

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REQUESTING) RESOLUTION NO. 00-2934
PERIODIC REVIEW OF THE REGIONAL)
URBAN GROWTH BOUNDARY) Introduced by Growth Management
) Committee

WHEREAS, Metro is responsible for the regional Urban Growth Boundary (“UGB”) for the 24 cities and urban portions of 3 counties under ORS 268.390(3); and

WHEREAS, Metro is required by ORS 197.299(2) and a LCDC time extension to add land for housing to the regional UGB by October 31, 2000; and

WHEREAS, Metro’s established UGB last completed Periodic Review by the Land Conservation and Development Commission (“LCDC”) in December, 1992; and

WHEREAS, LCDC rules provide for Periodic Review of Metro’s UGB every five to ten years; and

WHEREAS, the courts have determined that the regional UGB, including Metro’s UGB amendment process, is a comprehensive plan provision subject to LCDC acknowledgment and Periodic Review for compliance with applicable statewide land use goals; and

WHEREAS, state laws on Periodic Review were significantly amended in 1999 and LCDC regulations implementing those changes in law were effective February 14, 2000; and

WHEREAS, OAR 660-025-0050 provides for initiation of the Periodic Review process by a letter from the Department of Land Conservation and Development; and

WHEREAS, Metro staff and the Department have worked cooperatively to request that the Commission consider amending its Periodic Review Schedule to include Metro’s regional UGB and to identify a Periodic Review schedule consistent with completing the UGB amendments required by ORS 197.299 by October 31, 2000; now, therefore,

BE IT RESOLVED,

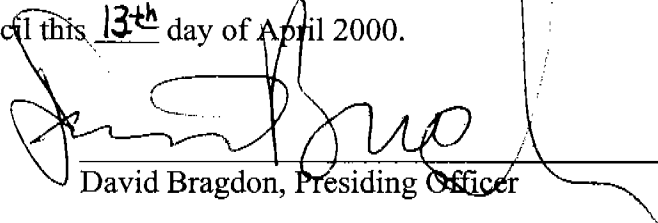
1. That the Metro Council requests that the Land Conservation and Development Commission amend its Periodic Review schedule to include Metro's regional UGB completion of 1997 Need Determination from 1997-2017 and that the Director of the Department of Land Conservation and Development initiate Periodic Review of Metro's regional UGB with Department and Commission review expedited to enable the Periodic Review work plan tasks required for compliance with ORS 197.299(2) to be completed by October 31, 2000.

2. That the Metro Council hereby adopts Metro's Citizen Involvement Program for Periodic Review of the Regional UGB attached as Exhibit "A" and incorporated by reference herein.

3. That the Metro Council requests approval of the Metro Citizen Involvement program in Exhibit "A" for use in periodic review to comply with OAR 660-025-080.

4. That a suggested "schedule for work tasks" to assure timely compliance with ORS 197.299 within Periodic Review for Metro consideration in its citizen involvement process in Exhibit "B" is attached and incorporated by reference herein.

ADOPTED by the Metro Council this 13th day of April 2000.


David Bragdon, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

EXHIBIT A

DRAFT

Proposed Urban Growth Boundary Periodic Review Work Program 2000 Citizen Involvement Element 4/12/00

Citizen Involvement Program

Purpose: To inform the public and provide opportunities for meaningful input into the planning process. To meet the requirements of State Goal 1 and RUGGOs Goal 1, Objective 1.

Evaluation and Work Program Review

1. Coordination with local governments and stakeholders
 - a. Send notice and draft work program and evaluation to local governments
 - b. Send notice and draft work program and evaluation to stakeholders
 - c. MTAC, MPAC and MCCI review
 2. Hearing at Growth Management Committee on Evaluation and work program
 3. Hearing and adoption of evaluation and work program by Metro Council
- B. Work Program public involvement
1. Coordination with local governments
 - a. Send notice to local governments of work program products and comment opportunities (Goal 14 analysis, selection criteria and revised need tables)
 - b. Review and comment by MTAC and MPAC
 - c. Metro Council hearings
 2. Citizen and stakeholder input
 - a. Notice to stakeholders and property owners of program products and comment opportunities (Goal 14 analysis, selection criteria and revised need tables)
 - b. Community Forums for the public on process, study areas and selection criteria
 - c. Information sheet on process and comment opportunities
 - d. Metro web page on process and contacts
 - e. Phone line with information on process and contacts
 - f. Growth Management Committee comment and information
 - g. Property owner notice of hearings
 - h. Metro Council hearings
- C. Develop and initiate process to respond to citizen and local government comments
- D. Refine and outline citizen involvement program for Phase II and Phase III

EXHIBIT B

DRAFT

Proposed Urban Growth Boundary Periodic Review Work Program 2000 Evaluation and Work Program Outline 04/12/00

Evaluation

Evaluation of regional urban growth boundary and Metro code

Purpose: To weave together the related issues having to do with timing, prior decisions, general approach, changes in policies and circumstances and establish what needs to be addressed in periodic review.

