

BEFORE THE METRO COUNCIL

DENYING URBAN GROWTH BOUNDARY ) RESOLUTION NO. 98-2714  
LOCATIONAL ADJUSTMENT CASE 98-8: )  
EVERGREEN CHRISTIAN CENTER )  
AND ADOPTING THE HEARINGS )  
OFFICER'S REPORT INCLUDING FINDINGS ) Introduced by Mike Burton,  
AND CONCLUSIONS ) Executive Officer

WHEREAS, Metro received a petition for a locational adjustment for 15.25 acres located northeast of the intersection of NW Glencoe and NW Evergreen Roads in unincorporated Washington County, as shown in Exhibit A; and

WHEREAS, Metro staff reviewed and analyzed the petition, and completed a written report to the Hearings Officer, recommending denial of the petition due to failure to comply with the applicable criteria contained in Metro Code 3.01.035; and


WHEREAS, Metro held a hearing to consider the petition on June 8, 1998, conducted by an independent Hearings Officer; and

WHEREAS, The Hearings Officer submitted her report on July 15, 1998, recommending denial of the petition for 15.25 acres; and; now, therefore,

THE METRO COUNCIL HEREBY RESOLVES AS FOLLOWS:

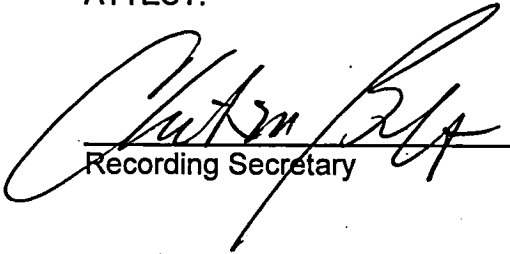
1. To accept the Hearings Officer's *Report and Recommendation*, as attached herein as Exhibit B; and
2. The Hearing Officer's *Findings, Conclusions & Final Order*, attached herein as Exhibit C, be adopted denying the petition in Case 98-8: Evergreen Christian Center: and
3. As allowed under Metro Code 3.01.045(g), the Metro Council will reduce the administrative fees for this case equal to Metro staff costs associated with processing this petition.

ADOPTED by the Metro Council this 15<sup>th</sup> day of OCTOBER, 1998.



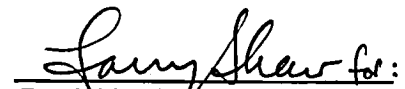
Jon Kvistad  
Jon Kvistad  
Presiding Officer

ATTEST:



Recording Secretary

Approved as to Form:



Daniel B. Cooper  
Daniel B. Cooper  
General Counsel



# Resolution 98-2714 Evergreen Christian Center

## Exhibit A

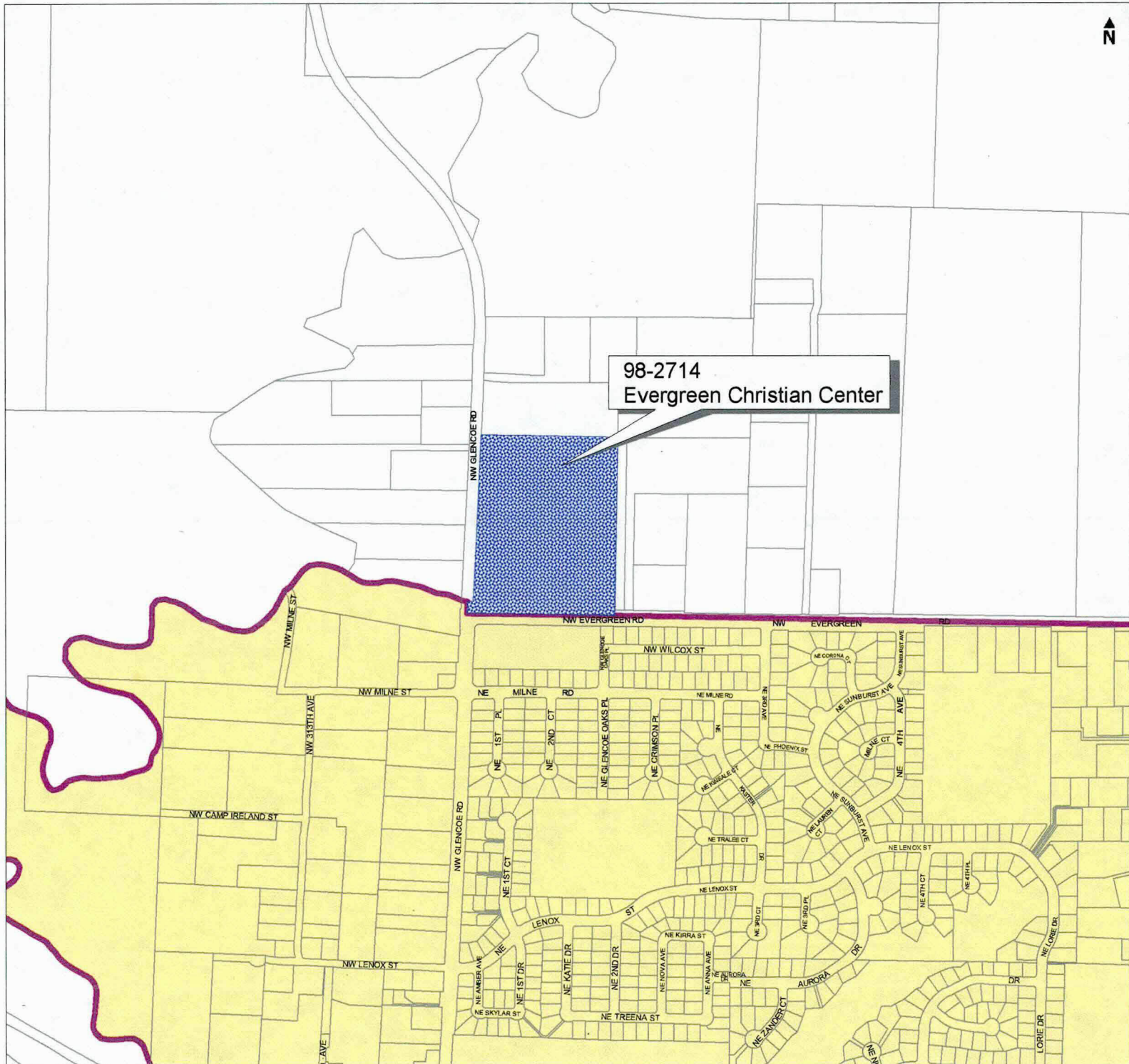


Subject Property



Urban Growth Boundary

98-2714  
Evergreen Christian Center



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736  
503 797-1742 FAX 503 797-1909  
Email: [drc@metro.dst.or.us](mailto:drc@metro.dst.or.us)

Plot date: Oct. 1, 1998; d:\projects\ugb\98-8.apr

BEFORE THE HEARINGS OFFICER OF THE  
METROPOLITAN SERVICE DISTRICT

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In the matter of the petition of Evergreen Christian ) HEARINGS OFFICER'S  
Center for a locational adjustment to add 15.25 acres ) REPORT AND  
to the Urban Growth Boundary northeast of the ) RECOMMENDATION  
intersection of N.W. Glencoe and Evergreen Roads ) Contested Case No. 98-08

I. SUMMARY OF BASIC FACTS

The Evergreen Christian Center ("Center") filed a petition for a locational adjustment of the Metro Urban Growth Boundary (UGB) on March 2, 1998. The petition requests the inclusion of a 15.25 acre lot located northeast of the intersection of N.W. Glencoe and Evergreen Roads in Washington County ("subject property"). The current use of the subject property is as a church and recreational ballfield. A portion of the subject property, 6.86 acres, is used for growing hay. The proposed use of the property is to construct a sanctuary, gymnasium, additional classrooms, and required parking. By bringing the subject property within the UGB, petitioners hope to accommodate future expansion of their existing use of the property, obtain sewer services, and otherwise bring an urban use within the UGB. If the locational adjustment is approved the property would be annexed to the City of Hillsboro and rezoned to R-7.

Upon annexation public services would be provided by the City of Hillsboro. An 8-inch sewer trunk located 135 feet from the property, 85 feet west of Glencoe Road from the center of the intersection for Glencoe and Evergreen Roads, could be used to extend sewer services. Currently a 1.5-inch water line and a private well provide water. Hillsboro is planning to expand water services. The nearest water main is 750 feet from the property buildings. A 30-inch storm drainpipe in Glencoe Road is available to accommodate stormwater drainage. In addition a traffic engineering study prepared for petitioner indicates that the proposed development will not adversely impact transportation services in the area.

On June 8, 1998, Metro Hearing Officer Pamela J. Beery conducted a duly noticed public hearing; the record was left open until June 15, 1998.

II. SUMMARY OF APPLICABLE APPROVAL CRITERIA AND RESPONSIVE FINDINGS

A locational adjustment to add land to the UGB must comply with the applicable criteria in Metro

1 Code §3.01.035. The petitioner has the burden of showing that the locational adjustment meets all of the  
2 applicable criteria. The final decision of the hearing officer must be supported by substantial evidence in  
3 the record. The hearing officer finds that, although some of the criteria are met, the application for a  
4 locational adjustment does not comply with all applicable criteria based on the findings summarized below:

5  
6 1. The locational adjustment is for less than 20 acres. Section §3.01.035(b) is satisfied.

7 2. The petition is for more than 2 gross acres. Section 3.01.035(f)(1) does not apply.

8 3. Based on a review of the factors in Metro Code §3.01.035(c), see 4 through 8 below, the  
9 proposed UGB is not superior to the existing UGB. Section 3.01.035(f)(2) is not satisfied.

10 4. There are no similarly situated contiguous lots that should be included in the locational  
11 adjustment petition. Section 3.01.035(f)(3) is satisfied.

12 5. The locational adjustment would not result in a net improvement in the efficiency of public  
13 facilities and services to adjoining areas within the UGB. The petitioners have *not shown* that inclusion of  
14 the subject property within the UGB will improve the efficiency of public services *to adjacent lands*  
15 *already inside the UGB*. Although the City of Hillsboro may benefit from the ballfield, due to reduced  
16 demand for such a facility in City parks, no evidence was presented establishing that there is a demand for  
17 parks and open space on adjacent lands within the UGB and that approval of the locational adjustment will  
18 help to alleviate that demand. Although the petitioner has shown that water, sewer, transportation and  
19 parks and open space can be provided in an orderly and economical fashion, there is not substantial  
20 evidence that stormwater will be provided in an orderly and economical fashion. Section 3.01.035(c)(1) is  
21 not satisfied.

22 6. The locational adjustment will not facilitate development of adjacent existing urban land. The  
23 petitioner provided no evidence that approval of the petition will help facilitate the development of  
24 adjacent existing urban land. Section 3.01.035(c)(2) is not satisfied.

25 7. There will be no negative impact on regional transit corridors and the locational adjustment  
26 will have a positive social impact on the City of Hillsboro. Section 3.01.035(c)(3) is satisfied.

27 8. The site is currently zoned for development other than forest and agriculture. Section  
28 3.01.035(c)(4) does not apply.

29 9. The petitioner failed to provide evidence that approval of the locational adjustment will not  
30 result in an adverse impact to adjacent agricultural activities. Section 3.01.035(c)(5) is not satisfied.

31 /

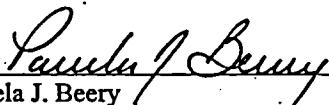
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2 **III. CONCLUSION AND RECOMMENDATION**  
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4 For the foregoing reasons, the hearings officer concludes that the petition does not comply with  
5 the relevant approval standards for a locational adjustment adding land to the UGB. The petitioner has  
6 failed to present substantial evidence to satisfy the standards articulated in §3.01.035(f)(2),  
7 §3.01.035(c)(1), §3.01.035(c)(2), and §3.01.035(c)(5) of the Metro Code. Therefore the hearings officer  
8 recommends the Metro Council deny the petition, based on this Report and Recommendation and the  
9 Findings, Conclusions and Final Order attached hereto.

10  
11 Respectfully submitted this 15<sup>th</sup> day of July, 1998

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15 Pamela J. Beery  
Metro Hearings Officer

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BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

12 In the matter of the petition of Evergreen Christian ) FINDINGS,  
13 Center for a locational adjustment to add 15.25 acres ) CONCLUSIONS, AND  
14 to the Urban Growth Boundary northeast of the ) FINAL ORDER  
15 intersection of N.W. Glencoe and Evergreen Roads ) Contested Case No. 98-08

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I. BASIC FACTS

1. Procedural History. On March 2, 1998, the Evergreen Christian Center ("Center") filed a petition for a locational adjustment to the Metro Urban Growth Boundary ("UGB"). Exhibit 23. Petitioners were notified on March 31, 1998 that the application was complete. Exhibit 16. Notice of a public hearing on the locational adjustment was sent to persons within a 500' radius of the property and published in the Oregonian on May 25, 1998 and on May 26, 1998 in the Hillsboro Argus. A site visit by the Hearings Officer and a public hearing were subsequently conducted on June 8, 1998. Final written arguments were received within 7 days of the public hearing and the record formally closed on June 15, 1998 at 5PM. The complete record of Contested Case 98-08 is attached. Appendix A.

