiful natural forest lands, and the Comprehensive Plan does designate the Back Lot as Multiple Use Forest. This clearly is not because of its usefulness for timber harvesting, but rather because of its serving as a wildlife habitat, its topography, and its scenic beauty. An improper development of the parcels would bring about a great loss to the area. On the other hand, a proper development of the parcels, preserving as much of the forested nature of the parcels as possible, actually would increase peoples' ability to enjoy the beauty and the natural setting. Thus although a proper development would involve the loss of some forested land, the loss would be outweighed by the increased accessibility of the forest beauty to people.

Metro itself does not have the power to require proper development of the parcels. See Contested Case No. 82-2. In any rezoning and Planned Unit Development process, however, there will be ample opportunity for those government bodies responsible for

zoning matters to assure that development preserves the natural beauty of the area.

H. Agricultural Land. Metro Code sections 3.01.040(a)(4) and (5) address issues having to do with the urbanization of agricultural lands and the effect of urbanization on nearby agricultural activities.

Finding: The Back Lot is not agricultural land. There are no nearby agricultural activities that urbanization of the Back Lot would affect. Thus these sections do not have a bearing on Foster's application.

I. Superiority of Proposed UGB. Metro Code section 3.01.040(d)(2) states:

"(2) [T]he proposed UGB must be superior to the UGB as presently located based on a consideration of the factors in subsection(a). The minor addition must include all similarly situated contiguous land which could also be appropriately included within the UGB as an addition based on the factors in subsection (a)."

Finding: Based on the factors in Metro Code section 3.01.040(a), the proposed UGB will be substantially superior to the present UGB. The most significant factors supporting this conclusion are the greater efficiency in developing the Front Lots and the Back Lot as a single development, compared to development of the Front Lots alone; and the ability to have an urban level residential development in a forest setting so close to downtown Portland.

There is no similarly situated contiguous land that would be appropriately included within the UGB. The average slope of the Back Lot is 36 percent. The average slope on Tax Lot 21, to the east, is 65 percent. The average slope on the Audobon Society's Tax Lot 32, to the north, is 54 percent. Tax Lot 9, to the northwest, is controlled by the Oregon Parks Foundation and is not available for urban development. All other contiguous land is inside the UGB. Thus contiguous properties outside the UGB either are not available for urban development or present more serious topographic problems.

J. Extent of Superiority. - Metro Code section 3.01.040(d)(3) states:

"(3) Additions shall not add more than 50 acres of land to the UGB and generally should not add more than 10 acres of vacant land to the UGB....[T]he larger the proposed addition, the greater the differences shall be between the suitability of the proposed UGB and suitability of the existing UGB, based upon consideration of the factors in subsection (a) of this section."

Finding: Foster's application would add 12.28 acres of vacant land within the UGB. As stated above, the proposed new UGB is substantially superior to the existing UGB, primarily because of the superior efficiency of developing the Front Lots and Back Lot together, compared to developing the Front Lots alone, resulting in a \$5,000 per dwelling unit saving for a 40 unit Planned Unit Development; because of the benefit of having an urban level

residential development in a forest setting so close to downtown Portland; and because it is likely that any development will preserve a substantial part of the entire parcel in a natural state.

V. Conclusion and Recommendation

For the foregoing reasons, the application satisfies the requirements of the Metro Code for minor additions to the UGB and should be approved.

Dated: 10/31/85

Respectfully submitted,



Christopher P. Thomas
Hearings Officer

STAFF REPORT

Agenda Item No. 9.1

Meeting Date Dec. 19, 1985

CONSIDERATION OF ORDINANCE NO. 85-193 ADOPTING A
FINAL ORDER AND AMENDING THE METRO URBAN GROWTH
BOUNDARY FOR CONTESTED CASE NO. 85-4: FOSTER
PROPERTY (SECOND READING)

Date: November 15, 1985

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Foster Consolidated has petitioned the Metropolitan Service District (Metro) for a locational adjustment of the UGB to add 12 acres in the West Hills near the intersection of N. W. Skyline and Burnside, as shown on the map attached as Exhibit "A." Multnomah County adopted a "no comment" position on this petition. The City of Portland does not oppose approval provided certain conditions are met.

Metro Hearings Officer Chris Thomas held a hearing on this case on September 16, 1985. After considering the testimony from both sides, the Hearings Officer recommends approval of the Foster petition. The Hearings Officer's Report and Recommendation is attached as Exhibit "B." No exceptions were received.

EXECUTIVE OFFICER'S RECOMMENDATION

Staff has reviewed the Hearings Officer's report and is satisfied that it includes findings that address all applicable standards in a complete and appropriate manner adequately substantiated by evidence in the record. According, the Executive Officer recommends that the Council accept the Hearings Officer's report and adopt Ordinance No. 85-193.

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11/15/85

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen,
Kirkpatrick, Kelley, Oleson, Van Bergen and Bonner

Absent: Councilors Kafoury, Myers and Waker

The motion carried and Ordinance No. 85-192 was adopted as amended.

Presiding Officer Bonner called a recess at 8:25 p.m.. The Council reconvened at 8:35 p.m.

8.2 Consideration of Ordinance No. 85-193, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-4: Foster Property (First Reading and Public Hearing)

The Clerk read the Ordinance by title only.

Motion: Councilor Kelley moved the Ordinance be adopted and Councilor DeJardin seconded the motion.

Ms. Hinckley introduced Chris Thomas, hearings officer for the contested case. Mr. Thomas recommended approval of the Foster petition to add 12 acres to the Urban Growth Boundary.

There was no testimony on the ordinance and Presiding Officer Bonner passed the Ordinance to a second reading.

