

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REAFFIRMING) RESOLUTION NO 99-2820
POLICIES TO PROTECT ENVIRONMENTALLY)
SENSITIVE LANDS AND IDENTIFYING THE) Introduced by Growth Management
IMPACT OF THESE POLICIES ON THE NEED) Committee
TO EXPAND THE URBAN GROWTH)
BOUNDARY)

WHEREAS, Metro has consistently supported policies which actively protect parks, open space, recreational trails and other environmentally sensitive lands, including expressing support in Resolution No. 97-2562B for protection of environmentally sensitive lands from development even if the demonstrated result is a loss of housing capacity inside the Urban Growth Boundary (UGB); and

WHEREAS, Metro has adopted water quality and flood regulations in Title 3 of the Urban Growth Management Functional Plan, to protect environmentally sensitive lands, such as riparian areas, wetlands, steep slopes, floodplains and flood prone soils, identified on regional maps adopted with these regulations; and

WHEREAS, additional work and possible regulations required by Title 3 and Statewide Goal 5 to protect fish and wildlife habitat began in 1999 and is scheduled to be completed in June, 2000; and

WHEREAS, the listing of several fish species as threatened under the federal Endangered Species Act is likely to require additional regional regulations affecting development in and adjacent to riparian corridors, upland areas, open space areas and areas producing stormwater runoff; and

WHEREAS, the protection of environmentally sensitive lands from development could result in a decline in both net buildable acres and the capacity for housing and employment on buildable lands inside the UGB; and

WHEREAS, Metro is required by state law to determine the buildable land supply and capacity of that land inside the UGB as part of maintaining a 20-year capacity for housing inside the UGB; and

WHEREAS, Metro complied with a 1997 state law which gave Metro a December, 1997 deadline to complete an estimate of the additional needed housing capacity for a 20-year UGB, concluding that capacity for about 32,300 dwelling units was needed to the year 2017; and

WHEREAS, Metro complied with the second provision of the 1997 state law by adding about 3,527 acres containing an initial estimated capacity of about 15,800 dwelling units to the UGB in December, 1998; and

WHEREAS, the purpose of Metro staff's year-long work for the 1999 Urban Growth Report is to comply with the third provision of the 1997 law to estimate the remaining needed capacity for a 20-year UGB to the year 2017, and either amend the UGB or request a time extension to complete the 20-year UGB; and

WHEREAS, "unbuildable lands" refers to about 15,950 acres of vacant land identified as environmentally constrained in the 1997 Urban Growth Report prior to adoption of the areas actually regulated by Title 3; and

WHEREAS, new data have been compiled on the effects of Title 3 regulations and the actual rate of the development on environmentally sensitive lands that indicates a past experience of a greater density of development on previously deemed "unbuildable" lands than the 1997 assumptions; and

WHEREAS, several variables in the 1997 Urban Growth Report have been estimated with greater precision in 1999, including a higher estimate of the housing capacity of 17,900 dwelling units for the 3,527 acres added to the UGB in 1998; and

WHEREAS, new data compiled since the 1997 Urban Growth Report's very low density estimate for the lands in a 200-foot riparian area setback from streams indicate that the actual housing capacity is greater than 1997 estimate; and

WHEREAS, the state law requiring a 20-year housing capacity for all UGBs also requires Metro to calculate UGB capacity using past experience and the estimated effect of any new regulations actually adopted; and

WHEREAS, using the new data compiled on past development experience on environmentally sensitive lands and estimating the effect of just the adopted Title 3 regulations would result in the rest of the 200-foot setbacks being "buildable" at the density experienced in the past for state-mandated UGB capacity calculation purposes; and

WHEREAS, such an estimate of housing capacity on environmentally sensitive lands based on past experiences and adopted Title 3 Water Quality and Flood regulations is likely to be reduced if Metro's Title 3 work on Statewide Goal 5 fish and wildlife habitat and federal Endangered Species Act requirements result in new regional regulations in the next year; and

WHEREAS, the Metro Council Growth Management Committee has directed that the staff's 1999 Urban Growth Report designate about 15,500 dwelling units representing the estimated capacity of the currently unregulated portion of the 200-foot stream setback used in 1997, as an environmental "placeholder," for compilation of further information needed to more accurately estimate the housing capacity of these lands; and

WHEREAS, the Metro Council intends to have hearings beginning in September, 1999, for public testimony on all of the estimates in the 1999 Urban Growth Report, including the environmental “placeholder,” and now therefore,

BE IT RESOLVED:

1. That it remains the policy of the Metro Council that lands identified as “unbuildable” due to environmental constraints in the 2040 Growth Concept and the 1997 Urban Growth Report should be protected from development to the maximum extent possible by Metro and local jurisdictions until such time as Metro concludes its Goal 5 and Endangered Species Act analyses and actions.

2. That Metro encourages all local jurisdictions in the Metro region to actively protect environmentally sensitive areas, even if they include lands that Metro is required by state law to classify as “buildable” for its UGB inventory.

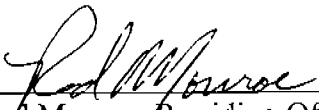
3. That a “placeholder” designation for analysis of UGB capacity of currently unregulated environmentally constrained lands should be construed as a recognition of uncertainty and regulatory flux while good faith efforts continue the work needed to resolve these uncertainties in the public interest.

4. That Metro encourages all local governments to participate in a coordinated approach to identifying and protecting environmentally sensitive lands, including riparian areas, open space and fish and wildlife habitat toward the goal of recovering salmon and steelhead and preventing future Endangered Species Act listing of other fish and wildlife species.

