

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO. 99-803  
CHAPTER 3.09 OF THE METRO CODE )  
RELATING TO LOCAL GOVERNMENT ) Introduced by Councilor McLain  
BOUNDARY CHANGES AND )  
DECLARING AN EMERGENCY )

WHEREAS, the 1997 Oregon Legislature adopted Chapter 516 of Oregon Laws of 1997, which abolished the Portland metropolitan area Boundary Commission effective January 1, 1999, and authorized Metro, pursuant to ORS 268.347 through ORS 268.354, to adopt procedural and substantive provisions related to local government boundary changes; and

WHEREAS, MPAC recommended to the Council that provisions be adopted to carry out the legislative authorization subject to further refinement; and

WHEREAS, the Council adopted Ordinance 98-791 on December 17, 1998 which enacted Metro Code Chapter 3.09 Local Government Boundary Changes; and

WHEREAS, MPAC after further study has recommended that the Council adopt amendments to Chapter 3.09 in order to provide for an expedited process for certain boundary changes and to clarify other matters.


NOW THEREFORE,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

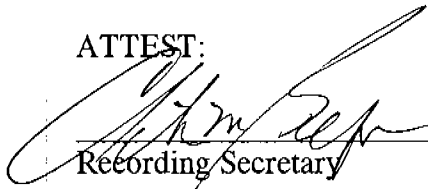
1. Chapter 3.09, Local Government Boundary Changes, is hereby amended as set forth in Exhibit A, attached hereto and incorporated by reference; and
2. This Ordinance is necessary for the immediate preservation of public health, safety and welfare; and an emergency is therefore declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1), in order for the amendments to

Chapter 3.09 to be in effect as soon as possible because the Portland metropolitan area local government Boundary Commission was abolished on January 1, 1999.

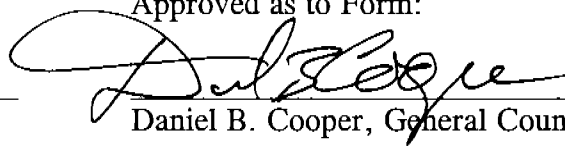
ADOPTED by the Metro Council this 20<sup>th</sup> day of May 1999.

  
\_\_\_\_\_  
Rod Monroe, Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Recording Secretary

Approved as to Form:

  
\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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**Ordinance No. 98-803**  
**Exhibit A**

CHAPTER 3.09

LOCAL GOVERNMENT BOUNDARY CHANGES

SECTIONS	TITLE
3.09.010	Purpose and Applicability
3.09.020	Definitions
3.09.030	Uniform Notice Requirements for Final Decisions
3.09.040	Minimum Requirements for Petitions
3.09.050	Uniform Hearing Requirements for Final Decisions
3.09.060	Creation of Boundary Appeals Commission
3.09.070	How Contested Case Filed
3.09.080	Alternate Resolution
3.09.090	Conduct of Hearing
3.09.100	Ex Parte Communications to the Boundary Appeals Commission
3.09.110	Ministerial Functions of Metro

3.09.010 Purpose and Applicability

The purpose of this chapter is to carry out the provisions of ORS 268.354. This chapter applies to all boundary changes within the boundaries of Metro or any urban reserve designated by Metro prior to June 30, 1997. Nothing in this chapter affects the jurisdiction of the Metro Council to amend the region's Urban Growth Boundary.

3.09.020 Definitions

As used in this chapter, unless the context requires otherwise:

(a) "Affected entity" means a county, city, city-county, or special district for which a boundary change is proposed or is ordered.

(b) "Affected territory" means territory described in a petition.

(c) "Approving entity" means the governing body of a city, county, city-county or district authorized to make a decision on a boundary change, or its designee.

(d) "Boundary change" means a major or minor boundary change, involving affected territory lying within the jurisdictional boundaries of Metro and the urban reserves designated by Metro prior to June 30, 1997.

(e) "Contested case" means a boundary change decision by a city, county or district that is contested or otherwise challenged by a necessary party.

