

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

IN THE MATTER OF A WAIVER OF)
THE APPLICATION DEADLINE FOR) RESOLUTION NO. 89-1126
THE SUBMISSION OF MATERIALS FOR)
CONTESTED CASE NO. 89-1, GRAVETT)

WHEREAS, Metro Code Chapter 3.01.020 establishes July 1 of each calendar year as the deadline for submission of petitions for locational adjustment of the Urban Growth Boundary; and

WHEREAS, Petitioners unable to meet that deadline can either wait until the following year or seek a waiver of the deadline for the submission of petition materials; and

WHEREAS, The petitioners in Contested Case No. 89-1, Gravett, did submit all required materials except the recommendation from the City of Gresham within the required deadline; and

WHEREAS, The petitioners, though beginning the application process relatively late, have worked diligently and in good faith with the City of Gresham, service providers, and Metro Staff to meet the deadlines; now, therefore,

BE IT RESOLVED,


1) That the Metropolitan Service District does hereby waive the application deadline for petitioners Gravett so that contested case Number 89-1 can be presented to a Hearings Officer for hearing; and

2) That this action does not relieve petitioners of meeting any and all applicable standards for locational adjustment of the Urban Growth Boundary, nor should be

construed to in any way pre-determine the action of the Hearings Officer or the Council with respect to the final disposition of this case; and

3) That the General Counsel of the Metropolitan Service District is hereby given the authority to assign this case to a Hearings Officer for hearing, report, and recommendation.

Adopted by the Council of the Metropolitan Service District this 21st day of November, 1989.



Mike Ragsdale, Presiding Officer

ES/es
10/30/89

INTERGOVERNMENTAL RELATIONS
COMMITTEE REPORT

RESOLUTION NO. 89-1126, IN THE MATTER OF A WAIVER OF THE
APPLICATION DEADLINE FOR THE SUBMISSION OF MATERIALS FOR
CONTESTED CAST NO. 89-1, GRAVETT

Date: November 15, 1989

Presented By: Councilor Gardner

COMMITTEE RECOMMENDATIONS: At the November 7, 1989, Intergovernmental Relations Committee meeting, Councilors DeJardin, Devlin and myself voted unanimously to recommend the Council adopt Resolution No. 89-1126. Councilors Bauer and Collier were absent.

COMMITTEE DISCUSSION/ISSUES: Planning & Development Department Senior Planner Ethan Seltzer presented the resolution which extends the application deadline for an Urban Growth Boundary (UGB) locational adjustment request. Metro's annual July 1 deadline for all UGB locational adjustment petitions is intended to facilitate staff workload; but this year Planning & Development received just this one petition. Mr. Seltzer reviewed Metro Code provisions regarding UGB procedures, as described in the attached staff report, noting the Council by majority vote on a resolution may waive the July 1 deadline.

In this case, the petitioners submitted all materials to Metro within the required deadlines except action results required from the City of Gresham. Staff emphasized the petitioners have worked very closely and in good faith to assemble and submit all final materials in a timely fashion. It was noted any action on scheduling has no bearing on the substance of the locational adjustment case. If the deadline waiver is not approved, the impact on the petitioner is not clear. However, if the petitioners have to wait until July 1, 1990, they will likely be under new provisions envisioned for UGB processing; requiring them to prepare their petition anew.

jpmtwo
b:\res1126.cr

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1207 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204
(503) 248-0808

OCT 26 1989

October 25, 1989

Mr. Ethan Seltzer
Land Use Coordinator
Metropolitan Service District
2000 SW First Avenue
Portland, OR 97201-5398

Re: Petition for Locational Adjustment to
Urban Growth Boundary of Paul and Shirley Gravett

Dear Ethan:

Enclosed please find Order No. 302 of the Gresham City Council, recommending approval of the above petition. I look forward to hearing from you concerning the scheduling of this matter.

If you have any questions concerning the contents of the order, please do not hesitate to contact me. In addition, Tom Kloster, Community Planner for the City of Gresham, has suggested that you may give him a call at 669-2421 if you find anything in the Order which needs clarification.

Thank you again for your courtesies.

Very truly yours,


Jeffrey L. Kleinman

JLK:jr

Enc.

cc: Paul and Shirley Gravett
Tom Kloster

A G E N D A I T E M

Gresham City Council
Gresham, Oregon

FOR COUNCIL MEETING OF 10/17/89

AGENDA ITEM NO. IV (1)

SUBMITTING DEPARTMENT/DIVISION

Community & Economic Development
Community Development Division

REVIEWED BY:

John E. Andersen, AICP Ex. 400
Community Development Director

Tom Kloster Ex. 421
Staff Contact Ext. No.

REVIEWED BY:

[Signature]
City Manager City Attorney

Mgmt Services

CATEGORY

- Consent Agenda
- Staff Report
- Council Bus.
- Proclamation
- 1st Rdg. Ord.
- Enactment Ord.
- Council Order
- Resolution
- Information
- Hearing

RECOMMENDATION

- Approve
- Accept
- Deny
- Direction
- Set Hearing
- Date: _____
- Defer to
- Date: _____

BUDGET IMPACT

EXPENDITURE REQUIRED \$	AMOUNT BUDGETED \$	APPROPRIATION REQUIRED \$
-0-	-0-	-0-

SUBJECT Proposed Gravett Urban Growth Boundary (UGB) Adjustment (continued from 10/3/89)

BACKGROUND Proposal to include a 5.8 acre site located on Hogan Road within the Metro Urban Growth Boundary.

RECOMMENDATION The Planning Commission recommends approval of the proposed adjustment.

ATTACHMENTS Planning Commission report for 89-106-UGB (already submitted)

COUNCIL ACTION

APPROVED/DENIED

On 10/17, 1989.

