

BEFORE THE METRO COUNCIL

AMENDING THE URBAN GROWTH BOUNDARY) ORDINANCE NO. 95-613
FOR CONTESTED CASE 95-3: JENKINS ESTATE,)
TO INCLUDE 68 ACRES OF PARK PROPERTY) Introduced by Mike Burton
LOCATED IN WASHINGTON COUNTY) Executive Officer

WHEREAS, Metro received a petition for a natural are locational adjustment for property owned by the Tualatin Hills Park and Recreation District; and

WHEREAS, A natural area adjustment is considered to be a no net urban acreage gain except for any developable portion, for which there was none in this petition; and

WHEREAS, The Jenkins Estate property is considered to be substantially in its natural and unaffected state, and is identified as a regionally significant greenspace in the Metro Greenspaces Master Plan; and

WHEREAS, Metro held a hearing to consider the petition, conducted by an independent hearings officer on May 25, 1995; and

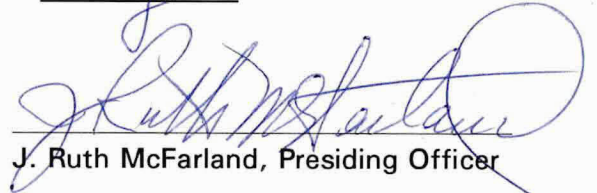
WHEREAS, No exceptions were received to the Hearings Officer's Report and Recommendation; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The Urban Growth Boundary be amended to include the Jenkins Estate 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:



Recording Secretary




Approved as to Form:

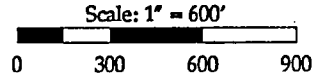
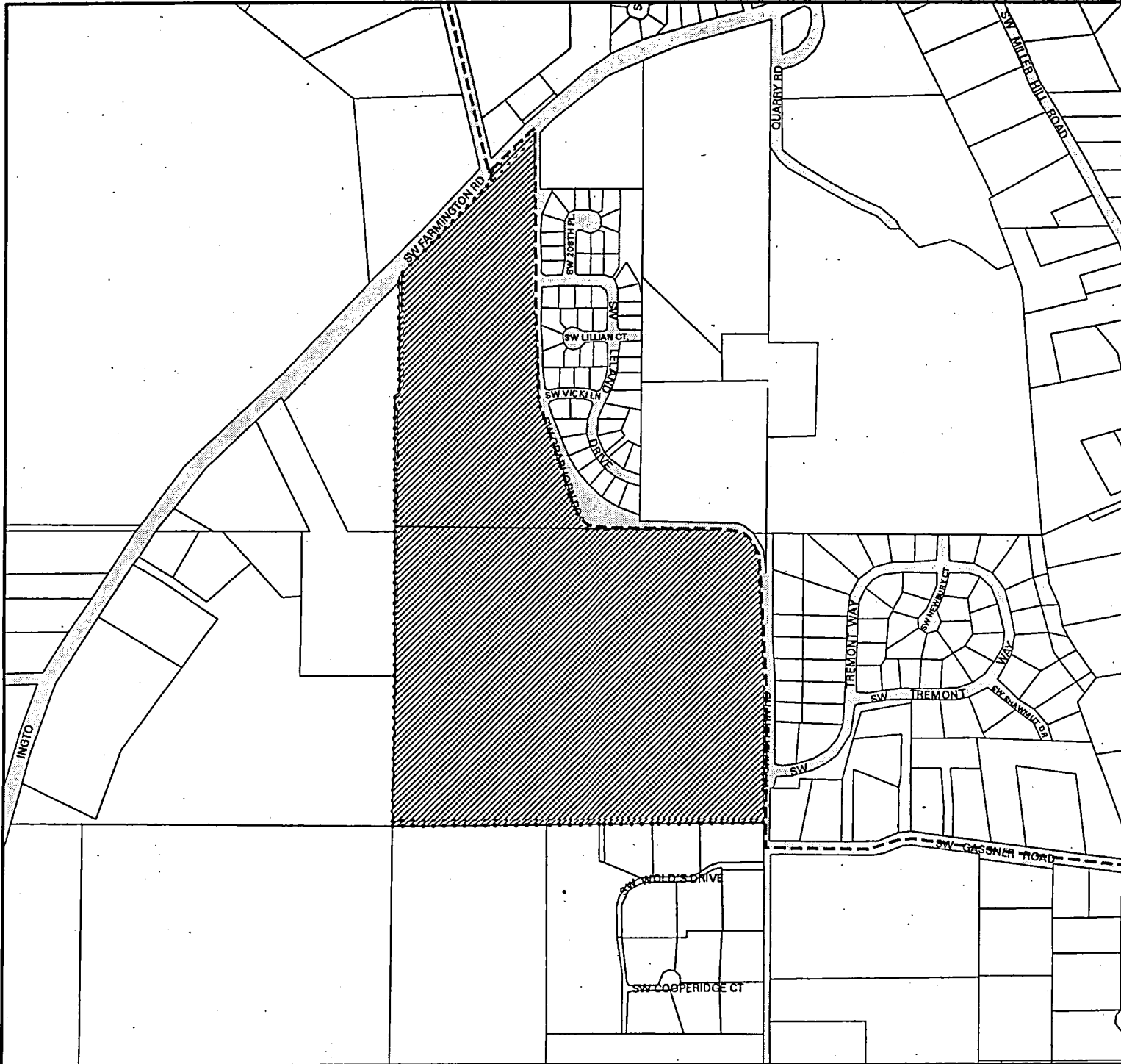


