

A G E N D A

600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232-2736



METRO

TEL 503-797-1540 FAX 503-797-1793

MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: October 12, 2005
DAY: Wednesday, 5:00-7:00 p.m.
PLACE: Metro Council Chamber/Annex

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Kidd		
1	SELF INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS	All		5 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			5 min.
3	CONSENT AGENDA <ul style="list-style-type: none">September 28, 2005MTAC Appointment	Kidd	Decision	5 min.
4	COUNCIL UPDATE	Hosticka	Update	5 min.
5	ORDINANCE 05-1089 UGB CODE CHANGES	Benner	Introduction	30 min.
6	GROWING AT THE EDGE <ul style="list-style-type: none">Concept Planning ChallengesExpansion Area Planning Fund CommitteeSpringwater Community PlanDamascus Concept Plan	Valone Wagner Gresham Damascus	Discussion	60 min.

UPCOMING MEETINGS:

MPAC: October 26, 2005 & November 9, 2005
MPAC Lively Centers, Room 270: October 12 (Room 501) & 26 (Room 270), 2005
MPAC Coordinating Committee, Room 270: November 9, 2005; December 14, 2005

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us
MPAC normally meets the second and fourth Wednesday of the month.
To receive assistance per the Americans with Disabilities Act,
call the number above, or Metro teletype 503-797-1804.
To check on closure or cancellations during inclement weather please call 503-797-1700.

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

September 28, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Rob Drake, John Hartsock, Jack Hoffman, Laura Hudson, Tom Hughes, Richard Kidd, Charlotte Lehan, Wilda Parks, Ted Wheeler

Alternates Present: Larry Cooper, John Leeper, Diane Linn, Paul Savas, Dresden Skees Gregory

Also Present: Hal Bergsma, City of Beaverton; Ron Bunch, City of Gresham; Bob Clay, City of Portland; Danielle Cowan, City of Wilsonville; Shirley Craddick, City of Gresham; Kay Durtschi, MTAC; Gil Kelley, City of Portland; Stephan Lashbrook, City of Lake Oswego; LeeAnne MacColl, League of Women Voters; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Laura Oppenheimer, Oregonian; Pat Ribellia, City of Hillsboro; Jonathan Schlueter, Westside Economic Alliance; Andrea Vannelli, Washington County

Metro Elected Officials Present: Liaisons – Susan McLain, Council District 4; Robert Liberty, Council District 6 others: Brian Newman, District 2

Metro Staff Present: Kim Bardes, Dick Benner, Andy Cotugno, Chris Deffebach, Robin McArthur

1. SELF-INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS

Jack Hoffman, MPAC Chair, called the meeting to order 5:07 p.m.

Chair Hoffman asked those present to introduce themselves and to give updates or announcements as pertained to their jurisdiction.

Chair Hoffman announced that he would be sending out the agenda for MPAC for the rest of the year via email to the members.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There were none.

3. CONSENT AGENDA

Meeting Summary for July 27, 2005, August 10, 2005 and September 14, 2005:

Motion:	Mayor Rob Drake, City of Beaverton, with a second from Mayor Tom Hughes, City of Hillsboro, moved to adopt the consent agendas with no revisions.
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Vote:	The motion passed unanimously.
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4. COUNCIL UPDATE

Councilor Susan McLain reviewed the upcoming agenda items for Council. She made reference to a new resolution that would form a special Blue Ribbon Committee, and she spoke about the Mayor's Forum that had been held on September 16, 2005. She directed members to the handouts in the back of the room,

which summarizes comments from the forum. That handout is attached and forms part of the record. She informed the members that Council would be looking at Metro's first request for exception to the functional plan in Title 3 from Clackamas County. She described the request for the members and explained that it would come before the Metro Council on the following day and that it would be open for a public hearing. She asked the members if they had any interest in reviewing exceptions as they came forward.

Chair Hoffman said that he felt the members should have some thoughtful discussion and analysis on this issue before making a decision about the MPAC committee reviewing exceptions.

Mayor Rob Drake agreed with Chair Hoffman but thought it would be good to review the exception document, which is part of the Council packet for September 29, 2005.

There was discussion regarding the exception process and the policy issue surrounding this topic.

Chair Hoffman said he would add this issue to a future agenda for more discussion.

5. SEPTEMBER 29 COMPLIANCE HEARING

Chris Deffebach, Metro Long Range Policy Planning Manager, reviewed the process for the hearing. She said that the hearing on this compliance had been delayed from April and that they were wrapping up from 2004. She referred to the materials in the meeting packet, which are attached and form part of the record.

Diane Linn said that some jurisdictions worked hard on developing those compliance requirements. She said that she was anxious to see the outcome of Metro's analysis of those who turned in information. She said that the situation was getting worse and it had a lot to do with balancing the community needs.

Councilor Robert Liberty said that what Metro ultimately required was reporting on measures and not on outcomes. Part of what the task force was looking at was trying to get better measurements.

Andy Cotugno, Metro Planning Director, asked if there was something that the task force could bring back to MPAC for review.

Ms. Deffebach said that staff would be working that into a future agenda item. It would come before MPAC before the end of the calendar year.

Councilor Liberty said that the task force was currently looking at funding, and planning. He said that there was a special solutions team on affordable housing.

Ms. Deffebach reviewed the highlights and outcomes of the Council hearing on Nature in Neighborhoods/Fish and Wildlife Habitat. The final decision was scheduled for September 29, 2005.

Councilor McLain reviewed some elements of the decision and the corresponding maps.

Ms. Deffebach said that the map was being finalized based on the information that had been submitted thus far. She reiterated that map changes would be ongoing and that Metro would continue to work with the jurisdictions to keep the map up-to-date. She said that Metro staff would continue to keep the stream layers updated as well.

Chair Hoffman reviewed some of the testimony that he heard at the Metro Council public hearing on the Fish and Wildlife Habitat for the members.

Councilor Brian Newman clarified that the Metro Council would not be able to say how the program was specifically applied in each jurisdiction.

6. NEW LOOK AT 2040

Chair Hoffman reviewed the September 16, 2005 Mayor's forum and he announced that Metro planned to hold another symposium next year.

Mr. Cotugno said that while they would have these symposiums quarterly, most of the regional decisions would be made at the MPAC table. He then presented the same PowerPoint slide presentation to MPAC that had been presented to the elected officials at the Mayor's Forum. A copy of that presentation is attached and forms part of the record.

