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January 30, 2019

Periodic Review Specialist  
Department of Land Conservation  
And Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301

Re: Metro Urban Growth Boundary Amendment, Ordinance 18-1427

Following are the Objections of 1000 Friends of Oregon to Metro's Ordinance No. 18-1427, amending the Metro regional urban growth boundary (UGB). 1000 Friends of Oregon participated both orally and in writing in the decision-making process, including through written testimony dated June 29, 2018, September 17, 2018, December 5, 2018, and December 13, 2018.

In general, Metro's findings and conditions are insufficient to demonstrate compliance with certain requirements in Metro's Code and state law. While Metro's UGB expansion is a legislative land use decision, nonetheless its findings must "connect the dots" between the applicable law and its decision. *1000 Friends of Oregon v. LCDC (Woodburn II)*, 260 Or App 444, 446-47, 450-51, 454, 458, 460 (2014)<sup>1</sup> In addition, if a condition is being used to demonstrate compliance with applicable law, it must be measurable and enforceable. As described below, Metro's decision falls short in several respects.

**Objection 1: Metro's decision fails to demonstrate compliance with the Metro Housing Rule, OAR 660-007-0030 and -0035.**

OAR 660-007-0030, often referred to as the "50% rule," requires:

**"New Construction Mix**

(1) Jurisdictions other than small developed cities must either designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances."

OAR 660-007-0035, often referred to as the "6-8-10" rule, requires:

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<sup>1</sup> "If it were sufficient, local governments could establish compliance with Goal 14, factor 2, simply by verifying that they had engaged in the correct process, regardless of their conclusions. Substantial reason requires, at the least, an explanation of why the process in which a local government engaged and the results that it reached are consistent with the law." *Woodburn II*, 260 Or App at 460.

### **“Minimum Residential Density Allocation for New Construction**

The following standards shall apply to those jurisdictions which provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing:

- (1) The Cities of Cornelius, Durham, Fairview, Happy Valley and Sherwood must provide for an overall density of six or more dwelling units per net buildable acre. These are relatively small cities with some growth potential (i.e. with a regionally coordinated population projection of less than 8,000 persons for the active planning area).
- (2) Clackamas and Washington Counties, and the cities of Forest Grove, Gladstone, Milwaukie, Oregon City, Troutdale, Tualatin, West Linn and Wilsonville must provide for an overall density of eight or more dwelling units per net buildable acre.
- (3) Multnomah County and the cities of Portland, Gresham, Beaverton, Hillsboro, Lake Oswego and Tigard must provide for an overall density of ten or more dwelling units per net buildable acre. These are larger urbanized jurisdictions with regionally coordinated population projections of 50,000 or more for their active planning areas, which encompass or are near major employment centers, and which are situated along regional transportation corridors.”<sup>2</sup>

As noted by DLCD in its comments of December 5, 2018, Metro must ensure the four cites meet both rules, which Metro can do by demonstrating either that each city has met the rules citywide, or that they will meet the two rules in each expansion area.

While Metro acknowledges the Metro Housing Rule applies, the extent of its findings demonstrating that Metro has met the Rule appears to be the following statement:

“Most of the concept plans submitted by the cities include some amount of multifamily housing in order to ensure that the new areas will provide a variety of housing choices, decrease infrastructure costs per home, and comply with the state Metropolitan Housing Rule.”<sup>3</sup>

This conclusory statement does not demonstrate compliance with OAR 660-007-0030 and -0035. “Most” of the concept plans is not all four of them. “Some amount of multifamily housing” is not the standard of the Metro Housing Rule; this is not horseshoes. Metro’s decision does not provide facts or cite to any in the record demonstrating compliance, and the decision’s conditions do not require compliance, either in the expansion areas or citywide.<sup>4</sup>

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<sup>2</sup> Subsection (4) exempts small cities from both rules: “Regional housing density and mix standards as stated in OAR 660-007-0030 and sections (1), (2), and (3) of this rule do not apply to small developed cities which had less than 50 acres of buildable land in 1977 as determined by criteria used in Metro’s UGB Findings. These cities include King City, Rivergrove, Maywood Park, Johnson City and Wood Village.

<sup>3</sup> Exhibit F to Ord. 18-1427, p. 10.

