

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING TITLE 11 ) Ordinance No. 11-1252A  
(PLANNING FOR NEW URBAN AREAS) OF THE )  
URBAN GROWTH MANAGEMENT FUNCTIONAL ) Introduced by Councilor Robert Liberty  
PLAN )

WHEREAS, Policy 1.3 of Metro’s Regional Framework Plan (RFP) calls for housing choices in the region, including single-family and multi-family housing, ownership and rental housing and housing offered by the private, public and nonprofit sectors; and

WHEREAS, the RFP also calls for consideration of incentives for, and agreements with local governments, landowners and others for the provision of the full range of housing opportunities when Metro expands the urban growth boundary; and

WHEREAS, the proposed amendments to Title 11 will offer greater guidance for achieving Policy 1.3 by providing clearer objectives for the concept planning and comprehensive planning for new urban areas and by linking housing needs in new areas with those in the county, the adjoining city and the region; and

WHEREAS, the information generated in response to these provisions will aid the Metro Council in determining whether proposed additions to the Urban Growth Boundary meet the regional goals and objectives; and

WHEREAS, the Metro Council considered the proposed amendments as part of Ordinance No. 10-1244B (For the Purpose of Making the Greatest Plan and Providing Capacity for Housing and Employment to the Year 2030; Amending the Regional Framework Plan and the Metro Code; and Declaring an Emergency), adopted on December 16, 2010, but postponed action to allow further consideration by Metro’s advisory committees and the public; and

WHEREAS, A subcommittee of MPAC recommended amendments to Title 11 to the full MPAC on January 11, 2011; and

WHEREAS, on January 12, 2011, MPAC recommended approval of the amendments to Title 11 by the Metro Council; and

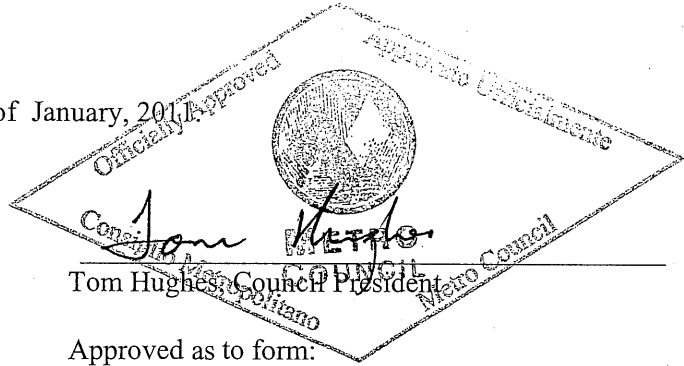
WHEREAS, the Council held a public hearing on the proposed amendments on January 13, 2011; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Title 11 of the Urban Growth Management Functional Plan is hereby amended, as indicated by Exhibit A, attached and incorporated into this ordinance.
2. The Council directs the Chief Operating Officer to submit Title 11, as amended by Exhibit A, to the Department of Land Conservation and Development as part of the periodic review process initiated by the department to review Ordinance No. 10-1244B.

3. The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how the amendments to Title 11 comply with state law and the Regional Framework Plan.

ADOPTED by the Metro Council this 13th day of January, 2011.

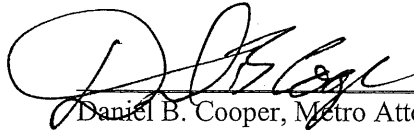


Tom Hughes, Council President

Approved as to form:

Attest:

  
Kelsey Newell, Recorder

  
Daniel B. Cooper, Metro Attorney

## Exhibit A to Ordinance No. 11-1252A

### TITLE 11: PLANNING FOR NEW URBAN AREAS

#### 3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

#### 3.07.1110 Planning for Areas Designated Urban Reserve

- A. The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435 of this chapter. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.
- B. A local government, in creating a concept plan to comply with this section, shall consider actions necessary to achieve the following outcomes:
  1. If the plan proposes a mix of residential and employment uses:
    - a. A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection C;
    - b. A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;
    - c. A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;
    - d. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
    - e. Well-connected systems of streets, bikeways, parks, recreational trails and public transit that link to needed housing so as to reduce the combined cost of housing and transportation;

