

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING A ) RESOLUTION NO 99-2769  
NOTICE OF WITHDRAWAL OF ORDINANCE )  
NO. 98-788C FOR RECONSIDERATION ) Introduced by Councilor McLain  
)  
)

WHEREAS, Ordinance No. 98-788C was adopted December 18, 1998 to add approximately 350 acres to the regional urban growth boundary (UGB) south of the City of Hillsboro; and

WHEREAS, these lands inside Metro’s district boundary are part of the “South Hillsboro Urban Reserve Concept Plan;” and

WHEREAS, these lands are all exception lands other than approximately 48 acres of land zoned for exclusive farm use (EFU) on the southwest edge of this area; and

WHEREAS, three appeals were filed by parties who generally support the inclusion of the exception lands; and

WHEREAS, discussions with these parties indicate that revising the ordinance to exclude these 48 acres and adopt additional conditions of approval consistent with the urban reserve plan would likely result in dismissal of their appeals; and

WHEREAS, Metro has the ability to withdraw Ordinance No. 98-788C for reconsideration by filing a notice consistent with Land Use Board of Appeals rules at OAR 660-010-0021(1); now, therefore,

BE IT RESOLVED:

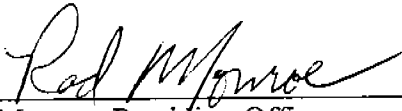
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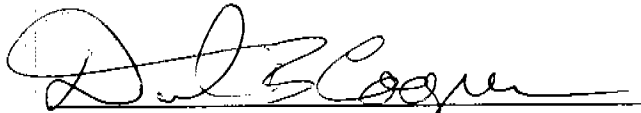
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That the Office of General Counsel is authorized to file a Notice of Withdrawal for Reconsideration of Ordinance No. 98-788C with the Land Use Board of Appeals on behalf of the Metro Council or before March 19, 1999.

ADOPTED by the Metro Council this 18<sup>th</sup> day of March 1999.

  
\_\_\_\_\_  
Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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3/10/99

## **GROWTH MANAGEMENT COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 99-2769 FOR THE PURPOSE OF AUTHORIZING A NOTICE OF WITHDRAWAL OF ORDINANCE 98-788C, FOR RECONSIDERATION.

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Date: March 18, 1999

Presented by: Councilor McLain

**Committee Action:** At its March 16, 1999 meeting, the Growth Management Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2769. Voting in favor: Councilors Bragdon, Park and McLain.

**Council Issues/Discussion:** Resolution 99-2769 authorizes the Office of General Counsel to file a notice of withdrawal for reconsideration of Ordinance No. 98-788C with the Land Use Board of Appeals. Ordinance No. 98-788C enacted the movement of the Metro urban growth boundary to include approximately 350 acres south of the City of Hillsboro, in Washington County. The area is that part of urban reserve #55 inside the Metro jurisdictional boundary. It includes mostly exception land but also includes 48 acres of land zoned for Exclusive Farm Use, in four parcels.

Ordinance No. 98-788C is one of two of Metro's UGB ordinances remaining on appeal to LUBA. An issue is inclusion of the EFU acres in urban reserve #55. The Office of General Counsel recommends reconsidering the ordinance for possible exclusion of the EFU acres, and other considerations. Such action may cause several of the appellants in this case to withdraw their objections. The resolution is being considered by the Council in the same week as committee action due to a deadline for transmission of the decision record in the LUBA appeal.

Testimony was offered at the committee hearing by the City of Hillsboro, one of the landowners, one of the appellants, DLCD and others. Comments both for and against reconsidering the ordinance were offered. Counselor Park responded that the state requirement to include exception land first, thus protecting farmland, is an appropriate guiding factor. Counselor McLain indicated further considerations to this issue (possible revising of the UGB in urban reserve site #55) can be given when the Council takes up the new ordinance to revise the UGB for that area, which the Metro Council must consider in 90 days.



## METRO

DATE: March 10, 1999

TO: Councilor Susan McLain  
Chair, Growth Management Committee

FROM: *LS*  
Larry Shaw  
Office of General Counsel

SUBJECT: Withdrawal of UGB Ordinance for (URA 55) Reconsideration

Two UGB ordinances remain on appeal to LUBA after LUBA's recent dismissal of appeals of the three Resolutions of Intent to Amend the UGB. The decision record is due to be transmitted to LUBA for both ordinances on March 19, 1999. The record for the North Stafford ordinance will be filed at that time. Office of General Counsel recommends that the Metro Council consider withdrawal of the URA 55 ordinance for reconsideration of 48 acres and technical amendments. The purpose of the withdrawal would be to consider amending and readopting the ordinance to settle at least three of the four appeals.

Withdrawal For Reconsideration - OAR 661-010-0021(1)

LUBA rules allow Metro to file a notice to withdraw a decision for purposes of reconsideration on or before the date the record is due. This suspends the LUBA appeal until a decision on reconsideration is filed. Such a decision on reconsideration must be filed within 90 days of Metro's withdrawal notice. This notice of withdrawal process differs from a "voluntary remand" which requires a motion that must be granted by LUBA.

