



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

May 29, 2007

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 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 11, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

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

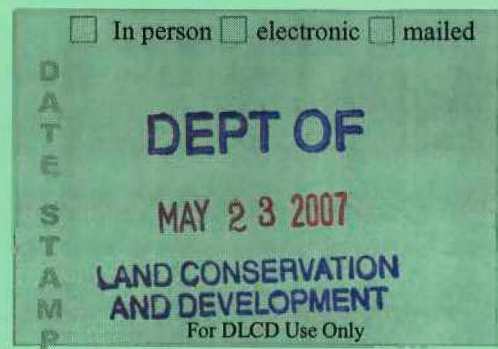
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FORM 2

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



Jurisdiction: **Metro**

Local file number: **07-01**

Date of Adoption: **4/25/2007**

Date Mailed: **5/21/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **2/17/2007**

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: **UGB Minor Adjustment**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
A minor adjustment to the UGB to make the UGB coterminous with a built structure. The previous UGB line ran through a house. Adoption of this amendment allows the existing house to be wholly on the parcel that remains rural and will allow the urban lot to be developed.

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

Plan Map Changed from: **Rural** to: **Urban**
 Zone Map Changed from: **Timber** to: **Residential**
 Location: **724 Division Street, Oregon City, OR 97045**
 Specify Density: Previous: **1 du/80 ac** New: **R-6**

Acres Involved: **0**

Applicable statewide planning goals:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19

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 # 001-07 (15864)

DLCD file No. _____

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

Metro, City of Oreogn City, Clackamas County

Local Contact: **Tim O'Brien**

Phone: **(503) 797-1840** Extension:

Address: **600 NE Grand Avenue**

Fax Number: **503-797-1949**

City: **Portland**

Zip: **97232-**

E-mail Address: **obrien@metro.dst.or.us**

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) Order No. 07-031
GROWTH BOUNDARY AT 724 DIVISION STREET)
IN THE CITY OF OREGON CITY)

WHEREAS, the property owners at 724 Division Street in the City of Oregon City have applied for a minor adjustment to the Urban Growth Boundary ("UGB") under Metro Code Section 3.01.033; and

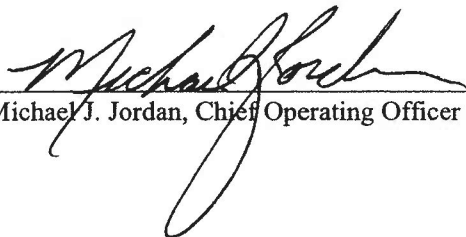
WHEREAS, the Chief Operating Officer ("COO") determined that the application was complete and sent notification of the application to the persons entitled to notice under the code; and

WHEREAS, the COO 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,

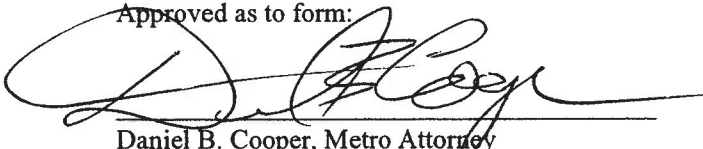
IT IS ORDERED THAT:

The Metro UGB is hereby amended to include land at 724 Division Street in Oregon City, as shown on Exhibit "A", attached and incorporated into this Order. This adjustment complies with Metro Code 3.01.035, criteria for minor adjustment of the UGB, for the reasons set forth in Exhibit "B", the Staff Report dated April 12, 2007, attached and incorporated into this Order.

Entered this 25th day of April, 2007.