Robin McArthur, Metro Regional Planning Director, distributed a handout "A new Look at Regional Choices" and reviewed the handout. That handout is attached and forms part of the record. Ms. McArthur mentioned that Metro would be updating the Regional Transportation Plan from December 2005-January 2008, as outlined in the handout.

Ted Wheeler asked if there was any brainstorming on the disconnect between real estate growth and job growth.

Mr. Cotugno said that the real estate forces that drive where growth goes was different for housing and jobs. Jobs tend to want to locate near similar type jobs, whereas housing was more flexible and was more driven by UGB expansions. So the pattern appears to be that there was a heavy concentration of jobs in central Portland, along the 217 corridor, and in Hillsboro, but the heavy housing concentration was along the area of the UGB expansion.

Mr. Wheeler asked if there had been some strategies suggested to deal with the issue.

Ms. McArthur said that the issue was raised but there hadn't been suggested strategies on how to deal with that yet.

Mayor Alice Norris said that Mr. Wheeler's question was a good one and that it should be looked at in the future. She suggested that Metro staff add to the presentation information that would show job growth by income. She said that the jobs created over the last few years have been lower income jobs and they would need to look at true livability for the future.

Mayor Charlotte Lehan said that the region needed to do a better job of balancing the job/housing ratio, but she said that there was no guarantee that would fix the problem. She said that they needed to consider wage and commuting patterns. She said that there was a big disconnect between those items and she suspected that very few people actually worked in the same town where they lived.

Mayor Richard Kidd said that for his jurisdiction, 10 years ago they had less than 30% of people commuting outside the community for jobs, but now that number was up to 57%. He said that Forest Grove was one of the fastest growing communities in Washington County, and the growth was residential

and not for jobs. He expressed concern about including retirement communities in the job/housing balance, as that could skew the numbers. He said that Forest Grove had one of the largest retirement communities in the United States.

Mayor Rob Drake said that industry had a good idea about where people live and work and that they might be a good resource for those numbers.

Mayor Lehan said that the data was dynamic and that they needed to examine whether focusing on the jobs-to-housing ratio would actually change anything regarding congestion. She said that people were much more tied to where they lived than where they worked.

Mr. Cotugno said that Metro staff was in the process of scoping the methodologies that Metro would employ for the next household behavior survey. He said that they did a major survey once a decade to collect demographics and travel patterns. He said that staff was contemplating smaller surveys but taken more frequently. He said that if they did smaller surveys more periodically, it would be a better tool to track lifestyle changes. Whether they could do a series of small surveys in place of the large one done every decade would depend on the Metro budget.

Ms. McArthur continued to summarize comments from the Mayor's symposium (see attached handout).

Chair Hoffman reviewed the four questions that Metro would be struggling with over the next few years that were outlined in the handout. He asked Gil Kelley to talk about his perspective on the topic.

Gil Kelley, City of Portland, said it might be beneficial to look at the larger region from an outside perspective. He suggested that Metro/MPAC look at the big picture of the coast range to the cascades and ask what they wanted to see in that larger boundary, and not necessarily look at it via incremental growth. By looking at the problem from above or outside we could then ask ourselves how well we were doing on the inside of the boundary and if there are places that we ultimately wanted to include and focus on those places that could be improved.

Chair Hoffman suggested that MPAC could work on that big picture look next year. He said that with representatives from jurisdictions around the region, and their planners, they would be able to contribute pieces individually and then formulate a bigger view of the region.

Gil Kelley suggested that when MPAC did this exercise they might want to take a look at the fiscal impacts as well as the physical impacts.

Mayor Hughes reminded the members not to view agriculture land as just a holding ground for future growth. He said that the general public generally expressed to him that they hated sprawl and density. He said that they would need to look for alternate ways to deal with density that included regional agriculture partners in the discussion.

John Leeper said that agriculture/urban study efforts had been undertaken and were continuing. He said that the state of Oregon and the region needed to face up to the fact that the Portland area and surrounding region was becoming more urbanized. He said that if Metro were to continue to expand onto agriculture land they would need to continue to do it judiciously. He said that Metro would need to meet with the state and try to get them to understand/recognize that the Portland region was urbanized and that it would only continue to grow. He said it might be a challenge to get the legislature to accept this as reality.

Mr. Cotugno said that John Leeper had hit the biggest land use 'hot button' that existed. He said that if Metro and the region were fractured in their efforts then the state would also be fractured. If, however, the MPAC group and the region could agree on how judiciously they could/should move into farmland, then they would have a good chance of making a case with the state.

Mayor Becker said that John Leeper had pointed out the real dilemma. He said that it was not just the region that was struggling with this dilemma, but the nation was struggling with it as well. He said that the jurisdictions should give guidance for what they wanted their communities and the region to do.

7. UGB INDUSTRIAL LANDS REMAND

Chair Hoffman said that they would need to make a decision on the recommendation from the Metro Chief Operation Officer regarding the land that Land Conservation and Development Commission (LCDC) directed Metro to add. He said that MPAC would have to make a decision on this on October 26, 2005 and it would then go to Council for a decision on October 27, 2005.

Lydia Neill, Metro Principal Regional Planner, gave a presentation on the materials and maps included in the packet. Those materials are attached and form part of the record.

Mayor Hughes reviewed some maps for the Evergreen site that was being considered for the Urban Growth Boundary (UGB) industrial expansion.

Chair Hoffman said that they would carry this issue over for a brief discussion on the agenda for the next meeting.

There being no further business, Chair Hoffman adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR SEPTEMBER 28, 2005

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#5 September 29 Compliance Hearing	December 14, 2004	Attachment 1: Title 7 (Affordable Housing) Component of the 2004 Annual Compliance Report of the Urban Growth Boundary	092805-MPAC-01
#6 New Look at 2040	September 16, 2005	Regional Mayors' and Chairs' Forum: Where Do We Go from Here? A New Look at Regional Choices, September 16, 2005 Draft Summary	092805-MPAC-02
#6 New Look at 2040	September 2005	A New Look at Regional Choices – Updating the metro region's long-range plan	092805-MPAC-03
#6 New Look at 2040	September 16, 2005	Mayors' and Chairs' Forum presentation	092805-MPAC-04

M E M O R A N D U M

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METRO

DATE: October 7, 2005
TO: Chair Jack Hoffman
Metro Policy Advisory Committee
FROM: Andy Cotugno, Planning Dept. Director
RE: MTAC VACANCY

Per the MPAC Bylaws:

Each jurisdiction or organization named [to MTAC] shall annually notify MPAC of their nomination. MPAC may approve or reject any nomination. Revision of the membership of MTAC may occur consistent with MPAC bylaw amendment procedures...

