

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)
THE REGIONAL FRAMEWORK PLAN)
ORDINANCE NO. 97-715B REGARDING) ORDINANCE NO 00-882C
HOUSING AND AFFORDABLE)
HOUSING INCLUDING POLICY)
SECTION 1.3 AND AMENDMENTS TO)
THE URBAN GROWTH MANAGEMENT) Introduced by Councilor Washington
FUNCTIONAL PLAN TITLES 7 AND 8,)
ORDINANCE NO. 96-647C.)

WHEREAS, The Metro Council adopted the Urban Growth Management Functional Plan in Ordinance 96-647C, including Titles 7 regarding Affordable Housing and Title 8 regarding definitions, which recommended changes to city and county policies related to affordable housing; and

WHEREAS, The Metro Council adopted the Regional Framework Plan in Ordinance 97-715B, including section 1.3 Housing and Affordable Housing, which established policies related to housing and affordable housing; and

WHEREAS, The Metro Council adopted Ordinance 98-769, on September 10, 1998, amending the Regional Framework Plan, including amended section 1.3 regarding housing and affordable housing which authorized creation of the Affordable Housing Technical Advisory Committee (“HTAC”), and provided for confirming the appointment of members, as codified in Metro Code 3.08; and

WHEREAS, the Metro Code 3.08.030 states that HTAC shall report to the Metro Council with a recommendation for the adoption of the Regional Affordable Housing Strategy Plan; and

WHEREAS, the HTAC recommendation was first submitted to MPAC as a preliminary recommendation for review and comment consistent with Metro Code 3.08.040; and

WHEREAS, HTAC met from September of 1998 to June 2000 to implement Policy 1.3 by developing the affordable housing production goals and implementation strategies described in the *Regional Affordable Housing Strategies* (“RAHS”); and

WHEREAS, HTAC created and utilized subcommittees (Fair Share, Cost Reduction, Land Use and Regulatory, Regional Funding and Outreach Subcommittee) meeting regularly, from October 1998 to March 2000, to develop the affordable housing productions goals, implementation strategies described in the RAHS and develop public involvement strategies; and

WHEREAS, the Fair Share Subcommittee analyzed housing data, estimated the Benchmark Need for affordable housing to 2017 and recommended options for a regional five-year affordable housing production goals; and

WHEREAS, the Land Use & Regulatory Subcommittee developed land use strategy reports and recommendations based on factual information for seven strategies and tools included in the RAHS; and

WHEREAS, the Cost Reduction Subcommittee developed non-land use strategy reports and recommendations based on factual information for nine strategies and tools included in the RAHS; and

WHEREAS, the Regional Funding Subcommittee developed a regional funding strategy report and recommendations based on factual information for strategies and tools for maximizing existing resources and strategies and tools for new funding sources; and

WHEREAS, HTAC reviewed, revised and recommended by motions the estimated affordable housing need and production goals and all the draft strategy reports prepared by the Fair Share Subcommittee, Cost Reduction Subcommittee, Land Use & Regulatory Subcommittee and Regional Funding Subcommittee, and used them to develop the RAHS consistent with the Regional Framework Plan requirements; and

WHEREAS, HTAC presented its draft work products to MPAC on February 24, 1999, June 9, 1999, December 8, 1999, April 26, 2000 and May 10, 2000 and received MPAC comments; and

WHEREAS, HTAC presented its draft work products to the Metro Council on April 27, 1999, June 8, 1999, December 7, 1999, December 16, 1999, March 28, 2000, and April 13, 2000 and received Metro Council comments; and

WHEREAS, HTAC held three focus groups to gather technical comments on the strategies, and convened four community round table discussions around the region to provide opportunity for citizen comments; and

WHEREAS, HTAC revised the its work products to address concerns voiced at the focus groups meetings and community round table discussions; and

WHEREAS, HTAC submitted its preliminary recommendations to MPAC for review and comment consistent with Metro Code 3.08.040; and

WHEREAS, HTAC conducted a public hearing on its preliminary recommendations prior to submitting them to the Metro Council consistent with Metro Code 3.08.040; and

WHEREAS, HTAC revised the RAHS at its May 8 and 22 and June 12, 2000 meetings to address concerns voiced at the public hearing, MPAC and Metro Council meetings; and

WHEREAS, HTAC at its June 12, 2000 meeting reached a decision to forward its final recommendations in the form of the June 2000 Regional Affordable Housing Strategy (“RAHS”) to the Metro Council which includes changes to the Regional Framework Policy 1.3 and requirements for changes to city and county comprehensive plans; and

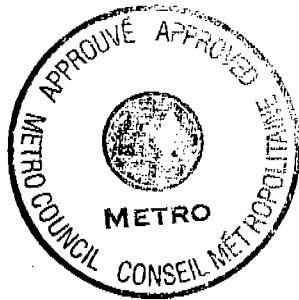
WHEREAS, HTAC has fulfilled Metro Code requirements to implement Policy 1.3 by recommending the Regional Affordable Housing Strategy to the Metro Council; now, therefore,

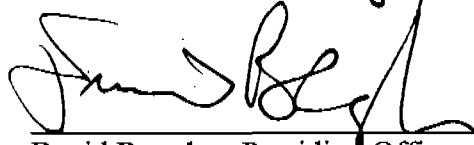
THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Section 1.3, Housing and Affordable Housing of the Regional Framework Plan as adopted by the Metro Council in Ordinance No. 97-715B and amended on September 10, 1998, is hereby amended as set forth in Exhibit “A” attached and incorporated herein.
2. Title 7, entitled “Affordable Housing” of the Urban Growth Management Functional plan and Title 8, entitled “Definitions” as adopted by the Metro Council by Ordinance No. 96-647C on November 21, 1996, and incorporated into the Regional Framework Plan by Ordinance No. 97-715B, are hereby amended as set forth in Exhibit “B” attached and incorporated herein.
3. The Findings of Fact and Conclusions of Law in Exhibit “C” demonstrate that the amendments to the Regional Framework Plan and the Urban Growth Management Functional Plan in Exhibits “A” and “B” comply with applicable statewide goals and objectives.

4. The Regional Framework Plan Housing and Affordable Housing policy and Affordable Housing implementation as amended in Exhibits "A" and "B" of this ordinance shall be transmitted to the Land Conservation and Development Commission to be considered together as the Affordable Housing component of the Regional Framework Plan. By this transmittal Metro shall request initial acknowledgment of this Regional Framework Plan component for compliance with the statewide planning goals consistent with ORS 197.274(1)(a).

ADOPTED by the Metro Council this 18th day of January, 2001.





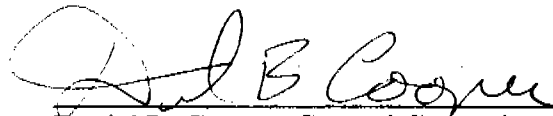
David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:



Recording Secretary



Daniel B. Cooper, General Counsel

**Exhibit "A" of
Ordinance No. 00-882C**

**AMENDED HOUSING AND AFFORDABLE HOUSING POLICY
IN THE METRO'S REGIONAL FRAMEWORK PLAN**

1.3 Affordable Housing

1.3.1. Purpose

The Metro Council, with the advice and consultation of the Metro Policy Advisory Committee (MPAC), determined that affordable housing is a growth management and land use planning matter of metropolitan concern and will benefit from regional planning. Metro will develop Affordable Housing Production Goals as part of a Regional Affordable Housing Strategy for meeting the housing needs of the urban population in cities and counties in the Metro region.

The purpose of this section 1.3 of the Regional Framework Plan is to address the need for a regional affordable housing strategy, in order to provide affordable housing opportunities throughout the region. This purpose will be achieved through:

- a diverse range of housing types available within the region and within the cities and counties inside Metro's urban growth boundary ;
- sufficient and affordable housing opportunities available to households of all income levels that live or have a member working in each jurisdiction and subregion;
- An appropriate balance of jobs and housing of all types within subregions.
- Addressing current and future need for and supply of affordable housing in the process used to determine affordable housing production goals;
- Minimizing any concentration of poverty.

1.3.2 Background

In December 1997, the Metro Council adopted the Regional Framework Plan (Ordinance No. 97.715B) including policies related to housing and affordable housing. An appeal to the Oregon Land Use Board of Appeal (LUBA) challenged the validity of the Housing and Affordable Housing policies. Subsequent mediation resulted in the agreement that the Metro Council should adopt a revised Section 1.3.

In September 1998, the Metro Council amended Section 1.3 of the Regional Framework Plan (Ordinance No. 98.769), and added a chapter to the Metro Code (3.07) creating an Affordable Housing Technical Advisory Committee. The Affordable Housing Technical Advisory Committee (H-TAC) was constituted with 28 representatives from local governments, nonprofit

and for-profit developers, the business and financial community, affordable housing advocates, and representatives from the Governor's Commission on Aging, Oregon Housing and Community Services Department, and the U.S. Department of Housing and Urban Development.

H-TAC developed a series of recommendations in a report (Regional Affordable Housing Strategy, RAHS) including suggestions for affordable housing production goals for the region and each jurisdiction, and land use tools and strategies to be considered by local governments to be adopted in the Urban Growth Management Functional Plan. The RAHS also contains other strategies and tools to attain the affordable housing production goals as well as suggested amendments to the Urban Growth Management Functional Plan concerning comprehensive plans and zoning regulations. After consultation with MPAC and public hearing, the RAHS was presented to the Metro Council on June 22, 2000. The Metro Council accepted the RAHS from H-TAC (Resolution No. 00-2956B). The RAHS is not a regulatory document. This Section 1.3 of the Regional Framework Plan adopts the current Metro policies for affordable housing based on consideration of all available information, particularly the RAHS.

