

BEFORE THE METRO COUNCIL

AMENDING THE URBAN GROWTH BOUNDARY) ORDINANCE NO. 95-612
FOR THE SUBJECT PROPERTY OF URBAN)
GROWTH BOUNDARY CONTESTED CASE 95-1:) Introduced by Mike Burton
HARVEY/WASHINGTON COUNTY, LOCATED) Executive Officer
ALONG THE TUALATIN VALLEY HIGHWAY)

WHEREAS, Washington County requested clarification of the location of the Urban Growth Boundary along the Tualatin Valley Highway and was informed the Boundary runs along the centerline of the highway; and

WHEREAS, Washington County requested an administrative adjustment of the Urban Growth Boundary because the subject property was zoned urban and has been characterized by urban activity for at least 50 years, and was thought to have been in the boundary; and

WHEREAS, Metro denied the request for an administrative interpretation as without legal basis under the Metro Code, and recommended a quasi-judicial locational adjustment process available to the County; and

WHEREAS, Washington County filed a petition for a locational adjustment and Metro held a hearing by an independent hearings officer on May 10, 1995; and

WHEREAS, The Hearings Officer recommended approval of the locational adjustment; and


WHEREAS, No exceptions to the Hearings Officer Report and Recommendation were received during the appeal period; now, therefore,

THE METRO COUNCIL HERBY ORDAINS AS FOLLOWS:

1. The Urban Growth Boundary be amended to include the subject property as shown in Exhibit A; and
2. The Hearings Officer Report and Recommendation be accepted, as attached herein as Exhibit B; and

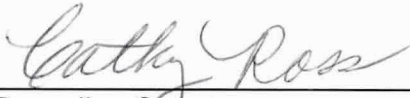
3. The Hearings Officer Findings, Conclusions and Final Order be adopted, as attached herein as Exhibit C.

ADOPTED by the Metro Council this 3 day of Aug., 1995.




J. Ruth McFarland, Presiding Officer

ATTEST:



Cathy Ross
Recording Secretary




Approved as to Form:

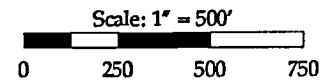


Daniel B. Cooper, General Counsel

UGB Contested Case: 95-1

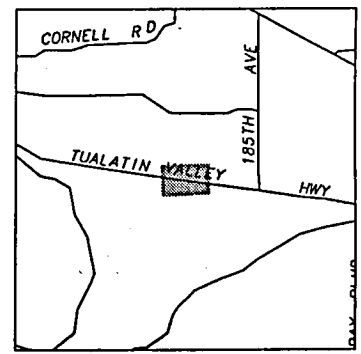
Harvey/WA Co.

