

BEFORE THE METRO COUNCIL

TO WAIVE THE METRO URBAN GROWTH) RESOLUTION NO. 99-2774
BOUNDARY ANNUAL FILING DEADLINE)
FOR NSP DEVELOPMENT, INC. AND)
BEAVERTON SCHOOL DISTRICT NO. 48J)
LOCATIONAL ADJUSTMENT PETITIONS)
IN WASHINGTON COUNTY) Introduced by Councilor Jon Kvistad

WHEREAS, NSP Development, Inc. and Beaverton School District No. 48J filed locational adjustment petitions prior to the annual deadline, March 15, 1999, to amend the Urban Growth Boundary (UGB) for 12 acres and 20 acres, respectively, in Washington County; and

WHEREAS, The petitions were found to be incomplete as of April 7, 1999, including the lack of a statement by the Washington County Board of Commissioners regarding the petition as required by the Metro Code; and

WHEREAS, The petitioners were unable to complete three items as of April 7, 1999, including a formal statement from the Washington County Board of Commissioners by the April 7, 1999, review deadline allowed by the Metro Code; and

WHEREAS, The petitioners have requested in writing that the Metro Council withhold action on their petitions until Washington County is able to review the proposals and issue a statement regarding the petitions, now, therefore,

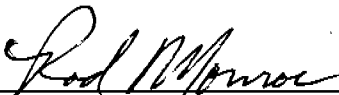
BE IT RESOLVED,

1. A waiver for filing the proposed locational adjustment petitions for NSP Development, Inc. and the Beaverton School District No. 48J is hereby granted.

2. The new deadline for completion of these petitions is hereby established as one week after the Washington County Board of Commissioners render a decision on the petitions or until October 1, 1999, whichever is first.

3. If the petition is not completed by the deadline as specified in item 2 above, then it shall be considered inactive and withdrawn.


ADOPTED by the Metro Council this 13th day of May, 1999.



Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:



Recording Secretary



Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2774 TO WAIVE THE METRO URBAN GROWTH BOUNDARY ANNUAL FILING DEADLINE FOR NSP DEVELOPMENT, INC. AND BEAVERTON SCHOOL DISTRICT NO. 48J LOCATIONAL ADJUSTMENT PETITIONS IN WASHINGTON COUNTY

Date: April 26, 1999

Presented by: Councilor Jon Kvistad

Proposed Action

Resolution No. 99-2774 waives the filing deadline for a locational adjustment to the UGB for NSP Development, Inc. and the Beaverton School District No. 48J (petitioners). This action would allow the petitioners additional time to submit the required materials, which includes written statements from the governing body, Washington County, as required by the Metro Code for locational adjustments, thus completing their petitions.

Factual Background and Analysis

The petitioners submitted separate locational adjustment petitions by the deadline date of March 15, 1999, for land within Washington County. NSP Development, Inc.'s petition is for 12 acres south of Hwy 99 adjacent to the City of Sherwood. The Beaverton School District petition is for approximately 20 acres along NW West Union Road near NW 185th Avenue. The outstanding items to complete these petitions consist of legal descriptions of the sites, service provider comments and local position statements from Washington County. Neither site is within an urban reserve.

The missing item requiring the most time is the statement from Washington County. The petitioners could not obtain the County's formal written statement by the April 5 deadline for remedying incomplete applications. The petitioners were late in submitting their requests to the County. Washington County staff has estimated that the review and decision process is a minimum of a 60 to 90 day process. The petitioners have requested a waiver of the filing deadline through letters to the Metro Council (Attachment A).

Budget Analysis

There is no budget impact.

Recommendation

Grant a time extension, to October 1, 1999 or one week after the Washington County Board of Commissioners render a decision on the petitions, whichever is first, to NSP Development, Inc. and the Beaverton School District No. 48J for submittal of all materials to complete the petitions for locational adjustments.

BALL JANIK LLP

A T T O R N E Y S

Metro Growth M²

MAR 31 1999

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JACK L. ORCHARD

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March 31, 1999

Metro Council
c/o Mr. Ray Valone
Metro
600 N. E. Grand Avenue
Portland, OR 97232-2736

Re: Application for Locational Adjustment
Applicant: Beaverton School District No. 48J
(Property: Generally located west of the intersection of
N.W. 185th Avenue-N.W. West Union Road)

Dear Councilors:

On March 15, 1999, the Beaverton School District filed an application for a locational adjustment relating to 20 acres located just west of N.W. 185th Avenue and just north of N.W. West Union Road in Washington County. Our firm represents the School District and prepared the application materials on its behalf.

At the time the District had its pre-application conference with Mr. Valone, we discussed the probability that the School District would seek an extension of time in order to comply with Metro's completeness requirements for a locational adjustment application. This letter is a request for an extension for such purposes. We estimate a 60-90 day period is needed.