- A. Substantial change in circumstances
 - 1. Urban reserves are no longer in place
 - 2. Last periodic review was 1992
 - 3. Goal 5 resource protection impacts land supply
- B. Implementation decisions are inconsistent with statewide goals
 - No inconsistencies
- C. Issues of regional/statewide significance must be addressed
 - 1. State requirements OAR 660-0025-0030(1), (2)(d) requires Metro to review UGB every five to ten years
 - 2. Metro deadline for UGB expansion based on 1997 need is October 31, 2000
- D. Prior decisions
 - 1. 1997 – 2017 need
 - 2. HB 2709 requirements/deadlines
- E. General approach
 - 1. Address regional need for housing and jobs in phase 1
 - 2. Assess subregional need in second phase
 - 3. Update forecast in second phase

Work Program Elements

PHASE 1 – CONTINUATION OF 1997 REGIONAL NEED ANALYSIS AND URBAN GROWTH BOUNDARY AMENDMENT DECISIONS

I Citizen Involvement Program – See Exhibit A.

II Determination of Need

Purpose: To verify, reconcile and report on data, timing, specific UGR factors, development activity from 1993 to 1998 and to present a unified approach to establishing need.

- A. Document that inside the UGB the following Functional Plan requirements of local governments to change zoning to support a compact urban form
 - 1. 2040 design types – mixed use area planning
 - 2. Lot partitioning requirement
 - 3. Housing minimum densities
 - 4. Accessory dwelling unit requirement
 - 5. Industrial, office and retail building FARs are established
 - a. Recommended design type persons per acre (fp)
 - b. Mixed use area planning (local plans)
- B. Verify regional need for housing units and jobs
 - 1. Staff report on baseline data 1997-2017 time horizon
 - 2. Accessory dwelling unit verification
 - 3. Development density of constrained lands verification
 - 4. Jobs research on type and size of sites

5. Final compilation
- C. Reconcile Urban Growth Report with Metro Functional Plan Table 1 and Metro Code
 1. Staff analysis and report
 2. Recommended changes to the Functional Plan
 3. Recommended changes to Metro Code

III Alternative Analysis

Purpose: To identify exception lands and exclusive farm use land that is completely surrounded by exception land for possible inclusion in the urban growth boundary. A more detailed work plan has been prepared for this task.

- A. Identify study areas
- B. Discussion paper of relevance of other studies pertaining to exception lands
 1. Information from Local governments
 2. Information from citizens/property owners
- C. Data Collection
 1. Description of each study areas
 2. Assessment of potential dwelling units/jobs
 3. Serviceability/Public facility rating
- D. Resource Assessment
- E. ESEE Analysis
- F. General determination of lands to be considered for inclusion in the UGB

IV Refine Analysis of Exception Lands

Purpose: Analyze the remaining exception lands (per the alternative analysis) in the context of Metro policies and goals. Make recommendations as to the effectiveness of different exception land to meet regional policies, such as jobs/housing balance and complete communities.

- A. Establish criteria for selection of exception land for inclusion in the UGB
 1. Boundary Location Issues
 - RUGGO Boundary Features
 - Natural and built features as edges
 2. Separation of Communities
 - a. RUGGO Urban/Rural Transition
 - b. RUGGO 2040 Growth Concept – Rural Reserves
 3. Complete Communities
 4. Jobs/Housing Balance
 - a. RUGGO Built Environment
 - b. RUGGO Housing
 - c. RUGGO 2040 Growth Concept
 - d. RUGGO Transportation
 - e. RUGGO Economic Opportunity
 5. Transportation Considerations
 - a. RUGGO Transportation and RTP
 - Planned and existing transportation infrastructure and unused capacity
 - b. Urban Growth Management Function Plan – Title 6
 - Opportunities for connectivity (limited stream crossings)
 6. Public Facilities
 - RUGGO 18 Public Services and Facilities
 - Maximizing public investment and efficiencies
 7. Resource Protection
- B. Analyze exception land with the selection criteria

