

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL ORDER )           ORDINANCE NO. 86-208  
ORDER AND AMENDING THE METRO URBAN )  
GROWTH BOUNDARY FOR CONTESTED CASE )  
NO. 85-9: RIVIERA MOTORS            )

WHEREAS, On June 10, 1986, the Council of the Metropolitan Service District (Metro) adopted Resolution No. 86-651, for the purpose of accepting the Hearings Officer's Report on Contested Case No. 85-9 (Riviera), futhering annexation of the affected property to Metro and expressing Council intent to amend the Urban Growth Boundary; and

WHEREAS, Exhibit B of Resolution No. 86-651 is the Findings of Fact, and Conclusions of Law that justify amendment of the Urban Growth Boundary (UGB) as petitioned by Riviera Motors; and

WHEREAS, Resolution No. 86-651 expressed the Council's intent to so amend the UGB once the subject property was annexed to Metro; and

WHEREAS, On August 21, 1986, the Portland Metropolitan Area Local Government Boundary Commission approved Annexation Proposal No. 2275, annexing the subject property to Metro; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Metro Urban Growth Boundary, as adopted by Ordinance No. 79-77, is hereby amended as shown in Exhibit "A" of this Ordinance and described in Exhibit "B," which are incorporated by this reference.

Section 2. Parties to Contested Case No. 85-9 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 25th day of September, 1986.

  
Richard Waker, Presiding Officer

ATTEST:

