

BEFORE THE CHIEF OPERATING OFFICER

RELATING TO THE APPLICATION FOR A MINOR) Order No. 06-201
ADJUSTMENT TO THE URBAN GROWTH)
BOUNDARY NEAR THE INTERSECTION OF "D")
STREET AND 18TH AVENUE WITHIN THE CITY)
LIMITS OF FOREST GROVE)

WHEREAS, the owners of property near the intersection of D Street and 18th Avenue within the city limits of Forest Grove have applied for a minor adjustment to the Urban Growth Boundary under Metro Code Section 3.01.033; and

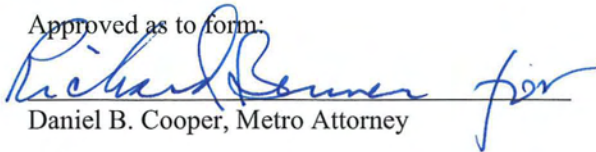
WHEREAS, the Chief Operating Officer determined that the application was complete and sent notification of the application to the persons entitled to notice under the code; and

WHEREAS, the Chief Operating Officer evaluated the application for compliance with the criteria in Metro Code 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 near the intersection of D Street and 18th Avenue, as shown on Attachment 1 to the Staff Report dated December 28, 2006, attached and incorporated into this Order as Exhibit A. This addition complies with Metro Code 3.01.035 criteria for minor adjustment of the UGB for the reasons set forth in Exhibit A.
2. The land included in this amendment shall be designated as Inner Neighborhood on the Metro 2040 Growth Concept Plan and zoned by the City of Forest Grove to allow the density of residential development currently allowed by the city's High Density Residential plan designation.

ENTERED this 28 day of December, 2006.

Approved as to form:


Daniel B. Cooper, Metro Attorney

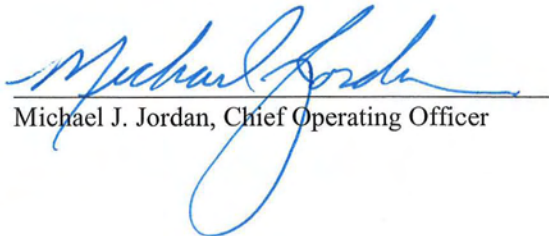

Michael J. Jordan, Chief Operating Officer

Exhibit A to Chief Operating Officer Order No. 06-201

IN CONSIDERATION OF CHIEF OPERATING OFFICER ORDER NO. 06-201 FOR THE PURPOSE OF THE APPLICATION FOR A MINOR ADJUSTMENT TO THE UGB NEAR THE INTERSECTION OF "D" STREET AND 18TH AVENUE WITHIN THE CITY LIMITS OF FOREST GROVE

Date: December 28, 2006

Prepared by Tim O'Brien
Senior Regional Planner

BACKGROUND

Case: UGB Minor Adjustment 06-02

Petitioner: Ron and Wanda Rau
31250 SW Unger Road
Cornelius, OR 97113

Proposal: The petitioner requests a minor adjustment to the Urban Growth Boundary ("UGB") where the UGB is intended to be coterminous with the 100-year floodplain, based on a recent delineation of the floodplain by a professional engineer registered by the State of Oregon.

Location: The site is located near the intersection of "D" Street and 18th Avenue within the city of Forest Grove. A map of the site is attached to Exhibit A.

Zoning: The property is zoned Exclusive Farm Use. The EFU zone is a zone adopted to protect agricultural land under statewide planning Goal 3 (Agricultural Land).

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:

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.

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 - where the UGB is intended to be coterminous with the 100-year floodplain, based on a recent delineation of the floodplain by a professional engineer registered by the State of Oregon - Metro Code Section 3.01.035(e) applies.

As required, the petitioner submitted a proposed location of the 100-year floodplain delineated by an engineer registered by the State of Oregon. The City of Forest Grove, as part of their required service provider application comments, submitted information indicating the city did not agree with the floodplain location as outlined in the application. The city asserts that the current FEMA flood boundary maps for the subject area are inaccurate due to the presence of a privately maintained levee not considered by FEMA. A letter from FEMA, dated August 16, 2006, confirmed the inaccuracies of the flood boundary maps and recommended the city utilize any historic data (water surface elevations and flooded areas) that are available on past floods to establish floodplain extents until the area can be restudied. Based on this recommendation from FEMA and the city's interpretation of the best available flood information, the City Engineer determined a "Safe Flood Boundary" that generally follows the 180-foot elevation.