- f. A well-connected system of parks, natural areas and other public open spaces;
  - g. Protection of natural ecological systems and important natural landscape features;  
and
  - h. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.
2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:
- a. A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;
  - b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
  - c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;
  - d. Protection of natural ecological systems and important natural landscape features;  
and
  - e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

C. A concept plan shall:

- 1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;
- 2. For proposed sewer, park and trail, water and storm-water systems and transportation facilities, provide the following:
  - a. The general locations of proposed sewer, park and trail, water and storm-water systems;
  - b. The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;

- c. The proposed connections of these systems and facilities, if any, to existing systems;
  - d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;
  - e. Proposed methods to finance the systems and facilities; and
  - f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
3. If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;
  4. If the area subject to the concept plan calls for designation of land for residential use, the concept plan will describe the goals for meeting the housing needs for the concept planning area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available. As part of this statement of objectives, the concept plan shall identify the general number, price and type of market and nonmarket-provided housing. The concept plan shall also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection B of this section;
  5. Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of this chapter;
  6. Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;
  7. Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;
  8. Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;
  9. Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

10. Be coordinated with schools districts, including coordination of demographic assumptions.

D. Concept plans shall guide, but not bind:

1. The designation of 2040 Growth Concept design types by the Metro Council;
2. Conditions in the Metro ordinance that adds the area to the UGB; or
3. Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

E. If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection A, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth.

### 3.07.1120 Planning for Areas Added to the UGB

- A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by section 3.07.1455B(4) of this chapter.
- B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.
- C. Comprehensive plan provisions for the area shall include:
  1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;
  2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;
  3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455B(2) of this chapter;
  4. Provision for affordable housing consistent with Title 7 of this chapter if the comprehensive plan authorizes housing in any part of the area.

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;
  6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.
  7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;
  8. Provision for the financing of local and state public facilities and services; and
  9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
- D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, within 30 days after adoption of new land use regulations for the area.

### 3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

- A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
- B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;
- C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010(ww) of this chapter, or for a new public school;
- D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
  1. A commercial use that is not accessory to industrial uses in the area; and

2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

3.07.1140 Applicability

Section 3.07.1110 becomes applicable on December 31, 2011.



Exhibit A to Ordinance No. 11-1252A

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

3.07.1110 Planning for Areas Designated Urban Reserve

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B. A local government, in creating a concept plan to comply with this section, shall consider actions necessary to achieve the following outcomes:

~~B. A concept plan shall achieve, or contribute to the achievement of, the following outcomes:~~

1. If the plan proposes a mix of residential and employment uses:
  - a. A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection C;
  - b. A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;
  - c. Opportunities for a range of needed housing types~~A range of housing of different types, tenure and prices~~ addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of, the governing city, the county and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;
  - d. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

e. Well-connected systems of streets, bikeways, parks, recreational trails and other public open spaces, natural areas, recreational trails and public transit that link to needed housing so as to reduce the combined cost of housing and transportation;

e-f. A well-connected system of parks, natural areas and other public open spaces;

f.g. Protection of natural ecological systems and important natural landscape features; and

g-h. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:

a. Opportunities for a range of housing typesA range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;

b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;

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C. A concept plan shall:

1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;

2. For proposed sewer, park and trail, water and storm-water systems and transportation facilities, provide the following:

a. The general locations of proposed sewer, park and trail, water and storm-water systems;



- b. The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;
  - c. The proposed connections of these systems and facilities, if any, to existing systems;
  - d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;
  - e. Proposed methods to finance the systems and facilities; and
  - f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
3. If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;
4. If the area subject to the concept plan calls for designation of land for residential use, the concept plan will describe the goals for meeting the housing needs for the concept planning area in the context of; the governing city, the county and the region if data are available. As part of this statement of objectives, the concept plan shall identify the general number, price and type of market and nonmarket-provided housing. The concept plan shall also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection B of this section;
- 4.5. Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of ~~the Urban Growth Management Functional Plan~~ this chapter;
- 5.6. Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;
- 6.7. Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;
- 7.8. Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;

8.9. Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

9.10. Be coordinated with schools districts, including coordination of demographic assumptions.

D. Concept plans shall guide, but not bind:

1. The designation of 2040 Growth Concept design types by the Metro Council;
2. Conditions in the Metro ordinance that adds the area to the UGB; or
3. Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

E. If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection A, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth.