1.3.3. Approach

The policies in this Regional Framework Plan were developed through a process that:

- a. Defined affordable housing as housing costing no more than 30 percent of a household's income;
- b. Based on this definition and household groups in most need of affordable housing, the estimated total amount of needed affordable housing was for about 90,000 additional affordable units for the period 1997-2017 for households with incomes at or below 50 percent of the median household income;
- c. Determined that a productive approach would be to establish voluntary affordable housing production goals for each jurisdiction in the region
- d. Established a set of five-year voluntary affordable housing goals for all jurisdictions based on a production goal for the region that represents 10% of the total need or about 9,000 units;
- e. Developed land use and non-land use affordable housing tools and strategies that could be used to achieve the goals;
- f. Crafted a set of policies that would increase affordable housing for consideration by local governments;
- g. Designed a reporting schedule to monitor local governments' progress;
- h. Created a set of actions for Metro to address in order to coordinate and encourage an increase in the supply of affordable housing in the region.

1.3.4. Affordable Housing Need

The Metro Council adopted a Housing Needs Analysis Report in December 1997 that was the preliminary factual basis for the determination that there was a need for a Regional Affordable Housing Strategy. This analysis was updated in the year 2000 and the need for affordable housing was reaffirmed and found consistent with the 1997 analysis. The RAHS contains the most current estimates of total need or "benchmark need" for affordable Housing. The

benchmark need was based on providing affordable housing for all low and moderate income households so that they pay no more than 30 percent of their income on housing costs. For renters “housing costs” includes rent and utilities. For homeowners, it includes principle, interest, taxes, property insurance, and if applicable, mortgage insurance.

Sometimes the region suffers from a misunderstanding of who needs affordable housing. The shortage of housing affects a wide variety of residents in our region – particularly families or households earning 50% (\$26,850 in 2000) or less of the region’s current annual median household income. Examples of households that fall into this category include case manager at a nonprofit public defender’s office, special education teacher, cashier for a department store, dental assistant, school bus driver, hair dresser, pharmacy assistant and many retired persons.

Estimation of the benchmark need for affordable housing was also based on Metro’s 20-year planning horizon, and takes into consideration Metro’s 2017 household projection, regional distribution of households in four income groups (less than 30%, 31-50%, 51-80%, 81-120%), and existing jurisdictional proportions of affordable housing supply to the four income groups.

The RAHS estimates that if all households with incomes at or below 50% of median household incomes paid no more than 30% of their income for housing, there will be a need for about 90,000 additional affordable housing units in the region for the period 1997-2017 including those poorly-housed.

1.3.5. Affordable Housing Production Goals

Recognizing the limited resources available to address the total need for affordable housing, efforts were made to develop a more realistic production goal that could be implemented in the region. Setting production goals took into consideration past (1992 to 1997) annual average production rate for rental units for households earning 80% of median household income and less, the estimated cost of meeting the goals, and the current resources available in the region. In addition, the expectation is that local governments and other entities will consider implementing available affordable housing tools and strategies, including those in the RAHS.

The region’s total affordable housing production goal should be based on a five-year affordable housing production goal equivalent to 10% of the 20 year benchmark need. The focus of this goal is households earning 50% or less of median household income. This initial goal is established with the understanding that a new regional funding source or other financial resources are necessary to attain this goal. Progress towards this initial goal will be assessed as described in Section 1.3.6.B. using local data and the 2000 U.S Census data.

The region’s affordable housing production goal for local governments shall be expressed as voluntary affordable housing production goals for each city and county in the region. An affordable housing distribution method should be established in the Urban Growth Management Functional Plan that sets voluntary goals for each jurisdiction to encourage working towards a similar distribution of household incomes within each Metro jurisdiction that reflects the regional income distribution as a whole (see Appendix K: Description of Process for Determining the Benchmark Need for Affordable Housing). Local jurisdictions should adopt the voluntary affordable housing

production goals established by Urban Growth Management Functional Plan to serve as a guide to measure progress toward meeting the affordable housing needs of households with incomes between 0% and 50% of median household income.

Local jurisdictions are encouraged to continue their efforts to promote housing affordable to households with incomes 50% to 80% and 80% to 120% of median household income. The voluntary affordable housing production goals in the Urban Growth Management Functional Plan will serve as a guide to measure progress toward meeting the affordable housing needs of the region.

1.3.6. Increasing and Preserving the Supply of Affordable Housing

A wide variety of measures will be needed in order to achieve the purposes of the regional affordable housing strategy. Metro's legal authority to require cities and counties to amend their comprehensive plans and implementing ordinances is only one of the mechanisms that may be used.

Some land use planning tools will be helpful if used in comprehensive plan amendments to encourage the development and retention of some types of affordable housing. However, land use planning requirements may have limited effect in encouraging some types of affordable housing. Non-land use tools that are not suitable for inclusion in the Functional Plan or in local comprehensive land use plans can encourage the development and retention of some types of affordable housing. These non-land use tools can be designed and implemented by voluntary, cooperative efforts. Metro has additional powers, including financing authority, that may be used. Other governmental agencies and non-profit entities will need to be partners in achieving the goals of the RAHS. Special district service providers, public housing agencies, urban renewal agencies and others will play significant roles. An estimate has been made that the cost of meeting the region's affordable housing production goal could be as much as \$124 million per year. As only about \$27 million of currently available annual resources have been identified, as much as \$97 million of additional resources per year may be needed.

The H-TAC addressed and recommended in the RAHS Land use planning strategies and tools together with other non-land use tools and strategies that are needed to attain the affordable housing production goals. The H-TAC also recommended in the RAHS those organizations that could take the lead in the development and implementation of these non-land use tools and strategies.

1.3.6.A. Metro Actions

In order to address the region's affordable housing challenges, Metro will consider the following actions:

- a. Develop a best practices handbook; hold forums and explore other methods of increasing affordable housing as noted in the RAHS.
- b. Assist local governments in setting up a regional administrative infrastructure for the administration of a regional housing fund as available.

- c. Consider voluntary inclusionary housing requirements when amending the Urban Growth Boundary
- d. Consider the cost of providing infrastructure to land within the urban growth boundary when expanding the boundary.
- e. Consider using a cost/benefit analysis to determine the impact of new regulations on local housing activities related to housing production.
- f. Address storm-water detention/runoff on a watershed basis so as to reduce the cost impact of on site storm water detention requirement.
- g. Consider affordable housing when developing regional natural resource protection programs.
- h. Review it's goals for consistency in its overall regional planning policies and their impact on local planning and zoning activities.
- i. Provide a legal opinion on Metro's authority on the implementation of system development charges, permit fees, and off-site improvement strategies.
- j. Include consideration of job wage levels to the cost of housing in a jurisdiction or subregion when conducting an analysis of jobs/housing balance.
- k. Implement land use policies in the context of other regional policies in this Regional Framework Plan designed to create livable communities, by supporting the regional transportation system, town centers and corridors, and helping to create a jobs housing balance.
- l. In 2003, use local information and the 2000 U.S. Census data to analyze and update the region's affordable housing needs, and conduct a periodic survey to determine which strategies are working and not working, including why a strategy might work well in one place and not others.
- m. Create, when appropriate an RAHS Implementation Committee to advise Metro and help to review the effectiveness of the strategies and appropriateness of the regional affordable housing production goals. If necessary, the Committee could recommend changes to both the strategies and the affordable housing production goals. The RAHS Implementation Committee shall seek and provide advice and consultation from the MPAC. The structure and composition of the Committee, method of appointment of Committee members, minimum number of times the Committee shall meet, and timelines for the Committee to report on the matters assigned to it shall be specified by Metro.

1.3.6.B. Local Jurisdictions' Action

Metro shall amend the Urban Growth Management Functional Plan to include the following recommendations and requirements:

- a. Cities and counties within the region should:
 - 1. Adopt the affordable housing production goals in Table 1 to serve as a guide to measure progress toward meeting the affordable housing needs of households with incomes at or below 50% of median household income
 - 2. Analyze, adopt and apply non-land use tools as a means to make progress toward the Affordable Housing Production Goals.

3. Report on the analysis, adoption and application of non-land use tools at the same intervals that they are reporting on land use tools.
- b. Cities and counties within the region shall ensure that their comprehensive plans and implementing ordinances:
 1. Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.
 2. 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.
 3. 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.
 - c. Cities and counties within the Metro region shall consider amendment of their comprehensive plans and implementing ordinances with the following affordable housing land use tools and strategies:
 1. **Density Bonus**
A density bonus is an incentive to facilitate the development of affordable housing. Local jurisdictions could consider tying the amount of bonus to the targeted income group to encourage the development of affordable units to meet affordable housing production goals.
 2. **Replacement Housing**
No-Net-Loss housing policies for local jurisdictional review of requested quasi-judicial Comprehensive Plan Map amendments with approval criteria that would require the replacement of existing housing that would be lost through the Plan Map amendment.
 3. **Inclusionary Housing**
 - a) Implement voluntary inclusionary housing programs tied to the provision of incentives such as Density Bonus incentives to facilitate the development of affordable housing.
 - b) Develop housing design requirements for housing components such as single-car garages and maximum square footage that tend to result in affordable housing.
 - c) Consider impacts on affordable housing as a criterion for any legislative or quasi-judicial zone change.
 4. **Transfer of Development Rights**
 - a) Implement TDR programs tailored to the specific conditions of a local jurisdiction
 - b) Implement TDR programs in Main Street or Town Center areas that involve upzoning

5. Elderly and People with Disabilities
Examine zoning codes for conflicts in meeting locational needs of these populations

 6. Local Regulatory Constraints; Discrepancies in Planning and Zoning Codes; Local Permitting or Approval Process
 - a) Revise the permitting process (conditional use permits, etc.)
 - b) Review development and design standards for impact on affordable housing
 - c) Consider using a cost/benefit analysis to determine impact of new regulations on housing production
 - d) Regularly review existing codes for usefulness and conflicts
 - e) Reduce number of land use appeal opportunities
 - f) Allow fast tracking of affordable housing

 7. Parking
 - a) Review parking requirements to ensure they meet the needs of residents of all types of housing
 - b) Coordinate strategies with developers, transportation planners and other regional efforts so as to reduce the cost of providing parking in affordable housing developments
- d. Cities and counties within the region shall report progress towards increasing the supply of affordable housing 12, 24, and 36 months from the adoption of affordable housing functional plan amendments.

