

# Metro | Agenda

MEETING: METRO COUNCIL WORK SESSION  
DATE: June 29, 2010  
DAY: Tuesday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

## CALL TO ORDER AND ROLL CALL

- 2:00 PM**     1.     **ADMINISTRATIVE/CHIEF OPERATING OFFICER COMMUNICATIONS**
- 2:15 PM**     2.     **REFINING THE MAKING THE GREATEST PLACE COMMUNITY INVESTMENT STRATEGY:**
- Outcome(s):
- Council input on the analysis of potential expansion areas
  - Confirm approach to consolidating UGB provisions and Council input on maintaining inventory of large lot industrial sites
- 2:20PM**     3.     **Elements of a Community Investment Strategy**     Robin McArthur
- 2:30PM**     4.     **Analysis of potential Urban Growth Boundary expansion areas**
- Analyzing locational factors     Tim O'Brien
  - Assessing infrastructure costs     Group McKenzie
- 3:30 PM**     5.     **Using the UGB amendment procedures as a growth management tool**
- Consolidating and updating UGB provisions     Dick Benner
  - Establishing an expedited process to maintain an inventory of large lot industrial sites within the region  
Dick Benner/Malu Wilkinson
  - Establishing new section on the "official" map of the UGB and urban and rural reserves     Dick Benner
- 4:30 PM**     6.     **COUNCIL BRIEFINGS/COMMUNICATION**
7.     **EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(2)(i)** To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

**ADJOURN**



# METRO COUNCIL

## Work Session Worksheet

Presentation Date: 06/29/10 Time: \_\_\_\_\_ Length: 120 min

Presentation Title: Refining the Making the Greatest Place Community Investment Strategy

Service, Office, or Center:

Planning and Development Services

Presenters (include phone number/extension and alternative contact information):

Robin McArthur (x1714); Tim O'Brien (x1840) & Matt Butts, Group MacKenzie; Dick Benner (x1532); Malu Wilkinson (x1680)

### **ISSUE & BACKGROUND**

An element of the integrated investment strategy that the Council will be considering this year is to determine the best approach for addressing the region's 20-year population and employment forecast growth while supporting the six outcomes.

The urban growth report (UGR), endorsed by MPAC and accepted by the Metro Council in December 2009, identified the capacity of the region's urban growth boundary (UGB) to accommodate the next 20 years of expected population and employment growth. The 2009 UGR was intended foster the development of an outcomes-based approach to growth management decision-making. The UGR identified a gap between the forecast demand and the amount of zoned capacity that is likely to be developed in the next 20 years for residential and large-lot industrial parcels that support the traded-sector.

The region can fill the identified capacity gap through actions that promote more efficient use of zoned capacity inside the current UGB, or by expanding the UGB, or a combination of both. Throughout 2010, Metro will be working with local governments individually and through MTAC and MPAC to identify and adopt local and regional actions that will achieve greater efficiencies within the existing UGB and minimize the need for UGB expansion at the end of the year.

Staff has been bringing pieces of the work to support a 2010 growth management decision to the Council over the last few months, some key dates that relate to the topics to be discussed on June 29 are:

- April 27, 2010: the analytical approach for potential expansion areas to be considered as part of a growth management decision in 2010
- June 22, 2010: overview of regional policy changes to support Making the Greatest Place

At the June 29<sup>th</sup> Council Work Session staff will bring the following pieces for discussion:

- A discussion of the analytical approach and preliminary findings for potential UGB expansion areas;
- Review of proposal to consolidate and refine UGB amendment procedures from general Metro Code into a new Functional Plan Title 14;
- Proposal for implementing the MPAC Employment Subcommittee recommendation on maintaining a supply of large sites in the region to support the traded sector economy.

### **OPTIONS AVAILABLE**

The state requires that Metro identify at least 50% (up to 100%) of the capacity needed to fill the identified gap by the end of 2010, and the remainder (which must be outside the current UGB) by 2011.