The applicant amended the original submittal with a new proposed 100-year floodplain boundary as a result of discussions with the City Engineer. The City of Forest Grove submitted a letter of support for the amended 100-year floodplain boundary. The new information is the basis for this application.

Where the UGB is intended to be coterminous with the 100-year floodplain, as indicated on the map of the UGB maintained by Metro's Data Resource Center, Metro may adjust the UGB in order to conform it to a more recent delineation of the floodplain. To approve such an adjustment, Metro shall find that:

(1) The delineation was done by a professional engineer registered by the State of Oregon;

Petitioner:

The petitioner states that the applicant's engineer and the Forest Grove City Engineer, both of whom are registered by the State of Oregon, completed the floodplain delineation through a collaborative effort.

Staff Response:

Based on the petitioner's submittal staff agrees that the delineation was done by a professional engineer registered by the State of Oregon. Staff concludes that this criterion has been met.

(2) The adjustment will result in the addition of no more than 20 net acres to the UGB;

Petitioner:

The petitioner states that the land to be added to the UGB is 4.2 acres, which is less than the 20 net acres threshold.

Staff Response:

Staff agrees with the petitioner that the adjustment will result in the addition of no more than 20 acres to the UGB. Staff concludes that this criterion has been met.

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

Petitioner:

The petitioner states that the adjustment will add land 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 Forest Grove to continue to meet the expectations of its comprehensive plan through the development of a residential project with a mix of housing types and prices, provide open space along Gales Creek, protect natural resources and provide sanitary service to properties to the west of the subject property currently within the UGB.

Staff Response:

Staff agrees with the petitioner that the adjustment will help achieve the 2040 Growth Concept. Staff concludes that this criterion has been met.

(4) 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 petitioner states that this adjustment will not result in an island of urban land outside the UGB or an island of rural land inside, as evidenced by the submittal of a map identifying the UGB line.

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.

(5) Petitions to add land to the UGB that is available for housing must meet the following:

If a minor adjustment adds more than two acres of land available for housing to the UGB, Metro shall designate the land to allow an average density of at least 10 units per net developable acre or other such density that is consistent with the 2040 Growth Concept designation for the area.

Staff Response:

The adjacent residential land within the City of Forest Grove is designated as Inner Neighborhood on the Metro 2040 Growth Concept and is within the City's High Density Residential plan designation and is zoned Multi-Family (A-2). It is staff's recommendation that the land added to the UGB in this application be designated as Inner Neighborhood on the Metro 2040 Growth Concept and be designated and zoned by the City of Forest Grove consistent with the adjacent residential designations of High Density Residential plan designation and Multi-Family (A-2) zone.

ANALYSIS/INFORMATION

Known Opposition: A number of local residents, the Oregon Department of Land Conservation and Development (DLCD) and the City of Forest Grove submitted comments indicating they did not agree with the location of the floodplain as identified in the original application materials. The comments from city residents and DLCD supported the City's recommendation of a "Safe Flood Boundary" based on the best available flood data. Based on the amended application materials submitted by the applicant, the City of Forest Grove submitted a letter of support on the location of the floodplain.

Legal Antecedents: Metro Code 3.01.035(e) allows, through an administrative process, adjustments to the UGB where the UGB is intended to be coterminous with the 100-year floodplain, based on a recent delineation of the floodplain by a professional engineer registered by the State of Oregon.

Anticipated Effects: This order will bring into the UGB a 3.2-acre parcel that is already within the city limits of the City of Forest Grove, resulting in a parcel developable for residential development.

