



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Tuesday, December 18, 2018

2:00 PM

Metro Regional Center, Council chamber

REVISED 12/18

1. Call to Order and Roll Call

2. Action Item

2.1 Motion to Amend Condition A.2 in Exhibit C to Ordinance
No. 18-1427

[18-0189](#)

Attachments: [Exhibit C to Ordinance No. 18-1427](#)

3. Adjourn

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Agenda Item No. 2.1

Action Item 18-0189, Motion to Amend Condition A.2 in Exhibit C to
Ordinance No. 18-1427

Action Item

Metro Council Meeting
Thursday, December 18, 2018
Metro Regional Center, Council Chamber

Conditions of Approval on Land Added to UGB

A. Comprehensive planning in the four UGB expansion areas:

1. Within four years after the date of this ordinance, the four cities shall complete comprehensive planning consistent with Metro code section 3.07.1120 (Planning for Areas Added to the UGB).
2. The four cities shall allow, at a minimum, single family attached housing, including townhomes, duplexes, triplexes, and fourplexes, ~~in all zones that permit~~ on all lots on which single family housing is allowed in the expansion areas.
3. The four cities shall explore ways to encourage the construction of ADUs in the expansion areas.
4. As the four cities conduct comprehensive planning for the expansion areas, they shall address how their plans implement relevant policies adopted by Metro in the 2014 regional Climate Smart Strategy regarding: (a) concentrating mixed-use and higher density development in existing or planned centers; (b) increasing use of transit; and (c) increasing active transportation options. The cities shall coordinate with the appropriate county and transit provider regarding identification and adoption of transportation strategies.
5. As the four cities conduct comprehensive planning for the expansion areas, they shall regularly consult with Metro Planning and Development staff regarding compliance with these conditions, compliance with the Urban Growth Management Functional Plan, compliance with the state Metropolitan Housing Rule, and use of best practices in planning and development, and community engagement. To those ends, cities shall include Metro staff in advisory groups as appropriate.
6. At the beginning of comprehensive planning, the four cities shall develop – in consultation with Metro – a public engagement plan that encourages broad-based, early and continuing opportunity for public involvement. Throughout the planning process, focused efforts shall be made to engage historically marginalized populations, including people of color, people with limited English proficiency and people with low income, as well as people with disabilities, older adults and youth.

B. Citywide requirements (for the four cities):

1. Within one year after the date this ordinance is acknowledged by LCDC (excluding any subsequent appeals), the four cities shall demonstrate compliance with Metro code section 3.07.120(g) and ORS 197.312(5) regarding accessory dwelling units. In addition to the specific requirements cited in Metro code and state law, cities shall not require that

accessory dwelling units be owner occupied and shall not require off street parking when street parking is available.

2. Before amending their comprehensive plans to include the expansion areas, the four cities shall amend their codes to ensure that any future homeowners associations will not regulate housing types, including accessory dwelling units, or impose any standards that would have the effect of prohibiting or limiting the type or density of housing that would otherwise be allowable under city zoning.
3. Before amending their comprehensive plans to include the expansion areas, the four cities shall amend their codes to ensure that any future homeowners associations will not require owner occupancy of homes that have accessory dwelling units.
4. The four cities shall continue making progress toward the actions described in Metro Code section 3.07.620 (Actions and Investments in Centers, Corridors, Station Communities, and Main Streets).
5. Cities shall engage with service providers to consider adoption of variable system development charges designed to reduce the costs of building smaller homes in order to make them more affordable to purchasers and renters.
6. For at least six years after this UGB expansion, the four cities shall provide Metro with a written annual update on compliance with these conditions as well as planning and development progress in the expansion areas. These reports will be due to the Metro Chief Operating Officer by December 31 of each year, beginning December 31, 2019.

C. Beaverton:

1. Beaverton shall plan for at least 3,760 homes in the Cooper Mountain expansion area.
2. The expansion area shall be designated Neighborhood on the 2040 Growth Concept map.
3. The city may propose the addition of Corridors for depiction on the 2040 Growth Concept map as an outcome of comprehensive planning for the area.

D. Hillsboro:

1. Hillsboro shall plan for at least 850 homes in the Witch Hazel Village South expansion area.
2. The expansion area shall be designated Neighborhood on the 2040 Growth Concept map.

3. The city may propose the addition of Corridors for depiction on the 2040 Growth Concept map as an outcome of comprehensive planning for the area.

E. King City:

1. King City shall coordinate with Washington County and the City of Tigard as it engages in its work on a Transportation System Plan, other infrastructure planning, and comprehensive planning.
2. Before amending the King City comprehensive plan to include the expansion area, King City shall conduct additional market analysis to better understand the feasibility of creating a new mixed-use town center.
3. Pending the results of the market analysis of a new town center, King City shall plan for at least 3,300 homes in the Beef Bend South expansion area. If the market analysis indicates that this housing target is infeasible, King City shall work with Metro to determine an appropriate housing target for the expansion area.
4. The expansion area shall be designated Neighborhood on the 2040 Growth Concept map.
5. Pending the results of the market analysis of a new town center, Metro will work with King City to make necessary changes to the 2040 Growth Concept map.
6. Prior to amending the King City comprehensive plan to include the expansion area, King City shall complete a Transportation System Plan for the city.
7. Prior to amending the King City comprehensive plan to include the expansion area, King City shall amend its code to remove barriers to the construction of accessory dwelling units, including:
 - a. Remove the requirement that accessory dwelling units can only be built on lots that are at least 7,500 square feet, which effectively prohibits construction of accessory dwelling units in the city.
 - b. Remove or increase the requirement that accessory dwelling units be no bigger than 33 percent of the square footage of the primary home so that an accessory dwelling unit of at least 800 square feet would be allowable.
8. The Columbia Land Trust holds a conservation easement over portions of the Bankston property, which King City's concept plan identifies as the intended location for a key transportation facility serving the expansion area. King City shall work with the Columbia Land Trust to protect, to the maximum extent possible, the portion of the

Bankston property covered by the conservation easement.