#### 3.07.1120 Planning for Areas Added to the UGB

- A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by section 3.07.1455B(4) of this chapter.
- B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.
- C. Comprehensive plan provisions for the area shall include:
  1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;
  2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455B(2) of this chapter;
  4. Provision for affordable housing consistent with Title 7 of the Urban Growth Management Functional Plan if the comprehensive plan authorizes housing in any part of the area.
  5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;
  6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.
  7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;
  8. Provision for the financing of local and state public facilities and services; and
  9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
- D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, within 30 days after adoption of new land use regulations for the area.

### 3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

- A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
- B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;

- C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010(w) of this chapter, or for a new public school;
- D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
  - 1. A commercial use that is not accessory to industrial uses in the area; and
  - 2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

3.07.1140 Applicability

Section 3.07.1110 becomes applicable on December 31, 2011.

## **Exhibit B to Ordinance No. 11-1252A**

### **Findings of Fact and Conclusions of Law**

Ordinance No. 11-1252A amends Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan to improve implementation of the policies in section 1.3, Housing Choices and Opportunities, of Chapter 1 of the Regional Framework Plan (RFP). The amendments clarify the level of specificity for planning for new urban areas and connect housing needs in the new area, the city, the county and the region with Title 11 planning. Rec. 8061-8063. The revisions will apply to concept planning of urban reserves prior to addition to the UGB (section 3.07.1110 of Title 11) and comprehensive planning after addition of land to the UGB (section 3.07.1120).

#### **Regional Framework Plan**

##### Chapter 1, Policy Section 1.1 (Compact Urban Form)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. 8047-8050. This will help achieve the policies in section 1.1 by encouraging more compact development in new urban areas.

##### Chapter 1, Policy Section 1.3 (Housing Choices and Opportunities)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. 8047-8050. This will help accomplish the policies in section 1.3.

##### Chapter 1, Policy Section 1.4 (Employment Choices and Opportunities)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. 8047-8050. This will help achieve the balance of the number and wage levels of jobs with housing cost and availability in each part of the region, as Policy 1.4.2 strives to achieve.

##### Chapter 1, Policy Section 1.6 (Growth Management)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. 8047-8050. This will help achieve Policy 1.6.1a by encouraging an efficient urban growth form in new urban areas.

##### Chapter 1, Policy Section 1.9 (Urban Growth Boundary)

The amendments to Title 11 will encourage agreements with landowners to provide needed workforce housing in new urban areas, as Policy 1.9.1.2 strives to achieve.

#### **Statewide Planning Goals**

##### Goal 1 - Citizen Involvement

Metro established a subcommittee of the Metro Policy Advisory Committee (MPAC), composed of representatives of local governments and agencies and of public members, to develop revisions to Title 11. The subcommittee met frequently during the summer and fall of 2010.

Public comments was invited and offered at each meeting. Rec. 8052; 8062; 8064. Drafts of revisions were present to MPAC on November 17, 2010. The Council postponed action on the amendments to Title 11, on December 16, 2010, to allow more opportunity for comment. After further revisions to the proposed amendments, MPAC recommended on January 12, 2011, that the Metro Council adopt the amendments. The Council held a public hearing on January 13, 2011. These efforts fulfill Metro's responsibilities under Goal 1.

#### Goal 2 - Land Use Planning

There are two principal requirements in Goal 2: providing an adequate factual base for planning decisions and ensuring coordination with those affected by the planning decisions. The record contains information that explains why the Metro Council believed greater specificity was necessary to achieve its policies in new urban areas. These materials provide an ample basis for the amendments to Title 11.

Metro coordinated its efforts with affected governments through its MPAC and MPAC subcommittee process. Metro received written comment from affected cities and responded to them by making revisions to accommodate their interests. Rec. 8097; 8102; 8104; 8052. These efforts to notify, receive comment and accommodate interests as much as possible and respond to comment fulfill the governments' responsibilities under Goal 2.

