



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Agenda

DATE: August 27, 1992  
MEETING: METRO COUNCIL  
DAY: Thursday  
TIME: 5:30 p.m.  
PLACE: Metro Council Chamber

Approx.  
Time\*

Presented  
By

5:30  
(5 min.)

**ROLL CALL/CALL TO ORDER**

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS
3. EXECUTIVE OFFICER COMMUNICATIONS

5:35  
(5 min.)

4. CONSENT AGENDA (Action Requested: Motion to Adopt the Consent Agenda)

4.1 Minutes of May 28 and June 11, 1992

5:40  
(5 min.)

5. ORDINANCES, FIRST READINGS

- 5.1 Ordinance No. 92-471, For the Purpose of Amending the Metro Code to Modify the Designated Facility Status of Columbia Ridge Landfill for Purposes of Flow Control, to Add Roosevelt Regional Landfill to the List of Designated Facilities, to Establish Criteria to Consider in Designating Disposal Facilities, and Declaring an Emergency (Action Requested: Referral to the Solid Waste Committee)

- 5.2 Ordinance No. 92-450, An Ordinance Adopting a Final Order for Periodic Review of the Metro Urban Growth Boundary (Action Requested: Referral to the Transportation & Planning Committee)

6. RESOLUTIONS

REFERRED FROM THE SOLID WASTE COMMITTEE

5:45  
(10 min.)

- 6.1 Resolution No. 92-1662, For the Purpose of Authorizing an Exemption to the Requirement for Competitive Bidding in Metro Code Chapter 2.04.040, and Authorizing a sole source Contract with Philip Environmental Services, Inc. for Recycling of Oil-Based Paint Wastes Collected at Metro's Household Hazardous Waste Facilities (Action Requested: Motion to Adopt the Resolution)

Wyers

REFERRED FROM THE TRANSPORTATION & PLANNING COMMITTEE

5:55  
(10 min.)

- 6.2 Resolution No. 92-1666, For the Purpose of Accepting Nominees to the Metro Committee for Citizen Involvement (Metro CCI) (Action Requested: Motion to Adopt the Resolution)

6:05  
(10 min.)

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

6:15 **ADJOURN**

\* All times listed on this agenda are approximate; items may not be considered in the exact order listed.

Meeting Date: August 27, 1992  
Agenda Item No. 4.1

MINUTES

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

May 28, 1992

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Larry Bauer, Roger Buchanan, Tanya Collier, Richard Devlin, Ed Gronke, Sandi Hansen, Ruth McFarland, Susan McLain, George Van Bergen and Ed Washington

Councilors Excused: Deputy Presiding Officer Judy Wyers

Also Present: Executive Officer Rena Cusma

Presiding Officer Gardner called the regular meeting to order at 5:40 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

Councilor Washington noted Ed Bartholomew, elementary school student, was present to observe the meeting and commended Mr. Bartholomew on his interest in governmental affairs.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of April 23, 1992 Minutes

4.2 Resolution No. 92-1623, For the Purpose of Authorizing Issuance of a Request for Proposals for Bond Counsel Services for the Period July 1, 1992 to June 30, 1995

Motion: Councilor Devlin moved, seconded by Councilor McFarland, for adoption of the Consent Agenda.

Vote: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, Van Bergen, Washington and Gardner voted aye. Councilors McLain and Wyers were absent. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 92-461, An Ordinance Amending Metro Ordinance No. 92-444A, for Contested Case No. 91-2: Forest Park (Public Hearing)

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced the Council would consider Ordinance No. 92-461 in its capacity as a quasi-judicial decision-maker.

Ethan Seltzer, Regional Planning Supervisor, gave staff's report and said the ordinance would facilitate a land trade in Forest Park. He referred to Ordinance No. 92-444A, An Ordinance Amending the Metro Urban Growth Boundary (UGB) for Contested Case No. 91-2: Forest Park, adopted by the Council on February 27, 1992. He said the Council applied a condition to the trade stipulating that certain properties had to be conveyed to the City of Portland in a certain form within 90 days after Ordinance No. 92-444A was adopted. He said the City of Portland and HGW, Inc. worked to complete the transaction and believed the transaction could be completed, but said they needed more time in addition to the 90 days. He said Ordinance No. 92-461 would amend Ordinance No. 92-444A to allow that additional time. He distributed Ordinance No. 92-461A which he said also changed the word "donation" to "acquisition." He said the target date for the transaction had been extended to June 1, 1993, and required all parties involved to report to the Council on the status of the case at that time if it was not satisfactorily completed. Mr. Seltzer said the conditions for a satisfactory trade had not been changed, but gave the parties involved addition time to work on the transaction.

Councilor McFarland noted staff's report said changing "donation" to "acquisition" was meant to keep Metro from setting a precedent. Mr. Seltzer said language was changed because the original ordinance implied the land would be donated to the City of Portland. He said the City would actually acquire the land either through purchase and/or condemnation. He said "donation" did not accurately describe the process the City would go through.

Councilor Collier said there was a huge difference between "donation" and "condemnation." Mr. Seltzer agreed, but said the case represented a relationship between the City and HGW, Inc. He said representatives of both parties were present to explain their positions.

Presiding Officer Gardner opened the public hearing.

Harry Auerbach, City of Portland deputy city attorney, said when the City originally developed the plan for acquisition, it was with the intent that the property owner, HGW, Inc., would negotiate and purchase from the third party the property that was the inholding in Forest Park, and would then donate the property to the City. He said that was why the word "donation" was originally incorporated into the ordinance. He said HGW, Inc.'s representative was present and could describe HGW, Inc.'s attempts to negotiate a purchase with the property owner. He said an impasse had been reached between HGW, Inc. and the property owner and HGW, Inc. had not been able to consummate the transaction to date. He said the City and HGW, Inc. developed an agreement in which HGW, Inc. would provide the funds with which the City could acquire the property. He said if that acquisition proved unsuccessful, the City could obtain it by eminent domain. He said the City and HGW, Inc. would work on that agreement and planned to have that and the authorization to proceed on the City's part before the City Council in the next week or so. He said additional time had been requested because of possible litigation and to give the City time to establish a fair price for the property.

Councilor McFarland noted staff's report stated "The request of the City represents a request for an amendment to a condition, something that our Code is silent on. Therefore, in order to adequately prepare the way for Council consideration of the request in a manner that would not prejudice future Council actions, Metro staff advised the City to submit a second letter, received on May 18, 1992, requesting that the 90-day "clock" be stopped in order to allow the Council sufficient time to consider the request." Mr. Seltzer explained Metro had attached conditions to UGB cases sparingly in the past because Metro had limited ability to enforce conditions. He said Metro had imposed conditions in the past and cited examples. He said the Metro Code did not currently describe how conditions should be applied to UGB amendments and said staff would submit an ordinance to amend Code language on UGB amendments. He said language would be included on conditions, when they might be applied and how those conditions might be amended. He said not previously considered was how a condition could be amended, and said in this case, the time frame must be amended.

Richard Whitman, attorney for HGW, Inc., said HGW, Inc. came to Metro with this case as a last resort. He said HGW, Inc. representatives had held over 20 meetings with the Ramsey family, owners of the parcel in question, over the last one and one half years to try to clear the property between the two parties in a

voluntary manner. He said HGW, Inc. still hoped to do that working through the City. He said the two parties were far apart on price agreement. He said the last offer made was eight times the appraised value of the property.

Jim Sjulín, City of Portland Bureau of Parks, said the merits of the locational UGB remained the same and said Ordinance No. 92-461A simply asked for more time.

John Sherman, president, Friends of Forest Park, said Friends of Forest Park began when Forest Park was created in 1950 and said Friends of Forest Park had negotiated with the Ramsey family since the late 1940s to acquire the parcel in question. He said the property was critical to the Park because it was located in the heart of Forest Park. He said the City had been able to protect the property, but said the parcel should properly be under public ownership.

Councilor Gronke asked how staff determined June 1, 1993, to be the deadline for further negotiations. Mr. Seltzer said the City requested one year from this approximate date to complete the transaction.

Councilor Collier asked if representatives of the Ramsey family were present to testify on the ordinance. Mr. Seltzer said no Ramsey family representatives were present, but that all parties to the case had been notified of this action and of the Council's previous action taken in February. He said the Ramsey family had been notified they were eligible to become parties to this case, but never became participants in the proceeding. He said Metro staff had received no communications from the Ramsey family.

Councilor Van Bergen said when he first came on board the Council, the Council considered a case similar to this one. He said he believed the Council should adopt or not adopt a case, but that it should not adopt something that might happen in the future. He said a case such as this could lead to all sorts of variables. He requested General Counsel Dan Cooper submit a written opinion on whether the Council had the statutory or ordinance authority to condition a UGB amendment. He said otherwise, he would vote against this case at this time.

Councilor Collier did not mind voting to extend the case for negotiations, but objected to removing the word "donation." She asked for more information regarding the deletion and stated for the record that such a deletion would take away all impetus to negotiate if the City could go ahead and condemn anyway. She did not believe in taking citizens' personal property without compensating them fairly. She said she needed to know specific

facts such as how much the property in question was assessed for and how much the Ramsey family had been offered. She said property was often worth more than its appraisal value.

Councilor Devlin said it was for the City to decide if the property would be acquired either through donation or acquisition. He said without Ordinance No. 92-461A, the City could use its right of eminent domain if it believed the property in question was essential to Forest Park. He said eminent domain should be used sparingly, but believed there were justified circumstances under which to use it. He stated that along with eminent domain, property owners should be paid fair market value of their property.

Presiding Officer Gardner asked if there were any other persons present who wished to testify. No other persons appeared to testify and the public hearing was closed.

Presiding Officer Gardner announced the second reading of Ordinance No. 92-461A and vote was tentatively scheduled for the June 11 Council meeting.

#### 7. NON-REFERRED RESOLUTIONS

Councilor Bauer noted Resolution Nos. 92-1611 and 92-1612 were originally scheduled for this Council agenda, but had not been scheduled on this agenda as planned.

Motion to Suspend the Rules: Councilor Bauer moved, seconded by Councilor Collier, to suspend the Council's rules to include on the agenda as Agenda Item Nos. 7.4 and 7.5, Resolution Nos. 92-1611 and 92-1612, relating to the procurement of transfer station services for Washington County.

Councilor Bauer explained the Washington County Solid Waste Committee had submitted and received approval for their solid waste plan and that Metro had begun a process to complete the regional solid waste system and that the agenda items added, if adopted, would further the process. He said the resolutions would not commit Metro to any final conclusion as to who would or would not own and/or operate the transfer facility(s), but would continue the public process to solicit for a franchise. He stated there was no reason not to proceed to secure such proposals.

Presiding Officer Gardner explained Resolution Nos. 92-1611 and 92-1612 were reviewed by the Council Solid Waste Committee which recommended them to the full Council for adoption. He said on

May 19, Primary Election day, there were two initiatives on the ballot in Yamhill County that dealt with the disposal of solid waste within Yamhill County that was generated outside of Yamhill County. He said those measures dealt with restricting or even preventing the disposal of such solid waste. He said the solid waste now processed by the Forest Grove Transfer Station was disposed of in Yamhill County. He said, after Council staff informed him that both ballot measures passed in Yamhill County and Legal Counsel advised him they were uncertain of what the measures' implications were and how they would be implemented, he decided to postpone Council consideration of the two resolutions because there were questions raised over what service area the Washington County transfer station would be able to serve. He said no items were removed from the Council agenda because they were not scheduled for this specific agenda. He referred to his memorandum to Bob Martin, Director of Solid Waste, requesting he review with the Solid Waste Committee what the ballot measures meant related to the costs of operating the Forest Grove Transfer Station and also what they meant for the area in which the new transfer station was designed to serve.

Vote: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and the motion to suspend the rules passed.

## 7. NON-REFERRED RESOLUTIONS

### ADDITIONAL AGENDA ITEMS

#### 7.4 Resolution No. 92-1611, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding for Issuance of a Request for Franchise Applications for the Provision of Transfer and Material Recovery Facilities and Services for Eastern Washington County

Motion: Councilor Bauer moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1611.

Dan Cooper, General Counsel, explained Legal Counsel Todd Sadlo's memorandum dated May 28, 1992 "Yamhill County Initiatives Concerning the Operation of Riverbend Landfill." He said both initiatives adopted by Yamhill County voters dealt with allowing material into landfills in Yamhill County. He said both initiatives were in ordinance form because Yamhill County was not a home rule county and did not have a charter to amend. He said one initiative filed by an organization called Citizens Against Pollution (CAP) contained language that applied to the siting of



future landfills, the renewal of permits for existing landfills, and contained two limitations. He said one limitation stated a new landfill, or the expansion of an existing landfill, could not occur if the landfill would take waste from outside the county greater than 25 percent of the waste it would process from inside the county. He said the second limitation dealt with landfills located within 500 feet of the 100 year floodplain of a navigable river.

Mr. Cooper said the second adopted ordinance was filed by another organization sponsored by the Riverbend Landfill Company. He said that ordinance dealt with specific terms and conditions related to the renewal of a permit for the Riverbend Landfill which would expire in 2003, and provided for different standards for the acceptance of waste from outside the county than the first initiative, and defined terms contained in the first initiative.

In summary, Mr. Cooper said the first initiative's provisions limited applications to new landfills and the expansion of existing landfills, and a provision which stated the ordinance was not intended to limit any existing landfill from receiving volumes currently authorized by its permit, not the volumes of waste it may be receiving in reality. He said it had to be determined how much waste the current permit allowed the Riverbend Landfill to accept. He said Legal Counsel determined there was in all probability no such volume limits on the present operating limits for Riverbend Landfill. He said Legal Counsel concluded the only limit Riverbend Landfill should worry about was the provision in the ordinance drafted by the Riverbend Landfill Company which limited them to no more than 45 percent of their total solid waste volume being consumed by out-of-county waste. He said, based on the information Legal Counsel received on what that volume was, that that amount was much larger than what Metro currently sent or could send consistent with Metro's contract with Oregon Waste Systems, Inc. (OWS) that the Columbia Ridge Landfill receive 90 percent of Metro's landfillable waste. He did not believe the initiatives would have any immediate impact on the Forest Grove Transfer Station flow to Riverbend Landfill. He said it was possible a court could disagree with Legal Counsel's interpretation. He said one of the initiatives contained a provision that any Yamhill County citizen could file a lawsuit to enforce the former provision and that the county would have to pay the citizen's attorney's fees. He said the Board of Yamhill County Commissioners had via separate ordinance repealed that provision of that ordinance. He said whether that repeal was subject to another referendum was a separate issue. He said the County commissioners also passed a resolution stating their intent, when renewing the franchise for Riverbend Landfill,

to limit out-of-county waste to 75,000 tons. He said there were many unanswered questions about the impact of the two initiatives, but said they did not contain any immediate ban on current volumes shipped by Metro.

Councilor Devlin noted Resolution No. 92-1611 was a procedural resolution granting an exemption and said the Council should hold its substantive discussion when considering Resolution No. 92-1612.

Councilor Hansen explained Resolution No. 92-1611 authorized an exemption to competitive bidding because Resolution No. 92-1612 requested franchise applicants to submit site-specific proposals and therefore proposers could not bid on the same site to produce competitive bids.

Vote: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain and Washington voted aye. Councilors Van Bergen and Gardner voted nay. Councilor Wyers was absent. The vote was 9-2 in favor and Resolution No. 92-1611 was adopted.

7.5 Resolution No. 92-1612, For the Purpose of Authorizing Issuance of a Request for Franchise Applications for the Provision of Transfer and Material Recovery Services for Eastern Washington County

Motion: Councilor Bauer moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1612.

Presiding Officer Gardner opened a public hearing.

Steve Larrance, Washington County Commissioner, said he served as chair of the Washington County Solid Waste Systems Design Steering Committee for five years. He said the Steering Committee unanimously urged support of the resolution to begin work on the facility this year. He introduced members of the Steering Committee who were present.

Councilor McFarland asked Commissioner Larrance why work would begin this year given the existing time line. Commissioner Larrance said facility phases might not take as long as estimated and that the Steering Committee had hoped work would start this year.

Councilor Devlin said he testified before the Solid Waste Committee on the issue. He said Metro had dealt with the Washington County portion of the system for approximately 10

years. He said Metro adopted a plan for the western waste shed that included two service areas. He said the Washington County station should be on-line as soon as possible. He said possible questions about Yamhill County would be whether negotiations should be suspended between A.C. Trucking and OWS. He said the plan the Council adopted did not include the Forest Grove Transfer Station, but included the plan requirements for the western portion of the waste shed.

Councilor McFarland did not believe there was any reason to delay the process further.

Councilor McLain stated for the record her agreement with Councilors Devlin and McFarland. She said regardless of the history leading to the issues, the issues before the Council at this time were the pertinent issues to be considered at this time. She expressed support for the resolution and commended Presiding Officer Gardner for investigating the Yamhill County initiatives and their possible impact on Metro work. She said testimony and Council discussion indicated it was appropriate for the Council to go forward at this time.

Presiding Officer Gardner stated again why the resolutions had not been scheduled for this agenda so that the Solid Waste Committee would have the opportunity to receive Legal Counsel's opinion of the impact of the Yamhill County initiatives after the May 19 election.

Vote: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 92-1612 was adopted.

5. ORDINANCES, FIRST READINGS (Continued)

5.2 Ordinance No. 92-456, For the Purpose of Amending the Regional Solid Waste Management Plan to Incorporate the Household Hazardous Waste Management Plan and to Update Plan Policy 2.2

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-456 had been referred to the Solid Waste Committee for consideration.

5.3 Ordinance No. 92-462, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Solid Waste Revenue Fund Operating Account and Modifications to the Rehabilitation and Enhancement Fund

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-462 had been referred to the Finance Committee for consideration.

5.4 Ordinance No. 92-460, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Unanticipated Costs for the Use of the Lexis System for Legal Research

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-460 had been referred to the Finance Committee for consideration.

5.5 Ordinance No. 92-457, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Insurance Fund

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-457 had been referred to the Finance Committee for consideration.

5.6 Ordinance No. 92-459, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Upgrades and Enhancements to the Financial System and the Purchase of a High Capacity Tape Drive

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-459 had been referred to the Finance Committee for consideration.

5.7 Ordinance No. 92-458, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Oregon Convention Center Operating Fund and Spectator Facilities Operating Fund for Increased Metro ERC Operations

The Clerk read the ordinance for a first time by title only.

Presiding Office Gardner announced Ordinance No. 92-458 had been referred to the Finance Committee.

5.8 Ordinance No. 92-463, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriation Within the Council Department

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-463 had been referred to the Finance Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-453, For the Purpose of Granting a Franchise to Pemco, Inc. For the Purpose of Operating a Petroleum Contaminated Soil Processing Facility and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced Ordinance No. 92-453 was first read on May 14 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on May 21 and recommended it to the full Council for adoption.

Motion: Councilor McFarland moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-453.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. She explained the franchise for Pemco, Inc. involved a mobile unit to deal with smaller units of material such as hydrocarbons.

Presiding Officer Gardner opened the public hearing. No persons appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Collier, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilors Bauer, Devlin and Wyers were absent. The vote was unanimous and Ordinance No. 92-453 was adopted.

6.2 Ordinance No. 92-454, For the Purpose of Granting a Franchise to Sonas Soil Resource Recovery of Oregon, Inc. For the Purpose of Operating a Petroleum Contaminated Soil Processing Facility and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced Ordinance No. 92-454 was first read on May 14 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on May 21 and recommended it to the full Council for adoption.

Motion: Councilor McFarland moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-454.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. She explained the Committee received some testimony in opposition to the ordinance by Hydrocarbons, Inc. because both Hydrocarbons, Inc. and Sonas Soil were located within one block of each other and Hydrocarbons, Inc. did not believe there would be enough work for both businesses. She said Hydrocarbons, Inc. had applied for an expansion of their franchise to treat other types of waste. She said Metro still allowed surface aeration of hydrocarbons on an impermeable base. She did not prefer that method of treating waste. She said both companies would have the opportunity to deal with surface-contaminated soil and said there were limitations on soil treated with gasoline or diesel. Councilor McFarland said Metro needed both businesses with their different treatment techniques treating contaminated soil.

Presiding Officer Gardner opened the public hearing.

Bill Monahan, O'Donnell, Ramis, Crew & Corrigan, said he represented Sonas Soil Recovery and introduced Jeff Ward who he said was available to answer technical questions.

Councilor Gronke asked if Sonas Soil Recovery would process soil contaminated both above and under-ground.

Mr. Ward, operating manager for Sonas Soil Recovery, said dealt with below-ground tanks only at this time and said above-ground spills were still classified as hazardous waste. He said Sonas Soil Recovery had applied to the Department of Environmental Quality (DEQ) to change that hazardous waste rule in the future.

Councilor Van Bergen asked how many petroleum contaminated franchises Metro ultimately planned to issue. The Council briefly discussed the issues further.

Presiding Officer Gardner asked if any one else present wished to testify. No other persons appeared to testify and the public hearing was closed.

Vote: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and Ordinance No. 92-454 was adopted.

7. NON-REFERRED RESOLUTIONS (Continued)

7.1 Resolution No. 92-1624, For the Purpose of Proclaiming Tualatin River Discovery Day and Supporting Its Goals of Recreation and Preservation

Motion to Suspend the Rules: Councilor Collier moved, seconded by Councilor Devlin, to suspend the Council's rules requiring resolutions be referred by Committee so that the Council as a whole could consider Resolution No. 92-1624.

Vote on Motion to Suspend the Rules: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and the motion to suspend the rules passed.

Motion: Councilor Buchanan moved, seconded by Councilor Collier, for adoption of Resolution No. 92-1624.

Councilor Devlin explained a Tualatin River Discovery Day representative, April Olbrich, had previously asked the Council to express support for Tualatin River Discovery Day and its goals of recreation and preservation. He said the resolution supported the event this year to be held on June 27 and all future Tualatin River Discovery Days.

Vote: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 92-1624 was adopted.

7.3 Resolution No. 92-1628, For the Purposes of Establishing a Joint Work Plan Between Metro and Tri-Met to Study Merger Options

Presiding Officer Gardner noted that at the April 23 Council meeting, the Council unanimously adopted a motion by Councilor Devlin to the effect that the Council would not take action on Resolution No. 92-1613, to request that Executive Officer Cusma and Tom Walsh, Tri-Met general manager, return on this meeting date with a resolution containing a mutually-developed work plan and process for Metro and Tri-Met to examine merger-related issues. He said if the Council found merit in Resolution No. 92-1628, it would be referred to the Transportation & Planning Committee for further review.

Betsy Bergstein, Senior Management Analyst, said Exhibit A contained the work plan as submitted May 27 and Exhibit B contained changes submitted May 28, 1992.

Executive Officer Cusma said she had removed her name from the resolution because she had not had sufficient time to review it and for that reason had forwarded it to the Council without a recommendation.

Councilor Hansen asked how often Executive Officer Cusma and Mr. Walsh had met since April 23. Executive Officer Cusma said they met one or two days after the April 23 meeting, that Tri-Met and Metro staff members had communicated on various occasions, and that she, Presiding Officer Gardner, and Mr. Walsh met at length on May 27. Councilor Hansen asked if Council staff had had time to review the resolution. Councilor Hansen said the resolution did not appear to reference the issues discussed at the April 23 meeting, including the five questions on the financial impact of such a merger.

Ms. Bergstein said the financial questions were included in Task II of Exhibit A.

Mr. Walsh said the work plan proceeded from an assumption of an investigation of the myriad of regional land use and transportation responsibilities that both Metro and Tri-Met had; an examination of the appropriate structure for merger; a schedule and process for a phase-in of the process; and an



analysis of all costs related to land use and transportation costs necessary over the next two decades. He said the work plan resulted from the concept developed at the April 23 meeting that a merger would be preferable and more effective than joint responsibilities. He noted his commitment at the April 23 meeting to ask the Charter Committee to reinstate Metro's ability to merge with Tri-Met and said he spoke to Hardy Myers, Charter Committee chair regarding that issue.

Dick Feeney, Tri-Met assistant general manager, noted the work plan formalized Metro's and Tri-Met's common bond of interest in land use and transportation during a period of cooperation and joint partnership over a three-year period.

Councilor McFarland said Mr. Walsh had stated the document would be a joint effort including Executive Officer Cusma and Presiding Officer Gardner. She said the resolution was a document presented by Tri-Met.

Mr. Walsh said Councilor McFarland was correct and explained during the four-week period in question, he was away on business for three weeks in Washington, D.C. and New York and returned May 27. He said Tri-Met staff worked on the plan during his absence.

Councilor McFarland said she wanted the Council to be involved in the process. Presiding Officer Gardner said he and Mr. Feeney had held two discussions on the work plan in addition to the May 27 meeting which also included Executive Officer Cusma to discuss the draft.

Councilor McLain said the work plan was more detailed and much more committed to a lengthy study than the study the Council originally envisioned. She said the Council primarily needed answers to financial questions to even decide if a merger was feasible. She said the work plan as submitted by Tri-Met was much more committed to a merger than the study previously proposed by the Council. She was not sure the focus of the study was the same as the one originally proposed by the Council. She said the Council discussed at the April 23 meeting the difference between information gathering and setting actual policy. She said there are different parts to such processes and that those parts should be performed in the right order. She said the Joint Policy Advisory Committee on Transportation (JPACT) should have an opportunity to comment on the work plan.

Mr. Walsh said three parts of the work plan were specific tasks taken from the Council's original RFP. Mr. Feeney said the work plan should be an exchange and acknowledge all the issues involved.

Councilor Collier asked Mr. Feeney how the preamble - "It is in the long term public interests of the Portland metropolitan region that the governing boards of Tri-Met and Metro establish a common effort that focuses on benefits and opportunities of the close integration of transportation and land use activities" - related to merger issues.

Mr. Feeney said Metro and Tri-Met shared common interests in land use and Tri-Met and said it was sensible to define what those interests were.

Councilor Collier said the preamble was not out of context with the work plan, but said the work plan focussed on comprehensive land use and transportation issues which was not similar to looking at merger issues.

Mr. Walsh said the Tri-Met Board of Directors believed the issues should be reviewed comprehensively.

Councilor Collier said the study was scheduled to end in 1995 and asked how much it would cost. Mr. Feeney said they believed the issues merited thorough study and said some of the tasks could be completed earlier than projected. He said Tri-Met estimated the study would cost approximately \$600,000.

Councilor Collier said the Council's original RFP was for a \$40,000 financial impact study to determine whether or not Metro should pursue merger issues further. She said if the merger was not feasible, it would not be feasible to spend \$600,000. She said such funds were not available to Metro.

Councilor Collier asked Mr. Walsh what specifically had been done to reinstate Metro's marriage clause in the Metro Charter. Mr. Walsh said he had held two conversations with Mr. Myers and wrote him a letter which he distributed copies of to the Council. He said he would also formally appear before the Charter Committee to ask that it be reinstated.

Councilor Devlin said the work plan did not fulfill the Council's expectations. He said the Council suspended its study of merger issues in December 1990 until the UMTA full-funding agreement was in place. He said at the time, a list of issues were defined that had to be answered before Metro would consider the merger. He said Tri-Met's work plan was similar to Metro's goals at that time. He recommended Resolution No. 92-1628 be referred to the Governmental Affairs Committee for further study and work. He said Tri-Met's proposal did represent a step forward.

Presiding Officer Gardner agreed the resolution should be referred to committee to hear from Transportation staff, Legal Counsel and Executive Officer Cusma for refinement.

Councilor Devlin said the resolution should also be referred to the Transportation & Planning Committee as well as JPACT.

Councilor Bauer said presentation of Tri-Met's work plan did not mean the \$40,000 financial study could not be undertaken. He said answers on financial impact would complement the larger study if the Council decided to pursue it. He said the first question to be answered was how much the merger would cost.

Main Motion: Councilor Collier moved, seconded by Councilor Buchanan, to adopt Resolution No. 92-1628.

Motion to Amend: Councilor Collier moved, seconded by Councilor Buchanan, to amend Resolution No. 92-1628 as follows (additions underlined and deletions bracketed):

WHEREAS, The Council of the Metropolitan Service District considered Resolution No. 92-1613 for consideration at the April 23, 1992 Council meeting; and

WHEREAS, Approval of Resolution No. 92-1613 [would] will have authorize[d] the issuance of an RFP for a financial impact study of a Tri-Met/Metro merger solely for the purpose of determining whether a merger will produce a financial benefit for the citizens, taxpayers and transit riders of the region, and does not imply that such a merger will be ordered; and

~~[WHEREAS, The issuance of an RFP to perform a financial impact study would not imply that such a merger would be ordered, and~~

~~WHEREAS, After receiving testimony from the General Manager of Tri-Met that issuance of an RFP to perform a financial impact study would seriously threaten Tri-Met's ability to gain a Full Funding Grant Agreement for the Westside Lightrail Project; and]~~

WHEREAS, The Council unanimously (12-0) passed a motion at its April 23, 1992 meeting to: delay action on Resolution No. 92-1613; direct Executive Officer Cusma to work with the Tri-Met General Manager to develop, in conjunction with Presiding Officer Gardner, a work plan for the two agencies to examine merger issues; bring forward that work plan at the May 28, 1992 Council meeting in resolution form, so that the resolution could be referred to the Council Governmental Affairs Committee for

consideration; [~~and reschedule Resolution No. 92-1613 on the May 28, 1992 agenda for adoption if the work plan is not submitted,~~] and

WHEREAS, Tri-Met submitted a draft work plan which is attached to this resolution as Exhibit A; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District agrees to assign the draft work plan to the Governmental Affairs Committee for further deliberation on all merger issues.

(End of amendment.)

Councilor Hansen supported the amendment. She said tasks could be performed concurrently and said the work plan did not have to take three years to complete. She urged the Governmental Affairs Committee to remove work plan language stipulating a commission be appointed.

The Council discussed the issues further. Councilor Van Bergen asked Mr. Walsh the status of the UMTA full-funding agreement. Mr. Walsh said Tri-Met expected the agreement would be signed soon and said it was progressing well.

Vote on the Motion to Amend: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and the motion to amend passed.

Vote on the Main Motion: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 92-1628 was adopted as amended.

7.2 Resolution No. 92-1613, For the Purpose of Approving an RFP for a Financial Impact Study of a Tri-Met/Metro Merger

Motion: Councilor Collier moved, seconded by Councilor Buchanan, for adoption for Resolution No. 92-1613.

Councilor McLain compared the two studies before the Council. She said the Council had to determine what it wanted to do and how much it wanted to spend. She said it was appropriate for the Council to gather basic financial data before it embarked on the

larger study. She said both Metro and Tri-Met shared the same goal of wanting to do the best for the citizens of the region.

Councilor Gronke said the work plan submitted by Tri-Met was not the plan he had envisioned and said he was not unduly concerned about what the Tri-Met Board of Directors thought. He asked Mr. Walsh how the work plan would affect the UMTA full-funding agreement. Mr. Walsh said the agreement was progressing well, but said the proposed work plan could impact progress. He said Tri-Met was 30 to 40 days away from finalizing the agreement.

Councilor Hansen and Mr. Walsh discussed the full-funding agreement and how the proposed merger could affect the agreement. She objected to Mr. Walsh's inference that Metro's action to begin a study of merger issues would jeopardize the full-funding agreement. She said Metro was an elected government and the Tri-Met Board of Directors was not. She expressed disappointment that Mr. Walsh referred to Metro's ability to merge with Tri-Met as "a unilateral take-over" in his letter to Hardy Myers dated May 27, 1992. Mr. Walsh said he did not intend to offend the Council with that language and said he respected Metro's work on land use and transportation highly.

Councilor Bauer asked Mr. Walsh to continue to brief the Council on the status of the full-funding agreement. Mr. Walsh said he would.

Councilor Collier stated her intent to cooperate on merger issues and said referring Resolution No. 92-1628 to the Governmental Affairs Committee represented Council cooperation. She read the five financial questions contained in Resolution No. 92-1613 Exhibit A. She disagreed with Councilor Devlin's comment that Metro discontinued the merger study in 1990 because of financial constraints. She said Metro discontinued it because Tri-Met and other agencies lobbied Metro to drop it. She expressed disappointment that Mr. Walsh and Don McLave, Portland Chamber of Commerce president, did not pursue discussions with the Charter Committee on reinstating the marriage clause more vigorously.

Councilor Devlin said it was unnecessary to adopt Resolution No. 92-1613 since the Council had just adopted Resolution No. 92-1628. Councilor Devlin said most issues could be resolved within the next 30-40 days via work in the Governmental Affairs Committee.