9. To reduce housing costs, King City shall, in its comprehensive planning, explore ways to encourage the use of manufactured housing in the expansion area.

F. Wilsonville:

1. Wilsonville shall plan for at least 1,325 homes in the Advance Road expansion area.
2. The expansion area shall be designated Neighborhood on the 2040 Growth Concept map.
3. The city may propose the addition of Corridors for depiction on the 2040 Growth Concept map as an outcome of comprehensive planning for the area.

G. West Union Village Property:

1. There shall be no change of use or intensification of individual uses on any portion of the 4.88-acre property until Urban Reserve Area 8F has been brought into the UGB and the City of Hillsboro has adopted comprehensive plan amendments for the surrounding urban reserve land.

Materials following this page were distributed at the meeting.



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Memo

Date: December 18, 2018
To: Metro Council
From: Ted Reid, Principal Regional Planner
Subject: UGB expansion conditions of approval

Background

On December 13, 2018, the Metro Council adopted Ordinance No. 18-1427, which – among other actions – expanded the urban growth boundary in four urban reserve locations and placed conditions of approval on those UGB expansions. One adopted condition (A.2) reads:

“The four cities shall allow, at a minimum, single-family attached housing, including townhomes, duplexes, triplexes, and fourplexes, in all zones that permit single family housing in the expansion areas”

Metro staff understands the Council’s interest to be allowing, to the maximum extent possible, attached housing types throughout all single-family neighborhoods in the expansion areas. This understanding will guide Metro staff’s participation in city planning efforts for these expansion areas, including our comments on draft plans, interpretation of compliance with the conditions, and the drafting of future scopes of work for city planning efforts funded by Metro 2040 Planning and Development.

Implementation may take different forms in each city. Ultimately, the market will play a prominent role in determining what types of housing actually get built. These efforts can inform conditions of approval that the Metro Council may wish to place on any future UGB expansions or potential changes to Metro’s code, the Urban Growth Management Functional Plan.

Leading up to the Council’s adoption of the ordinance, various councilors, city staff, and stakeholders suggested edits to this condition of approval. Some felt that the reference to “zones” should be changed to “lots” with the hope that this would remove a potential loophole whereby “missing middle” housing would not be allowed as extensively as desired. Attempts to clarify the language led to more questions about definitions and a discussion of the need for certainty versus flexibility as cities begin comprehensive planning.

Ultimately, the Council adopted the above language with the understanding that Metro staff will participate in the four cities’ future planning efforts for these expansion areas. Inclusion of Metro staff in those city planning efforts is, in fact, another condition of approval that the Council adopted. Likewise, the Council adopted a condition requiring annual reports from the four cities on their planning efforts.

Amendment proposed

Councilor Harrington e-mailed a proposed amendment to the conditions of approval, specifically condition A.2. The proposed amendment is as follows:

“The four cities shall allow, at a minimum, single-family attached housing, including townhomes, duplexes, triplexes, and fourplexes, on all lots on which single family housing is allowed in the expansion areas.”

Possible implications of the two versions of condition A.2

This memo lays out some, but not all, of the possible implications of retaining or amending condition A.2. There may be other unanticipated circumstances and outcomes that have not been contemplated at this time.

	Adopted version ("in all zones")	Proposed amendment ("on all lots")
Staff understanding of legislative intent	Allow, to the maximum extent possible, attached housing types throughout all single-family neighborhoods in the expansion areas. <i>(see section after this table)</i>	Require that each lot zoned for single-family residential use in the expansion areas allow attached housing types up to fourplexes.
Clarity and enforceability	Subject to interpretation, based on local circumstances. How much attached housing is enough? Less prescriptive, but staff may have more ability to encourage other plan alternatives if cities propose a plan that does not meet the intent of this condition.	Clear and enforceable, but may result in outcomes that are inconsistent with the Council's intent (see unintended consequences below). Staff may have less ability to encourage other plan alternatives if cities propose a plan that meets the specific requirement of this condition.
Flexibility	Allows for cities, in consultation with Metro staff, to consider local conditions as they plan.	Provides less flexibility for cities as they plan.
Attached housing development outcomes	Attached housing is generally allowed, but not guaranteed to be built.	Attached housing is specifically allowed, but not guaranteed to be built.

	Adopted version ("in all zones")	Proposed amendment ("on all lots")
Possible unintended consequences	City plans may include some areas that disallow attached housing. For example, a city could allow attached housing on just corner lots instead of throughout the zone. Or, a city could cluster attached units in only one part of the expansion area. These possibilities would comply with the condition.	<p>This condition could lead to less efficient land use. Cities would likely need to establish larger minimum lot sizes to accommodate the possibility of fourplexes on every lot, particularly since some lots will have site constraints and because housing in expansion areas will likely include car parking and driveways. Yet, large single-family detached homes could be built on these large lots. This would comply with the condition.</p> <p>This condition could lead to minimal or no multifamily housing planned in the expansion areas. By allowing attached housing on every single-family lot, each city would comply with the state's Metropolitan Housing Rule¹ without zoning for any multifamily housing. In effect, a city could comply by zoning the entire area for single-family uses.</p> <p>This condition could lead to more expensive housing. Cities may need to increase the size/capacity and cost of infrastructure to accommodate the possibility of fourplexes on every lot (even if they don't get built).</p>

¹ The Metropolitan Housing Rule requires that each city "...designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing..."