

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING )  
AMENDMENTS TO TITLE 14 OF THE )  
URBAN GROWTH MANAGEMENT )  
FUNCTIONAL PLAN TO IMPROVE THE )  
REGIONAL GROWTH MANAGEMENT )  
PROCESS )

ORDINANCE NO. 17-1408  
Introduced by Martha J. Bennett, Chief  
Operating Officer, with the concurrence of  
Tom Hughes, Council President

WHEREAS, Oregon state law requires Metro to periodically determine the capacity of the urban growth boundary (UGB) to accommodate population growth in the region over the next 20 years; and

WHEREAS, the Metro Council made its most recent determination of the UGB's growth capacity in 2015 by adopting Ordinance No. 15-1361; and

WHEREAS, as part of Ordinance No. 15-1361, the Metro Council ordained that Metro would work with its regional partners to explore possible improvements to the region's residential growth management process; and

WHEREAS, in May of 2016 Metro convened an Urban Growth Readiness Task Force consisting of public and private sector representatives to develop recommendations for such improvements; and

WHEREAS, on February 2, 2017 the Metro Council adopted Resolution No. 17-4764, which accepted the following three key concepts adopted by the Task Force for improving the growth management process: (1) clarify expectations for cities proposing modest residential UGB expansions into concept-planned urban reserves; (2) seek greater flexibility for addressing regional housing needs, in part through changes to state law allowing for mid-cycle UGB expansions up to 1000 acres; and (3) seek greater flexibility when choosing among concept-planned urban reserves for UGB expansions; and

WHEREAS, the Task Force also recommended that Metro adopt changes in its decision-making processes to implement the three key concepts by taking an outcomes-based approach to growth management focused on specific UGB expansion proposals made by cities; and

WHEREAS, based on the Task Force directives, Metro and its regional partners successfully advocated for changes to state law via House Bill 2095, which allows Metro to make mid-cycle residential UGB expansions by amending its most recent Urban Growth Report analysis based on specific residential growth proposals brought forward by cities; and

WHEREAS, the Metro Council directed staff to work with the Metro Technical Advisory Committee (MTAC) on proposed amendments to the Urban Growth Management Functional Plan (UGMFP) that would implement the Task Force directives and House Bill 2095; and

WHEREAS, over the course of 10 meetings since July 6, 2016, Metro staff and MTAC prepared and refined proposed amendments to Title 14 of the UGMFP; and

WHEREAS, on September 6, 2017 MTAC voted unanimously to approve the proposed amendments and to forward them to the Metro Policy Advisory Committee (MPAC) for review and approval; and


WHEREAS, MPAC reviewed and discussed the proposed amendments on September 27, 2017, and at its meeting on October 11, 2017 voted unanimously to recommend that the Metro Council approve the proposed amendments with minor revisions; and

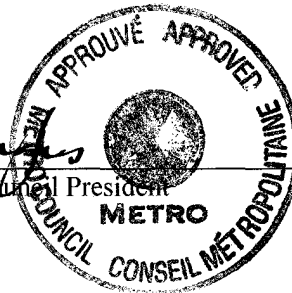
WHEREAS, the Metro Council finds that MPAC's recommended amendments to Title 14 of the UGMFP will effectively implement House Bill 2095 and the directive of the Urban Growth Readiness Task Force to create a more flexible and outcomes-based approach for future UGB expansions in the Metro region; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Chapter 3.07 of the Metro Code is hereby amended as shown on Exhibit A, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this 14 day of December 2017.

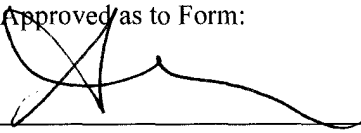
  
\_\_\_\_\_  
Tom Hughes, Council President



Attest:

  
\_\_\_\_\_  
Nellie Papsdorf, Recording Secretary

Approved as to Form:

  
\_\_\_\_\_  
Alison R. Kean, Metro Attorney

## **Exhibit A to Ordinance No. 17-1408**

Adding new code sections 3.07.1427 and 3.07.1428 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 for areas adjacent to the city 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 and distribution 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 10 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 10 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 code sections 3.07.1425 and 3.07.1465 (new language underlined):

