



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

October 15, 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 002-08



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: October 31, 2008

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

In person electronic mailed

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DEPT OF

OCT 10 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Metro**

Local file number: **08-02**

Date of Adoption: **10/6/2008**

Date Mailed: **10/9/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/19/2008

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".

A minor adjustment of the UGB to site two public facility lines to provide sanitary sewer and water to the Metro Parks & Greenspaces owned Graham Oaks Nature Park.

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

Plan Map Changed from: **rural**

to: **urban**

Zone Map Changed from: **EFU**

to: **tbd by city once annexed**

Location: **11825 SW Wilsonville Road**

Acres Involved: **8**

Specify Density: Previous: **1 du/80 acres**

New: **tbd by city**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 # 002-08 (17095)

DLCD file No. _____

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

Clackamas County
City of Wilsonville
Tualatin Valley Fire & Rescue

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 AT 1185 SW
WILSONVILLE ROAD IN UNINCORPORATED
CLACKAMAS COUNTY

Order No. 08-049

WHEREAS, Metro Regional Parks and Greenspaces applied for a minor adjustment to the urban growth boundary (UGB) under Metro Code section 3.01.033; and

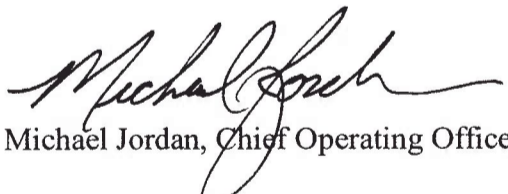
WHEREAS, the Chief Operating Officer determined that the application was complete and sent notification of the application to persons entitled to notice under the code; and

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 Graham Oaks Nature Park at 1185 SW Wilsonville Road in unincorporated Clackamas County, as shown in the Staff Report dated October 1, 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 Park on the Metro 2040 Growth Concept Map and zoned by Clackamas County to allow the same park uses allowed at Graham Oaks Nature Park by the comprehensive plan for the portion of the property that remains outside the UGB.

ENTERED this 6 day of October, 2008.


Michael Jordan, Chief Operating Officer

Approved as to form:


Daniel B. Cooper, Metro Attorney

Exhibit A

STAFF REPORT

IN SUPPORT OF ORDER NO. 08-049, RELATING TO THE APPLICATION FOR A MINOR ADJUSTMENT TO THE URBAN GROWTH BOUNDARY AT 11825 SW WILSONVILLE ROAD IN UNINCORPORATED CLACKAMAS COUNTY.

Date: October 1, 2008

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: UGB Minor Adjustment 08-03

PETITIONER: Metro Regional Parks and Greenspaces Dept.
600 NE Grand Avenue
Portland, OR 97232

PROPOSAL: The petitioner requests a Minor Adjustment to the Urban Growth Boundary (UGB) to allow a portion of the Graham Oaks Nature Park to be provided with sanitary sewer and domestic water for the development of a nature park abutting Wilsonville Road. Petitioner requests to add an 8.5 acre portion of tax lot 2201 currently located outside of the boundary.

LOCATION: The site is located at 11825 SW Wilsonville Road, adjacent to the City of Wilsonville to the east and to the south. A map of the site can be seen in Attachment A.

ZONING: The property at 11825 SW Wilsonville Road is zoned Exclusive Farm Use (EFU) 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.*

The petitioner, Metro Parks and Greenspaces proposes an amendment to the UGB that will result in the addition of 8.5 acres (0 net acres) to the UGB. According to the definition of "net acre" in Metro Code

Exhibit A

Section 3.07.1010, all publicly owned land designated for park and open space use is excluded from the calculation for net acres, thus land that is designated for park and open space use is not considered available for development. This minor adjustment to the UGB will not add land to satisfy a regional need for either housing or employment uses. Rather, the Metro Regional Parks and Greenspaces Department is initiating the amendment to the UGB to obtain urban services to develop the Graham Oaks Nature Park facility. A conceptual master plan (Wilsonville Tract Nature Park) was completed for the site in 2004 that defined the appropriate uses and approximate locations for future park improvements. The conceptual plan showed a possible entrance to the site and location of the restroom facilities on the adjoining West Linn Wilsonville School District (WSSD) property to the east. Since the master plan was completed and adopted, the school district has new concerns about safety and control of its site, and in the meantime has fully developed its site with a soccer field, which precludes the restroom and trailhead development at its original location. During the design and development of the site it has been determined that the restroom facilities should be located within the park property and not on the adjacent WWSD site. However, this location within the park will require urban services to be extended from the WWSD site. The amendment to the UGB will facilitate development of the restroom and parking facilities with access off of Wilsonville Road rather than the school district site. Trailhead improvements are required to make this site accessible to the public and facilitate use of the site by the school district for natural area based education.

