

Objection to Metro Council Ordinance 24-1520

I am writing to object to the Metro Council adopted Ordinance 24-1520, an amendment to the Metro regional UGB that adds approximately 1,291 acres of land to the Urban Growth Boundary (UGB) in the Sherwood West planning area, for housing and employment purposes.

In response to the 12/19/24 email I received from Stacy Coonfield, Legal Assistant, Office of Metro Attorney:

1. I participated in the UGB amendment process when I submitted a comment in writing to Metro.
2. My objection is described below.
3. The specific changes that would resolve my objection is to defer all or part of the expansion of the UGB, and for the Metro Council to exercise their latitude to take other measures to encourage re-development that better aligns with Oregon land use laws as well as Oregon's rules, policies, plans, regulations to address the environmental crisis.

Initially, an overarching objection. I think the burden of proof has not been satisfied - that expanding the UGB advances the health, safety, and welfare of the citizens. I should not be required to substantiate the opposite. Government organizations have tremendous resources; I have limited time and resources and cannot provide a sophisticated legal brief to gain traction on this impactful UGB proposal. Given some of the unprecedented changes (well reported in the news for years) underway - an order-of-magnitude-dramatic increase in remote work and the need to reimagine uses for malls and dozens of commercial buildings – to name only two - why would local, regional, and state governments rush to expand the UGB? Given Metro's own statements/analysis (see below) and the state's decades long policies to limit sprawl (the job of Department of Land Conservation and Development) the reasonable conclusion of the process to date is to not rush into consuming more rural land for suburbia.

Second, is the UGB expansion justified and what problem will be solved by Ordinance 24-1520?

- **Is 'Metro-forecasted housing growth estimate problem' being solved?**
 - **No.**
 - Under Oregon state land use law, urban growth management decisions focus on whether there is an identified regional need to add land to the UGB for forecasted housing.¹
 - According to analysis performed by Metro: "Analysis conducted for the draft Urban Growth Report revealed that there is likely room to

¹ 2024 Urban Growth Report Executive Summary, Metro, December 5, 2024

accommodate most, if not all, of the region's existing and future housing needs inside the existing UGB for the next 20 years.”²

- Since the analysis concluded there is no identified regional need, Ordinance 24-1520 is a violation of the Oregon State Land Use laws reference.
- **Is there a ‘shortage of housing problem’ to be solved?**
 - **No**
 - 99.9% of Oregonians have housing. Oregon has around 20,000 people experiencing homelessness, 13,000 unsheltered (on the streets or in homeless shelters) and 7,000 sheltered.³ With a population of 4.2 million people, 99.9% of Oregonians have housing.
 - In Oregon today, apartments have vacancies and houses require 4-6 weeks to sell in the “strong market” locations. A lack of available home options is not the problem for the tiny fraction of unhoused Oregonians. By and large there are not unhoused people with financial means and strong credit reports waiting for homes. There are homes available waiting for people with financial means to live there within the existing UGB.
 - There is no analysis that adding market priced homes to a suburb 20+ miles outside of Portland will bring relief to the unhoused.
 - Thus the “expand the UGB to address homelessness” rhetoric used to support the Ordinance fails a logical analysis.
- **Is there a ‘high cost of housing problem’ that will be solved**
 - **No.**
 - **Adding the number of homes in the Sherwood proposal (~3,000 market priced homes, less than 1% increase to the housing inventory) to a suburb 20+ miles outside of Portland will neither change the financial dynamic of the real estate market nor bring relief to the unhoused.**
 - Oregon is part of the large west-coast marketplace. This has been true for decades. Indeed, this was a catalyst for Senate Bill 100 75-years ago. For those desirous to live on the west coast, Portland (and many other locations) is the affordable spot relative to most alternatives (LA, San Diego, Bay Area, and Puget Sound).⁴ People move to Oregon because the State is attractive and relatively affordable. This a well-known, decades-long trend that increased given the recent jump in remote work.
 - There are about 1.9 million homes in the state.⁵ There are likely another ~100,000 homes (for people whose lives are centered in Oregon) a short drive from Oregon.... in Clark County, and across the Snake and Columbia Rivers.
 - There is no analysis that the Sherwood proposal (~ 3,000 primarily market rate) homes, an addition of less than 1% to the Oregon housing inventory will do nothing to change the supply/demand dynamic to bring down prices

