

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL) ORDINANCE NO. 92-450A
ORDER 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 8th day of October, 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, 1988, Metro received its periodic review notice for the urban growth boundary (UGB), with a completion date of February 29, 1989. 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	 <u>1</u>
TOTAL	17

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.

	<u>Jan. '80</u>	<u>Nov. '88</u>	<u>2010</u>
SF DU/A new	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
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source: same as for SF DU/A new, above.

Net Density	6 DU/A	n/a	7.25
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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:

- 3.01.05 Purpose
- 3.01.10 Definitions
- 3.01.15 Legislative Amendment Procedures
- 3.01.20 Legislative Amendment Criteria
- 3.01.25 Major Amendment Procedures
- 3.01.30 Major Amendment Criteria
- 3.01.33 Applications for Major Amendments and Locational Adjustments
- 3.01.35 Locational Adjustment Procedures
- 3.01.37 Roadway Realignment - Administrative Adjustments
- 3.01.40 Metro Conditions of Approval
- 3.01.45 Fees
- 3.01.50 Hearing Notice Requirements
- 3.01.55 Public Hearing Before Hearings Officer
- 3.01.60 Exceptions to Hearing Officer Decision
- 3.01.65 Council Action on Quasi-Judicial Amendments
- 3.01.70 Final Action Notice Requirements
- 3.01.75 Boundary Line Location Interpretation
- 3.01.80 Chapter Regulation Review
- 3.01.85 Severability

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3.01.05 Purpose

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

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

- (1) provide sufficient urban land for accommodating the forecast 20 year urban land need, reevaluated at least every five years as set forth in sections 3.01.15-3.01.20;
- (2) provide for an efficient urban growth form which reduces sprawl;

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

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

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

11 (o) "Net Developable Vacant Land" means the amount of land remaining when gross
12 developable vacant land is multiplied by 0.6 to 1.0. The net amount is intended to
13 approximate the amount of land which is available for private development, once land
14 for roads, schools, parks, private utilities and other public facilities is discounted from
15 the gross acreage.
16

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

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

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

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

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

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

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

43 (w) "Site" means the subject property for which an amendment or locational
44 adjustment is being sought.

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

TRANSPORTATION AND PLANNING COMMITTEE REPORT

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

Date: September 24, 1992

Presented by: Councilor Devlin

Committee Recommendation: At the September 22 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Ordinance No. 92-450. Voting in favor: Councilors Devlin, McLain, Buchanan, and Washington.

Committee Issues/Discussion: Ethan Seltzer, former Regional Planning Supervisor, presented the staff report. He explained that this process of periodic review began in 1987. Although Metro has not adopted a specific comprehensive land use plan, the urban growth boundary (UGB) is a component of a comprehensive land use plan and, as such, is narrowly evaluated to determine if the UGB meets the needs of the urban population. In addition, Metro has never formally adopted a procedure for amending the UGB but did have formal, acknowledged procedures for "locational" adjustments meant to address technical locations of the boundary. This ordinance addresses both the periodic review and formalizes procedures for amendments to the UGB.

Mr. Seltzer explained that because of Metro's Regional Land Information System (RLIS), staff could accurately pinpoint land needs for the urban area through the year 2010. Analysis has determined that there is no need to change the UGB at this time, but the demographics and employment figures generated by the Region 2040 study may lead to future amendments.

The ordinance delineates three types of UGB amendment procedures: 1) "legislative amendments" to be used when the Council acts in a legislative decision capacity to amend the boundary for consistency with statewide Planning Goal 14; 2) "major amendments" to be used when the Council acts in a quasi-judicial decision-maker is for proposals in excess of 20 acres brought to Metro by private parties; and 3) "locational adjustments" is the current method used for adjustments under 20 acres, including roadway alignments. This 20 acre distinction has been lowered from the current level of 50 acres because of the "ascending burden of proof" previously used and required for amendments over ten acres.

October 8, 1992 Public Hearing:

Department of Land Conservation and Development: A letter, dated August 31, from the Department of Land Conservation and Development was distributed which requested that on page 60 in the "definitions" section, 3.01.10(o) "Net Developable Vacant Land," the multiplier be changed from "0.6" to a range of "0.6 to 1.0".