2. Proposal Description. The land which is the subject of this application is located northeast of the intersection of N.W. Glencoe and Evergreen Roads in unincorporated Washington County ("subject property"). The International Church of the Foursquare Gospel owns the parcel. Exhibit 23 and Exhibit 17, p.7. It is a rectangle of 15.25 acres identified as Tax Map/Lot 1N3W24DD 300. Exhibit 23, p.2. The land is currently being used as a church, with 3 buildings, athletic fields and 6.86 acres in farm production. Exhibit 23, pp.2, 4. The Washington County Comprehensive Plan identifies the area as AF-5; a church is permitted in an AF-5 District as a Special Use. Exhibit 23, p.3 and Exhibit 24, p.2.

The subject property is bounded on the north, west and east by land zoned AF-5 that is developed mostly as rural residential parcels. It is bounded on the south by the UGB and land that is otherwise developed for urban residential uses. Exhibit 24, p.6. The site is not in a designated Metro Urban Reserve. Exhibit 13, p.1. The Evergreen Christian Center is petitioning to have the subject property brought within the UGB in order to accommodate future expansion of its facilities, obtain sewer services from the City of Hillsboro and otherwise bring what Petitioner characterizes as an urban use within the UGB. Exhibit 23,

1 p.7-8 and Exhibit 7 audiotape, Tape 1, Side 1. The proposal also contemplates construction of a  
2 sanctuary/gymnasium, including classrooms and required parking. Exhibit 23, p.7-8. In the long term the  
3 sanctuary/gymnasium will be converted to classrooms for the proposed school and a new sanctuary will be  
4 constructed. Exhibit 23, p.8. An additional 389 parking spaces and administrative offices will be provided  
5 to support these new activities. Exhibit 25, p.1. The 6.86 acres of farmland will be converted into parking  
6 spaces. Exhibit 23, p.8. The Center has made efforts over the last several years to identify other available  
7 sites within the UGB that have been unsuccessful. Exhibit 21, p.8. If the locational adjustment were to be  
8 approved the property would be annexed to the City of Hillsboro and rezoned R-7 (low density residential).  
9 Exhibit 24, p.2.

10  
11 3. Public Facilities.

12  
13 (a) *Sewer.* The Evergreen Christian Center currently uses septic tanks and drain fields to  
14 accommodate sewer demands. Exhibit 23, p.5. A few years ago the Center experienced sewer back-up in  
15 one of the drain fields and hired LDL Enviro Services to correct the problem. Exhibit 23, p.2. Although  
16 no problem currently exists with sewer drainage Petitioner has concerns that an expansion of its facility  
17 may create the possibility of a septic system failure in the future. Exhibit 7 audiotape, Tape 1, Side 1.  
18 Soderstrom Architects reviewed the proposal on behalf of Petitioner and found that an on-site septic system  
19 was possible and potentially more cost effective than a hookup to sewer facilities. Exhibit 23, pp.29, 30.  
20 The architect further stated that the expansion project can be “accomplished both inside and outside the  
21 UGB.” Exhibit 21, p.30. If an expanded septic system is not provided then hook-up to the Hillsboro  
22 sewerage system would be necessary to accommodate the needs of the Center. The nearest sewer trunk is  
23 an 8-inch pipe located approximately 135 feet from the property line. Exhibit 23, p.2. The sewer trunk is  
24 located approximately 85 feet from the center of the Glencoe and Evergreen intersection just west of  
25 Glencoe Road. Exhibit 23, p.2. Extension of the sewer line would require construction of a pump station  
26 because the property is below the existing trunk line and as a result a gravity feed is infeasible. Exhibit 23,  
27 p.5. The City of Hillsboro has indicated that there is sufficient capacity in the existing system to  
28 accommodate the Center’s sewer needs. Exhibit 24, p.4 and Exhibit 1, p.2. The Unified Sewerage  
29 Agency, sewerage treatment service provider for this portion of Washington County, has no plans to  
30 expand in this area and consequently the costs of extending service would be borne by Petitioners. Exhibit  
31 25, p.4. Petitioner has indicated that it is willing to bear the costs of construction. Exhibit 21, p.7.



1 (b) *Water*. In the spring of 1996, the Center petitioned for and received approval from the City of  
2 Hillsboro to hook up to the City water system. Exhibit 7 audiotape, Tape 1, Side 1. In addition to the 1.5-  
3 inch water line provided by the City of Hillsboro, a private well is used for irrigation purposes. Exhibit 24,  
4 p.3, and Exhibit 23, p.5. The nearest water main is approximately 750 feet from the buildings to be served.  
5 Exhibit 23, p.3. According to Petitioner, Hillsboro is currently in the process of adding a higher capacity  
6 water line that will meet the needs of the subject property. Exhibit 13, p.4.

7 (c) *Stormwater*. Petitioner's representative testified at the public hearing that stormwater could be  
8 addressed either by the creation of a detention facility or by hooking up to the City of Hillsboro's  
9 stormwater drainage system. Exhibit 7 audiotape, Tape 1, Side 1. The 30-inch storm drain pipe in  
10 Glencoe Road could be used by petitioner to connect to Hillsboro's stormwater drainage system. Exhibit  
11 24, p.3. In the alternative, a detention facility would be constructed on the southwest corner of the lot.  
12 Exhibit 7 audiotape, Tape 1, Side 1. The general direction that stormwater drains on the property is to the  
13 north and west. Exhibit 4. Testimony in opposition to the locational adjustment indicated that water pools  
14 on the north side of the property where no detention facility is planned and that the City's stormwater  
15 drainage pipe does not pass the Center along Glencoe Road. Exhibit 7 audiotape, Tape 2, Side 1.

16 (d) *Transportation*. A traffic analysis of the proposal was prepared by Stein Engineering to  
17 evaluate the impact of the Center's plans for expansion on the surrounding neighborhoods. Exhibit 25.  
18 The report concluded that the "proposed reclassification/rezoning and potential land use will have little, if  
19 any impact on future traffic volumes or capacity on the nearby roadway system." Exhibit 25, p.13. Metro  
20 and Washington County staff both concluded that development of the property would not have any  
21 significant impact on transportation services in the surrounding area. Exhibit 13, p.4, and Exhibit 24,  
22 p.10.

23  
24 4. Record of the Hearing. On June 8, 1998, Metro Hearings Officer, Pamela J. Beery, held a public hearing  
25 at the Washington County Public Administration Building. Twenty-nine people gave testimony at the  
26 hearing focusing mostly on the unique services the Center provides for families and youth in the Hillsboro  
27 area. The testimony is summarized as follows:

28  
29 (a) *Staff Report*. Metro planner Glen Bolen reviewed the procedural history of the locational  
30 adjustment petition and summarized the staff report.

31 (b) *Petitioner*. Jerry Willey, representing Petitioner, reviewed information in the record about the  
32 services provided by the Center. Mr. Willey noted the growth in services and attendance at the Center and  
33 the need for connecting to sewer service to prevent future contamination problems. Mr. Willey reviewed

1 the Metro staff report presented by Glen Bolen. In summarizing the nine criteria for approval outlined in  
2 the staff report, Mr. Willey pointed out that 3 are not applicable, 3 are satisfied and 2 are not satisfied. He  
3 then identified what he felt to be inconsistencies between the Metro staff report and the Washington  
4 County staff report concerning the two criteria that were not satisfied:

5  
6 . **Criterion #5:** As to criterion number 5 in the Metro staff report concerning the “orderly and  
7 economic provision of public facilities and services,” Mr. Willey indicated that the Washington  
8 County report found there will be a “net improvement in the efficiency of service provision  
9 relative to existing and planned capacity because there is excess capacity to serve the site and the  
10 costs for providing service to the site will be borne by the applicant.” The Metro staff report  
11 found that this criterion was not satisfied. Mr. Willey testified that the Unified Sewerage Agency,  
12 in reviewing the petition, stated that there would be “no negative economic impact to the  
13 Agency.”

14 . **Criterion #6:** As to criterion number 6 in the Metro staff report relating to maximum efficiency  
15 of land uses, Mr. Willey testified that the consistent theme throughout the process has been that  
16 the Evergreen Christian Center is an “urban use” and that they are currently utilizing their land to  
17 the maximum extent allowed by the Washington County Comprehensive Plan.

18  
19 Mr. Willey testified that connecting to the trunk line near their property was the most economical way to  
20 provide sewer service to the proposed church expansion. In response to the Oregon Department of  
21 Agriculture’s review of the petition, Mr. Willey testified that the letter doesn’t address the impact of the  
22 on-site septic system and expressed his fear that the septic system would create a danger of contaminating  
23 the subject property and the nearby creek. He also pointed out that although Washington County allows  
24 for a school use, 70% of the students must be from a rural area and that Evergreen’s congregation is  
25 principally urban. Because of this, the Center would be prevented from constructing a school unless they  
26 are allowed within the UGB.

27 (c) *Hearings Officer.* In response to questions from the Hearings Officer, Petitioner’s  
28 representative stated that they asked for a water line extension from the City of Hillsboro and it was  
29 approved 2 years ago; that stormwater runoff would be addressed either through the City’s stormwater  
30 system on Glencoe Road or by reserving an area on the south end of the property as a detention facility;  
31 that the area within the UGB to the southwest of the church was a rural residential area, and that there were  
32 several homes northwest of the property with septic problems that would also benefit from being connected  
33 to sewerage; that there were no current problems with the septic system and that their concerns were for

1 future potential contamination; and that the creek near the property was McKay Creek located to the west  
2 of the property.

3 (d) *Testimony in Favor of Petition.* Pastor Ed Stanton and 27 other witnesses provided  
4 overwhelming evidence of the social importance of the Evergreen Christian Center to the community.

5 Facts presented highlighting the importance of the Center to the community include:

- 6
- 7 1. The Center employs 7 people who serve over 900 children and youth providing ethical and  
8 moral guidance as well as dealing with drug problems (Pastor Ed Stanton)
- 9 2. 90% of the Center's congregation is urban (Pastor Ed Stanton)
- 10 3. The Center has been in existence for 26 years
- 11 4. The Center provides important services to youth benefiting the area where schools are at  
12 capacity (Robert Thomason, principal for Forest Grove School)
- 13 5. The Center has grown from 100 to 2,000 over the past 10 years (Jim Sohriakoff, M.D., family  
14 practitioner)
- 15 6. The Center is one of the top 100 fastest growing in the country (Brad Hayes)
- 16 7. The Center's buildings are at capacity (Bob Schultz, Harry Holsapple and Mike Scriber)
- 17 8. The sewer service line in the street has a tap facing towards the Center (Mike Scriber)
- 18 9. The Center provides services benefiting the City of Hillsboro including plans to construct a  
19 school, existing programs for youth and the recreational ball fields on the property (Mike Skriiko)
- 20

21 (e) *Testimony Opposing Petition.* Diane Rassmusen, a neighbor of the Evergreen Christian  
22 Center, spoke in opposition to the petition. She stated that she does not believe price is a factor in  
23 determining whether there is an alternative site within the UGB. She said that she knew of contiguous  
24 property owners that would also like to be within the UGB given the chance. She mentioned that  
25 stormwater collects on the north end of the property affecting farmland (not just to the south) and that the  
26 City's stormwater system did not pass the Center along Glencoe Road. Finally, she stated that the  
27 conversion of farmland into parking lots would affect agriculture and that the zone change following the  
28 UGB amendment would allow for the potential for increased housing development and density.

29 (f) *Petitioner's Rebuttal.* Mr. Willey then provided rebuttal to letters admitted into the record and  
30 testimony presented that evening in opposition to the proposal. In response to the letter by Dana  
31 McCulloch, petitioner stated that although there are other options for the Church this option is the best  
32 option. He points out that rezoning from AF-5 to R-7 is not a real change because the R-7 zone is the  
33 City's closest zone equivalent to AF-5 for the County. In response to the letter of Joan VanderZanden, Mr.

1 Willey testified that there is no loss of agricultural lands since the Center has been in existence for 26 years  
2 and the use of a portion of their acreage for farming occurred only because they have not been utilizing that  
3 part of the property for church related activities to date. They looked for other sites but were unable to find  
4 any alternatives that would allow for a church. Mr. Willey pointed out that the traffic report was based on  
5 the maximum amount of traffic to be generated from improvement on the site. He acknowledged that he  
6 application did not meet all the criteria for a locational adjustment but that common sense dictated approval  
7 of the petition.

8  
9 The Hearing Officer concluded the hearing by allowing Petitioner to submit additional arguments  
10 within 7 days, closing the record on June 15, 1998 at 5PM.

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12  
13 **II. APPLICABLE APPROVAL CRITERIA AND RESPONSIVE FINDINGS**

14  
15 Metro Code §3.01.035 contains the approval criteria for locational adjustments to the Urban  
16 Growth Boundary. Petitioner has the burden of proof to show that the applicable criteria have been met.  
17 The statewide goals do not apply directly to applications for locational adjustments. Metro Code  
18 §3.01.035(a).<sup>1</sup> The final decision is based on whether substantial evidence in the record supports approval  
19 or denial of the petition. Findings on each criterion follow.

20  
21 **1. Locational adjustments shall not exceed 20 net acres. [3.01.035(b)].**

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23 The petition is for 15.25 acres which is less than the 20 acre maximum. The Council finds that  
24 Petitioner's request for a locational adjustment is for less than 20 acres.

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<sup>1</sup> The Metro Code both procedurally and substantively "adopted a complete process for considering amendments to Metro's UGB" including the applicable statewide goals. League of Women Voters v. Metro Service Dist., 17 Or. LUBA 949, 968 (1989).

