

Executive Order No. 8

Effective Date: September 29, 1981

Subject: Administrative Interpretation of the UGB
Southeast of Troutdale

Authority: Ordinance No. 81-105, Section 3

FINDINGS

1. The UGB in this area was established as a resolution of the Troutdale Study Area.
2. Attached as Exhibit A is the map amending the UGB in the Troutdale Study Area adopted by the CRAG Board in October, 1978.
3. The written description adopted for the eastern boundary was the boundary of the W.B. Jones D.L.C. Exhibit B shows the actual location of the east boundary of the W.B. Jones D.L.C. (labeled line 3, about halfway between the jog in Sweetbriar Road and the eastern boundary of the UGB).
4. The location of the UGB as currently mapped (labeled line 1 on Exhibit B, approximately at the jog in Sweetbriar Road) differs from the location of the boundary of the W.B. Jones D.L.C.
5. The location of the UGB as currently and unofficially mapped in our Section maps (line 1) does not appear to be identical to the location actually adopted (line 2), which shows distinctly as being east of the jog in Sweetbriar Road. In fact, the portion of the UGB north of this jog was not part of the Study Area at all, but was set at the time the UGB was originally adopted. Although the UGB at this point was apparently intended to follow Troutdale city limits, the UGB maps clearly show both city limits, and, in consequence, the UGB and Study Area Boundary, lying east of the jog about halfway to the D.L.C. line. Although later maps show the city limits as a direct extension of Sweetbriar Road, this correction (if it was one) does not affect the location of the UGB, which appears to have clearly included some land east of the jog at the time it was adopted, and which was not subsequently altered at the time of the Study Area Resolution.
6. The findings adopted for the resolution of the Troutdale Study Area (Exhibit C) do not provide any clear indication of the precise line intended, other than to state that the UGB proposed would place about two thirds of the Study Area in an urban designation.

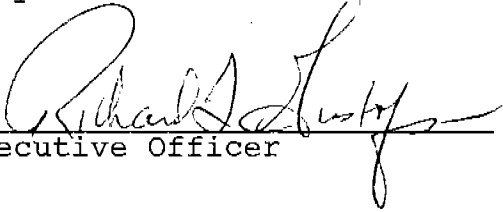
7. Although the legal description adopted with the final order references the W.B. Jones D.L.C., the map showing Multnomah County Petition #13, affecting the same area, identifies the same line by reference to tax lot lines which correspond to the location of the UGB as currently mapped (line 1).
8. Troutdale Planning Director Ed Murphy's comments, as reported in the "Summary of Public Testimony," also indicate his understanding that a portion of T.L. 33, one of the lots in the disputed area east of line 1, was included within the UGB as then proposed.
9. Following the CRAG Board action, Multnomah County amended its plan to reflect the new UGB. In so doing, it relied on the legal description and mapped as urban all land to the D.L.C. line.
10. In the fall of 1980, County staff discovered the discrepancy with the Metro UGB maps when negotiating its Planning Area Agreement with the city of Troutdale, since the city of Troutdale's proposed Planning Area boundary followed the UGB as mapped and the County's followed the UGB as described. In consequence, the County asked the city of Troutdale to amend its Planning Area boundary to be consistent with the County's (which the City did) and asked Metro, in a September 26, 1980 letter, to correct the apparent "mapping error." Metro advised the County that we would proceed with a resolution of the problem once the rules for corrections were finalized as part of the ordinance establishing procedures for locational adjustments.
11. Based on the record available, there appears to be no definitive basis for selecting one of the three possible lines over the others.
12. The legal description for Multnomah County's Petition #13, and the fact that the D.L.C. is an extension of this line to the south (suggesting that the jog in the D.L.C. line was overlooked when the legal description was written), argues that the legal description, rather than the map, was in error in properly describing the intended line. The line described for Petition #13 (line 1) is also the only line of the three which coincides with tax lot lines. Moreover, Section 3(a) of Ordinance 81-105 provides that, "the map location should be preferred over the legal description in absence of clear evidence to the contrary."
13. However, to resolve this question by selecting line 1 as the UGB would appear to entail a correction not only of an error made at the time of the Troutdale Study Area Resolution, but of an additional error made at the time the UGB around Troutdale was adopted in 1976, and would remove from the UGB land that was designated urban at that time.

14. In addition, the fact that Multnomah County and the city of Troutdale have both amended their plans in reliance on the legal description should be given substantial weight.

CONCLUSION AND ORDER

The UGB is hereby interpreted to follow the legal description adopted by the CRAG Board (Exhibit B, line 3). Maps of the UGB in this area shall accordingly be revised to follow the east boundary of the W.B. Jones D.L.C. as shown in Exhibit D.

Ordered by the Executive Officer this 23 day of September, 1981.



