



600 NE Grand Ave.
Portland, OR 97232-2736

Council work session agenda

Thursday, September 14, 2017

3:00 PM

Metro Regional Center, Council Chamber

3:00 Call to Order and Roll Call

Work Session Topics:

3:05 Expectations for Cities Proposing Residential Urban
Growth Boundary Expansions

[17-4856](#)

Presenter(s): Ted Reid, Metro

Attachments: [Work Session Worksheet](#)
[Draft Administrative Guidance for Proposals](#)
[Draft Title 14 Amendments](#)

3:50 Adjourn

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប្រតិបត្តិការរើសអើងសម្រាប់សេចក្តីណែនាំ www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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**EXPECTATIONS FOR CITIES PROPOSING RESIDENTIAL URBAN
GROWTH BOUNDARY EXPANSIONS**

Metro Council Work Session
Thursday, September 14, 2017
Metro Regional Center, Council Chamber

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: September 14, 2017

LENGTH: 45 minutes

PRESENTATION TITLE: Expectations for cities proposing residential UGB expansions

DEPARTMENT: Planning and Development

PRESENTER(s): Elissa Gertler, Planning and Development
Ted Reid, Planning and Development

WORK SESSION PURPOSE & DESIRED OUTCOMES

Purpose: Update Council on the Metro Technical Advisory Committee's (MTAC) recommendations for clarifying expectations for cities proposing residential urban growth boundary (UGB) expansions.

Outcome: The Council provides direction to staff on draft amendments to Metro code and administrative guidance for that code.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

Past Council direction

When the Metro Council made an urban growth management decision in November 2015, the Council provided direction on next steps for the region's urban growth management work program. One piece of Council direction was to work towards state acknowledgement of urban and rural reserves. Now adopted by Metro and the counties and pending state acknowledgement, urban and rural reserve designations represent a significant step for the region in how it approaches urban growth management decisions.

With the region's anticipated long-range urban form settled, the Council has indicated that it is prepared to take a new, outcomes-based approach to urban growth management that focuses on city readiness. In November 2015, the Metro Council directed staff that it wanted to convene regional partners to explore possible improvements to the region's urban growth management process. From spring 2016 to winter 2017, Council President Hughes chaired the Urban Growth Readiness Task Force. The Task Force developed several consensus recommendations, which the Metro Council endorsed in Resolution No. 17-4764.

Advancing the Urban Growth Readiness Task Force recommendations

The Task Force's efforts were focused on identifying ways that the Metro Council could exercise greater flexibility to respond to city requests for residential UGB expansions into concept-planned urban reserves.¹ In keeping with the Task Force's recommendations, the Council-endorsed work program for the 2018 urban growth management decision seeks to more fully use the flexibility provided under existing state law when identifying housing needs. Additional flexibility is made possible by recent changes to state law – which respond to Task Force recommendations – that facilitate mid-cycle residential growth management decisions.²

¹ The Task Force focused on residential growth management decisions since state law already allows greater flexibility for identifying employment land needs. Likewise, Metro code already includes a process for the Council to respond to applications for non-residential UGB expansions.

² The first mid-cycle decision is expected in 2021, three years after the anticipated 2018 legislative growth management decision.

The Task Force also agreed that, accompanying Council flexibility, the region should have high standards when considering expansion proposals. Generally, the Task Force recommended that, in addition to providing a concept plan for the proposed expansion area (which is already required under Metro Code), cities should describe how they are using best practices to facilitate the development of needed housing in existing urban areas and to achieve the region's desired outcomes.³ To that end, the Task Force recommended that Metro should clarify expectations for cities proposing residential UGB expansions into urban reserves. The Task Force suggested (and the Metro Council concurred) that Metro staff should work with MTAC to develop draft code. The Task Force further advised that the code should seek a balance between providing flexibility and certainty.

MTAC recommendations to MPAC

Since fall 2016, MTAC has discussed the question of flexibility vs. certainty and has landed on the flexibility end of the spectrum. In MTAC discussions, prescriptive code language proved unworkable, particularly since each city has different circumstances and the Council has indicated that it wishes to exercise greater flexibility. On September 6, 2017, MTAC unanimously recommended to MPAC the proposed Title 14 (Planning for New Urban Areas) amendments included in the Council's meeting packet.

MTAC also discussed how flexibility creates uncertainty for cities and has suggested that Metro prepare administrative guidance for cities making proposals. This guidance can be thought of as akin to guidelines for grant applicants that describe the particular interests of the funding body for a grant cycle. Since it would not be adopted as code, the administrative guidance could be updated for future growth management decisions to reflect the Council's current interests.

