

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
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**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: September 23, 1999  
DAY: Thursday  
TIME: 5:00 PM  
PLACE: Washington County Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. EXECUTIVE OFFICER COMMUNICATIONS**

**4. AUDITOR COMMUNICATIONS**

**5. MPAC COMMUNICATIONS**

**6. CONSENT AGENDA**

6.1 Consideration of Minutes for the September 16, 1999 Metro Council Regular Meeting.

**7. ORDINANCES - SECOND READING**

7.1 **Ordinance No. 99-812**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept in Ordinance No. 95-625A in Urban Reserve Area 65 of Washington County. *(Public Hearing, no final action)*

7.2 **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. *(Public Hearing, no final action)*

**8. PUBLIC HEARING ON URBAN GROWTH BOUNDARY ISSUES**

- Urban Growth Report update and its potential impact on Urban Growth Boundary (UGB) Decision
- Urban Reserve Areas that could potentially come into the UGB
- Should Metro request a time extension to act on UGB pending new federal ESA listing

**9. COUNCILOR COMMUNICATION**

**ADJOURN**

**Cable Schedule for September 23, 1999 Metro Council Meeting**

	Sunday (9/26)	Monday (9/27)	Tuesday (9/28)	Wednesday (9/29)	Thursday (9/23)	Friday (9/24)	Saturday (9/25)
<b>CHANNEL 11</b> (Community Access Network) (most of Portland area)						2:00 P.M. *	
<b>CHANNEL 21</b> (TVCA) (Washington Co., Lake Oswego, Wilsonville)	7:00 P.M. *	1:00 A.M. *		7:00 P.M. *			
<b>CHANNEL 30</b> (TVCA) (NE Washington Co. - people in Wash. Co. who get Portland TCI)	7:00 P.M. *			7:00 P.M.*			
<b>CHANNEL 30</b> (CityNet 30) (most of Portland area)		POSSIBLE 2:00 P.M. (previous meeting)					
<b>CHANNEL 30</b> (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	9:00 PM (previous meeting)	12:00 P.M. (previous meeting)		12:00 P.M. (previous meeting)	6:00 P.M. (previous meeting)	7:00 P.M. (previous meeting)	7:00 A.M. (previous meeting)
<b>CHANNEL 19</b> (Milwaukie TCI) (Milwaukie)	4:00 P.M. (previous meeting)					10:00 P.M. (previous meeting)	9:00 A.M. (previous meeting)

\* These meetings may be preceded by a 30-minute public affairs program, *The Regional Report*, produced by Metro.

**PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES.**

**PUBLIC HEARINGS:** Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542.

For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Consideration of the September 16, 1999 Metro Council Meeting minutes.

Metro Council Meeting  
Thursday, September 23, 1999  
Washington County Chamber

Agenda Item Number 7.1

**Ordinance No. 99-812**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept in Ordinance No. 95-625A in Urban Reserve Area 65 of Washington County.

***Public Hearing, No Final Action***

Metro Council Meeting  
Thursday, September 23, 1999  
Washington County Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO 99-812  
METRO URBAN GROWTH BOUNDARY )  
AND THE 2040 GROWTH CONCEPT ) Introduced by Councilor Monroe  
MAP IN ORDINANCE 95-625A )  
IN URBAN RESERVE AREA 65 IN )  
WASHINGTON COUNTY )

WHEREAS, the Metro Council designated urban reserve areas in Ordinance No. 96-655E, including Urban Reserve Area 65; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land to be included in the Metro Urban Growth Boundary (UGB); and

WHEREAS, the Metro Council initiated a series of legislative amendments to the Urban Growth Boundary in 1998 which included Urban Reserve Area 65 which was the subject of a Metro Council resolution of intent pursuant Metro Code 3.01.015(h)(5) for lands outside the Metro jurisdictional boundary; and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

WHEREAS, notice of Proposed Amendment for Urban Reserve Area 65, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of Land Conservation and Development at least 45 days prior to the December 3, 1998 hearing; and

WHEREAS, on December 17, 1998 the Metro Council adopted Resolution No. 98-2726B expressing Council intent to amend the urban growth boundary to add land in Urban Reserve Area 65 to the urban growth boundary within 30 calendar days of receiving notification that the property outside the jurisdictional boundary had been annexed to Metro, provided such notification was received within six (6) months of the date on which the resolution was adopted; and

WHEREAS, on May 13, 1999, in Order 99-82, the Multnomah Board of County Commissioners approved annexation of approximately \_\_\_ acres in Urban Reserve 65 as shown on the map in Exhibit B to the Metro jurisdictional boundary; and

WHEREAS, the Metro Council received notice of the annexation on June 15, 1999 within six months of adoption of Resolution 98-2726B; and

WHEREAS, after the first reading of this ordinance, the Metro Council scheduled hearings before \_\_\_\_\_ in July, 1999; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, the staff report for these areas was available at least seven days prior to the final hearing on adoption of Resolution 98-2726B and the Metro Council's final hearing and final adoption of this ordinance on \_\_\_\_\_, 1999; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, December, 1998 and July, 1999 to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that the lands in Urban Reserve Area 65 added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.

2. The Metro Urban Growth Boundary is hereby amended to include land in Urban Reserve Area 65 as shown on the map in Exhibit B, attached, and incorporated by reference herein.

3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

5. In support of Findings and Conclusions adopted in Exhibit C of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6, 1998 Growth Management hearing, the December 3, 1998 Metro Council hearing on Resolution 98-2726B and the \_\_\_\_, 1999 final hearing and final adoption of this ordinance.

7. The following conditions of approval are needed to assure compliance of the developed use with statewide planning goals and Metro's acknowledged regional goals and objectives:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, an urban reserve plan shall be completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. Urban development consistent with Goal 14, Factor 3 on orderly provision of stormwater urban service is feasible with the condition that the urban reserve plan shall require that a stormwater management plan be adopted for this area to assure that the velocity, temperature, sedimentation and chemical composition of stormwater runoff from the form of approved development meets state and federal water quality standards.

D. Urban development consistent with Title 3 of the Urban Growth Management Functional Plan on Flooding is feasible with the condition that the urban reserve plan and subsequent urban zoning provide for stormwater management to assure that the quantity of stormwater runoff leaving each site after urban development is no greater than before urban development.

E. Urban development consistent with Title 3 on Water Quality is feasible with the condition that Title 3 water quality setbacks and revegetation requirements shall be adopted prior to adoption of urban comprehensive plan and zoning designations for this area.

8. Consistent with ORS 268.390(3) and ORS 195.025(1), Washington County and the City of Beaverton shall include the area added to the Urban Growth Boundary by this



Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

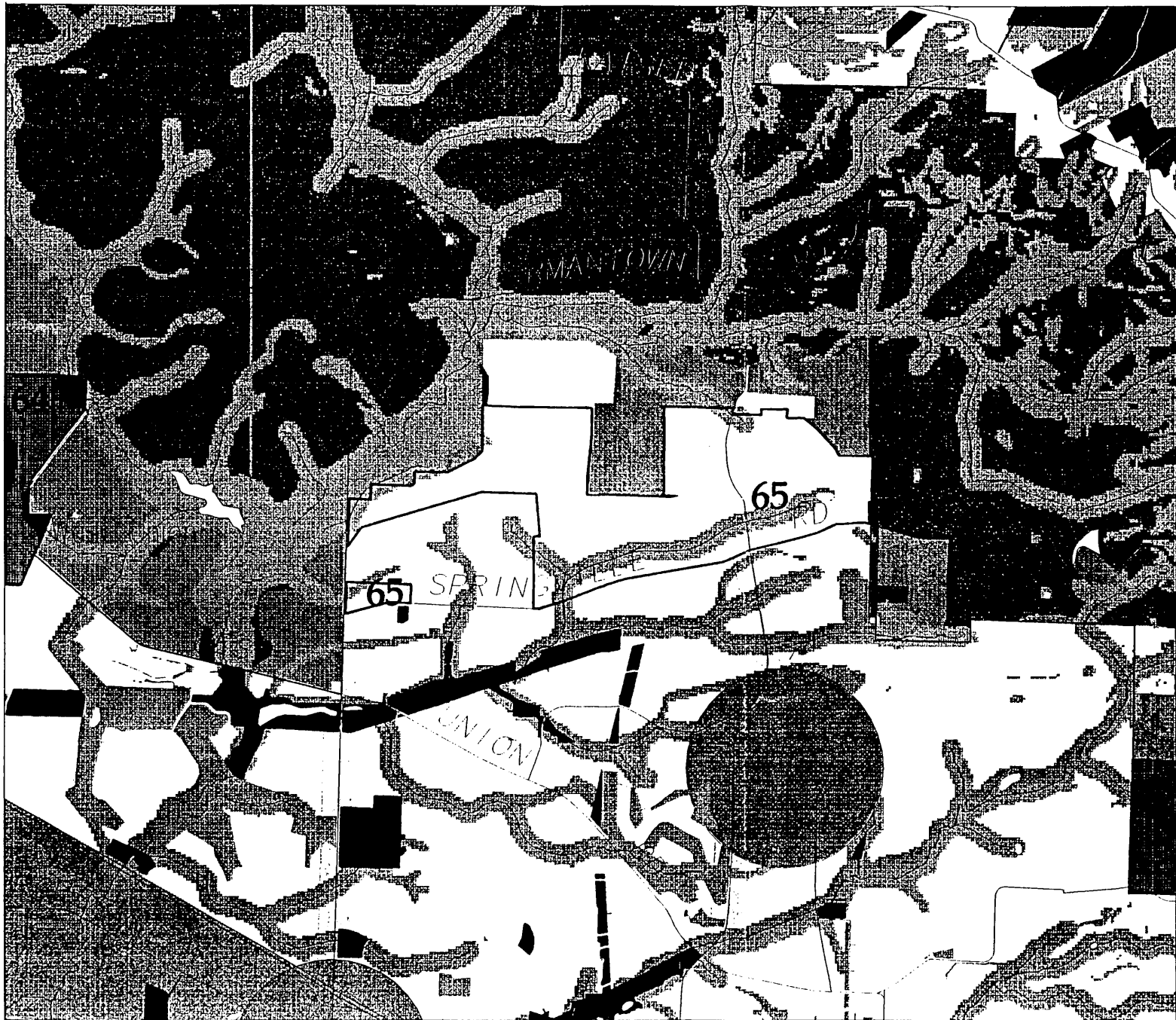
ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

i:\r-o\99812.01  
(6/25/99)



**Designated Urban Reserves**  
 Metro Council 3/6/97  
 DRAFT 2040 Design Types  
 Index number 15

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Corridors
- Main Streets
- ▲ Proposed Regional Throughways
- ▲ Potential Regional Throughways
- ▲ Green Corridors
- ▲ Planned & Existing Light Rail Lines
- ▲ Proposed Light Rail Alignments
- ▲ Potential HCT Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- ▲ Intermodal Rail Yards
- ▲ Rail User Facilities Network
- ▲ Exclusive Farm Use
- Exception Land in Urban Reserves
- Resource Land in Urban Reserves
- Urban Reserves not in Legislative Amendment
- Rural Reserves
- Open Space
- ▲ Urban Growth Boundary
- ▲ Urban Reserve Boundary
- ▲ Areas added to Reserve by Metro Council Ordinance
- Neighboring Cities
- Public Parks

Scale In Feet  
 0 600 1200 1800 2400

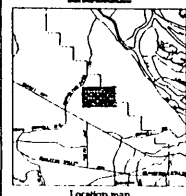
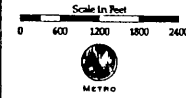



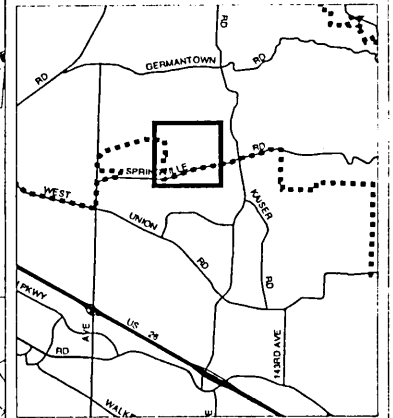
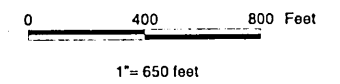


Exhibit A  
 Ordinance 99  
 812

Exhibit B  
Ordinance 99-812

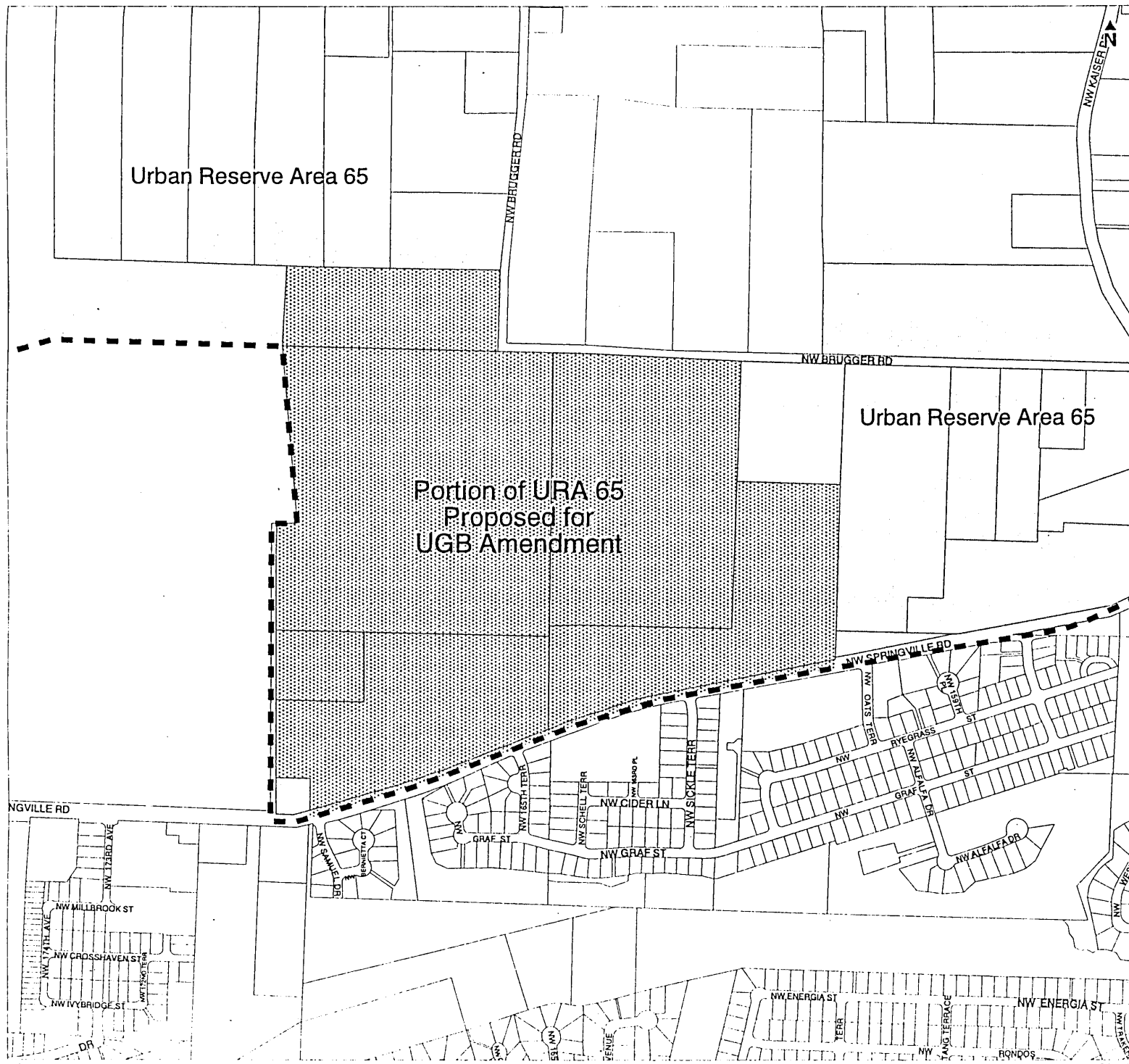
-  Urban growth boundary
-  Land annexed to Metro
-  Urban reserve area 65

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of the map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



METRO

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Please refer to colored office grade paper

ORDINANCE NO. 99-812 EXHIBIT C

FINDINGS AND CONCLUSIONS WILL BE AVAILABLE PRIOR TO  
THE FINAL DECISION

## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 99-812 TO AMEND THE URBAN GROWTH BOUNDARY AND THE 2040 GROWTH CONCEPT MAP IN ORDINANCE 95-625A URBAN RESERVE AREA 65 IN WASHINGTON COUNTY

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Date: July 20, 1999

Presented by: Lydia Neill

#### **Proposed Action**

Ordinance No. 99-812, if adopted by Metro Council would amend the urban growth boundary and approve the urban reserve plan for a portion of urban reserve area 65.

