

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL ORDER )           ORDINANCE NO. 87-222  
AND AMENDING THE METRO URBAN            )  
GROWTH BOUNDARY FOR CONTESTED CASE    )  
NO. 85-7: KAISER DEVELOPMENT            )

WHEREAS, On June 26, 1986, the Council of the Metropolitan Service District (Metro) adopted Resolution No. 86-650, for the purpose of accepting the Hearings Officer's Report on Contested Case No. 85-7 (Kaiser), futhering annexation of the affected property to Metro and expressing Council intent to amend the Urban Growth Boundary; and

WHEREAS, Exhibits B and D of Resolution No. 86-650 are the Findings of Fact, and Conclusions of Law that justify amendment of the Urban Growth Boundary (UGB) as petitioned by Kaiser Development; and

WHEREAS, Resolution No. 86-650 expressed the Council's intent to so amend the UGB once the subject property was annexed to Metro; and

WHEREAS, On December 11, 1986, the Council passed Resolution No. 86-709, for the purpose of extending the date set in Resolution No. 86-650 by which the Council will amend the Urban Growth Boundary for Contested Case No. 85-7 (Kaiser); and

WHEREAS, On February 12, 1987, the Portland Metropolitan Area Local Government Boundary Commission approved Annexation Proposal No. 2345, annexing the subject property to the city of Hillsboro, and with it, to Metro; and

WHEREAS, Boundary Commission staff notified Metro that approval of Proposal No. 2345 became effective on March 31, 1987; 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 23rd day of April, 1987.

  
Richard Waker, Presiding Officer

ATTEST:  
  
