

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING AN) RESOLUTION NO. 00-2952A
EVALUATION AND PERIODIC REVIEW)
WORK PROGRAM FOR THE REGIONAL) Introduced by Growth Management
URBAN GROWTH BOUNDARY) 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 Land Conservation and Development Commission (“LCDC”) time extension to add land needed to provide a 20 year supply of land for housing to the regional UGB by October 31, 2000; 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, Metro’s established UGB last completed Periodic Review by the LCDC in December, 1992; and

WHEREAS, state law provides for Periodic Review of Metro’s UGB every five to ten years; 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 (“DLCD”); and

WHEREAS, Metro staff and the Department have worked cooperatively for LCDC to consider amending its Periodic Review Schedule to include Metro’s regional UGB and to identify a Periodic Review work program schedule consistent with completing the UGB amendments required by ORS 197.299; and

WHEREAS, the Metro Council adopted Resolution No. 00-2934 For The Purpose of Requesting Periodic Review of the Regional Urban Growth Boundary on April 13, 2000 which adopted a citizen involvement process for the Periodic Review of the regional UGB; and

WHEREAS, LCDC acted to schedule Periodic Review of Metro's regional UGB at its April 27, 2000 meeting; and

WHEREAS, DLCD's letter of May 1, 2000 initiated Periodic Review of Metro's regional UGB; and

WHEREAS, copies of the draft Evaluation and draft Work Program were delivered to the Department Periodic Review Assistance Team at a May 3, 2000 meeting; and

WHEREAS, the Team has participated with Metro staff by e-mail comments, a May 16, 2000 meeting, and the DLCD testimony; and

WHEREAS, coordination with local governments and stakeholders was accomplished consistent with the adopted citizen involvement process for Periodic Review of the regional UGB; and

WHEREAS, Metro received written and oral testimony prior to and during a scheduled and noticed public hearing on the draft Evaluation and Work Program before the Metro Council Growth Management Committee on May 16, 2000; and

WHEREAS, amendments to the draft Evaluation and Work Program, reflecting Metro Council response to written and oral testimony from the public, have been included in the accompanying staff report and the Work Program in Exhibit "B" of this resolution; and

WHEREAS, the Evaluation in Exhibit "A" includes the evaluation form information appropriate to the jurisdiction indicated in the DLCD letter of May 1, 2000; and

WHEREAS, the Metro Council reviewed written and oral testimony and considered approval of the amended Evaluation and Work Program at its May 25, 2000 meeting; and

WHEREAS, OAR 660-025-0100(1) requires Metro to provide notice of approval of the Evaluation and Work Program; and

WHEREAS, OAR 660-025-0090(2) requires that the list of persons who requested notice of Evaluation and Work Program be submitted to DLCD; and

WHEREAS, any objections to Metro's approved Evaluation and Work Program must be filed with the DLCD; now, therefore,

BE IT RESOLVED,

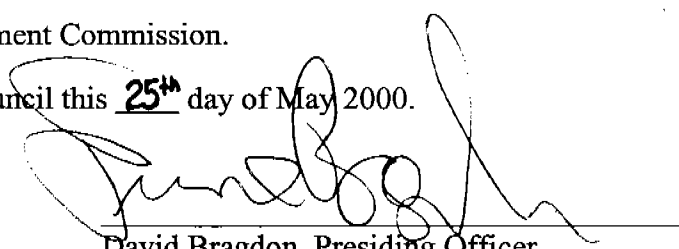
1. That the Evaluation of Metro's regional UGB attached as Exhibit "A" and incorporated herein is hereby approved for purposes of periodic review of the regional urban growth boundary.

2. That the Work Program for periodic review of the regional UGB attached as Exhibit "B" and incorporated herein is hereby approved for submission to the Department of Land Conservation and Development.

3. That the Periodic Review Assistance Team and others who have requested notice shall be notified of this adoption of the evaluation and work program for Periodic Review of the regional urban growth boundary consistent with OAR 660-025-0100.

4. That the Executive Officer is hereby authorized to submit the Evaluation and Work Program in this resolution together with a list of persons who requested notice of this decision to the Department of Land Conservation and Development for review and approval by the Land Conservation and Development Commission.

ADOPTED by the Metro Council this 25th day of May 2000.



David Bragdon, Presiding Officer

Approved as to Form:


for 
Daniel B. Cooper, General Counsel

EXHIBIT A

METRO URBAN GROWTH BOUNDARY PERIODIC REVIEW EVALUATION

Need for Periodic Review (OAR 660-025-0070)

Under Oregon Administrative Rule 660-025-0070, Metro is required to indicate the need for and establish the scope of periodic review of the regional Urban Growth Boundary (UGB). The four conditions of this rule are addressed below.

A. Substantial Change in Circumstances

There has been a substantial change in circumstances including but not limited to the conditions, findings, or assumptions upon which the comprehensive plan [provisions, regional UGB] or land use regulations were based, so that the comprehensive plan or land use regulations do not comply with [applicable] statewide planning goals. [OAR 660-025-0070(1)]

Metro Code and State Land Use statutes require that the Metro Council review the estimated capacity of the existing UGB at least every five years for each new 20-year period. Metro completed its last periodic review in December 1992. At that time, it was determined that no amendment to the UGB was necessary. Since 1992 there have been a number of significant changes in circumstances including:

- the adoption of the 2040 Growth Concept and the implementing Urban Growth Management Functional Plan (Functional Plan);
- amendments to the UGB in 1998 and 1999;
- annual locational adjustments to the UGB;
- amendments to local comprehensive plans to implement the 2040 Growth Concept;
- enactment of statutory changes that affected the determination of need; and
- amendments to the state rule requiring the designation of urban reserve areas.

