

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1542 | FAX 503 797 1793



METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING - Revised 9/3/98
DATE: September 10, 1998
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

Presenter

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. EXECUTIVE OFFICER COMMUNICATIONS

4. AUDITOR COMMUNICATIONS

5. MPAC COMMUNICATIONS

6. CONSENT AGENDA

- 6.1 Consideration of Minutes for the September 3, 1998 Metro Council Regular Meeting.

7. ORDINANCES - SECOND READING

- 7.1 **Ordinance No. 98-772A**, For the Purpose of Amending First Tier and Urban Reserve Planning Requirements for Urban Growth Boundary Amendments and Establishing Priorities for Metro Initiated Legislative Amendments to the Urban Growth Boundary and Declaring an Emergency.

McLain/
Monroe

- 7.2 **Ordinance No. 98-769**, For the Purpose of Amending the Regional Framework Plan Section 1.3 Regarding Housing and Affordable Housing, Adding a Chapter to the Metro Code Creating an Affordable Housing Technical Advisory Committee and Confirming the Appointment of Members.

Washington

8. RESOLUTIONS

- 8.1 **Resolution No. 98-2696**, For the Purpose of Confirming the Selection of Pac/West Communications to Represent Metro before the 1999 Session of the Oregon Legislature. Kvistad

9. CONTRACT REVIEW BOARD

- 9.1 **Resolution No. 98-2682**, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.044, Personal Services Contracts Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon Litter and Vandalism (SOLV) for Sponsorship of the Annual "Solv-It" and "Washington County Clean and Green" Event. Morissette

10. COUNCILOR COMMUNICATION

ADJOURN

CABLE VIEWERS: Council Meetings, the second and fourth Thursdays of the month are shown on City Net 30 (Paragon and TCI Cablevision) the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on City Net 30. The meeting is also shown on Channel 11 (Community Access Network) the first Monday after the meeting at 4:00 p.m. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. All times listed on the agenda are approximate; items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Consideration of the September 3, 1998 Metro Council Regular meeting minutes.

Metro Council Meeting
Thursday, September 10, 1998
Council Chamber

MINUTES OF THE METRO COUNCIL WORK SESSION

September 3, 1998

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Ed Washington, Don Morissette, Patricia McCaig, Susan McLain, Rod Monroe

Councilors Absent:

Presiding Officer Kvistad convened the Regular Council Meeting at 2:06 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATIONS

None.

6. CONSENT AGENDA

6.1 Consideration meeting minutes of the August 13, 1998 Regular Council Meeting.

Motion: Councilor McLain moved to adopt the meeting minutes of August 13, 1998 Regular Council Meeting.

Seconded: Councilor Morissette seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

7. ORDINANCES - SECOND READING

7.2 **Ordinance No. 98-772**, For the Purpose of Amending First Tier and Urban Reserve Planning Requirements for Urban Growth Boundary Amendments and Establishing Priorities for including land in the Urban Growth Boundary.

Motion: **Councilor McLain** moved to substitute Ordinance No. 98-770 and Ordinance No. 98-772 with Ordinance No. 98-772A.

Seconded: **Councilor Monroe** seconded the motion.

Councilor Morissette said he would have "the usual questions" for Mr. Cooper. He said he would like Councilor McLain to go ahead with her presentation if there was not going to be a vote because she already knew the questions he would have.

Councilor Monroe said he believed Councilor McLain wished to have Ordinance No. 98-772A substituted for Ordinance No. 98-772. He felt it would be appropriate as a separate action to table Ordinance No. 98-770.

Councilor McLain reviewed Ordinance No. 98-772A. She said there had been quite a bit of work done on Ordinance No. 98-772 since the last Council meeting. She said MPAC and MTAC committees had reviewed them and MTAC had voted that morning to support Ordinance No. 98-772A. She noted staff documents that would help with the decision. She asked Mr. Cooper to summarize the 3 goals of the ordinance.

Mr. Dan Cooper, Legal Counsel, stated that the Growth Management Service Department conclusion that the current Metro Code requirements for all urban growth boundary amendments to come from First Tier lands and have fully approved and adopted urban reserve plans in place before the Urban Growth Boundary could be moved was going to produce a conflict with the state mandate that the Metro Council move the Urban Growth Boundary to meet half the need as determined by the adoption of the Urban Growth Report. He explained that the governance portion of the urban reserve planning requirements had 3 ways for land to meet the requirements set by Council regarding who would be the service provider and how the new territory would be governed when it was developed which had to be resolved prior to the Urban Growth Boundary being moved. He felt the MTAC recommendation for Resolution No. 98-772A almost but not quite did away with the First Tier designation in that land could be brought inside the Urban Growth Boundary regardless of whether it was First Tier land or not provided it met all of the remaining urban reserve planning requirements for governance and concept plan provisions. He explained that amendments to the boundary could be initiated by a city or a property owner or by the Council itself through a legislative process. He said there was a provision for limited exceptions to the completion of those 9 elements if there was documented commitment from a city or county to complete the planning requirements after the land was brought inside the Urban Growth Boundary. That documentation would have to show a work program, time line and funding commitment for completing the planning process after the Urban Growth Boundary was moved. He said that wouldn't change the governance requirements previously set. He felt Councilor McLain or others could better comment on how that was expected to be able to meet the need to move the Urban Growth Boundary half the way and where those lands were.

He went on to clarify code revisions. He said the proposed language made clear what had to be done for any land to be brought into the Urban Reserve Boundary. He noted the new Exhibit B which was the Functional Plan provision to protect the land until the urban growth plans were

adopted and implemented. He said you cannot urbanize land without first adopting an approved urban reserve concept plan. He said there was no timeline involved because the concept plans would either be approved and adopted at the time the urban growth boundary was moved or the local government would commit with a timeline as part of moving the urban growth boundary.

Councilor Morissette asked if the requirement for 50% of the need to be brought in this year, or an extension to be requested, was still in effect.

Mr. Cooper said this did not change that requirement.

Councilor Morissette asked if the complete document, and not just the amendments, required 50% of the designated land to be brought in.

Mr. Cooper said state law required that and it was not a requirement that could be altered by Council.

Councilor Morissette restated from Mr. Cooper's preliminary questions that land "won't be coming in until master planning, governance, and all that is done". He said that presented a conflict with that rule in his mind unless there were willing partners for all that need.

Mr. Cooper said the factual premise for this ordinance was that there was the expectation that there was sufficient land that would meet the criteria Council was being asked to consider that would meet half the need.

Councilor Morissette said he was comfortable with that subsequent to the need that 50% had to be done this year.

Mr. Cooper said the key provision of this ordinance was the ability to bring land before all of those plans were done with the local government commitment.

Councilor Morissette wanted to make clear that Ordinance No. 98-772 or No. 98-772A would not be in conflict with the need, short of an extension, for 50% of the need to be brought into the urban growth boundary.

Mr. Cooper said that was true assuming there was sufficient land that cities and counties would commit to to complete the process.

Councilor McLain commented that MPAC and other subcommittees had talked about the issue with local jurisdictions, the jurisdictions felt the language would meet the need to get to half the need this year.

Councilor Morissette said one of his other concerns was that once land was brought in, it would not be moved back out if a conflict arose, and there would be pressure to get that master planning done.

Mr. Cooper said that if a jurisdiction changed their mind or started dragging their feet after the land was brought in, Metro and MPAC had the ability to override the decision and make sure the land got developed consistent with being inside the urban growth boundary. He said there was not a method for taking land out of the urban growth boundary.

Councilor Morissette said it was very important to him that the 50% need was met this year without an extension. He said the reality was that things did not always move as quickly as some would like and that if some form of dispute resolution or pressure was brought to engage the process so the property would be available, he was concerned about the timeline.

Mr. Cooper said the timeline came with the local commitment for each individual parcel brought in not already fully planned. You would have to agree that the timeline was reasonable when you brought it in.

Councilor Morissette asked how that reconciled with the requirement that the 50% need be done this year.

Mr. Cooper said the state law did not require that the land be developable, only that there be enough land inside the urban growth boundary to meet the need and that the boundary be moved. He said the fact that there was land not yet fully planned and not ready for development was irrelevant. The state law requirement would be met.

Councilor Morissette asked if the language for this process met the test of reasonable accomplishment.

Mr. Cooper said yes.

Councilor Morissette said his last point was that the need had not changed although there had been some debate about that.

Mr. Cooper said these code amendments did not deal with the need number.

Councilor Monroe clarified that they were trying to meet the statewide 50% requirement but they were not guaranteeing that all of that 50% could be developed in the next couple of years. He said some of the development might be delayed depending on how long it took a particular local government to carry out its plan. He reminded Council that moving the urban growth boundary under state requirement was supposed to provide enough land over the next 2 years for the 20 year need. He said some of the land would be developed rather quickly and some of it would not be developed for a while. He said as long as the cities, counties and developers all knew where the boundary was and that the city or county was working on a master plan prior to developing a particular area according to the timeline they had outlined and council had approved prior to bringing it in, then development could take place. He said they were meeting the state requirement, not asking for an extension, and in a prudent way, making sure that development would not take place until appropriate planning happened.

Councilor Morissette said they were moving the boundary prior to master planning and saying that before it was urbanized there was going to be a master plan done in a prudent fashion.

Councilor McLain summarized that this Metro Code ordinance as well as decisions coming up in the next 4 months would answer the question regarding whether this was a process or a code that could be implemented. She said local jurisdictions and MPAC/MTAC had reviewed and were reviewing this in a favorable way. She said this substitution was an agreement that this could be done and would help meet the need assessment for the state law. She said they had

honored First Tier lands by considering them first in this ordinance, but with the understanding and recognition that there were differences in the quality of findings needed for urban growth boundary amendments. She said they must only consider First Tier and not say that they had the alternative analysis that would uphold those First Tier above all other lands. She thought this ordinance did that. She felt it made a commitment to planning because it gave local jurisdictions the understanding that governance must be completed with documentation that proved they had a timeline and the funding for the plan so they could be considered for the exception, thus allowing us to be able to meet our 50% need assessment. She felt the language was good and the package would allow the Council's 1998 work to be done. She added that it did not complete the code for the work that was needed in 1999. She felt with the commitment to do the work in 1999 they would have a complete document and be able to live up to their responsibilities in 1999. She said she felt it was solid work and hoped it would be moved for insertion now.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion to substitute Ordinance No. 98-772A passed unanimously.

7.1 **Ordinance No. 98-770**, For the Purpose of Amending First Tier and Urban Reserve Planning Requirements for Urban Growth Boundary Amendments.

Motion: **Councilor Monroe** moved to table Ordinance No. 98-770.

Seconded: **Councilor McFarland** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Councilor McLain said that Washington County and Hillsboro had had a difference of opinion regarding some issues with Ordinance No. 98-772A and that MTAC had not wanted to act on that at the morning meeting. She believed the issue would come back for the next meeting so there would be probably not more than a paragraph that would need to be dealt with later. She thought most of the technical changes had been done in the amended version.

Councilor Morissette read from A: "satisfies the requirement for an urban reserve plan as specified by 301.012(e) the Metro Council may consider First Tier lands where the city and county commits to adopt such an urban reserve and revise documentation to support this commitment in the form of a work plan, limit the timeline for completion, identify funding for the program adoption by the city or county" He said he believed more work needed to be done on the language. He said the assumption, based on current commitments, was that there was enough demand to do the 50% need. He said to Councilor McLain that he thought she was not worried about it, they still needed to fix that so they could meet the requirements.

Councilor McLain said in review that Councilor Morissette would like to have the opportunity to make sure the 50% goal would be met and to craft another sentence or 2 for the item. She asked Mr. Cooper to comment.

Mr. Cooper said it may be that more code changes would be needed as the end of the year got closer and it became clear how much land could be brought in under the code changes they were working on.

Councilor Morissette said they would need the ability to find the 50% if the agreement didn't exist or there wasn't adequate supply to cover 50% of the need.

Mr. Cooper said nothing prohibited that. He said it was a matter of concern and should be paid the attention it needed. He said it was a matter for future consideration.

Presiding Officer Kvistad reviewed that there would be an MPAC and an MTAC meeting before final action. He said they would have the substituted ordinance before council on the 10th for changes and/or possible action.

8. EXECUTIVE SESSION, Held pursuant to ORS 192.660 (1)(h), to consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Members Present: Members of the Press, Auditor Alexis Dow, Jennifer Sims, Dan Cooper

9. COUNCILOR COMMUNICATION

Motion: **Councilor Washington** moved to remove Ordinance No. 98-769 as introduced from the Growth Management Committee and placed on Council agenda.

Seconded: **Councilor McLain** seconded the motion.

Motion: **Councilor McFarland** called for the question.

Presiding Officer Kvistad said that was not the procedure that was followed when there was general discussion on an item before the Council work session.

Councilor McFarland asked the procedure.

Presiding Officer Kvistad said members of the Council had the option to discuss it when there was something on the table. He said that had been a long-standing procedure since he had been on the council.

Councilor McFarland said if there were 4 people present who wanted to discuss it they could vote.

Presiding Officer Kvistad said that was correct but he was going to move into discussion on the item before council and then a motion.

Councilor McFarland said the first item before council was she moved the question.

Presiding Officer Kvistad asked Mr. Cooper for an opinion about a motion to call the question before there was discussion on the motion.

Mr. Cooper said it took a second and was then not debatable. He said it took two thirds of those present and it then moved immediately to a vote on the matter in front of you.

Seconded: **Councilor Washington** seconded the motion.

Vote: The vote on the question was 4 aye/ 2 nay/ 0 abstain. The motion passed with Councilor Morissette and Presiding Officer Kvistad voting nay and Councilor McCaig absent from the vote.

Presiding Officer Kvistad handed the gavel to Deputy Presiding Officer McFarland and left the meeting. Deputy Presiding Officer McFarland called for the vote on Councilor Washington's motion to remove the ordinance from Growth Management Committee.

Councilor Morissette said something was being ramrodded through and it was wrong. He said people had a right to bring their grievances out when something was pulled.

Deputy Presiding Officer McFarland told Councilor Morissette he was out of order.

Councilor Morissette responded good, at least he was on the record.

Deputy Presiding Officer McFarland said it was a nondebatable item and if enough people agreed with him they would vote against it.

Councilor Morissette said it was on the record. Deputy Presiding Officer McFarland agreed.

Vote: The vote was 4 aye/ 1 nay/ 0 abstain. The motion to remove Ordinance No. 98-769 from Growth Management Committee and be place it on the Council agenda passed with Councilor Morissette voting nay and Presiding Officer Kvistad and Councilor McCaig absent from the vote.

Mr. Cooper said the action removed the ordinance from committee and placed it on the agenda for a public hearing and possible action at the council next week. He explained it was a totally procedural item.

Deputy Presiding Officer McFarland said the matter brought by Councilor Washington would be done with as this statement said, it would be put on the Council agenda for the full council to deal with.

Councilor Monroe added that there would be plenty and full opportunity for public discussion of this on the council agenda and full opportunity for all members of the council to discuss and debate it at that time as well. He said they were not doing anything that thwarted the public will or ability. It was something that needed to be done to get it moving because it had been dangling for a long time. He said the committee had been appointed and there had been discussions and compromises and now it was time to get to work.

Councilor Washington commented that there would be opportunity to discuss this at the full Council meeting and this had been needed to get it moving. He said he was sorry some councilors felt it was being ramrodded, but that if it was, it would have been voted on today as well. He said he did not appreciate anyone thinking he was trying to ramrod anything when he were just trying to do his job.

Councilor Morissette said even though he considered Councilor Washington a friend but he disagreed with Councilor Washington's comment. He felt Councilor Washington had plenty of

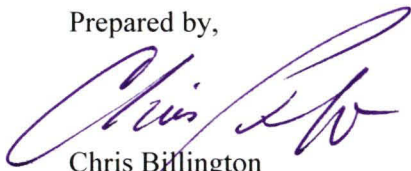
opportunity to come to committee to debate it and each time had refused. He said there had not been majority support in committee and what had happened today was without the knowledge of the committee members as far as he was aware. He said this was the first time a resolution to bring something out of the committee had happened like that since he had been a councilor and there had been no discussion about it. He thought it was a terrible way to do things. He said the fact of the matter was that he had tried to engage Councilor Washington many times, in committee, personally, and any other way he could, to engage him on this subject, to try to talk about it. He said Councilor Washington had basically said "here is the way it is, no changes". He felt that was wrong. He said he would never treat Councilor Washington like that and he was very disappointed in the approach and how it had been put together. He said it was not what had been described to him because he had been working on it. He said whether or not he was ultimately successful in how the committee was made up, he had concerns and would debate those concerns in front of the full council. He said the practical reality was that they could have easily negotiated something that would have worked here. He said in his opinion, this was clearly bad government.

Councilor McLain said she thought what had just been done was procedural on something that had been dangling since January. She said they wanted it in front of full council. She said all of them had been working diligently on it and she was looking forward to September 10 where all 7 councilors could discuss it.

10. ADJOURN

There being no further business to come before the Metro Council, Deputy Presiding Officer McFarland adjourned the meeting at 3:02 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
090398c-01	9/2/98	Letter to Council from W. James Kuhl concerning first tier, governance and urban service agreement and concept plan requirement	TO: Metro Council FROM: W. James and Olive Kuhl 445 S Rosemont Rd West Linn, OR 97068-9328	Ordinance No. 98-770 and Ordinance No. 98-772
090398c-02	9/3/98	Metro Urban Reserve Requirements A summary of MTAC Recommendations to MPAC regarding	TO: Metro Council FROM: Mark Turpel Growth Management	Ordinance No. 98-772A

090398c-03

9/3/98

Ordinance No. 98-
772A

MPAC Code Revision
Ordinance (98-772A)
Analysis

Service Dept

TO: Metro
Council FROM:
Meg Bushman
Reinhold
Council Analyst

Ordinance No
98-772A

Ordinance No. 98-772A, For the Purpose of Amending First Tier and Urban Reserve Planning Requirements for Urban Growth Boundary Amendments and Establishing Priorities for Metro Initiated Legislative Amendments to the Urban Growth Boundary and Declaring an Emergency.

Second Reading

Metro Council Meeting
Thursday, September 10, 1998
Council Chamber

MTAC Recommended Amendments to Ordinance 98-772A

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO 98-772A, With
FIRST TIER AND URBAN RESERVE	)	Amendments
PLANNING REQUIREMENTS FOR)	
URBAN GROWTH BOUNDARY	)	Introduced by Councilors McLain and Monroe
AMENDMENTS AND ESTABLISHING)	
PRIORITIES FOR METRO INITIATED)	
LEGISLATIVE AMENDMENTS TO THE)	
URBAN GROWTH BOUNDARY AND		
DECLARING AN EMERGENCY		

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 3.01 is amended in Section 3.01.010 and Section 3.01.012 to read as set forth in attached Exhibit A. These Amendments constitute amendments to the current acknowledged Metro Code Chapter 3.01 Urban Growth Boundary and Urban Reserve Procedures, as well as amendments to Appendix B of the Regional Framework Plan, adopted by Ordinance 97-715B.

2. A new Title 11, attached as Exhibit B, is hereby added to the Urban Growth Management Functional Plan adopted by Ordinance 96-647C and is also added to Appendix A of the Regional Framework Plan adopted by Ordinance 97-715B.

3. The text of the Regional Framework Plan adopted by Ordinance 97-715B is amended to read as set forth in Exhibit C.

4. This Ordinance is necessary for the immediate preservation of public health, safety and welfare because revisions to requirements for Urban Growth Boundary amendments should be effective immediately in order to allow Metro to comply with the State of Oregon

mandate to move the Urban Growth Boundary; an emergency is therefore declared to exist, and this Ordinance shall take effect **immediately**, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this _____ day of _____ 1998.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Exhibit A

Amendments to Metro Code Chapter 3.01

Section 3.01.012 is amended as follows:

3.01.012 Urban Reserve Areas

(a) Purpose. The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Amount of Land Required.

- (1) The areas designated as urban reserves shall be sufficient to accommodate expected urban development for a 30 to 50 year period, including an estimate of all potential developable and redevelopable land in the urban area.
- (2) Metro shall estimate the capacity of the urban reserves consistent with the procedures for estimating capacity of the urban area as defined in section 3.01.010.
- (3) The minimum residential density to be used in calculating the need for urban reserves, estimating the capacity of the areas designated as urban reserves and required in concept plans shall be an average of at least 10 dwelling units per net developable acre.
- (4) Metro shall designate the amount of urban reserves estimated to accommodate the forecast need.
- (5) Metro may designate a portion of the land required for urban reserves in order to phase designation of urban reserves.

(c) Mapped Urban Reserves.

- (1) Metro has designated as urban reserve areas those lands indicated on the 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.
- (2) Urban Growth Boundary amendments shall include only land designated as urban reserves unless designated urban reserve lands are inadequate to meet the need. If land designated as urban reserves is inadequate to meet the need, the priorities in ORS 197.298 shall be followed.
- (3) ~~Within one year of Metro Council adoption of the urban reserve ordinance,~~ Prior to adding land to the Urban Growth Boundary, the

Metro Council shall modify the Metro 2040 Growth Concept to designate regional design types consistent with the Metro 2040 Growth Concept for the land added. ~~all designated urban reserves.~~

(d) First Tier. First tier urban reserves shall be ~~included~~ considered for inclusion in the Metro Urban Growth Boundary prior to other urban reserves unless a special land need is identified which cannot be reasonably accommodated on first tier urban reserves.

(e) Urban Reserve Plan Required. A conceptual land use plan and concept map which demonstrates compliance with Goal 2 and Goal 14 and Section 3.01.020 or Section 3.01.030, with the RUGGO and with the 2040 Growth Concept design types and any applicable functional plan provisions shall be required for all major amendment applications and legislative amendments of the Urban Growth Boundary, including Except as provided in Section 3.01.015(e), the plan and map shall include at least the following, when applicable:

(1) Provision for either annexation to a city and any necessary service districts at the time of the final approval of the Urban Growth Boundary amendment consistent with 3.01.065 or an applicable city-county planning area agreement which requires at least the following:

(A) City or county agreement to adopt comprehensive plan provisions for the lands added to the Urban Growth Boundary which comply with all requirements of urban reserve plan conditions of the Urban Growth Boundary approval;

(B) City and county agreement that lands added to the Urban Growth Boundary shall be rezoned for urban development only upon annexation or agreement for delayed annexation to the city and any necessary service district identified in the approved Concept Plan or incorporation as a new city; and

(C) County agreement that, prior to annexation to the city and any necessary service districts, rural zoning that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when these lands are included in the Urban Growth Boundary remains in place until city annexation and the adoption of urban zoning.

(2) Notwithstanding (1) above, the Metro Council may approve a major or legislative amendment to the Urban Growth Boundary if the proposed amendment is required to assist the region to comply with the 2040 Growth Concept or to assist the region, a city or county in demonstrating compliance with statute, rule, or statewide goal requirements for land within the Urban Growth Boundary. These requirements include ~~HB 2709, ORS 197.296, 197.299 and 197.303,~~ the statewide planning goals and Regional Urban Growth Goals and Objectives. An urban services agreement consistent with ORS 195.065 shall be required as a condition of approval for any amendment under this subsection.

