

## State Land Use Requirements of Metro: The Fundamentals

### I. Capacity for Growth

Every five years, Metro must<sup>1</sup>:

- A. Forecast and allocate population and employment growth for next 20 years<sup>2</sup>
- B. Need: Determine housing and employment needs to accommodate forecast<sup>3</sup>
  1. Determine the number, type and density of housing units that are commensurate with the financial capabilities of the forecast population<sup>4</sup>
  2. Determine the capacity needed to accommodate the forecast jobs<sup>5</sup>
- C. Supply: Determine whether UGB contains sufficient capacity to accommodate forecast population and employment growth
  1. Determine supply for housing<sup>6</sup>
  2. Determine supply for employment<sup>7</sup>
- D. Add capacity, if needed
  1. Demonstrate that additional capacity cannot reasonably be provided within UGB<sup>8</sup>
  2. If not (or not enough), expand the UGB to provide the remaining needed capacity in order of priority:<sup>9</sup>
    - a. As first priority, choose land from Urban Reserves (if any)
    - b. As second priority, choose “exception land”
    - c. As third priority, choose “marginal land” (only in Washington County)
    - d. As fourth priority, choose farm or forest land, beginning with the poorer land (by soil type)
    - e. Or, “go around” these priorities by demonstrating special circumstances<sup>10</sup>
- E. Schedule
  1. December 31, 2009: Complete capacity analysis (need; supply); no extension allowed
  2. December 31, 2010: If new capacity is needed, add at least ½ of needed capacity<sup>11</sup>; one-year extension may be granted by LCDC
  3. December 31, 2011: If needed, expand UGB to add remaining capacity; one-year extension may be granted by LCDC

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<sup>1</sup> ORS 197.299.

<sup>2</sup> Statewide Planning Goal 14; ORS 197.296; Goal 2; ORS 195.036.

<sup>3</sup> Goal 14.

<sup>4</sup> Goal 10 and the “needed housing” statute, ORS 197.296 (prescribes a detailed methodology for determining housing need).

<sup>5</sup> Neither Goal 14 nor any statute prescribes a detailed methodology for employment needs.

<sup>6</sup> The “needed housing” statute, ORS 197.296, prescribes a detailed methodology for determining supply for housing.

<sup>7</sup> Neither Goal 14 nor any statute prescribes a detailed methodology for determining employment supply. Goal 9 and ORS 197.712 establish requirements and prescribe need and supply methods for cities and counties, but does not apply to Metro.

<sup>8</sup> Goal 14

<sup>9</sup> ORS 197.298(1)

<sup>10</sup> ORS 197.298(3)

<sup>11</sup> If any capacity is to be added inside existing UGB, must be taken in first year following capacity analysis.

Local governments must:

- A. Depict the UGB on their comprehensive plan maps (if appropriate)<sup>12</sup>
- B. Limit development and services outside the UGB to rural scale<sup>13</sup>
- C. Amend comprehensive plans to provide for urbanization of land added to UGB<sup>14</sup>
- D. Manage “urbanizable land” inside UGB to maintain its potential for urban development<sup>15</sup>
- E. Provide zoned capacity for the “needed housing”<sup>16</sup> subject only to “clear and objective” criteria<sup>17</sup>
- F. Provide zoned capacity for the forecast employment and protect certain industrial lands from incompatible uses<sup>18</sup>
- G. Develop a strategy for each “Center” within its jurisdiction<sup>19</sup>

**II. Transportation**

Metro must adopt and revise periodically a Regional Transportation Plan (RTP) that:

- A. Accommodates state transportation needs<sup>20</sup>
- B. Is consistent with the Oregon Transportation Plan (OTP)<sup>21</sup>
- C. Establishes a system of transportation facilities and services adequate to support planned land uses<sup>22</sup>
- D. Includes a transportation finance program<sup>23</sup>
- E. Identifies transportation needs over the planning period<sup>24</sup>
- F. Evaluate alternative land use designation and densities to meet transportation needs<sup>25</sup>
- G. Includes “system” plans (road; public transit; bike and pedestrian; air, water, rail and pipeline)<sup>26</sup>
- H. Includes a planned system of transportation improvements that determines need, mode, function and general location of improvements<sup>27</sup>
- I. Includes a plan for demand and system management<sup>28</sup>
- J. Reduces reliance upon single-occupancy auto as demonstrated by a reduction in vehicle-miles-traveled (VMT) per capita<sup>29</sup>

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<sup>12</sup> Goal 2

<sup>13</sup> Goal 14

<sup>14</sup> Goals 9, 11 and 12; Title 11 of Metro’s Urban Growth Management Functional Plan

<sup>15</sup> Goal 14

<sup>16</sup> LCDC’s Metropolitan Housing Rule, OAR 660, Division 7; Title 1 of Metro’s Urban Growth Management Functional Plan

<sup>17</sup> ORS 197.307

<sup>18</sup> ORS 197.707-197.712; Goal 9; Goal 9 Rule (OAR 660, Division 9); Title 4 of Metro’s Urban Growth Management Functional Plan