  
Clerk of the Council

JH/sm  
3066C/472-5  
08/27/86

# Petition from Riviera Motors

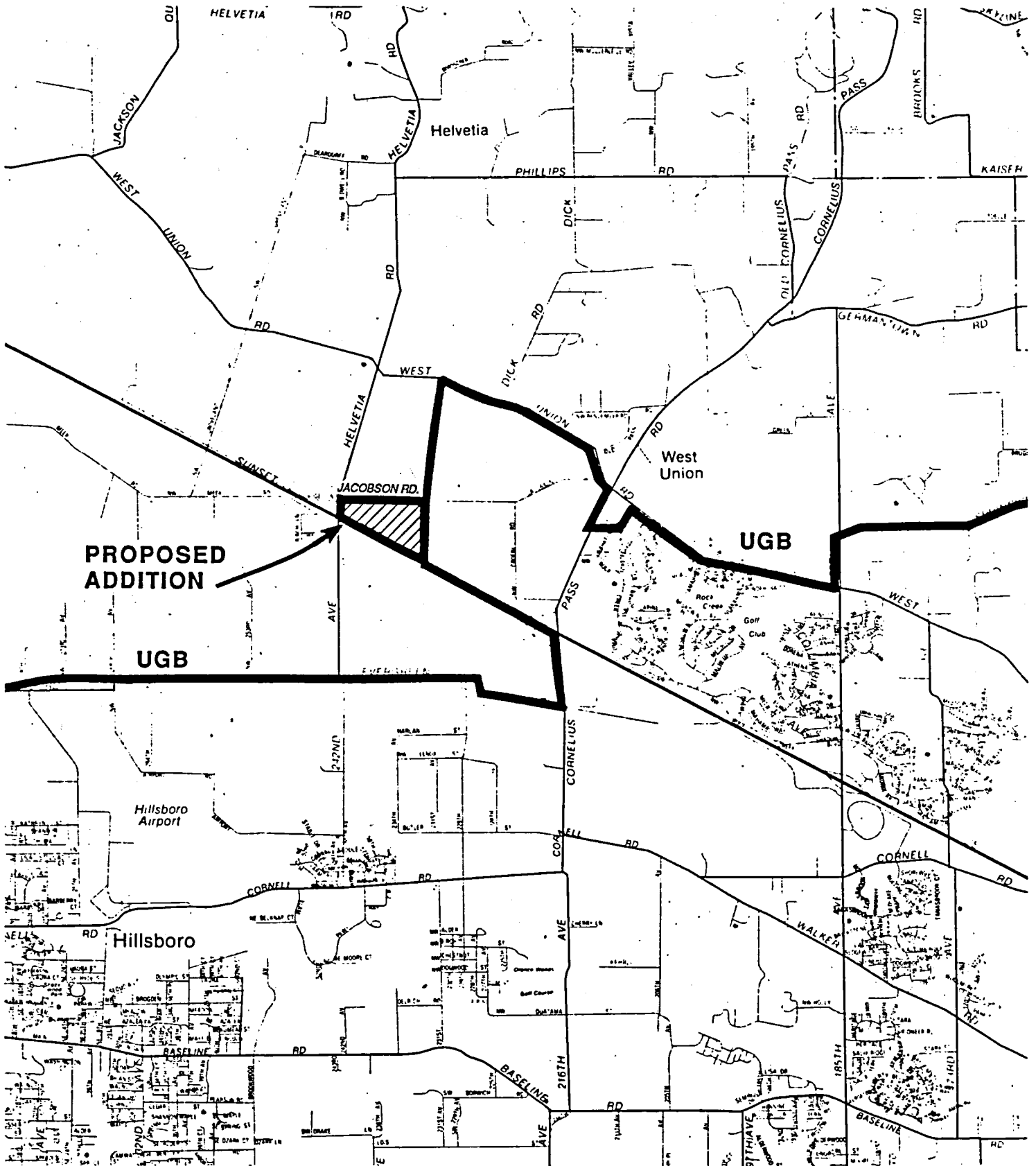


EXHIBIT "B."

A tract of land in the Alex Zachary Donation Land Claim No. 52, in Sections 15 and 22, Township 1 North, Range 2 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a point in the South line of Jacobson Road, which point is South 89° 43' 22" East, 71.76 feet and South 0° 16' 38" West, 20.00 feet from the Northwest corner of the Zachary Donation Land Claim; thence along the South line of the Jacobson Road, South 89° 43' 22" East, 2,573.98 feet to the Northwest corner of the Albert L. Croeni tract described in deed recorded in Deed Book 129 at page 34, Washington County Records; thence continuing South 89° 43' 22" East along said South line 570 feet, more or less, to the East line of the Bonneville Power Administration tract described in notice of Lis Pendens recorded in Deed Book 733, page 728, being also the West line of the tract described in the deed to Riviera Motors, Inc., et al, recorded January 25, 1974 in Book 960 at page 659; thence South 7° 13' 52" West 88 feet, more or less, to an angle point in said West line; thence South 0° 35' 56" West 1983.40 feet along said West line to the Northerly line of the Sunset Highway; thence North 61° 47' 28" West along said Northerly line 590 feet, more or less, to an angle point in said Northerly line; thence North 85 feet, more or less, to an angle point in said Northerly line; thence continuing along said Northerly line South 89° 37' 23" West, 170.26 feet; thence North 61° 55' 06" West, 999.99 feet; thence North 61° 34' 29" West, 299.88 feet; thence North 56° 55' 24" West, 351.20 feet; thence North 61° 44' West, 350.12 feet; thence North 56° 05' 23" West, 301.60 feet; thence North 35° 09' 30" West, 223.40 feet; thence North 39° 59' 30" West, 415.85 feet to a point in the East line of Helvetia Road; thence along said East line of said road, North 0° 32' 38" East, 19.05 feet; thence on the arc of a curve right, having a radius of 1,362.40 feet and a central angle of 2° 52' 02" (the long chord bears North 1° 59' East, 68.19 feet,) an arc length of 68.19 feet to the point of beginning.

STAFF REPORT

Agenda Item No. 6.2

Meeting Date Sept. 11, 1986

CONSIDERATION OF ORDINANCE NO. 86-208, ADOPTING A  
FINAL ORDER AND AMENDING THE URBAN GROWTH BOUND-  
ARY FOR CONTESTED CASE NO. 85-9: RIVIERA MOTORS  
PROPERTY (FIRST READING)

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Date: August 27, 1986

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

On June 10, 1986, the Council of Metropolitan Service District (Metro) adopted Resolution No. 86-651, accepting the Hearings Officer's Report that recommends approval of the petition from Riviera Motors to include 88 acres within the Urban Growth Boundary and expressing its intent to so amend the boundary once the property was annexed to Metro. On August 21, the Portland Metropolitan Area Local Government Boundary Commission approved Proposal No. 2275 to annex the affected property to Metro. Adoption of Ordinance No. 86-208 will fulfill the Council's intent as expressed in Resolution No. 86-651.