- 96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
- (3) The areas of Urban Reserve Study Areas #11, 14 and 65 are so geographically distant from existing city limits that annexation to a city is difficult to achieve. If the county and affected city and any necessary service districts have signed an urban service agreement or an urban reserve agreement coordinating urban services for the area, then the requirements for annexation to a city in (1)(B) and (1)(C) above shall not apply.
 - (4) Provision for average residential densities of at least 10 dwelling units per net developable residential acre or lower densities which conform to the 2040 Concept Plan design type designation for the area.
 - (5) Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
 - (6) Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.
 - (7) Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the Urban Growth Boundary consistent with 2040 Growth Concept design types.
 - (8) A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans.
 - (9) Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include cost estimates to implement a strategy to fund resource protection.

- 145 (10) A conceptual public facilities and services plan, including rough cost
146 estimates for the provision of sewer, water, storm drainage,
147 transportation, fire and police protection facilities and parks, including
148 financing strategy for those costs.
- 149
- 150 (11) A conceptual school plan which provides for the amount of land and
151 improvements needed for school facilities. Estimates of the need shall
152 be coordinated among affected school districts, the affected city or
153 county, and affected special districts consistent with the procedures in
154 ORS 195.110(3), (4) and (7).
- 155
- 156 (12) An Urban Reserve Plan map showing, at least, the following, when
157 applicable:
- 158
- 159 (A) Major roadway connections and public facilities;
- 160
- 161 (B) Location of unbuildable lands including but not limited to steep
162 slopes, wetlands, floodplains and riparian areas;
- 163
- 164 (C) General locations for commercial and industrial lands;
- 165
- 166 (D) General locations for single and multi-family housing;
- 167
- 168 (E) General locations for public open space, plazas and
169 neighborhood centers; and
- 170
- 171 (F) General locations or alternative locations for any needed
172 school, park or fire hall sites.
- 173
- 174 (13) The urban reserve plan shall be coordinated among the city, county,
175 school district and other service districts, including a dispute resolution
176 process with an MPAC report and public hearing consistent with
177 RUGGO Objective 5.3. The urban reserve plan shall be considered
178 for local approval by the affected city or by the county, if subsection
179 (3), above, applies in coordination with any affected service district
180 and/or school district. Then the Metro Council shall consider final
181 approval ~~adoption~~ of the plan.
- 182

183 Section 3.01.015 is amended as follows:

184

185 3.01.015 Legislative Amendment Procedures

- 186 (a) The process for determination of need and location of lands for amendment of
187 the UGB is provided in section 3.01.020.
- 188
- 189 (b) Notice shall be provided as described in section 3.01.050.
- 190
- 191 (c) Metro shall consult with the appropriate city and/or county concerning
192 comprehensive plan changes that may be needed to implement a legislative amendment.

(d) Metro shall consult with the appropriate city, county, school and service districts to identify lands inside first tier urban reserves which are the most capable of being served by extension of service from existing service providers for the purpose of preparing concept plans in advance for any short term need for inclusion of additional lands in the Urban Growth Boundary.

(e) When the Metro Counsel determines pursuant to Goal 14 and Section 3.01.020 that there is a need to add land to the Urban Growth Boundary, it shall initiate legislative amendments to do so. In determining which lands to add to the boundary to meet the identified need, the Council shall consider all applicable criteria including Goal 2 and Goal 14, Section 3.01.012(d), and the urban reserve planning requirements set forth in Section 3.01.012(e). If insufficient land is available that satisfies the requirements for an urban reserve plan as specified in Section 3.01.012(e), then Metro Council may consider first tier lands where a city or county commits to complete and adopt such an urban reserve plan and provides documentation to support this commitment in the form of a work program, timeline for completion, and identified funding for the program adopted by the city or county.

(f) All land added to the Urban Growth Boundary to meet a need for land shall be subject to the urban reserve plan requirements of Title 11 of the Urban Growth Management Functional Plan, Metro Code Section 3.07.011 et seq.

(eg) Legislative amendment decisions shall be accompanied by a decision record which demonstrates how findings explaining why the Urban Growth Boundary UGB amendment complies with applicable state law and statewide goals as interpreted by section 3.01.020 and subsequent appellate decisions and including includes applicable concept plans and maps demonstrating consistency with RUGGO including the 2040 Growth Concept and compliance with any applicable functional plan provisions.

(f) The following public hearings process shall be followed for legislative amendments:

- (1) The district council shall refer a proposed amendment to the appropriate council committee at the first council reading of the ordinance.
- (2) The committee shall take public testimony at as many public hearings as necessary. At the conclusion of public testimony, the committee shall deliberate and make recommendations to the council.
- (3) The council shall take public testimony at its second reading of the ordinance, discuss the proposed amendment, and approve the ordinance with or without revisions or conditions, or refer the proposed legislative amendment to the council committee for additional consideration.
- (4) Testimony before the council or the committee shall be directed to Goal 14 and Goal 2 considerations interpreted at section 3.01.020 of this chapter.

- 242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
- (5) When the council acts to approve a legislative amendment including land outside the district:
- (A) Initial action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the district within six months of the date of adoption of the resolution; or,
- (B) The district may initiate a district boundary annexation concurrent with a proposed UGB amendment ~~as provided by ORS 198.705 through 198.955;~~
- (C) The council shall take final action, within 30 calendar days of notice ~~from the boundary commission~~ that annexation to the district has been approved.

Exhibit B
Metro Code 3.07.11

**TITLE 11: URBAN GROWTH BOUNDARY AMENDMENT URBAN RESERVE
PLAN REQUIREMENTS**

3.07.11.010 Interim Protection of Areas Brought Inside Urban Growth Boundary

Prior to the approval by the Metro Council and adoption by all local governments having jurisdiction over any territory added to the Urban Growth Boundary of a plan meeting all requirements of the Urban Growth Boundary amendment urban reserve plan requirements set forth in Section 2 of this Title, a city or county shall not approve of:

- a. any land use regulation or map amendments allowing higher residential density than allowed by acknowledged provisions in effect prior to the adoption of the Urban Growth Boundary amendment;
- b. any land use regulation or map amendments allowing commercial or industrial uses not allowed under acknowledged provisions in effect prior to the adoption of the Urban Growth Boundary Amendment;
- c. any land division or partition that would result in the creation of any new parcel which would be less than 20 acres in total size.

3.07.11.020 Urban Growth Boundary Amendment Urban Reserve Plan Requirements

All territory that is added to the Metro region Urban Growth Boundary as either a major amendment or a legislative amendment pursuant to Metro Code Chapter 3.01 shall be subject to an Urban Growth Boundary amendment urban reserve plan approved by the Metro Council and adopted by all cities and counties having jurisdiction over the territory prior to any urban development occurring in the territory. Such plans shall contain a conceptual land use plan and concept map which demonstrates compliance with the RUGGO and the 2040 Growth Concept design types and all applicable functional plan provisions. Urban reserve plans shall demonstrate compliance with either subsections 1, 2 or 3, and shall also include all details required in subsections 4-13:

- (1) Provision for either annexation to a city and any necessary service districts at the time of the final approval of the Urban Growth Boundary amendment consistent with 3.01.065 or an applicable city-county planning area agreement which requires at least the following:
 - (A) City or county agreement to adopt comprehensive plan provisions for the lands added to the Urban Growth Boundary

which comply with all requirements of urban reserve plan conditions of the Urban Growth Boundary approval;

- (B) City and county agreement that lands added to the Urban Growth Boundary shall be rezoned for urban development only upon annexation or agreement for delayed annexation to the city and any necessary service district identified in the approved Concept Plan or incorporation as a new city; and
 - (C) County agreement that, prior to annexation to the city and any necessary service districts, rural zoning that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when these lands are included in the Urban Growth Boundary remains in place until city annexation and the adoption of urban zoning.
- (2) The Metro Council may approve an urban reserve plan where the Urban Growth Boundary amendment was required to assist the region to comply with the 2040 Growth Concept or to assist the region, a city or county in demonstrating compliance with statute, rule, or statewide goal requirements for land within the Urban Growth Boundary. These requirements include ORS 197.296, 197.299 and 197.303, the statewide planning goals and Regional Urban Growth Goals and Objectives. An urban services agreement consistent with ORS 195.065 shall be required as a condition of approval for any urban reserve plan under this subsection.
 - (3) The areas of Urban Reserve Study Areas #11, 14 and 65 are so geographically distant from existing city limits that annexation to a city is difficult to achieve. If the county and affected city and any necessary service districts have signed an urban service agreement or an urban reserve agreement coordinating urban services for the area, then the requirements for annexation to a city in (1)(B) and (1)(C) above shall not apply.
 - (4) Provision for average residential densities of at least 10 dwelling units per net developable residential acre or lower densities which conform to the 2040 Concept Plan design type designation for the area.
 - (5) Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.

- (6) Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.
- (7) Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the Urban Growth Boundary consistent with 2040 Growth Concept design types.
- (8) A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans.
- (9) Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include cost estimates to implement a strategy to fund resource protection.
- (10) A conceptual public facilities and services plan, including rough cost estimates for the provision of sewer, water, storm drainage, transportation, fire and police protection facilities and parks, including financing strategy for those costs.
- (11) A conceptual school plan which provides for the amount of land and improvements needed for school facilities. Estimates of the need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the procedures in ORS 195.110(3), (4) and (7).
- (12) An Urban Reserve Plan map showing, at least, the following, when applicable:

- (A) Major roadway connections and public facilities;
 - (B) Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;
 - (C) General locations for commercial and industrial lands;
 - (D) General locations for single and multi-family housing;
 - (E) General locations for public open space, plazas and neighborhood centers; and
 - (F) General locations or alternative locations for any needed school, park or fire hall sites.
- (13) The urban reserve plan shall be coordinated among the city, county, school district and other service districts, including a dispute resolution process with an MPAC report and public hearing consistent with RUGGO Objective 5.3. The urban reserve plan shall be considered for local approval by the affected city or by the county, if subsection (3), above, applies in coordination with any affected service district and/or school district. Then the Metro Council shall consider final approval of the plan.

3.07.11.030 Implementation of Urban Growth Boundary Amendment Urban Reserve Plan Requirements

Cities and counties shall adopt Urban Growth Boundary Amendment urban reserve plans as a component of their adopted comprehensive plans. The adopted plan shall be a conceptual plan and concept map that shall govern comprehensive plan, land use regulation and map amendments that implement the Urban Growth Boundary amendment urban reserve plan after the territory is included in the Urban Growth Boundary.

3.07.11.040 Effective Date and Notification Requirements

The provisions of this Title 11 are effective immediately. Prior to making any amendment to any comprehensive plan or implementing ordinance for any territory that has been added to the Urban Growth Boundary after the effective date of this code amendment, a city or county shall comply with the notice requirements of Section 3.07.830 and include in the required staff report an explanation of how the proposed amendment complies with the requirements of this Title 11 in addition to the other requirements of this functional plan.

Exhibit C

1. Chapter 1: Land Use of the Regional Framework Plan is amended to read:

“Overview

This chapter of the Framework Plan addresses regional land use policies, including those relating to the following Charter-mandated Regional Framework Plan components:

- management and amendment of the Urban Growth Boundary
- protection of lands outside the Urban Growth Boundary for natural resources, future urban or other uses
- housing densities
- urban design and settlement patterns

This chapter contains specific goals and objectives adopted to guide Metro in future growth management land use planning. Following the goals and objectives, this chapter refers to specific legal requirements for cities and counties as well as for Metro that are adopted in Chapter 8. These provisions are implemented in the acknowledged Metro Code section governing Urban Growth Boundary Amendments and in the adopted Urban Growth Management Functional Plan.

The Metro Code provisions, Urban Growth Management Functional Plan, and a background discussion and policy analysis for this chapter are all included in the Appendices of this Plan.

Policies (Goals and Objectives)

Following are Regional Framework Plan policies for land use:

1.1 Urban Form

The quality of life and the urban form of our region are closely linked. The Growth Concept is based on the belief that we can continue to grow and enhance livability by making the right choices for how we grow. The region's growth will be balanced by:

- maintaining a compact urban form, with easy access to nature
- preserving existing stable and distinct neighborhoods by focusing commercial and residential growth in mixed-use centers and corridors at a pedestrian scale
- assuring affordability and maintaining a variety of housing choices with good access to jobs and assuring that market-based preferences are not eliminated by regulation

- targeting public investments to reinforce a compact urban form.

1.2 Built Environment

Development in the region should occur in a coordinated and balanced fashion as evidenced by:

- a regional “fair-share” approach to meeting the housing needs of the urban population
- the provision of infrastructure and critical public services concurrent with the pace of urban growth and that supports the 2040 Growth Concept
- the continued growth of regional economic opportunity, balanced so as to provide an equitable distribution of jobs, income, investment and tax capacity throughout the region and to support other regional goals and objectives
- the coordination of public investment with local comprehensive and regional functional plans
- the creation of a balanced transportation system, less dependent on the private automobile, supported by both the use of emerging technology and the location of jobs, housing, commercial activity, parks and open space.

1.3 Housing and Affordable Housing

The Metro Council shall adopt a “fair share” strategy for meeting the housing needs of the urban population in cities and counties based on a subregional analysis that provides for:

- a diverse range of housing types available within cities and counties inside the UGB;
- specific goals for low- and moderate-income and market rate housing to ensure that sufficient and affordable housing is available to households of all income levels that live or have a member working in each jurisdiction;
- housing densities and costs supportive of adopted public policy for the development of the regional transportation system and designated centers and corridors;
- a balance of jobs and housing within the region and subregions.

Metro shall, through the adoption of a functional plan, require that

- before a Goal 10 exception or an exception to a functional plan requirement affecting housing is pursued by a city or county, the effect of the grant of the exception on the need for expansion of the Urban Growth Boundary shall be considered.

The regional “fair share” strategy shall be subject to all of the following policies:

- 1.3.1 Metro shall link regional transportation funding to affordable housing policy and achievement of affordable housing targets to the extent allowed by law.
- 1.3.2 Metro shall provide the forum of an Affordable Housing Technical Advisory Committee with representatives of homebuilders, affordable housing advocate groups, major employers,

financial institutions, local governments and citizens to identify cooperative approaches, regulatory reforms and incentives to be considered for inclusion in a functional plan to ensure that needed affordable housing gets built.

1.3.3 Numerical "fair share" affordable housing targets for each jurisdiction shall be included in a functional plan performance standard. With assistance from the Affordable Housing Technical Advisory Committee, the "fair share" targets will reflect the current and future affordable housing needs of the region, and are consistent with the affordable housing and jobs-housing balance policies established in this Plan.. The housing needs and the numerical targets will include consideration of existing jurisdictional proportions of affordable and non-affordable housing supply. Metro shall monitor the existing and new supply and delivery of affordable housing in the region as part of the "fair share" performance standard.

1.3.4 The 1996 Urban Growth Management Functional Plan shall be amended, if necessary, to include performance standards and other requirements for the following regionwide affordable housing policies:

1.3.4.1 A minimum density shall be established in all zones allowing residential uses.

1.3.4.2 At least one accessory unit shall be allowed within any detached single family dwelling.

1.3.4.3 Housing densities shall be increased in light rail station communities, centers and corridors, if necessary, to implement the 2040 Growth Concept.

1.3.4.4 A performance standard requiring a density bonus incentive shall be adopted. This incentive shall allow an increase of at least 25% density over the maximum allowable density in mixed use areas as incentive for a percentage of units to be developed as affordable units. The units qualifying for the incentive shall remain affordable for at least 60 years or be subject to a shared equity mortgage program. An exemption process shall be adopted with this performance standard to allow cities and counties an exemption from this requirement if a demonstrated lack of public facilities prevents implementation of this requirement.

1.3.5 An Affordable Housing Functional Plan shall be developed to include requirements for cities and counties to adopt numerical "fair share" targets and any unadopted affordable housing policies required by the Plan.

1.3.5.1 A performance standard requiring replacement ordinances shall be adopted. These ordinances shall ensure that existing affordable housing units which are lost to

demolition or non-residential development are replaced with an equal number of new affordable housing units. Metro shall develop a model ordinance for cities and counties which complies with this performance standard.

1.3.5.2 The Functional Plan shall consider the following:

- additional measures to encourage and give incentives to develop affordable housing;
- types and amounts of affordable housing to be accommodated by the jurisdiction consistent with the functional plan targets;
- provisions to remove procedural barriers to current production of affordable housing;
- a variety of tools to ensure that the affordable housing to be accommodated is actually built, such as additional inclusionary zoning incentives, donation of tax foreclosed properties for nonprofit or government development as mixed market affordable housing, transfer of development rights, permit process incentives, fee waivers, property tax exemptions, land banking, linkage programs, expedited review processes, and affordable housing funding programs.
- requirements for maintaining architectural consistency of affordable units;
- long term or permanent affordability requirements;
- provision for affordable housing for seniors and the disabled;
- provision for preferential processing of UGB amendments in First Tier urban reserves when a minimum percentage of affordable units are included.
- support for a real estate transfer tax as a funding source for an affordable housing fund at the state, regional or local level when that option becomes available under state law.

1.3.6 Regionwide mandatory inclusionary zoning, which requires a minimum percentage of moderately-priced dwelling units for all developments over a minimum size, is an important tool of regional affordable housing policy to be used with density bonuses and other incentives.

Metro shall seek immediate increases in production of affordable housing by implementing all of its regional affordable housing policies in this section. Efforts to immediately increase production of affordable housing shall include the following inclusionary housing policy:

1.3.6.1 The goals of this inclusionary housing policy are that at least 20% of new units in regionwide opportunity areas inside the UGB and in-first tier urban reserves land added to the UGB are built to be affordable to households at and below the median income without public subsidy and that accessory dwelling units begin to be a significant part of new development in 1998.

- 1.3.6.2 The urban reserve planning requirement for affordable housing shall include the establishment of requirements for a minimum percentage of affordable units and accessory dwellings. These requirements shall be developed with assistance from the Affordable Housing Technical Advisory Committee.
- 1.3.6.3 Metro shall develop performance standards and a model ordinance for a density bonus incentive consistent with Policy 1.3.4.5, above.
- 1.3.6.4 In 1998, Metro will develop a voluntary inclusionary zoning approach consistent with Oregon land use laws and 2040 Growth Concept design types that includes neighborhood architectural consistency.
- 1.3.6.5 During development of its voluntary inclusionary zoning approach, Metro will use inclusionary housing goals and principles as the basis of a voluntary program for increased production of affordable housing units without regulation.
- 1.3.6.6 Metro will develop a public-private program as soon as possible to reduce costs of production of new affordable housing and increase the supply of units to non-profit providers for possible subsidy. One part of such a program may be coordination between for profit builders and non profit affordable housing providers to facilitate sales of affordable for profit units to non profit affordable housing providers during the development of these units.
- 1.3.6.7 Regionwide mandatory inclusionary zoning and other functional plan requirements based on the zoning approach developed by Metro shall be considered for functional plan implementation at the end of 1998, if cooperative programs have not significantly moved the region toward the goals of this policy.
- 1.3.7 Metro shall inventory publicly owned lands, including the "air rights" above public lands, to identify underutilized public lands, excluding parks and open space, for possible development of affordable housing.
- 1.3.8 Metro shall be a resource to assist developers of affordable housing and nonprofit charitable organizations to identify underutilized lands owned by nonprofit organizations, including the "air rights" above those lands, for possible development of affordable housing.
- 1.3.9 Metro shall review all lands designated for residential use inside the UGB in implementation of Urban Growth Management Functional Plan to determine whether additional measures are needed to insure that an adequate supply of land, including opportunities for redevelopment, are zoned appropriately and available for affordable housing.

1.4 Economic Opportunity

Metro should support public policy that maintains a strong economic climate through encouraging the development of a diverse and sufficient supply of jobs, especially family wage jobs, in appropriate locations throughout the region.

In weighing and balancing various values, goals and objectives, the values, needs, choices and desires of consumers should also be taken into account. The values, needs and desires of consumers include:

- low costs for goods and services
- convenience, including nearby and easily accessible stores; quick, safe, and readily available transportation to all modes
- a wide and deep selection of goods and services
- quality service
- safety and security
- comfort, enjoyment and entertainment.

Expansions of the UGB for industrial or commercial purposes shall occur in locations consistent with this plan and where an assessment of the type, mix and wages of existing and anticipated jobs within subregions justifies such expansion. The number and wage level of jobs within each subregion should be balanced with housing cost and availability within that subregion. Strategies should be developed to coordinate the planning and implementation activities of this element with Policy 1.3, Housing and Affordable Housing, and Policy 1.8, Developed Urban Land.

1.5 Economic Vitality

The region's economy is a single dynamic system including the urbanized part of the Portland area and lands beyond the Urban Growth Boundary. The economic welfare of residents throughout the region directly impacts the ability of all citizens in the region to create economic vitality for themselves and their communities.

The region's economic development must include all parts of the region, including areas and neighborhoods which have been experiencing increasing poverty and social needs, even during periods of a booming regional economy. To allow the kinds of social and economic decay in older suburbs and the central city that has occurred in other larger and older metro regions is a threat to our quality of life and the health of the regional economy. All neighborhoods and all people should have access to opportunity and share the benefits, as well as the burdens, of economic and population growth in the region.

To support economic vitality throughout the entire region, Metro shall undertake the following steps, beginning in 1998:

- Monitor regional and subregional indicators of economic vitality, such as the balance of jobs, job compensation and housing availability.
- If Metro's monitoring finds that existing efforts to promote and support economic vitality in all parts of the region are inadequate, Metro shall facilitate collaborative regional approaches which better support economic vitality for all parts of the region.

In cooperation with local governments and community residents, Metro shall promote revitalization of existing city and neighborhood centers that have experienced disinvestment and/or are currently underutilized and/or populated by a disproportionately high percentage of people living at or below 80% of the region's median income.

1.6 Growth Management

The management of the urban land supply shall occur in a manner that:

- encourages the evolution of an efficient urban growth form
- provides a clear distinction between urban and rural lands
- supports interconnected but distinct communities in the urban region
- recognizes the inter-relationship between development of vacant land and redevelopment objectives in all parts of the urban region
- is consistent with the 2040 Growth Concept and helps attain the region's objectives.

1.7 Urban/Rural Transition

There should be a clear transition between urban and rural land that makes best use of natural and built landscape features and that recognizes the likely long-term prospects for regional urban growth.

- **Boundary Features** – The Metro UGB should be located using natural and built features, including roads, rivers, creeks, streams, drainage basin boundaries, floodplains, power lines, major topographic features and historic patterns of land use or settlement.
- **Sense of Place** – Historic, cultural, topographic and biological features of the regional landscape that contribute significantly to this region's identity and "sense of place" shall be identified. Management of the total urban land supply should occur in a manner that supports the preservation of those features, when designated, as growth occurs.
- **Urban Reserves** – "Urban reserve areas," shall be designated by Metro consistent with state law. Urban reserve designations shall be consistent with the Regional Framework Plan policies and shall be reviewed by Metro at least every 15 years.
 - The priority for inclusion of land within an urban reserve area shall generally be based upon the locational factors of Goal 14. Lands adjacent to the UGB shall be studied for suitability

for inclusion within urban reserves as measured by factors 3 through 7 of Goal 14 and by the requirements of OAR 660-04-010. (Copies of Goal 14 and OAR 660-04010 are included in the Appendices for informational purposes.)

- Lands of lower priority in the LCDC rule priorities may be included in urban reserves if specific types of land needs cannot be reasonably accommodated on higher priority lands, after options inside the UGB have been considered, such as land needed to bring jobs and housing into close proximity to each other.
- Lands of lower priority in the LCDC rule priorities may be included in urban reserves if higher priority land is needed for physical separation of communities inside or outside the UGB to preserve separate community identities.
- Expansion of the UGB shall occur consistent with the urban/rural transition, developed urban land, UGB and neighbor city objectives. Where urban land is adjacent to rural lands outside of an urban reserve, Metro will work with affected cities and counties to ensure that urban uses do not significantly affect the use or condition of the rural land. Where urban land is adjacent to lands within an urban reserve that may someday be included within the UGB, Metro will work with affected cities and counties to ensure that rural development does not create obstacles to efficient urbanization in the future.