1. 2040 Growth Concept Plan

Metro adopted the 2040 Growth Concept as part of the acknowledged Regional Urban Growth Goals and Objectives (RUGGO) in 1995. The 2040 Growth Concept is a planning blueprint for how the region desires to grow to the year 2040 in a manner that maximizes compact development to reduce the cost of public facilities and maximize the efficiency of use of the land inside the UGB.

The 2040 Growth Concept was adopted for the long-term management of the region including a general approach to approximately where and how much the UGB should be expanded, what ranges of density are estimated to accommodate forecasted growth within the boundary and which areas should be protected as open space. The Regional Framework Plan describes the intent of the 2040 Growth Concept:

Creating higher density centers of employment and housing and transit service with compact development, retail, cultural and recreational activities, in a walkable environment, is intended to provide efficient access to goods and services, enhance multi-modal transportation and create vital, attractive neighborhoods and communities.

A hierarchy of mixed-use centers are key to the 2040 Growth Concept. Starting with the Central City, which serves the entire region, it is supported by the seven regional centers that serve subregional areas and the 30 town centers which serve the immediate surrounding communities. In addition, mixed-use, compact development is planned for light rail station areas and main streets. Creating higher density centers of employment and housing is advantageous for several reasons. These centers provide access to a variety of goods and services in a relatively small geographic area, creating an intense business climate. Having centers also makes sense from a transportation perspective, since most centers have an accessibility level that is conducive to transit, bicycling and walking.

All UGB amendments since 1995 have been required to be consistent with the 2040 Growth Concept. The analysis and implementation for consistency goes beyond the mere "consideration" of meeting forecasted population and employment needs inside the existing UGB required by the State Land Use Goal 14 (Goal 14) alternative analysis. The 2040 Growth Concept and the implementing functional plan require accommodation of housing and job needs at higher densities in mixed-use areas. In addition, there are requirements for minimum residential densities in all areas and limits on the amount of parking that can be required.

2. Statutory Changes

The adoption of ORS 197.296 (HB 2709) in 1995 affected the method for determining Goal 14 need. ORS 197.299, adopted in 1997, specifically required Metro to complete actions to assure a 20-year supply of land inside the regional UGB by December 1999. Under ORS 197.299(3), this time limit was extended by action of the Land Conservation and Development Commission (LCDC) to October 31, 2000.

Metro's 1997 Urban Growth Report was completed within the time limit in ORS 197.299(1) and addressed the requirement to review the estimated capacity of the existing UGB every five years. The 1997 Urban Growth Report and the 1999 Update applied the new method to determine the state Goal 14 need as required in ORS 197.296.

3. Requirement to Designate Urban Reserve Areas

In 1992, the Urban Reserve Areas rule (OAR 660-021) required Metro to designate urban reserve areas to accommodate future growth up to a 50-year period within 2 miles of the 1992 UGB. Metro responded to that requirement and designated urban reserve areas in March 1997. In January 2000, the Court of Appeals remanded the Metro decision. Also in January 2000, the Land Conservation and Development Commission (LCDC) amended the 1992 Urban Reserve Areas rule, making the designation of urban reserve areas optional for Metro. Metro is exercising that option by not considering any designation of urban reserve areas or readopting the former urban reserve areas. The result is that no further action by Metro is required by this change in the statewide rule.

B. Implementation Decisions Inconsistent with Statewide Goals

Decisions implementing acknowledged comprehensive plan [provisions, regional UGB] and land use regulations are inconsistent with the [applicable statewide] goals. [OAR 660-025-0070(2)]

Metro decisions implementing the regional UGB has been consistent with Goal 14 and future decisions will continue to be consistent with this state land use goal.

C. Issues of Regional/Statewide Significance Must be Addressed

There are issues of regional or statewide significance, intergovernmental coordination, or state agency plans or programs affecting land use which must be addressed in order to bring comprehensive plans [provisions, regional UGB] and land use regulations into compliance with the [applicable statewide] goals. [OAR 660-025-0070(3)]

State requirements OAR 660-0025-0030(1), (2)(d) and Metro Code 3.01.080 require Metro to review the UGB every five years.

1. UGB Amendments made in 1998 and 1999

The conclusion drawn by the 1997 Urban Growth Report was that the metropolitan area did not have a 20-year land supply inside the existing UGB. When the supply and demand estimates were compared, the result was a land deficit of 32,370 dwelling units and 2,900 jobs. To accommodate this deficit, it was estimated that 4,100 to 4,800 gross acres of urbanizable land were needed. In December 1998, the Metro Council added 3,479.3 acres of land to the UGB. Of this, 1,181.7 acres were subject to an appeal and 2,297.6 acres are under various stages of the planning process for urbanization. In 1999, the Metro Council added 383.9 acres of land to the UGB. Of this, 116 acres were subject to an appeal and 267.9 acres are under various stages of the planning process for urbanization. A table and series of maps are attached to this report identifying the locations of these areas of urban growth expansion.

2. Statutory Changes

As noted above in section A.2, statutory changes were made that affected the Goal 14 determination of need. The adoption of ORS 197.296 (HB 2709) in 1995 required Metro to complete actions to assure a 20-year supply of land for housing inside the regional UGB by December 1999. Under ORS 197.299(3), this time limit was extended by action of the LCDC to October 31, 2000.

