

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF INITIATING)	RESOLUTION NO. 87-822
ANNEXATION TO METRO AND EXPRESSING)	
COUNCIL INTENT TO AMEND THE URBAN)	Introduced by the
GROWTH BOUNDARY FOR EDY ROAD,)	Executive Officer
HIGHWAY 99W, MIDDLETON AND SUB-)	
STATION SITES IN CONTESTED)	
CASE NO. 87-1)	

WHEREAS, Contested Case No. 87-1 is a petition from Columbia-Willamette, the city of Sherwood and others to the Metropolitan Service District for an amendment of the regional Urban Growth Boundary to include land in four locations and remove land in three; and

WHEREAS, A hearing on this petition was held before a Metropolitan Service District Hearings Officer on July 20, 1987; and

WHEREAS, The Hearings Officer has issued his report on this case (Exhibit B), which finds that all applicable requirements have been met and recommends that the petition be approved; and

WHEREAS, Ordinance No. 87-234, adopted by the Council of the Metropolitan Service District on November 24, 1987, accepted the Hearings Officer's Report and Recommendations in Contested Case No. 87-1 and amended the Urban Growth Boundary for the three of the sites currently within the Metropolitan Service District; and

WHEREAS, The four remaining sites at Edy Road, Highway 99W, Middleton and the Portland General Electric Substation as shown in Exhibit A, are currently outside, but contiguous to, the Metropolitan Service District's boundary; and

WHEREAS, The Council of the Metropolitan Service District is authorized by ORS 199.490(2)(B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, The Council of the Metropolitan Service District has received the necessary "consents" in sufficient numbers to meet so-called "double majority" annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490(2)(B); and

WHEREAS, The Metropolitan Service District Code Section 3.01.070(c)(i) provides that action to approve a petition including land outside the District shall be by resolution expressing intent to amend the Urban Growth Boundary when the property is annexed to the Metropolitan Service District; and

WHEREAS, The Department of Land Conservation and Development was notified of the petitioners' request that the Metropolitan Service District adopt a Goal No. 3 exception for the Edy Road site on the grounds that it was irrevocably committed to non-farm use and Department of Land Conservation and Development did not file an objection to this proposal; and

WHEREAS, The Edy Road site, as shown on Exhibit A, contains Class I-IV Soils which the Hearings Officer has found to be irrevocably committed to non-farm use; now, therefore,

BE IT RESOLVED,

1. That the petition for annexation to the Metropolitan Service District of the properties shown on Exhibit A and described

in Exhibit B is hereby approved and the petitioners directed to file the necessary fee and forms, including this resolution, with the Portland Metropolitan Area Local Government Boundary Commission.

2. That the Council of the Metropolitan Service District expresses its intent to adopt an ordinance amending the Urban Growth Boundary as shown in Exhibit A and to adopt a Goal No. 3 exception for the site labeled "Edy Road" on Exhibit A within thirty (30) days of receiving notification that the property has been annexed to the Metropolitan Service District, provided such ratification is received within six (6) months of the date on which this resolution is adopted.

ADOPTED by the Council of the Metropolitan Service District
this 24th day of November, 1987


Richard Waker, Presiding Officer

JH/sm
8359C/517
11/02/87

PETITION

FOR

ANNEXATION to the METROPOLITAN SERVICE DISTRICT

TO: Portland Metropolitan Area Local Government Boundary Commission

We, the undersigned, constitute at least the owners of one-half the land area of the following described property:

A parcel of land situated in the Northeast one-quarter of Section 29, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

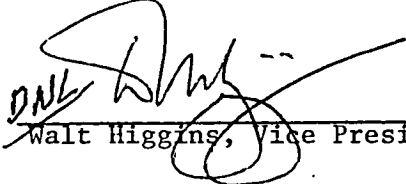
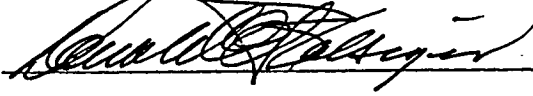
Beginning at a point in the centerline of S.W. Edy Road, said point being also the center of Section 29, Township 2 South, Range 1 West, Willamette Meridian; thence North 550 feet, more or less; thence East, parallel with the said S.W. Edy Road, 660 feet, more or less; thence North 770 feet, more or less; thence East, parallel with the said S.W. Edy Road, 1056 feet, more or less; thence South 590.48 feet, more or less; thence East, parallel with the said S.W. Edy Road, 264 feet, more or less; thence South 729.52 feet, more or less to a point on the said centerline of S.W. Edy Road; thence West 1980 feet, more or less to the Point of Beginning.

We desire to be annexed to the Metropolitan Service District, a district operating under ORS Chapter 268.

A map is attached, marked "Exhibit A", showing the affected territory and its relationship to the present district boundaries.

The annexation constitutes a minor boundary change under the boundary commission act and should therefore be considered by the Boundary Commission, and after study a Final Order should be entered by the Boundary Commission.

PETITION SIGNERS

SIGNATURE OF LEGAL OWNER	ADDRESS	PROPERTY DESIGNATION
1. <u></u> Walt Higgins, Vice President	121 SW Salmon Portland, OR 97205	Portion of 900-2S1 29A
2. _____	15245 SW Edy Rd. Sherwood, OR 97140	700-2S1 29A
3. <u>Carl R. Steyer</u> Carl R. Steyer Executor for Estate of ANNA Steyer	15075 SW Edy Rd. Sherwood, OR 97140	600-2S1 29A
4. <u>Carl R. Steyer</u> "	15075 SW Edy Rd. Sherwood, OR 97140	690-2S1 29A
5a. <u></u>	15025 SW Edy Rd. Sherwood, OR 97140	500-2S1 29A
5b. _____	15025 SW Edy Rd. Sherwood, OR 97140	500-2S1 29A
6a. <u>Margaret Mathison</u>	14985 SW Edy Rd. Sherwood, OR 97140	400-2S1 29A
6b. <u>Barnes Mathison</u>	14985 SW Edy Rd. Sherwood, OR 97140	400-2S1 29A
7a. <u>Mark D Bowman</u>	14935 SW Edy Rd. Sherwood, OR 97140	300-2S1 29A
7b. <u>Patty Bowman</u>	14935 SW Edy Rd. Sherwood, OR 97140	300-2S1 29A
8a. _____	14825 SW Edy Rd. Sherwood, OR 97140	200-2S1 29A
8b. _____	14825 SW Edy Rd. Sherwood, OR 97140	200-2S1 29A
9. <u>Gerda Cereghino</u>	14345 SW Edy Rd. Sherwood, OR 97140	Portion of 100-2S1 29A