For this application to amend the UGB to site lines for public facilities and services, Metro Code Section 3.01.035(c) applies.

(c) To make a minor adjustment to site a public facility line or road, or to facilitate a trade, Metro shall find that:

(1) The adjustment will result in the addition to the UGB of no more than two net acres for a public facility line or road and no more than 20 net acres in a trade;

Petitioner:

The application proposes to add an 8.5 gross acre portion of tax lot 2201 of map 3 1W 22 to the UGB. This request does not exceed the threshold of 2 acres because according to the definition of net acres all park lands are excluded. The definition of "net acre" in section 3.01.1010 excludes all publicly owned land designated for park and open space uses from the calculation for developable land. The portion of the parcel the applicant proposes to add to the UGB (8.5 acres) is proposed to be designated for park use on the 2040 Growth Concept Map and the City of Wilsonville will apply a Parks/Open Space zoning and comprehensive designation upon annexation. Therefore the net acre addition is 0 acres.

Staff Response:

Based on the petitioner's submittal, the definition of "net acre" in Metro Code Section 3.07.1010, and the future designation of the land by both Metro and the City of Wilsonville as park and open space land, staff agrees the adjustment will result in the addition of less than 2 net acres to the UGB. Staff concludes this criterion has been met.

(2) Adjustment of the UGB will make the provision of public facilities and services more efficient or less costly;

Petitioner:

Adding land to the UGB along the frontage of SW Wilsonville Road will efficiently allow services to be extended to the site. This is the most efficient way to provide services to this site. Water service can be provided from an existing line located within SW Wilsonville Road. Sanitary sewer is available through

Exhibit A

the West Linn Wilsonville School District (WWSD) property to the east. Both sanitary and water lines are currently serving residences within the UGB. Allowing connection to urban services will eliminate the need to drill a well on site to provide water and to avoid construction of a septic drain field. A septic drain field will not adequately serve the site due to the close proximity of the school's soccer field and the potential for heavy use of the park restroom from the school site. The close proximity of the site to an urban area and the likely high use of the site make connection to city services imperative. Consulting engineers have examined all potential alternatives for providing these services and have determined that the proposed arrangement is the most effective and efficient alignment.

The WWSD site to the east contains an 8-inch sanitary sewer lateral that can be extended southwest to serve the proposed amendment. Extension of this line would require a small pump station that could later be abandoned if a gravity sewer is extended west along SW Wilsonville Road. Wilsonville Road contains a 30-inch water main that is sufficient size and has sufficient pressure to serve the domestic water and fire needs of the site.

The Conceptual Master Plan provided an alternative to extending sanitary sewer and water from inside of the UGB. The concept showed a possible entrance to the site and location of the restroom facilities on the adjoining WWSD property. WWSD has expressed concerns with security and access to their site if the gateway and restroom were located on their site. WWSD has installed a soccer field in this area and has additional plans to add outdoor education classroom space for the CREST Environmental education center. Locating the restroom, driveway and parking lot off of SW Wilsonville Road will allow more direct access to the site will eliminate the security concerns for the school district, and allow for a more efficient layout for park facilities.

Staff Response:

Staff agrees with the reasons set forth by the petitioner that approval of the petition would make the provision of public facilities and services more efficient or less costly. Clackamas County and the City of Wilsonville, which is the future provider of urban services for this property, supplied the following comments:

City of Wilsonville

The Wilsonville Engineering Department supports the inclusion of the site along SW Wilsonville Road into the UGB stating that water and sewer systems adjacent to the parcel are properly sized to provide service. The city indicated that conditions that may be imposed during site review.

Clackamas County

Clackamas County indicated that they are in support of this proposed UGB expansion. They stated that the remaining portion of the site that will remain in the County will require land use approval to develop walking trails and allow other recreational activities pursuant to EFU zoning.

Other

The Tualatin Valley Fire and Rescue District is neutral.

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

(3) 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.

Exhibit A

Petitioner:

Development of a nature park site with a restroom facility off of SW Wilsonville Road would have no more adverse environmental, energy, economic or social consequences than development of the same type of facility within the existing UGB. The 8.5 gross acre portion of the parcel does not contain any sensitive natural resources and has limited farm value due to its proximity to the school site to the east and the urban development located to the south. The site is currently being returned to a natural pre-settlement state. Metro has undertaken a very large restoration project on the site by planting over 150,000 native trees, shrubs, grasses and wildflowers. The site is no longer being cultivated for agricultural purposes.

