

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING)
THE URBAN GROWTH BOUNDARY)
PERIODIC REVIEW WORKPLAN)

RESOLUTION NO. 88-1021
Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Metropolitan Service District is charged with providing for those aspects of land use planning having metropolitan significance (ORS 268.030.(4)); and

WHEREAS, The Metropolitan Service District is charged with defining and applying a planning procedure which identifies and designates areas and activities having significant impact upon the orderly and responsible development of the metropolitan area (ORS 268.390.(1)) and prepare and adopt functional plans for those areas and activities so identified (ORS 268.390.(2)); and

WHEREAS, The Metropolitan Service District maintains and administers the Portland Metropolitan Urban Growth Boundary on behalf of the jurisdictions of the region; and

WHEREAS, The Portland Metropolitan Urban Growth Boundary is intended to manage the transition between rural and urban lands, protect prime farm and forest resources, and further the compact and efficient development of the urban area and urban services; and

WHEREAS, The Portland Metropolitan Urban Growth Boundary has been acknowledged by the Land Conservation and Development Commission as being in compliance with applicable Statewide Planning Goals; and

WHEREAS, The assumptions supporting and operation of the Portland Metropolitan Urban Growth Boundary are to be reviewed every four to seven years, as required by ORS 197.640, in order to assure continued consistency with Statewide Planning Goals; and

WHEREAS, Metro has been notified by the Department of Land Conservation and Development that it is now time to engage in the first Periodic Review of the Portland Metropolitan Urban Growth Boundary; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District hereby adopts the schedule and approach to Periodic Review put forth in the Urban Growth Boundary Periodic Review Workplan, attached as Exhibit A; and

2. That the Council of the Metropolitan Service District hereby requests the Executive Officer to begin work with the jurisdictions of the region and other affected parties to develop an Urban Growth Management Plan, as outlined in the Urban Growth Boundary Periodic Review Workplan.

ADOPTED by the Council of the Metropolitan Service District this 22nd day of December, 1988.



Mike Ragsdale, Presiding Officer

COMMITTEE REPORT

AGENDA ITEM: _____

8.1

MEETING DATE: December 22, 1988

CONSIDERATION OF RESOLUTION NO. 88-1021, APPROVING THE URBAN
GROWTH BOUNDARY PERIODIC REVIEW WORK PLAN

Date: December 14, 1988

Presented by: Councilor Jim Gardner
Chair, Intergovernmental
Relations Committee

COMMITTEE RECOMMENDATION: Councilors present -- DeJardin, Waker and myself -- voted unanimously to recommend Council adoption of Resolution No. 88-1021. Councilors Collier and Knowles were absent.

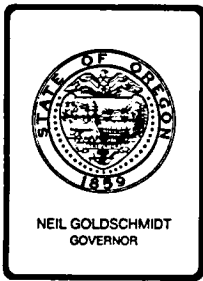
COMMITTEE DISCUSSION & ISSUES: Planning and Development Head, Rich Carson, reviewed the work plan, noting Council adoption of Resolution No. 88-1021 would indicate support of the work plan's process, timelines, and program direction. Adoption of the actual periodic review will begin with Council approval of the review draft by February 28, 1989. Staff noted Metro will meet the State's deadlines for completing the Periodic Review base requirements.

The Committee reviewed the concept of "ruralization" and staff introduced a large scale map of the Urban Growth Boundary. Shaded areas just outside of the UGB represent "exception areas" -- agricultural land exempted from Statewide Planning Goals and developed primarily in 5 and 10 acre lots. These small parcels pose problems for future, efficient urbanization beyond the UGB. The Committee discussed the need to manage planning outside the UGB, based on the growing ruralization problem.

Staff outlined Metro's goal to coordinate City and County land use information and analyses and develop a uniform database. Subsequently, Metro would compile land use needs based on the common set of facts. It was noted Metro's responsibility is to take a regional view of the economy and incorporate that view in determining regional land needs. Staff cited meeting with the State Department of Land Conservation and Development (DLCD) and their support of the draft work plan (see Jim Sitzman letter attached). Councilor Waker highlighted the four meetings between the UGB Subcommittee and Planning and Development staff and the informal consultation with private developers and lawyers regarding the Periodic Review. One of the lawyers consulted, Stephen Janik, sent a letter to Councilor Waker noting his support and regard for the Periodic Review Work Plan (see Janik letter attached).

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Department of Land Conservation and Development

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320 SW STARK, RM 530, PORTLAND, OR 97204-2684

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December 12, 1988

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Mr. Rich Carson
Metro
2000 SW First Ave.
Portland, OR 97201

Dear Rich:

Thank you for the copy of your Urban Growth Boundary--Periodic Review Workplan, and the opportunity to comment on it.

While realizing that there may be a variety of specific issues to discuss more in depth during the conduct of your periodic review, please know that we are very please with the workplan as drafted. We understand that the document is in part a statement of intent about Metro's long-term program development. You have identified the critical issues and questions. We look forward to the opportunity to work with you on the implementation and refinement of this program.

In our recent meeting on this subject we discussed the matter of establishing need for UGB amendments as the bases for considering proposed amendments. I believe we agreed that your intent is to determine the factual base for assessing the need for UGB changes as often as possible before receiving proposals for amendment. We agree that this approach will result in more constructive decisions on UGB amendments. Your intent in this regard could be stated more clearly than it is in the original draft of the Workplan.

Regards,


James R. Sitzman

cc. Craig Greenleaf
Greg Wolf

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STEPHEN T. JANIK

December 13, 1988

BY MESSENGER

Mr. Dick Waker, Councilor
Metropolitan Service District
c/o Waker & Associates
11080 S.W. Allen Blvd.
Suite 100
Beaverton, OR 97005

Re: Urban Growth Boundary-Periodic Review Work Plan

Dear Dick:

I am sorry I will not be able to attend the hearing this evening, due to the fact that I will be arguing a land use case before the City of Portland Planning Commission. However, I wanted to give you my thoughts on the Urban Growth Boundary-Periodic Review Work Plan.

I have appreciated the opportunity to be a member of the Periodic Review Advisory Committee. The meetings have been uniformly thought provoking and worthwhile.

I have reviewed the Urban Growth Boundary-Periodic Review Work Plan and would like to compliment its authors. It is a very well done piece of work and outlines what I believe to be a very professional and effective Work Plan. There are several particularly valuable elements of this Work Plan:

1. I think it is very important that Metro review the amount of vacant land within the urban growth boundary and determine to what extent this land is really capable of being developed and at what density. In addition, the Work Plan provides that Metro will review existing development to see whether this development has occurred at densities proposed in the local government's comprehensive plans. I think both of these are very important to give us a more realistic assessment of the future development potential of the lands already within the urban growth boundaries.

2. I applaud the suggestions in the Work Plan that the standards for boundary adjustments will be made more precise.

Mr. Dick Waker, Councilor
Metropolitan Service District
December 13, 1988
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The present standards make it extremely difficult to accomplish a boundary adjustment, even when, as a practical matter, there is a great deal of logic in allowing the boundary adjustment. With any boundary the size of the urban growth boundary, there are likely to be a few anomalies which need to be corrected.

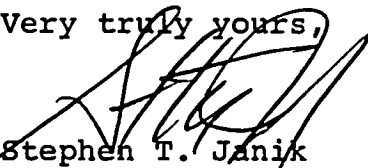
3. The idea of a rolling time frame to the urban growth boundary, adjusting it every 5 years and keeping a future supply of 15 years worth of developable land, is appropriate.

4. I also like the idea of developing an urban growth management strategy. Simply setting an urban growth boundary is not sufficient to assure that there will be an adequate, but not excessive, supply of land within the urban growth boundary to allow the various sizes, densities, and types of uses which the future will need.

5. Finally, I think it is very important that the Work Plan consider the areas outside of the urban growth boundary, as it proposes to do. I was startled to see in our meeting last week that so much of the area on the southerly and easterly sides of the urban growth boundary is already committed to a form of low density rural development, which, in and of itself, may preclude accomplishing urban levels of development in these areas in the future.

Again, I think that this Work Plan is an excellent document.

Very truly yours,



Stephen T. Janik

STJ/lsty
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cc: Metropolitan Service District, Main Office

URBAN GROWTH BOUNDARY - PERIODIC REVIEW WORKPLAN

Metro and Periodic Review

Under Oregon's Statewide Land Use Planning Program every jurisdiction in the state has adopted a comprehensive land use plan. Every four to seven years, each of those plans is to be reviewed and updated in light of new information and changes in local and state land use policy. Metro's comprehensive plan is the Urban Growth Boundary.

The Urban Growth Boundary

The Urban Growth boundary is a tool to manage the transition between rural and urban lands in the region, and to avoid the problems associated with urban sprawl. In essence, the UGB was intended to contain the region's supply of urban land, protect prime rural resource lands from urban development, and lead to the compact and efficient development of services and land uses within the urban region. Today, the way in which Metro assesses the need for urban land and its relationship to the UGB is in transition. Future additions to the UGB must be based on actual demonstrable need. Originally, the total amount of land within the UGB was large enough to meet the need for urban land for 20 years with minimal need for additions. Now, Metro will move from this static 20-year planning period to a rolling 20-year period utilizing regular 5-year updates. At this time it does not appear that major additions to the UGB will be contemplated or sought during Periodic Review.

Metro's approach to Periodic Review

The UGB Periodic Review Workplan has two major tasks:

- o to develop a response to the Periodic Review Notice from the Department of Land Conservation and Development; and
- o to develop an **Urban Growth Management Plan**.

The outcome of Metro's response to the Periodic Review Notice will be a clear understanding of:

- o the boundary's performance over the last eight years;
- o an assessment of how well the assumptions underlying the UGB have fared;
- o a concise and objective procedure for considering future amendment proposals; and
- o the capability for Metro to better relate issues of urban land demand and supply to the overall assessment of the need for additional land within the UGB.

Responding to the notice for Periodic Review will mark the beginning of the development of an **Urban Growth Management Plan** for the region. Simply managing the location of the UGB is not enough to effectively manage the region's present and future supply of urban land.

Metro's Urban Growth Management Plan

An **Urban Growth Management Plan** is a tool for making sure that:

- o urbanization occurs on lands set aside for that purpose;
- o urban lands are ready for development at urban densities;
- o rural lands and economies are not disrupted by urban sprawl and speculation; and
- o the overall pattern of urban development in the region makes sense.

An **Urban Growth Management Plan** is the primary tool for balancing our desire for a vibrant and growing urban economy with our desire for a style and quality of urban life unrivaled in the nation.

There are three main reasons why the development of an **Urban Growth Management Plan** should occur:

- o Metro has the responsibility and authority for the kind of coordinated regional planning envisioned by an **Urban Growth Management Plan**, and this role for Metro is precisely the role that the agency was assigned by the legislature and the voters of the region;
- o Recent trends in rural areas adjacent to the UGB may force the region to consider prime resource lands for future urban expansion unless we act now; and
- o Rather than developing such a plan during a crisis, Metro has chosen to do it now in anticipation of greater demand for urban land in the future.

Placing the UGB in the context of an **Urban Growth Management Plan** is an essential step towards assuring the ability of the region to meet the land needs of its people, while minimizing any negative effects on the natural resources base of the state. This is Metro's role and responsibility. Together with the development of a computerized Regional Land Information System at Metro, the **Urban Growth Management Plan** will enable the region to proactively manage the supply of urban land to meet the present and future needs of the urban region.

Have all the decisions been made?

Not at all! A key factor in the process for accomplishing both the response to the Periodic Review Notice and the **Urban Growth Management Plan** will be an inclusive and accessible process for citizen participation. Periodic Review will be the first step towards building a regional concensus for such a plan.



*Urban Growth
Boundary –
Periodic Review
Workplan*

Planning and Development
Department

Metropolitan Service District
Portland, Oregon

METRO

**Urban Growth Boundary -
Periodic Review Workplan**

Planning and Development Department

**Metropolitan Service District
Portland, Oregon**

December 1988

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PREFACE

This document serves two functions. First, it will guide Metro as it undertakes the periodic review of its Urban Growth Boundary. Second, it lays the groundwork for Metro's future contribution to the planning and management of the region's urban land supply.

The Urban Growth Boundary (UGB) does not stand alone and is only one tool for managing the region's urban growth. Rather, it needs to be understood and managed in the context of the progress of urbanization within the boundary, and the application of statewide planning goals outside of the boundary. This document, therefore, is both a response to the requirements of periodic review, and a blueprint for Metro's future planning and development role in the region.

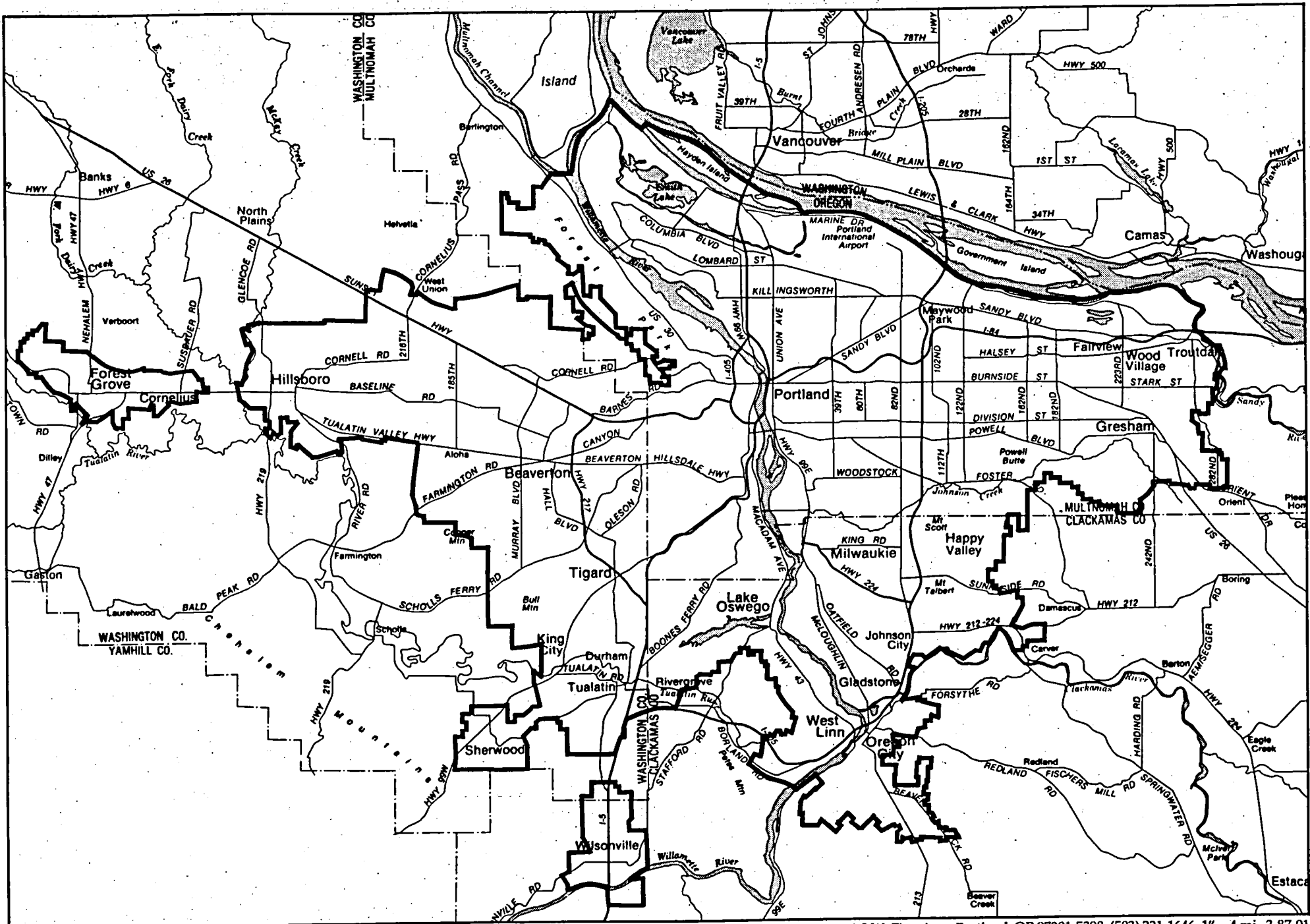
Section I reviews the history of the present UGB, the assumptions which supported acknowledgement, and the issues Metro faces today. The UGB is more than a line, and is based on a rich policy history coupled with projections of future need. Understanding the UGB and the issues in periodic review stem from an understanding of this history.

Section II lays out a vision for Metro's overall UGB management program. This general scenario is presented as a link between the periodic review workplan and Metro's long-term expectations for its planning and development activities. Metro has chosen to enter the process of periodic review from this broad vantage point in order to best leverage the considerable effort associated with periodic review into a solid foundation for future planning and development initiatives.

Section III details the workplan for periodic review. Metro's periodic review effort will meet the February 28, 1989 deadline for responding to the Periodic Review Notice with final submission slated for December of 1989. Citizen participation will be a central feature of this effort and will continue to shape Metro's management of the UGB following the completion of Periodic Review.

At this time, it is not known whether the outcome of the Periodic Review process will actually involve proposals to "move" the boundary. However, it is clear that the region will eventually be asked to consider expanding the urban land supply. Therefore, a major product of Periodic Review, as discussed throughout this document, will be the development of policy, procedures, and methods to guide the region in assessing and possibly modifying its urban land supply as the need for more land becomes known.

In order to assist readers with their review of this document, Metro's actions and proposed policy directions are highlighted throughout in a bold typeface.