The Home Builders Association has nominated Jim McCauley, Vice President of Government Affairs, to replace Kelly Ross on MTAC. They have nominated Alan DeHarpport, HBA Government Affairs Committee chair for their first alternate and David Nielsen, Executive Vice President, will continue to be their second alternate.

Please consider the names submitted to fill the Residential Contractor Association seat on MTAC. Do not hesitate to call me if you have any questions or comments at 503-797-1763.

Thank you.

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Proposed Revisions to Metro UGB Code Chapter 3.01
SECTION-BY-SECTION ANALYSIS
September 20, 2005

Purpose of Revisions

Metro Code Chapter 3.01 sets forth the process and the criteria for amendments to the urban growth boundary (UGB). This chapter is a functional plan that is part of - and implements policies in - the Regional Framework Plan (RFP). The chapter also implements state planning laws, including statewide planning Goal 14 (Urbanization), the goal that sets state policy on establishment and change of UGBs in Oregon.

The Land Conservation and Development (LCDC) amended Goal 14 on April 28, 2005. The Commission's purpose was to simplify the process of amending UGBs, resulting in significant changes to the goal. The code revisions proposed in Ordinance No. 05-1089 (1) bring the Metro UGB code into conformance with the changes to Goal 14 and (2) simplify Metro's own process and criteria for amendments to the UGB.

The 2005 Legislature enacted Senate Bill 1032 on school siting. HB 1032 calls upon Metro to provide an expeditious process for consideration of UGB expansion for sites for public schools during the period between Metro's five-year UGB capacity analyses. The proposed code revisions bring the Metro UGB code into conformance with this new legislation (see description of changes to section 3.01.025).

Several Councilors have called for a more formal process for adjustments to the UGB where the boundary is intended to follow the line of the 100-year floodplain. Today's practice is to treat an adjustment to reflect new information about the floodplain as "ministerial" (no notice or hearing). The proposed revisions would treat such adjustments as "minor adjustments" under sections 3.01.033 and 3.01.035 (notice and opportunity for hearing).

Section 3.01.005 Purpose

The revisions remove the reference to statewide planning Goal 2 because LCDC eliminated the direct reference in Goal 14 to the exception process in Goal 2. The revisions also delete references to the Regional Urban Growth Goals and Objectives because they have been written into the policies of the RFP. Finally, this section now explains the function of each of the three methods for expanding the UGB that are contained in Chapter 3.01: legislative amendments; major amendments; and minor adjustments.

Section 3.01.010 Definitions

The revisions eliminate definitions that are no longer needed as a result of changes to other sections of the chapter.

Section 3.01.012 Urban Reserve Areas

The revisions simplify and clarify the section. There is one substantive change proposed: (b)(4) requires the Council to set a minimum residential density for urban reserve areas.

These amendments would delete this provision, leaving the assignment of density to the ordinance that adds land to the UGB and Title 11 planning that follows.

Section 3.01.015 Legislative Amendments - Procedures

Revisions to this section simplify, clarify and delete outdated or redundant material.

Section 3.01.020 Legislative Amendments - Criteria

These revisions delete material that describes the methodology Metro has used to determine the capacity of the UGB and the need for additional capacity, for these reasons: (1) statewide planning Goal 14 does not require Metro to use the methodology; (2) failure to follow the methodology in the code can be grounds for invalidation of a UGB expansion; (3) Metro may wish to change its methodology over time without having to revise these code provisions; and (4) methodology is more appropriately explained in handbooks or documents that support a particular UGB expansion (such as Metro's Urban Growth Report).

The revisions also change the substantive requirements to be satisfied and the factors to be considered by the Council in determining how much and which land to add to the UGB under state law. These substantive revisions do two things: (1) they bring the code into conformance with changes made to Goal 14 by LCDC in April, 2005; and (2) they incorporate policies in the RFP that apply to expansions of the UGB (including new policies from the Nature in Neighborhoods program).

Finally, the revisions delete redundant and unnecessary material [subsections (f), (g) and (h)].

Section 3.01.025 Major Amendments – Procedures

The revisions consolidate in this section all of the procedures that a major amendment must follow except notice. (Section 3.01.050 contains the notice requirements for all three kinds of UGB expansion: legislative amendments; major amendments; and minor adjustments.) The consolidation combines sections 3.01.055 (contested case hearings) and 3.01.065 (Council action) with this section.

Among the revisions to this section are those to conform Metro's major amendment process to Senate Bill 1032, enacted by the 2005 Legislature. SB 1032 requires Metro to provide a process to consider proposed UGB expansion for a site for a public school that can be completed within four months of receipt by Metro of a complete application. The timelines established in these revisions allow for completion of consideration of a proposal within 125 days.

Section 3.01.030 Major Amendments – Criteria

The revisions to this section are similar to changes made to section 3.01.020, the criteria for legislative amendment. The changes remove material on methodology and reflect LCDC amendments to Goal 14.

Section 3.01.033 Minor Adjustments – Procedures

These revisions simplify and clarify.

Section 3.01.035 Minor Adjustments – Criteria

The revisions to this section provide specific criteria for adjustments to the UGB to conform to new information on the location of the 100-year floodplain (where the UGB is intended to be conterminous with the floodplain). Other revisions simplify and clarify.

Section 3.01.040 Conditions of Approval

These revisions simplify and clarify and remove redundant material. The revisions also eliminate paragraph (5) of subsection (b). This paragraph authorizes the Council to interpret the Urban Growth Management Functional Plan (UGMFP) in a condition. Such authority is inherent in Council powers and is implied by subsection (c) of this same section. Paragraph (5)(b) also limits Council authority to impose “specific locational development requirements” in a condition. This limitation is not required by state law and could be interpreted to prevent the Council from establishing a parcel consolidation requirement or similar requirement essential to meeting a need arising from the Council’s capacity analysis. The revisions require the Council to establish residential densities consistent with the 2040 Growth Concept design type designation. Finally, the revisions add a provision that the Council must follow the notice and hearing provisions from Title 8 of the UGMFP if it chooses to enforce a condition on a UGB expansion.

Section 3.01.045 Fees

These revisions simplify and clarify.