<sup>4</sup> There is a statement in the Findings that in estimating future housing types in MetroScope, Metro’s modeling tool, that Metro used a single-family rate of 50% for the future housing split. However, the input to a modeling tool is not the same as requiring compliance with the Metro Housing Rule, and the conditions do not.

Metro might claim that two or three of the city proposals come close to or meet the Metro 50/50 rule.<sup>5</sup> However, those proposals have no legal weight; Metro must ensure, in this decision, that the Metro Housing Rule will be met by the concept plans and implementing actions the cities will take pursuant to Ord. 18-1427, and that Metro can enforce those. MC 3.07.1425; Goal 14.

Metro might also claim the Metro Housing Rule is met because the conditions state that each city “shall plan” for a certain number of “homes” and “shall” designate its expansion area as “Neighborhood,” implying a certain level of density. Metro also states that three cities “may propose” to designate parts of the expansion areas as “Corridors.”<sup>6</sup>

Metro does not actually explain whether this is how it is meeting its Housing Rule obligation or how those conditions would be sufficient to achieve that. For example, the conditions do not require that any percentage of the new residential units be attached single family or multiple family housing. And, these are plan requirements, with no requirement that the subsequent zoning be at a level sufficient to meet the Metro Housing Rule, and no outlined enforcement mechanism. Finally, the conditions for King City are such that it is not apparent that Metro or DLCD could determine what number or type of dwellings will ultimately be planned for; that conclusion depends on the results of other studies, including a town center market analysis and transportation and infrastructure planning.<sup>7</sup>

**Recommended Resolution:** Require Metro to either demonstrate that its decision meets the Metro Housing Rule or, if it cannot, to adopt a different UGB decision demonstrating compliance.

**Objection 2: Metro’s decision fails to comply with multiple provisions of the Metro Code related to housing, with which Metro must demonstrate compliance in making this UGB expansion decision.**

Metro’s UGB decision fails to demonstrate compliance with multiple provisions of Metro’s Code. To the extent that compliance with these Code provisions is the basis for Metro’s compliance with statewide planning Goals 10 (Housing) and 14 (Urbanization), the decision also fails to comply with the Goals and related statutes and rules. Rather than make a separate Objection for each Code violation, and because they are interrelated, we address the relevant Code provisions in this Objection.

***Objection 2A: Failure to comply with Metro Code Title 7, Housing Choice***

Metro’s Title 7, Housing Choice, sets the baseline requirements for cities to meet to ensure the region is accomplishing the Regional Framework Plan, and compliance with Title 7 is a necessary element in justifying a UGB expansion under Goals 10 and 14. Title 7 requires that local governments establish voluntary affordable housing production goals and report on progress

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<sup>5</sup> Metro Chief Operating Officer Recommendation, Sept. 4, 2018, pp. 8-14.

<sup>6</sup> Exhibit C, Conditions C.1-3, D.1-3, F.1-3.

<sup>7</sup> Exhibit C, Condition E.1-6.

towards achieving those goals.<sup>8</sup> We could not find in the decision whether, at a minimum, the four cities have established affordable housing goals or whether they have regularly reported their progress to Metro.

In addition, these Code provisions require that Metro “shall ensure” that the plans and ordinances of all cities, including these four, provide for diverse housing types and specific measures to maintain and increase new, dispersed, affordable housing.<sup>9</sup> The findings do not address whether Metro can demonstrate it has been “ensuring” that these Code provisions are being complied with regionwide or by the four proposing cities.

Metro states that compliance with its Title 14, Urban Growth Boundary, “constitutes compliance with statewide planning Goal 14,” and its Findings attempt to show compliance with Title 14. However, an evidentiary basis to show compliance with Title 14 would rely on the facts that local governments would provide in the housing goals and reports required under Title 7. For example, Code 3.07.1425(d)(4) provides that if the Metro Council determines there is a need to expand the UGB for residential use, as it has here, it must evaluate the following factor:

“(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 area.”<sup>10</sup>

Without the information required by Metro Code 3.07.710, -.720, -.730, -.740, Metro appears not have a factual basis to be able to show it has considered this factor for each city proposing a UGB expansion.