-  Area to be added to UGB
-  Urban growth boundary
-  Proposed UGB

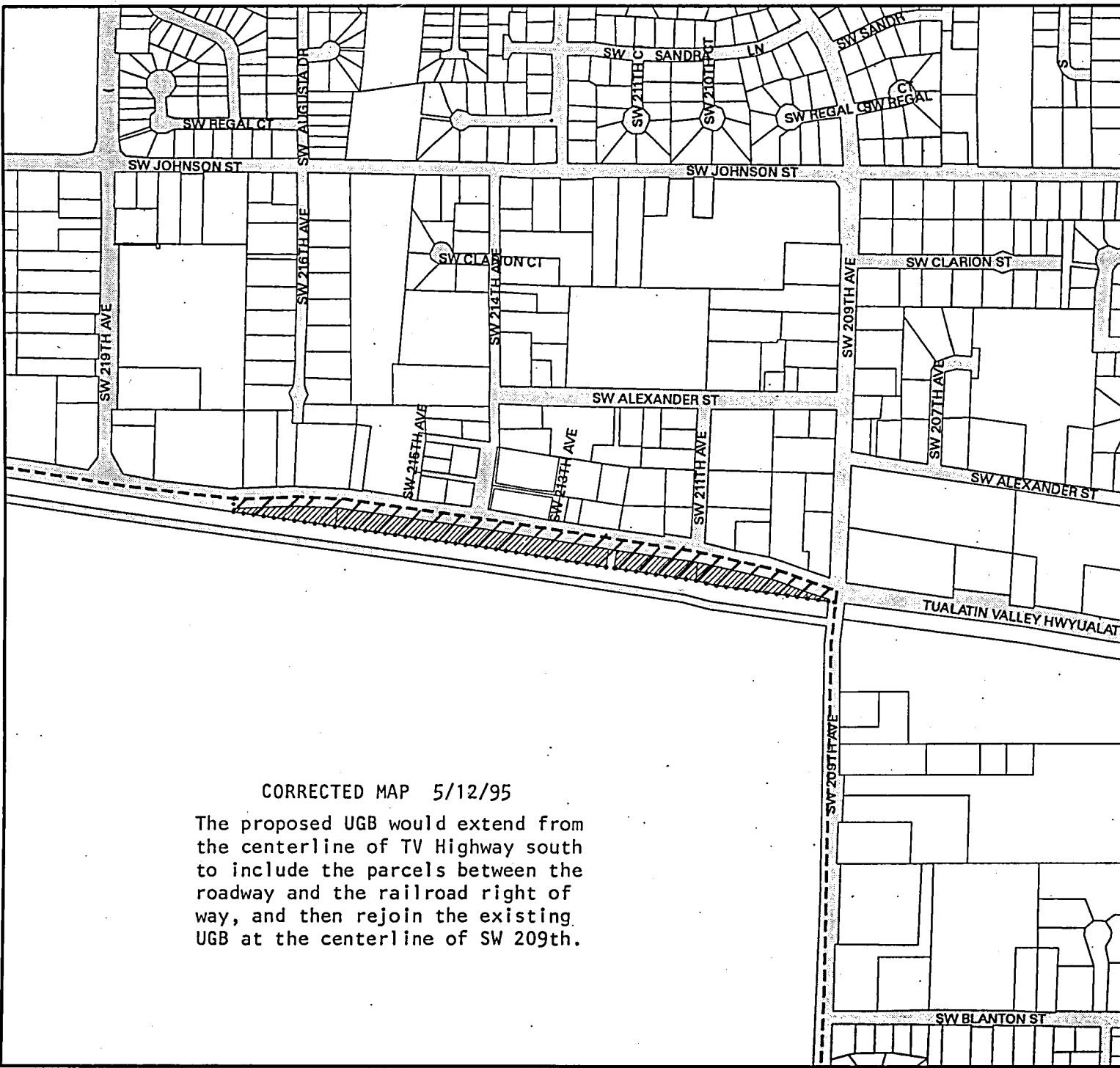


METRO

600 NORTHEAST GRAND AVENUE
 PORTLAND, OREGON 97232 2736
 TEL 503 787 1742
 FAX 503 787 1794
 Internet dro@metro.org



Location map



CORRECTED MAP 5/12/95

The proposed UGB would extend from the centerline of TV Highway south to include the parcels between the roadway and the railroad right of way, and then rejoin the existing UGB at the centerline of SW 209th.

BEFORE THE METRO HEARINGS OFFICER
IN THE STATE OF OREGON

In the matter of the petition of Washington County) HEARINGS OFFICER'S
for a locational adjustment to add 5.47 acres to the) REPORT AND
Urban Growth Boundary south of Tualatin Valley) RECOMMENDATION
Highway west of SW 209th Avenue) Contested Case No. 95-01

I. SUMMARY OF BASIC FACTS

1. On March 14, 1995, John Rosenberger filed a petition for a locational adjustment to the Urban Growth Boundary ("UGB") on behalf of the Washington County Department of Land Use and Transportation ("petitioners") to add 5.47 acres consisting of five contiguous tax lots and adjoining public road right of way (the "subject property").

a. The subject property is between TV Highway and railroad tracks south of the highway west of and adjoining SW 209th Avenue. It is developed for roads (including the south half of TV Highway), two retail businesses and commercial storage. It has been used for urban purposes for more than 75 years. It does not contain sensitive environmental features or hazards. It is served by all public utilities and facilities. It is designated and zoned "General Commercial" on the Washington County Community Development Plan. The UGB abuts the west, north and east edges of the subject property.

b. The record reflects that everyone thought the subject property was included in the UGB when it was adopted. However Metro staff recently determined it is outside the UGB, and that a locational adjustment would have to be approved to include it.

2. The petition was accompanied by comments from affected jurisdictions and service providers, each of whom certifies they can provide urban services in an orderly and timely manner. Some service providers recommended approval; others took a neutral position regarding the locational adjustment. None objected to it.