Metro staff agrees with the approach suggested by MTAC and believes that it is the best way to facilitate the outcomes-based framework that the Council has adopted. MTAC has not discussed the draft administrative guidance document in the Council meeting packet.

Packet materials

The Council's work session packet includes two items:

1. MTAC's recommended draft amendments to Title 14 (Urban Growth Boundary) of the Metro Functional Plan. The draft amendments would do two basic things:
 - Establish expectations for cities making residential expansion proposals (per previous Council direction, these expectations would apply to mid-cycle and legislative decisions); and,
 - Establish procedures for mid-cycle residential expansion proposals and decisions.
2. Draft administrative guidance for cities making residential expansion proposals in 2018.

Given the amount of discussion that MTAC has devoted to the draft Title 14 amendments and barring major Council concerns with the draft code amendments, staff suggests that Council focus most of its discussion on the administrative guidance document where the Council can provide additional direction on its policy interests.

Next steps

If Council agrees with the suggested approach to providing administrative guidance for cities, staff will seek to refine the guidance based on Council interests. Because the guidance is framed around the draft code that MTAC has helped recommend and is intended to provide additional insight into Council policy interests around those requirements, staff does not intend to seek MTAC's formal recommendation on the administrative guidance document. Once the guidance document incorporates Council direction, it will be provided this fall to cities in anticipation of their submission of letters of interest by the end of 2017 and full proposals for residential expansions by the end of May 2018.

³ As defined in the Regional Framework Plan.

MPAC will discuss the proposed code amendments at its September 27 meeting and will be asked for a recommendation at its October 11 meeting. The Metro Council will have an opportunity to consider Title 11 code amendments this fall, after MPAC's recommendation.

QUESTIONS FOR COUNCIL CONSIDERATION

- Does the Council have any questions for staff?
- Does the Council agree with the proposed approach, which relies on flexible code language accompanied by administrative guidance that can be updated in advance of future Council decisions?
- Does the Council have suggestions for the administrative guidance document?

PACKET MATERIALS

- Would legislation be required for Council action Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today? Draft administrative guidance to accompany the proposed Title 14 amendments

Administrative guidance for cities proposing residential urban growth boundary expansions in the 2018 urban growth management decision

The factors found in section 3.07.1425 (d) 1-5 were drafted with the intent of providing flexibility for cities that are proposing residential urban growth boundary (UGB) expansions. This is in recognition of the fact that cities have differing circumstances. With that flexibility comes some ambiguity.

Acknowledging that ambiguity, this document is intended as guidance for cities making proposals. It seeks to further explain the Metro Council's policy interests in order to help cities make the strongest proposal possible. In addressing these expectations, cities should make their best case for their proposed expansion, highlighting not only the merits of the proposed expansion area, but also demonstrating a commitment to implementing best practices in existing urban areas.

All code sections 3.07.1425 (d) 1 – 5 must be addressed in a city's proposal narrative. Please limit the proposal narrative (not including attachments or cover pages) to 15 pages. To be considered in the 2018 growth management decision, cities must submit all required proposal materials to Metro's Chief Operating Officer by close of business on May 31, 2018. The Metro Council will not consider proposals that are incomplete or late.

Cities proposing expansions primarily for employment purposes do not need to address these code sections as they are primarily focused on residential considerations, but must still submit a proposal letter and a concept plan for the urban reserve by May 31, 2018.

Relevant Metro code sections are in **bold**. Administrative guidance is in *italics*.

1. Whether the area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with the current Metro forecast.

The State Department of Land Conservation and Development (DLCD) – not Metro – is responsible for acknowledging city housing needs analyses if they determine that the city's analysis is consistent with [Statewide Planning Goal 10 \(Housing\)](#). Cities are encouraged to coordinate with DLCD early to ensure that deadlines and requirements can be met. Cities should request from DLCD, and provide to Metro, a letter confirming state acknowledgement of their housing needs analysis.

Cities should coordinate their housing needs analyses with the distributed forecast that was adopted by the Metro Council via Ordinance No. 16-1371. The [2040 Distributed Forecast is available on Metro's website](#). Cities that are planning for more household growth than depicted in the Metro forecast should explain their rationale and how their plans, investments and the proposed expansion will address that growth.

In addressing this code section in the proposal narrative, the Metro Council expects cities to demonstrate that, consistent with Statewide Planning Goal 10 (Housing), they are planning for a variety of housing types that can address the needs of diverse household sizes and incomes. This demonstration should be made for the city as a whole, while also describing the role of the proposed expansion area in addressing those needs.