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

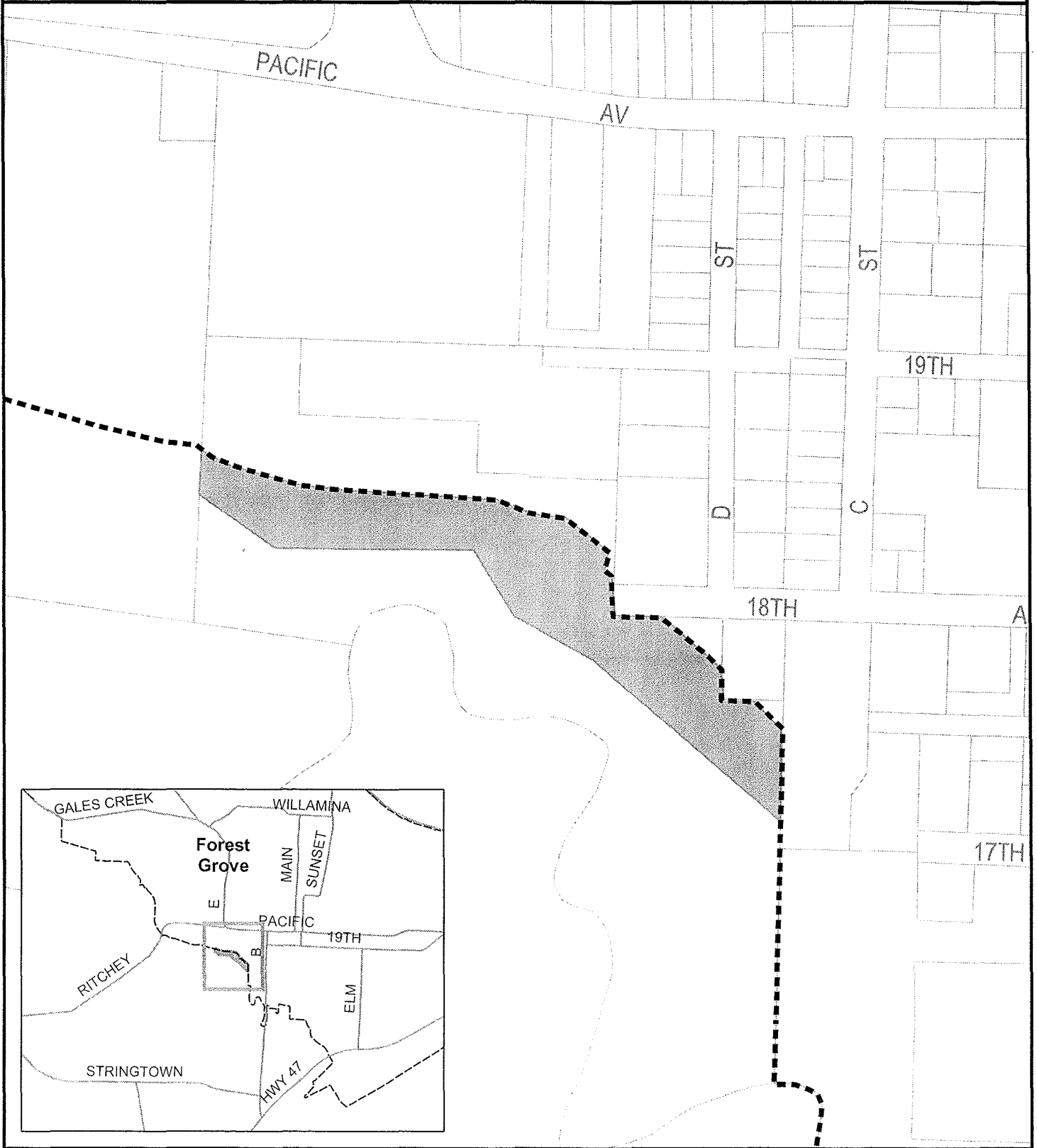
Staff recommends that the Chief Operating Officer approve Case 06-02 for a Minor Adjustment to the UGB.

Attachment 1, UGB Minor Adjustment, Order 06-201

1S4W01

Annexation to the Urban Growth Boundary

Washington Co



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

- Taxlots
- Urban Growth Boundary
- Land to be added to UGB

1:3,000
 Ron and Wanda Rau

Attachment 1
 UGB Minor Adjustment
 Order 06-201