METRO

Urban Growth Boundary

2000 S.W. First Ave., Portland, OR 97201-5398, (503) 221-1646, 1" = 4 mi., 3-87-01

I. HISTORY AND STATUS OF THE URBAN GROWTH BOUNDARY

A) History of the Metro Urban Growth Boundary

This section reviews the major developments that led to the urban growth boundary in the Portland metropolitan area as we now know it. Any discussion of the history of the UGB must begin with the regional planning activities of the Columbia Region Association of Governments (CRAG). CRAG was formed in 1966 as a voluntary council of governments encompassing Columbia, Clackamas, Multnomah, and Washington Counties in Oregon and Clark County in Washington state. Its early role focused on the coordination of planning efforts, carrying out federal A-95 review, and serving as the regional planning agency for HUD programs.

CRAG saw regional land use planning both as a major responsibility and a pressing need. In a document published in 1972, CRAG outlined an approach to regional planning based on the need to address a host of growth related urban development issues, ranging from environmental degradation to crime in the streets. At that time, the major challenge was seen to be the identification of the carrying capacity of the urban region, and appropriate mechanisms for limiting growth once that capacity was reached or threatened.

At that time, an urban growth boundary was proposed as a means for focusing urban development on lands set aside for urban purposes, while protecting prime agricultural and forest lands. However, in 1973 it became apparent that CRAG lacked effective tools to articulate, much less enforce, regional land use planning objectives. Effective regional planning required changes in the CRAG structure and enabling legislation.

In March of 1973, the Oregon Legislature passed SB 769 which mandated participation in CRAG by Multnomah, Washington, and Clackamas counties and the incorporated cities within their boundaries. It also gave CRAG the authority to review local comprehensive plans and zoning codes for compliance with regional land use planning goals and objectives, and to order changes if necessary.

With the passage of Senate Bill 100 in 1973, establishing the statewide land use planning program, and the adoption of the goals in 1974, CRAG's approach to regional planning was given new direction. Rather than a focus on limiting growth, the program emphasis was gradually shifted to managing growth. In 1976, consistent with the statewide land use planning goals and the authority granted via SB 769, CRAG adopted its Goals and Objectives, upon which its review of local plans was to be based and in order to proceed to the next step, the creation of a regional land use plan.

In 1977, CRAG adopted its regional plan or Land Use Framework Element (LUF). The Land Use Framework Element included three major divisions of land: urban, rural, and natural resource. The urban lands were to be shown using an urban growth boundary. Rural lands were to be reserved for rural development purposes. Natural resource lands were to be reserved for resource-based activities only. The vision was of a well-defined urban area, available and ready for development, and a rural area protected from sprawl through growth controls outside of the UGB.

Consistency with the LUF was mandatory for CRAG member jurisdictions, and enforced through the acknowledgement process accompanying the statewide comprehensive planning program. CRAG was given regional review authority by the LCDC. Because CRAG's land use goals and objectives, as expressed through the LUF, were concerned with the pattern of urban development and protection of resources in rural areas, its interest in the statewide land use goals was limited primarily to goals 2 (Land Use Planning) and 14 (Urbanization), although later, after the formation of Metro in 1979, plan review was conducted for compliance with all of the applicable goals. Theoretically, CRAG's Goals and Objectives are still in force today, never having been repealed.

In response to the statewide planning goals, particularly goal 14, the location for the UGB chosen by CRAG had to be based both on the need for urban land as well as the best physical location for urban development. In theory, this kind of approach works well for a single jurisdiction, where the timing and scope of urban development can be closely coordinated with the supply of urban land.

However, it quickly became apparent that the process was going to be considerably more complicated in an urban region with 27 separate jurisdictions and numerous special districts. The problems of coordination were compounded by the fact that CRAG had no direct role in the administration of local comprehensive plans and zoning codes, making the management of urban growth and of the UGB a two-tiered process: general policy goals and structures were established at the regional level, with hands-on implementation occurring at the local level.

As CRAG staff approached the task of siting and developing a UGB, they had to choose one of two primary approaches to the problem. On one hand, the UGB could be a very tight boundary, corresponding to the existing corporate limits of the cities and the serviced or soon-to-be-serviced territories of the service districts. In this scenario, the boundary would gradually move outward as the need for new urban land was established, where "need" is largely driven by the gross population of the region.

The other approach was to incorporate enough vacant land to assure that there would always be readily available locational choices for future urban development during the entire planning period. This was the so-called "market factor" approach, and was chosen by CRAG largely in recognition of the need to accommodate the many visions for future growth held by multiple jurisdictions within a single UGB, and because of a desire to not artificially effect land prices by creating a tight urban land market. In addition, by building in a market factor, CRAG staff hoped to avoid unnecessary pressure on the rural area for conversion to urban uses, since with the factor built into the UGB, the market would presumably find its needs satisfied within the UGB and on lands expressly serviced and regulated to meet urban needs.

Initially, the CRAG UGB proposed in 1976 included enough vacant land so that in the year 2000, the region would still include 25% more vacant land than would be required to meet the needs of the population. Between 1976 and 1978, the boundary and proposal was further refined and prepared for submission to LCDC.

In 1979, Metro was created and was specifically given the task of establishing a UGB for the region. In addition, the Metro enabling legislation designated Metro as the regional reviewing agency for local comprehensive plans and held out the opportunity for the regional government to develop mandatory land use goals and objectives for the region. Metro inherited the CRAG LUF and UGB, although its plan review activities were limited to the area within the Metro boundary, functionally eliminating most of the rural and natural resource zones from regional review.

The creation of Metro reduced the size of the region, from the three metropolitan counties to one described by the Metro boundary. The percentage of vacant surplus in the UGB at the year 2000 was also reduced from 25% to 15.3% due to the elimination of Sandy, Molalla, and other small cities from the UGB calculations. However, the Department of Land Conservation and Development staff objected to the inclusion of any surplus vacant land beyond what was reasonably expected to be consumed by anticipated levels of urban development through the year 2000. They rejected the market factor, and proposed that acknowledgement of the UGB be withheld until the 28,000 surplus acres were removed from the UGB.

Their objection was based on an interpretation of the factors in goal 14 that required the sum total of urban acreage to be based on actual demonstrated need for urban land. In this case, they contended that the market factor approach, by providing excess land for urbanization, would contravene efforts to construct an efficient, economic, compact urban form.

In early 1979, in response to DLCD analysis of the UGB urging rejection by LCDC, Metro staff argued that the extra land was justifiable based on three main factors:

- 1) A closer look at the 28,000 surplus acres revealed some vacant lands already within the urban area would never be developed due to natural hazards (slope, floodplain, etc.). The majority of the vacant lands were located on the fringes of the presently urbanized area and were certain to be developed for nonfarm uses because of proximity to existing urban development or present parcelization. Hence, their retention as rural lands would not guarantee that their use would remain rural in nature. In essence, Metro staff tried to demonstrate that for many of these disputed acres, location alone would lead to urban development, and therefore need for urban lands ought not to be the deciding factor.
- 2) The market factor was necessary to provide choice in the market, compensating for the fact that land development would probably not occur at full intensities in all cases. Projections for future urban land needs assumed certain densities of development, but development would actually occur at a variety of levels, thus frustrating the precision of any projection of need. Hence, this less than 100% efficiency in the projected utilization of certain kinds of urban land would begin to artificially effect the urban land market and create undue pressure on rural lands if no market factor was allowed.
- 3) A UGB based on a market factor would require little modification over a twenty year period because plenty of urban land would be available. The stability built into the boundary would be critically important for providing local jurisdictions with a climate of certainty for numerous land development and urban services planning decisions. A constantly moving UGB would, in essence, become no UGB at all at the local level.

In September of 1979, LCDC asked for additional findings in support of the proposed UGB, and additional information pertaining to implementing steps and policies for growth management and fair housing. Metro responded in November, and on December 14, 1979, LCDC acknowledged the UGB including Metro's use of the market factor. Soon thereafter, 1000 Friends and others appealed the acknowledgement to the Court of Appeals.

In 1985 the Court of Appeals finally issued its opinion, accepting most of the findings but requiring additional findings on several specific undeveloped and then presently unserved areas included in the UGB. Metro furnished the additional findings required by the Court, and in 1986 LCDC approved everything except the findings justifying the inclusion of the Bethany area north of the Sunset Highway. After submitting additional material on Bethany, the Metro UGB received final acknowledgement review by LCDC in 1986.

B) Urban Growth Boundary Assumptions

Metro will carefully re-examine, through the Periodic Review process, the underlying assumptions which guided the location, function, and size of the present UGB:

1) Population, employment, housing, and land use:

Specific assumptions were made regarding the relationship between these factors and the need for urban land. For example, it was assumed that:

- a) Urban development through the year 2000 would require an additional 84,000 acres in the region. This would result in a UGB encompassing some 226,000 acres.
- b) Population projections were based on the "208" water quality management plan findings and assumed a slight decrease in family size.
- c) Areas outside the UGB were not expected to grow.
- d) The ratio of single family to multifamily dwellings was expected to change from 72%:28% to 65%:35%, and overall housing densities would increase from 5.9 to 6.0 units per acre.

These assumptions and others were used to ascertain the number of acres of vacant land needed within the UGB to accommodate growth and the market factor until the year 2000. With this assessment of need in hand, the actual location of the UGB was based on a combination of factors which included assumptions about development patterns, service boundaries, and topographic features.

2) The UGB is a long-term management tool requiring little change prior to the year 2000:

Again, the UGB was intended to stabilize land use policies and policy making, not to curtail or stop growth. Nonetheless, two mechanisms, major amendments and locational adjustments, were provided to review and rule on inevitable proposals to modify the boundary. Major amendments, proposing additions to the urban area in excess of 50 acres, were assumed to be infrequent or nonexistent, and would be guided specifically by statewide planning goals 2 and 14. Locational adjustments, minor amendments of 50 acres or less and usually no more than 10 acres, were included in the management plan in recognition of the imperfection of the exact location of an over 200-mile long boundary. Locational adjustments were intended to be strictly technical adjustments of the UGB, based only on the locational factors of goal 14 and presenting no policy issues relating to need.

3) The primary objectives of the UGB are to plan for and promote the efficient use of urban land, preserve prime farm land, and improve the efficiency of public facilities and services:

Stated another way, the primary objectives relate to the development of an efficient and compact urban form through the provision of urban services, up to but not outside of the UGB, consistent with objectives for urban development incorporated both in Metro's acknowledged UGB and local comprehensive plans. Implicit in this assumption is that the UGB is the primary tool for avoiding urban "sprawl", and that this interest is transmitted and shared region wide through the UGB and its management.

Early in the process of developing the UGB, CRAG realized that a line demarcating the UGB was not enough to meet the objectives of this assumption. Needed in addition to the UGB were both what were called "growth management policies" within the urban area and rural land management policies outside of the UGB. Outside of the UGB the rural and natural resources policies of the LUFGE were to be incorporated in local comprehensive plans. Zoning would then restrict the use of non-urban land to few, if any, non-farm uses.

Inside the UGB, Metro enacted four growth management policies as part of its UGB (see Appendix B). The purpose of the policies was to assure that urban development would occur in a compact and efficient manner, where undeveloped and unserved land was reserved for future urban expansion. Briefly, the policies are:

- a) New urban development within the urban growth boundary shall be contiguous to areas of existing development in order to avoid "leapfrogging" or sprawl.
- b) Undeveloped land within the UGB shall be preserved for future urban development through zoning controls which restrict parcelization to 10 acre minimum lot sizes for residential development or until urban services are provided for commercial or industrial development.
- c) Undeveloped land within the UGB shall be approved for residential development only when a local comprehensive plan is in place that is consistent with Metro's residential density assumptions included in the UGB and when services are available.
- d) Development on septic tanks and cesspools within the UGB shall be prohibited except when urban densities can be attained, consistent with DEQ regulations, or when lands with unique topographic characteristics are identified in local comprehensive plans where sewer extension is impractical but large lot residential development is allowed.

Metro's approach to plan review in the acknowledgement process focused on the consistency between local plans and the growth management policies supporting acknowledgement of the UGB.

It was assumed that the combination of the LUFÉ, UGB, and the growth management policies within the urban area would result in the protection of prime farm land, the containment of urban uses, and the development of an efficient and compact urban form inside the UGB.

4) Future expansions of the UGB could not and would not be based on the need for a market factor:

One of the conditions of Metro's acknowledgement order was that it abandon the market factor approach in its evaluation of future urban land needs. Hence, our assessment of future land needs and management of total urban land supply cannot be based on an approach that requires the presence of a market factor, or maintaining a market factor, either in the present planning period through the year 2000 or beyond.

5) Local comprehensive plans, both inside and outside of the UGB, provide the vehicle for realizing the objectives of the UGB:

Although Metro provided the framework for satisfying statewide planning goal 14 in the region, the actual implementation of the program depended on the plans and decisions made at the local jurisdictional and special district level. Initially, Metro would play a major role in reviewing local comprehensive plans for consistency with state planning goals and the UGB during the acknowledgement process.

6) The availability and development of urban services are the critical determinants of whether land is urban or reserved for future urbanization within the UGB:

Service issues were assumed to be a major factor influencing the type and level of urbanization occurring within the region. Meeting UGB objectives was closely linked to the region's ability to provide urban services in the urban area consistent with "growth management" objectives, local plans, and market forces. Implicit in this assumption is the notion that services should be developed in such a way that modification of the UGB is not to be driven by service design or disputes.

C) **The Issues of Urban Growth Management Today**

Four broad urban growth concerns have emerged from Metro's ongoing management of the UGB, the needs of periodic review, and current land use management issues in the state. There is no one way to resolve these issues. Rather, they present Metro with potential policy choices needed to provide clarity for future management of the UGB:

1) Urban development and urban lands:

An aerial photo of the region is very revealing. From that vantage point, jurisdictional boundaries, including the UGB, fall away and a pattern of development more urban than rural seems to fan out from the center of the region. Clearly, many rural areas are experiencing urban levels and intensities of development on nonurban lands. This issue has been recognized by the LCDC in its consideration of the "Urban/Rural Lands" issue (see below).

There is a very real connection between urban levels of development in rural areas and the successful functioning of the UGB. Rural residential development outside and adjacent to the UGB is beginning to form a belt around the urban area that will begin to direct future urban expansion toward the remaining prime agricultural and forest lands. Houses on one to five acre lots are difficult to service and difficult to redevelop at higher densities or for other uses.

In addition, the rural residential population in areas adjoining the UGB add further burdens to be met by faltering urban service delivery systems and infrastructure within the UGB. The population living immediately outside of the UGB in rural residential zones is estimated to be about 70,000 at present, and growing rapidly.

Much of this kind of rural development, at seemingly urban densities, is occurring on lands deemed to be appropriate for more than strictly agricultural or forestry purposes. These are the so-called "excepted" lands which have been granted waivers for, and thereby are excepted from, complying with the strict conservation objectives of the statewide land planning goals for agricultural and forest lands. New development can't conflict with established agricultural and forestry uses, but nonfarm and nonforest uses are allowed.

These lands represent an important future urban resource that is being rapidly consumed by rural residential development. The result is the parcelization of rural land into smaller units and the focusing of urban development pressures for commercial and industrial uses on prime resource lands, especially in the absence of future redevelopment or parcel reaggregation plans. Within the near future, there may be nowhere for the urban area to expand except onto prime resource lands, the very resource that the UGB and the statewide planning program intended to protect.

Some efforts are being made at the state level to deal with this situation. The Urban/Rural Subcommittee of the LCDC has been trying to come up with an approach to managing essentially urban levels of development in rural areas. Chief among their concerns is the unique situation that arises when the rural area experiencing urban development pressures lies adjacent to or near an urban growth boundary.

This effort is largely the result of a successful lawsuit against Curry County, brought by 1000 Friends of Oregon, challenging proposed rural development densities. Metro staff have been working with local jurisdictions and the DLCD staff to make sure that the unique concerns of this metropolitan area are entered into the process. Presently, no consensus is apparent with respect to actions needed for managing urban levels of development in rural areas near UGB's.

Nonetheless, this continues to be a major issue for Metro from land use, future urban, jurisdictional, and planning perspectives. Particularly with the demise of the market factor, Metro will need to develop new tools for relating urban land needs and UGB objectives to rural land management outside of the boundary. Of particular interest and concern will be mitigating the effect of the urban land market on rural land speculation.

2) Process and procedures:

As noted above, we are currently operating under the assumption that the boundary has been set up to not change much. However, as we get closer to the year 2000, and as the market factor gets consumed, we anticipate an era when Metro will be asked to make more frequent changes in the UGB. As recent cases have shown, current procedures need to be improved and codified to more effectively deal with major additions and large locational adjustments to the UGB, and in concert with the resolution of the policy issues noted in this section.

The statewide planning goals are relatively clear in what they require. A demonstration of need and/or compelling locational factors is necessary. Metro's role is to determine the dynamics of need in the region, and reflect that need both in the process and standards that we use as well as in the data upon which these decisions are based. Metro's management of the UGB needs to be able to anticipate urban development needs and to know when the most appropriate course of action includes expanding the UGB.

A major issue for Metro will be the clarification of both the process and the standards for all parties concerned. Petitioners need clear and objective standards which reflect the statewide planning goals, Metro UGB objectives, and local planning and zoning needs and issues. Other interested parties need to be able to understand the flow of the process, where they can participate, and the basis for quasi-judicial decision making. Legislative, policy making roles need to be clearly understood and engaged in at appropriate times.

Finally, Metro needs to devise the procedures that will enable it to make the transition from managing a static, 20-year land supply with a market factor, to managing an urban land supply that is sized according to actual, demonstrable need. Included in this task will be the determination of how, when, and why subregional land needs should be considered in the region's overall understanding and management of its urban land needs.