#### Goal 3 - Agricultural Lands

The concept planning required by Title 11 for urban reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 3. Goal 3 does not apply to comprehensive planning required by Title 11 for areas newly added to the UGB. Thus, the amendments to Title 11 are consistent with Goal 3.

#### Goal 4 - Forest Lands

The concept planning required by Title 11 for urban reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 4. Goal 4 does not apply to comprehensive planning required by Title 11 for areas newly added to the UGB. Thus, the amendments to Title 11 are consistent with Goal 4.

#### Goal 5 - Natural Resources, Scenic and Historic Areas and Open Spaces

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations for lands inventoried and protected as Goal 5 resource lands. Goal 5 will apply to all lands subject to Title 11 and additions of new urban areas to the UGB. The amendments to Title 11 are consistent with Goal 5.

#### Goal 6 - Air, Water and Land Resources Quality

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to protect air, water or land resources quality. Existing regulations intended to comply with Goal 6 will apply to all lands subject to Title 11. The amendments to Title 11 are consistent with Goal 6.

#### Goal 7 - Areas Subject to Natural Hazards

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to limit development in areas subject to natural hazards



and disasters. Existing regulations intended to comply with Goal 7 will apply to all lands subject to Title 11. The amendments to Title 11 are consistent with Goal 7.

#### Goal 8 - Recreational Needs

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to satisfy recreational needs. The amendments to Title 11 are consistent with Goal 8.

#### Goal 9 - Economic Development

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to ensure a supply of employment land. The amendments to Title 11 are consistent with Goal 9.

#### Goal 10 - Housing

The amendments clarify the level of specificity desired from planning for new urban areas and connect housing needs in the new area, the city, the county and the region with new area planning. Rec. 8156. The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. 8047-8050. The amendments to Title 11 are consistent with, and will help achieve the objectives of Goal 10.

#### Goal 11 - Public Facilities and Services

The planning required by the revisions to Title 11 does not affect plan provisions intended to comply with Goal 11. Goal 11 will apply to new urban areas at the time they are added to the UGB and will require planning for the provision of public facilities and services to urbanize the areas at that time. The amendments are consistent with Goal 11.

#### Goal 12 - Transportation

The planning required by the revisions to Title 11 does not affect plan provisions intended to comply with Goal 12. Goal 12 will apply to new urban areas at the time they are added to the UGB and will require planning for the provision of transportation facilities and services to urbanize the areas at that time. The amendments are consistent with Goal 12.

#### Goal 13 - Energy Conservation

The amendments to Title 11 will encourage more compact development in new urban areas. As a general matter, compact development uses less energy than traditional development. The amendments are consistent with Goal 13.

#### Goal 14 - Urbanization

The concept planning required by Title 11 for urban reserves does not change or affect comprehensive plan designations or land regulations for lands outside the UGB. Goal 14 will apply to decisions to add land to the UGB. The amendments to Title 11 are consistent with Goal 14.



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WHEREAS, the RFP also calls for consideration of incentives for, and agreements with local governments, landowners and others for the provision of the full range of housing opportunities when Metro expands the urban growth boundary; and

WHEREAS, the proposed amendments to Title 11 will offer greater guidance for achieving Policy 1.3 by providing clearer objectives for the concept planning and comprehensive planning for new urban areas and by linking housing needs in new areas with those in the county, the adjoining city and the region; and

WHEREAS, the information generated in response to these provisions will aid the Metro Council in determining whether proposed additions to the Urban Growth Boundary meet the regional goals and objectives; and

WHEREAS, the Metro Council considered the proposed amendments as part of Ordinance No. 10-1244B (For the Purpose of Making the Greatest Plan and Providing Capacity for Housing and Employment to the Year 2030; Amending the Regional Framework Plan and the Metro Code; and Declaring an Emergency), adopted on December 16, 2010, but postponed action to allow further consideration by Metro’s advisory committees and the public; and

WHEREAS, A subcommittee of MPAC recommended amendments to Title 11 to the full MPAC on January \_\_, 2011; and

WHEREAS, on January \_\_, 2011, MPAC recommended approval of the amendments to Title 11 by the Metro Council; and

WHEREAS, the Council held a public hearing on the proposed amendments on January 13, 2011; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Title 11 of the Urban Growth Management Functional Plan is hereby amended, as indicated by Exhibit A, attached and incorporated into this ordinance.
2. The Council directs the Chief Operating Officer to submit Title 11, as amended by Exhibit A, to the Department of Land Conservation and Development as part of the periodic review process initiated by the department to review Ordinance No. 10-1244B.