This amount refers to decisions regarding the amount of developable vacant land available, not set aside for public or quasi-public needs (e.g. churches; schools). Mr. Seltzer explained that the more land is set aside for public use, the shorter the time period before land becomes short within the UGB. It may be preferable to lower the percentage for public rather than expanding the UGB.

Robert Liberty: Robert Liberty, a Portland land use attorney, suggested that the committee change the amount to "0 to 0.4". He also suggested four other amendments:

1) On page 62, Chapter 3.01.020(a) and page 68, Chapter 3.01.025, delete the following sentence: "Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Mr. Liberty's concern was that if the language remained, Metro would not have to comply with more stringent statewide planning goals. If Metro's criteria were weaker than statewide language, it sets a precedent for future cases to be subject to legal challenges. This language was included because of the flawed Blazer Homes case. Mr. Seltzer responded that the referenced language would establish stability and consistency by stating Metro's criteria which is subject to periodic review of its land use procedures at any time by the state.

2) Eliminate both the "legislative" and "major" amendment procedures.

Mr. Liberty said the due to the size restrictions for these two types of amendments, only 1/10,000 of the UGB was subject. He said that such amendments have a significant impact on the value of property; usually increasing the value. He did not oppose land trades but felt that Metro should only allow applicants to petition every five or seven years, during periodic review periods. He also cited the potential for unnecessary litigation. In response, Mr. Seltzer said that the Regional Policy Advisory Committee (RPAC) and the Regional Technical Advisory Committee (RTAC) agreed it was important to have access to a process that allows for flexibility in amending the UGB. He said the amendments should be approved based on service need and that such amendments may occur more often than the five or seven year intervals suggested. Mr. Liberty responded that limiting the amendments to five or seven year intervals added stability to the procedure, thereby making the public take it more seriously.

3) Extend ability to apply for amendment of the UGB to general citizens and not just property owners.

Mr. Liberty said he thought that citizens should have the ability to request that the UGB be made smaller, not just the owners of property. Mr. Seltzer disagreed citing citizens ability to use the legislative process and periodic review.

4) Restrict applications for amendment to one only, including appeal. Prohibit application for amendment during year prior to periodic review.

Mr. Liberty said some applicants do only limited preparation on an application because of the ability to reapply. This is costly and duplicative. He suggested that if an application was remanded, it should be considered a denial. He said that applicants should not be allowed to appeal multiple times to supplement evidence.

Jack Polans: Jack Polans, a King City citizen, discussed a Boundary Commission annexation of unincorporated Washington County in King City. He objected to the annexation, which was incompatible with King City's original charger.

September 22, 1992 Meeting: Chair Devlin explained that this was the second opportunity for public hearing on this ordinance. Since no one was present for the public hearing, the committee proceeded to consider the various amendments that were suggested at the last meeting (see attached "September 8, 1992 Suggested Amendments").

Larry Shaw explained the amendment from the Department of Land Conservation and Development. The amendment changes the definition of "Net Developable Land" to allow for a range of calculations for the amounts of roads and other facilities that might be excluded from "Developable Land" to reach "Net Developable Land". This becomes an issue as Metro goes forward with an "In-fill Policy", particularly when considering any large amendment of the urban growth boundary. Changing the range allows for more flexibility in response to UGB changes.

The committee approved the DLCD amendment and after being given an opportunity for discussion of the four amendments submitted by Robert Liberty, chose to leave the remainder of the ordinance unamended.

ORDINANCE NO. 92-450
SEPTEMBER 8, 1992 SUGGESTED AMENDMENTS

1. DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD): A letter, dated August 31, from the DLCD suggested the following amendment:

In Exhibit A, on page 60, lines 12 through 16 (Section 3.01.10) be amended to read:

(o) "Net Developable Vacant Land," means the amount of land remaining when gross developable vacant land is multiplied by 0.6 to 1.0. The net amount is intended to approximate the amount of land which is available for private development, once land for roads, schools, parks, private utilities and other facilities is discounted from the gross acreage.