Executive Officer

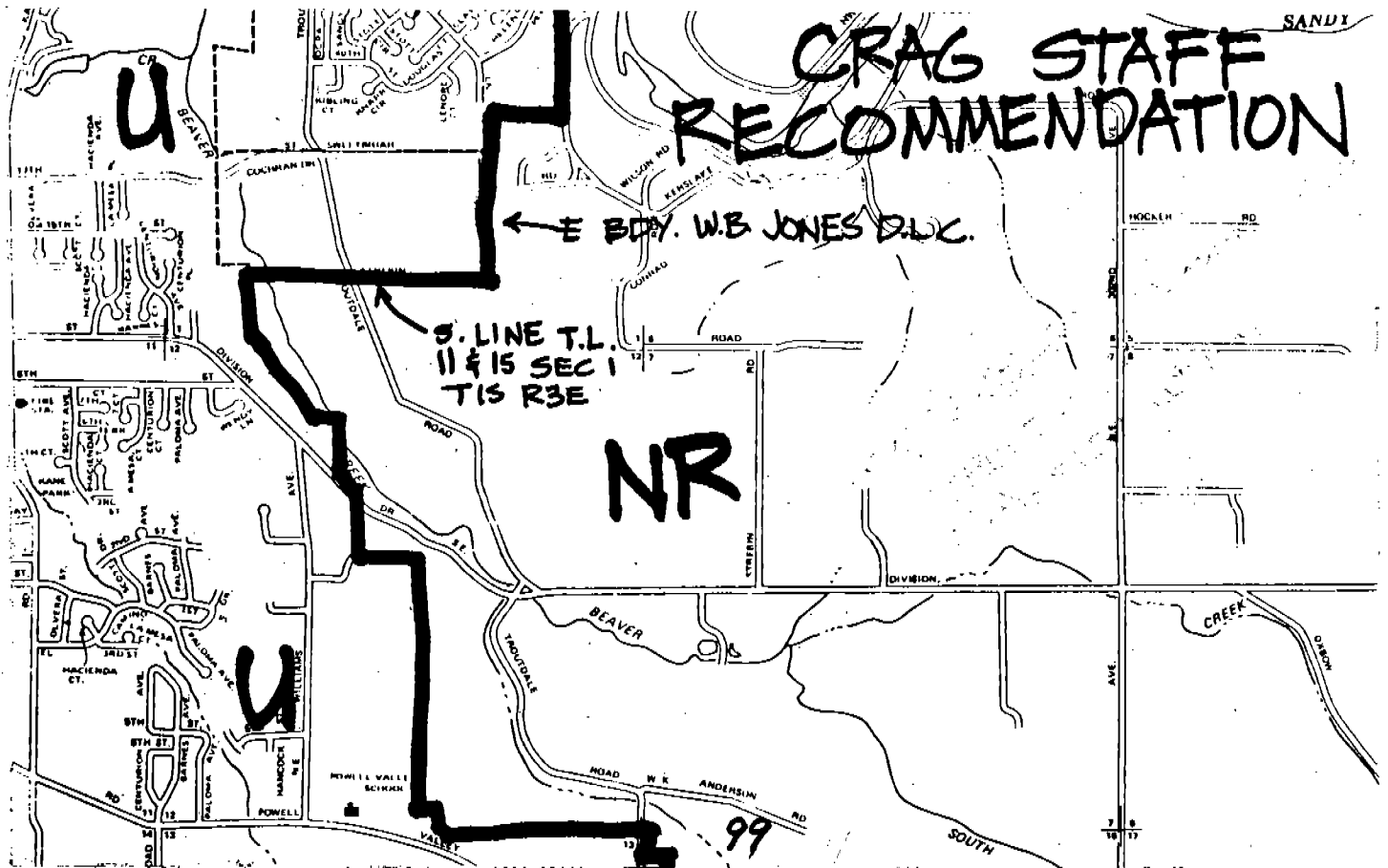
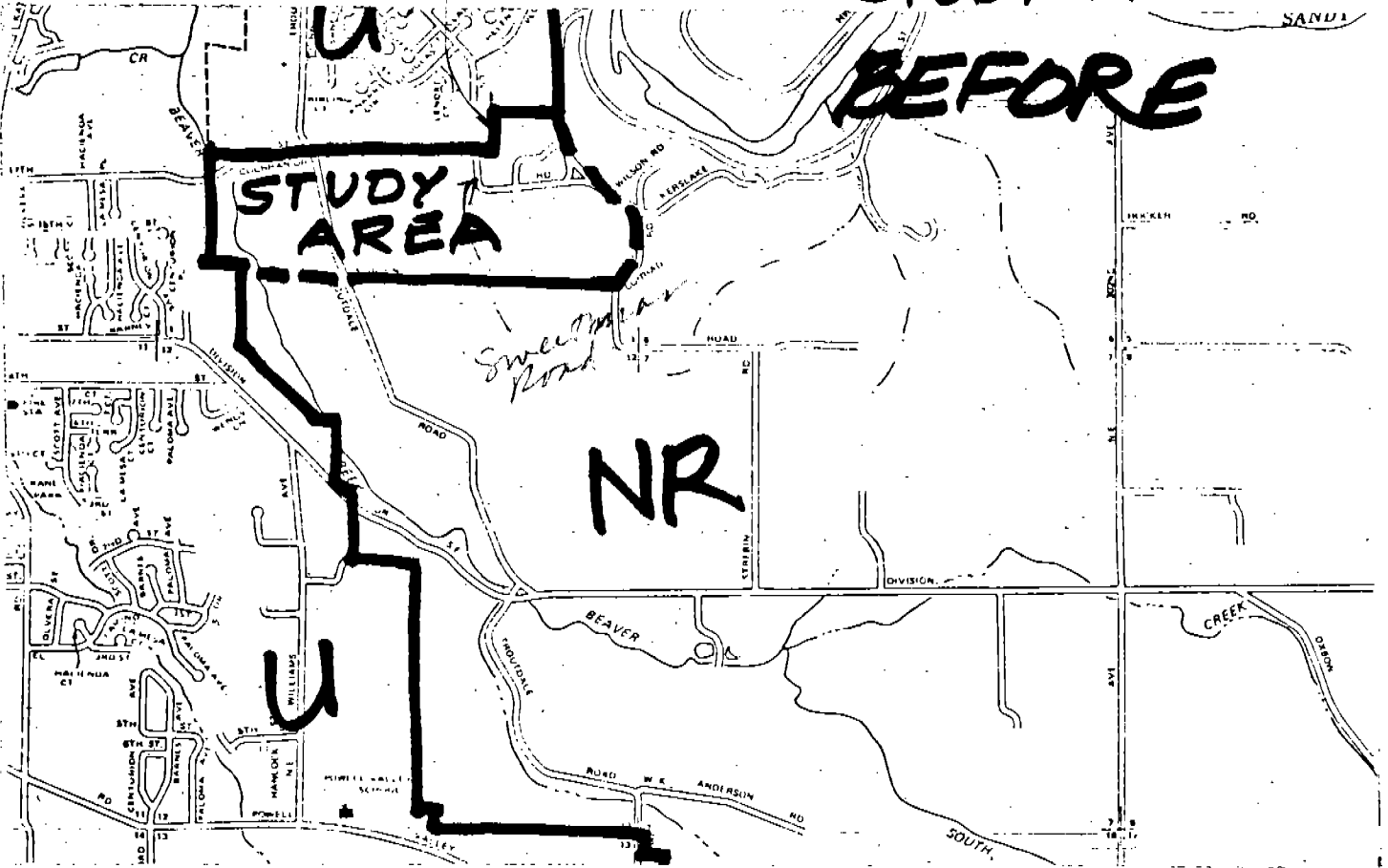
Crag
10-78
1" = 2000'

