

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 01-902
METRO CODE 3.01 TO AVOID UGB)
MAP ERRORS)
) Introduced by

WHEREAS, Metro Code Chapter 3.01 contains acknowledged procedures for amending the regional urban growth boundary (“UGB”); and

WHEREAS, the acknowledged regional UGB is in periodic review to ensure that Metro’s regulations and policies remain in compliance with the Statewide Planning Goals; and

WHEREAS, subtask 5 of the UGB periodic review work program, “Technical Amendments to the Urban Growth Boundary” is intended to correct mapping errors; and

WHEREAS, the companion to this ordinance corrects the mapping errors identified in periodic review and this ordinance amends Metro’s Code to avoid inconsistencies among Metro and city and county maps in the future; and

WHEREAS, map inconsistencies can be avoided by (1) including the entire street right-of-way where the UGB is a street, (2) clarifying references to applicable polices, and (3) increasing the advance notice of Metro’s petition deadline; and

WHEREAS, other periodic review work program tasks may require additional amendments to Metro Code Chapter 3.01; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Section 3.01.33 is hereby amended to add the following new subsection:

(k) The proposed amendment or locational adjustment to the UGB shall include the entire right-of-way of any adjacent street to ensure that urban services, including but not limited to sanitary sewer, storm sewer, water and police and fire services, be provided to the subject property by the appropriate local government or service district in a timely and efficient manner.

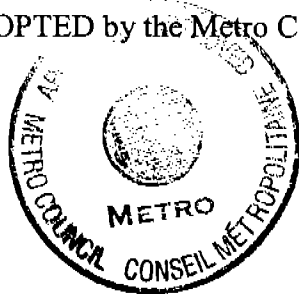
2. Metro Code Section 3.01.035(d) is hereby amended to read as follows:

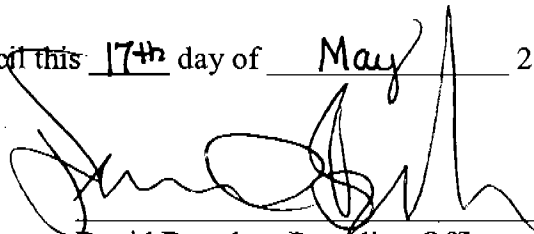
(d) Petitions for locational adjustments shall demonstrate compliance with the Regional Framework Plan and implementing policies.

3. Metro Code Section 3.01.033(e) is hereby amended to read as follows:

(e) The district shall give notice of the March 15 deadline for acceptance of petitions for UGB major amendments and locational adjustments under this chapter not less than 120 calendar days before a deadline and again 90 calendar days before a deadline in a newspaper of general circulation in the district and in writing to each city and county in the district. A copy of the notice shall be mailed not less than 90 calendar days before a deadline to anyone who has requested notification. The notice shall explain the consequences of failing to file before the deadline and shall specify the district officer or employee from whom additional information may be obtained.

ADOPTED by the Metro Council this 17th day of May 2001.

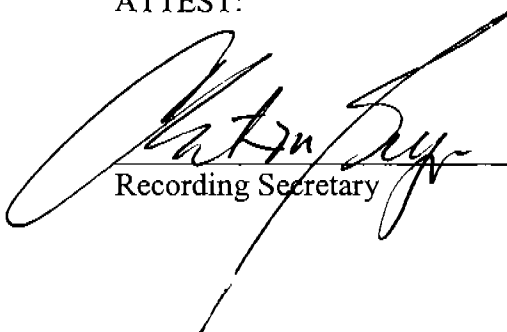





David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:



Recording Secretary



Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 01-902 TO AMEND METRO CODE CHAPTER 3.01 URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES, MARCH 2001

Date: March 30, 2001

**Presented by: Mary Weber
Prepared by: Tim O'Brien**

PROPOSED ACTION

Adoption of Ordinance No. 01-902 to amend Metro Code Chapter 3.01 Urban Growth Boundary and Urban Reserve Procedures.

EXISTING LAW

Metro Code Chapter 3.01 Urban Growth Boundary and Urban Reserve Procedures provides procedures to be used in making amendments to the Metro Urban Growth Boundary.

BACKGROUND

Metro Code Chapter 3.01 provides procedures to be used by Metro in making amendments to the Metro Urban Growth Boundary (UGB) pursuant to Oregon Revised Statutes (ORS) 268.390(3) and 197.005 through 197.430. It interprets all criteria and standards for boundary amendments pertaining to Statewide Planning Goals 2 and 14, and the Regional Urban Growth Goals and Objectives.

The Land Conservation and Development Commission (LCDC) at its April 27, 2000 meeting placed Metro in periodic review. The purpose of periodic review is to ensure that Metro's regulations and policies on the UGB remain in compliance with statewide planning goals. LCDC approved Metro's three-phase work program to meet the requirements of periodic review.

Periodic Review Subtask 5, *Technical Amendments to the Urban Growth Boundary*, is intended to correct inconsistencies that are a result of mapping errors and interpretations of the boundary. Ordinance No. 01-900 addressed the map inconsistencies however the Metro Code must also be amended to ensure such map inconsistencies do not occur in the future. Ordinance No. 01-902 addresses the necessary Metro Code amendments to ensure the UGB and city limits coincide when future amendments to the UGB occur along street right-of-ways. Ordinance No. 01-902 also provides clarification language and modifies notification requirements to afford a more comprehensive and efficient amendment process.

The code amendments addressed in Ordinance No. 01-902 follow the Legislative Amendment Procedures as outlined in Metro Code Section 3.01.015. As the periodic review work program continues, staff anticipates that additional code changes will be necessary to address future inconsistencies to the UGB.

All of the code amendments addressed in Ordinance No. 01-902 are subject to Council approval. Staff have determined that the amendments to Metro Code Chapter 3.01 will result in an improvement of Metro's ability to better direct where the UGB line is to be located. In addition, the amendment will provide a more comprehensive set of regional land use planning goals and objectives that boundary amendments will need to address.

PROPOSED METRO CODE AMENDMENTS

Staff has identified three sections of Metro Code Chapter 3.01 where amendments to the current code are required to address UGB and city limit line inconsistencies and to provide clarification to the overall process for amending the UGB. Deletions to the code are indicated by a ~~strike through~~ and additions to the code are indicated by an underline. The three different code amendments are outlined separately below.

Metro Code Section 3.01.033

Currently Metro Code Chapter 3.01 does not direct amendments to the boundary to include the entire right-of-way of an adjacent street when the amendment is proposed through the Major Amendment or Locational Adjustment process. This has resulted in city limits extending beyond the UGB in a number of locations where a local jurisdiction has annexed the entire street right-of-way but the UGB runs down the centerline. In order to prevent this situation in the future, staff is proposing to add a sub-section to Metro Code Section 3.01.033 to direct all future UGB amendments to include the entire right-of-way of any adjacent street as shown below.

(k) The proposed amendment or locational adjustment to the UGB shall include the entire right-of-way of any adjacent street to ensure that urban services, including but not limited to sanitary sewer, storm sewer, water and police and fire services, be provided to the subject property by the appropriate local government or service district in a timely and efficient manner.

Metro Code Section 3.01.035(d)

Metro Code Section 3.01.035(d) currently requires a petition for a Locational Adjustment to demonstrate compliance with the *2040 Growth Concept and other applicable regional goals and objectives*. The Metro Council adopted the Metro Regional Framework Plan in December 1997; a document that unites all of Metro's adopted land use and planning policies and requirements. The Regional Framework Plan incorporates goals, objectives and policies established in existing Metro legislation including the Regional Urban Growth Goals and Objectives, the 2040 Growth Concept, the Urban Growth Management Functional Plan, the Metropolitan Greenspaces Master Plan, and the Regional Transportation Plan. Since the Regional Framework Plan consolidates all Metro land use planning goals and objectives, it provides overall direction for achieving the preferred form of regional growth and development that is the 2040 Growth Concept. Therefore, staff proposes deleting the reference to the *2040 Growth Concept and other applicable regional goals and objectives* and replacing it with the *Regional Framework Plan and implementing policies* as shown below.

(d) Petitions for locational adjustments shall demonstrate compliance with the ~~2040 Growth Concept and other applicable regional goals and objectives~~ Regional Framework Plan and implementing policies.

Metro Code Section 3.01.033(e)

Metro Code section 3.01.033(e) currently requires Metro to give notice of the March 15 deadline for applications for Major Amendments and Locational Adjustments not less than 90 calendar days before the deadline and again 60 calendar days before the deadline. In addition, Metro Code Section 3.01.033(i)(1) requires applicants for Major Amendments or Locational Adjustments to provide a written statement from the governing body of each city or county with land use jurisdiction over the area indicating their support, opposition or neutral status on the petition. A number of local jurisdictions currently have a process that requires a hearing before the governing body to determine its position on a petition to amend the UGB which can take as long as 2 months. Staff has determined that the 60 calendar day notification date has not always provided applicants with sufficient time to prepare the application due to the local jurisdiction requirement for a public hearing. Staff proposes amending Metro Code Section 3.01.033(e) to change the notification dates to *120* calendar days and *90* calendar days before the deadline to provide additional time for petitioners to complete the application process as shown below.

(e) The district shall give notice of the March 15 deadline for acceptance of petitions for UGB major amendments and locational adjustments under this chapter not less than ~~90~~ 120 calendar days before a deadline and again ~~60~~ 90 calendar days before a deadline in a newspaper of general circulation in the district and in writing to each city and county in the district. A copy of the notice shall be mailed not less than 90 calendar days before a deadline to anyone who has requested notification. The notice shall explain the consequences of failing to file before the deadline and shall specify the district officer or employee from whom additional information may be obtained.

BUDGET IMPACT

Adoption of this ordinance has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

That the recommended amendments to Metro Code Chapter 3.01 Urban Growth Boundary and Urban Reserve Procedures described above be adopted.