1.8 Developed Urban Land

Opportunities for and obstacles to the continued development and redevelopment of existing urban land shall be identified and actively addressed. A combination of regulations and incentives shall be employed to ensure that the prospect of living, working and doing business in those locations remains attractive to a wide range of households and employers. In coordination with affected agencies, Metro should encourage the redevelopment and reuse of lands used in the past or already used for commercial or industrial purposes wherever economically viable and environmentally sound.

Redevelopment and Infill – When Metro examines whether additional urban land is needed within the UGB, it shall assess redevelopment and infill potential in the region. The potential for redevelopment and infill on existing urban land will be included as an element when calculating the buildable land supply in the region, where it can be demonstrated that the infill and redevelopment can be reasonably expected to occur during the next 20 years.

Metro will work with jurisdictions in the region to determine the extent to which redevelopment and infill can be relied on to meet the identified need for additional urban land. After this analysis and review, Metro will initiate an amendment of the UGB to meet that portion of the identified need for land not met through commitments for redevelopment and infill.

1.9 Urban Growth Boundary

The regional UGB, a long-term planning tool, shall separate urbanizable from rural land and be based in aggregate on the region's 20-year projected need for urban land. The UGB shall be located consistent with statewide planning goals and these RUGGOs and adopted Metro Council procedures for UGB amendment. In the location, amendment and management of the regional UGB, Metro shall seek to improve the functional value of the boundary.

1.9.1 Expansion into Urban Reserves – Upon demonstrating a need for additional urban land, major and legislative UGB amendments shall only occur within adopted urban reserves, unless urban reserves are found to be inadequate to accommodate the amount of land needed for one or more of the following reasons:

- Specific types of identified land needs cannot be reasonably accommodated on urban reserve lands
- Future urban services could not reasonably be provided to urban reserves due to topographical or other physical constraints
- Maximum efficiency of land uses within a proposed UGB requires inclusion of lower priority lands other than urban reserves in order to include or provide services to urban reserves.

1.9.2 First Tier Urban Reserves – Some urban reserves adjacent to the UGB ~~shall~~ may be designated as first tier urban reserves. First tier urban reserves shall be ~~included~~ considered for inclusion in the Metro Urban Growth Boundary prior to other urban reserves unless a special land need is identified which cannot be reasonably accommodated on first tier urban reserves.

1.9.3 Urban Growth Boundary Amendment Process – Criteria for amending the UGB shall be adopted based on statewide planning goals 2 and 14, other applicable state planning goals and relevant portions of the RUGGOs and this Plan:

- Major Amendments. Proposals for major amendment of the UGB may be made through a quasi-judicial or a legislative process using Metro's regional forecasts for population and employment growth. The legislative amendment process will be initiated by a Metro finding of need, and involve local governments, special districts, citizens and other interests.
- Locational Adjustments. Locational adjustments of the UGB shall be brought to Metro by cities, counties and/or property owners based on public facility plans in adopted and acknowledged comprehensive plans.

1.9.4 Urban Reserve Plans – A conceptual land use plan and concept map coordinated among affected jurisdictions shall be required for all ~~quasi-judicial and legislative amendments of~~

land brought into the Urban Growth Boundary which add more than twenty net acres to the UGB except for locational adjustments. The Metro Council shall establish criteria for urban reserve plans coordinated among affected local governments and districts which shall address the following issues:

- Annexation to a city prior to development whenever feasible.
- Establishment of a minimum average residential density to ensure efficient use of land.
- Requirements to ensure a diversity of housing stock and meet needs for affordable housing.
- Ensure sufficient commercial and industrial land to meet the needs of the area to be developed and the needs of adjacent land inside the Urban Growth Boundary consistent with 2040 Growth Concept design types.
- A conceptual transportation plan to identify large scale problems and establish performance standards for city and county comprehensive plans.
- Identification of natural resource areas for protection from development.
- A conceptual public facilities and services plan including rough cost estimates and a financing strategy for the provision of sewer, water, storm drainage, parks, transportation, fire and police protection.
- A conceptual plan estimating the amount of land and improvements needed for school facilities.
- A concept map showing the general locations of major roadways, unbuildable lands, commercial and industrial lands, single and multi-family housing, open space and established or alternative locations for any needed school, park and fire hall sites.

The actual specific criteria will be adopted as part of the Metro Code.

Metro shall require in the of the Urban Growth Management Functional Plan that no urban development may occur in territory brought inside the Urban Growth Boundary until an urban reserve plan has been approved by the Metro Council and adopted by the local government having jurisdiction over the territory.

1.10 Urban Design

The identity and functioning of communities in the region shall be supported through:

- the recognition and protection of critical open space features in the region
- public policies that encourage diversity and excellence in the design and development of settlement patterns, landscapes and structures
- ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern that:
 - link any public incentives to a commensurate public benefit received or expected and evidence of private needs

- is pedestrian “friendly,” encourages transit use and reduces auto dependence
- provides access to neighborhood and community parks, trails and walkways, and other recreation and cultural areas and public facilities
- reinforces nodal, mixed-use, neighborhood-oriented design
- includes concentrated, high-density, mixed-use urban centers developed in relation to the region’s transit system
- is responsive to needs for privacy, community, sense of place and personal safety in an urban setting
- facilitates the development and preservation of affordable mixed-income neighborhoods.

Pedestrian- and transit-supportive building patterns will be encouraged in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction.

1.11 Neighbor Cities

Growth in cities outside the Metro UGB, occurring in conjunction with the overall population and employment growth in the region, should be coordinated with Metro’s growth management activities through cooperative agreements which provide for:

Separation – The communities within the Metro UGB, in neighbor cities and in the rural areas in between will all benefit from maintaining the separation between these places as growth occurs. Coordination between neighboring cities, counties and Metro about the location of rural reserves and policies to maintain separation should be pursued.

Jobs Housing Balance – To minimize the generation of new automobile trips, a balance of sufficient number of jobs at wages consistent with housing prices in communities both within the Metro UGB and in neighboring cities should be pursued.

Green Corridors – The “green corridor” is a transportation facility through a rural reserve that serves as a link between the metropolitan area and a neighbor city which also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

1.12 Protection of Agriculture and Forest Resource Lands

Agricultural and forest resource land outside the UGB shall be protected from urbanization, and accounted for in regional economic and development plans, consistent with this Plan. However, Metro recognizes that all the statewide goals, including Statewide Goal 10, Housing and Goal 14, Urbanization, are of equal importance to Goals 3 and 4 which protect agriculture and forest resource

lands. These goals represent competing and, some times, conflicting policy interests which need to be balanced.

Rural Resource Lands – Rural resource lands outside the UGB that have significant resource value should actively be protected from urbanization. However, not all land zoned for exclusive farm use is of equal agricultural value.

Urban Expansion – Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands.

Farm and Forest Practices – Protect and support the ability for farm and forest practices to continue. The designation and management of rural reserves by the Metro Council may help establish this support, consistent with the Growth Concept. Agriculture and forestry require long term certainty of protection from adverse impacts of urbanization in order to promote needed investments.

1.13 Participation of Citizens

The following policies relate to participation of Citizens:

1.13.1 Metro will encourage public participation in Metro land use planning.

1.13.2 Metro will follow and promote the citizen participation values inherent in RUGGO Goal 1, Objective 1 and the Metro Citizen Involvement Principles.

1.13.3 Local governments are encouraged to provide opportunities for public involvement in land use planning and delivery of recreational facilities and services.

1.14 School Siting

1.14.1 School and Local Government Plan and Policy Coordination – Metro shall coordinate plans among local governments, including cities, counties, special districts and school districts for adequate school facilities for already developed and urbanizing areas.

1.14.2 Metro Review of Public Facility Plans to Include Schools – Metro, in its review of city and county comprehensive plans for compliance with the Regional Framework Plan, shall consider school facilities to be “public facilities.” School facility plans are required to be developed through the Urban Reserve Plans as specified by Metro Code 3.01.012(e)(11). Additions to the Urban Growth Boundary may only be approved by Metro following completion of conceptual school plans which provide for adequate land for school facilities in addition to other requirements.

- 1.14.3 Resolution of School Facility Funding in the Region – Metro will use the appropriate means, including, but not limited to, public forums, open houses, symposiums, dialogues with state and local government officials, school district representatives, and the general public in order to identify funding sources necessary to acquire future school sites and commensurate capital construction to accommodate anticipated growth in school populations.
- 1.14.4 Functional Plan –A school siting and facilities functional plan shall be prepared with the advice of MPAC to implement the policies of this Plan. Chapter 8, Implementation, lists the issues to be considered in the development of the functional plan.

Requirements

In order to immediately implement the land use portion of the Regional Framework Plan, Metro has adopted Metro Code Chapter 3.01, Urban Growth Boundary Amendments, and Urban Growth Management Functional Plan. These documents are incorporated as components of the Regional Framework Plan in Chapter 8 and are included in the Appendices. The Urban Growth Management Functional Plan contains requirements for cities and counties. Any additional land use planning requirements for cities and counties adopted by Metro should be incorporated into the Urban Growth Management Functional Plan structure.

Background

Future Vision

As noted above, the Future Vision statement is the broadest set of declarations about our region. The Regional Framework Plan is required to describe its relationship to the Future Vision. With regard to land-use, the Future Vision notes many values including the following:

“We value natural systems for their intrinsic value, and recognize our responsibility to be stewards of the region’s natural resources.”

“Widespread land restoration and redevelopment must precede any conversion of land to urban uses to meet our present and future needs.”

“We value economic development because of the opportunities it affords us all, but recognize that there can be true economic development only with unimpaired and sustainable natural ecosystems, and suitable social mechanisms to ensure dignity and equity for all and compassion for those in need.”

“We value our regional identity, sense of place and unique reputation among metropolitan areas, and celebrate the identity and accomplishments of our urban neighborhoods and suburban and rural communities.”

"We value a life close to the beauty and inspiration of nature, incorporated into urban development in a manner that remains a model for metropolitan areas into the next century."

"We value vibrant cities that are both an inspiration and a crucial resource for commerce, cultural activities, politics and community building."

"Direct all regional planning efforts to include equitable economic progress for communities throughout the region as a critical component for modeling and evaluation."

"Address the further diversification of our economy, the creation of family-wage jobs and the development of accessible employment centers throughout...the region in the Regional Framework Plan elements for transportation, rural lands, urban design, housing and water resources."

"Focus public policy and investment on the creation of mixed-use communities that include dedicated public space and a broad-range of housing types affordable to all."

"Incorporate specific expectations for a basic standard of living for all citizens in Regional Framework Plan elements concerned with urban design, housing, transportation, and parks and open space."

"Specifically incorporate historic preservation and landscape ecology in Regional Framework Plan elements concerned with transportation, housing, urban design, rural lands and the UGB, parks and open space, and bi-state governance."

Regional Framework Plan relationships to these statements will be described in the discussion following.

Urban Growth Boundary

State law assigns Metro responsibility for managing the region's Urban Growth Boundary, one tool for managing growth, which separates urbanizable land from rural land. The boundary was established in 1979 and included 24 cities (Beaverton, Cornelius, Durham, Fairview, Forest Grove, Gladstone, Gresham, Happy Valley, Hillsboro, Johnson City, King City, Lake Oswego, Maywood Park, Milwaukie, Oregon City, Portland, Rivergrove, Sherwood, Tigard, Troutdale, Tualatin, West Linn, Wilsonville and Wood Village) and the urban metropolitan portions of Clackamas, Multnomah and Washington counties. The UGB has been reevaluated about every five to seven years to assess whether capacity for the next 20 years is available. Since the UGB's inception, fewer than 3,000 acres of land have been added. As of the first quarter of 1997, the UGB contained 232,667 acres. Expansion of the UGB from 1978-1997 was only a little more than 1.2 percent increase. In 1997, the Metro Council concluded that there was not a 20 year land supply and that additional lands would need to be added to the Metro Urban Growth Boundary.

Approximately every five years, Metro revisits the region's urban land needs for the next 20 years and estimates the growth capacity within the UGB. A state law now requires Metro to demonstrate that there is a sufficient 20-year future capacity, which, if previous forecasts were not higher than

actual growth, must be remedied by more efficiently using the land within the current UGB or by expanding it.

Urban Reserves

The Oregon Land Conservation and Development Commission (LCDC) mandated that Metro designate urban reserves adjacent to the Urban Growth Boundary as a means of managing long-term regional growth. Designating urban reserves allows communities and the region to more cost-effectively plan and phase in public infrastructure (sewer, water, streets, schools, etc.) and enables private interests to plan development with more certainty. Careful development of urban reserves also may allow communities to plan more livable communities and conserve natural resources.

LCDC's Urban Reserve Area Rule (especially Goal 14, Factors 3 – 7) and the requirements of OAR 660-04-010 are the basis for considering urban reserves.

Compiling the state criteria and using data available or created to address state criteria, the region's selection criteria for urban reserves include:

Factor 3: utility feasibility, road network, traffic congestion and schools

Factor 4: efficiency of land and buildable land

Factor 5: environmental constraints, access to centers, jobs/housing balance

Factor 6: agricultural retention

Factor 7: agricultural compatibility

Metro designated urban reserve areas in March, 1997, to meet projected urban land needs to the year 2040. Counties are required by the Urban Reserve Area Rule to adopt rural zoning to preserve designated urban reserves for future urban use.

As the Metro Council considered possible urban reserve areas, they concluded that establishing priorities for bringing in urban reserve lands would be helpful to property owners, service providers and citizens. Accordingly, the Metro Council, with the advice of local jurisdictions, established "First Tier" lands within the urban reserves. These First Tier lands are those thought to be most easily served with urban services and for which adjacent cities or the county have indicated capacity to serve. About 4,100 acres of land ~~are~~ were designated as First Tier of the 18,579 total acres designated as Urban Reserves. The designation established s, as a formal Metro policy, which lands would be ~~brought in~~ considered first. The Metro Council is expected to move the Urban Growth Boundary ~~into~~ the Tier 1 lands consistent with its decision in 1997 that there was not a 20 year land supply.

Housing

The state's Metropolitan Housing Rule (OAR 660, Division 7) requires local jurisdictions to "plan for local residential housing densities that support net residential housing density assumptions underlying the Urban Growth Boundary."

In addition, ORS 197.303 states that cities' and counties' needed housing means "...housing types determined to meet the need shown for housing within an Urban Growth Boundary at particular price ranges and rent levels. "It also "...includes, but is not limited to attached and detached single-family housing and multiple family housing for both owner and renter occupancy; (b) government assisted housing; (c) mobile home or manufactured dwelling parks... (d) manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions."

In addition to these requirements, the state requires that cities and the urban portions of counties in the region must "...provide the opportunity for at least 50 percent of new residential units to be attached single family or multiple family housing..." and provide an "...overall density of six, ...eight...or ten or more dwelling units per net buildable acre..." Relatively small cities with some growth potential of less than 8,000 persons for the active planning area were required to provide zoning for at least six dwelling units. This applied to the cities of Cornelius, Durham, Fairview, Happy Valley and Sherwood. The urban portions of Clackamas and Washington counties and the cities of Forest Grove, Gladstone, Milwaukie, Oregon City, Troutdale, Tualatin, West Linn and Wilsonville were to provide at least eight dwelling units per acre. The urban portion of Multnomah county and the cities of Portland, Gresham, Beaverton, Hillsboro, Lake Oswego and Tigard were to provide 10 dwelling units per acre.

Analysis

The Urban Growth Boundary is one of the primary tools available to the region for managing urban form. In turn, the capacity of the boundary to accommodate growth is of critical importance to managing the UGB. Assessment of the current UGB capacity includes analysis of nine variables. These are:

- a forecast of population and jobs for the next 20 year period
- an estimate of the amount of unbuildable land (land over 25 percent slope, etc.);
- reductions to remaining buildable land for streets, parks, etc.
- reductions for the probable difference between zoning maximum densities and actual built densities

- consideration of time to allow local jurisdictions to make zoning changes if higher densities are to be allowed and required
- reductions for buildable parcels with full buildout obstacles (e.g., land with 8-24 percent slopes, etc)
- an estimate of the probable amount of additional redevelopment
- projections of probable infill on built land
- evaluation of the amount of farm tax assessment lands within the current UGB that are likely to be urbanized.

The Metro Council has concluded that capacity for the additional dwelling units needed to accommodate the year 2017 forecasted need is not totally available within the current Urban Growth Boundary. The following table provides a step-by-step description of the process, assumption and initial conclusions about the current capacity of the region's Urban Growth Boundary.

It is important to note that the variables include several new factors never before measured or considered when the capacity of the UGB was calculated. These include assessing the amount of infill and redevelopment capacity within the current UGB and assuming implementation of the 2040 Growth Concept. Estimating infill and redevelopment potential increased the total estimated potential capacity of the UGB significantly. About 40 percent of the jobs and almost 30 percent of the demand for housing is estimated to be accommodated through infill and redevelopment. These forecasts are based on actual rates occurring now in the region. This responds to statements in the Future Vision about land restoration and redevelopment as well as recognizing what is actually happening in the market.

Assuming that the Growth Concept will be implemented in UGB capacity calculations also responds to issues raised in the Future Vision. The Growth Concept includes "mixed-use communities" and a "broad range of housing types" by including regional centers, town centers, main streets, station communities and employment areas. These are all design types which encourage mixed-use development. The Growth Concept also is designed to protect existing neighborhoods by directing the higher density development to these mixed-use areas where transit service is most frequent. Assuming that this zoning will be applied and that the market will respond remains a supposition based on the requirements of Metro's Urban Growth Management Functional Plan. However, recent data concerning the past few years indicates that job growth is more than 100 percent of the Growth Concept goal and that residential growth is up to 83 percent of goal. Activity in the next few years will provide verification of these trends and will demonstrate the extent that the Growth Concept is achievable.

Table 1.1 Calculation of Current Urban Growth Boundary Capacity

	Dwelling Units	Employment
Demand Calculations:		
1994 History	633,600	956,000
2017 Regional Forecast	990,500	1,536,500
Regional Need (1994 – 2017)	356,900	580,500
UGB Need (1994 – 2017)	249,800	476,000
	(70% of Region)	(82% of Region)
Supply Calculations:		
Metro UGB Supply Capacity (net buildable vacant land today)	22,420	22,420
Capacity using 2040 Growth Concept densities	175,430	291,870
- Underbuild	(36,850)	(22,330)
- Ramp-up (1994 to 1999)	(6,430)	(2,650)
+ Net Redevelopment	46,990	162,510
+ Infill and Absorption	24,200	43,700
+ Platted Lots not counted as vacant	10,900	0
+ Development rights on "unbuildable land"	3,190	0
UGB Capacity	217,430	473,100
Result:	(32,370)	(2,900)
	(deficit)	(deficit)

Housing

Table 1.1 included estimates of needed urban housing for the region to the year 2017. In order to ensure that housing choice is provided, more detailed data about housing needs of the region are necessary.

Table 1.2 is from the Housing Needs Analysis, describing the region's housing needs to the year 2017.

[Table 1.2 not included (no changes)]

As can be seen, a wide variety of housing types will be needed to meet expected future demand in the region. Differing construction types, including manufactured housing, stick built and some high-rise structures are included. Ownership and rental options are also included, as are varieties in housing density. No one housing type can supply the varying needs of the region.

It is also important to consider the dynamics of residential development in the region. The regional economy is cyclical and the region is likely to continue to have times of high and low growth rates.

The importance of these cycles is that there is a correlation between high growth rates and high housing prices/low affordability. In the late 1970s, we had high growth rates and low affordability at rates comparable to current conditions.

Housing prices in the region are high and housing affordability is lower than some times in the region's past. In particular, this causes those who rent or first-time homebuyers to get less housing or pay much more of their household income than recommended. However, housing prices are only slightly higher than those in other metropolitan regions in the nation and are lower than most metropolitan areas in the West.

Interestingly, the region is at historic highs with regard to the number of units being built. Accordingly, an unchanging or slowly increasing supply does not seem to be the primary obstacle to lowering housing prices.

Limitations to increased production include:

- home builders can "ramp-up" production only so quickly
- the increasing cost of land and labor
- lack of urban infrastructure to vacant buildable lands
- local government zoning inflexibility can limit development options and reduce the capacity of the region to accommodate growth. This results in more expensive housing.
- higher standards including those for stormwater management, seismic standards, energy conservation, etc. (However, these costs existed before the regulations, they were simply paid for in a different way – homes were flooded, residents paid more for heating costs, etc. These "extra" costs may also be thought of as cost shifts rather than increased cost.)

It is estimated that about 2/3 of the forecast growth is from people moving to the region. In addition, the demographic characteristics of the total population is expected to change. The future population is expected to be on average older, have more years of education, have fewer people per household and be more racially diverse. Inherent in these forecasts is that continuing in-migration will be attracted by a continuing robust economy and preeminent livability. Also of note, a smaller average household size means a demand for more housing units even if total population did not change.

Another finding of the technical analysis of housing market dynamics of this region is that the demand for land is much more elastic than previously thought. That is, most people are not willing to pay much more for a larger lot. Therefore, the market is likely to adjust if higher densities are allowed. In fact, the market has already adjusted to 83 percent of Growth Concept residential densities during the 1993 to 1995 period. The biggest obstacle to accommodating this density of development seems to be existing zoning regulations, which may limit change in some area. As building size has much more influence on total housing cost than the cost of raw land, unless average

house size built drops dramatically, expanding the Urban Growth Boundary greatly could likely only result in lower densities, not lower housing costs.

Another dynamic of our region can be illustrated by comparison with other metropolitan areas. For example, in most regions in the country, a deteriorating inner urban core is the source of affordable, if less desirable, housing. However, in this region, the value of close-in housing has not depreciated, rather, it has appreciated substantially from values in the early 1980s even adjusting for inflation. In some cases, appreciation in inner urban areas has outstripped the appreciation in more suburban locations. As long as these areas retain a high quality of life, they will remain desirable and not be a source of affordable housing.

It is also important to note that as new lands are added to the Urban Growth Boundary, they will not effectively increase the supply of buildable land until infrastructure (roads, sewer, water, etc.) is available or provided. If the public is not willing to fiscally support these services in a timely manner, either standards must be lowered or new property owners (through the housing price passed on by the developer or builder) must be able to pay for these services. Alternatively, very large tracts of buildable lands must be made available (e.g., 500-1,000 acre pieces of flat farmlands) so that economies of scale can be realized.

Another factor in housing dynamics is that housing expectations have been rising. If the average house built in 1950 were built today, the result would likely be affordable housing. The average house built in 1950 was about 800 square feet (with a much larger average household size than today). In contrast, the average home built today is about 1,900 square feet. Simply put, one way to produce affordable housing is to build small homes on small lots.

A substantial number of today's households (currently about 12 percent) are subsidized or assisted housing. Subject to very major changes to the regional housing market and/or state and federal government policy changes, it is likely that this percentage of assisted housing will be needed in the future.

Housing costs are likely to be high and unaffordable in the future when high rates of growth occur. There is only so much that can be done to address affordability during these times. If the inner core housing remains desirable, high growth rates continue, low public interest in substantial urban expansion on farmlands persists and low public support for substantial public infrastructure extensions remains, then public policy initiatives to encourage affordable housing will be needed if additional affordable housing is to be provided.