3) Urban development and redevelopment:

Historically, the management of the UGB and the urban land supply has focused on one subcategory of urban land: vacant land. Once a piece of property is no longer "vacant", it is no longer scrutinized in the management process. In effect, our attention is directed to a small subset of total urban lands, even though some portion of nonvacant urban lands might be under utilized and should be treated as a regional urban land resource in its own right.

Development or redevelopment of urban land to desired densities is not easy and rarely occurs as the result of a regulatory process. Incorporating under utilization and redevelopment potential as elements of our management of the urban land base may take speculative pressure off of rural lands adjacent to the UGB by facilitating urban development or redevelopment consistent with local comprehensive plans, in step with market needs. Ultimately, determining whether, and for what purposes, the urban land supply should be increased should be related to whether moving the UGB is the only and best alternative for accomplishing that goal.

An inability to relate urban growth pressures to the quality and management of our existing urban land base will increasingly be a weak link in our UGB management program. Metro's role is to evaluate whether the growth management policies, adopted with the acknowledgement of the UGB, have worked. The extent to which local comprehensive plans continue to further UGB objectives and coordination with local policy makers, plans, and procedures is and will remain critical issues.

4) The imprint of urban form:

When we refer to the "imprint of urban form", we refer to the actual geographic spread that the process of urbanization, as bounded by the UGB, fosters in this region. As discussed above, decisions outside of the urban area not subject to Metro review coupled with the narrowing of Metro interest inside of the boundary to vacant lands obscure the extent to which the operation of the UGB guides the way the urbanized region is defined. Clearly, assumptions about the scope of future urban development embodied in the UGB, and the location of the UGB itself have shaped local comprehensive plans and the plans of special district service providers.

The location of the UGB has also shaped and focused development pressure outside of the UGB as well. Metro programs for transportation, solid waste, and wastewater treatment planning have also been shaped, overtly or not, by the location of the UGB and the distinction that it implies between urban and rural service areas.

There are several proposed developments which are beginning to raise questions about the urban form expressed by the present UGB. For example:

a) The third bridge across the Columbia being proposed by Washington State will, according to the Intergovernmental Resource Center in Clark County, require a major rethinking of the existing urban form.

b) The west side bypass in Washington County, included in the Regional Transportation Plan and now entering initial design phases, has already raised questions about the future for agricultural districts in its vicinity and may require a major revision of the urban growth boundary, and/or a major revision of land use controls near the facility in the future.

c) The Forest Grove to Sunset Connector, also in Washington County and currently being sited by County planners, raises serious urban development questions for the agricultural community in western Washington County. The economics of agriculture and forestry in that area and others could generate new forces for the conversion of rural resource land to urban land from outside of the urban area.

The UGB as presently defined represents a static picture of how the region will develop. On one hand, this gives local jurisdictions, land owners, and service providers a high degree of certainty regarding the location of future urban development. However, the forces that shape urban development are much more dynamic and, as the projects listed above indicate, begin to challenge the assumption about future urban form in the region portrayed by the UGB. Clearly, UGB management needs to address and respond effectively to those forces that will shape the overall future urban form. Metro's management of the UGB and the urban land supply must incorporate the ability to periodically review urban form from a truly regional perspective, and to work closely with affected parties should a change in our vision of future urban form be warranted.

D) Metro's Planning Authority

Today, some eight years after the acknowledgement of the UGB, Metro's authority for regional planning continues to underlie the UGB management process. That planning authority is specifically spelled out in Metro's enabling legislation, now codified as ORS Chapter 268. The following planning powers and responsibilities were granted to Metro and remain in force today:

1) Land Use Planning Goals and Activities; Coordination; Review of Local Plans (ORS 268.380):

Metro is empowered to adopt land use planning goals and objectives, to coordinate the land use plans of the jurisdictions within its boundary, and to coordinate the land use plans of the jurisdictions with those of other agencies or governments. Currently, the CRAG Goals and Objectives are still in effect. In addition, Metro is charged with reviewing local comprehensive plans adopted after January 1, 1979 to see that they are consistent with regional land use goals and objectives, and further, is granted authority to order changes to assure consistency in the event that local plans conflict with those goals and objectives.

2) Regional Planning Coordinator (ORS 268.385):

Metro is the designated coordinating agency for comprehensive plans of jurisdictions within the UGB. This is a function delegated to counties for areas outside the UGB, and is a coordinating function mandated by the statewide land use planning process.

3) Planning for Activities and Areas with Metropolitan Impact; Review of Local Plans; Urban Growth Boundary (ORS 268.390):

Metro has been granted the authority to define and plan for activities or issues having regional attributes or significance. In particular, air and water quality and transportation planning were singled out as likely subjects for initial planning efforts, although this was by no means intended to be an exclusive list. In addition, once an issue or area was defined as being of regional significance Metro was granted the power to develop a functional plan to directly manage the regional issue under review. To date, Metro has adopted functional plans for transportation, solid waste, and wastewater management.

Metro was also given the authority and responsibility under this section of ORS 268 to adopt a regional UGB, which could be adopted as a functional plan, but which can also rely on other aspects of statewide planning goal implementation for its authority. Finally, this section of the chapter gives Metro the authority to require local comprehensive plans to be consistent with both the UGB and other functional plans.

II. MANAGEMENT OF THE URBAN GROWTH BOUNDARY

II. MANAGEMENT OF THE URBAN GROWTH BOUNDARY

Periodic Review marks the beginning of a new era in the history of the UGB and Metro's regional role in land use planning. It is only the first step in making a transition from a UGB based on a market factor to one based on the urban land needs of the region. **M e t r o ' s** management of the UGB will need to address more than simply the location of the line.

When the UGB was established by CRAG there was a clear correlation between the development of land use policies on either side of the UGB, and the ability of the UGB to play a meaningful role in promoting efficient urbanization. This was possible at the time because CRAG's jurisdiction extended to the boundaries of the three metropolitan counties as well as Columbia County. Functionally, this led to a UGB management process with three main areas for policy and program activity: within the urban area, at the urban growth boundary, and outside of the urban growth boundary.

Metro's purpose in engaging in Periodic Review is to begin to define an active regional role in managing the present and future urban land supply through the creation of a comprehensive Urban Growth Management Plan. The plan will refocus attention on the traditional function of the UGB as a tool for managing the transition from urban to rural land use areas.

Pieces of such a management plan are currently found in a number of places. The growth management policies of the acknowledged UGB, the CRAG Goals and Objectives, the 22 goals and 54 objectives of the Metro Housing Goals and Objectives, Metro functional plans, and recent Council action on petitions to amend the UGB all draw attention to the need for a fresh, comprehensive approach to Metro's role in the management of the region's urban land resources. **Metro will compile and update these existing urban growth management policies in a single document.**

The following sections describe the three traditional areas of major interest for Metro as it begins to develop its Urban Growth Management Plan. This chapter ends with a preliminary sketch of what Metro believes to be the nucleus for the Plan and program for managing the region's urban land supply. This is a first step towards an open and systematic process leading to Metro's Urban Growth Management Plan.

A) Within the UGB

Within the UGB, Metro's interest lies in seeing that local comprehensive plans are consistent with the assumptions upon which the regional urban land supply is regulated, and then in seeing that urbanization occurs consistent with those plans. If local plans and the ongoing process of urbanization yields a pattern of urban development inconsistent with Metro's assumptions about the need for certain classes of urban land, then no matter how our UGB amendment processes are set up, the UGB will fail to fulfill its function in the location of urban development.

Therefore, Metro needs to develop the ability to monitor the relationship between the total urban land supply and the management of comprehensive plans by local jurisdictions, the functional plans adopted by this agency, and actions of state and federal agencies. In addition, Metro will need to develop an array of regulatory and nonregulatory tools to assure that urbanization can take place on appropriately zoned lands.

Metro shall employ subregional needs analysis, the analysis of particular urban land needs in subparts of the region, to understand conditions within the UGB peculiar to one or a number of jurisdictions. This is a tool for the management of the urban land supply, and not an end in itself. Specific subregional boundaries have not yet been determined, but will be developed based on functional and topographic considerations. Nonetheless, Metro is the only jurisdiction in the region responsible for maintaining a comprehensive view of the entire UGB and the supply of urban land. In investigating subregional needs analysis, Metro will need to first, define the context for subregional needs analysis, and second, be able to explain how regional urban development perspectives are furthered via the use of this tool.

During Periodic Review, Metro will evaluate the efficacy of the existing growth management policies adopted during the acknowledgement process. Metro will also investigate the use of subregional needs analysis and will draw on the results of periodic review carried out by local jurisdictions in assessing the adequacy of the urban land supply. These activities, coupled with the development of a computerized Regional Land Information System at Metro (RLIS), will begin the discussion of this issue, and the role that Metro can and should play.

Metro's statutory authority to adopt land use goals and objectives, and to see that they are reflected in local comprehensive plans and zoning codes, will undoubtedly be an important aspect of this discussion. Focusing Metro interest in the ongoing process of urban development within the UGB through the creation of land use goals and objectives will clearly spell out the roles and expectations implicit in the development of the UGB itself.

B) Managing the Location of the UGB

The management of the UGB "line" is fundamentally the management of the urban land supply. Lack of Metro involvement in the process of urbanization within the UGB since the acknowledgement process, and in the management of rural lands outside the UGB, has resulted in a disjointed approach to the management of the urban land supply.

Managing the location of the UGB will need to be based on a well defined urban land inventory, coupled with the ability to regularly evaluate that urban land supply in terms of long term trends effecting the growth of the urban region. Furthermore, with this periodic review, Metro will begin the transition from a static 20-year planning period and a UGB incorporating a declining market factor, to a rolling 20-year planning period, updated every five years, with UGB management based on clear and consistent demonstrations of need. The first twenty year planning horizon will be to the year 2010. The base year for implementation of the Urban Growth Management Plan will be the year 1990. The first plan update will be in 1995, shifting the planning horizon to 2015 and incorporating new growth projections. In this way, the region will be assured of having no less than a fifteen year supply of land available for future urbanization.

Metro will develop clear and objective standards and procedures, along with written materials which effectively communicate Metro's expectations of petitioners, parties, and local governments involved in the process. Locational adjustments will be more tightly defined to assure that the technical basis upon which they are approved or denied cannot be misconstrued or confused.

Major amendments will be linked to a clear demonstration of need, or to the Periodic Review of the boundary, and the responsibility of petitioners versus the responsibility of Metro to define need will be spelled out. Even though the market factor approach is no longer relevant to calculating the total supply of urban land needed in the region, Metro will still be concerned with the effect of the boundary on both the price and availability of land, and will express that concern through its understanding of the land supply and projections of future land needs.

During Periodic Review, Metro will re-examine all of its procedures for managing the UGB. A new hearings process, designed specifically for land use issues, will be created with special attention paid to the way in which petitioners and other interested parties are affected and involved.

Perhaps of greatest importance to Metro's management of the UGB will be the initiation of a new computerized land inventory system during the review process. The key to clarifying the policy issues underlying the management of the urban land supply will be the ability to separate out the technical land status issues first. Periodic review will begin the work that will result in a land information system that can answer rather than simply pose questions. While good data will not, by itself, determine the outcome of the Council's involvement in managing the urban land supply, it will certainly make it a more comprehensible undertaking.

C) Outside the UGB - Protecting Future Urbanizable and Prime Resource Lands

If current trends continue, this urban region will find itself with no alternatives for future growth of the urban land supply except for prime resource lands. Metro has an interest in the way that jurisdictions outside of its boundaries manage lands being influenced by the presence of the urban area, and the way that lands least important for resource-related use are allowed to be converted to other uses.

However, Metro has no authority to actually manage lands outside of its boundary. Recently the LCDC initiated policy development processes to specifically address where in rural zones non-resource related development ought to be allowed, and the relationship of such development to both resource management and to urban areas and growth boundaries. Starting with participation in the LCDC's Urban/Rural lands issue, Metro will begin to forge working relationships with local jurisdictions, especially counties, and special service districts to develop the tools to manage land in anticipation of future urban needs. Ignoring this issue will only result in more complex and expensive urban service and rural land conservation issues in the future.

Related to this issue is the role for Metro within the Urban Growth Boundary, outlined above. Allowing land to either lie vacant or to be developed far below anticipated comprehensive plan densities within the UGB will only put further pressure on rural lands.

Periodic review will be the starting point for clarifying the region's interest in the management of rural lands whose development and market is directly influenced by their proximity to the UGB. The process of periodic review will enable Metro to develop relationships with local planners and other local government officials concerned with the management of land use outside of the Metro boundary.

If Metro is to effectively work on behalf of the jurisdictions of the region to steward the supply of urban land, and on behalf of the statewide planning goals to preserve prime resource lands and prevent urban sprawl, then Metro will have to develop the tools and relationships to influence the management of lands outside of its boundary. Full resolution of this jurisdictional issue will require greater coordination with the three metropolitan counties, a more proactive role during local government plan reviews, and may require action by the Legislature.

D) Planning and Development at Metro

A complete urban land and UGB management program will provide land owners and Metro region jurisdictions with some measure of certainty regarding the urban land supply and the relationship of any particular property near the UGB to that land supply. In addition, Metro's management program will take into account the peculiar land needs of specific jurisdictions, within a regional context. Finally, the growth and development of the urban region very definitely has effects outside of the urban growth boundary that we've only just begun to understand.

Ultimately, the UGB is only one of a number of tools for achieving regional and statewide land use objectives. This was clearly the expectation when CRAG first adopted its Goals and Objectives and when the UGB was acknowledged by the LCDC. Today, as we begin Periodic Review, Metro's UGB is all that remains of a broader system for land use policy development and implementation in the region. Although Metro will always depend on local jurisdictions for the implementation of its land use goals, Metro has a responsibility to continually make its regional interests known clearly and consistently.

Metro's Periodic Review of the UGB, and its products, will be the first attempt at restating Metro's land use expectations, responsibility, and authority to the region and to itself since the beginning of this decade. The review process will set the stage for the development of an Urban Growth Management Plan and program based on very specific expectations regarding how the region's urban land resource is used, the way the total urban land supply is regulated, and the way that future urban needs are anticipated.

The following elements form the core of Metro's approach to urban growth management. This list is preliminary and is meant to illustrate what Metro intends to accomplish, rather than to represent an exhaustive or exclusive list of issues:

1) Land Supply Monitoring

Through the creation of the Regional Land Information System (RLIS), Metro will begin to develop a computerized geographic data base capable of accurately answering questions related to urban land supply. The correlation of urban land supply with the demand for urban land will be accomplished through Metro's ongoing regional growth forecasting and allocation process. In addition, Metro will take an active interest in rural land zoning adjacent and close to the UGB in order to coordinate urban land management with urbanization occurring in rural areas. Metro's primary goals with respect to rural lands will be to protect prime agricultural and forest lands while preserving options for future urbanization on lands least suited to and effecting rural resource-based activities. Within the UGB, Metro's analysis of the land supply will take into account physical and economic constraints likely to preclude urban levels of development on specific parcels in its calculation of the total urban land supply.

2) Urban Services

Metro will actively monitor the progress of the extension of urban service systems to lands set aside for urban uses, consistent with Metro's authority and responsibility for overseeing Statewide Planning Goal 11, Public Facilities, implementation in the region. The region has an interest in seeing that lands set aside within the UGB for industrial, commercial, and residential development at urban densities are capable of meeting the demand for such lands in a timely and efficient manner. Increasing the urban land supply ought not to be the solution to the inadequate provision of urban services.

3) Regional Land Use Goals and Objectives

The compilation of regional land use goals and objectives from existing policy statements as well as from the resolution of other planning issues will form the backbone of Metro's Urban Growth Management Plan. These goals and objectives will specifically address Metro's expectations for the management of the region's urban land resource and the management of lands that might conceivably constitute the region's future urban land resource. In addition, Metro currently has functional plans for transportation, solid waste, and storm water management and sewage treatment. One of Metro's tasks for the Urban Growth Management Plan will be to direct the coordination of these plans with regional land use goals and objectives.

4) Economic Development

In addressing Statewide Planning Goal 9, Economic Development, Metro will develop a regional economic policy in coordination with local jurisdictions, as well as with public and private economic development interests. In the near term, this would focus on activities intended to assist local jurisdictions in complying with the economic planning requirements of Periodic Review through the development of a regional Economic Opportunities Analysis. In the long term, Metro's program would emphasize research, analysis, data services, and the development of new regional-local and public-private ventures to promote greater coordination between future economic growth and the ability of the region's urban land supply to sustain and support that growth.

5) State Planning Goal Coordination

Statutorily Metro has a responsibility to see that the implementation of comprehensive plans in the region occurs in a coordinated and complimentary way. Particularly with respect to housing and economic development, the uncoordinated actions of local jurisdictions can lead to inefficiencies requiring either large-scale redevelopment or the addition of land to the urban area.

6) Citizen Participation

The hallmark of Metro's Urban Growth Management Plan will be the participation of local jurisdictions, the land development community, and the land conservation community in and adjacent to the UGB. Ongoing and substantive participation in the creation of policies and in the review of program accomplishments will be fundamental structural components of this management system.

Metro's desire is to develop a program for urban growth management that will be consistent with a clear and understandable plan, will result in the orderly development of the urban region, will provide some degree of certainty for rural and urban landowners regarding the relationship of their land to urban land needs, and will assure an adequate supply of urban land consistent with statewide planning goals. Through the Urban Growth Management Plan Metro will be well equipped to consistently articulate the region's growth objectives, while simultaneously protecting the integrity of both urban and rural land resources.

