



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

## NOTICE OF ADOPTED AMENDMENT

June 3, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Metro Plan Amendment  
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 13, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Tim O'brien, Metro

<paa> ya

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Metro

Local file number: 08-01

Date of Adoption: 5/21/2008

Date Mailed: 5/22/2008

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 3/21/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: UGB Minor Adjustment

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The addition of 0.6 acres to the UGB makes the UGB coterminous with the property line for 20303 S Highway 213 in Oregon City

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: Rural

to: Urban

Zone Map Changed from: RFFF5

to: tbd county/city

Location: 20303 S Highway 213, Oregon City OR 97045

Acres Involved: 0

Specify Density: Previous: 1du/5 ac

New: tbd county/city

Applicable statewide planning goals:

- Goals 1-19 with checkboxes. Goal 14 is checked.

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 001-08 (16800)



**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

---

Local Contact: **Tim O'Brien**

Phone: (503) 797-1840 Extension:

Address: **600 NE Grand Avenue**

Fax Number: 503-797-1930

City: **Portland**

Zip: **97232-**

E-mail Address:

**Tim.O'Brien@oregonmetro.gov**

---

## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE CHIEF OPERATING OFFICER

RELATING TO THE APPLICATION FOR A  
MINOR ADJUSTMENT TO THE URBAN  
GROWTH BOUNDARY ON HIGHWAY 213  
IN THE CITY OF OREGON CITY

Order No. 08-045

WHEREAS, the owner of property at 20303 S. Highway 213 in the city of Oregon City applied for a minor adjustment to the urban growth boundary (UGB) under Metro Code section 3.01.033; and

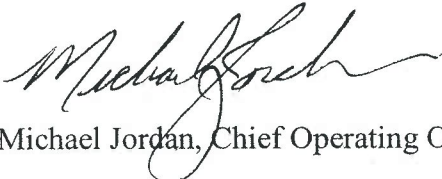
WHEREAS, the Chief Operating Officer determined that the application was complete and sent notification of the application to persons entitled to notice under the code; and

WHEREAS, the Chief Operating Officer evaluated the application for compliance with the criteria in Metro Code section 3.01.035 and determined that it complied with the criteria, now, therefore,

IT IS ORDERED THAT:

1. The Metro UGB is hereby amended to include land at 20303 S. Highway 213 in the city of Oregon City, as shown in the Staff Report dated May 9, 2008, attached and incorporated into this Order as Exhibit A. This addition complies with Metro Code section 3.01.035 criteria for the reasons set forth in Exhibit A.
2. The land included in the UGB by this Order shall be designated Outer Neighborhood on the Metro 2040 Growth Concept Map and zoned by the city of Oregon City to allow residential density at no less than the density allowed by the comprehensive plan designation of the portion of the property that lay inside the UGB prior to this minor adjustment.

ENTERED this 21<sup>st</sup> day of May, 2008.

  
Michael Jordan, Chief Operating Officer

Approved as to form:

  
Daniel B. Cooper, Metro Attorney



**STAFF REPORT**

IN SUPPORT OF ORDER NO. 08-045, RELATING TO THE APPLICATION FOR A MINOR ADJUSTMENT TO THE URBAN GROWTH BOUNDARY AT 20303 S HIGHWAY 213 IN THE CITY OF OREGON CITY

---

Date: May 9, 2008

Prepared by: Tim O'Brien  
Principal Regional Planner

**BACKGROUND**

CASE: UGB Minor Adjustment 08-01

PETITIONER: Anthony Young  
PO Box 954  
Lake Oswego, OR 97034

PROPOSAL: The petitioner requests a Minor Adjustment to the Urban Growth Boundary (UGB) where the UGB is intended to be coterminous with a property line. Currently the UGB line bisects the property. The adjustment will result in 0.60 acres (26,136 square feet) to be included in the UGB.

LOCATION: The proposed adjustment is located at 20303 S Highway 213, Oregon City, OR. A map of the site can be seen in Attachment A.

ZONING: The property at 20303 S Highway 213 to be added to the UGB is zoned Rural Residential Farm/Forest 5-acre (RRFF5) by Clackamas County.

**Applicable Review Criteria**

The criteria for a Minor Adjustment to the Urban Growth Boundary (UGB) are contained in Metro Code Section 3.01.035.

*3.01.035 Criteria for Minor Adjustments*

*Petitions to add land to the UGB may be approved under the following conditions:*

- (a) The purpose of this section is to provide a mechanism to make small changes to the UGB in order to make it function more efficiently and effectively. It is not the purpose of this section to add land to the UGB to satisfy a need for housing or employment. This section establishes criteria that embody state law and Regional Framework Plan policies applicable to boundary adjustments.*
- (b) Metro may adjust the UGB under this section only for the following reasons: (1) to site roads and lines for public facilities and services; (2) to trade land outside the UGB for land inside the UGB; or (3) to make the UGB coterminous with nearby property lines or natural or built features.*

This application will result in a small change to the UGB, with a net addition of about 0.60 acres. The minor adjustment is not adding land to satisfy a need for housing or employment. Rather, the property owner is initiating the UGB adjustment because the current UGB line bisects the property. Currently two

parcels, 32E16B02515 and 02595 make up 20303 S Highway 213. Parcel 02595 is in the UGB and parcel 02515, which contains a house, is outside the UGB.

