

CHIEF OPERATING OFFICER

RELATING TO THE APPLICATION FOR
A MINOR ADJUSTMENT TO THE URBAN
GROWTH BOUNDARY AT 27731 SE
SWEETBRIAR ROAD IN UNINCORPORATED
MULTNOMAH COUNTY

Order No. 04-02

WHEREAS, the property owner at 27731 SE Sweetbriar Road in unincorporated Multnomah County has applied for a Minor Adjustment to the Urban Growth Boundary under Metro Code 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 3.01.035 and determined that it complied with the criteria; now, therefore,

IT IS ORDERED THAT:

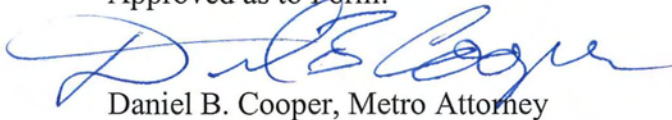
1. The Metro UGB is hereby amended to include the land identified and mapped on Exhibit A, attached and incorporated into this Order, in order to make the UGB conterminous with the property lines of 27731 SE Sweetbriar Road in unincorporated Multnomah County.
2. Addition to the land described in section 1 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 April __, 2004, attached and incorporated into this Order.

ENTERED this 12th day of April, 2004

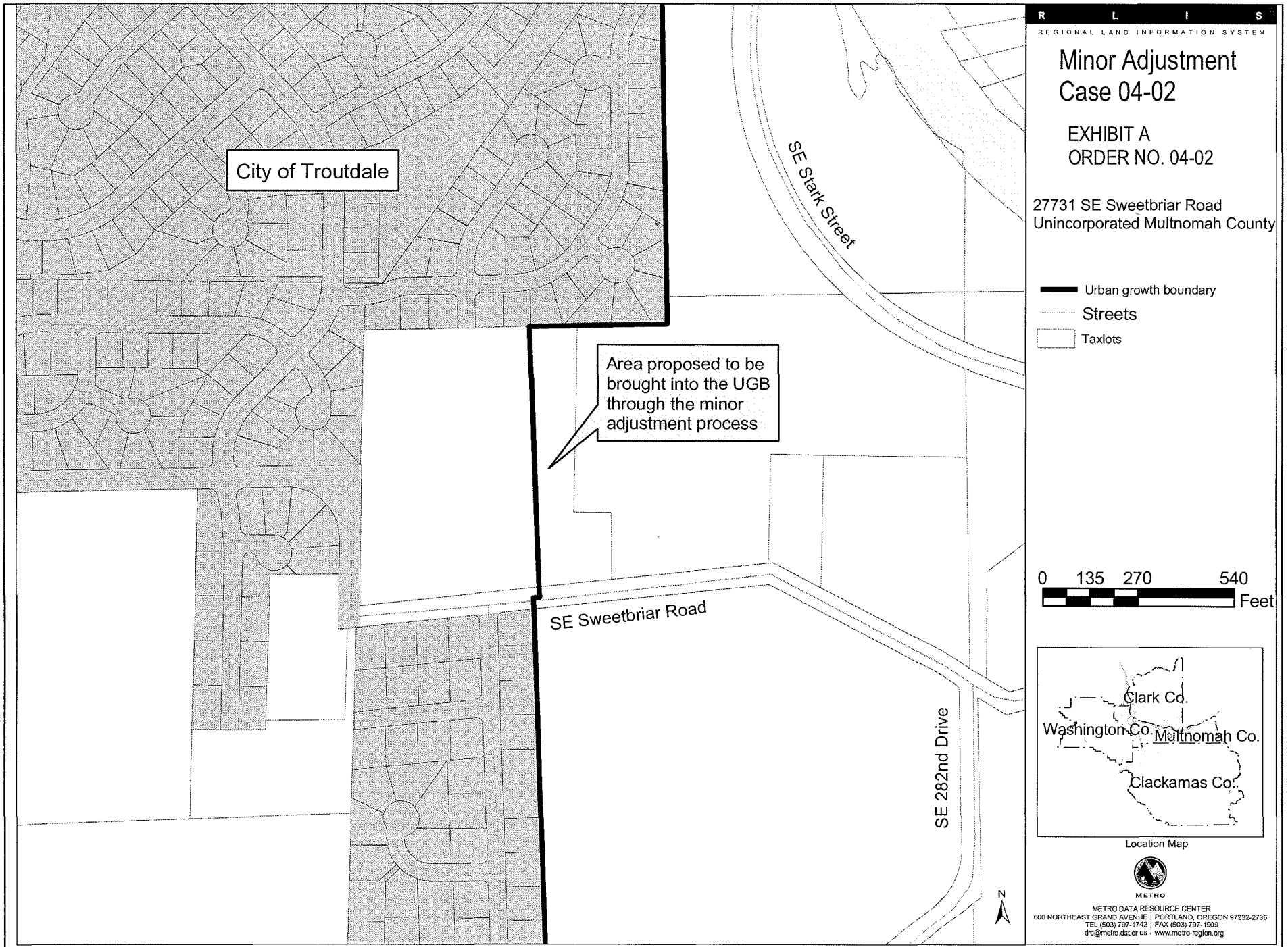


Michael Jordan, Chief Operating Officer

Approved as to Form:



Daniel B. Cooper, Metro Attorney



STAFF REPORT

IN SUPPORT OF EXECUTIVE ORDER NO. 04-02, RELATING TO THE APPLICATION FOR A MINOR ADJUSTMENT TO THE URBAN GROWTH BOUNDARY AT 27731 SE SWEETBRIAR ROAD IN UNINCORPORATED MULTNOMAH COUNTY

Date: April 2004

Prepared by: Amy Rose

BACKGROUND

CASE: UGB Minor Adjustment 04-02

PETITIONER: Carol Asakawa
27731 SE Sweetbriar Road
Troutdale, OR 97060

PROPOSAL: The petitioner requests a Minor Adjustment to the Urban Growth Boundary to include a 2.3-acre portion of a tax lot that is outside of the boundary. The Urban Growth Boundary bisects the site. The site is within unincorporated Multnomah County, adjacent to the Troutdale city limits.

LOCATION: The site is located at 27731 SE Sweetbriar Road in unincorporated Multnomah County, adjacent to the Troutdale city limits. A map of the site is attached to the Order as Exhibit A.