Consistent with the analysis above and concerns stated in the Future Vision statement regarding "...a broad range of housing affordable to all." The Housing Needs Analysis includes three examples of

how fair share can be calculated. However, additional discussion of fair share calculations and methods will be needed before fair share targets for each jurisdiction in the region can be determined.

Urban Reserves

Urban reserve areas are lands designated for future expansion of the Urban Growth Boundary when needed. Recognizing that accommodation of future growth within the current UGB is only one way to address future growth, more than 23,000 acres of lands adjacent to the current Urban Growth Boundary were analyzed for suitability as urban reserves. These urban reserve study areas were determined by the Metro Council after consideration of public testimony and technical analysis. The technical analysis included consideration of land forms and the landscape ecology of the region. Land forms such as the Boring Lava domes and water features such as streams, floodplains and wetlands were mapped and considered along with avoidance of lands protected as exclusive farm and forest lands all around the current UGB. Avoidance of most of these features was directed by the Metro Council as it determined which areas to study as urban reserves. This direction relates to the Future Vision statement that suggests that "...specifically incorporate...landscape ecology in Regional Framework Plan elements concerned with transportation, housing, urban design, rural lands and the UGB. . ."

During a period of more than two years, a technical analysis of the study areas was completed, and discussion and public testimony was heard and considered by the Metro Council. On March 6, 1997, the Metro Council designated 18,579 acres of urban reserves. The location of these urban reserves is shown on the Metro 2040 Growth Concept Map.

The adopted urban reserves provide an estimated 23-year inventory of land beyond the 20-year supply to be maintained within the Urban Growth Boundary. From these reserves, the region can expand as needs are unable to be met within the current Urban Growth Boundary.

In addition, a "First Tier" of urban reserves lands – lands to be ~~brought~~ considered for inclusion into the Urban Growth Boundary first – has been designated. A set of requirements to be met prior to development also has been added to the Metro Code (see Appendix B, Metro Code Chapter 3.01 for more details) to ensure that the transition from rural to urban within ~~the First Tier and other urban reserves~~ land brought into the Urban Growth Boundary addresses critical issues including governance, land-use planning, provision and funding of needed public facilities, conservation of natural resources and affordable housing.

While there are direct connections between the Urban Growth Boundary and urban reserves, it should be noted that one of the fundamental aspects of urban growth boundaries is that they are intended to

expand as needed to provide capacity for projected growth. Urban reserves, whether there is an immediate demand, provide clear policy direction about where the boundary will move over time and allow both private and public sectors to anticipate and act accordingly.

Economic Opportunity

The regional economy, like all economies, is subject to cycles – periods of faster growth and slower growth. Currently the region has very low unemployment and relatively high rates of construction. Some of these conditions may be the result of local policies, but, as much of the country as a whole is experiencing similar conditions, other factors, outside the region, clearly also play a role. It seems likely that these conditions will not continue indefinitely, and economic circumstances will change. When change does occur, interest in addressing future unemployment is likely to increase. However, the results of any corrective actions may take time to take hold. Accordingly, actions to address economic conditions must consider that there is a time lag between action and outcome. There may be few short-term regional economic fixes.

The region has effectively used several strategies to maintain economic activity. One strategy has been to maintain the region's livability. This includes conservation of and access to the natural landscape as well as more traditional considerations such as attention to the transportation system, public infrastructure, etc. A second strategy has been to encourage efficient use of land within the region. While housing at prices or rents consistent with jobs could be improved in some areas, the region is relatively compact, making jobs and housing reasonably close. As long as sufficient land for housing and jobs are provided and sufficient natural areas are conserved, these strategies can continue to keep the region attractive and provide a competitive advantage when compared with other metropolitan areas of the country. A third strategy has been to designate large amounts of industrial land such as the sunset corridor, Columbia south shore and in Tualatin.

Analysis of employment growth in the region has found that about 40 percent of new jobs are on lands considered "developed." Second shifts are added, office space per person is reduced or other measures are taken to accommodate more workers within existing buildings. Redevelopment of existing buildings or removal and replacement also constitute means of securing additional density. Another means of adding capacity is that additional building space may be added to lands assumed to be fully developed. While either of these methods are not as noticeable as new buildings built on vacant lands, this job capacity is significant.

Another economic consideration is diversification of the region's economy. The bulk of new jobs come from small businesses. Many small businesses provide a diversified and stable economy when compared to an alternative of reliance on a relatively few large businesses. Having more small

businesses also provides more opportunities for people to own their own businesses and likely provides more business interest in community affairs.

The Future Vision states that the Regional Framework Plan should "address the further diversification of our economy, the creation of family-wage jobs and the development of accessible employment centers throughout...the region in the Regional Framework Plan elements for transportation, rural lands, urban design, housing and water resources." In addition, it recommends the Regional Framework Plan "incorporate specific expectations for a basic standard of living for all citizens in Regional Framework Plan elements concerned with urban design, housing, transportation, and parks and open space."

The Growth Concept provides access to most areas of the region via many different modes, especially transit service. This is in contrast to some metropolitan areas which have urban inner cores with difficult transit access to suburban jobs. The region apparently does have some attractiveness to smaller businesses, as the region has been named two years running as the No. 1 large "city" ("Portland, OR/Vancouver, WA") for entrepreneurs ("The Nations Entrepreneurial Hot Spots," October 1995 and October 1996 Entrepreneur Magazine).

Accordingly, policies that encourage smaller businesses to form, expand and prosper would seem to be more effective than other methods of maintaining a stable economy.

Urban/rural Transition

The concept of separating urban areas, or rural reserves, emerged during the Region 2040 planning process. Rural reserves would serve to separate and protect rural lands from lands within the Urban Growth Boundary over a 50-year period.

Rural reserves would include land used for farms, forestry, natural preserves and very low-density rural residential development and might receive priority status for new park and open space acquisitions. New commercial or industrial development would be restricted, and highway interchanges, other highway access to the rural road system and extensions of urban services would be prohibited.

Rural reserves might also be used to separate cities and break urban patterns within the Urban Growth Boundary. Rural lands already create separation between Cornelius and Hillsboro, and Tualatin, Sherwood and Wilsonville.

Neighbor Cities

The future of the region is closely linked to our neighbor cities. Their growth will affect us, as ours will affect them. By coordinating planning efforts, we can help ensure livability inside and outside our borders.

Based on projections, Sandy, Canby and Newberg will grow the most. And as a result of strong transportation connections, Woodburn, Scappoose and North Plains will also experience growth pressure. Conversely, with poor transportation connections, Estacada will probably experience less growth.

Based on analysis done in Concepts for Growth, developing an effective neighbor cities strategy could help contain traffic congestion by keeping 65 percent of work traffic and 90 percent of non-work traffic within neighbor cities. This strategy relies on using rural reserves to separate neighbor cities from urban areas, working cooperatively with neighbor cities to balance jobs and housing within their communities and directing transportation through green corridors.

Protection of Agriculture and Forest Lands

More than 233,000 acres of rural resource lands (zoned exclusive farm and forest) exist within the tri-county area. With the Metro Council decision on Urban Reserves, 3,085 acres of resource lands were designated as urban reserves, leaving more than 230,000 acres of remaining resource lands in the tri-county area. The Future Vision states that "rural lands shape our sense of place by keeping our cities separate from one another, supporting viable farm and forest resource enterprises and keeping our citizens close to nature, farm, forest..." Further, it states that the Regional Framework Plan should "actively reinforce the protection of land currently reserved for farm and forest uses for those purposes." While not all rural resource lands were protected, less than 2 percent were affected by the urban reserve decision – a decision that is estimated to provide a 23 year supply of buildable land beyond the capacity within the current UGB.

Schools

Overview

Our region faces many challenges in accommodating growth while still maintaining a high level of amenities and sustaining the quality of life standards that the people of this region cherish. One of

these challenges is to provide a quality education for the growing number of school-age children¹ in this region. This chapter focuses on the challenges faced by public schools today and in the future.

Current population estimates (1995) show about 223,000 children² living inside the Urban Growth Boundary. This represents a sharp increase of nearly 11 percent growth in school-age children in just the last five years. By the year 2015, Metro expects the total number of school-age children to increase by another 35 percent to about 300,000. According to current school enrollment estimates, about 90 percent of the region's school-age population attends public schools³. If this school enrollment ratio continues, an increase of around 70,000 children can be expected to attend public schools when compared with today's enrollment estimates.

New schools are needed in areas with growing populations, but sufficient land for school siting is becoming more difficult to locate as large parcels are becoming more scarce and expensive within the Urban Growth Boundary. Planning in the region has always attempted to encourage the establishment of schools, especially elementary schools, as the major focus of neighborhoods. However, school districts are usually unable to establish long-term site acquisition plans. They have only been able to address more immediate facility needs, in the 1-4 year range, and usually two years or less. This does not lend itself to acquisition of sites well in advance of need. In addition, schools have a cash flow problem. Even if able to locate an appropriate site, the district must raise the capital, usually through a bond measure. By the time the district is in a position to purchase the land, the land price is much higher than what it was when growth in the area began, or the property may no longer be available for purchase.

The basic philosophy of the 2040 Growth Concept is to preserve our access to nature and to build better communities for the residents living here today and who will live here in the future. The Growth Concept calls for a more compact urban form, and for providing for all modes of transportation, including walking. Design of residential areas, especially street connectivity, can be critical in providing alternatives to only driving school children to school. School siting and design can also play a role in assuring that walking and biking are an alternative and viable means of transportation. School site size may also be an issue as most other public and private uses are looking for ways to more efficiently (and more cheaply) accommodate uses on smaller sites.

¹ We define school-age children to be between the ages of 5 and 18, inclusively. Elementary school-age children are assumed to be between 5 and 10 years old, inclusive. Middle school children are between ages 11 and 13, inclusive.

² The school-age population estimate for the tri-county area (Multnomah, Clackamas and Washington counties) in 1995 is 247,000. In order to get a UGB estimate of school-age children, we assume about 90% of the tri-county population figure. The school-age population estimate for the tri-county area (Multnomah, Clackamas and Washington counties) in 1995 is 247,000. In order to get a UGB estimate of school-age children, we assume about 90% of the tri-county population figure.

³ The other 10 percent of eligible school-age children attend private or parochial schools or are home-schooled.

Schools provide a valuable service to our communities and serve a variety of functions: education center, meeting center, sporting events and open space. Land needs will need to reflect the variety of uses and needs that a school site may serve. Better communities may also be enhanced if planning for schools is done in coordination with planning for other public facilities such as parks, libraries, etc.

The needs of schools and children and the families they serve must be recognized in the growth equation of this region. Together we must address the challenges faced by school districts. We must strive to discover creative solutions and tools that address issues of school siting and design, capital costs and funding strategies, and collaborative community partnerships relative to at least the land use, transportation and parks elements of this framework plan.

Background

This section gives an overview of existing state and regional policies governing school districts in regards to planning for school needs.

State Requirements

ORS 195.110 addresses planning for schools districts with high growth. A city or county with a "high growth school district," must include in its comprehensive plan a school facility plan prepared by the district in cooperation with the city or county. A "high growth school district" is one that has "an enrollment of over 5,000 student and had an increase in student enrollment of six percent or more during the three most recent school years, based on certified enrollment numbers submitted to the Department of Education during the first quarter of each new school year." As can be seen, the school districts of Beaverton, Tigard-Tualatin and West Linn meet the requirements of a high growth school district.

Table 1.3 Enrollments in School Districts Larger than 5,000 Pupils in the Metro Area

School District	1994-1995	1995-1996	1996-1997	Increase in Enrollment 1994-1997
Beaverton	28,341	29,320	30,210	6.6%
Centennial	5,595	5,631	5,881	5.1%
David Douglas	7,092	7,237	7,369	3.9%
Gresham-Barlow	11,022	11,060	11,242	2.0%
Hillsboro	15,220	15,564	15,898	4.5%
Lake Oswego	6,938	7,026	7,272	4.8%
North Clackamas	13,817	13,964	14,339	3.8%
Oregon City	6,905	6,966	7,199	4.3%
Portland	53,339	53,527	54,408	2.0%
Reynolds	7,959	7,955	8,142	2.3%
Tigard-Tualatin	10,302	10,645	10,917	6.0%
West Linn/Wilsonville	6,711	6,975	7,182	7.0%

Source: Oregon Department of Education, Hillsboro School District 1J

In addition to ORS 195.110, Goal 11 of the Statewide Planning Goals and Guidelines addresses public facilities and services. The goal is to "plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." However, for urban facilities and services, "key facilities" does not include schools, nor does the goal require public facilities plans to include schools.

Regional Policies

Future Vision

The Future Vision statement is the broadest set of declarations about our region. The Regional Framework Plan is required to describe its relationship to the Future Vision. With regard to schools, the Future Vision notes many values, including that the region should:

"Create and enhance cooperative ventures linking public and private enterprises to ensure that:

Community arts and performance centers, community libraries and schools, colleges and universities, concert halls, galleries, museums, nature centers and theaters are each vital links in the integrated educational system for all residents, and

Opportunities exist for all children and community residents, regardless of income, to engage in the visual, literary and performing arts in community centers closest to their homes.”

Metro Policies

The Regional Urban Growth Goals and Objectives (RUGGO), originally adopted in 1991 and are now wholly incorporated within this document (see Chapter 8, Management, especially section 8.7, Implementation) defined implementation roles including school districts.

In addition, in February 1997, Metro Council adopted approximately 18, 500 acres of urban reserves, areas where future Urban Growth Boundary expansion will occur. Chapter 3.01 of the Metro Code addresses the Urban Growth Boundary and urban reserve procedures. The chapter was amended after the adoption of urban reserves to reflect procedural changes to the Urban Growth Boundary amendment process and establishment and management of urban reserves. Objectives of the urban reserve, which are outlined in 3.01.005(c), include one that specifically relates to schools: urban reserves are to “provide for coordination between cities, counties, school districts and special districts for planning for the urban reserve areas.”

Section 3.01.012(e) of the Code requires a conceptual land use plan and concept map that demonstrates compliance with the 2040 Growth Concept for ~~any major amendment applications and legislative amendments of land brought into~~ the Urban Growth Boundary before urban development occurs. A conceptual school plan is one of the required components of urban reserve plan that “provides for the amount of land and improvements needed for schools facilities. Estimates of the need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the procedures in ORS 195.110(3), (4) and (7).” An urban reserve plan map must show the “general locations or alternative locations for any needed school, park or fire hall sites.

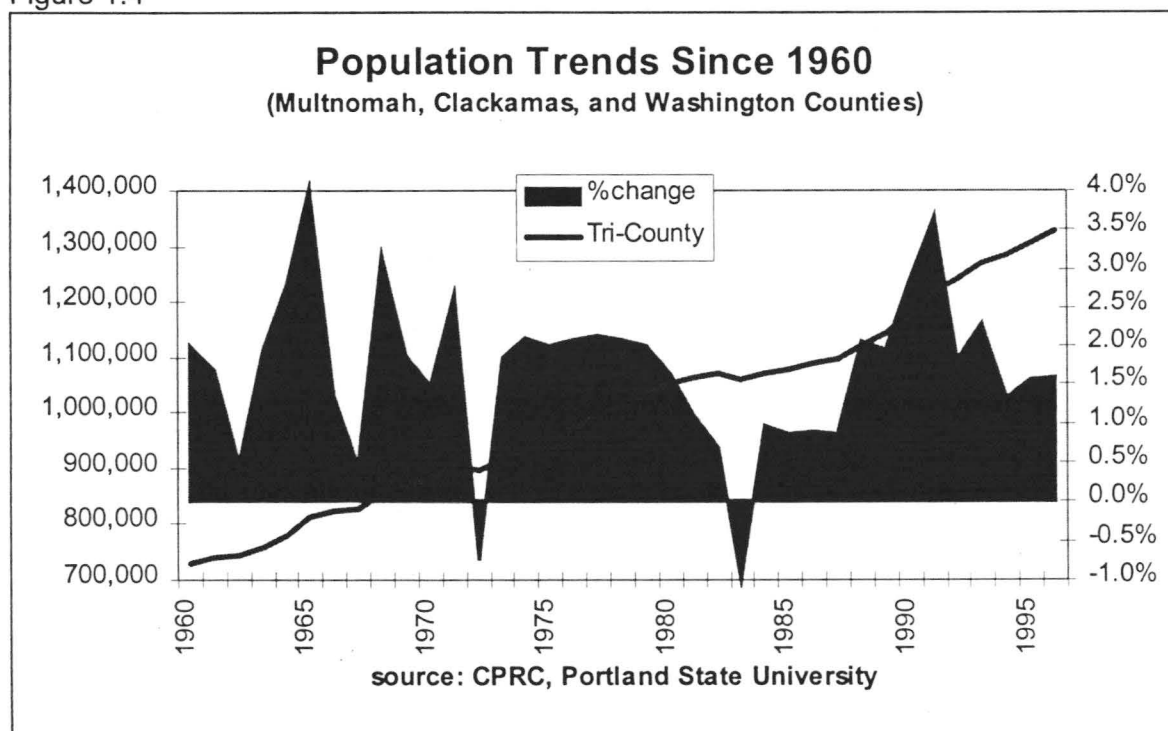
Analysis

The Metro Urban Growth Boundary added over 500,000 new residents⁴ between 1960 and 1995. In 1960, there were about 730,00 people living in the tri-county area (Multnomah, Clackamas, and Washington counties). The share of school-age children then was 24.8 percent of the total population,

⁴ The net change in population inside the present Metro UGB for the period 1960 to 1995 is a very rough estimate because the first Urban Growth Boundary was not drawn until 1979. Therefore, any estimate of population inside the UGB prior to 1979 is, at best, an educated guess. The U.S. Census in 1960 estimated 728,088 residents in the tri-county area. By 1995, Portland State University (CPRC) estimated 1,305,100 residents living in the tri-county area, an increase of about 575,000 during this 35 year span.

or about 181,000 children between the ages of 5 and 18, inclusive. Today, the number of residents in the tri-county area has grown to over 1.3 million in all – of which 247,000 are school-age children. However, there are now proportionally fewer school-age children in the tri-county area – only 18.9 percent of the total. The overall demographic characteristics of the entire population have also changed. As a population, the people living in the region today are somewhat older and are less likely to have as many children during their lifetime. Fertility rates and the average household sizes across the region have steadily declined during this period. A summary statistic in 1960 showed that the median age in the region was 32.8 years; today the median age has edged up to over 34.8 years of age.

Figure 1.4



Between 1960 and 1995, the number of school-age children for the tri-county population increased by approximately 66,000 children. However, this single statistic does not describe the entire story. During this 35-year period, a number of demographic changes occurred. In 1964, the “baby-boom” generation ended, and with the end of this generation began almost two decades of virtually no change in the number of school-age children in this region even while the overall total population was still increasing at a rapid pace. During this period, the region’s population grew at an average annual rate of 1.7 percent a year (the national average during this same period was 1.08%), but the total regional number of children did not appreciably change. In 1970, the decade began with about 230,000 school-age children; twenty-five years later, the number of children in the same age group increased only slightly to 247,000, an average growth rate of only 0.3 percent per year.

In the 1990's, we saw a remarkable turnaround in the number of school-age children in the tri-county area. From about 223,000 in 1990, the number of children between 5 and 18, inclusive, rose to about 247,000, an increase of 10.8 percent or 2.1 percent growth per year (see table: *Change in the Number of School Age Children*). After 20 years of virtually no increase in the school-age population, clearly, the so called "baby-bust" generation has come to an end and a second wave of births had begun in the late 1980's and is now appearing in elementary school enrollment in the 1990's.

Table 1.5 Change in the Number of School Age Children

Year	Change	% Change
1960-70	49,143	27.2 %
1970-80	11,152	4.8
1980-90	3,753	1.7
1990-95	24,246	10.9
1995-00	24,120	9.8
2000-05	16,338	6.0
2005-10	15,275	5.3
2010-15	15,715	5.2

It has become apparent that the baby-boom generation, which was once thought to have forsaken the path of parenthood, has temporarily reversed the downward spiral of child births and is now giving birth to a "baby-boomlet" – an echo of the first baby boom.⁵ Demographers now believe that women have only delayed childbirth to a later age. Instead of bearing children in their early 20's, many women of the previous generation (1965-1985) put off having children until their late 20's and early 30's. Some have even waited until their late 30's and early 40's to have their first child.

This shift in demographics is now starting to show up in the number of school-age children growing up in this region. An increase of nearly 25,000 additional children of school age within a span of five years (1990-95) is a sharp increase not seen since the last baby boom. However, we are less sanguine about the peak and duration of the current baby-boomlet. It is our belief that because of the delay in female pregnancy combined with slowly declining fertility rates, the baby-boomlet will be shorter in length and less robust. By 2000-05, we anticipate the current baby-boomlet will begin to falter and slow.

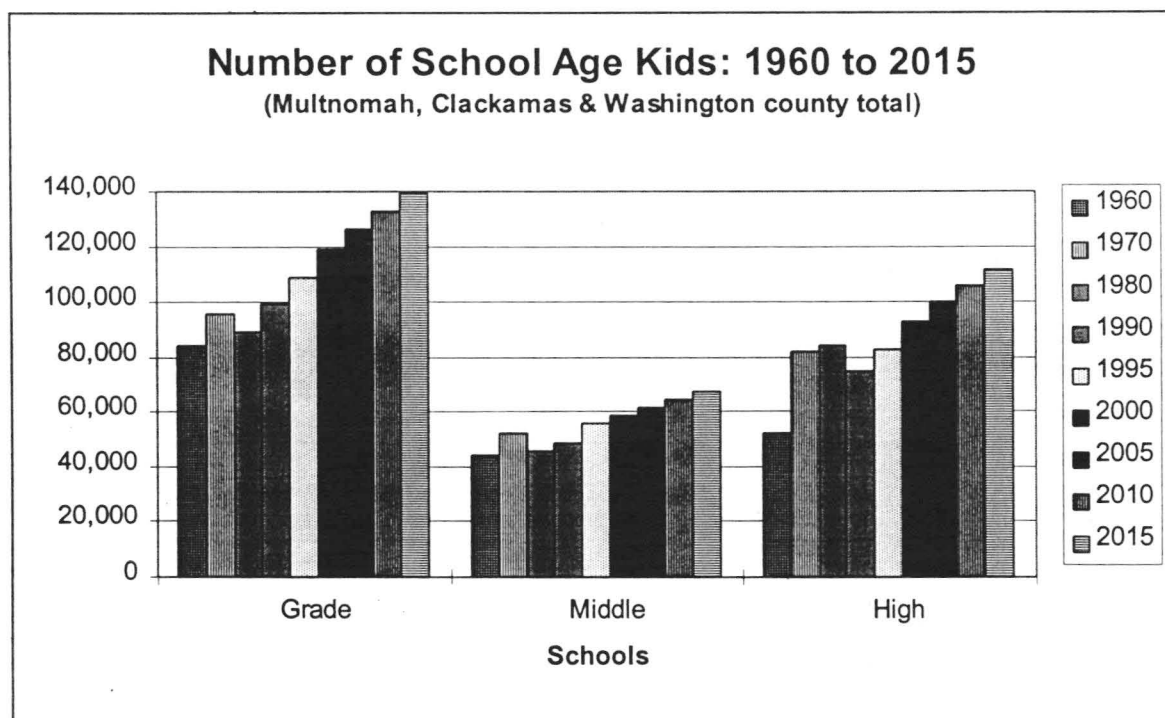
⁵ Shifting socio-economic behavior (e.g., greater number of women entering the workforce, higher female labor force participation, birth control, higher costs involved in raising children, slower wage and productivity growth) have occurred which have combined to create the "baby-bust" which began in the late 1960's and extended through the early 1980's.

