



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

March 24, 2006



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 002-06

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. This adoption was adopted by the City on March 17, 2006, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

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

<paa>

FORM 2

DLCD 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

(See reverse side for submittal requirements)

DEPT OF
MAR 20 2006

Jurisdiction: METRO Local File No.: 05-01
(If no number, use none)
Date of Adoption: 2/14/06 / EFFECTIVE 03/15/06 Date Mailed: 03/16/06
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: 01/06/06

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: UGB AMENDMENT
(Please Specify Type of Action)

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

MINOR ADJUSTMENT TO THE UGB TO INCLUDE 1.97 ACRES
OF EXCEPTION LAND IN MULTNOMAH COUNTY. ADJUSTMENT
RECTIFIES AN AMBIGUITY ISSUE CREATED IN 1974
BY THE CITY OF GRESHAM

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from: RURAL to URBAN
Zone Map Changed from: MUA-20 to DETERMINED BY CITY OF GRESHAM
Location: 1140 W/SE 282ND AVE, GRESHAM Acres Involved: 1.97
Specify Density: Previous: 1/20 AC New: DETERMINED BY CITY OF GRESHAM
Applicable Statewide Planning Goals: 2, 14
Was an Exception Adopted? Yes: No:
DLCD File No.: 002-06 (NOA)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: CITY OF

GRESHAM, MULTNOMAH COUNTY

Local Contact: TIM O'BRIEN Area Code + Phone Number: 503-797-1840

Address: 600 NE GRAND AVENUE

City: PORTLAND Zip Code+4: 97232-2736

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

STAFF REPORT

IN SUPPORT OF ORDER NO. 06-001, RELATING TO THE APPLICATION FOR A MINOR ADJUSTMENT TO THE URBAN GROWTH BOUNDARY AT 1140 WI/ SE 282ND AVENUE IN UNINCORPORATED MULTNOMAH COUNTY

Date: February 24, 2006

Prepared by: Tim O'Brien
Senior Regional Planner

BACKGROUND

CASE: UGB Minor Adjustment 05-01

PETITIONER: Tom and Pam Masson
28505 SE Lusted Road
Gresham, OR 97080

PROPOSAL: The petitioner requests a Minor Adjustment to the Urban Growth Boundary to include a 1.97-acre tax lot that is outside of the boundary.

LOCATION: The site is located at 1140 WI/ SE 282nd Avenue in unincorporated Multnomah County, adjacent to the Gresham city limits. A map of the site is attached to the Order as Exhibit A.

ZONING: The property is zoned Multiple Use Agriculture with a minimum of 20 acres (MUA-20). The MUA-20 zone is NOT a zone adopted to protect agricultural land under statewide planning Goal 3 (Agricultural Land).

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.*

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

This application for a minor adjustment to the UGB is to improve the efficiency of local public services and to rectify a prior issue created in 1974, when the City of Gresham unilaterally annexed 1.82 acres of the original 5.45-acre property without consultation of the owner at that time. The reasoning for annexing only 1.82 acres of the parcel, rather than the entire 5.45 acres and thus leaving 3.63 acres remaining in unincorporated Multnomah County has been lost to history. In 1979, Metro adopted the UGB along the Gresham city limit line, which effectively split the parcel, resulting in the 3.63-acre portion to remain in Multnomah County as a non-conforming parcel in the MUA-20 zone district. Based on the spurious circumstances of creation, Multnomah County is refusing to recognize the parcel as a "lot of record" and will not issue any development permits for the property. Through discussions with the City of Gresham, Multnomah County and Metro a collaborative process was created to provide for adding 1.97 acres of the 3.63-acre parcel to the 1.82-acre portion that is already within the UGB and to make the UGB coterminous with this new parcel. This process includes the approval of a lot line adjustment by Multnomah County on November 17, 2005, approval of this Minor Adjustment application and approval of the 1.97-acre parcel into the City of Gresham (pending the approval of this application).

(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 1.97 acres.

Staff Response:

Based on the petitioner's submittal 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 petitioner states that the land to be added will have no more adverse environmental, social, energy or economic consequences than urbanization of land within the existing UGB. The parcel is vacant and borders land to the west that is within the City of Gresham that is developed for residential purposes. All services to the parcel will be provided through the existing easement to SE 282nd Avenue. The parcel is within a larger developing area centered on SE Lusted Road, SE Powell Valley Road and SE 282nd Avenue.