Daniel B. Cooper, General Counsel

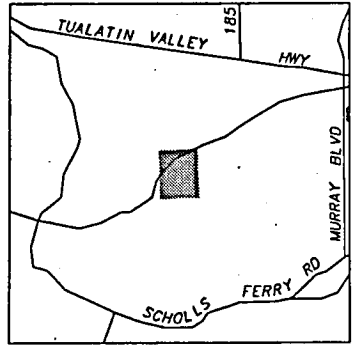
UGB Contested Case: 95-3

Jenkins Estate

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



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Location map

BEFORE THE METRO HEARINGS OFFICER
IN THE STATE OF OREGON

In the matter of the petition of Tualatin Hills Park and Recreation District for a natural area locational adjustment to add 68.04 acres to the Urban Growth Boundary in Washington County, Oregon) HEARINGS OFFICER'S REPORT AND RECOMMENDATION Contested Case No. 95-03

I. SUMMARY OF BASIC FACTS

1. On March 15, 1995, the Tualatin Hills Park and Recreation District ("THPRD" or "petitioners") filed a petition for a natural area locational adjustment to the Urban Growth Boundary ("UGB") to add to the UGB 68.04 acres (the "subject property") known as the "Jenkins Estate". The subject property is owned by THPRD and is used for park and open space purposes, including related structures and improvements. This is the first petition for a natural area locational adjustment under the Metro Code.

a. The subject property is south of Farmington Road and west of Grabhorn Road in unincorporated Washington County. It is designated and zoned AF-10 (Agricultural/Forest) and EFC (Exclusive Forest Conservation). If the petition is approved, the proposed plan and zoning designation will be Urban Institutional. The UGB now adjoins the east and north sides of the subject property. There are homes to the east, homes and businesses to the north, and farms and rural dwellings to the south and west.

2. The subject property is not served by public sewer. It is served by a public water system, roads under jurisdiction of Washington County or the Oregon Department of Transportation ("ODOT"), public transit and emergency services. The petition was accompanied by comments from affected jurisdictions and service providers, each of whom certified 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 25, 1995. Four witnesses testified in person in favor of the petition. At the conclusion of that hearing, the hearings officer closed the public record. There was no oral or written testimony against the petition.

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

2
3 1. A natural area locational adjustment to add land to the UGB must comply with
4 the relevant provisions of Metro Code ("MC") sections 3.01.035(f) and (g) 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 petition is proposed by the owner of the property, who also is a
11 public agency with recognized park and recreation responsibilities. MC 3.01.035(g)(1).

12
13 b. The subject property is substantially in a natural state. MC
14 3.01.035(g)(2). There is some development on the property, including the main residence,
15 a farm house, a stable, a pump house, a carriage house, a water tower and Camp Rivendale
16 day camp. However the majority of the property is in a forested or pasture condition.
17 Development that has occurred or is anticipated on the property affects a relatively small
18 area of the property, and serves only the park and recreational use of the property. Given
19 these facts, the hearings officer recommends the Council find that the subject property is
20 substantially without human development and is substantially in a native condition.