V Selection of Exception Lands for urban growth boundary amendment

- A. Technical Amendments to the UGB Part 1
 1. Analysis of technical problems with the location of the boundary line
 - a. Inconsistency of location of boundary in relationship to streets
 - b. etc.
 2. Review Metro code for administrative issues
 3. Draft proposed changes to boundary line and administrative language

4. Identify properties for amendment process
- B. Selection exception land for urban growth boundary amendments
- C. Notice property owners
- D. Coordinate with Local Governments (MTAC/MPAC) and respond to comments
- E. Prepare summary staff report
- F. Conduct Public Hearings before Growth Management Committee and Metro
- G. Metro Council hearings in September (4 to 5 hearings)
- H. Adoption of ordinances and amendments of the urban growth boundary to comply with ORS 197.293 and to address technical issues

PHASE 2 - SUBREGIONAL ANALYSIS AND URBAN GROWTH BOUNDARY DECISIONS AS NECESSARY

I Evaluate and Revise Work Program

Purpose: To revise and update the assessment of the capacity of the urban growth boundary to address subregional need, a 2022 forecast and 2002 periodic review as required by Metro code section 3.01.080 and State statute

- A. Review changes to Goal 14 and administrative rules
- B. Review Metro policy
- C. Revise work program
- D. Coordinate with local governments
 1. MTAC and MPAC review and comment
 2. Notification to local governments of process and opportunities for comment
 3. Metro Council hearing and adoption of revised work plan
- E. Coordinate with DLCD
- F. Submit proposed periodic review work program changes to LCDC

II Subregional Analysis

- A. Identify existing policy basis for subregional analyses (e.g. jobs/housing balance and economic development goals)
- B. Define subareas according to subregional issue or policy (use existing 400 zone system to delineate area)
- C. Formulate policy scenarios that can be analyzed
- D. Identify measures for policy performance
- E. Refine regional growth management policies on subregional demand for housing and jobs, based on policy factor analysis such as:
 1. equitable distribution of jobs, income, investment and tax capacity
 2. achieving subregional vitality through "equitable" distribution of jobs, wages and affordable housing
 3. reductions in VMT per capita or other comparable measures
- F. Determine if there is a need for an amendment in the urban growth boundary to ensure a 20-year supply of land to meet subregional need
 1. Analyze the policy scenarios
 - a. Test scenarios on exception land only
 - I. Evaluate impact/outcome of each policy scenario
 - II. Evaluate each policy by its measure of performance
 - III. Evaluate effectiveness of each policy according to core policy targets
 - b. Test scenarios on lower priority land, if necessary
 - I. Evaluate impact/outcome of each policy scenario
 - II. Evaluate each policy by its measure of performance
 - III. Evaluate effectiveness of each policy according to core policy targets
 2. Draft memo on performance of the different policy scenarios
- G. Draft recommendations on amendments to the urban growth boundary

III Alternatives Analysis

- A. Identify Study Areas
- B. Data Collection
 - 1. Description of each study area
 - 2. Assessment of potential dwelling units/jobs
 - 3. Serviceability/Public facility rating
- C. Resource Assessment
- D. ESEE Analysis
- E. Development of selection criteria
- F. General determination of lands to be considered for inclusion in the UGB

IV Selection of lands for urban growth boundary amendment

- A. Selection exception land or lower priority lands if necessary for urban growth boundary amendments
- B. Notice property owners
- C. Coordinate with Local Governments (MTAC/MPAC) and respond to comments
- D. Prepare summary staff report
- E. Conduct Public Hearings before Growth Management Committee and Metro
- F. Metro Council hearings
- G. Adoption of ordinances and amendments of the urban growth boundary

PHASE 3 – COMPLETION OF 5 YEAR REGIONAL ANALYSIS AND URBAN GROWTH BOUNDARY AMENDMENT DECISION

I Regional Forecast, Allocation and Research

- A. Forecast
 - 1. Update regional forecast to 2022 (2000 update)
 - 2. Local allocation process for regional forecast
 - a. Local government participation
 - b. Land use and transportation analysis
 - c. Peer review
- B. Update 1997 Housing Needs Analysis