3. The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how the amendments to Title 11 comply with state law and the Regional Framework Plan.

ADOPTED by the Metro Council this 13th day of January, 2011.

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Tom Hughes, Council President

Attest:

Approved as to form:

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Tony Anderson, Clerk of the Council

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Daniel B. Cooper, Metro Attorney

## Exhibit A to Ordinance No. 11-1252

### TITLE 11: PLANNING FOR NEW URBAN AREAS

#### 3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

#### 3.07.1110 Planning for Areas Designated Urban Reserve

- A. The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435 of this chapter. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.
- B. A concept plan shall achieve, or contribute to the achievement of, the following outcomes:
  1. If the plan proposes a mix of residential and employment uses:
    - a. A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection C;
    - b. A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;
    - c. ~~Opportunities for a range of needed housing types~~A range of housing of different types, tenure and costs addressing the housing needs in the prospective UGB expansion area, the governing city, the county and the region if data on regional housing needs are available, in order to create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;
    - d. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
    - e. ~~Well-connected systems of streets, bikeways, parks, recreational trails and other public open spaces, natural areas, recreational trails and public transit that link to needed housing so as to reduce the combined cost of housing and transportation;~~

e.f. A well-connected system of parks, natural areas and other public open spaces;

f.g. Protection of natural ecological systems and important natural landscape features;  
and

g.h. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:

a. Opportunities for a range of housing typesA range of housing of different types, tenure and costs addressing the housing needs in the prospective UGB expansion area, the governing city, the county and the region if data on regional housing needs are available, in order to create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;

b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;

d. Protection of natural ecological systems and important natural landscape features;  
and

e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

C. A concept plan shall:

1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;

2. For proposed sewer, park and trail, water and storm-water systems and transportation facilities, provide the following:

a. The general locations of proposed sewer, park and trail, water and storm-water systems;

b. The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;

- c. The proposed connections of these systems and facilities, if any, to existing systems;
  - d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;
  - e. Proposed methods to finance the systems and facilities; and
  - f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
3. If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;
4. If the area subject to the concept plan calls for designation of land for residential use, the concept plan will describe the goals for meeting the housing needs for the concept planning area, the governing city, the county and the region if data are available. As part of this statement of objectives, the concept plan shall identify the general number, cost and type of market and nonmarket-provided housing. The concept plan shall also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection B of this section;
- ~~4.5.~~Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of ~~the Urban Growth Management Functional Plan~~this chapter;
- ~~5.6.~~Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;
- ~~6.7.~~Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;
- ~~7.8.~~Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;
- ~~8.9.~~Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

9.10. Be coordinated with schools districts, including coordination of demographic assumptions.

D. Concept plans shall guide, but not bind:

1. The designation of 2040 Growth Concept design types by the Metro Council;
2. Conditions in the Metro ordinance that adds the area to the UGB; or
3. Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

E. If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection A, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth.

#### 3.07.1120 Planning for Areas Added to the UGB

- A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by section 3.07.1455B(4) of this chapter.
- B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.
- C. Comprehensive plan provisions for the area shall include:
  1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;
  2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;
  3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455B(2) of this chapter;



~~4. Provision for affordable housing consistent with Title 7 of the Urban Growth Management Functional Plan if the comprehensive plan authorizes housing in any part of the area~~If the comprehensive plan authorizes housing in any part of the area:

- a. Provision for a range of housing – including ownership and rental housing; single-family and multi-family housing; and a mix of public, nonprofit and private market housing – needed in the prospective UGB expansion area, the governing city, the county and the region if data are available; and
- b. Implementing strategies that increase the likelihood that needed housing types – which may include housing options for households with incomes at or below 80, 50 and 30 percent of median family incomes – will be market feasible or provided by nonmarket housing developers within the 20-year planning period.