21
22 c. The hearings officer recommends that the Council find that the subject
23 property does not contain "developable" area, as that term is used in MC 3.01.035(g)(3)
24 and (g)(5), because the property is used exclusively for park and recreation purposes. The
25 term "developable" is ambiguous. The hearings officer recommends the Council construe
26 that term to exclude the park and open space activities in this petition, because such
27 activities depend on the preservation of the natural and undeveloped character of the subject
28 property. Although those activities may require a limited amount and area of grading,
29 construction, and paving commonly recognized as development in local land use codes,
30 they are secondary to the primary use of the land for park and open space. As long as
31 those activities remain secondary to the principal open space character of the property, the
32 hearings officer believes they should not be construed to be development in this context.
33 However, because the subject property could be used for other than park and open space
34 purposes if the petition is approved, the hearings officer also recommends the Council
35 impose a condition of approval prohibiting use of the property for other than park and open
36 space purposes and related incidental and accessory purposes.

1
2 d. The subject property is identified as open space on the Metro open space
3 inventory. MC 3.01.035(g)(4).
4

5 e. The proposed UGB is superior to the existing UGB, because it includes
6 land that is and has been used principally to serve residents of the urban area. MC
7 3.01.035(f)(2).
8

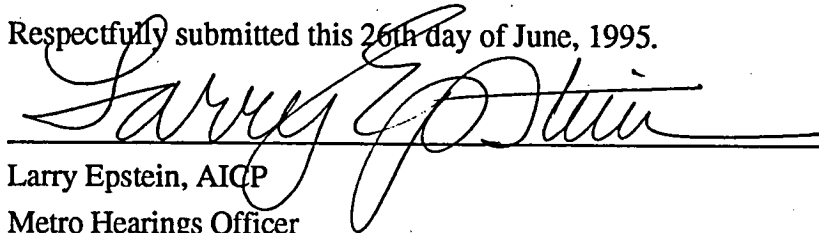
9 f. The petition includes all similarly situated land. MC 3.01.035(f)(3).
10

11 g. The locational adjustment will not significantly affect a transportation
12 facility. Therefore it is exempt from the Transportation Planning Rule. OAR 660-12-060.
13

14 **III. ULTIMATE CONCLUSION AND RECOMMENDATION**
15

16 For the foregoing reasons, the hearings officer concludes the petition complies with the
17 relevant approval standards for a natural area locational adjustment adding land to the
18 UGB, subject to a condition limiting the permitted use of the property to park and open
19 space purposes and related accessory incidental uses. Therefore the hearings officer
20 recommends the Metro Council grant the petition, subject to the recommended condition,
21 based on this Report and Recommendation and the Findings, Conclusions and Final Order
22 attached hereto.
23

24 Respectfully submitted this 26th day of June, 1995.

25 
26 _____
27 Larry Epstein, AICP
28 Metro Hearings Officer

BEFORE THE METRO COUNCIL
IN THE STATE OF OREGON

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36</p>	<p>In the matter of the petition of Tualatin Hills Park and Recreation District for a natural area locational adjustment to add 68.04 acres to the Urban Growth Boundary in Washington County, Oregon)</p>	<p>FINDINGS, CONCLUSIONS & FINAL ORDER Contested Case No. 95-03</p>
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I. BASIC FACTS

1. On March 15, 1995, the Tualatin Hills Park and Recreation District ("THPRD" or "petitioners") filed a petition for a natural area locational adjustment to the Urban Growth Boundary ("UGB"), including exhibits required by Metro rules for natural area locational adjustments. See Exhibit 1 for the petition for locational adjustment (the "petition"). Basic facts about the petition include the following:

a. The petitioner proposes to add two tax lots containing 68.04 acres to the UGB (TL 100, NE 1/4 of Section 25, T1S-R2W and TL 1100, SE 1/4 of Section 23, T1S-R2W, WM, Washington County (the "subject property")). The legal description of the subject property is included as Exhibit 1G. It is situated south of and adjoining SW Farmington Road and west of and adjoining Grabhorn Road. It adjoins the existing UGB. The subject property commonly is known as the "Jenkins Estate." The property contains substantial forest and meadow areas and improvements associated with the historic homestead on the property, including the main residence, a farm house, a stable, a pump house, a carriage house, a water tower and Camp Rivendale day camp. The property is used as a recreational site. It is not occupied for residential purposes. To the east of Grabhorn Road are single family homes in urban subdivisions. To the south and west are rural residences and farmland. To the north are residential and commercial uses along Farmington Road.