Vote: Councilors Bauer, Buchanan, Collier, McFarland and Washington voted aye. Councilors Devlin, Gronke, Hansen, McLain, Van Bergen and Gardner voted nay. Councilor Wyers was absent. The vote was 5-6 against and the motion to adopt Resolution No. 92-1613 failed.

## 8. RESOLUTIONS

### 8.1 Resolution No. 92-1580A, A Resolution Adopting Bylaws to Establish the Metro Committee for Citizen Involvement (CCI)

Motion: Councilor McLain moved, seconded by Councilor Van Bergen, for adoption of Resolution No. 92-1580A.

Councilor McLain gave the Transportation & Planning Committee's report. She gave background history leading to development of the CCI bylaws by the Regional Citizens Involvement Coordinating Committee (RCCIC). She said the CCI's first task would be to write a handbook and develop a list of acronyms. She said RCCIC said CCI would serve as a process group.

Presiding Officer Gardner opened a public hearing.

Ms. Bergstein introduced RCCIC members present.

Councilor Devlin discussed Council involvement in the CCI.

Councilor Van Bergen asked what weight the Council should give to a CCI decision.

Angel Olsen, RCCIC member, said CCI had been formed as a group to disseminate information to citizens. Ms. Olsen said CCI could tell the Council when it needed to get more information out and what methods would work well to do so. She hoped applications would be issued soon so that CCI could be formed and become active. Councilor Hansen asked what the group was doing to ensure CCI membership was multi-ethnic and gender diverse. Ms. Olsen said the group was making efforts to reach all segments of the population through community organizations. She said applications would be looked at by district and then by county and hopefully the applications would be diverse in nature. Councilor Washington suggested the group contact the superintendent of schools in Clackamas County for assistance also. Councilor McFarland noted she had talked to many people to who did not know what Metro was or what it did. She said CCI would be an effective tool to help educate on what Metro was and what it did.

Peggy Lynch, CCI member, discussed application criteria further. Councilor Van Bergen and Ms. Lynch briefly discussed the process to be used by CCI.

8.2 Resolution No. 92-1616, For the Purpose of Declaring Intent to Seek Voter Approval of Authority and Financing for Acquisition, Development, Maintenance and Operation of Regional Greenspaces

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 92-1616.

Councilor Devlin gave the Transportation & Planning Committee's report and recommendations. Councilor Devlin said the resolution was almost a procedural requirement as the process to develop and implement the Greenspaces program drew to a close.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilors Bauer, Collier and Wyers were absent. The vote was unanimous and Resolution No. 92-1616 was adopted.

8.3 Resolution No. 92-1617, For the Purpose of Adopting a Policy on Highway Bridge Replacement Funds

Motion: Councilor McLain moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1617.

Councilor McLain gave the Transportation & Planning Committee's report and recommendations. She said the resolution would give Willamette River bridges higher ranking for eligibility for federal dollars. Councilor Van Bergen said the resolution was a good idea if the funds were appropriately distributed. He to-date, allocations had been uneven because Multnomah County contained most of the bridges on the Willamette River.

Andy Cotugno, Director of Transportation, said staff's report had suggestions for new and appropriate criteria and debate at the policy level.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilors Bauer, Collier and Wyers were absent. The vote was unanimous and Resolution No. 92-1617 was adopted.

8.4 Resolution No. 92-1610, For the Purpose of Establishing the TPAC Transportation Demand Management Subcommittee

Motion: Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1610.

Councilor Buchanan gave the Transportation & Planning Committee's report and recommendations. The Council as a whole discussed the role of the new advisory committee and the role of all advisory committees to the Council.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Washington and Gardner voted aye. Councilor Van Bergen voted nay. Councilors Bauer, Collier and Wyers were absent. The vote was 8-1 in favor and Resolution No. 92-1610 was adopted.

8.5 Resolution No. 92-1621, For the Purpose of Releasing a Request for Proposals for Biological Monitoring in Smith & Bybee Lakes Management Area and Allowing Executive Officer to Execute the Contract

Motion: Councilor Devlin moved, seconded by Councilor Gronke, for adoption of Resolution No. 92-1621.

Councilor Devlin gave the Transportation & Planning Committee's report and recommendations.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington and Gardner voted aye. Councilors Bauer, Collier and Wyers were absent. The vote was unanimous and Resolution No. 92-1621.

9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Van Bergen asked the Regional Facilities Committee to report on the Blazer/Arena contract, including any new or changed conditions since the Council was last briefed on the contract/negotiations. He asked what recommendations and/or schedule had been released by the Funding Task Force to-date. Councilor McLain said she would ask Regional Facilities Department staff to update the Committee on those items and she would report back on same to the Council.

Councilor Hansen asked what the status was of current Charter Committee activity. Presiding Officer Gardner said the Charter Committee's attorney was preparing a draft charter, the Charter



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Committee would hold one more work session on the document, and that the Charter Committee would then hold public hearings on the draft document.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 9:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paulette Allen".

Paulette Allen  
Clerk of the Council

MINUTES OF THE COUNCIL OF  
METROPOLITAN SERVICE DISTRICT

June 11, 1992

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Richard Devlin, Ed Gronke, Sandi Hansen, Ruth McFarland, Susan McLain, George Van Bergen, Ed Washington and Judy Wyers

Councilors Excused: Tanya Collier

Councilors Absent: Larry Bauer

Also Present: Rena Cusma, Executive Officer

Presiding Officer Gardner called the regular meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Region 2040 Work Session

The work session began at 5:36 p.m. and ended at 6:41 p.m. Present were Councilors Gronke, Washington, Hansen, Devlin, McFarland, Wyers, Gardner, Buchanan, McLain and Van Bergen and Executive Officer Cusma. Staff present: Andy Cotugno, Mark Turpel, Ethan Seltzer and Dan Cooper.

4. CONSENT AGENDA

4.1 Minutes of May 7, 1992

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of the Consent Agenda.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Collier were absent. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 92-464, For the Purpose of Amending Metro C  
Code Chapter 7.01 to Modify the Report of Excise Tax and the  
Application of the Receipts

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-464 had been referred to the Finance Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-461A, An Ordinance Amending Metro Ordinance  
No. 92-444A, For Contested Case No. 91-2: Forest Park

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced the Council would consider Ordinance No. 92-461A in its capacity as a quasi-judicial decision-maker. He announced Ordinance No. 92-461 was first read on May 28, 1992, at which time the Council received the Hearings Officer's report. A public hearing was held and consideration of the ordinance was continued to this meeting for final consideration and vote.

Ethan Seltzer, Regional Planning Supervisor, gave staff's report and explained the ordinance as presented. He said Ordinance No. 92-461A would amend Ordinance No. 92-444A previously adopted by the Council to approve a trade of lands in Forest Park. He said the Hearings Officer found the trade complied with Metro's criteria for approving such action, but noted the City of Portland's participation in the trade was contingent upon the resolution of a transaction with a third party. He said the City of Portland had stated if it was not satisfied with the outcome of that transaction, it would not be party to this case, and approval of the case would be overturned because the land trade would not comply with Metro criteria. He said the City of Portland worked with HGW, Inc. and had made progress on resolving the third transaction within the 90 day time frame defined in Ordinance No. 92-444A. He said they were not able to complete the action within that 90 days and said Ordinance No. 92-461A would amend the condition requiring the transaction be completed within 90 days and to allow the City of Portland and HGW, Inc. to proceed to complete and/or report on the transaction over the next year up to June 1, 1993. He said Ordinance No. 92-461A also replaced the word "donation" with "acquisition" because even though the property would be donated to the City, the City would be an active participant in securing the property through its use

of eminent domain. He said if the transaction was not completed satisfactorily from the City's point of view by June 1, 1993, the ordinance also required the parties to return to Metro without automatically rejecting the petition.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-461A.

Councilor Van Bergen expressed concern about Metro's procedure and approach. He said UGB cases should be able to stand alone rather than be based on barter. He said the Forest Park trade was a good thing to do, but noted Legal Counsel Larry Shaw's June 10, 1992, memorandum "Authority for Urban Growth Boundary (UGB) Conditions." He said Mr. Shaw's memo stated Metro had the authority to condition UGB amendment approvals. He said the three cases cited in the memo as justification for conditions were low-level cases. He said the Forest Park exchange was based on the monetary value of the property involved. He noted he had told General Counsel that this case was outside of normal UGB criteria and discussed previous UGB cases and expressed concern about possible litigation in the future.

Councilor Devlin said the amendment itself appeared to easily meet UGB criteria for amendment. He said conditions would be needed when the UGB expanded into urban reserve areas.

Presiding Officer Gardner agreed with Councilor Devlin and said it would be appropriate for Metro to condition future UGB cases even more extensively than had been done in the past.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Collier were absent. The vote was unanimous and Ordinance No. 92-461A was adopted.

6.2 Ordinance No. 92-457, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Insurance Fund (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced Ordinance No. 92-457 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Devlin moved, seconded by Councilor Wyers, for adoption of Ordinance No. 92-457.

Councilor Devlin gave the Finance Committee's report and recommendations. He said Metro received \$23,000 from the State of Oregon to provide equipment for injured workers so that they could return to normal or similar work activities.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Collier were absent. The vote was unanimous and Ordinance No. 92-457 was adopted.

6.3 Ordinance No. 92-458, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Oregon Convention Center Operating Fund and Spectator Facilities Operating Fund for Increased Metro ERC Operations (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced that Ordinance No. 92-458 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor Wyers, for adoption of Ordinance No. 92-458.

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the ordinance would transfer funds from Contingency and other funds to compensate for materials and services expended because of the higher than anticipated use of MERC facilities. She said Dominic Buffetta, MERC Finance Director, said staff had not been able to predict expenditure accurately because this fiscal year was the first full fiscal year of operations for the Oregon Convention Center and said MERC staff would be able to predict expenditures more accurately next year.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Washington, Wyers and Gardner voted aye. Councilors Collier and Bauer were absent. The vote was unanimous and Ordinance No. 92-458 was adopted.

6.4 Ordinance No. 92-459, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Upgrades and Enhancements to the Financial System and the Purchase of a High Capacity Tape Drive (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced Ordinance No. 92-459 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-459.

Councilor Wyers gave the Finance Committee's report and recommendations. She explained the ordinance requested the transfer of \$57,230 from various existing Materials & Services appropriations in the Finance and Management Information Department's budget to Capital Outlay to purchase disk and memory upgrades for the mainframe computer, a report writer, and a local area network connection. She said the ordinance also requested a transfer of \$18,300 for the Support Service Fund Contingency to the FMI Department's Capital Outlay to purchase a high capacity tape drive.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Collier and Bauer were absent. The vote was unanimous and Ordinance No. 92-459 was adopted.

6.5 Ordinance No. 92-460, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Unanticipated Costs for the Use of the Lexis System for Legal Research (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced Ordinance No. 92-460 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Van Bergen moved, seconded by Councilor Devlin, for adoption of Ordinance No. 92-460.

Councilor Van Bergen gave the Finance Committee's report and recommendations. He explained the ordinance would transfer \$5,000 from Support Service Contingency to Materials & Services category in the Office of General Counsel Department budget for the use of the Lexis System for legal research.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Collier and Bauer were absent. The vote was unanimous and Ordinance No. 92-460 was adopted.

6.6 Ordinance No. 92-462, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Solid Waste Revenue Fund Operating Account and Enhancement Fund (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Gardner announced Ordinance No. 92-460 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-462.

Councilor Wyers gave the Finance Committee's report and recommendations. She explained the ordinance requested adjustment of the Budget Appropriation Schedule for the Operating Account within the Solid Waste Revenue Fund for four specific requested actions: 1) To transfer \$11,500 from the Solid Waste Revenue Fund Contingency to the Materials & Services, Accounting and Auditing Services line items to pay for costs associated with bonds sold by Metro for the composter at Metro Central; 2) To

transfer \$18,500 from the Solid Waste Revenue Fund Contingency to the Computer Software line item in Materials & Services to pay for costs associated with the connection of the Solid Waste Department to the computer network; 3) To transfer \$10,000 from the Solid Waste Revenue Contingency to the Materials & Services category in the Budget and Finance Division to pay for the cost for temporary help to provide computer system maintenance and support in that department; and 4) To transfer \$35,000 from the Solid Waste Revenue Contingency to the Personal Services in the Administration Division to pay for higher than anticipated Personal Services costs in that division. She said the ordinance also requested additional monies for the Oregon City Enhancement Account because more solid waste had been disposed of at Metro South Station than originally anticipated because of the Riedel Composter Facility closure.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Washington, Wyers and Gardner voted aye. Councilors Collier and Bauer were absent. The vote was unanimous and Ordinance No. 92-462 was adopted.

6.7 Ordinance No. 92-463, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations within the Council Department

Presiding Officer Gardner called on Councilor Devlin to explain activity related to Ordinance No. 92-463.

Councilor Devlin referred to his June 11, 1992, memorandum "Referral of Ordinance No. 92-463 Back to the Finance Committee." He explained it was necessary to refer the ordinance back to committee because May 8 primary expenses totalled \$187,000 while the Council Department had only budgeted \$100,000 in election expenses. He said the Finance Committee could amend the Council budget at its next meeting and refer the amended ordinance to Council for consideration at the June 25 meeting.

Motion to Refer Back to Committee: Councilor Devlin moved, seconded by Councilor McFarland, to refer Ordinance No. 92-463 back to the Finance Committee for further consideration.



Councilor Washington asked why election costs had increased. Don Carlson, Council Administrator, noted Multnomah County's elections costs had increased substantially and Metro had to pay its proportionate share of elections costs. The Council discussed election costs and related expenses further.

Vote on Motion to Refer Back to Committee: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Collier were absent. The vote was unanimous and the motion passed.

## 7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Gardner noted Teace Adams, League of Women Voters, was present. Ms. Adams introduced Nancy Lipzack and said Ms. Lipzack would cover UGB and land use issues related to Metro activities.

Councilor Van Bergen discussed pending MERC resolutions related to MERC financing activities.

### 7.1 Discussion of Scheduling a Councilor Retreat for the Purpose of Discussing Councilor Working Relationships and Procedures


Presiding Officer Gardner discussed scheduling a Councilor retreat for late summer to hold discussions with Executive Officer Rena Cusma on the Charter, Metro's legislative agenda and to review previous discussions on Councilor relations. He noted new Councilors were on board and asked Council staff to coordinate details. He said if a summer retreat would be too difficult to schedule, a one-day retreat could be scheduled with Executive Officer Cusma invited to attend the morning session. Councilor Devlin said the Council could cover more material if on an overnight retreat.

Councilor Wyers said a retreat should be scheduled for January or February also because new Councilors would be on board.

The Council discussed the retreat and related details further.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 7:34 p.m.

Respectfully submitted,

  
Paulette Allen  
Clerk of the Council

Meeting Date: August 27, 1992  
Agenda Item No. 5.1

ORDINANCE NO. 92-471

## STAFF REPORT

**IN CONSIDERATION OF ORDINANCE NO. 92-471 FOR THE PURPOSE OF CONSIDERING AN ORDINANCE AMENDING THE METRO CODE TO MODIFY THE DESIGNATED FACILITY STATUS OF COLUMBIA RIDGE LANDFILL FOR PURPOSES OF FLOW CONTROL, TO ADD ROOSEVELT REGIONAL LANDFILL TO THE LIST OF DESIGNATED FACILITIES, TO ESTABLISH CRITERIA TO CONSIDER IN DESIGNATING DISPOSAL FACILITIES, AND DECLARING AN EMERGENCY.**

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Date: August 19, 1992

Presented by: Bob Martin  
Roosevelt Carter  
Phil North

### FACTUAL BACKGROUND AND ANALYSIS

Oregon Waste Systems (OWS) was issued a Non-System License on May 23, 1991 under Metro's Flow Control Ordinance, Chapter 5.05 of the Metro Code. This license authorized various special wastes to be transported and disposed at the Columbia Ridge Landfill other than those being reviewed under Oregon Waste Systems contract with Metro.

Metro has also received a request from Regional Disposal Company of Seattle, Washington that it be permitted to receive certain types of special waste from the District to be disposed at its Roosevelt Regional Landfill located in Klickitat County, Washington. Previously such a request has been viewed as a request to transport solid waste out of the region under the authority of a Non-System License issued under Metro's Flow Control Ordinance.

Non-System Licenses are more appropriately issued to generators or haulers as contrasted with disposal sites/landfills and that landfills desiring authority to receive certain types of waste should become designated facilities under the Flow Control Ordinance. The conditions of the Landfill's receipt of waste would be determined by an agreement entered into between Metro and the facility.

A key element to the ordinance amendment is the addition of criteria to be considered relative to facility designation. One criteria is assessment of future risk to Metro based on the facility history of waste acceptance and the degree to which prior areas and waste types received at the facility are known.

Also considered is the facility's record of regulatory compliance and its record of cooperation with Metro regarding compliance with Metro ordinances. A final criterion is adequacy of operational practices and management control at the facility

The designation of Columbia Ridge Landfill under the ordinance as modified maintains the existing relationship between Metro and Oregon Waste Systems (OWS) relative to the materials being received under OWS's Non-System License. Procedurally, the proposed ordinance

distinguishes between facilities being "designated" versus generators or haulers being eligible to apply for a Non-System License. This is consistent with current legal interpretation of Metro's Flow Control Ordinance.

The present request for facility designation by Regional Disposal Company is similar to the request by Oregon Waste Systems to be designated as an approved facility under our Flow Control Ordinance. The types of material sought to be approved for disposal at the Roosevelt Regional Landfill are similar to those being sought for the Columbia Ridge Landfill.

This staff report will be supplemented prior to public hearing at the Council Solid Waste Committee (CSWC) with respect to the facility evaluation criteria as they pertain to the particular facilities. Also, copies of the proposed agreements will be available to the CSWC.

In order for this ordinance to take effect immediately upon passage, an emergency clause has been added to the ordinance;

#### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No. 92-471.

**BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT**

<b>FOR THE PURPOSE OF AMENDING</b>	)	<b>ORDINANCE NO. 92-471</b>
<b>THE METRO CODE TO MODIFY THE</b>	)	
<b>DESIGNATED FACILITY STATUS OF</b>	)	<b>Introduced by Rena Cusma,</b>
<b>COLUMBIA RIDGE LANDFILL FOR</b>	)	<b>Executive Officer</b>
<b>PURPOSES OF FLOW CONTROL, TO ADD</b>	)	
<b>ROOSEVELT REGIONAL LANDFILL TO</b>	)	
<b>THE LIST OF DESIGNATED FACILITIES,</b>	)	
<b>TO ESTABLISH CRITERIA TO CONSIDER</b>	)	
<b>IN DESIGNATING DISPOSAL FACILITIES,</b>	)	
<b>AND DECLARING AN EMERGENCY</b>	)	

WHEREAS, Columbia Ridge Landfill is a "designated facility" for purposes of Metro solid waste flow control; and

WHEREAS, Columbia Ridge is currently allowed to accept solid waste as specified in its existing contract with Metro, and pursuant to duly issued non-system licenses; and

WHEREAS, Oregon Waste Systems (OWS), the owner of Columbia Ridge, was issued a non-system license on May 23, 1991, allowing it to accept special waste from the Metro area under certain conditions; and

WHEREAS, It is more appropriate, under the solid waste flow control chapter of the Metro Code, to "designate" facilities located outside of the District that are appropriate to receive waste from the Metro service area; and

WHEREAS, Regional Disposal Company (RDC), a Washington joint venture, with its home office at 4730 32nd Avenue South, Seattle, Washington 98118, owns and operates the Roosevelt Regional Landfill located in Klickitat County, Washington; and

WHEREAS, Both OWS and RDC have requested from Metro authority to accept special waste generated within the Metro service area; and

WHEREAS, In order to determine whether either of the above-referenced facilities are appropriate to receive special waste from the service area, it is necessary to establish criteria for consideration by the Council of the Metropolitan Service District; and

WHEREAS, Based on findings contained in the staff report accompanying this Ordinance and additional information provided during the hearing on this Ordinance, the Council has determined that it is appropriate to designate the Columbia Ridge Landfill and Roosevelt Regional Landfill for receipt of special waste from the District; and

WHEREAS, Both OWS and RDC are willing to enter into an agreement with Metro establishing the terms under which such waste can be accepted at their respective facilities; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.05.030 is amended to read:

5.05.030 Use of Designated Facilities:

(a) Designated Facilities. The following described facilities shall constitute the designated facilities to which ~~a waste hauler may deliver waste or to which~~ Metro may direct solid waste pursuant to a Required Use Order:

- (1) Metro South Station. The Metro South Station located at 2001 Washington, Oregon City, Oregon 97045.
- (2) ~~Metro-Riedel MSW (Municipal Solid Waste) Compost Facility.~~ The Metro-Riedel MSW Compost Facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon 97217.
- (3) Metro Central Station. The Metro Central Station located at 6161 N.W. 61st Avenue, Portland, Oregon 97210.
- (4) St. Johns Landfill. The St. Johns Landfill located at 9363 N. Columbia Boulevard, Portland, Oregon 97203.
- (5) Franchise Facilities. All disposal sites, transfer stations, processing facilities and resource recovery facilities within the District which operate pursuant to a Metro franchise under Chapter 5.01 of the Metro Code.
- (6) Lakeside Reclamation (limited purpose landfill). The Lakeside Reclamation limited purpose landfill, Route 1, Box 849, Beaverton, Oregon 97005, subject to the terms of the agreement in existence on November 14, 1989 authorizing the receipt of solid waste generated within the service area.
- (7) Hillsboro Landfill (limited purpose landfill). The Hillsboro Landfill, 3205 S.E. Minter Bridge Road, Hillsboro, Oregon 97123, subject to the terms of the agreement in existence on November 14, 1989 authorizing the receipt of solid waste generated within the service area.

(8) Columbia Ridge Landfill. The Columbia Ridge Landfill owned and operated by Oregon Waste Systems, Inc. subject to the terms of the agreements in existence on November 14, 1989 between Metro and Oregon Waste Systems and between Metro and Jack Gray Transport, Inc.; ~~provided that except as otherwise provided pursuant to a duly issued non-system license, no waste hauler or other person (other than Jack Gray Transport, Inc. as provided in the aforementioned agreement) shall be permitted to transport solid waste generated within the service area directly to, or to otherwise dispose of such solid waste at, said Columbia Ridge Landfill unless such solid waste has first been processed at another designated facility.~~ In addition, Columbia Ridge Landfill may accept special waste generated within the service area:

(A) As specified in an agreement entered into between Metro and Oregon Waste Systems authorizing receipt of such waste; or

(B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.

(9) Roosevelt Regional Landfill. The Roosevelt Regional Landfill, owned and operated by Regional Disposal Company of Seattle and located in Klickitat County, Washington. Roosevelt Regional Landfill may accept special waste generated within the service area only as follows:

(A) As specified in an agreement entered into between Metro and Regional Disposal Company authorizing receipt of such waste; or

(B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.

(b) Changes to Designated Facilities to be Made by Council. From time to time, the Council, acting pursuant to a duly enacted ordinance, may remove from the list of initial designated facilities any one or more of the facilities described in Metro Code Section 5.05.030(a). In addition, from time to time, the Council, acting pursuant to a duly enacted ordinance, may add to the list of designated facilities one or more additional facility. In deciding whether to designate any additional facility, the Council shall consider:

- (1) the degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) the record of regulatory compliance of the facility with federal, state, and local requirements;
- (3) the record of the facility regarding compliance with Metro ordinances or assistance to Metro in Metro ordinance enforcement; and
- (4) the adequacy of operational practices and management controls at the facility.

(c) Use of Non-System Facilities Prohibited. Except to the extent that solid waste generated within the service area is transported, disposed of or otherwise processed in accordance with the terms and conditions of a non-system license issued pursuant to Metro Code Section 5.05.035, no waste hauler or other person shall transport solid waste generated within the service area to, or utilize or cause to be utilized for the disposal or other processing of any solid waste generated within the service area, any non-system facility.

Section 2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Jim Gardner, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

TSS 1103



Meeting Date: August 27, 1992  
Agenda Item No. 5.2

ORDINANCE NO. 92-450

## STAFF REPORT

### CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER FOR PERIODIC REVIEW OF THE METRO URBAN GROWTH BOUNDARY

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Date: July 10, 1992

Presented by: Ethan Seltzer

#### FACTUAL BACKGROUND AND ANALYSIS

On August 27, 1987, Metro received its periodic review notice for the urban growth boundary (UGB), with a completion date of February 29, 1988. A one-year extension was granted on January 26, 1988, with a new submission date of February 28, 1989. The "Urban Growth Boundary Periodic Review Workplan" was adopted by the Metro Council on December 22, 1988. On March 9, 1989, the Metro Council adopted Resolution No. 89-1050 which transmitted the draft periodic review order to the Department of Land Conservation and Development (DLCD) and established a public hearing on the draft order in June 1989. On May 16, 1989, Metro received comments from DLCD regarding the draft order, and on June 20, 1989, Metro held a public hearing on the draft order.

On July 27, 1989, on the recommendation of the Urban Growth Management Plan Policy Advisory Committee, the Metro Council adopted Resolution No. 89-1106, requesting an extension for periodic review until June 1990, in order to allow the Regional Urban Growth Goals and Objectives (RUGGO) to be completed and used for the development of new UGB amendment procedures. On September 26, 1991, the Metro Council adopted the RUGGO. The Metro Council is now being asked to adopt the final periodic review order for the Metro UGB.

The final periodic review order has four major elements:

1. RUGGO - Metro has prepared these pursuant to the Urban Growth Boundary Periodic Review Workplan and Metro's statutory responsibility in ORS Chapter 268.280 to prepare land use goals and objectives for the district. According to ORS Chapter 268, RUGGO is to be "consistent" with statewide planning goals. Therefore, as part of periodic review, RUGGO is being presented only for findings of consistency, not compliance.
2. Land Supply Findings - The land supply findings included as part of periodic review are based on Metro's Regional Forecast and Growth Allocation to the year 2010. Based on the best available information, Metro believes that the current urban land supply is sufficient to meet the region's urban land needs until 2010. Therefore, Metro is not proposing to make any legislative changes to the UGB as part of periodic review.

However, Metro is now in the process of forecasting growth to the year 2015. In addition, Metro's Regional Land Information System (RLIS) is in place and will be used to provide the

first truly comprehensive assessment of the region's urban land supply as part of the growth allocation process associated with the upcoming regional forecast. Therefore, Metro will be reassessing its conclusions about the adequacy of the urban land supply in early 1993, following the forecast and growth allocation. If an amendment of the UGB is called for at the conclusion of the forecasting and growth allocation process, Metro will initiate a legislative amendment consistent with its responsibilities under ORS Chapter 268 and Statewide Planning Goal 14.

3. **UGB Amendment Procedures** - With the adoption of the final periodic review order, Metro will also be adopting a full set of procedures for making UGB amendments. For the first time, the Metro Code will include procedures and criteria for legislative and major UGB amendments as well as for locational adjustments.
4. **Periodic Review Findings** - Metro's periodic review notice included a variety of issues of interest to the DLCDC. The final periodic review order includes responses to those issues.

At its meeting on February 27, 1992, the Urban Growth Management Plan Technical Advisory Committee unanimously recommended that the Regional Policy Advisory Committee review the Final Periodic Review Order and recommend it to the Metro Council for adoption. At its meeting on March 11, 1992, the Regional Policy Advisory Committee reviewed and discussed the proposed final order, made several changes to the proposed UGB amendment procedures, and unanimously recommended that the Metro Council adopt the final order and transmit it to the DLCDC.

Throughout the process, there has been significant public involvement. The development of the RUGGOs relied on an extensive public process. All elements of the final review order have received publicity through Metro Planning News, which had a distribution of over 10,000 persons, and through numerous public presentations by Metro staff. The land supply findings have been reviewed by policy and technical advisory committees on no less than two occasions, and public hearings were held before the Transportation and Planning Committee of the Metro Council, also on two separate occasions. Finally, the proposed UGB amendment procedures were developed through an open, participatory process over about an 18-month period, and have similarly received review by the public in hearings before the Metro Council and its Transportation and Planning Committee.

#### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No. 92-450, transmittal of the final periodic review order to the Oregon Land Conservation and Development Commission, and amendment of the Metro Code.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL ORDER        )     ORDINANCE NO. 92-450  
FOR PERIODIC REVIEW OF THE METRO URBAN     )  
GROWTH BOUNDARY                                )

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY  
ORDAINS:

Section 1. The Council of the Metropolitan Service District is charged by ORS Chapter 268.390 with establishing and managing an urban growth boundary for the region. The Metro Urban Growth Boundary was adopted by the Metro Council in 1980 and acknowledged by the Land Conservation and Development Commission as being in compliance with Statewide Planning Goals that same year.

Section 2. As part of its urban growth boundary management responsibility, the Metro Council received notice for periodic review of the urban growth boundary in August of 1987. An extension was granted until June of 1989, at which time public hearings were held on the Draft Periodic Review Order. Following public hearings, a further extension was granted to June of 1990 to allow for completion of the Regional Urban Growth Goals and Objectives (RUGGO). RUGGO was adopted in September of 1991, and the Metro Council is now asked to adopt a Final Order for Periodic Review of the Metro Urban Growth Boundary.

Section 3. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Periodic Review Order for the Metro Urban Growth Boundary the materials and findings in Exhibit A of this ordinance, which is incorporated by this reference.

Section 4. In accordance with the materials and findings of EXHIBIT A of this ordinance, the Metro Council finds that a legislative amendment of the urban growth boundary

is not now warranted as part of periodic review. However, The Metro Council finds that new information on land supply soon to be available from Metro's Regional Land Information System, and a new regional forecast of population and employment to the year 2015 will be available during calendar year 1992. Therefore, the Metro Council directs its staff to revisit the assumptions about the long-term adequacy of the urban land supply in Exhibit A utilizing these new sources of information, and report back to the Council and the Regional Policy Advisory Committee within one year of the passage of this ordinance.

Section 5. The Metro Council hereby transmits the Final Order for Periodic Review of the Metro Urban Growth Boundary, as described in Exhibit A of this Ordinance, to the Oregon Land Conservation and Development Commission.

Section 6. The Metro Council hereby amends Metro Code Chapter 3.01, replacing the existing language and substituting the new Urban Growth Boundary Amendment Procedures included in Exhibit A of this Ordinance.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council  
ES/es  
7/10/92

**EXHIBIT A**

**METRO URBAN GROWTH BOUNDARY  
FINAL PERIODIC REVIEW ORDER**

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## FOREWORD

On August 27, 1978, Metro received its periodic review notice for the urban growth boundary (UGB), with a completion date of February 29, 1988. A one-year extension was granted on January 26, 1988, with a new submission date of February 28, 1989. The "Urban Growth Boundary Periodic Review Workplan" was adopted by the Metro Council on December 22, 1988. On March 9, 1989, the Metro Council adopted Resolution No. 89-1050 which transmitted the draft periodic review order to the Department of Land Conservation and Development (DLCD) and established a public hearing on the draft order in June, 1989. On May 16, 1989, Metro received comments from DLCD regarding the draft order, and on June 20, 1989, Metro held a public hearing on the draft order.

On July 27, 1989, on the recommendation of the Urban Growth Management Plan Policy Advisory Committee, the Metro Council adopted Resolution No. 89-1106, requesting an extension for periodic review until June, 1990, in order to allow the Regional Urban Growth Goals and Objectives to be completed and used for the development of new UGB amendment procedures. On September 26, 1991, the Metro Council adopted the Regional Urban Growth Goals and Objectives. The Metro Council is now being asked to adopt the final periodic review order for the Metro UGB.

The final periodic review order has four major elements:

- 1) **Regional Urban Growth Goals and Objectives (RUGGO)** - Metro has prepared these pursuant to the Urban Growth Boundary Periodic Review Workplan and Metro's statutory responsibility in ORS Chapter 268.280 to prepare land use goals and objectives for the district. According to ORS Chapter 268, RUGGO is to be "consistent" with statewide planning goals. Therefore, as part of periodic review, RUGGO is being presented only for findings of consistency, not compliance.
- 2) **Land Supply Findings** - The land supply findings included as part of periodic review are based on Metro's Regional Forecast and Growth Allocation to the year 2010. Based on the best available information, Metro believes that the current urban land supply is sufficient to meet the region's urban land needs until 2010. Therefore, Metro is not proposing to make any legislative changes to the UGB as part of periodic review.