#### **Factual Background and Analysis**

On December 17, 1998, the Metro Council adopted Resolution 98-2726B for the purpose of expressing intent to amend the urban growth boundary to include a portion of area 65. The portion of urban reserve 65 represented in this ordinance includes approximately 109 acres of the 488 total acres. The Executive Officer does not recommend inclusion of this area because of the EFU designation.

The Multnomah Board of County Commissioners approved annexation to Metro's jurisdictional boundary on May 13, 1999 by Order No. 99-82 for the expressed purpose of expanding the urban growth boundary. Several changes to the original 116-acre area were a result of right of way adjustments and a request from a property owner to be excluded (Tax Lot 900) leaving an area of 109 acres.

Ryland Homes submitted a preliminary urban reserve plan for approximately 116 acres of urban reserve area 65 in the fall of 1998. The 116-acre reserve plan area is composed of Class 2, 3 and 4 soils. All of the acreage within this reserve area is designated EFU by Washington County. At this time, agriculture is the dominant land use activity in this area. The urban reserve plan included a variety of housing types and densities and a school site. The site is projected to provide 704 dwelling units and 180 jobs. Metro staff reviewed this urban reserve plan and stated in a staff report issued on November 24, 1998 that all urban reserve plan requirements have been met.

The City of Beaverton and Washington County have signed a Memorandum of Understanding (MOU) dated October 28, 1998 to provide governance and planning for urban reserve 65. An Addendum to the MOU signed on November 11, 1998 provided for zoning and the orderly provision of urban services to this reserve area.

An Urban Services Intergovernmental Agreement (IA) signed on February 22, 1999 between the City of Beaverton and Washington County includes the area within urban

reserve 65. The IA formalizes the preliminary understanding outlined in the MOU dated November 11, 1998 and provides greater detail on the roles the city and county will play in planning, implementing the 2040 Growth Concept and provision of urban services to this area.

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### **Budget Analysis**

There is no budget impact.

i:gm/long\_range\_planning/neill/URA's/staffrep65

*Agenda Item Number 7.2*

**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 Changes and Declaring an Emergency.**

***Public Hearing, No Final Action***

Metro Council Meeting  
Thursday, September 123, 1999  
Washington County Chamber

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 \_\_\_\_\_ day of \_\_\_\_\_ 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
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 ~~URBAN RESERVE PLANS~~**

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## 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) "First tier urban reserves" means those urban reserves to be first urbanized because they can be most cost effectively provided with urban services by affected cities and service districts as so designated and mapped in a Metro council ordinance.~~

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

~~(g)~~ "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 including 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 ~~improvement value~~ improvements according to the most recent assessor records.

(hg) "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.

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

(ji) "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.

(kj) "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, pursuant to the criteria found in Section 3.01.035 of this chapter considered by quasi-judicial procedures.

(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, more than twenty net acres, pursuant to the criteria found in section 3.01.030 of this chapter considered by quasi-judicial procedures.

(m) "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.

(n) "Net acre" for purposes of calculating the total land area within a proposal to amend the UGB means an area measuring 43,560 square feet measured in acres which excludes:

- (1) Any developed road rights-of-way through or on the edge of ~~which the existing or proposed UGB would run~~ amendment; and
- (2) Environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected ~~under statewide planning Goal 5~~ 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.

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

(eo) "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.

(ep) "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.

(eq) "Nonurban land" means land currently outside the ~~most recently amended~~ UGB.

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

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

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

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

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

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

(xx) "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 first tier urban reserve land.

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

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

(bbaa) "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 adjacent to the present UGB defined to be a priority location for any future UGB amendments when needed. Urban reserves are defined as the land likely to be needed including all developable land inside the current urban growth boundary, for a 30 to 50 year period.

~~(cebb) "Urban facilities" means those public urban facilities for which state law allows system development charges to be imposed including transportation, water supply and treatment, sewage, parks and storm drainage facilities.~~

(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~~Amount of Land Required.~~

(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 including an estimate of all potential developable and redevelopable land in within the current urban areagrowth boundary.

~~(3)~~ ~~Metro~~ 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 as defined in section 3.01.010.

~~(4)~~ The minimum residential density to be used in calculating the need for ~~urban reserves~~, estimating the capacity of the areas designated as urban reserves and required in concept plans shall be an average of at least 10 dwelling units per net developable acre or lower densities which conform to the 2040 Growth Concept Plan design type designation for the urban reserve area.

~~\_\_\_\_\_ (4) Metro shall designate the amount of urban reserves estimated to accommodate the forecast need.~~

(5) ~~Metro~~ The Council may designate a portion of the land required for urban reserves in order to phase designation of urban reserves.

~~\_\_\_\_\_ (c) Mapped Urban Reserves.~~

(~~4~~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.

~~\_\_\_\_\_ (2) Urban Growth Boundary amendments shall include only land designated as urban reserves consistent with unless designated urban reserve lands are inadequate to meet the need. If land designated as urban reserves is inadequate to meet the need, the priorities in ORS 197.298 shall be followed.~~

~~Prior to adding land to the Urban Growth Boundary, the Metro Council shall modify the Metro 2040 Growth Concept to designate regional design types consistent with the Metro 2040 Growth Concept for the land added.~~

~~\_\_\_\_\_ (d) First Tier. First tier urban reserves shall be considered for inclusion in the Metro Urban Growth Boundary prior to other urban reserves unless a special land need is identified which cannot be reasonably accommodated on first tier urban reserves.~~

~~\_\_\_\_\_ (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.

~~(e) Urban Reserve Plan Required. A conceptual land use plan and concept map which demonstrates compliance with Goal 2 and Goal 14 and section 3.01.020 or section 3.01.030, with the RUGGO and with the 2040 Growth Concept design types and any applicable functional plan provisions shall be required for all major amendment applications and legislative amendments of the Urban Growth Boundary. Except as provided in section 3.01.015(e), the plan and map shall include at least the following, when applicable:~~

~~(1) Provision for either annexation to a city and any necessary service districts at the time of the final approval of the Urban Growth Boundary amendment consistent with section 3.01.065 or an applicable city county planning area agreement which requires at least the following:~~

~~(A) City or county agreement to adopt comprehensive plan provisions for the lands added to the Urban Growth Boundary which comply with all requirements of urban reserve plan conditions of the Urban Growth Boundary approval;~~

~~(B) City and county agreement that lands added to the Urban Growth Boundary shall be rezoned for urban development only upon annexation or agreement for delayed annexation to the city and any necessary service district identified in the approved Concept Plan or incorporation as a new city; and~~

~~(C) County agreement that, prior to annexation to the city and any necessary service districts, rural zoning that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when these lands are included in the Urban Growth~~

~~Boundary remains in place until city annexation and the adoption of urban zoning.~~

~~(2) Notwithstanding (1) above, the Metro Council may approve a major or legislative amendment to the Urban Growth Boundary if the proposed amendment is required to assist the region to comply with the 2040 Growth Concept or to assist the region, a city or county in demonstrating compliance with statute, rule, or statewide goal requirements for land within the Urban Growth Boundary. These requirements include ORS 197.296, 197.299 and 197.303, the statewide planning goals and Regional Urban Growth Goals and Objectives. An urban services agreement consistent with ORS 195.065 shall be required as a condition of approval for any amendment under this subsection.~~

~~(3) The areas of Urban Reserve Study Areas #11, 14 and 65 are so geographically distant from existing city limits that annexation to a city is difficult to achieve. If the county and affected city and any necessary service districts have signed an urban service agreement or an urban reserve agreement coordinating urban services for the area, then the requirements for annexation to a city in (1)(B) and (1)(C) above shall not apply.~~

~~(4) Provision for average residential densities of at least 10 dwelling units per net developable residential acre or lower densities which conform to the 2040 Concept Plan design type designation for the area.~~

~~(5) 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.