By: P R Brown

DISTRIBUTION AFTER COUNCIL ACTION

- City Manager
- Mgmt. Services
- Police
- Other: _____
- Legal
- CEDD
- Fire

MEMORANDUM

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT City of Gresham

STAFF REPORT

TYPE IV HEARING

DATE: October 3, 1989

TO: Gresham City Council

FROM: Gresham Planning Commission

* * * * *

FILE NUMBER: 89-106-UGB

PROPOSAL: Proposal by the City to recommend approval of an adjustment of the Metro Urban Growth Boundary (UGB). The proposed adjustment would include two parcels at 6605 SE Hogan Road within the UGB. These parcels are currently under consideration by Metro for a minor UGB amendment, and the City's action is required prior to Metro's approval of the application.

APPLICANT: Paul and Shirley Gravett

LEGAL DESCRIPTION: Tax Lots 25 and 41, Section 22, Township 1 South, Range 3 East.

DATE OF ACCEPTANCE: June 30, 1989

REQUIRED DECISION DATE: October 3, 1989

EXHIBITS:

- "A" Site Map and Vicinity
- "B" Engineering Division Comments
- "C" Request for Service Provider Comments
- "D" Correspondence Related to Application

RECOMMENDATION: The Planning Commission recommends approval of the proposed boundary adjustment by the Metro Council.



I BACKGROUND INFORMATION

A. Site Description

The site consists of two parcels that cover a combined area of 5.8 acres, located along the west side of Hogan Road. Property to the north, south and west is within the current Metro Urban Growth Boundary (UGB). Tax Lot 41 covers one acre, and is developed with a single family home; Tax Lot 25 is undeveloped, and surrounds Tax Lot 41 on three sides (see Exhibit "A"). Both parcels are zoned Multiple Use Agricultural-20 (MUA-20) in the Multnomah County Zoning Ordinance. This designation permits a mixture of farm, forest and limited single-family residential uses. The area slopes gently toward Hogan Creek, which occurs along the western boundary of the site.

B. Description of Adjacent Multnomah County Lands

The area to the east of the site, along the opposite frontage of Hogan Road, is zoned MUA-20 and Exclusive Farm Use (EFU). The EFU designation is generally limited to agricultural land uses, and the MUA-20 permits a mixture of farm, forest and limited single-family residential uses.

C. Process for Adjusting the Metro Urban Growth Boundary

The Metropolitan Service District (Metro) is the agency responsible for establishing and maintaining the Metro Urban Growth Boundary. When Metro receives a request to make a minor adjustment to the UGB, the applicant is required to contact affected service providers (or potential service providers), who in turn must take an action on the proposal. The service provider's action is considered when Metro makes their final decision on the proposal.

Metro's decision is partly based on the ability of service providers to accommodate development of the site. More important, however, is whether the proposed adjustment will enable service providers to more efficiently serve properties in the vicinity that are already within the UGB. This means a site outside the UGB could be approved as a minor adjustment of the UGB boundary if it offers the best possible alignment of urban facilities, such as water line or sanitary sewers that will serve properties already within the boundary.

II APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

- A. Section 10.1040 - Scope and Compliance.
- B. Section 10.1050 - Consistency with Plans and Laws.
- C. Section 10.2030 - Type IV Procedure.
- D. Section 10.2050 - Referral and Review of Development Permit Application.
- E. Section 10.7115 - Procedure for Posted or Published Notice.

III APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES

- A. Section 10.410 - Growth Management.
- B. Section 10.330 - Public Facilities and Services.
- C. Section 10.321 - Trafficways.
- D. Section 10.331 - Water Service.
- E. Section 10.332 - Sanitary Sewerage Service.
- F. Section 10.333 - Drainage Management.
- G. Section 10.335 - Fire and Police Protection.
- H. Section 10.501 - Intergovernmental Coordination.

IV FINDINGS

The proposed adjustment to the Metro Urban Growth Boundary is consistent with all applicable criteria and policies of the Community Development Plan, as indicated in the following findings:

A. Community Development Code Procedures

1. Section 10.1040 - Scope and Compliance. The proposal has been reviewed and found to be consistent with the policies contained in Volume II of the Community Development Plan, as demonstrated in the findings below. The proposal is not subject to standards contained in Volume IV of the Community Development Plan.
2. Section 10.1050 - Consistency with Plans and Laws. The recommended action is shown to be consistent with the Community Development Plan in the findings below that address specific plan policies.
3. Section 10.2050 - Referral and Review of Development Permit Application. This application has been routed to affected city agencies for review and comment.
4. Section 10.2030 - Type IV Procedures. This proposal will be considered by both the Planning Commission and the City Council at public hearings in accordance with provisions of this section.
5. Section 10.7115 - Procedure for Posted or Published Notice. The required notice has appeared in the Gresham Outlook.

B. Community Development Plan Policies

The following are Community Development Plan policies which relate directly to this proposal with corresponding staff findings.

Section 10.410 - Growth Management Policy

POLICY I

"It is the policy of the City to promote an orderly growth pattern within its financial capabilities to provide services and facilities while seeking to exercise land use controls in

future service areas."

POLICY II

"It is the City's policy to deliver services within the Gresham Urban Service Area by means of annexation to Gresham, or on an interim basis, through alternative approaches that are demonstrated to be in the best long term interest of both the City and future service areas."

Findings: The proposed UGB adjustment includes land that is outside Gresham's Planning Area boundary, and under Multnomah County land use control. Urban development of the property would require the site to be annexed and given an urban land use designation. Because the site is surrounded on three sides by urban land, and fronts Hogan Road on the fourth side, the proposed UGB adjustment does not represent a departure from the City's goal of orderly growth patterns.