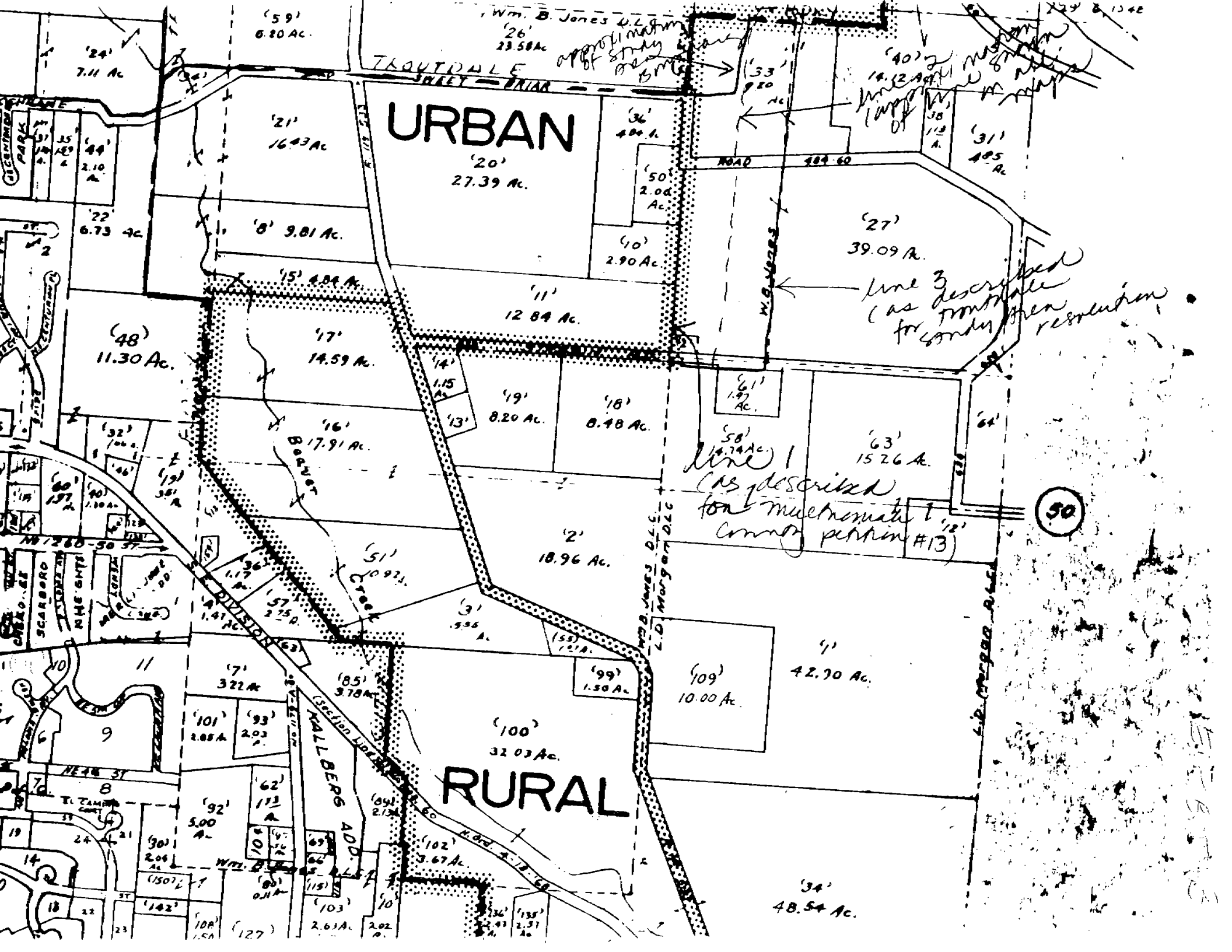
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1975*

ATTACHMENT "A"
TROUTDALE
STUDY AREA

EX 11 877 77

BEFORE





URBAN

RURAL

Wm. B. Jones U.L. 26' 23.58 Ac
TROUTDALE STREET - BIAR

'24' 7.11 Ac

'59' 6.80 Ac

'21' 16.43 Ac

'20' 27.39 Ac

'36' 4.84 Ac

'50' 2.00 Ac

'10' 2.90 Ac

'33' 9.20 Ac

'40' 14.12 Ac

'31' 4.85 Ac

'22' 6.73 Ac

'8' 9.81 Ac

'27' 39.09 Ac

'15' 4.84 Ac

'11' 12.84 Ac

Line 3 described (as Troutdale for county rezoning)