b. The subject property is in Washington County for purposes of land use planning. The County Community Development Plan designates the north third of the property as Agricultural/Forest and the remainder as Exclusive Forest Conservation. The north third of the property is zoned AF-10 (Agricultural/Forest) and the remainder is zoned EFC (Exclusive Forest Conservation). If the petition is approved, the proposed plan map designation and zoning will be Urban Institutional.

1
2 c. The subject property is not served by public sanitary sewer, but USA
3 indicates they can serve the property with sewer from a line with 150 feet of the property.
4 Service is being considered now regardless of the UGB amendment, because a septic
5 system on the property has failed. See Exhibit 1H. The subject property is served by a
6 public water system operated by Tualatin Valley Water District. The subject property
7 adjoins Farmington Road, a major arterial under jurisdiction of the Oregon Department of
8 Transportation ("ODOT"), and Grabhorn Road, a major collector under county jurisdiction.
9 There is direct vehicular access from the subject property to Grabhorn Road and pedestrian-
10 only access to Farmington Road. Tri-Met provides bus service along Farmington Road.
11 The Washington County Sheriff and Tualatin Valley Fire and Rescue District ("TVFRD")
12 provide emergency services to the property. Each of the special districts or jurisdictions
13 with public facility responsibilities testified in writing that they can serve the subject
14 property, and that they either support or have a neutral position regarding the locational
15 adjustment in this case. See Exhibits 1H through 1M. The Washington County Board of
16 Commissioners also submitted a written statement in support of the locational adjustment.
17 See Exhibit 1O.

18
19 2. On or before May 4, 1995, Metro staff mailed notices of a hearing to consider
20 the petition by certified mail to the owners of property within 500 feet of the subject
21 property and to other individuals and entities entitled to notice under the Metro Code. The
22 notice and certificate of mailing are included as Exhibits 2 and 3. A notice of the hearing
23 also was published in *The Oregonian* at least 10 days before the hearing. See Exhibit 5.

24
25 3. On May 25, 1995, Metro hearings officer Larry Epstein (the "hearings officer")
26 held a public hearing at the THPRD offices at 15707 SW Walker Road, Beaverton, to
27 consider the petition. After the hearings officer described the rules for the hearing and the
28 relevant standards for the petition, four witnesses testified in person.

29
30 a. Metro planner Stuart Todd identified and described the subject property
31 and surrounding area. He summarized the written staff report and submitted an amendment
32 to it together with a memorandum from the petitioner. See Exhibits 7 and 8. He urged the
33 hearings officer to recommend that Council approve the locational adjustment for the
34 reasons contained therein.

1 b. Jim McElhinny, Tom Jones and Dave Siegel testified in favor of the
2 petition.

3
4 (1) Mr. McElhinny summarized the history of the use of the subject
5 property and the petitioner's intentions if the locational adjustment is approved.

6
7 (2) Mr. Jones summarized the master plan for the subject property,
8 noting that the existing nonconforming status of the recreational use on the property makes
9 it difficult to implement the master plan, even to do something as simple as installing a rest
10 room for handicapped people. Washington County cannot apply an institutional zone
11 outside the UGB, so the locational adjustment is needed to allow zoning that would make
12 the park a conforming use. He noted that septic systems serving several buildings on the
13 site have failed, and the locational adjustment is needed to allow sewer service without an
14 extraordinary extraterritorial extension.

15
16 (3) Mr. Siegel testified about traffic and the surrounding roads and
17 responded to questions.

18
19 c. Richard Turner, who owns property south of the subject property,
20 testified with questions about noise from and the proposed operating hours of the park and
21 camp in general and a planned open-air amphitheater and parking in particular. Mr.
22 McElhinny responded that the amphitheater will accommodate 250 to 300 people at a time.
23 The camp serves 280 to 400 children per camp day. The proposed parking is intended to
24 replace existing on-street parking, thereby making the streets safer for vehicles and
25 pedestrians.