The site is also outside the City's Urban Services Boundary. This boundary would have to be amended before urban facilities could be extended to the property. Because of the location of the site, the City is the only service provider that could effectively service the property. Based on the findings below that relate to specific facilities and services, the property can be adequately serviced by the City. Furthermore, as comments from the Engineering Division in Exhibit "B" demonstrate, the proposed UGB adjustment would enhance the City's ability to provide efficient services to other areas already inside the UGB by allowing urban facilities to cross the site.

Section 10.330 - Public Facilities and Services Policies

GENERAL POLICY

"It is the City's policy that development will coincide with the provision of adequate public facilities and services including access, drainage, water and sewerage services."

POLICY II

"It is the City's policy that services shall be provided in the most cost effective manner and the costs shall be equitably spread among all recipients of the services."

Findings: There are currently several public facility deficiencies in the vicinity of the proposal that would restrict development, should the proposed UGB adjustment be approved. However, based on comments from the Engineering Division shown in Exhibit "B", the site can be adequately served. Extensions and improvements to facilities will likely be required at the time of development, should the UGB adjustment occur. Currently, no improvements in this area are included in the five year Capital Improvements Program (CIP). The CIP is reviewed annually as part of the City budget process, and future changes may include improvements in the

vicinity of the site.

The Urban Services Boundary is intended to define orderly and practical parameters for urban expansion around the City. Should the UGB adjustment be approved, an amendment to the Urban Services Boundary would be required before services could be extended to the site. In many cases, several parcels are required to participate in local improvements to public facilities to provide equitable, cost effective extensions to developing areas. Should the UGB adjustment be approved, this property may be subject to such an improvement effort.

Section 10.321 - Trafficways Policies

POLICY I

"It is the policy of the City to provide a safe and efficient trafficway system that meets current needs and anticipated future population growth and development, and to place a high priority on maintaining and improving the capacity of the existing trafficway system."

POLICY II

"It is the policy of the City to anticipate future trafficway system needs which will result from population growth and development and to pursue financial resources that are sufficient to meet these needs at that point in time when warranted."

Findings: The proposed adjustment of the UGB supports City transportation goals of creating a consistent and efficient street network since the west frontage of Hogan Road on both sides of the site is already within the UGB (See Exhibit "A"). Therefore, should the adjustment to the UGB be approved, improvements to urban standards could occur continuously along the west frontage of Hogan at the time of development. Hogan is classified as a minor arterial street by Multnomah County. As discussed below, adding this segment of the Hogan right-of-way to the urban area would allow for the construction of significant urban facilities along the street alignment.

Half-street improvements along Hogan will likely be constructed at the time of development in the area. Street improvements in the area are not currently planned as part of the CIP.

Section 10.331 - Water Service Policy

"It is the policy of the City to provide municipal water service to all users within the corporate boundaries of Gresham."

Findings: The site is currently not served by a water provider. Should the proposed adjustment to the UGB be approved, the City would require adequate water service prior to development.

In the future, a looped public water line will be needed to serve this portion of the City. Part of the future line will probably be constructed in Hogan Road (see Exhibit "B"). Because this property interrupts the urban portion of Hogan, and urban facilities cannot cross the UGB, the site plays an important role in providing future water service to the surrounding properties. Although development in the area may not warrant water system improvements for several years, a water line following Hogan still cannot occur until the UGB is adjusted.

Section 10.332 - Sanitary Sewerage Service Policy

"It is the policy of the City to provide sanitary sewerage service to all users within the Gresham sanitary sewer drainage basin."

Findings: Currently the site does not have access to sanitary sewer, although the City is capable of servicing the property. The nearest existing sewer is over 3,400 feet north of the site. Public sewer improvements in the area are not included in the five year CIP.

The proposed Crystal Springs development, between Hogan and Regner roads, would extend a sewer line along the west side of the site, but not necessarily on the site. Sewer service to the surrounding area is possible without including the property, although a more equitable cost sharing could be provided if the proposed Crystal Springs sewer improvement were to include the site.

Section 10.332 - Drainage Management Policy

"It is the City's policy to establish a drainage management system which controls the amount and rate of surface water runoff; protects property from runoff related damage; and controls pollution of receiving streams."

Findings: The site is located within the Johnson Creek Drainage Basin. Should the UGB adjustment be approved, development of the site would probably require on-site detention. Development of the site is not expected to negatively impact the storm sewer system, provided that either on-site or regional detention facilities are constructed. There are no public storm drainage improvements planned in the vicinity during the current five-year CIP.

Section 10.335 - Fire and Police Protection Policy

"It is the policy of the City of Gresham to provide adequate and cost-effective fire and police protection which ensures a safe living environment and is responsive to the needs of the citizens of Gresham."

Findings: The City's public safety staff has reviewed the proposed UGB adjustment, and found no negative impact, should the adjustment be improved. In fact, by including the site within the City's service

area, overall public safety costs in the community would theoretically decrease, although the percent change is nearly zero.

Section 10.501 - Intergovernmental Coordination Policy

"It is the policy of the City to maintain effective coordination with local, state and federal governments and agencies, special district's and regional governments."

Findings: The proposed UGB adjustment falls under the jurisdiction of the Metropolitan Service District (Metro), and the Metro Council will make the final decision on the application. As part of their decision process, Metro requires the applicant to initiate an action on behalf of the primary service providers for the site that serves as part of Metro's final action on the request. This report will form the basis for the City Council's action.

V CONCLUSION

The proposed adjustment to the Metro Urban Growth Boundary is consistent with applicable policies of the Community Development Plan, as indicated by findings contained in Section IV of this report.

VI RECOMMENDATION

The Planning Commission recommends approval of the proposed boundary adjustment by the Metro Council.