1.3.7. Funding for Affordable Housing

Funding for affordable housing has been an issue for many years. Historically the federal government has provided a substantial portion of funds for the provision of affordable housing. However, long term federal commitments for lower income housing are declining, introducing uncertainties for tenants, owners, communities and lenders. Based on this uncertainty and H-TAC's estimates of the additional subsidy needed to meet the region's affordable housing production goals, the need to create a housing fund available regionwide that to leverage other affordable housing resources can not be overemphasized.

If the region is to be successful in increasing the amount of affordable housing, a housing fund would need the support of a wide range of interests including local governments, the state and business groups. Work to create such funding should be initiated as soon as possible.

**Exhibit "B" of
Ordinance No. 00-882C**

**Amended Title 7 in the
Urban Growth Management Functional Plan**

TITLE 7: AFFORDABLE HOUSING

3.07.710 Intent

The Regional Framework Plan stated the need to provide affordable housing opportunities through: a) a diverse range of housing types, available within the region, and within cities and counties inside Metro's urban growth boundary; b) sufficient and affordable housing opportunities available to households of all income levels that live or have a member working in each jurisdiction and subregion; c) an appropriate balance of jobs and housing of all types within subregions; d) addressing current and future need for and supply of affordable housing in the process used to determine affordable housing production goals; and e) minimizing any concentration of poverty. The Regional Framework Plan directs that Metro's Urban Growth Management Functional Plan include voluntary affordable housing production goals to be adopted by local jurisdictions in the region as well as land use and non-land use affordable housing tools and strategies., The Regional Framework Plan also directs that Metro's Urban Growth Management Functional Plan include local governments' reporting progress towards increasing the supply of affordable housing.

Title 1 of this functional plan requires cities and counties to change their zoning to accommodate development at higher densities in locations supportive of the transportation system. Increasing allowable densities and requiring minimum densities encourage compact communities, more efficient use of land and should result in additional affordable housing opportunities. These Title 1 requirements are parts of the regional affordable housing strategy.

Ordinance No. 97-715B, Sec. 1.)

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 for their city or county as a guide to measure progress toward meeting the affordable housing needs of households with incomes between 0% and 50% median household income in their jurisdiction.

**Table 3.07-7
Five-Year Voluntary Affordable Housing Production Goals**

Jurisdiction	2001-2006 Affordable Housing Production Goals		
	<i>Needed new housing units for households earning less than 30% of median household income</i>	<i>Needed new housing units for households earning 30-50% of median household income</i>	<i>Total</i>
Beaverton	427	229	656
Cornelius	40	10	50
Durham	6	4	10
Fairview	42	31	73
Forest Grove	55	10	65
Gladstone	43	10	53
Gresham	454	102	556
Happy Valley	29	28	57
Hillsboro	302	211	513
Johnson City	0	0	0
King City	5	0	5
Lake Oswego	185	154	339
Maywood Park	0	0	0
Milwaukie	102	0	102
Oregon City	123	35	158
Portland	1,791	0	1,791
Rivergrove	1	1	2
Sherwood	67	56	123
Tigard	216	103	319
Troutdale	75	56	131
Tualatin	120	69	189
West Linn	98	71	169
Wilsonville	100	80	180
Wood Village	16	1	17
Clackamas County, Urban, Unincorporated	729	374	1,103
Multnomah County, Urban, Unincorporated	81	53	134
Washington County, Urban Unincorporated	1,312	940	2,252
Total	6,419	2,628	9,047

3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes

A. Cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances:

1. Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.
2. 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.
3. 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.

B. Cities and counties within the Metro region shall consider amendment of their comprehensive plans and implementing ordinances with the following affordable housing land use tools and strategies identified below. Compliance with this subsection is achieved when a city or county undertakes and completes its consideration of the plan or ordinance amendment.

1. Density Bonus

A density bonus is an incentive to facilitate the development of affordable housing. Local jurisdictions could consider tying the amount of bonus to the targeted income group to encourage the development of affordable units to meet affordable housing production goals.

2. Replacement Housing

No-Net-Loss housing policies for local jurisdictional review of requested quasi-judicial Comprehensive Plan Map amendments with approval criteria that would require the replacement of existing housing that would be lost through the Plan Map amendment.

3. Inclusionary Housing

- a) Implement voluntary inclusionary housing programs tied to the provision of incentives such as Density Bonus incentives to facilitate the development of affordable housing.
- b) Develop housing design requirements for housing components such as single-car garages and maximum square footage that tend to result in affordable housing.

c) Consider impacts on affordable housing as a criterion for any legislative or quasi-judicial zone change.

4. Transfer of Development Rights

- a) Implement TDR programs tailored to the specific conditions of a local jurisdiction
- b) Implement TDR programs in Main Street or Town Center areas that involve upzoning

5. Elderly and People with Disabilities

Examine zoning codes for conflicts in meeting locational needs of these populations

6. Local Regulatory Constraints; Discrepancies in Planning and Zoning Codes; Local Permitting or Approval Process

- a) Revise the permitting process (conditional use permits, etc.)
- b) Review development and design standards for impact on affordable housing
- c) Consider using a cost/benefit analysis to determine impact of new regulations on housing production
- d) Regularly review existing codes for usefulness and conflicts
- e) Reduce number of land use appeal opportunities
- f) Allow fast tracking of affordable housing

7. Parking

- a) Review parking requirements to ensure they meet the needs of residents of all types of housing
- b) Coordinate strategies with developers, transportation planners and other regional efforts so as to reduce the cost of providing parking in affordable housing developments

C. The "requirement to consider" means local governments shall report what actions were taken or not taken, including but not limited to the seven land use tools listed above in order to carry out Comprehensive Plan affordable housing policies, and also report on tools considered but not adopted, and why these tools were not adopted.

3.07.740 Requirements for Progress Report

Progress made by local jurisdictions in amending comprehensive plans and consideration of land use related affordable housing

tools and strategies to meet the voluntary affordable housing production goals shall be reported according to the following schedule:

- A. Within 12 months from the adoption of this requirement, cities and counties within the Metro region shall submit a brief status report to Metro as to what items they have considered and which items remain to be considered. This analysis could include identification of affordable housing land use tools currently in use as well as consideration of the land use tools in Section 3.07.730(B).
- B. Within 24 months from the adoption of this requirement, cities and counties within the Metro region shall provide a report to Metro on the status of their comprehensive plans amendments and adoption of land use-related affordable housing tools.
- C. Within 36 months from the adoption of this requirement, cities and counties within the Metro region shall report to Metro on the amendments to their comprehensive plans, the outcomes of affordable housing tools and implemented, and any other affordable housing developed and expected.

3.07.750 Metro Assessment of Progress

- A. Metro Council and MPAC shall review progress reports submitted by cities and counties and may provide comments to the jurisdictions.
- B. Metro Council shall, in 2003:
 - 1. Formally assess the region's progress toward achieving the affordable housing production goals in Table 3.07-7 using 2000 U.S. Census data and local data;
 - 2. Review and assess affordable housing tools and strategies implemented by local jurisdictions;
 - 3. Examine federal and state legislative changes;
 - 4. Review the availability of a regional funding source; and
 - 5. Re-analyze affordable housing need and decide whether any changes are warranted to the process, tools and strategies, funding plans or goals to ensure that significant progress is made toward providing affordable housing for those most in need.

3.07.760 Recommendations to Implement Other Affordable Housing Strategies

A. Local jurisdictions are encouraged to consider implementation of the following affordable housing land use tools to increase the inventory of affordable housing throughout the region. Additional information on these strategies and other land use strategies that could be considered by local jurisdictions are described in Chapter Four of the Regional Affordable Housing Strategy and its Appendixes.

1. Replacement Housing

Consider policies to prevent the loss of affordable housing through demolition in urban renewal areas by implementing a replacement housing ordinance specific to urban renewal zones

2. Inclusionary Housing

When creating urban renewal districts that include housing, include voluntary inclusionary housing requirements where appropriate

B. Local jurisdictions are encouraged to analyze, adopt and apply locally-appropriate non-land use tools, including fee waivers or funding incentives as a means to make progress toward the Affordable Housing Production Goal. Non-land use tools and strategies that could be considered by local jurisdictions are described in Chapter Four of the Regional Affordable Housing Strategy and its Appendixes. Cities and Counties are also encouraged to report on the analysis, adoption and application of non-land use tools at the same intervals that they are reporting on land-use tools (in section 3.07.740)

C. Local jurisdictions are also encouraged to continue their efforts to promote housing affordable to other households with incomes 50% to 80% and 80% to 120% of the regional median household income.

D. Local jurisdictions are encouraged to consider joint coordination or action to meet their combined affordable housing production goals.

Amended Title 8 in the Urban Growth Management Functional Plan

TITLE 8: COMPLIANCE PROCEDURES

3.07.810 Compliance Required

A.1 All cities and counties within the Metro boundary are hereby required to amend their comprehensive plans and implementing ordinances to comply with the provisions of this functional plan within twenty-four months of the effective date of this ordinance. Metro recommends the adoption of the policies that affect land consumption as soon as possible.