26
27 4. At the close of the May 25 hearing, the hearings officer closed the public record.

28
29 5. On June 26, 1995, the hearings officer filed with the Council a report,
30 recommendation, and draft final order granting the petition for the reasons provided
31 therein. Copies of the report and recommendation were timely mailed to parties of record
32 together with an explanation of rights to file exceptions thereto and notice of the Council
33 hearing to consider the matter.

1 6. On _____, 1995, the Council held a duly noticed public hearing to
2 consider testimony and timely exceptions to the report and recommendation. After
3 considering the testimony and discussion, the Council voted to grant the petition for
4 Contested Case No. 95-03 (Jenkins Estate), based on the findings in this final order, the
5 report and recommendation of the hearings officer in this matter, and the public record in
6 this matter. The record includes an audio tape of the public hearing on May 25, 1995 and
7 the exhibits on the list attached to the final order.

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

10
11 1. Metro Code section 3.01.035(f) and (g) contain approval criteria for natural area
12 locational adjustments. The relevant criteria from those sections are reprinted below in
13 italic font. Following each criterion are findings explaining how the petition does or does
14 not comply with that criterion.

15
16 *Natural area adjustments must be proposed by the property*
17 *owner with concurrence from the agency accepting the natural*
18 *area.* Metro Code section 3.01.035(g)(1)

19
20 2. The petitioner owns the subject property and is a public agency. Therefore the
21 petition complies with MC 3.01.035(g)(1).

22
23 *At least 50% of the land and all land in excess of 40 acres in*
24 *the petition shall be owned or donated to a parks district in its*
25 *natural state without extraction of resources or alteration of*
26 *water features.* Metro Code section 3.01.035(g)(2)

27
28 3. All of the subject property is and will continue to be owned by a park district.
29 No extraction of resources or alteration of water features has occurred on the property. The
30 subject property has been used for a farm, park and day camp, and there are structures and
31 improvements reflecting that historic use. That raises an issue of whether the property or at
32 least 50% of the property is in a "natural" state. The Council finds that property is in a
33 natural state if it is exclusively or substantially without human development, structures and
34 paved areas and which is wholly or substantially in a native and unaffected state. This
35 closely parallels the definition of "natural area" in MC 3.01.10(l). In this case, because the
36 majority of the property is forest and pasture land, enough of the property in question is in

1 a natural state to fulfill the "natural" state requirement in this section. Therefore the petition
2 complies with MC 3.01.035(g)(2).

3
4 *Any developable portion of the area included in the petition,*
5 *not designated as natural area, shall not exceed 20 acres and*
6 *shall lie between the existing UGB and the natural area.*

7 Metro Code section 3.01.035(g)(3)

8
9 5. To address MC 3.01.035(g)(3), Council must define the term "developable",
10 because it is ambiguous. Any land *can* be developed. Council did not intend to apply the
11 term so strictly, or else natural area locational adjustments would not be possible. Council
12 finds that land that is held exclusively for parks and open space use and is identified as
13 such in the Metro inventory of open spaces is not developable in the sense that Council
14 intended that term. Therefore, if the subject property is used only for parks and open space
15 purposes, it is not developable.

16
17 6. In this case, petitioner owns the property and has been using and intends to
18 continue to use the property for park and open space purposes. However, notwithstanding
19 this history and intent, in the absence of conditions restricting the future use of the
20 property, it could be used for any purpose if it is included in the UGB. Council notes that
21 is what happened after a locational adjustment was granted for the Dammasch State
22 Hospital. It is to be used for other purposes, notwithstanding the locational adjustment
23 was approved based in part on the property's continued use for a hospital.

24
25 7. Pursuant to MC 3.01.04(a), the Council finds that the petition should be granted
26 subject to a condition that limits use of the property to park and open space purposes and
27 accessory activities. If this condition is imposed, Council finds the petition complies with
28 MC 3.01.035(g)(3), because the subject property is not developable. The Council further
29 finds that limited use of the property for incidental accessory activities that are clearly
30 secondary to the use of the property for park and open space purposes should be permitted
31 by the condition of approval. This would allow the petitioner to conduct such activities as
32 day camping, concerts, weddings and similar personal, cultural and business events,
33 provided such events do not dominate use of the property.