***Objection 2B: Failure to comply with Metro Code Title 11, Planning for New Urban Areas, MC 3.07.1105, -.1110 and Title 14, Urban Growth Boundary, 3.07.1425***

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<sup>8</sup> “MC 3.07.710 Intent The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan. “

“MC 3.07.720 Voluntary Affordable Housing Production Goals Each city and county within the Metro region should adopt the Affordable Housing Production Goal indicated in Table 3.07-7, as amended over time, as a guide to measure progress toward increasing housing choices and meeting the affordable housing needs of households with incomes between 0 percent and 50 percent of the regional median family income. “

<sup>9</sup> “MC 3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes Cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances: (a) Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries. (b) Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries. (c) Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing.”

See also MC 3.07.740.

<sup>10</sup> MC 3.07.1425(d)(4)

Metro’s Title 11 is designed to “ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use walkable, transit-friendly communities,”<sup>11</sup> which is also the type of finding required to comply with Goal 14. Prior to expanding the UGB, Metro must find that the proposing city has developed a concept plan that complies with MC 3.07.1110, Planning for Areas Designated Urban Reserve.

Metro Title 14, 3.07.1425, if met, is intended to “constitute compliance with statewide planning Goal 14 (Urbanization) and the Regional Framework Plan.” Among other things, Metro must demonstrate that the concept plan submitted by each local government, with any conditions Metro adds in its decision, meets the requirements of the Metro Code and supports the UGB decision under state law.

In evaluating urban reserves for possible expansion, MC 3.07.1425(c) requires Metro to consider the following factors, among others, which reflect Goal 14. The findings must demonstrate, with a factual basis, that Metro actually did consider each factor.

“(1) efficient accommodation of identified land needs

(5) equitable and efficient distribution of housing ...opportunities throughout the region”

In addition, Metro must consider the following factors of MC 3.07.1425(d):

“(2) Whether the area has been concept planned consistent with section 3.07.1110 of this chapter;

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(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.”

This latter Code provision specifically incorporates Title 11, MC 3.07.1110(b) into Title 14, thereby requiring Metro to ensure that the proposed concept plan for each expansion area “achieve[s] the following outcomes”:

“(2) If the plan ...proposes to accommodate only residential ... needs:

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<sup>11</sup> MC 3.07.1105

(A) A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county, and the region ... in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means.”<sup>12</sup>

Finally, Code section 3.07.1110(c) of Title 11 requires Metro to demonstrate that each concept plan:

“(4) [D]escribe[s] the goals for meeting the housing needs for the concept planning area in the context of the housing needs of the governing city, the county, and the region....[T]he concept plan shall identify the general number, price, and type of market and non-market provided housing. The concept pan shall also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection (b)....”

As described in more detail below, Metro’s decision does not demonstrate compliance with its own Code provisions. And because meeting these is a basis for Metro demonstrating compliance with Goals 10 and 14 for a UGB expansion, the decision also fails to comply with those Goals. Following are the ways in which Ordinance 18-1427 fails to comply with the Titles 11 and 14 of the Metro Code.

**MC 3.07.1425(d)(2)** requires Metro to determine whether each proposed area “has been concept planned consistent with section 3.07.1110....” This is the extent of Metro’s findings addressing this Code requirement: “All four areas have been concept planned.”<sup>13</sup> This is not a factual finding; it is a legal conclusion without any evidence. In contrast, the requirements of MC 3.07.1110, laid out above, are quite specific. This appears to be the entire extent to which Metro’s Findings address the requirements of Title 11, and thus the UGB decision fails to comply with Metro’s Code Title 11 and 14 on this basis alone.

Perhaps Metro will claim that its Conditions demonstrate compliance with Title 11. However, they are insufficient. Implicit in MC 3.07.1110(b) is a requirement to achieve certain stated outcomes; what actions are considered are up to each city.

Condition A.2. As quoted above, under Title 11, Metro must show the concept plan it approves for each city will accommodate a “range of housing of different types, tenure, and prices...in the prospective UGB expansion area” and the concept plans must “avoid[ ]...isolation of

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<sup>12</sup> Metro emphasized this need to integrate and disperse diverse and affordable housing in the expansion areas in its specific instructions for this UGB expansion:

“[Whether the] housing needs of people in the region, county and city have been considered:

- Is the city planning for a variety of housing types that can address the needs of diverse household sizes and incomes in the proposed expansion area?
- How well is the city meeting those needs within its existing boundaries?”