~~(6) 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.~~

~~(7) Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the Urban Growth Boundary consistent with 2040 Growth Concept design types.~~

~~(8) A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans.~~

~~(9) 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 cost estimates to implement a strategy to fund resource protection.~~

- ~~(10) A conceptual public facilities and services plan, including rough cost estimates for the provision of sewer, water, storm drainage, transportation, fire and police protection facilities and parks, including financing strategy for those costs.~~
- ~~(11) A conceptual school plan which provides for the amount of land and improvements needed for school facilities. Estimates of the need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the procedures in ORS 195.110(3), (4) and (7).~~
- ~~(12) An Urban Reserve Plan map showing, at least, the following, when applicable:~~
- ~~(A) Major roadway connections and public facilities;~~
  - ~~(B) Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;~~
  - ~~(C) General locations for commercial and industrial lands;~~
  - ~~(D) General locations for single and multi family housing;~~
  - ~~(E) General locations for public open space, plazas and neighborhood centers; and~~
  - ~~(F) General locations or alternative locations for any needed school, park or fire hall sites.~~

~~(13) The urban reserve plan shall be coordinated among the city, county, school district and other service districts, including a dispute resolution process with an MPAC report and public hearing consistent with RUGGO Objective 5.3. The urban reserve plan shall be considered for local approval by the affected city or by the county, if subsection (3), above, applies in coordination with any affected service district and/or school district. Then the Metro Council shall consider final approval of the plan.~~

(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) Metro shall consult with the appropriate city and/or county concerning comprehensive plan changes that may be needed to implement a legislative amendment.~~

~~(d) Metro shall consult with the appropriate city, county, school and service districts to identify lands inside first tier urban reserves which are the most capable of being served by extension of service from existing service providers for the purpose of preparing concept plans in advance for any short term need for inclusion of additional lands in the Urban Growth Boundary.~~

~~(ec) When the The Metro 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, it shall initiate legislative amendments to do so. In determining which lands to add to the boundary to meet the identified need, the Council shall consider all applicable~~

criteria including Goal 2 and Goal 14, section 3.01.012(d), and the urban reserve planning requirements set forth in section 3.01.012(e). If insufficient land is available that satisfies the requirements for an urban reserve plan as specified in section 3.01.012(e), then the Metro Council may consider first tier lands where a city or county commits to complete and adopt such an urban reserve plan and provides documentation to support this commitment in the form of a work program, timeline for completion, and identified funding for the program adopted by the city or county.

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

(g) Legislative amendment decisions shall be accompanied by a based upon substantial evidence in the -decision record which demonstrates how the Urban Growth Boundary amendment complies with applicable state and local law and statewide goals as interpreted by section 3.01.020 and subsequent appellate decisions and includes applicable concept plans and maps demonstrating consistency with RUGGO including the 2040 Growth Concept and compliance with any applicable functional plan provisions.

(h) 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) ~~When~~ Prior to the council acts 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.:

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~~(A) Initial action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the district within six months of the date of adoption of the resolution; or,~~

~~(B) The district may initiate a district boundary annexation concurrent with a proposed UGB amendment;~~

~~(C) The council shall take final action, within 30 calendar days of notice that annexation to the district has been approved~~

(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) Consistent with 3.01.012(e) areas included in a legislative amendment of the UGB shall have completed an urban reserve conceptual plan. If suitable lands with completed urban reserve plans are not sufficient to meet the identified need, additional legislative amendments of the UGB may be adopted as urban reserve plans are completed. This legislative review process for the regional UGB shall continue to consider legislative UGB amendments until the identified need is fully met.~~

(FE) 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 be solely upon lands designated in urban reserves, when designated consistent with 3.01.012. All major amendments shall demonstrate compliance with the following: The first priority for all major amendment petitions shall be lands designated in urban reserves. 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) The urban reserve plan requirements in section 3.01.012(e); and  
3.01.015(e); and~~

(54) 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.~~

~~(ab) All A petitions filed pursuant to this chapter for amendment of the UGB must include a completed petition shall be on a form provided by the district. Petitions which do not include the appropriate completed form provided by the district will not be considered for approval and must be complete before it will be considered.~~

~~(b) 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.~~

~~(c) Completed petitions for amending the UGB through either a major amendment or locational adjustment, shall be considered by the district if must be filed annually prior to between February 1st and March 15. No petition shall be accepted under this chapter if the The proposed amendment or locational adjustment to the UGB would shall not result in an island of urban land outside the existing UGB, or if the proposed addition contains within it result in the creation of an island of non-urban land excluded from the petition. The district will determine not later than seven working days after the filing deadline 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 particular petition or petitions and hear such petition or petitions at any time. 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 ~~20-60~~ 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) ~~It shall be the responsibility of the~~ The petitioner to 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.

(hi) 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.

~~(A) A copy of a petition for annexation to the district to be submitted to the Portland Metropolitan Area Local Government Boundary Commission pursuant to ORS chapter 199; and~~

~~(B) A statement of intent to file the petition for annexation within 90 calendar days of Metro action, or after the appeal period following final action by a court concerning a Metro action, to approve the petition for UGB major amendment or locational adjustment.~~

- (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 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.

(de) 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.

(ef) 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.

(fg) 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 ~~above~~ in subsection (c).

(gh) 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 Metro Conditions of Approval 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.

~~\_\_\_\_\_ (a) The district may attach conditions of approval which may be needed to assure compliance of the developed use with statewide goals and regional land use planning, including, but not limited to, the following:~~

~~\_\_\_\_\_ (1) Conditions which may relate to findings of need for a particular type of use and for which the district finds a need to protect the opportunity for development of this type of use at the proposed site;~~

~~\_\_\_\_\_ (2) Those conditions to assist in the provision of urban services as may be recommended by cities, counties with land use jurisdiction or special districts which have agreements with cities or counties to provide urban services to the area proposed for amendment.~~

~~\_\_\_\_\_ (b) The district may determine that certain conditions of approval are so important to inclusion of land into the urban growth boundary that if those conditions are not met the urban growth boundary approval may be revoked automatically or by action of the district.~~

~~———— (c)(b) Amendments to conditions of approval for a major amendment, including modifications of time to complete an approval condition, may be considered by the district council upon a petition by the property owner which includes evidence substantiating a change in a condition of approval; or upon the council's own motion if the approval condition states that further Metro review is required.~~

~~———— (d)(c) Petitions for amendments to conditions of approval for a major amendment shall follow the procedures for applications for major amendment and council action on quasi-judicial amendments, except for the following:~~

~~———— (1) Petitions for amendments to conditions of approval may be filed at any time following council approval of a major amendment;~~

~~———— (2) Petitions for amendments to conditions of approval shall be heard by the council unless referred to the hearings officer by the council.~~

(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 ~~1/8~~ page 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 also notify the government with jurisdiction, which notice shall include a statement of~~ provide an additional notice stating the time period for completing comprehensive plan amendments for the area local action that will be required to make local comprehensive plans consistent with the amended UGB and the date by which that action must be taken.