(f) "District" means a district defined by ORS 198.710 or any district subject to the district boundary procedure act under state law.

(g) ~~"Final decision" means an adopted resolution or ordinance of an approving entity that is the final action of the approving entity on the boundary change, including a resolution or ordinance that declares the result of an election to which a boundary change decision has been referred.~~ means the action by an approving entity whether adopted by ordinance, resolution or other means which is the determination of compliance of the proposed boundary change with all applicable criteria and which requires no further discretionary decision or action by the approving entity other than any required referral to electors. "Final decision" does not include resolutions, ordinances or other actions whose sole purpose is to refer the boundary change to electors or to declare the results of an election.

(h) "Major boundary change" means the formation, merger, consolidation or dissolution of a city or district.

(i) "Minor boundary change" means an annexation or withdrawal of territory to or from a city or district or from a city-county to a city. "Minor boundary change" also means an extra-territorial extension of water or sewer service by a city or district.

(j) "Necessary party" means: any county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory, Metro, and any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory.

(k) "Petition" means a petition, resolution or other form of initiatory action for a boundary change.

(l) "Uncontested case" means a boundary change decision by an approving entity that is not challenged by a necessary party to that decision.

(m) "Urban services" means sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

### 3.09.030. Uniform Notice Requirements for Final Decisions

(a) The following minimum requirements apply to all boundary change decisions by an approving entity. Approving entities may choose to provide more notice than required. These procedures are in addition to and do not supersede the applicable requirements of ORS chapters 197, 198, 221 and 222 and any city or county charter for boundary changes. Each approving entity shall provide for the manner of notice of boundary change decisions to affected persons.

(b) An approving entity shall set a time for deliberations on a boundary change within 30 days after the petition is completed. The approving entity shall give notice of its proposed deliberations by mailing notice to all necessary parties, by weatherproof posting of the notice in the general vicinity of the affected territory, and by publishing notice in a newspaper of general circulation in the affected territory. Notice shall be mailed and posted at least 45 days prior to the date of decision for major boundary changes and for those minor boundary changes which are not within the scope of adopted urban service provider agreements and for which a shorter notice period has not been agreed to by all necessary parties. However, notice of minor boundary changes to special districts may be mailed and posted at least 40 days prior to the proposed date of decision. Notice shall be published as required by state law.

(c) The notice of the date of deliberations shall: describe the affected territory in a manner that allows certainty; state the date, time and place where the approving entity will consider the boundary change; and state the means by which any interested person may obtain a copy of the approving entity's report on the proposal. The notice shall state whether the approving entity intends to decide the

boundary change without a public hearing unless a necessary party requests a public hearing.

(d) An approving entity may adjourn or continue its final decision on a proposed boundary change to another time. For a continuance later than 31 days after the time stated in the original notice, notice shall be reissued in the form required by subsection (b) of this section at least 15 days prior to the continued date of decision. For a continuance scheduled within 31 days of the previous date for decision, notice shall be adequate if it contains the date, time and place of the continued date of decision.

(e) An approving entity's final decision shall be reduced to writing and authenticated as its official act within ~~30~~30 working days following the decision and mailed to Metro and to all necessary parties to the decision. The mailing to Metro shall include payment to Metro of the filing fee required pursuant to section 3.09.110. The date of mailing shall constitute the date from which the time for appeal runs for appeal of the decision to the Metro Boundary Appeals Commission.

(f) Each county shall maintain a current map and list showing all necessary parties entitled to receive notice of proposed boundary changes. A county shall provide copies of the map, list, and any changes thereto, to Metro.

#### 3.09.040 Minimum Requirements for Petitions

(a) A petition for a boundary change shall be deemed complete if it includes the following information:

- (1) The jurisdiction of the approving entity to act on the petition;
- (2) A narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Executive Officer;
- (3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk;
- (4) A listing of the present providers of urban services to the affected territory;

- (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;
- (6) The current tax assessed value of the affected territory; and
- (7) Any other information required by state or local law.