### **IMPLICATIONS AND SUGGESTIONS**

This is an informational presentation on the process staff is completing, based on the UGB Legislative Amendment Factors in Metro Code Section 3.01.020, to analyze selected urban reserve areas for inclusion in the UGB. Results of this analysis will be used if the Council determines that a UGB expansion is needed to fill the gap identified in the UGR.

### **QUESTION(S) PRESENTED FOR CONSIDERATION**

- Is the Metro Council comfortable with the methodology staff is undertaking to analyze the potential UGB expansion areas to address the Legislative Amendment Factors in Metro Code Section 3.01.020?
- Does the Council support the staff proposal to consolidate and refine the UGB amendment procedures?
- Are there any refinements to the proposal to maintain a supply of large industrial sites in the region?

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION  Yes  No**  
**DRAFT IS ATTACHED  Yes  No**

**DRAFT**  
June 23, 2010  
**Exhibit L to Ordinance No. 10-XXXX**

Title 14 is added to the Urban Growth Management Functional Plan

**TITLE 14: URBAN GROWTH BOUNDARY**

3.07.1405 Purpose

The Regional Framework Plan (RFP) calls for a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form. Title 14 prescribes criteria and procedures for amendments to the urban growth boundary (UGB) to achieve these objectives.

3.07.1410 Urban Growth Boundary

- A. The UGB for the metropolitan area is incorporated into this title and is depicted on the Urban Growth Boundary and Urban and Rural Reserves Map. Cities and counties within the Metro boundary shall depict the portion of the UGB, if any, that lies within their boundaries on their comprehensive plan maps. Within 21 days after an amendment to the UGB under this title, the COO shall submit the amended UGB to the city and county in which the amended UGB lies. The city and county shall amend their comprehensive plan maps to depict the amended UGB within one year following receipt of the amendment from the COO.
  
- B. Urban and Rural Reserves are depicted on the Urban Growth Boundary and Urban and Rural Reserves Map. Amendments to the UGB made pursuant to this title shall be based upon this map.

3.04.1420 Legislative Amendment to UGB - Procedures

- A. Legislative amendments follow periodic analysis of the capacity of the UGB and the need to amend it to accommodate long-range growth in population and employment. The Metro Council shall initiate a legislative amendment to the UGB when required by state law and may initiate a legislative amendment when it determines there is a need to add land to the UGB.
  
- B. Except as otherwise provided in this title, the Council shall make legislative amendments to the UGB by ordinance

in the manner prescribed for ordinances in Chapter VII of the Metro Charter. For each legislative amendment, the Council shall establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other advisory committees and the general public.

- C. Notice to the public of a proposed legislative amendment of the UGB shall be provided as prescribed in Section 3.07.1465 of this title.
- D. Prior to the final hearing on a proposed legislative amendment of the UGB in excess of 100 acres, the COO shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods. The COO shall provide copies of the report to all households located within one mile of the proposed amendment area and to all cities and counties within the district at least 20 days prior to the hearing. The report shall address:
  - 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.
- E. The Council shall base its final decision on information received by the Council during the legislative process.

3.07.1425 Legislative Amendment to the UGB - Criteria

- A. This section sets forth the factors and criteria for amendment of the UGB from state law and the Regional Framework Plan. Compliance with this section shall constitute compliance with statewide planning Goal 14 (Urbanization) and the Regional Framework Plan.
- B. The Council shall determine whether there is a need to amend the UGB. In determining whether a need exists, the Council may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable

for an identified need. The Council's determination shall be based upon:

