

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF PROVIDING)	RESOLUTION NO. 81-260
FOR WAIVERS OF THE JULY 1 DEADLINE)	
FOR PETITIONS FOR LOCATIONAL)	Introduced by the Regional
ADJUSTMENTS OF METRO'S URBAN)	Development Committee
GROWTH BOUNDARY)	

WHEREAS, The Council adopted Ordinance No. 81-105, for the Purpose of Establishing Procedures for Locational Adjustments to Metro's Urban Growth Boundary; and

WHEREAS, Section 4(a) of Ordinance No. 81-105 states that: "Except as provided in subsection (b) of this section, petitions for locational adjustment shall be considered by the District at one time each year beginning July 1 and petitions filed after July 1 of each year shall not be considered until July of the next calendar year."; and

WHEREAS, Section 4(b) of Ordinance No. 81-105 states that: "Upon request by a Councilor or the Executive Officer, the Council may, by majority vote, waive the July 1 filing deadline for a particular petition or petitions and hear such petition or petitions at any time."; and

WHEREAS, The City of Portland has made an outstanding effort to prepare a petition for a trade pursuant to Section 8(c) of Ordinance No. 81-105; and

WHEREAS, the City of Portland, in a June 25 letter from Planning Director Terry Sandblast, has asked the Executive Officer to request that the Council approve a waiver of the deadline for its petition; and

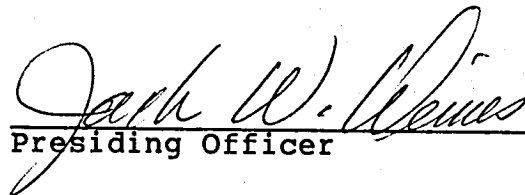
WHEREAS, Other petitioners who have made a good faith effort to complete their petitions by July 1 may require a waiver if the affected local government has not completed its recommendation within three weeks of the July 1 deadline; now, therefore,

BE IT RESOLVED,

1. That the July 1 deadline for petitions for locational adjustments to Metro's UGB is waived for the City of Portland's petition, which will be accepted for hearing following affirmative action by the Portland City Council on the request.

2. That the July 1 deadline be extended to September 1, 1981, for petitions for locational adjustments which the Executive Officer determines were substantially commenced prior to July 1, 1981.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of July, 1981.


Presiding Officer

JH/srb
3571B/236
07/23/81

A G E N D A M A N A G E M E N T S U M M A R Y

Res 81-260

TO: Metro Council
FROM: Executive Officer
SUBJECT: Providing for Waivers of the July 1 Deadline for Petitions
for Locational Adjustments of Metro's Urban Growth Boundary

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adoption of the attached Resolution providing for waiving the July 1 deadline for petitions for locational adjustment.
- B. POLICY IMPACT: Ordinance No. 81-105, establishing procedures for locational adjustments, establishes a July 1 deadline for petitions to be heard this year but allows the Council to waive this deadline by majority vote. The Ordinance also provides that petitions must be accompanied by a local recommendation if such a recommendation is requested within six months of submission. The action proposed is consistent with allowing local jurisdictions up to six months to act on a request for a recommendation while still maintaining some limits on the period during which the Council will act on petitions.
- C. BUDGET IMPACT: Estimated fees from petitions for locational adjustments have been included as a revenue source in the FY 82 budget. The number of petitions accepted for hearing will affect the accuracy of this estimate.

II. ANALYSIS:

- A. BACKGROUND: Ordinance No. 81-105 was adopted March 5, 1981. Staff began meeting with potential applicants and affected local jurisdictions during March, and mailed an information packet, including final petition forms, to all interested parties in April.

City of Portland staff have been working since that time to prepare a petition for a trade involving a number of property owners. Because the City's petition to Metro is being undertaken in conjunction with petitions to the Boundary Commission to annex or de-annex some of the properties affected, it has been a lengthy process which is not yet complete. In consequence, the City is requesting that the July 1 deadline be waived to allow them to submit their petition following City Council action in mid-July (see attached letter). Staff believes that the City should be supported in its efforts to put together a trade in order to allow for Metro consideration

of certain proposed additions which could not otherwise be heard under the rules for locational adjustments and that their request for a waiver should be approved.

Four petitions were received by July 1, but none had yet received a local recommendation. Three additional petitions were received the next week following local action on a recommendation. Ordinance No. 81-105 allows up to three weeks for petitions submitted by July 1 to be completed if information is missing. Thus, if the affected local governments act by July 22, no waiver for the first four petitions will be necessary. Although hearings are scheduled on all petitions prior to July 22, final action may in some cases be delayed beyond that date, necessitating a waiver of the deadline.

The Development Committee, at its July 6 meeting, recommended that the Council adopt the attached Resolution granting the Executive Officer the authority to waive the deadline for petitions in process by July 1. Staff believes it is appropriate to waive the deadline in cases where the applicants have been making a good faith effort to complete petitions by July 1 but have been delayed only because the process was late in starting this year.

- B. ALTERNATIVES CONSIDERED: No waiver of the July 1 deadline would be unfair to applicants who have been making every effort to complete petitions on schedule since Ordinance No. 81-105 was adopted. A blanket waiver for all petitions which might be received through September 1 would, however, unnecessarily and inappropriately extend the process by allowing new applicants who have not yet begun the process for local review to seek consideration this year. Council action on individual requests for waivers on a case-by-case basis would entail delays in hearing petitions by a month or more.
- C. CONCLUSION: An outright waiver for the City of Portland is warranted by the magnitude of the proposed petition and the active efforts of City staff to complete the petition as rapidly as possible. Waiver of the deadline for other petitions received subject to approval of the Executive Officer is the most appropriate way to allow some flexibility in the first year of Ordinance No. 81-105's operation without abandoning the concept of once-a-year hearing process.

JH/srb
3569B/236
07/09/81