However, Metro is now in the process of forecasting growth to the year 2015. In addition, Metro's Regional Land Information System is in place and will be used to provide the first truly comprehensive assessment of the region's urban land supply as part of the growth allocation process associated with the upcoming regional forecast. Therefore, Metro will be reassessing its conclusions about the adequacy of the urban land supply in early 1993, following the forecast and growth allocation. If an amendment of the UGB is



called for at the conclusion of the forecasting and growth allocation process, Metro will initiate a legislative amendment consistent with its responsibilities under ORS Chapter 268 and Statewide Planning Goal 14.

- 3) **UGB Amendment Procedures** - With the adoption of the final periodic review order, Metro will also be adopting a full set of procedures for making UGB amendments. For the first time, the Metro code will include procedures and criteria for legislative and major UGB amendments, as well as for locational adjustments.
- 4) **Periodic Review Findings** - Metro's periodic review notice included a variety of issues of interest to the Department of Land Conservation and Development. The final periodic review order includes responses to those issues.

**REGIONAL URBAN GROWTH GOALS AND OBJECTIVES**

# REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

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## HISTORY

Urban growth is changing the region. The growth experienced in the past five years, and expected in the next 20, is and will challenge this region's distinctive urban quality of life. In addition, the urban land supply contained within the region's Urban Growth Boundary (UGB) is being consumed, and we are fast approaching a whole host of crucial policy questions regarding urban form. Metro's enabling statutes called for the creation of regional land use goals and objectives to guide those policy discussions.

On December 22, 1988, the Metro Council adopted the Urban Growth Boundary Periodic Review Workplan (Resolution No. 88-1021), directing staff to begin preparation of an "Urban Growth Management Plan". In addition to addressing the Periodic Review Notice for the Urban Growth Boundary, furnished to Metro by the Land Conservation and Development Commission, the workplan identified the crafting of Regional Urban Growth Goals and Objectives (RUGGO's) as the core of the proposed growth management planning effort. The purpose of the goals and objectives was to provide a policy framework for Metro's management of the urban growth boundary, and for the coordination of Metro functional plans with that effort and each other. The goals and objectives, therefore, would provide the policy framework needed to address the urban form issues accompanying the growth of the metropolitan area.

In March of 1989, an Urban Growth Management Plan Policy Advisory Committee (PAC) and Technical Advisory Committee (TAC) were appointed by the Council to guide the periodic review effort, including the preparation of the goals and objectives. Since April of 1989, a period of 27 months, the PAC has met 28 times and the TAC has met 31 times. A brief chronology of the project is as follows:

March, 1989	PAC and TAC appointed.
Fall, 1989	Growth Issues Workshops held throughout the region for citizens, jurisdiction technical staff, and elected and appointed officials of cities, counties, school districts, and special districts - 200 participated.
January, 1990	First Annual Regional Growth Conference - 425 attended.
July, 1990	PAC completes first draft of RUGGO's.
August, 1990 - January, 1991	74 meetings held with cities, counties, citizen groups, public workshops, business organizations, and others to review and receive comment on PAC RUGGO draft.
March, 1991	Second Annual Regional Growth Conference - 720 attended.
July, 1991	PAC completes review and revision of RUGGO's based on fall review process comments and conference comments.
August, 1991	RUGGO's transmitted to Council for adoption.

Other steps taken to make the development of the RUGGO's a public process have included publication of "Metro Planning News" (12 issues, circulation of 5200 includes all jurisdictions, neighborhood associations, and CPO's, as well as other interested organizations, individuals, and agencies), Mailing of PAC and TAC agenda materials to lists of about 130 each (including all planning directors in the region), and numerous public presentations, UGB tours, and participation in other public events.

The RUGGO's are divided into two main sections. The first, Goal I, deals with the regional planning process. For the first time, Goal I explains the process that Metro will use for carrying out its regional planning responsibilities, and specifies the relationship between Metro planning authority, and the planning authority of cities and counties. In many respects, it is the first written explanation of the land use planning responsibilities given to Metro in its enabling legislation.

Goal I calls for the creation of a regional Citizen Involvement Committee to advise Metro on ways to better involve citizens in the regional planning program. Goal I also calls for the creation of an ongoing Regional Policy Advisory Committee (RPAC) to provide advice to the Council regarding Metro's regional planning program and activities. Significantly, Goal I limits the applicability of the RUGGO's to Metro functional plans and management of the UGB. Any application of the RUGGO's to the comprehensive plans of cities and counties can only occur through the preparation of a functional plan or through some aspect of the management of the UGB. The RUGGO's do not apply directly to city and county comprehensive plans or to site-specific land use actions.

The second section, Goal II, deals with urban form. The RUGGO's are not a plan, nor do they provide a single vision for the future development of the region. Rather, the RUGGO's, in Goal II, provide a range of "building blocks" in response to the issues accompanying urban growth. The elements of Goal II can be arranged in a variety of ways, depending on the policy objectives of the region, and therefore suggest but do not specify alternative regional development patterns. Goal II is envisioned as a starting point for Metro's regional planning program, with further refinement and change expected as the next phases of planning work are completed.

The RUGGO's will be used to guide the development of UGB amendment procedures, a central product expected of periodic review of the UGB. The RUGGO's will also be used as the primary policy guidance for the Region 2040 Study, now being formulated jointly by the Transportation and the Planning and Development Departments.

The Metro Council Transportation and Planning Committee held public hearings on the RUGGO's on August 27, 1991, and September 10, 1991. The RUGGO's were heard and adopted by the Metro Council on September 26, 1991. To assist interested parties with preparing testimony, RUGGO "open houses" were held on August 26, 1991, and September 9, 1991. Metro mailed approximately 5500 fliers describing the RUGGO's to publicize the hearings and the open houses. In addition, every jurisdiction in the region received separate

notification, and the hearings were publicized through the news media. An additional 2500 fliers were distributed by hand throughout the region through citizen, civic, and business organizations.

In addition to adopting the RUGGO's, Ordinance 91-418 formally repealed the Columbia Region Association of Governments (CRAG) Goals and Objectives, adopted on September 30, 1976, and left in place by the Legislature until Metro adopted its own goals and objectives. The CRAG goals and objectives were out of date and represented a legal liability to all of Metro's existing and anticipated planning efforts. Finally, accompanying the Ordinance to Council on September 26, 1991, was a separate resolution for the adoption of the RPAC by-laws.

Again, the adoption of the RUGGO's is only the first step, not the last. The Region 2040 Study, a one-year effort to define a range of reasonable future urban growth scenarios for the region, will lead to more precise definitions of a number of RUGGO concepts. In particular, Region 2040 will define the mixed use urban center concept and expectations for long-range urban form. Region 2040 will be carried out with significant public and jurisdictional involvement. Metro expects RUGGO to be amended based on the findings of Region 2040.

For further information regarding the RUGGO's, the Regional Policy Advisory Committee, the Region 2040 Study, or any other aspect of Metro's regional planning program, please contact Ethan Seltzer or Mark Turpel in Metro's Planning and Development Department.

## ACKNOWLEDGEMENTS

RUGGO would not have been completed without the contributions of literally thousands of residents and elected officials in the region. The Metro Council has been consistently supportive of this effort. Councilor Jim Gardner, Chair of the Urban Growth Management Plan Policy Advisory Committee, has contributed significantly of both time and spirit. Metro Executive Officer Rena Cusma continues to be a strong and consistent participant in and supporter of Metro's regional planning program. The members of the Urban Growth Management Plan Policy Advisory Committee, listed on the inside front cover, have gone above and beyond the call of duty to contribute countless hours to the dissection, discussion, and assembly of the final products.

The Urban Growth Management Plan Technical Advisory Committee has worked diligently to revise and refine workplans and work products. The Metropolitan Area City Planning Directors have provided an important forum for discussing and refining the process and the products.

Within Metro, Larry Shaw, Senior Counsel, has done much to make the final products work. Marilyn Matteson, Public Affairs, has worked tirelessly to make the annual Regional Growth Conferences successful. Metro's graphic artists are responsible for developing the consistent graphic "style" which has provided continuity for the project. Andy Cotugno, Director, Transportation, has served as an important advisor to the project and has contributed greatly to the workplan concepts carrying this work to the next step.

Richard H. Carson, Director, Planning and Development, in addition to chairing the Urban Growth Management Plan Technical Advisory Committee, provided the initial and ongoing inspiration and support for this project. Pat Lee, Ethan Seltzer, and Mark Turpel have been principally involved in designing and carrying out the workplan that has resulted in this document, and will result in its future evolution.

# REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

Adopted by the Metro Council, September 26, 1991

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## INTRODUCTION

The Regional Urban Growth Goals and Objectives (RUGGO) have been developed to:

- 1) respond to the direction given to Metro by the legislature through ORS ch 268.380 to develop land use goals and objectives for the region which would replace those adopted by the Columbia Region Association of Governments;
- 2) provide a policy framework for guiding Metro's regional planning program, principally its development of functional plans and management of the region's urban growth boundary; and
- 3) provide a process for coordinating planning in the metropolitan area to maintain metropolitan livability.

The RUGGO's are envisioned not as a final plan for the region, but as a starting point for developing a more focused vision for the future growth and development of the Portland area. Hence, the RUGGO's are the building blocks with which the local governments, citizens, and other interests can begin to develop a shared view of the future.

This document begins with the broad outlines of that vision. There are two principal goals, the first dealing with the planning process and the second outlining substantive concerns related to urban form. The "subgoals" (in Goal II) and objectives clarify the goals. The planning activities reflect priority actions that need to be taken at a later date to refine and clarify the goals and objectives further.

Metro's regional goals and objectives required by ORS 268.380(1) are in RUGGO Goals I and II and Objectives 1-18 only. RUGGO planning activities contain implementation ideas for future study in various stages of development that may or may not lead to RUGGO amendments, new functional plans or functional plan amendments. Functional plans and functional plan amendments shall be consistent with Metro's regional goals and objectives, not RUGGO planning activities.

## **BACKGROUND STATEMENT**

Planning for and managing the effects of urban growth in this metropolitan region involves 24 cities, three counties, and more than 130 special service districts and school districts, including Metro. In addition, the State of Oregon, Tri-Met, the Port of Portland, and the Boundary Commission all make decisions which affect and respond to regional urban growth. Each of these jurisdictions and agencies has specific duties and powers which apply directly to the tasks of urban growth management.

However, the issues of metropolitan growth are complex and inter-related. Consequently, the planning and growth management activities of many jurisdictions are both affected by and directly affect the actions of other jurisdictions in the region. In this region, as in others throughout the country, coordination of planning and management activities is a central issue for urban growth management.

Nonetheless, few models exist for coordinating growth management efforts in a metropolitan region. Further, although the legislature charged Metro with certain coordinating responsibilities, and gave it powers to accomplish that coordination, a participatory and cooperative structure for responding to that charge has never been stated.

As urban growth in the region generates issues requiring a multi-jurisdictional response, a "blueprint" for regional planning and coordination is critically needed. Although most would agree that there is a need for coordination, there is a wide range of opinion regarding how regional planning to address issues of regional significance should occur, and under what circumstances Metro should exercise its coordination powers.

Goal I addresses this coordination issue in the region for the first time by providing the process that Metro will use to address areas and activities of metropolitan significance. The process is intended to be responsive to the challenges of urban growth while respecting the powers and responsibilities of a wide range of interests, jurisdictions, and agencies.

Goal II recognizes that this region is changing as growth occurs, and that change is challenging our assumptions about how urban growth will affect quality of life. For example:

- overall, the number of vehicle miles travelled in the region has been increasing at a rate far in excess of the rate of population and employment growth;
- the greatest growth in traffic and movement is within suburban areas, rather than between suburban areas and the central downtown district;
- in the year 2010 Metro projects that 70% of all "trips" made daily in the region will occur within suburban areas;

-- currently transit moves about 3% of the travellers in the region on an average workday;

-- to this point the region has accommodated most forecasted growth on vacant land within the urban growth boundary, with redevelopment expected to accommodate very little of this growth;

-- single family residential construction is occurring at less than maximum planned density;

-- rural residential development in rural exception areas is occurring in a manner and at a rate that may result in forcing the expansion of the urban growth boundary on important agricultural and forest resource lands in the future;

-- a recent study of urban infrastructure needs in the state has found that only about half of the funding needed in the future to build needed facilities can be identified.

Add to this list growing citizen concern about rising housing costs, vanishing open space, and increasing frustration with traffic congestion, and the issues associated with the growth of this region are not at all different from those encountered in other west coast metropolitan areas such as the Puget Sound region or cities in California. The lesson in these observations is that the "quilt" of 27 separate comprehensive plans together with the region's urban growth boundary is not enough to effectively deal with the dynamics of regional growth and maintain quality of life.

The challenge is clear: if the Portland metropolitan area is going to be different than other places, and if it is to preserve its vaunted quality of life as an additional 485,000 people move into the urban area in the next 20 years, then a cooperative and participatory effort to address the issues of growth must begin now. Further, that effort needs to deal with the issues accompanying growth -- increasing traffic congestion, vanishing open space, speculative pressure on rural farm lands, rising housing costs, diminishing environmental quality -- in a common framework. Ignoring vital links between these issues will limit the scope and effectiveness of our approach to managing urban growth.

Goal II provides that broad framework needed to address the issues accompanying urban growth.

## **PLANNING FOR A VISION OF GROWTH IN THE PORTLAND METROPOLITAN AREA**

As the metropolitan area changes, the importance of coordinated and balanced planning programs to protect the environment and guide development becomes increasingly evident.

By encouraging efficient placement of jobs and housing near each other, along with supportive commercial and recreational uses, a more efficient development pattern will result.

An important step toward achieving this planned pattern of regional growth is the integration of land uses with transportation planning, including mass transit, which will link together mixed use urban centers of higher density residential and commercial development.

The region must strive to protect and enhance its natural environment and significant natural resources. This can best be achieved by integrating the important aspects of the natural environment into a regional system of natural areas, open space and trails for wildlife and people. Special attention should be given to the development of infrastructure and public services in a manner that complements the natural environment.

A clear distinction must be created between the urbanizing areas and rural lands. Emphasis should be placed upon the balance between new development and infill within the region's urban growth boundary and the need for future urban growth boundary expansion. This regional vision recognizes the pivotal role played by a healthy and active central city, while at the same time providing for the growth of other communities of the region.

Finally, the regional planning program must be one that is based on a cooperative process that involves the residents of the metropolitan area, as well as the many public and private interests. Particular attention must be given to the need for effective partnerships with local governments because they will have a major responsibility in implementing the vision. It is important to consider the diversity of the region's communities when integrating local comprehensive plans into the pattern of regional growth.

## **GOAL I: REGIONAL PLANNING PROCESS**

Regional planning in the metropolitan area shall:

- I.i) identify and designate areas and activities of metropolitan significance through a participatory process involving citizens, cities, counties, special districts, school districts, and state and regional agencies;
- I.ii) occur in a cooperative manner in order to avoid creating duplicative processes, standards, and/or governmental roles.

These goals and objectives shall only apply to acknowledged comprehensive plans of cities and counties when implemented through functional plans or the acknowledged urban growth boundary plan.

### **OBJECTIVE 1. CITIZEN PARTICIPATION**

Metro shall develop and implement an ongoing program for citizen participation in all aspects of the regional planning program. Such a program shall be coordinated with local programs for supporting citizen involvement in planning processes, and shall not duplicate those programs.

1.1 - Regional Citizen Involvement Coordinating Committee - Metro shall establish a Regional Citizen Involvement Coordinating Committee to assist with the development, implementation and evaluation of its citizen involvement program and to advise the Regional Policy Advisory Committee regarding ways to best involve citizens in regional planning activities.

1.2 - Notification - Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences as well as opportunities for involvement on the part of affected citizens, both inside and outside of its district boundaries.

### **OBJECTIVE 2. REGIONAL POLICY ADVISORY COMMITTEE**

The Metro Council shall establish a Regional Policy Advisory Committee to:

- 2.i) assist with the development and review of Metro's regional planning activities pertaining to land use and growth management, including review and implementation of these goals and objectives, present and prospective functional planning, and management and review of the region's urban growth boundary;

2.ii) serve as a forum for identifying and discussing areas and activities of metropolitan or subregional significance; and

2.iii) provide an avenue for involving all cities and counties and other interests in the development and implementation of growth management strategies.

**2.1 - Regional Policy Advisory Committee Composition -** The Regional Policy Advisory Committee (RPAC) shall be chosen according to the by-laws adopted by the Metro Council. The voting membership shall include elected officials of cities, counties, and the Metro Council as well as representatives of the State of Oregon and citizens. The composition of the Committee shall reflect the partnership that must exist among implementing jurisdictions in order to effectively address areas and activities of metropolitan significance, with a majority of the voting members being elected officials from within the Metro District boundaries.

**2.2 - Advisory Committees -** The Metro Council, or the Regional Policy Advisory Committee consistent with the RPAC by-laws, shall appoint technical advisory committees as the Council or the Regional Policy Advisory Committee determine a need for such bodies.

**2.3 - Joint Policy Advisory Committee on Transportation (JPACT) -** JPACT with the Metro Council shall continue to perform the functions of the designated Metropolitan Planning Organization as required by federal transportation planning regulations. JPACT and the Regional Policy Advisory Committee shall develop a coordinated process, to be approved by the Metro Council, to assure that regional land use and transportation planning remains consistent with these goals and objectives and with each other.

### **OBJECTIVE 3.      APPLICABILITY OF REGIONAL URBAN GROWTH GOALS AND OBJECTIVES**

These Regional Urban Growth Goals and Objectives have been developed pursuant to ORS 268.380(1). Therefore, they comprise neither a comprehensive plan under ORS 197.015(5) nor a functional plan under ORS 268.390(2). All functional plans prepared by Metro shall be consistent with these goals and objectives. Metro's management of the Urban Growth Boundary shall be guided by standards and procedures which must be consistent with these goals and objectives. These goals and objectives shall not apply directly to site-specific land use actions, including amendments of the urban growth boundary.

These Regional Urban Growth Goals and Objectives shall apply to adopted and acknowledged comprehensive land use plans as follows:

- 3.i) A regional functional plan, itself consistent with these goals and objectives, may recommend or require amendments to adopted and acknowledged comprehensive land use plans; or
- 3.ii) The management and periodic review of Metro's acknowledged Urban Growth Boundary Plan, itself consistent with these goals and objectives, may require changes in adopted and acknowledged land use plans; or
- 3.iii) The Regional Policy Advisory Committee may identify and propose issues of regional concern, related to or derived from these goals and objectives, for consideration by cities and counties at the time of periodic review of their adopted and acknowledged comprehensive plans.

**3.1 - Urban Growth Boundary Plan - The Urban Growth Boundary Plan has two components:**

- 3.1.1) The acknowledged urban growth boundary line; and
- 3.1.2) Acknowledged procedures and standards for amending the urban growth boundary line.

Metro's Urban Growth Boundary is not a regional comprehensive plan but a provision of the comprehensive plans of the local governments within its boundaries. The location of the urban growth boundary line shall be in compliance with applicable statewide planning goals and consistent with these goals and objectives. Amendments to the urban growth boundary line shall demonstrate consistency only with the acknowledged procedures and standards.

**3.2 - Functional Plans - Regional functional plans containing recommendations for comprehensive planning by cities and counties may or may not involve land use decisions. Functional plans are not required by the enabling statute to include findings of consistency with statewide land use planning goals. If provisions in a functional plan, or actions implementing a functional plan require changes in an adopted and acknowledged comprehensive land use plan, then that action may be a land use action required to be consistent with the statewide planning goals.**

**3.3 - Periodic Review of Comprehensive Land Use Plans - At the time of periodic review for comprehensive land use plans in the region the Regional Policy Advisory Committee:**

- 3.3.1) shall assist Metro with the identification of functional plan provisions or changes in functional plans adopted since the last periodic review for inclusion in periodic review notices as changes in law; and

3.3.2) may provide comments during the periodic review of adopted and acknowledged comprehensive plans on issues of regional concern.

3.4 - Periodic Review of the Regional Urban Growth Goals and Objectives - If statute changes are made to ORS 197 to allow acknowledgement of these goals and objectives as the means for meeting the statutory requirement that these goals and objectives be consistent with statewide planning goals, then this section will apply. The Regional Policy Advisory Committee shall consider the periodic review notice for these goals and objectives and recommend a periodic review process for adoption by the Metro Council.

#### **OBJECTIVE 4. IMPLEMENTATION ROLES**

Regional planning and the implementation of these Regional Urban Growth Goals and Objectives shall recognize the inter-relationships between cities, counties, special districts, Metro, regional agencies, and the State, and their unique capabilities and roles.

##### **4.1 - Metro Role - Metro shall:**

4.1.1) identify and designate areas and activities of metropolitan significance;

4.1.2) provide staff and technical resources to support the activities of the Regional Policy Advisory Committee;

4.1.3) serve as a technical resource for cities, counties, and other jurisdictions and agencies;

4.1.4) facilitate a broad-based regional discussion to identify appropriate strategies for responding to those issues of metropolitan significance; and

4.1.5) adopt functional plans necessary and appropriate for the implementation of these regional urban growth goals and objectives;

4.1.6) coordinate the efforts of cities, counties, special districts, and the state to implement adopted strategies.

##### **4.2 - Role of Cities -**

4.2.1) adopt and amend comprehensive plans to conform to functional plans adopted by Metro;

4.2.2) identify potential areas and activities of metropolitan significance;



4.2.3) cooperatively develop strategies for responding to designated areas and activities of metropolitan significance;

4.2.4) participate in the review and refinement of these goals and objectives.

**4.3 - Role of Counties -**

4.3.1) adopt and amend comprehensive plans to conform to functional plans adopted by Metro;

4.3.2) identify potential areas and activities of metropolitan significance;

4.3.3) cooperatively develop strategies for responding to designated areas and activities of metropolitan significance;

4.3.4) participate in the review and refinement of these goals and objectives.

**4.4 - Role of Special Service Districts - Assist Metro with the identification of areas and activities of metropolitan significance and the development of strategies to address them, and participate in the review and refinement of these goals and objectives.**

**4.5 - Role of the State of Oregon - Advise Metro regarding the identification of areas and activities of metropolitan significance and the development of strategies to address them, and participate in the review and refinement of these goals and objectives.**

**OBJECTIVE 5. FUNCTIONAL PLANNING PROCESS**

Functional plans are limited purpose plans, consistent with these goals and objectives, which address designated areas and activities of metropolitan significance.

**5.1 - Existing Functional Plans - Metro shall continue to develop, amend, and implement, with the assistance of cities, counties, special districts, and the state, statutorily required functional plans for air, water, and transportation, as directed by ORS 268.390(1), and for solid waste as mandated by ORS ch 459.**

**5.2 - New Functional Plans - New functional plans shall be proposed from one of two sources:**

5.2.1) The Regional Policy Advisory Committee may recommend that the Metro Council designate an area or activity of metropolitan significance for which a functional plan should be prepared; or

5.2.2) The Metro Council may propose the preparation of a functional plan to

designate an area or activity of metropolitan significance, and refer that proposal to the Regional Policy Advisory Committee.

Upon the Metro Council adopting factual reasons for the development of a new functional plan, the Regional Policy Advisory Committee shall oversee the preparation of the plan, consistent with these goals and objectives and the reasons cited by the Metro Council. After preparing the plan and seeking broad public and local government consensus, using existing citizen involvement processes established by cities, counties, and Metro, the Regional Policy Advisory Committee shall present the plan and its recommendations to the Metro Council. The Metro Council may act to resolve conflicts or problems impeding the development of a new functional plan and may act to oversee preparation of the plan should such conflicts or problems prevent the Regional Policy Advisory Committee from completing its work in a timely or orderly manner.

The Metro Council shall hold a public hearing on the proposed plan and afterwards shall:

- 5.2.A) adopt the proposed functional plan; or
- 5.2.B) refer the proposed functional plan to the Regional Policy Advisory Committee in order to consider amendments to the proposed plan prior to adoption; or
- 5.2.C) amend and adopt the proposed functional plan; or
- 5.2.D) reject the proposed functional plan.

The proposed functional plan shall be adopted by ordinance, and shall include findings of consistency with these goals and objectives.

**5.3 - Functional Plan Implementation and Conflict Resolution** -Adopted functional plans shall be regionally coordinated policies, facilities, and/or approaches to addressing a designated area or activity of metropolitan significance, to be considered by cities and counties for incorporation in their comprehensive land use plans. If a city or county determines that a functional plan recommendation should not or cannot be incorporated into its comprehensive plan, then Metro shall review any apparent inconsistencies by the following process:

- 5.3.1) Metro and affected local governments shall notify each other of apparent or potential comprehensive plan inconsistencies.
- 5.3.2) After Metro staff review, the Regional Policy Advisory Committee shall consult the affected jurisdictions and attempt to resolve any apparent or

potential inconsistencies.

5.3.3) The Regional Policy Advisory Committee shall conduct a public hearing and make a report to the Metro Council regarding instances and reasons why a city or county has not adopted changes consistent with recommendations in a regional functional plan.

5.3.4) The Metro Council shall review the Regional Policy Advisory Committee report and hold a public hearing on any unresolved issues. The Council may decide to:

5.3.4.a) amend the adopted regional functional plan; or

5.3.4.b) initiate proceedings to require a comprehensive plan change;  
or

5.3.4.c) find there is no inconsistency between the comprehensive plan(s) and the functional plan.

## **OBJECTIVE 6. AMENDMENTS TO THE REGIONAL URBAN GROWTH GOALS AND OBJECTIVES**

The Regional Urban Growth Goals and Objectives shall be reviewed at regular intervals or at other times determined by the Metro Council after consultation with or upon the suggestion of the Regional Policy Advisory Committee. Any review and amendment process shall involve a broad cross-section of citizen and jurisdictional interests, and shall be conducted by the Regional Policy Advisory Committee consistent with Goal 1: Regional Planning Process. Proposals for amendments shall receive broad public and local government review prior to final Metro Council action.

6.1 - Impact of Amendments - At the time of adoption of amendments to these goals and objectives, the Metro Council shall determine whether amendments to adopted functional plans or the acknowledged regional urban growth boundary are necessary. If amendments to adopted functional plans are necessary, the Metro Council shall act on amendments to applicable functional plans. The Council shall request recommendations from the Regional Policy Advisory Committee before taking action. All amendment proposals will include the date and method through which they may become effective, should they be adopted. Amendments to the acknowledged regional urban growth boundary will be considered under acknowledged urban growth boundary amendment procedures incorporated in the Metro Code.

If changes to functional plans are adopted, affected cities and counties shall be informed in writing of those changes which are advisory in nature, those which

recommend changes in comprehensive land use plans, and those which require changes in comprehensive plans. This notice shall specify the effective date of particular amendment provisions.

## **GOAL II: URBAN FORM**

The livability of the urban region should be maintained and enhanced through initiatives which:

- II.i) preserve environmental quality;
- II.ii) coordinate the development of jobs, housing, and public services and facilities; and
- II.iii) inter-relate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another.

Urban form, therefore, describes an overall framework within which regional urban growth management can occur. Clearly stating objectives for urban form, and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.

### **II.1: NATURAL ENVIRONMENT**

Preservation, use, and modification of the natural environment of the region should maintain and enhance environmental quality while striving for the wise use and preservation of a broad range of natural resources.

### **OBJECTIVE 7. WATER RESOURCES**

Planning and management of water resources should be coordinated in order to improve the quality and ensure sufficient quantity of surface water and groundwater available to the region.

7.1 Formulate Strategy - A long-term strategy, coordinated by the jurisdictions and agencies charged with planning and managing water resources, shall be developed to comply with state and federal requirements for drinking water, to sustain beneficial water uses, and to accommodate growth.

#### **Planning Activities:**

Planning programs for water resources management shall be evaluated to determine the ability of current efforts to accomplish the following, and recommendations for changes in these programs will be made if they are found to be inadequate:

- Identify the future resource needs and carrying capacities of the region for municipal and industrial water supply, irrigation, fisheries, recreation, wildlife, environmental standards and aesthetic amenities;
- Monitor water quality and quantity trends vis-a-vis beneficial use standards adopted by federal, state, regional, and local governments for specific water resources important to the region;
- Evaluate the cost-effectiveness of alternative water resource management scenarios, and the use of conservation for both cost containment and resource management; and
- Preserve, create, or enhance natural water features for use as elements in nonstructural approaches to managing stormwater and water quality.

## **OBJECTIVE 8. AIR QUALITY**

Air quality shall be protected and enhanced so that as growth occurs, human health is unimpaired. Visibility of the Cascades and the Coast Range from within the region should be maintained.

- 8.1 Strategies for planning and managing air quality in the regional airshed shall be included in the State Implementation Plan for the Portland-Vancouver air quality maintenance area as required by the Federal Clean Air Act.
- 8.2 New regional strategies shall be developed to comply with Federal Clean Air Act requirements and provide capacity for future growth.
- 8.3 The region, working with the state, shall pursue the consolidation of the Oregon and Clark County Air Quality Management Areas.
- 8.4 All functional plans, when taken in the aggregate, shall be consistent with the State Implementation Plan (SIP) for air quality.

### **Planning Activities:**

An air quality management plan should be developed for the regional airshed which:

- Outlines existing and forecast air quality problems;
- Identifies prudent and equitable market based and regulatory strategies for addressing present and probable air quality problems throughout the region;
- Evaluates standards for visibility; and

-- Implements an air quality monitoring program to assess compliance with local, state, and federal air quality requirements.

## **OBJECTIVE 9. NATURAL AREAS, PARKS AND WILDLIFE HABITAT**

Sufficient open space in the urban region shall be acquired, or otherwise protected, and managed to provide reasonable and convenient access to sites for passive and active recreation. An open space system capable of sustaining or enhancing native wildlife and plant populations should be established.

9.1 Quantifiable targets for setting aside certain amounts and types of open space shall be identified.

9.2 Corridor Systems - The regional planning process shall be used to coordinate the development of interconnected recreational and wildlife corridors within the metropolitan region.

9.2.1) A region-wide system of trails should be developed to link public and private open space resources within and between jurisdictions.

9.2.2) A region-wide system of linked significant wildlife habitats should be developed.

9.2.3) A Willamette River Greenway Plan for the region should be implemented by the turn of the century.

### **Planning Activities:**

- 1) Inventory existing open space and open space opportunities to determine areas within the region where open space deficiencies exist now, or will in the future, given adopted land use plans and growth trends.
- 2) Assess current and future active recreational land needs. Target acreages should be developed for neighborhood, community, and regional parks, as well as for other types of open space in order to meet local needs while sharing responsibility for meeting metropolitan open space demands.
- 3) Develop multi-jurisdictional tools for planning and financing the protection and maintenance of open space resources. Particular attention will be paid to using the land use planning and permitting process and to the possible development of a land-banking program.

- 4) Conduct a detailed biological field inventory of the region to establish an accurate baseline of native wildlife and plant populations. Target population goals for native species will be established through a public process which will include an analysis of amounts of habitat necessary to sustain native populations at target levels.

## **OBJECTIVE 10. PROTECTION OF AGRICULTURE AND FOREST RESOURCE LANDS**

Agricultural and forest resource land outside the urban growth boundary shall be protected from urbanization, and accounted for in regional economic and development plans.

10.1 Rural Resource Lands - Rural resource lands outside the urban growth boundary which have significant resource value should actively be protected from urbanization.

10.2 Urban Expansion - Expansion of the urban growth boundary shall occur in urban reserves, established consistent with Objective 15.3.

### **Planning Activities:**

A regional economic opportunities analysis shall include consideration of the agricultural and forest products economy associated with lands adjacent to or near the urban area.

## **II.2: BUILT ENVIRONMENT**

Development in the region should occur in a coordinated and balanced fashion as evidenced by:

- II.2.i) a regional "fair-share" approach to meeting the housing needs of the urban population;
- II.2.ii) the provision of infrastructure and critical public services concurrent with the pace of urban growth;
- II.2.iii) the integration of land use planning and economic development programs;
- II.2.iv) the coordination of public investment with local comprehensive and regional functional plans;
- II.2.v) the continued evolution of regional economic opportunity; and
- II.2.vi) the creation of a balanced transportation system, less dependent on the private

automobile, supported by both the use of emerging technology and the collocation of jobs, housing, commercial activity, parks and open space.

## **OBJECTIVE 11. HOUSING**

There shall be a diverse range of housing types available inside the UGB, for rent or purchase at costs in balance with the range of household incomes in the region. Low and moderate income housing needs should be addressed throughout the region. Housing densities should be supportive of adopted public policy for the development of the regional transportation system and designated mixed use urban centers.

### **Planning Activities:**

The Metropolitan Housing Rule (OAR 660, Division 7) has effectively resulted in the preparation of local comprehensive plans in the urban region that:

- provide for the sharing of regional housing supply responsibilities by ensuring the presence of single and multiple family zoning in every jurisdiction; and
- plan for local residential housing densities that support net residential housing density assumptions underlying the regional urban growth boundary.

