

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING THE )  
EXECUTIVE OFFICER TO REVIEW AND )  
APPROVE METRO'S RECOMMENDATIONS )  
TO THE LAND CONSERVATION AND )  
DEVELOPMENT COMMISSION (LCDC) ON )  
REQUESTS FOR COMPLIANCE )  
ACKNOWLEDGEMENT )

RESOLUTION NO. 82-303

Introduced by the Regional  
Development Committee

WHEREAS, The governing body of Metro is the designated  
planning coordination body under ORS 197.190(1); and

WHEREAS, The Metro Council has exercised this  
responsibility by acting to review and approve staff recommendations  
on Compliance Acknowledgement requests; and

WHEREAS, Metro Council review and approval of such staff  
recommendations cannot in every case be completed within the  
forty-five (45) days available from the time notice of a Compliance  
Acknowledgement request is received and the time comments on that  
request are due; and

WHEREAS, Under OAR 660-03-025(2), comment within forty-five  
(45) days is necessary to preserve Metro's right to take exception  
when appropriate to the report and recommendations by the Department  
of Land Conservation and Development (DLCD); and

WHEREAS, Metro Council policy on the review of Compliance  
Acknowledgement requests has been established through action on past  
reviews and may be applied appropriately in future review by the  
Executive Officer; now, therefore,

BE IT RESOLVED,

1. That the Council authorize the Executive Officer to  
review and approve Metro recommendations to LCDC on requests by  
Metro area jurisdictions for Acknowledgement of Compliance.

2. That the Executive Officer shall provide the affected Metro Councilor(s) with a copy of his recommendation and the full Council with a summary of all actions.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
Presiding Officer

JH/srb  
5181B/283  
02/12/82

*Failed  
to pass  
A-1-82*



METROPOLITAN SERVICE DISTRICT  
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

## MEMORANDUM

Date: December 30, 1981  
To: Regional Development Committee  
From: Jill Hinckley, Land Use Coordinator  
Regarding: Revised Plan Review Process

Beginning with the Forest Grove Comprehensive Plan, being reviewed this month, we will be following a new process for plan reviews that brings them to the Regional Development Committee for review only at the request of a jurisdiction or interest group or on the recommendation of Metro staff, when Committee review is needed to resolve a significant policy issue. In other cases, the review and recommendation to LCDC will be issued by the Executive Officer. This procedure is the same as that currently being followed for acknowledgment reviews of plans returning to LCDC on a continuance order.

The immediate reason for this change is new acknowledgment procedures adopted by LCDC in order to implement the relevant portions of HB 2225.

The new procedures establish a process (similar to Metro's procedure for contested cases) whereby written exceptions to the DLCD report may be filed and only parties who have filed written exceptions have the right to testify at the LCDC hearing. Further, only parties whose comments are received by the 45-day comment deadline may file exceptions to the DLCD report.

Because of the amount of time necessary to complete a review and process it through the Regional Development Committee and the Council, Metro is not able to complete its reviews by the comment deadline unless the 45-day notice is received at a time that fortuitously fits Metro's meeting schedule. For example, notice of a January 15 comment deadline for Forest Grove was received on December 1, following the agenda deadline for the Committee's December meeting. A review forwarded to the Committee in January could not be acted on by the Council until January 28, two weeks after the comment deadline. In the past, failure to meet the comment deadline has not affected Metro's ability to have its recommendations considered by both DLCD and LCDC. Under the new procedures, however, we would not only lose our ability to comment to LCDC, but it would be more difficult for DLCD to consider our comments in preparing their report, since the DLCD report itself must be issued earlier in order to

provide opportunity for exceptions to be filed. In order to preserve our role in the acknowledgment process, therefore, it is necessary to revise our process to allow the Executive Officer to issue his recommendation directly to LCDC.

There are two other reasons why such a change is desirable. First, Metro's and LCDC's plan review policy has been well established through past reviews and both Metro and LCDC are committed to avoid any changes in the "rules of the game" at this late date in the process. Thus, plan review has become a technical and administrative function of applying established policy and standards to a particular plan rather than a policy-setting function involving the definition and interpretation of regional interests in the broad State Goal requirements. Therefore, recent plan reviews have rarely raised issues requiring Committee deliberation and decision and have been forwarded to the Council on the consent agenda.

Second, the length of the current process makes it difficult to get productive comments and discussion from other participants in the acknowledgment process in a timely fashion. Metro hosts a plan review work session several weeks preceding Committee review of a particular plan in order to provide the jurisdiction with an opportunity to respond to and, often, resolve potential problems before they are formulated as objections, and to allow Metro to consider any objections that may be filed with LCDC, and any problems identified by DLCD, before it completes its recommendations. However, the work sessions occur so far in advance of the comment deadline that few participants have completed their reviews. Often, many participants, DLCD understandably among them, have not even begun them at the time of the work session. As a result, the work sessions are far less useful to Metro, DLCD, and the local jurisdictions than they would be if they occurred closer to the comment deadline. Such a rescheduling of the work sessions, however, is only possible if Metro has the ability to complete and issue its review more expeditiously than is possible when Council action is required.

For these reasons, we believe the new process will allow Metro to continue and to enhance its role in plan review most effectively. Staff will provide regular reports to the Committee on plan reviews completed and, as explained above, will continue to seek Committee direction on issues that require significant new policy determinations.

JH:le  
4926B/D4

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

TO: Metro Council  
FROM: Executive Officer  
SUBJECT: Authorizing the Executive Officer to Review and Approve Metro's Recommendations to the Land Conservation and Development Commission (LCDC) on Requests for Compliance Acknowledgement

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adoption of the attached Resolution for the purpose of authorizing the Executive Officer to review and approve Metro's recommendation to LCDC on requests for Compliance Acknowledgement.
- B. POLICY IMPACT: None. Council policy on plan reviews is well established; the action requested will simply allow established policy to be applied to individual plans more expeditiously.
- C. BUDGET IMPACT: None.

II. ANALYSIS:

- A. BACKGROUND: The basis for this action is explained in the attached staff memo. Subsequent review of the statutes and discussion with Department of Land Conservation and Development (DLCD) staff suggest that Council action to formally delegate plan review authority to the Executive Officer is desirable. The Regional Development Committee recommended adoption of the attached Resolution at its February 8 meeting. The Council referred the matter back to Committee at its February 25 meeting. Following consideration and discussion of a memo from Councilor Burton expressing some concerns about the proposed action, the Development Committee re-endorsed adoption at its March 8 meeting.
- B. ALTERNATIVES CONSIDERED: The alternative of continued Council action on plan review is considered impractical and unnecessary for the reasons discussed in the attached memo.
- C. CONCLUSION: Adoption of the attached Resolution will allow Metro to continue to participate in acknowledgement proceedings in an effective and expeditious manner.

JH/srb  
5519B/107  
03/12/82