### **3.07 TITLE 11: -URBAN GROWTH BOUNDARY AMENDMENT AREA COMPREHENSIVE URBAN RESERVE 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 approval by report to the Metro Council and adoption by all local governments having jurisdiction over any territory added to the Urban Growth Boundary of comprehensive plan amendments consistent with an urban reserve consistent with section 3.07.1130 of this title which plan meetsing all requirements of the Urban Growth Boundary amendment urban reserve plan requirements set forth in section 3.07.1120 of 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 ~~Urban Reserve Plan Requirements~~**

All territory that is added to the Metro region Urban Growth Boundary as either a major amendment or a legislative amendment pursuant to Metro Code chapter 3.01 shall be ~~is~~ subject to \_\_\_\_\_ adopted comprehensive plan provisions an Urban Growth Boundary amendment urban reserve plan by Metro Code 3.01.012(d), adopted by the city or county which will exercise urban land use planning authority over the territory and approved by the Metro Council as consistent with the applicable 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. \_chapter 3.01 of the Metro Code. ; ~~Such plans-~~ The comprehensive plans provision shall contain a conceptual land use plan and concept map urban growth plan diagram and policies that which demonstrates compliance with the RUGGO, including and the Metro Council adopted 2040 Growth Concept design types, and all applicable functional plan provisions. -Urban reserve- Comprehensive plan amendments shall demonstrate compliance with either subsections A, or B or C, and shall also include all details required in subsections B K DC ML:

A. ~~Provision for either annexation to a city and 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 at the time of the final approval of the Urban Growth Boundary amendment consistent with section 3.01.065 or an applicable city county planning area agreement which requires at least the following:~~

- ~~1. City or county agreement to adopt comprehensive plan provisions for the lands added to the Urban Growth Boundary which comply with all requirements of urban reserve plan conditions of the Urban Growth Boundary approval;~~
- ~~2. City and county agreement that lands added to the Urban Growth Boundary shall be rezoned for urban development only upon annexation or agreement for delayed annexation to the city and any necessary service district identified in the approved Concept Plan or incorporation as a new city; and~~
- ~~3. County agreement that, prior to annexation to the city and any necessary service districts, rural zoning that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when these lands are included in the Urban Growth Boundary remains in place until city annexation and the adoption of urban zoning.~~

B. ~~The Metro Council may approve an urban reserve plan where the Urban Growth Boundary amendment was required to assist the region to comply with the 2040 Growth Concept or to assist the region, a city or county in demonstrating compliance with statute, rule, or statewide goal requirements for land within the Urban Growth Boundary. These requirements include ORS 197.296, 197.299 and 197.303, the statewide planning goals and Regional Urban Growth Goals and Objectives. An urban services agreement consistent with ORS 195.065 shall be required as a condition of approval for any urban reserve plan under this subsection.~~



- ~~C.~~ The areas of Urban Reserve Study Areas #11, 14 and 65 are so geographically distant from existing city limits that annexation to a city is difficult to achieve. If the county and affected city and any necessary service districts have signed an urban service agreement or an urban reserve agreement coordinating urban services for the area, then the requirements for annexation to a city in A(2) and A(3) above shall not apply.
- DB. 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.
- EC. 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.
- FD. 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.
- GE. Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the Urban Growth Boundary 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.

- ~~H~~E. 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 Metro functional plans 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.
- ~~I~~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 ~~cost estimates to~~ implement a strategy to fund resource protection 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~~I. A conceptual public facilities and services plan, ~~including rough cost estimates 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. ~~facilities and parks, including financing strategy for those costs.~~
- ~~K~~I. A conceptual school plan ~~that which~~ 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. ~~Estimates~~ The estimates of the 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).

~~L.I.~~ ~~An Urban Reserve Plan map~~ 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~~Major roadway~~ 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 steep slopes, 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.

~~M.K.~~ The ~~urban reserve plan~~ amendments shall be coordinated among the city, county, school district and other service districts, ~~including a dispute resolution process with an MPAC report and public hearing consistent with RUGGO Objective 5.3.~~ The urban reserve plan shall be considered for local approval by the affected city or by the county, if subsection C. above applies, in coordination with any affected service district and/or school district. Then the Metro Council shall consider final approval of the plan.

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

**3.07.1130 Implementation of Urban Growth Boundary Amendment Urban Reserve Comprehensive Plan Requirements**

~~Urban Growth Boundary urban reserve plans shall be adopted as components of city or county comprehensive plans. The adopted plan shall be a conceptual plan and concept map consistent with the applicable adopted 2040 Growth Concept design types that shall govern comprehensive plan, land use regulation and map amendments that implement the Urban Growth Boundary amendment urban reserve plan after the territory is included in the Urban Growth Boundary.~~

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 ~~urban reserve comprehensive plan amendment~~ for compliance with ~~urban reserve plan~~ 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.

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### Policy 20.1. Linking land use and transportation

Implement a regional transportation system that supports the 2040 growth concept of providing high levels of service to traditional and planned centers of activity.

- a. Do not abandon transportation needs of the traditional urban core, economic, and activity centers in the region.
- b. Allow opportunity for uses of land that support existing investments in public transit.
- c. Provide public transit service at the same time we expand areas of new urban settlement (and do not expand urban settlement unless the public transit service will be provided).
- d. Require adequate protection - based on enforceable standards - for the investment of existing residents and property owners in the region before expansion of urban settlement.

### Policy 20.2. Transportation and the environment

Plan and implement transportation projects to meet environmental standards and provide equal protection for all citizens.

- a. Existing transportation projects should be operated and maintained, or modified, to meet existing environmental standards.
- b. New transportation projects must be designed and implemented to meet existing or anticipated environmental standards.
- c. Standards of livability or environmental protection relating to the transportation system shall protect all citizens to equal standards.

### Policy 20.3. Transportation Safety

Anticipate and address system deficiencies that threaten the safety of the traveling public.

- a. Place the highest priority on projects and programs that address safety-related deficiencies in the region's transportation infrastructure, but do not abandon the financing policies of Section 20.0.

## *Atherton suggested amendments to the Regional Transportation Plan...*

On page 41 of the preliminary draft plan replace the introduction and sections 20.0, 20.1, 20.2, and 20.3 with the following:

### Implementing the transportation system plan

The primary mission of this RTP is to guide decision-making and to reduce uncertainty - both for public officials as well as users of the region's transportation system. And because implementing the ideas, projects, and the principles of this plan primarily requires expenditures of money, this document provides clear direction for raising and spending transportation dollars.

The following policies are designed to achieve the broad goals of connecting land use and transportation choices according to the 2040 Growth Concept, to improve fairness and efficiency in the allocation of limited transportation resources, and to balance basic transportation needs - as well as preferences - with a commitment to high level environmental quality standards.

### Policy 20.0 Fairness and efficiency in transportation finance

Allocating transportation resources by how the funds are collected reduces uncertainty in planning and implementation, but also addresses inequities in the present system because the "users pay".

- a. **Broad-based** funding sources such as state, regional, or county gas taxes and registration fees should be used primarily to maintain and preserve the existing roadway system infrastructure that all motorists of the transportation system use.
- b. **Growth-related** funding sources such as system development charges, local improvement district assessments (LID's), or other targeted property tax or bonding mechanisms should be the primary source of funds to construct facilities and improvements that serve the primary users of those facilities.
- c. **Roadway tolls or other fees** should be used to construct new projects designed to alleviate congestion problems. Alternatively, **user regulations** such as designating high occupancy vehicle lanes may be used to allocate use of existing transportation assets if expanding capacity is not feasible.
- d. **Federal government grants** and other flexible funding sources should be used to develop or improve public transit, bicycle, or pedestrian facilities that preserve basic transportation options for non-motorists.



# Protecting the Nature of our REGION

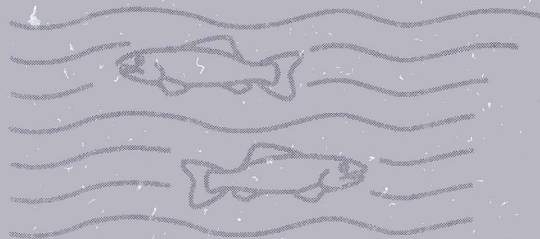


## Get involved!

Throughout this fall, Metro, your regional government, will focus on two very important issues that affect you: how we use our land and how we plan our transportation systems.

Planning is Metro's top job. Metro is a regional forum where cities, counties and citizens can resolve issues related to growth. Open spaces, salmon runs and forests don't stop at city limits or county lines. Planning ahead supports livable communities now and protects the nature of our region for the future.

Let us know what you think!