This amount refers to decisions regarding the amount of developable vacant land available, not set aside for public or quasi-public needs (e.g. churches; schools). Mr. Seltzer explained that the more land is set aside for public use, the shorter the time period before land becomes short within the UGB. It may be preferable to lower the percentage for public rather than expanding the UGB.

Robert Liberty, a Portland land use attorney, suggested that the committee change the amount to "0 to 0.4".

2. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following amendment:

In Exhibit A, on page 62, lines 26 through 30 (Chapter 3.01.020) should be amended to read:

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

Also, on page 68, lines 40 through 44 and page 69, line 1 (Chapter 3.01.30) should be amended to read:

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

Mr. Liberty's concern was that if the language remained, Metro would not have to comply with more stringent statewide planning goals. If Metro's criteria were weaker than statewide language, it sets a precedent for future cases to be subject to legal challenges. This language was included because of the flawed Blazer Homes case. Mr. Seltzer responded that the referenced language would establish stability and consistency by stating Metro's criteria which is subject to periodic review of its land use procedures at any time by the state.

3. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following conceptual amendment:

Eliminate both the "legislative" and "major" amendment procedures.

Mr. Liberty said the due to the size restrictions for these two types of amendments, only 1/10,000 of the UGB was subject. He said that such amendments have a significant impact on the value of property; usually increasing the value. He did not oppose land trades but felt that Metro should only allow applicants to petition every five or seven years, during periodic review periods. He also cited the potential for unnecessary litigation.

In response, Mr. Seltzer said that the Regional Policy Advisory Committee (RPAC) and the Regional Technical Advisory Committee (RTAC) agreed it was important to have access to a process that allows for flexibility in amending the UGB. He said the amendments should be approved based on service need and that such amendments may occur more often than the five or seven year intervals suggested.

Mr. Liberty responded that limiting the amendments to five or seven year intervals added stability to the procedure, thereby making the public take it more seriously.

4. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following conceptual amendment:

Extend ability to apply for amendment of the UGB to general citizens and not just property owners.

Mr. Liberty said he thought that citizens should have the ability to request that the UGB be made smaller, not just the owners of property. Mr. Seltzer disagreed citing citizens ability to use the legislative process and periodic review.

5. ROBERT LIBERTY: During the public hearing on Ordinance 92-450, Mr. Liberty suggested the following conceptual amendment:

Restrict applications for amendment to one only, including appeal. Prohibit application for amendment during year prior to periodic review.

Mr. Liberty said some applicants do only limited preparation on an application because of the ability to reapply. This is costly and duplicative. He suggested that if an application was remanded, it should be considered a denial. He said that applicants should not be allowed to appeal multiple times to supplement evidence.

SUMMARY OF TRANSPORTATION & PLANNING COMMITTEE
PUBLIC HEARING ON ORDINANCE NO. 92-450
September 8, 1992

4. Consideration of Ordinance No. 92-450, An Ordinance Adopting a Final Order for Periodic Review of the Metro Urban Growth Boundary

Ethan Seltzer, former Regional Planning Supervisor, gave staff's report and explained the ordinance. He said Metro received a periodic review notice for the Urban Growth Boundary (UGB) from the Department of Land Conservation and Development (DLCD) in 1987 and explained criteria for periodic review at that time. He said Metro did not adopt a comprehensive land use plan, but said the UGB was a component of a comprehensive land use plan, so that Metro's periodic review was very narrow to determine if the UGB met the needs of the urban population. He said Metro had never formally adopted procedures for amending the UGB but that Metro had formal, acknowledged procedures for locational adjustments meant to address technical locations of the boundary. He said the periodic review was 1) meant to address the land supply for the needs of the urban population and 2) to adopt formal procedures for amending the UGB. He explained periodic review procedures further. He said because of Metro's Regional Land Information System (RLIS), staff could accurately pinpoint land needs for the urban area through 2010. He said no change in the UGB was warranted at this time. He said future forecasting efforts could lead to amendments based on demographics and employment related to Region 2040 findings.

Mr. Seltzer explained the three proposed new UGB amendment procedures.

Mr. Seltzer said the first procedure, the Legislative Amendment, would be used by the Council acting in its capacity as a legislative decision-maker to amend the boundary to maintain consistency with Statewide Planning Goal 14. He said the ordinance outlined criteria and procedures for a Legislative Amendment.