Periodic Review will be the beginning of the development process for the Urban Growth Management Plan. Responding to the Periodic Review Notice will begin the discussion and consensus building process in the region leading to the Plan itself. Metro's intention at this time is to outline a broad concept for an Urban Growth Management Plan, and to proceed into Periodic Review with the clear expectation that the specific features of the Plan will be developed in close consultation with local jurisdictions, the state, and other interested and affected parties. The process will be inclusive, and the end result will be a clear and concise guide for the management of the region's present and future urban land supply.

III. PERIODIC REVIEW WORKPLAN

Metro's Periodic Review of the UGB will prepare the agency and its Department of Planning and Development to assist with the management of the region's urban land supply. Metro's approach to Periodic Review will involve two main subareas of activity: response to the substantive requirements of the DLCD Periodic Review Order, and development of specific Metro objectives over and above the topics required by the state and culminating in Metro's Urban Growth Management Plan.

A) Purpose of Periodic Review

The 1981 Oregon Legislature adopted laws requiring local governments, including Metro, to review acknowledged comprehensive plans periodically and to make changes as necessary to ensure that they are in compliance with the Statewide Planning Goals and are coordinated with the plans and programs of state agencies. On August 27, 1987 Metro received notice from DLCD that the first Periodic Review submittal for the Portland metropolitan area Urban Growth Boundary (UGB), originally acknowledged in 1980, was to be received by DLCD February 29, 1988. A one year extension for Metro to complete the submittal was granted by DLCD on January 26, 1988, with the new submission date of February 28, 1989.

Review of acknowledged plans and land use regulations are based on four considerations:

- 1) Changing conditions and circumstances that affect local government.
- 2) Compliance of acknowledged plans and regulations with statewide goals or rules adopted by LCDC subsequent to acknowledgement.
- 3) Consistency of local plans and regulations with state agency plans and programs adopted after acknowledgement
- 4) Completion of additional local planning that was required or agreed to during acknowledgement.

DLCD has reviewed the current statewide planning goals, LCDC regulations and state agency programs and determined that Metro only needs to review the UGB for factors one and two above and that factors three and four do not apply to Metro's UGB program. A copy of the DLCD notice is included as Appendix A of this document.

B) DLCD Substantive Requirements

DLCD has notified Metro that the periodic review of the UGB program must identify substantive changes in circumstances, if any, that have occurred since acknowledgement of the UGB and that Metro must also evaluate amended goals nos. 2, 9, 10, 11 and/or administrative rules for implementing the goals to determine if the UGB program is consistent with the goals and rules currently in effect.

Metro's evaluation of these factors will result in findings on the following subfactors:

- 1) Unanticipated developments and events including availability of an updated land use inventory.
- 2) Cumulative effects of UGB amendments and implementation actions since acknowledgement.
- 3) UGB program policies relating to goal requirements.
- 4) Other issues involving a substantial change in circumstances.
- 5) Amendments to goals 2, 9, 10, 11 and implementing rules.

Following is a brief discussion of these subfactors and Metro's approach to their evaluation:

a) Unanticipated developments and events:

The principal technique for determining whether or not unanticipated events have transpired which would effect the consistency of Metro's UGB program with statewide goals is to reexamine the initial assumptions leading to acknowledgement of the UGB (see section I, subsection B of this workplan) and to update the land use inventory within Metro's boundary to determine land use trends that may affect management of the UGB. The land use inventory may utilize information from any or all of the following sources and other data as may become available prior to preparation of the final periodic review order:

- i) Metropolitan Service District - "Population and Employment Forecast to 1995 and 2010." May, 1988.
- ii) Metropolitan Service District - "Vacant Industrial Land Inventory and Market Assessment." September, 1986.
- iii) Metropolitan Service District - Aerial photographs of the Metro region flown March, 1988.
- iv) Oregon Economic Development Department - "Oregon Economic Trends Project." September, 1986.
- v) Oregon Economic Development Department - "Industrial Property Inventory System." Updated monthly.
- vi) U.S. Fish and Wildlife Service - Wetlands inventory maps.
- vii) Cities, Counties, and Special Districts Within the Metro Region - Available parcel level data fields and inventories compiled in response to local Periodic Reviews.

- viii) Public Utilities serving the Metro Region - Available parcel level data fields.
- ix) Portland State University, Population Studies Center - Population and employment estimates.

The use of each source of information utilized in updating inventory information will be documented in the final review order. The inventory will identify the need for developable urban land within the UGB, and whether it is necessary to add additional developable land currently outside the UGB. The land inventory will be done using existing information, and a complete update will be done as RLIS is constructed through the fall of 1989.

b) Cumulative effects of UGB amendments:

Table I identifies all UGB amendments that have occurred since acknowledgement including major amendments, locational adjustments, trades where land has simultaneously been both added to and deleted from within the UGB, and other types of amendments. Through the draft periodic review order Metro will evaluate whether or not these amendments change the underlying assumptions leading to acknowledgement of the UGB or forecast land use needs for the region.

c) Plan policies relating to goal requirements:

The Metro Code has been examined for clarity and adequacy of Metro's procedures and standards for UGB amendments. A draft ordinance revising the code to update procedures and standards will be included in the draft periodic review order. Some of the major changes under consideration include the following:

- i) Reducing the maximum size of parcels eligible for consideration of a UGB amendment under the locational adjustment criteria from 50 to 20 acres in order to eliminate the ascending burden of proof criterion.
- ii) Creating a major amendment process that clearly states Metro's expectations for findings pursuant to the need and locational factors of Goal 14. This may include separate proceedings for determining need and assessing locational choice.
- iii) Exploring opportunities for subregional land use alternatives for responding to need while retaining regional considerations in UGB petition review.

TABLE 1

URBAN GROWTH BOUNDARY AMENDMENTS: JANUARY, 1980 THROUGH NOVEMBER, 1988

CASE NO.	TITLE	CD*	COUNCIL ACTION	NET ACRES ADDED	ORDIN/ORDER NO.
80-1	Clackamas County	1	approve	941	80-089
81-2	Waldo Estates, Oregon City	3	approve	9	83-162
81-3	City of Hillsboro	2	approve	50	81-117
81-4	Seely Property, Wilsonville	2	approve	2	81-118
81-5	WKG Development, Forest Grove	2	approve	30	81-119
81-6	Lynd/Schope/Scott Properties, Portland	3	approve	5	83-158
81-7	Foster Property, Burnside Ave.	2	withdrawn	0	
81-8	Cereghino Property, Sherwood	2	approve	11	82-145
81-9	Corner Terrace, Washington County	3	approve	10	84-171
81-10	Sharp Property, Tualatin	3	approve	11	82-149
82-1	Spangler Property, Clackamas	2	approve	6	83-160
82-2	Hayden Island	1	approve	760	83-151
83-1	DeShirla Property, Gresham	2	approve	11	85-187
83-2	Duyck Property, Cornelius	2	approve	8	84-170
84-1	Ray/Crow Properties, Lake Oswego	2	approve	9	84-182
84-2	Pacific Gas & Electric	2	deny	0	86-005
84-3	Burright/Happy Valley Homes	2	deny	0	86-010
85-1	May Property, Wilsonville	2	deny	0	86-009
85-2	Tualatin Hills Com. Church	2	approve	2	86-196
85-4	Foster Property, Burnside Ave.	2	approve	12	85-193
85-5	Griffin Property, T.V. Hwy & 342 St.	2	withdrawn	0	
85-7	Kaiser Property, Sunset Hwy.	1	approve	453	87-222
85-8	BenjFran, Washington County	1	deny	0	86-012
85-9	Riviera Property, Sunset Hwy.	1	approve	88	86-208
86-1	Zurcher Property, Forest Grove	2	withdrawn	0	
86-2	West Coast Auto Salvage	2	approve**	1	
87-1	Columbia Willamette Development	3	approve	2	88-244
87-2	Angel Property, Skyline Dr.	2	deny	0	
87-3	Blazer Homes, Lake Oswego	2	approve	43	88-268
87-4	Brennt Property, Lake Oswego	2	approve	5	88-265
87-5	BenjFran, Washington County	1	deny	0	88-018
88-1	Zurcher Property, Forest Grove	1	approve**	46	
88-2	Mt. Tahoma Trucking, Wilsonville	2			
88-3	St. Francis Church, Wilsonville	2			
88-4	Bean Property, Oregon City	2			

TOTAL ACRES ADDED

2515

- * 1=MAJOR AMENDMENT
- 2=LOCATIONAL ADJUSTMENT
- 3=TRADE

** RESOLUTION OF INTENT TO APPROVE ADOPTED.

- iv) Expanding Metro and petitioners responsibilities for identifying and investigating alternative locations for increasing urban land supply; alternatives to include sites both within and outside the UGB.
- v) Creating a new hearings process in the Metro Code specifically for land use cases in order to avoid the pitfalls inherent in the generalized contested case rules now in effect.
- vi) Developing new notification procedures to assure that interested parties and service providers are well aware of potential changes to the boundary.
- vii) Revising all written materials regarding the UGB and UGB procedures and criteria for use by both petitioners and interested parties.

The draft ordinance will also include two new sections delineating the following:

- viii) Metro objectives and procedures for conducting future Periodic Reviews of Metro planning programs.
- ix) Metro objectives and procedures for reviewing local comprehensive plans and land use actions to ensure that local jurisdictions are responding to regional planning policies, goals and objectives, and functional plans.

Policy issues identified in Section I, Subsection C of this workplan will be investigated at the staff level and through the citizen participation process (see Section F of this chapter of the workplan). Programs to respond to the issues will be incorporated into the final periodic review order as appropriate.

Metro growth management policies adopted pursuant to acknowledgement of the UGB (Council resolution no. 79-83 as amended by resolution no. 79-102, attached as Appendix B) will also be reviewed. DLCD requires Metro to document how those policies have been implemented since acknowledgement and the effectiveness of the implementation strategies in meeting intended objectives. Revisions to the policies or the implementing strategies are to be proposed where necessary to enhance the effectiveness of the UGB program.

d) Other issues:

ORS 197.752, Lands Available for Urban Development, was adopted by the state legislature in 1983. Although the statute itself is nothing more than a broad policy statement (see Appendix C of this document), Metro will examine the relationship of ORS 197.752 to the UGB program to determine whether changes to the program or other Metro policies are necessary to comply with the intent of the statute.

As indicated earlier in this section of the workplan, Metro will identify constraints to development within the region. The system for providing public services and facilities including water, sewers, transportation facilities, drainage facilities and others will be examined to determine if services have been extended in a logical and efficient manner and are functioning as anticipated in conformance with statewide planning goals.

e) Amended statewide planning goals and implementing administrative rules:

The following goals or administrative rules were amended or adopted after acknowledgement of the Metro UGB:

- i) Goal 2, Land Use Planning: New language was adopted regarding the taking of exceptions to statewide planning goals.
- ii) Goal 9, Commercial and Economic Development: OAR 660, Division 9 was amended to require review of economic development policies at periodic review. The rule requires designation of adequate land for employment uses to meet forecast economic development needs and the preparation of an Economic Opportunities Analysis (see also Appendix D).
- iii) Goal 10, Housing: The Metropolitan Housing Rule was adopted delineating minimum residential dwelling unit densities and attached/detached housing mix standards. The rule calls for local jurisdictions to adopt clear and objective standards and procedures for approving residential development proposals and for examination of housing policy performance through the periodic review process. During Metro's Periodic Review, aggregate housing densities built into the acknowledged UGB will be compared to actual and projected performance. A major departure from the anticipated densities may require review at the local level.
- iv) Goal 11, Public Facilities: OAR 660, Division 11 was amended to include an new rule defining the scope of public facilities plans and establishing procedures and standards for developing public facilities plans.

With the exception of Housing, compliance with these amended goals and rules is required of cities and counties, not Metro. However, information useful to Metro in evaluating the suitability of land for urban development and inclusion within the UGB will become available as cities and counties comply with the amendments. Metro will utilize information and analyses prepared by local jurisdictions and special districts and will coordinate with these entities in preparation of Metro's final periodic review order.

Although not specifically required by DLCD, Metro intends to take a proactive role in addressing some of the above issues as described in the following subsection of this workplan.

Regarding regional coordination of the Metropolitan Housing Rule, Metro is specifically required by section .050 to provide the following:

- "(1) At each periodic review of the Metro UGB, Metro shall determine whether the buildable land within the UGB satisfies housing needs by type and density for the region's long range population and housing projections.
- (2) Metro shall ensure that needed housing is provided for on a regional basis through coordinated comprehensive plans."

C) Additional Metro Objectives

Within the past six months, Metro has created a Planning and Development Department. While it is desirable that a comprehensive review of the complete UGB program be dovetailed with mandatory periodic review obligations, the staff and financial resources are not available to achieve that goal in the existing time frame. However, we expect to respond to the mandatory obligations in a timely manner. Further, we expect to accomplish as many of the voluntary tasks as possible prior to preparation of the final periodic review findings and integrate them into the final order.

Regardless of when all tasks are completed, Periodic Review provides the opportunity for Metro to initiate programs to equip ourselves with the necessary planning tools to soundly and effectively manage the UGB and other regional planning programs. The following list of objectives will be pursued through the Periodic Review Process:

- 1) Metro will develop an improved regional land use and demographic data base through in-house data resource efforts, information provided by public utilities, updated land use inventories prepared by local jurisdictions, and other current information. The information will be integrated into the computerized Regional Land Information System, once that system is operational.
- 2) Metro will conduct an extensive citizen participation program to help shape both the final periodic review findings and order; and planning tools and programs initiated in parallel with the periodic review process.
- 3) Metro will seek to define the land use planning and urban services delivery systems in the region and document their performance in relation to the statewide planning goals and regional planning programs, with particular attention to issues affecting urban growth boundary management.

- 4) Metro will investigate regional planning responsibilities and procedures in the Metro Code and revise UGB amendment procedures and standards to add clarity to the process. Further, procedures for conducting subsequent periodic reviews of Metro planning programs will be formulated as will processes and procedures for reviewing land use plans and planning actions of local jurisdictions and special districts for consistency with Metro's regional planning programs, goals and objectives, and functional plans.
- 5) Metro will serve as a catalyst for forging a regional economic policy in cooperation with local jurisdictions and districts, public and private economic development interests. Updated economic trends analysis will be prepared, target industries identified where appropriate, and technical assistance offered to help local jurisdictions comply with state-mandated economic planning requirements.
- 6) Metro will more actively monitor land use planning and development trends in the region in order to better anticipate issues of regional significance and work with local jurisdictions in addressing those issues.

The following discussion of the nonmandatory tasks is organized by the five subfactors noted in the previous subsection for which Metro is obligated to make findings in preparation of the final periodic review order.

1) Unanticipated developments and events:

The DLCD notice requested, and Metro will examine the following questions during periodic review:

- a) Were regional growth rates for population and employment substantially slower than projected at the time of acknowledgement?
- b) Were subregional growth rates for population and employment substantially higher or lower than projected at the time of acknowledgement?
- c) Have significant changes occurred in the assumptions upon which UGB acknowledgement findings were based, i.e., vacancy rates, average household size, densities?

In responding to these questions, Metro will review the documents noted in subsection B, above, and will attempt to conduct its own demographic analysis utilizing current inventories and forecasts now being prepared by public utilities and local jurisdictions undergoing their own periodic reviews.

Ultimately the data base will be at the parcel level (e.g. data retrievable by legal land parcel/tax lot) and computerized through use of Metro's Regional Land Information System (RLIS). RLIS will not be operational by the time Metro's final periodic review order is prepared and a manual demographic/land use summary may have to be substituted.

The extensive citizen participation program discussed in subsection F of this chapter will constitute a major outreach effort for identifying additional changes in circumstances of which Metro may not yet be aware.

2) Cumulative effects:

The DLCD notice requires that Metro document all UGB amendments that have occurred since acknowledgement and their impact on the urban land supply and the integrity of the urban growth boundary.

Metro proposes additional work to document planning system performance in the region as it relates to the UGB program. Through review of the updated land use and demographic inventory, Metro will assess the timeliness of public services provision to serve land within the UGB and the degree of urban influence outside the UGB and the relationship of these themes to urban growth boundary management. Chapter I, subsection C and Chapter III of this workplan discuss potential issues that these themes raise in more detail.

3) Plan policies relating to goal requirements:

The DLCD notice directed Metro to review the growth management policies adopted in Metro resolution no. 79-83 as amended by resolution 79-102 and to document how these policies have been achieved or, conversely, explain why policies have not been carried out.

The notice only mandates review of policies that have not been implemented. However, Metro will explore planning policies in a more comprehensive sense. As indicated in subsection A of this chapter, we are considering adding new sections to the Metro Code addressing subsequent periodic review processes and clarifying the role Metro will take in the review of local comprehensive plans and planning actions for consistency with regional planning programs. It is also anticipated that new policy areas will arise via the citizen participation program and through Metro Council deliberations and actions on issues associated with this periodic review.

4) Other issues:

As directed by the DLCD notice, Metro will address ORS.752, the new statute pertaining to lands available for urban development, in the periodic review order.

Further, Metro hopes to utilize the periodic review process to enhance our regional planning and coordination abilities upon completion of Periodic Review.

