



Sections 48 – 60, One-time Site Additions to UGBs

Operative date: June 7, 2024 | Sunset date: January 2, 2033

Question 61: Which cities are eligible to utilize the option for a one-time expansion to a UGB? And how is eligibility determined?

Answer: Cities are required to demonstrate a need for the addition in two distinct ways, based on the evidence, data and factors at the time of public notice; 1) a need for additional land, and 2) a need for affordable housing. Both criteria must be met to determine eligibility based on the following:

- 1a) Those cities that have not adopted any UGB expansions for residential use in the previous 20 years, or expansions by Metro in a location adjacent to the city, and do not have within the existing UGB a tract that is larger than 20 net residential acres are eligible, undeveloped, and consists of one or more lots or parcels with or without common ownership that abut each other or are separated by only a street or road; or
- 1b) Those cities that have adopted an UGB expansion over the previous 20 years, or expansions by Metro in a location adjacent to the city, must demonstrate that 75 percent of these lands are developed or have an acknowledged comprehensive plan with land use designations in preparation for annexation, and public facilities plan and associated financing plan.

AND

- 2a) Cities with a greater percentage of severely cost-burdened households than the average for Oregon based on the Comprehensive Housing Affordability Strategy data from the US Department of Housing and Urban Development are eligible; or
- 2b) Cities with at least 25 percent of renter households being severely rent burdened based on the most recent housing equity indicator data under ORS 456.602 (2)(g) are eligible.

Metro will review applications for substantial compliance with the applicable provisions of sections 49-59 of the SB 1537.

Question 62: What sites are eligible for addition to a UGB?

Answer: Sites must be adjacent to the existing UGB or separated by only a street or road. In addition, sites must be:

1. Designated as an urban reserve under ORS 197A.230 to 197A.250, including a site whose designation is adopted under ORS 197.652 to 197.658
2. Designated as non-resource land, or
3. Subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland

A city may only amend its UGB once under the options included in SB 1537. Cities within Metro may only petition to add a site within the Metro UGB if it is designated as an urban reserve.

Question 63: What is required of cities for soliciting potential sites to be included in the UGB?

Answer: A city must provide public notice of their intention to expand the UGB, including the following information:



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1. *The city's intention to select a site for inclusion within the UGB*
2. *Each basis under which the city has determined its eligibility.*
3. *A deadline for submissions of applications that is at least 45 days following the date of notice, and*
4. *A description of the information, form and format required of an application, including the requirements for a binding conceptual plan per Section 55 of the bill.*

A copy of this notice must be provided to each county in which the city resides, and each special district providing urban services within the city's UGB, and Metro, if the city is within the Metro UGB.

Question 64: What must be included in the conceptual plan for added sites?

Answer: *Before a city amends a UGB, or petitions Metro for a UGB amendment, a city shall adopt a binding conceptual plan as an amendment to its comprehensive plan. The conceptual plan must:*

- (a) *Establish the total net residential acres within the site and must require for those residential areas:*
 - (A) *A diversity of housing types and sizes, including middle housing, accessible housing and other needed housing.*
 - (B) *That the development will be on lands zoned for residential or mixed-use residential uses.*
 - (C) *The development will be built at net residential densities specified depending on the city's population.*
- (b) *Designate within the site:*
 - (A) *Recreation and open space lands, and*
 - (B) *Lands for commercial uses, either separate or as a mixed use, that meet the specified provisions of the bill.*
- (c) *If the city has a population of 5,000 or greater, include a transportation network for the site that provides diverse transportation options, including walking, bicycling and transit use if public transit services are available, as well as sufficient connectivity to existing and planned transportation network facilities as shown in the local government's transportation system plan as defined in Land Conservation and Development Commission rules.*
- (d) *Demonstrate that protective measures will be applied to the site consistent with the specified statewide land use planning goals.*
- (e) *Include assurances that the site will be served with all necessary urban services as defined in ORS 195.065, including through:*
 - (A) *Agreements among the city, each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS195.060, or combination of local governments and districts;*
 - (B) *Letters from utility providers showing a capacity and willingness to provide services; or*
 - (C) *Equivalent assurances; and*
- (f) *Include at least 30 percent of the residential units that are subject to affordability restrictions as specified under Section 55 (f) of the bill.*

Question 65: What is required for each completed application submitted to a city?