Section 3.01.050 Notice Requirements

The revisions consolidate all notice requirements in this section. The revisions also simply and clarify by organizing notice requirements by type of UGB expansion (legislative amendment; major amendment; minor adjustment).

Section 3.01.055 Regular Review of Chapter

The revisions move the rules for major amendment hearings to section 3.01.025 (Major Amendment-Procedures) and move the requirement for regular review of the UGB code chapter (every five years) from section 3.01.080 (eliminated) to this section.

Section 3.01.060 Exceptions to Hearings Officer Decision

The revisions delete this section in order to make the major amendment process faster and more efficient, in response to SB 1032 on school siting.

Section 3.01.065 Council Action on Quasi-Judicial Amendments

The revisions eliminate this section and move the contents to sections 3.01.025 (Major Amendment-Procedures) and 3.01.040 (Conditions of Approval).

Section 3.01.070 Final Action Notice Requirements

The revisions eliminate this section. Subsection (a) moves to section 3.01.050(f) (Notice Requirements); the reference to Ballot Measure 56 is deleted to be consistent with amendments to that statute. Subsection (b) is redundant with subsection 3.01.040(b).

Section 3.01.080 Chapter Regulations Review

The revisions eliminate this section and move the contents to section 3.01.055 (Regular Review of Chapter).

Section 3.01.085 Severability

The revisions eliminate this section and move the contents to section 3.01.060 (Severability).

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)
CHAPTER 3.01 OF THE METRO CODE) Ordinance No. 05-1089
(URBAN GROWTH BOUNDARY AND URBAN)
RESERVE PROCEDURES) TO COMPLY WITH)
CHANGES IN STATE PLANNING LAWS; AND) Introduced by Councilor Susan McLain
DECLARING AN EMERGENCY)

WHEREAS, the existing process for expanding the regional urban growth boundary (“UGB”) is so complicated and driven by numbers that it obscures from public understanding the important livability policies in Metro’s Regional Framework Plan and state planning laws; and

WHEREAS, the Oregon Land Conservation and Development Commission amended statewide planning Goal 14 on Urbanization on April 28, 2005, to make expansion of urban growth boundaries more understandable to the public and more efficient for local governments; and

WHEREAS, the Oregon Legislature enacted Senate Bill 1032 in the 2005 legislative session, calling for an efficient quasi-judicial process for considering applications from high growth school districts for sites for new schools; and

WHEREAS, minor adjustments to the regional UGB to conform to new information about the location of the 100-year floodplain should be made only after public notice and consultation with local governments; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Metro Code Chapter 3.01, Urban Growth Boundary and Urban Reserve Procedures, is hereby amended as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The Findings of Fact and Conclusions of Law, attached and incorporated into this ordinance as Exhibit B, explain how the amendments to Metro Code Chapter 3.01 comply with the Regional Framework Plan and state law.
3. This ordinance is necessary for the immediate preservation of public health, safety and welfare because Metro’s current process for expanding the UGB is no longer consistent with state law following LCDC’s April 28, 2005, amendments to statewide planning Goal 14. The amendments to Goal 14 have made the UGB process simpler and more efficient, without weakening the substantive criteria for expansion. There are several possible UGB expansions now pending before the Council. The Council wants the benefits of this simpler state process available as soon as possible to save Metro and the citizens of the region time and money. An emergency is therefore declared to exist. This ordinance shall take effect immediately, pursuant to section 39(1) of the Metro Charter.

ADOPTED by the Metro Council this __ day of _____, 2005.

David Bragdon, Council President

Attest:

Approved as to form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 05-1089

AMENDMENTS TO CHAPTER 3.01
URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES

SECTIONS	TITLE
3.01.005	Purpose
3.01.010	Definitions
3.01.012	Urban Reserve Areas
3.01.015	Legislative Amendments - Procedures
3.01.020	Legislative Amendments - Criteria
3.01.025	Major Amendments - Procedures
3.01.030	Major Amendments - Criteria
3.01.033	Minor Adjustments - Procedures
3.01.035	Minor Adjustments - Criteria
3.01.040	Conditions of Approval
3.01.045	Fees
3.01.050	Notice Requirements
3.01.055	Regular Review of Chapter
3.01.060	Severability

3.01.005 Purpose

This chapter prescribes criteria and procedures to be used by Metro in making amendments to the Metro Urban Growth Boundary (UGB). The chapter prescribes three processes for amendment:

- (a) Legislative amendments following periodic analysis of the capacity of the UGB and the need to amend it to accommodate long-range growth in population and employment;
- (b) Major amendments to address short-term needs that were not anticipated at the time of legislative amendments; and
- (c) Minor adjustments to make small changes to make the UGB function more efficiently and effectively.

3.01.010 Definitions

(a) "Council" has the same meaning as in Chapter 1.01 of the Metro Code.

(b) "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.

(c) "Goals" means the statewide planning goals adopted by the Oregon Land Conservation and Development Commission at OAR 660-015-0000.

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

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

(f) "Public facilities and services" means sanitary sewers, water service, fire protection, parks, open space, recreation, streets and roads and mass transit.

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

(h) "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.

3.01.012 Urban Reserve Areas

(a) Purpose. This section establishes the process and criteria for designation of urban reserves areas pursuant to ORS 195.145 and Oregon Administrative Rules Chapter 660, Division 021.

(b) Designation of Urban Reserve Areas.

- (1) The Council shall designate the amount of urban reserve areas estimated to accommodate the forecast need for a period from 10 to 30 years beyond the planning period for the most recent amendment of the UGB pursuant to ORS 197.299.
- (2) The Council shall estimate the capacity of urban reserve areas consistent with the estimate of the capacity of land within the UGB.
- (3) The Council may allocate urban reserve areas to different planning periods in order to phase addition of the areas to the UGB.
- (4) The Council shall establish a 2040 Growth Concept design type applicable to each urban reserve area designated.

(c) Plans For Urban Reserve Areas. Cities and counties may prepare and adopt comprehensive plan amendments for urban reserve areas, consistent with Regional Framework Plan and OAR 660-021-0040, prior to the inclusion of the areas within the UGB.

3.01.015 Legislative Amendments - Procedures

(a) The Council shall initiate a legislative amendment to the UGB when required by state law and may initiate a legislative amendment when it determines there is a need to add land to the UGB.

(b) Except as otherwise provided in this chapter, the Council shall make a legislative amendment to the UGB by ordinance in the manner prescribed for ordinances in Chapter VII of the Metro Charter. For each legislative amendment, the Council shall establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC and other advisory committees and the general public.