3. Goal 5 Rule Change

In 1996, Metro adopted the functional plan that included a requirement (Title 3) to examine regional riparian resources under the new 1996 LCDC Goal 5 Rule. Title 3 also contains regulations in response to Goals 6 and 7. The planning work on the proposed response to the rule is continuing. This includes a Safe Harbor option with a set regulated area and two options for variations to that regulated area: a site-specific option and an area-specific option. When the LCDC acted in December 1999 to approve Metro's request for a time extension under 197.299(3), the request was based on a work plan to complete the Goal 5 work.

4. Title 3

Title 3 of the Urban Growth Management Functional Plan was initially adopted in 1996 and completed in 1998. It contains regulations that respond to Statewide Planning Goals 6 and 7 by limiting development in floodplains and along stream corridors. Metro took these limitations into account for the 1998 and 1999 UGB amendments and will take them into account for any 2000 amendments under the LCDC extension to October 31, 2000. Any additional lands where development will be limited in response to Goal 5 will be considered in this accounting.

D. Achieving Statewide Planning Goals

The existing comprehensive plan [provisions, regional UGB] and land use regulations are not achieving the [applicable] statewide planning goals. [OAR 660-025-0070(4)]

The existing UGB is meeting and exceeding the requirements of Goal 14. No other UGB in the State is administered and amended consistent with regional goals and objectives such as the 2040 Growth Concept for urban form. The implementation of the 2040 Growth Concept through the functional plan has allowed Metro to accommodate most of the forecasted population and employment growth inside its 1979 adopted UGB. The total acreage of land resulting from the UGB amendments of 1998, 1999 and 2000 will be significantly less than the estimated amendments that would have resulted under the 2040 Base Case.

Conclusion

It is necessary to prepare a work program because two of the four statutory conditions are met: there has been substantial change in circumstances since the previous evaluation; and there are issues of regional and statewide significance to be addressed.

Potential Approach to Periodic Review

The general approach to periodic review of the UGB is a three phased work program. Task 1 concludes the 1997 to 2017 update by October 31, 2000. Task 2 will address subregional need and "complete communities". Task 3 is the five-year review of the UGB for the 2002 to 2022 forecast period.

Task 1

The first phase is proposed to be a continuation of the 1997 regional need analysis and UGB amendment decision. It is proposed to have five parts including:

- citizen involvement program
- reconfirmation of regional need
- alternative analysis to meet State requirements
- refinement analysis of exception lands based on Metro RUGGOs
- selection of exception lands and UGB amendment, if needed

Tasks 2

For Task 2, a sub-regional need analysis is proposed. This Task would determine if there is a need for amendments to the UGB to ensure "completed communities" consistent with the acknowledged 2040 Growth Concept and RUGGO.

Task 3

For Task 3 a five-year periodic review, to 2022, is proposed for a regional land need analyses and potential identification of lands for consideration as amendments to the UGB.

I:\gm\community_development\share\Periodic Review Need1.doc

Metro Report

1997 Urban Growth Report Update

September 1999



EXHIBIT B

Metro Urban Growth Boundary Periodic Review Work Program 2000

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

Subtask 1 establishes a citizen involvement program for Metro's legislative process to amend the Urban Growth Boundary (UGB). Subtasks 2 through 6 follow the State Land Use Goal 14 process for amending urban growth boundaries. Legislative amendments to the boundary in Task 1 will be made in accordance with Metro's October 31, 2000, deadline to meet the 2017 regional land supply need.

Subtask 1 Citizen Involvement Program

Purpose: To inform the public and provide opportunities for meaningful input into the planning process; and to meet the requirements of State Goal 1 and Regional Urban Growth Goals and Objectives Goal 1, Objective 1.

- A. Work Program Public Involvement
 - 1. Coordination with local governments
 - 2. Citizen and stakeholder input
- B. Develop and initiate process to respond to citizen and local government comments
- C. Refine and outline citizen involvement program for Tasks 2 and 3

Product: Implementation of Task 1 public involvement program and a specific citizen involvement plan for subsequent Tasks.

Due Date: Subtask 1A - June 16, 2000
Subtask 1B - May 31, 2000
Subtask 1C - Task 2 - November 30, 2001
Task 3 - August 30, 2001

Subtask 2 Reconfirmation of Need

Purpose: To verify specific Metro Urban Growth Report factors and to present a unified approach to establishing need in accord with State Land Use Goal 14, factors 1 and 2.

- A. Document that inside the UGB that the Metro Functional Plan requirements support the development of a compact regional urban form and determine the extent to which local governments are complying with these requirements based on local compliance reports
- B. Verify regional need for dwelling units and jobs
- C. Reconcile Urban Growth Report with Metro Functional Plan Table 1 and Metro Code

Product: Determination of the 20-year land supply need and the number of dwelling units and jobs to be accommodated through an UGB expansion.

Due Date: June 30, 2000

Subtask 3 Alternatives Analysis

Purpose: To identify exception lands and exclusive farm use land that is completely surrounded by exception land for possible inclusion in the UGB. 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
- C. Data collection
 - 1. Description of each study area
 - 2. Assessment of potential dwelling units and 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

Product: A memorandum summarizing the results of the analysis and a recommendation of which sites to drop from further research

Due Date: June 30, 2000

Subtask 4 Refine Analysis of Exception Lands

Purpose: To analyze the remaining exception lands (per the alternatives analysis) in the context of Metro's Regional Urban Growth Goals and Objectives and to make recommendations regarding the effectiveness of different exception land study areas 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
 - 2. Separation of communities
 - 3. Complete communities
 - 4. Jobs/housing balance
 - 5. Transportation considerations
 - 6. Public facilities
 - 7. Resource protection
- B. Analyze exception land using the selection criteria

Product: Discussion memorandum of Metro's Regional Urban Growth Goals and Objectives and their applicability for shaping the urban form and a recommendation of exception lands for inclusion in the UGB.

