

MPAC Worksheet

Agenda Item Title: Introduction to 2025 Metro Code Land Use Minor Amendments

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Purpose/Objective

Provide an overview of a project that aims to make minor "housekeeping" amendments to land use related provisions of the Metro Code, and welcome input ahead of further MPAC consideration and on the amendments in November

Outcomes

1. MPAC briefed on the purpose, scope, and timeline of the project, and the issues to be resolved with the amendments
2. MPAC offers initial feedback to staff

Background

Metro Code chapter 3.07, *the Urban Growth Management Functional Plan (UGMFP)*, has requirements and recommendations for local governments for advancing certain land use related regional goals and policies. The UGMFP addresses topics such as housing, protection of industrial lands, and preservation of regionally significant habitat.

Separately, Metro Code chapter 3.09, *Local Government Boundary Changes*, has requirements for changes to various types of boundaries in the region, including annexations to the "Metro boundary", which is the boundary for Metro as a metropolitan service district under state law and, therefore, the boundary for Metro taxing purposes and elections.

The last package of "housekeeping" amendments to the UGMFP was in 2015, while chapter 3.09 has not been amended since 2012. Recent changes to state statute and anticipated changes to state regulations described further below warrant conforming amendments to sections of the UGMFP and chapter 3.09. While amending these Metro Code chapters, there is also the opportunity to:

- Make minor changes to costly public noticing requirements that are often passed on to applicants;
- Clarify and reorganize, without substantively changing, other existing requirements to improve readability;
- Correct typographic errors, inconsistent terminology, and outdated citations that have accumulated over the last decade; and
- Apply the Metro Council's 2022 inclusive and plain language policy for improving clarity and accessibility, appropriately addressing all audiences, and removing biases.

Metro staff have been preparing amendments to respond to these requirements and opportunities. The Metro Technical Advisory Committee (MTAC) was provided a full copy of draft amendments on September 10 and will have considered and provided input on them at two separate MTAC meetings prior to this October 22 MPAC introduction. MPAC will have another opportunity at its November 19 meeting to offer input and to make a recommendation to the Metro Council prior to a public hearing in December.

Categories of Issues to be Addressed

There are four categories of issues the project's amendments aim to address:

1. *General clean-up:*

Staff have identified typographic errors, outdated citations, and inconsistent terminology, capitalization, and spacing that should be corrected. Staff also see opportunities to: clarify and better organize, without substantively changing, existing policies; repeal the text of temporary and now expired requirements; and to remove provisions that are redundant because of or in conflict with state regulations/allowances.

2. *Inclusive and plain language:*

When any amendments to a Metro Code chapter are proposed, Metro Council Resolution No. 22-5293 directs staff to review the entire chapter for opportunities to incorporate best practices for use of inclusive and plain language. Examples of best practices include avoiding the words "shall" and "citizen", word-numeral doubles (e.g., "five (5)"), jargon, and archaic terms. Amendments are needed to comply with these best practices.

3. *Codification of forthcoming new state provisions*

The state is in the process of rulemaking related to Statewide Planning Goal 5 cultural areas. Draft regulations are expected to be considered by the Land Conservation and Development Commission later this year. Those regulations, if adopted, will require Metro to provide direct notice to Tribes of proposed urban growth boundary (UGB) amendments. They would also require Metro to forward information received from Tribes to the Oregon State Historic Preservation Office and to the city/county responsible for comprehensive planning of the UGB expansion area. In anticipation of these regulations, early consideration of prospective conforming amendments to the UGMFP is warranted.

A recent change to state law will also eliminate the need for a separate application for annexation to Metro's service district boundary in many instances and, thereby, reduce costs associated with development in Metro's cities.¹ Those statutory changes (Attachment A), take effect January 1, 2026, and merit conforming amendments to chapter 3.09.

4. *Sign posting and newspaper noticing:*

Additional amendments to chapter 3.09, though relatively minor, could further reduce unnecessary costs associated with Metro boundary annexation applications that are not exempted by the statutory changes mentioned above. Specifically, repealing existing requirements for printing and posting of plastic annexation public hearing signs, and for publishing of newspaper notices, could save an applicant more than \$700, even while continuing to send notices directly to nearby property owners, local governments, and other interested parties and continuing to post hearing notices online. The UGMFP also has newspaper noticing requirements which may no longer be worth the expense, considering that newspaper notices go to a limited audience and the same notices can be posted on Metro's website to be viewed by anyone.

What packet material do you plan to include?

Attachment A – House Bill 2356

¹ House Bill (HB) 2356 of the 2024 legislative session (Attachment A) amended Oregon Revised Statutes (ORS) 268.354 such that, when a city in Metro annexes territory already in the UGB, that territory is annexed to the Metro boundary without the need for a separate Metro annexation application to be approved before the territory can be urbanized. HB 2356 is not "retroactive"; territories already in city limits must still go through the existing Metro boundary annexation process before they can be urbanized.