5. That Metro will comply with the 1999 requirement in state law to complete consideration of UGB amendments by either providing 20 years of housing capacity to the year 2017 in 1999, or seeking a time extension.

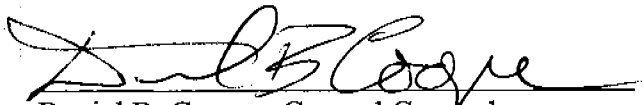
6. That public hearings beginning in September, 1999, shall receive public testimony on the text, assumptions and calculations in the 1999 Urban Growth Report and the actions Metro should take to comply with the remaining state law requirement for the regional UGB.

ADOPTED by the Metro Council this 5th day of August 1999.



Rod Monroe, Presiding Officer

APPROVED AS TO FORM:


Daniel B. Cooper, General Counsel

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GROWTH MAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2820, FOR THE PURPOSE OF REAFFIRMING POLICIES TO PROTECT ENVIRONMENTALLY SENSITIVE LANDS AND THE IMPACT OF THESE POLICIES ON THE NEED TO EXPAND THE URBAN GROWTH BOUNDARY.

Date: July 21, 1999

Presented by: Councilor Bragdon

Committee Action: At its July 20, 1999 meeting, the Growth Management Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2820. Voting in favor: Councilors Bragdon, Park and McLain.

Council Issues/Discussion: Councilor Bragdon explained that this resolution parallels an earlier “green resolution”—97-2562. Both resolutions express Metro’s desire for local governments to protect environmentally sensitive lands to the extent possible, while Metro investigates the possibility of adopting regulation for those lands to meet the goals or requirements of state Goal 5, federal Endangered Species Act (ESA) listings, or Metro’s Regional Framework Plan.

The resolution further restates Metro policy that neither urban Growth Management Functional Plan requirements, nor the time needed to fulfill Goal 5 policy development require local jurisdictions to develop lands that are environmentally sensitive, but otherwise unregulated by Metro.

Resolution 99-2820 also contemplates public hearings in September of 1999 related to the assumptions and calculations in the 1999 Urban Growth Report and subsequent Council action relative to state requirements and UGB management.

It was also clarified that no land use decisions are contained in this resolution.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2820, FOR THE PURPOSE OF REAFFIRMING POLICIES TO PROTECT ENVIRONMENTALLY SENSITIVE LANDS AND IDENTIFYING THE IMPACT OF THESE POLICIES ON THE NEED TO EXPAND THE URBAN GROWTH BOUNDARY.

Date: July 14, 1999

Prepared by: Michael Morrissey

Proposed Action:

Resolution 99-2820 reaffirms existing Metro policy with regard to environmentally sensitive lands as they pertain to the Urban Growth Management Functional Plan, the 1999 Urban Growth Report and consideration of legislative amendment to the urban growth boundary, as required by state law.

Factual Background and Analysis:

Metro is engaged in complying with state law in assessing the need for sufficient land to meet a 20-year housing capacity need. The 1997 Urban Growth Report concluded a need for land that could accommodate approximately 32,000 dwelling units outside the urban growth boundary, in adopted urban reserves. In partial fulfillment of that need, in December of 1998 the Metro Council legislatively amended the urban growth boundary by adding about 3,527 acres, estimated to accommodate about 15,718 dwelling units.

Resolution 99-2820 focuses on the role played by environmentally sensitive lands in past and present housing need and capacity calculations, and as emphasized by Metro policy. For example, a prior resolution, No. 97-2562, reaffirmed Metro's commitment to the livability of the metropolitan region with regard to parks, open spaces and environmentally sensitive lands, in light of a (then) newly adopted Urban Growth Management Functional Plan. The resolution was directed to local governments, letting them know that if they felt lands in their jurisdiction needed special protection or designation, that that was a legitimate consideration, even in the possible event of a reduced capacity to accommodate additional housing.

Now, as the 1999 Urban Growth Report is being developed, and other regionally significant studies are taking place (Goal 5, stormwater and watershed management), Resolution 99-2820 affirms the value of environmentally sensitive lands, and calls on Metro's regional partners to help protect them from development to the maximum

extent possible, during the window of investigation of housing capacity within the urban growth boundary. This is the result of correspondence from the state, noting that excluding land non-protected or regulated land from the buildable lands inventory, did not meet state guidelines. This puts Metro in the position of wanting to protect such lands. But until documentation of their exact location, and creation of proper incentives, and/or regulatory measures, Metro must include such sensitive environmental lands in its buildable lands inventory.

The outcome of housing capacity indicated in 1999 Urban Growth Report, will in part be determined by Metro's calculation of environmentally sensitive lands. Metro is not only engaged with local jurisdictions in implementation of Title 3—Stream and Floodplain Protection, but is also developing additional recommendations related to fish and wildlife habitat, stormwater management and watershed management. These activities will also be considered in Metro's response to the Endangered Species Act (ESA) listing for salmon and steelhead in our region.

With regard to the 1999 Urban Growth Report, new information has been presented concerning actual development rates on environmentally constrained lands, including lands in Title 3 riparian buffers and lands within 200 feet of streams and wetlands, and on steep slopes. The council may also revise assumptions in the report about lands otherwise considered "unbuildable," due to environmental constraints, in order to calculate the capacity of the urban growth boundary.

The Metro Council intends to hold public hearings in September of 1999 on the Urban Growth Report, its assumptions and conclusions, including treatment of environmentally sensitive lands. In relation to state law requirements to finish the (second year) consideration of a 20 year land supply for housing need, Council action could adopt further amendment to the urban growth boundary, include definition of a "placeholder" for further analysis of environmentally constrained lands, and/or submit a possible request to DLCD for a time extension.