'48' 11.30 Ac

'17' 14.59 Ac

'19' 8.20 Ac

'18' 8.48 Ac

'61' 1.97 Ac

'63' 15.26 Ac

Line 1 (as described for multimulti 1' 12' County petition #13)

50

'16' 17.91 Ac

'2' 18.96 Ac

'1' 42.70 Ac

'51' 10.92 Ac

'9' 5.56 Ac

'53' 1.21 Ac

'99' 1.50 Ac

'109' 10.00 Ac

'17' 3.22 Ac

'85' 3.78 Ac

'100' 32.03 Ac

'101' 2.85 Ac

'93' 2.03 Ac

RURAL

'92' 5.00 Ac

'113' 1.13 Ac

'102' 3.67 Ac

'34' 48.54 Ac

'30' 2.06 Ac

'102' 1.50 Ac

'10A' 1.50 Ac

'127' 2.61 Ac

'103' 2.02 Ac

'104' 2.31 Ac

'105' 2.31 Ac

'106' 2.31 Ac

'107' 2.31 Ac

'108' 2.31 Ac

'109' 2.31 Ac

'110' 2.31 Ac

'111' 2.31 Ac

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'114' 2.31 Ac

'115' 2.31 Ac

'116' 2.31 Ac

'117' 2.31 Ac

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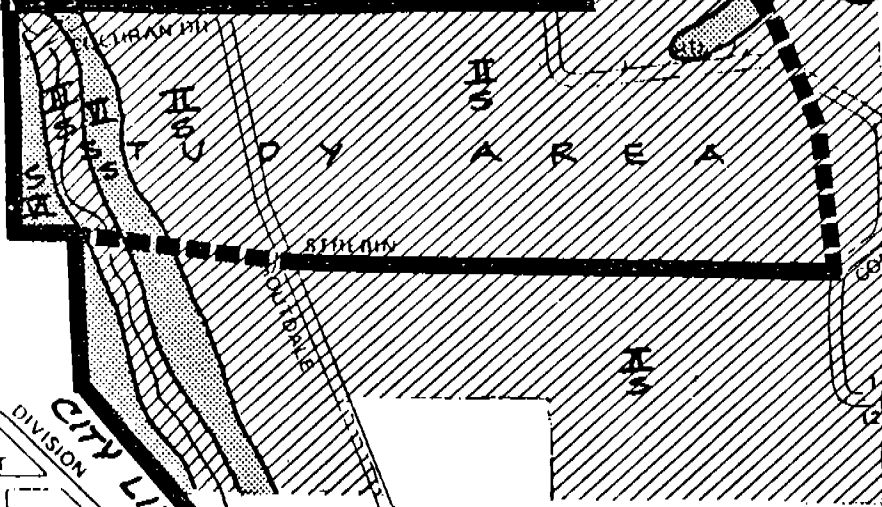
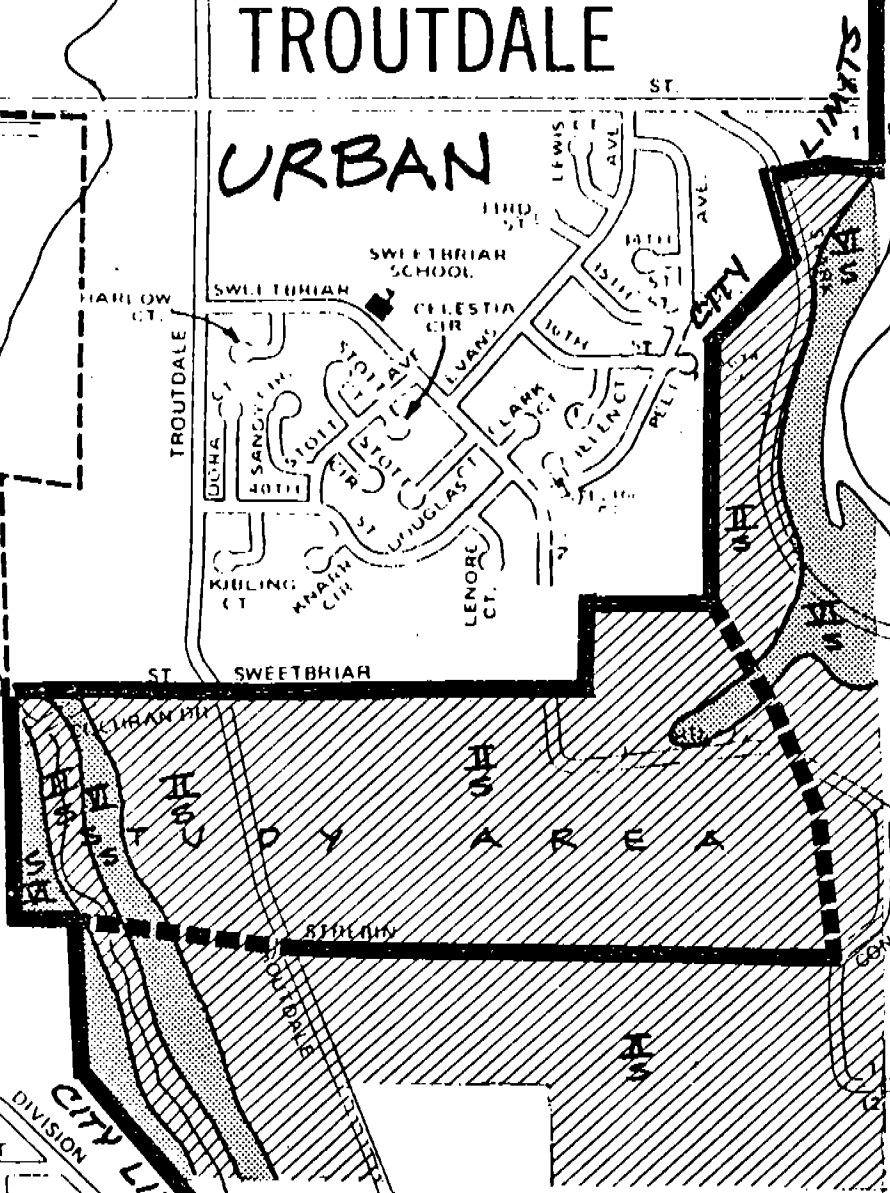
W. G. Jones St