Due Date: August 11, 2000

Subtask 5 Technical Amendments to the Urban Growth Boundary

Purpose: This is the first part of a two-phase planning process to correct inconsistencies in the location of the UGB. Part 1 will correct inconsistencies that are the result of mapping errors and interpretations of the boundaries.

- A. Identify areas of inconsistencies
- B. Prepare map amendments
- C. Prepare changes to Metro Code to avoid future boundary errors

Product: Memorandum outlining inconsistencies and specific changes to the UGB and to Metro Code.

Due Date: July 28, 2000

Subtask 6 Selection of Exception Lands for Urban Growth Boundary Amendment

Purpose: To undertake the necessary hearings and coordination steps for making a decision on expansion of the UGB that is consistent with State Land Use Goals, particularly, Goals 1, 2 and 14 and the Metro Code.

- A. Complete technical amendments to the UGB
- B. Select exception land for UGB amendments
- C. Notice property owners
- D. Coordinate with local governments
- E. Prepare summary staff report
- F. Conduct Metro Council hearings
- G. Adopt ordinances and amend the UGB to comply with ORS 197.296 and to address mapping issues

Product: Staff report, legislative hearings and decision on UGB amendments

Due Date: October 31, 2000

Task 2 SUBREGIONAL ANALYSIS AND URBAN GROWTH BOUNDARY AMENDMENTS IF NECESSARY

Task 2, subtask 7, is the work program review and update to ensure consistency with applicable regulations. The remaining subtasks, 8 through 10, are divided into two sections. Section A consists of subtask 8, the analysis of a subregions performance as a "complete community" consistent with the acknowledged 2040 Growth Concept. The performance of a subregion will be assessed on factors such as the subregion ability to provide a balance of housing and employment. The analysis will conclude with a determination of whether or not there is a need to add land to the UGB. The analysis will be consistent with State Land Use Goal 14, factor 2 and Metro Code. Section B, consists of subtasks 9 and 10. Subtask 9 is the process to identify exception land and lower priority lands, if necessary, to meet the identified subregional need. Subtask 10 is the public hearing process and Metro Council decision on amending the UGB.

Metro may request clarification from the Land Conservation and Development Commission (Commission) on several issues related to Task 2. The first issue is clarification of the policy dealing with the 20-year land supply and whether Metro can consider bringing into the UGB more land than is needed for a 20-year regional supply to achieve "complete communities" in each subregion as envisioned in the Regional Urban Growth Goals and Objectives and in the acknowledged 2040 Growth Concept. The second issue, that Metro may request clarification from the Commission, is the application of ORS 197.298(3) "Priority of land to be included in the urban growth boundary." In assessing the subregional deficiencies and potential of an area in Task 2, Metro may need to consider including lower priority lands into the UGB to establish a "complete community" consistent with section 3 of ORS 197.298.

Subtask 7 Evaluate and Revise Work Program

Purpose: To review the work program subtasks in Task 2 for consistency with State Rule changes and Metro Code and to refine the timeline and products.

- A. Review changes to Goal 14 and administrative rules
- B. Review Metro policy
- C. Revise work program and review citizen involvement plan Task 1, subtask 1
- D. Coordinate with local governments
- E. Coordinate with DLCD
- F. Submit proposed periodic review work program changes to LCDC

Product: Refined work program for Task 2, work subtasks 8 through 10

Due Date: November 30, 2000

Section A Subregion Analyses and Determination of Need for Urban Growth Boundary Amendments

Subtask 8 Subregional Analysis

Purpose: To apply State Land Use Goal 14, factors 1 and 2, Goal 2 exceptions criteria and other legal requirements, including ORS 197.296, as implemented through Metro's acknowledge UGB amendment criteria (see Metro Code 3.01.020(b)(2)(A)). To assess the subregional needs to ensure "complete communities" consistent with the acknowledged 2040 Growth Concept and the Regional Urban Growth Goals and Objectives.

- A. Identify existing policies regarding subregional analyses (e.g., jobs/housing balance and economic development goals)
- B. Research supply, size and location of industrial land and potential demand for industrial and commercial jobs and land based on current trends and policies.
- C. Define subareas consistent with the 2040 Growth Concept (use existing 400 zone system to delineate area)
- D. Apply regional growth management policies to quantify subregional demand for housing and jobs, based on policy factor analysis such as:
 1. Equitable distribution of jobs, income, investment, tax capacity and affordable housing
 2. Reductions in VMT per capita or other comparable measures
- E. Determine whether there are subregional needs that require amendments to the 20-year regional UGB to ensure:
 1. A 20-year supply of land for housing within a defined subregional area; and
 2. A 20-year supply of land for jobs and related complete community issues within defined subregional areas

** note* The conclusion of this task, to establish "need" to add land to the UGB, to provide a subregional 20-year supply of land, could result in an overall regional supply of land greater than the regional 20-year forecast. There are potential Metro actions and circumstances that could have a counter balancing affect of reducing a potential excess supply, including:*

1. *Work program Task 1, establishes a regional 20-year supply of land for housing for 1997-2017, consistent with ORS 197.299. Work program Task 2 considers subregional needs in the context of a 2001-2021 land supply, thereby recognizing four additional years of need.*
2. *Any future Metro Goal 5 habit protection regulations that will restrict development will decrease the buildable land supply and increase the*

- number of acres that need to be added to the UGB to meet the regional 20-year land need, which could exceed the supply of suitable high priority land.
3. There are several outstanding appeals of 1998 and 1999 UGB amendments. If the Court rules that Metro incorrectly brought this land in to the UGB, this could result in a reduction of the 20-year land supply for the 1997-2017 forecast period.

