

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE) ORDINANCE NO 99-818-A
REQUIREMENTS FOR URBAN GROWTH)
BOUNDARY AMENDMENTS, URBAN RESERVE) Introduced by Councilors
PLANNING REQUIREMENTS IN TITLE 11 OF THE) McLain and Monroe
URBAN GROWTH MANAGEMENT FUNCTIONAL)
PLAN AND APPENDICES A AND B OF THE)
REGIONAL FRAMEWORK PLAN AND METRO)
CODE REQUIREMENTS FOR LOCAL)
GOVERNMENT BOUNDARY CHANGES AND)
DECLARING AN EMERGENCY)

WHEREAS, in March 1997, the Metro Code was amended in Ordinance 96-655E to require Urban Reserve Plans prior to all major amendments and legislative amendments of the regional Urban Growth Boundary; and

WHEREAS, in September 1998, the Urban Growth Management Functional Plan adopted by Ordinance 96-647C was amended to add a new Title 11 by Ordinance 98-772B which allowed major amendments and legislative amendments of the Urban Growth Boundary to occur prior to completion of Urban Reserve Plans. Appendix A of the Regional Framework Plan adopted in Ordinance 97-715B restates the Urban Growth Management Functional Plan and was also amended by Ordinance 98-772B; and

WHEREAS, the Oregon Legislature transferred the functions of the Portland Metropolitan Boundary Commission to Metro by Chapter 516, Section 11, Oregon Laws 1997 which took effect December 31, 1998; and

WHEREAS, the Oregon Legislature authorized Metro to review and approve annexations to Metro's jurisdictional boundary under Chapter 282, Oregon Laws 1999 (Senate Bill 1031) effective June 18, 1999; and

WHEREAS, notice of this ordinance was sent to the Department of Land Conservation and Development on August 6, 1999, more than 45 days before the first evidentiary hearing on this ordinance; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 3.01 is amended in Sections 3.01.010, 3.01.012, 3.01.015, 3.01.020, 3.01.025, 3.01.033, 3.01.035, 3.01.040, 3.01.050 and 3.01.070 and Section 3.01.012 to read as set forth in attached Exhibit A. These amendments constitute amendments to the current acknowledged Metro Code Chapter 3.01 Urban Growth Boundary and Urban Reserve Procedures.

2. Appendix B of the Regional Framework Plan, adopted by Ordinance 97-715B which restates Metro Code 3.01 Concerning Urban Reserves and Expansion of the UGB is amended to read as set forth in attached Exhibit A.

3. Title 11 of the Urban Growth Management Functional Plan which is also Metro Code 3.07 is amended in Sections 3.07.1110, 3.07.1120 and 3.07.1130 and 3.07.1140 to read as set forth in attached Exhibit A.


4. Appendix A of the Regional Framework Plan adopted by Ordinance 97-715B which restates the Urban Growth Management Functional Plan is also amended to read as set forth in attached Exhibit A.

5. Metro Code 3.09 Local Government Boundary Changes Section 3.09.120 is amended to read as set forth in attached Exhibit A.

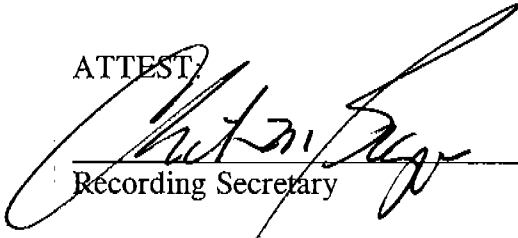
6. This ordinance is necessary for the immediate preservation of public health, safety and welfare because revisions to requirements for Urban Growth Boundary amendments should be effective immediately in order to allow Metro to comply with the State of Oregon mandate to

move the Urban Growth Boundary; an emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

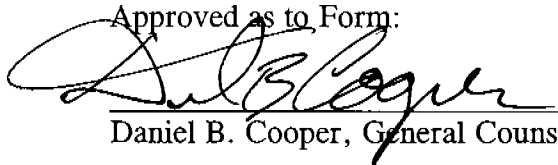
ADOPTED by the Metro Council this 30th day of SEPTEMBER 1999.



Rod Monroe, Presiding Officer

ATTEST:


Recording Secretary

Approved as to Form:


Daniel B. Cooper, General Counsel

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9/15/99

EXHIBIT A

**METRO CODE AMENDMENTS: COMPREHENSIVE PLAN REQUIREMENTS FOR
URBAN GROWTH BOUNDARY AMENDMENT AREAS**

	Page
3.01 PLANNING	1
3.01.010 Definitions	1
3.01.012 Urban Reserve Areas	5
3.01.015 Legislative Amendment Procedures	7
3.01.020 Legislative Amendment Criteria	9
3.01.025 Major Amendment Procedures	19
3.01.033 Applications for Major Amendments and Locational Adjustments	20
3.01.035 Locational Adjustment Procedures	25
3.01.040 Requirements For Areas Added To The Urban Growth Boundary By A Legislative or Major Amendment	30
3.01.050 Hearing Notice Requirements	32
3.01.070 Notice of Decision	35
3.07 TITLE 11: URBAN GROWTH BOUNDARY AMENDMENT AREA COMPREHENSIVE PLAN REQUIREMENTS	36
3.07.1110 Interim Protection of Areas Brought Inside Urban Growth Boundary	36
3.07.1120 Urban Growth Boundary Amendment Requirements	37
3.07.1130 Implementation of Urban Growth Boundary Amendment Urban Reserve Plan Requirements	41
3.07.1140 Effective Date and Notification Requirements	42
3.09 LOCAL GOVERNMENT BOUNDARY CHANGES	42
3.09.120 Minor Boundary Changes To Metro’s Boundary	42

3.01 PLANNING

3.01.010 Definitions

(a) "Administrative adjustment" means an addition of five net acres or less to the UGB to adjust the UGB where the current UGB is coterminous with a transportation right-of-way that is changed by a modification to the alignment of the transportation facility.

(b) "Council" has the same meaning as in chapter 1.01.

(c) "Compatible," as used in this chapter, is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. Any such interference or adverse impacts must be balanced with the other criteria and considerations cited.

(d) "District" has the same meaning as in chapter 1.01.

(e) "Goals" means the statewide planning goals adopted by the Oregon Land Conservation and Development Commission at OAR 660-15-000.