II Land Supply Analysis

- A. Update Vacant Land Data
 - 1. Aerial photos –July 2000
 - 2. Aerial data to Metro - December 2000
 - 3. Vacant Buildable Lands data available – March 2001
- B. Research on Capacity Factors
 - 1. Refine and update zoning categories
 - 2. Jobs research on type and size of site
 - 3. Update accessory dwelling unit data based on survey of sample areas

III Determination of Regional Need

- A. Compare demand to supply
- B. Report on analysis and outcomes

IV Alternatives Analysis

- A. Identify Study Areas
- B. Data Collection
 - 1. Description of each study area
 - 2. Assessment of potential dwelling units/jobs
 - 3. Serviceability/Public facility rating
- C. Resource Assessment
- D. ESEE Analysis
- E. Development of selection criteria
- F. General determination of lands to be considered for inclusion in the UGB

V Selection of lands for urban growth boundary amendment

- A. Technical Amendments to the UGB Part 2
 - 1. Analysis of technical problems with the location of the boundary line
 - 2. Review Metro Code for administrative issues
 - 3. Draft proposed changes to boundary line and administrative language
 - 5. Identify properties for amendment process
- B. Selection land for urban growth boundary amendments
- C. Notice property owners
- D. Coordinate with local governments (MTAC/MPAC) and respond to comments
- E. Prepare summary staff report
- F. Conduct Public Hearings before Growth Management Committee and Metro
- G. Metro Council hearings
- H. Adoption of ordinances and amendments of the urban growth boundary to comply with ORS 197.293 and to address technical issues

GROWTH MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. OO-2934, FOR THE PURPOSE OF REQUESTING PERIODIC REVIEW OF THE REGIONAL URBAN GROWTH BOUNDARY.

Date: April 10, 2000

Presented by: Councilor Park

Committee Action: At its March 21, 2000 meeting, the Growth Management Committee voted 3-0 to send Resolution 00-2934 to Council with no recommendation. Voting in favor: Councilors Monroe, Washington and Park.

Background: State law requires local jurisdictions to undergo major evaluations of their comprehensive plans every 5-10 years (i.e. periodically). Metro's urban growth boundary and amendment process have been found to constitute a comprehensive plan. It last underwent a periodic review in 1992.

Now that Metro is engaged in a legislative urban growth boundary process, with an LCDC approved deadline of October 31, 2000 for completion, the Growth Management Committee has discussed the advantages of entering into periodic review with LCDC.

- **Existing Law:** ORS 197.633 calls for every city and county to conduct a periodic review every 5-10 years. Senate Bill 543 was adopted in 1999 revising several aspects of the periodic review rule.
- **Budget Impact:** Probably none for fy 00-01. If, through the periodic review process, DLCD were to require a substantially different Metro work plan for phase 1, it could impact the Metro budget and/or staffing capacity. Also, the budget for all of phase two, extending into the year 2002, has not been established at this time.

Committee Issues/Discussion: The committee held several informal discussions regarding the merit and timing of entering into periodic review. The advantage was felt to be greater certainty and sustainability with regard to Metro's legislative ugb review process. A February 23, 2000 memo from Dan Cooper, Metro's General Counsel, indicates that, in periodic review, Metro would be directed to carry out the ugb expansion pursuant to a work program approved by the Land Conservation and Development Commission. Any appeal of that decision would be directed to the Oregon Court of Appeals, not the Land Use Board of Appeals.

The timing of the periodic review process begins with council adoption of a resolution requesting periodic review, and that contains a detailed work plan that is sent to DLCD. The DLCD director then makes a recommendation to the Land Conservation and Development Commission regarding the request and work plan. This is expected to take place in late April. Periodic review actually begins when LCDC agrees to revise its periodic review schedule to add Metro to its list. Metro is then required to hold a public hearing within 21 days of that date, for purpose of gathering comment on the proposed work plan.

Chair Park asked whether, having entered periodic review, Metro could then withdraw from it. Mr. Cooper said that it would be difficult, but not impossible, and would require LCDC permission.

Councilor McLain expressed concern that the formula for alternatives analysis was being determined through periodic review and that it was in essence the most important thing the Council would be doing this year.

The periodic review work plan (attached to Resolution 00-2934), as explained by Mary Webber in committee, and later at a Council/Exec informal, lays out two phases: phase 1 ending on October 31, 2000 and addressing regional need, and phase 2 extending possibly to 2002. Staff will be bringing revisions to the phase 1 and 2 work plans to the Council/Exec informal on April 11, and may bring further revisions to Council on April 13.