1. Demonstrated need to accommodate long-range urban population, consistent with a 20-year population range forecast coordinated with affected local governments; and
  2. Demonstrated need for land suitable to accommodate housing, employment opportunities, livability or uses such as public facilities and services, schools, parks, open space, or any combination of the foregoing in this paragraph; and
  3. A demonstration that any need shown under paragraphs 1 and 2 of this subsection cannot reasonably be accommodated on land already inside the UGB.
- C. If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB, and, consistent with ORS 197.298, shall determine which areas better meet the need considering the following factors:
1. Efficient accommodation of identified land needs;
  2. Orderly and economic provision of public facilities and services;
  3. Comparative environmental, energy, economic and social consequences; and
  4. Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.
  5. Equitable and efficient distribution of housing and employment opportunities throughout the region;
  6. Contribution to the purposes of Centers and Corridors;
  7. Protection of farmland that is most important for the continuation of commercial agriculture in the region;
  8. Avoidance of conflict with regionally significant fish and wildlife habitat; and
  9. Clear transition between urban and rural lands, using natural and built features to mark the transition.

- D. The Council may consider land not designated urban or rural reserve for possible addition to the UGB only if it determines that:
  - 1. Land designated urban reserve cannot reasonably accommodate the need established pursuant to subsection B of this section; or
  - 2. The land is subject to a concept plan approved pursuant to section 3.07.1110, involves no more than 50 acres not designated urban or rural reserve and will help the concept plan area urbanize more efficiently and effectively.
- E. The Council may not add land designated rural reserve to the UGB.
- F. The Council may not amend the UGB in such a way that would create an island of urban land outside the UGB or and island of rural land inside the UGB.

3.07.1430 Major Amendments - Procedures

- A. A city, a county, a special district or a property owner may initiate a major amendment to the UGB by filing an application on a form provided by Metro. The COO will accept applications for major amendments between February 1 and March 15 of each calendar year except that calendar year in which the Council is completing its analysis of buildable land supply under ORS 197.299(1). Upon a request by a Metro Councilor and a finding of good cause, the Metro Council may accept an application at other times by a vote of five members of the Council.
- B. Except for that calendar year in which the Council is completing its analysis of buildable land supply, the COO shall give notice of the March 15 deadline for applications for major amendments not less than 120 days before the deadline and again 90 days before the deadline in a newspaper of general circulation in Metro and in writing to each city and county in Metro and anyone who has requested notification. The notice shall explain the consequences of failure to file before the deadline and shall specify the Metro representative from whom additional information may be obtained.

- C. With the application, the applicant shall provide the names and addresses of property owners for notification purposes, consistent with Section 3.07.1465. The list shall be certified as true and accurate as of the specified date by a title company, a county assessor or designate of the assessor or the applicant.
- D. The applicant shall provide a written statement from the governing body of each city or county with land use jurisdiction over the area and any special district that has an agreement with that city or county to provide an urban service to the area that it recommends approval or denial of the application. The Council may waive this requirement if the city, county or special district has a policy not to comment on major amendments, or has not adopted a position within 120 days after the applicant's request for the statement. The governing body of a local government may delegate the decision to its staff.
- E. The COO will determine whether an application is complete and will notify the applicant of the determination within seven working days after the filing of the application. The COO will dismiss an application and return application fees if a complete application is not received within the 14 days after the notice of incompleteness.
- F. Within 14 days after receipt of a complete application, the COO will:
  - 1. Set the matter for a public hearing before a hearings officer for a date no later than 55 days following receipt of a complete application; and
  - 2. Notify the public of the public hearing as prescribed in Section 3.07.1465 of this Title.
- G. The COO shall submit a report and recommendation on the application to the hearings officer not less than 15 days before the hearing and send copies to the applicant and others who have requested copies. Any subsequent report by the COO to be used at the hearing shall be available to the public at least seven days prior to the hearing.
- H. If the proposed major amendment would add more than 100 acres to the UGB, the COO shall prepare a report on the effect of the proposed amendment on existing residential

neighborhoods in the manner prescribed in subsection D of Section 3.07.1420.