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2           **2. An addition of land to make the UGB coterminous with the nearest property lines may be**  
3 **approved without consideration of the other conditions in this subsection if the adjustment will add a**  
4 **total of two gross acres or less, the adjustment would not be clearly inconsistent with any of the**  
5 **factors in subsection (c) this section, and the adjustment includes all contiguous lots divided by the**  
6 **existing UGB. [3.01.035(f)(1)].**

7  
8           The petition is for a single tax lot 15.25 acres in size, which is more than 2 gross acres. Council  
9 finds that this section of the Metro Code is not applicable to this locational adjustment.

10  
11           **3. For all other additions, the proposed UGB must be superior to the UGB as presently**  
12 **located based on a consideration of the factors in subsection (c) of this section. [3.01.035(f)(2)].**

13  
14           A review of the factors under subsection (c) follows below as a discussion of criteria 5 through 8.  
15 Council concludes that the proposed UGB is not superior to the present UGB based on consideration of  
16 those factors.

17  
18           **4. The proposed UGB amendment must include all similarly situated contiguous land that**  
19 **could also be appropriately included within the UGB as an addition based on the factors above.**  
20 **[3.01.035(f)(3)]**

21  
22           Petitioner states that there are no contiguous lots that should be included in this petition. Exhibit  
23 25, p.1. Metro staff found the adjacent properties were used for agricultural uses while the subject property  
24 “could be considered an urban use.” Exhibit 4, p.3. Diane Rassmusen, a neighboring property owner,  
25 stated that contiguous landowners are interested in and would benefit from being included within the UGB.  
26 Exhibit 7 audiotape, Tape 2, Side 2.

27           Factors to be considered in determining whether all similarly situated contiguous land has been  
28 included in the petition are: the property status as one or more complete tax lot(s) (i.e., does the  
29 application divide a lot?); the zoning and uses of the contiguous property; and the existence of natural or  
30 man-made features which may form a logical boundary. Metro staff points out that the intent of this  
31 criterion is to prevent petitioners from carving out a piece of property that is less than 20 acres “in order to  
32 qualify for a locational adjustment” and to “minimize subsequent petitions for locational adjustments on  
33 adjacent land that should have been considered together with the original proposal.” Exhibit 13, p.3.

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The International Church of the Foursquare Gospel owns the subject property and there is no indication in the record that any contiguous properties are under the same ownership. Exhibit 23, p.1 and Exhibit 17, p.7. The property consists of a single tax lot. Glencoe Road serves as a natural barrier to contiguous lots on the west side of the subject property. To the east and north are rural residential parcels that differ from the mostly urban uses of the subject property.<sup>2</sup> Observations from the site visit on June 8, 1998. As such the property has not been carved out from a larger piece in order to qualify for a locational adjustment. The record supports the finding by Metro staff that the subject property is sufficiently distinct from adjacent properties based on existing roads and actual use such that inclusion of contiguous lands would be inappropriate. Council finds that there are no similarly situated lands contiguous to the subject property that should be included in this locational adjustment petition.

**5. Orderly and economic provision of public facilities and services. A locational adjustment shall result in a net improvement in the efficiency of public facilities and services, including but not limited to water, sewerage, storm drainage, transportation, parks and open space in the adjoining areas within the UGB. Any area to be added must be capable of being served in an orderly and economical fashion. [3.01.035(c)(1)]**

The application of this criterion is twofold: (1) there must be a net improvement in the efficiency of services to adjoining areas within the UGB and (2) the addition of the area must result in orderly and economical service delivery. The Metro code does not define the term "net improvement" in the efficiency of public facilities. As such, the term must be interpreted by the Council and that interpretation must be applied to the facts of each case, and to each of the five public facilities and services identified in the code: water, sewer, storm drainage, transportation, and parks and open space.

(a) *Water.* Petitioner states that the subject property is currently being served by private wells for irrigation of the playing fields. Exhibit 21, p.5. Drinking water is provided by the City of Hillsboro via a 1.5 inch water line. Exhibit 21, p.5. The City of Hillsboro will extend water service to the Center if the locational adjustment is approved. Exhibit 25, p.3. Petitioners have indicated that Hillsboro is in the process of adding a higher capacity water line. Exhibit 4, p.4. Metro staff found that the inclusion of the

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<sup>2</sup> Metro staff notes that use of the Center as a church and ballfield "could be considered an urban use" (Exhibit 3, p.4) while Washington County "believes the church to be an urban use due to the large size and urban composition of its congregation." Exhibit 3, p.5.

1 parcel within the UGB would result in the orderly and economic provision of public facilities and services  
2 but would not provide a net improvement “in the efficiency of public facilities and services for the land  
3 currently inside the UGB.” Exhibit 4, p.4.

4 In this case, although the City of Hillsboro has the capacity to serve the subject property and is  
5 planning to extend services in that direction, there is no evidence in the record to support a finding that  
6 inclusion of the area into the UGB will *improve* water service to those areas *already within the UGB*. The  
7 Council therefore finds that inclusion of the subject property would result in orderly and economical water  
8 service to this property, but there is no evidence to support a finding that the adjustment would result in a  
9 net improvement of water service to adjacent property within the UGB.

10 (b) *Sewer*. Sewer service hook-up can be accomplished by connecting to the 8-inch sewer line  
11 located 135 feet from the property. Exhibit 13, p.4. The process of connecting to city sewer would  
12 require Petitioner to build a pump station because the existing trunk line is at a higher level than the  
13 property, making a gravity feed impracticable. Exhibit 23, p.5. The Unified Sewerage Agency has stated  
14 that the extension of the sewer system to the subject property would have “no negative impact” because the  
15 developer would be required to bear the costs of hook-up. Exhibit 17, p.4. Washington County staff  
16 planner, Brent Curtis, indicated that the City of Hillsboro Engineering Department has existing capacity to  
17 serve the site and that there will be a net increase in efficiency by utilizing this excess capacity. Exhibit  
18 24, p.4. The City of Hillsboro has corresponded with petitioner indicating that it has the capacity to serve  
19 the sewerage needs of the subject property. Exhibit 1, p.2. The only alternative to connecting to city  
20 sewer is construction of an on-site septic system. Petitioner's architect found that construction of an on-  
21 site septic system is a viable option and that it is potentially more cost-effective. Exhibit 23, p.29.

22 The fact that the sewer system is capable of accommodating additional sewerage and the costs of  
23 connecting would be borne by Petitioner supports a finding that provision of this service would be orderly  
24 and efficient. However, Petitioner has not provided substantial evidence that providing this service will  
25 benefit the net efficiency of public services to adjacent lands *within the UGB*. The “capacity” of the sewer  
26 system is based on the availability of that service over a period of years. Exhibit 24, p.4. No evidence  
27 demonstrates that Hillsboro's current “excess capacity” in the sewer system will hold up in future years  
28 based on long-range planning. In fact the Unified Sewerage Agency points out in its letter to Petitioner  
29 that it is “not able to formulate an opinion” until “long-range planning is complete.” As such the Council  
30 finds that the locational adjustment would have no net effect on the efficiency of sewer services.<sup>3</sup>

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<sup>3</sup> Council also notes that in prior decisions the existence of “excess capacity” has not been determined to be a sufficient reason to find that there has been a net increase in system efficiency. Contested Case No. 94-01 (Starr).

1 (c) *Storm Drainage*. Petitioner stated that stormwater would be provided either by construction of  
2 a detention pond on the southwest corner of the property or through the city storm drainage system.  
3 Exhibit 7 audiotape, Tape 1, Side 1. Petitioner submitted evidence that the septic system drainfield is to  
4 the west and north. Exhibit 4. A 30 inch storm line is located in Glencoe Road near the property. Exhibit  
5 24, p.3. Diane Rasmussen stated that rainwater collecting on the north side of the property would not be  
6 addressed by a detention facility on the south side of the property and that the city storm drainage system  
7 does not pass the Center along Glencoe Road.

8 There is no evidence to demonstrate that the provision of storm drainage facilities to this property  
9 that would benefit or improve efficiency to those adjacent parcels located within the UGB, regardless of  
10 whether such services are available to the Center. The Council finds that the petitioner has not provided  
11 substantial evidence indicating that stormwater drainage would be orderly and economical or that approval  
12 of the locational adjustment for the subject property would result in a net improvement of stormwater  
13 drainage to adjacent property within the UGB.

14 (d) *Transportation*. The traffic analysis submitted by petitioner concludes that expansion of the  
15 facility will have "little, if any, impact on future traffic volumes or capacity on the nearby roadway  
16 system." Exhibit 25, p.13. Diane Rasmussen testified that the traffic report was done during construction  
17 and does not accurately reflect regular traffic patterns. Exhibit 16 audiotape, Tape 2, Side 1. Petitioner  
18 responded that the report was based on a worst case scenario and is accurate in representing possible  
19 impacts to the surrounding community. Exhibit 16 audiotape, Tape 2, Side 1. Washington County staff  
20 found that the proposal will have no "significant effect" on the transportation system. Exhibit 24, p.4. No  
21 improvements to the transportation system in the area are described as relating to or resulting from this  
22 application. One method of evaluating whether the petition's approval would result in the orderly and  
23 efficient delivery of transportation services is to apply the State Transportation Planning Rule, OAR 660-  
24 12-060, to the proposed improvements. This allows for a finding of impact on the existing system. The  
25 applicant submitted a detailed traffic study which the Council finds to be credible, and not diminished by  
26 any testimony to the contrary on the question of transportation impacts of the application and proposed  
27 annexation and rezoning<sup>4</sup>. A finding can be made that orderly and economical service can be provided by  
28 the transportation system serving the property.

29 In addition to being orderly and economical, a locational adjustment must also increase the net  
30 efficiency in transportation services. This finding is generally supported where a locational adjustment  
31 results in "road improvements, dedications, necessary connections or realignment of existing roads or other

---

<sup>4</sup> Though the annexation and rezoning are not before Metro, service delivery has been acknowledged by Petitioner to depend upon annexation to the City and the accompanying rezoning.



1 direct benefit to roads in the area." *Starr* at 9. Here there is no evidence of any direct benefits to the  
2 existing transportation system by inclusion of the subject property within the UGB. The Council finds that  
3 the locational adjustment would not improve the net efficiency of the transportation system.

4 (e) *Parks and Open Space*. The Center has constructed a ballfield on the property which is  
5 actively used by the Little League and members of the Center. Exhibit 23, p.8 and Exhibit 7 audiotape.  
6 Petitioner states that current use of the property as a recreational ball field alleviates some of the demand  
7 for park space to serve residents of the area and the City of Hillsboro. Exhibit 7, testimony by Jerry  
8 Willey, Kim Skriiko and Michael Kuhny on audiotapes, Tape 1 &2. There is no evidence in the record as  
9 to open space, but the Council finds open space requirements to be inapplicable in the context of this  
10 application due to the developed nature of the property and its limited value as open space.

11 One mechanism to define a net increase in park services is as an outright dedication or designation  
12 of an area to the public. To qualify as a net improvement in the efficiency of parks and open space a  
13 petition need not have a dedication of land in every circumstance. However, here there is not substantial  
14 evidence in the record that there is a demand for additional parks and open space in the City of Hillsboro  
15 and that approval of the proposed locational adjustment will help to alleviate that demand. The Council  
16 finds that the locational adjustment will not result in a net improvement in park and open space services  
17 available to adjacent properties within the UGB.

18 Based on a review of the above factors, the Council finds that the petitioner has failed to provide  
19 substantial evidence that inclusion of the property will result in orderly and economical service delivery or  
20 that the locational adjustment will result in a "net improvement" in the efficiency of public services.  
21

22 6. Maximum efficiency of land uses. The amendment shall facilitate needed development on  
23 adjacent existing urban land. Needed development, for the purposes of this section, shall mean  
24 consistent with the local comprehensive plan and/or applicable regional plans. [3.01.035(c)(2)]  
25

26 Jerry Willey in his testimony stated that the Center is now using the land to the maximum extent  
27 possible within the limits of the Washington County Comprehensive Plan and that the locational  
28 adjustment would facilitate more intense and effective use of the affected parcel. There was no evidence  
29 that the locational adjustment would facilitate development on existing urban land adjacent to the  
30 property.<sup>5</sup> In order to achieve maximum efficiency of land uses the locational adjustment must allow

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<sup>5</sup> Petitioner incorrectly notes that Washington County staff said the locational adjustment met this criteria. Exhibit 1, p.3. Washington County staff states in their final conclusion that "the adjustment is not necessary ... to enable existing urban land to develop." Exhibit 24, p.8.

1 adjacent existing urban land to fully develop within the limitations provided by the local comprehensive  
2 plan or applicable regional plans.<sup>6</sup> Here no evidence has been provided to show that adjacent properties  
3 will be allowed to more fully develop by allowing the Church within the UGB.<sup>7</sup> The Council finds that the  
4 locational adjustment will not assure maximum efficiency of land uses for adjacent properties within the  
5 UGB.

6  
7 **7. Environmental , energy, economic and social consequences. Any impact on regional**  
8 **transit corridor development must be positive and any limitations imposed by the presence of hazard**  
9 **or resource lands must be addressed. [3.01.035(c)(3)]**

10  
11 During the June 8, 1998 public hearing numerous people from the Hillsboro community testified  
12 as to the positive social impact the Church has on the community. Exhibit 7 audiotape, Tape 1 & 2.  
13 Petitioners also state that there will be no impact on regional transit corridors. Exhibit 23, p.6.