(b) A city or county may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

### 3.09.045 Expedited Decisions

(a) Approving entities may establish an expedited decision process that does not require a public hearing consistent with this section. Expedited decisions are not subject to the requirements of Sections 3.09.030(b) and 3.09.050(a), (b), (c), (e) or (f). The expedited decision process may only be utilized for minor boundary changes where the petition initiating the minor boundary change is accompanied by the written consent of one hundred percent (100%) of the property owners and at least fifty percent (50%) of the electors, if any, within the affected territory.

(b) The expedited decision process must provide for a minimum of 20 days notice to all interested parties. The notice shall state that the petition is subject to the expedited process. The expedited process may not be utilized if a necessary party gives written notice of its intent to contest the decision prior to the date of the decision. A necessary party may not contest a minor boundary change where the minor boundary change is explicitly authorized by an urban services agreement adopted pursuant to ORS 195.065.

(c) At least seven days prior to the date of decision the approving entity shall make available to the public a brief report that addresses the factors listed in Section 3.09.050(b). The decision record shall demonstrate compliance with the criteria contained in Sections 3.09.050(d) and (g).

(d) Decisions made pursuant to an expedited process are not subject to appeal by a necessary party pursuant to Section 3.09.070.

3.09.050 Uniform Hearing and Decision Requirements for Final  
Decisions Other Than Expedited Decisions

(a) The following minimum requirements for hearings on boundary change decisions operate in addition to all procedural requirements for boundary changes provided for under ORS chapters 198, 221 and 222. Nothing in this chapter allows an approving entity to dispense with a public hearing on a proposed boundary change when the public hearing is required by applicable state~~these~~ statutes or is required by the approving entity's charter, ordinances or resolutions.

~~(b) Except when a public hearing is requested by a necessary party, an approving entity may make a final decision on a completed petition for an annexation of territory without a public hearing when a decision without public hearing is allowed by state and local law, when the affected territory is surrounded by a city as described in ORS 222.750 ("island annexations") or when the petition is accompanied by the written consent of one hundred percent (100%) of the property owners and at least fifty percent (50%) of the electors within the affected territory ("100% owner annexations").~~

(b) Not later than 15 days prior to the date set for a boundary change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) and (g) below, and that includes at a minimum the following:

- (1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;
- (2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;
- (3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;



(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

(5) The proposed effective date of the decision.

~~(c) An approving entity shall conduct a public hearing on the proposed boundary change if a necessary party requests a hearing in a writing delivered to the approving entity not later than 15 days prior to the date set for the decision. The request for public hearing shall state In order to have standing to appeal a boundary change decision pursuant to Section 3.09.070 a necessary party must appear at the hearing in person or in writing and state reasons why the necessary party believes the boundary change is inconsistent with the approval criteria. A necessary party may not contest a boundary change where the boundary change is explicitly authorized by an urban services agreement adopted pursuant to ORS 195.065. At any public hearing, the persons or entities proposing the boundary change shall have the burden to prove that the petition meets the criteria for a boundary change.~~

~~(d) Not later than 30 days prior to the date set for a boundary change decision, the approving entity shall make available to the public a report that includes at a minimum the following:~~

~~(1) The extent to which urban services presently are available to serve the affected territory;~~

~~(2) The extent to which urban services serving the affected territory result from extraterritorial extensions of service outside the service provider's legal boundary;~~

~~(3) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;~~

~~(4) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;~~

~~(5) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and~~

~~(6) The proposed effective date of the decision.~~

~~(ed) An approving entity's final decision on a boundary change shall be reduced to writing and authenticated. A final decision that is subject to a public hearing shall be based on substantial evidence in the record of that hearing. All boundary change decisions whether made with or without a public hearing shall include findings of fact and conclusions from those findings as to addressing the following minimum criteria for decision:~~

- ~~(1) Consistency~~The decision complies with directly applicable provisions in an urban service provider agreements or annexation plan adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;
- ~~(2)~~ Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
- ~~(23) The decision is consistent~~Consistency with specific directly applicable standards or criteria for boundary changes contained in the comprehensive land use plans, and public facility plans, regional framework and functional plans, urban planning agreements and similar agreements of the affected entity and of all necessary parties;
- ~~(4)~~ Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
- ~~(3) The affected entity can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others.~~
- ~~(5)~~ Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
- ~~(46)~~ If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council

that the territory should be included in the Urban Growth Boundary shall be the primary criteria ~~on~~ for approval.