(f) "Gross developable vacant land" means the total buildable land area within the UGB, as compiled by Metro for the purpose of determining the need for changes in the urban land supply. These are lands that can be shown to lack significant barriers to development. Gross developable vacant lands include, but are not limited to, all recorded lots on file with the county assessors equal to or larger than either the minimum lot size of the zone in which the lot is located or the minimum lot size which will be applied in an urban holding zone which:

- (1) Are without any structures as corroborated through examination of the most recent aerial photography at the time of inventory; or

(2) Have no improvements according to the most recent assessor records.

(g) "Gross redevelopable land" means the total area of redevelopable land and infill parcels within the UGB including:

(1) That portion of all partially developed recorded lots, where one-half acre or more of the land appears unimproved through examination of the most recent aerial photography at the time of inventory; and

(2) All recorded lots on file with the county assessors that are 20,000 square feet or larger where the value of the improvement(s) is significantly less than the value of the land, as established by the most recent assessor records at the time of inventory. Standard measures to account for the capability of infill and redevelopment properties will be developed by the district to provide a means to define what is significant when comparing structure value and land values; or, when a city or county has more detailed or current gross redevelopable land inventory data, for all or a part of their jurisdiction, it can request that the district substitute that data for inclusion in the gross developable land inventory.

(h) "Gross developable land" means the total of gross developable vacant land and gross redevelopable land.

(i) "Legislative amendment" means an amendment to the UGB initiated by the district, which is not directed at a particular site-specific situation or relatively small number of persons.

(j) "Locational adjustment" means a limited quasi-judicial change to the UGB which is either an addition or deletion of 20 net acres or less outside of an urban reserve .

(k) "Major amendment" means a quasi-judicial change of the UGB of any size from within an urban reserve, or more than 20 net acres if outside an urban reserve .

(l) "Natural area" means an area exclusively or substantially without any human development, structures, and paved areas which is wholly or substantially in a native and unaffected state. Further, it shall be identified in a city, county or district open space inventory or plan, prior to the initiation of an amendment.

(m) "Net acre" for purposes of calculating the total land area within a proposal to amend the UGB means an area measured in acres which excludes:

- (1) Any developed road rights-of-way through or on the edge of the proposed UGB amendment; and
- (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, slopes in excess of 25 percent and wetlands requiring a federal fill and removal permit under Section 404 of the Clean Water Act. These excluded areas do not include lands for which the local zoning code provides a density bonus or other mechanism which allows the transfer of the allowable density or use to another area or to development elsewhere on the same site; and,
- (3) All publicly-owned land designated for park and open space uses.

(n) "Net developable land" means the total of net developable vacant land and net redevelopable land.

(o) "Net developable vacant land" means the amount of land remaining when gross developable vacant land is reduced by the amount of the estimated land needed for the provision of additional roads, schools, parks, private utilities and other public facilities.

(p) "Net redevelopable land" means the amount of land remaining when gross redevelopable land is reduced by the estimated land needed for the provision of additional roads, schools, parks, private utilities and other public facilities. The district shall determine the appropriate factor to be used for each jurisdiction in consultation with the jurisdiction within which the specific redevelopable land is located.

(q) "Nonurban land" means land currently outside the UGB.

(r) "Party" means any individual, agency, or organization who participates orally or in writing in the creation of the record established at a public hearing.

(s) "Petition" means a petition to amend the UGB either as a major amendment or as a locational adjustment.

(t) "Planning period" means the period covered by the most recent officially adopted district forecasts, which is approximately a 20-year period.

(u) "Property owner" means a person who owns the primary legal or equitable interest in the property.

(v) "Regional forecast" means a 20-year forecast of employment and population by specific areas within the region, which has been adopted by the district.

(w) "Site" means the subject property for which an amendment or locational adjustment is being sought.

(x) "Special land need" means a specific type of identified land needed which complies with Goal 14, Factors 1 and 2 that cannot be reasonably accommodated on urban reserve land.

(y) "UGB" means the Urban Growth Boundary for the district pursuant to ORS 268.390 and 197.005 through 197.430.

(z) "Urban land" means that land inside the UGB.

(aa) "Urban reserve" means an area designated as an urban reserve pursuant to Section 3.01.012 of this code and applicable statutes and administrative rules.

(Ordinance No. 92-450A, Sec. 1. Amended by Ordinance No. 96-655E, Sec. 1; Ordinance No. 97-711, Sec. 2.)

3.01.012 Urban Reserve Areas

(a) Purpose. The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Designation of Urban Reserves.

(1) The Council shall designate the amount of urban reserves estimated to accommodate the forecast need.

(2) The areas designated as urban reserves shall be sufficient to accommodate expected urban development for a 30 to 50 year period, taking into

account an estimate of all potential developable and redevelopable land within the current urban growth boundary.

- (3) The Council shall estimate the capacity of the urban reserves consistent with the procedures for estimating capacity of the urban area set forth in section 3.01.020.
- (4) The minimum residential density to be used in estimating the capacity of the areas designated as urban reserves shall be an average of at least 10 dwelling units per net developable acre or lower densities which conform to the 2040 Growth Concept design type designation for the urban reserve area.
- (5) The Council may designate a portion of the land required for urban reserves in order to phase designation of urban reserves.
- (6) Metro has designated as urban reserve areas those lands indicated on the 2040 Growth Concept map which was adopted as part of the Regional Urban Growth Goals and Objectives.

(c) Plans For Urban Reserve Areas. Subject to applicable law, cities and counties may prepare and adopt comprehensive plan amendments for urban reserve areas consistent with all provisions of the Urban Growth Management Functional Plan prior to the inclusion of an urban reserve area within the Urban Growth Boundary. Prior to the preparation and adoption of any such comprehensive plan amendments, at the request of a city or county, the Council shall establish the 2040 Growth Concept design types and the boundaries of the area to be planned, if it has not previously done so.

(Ordinance No. 96-655E, Sec. 1. Amended by Ordinance No. 98-772B, Sec. 1.)

3.01.015 Legislative Amendment Procedures

(a) The process for determination of need and location of lands for amendment of the UGB is provided in section 3.01.020.

(b) Notice shall be provided as described in section 3.01.050.

(c) The Council shall initiate Legislative Amendments when it determines pursuant to Goal 14 and section 3.01.020 that there is a need to add land to the Urban Growth Boundary..

(d) Before adopting any legislative amendment, Metro shall consult with cities, counties and MPAC to determine which cities and counties, if any, are prepared to initiate comprehensive plan amendments for urban reserve areas, if they are included, within the Urban Growth Boundary.