(c) Notice to the public of a proposed legislative amendment of the UGB shall be provided as prescribed in section 3.01.050 of this chapter.

(d) Prior to the final hearing on a proposed legislative amendment of the UGB in excess of 100 acres, the Chief Operating Officer shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods. The Chief Operating Office shall provide copies of the report to all households located within one mile of the proposed amendment area and to all cities and counties within the district at least 20 days prior to the hearing. The report shall address:

- (1) Traffic patterns and any resulting increase in traffic congestion, commute times and air quality;
- (2) Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory; and
- (3) The cost impacts on existing residents of providing needed public services and public infrastructure to the area to be added.

(e) The Council shall base its final decision on information received by the Council during the legislative process.

(f) The Council may amend the UGB to include land outside the district only upon a written agreement with the local government that exercises land use planning authority over the land that the local government will apply the interim protection requirements set forth in section 3.07.1110 of the Metro Code to the land until the effective date of annexation of the land to the Metro district. A city or county may adopt an amendment to its comprehensive plan pursuant to section 3.07.1120 of the Metro Code prior to annexation of the land to the district so long as the amendment does not become applicable to the land until it is annexed to the district.

3.01.020 Legislative Amendments - Criteria

(a) The purpose of this section is to address the criteria for UGB expansion in ORS 197.298, statewide planning Goal 14 and the Regional Framework Plan. Compliance with this section shall constitute compliance with the Regional Framework Plan.

(b) The Council shall determine whether there is a need to amend the UGB. In determining whether a need exists, the Council may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. The Council's determination shall be based upon:

- (1) Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
- (2) Demonstrated need for land suitable to accommodate housing, employment opportunities, and livability, and uses such as public facilities, streets and roads, schools, parks and open space, or any combination of the foregoing in this paragraph.
- (3) A demonstration that any need shown under paragraphs (1) and (2) of this subsection cannot reasonably be accommodated on land already inside the UGB.

(c) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas for possible addition to the UGB, considering the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences;
- (4) Compatibility of proposed urban with nearby agricultural and forest activities occurring on farm and forest land outside the UGB;
- (5) Equitable and efficient distribution of housing and employment opportunities throughout the region;
- (6) Contribution to the purposes of Centers;
- (7) Protection of farmland that is most important for the continuation of commercial agriculture in the region;

- (8) Avoidance of conflict with regionally significant fish and wildlife habitat; and
- (9) Clear transition between urban and rural lands, using natural and built feature to mark the transition.

3.01.025 Major Amendments - Procedures

(a) A city, a county, a special district or a property owner may initiate a major amendment to the UGB by filing an application on a form provided by Metro. The Chief Operating Officer will accept applications for major amendments between February 1 and March 15 of each calendar year except that calendar year in which the Council is completing its analysis of buildable land supply under ORS 197.299(1).

(b) Except for that calendar year in which the Council is completing its analysis of buildable land supply, the Chief Operating Officer shall give notice of the March 15 deadline for applications for major amendments not less than 120 calendar days before the deadline and again 90 calendar days before the deadline in a newspaper of general circulation in Metro and in writing to each city and county in Metro and anyone who has requested notification. The notice shall explain the consequences of failure to file before the deadline and shall specify the Metro representative from whom additional information may be obtained. Upon a request by a Metro Councilor and a finding of good cause, the Metro Council may waive the deadline by a two-thirds vote of the full Council.

(c) With the application, the applicant shall provide the names and addresses of property owners for notification purposes, consistent with Section 3.01.050(b). The list shall be certified as true and accurate as of the specified date by a title company, a county assessor or designate of the assessor or the applicant.

(d) Except as provided in subsection (e) of this section, the applicant shall also provide a written statement from the governing body of each city or county with land use jurisdiction over the area and any special district that has an agreement with that city or county to provide an urban service to the area that it:

- (1) Recommends approval of the application;
- (2) Recommends denial of the application; or
- (3) Makes no recommendation on the application.

(e) The Council may waive the requirements of subsection (d) of this section if the city, county or special district has a policy not to comment on major amendments or has not adopted a position within 120 calendar days after the applicant's request for the statement. The governing body of a local government may delegate the decisions described in paragraphs (1) and 2) of this subsection to its staff.

(f) The Chief Operating Officer will determine whether an application is complete and will notify the applicant of the determination within seven working days after the filing of the application. The Chief Operating Officer will dismiss an application and return application fees if a complete application is not received within the 14 days after the notice of incompleteness.

(g) Within 14 days after receipt of a complete application, the Chief Operating Officer will:

- (1) Set the matter for a public hearing before a hearings officer for a date no later than 55 days following receipt of a complete application; and
- (2) Notify the public of the public hearing as prescribed in section 3.01.050 of this chapter.

(h) The Chief Operating Officer shall submit a report and recommendation on the application to the hearings officer not less than 15 calendar days before the hearing and send copies to the applicant and others who have requested copies. Any subsequent report by the Chief Operating Officer to be used at the hearing shall be available to the public at least seven days prior to the hearing.

(i) If the proposed major amendment would add more than 100 acres to the UGB, then the Chief Operating Officer shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods in the manner prescribed in section 3.01.015(d).

(j) An applicant may request postponement of the hearing within 20 days after filing a complete application. The Chief Operating Officer may postpone the hearing for no more than 60 days. If the applicant fails to request rescheduling within 90 days after the request for postponement, the application shall be considered withdrawn and the Chief Operating Officer will return the unneeded portion of the fee deposit assessed pursuant to Section 3.01.045.

(k) Participants at a hearing before a hearings officer need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must indicate the date of the meeting at which the organization adopted the position presented.

(l) Failure of the applicant to appear at the hearing shall be grounds for dismissal of the application unless the applicant requests a continuance. The applicant the burden of demonstrating that the proposed amendment complies with the criteria.

(m) The hearings officer will provide the following information to participants at the beginning of the hearing:

- (1) The criteria applicable to major amendments and the procedures for the hearing;
 - (2) A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal; and
 - (3) A statement that failure to raise an issue in a manner sufficient to afford the hearings office and participants an opportunity to respond to the issue precludes appeal of that issue.
- (n) The hearing shall be conducted in the following order:
- (1) Presentation of the report and recommendation of the Chief Operating Officer;
 - (2) Presentation of evidence and argument by the applicant;
 - (3) Presentation of evidence and argument in support of the application by other participants; and
 - (4) Presentation of rebuttal evidence and argument by the applicant.