**Metro Regional Services**  
*Creating livable communities*

### Public meetings

#### Urban growth boundary and related issues

5 to 9 p.m. Thursday, Sept. 23  
Washington County Public Services Building  
155 N. First Ave., Hillsboro

5 to 9 p.m. Monday, Oct. 4  
Gresham City Hall  
1333 NW Eastman Parkway, Gresham

2 to 5 p.m. Thursday, Oct. 7  
Metro Regional Center  
600 NE Grand Ave., Portland

5 to 9 p.m. Tuesday, Oct. 12  
Milwaukie City Hall  
10722 SE Main St., Milwaukie

2 to 5 p.m. Thursday, Oct. 14  
Metro Regional Center  
600 NE Grand Ave., Portland

#### Regional Transportation Plan

5:30 p.m. Wednesday, Oct. 20  
Conestoga Intermediate School  
12250 SW Conestoga Drive, Beaverton

5:30 p.m. Thursday, Oct. 21  
Gresham City Hall  
1333 NW Eastman Parkway, Gresham

5:30 p.m. Tuesday, Oct. 26  
Metro Regional Center  
600 NE Grand Ave., Portland

5:30 p.m. Thursday, Oct. 28  
Monarch Hotel  
12566 SE 93rd Ave., Clackamas

For more information about the issues or transit options to the public hearings, call 797-1942 or visit our web site at [www.metro-region.org](http://www.metro-region.org)





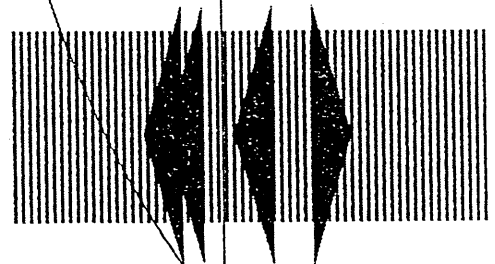
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**Hillsboro Mayor Gordon Faber  
Re: Inclusion of URA Sites 51 - 55  
"Resolution Lands" into the UGB**

**Metro Council Public Hearing  
Shirley Huffman Auditorium, City of Hillsboro  
September 23, 1999**

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- I. I confirm Hillsboro's Nomination of South Hillsboro Resolution Lands for UGB Inclusion (Reference attached, City Nomination Letter).**





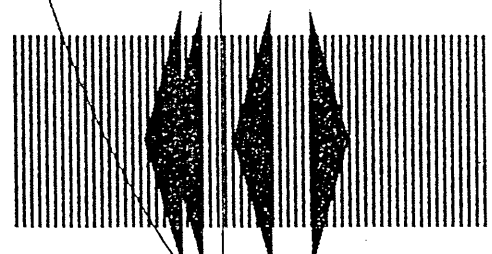
## II. Key Reasons Why City Needs South Hillsboro Resolution Lands to come into the UGB:

- ◆ City needs South Hillsboro to address HB 2709 mandate to have 20-year supply of residential land in our Comprehensive Plan.
- ◆ Will run out of buildable residential land by 2002-2003 if construction continues its pace during the 1990s.



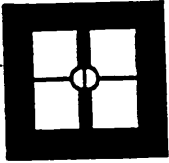


- ◆ South Hillsboro will address jobs/housing imbalance in the Hillsboro area. (City Staff will provide more details confirming a subregional need justifying South Hillsboro inclusion based on jobs/housing imbalance).



# CITY OF HILLSBORO

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August 31, 1999

Hon. Susan McLain  
Metro Council Deputy Presiding Officer  
600 NE Grand Avenue  
Portland, OR 97232

RE: Request For City Council Input on Key Growth Management Decisions.

Dear Deputy Presiding Officer McLain:

This letter responds to your August 17<sup>th</sup> inquiry of our Council members regarding a number of upcoming Metro Council regional growth management decisions. Thank you for seeking our input regarding your Council's consideration of movement of the UGB, the results of the Urban Growth Report and proposed Metro Code changes. Our comments are as follows:

Movement of the UGB:

In 1996, our Council directed our staff to seek the inclusion of Urban Reserve Site Nos. 51-55 into the UGB. It re-affirmed that direction by these recent actions: It authorized our City attorney to intervene on Metro's side in actions filed at LUBA and the Oregon Court of Appeals challenging their designation by Metro as "urban reserves". It authorized and funded in part the preparation of the South Hillsboro Urban Reserve Concept Plan pursuant to the Metro Code. Consistent with these previous City Council actions I'm informing you that Hillsboro nominates the Resolution lands contained within Sites 51-55 for Metro Council consideration for inclusion within the UGB. The Sites are needed in order to help address a serious jobs/housing imbalance in the Hillsboro regional center job shed and, equally important for us, to help us meet our future housing need and our obligations under HB 2709.

Urban Growth Report:

As our Council's representative on MPAC, I am very concerned about two issues concerning the Urban Growth Report (UGR): First, the important finding generated by OTAK's Regional Industrial Land Study that the Region lacks available Tier "A" lands should be addressed in the UGR and in upcoming UGB decisions. This finding uncovers a current bona fide regional land supply need that directly affects the immediate and long-term economic health of the region and subregions. Therefore, it must be addressed in the current UGR and by corresponding Metro UGB action this year. Local governments and the Metro electorate look to you to address our pressing regional planning needs, such as this need, in earnest.

Hon. Susan McLain  
August 31, 1999  
Page 2.

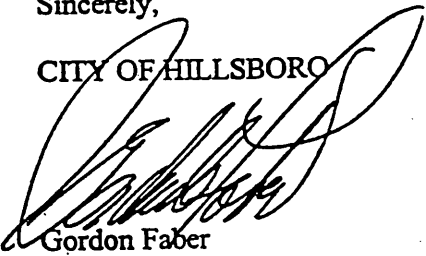
Second, the UGR should not count environmentally constrained lands as "buildable" for purposes of calculating the UGB's current housing development capacity. A "placeholder" approach to counting such lands as buildable has been justified by the argument that their current zoning generally does not prohibit their use for housing. Yet, we know that imminent regulatory programs such as the Federal ESA Listing and regional and local Goal 5 programs will simply prevent their use for housing in the immediate future despite their current zoning, and may even expand the amount of land considered environmentally constrained. Therefore, I submit that counting the environmentally constrained lands as buildable would not comply with the intent and objective of HB 2709, which requires Metro to provide for a 20-year buildable residential land supply inside the UGB: The statute emphasizes counting "buildable" lands. The environmentally constrained lands are not going to be "buildable". Let's admit and be forthright about this fact.

Metro Code:

By separate letter dated August 26<sup>th</sup>, we submitted comments strongly supporting the proposed Metro Code changes. A copy of that letter is enclosed for your reference.

Sincerely,

CITY OF HILLSBORO



Gordon Faber  
Mayor

Encl:



# Hillsboro City Manager Tim Erwert Re: Inclusion of URA Sites 51 - 55 "Resolution Lands" into the UGB

Metro Council Public Hearing  
Shirley Huffman Auditorium, City of Hillsboro  
September 23, 1999

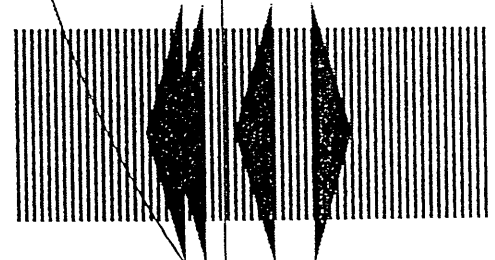
I. Plan for South Hillsboro was initiated by the City and is before our Planning Commission for Action

- ◆ Plan is the product of joint City/State/Private Financing (\$200,000).
- ◆ Metro already added Site 55 exception lands portion of South Hillsboro to the UGB based on this Plan.



