

D R A F T

SUMMARY

Establishes acknowledged urban growth boundary for Portland metropolitan area by direct legislative action.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to post-acknowledgement comprehensive plan changes in Metro; and
3 declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. The Legislative Assembly finds and declares that:**

6 **(1) Oregon law requires a metropolitan service district to establish**
7 **an urban growth boundary and to maintain development capacity**
8 **sufficient for a 20-year period within the boundary based on periodic**
9 **assessments of the development capacity within the boundary.**

10 **(2) Metro, the metropolitan service district for the Portland metro-**
11 **politan area, has not implemented an approved amendment to the ur-**
12 **ban growth boundary since 2002.**

13 **(3) In 2010, Metro assessed the development capacity within the ur-**
14 **ban growth boundary and determined that the boundary did not con-**
15 **tain sufficient capacity for a 20-year period.**

16 **(4) The Metro Council, the governing body of Metro, established**
17 **policies, including an investment strategy, for using land within the**
18 **urban growth boundary more efficiently by adopting Ordinance No.**
19 **10-1244B on December 16, 2010.**

20 **(5) Ordinance No. 10-1244B significantly increased the development**

1 **capacity of the land within the urban growth boundary, but left unmet**
2 **needs for housing and employment.**

3 **(6) On July 28, 2011, the Metro Council held a public hearing in**
4 **Hillsboro to allow public review of and to take comments on proposed**
5 **expansion of the urban growth boundary to fill the unmet needs for**
6 **housing and employment in the region.**

7 **(7) On September 14 and 28, 2011, the Metro Council sought advice**
8 **on expansion of the urban growth boundary from the Metro Policy**
9 **Advisory Committee, which is composed primarily of elected and other**
10 **local government officials in the region. On September 28, 2011, the**
11 **Metro Council received a recommendation from the committee.**

12 **(8) The Metro Council, with the advice and support of the commit-**
13 **tee, established six desired outcomes as the basis for comparing policy**
14 **and strategy options to increase the development capacity of the re-**
15 **gion.**

16 **(9) On September 30, 2011, the Metro Council reported likely effects**
17 **of the proposed expansion of the urban growth boundary to:**

18 **(a) The cities and counties in the region; and**

19 **(b) Nearly 34,000 households within one mile of land proposed to be**
20 **included within the urban growth boundary.**

21 **(10) The Metro Council developed, in cooperation with the cities and**
22 **counties responsible for land use planning in areas potentially to be**
23 **included within the urban growth boundary, policies and strategies**
24 **addressing the affordability of housing, the compatibility of residential**
25 **use with nearby agricultural practices and the protection of industrial**
26 **lands from conflicting uses.**

27 **(11) On October 6 and 20, 2011, the Metro Council held public**
28 **hearings on the proposed expansion of the urban growth boundary.**

29 **(12) On October 20, 2011, the Metro Council unanimously adopted**
30 **Ordinance No. 11-12648 expansion of the urban growth boundary to fill**
31 **the unmet needs for increased development capacity for housing and**

1 for industries that require large areas of developable land.

2 (13) The adopted policies and strategies reflect the intention of the
3 Metro Council to develop vibrant, prosperous and sustainable com-
4 munities with reliable transportation choices that minimize carbon
5 emissions and to distribute the benefits and burdens of development
6 equitably in the Portland metropolitan area.

7 (14) The Director of the Department of Land Conservation and De-
8 velopment referred the expansion of the urban growth boundary by
9 Ordinance No. 11-1264B to the Land Conservation and Development
10 Commission for review.

11 (15) On May 10, 2012, the commission held a public hearing, ac-
12 cording to rule-based procedures adopted by the commission, to con-
13 sider the proposed amendment to the urban growth boundary made
14 by Ordinance No. 11-1264B.

15 (16) The commission continued the public hearing to June 14, 2012,
16 and requested that the Metro Council submit additional information
17 describing how the record demonstrates compliance with the appro-
18 priate statewide land use planning goals, administrative rules and in-
19 structions.

20 (17) On June 14, 2012, the commission unanimously accepted the
21 expansion of the urban growth boundary by Ordinance No. 11-1264B.

22 (18) Metro and other local governments have made significant in-
23 vestments in infrastructure to ensure that housing, education and
24 employment needs in the region are met.

25 (19) Ordinance No. 11-1264B and its findings satisfy Metro's obli-
26 gations under ORS 197.295 to 197.314 and under statewide land use
27 planning goals relating to citizen involvement, establishment of a co-
28 ordinated planning process and policy framework and transition from
29 rural to urban land uses.

30 SECTION 2. (1) For the purpose of land use planning in Oregon, the
31 Legislative Assembly establishes as the acknowledged urban growth

1 boundary of Metro the urban growth boundary as reflected in Metro
2 Ordinance No. 11-1264B, adopted October 20, 2011, notwithstanding
3 specific requirements concerning the establishment or acknowledg-
4 ment of urban growth boundaries in ORS 197.295 to 197.314 and 197.625
5 (1) and in statewide land use planning goals adopted under ORS
6 197.225.

7 (2) This section does not prevent Metro from adopting, in the
8 manner authorized by law, changes to the acknowledged urban growth
9 boundary on or after the effective date of this 2014 Act.

10 SECTION 3. Section 2 of this 2014 Act applies to land use decisions
11 and limited land use decisions made on or after January 18, 2012.

12 SECTION 4. This 2014 Act being necessary for the immediate pres-
13 ervation of the public peace, health and safety, an emergency is de-
14 clared to exist, and this 2014 Act takes effect on its passage.

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