4. This subsection is intended to encourage local governments to consider a range of policies and incentives that could facilitate development of a broader range of housing types and affordability than might otherwise occur. The comprehensive plan may include such provisions and requirements as the city or county deems necessary to ensure the provision of needed housing types and to implement the strategies identified in the plan.

- 5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;
  - 6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.
  - 7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;
  - 8. Provision for the financing of local and state public facilities and services; and
  - 9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
- D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, within 30 days after adoption of new land use regulations for the area.

### 3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

- A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
- B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;
- C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010(ww) of this chapter, or for a new public school;
- D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
  - 1. A commercial use that is not accessory to industrial uses in the area; and
  - 2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

### 3.07.1140 Applicability

Section 3.07.1110 becomes applicable on December 31, 2011.

## **Exhibit B to Ordinance No. 11-1252**

### **Findings of Fact and Conclusions of Law**

Ordinance No. 11-1252 amends Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan to improve implementation of the policies in section 1.3, Housing Choices and Opportunities, of Chapter 1 of the Regional Framework Plan (RFP). The amendments clarify the level of specificity for planning for new urban areas and connect housing needs in the new area, the city, the county and the region with Title 11 planning. Rec. \_\_\_. (Staff Report, December 21, 2010, p. 1.) The revisions will apply to concept planning of urban reserves prior to addition to the UGB (section 3.07.1110 of Title 11) and comprehensive planning after addition of land to the UGB (section 3.07.1120).

#### **Regional Framework Plan**

##### Chapter 1, Policy Section 1.1 (Compact Urban Form)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) This will help achieve the policies in section 1.1 by encouraging more compact development in new urban areas.

##### Chapter 1, Policy Section 1.3 (Housing Choices and Opportunities)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) This will help accomplish the policies in section 1.3.

##### Chapter 1, Policy Section 1.4 (Employment Choices and Opportunities)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) This will help achieve the balance of the number and wage levels of jobs with housing cost and availability in each part of the region, as Policy 1.4.2 strives to achieve.

##### Chapter 1, Policy Section 1.6 (Growth Management)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) This will help achieve Policy 1.6.1a by encouraging an efficient urban growth form in new urban areas.

##### Chapter 1, Policy Section 1.9 (Urban Growth Boundary)

The amendments to Title 11 will encourage agreements with landowners to provide needed workforce housing in new urban areas, as Policy 1.9.1.2 strives to achieve.

## **Statewide Planning Goals**

### **Goal 1 - Citizen Involvement**

Metro established a subcommittee of the Metro Policy Advisory Committee (MPAC), composed of representatives of local governments and agencies and of public members, to develop revisions to Title 11. The subcommittee met frequently during the summer and fall of 2010. Metro notified the public of meeting times and published agendas. Rec. \_\_. Public comments was invited and offered at each meeting. Rec. \_\_. Drafts of revisions were present to MPAC on November 17, 2010. The Council postponed action on the amendments to Title 11, on December 16, 2010, to allow more opportunity for comment. After further revisions to the proposed amendments, MPAC recommended on January 12, 2011, that the Metro Council adopt the amendments. The Council held a public hearing on January 13, 2011. These efforts fulfill Metro's responsibilities under Goal 1.

### **Goal 2 - Land Use Planning**

There are two principal requirements in Goal 2: providing an adequate factual base for planning decisions and ensuring coordination with those affected by the planning decisions. The record contains information that explains why the Metro Council believed greater specificity was necessary to achieve its policies in new urban areas. These materials provide an ample basis for the amendments to Title 11.

Metro coordinated its efforts with affected governments through its MPAC and MPAC subcommittee process. Metro received written comment from affected cities and responded to them by making revisions to accommodate their interests. Rec. \_\_. These efforts to notify, receive comment and accommodate interests as much as possible and respond to comment fulfill the governments' responsibilities under Goal 2.

### **Goal 3 - Agricultural Lands**

The concept planning required by Title 11 for urban reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 3. Goal 3 does not apply to comprehensive planning required by Title 11 for areas newly added to the UGB. Thus, the amendments to Title 11 are consistent with Goal 3.