## II. Hillsboro Jobs/Housing Imbalance (Facts from Metro's Urban Reserve Findings):

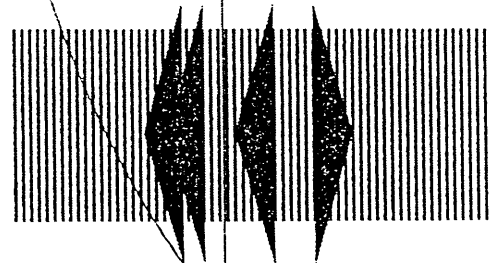
- ◆ 2 different jobs/housing balance analyses (by Hobson/Johnson and by Metro) predicted jobs/housing ratio imbalances **within the Hillsboro Region Job Shed** by 2015:
  - ◆ 1.94 jobs to 1 housing unit (Hobson/Johnson)
  - ◆ 1.80 jobs to 1 housing unit (Metro)







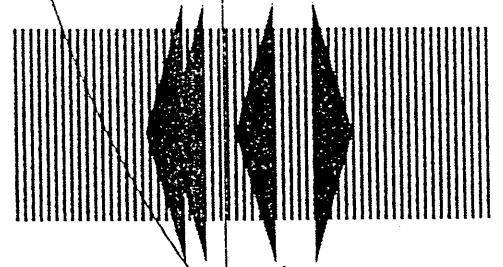
- ◆ Metro findings noted a 3.12 jobs to 1 housing unit ratio **within Hillsboro City Limits in 1994.**
- ◆ Achieving the Functional Plan, Title 1, Table 1 allocation for Hillsboro (58,247 jobs/14,812 housing units) will increase the City's current imbalance to 3.53 jobs/1 housing unit.





III. As of January 1998, the City had 544 gross acres of vacant residential lands which will be gone by 2003 if the 1990's pace of residential construction (roughly 1800 - 2000 units/year) continues.

IV. Metro adopted Resolution No. 98-2728C expressing its intent to include the South Hillsboro "Resolution Lands" into the UGB upon their annexation to Metro.





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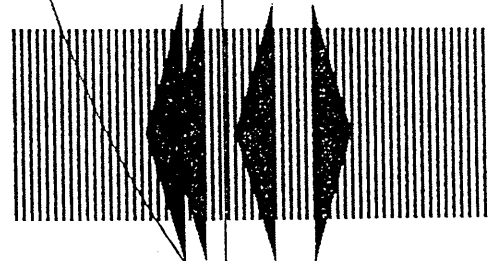
# Hillsboro Planning Director Winslow Brooks Re: Inclusion of URA Sites 51 - 55 "Resolution Lands" into the UGB

Metro Council Public Hearing  
Shirley Huffman Auditorium, City of Hillsboro  
September 23, 1999

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## I. South Hillsboro Planning Process:

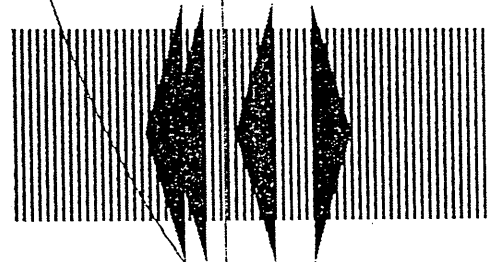
- ◆ Plan before Planning Commission
- ◆ Commission taking more in depth look at transportation issues/phasing





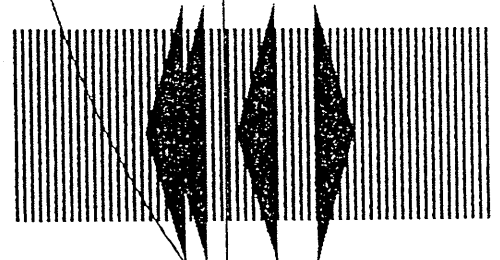
## Summary: Key DKS Study Preliminary Findings

- ① Without the mitigation improvements recommended by the South Hillsboro Plan, the Metro RTP and the City TSP, the regional network will be congested even without the South Hillsboro Urban Reserve development.
- ② The majority of South Hillsboro traffic is less than 10% of total traffic in the study area.





- ③ Construction of the Metro RTP Strategic Improvements can serve most of the travel demands during local peak travel periods even with South Hillsboro's development.



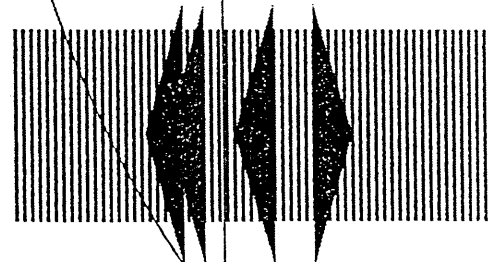


## II. South Hillsboro is Quintessential 2040 Planned Community:

- ◆ Average residential density = 10 dwelling units per net acre.
- ◆ Town Center and 2 Village Centers with Main Streets.
- ◆ Multi-modal transportation throughout community implements the TPR by reducing vehicular trips and trip lengths.
- ◆ Connectivity achieved both inside and outside of South Hillsboro.



- ◆ In the future the area can be served very well by future bus lines or the three north/south arterial and collector street that connect South Hillsboro Urban Reserve with Hillsboro's major industrial/employment areas.





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# Hillsboro City Attorney Timothy Sercombe Re: Inclusion of URA Sites 51 - 55 "Resolution Lands" into the UGB

Metro Council Public Hearing  
Shirley Huffman Auditorium, City of Hillsboro  
September 23, 1999

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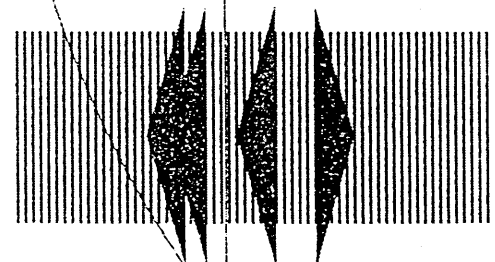
- I. The December 1998 adopted justification for the South Hillsboro UGB was based on several needs.
  
- II. A Metro UGB amendment can be justified exclusively on subregional needs. The subregional needs justification for the South Hillsboro UGB change were documented in the 1998 record and the earlier urban reserve record.





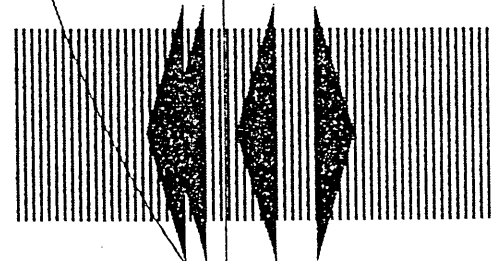
III. LUBA upheld a subregional jobs/housing balance need as the basis for the South Hillsboro urban designation.

IV. Agree with Metro Counsel that a UGB expansion justified on subregional needs under Goal 14 need not be separately justified on a regional basis. The regional/subregional UGB issue is one of coordination. Goal 14, factors 1 and 2 apply to either a regional or subregional UGB decision.





V. The South Hillsboro UGB change can be coordinated with regional concerns no matter what version of the Urban Growth Report is adopted. There is no reason to delay completion of the South Hillsboro UGB amendment approval.





# Alternatives to Growth Oregon

Robert Millette

PO Box 80334 • Portland OR 97280-1334 • 503-222-0282 (voice) • 503-222-0180 (fax) • info@AGOregon.org

Submitted 9/23/1999

## Position Statement, September 1999

### Metro Urban Growth Boundary

Alternatives to Growth Oregon fears that Metro is slowly committing suicide. Metro's fixation with determining only how and where to grow is undermining public confidence in the agency and fueling the efforts of those who seek its demise. It is time for Metro to address the fundamental question: whether to grow. By confronting this question head-on, Metro can restore public confidence.

Currently, two choices are offered by Metro: sprawl like Los Angeles or densify like Los Angeles. The option of not growing — or even slowing growth — has not been considered.

Overpopulation is the greatest fear of Oregonians. When citizens are asked whether they want to grow-out or grow-up, most volunteer that they prefer neither. But Metro has rejected this response out-of-hand.

