

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF)	RESOLUTION NO. 86-708
INITIATING CONSIDERATION OF A)	
LOCATIONAL ADJUSTMENT NEAR)	Introduced by
SHERWOOD AND WAIVING ASSIGNMENT)	Councilor Kirkpatrick
TO A HEARINGS OFFICER)	

WHEREAS, On December 2, 1982, the Council of the Metropolitan Service District (Metro) adopted Ordinance No. 82-145, amending the Urban Growth Boundary (UGB) in Washington County near Sherwood for Contested Case No. 81-8 (Cerregghino); and

WHEREAS, The UGB as amended by Ordinance No. 82-145 followed the northern lot line of a certain Tax Lot 101, as requested by the applicant and

WHEREAS, West Coast Auto Salvage, the current owner of the property now asserts that a land survey has revealed that a garage on the property straddles the northern lot line of Tax Lot 101; and

WHEREAS, West Coast Auto Salvage seeks an adjustment to add less than 3,000 square feet in order to include the entire garage within UGB; and

WHEREAS, The area requested for addition is too small to be saleable or buildable on its own; and

WHEREAS, The normal petition process would be unreasonably costly and time consuming for so small an adjustment; and

WHEREAS, Metro Code Section 3.01.020 (c) authorizes the Council to "initiate consideration of a locational adjustment without petition or filing fee"; and

WHEREAS, Filing fees are used to cover the costs of the Hearings Officer required by Metro Code Section 3.01.060 (a), as

well as the costs of public notice; and

WHEREAS, Most of the pertinent information was reviewed and assembled by a Hearings Officer for Contested Case No. 81-8; and

WHEREAS, The additional information pertinent to a decision to add less than 3,000 square feet is likely to be neither extensive nor complex; and

WHEREAS, The property owner, by letter dated November 3, 1986, from representative Spencer Vail, has indicated willingness to receive a hearing before the Metro Council rather than before a Hearings Officer, and to pay the costs for public notice of such a hearing; now, therefore,

BE IT RESOLVED,

1. That the Council hereby initiates consideration of the requested locational adjustment as shown in Exhibit A, consistent with the provisions of Metro Code Section 3.01.020 (c).

2. That the Executive Officer shall schedule a hearing before the Council at a regularly scheduled Council meeting, following receipt from the property owner of a completed petition form and a \$200 deposit to cover cost of public notice.

3. That the requirement of Metro Code Section 3.01.060 (a) that the case be assigned to a Hearings Officer is hereby waived.

ADOPTED by the Council of the Metropolitan Service District this 11th day of December, 1986.


Richard Waker, Presiding Officer

JH/gl
6556C/485-2
11/20/86

CONSIDERATION OF RESOLUTION NO. 86-708, FOR THE
PURPOSE OF INITIATING CONSIDERATION OF A
LOCATIONAL ADJUSTMENT NEAR SHERWOOD AND WAIVING
ASSIGNMENT TO A HEARINGS OFFICER

Date: November 14, 1986

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Four years ago, the Council of the Metropolitan Service District (Metro) approved a locational adjustment of the Urban Growth Boundary (UGB) north of Edy Road in Sherwood. The current property owner is seeking a further, very minor adjustment to correct a surveying error undetected at the time of the original adjustment: the lot line, and the UGB which is coterminous with that line, have been discovered to bisect a garage on the property, rather than to skirt it.

The adjustment now sought would add only a few thousand feet to the urban area. The property owner believes that Metro's regular adjustment procedures, which would involve up to \$1,500 in Hearings Officer costs, is excessively costly and cumbersome for so small and simple a proposed adjustment. The property owner's representative, Spencer Vail, contacted the Councilor for that district, Councilor Kirkpatrick, for advice and assistance. Councilor Kirkpatrick has suggested that to keep costs down, a Hearings Officer might be dispensed with and the matter heard directly by the Council. A resolution authorizing this approach is attached.

Provided the rights of parties are not adversely affected, it is a matter of Council discretion whether it chooses to waive its procedural requirements. The waiver at issue does not appear to jeopardize the rights of any party.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 86-708.

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11/25/86

Tuck Wilson, Convention Center Project Director, reported staff and advisors were currently in the process of selecting a design team to recommend to the Council for approval.

8.2 Consideration of Resolution No. 86-711, for the Purpose of Amending Resolution No. 86-659, Revising the Intergovernmental Resource Center (IRC) Budget and Appropriations, and Authorizing a New Position (Analyst 3) and Contractual Agreements

Ms. Sims explained that Resolution No. 86-700, adopted by the Council on November 20, 1986, had identified the need for more technical assistance to the IRC program. Resolution No. 86-711 would provide that assistance by adding a new analyst position and revising the budget accordingly. Further, two contracts would be approved which would increase the District's computer capabilities.

Presiding Officer Waker said that as Chairman of the Joint Policy Advisory Committee on Transportation (JPACT), he supported the Resolution which would provide remote computer terminals for traffic forecasting.

In response to Councilor Ragsdale's concerns about computer vendors, Keith Lawton, IRC Technical Manager, explained staff had previously undergone an extensive selection process for vendors.

Motion: Councilor Kelley moved the adoption of Resolution No. 86-711 and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilor Cooper

The Motion carried and Resolution No. 86-711 was adopted.

8.3 Consideration of Resolution No. 86-708, for the Purpose of Initiating Consideration of a Locational Adjustment Near Sherwood and Waiving Assignment to a Hearings Officer

Councilor Kirkpatrick introduced the Resolution. She explained a constituent had requested a minor adjustment to the Urban Growth Boundary (UGB) be made to correct a surveying error undetected at the time an original UGB adjustment had been made in Sherwood north of Edy Road. The property owner believed that Metro's regular adjustment procedures, which would involve up to \$1,500 in Hearings

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Officer costs, was excessively costly and cumbersome for so small and simple a proposed adjustment. The Councilor suggested keeping costs down by allowing the Council to hear the matter directly instead of a paid Hearings Officer.

Jill Hinckley, Land Use Coordinator, agreed the adjustment was very minor and if the Council adopted Resolution No. 86-708, the findings could be brought before the Council in January.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 86-708 and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilor Cooper

The motion carried and Resolution No. 86-708 was adopted.

Councilor Ragsdale was pleased the system for adjusting the Urban Growth Boundary worked well and was flexible enough not to be cumbersome.

8.4 Consideration of 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)

Ms. Hinckley reported the Council had adopted Resolution No. 86-650 on June 26, 1986, which approved the petition by Kaiser Development Company for an amendment to add about 450 acres the Urban Growth Boundary (UGB) in the Sunset Corridor. Because the property was outside Metro's boundaries, the Council lacked jurisdiction to amend the UGB at that time. Therefore, pursuant to its rules for such situations (Ordinance No. 85-189, Section 2, paragraph 3.01.070(c)(1)), Resolution No. 86-650 expressed the Council's intent to amend the UGB as petitioned once the property was annexed to Metro, provided the annexation occurred within six months. The deadline was intended to ensure the findings of fact adopted by the Resolution were current enough to be relied upon when the Council adopted the Ordinance that would actually amend the UGB. Due to the length of the process in seeking Metro annexation, the petitioners were unable to meet the Council's six-month deadline. Because the delay was unforeseen and unavoidable, staff recommended the deadline be extended to March 30, 1987. No person's rights were adversely affected by this waiver of the Code deadline, Ms. Hinckley noted.