

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 98-175 DENYING URBAN GROWTH BOUNDARY LOCATIONAL ADJUSTMENT CASE 98-2: DENNIS DERBY, DOUBLE D DEVELOPMENT, INC. AND ADOPTING HEARING OFFICER'S REPORT INCLUDING FINDINGS AND CONCLUSIONS

Date: October 1, 1998

Presented by: Larry Epstein, Hearings Officer
Prepared by: Carol Krigger, Growth Management

PROPOSED ACTION

Adoption of Ordinance 98-____, denying Case 98-2: *Dennis Derby, Double D Development, Inc.* a locational adjustment to the urban growth boundary (UGB).

BACKGROUND AND ANALYSIS

On March 10, 1998, Dennis Derby, Double D Development, Inc. filed a petition for a 14.84-acre locational adjustment to the UGB for the purpose of developing the site with single-family residential units.

Proposal Description:

The 14.84-acre site is located southwest of the intersection of Stafford and Rosemont roads in unincorporated Clackamas County (Attachment 1). It is adjacent to the UGB and Lake Oswego and is located within the first tier portion of Urban Reserve #33. The site is exception land and is zoned Clackamas County RRFF-5 (Rural Residential/Farm Forest, 5-acre minimum lot).

Hearings Officer Recommendation and Proposed Findings

The Hearings Officer, Larry Epstein, conducted a public hearing at the Lake Oswego City Hall on June 24, 1998. He submitted a report and recommendation to Metro on July 24, 1998, recommending denial of the petition (Attachment 2).

The Hearings Officer finds that the criteria for a locational adjustment to the UGB as contained in Metro Code 3.01.035 are not met by the petitioner. These criteria include: 1) Locational adjustments shall not exceed 20 net acres; 2) The site can be served with public facilities and services in an orderly and economic manner, and the adjustment would result in a net improvement in their efficiency; 3) The amendment would facilitate needed development on adjacent existing urban land; 4) The environmental, energy, economic and social consequences of amending the UGB have been considered; 5) The proposed use would be compatible with nearby agricultural activities; 6) The proposed UGB location would be superior to the existing UGB location; and 7) The proposed adjustment must include all similarly situated contiguous land which could also be appropriately included within the UGB.

FINDINGS

The Hearing Officer recommends adoption of Ordinance 98-xxx based upon the findings and conclusions in his report that:

- All application and noticing requirements are met.
- A public hearing was conducted according the requirements and rules of Metro Code 3.01.050 and 3.01.055.
- The criteria for a locational adjustment to the UGB contained in Metro Code 3.01.035 are not met by the petitioner.

The case record contains the petitioner submittals, Metro staff report, notification lists, relevant correspondence, the Hearing Officer's report and exception??. The complete list is included as part of the Hearing Officer's report.

BUDGET IMPACT

There is no budget impact from adopting this ordinance.

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