3. Metro hearings officer Larry Epstein (the "hearings officer") held a duly noticed public hearing on May 10, 1995. Five witnesses testified in person in favor of the petition. At the conclusion of that hearing, the hearings officer held open the public record until May 17, 1995. There was no oral or written testimony against the petition.

1 **II. SUMMARY OF APPLICABLE STANDARDS AND RESPONSIVE FINDINGS**

2
3 1. A locational adjustment to add land to the UGB must comply with the relevant
4 provisions of Metro Code ("MC") sections 3.01.035(b), (c) and (f) and with the
5 Transportation Planning Rule in Oregon Administrative Rule ("OAR") section 660-12.
6

7 2. The hearings officer found that the petition complies with the applicable
8 standards based on findings summarized below:
9

10 a. The subject property is smaller than 20 acres. MC 3.01.035(b).
11

12 b. The subject property is served by urban services. MC 3.01.035(c)(1).
13

14 c. The locational adjustment results in a net improvement in the efficiency
15 of public facilities and services for land already in the UGB. MC 3.01.035(c)(1).
16

17 (1) Metro rules do not define how to calculate net efficiency of
18 urban services. The hearings officer concluded the Council has used a two-tiered burden
19 of proof regarding public service efficiencies. When a petition involves property already
20 developed for urban uses and served by public facilities, the Council has required a lesser
21 showing of service efficiencies, presumably because the locational adjustment has relatively
22 little impact. When a petition involves undeveloped property, Council has required a
23 greater showing of service efficiencies, because the locational adjustment would allow a
24 more significant land use change.
25

26 (2) In this case, the subject property is developed for urban uses
27 (and has been for more than 75 years) and is served by all urban facilities. Therefore the
28 hearings officer applied the lower burden of proof.
29

30 (3) The hearings officer found that the locational adjustment
31 marginally increases the efficiency of urban services to land already in the UGB by
32 allowing more intense use of the site without building new infrastructure. Therefore the
33 cost of urban facilities can be spread over a larger population, increasing the net return to
34 service providers. In this case, that is a sufficient showing of increased efficiency.
35

1 d. The locational adjustment will facilitate permitted development of
2 adjacent land already in the UGB, because it reinforces the historic commercial corridor
3 along TV Highway and the community activity center around the west edge of the subject
4 property. MC 3.01.035(c)(2).

5
6 e. There are no hazard or resource lands that will limit use of the subject
7 property, and there are no significant adverse environmental, energy, social or economic
8 consequences of the locational adjustment. MC 3.01.035(c)(3).

9
10 f. The locational adjustment does not convert farm land to urban use, and
11 nearby agricultural activities will not be adversely affected by urban use of the subject
12 property, because of its historic use for that purpose and because of the distance, railroad
13 and trees that separate the subject property from such activities. MC 3.01.035(c)(5).

14
15 g. The proposed UGB is superior to the existing UGB, because it includes
16 land that is and has been used for urban purposes for more than 75 years, and it is
17 consistent with applicable comprehensive plan and zoning designations that have applied to
18 the property for more than 30 years.

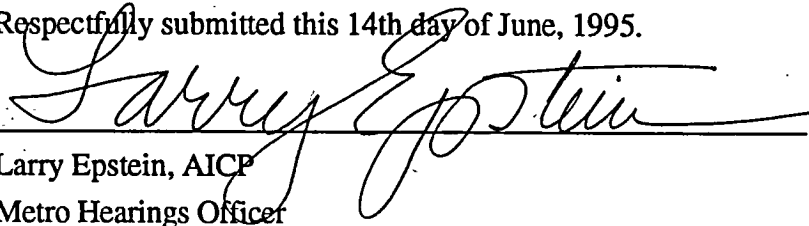
19
20 h. The petition includes all similarly situated land. MC 3.01.035(f)(3).

21
22 i. The locational adjustment will not significantly affect a transportation
23 facility. Therefore it is exempt from the Transportation Planning Rule. OAR 660-12-060.

24
25 **III. ULTIMATE CONCLUSION AND RECOMMENDATION**

26
27 For the foregoing reasons, the hearings officer concludes the petition complies with the
28 relevant approval standards for a locational adjustment adding land to the UGB. Therefore
29 the hearings officer recommends the Metro Council grant the petition, based on this Report
30 and Recommendation and the Findings, Conclusions and Final Order attached hereto.