Since this Ordinance is the Final Order in Contested Case No. 86-9, only parties who participated in the hearings on this case have standing to testify. Since the Council has already adopted the findings in this matter pursuant of the Contested Case rules, the subject of the public hearing is limited to whether Ordinance No. 86-208 properly implements the Council's expressed intent.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 86-208.

JH/sm  
3066C/472-2  
08/27/86

STAFF REPORT

Agenda Item No. 7.1

Meeting Date Sept. 25, 1986

CONSIDERATION OF ORDINANCE NO. 86-208, ADOPTING A  
FINAL ORDER AND AMENDING THE URBAN GROWTH BOUND-  
ARY FOR CONTESTED CASE NO. 85-9: RIVIERA MOTORS  
PROPERTY (SECOND READING)

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Date: September 12, 1986

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

On June 10, 1986, the Council of Metropolitan Service District (Metro) adopted Resolution No. 86-651, accepting the Hearings Officer's Report that recommends approval of the petition from Riviera Motors to include 88 acres within the Urban Growth Boundary and expressing its intent to so amend the boundary once the property was annexed to Metro. On August 21, the Portland Metropolitan Area Local Government Boundary Commission approved Proposal No. 2275 to annex the affected property to Metro. Adoption of Ordinance No. 86-208 will fulfill the Council's intent as expressed in Resolution No. 86-651.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 86-208.

JH/sm  
3066C/472-3  
09/12/86

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

Main Motion: The motion to adopt the Ordinance was made on August 28, 1986, by Councilors Gardner and Van Bergen.

Eleanore Baxendale, General Counsel, distributed a proposed amendment to the Ordinance. Councilor Frewing said the amendment addressed the concerns he had raised at the August 28 Council meeting.

Motion to Amend: Councilor Frewing moved to amend the main motion by adding a new Section 2 after the existing Section 1 to read: "As part of its recommendation on the annual work plan the Intergovernmental Resource Committee established by Ordinance No. 84-180 shall report to the Council whether there are aspects of development in addition to water quality, air quality and transportation, which are related to the orderly and responsible development of the metropolitan area." Existing Sections 2, 3 and 4 shall be renumbered to read Sections 3, 4 and 5. The following language shall be added at the end of the first sentence of the existing Section 2 (new Section 3):  
. . . Sections 1 or 2 or on the Council's own determination." Councilor Van Bergen seconded the motion.

Vote on Motion to Amend: The vote resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and the Ordinance was amended.

Vote on Main Motion as Amended: The vote resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and Ordinance No. 86-207 was adopted as amended.

6.2 Consideration of Ordinance No. 86-208, Adopting a Final Order and Amending the Urban Growth Boundary for Contested Case No. 85-9: Riviera Motors Property (First Reading and Public Hearing)

The Clerk read the Ordinance by title only for the first time.



Jill Hinckley, Land Use Coordinator, explained the Council had previously adopted Resolution No. 86-651 which adopted the Hearings Officer's findings for placing the land within the Urban Growth Boundary. By adoption of this Ordinance, the Boundary would be changed.

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

Presiding Officer Waker opened the public hearing on the Ordinance. Being no testimony, the public hearing was closed. He announced a second reading of the Ordinance would occur on September 25, 1986.

6.3 Consideration of Ordinance No. 86-209, Amending Ordinance No. 83-162 to Eliminate Conditions Imposed on the Urban Growth Boundary Amendment Adopted for Contested Case No. 81-2: Waldo Estates (First Reading and Public Hearing)

Ms. Hinckley reviewed information contained in the written staff report. A discussion followed regarding why the original decision had been made to include the property within the UGB. Councilor Van Bergen questioned why the Council had made a decision based on land use factors. Councilor Oleson, present on the Council when the original decision was made, explained the uniqueness of the project had provided momentum for the Council's action. He agreed the case needed revisiting.