- I. An applicant may request postponement of the hearing within 20 days after filing a complete application. The COO may postpone the hearing for no more than 60 days. If the applicant fails to request rescheduling within 90 days after the request for postponement, the application shall be considered withdrawn and the COO will return the unneeded portion of the fee deposit assessed pursuant to Section 3.07.1460.
- J. Participants at a hearing before a hearings officer need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.
- K. Failure of the applicant to appear at the hearing shall be grounds for dismissal of the application unless the applicant requests a continuance prior to the hearing. The applicant has the burden of demonstrating that the proposed amendment complies with the criteria.
- L. The hearings officer shall provide the following information to participants at the beginning of the hearing:
  - 1. The criteria applicable to major amendments and the procedures for the hearing;
  - 2. A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal; and
  - 3. A statement that failure to raise an issue in a manner sufficient to afford the hearings officer and participants an opportunity to respond to the issue precludes appeal of that issue.
- M. The hearing shall be conducted in the following order:
  - 1. Presentation of the report and recommendation of the COO;

2. Presentation of evidence and argument by the applicant;
  3. Presentation of evidence and argument in support of or opposition to the application by other participants; and
  4. Presentation of rebuttal evidence and argument by the applicant.
- N. The hearings officer may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the hearings officer grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. A reasonable opportunity shall be provided at the continued hearing for persons to present and rebut new evidence.
- O. If new evidence is submitted at the continued hearing, the hearings officer may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the hearings officer grants the request, the record shall be left open for at least seven days. Any participant may respond to new evidence during the period the record is left open.
- P. Cross-examination by parties shall be by submission of written questions to the hearings officer, who shall give participants an opportunity to submit such questions prior to closing the hearing. The hearings officer may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.
- Q. A verbatim record shall be made of the hearing, but need not be transcribed unless necessary for appeal.
- R. The hearings officer may consolidate applications for hearing after consultation with Metro staff and applicants. If the applications are consolidated, the hearings officer shall prescribe rules to avoid duplication or inconsistent findings, protect the rights of all participant, and allocate the charges on the basis of cost incurred by each applicant.

- S. Within 15 days following the close of the record, the hearings officer shall submit a proposed order, with findings of fact and conclusions of law and the record of the hearing, to the COO, who shall make it available for review by participants.
- T. Within seven days after receipt of the proposed order from the hearings officer, the COO shall set the date and time for consideration of the proposed order by the Council, which date shall be no later than 40 days after receipt of the proposed order. The COO shall provide written notice of the Council meeting to the hearings officer and participants at the hearing before the hearings officer, and shall post notice of the hearing at Metro's website, at least 10 days prior to the meeting.
- U. The Council shall consider the hearings officer's report and recommendation at the meeting set by the COO. The Council will allow oral and written argument by those who participated in the hearing before the hearings officer. Argument must be based upon the record of those proceedings. Final Council action shall be as provided in Section 2.05.045 of the Metro Code. The Council shall adopt the order, or ordinance if the Council decides to expand the UGB, within 15 days after the Council's consideration of the hearings officer's proposed order.

3.07.1435 Major Amendments - Expedited Procedures

- A. A city, a county or Metro may file an application at any time to add land to the UGB for industrial use by major amendment following the expedited procedures in this section by filing an application on a form provided by Metro. An application under this section remains subject to subsections C, D, E, H, I, K, M, Q and V of Section 3.07.1430.
- B. Within 10 days after receipt of a complete application, the Council President will:
  - 1. Set the matter for a public hearing before the Council for a date no later than 55 days following receipt of a complete application; and
  - 2. Notify the public of the public hearing as prescribed in Section 3.07.1465 of this chapter.

- C. The COO shall submit a report and recommendation on the application to the Council not less than 15 days before the hearing and send copies to the applicant and others who have requested copies. Any subsequent report by the COO to be used at the hearing shall be available to the public at least seven days prior to the hearing.
- D. Participants at the hearing need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.
- E. The Council President shall provide the following information to participants at the beginning of the hearing:
  - 1. The criteria applicable to major amendments and the procedures for the hearing;
  - 2. A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal.
- F. The Council President may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the Council President grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. A reasonable opportunity shall be provided at the continued hearing for persons to present and rebut new evidence.
- G. If new evidence is submitted at the continued hearing, the Council President may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the Council President grants the request, the record shall be left open for at least seven days. Any participant may respond to new evidence during the period the record is left open.
- H. The Council President may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.