² Ibid

³ January 2023 Point In Time count

⁴ nerdwallet.com Cost of Living Calculator

⁵ US Census Bureau, Quick Facts

in the State. Thus the “expand the UGB to reduce the cost of housing” rhetoric used to support the Ordinance fails a logical analysis.

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- **Is there a lack of land for growth and is this a problem to be solved?**
 - **No.**
 - **According to analysis performed by Metro staff, there is not necessarily a lack of space.** “While there is a housing crisis nationally and, in our region, it is not clear that shortage is caused by a sheer lack of space for additional housing to be built.”⁶
 - “Analysis conducted for the draft Urban Growth Report revealed that **there is likely room to accommodate most, if not all, of the region’s existing and future housing needs inside the existing UGB for the next 20 years.**”⁷
 - “The Urban Growth Report analysis shows a regional surplus of 3,930 acres of industrial land to accommodate expected industrial job growth under the most likely (baseline) forecast. **“There is a small surplus even under a high growth employment forecast.”**⁸
- **Conclusion**⁹
 - Metro approved expanding the UGB¹⁰ despite their own professional analysis, and extensive months-long review process showing adequate land available inside the UGB. There is no urgent justification to expand Sherwood further to the west.
 - “Metro Council has latitude to determine there is a need to add the Sherwood West urban reserve to the UGB or to take other measures to encourage redevelopment.”¹¹
 - **“Under Oregon state land use law, urban growth management decisions focus on whether there is an identified regional need to add land to the UGB for forecasted housing and jobs growth.**¹²
 - **Not agreeing with their own analysis, does not create an identified regional need to expand the UGB now.**
 - Since the analysis concluded there is no identified regional need, Ordinance 24-150 is a violation of the Oregon state land use laws reference by Metro.
 - 75 years ago Senate Bill 100 (and others) established a core-principle That Oregon state land use laws delay expanding the UGB until a clear need is established.
 - Fundamentally, government actions must improve the health, safety, and welfare of the public. There is no analysis that Ordinance 24-1520 meets this test.

⁶ 2024 Urban Growth Report Executive Summary, Metro, December 5, 2024

⁷ Ibid

⁸ Ibid

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

- Given the Metro analysis, there is no urgent need to decide to expand the UGB now. The alternative they identify in their own documents, to take other measures to encourage re-development (while monitoring the uncertain factors in their forecast), is arguably the less risky course of action and aligned with Oregon land use laws and the requirement to deliver health, safety, and welfare to the public.
- Environmental crisis - while likely viewed as a tangential issue, it cannot be ignored, indeed, considering the health, safety, and welfare of all, should be the litmus test for actions such as Ordinance 25-1520.
 - There is an extremely well documented environmental crisis underway; often referred to as an existential threat to the biosphere of all life on earth. Oregon has rules, polices, and goals to address the Environmental Crisis.¹³ In the absence of a net-zero Sherwood masterplan, from decades of experience with millions of sprawling suburbs like Sherwood, this UGB expansion is guaranteed to add greenhouse gas – counterproductive to meeting state objectives.
 - Oregon cannot expect to mitigate the Environmental Crisis with suburban development designs used the last several decades that contributed greatly to causing the crisis. Expanding the UGB is a self-defeating step – creating more greenhouse gasses when State directives say we need to do the opposite. Ordinance 24-1520 violates the environmental goals¹⁴ of the State. It's a problem generator not a solution.

(not indented)

Thank you for considering my objection.

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¹³ <https://www.opb.org/article/2024/04/01/oregon-greenhouse-gas-climate-change-legislation-protection-program/>

¹⁴ Ibid, see goals, polices, and rules listed in this article.