5) Amended statewide planning goals and implementing administrative rules:

With the exception of Goal 10, Housing where Metro has mandatory responsibilities for coordinating the Metropolitan Housing Rule, responsibility for complying with amended goals and rules lies with cities and counties, not Metro. Metro will utilize information and analyses prepared by local jurisdictions and special districts and coordinate with local entities in preparation of findings for our final review order.

a) With respect to Goal 9, Economic Development, a work program for economic development planning consistent with Metro's objectives for a regional Urban Growth Management Plan and with statewide planning goals (see Appendix D) is in preparation. In general Metro proposes to be the catalyst to forge a regional economic policy in coordination with local jurisdictions, public and private economic development interests. We propose:

- i) A regional update of the Oregon Economic Trends and Industrial Marketing Project originally prepared by the state in 1986.
- ii) An analysis of legislative action in response to the economic downturn experienced in the early 1980s.
- iii) An assessment of the new economic planning requirements for local jurisdictions.
- iv) The RLIS system is proposed to be utilized to maintain a current regional industrial lands inventory and as a monitoring tool accessible to all jurisdictions in the region to assist in meeting local Goal 9 and ORS 197.752 requirements.

b) With respect to Goal 11, Public Facilities, it is increasingly evident that effective and sound management of the urban growth boundary is intertwined with land use planning programs of local jurisdictions and capital improvement plans of special districts. There may be a need for Metro to play a more active role in monitoring planning and development trends to ensure that:

- i) Necessary infrastructure is first provided within the UGB so that development pressures can be accommodated and focussed on land already designated for urban uses.
- ii) Parcelization of rural land outside the UGB is minimized and lot sizes remain sufficient for continued rural uses rather than quasi-urban uses which likely will demand extension of urban services in the near future.
- iii) Market forces are not encouraged to locate urban uses in rural areas when the notion of what constitutes sound land use is trivially reduced to a question of raw land costs.

- iv) Lands immediately outside the UGB are not developed in such a way so that they present a barrier to expansion of the urban land supply at the points in time when it is most efficient to expand the UGB.

D) Milestones and Products

The planning program outlined in this workplan will be organized with respect to three milestones:

- 1) Preparation and endorsement of a periodic review work program by the Metro Council (target date - December, 1988).
- 2) Transmittal of initial findings and a draft response to the Periodic Review Notice by Metro to DLCD (target date - February, 1989).
- 3) Adoption of final findings and the final response to the Periodic Review Notice by the Council (target date - December, 1989).

Each of these phases will include local government and citizen involvement opportunities to encourage full discussion of issues. Recognizing the time constraints imposed by the first two milestones, the periodic review program should be perceived as a dynamic process where it is expected that additional issues will be raised and responses to them synthesized as we proceed toward the third milestone. We hope that the final review order is shaped to a large extent by the citizen involvement program and fully expect the final order to be more comprehensive and definitive than the draft order.

The principal product in phase one of the periodic review program will be preparation of a detailed work program and target schedule for completing periodic review.

Phase two will spawn the following written products which will become starting points for discussion and resolution of the substantive issues to be addressed in periodic review:

- a) Population and employment forecast to the year 2010.
- b) Inventory of existing land uses.
- c) Comparison of demographic and land use assumptions implicit in acknowledgement of the UGB with actual performance since acknowledgement.
- d) Economic trends review.
- e) Available urban land supply/land use needs analysis.
- f) Draft revisions to the Metro Code regarding UGB and other regional planning standards and procedures.
- g) Draft periodic review findings and order.

Phase three products will include later iterations of the above. It is also possible that an additional report addressing subregional issues may be prepared.

E) Decisions To Be Made By Council

The full Council will be called on three times to make decisions regarding the scope and adequacy of this periodic review effort:

1) Approval of Periodic Review Workplan:

In December of 1988, or at the very latest at the first meeting in January of 1989, the Council will be asked to accept this Workplan. This will enable staff to move forward with a sense of the issues that Council sees as being important, and with a common understanding of the scope of periodic review. This discussion with and direction from Council will be crucial if Metro is to produce its draft response to the periodic review notice by the 28th of February, 1989.

2) Submittal of Draft Response to Periodic Review Notice to DLCD:

On or before February 28, 1989, Council must act to approve the submission of the draft of Metro's response to the periodic review notice to DLCD, and begin its public review of the draft findings. Should Metro fail to meet this deadline, it would then be forced to ask DLCD and LCDC for an extension to its review deadline. Again, the findings and materials presented on this date are to be preliminary and in draft form; Metro's full agenda for periodic review will be completed between acceptance of the concept workplan by the Council and December 28, 1989.

3) Submittal of Final Response to Periodic Review Notice:

On or before December 28, 1989, Metro must submit its final findings and proposals to DLCD and LCDC for review and acceptance. Council will need to act to approve the final submission. This action will include the opportunity for public testimony, and should be timed to anticipate the possible need for revisions prior to final Council action.

In addition to these formal decision points, Council members will be involved throughout the process as described in Section F of this report, Citizen Participation. It is anticipated that the Intergovernmental Relations Committee of the Council will also play a formal role in reviewing products and assumptions as the process of periodic review proceeds.

F) Citizen Participation

Metro's Periodic Review of the Urban Growth Boundary is already attracting the interest of a wide variety of interested individuals and local governments. Clearly, to meet the expectations of both these interests and of statewide planning goal 1, Citizen Participation, Metro's approach to this task needs to include substantive opportunities for citizen participation. In addition, the quality of Metro's final review product, and its relevance to the urban land needs and issues of the region are directly related to the scope and quality of efforts made to invite citizen participation.

Nonetheless, Metro's limited resources require an efficient and targeted approach. Wherever possible, Metro will utilize existing forums and organizations for the dissemination of information. Metro's major focus of activity will be the facilitation of participation through policy and technical advisory committees for this project, and through encouraging and assisting citizens and other interests to participate in the hearings process. In any event, Metro is committed to establishing a two-way system of communication with interested and affected parties, and will respond throughout the Periodic Review process to the specific needs of different groups.

1) Affected Publics:

Metro's periodic review of the Urban Growth Boundary will include extensive opportunities for citizen and local government participation. The citizen participation program accompanying periodic review will, consistent with statewide planning goal 1, target the following eight groups of interested parties for specific participatory roles:

a) The "public":

For the purposes of this project, Metro will take advantage of existing vehicles for citizen participation in land use issues at the local level present in many of the region's counties and cities. For example, the City of Portland's system of neighborhood associations, and Clackamas and Washington County's systems of Citizen Participation Organizations (CPO's) provide effective mechanisms for developing a two-way system for communication between this project and interested citizens.

b) The Metro Council:

The Council, through its Intergovernmental Relations Committee, will be involved early in the process with the definition of key policy issues, and will be given regular progress reports and opportunities for input in the review and policy formation process.

c) Local Government Officials:

Through ongoing and regular meetings of both Mayors and City Managers throughout the region, meetings with County officials, and targeted informational mailings, Metro will be able to keep local government officials and staff informed and involved.

d) Local Government Planners:

Planners serving the cities, counties, and special districts in the region have a special interest in this process, since they are the ones who meet the public "across the counter" when dealing with planning issues, and because the evolution of the UGB will ultimately effect every comprehensive plan in the region. Consequently, Metro has a special interest in both their involvement in the process as well as in the opportunity to benefit from their experience with the interaction of the UGB with local plans and zoning codes.

e) The Land Development Community:

Home builders, realtors, development companies, and others involved in the development or conversion of lands to urban uses all have an interest in the way in which the UGB effects the potential supply of urban and urbanizable land.

f) The Land Conservation Community:

1000 Friends of Oregon, the Oregon Farm Bureau, local irrigation districts, and Soil and Water Conservation Districts, among others, have a direct interest in seeing that the development goals work hand-in-hand with the conservation goals, both in local comprehensive plans and in the operation of the UGB.

g) Service Districts and State Agencies:

The UGB directly effects the plans of special service districts--sewer, water, school, fire, transit, Boundary Commission, port--and the work of state agencies, both within and outside of the boundary. As with local governments, Metro has the statutory authority to assure consistency between the plans of special districts and Metro's land use goals and objectives, including the UGB.

h) Other Metro Departments and their Interested Publics: The UGB directly effects the plans and projects of Metro's Transportation and Solid Waste departments, including the policy bodies that work with those departments.

2) Vehicles for Involvement:

Metro will utilize existing mechanisms for citizen participation in order to avoid creating duplicative structures and to focus the energies of participants. The following vehicles will serve as the backbone for this effort:

- a) Neighborhood organizations, Citizen Participation Organizations (CPO's), and other citizen bodies established to facilitate citizen participation in land use policy and decisions processes. Metro staff will compile lists of these organizations from throughout the 3-county area, establish contact with the groups through regular mailings, and target the organizations whose territory of interest coincides with the location of the present UGB for informational presentations. The focus of this contact will be to enable interested citizens and/or organizations to participate effectively in hearings and workshops held in conjunction with the periodic review process.
- b) Metro Managers and Metro Mayors meet regularly to exchange information and to inform Metro of emerging issues of regional concern. Regular presentations before these groups will be used to inform local government officials of the status of periodic review, and opportunities for participation by the jurisdictions themselves.
- c) The Joint Policy Advisory Committee on Transportation (JPACT), Technical Policy Advisory Committee on Transportation (TPACT), Solid Waste Policy Committee (SWPC), and Water Resources Policy Advisory Committee (WRPAC) are established committees charged with providing ongoing Metro programs with advice on major policy issues within Metro program areas. Meetings with these groups will enable Metro Planning and Development staff to take advantage of the expertise already enlisted to assure that Metro programs remain supportive of regional goals and objectives. Preceding these meetings will be regular contact with the Metro Department staff associated with each program area in order to define issues and better focus the interaction of each program area with periodic review.
- d) Metro Council Intergovernmental Relations Committee meets regularly and will be relied on as a link between staff and the full Council. The meetings of this committee are open to the public, and provide Citizens and others with an additional avenue to articulate their concerns throughout the periodic review process. In addition, regular briefings of this committee will give the elected officials of the district direct contact with the project at all times.

However, it will still be necessary to create several new vehicles for participation specifically directed towards the needs of the periodic review process:

- a) Policy Advisory Committee: Representatives will be sought from the cities, counties, development community, conservation community, and Metro Council. The function of this committee will be to 1) serve as a forum for the discussion of findings, 2) serve as a forum for the discussion of policy issues, and 3) advise staff as the final periodic review notice is prepared. It is likely that a number of workshop sessions will be held with this group, and any such workshops will be open to the public. This group may also choose to hold public hearings on its own recommendations, and/or to make direct contact with the network of ongoing vehicles for participation described above. This Committee will have 11-15 members drawn from the affected parties listed above with critical concern for assuring a balance of opinions, expertise, and geographic representation. In addition, Metro may choose to incorporate a group modeled after the Business Committee on Transportation as a sounding board for the development of the Urban Growth Management program.

- b) Technical Advisory Committee: Representatives will be sought from among the local government planners in the region, special districts, state agencies, and consulting planners familiar with the UGB process and issues in periodic review. Total membership will be 15-20. The function of this committee will be to 1) review the methodology employed for periodic review, 2) review the findings of the review process, and 3) develop the technical context for each of the major policy issues to be considered in periodic review. Any findings or recommendations produced by this Committee will be reported directly to the Policy Advisory Committee, although this committee will always have the option of representing its views directly to the Intergovernmental Relations Committee and the council.

Finally, formal public hearings will be held, first before the Intergovernmental Relations Committee of the Metro Council, and then before the full Council itself. These hearings will take place in conjunction with the initial response to the periodic review notice in February of 1989, and then before the Metro Council later in 1989.

Table II further shows how each of the opportunities for involvement will be target to specific affected parties. This is not intended to limit access, but rather to specify how Metro will pursue the involvement of specific interests.

TABLE II: CITIZEN PARTICIPATION TARGETS

AFFECTED PARTIES	INVOLVEMENT OPPORTUNITIES	NEIGHBORHOODS/ CPO'S	METRO MANAGERS	METRO MAYORS	JPACT	TPACT	SWPC	WRPAC	METRO COUNCIL	INTERGOV. AFFAIRS COM.	POLICY ADVISORY COM.	TECHNICAL ADVISORY COM.	HEARINGS
PUBLIC		X							X	X	X		X
METRO COUNCIL					X		X		X	X	X		X
LOCAL GOVERNMENTS			X	X	X	X	X	X	X	X	X		X
LOCAL PLANNERS			X			X			X	X		X	X
DEVELOPMENT COMMUNITY					X				X	X	X		X
CONSERVATION COMMUNITY					X				X	X	X		X
SERVICE DISTRICTS AND STATE AGENCIES			X		X	X		X	X	X		X	X
METRO DEPARTMENTS					X	X	X	X	X	X		X	X

3) Citizen Involvement Program:

a) Assemble Affected Parties Mailing List:

Sources to be consulted include the Regional Directory (Local Government Officials, Local Planners, State Agencies, Port, Legislators, Congressional Delegation), neighborhood association and CPO mailing lists, representatives of the land development community and economic development organizations, representatives of the land conservation community, Metro departments, Metro Council, and special service districts. Metro's major interest will be in assembling a mailing list of organizations representing affected parties, and cataloguing their meeting times and newsletter deadlines.

b) Form Policy Advisory and Technical Advisory Committees:

The TAC will be advisory to both the staff and the PAC. Both committees will be asked to review the workplan, to assist in the initial scoping and refinement of the issues, and to review the findings for the Draft Response to the Periodic Review Notice. In particular, the TAC will be asked to review and formulate a technical response to the policy issues for PAC review, and will be asked to review the methodology proposed to be used to compile findings in response to the Periodic Review Notice.

c) Initial Outreach Effort:

This step will occur prior to the first draft of the response to the Periodic Review Notice. Beginning with a press release, the workplan will be circulated to the list of affected parties compiled above. It will be accompanied by a survey used to uncover new issues, and to collect information about the experience that affected parties have had with the UGB and UGB procedures. This initial contact will also include detailed information regarding upcoming participation opportunities and about opportunities for learning more about the UGB.

d) Ongoing Outreach Effort:

Following the initial outreach effort, an ongoing and systematic effort will be made to keep affected parties informed of the progress made by staff and the PAC, as well as providing information needed for continued participation in the process. A regular newsletter will be used for these purposes. In addition, Metro will supply speakers on request, and staff will regularly update the Metro Council, its IGR Committee, and the policy committees of Metro departments.

e) **Draft Review Notice:**

The findings in the Draft Response to the Periodic Review Notice, due on or before February 28, 1989, will reflect the additions or changes to issues proposed during the initial phases of this citizen participation process. It will be reviewed by the PAC and circulated to affected parties prior to hearings before the IGR Committee and the Council. Opportunity for public input will be provided at a hearing to be held before the IGR Committee, and revisions will be made, if necessary, prior to Council action. Following Council action, the draft will be forwarded to the DLCD.

f) **Expand Draft Response to include Metro Objectives:**

Technical issues underlying the Metro objectives in the Periodic Review process will be reviewed by staff and the TAC. The PAC will then review the issues, through meetings and/or public workshops, and will have the opportunity to hold public hearings if necessary.

g) **Circulate Expanded Notice:**

With Metro objectives for Periodic Review folded into the earlier Draft Response to the Periodic Review Notice, the expanded response will be circulated to affected parties and publicized via the news media. A meeting or meetings will be held before the PAC for public comment, and the entire package will be forwarded to the IGR Committee. The IGR Committee will then hold its own hearing(s) and transmit its findings to the whole Council.

h) **Final Hearings:**

The final response to the Periodic Review Notice will be circulated to affected parties, accompanied by information regarding the schedule for Council review and hearing. Following initial hearing and work session(s) by the Council, any revisions will be made and reheard as necessary. Following final Council action, the product of this process will be forwarded to the DLCD in December of 1989.

G) Schedule for Major Tasks

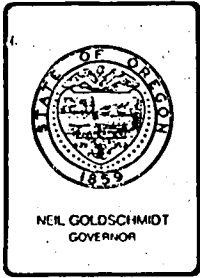
Table III presents the schedule for major work tasks associated with Periodic Review.

TABLE III: SCHEDULE FOR MAJOR TASKS

MAJOR TASKS	1989												
	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
FORM PAC & TAC	█												
PAC & TAC WRKPLN REVIEW		█											
PAC & TAC DRAFT REVIEW			█										
INITIAL OUTREACH		█	█										
ONGOING OUTREACH				█	█	█	█	█	█	█	█	█	█
UPDATE INVENTORY	█	█											
PROCEDURES DRAFT	█	█											
ECONOMIC ANALYSIS DRAFT	█	█											
DRAFT FINDINGS		█	█										
IGR & COUNCIL HEARINGS			█	█									
DRAFT HEARING							█						
ISSUES ANALYSIS	█	█	█	█	█	█	█	█	█	█	█		
DRAFT FINAL RESPONSE									█	█	█		
PAC REVIEW FINAL				█	█	█	█	█	█	█	█	█	
IGR & COUNCIL HEARINGS												█	█
PRODUCT MILESTONES:													
		WORKPLAN APPROVAL DEC, '88		DRAFT RESPONSE 2/28/89									FINAL RESPONSE DEC, '89

APPENDIX A

Metro's Periodic Review Notice



Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 378-4926

January 26, 1988

Rena Cusma, Executive Officer
Metro
2000 SW 1st Avenue
Portland, Oregon 97201-5398

Dear Ms. Cusma:

The Department of Land Conservation and Development grants Metro's request for an extension of time for notification of the date of final hearing on the local periodic review order and submittal of the proposed review order. Notification and submittal of the proposed order to DLCDC is now due February 28, 1989.

The extension is granted based on the statement of extenuating circumstances contained in your letter of November 23, 1987.

We believe that your jurisdiction is making satisfactory progress towards completion of periodic review and that additional time furthers the public interest.

If you have any further concerns regarding the periodic review process or requirements, please contact your field representative, Jim Sitzman, at 229-6068.