- I. Within 15 days following the close of the record, the Council shall adopt:
  - 1. An ordinance, with findings of fact and conclusions of law, that amends the UGB to add all or a portion of the territory described in the application; or
  - 2. A resolution adopting an order, with findings of fact and conclusions of law, that denies the application.

3.07.1440 Major Amendments - Criteria

- A. The purpose of the major amendment process is to provide a mechanism to address needs for land that cannot wait until the next analysis of buildable land supply under ORS 197.299. Land may be added to the UGB under sections 3.07.1430 and 3.07.1440 only for public facilities and services, public schools, natural areas, land trades and other non-housing needs. An applicant under section 3.07.1430 must demonstrate compliance with this purpose and these limitations.
- 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, D, E, F and G of Section 3.07.1425 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; and
  - 2. If the amendment would add land for public school facilities, a conceptual school plan as described in subsection C(5) of Section 3.07.1120 has been completed.
- C. If the application was filed under Section 3.07.1435, the applicant shall demonstrate that the amendment is consistent with any Concept Plan for the area developed pursuant to section 3.07.1110 of Title 11 of the Urban Growth Management Functional Plan.
- D. If the Council incidentally adds land to the UGB for housing in order to facilitate a trade, the Council shall designate an average density for the area.

### 3.07.1445 Minor Adjustments - Procedures

- A. Minor adjustments make small changes to the UGB so that land within the UGB functions more efficiently and effectively. A city, a county, a special district, Metro or a property owner may initiate a minor adjustment to the UGB by filing an application on a form provided by Metro. The application shall include a list of the names and addresses of owners of property within 100 feet of the land involved in the application. The application shall also include the positions on the application of appropriate local governments and special districts, in the manner required by subsection D of Section 3.07.1430.
- B. The COO will determine whether an application is complete and shall notify the applicant of the determination within ten working days after the filing of the application. If the application is not complete, the applicant shall complete it within 14 days of notice of incompleteness. The COO will dismiss an application and return application fees if a complete application is not received within 14 days of the notice of incompleteness.
- C. Notice to the public of a proposed minor adjustment of the UGB shall be provided as prescribed in Section 3.07.1465 of this title.
- D. The COO shall review the application for compliance with the criteria in Section 3.07.1450 of this title and shall issue an order with analysis and conclusions within 90 days of receipt of a complete application. The COO shall send a copy of the order to the applicant, the city or county with jurisdiction over the land that is the subject of the application, to each member of the Council and any person who requests a copy.
- E. The applicant or any person who commented on the application may appeal the COO's order to the Council by filing an appeal on a form provided by Metro within 14 days after receipt of the order. A member of the Council may request in writing within 14 days of receipt of the order that the decision be reviewed by the Council. The Council shall consider the appeal or Councilor referral at a public hearing held not more than 60 days following receipt of a timely appeal or referral.

- F. Notice to the public of a Council hearing on a proposed minor adjustment to the UGB shall be provided as prescribed in Section 3.07.1465 of this chapter.
- G. Following the hearing, the Council shall uphold, deny or modify the COO's order. The Council shall issue an order with its analysis and conclusions and send a copy to the appellant, the city or county with jurisdiction over the land that is the subject of the application and any person who requests a copy.