W. G. Jones St

EXHIBIT "B" TROUTDALE STUDY AREA

TROUTDALE

URBAN



-  AGRICULTURAL SOIL CLASS II
-  AGRICULTURAL SOIL CLASS VI
- S SEVERE SEPTIC LIMITATIONS

SOILS

(BASED ON SCS CLASSIFICATIONS)

NATURAL RESOURCE

1" = 1000'
↑ CRAG

Troutdale Study Area:

SUMMARY OF PUBLIC COMMENTS:

Con:

Martin Crampton, Director, Multnomah County Division of Planning and Development:

- (a) Comprehensive plans for all affected jurisdictions should be completed before resolution;
- (b) Soil limitations in the area do not prohibit use of septic tanks; and
- (c) Much of the land currently is in agricultural use.

Pro:

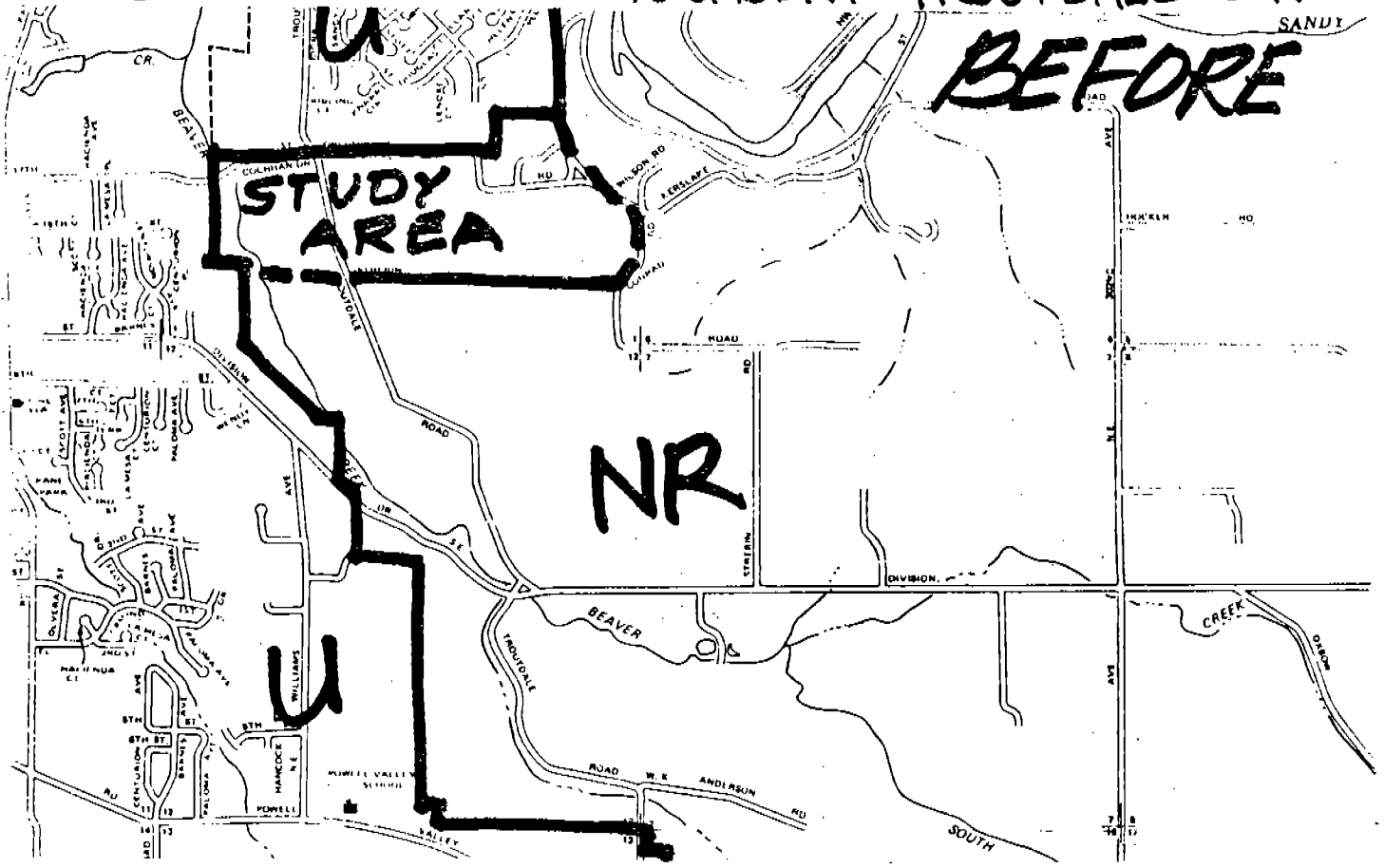
Ed Murphy, Director, Troutdale Community Development: Due to agricultural and septic tank limitations, extent of parcelization, and the city's ability to service the area at reasonable cost, the entire study area should be designated urban, along with the remainder of tax lots 33 and 40, and all of 13, 31, 47 and 49 to the north and east. Submitted resolution by Troutdale City Council in support of urban designation.

