

## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 98-776 APPROVING URBAN GROWTH BOUNDARY LOCATIONAL ADJUSTMENT CASE 98-4: TSUGAWA, AND ADOPTING HEARING OFFICER'S REPORT INCLUDING FINDINGS AND CONCLUSIONS

Date: September 24, 1998

Presented by: Richard Forester, Hearings Officer  
Prepared by: Glen Bolen, Growth Management

#### PROPOSED ACTION

Adoption of Ordinance 98-776, approving *Case 98-4: Tsugawa*, a locational adjustment to the urban growth boundary (UGB).

#### BACKGROUND AND ANALYSIS

On March 25, 1998, Jim and Amy Tsugawa completed filing a petition for a 15-acre locational adjustment to the UGB for the purpose developing the site for residential use.

##### Proposal Description:

The 15-acre site is located within Washington County southeast of the intersection of NW Cornelius Pass Road and West Union Road. It consists of Tax Map/Lot 1N214D 1201. The site is bounded on the north by West Union Road, on the east and south by R-5 residential land, and on the west by MP SID industrial land and by CI general commercial land. Zoned AF-5 (Agriculture/Forestry under Washington County's Comprehensive Plan, the site is currently being used as an orchard. The property is included within Metro Urban Reserve No. 64.

The petitioners propose to adjust the UGB for the purpose of developing the site with residential uses. The applicant intends for the property to be developed with 60 to 75 residential dwelling units. Washington County, or the City of Hillsboro, if the site is annexed, will make the final zoning determination. The City of Hillsboro has expressed a willingness to annex this property.

The Hearing Officer

##### Hearings Officer Recommendation and Proposed Findings

The Hearing Officer, Richard Forester, conducted a public hearing at the Washington County Services Building on July 9, 1998. He submitted a report and recommendation to Metro on August 6, 1998, recommending approval of the revised petition (Attachment 2).

The Hearing Officer finds that the criteria for a locational adjustment to the UGB as contained in Metro Code 3.01.035 are 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.

Request to Reopen Record:

The Metro Code (3.01.065(e)) provides for parties to the case to file a motion to reopen the record. A request was filed by The Oregon Department of Transportation (ODOT) during the 20-day exception period to reopen the record to receive admissible evidence not available at the July 9 hearing (Attachment C). ODOT wishes to respond to a letter from the applicant's traffic consultant, which was presented at the hearing. The new evidence regards level of service at the eastbound ramp for US Highway 26 at NW Cornelius Pass Road. A request to reopen the record must explain why the information was not provided at the hearing, and must demonstrate that such evidence meets the standards of Metro Code Section 2.05.030 and would likely result in a different decision (Metro Code 2.05.035(c)). According to Section 2.05.035(c), the Metro Council shall:

- (1) Refuse the request; or
- (2) Remand the proceeding to the Hearings Officer for the limited purpose of receiving the new evidence and oral argument and rebuttal argument by the parties on the new evidence; or
- (3) If the nature of the new evidence to be submitted is such that remand would serve no useful purpose, proceed to hear and consider the evidence and argument and rebuttal from the parties on the evidence.

**FINDINGS**

The Hearing Officer recommends adoption of Ordinance 98-776 based upon the findings and conclusions in his 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 met by the petitioner.

The case record contains the petitioner submittals, Metro staff report, Oregon Department of Transportation's motion to reopen the record, notification lists,

relevant correspondence and the Hearing Officer's report. The complete list is included as part of the Hearing Officer's report.

**BUDGET IMPACT**

There is no budget impact from adopting this ordinance.

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