Mr. Seltzer said the second procedure, the Major Amendment, was for proposals in excess of 20 acres brought to Metro by a private party and the Council would act in its capacity as a quasi-judicial decision-maker. He said the process for Major Amendments would be described in the Metro Code as well as criteria according to Goals 2 and 14.

Mr. Seltzer said the third procedure, the Locational Adjustment, was currently in the Metro Code. He said the maximum size for a locational adjustment had been decreased from 50 to 20 acres because of the "ascending burden of proof" previously used and required for any amendments over 10 acres.

To Councilor McLain's question, Mr. Seltzer explained a major amendment was any proposed amendment over 20 acres. He said major amendments had to demonstrate a necessary need for the land to meet the needs of the urban population or to meet livability, housing or employment opportunity criteria. Mr. Seltzer explained the procedures for trades were still included in the Locational Amendment process. He said the new amendment procedures would also cover roadway alignments. He said

TRANSPORTATION & PLANNING COMMITTEE SUMMARY

Ordinance No. 92-450

September 8, 1992

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the Council might want to recognize "natural area" amendments also. Mr. Seltzer reviewed the public review process and noted staff received a letter from DLCD dated August 31 which requested that in Definitions, on page 60, (o) "Net Developable Vacant Land," the multiplier be changed from "0.6" to "0.6 to 1.0." The Committee and Mr. Seltzer discussed UGB issues further.

Chair Devlin opened the public hearing.

Robert Liberty, attorney, 2433 NW Quimby, Portland, recommended using a factor of 0 to 0.4 to determine public lands needs. He asked Mr. Seltzer to diagram the three kinds of amendments and explain the criteria for the three amendments. Mr. Seltzer said the criteria for Major and Legislative Amendments was essentially the same and had to show consistency with Goals 2 and 14. He said other land use goals could apply. Mr. Liberty said the Legislative Amendment factor appeared to be longer than the Major Amendment factor. Mr. Seltzer agreed and said Factor 1 referred to Goal 14 which had seven factors which needed to be considered when amending or establishing the UGB. He said the first two factors dealt with whether there was a need for land and the second five factors dealt with the actual location of the proposed amendment. Mr. Seltzer explained Locational Adjustment criteria briefly.

Mr. Liberty proposed four amendments. His first suggested amendment was to delete language in Chapter 3.01, on page 62: "3.01.020(a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section details a process which is intended to interpret Goals 2 and 14 for specific application to the District urban growth boundary. [~~Compliance with this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.~~]" Mr. Liberty said he recommended deleting the last sentence because if that language remained, Metro would not have to comply with more stringent Statewide Planning Goals. He discussed the Blazer Homes case as an example. Under the same amendment, Mr. Liberty proposed deleting the same sentence under Section 3.01.025 on page 68: "3.01.030 Major Amendment Criteria (a) The purpose of this section is to address Goals 2 and 14 of the Statewide Planning Goals and RUGGO. This section is a detailed listing of criteria which are intended to interpret and further define Goals 2 and 14 for specific application to the District urban growth boundary. [~~Compliance with the requirements of this section shall constitute compliance with Statewide Planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives.~~]" Mr. Liberty said Metro should remove the language even if it did have the authority to state a case did comply with Statewide Planning Goals. He asked what the result would be if Metro's criteria differed from Goal 14. He said Metro's

TRANSPORTATION & PLANNING COMMITTEE SUMMARY

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criteria would be weaker than statewide language, set precedent for future cases and be subject to legal challenge. He said the language had been included because of the flawed Blazer Homes UGB case.

Mr. Seltzer said staff's language was meant to establish a guide on how to apply to amend the UGB and said periodic review offered the opportunity for agencies to update procedures. He said the language offered would establish stability and consistency by stating what Metro's criteria was. He said the state could make Metro undergo periodic review of its land use procedures at any time and that the ordinance could be amended. Mr. Seltzer and Mr. Liberty debated the criteria contained in land use goals/factors. Mr. Seltzer noted the letter from DLCD said Metro had done a good job.