However, it is now time to develop a new regional housing policy that directly addresses the requirements of Statewide Planning Goal 10, in particular:

- 1) Strategies should be developed to preserve the region's supply of special needs and existing low and moderate income housing.
- 2) **Diverse Housing Needs** - the diverse housing needs of the present and projected population of the region shall be correlated with the available and prospective housing supply. Upon identification of unmet housing needs, a regionwide strategy shall be developed which takes into account subregional opportunities and constraints, and the relationship of market dynamics to the management of the overall supply of housing. In addition, that strategy shall address the "fair-share" distribution of housing responsibilities among the jurisdictions of the region, including the provision of supporting social services.
- 3) **Housing Affordability** - A housing needs analysis shall be carried out to assess the adequacy of the supply of housing for rent and/or sale at prices for low and moderate income households. If, following that needs analysis, certain income groups in the region are found to not have affordable housing available to them, strategies shall be developed to focus land use policy and



public and private investment towards meeting that need.

- 4) The uses of public policy and investment to encourage the development of housing in locations near employment that is affordable to employees in those enterprises shall be evaluated and, where feasible, implemented.

## **OBJECTIVE 12. PUBLIC SERVICES AND FACILITIES**

Public services and facilities including but not limited to public safety, water and sewerage systems, parks, libraries, the solid waste management system, stormwater management facilities, and transportation should be planned and developed to:

- 12.i) minimize cost;
- 12.ii) maximize service efficiencies and coordination;
- 12.iii) result in net improvements in environmental quality and the conservation of natural resources;
- 12.iv) keep pace with growth while preventing any loss of existing service levels and achieving planned service levels;
- 12.v) use energy efficiently; and
- 12.vi) shape and direct growth to meet local and regional objectives.

**12.1 Planning Area** - The long-term geographical planning area for the provision of urban services shall be the area described by the adopted and acknowledged urban growth boundary and the designated urban reserves.

**12.2 Forecast Need** - Public service and facility development shall be planned to accommodate the rate of urban growth forecast in the adopted regional growth forecast, including anticipated expansions into urban reserve areas.

**12.3 Timing** - The region should seek the provision of public facilities and services at the time of new urban growth.

### **Planning Activities:**

- 1) Inventory current and projected public facilities and services needs throughout the region, as described in adopted and acknowledged public facilities plans.
- 2) Identify opportunities for and barriers to achieving concurrency in the region.

- 3) Develop financial tools and techniques to enable cities, counties, school districts, special districts, Metro and the State to secure the funds necessary to achieve concurrency.
- 4) Develop tools and strategies for better linking planning for school, library, and park facilities to the land use planning process.

### **OBJECTIVE 13. TRANSPORTATION**

A regional transportation system shall be developed which:

13.i) reduces reliance on a single mode of transportation through development of a balanced transportation system which employs highways, transit, bicycle and pedestrian improvements, and system and demand management.

13.ii) provides adequate levels of mobility consistent with local comprehensive plans and state and regional policies and plans;

13.iii) encourages energy efficiency;

13.iv) recognizes financial constraints; and

13.v) minimizes the environmental impacts of system development, operations, and maintenance.

**13.1 System Priorities** - In developing new regional transportation system infrastructure, the highest priority should be meeting the mobility needs of mixed use urban centers, when designated. Such needs, associated with ensuring access to jobs, housing, and shopping within and among those centers, should be assessed and met through a combination of intensifying land uses and increasing transportation system capacity so as to minimize negative impacts on environmental quality, urban form, and urban design.

**13.2 Environmental Considerations** - Planning for the regional transportation system should seek to:

13.2.1) reduce the region's transportation-related energy consumption through increased use of transit, carpools, vanpools, bicycles and walking;

13.2.2) maintain the region's air quality (see Objective 8: Air Quality); and

13.2.3) reduce negative impacts on parks, public open space, wetlands, and negative effects on communities and neighborhoods arising from noise, visual

impacts, and physical segmentation.

**13.3 Transportation Balance** - Although the predominant form of transportation is the private automobile, planning for and development of the regional transportation system should seek to:

13.3.1) reduce automobile dependency, especially the use of single-occupancy vehicles;

13.3.2) increase the use of transit through both expanding transit service and addressing a broad range of requirements for making transit competitive with the private automobile; and

13.3.3) encourage bicycle and pedestrian movement through the location and design of land uses.

**Planning Activities:**

- 1) Build on existing mechanisms for coordinating transportation planning in the region by:
  - identifying the role for local transportation system improvements and relationship between local, regional, and state transportation system improvements in regional transportation plans;
  - clarifying institutional roles, especially for plan implementation, in local, regional, and state transportation plans; and
  - including plans and policies for the inter-regional movement of people and goods by rail, ship, barge, and air in regional transportation plans.
- 2) Structural barriers to mobility for transportation disadvantaged populations should be assessed in the current and planned regional transportation system and addressed through a comprehensive program of transportation and non-transportation system based actions.
- 3) The needs for movement of goods via trucks, rail, and barge should be assessed and addressed through a coordinated program of transportation system improvements and actions to affect the location of trip generating activities.
- 4) Transportation-related guidelines and standards for designating mixed use urban centers shall be developed.

## **OBJECTIVE 14. ECONOMIC OPPORTUNITY**

Public policy should encourage the development of a diverse and sufficient supply of jobs, especially family wage jobs, in appropriate locations throughout the region. Expansions of the urban growth boundary for industrial or commercial purposes shall occur in locations consistent with these regional urban growth goals and objectives.

### **Planning Activities:**

- 1) **Regional and subregional economic opportunities analyses, as described in OAR 660 Division 9, should be conducted to:**
  - assess the adequacy and, if necessary, propose modifications to the supply of vacant and redevelopable land inventories designated for a broad range of employment activities;
  - identify regional and subregional target industries. Economic subregions will be developed which reflect a functional relationship between locational characteristics and the locational requirements of target industries. Enterprises identified for recruitment, retention, and expansion should be basic industries that broaden and diversify the region's economic base while providing jobs that pay at family wage levels or better; and
  - link job development efforts with an active and comprehensive program of training and education to improve the overall quality of the region's labor force. In particular, new strategies to provide labor training and education should focus on the needs of economically disadvantaged, minority, and elderly populations.
- 2) **An assessment should be made of the potential for redevelopment and/or intensification of use of existing commercial and industrial land resources in the region.**

## **II.3: GROWTH MANAGEMENT**

The management of the urban land supply shall occur in a manner which encourages:

- II.3.i) the evolution of an efficient urban growth form which reduces sprawl;
- II.3.ii) a clear distinction between urban and rural lands; and
- II.3.iii) recognition of the inter-relationship between development of vacant land and redevelopment objectives in all parts of the urban region.

## **OBJECTIVE 15. URBAN/RURAL TRANSITION**

There should be a clear transition between urban and rural land that makes best use of natural and built landscape features and which recognizes the likely long-term prospects for regional urban growth.

**15.1 Boundary Features** - The Metro urban growth boundary should be located using natural and built features, including roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

**15.2 Sense of Place** - Historic, cultural, topographic, and biological features of the regional landscape which contribute significantly to this region's identity and "sense of place", shall be identified. Management of the total urban land supply should occur in a manner that supports the preservation of those features, when designated, as growth occurs.

**15.3 Urban Reserves** - Thirty-year "urban reserves", adopted for purposes of coordinating planning and estimating areas for future urban expansion, should be identified consistent with these goals and objectives, and reviewed by Metro every 15 years.

**15.3.1 Establishment of urban reserves will take into account:**

**15.3.1.a)** The efficiency with which the proposed reserve can be provided with urban services in the future;

**15.3.1.b)** The unique land needs of specific urban activities assessed from a regional perspective;

**15.3.1.c)** The provision of green spaces between communities;

**15.3.1.d)** The efficiencies with which the proposed reserve can be urbanized;

**15.3.1.e)** The proximity of jobs and housing to each other;

**15.3.1.f)** The balance of growth opportunities throughout the region so that the costs and benefits can be shared;

**15.3.1.g)** The impact on the regional transportation system; and

**15.3.1.h)** The protection of farm and forest resource lands from urbanization.

Inclusion of land in an urban reserve shall be preceded by consideration of all of the above factors.

15.3.2 In addressing 15.3.1(h), the following hierarchy should be used for identifying priority sites for urban reserves:

15.3.2.a) First, propose such reserves on rural lands excepted from Statewide Planning goals 3 and 4 in adopted and acknowledged county comprehensive plans. This recognizes that small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be necessary for inclusion in the proposal to improve the efficiency of the future urban growth boundary amendment.

15.3.2.b) Second, consider secondary forest resource lands, or equivalent, as defined by the state.

15.3.2.c) Third, consider secondary agricultural resource lands, or equivalent, as defined by the state.

15.3.2.d) Fourth, consider primary forest resource lands, or equivalent, as defined by the state.

15.3.2.e) Finally, when all other options are exhausted, consider primary agricultural lands, or equivalent, as defined by the state.

15.3.3 Expansion of the urban growth boundary shall occur consistent with Objectives 16 and 17. Where urban land is adjacent to rural lands outside of an urban reserve, Metro will work with affected cities and counties to ensure that urban uses do not significantly affect the use or condition of the rural land. Where urban land is adjacent to lands within an urban reserve that may someday be included within the urban growth boundary, Metro will work with affected cities and counties to ensure that rural development does not create obstacles to efficient urbanization in the future.

#### Planning Activities:

- 1) Identification of urban reserves adjacent to the urban growth boundary shall be accompanied by the development of a generalized future land use plan. The planning effort will primarily be concerned with identifying and protecting future open space resources and the development of short-term strategies needed to preserve future urbanization potential. Ultimate providers of urban services within those areas should be designated and charged with incorporating the reserve area(s) in their public facility plans in conjunction with the next periodic review. Changes in the location of the urban growth

boundary should occur so as to ensure that plans exist for key public facilities and services.

- 2) The prospect of creating transportation and other links between the urban economy within the Metro Urban Growth Boundary and other urban areas in the state should be investigated as a means for better utilizing Oregon's urban land and human resources.
- 3) The use of greenbelts for creating a clear distinction between urban and rural lands, and for creating linkages between communities, should be explored.
- 4) The region, working with the state and other urban communities in the northern Willamette Valley, should evaluate the opportunities for accommodating forecasted urban growth in urban areas outside of and not adjacent to the present urban growth boundary.

## **OBJECTIVE 16. DEVELOPED URBAN LAND**

Opportunities for and obstacles to the continued development and redevelopment of existing urban land shall be identified and actively addressed. A combination of regulations and incentives shall be employed to ensure that the prospect of living, working, and doing business in those locations remains attractive to a wide range of households and employers.

16.1 **Redevelopment & Infill** - The potential for redevelopment and infill on existing urban land will be included as an element when calculating the buildable land supply in the region, where it can be demonstrated that the infill and redevelopment can be reasonably expected to occur during the next 20 years. When Metro examines whether additional urban land is needed within the urban growth boundary, it shall assess redevelopment and infill potential in the region.

Metro will work with jurisdictions in the region to determine the extent to which redevelopment and infill can be relied on to meet the identified need for additional urban land. After this analysis and review, Metro will initiate an amendment of the urban growth boundary to meet that portion of the identified need for land not met through commitments for redevelopment and infill.

16.2 **Portland Central City** - The Central City area of Portland is an area of regional and state significance for commercial, economic, cultural, tourism, government, and transportation functions. State and regional policy and public investment should continue to recognize this special significance.

16.3 **Mixed Use Urban Centers** - The region shall evaluate and designate mixed use urban centers. A "mixed use urban center" is a mixed use node of relatively high

density, supportive of non-auto based transportation modes, and supported by sufficient public facilities and services, parks, open space, and other urban amenities. Upon identification of mixed use urban centers, state, regional, and local policy and investment shall be coordinated to achieve development objectives for those places. Minimum targets for transit:highway mode split, jobs:housing balance, and minimum housing density may be associated with those public investments.

New mixed use urban centers shall be sited with respect to a system of such centers in the region, and shall not significantly affect regional goals for existing centers, the transportation system, and other public services and facilities.

#### Planning Activities:

- 1) Metro's assessment of redevelopment and infill potential in the region shall include but not be limited to:
  - a) An inventory of parcels where the assessed value of improvements is less than the assessed value of the land.
  - b) An analysis of the difference between comprehensive plan development densities and actual development densities for all parcels as a first step towards determining the efficiency with which urban land is being used. In this case, efficiency is a function of land development densities incorporated in local comprehensive plans.
  - c) An assessment of the impacts on the cost of housing of redevelopment versus expansion of the urban growth boundary.
  - d) An assessment of the impediments to redevelopment and infill posed by existing urban land uses or conditions.
- 2) Financial incentives to encourage redevelopment and infill consistent with adopted and acknowledged comprehensive plans should be pursued to make redevelopment and infill attractive alternatives to raw land conversion for investors and buyers.
- 3) Cities and their neighborhoods should be recognized as the focal points for this region's urban diversity. Actions should be identified to reinforce the role of existing downtowns in maintaining the strength of urban communities.
- 4) Tools will be developed to address regional economic equity issues stemming from the fact that not all jurisdictions will serve as a site for an economic activity center. Such tools may include off-site linkage programs to meet housing or other needs or a program of fiscal tax equity.



- 5) Criteria shall be developed to guide the potential designation of mixed use urban centers. The development and application of such criteria will address the specific area to be included in the center, the type and amount of uses it is to eventually contain, the steps to be taken to encourage public and private investment. Existing and possible future mixed use urban centers will be evaluated as to their current functions, potentials, and need for future public and private investment. Strategies to meet the needs of the individual centers will be developed. The implications of both limiting and not limiting the location of large scale office and retail development in mixed use urban centers shall be evaluated.

## **OBJECTIVE 17. URBAN GROWTH BOUNDARY**

The regional urban growth boundary, a long-term planning tool, shall separate urbanizable from rural land, be based in aggregate on the region's 20-year projected need for urban land, and be located consistent with statewide planning goals and these Regional Urban Growth Goals and Objectives. In the location, amendment, and management of the regional urban growth boundary, Metro shall seek to improve the functional value of the boundary.

17.1 Expansion into Urban Reserves - Upon demonstrating a need for additional urban land, major and legislative urban growth boundary amendments shall only occur within urban reserves unless it can be demonstrated that Statewide Planning Goal 14 cannot be met for the urban region through use of urban reserve lands.

17.2 Urban Growth Boundary Amendment Process - Criteria for amending the urban growth boundary shall be derived from statewide planning goals 2 and 14 and relevant portions of the Regional Urban Growth Goals and Objectives.

17.2.1) Major Amendments - Proposals for major amendment of the UGB shall be made primarily through a legislative process in conjunction with the development and adoption of regional forecasts for population and employment growth. The amendment process will be initiated by a Metro finding of need, and involve local governments, special districts, citizens, and other interests.

17.2.2) Locational Adjustments - Locational adjustments of the UGB shall be brought to Metro by cities, counties, and/or property owners based on public facility plans in adopted and acknowledged comprehensive plans.

## **OBJECTIVE 18. URBAN DESIGN**

The identity and functioning of communities in the region shall be supported through:

18.i) the recognition and protection of critical open space features in the region;

18.ii) public policies which encourage diversity and excellence in the design and development of settlement patterns, landscapes, and structures; and

18.iii) ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern which:

18.iii.a) is pedestrian "friendly" and reduces auto dependence;

18.iii.b) encourages transit use;

18.iii.c) reinforces nodal, mixed use, neighborhood oriented design;

18.iii.d) includes concentrated, high density, mixed use urban centers developed in relation to the region's transit system; and

18.iii.e) is responsive to needs for privacy, community, and personal safety in an urban setting.

18.1 Pedestrian and transit supportive building patterns will be encouraged in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction.

#### Planning Activities:

- 1) A regional landscape analysis shall be undertaken to inventory and analyze the relationship between the built and natural environments and to identify key open space, topographic, natural resource, cultural, and architectural features which should be protected or provided as urban growth occurs.
- 2) Model guidelines and standards shall be developed which expand the range of tools available to jurisdictions for accommodating change in ways compatible with neighborhoods and communities while addressing this objective.
- 3) Light rail transit stops, bus stops, transit routes, and transit centers leading to and within mixed use urban centers shall be planned to encourage pedestrian use and the creation of mixed use, high density residential development.

## GLOSSARY

**Areas and Activities of Metropolitan Significance.** A program, area or activity, having significant impact upon the orderly and responsible development of the metropolitan area that can benefit from a coordinated multi-jurisdictional response under ORS 268.390.

**Beneficial Use Standards.** Under Oregon law, specific uses of water within a drainage basin deemed to be important to the ecology of that basin as well as to the needs of local communities are designated as "beneficial uses". Hence, "beneficial use standards" are adopted to preserve water quality or quantity necessary to sustain the identified beneficial uses.

**Economic Opportunities Analysis.** An "economic opportunities analysis" is a strategic assessment of the likely trends for growth of local economies in the state consistent with OAR 660-09-015. Such an analysis is critical for economic planning and for ensuring that the land supply in an urban area will meet long-term employment growth needs.

**Exception.** An "exception" is taken for land when either commitments for use, current uses, or other reasons make it impossible to meet the requirements of one or a number of the statewide planning goals. Hence, lands "excepted" from statewide planning goals 3 (Agricultural Lands) and 4 (Forest Lands) have been determined to be unable to comply with the strict resource protection requirements of those goals, and are thereby able to be used for other than rural resource production purposes. Lands not excepted from statewide planning goals 3 and 4 are to be used for agricultural or forest product purposes, and other, adjacent uses must support their continued resource productivity.

**Family Wage Job.** A permanent job with an annual income greater than or equal to the average annual covered wage in the region. The most current average annual covered wage information from the Oregon Employment Division shall be used to determine the family wage job rate for the region or for counties within the region.

**Fiscal Tax Equity.** The process by which inter-jurisdictional fiscal disparities can be addressed through a partial redistribution of the revenue gained from economic wealth, particularly the increment gained through economic growth.

**Functional Plan.** A limited purpose multi-jurisdictional plan for an area or activity having significant district-wide impact upon the orderly and responsible development of the metropolitan area that serves as a guideline for local comprehensive plans consistent with ORS 268.390.

**Housing Affordability.** The availability of housing such that no more than 30% (an index derived from federal, state, and local housing agencies) of the monthly income of the household need be spent on shelter.

**Infill.** New development on a parcel or parcels of less than one contiguous acre located within the urban growth boundary.

**Infrastructure.** Roads, water systems, sewage systems, systems for stormdrainage, bridges, and other facilities developed to support the functioning of the developed portions of the environment.

**Key or Critical Public Facilities and Services.** Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including transportation, water supply, sewage, parks, and solid waste disposal.

**Local Comprehensive Plan.** A generalized, coordinated land use map and policy statement of the governing body of a city or county that inter-relates all functional and natural systems and activities related to the use of land, consistent with state law.

**Metropolitan Housing Rule.** A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro Urban Growth Boundary. This rule establishes minimum overall net residential densities for all cities and counties within the urban growth boundary, and specifies that 50% of the land set aside for new residential development be zoned for multifamily housing.

**Mixed Use Urban Center.** A "mixed use urban center" is a designated location for a mix of relatively high density office space, commercial activity, residential uses, and supporting public facilities and services, parks and public places. There will be a limited number of these centers designated in the region, and they will be characterized by design elements which work to minimize the need to make trips by automobile either to or within a center. State, regional, and local policy and investment will be coordinated to achieve development and functional objectives for these centers.

**State Implementation Plan.** A plan for ensuring that all parts of Oregon remain in compliance with Federal air quality standards.

**Urban Form.** The net result of efforts to preserve environmental quality, coordinate the development of jobs, housing, and public services and facilities, and inter-relate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another. Urban form, therefore, describes an overall framework within which regional urban growth management can occur. Clearly stating objectives for urban form, and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.

**Urban Growth Boundary.** A boundary which identifies urban and urbanizable lands needed during the 20-year planning period to be planned and serviced to support urban development

densities, and which separates urban and urbanizable lands from rural lands.

**Urban Reserve.** An area adjacent to the present urban growth boundary defined to be a priority location for any future urban growth boundary amendments when needed. Urban reserves are intended to provide cities, counties, other service providers, and both urban and rural land owners with a greater degree of certainty regarding future regional urban form. Whereas the urban growth boundary describes an area needed to accommodate the urban growth forecasted over a twenty year period, the urban reserves estimate the area capable of accommodating the growth expected for an additional 30 years.

# Regional Policy Advisory Committee By-Laws

August 1, 1991

## Article I

This committee shall be known as the **REGIONAL POLICY ADVISORY COMMITTEE (RPAC)**.

## Article II MISSION AND PURPOSE

Section 1. It is the mission of RPAC to advise and recommend actions to the Metro Council as it creates and implements a participatory regional planning partnership to address areas and activities of metropolitan significance.

Section 2. The purposes of RPAC are as follows:

- a. To provide advice and recommendations for the development and review of Metro's regional planning activities, including implementation of the Regional Urban Growth Goals and Objectives, development of new functional plans, and periodic review of the region's urban growth boundary.
- b. To create a forum for identifying and discussing areas and activities of metropolitan significance.
- c. To involve all cities, counties, and other interests in the development and implementation of growth management strategies.
- d. To coordinate its activities with the Joint Policy Advisory Committee on Transportation (JPACT) so that regional transportation planning is linked and consistent with regional growth management efforts.
- e. To review and comment, as needed, on the regional land use and growth management issues affecting or affected by local comprehensive plans or plans of state and regional agencies. RPAC is not intended to routinely review land use decisions or plan amendments in the region.
- f. To discuss and make recommendations on land use and growth management issues of regional or subregional significance.

g. To establish a coordinating link with Vancouver and Clark County, Washington, and other parts of the state of Oregon to address land use and growth management issues of common interest.

**Article III.  
COMMITTEE MEMBERSHIP**

**Section 1. Membership**

a. The Committee will be made up of representatives of the following:

Multnomah County Commission	1
Citizens of Multnomah County	1
Largest City in Multnomah County (excluding Portland)	1
Cities in Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Citizens of Clackamas County	1
Largest City in Clackamas County	1
Cities in Clackamas County	1
Washington County Commission	1
Citizens of Washington County	1
Largest City in Washington County	1
Cities in Washington County	1
Metro Council	2
State Agency Council	1
<b>TOTAL</b>	<b>17</b>

b. Members from jurisdictions shall be elected officials.

c. Alternates shall be appointed to serve in the absence of the regular members.

d. Members and alternates shall be capable of representing the policy interests of their jurisdiction, agency, or constituency at all meetings of the Committee.

**Section 2. Appointment of Members and Alternates**

a. Members and alternates from the City of Portland, the Counties of Multnomah,

Clackamas, and Washington, and the largest cities of Multnomah, Clackamas, and Washington counties, excluding Portland, shall be appointed by the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction.

b. Members and alternates from the cities of Multnomah, Clackamas, and Washington counties, excluding Portland and the remaining largest city from each county, will be appointed by those cities represented and in a manner to be determined by those cities. The member and alternate will be from different jurisdictions. The member and alternate will serve two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office.

c. Members and alternates from the Metropolitan Service District will be appointed by the Presiding Officer of the Metro Council and will represent a broad cross-section of geographic areas. The members and alternates will serve until removed by the Presiding Officer of the Metro Council.

d. Members and alternates representing citizens will be appointed using the following process:

- 1) Metro will advertise citizen openings on the Committee throughout the region, utilizing, at a minimum, recognized neighborhood associations and citizen planning organizations. Interested citizens will be asked to submit an application/statement of interest on forms provided by Metro.

- 2) Metro will collect the applications and sort them by county.

- 3) The members of RPAC from within each county will caucus by county, with Portland included in Multnomah County, to review the applications and select a citizen member and alternate from each county from that pool of applicants.

- 4) Citizen members and alternates will serve two-year terms. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

e. Members and alternates from the State Agency Council will be chosen by the Chairperson of that body. The member and alternate will serve until removed by the Chairperson.

f. Members and alternates from the Special Districts Association will be chosen by the Association from its metropolitan area members. The member and alternate will serve until removed by the Association.



**Article IV.  
MEETINGS, CONDUCT OF MEETINGS, AND QUORUM**

a. Regular meetings of the Committee shall be held monthly at a time and place established by the Chairperson. Special or emergency meetings may be called by the Chairperson or a majority of the members of the Committee.

b. A majority of the members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the Committee.

c. Subcommittees to develop recommendations for RPAC may be appointed by the Chairperson. The Chairperson will consult with the full membership of the Committee at a regularly scheduled meeting on subcommittee membership and charge. Subcommittee members shall include RPAC members and/or alternates, and can include outside experts.

d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

e. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

f. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chairperson to notify the appointing body with a request for remedial action.

g. The Committee shall make its reports and findings public and shall forward them to the Metro Council.

h. Metro shall provide staff, as necessary, to record the actions of the Committee and to handle Committee business, correspondence, and public information.

**Article V.  
OFFICERS AND DUTIES**

a. The Chairperson and Vice-Chairperson shall be designated by the Metro Presiding Officer.

b. The Chairperson shall preside at all meetings, and shall be responsible for the expeditious conduct of the Committee's business.

c. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties of the Chairperson.

**Article VI.**  
**TECHNICAL ADVISORY COMMITTEES**

a. The Committee shall solicit and take into consideration the alternatives and recommendations of the appropriate technical advisory committees in the conduct of its business.

b. Existing technical advisory committees for solid waste, urban growth management, water resources, and natural areas will be continued to advise on their respective subject areas.

c. The Metro Council or the Committee can appoint special technical advisory committees as the Council or Committee determine a need for such bodies.

**Article VII.**  
**AMENDMENTS**

a. These by-laws may be amended by a two-thirds vote of the full membership of the Committee and a majority vote of the Metro Council.

b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend the by-laws.

**Article VIII.**  
**SUNSET**

a. These by-laws shall be deemed null and void three (3) years from the date of their adoption by the Metro Council.

b. Prior to adopting new by-laws for RPAC, the Metro Council, in consultation with the Committee shall evaluate the adequacy of the membership structure included in these by-laws for representing the diversity of views in the region.

**LAND SUPPLY FINDINGS**

## LAND SUPPLY FINDINGS

### INTRODUCTION

This summary compares the estimates for population, housing, employment, and land consumption made for the area within the UGB at the time the UGB was acknowledged, with estimates based on the most recent Regional Forecast of population and employment completed in late 1988. In addition to presenting projections for the year 2000, projections for the year 2010 are also presented for comparison purposes. This information will be used to respond to Metro's Periodic Review Notice for the UGB which asks, in part, whether any unforeseen change in the demand for urban land within the UGB would lead Metro to reassess the adequacy of that boundary.

Based on the analysis that follows, it appears that the region has an adequate supply of urban land to meet the needs of the urban population through the year 2010. Projections for year 2000 population developed as the basis for the UGB in 1980 now appear to be higher than will actually occur and land development is taking place and is projected to take place at higher than expected densities, thereby decreasing the demand for urban land. This is partially offset by a marked decrease in the number of persons constituting a household, a trend observed nationwide, but not enough to result in an increase in total demand for urban land.

Residential development occurring at higher than expected densities, coupled with aggregate expectations for housing densities, suggests that the region is well on its way to meeting the density requirements of the Metro Housing Rule, and therefore presumably offering a range of housing opportunities to urban residents. Further analysis of building permit data will be needed to confirm this observation.

The analysis of land consumption indicates that vacant buildable land in excess of the needs of the urban populations expected to be present in the region at the year 2000 is still likely to be in place. When updated land density factors are taken into account, it appears that the region will, in fact, have at least as much as was expected if not considerably more. However, the actual characteristics of that urban land supply, and its actual ability to meet the forecasted demand will undoubtedly be a topic of some discussion in the months ahead.

Nonetheless, from the standpoint of meeting the urban land needs of the region, we can conclude that the comprehensive plans of the local jurisdictions coupled with the total number of acres within the UGB can in aggregate meet those needs. As Metro proceeds with the development of the Regional Land Information System (RLIS), it will be better able to link information about land supply with forecasted growth in population and employment.

Finally, it is important to recognize that there is some degree of net growth in the population residing outside of the UGB in the 3-county area. While some of that population growth is occurring within other incorporated urban areas outside of the Metro UGB, there is clearly an increase in the number of households living in rural, unincorporated settings surrounding the UGB. When the UGB was acknowledged in 1980, it was assumed that there would be no net growth in the rural residential population outside of the UGB. Although it now appears that this assumption was erroneous, the true meaning and magnitude of this new rural activity, and its potential affect on the urban region, have yet to be determined.

1) POPULATION

The estimate for 1987 3-county and UGB population was made using data from the Regional Forecast, dated November, 1988. Two estimates of UGB population were made. The first used whole census tracts located within the UGB plus uz's from split census tracts located inside the UGB. The second UGB estimate used county districts 1 - 16, an area which approximates the UGB but which crosses the line in a number of places. The following results were obtained:

<u>ct's + uz's</u>	<u>1987</u>	<u>1995</u>	<u>2010</u>
UGB pop	958,054	1,074,216	1,249,947
3-county pop	1,094,730	1,230,344	1,436,361
 <u>16 county dists</u>	 <u>1987</u>	 <u>1995</u>	 <u>2010</u>
UGB pop	990,027	1,111,360	1,299,308
3-county pop	1,094,730	1,230,344	1,436,361
 % difference between methods	 3.3%	 3.5%	 3.9%

Due to the minimal difference in estimated and projected population yielded by the two methods, and because of the ease of use of the data presented in the county district format, the estimates and projections based on the 16 county districts will form the basis for comparison with the 1980 UGB findings. This will have the effect of slightly overestimating population and therefore the demand for urban land to meet residential and employment land needs. However, this slight increase in demand should not be significant on a regional basis. Since a projection of year 2000 population was not made in the recently adopted Regional Forecast, a year 2000 projection was made by linearly extrapolating between the 1995 and 2010 projections.

Year 2000 Projections

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
3 counties	1,361,850	1,298,329	1,436,361
	source: Jan. '80 from Metro UGB findings. Nov. '88 from extrapolation between 1988 projections for 1995 and 2010 found in Regional Forecast, dated November, 1988. 2010 from Regional Forecast, dated November, 1988.		
 UGB	 1,227,844	 1,173,382	 1,299,308
	source: '80 from UGB findings. Nov. '88 from extrapolation between 1988 projections for 1995 and 2010 for county districts 1-16, found in Regional Forecast dated November, 1988. 2010 from Regional Forecast, dated November, 1988.		

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
% in UGB	92%	90%	90%

source: Derived by dividing projected UGB population by total population for 3 counties.

2) HOUSING

Housing forecast data was derived from the Regional Forecast, dated November, 1988. Overall land supply data is based on local comprehensive plans and Metro's regional land inventory, first developed in 1977 and updated annually using building permit data. Estimates of housing density were made based on local comprehensive plans. Estimates of housing demand were based on projected household size coupled with population growth forecasts. Housing demand for both multifamily and single family dwellings was geographically distributed to the 16 county districts in the growth allocation process accompanying the Regional Forecast, and done in consultation with local planners from throughout the region.

Year 2000 Projections

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
persons/hshld	2.5	2.39	2.3

source: '80 from UGB findings. Nov. '88 from interpolation between estimate of 2.52 persons per household in 1986 and forecast of 2.3 persons per household in 2010 from Regional Forecast dated November, 1988. 2010 from Regional Forecast, dated November, 1988.

total hshlds	491,138	490,955	564,917
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source: Derived by dividing UGB population by figure for persons/household.

SF vac. rate 2.5%  
 MF vac. rate 7%

source: '80 from UGB findings. '88 and 2010 from Regional Forecast dated November, 1988.

SF DU's	329,239	341,705	385,847
MF DU's	185,062	184,262	211,347
% SF:MF	64:36	65:35	65:35

source: '80 from UGB findings. '88 from interpolation between projections for 1995 and 2010 in Regional Forecast, dated November, 1988. 2010 from Regional Forecast, dated November, 1988.

SF DU/Acre	4.4	n/a	5.47
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source: '80 from UGB findings. '88 not calculated due to undocumented market assumptions needed to chart activity between 1995 and 2010. 2010 derived by calculating total land consumed by existing and new development and dividing that number into total SF units expected in 2010. Note that at build-out in the 16 county districts, based on comprehensive plans, a density of 5.49 SF DU /A is expected.



SF DU/A new

<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
4.04	n/a	5.41

source: '80 from UGB findings. '88 not calculated due to undocumented market assumptions needed to chart activity between 1995 and 2010. 2010 derived by dividing units constructed between 1987 and 2010 by number of acres consumed for this use in districts 1-16.