31
32 Respectfully submitted this 14th day of June, 1995.

33
34 
35 Larry Epstein, AICP
36 Metro Hearings Officer

BEFORE THE METRO COUNCIL
IN THE STATE OF OREGON

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In the matter of the petition of Washington County) FINDINGS,
for a locational adjustment to add 5.47 acres to the) CONCLUSIONS &
Urban Growth Boundary south of Tualatin Valley) FINAL ORDER
Highway west of SW 209th Avenue) Contested Case No. 95-01

I. BASIC FACTS

1. On March 14, 1995, John Rosenberger filed a petition for a locational adjustment to the Urban Growth Boundary ("UGB") on behalf of the Washington County Department of Land Use and Transportation ("petitioners"), including exhibits required by Metro rules for locational adjustments. See Exhibit 1 for the petition for locational adjustment (the "petition"). Basic facts about the petition include the following:

a. The land to be added to the UGB consists of five contiguous tax lots and adjoining public right of way in Section 11, Township 1 South-Range 2 West, WM, Washington County (the "subject property"). The legal description of the subject property is included as Exhibit 1G. The subject property is a sliver of property between TV Highway and railroad tracks south of the highway and west of and adjoining SW 209th Avenue. The UGB abuts the west, north and east edges of the subject property. Land to the west, north and east is developed for commercial and residential purposes. Land to the south is used for the railroad tracks, south of which is farmland. The subject property and surrounding land are in Washington County's jurisdiction for planning purposes. The subject property is developed for roads, two retail businesses and commercial storage.

b. The record reflects that petitioners believed the UGB followed the railroad tracks; in which case, the subject property would have been inside the UGB. Petitioners have designated and zoned the subject property commercial and industrial since the 1960's, and it continues to be so designated and zoned, consistent with that belief. See Exhibits 11 and 12. However the record also reflects that petitioners' belief was in error. The UGB follows the centerline of TV Highway. Therefore the subject property is not inside the UGB. After petitioners learned this fact, they endeavored to have Metro construe the UGB to include the subject property. But Metro officials concluded they could not do so and urged petitioners to apply for a locational adjustment instead. See Exhibit 1D.

1
2 c. The subject property is served by public sanitary sewer and water
3 systems, public roads under the jurisdiction of Washington County or the Oregon
4 Department of Transportation ("ODOT"), public fire and police services, and public transit.
5 Each of the special districts or jurisdictions with public facility responsibilities testified in
6 writing that they can serve the subject property, and that they either support or have a
7 neutral position regarding the locational adjustment in this case. See Exhibits 1I through
8 1N. The Washington County Board of Commissioners also submitted a written statement
9 in support of the locational adjustment. See Exhibit 1P.

10
11 2. On or before April 20, 1995, Metro staff mailed notices of a hearing to consider
12 the petition by certified mail to the owners of property within 500 feet of the subject
13 property and to other individuals and entities entitled to notice under the Metro Code. The
14 notice and certificate of mailing are included as Exhibits 2 and 3. A notice of the hearing
15 also was published in *The Oregonian* at least 10 days before the hearing. See Exhibit 5.

16
17 3. On May 10, 1995, Metro hearings officer Larry Epstein (the "hearings officer")
18 held a public hearing at the Public Services Building auditorium in Hillsboro to consider the
19 petition. After the hearings officer described the rules for the hearing and the relevant
20 standards for the petition, five witnesses testified in person.

21
22 a. Metro planner Stuart Todd identified and described the subject property
23 and surrounding area. He introduced a copy of the 1979 UGB map to illustrate how the
24 petitioners could have construed the map to include the subject property in the UGB. He
25 explained that the subject property is the site of the some of the earliest commercial
26 development in Washington County, but, that its location outside the UGB precludes the
27 owners from undertaking more than ordinary maintenance on the subject property. He
28 summarized the written staff report, and urged the hearings officer to recommend that
29 Council approve the locational adjustment for the reasons contained therein.

30
31 b. Washington County planner Jim Tice, subject property owners Ed
32 Harvey and Edward Janssen, and neighbor Steve Larrance testified in favor of the petition.

