

**FOR THE PURPOSE OF URGING
REPEAL OF ORS 197.296 AND
1997 OREGON LAWS CH. 763**

)
)
)
)

RESOLUTION NO. 00-2947

Introduced by Councilor
Bill Atherton

WHEREAS, the 1995 Legislative Assembly enacted HB 2709, containing a provision eventually codified as ORS 197.296; and

WHEREAS, ORS 197.296 requiring cities, counties and metropolitan service districts to maintain a supply of buildable lands to accommodate estimated housing needs for 20 years is a local issue and not a legitimate matter of state concern; and

WHEREAS, the 1997 Oregon Legislature enacted 1997 Oregon Laws Ch. 763, which requires a review of actual construction every five years and mandates adjustments to the Urban Growth Boundary (UGB) and/or implementation legislation to increase urban density; and

WHEREAS, the twenty year supply maintenance requirement based upon a five year analysis is artificial and can result in a greater than needed expansion when this five year snapshot is taken in a booming housing market; and

WHEREAS, neither statute requires or permits an analysis of the infrastructure costs of expansion of the UGB or requires a determination of how such costs will be paid and who will be responsible for these costs; and

WHEREAS, these statutes can result in an oversupply of land within the UGB, can allow inefficient use of lands inside the boundary, and can increase infrastructure costs for existing residents; now, therefore,

BE IT RESOLVED

1. That ORS 197.296 and 1997 Oregon Laws Chapter 763 should be amended to allow, rather than require moving a UGB to maintain a 20-year land supply.

ADOPTED by the Metro Council this _____ day of _____, 2000.

Not Adopted
David Bragdon, Presiding Officer

Approved as to form:

Daniel B. Cooper, General Counsel
H:/stone/mydocuments/atherton:R 00-2947
Revised 5-11-00: jas

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 00-2947, FOR THE PURPOSE OF URGING REPEAL OF ORS 197.296 AND 1997 OREGON LAWS CHAPTER 763.

DATE: May 4, 2000

Presented by: Michael Morrissey

INTENT AND RATIONALE

Resolution No. 00-2947 requests the abolition of certain state statutory requirements (resulting from HB 2709 and HB 2493) related to Metro's management of the Urban Growth Boundary. Specifically targeted are the requirements to maintain a 20-year supply of buildable land for housing and employment needs, and to review actual construction within the UGB. There is concern that the 20-year requirement can result in greater UGB capacity than needed, the subsequent inflated need for infrastructure, and the resulting inefficient use of land already within the existing UGB. The accuracy of 20-year projections is questioned, as well as activities based on those projections.

Resolution 00-2947 is based on the assumption that the above requirements are an impediment to the ability of communities to create their own local environment. In addition, the concept of "carrying capacity" of the land, or region, cited in state-wide land use planning goals as well as Metro policies, has been largely ignored, and is overshadowed by the requirement for a 20 year buildable land supply.

FACTUAL BASIS AND ANALYSIS

By state statute, Metro is the manager of the Portland regional urban growth boundary, which is a long-term planning tool created by state land use legislation. Among its purposes is the separation of urbanizable from rural land, and its management must be consistent with state-wide planning goals such as Goal 10—Housing, and Goal 14—Urbanization. In addition, Metro's use of the UGB in conjunction with managing long-term growth, creating a satisfactory compact form and urban design, and balancing specified needs for housing, employment, livability and open space are embedded in Metro Code, RUGGO and the Regional Framework Plan.

Goal 14's purpose is "to provide for an orderly and efficient transition from rural to urban land use" and includes seven factors which must be considered in the establishment and change of urban growth boundaries including:

- 1) demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals; and
- 2) need for housing, employment opportunities and livability.

EXISTING LAW

The 1995 and 1997 legislatures adopted legislation (HB 2709) which requires cities, counties and metropolitan service districts to take certain actions in order to maintain a supply of buildable land inside an urban growth boundary necessary to accommodate estimated housing needs for 20 years. Prior to HB 2709, by practice, “long-range” was understood to be approximately a 20-year time period, which local comprehensive plans were required to address, or justify why a different time period was used. In fact Metro used that time period for its own planning processes.

Metro has recently taken most of the required steps to accomplish HB-2709 requirements by producing the Urban Growth Report and Housing Needs Analysis, creating urban reserves totaling approximately 18,500 acres, and adopting legislation with the intent to move the Metro Urban Growth Boundary to include about 5,400 additional acres.

CONCLUSION

State statute and laws cited in Resolution 00-2947 are felt to be overly directive with regard to local ability to manage the urban growth boundary. Local and regional government would have more flexibility to operate within the requirements of Goal 14 if those requirements were repealed.

Additional statutes may need to be reviewed, based on the intent of Resolution 00-2947, e.g. ORS 197.299. Should the identified state statutes be repealed, further Council discussion could be needed as to how Metro would view UGB management with regard to remaining state policy, i.e. Goal 14. The Council would likely also want to review related Metro growth management policy documents as well.