A.2 All cities and counties within the Metro boundary are hereby required to amend their comprehensive plans and implementing ordinances to comply with the regional affordable housing land use requirements in Title 7 no later than 24 months after their adoption.

B. Notwithstanding subsection A of this section, cities and counties are required to amend their comprehensive plans and implementing ordinances to comply with sections 3.07.310-.340 of Title 3 within 18 months after the Metro Council has adopted the Model Ordinance and Water Quality and Flood Management Areas Map.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-730C, Sec. 4.)

3.07.820 Compliance Procedures

A. On or before six months prior to the 24 month deadline established in section 3.07.810(A.1), cities and counties shall transmit to Metro the following:

1. An evaluation of their local plans, including public facility capacities and the amendments necessary to comply with this functional plan;
2. Copies of all applicable comprehensive plans and implementing ordinances and public facility plans, as proposed to be amended;

3. Findings that explain how the amended city and county comprehensive plans will achieve the standards required in Titles 1 through 6 of this functional plan.

In developing the evaluation, plan and ordinance amendments and findings, cities and counties shall address the Metro 2040 Growth Concept, and explain how the proposed amendments implement the Growth Concept.

- B. Exceptions to any of the requirements in the above titles may be granted by the Metro Council, as provided for in the Regional Urban Growth Goals and Objectives, Section 5.3, after MPAC review. Requests for an exception should include a city or county submittal as specified in this section. The Metro Council will make all final decisions for the grant of any requested exception .

1. Population and Capacity. An exception to the requirement contained in Table 3.07-1 of Title 1 that the target capacities shall be met or exceeded may be granted based on a submittal which includes, but is not limited to, the following:
 - a. A demonstration of substantial evidence of the economic infeasibility to provide sanitary sewer, water, stormwater or transportation facilities to an area or areas; or
 - b. A demonstration that the city or county is unable to meet the target capacities listed in Table 3.07-1 because substantial areas have prior commitments to development at densities inconsistent with Metro target; or
 - c. A demonstration that the dwelling unit and job capacities cannot be accommodated at densities or locations the market or assisted programs will likely build during the planning period.

As part of any request for exception under this subsection, a city or county shall also submit an estimate of the amount of dwelling units or jobs included in the capacity listed in Table 3.07-1 that cannot be accommodated; and a recommendation

which identifies land that would provide for the unaccommodated capacity located outside the urban growth boundary and near or adjacent to the city or county.

In reviewing any request for exception based on the financial feasibility of providing public services, Metro, along with cities and counties, shall estimate the cost of providing necessary public services and compare those with the estimated costs submitted by the city or county requesting the exemption.

2. Parking Measures. Subject to the provisions of Title 2, cities or counties may request an exception to parking requirements. Metro may consider a city or county government request to allow areas designated as Zone A to be subject to Zone B requirements upon the city or county establishing that, for the area in question:
 - a. There are no existing plans to provide transit service with 20-minute or lower peak frequencies; and
 - b. There are no adjacent neighborhoods close enough to generate sufficient pedestrian activity; and
 - c. There are no significant pedestrian activity within the present business district; and
 - d. That it will be feasible for the excess parking to be converted to the development of housing, commerce or industry in the future.

The burden of proof for a variance shall increase based on the quality and timing of transit service. The existence of transit service or plans for the provision of transit service near a 20-minute or lower peak frequency shall establish a higher burden to establish the need for the exception.

3. Water Quality and Flood Management Areas. Cities and counties may request areas to be added or deleted from the Metro Water Quality and Flood Management Area Map based on a finding that the area identified on the map is not a Water Quality and Flood Management Area or a Fish and Wildlife Habitat Conservation Area, as

defined in this functional plan. Areas may also be deleted from the map if the city or county can prove that its deletion and the cumulative impact of all deletions in its jurisdiction will have minimal impact on the water quality of the stream and on flood effects. Findings shall be supported by evidence, including the results of field investigations.

4. Retail in Employment and Industrial Areas. Subject to the provisions of Title 4, cities and counties may request a change in the Employment and Industrial Areas Map. Metro may consider a city or county request to modify an Employment Area to exempt existing or locally designated retail areas, unacknowledged by the date of this Functional Plan, where they can demonstrate that
 - a. The Employment and Industrial Areas Map included lands within Employment Areas having a substantially developed existing retail area or a locally designated retail area pursuant to a comprehensive plan acknowledged by the date of this Functional Plan which allowed retail uses larger than 60,000 square feet of gross leasable area per building or business; or
 - b. The requested retail area in an Employment Area has been found to be appropriate for an exception based upon current or projected needs within the jurisdiction and the city or county can demonstrate that adequate transportation facilities capacity exists for that retail area.
 5. Regional Accessibility. Cities or counties may request an exception to the requirements of Title 6, Regional Accessibility, where they can show that a street system or connection is not feasible for reasons of topographic constraints or natural or built environment considerations.
- C. The Metro Council may grant an extension to time lines under this functional plan if the city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time. Requests for extensions of the compliance requirement in section 3.07.810 of this title should accompany the compliance transmittal required in section 3.07.820(A) of this title.

- D. In addition to the above demonstrations, any city or county request or determination that functional plan policies should not or cannot be incorporated into comprehensive plans shall be subject to the conflict resolution and mediation processes included within the RUGGO, Goal I, provisions prior to the final adoption of inconsistent policies or actions. Final land use decisions of cities and counties inconsistent with functional plan requirements are subject to immediate appeal for violation of the functional plan.
- E. Compliance with requirements of this plan shall be substantial compliance which shall not require cities or counties to violate federal or state law, including state-wide land use goals. Conflicting interpretations of legal requirements may be the subject of a compliance interpretation and conflict resolution under RUGGO Objective 5.3.
- F. On or before six months prior to the 18 month deadline established in section 3.07.810(B), cities and counties shall schedule their first hearing on the ordinance to implement sections 3.07.310-.340 of Title 3, or a hearing on implementation of Title 3, if no code amendments are proposed to comply with Title 3, and transmit notice of that hearing and a copy of the proposed ordinance to Metro at least 30 days prior to the hearing.
1. Metro shall prepare and mail a notice of the city or county hearing to each affected property owner.
 2. The Metro notice shall include the date, time, location and the title and number of any local ordinance; an explanation of the general requirements of Title 3, and an explanation of the implementation in the local ordinance, if no code amendments are proposed to comply with Title 3.
 3. Metro shall review any amendments to Title 3 proposed by cities and counties based on the testimony of property owners.
- G. On or before six months prior to the 18 month deadline established in section 3.07.810(B), cities and counties shall transmit to Metro the following:
1. An evaluation of their local plans, including any relevant existing regulations and the amendments

necessary to comply with Title 3 of this functional plan;

2. Copies of all applicable comprehensive plans, maps and implementing ordinances as proposed to be amended;
3. Findings that explain how the amended city and county comprehensive plans, maps and implementing ordinances will achieve the standards required in Title 3 of this functional plan.

In developing the evaluation, plan and ordinance amendments and findings, cities and counties shall address the Metro 2040 Growth Concept, and explain how the proposed amendments implement the Growth Concept.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-730C, Secs. 5, 6, 7; Ordinance No. 98-727C, Sec. 1.)

3.07.830 Any Comprehensive Plan Change Must Comply

- A. After February 19, 1997, any amendment of a comprehensive plan or implementing ordinance shall be consistent with the requirements of this functional plan.
- B. In addition to any transmittal required by section 3.07.820 of this title, in the process of amending any comprehensive plan provision or implementing ordinance, a city or county shall give notice to Metro as required herein. At the same time any notice is given to the director of the Department of Land Conservation and Development pursuant to ORS 197.610 or 197.615, a copy shall be sent to Metro's Executive Officer. In addition to the content of the notice required by ORS 197.610 or 197.615, the notice furnished to Metro should include an analysis demonstrating that the proposed amendments are consistent with this functional plan, if available. If the analysis demonstrating consistency with the functional plan is not included in the initial notice, a report containing the analysis shall be delivered to Metro no later than fourteen (14) days before the city or county conducts a final hearing on the proposed amendment.
- C. If no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830(8), an amendment to a city or county comprehensive plan or land use regulation to implement this functional plan shall be deemed to be in

compliance with this functional plan. If the city or county amendment is appealed pursuant to ORS 197.830 to 197.855 and is ultimately affirmed on appeal, the amendment shall be deemed to be in compliance with the functional plan upon the date that the appellate decision becomes final. This functional plan shall not apply to land use decisions made in conformance with city or county comprehensive plans or land use regulations deemed in compliance with this functional plan pursuant to this subsection.

- D. An amendment to a city or county comprehensive plan or land use regulation shall not be deemed in compliance with this functional plan as provided in subsection C of this section unless notice has been given to Metro as provided in subsection B of this section.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-727C, Sec. 2.)

3.07.840 Compliance Plan Assistance

- A. Any city or county may request of Metro a compliance plan which contains the following:
1. An analysis of the city or county comprehensive plan and implementing ordinances, and what sections require change to comply with the performance standards.
 2. Specific amendments that would bring the city or county into compliance with the requirements of Titles 1 to 8, if necessary.
- B. Cities and counties must make the request within four months of the effective date of this ordinance. The request shall be signed by the highest elected official of the jurisdiction.
- C. Metro shall deliver a compliance plan within four months of the request date. The compliance plan shall be a recommendation from the Executive Officer. The compliance plan shall be filed with the Metro Council two weeks before it is transmitted, for possible review and comment.

(Ordinance No. 97-715B, Sec. 1.)