### **Goal 4 - Forest Lands**

The concept planning required by Title 11 for urban reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 4. Goal 4 does not apply to comprehensive planning required by Title 11 for areas newly added to the UGB. Thus, the amendments to Title 11 are consistent with Goal 4.

### **Goal 5 - Natural Resources, Scenic and Historic Areas and Open Spaces**

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations for lands inventoried and protected as Goal 5 resource lands. Goal 5 will apply to all lands subject to Title 11 and additions of new urban areas to the UGB. The amendments to Title 11 are consistent with Goal 5.

### **Goal 6 - Air, Water and Land Resources Quality**

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to protect air, water or land resources quality. Existing

regulations intended to comply with Goal 6 will apply to all lands subject to Title 11. The amendments to Title 11 are consistent with Goal 6.

Goal 7 - Areas Subject to Natural Hazards

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to limit development in areas subject to natural hazards and disasters. Existing regulations intended to comply with Goal 7 will apply to all lands subject to Title 11. The amendments to Title 11 are consistent with Goal 7.

Goal 8 - Recreational Needs

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to satisfy recreational needs. The amendments to Title 11 are consistent with Goal 8.

Goal 9 - Economic Development

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to ensure a supply of employment land. The amendments to Title 11 are consistent with Goal 9.

Goal 10 - Housing

The amendments clarify the level of specificity desired from planning for new urban areas and connect housing needs in the new area, the city, the county and the region with new area planning. Rec. \_\_. (Staff Report, December 21, 2010, p. 1.) The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) The amendments to Title 11 are consistent with, and will help achieve the objectives of Goal 10.

Goal 11 - Public Facilities and Services

The planning required by the revisions to Title 11 does not affect plan provisions intended to comply with Goal 11. Goal 11 will apply to new urban areas at the time they are added to the UGB and will require planning for the provision of public facilities and services to urbanize the areas at that time. The amendments are consistent with Goal 11.

Goal 12 - Transportation

The planning required by the revisions to Title 11 does not affect plan provisions intended to comply with Goal 12. Goal 12 will apply to new urban areas at the time they are added to the UGB and will require planning for the provision of transportation facilities and services to urbanize the areas at that time. The amendments are consistent with Goal 12.

Goal 13 - Energy Conservation

The amendments to Title 11 will encourage more compact development in new urban areas. As a general matter, compact development uses less energy than traditional development. The amendments are consistent with Goal 13.

Goal 14 - Urbanization

The concept planning required by Title 11 for urban reserves does not change or affect comprehensive plan designations or land regulations for lands outside the UGB. Goal 14 will apply to decisions to add land to the UGB. The amendments to Title 11 are consistent with Goal 14.

Goal 15 - Willamette River Greenway

Land subject to planning under Title 11 remains subject to acknowledged county and city plan provisions intended to protect the Willamette River Greenway. Goal 15 will apply to decisions to add land to the UGB. The amendments to Title 11 are consistent with Goal 15.

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 11-1252, FOR THE PURPOSE OF AMENDING TITLE 11 (PLANNING FOR NEW URBAN AREAS) OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

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Date: December 29, 2010

Prepared by: Ted Reid (503) 797-1768

## BACKGROUND

### Purpose of proposed legislation

Currently, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires that concept plans and comprehensive plans for urban reserves and areas added to the urban growth boundary (UGB) describe public systems and facilities in a fair amount of detail. However, there is no equivalent requirement for providing details about the types of housing that are intended for the area. The proposed ordinance would add specificity to Title 11 in regards to planning for housing, particularly affordable housing, in urban reserves and areas added to the UGB.