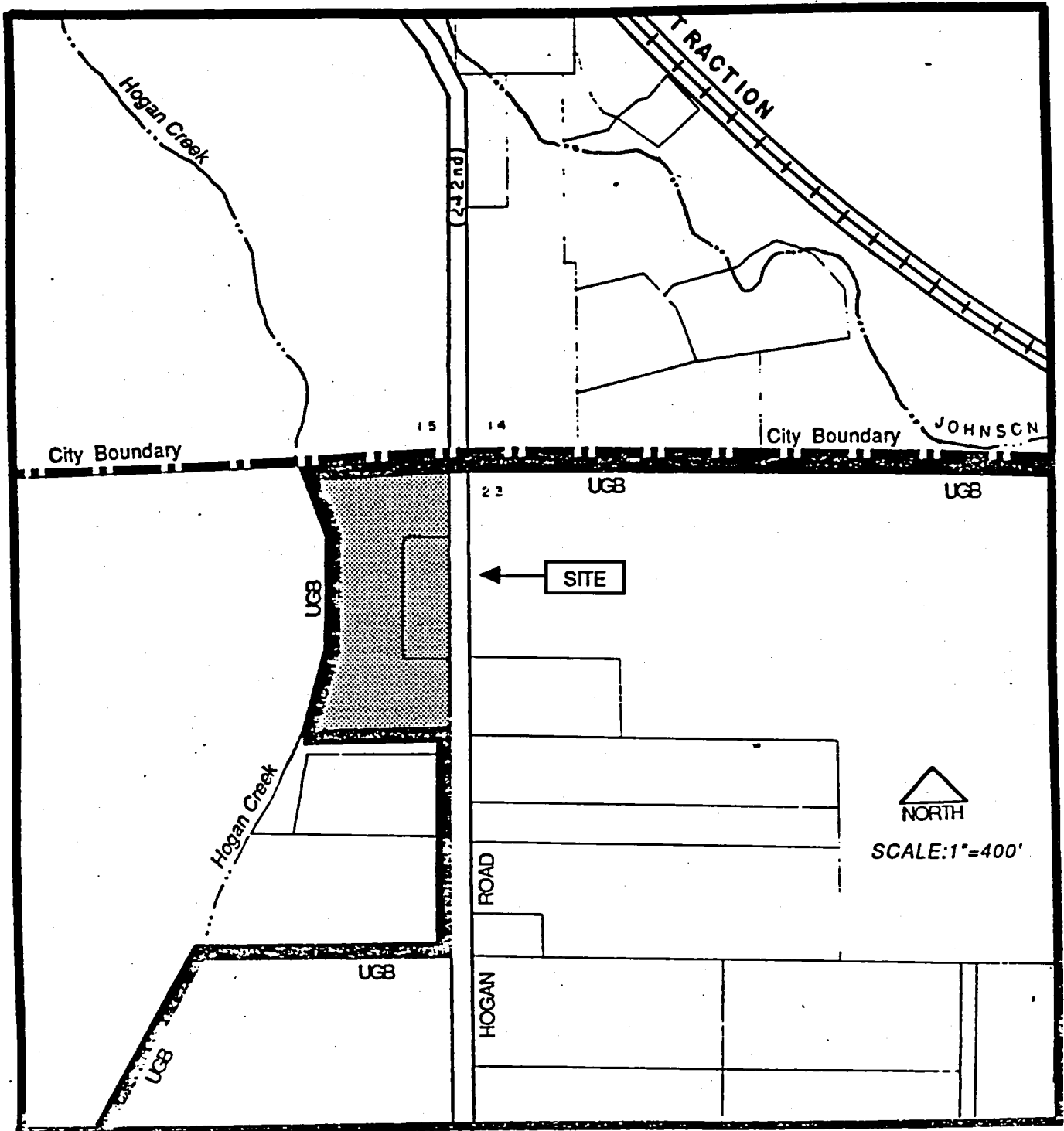
EXHIBIT "A" Proposed Gravett UGB Adjustment

Proposed Locational Adjustment of the Metro Urban Growth Boundary (UGB) to include two parcels located at 6605 SE Hogan Road (Tax Lots 25 & 41, Section 22, Township 1 South, Range 3 East)

-  Affected Properties
-  City Boundary
-  Metro Urban Growth Boundary

City of Gresham

August 1989



"B"

CITY OF GRESHAM
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION

MEMORANDUM

TO: Tom Kloster, Community Planner

FROM: John Harris, Engineering Division *JH*

DATE: July 12, 1989

RE: PROPOSAL FOR ADJUSTMENT AND EXTENSION OF URBAN GROWTH BOUNDARY, TAX LOTS 25 AND 41, SECTION 22, T1S, R3E, W.M. FOR JEFFREY L. KLEINMAN PA-78-89

Following are the comments in the Engineering Division regarding the above proposal.

GENERAL COMMENTS

The applicant is requesting an extension of the urban growth boundary and urban service boundary to include the above-mentioned properties for eventual annexation into the City. The present urban growth boundary and urban service boundary extend along the north, west, and south property lines of these tax lots.

STREETS

These properties have frontage to the east along S.E. Hogan, which is a Multnomah County maintained roadway classified as a minor arterial. Development of the site to City standards would not negatively impact the existing roadway system. It should be noted, however, that if the site were to be developed, half-street improvements along this frontage would be required.

SANITARY SEWER

At present, the nearest available sanitary sewer line is over 3400 feet north of this site. The Crystal Springs development, however, proposes to extend public sanitary sewer from its existing terminus south and west to Regner Road to serve the Crystal Springs project. This sewer trunk extension is proposed to be constructed west of the west property line of the subject tax lots. While it is not necessary to extend public sanitary sewer through the subject lots in order to extend the sanitary sewer to the south, a more equitable cost sharing could be provided if this property were to be able to connect to public sanitary sewer.