(e) Where a city or county has adopted comprehensive plan amendments for an urban reserve area to Section 3.01.012(c), the Metro Council shall rely upon the planned status of that urban reserve in considering applicable criteria.

(f) Legislative amendment decisions shall be based upon substantial evidence in the decision record which demonstrates how the amendment complies with applicable state and local law and statewide goals as interpreted by section 3.01.020.

(g) The following public hearings process shall be followed for legislative amendments:

- (1) The district council shall refer a proposed amendment to the appropriate council committee at the first council reading of the ordinance.

- (2) The committee shall take public testimony at as many public hearings as necessary. At the conclusion of public testimony, the committee shall deliberate and make recommendations to the council.
- (3) The council shall take public testimony at its second reading of the ordinance, discuss the proposed amendment, and approve the ordinance with or without revisions or conditions, or refer the proposed legislative amendment to the council committee for additional consideration.
- (4) Testimony before the council or the committee shall be directed to Goal 14 and Goal 2 considerations interpreted at section 3.01.020 of this chapter.
- (5) Prior to the council acting to approve a legislative amendment, including land outside the district, the council shall annex the territory to the district. The annexation decision shall be consistent with the requirements of section 3.09.120 of this Code. If the annexation decision becomes the subject of a contested case pursuant to Chapter 3.09 of this code, the Legislative amendment to the Urban Growth Boundary shall not be approved until the contested case is either withdrawn or the annexation is approved by the Boundary Appeals Commission, whichever occurs first.

(Ordinance No. 92-450A, Sec. 1. Amended by Ordinance No. 96-655E, Sec. 1; Ordinance No 98-772B, Sec. 1.)

3.01.020 Legislative Amendment Criteria

(a) The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO. This section details a process which is intended to interpret Goals 2 and 14 for specific application to the district UGB. Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.

(b) While all of the following Goal 14 factors must be addressed, the factors cannot be evaluated without reference to each other. Rigid separation of the factors ignores obvious overlaps between them. Demonstration of compliance with one factor or subfactor may not constitute a sufficient showing of compliance with the goal, to the exclusion of the other factors when making an overall determination of compliance or conflict with the goal. For legislative amendments, if need has been addressed, the district shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7.

(1) Factor 1: Demonstrated need to accommodate long-range urban population growth.

(A) The district shall develop 20-year Regional Forecasts of Population and Employment, which shall include a forecast of net developable land need, providing for review and comment by cities, counties, special districts and other interested parties. After deliberation upon all relevant facts the district shall adopt a forecast. This forecast shall be completed at least every five years or at the time of periodic review, whichever is sooner. Concurrent with the adoption of the district's growth forecast, the district shall complete an inventory of net developable land, providing the opportunity for review and comment by all cities and counties in the district.

- (B) The forecast and inventory, along with all other appropriate data shall be considered by the district in determining the need for urban developable land. The results of the inventory and forecast shall be compared, and if the net developable land equals or is larger than the need forecast, then the district council shall hold a public hearing, providing the opportunity for comment. The council may conclude that there is no need to move the UGB and set the date of the next five-year review or may direct staff to address any issues or facts which are raised at the public hearing.

- (C) If the inventory of net developable land is less than the need forecast, the district shall conduct a further analysis of the inventory to determine whether any significant surplus of developable land in one or more land use categories could be suitable to address the unmet forecasted need. Council shall hold a public hearing prior to its determination of whether any estimated deficit of net developable land is sufficient to justify an analysis of locations for a legislative amendment the UGB.

- (D) For consideration of a legislative UGB amendment, the district council shall review an analysis of land outside the present UGB to determine those areas best suited for expansion of the UGB to meet the identified need.

- (E) The district must find that the identified need cannot reasonably be met within the UGB, consistent with the following considerations:
 - (i) That there is not a suitable site with an appropriate comprehensive plan designation.

- (ii) All net developable land with the appropriate plan designation within the existing UGB shall be presumed to be available for urban use during the planning period.
- (iii) Market availability and level of parcelization shall not render an alternative site unsuitable unless justified by findings consistent with the following criteria:
 - (I) Land shall be presumed to be available for use at some time during the planning period of the UGB unless legal impediments, such as deed restrictions, make it unavailable for the use in question.
 - (II) A parcel with some development on it shall be considered unavailable if the market value of the improvements is not significantly less than the value of the land, as established by the most recent assessor records at the time of inventory. Standard measures to account for the capability of infill and redevelopment will be developed by the district to provide a means to define what is significant when comparing structure value and land values. When a city or county has more detailed or current gross redevelopable land inventory data, for all or a part of their jurisdiction, it can request that the district substitute that data in the district gross developable land inventory.

- (III) Properly designated land in more than one ownership shall be considered suitable and available unless the current pattern or level of parcelization makes land assembly during the planning period unfeasible for the use proposed.
- (2) Factor 2: Need for housing, employment opportunities and livability may be addressed under either subsection (A) or (B) or both, as described below.
 - (A) For a proposed amendment to the UGB based upon housing or employment opportunities the district must demonstrate that a need based upon an economic analysis can only be met through a change in the location of the UGB. For housing, the proposed amendment must meet an unmet need according to statewide planning Goal 10 and its associated administrative rules. For employment opportunities, the proposed amendment must meet an unmet long-term need according to statewide planning Goal 9 and its associated administrative rules. The amendment must consider adopted comprehensive plan policies of jurisdictions adjacent to the site, when identified by a jurisdiction and must be consistent with the district's adopted policies on urban growth management, transportation, housing, solid waste, and water quality management.
 - (B) To assert a need for a UGB amendment based on livability, the district must:
 - (i) factually define the livability need, including its basis in adopted local, regional, state, or federal policy;

- (ii) factually demonstrate how the livability need can best be remedied through a change in the location of the UGB;
 - (iii) identify both positive and negative aspects of the proposed UGB amendment on both the livability need and on other aspects of livability; and
 - (iv) demonstrate that, on balance, the net result of addressing the livability need by amending the UGB will be positive.
- (3) Factor 3: Orderly and economic provision of public facilities and services. An evaluation of this factor shall be based upon the following:
- (A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.
 - (B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of

an existing route rather than an area which would require an entirely new route.

(4) Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area. An evaluation of this factor shall be based on at least the following:

(A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.