Sincerely,



James F. Ross
Director

JFR:DB/tmc
<tmc>

cc: Metro Jurisdictions
Jim Sitzman, Field Representative
Library PR Files (2)

RECEIVED AUG 31 1987



Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 378-4926

August 28, 1987

The Honorable Rena Cusma
Metro Executive Officer
2000 S.W. First Ave.
Portland, OR 97201

Dear Ms. Cusma:

The 1981 Oregon Legislature adopted laws requiring local governments including Metro, cities and counties to review their comprehensive plans periodically and to make changes as necessary to keep those plans up to date. Plans must address changes in the community, the statewide planning goals, and other laws and programs affecting land use. The Land Conservation and Development Commission is responsible for coordinating these local periodic plan updates in accordance with ORS 197.640 and Oregon Administrative Rule (OAR) Chapter 660--Division 19, Periodic Review.

This letter is to provide you with six months notice of the date for Metro's first required periodic review submittal. That date is February 29, 1988. What is required at that time is the proposed local periodic review order; proposed changes, if any are necessary, to the Metro UGB, UGB Findings and/or UGB amendment regulations; and notice of the date of the final hearing on the local periodic review order and proposed changes. This hearing must occur between 90 to 120 days after your submittal. Thus, you have nine to ten months to complete the periodic review, including adoption of a final local review order and any necessary changes.

Enclosed is a summary which identifies requirements to be addressed in Metro's periodic review and procedures to be followed. The review order is a findings document which addresses these issues.

Also enclosed are instructions for preparing a local review order, a sample review order, and a current copy of the Periodic Review Rule. These documents will help you in your review and with preparation of your local review order.


As you will note in the Notice, some of the items entail work requiring coordination with several cities and counties. An appropriate schedule should be devised to accommodate this coordination.

August 28, 1987

Your jurisdiction may be eligible for a grant to cover a portion of the expenses related to your local periodic plan review. A grant offer, which identifies the amount of money available, will be sent out under separate cover.

We look forward to working with you on your periodic review. Please feel free to contact your field representative, Jim Sitzman at 229-6068, should you have any questions.

Sincerely,



James F. Ross
Director

JFR:DB/ba
<pr>

Attachments to Metro Only

- Sample Review Order
- OAR 660-19 and Periodic Review Summary
- Goal 5 Memorandum
- Notice Forms (Plan and land use regulation amendments)

cc: Metro Area Cities and Counties
Jim Sitzman, Field Representative
Review Coordinator File
Library PR File
Lead Reviewer File
Portland Office PR File
Affected State Agencies

PERIODIC REVIEW NOTICE

Jurisdiction: Metropolitan Service District

Submittal Due Date: February 29, 1988

Date of Acknowledgment: December 14, 1979

INTRODUCTION

This notice outlines the requirements for the Metropolitan Service District (Metro) in conducting a local periodic review of the Metro regional Urban Growth Boundary and UGB amendment regulations. Oregon Administrative Rule (OAR) 660-19-050 requires the Department of Land Conservation and Development (DLCD) Director to inform local governments of their responsibility to conduct a periodic review of their plans and land use regulations. Each notice must specify the date by which the local government must submit both a proposed local review order and the time frame within which the final local hearing on the proposed local review order is to be held. Each notice must also include a listing of items the local review must address under the periodic review factors pursuant to OAR 660-19-055(3)-(7).

This periodic review notice is intended to fulfill the above requirements. The following pages contain sections of OAR 660-- Division 19, which state what issues must be looked at and suggestions on how the analysis could be conducted. A sample proposed review order is attached as an example of how a local government might approach preparation of a review order. A copy of the administrative rule for periodic review (OAR 660-- Division 19) is also attached. The notice includes the name and phone number of your field representative. Please feel free to contact him in order to clarify periodic review responsibilities or for other assistance in conducting your review.

PROCEDURAL REQUIREMENTS

The Metropolitan Service District must submit four copies of its proposed local review order including the date of final hearing to the DLCD Salem office by February 29, 1988. The date of the final hearing must be between 90 and 120 days after the submittal. The proposed local review order consists of findings addressing the periodic review factors outlined in this notice and any necessary plan and land use regulation amendments. Please note that changes to the UGB and amendment regulations also require notice to DLCD under "post-acknowledgment" amendment requirements (OAR 660, Division 18).

DLCD will notify you of concerns the Department has relative to the proposed order and amendments before your final hearing. Other parties may wait to notify you of their concerns at the final hearing. Following the final hearing, and no later than twenty (20) working days after adoption of the final review order, you must submit four copies of the order and any adopted plan or land use regulation amendments to DLCD at the Salem office. Please refer to the Periodic Review Rule, OAR 660--Division 19 for further details or contact your field representative, Jim Sitzman at 229-6068.

In order to complete periodic review efficiently it is important for DLCD to confirm that it has on file a complete copy of the UGB and amendment regulations currently in effect. DLCD requests that Metro submit two copies of previously acknowledged UGB material, including findings and rules, together with all amendments that have occurred since acknowledgment.

SUBSTANTIVE REQUIREMENTS

ORS 197.640 and OAR 660-19-055 require each local government to adopt findings stating whether any of the four periodic review factors apply. For each factor that applies, Metro must assure that the UGB and amendment regulations comply with requirements identified in the periodic review factor. The four factors as described in OAR 660-19-055(2)(a)-(d) are:

Factor One

"There has been a substantial change in circumstances, including, but not limited to, the conditions, findings, or assumptions upon which the comprehensive plan or land use regulations were based so that the comprehensive plan or land use regulations do not comply with the Goals";

Factor Two:

"Previously acknowledged provisions of the comprehensive plan or land use regulations do not comply with the Goals because of goals subsequently adopted or statewide land use policies adopted as rules interpreting Goals under ORS 197.040";

Factor Three

"The comprehensive plan or land use regulations are inconsistent with a state agency plan or program relating to land use that was not in effect at the time the local government's comprehensive plan was acknowledged, and the agency has demonstrated that the plan or program:

- (A) Is mandated by state statute or federal law;
- (B) Is consistent with the Goals; and

- (C) Has objectives that cannot be achieved in a manner consistent with the comprehensive plan or land use regulations."

Factor Four

"The city or county has not performed additional planning that:

- (A) Was required in the comprehensive plan or land use regulations at the time of initial acknowledgment or that was agreed to by the city or county in the receipt of state grant funds for review and update; and
- (B) Is necessary to make the comprehensive plan or land use regulations comply with the Goals."

The following pages explain these factors in greater detail as they pertain to Metro's periodic review.

FACTOR ONE

SUBSTANTIAL CHANGE IN CIRCUMSTANCES

(OAR 660-19-055(2)(a))

To determine whether the substantial change in circumstances factor does or does not apply, Metro's review must contain findings on the following subfactors which are described in greater detail in the following pages:

- A. Unanticipated developments or events.
- B. Cumulative effects of plan amendments and implementation actions.
- C. Plan policies relating to goal requirements which have not been carried out.
- D. Availability of new inventory information.
- E. Other issues involving a substantial change in circumstances.

Subfactor One-A: Unanticipated Developments or Events

"Major developments or events which have occurred that the acknowledged plan did not assume or anticipate or major developments or events which have not occurred that the acknowledged plan did assume or anticipate. Local periodic review findings must describe any occurrences such as the construction of or decision not to build a large project like a major reservoir, a regional shopping center, a major energy or transportation facility; a significant change in the local government's natural resources or economic base; significant unexpected population growth; significant consecutive decline

in population growth rate; failure or inability to provide public facilities and services in accordance with the plan, etc." OAR 660-19-055(3)(a)

Metro's review should not limit itself to the types of circumstances specifically mentioned in the rule or this Notice. The review should be based on knowledge of any substantial change in circumstances which might make the UGB or amendment regulations not comply with the goals.

Knowledge of these circumstances might come from citizen involvement committee discussions, staff research, or comments from citizens or agencies. The order should state what the changed circumstances are; how the knowledge was obtained; and how proposed UGB or amendment regulation changes bring the UGB and regulations into compliance.

Based upon DLCD's knowledge of changed circumstances which may have substantial impact, DLCD requests that Metro consider the following and determine if your analyses indicates a need to modify the UGB or the amendment regulations. It should be remembered that findings under this sub-factor may indicate a need to change either the UGB or Metro's amendment regulations which determine how and when (or if) the UGB is amended. Collectively, the findings for this subfactor may also lead to both UGB and regulation changes:

1. Were regional growth rates for population and employment substantially slower than projected?
2. Were allocation district growth rates substantially higher or lower than projected? For instance, was development activity in Clackamas County's northwest urban area (I-205 corridor) substantially greater than anticipated? Or, did growth in the electronic industry, especially in the Sunset Corridor, meet anticipated levels?
3. Have sewer, water, transportation, drainage or other public facilities functioned or been developed substantially as anticipated? Consider for example eastside light rail transit and the metropolitan convention center.
4. Have significant changes occurred in any or all of the assumptions upon which the UGB findings were based, i.e., vacancy rates, average household size, densities?
5. Have the Metro rules for minor or major UGB amendments provided timely processes and clear, complete criteria for determining need for additional land within the UGB and approving only necessary amendments to the UGB? The main purpose of Goal 14, with its implicit relationship to Goals 3, 4, 11 and 12, is to plan adequately but not excessively for 20 years of growth. Management of the UGB therefore assumes an effective base of information and

policies for making need determinations and evaluating alternatives for enlarging the boundary consistent with "locational" criteria of Goal 14. Such information and policies can be contained appropriately within Metro's UGB amendment regulations. Being a regional urban growth boundary, Metro's amendment regulations must retain regional considerations when evaluating sub-regional alternatives or deficiencies. Likewise, Metro's policies must be capable of evaluating the importance to the region of targeted industries special patterns or types of development.

You may determine that other developments or events have had an effect on the UGB. These developments or events must also be reviewed and findings presented as to whether changes in the UGB or amendment regulations are necessary to maintain compliance with the Goals.

Subfactor One-B: Cumulative Effects

"Cumulative effects resulting from plan and land use regulation amendments and implementation actions on the acknowledged plan's factual base, map designations, and policies which relate to statewide Goal requirements.

(A) For local governments responsible for plans inside urban growth boundaries, periodic review findings must describe the cumulative effects of plan and land use regulation amendments and implementation actions on the overall urban land supply for the plan's chosen (usually 20 years) time frame; on the amount of vacant buildable land remaining for needed housing and economic development; on the provision of public facilities and services to meet development needs identified in the plan; ...and on other specific statewide planning goal matters that the Director includes on the local government's periodic review notice." OAR 660-19-055(3)(b)

DLCD review of Metro's UGB and amendment regulations has determined that the local review must assess the cumulative effects of those amendments and implementation actions listed below:

1. Minor UGB amendments.
2. Major UGB amendments.
3. Both minor and major UGB amendments.

Metro must also conduct a local review of this factor and present findings based on that review for other cumulative effects which may be identified.

Subfactor One-C: Unfulfilled Plan Policies

"Oversight or a decision by the local government to delay or not carry out plan policies which relate to a statewide goal requirement. Local periodic review findings must describe why, for example, policies in the plan requiring a citizen involvement program evaluation, a revised inventory of natural hazards, or a date-specific, overall revision of the plan, etc., have not been completed." OAR 660-19-055(3)(c)

The Metro review must include an analysis of whether or not plan policies related to goal requirements have been carried out, even if DLCD does not identify any policies which Metro has neglected to carry out.

DLCD has determined that Metro needs to provide evidence that the Metro policies in Resolution Nos. 79-83 and 79-102 have been achieved. Metro may choose to explain why a policy has not been carried out and substitute other information and analysis which accomplishes the purpose of the policy.

Subfactor One-D: New Information

"Incorporation into the plan of new inventory material which relates to a statewide goal made available to the jurisdiction after acknowledgment. Local periodic review findings must list what applicable published state or federal reports have been made available to the jurisdiction after acknowledgment containing new inventory material, for example, on groundwater availability, air quality, big game habitat, census information, soil surveys, natural hazards, etc., and describe what steps, including any amendments to the plan's factual base, policies, map designations and land use regulations, have been taken in response to this information." OAR 660-19-055(3)(d)

DLCD has determined that the following new published inventory information needs to be reviewed and incorporated into the UGB and amendment regulations as appropriate. Please address the applicability of each of the listed inventories in your review order and summarize the text of amendments necessary to update the UGB with inventory information. The inventories are available from the noted agencies.

Economic Development Department: State and national trend information to assist in compliance with ORS 197.712(2) and determining need for industrial and commercial land in the UGB; contact Henry S. Markus, 373-1231.

Portland State University: Annual population estimates; contact 229-3922.

U.S. Fish and Wildlife Service: Wetlands Inventory Maps to assist in consideration of constraints on development, especially for industrial uses; contact DLCD field representative.

Metro (PDC, EDD and other agencies): Vacant Industrial Land inventories. Keeping with Metro's prior use of inventories identifying needed, developable land, land with constraints which can be removed within a twenty year planning period should be included. Land with insurmountable constraints for any suitable development should not be included in an inventory used to satisfy the projected need for developable land. Thorough information about the nature of constraints must be documented. Metro should in cooperation with local governments establish a program and commence actions to remove constraints limiting the use of land planned for development.

Subfactor One-E: Other Issues

"Nothing in subsections (3)(a)-(d) of this rule is meant to limit or prevent any person from raising other issues or objections involving the 'substantial change in circumstances' factor set forth in subsections (2)(a) of this rule as long as such concerns are submitted consistent with the requirements of OAR 660-19-065." OAR 660-19-055(4)

New and Revised Statutes: The following new or revised statutes were adopted by the Oregon Legislature since Metro's acknowledgment. Therefore, Metro's obligation to comply with the new or amended statute is a substantial change in circumstances which may affect the UGB and amendment regulations. The new or amended statutes are briefly summarized below with effective dates noted.

Metro should evaluate each statute in order to determine what is required. Metro should then investigate the UGB and amendment regulations to determine whether they are in compliance with the statute and develop amendments as necessary to attain compliance.

The local review order should state whether or not Metro finds that the statute applies, whether UGB or amendment regulation changes are necessary to attain compliance with the statutory requirements, and should describe the necessary amendments. The text of proposed amendments should be submitted along with the proposed order if possible. Proposed amendments must be submitted to DLCD pursuant to OAR 660--Division 18 ("post-acknowledgment") 45 days in advance of the final hearing on adoption.

STATUTES

EFFECTIVE DATE

ORS 197.752--Lands Available for Urban Development 1983

FACTOR TWO

NEW OR AMENDED GOALS OR RULES ADOPTED SINCE
THE DATE OF ACKNOWLEDGMENT

(OAR 660-19-055(2)(b))

The following new or amended goals and administrative rules were adopted after acknowledgment of the Metro UGB. They are briefly summarized below with new planning requirements pertinent to your local review noted. Effective dates are also noted. Metro should evaluate each new or amended goal or rule in order to determine more specifically what is required or allowed. Metro should then investigate the UGB and amendment regulations to determine whether they are in compliance with the present goals and rules and develop changes as necessary to attain compliance.

Metro's review order should state whether or not Metro finds that each listed goal or rule change applies, whether changes are necessary to achieve compliance with the goals, and should briefly describe the proposed changes. The text of proposed changes should be submitted along with the local order if possible. Proposed changes must be submitted to DLCD pursuant to OAR 660--Division 18 ("post-acknowledgment") 45 days in advance of the final hearing or adoption.

New or amended goals and rules applicable to Metro are:

GOALS OR RULES

EFFECTIVE DATE

Goal 2--Land Use Planning (amendments)

12/30/83

This goal and rule change preceded the most recent acknowledgment of the Metro UGB. However, if it follows the acknowledgment date(s) of Metro's amendment regulations, Metro should assess the appropriateness of adopting policies for the use of the exceptions process at the regional level.

This goal and rule amendment describes the exceptions process: when a local government may take an exception to a goal, standards of evaluation, and definition of terms. Deletes previous exceptions language.

This goal and rule amendment will only be applicable if new exceptions are being taken or if there is conflicting information in the plan.

Goal 9--Commercial and Economic Development
Rule--OAR 660, Division 9

At first
periodic review

Requires update of economic elements of plans for areas within urban growth boundaries unless the existing plan meets the rule requirements. Plans must be updated based on new economic trend information to: (1) forecast needs for industrial and commercial land in several broad "site categories," (e.g., light industrial, heavy industrial, commercial office, commercial retail, (etc.); (2) inventory sites currently designated for industrial or commercial use; (3) project community decisions about desired development. Based on this information, policies must be adopted stating the community's economic development objectives. Communities must designate land to meet forecasted needs. Communities which seek industries with special site requirements must protect appropriate sites for such uses.

Compliance with this rule is required of cities and counties. However, much of the information and analyses required by this rule is critical to Metro's evaluation of the regional urban growth boundary. Therefore, Metro should schedule its periodic review work to allow for use of the information and analysis performed by the cities and counties. If possible, Metro should undertake to coordinate the local industrial and commercial land inventories and trend analyses in order to assure reliable information for Metro's regional evaluation. The DLCD will cooperate with Metro in achieving this scheduling and coordination.

Goal 10--Metropolitan Housing Rule--
OAR, Chapter 660, Division 7 (12/11/82)

2/18/87

Establishes parameters for required inventory of buildable lands; requires clear and objective standards, special conditions, and procedures for the approval of housing; establishes minimum residential density requirements and attached/detached housing mix standards; requires regional coordination; requires evaluation at periodic review.