3.07.850 Citizen Involvement Process

- A. Any citizen may contact Metro staff or the Metro Executive Officer or appear before the Metro Council to raise issues regarding local functional plan compliance, to request Metro participation in the local process, or to request the Metro Council appeal a local enactment for which notice is required to be given to Metro pursuant to section 3.07.830 of Title 8. Such contact may be either oral or in writing and may be made at any time during or at the conclusion of any city or county proceeding to amend a comprehensive plan or implementing ordinance for which notice is required to be given to Metro pursuant to section 3.07.830 of Title 8. All such requests to participate or appeal made in writing shall be forwarded to the Metro Council.
- B. In addition to considering requests as described in (A) above, the Metro Council shall at every regularly scheduled Council meeting provide an opportunity for citizens to address the Council on any matter related to this functional plan.
- C. Cities, counties and Metro shall comply with their own adopted and acknowledged Citizen Involvement Requirements (Citizen Involvement) in all decisions, determinations and actions taken to implement and comply with this functional plan. The Executive Officer shall at least annually publish and distribute a Citizen Involvement fact sheet after consultation with the Metro Committee for Citizen Involvement, that fully describes all opportunities for citizen involvement in Metro's Regional Growth Management Process as well as the implementation and enforcement of this functional plan.

(Ordinance No. 97-715B, Sec. 1.)

3.07.860 Enforcement

- A. Prior to a final decision to amend a comprehensive plan or implementing ordinance, a city or county determination that a requirement of this functional plan should not or cannot be implemented may be subject to a compliance interpretation and the conflict resolution process provided for in RUGGO, Goal I at the request of the city or county.

- B. City or county actions to amend a comprehensive plan or implementing ordinance in violation of this functional plan at any time after the effective date of this ordinance shall be subject to appeal or other legal action for violation of a regional functional plan requirement, including but not limited to reduction of regional transportation funding and funding priorities.

- C. Failure to amend comprehensive plans and implementing ordinances as required by section 3.07.810 of this title shall be subject to any and all enforcement actions authorized by law.

(Ordinance No. 97-715B, Sec. 1.)

**Exhibit “C” of
Ordinance No. 00-882C**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

**REGIONAL FRAMEWORK PLAN COMPONENT 4: AFFORDABLE
HOUSING, COMPLIANCE WITH APPLICABLE STATEWIDE PLANNING
GOALS**

Overview

Adoption of amendments to Regional Framework Plan (“RFP”) Policy 1.3 and Titles 7 and 8 of the Urban Growth Management Functional Plan is a legislative decision to adopt Metro’s Affordable Housing component of the RFP. The Land Use Board of Appeals (“LUBA”) has recently reaffirmed that local governments, including Metro, can adopt findings to demonstrate that a legislative decision complies with applicable standards and, also, rely on arguments in its brief and citation of facts in the decision record to defend any challenge. *Residents of Rosemont v. Metro*, LUBA No. 99-010 (June 16, 2000). Ordinance No. 00-882B contains the RFP policy and the implementing recommendations and requirements in the Functional Plan.

The following Findings are intended to explain how the Affordable Housing component complies with applicable goals in general. These Findings are a roadmap to the extensive decision record for this multi-year planning effort. The explanations in these Findings refer to record documents in some instances. These findings are intended to be supplemented by the facts in the decision record.

Ordinance No. 00-882B transmits the Affordable Housing component to the Land Conservation and Development Commission (“LCDC”) for consideration of initial acknowledgment of the affordable housing component of the Regional Framework Plan.

Findings of Compliance With Applicable Statewide Goals

Goal 1. Citizen Involvement

In 1998, the Metro Council adopted amendments to the RFP Policy 1.3 which authorized creation of the Affordable Housing Technical Advisory Committee (“HTAC”). From September of 1998 to June 2000, HTAC and four major subcommittees met regularly in public meetings to develop implementation and public involvement strategies. Draft work products were presented to public meetings of the Metro Policy Advisory Committee (“MPAC”) on February 24, 1999, June 9, 1999, December 8, 1999, April 26, 2000 and May 10, 2000. On June 14, MPAC approved a motion that “MPAC adopt and endorse the Affordable Housing Technical Advisory Committee’s RAHS report and forward the report to the Metro Council”.

Prior to submission to the Metro Council, HTAC conducted its own public hearing on its recommendations in addition to three focus groups and four community roundtable discussions. The Metro Council considered the HTAC recommendation in the form of the Regional Affordable Housing Strategy, addressed concerns at public meetings and held a public hearing prior to adoption of the Regional Affordable Housing Strategy recommendations in this ordinance.

Goal 2 Land Use Planning

The Affordable Housing policy and implementation are a consistent part of the land use planning process and policy framework established by Metro's adopted and acknowledged 1995 Regional Goals and Objectives and 1997 Regional Framework Plan ("RFP") that is amended by this ordinance. Components 1 and 2 of the 1997 RFP have been initially acknowledged by LCDC. Component 3, the Regional Transportation Plan is before LCDC pending acknowledgment. Affordable housing is component 4 of the RFP for consideration of acknowledgment.

Coordination with affected governments is required by statewide planning Goal 2. Throughout the 1998-2000 policy development process, affected governments were participating on and with HTAC and MPAC. In addition, Metro solicited, received and responded to government comments. The following are detailed statements of remaining government concerns indicated during the final comment period prior to adoption of this ordinance as required by the Court of Appeals in *D.S. Parklane et al v. Metro (II)* (2000).

Final coordination requests were requested in a November 15, 2000, letter to all Mayors and county chairs and a November 24, 2000 letter to special district representatives. One coordination issue was raised by the City of Beaverton in its November 30, 2000, letter. Concerns were raised about Sections 1.3.5, 1.3.6A and B, and 1.3.7 of the RFP policy in Ordinance No. 00-882. These concerns were addressed by amendments in the final Ordinance No. 00-882B. Detailed responses to the city's concerns are at items 3, 5, 6, 10, 13, 14, 15, and 17 of "Comments and Responses to Ordinance No. 00-882" dated December 6, 2000, in the record. A comment from the City of Portland was also addressed (see comment & response #11), as was a comment from the City of Gresham (see comment & response #12,16,18) This document is incorporated in this finding by reference in its entirety. Most of the responses to these local jurisdiction's concerns were agreement and amendments to the Ordinance No. 00-882B.

Goals 3 and 4

All of the policy and implementation in this ordinance apply to urban land inside the regional UGB. Therefore, Goals 3 and 4 are not applicable statewide goals for this decision other than reducing housing development pressure on resource lands by provision of affordable housing inside the UGB.

Goals 5, 6, 7,8

RFP policies and implementation relating to these goals remain in effect and unamended by the policy and implementation of this ordinance. Therefore, Goals 5, 6, 7, 8 are not applicable statewide goals for this decision.

Goal 9 Economic Development

Development of needed affordable housing, particularly with access to the regional transportation system, contributes to worker accessibility to jobs and employer accessibility to workers.

Goal 10 Housing

The Affordable Housing policies and implementing code are consistent with Goal 10 and applicable statutes. Goal 10 requires a buildable land inventory by local governments to ensure that there is a sufficient supply of residential land, and that comprehensive plans encourage “adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location type and density.” State Goal 10.

Metro manages the urban growth boundary for the 24 cities and the urban portions of Clackamas, Washington and Multnomah counties. In managing the boundary, Metro must ensure that there is a 20-year supply of buildable residential land to comply with Goal 14, in a manner that is consistent with Goal 10.

The Affordable Housing policies in the RFP amendments proposed here require local jurisdictions to assess their comprehensive plans based on three regional affordable housing policies. These policies state that local jurisdictions’ comprehensive plans should:

- Include strategies to ensure a diverse range of housing type within their jurisdictional boundaries.
- Include 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.
- Develop 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.

The Affordable Housing Production Goals included in the RFP amendments should provide local jurisdictions with another tool to comply with Goal 10 by encouraging the production of housing for households earning 50% and less of the median household income – households with the greatest need. In addition, other requirements in Metro’s Urban Growth Management Functional Plan mandate that local jurisdictions allow accessory dwelling units in all single family zones.

A. Voluntary Affordable Housing Production Goals

Section 3.07.720 of the Metro Code requires local jurisdictions to amend their comprehensive plans to include the Affordable Housing Productions Goals as a guideline to

measure progress toward meeting affordable housing needs of household with incomes between 0% and 50% median household income (“MHI”). Local jurisdictions are not required to meet the Affordable Housing Production Goals.

Developing the Affordable Housing Production Goals was a key component of HTAC’s charge from the Metro Council (Regional Affordable Housing Strategy (“RAHS”), page 6). In October 1998, HTAC created the Fair Share Subcommittee to explore methods for determining the affordable housing need and to develop a formula for distributing that need across the region based on “housing inventories and other factual information concerning the regional and subregional demand, supply, and cost of housing and buildable lands, and the incomes levels and housing needs of current and future residents.” Regional Framework Plan, Section 1.3, page 4.

The formula developed by HTAC was called the “affording housing distribution formula.” The goal of the formula, as stated in the RAHS on page 16, is to “achieve an equitable distribution of housing opportunity among local jurisdictions in the region by working toward a similar distribution of household incomes within each Metro jurisdiction that reflects the regional income distribution as a whole.” The result of the formula was the Benchmark Need for affordable housing for households earning 50% median household income and less in the region, assuming that a household would not pay more than 30% of income on housing. This estimate of need was completed for the time period 1997 through 2017.

The Benchmark Need was developed using existing data sources and is consistent with other regional policies as well as State Goal 10. HTAC took the Benchmark Need for affordable housing for households earning 50%MHI and less and developed a five year Affordable Housing Production Goal. A five year goal was chosen to account for the exceptional cost of meeting the Benchmark Need, and a more realistic target was determined to be 10% of the total need.