(B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

(5) Factor 5: Environmental, energy, economic and social consequences. An evaluation of this factor shall be based upon consideration of at least the following:

- (A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.
 - (B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.
 - (C) The long-term environmental, energy, economic, and social consequences resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.
- (6) Factor 6: Retention of agricultural land. This factor shall be addressed through the following:
- (A) Prior to the designation of urban reserves, the following hierarchy shall be used for identifying priority sites for urban expansion to meet a demonstrated need for urban land:
 - (i) Expansion on rural lands excepted from statewide planning Goals 3 and 4 in adopted and acknowledged county comprehensive plans. Small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be included with them to improve the efficiency of the

boundary amendment. The smallest amount of resource land necessary to achieve improved efficiency shall be included;

(ii) If there is not enough land as described in (i) above to meet demonstrated need, secondary or equivalent lands, as defined by the state, should be considered;

(iii) If there is not enough land as described in either (i) or (ii) above, to meet demonstrated need, secondary agricultural resource lands, as defined by the state should be considered;

(iv) If there is not enough land as described in either (i), (ii) or (iii) above, to meet demonstrated need, primary forest resource lands, as defined by the state, should be considered;

(v) If there is not enough land as described in either (i), (ii), (iii) or (iv) above, to meet demonstrated need, primary agricultural lands, as defined by the state, may be considered.

(B) After urban reserves are designated and adopted, consideration of factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

(C) After urban reserves are designated and adopted, a proposed amendment for land not wholly within an urban reserve must also

demonstrate that the need cannot be satisfied within urban reserves.

- (7) Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

The record shall include an analysis of the potential impact on nearby agricultural activities including the following:

- (i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site;
- (ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land, as well as the impact on the local agricultural economy.

(c) The requirements of statewide planning Goal 2 will be met by addressing all of the requirements of section 3.01.020(b), above, and by factually demonstrating that:

- (1) The land need identified cannot be reasonably accommodated within the current UGB; and

- (2) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts; and
- (3) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas than the proposed site and requiring an exception.

(d) The proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

(e) Satisfaction of the requirements of section 3.01.020(a) and (b) does not mean that other statewide planning goals do not need to be considered. If the proposed amendment involves other statewide planning goals, they shall be addressed.

(f) Section 3.01.020(a), (b), (c) and (d) shall be considered to be consistent with and in conformance with the Regional Urban Growth Goals and Objectives.

(g) Where efficiencies in the future development of an existing urban reserve are demonstrated, the Metro Council may amend the urban reserve in the same UGB amendment process to include additional adjacent nonresource lands up to 10 percent of the total acreage. Any urban reserve amendment shall demonstrate compliance with the Urban Reserve Rule (OAR 660-021-0030).

(Ordinance No. 92-450A, Sec. 1. Amended by Ordinance No. 96-655E, Sec. 1; Ordinance No. 97-711, Sec. 1.)

3.01.025 Major Amendment Procedures

- (a) All major amendments shall demonstrate compliance with the following:
 - (1) The criteria in section 3.01.030 of this Code as well as the procedures in OAR 660-18-000;
 - (2) Notice of public hearings for major amendments as described in section 3.01.050;
 - (3) Public hearings procedures as described in sections 3.01.055 through 3.01.065;
 - (4) Final action on major amendments shall be taken as described in section 3.01.070.

(b) Where efficiencies in the future development of an urban reserve are demonstrated by the applicant, petitions may include a request that the Metro Council amend the urban reserves in the same UGB amendment process to include additional adjacent nonresource lands up to 10 percent of the total acreage in the petition. Any requested urban reserve amendment shall demonstrate compliance with the Urban Reserve Rule (OAR 660-021-0030).

(Ordinance No. 92-450A, Sec. 1. Amended by Ordinance No. 96-655E, Sec. 1)

3.01.033 Applications for Major Amendments and Locational Adjustments

- (a) Petitions for Major Amendments or Locational Adjustments may be filed by:

- (1) A county with jurisdiction over the property or a city with a planning area that includes or is contiguous to the property; or
- (2) The owners of the property included in the petition or a group of more than 50 percent of the property owners who own more than 50 percent of the land area in each area included in the petition.

(b) A petition for amendment of the UGB shall be on a form provided by the district and must be complete before it will be considered.

(c) Completed petitions must be filed between February 1st and March 15. The proposed amendment or locational adjustment to the UGB shall not result in an island of urban land outside the existing UGB, or result in the creation of an island of non-urban land. The district will determine not later than seven working days after the filing whether a petition is complete and notify the petitioner of any deficiencies. The petitioner must remedy any identified deficiencies within 14 days of notification, or the petition and fees shall be returned to the petitioner and no further consideration shall be given. Completeness of petitions shall be the petitioners' responsibility.

(d) Upon request by a councilor or the executive officer, the council may, by an affirmative vote of two-thirds of the full council, waive the filing deadline for a petition. Such waiver shall not waive any other requirement of this chapter.

(e) The district shall give notice of the March 15 deadline for acceptance of petitions for UGB major amendments and locational adjustments under this chapter not less than 90 calendar days before a deadline and again 60 calendar days before a deadline in a newspaper of general circulation in the district and in writing to each city and county in the district. A copy of the notice shall be mailed not less than 90 calendar days before a deadline to anyone who has

requested notification. The notice shall explain the consequences of failing to file before the deadline and shall specify the district officer or employee from whom additional information may be obtained.

(f) All petitions shall be reviewed by district staff and a report and recommendation submitted to the hearings officer. For locational adjustments, the staff report shall be submitted not less than 10 calendar days before the hearing. For major amendments, the staff report shall be submitted not less than 21 calendar days before the hearing. A copy of the staff report and recommendation shall simultaneously be sent to the petitioner(s) and others who have requested copies. Any subsequent staff report used at the hearing shall be available at least seven days prior to the hearing.

(g) The petitioner shall provide a list of names and addresses for notification purposes, consistent with section 3.01.055, when submitting a petition. Said list of names and addresses shall be certified in one of the following ways:

- (1) A list attested to by a title company as a true and accurate list of property owners as of a specified date; or
- (2) A list attested to by a county assessor, or designate, pledging that the list is a true and accurate list of property owners as of a specified date; or
- (3) A list with an attached affidavit completed by the proponent affirming that the names and addresses are a true and accurate list of property owners as of a specified date.

(h) Upon request of the applicant, the executive officer may postpone the scheduling of the hearing for no more than 90 days. The applicant shall request rescheduling of the hearing within 90 days or the petition shall be considered inactive and withdrawn. The applicant shall be refunded the portion of the fee deposit not required for costs as outlined in 3.01.045.

