

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO 98-789
THE REGIONAL FRAMEWORK PLAN)
IN ORDINANCE NO. 97-715B FOR) INTRODUCED BY COUNCILOR MCLAIN
CONSISTENCY WITH UGB)
PROCEDURES IN ORDINANCE NO. 98-)
772B AND DECLARING AN)
EMERGENCY)

WHEREAS, urban reserve plans were required to be completed before adoption of regional Urban Growth Boundary (UGB) amendments in Ordinance No. 96-655E; and

WHEREAS, Metro Code 3.01.012(e)(1) urban reserve plans include a coordinated conceptual school plan for urban reserve areas coming into the UGB; and

WHEREAS, the policy of requiring these coordinated conceptual school plans was restated in the Regional Framework Plan in Ordinance No. 97-715B at Policy 1.14.2; and

WHEREAS, Ordinance No. 98-772B at Metro Code 3.01.015 changed UGB amendment procedures to provide for legislative UGB amendment for Metro to comply with ORS 197.296 and 197.299 which may allow approval of UGB amendments prior to completion of the conceptual schools plan; and

WHEREAS, the new UGB procedures with Title 11 of the Urban Growth Management Functional Plan at Metro Code Chapter 3.07 that retains the requirement that urban reserve plans, including conceptual school plans must be completed prior to urban development; and

WHEREAS, the legal issue that the general rule that UGB amendments occur in urban reserves may be overstated by the use of words like “only” in Regional Framework Plan Policy 1.9.1 has been raised in urban reserve appeal briefs as potentially conflicting with ORS 197.298; and

WHEREAS, the amendments to the Regional Framework Plan in Ordinance No. 98-772B for consistency with the new legislative amendment procedures omitted a change to the conceptual schools policy and clarification of compliance with ORS 197.298; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the last sentence of Policy 1.14.2 of the Regional Framework Plan is hereby amended to read:

“Additions to the Urban Growth Boundary ~~may only be approved by Metro~~ followingshall be accompanied by requirements for completion of conceptual school plans which provide for adequate land for school facilities in addition to other requirements prior to zoning for urban development by local government;”
and,

2. That this Ordinance is necessary for the immediate preservation of public health, safety and welfare because revisions to requirements for Urban Growth Boundary amendments should be effective immediately in order to allow Metro to comply with the State of Oregon mandate to move the Urban Growth Boundary; and emergency is therefore declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1); and

3. Policy 1.9.1 of the Regional Framework Plan, “Expansion into Urban Reserves” is hereby amended to read as follows:

“Expansion into Urban Reserves - Upon demonstrating a need for additional urban land, major and legislative UGB amendments shall ~~only~~ occur within adopted urban reserves, to the extent consistent with ORS 197.298 and Metro’s acknowledged urban growth amendment process, unless urban reserves are found

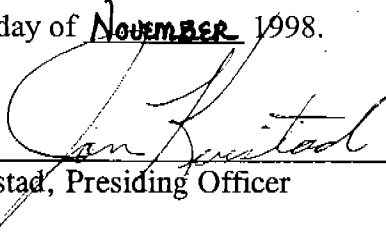
to be inadequate to accommodate the amount of land needed for one or more of the following reasons:

- Specific types of identified land needs cannot be reasonably accommodated on urban reserve lands
- Future urban services could not reasonably be provided to urban reserves due to topographical or other physical constraints
- Maximum efficiency of land uses within a proposed UGB requires inclusion of lower priority lands other than urban reserves in order to include or provide services to urban reserves.”

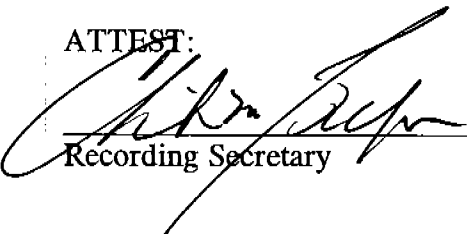
4. The amendments in this Ordinance shall be transmitted to the Land

Conservation and Development Commission for consideration in the acknowledgment of the 1997 Regional Framework Plan for compliance with statewide goals consistent with ORS 197.274(1).

