

FOR THE PURPOSE OF URGING) RESOLUTION NO. 99-2748
REPEAL OF ORS 197.296 AND)
1997 OREGON LAWS CH. 763) Introduced by Councilor
) Bill Atherton

WHEREAS, the 1995 Legislative Assembly enacted HB 2709, containing provisions eventually codified in part as ORS 197.296; and

WHEREAS, ORS 197.296 requires cities, counties and metropolitan service districts to maintain a supply of buildable lands to accommodate estimated housing needs for 20 years; and

WHEREAS, the 1997 Oregon Legislature enacted 1997 Oregon Laws Ch. 763, which requires that Metro review actual construction every five years and adjust the regional Urban Growth Boundary (UGB) and/or enact local legislation to increase housing densities; and

WHEREAS, the twenty year land supply requirement based upon an average of the last five years of experience does not reflect the current trends in land efficiency and can result in a greater than needed expansion when this five year snapshot is taken in a booming housing market; and

WHEREAS, neither statute permits avoiding expansion of the UGB based on an analysis of the infrastructure costs of expansion of the UGB and a determination of how such costs will be paid for and who will be responsible; and

WHEREAS, these statutes could produce an oversupply of land within the regional UGB, resulting in mandated sprawl, encouraging the inefficient use of lands added to the boundary, unnecessarily increasing utility and infrastructure costs and impeding the redevelopment of underutilized or substandard housing within the UGB; now, therefore,

BE IT RESOLVED

1. That ORS 197.296 and 1997 Oregon Laws Chapter 763 should be abolished.

ADOPTED by the Metro Council this ____ day of _____, 1999.

Rod Monroe, Presiding Officer

Approved as to form:

Daniel B. Cooper, General Counsel

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2748, FOR THE PURPOSE OF URGING REPEAL OF ORS 197.296 AND 1997 OREGON LAWS CHAPTER 763.

DATE: January 12, 1999

Presented by: Councilor Atherton

INTENT AND RATIONALE

Resolution No. 99-2748 requests the abolition of certain state statutory requirements (resulting from HB 2709 and HB 2493) related to Metro's management of the Urban Growth Boundary. Specifically targeted are the requirements to maintain a 20-year supply of buildable land for housing and employment needs, and to review actual construction within the UGB. There is concern that the 20-year requirement can result in greater UGB capacity than needed, the subsequent inflated need for infrastructure, and the resulting inefficient use of land already within the existing UGB. The accuracy of 20-year projections is questioned, as well as activities based on those projections.

Resolution 99-2748 is based on the assumption that the above requirements are an impediment to the ability of communities to create their own local environment. In addition, the concept of "carrying capacity" of the land, or region, cited in state-wide land use planning goals as well as Metro policies, has been largely ignored, and is overshadowed by the requirement for a 20 year buildable land supply.

FACTUAL BASIS AND ANALYSIS

By state statute, Metro is the manager of the Portland regional urban growth boundary, which is a long-term planning tool created by state land use legislation. Among its purposes is the separation of urbanizable from rural land, and its management must be consistent with state-wide planning goals such as Goal 10—Housing, and Goal 14—Urbanization. In addition, Metro's use of the UGB in conjunction with managing long-term growth, creating a satisfactory compact form and urban design, and balancing specified needs for housing, employment, livability and open space are embedded in Metro Code, RUGGO and the Regional Framework Plan.

Goal 14's purpose is "to provide for an orderly and efficient transition from rural to urban land use" and includes seven factors which must be considered in the establishment and change of urban growth boundaries including:

- 1) demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals; and
- 2) need for housing, employment opportunities and livability.

The 1995 and 1997 legislatures adopted legislation (HB 2709) which requires cities, counties and metropolitan service districts to take certain actions in order to maintain a

supply of buildable land inside an urban growth boundary necessary to accommodate estimated housing needs for 20 years. Prior to HB 2709, by practice, “long-range” was understood to be approximately a 20-year time period, which local comprehensive plans were required to address, or justify why a different time period was used. In fact Metro used that time period for its own planning processes.

Metro has recently taken most of the required steps to accomplish HB-2709 requirements by producing the Urban Growth Report and Housing Needs Analysis, creating urban reserves totaling approximately 18,500 acres, and adopting legislation with the intent to move the Metro Urban Growth Boundary to include about 5,400 additional acres.

CONCLUSION

State statute and laws cited in Resolution 99-2748 are felt to be overly directive with regard to local ability to manage the urban growth boundary. Local and regional government would have more flexibility to operate within the requirements of Goal 14 if those requirements were repealed.

Additional statutes may need to be reviewed, based on the intent of Resolution 99-2748, e.g. ORS 197.299. Should the identified state statutes be repealed, further Council discussion could be needed as to how Metro would view UGB management with regard to remaining state policy, i.e. Goal 14. The Council would likely also want to review related Metro growth management policy documents as well.