14 The Council finds that there will be no impact on any regional transit corridors and that the social  
15 impact of the locational adjustment would be beneficial. There are no hazard or resource lands present.

16  
17 **8. Retention of agricultural land. When a petition includes land with Agricultural Class I-**  
18 **IV soils designated in the applicable comprehensive plan for farm or forest use, the petition shall not**  
19 **be approved unless it is factually demonstrated that:**

20  
21 **(A) Retention of any agricultural land would preclude urbanization of an adjacent area**  
22 **already inside the UGB, or**

23  
24 **(B) Retention of the agricultural land would make the provisions of urban services to an**  
25 **adjacent area inside the UGB impracticable. [3.01.035(c)(4)]**

26  
27 The site is currently zoned as AF-5 which is not an exclusive farm or forest district. Exhibit 24,

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<sup>6</sup> City of Wilsonville v. MSD, 15 Or LUBA 44 at 47 (1986).

<sup>7</sup> There is evidence in the record indicating that adjacent lands within the UGB directly to the south are primarily developed (See Exhibit 24, p.6 and observations during site visit on June 8, 1998) and are more rural residential to the southwest (See Exhibit 7 audiotape, Tape 1, side 1). Evidence that the land is fully developed may preclude a showing that development could be facilitated (See *Wilsonville* at 47 (1986)). Here no evidence was presented to demonstrate both that adjacent land was available for development and that inclusion of the subject property within the UGB would facilitate that development.

1 p.6. The use of the site has been predominantly as a church for the last 26 years. In that time a recreational  
2 ball field was constructed and the remaining lands were used to grow hay for the purposes of controlling  
3 erosion and utilizing otherwise vacant land. Exhibit 23, p.6. Metro staff found that Washington County  
4 soil classification data indicates a mix of Class II and III soils. Exhibit 13, p.5. Both the Metro staff and  
5 Washington County staff found this criterion not applicable.

6 Council concurs with the findings of the Metro and Washington County staff planners that this  
7 criterion does not apply because the current use of the land is predominantly urban in nature and the zoning  
8 district allows for development that is not agricultural.

9  
10 **9. Compatibility of proposed urban uses with nearby agricultural activities. When a**  
11 **proposed adjustment would allow an urban use in proximity to existing agricultural activities, the**  
12 **justification in terms of all factors of this subsection must clearly outweigh the adverse impact of any**  
13 **incompatibility. [3.01.35(c)(5)]**

14  
15 Petitioner states that the locational adjustment will have no adverse effect on adjacent agricultural  
16 activities because the Church has been functioning in the area for a number of years. Exhibit 21, p. p.6.  
17 Washington County staff did not make a finding on this criterion. Exhibit 24. Metro staff found that the  
18 criterion was satisfied but noted that it was not clear what impact the development would have on  
19 agricultural activities.

20 There is no evidence that the locational adjustment will have a negative impact on nearby  
21 agricultural activities. The surrounding land is zoned AF-5 as is the subject property. The west and  
22 southern portion of the property abuts a street while the east and northern sides of the property are adjacent  
23 to residential lots. There is no evidence presented by Petitioner that the proposal will not adversely affect  
24 adjacent agricultural activities as is indicated in the Metro staff report. Although petitioner states that the  
25 Church has been in existence for 26 years they do not show that the proposal to construct a gymnasium,  
26 classroom additions, a food court, administrative offices, a 2,000 seat sanctuary, a covered play area and an  
27 additional 389 parking spaces will not adversely impact nearby agricultural activities. Exhibit 25, p.1.  
28 Council finds that petitioner has failed to meet the burden of showing that the locational adjustment will  
29 not have any adverse impact on nearby agricultural activities.

1  
2  
3 **III. CONCLUSIONS**

4 The proposed locational adjustment for the petition presented in Contested Case 98-8 is DENIED  
5 based on the following reasons:

6 1. Approval of the locational adjustment will not result in a "net improvement" in the efficiency  
7 of sewer, water, stormwater drainage, transportation or parks and open space to the adjacent properties  
8 within the UGB as required by Metro Code §3.01.035(c)(1). Although the citizens of the City of Hillsboro  
9 use the existing ballfield, there is no evidence establishing that there is a demand for parks and open space  
10 on adjacent properties within the UGB and that approval of the locational adjustment will help alleviate  
11 that demand. The inclusion of the subject property within the UGB would result in an orderly and  
12 economical provision of water, sewer, transportation and parks and open space services. The petitioner has  
13 not provided substantial evidence that stormwater would be provided in an orderly and economical fashion.  
14

15 2. Approval of the locational adjustment will not facilitate needed development on existing urban  
16 land as required by Metro Code §3.01.035(c)(2). Petitioner has not provided any evidence that would  
17 support a conclusion that nearby parcels are able to more fully develop under the Hillsboro Comprehensive  
18 Plan or the Washington County Comprehensive Plan if the Center is allowed to be included within the  
19 UGB. While nearby lands southwest of the property may be available for such development, petitioner  
20 made no connection between the development of that land and the inclusion of the subject property within  
21 the UGB.  
22

23 3. Petitioner has not presented evidence that approval of the locational adjustment will not  
24 adversely impact adjacent agricultural activities as required by §3.01.035(c)(5). Although the Center has  
25 existed for 26 years, the impact of proposed construction has not been addressed.  
26

27 4. The proposed UGB will not be superior to the existing UGB based on an evaluation of the  
28 criteria in Metro Code §3.01.035(c) as required by Metro Code §3.01.035(f)(2). Under §3.01.035(c)(3) the  
29 social consequences of the locational adjustment will be positive. However, the locational adjustment will  
30 not facilitate development or improve the efficiency of public facilities and services on adjacent lands  
31 within the UGB as required by Metro Code §3.01.035(c)(1) and (2). In addition Petitioner has not  
32 presented evidence that the locational adjustment will not adversely affect nearby agricultural activities as  
33 required by §3.01.035(c)(5). Section 3.01.035(c)(4) was found to be not applicable. Upon review of the

1 cumulative impact of the locational adjustment based on the factors articulated in Metro Code  
2 §3.01.035(c), the proposed UGB would not be superior to the existing UGB.

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**IV. DECISION**

Based on the findings and conclusions adopted herein and on the public record in this matter, the Council hereby denies the petition in Contested Case 98-08.

DATED: \_\_\_\_\_

By Order of the Metro Council

By: \_\_\_\_\_

APPENDIX A  
RECORD  
IN THE MATTER OF  
CONTESTED CASE NO. 98-08  
(EVERGREEN CHRISTIAN CENTER)

<u>Exhibit No.</u>	<u>Subject Matter</u>
1.....	Letter from Jerry W. Willey dated June 14, 1998
2.....	Service Request from Washington County dated November 13, 1997 dated October 21, 1997 submitted with letter from Jerry W. Willey dated June 14, 1998
3.....	Copy of Exhibit 9 from Petition submitted with letter from Jerry W. Willey dated June 14, 1998
4.....	Topographic Map indicating Drainage Field submitted with letter from Jerry W. Willey dated June 14, 1998
5.....	Subsurface Investigation for Glencoe Oaks Subdivision, Hillsboro, Oregon dated June 21, 1991 submitted with letter from Jerry W. Willey dated June 14, 1998
6.....	Offsite Storm Drain Plan and Profile dated July 17, 1991 submitted with letter from Jerry W. Willey dated June 14, 1998
7.....	Audiotape from Initial Meeting of Hearings Officer held on June, 8, 1998
8.....	Letter from 1,000 Friends dated June 8, 1998
9.....	Letter from Joan VanderZanden dated June 8, 1998
10.....	Letter from Dana McCullough dated June 4, 1998
11.....	Letter from James W. Johnson dated June 3, 1998 [Oregon Department of Agriculture]
12.....	Letter from Mary Weber dated may 29, 1998
13.....	Staff Report from Glen Bolen, Associate Regional Planner, Metro dated May 28, 1998
14.....	Site Map of proposed UGB locational adjustment dated May 26, 1998
15.....	Notice of Proposed Amendment Published in the Oregonian on May 25 and the Hillsboro Argus on May 26
16.....	Letter from Glen Bolen dated March 31, 1998
17.....	Letter from Jerry W. Willey dated March 27, 1998
18.....	Letter from Nora M. Curtis dated March 26, 1998 [Unified Sewerage Agency]
19.....	Note from Glen Bolen dated March 26, 1998
20.....	Letter from Glen Bolen dated March 25, 1998
21.....	Letter from Brent Curtis dated March 3, 1998

- 22.....Letter from Jerry W. Willey dated March 2, 1998
- 23.....Petition for Locational Adjustment to the Metro Urban Growth Boundary received on March 2, 1998
- 24.....Staff Report from Brent Curtis, Planning Manager, Washington County dated February 12, 1998
- 25.....Traffic Report for the Proposed Expansion of Evergreen Church dated February 2, 1998

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 98-2714 DENYING URBAN GROWTH BOUNDARY LOCATIONAL ADJUSTMENT CASE 98-8: EVERGREEN CHRISTIAN CENTER AND ADOPTING HEARINGS OFFICER'S REPORT INCLUDING FINDINGS AND CONCLUSIONS

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Date: October 1, 1998

Presented by: Pamela J. Beery, Hearings Officer  
Prepared by: Glen Bolen, Growth Management

#### **PROPOSED ACTION**

Adoption of Resolution 98-2714, denying *Case 98-8: Evergreen Christian Center* a locational adjustment to the urban growth boundary (UGB).

#### **BACKGROUND AND ANALYSIS**

On March 27, 1998, The Evergreen Christian Center completed a petition for a 15.25-acre locational adjustment to the UGB for the purpose of developing the site for church use, including a future school.

#### **Proposal Description:**

The 15.25-acre site is located in Washington County northeast of the intersection of NW Glencoe and NW Evergreen Roads (Attachment 1). It is adjacent to the UGB and the City of Hillsboro. The site is exception land and is designated AF5 (Agricultural/Forestry 5 acre) in the Washington County Comprehensive Plan.

#### **Hearings Officer Recommendation and Proposed Findings**

The Hearings Officer, Pamela J. Beery, conducted a public hearing at Washington County Public Service Building on June 8, 1998. She submitted a report and recommendation to Metro on July 15, 1998, recommending denial of the petition (Attachment 2).

The Hearings Officer finds that the criteria for a locational adjustment to the UGB as contained in Metro Code 3.01.035 are not met by the petitioner. These criteria include: 1) locational adjustments shall not exceed 20 net acres; 2) the site can be served with public facilities and services in an orderly and economic manner, and the adjustment would result in a net improvement in their efficiency; 3) the amendment would facilitate needed development on adjacent existing urban land; 4) the environmental, energy, economic and social consequences of amending the UGB have been considered; 5) the proposed use would be compatible with nearby agricultural activities; 6) the proposed UGB location would be superior to the existing UGB location; and 7) the proposed adjustment must include all similarly situated contiguous land which could also be appropriately included within the UGB.



### Exceptions:

The Metro Code (3.01.060) provides for parties to the case to file an exception to the Hearings Officer recommendation. The Evergreen Christian Center filed an exception based upon the Hearings Officer interpretations and conclusions under Criteria 2, 5, 6, 7 and 9 of the report (Attachment 3).

According to Metro Code 2.05.045(b), the Council shall, upon receipt of a proposed resolution and consideration of exceptions, adopt the proposed resolution or revise or replace the findings or conclusions by motion or remand the matter to the Hearings Officer.

### **FINDINGS**

The Hearings Officer recommends adoption of Resolution 98-2714 based upon the findings and conclusions in her report that:

- All application and noticing requirements are met.
- A public hearing was conducted according the requirements and rules of Metro Code 3.01.050 and 3.01.055.
- The criteria for a locational adjustment to the UGB contained in Metro Code 3.01.035 are not met by the petitioner.

The case record contains the petitioner submittals, Metro staff report, notification lists, relevant correspondence, exhibits, the Hearings Officer's report and the petitioner's exception to the Hearings Officer's report. The complete list of exhibits is included as part of the Hearings Officer's report.


### **BUDGET IMPACT**

There is no budget impact from adopting this resolution.