<sup>13</sup> Exh. F to Ord. 18-1427, p. 14.

people and families of modest means.” However, the structure of Condition A.2 could take the decision in the opposite direction as that required by Title 11. Condition A.2 requires that in the expansion areas, certain types of attached housing (townhomes, duplexes, triplexes, fourplexes) be allowed in all “zones” that permit detached single-family housing. Without a requirement that these attached housing types be allowed on all *lots*, there is no way to determine whether, or to what degree, there will actually be a range of housing types. There could still be large areas of primarily detached single-family dwellings, thereby economically isolating those of modest means, contrary to Title 11.

Condition B.5. Under Title 11, Metro must also show the concept plans identify strategies, including certain enumerated ones, that “will support the likelihood of achieving” the range of housing outcomes. However, Condition B.5 is also without any teeth. It states that “cities shall engage with service providers to *consider* adoption of variable system development charges....” (Emphasis added.) Again, this condition sets up a process, not a substantive outcome; there is no assessment of the likelihood this will achieve the desired housing outcomes. In addition, neither this Condition nor the others address the other strategies required to be addressed by MC 3.07.1110(c)(4).

Finally, neither the Findings nor the Conditions comply with 3.07.1110(c)(4), which states that the concept plan “*shall* identify the general number, price and type of market and nonmarket provided housing.” (Emphasis added.)

**MC 3.07.1425(d)(4)** requires Metro to consider whether each proposing city has “implemented best practices for preserving and increasing the supply of affordable housing in its existing urban area.” As described above, because there appears to be no showing as to whether Metro and the proposing cities have complied with Title 7, 3.07.710-.740, there is no factual basis on which to “consider” this factor.

Moreover, Metro’s findings acknowledge this insufficiency. Metro describes that the four cities have taken “at least some steps toward encouraging the development of affordable housing,” but “it cannot be said that all four cities have implemented ‘best practices’.”<sup>14</sup> This finding does not meet this factor.

First, there is no definition or list of “best practices” against which Metro could even evaluate how well a city is achieving this factor. “Encourage” does not equal “implement” and “some steps” is not the same as “best practices.” Second, Metro tries to justify this under-achievement by saying that “one purpose” of this factor is to “encourage” the proposing cities to make affordable housing “more of a priority.” The findings point to no evidence for when or how the Metro Council determined that something less than the language of MC 3.07.1425(d)(4) would be a sufficient basis on which to determine this factor has been met. And, even with this lower standard, Metro does not point to anything demonstrating that any of the four cities has made “preserving and increasing the supply of affordable housing more of a priority.” The documentation and reports

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<sup>14</sup> Exh. F to Ord. 18-1427, p. 14.

required by Title 7 would be a logical place to point to for such a conclusion, but if there are any reports, they are not cited to in these findings.

Third, Metro relies on its Conditions of Approval to the UGB expansions “regarding housing mix, removing barriers to accessory dwelling units, and variable system development charges”<sup>15</sup> to show this factor has been considered. However, this is irrelevant. The requirement of MC 3.07.1425(d)(4) applies to the “**existing** urban areas” of the proposing cities, not the UGB expansion areas. (Emphasis added)

Finally, even if Metro could rely on the Conditions for the UGB expansion areas as a way to show compliance with MC 3.07.1425(d)(4), the conditions to which Metro points are also insufficient, for this purpose or to demonstrate substantive compliance with any of the Metro Code. Specifically:

Condition A.2. This requires that in the expansion areas, certain types of attached housing (townhomes, duplexes, triplexes, fourplexes) be allowed in all “zones” that permit detached single family housing. Without a requirement that these attached housing types be allowed on all *lots*, or some other requirement that establishes the amount or percentage of homes that must be attached in an expansion areas, there is no way to determine whether, or to what degree, there will actually be a “housing mix.”

Conditions A.3. All three conditions relate to accessory dwelling units. Condition A.3 applies just to the expansion areas, and requires cities to “*explore ways to encourage*” ADUs. (Emphasis added.) This condition does not actually accomplish what the Findings say it does – to “explore” options is not to actually adopt anything that “remov[es] barriers” to ADUs. This is a process- based condition, not a substantive outcome. Because a legitimate outcome of this “exploration” could be not doing anything to encourage ADUs, there is no basis for a proposing city to claim, or for Metro to conclude, that this will contribute to removing barriers or increasing the supply and diversity of affordable housing.

