



4145 NE Cully Blvd. Portland, OR 97218  
[www.verdenw.org](http://www.verdenw.org)

ATTN: Periodic Review Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301  
Email: [DLCD.PR-UGB@dlcd.oregon.gov](mailto:DLCD.PR-UGB@dlcd.oregon.gov)

Thursday, January 9, 2025

**Re: Objections to Metro Urban Growth Boundary Amendment, Metro Council Ordinance No. 24-1520**

Verde is a community-based 501(c)3 non-profit organization by and of Black, Indigenous, and other people of color. We are rooted in the Cully neighborhood of Northeast Portland. Our mission is to serve environmental justice communities like our own by building environmental wealth through social enterprise, outreach, and advocacy. Verde engages in advocacy at the intersection of transportation, housing, and land use to advance our mission through policies that promote the safe, clean, affordable, and abundant transportation and housing options that have often passed our communities by.

Consequently, Verde must respectfully object to Metro's Ordinance No. 24-1520, which expands the regional UGB into the Sherwood West planning area. We do so on the grounds that this amendment failed to meet requirements to compare and analyze alternative sites and strategies established in Statewide Land Use Planning Goal 14 and in Metro's Urban Growth Management Functional Plan with consideration of factors including climate and equity.

**I. Objection Procedures**

OAR 660-025-0100(2) provides that "persons who participated at the local level orally or in writing during the local process leading to the final decision may object to the local government's submittal. To be valid, objections must:

- (a) Be in writing and filed with the department's Salem office no later than 21 days from the date the local government sent the notice;
- (b) Clearly identify an alleged deficiency in the work task or adopted comprehensive plan amendment sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the submittal is alleged to have violated;
- (c) Suggest specific revisions that would resolve the objection; and
- (d) Demonstrate that the objecting party participated orally or in writing in the local process leading to the final decision. OAR 660-025-140(2)(a)-(d)."

Regarding (a), Metro's notice regarding its decision to approve the amendment to the UGB Metro's was posted December 19, 2024, making the deadline for submittal of this letter to DLCD January 9, 2025.



Regarding (b), Section III of this letter details alleged deficiencies and rule violations of the proposed UGB amendment.

Regarding (c), Section IV of this letter suggests that LCDC remand this decision back to Metro Council for further consideration of these objections.

Regarding (d), Section II of this letter details Verde's participation in Metro's proceedings leading to the Council decision on Ordinance No. 24-1520.

## **II. Verde's Participation in Metro's Urban Growth Report and Sherwood West UGB Expansion Proceedings**

Verde staff member Indi Namkoong participated as an invited stakeholder in the Metro urban growth stakeholder roundtable, which met monthly from November 2023 to July 2024.

Verde staff member Indi Namkoong also provided oral testimony at the September 26, 2024 Metro Council meeting in response to the draft urban growth report and Sherwood West expansion proposal.

## **III. Objections**

Metro Council considered neither alternative sites for expansion nor alternatives to expansion to meet regional needs as part of this UGB expansion decision. Statewide Planning Goal 14 and Metro's Urban Growth Management Functional Plan require evaluation of both such alternatives in determining changes to the urban growth boundary.

Oregon's Statewide Planning Goal 14, regarding urbanization, states (emphasis added):

**"The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations** consistent with ORS 197A.320 or, for the Metropolitan Service District, ORS 197.298, and **with consideration of 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;**
- and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB."

Metro's Urban Growth Management Functional Plan (Section 3.07 of the Metro Code) further states at 3.07.1425 (emphasis added):

- (a) This section sets forth the factors and criteria for amendment of the UGB from state law and the Regional Framework Plan. Compliance with this section shall constitute compliance with statewide planning Goal 14 (Urbanization) and the Regional Framework Plan.



(b) The Council shall determine whether there is a need to amend the UGB. In determining whether a need exists, the Council may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. The Council's determination shall be based upon:...

**...(3) A demonstration that any need shown under paragraphs (1) and (2) of this subsection cannot reasonably be accommodated on land already inside the UGB.**

(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;** and
- (4) Compatibility of the 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;**...

The Sherwood West concept plan was the only site of potential expansion presented to the Metro urban growth stakeholder roundtable and in the public comment period for the 2024 draft Urban Growth Report. No specifics of alternative sites nor alternative measures to meet identified regional needs were discussed in either of these settings where Verde was a participant. We are not aware of an analysis of alternative sites or measures being discussed by Metro Council prior to or coincident with their public hearing and decision on December 5, 2024.<sup>1</sup>

In the absence of a comparative analysis of alternatives, the concerns raised by Verde staff in the roundtable and at the Metro Council public hearing held on September 26th, 2024<sup>2</sup> remain unaddressed and unmitigated in Metro Council's decision. Those concerns include:

- (1) **The additional burdens that infrastructure costs in the expansion area may place on already-strained infrastructure budgets in our region, with transportation budgets of particular concern to Verde.** The state of Oregon faces an annual shortfall of at least \$1.3 billion in road infrastructure maintenance funding alone.<sup>3</sup> Metro's 2023 Regional Transportation Plan update identified \$2.18 billion in unfunded operations and

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<sup>1</sup> Metro Council Public Hearing Minutes, December 5, 2024, at page 7–9  
<https://oregonmetro.legistar.com/View.ashx?M=M&ID=1244610&GUID=60BA3542-24F7-4621-AD30-0E9C9A37ED98>

<sup>2</sup> 9/26/24 Metro Council meeting video at 2:20:15  
[https://oregonmetro.granicus.com/MediaPlayer.php?view\\_id=1&clip\\_id=890](https://oregonmetro.granicus.com/MediaPlayer.php?view_id=1&clip_id=890)

<sup>3</sup> Oregon Department of Transportation Transportation Funding Needs report, July 2024,  
<https://www.oregon.gov/odot/About/Documents/Transportation%20Funding%20Needs.pdf>



maintenance needs in our region through the time period of the plan.<sup>4</sup> In a resource-constrained environment, it is difficult to reconcile our regional goals of efficiency with the choice to proceed with a generally higher-cost development strategy<sup>5</sup> on new lands without consideration of alternatives that would make use of land already inside the UGB.

- (2) **The subsequent risk to the provision of adequate public facilities and services to sustain affordable, complete, and climate-friendly communities both in Sherwood West and in communities already inside the UGB.** Cully, East Portland, east Multnomah County and other lower income, more racially diverse neighborhoods already inside our UGB have faced decades of unsafe and incomplete street, sidewalk, and bike networks due in part to the chronic challenges that our state and local governments have faced with infrastructure costs outpacing revenue. In resource-constrained environments, environmental justice communities in our region have historically borne the brunt of disinvestment.<sup>6</sup> Without a thorough analysis of alternative sites and strategies, we are not aware that these effects have been fully considered and mitigated against.
- (3) **The climate, environmental, and social consequences of pursuing expansion in an area not currently served by public transit and where planned density may not support future transit service.** Without plans and funding to connect this expansion area to public transit, residents will still need to drive - or ask for help from someone who can - to access anything the neighborhood can't provide, from jobs to medical care. This establishes a higher "floor" for transportation costs for residents of the expansion area, impacting cost of living and affordability of those housing options.<sup>7</sup> risk inducing more vehicle miles traveled at a time when our region is trying to reduce them rapidly in service of Metro's Climate Smart Strategy.<sup>8</sup>

A thorough alternatives analysis would allow Metro Council to fully understand and weigh these factors against one another in their decision. In the absence of such analysis, Metro's responsibilities under Goal 14 and its own policies are not met.

#### IV. Suggested remedies

Verde respectfully requests that DLCD remand this decision back to Metro Council with direction to evaluate and compare alternative sites for expansion as well as alternatives to expansion that make better use of lands within the UGB, with attention to the following factors:

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<sup>4</sup> Oregon Metro, 2023 Regional Transportation Plan, at 5-33

<https://www.oregonmetro.gov/sites/default/files/2023/12/21/2023-RTP-Ordinance-No-23-1496-adopted-package-exhibit-A.pdf>

<sup>5</sup> 1000 Friends of Oregon report, January 2013,

<https://friends.org/sites/default/files/2019-04/More%20Extensive%20Is%20More%20Expensive%202013.pdf>

<sup>6</sup> Goodling, Green, McClintock, Uneven Development of the Sustainable City:

Shifting Capital in Portland, Oregon, 2015,

[https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1106&context=usp\\_fac](https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1106&context=usp_fac)

<sup>7</sup> Oregon Metro, True housing affordability in Portland: Beyond the rent, October 2015

<https://www.oregonmetro.gov/news/true-housing-affordability-portland-beyond-rent>

<sup>8</sup> Oregon Metro, Climate Smart Strategy, 2014

<https://www.oregonmetro.gov/sites/default/files/2015/05/29/ClimateSmartStrategy-FinalVersion-2014.PDF>



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- (1) Impacts of various alternatives on regional capacity to provide and equitably distribute housing-supportive infrastructure, including transportation networks, within the existing UGB and any expansion area
- (2) Climate and environmental impacts of induced VMT associated with various alternatives, and
- (3) Impacts of planned density and feasibility of serving various alternative sites with safe, multimodal transportation infrastructure on outcomes of housing affordability and accessibility.

Verde deeply appreciates DLCD's consideration of our concerns, objections, and suggested remedies in reviewing Metro Council Ordinance No. 24-1520, the UGB expansion into Sherwood West. Please do not hesitate to contact me if you have any questions regarding this submittal. Please provide any questions and DLCD's decision electronically to [indinamkoong@verdenw.org](mailto:indinamkoong@verdenw.org).

Sincerely,

Indi Namkoong  
Transportation Justice Coordinator  
Verde  
[indinamkoong@verdenw.org](mailto:indinamkoong@verdenw.org)