

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXPANDING THE)	ORDINANCE NO. 18-1427
URBAN GROWTH BOUNDARY TO)	
PROVIDE CAPACITY FOR HOUSING TO)	Introduced by Martha J. Bennett, Chief
THE YEAR 2038 AND AMENDING THE)	Operating Officer, with the concurrence of
METRO CODE TO CONFORM)	Tom Hughes, Council President
)	

WHEREAS, state law requires Metro to assess the capacity of the urban growth boundary (UGB) on a periodic basis and, if necessary, to increase the region's capacity for housing and employment for the next 20 years; and

WHEREAS, Metro's previous growth management decision was made in 2015 when Metro adopted the 2014 Urban Growth Report (UGR) via Ordinance No. 15-1361, which forecasted population and employment growth in the region to the year 2035, inventoried the supply of buildable land inside the UGB, and concluded there was sufficient land capacity for the next 20 years; and

WHEREAS, in adopting Ordinance No. 15-1361 the Metro Council included a directive to Metro staff to produce a new urban growth report within three years, rather than waiting six years as provided in state law; and

WHEREAS, in adopting Ordinance No. 15-1361 the Metro Council also made a commitment that Metro would work with its regional partners to explore possible improvements to the regional growth management process; and

WHEREAS, in furtherance of that commitment, in May 2016 Metro convened an Urban Growth Readiness Task Force consisting of 17 public and private sector representatives to develop recommendations for improving the growth management process; and

WHEREAS, the Task Force met five times between May 2016 and February 2017, and ultimately presented a set of recommendations to the Metro Council for improvements that were accepted by the Metro Council via Resolution No. 17-4764 on February 2, 2017; and

WHEREAS, the Task Force recommendations included three core concepts: (1) clarify expectations for cities proposing modest residential UGB expansions into concept-planned urban reserves; (2) seek greater flexibility for addressing regional housing needs; and (3) seek greater flexibility when choosing among concept-planned urban reserves for UGB expansions; and

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

WHEREAS, to implement the Task Force recommendations, Metro and its regional partners sought and obtained changes to state law via House Bill 2095 (2017), which allows Metro to make mid-cycle residential UGB expansions by amending its most recent inventory and analysis of the regional buildable land supply based on specific residential growth proposals brought forward by cities; and

WHEREAS, to further implement the Task Force recommendations, 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 between July 2016 and September 2017, Metro staff and MTAC prepared and refined proposed amendments to Title 14 of the UGMFP to implement the Task Force and Metro Council directives, and those proposed amendments were unanimously approved by the Metro Policy Advisory Committee (MPAC) on October 11, 2017; and

WHEREAS, on December 14, 2017 the Metro Council adopted MPAC's recommended amendments to Title 14 via Ordinance No. 17-1408, concluding that those amendments to the Metro Code "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;" and

WHEREAS, consistent with the new approach to regional growth management decisions, four cities submitted proposals to Metro for UGB expansions for housing by the May 31, 2018 deadline: the cities of Wilsonville, Hillsboro, Beaverton, and King City; and

WHEREAS, the four city proposals were reviewed by Metro staff and by a City Readiness Advisory Group (CRAG) convened by the Metro President, and the cities made presentations to the Metro Council regarding their proposals at work sessions on June 12, 2018 and June 19, 2018; and

WHEREAS, on July 3, 2018 Metro staff presented a draft 2018 Urban Growth Report (UGR) to the Metro Council, MPAC and MTAC, which provides a range forecast for future population and employment growth in the region, an inventory of buildable residential and employment land in the region, and an analysis of multiple growth scenarios involving different assumptions and permutations regarding population, redevelopment potential, and the four proposed expansion areas; and

WHEREAS, the 2018 UGR concludes that the Metro Council has latitude to determine whether there is a regional need for some or all of the four proposed UGB expansion areas; and

WHEREAS, Metro's Chief Operating Officer (COO) issued a recommendation to the Metro Council on August 28, 2018 to expand the UGB in the four proposed areas with conditions of approval that encourage a mix of housing types, and the COO recommendation was unanimously endorsed by MPAC on September 12, 2018; and

WHEREAS, on September 27, 2018 the Metro Council adopted Resolution No. 18-4914, which provided Metro staff with direction to expand the UGB in all four areas, consistent with the COO recommendation and MPAC endorsement, and to include conditions of approval that will ensure an adequate mix and supply of various housing types in the expansion areas; and

WHEREAS, following the Metro Council direction in Resolution No. 18-4914, Metro staff completed a housing needs analysis that identifies a need for additional land in the UGB to address single-family housing needs for both attached and detached housing; and

WHEREAS, the four proposed expansion areas will add approximately 2,181 acres of urban reserve land to the UGB and provide approximately 6,100 single-family housing units and approximately 3,100 multifamily units, for a total of approximately 9,200 homes; and

WHEREAS, Metro staff evaluated all land in the region designated as urban reserves for possible addition to the UGB based upon their relative suitability under the Goal 14 locational factors; and