Year 2000 Projections

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
MF DU/Acre	17	n/a	17.82
	source: same as for SF DU/Acre, above. Note that at build-out in the 16 county districts, based on comprehensive plans, a density of 17.33 MF DU/A is expected.		
MF DU/A new	13.26	n/a	17.84
	source: same as for SF DU/A new, above.		
Net Density	6 DU/A	n/a	7.25
	source: '80 from UGB findings. '88 not calculated due to lack of data. 2010 calculated by dividing SF+MF total projected for 2010 by total number of acres expected to be used for these purposes. Note that at build-out, based on local comprehensive plans, net housing density within the UGB is expected to be 7.53 DU/A.		
% SF:MF permits	49.2:50.8		
	source: '80 from UGB findings. For comparison, actual data from 1980-1988 on record at Metro is		

### 3) EMPLOYMENT

Employment data below is for total covered employment (excluding government, agriculture, and self-employed). Employment density data is based on an analysis of economic trends and the experience of similar urban regions.

#### Year 2000 Projections

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
UGB emp.	561,984	508,264	588,801

source: '80 from UGB findings. '88 and 2010 from projections for total employment minus government, agriculture, and self-employed in Regional Forecast, November, 1988.

EMP Density 19.2 E/A      n/a      27.95

source: '80 from UGB findings. '88 not calculated due to undocumented market-driven assumptions needed to chart activity between 1995 and 2010. 2010 derived by determining percent of total employment in 2010 present in 1987, multiplying that percent times the density in 1987, and adding that number to the product of the percent of total jobs in 2010 added between 1987 and 2010 times the density at which that employment is expected to be created. Note that at build-out, based on local comprehensive plans and the Regional Forecast, dated November, 1988, employment density within the UGB is expected to be 24.12 E/A.

#### 4) LAND CONSUMPTION

Land Consumption - Calculations of land consumption were made by dividing total number of units for employment and housing by their respective densities. Public/semi-public land consumption was calculated using the same assumption as used in the original UGB findings of 60% of the total land consumed for SF and MF housing and for employment. Total land in 1980 comes from the original UGB findings, as does total buildable land in 1980. Total land in the 1988 forecast is based on totals calculated in 1980 plus the 2515 net acres that have been added through 1989, where each of the 2515 additional acres is assumed to be buildable as well.

Two sets of numbers have been calculated for the 1988 forecast of urban land consumption in the year 2000 and for the forecast of urban land consumption in 2010. The first set of numbers uses the density assumptions used in the original 1980 UGB findings. The second set of numbers uses the density assumptions derived from the Regional Forecast, dated November, 1988, for the year 2010 and presented above. All figures in the chart, below, are presented in acres.

	UGB FINDINGS 1980	'88 - 2000 (1980)	'88 - 2000 (2010)	2010 (1980)	2010 (2010)
SF	74,827	77,660	62,469	87,692	70,539
MF	10,886	10,839	10,340	12,432	11,860
EMP	29,270	26,472	18,185	30,667	21,066
PUB/SEMI- PUB	68,990	68,983	54,596	78,475	62,079
TOTAL	183,973	183,954	145,590	209,266	165,544
TOTAL UGB SUPPLY	220,920	223,435	223,435	214,640	214,640
BUILDABLE ACRES	212,125	214,640	214,640	214,640	214,640
NET BUILDABLE ACRES LEFT	28,152	30,686	69,050	5,374	49,096

**UGB AMENDMENT PROCEDURES**

## **UGB AMENDMENT PROCEDURES**

The procedures propose three types of UGB amendments:

- a) **Legislative Amendments** - Legislative amendments would be proposed by Metro upon its determination that a need exists for additional urban land. Legislative amendments would be proposed, if necessary, in conjunction with Metro's ongoing population and employment forecasting, now occurring on every five years. Consistent with RUGGO, Objective 17, the procedures envision the majority of future amendments occurring through this legislative amendment process.
- b) **Major Amendments** - Major amendments are for proposals in excess of 20 acres. In this case, the proposed amendment would be brought to Metro by a private party, outside of the legislative amendment process. In this case, the Metro Council would act in its quasi-judicial rather than legislative capacity. Major amendments, today and in the future, will be tough to do, since the proponent will have to show a need for additional urban land through means other than provided by the Metro forecasts. Nonetheless, the major amendment process is included in the event that an unforeseen need presents itself between Metro forecasts.
- c) **Locational Adjustments** - Locational adjustments are for proposals of 20 acres or less which "fine tune" the precise location of the UGB, so that planned urban development can be facilitated primarily through increased service efficiency. This process is predicated on the notion that a large UGB, like the one we have, identified for purposes of long-term planning, may not be located precisely at the time it is adopted. This process is identical to the one now used by Metro, and acknowledged by LCDC, with the exception that the maximum amendment size is decreased from 50 acres to 20 acres. The decrease in amendment size is consistent with Metro's experience with this process since its adoption in 1981. In addition, there is a new section added for "natural area amendments", and a new section which proposes administrative amendments for purposes of road improvements when the UGB is found in the center of an existing right-of-way.

For each of the three types of amendments outlined above, the procedures include criteria for amending the line consistent with RUGGO and Statewide Planning Goals 2 and 14. It is the intention of Metro staff and the UGMTAC that the procedures, to the extent possible, contain all criteria for addressing RUGGO and Goals 2 and 14, thereby presenting themselves as a "one stop" source for criteria for amendment. Nonetheless, especially for legislative and major amendments, other statewide planning goals may need to be addressed. However, the precise nature of the amendment will determine which, if any, are affected. Hence, the criteria for amendments also note that amendment proponents may have to address other applicable goals, since it is impossible to develop criteria which can speak to all possible UGB amendment characteristics.

The criteria are the major policy elements of the procedures, spelling out the meaning of Goals 2 and 14 and RUGGO when evaluating amendment proposals. In some cases, what is proposed here is documenting for the first time both State and Metro interpretation of elements of the Goals, particularly Goal 14. Among the issues that will require discussion and revision following additional planning work in the months ahead are:

a) Urban Reserves - RUGGO envisions amendments taking place only in urban reserves, unless urban reserve lands cannot meet identified and compelling needs for land with certain characteristics. Metro is just beginning the process of identifying urban reserves. In addition, the State will soon adopt its own urban reserve rule. The procedures are written in anticipation of urban reserves, but include a process for the interim as well.

b) Infill and Redevelopment Potential - RUGGO proposes that infill and redevelopment be more fundamentally considered when assessing the size of the urban land supply. The procedures proposed that land where the improvement value is no more than 5% of the land value be regarded as infillable/redevelopable. However, the procedures also include a process for local governments to propose more than this threshold minimum based on their own planning work. Metro is just beginning a study of infill and redevelopment potential in the region. The TAC discussed the 5% figure extensively, some arguing that it was too low, others arguing that it was not, today, possible to specify anything else with any certainty. The Metro study will, therefore, result in a systematic evaluation of the 5% figure, and RPAC should anticipate an amendment to this in the future.

In addition to the three types of amendments and the criteria for amendment, the procedures outline the process for application, notice, hearing, decision, and appeal. Again, these process elements are a combination of existing Metro code and required Statewide Planning rules.

On a final note, during the preparation of the procedures a considerable amount of time was spent discussing the concept of subregional amendments. The fundamental problems with subregional amendments are the extreme difficulty of identifying useful subregional boundaries, and the conflict that subregional amendments pose with the notion of a regional UGB, as prescribed by law. On the other hand, there may be reasons why amendments need to be made with respect to particular locations and without regard to similar lands in other parts of the region.

Recent court cases make it possible to entertain subregional issues through Goal 14, Factor 2, and this is reflected in the procedures. The TAC concluded that this was about as definitive a statement as could be made at this time, since the subregional amendment issue is really a statewide and not purely local issue. Subregional analysis is part of the forecasting and growth allocation process, so subregional land needs will emerge through the legislative amendment process, which is appropriate.

## CHAPTER 3.01

### URBAN GROWTH BOUNDARY AMENDMENT PROCEDURES

#### SECTIONS:

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1     **3.01.05     Purpose**

2

3

4           (a) This chapter is established to provide procedures to be used by the District in  
5 making amendments to the District Urban Growth Boundary (UGB) adopted pursuant to ORS  
6 268.390(3) and 197.005 through 197.430. The chapter is intended to interpret all criteria  
7 and standards for boundary amendments pertaining to Statewide Planning goals 2 and 14, and  
8 the Regional Urban Growth Goals and Objectives. Unique circumstances associated with a  
9 proposed amendment may require consideration of Statewide Planning Goals other than Goals  
10 2 and 14.

10

11

(b) The objectives of the Urban Growth Boundary are to:

12

13

(1) provide sufficient urban land for accommodating the forecast 20 year urban  
14 land need, reevaluated at least every five years as set forth in sections 3.01.15-  
15 3.01.20;

16

17

(2) provide for an efficient urban growth form which reduces sprawl;

18



1 (3) provide a clear distinction between urban and rural lands;  
2

3 (4) encourage appropriate infill and redevelopment in all parts of the urban  
4 region.  
5

6 **3.01.10 Definitions**  
7

8 (a) **"Administrative Adjustment"** means an addition of five (5) net acres or less to  
9 the urban growth boundary to adjust the UGB where the current urban growth  
10 boundary is coterminous with a transportation right-of-way that is changed by a  
11 modification to the alignment of the transportation facility.  
12

13 (b) **"Council"** has the same meaning as in Chapter 1.01.  
14

15 (c) **"Compatible"**, as used in this chapter, is not intended as an absolute term -  
16 meaning no interference or adverse impacts of any type with adjacent uses. Any such  
17 interference or adverse impacts must be balanced with the other criteria and  
18 considerations cited.  
19

20 (d) **"District"** has the same meaning as in Chapter 1.01.  
21

22 (e) **"Goals"** means the statewide planning Goals adopted by the Oregon Land  
23 Conservation and Development Commission at OAR 660-15-000.  
24

25 (f) **"Gross Developable Vacant Land"** means the total buildable land area within the  
26 UGB, as compiled by the District for the purpose of determining the need for changes  
27 in the urban land supply. These lands can be shown to lack significant barriers to  
28 development, including, but not limited to, all recorded lots on file with the county  
29 assessors equal to or larger than either the minimum lot size of the zone in which the  
30 lot is located or the minimum lot size which will be applied in an urban holding zone  
31 which:  
32

33 (1) are without any structures as corroborated through examination of the most  
34 recent aerial photography at the time of inventory; or  
35

36 (2) have no improvement value according to the most recent assessor records.  
37

38 (g) **"Gross Redevelopable Land"** means the total area of redevelopable land and  
39 infill parcels within the UGB including:  
40

41 (1) that portion of all partially developed recorded lots, where one-half acre  
42 or more of the land appears unimproved through examination of the most  
43 recent aerial photography at the time of inventory; and  
44

1 (2) All recorded lots on file with the county assessors, 20,000 square feet or  
2 larger where the value of the improvement(s) is significantly less than the  
3 value of the land, as established by the most recent assessor records at the  
4 time of inventory. Standard measures to account for the capability of infill  
5 and redevelopment properties will be developed by the District to provide a  
6 means to define what is significant when comparing structure value and land  
7 values;

8  
9 - or -

10  
11 When a city or county has more detailed or current gross redevelopable land  
12 inventory data, for all or a part of their jurisdiction, it can request that the  
13 District substitute that data for inclusion in the gross developable land  
14 inventory.

15  
16 (h) "Gross Developable Land" means the total of gross developable vacant land and  
17 gross redevelopable land.

18  
19 (i) "Legislative Amendment" means an amendment to the UGB initiated by the  
20 District, which is not directed at a particular site-specific situation or relatively small  
21 number of persons.

22  
23 (j) "Locational Adjustment" means a limited change to the UGB which is either an  
24 addition or deletion of 20 net acres or less.

25  
26 (k) "Major Amendment" means a change of the UGB, more than twenty net acres,  
27 pursuant to the criteria found in Section 3.01.030 of this chapter considered by quasi-  
28 judicial procedures.

29  
30 (l) "Natural Area" means an area exclusively or substantially without any human  
31 development, structures, and paved areas which is wholly or substantially in a native  
32 and unaffected state. Further, it shall be identified in a city, county or District open  
33 space inventory or plan, prior to the initiation of an amendment.

34  
35 (m) "Net Acre" for purposes of calculating the total land area within a proposal to  
36 amend the urban growth boundary means an area measuring 43,560 square feet which  
37 excludes:

38  
39 (1) any developed road rights-of-way through or on the edge of which the  
40 existing or proposed UGB would run; and

41  
42 (2) environmentally constrained areas, including any open water areas,  
43 floodplains, natural resource areas protected under statewide planning goal 5 in  
44 the comprehensive plans of cities and counties in the region, slopes in excess

1 of 25 percent and wetlands requiring a Federal fill and removal permit under  
2 Section 404 of the Clean Water Act. These excluded areas do not include  
3 lands for which the local zoning code provides a density bonus or other  
4 mechanism which allows the transfer of the allowable density or use to another  
5 area or to development elsewhere on the same site; and,  
6

7 (3) all publicly-owned land designated for park and open space uses.  
8

9 (n) "Net Developable Land" means the total of net developable vacant land and net  
10 redevelopable land.  
11

12 (o) "Net Developable Vacant Land" means the amount of land remaining when gross  
13 developable vacant land is multiplied by 0.6. The net amount is intended to  
14 approximate the amount of land which is available for private development, once land  
15 for roads, schools, parks, private utilities and other public facilities is discounted from  
16 the gross acreage.  
17

18 (p) "Net Redevelopable Land" means the amount of land remaining when gross  
19 redevelopable land is multiplied by a factor, having a value of 0.6 to 1.0, that takes  
20 into account that amount of the gross redevelopable land needed for the provision of  
21 additional roads, schools, parks, private utilities and other public facilities. The  
22 District shall determine the appropriate factor to be used for each jurisdiction in  
23 consultation with the jurisdiction within which the specific redevelopable land is  
24 located.  
25

26 (q) "Nonurban Land" means land currently outside the most recently amended Urban  
27 Growth Boundary.  
28

29 (r) "Party" means any individual, agency, or organization who participates orally or  
30 in writing in the creation of the record established at a public hearing.  
31

32 (s) "Petition" means a petition to amend the UGB either as a major amendment or as  
33 a locational adjustment.  
34

35 (t) "Planning Period" means the period covered by the most recent officially adopted  
36 District forecasts, which is approximately a 20 year period.  
37

38 (u) "Property Owner" means a person who owns the primary legal or equitable  
39 interest in the property.  
40

41 (v) "Regional Forecast" means a 20 year forecast of employment and population by  
42 specific areas within the region, which has been adopted by the District.  
43

44 (w) "Site" means the subject property for which an amendment or locational

1 adjustment is being sought.  
2

3 (x) "UGB" means the Urban Growth Boundary for the District pursuant to ORS  
4 268.390 and 197.005 through 197.430.  
5

6 (y) "Urban Land" means that land inside the UGB.  
7

8 (z) "Urban Reserve" means an area adjacent to the present urban growth boundary  
9 defined to be a priority location for any future urban growth boundary amendments  
10 when needed. Urban reserves are intended to provide cities, counties, other service  
11 providers, and both urban and rural land owners with a greater degree of certainty  
12 regarding future regional urban growth form. Whereas the urban growth boundary  
13 describes an area needed to accommodate the urban growth forecasted over a twenty  
14 year period, the urban reserves estimate the area capable of accommodating the  
15 growth expected for an additional 30 years.  
16

17 (za) "Urban Facilities" means those public urban facilities for which state law allows  
18 system development charges to be imposed including transportation, water supply and  
19 treatment, sewage, parks and storm drainage facilities.  
20

21 **3.01.15 Legislative Amendment Procedures**  
22

23 (a) The process for determination of need and location of lands for amendment of the  
24 urban growth boundary is provided in 3.01.20.  
25

26 (b) Notice shall be provided as described in section 3.01.50.  
27

28 (c) Metro shall consult with the appropriate city and/or county concerning  
29 comprehensive plan changes that may be needed to implement a legislative amendment.  
30

31 (d) Legislative amendment decisions shall be accompanied by findings explaining why  
32 the UGB amendment complies with applicable statewide goals as interpreted by 3.01.20 and  
33 subsequent appellate decisions.  
34

35 (e) The following public hearings process shall be followed for Legislative  
36 Amendments:  
37

38 (1) The District Council shall refer a proposed amendment to the appropriate  
39 Council committee at the first Council reading of the ordinance.  
40

41 (2) The committee shall take public testimony at as many public hearings as  
42 necessary. At the conclusion of public testimony, the committee shall  
43 deliberate and make recommendations to the Council.  
44

1 (3) The Council shall take public testimony at its second reading of the  
2 ordinance, discuss the proposed amendment, and approve the ordinance with  
3 or without revisions or conditions, or refer the proposed Legislative  
4 Amendment to the Council committee for additional consideration.  
5

6 (4) Testimony before the Council or the Committee shall be directed to Goal  
7 14 and Goal 2 considerations interpreted at 3.01.20 of this chapter.  
8

9 (5) When the Council acts to approve a Legislative Amendment including land  
10 outside the District:  
11

12 (A) Initial action shall be by resolution expressing intent to amend the  
13 UGB if and when the affected property is annexed to the District within  
14 six months of the date of adoption of the Resolution; or,  
15

16 (B) The District may initiate a District boundary annexation concurrent  
17 with a proposed Urban Growth Boundary amendment as provided by  
18 ORS 198.705 through 198.955;  
19

20 (C) The Council shall take final action, within thirty (30) calendar  
21 days of notice from the Boundary Commission that annexation to the  
22 District has been approved.  
23

24 **3.01.20 Legislative Amendment Process**  
25

26 (a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning  
27 Goals and RUGGO. This section details a process which is intended to interpret Goals 2 and  
28 14 for specific application to the District urban growth boundary. Compliance with this  
29 section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional  
30 Urban Growth Goals and Objectives.  
31

32 (b) While all of the following Goal 14 factors must be addressed, the factors cannot  
33 be evaluated without reference to each other. Rigid separation of the factors ignores obvious  
34 overlaps between them. Demonstration of compliance with one factor or subfactor may not  
35 constitute a sufficient showing of compliance with the goal, to the exclusion of the other  
36 factors when making an overall determination of compliance or conflict with the goal. For  
37 Legislative Amendments, if need has been addressed, the District would have to demonstrate  
38 that the recommended site was better than alternative sites, balancing factors 3 through 7.  
39

40 (1) Factor 1: Demonstrated need to accommodate long-range urban population  
41 growth.  
42

43 (A) The District shall develop 20 year Regional Forecasts of Population  
44 and Employment, which shall include a forecast of net developable land

1 need, providing for review and comment by cities, counties, special  
2 districts and other interested parties. After deliberation upon all relevant  
3 facts the District shall adopt a forecast. This forecast shall be  
4 completed at least every 5 years or at the time of periodic review,  
5 whichever is sooner. Concurrent with the adoption of the District's  
6 growth forecast, the District shall complete an inventory of net  
7 developable land, providing the opportunity for review and comment by  
8 all cities and counties in the District.  
9

10 (B) The forecast and inventory, along with all other appropriate data  
11 shall be considered by the District in determining the need for urban  
12 developable land. The results of the inventory and forecast shall be  
13 compared, and if the net developable land equals or is larger than the  
14 need forecast, then the District Council shall hold a public hearing,  
15 providing the opportunity for comment. The Council may conclude  
16 that there is no need to move the UGB and set the date of the next 5  
17 year review or may direct staff to address any issues or facts which are  
18 raised at the public hearing.  
19

20 (C) If the inventory of net developable land is less than the need  
21 forecast, the District shall conduct a further analysis of the inventory to  
22 determine whether any significant surplus of developable land in one or  
23 more land use categories could be suitable to address the unmet  
24 forecasted need. Council shall hold a public hearing prior to its  
25 determination of whether any estimated deficit of net developable land  
26 is sufficient to justify an analysis of locations for a legislative  
27 amendment the urban growth boundary.  
28

29 (D) For consideration of a legislative UGB amendment, the District  
30 Council shall review an analysis of land outside the present urban  
31 growth boundary to determine those areas best suited for expansion of  
32 the urban growth boundary to meet the identified need.  
33

34 (E) The District must find that the identified need cannot reasonably be  
35 met within the UGB, consistent with the following considerations:  
36

37 (i) That there is not a suitable site with an appropriate  
38 comprehensive plan designation.

39 (ii) All net developable land with the appropriate plan  
40 designation within the existing UGB shall be presumed to be  
41 available for urban use during the planning period.

42 (iii) Market availability and level of parcelization shall not  
43 render an alternative site unsuitable unless justified by findings  
44 consistent with the following criteria:

1 (a) Land shall be presumed to be available for use at  
2 some time during the planning period of the UGB unless  
3 legal impediments, such as deed restrictions, make it  
4 unavailable for the use in question.

5 (b) A parcel with some development on it shall be  
6 considered unavailable if the market value of the  
7 improvements is not significantly less than the value of  
8 the land, as established by the most recent assessor  
9 records at the time of inventory. Standard measures to  
10 account for the capability of infill and redevelopment will  
11 be developed by the District to provide a means to define  
12 what is significant when comparing structure value and  
13 land values. When a city or county has more detailed or  
14 current gross redevelopable land inventory data, for all  
15 or a part of their jurisdiction, it can request that the  
16 District substitute that data in the District gross  
17 developable land inventory.

18 (c) Properly designated land in more than one ownership  
19 shall be considered suitable and available unless the  
20 current pattern or level of parcelization makes land  
21 assembly during the planning period unfeasible for the  
22 use proposed.

23  
24 (2) Factor 2: Need for housing, employment opportunities and livability may  
25 be addressed under either subsection (A) or (B) or both, as described below.  
26

27 (A) For a proposed amendment to the UGB based upon housing or  
28 employment opportunities the District must demonstrate that a need  
29 based upon an economic analysis can only be met through a change in  
30 the location of the urban growth boundary. For housing, the proposed  
31 amendment must meet an unmet need according to Statewide Planning  
32 Goal 10 and its associated administrative rules. For employment  
33 opportunities, the proposed amendment must meet an unmet long-term  
34 need according to Statewide Planning Goal 9 and its associated  
35 administrative rules. The amendment must consider adopted  
36 comprehensive plan policies of jurisdictions adjacent to the site, when  
37 identified by a jurisdiction and must be consistent with the District's  
38 adopted policies on urban growth management, transportation, housing,  
39 solid waste, and water quality management.

40  
41 (B) To assert a need for a UGB amendment based on livability, the  
42 District must:

43 (i) factually define the livability need, including its basis in  
44

1 adopted local, regional, state, or federal policy;  
2 (ii) factually demonstrate how the livability need can best be  
3 remedied through a change in the location of the UGB;  
4 (iii) identify both positive and negative aspects of the proposed  
5 UGB amendment on both the livability need and on other  
6 aspects of livability; and  
7 (iv) demonstrate that, on balance, the net result of addressing  
8 the livability need by amending the UGB will be positive.  
9

10 (3) Factor 3: Orderly and economic provision of public facilities and services.  
11 An evaluation of this factor shall be based upon the following:  
12

13 (A) For the purposes of this section, economic provision shall mean the  
14 lowest public cost provision of urban services. When comparing  
15 alternative sites with regard to factor 3, the best site shall be that site  
16 which has the lowest net increase in the total cost for provision of all  
17 urban services. In addition, the comparison may show how the proposal  
18 minimizes the cost burden to other areas outside the subject area  
19 proposed to be brought into the boundary.  
20

21 (B) For the purposes of this section, orderly shall mean the extension of  
22 services from existing serviced areas to those areas which are  
23 immediately adjacent and which are consistent with the manner of  
24 service provision. For the provision of gravity sanitary sewers, this  
25 could mean a higher rating for an area within an already served  
26 drainage basin. For the provision of transit, this would mean a higher  
27 rating for an area which could be served by the extension of an existing  
28 route rather than an area which would require an entirely new route.  
29

30 (4) Factor 4: Maximum efficiency of land uses within and on the fringe of the  
31 existing urban area. An evaluation of this factor shall be based on at least the  
32 following:  
33

34 (A) The subject area can be developed with features of an efficient  
35 urban growth form including residential and employment densities  
36 capable of supporting transit service; residential and employment  
37 development patterns capable of encouraging pedestrian, bicycle, and  
38 transit use; and the ability to provide for a mix of land uses to meet the  
39 needs of residents and employees. If it can be shown that the above  
40 factors of compact form can be accommodated more readily in one area  
41 than others, the area shall be more favorably considered.  
42

43 (B) The proposed UGB amendment will facilitate achieving an efficient  
44 urban growth form on adjacent urban land, consistent with local



1 comprehensive plan policies and regional functional plans, by assisting  
2 with achieving residential and employment densities capable of  
3 supporting transit service; supporting the evolution of residential and  
4 employment development patterns capable of encouraging pedestrian,  
5 bicycle, and transit use; and improving the likelihood of realizing a mix  
6 of land uses to meet the needs of residents and employees.  
7

8 **(5) Factor 5: Environmental, energy, economic and social consequences.**  
9 An evaluation of this factor shall be based upon consideration of at least the  
10 following:  
11

12 **(A) If the subject property contains any resources or hazards subject to**  
13 **special protection identified in the local comprehensive plan and**  
14 **implemented by appropriate land use regulations, findings shall address**  
15 **how urbanization is likely to occur in a manner consistent with these**  
16 **regulations.**  
17

18 **(B) Complementary and adverse economic impacts shall be identified**  
19 **through review of a regional economic opportunity analysis, if one has**  
20 **been completed. If there is no regional economic opportunity analysis,**  
21 **one may be completed for the subject land.**  
22

23 **(C) The long-term environmental, energy, economic, and social**  
24 **consequences resulting from the use at the proposed site. Adverse**  
25 **impacts shall not be significantly more adverse than would typically**  
26 **result from the needed lands being located in other areas requiring an**  
27 **amendment of the UGB.**  
28

29 **(6) Factor 6: Retention of agricultural land.**  
30 This factor shall be addressed through the following:  
31

32 **(A) Prior to the designation of urban reserves, the following hierarchy**  
33 **shall be used for identifying priority sites for urban expansion to meet a**  
34 **demonstrated need for urban land:**  
35

36 **(i) Expansion on rural lands excepted from Statewide Planning**  
37 **Goals 3 and 4 in adopted and acknowledged county**  
38 **comprehensive plans. Small amounts of rural resource land**  
39 **adjacent to or surrounded by those "exception lands" may be**  
40 **included with them to improve the efficiency of the boundary**  
41 **amendment. The smallest amount of resource land necessary to**  
42 **achieve improved efficiency shall be included;**

43 **(ii) If there is not enough land as described in (i) above to meet**  
44 **demonstrated need, secondary or equivalent lands, as defined by**

1 the state, should be considered;  
2 (iii) If there is not enough land as described in either (i) or (ii)  
3 above, to meet demonstrated need, secondary agricultural  
4 resource lands, as defined by the state should be considered;  
5 (iv) If there is not enough land as described in either (i), (ii) or  
6 (ii) above, to meet demonstrated need, primary forest resource  
7 lands, as defined by the state, should be considered;  
8 (v) If there is not enough land as described in either (i), (ii),  
9 (iii) or (iv) above, to meet demonstrated need, primary  
10 agricultural lands, as defined by the state, may be considered.

11  
12 (B) After urban reserves are designated and adopted, consideration of  
13 factor 6 shall be considered satisfied if the proposed amendment is  
14 wholly within an area designated as an urban reserve.

15  
16 (C) After urban reserves are designated and adopted, a proposed  
17 amendment for land not wholly within an urban reserve must also  
18 demonstrate that the need cannot be satisfied within urban reserves.

19  
20 (7) Factor 7: Compatibility of proposed urban development with nearby  
21 agricultural activities.

22  
23 The record shall include an analysis of the potential impact on nearby  
24 agricultural activities including the following:

- 25 (i) A description of the number, location and types of  
26 agricultural activities occurring within 1 mile of the subject site;  
27 (ii) An analysis of the potential impacts, if any, on nearby  
28 agricultural activities taking place on lands designated for  
29 agricultural use in the applicable adopted county or city  
30 comprehensive plan, and mitigation efforts, if any impacts are  
31 identified. Impacts to be considered shall include consideration  
32 of land and water resources which may be critical to agricultural  
33 activities, consideration of the impact on the farming practices  
34 of urbanization of the subject land, as well as the impact on the  
35 local agricultural economy.

36  
37 (c) The requirements of Statewide Planning Goal 2 will be met by addressing all of  
38 the requirements of section 3.01.20(b), above, and by factually demonstrating that:

- 39  
40 (1) the land need identified cannot be reasonable accommodated within the  
41 current urban growth boundary; and  
42  
43 (2) the proposed uses are compatible with other adjacent uses or will be so  
44 rendered through measures designed to reduce adverse impacts; and

1 (3) the long-term environmental, economic, social and energy consequences  
2 resulting from the use at the proposed site with measures designed to reduce  
3 adverse impacts are not significantly more adverse than would typically result  
4 from the same proposal being located in other areas than the proposed site and  
5 requiring an exception.  
6

7 (d) The proposed location for the urban growth boundary shall result in a clear  
8 transition between urban and rural lands, using natural and built features, such as roads,  
9 drainage divides, floodplains, powerlines, major topographic features, and historic patterns of  
10 land use or settlement.

11  
12 (e) Satisfaction of the requirements of section 3.01.20 (a) and (b) does not mean that  
13 other Statewide Planning Goals do not need to be considered. If the proposed amendment  
14 involves other Statewide Planning Goals, they shall be addressed.

15  
16 (f) Section 3.01.20 (a), (b), (c) and (d) shall be considered to be consistent with and  
17 in conformance with the Regional Urban Growth Goals and Objectives.  
18

19 **3.01.25 Major Amendment Procedures**  
20

21 (a) All major amendments shall be solely upon lands designated in Urban Reserves,  
22 when designated unless the petition demonstrates by substantial evidence that the need cannot  
23 be met within urban reserves. All major amendments shall demonstrate compliance with the  
24 following:

25  
26 (1) The criteria in section 3.01.30 of this code as well as the procedures in  
27 OAR 660-18-000;

28  
29 (2) Notice for public hearings for major amendments as described in section  
30 3.01.50;

31  
32 (3) Public hearings procedures as described in sections 3.01.55 through  
33 3.01.65; and

34  
35 (4) Final action on major amendments shall be taken as described in section  
36 3.01.70.  
37

38 **3.01.30 Major Amendment Criteria**  
39

40 (a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning  
41 Goals and RUGGO. This section is a detailed listing of criteria which are intended to  
42 interpret and further define Goals 2 and 14 for specific application to the District urban  
43 growth boundary. Compliance with the requirements of this section shall constitute  
44 compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals

1 and Objectives.  
2

3 (b) While all of the following Goal 14 factors must be addressed, the factors cannot  
4 be evaluated without reference to each other. Rigid separation of the factors ignores obvious  
5 overlaps between them. When demonstrating compliance with the seven factors, petitioners  
6 shall not assume that demonstrating compliance with one factor or subfactor constitutes a  
7 sufficient showing of compliance with the goal, and allows the exclusion of the other factors  
8 when making an overall determination of compliance or conflict with the goal. For Major  
9 Amendments, the petitioner shall address factors 1 through 7. If it can be demonstrated that  
10 factors 1 and 2 can be met, factors 3 through 7 are intended to assist in the decision as to  
11 which site is most appropriate for inclusion within the boundary through a balancing of  
12 factors.  
13

14 (1) Factor 1: Demonstrated need to accommodate long-range urban population  
15 growth.  
16

17 (A) Evidence in support of a major amendment petition to amend the  
18 UGB shall be based on a demonstrated need to accommodate long-  
19 range population growth requirements utilizing Metro's most recently  
20 adopted Regional Forecast.  
21

22 (B) Major amendment proposals shall demonstrate that the existing  
23 supply of land for the subject use is less than the District's adopted 20  
24 year forecast of need.  
25

26 (C) Evidence shall be provided to demonstrate that the identified need  
27 cannot reasonably be met within the UGB, consistent with the following  
28 considerations:  
29

30 (i) A suitable site with an appropriate comprehensive plan  
31 designation is not available.

32 (ii) All net developable land with the appropriate plan  
33 designation within the existing UGB shall be presumed to be  
34 available for urban use during the planning period.