3.07.1450 Minor Adjustments - Criteria

- A. The purpose of this section is to provide a mechanism to make small changes to the UGB in order to make land within it function more efficiently and effectively. It is not the purpose of this section to add land to the UGB to satisfy a need for housing or employment. This section establishes criteria that embody state law and Regional Framework Plan policies applicable to minor adjustments.
- B. Metro may adjust the UGB under this section only for the following reasons: (1) to site roads and lines for public facilities and services; (2) to trade land outside the UGB for land inside the UGB; or (3) to make the UGB coterminous with nearby property lines or natural or built features.
- C. To make a minor adjustment to site a public facility line or road, or to facilitate a trade, Metro shall find that:
  - 1. The adjustment will result in the addition to the UGB of no more than two net acres for a public facility line or road and no more than 20 net acres in a trade;
  - 2. Adjustment of the UGB will make the provision of public facilities and services easier or more efficient;
  - 3. Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;
  - 4. Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;

5. The adjustment will help achieve the 2040 Growth Concept;
  6. The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB; and
  7. If the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is designated urban reserve or for agriculture or forestry pursuant to a statewide planning goal.
- D. To approve a minor adjustment to make the UGB coterminous with property lines, natural or built features, Metro shall find that:
1. The adjustment will result in the addition of no more than two net acres to the UGB;
  2. Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;
  3. Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;
  4. The adjustment will help achieve the 2040 Growth Concept; and
  5. The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.
- E. Where the UGB is intended to be coterminous with the 100-year floodplain, as indicated on the map of the UGB maintained by Metro's Data Resource Center, Metro may adjust the UGB in order to conform it to a more recent delineation of the floodplain. To approve such an adjustment, Metro shall find that:
1. The delineation was done by a professional engineer registered by the State of Oregon;

2. The adjustment will result in the addition of no more than 20 net acres to the UGB;
  3. The adjustment will help achieve the 2040 Growth Concept; and
  4. The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.
- F. If a minor adjustment adds more than two acres of land available for housing to the UGB, Metro shall designate an appropriate average density per net developable acre for the area.
- G. The COO shall submit a report to the Council at the end of each calendar year with an analysis of all minor adjustments made during the year. The report shall demonstrate how the adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept.

#### 3.07.1455 Conditions of Approval

- A. Land added to the UGB pursuant to Sections 3.07.1420, 3.07.1430 or 3.07.1435 shall be subject to the requirements of sections 3.07.1120 and 3.07.1130 of Title 11, Planning for New Urban Areas, of this chapter.
- B. If the Council amends the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435, it shall:
1. In consultation with affected local governments, designate the city or county responsible for adoption of amendments to comprehensive plans and land use regulations to allow urbanization of each area added to the UGB, pursuant to Title 11. If local governments have an agreement in a concept plan developed pursuant to Title 11 that establishes responsibility for adoption of amendments to comprehensive plans and land use regulations for the area, the Council shall assign responsibility according to the agreement.
  2. Establish the 2040 Growth Concept design type designations applicable to the land added to the UGB, including the specific land need, if any, that is the basis for the amendment. If the design type

designation authorizes housing, the Council shall designate an appropriate average density per net developable acre consistent with the need for which the UGB is expanded.

3. Establish the boundaries of the area that shall be included in the planning required by Title 11. A planning area boundary may include territory designated urban reserve, outside the UGB.
  4. Establish the time period for city or county compliance with the requirements of Title 11, which shall be two years following the effective date of the ordinance adding the area to the UGB unless otherwise specified.
- C. If the Council amends the UGB pursuant to Sections 3.07.1420, 3.07.1430 or 3.07.1435, it may establish other conditions it deems necessary to ensure the addition of land complies with state planning laws and the Regional Framework Plan. If a city or county fails to satisfy a condition, the Council may enforce the condition after following the notice and hearing process set forth in Section 3.07.870 of the Urban Growth Management Functional Plan.

