

## **Proposed New Sections of Title 14 to Implement HB 2095**

### **3.07.1427 Mid-Cycle Amendments - Procedures**

- (a) The Metro Council may consider a mid-cycle amendment to the UGB for residential needs between legislative UGB amendments, as provided in ORS 197.299(6). Cities may initiate a mid-cycle amendment to the UGB by filing a proposal on a form provided by Metro.
- (b) The COO will accept proposals from cities for mid-cycle UGB amendments during the period that is between 24 and 30 months after the date of the Council's adoption of its most recent analysis of the regional buildable land supply under ORS 197.296.
- (c) The COO shall provide written notice of the deadline for proposals for mid-cycle amendments not less than 90 days before the first date proposals may be accepted to each city and county within the Metro region and to anyone who has requested notification.
- (d) Proposals must indicate that they have the support of the governing body of the city making the proposal.
- (e) As part of any proposal, the city shall provide the names and addresses of property owners for notification purposes, consistent with section 3.07.1465.
- (f) The proposing city shall provide a concept plan for the urban reserve area that includes the proposed expansion area consistent with section 3.07.1110.
- (g) The proposing city shall provide written responses to the criteria listed in 3.07.1428(b).
- (h) Proposals from cities under this section shall be initially reviewed by the COO and the Metro Planning Department. No later than 60 days after the final date for receiving proposals under subsection (b) of this section, the COO shall submit a recommendation to the Metro Council regarding the merits of each proposal, including consideration of the criteria listed in Section 3.07.1428.
- (i) The Metro Council is not obligated to take action on proposals submitted by cities or on the recommendation of the COO. If the Council chooses to expand the UGB in

accordance with one or more of the proposals, it may add no more than 1000 acres total.

- (j) If the Council elects to amend the UGB under this section, it shall be accomplished by ordinance in the manner prescribed for ordinances in Chapter VII of the Metro Charter. For each mid-cycle amendment, the Council shall establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other relevant advisory committees, and the public.
- (k) Any decision by the Council to amend the UGB under this section must be adopted not more than four years after the date of the Council's adoption of its most recent analysis of the regional buildable land supply under ORS 197.296.
- (l) Notice to the public of a proposed amendment to the UGB under this section shall be provided as prescribed in section 3.07.1465.

### **3.07.1428 Mid-Cycle Amendments - Criteria**

- (a) In reviewing city proposals for mid-cycle UGB amendments, the Metro Council shall determine whether each proposal demonstrates a need to revise the most recent analysis of the regional buildable land supply as described in ORS 197.299(5). The Council's decision shall include consideration of:
  - (1) Need to accommodate future population, consistent with the most recently adopted 20-year population range forecast; and
  - (2) Need for land suitable to accommodate housing and supporting public facilities and services, schools, parks, open space, commercial uses, or any combination thereof.
- (b) If, after revising its most recent analysis of the buildable land supply under paragraph (a) of this subsection, the Council concludes that expansion of the UGB is warranted, the Council shall evaluate those areas that have been proposed by cities for possible addition to the UGB. Any expansion(s) under this section may not exceed a total of 1000 acres. Cities proposing mid-cycle UGB amendments shall demonstrate that:

- (1) The city has an acknowledged housing needs analysis that was completed in the last six years and is coordinated with the Metro forecast in effect at the time the city's housing needs analysis or planning process began;
  - (2) The housing planned for the city's proposed UGB expansion area is likely to be built in fewer than 20 years. As part of any proposal, cities must provide a concept plan that is consistent with section 3.07.1110 of this chapter. Cities may also provide evidence of property owner support for the proposed UGB expansion, and/or other evidence regarding likelihood of development occurring within 20 years;
  - (3) The city has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas;
  - (4) The city has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas. Such practices may include regulatory approaches, public investments, incentives, partnerships, and streamlining of permitting processes; and
  - (5) The city has taken actions in its existing jurisdiction as well as in the proposed expansion area that will advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.
- (c) The land proposed for UGB expansion must be a designated urban reserve area.
- (d) Mid-cycle UGB amendments made under this section are exempt from the boundary location requirements described in Statewide Planning Goal 14.

## Amendments to Existing Title 14 Provisions

### 3.07.1425 Legislative Amendment to the UGB - Criteria

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(c) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences;
- (4) Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal;
- (5) Equitable and efficient distribution of housing and employment opportunities throughout the region;
- (6) Contribution to the purposes of Centers and Corridors;
- (7) Protection of farmland that is most important for the continuation of commercial agriculture in the region;
- (8) Avoidance of conflict with regionally significant fish and wildlife habitat; and
- (9) Clear transition between urban and rural lands, using natural and built features to mark the transition.

(d) If the Council determines there is a need to amend the UGB for housing, in addition to consideration of the factors listed in subsection (c) of this section, the Council shall also consider the following factors in determining which urban reserve areas better meet the housing need:

- (1) Whether the area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with the current Metro forecast;
- (2) Whether the area has been concept planned consistent with section 3.07.1110 of this chapter;
- (3) Whether the city responsible for preparing the concept plan has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas;
- (4) Whether the city responsible for preparing the concept plan has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas; and
- (5) Whether the city responsible for preparing the concept plan has taken actions to advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.

### **3.07.1465 Notice Requirements**

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- (b) For a proposed mid-cycle amendment under section 3.07.1427, the COO shall provide notice of the first public hearing on the proposal in the following manner:
  - (1) In writing at least 35 days before the first public hearing on the proposal to:
    - (A) The Department of Land Conservation and Development and local governments of the Metro area;
    - (B) The owners of property that is being proposed for addition to the UGB;
    - (C) The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designated for agriculture or forestry pursuant to a statewide planning goal;

(2) In writing at least 30 days before the first public hearing on the proposal to:

(A) The local governments of the Metro area;

(B) A neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by the cities and counties whose jurisdictional boundaries include or are adjacent to the site;

(C) Any other person who requests notice of amendments to the UGB; and

(3) To the general public by posting notice on the Metro website at least 30 days before the first public hearing on the proposal.