600 NE Grand Ave.
Portland, OR 97232-2736

Metro | *Agenda*

Meeting: Metro Council Work Session
Date: Thursday, Jan. 23, 2014
Time: **2:30 p.m. or immediately following the regular meeting**
Place: Council Annex

CALL TO ORDER AND ROLL CALL

2:30 PM 1. FOLLOW UP ON URBAN GROWTH BOUNDARY LEGISLATION

3 PM 2. ADJOURN

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Materials following this page were distributed at the meeting.

DRAFT

I am writing on behalf of the Metro Council regarding HB ___, which would declare final the Metro Council's adoption of amendments to the urban growth boundary (UGB) for the Portland metropolitan region in 2011. That decision was affirmed by the Land Conservation and Development Commission (LCDC), but has been challenged on appeal to the Oregon Court of Appeals.

The Metro Council appreciates the recognition in the proposed legislation that urban growth management decisions, especially in the Portland metropolitan region, are very complex, that the process Metro undertook was thorough, that its decision to expand the UGB was well-considered, and that the public and the local governments of the region were able to fully participate in the process. We also appreciate the desire of legislators to help our region by upholding an action that the Metro Council has taken.

We also share the frustration about the length of time it often takes to move from land use decision to implementation of that decision. The time frame in this case has been particularly lengthy due to a delay in receiving a final order from LCDC on the designation of urban and rural reserves, as well as the need to resolve legal challenges to the reserves decision prior to addressing legal challenges to the 2011 UGB decision.

The central tenet of the new approach of designating urban and rural reserves is to create greater certainty in our region's land use decision-making process regarding where we will and will not grow over the next 50 years. We are as anxious as anyone to have the current appeals successfully concluded, and we appreciate the desire of legislators to make our land use system more predictable and efficient.

At the same time, the Metro Council has a longstanding policy of opposing state legislation that would preempt local land use decisions. So the proposal in HB ___ to affirm a decision we have made creates a conundrum. We are concerned that the Legislature's intervention in this instance may not actually result in greater certainty, but may further complicate the issues surrounding what land is in the UGB and how such decisions should be made.

As an alternative, we propose amendments to the bill that would require expedited action by LCDC and the courts regarding urban growth decisions in the Metro region. We believe this solution will address the fundamental problem without compromising the integrity of the existing process. Specifically, we propose amendments that would do the following: (1) require LCDC to issue a written order within 120 days after its vote regarding a Metro decision on urban reserves or the UGB; (2) create an expedited schedule at the Court of Appeals for all future Metro decisions on urban reserves or the UGB that is similar to the expedited process for review of LUBA decisions; and (3) create a specific deadline for the Court of Appeals to issue a final decision on the existing appeal of the 2011 UGB expansion.

Thank you for your ongoing work to make our state's land use system work as effectively and efficiently as possible. We stand ready to participate in the legislative process on this topic. Please contact us with any questions.

Sincerely,

Tom Hughes
Metro Council President