Answer: *Each application filed for a city's review must:*

- (a) *Be completed for each property owner or group of property owners that are proposing an urban growth boundary amendment.*
- (b) *Be in writing in a form and format as required by the city*
- (c) *Specify the lots or parcels that are the subject of the application*



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- (d) Be signed by all owners of lots or parcels included within the application, and
- (e) Include each owner's signed consent to annexation of the properties if the site is added to the urban growth boundary.

Question 66: What requirements are specified for cities reviewing applications submitted for addition to a UGB?

Answer: After the deadline for submission, the city shall review all applications for compliance with the applicable sections of the bill. In addition:

- (b) For each completed application that complies with the applicable sections of the bill, the city shall provide notice to the residents of the proposed site area who were not signatories to the application.
- (c) Provide opportunities for public participation in selecting a site, including, at least:
 - (A) One public comment period, and
 - (B) One meeting of the city's planning commission at which public testimony is considered, one meeting of the city's council at which public testimony is considered, or one public open house
 - (C) Notice on the city's website or published paper of record at least 14 days before:
 - (i) A meeting from the list above, and
 - (ii) The beginning of the comment period specified above.
- (d) Consult with, request necessary information from, and provide the opportunity for written comment from:
 - (A) The owners of each lot or parcel within the site.
 - (B) If the city does not currently exercise land use jurisdiction over the entire site, the governing body of each county with land use jurisdiction over the site
 - (C) Any special district that provides urban service to the site, and
 - (D) Any public or private utility that provides utilities to the site.

Question 67: What limitations are specified for additions to a UGB?

Answer: The total acreage of the site cannot exceed:

1. 100 net residential acres for a city with a population of 25,000 or greater.
2. 50 net residential acres for a city with a population of less than 25,000.
3. Within Metro, the total net residential acres included in site petitions cannot exceed 300 net residential acres added to the UGB.

A city within Metro may petition Metro to add a site within the Metro UGB if the site satisfies requirements of section 50 (1) of the bill and is designated as an urban reserve. Metro will review applications for substantial compliance with the applicable provisions of sections 49-59 of the bill.

Question 68: What alternative UGB amendment options does the bill provide?

Answer: The following two alternatives are provided within the bill:

1. Section 56: An alternative for a small addition of 15 net residential acres or less with the following requirements:
 - o Enforceable and recordable agreements with each landowner of a property within the site to ensure that the site will comply with the affordability requirements described in the bill
 - o A binding agreement with each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or



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combination of local governments and districts to ensure that the site will be served with all necessary urban services as defined in ORS 195.065

- o This alternative does not apply to a city within Metro.*
- 2. *Section 58: An alternative to add one or more sites and remove one or more tracts of land from the UGB, provided:*
 - o The acreage of the added site and removed lands must be roughly equivalent.*
 - o The removed lands must have been zoned for residential uses.*
 - o The added site must be zoned for residential uses at the same or greater density than the removed lands.*

Under the first alternative, cities are required to demonstrate a need for the UGB amendment but are not required to prepare a concept plan. Under the second alternative, cities are not required to demonstrate a need for the UGB amendment, nor is concept planning required.

Question 69: What coordinating role does the county have for an amendment to a UGB under the options in this bill?

Answer: *For cities outside of Metro, the county shall approve an amendment to a UGB made under the options provided by the bill and shall cooperate with a city to facilitate the coordination of functions under ORS 195.020 to facilitate the city's annexation and the development of the site.*