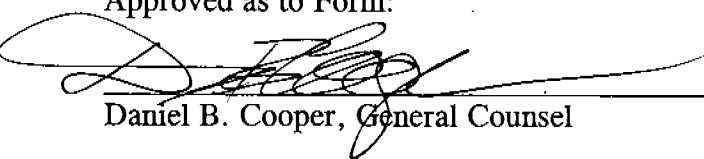
ADOPTED by the Metro Council this 24th day of NOVEMBER 1998.



Jon Kvistad, Presiding Officer

ATTEST:


Recording Secretary

Approved as to Form:


Daniel B. Cooper, General Counsel

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(11/4/98)

GROWTH MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 98-789, FOR THE PURPOSE OF AMENDING THE REGIONAL FRAMEWORK PLAN IN ORDINANCE NO. 97-715B FOR CONSISTENCY WITH UGB PROCEDURES IN ORDINANCE NO. 98-772B, AND DECLARING AN EMERGENCY.

Date: Nov. 18, 1998

Presented by: Councilor McLain

Committee Action: At its Nov. 17, 1998 meeting, the Growth Management Committee voted 3-0 to recommend Council adoption of Ordinance No. 98-789. Voting in favor: Councilors Morissette, Monroe and Kvistad.

Council Issues/Discussion: Councilor McLain explained that this ordinance corrects an inconsistency between the Regional Framework Plan and the recently amended Urban Growth Boundary procedures.

In September of this year, the Metro Council adopted Ordinance 98-772B which changed legislative UGB amendment procedures in compliance with state law. One of these changes allowed for approval of UGB amendments prior to completion of conceptual school plans (a subset of urban reserve plans). However, more restrictive language already adopted in the Regional Framework plan, requiring completion of a conceptual school plan, before UGB movement was not attended to.

Framework plan policy 1.14.2 is now amended to read:

Additions to the Urban Growth Boundary ~~may only be approved by Metro following~~ shall be accompanied by requirements for completion of conceptual school plans which provide for adequate land for school facilities in addition to other requirements prior to zoning for urban development.

Framework plan policy 1.9.1 is also amended to read:

Expansion into Urban Reserves – Upon demonstrating a need for additional urban land, major and legislative UGB amendments shall ~~only~~ occur within adopted urban reserves, to the extent consistent with ORS 197.298 and Metro's acknowledged urban growth amendment process, unless urban reserves are found to be inadequate the amount of land needed for one or more of the following reasons.....



METRO

DATE: November 4, 1998

TO: Councilor McLain

FROM: Larry Shaw *LS*

SUBJECT: Regional Framework Plan Amendment - UGB amendment Procedures Consistency

Based on MPAC discussion of the school conceptual plan requirement for UGB amendments, you asked for a review of the Regional Framework Plan policy on schools.

To comply with ORS 197.296 and 197.299, Metro amended its UGB amendment procedures in Metro Code 3.01.012 that were adopted with the urban reserve designations in Ordinance No. 97-655E on March 6, 1997. Part of the new procedures in Ordinance No. 98-772B may allow legislative UGB amendments prior to completion of all elements of an urban reserve plan. All such elements must be completed prior to adoption of urban zoning under new Title 11 of the Functional Plan. Some changes were made to the Regional Framework Plan (RFP) in Exhibit C of Ordinance No. 98-772B to retain consistency with the new legislative UGB amendment procedures. However, the RFP requirement for conceptual school plans was not altered as part of the RFP amendments adopted in Ordinance 98-772B. Conceptual school plans remain required prior to any UGB amendment in RFP Policy 1.14.2.

Additional Regional Framework Plan Amendments

To retain consistency between the Regional Framework Plan and the new, legislative UGB amendment procedures the following additional Regional Framework Plan amendment to Policy 1.14.2 is suggested to reflect the new Metro Code 3.01.015 and the new Title 11 at Metro Code 3.07.1110 et seq.:

“Additions to the Urban Growth Boundary ~~may only be approved by Metro~~ followingshall be accompanied by requirements for completion of conceptual school plans which provide for adequate land for school facilities in addition to other requirements prior to zoning for urban development.”

To respond to a legal issue raised in urban reserve briefs, the UGB expansion policy is, also, proposed to be clarified from “only” in urban reserves to the extent consistent with ORS 197.298 and Metro’s acknowledged UGB procedures.