MEMORANDUM

Tom Kloster, Community Planner

July 12, 1989

Page 2

RE: PROPOSAL FOR ADJUSTMENT AND EXTENSION OF URBAN GROWTH BOUNDARY, TAX
LOTS 25 AND 41, SECTION 22, T1S, R3E, W.M. FOR JEFFREY L. KLEINMAN
PA-78-89

STORM DRAINAGE

The subject site is located within the Johnson Creek Drainage Basin. Development of this property would probably require on-site detention. No detrimental impacts to the storm sewer system are anticipated provided on-site detention or regional detention is provided.

WATER

At present, there is no public water available to serve this site. The nearest public waterline is approximately 3300 feet north of this site in Hogan Road. As stated above, the Crystal Springs development project, located to the south and west of this site, will be extending public water with development of its property. This new public waterline in the Crystal Springs development would be approximately 2300 feet west of the development of the subject site. If development of the subject site were allowed, extension of public water would be required. It should be noted, however, that a looped public water system will eventually be needed to serve this area. A public waterline will probably be required in S.E. Hogan Road, which would extend to at least the southern boundary of the urban service boundary on Hogan Road. As the subject site is not located within the urban service boundary, public facilities are not allowed. Inclusion of the subject site would facilitate the extension of this public waterline in S.E. Hogan Road. Exclusion of this property from the urban service boundary would seriously constrain the City's ability to provide adequate looping of public waterlines.

JH/kk

File No. PA-78-89

Map No. 3754

cc: Blakemore

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1807 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204

(503) 248-0808

June 30, 1989

Mr. Tom Kloster
Gresham City Hall
1333 NW Eastman Parkway
Gresham, OR 97030

Re: Paul and Shirley Gravett
6605 SE Hogan Road, Gresham
Petition for Locational Adjustment
to the Metro Urban Growth Boundary

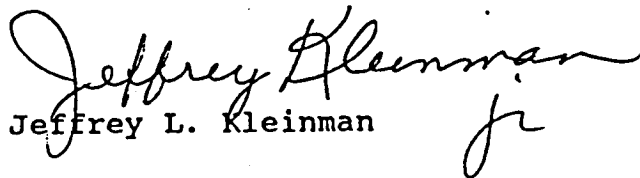
Dear Tom:

Enclosed please find a copies of the petition we have filed in the above matter with Metro, together with the appropriate comment forms for the City of Gresham and the two applicable school districts. I appreciate your willingness to circulate the forms to the school districts.

I had a long meeting with Ethan Seltzer on Thursday, and he wanted me to emphasize again Metro's priorities on this UGB extension. It is essential that the service providers provide factual data explaining how existing urban areas will be better served with open services by having the Gravett property within the Urban Growth Boundary. He feels this would include primarily the sewer and transportation service providers. I feel that police and fire would also be applicable here. The key wording from these providers would be along the following lines: "Putting the Gravett property within the Urban Growth Boundary will enable us to better or more efficiently on existing urban lands."

I would like to thank you again for the preapplication meeting this past Wednesday and for all the courtesies and assistance you have extended in this matter.

Very truly yours,


Jeffrey L. Kleinman *ji*

JLK:jr
Enc.

cc: Paul and Shirley Gravett

Request for Comment from Service Provider

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: _____
City of Gresham
Name of Service Provider

From: _____
Paul D. and Shirley P. Gravett, c/o Jeffrey L. Kleinman, Attorney
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 24, 1989.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

_____ Support Approval

_____ Oppose Approval

_____ Have No Comment

_____ Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed _____

Date _____

Title _____

Petition for Locational Adjustment to
Metro's Urban Growth Boundary (UGB) (check one):

addition removal

Note: To add land in one location and remove land in another, please complete one form for the addition and another for the removal.

1. a. Petitioner's name and address:

Paul D. Gravett and Shirley P. Gravett
6605 SE Hogan Road
Gresham, Oregon 97080
Phone number: 661-3357

b. Contact person, if other than petitioner (consultant or attorney) or if petitioner is a local government:

Jeffrey L. Kleinman, Attorney
1207 SW Sixth Avenue
Portland, Oregon 97204
Phone number: 248-0808

2. What is petitioner's interest in the property:

- Property Owner
 Contract Buyer
 Option to buy
 Other legal interest (Specify: _____)
 Local government

3. County in which property is located: Multnomah

4. If the locational adjustment requested were approved, would you seek annexation to (or de-annexation from) a city?

Yes, the City of Gresham
 No

5. Description of properties included in the petition (list each lot individually and attach a copy of the appropriate tax assessor's map(s)):

a. Legal Description
(Township, Range,
Section, Lot): See Exhibit A, attached.

Note: The legal description does not distinguish between the two tax lots on the property, Tax Lots 41 and 25.

- b. Acres: 5.8
- c. Owner's Name & Address (Mark "Same" if same as petitioner): same
- d. Improvements on property (e.g., none, one single family dwelling, barn, gas station, etc.): One single family dwelling, one metal pole barn

Attach additional sheets as needed.

6. a. What sewerage facilities currently serve the property?

- None, all land is vacant
- Package sewage treatment plant
- Sewer Line to public system
- Septic Tank

b. If septic tanks, have any septic tanks in the area failed?

- Yes, (Explain: _____)
- No

7. How close is the nearest sewer trunk? Near Hogan Road's crossing of Johnson Creek

8. a. Are additional sewer trunks for the area planned?

- Yes No

b. If yes, how close to the property would planned sewer lines run? Adjoining property line along Hogan Creek

9. How is water provided to the property?

- Private Well
- _____ inch water line provided by _____ (city or water district)
- No water provided

10. How close is the nearest water main? On Hogan Road, just north of Johnson Creek, 3,000 feet from the property

11. a. Are additional water mains for the area planned?