(i) Local Position on Petition:

(1) Except as provided in subsection 4 of this section, a petition shall not be considered completed for hearing unless the petition includes a written statement by the governing body of each city or county with land use jurisdiction over the area included in the petition that:

(A) recommends that Metro approve the petition; or

(B) recommends that Metro deny the petition; or

(C) expresses no preference on the petition.

(2) Except as provided in subsection 4 of this section, a petition shall not be considered completed for hearing unless the petition includes a written statement by any special district which has an agreement with the governing body of each city or county with land use jurisdiction over the area included in the petition to provide one or more urban services to the subject area that:

(A) recommends that Metro approve the petition; or

(B) recommends that Metro deny the petition; or

(C) expresses no preference on the petition.

(3) If a city, county or special district holds a public hearing to establish its position on a petition, the city or county shall:

- (A) provide notice of such hearing to the district and to any city or county whose municipal boundaries or urban planning area boundary abuts the area affected; and
 - (B) provide the district with a list of the names and addresses of parties testifying at the hearing and copies of any exhibits or written testimony submitted for the hearing.
- (4) Upon request by an applicant, the executive officer shall waive the requirements of subsections (1) and (2) of this section regarding written recommendations from the city or county with land use jurisdiction or a special district which provides one or more urban services if the applicant shows that a request for comment was filed with the local government at least 120 calendar days previously and that the local government or service provider has not yet adopted a position.
- (j) Petitions outside district boundary:
- (1) Petitions to extend the UGB to include land outside the district shall not be accepted unless accompanied by a copy of a petition for annexation to the district.
 - (2) A city or county may, in addition to the action required in subsection B of this section, approve a plan or zone change to implement the proposed adjustment in the area included in a petition prior to a change in the district UGB if:
 - (A) The district is given notice of the local action;

(B) The notice of the local action states that the local action is contingent upon subsequent action by the district to amend its UGB; and

(C) The local action to amend the local plan or zoning map becomes effective only if the district amends the UGB consistent with the local action.

(3) If the city or county has not contingently amended its plan or zoning map to allow the land use category of the proposed amendment proposed in a petition, and if the district does approve the UGB amendment, the local plan or map change shall be changed to be consistent with the UGB amendment within one year.

(Ordinance No. 92-450A, Sec. 1. Amended by Ordinance No. 98-732, Sec. 1.)

3.01.035 Locational Adjustment Procedures

(a) It is the purpose of sections 3.01.035 and 3.01.037 to establish procedures to be used by the district in making minor UGB amendments. The sections are intended to incorporate relevant portions of statewide goals 2 and 14, and, by restricting the location, size, character, and annual acreage of UGB adjustments that may be approved under this chapter, this section obviates the need to specifically apply these goal provisions to UGB amendments approved hereunder.

(b) Locational adjustments shall be limited to areas outside designated urban reserve areas. All locational adjustment additions and administrative adjustments for any one year shall not exceed 100 net acres and no individual locational adjustment shall exceed 20 net acres. Natural areas adjustments shall not be included in the annual total of 100 acres, and shall not be

limited to 20 acres, except as specified, in 3.01.035(g), below. Completed locational adjustment applications shall be processed on a first come, first served basis.

(c) All petitions for locational adjustments except natural area petitions shall meet the following criteria:

- (1) Orderly and economic provision of public facilities and services. A locational adjustment shall result in a net improvement in the efficiency of public facilities and services, including but not limited to, water, sewerage, storm drainage, transportation, parks and open space in the adjoining areas within the UGB. Any area to be added must be capable of being served in an orderly and economical fashion.
- (2) Maximum efficiency of land uses. The amendment shall facilitate needed development on adjacent existing urban land. Needed development, for the purposes of this section, shall mean consistent with the local comprehensive plan and/or applicable regional plans.
- (3) Environmental, energy, economic and social consequences. Any impact on regional transit corridor development must be positive and any limitations imposed by the presence of hazard or resource lands must be addressed.
- (4) Retention of agricultural land. When a petition includes land with Agricultural Class I-IV soils designated in the applicable comprehensive plan for farm or forest use, the petition shall not be approved unless it is factually demonstrated that:
 - (A) Retention of any agricultural land would preclude urbanization of an adjacent area already inside the UGB, or

(B) Retention of the agricultural land would make the provision of urban services to an adjacent area inside the UGB impracticable.

(5) Compatibility of proposed urban uses with nearby agricultural activities. When a proposed adjustment would allow an urban use in proximity to existing agricultural activities, the justification in terms of all factors of this subsection must clearly outweigh the adverse impact of any incompatibility.

(6) Demonstrate average residential densities of at least 10 dwelling units per net developable residential acre, or lower densities, which conform to the 2040 Growth Concept, plan designation for the area.

(d) Petitions for locational adjustments shall demonstrate compliance with the 2040 Growth Concept and other applicable regional goals and objectives.

(e) Petitions for locational adjustments to remove land from the UGB may be approved under the following conditions:

(1) Consideration of the factors in section 3.01.035(c) demonstrate that it is appropriate the land be excluded from the UGB.

(2) The land is not needed to avoid short-term urban land shortages for the district and any long-term urban land shortage that may result can reasonably be expected to be alleviated through the addition of urban land in an appropriate location elsewhere in the region.

- (3) Removals should not be granted if existing or planned capacity of major facilities such as sewerage, water and transportation facilities will thereby be significantly under-utilized.

(f) A petition for a locational adjustment to remove land from the UGB in one location and add land to the UGB in another location (trades) may be approved if it meets the following criteria:

- (1) The requirements of paragraph 3.01.035(c)(4) are met.
- (2) The net amount of vacant land proposed to be added may not exceed 20 acres; nor may the net amount of vacant land removed exceed 20 acres.
- (3) The land proposed to be added is more suitable for urbanization than the land to be removed, based on a consideration of each of factors of section 3.01.035 (c)(1-3 and 5) of this chapter.

(g) Petitions for locational adjustments to add land to the UGB may be approved under the following conditions:

- (1) An addition of land to make the UGB coterminous with the nearest property lines may be approved without consideration of the other conditions in this subsection if the adjustment will add a total of two gross acres or less, the adjustment would not be clearly inconsistent with any of the factors in subsection (c) this section, and the adjustment includes all contiguous lots divided by the existing UGB.
- (2) For all other additions, the proposed UGB must be superior to the UGB as presently located based on a consideration of the factors in subsection (c) of this section.