(o) The hearings officer may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the hearings officer grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence.

(p) If new evidence is submitted at the continued hearing, the hearings officer may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the hearings officer grants the request, the record shall be left open for at least seven days. Any participant may respond to new evidence during the period the record is left open.

(q) Cross-examination by parties shall be by submission of written questions to the hearings officer. The hearings officer shall give participants an opportunity to submit such questions prior to closing the hearing. The hearings officer may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.

(r) A verbatim record shall be made of the hearing, but need not be transcribed unless necessary for appeal.

(s) The hearings officer may consolidate applications for hearing after consultation with Metro staff and applicants. If the applications are consolidated, the hearings officer shall prescribe rules to avoid duplication or inconsistent findings, protect the rights of all participant, and allocate the charges on the basis of cost incurred by each applicant.

(t) Within 15 days following the close of the record, the hearings officer shall submit a proposed order, with findings of fact and conclusions of law and the record of the hearing, to the Chief Operating Officer, who shall make it available for review by participants.

(u) Within seven calendar days after receipt of the proposed order from the hearings officer, the Chief Operating Officer shall set the date and time for consideration of the proposed order by the Council, which date shall be no later than 40 days after receipt of the proposed order. The Chief Operating Officer shall provide written notice of the Council meeting to the hearings officer and participants at the hearing before the hearings officer, and shall post notice of the hearing at Metro's website, at least 10 days prior to the meeting.

(v) The Council shall consider the hearings officer's report and recommendation at the meeting set by the Chief Operating Officer. The Council will allow oral and written argument by participants in the proceedings before the hearings officer. The argument must be based upon the record of those proceedings. Final Council action shall be as provided in Section 2.05.045 of the Metro Code. The Council shall adopt the order, or ordinance if the Council decides to expand the UGB, within 15 days after the Council's consideration of the hearings officer's proposed order.

(w) The Council may approve expansion of the UGB to include land outside the Metro jurisdictional boundary only upon a written agreement with the local government that exercises land use planning authority over the subject land that the local government will apply the interim protection requirements set forth in Section 3.07.1110 of the Metro Code until Metro annexes the subject land to Metro. A city or county may approve an amendment to its comprehensive plan, pursuant to Section 3.07.1120 of the Metro Code so long as the amendment does not become effective until Metro annexes the subject land to Metro.

3.01.030 Major Amendments - Criteria

(a) The purpose of the major amendment process is to provide a mechanism to address needs for land that were not anticipated in the last analysis of buildable land supply under ORS 197.299(1) and cannot wait until the next analysis. Land may be added to the UGB under this section only for the following purposes: public facilities, public schools, natural areas, land trades and other nonhousing needs.

(b) The applicant shall demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria and factors in subsections (b) and (c) of Section 3.01.020 of this chapter. The applicant shall also demonstrate that:

- (1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land;
- (2) The amendment will not result in the creation of an island of urban land outside the UGB or an island of rural land inside the UGB; and
- (3) If the amendment would add land for public school facilities, a conceptual school plan as described in Section 3.07.1120(I) has been completed.

(c) If the Metro Council adds land to the UGB in order to facilitate a trade and the land is available for housing, the Metro Council shall designate the land to allow an average density of at least 10 units per net developable acre or such other density that is consistent with the 2040 Growth Concept plan designation for the area.

3.01.033 Minor Adjustments - Procedures

(a) A city, a county, a special district, Metro or a property owner may initiate a minor adjustment to the UGB by filing an application on a form provided by Metro. The application shall include a list of the names and addresses of owners of property within 100 feet of the land involved in the application. The application shall also include the positions on the application of appropriate local governments and special districts, in the manner required by Section 3.01.025(d).

(b) The Chief Operating Officer will determine whether an application is complete and notify the applicant of the determination within seven working days after the filing of the application. If the application is not complete, the applicant shall complete it within 14 days of notice of incompleteness. The Chief Operating Officer will dismiss an application and return application fees if a complete application is not received within 14 days of the notice of incompleteness.

(c) Notice to the public of a proposed minor adjustment of the UGB shall be provided as prescribed in section 3.01.050 of this chapter.

(d) The Chief Operating Officer shall review the application for compliance with the criteria in section 3.01.035 of this chapter and shall issue an order with analysis and conclusions within 90 days of receipt of a complete application. The Chief Operating Officer shall

send a copy of the order to the applicant, the city or county with jurisdiction over the land that is the subject of the application, to each member of the Council and any person who requests a copy.

(e) The applicant or any person who commented on the application may appeal the Chief Operating Officer's order to the Metro Council by filing an appeal on a form provided by Metro within 14 days after receipt of the order. A member of the Council may request in writing within 14 days of receipt of the order that the decision be reviewed by the Council. The Council shall consider the appeal or Councilor referral at a public hearing held not more than 60 days following receipt of a timely appeal or referral.

(f) Notice to the public of a Council hearing on a proposed minor adjustment to the UGB be provided as prescribed in section 3.01.050 of this chapter.

(g) Following the hearing, the Council shall uphold, deny or modify the Chief Operating Officer's order. The Council shall issue an order with its analysis and conclusions and send a copy to the appellant, the city or county with jurisdiction over the land that is the subject of the application and any person who requests a copy.

3.01.035 Minor Adjustments - Criteria

(a) The purpose of this section is to provide a mechanism to make small changes to the UGB to make it function more efficiently and effectively. It is not the purpose of this section to add land to the UGB to satisfy a need for housing or employment. This section establishes criteria that embody state law and Regional Framework Plan policies applicable to minor adjustments.

(b) Metro may adjust the UGB under this section only for the following reasons: (1) to site roads and lines for public facilities and services; (2) to trade land outside the UGB for land inside the UGB; or (3) to make the UGB coterminous with nearby property lines or natural or built features.

(c) To approve a minor adjustment to site a public facility line or road, or to facilitate a trade, Metro shall find that:

- (1) The adjustment will result in the addition to the UGB of no more than two net acres for a public facility line or road and no more than 20 net acres in a trade;
- (2) Adjustment of the UGB will make the provision of public facilities and services more efficient or less costly;
- (3) Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;

- (4) Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;
- (5) The adjustment will help achieve the 2040 Growth Concept;
- (6) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB; and
- (7) If the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is currently designated for agriculture or forestry pursuant to a statewide planning goal.