ZONING: The portion of the property inside the Urban Growth Boundary is zoned Urban Future District with a minimum of 20 acres (UF-20). The portion outside the Urban Growth Boundary is zoned Exclusive Farm Use (EFU).

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.

(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 total area proposed to be added to the UGB is 2.3 acres, a portion of a 9.22-acre site that is currently bisected by the boundary. While the site is greater than 2 net acres, the petitioner states that Multnomah County has designated significant Goal 5 resources and identified part of this portion as an SEC-Water Resource Area. As a result, the portion of the property outside the UGB contains less than 2 net acres of buildable land.

Multnomah County

Multnomah County, through the West of the Sandy River Plan, has identified and adopted Goal 5 resources on the property. Thus the County supports the petitioner's claim that less than 2 net acres will be brought into the UGB. This support is conditioned, however on the application of roughly equivalent environmental protections on the property after the zoning is changed from a rural to urban designation. A map of Multnomah County's Goal 5 inventory on the property is attached (Attachment 1).

Staff Response:

Metro Code Section 3.01.010(J) defines "net acre" for purposes of calculating the total land area within a proposal to amend the UGB as an area measured in acres which excludes: (2) Environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected in the comprehensive plans of cities and counties in the region. Metro's Goal 5 program identified areas of the property as Class 1 Riparian, the highest proposed protection level for environmental resources. A map of Metro's Goal 5 resources on the property is attached (Attachment 2).