Barbara Jordie, representing the Russells: Poorly drained soils create problems with septic tanks and agricultural use making urban the only appropriate designation. Property is currently receiving Greenbelt deferral and has been planted in berries but present farmers have had problems and Russells are concerned about finding a buyer if it must remain agricultural.

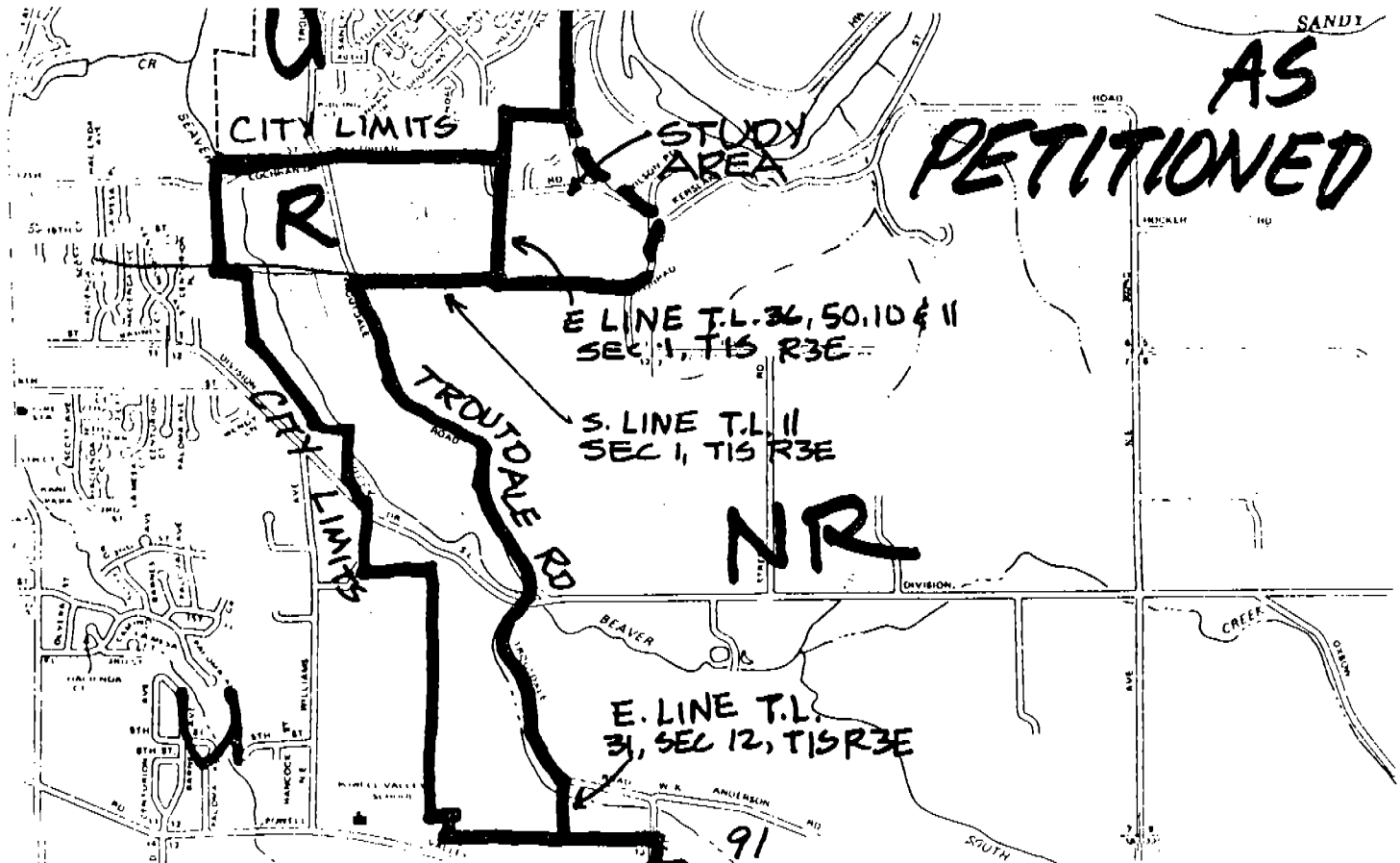
CRA6
10-78
1"=2000'

PETITION #13 ADJACENT TROUTDALE S.A.

BEFORE



AS PETITIONED



#13

G. FINDINGS AND RECOMMENDATIONS

The petition requests that the area be redesignated from natural resource to rural. The primary reason for this change would be to create a rural buffer between the urban areas to the west and north and the natural resource areas to the east and south. This change would be consistent with LCDC agricultural Goal #3 guidelines which state that "urban growth should be separated from agricultural lands by buffer or transitional areas of open space." Beaver Creek runs through this area, forming a natural divide between the urban and natural resource areas. Steep slopes associated with the creek make farming difficult. Soils in the area have severe ratings for septic tank suitability so there is some question as to the suitability of the area for housing. However, there is no requirement that every parcel of rural land be built upon - "there are lands subject to hazards and natural resource lands that should remain open or relatively undeveloped within Rural Areas." (CRAG Land Use Framework Element, p.5.)

The northern quarter of the petition area overlaps the Troutdale Study Area. This northern area is recommended for an urban designation for the reasons stated in the study area findings (Agenda Item 5.1.2). CRAG staff recommends that the southern three quarters of the study area be designated rural as the petition requests.