**3.07.1425 Legislative Amendment to the UGB - Criteria**

\* \* \* \* \*

(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 Metro forecast and distribution in effect at the time the city's housing needs analysis or planning process began;
- (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**

- (a) For a proposed legislative amendment under section 3.07.1420, the COO shall provide notice of the public hearing in the following manner:
  - (1) In writing to the Department of Land Conservation and Development and local governments of the Metro region at least 35 days before the first public hearing on the proposal; and
  - (2) To the general public at least 35 days before the first public hearing by an advertisement no smaller than 1/8-page in a newspaper of general circulation in the Metro area and by posting notice on the Metro website.
- (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;
  - (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.

(~~b~~c) For a proposed major amendment under sections 3.07.1430 or 3.07.1435, the COO shall provide notice of the hearing in the following manner:

\* \* \* \* \*

(~~e~~d) The notice required by subsection (a), and (b), and (c) of this section shall include:

\* \* \* \* \*



(9) For the owners of property described in subsection  
(~~b~~c) (1) (C) of this section, the information required  
by ORS 268.393(3).

(~~d~~e) For a proposed minor adjustment under section 3.07.1445,  
the COO shall provide notice in the following manner:

\* \* \* \* \*

(~~e~~f) The notice required by subsection (~~d~~e) of this section  
shall include:

\* \* \* \* \*

## STAFF REPORT

# IN CONSIDERATION OF ORDINANCE NO. 17-1408 FOR THE PURPOSE OF ADOPTING AMENDMENTS TO TITLE 14 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TO IMPROVE THE REGIONAL GROWTH MANAGEMENT PROCESS

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Date: October 12, 2017

Prepared by: Ted Reid  
ted.reid@oregonmetro.gov

## BACKGROUND

### **An outcomes-based approach to growth management**

When the Metro Council made an urban growth management decision in November 2015, the Council indicated its intent to convene partners to discuss possible improvements to the region's process for managing residential growth. The desire for a new approach springs from lessons learned from past urban growth boundary (UGB) expansions, some of which have been slow to develop because of governance and infrastructure funding challenges. Likewise, the Metro Council, cities, counties, and stakeholders have expressed frustration with past decision processes that were characterized by theoretical debates that felt detached from viable growth options.

The proposed code amendments that the Council is considering in Ordinance No. 17-1408 represent a step towards improving how the region manages residential growth, with the goal of facilitating more transparent discussions of the merits of the actual growth options that may produce needed housing and jobs. These amendments build on past improvements that include:

- The Council has adopted numerous policies, including the 2040 Growth Concept, which emphasize existing urban areas as the region's growth priorities. In the last two decades, market demand for housing in urban areas has increased around the country. With plans in place, the greater Portland region has been uniquely ready to capitalize on that market demand for urban living.
- In 2010 and again in 2017, the Council adopted urban and rural reserves. These designations describe where the region may expand its urban footprint over the next five decades and which areas will be off limits to urbanization. Metro, Clackamas County, and Multnomah County are currently seeking state acknowledgement of these designations. In 2014, the state legislature codified urban and rural reserves in Washington County in state law.
- In 2010, the Council adopted a requirement that a concept plan must be completed by a local jurisdiction before the Council will expand the UGB there. This policy is intended to ensure that issues of governance, infrastructure funding, environmental protection, and planned uses are sorted out by a city before the land is added to the UGB.
- Since 2006, Metro has offered grant funding to assist cities and counties in removing barriers to development ("2040 Planning and Development Grants," formerly known as "Community Planning and Development Grants")
- In 2010, the Council adopted six desired outcomes into the Regional Framework Plan, expressing an intent to have them guide growth management decision making.

### **Urban Growth Readiness Task Force recommendations**

Beginning in the spring of 2016, Metro convened the Urban Growth Readiness Task Force to provide recommendations on how to continue to improve the region's growth management process. The Task Force included mayors, county commissioners, and representatives from 1000 Friends of Oregon, the Home Builders Association of Metropolitan Portland, and the Oregon Department of Land Conservation and Development. Council President Hughes served as Chair and Councilors Collette and Chase also served as liaisons.