(d) To approve a minor adjustment to make the UGB coterminous with property lines, natural or built features, Metro shall find that:

- (1) The adjustment will result in the addition of no more than two net acres to the UGB;
- (2) Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;
- (3) Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;
- (4) The adjustment will help achieve the 2040 Growth Concept;
- (5) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

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

- (1) The delineation was done by a professional engineer registered by the state of Oregon;
- (2) The adjustment will result in the addition of no more than twenty net acres to the UGB;

- (3) The adjustment will help achieve the 2040 Growth Concept; and
- (4) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

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

(g) The Chief Operating Officer shall submit a report to the Council at the end of each calendar year with an analysis of all minor adjustments made during the year. The report shall demonstrate how the adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept.

3.01.040 Conditions of Approval

(a) Land added to the UGB by legislative amendment pursuant to Section 3.01.015 or by major amendment pursuant to Section 3.01.025 shall be subject to the requirements of Title 11, Planning for New Urban Areas, of the Urban Growth Management Functional Plan (Metro Code chapter 3.07.1105 et seq.).

(b) Unless a comprehensive plan amendment has been previously approved for the land pursuant to Section 3.01.012(c), when the Council adopts a legislative or major amendment to the UGB, the Council shall:

- (1) In consultation with local governments, designate the city or county responsible for adoption of amendments to comprehensive plans and land use regulations to allow urbanization of each area added to the UGB, pursuant to Title 11. If local governments have an adopted agreement that establishes responsibility for adoption of amendments to comprehensive plans and land use regulations for the area, the Council shall assign responsibility according to the agreement.
- (2) Establish the 2040 Growth Concept design type designations applicable to the land added to the UGB, including the specific land need, if any, that is the basis for the amendment. If the design type designation authorizes housing, the Council shall designate the land to allow an average density of at least 10 units per net developable acre or such other density that is consistent with the design type.

- (3) Establish the boundaries of the area that shall be included in the planning required by Title 11. The boundary of the planning area may include all or part of one or more designated urban reserves.
- (4) Establish the time period for city or county compliance with the requirements of Title 11 which shall not be less than two years following the effective date of the ordinance adding the area to the UGB.

(c) When it adopts a legislative or major amendment to the UGB, the Council may establish conditions that it deems necessary to ensure that the addition of land complies with state planning laws and the Regional Framework Plan. If a city or county fails to satisfy a condition, the Council may enforce the condition after following the notice and hearing process set forth in section 3.07.870 of the Urban Growth Management Functional Plan.

(d) When the Council acts to approve an application with a condition that requires annexation to a city, a service district or Tri-Met:

- (1) Such action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the city, the district or Tri-Met within six months of the date of adoption of the resolution.
- (2) The Council shall take final action, as provided for in paragraphs (c) and (d) of this section, within 30 calendar days of notice that all required annexations have been approved.

3.01.045 Fees

(a) Each application submitted by a property owner or group of property owners pursuant to this chapter shall be accompanied by a filing fee in an amount to be established by resolution of the Council. Such fees shall not exceed the actual costs of Metro to process an application. The filing fee shall include administrative costs and the cost of a hearings officer and of public notice.

(b) The fees for costs shall be charged from the time an application is filed through mailing of the notice of adoption or denial to the Department of Land Conservation and Development and other interested persons.

(c) Before a hearing is scheduled, an applicant shall submit a fee deposit.

(d) The unexpended portion of an applicant's deposit, if any, shall be returned to the applicant at the time of final disposition of the application. If hearings costs exceed the amount of the deposit, the applicant shall pay to Metro an amount equal to the costs in excess of the deposit, prior to final action by the Council.

(e) The Council may, by resolution, reduce, refund or waive the fee, or portion thereof, if it finds that the fee would create an undue hardship for the applicant.

3.01.050 Notice Requirements

(a) For a proposed legislative amendment under section 3.01.015, the Chief Operating Officer shall provide notice of the hearings in the following manner:

- (1) In writing to the director of the Department of Land Conservation and Development at least 45 days before the first public hearing on the proposal;
- (2) In writing to the local governments of the Metro area at least 30 days before the first public hearing on the proposal; and
- (3) To the general public by an advertisement no smaller than 1/8-page in a newspaper of general circulation in the Metro area and by posting notice on the Metro website.

(b) For a proposed major amendment under section 3.01.025, the Chief Operating Officer shall provide notice of the hearing in the following manner:

- (1) In writing at least 45 days before the first public hearing on the proposal to:
 - (A) The applicant
 - (B) The director of the Department of Land Conservation and Development;
 - (C) The owners of property that is being considered for addition to the UGB; and
 - (D) The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designated for agriculture or forestry pursuant to a statewide planning goal;

- (2) In writing at least 30 days before the first public hearing on the proposal to:
 - (A) The local governments of the Metro area;
 - (B) A neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by the cities and counties whose jurisdictional boundaries include or are adjacent to the site, and to any other person who requests notice of amendments to the UGB; and
- (3) To the general public by posting notice on the Metro website at least 30 days before the first public hearing on the proposal.

(c) The notice required by subsections (a) and (b) of this section shall include:

- (1) A map showing the location of the area subject to the proposed amendment;
- (2) The time, date and place of the hearing;
- (3) A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference can be if available;
- (4) A statement that interested persons may testify and submit written comments at the hearing;
- (5) The name of the Metro staff to contact and telephone number for more information;
- (6) A statement that a copy of the written report and recommendation of the Chief Operating Officer on the proposed amendment will be available at reasonable cost 20 days prior to the hearing; and
- (7) A general explanation of the criteria for the amendment, the requirements for submission of testimony and the procedure for conduct of hearings.
- (8) For proposed major amendments only:
 - (A) An explanation of the proposed boundary change;

- (B) A list of the applicable criteria for of the proposal; and
- (C) A statement that failure to raise an issue at the hearing, orally or in writing, 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.

(9) For the owners of property described in paragraph (b)(1)(iii) of this section, the information required by ORS 268.393(3).