1 ***The natural area must be identified in a city or county***
2 ***comprehensive plan as open space or the equivalent, or in***
3 ***Metro's natural area and open space inventory.***

4 Metro Code section 3.01.035(g)(4)

5
6 8. The subject property is identified a "regionally significant greenspace in public
7 ownership" in the Metro Greenspace Master Plan.

8
9 ***The developable portion of the petition shall meet additional***
10 ***locational adjustment criteria, including orderly and economic***
11 ***provision of services, maximum efficiency of land uses, and***
12 ***environmental, energy, social & economic consequences.***

13 Metro Code section 3.01.035(g)(5)

14
15 9. As noted above, the Council finds the subject property is not developable.
16 Therefore MC 3.01.035(g)(5) does not apply in this case.

17
18 ***The proposed UGB must be superior to the UGB as presently***
19 ***located based on a consideration of the factors in subsection***
20 ***(c) of this section.*** Metro Code section 3.01.035(f)(2)

21
22 10. The Council finds that the proposed UGB would be superior to the UGB as
23 presently located, because the amended UGB would include in the urban area property
24 used for park and open space purposes principally for residents of the urban area. Because
25 the park will serve an increasing number of urban area residents, even the substantially
26 natural park area will need to provide basic infrastructure for those users, such as sewer
27 and water service. The proposed UGB also would be superior to the UGB as presently
28 located, because it would allow public sewer and water systems to serve the property.

29
30 ***The proposed UGB amendment must include all similarly***
31 ***situated contiguous land which could also be appropriately***
32 ***included within the UGB as an addition based on the factors***
33 ***above.*** Metro Code section 3.01.035(f)(3)

1 11. The Council finds there is no similarly situated property which could also be
2 appropriately included within the UGB based on the factors above, because the contiguous
3 lands are not owned by the petitioner nor are they used for park and open space purposes.
4 Therefore the petition complies with MC 3.01.035(f)(3).
5

6 12. Although it is not an applicable approval standard in the Metro Code, a quasi-
7 judicial amendment to the UGB is subject to compliance with the Transportation Planning
8 Rule if the amendment will significantly affect a transportation facility.¹
9

10 13. The Council finds the proposed amendment *per se* does not increase the
11 number of vehicle trips to and from the property. Future development anticipated by
12 petitioner may increase the total number of vehicle trips associated with the property by an
13 unknown amount. However the Council finds traffic associated with the property is
14 primarily off-peak, so that additional vehicle trips associated with the property will not
15 exceed transportation system capacities that are based on peak traffic loads. Also petitioner
16 submitted information about traffic impacts, based on which Council finds that additional
17 traffic from the property will not exceed the capacity of affected streets nor reduce the level
18 of service of affected intersections below a level of service "B". The amendment does not
19 change nor warrant the change of the functional classification of adjoining roads nor the
20 standards for implementing a functional classification system. It does not allow uses
21 inconsistent with the functional classification of the adjoining roads. OAR 660-12-060(2).
22 Based on the foregoing, the Council finds the amendment in this case will not significantly
23 affect a transportation facility. In any event, the Council finds the amendment will allow
24 only land uses that are consistent with identified function, capacity and level of service of
25 the facility. Therefore the amendment complies with the Transportation Planning Rule.
26

27 III. CONCLUSIONS AND ORDER

28

29 1. THPRD, a recognized public agency with responsibility for park and recreation
30 activities in the area, proposed the natural area locational adjustment to enhance park and
31 recreation facilities on land it owns and intends to continue to own.

¹ Oregon Administrative Rule (OAR) 660-12-060(1) provides:

*Amendments to functional plans, acknowledged comprehensive plans,
and land use regulations which significantly affect a transportation
facility shall assure that allowed land uses are consistent with identified
function, capacity, and level of service of the facility.*

1
2 2. Substantially all of the subject property is in a natural state, because it is used
3 exclusively for park and open space purposes and consists largely of forest and meadow.
4

5 3. The subject property does not include "developable" land, because the property
6 is used only for park and open space purposes. However, to ensure the land continues to
7 be used for that purpose, the natural area locational adjustment should be approved only if
8 subject to a condition limiting use of the property to park and open space purposes and
9 related incidental accessory activities, such as day camping, concerts, weddings and similar
10 personal, cultural and business events.
11

