

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE) ORDINANCE NO. 86-204
NO. 85-189 (TEMPORARY PROCEDURES)
FOR HEARING PETITIONS FOR MAJOR)
AMENDMENT OF THE URBAN GROWTH)
BOUNDARY (UGB))

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Section 1 of Ordinance No. 85-189 shall be amended
to read as follows:

Section 1. The purpose of this ordinance is to establish
procedures for hearing petitions for major amendments of
the Urban Growth Boundary (UGB) [received by January 1,
1986]. A petition for major amendment of the UGB is any
petition to amend the UGB which does not qualify as a
petition for locational adjustment as defined by Metro
Code Section 3.01.010(h).

Section 2. Section 4 of Ordinance No. 85-189 shall be amended
to read as follows:

Section 4: [Petitions received before October 7, 1985,
shall not be scheduled for hearing until after October 7,
1985. Petitions received after October 7, 1985, shall not
be heard until after those presented before October 7,
1985, have been decided.]

- (a) Petitions shall be heard twice yearly. The deadlines for
submittal shall be April 1 and October 1. Petitions not
received by April 1 of each calendar year shall not be
scheduled for hearing until after October 1 of that year.
Petitions received after October 1 shall not be scheduled
for hearing until after April 1 of the next calendar year.
- (b) Upon request by a Councilor or the Executive Officer, the
Council may, by majority vote, waive the filing deadlines
for a particular petition or petitions and hear such

petition or petitions at any time unless warranted by unusual circumstances. Such waiver shall not waive any other requirement of this Ordinance.

- (c) In additon, upon request by a Councilor or the Executive Officer, the Council may at any time by majority vote, initiate consideration of a major amendment without petition or filing fee. Such consideration shall be in accordance with all other requirements of this Ordinance.
- (d) All hearings on petitions received in one half of the year should be closed and completed no later than thirty (30) days before the deadline for filing petitions for hearing in the next half of the year. If a petitioner requests an opportunity to submit new evidence at a continued, re-opened, or de novo hearing that would occur less than thirty (30) days before the deadline for filing petitions for hearing in the next half of the year, such a request shall be reviewed for possible consolidation with petitions submitted by the deadline for hearings in the next half of the year, consistent with the provisions of Section 5 of this Ordinance.

Section 3. Section 5 of Ordinance No. 85-189 shall be amended to read as follows:

Section 5: The Executive Officer shall select from the list of names approved by the Council one Hearings Officer to hear all petitions for major amendment of the UGB received by [October 6, 1985] the application deadline. Following consultation with District staff and prospective petitioners, this Hearings Officer shall issue rules for the consolidation of related cases and allocation of charges. These rules shall be designed to avoid duplicative or inconsistent findings, promote an informed decision-making process, protect the due process rights of

all parties, and allocate the charges on the basis of cost incurred by each party.

ADOPTED by the Council of the Metropolitan Service District
this 10th day of July, 1986.



Jim Gardner
Deputy Presiding Officer

ATTEST:



A. Marie Wilson
Clerk of the Council

JH/sm
5772C/462-4
07/11/86

SUMMARY AND EXPLANATION OF ORDINANCE NO. 86-204

Section 1:

Housekeeping correction for consistency.

Section 2:

Establishes filing deadlines. When the Council adopted Ordinance No. 85-189, it expressed its interest in: a) allowing facts or issues common to more than one petition to be reviewed in common; and b) keeping procedural delays to a minimum. The first objective requires filing deadlines; the second suggests that they occur as frequently as practicable without having decisions on one round of petitions overlap hearings on the next round. Four months is about the shortest amount of time in which a petition can be processed from submittal to Council action. Six months allows some latitude for unexpected delays. Twice yearly deadlines, August 15 and February 15, are recommended.

Section 3:

Housekeeping change for consistency. At some point in the not-too-distant future, this section will be amended to reference specific procedures established. However, staff thinks it desirable to allow at least one more Hearings Officer an opportunity to review, revise and implement the rules on consolidation established by this year's Hearings Officer before these procedures are finalized.