- (3) The proposed UGB amendment must include all similarly situated contiguous land which could also be appropriately included within the UGB as an addition based on the factors in subsection (c).

(h) All natural area petitions for locational adjustments must meet the following conditions:

- (1) Any natural area locational adjustment petition shall be proposed at the initiative of the property owner, with concurrence from the agency proposed to accept the land.
- (2) At least 50 percent of the land area in the petition, and all land in excess of 40 acres, shall be owned by or donated to a county, city, parks district or the district, in its natural state, without mining, logging or other extraction of natural resources, or alteration of watercourses, water bodies or wetlands.
- (3) Any developable portion of the lands included in the petition, not designated as a natural area, shall not exceed twenty acres and shall lie between the existing UGB and the area to be donated.
- (4) The natural area portion owned by or to be donated to a county, city, parks district, or the district must be identified in a city or county comprehensive plan as open space or natural area or equivalent, or in the district's natural areas and open space inventory.
- (5) The developable portion of the petition shall meet the criteria set out in parts (b), (c)(1), (c)(2) and (c)(3) of section 3.01.035.

(Ordinance No. 92-450A, Sec. 1. Amended by Ordinance No. 98-732, Sec. 2.)

3.01.040 Requirements For Areas Added To The Urban Growth Boundary By A Legislative or Major Amendment

(a) All land added to the Urban Growth Boundary shall be subject to the Urban Growth Boundary area comprehensive plan requirements of Title 11 of the Urban Growth Management Functional Plan (Metro Code section 3.07.1110 et seq.).

(b) Unless a comprehensive plan amendment has been previously approved for the land pursuant to 3.01.012(d), when it adopts a Legislative or major amendment adding land to the UGB, the Council shall take the following actions:

- (1) The Council shall consult with affected local governments and MPAC to determine whether local governments have agreed, pursuant to ORS 195.065 to 195.085 or otherwise, which local government shall adopt comprehensive plan amendments for the area consistent with requirements of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07) and in particular, Title 11 thereof (Metro Code Section 3.07.1110 et seq.). Where the affected local governments have agreed as to which local government or governments shall be responsible, the Council shall so designate. If there is no agreement, then the Council shall, consistent with ORS 195.065 to 195.085, establish a process to determine which local government or governments shall be responsible and at the conclusion of the process, so designate.
- (2) The Council shall establish the 2040 Growth Concept design type designations applicable to the land added to the Urban Growth Boundary, including the special land need, if any, that is the basis for the amendment.

- (3) The Council shall establish the boundaries of the area that shall be included in the conceptual level of planning required by Title 11 of the Urban Growth Management Functional Plan (Metro Code Section 3.07.1110 et seq.). The boundary of the planning area may include all or part of one or more designated urban reserves.
- (4) The Council shall also establish the time period for city or county compliance with the requirements of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07) and in particular, Title 11 thereof (Metro Code Section 3.07.1110 et seq.); however, the time period shall not be less than two (2) years from the time a local government is designated pursuant to Section 3.01.40 (b) (1) above.
- (5) The Council may adopt text interpretations of the requirements of Urban Growth Management Functional Plan (Metro Code Chapter 3.07) and in particular, Title 11 thereof (Metro Code Section 3.07.1110 et seq.) that shall be applicable to the required City or County comprehensive plan amendments. These interpretations may address special land needs that are the basis for the amendment but otherwise such interpretations shall not impose specific locational development requirements. Text interpretations may include determinations that certain provisions of Title 11 are not applicable to specific areas because of the size or physical characteristics of land added to the Urban Growth Boundary.

(Ordinance No. 92-450A, Sec. 1. Amended by Ordinance No. 96-655E, Sec. 1)

3.01.050 Hearing Notice Requirements

(a) 45-Day Notice. A proposal to amend the UGB by a legislative amendment, major amendment or locational adjustment shall be submitted to the director of the Department of Land Conservation and Development at least 45 days before the final hearing on adoption. The notice shall be accompanied by the appropriate forms provided by the department and shall contain a copy of a map showing the location of the proposed amendment. A copy of the same information shall be provided to the city and county, representatives of recognized neighborhoods, citizen planning organizations and/or other recognized citizen participation organizations adjacent to the location of the proposed amendment.

(b) Newspaper Ads. A 1/8 page advertisement in a newspaper of general circulation of the district for all legislative amendments and major amendments. For legislative amendments and major amendments the initial newspaper advertisements shall be published at least 45 days prior to the public hearing and shall include the same information listed in subsection (a). For locational adjustments, a newspaper advertisement shall be published not more than 20, nor less than 10 calendar days prior to the hearing.

(c) Notice of public hearing shall include:

- (1) The time, date and place of the hearing.
- (2) A description of the property reasonably calculated to give notice as to its actual location. A street address or other easily understood geographical reference can be utilized if available.
- (3) For major amendments and locational adjustments,
 - (A) An explanation of the proposed action, including the nature of the application and the proposed boundary change.

(B) A list of the applicable criteria for approval of the petition at issue.

(C) A statement that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an appeal based on the issue.

(4) Notice that interested persons may submit written comments at the hearing and appear and be heard.

(5) Notice that the hearing will be conducted pursuant to district rules and before the hearings officer unless that requirement is waived by the Metro council;

(6) Include the name of the Metro staff to contact and telephone number for more information;

(7) State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the final hearing, and that a copy will be made available at no cost or reasonable cost. Further that if additional documents or evidence is provided in support of the application any party shall be entitled to a continuance of the hearing; and

(8) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings; and

(d) Not less than 20 calendar days before the hearing, notice shall be mailed to the following persons:

- (1) The petitioner(s), and to owners of record of property on the most recent property tax roll where the property is located.
- (2) All property owners of record within 500 feet of the site. For purposes of this subsection, only those property owners of record within the specified distance from the subject property as determined from the maps and records in the county departments of taxation and assessment are entitled to notice by mail. Failure of a property owner to receive actual notice will not invalidate the action if there was a reasonable effort to notify owners of record.
- (3) Cities and counties in the district, or cities and counties whose jurisdictional boundaries either include or are adjacent to the subject property, and affected agencies who request regular notice.
- (4) The neighborhood association, community planning organization or other citizen group, if any, which has been recognized by the city or county with land use jurisdiction for the subject property.
- (5) Any neighborhood associations, community planning organizations, or other vehicles for citizen involvement in land use planning processes whose geographic areas of interest either include or are adjacent to the site and which are officially recognized as being entitled to participate in land use planning processes by the cities and counties whose jurisdictional boundaries either include or are adjacent to the site.
- (6) The regional representatives of the director of the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation.