2. Whether the area has been concept planned consistent with section 3.07.1110 of this chapter.

The Metro Council only wants to expand the UGB in locations that are likely to develop within the 20-year planning horizon. This is one of the reasons that the Council requires – in the [Urban Growth Management Functional Plan](#) – a concept plan before expanding the UGB. The concept plan must be consistent with Title 11 (Planning for New Urban Areas) of the Functional Plan. Cities should summarize their concept plan’s relevant components – such as infrastructure funding strategies and agreements with the county and special districts – in their proposal narrative. Cities should also demonstrate that the concept plan is consistent with the requirements of Title 11.

The Metro Council will only consider proposals for expansions in designated urban reserves. A concept plan may include a larger urban reserve area than what a city is proposing for expansion. Cities should clearly indicate in their proposal which areas are being proposed for expansion.

Concept plans should be formally adopted or accepted by a city’s governing body and a city should submit evidence of that formal action and the plan itself with its proposal. Cities should also submit a resolution from their governing body that expresses support for the proposed expansion. If desired, one resolution (or appropriate legislation) may be used for both purposes. Plans and proposals that lack formal endorsement by the city’s governing body will not be considered by the Metro Council.

To demonstrate the likelihood of development in the proposed expansion area, cities may submit additional information such as market studies, evidence of the city’s past track record in producing housing, and letters of support from or agreements with property owners in the proposed expansion area.

If a city has planning or governance responsibility for past UGB expansion areas, the Metro Council will want to know whether and how those areas have been annexed and developed. If past expansion areas have not been annexed or developed, the Metro Council will want a city to explain why that is and how the proposed expansion would be different.

Please note that Metro administers [2040 Planning and Development Grants](#) that can be used to fund concept plans for urban reserves.

3. Whether the city responsible for preparing the concept plan has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas.

The Metro Council is committed to encouraging most growth in existing centers, corridors, main streets, and station communities. Development of UGB expansion areas should not be at the expense of existing urban areas. The Metro Council expects cities proposing residential expansions to make the case that they are making meaningful efforts to encourage the success of these existing urban areas.

Please refer to Title 6 (Centers, Corridors, Station Communities, and Main Streets) of the [Functional Plan](#) for specific actions that are encouraged. Generally, proposals from cities that have taken more of those actions and had positive results will be regarded more favorably. If cities have not taken these actions, they should explain the reasons why they have not.

If the proposed expansion would somehow reinforce an existing urban center or corridor, please describe how. Please note that the Metro Council and Metro staff are generally skeptical of arguments that UGB expansions will lead to people living and working in the same community to any significant degree. The evidence is that people make complex decisions about where to live and work and that this region, like other metropolitan areas, has a regional commute shed.

The region's [State of the Centers Atlas](#) is available as an online resource for describing current conditions in centers. Please also note that Metro administers [2040 Planning and Development Grants](#) that can be used to conduct work recommended under Title 6.

4. Whether the city responsible for preparing the concept plan has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas.

The Metro Council seeks to preserve and increase the supply and diversity of affordable housing. This includes both market rate and subsidized housing. Cities should describe the actions and investments they have taken to accomplish this in their existing urban areas. Please refer to the region's [Equitable Housing Initiative](#) for examples that could be cited. Cities should also describe the effectiveness of actions that they have taken. The [Regional Inventory of Regulated Affordable Housing](#) is available as a resource. Generally, proposals from cities that have taken more actions to improve or preserve affordability (and have achieved results) will be regarded more favorably.

Please note that Metro administers [2040 Planning and Development Grants](#) that can be used to conduct work to help ensure equitable housing. If a city has received an Equitable Housing Grant, please summarize the status of that work.

5. Whether the city responsible for preparing the concept plan has taken actions to advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.

The Metro Council seeks to make urban growth management decisions that advance the region's six desired outcome (described in the [Regional Framework Plan](#)).

- 1. People live, work and play in vibrant communities where their everyday needs are easily accessible.*
- 2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.*
- 3. People have safe and reliable transportation choices that enhance their quality of life.*
- 4. The region is a leader in minimizing contributions to global warming.*
- 5. Current and future generations enjoy clean air, clean water and healthy ecosystems.*
- 6. The benefits and burdens of growth and change are distributed equitably.*

Cities should address each of the six desired outcomes, referencing the actions that they have taken (and results achieved) in existing urban areas as well as how the proposed expansion may advance these outcomes. For several of the outcomes (particularly outcomes one, two, three, four, and six), cities may wish to summarize relevant portions of their responses to code section

3.07.1425(d)3, which requires that a city describe actions it has taken to enhance its centers, corridors, main streets or station communities. If these design types are proposed in the expansion area, the city should describe relevant aspects of the concept plan.