The region-wide Affordable Housing Production Goal was apportioned to each city and county in the region based on the goal of achieving a mix of household incomes in each community that is similar to the current mix of household incomes on a regional basis. (More discussion of this topic may be found in the RAHS, pages 15-26). Background information used in the formula for the Benchmark Need and the decision on the Affordable Housing Production Goal may be found in *Appendix D: Notebooks of Factual Information for Development of Affordable Housing Production Goals and the Strategy Reports*.

The Benchmark Need and the Affordable Housing Production Goals are consistent with State Land Use Planning Goal 10: Housing in that it provides local jurisdictions within the Metro region with another tool to meet the housing needs of residents of all income levels.

B. Requirements for Comprehensive Plan and Implementing Ordinance Changes

Section 3.07.730 of the Metro Code requires local jurisdictions to amend their comprehensive plans and implementing ordinances to include land use strategies to encourage the development of a diverse range of housing types, to maintain the existing supply of affordable housing and increase opportunities for new dispersed affordable housing, and to increase opportunities for households of all income levels to live within their jurisdictions in affordable

housing. The intent is to provide local jurisdictions with the flexibility to choose the land use tools that are most effective in their community, and acknowledges that a “one-size-fits-all” approach is not appropriate in this region.

Local jurisdictions are required to consider a specific array of land use strategies identified in this section. These strategies are: density bonus; replacement housing; inclusionary housing; transfer of development rights; elderly and people with disabilities; local regulatory constraints, discrepancies in planning and zoning codes, local permitting or approval process; and parking. HTAC members were very concerned that any strategy a local jurisdiction might be required to consider be legally a land use strategy that fell within Metro’s land use authority. Thus, a committee of attorneys including HTAC members, local governments’ legal counsel, and Metro legal counsel was formed to identify which of a lengthy list of strategies could fall within Metro’s jurisdiction. All other strategies were included in the RAHS as strategies to be voluntarily considered by local jurisdictions.

The RAHS includes an array of recommended land use strategies that were extensively discussed through the HTAC process in Chapter 4, pages 29-41. Additional information on these land use strategies may be found in Appendices C and D of the RAHS. HTAC members and Metro staff thoroughly researched each strategy prior to inclusion in the final RAHS. As described in the RAHS, page 29, many jurisdictions in the Metro region are currently utilizing some of the strategies identified by HTAC. Some strategies are more appropriate in larger cities while others could work anywhere, thus examples of local implementation are included whenever possible. Background information used in the formula for the Benchmark Need and the decision on the Affordable Housing Production Goal may be found in *Appendix D: Notebooks of Factual Information for Development of Affordable Housing Production Goals and the Strategy Reports*.

In their consideration of the above strategies, local jurisdictions must report what actions they have taken to carry out affordable housing policies in their Comprehensive Plans and report on strategies considered but not adopted, and why the strategies were not adopted, as stated in Section 3.07.740. HTAC members stressed the importance of local jurisdictions considering the implementation of strategies to encourage affordable housing, but acknowledged that there was not one specific strategy that could be adopted across the region to effectively meet the Affordable Housing Production Goal.

C. Requirements for Progress Report

Section 3.07.740 of Metro Code identifies a reporting process as the main method available to ensure that all local jurisdictions in the region make a substantial effort to address the need for affordable housing. This plays a crucial role in the effectiveness of the RAHS in providing for the housing needs of citizens of all income levels.

This section requires local jurisdictions to report on progress made towards meeting the voluntary Affordable Housing Production Goal, and sets out a schedule for the reports. The schedule for reports is: at 12 months jurisdictions should submit a brief progress report, at 24 months jurisdictions should provide a report on the status of comprehensive plan amendments and

adoption of land use strategies, and at 36 months local jurisdictions should provide a report on comprehensive plan amendments, outcomes of adopted land use strategies, progress toward Affordable Housing Production Goals, and any other affordable housing developed and expected.

D. Metro Assessment of Progress

Section 3.07.750 of the Metro Code identifies Metro's role in the assessment of progress made by local jurisdictions in the region toward meeting the Affordable Housing Production Goals. It outlines the specific steps to be taken in 2003 in assessing the affordable housing situation in the region. HTAC members determined this to be the key area for Metro involvement in carrying out the RAHS.

E. Recommendations to Implement Other Affordable Housing Strategies

Section 3.07.760 of the Metro Code identifies several affordable housing strategies that do not fall within Metro's land use authority. Local jurisdictions are encouraged to consider these strategies in the amendment of comprehensive plans and implementing ordinances. The non-land use strategies are described in Chapter Four of the RAHS and in the Appendices.

HTAC members determined the importance of non-land use tools and strategies for encouraging the development of affordable housing for households of all income levels. HTAC also wanted to acknowledge efforts made by local jurisdictions to address the needs of households with incomes 50-80%MHI and 80-120%MHI, especially for home ownership options. Since affordable housing needs cross jurisdictional boundaries, local jurisdictions are encouraged to work together to meet the housing needs of residents that live and work within their communities. Background information used in the formula for the Benchmark Need and the decision on the Affordable Housing Production Goal may be found in *Appendix D: Notebooks of Factual Information for Development of Affordable Housing Production Goals and the Strategy Reports*.

Goals 11, 12, 13 14

The Affordable Housing Policy 1.3 in the RFP and implementing recommendations and requirements of Title 7 of the Urban Growth Management Functional Plan are to be read together with companion policies of the RFP. The acknowledged 2040 Growth Concept itself, is intended to be implemented by these policies. Policy 1.3 is intended to increase affordable housing opportunities inside a compact urban growth boundary consistent with Goal 14 and the acknowledged 2040 Growth Concept in locations that maximize efficiency of existing public facilities consistent with Goals 11 and 13 and in a manner that reduces reliance on the automobile consistent with Goal 12.



METRO

***Comments and Responses to Ordinance 00-882C
Amendments to the Regional Framework Plan and Urban Growth Management
Functional Plan regarding Affordable Housing
December 12, 2000 through January 10, 2001***

1. Comment: “No opportunity has been given to H-TAC members to formally review the ordinance language to ensure that it accurately reflects all of our recommendations”. (Tasha Harmon, Community Development Network)

Response: Disagree in part.

The intent is to mirror the RAHS exactly. As soon as the documents were authorized by Metro Council on November 16, 2000 for release for public discussion, HTAC members were notified via email with the documents attached. The public hearing process (scheduled by the Metro Council on December 7, 2000) is intended to provide the opportunity for corrections if needed. In addition, Metro Executive Officer sent out a separate letter to local governments on November 15, 2000 on final opportunity for government coordination comments. The deadline for comments in that letter was November 30, 2000.

2. Comment: “There needs to be a clear articulation of the policy premise of the Affordable Housing Production Goals and a clear statement that Metro Council is adopting the recommended method in the RAHS plan. This should go in Exhibit A 1.3.1. A good articulation of the policy premise is on page 16 of the RAHS (bolded sentence) “The goal of the affordable housing distribution method is to “achieve an equitable distribution of housing opportunity among local jurisdictions in the region by working towards a similar distribution of household incomes within each Metro jurisdiction that reflects the regional income distribution as a whole.” At the December 5, 2000 Metro Council Growth Management Committee public hearing, Tasha Harmon recommended inclusion of the methodology in the document. (Tasha Harmon, Community Development Network)

Response: Agree.

Recommend adding the following statement in Section 1.3.5 of Exhibit A: “An affordable housing distribution method should be established in the Urban Growth Management Functional Plan that sets voluntary goals for each jurisdiction to encourage working towards a similar distribution of household incomes within each Metro jurisdiction that reflects the regional income distribution as a whole.” Further, the Metro Council Growth Management Committee amended the document (in Section 1.3.5 of the Exhibit A) to include the methodology.

3. Comment: Section 1.3.5. The sentence “Local jurisdictions shall adopt the voluntary affordable housing production goals established by Urban Growth Management Functional Plan to serve as a guide to measure progress toward meeting the affordable housing needs of households with incomes between 0% and 50% of median household income.” should be changed as HTAC did not intend mandating such goals whether voluntary or not. In addition, the Regional Framework Plan cannot mandate local government action. (Hal Bergsma, City of Beaverton)

Response: Agree

On page 78 of the RAHS it states that “Local governments should adopt the Affordable Housing Production Goal (Table 15) to serve as a guide to measure progress toward meeting the affordable housing needs of households with incomes between 0% and 50 % MHI in the jurisdictions and throughout the region. Accordingly, to be consistent with the RAHS language, we recommend that the “shall” be replaced with “should”.

4. Comment: Section 1.3.6 of Exhibit A is very weak. The opening sentence needs to say “Metro *shall* take the following actions” rather than “may consider”. The list is already full of “consider” language rather than “adopt”. (Tasha Harmon, Community Development Network)

Response: Agree in part.

The Metro Council Growth Management Committee amended the first sentence in Section 1.3.6.A of Exhibit A to indicate “Metro ~~may~~ will consider”

5. Comment: Within Section 1.3.6A, item “i” (Consider voluntary inclusionary housing requirements when amending the UGB) repeats item “c” (Consider “voluntary inclusionary housing” requirements when amending the Urban Growth Boundary). (Hal Bergsma, City of Beaverton)

Response: Agree .

Item i should be struck.

6. Comment: Section 1.3.6A includes actions of questionable utility and raises questions about Metro efforts to expand their authority. (Hal Bergsma, City of Beaverton)

Response: Disagree in part.

These recommendations are taken word for word from the RAHS which was recommended for adoption by MPAC and which the Metro Council accepted and directed staff to prepare Framework Plan and Functional Plans consistent with the RAHS.

7. Comment: “The language needs to make a clear commitment to convene the RAHS Implementation Committee within a certain timeframe. (Letter “n” of 1.3.6, Exhibit A) “When appropriate” is too vague. This committee should meet quarterly starting in January”. (Tasha Harmon, Community Development Network)

Response: Disagree in part.