(7) Any other person requesting notification of UGB changes.

(e) At the conclusion of the hearing, the hearings officer may continue the hearing to a time, place and date certain, without additional notice.

3.01.070 Notice of Decision

(a) The district shall give each county and city in the district notice of each amendment of the UGB. Mailing the notice required by Ballot Measure 56 (Nov. 1998) [ORS Chapter 268] or ORS 197.615 shall satisfy this subsection.

(b) For the local government designated as having the responsibility for land use planning for the area(s) added to the UGB, the district shall provide an additional notice stating the time period for completing comprehensive plan amendments for the area.

3.07 TITLE 11: URBAN GROWTH BOUNDARY AMENDMENT AREA COMPREHENSIVE PLAN REQUIREMENTS

3.07.1105 Purpose and Intent

It is the purpose of this Title 11 to require that all territory added to the Urban Growth Boundary shall be included within a city or county's comprehensive plan prior to urbanization. The comprehensive plan amendment must be consistent with the Functional Plan. The intent of this Title is that comprehensive plan amendments shall promote the integration of the new land added to the Urban Growth Boundary into existing communities or provided for the establishment of new communities.

3.07.1110 Interim Protection of Areas Brought Inside Urban Growth Boundary

Prior to the adoption by all local governments having jurisdiction over any territory added to the Urban Growth Boundary of comprehensive plan amendments consistent with all requirements set forth in this title, a city or county shall not approve of:

- A. Any land use regulation or zoning map amendments specific to the territory allowing higher residential density than allowed by acknowledged provisions in effect prior to the adoption of the Urban Growth Boundary amendment;
- B. Any land use regulation or zoning map amendments specific to the territory allowing commercial or industrial uses not allowed under acknowledged provisions in effect prior to the adoption of the Urban Growth Boundary Amendment;
- C. Any land division or partition that would result in the creation of any new parcel which would be less than 20 acres in total size.

(Ordinance No. 98-772B, Sec. 2.)

3.07.1120 Urban Growth Boundary Amendment Requirements

All territory added to the Urban Growth Boundary as either a major amendment or a legislative amendment pursuant to Metro Code chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable Titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plans provision shall contain a urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types.

Comprehensive plan amendments shall include:

- A. Provision for annexation to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.
- B. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or lower densities which conform to the 2040 Growth Concept Plan design type designation for the area.
- C. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
- D. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.
- E. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.
- F. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan and that is also consistent with the protection of natural resources either identified in

- acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.
- G. Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, or easement dedication to ensure that all significant natural resources are protected.
- H. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.
- I. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the Urban Growth Boundary. The estimates of need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the applicable procedures in ORS 195.110(3), (4) and (7).
- J. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:

1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;
 2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;
 3. General locations for mixed use areas, commercial and industrial lands;
 4. General locations for single and multi-family housing;
 5. General locations for public open space, plazas and neighborhood centers; and
 6. General locations or alternative locations for any needed school, park or fire hall sites.
- K. The plan amendments shall be coordinated among the city, county, school district and other service districts.

(Ordinance No. 98-772B, Sec. 2.)

3.07.1130 Implementation of Urban Growth Boundary Amendment Comprehensive Plan Requirements

- A. On or before 60 days prior to the adoption of any comprehensive plan amendment subject to this Title 11, the local government shall transmit to Metro the following:
1. A copy of the comprehensive plan amendment proposed for adoption;

2. An evaluation of the comprehensive plan amendment for compliance with the Functional Plan and 2040 Growth Concept design types requirements and any additional conditions of approval of the urban growth boundary amendment. This evaluation shall include an explanation of how the plan implements the 2040 Growth Concept;
 3. Copies of all applicable comprehensive plan provisions and implementing ordinances as proposed to be amended.
- B. The Council may grant an extension of time for adoption of the required Comprehensive Plan Amendment if the local government has demonstrated substantial progress or good cause for failing to adopt the amendment on time. Requests for extensions of time may accompany the transmittal under subsection A of this section.

(Ordinance No. 98-772B, Sec. 2.)

3.07.1140 Effective Date and Notification Requirements

The provisions of this Title 11 are effective immediately. Prior to making any amendment to any comprehensive plan or implementing ordinance for any territory that has been added to the Urban Growth Boundary after the effective date of this code amendment, a city or county shall comply with the notice requirements of section 3.07.830 and include in the required staff report an explanation of how the proposed amendment complies with the requirements of this Title 11 in addition to the other requirements of this functional plan.

(Ordinance No. 98-772B, Sec. 2.)

3.09 LOCAL GOVERNMENT BOUNDARY CHANGES

3.09.120 Minor Boundary Changes To Metro's Boundary

(a) Minor boundary changes to the Metro Boundary may be initiated by property owners and electors, or as otherwise provided by law. Petitions shall meet the minimum requirements of section 3.09.040 above. The Executive Officer shall establish a filing fee schedule for petitions that shall reimburse Metro for the expense of processing and considering petitions. The fee schedule shall be filed with the Council.

(b) Notice of proposed minor boundary changes to the Metro Boundary shall be given as required pursuant to section 3.09.030.

(c) Hearings will be conducted consistent with the requirements of section 3.09.050. When it takes action on a minor boundary change, the Metro Council shall consider the requirements of section 3.09.050 and all provisions of applicable law.

(d) Minor boundary changes to the Metro Boundary are not subject to an expedited process.

(e) Contested case appeals of decisions regarding minor boundary changes to the Metro Boundary are subject to appeal as provided in section 3.09.070.

GROWTH MAGEMENT COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 99-818A, FOR THE PURPOSE OF AMENDING METRO CODE REQUIREMENTS FOR URBAN GROWTH BOUNDARY AMENDMENTS, URBAN RESERVE PLANNING REQUIREMENTS IN TITLE 11 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN AND APPENDICES A AND B OF THE REGIONAL FRAMEWORK PLAN, AND METRO CODE REQUIREMENTS FOR LOCAL GOVERNMENT BOUNDARY CHANGES, AND DECLARING AN EMERGENCY.

Date: September 29, 1999

Presented by: Councilor McLain

Committee Action: At its September 14, 1999 meeting, the Growth Management Committee voted 3-0 to substitute an MPAC recommended September 13, 1999 draft for the original Ordinance 99-818, and then recommend Council adoption of Ordinance No. 99-818A. Voting in favor: Councilors Bragdon, Park and McLain.