(d) For a proposed minor adjustment under section 3.01.033, the Chief Operating Officer shall provide notice in the following manner:

- (1) In writing to the director of the Department of Land Conservation and Development at least 45 days before the issuance of an order on the proposal;
- (2) In writing at least 20 days before the issuance of an order on the proposal to:

(A) The applicant and the owners of property subject to the proposed adjustment;

(B) The owners of property within 500 feet of the property subject to the proposed adjustment;

(C) The local governments in whose planning jurisdiction the subject property lies or whose planning jurisdiction lies adjacent to the subject property;

(D) Any neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes the area subject to the proposed amendment and which is officially recognized as entitled to participate in land use decisions by the city or county whose jurisdictional boundary includes the subject property;

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

(e) The notice required by subsection (d) of this section shall include:

- (1) A map showing the location of the area subject to the proposed amendment;

- (2) A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference can be if available;
- (3) A statement that interested persons may submit written comments and the deadline for the comments;
- (4) The name of the Metro staff to contact and telephone number for more information; and
- (5) A list of the applicable criteria for of the proposal.

(f) The Chief Operating Officer shall notify each county and city in the district of each amendment of the UGB.

3.01.055 Regular Review of Chapter

The procedures in this chapter shall be reviewed by Metro every five years, and can be modified by the Council at any time to correct any deficiencies which may arise.

3.01.060 Severability

Should a section, or portion of any section of this chapter, be held to be invalid or unconstitutional, the remainder of this chapter shall continue in full force and effect.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING AN)
EXPANSION AREA PLANNING FUND COMMITTEE)

RESOLUTION NO. 05-3626
Introduced by
Metro Council President
David Bragdon

WHEREAS, Metro has taken a leadership role in identifying regional fiscal needs associated with concept and comprehensive planning for areas added to the Urban Growth Boundary; and

WHEREAS, the implementation of concept and comprehensive planning in areas added to the Urban Growth Boundary is consistent with state statute, the Metro Code, and will help to implement Metro's 2040 growth concept; and

WHEREAS, discussions with regional elected officials, developers, municipal planning staff, Realtors, and representatives of the general population generally encouraged the establishment of a revenue study committee to develop a mechanism for the funding of concept and comprehensive planning; and

WHEREAS, the Metro Council adopted Ordinance No. 00-860A, on November 9, 2000 "For the Purpose of Adding a New Chapter 2.19 to the Metro Code Relating to Advisory Committees," amended by Ordinance 02-955A, on June 27, 2002 "For the purpose of amending chapter 2.19 of the Metro Code to conform to the charter amendments adopted on November 7, 2000," and authorized under Metro Code No. 2.19.200 "Tax Study Committee" and the creation and purpose states that "before considering the imposition of any new tax or taxes, which do not require prior voter approval under the Charter, the Council shall create a tax study committee by adoption of a resolution";

NOW, THEREFORE, BE IT RESOLVED BY THE METRO COUNCIL THAT,

1. The Metro Council hereby establishes an Expansion Area Planning Fund Committee to serve as the tax study committee authorized under Ordinance No. 00-860A and hereby appoints the Committee Chair and committee members as set forth in Exhibit A attached hereto and incorporated herein;

2. The Tax Study Committee shall meet 3 to 4 times between now and December 15, 2005, with administrative and technical support from the Metro staff, and the committee shall advise and make recommendations to the Metro Council regarding aspects of the need, distribution and mechanism for funding concept and comprehensive planning as more specifically set forth in Exhibit B attached hereto, and the Committee shall return to the Metro Council by December 15, 2005 with specific recommendations.

ADOPTED by the Metro Council this _____ day of _____,
2005.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Exhibit A
Resolution 05-3626

The Expansion Area Planning Fund Committee is being asked to serve on a short term basis, beginning in late October and concluding by December 15th, 2005, and meet 3 to 4 times to analyze funding mechanism options for concept and comprehensive planning in the Metro Region. Metro staff will serve as technical and administrative support to the committee and provide background information.

11 Metro residents have been identified as possible committee members. They are

Ryan O'Brien	Land Development Specialist
Jerome Colonna	Superintendent of Beaverton School District
Bob Stacey	Executive Director, 1000 Friends
Wally Mehrens	Columbia Pacific Building Trades
Diane Goodwin	Land Use Attorney
Tom Brian	Chair, Washington County Board of Commissioners
Gil Kelley	Planning Director, City of Portland
John Hartsock	City Councilor, City of Damascus
Cindy Catto	Public Affairs Manager, Associated General Contractors
Jim Chapman	President, Home Builders Association
Chuck Becker	Mayor, Gresham

Exhibit B
Resolution 05-3626

The Expansion Area Planning Fund Committee is being asked to serve on a short-term basis, beginning in late October and concluding by December 15th, 2005, and meet 3 to 4 times to analyze funding mechanism options for concept and comprehensive planning in the Metro Region. Metro staff will serve as technical and administrative support to the committee and provide background information.

The Committee will be asked to advise the Council on the following specific questions:

- a. How large is the regional need for concept and comprehensive planning?
- b. How should the funds be distributed? Are certain areas prioritized?
- c. Should the funds accompany other resources?
- d. What role should Metro play?
- e. What role should local jurisdictions play?
- f. What mechanism should be used for capturing this fee?
- g. What administrative processes and costs should be considered in regards to this fee?
- h. What should be the time period for this fee, should it sunset?

Following the completion of the Committee's work by December 15, 2005, they will issue their recommendations about the funding to the Metro Council. The Council will then ask the community at large to review and comment on those recommendations.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3626, FOR THE PURPOSE OF ESTABLISHING AN EXPANSION AREA PLANNING FUND COMMITTEE

Date: September 29, 2005

Prepared by: Reed Wagner

BACKGROUND

The majority of acreage added in the 2002 Urban Growth Boundary expansion has yet to be developed. It is argued by much of the development community and expansion area jurisdictions that the major hurdle in development, of these new Metro areas, is the lack of funding for concept and comprehensive planning. Initial discussions with developers, realtors, planners and elected officials from the Metro region suggests that a regional funding mechanism may be welcomed in an effort to expedite development in expansion areas.

ANALYSIS/INFORMATION

1. **Known Opposition** None known
2. **Legal Antecedents** According to Metro Code No. 2.19.200 "Tax Study Committee", "before considering the imposition of any new tax or taxes, which do not require prior voter approval under the Charter, the Council shall create a tax study committee by adoption of a ordinance;" Metro Council Ordinance No. 00-860A.
3. **Anticipated Effects** The identified committee of 11 will be convened and a recommendation will be made to the Metro Council by December 15, 2005 as set forth in Exhibit B to the Resolution.
4. **Budget Impacts** The impact includes a minimal amount of staff time, including data from the Data Resource Center, support by Metro's office of the Chief Operating Officer and Office of the Metro Attorney.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this resolution.