(7) Consistency with other applicable criteria for the boundary change in question under state and local law.

~~(e) In addition to the criteria for decision set out in subsection (c) of this section, in these cases where the agreements required by ORS 195.065 are not yet adopted and a proposed provider of an urban service to the affected territory is disputed by a necessary party~~When there is no urban service agreement adopted pursuant to ORS 195.065 that is applicable, and a boundary change decision is contested by a necessary party, the approving entity or county made after public hearing shall also address and consider, as to the proposed providers of urban services to the affected territory, information on the following factors in determining whether the proposed boundary change meets the criteria of Sections 3.09.050(d) and (g). The findings and conclusions adopted by the approving entity shall explain how these factors have been considered.

- ~~(1) The relative financial, operational and managerial capacities of alternative providers of the disputed urban services to the affected area; to provide the service;~~
- ~~(2) The effect on the cost of the urban service to the users of the service, the quality and quantity of the urban services at issue with alternative providers of the urban services, including differences in cost and allocations of costs of the services and accountability of the alternative providers; provided and the ability of urban service users to identify and contact service providers, and to determine their accountability with ease;~~
- ~~(3) Physical factors related to the provision of the urban services by alternative providers;~~
- ~~(4) For proposals to create a new entity the feasibility of creating the new entity. The feasibility of creating a new entity for the provision of the urban service;~~
- ~~(5) The elimination or avoidance of unnecessary duplication of facilities;~~
- ~~(6) Economic, demographic and sociological trends and projections relevant to the provision of the urban services;~~

~~(7) The allocation of charges among urban service users in a manner that reflects differences in the costs of providing services to the users;~~

(87) Matching the recipients of tax supported urban services with the payers of the tax;

(98) The equitable allocation of costs to alternative urban service providers between new development and prior development; and

(109) Economies of scale.

(1110) Where a proposed decision is inconsistent with an adopted intergovernmental agreement, s by or among any necessary parties, the city or county making that final decision shall include factual findings that the decision better fulfills the criteria of Section of subsections (1) through (10) of this section 3.09.050(d) considering factors (1) through (9) above.

(gf) A final boundary change decision by an approving entity shall state the effective date, which date shall be no earlier than ~~30~~10 days following the date that the decision is reduced to writing, and mailed to all necessary parties. However, a decision that has not been contested by any necessary party may become effective upon adoption.

(hg) Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

### 3.09:060 Creation of Boundary Appeals Commission

(a) The Metro Boundary Appeals Commission is created to decide contested cases of final boundary change decisions made by approving entities. The Metro Council shall appoint the Commission which shall consist of three citizen members, one each to be appointed from a list of nominees provided to the Metro Executive Officer at least 30 days prior to the commencement of each term by Clackamas, Multnomah and Washington counties, respectively. The Council shall appoint two of the members for a initial four-year term and one for a nominal two-year term, the initial terms to be decided by

chance; thereafter, each commissioner shall serve a four year term. Each Commission member shall continue to serve in that position until replaced. Commission members may not hold any elective public office.

(b) The Metro Executive Officer shall provide staff assistance to the Commission and shall prepare the Commission's annual budget for approval by the Metro Council.

(c) At its first meeting and again in its first meeting of each successive calendar year, the Commission shall adopt rules of procedure that address, among other things, the means by which a position is declared vacant and the means of filling a vacant position; and, the Commission at that first meeting shall elect a chairperson from among its membership, who shall serve in that position until a successor is elected and who shall preside over all proceedings before the Commission.