Metro will, if needed, request clarification from the Commission on the policy dealing with the 20-year land supply and whether Metro may consider bringing into the UGB more land than is needed for a 20-year regional supply to achieve "complete communities" in each subregion.

- F. Draft recommendations on amount of land needed for amendments to the UGB

Product Section A: A Metro Council resolution adopting the subregional analyses and determination of the amount of land needed to meet the subregional need to create "complete communities."

Time Frame: June 30, 2001

Section B Addressing the Identified Subregional Needs

Subtask 9 Alternatives Analysis

Purpose: To identify exception land or lower priority lands suitable for meeting the subregional needs consistent with ORS 197.298(3), Goal 14, factors 3-7 and acknowledged Metro Code section 3.012.020.

- A. Identify study areas based on subregional need
- B. Data collection
 1. Description of each study area
 2. Assessment of potential dwelling units and jobs
 3. Serviceability/public facility rating
 4. Information from local governments and stakeholders
- C. Resource assessment
- D. ESEE analysis
- E. General determination of lands to be considered for inclusion in the UGB

** note * If it is determined, in Task 8, that there is a subregional need to add land to the UGB, Metro will seek clarification from the Commission about how to apply ORS 197.298(3) dealing with the priority and selection of lands for urbanization.*

Product Section B: A memorandum outlining the analyses of exception lands and lower priority lands to meet the identified subregional need identified in subtask 8.

Time Frame: October 30, 2001

Subtask 10 Selection of Lands for Urban Growth Boundary Amendment

Purpose: To undertake the necessary hearings and coordination steps for making a decision on expansion of the UGB that is consistent with State Land Use Goals 1, 2 and 14 and the Metro Code.

- A. Select of exception land or lower priority lands, if necessary, for UGB amendments
- B. Notice property owners
- C. Coordinate with local governments
- D. Prepare summary staff report
- E. Conduct public hearings before Metro Council Growth Management Committee and Metro Council
- F. Adopt ordinances amending the UGB

Product Section B: A decision on UGB amendments

Time Frame: January 30, 2002

Task 3 COMPLETION OF THE FIVE-YEAR REGIONAL ANALYSIS AND URBAN GROWTH BOUNDARY AMENDMENT DECISION

Metro Code section 3.01.080 and OAR 660-0025-0030(1) and (2)(d) require that Metro review the estimated capacity of the existing UGB at least every 5 years for each new 20-year period. Task 3, subtasks 12 through 17 address this requirement for the 2002-2022 forecast period. The planning process shall be consistent with State Land Use Goal 14 requirements, Metro Code section 3.01.020 and ORS 197.296. Subtask 11 is the work program task review and update to ensure consistency with applicable regulations.

Subtask 11 Evaluate and Revise Work Program

Purpose: To review the work program subtasks in Task 3 for consistency with State Rule changes and Metro Code and to refine the timeline and products.

- A. Review changes to Goal 14 and administrative rules
- B. Review Metro policy
- C. Revise work program and review citizen involvement plan Task 1, subtask 1
- D. Coordinate with local governments
- E. Coordinate with DLCDC
- F. Submit proposed periodic review work program changes to LCDC

Product: Refined work program for Task 3, work subtasks 12 through 17

Due Date: August 30, 2001

Subtask 12 Regional Forecast, Allocation and Research

Purpose: To update the regional forecast to address changes in demographics changes in technology and the 2022 planning time frame.

- A. Forecast
 - 1. Update Regional Forecast to 2022
 - 2. Conduct local allocation process for regional forecast
- B. Update 1997 Housing Needs Analysis (ORS 197.296 3(b)(c))

Product: Updated 2022 forecast for dwelling units and jobs

Time Frame: September 28, 2001

Subtask 13 Land Supply Analysis

Purpose: To comply with Metro Code and state land use statutes for reviewing the estimated capacity of the existing UGB for the 2002-2022 forecast period.

- A. Update vacant land data
 - Obtain aerial photos – July 2000
- B. Research specific capacity factors
 - 1. Refine and update zoning categories
 - 2. Identify job types and site size
 - 3. Update accessory dwelling unit data
 - 4. Review constrained lands

Product: Updated land supply data based on a 2000 vacant land analysis

Time Frame: February 28, 2002

Subtask 14 Determination of Regional Need

Purpose: To establish the regional need for dwelling units and jobs based on the 2022 forecast.

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

Product: Determination of the 20-year land supply need based on the 2022 forecast and the number of dwelling units and jobs to be accommodated through UGB amendments.

Time frame: March 29, 2002

Subtask 15 Alternatives Analysis

Purpose: To identify exception land and other suitable land for satisfying the identified regional need in accordance with State Land Use Goal 14 and other legislative UGB amendment criteria in Metro Code section 3.01.020.

- 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.

Product: A memorandum summarizing the results of the analysis and a recommendation of sites to drop from further research.

Time Frame: June 28, 2002

Subtask 16 Technical Amendments to the Urban Growth Boundary

Purpose: This is the second part of a two-phase planning effort to correct inconsistencies in the location of the UGB and Metro's jurisdictional boundary. This phase addresses inconsistencies related to local annexation practices and the interpretation of boundaries as they relate to floodplains.