Regarding regional coordination, Section .050 provides the following for Metro:

"(1) At each periodic review of the Metro UGB, Metro shall determine whether the buildable land within the UGB satisfies housing needs by

type and density for the region's long-range population and housing projections.

(2) Metro shall ensure that needed housing is provided for on a regional basis through coordinated comprehensive plans."

Goal 11--Public Facilities Rule--OAR 660,
Division 11--OAR 660-11 (new rule)

At first
periodic review

Although this rule was adopted before the most recent acknowledgment of the Metro UGB, it was adopted after most of the local comprehensive plans were acknowledged. Therefore, most local public facilities plans will be undergoing some revision. Since Metro is being asked to coordinate review of the Metro UGB and amendment regulations with the latest public facilities plans of local governments, we have included this rule in the Notice.

This rule defines the scope of the public facilities plan; establishes procedures and standards for developing the public facilities plan; applies to cities and special districts within an urban growth boundary with a population greater than 2,500; and applies to counties for unincorporated areas within the Portland Metropolitan Urban Growth Boundary which are not contained within an area subject to an approved urban growth area agreement.

Compliance with this rule is required of cities and counties. However, information useful to Metro in evaluating the suitability of land for development will be made available as the cities and counties complete work required by this rule. This will be true especially for Metro's efforts to critically evaluate land identified in the industrial land inventory. Metro should therefore schedule its work in coordination with the public facilities work of at least the major cities and counties in the region. The DLCD will cooperate with Metro in achieving this coordination.

FACTOR THREE

**NEW OR AMENDED STATE AGENCY PLANS OR PROGRAMS ADOPTED
SINCE THE DATE OF ACKNOWLEDGMENT**

(OAR 660-19-055(2)(c))

Several state agencies have submitted summaries of mandated programs related to land use which were not in effect when the Metro UGB was acknowledged. DLCD has reviewed these programs and determined that they do not apply to Metro's UGB. Therefore, Metro does not have requirements to meet for Factor Three. The local review order must still address this factor and state findings and a conclusion reporting that the factor does not apply.

FACTOR FOUR

**ADDITIONAL PLANNING TASKS REQUIRED AT THE TIME
OF ACKNOWLEDGMENT OR AGREED TO IN RECEIPT OF STATE GRANT FUNDS**

(OAR 660-19-055(2)(d))

Except for the LCDC's requirements for housing mix and density, which are covered above in OAR 660--Division 07, the DLCD finds no tasks required of Metro in either the acknowledgment report or in grant conditions. Therefore, factor four does not apply to Metro. The local review order must still address this factor and state findings and a conclusion reporting that the factor does not apply.

DB/ba
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APPENDIX B

Resolutions 79-83 and 79-102: Growth Management Policies

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SUPPORTING)
REQUEST FOR ACKNOWLEDGMENT OF THE)
MSD URBAN GROWTH BOUNDARY FROM)
THE LCDC BY SUBMITTING RESPONSE)
TO FIVE QUESTIONS AND PLEDGING)
TO IMPLEMENT CERTAIN NEW POLICIES)
ON MANAGEMENT OF URBAN LAND)

RESOLUTION NO. 79-83
Introduced by the
Planning and Development
Committee

WHEREAS, CRAG Order No. 78-35 adopted the regional Urban Growth Boundary and submitted it to the Land Conservation and Development Commission for acknowledgment on December 21, 1979; and

WHEREAS, The LCDC did on July 12, 1979, continue acknowledgment considerations pending reply from MSD and the Department of Land Conservation and Development staff to the following five concerns:

- I. MSD commitment and timetable to complete functional plan elements on housing, transportation and public facilities and services,
- II. MSD policy statement on the control of urban sprawl. Policy statement to be implemented by adoption of conversion policies,
- III. MSD and county policy statements on control of development within the Tri-County area and outside the urban growth boundaries,
- IV. MSD policy/procedure for amendment of the Urban Growth Boundary,
- V. Examination of Agricultural Soft Areas (ASA); and

WHEREAS, The MSD has prepared a reply contained in a report dated August 21, 1979 and titled "Reply to LCDC Questions Regarding Implementation of the UGB"; and

WHEREAS, The content of this report was developed after

extensive discussion with the DLCD staff, elected officials and staff of the three counties and several cities, the Council and Planning and Development subcommittee and other interested parties; and

WHEREAS, Clackamas, Multnomah and Washington Counties are adopting and submitting resolutions supporting acknowledgment by LDCD and committing to adopt and implement strong policies on conversion of undeveloped land and on regulation of land outside the Boundary; now, therefore,

BE IT RESOLVED,

1. That the MSD Council approves for submittal to the LCDC the report titled "Reply to LCDC Questions Regarding Implementation of the UGB."
2. That the policies in Part II labeled Policy Guidelines Nos. 1-4 and those in Part V shown as protective regulation of productive, prime agricultural land shall be used in the review of local comprehensive plans to assure that these or equally strong policies are locally implemented.
3. That the MSD will utilize its powers under 1977 Oregon Laws, chapter 665, Sections 17 or 18, to enforce the policies referenced above in No. 2 or equally strong policies in the event that a local jurisdiction(s) does not voluntarily implement them by the dates specified in the report to LCDC.
4. That the MSD Council directs preparation of definitions described in Part III, B of the report to LCDC, which shall be completed in time to allow for adoption no later than December 1, 1979.

5. That the MSD Council approves the Policy for Amending The Urban Growth Boundary stated in Part IV of the report to LCDC as a guideline for consideration of proposed amendments.

6. That the MSD Council is prepared to consider adjustment and if necessary expansion of the Boundary in Clackamas County to redress unresolved issues stemming from previous Urban Growth Boundary deliberations.

7. That the MSD Council directs implementation of the actions regarding the Agricultural Soft Areas which are contained in the final report to LCDC.

8. That the MSD Council otherwise concurs with the statements and policies contained in the report to LCDC, which is hereby incorporated in this Resolution.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of August, 1979.



Presiding Officer

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REPLY TO LCDC QUESTIONS REGARDING
IMPLEMENTATION OF THE UGB

APPROVED BY THE MSD COUNCIL

August 23, 1979

- I. "MSD commitment and timetable to complete functional plan elements on housing, transportation and public facilities and services."

The following provides information about and estimates of time for MSD's regional planning. Since the regional products will have an influence on land use in the region, including the issues in question in the Urban Growth Boundary acknowledgment, this presentation is timely. It is not, however, offered as a formal compliance schedule.

A. The MSD is guided by statute to:

1. "Adopt land-use planning goals and objectives for the district consistent with goals and guidelines adopted under ORS 197.005 to 197.430."
2. Define and apply a planning procedure which identifies and designates areas and activities having significant impact upon the orderly and responsible development of the metropolitan area, including, but not limited to, impact on:
 - a. Air quality; and
 - b. Water quality; and
 - c. Transportation.
3. Prepare and adopt functional plans for those areas designated under subsection (1) of this section to control metropolitan area impact on air and water quality, transportation and other aspects of metropolitan area development the Council may identify.
4. Review the comprehensive plans in effect on the operative date of this 1977 Act or subsequently adopted by the cities and counties within the district which affect areas designated by the Council under subsection (1) of this section and recommend or require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plans adopted under subsection (2) of this Section.

- B. Goals and Objectives: A program designed to update and strengthen MSD's goals and objectives has been started. We anticipate a first product focusing on selected key issues to emerge for Council consideration late fall or winter of 1979. A longer-term, more extensive effort will follow the initial product. Regional housing policies will be addressed as goals and objectives rather than a functional plan. MSD has a set of Initial Housing Policies which speak to the areas of LCDC interest as contained in Goals #10 and #14. A description of current

work on a market-level housing allocation has been prepared. The MSD has already adopted a housing opportunity plan for assisted housing. Each of these housing documents is contained in the Appendix.

- C. Functional Plans: The MSD has or is preparing functional plans as described below.

MSD planning has been based upon the assumption that regional determination of basic urban and rural/natural resource land use designations should precede final determination of sewer, water, and transportation facilities and services. While these basic land use designations have and should reflect the location of existing facilities and services and the feasibility for future installation, final, full-scale facility and service planning should follow and support the land use designations.

1. Air Quality: As the designated lead agency for air quality planning, MSD has prepared (with DEQ) and adopted a State Air Quality Improvement Plan. Work is continuing at this time on the planning and implementation measures needed to attain federal air quality standards within the requisite 1982 and 1987 timeframes. Land-use impacts and implementation options will be considered in this process.
2. Water Supply: A water supply study for the region is being prepared at this time by the Corps of Engineers and MSD. The plan will document water supply resources and management available to the region, especially the urban portion. This work will likely be completed and adopted by mid-1980.
3. Transportation: A fully revised regional transportation plan is now being prepared. It addresses both highway and transit transportation. The planning area coincides with the Urban Growth Boundary with few minor exceptions. The planning program has provided updated and improved regional population and employment forecasts, which were used in the Urban Growth Boundary work. The analytic methodology, particularly in the allocation of where people will live and work, heavily incorporated both transportation and land-use information, policies and considerations. To support the whole effort, a complete inventory of 14 land-uses and vacant land was produced. The same information was used in the Urban Growth Boundary work.

The transportation plan will likely be concluded by July, 1980.

4. Sewage Treatment: A regional Waste Treatment Management Plan was adopted in July, 1978. The Plan establishes a framework for expansion and modification of sewerage works throughout the metropolitan area. It supports the Urban Growth Boundary through (1) its Treatment System Service area map and text, which limit the use of public funds to those treatment system projects which are consistent with the plan, and (2) the Collection System Service Area map and text.

The plan is being implemented at the local level by the East Multnomah County Consortium (Gresham, Troutdale and Multnomah County), the Tri-City Service District (Clackamas County, Gladstone, Oregon City and West Linn), the City of Portland Sludge Management Project, and other local projects. The Tri-County project has been programmed for federal funding support and an election to form the District is being postponed until the funding is assured. The East Multnomah County Consortium is in a similar situation. Federal funds have been cutback recently throughout the state, and MSD is actively supporting diversion of funds to the Portland metropolitan area for implementation of the Tri-City project and other local projects. For example, MSD has recommended measures to be taken by the Oregon Environmental Quality Commission which would expedite funding of these local projects.

5. Drainage Management: A drainage study is being prepared by the Corps of Engineers and MSD. Policies have been recommended to the MSD Council and will be distributed for public review and comment soon. The Johnson Creek Basin has been designated an area of regional concern and interim development guidelines are being adopted by the six local jurisdictions in the basin. (Clackamas County adopted the guidelines in July, 1979.)
6. General: When the work described above is complete, the MSD urban area will have plans for adequate sewage treatment, water supply and transportation facility/services for the population and land projected and justified in the Urban Growth Boundary Findings. And the region will comply with federal air quality standards.
7. Revision of Local Plans: In order to deal with the dispersal of local compliance dates and the ongoing planning program of MSD, the LCDC agreed to inclusion of "opening language" in land plans. This language is to make certain within an acknowledged local plan, and to all parties interested in the plan, that the

plan may be opened periodically for amendments that consider compliance with regional Goals and Objectives and/or functional elements. The schedule agreed to by LCDC and CRAG for reopening acknowledged local plans follows:

- . Plans acknowledged prior to March 1978 open for amendment, December 1978-February 1979 and annually thereafter;
- . Plans acknowledged prior to March 1979 open for amendment, December 1979-February 1980, and annually thereafter;
- . Plans acknowledged prior to March 1980 open for amendment, September-November 1980 and annually thereafter; and
- . Plans acknowledged after March 1980 open for amendment annually beginning in 1981.

The "opening language" will be used to incorporate future MSD goal, objective and functional plan policies into local plans.

8. Post-Plan Acknowledgment: Because local plans will be acknowledged over a two year period, they cannot be coordinated fully with each other and regional policies at the time of acknowledgment. Therefore, MSD will undertake after all local plans are completed to "sum" and evaluate them against the regional goals, objectives and functional plans. Inconsistencies can then be corrected as necessary by using the "opening" provision to amend the local plan(s).

Acknowledgment plan review is designed to deal with the regional policies. It will, therefore, prevent most of the major local/regional inconsistencies that otherwise could occur. The post-acknowledgment review should be in the nature of fine-tuning local and regional coordination.

- D. The LDCD local jurisdiction plan acknowledgment process will be instrumental to achievement of the State purposes set forth in the Goals. The MSD has undertaken a thorough, rigorous review program, which it remains committed to pursue in cooperation with the DLCD.

Plan acknowledgment (and updating as noted in #7 and #8 above) is the prime opportunity to assure that specific purposes such as those described in this document can be met. MSD will proceed based upon agreements reached in the Urban Growth Boundary acknowledgment process to

incorporate into plan review strong guidelines designed to protect and use efficiently land within the Urban Growth Boundary.

II. "MSD policy statement on the control of urban sprawl. Policy statement to be implemented by adoption of conversion policies."

Response to this inquiry is contained in four policy guidelines which the MSD herein adopts by resolution. These policy guidelines will be used during plan review to assure that they or equally strong alternative policies are enacted and implemented by local plan and ordinance adoption. All jurisdictions must adopt such policies by scheduled compliance, except that jurisdictions scheduled for compliance acknowledgment prior to March 1980 may have until September 1980 to amend their plan to include such policies in their plan. In those instances where adequate policies have not been enacted on schedule, the MSD will undertake enforcement of these policies.

Included in the Appendix to this document are resolutions from each county noting support for acknowledgment of the Urban Growth Boundary and pledging to adopt strong conversion policies.

In addition to the specific policy guidelines stated below, it should be noted that an urban growth boundary is itself a tool for controlling sprawl. In the case of the MSD Urban Growth Boundary, virtually all the land within it has been committed to urbanization by past public and private actions. The Boundary, therefore, circumscribes the sprawl which has already occurred. Future enlargement of the urban area will meet the tests of timeliness and efficiency and be supported by additional findings of need. Because the MSD Boundary is intended to define a long-term planning and development area, changes are expected to be infrequent and small-scale.

POLICY GUIDELINES ON THE CONTROL OF URBAN SPRAWL

Policy Guideline No. 1:

New urban development within the Urban Growth Boundary shall be contiguous to areas of existing development to encourage "filling in" of buildable lands and to reduce "leapfrog" or "sprawl" development. Contiguous means in this instance surrounded by development on at least three sides or adjacent to developed parcels. However, new development may be non-contiguous to existing development if, the development is compatible with the efficient provision of public facilities and services.

In cities or counties where the local plan distinguishes immediate from future urban areas (with policies prohibiting development in future areas), this MSD policy shall apply only in the future urban areas.

Policy Guideline No. 2:

Undeveloped land within the Urban Growth Boundary shall be preserved and maintained through the use of appropriate local ordinances and controls for future urban development. Such ordinances and controls shall ensure opportunities for future urban level parcelization of property and the future provision of urban level services by restricting new parcelization to ten (10) acre minimum lot sizes until provisions of Policy Guideline No. 3 are met for residential land or until urban services are assured for commercial and industrial lands..

"Undeveloped land" shall mean in Policy Guidelines #2 and #3 land which can support a planned public, residential, commercial or industrial use and is shown as vacant on the MSD land use inventory. Industrial and commercial development shall not occur without assurance of urban services.

Policy Guideline No. 3:

Undeveloped land in the Urban Growth Boundary may be converted to residential uses only when the proposed development a) complies with a local plan which meets MSD's review for residential densities according to Goal #10 Housing, and Goal #14 Urban Growth Findings*; b) complies with the average residential densities assumed by the

*Future residential developments are forecast to increase in the Urban Growth Boundary Findings from 5.9 to 6.0 units per net acre. This forecast is based on what already exists in the metropolitan area and on the current past trends to increase large-lot residential zoning. The Urban Growth Boundary Findings are based on regional averages regardless of present zoning and differences in local development patterns. Therefore, density assumptions in the Findings cannot be directly applied to the review of existing local plans or zoning.

When local plans are reviewed for compliance with LCD Goals #10 and #14, the overall density in a city or county should meet or exceed those for new development in the Findings with few exceptions. These densities are 4.04 units per net acre for single family residential and 13.26 for multi-family and developed at a ratio of 1 multi-family for each single family unit.

Clearly, not all cities (usually very small cities) will be in strict conformance with these averages. Criteria for exceptions will be based on whether the land use plan shows an overall increase in densities and provides sufficient land for multi-family housing to meet the year 2000 housing mix.

In the event that a local jurisdiction desires to approve residential development prior to acknowledgment of their comprehensive plan at densities less than those described above, the approving authority must enter in the record their findings for why the MSD densities should not be met.

Urban Growth Boundary Findings if a local plan has not met MSD Goal #10 and #14 review, except for land with unique topographic or natural features, and c) sewer and water facilities and services are assured concurrent with final approval of the development proposal. Sewer, water and transportation facilities and services for such development must be coordinated with corresponding regional planning.

Policy Guideline No. 4:

Development on septic tanks and cesspools shall be prohibited within the Urban Growth Boundary except when:

1. septic tanks or cesspools are permitted by a local jurisdiction and DEQ for a) three (3) or more units per net acre, or b) for lots of record legally recorded prior to the adoption of this policy guideline; or
2. local plans identify lands with unique topographic or other natural features which make sewer system extension impractical, but which are practical for large lot home-sites; or
3. an area is under a sewer moratorium, with sewerage services five years or more away, and a local comprehensive plan provides for the orderly use of septic tanks as an interim development measure and the same comprehensive plan adequately assures that future delivery of sewerage services is planned.

Local plans and ordinances allowing interim septic tank development must insure that such interim development be within a sewerage service district, must provide for the installation of on-site sewerage lines capable of being connected to a future sewerage system, except in the case of a single housing unit on lots of records, and must insure land use intensification when the sewerage system is available.