Michael J. Jordan, Chief Operating Officer

Approved as to form:


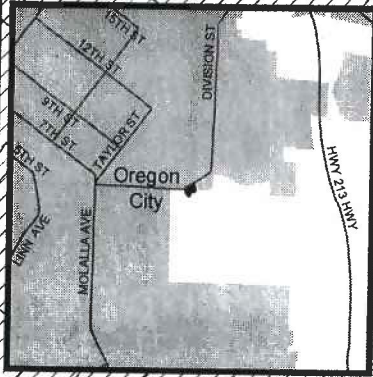
Daniel B. Cooper, Metro Attorney

UGB Minor Adjustment

2S2E32

Exhibit A, COO Order 07-031, Gelster

Clackamas Co.



1:1,200



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742

METRO <http://www.metro-region.org/drc>



Land to be included in UGB



Land not included in UGB

--- New UGB



Current UGB Land

Exhibit A,
COO Order 07-031
Gelster

STAFF REPORT

IN SUPPORT OF ORDER NO. 07-031, RELATING TO THE APPLICATION FOR A MINOR
ADJUSTMENT TO THE URBAN GROWTH BOUNDARY AT 724 DIVISION STREET IN
THE CITY OF OREGON CITY

Date: April 12, 2007

Prepared by: Tim O'Brien
Senior Regional Planner

BACKGROUND

CASE: UGB Minor Adjustment 07-01

PETITIONER: Dana & Malia Geister
724 Division Street
Oregon City, OR 97045

PROPOSAL: The petitioner requests a Minor Adjustment to the Urban Growth Boundary (UGB) where the UGB is intended to be coterminous with a built structure. Currently the UGB cuts through the existing structure. This adjustment will adjust the UGB to the make the existing house be wholly on the parcel that will remain outside the UGB and will allow the urban parcel to be developed. The adjustment will result in 0.08 acres (3,539 square feet) to be included in the UGB.

LOCATION: The proposed adjustment is located at 724 Division Street, Oregon City, OR 97045. A map of the site is attached to the Order as Exhibit A.

ZONING: The property at 724 Division Street to be added to the UGB is zoned Timber 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 very small change to the UGB, with a net addition of about 0.08 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 and property line runs through the existing dwelling. Currently two parcels, 2S2E32CA500 and 600 make up 724 Division Street. Parcel 500 is in the UGB and parcel 600 is outside the UGB. The existing dwelling, which is bisected by the parcel line and the UGB, is associated with parcel 600. This amendment will adjust the location of the UGB to provide for appropriate setbacks and access for the existing dwelling on parcel 600 while providing for the development of parcel 500 that is currently in the UGB.

For this application to make the UGB coterminous with a built feature, 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 0.08 acres.

Staff Response:

Based on the survey included in 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 added land will have no more adverse environmental, social, energy or economic consequences than urbanization of other land within the existing UGB. The proposed added land is vacant and will be combined with a vacant parcel (#500) that is currently within the City of Oregon City and is zoned for residential purposes. All services to the parcel will be provided through Division Street.

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 and supports the adjustment.

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 or forestry operations occur on adjacent land. Even though the small acreage proposed for addition to the UGB is zoned

Timber, no forestry practices occur on this parcel or on adjacent parcels. Completion of this minor adjustment will allow the portion of parcel #500 that is currently in the UGB to be urbanized. 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. Essentially, the result of this minor adjustment is the urbanization of land that is already within the existing UGB. The addition of 0.08 acres (3,539 square feet) provides the needed area for the existing urban parcel to meet city development standards. 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 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 Oregon City to continue to meet the expectations of its comprehensive plan through the development of a residential neighborhood in this location. Moreover, including this additional piece of land in the UGB provides for the efficient use of parcel #500, which meets the goal of the 2040 Growth Concept for the development of urban densities on land within the UGB.

Staff response:

Staff agrees with the petitioner that the adjustment would not conflict with the 2040 Growth Concept. Including this very small amount of land provides for the urbanization of a larger vacant parcel that is already within the UGB and the City of Oregon City. 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. One letter was received that requested more information on the 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 0.08 acres of land in the UGB, resulting in the ability to urbanize 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 07-01 for a Minor Adjustment to the Urban Growth Boundary.