- A. Identify parcels for changes
- B. Prepare map amendments
- C. Prepare changes to Metro Code to avoid future boundary errors

Product: Memorandum outlining specific changes to the UGB and to Metro Code.
Time Frame: October 31, 2002

Subtask 17 Selection of Lands for Urban Growth Boundary Amendment

Purpose: To undertake the necessary hearings and coordination steps for making a decision on expansion of the UGB that is consistent with State Land Use Goals 1, 2 and 14 and the Metro Code.

- A. Draft technical amendments and map changes
- B. Select land for UGB amendments
- C. Notice property owners
- D. Coordinate with local governments
- E. Prepare summary staff report
- F. Conduct public hearings before Metro Council Growth Management Committee and Metro Council

Product: Adoption of ordinances and amendments to the UGB to comply with ORS 197.299 and to address technical issues.
Time Frame: December 20, 2002

\\alex\work\gm\community_development\share\Proposed UGB Periodic Review Workplan51900program submittal.doc

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 00-2952 FOR THE PURPOSE OF ADOPTING AN EVALUATION AND PERIODIC REVIEW WORK PROGRAM FOR THE REGIONAL URBAN GROWTH BOUNDARY.

Date: May 19, 2000

Prepared by: Mary Weber
Presented by: Andy Cotugno

PROPOSED ACTION

Adoption of Resolution No. 00-2952 for the purpose of formally accepting and submitting an evaluation and periodic review work program for the Urban Growth Boundary (UGB) to the Department of Land Conservation and Development (DLCD).

LEGAL BASIS

State requirement 660-025-0030(1), (2)(d) and Metro Code Section 3.01.080 require Metro to review the UGB every five years.

BACKGROUND AND ANALYSIS

Periodic Review

The purpose for periodic review is to ensure that Metro's regulations and policies on the UGB remain in compliance with statewide planning goals. Metro Code and State land use statutes require that the Metro Council review the estimated capacity of the UGB at least every 5 years for each new 20-year period. The Land Conservation and Development Commission (Commission) at its April 27, 2000 meeting placed Metro in periodic review. Metro completed its last periodic review of the UGB in December 1992. At that time, it was determined that no amendment to the UGB was necessary. Since 1992 there have been a number of significant changes in circumstances including:

- Adoption of the 2040 Growth Concept and implementing Urban Growth Management Functional Plan;
- Amendments to the UGB in 1998 and 1999;
- Annual locational adjustments to the UGB;
- Amendments to local comprehensive plans to implement the 2040 Growth Concept;
- Enactment of statutory changes that affected the determination of need; and
- Amendments to the State rule requiring the designation of urban reserve areas.

Periodic review includes several steps. First Metro evaluates the regional UGB and applicable Metro Code provisions to determine if any changes are needed. Second is the development of a work program with scheduled work tasks. Third, Metro carries out the work program. Periodic review is over when all work program tasks are completed and approved by DLCD. Staff has prepared an analysis of the need for periodic review. A work program has also been drafted.

Work Program and Evaluation

The periodic review evaluation concludes that there are substantial changes in circumstances and there are issues of regional and statewide significance that must be addressed, therefore there is a need for periodic review of the regional UGB.

Metro is proposing a three-phase work program. The first phase addresses the legislative amendments to the UGB to be made in accordance with the October 31, 2000 deadline to meet the 2017 regional land supply need. The second phase addresses subregional need for housing and employment opportunities and creating "complete communities" consistent with the 2040 Growth Concept. Finally, the third phase addresses the requirements in Metro Code and State land use statutes that Metro review the estimated dwelling unit capacity of the UGB at least every 5 years for the new 20-year period, in this case the 2002 to 2022 forecast period.

Public Hearing and Comments

In advance of the May 16, 2000 hearing on the evaluation and work program before the Metro Council Growth Management Committee, Metro staff sent a letter to local governments and interested parties explaining the periodic review process and proposal. Metro has received comments on the evaluation and work program from several members of the State Periodic Review Assistance Team. The State Periodic Review Assistance Team is available to assist Metro with periodic review. The group includes persons from DLCD, other state agencies and representatives from city and county governments. In addition, a number of interested parties testified before the Metro Council Growth Management Committee on the evaluation and work program. A summary of the comments is attached. The comments focused primarily on the second phase of the work program. The comments included:

- Collapsing the work program Tasks 2 and 3 on the subregional analysis into a single task;
- Conducting the subregional analysis in the first phase and include any amendments in the October 31, 2000 decision;
- Opposition to meeting subregional need outside of the regional 20-year land supply and that it is not allowed under current law;
- A recommendation to use more general language in Task 2 and not burden the work program with the policy issues; and
- Identifying community livability as an independent "special land need."

Other general comments include:

- Expanding the UGB in 1998-99 and 2000-01-02 is not stable and predictable and is piecemeal planning;
- Concern about reconciling the Functional Plan and the Urban Growth Report; and
- A recommendation that Metro should not preclude the opportunity to look at all lands (exception and EFU land) when considering boundary expansions.

Staff recommends, for Metro Council consideration, the following changes to the work program and the corresponding changes to the evaluation:

- Collapsing the subregional analysis tasks into a single work task;
- Introducing "complete communities" and the 2040 Growth Concept as the foundation for considering subregional need;
- Identifying in Task 2, the need for policy clarification on exceeding a 20-year regional land supply to meet the identified subregion needs; and
- Identifying in Task 2, the need for policy clarification on how to apply ORS 197.298(3) priority of lands to be included in the UGB.