Based on the petitioner's submittal and the information from Multnomah County, 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 complete parcel is bordered on three sides (north, west and south) by land, which has been previously subdivided and is in the City of Troutdale. Storm and sanitary sewers and municipal water are currently available at the urban edge of the complete parcel. A public street access way is stubbed to the property from the north.

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 UGB. Comments on this petition supplied by specific service providers follow.

Multnomah County

Multnomah County has submitted a letter recommending the approval of the petitioner's proposal. Additionally, the County stated that the current UGB line bisecting the Asakawa property might be the result of a "scrivener's error" that occurred in 1978, which could have resulted in the UGB following the Declaration Land Claim line instead of the easterly line of the property.

Troutdale Department of Public Works

The Troutdale Department of Public works submitted a Service Provider Comment form that is neutral to the petitioner's proposal. The Department of Public Works stated that the proposal would have no efficiency impact and there is city water, sanitary sewer and storm sewer services available in the area near the property.

Gresham Fire and Emergency Services

Gresham Fire and Emergency Services submitted a Service Provider Comment form that is neutral to the petitioner's proposal. The District stated that the proposal would have no efficiency impact and the property could be served.

Gresham/Barlow School District

The Gresham/Barlow School District submitted a Service Provider Comment form that is neutral to the petitioner's proposal. The school district stated that the proposal would have no efficiency impact if the property were brought into the UGB.

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. The property inside and outside the UGB is currently being used primarily for agricultural uses including growing fruit trees and flowers.

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 boundary. A significant portion of the 2.3-acre section of the parcel is not in agricultural production as is most of the land to the east between the subject property and the Sandy River. 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 help achieve the 2040 Growth Concept by promoting orderly growth because it would eliminate the unnecessary and inefficient bisection of the property. Further, because the property is surrounded by urban development on three sides already, adding this small piece would not adversely affect resident's access to nature. 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. The petitioner states that the adjustment will actually eliminate an island of rural land that is bordered on three sides by urban land.

Staff response:

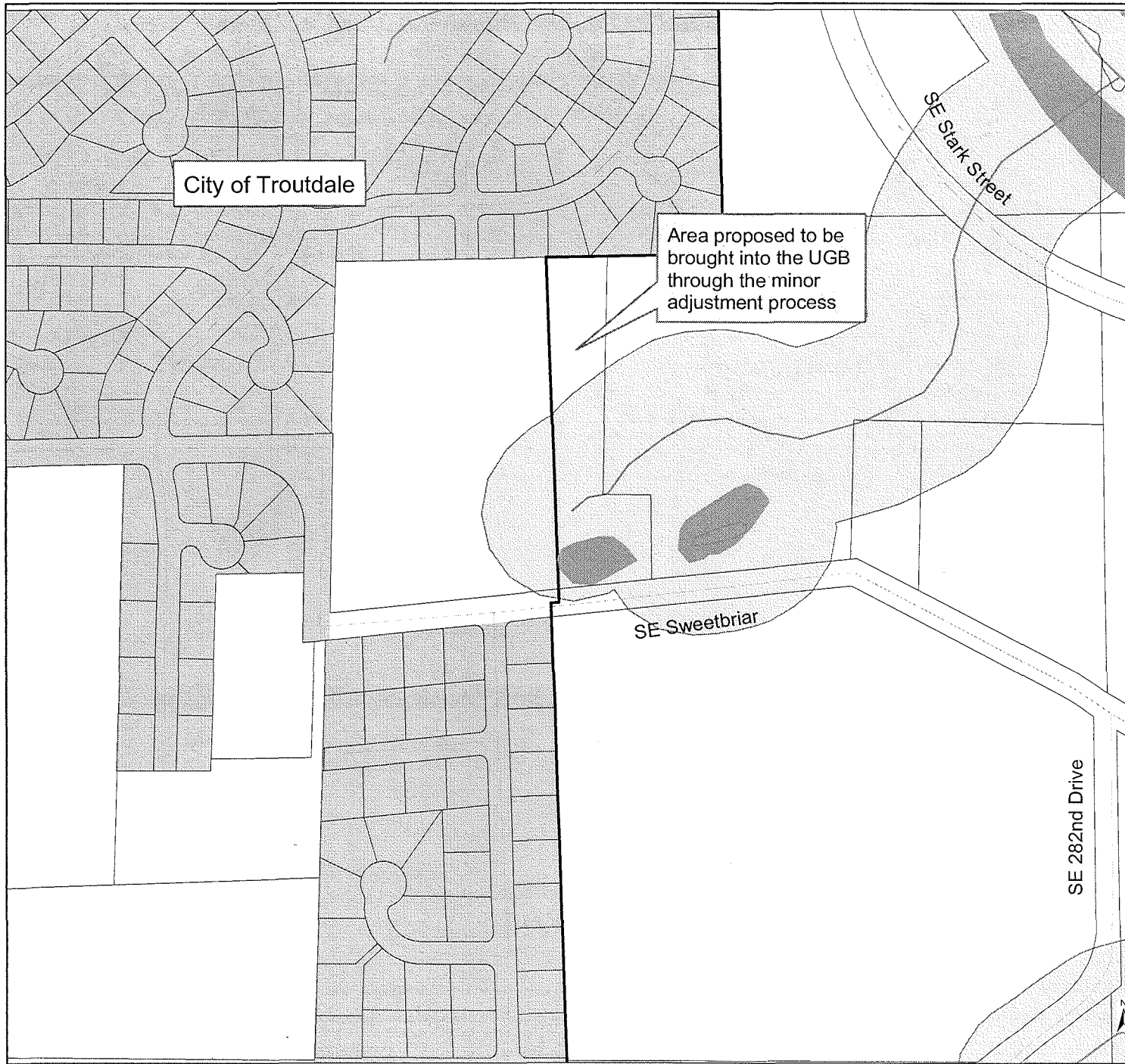
Staff agrees with the petitioner that this adjustment will not result in an island of urban land outside the UGB or an island of rural land inside. Staff concludes that this criterion has been met.