PMALGBC FORM #5

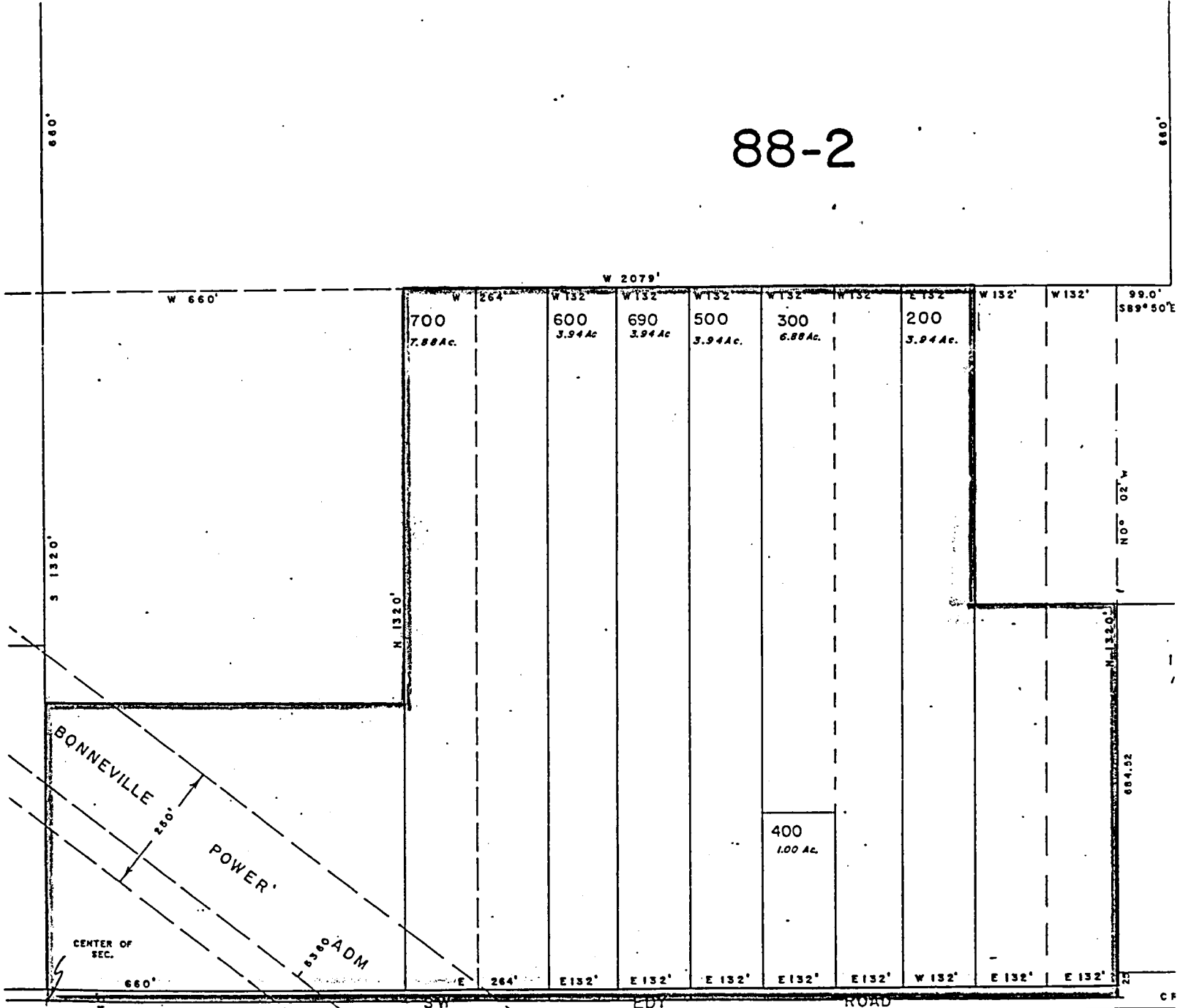
(This form is NOT the Petition)

ALL OF THE OWNERS OF PROPERTY INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

(To be completed IF the proposal contains 10 or fewer properties--
tax lots or parcels). Please indicate the name and address of all
owners of each property. This is for notification purposes.

NAME OF OWNER	ADDRESS	PROPERTY DESIGNATION (Indicate Tax Lot, Section number, and Township Range)
1) <u>Portland General Electric</u>	<u>621 SW Alder St.</u> <u>Portland, OR 97205</u>	<u>Portion of</u> <u>900-2S1 29A</u>
✓ 2) <u>Richard Cereghino</u>	<u>15245 SW Edy Rd.</u> <u>Sherwood, OR 97140</u>	<u>700-2S1 29A</u>
3) <u>Anna Steyaert</u>	<u>15075 SW Edy Rd.</u> <u>Sherwood, OR 97140</u>	<u>600-2S1 29A</u>
4) <u>Anna Steyaert</u>	<u>15075 SW Edy Rd.</u> <u>Sherwood, OR 97140</u>	<u>690-2S1 29A</u>
✓ 5) <u>Donald E. Balsiger</u>	<u>15025 SW Edy Rd.</u> <u>Sherwood, OR 97140</u>	<u>500-2S1 29A</u>
6) <u>Rasmus Mathiesen</u>	<u>14985 SW Edy Rd.</u> <u>Sherwood, OR 97140</u>	<u>400-2S1 29A</u>
7) <u>Mark D. Bowman</u>	<u>14935 SW Edy Rd.</u> <u>Sherwood, OR 97140</u>	<u>300-2S1 29A</u>
✓ 8) <u>Edward F. Horrocks</u>	<u>14825 SW Edy Rd.</u> <u>Sherwood, OR 97140</u>	<u>200-2S1 29A</u>
9) <u>Gerda Cereghino</u>	<u>14345 SW Edy Rd.</u> <u>Sherwood, OR 97140</u>	<u>Portion of</u> <u>100-2S1 29A</u>
10)		

88-2



SEE MAP
2S 1 29D

FOR ASSESSMENT I
DO NOT RELY ON FC

Legal case

CITY OF SHERWOOD
Legal Description for
Annexation of a Portion of Tax Lot 700 (2S1 31 C)
and Portions of Tax Lots 400, 800, and 900 (2S1 31 CC)