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Troutdale Study Area Findings

Criterion 1 Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.

Criterion 2 Need for housing, employment opportunities, and livability.

Criteria 1 and 2 are considered on a regional basis in "Land Requirements to the Year 2000 and Urban Land Supply." They support the inclusion of the Troutdale Study Area within the UGB.

Criterion 3 Orderly and Economic Provision for Public Facilities and Services.

Sewer:

Sewer service already extends to the edge of the study area, and lines to the area are sized large enough to handle most of the study area if developed (see Exhibit A). Almost all of the area can be served by gravity sewer, using existing sewer lines.

This area will not develop until the capacity of a trunk line leading to the treatment plant is increased. Capacity will be increased through the development of a new gravity line within the existing city limits. This line will be constructed in conjunction with land development within the existing city limits, and will require no capital expenditures on the part of the city. A by-pass would be constructed by the time the study area is developed, which would divert peak flows to an existing pump station that will have the capacity to handle those peak flows.

The drainage basin in which the study area is located is illustrated in Exhibit A. Development beyond this drainage basin would be limited by the following factors:

1. It could not be served by gravity sewers.
2. The existing sewer lines could not handle the resulting additional line flows, requiring major reconstruction or new construction.

The sewage treatment plant is presently undergoing an interim expansion, but the expanded plant will not have sufficient capacity to serve this area. Service will be provided by a Phase II expansion, either at Gresham or at Troutdale, expected to be on line by 1982. This expansion is currently under consideration by the East Multnomah County Sewer Consortium.

Water:

In the study area, water is currently provided by individual wells. Troutdale's proposed water plan shows a major well and water tower in the study area on Strebin Road. This facility will serve a large portion of the city of Troutdale. The capital improvements for this project are already programmed in the city's adopted five-year Capital Improvement Plan. With the construction of these facilities, the area could be served by city water relatively easily.

Streets:

Arterial and collector streets in the area are currently under capacity and thus could support an increase in local population.

Criterion 4 Maximum efficiency of land uses within and on the fringe of the existing urban area.

The study area is located on the eastern extreme of the CRAG Urban Growth Boundary, approximately 13 miles from Portland Central Business District, and adjoins a planned urban area on two sides. Although it is located in relatively close proximity to the employment centers of Gresham and the Columbia South Shore area, it is relatively distant from the major employment centers of the region.

Criterion 5 Environmental, energy, economic, and social consequences.

Water quality presents a potential constraint to the development of the study area. Because of poorly draining soils, the use of septic tanks in the area will be limited due to the potential for groundwater contamination (see Exhibit B). Rather than risk groundwater pollution with a rural designation, an urban designation seems more appropriate.

The development of this area would be slightly less energy-efficient than the development of other areas located in closer proximity to major employment centers.

This is not a major agricultural production area at the present time as only the eastern quarter of the area is in agricultural production. Neither is it expected to be a major area of agricultural economic activity in the future.

Information presented by the city of Troutdale and public testimony indicates that due to its limited agricultural potential, the residents of the area prefer other than a natural resource designation.

Criterion 6 Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI lowest priority.

Soils in the study area are almost entirely Class II and thus are relatively high priority for preservation (see Exhibit B). Agricul-

tural productivity of the area is limited by a moderate degree of parcelization and by poorly draining soils. The best portion of the study area for agricultural production is the eastern portion where lot sizes are still adequate for economical farm operations.

Criterion 7 Compatability of the proposed urban area with nearby agricultural activities.

There have been some problems in this area with conflicts between agricultural pursuits adjoining urban areas. These include problems with the application of chemicals and vandalism.

CONCLUSION AND RECOMMENDATION

Poorly draining soils in the area appear to preclude the use of septic tanks, thereby eliminating the possibility of a rural designation for the area. Furthermore, although the soils are of relatively high priority for retention for agricultural areas, agricultural production in this area will be limited by the following factors:

1. Parcelization, particularly in the western portion of the study area.
2. Poorly draining soils.
3. Urban/agricultural conflicts.

As a consequence, it is recommended that approximately two thirds of the study area be designated urban and the remainder designated natural resource as portrayed on the attached Exhibit C. Troutdale City Council re-affirmed its position to designate the area urban September 12, 1978 and agreed October 3 in principle to CRAG staff recommendations.

Urban development in the area could be prevented until required through the use of a future urbanizable designation. It is concluded that agricultural production is still a possibility in the eastern portion of the study area and thus it should receive a natural resource designation.

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TY, OREGON

February 1981

PLEASE NOTE: This exhibit (Exhibit I)
was too large to scan in its entirety.
To view the record, please contact the
Metro Archivist.

