

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF URGING ) RESOLUTION NO. 02-3261  
REPEAL OF ORS 197.296 AND )  
1997 OREGON LAWS CH. 763 ) Introduced by Councilor Atherton

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

WHEREAS, the state requirement to maintain a twenty year supply of buildable land based upon a five year analysis does not reflect current trends in using land efficiently and can result in a greater than needed expansion when this five year snapshot is taken in a booming housing market; and

WHEREAS, Forcing a community to move their Urban Growth Boundary can create unwanted and burdensome increases in taxes or utility fees for existing residents to pay for infrastructure costs of expansion of the UGB; and

WHEREAS, these statutes can result in an oversupply of land within the UGB, can allow inefficient use of lands inside the boundary and impede the redevelopment of underutilized or substandards development within the UGB; and

WHEREAS forced expansion of the UGB often frustrates the ability of local governments to plan for complete communities with balanced lands for jobs and housing; 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 an Urban Growth Boundary to maintain a 20-year land supply.

ADOPTED by the Metro Council this 12th day of December, 2002.

Not Acted Upon  
Carl Hosticka, Presiding Officer

Approved as to form:

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Daniel B. Cooper, General Counsel

## **STAFF REPORT**

### **CONSIDERATION OF RESOLUTION NO. 02-3261, FOR THE PURPOSE OF URGING REPEAL OF ORS 197.296 AND 1997 OREGON LAWS CHAPTER 763.**

DATE: December 11, 2002

Presented by: Michael Morrissey

#### **INTENT AND RATIONALE**

Resolution No. 02-3261 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 02-3261 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.

Metro is currently concluding task 2 of its Periodic Review. A great deal of attention was focused on the state required 20-year population forecast, and its implication for housing need. The discussion also focused on the accuracy and utility of any 20-year forecast.

## **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.

## **CONCLUSION**

State statute and laws cited in Resolution 02-3261 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 02-3261, 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.