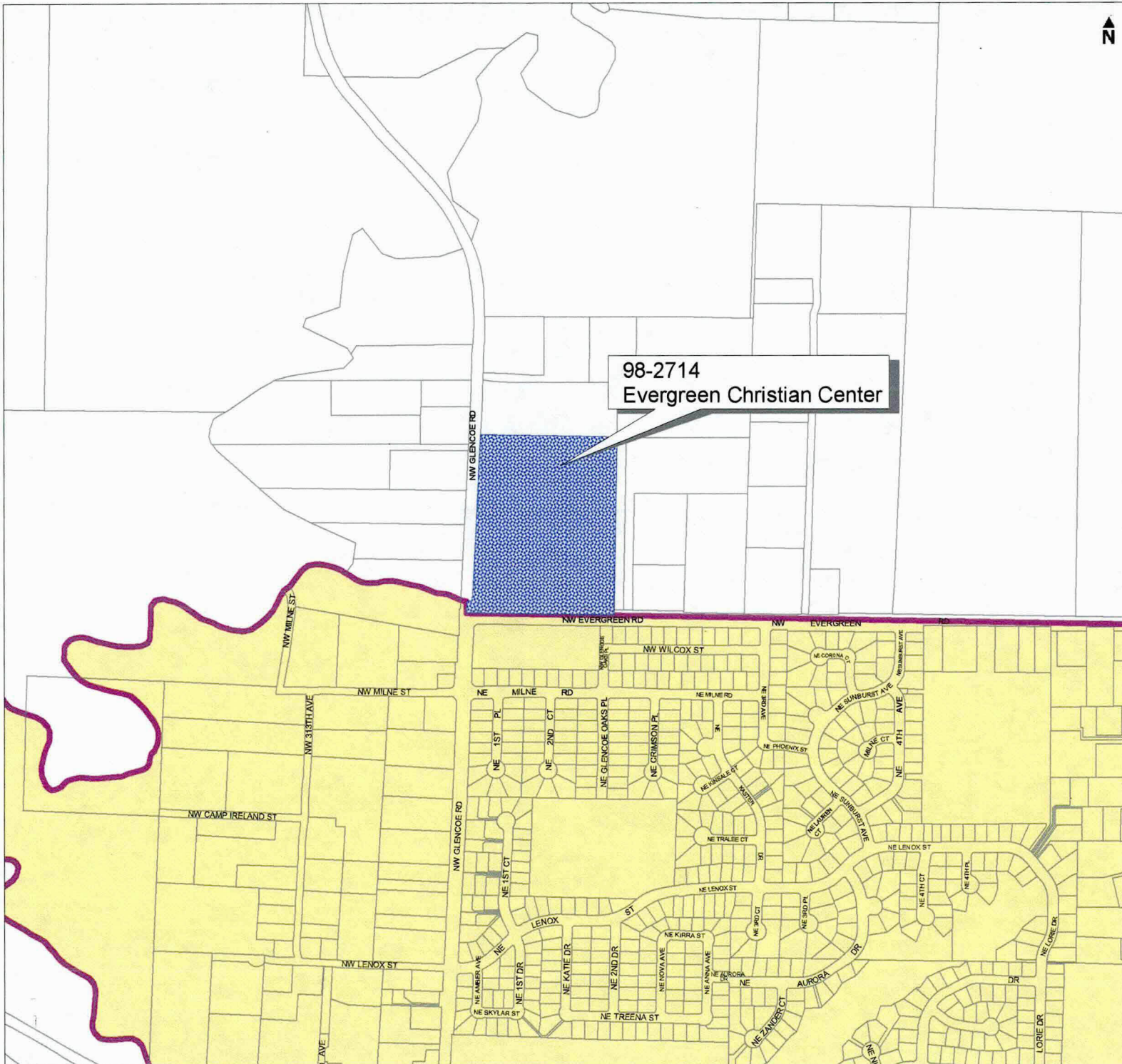
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# Resolution 98-2714 Evergreen Christian Center

## Attachment 1

 Subject Property

 Urban Growth Boundary



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736  
503 797-1742 FAX 503 797-1909  
Email: drc@metro.dst.or.us

Plot date: Oct 1, 1998; d:\projects\ugb\98-8.apr

BEFORE THE HEARINGS OFFICER OF THE  
METROPOLITAN SERVICE DISTRICT

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4	In the matter of the petition of Evergreen Christian )	HEARINGS OFFICER'S
5	Center for a locational adjustment to add 15.25 acres )	REPORT AND
6	to the Urban Growth Boundary northeast of the )	RECOMMENDATION
7	intersection of N.W. Glencoe and Evergreen Roads )	Contested Case No. 98-08
8		
9		

I. SUMMARY OF BASIC FACTS

12 The Evergreen Christian Center ("Center") filed a petition for a locational adjustment of the Metro  
13 Urban Growth Boundary (UGB) on March 2, 1998. The petition requests the inclusion of a 15.25 acre lot  
14 located northeast of the intersection of N.W. Glencoe and Evergreen Roads in Washington County  
15 ("subject property"). The current use of the subject property is as a church and recreational ballfield. A  
16 portion of the subject property, 6.86 acres, is used for growing hay. The proposed use of the property is to  
17 construct a sanctuary, gymnasium, additional classrooms, and required parking. By bringing the subject  
18 property within the UGB, petitioners hope to accommodate future expansion of their existing use of the  
19 property, obtain sewer services, and otherwise bring an urban use within the UGB. If the locational  
20 adjustment is approved the property would be annexed to the City of Hillsboro and rezoned to R-7.

21 Upon annexation public services would be provided by the City of Hillsboro. An 8-inch sewer  
22 trunk located 135 feet from the property, 85 feet west of Glencoe Road from the center of the intersection  
23 for Glencoe and Evergreen Roads, could be used to extend sewer services. Currently a 1.5-inch water line  
24 and a private well provide water. Hillsboro is planning to expand water services. The nearest water main  
25 is 750 feet from the property buildings. A 30-inch storm drainpipe in Glencoe Road is available to  
26 accommodate stormwater drainage. In addition a traffic engineering study prepared for petitioner indicates  
27 that the proposed development will not adversely impact transportation services in the area.

28 On June 8, 1998, Metro Hearing Officer Pamela J. Beery conducted a duly noticed public hearing;  
29 the record was left open until June 15, 1998.

II. SUMMARY OF APPLICABLE APPROVAL CRITERIA AND RESPONSIVE FINDINGS

33 A locational adjustment to add land to the UGB must comply with the applicable criteria in Metro

1 Code §3.01.035. The petitioner has the burden of showing that the locational adjustment meets all of the  
2 applicable criteria. The final decision of the hearing officer must be supported by substantial evidence in  
3 the record. The hearing officer finds that, although some of the criteria are met, the application for a  
4 locational adjustment does not comply with all applicable criteria based on the findings summarized below:

5  
6 1. The locational adjustment is for less than 20 acres. Section §3.01.035(b) is satisfied.

7 2. The petition is for more than 2 gross acres. Section 3.01.035(f)(1) does not apply.

8 3. Based on a review of the factors in Metro Code §3.01.035(c), see 4 through 8 below, the  
9 proposed UGB is not superior to the existing UGB. Section 3.01.035(f)(2) is not satisfied.

10 4. There are no similarly situated contiguous lots that should be included in the locational  
11 adjustment petition. Section 3.01.035(f)(3) is satisfied.

12 5. The locational adjustment would not result in a net improvement in the efficiency of public  
13 facilities and services to adjoining areas within the UGB. The petitioners have *not shown* that inclusion of  
14 the subject property within the UGB will improve the efficiency of public services *to adjacent lands*  
15 *already inside the UGB*. Although the City of Hillsboro may benefit from the ballfield, due to reduced  
16 demand for such a facility in City parks, no evidence was presented establishing that there is a demand for  
17 parks and open space on adjacent lands within the UGB and that approval of the locational adjustment will  
18 help to alleviate that demand. Although the petitioner has shown that water, sewer, transportation and  
19 parks and open space can be provided in an orderly and economical fashion, there is not substantial  
20 evidence that stormwater will be provided in an orderly and economical fashion. Section 3.01.035(c)(1) is  
21 not satisfied.

22 6. The locational adjustment will not facilitate development of adjacent existing urban land. The  
23 petitioner provided no evidence that approval of the petition will help facilitate the development of  
24 adjacent existing urban land. Section 3.01.035(c)(2) is not satisfied.

25 7. There will be no negative impact on regional transit corridors and the locational adjustment  
26 will have a positive social impact on the City of Hillsboro. Section 3.01.035(c)(3) is satisfied.

27 8. The site is currently zoned for development other than forest and agriculture. Section  
28 3.01.035(c)(4) does not apply.

29 9. The petitioner failed to provide evidence that approval of the locational adjustment will not  
30 result in an adverse impact to adjacent agricultural activities. Section 3.01.035(c)(5) is not satisfied.

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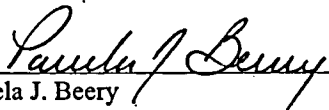
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2 **III. CONCLUSION AND RECOMMENDATION**  
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4 For the foregoing reasons, the hearings officer concludes that the petition does not comply with  
5 the relevant approval standards for a locational adjustment adding land to the UGB. The petitioner has  
6 failed to present substantial evidence to satisfy the standards articulated in §3.01.035(f)(2),  
7 §3.01.035(c)(1), §3.01.035(c)(2), and §3.01.035(c)(5) of the Metro Code. Therefore the hearings officer  
8 recommends the Metro Council deny the petition, based on this Report and Recommendation and the  
9 Findings, Conclusions and Final Order attached hereto.

10  
11 Respectfully submitted this 15<sup>th</sup> day of July, 1998

12  
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14 \_\_\_\_\_  
15 Pamela J. Beery  
Metro Hearings Officer

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BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

12 In the matter of the petition of Evergreen Christian ) FINDINGS,  
13 Center for a locational adjustment to add 15.25 acres ) CONCLUSIONS, AND  
14 to the Urban Growth Boundary northeast of the ) FINAL ORDER  
15 intersection of N.W. Glencoe and Evergreen Roads ) Contested Case No. 98-08  
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I. BASIC FACTS

1. Procedural History. On March 2, 1998, the Evergreen Christian Center ("Center") filed a petition for a locational adjustment to the Metro Urban Growth Boundary ("UGB"). Exhibit 23. Petitioners were notified on March 31, 1998 that the application was complete. Exhibit 16. Notice of a public hearing on the locational adjustment was sent to persons within a 500' radius of the property and published in the Oregonian on May 25, 1998 and on May 26, 1998 in the Hillsboro Argus. A site visit by the Hearings Officer and a public hearing were subsequently conducted on June 8, 1998. Final written arguments were received within 7 days of the public hearing and the record formally closed on June 15, 1998 at 5PM. The complete record of Contested Case 98-08 is attached. Appendix A.

2. Proposal Description. The land which is the subject of this application is located northeast of the intersection of N.W. Glencoe and Evergreen Roads in unincorporated Washington County ("subject property"). The International Church of the Foursquare Gospel owns the parcel. Exhibit 23 and Exhibit 17, p.7. It is a rectangle of 15.25 acres identified as Tax Map/Lot 1N3W24DD 300. Exhibit 23, p.2. The land is currently being used as a church, with 3 buildings, athletic fields and 6.86 acres in farm production. Exhibit 23, pp.2, 4. The Washington County Comprehensive Plan identifies the area as AF-5; a church is permitted in an AF-5 District as a Special Use. Exhibit 23, p.3 and Exhibit 24, p.2.

The subject property is bounded on the north, west and east by land zoned AF-5 that is developed mostly as rural residential parcels. It is bounded on the south by the UGB and land that is otherwise developed for urban residential uses. Exhibit 24, p.6. The site is not in a designated Metro Urban Reserve. Exhibit 13, p.1. The Evergreen Christian Center is petitioning to have the subject property brought within the UGB in order to accommodate future expansion of its facilities, obtain sewer services from the City of Hillsboro and otherwise bring what Petitioner characterizes as an urban use within the UGB. Exhibit 23,

1 p.7-8 and Exhibit 7 audiotape, Tape 1, Side 1. The proposal also contemplates construction of a  
2 sanctuary/gymnasium, including classrooms and required parking. Exhibit 23, p.7-8. In the long term the  
3 sanctuary/gymnasium will be converted to classrooms for the proposed school and a new sanctuary will be  
4 constructed. Exhibit 23, p.8. An additional 389 parking spaces and administrative offices will be provided  
5 to support these new activities. Exhibit 25, p.1. The 6.86 acres of farmland will be converted into parking  
6 spaces. Exhibit 23, p.8. The Center has made efforts over the last several years to identify other available  
7 sites within the UGB that have been unsuccessful. Exhibit 21, p.8. If the locational adjustment were to be  
8 approved the property would be annexed to the City of Hillsboro and rezoned R-7 (low density residential).  
9 Exhibit 24, p.2.

10  
11 **3. Public Facilities.**

12  
13 (a) *Sewer.* The Evergreen Christian Center currently uses septic tanks and drain fields to  
14 accommodate sewer demands. Exhibit 23, p.5. A few years ago the Center experienced sewer back-up in  
15 one of the drain fields and hired LDL Enviro Services to correct the problem. Exhibit 23, p.2. Although  
16 no problem currently exists with sewer drainage Petitioner has concerns that an expansion of its facility  
17 may create the possibility of a septic system failure in the future. Exhibit 7 audiotape, Tape 1, Side 1.  
18 Soderstrom Architects reviewed the proposal on behalf of Petitioner and found that an on-site septic system  
19 was possible and potentially more cost effective than a hookup to sewer facilities. Exhibit 23, pp.29, 30.  
20 The architect further stated that the expansion project can be "accomplished both inside and outside the  
21 UGB." Exhibit 21, p.30. If an expanded septic system is not provided then hook-up to the Hillsboro  
22 sewerage system would be necessary to accommodate the needs of the Center. The nearest sewer trunk is  
23 an 8-inch pipe located approximately 135 feet from the property line. Exhibit 23, p.2. The sewer trunk is  
24 located approximately 85 feet from the center of the Glencoe and Evergreen intersection just west of  
25 Glencoe Road. Exhibit 23, p.2. Extension of the sewer line would require construction of a pump station  
26 because the property is below the existing trunk line and as a result a gravity feed is infeasible. Exhibit 23,  
27 p.5. The City of Hillsboro has indicated that there is sufficient capacity in the existing system to  
28 accommodate the Center's sewer needs. Exhibit 24, p.4 and Exhibit 1, p.2. The Unified Sewerage  
29 Agency, sewerage treatment service provider for this portion of Washington County, has no plans to  
30 expand in this area and consequently the costs of extending service would be borne by Petitioners. Exhibit  
31 25, p.4. Petitioner has indicated that it is willing to bear the costs of construction. Exhibit 21, p.7.