### 3.09.070 How Contested Case Filed

(a) A necessary party to a final decision that has appeared in person or in writing as a party in the hearing before the approving entity decision may contest the decision before the Metro Boundary Appeals Commission. A contest shall be allowed only if notice of appeal is served on the approving entity no later than the close of business on the 10th day following the date that the decision is reduced to writing, authenticated and mailed to necessary parties. A copy of the notice of appeal shall be served on the same day on Metro together with proof of service on the approving entity, the affected entity and all necessary parties. The notice of appeal shall be accompanied by payment of Metro's prescribed appeal fee. Service of notice of appeal on the approving entity, the affected entity and all necessary parties by mail within the required time and payment of the prescribed appeal fee shall be jurisdictional as to Metro's consideration of the appeal.

(b) An approving entity shall prepare and certify to Metro, no later than 20 days following the date the notice of appeal is served upon it, the record of the boundary change proceedings.

(c) A contested case is a remedy available by right to a necessary party. When a notice of appeal is filed, a boundary change decision shall not be final until resolution of the contested case by the Commission.

(d) A final decision of an approving entity is subject to appeal to the Commission by a necessary party when it is the last action that needs to be taken by the approving entity prior to the referral of the boundary change to the electors in those cases where approval of the electors is required or permitted.

### 3.09.080 Alternate Resolution

(a) On stipulation of all parties to a contested case made at any time before the close of the hearing before the Commission, the Commission shall stay further proceedings before it for a reasonable time to allow the parties to attempt to resolve the contest by other means.

(b) A contested case that is not resolved by alternate means during the time allowed by the Commission shall be rescheduled for hearing in the normal course.

~~(c) A contested case is a remedy available by right to a necessary party. When a notice of appeal is filed, a boundary change decision shall not be final until resolution of the contested case by the Commission.~~

### 3.09.090 Conduct of Hearing

(a) The Commission shall schedule and conduct a hearing on a contested case no later than 30 days after certification of the record of the boundary change proceedings.

(b) The Commission shall hear and decide a contested case only on the certified record of the boundary change proceeding. No new evidence shall be allowed. The party bringing the appeal shall have the burden of persuasion.

(c) The Commission shall hear, in the following order, the Metro staff report, if any; argument by the approving entity and the affected entity; argument of the party that contests the decision below; and rebuttal argument by the approving entity and the affected entity. The Commission may question any person appearing before it. Metro staff shall not make a recommendation to the Commission on the disposition of a contested case.

(d) The deliberations of the Commission may be continued for a reasonable period not to exceed 30 days.

(e) The Chairperson may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial testimony. The Chairperson shall cause to be kept a verbatim oral, written, or mechanical record of all proceedings before the Commission.

(f) No later than 30 days following the close of a hearing before the Commission on a contested case, the Commission shall consider its proposed written final order and shall adopt the order by majority vote. The order shall include findings and conclusions on the criteria for decision listed in section 3.09.050 (d) and (g) ~~of this Code~~. The order shall be deemed final when reduced to writing in the form adopted, and served by mailing on all parties to the hearing.

(g) The Commission shall affirm or deny a final decision made below based on substantial evidence in the whole record. The Commission shall have no authority to remand a decision made below for further proceedings before the approving entity, and may only stay its proceedings to allow for alternate resolution as provided for in this chapter.

### 3.09.100 Ex Parte Communications to the Boundary Appeals Commission

Commission members shall place in the record a statement of the substance of any written or oral ex parte communication on a fact in issue made to them during the pendency of the proceeding on a contested case. A party to the proceeding at its request shall be allowed a reasonable opportunity to rebut the substance of the communication.

### 3.09.110 Ministerial Functions of Metro

(a) Metro shall create and keep current maps of all service provider service areas and the jurisdictional boundaries of all cities, counties and special districts within Metro. The maps shall be made available to the public at a price that reimburses Metro for its costs. Additional information requested of Metro related to boundary changes shall be provided subject to applicable fees.

(b) The Metro Executive shall cause notice of all final boundary change decisions to be sent to the appropriate county assessor(s) and elections officer(s), the Secretary of State and the Oregon Department of Revenue.

