



Oregon

Theodore R. Kulbowski, 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

12/10/2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Metro Plan Amendment
DLCD File Number 003-08

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: Friday, December 26, 2008

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<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

DLCD stamp with date DEC 05 2008 and checkboxes for In person, electronic, mailed. Includes 'DATE STAMP' and 'For DLCD Use Only'.

Jurisdiction: Metro

Local file number: UGB Case 08-03

Date of Adoption: 12/3/2008

Date Mailed: 12/4/2008

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 10/1/2008

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation

- Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: UGB Amendment

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
The adopted amendment add 1.54 acres to the UGB in order to make the UGB coterminous with property lines.

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

Plan Map Changed from: Rural

to: Urban

Zone Map Changed from: CFU2

to: tbd by county

Location: 12301 NW Laidlaw Road, Portland

Acres Involved: 1.54

Specify Density: Previous: 1du/160 acres

New: tbd by county

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 # 003-08 (17172)

DLCD file No. _____

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

Multnomah County

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 12301 NW LAIDLAW
ROAD IN UNINCORPORATED MULTNOMAH
COUNTY

Order No. 08-050

WHEREAS, Richard Reese, the owner of property at 12301 Laidlaw Road in unincorporated Multnomah County applied for a minor adjustment to the urban growth boundary (UGB) under Metro Code section 3.01.033; and

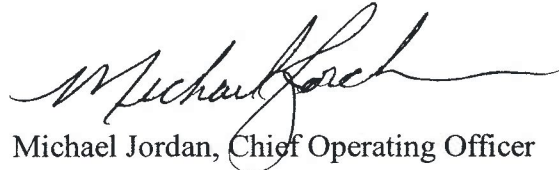
WHEREAS, the Chief Operating Officer determined that the application was complete and sent notification of the application to persons entitled to notice under the code; and

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 12301 Laidlaw Road in unincorporated Multnomah County, as shown in the Staff Report dated December 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 Outer Neighborhood on the Metro 2040 Growth Concept Map and zoned by Multnomah County to allow residential development at a density consistent with the Outer Neighborhood designation.

ENTERED this 3rd day of December, 2008


Michael Jordan, Chief Operating Officer

Approved as to form:

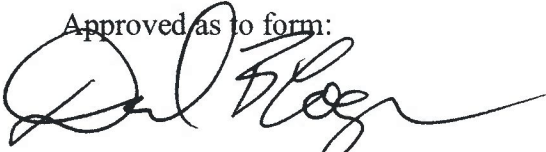

Daniel B. Cooper, Metro Attorney

Exhibit A

STAFF REPORT

IN SUPPORT OF ORDER NO. 08-050, RELATING TO THE APPLICATION FOR A MINOR ADJUSTMENT TO THE URBAN GROWTH BOUNDARY AT 12301 NW LAIDLAW ROAD IN UNINCORPORATED MULTNOMAH COUNTY.

Date: December 1, 2008

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: UGB Minor Adjustment 08-03

PETITIONER: Richard Reese
12301 NW Laidlaw Road
Portland, OR 97291

PROPOSAL: The petitioner requests a Minor Adjustment to the Urban Growth Boundary (UGB) to make the UGB coterminous with a property line. Currently the UGB bisects the property. The addition will result in 1.54 acres included in the UGB.

LOCATION: The site is located at 12301 NW Laidlaw Road. A map of the site can be seen in Attachment A.

ZONING: The property at 12301NW Laidlaw Road to be added to the UGB is zoned Commercial Forest Use 2 (CFU2) by Multnomah 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.*

For this application to amend the UGB to make the UGB coterminous with property lines, natural or built features, Metro Code Section 3.01.035(d) applies.

Exhibit A

(d) To approve 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 adjustment will add 1.54 acres to the UGB.

Staff Response:

Based on 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 is vacant and will be combined with a vacant parcel that is currently within Urban Growth Boundary and is currently zoned for rural residential use. The parcel that is currently inside the UGB is part of Metro's 2002 UGB Expansion Area 93. Adding this parcel to the UGB will allow for all of my land to be planned in accordance with Multnomah County's required Title 11 concept planning process for Area 93. Finally, 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. Staff concludes 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:

No commercial agriculture operations occur on this land or adjacent land. No forestry practices occur on this land. Minimal forestry activities have occurred on the northern portions of some of the larger adjacent parcels to the north. Addition of this small 1.54-acre parcel will not impact any future forestry practices on these parcels as the land directly adjacent to the subject parcel is in pasture. 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. Multnomah County indicated they have no objection to the proposal. Staff concludes that this criterion has been met.

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

Exhibit A

Petitioner:

Including this parcel of land in the UGB will allow for all of the land under my ownership to be planned by Multnomah County's concept planning process. This will provide for a more efficient use of both parcels of land as future development occurs in Area 93, which is 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 for all of the petitioner's land to be included in the Title 11 concept planning process that is being undertaken by Multnomah County, resulting in a more efficient development pattern. Staff concludes 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.