JH/sm
5772C/462-3
06/17/86

STAFF REPORT

Agenda Item No. 7.2

Meeting Date July 10, 1986

CONSIDERATION OF ORDINANCE NO. 86-204, AMENDING
ORDINANCE NO. 85-189 (TEMPORARY PROCEDURES FOR
HEARING PETITIONS FOR MAJOR AMENDMENT OF THE
URBAN GROWTH BOUNDARY) (Second reading)

Date: June 27, 1986

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Last summer the Council of the Metropolitan Service District (Metro) adopted Ordinance No. 85-189, Establishing Temporary Procedures for Hearing Petitions for Major Amendment of the Urban Growth Boundary (UGB). This ordinance was adopted in preparation for the three pending major amendment petitions heard this past year. At that time, the Council asked staff to return with an amendment regarding future filing deadlines. Ordinance No. 86-204 establishes bi-annual deadlines, and makes a few other small changes.

At the first reading of Ordinance No. 86-204, Councillor Kelly asked staff to return with an amendment to Section (2) that would set an appropriate standard for Council action waiving a filing deadline. Staff suggests that this concern be addressed by adding the phrase "if warranted by unusual circumstances" at the end of the last full sentence on the first page of the Ordinance (after "time"). If the Council wants to adopt this language, it must amend the Ordinance to do so.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 86-204.

JH/gl
5772C/462-6
06/30/86

STAFF REPORT

Agenda Item No. 7.2

Meeting Date June 26, 1986

CONSIDERATION OF ORDINANCE NO. 86-204, AMENDING
ORDINANCE NO. 85-189 (TEMPORARY PROCEDURES FOR
HEARING PETITIONS FOR MAJOR AMENDMENT OF THE
URBAN GROWTH BOUNDARY) (First reading)

Date: June 13, 1986

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Last summer the Council of the Metropolitan Service District (Metro) adopted Ordinance No. 85-189, Establishing Temporary Procedures for Hearing Petitions for Major Amendment of the Urban Growth Boundary (UGB). This ordinance was adopted in preparation for the three pending major amendment petitions heard this past year. At that time, the Council asked staff to return with an amendment regarding future filing deadlines. Ordinance No. 86-204 establishes bi-annual deadlines, and makes a few other small changes. The changes recommended are discussed in the attached "Summary and Explanation of Ordinance No. 86-204." More comprehensive revisions may be proposed when permanent rules are prepared.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 86-204.

JH/sm
5772C/462-3
06/17/86

7. ORDINANCES

7.1 Consideration of Ordinance No. 86-203, Amending Metro's Code Section 2.05 regarding Deadlines and New Evidence and Exceptions to Revised Orders (First Reading and Public Hearing)

The Clerk read the Ordinance by title only a first time.

Motion: Councilor DeJardin moved the Ordinance be adopted and Councilor Kafoury seconded the motion.

Jill Hinckley, Land Use Coordinator, reported that if adopted, the Ordinance would provide for the Executive Officer to set deadlines for filing exceptions and requests for submitting new evidence in contested cases.

Presiding Officer Waker opened the public hearing on the Ordinance. There being no public testimony, the hearing was closed and the Ordinance passed to a second reading to occur on July 10.

7.2 Consideration of Ordinance No. 86-204, Amending Ordinance No. 85-189 (Temporary Procedures for Hearing Petitions for Major Amendment of the Urban Growth Boundary) (First Reading and Public Hearing)

The Clerk read the Ordinance a first time by title only.

Ms. Hinckley explained the Ordinance would establish bi-annual deadlines for parties requesting major amendments to the Urban Growth Boundary (UGB). She said other amendments to the procedures could be requested when permanent rules were prepared.

Councilor Kelley noted that Section 2(b) of the Ordinance did not provide specific reasons for which the Council could waive filing deadlines. She thought reasons should be specified in order to avoid arbitrary decisions. She requested staff prepare language for an amendment to that section to provide for waivers under unusual circumstances.