For outcome number four, cities should also reference any other policies or investments that specifically aim to reduce housing and transportation related carbon emissions. Please note that the Metro Council and Metro staff are generally skeptical of arguments that UGB expansions will lead to people living and working in the same community to any significant degree (thereby shortening local commutes and reducing carbon emissions). Cities may, however, wish to describe how the housing planned for the proposed expansion addresses residential demand that could otherwise spillover outside the Metro UGB (enlarging the regional commute-shed). In particular, cities may wish to note how the type and cost of housing that is being proposed could reduce spillover growth.

For outcome number five, cities may note their compliance with Titles 3 (Water Quality and Flood Management) and Title 13 (Nature in Neighborhoods) of the Functional Plan. Cities may also document additional policies or strategies that go beyond regional requirements, including parks and natural area acquisition programs. Cities should also summarize the relevant portions of their concept plans for proposed expansion areas.

Outcome six is of central interest to the Metro Council. To help achieve this ambitious goal, in June 2016 Metro adopted the [Strategic Plan to Advance Racial Equity, Diversity and Inclusion](#). The strategic plan focuses on removing barriers for people of color and improving equity outcomes for these communities by improving how Metro works internally and with partners around the Portland region. While individual UGB expansions may have few direct impacts on region-wide racial equity, the cumulative impacts of how communities, cities, the region and the nation have grown have often adversely impacted people of color. Cities making residential expansion proposals should describe whether and how they have meaningfully engaged diverse communities in their city's planning processes (not exclusively for the urban reserve concept plan) and how that engagement has influenced plans and community outcomes. Cities should also describe whether and how they measure or track the distribution of benefits and burdens of plans and policies across populations (not exclusively for the urban reserve concept plan) and how that analysis has influenced plans and decisions.

Cities submitting proposals for residential UGB expansions should include the following in their proposals (due on May 31, 2018 for consideration in the 2018 decision):

- A proposal narrative addressing the Title 14 code sections (3.07.1425 (d) 1-5) that are described in this guidance document (limit to 15 pages, not including the attachments listed below)
- Adopted resolution from the city's governing body in support of the expansion proposal
- Resolution or other formal action from the city's governing body adopting or accepting a concept plan for the proposed UGB expansion area
- The adopted or accepted concept plan for the urban reserve area
- Findings of fact and conclusions of law that demonstrate that the concept plan for the urban reserve complies with Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan.
- A map of the proposed expansion area (if smaller than the area described in the concept plan)
- Agreements with the county and service districts for the concept plan area as required in Metro

DISCUSSION DRAFT

9-6-17

Code Title 11 (Planning for New Urban Areas)

- Letter from DLCD confirming state acknowledgement of the city's housing needs analysis
- Any other supporting materials that demonstrate the city's commitment to facilitating the development of needed housing or achieving regional desired outcomes

DRAFT

Proposed New Sections of Title 14 to Implement HB 2095

3.07.1427 Mid-Cycle Amendments - Procedures

- (a) The Metro Council may consider a mid-cycle amendment to the UGB for residential needs between legislative UGB amendments, as provided in ORS 197.299(6). Cities may initiate a mid-cycle amendment to the UGB by filing a proposal on a form provided by Metro.
- (b) The COO will accept proposals from cities for mid-cycle UGB amendments during the period that is between 24 and 30 months after the date of the Council's adoption of its most recent analysis of the regional buildable land supply under ORS 197.296.
- (c) The COO shall provide written notice of the deadline for proposals for mid-cycle amendments not less than 90 days before the first date proposals may be accepted to each city and county within the Metro region and to anyone who has requested notification.
- (d) Proposals must indicate that they have the support of the governing body of the city making the proposal.
- (e) As part of any proposal, the city shall provide the names and addresses of property owners for notification purposes, consistent with section 3.07.1465.
- (f) The proposing city shall provide a concept plan for the urban reserve area that includes the proposed expansion area consistent with section 3.07.1110.
- (g) The proposing city shall provide written responses to the criteria listed in 3.07.1428(b).
- (h) Proposals from cities under this section shall be initially reviewed by the COO and the Metro Planning Department. No later than 60 days after the final date for receiving proposals under subsection (b) of this section, the COO shall submit a recommendation to the Metro Council regarding the merits of each proposal, including consideration of the criteria listed in Section 3.07.1428.
- (i) The Metro Council is not obligated to take action on proposals submitted by cities or on the recommendation of the COO. If the Council chooses to expand the UGB in

accordance with one or more of the proposals, it may add no more than 1000 acres total.