Petitioner:

The UGB adjustment will not result in an island of urban land outside the UGB as the site directly abuts 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 this criterion has been met.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application. Multnomah County indicated they have no objection to the petition.

Legal Antecedents: Metro Code 3.01.035(d) allows, through an administrative process, adjustments to the UGB to make the UGB coterminous with property lines, natural or built features.

Anticipated Effects: This amendment will add 1.54 acres to the UGB and allow all of the applicants land to be included in the concept planning process for UGB expansion area 93 that has recently been initiated by Multnomah County.

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

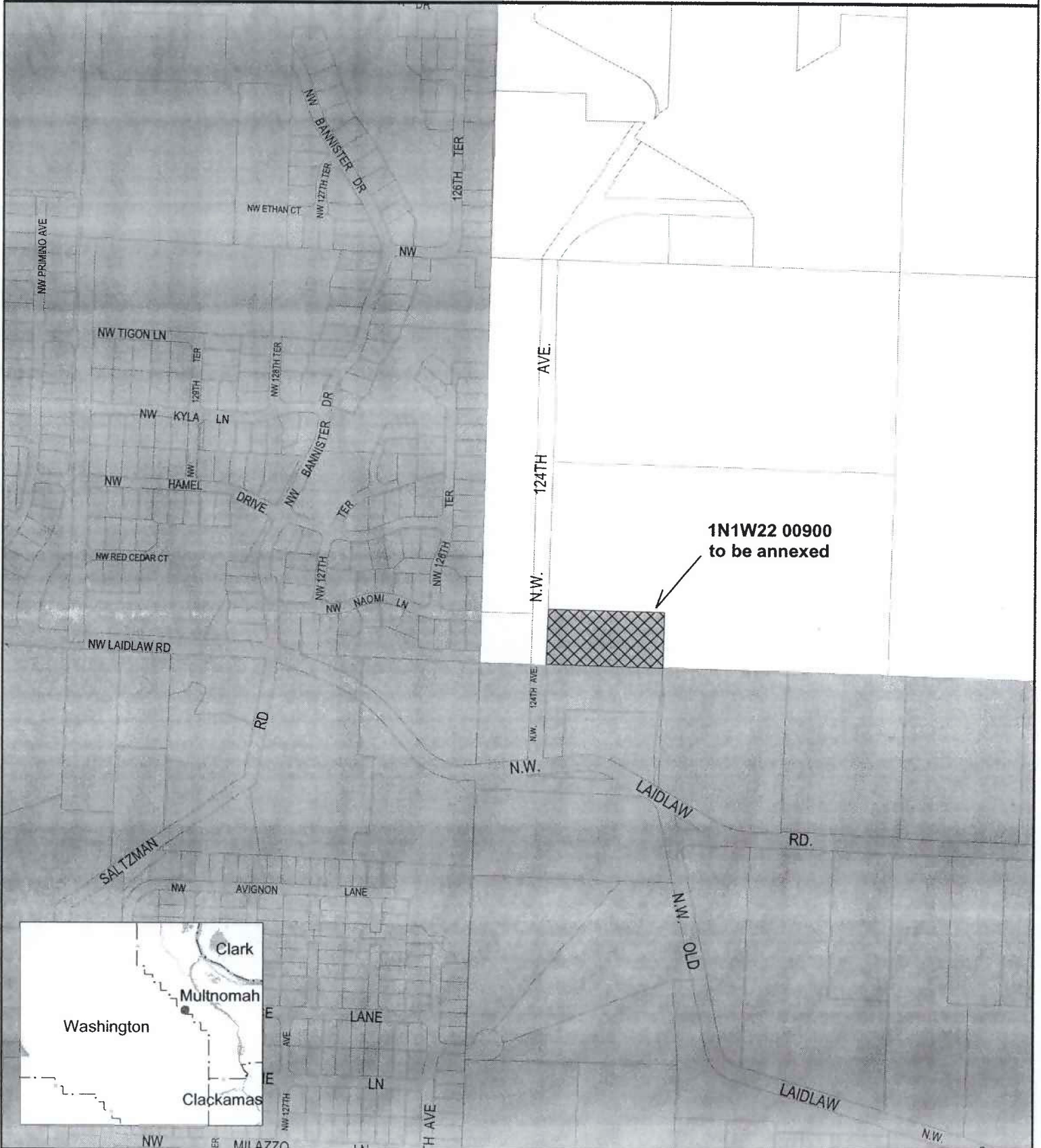
Staff recommends that the Chief Operating Officer approve Order No. 08-050 for a Minor Adjustment to the Urban Growth Boundary.

UGB CASE: 08-03



1N1W22

Annexation to Urban Growth Boundary

Multnomah County



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

-  Areas to be annexed
-  Urban Growth Boundary

MU0308



1:5,000

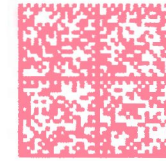
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SPECIALIST
DLCD
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SALEM OR 97301-2540

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