The Task Force met five times and made consensus recommendations. Those recommendations can be generally described as:

- The Metro Council should exercise greater flexibility when considering city proposals for residential urban growth boundary (UGB) proposals into concept planned urban reserves.
- The Metro Council should clarify expectations for cities proposing residential UGB expansions into concept planned urban reserves. The Task Force identified topics of interest that cities should address and suggested that Metro staff work with the Metro Technical Advisory Committee (MTAC) to incorporate those topics into proposed code. The Task Force recommended that those expectations should strike a balance between providing flexibility and certainty.

The Metro Council accepted the Task Force's recommendations when it adopted Resolution No. 17-4764. Those recommendations guide the proposed code amendments that the Council is now considering under Ordinance No. 17-1408. The Task Force's recommendations and their relationship to Ordinance No. 17-1408 are further summarized as follows:

#### Exercise greater flexibility when considering city proposals for residential UGB expansions into concept planned urban reserves:

The general theme of the Task Force's recommendations was that the Council should exercise greater flexibility to respond to city proposals for residential UGB expansions into concept planned urban reserves. This will be achieved through recent changes to state law that facilitate the Metro Council's ability to make "mid-cycle" growth management decisions as well as by exercising flexibility that is already allowed under the law in standard "legislative" growth management decisions that the Council makes at least every six years.

Based on Task Force recommendations, Metro and its partners successfully advocated for changes to state law that facilitate the Metro Council's consideration of city proposals for mid-cycle residential expansions. House Bill 2095, signed into law in 2017, allows Metro to make mid-cycle residential UGB amendments by amending its most recent Urban Growth Report analysis. The law limits each of these mid-cycle expansions to a total of 1,000 acres. The legislation also exempts mid-cycle decisions from the boundary location requirements described in Statewide Planning Goal 14 (Urbanization). In other words, Metro is not obligated to analyze all urban reserves in mid-cycle decisions and may focus only on those that are proposed by cities. The first mid-cycle decision process is anticipated in 2021. Proposed Ordinance No. 17-1408 describes Metro procedures for mid-cycle decisions.

Under state law, the Metro Council must assess regional housing needs at least every six years. Exercising greater flexibility in this standard legislative growth management process (including the 2018 decision) means that decision making will focus on the merits of city proposals for UGB expansions. This new approach recognizes that there is not one correct answer to whether expansions are needed, just different tradeoffs to consider. Informed by peer-reviewed analysis in the 2018 Urban Growth Report, the Council will decide whether city-proposed UGB expansions are warranted to achieve desired outcomes and produce needed housing.

Clarify expectations for cities proposing residential UGB expansions:

The Task Force recommended that, along with exercising greater flexibility in responding to city proposals, the Metro Council should have high standards for cities proposing residential UGB expansions into concept planned urban reserves. Fundamentally, the Task Force indicated that cities should demonstrate that an expansion area is likely to develop as planned and that they are implementing best practices for providing needed housing and achieving desired outcomes in their existing urban areas. The Task Force recommended that Metro should make those expectations clear to cities while also providing enough flexibility to accommodate proposals from cities with differing circumstances.

To advance the Task Force’s recommendations, the Metro Council asked staff to work with MTAC to propose amendments to the Metro code that would provide that clarification. Ordinance No. 17-1408 includes amendments to Metro code to achieve that end. As written, these expectations would apply to legislative and mid-cycle UGB amendments. These expectations are similar for both types of decisions, but are somewhat more rigorous for mid-cycle decisions since that process was designed to address more immediate opportunities presented by cities. The expectations for legislative decisions, such as the 2018 growth management decision, are presented as factors that the Council will consider.