Council Issues/Discussion: The Growth Management Committee reviewed an August 30 draft of these code changes at its September 7, 1999 committee meeting, and then continued its review of the ordinance to the September 14 meeting. Public hearings were held on both dates.

Dan Cooper, Metro General Counsel reviewed the document at both meetings and summarized key points. These code changes are a response to recommendations from Councilors Monroe and McLain and MPAC. Three objectives are met by these changes:

- 1) clearly separating the process and criteria by which the Council adopts urban reserves from the urban growth boundary amendment process;
- 2) clarifying what (and when) local comprehensive plan amendment decisions must be made before land brought inside the urban growth boundary can be urbanized; and
- 3) bringing Metro code in line with state law giving Metro the authority to amend jurisdictional boundary.

Mr. Cooper called out certain changes to the committee's attention.

- In the Definitions section, 3.01.010:
 - the first tier designation is deleted.
 - locational adjustments are now limited to areas outside urban reserves.
 - major amendments may be any size within an urban reserve, but more than 20 acres outside an urban reserve.
- The Urban Reserve Areas section, 3.01.012 has been greatly shortened, with much of the detail moving to Title 11 of the Urban Growth Management Functional Plan.

- Legislative Amendment Procedures, section 3.01.015 clarifies that legislative amendments are initiated when “need” requirements of state goal 14 are satisfied, and based upon evidence in the record, applying to state goals 2 and 14.
- 3.01.020 Legislative Amendment Criteria, includes new language in section (g), allowing for amendment of urban reserve boundaries at the same time as amending the urban growth boundary (but not by more than 10% of the urban reserve acreage), based on efficiencies in future development.
- Requirements for Areas Added to the Urban Growth Boundary by a Legislative or Major Amendment, 3.01.040, calls on the Metro Council to establish a time period for the designated city or county to come into compliance with requirements of the Urban Growth Management Functional Plan and calling out Title 11 of same. The time period established by Council shall not be less than two years. However, the local jurisdiction may finish the requirements in less than two years, if they are able.
- 3.07 TITLE 11: URBAN GROWTH BOUNDARY AMENDMENT AREA COMPREHENSIVE PLAN REQUIREMENTS. Has new purpose and intent language.
- 3.09 LOCAL GOVERNMENT BOUNDARY CHANGES. Adds minor boundary change section, in keeping with new state law.
- Several changes were recommended by MPAC clarifying the sequencing between Metro and local jurisdictions with regard to designation of 2040 growth concept design types and Council consultation with local jurisdictions and MPAC.

Councilor Atherton asked if existing or new code language requires Metro to designate a government to urbanize an area inside the UGB [in instances when no local jurisdiction was offering to do so]. Mr. Cooper said that the code language contemplates that the Council would end up making a designation. Chair McLain clarified that the new code language adds or subtracts nothing new in Metro’s capacity to act in this regard. Mr. Cooper went on to add that the RUGGO’s designated dispute resolution process, involving MPAC, could come into play in such a situation.

Mr. Cooper also agreed to do further research in cases where the UGB may be modified to take land out of the urban growth boundary.

end

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE)
REQUIREMENTS FOR URBAN GROWTH) ORDINANCE NO 99-818
BOUNDARY AMENDMENTS, URBAN RESERVE)
PLANNING REQUIREMENTS IN TITLE 11 OF THE) Introduced by Councilors
URBAN GROWTH MANAGEMENT FUNCTIONAL) McLain and Monroe
PLAN AND APPENDICES A AND B OF THE)
REGIONAL FRAMEWORK PLAN AND METRO)
CODE REQUIREMENTS FOR LOCAL)
GOVERNMENT BOUNDARY CHANGES AND)
DECLARING AN EMERGENCY)

WHEREAS, in March 1997, the Metro Code was amended in Ordinance 96-655E to require Urban Reserve Plans prior to all major amendments and legislative amendments of the regional Urban Growth Boundary; and

WHEREAS, in September 1998, the Urban Growth Management Functional Plan adopted by Ordinance 96-647C was amended to add a new Title 11 by Ordinance 98-772B which allowed major amendments and legislative amendments of the Urban Growth Boundary to occur prior to completion of Urban Reserve Plans. Appendix A of the Regional Framework Plan adopted in Ordinance 97-715B restates the Urban Growth Management Functional Plan and was also amended by Ordinance 98-772B; and

WHEREAS, the Oregon Legislature transferred the functions of the Portland Metropolitan Boundary Commission to Metro by Chapter 516, Section 11, Oregon Laws 1997 which took effect December 31, 1998; and

WHEREAS, the Oregon Legislature authorized Metro to review and approve annexations to Metro's jurisdictional boundary under Chapter 282, Oregon Laws 1999 (Senate Bill 1031) effective June 18, 1999; and

WHEREAS, notice of this ordinance was sent to the Department of Land Conservation and Development on August 6, 1999, more than 45 days before the first evidentiary hearing on this ordinance; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 3.01 is amended in Sections 3.01.010, 3.01.012, 3.01.015, 3.01.020, 3.01.025, 3.01.033, 3.01.035, 3.01.040, 3.01.050 and 3.01.070 and Section 3.01.012 to read as set forth in attached Exhibit A. These amendments constitute amendments to the current acknowledged Metro Code Chapter 3.01 Urban Growth Boundary and Urban Reserve Procedures.
2. Appendix B of the Regional Framework Plan, adopted by Ordinance 97-715B which restates Metro Code 3.01 Concerning Urban Reserves and Expansion of the UGB is amended to read as set forth in attached Exhibit A.
3. Title 11 of the Urban Growth Management Functional Plan which is also Metro Code 3.07 is amended in Sections 3.07.1110, 3.07.1120 and 3.07.1130 and 3.07.1140 to read as set forth in attached Exhibit A.
4. Appendix A of the Regional Framework Plan adopted by Ordinance 97-715B which restates the Urban Growth Management Functional Plan is also amended to read as set forth in attached Exhibit A.
5. Metro Code 3.09 Local Government Boundary Changes Section 3.09.120 is amended to read as set forth in attached Exhibit A.
6. This ordinance is necessary for the immediate preservation of public health, safety and welfare because revisions to requirements for Urban Growth Boundary amendments should be effective immediately in order to allow Metro to comply with the State of Oregon mandate to

move the Urban Growth Boundary; an emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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8/25/99