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

Presiding Officer Waker opened the public hearing explaining only parties who had participated in the original Contested Case hearing could testify.

Mark O'Donnell of Vancouver Federal Savings Bank testified his firm had not filed formal objections but he would answer questions of the Council. There were no questions.

There were no questions of Mr. O'Donnell and no further testimony was presented. The Presiding Officer Waker closed the public hearing.

In response to Councilor Hansen's question, Ms. Hinckley said the Council had indicated when they heard testimony on the Earle May and city of Wilsonville contested case, they would not consider Boundary adjustments based on conditional land uses. She acknowledged, although she thought it unlikely, the Land Use Board of Appeals could disagree with the Council.



Motion: Councilor Kafoury moved to adopt Resolution No. 86-688 and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Collier, DeJardin, Kirkpatrick and Oleson

The Motion carried and Resolution No. 86-688 was adopted.

7.1 Consideration of Ordinance No. 86-208, Adopting a Final Order and Amending the Urban Growth Boundary for Contested Case No. 85-9: Riviera Motors Property (Second Reading)

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

Motion: A motion to adopt the Ordinance was made by Councilors Kelley and Gardner on September 11, 1986.

There was no discussion on the Ordinance.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Frewing, Hansen, Kafoury, Kelley, Van Bergen and Waker

Absent: Councilors Collier, DeJardin, Gardner, Kirkpatrick and Oleson

The Motion carried and Ordinance No. 86-208 was adopted.

7.2 Consideration of Ordinance No. 86-209, Amending Ordinance No. 83-162 to Eliminate Conditions Imposed on the Urban Growth Boundary Amendment Adopted for Contested Case No. 81-2: Waldo Estates (Second Reading)

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

Motion: A motion to adopt the Ordinance was made by Councilors DeJardin and Kelley on September 11, 1986.

Councilor Kafoury recalled the circumstances under which the UGB was originally changed in the Waldo Estates case. She hoped the lessons learned as a result of that decision would serve the Council for some time to come.



# METRO

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

September 29, 1986

- Ms. Jane McGarvin  
Clerk of the Board  
Multnomah County Courthouse  
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 files maintained by your county.

**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

John Frewing  
District 8

Tanya Collier  
District 9

Larry Cooper  
District 10

Marge Kafoury  
District 11

Gary Hansen  
District 12

Executive Officer  
Rick Gustafson

Ordinance No. 86-207, for the Purpose of Defining a Planning Procedure for Designating Areas and Activities for which a Functional Plan May Be Adopted

Ordinance No. 86-208, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-9: Riviera Motors

Ordinance No. 86-209, Amending Ordinance No. 83-162 to Eliminate Conditions Imposed on the Urban Growth Boundary Amendment Adopted for Contested Case No. 81-2: Waldo Estates

Ordinance No. 86-210, Authorizing a Temporary Reduction in Disposal Rates for Source Separated Yard Debris at the St. Johns Landfill

Sincerely,

A. Marie Nelson  
Clerk of the Council

amn

Enclosures (4)



# METRO

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

September 29, 1986

- Ms. Juanita Orr  
County Clerk  
Clackamas County Courthouse  
8th 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 files maintained by your county.

**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

John Frewing  
District 8

Tanya Collier  
District 9

Larry Cooper  
District 10

Marge Kafoury  
District 11

Gary Hansen  
District 12

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Sincerely,

A. Marie Nelson  
Clerk of the Council

amn

Enclosures (4)



# METRO

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

September 29, 1986

Mr. Charles D. Cameron  
County Administrator  
• Washington County Courthouse  
150 North First Avenue  
Hillsboro, Oregon 97123

Dear Mr. Cameron:

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

**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

John Frewing  
District 8

Tanya Collier  
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Larry Cooper  
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Marge Kafoury  
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District 12

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Sincerely,

A. Marie Nelson  
Clerk of the Council

amn

Enclosures (4)