The principal reason for the extension is the need for the Washington County staff and County Commission to review the application and docket the application for consideration by the Board of Commissioners. The District has conferred with County staff and a representative of the Commission concerning the application. We are informed that the County does wish to give the application a detailed review before the matter is submitted to the Metro staff and Hearings Officer for Metro review.

The property which is the subject of the locational adjustment was made available to the School District in February, 1999 after a two-year, unsuccessful search for future school sites in the District's fast-growing northwest quadrant. As a result, the District was not given much lead time in conferring with its government partners about a locational adjustment proposal for this site. Granting an extension will allow these additional discussions to occur,

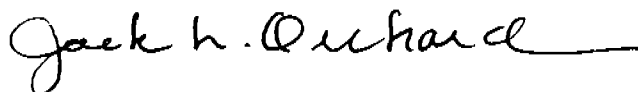
Metro Council
c/o Mr. Ray Valone
March 31, 1999
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without losing the opportunity to take a necessary initial step in the facilities planning process by making a locational adjustment to the growth boundary. The School District has performed an on-site analysis of the property. A highly suitable school site does exist on the tract being made available to the District.

It is our understanding that the total acreage involved in the 1999 locational adjustment application is well under the 100-acre annual ceiling set by the Metro Code. Therefore, an extension allowing the District to provide the balance of the application components, should not jeopardize other applicants or the Metro process.

Thank you for your consideration of this request. The District very much appreciates Mr. Valone's time and efforts on relatively short notice.

Sincerely,



Jack L. Orchard

JLO/crs

cc: Mr. Tom Brian
Washington County Chair
Mr. Steven M. Ladd, Ed.D.,
Assistant Superintendent,
School District No. 48J
Mr. Brent Curtis,
Washington County Department of
Land Use and Transportation
Mayor Rob Drake,
City of Beaverton
Mayor Gordon Faber,
City of Hillsboro

1 Robert S Simon
2 Attorney at Law
3 OSB 90120/ WSB 20382/CASB 187823
4 712 Main Street
5 Oregon City, OR
6 97045
7 (503)-557-0409

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9
10 **IN THE STATE OF OREGON BEFORE METRO**

11 IN RE:) No. _____
12 T2S R1W W M Section 29 Tax Lot) **Petition for Waiver of Deadline for**
13 800) **Completion of Local Adjustment**
14 Arthur Spada et al.) **Petition**
15 **Petitioner(s),**)
16)
17)
18)
19)

20 COMES NOW, the Petitioner(s) Arthur Spada and NSP Development Inc. , by and
21 through attorney Robert S Simon of The **ROBERT S SIMON Law Firm**, and does hereby request a
22 waiver of the deadline for completion of local adjustment petition pursuant to Title III,
23 3.01.33(d).

24 The application is complete except for the Washington County process for obtaining
25 "written statements" about the petition. The long range planning department indicates that it is
26 unlikely to produce a final decision by the County Commissioners prior to July 1, 1999.
27 Therefore, the cause of the delay is not the petitioners'.

28 The petition for location adjustment seeks to bring in 12 acres of Class I EFU land inside
the City of Sherwood UGB. The inclusion will allow the City to obtain a water well capable of
1,000 gallons per minute, and will allow the alignment of a local street which will provide a
direct north south connection with the urban core when constructed as planned. The City will

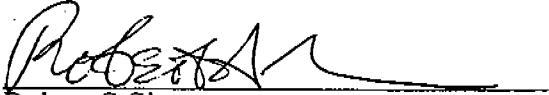
1- T2S R1W W M Section 29 Tax Lot 800
**Petition for Waiver of Deadline
for Completion of Local Adjustment Petition**

1 obtain 3 acres of 100 year flood plain adjacent to the wildlife preserve, and will obtain water
2 needed to add 1,000 households within the existing UGB as envisioned by the 2040 Plan. The
3 road alignment will implement the Transportation System Plan and prevent the complete failure
4 of the Tualatin-Sherwood Road/ 99W intersection.

5 The City of Sherwood waited on both PGE and a conference with ODOT before to
6 providing approval of the water well and road alignments which are subject to this adjustment
7 request. The application to Washington County could not be filed any more rapidly in light of
8 these political considerations.

9 The petitioners request an indefinite waiver in order to await the Washington County
10 process. In the alternative, the petitioners request a waiver of completion until September 1,
11 1999.

12
13 Dated this March 15, 1999.

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15 
16 Robert S Simon
17 OSB 90120/ WSB 20382/ CASB 187823
18 Attorney at Law
19 for The Robert S Simon Law Firm
20 Attorneys for Petitioners
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28 2- T2S R1W W M Section 29 Tax Lot 800
Petition for Waiver of Deadline
for Completion of Local Adjustment Petition 2