Mr. Liberty said his second recommended amendment was to eliminate both Legislative and Major Amendment procedures. He said the UGB encompassed approximately 224,000 acres, and since Locational Adjustments were for 20 acres only with a maximum of 100 acres per year, that Locational Adjustments would amount to trying to analyze 1/10,000 of the UGB. He said Legislative and Major Amendments were contrary to the philosophy of trying to make fine adjustments to the UGB. He said UGB amendments had a dollar value. He said after the Riviera property was included, its price went up by a factor of 10 per acre, or from \$2,000 per acre to \$20,000 per acre. He said it did not make sense to have a regional boundary with tiny changes. He did not oppose land trades. He said Metro should allow applicants to petition every five or seven years.

Mr. Seltzer said it was very difficult to amend the UGB. He said applications to amend the UGB should remain flexible and cited the Dammasch and Rock Creek College petitions. He said staff did discuss not having a major amendment process, but said both the Regional Policy Advisory (RPAC) and Regional Technical Advisory Committees (RTAC) agreed it was important to have access to such a process. He said the UGB was a legal boundary and it was important to have flexibility in amending it. He said Locational Amendments were small in scale. He said Metro had only had difficulties in the Oregon City and Blazer Homes cases. He agreed with Mr. Liberty and said applicants could not prove a 20 acre amendment based on need, but could prove the amendment was necessary based on services. Mr. Liberty said amendments based on services was acceptable, but asked how much ongoing cost Metro and staff when criteria was not clear.

Councilor McLain said it was frustrating for citizens to have no recourse to government. Mr. Liberty said such an argument could be applied to weakening any regulation. Councilor McLain said the UGB amendment process provided flexibility. Mr. Liberty again cited unnecessary litigation. Mr. Liberty said the UGB should have stability

TRANSPORTATION & PLANNING COMMITTEE SUMMARY
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for at least five to seven years because otherwise people would not take it seriously.

Mr. Liberty said his third recommended amendment was that only property owners be able to apply for UGB amendments. Mr. Seltzer said via the legislative process, citizens could tell the Council the UGB was too big or that land had been made urban on an inappropriate basis. He said citizens should not be able to propose their neighbors' property should be made urban or rural. Mr. Liberty said Mr. Seltzer's argument validated his prior argument to eliminate the Major and Legislative Amendments. Mr. Seltzer said the Council's best defense was to exercise its legislative role in managing the UGB which the Council had not done for 12 years. He said if the Council used its legislative role and periodic review, citizens and jurisdictions would have the opportunity to give input on the UGB and its future shape.

Mr. Liberty said his fourth recommended amendment was that applicants be allowed one opportunity only, including appeal, to petition to amend the UGB to avoid abusive reapplications over long periods of time. He said the Council should also consider not taking applications the year before periodic review. Mr. Liberty said applicants should have one chance in five or seven years, and said if an application was remanded, it should be considered a denial. He said applicants should not be allowed to appeal multiple times to supplement the evidence.

Jack Polans, 16000 SW Queen Victory Place, King City, said there was a need for legislative change with regard to the UGB in the King City area. He objected to Washington County developers bringing county property within Oregon City limits and said that change was incompatible with King City's original charter. He said the UGB did not need to be within King City limits and said it affected 95 percent of its citizens who were 55 years or older.

Chair Devlin said the issue with regard to King City was not a UGB decision, but a Boundary Commission annexation of unincorporated Washington County. The Committee discussed UGB issues further with Mr. Polans and referred him to Planning Department staff for additional information and assistance.

Chair Devlin asked that a summary of this public hearing be produced for publication in the September 22, 1992 Transportation & Planning agenda in addition to the letter from LCDC. Chair Devlin closed the public hearing.

END OF SUMMARY

Oregon

DEPARTMENT OF
LAND
CONSERVATION
AND
DEVELOPMENT

August 31, 1992

Ethan Seltzer
METRO
2000 S.W. First Ave.
Portland, OR 97201

Dear Ethan:

We have reviewed the draft final periodic review order which is now before the Metro Council. The proposed order finds that no additional land is needed within the Portland Metropolitan Urban Growth Boundary (UGB), based on projections to the year 2010. We have no comment on the order itself other than to commend Metro and its participating jurisdictions for an excellent job.