1 (b) *Water*. In the spring of 1996, the Center petitioned for and received approval from the City of  
2 Hillsboro to hook up to the City water system. Exhibit 7 audiotape, Tape 1, Side 1. In addition to the 1.5-  
3 inch water line provided by the City of Hillsboro, a private well is used for irrigation purposes. Exhibit 24,  
4 p.3, and Exhibit 23, p.5. The nearest water main is approximately 750 feet from the buildings to be served.  
5 Exhibit 23, p.3. According to Petitioner, Hillsboro is currently in the process of adding a higher capacity  
6 water line that will meet the needs of the subject property. Exhibit 13, p.4.

7 (c) *Stormwater*. Petitioner's representative testified at the public hearing that stormwater could be  
8 addressed either by the creation of a detention facility or by hooking up to the City of Hillsboro's  
9 stormwater drainage system. Exhibit 7 audiotape, Tape 1, Side 1. The 30-inch storm drain pipe in  
10 Glencoe Road could be used by petitioner to connect to Hillsboro's stormwater drainage system. Exhibit  
11 24, p.3. In the alternative, a detention facility would be constructed on the southwest corner of the lot.  
12 Exhibit 7 audiotape, Tape 1, Side 1. The general direction that stormwater drains on the property is to the  
13 north and west. Exhibit 4. Testimony in opposition to the locational adjustment indicated that water pools  
14 on the north side of the property where no detention facility is planned and that the City's stormwater  
15 drainage pipe does not pass the Center along Glencoe Road. Exhibit 7 audiotape, Tape 2, Side 1.

16 (d) *Transportation*. A traffic analysis of the proposal was prepared by Stein Engineering to  
17 evaluate the impact of the Center's plans for expansion on the surrounding neighborhoods. Exhibit 25.  
18 The report concluded that the "proposed reclassification/rezoning and potential land use will have little, if  
19 any impact on future traffic volumes or capacity on the nearby roadway system." Exhibit 25, p.13. Metro  
20 and Washington County staff both concluded that development of the property would not have any  
21 significant impact on transportation services in the surrounding area. Exhibit 13, p.4, and Exhibit 24,  
22 p.10.

23  
24 4. Record of the Hearing. On June 8, 1998, Metro Hearings Officer, Pamela J. Beery, held a public hearing  
25 at the Washington County Public Administration Building. Twenty-nine people gave testimony at the  
26 hearing focusing mostly on the unique services the Center provides for families and youth in the Hillsboro  
27 area. The testimony is summarized as follows:

28  
29 (a) *Staff Report*. Metro planner Glen Bolen reviewed the procedural history of the locational  
30 adjustment petition and summarized the staff report.

31 (b) *Petitioner*. Jerry Willey, representing Petitioner, reviewed information in the record about the  
32 services provided by the Center. Mr. Willey noted the growth in services and attendance at the Center and  
33 the need for connecting to sewer service to prevent future contamination problems. Mr. Willey reviewed



1 the Metro staff report presented by Glen Bolen. In summarizing the nine criteria for approval outlined in  
2 the staff report, Mr. Willey pointed out that 3 are not applicable, 3 are satisfied and 2 are not satisfied. He  
3 then identified what he felt to be inconsistencies between the Metro staff report and the Washington  
4 County staff report concerning the two criteria that were not satisfied:

5  
6 . **Criterion #5:** As to criterion number 5 in the Metro staff report concerning the “orderly and  
7 economic provision of public facilities and services,” Mr. Willey indicated that the Washington  
8 County report found there will be a “net improvement in the efficiency of service provision  
9 relative to existing and planned capacity because there is excess capacity to serve the site and the  
10 costs for providing service to the site will be borne by the applicant.” The Metro staff report  
11 found that this criterion was not satisfied. Mr. Willey testified that the Unified Sewerage Agency,  
12 in reviewing the petition, stated that there would be “no negative economic impact to the  
13 Agency.”

14 . **Criterion #6:** As to criterion number 6 in the Metro staff report relating to maximum efficiency  
15 of land uses, Mr. Willey testified that the consistent theme throughout the process has been that  
16 the Evergreen Christian Center is an “urban use” and that they are currently utilizing their land to  
17 the maximum extent allowed by the Washington County Comprehensive Plan.

18  
19 Mr. Willey testified that connecting to the trunk line near their property was the most economical way to  
20 provide sewer service to the proposed church expansion. In response to the Oregon Department of  
21 Agriculture’s review of the petition, Mr. Willey testified that the letter doesn’t address the impact of the  
22 on-site septic system and expressed his fear that the septic system would create a danger of contaminating  
23 the subject property and the nearby creek. He also pointed out that although Washington County allows  
24 for a school use, 70% of the students must be from a rural area and that Evergreen’s congregation is  
25 principally urban. Because of this, the Center would be prevented from constructing a school unless they  
26 are allowed within the UGB.

27 (c) *Hearings Officer.* In response to questions from the Hearings Officer, Petitioner's  
28 representative stated that they asked for a water line extension from the City of Hillsboro and it was  
29 approved 2 years ago; that stormwater runoff would be addressed either through the City’s stormwater  
30 system on Glencoe Road or by reserving an area on the south end of the property as a detention facility;  
31 that the area within the UGB to the southwest of the church was a rural residential area, and that there were  
32 several homes northwest of the property with septic problems that would also benefit from being connected  
33 to sewerage; that there were no current problems with the septic system and that their concerns were for

1 future potential contamination; and that the creek near the property was McKay Creek located to the west  
2 of the property.

3 (d) *Testimony in Favor of Petition.* Pastor Ed Stanton and 27 other witnesses provided  
4 overwhelming evidence of the social importance of the Evergreen Christian Center to the community.  
5 Facts presented highlighting the importance of the Center to the community include:

- 6
- 7 1. The Center employs 7 people who serve over 900 children and youth providing ethical and  
8 moral guidance as well as dealing with drug problems (Pastor Ed Stanton)
- 9 2. 90% of the Center's congregation is urban (Pastor Ed Stanton)
- 10 3. The Center has been in existence for 26 years
- 11 4. The Center provides important services to youth benefiting the area where schools are at  
12 capacity (Robert Thomason, principal for Forest Grove School)
- 13 5. The Center has grown from 100 to 2,000 over the past 10 years (Jim Sohriakoff, M.D., family  
14 practitioner)
- 15 6. The Center is one of the top 100 fastest growing in the country (Brad Hayes)
- 16 7. The Center's buildings are at capacity (Bob Schultz, Harry Holsapple and Mike Scriber)
- 17 8. The sewer service line in the street has a tap facing towards the Center (Mike Scriber)
- 18 9. The Center provides services benefiting the City of Hillsboro including plans to construct a  
19 school, existing programs for youth and the recreational ball fields on the property (Mike Skriiko)
- 20

21 (e) *Testimony Opposing Petition.* Diane Rasmussen, a neighbor of the Evergreen Christian  
22 Center, spoke in opposition to the petition. She stated that she does not believe price is a factor in  
23 determining whether there is an alternative site within the UGB. She said that she knew of contiguous  
24 property owners that would also like to be within the UGB given the chance. She mentioned that  
25 stormwater collects on the north end of the property affecting farmland (not just to the south) and that the  
26 City's stormwater system did not pass the Center along Glencoe Road. Finally, she stated that the  
27 conversion of farmland into parking lots would affect agriculture and that the zone change following the  
28 UGB amendment would allow for the potential for increased housing development and density.

29 (f) *Petitioner's Rebuttal.* Mr. Willey then provided rebuttal to letters admitted into the record and  
30 testimony presented that evening in opposition to the proposal. In response to the letter by Dana  
31 McCulloch, petitioner stated that although there are other options for the Church this option is the best  
32 option. He points out that rezoning from AF-5 to R-7 is not a real change because the R-7 zone is the  
33 City's closest zone equivalent to AF-5 for the County. In response to the letter of Joan VanderZanden, Mr.

1 Willey testified that there is no loss of agricultural lands since the Center has been in existence for 26 years  
2 and the use of a portion of their acreage for farming occurred only because they have not been utilizing that  
3 part of the property for church related activities to date. They looked for other sites but were unable to find  
4 any alternatives that would allow for a church. Mr. Willey pointed out that the traffic report was based on  
5 the maximum amount of traffic to be generated from improvement on the site. He acknowledged that he  
6 application did not meet all the criteria for a locational adjustment but that common sense dictated approval  
7 of the petition.  
8

9 The Hearing Officer concluded the hearing by allowing Petitioner to submit additional arguments  
10 within 7 days, closing the record on June 15, 1998 at 5PM.  
11

## 12 II. APPLICABLE APPROVAL CRITERIA AND RESPONSIVE FINDINGS

13  
14 Metro Code §3.01.035 contains the approval criteria for locational adjustments to the Urban  
15 Growth Boundary. Petitioner has the burden of proof to show that the applicable criteria have been met.  
16 The statewide goals do not apply directly to applications for locational adjustments. Metro Code  
17 §3.01.035(a).<sup>1</sup> The final decision is based on whether substantial evidence in the record supports approval  
18 or denial of the petition. Findings on each criterion follow.  
19  
20

### 21 **1. Locational adjustments shall not exceed 20 net acres. [3.01.035(b)].**

22  
23 The petition is for 15.25 acres which is less than the 20 acre maximum. The Council finds that  
24 Petitioner's request for a locational adjustment is for less than 20 acres.  
25  
26  
27  
28  
29  
30

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<sup>1</sup> The Metro Code both procedurally and substantively "adopted a complete process for considering amendments to Metro's UGB" including the applicable statewide goals. League of Women Voters v. Metro Service Dist., 17 Or. LUBA 949, 968 (1989).

1  
2           **2. An addition of land to make the UGB coterminous with the nearest property lines may be**  
3 **approved without consideration of the other conditions in this subsection if the adjustment will add a**  
4 **total of two gross acres or less, the adjustment would not be clearly inconsistent with any of the**  
5 **factors in subsection (c) this section, and the adjustment includes all contiguous lots divided by the**  
6 **existing UGB. [3.01.035(f)(1)].**

7  
8           The petition is for a single tax lot 15.25 acres in size, which is more than 2 gross acres. Council  
9 finds that this section of the Metro Code is not applicable to this locational adjustment.

10  
11           **3. For all other additions, the proposed UGB must be superior to the UGB as presently**  
12 **located based on a consideration of the factors in subsection (c) of this section. [3.01.035(f)(2)].**

13  
14           A review of the factors under subsection (c) follows below as a discussion of criteria 5 through 8.  
15 Council concludes that the proposed UGB is not superior to the present UGB based on consideration of  
16 those factors.

17  
18           **4. The proposed UGB amendment must include all similarly situated contiguous land that**  
19 **could also be appropriately included within the UGB as an addition based on the factors above.**  
20 **[3.01.035(f)(3)]**

21  
22           Petitioner states that there are no contiguous lots that should be included in this petition. Exhibit  
23 25, p.1. Metro staff found the adjacent properties were used for agricultural uses while the subject property  
24 “could be considered an urban use.” Exhibit 4, p.3. Diane Rasmussen, a neighboring property owner,  
25 stated that contiguous landowners are interested in and would benefit from being included within the UGB.  
26 Exhibit 7 audiotape, Tape 2, Side 2.

27           Factors to be considered in determining whether all similarly situated contiguous land has been  
28 included in the petition are: the property status as one or more complete tax lot(s) (i.e., does the  
29 application divide a lot?); the zoning and uses of the contiguous property; and the existence of natural or  
30 man-made features which may form a logical boundary. Metro staff points out that the intent of this  
31 criterion is to prevent petitioners from carving out a piece of property that is less than 20 acres “in order to  
32 qualify for a locational adjustment” and to “minimize subsequent petitions for locational adjustments on  
33 adjacent land that should have been considered together with the original proposal.” Exhibit 13, p.3.

1  
2           The International Church of the Foursquare Gospel owns the subject property and there is no  
3 indication in the record that any contiguous properties are under the same ownership. Exhibit 23, p.1 and  
4 Exhibit 17, p.7. The property consists of a single tax lot. Glencoe Road serves as a natural barrier to  
5 contiguous lots on the west side of the subject property. To the east and north are rural residential parcels  
6 that differ from the mostly urban uses of the subject property.<sup>2</sup> Observations from the site visit on June 8,  
7 1998. As such the property has not been carved out from a larger piece in order to qualify for a locational  
8 adjustment. The record supports the finding by Metro staff that the subject property is sufficiently distinct  
9 from adjacent properties based on existing roads and actual use such that inclusion of contiguous lands  
10 would be inappropriate. Council finds that there are no similarly situated lands contiguous to the subject  
11 property that should be included in this locational adjustment petition.