A parcel of land situated in the northwest one-quarter of Section 6, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the intersection of the north line of said Section 6 and the northerly line of the Southern Pacific Railroad right-of-way line, said point being Westerly 430 feet, more or less, from the north one-quarter corner of said Section 6; thence Southwesterly along the said northerly right-of-way line 380 feet, more or less, to the most southerly southeasterly corner of that tract of land described by Deed recorded in Book 817, page 210 of the Washington County Deed Records; thence Westerly along the southerly line of said tract of land 390 feet, more or less, to a point on the easterly line of MIDDLETON, a duly recorded subdivision in Washington County; thence Northerly along the said easterly line 75 feet, more or less, to the northeasterly corner thereof, said point being also on the northerly right-of-way line of Harrison Street; thence Westerly along said northerly right-of-way line and its westerly extension thereof 890 feet, more or less, to a point on the westerly right-of-way line of S.W. Middleton Road; thence Northerly along the said westerly right-of-way line 50 feet, more or less, to the southeasterly corner of Lot 3, NORTHFIELD, a duly recorded plat in Washington County; thence Westerly 742.85 feet along the southerly line of said Lot 3, and Lot 4, said NORTHFIELD, to a point on the easterly right-of-way line of Old Pacific Highway, said point being also the southwest corner of said Lot 4; thence Northerly along the said easterly right-of-way line 120 feet, more or less, to the said north line of Section 6; thence Easterly along said north line 2365 feet, more or less to the Point of Beginning.

Exhibit
A-1



SHW005

CITY OF SHERWOOD

LEGAL DESCRIPTION FOR ANNEXATION OF
TAX LOTS 200, 1600, 1700, 1701, AND 1800 (2S 2 36 D)

A parcel of land situated in the Southeast one-quarter of Section 36, Township 2 South, Range 2 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the intersection of the easterly right-of-way line of Pacific Highway (99W), and the westerly right-of-way line of Old Pacific Highway; thence Easterly, crossing the right-of-way of said Old Pacific Highway, 100 feet, more or less, to a point on the easterly right-of-way line of said Old Pacific Highway; thence Southerly, along the said easterly right-of-way line, 2,210 feet, more or less, to a point opposite the northeasterly corner of the Middleton Pioneer Cemetery, as described by Deed recorded in Book 833, at page 886, Washington County Deed Records; thence Westerly, crossing the said right-of-way of Old Pacific Highway, 60 feet, more or less, to a point on the said westerly right-of-way line of Old Pacific Highway, said point being also the said northeasterly corner of the Middleton Pioneer Cemetery; thence Westerly, along the northerly line of the said Middleton Pioneer Cemetery, 445 feet, more or less, to the northwesterly corner thereof; thence Southerly, along the westerly line of the said Middleton Pioneer Cemetery, 330 feet, more or less, to the southeasterly corner of that tract of land described by Deed recorded as Fee No. 80-41113, said Washington County Deed Records; thence Westerly, along the southerly line of said tract of land, and the southerly line of that tract of land described by Deed recorded in Book 874, at page 31, said Washington County Deed Records, 475 feet, more or less, to the southwest corner thereof; said point being also on the said easterly right-of-way line of Pacific Highway (99W); thence Northerly, along the said easterly right-of-way line, 2,710 feet, more or less to the Point of Beginning.

EXHIBIT
A-2

PMALGBC FORM #1

PETITION TO ANNEX TO A SERVICE DISTRICT

To: PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION

We, the undersigned, constitute at least the owners of one-half the land area of the property described in Exhibit A, attached hereto.

We desire to be annexed to the Metropolitan Service District, a district operating under ORS Chapter _____.

A map is attached, marked "Exhibit B" showing the overall affected territory and its relationship to the present district boundaries. In addition, three County assessors maps showing the annexation in detail are attached.

The annexation constitutes a minor boundary change under the boundary commission act and should therefore be considered by the Boundary Commission, and after study a Final Order should be entered by the Boundary Commission.

PETITION SIGNERS

(NOTE: THIS PETITION MAY BE SIGNED BY QUALIFIED PERSONS, EVEN THOUGH THEY DO NOT KNOW THEIR TAX LOT NUMBERS.)

Signature of Legal Owner(s)	ADDRESS	Tax Lot Numbers					
		Lot #	1/4	1/4	Sec.	Twp	R
1.	Box 23006 Tigard, OR 97223	700	(portion)		31C	2S	1W
2.	Rt. 5, Box 62 Sherwood, OR 97140	400	(portion)		31CC	2S	1W
	Rt. 5, Box 62 Sherwood, OR 97140	400	(portion)		31CC	2S	1W
3.	Rt. 5, Box 64B Sherwood, OR 97140	900	(portion)		31CC	2S	1W
4.	Rt. 5, Box 244 Sherwood, OR 97140	800	(portion)		31CC	2S	1W
	Rt. 5, Box 244 Sherwood, OR 97140	800	(portion)		31CC	2S	1W

PMALGBC FORM #5

(This Form is NOT the Petition)

ALL THE OWNERS OF PROPERTY INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