Included with the proposed order are revised procedures for amending the UGB (Metro Code, Chapter 3.01). Our only comment on these procedures relates to the definition in Section 3.01.10(o):

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

We request that this definition be changed to specify a multiplier range of 0.6 to 1.0. This range is inclusive of the variety of circumstances which exist in the Metro region. For example, small vacant lots in developed areas will require little additional land for facilities and services; the multiplier for such lots should be near 1.0. On the other hand, large vacant areas will require significant amounts of land for streets, parks and schools; the multiplier for these areas should be 0.6 or 0.7.

The definition of "Net Redevelopable Land" in Section 3.01.10(p) already specifies a multiplier of 0.6 to 1.0, as recommended above. We are requesting only that the same multiplier be specified for vacant

Barbara Roberts
Governor



1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

Ethan Seltzer

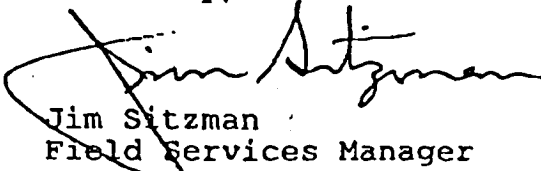
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August 31, 1992

land. Whether a parcel is vacant does not determine the difference between net and gross acreage. Rather, a variety of factors, including parcel size, use, location, and the extent of services already existing in the area, will determine the net land available for development.

I hope these comments will be helpful to you in completing your periodic review. If you have any questions or comments, please contact me at 378-4919 or Jim Hinman at 373-0088.

Sincerely,



Jim Sitzman
Field Services Manager

JS:JH/deb
<pr>

cc: Clackamas County Planning Director
Multnomah County Planning Director
Washington County Planning Director
Mike Rupp, Plan Review Manager
PR files (LIB, LR, PTLD)

- 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 (2) the land need identified can be fully accommodated by the proposed
41 amendment;

42 (3) the proposed uses are compatible with other adjacent uses or will be so
43
44

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

4

5

Should a section, or portion of any section of this chapter, be held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall 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.

METRO**Memorandum**

Planning and Development
2000 S.W. First Avenue
Portland, OR 97201-5398
503/220-1537 Fax 273-5585

DATE: August 21, 1992
TO: Interested Parties
FROM: Ethan Seltzer, Land Use Supervisor
SUBJECT: Periodic Review of the Urban Growth Boundary

On Tuesday, September 8, 1992, beginning at 6 pm in the Metro Council Chambers (2000 SW First Avenue, Portland), the Metro Council Transportation and Planning Committee will hold a hearing on the proposed final periodic review order for the Metro Urban Growth Boundary. The proposed final order has been developed and reviewed by the Regional Technical Advisory Committee and the Regional Policy Advisory Committee, and has now been transmitted to the Metro Council and recommended for adoption.

The final order has three major elements:

- 1) Regional Urban Growth Goals and Objectives (adopted separately by the Metro Council in September, 1991);
- 2) Procedures for making locational adjustments, major amendments, and legislative amendments of the urban growth boundary, to be added to the Metro Code following adoption by the Council; and
- 3) Land Supply Findings, based on the 1989 population and employment forecasts to the year 2010 (please note that Metro's Data Resource Center has already initiated the forecasting process to the year 2015, and those new forecasts, together with the outcome of the Region 2040 Study, will result in new land supply findings and possible urban growth boundary amendments in early 1994).

Attached is a copy of the staff report submitted to the Council. For a full copy of the proposed final order, please contact Sherrie Shervey, 221-1646.

cc: Paulette Allen ✓
Larry Shaw

STAFF REPORT

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

Date: July 10, 1992

Presented By: Ethan Seltzer

BACKGROUND

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.

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 Department of Land Conservation and Development.

Throughout this process, there has been significant public involvement. The development of the RUGGO's relied on an extensive public process. All elements of the final review order have received publicity through Metro Planning News, now distributed to over 10,000, 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 Metro Council should approve Ordinance No. 92-450, transmit the final periodic review order to the Oregon Land Conservation and Development Commission, and amend the Metro code.

ES/es 7/10/92

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

STAFF REPORT

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

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 DLCD. The final periodic review order includes responses to those issues.

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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.