Meanwhile, direct migration of families with school-age children and working-age couples will tend to prop up and boost the number of children. Migrants tend to be younger and eventually more likely to begin families after they have settled into the region. The Metro Regional Forecast anticipates a steady stream of migrants flowing into this region – about 10,000 per year. About 20 percent are assumed to be in the school-age population group. Therefore, migration not only directly adds about 2,000 school-age children each year, but also contributes through additional births derived from newly transplanted Oregonians.

However, despite continuing gains projected in school-age population numbers, the overall population will continue to age and the share of school-age children will slowly decrease. The median age today is estimated to be about 34.8 years; by 2015 the median age is projected to increase to 36.9 years old. In other words, the fastest growing segment of the population will still be weighted in favor of the baby-boomers, but these baby-boomers will be much grayer than they are today. The second-baby boom wave, the baby-boomlet, will be like an echo – much fainter than the original wave but still audible.

In the forecast for the next 20 years, we anticipate an increase in the number of school-age children from 247,000 in 1995 to approximately 318,000 – an increase of another 71,000. This is a potential increase of about 29 percent more children than in today's student enrollment.

Figure 1.6



The conclusion that is reached from reviewing this data is that the next decade or so is likely to experience much greater growth of school-age children than that experienced in the last two decades. While there may be some additional capacity available within existing school infrastructures, it is likely that substantial increases in school capacities will be needed in order to accommodate expected growth.⁶

⁶ The scope of this analysis was limited to the entire tri-county region. Any interpolation or extrapolation of the data or information from this analysis to smaller areas or specifically to individual school districts or attendance areas should NOT be made. Each school district in the region should analyze its own population and enrollment projections based on its own population forecast, attendance and school district specific data sets. It would be inappropriate to use regional data to estimate individual school district enrollment trends.

2. Chapter 3: Parks, Natural Areas, Open Spaces and Recreational Facilities of the Regional Framework Plan is amended to read:

Overview

Parks, natural areas, open space, trails, greenways and associated recreational services provide important benefits to the visitors and citizens of the Portland metropolitan region including:

- Personal health benefits from leisure and fitness activities in local parks and open spaces (e.g., hiking, biking, field sports, playgrounds, swimming, picnicking, fishing, wildlife viewing). Recreational pursuits are vital to the social development of youth and the mental and emotional health of adults.
- Community benefits such as park access close to home, environmental education opportunities and community involvement in the planning and management of facilities. Parks and natural areas also provide unique landscape characteristics in the community.
- Economic benefits related to tourism and recreation industries and enhanced property values.
- Environmental benefits helping to maintain air and water resources, providing flood control and protecting fish and wildlife habitat.

Citizens throughout the region have demonstrated the importance of parks, natural areas and recreation services through their support in elections, opinion surveys, recreational activities and volunteer community service. Today, over 700 publicly-owned parks exist within and adjacent to the metropolitan region ranging from Mill End Park (18-inches in diameter) to Forest Park (4,683 acres). These facilities are managed by over 25 public park and recreation service providers. Metro currently manages more than 6,500 acres of land at more than 40 locations.

With increasing growth in the region, the demand for park facilities and recreational services has also increased. But the supply of facilities and services has not kept pace. The ability of parks providers to maintain existing parks is increasingly strained. Resources to acquire, develop, operate and maintain new parks are scarce. This is due to a variety of factors including an exclusive dedication of gas tax revenues to highway needs, significant reductions in federal appropriations for federal, state and local parks programs (e.g., Land and Water Conservation Fund), reductions in federal timber harvest receipts to counties, and property tax reduction measures.

Metro recognizes the desire of citizens to have quality natural areas and parks close to home. Metro is working with federal, state, and local governments to address and meet the park and recreation needs of the Portland metropolitan area. The Metro Charter, approved by voters of the region in 1992, authorizes Metro to acquire, develop, maintain, and operate a system of parks, open space, and recreational facilities of metropolitan concern.

The policies and implementation of the parks, open spaces and recreation component of the Regional Framework Plan is based upon the Metropolitan Greenspaces Master Plan, adopted by Metro Council in 1992. The Greenspaces Master Plan describes goals and policies related to establishing an interconnected system of natural areas, open space, trails, and greenways for wildlife and people throughout the metropolitan area. The master plan relates to a number of Regional Urban Growth Goals and Objectives (RUGGOs), particularly Objective 15 which calls for protection of natural areas, parks and fish and wildlife habitat.

This chapter of the Regional Framework Plan outlines the policies that guide Metro in providing services related to the provision of parks, open spaces, and recreational services. The policies reflect the importance of parks, natural areas and recreational facilities in the urban fabric of communities throughout the region, and offer measures to ensure that natural resources are protected and citizens are provided appropriate recreational opportunities and facilities, close to where they live. This chapter also directs Metro to develop a functional plan that will provide specific requirements for cities and counties related to the need for specific comprehensive plans and implementing ordinances that recognize the need for park and open space planning.

Policies (Goals and Objectives)

Metro policies related to parks, open spaces, and recreational services address inventory, protection, management and use of these resources at the regional and local levels. These policies have been derived from the Greenspaces Master Plan, the RUGGOs, the Future Vision Report, and recommendations from MPAC, the Greenspaces Technical Advisory Committee, and from citizens of the region.

3.1 Inventory of Park Facilities and Identification and Inventory of Regionally Significant Parks, Natural Areas, Open Spaces, Trails and Greenways

- 3.1.1 Metro will inventory and identify regionally significant parks, natural areas, open spaces, vacant lands, trails and greenways at the watershed level using topographical, geologic and biologic functions and features, i.e., "landscape ecology," to ensure coordinated protection and enhancement of natural functions such as water quality and wildlife habitat across jurisdictional boundaries.
- 3.1.2 Metro will identify natural corridors that connect regionally significant parks, natural areas, open spaces, trails and greenways. River and stream corridors, utility corridors, abandoned roads, and railroad rights-of-way will provide primary linkages.

- 3.1.3 Metro will inventory lands outside the Urban Growth Boundary and Metro's jurisdictional boundary and identify them as prospective components of the Regional System when protection of these lands are determined to be of direct benefit to the region.
- 3.1.4 Metro shall identify urban areas which are deficient in natural areas and identify opportunities for acquisition and restoration.
- 3.1.5 Metro, with the assistance of local governments shall update the parks inventory which was completed in 1988. The inventory shall include acreage, facilities, environmental education programs, cultural resources, existing school sites and other information as determined by Metro and the Greenspaces Technical Advisory Committee. This inventory should be updated at five (5) year intervals.
- 3.1.6 Using appropriate landscape level techniques, such as remote sensing or aerial photo interpretation, Metro will inventory the urban forestry canopy on a periodic basis and will provide inventory information to local jurisdictions.

3.2 Protection of Regionally Significant Parks, Natural Areas, Open Spaces, Trails and Greenways

- 3.2.1 Metro will continue to develop a Regional System of Parks, Natural Areas, Open Spaces, Trails, and Greenways (the Regional System) to achieve the following objectives:
 - a) protect the region's biodiversity;
 - b) provide citizens opportunities for, primarily, natural resource dependent recreation and education;
 - c) contribute to the protection of air and water quality; and
 - d) provide natural buffers and connections between communities.
- 3.2.2 Metro, upon the advice of citizens, and in coordination with local governments and state and federal resource agencies and appropriate non-profit organizations, will finance and coordinate protection and management of the Regional System across jurisdictional boundaries.
- 3.2.3 Strategies to protect and manage the Regional System and regional Goal 5 resources will include, but not be limited to, acquisition, education, incentives, land use and environmental regulations.
- 3.2.4 Lands inside and outside the Urban Growth Boundary and Metro's jurisdiction will be included in the Regional System when protection of these lands are determined to be of direct benefit to the region.

- 3.2.5 Metro shall collect and evaluate baseline data related to natural resource values of the regional system to identify trends and to guide management decisions.
- 3.2.6 New transportation and utility projects shall seek to avoid fragmentation and degradation of components of the Regional System. If avoidance is infeasible, impacts shall be minimized and mitigated.
- 3.2.7 Metro, in conjunction with affected local governments will work with the State to update, reinvigorate and implement a Willamette River Greenway Plan for the metropolitan region.

3.3 Management of the Publicly-Owned Portion of the Regional System of Parks, Natural Areas, Open Spaces, Trails and Greenways

- 3.3.1 Metro will assume management responsibility for elements of the publicly owned portion of the Regional System, as outlined in a functional plan to be developed.
- 3.3.2 Metro will assume financial responsibility related to those portions of the publicly owned system which are managed by Metro.
- 3.3.3 Local governments shall be given an opportunity to transfer existing publicly owned components of the Regional System to Metro and to acquire components of the Regional System with local resources.
- 3.3.4 The publicly owned portion of the Regional System shall be managed to protect fish, wildlife, and botanic values and to provide, primarily, natural resource dependent recreational and educational opportunities.
- 3.3.5 Metro will acquire portions of the Regional System as financial resources allow. Metro will negotiate acquisition agreements primarily with willing sellers. Power of eminent domain will be used only in extraordinary circumstances.
- 3.3.6 Master/Management plans shall be developed for each component of the Regional system to insure public use is compatible with natural and cultural resource protection. Master/Management plans shall be completed prior to formal public use.
- 3.3.7 Metro and local government cooperators in the Regional System shall be responsive to recreation demands and trends identified in the State Comprehensive Outdoor Recreation Plan (SCORP).
- 3.3.8 Metro shall develop master planning guidelines to assure consistency in the management of the Regional System.

- 3.3.9 From time to time, or in conjunction with the periodic up-date of the region wide parks inventory, Metro shall convene local government park providers to share information, review and analyze issues, and if appropriate develop recommendations related to:
1. roles and responsibilities
 2. funding
 3. levels of service
 4. information needs
 5. user trends and preferences
 6. technical assistance
 7. interagency coordination
 8. public involvement
 9. other topics as determined by Metro and local park providers
- 3.3.10 Metro, in cooperation with local governments, shall pursue the identification and implementation of a long term, stable funding source to support the planning, acquisition, development, management and maintenance of the Regional System.

3.4 Protection, Establishment and Management of a Regional Trails System

- 3.4.1 Metro will identify a Regional Trails System which shall be included in the Regional Transportation Plan.
- 3.4.2 The Regional Trail System shall provide access to publicly owned parks, natural areas, open spaces, and greenways, where appropriate.
- 3.4.3 Metro will coordinate planning for the Regional Trail System with local governments, federal and state agencies, utility providers, and appropriate non-profit organizations
- 3.4.4 Metro will cooperate with citizens and other trail providers to identify and secure funding for development and operation of the Regional Trails System.
- 3.4.5 Metro shall encourage local governments to integrate local and neighborhood trail systems with the Regional Trail System.

3.5 Provision of Community and Neighborhood Parks, Open Spaces, Natural Areas, Trails and Recreation Programs

- 3.5.1 Metro shall recognize that local governments shall remain responsible for the planning and provision of community and neighborhood parks, local open spaces, natural areas, sports fields, recreational centers, trails, and associated programs within their jurisdictions.
- 3.5.2 Pending adoption and implementation of the functional plan referenced in section 3.5.8, Metro shall encourage local governments to (I) adopt level of service standards for provision of parks, natural areas, trails, and recreational facilities in their local comprehensive plans and (II) locate and orient such parks, open spaces, natural areas, trails, etc., to the extent practical, in a manner which promotes non-vehicular access. "Level of service standards" means: a formally adopted, measurable goal or set of goals related to the provision of parks and recreation services, based on community need that could include but not be limited to: 1) park acreage per 1,000 population; 2) park facility type per 1,000 population; 3) percentage of total land base, dedicated to parks, trails and open spaces; 4) spatial distribution of park facilities.
- 3.5.3 Metro shall encourage local governments to be responsive to recreation demand trends identified in the State Comprehensive Outdoor Recreation Plan (SCORP).
- 3.5.4 Metro shall encourage local governments to develop, adopt and implement Master Plans for local parks and trail systems, natural areas, and recreational programs.
- 3.5.5 Metro, in cooperation with local governments, state government, and private industry shall work to establish a supplemental funding source for parks and open space acquisition, operations and maintenance.
- 3.5.6 Metro shall encourage local governments to identify opportunities for cooperation and cost efficiencies with non-profit organizations, other governmental entities, and local school districts.
- 3.5.7 Urban Reserve ~~master~~ plans shall demonstrate that planning requirements for the acquisition and protection of adequate land to meet or exceed locally adopted levels of service standards for the provision of public parks, natural areas, trails, and recreational facilities, will be adopted in the local comprehensive plans. Lands which are undevelopable due to natural hazards or environmental protection purposes (i.e., steep slopes, floodways, riparian corridors, wetlands, etc.) shall not be considered to meet the natural area level of service standards unless the land will be preserved in perpetuity for public benefit. Proposed public parks, open spaces, natural areas, trails, etc. shall be located in a manner which promotes non-vehicular traffic. No urban reserve area ~~shall be~~ brought within the Urban Growth Boundary ~~unless~~ shall be developed until the requirements set out in this subsection 3.5.7 are met.

- 3.5.8 Metro, in cooperation with local governments shall develop a functional plan which establishes the criteria which local governments shall address in adopting a locally determined "level of service standard." The functional plan shall also establish region-wide goals for the provision of parks and open space in various urban design types identified in the 2040 regional growth concept. The functional plan shall apply to the portion of the region within the Urban Growth Boundary and the urban reserves within Metro's jurisdiction when urban reserve conceptual plans are approved.
- 3.5.9 Metro will work with local governments to promote a broader understanding of the importance of open space to the success of the 2040 Growth Concept and to develop tools to assess open space on a parity with jobs, housing, and transportation targets in the Regional Framework Plan.

3.6 Participation of Citizens in Environmental Education, Planning, Stewardship Activities, and Recreational Services.

- 3.6.1 Metro will encourage public participation in natural, cultural and recreation resource management decisions related to the Regional System.
- 3.6.2 Metro will provide educational opportunities to enhance understanding, enjoyment and informed use of natural, cultural, and recreational resources.
- 3.6.3 Metro will provide and promote opportunities for the public to engage in stewardship activities on publicly owned natural resource lands. Cooperative efforts between Metro and private non-profit groups, community groups, schools and other public agencies should be encouraged.
- 3.6.4 Metro should provide opportunities for technical assistance to private owners for stewardship of components of the Regional System.
- 3.6.5 Metro and local governments should work with state, federal, non-profit and private partners to facilitate stewardship and educational opportunities on publicly owned natural resource lands.
- 3.6.6 Metro shall encourage local governments to provide opportunities for public involvement in the planning and delivery of recreational facilities and services.
- 3.6.7 Metro will follow and promote the citizen participation values inherent in RUGGO Goal 1, Objective 1 and the Metro Citizen Involvement Principles.

Requirements

This Regional Framework Plan requires Metro in conjunction with local governments to develop a functional plan that will address land use planning requirements that:

- identify and delineate an interconnected regional system of parks, natural areas, open spaces, trails and greenways (the Regional System);
- identify implementation measures to protect and manage the Regional System; and
- establish local government land use planning criteria and goals for parks consistent with policy 3.5.8.

Background

For decades, parks have played a vital role in the quality of life in the metropolitan region. In 1903, visiting landscape architects Frederick Law Olmsted, Jr. and John Charles Olmsted discussed a newly-emerging American notion of making nature urbane and, thus, naturalizing the city. In their report to the Portland Parks Board, the Olmsteds noted, "While there are many things, both small and great, which may contribute to the beauty of a great city, unquestionably one of the greatest is a comprehensive system of parks and parkways."

From the time of the Olmsteds' report through the 1960s, the city of Portland was the primary population center and primary parks provider in the region. With continuing urban growth through the 1970s, suburban communities outside the central city established new and expanded parks and recreation programs. A primary emphasis of these programs was, and continues to be, the provision of facilities for active recreation such as sports fields, swimming pools, playgrounds and associated recreation programs.

In 1974, the State of Oregon issued the Willamette River Greenway Plan outlining protection and acquisition proposals for the Willamette River from Cottage Grove to its confluence with the Columbia River. The Plan directs development away from the river, establishes a greenway setback line, requires inventories be completed and requires protection of significant fish and wildlife habitats, vegetative fringe, scenic qualities and viewpoints.

The State of Oregon requires all cities and counties to develop comprehensive plans. These comprehensive plans must address State Land Use Planning Goals including: Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources; Goal 6, Air, Water and Land Resources Quality; Goal 8, Recreational needs and Goal 15, the Willamette River Greenway. Metro, as well as the cities and counties, must show that land use plans are consistent with these goals.

In 1989, Metro published the Metro Recreation Resource Study in a cooperative effort with other park providers in the region. The purpose of the study was to:

- identify existing public parks, natural areas and other recreational resources in the region;
- describe the general issues, problems, and opportunities relating to these resources;
- identify needed actions to provide adequate park facilities and services in the Portland metropolitan region.

The study identified the need to increase the inventory of park facilities and services and address the need for additional natural area park facilities in the metropolitan region, in response to the growing demand for natural resource-based recreational opportunities (e.g., hiking, biking, fishing, boating, camping, wildlife watching) close to home. Publicly-owned and managed natural areas were found to be limited to, primarily, Forest Park, Oxbow Park and Tryon Creek State Park. A regional, cooperative planning approach was recommended to address this issue.

In 1990, the Metro Council established two advisory committees to coordinate development of a regional natural areas master plan to guide protection and management of regionally significant natural areas in the region. The Greenspaces Technical Advisory Committee is composed of parks and natural resource professionals in local jurisdictions, state and federal agencies and representatives of nonprofit advocacy groups for parks, natural areas, open spaces, trails and greenways.

A Greenspaces Policy Advisory Committee consisting of elected officials from local jurisdictions in the region, including Clark County, oversaw development of the Metropolitan Greenspaces Master Plan, which the Metro Council adopted in 1992. The Greenspaces Policy Advisory Committee was replaced by a citizen-based Regional Parks and Greenspaces Advisory Committee in 1995 to advise the Metro Council, Metro Executive Officer and the Metro Regional Parks and Greenspaces Department on a variety of issues affecting regional parks and natural area facilities and services.

In 1993, Multnomah County approached Metro concerning the possible consolidation of its Parks Services Division with Metro's Greenspaces Program. The consolidation was consistent with each agency's desire to support its own mission (e.g., growth management for Metro; social services for Multnomah County) and was expected to further the regional vision embodied in the Metropolitan Greenspaces Master Plan. In December 1993, Metro Council approved the merger of the Multnomah County Parks Division with Metro's Greenspaces program, creating the Metro Regional Parks and Greenspaces Department.

The new department began operations in January 1994. Combining Metro's planning experience with park management experience greatly enhanced Metro's ability to acquire, develop, maintain, and operate a system of parks, natural areas, and recreational facilities of regional significance. It also put

Metro in a position to better support local parks providers in coordination and planning activities. The parks merger allowed Metro to address and coordinate issues common to all local park providers. For example, Metro coordinated the identification of 90 local park acquisition and improvement projects which were included in the 1995 open space, parks, and streams bond measure.

In 1995, Metro referred a \$135.6 million bond measure to voters of the region that identified 14 regional acquisition target areas, 6 regional greenway and trail projects and 90 local natural area acquisition and development projects that supported the goals of the Metropolitan Greenspaces Master Plan. Voters of the Portland metropolitan region approved Measure 26-26 in May 1995. Metro's goal is to acquire approximately 6,000 acres within the 14 regional target acquisition areas and corridors.

The Future Vision Report (1995) required by the Metro Charter also identifies parks and natural areas as valuable components of a livable community. The report states that:

- "We value a life close to nature incorporated in the urban landscape."
- "We value nature for its own sake, and recognize our responsibility as stewards of the region's natural resources."
- "...this region is recognized as a unique ecosystem...which seeks to:
 - improve air and water quality, and increase biodiversity;
 - protect views of Mt. Hood, Mt. St. Helens, Mt. Rainier, Mt. Adams, Mt. Jefferson, and other Cascade and coastal peaks;
 - provide greenspaces and parks within walking distance of every household;
 - assure a close and supportive relationship among natural resources, landscape, the built environment, and the economy of the region; and
 - restore ecosystems, complemented by planning and development initiatives that preserve the fruits of those labors."

In addition, the RUGGOs state under Objective 15 that:

"Sufficient open space in the urban region shall be acquired, or otherwise protected, and managed to provide reasonable and convenient access to sites for passive and active recreation. An open space system capable of sustaining or enhancing native wildlife and plant populations should be established."

"15.1 Quantifiable targets for setting aside certain amounts and types of open space should be identified.

15.2 Corridor Systems- The regional planning process shall be used to coordinate the development of interconnected recreational and wildlife corridors within the metropolitan region

15.2.1 A region-wide system of trails should be developed to link public and private open space resources within and between jurisdictions.

15.2.2 A region-wide system of linked significant wildlife habitats should be developed. This system should be preserved, restored where appropriate, and managed to maintain the region's biodiversity (number of species and plants and animals).

15.2.3 A Willamette River Greenway Plan for the region should be implemented by the turn of the century."

The policies in this chapter capture the intent of the RUGGOs, Future Vision and Metropolitan Greenspaces Master Plan related to providing an adequate and viable system of parks, natural areas, trails, greenways and recreational programs and services in the Portland metropolitan region.

Analysis

A key element of the 2040 Growth Concept for accommodating future urban growth in the region includes encouraging a compact urban design. This means smaller lots in much of the new development and where transit service levels are high, such as in regional and town centers, mainstreets and station communities, residential development types including rowhouses and multi-family development.

New neighborhoods and communities should include adequate parks and open spaces. Planning for the acquisition and protection of land for parks and open spaces should be included in planning for future urbanization inside and outside the Urban Growth Boundary. A crucial issue related to parks, natural areas and recreation in the region is how communities will work together to plan for the provision of these important public facilities and services.

Identification and Inventory of the Regional System

The development of the Metropolitan Greenspaces Master Plan required the systematic, scientific identification, inventory and assessment of natural area features in the metropolitan region. A consultant team was assembled by Metro in 1989 to conduct the inventory and analysis of the Portland metropolitan region to identify regionally significant natural areas and corridors for fish, wildlife and natural resource dependent recreation.

The natural areas inventory was based on aerial photography of the total study area (372,682 acres) with biological field checks of seven percent of the natural areas mapped. Periodic updates of the inventory will be necessary to assess the status of regionally significant natural areas, monitor trends and to support future planning and management efforts. Future work will be based on systematic and scientific methods of identifying and delineating natural resource lands and maintaining and managing links between them on a landscape level.

New inventories are needed in order to accomplish the following:

- Reevaluate protection priorities established in the Metropolitan Greenspaces Master Plan. Some sites identified may no longer be considered regionally significant. New sites may be added to the regionally significant inventory once updated data are available.
- Delineate regionally significant natural areas; research and document the natural resources values for which protection should be justified and supported.
- Delineate and conduct field assessments of biological corridors that interconnect regionally significant sites.
- Assure that the regional system of parks, natural areas, open spaces, trails and greenways contributes to the maximum extent, based on scientific data, to the protection of water quality, fish, wildlife and botanic diversity within the region.
- Inventory existing park facilities, recreational capacity and analysis of park service needs and consistency with the 2040 Growth Concept.