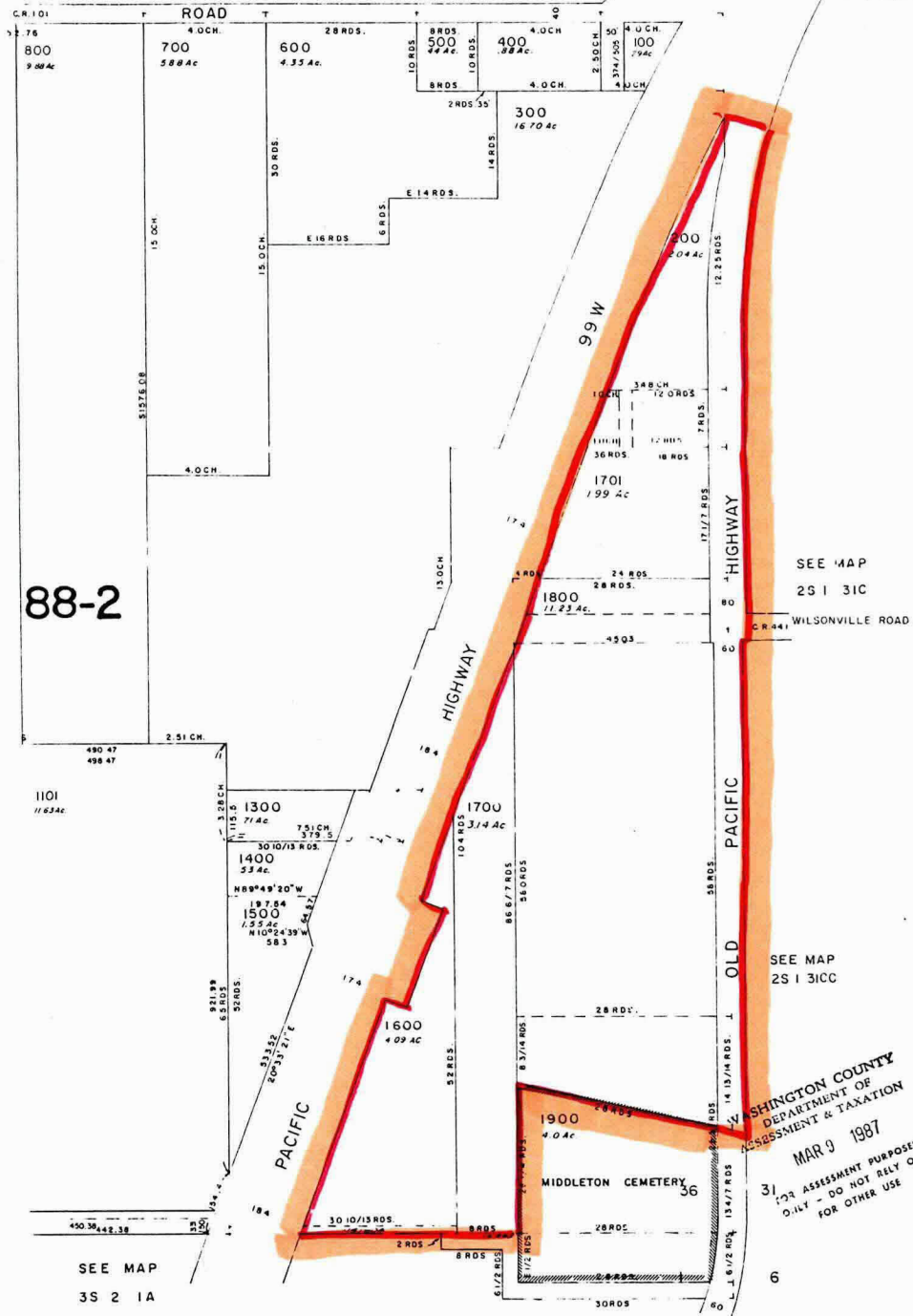
(To be completed IF the proposal contains 10 or fewer properties--
tax lots or parcels). Please indicate the name and address of all
owners of each property regardless of whether or not they signed an
annexation petition. This is for notification purposes.

	NAME OF OWNER	ADDRESS	PROPERTY DESIGNATION		
			(Indicate Tax Lot, Section Number, and Township Range)		
(1)	Fred Anderson	P.O. Box 23006 Tigard, OR 97223	700	2S1	31C
(2)	Paul O. Miller	Rt. 5, Box 62	400	2S1	31CC
	June W. Miller	Sherwood, OR 97140			
(3)	Janet Whitmore	Rt. 5, Box 64B Sherwood, OR 97140	900	2S1	31CC
(4)	Dan Harshbarger	Rt. 5, Box 244	800	2S1	31CC
	Carol Harshbarger	Sherwood, OR 97140			
(5)	Janet Elwert Roberts	22822 SW Pacific Hwy.	200	2S2	36D
	Marian Elwert Hosler	Sherwood, OR 97140			
(6)	Lou-Whel Industries	Rt. 5, Box 246 Sherwood, OR 97140	1701	2S2	36D
(7)	Lorraine Trapp	9425 SE Carnady Wy. Portland, OR 97266	1800	2S2	36D
(8)	COB Enterprises	Rt. 3, Box 160A-26 Sherwood, OR 97140	1700	2S2	36D
(9)	Lee J. Winkelman	Rt. 5, Box 235B Sherwood, OR 97140	1600	2S2	36D
(10)					

SCALE 1"=200'

SEE MAP
2S 2 36

CANCELLED TAX LISTS
2000, 1200, 1102,



SEE MAP
3S 2 1A

88-9

SOUTH
12.65 RODS
1255 RODS
600
0.83 Ac.
12.65 RODS

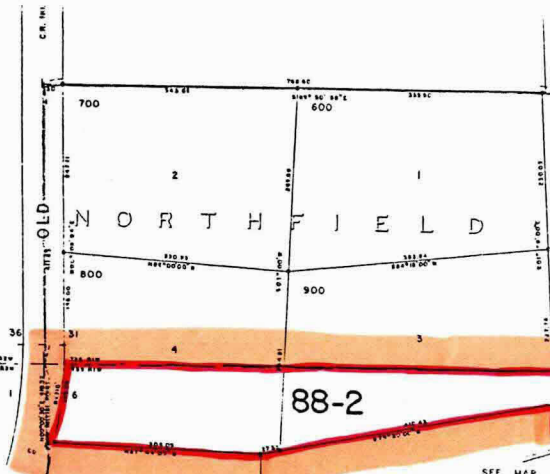
3W WILSONVILLE ROAD

S.W. MIDDLETON ROAD
BEGIN C.R. 176
60

700
54.74 Ac.

703
3.71 Ac.