Supporting Local and Boundary Commission Policies

Land-use has historically been a local government responsibility and it is with local government that the most effective growth management controls can be implemented. Land use controls, public facility extension policies, building design standards and public land investment policies are all coordinated to control how and where growth occurs.

Inside of the regional Urban Growth Boundary the 27 affected local governments have adopted or will adopt new plans and ordinances to accommodate growth. Each of the three counties, who control the unincorporated vacant land inside of the Urban Growth Boundary, have adopted or proposed policies to control the timing and placement of new developments. Washington County designates "future" and

"immediate" growth areas; Clackamas County has proposed the use of conversion policies with criteria to designate "immediate urban" areas; Multnomah County uses "urban future" plan designations and conversion policies.

Cities coordinate the extension and provision of public facilities and services as well as land use controls.

The Boundary Commission judges urban service and city boundary changes within the metropolitan area. The Commission reviews annexation to sewer, water, lighting, recreation, etc., districts and city annexations. The Commission considers the Urban Growth Boundary and comprehensive plans in their decision-making process.

III. "MSD and County policy statements on control of development within the Tri-County area and outside the urban growth boundaries."

A. Two current MSD policies in the Land Use Framework Element (LUF) address this concern. The first is found in Article V, Section 2 (a) (1):

"Areas shown on the Regional Land Use Framework Map as "Rural Areas" indicate where the following land uses may be located and allowed:

"a. Housing at densities compatible with the character of designated Rural Areas. Minimum residential site sizes for all housing types are to be determined before January 1, 1979, by local jurisdictions based upon the following planning considerations:

"1. The need to preserve and conserve all agricultural and forestry land not otherwise exempted through exception procedures of Statewide Goal #2, Part II, of the Land Conservation and Development Commission."

A priority is established by this policy for agricultural and forestry land in non-urban areas. MSD has acted on behalf of this policy through the staff report and Board (CRAG) action on the Clackamas County Rural Plan Amendment I; by appealing several Clackamas County subdivisions in rural areas and by recommending requirements for a minor land partition ordinance and application of Goal #3 to building permits within rural Washington County. Such actions will be taken in the future if circumstances warrant.

The second existing policy is found in Article I, Section 2 (c):

"The Land Use Framework Element is to be implemented without substantial adverse effect on the housing industry's ability to provide housing within the income levels of the region's existing and future population."

Timely availability of serviced, buildable land must be assured for the normal 2-5 year development cycle to meet this policy. The MSD has included in the 1979-80 budget and program a new project on "development assistance" which will lend regional support on behalf of capital improvement, permit procedure improvement, and other similar efforts needed to assure availability of land. Our Land Market Monitoring Project will augment the Development Assistance Project.

Also important to meeting this policy is control of development outside the Boundary. Extensive development in rural areas will undermine the Boundary without benefiting all family income levels in the housing market. We have already mentioned actions taken by the MSD to help slow down rural development. But, since most of the region's non-urban land is outside the district, strong leadership must be given by the LCDC and counties for full realization of this goal. The MSD will continue and improve upon doing its part. Item B following is one additional proposed action.

- B. Concern over the negative impact of extensive rural area development on the viability of the Urban Growth Boundary leads to a need for better understanding of what is meant by "extensive rural development." MSD staff is proposing to the Council that by December 1, 1979 definitions of urban and rural be prepared by MSD and adopted. The definition will be intended and designed for use in judging when rural area development is, in fact, urban development. The MSD would then be in an improved position to consult with counties on regional policies regarding urban and non-urban densities; to appeal rural land use actions which are inconsistent with the definition and to make comment on local comprehensive plans, ordinances and land use actions in the rural areas.
- C. The MSD will use plan review powers to open local plans for amendment and when warranted use its goals, objectives and functional plans as the chief means to implement these policies. In so doing, we are operating under Section 17 of HB 2070, which states:

"(2) Review the comprehensive plans in effect on the operative date of this 1977 Act, or subsequently adopted by the cities and counties within the

district and recommend or require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan conforms to the district's metropolitan area goals and objectives and statewide goals;

"(3) Coordinate the land-use planning activities of that portion of the cities and counties within the district; and

"(4) Coordinate its activities and the related activities of the cities and counties within the district with the land-use planning development activities of the Federal Government, other local governmental bodies situated within this state or within any other state and any agency of this state or another state."

Under Section 19 the MSD performs the LCDC coordination and review functions.

"SECTION 19. (1) For the purposes of ORS 197.190, the district formed under ORS chapter 268 shall exercise within the district the review, advisory and coordinating functions assigned under subsection (1) of ORS 197.190 to each county and city that is within the district."

IV. "MSD policy/procedure for amendment of the Urban Growth Boundary."

A. The Urban Growth Boundary Findings adopted by the MSD Council state the policies that will guide future amendments to the Boundary:

"1. The Urban Growth Boundary is assumed to be a long-term instrument that will stabilize future land-use policies.

"2. The efficiency of land-use, preservation of prime agricultural lands for agricultural use and improved efficiency of public facilities and services comprise the objectives of the Urban Growth Boundary."

In keeping with these policies MSD expects to make only small changes to the Boundary in response to petitions from government agencies and individuals. Proposed changes will be considered annually. Chapter 2.3, Section 7 (b), of the Rules and Regulations provides for this type of change.

"Any agency or individual within the CRAG region may at any time, petition the Board of Directors to amend the plan or elements thereof. Such petition shall be in writing on a form provided by, and submitted to, the Executive Director. At or during a specified time each year, simultaneously with or immediately following annual review of Goals and Objectives, all completed petitions shall be considered by the Board of Directors."

MSD is obligated to review comprehensively the Urban Growth Boundary every four years as provided by Chapter 2.3, Section 7 (a):

"The plan, or adopted elements thereof, shall be regularly and comprehensively reviewed and, if necessary, revised every four (4) years. Such review shall include a staff review and report to the Board of Directors, committee recommendations, receipt of comments and proposals from members and an opportunity for citizen participation. Such review should be conducted simultaneously with, or immediately following, comprehensive review of the Goals and Objectives."

- B. MSD has also committed to monitoring the Urban Growth Boundary. Article I, Section 2 (b), of the Land Use Framework Element provides that "...a constant monitoring process will be established...." This monitoring process is divided into two sections, a land-use data section and a policy impact evaluation section. The first is designed to collect and display changes in land use for the whole SMSA and more specifically for the area inside of the Urban Growth Boundary. Data will include shifts in zoned vacant land, building and subdivision activity, public facilities, vacant land consumption and other related data. All data series will be categorized by census tracts, city limits, county, and by MSD subdistricts, and will be updated at least annually.

The second section, policy impact evaluation, explains why changes are occurring, particularly with respect to land prices. The price, and hence use of land, varies in response to private market conditions and in response to public policies such as land-use controls, taxation and public facility availability. The purpose of this section is to determine, through sampling land sales, which variables most affect the price of land. This will include an evaluation of the Urban Growth Boundary as well as other local land use controls.

The monitoring system will not in itself provide a final answer for when to change the Boundary, but it will help identify when and how the Boundary, and other land-use controls, affect the cost and availability of land.

- C. MSD will further define its amendment process to establish criteria for expansion of the Urban Growth Boundary and this will be completed by December 1, 1979. The criteria will include the following provision.

Policy for Amending
The Urban Growth Boundary

Any demonstration of need to expand the Urban Growth Boundary may be based upon an analysis of at least that portion of a county within the MSD and must be evaluated by MSD to assure that there are no better alternatives within the regional Urban Growth Boundary. Goal #14 considerations as interpreted by the DLCDC must be followed.

(Metropolitan counties with cities outside the Urban Growth Boundary are responsible for coordinating the establishment and change of urban growth boundaries for those cities.)

MSD agrees to consider at its next amendment period a request from Clackamas County to make adjustments, including expansion, of the Boundary.

V. Examination of Agricultural Soft Areas (ASA)

The Agricultural Soft Areas (ASA's) were initially identified for their location (between the IGA and proposed UGB), prime agricultural soil quality, size (over 2 square miles) and proximity to areas of prime agricultural lands outside of the Urban Growth Boundary. Each area was evaluated for agricultural and urban uses and staff recommendations were made to the former CRAG Board. Two whole ASA's and parts of 3 others were recommended for exclusion from the Urban Growth Boundary by staff. The CRAG Board approved the 2 whole ASA areas and part of another for exclusion. The remaining 6 areas were judged by either CRAG staff or the Board to be either committed to urban development or necessary for future urban development.

As a result of a re-examination conducted by the MSD and DLCDC staffs, portions of the 6 remaining ASA's have tentatively been identified as mostly productive, prime agricultural land. However, final identification should be delayed until a more thorough examination can be conducted with local staff and officials through field investigations.

The MSD Council voted unanimously on August 23, 1979 to support the following position on the ASA's:

1. Leave the ASA's in the Boundary, but apply special

protective regulations to areas identified as productive, prime agricultural land.

2. Approve as policy guidelines:

- a. Prohibition of residential development for 10 years.
- b. Permission of industrial/commercial uses (especially those requiring large parcels) upon establishing substantial findings that no alternative lands exist within the Boundary for the proposed industrial/commercial uses.

MSD will provide assistance to local jurisdictions regarding adoption and implementation of these policies. The schedule and responsibilities for enforcement of policy guidelines as described on page 5 shall apply to these policy guidelines.

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BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)
POLICIES ON MANAGEMENT OF URBAN)
LAND; AND AMENDING RESOLUTION)
NO. 79-83)

RESOLUTION NO. 79-102
Introduced by the
Planning and Development
Committee

BE IT RESOLVED:

1. That paragraph 2 (a) and 2 (b) of Page 13 of the
"Reply To LCDC Questions Regarding Implementation of the UGB," which
was adopted by and as a part of Resolution No. 79-83, is amended to
read as follows:

"2. Approve as Policy Guidelines:

a. Prohibition of residential development
for 10 years except for lots of
record. Exceptions to this policy may
be included in local jurisdiction com-
prehensive plans and policies as
follows:

(1) these specially protected areas
may be re-evaluated every two
years in accordance with clear
and concise conversion criteria;

(2) evaluate each parcel on a case-
by-case basis as part of an
annual review process in accor-
dance with clear and concise
conversion criteria.

(3) allow development only after
annexation;

One or a combination of these exceptions
may be used, but the criteria must be
identified in a local jurisdiction's
comprehensive plan and must address why
these lands are needed prior to the
conversion of other vacant urban land in
the jurisdiction's urban planning area.

b. Permission of industrial, commercial, and
public uses (especially those requiring

large parcels) upon establishing substantial findings that no alternative lands exist within the Boundary for the proposed industrial, commercial, or public use." (Metro Resolution No. 79-83)."

ADOPTED By the Council of the Metropolitan Service

District this 8th day of November, 1979.



Presiding Officer

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APPENDIX C

ORS 197.752

MISCELLANEOUS

197.747 Meaning of "compliance with the goals" for certain purposes. For the purposes of acknowledgment under ORS 197.251 and periodic review under ORS 197.640 and 197.641 to 197.647, "compliance with the goals" means the comprehensive plan and regulations, on the whole, conform with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature. [1983 c.827 §14]

197.750 [1973 c.482 §5; repealed by 1977 c.665 §24]

197.752 Lands available for urban development. (1) Lands within urban growth boundaries shall be available for urban development concurrent with the provision of key urban facilities and services in accordance with locally adopted development standards.

(2) Notwithstanding subsection (1) of this section, lands not needed for urban uses during the planning period may be designated for agricultural, forest or other nonurban uses. [1983 c.827 §19]

197.755 [1973 c.482 §9; repealed by 1977 c.665 §24]

197.757 Acknowledgment deadline for newly incorporated cities. Cities incorporated after January 1, 1982, shall have their comprehensive plans and land use regulations acknowledged under ORS 197.251 no later than four years after the date of incorporation. [1983 c.827 §13]

197.760 [1973 c.482 §9a; repealed by 1977 c.665 §24]

197.765 [1973 c.482 §2a; repealed by 1977 c.665 §24]

197.775 [1973 c.482 §11; repealed by 1977 c.665 §24]

197.780 [1973 c.482 §12; repealed by 1977 c.665 §24]

197.785 [1973 c.482 §13; repealed by 1977 c.665 §24]

197.790 [1973 c.482 §14; repealed by 1977 c.665 §24]

197.795 [1973 c.482 §10; repealed by 1977 c.665 §24]

LAND USE BOARD OF APPEALS

197.805 Policy on review of land use decisions. It is the policy of the Legislative Assembly that time is of the essence in reaching final decisions in matters involving land use and that those decisions be made consistently with sound principles governing judicial review. It is the intent of the Legislative Assembly in enacting ORS 197.805 to 197.850 to accomplish these objectives. [1979 c.772 §1a; 1983 c.827 §28]

197.810 Land Use Board of Appeals; appointment and removal of members; qualifications. (1) There is hereby created a Land Use Board of Appeals consisting of not more than three members appointed by the Governor subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. The board shall consist of a chief hearings referee chosen by the referees and such other referees as the Governor considers necessary. The members of the board first appointed by the Governor shall be appointed by the Governor to serve for a term beginning November 1, 1979, and ending July 1, 1983. The salaries of the members shall be fixed by the Governor unless otherwise provided for by law. The salary of a member of the board shall not be reduced during the period of service of the member.

(2) The Governor may at any time remove any member of the board for inefficiency, incompetence, neglect of duty, malfeasance in office or unfitness to render effective service. Before such removal the Governor shall give the member a copy of the charges against the member and shall fix the time when the member can be heard in defense against the charges, which shall not be less than 10 days thereafter. The hearing shall be open to the public and shall be conducted in the same manner as a contested case under ORS 183.310 to 183.550. The decision of the Governor to remove a member of the board shall be subject to judicial review in the same manner as provided for review of contested cases under ORS 183.480 to 183.550.

(3) Referees appointed under subsection (1) of this section shall be members in good standing of the Oregon State Bar. [1979 c.772 §2; 1983 c.827 §28a]

197.815 Office location. The principal office of the board shall be in the state capital, but the board may hold hearings in any county or city in order to provide reasonable opportunities to parties to appear before the board with as little inconvenience and expense as is practicable. Upon request of the board, the county or city governing body shall provide the board with suitable rooms for hearings held in that city or county. [1983 c.827 §29]

197.820 Duty to conduct review proceedings; authority to issue orders. (1) The board shall conduct review proceedings upon petitions filed in the manner prescribed in ORS 197.830.

(2) In conducting review proceedings the members of the board may sit together or separately as the chief hearings referee shall decide.

APPENDIX D

ORS 197.707

ECONOMIC DEVELOPMENT

197.707 Legislative intent. It was the intent of the Legislative Assembly in enacting ORS chapters 196, 197, 215 and 227 not to prohibit, deter, delay or increase the cost of appropriate development, but to enhance economic development and opportunity for the benefit of all citizens. [1983 c.827 §16]

197.710 [1973 c.482 §3; repealed by 1977 c.665 §24]

197.712 Commission duties; comprehensive plan provisions; public facility plans; state agency coordination plans; compliance deadline. (1) In addition to the findings and policies set forth in ORS 197.005, 197.010 and 215.243, the Legislative Assembly finds and declares that, in carrying out state-wide comprehensive land use planning, the provision of adequate opportunities for a variety of economic activities throughout the state is vital to the health, welfare and prosperity of all the people of the state.

(2) By the adoption of new goals or rules, or the application, interpretation or amendment of existing goals or rules, the commission shall implement all of the following:

(a) Comprehensive plans shall include an analysis of the community's economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends.

(b) Comprehensive plans shall contain policies concerning the economic development opportunities in the community.

(c) Comprehensive plans and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies.

(d) Comprehensive plans and land use regulations shall provide for compatible uses on or near sites zoned for specific industrial and commercial uses.

(e) A city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The public facility plan shall include rough cost estimates for public projects needed to provide sewer, water and transportation for the land uses contemplated in the comprehensive plan and land use regulations. Project timing and financing provisions of public facility plans shall not be considered land use decisions.

(f) In accordance with ORS 197.180, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties. In addition, state agencies that issue permits affecting land use shall identify in their coordination programs how they will coordinate permit issuance with other state agencies and cities and counties.

(g) Local governments shall provide:

(A) Reasonable opportunities to satisfy local and rural needs for residential and industrial development and other economic activities on appropriate lands outside urban growth boundaries, in a manner consistent with conservation of the state's agricultural and forest land base; and

(B) Reasonable opportunities for urban residential, commercial and industrial needs over time through changes to urban growth boundaries.

(3) A comprehensive plan and land use regulations shall be in compliance with this section by the first periodic review of that plan and regulations under ORS 197.640. [1983 c.827 §17]

197.715 [1973 c.482 §2; repealed by 1977 c.665 §24]

197.717 Technical assistance by state agencies; information from Economic Development Department; model ordinances. (1) State agencies shall provide technical assistance to local governments in:

(a) Planning and zoning land adequate in amount, size, topography, transportation access and surrounding land use and public facilities for the special needs of various industrial and commercial uses;

(b) Developing public facility plans; and

(c) Streamlining local permit procedures.

(2) The Economic Development Department shall provide a local government with "state and national trend" information to assist in compliance with ORS 197.712 (2)(a).

(3) The commission shall develop model ordinances to assist local governments in streamlining local permit procedures. [1983 c.827 §18]

197.725 [1973 c.482 §4; repealed by 1977 c.665 §24]

197.730 [1973 c.482 §6; repealed by 1977 c.665 §24]