35 (iii) Market availability and level of parcelization shall not  
36 render an alternative site unsuitable unless justified by findings  
37 consistent with the following criteria:

38 (a) Land shall be presumed to be available for use at  
39 some time during the planning period of the UGB unless  
40 legal impediments, such as deed restrictions, make it  
41 unavailable for the use in question.

42 (b) A parcel with some development on it shall be  
43 considered unavailable if the market value of the  
44 improvements is not significantly less than the value of

1 the land. Standard measures to account for the capability  
2 of infill and redevelopment will be developed by the  
3 District to provide a means to define what is significant  
4 when comparing structure value and land values. When  
5 a city or county has more detailed or current gross  
6 redevelopable land inventory data, for all or a part of  
7 their jurisdiction, it can request that the District  
8 substitute that data in the gross developable land  
9 inventory.

10 (c) Properly designated land in more than one ownership  
11 shall be considered suitable and available unless the  
12 applicant demonstrates why the current pattern or level  
13 of parcelization makes land assembly during the planning  
14 period unfeasible for the use proposed.

15  
16 **(2) Factor 2: Need for housing, employment and livability.**

17 A proponent may choose to address either subsection (A) or (B) or both, as  
18 described below. The proposal may be either regional or subregional in  
19 scope.

20  
21 **(A) Evidence in support of a proposed amendment to the UGB based**  
22 **upon housing or employment opportunities must demonstrate that a**  
23 **need can be factually shown to be based upon an economic analysis and**  
24 **can only be met through a change in the location of the urban growth**  
25 **boundary. For housing, at a minimum, the proposal must demonstrate**  
26 **an unmet need according to Statewide Planning Goal 10 and its**  
27 **associated administrative rules. For employment opportunities, the**  
28 **proposal must demonstrate, at a minimum, an unmet need according to**  
29 **Statewide Planning Goal 9 and its associated administrative rules. The**  
30 **proposal must consider adopted comprehensive plan policies of**  
31 **jurisdictions adjacent to the site, when identified by a jurisdiction and**  
32 **the proposal must demonstrate that it is consistent with adopted regional**  
33 **policies dealing with urban growth management, transportation,**  
34 **housing, solid waste, and water quality management.**

35  
36 **(B) To assert a need for a UGB because of a livability need, an**  
37 **applicant must:**

- 38  
39 (i) factually define the livability need, including its basis in  
40 adopted local, regional, state, or federal policy;  
41 (ii) factually demonstrate how the livability need can best be  
42 remedied through a change in the location of the UGB;  
43 (iii) identify both positive and negative aspects of the proposed  
44 boundary amendment on both the livability need and on other

1 aspects of livability; and  
2 (iv) demonstrate that, on balance, the net result of addressing  
3 the livability need by amending the UGB will be positive.  
4

5 (3) Factor 3: Orderly and economic provision of urban services.  
6 Consideration of this factor shall be based upon the following:  
7

8 (A) For the purposes of this section, economic provision shall mean the  
9 lowest public cost provision of urban services. When comparing  
10 alternative sites with regard to factor 3, the best site shall be that site  
11 which has the lowest net increase in the total cost for provision of all  
12 urban services. In addition, a proponent may show how the proposal  
13 minimizes the cost burden to other properties outside the subject  
14 property proposed to be brought into the boundary.  
15

16 (B) For the purposes of this section, orderly shall mean the extension of  
17 services from existing serviced areas to those areas which are  
18 immediately adjacent and which are consistent with the manner of  
19 service provision. For the provision of gravity sanitary sewers, this  
20 would mean a higher rating for an area within an already served  
21 drainage basin. For the provision of transit, this would mean a higher  
22 rating for an area which could be served by the extension of an existing  
23 route rather than an area which would require an entirely new route.  
24

25 (4) Factor 4: Maximum efficiency of land uses within and on the fringe of the  
26 existing urban area. Consideration of this factor shall be based on the  
27 following:  
28

29 (A) That the subject site can be developed with features of an efficient  
30 urban growth form including residential and employment densities  
31 capable of supporting transit service; residential and employment  
32 development patterns capable of encouraging pedestrian, bicycle, and  
33 transit use; and the ability to provide for a mix of land uses to meet the  
34 needs of residents and employees; and,  
35

36 (B) That the amendment will facilitate achieving an efficient urban  
37 growth form on adjacent urban land, consistent with adopted local  
38 comprehensive and regional functional plans. Evidence shall  
39 demonstrate the following: the proposal assists with achieving  
40 residential and employment densities capable of supporting transit  
41 service; supports the evolution of residential and employment  
42 development patterns capable of encouraging pedestrian, bicycle, and  
43 transit use; and improves the likelihood of realizing a mix of land uses  
44 to meet the needs of residents and employees.

1 (5) Factor 5: Environmental, energy, economic and social consequences.  
2 An evaluation of this factor shall include, but not be limited to, consideration  
3 of the following:  
4

5 (A) If the subject property contains any resources or hazards subject to  
6 special protection identified in the local comprehensive plan and  
7 implemented by appropriate land use regulations, findings shall address  
8 how urbanization is likely to occur in a manner consistent with these  
9 regulations.  
10

11 (B) Complementary and adverse economic impacts shall be identified  
12 through review of a regional economic opportunity analysis, if one has  
13 been completed. If there is no economic opportunity analysis, the  
14 applicant shall complete one for the subject land.  
15

16 (C) The long-term environmental, energy, economic, and social  
17 consequences resulting from the use at the proposed site shall be  
18 identified. Petitions shall show that potential adverse impacts are not  
19 significantly more adverse than would typically result from the same  
20 proposal being located in other areas requiring an amendment of the  
21 UGB.  
22

23 (6) Factor 6: Retention of agricultural land.  
24 This factor shall be addressed through the following:  
25

26 (A) Prior to the designation of urban reserves, the following hierarchy  
27 shall be used for identifying priority sites for urban expansion to meet a  
28 demonstrated need for urban land:  
29

30 (i) Expansion on rural lands excepted from Statewide Planning  
31 Goals 3 and 4 in adopted and acknowledged county  
32 comprehensive plans. It is recognized that small amounts of  
33 rural resource land adjacent to or surrounded by those  
34 "exception lands" may be necessary for inclusion in the proposal  
35 to improve the efficiency of the boundary amendment, but shall  
36 be limited to the smallest amount of land necessary to achieve  
37 this efficiency;

38 (ii) If there is not enough land as described in (i) above to meet  
39 demonstrated need, secondary or equivalent lands, as defined by  
40 the state, should be considered;

41 (iii) If there is not enough land as described in either (i) or (ii)  
42 above, to meet demonstrated need, secondary agricultural  
43 resource lands, as defined by the state should be considered;

44 (iv) If there is not enough land as described in either (i), (ii) or

1 (ii) above, to meet demonstrated need, primary forest resource  
2 lands, as defined by the state, should be considered;  
3 (v) If there is not enough land as described in either (i), (ii),  
4 (iii) or (iv) above, to meet demonstrated need, primary  
5 agricultural lands, as defined by the state, may be considered.  
6

7 (B) After urban reserves are designated and adopted, consideration of  
8 factor 6 shall be considered satisfied if the proposed amendment is  
9 wholly within an area designated as an urban reserve.  
10

11 (C) After urban reserves are designated and adopted, and a proposed  
12 amendment is for land not wholly within an urban reserve, the petition  
13 must also demonstrate by substantial evidence that the need cannot be  
14 met within urban reserves.  
15

16 (7) Factor 7: Compatibility of proposed urban development with nearby  
17 agricultural activities.  
18

19 (A) Evidence shall be provided by the petitioner analyzing the potential  
20 impact on nearby agricultural activities including, but not limited to,  
21 the following:  
22

23 (i) A description of the number, location and types of  
24 agricultural activities occurring within 1 mile of the subject site;  
25 (ii) An analysis of the potential impacts, if any, on nearby  
26 agricultural activities taking place on lands designated for  
27 agricultural use in the applicable adopted county or city  
28 comprehensive plan, and mitigation efforts, if any impacts are  
29 identified. Impacts to be considered shall include consideration  
30 of land and water resources which may be critical to agricultural  
31 activities, consideration of the impact on the farming practices  
32 of urbanization of the subject land, as well as the impact on the  
33 local agricultural economy.  
34

35 (c) The requirements of Statewide Planning Goal 2 will be met by addressing both the  
36 criteria in section 3.01.30(b), above, and by factually demonstrating the following:  
37

38 (1) the land need identified cannot be reasonable accommodated within the  
39 current urban growth boundary;

40  
41 (2) the land need identified can be fully accommodated by the proposed  
42 amendment;

43  
44 (3) the proposed uses are compatible with other adjacent uses or will be so



1 rendered through measures designed to reduce adverse impacts;  
2

3 (4) the long-term environmental, economic, social and energy consequences  
4 resulting from the use at the proposed site with measures designed to reduce  
5 adverse impacts are not significantly more adverse than would typically result  
6 from the same proposal being located in other areas than the proposed site and  
7 requiring an exception.  
8

9 (d) The District shall not consider any amendment which would result in an island of  
10 urban land outside the contiguous UGB or if the proposed addition contains within it an  
11 island of non-urban land excluded from the petition. The proposed location for the urban  
12 growth boundary shall result in a clear transition between urban and rural lands, as evidenced  
13 by its use of natural and built features, such as roads, drainage divides, floodplains,  
14 powerlines, major topographic features, and historic patterns of land use or settlement.  
15

16 (e) Satisfaction of the criteria in section 3.01.30 (a) and (b) does not mean that other  
17 Statewide Planning Goals do not need to be considered. For major amendments, evidence  
18 shall be provided to identify any other applicable Statewide goals which would be affected by  
19 the proposed amendment and to demonstrate compliance with them.  
20

21 (f) Demonstrating compliance with the criteria in section 3.01.30 (a), (b), (c) and (d)  
22 shall be considered to be consistent with and in conformance with the Regional Urban  
23 Growth Goals and Objectives.  
24

### 25 3.01.33 Applications for Major Amendments and Locational Adjustments'

26  
27 (a) All petitions filed pursuant to this chapter for amendment of the UGB must  
28 include a completed petition on a form provided by the District. Petitions which do not  
29 include the appropriate completed form provided by the District will not be considered for  
30 approval.  
31

32 (b) Major Amendments or Locational Adjustments may be filed by:

33  
34 (1) A county with jurisdiction over the property or a city with a planning area  
35 that includes or is contiguous to the property; or  
36

37 (2) The owners of the property included in the petition or a group of more  
38 than 50 percent of the property owners who own more than 50 percent of the  
39 land area in each area included in the petition.  
40

41 (c) Completed petitions for amending the UGB through either a major amendment or  
42 locational adjustment, shall be considered by the District if filed prior to March 15. No  
43 petition shall be accepted under this chapter if the proposed amendment or locational  
44 adjustment to the UGB would result in an island of urban land outside the existing UGB, or

1 if the proposed addition contains within it an island of non-urban land excluded from the  
2 petition. The District will determine not later than seven (7) working days after the deadline  
3 whether a petition is complete and notify the petitioner. The petitioner must remedy any  
4 identified deficiencies within fourteen (14) days of notification, or the petition and fees shall  
5 be returned to the petitioner and no further consideration shall be given. Completeness of  
6 petitions shall be the petitioners' responsibility.  
7

8 (d) Upon request by a Councilor or the Executive Officer, the Council may, by an  
9 affirmative vote of 2/3 of the full Council, waive the filing deadline for a particular petition  
10 or petitions and hear such petition or petitions at any time. Such waiver shall not waive any  
11 other requirement of this chapter.  
12

13 (e) The District shall give notice of the March 15 deadline for acceptance of petitions  
14 for UGB major amendments and locational adjustments under this chapter not less than 90  
15 calendar days before a deadline and again 20 calendar days before a deadline in a newspaper  
16 of general circulation in the District and in writing to each city and county in the District. A  
17 copy of the notice shall be mailed not less than 90 calendar days before a deadline to anyone  
18 who has requested notification. The notice shall explain the consequences of failing to file  
19 before the deadline and shall specify the District officer or employee from whom additional  
20 information may be obtained.  
21

22 (f) All petitions shall be reviewed by District staff and a report and recommendation  
23 submitted to the Hearings Officer. For locational adjustments, the staff report shall be  
24 submitted not less than ten calendar days before the hearing. For major amendments, the  
25 staff report shall be submitted not less than 21 calendar days before the hearing. A copy of  
26 the staff report and recommendation shall simultaneously be sent to the petitioner(s) and  
27 others who have requested copies.  
28

29 (g) It shall be the responsibility of the petitioner to provide a list of names and  
30 addresses for notification purposes, consistent with section 3.01.055(c), when submitting a  
31 petition. Said list of names and addresses shall be certified in one of the following ways:  
32

33 (1) a list attested to by a title company as a true and accurate list of property  
34 owners as of a specified date; or  
35

36 (2) a list attested to by a County Assessor, or designate, pledging that the list  
37 is a true and accurate list of property owners as of a specified date; or  
38

39 (3) a list with an attached affidavit completed by the proponent affirming that  
40 the names and addresses are a true and accurate list of property owners as of a  
41 specified date.  
42

43 (h) Local Position on Petition:  
44

1 (1) Except as provided in subsection 4 of this section, a petition shall not be  
2 considered completed for hearing unless the petition includes a written  
3 statement by the governing body of each city or county with land use  
4 jurisdiction over the area included in the petition that:  
5

6 (A) recommends that Metro approve the petition; or  
7

8 (B) recommends that Metro deny the petition; or  
9

10 (C) expresses no preference on the petition.  
11

12 (2) Except as provided in subsection 4 of this section, a petition shall not be  
13 considered completed for hearing unless the petition includes a written  
14 statement by any special district which has an agreement with the governing  
15 body of each city or county with land use jurisdiction over the area included in  
16 the petition to provide one or more urban services to the subject area that:  
17

18 (A) recommends that Metro approve the petition; or  
19

20 (B) recommends that Metro deny the petition; or  
21

22 (C) expresses no preference on the petition.  
23

24 (3) If a city, county or special district holds a public hearing to establish its  
25 position on a petition, the city or county shall:  
26

27 (A) provide notice of such hearing to the District and to any city or  
28 county whose municipal boundaries or urban planning area boundary  
29 abuts the area affected; and  
30

31 (B) provide the District with a list of the names and addresses of parties  
32 testifying at the hearing and copies of any exhibits or written testimony  
33 submitted for the hearing.  
34

35 (4) Upon request by an applicant, the Executive Officer shall waive the  
36 requirements of subsections (1) and (2) of this section regarding written  
37 recommendations from the city or county with land use jurisdiction or a  
38 special district which provides one or more urban services if the applicant  
39 shows that a request for comment was filed with the local government at least  
40 120 calendar days previously and that the local government or service provider  
41 has not yet adopted a position.  
42  
43  
44

1 (i) Petitions Outside District Boundary:  
2

3 (1) Petitions to extend the UGB to include land outside the District shall not be  
4 accepted unless accompanied by:  
5

6 (A) A copy of a petition for annexation to the District to be submitted  
7 to the Portland Metropolitan Area Local Government Boundary  
8 Commission pursuant to ORS chapter 199; and  
9

10 (B) A statement of intent to file the petition for annexation within  
11 ninety (90) calendar days of Metro action, or after the appeal period  
12 following final action by a court concerning a Metro action, to approve  
13 the petition for UGB major amendment or locational adjustment.  
14

15 (2) A city or county may, in addition to the action required in subsection B of  
16 this section, approve a plan or zone change to implement the proposed  
17 adjustment in the area included in a petition prior to a change in the District  
18 UGB if:  
19

20 (A) The District is given notice of the local action;  
21

22 (B) The notice of the local action states that the local action is  
23 contingent upon subsequent action by the District to amend its UGB;  
24 and  
25

26 (C) The local action to amend the local plan or zoning map becomes  
27 effective only if the District amends the UGB consistent with the local  
28 action.  
29

30 (3) If the city or county has not contingently amended its plan or zoning map  
31 to allow the land use category of the proposed amendment proposed in a  
32 petition, and if the District does approve the UGB amendment, the local plan  
33 or map change shall be changed to be consistent with the UGB amendment  
34 within 1 year.  
35  
36

37 **3.01.35 Locational Adjustment Procedures**  
38

39 (a) It is the purpose of sections 3.01.035 and 3.01.037 to establish procedures to be  
40 used by the District in making minor UGB amendments. The sections are intended to  
41 incorporate relevant portions of Statewide Goals 2 and 14, and, by restricting the size,  
42 character, and annual acreage of UGB adjustments that may be approved under this chapter,  
43 this section obviates the need to specifically apply these goal provisions to UGB amendments  
44 approved hereunder.

1 (b) All locational adjustment additions and administrative adjustments for any one  
2 year shall not exceed 100 net acres and no individual locational adjustment shall exceed 20  
3 net acres. Natural areas adjustments shall not be included in the annual total of 100 acres,  
4 and shall not be limited to 20 acres, except as specified in 3.01.35(f), below.  
5

6 (c) All petitions for Locational Adjustments except natural area petitions shall meet  
7 the following criteria:  
8

9 (1) Orderly and economic provision of public facilities and services. A  
10 locational adjustment shall result in a net improvement in the efficiency of  
11 public facilities and services, including but not limited to, water, sewerage,  
12 storm drainage, transportation, parks and open space in the adjoining areas  
13 within the UGB. Any area to be added must be capable of being served in an  
14 orderly and economical fashion.  
15

16 (2) Maximum efficiency of land uses. The amendment shall facilitate needed  
17 development on adjacent existing urban land. Needed development, for the  
18 purposes of this section, shall mean consistent with the local comprehensive  
19 plan and/or applicable regional plans.  
20

21 (3) Environmental, energy, economic and social consequences. Any impact on  
22 regional transit corridor development must be positive and any limitations  
23 imposed by the presence of hazard or resource lands must be addressed.  
24

25 (4) Retention of agricultural land. When a petition includes land with  
26 Agricultural Class I-IV soils designated in the applicable comprehensive plan  
27 for farm or forest use, the petition shall not be approved unless it is factually  
28 demonstrated that:  
29

30 (A) Retention of any agricultural land would preclude urbanization of  
31 an adjacent area already inside the UGB, or  
32

33 (B) Retention of the agricultural land would make the provision of  
34 urban services to an adjacent area inside the UGB impracticable.  
35

36 (5) Compatibility of proposed urban uses with nearby agricultural activities.  
37 When a proposed adjustment would allow an urban use in proximity to  
38 existing agricultural activities, the justification in terms of all factors of this  
39 subsection must clearly outweigh the adverse impact of any incompatibility.  
40

41 (d) Petitions for locational adjustments to remove land from the UGB may be  
42 approved under the following conditions:  
43

44 (1) Consideration of the factors in section 3.01.35 (c) demonstrate that it is

1 appropriate the land be excluded from the UGB.  
2

3 (2) The land is not needed to avoid short-term urban land shortages for the  
4 District and any long-term urban land shortage that may result can reasonably  
5 be expected to be alleviated through the addition of urban land in an  
6 appropriate location elsewhere in the region.  
7

8 (3) Removals should not be granted if existing or planned capacity of major  
9 facilities such as sewerage, water and transportation facilities will thereby be  
10 significantly underutilized.  
11

12 (e) A petition for a locational adjustment to remove land from the UGB in one  
13 location and add land to the UGB in another location (trades) may be approved if it meets the  
14 following criteria:  
15

16 (1) The requirements of paragraph 3.01.035 (c)(4) are met.  
17

18 (2) The net amount of vacant land proposed to be added may not exceed 20  
19 acres; nor may the net amount of vacant land removed exceed 20 acres.  
20

21 (3) The land proposed to be added is more suitable for urbanization than the  
22 land to be removed, based on a consideration of each of factors of Section  
23 3.01.035 (c)(1-3 and 5) of this chapter.  
24

25 (f) Petitions for locational adjustments to add land to the UGB may be approved  
26 under the following conditions:  
27

28 (1) An addition of land to make the UGB coterminous with the nearest  
29 property lines may be approved without consideration of the other conditions  
30 in this subsection if the adjustment will add a total of two gross acres or less,  
31 the adjustment would not be clearly inconsistent with any of the factors in  
32 subsection (b) this section, and the adjustment includes all contiguous lots  
33 divided by the existing UGB.  
34

35 (2) For all other additions, the proposed UGB must be superior to the UGB as  
36 presently located based on a consideration of the factors in subsection (b) of  
37 this section.  
38

39 (3) The proposed UGB amendment must include all similarly situated  
40 contiguous land which could also be appropriately included within the UGB as  
41 an addition based on the factors above.  
42

43 (g) All natural area petitions for locational adjustments must meet the following  
44 conditions:

1 (1) Any natural area locational adjustment petition shall be proposed at the  
2 initiative of the property owner, with concurrence from the agency proposed to  
3 accept the land.  
4

5 (2) At least 50 percent of the land area in the petition, and all land in excess of  
6 40 acres, shall be owned by or donated to a county, city, parks district or the  
7 District, in its natural state, without mining, logging or other extraction of  
8 natural resources, or alteration of watercourses, water bodies or wetlands.  
9

10 (3) Any developable portion of the lands included in the petition, not  
11 designated as a natural area, shall not exceed twenty acres and shall lie  
12 between the existing UGB and the area to be donated.  
13

14 (4) The natural area portion owned by or to be donated to a county, city, parks  
15 district, or the District must be identified in a city or county comprehensive  
16 plan as open space or natural area or equivalent, or in the District's natural  
17 areas and open space inventory.  
18

19  
20 (5) The developable portion of the petition shall meet the criteria set out in  
21 parts 3(b), (c)(1), (c)(2) and (c)(3) of this section.  
22

23 **3.01.37 Roadway Realignment - Administrative Adjustments**  
24

25 **(a) Applications for Administrative Adjustments.**  
26

27 (1) All petitions for administrative adjustments filed pursuant to this chapter  
28 must be submitted on forms provided by the District.  
29

30 (2) Administrative Amendments may be filed by:  
31

32 (A) a county with jurisdiction over the property; or  
33

34 (B) a city whose corporate boundary or planning area is contiguous to  
35 the property.  
36

37 (3) Completed petitions for Administrative Adjustments may be filed with the  
38 District at any time. The District will determine not later than seven (7)  
39 calendar days after submittal of the petition whether a petition is complete and  
40 notify the petitioner. The petitioner must remedy any identified deficiencies  
41 within fourteen (14) calendar days of notification. Completeness of petitions  
42 shall be the petitioner's responsibility.  
43  
44

1 (4) Applications for Administrative Adjustments shall be approved or denied  
2 by the Executive Officer within ninety (90) calendar days of determining that a  
3 petition is complete. All petitions shall be reviewed by District staff and a  
4 report and recommendation submitted to the Executive Officer. The staff  
5 report shall be completed within 60 calendar days, of determination that the  
6 petition is complete and mailed to the petitioner, those within the required  
7 notice area and any other persons who have requested copies. Any person  
8 may submit comments or responses within 80 calendar days of the  
9 determination that a petition is complete.

10  
11 (5) Notice of the proposed change shall be provided to the parties listed in  
12 Section 3.01.50 (d) (1 through 7).

13  
14 (6) Within ten (10) calendar days of the final decision of the Executive  
15 Officer, the District shall furnish the final order and findings to all parties to  
16 the case. The notice shall contain the information listed in Section  
17 3.01.55(b)(1-5).

18  
19 (7) The Executive Officer's final decision may be appealed to the District  
20 Council by any party to the case. Such appeal must be filed with the District  
21 within 14 calendar days of the Executive Officer's final decision.

22  
23 (8) Petitions for land outside the District boundary shall be subject to the  
24 provisions of Section 3.01.65 (f)

25  
26 (b) Administrative Adjustment Criteria

27  
28 (1) Petitions for Administrative Adjustments shall meet the following criteria:

29  
30 (A) The adjustment is necessary in order to accommodate modification  
31 or expansion of a transportation facility presently located on the Urban  
32 Growth Boundary line and the transportation facility is a component of  
33 an adopted transportation system plan;

34  
35 (B) The proposed amendment is preceded by a city or county project  
36 development process which considered alternative through the  
37 evaluation and balancing of relevant transportation, environmental and  
38 land use issues and evidence is provided showing such;

39  
40 (C) The land proposed to be added to the District Urban Growth  
41 Boundary is the minimum needed to accommodate the transportation  
42 facility modification or expansion; and

43  
44 (D) The land to be included within the Urban Growth Boundary is less



1 than 5 net acres.

2  
3 **3.01.40 Metro Conditions of Approval**

4  
5 (a) The District may attach conditions of approval which may be needed to assure  
6 compliance of the developed use with statewide goals and regional land use planning,  
7 including, but not limited to, the following:

8  
9 (1) Conditions which may relate to findings of need for a particular type of use  
10 and for which the District finds a need to protect the opportunity for  
11 development of this type of use at the proposed site;

12  
13 (2) Those conditions to assist in the provision of urban services as may be  
14 recommended by cities, counties with land use jurisdiction or special districts  
15 which have agreements with cities or counties to provide urban services to the  
16 area proposed for amendment.

17  
18 (b) Amendments to conditions of approval for a major amendment, including  
19 modifications of time to complete an approval condition, may be considered by the District  
20 Council upon a petition by the property owner which includes evidence substantiating a  
21 change in a condition of approval; or upon the Council's own motion if the approval  
22 condition states that further Metro review is required.

23  
24 (c) Petitions for amendments to conditions of approval for a major amendment shall  
25 follow the procedures for applications for major amendment and Council action on quasi-  
26 judicial amendments, except for the following:

27  
28 (1) Petitions for amendments to conditions of approval may be filed at  
29 any time following Council approval of a major amendment;

30  
31 (2) Petitions for amendments to conditions of approval shall be heard  
32 by the Council unless referred to the Hearings Officer by the Council.

33  
34 **3.01.45 Fees**

35  
36 (a) Each petition submitted by a property owner or group of property owners pursuant  
37 to this chapter shall be accompanied by a filing fee in an amount to be established by  
38 resolution of the Council. Such fees shall not exceed the actual costs of the District to  
39 process such petitions. The filing fee shall include administrative costs and Hearing  
40 Officer/public notice costs.

41  
42 (b) The fees for administrative costs shall be charged from the time a petition is filed  
43 through mailing of the Notice of Adoption or Denial to the Department of Land Conservation  
44 and Development and other interested parties.

1 (c) Petitioners also shall be charged for the costs of the District Hearings Officer as  
2 billed for that case and for the costs of public notice.

3  
4 (d) Before a hearing is scheduled, petitioners shall submit a fee deposit:

5  
6 (e) The unexpended portion of petitioner's deposit, if any, shall be returned to the  
7 petitioner at the time of a final disposition of the petition.

8  
9 (f) If Hearings Officer/public notice or administrative costs exceed the amount of the  
10 deposit, the petitioner shall pay to Metropolitan Service District an amount equal to the costs  
11 in excess of the deposit, prior to final action by the Council of the Metropolitan Service  
12 District.

13  
14 (g) The Council of the Metropolitan Service District may, by resolution, reduce,  
15 refund or waive the administrative fee, or portion thereof, if it finds that such fees would  
16 create an undue hardship for the applicant.

17  
18 **3.01.50 Hearing Notice Requirements**

19  
20 (a) 45 Day Notice. A proposal to amend the urban growth boundary by a legislative  
21 amendment, major amendment or locational adjustment shall be submitted to the Director of  
22 the Department of Land Conservation and Development at least 45 days before the final  
23 hearing on adoption. The notice shall be accompanied by the appropriate forms provided by  
24 the Department and shall contain a copy of a map showing the location of the proposed  
25 amendment. A copy of the same information shall be provided to the city and county,  
26 representatives of recognized neighborhoods, citizen planning organizations and/or other  
27 recognized citizen participation organizations adjacent to the location of the proposed  
28 amendment.

29  
30 (b) Newspaper Ads. A 1/8 page advertisement in a newspaper of general circulation  
31 of the District for all Legislative Amendments and Major Amendments. For Legislative  
32 Amendments and Major Amendments the initial newspaper advertisements shall be published  
33 at least forty-five (45) days prior to the public hearing and shall include the same information  
34 listed in subsection (a). For Locational Adjustments, a 1/8 page newspaper advertisement  
35 shall be published not more than twenty (20), nor less than ten (10) calendar days prior to  
36 the hearing.

37  
38 (c) Notice of public hearing shall include:

39  
40 (1) The time, date and place of the hearing.

41  
42 (2) A description of the property reasonably calculated to give notice as to its  
43 actual location. A street address or other easily understood geographical  
44 reference can be utilized if available.

1 (3) For major amendments and locational adjustments,  
2

3 (A) An explanation of the proposed action, including the nature of the  
4 application and the proposed boundary change.  
5

6 (B) A list of the applicable criteria for approval of the petition at issue.  
7

8 (C) A statement that the failure of an issue to be raised in a hearing, in  
9 person or by letter, or failure to provide sufficient specificity to afford  
10 the decision maker an opportunity to respond to the issue precludes an  
11 appeal based on the issue.  
12

13 (4) Notice that interested persons may submit written comments at the hearing  
14 and appear and be heard.  
15

16 (5) Notice that the hearing will be conducted pursuant to District rules and  
17 before the Hearings Officer unless that requirement is waived by the Metro  
18 Council;  
19

20 (6) Include the name of the Metro staff to contact and telephone number for  
21 more information;  
22

23 (7) State that a copy of the staff report will be available for inspection at no  
24 cost at least seven calendar days prior to the hearing, and that a copy will be  
25 made available at no cost or reasonable cost. Further that if additional  
26 documents or evidence is provided in support of the application any party shall  
27 be entitled to a continuance of the hearing; and  
28

29 (8) Include a general explanation of the requirements for submission of  
30 testimony and the procedure for conduct of hearings; and  
31

32 (9) State that all documents or evidence relied upon by the applicant is  
33 available to the public.  
34

35 d) Not less than 20 calendar days before the hearing, notice shall be mailed to the  
36 following persons:  
37

38 (1) The petitioner(s) and to owners of record of property on the most recent  
39 property tax roll where the property is located.  
40

41 (2) All property owners of record within 500 feet of the site. For purposes of  
42 this subsection, only those property owners of record within the specified  
43 distance from the subject property as determined from the maps and records in  
44 the county departments of taxation and assessment are entitled to notice by

1 mail. Failure of a property owner to receive actual notice will not invalidate  
2 the action if there was a reasonable effort to notify owners of record.

3  
4 (3) Cities and counties in the District, or cities and counties whose  
5 jurisdictional boundaries either include or are adjacent to the subject property,  
6 and affected agencies who request regular notice.

7  
8 (4) The neighborhood association, community planning organization or other  
9 citizen group, if any, which has been recognized by the city or county with  
10 land use jurisdiction for the subject property.

11  
12 (5) Any neighborhood associations, community planning organizations, or  
13 other vehicles for citizen involvement in land use planning processes whose  
14 geographic areas of interest either include or are adjacent to the site and which  
15 are officially recognized as being entitled to participate in land use planning  
16 processes by the Cities and Counties whose jurisdictional boundaries either  
17 include or are adjacent to the site.

18  
19 (6) The regional representative of the Director of the Oregon Department of  
20 Land Conservation and Development.

21  
22 (7) Any other person requesting notification of Urban Growth Boundary  
23 changes.

24  
25 (e) At the conclusion of the hearing, the Hearings Officer may continue the hearing to  
26 a time, place and date certain, without additional notice.

27  
28 **3.01.55 Public Hearing Rules before the Hearings Officer**

29  
30 (a) All Major amendment and Locational Adjustment petitions accepted under this  
31 chapter shall receive a contested case hearing according to the following rules:

32  
33 (1) Hearings Officers shall be selected by the District pursuant to the  
34 provisions of section 2.05.025(a) of the Metro Code.

35  
36 (2) Parties to the case shall be defined as being any individual, agency, or  
37 organization who participates orally or in writing in the creation of the record  
38 used by the hearings officer in making a decision. If an individual represents  
39 an organization orally and/or in writing, that individual must indicate the date  
40 of the organization meeting in which the position presented was adopted. The  
41 Hearings Officer may request that the representative explain the method used  
42 by the organization to adopt the position presented. Parties need not be  
43 represented by an attorney at any point in the process outlined in this  
44 subsection and elsewhere in this chapter.