SEE MAP



88-2

S.W. HARRISON S. W. 60 HARRISON STREET

88-2

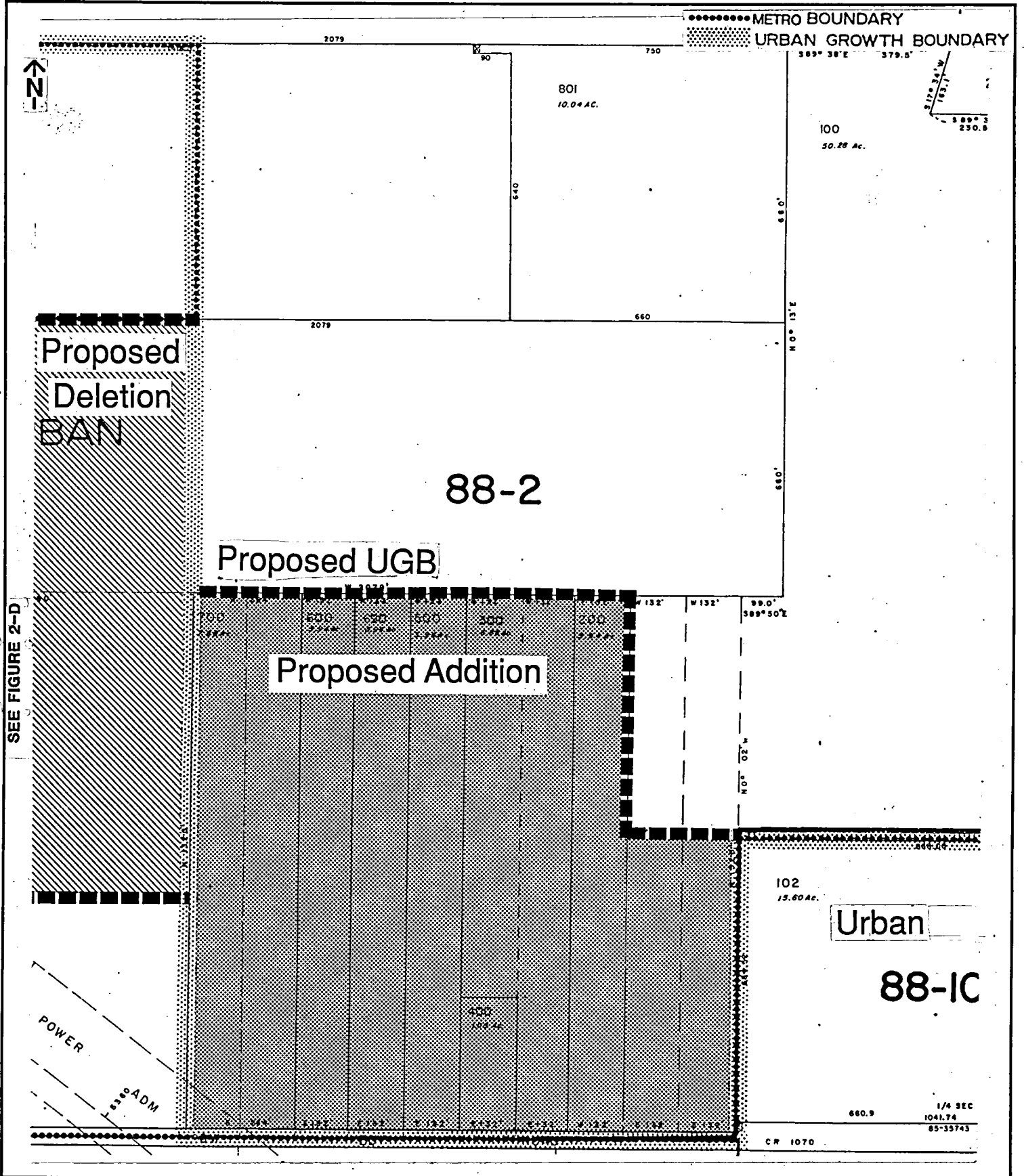
C.S. 8490 FOUND
ORIG. STONE

SOUTHERN PACIFIC R.R.

SEE MAP
3S 1 68B

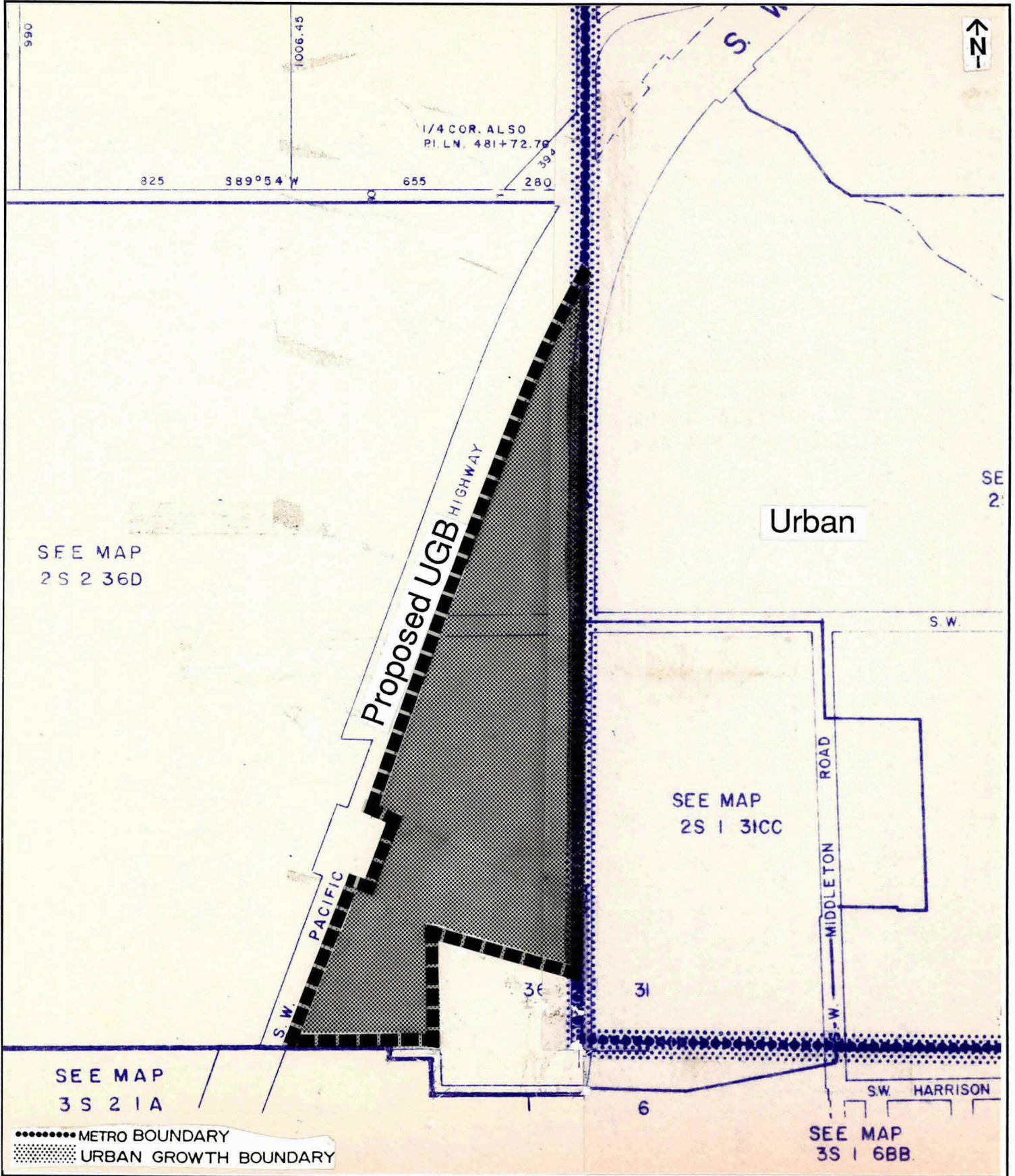
Edy Road (1-A)

