

# Memo

Date: June 13, 2023  
To: Metro Council President Peterson and Metro councilors  
From: Ted Reid, Principal Regional Planner  
Subject: 2024 urban growth management decision: preliminary discussion of possible conditions of approval

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## **Purpose**

The Metro Council will make its next cyclical urban growth management decision in December 2024. As described in the work program endorsed by the Council, the Council’s decision will be supported by extensive analysis and engagement. If the Council determines that there is a regional need to expand the urban growth boundary (UGB), it may choose among designated urban reserve areas for expansion. Per the Urban Growth Management Functional Plan, the Council will also place conditions of approval on any expansion. This memo is intended to begin a Council discussion about its priorities for any such conditions of approval.

## **Concept planning requirements**

Since 2010, the Metro Council has had a policy to only expand the UGB into urban reserves that have been concept planned by a local jurisdiction. To ensure that this requirement is not a barrier, Metro provides grant funding for concept planning. Title 11 (Planning for New Urban Areas) of Metro’s Urban Growth Management Functional Plan describes what must be included in a concept plan. Those requirements cover topics like infrastructure locations, funding sources, ecological protection, transportation connectivity, parks, trails, affordability, housing choice, and a healthy economy. This concept planning requirement has proven crucial for ensuring that a city is ready to urbanize an expansion area.

However, notably absent from those provisions are specific requirements for housing or job densities, affordability, and housing mix. Title 11’s flexibility recognizes that these local plans need to respond to local contexts as well as regional needs. The potential flipside of this flexibility is that there may be a lack of clarity about what makes for a compelling UGB expansion proposal.

Some of this ambiguity is resolved by newer state laws and administrative rules. For example, when completing concept plans, local jurisdictions are mindful of complying with state laws such as those that require allowing for a variety of middle housing types in neighborhoods that allow single-family housing.

### **UGB conditions of approval**

Title 14 (Urban Growth Boundary) of Metro’s Functional Plan (section 3.07.1455) directs the Metro Council to impose conditions of approval on UGB expansions to designate a 2040 Growth Concept design type for the expansion area, and to identify the number of dwelling units expected to be provided in the area. That code section goes on to provide that the Council may:

“(c) ... establish other conditions it deems necessary to ensure the addition of land complies with state planning laws and the Regional Framework Plan. If a city or county fails to satisfy a condition, the Council may enforce the condition after following the notice and hearing process set forth in section 3.07.850 of this chapter.”

The above-quoted code provision provides the Metro Council with broad authority to impose conditions of approval on UGB expansions to satisfy the goals and policies in the Regional Framework Plan. It also expressly provides the Metro Council with authority to enforce those conditions under Title 8 of the Functional Plan.

### **Policy considerations for the Metro Council**

Pending a Metro Council determination that there is a regional need to expand the UGB in 2024, to further clarify its policy interests the Metro Council may wish to consider the conditions of approval that it would place on any UGB expansions. Initiating that discussion now provides the Council with an opportunity to consider its options and provide additional clarity to any cities that may propose a UGB expansion in 2024<sup>1</sup>. These conditions of approval also provide an opportunity for the Council to require development that it believes will advance its equity goals.

To facilitate the Council’s initial discussion, staff has identified several topic areas that the Council could address in UGB conditions of approval. The following list is illustrative and includes examples of topics that have been addressed in past conditions as well as examples of topics that would be new for UGB conditions. The Council may wish to direct staff to develop options around these or other topic areas for further discussion by the Metro Policy Advisory Committee, the Metro Policy Advisory, and the Metro Council. Additional topics may emerge as the Council and advisory committees learn more about possible city proposals for UGB expansions.

- Minimum housing densities that exceed what would be expected with compliance with state laws for middle housing.
- A specific mix of housing types that must be allowed, for instance specifying a minimum share certain housing types.
- Requirements for planning for a mix of commercial and residential uses.
- Affordability provisions that could include, for instance, requirements for deed restrictions to ensure affordability for a specified time period.
- Industrial site protections that provide more specificity than current regional industrial land regulations. For example, there are no regional regulations that prohibit residential

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<sup>1</sup> Per the work program endorsed by the Metro Council, letters of interest will be due December 1, 2023 and UGB expansion proposals will be due April 5, 2024.

uses in industrial areas or that specify which types of industrial uses are allowed (e.g., manufacturing, data centers, or fulfillment centers). Conditions of approval could provide additional clarity about intended uses.

- Site assembly requirements for large industrial sites.
- Public engagement expectations for city comprehensive planning after UGB expansion.
- Expected timelines for comprehensive planning.

### **Additional considerations for drafting conditions of approval**

Over the last few growth management decisions, the conditions of approval adopted by the Council have become more specific, moving from asserting a minimum number of homes to plan for to requiring allowing for certain housing types. This specificity can be helpful for advancing Metro Council policy objectives and can provide clarity for cities as they proceed with comprehensive planning and zoning. However, this specificity can also present unforeseen challenges since local market, connectivity, or ecological factors are not always fully understood at the concept planning stage or at the time that conditions are adopted.

Staff suggests the following considerations when contemplating possible conditions of approval:

- Outside of adopting new regulations that apply regionally, the adoption of UGB conditions of approval is one of the Metro Council's few opportunities to advance its land use policy goals and to specify its expectations for any areas that it adds to the UGB. These conditions provide guidance to local jurisdictions and to Metro staff as we engage in subsequent local comprehensive planning efforts.
- Conditions of approval are developed without the benefit of the extensive analysis and engagement that a city undertakes when adopting comprehensive plan and zoning designations. Consequently, Metro should be mindful of how prescriptive its conditions of approval are so that cities can undertake more deliberate work to develop comprehensive plan and zoning designations. For instance, there may be legitimate questions about the market feasibility of certain housing types in certain locations.
- There is no need to reiterate or restate existing Metro regulations or state law requirements in conditions of approval. Doing so may create additional confusion. For instance, conditions of approval need not reiterate HB 2001 middle housing requirements. Conditions only need to address middle housing if they will establish requirements that exceed existing laws or regulations.
- Vague conditions can be hard to interpret by cities and difficult to enforce by Metro.
- Establishing deadlines for comprehensive planning can be useful for shortening the time between UGB expansion and development, but cities may also run into unexpected delays that are beyond their control. Consider a mechanism for Metro staff (COO) to grant extensions when necessary.