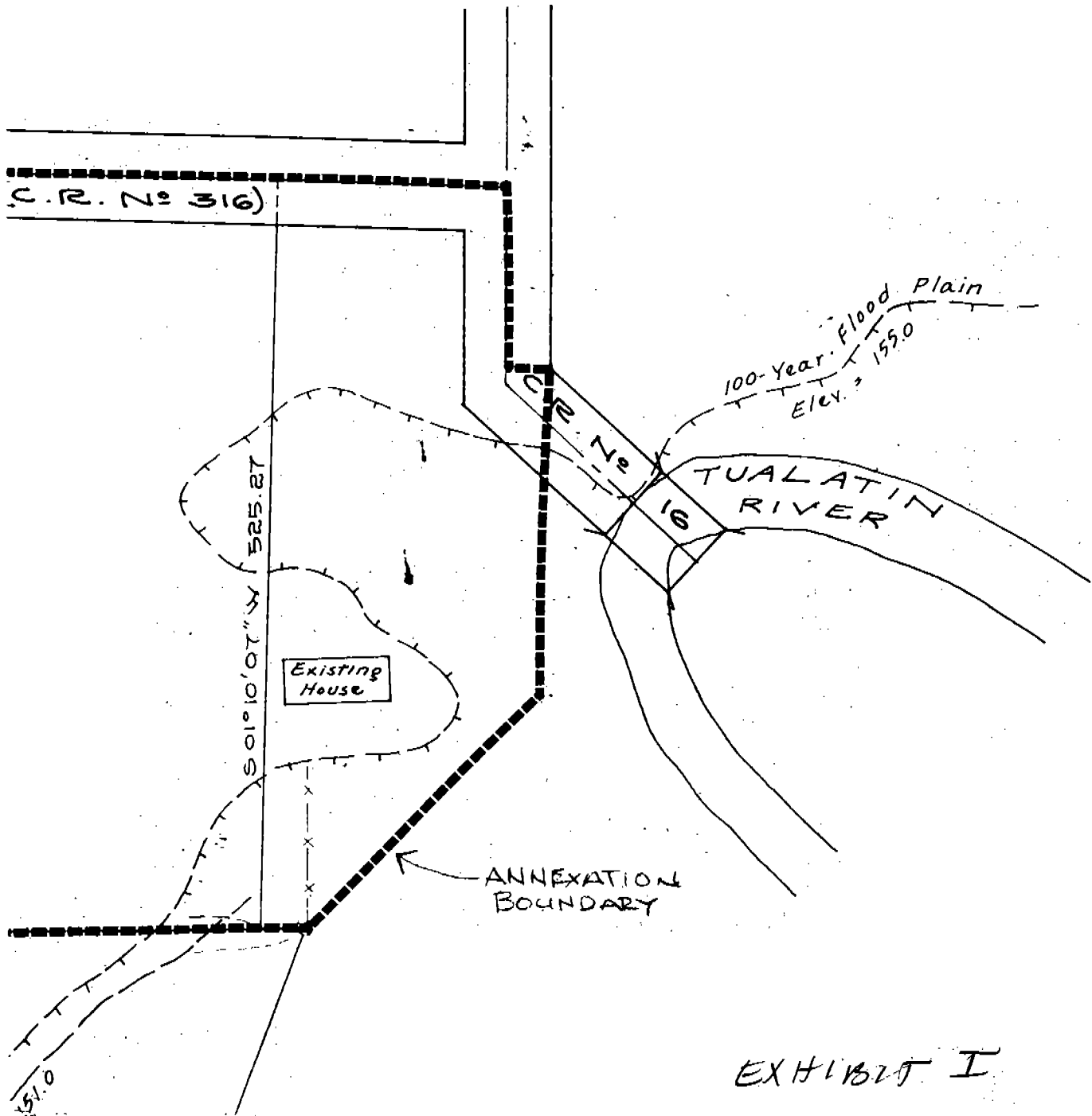


EXHIBIT I



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: September 25, 1981
To: Regional Development Committee
From: Jill Hinckley, Land Use Coordinator
Regarding: Administrative Interpretations of the UGB

As you may recall, Ordinance No. 81-105, Establishing Procedures for Locational Adjustments to the UGB, included a procedure for the Executive Officer to make administrative corrections of either the map or the legal description for the UGB in a given area in cases where the two disagreed. The Ordinance requires that affected local jurisdictions and property owners, along with the Council, be notified of the Executive Officer's decision in such cases within ten days. The Executive Officer's decision may be appealed to the Council. On September 24 and 29, Rick issued the two attached Executive Orders making administrative interpretations of the UGB at two locations, one near Cornelius and the other near Troutdale.

The Troutdale case (Executive Order 8) involves the correction of a drafting error. The Cornelius case, however, involves issues with policy implications beyond the area affected. The UGB in the area affected and at a number of other points around Cornelius and Forest Grove was defined by the 100-year floodplain, as shown on Washington County's 1974 floodplain maps. These maps approximated the location of the elevations identified as the floodplain boundary at that time.

The first problem relating to a UGB defined in this way is whether its location is defined by the lines shown on the County's maps or by the elevation the line was intended to approximate. Executive Order No. 7 resolves this problem by defining the location of the UGB by the actual floodplain elevations, as identified by field survey.

The second problem is whether the floodplain elevation used to define the UGB should be the elevation identified in 1974 or in 1980. In some cases, including the subject one, the 1980 elevation is lower, leaving a strip of buildable land between the 1974 floodplain and the 1980 floodplain.

Since the purpose of defining the UGB by the floodplain boundary was to designate for urban use all buildable land

outside the floodplain, it makes good planning sense to change the location of the UGB in response to a change in the location of the floodplain. The Executive Officer found, however, that to locate the UGB along the floodplain elevation defined in 1980, rather than that identified in 1974, could not be accomplished as an administrative resolution of an inconsistency between the map and the legal description, but requires UGB amendment by the Council.

Accordingly, we have asked the city of Cornelius to prepare a petition for a locational adjustment of the UGB to follow property lines, or other legally describable lines, that approximate the location of the 1980 floodplain. The need for an adjustment of the UGB to include buildable land between the 1974 and 1980 floodplains and to follow property lines rather than elevations that can only be located through field survey results from the way the UGB in this area was originally defined. It is, therefore, a matter of regional interest to rectify the problems arising from this practice and the Executive Officer will, accordingly, recommend that the Council initiate its own consideration of the adjustment to be proposed by Cornelius, rather than require the City to sponsor its own petition for such a change.

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ITY, OREGON
February 1981