Urban Growth Boundary
Contested Case
87-1: Exhibit A



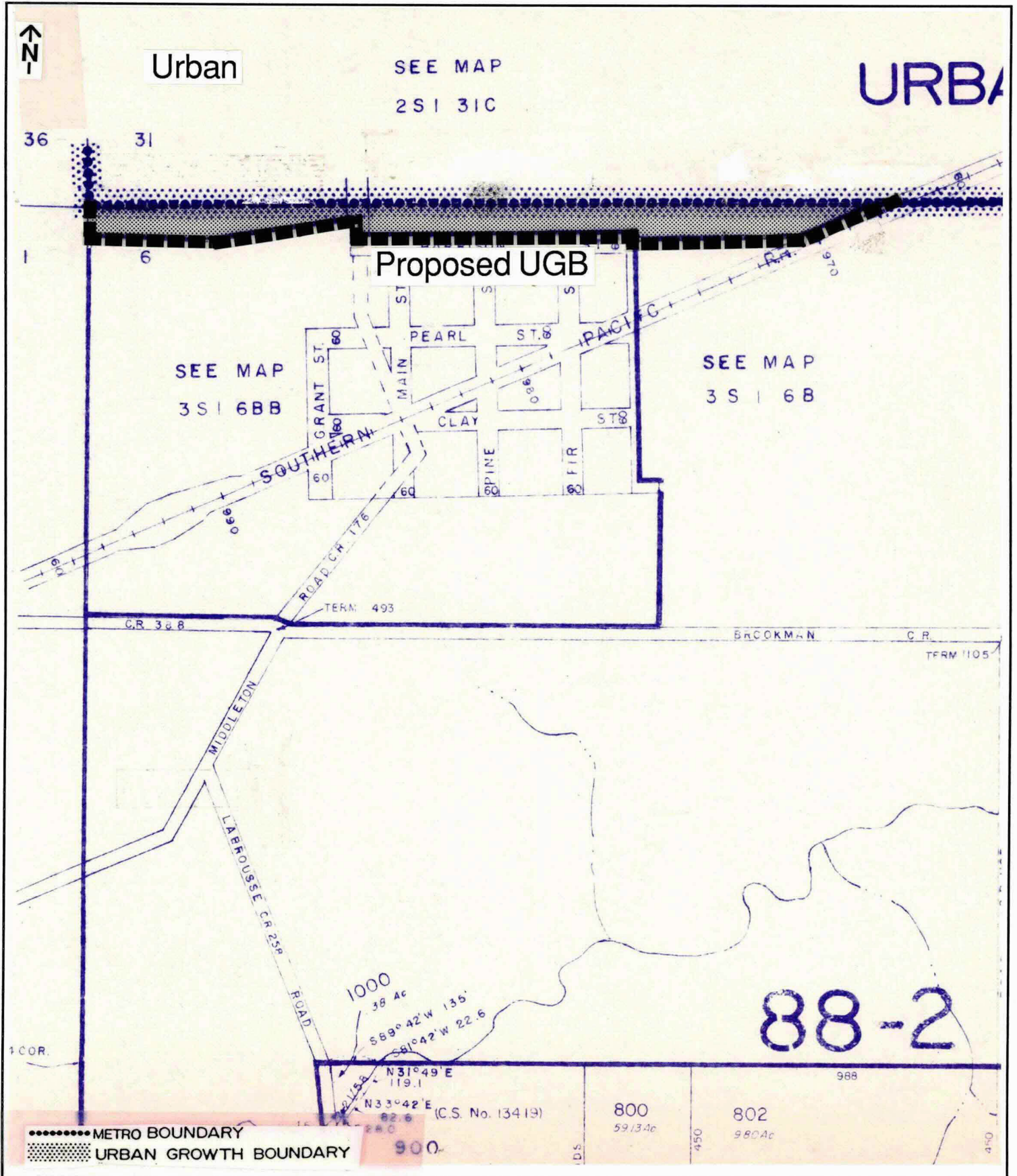
Highway 99 (2-A)

Urban Growth Boundary
Contested Case
87 - 1: Exhibit A



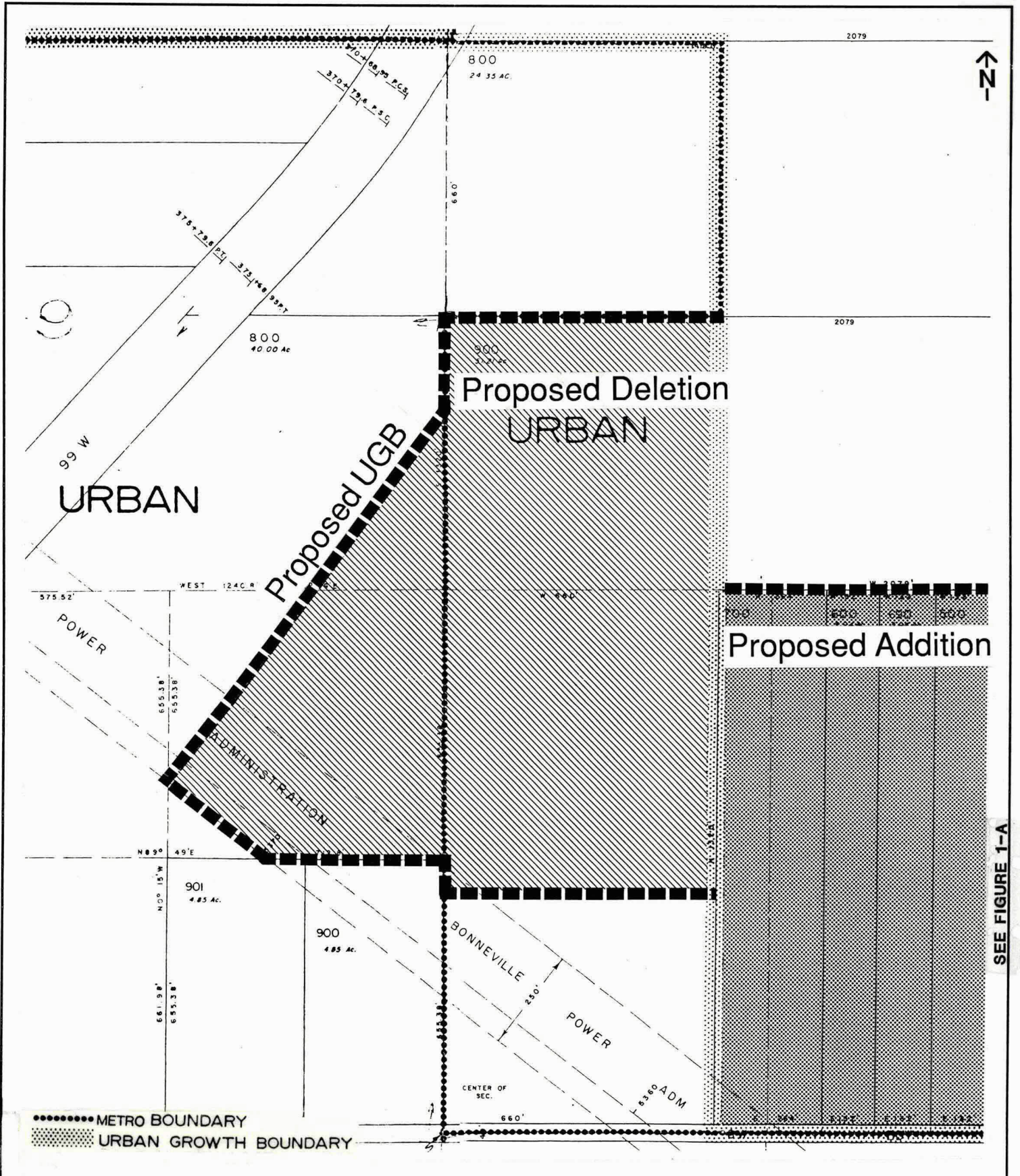
Middleton (3-A)