**MTAC recommendations**

MTAC began providing conceptual feedback to the Task Force in July 2016 and began discussing possible code amendments shortly thereafter. In total, MTAC discussed background concepts or proposed code amendments at 10 meetings, including:

- July 6, 2016
- July 13, 2016
- August 3, 2016
- September 7, 2016
- October 19, 2016
- December 7, 2016
- February 1, 2017
- April 5, 2017
- August 2, 2017
- September 6, 2017

MTAC’s discussions centered on how to achieve an appropriate balance of flexibility and certainty in the proposed code amendments. At its September 6, 2017 meeting, MTAC made a unanimous recommendation to MPAC on proposed code amendments. MTAC’s proposed code amendments are intended to provide flexibility to cities and the Metro Council. Recognizing that flexibility also may create ambiguity, MTAC recommended that Metro staff develop administrative guidance that further clarifies how a city might make a compelling residential UGB expansion proposal that meets the intent of the proposed code. That administrative guidance is not intended for formal adoption by the Council. Staff expects that the administrative guidance will be edited for future growth management decisions based on lessons learned in the 2018 decision or to reflect contemporary policy interests. Draft administrative guidance is included as Attachment 1 to this staff report.

**Council work session discussion**

The Metro Council discussed the proposed code amendments (version recommended by MTAC) at its September 14 work session. The Metro Council suggested one change to the mid-cycle UGB amendment criteria described in proposed code section 3.07.1428(b)2. That criterion references a timeframe during which the proposed housing is likely to be developed. MTAC recommended that this be a 20-year time

horizon. The Metro Council requested that this be changed to 10 years to recognize that mid-cycle decisions are intended to respond to more immediate opportunities to provide needed housing.<sup>1</sup>

The Council also discussed an initial draft of administrative guidance at the September 14 work session and suggested a couple of revisions. Staff has made those and a few other minor revisions to provide clarity. Those revisions include:

- Cities should substantiate any assertions that UGB expansions would reduce commute distances.
- Affordable housing is defined in the guidance as both market rate and subsidized housing that is affordable to households with incomes equal to or less than 80 percent of the median family income for the county. This definition was developed in consultation with Metro staff that specialize in housing development and affordability.
- The document provides additional guidance on how cities may demonstrate efforts relating to the region's sixth desired outcome (equity). Metro Planning and Development staff worked with Metro Diversity, Equity and Inclusion staff to make those clarifications.

The administrative guidance is not intended to be formally adopted, however it is included as Attachment 1 to this report for reference. If the Council chooses to adopt code that differs from what is proposed, staff will work to reconcile the administrative code with adopted code. Staff also anticipates that the administrative guidance will be revised in future decisions based on lessons learned in the 2018 growth management decision as well as contemporary policy interests.

### **MPAC recommendations**

The Metro Policy Advisory Committee (MPAC) had an initial discussion of the proposed code amendments at its September 27, 2017 meeting. After MPAC's September 27 discussion, Metro staff became aware of two concerns from local jurisdiction staff regarding the proposed code amendments. Those concerns included:

- A desire for Metro code to reiterate a state law that requires that any mid-cycle UGB expansion must be adjacent to the city proposing the expansion.
- A concern that the cities that are likely to propose residential expansions in the 2018 legislative decision haven't based their housing needs analyses on the current<sup>2</sup> Metro forecast as would be required under the code recommended by MTAC. The concern was that cities would not be able to revise their analyses in time to make an expansion proposal for the 2018 decision (proposals are due by the end of May 2018).

To address those concerns, Metro staff suggested slight revisions to the proposed code that went to MPAC for a recommendation on October 11, 2017. MPAC members agreed with those proposed changes.

MPAC moved to make one further revision to the proposed code being considered for their recommendation, seeking to clarify that coordinating a city's housing needs analysis with the Metro forecast means coordinating it with an adopted "distributed" forecast. This refers to a forecast that distributes regional growth at smaller geographies. Metro, the counties, and cities periodically undertake a coordinated approach to producing a distributed forecast that the Metro Council considers for adoption.

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<sup>1</sup> Legislative UGB amendments, which must be considered by the Council at least every six years, respond to a 20-year time horizon.

<sup>2</sup> The current forecast is the 2040 Distributed Forecast, which was adopted by the Metro Council in 2016 (Ordinance No. 16-1371) after coordinating with cities and counties.

Typically, Metro and local jurisdictions go through this process within a year or two of the Metro Council making a regional urban growth management decision.

MPAC unanimously recommends that the Council adopt the proposed Title 14 code amendments that are Exhibit A to Ordinance No. 17-1408.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

Staff is not aware of any opposition to this ordinance.