Councilor Frewing agreed that more specific language should be provided and that staff require petitions be consistent with various local comprehensive plans.

Motion: Councilor DeJardin moved Ordinance No. 86-204 be adopted and Councilor Gardner seconded the motion.

Presiding Officer Waker opened the public hearing on the Ordinance. There being no public testimony, the hearing was closed and the Ordinance passed to a second reading to occur on July 10.

7.2 Consideration of Ordinance No. 86-204, Amending Ordinance No. 85-189 (Temporary Procedures for Hearing Petitions for Major Amendment of the Urban Growth Boundary) (Second Reading)

The Clerk read the Ordinance a second time by title only.

Main Motion: A motion to adopt the Ordinance was made by Councilors DeJardin and Gardner at the meeting of June 26, 1986.

Ms. Hinckley explained at the June 26 meeting, Councilor Kelley had requested staff prepare language for an amendment to define circumstances under which the Council could extend deadlines. Staff proposed the following language be added at the end of the last full sentence on the first page of the Ordinance (after "time"): "if warranted by unusual circumstances..."

Motion to Amend: Councilor Kelley moved to amend the Ordinance by adding the above language proposed by staff. Councilor Kirkpatrick seconded the motion.

Vote on the Motion to Amend: The vote resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Oleson and Van Bergen

Absent: Councilors Kafoury and Waker

The motion carried and the Ordinance was amended.

Vote on the Main Motion: The vote resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Oleson and Van Bergen

Absent: Councilors Kafoury and Waker

The motion carried and the Ordinance was adopted as amended.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 86-665, for the Purpose of Granting a Variance from the Requirement for a Solid Waste Disposal Franchise Surety Bond to Sunflower Recycling

Rich McConaghy, Solid Waste Analyst, briefly reviewed the staff



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

August 19, 1986

Ms. Jane McGarvin
Clerk of the Board
Multnomah County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

Dear Jane:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District. Please file these ordinances in the Metro ordinance files maintained by your county.

Ordinance No. 86-203, Amending Metro Code Section 2.05 Regarding Deadlines for Submitting Exceptions and New Evidence to Revised Orders

Ordinance No. 86-204, Amending Ordinance No. 85-189 (Temporary Procedures for Hearing Petitions for Major Amendments to the Urban Growth Boundary)

Revised Ordinance No. 85-189

Sincerely,

A. Marie Nelson
Clerk of the Council

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Bob Oleson
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

(Vacant)
District 8

Hardy Myers
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Executive Officer
Rick Gustafson

Enclosures



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

August 19, 1986

Mr. Charles D. Cameron
County Administrator
Washington County Courthouse
150 North First Avenue
Hillsboro, Oregon 97123

Dear Mr. Cameron:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District. Please file these documents in the Metro ordinance file maintained by your county.

Ordinance No. 86-203, Amending Metro Code Section 2.05 Regarding Deadlines for Submitting Exceptions and New Evidence to Revised Orders

Ordinance No. 86-204, Amending Ordinance No. 85-189 (Temporary Procedures for Hearing Petitions for Major Amendments to the Urban Growth Boundary)

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Sincerely,

A. Marie Nelson
Clerk of the Council

Enclosures

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Jim Gardner
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District 3

Bob Oleson
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

(Vacant)
District 8

Hardy Myers
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Executive Officer
Rick Gustafson



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

August 19, 1986

Ms. Juanita Orr
County Clerk
Clackamas County Courthouse
8th and Main
Oregon City, Oregon 97045

Dear Ms. Orr:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District. Please file these ordinances in the Metro ordinance files maintained by your county.

Ordinance No. 86-203, Amending Metro Code Section 2.05 Regarding Deadlines for Submitting Exceptions and New Evidence to Revised Orders

Ordinance No. 86-204, Amending Ordinance No. 85-189 (Temporary Procedures for Hearing Petitions for Major Amendments to the Urban Growth Boundary)

Revised Ordinance No. 85-189

Sincerely,

A. Marie Nelson
Clerk of the Council

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