### Existing policy guidance

The Functional Plan, including Title 11, is intended to implement the Regional Framework Plan, which states the policies of the Metro Council. The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. Several clauses of policy 1.3 (Housing Choices and Opportunities) of the Framework Plan are particularly relevant to the proposed amendments to Title 11. Those clauses state that it is the Metro Council's policy to:

- Provide housing choices in the region, including single family, multi-family, ownership and rental housing, and housing offered by the private, public and nonprofit sectors, paying special attention to those households with fewest housing choices.” (policy 1.3.1)
- As part of the effort to provide housing choices, encourage local governments to ensure that their land use regulations:
  - Allow a diverse range of housing types;
  - Make housing choices available to households of all income levels; (policy 1.3.2)
- Integrate Metro efforts to expand housing choices with other Metro activities, including transportation planning, land use planning and planning for parks and greenspaces. (policy 1.3.9)
- When expanding the UGB, assigning 2040 Growth Concept design type designations or making other discretionary decisions, seek agreements with local governments and others to improve the balance of housing choices with particular attention to affordable housing. (policy 1.3.10)
- Help ensure opportunities for low-income housing types throughout the region so that families of modest means are not obligated to live concentrated in a few neighborhoods, because concentrating poverty is not desirable for the residents or the region. (policy 1.3.12)
- Consider investment in transit, pedestrian and bicycle facilities and multi-modal streets as an affordable housing tool to reduce household transportation costs to leave more household income available for housing. (policy 1.3.13)

## **MPAC recommendation**

During the summer and fall of 2010, an MPAC housing planning subcommittee chaired by Metro Councilor Liberty met to propose changes to Title 11. The subcommittee was charged with making recommendations to MPAC and the Metro Council about adding specificity to the housing planning requirements for both concept planning of urban reserves and comprehensive planning for UGB expansion areas. The subcommittee agreed on three principles to guide proposed revisions to Title 11. At a November 17, 2010 meeting, MPAC discussed the guiding principles with all but one MPAC member supporting the following principles:

1. Plans should describe the variety of different housing types that are intended for the area;
2. Plans should describe how they would address housing needs in the prospective UGB expansion area, in the prospective governing city, and the region; and
3. Plans should identify the types of housing that are likely to be built in the 20-year planning period and describe additional strategies to encourage the development of needed housing types that would otherwise not be built.

Similarly, all but one MPAC member supported the general proposition that the planning process should require local governments to consider and describe which income groups would be expected to live in the areas when added to the UGB and describe strategies that would be used to make those housing opportunities possible.

Though there was general agreement on the three guiding principles, several subcommittee members, MPAC members, MTAC members and stakeholders expressed apprehension over the specific Title 11 amendments that were proposed. Concerns typically centered on the level of specificity that would be called for in concept plans. In response to those concerns, Councilor Liberty worked with several MPAC subcommittee members and local planning staff to write a modified proposal for Title 11 amendments. Those modified amendments to Title 11 were originally intended to be acted upon as part of Ordinance No. 10-1244B (the "Capacity Ordinance") on December 16, 2010, but were postponed to allow adequate review by MPAC and other stakeholders.

The MPAC subcommittee will meet again on January 11, 2011 to finalize its recommendation to MPAC. At its January 12, 2011 meeting, MPAC will make a recommendation to the Metro Council on the proposed amendments to Title 11.

## **ATTACHMENTS**

None

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

The Homebuilders Association of Metropolitan Portland and the Portland Metropolitan Association of Realtors have expressed concern over the level of specificity that would be required in plans and whether the proposed Title 11 would run afoul of a state law that prohibits inclusionary zoning.

### **2. Legal Antecedents**

- Statewide Planning Goals 2 (Land Use Planning), 10 (Housing) and 14 (Urbanization)
- Oregon Revised Statute 197.303 ("Needed Housing" defined)
- Metro Regional Framework Plan, Chapter 1 (Land Use)



### **3. Anticipated Effects**

Adoption of the proposed legislation would lead to improved implementation of Regional Framework Plan policies pertaining to housing choices and opportunities. Local government plans for urban reserves and areas added to the UGB would be required to comply with the proposed changes to Title 11.

### **4. Budget Impacts**

Currently, Metro incurs expenses associated with staff time spent working on concept plans for urban reserves and areas added to the UGB. The proposed revisions to Title 11 are not expected to substantially alter the amount of staff time that would otherwise be spent on this activity.

### **RECOMMENDED ACTION**

Staff recommends that the Council adopt Ordinance No. 11-1252