Clerk of the Council

JH/sm  
7196C/496-3  
03/30/87

# Petition from Kaiser Development Company

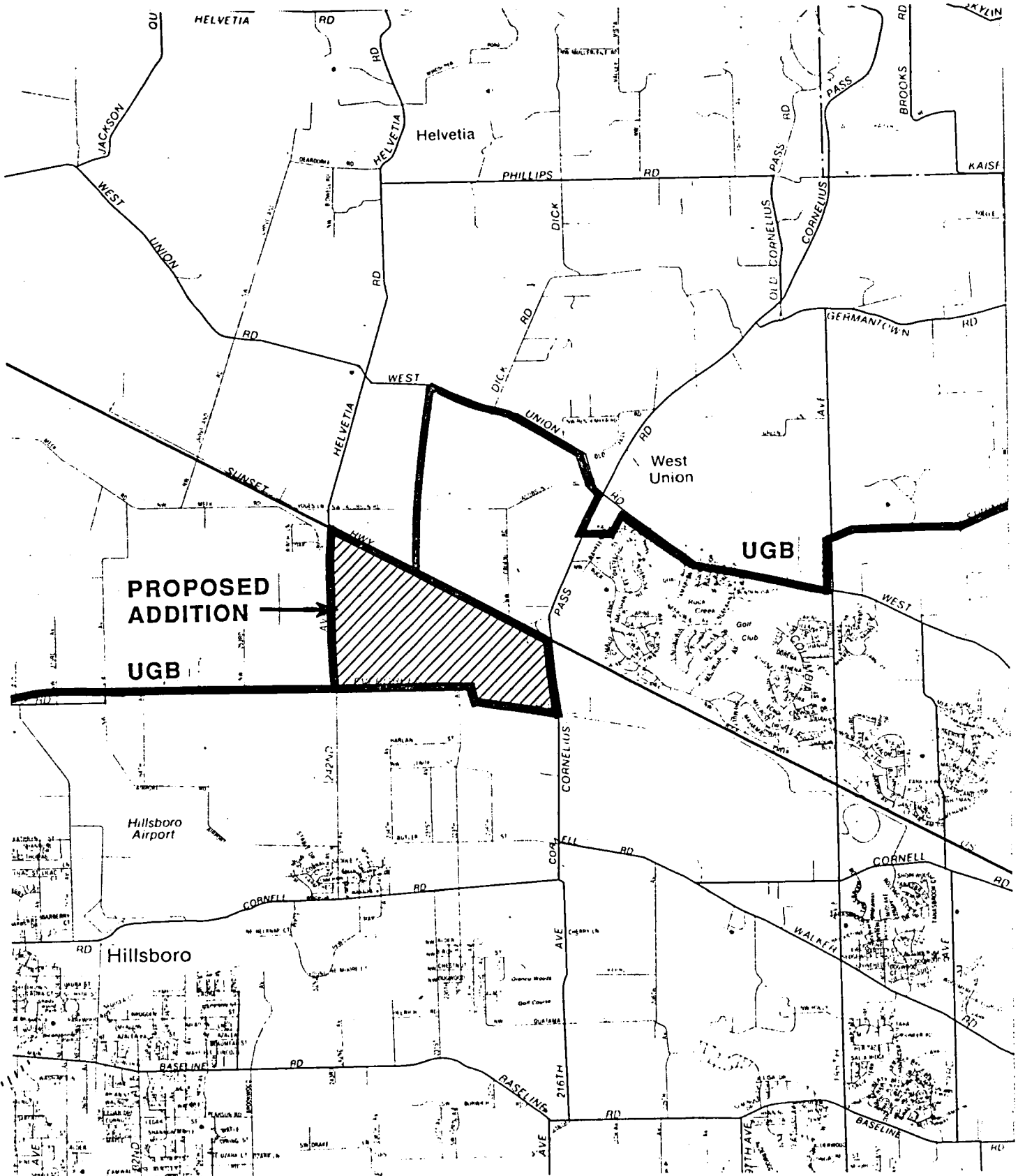


EXHIBIT B

Legal Description for Kaiser Amendment

A parcel of land located in Section 22 and the S.W. 1/4 of Section 23, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon being more particularly described as follows:

Beginning at the intersection of the center line of Cornelius Pass Road (C.R. No. 1172), and the south line of the E.H. Lennox D.L.C. No. 50; thence westerly along the south line of said D.L.C. No. 50 a distance of 2,500 feet more or less to the east line of the Wm. Bennett D.L.C. No. 47; thence north along said east line of D.L.C. No. 47 a distance of 430 feet more or less to the N.E. corner of the Wm. Bennett D.L.C. No. 47 and the south line of the Alexander Zachary D.L.C. No. 52; thence west along the south line of said Zachary D.L.C. 4,330 feet more or less to the center line of N.W. Shute Road (C.R. No. A-100); thence north along the center line of said Shute Road 4,600 feet more or less to the northerly right-of-way of Sunset Highway (U.S. No. 26); thence easterly along the northerly right-of-way of said Sunset Highway to the center line of Cornelius Pass Road (C.R. No. 1172); thence south along said center line of Cornelius Pass Road 1,500 feet more or less to the point of beginning.

JH/sm  
7196C/496-2  
03/30/87

STAFF REPORT

Agenda Item No. 8

Meeting Date April 23, 1987

CONSIDERATION OF ORDINANCE NO. 87-222, ADOPTING A  
FINAL ORDER AND AMENDING THE METRO URBAN GROWTH  
BOUNDARY FOR CONTESTED CASE NO. 85-7: KAISER  
DEVELOPMENT COMPANY (SECOND READING)

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Date: April 13, 1987

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Last June, the Council of the Metropolitan Service District approved Resolution No. 86-650, expressing the Council's intent to amend the Urban Growth Boundary (UGB) as petitioned by Kaiser Development Company. Before the UGB could actually be amended, it had to come within Metro's jurisdiction. Due primarily to the Court of Appeals' decision last fall invalidating the "triple majority" annexation method, annexation of the Kaiser property to Hillsboro and, with it, to Metro, did not occur until March 31, 1987. Metro must act within 30 days of that date to adopt Ordinance No. 87-222, amending the boundary consistent with the Resolution No. 86-650.

The first reading and public hearing for this ordinance occurred on April 9, 1987.

One slight difference between the resolution and the ordinance should be noted. The legal description attached to Resolution No. 86-650 excluded all bordering road rights-of-way. The legal description attached to Ordinance No. 87-222 has been revised to include road rights-of-way as needed to be consistent with the existing UGB and the Hillsboro annexation.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 87-222.

JH/dw  
7196C/496-4  
04/13/87

STAFF REPORT

Agenda Item No. 6.1

Meeting Date April 9, 1987

CONSIDERATION OF ORDINANCE NO. 87-222, ADOPTING A  
FINAL ORDER AND AMENDING THE METRO URBAN GROWTH  
BOUNDARY FOR CONTESTED CASE NO. 85-7: KAISER  
DEVELOPMENT COMPANY (FIRST READING AND PUBLIC  
HEARING)

---

Date: March 30, 1987

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Last June, the Council of the Metropolitan Service District approved Resolution No. 86-650, expressing the Council's intent to amend the Urban Growth Boundary (UGB) as petitioned by Kaiser Development Company. Before the UGB could actually be amended, it had to come within Metro's jurisdiction. Due primarily to the Court of Appeal's decision last fall invalidating the "triple majority" annexation method, annexation of the Kaiser property to Hillsboro and, with it, to Metro, did not occur until March 31, 1987. Metro must act within 30 days of that date to adopt Ordinance No. 87-222, amending the boundary consistent with the Resolution No. 86-650.