Protection of the Regional System

Ecological principles are important in establishing protection priorities including:

- Maintaining biological diversity by protecting and enhancing a variety of habitats such as wetlands, riparian corridors, forests, and agricultural lands distributed throughout the metropolitan area;
- Consolidating natural areas to create or maintain relatively large contiguous acreages connected to natural habitats outside the urban environment to avoid habitat fragmentation and species isolation;
- Protecting, restoring, and recreating stream corridor vegetation by replacing riparian vegetation where it is lacking or dominated by exotic species and removing barriers, where possible, to maintain connections with adjacent upland habitats;
- Protecting or restoring naturally vegetated connections between watersheds at headwaters or other appropriate locations; and
- Planning for capital improvements to provide appropriate access and use of parks and natural areas.

A variety of strategies will be used to protect and manage the regional system of parks, natural areas, trails and greenways to support fish and wildlife populations as well as provide a variety of recreational opportunities. These include:

1. Acquisition;
2. Environmental education, stewardship and landowner incentives;
3. Land use and environmental regulations.

Acquisition

One effective means of natural resource protection is public acquisition from willing sellers. The Open Spaces Parks and Streams Bond Measure 26-26, approved by voters in 1995, provided funds for the acquisition of open space in 14 regional areas and 6 regional greenway and trail corridors. The measure also provided funds for up to 90 local greenspace projects which support or complement the Metropolitan Greenspaces Master Plan.

Since 1990, voters in Gresham, Lake Oswego, Portland, Tualatin, Tualatin Hills Park and Recreation District and other jurisdictions have approved general obligation bond issues which support, in part, elements of the Metropolitan Greenspaces Master Plan and other active recreation facilities and services needs.

More than \$6 million in federal transportation funding under the Intermodal Surface Transportation Efficiency Act of 1991 has been invested in trail projects in the region. Land acquisition can also be supported through donations of land, conservation easements and dedication of land as open space.

Environmental education and incentive programs

Environmental education and incentive programs have the capacity to provide a level of protection for park and natural areas. Building an increased understanding and awareness of metropolitan natural resource values and the benefits of parks in general leads to informed management decisions and increased public participation in volunteer stewardship activities. An informed public uses parks and natural areas in ways that help reduce maintenance costs. Incentive programs (e.g., grants, tax reductions, technical support) provide public agencies and private parties support in the restoration, enhancement, and management of natural areas.

Land Use and Environmental Regulations

Oregon land use policies and regulations provide limited protection of natural resources in the metropolitan region. Local governments can use the comprehensive land use planning process to establish protective zoning standards to protect natural resources within their jurisdictions, but often apply them inconsistently. Natural resource management on a regional basis offers the opportunity for uniform standards to protect these resource values. Coordinated local planning efforts are needed to assure that an adequate supply of park land is available to meet the future demand for community and neighborhoods parks, sports fields, recreation centers and locally significant open space trails and greenways.

Title 3 of Metro's Urban Growth Management Functional Plan is a first step towards protecting water quality and water features such as streams and wetlands from human disturbances by requiring

vegetated buffers. Title 3 also requires Metro to conduct a regional assessment for identification and protection of Goal 5 resources (see section under Goal 5).

A combination of strategies will be required to protect and connect a regional system of parks, natural areas, trails and greenways for fish, wildlife and people. Metro will work with local governments, state and federal agencies, conservation organizations, businesses and citizens to review, refine and further implement these protection strategies.

Management of the Regional System

The Metro Charter provides for Metro to serve as a regional provider of parks, natural areas, and recreational facilities. The 1994 City Club of Portland report, Portland Metropolitan Area Parks, cites the value of a regional parks authority. A cooperative, regional management approach can result in equitable distribution of facilities, funding equity, consistency in planning, management and operation of facilities and user benefits.

Currently, regionally significant parks, natural areas and trails are managed by a variety of public entities with a variety of financial resources. There is little consistency in development, operation and management standards and little or no integration regarding funding, user fees, or visitor services. Tax reform initiatives may have serious implications for local and state agencies' abilities to operate and maintain existing parks for the region's growing population. Local governments, in particular, may at some point wish to transfer management of regionally significant facilities to Metro, to address funding equity issues and allow local providers to focus on community and neighborhood parks and other facilities and programs related to active recreation.

Site specific management begins with the preparation of master/management plans. The primary purpose of a master plan is to articulate management, development and operation guidelines. Master/management plans should be prepared for the system of regional parks, natural areas, open spaces, trails and greenways. Metro will prepare guidelines for master planning to ensure consistency in management of the Regional System.. Sites which lack master/management plans will be "landbanked" and public use limited until appropriate facilities and services can be planned, developed and maintained.

Metro should provide the forum for addressing issues related to the coordination and integration of management, and of service delivery related to parks, open spaces and recreation. Metro should lead an effort to study and evaluate how park and recreation services are provided and recommend actions which will improve funding stability and equity, operational efficiency, customer service, management integration, coordination, and continuity.

Regional Trail and Greenway System

In their report to the Portland Parks Board in 1903, the Olmsted brothers observed that a system of interconnected parks serves the public far better than a collection of isolated pieces of land. Trails and greenways provide the connective network necessary to link the region's parks and natural areas, while providing public access and corridors to support movement of fish and wildlife. Trails and greenways also link communities and connect the Metro urban area to the Pacific Coast, Cascade Mountains and Washington state.

Since 1988, Metro has staffed a Regional Trails and Greenways Working Group composed of parks/trails/bike planners from local, regional, state and federal agencies, and nonprofit trail organizations. The working group assisted Metro in developing the trails and greenways component of the Greenspaces Master Plan. Thirty-five trail and greenway corridors are identified in the master plan.

Refinement of the trails and greenways component has been ongoing since the Greenspaces Master Plan was adopted in 1992. Citizen involvement plays an important role in trail planning. For example, the Peninsula Crossing Trail was added to the Regional Trail System in 1993 at the request of residents of North Portland. Many of the trails and greenways segments support local comprehensive plans and/or local parks and trails master plans.

In 1996, Metro commissioned a Rails and Trails Strategic Plan which inventoried rail right-of- ways throughout the region and identified those having trail potential, should abandonment occur. Abandoned rail lines provide outstanding trail opportunities. The Springwater Corridor Trail, for example, was envisioned to link the metropolitan area with Mt. Hood National Forest. Constructed segments now link S.E. McLoughlin in Portland with the city of Gresham and provide 16.8 miles of trail, utilized by an estimated 500-600 thousand people per year.

Public planning and transportation agencies incorporate elements of the Regional Trails Plan into state, regional, and local transportation projects and urban development projects (e.g., Mt. Hood Parkway, Sunrise Corridor, Hwy. 30 Corridor Study; Multnomah County West Hills Study).

Provision of Community and Neighborhood Parks, Open Spaces, Trails and Recreation Programs

Cities and two special districts (i.e., Tualatin Park and Recreation District; North Clackamas Park and Recreation District) in the region are responsible for community and neighborhood parks, open spaces, trails, and recreation programs. The 1994 City Club of Portland report, Portland Metropolitan Area Parks, assessed and considered a vision for parks in the region. The report concluded that the size and configuration of the current parks and recreation system is inadequate to meet current and

future demand. In order to address this perceived inadequacy, the "completion ... of the core system" was envisioned.

In essence, a core system of parks would ensure that a "minimum level of parks and recreation facilities ... be available to all citizens regardless of income or geography in the metro area." The approach was based on assessing local community values and making adjustments to reflect "separate social goals... held by a specific community." Not surprisingly, neighborhood and community parks were the first element of this system.

The City Club report recommended the provision of parks be coordinated with other basic services including schools, public safety, land use and transportation planning, and watershed management. Citing Portland as an example, the survey concluded that a "multi-generational community center at each middle school" should provide local communities in the region with a place of education, recreation, and congregation.

Local governments and park and recreation districts have been and will continue to be the primary providers of community and neighborhood parks, open space, trails, sports fields, recreation centers and recreation programs. These facilities and programs provide important opportunities for active and passive recreation in closest proximity to where citizens live.

Local governments should be encouraged to prepare park and recreation master plans which provide a framework for community level park and recreation facilities, trails and recreation programs. Master plans should:

- Identify parks deficient areas and include strategies for addressing these deficiencies;
- Integrate local trail systems with the regional trails system;
- Identify opportunities for cooperation and cost efficiencies between communities, schools, and quasi-public organizations such as the YMCA;
- Provide for citizen involvement in the development and implementation of master plans;
- Identify funding strategies and implementation schedules;
- Be responsive to the State Comprehensive Outdoor Recreation Plan (SCORP);
- Complement the Regional System.

Metro should identify and evaluate opportunities to assist local governments and park and recreation districts with development and implementation of master plans. Potential opportunities include:

- Develop a functional plan, in conjunction with local governments which will address needed land use planning for parks, open spaces, natural areas, trails and recreation programs. Land use planning should reflect that locally chosen "levels of service" in terms of parks per population or per acre should be used to guide the need for additional resources;

- Provide mapping and information services through the agency's Data Resources Center to support local planning efforts;
- Provide forums for the exchange of ideas, information, strategies and development of partnerships between providers, schools, and quasi-public organizations;
- Provide funding support by incorporating local parks components in regional funding strategies and continuing the restoration and education grants program;
- Advocate for the identification and implementation of state and federal funding sources which provide financial resources to supplement local investments in parks, open spaces, trails, recreation facilities and programs;

Participation of Citizens in Planning, Stewardship, Environmental Education and Recreational Activities

"What is not understood is not valued, what is not valued will not be protected, what is not protected will be lost." Charles Jordan, Portland Bureau of Parks and Recreation.

Public understanding and participation in the planning and protection of the region's parks, natural areas, open spaces, trails, greenways and recreational facilities are the foundation of successful parks and recreation services. Meaningful citizen involvement is fundamental to an effective response to community needs, it results in more responsive management through identification of appropriate priorities, and enhances financial and volunteer support. Metro, local governments, businesses and citizens working together must build a stewardship ethic and provide meaningful opportunities for public participation to assure parks and recreational services meet the needs of the metropolitan region and ensure the protection of natural resources.

As members of the public gain a comprehensive understanding of parks and natural area needs and opportunities, they will become active partners in efforts to determine future planning choices, and conduct periodic public review of local master plans and other related plans. Citizens can provide guidance through forums, participation on advisory committees, and in various other capacities.

Goal 5

In Oregon, local governments carry out planning to protect natural areas consistent with the State Land Use Planning Program. This land use program requires local governments to conform with up to nineteen statewide planning goals. Goal 5, Open Spaces, Scenic and Historic Area and Natural Resources is one of the key goals which can result in tools for protecting urban natural areas at the local level in the metropolitan region. A study, *To Save or to Pave; Planning for the Protection of Urban Natural Areas*, by the Portland Audubon Society and 1000 Friends of Oregon (1994), analyzed and evaluated the implementation of Goal 5 in the metropolitan region in protecting urban natural resources during the last decade. Some of the important findings from the study are listed below:

- Over three-fourths of local decisions examined allowed degradation of natural and scenic resources.
- Goal 5's rules were site specific and did not protect resources on an ecosystem or landscape level.
- Local governments employed a variety of regulatory and non-regulatory techniques with no overall consistency in an area.
- Goal 5 does not require standardized inventories or methods of data collection. As a result, important areas were omitted from consideration for protection, and inventories did not contain enough information to guide local planning decisions.
- Enforcement of local Goal 5 programs is difficult, inadequate and too reliant on citizen efforts.
- Upland forests are the least protected resource, and are vulnerable to destruction.

Metro has addressed natural resource issues in three policy documents: 1) the Metropolitan Greenspaces Master Plan (1992), 2) the Regional Urban Growth Goals and Objectives (RUGGOs) (1995), and 3) Title 3 of the Urban Growth Management Functional Plan (1996).

The Greenspaces Master Plan, adopted in 1992, through a mapping and public process, identified 57 sites in our metropolitan area that retained significant natural biological characteristics. Seventeen of these 57 sites are in the process of been acquired through the Open Spaces Parks and Streams Bond Measure 26-26. The remaining 40 sites are in private ownership, and are being lost to development at the rate of 6 percent per year. These sites are all Goal 5 areas and effective land use regulations under the Goal 5 rule help protect these regionally significant sites.

Title 3 of the Urban Growth Management Functional Plan (Water Quality and Floodplain Management Conservation) could set performance standards to protect streams, wetlands and floodplains by limiting or mitigating the impacts of development activities. Title 3 addresses Goal 6 and 7 and does not currently address Goal 5. Title 3 (Section 5 Fish and Wildlife Conservation Area) recommends local governments to address fish and wildlife habitat, but does not mandate any protection of these resources at this time. Title 3 does, however, require that Metro conduct a regional assessment of regionally significant Goal 5 resources and evaluate the protection of these resources. Based on this analysis, Metro will develop a strategy and action plan to address inadequacies in the protection of regional Goal 5 resources. This plan will be carried out by Metro. Local jurisdictions may be required to also adopt protective measures through amendments to the Functional Plan.

3. If Ordinance No. 98-769 is adopted, amending Section 1.3 of Chapter 1 Land Use, Section 1.3 of the Regional Framework Plan is amended to read:

1.3 Housing and Affordable Housing

Purpose

The Metro Council, with the advice and consultation of MPAC, has determined that the subject matter of affordable housing is a growth management and land use planning matter that is of metropolitan concern and will benefit from regional planning. Metro will develop a "fair share strategy" for meeting the housing needs of the urban population in cities and counties based on a subregional analysis.

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 achieve this fair share strategy. These policy initiatives are intended to provide that:

- a diverse range of housing types will be available within cities and counties inside the UGB;
- specific goals for low- and moderate-income and market rate housing are adopted to ensure that sufficient and affordable housing is available to households of all income levels that live or have a member working in each jurisdiction;
- housing densities and housing costs support the development of the regional transportation system and designated centers and corridors;
- an appropriate balance of jobs and housing of all types exists within the region and subregions.
- at least 20% of new units in regionwide opportunity areas inside the UGB and in land added to the UGB ~~first tier urban reserves~~ are built to be affordable to households at or below the median income without public subsidy.
- accessory dwelling units begin to be a significant part of new development.

The Metro Council adopted a Housing Needs Analysis Report in December, 1997, that is the preliminary factual basis for the determination that there is a need for a Regional Affordable Housing Strategy. The Housing Needs Analysis is premised on a concept of "affordable housing" that is based on the expectation that all households should be able to obtain appropriate housing at a cost that does not exceed 30% of total household income. As used in this section, the term "affordable housing" may include different types of housing. The Housing Needs Analysis Report identified four types: senior housing, owner occupied family homes, moderate income rentals, and assisted rental and special needs housing. In the future, other categories of affordable housing may be identified.

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. The use of land use planning tools will be helpful 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. Many of the measures to be addressed in developing the regional strategy are not suitable for inclusion in functional plans or in comprehensive land use plans. These measures can be addressed with a voluntary, cooperative effort. 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 Regional Affordable Housing Strategy. Special district service providers, public housing agencies, urban renewal agencies and others will play significant roles.

Affordable Housing Technical Advisory Committee

Metro will create an Affordable Housing Technical Advisory Committee with representatives of homebuilders, affordable housing providers and advocate groups, major employers, financial institutions, local governments and citizens to assist in carrying out the provisions of this section and identify cooperative approaches, regulatory reforms and incentives to be considered to ensure that needed affordable housing is built. The Committee will report to the Metro Council. The Affordable Housing Technical Advisory Committee shall seek and provide advice and consultation from and to the Metro Policy Advisory Committee (MPAC).

The Affordable Housing Technical Advisory Committee shall be created by the adoption of an ordinance. The ordinance shall specify the membership and method of appointment of Committee members. The Council shall establish timelines for the Committee to report on the matters specified in this section. Metro shall fund the work of the Committee sufficiently to allow its choices to be based on adequate factual information and to allow coordination with affected persons.

The Affordable Housing Technical Advisory Committee shall recommend a Regional Affordable Housing Strategy and amendments thereto, and make recommendations on other matters related to affordable housing referred to it by the Metro Council or MPAC. Any recommendation from the Affordable Housing Technical Advisory Committee for amendments to this Regional Framework Plan, for the adoption of Metro Functional Plan requirements and for the adoption of or amendments to the Regional Affordable Housing Strategy, shall be forwarded by the Affordable Housing Technical Advisory Committee to MPAC for its review prior to being transmitted to the Council. MPAC will provide consultation and advice to the Council for all proposals for amendments to the Regional Framework Plan and any functional plan.

The Committee should base its recommendations upon factual information. The Committee should evaluate contributing factors to the need for affordable housing and alternative courses of action or inaction and consider the consequences. This is particularly important for any recommendation on the content of the Urban Growth Management Functional Plan.

In particular, the Committee should consider the magnitude of any need for a particular housing type, whether that need is uniform throughout the region, the roles of the public and private sectors in satisfying that need, whether the need is being addressed by existing market forces and public policies, whether the need is being addressed by public and private entities, and the financial resources available to satisfy the need. Opportunities shall be provided for review and comment by citizens and affected governmental units during the preparation and review of the recommendations of the Affordable Housing Technical Advisory Committee.

Regional Affordable Housing Strategy

With the advice and consultation of the Affordable Housing Technical Advisory Committee and MPAC, the Metro Council will adopt a Regional Affordable Housing Strategy which will serve as a blueprint to guide achievement of the goals set forth in this section. The Regional Affordable Housing Strategy will not be a regulatory document. The Strategy will contain recommendations for further actions, including appropriate amendments to the Urban Growth Management Functional Plan for those elements which are suitable for implementation through comprehensive plans and zoning regulations, as well as voluntary measures.

Relationship of Strategy to Land Use Requirements

Metro's Urban Growth Boundary regulations currently provide that an urban reserve planning requirement for affordable housing includes the establishment of requirements for a minimum percentage of affordable units and accessory dwellings. The Urban Growth Management Functional Plan currently contains provisions which further the affordable housing policies of Metro. These existing provisions require that:

- A minimum density is established in all zones allowing residential uses.
- At least one accessory unit is allowed within any detached single family dwelling.
- Housing densities are increased in light rail station communities, centers and corridors, if necessary, to implement the 2040 Growth Concept.

Implementation of the Strategy through adoption of additional Metro Urban Growth Management Function Plan requirements will be appropriate in some circumstances. These

amendments will be the only regional policies which require cities and counties to amend their comprehensive plans and implementing regulations to implement the Regional Affordable Housing Strategy.

The Metro Council has made a determination that performance standards for replacement housing ordinances and zoning density bonus incentives shall be adopted in the future as functional plan requirements. Such functional plan requirements will be subject to the advice and recommendations of the Affordable Housing Technical Advisory Committee and MPAC and the planning processes as provided for in this policy. The legality and appropriateness of any functional plan requirements may be contested during this future adoption process.

Content of Regional Affordable Housing Strategy

The Affordable Housing Technical Advisory Committee shall address the following matters in developing the Regional Affordable Housing Strategy:

Fair Share Strategy

The Regional Affordable Housing Strategy will include numerical "fair share" affordable housing targets for each jurisdiction to be adopted in the Urban Growth Management Functional Plan. The "fair share" targets that will be developed should reflect the current and future affordable housing needs of the region. The targets will be consistent with the affordable housing and jobs-housing balance policies established in the Regional Framework Plan. The determination of housing needs and numerical targets will include consideration of existing jurisdictional proportions of affordable and non-affordable housing supply and the roles of existing providers of affordable housing. Intergovernmental solutions toward attainment of fair share targets are encouraged. The "fair share" targets shall be based upon housing inventories and other factual information concerning the regional and subregional demand, supply and cost of housing and buildable lands, and the income levels and housing needs of current and future residents. Once the fair share targets are established, Metro will monitor the existing and new supply and delivery of affordable housing in the region. The Affordable Housing Technical Advisory Committee may recommend that fair share targets be implemented through Urban Growth Management Functional Plan amendments.

Land Use Planning Tools

The Affordable Housing Technical Advisory Committee will make recommendations that the Regional Affordable Housing Strategy address the need for amendments to the Urban Growth Management Functional Plan to further the purposes of this section. These land use planning tools

shall be considered together with other non-land use measures that may be needed to attain fair share targets. Land use planning tools for affordable housing may be in the form of recommendations to cities and counties or as requirements for amendments to adopted city and county comprehensive plans and implementing ordinances. Any land use requirements for cities and counties will need to be adopted as Urban Growth Management Functional Plan amendments by the Metro Council with the advice and consultation of MPAC.

In making its recommendations, the Affordable Housing Technical Advisory Committee shall address the need for model ordinances. The Committee shall consider the following tools which may have land use and non-land use planning elements:

- A) Performance standards for replacement housing ordinances. These ordinances are intended to ensure that existing affordable housing units which are lost to demolition or non-residential development are replaced with an equal number of new affordable housing units. The Committee shall consider methods to ensure governmental or non-profit purchase of threatened buildings, requirements for construction of replacement units, or payments to a replacement housing fund as alternatives. Consideration shall be given to implementing tools for replacement of rental housing in older central city high density areas, as well as replacement of lower density construction outside the central city.
- B) Performance standards requiring density bonus incentives. This type of incentive allows a sufficient increase of density over the maximum allowable density in mixed use areas as an incentive in return for a percentage of units being developed as affordable units. The amount of increased density allowed needs to be high enough to ensure that it is economically feasible for developers to build affordable units. Mechanisms to ensure that units qualifying for the incentive remain affordable for at least 60 years or be subject to a shared equity mortgage program shall be considered. An exemption process shall be adopted with this performance standard to allow cities and counties an exemption from this requirement if a demonstrated lack of public facilities prevents implementation of this requirement.
- C) Urban Growth Boundary considerations. Before an exception to a Functional Plan requirement affecting housing is pursued by a city or county, the effect of the grant of the exception on the need for expansion of the Urban Growth Boundary shall be considered.
- D) Performance standards for regionwide mandatory inclusionary housing. Any regionwide mandatory housing policy requires careful consideration. Regionwide mandatory inclusionary housing based on a constitutionally valid zoning approach shall be considered for functional plan

implementation if cooperative programs have not significantly moved the region toward the goals of this policy.

- E) Other tools. The land use planning aspects of the measures described below as additional Regional Affordable Housing Strategy tools should also be considered.

In determining its recommendation regarding the adoption of performance standards for replacement housing ordinances, mandatory zoning density bonus incentives, or inclusionary housing policies, the Affordable Housing Technical Advisory Committee shall consider housing inventories and other factual information, including information about the demand, supply and cost of housing and buildable lands, and the incomes and housing needs of current and future residents. The Committee should evaluate alternative courses of action and review the consequences, of any particular action or failure to act. In particular, the Committee shall consider whether adoption of these performance standards would be inconsistent with other policy objectives of the Regional Framework Plan or with applicable federal and state laws and regulations. The views of affected local governments are important to consider in determining whether to adopt these types of performance standards.

Additional Regional Strategy Tools

In developing the Regional Affordable Housing Strategy, the Affordable Housing Technical Advisory Committee shall also address the following:

- A) additional measures to encourage and give incentives to develop affordable housing;
- B) types and amounts of affordable housing to be accommodated by the jurisdiction consistent with the functional plan targets;
- C) provisions to remove procedural barriers to current production of affordable housing;
- D) a variety of tools to ensure that the affordable housing to be accommodated is actually built, such as donation of tax foreclosed properties for nonprofit or government development as mixed market affordable housing, transfer of development rights, permit process incentives, fee waivers, property tax exemptions, land banking, linkage programs, expedited review processes, and affordable housing funding programs.
- E) requirements for maintaining architectural consistency of affordable units;
- F) long term or permanent affordability requirements;
- G) provision for affordable housing for seniors and the disabled;
- H) provision for preferential processing of UGB amendments in ~~First-Tier~~ urban reserves when a minimum percentage of affordable units are included.