33
34 (1) Mr. Tice argued that the locational adjustment is needed to allow
35 reasonable use of the subject property consistent with its historic use; that the UGB location
36 is in error; and that the subject property is uniquely situated with regard to the UGB. He

1 noted the property is designated "urban" on the County's acknowledged Community
2 Development Plan. He also argued that denial of the locational adjustment will result in a
3 less efficient use of urban land and urban services. See also Exhibit 12.

4
5 (2) Mr. Harvey introduced a copy of Exhibit 1B and testified in
6 favor of the amendment. Mr. Jannsen also testified in favor, noting that his family has
7 conducted business on a portion of the subject property for 75 years, and that the property
8 is too and too isolated by the railroad to be used for farm purposes. See also Exhibit 9.

9
10 (3) Mr. Larrance testified about the common belief that the subject
11 property was (or would be) in the UGB in the period from 1976 to 1980 when Mr.
12 Larrance participated in community planning as CPO chairman. He noted the UGB on the
13 relevant Washington County community plan map is situated along the railroad where the
14 petition proposes to move it. He argued that one of the purposes of an urban growth
15 boundary is to identify land devoted to urban uses. The subject property was obviously
16 used for urban purposes when the UGB was drawn. It appeared on the map that it was
17 included. Failure to do so in fact was an error and inconsistent with the concept of an
18 urban growth boundary. He argued that including the subject property in the UGB
19 increases the efficiency of urban services by making it possible to continue to use the
20 services that already are provided to the site, spreading the cost of services over a larger,
21 established client base. He argued that denial of the petition will result in service
22 inefficiencies, because the property will be lost from the client base, and because the
23 County will have to re-do the community plan to reflect the change in the UGB location.
24 Mr. Larrance requested that the hearings officer hold open the public record so that he
25 could prepare additional written argument. See Exhibit 11.

26
27 4. At the close of the May 10 hearing, the hearings officer left the record open until
28 May 17 to receive additional written evidence and testimony, which is noted above.

29
30 5. On June 14, 1995, the hearings officer filed with the Council a report,
31 recommendation, and draft final order granting the petition for the reasons provided
32 therein. Copies of the report and recommendation were timely mailed to parties of record
33 together with an explanation of rights to file exceptions thereto and notice of the Council
34 hearing to consider the matter.

1 6. On July ___, 1995, the Council held a duly noticed public hearing to consider
2 testimony and timely exceptions to the report and recommendation. After considering the
3 testimony and discussion, the Council voted to grant the petition for Contested Case No.
4 95-01 (Harvey), based on the findings in this final order, the report and recommendation of
5 the hearings officer in this matter, and the public record in this matter. The record includes
6 an audio tape of the public hearing on May 10, 1995 and the exhibits on the list attached to
7 the final order.

8
9 **II. APPLICABLE APPROVAL STANDARDS AND RESPONSIVE FINDINGS**

10
11 1. Metro Code section 3.01.035(b) and (c) contain approval criteria for all
12 locational adjustments. Metro Code section 3.01.035(f) contains additional approval
13 criteria for locational adjustments to add land to the UGB. The relevant criteria from those
14 sections are reprinted below in italic font. Following each criterion are findings explaining
15 how the petition does or does not comply with that criterion.

16
17 *All locational adjustment additions and administrative*
18 *adjustments for any one year shall not exceed 100 net acres*
19 *and no individual locational adjustment shall exceed 20 net*
20 *acres.* Metro Code section 3.01.035(b)

21
22 2. Because a total of less than 2 acres of land has been added to the UGB
23 by locational and administrative adjustments in the last twelve months, and the
24 subject property contains only 5.47 acres, including the subject property in the
25 UGB does not violate either of the size caps in Metro Code section 3.01.035(b).

26
27 *Orderly and economic provisions of public facilities and*
28 *services. A locational adjustment shall result in a net*
29 *improvement in the efficiency of public facilities and services,*
30 *including but not limited to, water, sewerage, storm drainage,*
31 *transportation, parks and open space in the adjoining areas*
32 *within the UGB; and any area to be added must be capable of*
33 *being served in an orderly and economical fashion.*

34 Metro Code section 3.01.035(c)(1)

1 3. The subject property can be served in an orderly and economic manner by public
2 facilities and services, including water, sanitary sewers, roads, storm drainage, transit and
3 emergency services, based on the comments in the record from the service providers.
4