1 (3) At the time of the commencement of a hearing, the hearings officer shall  
2 provide the following information to parties:  
3

4 (A) a list and statement of the applicable substantive criteria; a copy of  
5 ORS 197.763; Conduct of local quasi-judicial land use hearings; notice  
6 requirements; hearing procedures, provided that failure to provide  
7 copies to all those present shall not constitute noncompliance with this  
8 subsection;  
9

10 (B) a statement that testimony and evidence must be directed toward the  
11 criteria or specific criteria which the person believes apply to the  
12 decision  
13

14 (C) a statement that the failure to raise an issue with sufficient  
15 specificity to afford the decision maker and the parties an opportunity  
16 to respond to the issue precludes appeal;  
17

18 (D) a statement that any party may request a continuance of the  
19 hearing, but that any continuance would be granted at the discretion of  
20 the hearings officer upon finding good cause;  
21

22 (4) Failure of the petitioner to appear at the hearing without making  
23 arrangements for rescheduling the hearing shall constitute grounds for  
24 immediately denying the petition.  
25

26 (5) The hearing shall be conducted in the following order:  
27

28 (A) Staff report.  
29

30 (B) Statement and evidence by the petitioner in support of a petition.  
31

32 (C) Statement and evidence of affected persons, agencies, and/or  
33 organizations opposing or supporting the petition, and/or anyone else  
34 wishing to give testimony.  
35

36 (D) Rebuttal testimony by the petitioner.  
37

38 (6) The Hearings Officer shall have the right to question any participant in the  
39 hearing. Cross-examination by parties shall be by submission of written  
40 questions to the hearings officer. The hearings officer shall give parties the  
41 opportunity to submit such questions prior to closing the hearing.  
42

43 (7) The hearing may be continued for a reasonable period as determined by the  
44 Hearings Officer.

1 (8) The Hearings Officer may set reasonable time limits for oral testimony and  
2 may exclude or limit cumulative, repetitive, or immaterial testimony.  
3

4 (9) A verbatim audio tape or video tape, written, or other mechanical record  
5 shall be made of all proceedings, and need not be transcribed unless necessary  
6 for review upon appeal.  
7

8 (10) Upon conclusion of the hearing, the record shall be closed and new  
9 evidence shall not be admissible thereafter unless a party requests that the  
10 record remain open before the conclusion of the initial, evidentiary hearing.  
11 Upon such a request, the record shall remain open for at least seven days after  
12 the hearing unless there is a continuance.  
13

14 (11) The burden of presenting evidence in support of a fact or position in the  
15 contested case rests on the petitioner. The proponent of a proposed UGB  
16 amendment shall have the burden of proving that the proposed amendment  
17 complies with the applicable standards in this chapter.  
18

19 (12) A proponent or opponent shall raise all issues of concern either orally or  
20 in written form at the public hearing. Failure to do so will constitute a waiver  
21 to the raising of such issues at any subsequent administrative or legal appeal  
22 deliberations.  
23

24 (13) The Hearings Officer may reopen a record to receive evidence not  
25 available or offered at the hearing. If the record is reopened, any person may  
26 raise new issues which relate to the new evidence before the record is closed.  
27

28 (b) Within 30 calendar days following the close of the record, the Hearings Officer  
29 shall prepare and submit a proposed order and findings, together with the record compiled in  
30 the hearing and a list of parties to the case, to the Executive Officer. Within 7 working days  
31 of receiving the materials from the hearings officer, the Executive Officer, or designate, shall  
32 furnish the proposed order and findings to all parties to the case. Accompanying the  
33 proposed order and findings shall be notification to parties which includes:  
34

35 (1) The procedure for filing an exception and filing deadlines for submitting an  
36 exception to the proposed order and findings of the hearings officer. Parties  
37 filing an exception with the District must furnish a copy of their exception to  
38 all parties to the case and the hearings officer.  
39

40 (2) A copy of the form to be used for filing an exception.  
41

42 (3) A description of the grounds upon which exceptions can be based.  
43

44 (4) A description of the procedure to be used to file a written request to submit

1 evidence that was not offered at the hearing, consistent with Metro Code  
2 sections 2.05.035(c) and (d).  
3

4 (5) A list of all parties to the case.  
5

6 (c) UGB petitions may be consolidated by the hearings officer for hearings where  
7 appropriate. Following consultation with District staff and prospective petitioners, the  
8 hearings officer shall issue rules for the consolidation of related cases and allocation of  
9 charges. These rules shall be designed to avoid duplicative or inconsistent findings, promote  
10 an informed decision-making process, protect the due process rights of all parties, and  
11 allocate the charges on the basis of cost incurred by each party.  
12

13 (d) Once a hearings officer has submitted the proposed order and findings to the  
14 Executive Officer, the Executive Officer, or designate, shall become the custodian of the  
15 record compiled in the hearing, and shall make the record available at the District offices for  
16 review by parties.  
17

### 18 3.01.60 Exceptions to Hearing Officer Decision 19

20 (a) Standing to file an exception and participate in subsequent hearings is limited to  
21 parties to the case.  
22

23 (b) Parties shall have 20 calendar days from the date that the proposed order and  
24 findings are mailed to them to file an exception to the proposed order and findings of the  
25 hearings officer with the District on forms furnished by the district.  
26

27 (c) The basis for an exception must relate directly to the interpretation made by the  
28 hearings officer of the ways in which the petition satisfies the standards for approving a  
29 petition for a UGB amendment. Exceptions must rely on the evidence in the record for the  
30 case. Only issues raised at the evidentiary hearing will be addressed because failure to raise  
31 an issue constitutes a waiver to the raising of such issues at any subsequent administrative or  
32 legal appeal deliberations.  
33

### 34 3.01.65 Council Action On Quasi-Judicial Amendments 35

36 (a) The Council may act to approve, remand or deny a petition in whole or in part.  
37 When the Council renders a decision that reverses or modifies the proposed order of the  
38 hearings officer, then, in its order, it shall set forth its findings and state its reasons for  
39 taking the action.  
40

41 (b) Parties to the case and the hearings officer shall be notified by mail at least 10  
42 calendar days prior to Council consideration of the case. Such notice shall include a brief  
43 summary of the proposed action, location of the hearings officer report, and the time, date,  
44 and location for Council consideration.

1 (c) Final Council action following the opportunity for parties to comment orally to  
2 Council on the proposed order shall be as provided in Code Section 2.05.045. Parties shall  
3 be notified of their right to review before the Land Use Board of Appeals pursuant to 1979  
4 Oregon Laws, chapter 772.  
5

6 (d) Comments before the Council by parties must refer specifically to any arguments  
7 presented in exceptions filed according to the requirements of this chapter, and cannot  
8 introduce new evidence or arguments before the Council. If no party to the case has filed an  
9 exception, then the Council shall decide whether to entertain public comment at the time that  
10 it takes final action on a petition.  
11

12 (e) Within 20 days from the day that the proposed order and findings of the Hearings  
13 Officer are mailed to them, parties may file a motion to reopen the record to receive  
14 admissible evidence not available at the hearing. The motion shall show proof of service on  
15 all parties. The Council shall rule on such motions with or without oral argument at the time  
16 of its consideration of the case. An order approving such a motion to reopen the record shall  
17 remand the case to the Hearings Officer for evidentiary hearing.  
18

19 (f) When the Council acts to approve in whole or in part a petition affecting land  
20 outside the District:  
21

22 (1) Such action shall be by resolution expressing intent to amend the UGB if  
23 and when the affected property is annexed to the District within six months of  
24 the date of adoption of the Resolution.  
25

26 (2) The Council shall take final action, as provided for in paragraphs (c) and  
27 (d) of this section, within thirty (30) calendar days of notice from the  
28 Boundary Commission that annexation to the District has been approved.  
29

30 (g) When the Council is considering an ordinance to approve a petition, it shall take  
31 all public comment at its first reading of the ordinance, discuss the case, and then either pass  
32 the ordinance to second reading or remand the proposed order and findings of the hearings  
33 officer to the Executive Officer or the hearings officer for new or amended findings. If new  
34 or amended findings are prepared, parties to the case shall be provided a copy of the new  
35 order and findings by mail no less than 7 calendar days prior to the date upon which the  
36 council will consider the new order and findings, and parties will be given the opportunity to  
37 provide the council with oral or written testimony regarding the new order and findings.  
38

### 39 3.01.70 Final Action Notice Requirements 40

41 (a) The District shall give each county and city in the District notice of each  
42 amendment of the UGB. The District shall also notify the government with jurisdiction,  
43 which notice shall include a statement of the local action that will be required to make local  
44 plans consistent with the amended UGB and the date by which that action must be taken.



1           **3.01.75           Boundary Line Location Interpretation**  
2

3           (a) When the UGB map and the legal description of the UGB are found to be  
4 inconsistent, the Executive Officer is hereby authorized to determine and interpret whether  
5 the map or the legal description correctly establishes the UGB location as adopted and to  
6 correct the map or description if necessary. In determining where the adopted UGB is  
7 located, the Executive Officer shall review the record to determine legislative intent. The  
8 map location should be preferred over the legal description in absence of clear evidence to  
9 the contrary, provided that for those recent adjustments or amendments where a legal  
10 description was used as an exhibit at the public hearing, the legal metes and bounds  
11 description shall be the accepted boundary.  
12

13           (b) A city, county or special district whose municipal or planning area boundary  
14 includes the property, or a property owner who would be included or excluded from the  
15 urban area depending on whether the map or legal description controls, may request that the  
16 Executive Officer render an interpretation under this section. If the request is submitted in  
17 writing, the Executive Officer shall make the requested interpretation within 60 calendar days  
18 after the request is submitted.  
19

20           (c) Within ten working days of rendering the interpretation, the Executive Officer, or  
21 designate, shall provide a written notice and explanation of the decision to each city or  
22 county whose municipal or planning area boundaries include the area affected, owners of  
23 property in the area affected, and the Council.  
24

25           (d) Any party eligible to request an interpretation under subsection (B) may appeal to  
26 the Council for a determination of where the UGB is located if that party disagrees with the  
27 Executive Officer's interpretation or if the Executive Officer fails to render an interpretation  
28 requested under subsection (B). Such appeal must be filed with the District within twenty  
29 (20) calendar days of receipt of the Executive Officer's interpretation or within eighty (80)  
30 calendar days after submission of the request for interpretation to the Executive Officer,  
31 whichever is later.  
32

33           **3.01.80           Chapter Regulation Review**  
34

35           The procedures in this chapter shall be reviewed by the District every 5 years, and  
36 can be modified by the Council at any time to correct any deficiencies which may arise.  
37 This chapter shall be submitted upon adoption to the Land Conservation and Development  
38 Commission for acknowledgement pursuant to ORS 197.251, as an implementing measure to  
39 the District UGB. Amendments to this chapter shall be submitted to the Department of Land  
40 Conservation and Development pursuant to the requirements of OAR 660 Divisions 18 and  
41 19 as appropriate.  
42  
43  
44

1     **3.01.85     Severability**

2  
3             Should a section, or portion of any section of this chapter, be held to be invalid or  
4     unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall  
5     continue in full force and effect.

**PERIODIC REVIEW FINDINGS**

## **PERIODIC REVIEW FINDINGS**

### **INTRODUCTION**

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. 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; or
4. Completion of additional local planning that was required or agreed to during acknowledgement.

DLCD has reviewed the current statewide 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.

### **FINDINGS**

Metro has evaluated the performance of the UGB program in response to Factors One and Two. The following findings are presented by the subfactors identified in the Periodic Review notice.

#### **Subfactor One A - Unanticipated Developments or Events:**

Four major unexpected occurrences were experienced between 1980 and 1987 (most current date for which comprehensive demographic documentation is available):

- o Population growth occurred at a slower rate (4.95% for the SMSA) than forecast in 1980 due to the 1980-82 recession. In 1982 the SMSA actually lost population. Growth has occurred steadily since then.

- o Household size decreased from 2.6 to 2.52 persons from 1980 to 1986. This is a faster rate of decrease than anticipated in preparing the UGB acknowledgement forecast. That forecast assumed that household size in the year 2000 would be 2.5 persons per household.
- o Development density as articulated in acknowledged local comprehensive plans is higher than anticipated both for residential and employment uses.
- o Net growth in population and housing have been experienced in unincorporated areas outside of the Metro UGB. It was assumed that this would not occur when the UGB was acknowledged.

While these are significant events, the implications for the UGB at this time are minimal. Each of these trends reinforce the conclusion that there is sufficient urban land within the existing UGB to accommodate urban land supply needs beyond the year 2010.

#### **Subfactor One B - Cumulative Effects of UGB Amendments**

Table 1 identifies all UGB amendments that occurred between acknowledgement and January, 1992. A total of 2625 acres have been added to the UGB since acknowledgement. That is an approximate 1.2 % increase in the urban land supply since 1980. The bulk (approximately 79%) of UGB amendment petitions submitted in that period were for "locational adjustments". The bulk of acreage added to the UGB (92.4%) was through "major amendments."

The minimal amount of land added to the UGB since acknowledgement is consistent with expectations. When DLCD acknowledged the "market factor" approach to UGB management proposed by Metro, it was expected there would be little need to adjust the UGB through the year 2000.

TABLE 1

URBAN GROWTH BOUNDARY AMENDMENTS: JANUARY, 1980 THROUGH JANUARY, 1992

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, Clackamus	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	deny	0	90-371
87-4	Brennt Property, Lake Oswego	2	approve	0	88-265
87-5	BenjFran, Washington County	1	deny	0	88-018
88-1	Zurcher Property, Forest Grove	1	***	0	
88-2	Mt. Tahoma Trucking, Wilsonville	2	deny	0	
88-3	St. Francis Church, Wilsonville	2	approve	6	89-318
88-4	Bean Property, Oregon City	2	approve	15	89-286
89-1	Gravett	2	approve	6	90-345
90-1	Wagner	2	approve	6	91-395A
90-2	West Coast Grocery	2	withdrawn	0	
90-3	Washington County	2	approve	6	91-384
91-1	Dammasch	1	approve	184	92-441

91-2	Forest Park	3	approve	-19 92-444A
91-3	Tsugawa	2	withdrawn	0
91-4	PCC (Rock Creek)	1	pending	160

-----  
TOTAL ACRES ADDED

2625

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

\*\* RESOLUTION OF INTENT TO APPROVE ADOPTED.

\*\*\* APPROVED FOR 38 ACRES BUT NO ACTION FOLLOWING REMAND FROM LUBA

## **Subfactor One C - Plan Policies Relating to Goal Requirements**

Metro resolutions nos. 79-83 and 79-102 adopted four growth management policies as follows:

- o New urban development within the UGB shall be contiguous to areas of existing development in order to avoid leapfrogging or sprawl.
- o Undeveloped land within the UGB shall be preserved for future urban density 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.
- o 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.
- o 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 provided the framework for satisfying statewide planning goal 14 in the region by adopting a Regional Goals and Objectives, a Land Use Framework Element and an urban growth boundary including adoption of the above growth management policies. Actual implementation of the overall regional land use program depended on the local comprehensive land use and public facilities plans adopted by individual cities and counties within the Metropolitan Service District boundary. Metro aggressively reviewed local comprehensive and public facility plans during acknowledgement. Metro's review of local comprehensive plans focussed on the consistency between local plans regional goals and objectives and the above growth management policies. Implementation of those plans, which incorporate the growth management policies, has been the responsibility of local jurisdictions and special districts since acknowledgement.

## **Subfactor One D - New Information.**

Population, housing, and employment forecasts are the primary factors used to identify urban land demand. The UGB Data Summary Section contains a summary of the demographic and land consumption analysis conducted for periodic review of the UGB. In preparing these findings the most current demographic data available was utilized. The principal documents were prepared by Metro's Data Resources Center



and include the following:

- o The Regional Factbook: Demographic, Employment, and Land Development Trends 1980-86. June 1988.
- o The Regional Forecast: 1995 and 2010. January, 1989

A third document, The Urban Growth Boundary Periodic Review Workplan prepared by the Metro Planning and Development Department and adopted by the Metro Council in December 1988, discusses the relationship between periodic review of the UGB and development of a regional Urban Growth Management Plan. The Urban Growth Management Plan, while not a part of the Periodic Review Order, is complementary and proceeding in parallel.

As the above documents indicate, there is no need to amend the UGB to add - additional urban land at this point in time. However, development trends in the region raise issues regarding potential future expansion of the UGB. The Urban Growth Management Plan will address these issues and provide a policy framework to guide UGB expansion when needed in the future.

#### Subfactor One E - Other Issues

ORS 197.752, Lands Available for Urban Development, was adopted by the state legislature in 1983. The statute provides a broad policy statement requiring that land within urban growth boundaries be available for urban development concurrent with the provision of key urban facilities and services in accordance with locally adopted development standards. The urban growth policies discussed in Subfactor One C are consistent with the policy statement and were included in local comprehensive plans at acknowledgement. No changes to the UGB program or other Metro policies are necessary to comply with the intent of the statute. Implementation has been the responsibility of local cities and counties within the Metro boundary.

#### Subfactor Two, Goal 2 - Land Use Planning

New language was adopted regarding the taking of exceptions to statewide planning goals. No exceptions have been taken by Metro in the region since acknowledgement. Counties have had principal responsibility for exceptions in the region, primarily from goals 3 and 4. The implications of these exceptions on UGB management is one of the issues Metro will investigate as outlined in the "Urban Growth Boundary Periodic Review Workplan."

#### Subfactor Two, Goal 9 - Industrial and Commercial 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. As indicated in the UGB Data Summary Section there is sufficient land designated for employment uses within the existing UGB to accommodate employment needs beyond the year 2010.

Designation of specific employment uses in the region is provided through local comprehensive plans and zoning regulations and, therefore, outside of Metro's direct responsibility. As requested by DLCD, Metro will seek to coordinate the local industrial and commercial land inventories and trend analyses through the Urban Growth Management Plan in order to assure reliable information on the availability of land designated for employment uses in the region.

#### **Subfactor Two, Goal 10 - Metropolitan Housing Rule**

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. Residential development has occurred at higher than expected densities since acknowledgement of the UGB. Coupled with future housing density expectations articulated through local comprehensive plans it appears that the region is well on its way to meeting density requirements of the Metro Housing Rule. No policy revisions are required at this time.

#### **Subfactor Two, Goal 11 - Public Facilities Rule**

OAR 660, Division 11 was amended to include a new rule defining the scope of public facilities plans and establishing procedures and standards for developing public facilities plans. Compliance with this rule 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 Urban Growth Management Plan which will establish the policy framework for amending the UGB in the future.

Meeting Date: August 27, 1992  
Agenda Item No. 6.1

RESOLUTION NO. 92-1662

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1662, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT FOR COMPETITIVE BIDDING IN METRO CODE CHAPTER 2.04.40, AND AUTHORIZING A SOLE SOURCE CONTRACT WITH PHILIP ENVIRONMENTAL SERVICES INC. FOR RECYCLING OF OIL-BASED PAINT WASTES COLLECTED AT METRO'S HOUSEHOLD HAZARDOUS WASTE FACILITIES

-----  
Date: August 19, 1992

Presented by: Councilor Wyers

Committee Recommendation: At the August 18 meeting, the Committee voted 4-0 to recommend Council adoption of Resolution No. 92-1662. Voting in favor: Councilors Buchanan, Hansen, McFarland and Wyers. Councilor Van Bergen was excused.

Committee Issues/Discussion: Sam Chandler and Jim Quinn, Solid Waste Facilities Staff, presented the staff report. Chandler noted that the proposed contract would allow for the recycling of a significant portion of the paint disposed of at Metro's HHW facilities. Currently this material is burned. The contract would save Metro about \$200/drum in disposal costs, or about \$65-95,000 per year.

Quinn explained that Metro will be sending oil-based paints to the contractor who will process the material and recover certain pigments and solids. These materials are then sent to a paint manufacturer that includes them in an industrial primer product. Quinn indicated that Metro also may send aerosol paint cans to the contractor for recycling following a review of other potentially more cost-effective disposal methods.

Quinn told the committee that about 60-65% of the latex paint brought to Metro facilities is being recycled. Metro also is exploring more cost-effective methods disposing of the latex paint that cannot be recycled, including disposal at the Columbia Ridge Landfill.



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

**To:** Solid Waste Committee Members

**From:** John Houser, Council Analyst

**Date:** August 11, 1992

**Re:** Resolution No. 92-1662, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding in Metro Code Chapter 2.04.040, and Authorizing a Sole Source Contract with Philip Environmental Services Inc. For Recycling of Oil-Based Paint Wastes Collected at Metro's Household Hazardous Waste Facilities

Resolution No. 92-1662 is scheduled for consideration by the Committee at the August 18 meeting.

## Background

The purpose of the resolution is to provide for a sole source contract with Philip Environmental Services of British Columbia for the recycling of various household hazardous waste (HHW) paint products delivered to Metro's HHW facilities. The contract would be for a maximum of \$200,000 for the remainder of this fiscal year. The amount paid under the contract would be based on a per drum or per bin amount depending on the type of product.

The primary immediate effect of the contract would be to reduce the cost of processing oil-based paints. Currently, such products are burned and used as an energy source. Philip Environmental would recycle the paint solids after the solvents are burnt off. The cost would be about \$225 less per 55-gallon drum than the present disposal process. Estimated annual savings would be between \$65-95,000.

The contract also allows Metro to permit Philip Environmental to process certain latex paints, aerosol spray paint cans, and empty paint cans. Staff is still evaluating the cost-effectiveness of these disposal processes.

The staff report indicates that the recycling process used by Philip Environmental is the only process of its type in North America.

### Issues and Questions

The committee may wish to address the following issues and questions related to the proposed resolution:

1) Does the estimated cost of the contract include only the processing of oil-based paints or could other paint-related products be processed within the \$200,000 maximum?

2) The staff report notes that spray paint cans "may" be sent to the Philip facility, noting that the cost would be about one-half the current cost of disposal. Is it staff's intent to send such cans to the Philip facility?

3) What is the current timeline for the development of the latex paint recycling program noted in the staff report? Could staff review the potential types of recycling and disposal options available for latex paint and the potential amounts or percentages of latex materials that could be recycled or disposed of by each option?

**BEFORE THE CONTRACT REVIEW BOARD OF THE  
METROPOLITAN SERVICE DISTRICT**

**FOR THE PURPOSE OF AUTHORIZING AN  
EXEMPTION TO THE REQUIREMENT OF  
COMPETITIVE BIDDING IN METRO CODE  
CHAPTER 2.04.40, AND AUTHORIZING A  
SOLE SOURCE CONTRACT WITH PHILIP  
ENVIRONMENTAL SERVICES INC. FOR  
RECYCLING OF OIL-BASED PAINT WASTES  
COLLECTED AT METRO'S HOUSEHOLD  
HAZARDOUS WASTE FACILITIES**

) **RESOLUTION NO. 92- 1662**  
)  
) **Introduced by Rena Cusma**  
) **Executive Officer**  
)  
)  
)  
)  
)  
)  
)

**WHEREAS, Metro's Household Hazardous Waste Collection Facility at the Metro South Transfer Station collects paints and other hazardous materials that require environmentally sound disposal; and**

**WHEREAS, Policy 2.2 of the Regional Solid Waste Management Plan states that "Metro shall manage household hazardous waste in accordance with the EPA's management hierarchy of 'reduce, reuse, recycle, treat, incinerate, and finally land disposal.' "; and**

**WHEREAS, Philip Environmental Services Inc. provides recycling services for paint-related wastes like those generated at the Metro South Household Hazardous Waste Facility, which are preferable under the EPA management hierarchy to the energy recovery incineration method currently utilized by Metro; and**

**WHEREAS, as documented in the attached staff report, Philip environmental is the only known provider of these recycling services; and**

**WHEREAS, The recycling services to be provided by Philip Environmental will result in significant cost savings to Metro; and**

**WHEREAS, This resolution was submitted to the Executive Officer for consideration and was forwarded to the Contract Review Board for approval; now therefore,**

BE IT RESOLVED, That the Contract Review Board of the Metropolitan Service District hereby exempts the attached contract (Exhibit "A" ) with Philip Environmental Services from the competitive bidding requirement in Metro Code Chapter 2.04.40,,and authorizes execution of the contract, because the Board finds Philip Environmental Services is the sole provider of the required services.

ADOPTED by the Contract Review Board of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Jim Gardner, Presiding Officer

JQ:ay  
SW921662.RES  
July 24, 1992





# GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 902580  
FUND: Operating DEPARTMENT: Solid Waste  
SOURCE CODE (IF REVENUE) \_\_\_\_\_

BUDGET CODE NO. 531-310213-526613-75000  
(IF MORE THAN ONE) 531-310214-526613-75000

### INSTRUCTIONS

- OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
- COMPLETE SUMMARY FORM.
- IF CONTRACT IS —
  - SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
  - UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
  - OVER \$2,500, ATTACH QUOTES, EVAL FORM, NOTIFICATION OF REJECTION, ETC.
  - OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
- PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT Pick up & transport for recycling or disposal certain paint-related wastes collected in Metro collection programs

2. TYPE OF EXPENSE

<input type="checkbox"/> PERSONAL SERVICES	<input checked="" type="checkbox"/> LABOR AND MATERIALS	<input type="checkbox"/> PROCUREMENT
<input type="checkbox"/> PASS THROUGH AGREEMENT	<input type="checkbox"/> INTER-GOVERNMENTAL AGREEMENT	<input type="checkbox"/> CONSTRUCTION
		<input type="checkbox"/> OTHER

OR

TYPE OF REVENUE  GRANT  CONTRACT  OTHER

3. TYPE OF ACTION

<input type="checkbox"/> CHANGE IN COST	<input type="checkbox"/> CHANGE IN WORK SCOPE
<input type="checkbox"/> CHANGE IN TIMING	<input checked="" type="checkbox"/> NEW CONTRACT

4. PARTIES Metro/Philip Environmental Services, Inc.

5. EFFECTIVE DATE 8/28/92 TERMINATION DATE 6/30/92  
(THIS IS A CHANGE FROM \_\_\_\_\_)

6. EXTENT OF TOTAL COMMITMENT:

ORIGINAL/NEW	\$ <u>200,000.00</u>
PREV. AMEND	_____
THIS AMEND	_____
<b>TOTAL</b>	\$ <u>200,000.00</u>

### 7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 19 92 93 \$ 200,000.00

B. BUDGET LINE ITEM NAME Haz Waste Disposal AMOUNT APPROPRIATED FOR CONTRACT \$ 900,000.00

C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF July 24, 1992 \$ 900,000.00

### 8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

_____ SUBMITTED BY	\$ _____ AMOUNT	<input type="checkbox"/> MBE
_____ SUBMITTED BY	\$ _____ AMOUNT	<input type="checkbox"/> MBE
_____ SUBMITTED BY	\$ _____ AMOUNT	<input type="checkbox"/> MBE

9. NUMBER AND LOCATION OF ORIGINALS Metro SW files/ Metro Contracts Division/ Philip Enviro

10. A. APPROVED BY STATE/FEDERAL AGENCIES?  YES  NO  NOT APPLICABLE  
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT  YES  NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS?  YES  NO  
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION \_\_\_\_\_
12. WILL INSURANCE CERTIFICATE BE REQUIRED?  YES  NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED?  YES  NOT APPLICABLE  
 TYPE OF BOND \_\_\_\_\_ AMOUNTS \_\_\_\_\_  
 TYPE OF BOND \_\_\_\_\_ AMOUNTS \_\_\_\_\_
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- |            |               |                              |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000  
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?  
 YES  NO  
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?  
 YES DATE \_\_\_\_\_ INITIAL \_\_\_\_\_

16. COMMENTS:

## GRANT/CONTRACT APPROVAL

  
INTERNAL REVIEW

CONTRACT REVIEW BOARD  
(IF REQUIRED) DATE \_\_\_\_\_

COUNCIL REVIEW  
(IF REQUIRED)

DEPARTMENT HEAD \_\_\_\_\_

1. \_\_\_\_\_  
COUNCILOR

DATE \_\_\_\_\_

FISCAL REVIEW \_\_\_\_\_

2. \_\_\_\_\_  
COUNCILOR

BUDGET REVIEW \_\_\_\_\_

3. \_\_\_\_\_  
COUNCILOR

LEGAL COUNSEL REVIEW AS NEEDED:

A. DEVIATION TO CONTRACT FORM \_\_\_\_\_

B. CONTRACTS OVER \$10,000 \_\_\_\_\_

C. CONTRACTS BETWEEN GOVERNMENT AGENCIES \_\_\_\_\_

## EXHIBIT A

METRO CONTRACT NO. 902580

### PUBLIC CONTRACT

THIS Contract is entered into between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, whose address is 2000 S.W. First Avenue, Portland, Oregon 97201-5398, hereinafter referred to as "Metro," and Philip Environmental Services, Inc. whose address is 4623 Byrne Road, Burnaby, BC, CANADA V5J 3H6, hereinafter referred to as the "Contractor."

THE PARTIES AGREE AS FOLLOWS:

#### ARTICLE I

##### SCOPE OF WORK

Contractor shall perform the work and/or deliver to Metro the goods described in the Scope of Work attached hereto as Attachment A. All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

#### ARTICLE II

##### TERM OF CONTRACT

The term of this Contract shall be for the period commencing August 28, 1992 through and including June 30, 1993

#### ARTICLE III

##### CONTRACT SUM AND TERMS OF PAYMENT

Metro shall compensate the Contractor for work performed and/or goods supplied as described in Attachment B. Metro shall not be responsible for payment of any materials, expenses or costs other than those which are specifically included in Attachment B.

**ARTICLE IV**  
**LIABILITY AND INDEMNITY**

Contractor is an independent contractor and assumes full responsibility for the content of its work and performance of Contractor's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Contract, and shall indemnify and hold harmless Metro, its agents and employees, from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Contract. Contractor is solely responsible for paying Contractor's subcontractors. Nothing in this Contract shall create any contractual relationship between any subcontractor and Metro.

**ARTICLE V**  
**TERMINATION**

Metro may terminate this Contract upon giving Contractor seven (7) days written notice. In the event of termination, Contractor shall be entitled to payment for work performed to the date of termination. Metro shall not be liable for indirect or consequential damages. Termination by Metro will not waive any claim or remedies it may have against Contractor.

**ARTICLE VI**  
**INSURANCE**

Contractor shall purchase and maintain at the contractor's expense, the following types of insurance covering the contractor, its employees and agents.

A. Broad form comprehensive general liability insurance covering personal injury, property damage, and personal injury with automatic coverage for premises and operations and product liability. The policy must be endorsed with contractual liability coverage.

B. Automobile bodily injury and property damage liability insurance.

Insurance coverage shall be a minimum of \$250,000 per person, \$500,000 per occurrence, and \$50,000 property damage. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000. METRO, its elected officials, departments, employees, and agents shall be named as an ADDITIONAL INSURED. Notice of any material change or policy cancellation shall be provided to METRO thirty (30) days prior to the change.

The contractor, its subcontractors, if any, and all employees working under this contract shall comply with ORS 656.017 for all employees. The contractor shall provide METRO with certification of workers' compensation insurance including employer's liability.

If required in the attached Scope of Work, the contractor shall provide professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in minimum of \$500,000. METRO shall receive certification of insurance and 30 days notice of material change or cancellation.

## ARTICLE VII

### PUBLIC CONTRACTS

All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement, including, but not limited to, ORS 279.310 to 279.320. ORS Chapter 279 states, in part, that the Contractor, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage to all their subject workers. Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws chapter 684.

**ARTICLE VIII  
ATTORNEY'S FEES**

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.

**ARTICLE IX  
QUALITY OF GOODS AND SERVICES**

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality.

All workers and subcontractors shall be skilled in their trades. Contractor guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by Metro, whichever is later. All guarantees and warranties of goods furnished to Contractor or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of Metro.

**ARTICLE X  
OWNERSHIP OF DOCUMENTS**

All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this agreement are the property of Metro and it is agreed by the parties hereto that such documents are works made for hire. Contractor does hereby convey, transfer and grant to Metro all rights of reproduction and the copyright to all such documents.

**ARTICLE XI  
SUBCONTRACTORS; DISADVANTAGED BUSINESS PROGRAM**

Contractor shall contact Metro prior to negotiating any subcontracts and Contractor shall obtain approval from Metro before entering into any subcontracts for the performance of any of the services and/or supply of any of the goods covered by this Contract.

Metro reserves the right to reasonably reject any subcontractor or supplier and no increase in the Contractor's compensation shall result thereby. All subcontracts related to this Contract shall include the terms and conditions of this agreement. Contractor shall be fully responsible for all of its subcontractors as provided in Article IV.

If required in the Scope of Work, Contractor agrees to make a good faith effort, as that term is defined in Metro's Disadvantaged Business Program (Section 2.04.160 of the Metro Code) to reach the goals of subcontracting 0 percent of the contract amount to Disadvantaged Business Enterprise and 0 percent of the contract amount to Women-Owned Business Enterprise. Metro reserves the right, at all times during the period of this agreement, to monitor compliance with the terms of this paragraph and Metro's Disadvantaged Business Program.