Policy Issues

Metro may request clarification from the Commission on several policy issues related to the subregional analysis task. The first issue is clarification of the policy dealing with the 20-year land supply and whether Metro can consider bringing into the UGB more land than is need for a 20-year regional supply to achieve “complete communities” in each subregion. The assessment of the subregional need to create “complete communities” could result in an overall regional supply of land greater than the 20-year supply. However, there are other Metro actions and circumstances that could have a counter balancing affect of reducing a potential excess supply, including:

- Work program Task 1, establishes a regional 20-year supply of land for housing for 1997-2017. Work program Task 2 considers subregional needs in the context of a 2001-2021 land supply, thereby recognizing four additional years of need.
- Any future Metro Goal 5 habitat protection regulations that will restrict development will decrease the buildable land supply and increase the number of acres that need to be added to the UGB to meet the regional 20-year land need.
- There are several outstanding appeals of 1998 and 1999 UGB amendments. If the Court rules that Metro incorrectly brought this land in to the UGB, this will result in a reduction of the 20-year land supply for the 1997-2017 forecast period.

The second issue, that Metro may request clarification from the Commission, is the application of ORS 197.298(3) “Priority of land to be included in the Urban Growth Boundary.” In assessing the subregional deficiencies and potential of an area in the subregional analysis, Metro may need to consider including lower priority lands into the UGB to establish a “complete community.”

Next Steps

After Metro Council approves the evaluation and work program, the Executive Officer will notice, in writing, to DLCD, the Periodic Review Assistance Team and interested persons, that the work program has been adopted, where they can obtain a copy and that objectors have 21 days to file a written objection.

If no valid objections are received within the 21-day objection period the DLCD Director may approve the evaluation and work program. If valid objections are received or DLCD conducts its own review a report will be issued. The report will identify specific work tasks to resolve objections or DLCD concerns. The Commission shall either sustain or reject a valid objection.

BUDGET IMPACT

Metro was awarded a \$34,000 grant by DLCD for the public involvement portion of Task 1 of the work program.

EXECUTIVE OFFICER’S RECOMMENDATION

It is recommended that the Metro Council approve the periodic review evaluation and work program for the UGB.

AC/MAW/srb

\\alexwork\gm\community_development\share\STAFF REPORT\forworkprogramadoption525001.doc

Metro Urban Growth Boundary Periodic Review Work Program 2000 – Comments from Public Hearing May 16, 2000

Date	Interested Party	Comments	Metro Response
5-9-00 Letter	City of Forest Grove	<ul style="list-style-type: none"> ▪ General statement of support for Metro going into periodic review for the UGB 	No proposed change in the work program.
5-9-00 Letter Testimony	City of Portland Elana Emlen	<ul style="list-style-type: none"> ▪ Supports effort to complete decisions associated w/1997 urban growth report ▪ City does not support Task 2 - subregional analysis – results in UGB expansions in 98/00/01/02 - does not provide predictability and security for landowners - piecemeal planning - more than a 20-year supply is not justifiable – less redevelopment will occur ▪ Proposes alternative to Task 2 - spend 2001 discussing subregional need – make decision in 2002 	Change the work program stating that Metro may request clarification from the Land Conservation and Development Commission on the policy dealing with 20-year land supply and whether Metro can consider bringing into the UGB more land than the 20-year supply to achieve “complete communities”.
5-16-00 Letter	Washington County Farm Bureau by Steven M. Claussen, attorney, Williams Fredrickson, LLC	<ul style="list-style-type: none"> ▪ Task 2, subregional expansion, is contradictory to applicable law and recommends rejecting this portion of the proposed work program 	No proposed change in the work program.
5-16-00 Testimony	Jim Irvine 16550 SE 232 Boring, Oregon	<ul style="list-style-type: none"> ▪ General support for work program ▪ Recommends that Task 1, subtask 3 that we look at EFU land as well as exception land ▪ Recommends that Council should not preclude the opportunity to look at all lands, exception land and EFU land when considering UGB expansion 	No proposed change in the work program.
5-16-00 Letter	Costa Pacific Homes	<ul style="list-style-type: none"> ▪ General statement of support for periodic review ▪ Interest is development in North Plains and the issue of Metro’s assumptions about potential “leakage” from Metro area and growth in North Plains (forecast assumptions about growth outside the Metro UGB) 	No proposed change in the work program. Metro will coordinate with local jurisdictions in developing the 2002-2022 forecast and regional allocation of growth.
5-16-00 Letter Testimony	Rosemont Property Owners Association Greg Leo	<ul style="list-style-type: none"> ▪ General support for the work program ▪ Recommends reconciling functional plan and urban growth report ▪ Concern about potential inconsistencies with meeting subregional need and regional need ▪ Metro Code needs to be amended the RUGGOs to address how subregions are identified for analysis 	No proposed change in the work program. In Task 1, Metro will be reviewing Table 1 of the functional plan and the capacity estimates in the urban growth report.

