

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 21-5170, FOR THE PURPOSE OF
AUTHORIZING METRO'S CHIEF OPERATING OFFICER TO EXTEND THE DEADLINE
FOR FILING PROPOSALS FOR MID-CYCLE UGB AMENDMENTS UNDER METRO
CODE SECTION 3.07.1427

Date: April 5, 2021
Department: Office of Metro Attorney
Meeting Date: April 15, 2021

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ACTION REQUESTED

Adopt Resolution No. 21-5170, authorizing Metro's Chief Operating Officer (COO) to extend the deadline for cities to submit proposals for mid-cycle UGB amendments from June 13, 2021 to December 13, 2021.

BACKGROUND

At the conclusion of Metro's regional growth management analysis in 2015, the Metro Council determined that there was enough buildable land inside the existing UGB to accommodate projected growth for 20 years and the Council therefore adopted a decision that no UGB expansion was necessary. As part of that decision, and in response to concerns raised by stakeholder groups, the Metro Council directed Metro planning staff to prepare the next urban growth report in three years rather than six years as required by statute, and to "work with regional partners to explore possible improvements to the region's growth management process."

To that end, in 2016 Council President Tom Hughes convened the Urban Growth Readiness Task Force, comprised of elected officials and stakeholders from around the region, in order to consider and recommend possible improvements to Metro's growth management process. One of the resulting task force recommendations was to seek changes to state law in order to allow for "mid-cycle" UGB expansions of up to 1000 acres, based on specific city proposals for residential growth. In 2017 the Oregon Legislature added provisions to the statute that governs Metro's growth management process authorizing such mid-cycle amendments. Metro subsequently adopted new Metro Code sections 3.07.1427 and 3.07.1428 creating procedures and criteria for city mid-cycle proposals.

One of the applicable Metro Code procedures in section 3.07.1427(b) requires cities to submit mid-cycle proposals during the period that is between 24 and 30 months after the Metro Council's adoption of its most recent urban growth report (UGR). The Metro Council adopted the 2018 UGR and expanded the UGB by 2,100 acres on December 13, 2018, which makes the 30-month deadline for mid-cycle proposals June 13, 2021.

The City of Tigard and the City of Sherwood are working on proposals for mid-cycle UGB amendments in urban reserve areas adjacent to their cities and have encountered difficulties and delays in completing the necessary public engagement as a result of limitations caused by the COVID-19 pandemic. Recognizing challenges caused by the ongoing pandemic, this resolution would authorize the Metro COO to extend the 30-month deadline for submittal by any city by six months, making the new deadline December 13, 2021.

Adopting this extension would not change or otherwise affect the process or criteria by which any city proposals are evaluated by Metro. Specifically, any city submittal may only be approved by the Metro Council if the city provides sufficient evidence that there is additional need for the housing being proposed by the city beyond the need that was identified in the 2018 UGR and addressed by the related UGB expansion. As provided in sections 3.07.1430(h) and (i) of the Metro Code, city proposals will first be reviewed by Metro staff, and a recommendation will be made by the COO to the Metro Council; however, final action by the Metro Council on the COO recommendation is discretionary.

The Metro Council adopted a similar resolution on April 23, 2020. Resolution No. 20-5096 ratified the Declaration of Emergency in the Metro Region due to the COVID-19 pandemic issued by the Metro COO on April 2, 2020, and delegated authority to the COO to suspend, waive, or extend certain Metro administrative rules and Metro Code deadlines as a result of the pandemic. However, that resolution did not specifically authorize the Metro COO to extend the Metro Code deadline for submitting proposals for mid-cycle UGB amendments.

STAFF RECOMMENDATION

Staff recommends adoption of Resolution No. 21-5170.