### **2. Legal Antecedents**

- Statewide Planning Goals 10 (Housing) and 14 (Urbanization)
- Oregon Administrative Rules, Division 24 (Urban Growth Boundaries)
- Metro Regional Framework Plan, Chapter 1 (Land Use)
- Metro Urban Growth Management Functional Plan
- Council Ordinance No. 10-1238A, which adopted urban and rural reserves and made changes to the Urban Growth Management Functional Plan that require cities to complete concept plans for urban reserves before the area will be included in the UGB. The ordinance also included amendments to the Functional Plan that provide guidance for the contents of concept plans.
- Council Ordinance No. 10-1244, which adopted changes to the Regional Framework Plan, calling for an outcomes-based approach to urban growth management.
- Council Ordinance No. 15-1361, which expressed Council's intent to convene partners to discuss possible improvements to the region's process for managing residential growth.
- Council Resolution No. 17-4764, by which the Council accepted the recommendations of the Urban Growth Readiness Task Force, including its recommendation to clarify expectations for cities proposing residential UGB expansions.

### **3. Anticipated Effects**

Future residential growth management decisions, including the Metro Council's 2018 decision, would be subject to the code requirements proposed in this ordinance. This will mean that cities will need to address these new code provisions when proposing residential UGB expansions. The proposed code amendments would also establish procedures for mid-cycle residential growth management decisions.

### **4. Budget Impacts**

No additional budget impacts are expected as a consequence of Council adoption of this ordinance. Staff anticipates devoting time to assisting cities that wish to propose residential UGB expansion. Likewise, some amount of staff time will be incurred reviewing city proposals. However, staff believes that this can be achieved with existing resources since this effort is anticipated in the 2018 growth management decision work program.

## **RECOMMENDED ACTION**

Staff recommends that Council adopt Ordinance No. 17-1408.

## **ATTACHMENTS**

Attachment 1: Draft administrative guidance for cities proposing residential UGB expansions in the 2018 urban growth management decision.

**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 should 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. Please contact Metro staff with any questions about how to address these code sections.

Cities proposing expansions primarily for employment purposes do not need to address these code sections as they are chiefly 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 Metro forecast and distribution in effect at the time the city's housing needs analysis or planning process began.**

*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, written state acknowledgement of their housing needs analysis.*

*Cities should coordinate their housing needs analyses with a distributed forecast that was adopted by the Metro Council. The 2040 distributed forecast is the most recent forecast and was adopted via Ordinance No. 16-1371. The 2035 and 2040 distributed forecasts are [available on Metro's website](#). When feasible, cities are encouraged to rely on the most current forecast (the 2035 distributed forecast is older). 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. If a city wishes to assert that the proposed expansion would reduce commute distances, the Metro Council will expect the city to provide evidence since people make complex decisions about where to live and work and 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 that is affordable to households with incomes equal to or less than 80 percent of the median family income for the county. 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. Cities may wish to describe how the housing planned for the proposed expansion addresses residential demand that could otherwise spillover outside the Metro UGB (thereby 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. If a city wishes to assert that the proposed expansion would reduce commute distances, the Metro Council will expect the city to provide evidence.*

*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 and improving equity outcomes for people of color 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. Though the best course of action may not always be clear, Metro seeks to encourage a more intentional process for acknowledging and addressing these inequities in growth management decisions with the hopes that cities can help to develop best practices.*

*Cities making residential expansion proposals should describe whether any of the following social outcomes are worse for communities of color in their jurisdiction than their white counterparts: transportation, housing, jobs, and parks (for a more complete description of these outcomes, please reference the [2015 Equity Baseline Report](#)). Cities should also describe how they meaningfully engage diverse communities in their planning processes (not exclusively for the urban reserve concept plan), how the identified disproportionate outcomes and engagement practices influence plans and community outcomes and how they measure or track the distribution of benefits and burdens of plans and policies across populations.*

**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)

- An adopted resolution from the city's governing body in support of the expansion proposal
- A 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 Code Title 11 (Planning for New Urban Areas)
- Written confirmation from DLCD that the state has acknowledged 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