X Yes _____ No

b. How close to the property would planned water lines run? Across Hogan Creek and also adjacent to the property along Hogan Road

12. Are there any natural or man-made boundaries to development running along or near your property (rivers, cliffs, etc.)?

X Yes (Describe: Hogan Creek, as indicated on attached map)
Mark location on assessor's map or attach other map or photo.

_____ No

13. What is the current local plan designation of the property? MUA

14. What is the current local zoning designation? MUA 20

15. Does the comprehensive plan identify any natural hazards in this area?

_____ Yes (Describe and explain applicable comprehensive plan policies: _____)

X No

16. Does the comprehensive plan identify any natural or historic resources in this area?

X Yes (Describe resources and explain applicable plan policies: See answer on attached sheet)

17. How do you plan to develop the property if your petition is approved?

The petitioners presently intend to subdivide the property to allow for five additional one-family homes.

18. On a separate sheet of paper, please discuss how approval of your petition would comply with each of the applicable standards from the Metro Code (attached green sheets). Only petitions found consistent with these standards may be approved. Metro staff will use the information received from

this petition, the local government, and other sources as needed, to prepare a list of questions for the Hearings Officer on whether these standards have been met. You and other parties may then submit any additional testimony in support of or opposition to the petition at the hearing. The Hearings Officer will then weigh the testimony received and submit the findings and recommendations to the Metro Council for action.

18. Petitioners Signatures

I/WE THE UNDERSIGNED HEREBY PETITION THE METROPOLITAN SERVICE DISTRICT TO ADD TO/REMOVE FROM THE URBAN GROWTH BOUNDARY THE PROPERTY DESCRIBED HEREIN.

SIGNED,

Name PAUL D. GRAVETT and
SHIRLEY P. GRAVETT

Tax Lot

Date

By: *Jeffrey L. Kleinman*
Jeffrey L. Kleinman
Attorney

41, 25

6/29/89

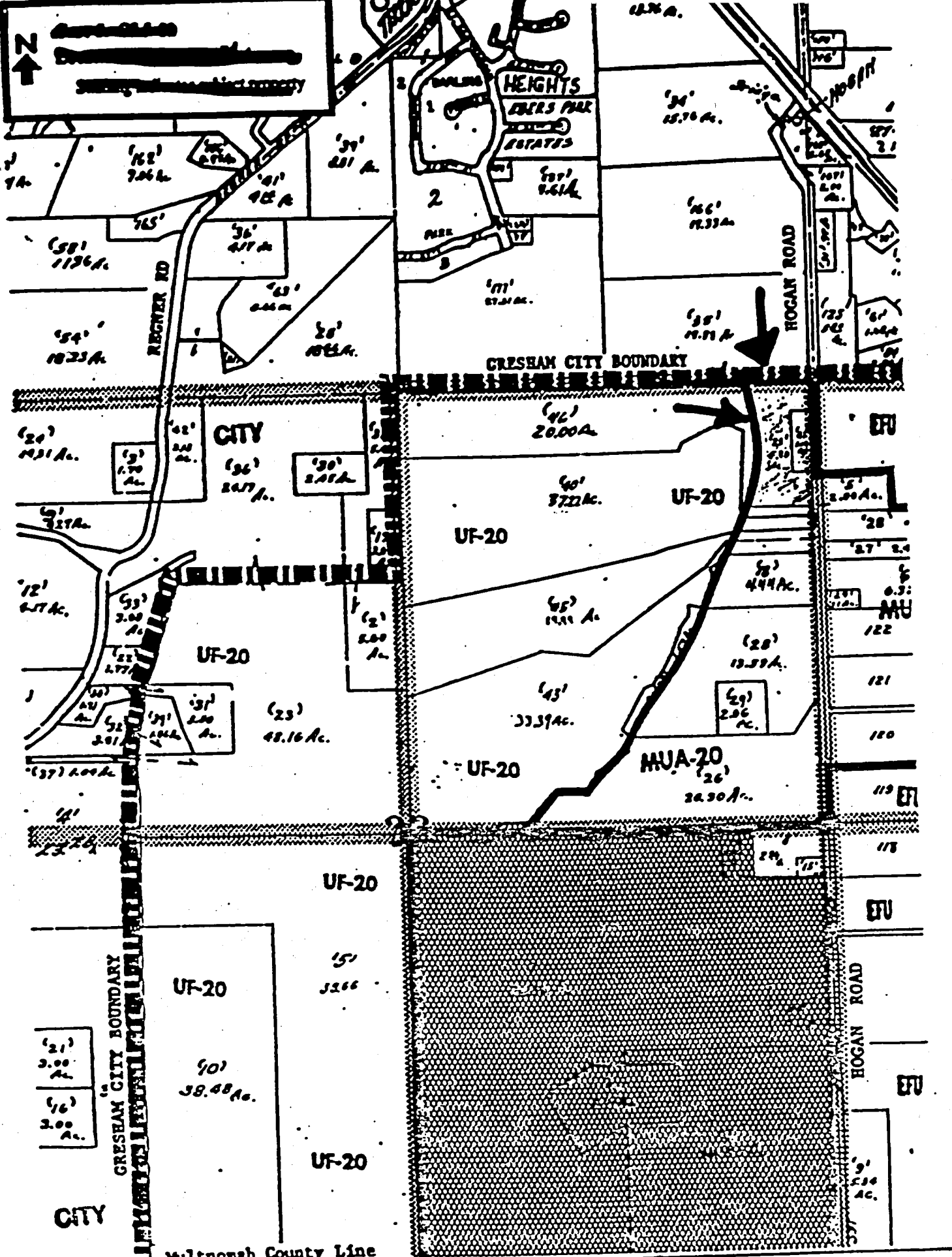
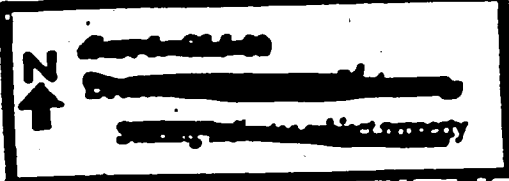
JH/gl
2383B/223
05/07/87