As noted earlier, urbanization of a portion of the site would have similar energy consequences as locating the improvements inside of the UGB due to the close physical location of existing utilities.

Economic consequences associated with the proposed addition to the UGB are also favorable. Voters approved an Open Spaces bond measure in 1995 and again in 2006 that authorized the purchase of natural areas throughout the region. This property was purchased from the State of Oregon under the 1995 bond measure program. The property is proposed to be developed for park use and will provide natural and education opportunities for the immediate neighborhood as well as the region as a whole.

Additionally, by providing urban services to a portion of this site, formal development of the park can occur which provide positive social consequences. The proposed location of the gateway to the site off of SW Wilsonville Road will have the least impact on the natural character of the site because the developed portion of the site would abut a heavily traveled road. The park will provide recreational, educational and cultural benefits to the surrounding neighborhood and region. The park will contain interpretive information that highlights the importance of natural areas and Native American practices. The City of Wilsonville and Metro will work closely with affected neighbors and park users on development plans for the site and ensure that the improvements are consistent with the overall vision established in the Wilsonville Tract Master Plan completed in 2004.

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. Staff concludes this criterion has been met.

(4) 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 subject parcel is bordered by land to the west and southwest that is zoned Exclusive Farm Use. Urbanization of the 8.5 gross acres added to the UGB would have no more adverse effect upon agriculture or forestry because the entire site is being managed as a natural area. According to the master plan, a significant portion of the site shall be used for passive recreation and as a buffer and transition zone between differing uses such as the urban areas to the east and the agricultural lands to the west. The remainder of the Graham Oaks Nature Park is currently zoned for Exclusive Farm Use (EFU); the master plan envisioned development of the site with a network of trails, viewpoints, picnic shelters and a restroom facility as well as maintaining the natural character of the area that includes upland, forest habitat and several wetland complexes. The land is committed to public land ownership through the covenants of the 1995 voter approved bond measure and the protection of the natural features of the site is compatible with agricultural lands to the west and southwest.

Exhibit A

Staff response:

Although the site proposed for addition to the UGB is EFU, the management of the site as an open space natural area is consistent with limiting impacts on farm and forest lands. Staff agrees with the reason set forth by the petitioner that approval of the petition would have no more adverse effect on agriculture or forestry than urbanization of land within the existing UGB. Staff concludes this criterion has been met.

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

Petitioner:

The land to the north, east and south is designated as low density residential on the 2040 Growth Concept. The addition of this small portion of land to the UGB will allow for the entire parcel to be developed according to the Wilsonville Tract Master Plan, which will provide park and open space opportunities for the residents of Wilsonville, consistent with the 2040 Growth Concept.

Staff response:

Staff agrees with the petitioner that the adjustment will help achieve the 2040 Growth Concept by providing additional recreation opportunities for the citizens of the region as a whole and specifically for the new residential development to the north. Staff concludes this criterion has been met.

(6) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB, and

Petitioner:

The UGB adjustment will not result in an island of urban land outside the UGB as the site directly abuts the UGB. Half of the width of SW Wilsonville Road is currently included within the UGB along the majority of the frontage of the portion of the site to be added. The remaining right of way will be included within this request.

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 this criterion has been met.

(7) If the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is currently designated for agriculture or forestry pursuant to a statewide planning goal.

The Petitioner:

The adjustment is not being completed to facilitate a UGB trade, thus this criterion does not apply.

Staff response:

Staff agrees with the petitioner that this adjustment is not for the purpose of facilitating a trade. Staff concludes this criterion does not apply.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application. The City of Wilsonville supports the petition.

Legal Antecedents: Metro Code 3.01.035(c) allows, through an administrative process, adjustments to the UGB to site lines for public facilities and services that result in an addition of less than 2 net acres.

Exhibit A

Anticipated Effects: This amendment will add 8.5 acres (0 net acres) to the UGB. The land will be added to the City of Wilsonville Urban Services Boundary and annexed into the City of Wilsonville, resulting in 8.5 additional acres of open space being included in 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 Order No. 08-049 for a Minor Adjustment to the Urban Growth Boundary.

ATTACHMENT A

UGB CASE 08-02



NW QUARTER, 3S1W22

Annexation 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 ANNEXED
 URBAN GROWTH BOUNDARY



1:8,000

00 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232 2736



METRO

RETURN SERVICE
REQUESTED

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FIRST CLASS



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METRO

ATTENTION: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE SUITE 150
SALEM OREGON 97301-2540

SNGLP