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 Gresham is the future provider of urban services for this property and supplied the following comments.

City of Gresham

The Gresham Police Department supported the inclusion of this land into the UGB. Gresham Fire and Emergency Services Department currently provide service to this portion of Multnomah County and is neutral on the proposal. The Gresham Department of Environmental Services supports the proposal under the condition that only one additional dwelling unit be allowed on the site. At this time the existing infrastructure can only support one additional unit, mainly due to slope issues.

Multnomah County

Multnomah County is supportive of this proposed UGB expansion. The County has tentatively approved a property line adjustment pending approval of this UGB amendment, the annexation of the property by the City of Gresham and the City's approval of a one-parcel partition.

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:

The petitioner states that adding 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 or forestry operations occur on adjacent land. The situation and circumstances surrounding the subject property with regard to agriculture and timber practices is similar to what is commonly found with the UGB. 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. Staff concludes that this criterion has been met.

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

The Petitioner:

The petitioner states that the adjustment will add land to the UGB that can be developed for residential use at a density that is already established in the immediate vicinity. The proposed adjustment will provide the opportunity for the City of Gresham to continue to meet the expectations of its comprehensive plan through the development of a residential neighborhood in this location. Moreover, bringing in the additional piece would not conflict with the goals of the 2040 Growth Concept because the land being proposed for inclusion is less than 2 net acres.

Staff response:

Staff agrees with the petitioner that the adjustment would not conflict with the 2040 Growth Concept. 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:

The petitioner states that this adjustment will not result in an island of urban land outside the UGB or an island of rural land inside.

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. 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 of less than 2 net acres to make the UGB coterminous with property lines.

Anticipated Effects: This Order will bring into the UGB a 1.97-acre parcel that will be annexed into the City of Gresham, resulting in a developable parcel of 3.79 acres.


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 06-001 for a Minor Adjustment to the Urban Growth Boundary.

Exhibit A Order No. 06-001

Staff Report for a
Minor Adjustment

 Urban Growth Boundary



The boundaries on this map were taken from digital databases on March 6, 2006. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or delays in the information or data provided. The user assumes all liability for any use of the information or data provided. The user assumes all liability for any use of the information or data provided. The user assumes all liability for any use of the information or data provided.



600 NE Grand Ave.
Portland, OR 97232-2736
503 797-1742 FAX 503 797-1809
Email: drc@metro.dst.or.us

Plot date: Feb 24, 2006; i:\gim\community_development\staff\hobart\januar2.apr

BEFORE THE CHIEF OPERATING OFFICER

RELATING TO THE APPLICATION FOR
A MINOR ADJUSTMENT TO THE URBAN
GROWTH BOUNDARY AT 1140WI/ SE
282ND AVENUE IN MULTNOMAH COUNTY

Order No. 06-001

WHEREAS, the property owner at 1140 WI/ SE 282nd Avenue in Multnomah County has applied for a minor adjustment to the Urban Growth Boundary under Metro Code Section 3.01.033; and

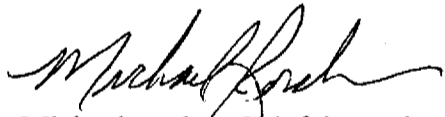
WHEREAS, the Chief Operating Officer determined that the application was complete and sent notification of the application to the persons entitled to notice under the code; and

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 the land identified and mapped on Exhibit A, attached and incorporated into this Order, in order to make the UGB conterminous with the property lines of 1140 WI/ SE 282nd Avenue in Multnomah County.
2. Addition of the land described in section 1 to the UGB complies with Metro Code 3.01.035, the criteria for minor adjustment of the UGB, for the reasons set forth in Exhibit B, Staff Report to the Chief Operating Officer dated February 24, 2006, attached and incorporated into this Order.