Urban Growth Boundary
Contested Case
87-1: Exhibit A



Power Substation (2-D)

Urban Growth Boundary
Contested Case
87 - 1: Exhibit A



NOTE: Exhibit B, "Contested Case No. 87-1:
Report and Recommendation of the Hearings Officer,"
has been distributed to Councilors. Other parties
can arrange to pick up a copy of the report by
calling Marie Nelson, Metro Council Clerk, 221-1646,
extension 206.

STAFF REPORT

Agenda Item No. 9.4, 10.1

Meeting Date Nov. 24, 1987

CONSIDERATION OF ORDINANCE NO. 87-234, ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY IN CONTESTED CASE NO. 87-1 FOR THE CHICKEN CREEK, HARBORTON AND BULL MOUNTAIN SITES (SECOND READING), AND CONSIDERATION OF RESOLUTION NO. 87-822, FOR THE PURPOSE OF INITIATING ANNEXATION TO METRO AND EXPRESSING COUNCIL INTENT TO AMEND THE URBAN GROWTH BOUNDARY IN CONTESTED CASE NO. 87-1 FOR THE EDY ROAD, HIGHWAY 99W, MIDDLETON AND SUBSTATION SITES

Date: November 13, 1987

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Contested Case No. 87-1 is a petition from Columbia-Willamette Development Company and others to add four sites to the regional UGB in "trade" for the removal of three other sites. The location of all sites are shown in the maps attached as Exhibit A. Three of the sites proposed for addition and two of those proposed for removal are located near the city of Sherwood, who is a co-petitioner. The remaining site proposed for addition is at S.W. 131st and Beef Bend Road south of Bull Mountain in Washington County; for removal, at Harborton in the City of Portland. Columbia-Willamette is the development subsidiary of Portland General Electric (PGE), which owns a portion of the Beef Bend Road site, the Harborton site, and one of the sites proposed for removal near Sherwood.

The Beef Bend Road site alone was previously considered for addition as Contested Case No. 84-2. Order No. 86-5, adopted January 9, 1986, by the Council of the Metropolitan Service District (Metro), accepted the Hearings Officer's findings that the petitioners had not presented sufficient justification for so large an addition, but encouraged refileing of the petition as a part of a trade under 3.01.040(c), as petitioners have done. It should be noted, however, that Order No. 86-5 merely indicated the Council's judgment at that time that there was nothing in its adopted findings to preclude future approval of an amendment to include the Beef Bend Road site as part of a trade if the applicable standards were met. It is now up to the Council to determine whether those standards have indeed been met.

Washington County supports approval of this petition. The City of Portland adopted a neutral position.

A hearing on this petition was held before Metro Hearings Officer Chris Thomas on July 20, 1987. The record was closed September 2, 1987, upon receipt of a slightly revised proposal regarding land to be added and removed. The Hearings Officer's Report was issued on September 28, 1987, and parties given until October 19, 1987, to file any exceptions to that report.

In a trade, the main issue is whether the properties proposed to be added are more suitable for urbanization than those proposed for removal, based upon consideration of the standards listed in Metro Code Section 3.01.040(a). The Hearings Officer finds that this is the case, and accordingly recommends that the petition be approved. Although several individuals testified in opposition to the petition or expressed concern about it, no exceptions were filed. Metro Code Section 2.05.035 allows the Council to hear oral argument only when exceptions have been filed. Since none were in this case, no public testimony will be taken.

One unusual feature of the case should be noted. A special standard (Metro Code Section 3.01.040(c)(1)) applies to land with Class I-IV soil that is not "irrevocably committed to non-farm use." Metro Code Section 3.01.010(i) defines this last phrase as "in the case of a plan acknowledged by LCDC, any land for which a Goal No. 3 exception has been approved by LCDC...." All but one of the proposed additions had previously had an approved Goal No. 3 exception taken for them. The Edy Road site, however, is part of a large area zoned for Exclusive Farm Use. Although the local jurisdiction -- in this case Washington County -- is usually responsible for adopting any Goal No. 3 exceptions, this was not practicable in this case. Instead, Metro itself provided LCDC staff notice of the proposed exception (see pp. 38-39 of the Hearings Officer's Report for a summary of the process). Under post-acknowledgment procedures, as provided for in OAR 600 Division 18, LCDC must be considered to have "approved" the exception whenever DLCD does not testify in opposition at the exceptions hearing, whether the hearing is before Metro or Washington County. Accordingly, staff believes that Metro can fulfill the terms of Metro Code Section 3.01.010 by itself adopting the Goal No. 3 exception for the Edy Road site, as provided in Resolution No. 87-822.

Of the seven sites affected, one of the proposed additions (Bull Mountain) and two of the proposed removals (the Chicken Creek Floodplain and Harborton) are within the Metro boundary and so can be approved by ordinance. The remaining sites require Metro annexation prior to adoption of a final order effecting the proposed changes. In consequence, initial action by the Council on these properties would be by Resolution of Intent to approve the proposed changes once the land annexes to Metro. Because it is the ordinance that will adopt the findings for all sites, the resolution should not be acted upon until the Council has first acted on adoption of the ordinance scheduled for November 24.