## ARTICLE XII

### RIGHT TO WITHHOLD PAYMENTS

Metro shall have the right to withhold from payments due Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage or claim which may result from Contractor's performance or failure to perform under this agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

If a liquidated damages provision is contained in the Scope of Work and if Contractor has, in Metro's opinion, violated that provision, Metro shall have the right to withhold from payments due Contractor such sums as shall satisfy that provision. All sums withheld by Metro under this Article shall become the property of Metro and Contractor shall have no right to such sums to the extent that Contractor has breached this Contract.

## ARTICLE XIII

### SAFETY

If services of any nature are to be performed pursuant to this agreement, Contractor shall take all necessary precautions for the safety of employees and others in the vicinity of the services being

performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

**ARTICLE XIV**

**INTEGRATION OF CONTRACT DOCUMENTS**

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, General and Special Instructions to Bidders, Proposal, Scope of Work, and Specifications which were utilized in conjunction with the bidding of this Contract are hereby expressly incorporated by reference. Otherwise, this Contract represents the entire and integrated agreement between Metro and Contractor and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both Metro and Contractor. The law of the state of Oregon shall govern the construction and interpretation of this Contract.

**ARTICLE XV**

**ASSIGNMENT**

Contractor shall not assign any rights or obligations under or arising from this Contract without prior written consent from Metro.

**PHILIP ENVIRONMENTAL SERVICES, INC.**

**METROPOLITAN SERVICE DISTRICT**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

JQ:xy  
PHILIP.CNT  
July 24, 1992



## **ATTACHMENT A SCOPE OF WORK**

1. Contractor shall pick up and transport for recycling or disposal certain paint-related wastes collected in Metro collection programs. These wastes will consist primarily of household hazardous waste (HHW) collected at Metro's HHW collection facilities, but may also consist of wastes collected from generators classified as Conditionally Exempt Generators (CEG's) under Oregon law, or of wastes isolated from mixed solid wastes at one of Metro's solid waste transfer stations.
  
2. Contractor shall accept types of wastes described in the attached Schedule 1, which is incorporated herein by this reference. Metro shall package wastes as described in Schedule 1. Where "sample required" is indicated in Schedule 1, Metro shall provide a representative sample to Contractor prior to the first shipment of that waste. Contractor will accept each waste type only if the physical and chemical characteristics of the sample are satisfactory to Contractor. Contractor shall assist Metro in preparing Waste Material Questionnaires based on the samples provided. Contractor and Metro will prepare separate Waste Material Questionnaires for each Metro facility that generates waste for pickup by Contractor.
  
3. Metro warrants and represents to Contractor to the best of Metro's knowledge, that all wastes tendered under this contract will conform to the composition and description specified in the Waste Material Questionnaires prepared, and that Metro has sole title to the waste tendered and is under no legal restraint whether statutory, regulatory, administrative, or judicial which prohibits transfer of title to same. If wastes presented for shipment are found to not conform to the appropriate Waste Material Questionnaire, title of the waste shall not pass to Contractor, and shall remain with Metro. At Metro's request, Contractor may as bailee for hire transport and dispose of any non-conforming waste provided to Contractor. Metro shall bear all reasonable additional costs of transportation and disposal of non-conforming waste incurred by Contractor and requested by Metro. To the extent that Contractor is unable or elects not to dispose of non-conforming waste, or if Metro so directs, Metro shall accept delivery of such non-conforming wastes at one of the Metro HHW facilities. All waste that Contractor accepts is accepted AS IS, WITH NO WARRANTIES. METRO DOES NOT WARRANT THAT WASTE ACCEPTED BY CONTRACTOR IS MERCHANTABILITY, OR THAT IT IS FIT FOR ANY PARTICULAR USE. METRO SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENTIAL DAMAGES STEMMING FROM THE USE OF ANY WASTE DELIVERED TO CONTRACTOR
  
4. Contractor shall prepare both US and Canadian manifests for all shipments of wastes picked up from Metro. Contractor shall prepare a sample shipping label for each type of waste to be picked up, prior to the first pickup of that waste type. Metro staff shall label wastes for shipment based on the sample provided by Contractor.

5. Contractor or Contractor's subcontractor shall provide transportation from either the Metro South Household Hazardous Waste Facility, located at 2001 Washington Street, Oregon City, Oregon, 97045, USA, or from the Metro Central Household Hazardous Waste Facility, located at 6161 NW 61st Avenue, Portland, Oregon, 97210, USA. Contractor may pick up wastes from other locations in the greater Portland area by mutual agreement.
6. Contractor shall, at Contractor's risk, load wastes onto transporting vehicles. Metro shall provide access to the waste and shall keep the location from which the wastes will be loaded in such condition as to enable Contractor to carry out the loading in a safe manner. Metro shall be responsible for control of the area and the loading point, and shall take all steps necessary to ensure the health and safety of all persons in the area including Contractor's employees. Transfer of title to the waste shall occur at the time Contractor completes loading of the waste at Metro's facility, subject to the provisions of item #3 above.
7. Contractor shall transport all wastes collected from Metro to the Ticor Technology Ltd. facility, located at 4623 Byrne Road, Burnaby, British Columbia, V5J 3H6, Canada.
8. Wastes transported to Contractor's facility shall be processed as described in Schedule 1. Where "recycle ash" is designated in Schedule 1, Contractor shall provide written certification to Metro that all ash produced during the incineration process is recycled by incorporation into a paint-related product. If Contractor at any time anticipates an inability to recycle the ash from wastes generated by Metro, Contractor shall provide reasonable advance notice to Metro, so that Metro may make alternate disposal arrangements.
9. Contractor shall purchase and maintain at contractor's expense, the following types of insurance covering the contractor, its employees and agents:
  - A. Broad form comprehensive general liability covering bodily injury, property damage, and personal injury with automatic coverage for premises/completed operations and product liability. The policy must be endorsed with contractual liability coverage.
  - B. Environmental Impairment Liability covering emissions, discharges, dispersals, disposal, releases, escapes or seepages of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids, gases, waste materials, irritants, and contaminants that spoil the land, atmosphere, or water.

Insurance coverage for general liability shall be a minimum of \$1,000,000. Environmental Impairment Liability shall be in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate.

Contractor or Contractor's subcontractor providing transportation services under this contract shall purchase and maintain at the transportation provider's expense, the following insurance covering the transportation provider, its employees and agents:

Automobile bodily injury and property damage liability, insurance including MCS-90 endorsement. The aggregate amount for automobile liability insurance coverage shall be in the amount of \$5,000,000.

METRO, its elected officials, departments, employees and agents shall be named as an ADDITIONAL INSURED under all of the above policies. Notice of any material change or policy cancellation shall be provided 30 days prior to the change. Contractor shall provide Metro with a certificate or certificates of insurance as specified in Article VI of the contract form.

10. Metro shall normally notify Contractor at least ten working days before wastes are to be picked up by Contractor, and shall describe types and amounts of wastes to be picked up. Contractor shall pick up all properly packaged and labeled wastes that are included in Schedule 1 when requested by Metro. When possible, Metro shall accumulate a load of 30 to 40 drums for pickup.
11. Each calendar quarter, Contractor shall provide Metro with a report showing summaries of the final disposition of all wastes picked up by Contractor from Metro. This shall include information on number of drums and bins of each category described on Schedule 1, and whether the wastes were disposed of in the manner described on Schedule 1. If this report is inconsistent with Metro data, Contractor shall assist Metro in determining the source of the inconsistency.
12. Contractor shall comply with ORS 656.017 for all employees who work in the state of Oregon for more than 10 days. The contractor shall provide Metro with certification of worker's compensation including employer's liability.
13. Contractor shall perform all services in accordance with all applicable US, Canadian, state, provincial and local laws, rules, regulations and orders. Contractor warrants and represents to Metro that it has obtained and is in good standing under and will continue to maintain all licenses and permits required to carry out its obligations under this contract.
14. Metro warrants and represents to Contractor that it is in compliance with all U.S. and state laws and licensing requirements required to carry out its obligations under this contract, and that it has received all permits, licenses, authorizations, and identification numbers required for Metro's activities described in this contract.

## **Schedule 1**

### **1. Oil-based paint solids**

**This category consists of non-pumpable solvent-based wastes consolidated by Metro staff. The solid portion of containers of unwanted or used commercial products including oil-based paints, stains, lacquers, thinners, strippers (non-corrosive), inks, dyes, and epoxy resins are bulked into this category.**

**Sample required.**

**Packaging: DOT 17H open top drums, 55-gallon, new drums only.**

**Disposal: thermal oxidation, recycle ash. (Any incidental high-BTU liquids collected in the course of processing this category may be shipped off-site for fuel blending as per Contractor's standard procedures.)**

### **2. Latex paint waste**

**This category includes all latex paints that are rejected from Metro's latex recycling program.**

**Sample required.**

**Packaging: DOT 17H open top drums, 55-gallon, new drums only.**

**Disposal: thermal oxidation, recycle ash.**

### **3. Aerosol paints**

**This category includes cans of spray paint and paint-related materials: The cans may be full, partially full, or nearly empty.**

**Packaging: loose-packed in DOT 17H open-top drums, 55-gallons, reconditioned drums OK.**

**Disposal: depressurization of cans, incineration of propellant gases in rotary kiln, thermal oxidation of paint residues, recycling of metal.**

### **4. Contaminated empty paint cans**

**This category consists of empty metal cans generated in the course of consolidating materials for category #1. There are traces of paint-related material on these cans, but free liquids are less than 1% of the container capacity.**

**Packaging: cans nested together, not crushed, stacked in tote bins. Bins shall be 4' X 4' X 4' in dimension, and no cans shall protrude higher than 6 inches above the top of the bin. (Bins to be purchased by Metro and returned to Metro for reuse.)**

**Disposal: thermal oxidation of residues, recycling of metal.**

**ATTACHMENT B  
COST SCHEDULE**

1. Total payments under this contract shall not exceed \$200,000.00 (Two Hundred Thousand Dollars) for the period from August 28, 1992 until June 30, 1993.
2. Contractor shall bill Metro on a monthly basis. Metro shall pay contractor within 30 days of receiving an approved invoice. Payment will be based on the following schedule:

<u>Category</u>	<u>cost</u>
1. oil-based paint solids	\$325.00/55-gallon drum
2. latex paint waste solids	\$300.00/55-gallon drum
3. aerosol paints	\$300.00/55-gallon drum
4. contaminated empty paint cans	\$325.00/tote bin

JQ:ay  
PHILIP.SOW  
July 24, 1992

## STAFF REPORT

### **CONSIDERATION OF RESOLUTION NO. 92-1662 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING IN METRO CODE CHAPTER 2.04.040, AND AUTHORIZING A SOLE SOURCE CONTRACT WITH PHILIP ENVIRONMENTAL SERVICES INC. FOR RECYCLING OF OIL-BASED PAINT WASTES COLLECTED AT METRO'S HOUSEHOLD HAZARDOUS WASTE FACILITIES**

Date: July 21, 1992

Presented by: Sam Chandler  
Jim Quinn

## PROPOSED ACTION

Adoption of Resolution No. 92-1662 would authorize exemption to competitive bidding procedures and authorize execution of the attached public contract (Exhibit A) with Philip Environmental Services for recycling of various paint-related wastes that are collected at Metro's Household Hazardous Waste Facilities. This contract would provide a recycling opportunity that is both higher on the hazardous waste reduction hierarchy and less expensive than the disposal option currently being utilized. Philip Environmental's Ticor Facility is the only facility in North America that provides this type of paint recycling.

## FACTUAL BACKGROUND AND ANALYSIS

The Household Hazardous Waste Collection Facility at Metro South has been operating for more than five months, and has serviced about 5000 participants. During this time about 30,000 gallons of paint, both latex and oil-based, have been collected, along with a variety of other hazardous materials.

The staff at the facility are continually searching out new recycling and disposal methods for the materials collected that are more environmentally sound or more cost-effective than current disposal practices. The staff recently learned of a paint recycler, Philip Environmental, that provides a paint recycling service for oil-based paint solids and certain other paint-related wastes that are collected in Metro's household hazardous waste program.

Under the proposed contract with Philip, they will pick up paint-related wastes collected at the HHW Facility (and possibly other Metro locations when appropriate), transport them to their plant in British Columbia, and process them using a unique recycling procedure which they have developed.

The primary waste stream to be handled by Philip is the solid portion of oil-based paints. Philip's process involves passing the paint solids through a rotary kiln to burn off all of the residual solvents, leaving behind an ash containing only pigments and other relatively non-hazardous

solids. These solids are then sold to a paint manufacturer, also located in British Columbia, who blends them in as part of an industrial primer product which they produce. To insure that the ash is in fact recycled, the proposed contract includes a clause requiring Philip to provide a certificate of recycling for each batch processed. The contract also calls for Philip to notify Metro in advance if for any reason they are not able to guarantee ash recycling.

Currently, solids from oil-based paints collected at the Metro South HHW facility are shipped to a cement kiln, where they are incinerated, and the energy is used in the course of kiln operations. This costs Metro \$550.00 per drum under our current contract with Western Compliance Services, whereas Philip will process the waste at \$325.00 per drum. About 6 to 8 drums per week of paint solids could be sent to Philip. This would result in a savings of \$1350 to \$1800 per week to Metro.

In addition to the cost savings, this recycling alternative is higher on the waste reduction hierarchy for household hazardous waste. This hierarchy, adopted by the Metro Council as policy 2.2 of the Regional Solid Waste Management Plan, prioritizes household hazardous waste management practices in the following order: reduce, reuse, recycle, treat, incinerate, and finally, land disposal.

The proposed contract with Philip also allows for recycling of other paint-related waste streams. Cans of spray paint may be sent to the Philip facility, where they will be safely emptied of their contents so that the metal may be recycled. This can be done at half the cost of our current disposal method, destructive incineration.

The contract also allows for sending latex paint solids to Philip. It is not certain that this option will be utilized, as facility staff are currently investigating the feasibility of a much less expensive solidification disposal method. If it is utilized, it would only be for latex paint that is low in hazardous components, and is not recyclable through the latex paint recycling program currently under development. This would probably amount to about 25% of the latex paint collected.

The final waste stream addressed in the Philip contract is empty paint cans contaminated with traces of solvent wastes. These cans would be sent through Philip's kiln and cleaned of solvent residues, so that they would be acceptable to a scrap metal recycler. Currently these cans are simply disposed of as regular trash. Because of the high cost of this option, it is uncertain whether it would be utilized.

Considerable information on hazardous waste disposal has been gathered by the Solid Waste Operations Division over the past year or so, and it is quite clear from our research that no service comparable to that provided by Philip is available anywhere in North America. We sent out a household hazardous waste disposal RFP in June of 1991, telling respondents that recycling methods were preferred. None of the respondents proposed any type of paint recycling.

Several Metro staff persons went to a national conference on household hazardous waste in December of 1991, attended all sessions relating to paint disposal, and networked extensively with program representatives from around the country. Metro staff was specifically looking for a method of recycling oil-based paint, and did not discover any company involved in that activity.



Extensive contact with DEQ, various hazardous waste industry representatives, and paint industry managers and consultants over the past year turned up no information on paint recycling similar to that conducted by Philip.

### **BUDGET IMPACT**

The proposed contract with Philip includes a maximum expenditure of \$200,000, which would come from the existing hazardous waste disposal allocation. The FY 1992-1993 Operations budget includes \$1,170,000 for hazardous waste disposal.

### **EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 92-1662.

JQ:ay  
STAF0721.RPT  
July 24, 1992

Meeting Date: August 27, 1992  
Agenda Item No. 6.2

RESOLUTION NO. 92-1666



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503.221-1646

# Memorandum

**DATE:** August 21, 1992

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council *PA*

**RE:** AGENDA ITEM NO. 6.2; RESOLUTION NO. 92-1666

The Transportation & Planning Committee will meet to consider Resolution No. 92-1666 on August 25. The Committee Report will be distributed in advance to Councilors and available at the Council meeting August 27, 1992.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ACCEPTING	)	RESOLUTION NO. 92-1666
NOMINEES TO THE METRO COMMITTEE	)	
FOR CITIZEN INVOLVEMENT	)	Introduced by Councilor
(METRO CCI)	)	Richard Devlin

WHEREAS, The Metro Council adopted the Regional Urban Growth Goals and Objectives (RUGGOs) on September 26, 1991 by Ordinance 91-418B; and

WHEREAS, A partnership is described therein between Metro, citizens, cities, counties, special districts, school districts, and state and regional agencies to work together in this planning process; and

WHEREAS, Implementation of that partnership is intended to occur, in large part, through the Regional Policy Advisory Committee (RPAC), established by Resolution No. 91-1489B on September 26, 1991; and

WHEREAS, Citizen Participation is included in the RUGGOs as the first objective under Goal 1, the Regional Planning Process; and

WHEREAS, Objective 1.1 states that Metro shall establish a Regional Citizen Involvement Coordinating Committee (RCICC) to assist with the development, implementation and evaluation of its citizen involvement program and to advise the Regional Policy Advisory Committee regarding ways to best involve citizens in regional planning activities; and

WHEREAS, a committee was formed to draft, develop, solicit comments upon, and revise, a set of bylaws to establish the RCICC; and

WHEREAS, These bylaws identify the committee as the Metro Committee for Citizen Involvement (Metro CCI); and

WHEREAS, These bylaws have been adopted by the Metro Council on May 28, 1992; and

WHEREAS, The selection process for nomination to the Metro CCI has been initiated, resulting in the nominations of individuals selected from each county's pool of applicants to act as their representative and alternate in the activities of the Metro CCI; now, therefore,

BE IT RESOLVED,

1. That the Metro Council accepts the initial membership of the Metro Committee for Citizen Involvement (Metro CCI) as those nominees identified in Exhibit A, attached to this resolution and dated August 19, 1992.

2. That the Metro Council directs the Presiding Officer to immediately initiate a second round of the selection process for nomination to the Metro CCI. The focus of this process will be to complete the membership of the Metro CCI in an expeditious manner.

ADOPTED BY THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT  
this \_\_\_\_ day of \_\_\_\_\_, 1992.

Jim Gardner, Presiding Officer

## EXHIBIT A

**METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI)  
POSITION DESCRIPTIONS AND NOMINEES  
FOR INITIAL MEMBERSHIP AND ALTERNATES**

August 19, 1992

**Representing Areas Within Metro Council Districts:**

**Position #1 (and alternate):** Represents area within Metro Council district #1 in Washington County for a three year term; beginning immediately and ending on December 31, 1995.

(To be filled from  
second round process)

(To be filled from  
second round process)

**Position #2 (and alternate):** Represents area within Metro Council district #2 in Washington County for a two year term; beginning immediately and ending on December 31, 1994.

James B. Langston, Member  
14935 SW Davis Rd.  
Beaverton, OR 97007

Steve G. Abeling, Alternate  
7619 SW Locust St.  
Portland, OR 97223

**Position #3 (and alternate):** Represents area within Metro Council district #3 in Multnomah County for a three year term; beginning immediately and ending on December 31, 1995.

Mark P. Foye, Member  
6319 SW Bvtn Hillsdale #33  
Portland, OR 97221

Michael P. Roche, Alternate  
4320 SW Corbett #109  
Portland, OR 97201

**Position #4 (and alternate):** Represents area within Metro Council district #4 primarily in Washington County but with portions of Clackamas and Multnomah Counties for a one year term; beginning immediately and ending on December 31, 1993.

Wandama Githens, Member  
9675 SW Hillview Ct  
Tigard, OR 97223

(To be filled from  
second round process)

**Position #5 (and alternate):** Represents area within Metro Council district #5 in Clackamas County for a one year term; beginning immediately and ending on December 31, 1993.

Sidney T. Bass, Member  
1110 Laurel St.  
Lake Oswego, OR 97034

(To be filled from  
second round process)

**Position #6 (and alternate):** Represents area within Metro Council district #6 in Clackamas County for a three year term; beginning immediately and ending on December 31, 1995.

William Pendarius, Member  
11781 SE 162nd  
Clackamas, OR 97015

(To be filled from  
second round process)

Position #7 (and alternate): Represents area within Metro Council district #7 in Multnomah County for a two year term; beginning immediately and ending on December 31, 1994.

Gail A. Cerveny, Member  
1675 SW Battaglia  
Gresham, OR 97080

Linda A. Bauer, Alternate  
6232 SE 158  
Portland, OR 97236

Position #8 (and alternate): Represents area within Metro Council district #8 in Multnomah County for a one year term; beginning immediately and ending on December 31, 1993.

(To be filled from  
second round process)

(To be filled from  
second round process)

Position #9 (and alternate): Represents area within Metro Council district #9 in Multnomah County for a three year term; beginning immediately and ending on December 31, 1995.

(To be filled from  
second round process)

(To be filled from  
second round process)

Position #10 (and alternate): Represents area within Metro Council district #10 in Multnomah County for a two year term; beginning immediately and ending on December 31, 1994.

Alice P. Blatt, Member  
15231 NE Holladay St.  
Portland, OR 97230

Bernard I. Galitzki, Alternate  
2874 NW Cumberland Rd  
Portland, OR 97210

Position #11 (and alternate): Represents area within Metro Council district #11 in Multnomah County for a one year term; beginning immediately and ending on December 31, 1993.

Julie S. Omelchuck, Member  
3114 NE 50th  
Portland, Or 97213

Donald B. MacGillivray, Alternate  
2339 SE Yamhill  
Portland, OR 97214

Position #12 (and alternate): Represents area within Metro Council district #12 in Multnomah County for a three year term; beginning immediately and ending on December 31, 1995.

Rick L. Lee, Member  
35 N. Morgan  
Portland, OR 97217

Jeff W. Darden, Alternate  
2039 NE Halman St  
Portland, OR 97211

Position #13 (and alternate): Represents area within Metro Council district #13 in Washington County for a one year term; beginning immediately and ending on December 31, 1993.

Geoffrey W. Hyde, Member  
10217 NW Alpenglow Way  
Portland, OR 97229

Clare E. Perry, Alternate  
3851 NW 163rd Terrace  
Beaverton, OR 97006

Representing Area Outside Metro Boundary:

Position #14 (and alternate): Represents area within Clackamas County not a part of a Metro District boundary for a three year term; beginning immediately and ending on December 31, 1995.

Ulrick (Ric) Frederick Buhler, Member (To be filled from  
13001 SE Lusted Rd second round process)  
Sandy, OR 97055

Position #15 (and alternate): Represents area within Multnomah County not a part of a Metro District boundary for a two year term; beginning immediately and ending on December 31, 1994.

(To be filled from  
second round process)

(To be filled from  
second round process)

Position #16 (and alternate): Represents area within Washington County not a part of a Metro District boundary for a one year term; beginning immediately and ending on December 31, 1993.

Christine M. Clark King, Member (To be filled from  
20700 SW Collins Rd. second round process)  
Hillsboro, OR 97124

Representing County CCI or CIC's:

Position #17 (and alternate): Represents the Clackamas County Committee for Citizen Involvement (CCI) for a two year term; beginning immediately and ending on December 31, 1994.

Cheryl Broetje-McLaughlin, Member Bill Merchant, Alternate  
3033 A SE Courtney Rd. 19634 S. Ferguson  
Milwaukie, OR 97222 Oregon City, OR 97045

Position #18 (and alternate): Represents the Multnomah County Citizen Involvement Committee (CIC) for a one year term; beginning immediately and ending on December 31, 1993.

Katherine Cheney, Member Angel Olsen, Alternate  
2865 SW Upshire 19319 NE Couch  
Portland, OR 97210 Gresham, OR 97230

Position #19 (and alternate): Represents the Washington County Committee for Citizen Involvement (CCI) for a three year term; beginning immediately and ending on December 31, 1995.

Bob Boathman, Member (To be filled from  
second round process)



## Staff Report

CONSIDERATION OF RESOLUTION 92-1666, FOR THE PURPOSE OF ACCEPTING NOMINEES TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI) AND INITIATING A SECOND ROUND OF NOMINATIONS TO COMPLETE THE MEMBERSHIP OF THE COMMITTEE.

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Date: August 19, 1992

Presented by: Judy Shioishi

## Background

Attached is an information sheet about the Metro CCI which was written by Gail Ryder, Council Analyst, to accompany a solicitation for membership (Attachment A).

Resolution No. 92-1666 is the vehicle by which the Metro Council may accept or reject the initial group of nominees to the Metro CCI. If a nomination is rejected, it is to be returned to its originating body for a subsequent nomination.

A second round of the selection process will be required, even if all of the initial nominees are accepted. This need is due to two conditions: in some positions there were fewer applicants than hoped for, and in one nominating organization, the committee decided to hold the nominations of alternates until the second round of applications were received.

Exhibit A, referenced in the Resolution, identifies the nominees as forwarded by the county organizations. Applications are available for your review in the Council Office.

The Transportation and Planning Committee may choose to:

- Amend the list, rejecting one or more of the applicants and forward the recommendations to the Council.
- Approve the entire list, and forward the nominations to the Council.
- Reject the list in its entirety.

The Metro Council has the same range of options of amending, approving or rejecting the list of nominees in their consideration of the Resolution.

**METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI)**

The regional planning programs of the Metropolitan Service District (Metro) require a "regional partnership" with citizens, cities, counties, special districts, school districts, and state and regional agencies. This partnership is described in Goal I, the Regional Planning Process, of the Regional Urban Growth Goals and Objectives (RUGGO), which were adopted by the Council on September 26, 1991.

Implementation of this partnership will occur, in large part, through the Regional Policy Advisory Committee (RPAC) which was established by Resolution No. 91-1489B on September 26, 1991 and through establishment of a Regional Citizen Involvement Coordinating Committee.

This committee, newly named the Metro Committee for Citizen Involvement, or Metro CCI, was created by Resolution No. 92-1580 which was unanimously adopted by the Council on May 28, 1992. The Metro CCI was created to assist with the "development, implementation and evaluation of its citizen involvement program" and "advise the RPAC in ways to best involve citizens in regional planning activities." The committee will focus on involving citizens in the "process" of Metro decision making.

Bylaws for the Metro CCI, which were adopted with the enabling resolution, were completed by the extensive work of a special steering committee, which commenced work in October of 1991. Participants in the group were members of the Clackamas County CCI, Multnomah County CIC, Washington County CCI, and citizen representatives of the cities of Portland, Gresham, Lake Oswego, Beaverton and Forest Grove. Staff support for the Metro CCI will be provided by the Metro Council office and copies of the Bylaws and/or enabling resolutions may be obtained by request.

The Metro CCI will represent the entire area within the boundaries of Clackamas, Multnomah and Washington Counties. There are 19 membership and 19 alternate positions to be filled by non-elected officials, for a total of 38 positions. Regular members will be expected to represent the interests of their constituency at all meetings. Three unexcused absences from regularly scheduled meetings shall require the Chair to declare a vacancy in the position. Alternates are appointed to serve in the absence of regular members. Alternates are encouraged to attend meetings on a participatory but non-voting basis and should be prepared to be appointed as a regular member should a vacancy occur.

Final appointment to the Metro CCI will be by the Metro Council from the list of final nominations selected by the Clackamas County CCI, Multnomah County CIC, and Washington County CCI. If a nomination is rejected, it shall be returned to its originating body for a subsequent nomination. This initial selection shall be for varying terms from one to three years in duration but shall be for three years terms henceforth.



# METRO

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

DATE: August 28, 1992

TO: Metro Council  
Executive Officer  
Interested Staff

FROM: Paulette Allen, Clerk of the Council *PA*

RE: COUNCIL ACTIONS OF AUGUST 27, 1992 (REGULAR MEETING)

-----

COUNCILORS PRESENT: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Tanya Collier, Richard Devlin, Ed Gronke, Sandi Hansen, Ruth McFarland, Susan McLain, George Van Bergen and Ed Washington. COUNCILORS ABSENT: Larry Bauer

## AGENDA ITEM

## ACTION TAKEN

- |  |  |
|--|--|
| 1. <u>INTRODUCTIONS</u>  | None.  |
| 2. <u>CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS</u>  | None.  |
| 3. <u>EXECUTIVE OFFICER COMMUNICATIONS</u>   | None.  |
| 4. <u>CONSENT AGENDA</u>   | Adopted (Buchanan/McFarland; 10-0 vote).             |
| 4.1 Minutes of May 28 and June 11, 1992  |  |
| 5. <u>ORDINANCES, FIRST READINGS</u>   |  |
| 5.1 Ordinance No. 92-471, For the Purpose of Amending the Metro Code to Modify the Designated Facility Status of Columbia Ridge Landfill for Purposes of Flow Control, to Add Roosevelt Regional Landfill to the List of Designated Facilities, to Establish Criteria to Consider in Designating Disposal Facilities, and Declaring an Emergency | Referred to the Solid Waste Committee.               |
| 5.2 Ordinance No. 92-450, An Ordinance Adopting a Final Order for Periodic Review of the Metro Urban Growth Boundary   | Referred to the Transportation & Planning Committee. |

(Continued)



**6. RESOLUTIONS**

- 6.1 Resolution No. 92-1662, For the Purpose of Adopted (Wyers/Hansen; Authorizing an Exemption to the Requirement for Competitive Bidding in Metro Code Chapter 2.04.040, and Authorizing a Sole Source Contract with Philip Environmental Services, Inc. for Recycling of Oil-Based Paint Wastes Collected at Metro's Household Hazardous Waste Facilities 10-0 vote).
- 6.2 Resolution No. 92-1666, For the Purpose of Adopted (Buchanan/Collier; Accepting Nominees to the Metro Committee for Citizen Involvement (Metro CCI) 11-0 vote).

**7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

1) Councilor McLain noted she attended a conference September 24-25 on conflict resolution techniques which she said could be useful for the Council when dealing with local entities and citizens and for Council interpersonal relations. 2) Councilor Hansen noted Metro's Student Congress would be held at the Oregon Convention Center on Saturday, October 17, and said all Councilors would be invited to a round table luncheon to enable students to participate in a question and answer session on regional issues. Councilor McLain said a television commercial to advertise the event would be filmed Friday, August 28. 3) Councilor McLain reviewed recent Regional Facilities Committee activity including its consideration of Resolution No. 92-1652, Authorizing a Development Effort and Stating Metro's Intent to Provide Financing Via General Obligation Bonds for the End of the Oregon Trail Project. She said the resolution was tentatively scheduled for another hearing on Tuesday, September 8. Councilor McLain also discussed the Task Force on Funding Regional Facilities activities to date. Councilor Washington said he attended a Task Force meeting August 27 and had stated the Council's position on a tax base for funding the regional recreational facilities. 4) Presiding Officer Gardner reminded Councilors of Council retreat to be held August 29 at the Oregon Convention Center and noted Andy Cotugno, Director of Transportation, would facilitate discussions.

Council  
8/27/92 6.2

**PROCEDURE FOR PHASE II MEMBERSHIP SELECTION PROCESS FOR:**

**METRO COMMITTEE FOR CITIZEN INVOLVEMENT  
(METRO CCI)**

**Bylaws Review:** To refresh your memory, it may be helpful to re-look at the procedure for filling these nominations, outlined in the METRO CCI Bylaws, April 14, 1992. Specifically, Article IV. Membership, Section 2 - Membership Selection Process.

1. **Opening of recruitment period: August 28, 1992**  
Phase II will start with the opening of the recruitment period. Positions to be filled are identified in the attachment marked Exhibit A-2.  
Announcements made via
  - Recognized Neighborhood Associations and Citizen Participation Organizations
  - Mailings to interested individuals
  - Personal recruitment
2. **Filing of the applications: September 17, 1992**  
All applications must be filed with Metro. This includes the nominees for the county CCI or CIC representatives (Positions 17, 18 and 19). Applications must be received at Metro or postmarked no later than this date.  
Metro will forward sorted applications to county organizations on or by: September 23, 1992.
3. **County nominating process: September 23 - October 7, 1992**  
Upon receipt of the county applications from Metro, each county will process their nominations.
  - Set the date for the meeting and decide on the process to be used (interviews or application screening, etc.).
  - Notify Metro CCI staff (Judy Shiochi) regarding both of the above.
  - Notify Metro Councilors with Districts in the county.
  - Conduct selection process.
4. **Nominations Due date: October 8, 1992**  
All information regarding selections must be forwarded to Metro by this date.

**SUMMARY SCHEDULE OF EVENTS - Sept./Oct. 1992**

Recruitment Period: August 28, 1992 - September 17, 1992  
County receives sorted applications from Metro: September 23, 1992  
County Nomination Process: September 23 - October 7, 1992  
County Nominations Due: October 8, 1992  
Transportation & Planning Committee Decision: October 13, 1992  
Full Metro Council Decision: October 22, 1992