- (j) If the Council elects to amend the UGB under this section, it shall be accomplished by ordinance in the manner prescribed for ordinances in Chapter VII of the Metro Charter. For each mid-cycle amendment, the Council shall establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other relevant advisory committees, and the public.
- (k) Any decision by the Council to amend the UGB under this section must be adopted not more than four years after the date of the Council's adoption of its most recent analysis of the regional buildable land supply under ORS 197.296.
- (l) Notice to the public of a proposed amendment to the UGB under this section shall be provided as prescribed in section 3.07.1465.

3.07.1428 Mid-Cycle Amendments - Criteria

- (a) In reviewing city proposals for mid-cycle UGB amendments, the Metro Council shall determine whether each proposal demonstrates a need to revise the most recent analysis of the regional buildable land supply as described in ORS 197.299(5). The Council's decision shall include consideration of:
 - (1) Need to accommodate future population, consistent with the most recently adopted 20-year population range forecast; and
 - (2) Need for land suitable to accommodate housing and supporting public facilities and services, schools, parks, open space, commercial uses, or any combination thereof.
- (b) If, after revising its most recent analysis of the buildable land supply under paragraph (a) of this subsection, the Council concludes that expansion of the UGB is warranted, the Council shall evaluate those areas that have been proposed by cities for possible addition to the UGB. Any expansion(s) under this section may not exceed a total of 1000 acres. Cities proposing mid-cycle UGB amendments shall demonstrate that:

- (1) The city has an acknowledged housing needs analysis that was completed in the last six years and is coordinated with the Metro forecast in effect at the time the city's housing needs analysis or planning process began;
 - (2) The housing planned for the city's proposed UGB expansion area is likely to be built in fewer than 20 years. As part of any proposal, cities must provide a concept plan that is consistent with section 3.07.1110 of this chapter. Cities may also provide evidence of property owner support for the proposed UGB expansion, and/or other evidence regarding likelihood of development occurring within 20 years;
 - (3) The city has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas;
 - (4) The city has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas. Such practices may include regulatory approaches, public investments, incentives, partnerships, and streamlining of permitting processes; and
 - (5) The city has taken actions in its existing jurisdiction as well as in the proposed expansion area that will advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.
- (c) The land proposed for UGB expansion must be a designated urban reserve area.
- (d) Mid-cycle UGB amendments made under this section are exempt from the boundary location requirements described in Statewide Planning Goal 14.

Amendments to Existing Title 14 Provisions

3.07.1425 Legislative Amendment to the UGB - Criteria

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(c) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences;
- (4) Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal;
- (5) Equitable and efficient distribution of housing and employment opportunities throughout the region;
- (6) Contribution to the purposes of Centers and Corridors;
- (7) Protection of farmland that is most important for the continuation of commercial agriculture in the region;
- (8) Avoidance of conflict with regionally significant fish and wildlife habitat; and
- (9) Clear transition between urban and rural lands, using natural and built features to mark the transition.

(d) If the Council determines there is a need to amend the UGB for housing, in addition to consideration of the factors listed in subsection (c) of this section, the Council shall also consider the following factors in determining which urban reserve areas better meet the housing need:

- (1) Whether the area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with the current Metro forecast;
- (2) Whether the area has been concept planned consistent with section 3.07.1110 of this chapter;
- (3) Whether the city responsible for preparing the concept plan has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas;
- (4) Whether the city responsible for preparing the concept plan has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas; and
- (5) Whether the city responsible for preparing the concept plan has taken actions to advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.

3.07.1465 Notice Requirements

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(b) For a proposed mid-cycle amendment under section 3.07.1427, the COO shall provide notice of the first public hearing on the proposal in the following manner:

- (1) In writing at least 35 days before the first public hearing on the proposal to:
 - (A) The Department of Land Conservation and Development and local governments of the Metro area;
 - (B) The owners of property that is being proposed for addition to the UGB;
 - (C) The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designated for agriculture or forestry pursuant to a statewide planning goal;

(2) In writing at least 30 days before the first public hearing on the proposal to:

(A) The local governments of the Metro area;

(B) A neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by the cities and counties whose jurisdictional boundaries include or are adjacent to the site;

(C) Any other person who requests notice of amendments to the UGB; and

(3) To the general public by posting notice on the Metro website at least 30 days before the first public hearing on the proposal.