8.3 Consideration of Order No. 85-5, in the Matter of Contested Case No. 84-2, a Petition for an Urban Growth Boundary Locational Adjustment by Portland General Electric, et al

Councilor Waker excused himself from considering this Order due to a conflict of interest.

Mr. Thomas reviewed the case as outlined in the meeting agenda materials. He noted the petition met all applicable standards except for Code Section 3.01.040(d)(3). The petitioners, he said, had not demonstrated the difference between the UGB as proposed and as existing was sufficient to justify the 50-acre addition. Mr. Thomas noted if it were not for that Code Section, he would have recommended approval of the petition. However, Mr. Thomas said he did not consider it a significant factor that if the petition were approved, the Tigard School District, landowner in the area, could realize substantial increases in property values.

The Presiding Officer said he would accept public testimony from those who had filed or who wished to rebut written exceptions to the hearings officer's findings.

explained the Task Force had worked hard to develop a comprehensive Waste Reduction Program which reflected a variety of Council interests. Implementing the program, he said, would require more hard work of the Council. He thanked Councilors and staff for their efforts.

Councilor Hansen said the Waste Reduction Program was not just a six-month project and explained the process actually started three years ago. He said although it represented compromise solutions, all Councilors would need to work to accomplish its objectives.

Vote on the main motion, as amended: The vote resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Van Bergen, and Waker

Abstain: Councilor Bonner

Absent: Councilors Myers and Oleson

The motion carried and Resolution No. 85-611A was adopted as amended.

8. ORDERS

8.1 Consideration of Order No. 85-5, in the Matter of Contested Case No. 84-2, a Petition for an Urban Growth Boundary Locational Adjustment by Portland General Electric et al

Motion: Councilor DeJardin moved to consider the Order at the meeting of January 9, 1986. Councilor Kafoury seconded the motion.

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Van Bergen, Waker and Bonner

Absent: Councilors Myers and Oleson

The motion carried and the matter was postponed until January 9.

9. ORDINANCES

9.1 Consideration of Ordinance No. 85-193, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-4: Foster Property (Second Reading)

The Clerk read the Ordinance a second time by title only.

Motion: A motion to adopt the Ordinance was made by Councilors Kelley and DeJardin on November 26, 1985.

Jill Hinckley reported staff recommended accepting the Hearings Officer's Report and adopting the Ordinance.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Van Bergen and Waker

Nays: Councilors Kafoury and Bonner

Absent: Councilors Myers and Oleson

The motion carried and Ordinance No. 85-163 was adopted.

9.2 Consideration of Ordinance No. 85-194, for the Purpose of Restricting the Use of the St. Johns Landfill to Waste Generated in Clackamas, Multnomah and Washington Counties (Second Reading)

The Clerk read the Ordinance a second time by title only.

Motion: A motion to adopt the Ordinance was made by Councilors Kirkpatrick and Kelley at the meeting of September 12, 1985.

Motion to Amend: Councilor Hansen proposed the Section 2 of the Ordinance be amended to read: "[That] Effective January 1, 1986, solid waste generated outside of the Planning Area shall not be accepted at the St. Johns Landfill or Clackamas Transfer & Recycling Center for disposal. However, until June 1, 1986, Metro will accept waste from outside the Planning Area if (a) waste was delivered to the St. Johns Landfill or Clackamas Transfer & Recycling Center during the period of December 1, 1984, to December 1, 1985, and (b) there is no solid waste disposal facility in the county in which the waste was generated. Such waste will be accepted only in the quantity delivered between December 1, 1984, and December 1, 1985, on a monthly basis. Councilor Kelley seconded the motion.

Councilor Hansen explained this amendment was a reasonable response to the concerns raised by those testifying at the public hearing on the Ordinance.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

March 18, 1986

Ms. Juanita Orr
County Clerk
Clackamas County Courthouse
3th and Main
Oregon City, Oregon 97045

Dear Ms. Orr:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District. Please file these ordinances in the Metro ordinance files maintained by your county.

Ordinance No. 85-193, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-4: Foster Property

Ordinance No. 85-194, Restricting the Use of the St. Johns Landfill to Waste Generated in Clackamas, Multnomah and Washington Counties

Ordinance No. 86-195, Submitting Metropolitan Service District Tax Base Measure (Amended by Ordinance No. 86-198)

Ordinance No. 86-196, Adopting a Final Order in Contested Case No. 85-2 (Tualatin Hills) and Amending the Metro Urban Growth Boundary in Washington County as Petitioned

Ordinance No. 86-198, Amending Ordinance No. 86-195 by Adding the Certified Ballot Title

Sincerely,

A. Marie Nelson
Clerk of the Council

Enclosures

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Bob Oleson
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

(Vacant)
District 8

Hardy Myers
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Executive Officer
Rick Gustafson



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

March 18, 1986

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

Dear Jane:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District. Please file these ordinances in the Metro ordinance files maintained by your county.

Ordinance No. 85-193, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-4: Foster Property

Ordinance No. 85-194, Restricting the Use of the St. Johns Landfill to Waste Generated in Clackamas, Multnomah and Washington Counties

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Ordinance No. 86-198, Amending Ordinance No. 86-195 by Adding the Certified Ballot Title

Sincerely,

A. Marie Nelson
Clerk of the Council

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District 12

Executive Officer
Rick Gustafson



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

March 18, 1986

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

Dear Mr. Stilwell:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District. Please file these ordinances in the Metro ordinance files maintained by your county.

Ordinance No. 85-193, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-4: Foster Property

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Sincerely,

A. Marie Nelson
Clerk of the Council

Enclosures

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