The current wording is adequate to express that this action has Metro budget implications and that the Metro Council may choose to appoint a RAHS Implementation Committee before or during the implementation of the Functional Plan requirements by local governments.

8. Comment: Section “1.3.6.B “Local Jurisdictions’ Actions” needs to say “Cities and Counties within the region “*shall*” not “should”. The RAHS recommendations ask the local jurisdictions to do almost nothing in terms of real action or outcomes. They should be required to take these few actions that were agreed on.” (Tasha Harmon, Community Development Network)

Response: Disagree.

The current wording in Section 1.3.6.B of Exhibit A is adequate to express the overall policy direction for developing the actions required of local governments in the Urban Growth Management Functional Plan amendments and is intended to accurately incorporate the recommendations of the RAHS.

9. Comment: “Reporting requirements need to be clarified in 1.3.6 B subsection (d). There needs to be language added to reflect the full reporting requirements in the RAHS pages 77,81,82 and Exhibit B’s page 6. It could say “*Report amendments to Comprehensive Plans to bring the jurisdictions into compliance with the RFP requirements, changes to local policies relevant to affordable housing preservation and development and progress towards increasing the supply...*” (Tasha Harmon, Community Development Network)

Response: Disagree.

The current wording in Section 1.3.6.B of Exhibit A is adequate to express the overall policy direction for developing the actions required of local governments in the Urban Growth Management Functional Plan amendments and is intended to accurately incorporate the recommendations of the RAHS.

10. Comment: Section 3.07.710 states that “The Regional Framework Plan requires the region and local jurisdictions to adopt affordable housing production goals...” The Regional Framework Plan cannot ‘require’ local jurisdictions to do anything. Metro can only mandate local government action through a functional plan. We suggest the word ‘expects’ be added before ‘local jurisdictions’ in the first line. We also suggest that local governments be directed to acknowledge or recognize rather than adopt the region’s affordable housing production goals. (Hal Bergsma, City of Beaverton)

Response: Agree in part.

We recommend that the wording be changed as follows: “ The Regional Framework Plan directs that Metro’s Urban Growth Management Functional Plan include voluntary affordable housing production goals to be adopted by local jurisdictions in the region as well as land use and non-land use affordable housing tools and strategies. The Regional Framework Plan also directs that Metro’s Urban Growth Management Functional Plan include local governments’ reporting progress towards increasing the supply of affordable housing.”

11. Comment: “Does it make sense to amend local Comprehensive Plans to incorporate the Affordable Housing Goals Table (see Section 3.07.720 of Exhibit B, page 5). A Comprehensive Plan amendment is a significant and time consuming process. Should numbers with a three year lifespan (due to be reconsidered in 2003) be incorporated in a 20 year Plan? Couldn't the functional Plan require that jurisdictions acknowledge the Goals by ordinance or resolution and save the Comp Plan amendment process for substantive changes that take place after the "requirement to consider" the RAHS strategies and regional housing goals?” (Mike Saba, City Of Portland, Bureau of Planning)

Response: Agree.

Suggest that Section 3.07.720 of Exhibit B be rewritten as follows:

“Each city and county within the Metro region should adopt the Affordable Housing Production Goal indicated in Table 3.07-7 for their city or county as a guide to measure progress toward meeting the affordable housing needs of households with incomes between 0% and 50% median household income in their jurisdiction.”

12. Comment: “The language of the RAHS says local governments should (not shall) adopt the Regional Affordable Housing Goals. [See page 78 of the RAHS—Local Jurisdictions' adoption of affordable housing production goals is listed under "Voluntary Actions by Metro and Local Governments," and it reads "Local jurisdictions should adopt the Affordable Housing Production Goals (Table 15)...] All of the draft documents need to be changed to be consistent with the RAHS. We think

that this solution would also address Mike's concern about the Regional Affordable Housing Goals.”
(Andree Tremoulet, City of Gresham, Community Development Department)

Response: Agree.

As suggested in the previous response, it is suggested that Section 3.07.720 of Exhibit B be rewritten as follows:

“Each city and county within the Metro region should adopt the Affordable Housing Production Goal indicated in Table 3.07-7 for their city or county as a guide to measure progress toward meeting the affordable housing needs of households with incomes between 0% and 50% median household income in their jurisdiction.”

13. Comment: We are unclear about how to ‘include’ our City’s affordable housing production goal in our Comprehensive Plan.” Metro should provide some guidance as to the level of analysis needed and would be viewed as valid reasons to reject adoption of a tool. **(Hal Bergsma, City of Beaverton)**

Response:

We recommend that how the affordable housing production goal is incorporated into local government documents or what constitutes adequate consideration of an affordable housing tool by a local government remain a local government decision. However, as noted on Comments #11 and #12, it could be adopted but not as a comprehensive plan amendment.

14. Comment: Section 3.07.730, Requirements for Comprehensive Plan and Implementing Ordinance Changes, subsection A.1, states that “Cities and counties within the Metro region shall amend their comprehensive plans to include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.” We are uncomfortable with the use of the word ‘ensure’ as it implies this is something local governments can make happen when the type of housing built is dependent primarily on market trends and private sector decisions. **(Hal Bergsma, City of Beaverton)**

Response: Disagree.

While it is true that the private sector builds housing, it is also true that there have been instances where more affordable housing has been prevented by regulations that effectively exclude such housing that would otherwise be built. This language is intended to encourage regulations are not exclusionary.

15. Comment: Section 3.07.730 states in part that: “Cities and counties within the region shall consider amendment of their comprehensive plans and implementing ordinances with the following affordable housing land use tools and strategies...” While the Regional Framework Plan states that Metro “may consider” certain actions to address affordable housing, it requires local governments to take certain actions. Metro should hold itself to the same requirement. **(Hal Bergsma, City of Beaverton)**

Response: Disagree.

These recommendations written as taken from the RAHS.

16. Comment: “Section 1.3.6.B of the Framework Plan (Attachment A) talks about the need for funds for affordable housing. We think that this section should be strengthened by adding the data from the RAHS which indicates the size of the gap—\$124 million (or 78% of the total) needed to achieve the five year goals.”**(Andree Tremoulet, City of Gresham, Community Development Department)**

Response: Disagree in part.

Section 1.3.6.B of Exhibit A does not mention the “need for funds...” The “need for regional housing fund” is mentioned in Section 1.3.7 of Exhibit A. The policies in Exhibit A (Regional Framework Plan amendments) express the overall policy direction for creating a regional housing fund. However, a sentence could be added to section 1.3.7 stating: “An estimate has been made that as much as \$124 million of affordable housing assistance funds might be needed to achieve the region’s five year goal.”

17. Comment: “There should be some indication of which agency or agencies should initiate the work to create a funding source.” (Hal Bergsma, City of Beaverton)

Response: Disagree in part.

As much is not known at this time about where the regional housing fund might be obtained, we believe that it is not timely to direct which agency or agencies should initiate this work at this time.

18. Comment: “We question whether an amendment to Title 8 is the best way to achieve the reporting required—it seems that this imposes standards far different than those recommended by the RAHS.” (Andree Tremoulet, City of Gresham, Community Development Department)

Response: Disagree.

This language is proposed in order to clarify that earlier compliance deadlines (established in 1996 for other titles within the Urban Growth Management Functional Plan) are not confused with the newly proposed affordable housing compliance timetable. This language is consistent with the RAHS recommended time line. We remain open to specific recommendations for changes consistent with the RAHS.

19. Comment: The new language on compliance related affordable housing added to Section 3.07.810.A (Compliance Required) of Title 8 in Exhibit B contradicts the existing language in Section 3.07.810.A (Compliance Procedures) on the same page. (Jim Zehren, MPAC)

Response: Agree

Suggest that Section 3.07.810 (A) (Compliance Required) be split into two subsections A1 and A2 as shown below, where subsection A.1. contains the current language, and subsection A.2. contains the new language on compliance related to affordable housing. Also suggest that Section 3.07.820(A) be amended accordingly to reflect that this section applies only to Section 3.07.810(A.1):

3.07.810 (A.1)

“A.1. All cities and counties within the Metro boundary are hereby required to amend their comprehensive plans and implementing ordinances to comply with the provisions of this functional plan within twenty-four months of the effective date of this ordinance. Metro recommends the adoption of the policies that affect land consumption as soon as possible.”

3.07.810 (A.2)

“A.2. All cities and counties within the Metro boundary are hereby required to amend their comprehensive plans and implementing ordinances to comply with the regional affordable housing land use requirements in Title 7 no later than 24 months after their adoption.”

3.07.820 (A)

“On or before six months prior to the 24 months deadline established in section 3.07.810(A.1), cities and counties shall transmit to Metro the following:.....”