ENTERED this 24 day of February, 2006



Michael Jordan, Chief Operating Officer

Approved as to Form:



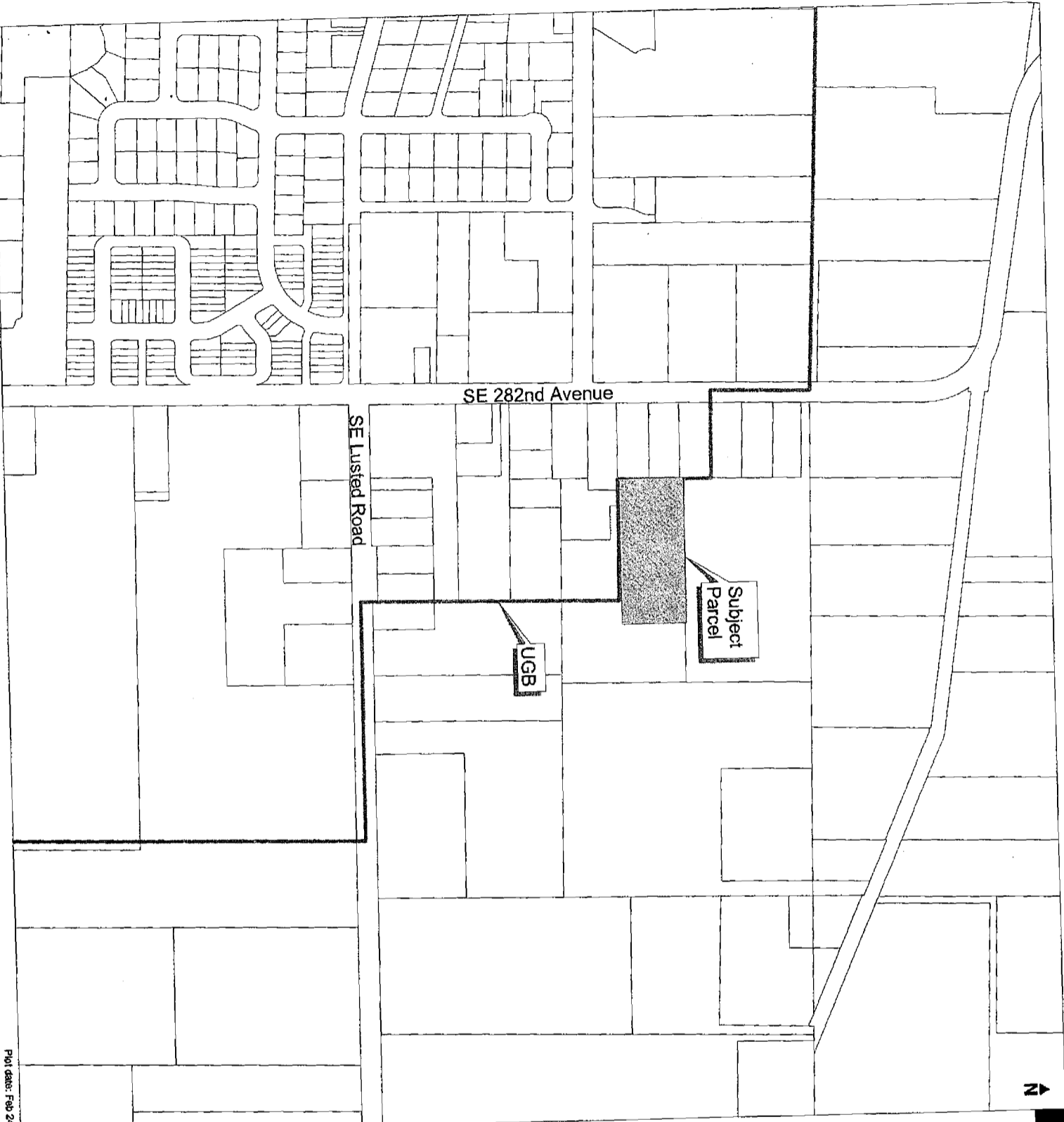
Daniel B. Cooper, Metro Attorney

Exhibit A

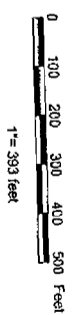
Order No. 06-001

Minor UGB
Adjustment

Urban Growth Boundary



The information on this map was derived from digital data provided by Metro's GIS Department. Metro does not warrant the accuracy, completeness, or timeliness of the information. There are no warranties, expressed or implied, regarding the accuracy, completeness, or timeliness of the information. The user assumes all responsibility for any errors or omissions. Metro is not responsible for any actions or decisions based on this information.



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