Planning alone — in the face of population increase — cannot keep Oregon Oregon. Oregonians should not be misled into believing that planning is all we must —or can — do to maintain livability. Oregon is on its way to becoming a better-planned California; the Willamette Valley another Puget Sound, and Portland a Los Angeles with light rail. Metro's web page says:

*We can all see the effects of rapid growth on our highways, housing, shopping and open spaces. But growth doesn't have to just happen. (Metro) provides planning services .... so that we can maintain our livability while planning for the next 50 years of growth.*

"(M)aintain our livability" and "50 years of growth"? It is either one or the other. If planning services were enough to maintain livability, citizens would not be seeing the negative affects listed on the Metro web page. Afterall, for decades, Oregon has had the best planning in the country — and maybe the world. The problem is not too little planning; the problem is growth itself. Growth just doesn't have to happen.

The assumption is of another 500,000 people — about the present population of Portland — living in the Metro area in the next 20 years. Where do we put that 500,000? And the next half-million after that? And the next half-million after that? The Willamette Valley now has 2.3 million people. It is projected to have 4.0 million in the next half century. That's the equivalent of three more Portlands, or 13 Salems or EUGENES, or 34 Corvallis. If we want to keep the Oregon we know and love, we don't have room for all these people. Growth is a race one loses the faster one runs. The losangelization of Portland must end.

Instead of doing the political and policy equivalent of rearranging the deck chairs on the Titanic, by both forcing the expansion of the urban growth boundary and the densification of the region on an unwilling citizenry, Metro should pioneer a new Oregon way. It is a way that is neither sprawl nor density, but of sustainability and livability. This new path acknowledges carrying capacity and embraces natural, social, community and economic limits.

The Metro Council should step back and rethink Metro's role in regards to growth. Specifically, Metro should:

1. Implement its charter provisions regarding carrying capacity.
2. Switch from encouraging growth to discouraging growth.
3. Quit subsidizing growth and invest in sustainability and livability.

A government that uses its powers to promote population and consumption growth can also decide to use those powers to discourage growth. This choice presently lies with the Metro Council. If the council fails to seize the opportunity, then direct legislation by the voters may be necessary to maintain our quality of life.





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Tigard, OR 97224  
Tel: (503) 968-2323  
Fax: (503) 598-1849

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September 23, 1999

### ***Testimony before Metro Council on the Urban Growth Boundary Issue***

My name is Doug Draper, Vice-President of Genstar Land Company Northwest. Genstar has a long history of developing master-planned communities throughout North America. We currently have an option to purchase the St. Mary's property which is part of the South Hillsboro Urban Reserve, and one of the areas that Metro by resolution has expressed an intent to add to the urban growth boundary this year.

Genstar is a firm believer in the Region 2040 concept of well-planned communities and we have testified to this effect on several occasions over the past few years. It would be our intent to develop such a community in South Hillsboro which, among other attributes, would meet the growing need for additional housing to achieve better balance with the community's rapidly expanding job base.

Resumption of strong growth in the electronics industry, combined with the emergence of other technology business such as internet service providers, necessitates timely action to ensure that workers in these growing industries – and the workers in the service industries that are also expanding – have the opportunity to live as close as possible to where they work.

The data showing a large and growing jobs/housing imbalance in the Hillsboro subregion is indisputable and serves as a basis for an urban growth boundary expansion.

Failure to address this jobs/housing imbalance will force families to outlying communities, putting pressure on those communities to expand their growth boundaries into farmland and putting people who are least able to afford it into cars for long commutes over already congested highways.



*Testimony before Metro Council on the Urban Growth Boundary Issue  
September 23, 1999  
Page 2*

The 2040 concept is intended to do just the opposite. Through careful design, more efficient land use can be achieved while offering a range of affordable, attractive housing choices within walking distance of neighborhood shopping areas, schools, parks and public transportation. A 2040 community with scale can accommodate a large number of families without consigning them to a future of driving everywhere they need to go.

Your vision of 2040 is the plan we intend to follow. We are ready to move forward working in partnership with the City of Hillsboro, our neighbors and our service providers. We place great stock in the resolution Metro adopted last year stating its intent to add South Hillsboro to the urban growth boundary. We have participated in city initiated master planning in anticipation of fulfilling the spirit and letter of Oregon's planning laws. We have organized the effort to have other interested landowners in South Hillsboro be part of the proposed annexation to Metro's jurisdictional boundary. We have talked to other neighbors. We have sought ideas on how to offer affordable housing choices in our community. In short, we are ready to go. The jobs/housing imbalance – and the affordability crisis – impacting Hillsboro won't go away or get better simply by waiting. These problems will only grow worse. This argues for moving forward this year on urban growth boundary expansion in this part of the subregion. We urge you to follow that course.



Commercial Real Estate Economic Coalition

1211 SW Fifth Ave. ♦ Suite L-17 ♦ Portland, OR 97204  
(503) 228-9214 ♦ Fax (503) 223-1659

**BEFORE THE METRO COUNCIL RELATED TO ADOPTION OF THE PROPOSED URBAN GROWTH**

**REPORT (UGR) 1999 UPDATE**

**TESTIMONY OF BEVERLY BOOKIN, AICP ON BEHALF OF THE  
COMMERCIAL REAL ESTATE ECONOMIC COALITION (CREEC)**

*I am here this evening on behalf of the Commercial Real Estate Economic Coalition (CREEC), a coalition of 13 organizations and trade associations whose members are involved in the commercial real estate industry, that is, who develop, lease, sell and/or manage commercial, office and industrial properties.*

*CREEC has been following the recent deliberations regarding the second phase of UGB expansion closely and is concerned about the direction proposed in the 1999 UGR Update to hold the line on the UGB for fear this will artificially constrain the land supply resulting in significant economic and social consequences. Although the employment land supply is not immediately affected by this decision, CREEC is concerned because the methodology used in this update sets a precedent for that to be used in 2002 when the employment land need is revisited as part of the five-year UGB review. Moreover, the availability of housing, which is affected by this decision, is an important determinant upon job growth. Our specific concerns include:*

- **Surplus of Employment Land.** *The UGR Update suggests that there is about a 300-acre surplus of employment land in region from 1997 - 2017, a conclusion we dispute based on the recently-completed Regional Industrial Land Study for the Portland-Vancouver Metropolitan Area. Moreover, there are significant sub-regional shortages of employment land which, fortunately, Metro acknowledges requires further study.*
- **Technical Soundness of UGR Findings.** *We question the soundness of several assumptions in the analysis, a few of which:*
  - *The use of a "refill" factor of 28.5%, which is "aspirational" as opposed to the recently-observed actual rate of 25.4%. Moreover, doesn't the refill rate decline with time with each passing year, since the supply within the boundary is finite?*
  - *Possible double-counting of potential capacity because of the overlap in the infill rate, "build-out of 'partially-vacant' land" factor and accessory unit potential?*
  - *In calculating the redevelopment capacity, it does not appear that demolished units are deducted from the total number of new units realized through redevelopment.*
  - *The assumption that the region will capture 82% of the jobs but only 70% of the households, resulting in a significant regional jobs/housing imbalance. If the refill rate can be aspirational, why can't the residential capture rate be similarly increased? For example, an increase in the capture rate to 72.6% would yield a 4,900-dwelling unit shortfall.*

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Associated Builders & Contractors ♦ Associated General Contractors ♦ Certified Commercial Investment Members of Commercial Investment Real Estate Institute ♦ Columbia Corridor Association ♦ Commercial Association of REALTORS® ♦ International Council of Shopping Centers ♦ National Association of Industrial & Office Properties ♦ Oregon Mortgage Bankers Association ♦ Portland Metropolitan Association of Building Owners & Managers ♦ Retail Task Force ♦ Schnitzer Investment Corp. ♦ Society of Industrial and Office Realtors ♦ West Side Economic Alliance

Submitted 9/23/1999

- **Housing Affordability.** *The artificial constraint on the residential land supply will drive up land prices, thus, significantly affecting housing affordability, which aside from its adverse social impacts, will affect the region's ability to attract new jobs. The cost of the average home in the Portland Metropolitan area is already one of the highest in the country, when one controls for average income.*

*For these and many other reasons, CREEC urges the Metro Council to expand the UGB at the end of 1999 as proposed in 1998, moving the current analysis forward to the 2002 periodic review, when all of these issues, including the outcome of ESA regulations, can be more holistically analyzed.*