Metro Urban Growth Boundary Periodic Review Work Program 2000 – Comments from Public Hearing May 16, 2000

Date	Interested Party	Comments	Metro Response
5-16-00 Letter Testimony	1000 Friends of Oregon Mary Kyle McCurdy	<ul style="list-style-type: none"> ▪ General support, particularly Task 1 and Task 4 ▪ Opposes Task 2 & 3 subregional need ▪ Opposes subregional need outside of the 20 year planning period and states that it is not allowed under current law and is piecemeal planning ▪ Expanding the UGB in 98/99/00/01/02 is not stable and predictable 	Change to the work program stating that Metro may request clarification from the Land Conservation and Development Commission on the policy dealing with 20-year land supply and whether Metro can consider bringing into the UGB more land than the 20-year supply to achieve “complete communities”.
5-16-00 Testimony	Department of Land Conservation and Development Jim Hinman	<ul style="list-style-type: none"> ▪ Recommends combining Tasks 2 and 3 to ensure an acknowledgeable work product ▪ Subtask 8E(1) (2) recommends using more general language in the work program and not burden the work program with this policy issue ▪ DLCD has worked with Metro staff to make a number of clarification and technical edits to the work program and evaluation 	Tasks 2 and 3 have been combined and Metro has stated that during Task 2, it may request clarification from the Land Conservation and Development Commission on the two policy issues identified under Task 2.
5-16-00 Letter	Schwabe Williamson & Wyatt, Andrew Stamp for Pacific Capital LLC	<ul style="list-style-type: none"> ▪ Requests that they receive notice of all public meetings and hearings regarding the work program, work task products and related periodic review issues 	No proposed change in the work program. This party will be added to the notice list.
5-16-00 Letter	City of Hillsboro	<ul style="list-style-type: none"> ▪ Recommends that Metro conduct the regionwide land need and the special subregional land needs analysis in Task 1 ▪ Offers specific suggestions on approach to quantifying subarea need ▪ Recommends elevating “community livability” as an independent “special land need” that encompasses more than just jobs/housing balance 	Metro proposes to change the work program by introducing “complete communities”, the 2040 Growth Concept and RUGGOs into the assessment of subregional need. Metro will work with the City of Hillsboro and other interested local jurisdictions and interested parties when it undertakes the refinement step of the subregional analyses in Task 2, subtask 7.

I:\gml\community_development\projects\2000 UGB Periodic Review\SumComments516hearing.doc

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING AN) RESOLUTION NO. 00-2952
EVALUATION AND PERIODIC REVIEW)
WORK PROGRAM FOR THE REGIONAL) Introduced by Growth Management
URBAN GROWTH BOUNDARY) 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 Land Conservation and Development Commission (“LCDC”) time extension to add land needed to provide a 20 year supply of land for housing to the regional UGB by October 31, 2000; 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, Metro’s established UGB last completed Periodic Review by the LCDC in December, 1992; and

WHEREAS, state law provides for Periodic Review of Metro’s UGB every five to ten years; 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 (“DLCD”); and

WHEREAS, Metro staff and the Department have worked cooperatively for LCDC to consider amending its Periodic Review Schedule to include Metro’s regional UGB and to identify a Periodic Review work program schedule consistent with completing the UGB amendments required by ORS 197.299; and

WHEREAS, the Metro Council adopted Resolution No. 00-2934 For The Purpose of Requesting Periodic Review of the Regional Urban Growth Boundary on April 13, 2000 which adopted a citizen involvement process for the Periodic Review of the regional UGB; and

WHEREAS, LCDC acted to schedule Periodic Review of Metro's regional UGB at its April 27, 2000 meeting; and

WHEREAS, DLCD's letter of May 1, 2000 initiated Periodic Review of Metro's regional UGB; and

WHEREAS, copies of the draft Evaluation and draft Work Program were delivered to the Department Periodic Review Assistance Team at a May 3, 2000 meeting; and

WHEREAS, the Team has participated with Metro staff by e-mail comments, a May 16, 2000 meeting, and the DLCD testimony; and

WHEREAS, coordination with local governments and stakeholders was accomplished consistent with the adopted citizen involvement process for Periodic Review of the regional UGB; and

WHEREAS, Metro received written and oral testimony prior to and during a scheduled and noticed public hearing on the draft Evaluation and Work Program before the Metro Council Growth Management Committee on May 16, 2000; and

WHEREAS, amendments to the draft Evaluation and Work Program, reflecting Metro Council response to written and oral testimony from the public, have been included in the accompanying staff report and the Work Program in Exhibit "B" of this resolution; and

WHEREAS, the Evaluation in Exhibit "A" includes the evaluation form information appropriate to the jurisdiction indicated in the DLCD letter of May 1, 2000; and

WHEREAS, the Metro Council reviewed written and oral testimony and considered approval of the amended Evaluation and Work Program at its May 25, 2000 meeting; and

WHEREAS, OAR 660-025-0100(1) requires Metro to provide notice of approval of the Evaluation and Work Program; and

WHEREAS, OAR 660-025-0090(2) requires that the list of persons who requested notice of Evaluation and Work Program be submitted to DLCD; and

WHEREAS, any objections to Metro's approved Evaluation and Work Program must be filed with the DLCD; now, therefore,

BE IT RESOLVED,

1. That the Evaluation of Metro's regional UGB attached as Exhibit "A" and incorporated herein is hereby approved for purposes of periodic review of the regional urban growth boundary.

2. That the Work Program for periodic review of the regional UGB attached as Exhibit "B" and incorporated herein is hereby approved for submission to the Department of Land Conservation and Development.

3. That the Periodic Review Assistance Team and others who have requested notice shall be notified of this adoption of the evaluation and work program for Periodic Review of the regional urban growth boundary consistent with OAR 660-025-0100.

4. That the Executive Officer is hereby authorized to submit the Evaluation and Work Program in this resolution together with a list of persons who requested notice of this decision to the Department of Land Conservation and Development for review and approval by the Land Conservation and Development Commission.

ADOPTED by the Metro Council this ____ day of May 2000.

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel