

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: July 11, 2007

DAY: Wednesday, 5:00-7:00 p.m.

PLACE: Metro Council Chamber/Annex

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Fuller		
1	SELF INTRODUCTIONS & COMMUNICATIONS	All		5 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			5 min.
3	CONSENT AGENDA <ul style="list-style-type: none">June 27, 2007	Fuller	Action	5 min.
4	COUNCIL UPDATE	Harrington	Update	5 min.
5	JPACT UPDATE	Cotugno	Update	5 min.
6	NEW LOOK <ul style="list-style-type: none">Investing<ul style="list-style-type: none">Financial Incentives Toolkit	Wilkinson	Presentation Discussion	5 min. 10 min.
7	LEGISLATIVE UPDATE <ul style="list-style-type: none">Measure 37Transportation Funding	Newman	Update	20 min.
8	ORDINANCE 07-1154 for the Purpose of Amending the Regional Framework Plan and Chapter 3.01 of the Metro Code (Urban Growth Boundary and Urban Reserve Procedures) to Allow Consideration of Major Amendments to the UGB to Accommodate Need for Housing	Hosticka/O'Brien	Discussion Action	55 min. 5 min.

UPCOMING MEETINGS:

MPAC: July 25, 2007 & August 8, 2007

MPAC Coordinating Committee, Room 270: July 25, 2007 half hour check-in

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,
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Metro Policy Advisory Committee

July 11, 2007

Item 3 – Consent Agenda Meeting Summary for June 27, 2007

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

June 27, 2007 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Andy Duyck, Shane Bemis, Jeff Cogen, Nathalie Darcy, Rob Drake, Dave Fuller, Judie Hammerstad, John Hartsock, Richard Kidd, Charlotte Lehan, Alice Norris, Martha Schrader, Bob Sherwin, Chris Smith, Erik Sten

Committee Members Absent: Ken Allen, Richard Burke, Bernie Giusto, Wilda Parks, Tom Potter, Sandra Ramaker, Larry Smith, Steve Stuart

Alternates Present: Aron Carleson, Lane Shetterly

Also Present: Robert Austin, City of Estacada; Bill Bash, City of Cornelius; Hal Bergsma, City of Beaverton; Al Burns, City of Portland; Eric Chambers, City of Gresham; Carol Chesarek, Citizen; Danielle Cowan, City of Wilsonville; Shirley Craddick, City of Gresham; Markley Drake, City of Happy Valley; Eileen Drake, Citizen; Kay Durtschi, MTAC; Denny Egner, City of Lake Oswego; Meg Fernekes, DLCD; Ed Gallagher, City of Gresham; Delna Jones, Delna Jones & Assoc.; Gil Kelley, City of Portland; Jim McCauley, HBA Metro Portland; Steffeni Mendoza Gray, City of Portland; John O'Neil, Tri-County Investments; Pat Ribellia, City of Hillsboro; Paul Savas, Clackamas County Special Districts Alternative; Karen Schilling, Multnomah County; Jonathan Schlueter, Westside Economic Alliance; Thane Tienson, Landye Bennett;

Metro Elected Officials Present: Liaisons – Kathryn Harrington, Council District 4 others: Carl Hosticka, Council District 3; Rex Burkholder, Council District 5

Metro Staff Present: Dick Benner, Dan Cooper, Andy Cotugno, Linnea Nelson, Deena Platman, Ken Ray, Randy Tucker

1. SELF-INTRODUCTIONS & COMMUNICATIONS

Chair Dave Fuller, called the meeting to order at 5:08 p.m. Chair Fuller asked those present to introduce themselves.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There was none.

3. CONSENT AGENDA

Meeting Summary for June 13, 2007:

Motion:	Mayor Alice Norris, City of Oregon City, with a second from Mayor Richard Kidd, City of Forest Grove, moved to adopt the consent agenda without revisions.
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Vote:	The motion passed unanimously.
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4. COUNCIL UPDATE

Councilor Kathryn Harrington gave a brief update of the recent items before the Metro Council.

5. LEGISLATIVE UPDATE

Randy Tucker, Legislative Affairs Manager, gave a brief update on the Metro regional legislative agenda. He distributed a handout that listed supporters of different bills. A copy of that handout will be attached to the permanent record.

Lane Shetterly, Department of Land Conservation and Development (DLCD), added updates on other legislation relevant to the region, including Measure 37 and Big Look.

Mayor Charlotte Lehan, City of Wilsonville, spoke to the members about a mobile home park ordinance. It was an ordinance that passed on Monday in the legislature. It was a package to provide some compensation to residents whose mobile home parks close. She said it grandfathered-in the four cities: Oregon City, Wilsonville, Bend and Eugene. It gave all other jurisdictions 180 days to pass local ordinances. She urged members interested in having a local level ordinance for mobile home parks, to pass local legislation by the deadline, July 1st. After that date, jurisdictions would have 180 days to amend their ordinances if needed.

6. MPAC SCHEDULE

Councilor Harrington distributed a comprehensive MPAC agenda that included Council items, New Look items, and other items for the rest of the year.

Chair Fuller gave an overview of the handout and asked Councilor Harrington to discuss it in more detail.

Councilor Harrington explained the schedule. A copy of that handout will be attached to the permanent record.

Chair Fuller informed the members that the September 12th MPAC meeting conflicted with a tentatively scheduled Mayors and Chairs Forum the same night. He proposed that the MPAC meeting take place at 3 or 4 p.m. before the Mayors and Chairs Form, and that Metro would serve dinner at the Mayors and Chairs Forum. He said that Kim Bardes would be sending out an email regarding this issue and asking members if they were open to this proposal.

Chair Fuller called for a brief break to allow members to get some food and drinks as this meeting had been extended.

7. ORDINANCE 07-1154

Councilor Harrington invited Jim McCauley and Denny Egner to the MPAC table to report on the Metro Technical Advisory Committee (MTAC) discussion regarding this ordinance. MTAC had voted 13 no, 6 yes on passing this ordinance.

Mr. Tim O'Brien, Senior Regional Planner, reviewed the materials pertaining to the ordinance as some were included in the packet and some were distributed during the meeting. Copies of all the handouts will be attached to the permanent record. He said that the ordinance would come back before the members on July 11th for a recommendation to the Metro Council.

Councilor Carl Hosticka discussed the policy considerations surrounding the proposed ordinance. He said that Metro had been working on the ordinance since early in the year.

Mr. Denny Egner, MTAC and City of Lake Oswego, said that MTAC had discussed the issue at length and never had a chance to talk about criteria. The group voted about 2/3rd against and 1/3rd for the Hosticka proposal. He said that there were equity issues regarding the treatment of residential and industrial land. He talked about the process which led to industrial land parcels being added to the urban growth boundary (UGB). At the time, the difference between industrial and residential lands was stressed. Now there was discussion about how they should be treated the same. He said if they were going to be treated the same, then they should be looked at more comprehensively in the periodic amendments to the UGB, and the amendments on the industrial lands should then be rolled back. He said there wasn't full agreement on that point. He said another point expressed was that adding land through this type of process could undermine development of centers. He said that there was no urgent need demonstrated for why one would want to make that change now. The biggest problem that MTAC expressed was the issue of the service extension and agreement between jurisdictions as to how property might be best served. If there was an area that could be served by a variety of jurisdictions, and there was the expectation that the incremental process would solve that, where a property owner or group of property owners approached one jurisdiction and asked for service, it could create a situation where less efficient means of providing services was agreed upon. There needed to be a governance decision made on who would provide services to an area before any incremental decisions were made. That was the main point that MTAC agreed upon in their vote. The idea was that a governance decision needed to be made so that they would know who would serve areas before they were added. That issue had not been solved throughout the region. Along those same lines, it was pointed out that this was bad timing for this discussion and possible decision. The issue was not urgent at this point and they should complete the New Look process before considering it. If MPAC did propose that this amendment go forward, he requested that they refer it to MTAC again for a discussion on criteria, since they never got a chance to discuss that topic.

Mr. Jim McCauley, MTAC and Home Builders Association (HBA), said that it would be nearly a decade before Metro would be looking at land again to bring into the UGB due to the two-year extension. He said that MTAC looked at the discussion strictly as a short-term land supply issue. He said the regional legislative committee didn't see a distinction between employment lands and non-employment lands. He said that if they could agree that there was a difference then HBA wouldn't have supported a re-examination of how the region was expanding. He said that the current system was not working or Senate Bill 1011 wouldn't have moved through the process. He said that Ordinance 07-1154 was a small step forward in that re-examination. He said that HBA as an organization had looked at criteria. He wanted to make sure that any application that came forward in the process was well thought out and planned. He said they would like an infrastructure finance plan in place, and wanted to see a local government component that was supportive of the ordinance as well. Many of the concerns brought forward in the MTAC process could be dealt with by adding criteria for clarification in the ordinance. The only issue he had concern over was the issue of governance. He said that could be addressed by adding criteria. He said that passage of the ordinance would allow the residential process to be re-instated and give landowners the opportunity to bring something forward. But it did not mean that the Metro Council would approve all applications like a blank check.

There was discussion about the ordinance and the meaning of particular points within the ordinance.

8. NEW LOOK

Andy Cotugno, Planning Director, explained how Metro was going to unroll the RTP process pertaining to finance. He said they would start with this meeting discussion on roads and address other parts of the process at future meetings. He reviewed the material included in the packet.

There was discussion about where funds would be found to finance roads and transportation, particularly about tolling options and various forms of taxing freight trucks.

Mr. Cotugno urged all the members to fill out the survey included in the packet and return it to Metro within two weeks.

Deena Platman, Senior Transportation Planner, gave a PowerPoint presentation pertaining to Metro's Regional Freight and Goods Movement Action Plan. Copies of the slides from that presentation were included in the meeting packet.

Mayor Richard Kidd, City of Forest Grove, said that there wasn't a lot that could be done about improving signage along the I-5 corridor without working with Oregon State and Washington State. He said that as a region they could advocate to the two states to make improvements.

Ms. Platman said that Metro was in a good position to submit suggestions to Oregon Department of Transportation (ODOT) right now as ODOT was working on the State Freight Plan. She said that another opportunity right now was a group called the West Coast Corridor Coalition made up of California, Oregon, Washington and Alaska. This group's focus was assuring that each state could handle the incoming freight movement and the possible environmental impacts of this movement.

There being no further business, Chair Fuller adjourned the meeting at 7:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kim Bardes".

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR JUNE 27, 2007

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

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#4 Council Update	June 2007	System Development Charges flyer	062707-MPAC-01
#4 Council Update	June 2007	Financial Incentives Community Investment Guide Toolkit, Volume 1	062707-MPAC-02
#5 Legislative Update	June 2007	Supporters of Senate Bill 1011-B and House Bill 2051-A: a list of supporters/partners for both bills	062707-MPAC-03
#6 MPAC Schedule	June 27, 2007	MPAC Tentative 2007 Schedule – Draft: new layout to the MPAC meeting schedule for the year	062707-MPAC-04
#7 Ordinance 07-1154	May 2007	Ordinance 07-1154, Exhibits A, B & C and Jim McCauley amendment	062707-MPAC-05
#7 Ord. 07-1154	June 15, 2007	Letter to Chair Fuller and MPAC from Judie Hammerstad, Lake Oswego Mayor, re: Proposed Ordinance 07- 1154 – UGB Major Amendment Process	062707-MPAC-06
#7 Ord. 07-1154	June 20, 2007	Memorandum to MTAC from Jonathan Harker, City of Gresham re: Major Amendments to UGB for Housing Proposal	062707-MPAC-07
#7 Ord. 07-1154	June 27, 2007	Email from Pat Russell to MPAC and Carl Hosticka re: Ordinance 07-1154	062707-MPAC-08
Miscellaneous	June 18, 2007	Letter to Mark Long, Oregon Dept of Consumer and Business Services from Mayor Hughes, City of Hillsboro re: HB 2540: Rehabilitation of Downtown Structures	062707-MPAC-09
#8 New Look	June 2007	Handout from Lane Shetterly, Department of Land Conservation and Development re: Transportation Finance Strategy Considerations and Choices	062707-MPAC-10

Metro Policy Advisory Committee

July 11, 2007

Item 6 – New Look

MPAC Worksheet

Agenda Item Title: Financial Incentives Toolkit

Presenter: Malu Wilkinson/Miranda Bateschell

Council Liaison Sponsor: Kathryn Harrington

MPAC Meeting Date: July 11, 2007

Amount of time needed at meeting:

Presentation: 5 minutes

Discussion: 10 minutes

Purpose/Objective:

Describe Financial Incentives Toolkit and place in the context of the New Look at Regional Choices Road Map.

Action Requested/Outcome:

Encourage MPAC members to review the Financial Incentives Toolkit and consider implementing appropriate tools in their communities to increase investment and development in centers and corridors.

Background and context:

In the summer and fall of 2006 Metro staff came to MPAC to discuss each of the tools described in the Financial Incentives Toolkit. MPAC members provided feedback, guidance and local success stories that are included in the toolkit. The document is intended to serve as both a guide and a compilation of what our local partners have already done to successfully achieve some of the goals envisioned in the 2040 Growth Concept. Metro staff provided the Financial Incentives Toolkit to MTAC on June 20.

What has changed since MPAC last considered this issue/item?

Metro staff has developed the Financial Incentives Toolkit, and will produce two more volumes related to design and development code and strategies for employment and industrial areas in the coming months.

What is the timeline for further consideration of this agenda item (e.g., MTAC, MPAC, Council)

Further discussion of the Financial Incentives Toolkit and other volumes of the Community Investment Toolkit will be considered along with scenarios that help describe the impacts of investment choices in September 2007.

Metro Policy Advisory Committee

July 11, 2007

Item 8 – Ordinance 07-1154

MPAC Worksheet

Agenda Item Title:

Metro Ordinance No. 07-1154 For the Purpose of Amending the Regional Framework Plan and Chapter 3.01 of the Metro Code (Urban Growth Boundary and Urban Reserve Procedures) to Allow Consideration of Major Amendments to the UGB to Accommodate Need for Housing

Presenter: Tim O'Brien

Council Liaison Sponsor: Carl Hosticka

MPAC Meeting Date: 07/11/07

Amount of time needed at meeting:

Discussion: 55 minutes

Action required: yes

Purpose/Objective:

To provide information on proposed Ordinance No. 07-1154, which amends the Metro Code to allow Major Amendments to the UGB for residential use and for MPAC to make a recommendation to the Metro Council.

Action Requested/Outcome:

Informational discussion on proposed code change, action required.

Background and context:

Metro Ordinance 07-1154 proposes changes to Metro's UGB Major Amendment process. Specifically the ordinance contains three key elements:

1. It removes the prohibition, enacted in 2001, on including housing considerations in major UGB amendments taking place in non-UGR review years
2. It adds additional criteria for major amendments related to housing
3. It requires approval of local governments and their commitments to provide services to new housing areas before the Metro Council considers whether to bring new land in for housing through a major amendment

What has changed since MPAC last considered this issue/item?

MPAC will need to have a more in-depth discussion and then take action on this item.

M E M O R A N D U M

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METRO

DATE: June 21, 2007

TO: MPAC Representatives and
Interested Persons

FROM: Tim O'Brien, Senior Regional Planner

**RE: *MTAC discussion and recommendation on Metro Ordinance 07-1154
– Major Amendment Process***

Background

Metro Ordinance 07-1154 proposes changes to Metro's UGB Major Amendment process. Specifically the ordinance contains three key elements:

1. It removes the prohibition, enacted in 2001, on including housing considerations in major UGB amendments taking place in non-UGR review years
2. It adds additional criteria for major amendments related to housing
3. It requires approval of local governments and their commitments to provide services to new housing areas before the Metro Council considers whether to bring new land in for housing through a major amendment

MPAC will consider this ordinance on June 27th and is scheduled to make a recommendation to the Metro Council at your July 11th meeting. The first public hearing and second reading is scheduled for the Metro Council meeting on July 19, 2007.

MTAC Discussion and Recommendation

MTAC discussed the proposed ordinance at their June 6th and June 20th meetings.

There were two main points of discussion:

- Residential use is the same as non-residential uses when it comes to land supply and therefore should be considered in the same way under the Major Amendment process, and
- What are the consequences of considering this proposal now in light of the urban and rural reserve work the region will be undertaking in the next few years?

After much discussion on the pros and cons of both points, a motion was made to recommend against adoption of Metro Ordinance 07-1154. This motion passed 13 for to

6 against. Listed below are the main pro and con viewpoints that were expressed for the two discussion points.

Residential use has the same land supply needs as non-residential uses

Pro

- ❑ Residential land should be treated the same as other types of land under the major amendment process, this is a question of fairness
- ❑ This amendment is reinstating a process that was in place prior to 2001

Con

- ❑ Residential use is different from non-residential uses when it comes to the landscape. Residential uses do not need specific land types like some non-residential uses. This is evident from the work that was done in 2004 to develop different criteria to determine the best land to meet industrial land needs
- ❑ Residential land is not a short-term issue; the 5-year cycle is a relatively short time frame. The residential market does not change that quickly

Adopting this amendment will not impact the future urban and rural reserve work

Pro

- ❑ This is the first small step towards a performance based UGB expansion process, it will help build a bridge from the old process to a new system that could be developed through the reserve work
- ❑ The time frame to submit a major amendment application for residential use is in February/March 2008 only. The urban growth report will be completed in 2009, thus no major amendment applications will be accepted in 2009. Therefore any applications received in early 2008 will not negatively impact other reserve work

Con

- ❑ A larger policy discussion needs to occur to determine how this proposal relates to the reserves work scheduled for the next two years
- ❑ This process undermines the whole impetus of the New Look, which was intended to be an all-inclusive process of consideration of a variety of growth management tools. This proposed amendment takes away from that comprehensive look
- ❑ A successful application could result in something contrary to what the region decides to do in a specific location in terms of urban and rural reserves
- ❑ A larger discussion is needed on the performance based UGB question, this direction might not be the direction the region ultimately decides upon
- ❑ There is still land from the 2002 UGB decision to plan and implement; a successful major amendment application could undermine these efforts

In addition, some concerns were also mentioned in term of the proposed criteria, as listed below.

- ❑ The additional criteria are not difficult to meet, a public planning process similar to the Title 11 requirements are a better way to proceed
- ❑ There is a concern with the governance question and who would be the likely service providers. It is not necessarily crystal clear what is expected from the elected officials in criterion (d)
- ❑ The additional criteria do make it a higher standard to meet and will require more of an investment from the landowner
- ❑ Concern with specific language of proposed criteria – use of the terms *boards*, *likely service providers* and *definition of public facilities and services*

COUNCILOR CARL HOSTICKA

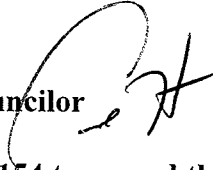
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METRO

Date: May 24, 2007

To: Metro Council
Members of MPAC

From: Carl Hosticka, Metro Councilor 

Subject: Proposed Ordinance 07-1154 to amend the UGB Major Amendment process to accommodate need for housing

I am sponsoring a proposed Ordinance 07-1154 for Metro Council consideration, and I wanted to give you some information about it. The ordinance is to amend the Regional Framework Plan and Metro Code to allow consideration of major amendments to the urban growth boundary (UGB) for housing.

The ordinance has three key elements:

1. It removes the prohibition, enacted by the Metro Council in 2001, on applications for UGB major amendments related to housing. (Major amendments are considered in years when Metro is not assessing the buildable land supply and preparing the Urban Growth Report (UGR));
2. It adds criteria for UGB major amendments for residential use; and
3. It requires approval by local governments and written commitment to provide services to new housing areas *before* the Metro Council considers whether to bring that land in for housing through a major amendment.

With this ordinance, I want to give people the opportunity to make the case for including residential land in the UGB in non-UGR years. Our code already sets a high bar for amendment applications, and this ordinance raises that bar even higher with new criteria that is consistent with our 2040 Growth plan. These criteria include developing at urban densities and making efficient use of land and existing infrastructure. Applicants must also prove that efficient and cost-effective delivery of schools, streets and other urban services will be included. They must also show that the new area can be designed to preserve and enhance natural ecological systems.

This ordinance will have its first reading at the Metro Council meeting on Thursday, May 31, 2007. After the required 45-day notice to the Oregon Land Conservation and Development Commission, the first public hearing and second reading will be at the 2 p.m. Council meeting on July 19, 2007. I am requesting that the ordinance be considered at the Metro Technical Advisory

Committee (MTAC) on June 6 and the Metro Policy Advisory Committee (MPAC) on June 27 and July 11. MPAC will have an opportunity to thoroughly discuss this proposed ordinance. The Council is not currently unified in support or opposition to this proposed ordinance and will weigh seriously MPAC's recommendations before deciding how to proceed.

Jim McCauley, Vice President of Government Affairs with the Home Builders Association of Metropolitan Portland, has proposed some amendments to this ordinance. I hope that you will consider them along with any other amendments that may be proposed by others.

If you have any questions, concerns or suggestions regarding this ordinance, I will be happy to meet with you to discuss them. To schedule an appointment, please contact Linnea Nelson, Council Policy Coordinator, at 503-797-1886 or nelsonl@metro.dst.or.us.

I believe this ordinance will enable Metro to respond to unanticipated changes that cannot be addressed in our current periodic review process and give citizens the chance to make a case for amendment to the UGB.

Thank you for your consideration.

cc: Michael Jordan, Metro Chief Operating Officer
Jim McCauley, Home Builders Association of Metropolitan Portland



CITY OF
LAKE OSWEGO

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ELLIE McPEAK,
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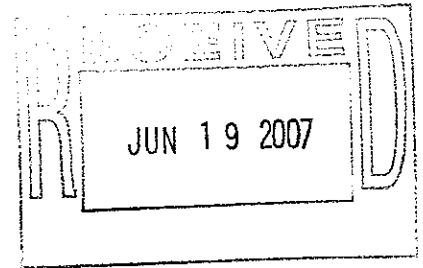
FRANK GROZNIK,
COUNCILOR

DONNA JORDAN,
COUNCILOR

JOHN TURCHI,
COUNCILOR

June 15, 2007

David Fuller, Chair
Members of Metro Policy Advisory Committee
Metro Regional Center
600 NE Grand Ave.
Portland, Oregon 97232-2736



Re: Proposed Ordinance 07-1154 – UGB Major Amendment Process

Dear Chair Fuller and Members of MPAC:

The City of Lake Oswego opposes Ordinance 07-1154, which would modify Metro's UGB amendment process. We urge MPAC members to recommend against adoption.

We have carefully considered the proposal and have the following objections:

- Incremental UGB amendments for housing will undermine development in areas that were recently added to the UGB through the legislative amendment process. It is important to focus development and market pressure in these areas to encourage a well planned pattern of development. If new areas are now added to the UGB, housing demand in the areas that were recently added may decrease, making it even more difficult to finance needed infrastructure improvements in these areas.
- The current process of periodic UGB updates through legislative amendments requires a comprehensive analysis of all candidate areas simultaneously. This assures that locational factors are considered on a regional basis, with only the best suited sites selected for inclusion in the UGB. We fear that allowing interim incremental UGB expansions for housing will result in a less thorough analysis or a localized analysis that does not consider regional alternatives. If the process allows a more localized analysis, we are likely to lose prime farmland as high value farmland sites are compared only to other high value sites in the same general area.
- Incremental requests for UGB amendments may result in service extensions into areas that can be served more efficiently in other ways. The proposal sets up potential conflicts between local jurisdictions if one jurisdiction agrees to provide urban services to an area that could be better served by a neighboring jurisdiction. It is important that governance and public service questions be decided before individual applications for UGB amendments are considered.



- The timing for this ordinance amendment is inappropriate. Metro is in the middle of the New Look process and the State of Oregon is conducting the Big Look. Both of these long range planning efforts should be completed before making any major changes to the UGB amendment process.

Thank you for considering our position on this matter.

Sincerely,

A handwritten signature in black ink, reading "Judie Hammerstad". The signature is written in a cursive, flowing style.

Judie Hammerstad
Mayor

CC: Members of the Lake Oswego City Council



Memorandum Community & Economic Development Department

To: MTAC

From: Jonathan Harker, AICP, Principal Planner, Comprehensive Planning Supervisor

Date: June 20, 2007

Subject: Major Amendments to UGB for Housing Proposal

Gresham staff has reviewed the proposed changes to the Major Boundary Amendment process for residential uses. We have concerns about the proposal and we will advise Gresham MPAC representatives of our concern. Three major concerns are:

1. Metro has just received an extension on UGB expansion review until 2009. This gives Metro and its regional partners the time to concentrate on the New Look Regional Choices regarding focused investments, urban and rural reserves and the RTP update. It also allows us to focus on those UGB expansion areas such as Pleasant Valley, Springwater and Damascus that are already in the UGB and have residential components. Allowing for residential UGB expansion applications will distract Metro and region for this important work over the next two years. Additionally new expansions under the Major Amendment process could be contrary to decisions that will be made as part of new urban and rural reserve process and the New Look UGB performance based process.
2. No policy reason or need for the proposal has been established. Residential land is different than other uses because residential development can occur on about any land in the UGB. Land for residential development can be sloped, access limited to a local street system, there are no extraordinary public facility needs, and because residential land is so ubiquitous there is no location needed for market purposes. Other uses are more restricted for reasons such as can not be built on slope, need arterial/collector and transit access, needs freight routes and needs to be located based on market or service needs. Residential is different and there is no inherent unfairness about treating different uses differently. Additionally Metro has established a list of UGB expansions since 1998 that show that we have residential land that has not been planned or implemented. This list was use in lobbying the State Legislature to grant the extension.
3. Current criteria requires that the applicant show a need that was not accommodated in the most recent land use need analysis and that it must be addressed prior to the next analysis (which is now 2009). As already noted this need is not apparent in regards to recent UGB expansions. It also proposes new criteria that would only apply to residential land. The first four criteria are to demonstrate that it can be designed at urban densities, can be served by schools and public services "cost effectively", can be designed to be walkable and have connected streets and can be designed to preserve/enhance natural systems. Practically any property near the current UGB can be so designed and these issues are better address through Title 11. The final criteria are that a City or County has to put in writing that "they will be willing to serve the area". These criteria are not substantive and don't really "raise the bar" for Metro Council decision making.

End of Memorandum



MEMORANDUM
CITY OF BEAVERTON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING SERVICES DIVISION

To: MTAC Members
Date: June 5, 2007
From: Hal Bergsma, Planning Services Manager and MTAC Alternate
Subject: *Proposed Ord. 07-1154 Amending the UGB Major Amendment process to include housing*

I am concerned about the wording of proposed criterion 3.01.030(d) for the following reasons:

1. The criterion only applies to major UGB amendments that would add land for residential use. It seems to me the same consideration should be given to amendments that would add land for other purposes.
2. The criterion says "...the applicant shall submit a written statement, adopted by the elected officials of the city or county *likely* to be responsible for land use planning of the land to be added to the UGB..." In Washington County it has not always been clear whether the County or a city will be responsible for land use planning of an area added to the UGB.
3. The criterion goes on to say "...and from the elected officials of the *boards of likely* providers of the public facilities and services, *as defined in section 3.01.010 of this chapter*, that they are willing to provide services to the land." I've italicized the words that concern me.
 - a. First, the use of the word "boards" implies that the service provider will be a special district or a county, and not a city. It is certainly possible a city would be the provider of certain public facilities and services.
 - b. Second, the use of the word "likely" assumes that it will be clear which provider will be responsible, but that is not always the case.
 - c. Finally, Section 3.01.010(f) of the Metro Code defines public facilities and services as sewers, water service, stormwater services and transportation. The definition does not include municipal services such as police, fire protection, parks and recreation, libraries and code enforcement. So as written, an applicant would not need to demonstrate that providers of these services in the area are able or willing to provide them to the area proposed for addition.

The following amendments to criterion (d) would address these concerns:

"If the applicant proposes to amend the UGB to add land ~~for residential use~~, the applicant shall submit a written statement, adopted by the elected officials of the any city or county ~~likely to that~~ may be responsible for land use planning of the land to be added to the UGB and from the elected officials of ~~the boards of likely~~ any local governments that may be providers of public facilities and services, as defined in section 3.01.010 of this chapter as well as police, fire protection, parks and recreation, library and code enforcement services, that they are willing to provide services to the land."

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1794



DATE: June 13, 2007

TO: MTAC Representatives and
Interested Persons

FROM: Tim O'Brien, Senior Regional Planner

RE: Metro Ordinance 07-1154 – Major Amendment Process

Background

Metro Ordinance 07-1154 proposes changes to Metro's UGB Major Amendment process. Specifically the ordinance contains three key elements:

1. It removes the prohibition, enacted in 2001, on including housing considerations in major UGB amendments taking place in non-UGR review years
2. It adds additional criteria for major amendments related to housing
3. It requires approval of local governments and their commitments to provide services to new housing areas before the Metro Council considers whether to bring new land in for housing through a major amendment

The staff report in support of Ordinance 07-1154 is attached for your review.

MPAC will consider this ordinance on June 27th and July 11th. The first public hearing and second reading is scheduled for the Metro Council meeting on July 19, 2007.

Purpose

The purpose of this memo is to remind you of the discussion that occurred at the last MTAC meeting regarding this proposed ordinance. I have broken down the key points of concerns and comments that were made into three separate categories for discussion. Please review these concerns and be prepared to make a recommendation to MPAC regarding Ordinance 07-1154.

WHY/WHY NOT

- ☐ Residential land should be treated the same as other types of land under the major amendment process, this is a question of fairness
- ☐ This is just reinstating a process that was in place prior to 2001

- ❑ Residential land is not a short-term issue, the 5-year cycle is a relatively short time frame
- ❑ No substantial evidence that the regional population forecasts are grossly inaccurate

WHY PROPOSE AN AMENDMENT NOW

- ❑ Why is this amendment being proposed now and how does it relate to the reserves work scheduled for the next two years
- ❑ Concerned that these types of applications will distract from the reserve work that needs to be accomplished and Metro staff will be stretched thin
- ❑ This will undermine the whole impetus of the New Look, which was intended to be an all-inclusive process of consideration of a variety of growth management tools
- ❑ A larger discussion is needed on the performance based UGB question
- ❑ This will distract from the reserve discussion, which is a priority for the region
- ❑ This is the first small step towards a performance based UGB expansion process

GENERAL COMMENTS

- ❑ Don't feel the additional criteria are difficult to meet
- ❑ The additional criteria do make it a higher standard to meet and will require more of an investment from the landowner
- ❑ Concern with specific language of proposed criteria – use of the terms *boards*, *likely service providers* and *definition of public facilities and services*

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)
REGIONAL FRAMEWORK PLAN AND) Ordinance No. 07-1154
CHAPTER 3.01 OF THE METRO CODE)
(URBAN GROWTH BOUNDARY AND)
URBAN RESERVE PROCEDURES) TO)
ALLOW CONSIDERATION OF MAJOR)
AMENDMENTS TO THE UGB TO) Introduced by Councilor Carl Hosticka
ACCOMMODATE NEED FOR HOUSING)

WHEREAS, the Regional Framework Plan ("RFP") and Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserves Procedures) authorize "major amendments" to the urban growth boundary ("UGB") except during years in which Metro is determining the capacity of the UGB to accommodate long-term population and employment growth pursuant to ORS 197.299; and

WHEREAS, the Metro Council amended the RFP and Metro Code Chapter 3.01 to limit access to the major amendment process to proposed UGB amendments to add land for needs other than housing needs by Ordinance No. 01-929A (For the Purpose of Amending the Regional Framework Plan Ordinance No. 97-715B and Metro Code Sections 3.01.010, 3.01.025, 3.01.030, 3.01.035, 3.01.040, 3.01.045, 3.01.050, 3.01.055, 3.01.060, 3.01.065 and 3.07.1120 and Repealing Metro Code Sections 3.01.037 and 3.01.075 to Revise the Scope and the Criteria for Quasi-Judicial Amendments to the Urban Growth Boundary; and Declaring an Emergency) on December 13, 2001; and

WHEREAS, the Council determines the need for land for housing based upon a forecast of population growth which is necessarily based upon assumptions that may prove inaccurate over time, as has sometimes been Metro's experience; and

WHEREAS, the "periodic review" process Metro must follow under state law to determine the capacity of the UGB to accommodate long-term need for land for housing is not responsive to unanticipated short-term changes in circumstances; and

WHEREAS, Metro should have a process to respond to unanticipated changes in the need for land for housing; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The RFP is hereby amended as indicated in Exhibit A, attached and incorporated into this ordinance, to allow consideration of proposed "major amendments" to the UGB to accommodate need for land for housing.
2. Metro Code section 3.01.030 (Major Amendments – Criteria) is hereby amended as indicated in Exhibit B, attached and incorporated into this ordinance, to allow consideration of proposed "major amendments" to the UGB to accommodate need for land for housing.
3. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how these amendments to the RFP and the Metro code comply with regional and statewide planning laws.

ADOPTED by the Metro Council this __ day of _____, 2007.

David Bragdon, Council President

Attest:

Approved as to form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 07-1154

Amendment to the Regional Framework Plan

1.9 Urban Growth Boundary

It is the policy of the Metro Council to:

- 1.9.1 Ensure that expansions of the UGB help achieve the objectives of the 2040 Growth Concept.
- 1.9.2 Determine when the UGB is expanded, whether the expansion will enhance the roles of Centers and, to the extent practicable, ensure that it does.
- 1.9.3 Use the regional UGB, a long-term planning tool, to separate urbanizable from rural land, based in aggregate on the region's 20-year projected need for urban land.
- 1.9.4 Locate the UGB consistent with statewide planning goals and this plan and adopted Metro Council procedures for UGB amendment.
- 1.9.5 Improve the functional value of the UGB in the location, amendment and management of the regional UGB, as described in policies 1.9.6, 1.9.7, 1.9.8, 1.9.9.
- 1.9.6 Expand the UGB first within any adopted urban reserves, upon demonstrating a need for additional urban land, to the extent consistent with ORS 197.298 and Metro's acknowledged urban growth amendment process.
- 1.9.7 Adopt criteria for amending the UGB based on applicable state planning goals and relevant policies of the this Plan:
 - a. Major Amendments: Amendments of the UGB may be made through a quasi-judicial or a legislative process. Metro will initiate the legislative amendment process when it determines there is need to add land to the UGB following the analysis of buildable land supply required every five years by ORS 197.299(1). The process involves local governments, special districts, citizens and other interests. A local government, a special district or a property owner may initiate a quasi-judicial amendment process to add land to the UGB for **[public facilities, public schools, natural areas and those nonhousing]** needs that (a) were not accommodated in the most recent analysis of land supply conducted pursuant to state law and (b) must be addressed prior to the next analysis.
 - b. Minor Adjustments: Minor adjustments of the UGB may be brought to Metro by a local government, a special district or a property owner for siting public facility lines and roads, for land trades and to make the UGB coterminous with nearby property lines or natural or built features in order to make the UGB function more efficiently and effectively.
- 1.9.8 Require cities and counties to adopt conceptual land use plans and concept maps coordinated among affected jurisdictions for all areas added to the UGB as Major or Legislative amendments.
- 1.9.9 Establish criteria for concept plans and implementing ordinances.

- 1.9.10 Prepare a report on the effect of the proposed amendment on existing residential neighborhoods prior to approving any amendment or amendments of the urban growth boundary in excess of 100 acres.
- 1.9.11 Provide copies of the completed report to all households located within one mile of the proposed urban growth boundary amendment area and to all cities and counties within the district. The report shall address:
- a. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality.
 - b. 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.
 - c. The cost impacts on existing residents of providing needed public services and public infrastructure to the area to be added.

Exhibit B to Ordinance No. 07-1154

Amendment to Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserve Procedures)

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 and services, public schools, natural areas, land trades and other non-housing 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), (c) and (d) 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 Council incidentally adds land to the UGB for housing in order to facilitate a trade, 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 2040 Growth Concept plan designation for the area.~~ **If the applicant proposes an amendment to the UGB to add land for housing, the applicant shall also demonstrate that the land proposed for addition to the UGB:**

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;

(2) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;

(3) Can be designed to be walkable and service by a well-connected system of streets by appropriate and financially capable service providers; and

(4) Can be designed to preserve and enhance natural ecological systems.

(d) If the applicant proposes to amend the UGB to add land for residential use, the applicant shall submit a written statement, adopted by the elected officials of the city or county likely to be responsible for land use planning of the land to be added to the UGB and from the elected officials of the boards of likely providers of public facilities and services, as defined in section 3.01.010 of this chapter, that they are willing to provide services to the land.

Exhibit C to Ordinance No. 07-1154
Findings of Fact and Conclusions of Law

(will be completed and adopted following hearings on the ordinance)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1154, FOR THE PURPOSE OF AMENDING THE REGIONAL FRAMEWORK PLAN AND CHAPTER 3.01 OF THE METRO CODE (URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES) TO ALLOW CONSIDERATION OF MAJOR AMENDMENTS TO THE UGB TO ACCOMMODATE NEED FOR HOUSING

Date: May 24, 2007

Prepared by: Tim O'Brien
Senior Regional Planner

INTRODUCTION

State law directs the Metro Council to complete a periodic analysis of the capacity of the urban growth boundary (UGB) and the need to amend it to accommodate long-range growth in population and employment. The Metro Council determines the need for land for housing based upon a 20-year population forecast that is coordinated with affected local governments. Past regional forecasts have represented the most likely and reasonable “middle of the road” growth projections that are based on a framework of how the region has responded to historical trends – including economic, industry, demographic, and national and global forces at work in the region. A number of assumptions are included in the 20-year forecast that may prove inaccurate over time and the periodic review process is not always responsive to unanticipated short-term changes in circumstances. The proposed changes to the Regional Framework Plan (RFP) and Metro Code Section 3.01 will provide a process for Metro to respond to unanticipated changes in the need for land for housing in addition to other non-housing needs.

Ordinance 07-1154 proposes three key changes related to the UGB Major Amendment process. Adoption of this ordinance will:

1. Remove the prohibition, enacted in 2001, on UGB Major Amendment applications for residential use;
2. Add additional criteria for UGB Major Amendments for residential use; and
3. Require a written statement adopted by the elected officials of the jurisdiction responsible for land use planning of the land to be added to the UGB and from the elected officials of the boards of the likely urban service providers that they are willing to provide services to the land being brought into the UGB through the Major Amendment process.

BACKGROUND

The Metro Regional Framework Plan (RFP) and Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserves Procedures) authorize amending the urban growth boundary (UGB) through a Major Amendment process. 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 the buildable land supply under ORS 197.299 (1) and cannot wait until the next analysis. A city, county, special district or property owner may submit a Major Amendment application to Metro between February 1 and March 15 of each calendar year, except that calendar year in which the Metro Council is completing its analysis of the buildable land supply under ORS 197.299 (1). Currently, land may be added to the UGB under the Major Amendment process for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs.

Existing Metro Code Requirements

Presently under the Major Amendment process, the applicant must meet the “need” and “locational factors” of Statewide Planning Goal 14: Urbanization, equivalent to Metro’s legislative amendment process. Briefly, the “need” criteria address:

- A demonstrated need to accommodate long-range urban population consistent with a 20-year forecast;
- A demonstrated need for land suitable to accommodate housing, employment opportunities and other uses such as public facilities, parks and schools; and
- A demonstration that the need cannot be reasonably accommodated on land already inside the UGB.

The “locational factors” criteria address:

- The efficient accommodation of the need;
- Orderly and economic provision of public facilities and services;
- Comparative environmental, energy, economic and social consequences; and
- The compatibility of the proposed urban use with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Proposed Additional Metro Code Requirements for Residential Major Amendments

In addition to the existing code requirements noted above, this ordinance would require an application for a Major Amendment for residential uses to address additional quantitative and qualitative criteria including a demonstration that the land proposed for addition to the UGB can meet the following:

- Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;
- Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;
- Can be designed to be walkable and serviced by a well-connected system of streets by appropriate and financially capable service providers; and
- Can be designed to preserve and enhance natural ecological systems.

Finally, the applicant must also submit a written statement adopted by the elected officials of the jurisdiction responsible for land use planning of the land to be added to the UGB and from the elected officials of the boards of the likely urban service providers that they are willing to provide services to the land being brought into the UGB through the Major Amendment process.

The public hearing for any Major Amendment application is before a hearings officer. The hearings officer submits a proposed order and recommendation, with findings of fact and conclusions of law and the record of the hearing, for consideration by the Metro Council. The Council shall allow oral and written arguments by participants in the proceedings before the hearings officer. The Council shall adopt the proposed order and ordinance if the Council decides to expand the UGB, or revise or replace the findings and conclusions in a proposed order or remand the matter to the hearings officer. If the amendment is less than 100 acres the Council’s decision may be appealed to LUBA. If the amendment is over 100 acres the Council’s decision may be appealed to LCDC and then the Court of Appeals.

ANALYSIS/INFORMATION

Known Opposition: Staff is not aware of any formal statements of opposition, but it has come to staff’s attention that 1000 Friends of Oregon opposes this ordinance.

Legal Antecedents: The Metro Regional Framework Plan and Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserves Procedures) authorize amending the urban growth boundary through a Major Amendment process.

Anticipated Effects: The adoption of Ordinance 07-1154 will provide the opportunity to amend the UGB for residential uses through the Major Amendment process. It is not possible to know how many applications will be received, if any, but Metro staff has responded to numerous inquiries since 2001, when the code was changed to eliminate housing from the Major Amendment process, regarding the possibility for adding residential land to the UGB through the Major Amendment process.

Budget Impacts: Under Metro Code 3.01 the applicant is required to submit a deposit with the application to cover staff time for processing the Major Amendment application. This deposit is also used to cover the cost of the hearings officer and notice requirements. The applicant will be billed for any costs beyond the initial deposit.

Due to the difficult nature of demonstrating “need” as defined by Goal 14 during the period between Metro’s analysis of the buildable land supply under ORS 197.299 (1) and the additional financial and qualitative design criteria that will need to be evaluated, considerable staff time will be necessary to process Major Amendment applications for residential uses.

The application processing time period for a Major Amendment is 40 calendar days. Due to this relatively short time period and the extensive amount of work necessary to evaluate the application, write the staff report, and coordinate the hearing before the hearings officer, it will be necessary to re-allocate some staff duties exclusively to this work in both the Long Range Planning and Data Resource Center sections of the Planning Department to meet the deadline.

If the proposed Major Amendment would add more than 100 acres to the UGB, Metro code requires staff to prepare a report on the effect of the proposed amendment on existing residential neighborhoods that addresses the following (per Metro Code Section 3.01.025(h)):

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 facilities and services, police and fire services, public schools, emergency services and parks and open spaces.

As this additional report is a requirement Metro has imposed upon itself and is not part of the application requirements, the staff time to complete this report is not covered by the deposit submitted by the applicant.

In addition, if the proposed Major Amendment would add more than 100 acres to the UGB, Metro would have to submit the amendment to LCDC in the manner provided for periodic review, according to ORS 197.626. The deposit submitted by the applicant does not cover the time spent by staff completing this process.

It is not possible to specify the budget impact at this time. Redeployment of existing staff using currently budgeted resources will be feasible if we receive only a limited number of applications for major amendment. If a significant number are received, and particularly if several applications involve more than 100 acres, it is unlikely that the required work can be performed timely within existing resources. Should that occur, we would return to Council for direction to reduce or eliminate certain existing work or authorization to increase resources, either temporary staff or purchased services, during the processing of the amendments.

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 and services, public schools, natural areas, land trades and other non-housing 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), (c) and (d) 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 Council incidentally adds land to the UGB for housing in order to facilitate a trade, 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 2040 Growth Concept plan designation for the area.] If the applicant proposes an amendment to the UGB to add land for residential use, the applicant shall also demonstrate that the land proposed for addition to the UGB:**

(1) ~~Can~~Will be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;

(2) ~~Can~~Will be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;

(3) ~~Can~~Will be designed to be walkable and ~~service~~
be serviced by a well-connected system of streets by appropriate
and financially capable service providers; and

(4) ~~Can~~Will be designed to preserve and enhance
natural ecological systems.

(5) Has been master planned and the plan has been
approved by the city or county that will be responsible for
providing public facilities and services to the land to be
added to the UGB.

(6) Is likely to be developed consistent with the
publicly approved master plan within a reasonable period of
time established by the city or county that will provide public
facilities and services to the land

OPTION: Includes at least one Center, as defined by
Metro Code section 3.07.610, that would achieve at least the
persons per gross acre specified for Centers in Metro Code
section 3.07.170, or will contribute demonstrably to a nearby
Center within the UGB;

OPTION: Can be designed to support service by public
transit at the frequent service level prescribed by TriMet;

OPTION: Can be planned, pursuant to Title 11 of the
Urban Growth Management Functional Plan, within six months of
addition to the UGB, and provided by public facilities and
services, as defined in section 3.01.010 of this chapter,
without contingent financing.

(d) If the applicant proposes to amend the UGB to add land
for residential use, the applicant shall submit a written
statement, adopted by the elected officials of the city or
county likely to be responsible for land use planning of the
land to be added to the UGB and from the elected officials of
the boards of likely providers of public facilities and
services, as defined in section 3.01.010 of this chapter, that
they are willing to provide services to the land.