5 4. Metro rules do not define how to calculate net efficiency of urban services. In
6 the absence of such rules, the Council must construe the words in practice. In this case,
7 the Council concludes the locational adjustment results in a net improvement in the
8 efficiency of public services sufficient to comply with Metro Code section 3.01.035(c)(1),
9 based on the following findings:
10

11 a. The subject property is developed with urban uses. It has urban services
12 connected to and indistinguishable from services inside the UGB. In the past, where a
13 petition before the Council proposed including developed land with urban services in-place,
14 the Council has imposed a lower burden of proof than where a petition involved
15 undeveloped land without in-place services. For instance, contrast the relevant findings in
16 Council Orders regarding UGB 91-04 (PCC Rock Creek), UGB 91-01 (Dammach) and
17 UGB 88-03 (St. Francis) with corresponding findings in Council Orders regarding UGB
18 94-01 (Starr/Richards), UGB 90-01 (Wagner) and UGB 88-02 (Mt. Tahoma).
19

20 b. The inclusion of the subject property in the UGB allows those properties
21 to continue to be used for urban purposes. Therefore, at a minimum, it sustains the
22 existing efficiency of urban services to the site and adjoining land already in the UGB.
23 Including the subject property in the UGB also allows those properties to be used more
24 intensively. Greater intensity of use is reasonably likely to require a greater quantity of
25 urban services. Because the infrastructure for those services already is in place, this
26 increase in the intensity of use will cause an increase in the efficiency of urban services,
27 because more services can be provided without additional infrastructure or capital
28 development by the service providers, accruing greater per capita return to the providers.
29

30 (1) For instance, the subject property is served by Tri Met bus route
31 57, which travels between Portland and Forest Grove. Including the subject property in
32 the UGB allows it to be used for a more intense use that would generate more transit
33 ridership without requiring Tri Met to add routes or buses. That improves the efficiency of
34 transit service delivery on a per capita basis.
35

1 (2) Also, there is not a sidewalk on the south side of TV Highway.
2 If the subject property is included in the UGB and is redeveloped, then a sidewalk would
3 have to be provided to comply with the County Road Standards. That will facilitate
4 pedestrian access to lands east and west of the site, which already are in the UGB. If the
5 petition is not granted, a sidewalk is not required to be built.

6
7 c. Numerous utilities cross the subject property. Including the subject
8 property in the UGB reduces land use constraints to the effective and efficient management
9 of those utilities, benefiting the urban area generally. See Exhibit 11.

10
11 d. Including the subject property in the UGB results in more efficient use
12 of land use planning services, because it avoids the need to re-do the adopted and
13 acknowledged Aloha/Reedville/Cooper Mountain Community Plan.

14
15 *Maximum efficiency of land uses. The amendment shall*
16 *facilitate needed development on adjacent existing urban land.*
17 *Needed development, for the purposes of this section, shall*
18 *mean consistent with the local comprehensive plan and/or*
19 *applicable regional plans.*

20 Metro Code section 3.01.035(c)(2)

21
22 5. Including the subject property in the UGB facilitates development on adjacent
23 existing urban land consistent with the local comprehensive plan, because it reinforces the
24 historic commercial corridor along TV Highway and the community activity center around
25 the west edge of the subject property. If the petition is denied, it would preclude urban use
26 of the subject property, except as a nonconforming use, and would therefore detract from
27 the character intended by the plan map designation and text for the area.

28
29 *Environmental, energy, social & economic consequences. Any*
30 *impact on regional transit corridor development must be*
31 *positive and any limitations imposed by the presence of hazard*
32 *or resource lands must be addressed.*

33 Metro Code section 3.01.035(c)(3)

1 6. The Council has considered economic, energy, social and environmental
2 impacts of including the subject property in the UGB, and concludes that it will not have
3 adverse economic, energy, social or environmental impact, because:

4
5 a. Including the land in the UGB results in a positive economic impact by
6 allowing the historic commercial use of the property to continue, benefiting the property
7 owners, the business community of which the subject property is a part, and people who
8 shop or work in that community.

9
10 b. Including the land in the UGB results in positive energy impacts,
11 because the land is served by public transit and is developed with existing infrastructure.

12
13 c. Including the land in the UGB results in positive social impacts, because
14 it reinforces the business community in which the subject property is situated.

15
16 d. The land does not contain steep slopes, hazardous soils, wetlands or
17 natural habitat, or other unique or significant environmental features that could be adversely
18 affected by urban development.