- I) consideration of a real estate transfer tax as a funding source for an affordable housing fund at the state, regional or local level when that option becomes available under state law.
- J) additional voluntary inclusionary housing approaches consistent with Oregon land use laws and 2040 Growth Concept design types that are supportive of maintaining neighborhood architectural consistency. These additional approaches should include inclusionary housing goals and principles that are the basis of a voluntary program for increased production of affordable housing units without regulation.
- K) development of a public-private program to reduce costs of production of new affordable housing and increase the supply of units to non-profit providers for possible subsidy. One part of such a program may be coordination between for profit builders and non profit affordable housing providers to facilitate sales of affordable for profit units to non profit affordable housing providers during the development of these units.

Adoption of Affordable Housing Strategy

The adoption by the Metro Council of the Regional Affordable Housing Strategy and any functional plan amendments shall be based upon the information and factors required by this section to be considered by the Affordable Housing Technical Advisory Committee, the recommendations of the Affordable Housing Technical Advisory Committee and MPAC, and the record created before the Metro Council.

Additional Metro Measures

In addition to developing and adopting a Regional Affordable Housing Strategy and considering amendments to the Urban Growth Management Functional Plan, Metro will undertake the following measures to further regional affordable housing goals:

- A) Metro, through the JPACT process, shall link regional transportation funding to affordable housing policy and achievement of affordable housing targets to the extent allowed by law, by creating incentives for use of discretionary funds for projects that further adopted affordable housing policies.
- B) Metro will inventory publicly owned lands, including the "air rights" above public lands, to identify underutilized public lands, excluding parks and open space, for possible development of affordable housing.

- C) Metro shall be a resource to assist developers of affordable housing and nonprofit charitable organizations to identify underutilized lands owned by nonprofit organizations, including the "air rights" above those lands, for possible development of affordable housing.
- D) Metro shall review all lands designated for residential use inside the UGB in implementation of Urban Growth Management Functional Plan to determine whether additional measures are needed to insure that an adequate supply of land, including opportunities for redevelopment, are zoned appropriately and available for affordable housing.
- E) Metro shall compile and maintain a data base on the demand, supply and cost of housing and buildable lands, income and housing needs of current and future residents, attainment of the fair share targets and other information relevant to affordable housing issues. This information is important in measuring the success of regional strategy tools and the need for revisions to the Regional Affordable Housing Strategy.

Council Review of Affordable Housing Policies

The Regional Affordable Housing Strategy shall be evaluated and may be updated no later than two years after its adoption. Thereafter, the strategy shall be reviewed as provided for in the Strategy Plan. The Council shall obtain the recommendations of the Affordable Housing Technical Advisory Committee and MPAC before amending or revising the Strategy.

MPAC CODE REVISION ORDINANCE (98-772A) ANALYSIS

Existing Law requires that first tier land be brought in to the Urban Growth Boundary before other urban reserves, unless a special need is demonstrated. Existing law also requires that there be a city and county agreement regarding governance of the territory or, upon Council approval, that an urban services agreement be in place for the territory prior to its inclusion in the Urban Growth Boundary. Finally, existing law requires that a concept plan be in place prior the territory's inclusion in the Urban Growth Boundary.

MPAC Ordinance No. 98-772A:

1. Eliminates requirement that first tier urban reserves be required before others;
2. Maintains existing requirement for an urban reserve plan prior to boundary amendment, EXCEPT that:
 - For legislative amendments when insufficient planned reserves are available, unplanned first tier urban reserves may be considered where a city or county commits to complete and adopt an urban reserve plan and provides supporting documentation (timeline, work program, etc.);
4. Provides that all land included in the Urban Growth Boundary must have an approved Urban Reserve Plan, as defined in the Functional Plan (exhibit B of the ordinance) prior to development or rezoning. An Urban Reserve Plan includes provision for governance, as defined, or an urban services agreement and a concept plan and map;
5. Provides an emergency clause so the ordinance would take effect immediately (requires 5 votes of the Council for approval); and
6. Makes technical amendments to the current code to conform to other state and metro legislation (e.g. boundary commission elimination).

Analysis

The MPAC ordinance makes the changes of the McLain/Monroe "A" version simpler. In other words, the explicit priorities and the feasibility are gone. Instead, all planned land takes priority, with first tier unplanned land that has local government support coming next. Land that is not in first tier and not planned could not come in through a legislative amendment, though there may be an opportunity for a major amendment by application.

Metro Urban Reserve Requirements
A Summary of MTAC Recommendations to MPAC regarding Ordinance 772-A

9/3/98

At MPAC's August 26 meeting, members asked that a streamlined ordinance be produced for further MPAC consideration. The attached draft ordinance comprises recommendations to MPAC from MTAC in the form of proposed amendments to ordinance 772-A based on the MTAC 9/3/98 meeting. MTAC has several remaining issues to be discussed at its 9/9/98 meeting. MTAC recommendations to date are:

- Line 24** -inserts "an average of". This clarifies that not each and every development in urban reserves must achieve at least 10 dwelling units per net developable acre, but on average, this requirement must be met. This allows more flexibility in planning.
- Line 45-49** -makes designation of 2040 design types prior to UGB change - applies to land added.
- Line 50** -inserts "considered for inclusion". This maintains the need to examine First Tier urban reserves first, but provides flexibility to consider other urban reserves before all First Tier Urban Reserves are brought into the urban growth boundary. A new section (e) (lines 200-209) still requires that legislative amendments include first tier lands prior to other lands unless there is a special need. However, major amendments initiated by property owners or local governments need not be First Tier urban reserves. This does not address how to handle land that may be determined to be superior to land being considered.
- Lines 56-60** -This cross-references existing State & Metro requirements.
- Line 91** - This substitutes State statute number for the legislative bill number.
- Lines 105-108** -inserts "average" and "or lower densities which conform to the 2040 Concept Plan design type designation for the area." This language allows flexibility with the development of urban reserve plans, so long as they are consistent with Metro 2040 design types, should topography, public facilities, etc. warrant consideration of lower densities.
- Line 136** - adds "fish". Clarifies that wildlife includes fish.
- Line 181** - Replaces "adoption" with "approval". This clarifies that urban reserve plans must meet Metro standards, but are not Metro land use plans.
- Lines 200-213** -inserts sections (e) and (f). Section (e) specifies that the Metro Council shall initiate urban growth boundary expansions through its legislative amendment process when it documents that the projected 20 year need cannot be met within the current urban growth boundary. Also specifies for legislative amendments that First Tier urban reserves should be considered before any other urban reserves, unless a special need is documented. If the capacity of First Tier urban reserves with completed urban reserve plans is not sufficient to meet documented 20 year need, Metro may consider other First Tier urban reserves where a city or county commits to complete and adopt such an urban reserve plan with a work plan, timeline for completion and identified funding. Section (f) ensures that urban reserve plans are done prior to development & provides the link to Title 11 in the Functional Plan.
- Line 215-218** - These changes clarify the legal record requirements.
- Lines 252-256** -deletes unneeded references to the Boundary Commission & State law.

Ordinance No. 98-769, For the Purpose of Amending the Regional Framework Plan Section 1.3 Regarding Housing and Affordable Housing, Adding a Chapter to the Metro Code Creating an Affordable Housing Technical Advisory Committee and Confirming the Appointment of Members..

Second Reading

Metro Council Meeting
Thursday, September 10, 1998
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO 98-769
THE REGIONAL FRAMEWORK PLAN)	
SECTION 1.3 REGARDING HOUSING	)	Introduced by Councilor Ed Washington
AND AFFORDABLE HOUSING,	)	and Executive Officer Mike Burton
ADDING A CHAPTER TO THE METRO)	
CODE CREATING AN AFFORDABLE)	
HOUSING TECHNICAL ADVISORY)	
COMMITTEE AND CONFIRMING THE)	
APPOINTMENT OF MEMBERS)	

WHEREAS, the Metro Council adopted the Regional Framework Plan (Ordinance 97-715B) on December 18, 1997; and

WHEREAS, the Regional Framework Plan contained in Chapter 1 - Land Use a Section 1.3, Housing and Affordable Housing which established policies related to housing and affordable housing; and

WHEREAS, Clackamas County and the cities of Gresham and Hillsboro filed a timely notice of appeal with the Oregon Land Use Board of Appeals (LUBA) and have challenged the validity of Section 1.3 of the Regional Framework Plan as adopted; and

WHEREAS, Metro and Clackamas County and the cities of Gresham and Hillsboro agreed to participate in mediation of this appeal; and

WHEREAS, the parties to the appeal have concluded the mediation process by agreeing that the Metro Council should adopt a revised Section 1.3, Housing and Affordable Housing as an amendment to the Regional Framework Plan as set forth in Exhibit A to this Ordinance; and

WHEREAS, the parties have agreed that the Metro Council should adopt a new Chapter 3.07 creating an Affordable Housing Technical Advisory Committee, as set forth in Exhibit B to this Ordinance; and

WHEREAS, the Metro Council desires to provide for confirmation of members to the Affordable Housing Technical Advisory Committee as set forth in Exhibit C to this Ordinance; and

WHEREAS, Clackamas County and the cities of Gresham and Hillsboro agree that the provisions set forth in Exhibits A and B to this Ordinance are an appropriate means for Metro to adopt policies regarding housing and affordable housing; and

WHEREAS, Clackamas County and the cities of Gresham and Hillsboro have agreed to stipulate to the dismissal of the LUBA appeal of the adoption of the Regional Framework Plan upon the adoption of this Ordinance by 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 on December 18, 1997, is amended to read as set forth in Exhibit A.
2. Metro Code Chapter 3.07 Affordable Housing Technical Advisory Committee attached as Exhibit B is hereby adopted.
3. BE IT RESOLVED that the Council confirms the appointment of members to the Affordable Housing Technical Advisory Committee as set forth in Exhibit C.

ADOPTED by the Metro Council this _____ day of _____, 1998.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Exhibit A

1.3 Housing and Affordable Housing

Purpose

The Metro Council, with the advice and consultation of MPAC, has determined that the subject matter of affordable housing is a growth management and land use planning matter that is of metropolitan concern and will benefit from regional planning. Metro will develop a "fair share strategy" for meeting the housing needs of the urban population in cities and counties based on a subregional analysis.

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 achieve this fair share strategy. These policy initiatives are intended to provide that:

- a diverse range of housing types will be available within cities and counties inside the UGB;
- specific goals for low- and moderate-income and market rate housing are adopted to ensure that sufficient and affordable housing is available to households of all income levels that live or have a member working in each jurisdiction;
- housing densities and housing costs support the development of the regional transportation system and designated centers and corridors;
- an appropriate balance of jobs and housing of all types exists within the region and subregions.
- at least 20% of new units in regionwide opportunity areas inside the UGB and in first tier urban reserves are built to be affordable to households at or below the median income without public subsidy.
- accessory dwelling units begin to be a significant part of new development.

The Metro Council adopted a Housing Needs Analysis Report in December, 1997, that is the preliminary factual basis for the determination that there is a need for a Regional Affordable Housing Strategy. The Housing Needs Analysis is premised on a concept of "affordable housing" that is based on the expectation that all households should be able to obtain appropriate housing at a cost that does not exceed 30% of total household income. As used in this section, the term "affordable housing" may include different types of housing. The Housing Needs Analysis Report identified four types: senior housing, owner occupied family homes, moderate income rentals, and assisted rental and special needs housing. In the future, other categories of affordable housing may be identified.

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. The use of land

use planning tools will be helpful 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. Many of the measures to be addressed in developing the regional strategy are not suitable for inclusion in functional plans or in comprehensive land use plans. These measures can be addressed with a voluntary, cooperative effort. 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 Regional Affordable Housing Strategy. Special district service providers, public housing agencies, urban renewal agencies and others will play significant roles.

Affordable Housing Technical Advisory Committee

Metro will create an Affordable Housing Technical Advisory Committee with representatives of homebuilders, affordable housing providers and advocate groups, major employers, financial institutions, local governments and citizens to assist in carrying out the provisions of this section and identify cooperative approaches, regulatory reforms and incentives to be considered to ensure that needed affordable housing is built. The Committee will report to the Metro Council. The Affordable Housing Technical Advisory Committee shall seek and provide advice and consultation from and to the Metro Policy Advisory Committee (MPAC).

The Affordable Housing Technical Advisory Committee shall be created by the adoption of an ordinance. The ordinance shall specify the membership and method of appointment of Committee members. The Council shall establish timelines for the Committee to report on the matters specified in this section. Metro shall fund the work of the Committee sufficiently to allow its choices to be based on adequate factual information and to allow coordination with affected persons.

The Affordable Housing Technical Advisory Committee shall recommend a Regional Affordable Housing Strategy and amendments thereto, and make recommendations on other matters related to affordable housing referred to it by the Metro Council or MPAC. Any recommendation from the Affordable Housing Technical Advisory Committee for amendments to this Regional Framework Plan, for the adoption of Metro Functional Plan requirements and for the adoption of or amendments to the Regional Affordable Housing Strategy, shall be forwarded by the Affordable Housing Technical Advisory Committee to MPAC for its review prior to being transmitted to the Council. MPAC will provide consultation and advice to the Council for all proposals for amendments to the Regional Framework Plan and any functional plan.

The Committee should base its recommendations upon factual information. The Committee should evaluate contributing factors to the need for affordable housing and alternative courses of action or

inaction and consider the consequences. This is particularly important for any recommendation on the content of the Urban Growth Management Functional Plan.

In particular, the Committee should consider the magnitude of any need for a particular housing type, whether that need is uniform throughout the region, the roles of the public and private sectors in satisfying that need, whether the need is being addressed by existing market forces and public policies, whether the need is being addressed by public and private entities, and the financial resources available to satisfy the need. Opportunities shall be provided for review and comment by citizens and affected governmental units during the preparation and review of the recommendations of the Affordable Housing Technical Advisory Committee.

Regional Affordable Housing Strategy

With the advice and consultation of the Affordable Housing Technical Advisory Committee and MPAC, the Metro Council will adopt a Regional Affordable Housing Strategy which will serve as a blueprint to guide achievement of the goals set forth in this section. The Regional Affordable Housing Strategy will not be a regulatory document. The Strategy will contain recommendations for further actions, including appropriate amendments to the Urban Growth Management Functional Plan for those elements which are suitable for implementation through comprehensive plans and zoning regulations, as well as voluntary measures.

Relationship of Strategy to Land Use Requirements

Metro's Urban Growth Boundary regulations currently provide that an urban reserve planning requirement for affordable housing includes the establishment of requirements for a minimum percentage of affordable units and accessory dwellings. The Urban Growth Management Functional Plan currently contains provisions which further the affordable housing policies of Metro. These existing provisions require that:

- A minimum density is established in all zones allowing residential uses.
- At least one accessory unit is allowed within any detached single family dwelling.
- Housing densities are increased in light rail station communities, centers and corridors, if necessary, to implement the 2040 Growth Concept.

Implementation of the Strategy through adoption of additional Metro Urban Growth Management Function Plan requirements will be appropriate in some circumstances. These amendments will be the only regional policies which require cities and counties to amend

their comprehensive plans and implementing regulations to implement the Regional Affordable Housing Strategy.

The Metro Council has made a determination that performance standards for replacement housing ordinances and zoning density bonus incentives shall be adopted in the future as functional plan requirements. Such functional plan requirements will be subject to the advice and recommendations of the Affordable Housing Technical Advisory Committee and MPAC and the planning processes as provided for in this policy. The legality and appropriateness of any functional plan requirements may be contested during this future adoption process.

Content of Regional Affordable Housing Strategy

The Affordable Housing Technical Advisory Committee shall address the following matters in developing the Regional Affordable Housing Strategy:

Fair Share Strategy

The Regional Affordable Housing Strategy will include numerical "fair share" affordable housing targets for each jurisdiction to be adopted in the Urban Growth Management Functional Plan. The "fair share" targets that will be developed should reflect the current and future affordable housing needs of the region. The targets will be consistent with the affordable housing and jobs-housing balance policies established in the Regional Framework Plan. The determination of housing needs and numerical targets will include consideration of existing jurisdictional proportions of affordable and non-affordable housing supply and the roles of existing providers of affordable housing. Intergovernmental solutions toward attainment of fair share targets are encouraged. The "fair share" targets shall be based upon housing inventories and other factual information concerning the regional and subregional demand, supply and cost of housing and buildable lands, and the income levels and housing needs of current and future residents. Once the fair share targets are established, Metro will monitor the existing and new supply and delivery of affordable housing in the region. The Affordable Housing Technical Advisory Committee may recommend that fair share targets be implemented through Urban Growth Management Functional Plan amendments.

Land Use Planning Tools

The Affordable Housing Technical Advisory Committee will make recommendations that the Regional Affordable Housing Strategy address the need for amendments to the Urban Growth Management Functional Plan to further the purposes of this section. These land use planning tools shall be considered together with other non-land use measures that may be needed to attain fair share

targets. Land use planning tools for affordable housing may be in the form of recommendations to cities and counties or as requirements for amendments to adopted city and county comprehensive plans and implementing ordinances. Any land use requirements for cities and counties will need to be adopted as Urban Growth Management Functional Plan amendments by the Metro Council with the advice and consultation of MPAC.

In making its recommendations, the Affordable Housing Technical Advisory Committee shall address the need for model ordinances. The Committee shall consider the following tools which may have land use and non-land use planning elements:

- A) Performance standards for replacement housing ordinances. These ordinances are intended to ensure that existing affordable housing units which are lost to demolition or non-residential development are replaced with an equal number of new affordable housing units. The Committee shall consider methods to ensure governmental or non-profit purchase of threatened buildings, requirements for construction of replacement units, or payments to a replacement housing fund as alternatives. Consideration shall be given to implementing tools for replacement of rental housing in older central city high density areas, as well as replacement of lower density construction outside the central city.
- B) Performance standards requiring density bonus incentives. This type of incentive allows a sufficient increase of density over the maximum allowable density in mixed use areas as an incentive in return for a percentage of units being developed as affordable units. The amount of increased density allowed needs to be high enough to ensure that it is economically feasible for developers to build affordable units. Mechanisms to ensure that units qualifying for the incentive remain affordable for at least 60 years or be subject to a shared equity mortgage program shall be considered. An exemption process shall be adopted with this performance standard to allow cities and counties an exemption from this requirement if a demonstrated lack of public facilities prevents implementation of this requirement.
- C) Urban Growth Boundary considerations. Before an exception to a Functional Plan requirement affecting housing is pursued by a city or county, the effect of the grant of the exception on the need for expansion of the Urban Growth Boundary shall be considered.
- D) Performance standards for regionwide mandatory inclusionary housing. Any regionwide mandatory housing policy requires careful consideration. Regionwide mandatory inclusionary housing based on a constitutionally valid zoning approach shall be considered for functional plan implementation if cooperative programs have not significantly moved the region toward the goals of this policy.

- E) Other tools: The land use planning aspects of the measures described below as additional Regional Affordable Housing Strategy tools should also be considered.

In determining its recommendation regarding the adoption of performance standards for replacement housing ordinances, mandatory zoning density bonus incentives, or inclusionary housing policies, the Affordable Housing Technical Advisory Committee shall consider housing inventories and other factual information, including information about the demand, supply and cost of housing and buildable lands, and the incomes and housing needs of current and future residents. The Committee should evaluate alternative courses of action and review the consequences, of any particular action or failure to act. In particular, the Committee shall consider whether adoption of these performance standards would be inconsistent with other policy objectives of the Regional Framework Plan or with applicable federal and state laws and regulations. The views of affected local governments are important to consider in determining whether to adopt these types of performance standards.

Additional Regional Strategy Tools

In developing the Regional Affordable Housing Strategy, the Affordable Housing Technical Advisory Committee shall also address the following:

- A) additional measures to encourage and give incentives to develop affordable housing;
- B) types and amounts of affordable housing to be accommodated by the jurisdiction consistent with the functional plan targets;
- C) provisions to remove procedural barriers to current production of affordable housing;
- D) a variety of tools to ensure that the affordable housing to be accommodated is actually built, such as donation of tax foreclosed properties for nonprofit or government development as mixed market affordable housing, transfer of development rights, permit process incentives, fee waivers, property tax exemptions, land banking, linkage programs, expedited review processes, and affordable housing funding programs.
- E) requirements for maintaining architectural consistency of affordable units;
- F) long term or permanent affordability requirements;
- G) provision for affordable housing for seniors and the disabled;
- H) provision for preferential processing of UGB amendments in First Tier urban reserves when a minimum percentage of affordable units are included.
- I) consideration of a real estate transfer tax as a funding source for an affordable housing fund at the state, regional or local level when that option becomes available under state law.

- J) additional voluntary inclusionary housing approaches consistent with Oregon land use laws and 2040 Growth Concept design types that are supportive of maintaining neighborhood architectural consistency. These additional approaches should include inclusionary housing goals and principles that are the basis of a voluntary program for increased production of affordable housing units without regulation.
- K) development of a public-private program to reduce costs of production of new affordable housing and increase the supply of units to non-profit providers for possible subsidy. One part of such a program may be coordination between for profit builders and non profit affordable housing providers to facilitate sales of affordable for profit units to non profit affordable housing providers during the development of these units.

Adoption of Affordable Housing Strategy

The adoption by the Metro Council of the Regional Affordable Housing Strategy and any functional plan amendments shall be based upon the information and factors required by this section to be considered by the Affordable Housing Technical Advisory Committee, the recommendations of the Affordable Housing Technical Advisory Committee and MPAC, and the record created before the Metro Council.

Additional Metro Measures

In addition to developing and adopting a Regional Affordable Housing Strategy and considering amendments to the Urban Growth Management Functional Plan, Metro will undertake the following measures to further regional affordable housing goals:

- A) Metro, through the JPACT process, shall link regional transportation funding to affordable housing policy and achievement of affordable housing targets to the extent allowed by law, by creating incentives for use of discretionary funds for projects that further adopted affordable housing policies.
- B) Metro will inventory publicly owned lands, including the "air rights" above public lands, to identify underutilized public lands, excluding parks and open space, for possible development of affordable housing.
- C) Metro shall be a resource to assist developers of affordable housing and nonprofit charitable organizations to identify underutilized lands owned by nonprofit organizations, including the "air rights" above those lands, for possible development of affordable housing.

- D) Metro shall review all lands designated for residential use inside the UGB in implementation of Urban Growth Management Functional Plan to determine whether additional measures are needed to insure that an adequate supply of land, including opportunities for redevelopment, are zoned appropriately and available for affordable housing.
- E) Metro shall compile and maintain a data base on the demand, supply and cost of housing and buildable lands, income and housing needs of current and future residents, attainment of the fair share targets and other information relevant to affordable housing issues. This information is important in measuring the success of regional strategy tools and the need for revisions to the Regional Affordable Housing Strategy.

Council Review of Affordable Housing Policies

The Regional Affordable Housing Strategy shall be evaluated and may be updated no later than two years after its adoption. Thereafter, the strategy shall be reviewed as provided for in the Strategy Plan. The Council shall obtain the recommendations of the Affordable Housing Technical Advisory Committee and MPAC before amending or revising the Strategy.