<sup>19</sup> Title 6 of Metro’s Urban Growth Management Functional Plan

<sup>20</sup> LCDC Transportation Planning Rule (TPR), OAR 660-0012-0015; 660-0012-0030

<sup>21</sup> TPR, OAR 660-0012-0015

<sup>22</sup> TPR, OAR 660-0012-0015

<sup>23</sup> TPR, OAR 660-0012-0040

<sup>24</sup> TPR, OAR 660-0012-0030

<sup>25</sup> TPR, OAR 660-0012-0035

<sup>26</sup> TPR, OAR 660-0012-0020

<sup>27</sup> TPR, OAR 660-0012-0025

<sup>28</sup> TPR, OAR 660-0012-0020

- K. Reduces number of parking spaces per capital<sup>30</sup>
- L. Achieves conformity with federal and state air quality standards<sup>31</sup>

Schedule: update RTP at each periodic review; update every four years to comply with federal law

Local governments must adopt and revise over time a transportation system plan (TSP) that:

- A. Accommodates state and regional transportation needs<sup>32</sup>
- B. Is consistent with the Regional Transportation Plan (RTP)
- C. Includes RTP elements C through K, above, adapted for local transportation needs
- D. If for a county, limits transportation improvements to rural scale outside the UGB<sup>33</sup>

Schedule: update TSP at each periodic review; revise to be consistent with Regional Transportation Plan within one year of adoption of RTP amendments<sup>34</sup>

### **III. Urban and Rural Reserves**

Metro may designate Urban Reserves:

- A. Through Senate Bill 1011<sup>35</sup> if:
  1. Metro and Multnomah, Washington and Clackamas Counties agree on the Urban Reserves and simultaneously agree on Rural Reserves to be designated by the counties
  2. The Urban Reserves can accommodate long-term growth for 40-50 years (including the 20-year supply in the UGB)<sup>36</sup>
  3. The Rural Reserves are protected from extension of Urban Reserves or UGB expansion for the same long term time period<sup>37</sup>
  4. Metro coordinates its efforts with cities, service districts, schools and state agencies<sup>38</sup>
  5. Metro follows a coordinated citizen involvement process<sup>39</sup>
  6. Metro adopts plan policies to protect the Reserves<sup>40</sup>
  7. Metro adopts findings jointly with the three counties that demonstrate consideration of the factors in LCDC rules<sup>41</sup>
  8. The findings demonstrate that the designated reserves best achieve livable communities, viability and vitality of the agricultural and forest industries of the region, and protection of natural landscape features that define the region<sup>42</sup>

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<sup>29</sup> TPR, OAR 660-0012-0035

<sup>30</sup> TPR, OAR 660-0012-0045

<sup>31</sup> TPR, OAR 660-0012-0016

<sup>32</sup> TPR, OAR 660-0012-0030

<sup>33</sup> TPR, OAR 660-0012-0065

<sup>34</sup> TPR, OAR 660-0012-0055

<sup>35</sup> ORS 195. 137-195.145

<sup>36</sup> OAR 660-027-0040

<sup>37</sup> OAR 660-027-0040

<sup>38</sup> OAR 660-027-0040

<sup>39</sup> OAR 660-027-0030

<sup>40</sup> OAR 660-027-0040

<sup>41</sup> OAR 660-027-0020; 0040; 0050; 0060

<sup>42</sup> OAR 660-027-0040; 0005

- B. Through OAR 660, Division 21 if:
1. The Urban Reserves can accommodate long-term growth for 30-50 years (including the 20-year supply in the UGB)<sup>43</sup>
  2. Metro coordinates its effort with affected local governments<sup>44</sup>
  3. Land designated Urban Reserve continues to be protected from future urbanization<sup>45</sup>
  4. Metro and service providers agree on responsibility for service provision<sup>46</sup>
  5. Metro chooses reserves in the following order of priority:<sup>47</sup>
    - As first priority, “exception land”
    - As second priority, “marginal land” (only in Washington County)
    - As third priority, farm or forest land, beginning with the poorer land (by soil type)
    - Or, “goes around” these priorities by demonstrating special circumstances

Counties may designate Rural Reserves through Senate Bill 1011 if:

- A. They simultaneously agree on Urban Reserves to be designated by Metro
- B. They adopt plan policies to protect the Rural Reserves from urbanization for the same long term time period for which the Urban Reserves supply capacity for growth
- C. The Rural Reserves are protected from extension of Urban Reserves or UGB expansion for the same long term time period
- D. They coordinate their efforts with Metro, cities, service districts, schools and state agencies
- E. They follow a coordinated citizen involvement process
- F. They adopt findings jointly with Metro that demonstrate consideration of the factors in LCDC rules
- G. The findings demonstrate that the designated reserves best achieve livable communities, viability and vitality of the agricultural and forest industries of the region, and protection of natural landscape features that define the region

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<sup>43</sup> OAR 660-021-0030

<sup>44</sup> OAR 660-021-0020

<sup>45</sup> OAR 660-021-0040

<sup>46</sup> OAR 660-021-0050

<sup>47</sup> OAR 660-021-0030