

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING)	RESOLUTION NO. 18-4937
HEARING PROCEDURES FOR THE ADOPTION)	
OF LAND USE FINAL ORDERS)	Introduced by Councilor Craig Dirksen
)	
)	

WHEREAS, Oregon Laws 2017, Chapter 714, effective August 15, 2017 (the "Act") created a single process for the Metro Council to use in adopting a land use final order ("LUFO") for the Southwest Corridor MAX Light Rail Project (the "Southwest Corridor Project");

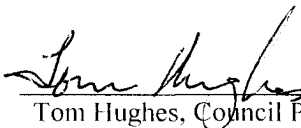
WHEREAS, the Metro Council is scheduled to consider adopting a LUFO for the Southwest Corridor Project at a hearing of the Metro Council on November 15, 2018;

WHEREAS, any Metro Council decision on the LUFO for the Southwest Corridor Project, including the project improvements and their locations, must be supported by substantial evidence in the record;

WHEREAS, in consideration of the adoption of a LUFO, Section 6(9) of the Act allows the Metro Council to take official notice of any matter identified in ORS 40.065 and 40.090, or as authorized by resolution of the council establishing hearing procedures for the adoption of LUFOs; now therefore

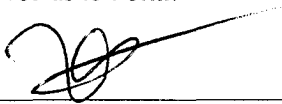
BE IT RESOLVED that the Metro Council is hereby authorized at any hearing regarding a LUFO for the Southwest Corridor Project, pursuant to Section 6(9) of the Act and by its inherent authority, to take official notice of (a) any ordinance, resolution, or enactment of Metro or any local jurisdiction, (b) any comprehensive, functional, or regional framework plan of Metro, or (c) any local, regional, state, or federal policy, plan or order issued or adopted by the applicable jurisdiction.

ADOPTED by the Metro Council this 8th day of November, 2018.



Tom Hughes, Council President

Approved as to Form:



Nathan A. S. Sykes, Acting Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 18-4937, FOR THE PURPOSE OF ESTABLISHING HEARING PROCEDURES FOR THE ADOPTION OF LAND USE FINAL ORDERS

Date: November 8, 2018

Prepared by: Hope S. Whitney,
Senior Assistant
Attorney
X1661

BACKGROUND

In 2017, the State created a single process for the Metro Council to use in adopting a land use final order (“LUFO”) for the Southwest Corridor MAX Light Rail Project (the “Southwest Corridor Project”). Rather than TriMet seeking land use permits from each city and county for just that portion of the new light rail line that is within each jurisdiction, a LUFO is a single permit for the entire project granted by one entity (Metro).

The Metro Council is scheduled to consider adopting a LUFO for the Southwest Corridor Project on November 15, 2018, and its decision whether to grant the LUFO must be supported by substantial evidence in the record.

Rather than submitting bulky and readily available documents into the LUFO record, the state legislation allows the Metro Council to take “official notice” of certain matters identified in state law (such as local comprehensive plans), as well as any matters authorized by a resolution of the Metro Council that establishes hearing procedures for the adoption of LUFOs. This Resolution No. 18-4937 would establish those hearing procedures and expressly authorize the Metro Council to take official notice of (a) any ordinance, resolution, or enactment of Metro or any local jurisdiction, (b) any comprehensive, functional, or regional framework plan of Metro, or (c) any local, regional, state, or federal policy, plan or order issued or adopted by the applicable jurisdiction.

ANALYSIS/INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents:** Oregon Laws 2017, Chapter 714, effective August 15, 2017, Section 6(9).
3. **Anticipated Effects:** Will help ensure the LUFO record is complete.
4. **Budget Impacts:** None

RECOMMENDED ACTION

Adopt Resolution No. 18-4937