ANALYSIS/INFORMATION

1. **Known Opposition** There is no known opposition to this Executive Order.
2. **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.
3. **Anticipated Effects** Currently, a taxlot zoned EFU and UF 20 located at 27731 SE Sweetbriar Road is bisected by the UGB. This Executive Order will bring into the UGB the 2.3-acre portion of the tax lot that is outside.
4. **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 04-02 for a Minor Adjustment to the Urban Growth Boundary.



R L I S
REGIONAL LAND INFORMATION SYSTEM

Multnomah County Goal 5 Resources

Attachment 1
Case 04-02

Minor Adjustment for
27731 SE Sweetbriar
Unincorporated Multnomah County

- County Goal 5 Resource
- Wetlands
- Streams
- Taxlots
- Urban growth boundary
- Streets

0 125 250 500
Feet

Location Map

METRO
600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 FAX (503) 797-1909
drc@metro.dst.or.us www.metro-region.org



R L I S
REGIONAL LAND INFORMATION SYSTEM

Metro Goal 5 Inventory

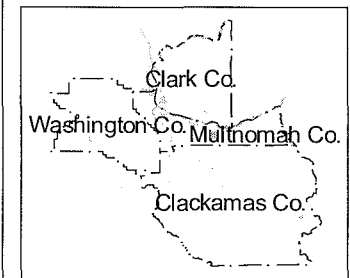
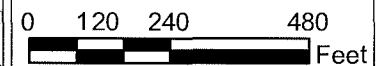
Attachment 2
Case 04-02

Minor Adjustment for
27731 SE Sweetbriar
Unincorporated Multnomah County

- Urban growth boundary
- Taxlots
- Streets

ESEE Resource Classes

- Riparian/Habitat Class I
- Riparian/Habitat Class II
- Riparian Class III
- Upland Class A
- Upland Class B
- Upland Class C
- Impact Areas



Location Map



METRO DATA RESOURCE CENTER
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dro@metro.dst.or.us | www.metro-region.org