

EXECUTIVE ORDER NO. 37

EFFECTIVE DATE: November 9, 1987

SUBJECT: ADMINISTRATIVE PROCEDURES RELATED TO HEARING PETITIONS TO
AMEND THE URBAN GROWTH BOUNDARY

Closing Cases

Normally a hearing on a petition is scheduled as soon as practical following receipt of a valid petition to amend the Urban Growth Boundary (UGB). On occasion, however, following submittal of a valid petition, a petitioner requests additional time before a hearing is scheduled or closed. Such requests should be accommodated within reason, but only to the point beyond which the delay would create an administrative burden.

If a case is not ready for hearing within 11 months from the date it was submitted, the case should be closed and any unexpended portion of the filing fee and Hearings Officer deposit refunded. Notice of Intent to close a case file should be provided to petitioner at least 30 days before the date the file would be closed.

Hearing Time and Location

Hearings on petitions for UGB amendment may be scheduled for the Council chamber at Metro during work hours except when:

1. The size and location of the proposed amendment, or other circumstances, suggest that citizens may want to testify;
2. The affected area is more than an approximately 20-minute drive by private automobile from Metro; and
3. An appropriate hearing room can be found that is at least an approximately ten-minute drive closer to the affected area.

When citizen participation is expected, the hearing should be scheduled in the evening whenever practicable.

Remands

If a decision to approve a petition for UGB amendment is remanded from the Land Use Board of Appeals (LUBA) or higher court, and if neither Metro nor the petitioner appeals that decision, then Metro General Counsel shall determine the character and scope of the proceedings needed to respond to the remand and, as appropriate, ask petitioner to: (1) submit new proposed findings for staff to review and revise as needed to present to Council (along with any exceptions filed by the appellant or other parties); or (2) present new evidence or argument to the Hearings Officer as needed and to submit a deposit to cover estimated Hearings Officer costs for the new proceeding. If

petitioner does not respond to such a request within three months of its issuance, or when it notifies Metro in writing that it has decided not to proceed with the case, then the Metro Council shall be asked by the Executive Officer to adopt an order denying the petition without prejudice.

If an initial order denying a petition is remanded, General Counsel shall determine the character and scope of the proceedings needed to respond to this remand.

ORDERED this 6th day of November, 1987.



Rena Cusma, Executive Officer

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