12  
13           **5. Orderly and economic provision of public facilities and services. A locational adjustment**  
14 **shall result in a net improvement in the efficiency of public facilities and services, including but not**  
15 **limited to water, sewerage, storm drainage, transportation, parks and open space in the adjoining**  
16 **areas within the UGB. Any area to be added must be capable of being served in an orderly and**  
17 **economical fashion. [3.01.035(c)(1)]**

18  
19           The application of this criterion is twofold: (1) there must be a net improvement in the efficiency  
20 of services to adjoining areas within the UGB and (2) the addition of the area must result in orderly and  
21 economical service delivery. The Metro code does not define the term "net improvement" in the efficiency  
22 of public facilities. As such, the term must be interpreted by the Council and that interpretation must be  
23 applied to the facts of each case, and to each of the five public facilities and services identified in the code:  
24 water, sewer, storm drainage, transportation, and parks and open space.

25  
26           (a) *Water.* Petitioner states that the subject property is currently being served by private wells for  
27 irrigation of the playing fields. Exhibit 21, p.5. Drinking water is provided by the City of Hillsboro via a  
28 1.5 inch water line. Exhibit 21, p.5. The City of Hillsboro will extend water service to the Center if the  
29 locational adjustment is approved. Exhibit 25, p.3. Petitioners have indicated that Hillsboro is in the  
30 process of adding a higher capacity water line. Exhibit 4, p.4. Metro staff found that the inclusion of the

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<sup>2</sup> Metro staff notes that use of the Center as a church and ballfield "could be considered an urban use" (Exhibit 3, p.4) while Washington County "believes the church to be an urban use due to the large size and urban composition of its congregation." Exhibit 3, p.5.

1 parcel within the UGB would result in the orderly and economic provision of public facilities and services  
2 but would not provide a net improvement “in the efficiency of public facilities and services for the land  
3 currently inside the UGB.” Exhibit 4, p.4.

4 In this case, although the City of Hillsboro has the capacity to serve the subject property and is  
5 planning to extend services in that direction, there is no evidence in the record to support a finding that  
6 inclusion of the area into the UGB will *improve* water service to those areas *already within the UGB*. The  
7 Council therefore finds that inclusion of the subject property would result in orderly and economical water  
8 service to this property, but there is no evidence to support a finding that the adjustment would result in a  
9 net improvement of water service to adjacent property within the UGB.

10 (b) *Sewer*. Sewer service hook-up can be accomplished by connecting to the 8-inch sewer line  
11 located 135 feet from the property. Exhibit 13, p.4. The process of connecting to city sewer would  
12 require Petitioner to build a pump station because the existing trunk line is at a higher level than the  
13 property, making a gravity feed impracticable. Exhibit 23, p.5. The Unified Sewerage Agency has stated  
14 that the extension of the sewer system to the subject property would have “no negative impact” because the  
15 developer would be required to bear the costs of hook-up. Exhibit 17, p.4. Washington County staff  
16 planner, Brent Curtis, indicated that the City of Hillsboro Engineering Department has existing capacity to  
17 serve the site and that there will be a net increase in efficiency by utilizing this excess capacity. Exhibit  
18 24, p.4. The City of Hillsboro has corresponded with petitioner indicating that it has the capacity to serve  
19 the sewerage needs of the subject property. Exhibit 1, p.2. The only alternative to connecting to city  
20 sewer is construction of an on-site septic system. Petitioner's architect found that construction of an on-  
21 site septic system is a viable option and that it is potentially more cost-effective. Exhibit 23, p.29.

22 The fact that the sewer system is capable of accommodating additional sewerage and the costs of  
23 connecting would be borne by Petitioner supports a finding that provision of this service would be orderly  
24 and efficient. However, Petitioner has not provided substantial evidence that providing this service will  
25 benefit the net efficiency of public services to adjacent lands *within the UGB*. The “capacity” of the sewer  
26 system is based on the availability of that service over a period of years. Exhibit 24, p.4. No evidence  
27 demonstrates that Hillsboro’s current “excess capacity” in the sewer system will hold up in future years  
28 based on long-range planning. In fact the Unified Sewerage Agency points out in its letter to Petitioner  
29 that it is “not able to formulate an opinion” until “long-range planning is complete.” As such the Council  
30 finds that the locational adjustment would have no net effect on the efficiency of sewer services.<sup>3</sup>

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<sup>3</sup> Council also notes that in prior decisions the existence of “excess capacity” has not been determined to be a sufficient reason to find that there has been a net increase in system efficiency. Contested Case No. 94-01 (Starr).

1 (c) *Storm Drainage.* Petitioner stated that stormwater would be provided either by construction of  
2 a detention pond on the southwest corner of the property or through the city storm drainage system.  
3 Exhibit 7 audiotape, Tape 1, Side 1. Petitioner submitted evidence that the septic system drainfield is to  
4 the west and north. Exhibit 4. A 30 inch storm line is located in Glencoe Road near the property. Exhibit  
5 24, p.3. Diane Rasmussen stated that rainwater collecting on the north side of the property would not be  
6 addressed by a detention facility on the south side of the property and that the city storm drainage system  
7 does not pass the Center along Glencoe Road.

8 There is no evidence to demonstrate that the provision of storm drainage facilities to this property  
9 that would benefit or improve efficiency to those adjacent parcels located within the UGB, regardless of  
10 whether such services are available to the Center. The Council finds that the petitioner has not provided  
11 substantial evidence indicating that stormwater drainage would be orderly and economical or that approval  
12 of the locational adjustment for the subject property would result in a net improvement of stormwater  
13 drainage to adjacent property within the UGB.

14 (d) *Transportation.* The traffic analysis submitted by petitioner concludes that expansion of the  
15 facility will have "little, if any, impact on future traffic volumes or capacity on the nearby roadway  
16 system." Exhibit 25, p.13. Diane Rasmussen testified that the traffic report was done during construction  
17 and does not accurately reflect regular traffic patterns. Exhibit 16 audiotape, Tape 2, Side 1. Petitioner  
18 responded that the report was based on a worst case scenario and is accurate in representing possible  
19 impacts to the surrounding community. Exhibit 16 audiotape, Tape 2, Side 1. Washington County staff  
20 found that the proposal will have no "significant effect" on the transportation system. Exhibit 24, p.4. No  
21 improvements to the transportation system in the area are described as relating to or resulting from this  
22 application. One method of evaluating whether the petition's approval would result in the orderly and  
23 efficient delivery of transportation services is to apply the State Transportation Planning Rule, OAR 660-  
24 12-060, to the proposed improvements. This allows for a finding of impact on the existing system. The  
25 applicant submitted a detailed traffic study which the Council finds to be credible, and not diminished by  
26 any testimony to the contrary on the question of transportation impacts of the application and proposed  
27 annexation and rezoning<sup>4</sup>. A finding can be made that orderly and economical service can be provided by  
28 the transportation system serving the property.

29 In addition to being orderly and economical, a locational adjustment must also increase the net  
30 efficiency in transportation services. This finding is generally supported where a locational adjustment  
31 results in "road improvements, dedications, necessary connections or realignment of existing roads or other

---

<sup>4</sup> Though the annexation and rezoning are not before Metro, service delivery has been acknowledged by  
Petitioner to depend upon annexation to the City and the accompanying rezoning.

1 direct benefit to roads in the area." *Starr* at 9. Here there is no evidence of any direct benefits to the  
2 existing transportation system by inclusion of the subject property within the UGB. The Council finds that  
3 the locational adjustment would not improve the net efficiency of the transportation system.

4 (e) *Parks and Open Space*. The Center has constructed a ballfield on the property which is  
5 actively used by the Little League and members of the Center. Exhibit 23, p.8 and Exhibit 7 audiotape.  
6 Petitioner states that current use of the property as a recreational ball field alleviates some of the demand  
7 for park space to serve residents of the area and the City of Hillsboro. Exhibit 7, testimony by Jerry  
8 Willey, Kim Skriiko and Michael Kuhny on audiotapes, Tape 1 & 2. There is no evidence in the record as  
9 to open space, but the Council finds open space requirements to be inapplicable in the context of this  
10 application due to the developed nature of the property and its limited value as open space.

11 One mechanism to define a net increase in park services is as an outright dedication or designation  
12 of an area to the public. To qualify as a net improvement in the efficiency of parks and open space a  
13 petition need not have a dedication of land in every circumstance. However, here there is not substantial  
14 evidence in the record that there is a demand for additional parks and open space in the City of Hillsboro  
15 and that approval of the proposed locational adjustment will help to alleviate that demand. The Council  
16 finds that the locational adjustment will not result in a net improvement in park and open space services  
17 available to adjacent properties within the UGB.

18 Based on a review of the above factors, the Council finds that the petitioner has failed to provide  
19 substantial evidence that inclusion of the property will result in orderly and economical service delivery or  
20 that the locational adjustment will result in a "net improvement" in the efficiency of public services.

21  
22 **6. Maximum efficiency of land uses.** The amendment shall facilitate needed development on  
23 adjacent existing urban land. Needed development, for the purposes of this section, shall mean  
24 consistent with the local comprehensive plan and/or applicable regional plans. [3.01.035(c)(2)]

25  
26 Jerry Willey in his testimony stated that the Center is now using the land to the maximum extent  
27 possible within the limits of the Washington County Comprehensive Plan and that the locational  
28 adjustment would facilitate more intense and effective use of the affected parcel. There was no evidence  
29 that the locational adjustment would facilitate development on existing urban land adjacent to the  
30 property.<sup>5</sup> In order to achieve maximum efficiency of land uses the locational adjustment must allow

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<sup>5</sup> Petitioner incorrectly notes that Washington County staff said the locational adjustment met this criteria. Exhibit 1, p.3. Washington County staff states in their final conclusion that "the adjustment is not necessary ... to enable existing urban land to develop." Exhibit 24, p.8.



1 adjacent existing urban land to fully develop within the limitations provided by the local comprehensive  
2 plan or applicable regional plans.<sup>6</sup> Here no evidence has been provided to show that adjacent properties  
3 will be allowed to more fully develop by allowing the Church within the UGB.<sup>7</sup> The Council finds that the  
4 locational adjustment will not assure maximum efficiency of land uses for adjacent properties within the  
5 UGB.

6  
7 **7. Environmental , energy, economic and social consequences. Any impact on regional**  
8 **transit corridor development must be positive and any limitations imposed by the presence of hazard**  
9 **or resource lands must be addressed. [3.01.035(c)(3)]**

10  
11 During the June 8, 1998 public hearing numerous people from the Hillsboro community testified  
12 as to the positive social impact the Church has on the community. Exhibit 7 audiotape, Tape 1 & 2.  
13 Petitioners also state that there will be no impact on regional transit corridors. Exhibit 23, p.6.

14 The Council finds that there will be no impact on any regional transit corridors and that the social  
15 impact of the locational adjustment would be beneficial. There are no hazard or resource lands present.

16  
17 **8. Retention of agricultural land. When a petition includes land with Agricultural Class I-**  
18 **IV soils designated in the applicable comprehensive plan for farm or forest use, the petition shall not**  
19 **be approved unless it is factually demonstrated that:**

20  
21 **(A) Retention of any agricultural land would preclude urbanization of an adjacent area**  
22 **already inside the UGB, or**

23  
24 **(B) Retention of the agricultural land would make the provisions of urban services to an**  
25 **adjacent area inside the UGB impracticable. [3.01.035(c)(4)]**

26  
27 The site is currently zoned as AF-5 which is not an exclusive farm or forest district. Exhibit 24,

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<sup>6</sup> City of Wilsonville v. MSD, 15 Or LUBA 44 at 47 (1986).

<sup>7</sup> There is evidence in the record indicating that adjacent lands within the UGB directly to the south are primarily developed (See Exhibit 24, p.6 and observations during site visit on June 8, 1998) and are more rural residential to the southwest (See Exhibit 7 audiotape, Tape 1, side 1). Evidence that the land is fully developed may preclude a showing that development could be facilitated (See *Wilsonville* at 47 (1986)). Here no evidence was presented to demonstrate both that adjacent land was available for development *and* that inclusion of the subject property within the UGB would facilitate that development.

1 p.6. The use of the site has been predominantly as a church for the last 26 years. In that time a recreational  
2 ball field was constructed and the remaining lands were used to grow hay for the purposes of controlling  
3 erosion and utilizing otherwise vacant land. Exhibit 23, p.6. Metro staff found that Washington County  
4 soil classification data indicates a mix of Class II and III soils. Exhibit 13, p.5. Both the Metro staff and  
5 Washington County staff found this criterion not applicable.

6 Council concurs with the findings of the Metro and Washington County staff planners that this  
7 criterion does not apply because the current use of the land is predominantly urban in nature and the zoning  
8 district allows for development that is not agricultural.

9  
10 **9. Compatibility of proposed urban uses with nearby agricultural activities. When a**  
11 **proposed adjustment would allow an urban use in proximity to existing agricultural activities, the**  
12 **justification in terms of all factors of this subsection must clearly outweigh the adverse impact of any**  
13 **incompatibility. [3.01.35(c)(5)]**

14  
15 Petitioner states that the locational adjustment will have no adverse effect on adjacent agricultural  
16 activities because the Church has been functioning in the area for a number of years. Exhibit 21, p. p.6.  
17 Washington County staff did not make a finding on this criterion. Exhibit 24. Metro staff found that the  
18 criterion was satisfied but noted that it was not clear what impact the development would have on  
19 agricultural activities.