A tract of land situated in the Northeast one-quarter of Section 22, Township 1 South, Range 3 East of the Willamette Meridian in the County of Multnomah and State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of said Section 22; thence South $88^{\circ}22'57''$ West, along the North line thereof, a distance of 25.00 feet to a point in the West line of Hogan Road, and the point of beginning of the tract herein to be described; thence South $0^{\circ}03'30''$ East, along said West line, a distance of 741.59 feet to a point; thence South $89^{\circ}56'30''$ West, at right angles to said West line, a distance of 410.85 feet to the centerline of a creek; thence Northerly, along said centerline, the following courses and distances; North $23^{\circ}11'50''$ East 25.60 feet; North $15^{\circ}40'30''$ East, 195.27 feet; North $0^{\circ}50'00''$ East, 120.11 feet; North $2^{\circ}57'40''$ West 179.53 feet; and North $15^{\circ}15'40''$ West, a distance of 228.24 feet to a point in the North line of said Section 22; thence North $88^{\circ}22'57''$ East, along said North line, a distance of 415.00 feet to the point of beginning.

SAVE AND EXCEPT that part deeded to Errol A. Bascue and Lois S. Bascue by deed dated January 30, 1976.

EXHIBIT A



HEIGHTS
EBERS PARK
ESTATES

GRESHAM CITY BOUNDARY

CITY

GRESHAM CITY BOUNDARY

Multnomah County Line
Clackamas County Line

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Ac.
(16)
2.00
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UF-20
(90)
58.48
Ac.

UF-20

UF-20

UF-20

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MUA-20
(26)
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HOGAN ROAD

REGNER RD

HOGAN ROAD

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16. The comprehensive plan identifies no historic resources in this area. It identifies one natural resource, Hogan Creek, which is in the national wetlands inventory. Policy No. 16 on natural resources is designated to protect natural resources and minimize negative effects upon them. In this instance, the policy is to minimize impact upon of natural streambanks and riparian areas. Any development of the property will be carried out accordingly.

18. Compliance with Applicable Standards of Metro Code Section 3.01.040.

3.010.040(a)(1) The proposed addition will assist in the orderly and economic provision of public facilities and services, and will result in a net improvement to those facilities and services. The area to be added is also capable of being served in an orderly and economical fashion.

The subject property is located directly on Hogan Road, and is surrounded on three sides by the Urban Growth Boundary. The property in essence comprises an isolated island of non-UGB land on the west side of Hogan Road. The reasons for initially excluding the property from the UGB are unknown, and no such reason is apparent from comparison of the property with those adjoining it within the UGB.

It would be far more efficient to have all the land in this area west of Hogan Road and west of the ridge line of the Hogan Creek drainage located in the Urban Growth Boundary. (All of the other properties in this area which lie entirely within the Hogan Creek drainage are also within the UGB.) It would be highly inefficient to provide separate water, sewerage, and fire protection services to this one parcel. In fact, this could be a source of confusion to public agencies, especially with respect to police and fire protection. Further, the City of Gresham is presently adding and/or planning to add additional water supply and a new sewer line directly across Hogan Creek from the affected property. It would be most efficient and cost effective for the city to be able to supply the subject property with these services, as the property is entirely within the drainage of Hogan Creek and that drainage area is planned for development. It would negatively affect the city's urban development plans for this parcel to be excluded from the Urban Growth Boundary. The availability of this property for sewer and water lines and roads providing access to adjoining properties is an important benefit to the City of Gresham.

(a)(2) For the same reasons set forth above, this addition to the UGB would allow for maximum efficiency of land uses and would facilitate needed development on adjacent existing urban land. In fact, the island-like nature of this property projecting into the UGB clearly establishes the benefits to adjoining urban land of having it included within the UGB.

Under the Metro staff definition of the term "needed" as meaning "consistent with the local comprehensive plan and/or applicable regional plans", it should be noted that the City of Gresham's plans designate this entire area west of the Hogan Creek ridge line for urban development. The city's comprehensive plan calls for the annexation of all such surrounding properties, with residential development to be carried out under LDR 7 zoning.

(a)(3) Including the subject property within the UGB will have only positive environmental, energy, economic and social consequences. It would make no sense from either the environmental, energy, economic or social standpoint to have a tiny island of MUA 20 property surrounded by properties zoned LDR 7. The City of Gresham's development plans would negatively impact the subject property from both the environmental and social viewpoints if it were required to remain in agricultural use. As long as the surrounding area is to be developed, it would be wasteful of energy not to complete the road system by using the subject property, and it would comprise economic waste to leave this island of nominally designated farmland untouched and unusable amidst the surrounding residential development. There will be no impact on regional transit corridor development, except to the extent that land uses along the west side of Hogan Road will be made consistent, and this could only be a positive impact.

As has been indicated in the petition, Hogan Creek is identified as a natural resource within the national wetlands inventory. The entire drainage of Hogan Creek in this area is to be developed, and any development of the subject property would fully recognize the need to protect the natural streambank and the riparian areas immediately along Hogan Creek.

(a)(4) The subject property is expressly excluded by Multnomah County from LCDC Goals 3 and 4, and the issue of retention of agricultural land is therefore inapplicable here.

(a)(5) As has been stated, the urban use proposed for the subject property would be entirely consistent with the urban uses surrounding it on three sides. In this sense, the justifications set forth above in terms of factors (1) through (3) outweigh in every respect the adverse impact of any incompatibility which might result from the proposed use. In fact, retaining agricultural use of the subject property would in itself create an adverse impact because of its incompatibility with the surrounding urban development.