#### 3.07.1460 Fees

- A. Each application submitted by a property owner or group of property owners pursuant to this title shall be accompanied by a filing fee in an amount to be established by the Council. Such fee shall not exceed Metro's actual cost to process an application. The fee may include administrative costs, the cost of a hearings officer and of public notice.
- B. The fee for costs shall be charged from the time an application is filed through mailing of the notice of adoption or denial to the Department of Land Conservation and Development and other interested persons.
- C. Before a hearing is scheduled, an applicant shall submit a fee deposit. In the case of an application for a minor adjustment pursuant to Section 3.07.1445, the applicant shall submit the fee deposit with the application.
- D. The unexpended portion of an applicant's deposit, if any, shall be returned to the applicant at the time of final

disposition of the application. If hearings costs exceed the amount of the deposit, the applicant shall pay to Metro an amount equal to the costs in excess of the deposit prior to final action by the Council.

- E. The Council may, by resolution, reduce, refund or waive the fee, or portion thereof, if it finds that the fee would create an undue hardship for the applicant.

### 3.07.1465 Notice Requirements

- A. For a proposed legislative amendment under Section 3.07.1420, the COO shall provide notice of the public hearing in the following manner:
  - 1. In writing to the Department of Land Conservation and Development and local governments of the Metro region at least 45 days before the first public hearing on the proposal; and
  - 2. To the general public at least 45 days before the first public hearing by an advertisement no smaller than 1/8-page in a newspaper of general circulation in the Metro area and by posting notice on the Metro website.
- B. For a proposed major amendment under Sections 3.07.1430 or 3.07.1435, the COO shall provide notice of the hearing in the following manner:
  - 1. In writing at least 45 days before the first public hearing on the proposal to:
    - a. The applicant;
    - b. The director of the Department of Land Conservation and Development;
    - c. The owners of property that is being considered for addition to the UGB; and
    - d. The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designated for agriculture or forestry pursuant to a statewide planning goal;

2. In writing at least 30 days before the first public hearing on the proposal to:
    - a. The local governments of the Metro area;
    - b. A neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by the cities and counties whose jurisdictional boundaries include or are adjacent to the site, and to any other person who requests notice of amendments to the UGB; and
  3. To the general public by posting notice on the Metro website at least 30 days before the first public hearing on the proposal.
- C. The notice required by subsections A and B of this section shall include:
1. A map showing the location of the area subject to the proposed amendment;
  2. The time, date and place of the hearing;
  3. A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available;
  4. A statement that interested persons may testify and submit written comments at the hearing;
  5. The name of the Metro staff to contact and telephone number for more information;
  6. A statement that a copy of the written report and recommendation of the COO on the proposed amendment will be available at reasonable cost 20 days prior to the hearing; and
  7. A general explanation of the criteria for the amendment, the requirements for submission of testimony and the procedure for conduct of hearings;

8. For proposed major amendments only:
    - a. An explanation of the proposed boundary change;
    - b. A list of the applicable criteria for the proposal; and
    - c. A statement that failure to raise an issue at the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an appeal based on the issue.
  9. For the owners of property described in subsection B(1)(c) of this section, the information required by ORS 268.393(3).
- D. For a proposed minor adjustment under Section 3.07.1445, the COO shall provide notice in the following manner:
1. In writing to the director of the Department of Land Conservation and Development at least 45 days before the issuance of an order on the proposal;
  2. In writing at least 20 days before the issuance of an order on the proposal to:
    - a. The applicant and the owners of property subject to the proposed adjustment;
    - b. The owners of property within 500 feet of the property subject to the proposed adjustment;
    - c. The local governments in whose planning jurisdiction the subject property lies or whose planning jurisdiction lies adjacent to the subject property;
    - d. Any neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes the area subject to the proposed amendment and which is officially recognized as entitled to participate in land use decisions by the city or county whose jurisdictional boundary includes the subject property; and

e. Any other person requesting notification of UGB changes.

E. The notice required by subsection D of this section shall include:

1. A map showing the location of the area subject to the proposed amendment;
2. A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available;
3. A statement that interested persons may submit written comments and the deadline for the comments;
4. The name of the Metro staff to contact and telephone number for more information; and
5. A list of the applicable criteria for the proposal.

F. The COO shall notify each county and city in the district of each amendment of the UGB.