Final Documents

for

Annexation to

**Urban Growth Boundary**

CL3108

Order/Res: 08-045

Annexation: 08-01

DOR:

Secretary of State: AN 2008-0192

Office of the Secretary of State

BILL BRADBURY
Secretary of State

Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

November 6, 2008

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of November 6, 2008, the following records annexing territory to the following:

| Ordinance/Resolution Number(s) | Our File Number |
|---|---|
| 08-045 | AN 2008-0192 |
| 08-049 | AN 2008-0193 |

For your records please verify the effective date through the application of ORS 199.519.

Our assigned file number(s) are included in the above information.

Sincerely,

Linda Bjornstad

Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center

# M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1794

METRO

DATE: June 10, 2008

TO: Carol Hall, Program Supervisor
Data Resource Center

FROM: Tim O'Brien, Principal Regional Planner
Planning Department

***RE: NOTICE OF MINOR ADJUSTMENT OF THE UGB***

Attached, please find a copy of the staff report and COO Order approving a Minor Adjustment to the UGB, Case 08-01. This adjustment adds 0.60-acres to the boundary at 20303 S Highway 213, Oregon City, OR.

Attachments

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 21st day of May, 2008.

Michael Jordan, Chief Operating Officer

Approved as to form:

Daniel B. Cooper, Metro Attorney

Exhibit A

**STAFF REPORT**

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

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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.

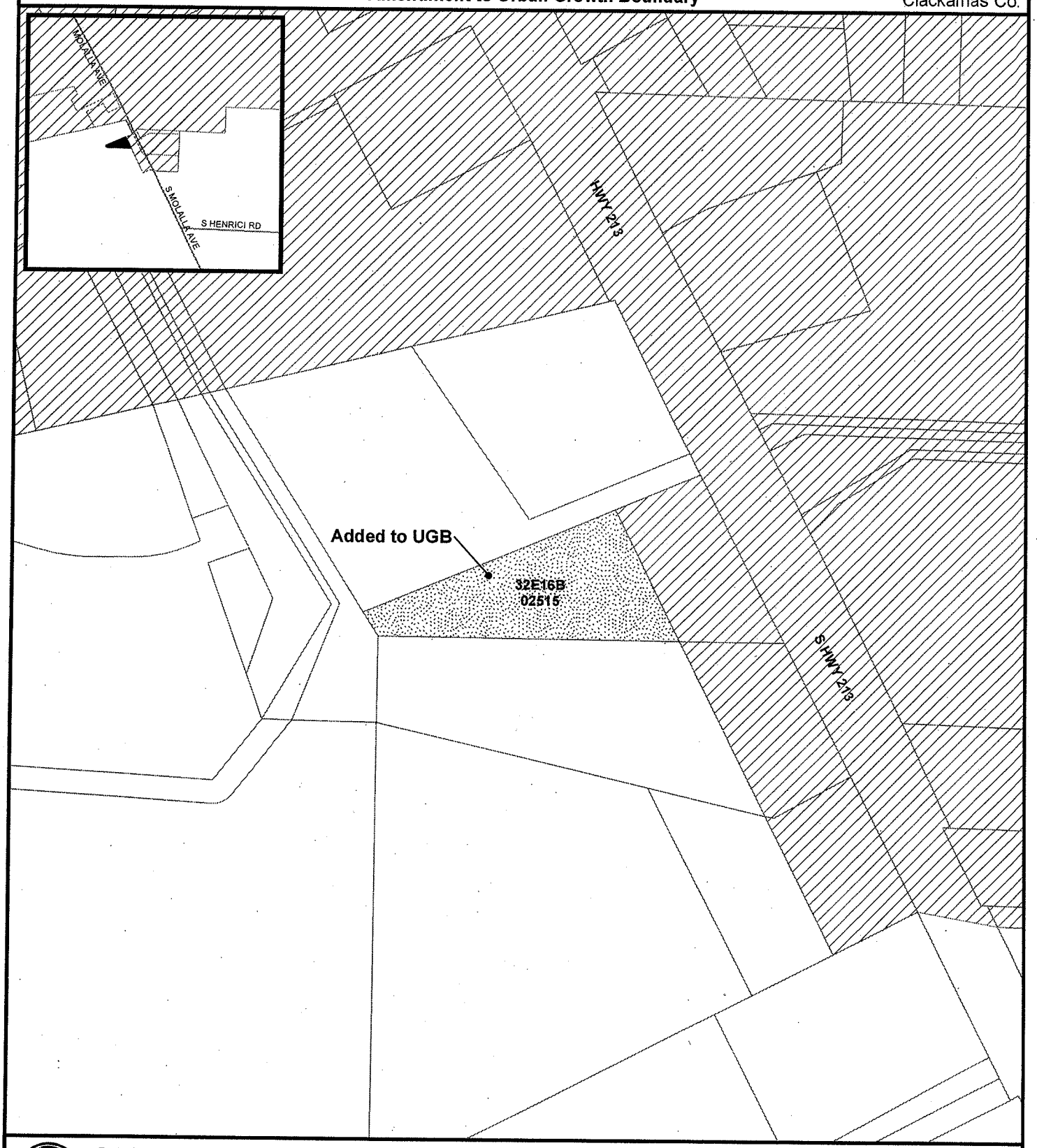
**Budget Impacts:** As the applicant was required to file an application fee to cover all costs of processing this minor adjustment, there is no budget impact.

**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
METRO

Area to be added, Case 08-01

Area currently inside the UGB

1:1,600