

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 21-5170
METRO’S CHIEF OPERATING OFFICER TO)	
EXTEND THE DEADLINE FOR FILING)	Introduced by Marissa Madrigal, Chief
PROPOSALS FOR MID-CYCLE UGB)	Operating Officer in concurrence with
AMENDMENTS UNDER METRO CODE)	Council President Lynn Peterson
SECTION 3.07.1427)	

WHEREAS, in 2017 the Oregon Legislature enacted ORS 197.299(5)-(6), authorizing Metro to consider proposals from cities for expansion of the urban growth boundary (UGB) for housing needs three years after Metro’s previous growth management decision, notwithstanding the usual six-year cycle established by ORS 197.299(1); and

WHEREAS, the Metro Council implemented this legislative authorization by adopting Metro Ordinance No. 17-1408, which amended the Metro Code to create procedures and criteria for Metro to review city proposals for “mid-cycle” UGB amendments; and

WHEREAS, under Metro Code 3.07.1427(b), the Metro Chief Operating Officer (COO) may accept proposals from cities for mid-cycle UGB amendments during the period that is between 24 and 30 months after the date of the Metro Council’s adoption of its most recent urban growth report (UGR) under ORS 197.296; and

WHEREAS, the Metro Council adopted the 2018 UGR on December 13, 2018, and the 30-month deadline for cities to submit proposals for mid-cycle UGB amendments is June 13, 2021; and

WHEREAS, the City of Tigard and the City of Sherwood have been working on proposals for mid-cycle UGB amendments but have encountered difficulties and delays in completing the necessary public engagement as a result of limitations caused by the COVID-19 pandemic; and

WHEREAS, on March 8, 2020 Governor Brown issued Executive Order No. 20-03, declaring a statewide state of emergency due to the COVID-19 outbreak in Oregon, which Order has since been extended six times and is currently in effect through May 2, 2021; and

WHEREAS, on April 23, 2020 the Metro Council adopted Resolution No. 20-5096, declaring a state of emergency in the Metro region as a result of the COVID-19 pandemic and delegating authority to the Metro COO to suspend, waive, or extend certain Metro administrative rules and Metro Code deadlines as a result of the pandemic; and

WHEREAS, due to the ongoing pandemic the Metro Council finds that it is reasonable to authorize the COO to extend the applicable Metro Code deadline for cities to submit mid-cycle UGB amendment proposals by six months; now therefore

BE IT RESOLVED that:

1. The Metro Council delegates to the Metro COO authority to extend the deadline in Metro Code 3.07.1427(b) for submittal of proposals for mid-cycle UGB amendments by six months, from June 13, 2021 to December 13, 2021.

ADOPTED by the Metro Council this 15 day of April 2021.



Lynn Peterson, Council President

Approved as to Form:



Carrie MacLaren, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 21-5170, FOR THE PURPOSE OF
AUTHORIZING METRO'S CHIEF OPERATING OFFICER TO EXTEND THE DEADLINE
FOR FILING PROPOSALS FOR MID-CYCLE UGB AMENDMENTS UNDER METRO
CODE SECTION 3.07.1427

Date: April 5, 2021
Department: Office of Metro Attorney
Meeting Date: April 15, 2021

Prepared by: Roger Alfred
Senior Assistant Metro Attorney

ACTION REQUESTED

Adopt Resolution No. 21-5170, authorizing Metro's Chief Operating Officer (COO) to extend the deadline for cities to submit proposals for mid-cycle UGB amendments from June 13, 2021 to December 13, 2021.

BACKGROUND

At the conclusion of Metro's regional growth management analysis in 2015, the Metro Council determined that there was enough buildable land inside the existing UGB to accommodate projected growth for 20 years and the Council therefore adopted a decision that no UGB expansion was necessary. As part of that decision, and in response to concerns raised by stakeholder groups, the Metro Council directed Metro planning staff to prepare the next urban growth report in three years rather than six years as required by statute, and to "work with regional partners to explore possible improvements to the region's growth management process."

To that end, in 2016 Council President Tom Hughes convened the Urban Growth Readiness Task Force, comprised of elected officials and stakeholders from around the region, in order to consider and recommend possible improvements to Metro's growth management process. One of the resulting task force recommendations was to seek changes to state law in order to allow for "mid-cycle" UGB expansions of up to 1000 acres, based on specific city proposals for residential growth. In 2017 the Oregon Legislature added provisions to the statute that governs Metro's growth management process authorizing such mid-cycle amendments. Metro subsequently adopted new Metro Code sections 3.07.1427 and 3.07.1428 creating procedures and criteria for city mid-cycle proposals.

One of the applicable Metro Code procedures in section 3.07.1427(b) requires cities to submit mid-cycle proposals during the period that is between 24 and 30 months after the Metro Council's adoption of its most recent urban growth report (UGR). The Metro Council adopted the 2018 UGR and expanded the UGB by 2,100 acres on December 13, 2018, which makes the 30-month deadline for mid-cycle proposals June 13, 2021.

The City of Tigard and the City of Sherwood are working on proposals for mid-cycle UGB amendments in urban reserve areas adjacent to their cities and have encountered difficulties and delays in completing the necessary public engagement as a result of limitations caused by the COVID-19 pandemic. Recognizing challenges caused by the ongoing pandemic, this resolution would authorize the Metro COO to extend the 30-month deadline for submittal by any city by six months, making the new deadline December 13, 2021.

Adopting this extension would not change or otherwise affect the process or criteria by which any city proposals are evaluated by Metro. Specifically, any city submittal may only be approved by the Metro Council if the city provides sufficient evidence that there is additional need for the housing being proposed by the city beyond the need that was identified in the 2018 UGR and addressed by the related UGB expansion. As provided in sections 3.07.1430(h) and (i) of the Metro Code, city proposals will first be reviewed by Metro staff, and a recommendation will be made by the COO to the Metro Council; however, final action by the Metro Council on the COO recommendation is discretionary.

The Metro Council adopted a similar resolution on April 23, 2020. Resolution No. 20-5096 ratified the Declaration of Emergency in the Metro Region due to the COVID-19 pandemic issued by the Metro COO on April 2, 2020, and delegated authority to the COO to suspend, waive, or extend certain Metro administrative rules and Metro Code deadlines as a result of the pandemic. However, that resolution did not specifically authorize the Metro COO to extend the Metro Code deadline for submitting proposals for mid-cycle UGB amendments.

STAFF RECOMMENDATION

Staff recommends adoption of Resolution No. 21-5170.