Conditions B.1 B.2, B.3. We applaud Metro for adopting Conditions B.2 and B.3, which apply city-wide and prohibit future homeowner associations from regulating ADUs in ways that would have the effect of limiting them, including by requiring owner occupancy. We also applaud part of Condition B.1., which prohibits cities from requiring an off-street parking place for an ADU when street parking is available.

However, the first part of B.1., which gives the four cities one year to come into compliance with existing Metro Code on ADUs, does not provide a basis for finding that Metro considered this factor. Metro Code 3.07.120(g) requires every city and county within the UGB to:

“authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. The authorization may be subject to reasonable regulation for siting and design purposes.”

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<sup>15</sup> Id.



Metro first adopted its ADU provision in 1997, and its current language was the basis for ORS 197.312(5). The Metro Chief Operating Officer's Recommendation described at least three of the four cities as being out of compliance with both Metro Code and ORS 197.312(5) to some degree.<sup>16</sup> If at least three of the proposing cities were not in compliance with a Metro Code provision regarding diverse and affordable housing that has been on the books for two decades, on what basis can Metro use this to show it "considered" the past or likely future ADU production of these cities, or for the rest of the region, in making its UGB decision? In fact, this appears to highlight that Metro is unaware of whether or with what success any of the region's cities or counties are in compliance with MC 3.07.120(g).

Not only is a condition giving cities a reprieve on compliance not a basis for granting a UGB expansion, it calls into question the underlying regional need justification under Goal 14 for a UGB expansion in the first place, because it, along with the apparent lack of full compliance with Title 7, indicates Metro lacks a factual basis for making a regional housing needs assessment.

Condition B.5. Metro attempts to show it was able to and did consider this factor by describing that it "imposed" a condition "regarding...variable system development charges...in order to increase the supply of affordable housing."<sup>17</sup> However, Condition B.5 is also without any teeth. It states that "cities shall engage with service providers to *consider* adoption of variable system development charges..." (Emphasis added.) Again, this condition sets up a process, not a substantive outcome.

Establishing a process, on its own, does not allow Metro to evaluate the requirement of MC 3.07.1425(d)(4) of whether a city "has implemented best practices." The factor's standard is *not* "has implemented a *process* for considering best practices."

**MC 3.07.1425(d)(5)** requires the Metro Council to consider whether each proposing city has "taken actions to advance Metro's six desired outcomes." The extent of Metro's findings on this are:

"The Metro Council finds that all four cities have taken steps and adopted plans and policies that advance Metro's six desired outcomes, as described in the CRAG comments and the city proposals. While it cannot be said that each city has taken steps that directly advance all six of the outcomes, the cities have demonstrated progress towards those outcomes."<sup>18</sup>

Because Metro acknowledges that not each of the cities has met the basic requirement to have "taken action," at a minimum Metro cannot find that it has considered this factor for every city.

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<sup>16</sup> Chief Operating Officer Recommendation, pp. 8-14, Sept. 4, 2018. Hillsboro appears to be in compliance, although it requires an off-street parking space and that might violate the Metro Code and statutory requirement that siting and design regulations be "reasonable."

<sup>17</sup> Exh. F to Ord. 18-1427, p. 15.

<sup>18</sup> *Id.*

In addition, Metro’s findings fall short because they are conclusory. Metro’s six Desired Outcomes cover a broad spectrum of concepts.<sup>19</sup> Pointing to hundreds of pages of city submittals, without actually drawing out relevant facts or the sections of those documents to show that each city has taken actions on each Desired Outcome does not meet the standard for a legislative decision.

Moreover, the CRAG comments do not support this conclusion. The Findings rely on a staff memo of July 11, 2018, and a presentation to the Metro Council by CRAG on July 17, 2018. 1000 Friends was one of two CRAG members asked to present the CRAG comments to the Metro Council on that date.<sup>20</sup>

Metro’s Desired Outcome number four is “The region leads on climate change, on minimizing contributions to global warming.” Both the comments of 1000 Friends and those of the overall CRAG do not support a conclusion that the four expansion areas, separately or together, will result in a region leading on climate change or minimizing global warming. The 1000 Friends written CRAG comments state:

“The [city] responses to the Metro “Desired Outcome” related to global warming are mostly focused on energy conservation, solar development, building efficiency, etc. While these are good steps, almost 40 percent of the state’s greenhouse gas (GHG) emissions are generated by cars and small trucks, i.e., driving. Metro was required by the state to develop and adopt, which it has, its Climate Smart Communities Strategy to reduce per capita greenhouse gas emissions from cars and small trucks by 20 percent by 2035. Major factors in accomplishing this include strategies to increase transit, bicycling, and walking and reduce vehicle miles traveled by cars. Increasing density is essential, and ADUs are also important.<sup>21</sup> Every city and county in the region endorsed the Climate Smart Strategy. One cannot tell from the proposal what contribution they will make to achieving this mandate, or whether they will actually detract from it, which could happen since single-family, detached housing zones contribute far more to VMT and thus GHG emissions than compact, walkable, transit-density neighborhoods. The proposals should address how the proposed UGB developments will result in a meaningful decrease in driving by current and future residents and employees.”

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<sup>19</sup> The Six Desired Outcomes are:

1. People live, work and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.
4. The region is a leader on climate change, on minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water and healthy ecosystems.
6. Equity exists relative to the benefits and burdens of growth and change to the region’s communities.

<sup>20</sup> Throughout the CRAG process, 1000 Friends not only participated orally, but also submitted extensive written comments. E.g., June 29, 2018 memo from Mary Kyle McCurdy, 1000 Friends of Oregon, to Rebecca Hamilton and Ted Reid, Metro, titled “City Readiness Advisory Group comments.” However, Metro’s Findings never directly address, by name, any of the comments raised by 1000 Friends.

<sup>21</sup> Sightline, [Backyard cottages fighting climate change](https://www.sightline.org/2018/06/28/listen-in-public-news-service-on-backyard-cottages-fighting-climate-change/), <https://www.sightline.org/2018/06/28/listen-in-public-news-service-on-backyard-cottages-fighting-climate-change/>, June 28, 2018

The Metro staff consolidated the CRAG comments into a matrix, addressing every factor for each city's proposal.<sup>22</sup> There is nothing in this document to support a finding that CRAG comments in any way lead to a conclusion that each city has taken steps to address Desire Outcome 4. If anything, the CRAG comments indicate that the proposed development patterns will exacerbate greenhouse gas emissions through increased driving. For example, for Wilsonville, the memo states that a "weakness" found by the CRAG was "Distance from commercial development makes it likely that the expansion area will be car-dependent."<sup>23</sup> For Hillsboro: "The relatively low densities planned for [the expansion area] will ensure it is an auto-dependent community."<sup>24</sup> For Beaverton: "Poor connectivity and lack of travel options suggests that this area is likely to be strongly car-dependent.\*\*\*combined with poor multimodal options, this will result in more driving trips."<sup>25</sup> And for King City: "Proposed town center would be removed from the existing community and would likely be auto-dependent."<sup>26</sup>

The Metro staff matrix illustrating the strengths and weaknesses the CRAG found with each of the four proposals appears to illustrate that none of the four cities has "taken actions to advance" all six Desired Outcomes. Therefore, there is no basis for Metro to even weigh this factor with the others.

**Recommended Resolution:** Direct Metro to:

- Prior to expanding the UGB, require all cities and counties in the region that are not currently in compliance with MC 3.07.120(g) and ORS 197.312(5) regarding ADUs to come into compliance within one month. Then make an assessment of the contribution ADUs have made to the current housing supply and are likely to make in the planning period, for the existing UGB and any possible expansions.
- Adopt substantive Findings with substantive, enforceable conditions to meet applicable Metro Code provisions, including Titles 7, 11, and 14.

Sincerely,



Mary Kyle McCurdy  
Deputy Director

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<sup>22</sup> Memo of July 11, 2018 from Rebecca Hamilton, Regional Planner, to Metro Council President and Council, MPAC, MTAC

<sup>23</sup> Id., by 2.

<sup>24</sup> Id., p. 4

<sup>25</sup> Id., p. 6

<sup>26</sup> Id., p. 8.

**From:** [Mary Kyle McCurdy](#)  
**To:** [DLCD PR-UGB](#)  
**Cc:** [Howard, Gordon](#); [Roger Alfred](#); [Mary Kyle McCurdy](#)  
**Subject:** ATTN: Periodic Review Specialist (Metro UGB Objections)  
**Date:** Wednesday, January 30, 2019 6:46:53 PM  
**Attachments:** [Metro 2018 UGB obj..doc](#)

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Attached please find the Objections of 1000 Friends of Oregon to the UGB submittal of Metro.

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