(d)(2) For all the reasons set forth above, the UGB proposed by the petitioners is superior to the presently located UGB. This is the classic case in which a minor addition comprises 100 percent of all similarly situated contiguous land which could be appropriately included within the UGB. In essence, this proposal alleviates the problems created by the existing UGB, into which the subject property projects like a sore thumb.

(d)(3) The subject property comprises 5.8 acres and hence falls squarely within the acreage requirements of this subsection. Because of the small size of the property, the burden of showing differences between the suitability of the proposed UGB and the suitability of the existing UGB is less in this case than it otherwise would be.

PETITION OF PAUL D. GRAVETT AND SHIRLEY P. GRAVETT

**CITY OF GRESHAM**

Community & Economic Development Department
1333 N.W. Eastman Parkway
Gresham, Oregon 97030-3825
(503) 661-3000

July 20, 1989

Ethan Seltzer
Metropolitan Service District
2000 SW First Avenue
Portland, Oregon 97201-5398

RE: Proposed Gravett UGB Amendment

Dear Ethan,

Since late June, I have been working with Jeff Kleinman, who represents Paul Gravett in a request to amend the Urban Growth Boundary (UGB). The purpose of this letter is to summarize the City's process and findings on the proposal.

After receiving the service provider questionnaire from Mr. Kleinman, a packet of information regarding the proposal was routed to affected departments agencies for comment. This included Gresham's Police, Fire and Engineering departments, and the Gresham School District, which is routinely included in our requests for comments.

Of these service providers, only the Engineering Department had comments that constituted a substantial finding for the proposal. Their report and findings are attached to this letter, and will be the central discussion in a more comprehensive Type IV staff report to the Planning Commission and City Council.

Should Metro accept the Gravett application, we are prepared to present our findings to the Planning Commission as early as August 8th, and the City Council in late August or early September. This is the earliest possible hearing sequence for the proposal. Should the Council act to approve the request, their action would take the form of a Council Order.

I would appreciate being notified of the status of the Gravett application as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Kloster".

Tom Kloster
Community Planner

cc: Jeffrey L. Kleinman
John E. Andersen
Lorna Stickel

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1807 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204

(503) 248-0608

RECEIVED JUL 24 1989

July 21, 1989

Hand Delivered

Mr. Ethan Seltzer
Land Use Coordinator
Metropolitan Service District
2000 SW First Avenue
Portland, OR 97201-5398

Re: Petition for Locational Adjustment to
Urban Growth Boundary of Paul and Shirley Gravett

Dear Mr. Seltzer:

Enclosed pursuant to your letter of July 6, 1989, are the following materials with respect to the above petition:

1. A revised petition correcting inaccuracies in the one initially submitted. Please note that this is the petition upon which the relevant service providers were asked to comment and for which records of action were requested, so there is no conflict in this regard.

2. Exhibit A -- Tax lot maps showing the Gravett property outlined in red and all properties within 250 feet of the Gravett property.

3. Exhibit B -- A copy of a letter from Tom Kloster, Community Planner with the City of Gresham, describing the Service Provider Review which the city has conducted, together with a copy of the comments of the Gresham Engineering Division, the only provider which has had any substantive comment. In his letter, Mr. Kloster describes the remaining steps which will be taken to obtain a record of action from the City of Gresham. The comments of the Engineering Division are hereby incorporated by reference into the Gravetts' petition.

4. Exhibit C -- The original of the record of action by the Multnomah County Commission, dated July 20, 1989. (I understand that you have already received the requisite comment from Multnomah County Rural Fire Protection District 10. The City of Gresham, Multnomah County and the Fire District comprise all the jurisdictions we were required to contact.)

Mr. Ethan Seltzer
Land Use Coordinator
July 21, 1989
Page 2

5. Exhibit D -- Mailing list for notification purposes of all landowners holding an interest in property within 250 feet of the Gravett property, as shown by the records of the Multnomah County Division of Assessment and Taxation.

6. Exhibit E -- Topographic map showing watercourses and drainage basin boundaries in the vicinity of the Gravett property.

7. Exhibit F -- Section maps showing existing Urban Growth Boundary.

To the best of my knowledge, there are no neighborhood associations or community planning organizations who might have a particular interest in the proposed amendment.

Pursuant to Metro Code section 3.01.020(b), I am by this letter requesting an extension until September 21, 1989, in order to allow additional time for the City of Gresham to finalize its staff report and submit a record of action to Metro.

The reasons for this request are twofold. First, the preparation of petitioners' materials was delayed by the need for me to be present during my father's lengthy hospitalization on the east coast. Ultimately, he passed away and it was necessary for me to participate in funeral arrangements and to assist my family after the funeral.

Secondly, ours is the first U.G.B. petition to which the City of Gresham has had to respond under Metro's rules, and it has taken some time for the city to arrive at a procedure which would be workable in the future and not set undesirable precedents. It appears that a record of action from the Gresham City Council could well be available two weeks prior to the extension date set out above.

By copy of this letter, I would like to express my thanks to the City of Gresham, Multnomah County, and their respective Planning Directors and staff people for their help in reviewing the Gravetts' petition and compiling these materials.

Mr. Ethan Seltzer
Land Use Coordinator
July 21, 1989
Page 3

Thank you again for your courtesies and assistance in this matter. Please let me know if you foresee any difficulty in obtaining the requested extension.

Very truly yours,

Jeffrey L. Kleinman

JLK:jr

Enclosures

cc: Paul and Shirley Gravett (w/out maps)
John E. Andersen (w/out enc.)
Tom Kloster (w/out enc.)
Lorna Stickel (w/out enc.)