20 There is no evidence that the locational adjustment will have a negative impact on nearby  
21 agricultural activities. The surrounding land is zoned AF-5 as is the subject property. The west and  
22 southern portion of the property abuts a street while the east and northern sides of the property are adjacent  
23 to residential lots. There is no evidence presented by Petitioner that the proposal will not adversely affect  
24 adjacent agricultural activities as is indicated in the Metro staff report. Although petitioner states that the  
25 Church has been in existence for 26 years they do not show that the proposal to construct a gymnasium,  
26 classroom additions, a food court, administrative offices, a 2,000 seat sanctuary, a covered play area and an  
27 additional 389 parking spaces will not adversely impact nearby agricultural activities. Exhibit 25, p.1.  
28 Council finds that petitioner has failed to meet the burden of showing that the locational adjustment will  
29 not have any adverse impact on nearby agricultural activities.

1  
2  
3 **III. CONCLUSIONS**

4 The proposed locational adjustment for the petition presented in Contested Case 98-8 is DENIED  
5 based on the following reasons:

6 1. Approval of the locational adjustment will not result in a "net improvement" in the efficiency  
7 of sewer, water, stormwater drainage, transportation or parks and open space to the adjacent properties  
8 within the UGB as required by Metro Code §3.01.035(c)(1). Although the citizens of the City of Hillsboro  
9 use the existing ballfield, there is no evidence establishing that there is a demand for parks and open space  
10 on adjacent properties within the UGB and that approval of the locational adjustment will help alleviate  
11 that demand. The inclusion of the subject property within the UGB would result in an orderly and  
12 economical provision of water, sewer, transportation and parks and open space services. The petitioner has  
13 not provided substantial evidence that stormwater would be provided in an orderly and economical fashion.  
14

15 2. Approval of the locational adjustment will not facilitate needed development on existing urban  
16 land as required by Metro Code §3.01.035(c)(2). Petitioner has not provided any evidence that would  
17 support a conclusion that nearby parcels are able to more fully develop under the Hillsboro Comprehensive  
18 Plan or the Washington County Comprehensive Plan if the Center is allowed to be included within the  
19 UGB. While nearby lands southwest of the property may be available for such development, petitioner  
20 made no connection between the development of that land and the inclusion of the subject property within  
21 the UGB.  
22

23 3. Petitioner has not presented evidence that approval of the locational adjustment will not  
24 adversely impact adjacent agricultural activities as required by §3.01.035(c)(5). Although the Center has  
25 existed for 26 years, the impact of proposed construction has not been addressed.  
26

27 4. The proposed UGB will not be superior to the existing UGB based on an evaluation of the  
28 criteria in Metro Code §3.01.035(c) as required by Metro Code §3.01.035(f)(2). Under §3.01.035(c)(3) the  
29 social consequences of the locational adjustment will be positive. However, the locational adjustment will  
30 not facilitate development or improve the efficiency of public facilities and services on adjacent lands  
31 within the UGB as required by Metro Code §3.01.035(c)(1) and (2). In addition Petitioner has not  
32 presented evidence that the locational adjustment will not adversely affect nearby agricultural activities as  
33 required by §3.01.035(c)(5). Section 3.01.035(c)(4) was found to be not applicable. Upon review of the

1 cumulative impact of the locational adjustment based on the factors articulated in Metro Code  
2 §3.01.035(c), the proposed UGB would not be superior to the existing UGB.

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**IV. DECISION**

Based on the findings and conclusions adopted herein and on the public record in this matter, the Council hereby denies the petition in Contested Case 98-08.

DATED: \_\_\_\_\_

By Order of the Metro Council

By: \_\_\_\_\_

APPENDIX A  
RECORD  
IN THE MATTER OF  
CONTESTED CASE NO. 98-08  
(EVERGREEN CHRISTIAN CENTER)

<u>Exhibit No.</u>	<u>Subject Matter</u>
1.....	Letter from Jerry W. Willey dated June 14, 1998
2.....	Service Request from Washington County dated November 13, 1997 dated October 21, 1997 submitted with letter from Jerry W. Willey dated June 14, 1998
3.....	Copy of Exhibit 9 from Petition submitted with letter from Jerry W. Willey dated June 14, 1998
4.....	Topographic Map indicating Drainage Field submitted with letter from Jerry W. Willey dated June 14, 1998
5.....	Subsurface Investigation for Glencoe Oaks Subdivision, Hillsboro, Oregon dated June 21, 1991 submitted with letter from Jerry W. Willey dated June 14, 1998
6.....	Offsite Storm Drain Plan and Profile dated July 17, 1991 submitted with letter from Jerry W. Willey dated June 14, 1998
7.....	Audiotape from Initial Meeting of Hearings Officer held on June, 8, 1998
8.....	Letter from 1,000 Friends dated June 8, 1998
9.....	Letter from Joan VanderZanden dated June 8, 1998
10.....	Letter from Dana McCullough dated June 4, 1998
11.....	Letter from James W. Johnson dated June 3, 1998 [Oregon Department of Agriculture]
12.....	Letter from Mary Weber dated may 29, 1998
13.....	Staff Report from Glen Bolen, Associate Regional Planner, Metro dated May 28, 1998
14.....	Site Map of proposed UGB locational adjustment dated May 26, 1998
15.....	Notice of Proposed Amendment Published in the Oregonian on May 25 and the Hillsboro Argus on May 26
16.....	Letter from Glen Bolen dated March 31, 1998
17.....	Letter from Jerry W. Willey dated March 27, 1998
18.....	Letter from Nora M. Curtis dated March 26, 1998 [Unified Sewerage Agency]
19.....	Note from Glen Bolen dated March 26, 1998
20.....	Letter from Glen Bolen dated March 25, 1998
21.....	Letter from Brent Curtis dated March 3, 1998

- 22.....Letter from Jerry W. Willey dated March 2, 1998
- 23.....Petition for Locational Adjustment to the Metro Urban Growth Boundary received on March 2, 1998
- 24.....Staff Report from Brent Curtis, Planning Manager, Washington County dated February 12, 1998
- 25.....Traffic Report for the Proposed Expansion of Evergreen Church dated February 2, 1998

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797-1700 | FAX 503 797 1797



METRO

Attachment 3

### EXCEPTION FORM

Metro provides this form for parties to Urban Growth Boundary contested cases who wish to file an exception to the proposed order and findings of the hearings officer.

Standing to file an exception and participate in subsequent hearings is limited to parties to the case.

UGB Contested Case Number: 98-08

Date: August 11, 1998

Name: Evergreen Christian Center

Address: 4400 NW Glencoe Road  
Hillsboro, OR 97124

The basis of an exception must relate directly to the interpretation made by the hearings officer of the ways in which the petition satisfies the standards for approving a petition for a UGB amendment. Exceptions must rely on the evidence in the record for the case. Only issues raised at the evidentiary hearing will be addressed because failure to raise an issue constitutes a waiver to the raising of such issues at any subsequent administrative or legal appeal deliberations. (Metro Code 3.01.060(c))

Parties filing an exception with Metro must furnish a copy of their exception to all parties to the case and the hearings officer.

Please state your exception (attach additional sheets as necessary):

Please see attached.

Growth Management Services Department  
Metro  
600 NE Grand Avenue  
Portland, OR 97232-2736

August 11, 1998

Metro Council

Re: UGB petition Exception

I am responding for the petitioner Evergreen Christian Center to the Hearings Officer Report dated July 15, 1998 as an attachment to the Exception form.

Petitioner's exceptions will be outlined in this form with the request to elaborate further at the assigned time designated before the Metro Council. The areas of exception are as follows:

1. Proposed UGB is not superior to the existing UGB – The UGB was designed to encompass urban property and distinguish this land from rural property. The presumption was that urban property demanded services provided by urban providers. This report does not take into consideration the urban usage of the property that Washington County staff as well as Metro staff agrees on. If the UGB is to include urban property requiring urban services, then the existing UGB is NOT superior to the proposed UGB.
2. "...Net improvement in efficiency of public services..." – The net improvement of public services does not take into consideration the improved services of the service provider to properties already inside the UGB. It has already been established that the services could be provided in an "orderly & economic" fashion, but the increased efficiency of the provider (City of Hillsboro & USA) is not considered.

The report goes on to determine that the petitioner has not provided evidence to show increased efficiency in water and storm drainage. The City of Hillsboro has already anticipated these services by providing water to the location and has storm drainage capacity running adjacent to the property. Efficiency is defined as ability and cost effectiveness. The inclusion of additional users of the service improves the cost effectiveness as long as there is capacity, which everyone agrees is available.

3. Maximum efficiency of land uses – "consistent with the local comprehensive plan". The inclusion of a church in a neighborhood is similar to schools in that they provide family services in a neighborhood setting where families can attend within walking or biking distance. The entire concept of Metro and the UGB is mini-communities where family services can be obtained without driving long distances. The church already provides these services, is considered urban use and should be included in the boundary. It enhances the growth and attractiveness of surrounding urban land.



Page 2

August 11, 1998

4. Environmental.... Consequences – This is the area completely ignored by the hearing officer. This is one of the primary reasons for requesting for locational adjustment. We can provide testimony that a septic system will be harmful to surrounding wells used by the agricultural community as well as potentially contaminating the nearby creek. The Hearing Officer report does not address this issue even though it is mentioned several times in the testimony.
5. Compatibility of urban uses with nearby agriculture – The nearby agricultural activities consists of growing grass seed and/or hay. This process does not require special access for large machinery and the proposed improvements to the site does not change any aspect of the surrounding land ability to continue the current production of crops. The Hearing Officer is quick to point out the lack of proof of potential adverse impact to surrounding land from proposed improvements but completely ignores the much more critical impact of septic drainfields.

This exception response is significantly abbreviated to comply with the filing deadline. The petitioner is requesting to testify before the Metro Council when the Council is scheduled to hear this report.

STEVE HUSS  
146 N 31<sup>ST</sup>  
CORNELIUS, OR 97113

JIM SOHRAIKOFF  
1469 NE JACKSON ROAD  
HILLSBORO, OR 97124

SHARON CORNISH  
P.O. BOX 312  
HILLSBORO, OR 97123

MICHAEL HUHN  
588 NW QUEENS CT. EAST  
HILLSBORO, OR 97124

PASTOR ED STANTON  
12929 SW WILMINGTON LANE  
TIGARD, OR 97224

MARY KYLE MURDY  
1000 FRIENDS OF OREGON  
424 SW 3<sup>RD</sup> SUITE 300  
PORTLAND, OR 97204

SUZI LAWRENCE  
13376 SW CAMPBELL RD  
HILLSBORO, OR 97123

SUE SWAYNE  
3459 SE WILLOW  
HILLSBORO, OR 97124

*7*  
*for* Res No  
*98-2714*

**From:** Mary Weber  
**To:** Elaine Wilkerson, Tim Raphael *Michael*  
**Date:** Tue, Sep 29, 1998 4:13 PM  
**Subject:** UGB Case 98-8 Evergreen Church

Evergreen Christian Center has requested a reduction in their cost associated with this location adjustment petition. Metro code allows the executive officer to reduce the cost of the petition on hardship grounds.

recap of expenses and fees	
costs incurred to date	\$6,960
anticipated additional costs	350
total cost	\$7,310

fee deposits \$5,200

*- sent 2,500 in 7/21 + original deposit of 2700*

outstanding charges \$2,052

of the total cost, Metro has \$1,378 of staff charges and the remaining charges of \$5,932 are hard costs such as hearing officer, postage, notice etc.

I recommend that we provide a hardship relief to the petition equal to the amount of our staff charges of **\$1,378**. This would required an additional \$674 from the petitioner. I would request this balance due 2 weeks before the hearing. Unfortunately, the hearing is set for October 15th.

The "hard" costs were incurred by Metro on behalf of the petitioner. The code makes it clear that the petitioner is liable for the costs.

PLEASE ADVISE and I will contact the petitioner by phone and letter to convey your wishes.

mary

CC: Glen Bolen, Laura Mundt



METRO

*2nd request*

COPY

25 August, 1998

Ed Stanton, Pastor  
Evergreen Christian Center  
4400 NW Glencoe Road  
Hillsboro, OR 97124

Dear Pastor Stanton:

In a letter dated July 30, 1998, Metro requested an additional deposit to cover outstanding costs of UGB petition number 98-8. We have subsequently received an invoice from the hearing officer. As of 8/15/98, the charges on the case are:

postage, notice, copies, etc	\$ 775.80
hearings officer	\$4,806.00
Metro staff	\$1,378.59
estimated cost of council hearing*	\$ 350.00 - <i>hearings given</i>
Less deposit	(\$2700.00)
<b>Balance</b>	<b>(\$4,610.39)</b>

If the case is remanded to the hearing officer for further consideration these (\*) costs will increase.

Please remit \$4,700 to cover these additional charges. Per chapter 3.01.45 (Fees) of the Metro Code: "If hearings officer/public notice or administrative costs exceed the amount of the deposit, the petitioner shall pay to Metro an amount equal to the costs in excess of the deposit, prior to final action by the Metro Council."

We will not set a date for the Metro Council hearing of this UGB case until the additional deposit is received. If all of these funds are not needed, the balance of your deposit will be returned.

If you have any questions about this request or if you feel this would create a hardship for you, please feel free to contact me at 797-1735. Thank you for your immediate attention to this matter.

Sincerely,

Mary A. Weber  
Manager of Community Development  
Growth Management Services

cc: ✓ Jerry Willey  
Glen Bolen, Associate Regional Planner  
Elaine Wilkerson, Director, Growth Management Services

MAW/lam