19
20 *Compatibility of proposed urban uses with nearby agricultural*
21 *activities. When a proposed adjustment would allow an urban*
22 *use in proximity to existing agricultural activities, the*
23 *justification in terms of this subsection must clearly outweigh*
24 *the adverse impact of any incompatibility.*

25 Metro Code section 3.01.035(c)(5)

26
27 7. The Council finds there are agricultural activities south of the railroad tracks
28 south of the subject site, but that potential adverse impacts on those activities from urban
29 uses on the subject property are not reasonably likely, because the subject property is
30 separated from agricultural activities by a relatively large distance, railroad tracks, and a
31 band of mature trees.

32
33 *Superiority. [T]he proposed UGB must be superior to the*
34 *UGB as presently located based on a consideration of the*
35 *factors in subsection (c) of this section.*

36 Metro Code section 3.01.035(f)(2)

1
2 8. The Council finds that the proposed UGB would be superior to the UGB as
3 presently located, because the amended UGB would better reflect the historic location of
4 urban uses on the subject property and would better fulfill the local comprehensive plan for
5 the area.

6
7 *Similarly situated land. The proposed UGB amendment must*
8 *include all similarly situated contiguous land which could also*
9 *be appropriately included within the UGB as an addition based*
10 *on the factors above. Metro Code section 3.01.035(f)(3)*

11
12 9. The Council finds the subject property is isolated from other land outside the
13 UGB by the railroad tracks. Therefore there is no similarly situated property which could
14 also be appropriately included within the UGB based on the factors above.

15
16 10. Even though it is not identified as an applicable approval standard in the Metro
17 Code, a quasi-judicial amendment to the UGB is subject to compliance with the
18 Transportation Planning Rule if the amendment will significantly affect a transportation
19 facility. OAR 660-12-060(1). See Exhibit 6. The Council finds the amendment in this
20 case will not significantly affect a transportation facility, because the amendment largely
21 recognizes historic urban use of the land in question. It does not change the functional
22 classification of adjoining roads or the standards for implementing a functional
23 classification system. It does not allow uses inconsistent with the functional classification
24 of the adjoining roads or reduce the level of service of the facility. OAR 660-12-060(2)

25
26 **III. CONCLUSIONS AND ORDER**

27
28 1. Public services and facilities, including water, sewer, storm drainage,
29 transportation, schools, transit and police and fire protection, can be provided to the site in
30 an orderly and economical fashion.

31
32 2. Addition of the site would result in a slight improvement in the efficiency of
33 public services and facilities, because the subject property already is developed with urban
34 uses and is served by urban infrastructure, so that including the subject property in the
35 UGB allows the property to be used for more intensive purposes that would result in

1 additional use of available public service capacity without requiring additional investment in
2 public service infrastructure.

3
4 3. The locational adjustment facilitates development of land within the UGB
5 consistent with the Washington County Community Development Plan and land use
6 regulations by allowing the property to be used for urban commercial purposes.

7
8 4. The locational adjustment will have a positive impact on regional transit corridor
9 development and will not have significant adverse energy, social and environmental
10 consequences.

11
12 5. The subject property does not include agricultural land, and is separated from
13 existing agricultural activities by distance and barriers such that there is a negligible
14 potential for adverse impacts on agricultural activities from urban uses on the subject
15 property. Therefore the location adjustment will not remove agricultural land nor conflict
16 with agricultural activities on nearby land.

17
18 6. The locational adjustment will result in a superior UGB, because it allows the
19 property to be used consistent with the Washington County Community Development Plan
20 and land use regulations.

21
22 7. The petition includes all similarly situated contiguous land outside the UGB.

23
24 8. The petition complies with the Transportation Planning Rule.

25
26 9. For the foregoing reasons, the Council hereby approves the petition in
27 Contested Case 95-01.

