

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: Planning and Development

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ISSUE: Land Use and Urban Growth Management

BACKGROUND: Legislation has been pursued in every session since 2014 to redraw the Portland region's urban growth boundary, change the location of urban and rural reserves, or otherwise intervene in the regional land use process. While those efforts have been unsuccessful, they have created uncertainty about the integrity of the system and fed a misconception that specific local land use designations are proper subjects of state legislation.

As of this writing, staff is not aware of specific efforts to pass legislation along these lines in 2019, but anticipates that something is likely to arise.¹

RECOMMENDATION: Prior to the 2014 session, the Council adopted a principle that declares, in relevant part: "the Legislature should establish the process and policy framework for local land use decisions and should affirm the authority of local governments, including Metro, to make specific decisions on local land use matters." Based on this principle, which the Council has reaffirmed annually since it was first adopted, Metro should continue to strongly oppose any effort to legislatively modify the urban growth boundary, the urban and rural reserves, or the underlying zoning of any specific piece of land, while continuing to consider possible improvements to the region's growth management process and policies.

LEGISLATIVE HISTORY: SB 1011 (2007) created the process under which Metro and the Counties agreed on reserve designations in 2010. Shortly after the Court of Appeals rejected part of that agreement in February of 2014, the Legislature passed HB 4078 to establish urban and rural reserves in Washington County. HB 4078 also prohibited the creation of more urban reserves in any county until 75% of the current urban reserves in that county have been brought into the UGB. The following year, HB 2047 corrected technical errors in HB 4078 while avoiding changes that had not been agreed to in the "grand bargain." In 2015, 2016 and 2017, legislation was introduced which would have intervened in the regional reserves process in various ways and in various places around the region. However, none of those bills passed.

Meanwhile, after the Metro Council's 2015 urban growth management decision, in which the Council did not expand the UGB, Metro convened an Urban Growth Readiness Task Force to

¹ Of particular note was a bill pursued in 2018 by the City of Hillsboro to legislatively bring a significant piece of rural reserves into urban reserves. Metro strongly opposed that legislation but staff have engaged in a subsequent dialogue with Hillsboro staff to explore possible areas of agreement.

explore possible improvements to the urban growth management process. The result was HB 2095 (2017), a consensus bill authorizing UGB expansions midway through a six-year growth management cycle if a city requests an expansion and has plans for development and infrastructure finance.

OTHER INTERESTED PARTIES: Cities and counties; development-related business groups; specific landowners; farmers; land use advocates.

IMPACT IF PROPOSED ACTION OCCURS: Depends on specific legislation.