



Portland-Salem, OR-WA CMSA

Regulatory Order/Family: Reform/Containment

Summary

The Portland CMSA is a strong growth management region in which state laws passed by Oregon and Washington require cities and counties to plan, regulate development, and impose urban growth boundaries. In the three counties that constitute Portland Metro—the regionally elected governing body—additional rules require cities to accommodate high-density development. Even outside these counties, cities are quite accommodating to density, exclusionary zoning is practically unknown, and growth control via permit cap or moratorium is very rare.

Even with this strong growth management framework, however, density did not increase between 1982 and 1997 in the Portland metro area to the same extent it did in the less deliberately managed Las Vegas and Phoenix. This can be explained in part by factors beyond the reach of local land use regulation: Portland has less federal land, relies more on septic systems and wells, and grew less rapidly than either of the desert metros. Partly, too, it owes to the initial looseness of Portland's growth boundary, which began to seriously contain development only in the early 1990s. In addition, Clark County's (WA) boundary was not set in place until the early 1990s. More serious density increases may await in the next decade, pending the resolution of Oregon's recently passed Measure 37, which requires that local governments compensate property owners for any reduction in land value that can be attributed to their regulations.

Governance Framework and Growth Trends

The Portland-Salem CMSA had about 2.3 million residents in 2000, up 26 percent (470,000) in the 1990s and 43 percent (680,000) between 1980 and 2000. It is the only large multi-state metro area in the West. Clark County, in the Washington portion, grew 45 percent in the 1990s, nearly twice as fast as the rest of the CMSA. Of the remainder, 350,000 people lived in the two counties of the Salem PMSA (Marion and Polk) and 1.5 million in five counties that constitute the Oregon portion of the Portland PMSA. Portland is the most populous jurisdiction, with 530,000 residents. Vancouver (WA) and Salem are the only other cities in the MSA with more than 100,000 people, with 166,000 and 144,000 residents in 2000, respectively. Three other cities have over 50,000 residents. Three counties (Washington, Clackamas, and Clark) have over 100,000 residents in unincorporated areas; Marion has about 80,000. In all, about a quarter of the population lived outside city limits in 2000.

Between 1982 and 1997, the Portland CMSA had population growth of about 31 percent, while its developed land base grew by an estimated 40 percent (142,000 acres). As a consequence, its density declined from 4.6 to 4.3 persons per urban acre; since this decline was not as stark as those of many other large metros, its rank crept up from 21st to 18th most dense. The Oregon side of the boundary accounts for about 105,000 of the new urban acres, with the balance (36,000) urbanized in fast growing Clark County. About 69 percent of the land in the CMSA is privately owned, with the federal government owning about a quarter and state and local governments the balance of the public land.



Regulatory Environment

We received responses from all 8 counties and 18 cities, which together accounted for 75 percent of the population and 97 percent of the land area.

Both Oregon and Washington are growth management states; the state growth management laws apply to all the jurisdictions in the Portland CMSA.¹ Both states require local governments to adopt comprehensive plans and to ensure that their development regulations are consistent with those plans. Both states also require the imposition of urban growth boundaries. In Oregon, local jurisdictions impose the boundaries except in the three central counties of the Portland PMSA (Multnomah, Washington, and Clackamas), where the boundary is set by the regional body: Metro.² Local plans and development regulations in Oregon are reviewed by the State Department of Land Conservation to ensure consistency with the growth management law. In Washington, counties are responsible for designating urban growth areas, which generally happens in consultation with the cities. There is no central review of plans in Washington but rather a system by which appeals to plans and development decisions may be taken to growth management hearing boards for expedited (and precedent setting) review. Washington also differs from Oregon and mimics Florida in its requirement that local governments assure the concurrency of development with infrastructure capacity.

All the jurisdictions in metropolitan Portland have zoning. Only one or two of the cities, on the Washington side, have low-density-only zoning, and none would bar our hypothetical apartment development. Almost all the Oregon cities and two thirds of the Washington cities allow development at densities over 15 dwellings per acre. Three of the seven Oregon counties would bar the hypothetical apartment development in their unincorporated areas, presumably because those areas have been designated in their comprehensive plans primarily for forest and agricultural protection. The other counties all allow higher-density residential development in at least some unincorporated areas.

As expected, the jurisdictions we surveyed all had comprehensive plans and are subject to an UGB (except those fully contained within the Portland UGB). Jurisdictions in the region also generally require development to fund infrastructure. All the cities in Oregon and all but one in Washington use impact fees and an estimated 62 percent of Oregon cities and 70 percent of Washington cities use APFOs. Three of the Oregon counties and Clark County use impact fees, and we estimate that three or four Oregon counties also have APFOs. About a quarter of the cities in Clark County have had moratoria, but moratoria are rare on the Oregon side (only McMinnville reported one). Growth control via permit caps is also quite uncommon and was reported by only one city—Dallas—in Polk County, Oregon.

¹ Washington does not impose growth management mandates on less populous, slow growing counties. See: John DeGrove, *Planning Policy and Politics: Smart Growth and the States* (Cambridge: Lincoln Land Institute, 2005).

² Cities outside the Portland Metro region are directed to work collaboratively with their counties in setting their UGBs; county plans are also required to denote the locations of UGBs.



Affordable housing incentives are also fairly common with 65 percent of the cities and half the counties offering incentives of some kind for affordable housing. Inclusionary zoning is not permitted in Oregon but many jurisdictions use density bonuses.