JH/sm
8359C/517
11/13/87

Motion to Amend: Councilor Gardner moved, Councilor Kirkpatrick seconded that Resolution 87-820 be reconsidered on December 22.

There was further discussion on the motion to amend.

Vote: A vote on the motion and amendment to Resolution No. 87-820 resulted with all twelve Councilors voting aye.

The motion and the amendment carried.

Presiding Officer Waker called for a break at 7:25 p.m. The meeting resumed at 7:50 p.m.

9.4 Consideration of Resolution No. 87-822 for the Purpose of Initiating Annexation to Metro and Expressing Council Intent to Amend the Urban Growth Boundary in Contested Case No. 87-1 for the Edy Road, Highway 99W, Middleton and Substation Sites; and,

10.1 Consideration of Ordinance No. 87-234, for the Purpose of Adopting a Final Order and Amending the Metro Urban Growth Boundary in Contested Case No. 87-1 for the Chicken Creek, Harborton and Bull Mountain Sites (Second Reading).

Presiding Officer stated the first reading of No. 87-234 occurred at the November 12 Council meeting, at which time Councilors DeJardin and Ragsdale moved to adopt the Ordinance. No motion was made to adopt Resolution No. 87-822. Presiding Officer Waker then requested the Acting Clerk of the Council to read the Ordinance by title only. The Acting Clerk read Ordinance No. 87-234 a second time by title only.

Jill Hinckley, Land Use Coordinator, reported this item involved two actions: adoption of the Ordinance would be taking action on those properties which are in Metro's district; adoption of the Resolution was required to annex the property.

Councilor VanBergen asked if this request related to the PGE property included in the urban growth boundary a couple of years ago. Ms. Hinkley stated affirmative.

There was discussion regarding the land trade and provisions of trade.

Motion: Presiding Officer Waker moved, seconded by Councilor Ragsdale, to adopt Ordinance No. 87-234.

Vote: A roll call vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kelley, Knowles, Ragsdale and Waker

Nays: Councilors Bonner, Collier and Van Bergen

Absent: Councilor Kirkpatrick

The motion carried, and Ordinance No. 87-834 was adopted.

Jill Hinckley presented the companion Resolution No. 87-822. There was no discussion.

Motion: Presiding Officer Waker moved, seconded by Councilor Ragsdale, to adopt Resolution No. 87-822.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kelley, Knowles, Ragsdale and Waker

Nays: Councilors Van Bergen, Bonner and Collier

Absent: Councilor Kirkpatrick

The motion carried and Resolution No. 87-822 was adopted.

10.2 Consideration of Order No. 87-16, in the Matter of Contested Case No. 87-2, a Petition for a Locational Adjustment of the Urban Growth Boundary by Joseph and Lynn Angel.

Ms. Hinkley, Land Use Coordinator discussed the petition and introduced Chris Thomas, Hearings Officer for the case. Mr. Thomas summarized written Hearings Officer's Report contained in the meeting materials. The Hearings Officer had concluded that as a matter of law, Metro's standards must be applied to the proposed land adjustment, and the adjustment approved only if those standards were met. He further found they had

Motion: The motion to adopt the ordinance was made by Councilors Kirkpatrick and Ragsdale at the first reading on October 22, 1987.

There was no discussion on the ordinance.

Vote: A roll call vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried and Ordinance No. 87-232 was adopted.

9.4 Consideration of Ordinance No. 87-233, for the Purpose of Amending Metro Code Section 2.04.041 Creating an Exemption for Agreements for the Lease or Use of the Oregon Convention Center from Public Bidding Requirements (Second Reading)

The Clerk read the ordinance a second time by title only. Presiding Officer Waker announced the Council would consider the ordinance in its capacity as the Metro Contract Review Board and that the ordinance was not subject to the Executive Officer's veto.

Motion: The motion to adopt the ordinance was made by Councilors Kirkpatrick and Ragsdale at the first reading on October 22, 1987.

There was no discussion on the ordinance.

Vote: A roll call vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried and Ordinance No. 87-232 was adopted.

9.5 Consideration of Ordinance No. 87-234, for the Purpose of Adopting a Final Order and Amending the Metro UGB in Contested Case No. 87-1 for the Chicken Creek, Harborton and Bull Mountain Sites (First Reading); and

10.1 Consideration of Resolution No. 87-822, for the Purpose of Initiating Annexation to Metro and Expressing Council Intent to Amend the Urban Growth Boundary in Contested Case No. 87-1 for the Edy Road, Highway 99W, Middleton and Substation Sites

The Clerk read the ordinance a first time by title only. Presiding Officer Waker announced that the Council would consider this matter in its capacity as a quasi-judicial board and as such, the ordinance was not subject to the Executive Officer's veto. He also announced that a public hearing had previously been conducted on the matter

and the Hearings Officer's Report was included in the agenda materials. The Council would consider adoption of both the ordinance and resolution on November 24, 1987, he explained.

Jill Hinckley, Land Use Coordinator, introduced Chris Thomas, Hearings Officer for Contested Case No. 87-1. Mr. Thomas summarized the written Hearings Officer's Report as contained in the meeting agenda materials.

In response to Councilor Knowles question, Ms. Hinckley reported a few residents had testified at the hearing in opposition to the amendment. Citizens were primarily concerned about traffic on Bull Mountain Road. Jean Young, King City Mayor, had also opposed the amendment. She explained those citizens were very cooperative and understood the standards by which Metro would judge the case.

Motion: Councilor DeJardin moved, seconded by Councilor Ragsdale, to adopt Ordinance No. 87-234.

Presiding Officer Waker announced the ordinance would be continued to a second reading on November 24 and which time Resolution No. 87-822 would also be considered for adoption.

10.2 Consideration of Resolution No. 87-820, for the Purpose of Complying with the Clackamas Transfer & Recycling Center (CTRC) Conditional Use Permit

Presiding Officer Waker reported he, Executive Officer Cusma, Dan Cooper, and Councilors Gardner, DeJardin and Cooper were continuing to meet with representatives of Oregon City to negotiate a solution to the problems surrounding the tonnage limit issue at CTRC. Because negotiations were not complete, the Solid Waste Committee recommended deferring Resolution No. 87-820 to the next Council meeting.

Motion: Councilor Van Bergen moved, seconded by Councilor Collier, to set over consideration of Resolution No. 87-820 to November 24, 1987, pending negotiations with the city of Oregon City.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried unanimously.