12 4. The subject property is identified a "regionally significant greenspace in public
13 ownership" in the Metro Greenspace Master Plan.
14

15 5. The locational adjustment will result in a superior UGB, because it includes in
16 the UGB property that is and will be used primarily to fulfill the park and recreation needs
17 of residents of the urban area, and because it allows connection to urban services
18 necessarily to accommodate the users of the property.
19

20 6. The petition includes all similarly situated contiguous land outside the UGB.
21

22 7. The petition complies with the Transportation Planning Rule.
23

24 8. For the foregoing reasons, the Council hereby approves the petition in
25 Contested Case 95-03 (Jenkins Estate), subject to the following condition of approval:
26

27 The subject property may be used only for park and open space purposes
28 and related incidental accessory activities, such as day camping, concerts
29 and weddings and similar personal, cultural and business events.
30

31 DATED: _____
32

33 By Order of the Metro Council
34

35 By:
36 _____

ATTACHMENT "A" TO THE FINAL ORDER
IN THE MATTER OF CONTESTED CASE 95-03 (Jenkins Estate)

EXHIBITS

<u>Exhibit No.</u>	<u>Subject matter</u>
1	Petition for locational adjustment
1A	Letter from David Siegel to Stuart Todd dated March 15, 1995
1B	Calculation of UGB Amendment Deposit and copy of deposit check
1C	Executive summary
1D	Site plan superimposed on aerial photograph
1E	Zoning and parcel maps
1F	List of property owners
1G	Legal description of petitioned properties
1H	Service provider comment from Unified Sewerage Agency dated 3/2/95
1I	Service provider comment from Unified Sewerage Agency dated 3/2/95
1J	Service provider comment from Tualatin Valley Water District dated 3/2/95
1K	Service provider comment from TVFRD dated 3/3/95
1L	Service provider comment from County Sheriff dated 3/3/95
1M	Service provider comment from ODOT dated 3/3/95
1N	Letter from John Rosenberger to Andy Cotugno dated 3/3/95
1O	Washington County Board of Commissioners agenda for 3/28/95
1P	Memorandum from Brent Curtis to Planning Commission dated 3/14/95
1Q	Letter from David Siegel to Stuart Todd dated 4/3/95 certifying mailing list
2	Mailed notice of public hearing and attached maps
3	Certificates of mailing of public notices
4	Letter from Charles Ciekko to Stuart Todd dated 4/13/95
5	Published notice of hearing
6	Metro Staff Report dated 5/15/95 and attachments
7	Letter from Stuart Todd to Larry Epstein dated 5/25/95
8	Memorandum from Michelle Becker to Dave Siegel dated 5/19/95

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 95-613 AMENDING THE URBAN GROWTH BOUNDARY FOR CONTESTED CASE 95-3: JENKINS ESTATE, TO INCLUDE 68 ACRES OF PARK PROPERTY LOCATED IN WASHINGTON COUNTY.

Date: July 17, 1995

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

FACTUAL BACKGROUND AND INFORMATION

The Tualatin Hills Park and Recreation District (THPRD) petitioned Metro in March 1995 for a natural area locational adjustment. The 68 acres, known as the Jenkins Estate, is considered a zero-acre addition of urban land to the Boundary, since there is no traditional development associated with the proposal. A natural area is defined in the Metro Code (3.01) as wholly or substantially in its native and unaffected state without paving or extraction or alteration of watercourses. Also, a natural area must be identified on a local or regional plan and be owned or donated to a parks district.

The reason for the request from THPRD is to make small improvements to the property under a recently approved master plan for the property and to utilize bond funds so designated for these park improvements. By bringing the property inside the Urban Growth Boundary (UGB) THPRD can apply to Washington County for an institutional zone, and avoid non-conforming use status of improvements in the current resource/conservation zones. These improvements include an open field for an amphitheater (200-300 persons), paving one gravel parking area, sewerage the property which includes one failing septic system and improving walking paths on the site.

The Hearings Officer Report and Recommendation found the petition met the criteria for a natural area petition. The proposed findings and final order are attached to the ordinance, including the condition that the property be used as a park.

PROPOSED ACTION

An ordinance amending the UGB for the 68-acre Jenkins Estate. The ordinance adopts the Hearing's Officer Report and Recommendation as well as his Findings, Conclusion and Final Order.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No.95-613.