28
29 DATED: _____

30
31 By Order of the Metro Council
32
33 By:
34 _____

ATTACHMENT "A" TO THE FINAL ORDER
IN THE MATTER OF CONTESTED CASE 95-01

EXHIBITS

Exhibit No. Subject matter

- 1 Petition for locational adjustment
- 1A Letter from John Rosenberger to Andy Cotugno dated March 14, 1995
- 1B Letter from Ed Harvey to Bonnie Hays dated May 24, 1994
- 1C Letter from John Rosenberger to Andy Cotugno dated October 18, 1994
- 1D Letter from Mike Burton to John Rosenberger dated January 18, 1995
- 1E Zoning and parcel maps and table of characteristics of petitioned properties
- 1F Certification of property owners list
- 1G Legal description of petitioned properties
- 1H Letter from Jim Tice to Stuart Todd dated April 3, 1995
- 1I Service provider comment from Tri Met dated March 10, 1995
- 1J Service provider comment from ODOT dated March 1, 1995
- 1K Service provider comment from Tualatin Valley Water District dated 2/16/95
- 1L Service provider comment from County Sheriff dated 2/9/95
- 1M Service provider comment from TVFRD dated 2/9/95
- 1N Service provider comment from Unified Sewerage Agency dated 2/8/95
- 1O Memorandum from Brent Curtis to Planning Commission dated 2/15/95
- 1P Washington County Board of Commissioners agenda for 3/7/95
- 2 Mailed notice of public hearing and attached maps
- 3 Certificates of mailing of public notices
- 4 List of property owners within 500 feet
- 5 Published notice of hearing
- 6 Memorandum from Larry Shaw to Andy Cotugno dated April 12, 1995
- 7 Memorandum from Stuart Todd to Larry Epstein dated April 28, 1995
- 8 Metro Staff Report dated April 28, 1995
- 9 Letter from Edward Jannsen to Metro dated May 9, 1995
- 10 Letter from Stuart Todd to Larry Epstein dated 5/15/95 and attached map
- 11 Letter from Steve Larrance to Stuart Todd dated May 15, 1995
- 12 Letter from Jim Tice to Larry Epstein dated May 17, 1995 with enclosure
- 13 Assessment & Taxation maps (1S-2-11, 11BD, 11AC, 11DA, and 11BC)
- 14 Washington County GIS maps (land use, transportation, comp plan)

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 95-612 AMENDING THE URBAN GROWTH BOUNDARY FOR THE SUBJECT PROPERTY OF UGB CONTESTED CASE 95-1: HARVEY/WASHINGTON COUNTY, LOCATED ALONG THE TUALATIN VALLEY HIGHWAY IN WASHINGTON COUNTY.

Date: July 10, 1995

Presented by: Larry Epstein, Hearings Officer
Prepared by: Stuart Todd, Growth Management

FACTUAL BACKGROUND AND INFORMATION

The Tualatin Valley Highway in the vicinity of S.W. 209th to S.W. 216th (were it to connect with the Tualatin Valley Highway) makes a swerve to the north of the railroad tracks as opposed to running directly parallel. Five tax lots occupy the land between the roadway and railroad here. This was the site of the original Reedville railroad stop, and one of the oldest commercial locations in the County. Prior to designation of the Urban Growth Boundary (UGB) by the Columbia Region Association of Governments and by Metro in the late 1970's, this property was in commercial and light industrial use. It is served by sewer and water, is along a transit corridor, is zoned General Commercial under the Washington County Comprehensive Plan, and is currently the site of several businesses.

The original regional UGB map, before it was transferred to the detailed section maps, show the boundary running along the Tualatin Valley Highway. The swerve in the roadway is less evident at the regional scale and was obviously never noticed as an issue in previous urban growth boundary reviews. Washington County assumed the UGB to be parallel to the railroad tracks in this vicinity, and not excluding any developed land between the roadway and the tracks. They were not aware of the interpretation of the Boundary along the centerline of distinguishing boundaries such as the Tualatin Valley Highway, a specific boundary location lettered on the original UGB map as adopted by Metro in 1979.

The hearing on the petition to include this land between the roadway centerline and the railroad tracks right-of-way showed that considerable urban service provision and planning has occurred at the subject site, emphasizing its urban nature. A net improvement of service efficiency will accrue to urban services inside the Boundary through continued urban improvements to these properties (including potential redevelopment), increasing utilization of existing urban services. This makes for a logical adjustment of the UGB under the Metro Code. There are no adverse effects of such an adjustment. The Hearings Officer report details how the petition meets the criteria in this case.

PROPOSED ACTION

This is an ordinance to amend the UGB for 5.47 acres between the centerline of the Tualatin Valley Highway and the north line of the Southern Pacific Railroad right-of-way, between S.W. 209th and approximately S.W. 216 (if it came through to Tualatin Valley Highway).

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No.95-612.