20. Comment: The following changes to Section 1.3.6.B. of Exhibit A was submitted in writing at the Metro Technical Advisory Committee (Richard Ross, City of Gresham):

1.3.6.B. Local Jurisdictions' Actions

- a. Cities and counties within the region should:
 1. Adopt the affordable housing production goals in Table 1 to serve as a guide to measure progress toward meeting the affordable housing needs of households with incomes ~~between 0% and~~ at or below 50% of median household income
 2. Analyze, adopt and apply locally-appropriate non-land use tools as a means to make progress toward the Affordable Housing Production Goals.
 3. Report on the analysis, adoption and application of non-land use tools at the same intervals that they are reporting on land use tools.
- ~~b. Consider adding to their comprehensive plans land use policies that increase affordable housing. These could include Density Bonus, Replacement Housing, Inclusionary Housing, Transfer of Development Rights, Housing for Elderly and People with Disabilities, Local Regulatory Constraints—Discrepancies in Planning and Zoning Codes and Local Permitting/Approval Process, and Parking.~~
- ~~c. Implement non-land use tools and strategies listed in Chapter 4 of the RAHS, including fee waivers or other funding incentives~~
- ~~d. Report progress towards increasing the supply of affordable housing 12, 24 and 36 months from the adoption of affordable housing functional plan amendments.~~
- b. Cities and counties within the region shall:
 1. Amend each local Comprehensive Plan so that it complies with the following regional affordable housing land use policies not later than 24 months after the adoption of the affordable housing functional plan amendments:
 - Local comprehensive plans will include strategies resulting in the development of a diverse range of housing types in the region
 - Cities and counties shall prescribe with their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the supply of affordable housing within their boundaries
 - Cities and counties shall prescribe 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
 2. Consider using the following affordable housing land use tools to carry out their comprehensive plan affordable housing policies: density bonus, replacement housing, voluntary inclusionary housing, transfer of development rights, locational opportunities for housing for elderly and people with disabilities, removal of local regulatory constraints, and parking cost reduction. Consideration by local governments shall include identification of tools currently in use and additional affordable housing land use tools, including but not limited to those listed in the prior sentence, to be implemented to comply with the affordable housing land use policies.
 3. Provide the following progress reports at 12, 24 and 36 months from the adoption of the affordable housing functional plan amendments:
 - 12 months: Status report on comprehensive plan analysis
 - 24 months: Status report on comprehensive plan amendments and adoption of land use affordable housing tools

36 months: Status report on comprehensive plan amendments, adoption of land use affordable housing tools and strategies, outcomes of those strategies, and progress toward Affordable Housing Production Goals.

Response: Agree in Part

Suggest that Section 1.3.6.B. of Exhibit A be rewritten as follows (this is also the MTAC recommendation):

1.3.6.B. Local Jurisdictions' Action

Metro shall amend its Urban Growth Management Functional Plan to include the following recommendations and requirements:

- a. Cities and counties within the region should:
 1. Adopt the affordable housing production goals in Table 1 to serve as a guide to measure progress toward meeting the affordable housing needs of households with incomes at or below 50% of median household income
 2. Analyze, adopt and apply non-land use tools as a means to make progress toward the Affordable Housing Production Goals.
 3. Report on the analysis, adoption and application of non-land use tools at the same intervals that they are reporting on land use tools.
- b. Cities and counties within the region shall consider:
 1. Amendment to their comprehensive plans to include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.
 2. 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.
 3. Develop 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.
- c. Cities and counties within the Metro region shall consider amendment of their comprehensive plans and implementing ordinances with the following affordable housing land use tools and strategies:
 1. **Density Bonus**

A density bonus is an incentive to facilitate the development of affordable housing. Local jurisdictions could consider tying the amount of bonus to the targeted income group to encourage the development of affordable units to meet affordable housing production goals.
 2. **Replacement Housing**

No-Net-Loss housing policies for local jurisdictional review of requested quasi-judicial Comprehensive Plan Map amendments with approval criteria that would require the replacement of existing housing that would be lost through the Plan Map amendment.
 3. **Inclusionary Housing**
 - a) Implement voluntary inclusionary housing programs tied to the provision of incentives such as Density Bonus incentives to facilitate the development of affordable housing.
 - b) Develop housing design requirements for housing components such as single-car garages and maximum square footage that tend to result in affordable housing.
 - c) Consider impacts on affordable housing as a criterion for any legislative or quasi-judicial zone change.
 4. **Transfer of Development Rights**
 - a) Implement TDR programs tailored to the specific conditions of a local jurisdiction

- b) Implement TDR programs in Main Street or Town Center areas that involve upzoning
- 5. Elderly and People with Disabilities
 - Examine zoning codes for conflicts in meeting locational needs of these populations
- 6. Local Regulatory Constraints; Discrepancies in Planning and Zoning Codes; Local Permitting or Approval Process
 - a) Revise the permitting process (conditional use permits, etc.)
 - b) Review development and design standards for impact on affordable housing
 - c) Consider using a cost/benefit analysis to determine impact of new regulations on housing production
 - d) Regularly review existing codes for usefulness and conflicts
 - e) Reduce number of land use appeal opportunities
 - f) Allow fast tracking of affordable housing
- 7. Parking
 - a) Review parking requirements to ensure they meet the needs of residents of all types of housing
 - b) Coordinate strategies with developers, transportation planners and other regional efforts so as to reduce the cost of providing parking in affordable housing developments
- d. Cities and counties within the region shall report progress towards increasing the supply of affordable housing 12, 24, and 36 months from the adoption of affordable housing functional plan amendments.

21. Comment: The addition of the word “subregions” in the third bullet in Section 1.3.1 of Exhibit A (“An appropriate balance of jobs and housing of all types within subregions”) is a concern. Local governments actions towards implementation of affordable housing tools on subregional basis has not been defined. In addition, it was suggested that job/housing apply to mixed-use design types and jurisdictions, not just subregions. **(Bob Clay, City of Portland, Metro Technical Advisory Committee meeting of December 6, 2000)**

Response: Disagree

The current words in the third bullet of Section 1.3.1. (“An appropriate balance of jobs and housing of all types within subregions”) reflects exactly the recommendations of the H-TAC in the RAHS. This current wording is adequate to express one of the overall policy objectives of the regional affordable housing strategy. Metro’s Periodic Review work plan, the products of which MTAC and MPAC will review, will attempt to define what is appropriate with regard to subregional and jobs/housing balance.

22. Comment: In reference to Section 3.07.730 of Exhibit B, what constitutes “adequate consideration of affordable housing land use tools and strategies” by a local jurisdiction? **(Hal Bergsma, City of Beaverton, Metro Technical Advisory Committee meeting of December 6, 2000)**

Response:

The interpretation of what constitutes “adequate consideration of affordable housing land use tools and strategies” is recommended to be left to individual jurisdictions.

23. Comment: “It was the intention of the RAHS, as I understand it, to require local jurisdictions to adopt the housing Production Goals as voluntary targets. The current language in Exhibits A and B say that local jurisdictions “should” do so. This language should be “shall”. The RAHS requires very little of local jurisdictions. I would hate to see it further watered down in this translation.” (Tasha Harmon, Community Development Network)

Response: Disagree.

The current wording is adequate because it reflects the recommendations as written in the RAHS.

24. Comment: “Metro Council should make a commitment to convene the RAHS Implementation Committee before 2003 (you could wait that long under the current letter “n” of RFP section 1.3.6). Implementation of this ordinance will bring up more questions that will require input from housing experts and concerned citizens. Metro Council should create an institutional structure for that input by creating a RAHS Implementation Committee that meets regularly (quarterly would probably work fine for the most part) to discuss housing implementation issues, monitor implementation, and put forward new recommendations as needed. This group should monitor Metro’s actions regarding its affordable housing commitments as well as being part of the evaluation of information coming in from local jurisdictions. Of immediate concern is the creation of a way to review the affordable housing commitments and plans in the areas applying for inclusion in the UGB.” (Tasha Harmon, Community Development Network)

Response: Disagree

The current wording (Letter “m” of Section 1.3.6) is adequate to express that this action has Metro budget implications and that the Metro Council may choose to appoint a RAHS Implementation Committee before or during the implementation of the Functional Plan requirements by local governments. See similar comment and response in No.7.

25. Comment: Delete the references to “subregion” and “an appropriate balance of jobs and housing of all types within subregions” in section 3.07.710 of the Functional Plan. (Commissioner Lisa Naito, Multnomah County and Mayor Vera Katz, City of Portland)

Response: Disagree.

The MPAC packet includes a letter from Metro Presiding Officer Bragdon as well as analysis by Dan Cooper, General Counsel. In these responses it is pointed out that deleting the term “subregion” from the text would materially alter the HTAC recommendations as documented in the Regional Affordable Housing Strategy. In addition, there is the conclusion that the use of these terms will not result in inadvertent policymaking with regard to Metro’s analysis and conclusions about the region’s urban growth boundary.

26. Comment: Add the word “more” to modify the description of realistic production goals in section 1.3.5, Affordable Housing Production Goals, of the Regional Framework Plan. The section, if revised, would read: “Recognizing the limited resources available to address the total need for affordable housing, efforts were made to develop a more realistic production goal that could be implemented in the region” (Mayor Becker, City of Gresham)

Response: Agree.

This amendment is consistent with the information within the Regional Affordable Housing Strategy (RAHS) report.

27. Comment: The Regional Framework Plan should be amended to add information about the estimated cost of achieving the production goals. Specifically, add the following sentence to the sections about

increasing and preserving the supply of affordable housing (1.3.6) and funding (1.3.7): “An estimate has been made that as much as an additional \$124 million, or approximately 78% of total resources needed, is required to achieve the region’s five year goal.” (Mayor Becker, City of Gresham)

Response: Agree in part. The total (not additional) estimated cost is \$124 million (see page 26 of the Regional Affordable Housing Strategy). Current available resources are estimated at \$27 million - a gap of \$97 million. Suggest the following: “An estimate has been made that the cost of meeting the region’s affordable housing production goal could be as much as \$124 million per year. As only about \$27 million of currently available annual resources have been identified, as much as \$97 million of additional resources per year may be needed.” Recommend that the sentence need not be repeated in section 1.3.7.

28. Comment: A change to the proposed Functional Plan should be made to clarify what “shall consider” means. Specifically, revise section 3.07.730 B. as follows:

“Cities and counties within the Metro region shall consider amendment of their comprehensive plan and implementing ordinances with the following affordable housing land use tools and strategies identified below. Compliance with this subsection is achieved when a city or county undertakes and completes its consideration of the plan or ordinance amendment.” (Mayor Lou Ogden, City of Tualatin)

Response: Agree.

Recommend that “identified below” is not needed, but that otherwise, the comment be incorporated as written.

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