(c) The Metro Executive Officer shall establish a fee structure for establishing the amounts to be paid upon filing notice of city or county adoption of boundary changes, appeals to the Boundary Appeals Commission and for related services. The fee schedule shall be filed with the Council Clerk and distributed to all cities, counties and special districts within the Metro region.

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## **STAFF REPORT**

### **CONSIDERATION OF ORDINANCE NO. 99-803, FOR THE PURPOSE OF AMENDING CHAPTER 3.09 OF THE METRO CODE RELATING TO LOCAL GOVERNMENT BOUNDARY CHANGES AND DECLARING AN EMERGENCY**

Date: April 20, 1999

Presented by: Councilor McLain

## **PROPOSED ACTION**

Proposed Ordinance 99-803 would amend Ordinance No. 98-691 (Metro Code Title 3.09) relating to procedures and criteria used by the region's local governments to make boundary changes. The amendments provide clarifying technical changes that are designed to address concerns raised by local governments relating to certain language in the original ordinance.

## **BACKGROUND AND ANALYSIS**

The Metro Charter provides that Metro study and make recommendations concerning the Portland Area Boundary Commission. MPAC convened a special subcommittee in 1995 to initiate this work. The subcommittee recommended that Metro introduce legislation to abolish the boundary commission and give the region's local governments the same general authority to make boundary changes that is exercised by local governments in the rest of the state. The proposed legislation also authorized Metro to establish uniform regional boundary change procedures and criteria to be used by local governments and create a regional commission to address boundary changes that result in a dispute between two or more jurisdictions.

The 1997 Legislative Assembly enacted the proposed legislation, with amendments, and provided for the abolition of the boundary commission, effective December 31, 1998. MPAC again established a subcommittee to recommend proposed uniform hearing, notice and review criteria for use by local governments. The subcommittee also was charged with developing an expedited process for non-controversial boundary changes and recommending operating procedures for the new regional appeals commission.

In November 1998, the subcommittee made its recommendations which were approved by MPACs and drafted as Ordinance 98-691. Following the completion of the subcommittee's work, several local governments expressed concern about some of the language in the proposed ordinance, particularly relating to the need for a clear expedited process, confusion about the effect of certain review criteria, and the effect of the ordinance in those jurisdictions where all annexations required voter approval. Given the abolition date for the existing commission and the perceived need to have a replacement process in place by that date, the parties agreed that the proposed ordinance should be adopted, but that additional review of the proposed language should be made. The MPAC subcommittee continued to meet and has recommended the changes proposed in Ordinance 99-803.

The proposed address several elements of the existing code. These include:

1) **Definition of "Final Decision"**. The need to change the original definition was identified to clarify when an appeal to regional commission could be made in jurisdictions that require voter approval. (See Title 3.09.020(g)).

2) **Notice Period.** Clarified that additional types of notice could be provided at the discretion of the jurisdiction. Provides a specific minimum notice period for special districts.

3) **Expedited Process.** Section 3.09.045 establishes a clear expedited process for annexations where all of the property owners and at least 50% of the electors have petitioned for the change. The process has a shorter notice period, allows for final disposition without a hearing, and requires a less extensive staff report. If a jurisdiction (defined as a necessary party) objects, then the normal consideration process, including a public hearing, must be used. Local governments had requested an expedited process because, in most cases, proposed annexations involve single parcels and are non-controversial. Such proposals could be processed quickly using the expedited process.

4) **Review Criteria.** The original review criteria have been substantially rewritten. The new change seeks to address several concerns. First, the new language clarifies the intent and applicability of the criteria. Second, it provides that certain factors must only be considered when a necessary party (another jurisdiction) contests the proposed change. Third, language has been added to provide that changes may not be contested by another jurisdiction if they are authorized by an adopted urban services agreement. Fourth, the criteria requiring consistency or compliance with regional plans, comprehensive land use plans and urban services agreements have been clarified.

#### **Recommendation**

The changes in the proposed ordinance were unanimously approved by the MPAC subcommittee and the full MPAC.