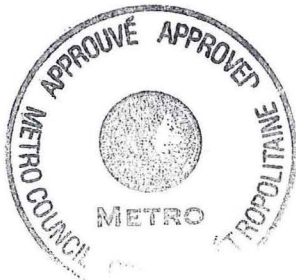
WHEREAS, as part of this growth management decision the Metro Council is also adopting an administrative amendment to bring a 4.48 acre parcel of land in Washington County into the UGB to alleviate a significant public health hazard from a failing septic system, in order to allow existing commercial businesses on that property to connect to a City of Hillsboro sewer line; and

WHEREAS, the Metro Council held public hearings on this ordinance on December 6, 2018 and December 13, 2018; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The UGB is amended to add the four areas shown on Exhibit A, attached and incorporated into this ordinance, to provide capacity for housing.
2. The UGB is also amended to add 4.88 acres of land shown on Exhibit B, attached and incorporated into this ordinance, to alleviate a health hazard from a failing septic system.
3. The conditions set forth in Exhibit C, attached and incorporated into this ordinance, are applied to the UGB expansion areas as indicated on that Exhibit.
4. The Urban Growth Boundary and Urban and Rural Reserves Map in Title 14 of the Urban Growth Management Functional Plan, attached and incorporated into this ordinance as Exhibit D, is amended to reflect the UGB amendments shown on Exhibits A and B.
5. The 2018 Urban Growth Report attached as Exhibit E to this ordinance is hereby adopted as support for the Metro Council's decision to amend the Metro UGB to provide capacity for housing.
6. The Findings of Fact and Conclusions of Law attached as Exhibit F to this ordinance are hereby adopted to explain how this ordinance is consistent with state law and applicable Metro policies, and to provide evidentiary support for this decision.
7. The areas being added into the Metro UGB by this ordinance are also annexed into the Metro jurisdictional boundary as provided by ORS 268.390(3)(b),

ADOPTED by the Metro Council this 13th day of December 2018.

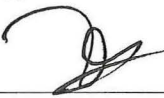


Attest:


Sara Farrokhzadian, Recording Secretary


Tom Hughes, Council President

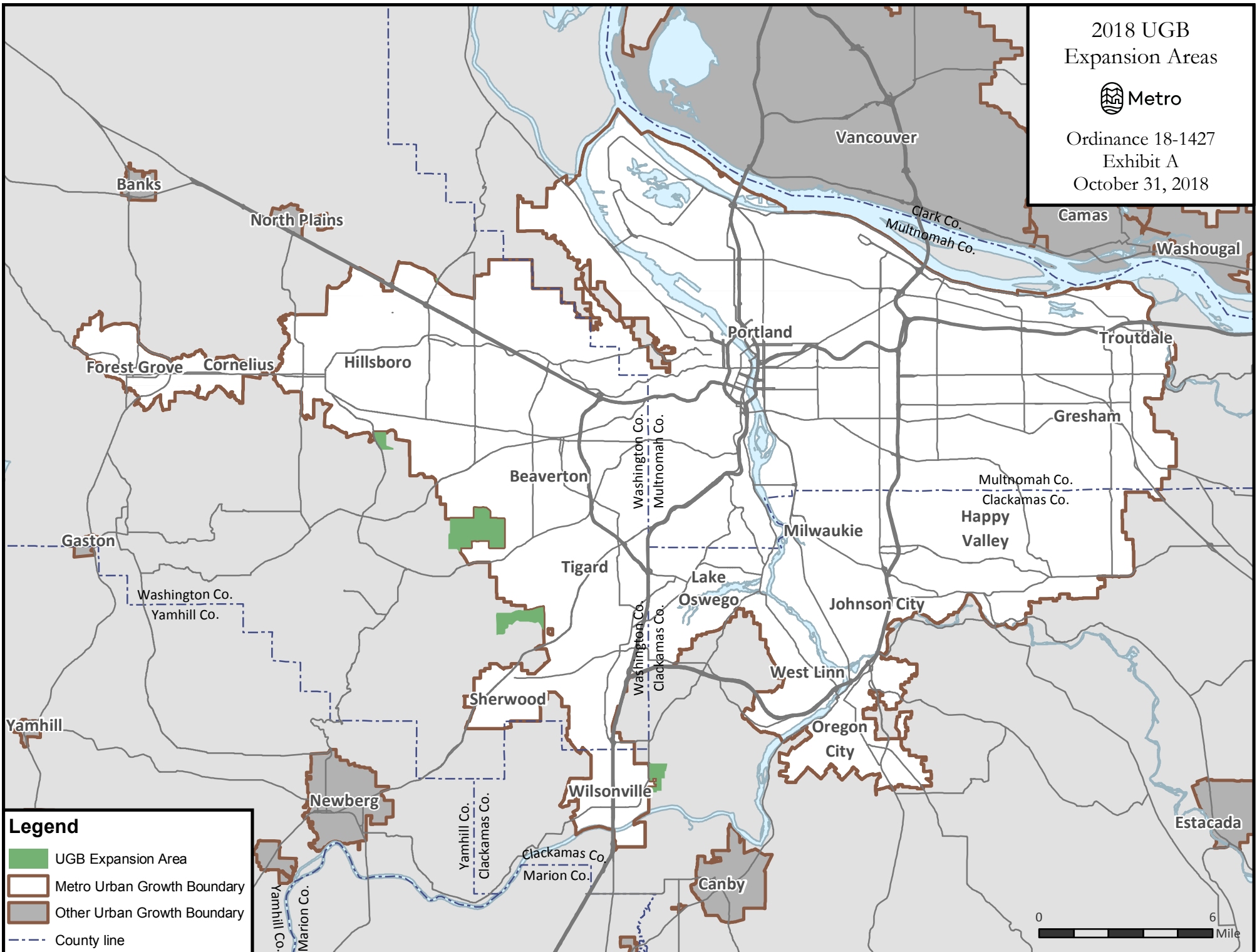
Approved as to Form:


Nathan Sykes, Acting Metro Attorney

2018 UGB
Expansion Areas



Ordinance 18-1427
Exhibit A
October 31, 2018



Legend

- UGB Expansion Area
- Metro Urban Growth Boundary
- Other Urban Growth Boundary
- County line

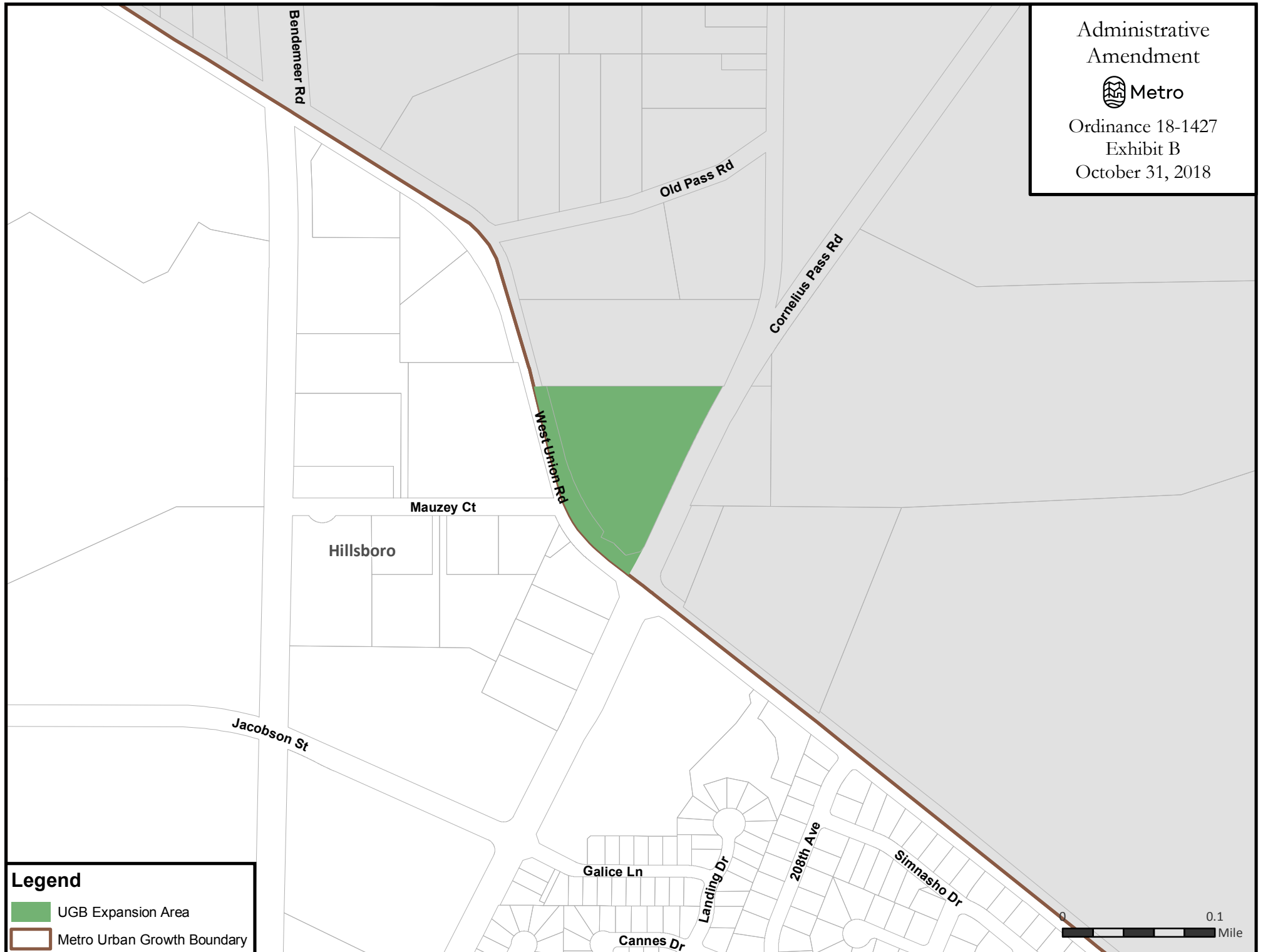
Administrative
Amendment





Ordinance 18-1427

Exhibit B

October 31, 2018



Legend

-  UGB Expansion Area
-  Metro Urban Growth Boundary

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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 single family housing 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.