The public hearing on this ordinance should be limited to the question of whether this ordinance properly implements the Council's intent expressed in Resolution No. 86-650.

One slight difference between the resolution and the ordinance should be noted. The legal description attached to Resolution No. 86-650 excluded all bordering road rights-of-way. The legal description attached to Ordinance No. 87-222 has been revised to include road rights-of-way as needed to be consistent with the existing UGB and the Hillsboro annexation.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 87-222.

JH/sm  
7196C/496-3  
03/30/87

Ms. Duncan reported on the status of plastics-related legislation. Councilor Knowles explained that Representative Ron Cease requested Metro provide a supportive statement regarding plastics legislation in general to the Legislature. Councilor Gardner noted the Council was already on record as supporting legislation that would remove plastics from the general waste stream. After discussion, the Presiding Officer asked the Legislative Planning Committee to review the issue and to recommend a course of action for the Council.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Judy Dehen, representing the Columbia Group of the Sierra Club, explained she was disappointed Councilor Ragsdale was not in attendance because she had brought charts which graphically explained alternatives to burning garbage. Ms. Dehen was referring to the Councilor's request that citizens opposing certain disposal options also propose alternatives options. She explained the charts compared composting waste to burning waste. In conclusion, she said if the Council selected the burning option, it would preclude itself from other disposal options.

Robert Smith, also representing the Sierra Club, testified regarding the Club's opposition to Metro selecting an alternative technology that would require burning solid waste. He was concerned Metro was using Gershman, Brickner & Bratton, Inc. (GBB) for its primary consultant, saying it was well known GBB were "burner advocates." He also questioned whether Metro's published rating criteria conformed to the hierarchy of waste reduction outlined in ORS 459.215. Finally, Mr. Smith asked why Metro's original 100,000 per year capacity requirement of prospective alternative technology vendors had later been amended to 200,000 tons per year.

Responding to Mr. Smith's last question, Councilor Hansen explained the tonnage limit had been increased to make the process more fair and flexible. He also explained that ORS 459.215 did not require Metro to consider waste reduction options that were not economically or technically feasible.

6. ORDINANCES

6.1 Consideration of Ordinance No. 87-222, for the Purpose of Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-7: Kaiser Development Company (First Reading and Public Hearing)

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

Jill Hinckley, Land Use Coordinator, briefly introduced the Ordinance.

Motion: Councilor Kelly moved, seconded by Councilor Kirkpatrick, to adopt Ordinance No. 87-222.

Presiding Officer Waker opened the public hearing on the Ordinance. There was no testimony and the hearing was closed. There was no discussion on the Ordinance. The Presiding Officer noted the second reading of the Ordinance was scheduled for the meeting of April 23, 1987.

Presiding Officer Waker announced he was leaving the meeting due to ill health. Deputy Presiding Officer Gardner chaired the remainder of the meeting.

6.2 Consideration of Ordinance No. 87-221, for the Purpose of Replacing Section 2.02.275 of the Metro Code, Seasonal Visitor Services Worker Personnel Rules (Second Reading)

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

Randy Boose, Personnel Officer, was present to answer questions of Councilors.

Councilor Van Bergen reported that at the March 26 Council meeting, he had raised concerns about the potential of the amended rules replacing full-time personnel with part-time workers. He said he had met with Mr. Boose and his questions were satisfactorily addressed.

Ray Barker, Council Assistant, asked if the Personnel Rules changes had been endorsed by the Zoo union. Mr. Boose responded that Visitor Services Worker positions were non-union.

Motion: The motion to adopt Ordinance No. 87-221 was made by Councilors Knowles and Ragsdale at the meeting of March 26, 1987.

Vote: A roll call vote on the motion to adopt the Ordinance resulted in:

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

Absent: Councilors Collier, Cooper, Ragsdale and Waker

The motion carried and Ordinance No. 87-221 was unanimously adopted.



Motion to Amend: Councilor Gardner moved, seconded by Councilor Kelley, to remove Item No. 7.4, Resolution No. 87-758 (confirming citizen members of the Transportation Policy Alternatives Committee) from the Consent Agenda.

Councilor Gardner said he requested Resolution No. 87-758 be removed from the Consent Agenda because the staff report did not adequately explain the process for recommending individuals to the Committee.

Vote on Motion to Amend: A vote resulted in all ten Councilors present voting aye. Councilors Collier and Van Bergen were absent.

The motion carried.

Vote on the Main Motion as Amended: A vote resulted in all eleven Councilors present voting aye. Councilor Collier was absent.