Four Appellants - DLCD, 1000 Friends, Farm Bureau, Citizen Larrance

Three of the four appellants support the bulk of the URA 55 ordinance because it adds exception land, rather than resource land, to the UGB. Their primary objections are the inclusion of 48 acres of the southwest edge of URA 55 and clear separation from the St. Mary's Resolution. Citizen Larrance's concerns are focused on transportation issues that may or may not be resolvable during a 90-day reconsideration.

Potential Dismissal of Three Appeals - DLCD, 1000 Friends, Farm Bureau

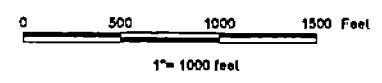
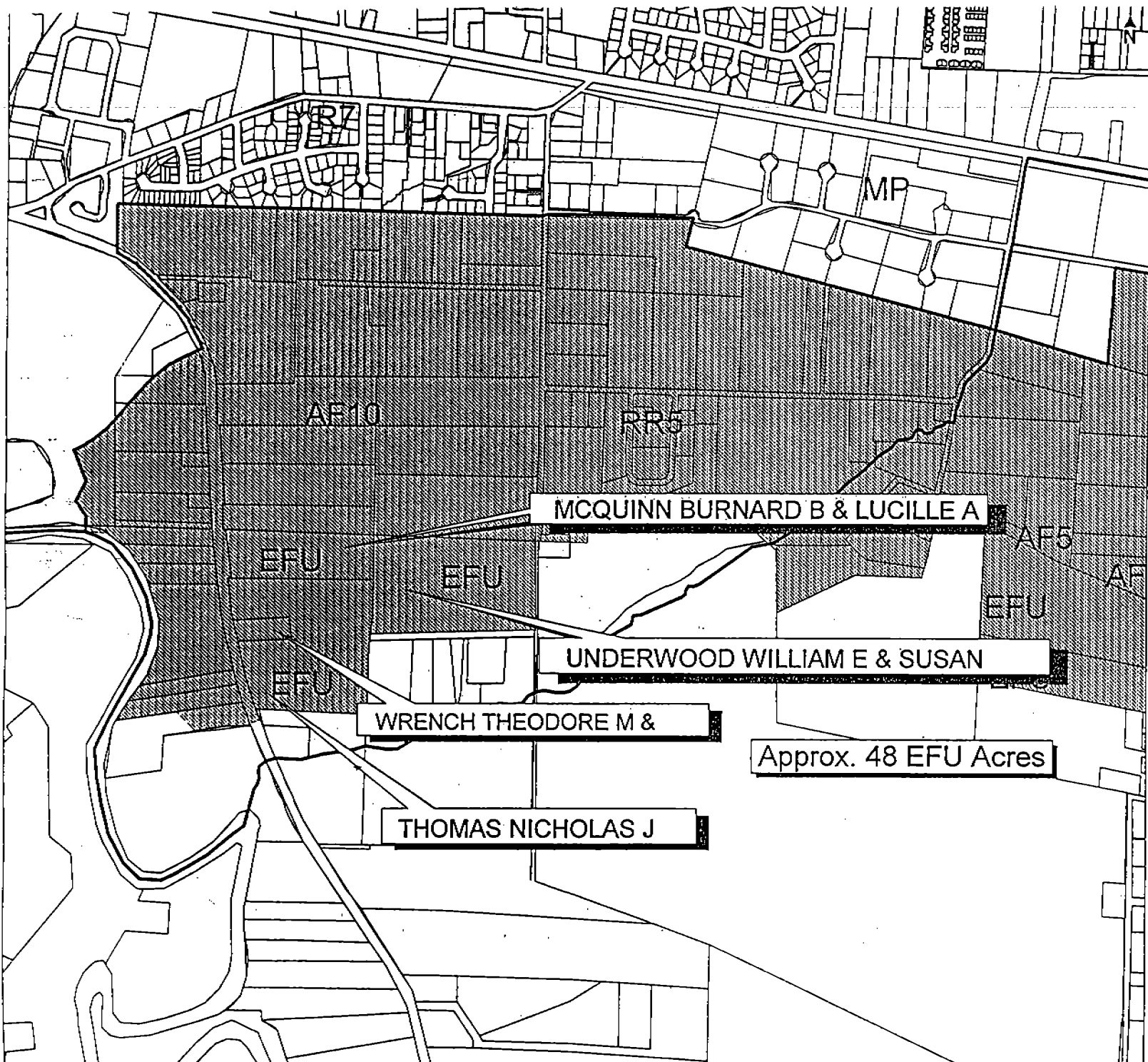
Discussions with these three appellants indicates that amendments on the following subjects are likely to accomplish dismissal of their appeals of this ordinance:

1. Revise the UGB boundary to exclude about 48 acres zoned EFU;
2. Adopt more conditions of approval to clarify implementation of the portions of the "South Hillsboro Urban Reserve Concept Plan" applicable to the URA 55 ordinance area:
  - Require exception land floodplains west of River Road to be used only for park purposes;
  - Assure ten dwelling units/net acre average density and zoning mix in the main street;
  - Require residential zoning identified on Table 12 of the plan;
  - Correct transportation projects list in existing condition.

cc: Metro Council, Mike Burton, Executive Officer, Elaine Wilkerson  
Attachment

# Urban Reserve #55 EFU Acres

- Urban reserves
  - First Tier
  - Other Reserves
- Urban Growth Boundary
- Tax Lots
- Met\_line.shp



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