For this application to make the UGB coterminous with a property line, Metro Code Section 3.01.035(d) applies.

*(d) To make a minor adjustment to make the UGB coterminous with property lines, natural or built features, Metro shall find that:*

*(1) The adjustment will result in the addition of no more than two net acres to the UGB;*

Petitioner:

The petitioner states that the proposed area to be added to the UGB totals 0.60 acres.

Staff Response:

Based on the survey included in the petitioner's submittal and Metro GIS records staff agrees that the adjustment will result in the addition of less than two acres to the Urban Growth Boundary. Staff concludes that this criterion has been met.

*(2) Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;*

Petitioner:

The proposed added land contains one house and will be combined with a vacant parcel (#2595) that is currently within the UGB and is zoned for future urban uses. All services to the parcel will be provided through Highway 213. There are no natural resources on the site. Thus, the added land will have no more adverse environmental, social, energy or economic consequences than urbanization of other land within the existing UGB.

Staff Response:

Staff agrees with the reasons set forth by the petitioner that approval of the petition would have no more adverse environmental, social, energy or economic consequences than urbanization of land within the existing Urban Growth Boundary. The City of Oregon City is the future provider of urban services for this property supports or is neutral on the proposed adjustment, depending on the city department. The Urban Growth Management Agreement between Clackamas County and Oregon City would preclude urbanization unless the property is annexed to the City of Oregon City.

Based on the petitioner's submittal, including responses from the applicable service providers, staff concludes that this criterion has been met.

*(3) Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;*

Petitioner:

Addition of this land to the UGB will have no greater adverse effect on agriculture or forestry than urbanization of land within the existing boundary. No commercial agriculture operations occur on this land or adjacent land. No commercial forestry operations occur on this land or adjacent land. Thus, urbanization will result in no more adverse impacts on agricultural and forestry practices than urbanization of land within the existing UGB.

## Staff response:

Staff agrees with the reason set forth by the petitioner that approval of the petition would have no greater adverse effect on agriculture or forestry than urbanization of land within the existing UGB. Clackamas County indicated they have no concern regarding the preservation of farm or forest resources related to the proposal. Staff concludes that this criterion has been met.

*(4) The adjustment will help achieve the 2040 Growth Concept;*

## The Petitioner:

The land proposed for addition to the UGB may be further developed for residential uses at a density that is already established in the immediate vicinity. Moreover, including this additional piece of land in the UGB may help facilitate the efficient use of parcel #2595 that is already within the UGB. Upon annexation to the City of Oregon City, the proposed adjustment will provide the opportunity for the city to continue to meet the expectations of its comprehensive plan through the development of a residential neighborhood in this location, which meets the goal of the 2040 Growth Concept for the development of urban densities on land with the UGB.

## Staff response:

Staff agrees with the petitioner that the adjustment would not conflict with the 2040 Growth Concept. Including this small amount of land may help facilitate the urbanization of a vacant parcel that is already within the UGB. As noted before, the Urban Growth Management Agreement between Clackamas County and Oregon City would preclude urbanization unless the property is annexed to the City of Oregon City, thus preventing any development that is not consistent with the city's plan for the area. Staff concludes that this criterion has been met.

*(5) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.*

## The Petitioner:

This adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

## Staff response:

Staff agrees with the petitioner that this adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB. Staff concludes that this criterion has been met.

**ANALYSIS/INFORMATION**

**Known Opposition:** There is no known opposition to this application.

**Legal Antecedents:** Metro Code 3.01.035(d) allows, through an administrative process, adjustments to the UGB to make the UGB coterminous with a build feature.

**Anticipated Effects:** This Order will include 0.60 acres of land in the UGB that may help facilitate the urbanization of an existing parcel that is currently within the UGB.

**Budget Impacts:** As the applicant was required to file an application fee to cover all costs of processing this minor adjustment, there is no budget impact.

**RECOMMENDED ACTION**

Staff recommends that the Chief Operating Officer approve Case 08-01 for a Minor Adjustment to the Urban Growth Boundary.

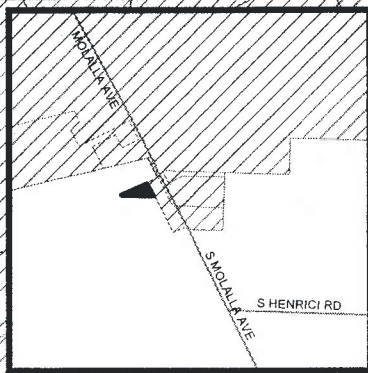


# Attachment A to UGB Case No. 08-01



3s2e16

Amendment to Urban Growth Boundary

Clackamas Co.



Data Resource Center  
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742  
<http://www.metro-region.org/drc>

-  Area to be added, Case 08-01
-  Area currently inside the UGB

1:1,600

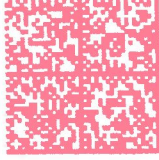
100 GRAND AVENUE PORTLAND, OREGON 97232 2736



METRO

RETURN SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS



02 1A  
0004608208  
\$ 00.704  
MAY 23 2008  
MAILED FROM ZIP CODE 97232



F I R S T C L A S S M A I L

PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION  
AND DEVELOPMENT  
635 CAPITOL STREET NE SUITE 150  
SALEM OR 97301-2540