The motion carried and the following items were approved:

- 7.1 Minutes of March 12, 1987;
- 7.2 Resolution No. 87-752, for the Purpose of Amending the Transportation Improvement Program (TIP) to Include a Section 6 Tri-Met Demonstration Project;
- 7.3 Resolution No. 87-753, for the Purpose of Amending the Section 3 "Letter-of-Intent" Program and Authorizing the Addition of Two New Projects.

After discussion, it was agreed Resolution No. 87-758, the items which had been removed from the Consent Agenda, would be considered by the Council at another meeting.

8. CONSIDERATION OF ORDINANCE NO. 87-222, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-7: Kaiser Development Company (Second Reading)

The Clerk read the Ordinance a second time by title only. Jill Hinckley, Land Use Coordinator, reported that adoption of the Ordinance would be the final action required to amend the Urban Growth Boundary. There was no further discussion.

Motion: A motion to adopt the Ordinance was made by Councilor Kelley and Kirkpatrick on April 9, 1987.

Vote: A roll call vote on the motion resulted in all ten Councilors present voting aye. Councilors Collier and Hansen were absent.

The motion carried and Ordinance No. 87-222 was adopted.

9. REPORT ON THE PROPOSED ZOO MASTER PLAN UPDATE

Councilor Kirkpatrick, Chair of the Council's Zoo Planning Committee, reported the Committee and representatives of the Friends of the Zoo Board had formed a joint task force to study the proposed Master Plan. The Task Force recommended approval of the Plan.

Rick Steinfeld, Friends of the Zoo President, thanked the Council for including the Friends in the planning process. He said the Friends looked forward to helping the Council accomplish the exciting projects proposed in the Plan. Presiding Officer Waker thanked the Friends for their continued support of Metro Zoo projects.

Gene Leo, Zoo Director, distributed copies of the draft Master Plan document. He discussed each project proposed in the Plan and asked Councilors to present their comments for inclusion in the final document.

Councilor Kelley asked how the draft Master Plan addressed parking problems. Mr. Leo explained that when OMSI's moving plans were final, the Zoo could plan parking solutions. Several options were now being discussed.

Responding to Presiding Officer Waker's question, Mr. Leo said the new Plan did not propose moving the Zoo's main entrance. The current entrance provided a good orientation to the Zoo grounds and the railroad and it would be expanded and enhanced.

Councilor Kirkpatrick reported a public hearing on the Plan was scheduled before the Council on May 14 and a Friends of the Zoo meeting was scheduled before May 16 for discussing the draft plan.

10.1 Consideration of Resolution No. 87-745, Approving the FY 1987-88 Budget and Transmitting to the Tax Supervising and Conservation Commission (TSCC) (Public Hearing)

Jennifer Sims, Management Services Director, explained the Resolution, when adopted, would approve the budget for transmittal to the TSCC. The purpose of this meeting was to conduct a public hearing on the proposed budget. The Council would then conduct a budget work session on April 30 and would adopt the Resolution at a special meeting on May 7, 1987.

April 27, 1987

Mr. John F. Kauffman  
County Clerk  
Clackamas County Courthouse  
8th and Main  
Oregon City, Oregon 97045

Dear Mr. Kauffman:

Enclosed is a true copy of Ordinance No. 87-222,  
an ordinance adopting a final order and amending  
the metro urban growth boundary for contested case  
No. 85-7: Kaiser Development. Please file this  
ordinance in the Metro files maintained by your  
County.

Sincerely,

*A. Marie Nelson*  
A. Marie Nelson *by C.H.*  
Clerk of the Council

amn:ch

Enclosure (1)

April 27, 1987

Ms. Jane McGarvin  
Clerk of the Board  
Multnomah County Courthouse, Room 606  
1021 S.W. Fourth Avenue  
Portland, Oregon 97204

Dear Jane:

Enclosed is a true copy of Ordinance No. 87-222,  
an ordinance adopting a final order and amending  
the metro urban growth boundary for contested case  
No. 85-7: Kaiser Development. Please file this  
ordinance in the Metro files maintained by your  
County.

Sincerely,

*A. Marie Nelson*  
*by C. H.*

A. Marie Nelson  
Clerk of the Council

amm:ch

Enclosure (1)

April 27, 1987

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

Dear Mr. Cameron:

Enclosed is a true copy of Ordinance No. 87-222,  
an ordinance adopting a final order and amending  
the metro urban growth boundary for contested case  
No. 85-7: Kaiser Development. Please file this  
ordinance in the Metro files maintained by your  
County.

Sincerely,

*A. Marie Nelson*  
*by e. r.*

A. Marie Nelson  
Clerk of the Council

amn:ch

Enclosure (1)