Exhibit B

CHAPTER 3.07

AFFORDABLE HOUSING TECHNICAL ADVISORY COMMITTEE

SECTIONS	TITLE
----------	-------

3.07.010	Committee Created, Purpose
3.07.020	Composition of Committee, Terms
3.07.030	Committee Work Program
3.07.040	Committee Coordination with MPAC
3.07.050	Committee Organization, Staff

3.07.010 Committee Created, Purpose

There is hereby created an Affordable Housing Technical Advisory Committee for the purpose of advising the Metro Council and the Metro Policy Advisory Committee on matters related to affordable housing as set forth in Section 1.3 of the Regional Framework Plan.

3.07.020 Composition of Committee

The Committee shall consist of 25 members, serving terms of two years, appointed by the Executive Officer and confirmed by the Council, representing the following interest groups and subject to the following nominating process:

- A. One representative of non-profit affordable housing providers from each county.
- B. Three representatives of for-profit housing providers with no more than two from any one county.
- C. Three representatives from public housing authorities with one representative from each county as nominated by the chair of each county commission.
- D. Eight representatives of local governments nominated as follows:
 - 1. One representative of the City of Portland nominated by the mayor of Portland.
 - 2. One representative from local governments within each county nominated by the chair of the county commission.
 - 3. One representative from the cities of each county other than Portland nominated by a caucus of the cities.
 - 4. One representative from MPAC nominated by the Chair of MPAC.

The local government representatives who are elected officials may select alternate members from their government's staff.

- E. Two representatives of institutions that provide financing to developers of housing and affordable housing.
- F. Three representatives of the residents of affordable housing.
- G. Two representatives of the business community and major employers.
- H. One representative who is not a government employee and is a land use planner, land use attorney or other professional in a related field.

The Executive Officer may also appoint alternate members subject to confirmation.

In addition to the members provided for above, representatives who shall be ex-officio non-voting members shall represent the following organizations:

1. The Governor's Task Force on Aging;
2. The State of Oregon Housing Department;
3. The Federal Housing Administration.

3.07.030 Committee Work Program

Prior to making a recommendation, the Committee shall conduct at least one public hearing and invite interested citizens and government officials to testify. The Committee shall consider all matters referred to it pursuant to Section 1.3 of the Regional Framework Plan and, prior to nine months after the date of adoption of this Ordinance, shall make a recommendation to the Council for the adoption of fair share affordable housing targets for each jurisdiction. This recommendation shall first be submitted to MPAC as a preliminary Committee recommendation for review and comment in accordance with Section 3.07.040 prior to its submittal to the Council.

No later than 15 months after the date of adoption of this Ordinance, the Committee shall report to the Council and MPAC with a recommendation for the adoption of the Regional Affordable Housing Strategy Plan. Thereafter, in accordance with Section

3.07.040, the Committee shall make recommendations to the Council and MPAC on matters referred to it pursuant to this Section. The Committee shall review the effectiveness of the Regional Affordable Housing Strategy in accordance with timelines as set forth in the Strategy itself.

3.07.040 Committee Coordination with MPAC

Any Committee recommendation to the Council made pursuant to Section 3.07.030 shall first be submitted to MPAC as a preliminary recommendation for MPAC review and comment, prior to its submittal to the Council. MPAC shall review and comment on the preliminary recommendation within thirty (30) days from the date of its referral to MPAC by the Committee. The Committee shall consider any comment and recommendation made on the matter by MPAC prior to making a final recommendation and submitting it to the Council. If MPAC takes no action on the recommendation within forty-five (45) days from its referral, then the Committee may submit the preliminary recommendation to the Council as its final recommendation on the matter.

3.07.050 Committee Organization, Staff

The Committee shall elect its own officers and establish its own bylaws. The Executive Officer shall provide appropriate staff resources to the Committee consistent with the budget resources approved by the Council.

EXHIBIT C

Membership of Affordable Housing Technical Advisory Committee

Clackamas County non profit affordable housing provider representative is Diane Luther.
Multnomah County non profit affordable housing provider representative is Dee Walsh.
Washington County non profit affordable housing provider representative is Sheila Greenlaw-Fink.

First representative of for-profit housing provider is David Bell.
Second representative of for-profit housing provider is Scott Matthews.
Third representative of for-profit housing provider is Doug Obletz.

Representative of public housing authority in Clackamas County is Gary DiCenzo.
Representative of public housing authority in Multnomah County is Helen Barney.
Representative of public housing authority in Washington County is Susan Wilson.

Representative of the City of Portland is _____.
Representative of local government nominated by Clackamas County is Doug McLain.
Representative of local government nominated by Multnomah County is _____.
Representative of local government nominated by Washington County is Andy Duyck.
Representative of the cities of Clackamas County is Jill Thorn.
Representative of the cities of Multnomah County other than Portland is Gussie McRobert.
Representative of the cities of Washington County is David Lawrence.

Representative of MPAC is Rob Drake.

First representative of an institution which provides financing to developers of housing and affordable housing is David Summers.
Second representative of an institution which provides financing to developers of housing and affordable housing is Juanita Hernandez.

First representative of residents of affordable housing provider is Leora Barry.
Second representative of residents of affordable housing provider is Dana Brown.
Third representative of residents of affordable housing provider is Tasha Harmon.

First representative of the business community and major employers is Pat Ritz.
Second representative of the business community and major employers is Jon R. Gibson.

Representative of land use planning professionals is Jeff Condit.

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE REGIONAL FRAMEWORK PLAN SECTION 1.3 REGARDING HOUSING AND AFFORDABLE HOUSING, ADDING A CHAPTER TO THE METRO CODE CREATING AN AFFORDABLE HOUSING TECHNICAL ADVISORY COMMITTEE AND CONFIRMING THE APPOINTMENT OF MEMBERS

Date: July 14, 1998

Prepared by: Dan Cooper

BACKGROUND

The Regional Framework Plan adopted by the Metro Council on December 18, 1997, contained a section establishing policies relating to housing and affordable housing. The provisions were adopted with strong support from advocates for affordable housing, the City of Portland, and the Coalition for A Livable Future. The adoption of these provisions was controversial and many local governments and other persons objected to the Council's inclusion of this provision in the Regional Framework Plan. After the framework plan was adopted, Clackamas County and the Cities of Gresham and Hillsboro filed a notice of appeal with the Oregon Land Use Board of Appeals. The appeal was intended to challenge the validity of the Regional Framework Plan section on affordable housing. Washington County, the City of Beaverton, the City of Fairview, the City of Tigard, the City of Tualatin, the City of West Linn, and the Portland Metropolitan Homebuilders, and the Portland Metro Association of Realtors intervened in the appeal on behalf of the three petitioners. The City of Portland, 1000 Friends of Oregon, and the Coalition For A Livable Future intervened in the appeal on behalf of Metro. After the appeal was filed, the Executive Officer authorized the Office of General Counsel to attempt to mediate the appeal and the three petitioners and all intervenors agreed to participate in the mediation process. The Oregon Land Use Board of Appeals and the Department of Land Conservation and Development provide funding for mediation for land use appeals and the mediation was conducted consistent with this process. Retired Judge Sid Brockley from Clackamas County was selected by the parties to be the mediator. During the mediation, Councilor Ed Washington was the lead Metro elected official providing policy guidance to the General Counsel.

As a result of the mediation, the three petitioners and the Metro Executive Officer on behalf of Metro, have entered into a settlement agreement that provides that the petitioners will dismiss their appeal if the Metro Council adopts Ordinance 98-769.

Ordinance 98-769 would amend Section 1.3 of the Regional Framework Plan regarding housing and affordable housing, add a new chapter to the Metro Code creating an affordable housing technical advisory committee and confirm the appointment of initial members to that committee.

The proposed amendments to Section 1.3 Housing and Affordable Housing of the Regional Framework Plan are set forth in Exhibit A of this ordinance. Those provisions provide for a substantial restatement of the affordable housing policies that were contained in the original provisions of Section 1.3, as adopted by the Metro Council in December. While the substance of

this section is substantially the same, the proposed amendment provides considerably greater detail as to the process that Metro will follow in adopting a regional affordable housing strategy plan. The strategy plan would be the basis for the adoption of functional plans requiring cities and counties to amend their comprehensive plans and zoning ordinances to promote affordable housing policy where it is determined that it is appropriate to do so.

The revisions to the framework plan clearly delineate Metro's authority to require comprehensive plan and zoning ordinance amendments while reflecting that other provisions of an affordable housing strategy may require solutions other than land use planning solutions that can only be considered as recommendations from Metro to the region in order to promote a regional affordable housing strategy.

The Affordable Housing Technical Advisory Committee would be composed of 25 members with three additional representatives from state and federal agencies serving as ex-officio, non-voting members. The membership that is proposed for the committee is intended to reflect the need for the committee to be a source of technical advice regarding affordable housing. This committee's status would be elevated to that of a committee created pursuant to a chapter of the Metro Code, and its initial membership would be confirmed.

RECOMMENDED ACTION

Councilor Washington and the Executive Officer recommend Council adoption of Ordinance 98-769.

I:\DOCS\07.P&D\11FRAMEW.ORK\98769STF.RPT (714)

Agenda Item Number 8.1

Resolution No. 98-2696, For the Purpose of Confirming the Selection of Pac/West Communications to Represent Metro before the 1999 Session of the Oregon Legislature.

Metro Council Meeting
Thursday, September 10, 1998
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING	)	RESOLUTION NO. 98-2696
THE SELECTION OF PAC/WEST)	
COMMUNICATIONS TO REPRESENT	)	Introduced by:
METRO BEFORE THE 1999 SESSION)	
OF THE OREGON LEGISLATURE	)	Mike Burton, Executive Officer
	)	Jon Kvistad, Presiding Officer

WHEREAS, Metro needs to maintain liaison with the state and federal legislature, and

WHEREAS, Funds were placed in the adopted Metro FY 1998-99 Budget under Contracted Professional Services to be available for this purpose, and

WHEREAS, On June 11, 1998 the Metro Council authorized a request for proposals for a personal services contract to represent Metro before the 1999 Session of the Oregon Legislature, and

WHEREAS, "Attachment A" documents the contractors' Scope of Work, and

WHEREAS, "Attachment B" stipulates the terms of the Personal Services Agreement between Metro and PAC/WEST Communications, and

WHEREAS, PAC/WEST Communications submitted the highest ranking proposal; now, therefore,

BE IT RESOLVED;

That the Metro Council authorizes the execution of Contract No. 920849 with PAC/WEST Communications to represent Metro before the 1999 Session of the Oregon Legislature.

ADOPTED by the Metro Council this ____ day of _____ 1998.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 98-2696 FOR THE PURPOSE OF CONFIRMING THE SELECTION OF PAC/WEST COMMUNICATIONS TO REPRESENT METRO BEFORE THE 1999 SESSION OF THE OREGON LEGISLATURE.

Date: August 21, 1998

Presented by: Mike Burton
Jon Kvistad

BACKGROUND:

Metro has a need to manage and coordinate its legislative agenda Fiscal Year 1998-99 and maintain ongoing contact with individual state legislators. The Metro Council authorized a request for proposals for a personal services contract to represent Metro before the 1999 Session of the Oregon Legislature.

The Council approved \$60,000.00 in the Fiscal Year 1998-99 Contracted Professional Services Budget for this purpose.

The request for proposals garnered twelve (12) applicants for this position. After an initial evaluation based on the RFP criteria the top five (5) highest ranking were interviewed by Executive Officer Mike Burton, Presiding Officer Jon Kvistad, and Metro General Counsel Dan Cooper.

PAC/WEST Communications submitted the highest ranking proposal. Mr. Paul Phillips, President of PAC/WEST Communications, has extensive experience as a lobbyist in Salem. Prior to being named President of PAC/WEST Communications, Mr. Phillips served three terms in the Oregon House of Representatives and two terms in the Oregon State Senate. As assistant majority leader and chair of the Government Finance and Tax Policy Committee, he helped shape and implement a successful legislative agenda.

Mr. Phillips also served as president of Tualatin Valley Economic Development Corporation facilitating discussions and negotiations between the public and private sectors.

If approved, the contract would begin September 14, 1998.

Executive Officer's Recommendation:

The Executive Officer recommends that PAC/WEST Communications be confirmed to represent Metro before the 1999 Session of the Oregon Legislature.

Attachment A

SCOPE OF WORK

1. Description of the Work

A. 1999 Legislative Session

The contractor will represent Metro before the 1999 session of the Oregon Legislature by arranging for introduction of any legislation which the agency requests to be put forth and monitoring all legislation which may impact Metro through daily attendance at committee meetings, work sessions and hearings, meetings with individual legislators and other appropriate means. The contractor will arrange for Metro testimony at hearings where appropriate or appear on behalf of Metro as directed by the Council and the Executive Officer and will advise Metro of any additional communication.

B. Contact with Individual Legislators

The contractor will establish contact with individual legislators on behalf of Metro and will work with the Council and Executive Office to conduct a briefing for legislators prior to the beginning of the 1999 session.

C. Coordination and Management of Contract

Metro's legislative agenda is developed jointly between the Executive Officer and the Metro Council. Direction and supervision of the Scope of Work shall be accomplished through oversight by the Council Government Affairs Committee and the Executive Officer. The contractor shall report to the Metro Council at least once a month during the legislative session to transmit a progress report. Additional meetings may be scheduled upon request of any of the parties.

The contractor shall meet with Metro elected officials and staff on a regular basis to ensure familiarity with Metro programs and issues. In addition, Metro will be represented at other meetings which are necessary to carry out the 1999 Legislative Agenda.

2. Payment and Billing

Contractor shall perform the above work for a maximum price not to exceed **SIXTY THOUSAND DOLLARS (\$60,000.00)** to be paid at a rate of **SIX THOUSAND DOLLARS (\$6,000.00)** per month for the period of September 14, 1998 to June 30, 1999.

The maximum price includes all fees, costs and expenses of whatever nature. Contractor's billing statements will include an itemized statement of work done and expenses incurred during the billing period, will not be submitted more frequently than once a month, and will be sent to Metro, attention:

Accounts Payable, 600 NE Grand Avenue, Portland, OR 97232-2736.

Metro will pay Contractor within 30 days of receipt of an approved billing statement.

Attachment B

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 N.E. Grand Avenue, Portland, OR 97232-2736, and **PAC/WEST COMMUNICATIONS**, referred to herein as "Contractor," located at **5285 SW MEADOWS ROAD, SUITE 340, LAKE OSWEGO, OR 97035**.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. Duration. This personal services agreement shall be effective **SEPTEMBER 14, 1998** and shall remain in effect until and including **JUNE 30, 1999**, unless terminated as provided in this Agreement, or extended as provided by the Metro Code.
2. Scope of Work. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. Payment. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed **SIXTY THOUSAND DOLLARS AND 00/100THS (\$60,000.00)** at a rate of **SIX THOUSAND DOLLARS AND 00/100THS (\$6,000.00)** per month.
4. Insurance.
 - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
 - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance.

b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.

c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

relating to this contract

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the State of Oregon and shall be conducted in the Circuit Court of the state of Oregon for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor seven days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

PAC/WEST COMMUNICATIONS

By: _____

Title: _____

Date: _____

METRO

By: _____

Title: _____

Date: _____

Agenda Item Number 9.1

Resolution No. 98-2682, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.044, Personal Services Contracts Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon Litter and Vandalism (SOLV) for Sponsorship of the Annual "Solv It" and "Washington County Clean and Green" Events.

Contract Review Board

Metro Council Meeting
Thursday, September 10, 1998
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING AN	)	RESOLUTION NO. 98-2682
EXEMPTION TO METRO CODE CHAPTER 2.04.044,)	
PERSONAL SERVICES CONTRACTS SELECTION	)	INTRODUCED BY MIKE BURTON,
PROCESS, AND AUTHORIZING A SOLE-SOURCE	)	EXECUTIVE OFFICER
CONTRACT WITH STOP OREGON LITTER AND)	
VANDALISM (SOLV) FOR SPONSORSHIP OF THE)	
ANNUAL "SOLV IT" AND "WASHINGTON)	
COUNTY CLEAN AND GREEN" EVENTS)	

WHEREAS, Metro supports cleanup events to rid the region of illegal dump sites and to assist local governments with cleanup of chronic problem sites; and

WHEREAS, Metro has provided technical and financial support for the past nine "SOLV IT" events; and the 1998 "Washington County Clean & Green"; and

WHEREAS, the 1998 "SOLV IT" event succeeded in collecting nearly 700 tons of material from 98 different sites throughout Multnomah, Clackamas and Washington Counties including 500 tons of mixed solid waste, 54 tons of recyclable scrap metal, 62 tons of wood debris and 2,400 waste tires; and

WHEREAS, the 1997 "Washington County Clean and Green" event cleaned up 50 sites, planted thousands of trees and bulbs, stenciled 250 storm drains, and built trails, bird boxes and planted vegetation at Rood Bridge; and

WHEREAS, the coordinating organization is the only organization qualified to perform the services as outlined in the contractual Scope of Work; and

WHEREAS, the Executive Officer has reviewed the contract with SOLV and hereby recommends Council approval; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby exempts the attached contract (Exhibit "A" hereto) with SOLV from the competitive proposal requirement, pursuant to Metro Code Chapter 2.04.044,

because the Council finds SOLV to be the sole provider of the required services.

ADOPTED by the Metro Council this ____ day of _____, 1998.

Jon Kvistad, Presiding Officer

JO:clk
S:\SHARE\ODELL\922682.RES

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, Oregon 97232, and STOP OREGON LITTER AND VANDALISM (SOLV), referred to herein as "Contractor," located at P.O. Box 1235, Hillsboro, Oregon 97123.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. Duration. This personal services agreement shall be effective September 15, 1998, and shall remain in effect until and including June 30, 1999, unless terminated or extended as provided in this Agreement.
2. Scope of Work. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. Payment. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed FORTY-TWO THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$42,500.00).
4. Insurance.
 - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
 - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
 - (2) Automobile bodily injury and property damage liability insurance.
 - b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
 - c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDs. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.
 - d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and

will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under

this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor five days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding any and all prior agreements or practices, this Agreement constitutes the entire Agreement between the parties, and may only be modified in a writing signed by both parties.

STOP OREGON LITTER AND
VANDALISM (SOLV)

METRO

By: _____

By: _____

Print name and title

Print name and title

Date: _____

Date: _____

S:\SHARE\DOWD\SOLV\Solvit98.psa

EXHIBIT A

SCOPE OF WORK

PROJECT: Coordination of 1998 Stop Oregon Litter and Vandalism (SOLV) events in FY 1998-1999

CONTRACTOR: Stop Oregon Litter and Vandalism (SOLV)

PROJECT TERM: September 15, 1998 through June 30, 1999

PROJECT TOTAL: \$42,500

CONTRACTOR'S RESPONSIBILITIES:

Contractor shall be responsible for conducting and coordinating clean-up and environmental enhancement events in the region in FY 1998-1999 to include:

1. Community Cleanup Events:

SOLV will work with local governments and neighborhood organizations to identify and select sites to be scheduled for cleanup and community enhancement for the Washington County Clean & Green event in 1998 and the Earth Day SOLV-IT Clean-Up in April 1999. SOLV will also assume responsibility for arranging access to any identified public properties, if necessary. Community-based cleanup events will include collection of separated recyclables and/or reusables such as scrap metal, tires, etc.

2. Cleanup of Illegal Dump Sites on Public Land: SOLV will identify and conduct cleanups of large chronic illegal dump sites in the region.

- a. Contractor's activities and/or events will be distinctly different from normal maintenance responsibilities of local governments (such as public works road crews or parks department cleanups).
- b. Contractor shall assume responsibility for installation of prevention devices such as barricades or plantings for sites as appropriate.
- c. Contractor shall assume responsibility for arranging access to such sites if necessary.

3. Coordination of Northwest Service Academy/EnviroCorp participation in SOLV activities in 1998-1999 (SOLV-IT, Down by the Riverside, Paint the Town Clean, etc.).

4. Publicity: Contractor shall identify Metro as a major sponsor in all event media publicity, event signage, banners, press releases, etc.5. Reporting: The Contractor's Project Manager will provide Metro with event information on or before June 30, 1999, including a report describing the cleanups:

- a. Total amount collected for each type of material and where material was disposed of or recycled;

- b. Number of participants in the event and number of volunteers contributing to the cleanup and recycling activities.
- c. Highlights of the event.

METRO'S RESPONSIBILITIES:

Metro will provide printing of the event materials such as brochures and posters, assistance with distribution of same, and will provide other assistance as necessary to develop and evaluate the project, including coordination between the Contractor and Metro's Creative Services Division.

PAYMENT AND EVENT REVENUE:

Metro will make payment to SOLV in two lump-sums -- \$12,500 in September 1998 following contract approval (including \$10,000 for Washington County Clean & Green plus \$2,500 for EnviroCorp coordination) and \$30,000 in April 1999 upon completion of the SOLV-IT event. Any expenses which exceed Metro's total cash contribution of \$42,500 shall be borne by the Contractor. Other major sponsors of SOLV's events include Intel, KINK Radio, Sleep Country USA, Norm Thompson, Washington County, USA Unified Sewerage Agency, Weyerhaeuser and Amica Mutual Insurance Company. Additional revenue is generated from donations of \$10,000, \$5,000 and \$1,600 packages from other local businesses, to be used in covering costs of staging the SOLV-IT event.

JO:clk

\\METRO1\REM\SHARE\ODELL\SOLV98.PSA

**EXECUTIVE SUMMARY
RESOLUTION NO. 98-2682
CONTRACT FOR SOLV EVENTS IN FY 1998-99**

PROPOSED ACTION

- Passage of Resolution 98-2682 would authorize the Executive Officer to enter into a sole-source contract with Stop Oregon Litter and Vandalism for two annual community cleanup events and for coordination of EnviroCorps assistance with SOLV projects.
- The "Washington County Clean and Green" event will be held in September 1998 and will involve neighborhood clean-up and environmental enhancement and restoration in Washington County.
- The Earth Day SOLV IT event in April 1999 will involve cleaning up illegal dumpsites, and beautifying and restoring neighborhoods across the Metro region.
- Coordination of EnviroCorp participation will occur throughout the year.

WHY NECESSARY

- Working in conjunction with neighborhood associations, these events will focus on numerous smaller dumpsites in neighborhoods, cleaning up the few large illegal dumpsites in the region that remain chronic, and enhancing communities through graffiti removal, storm drain stenciling, stream cleanup, and hillside restoration.
- SOLV IT is a proven event. SOLV IT 1998 was the largest cleanup in the nation. The first annual "Clean and Green" event drew 1,000 volunteers.

ISSUES/CONCERNS

- A sole-source contract is necessary, because SOLV is the only agency of its kind to coordinate these types of event on this scale. Metro's administrative rules require that this sponsorship be handled as a contracted personal service, rather than as a grant.

BUDGET/FINANCIAL IMPACTS

- Metro's sponsorship of SOLV and these events was identified in the current-year budget approved by Council.
- The services provided under this contract will cost Metro \$42,500.
- Metro will provide in-kind services consisting of printing posters and brochures, site map production, use of cleanup equipment on the day of the event, volunteer recruitment, and assistance with calls taken at the Metro Recycling Information Center and REM reception desk.

JO:clk

\\METRO1\REM\SHARE\Dept\COUNCIL\EXEC\SUM\98SOLV.SUM

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 98-2682 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.044, PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH STOP OREGON LITTER AND VANDALISM (SOLV) FOR THE SPONSORSHIP OF THE ANNUAL "SOLV IT" AND "WASHINGTON COUNTY CLEAN AND GREEN" EVENTS.

Date: July 14, 1998

Presented by: Bruce Warner

PROPOSED ACTION

Adoption of Resolution No. 98-2682 would authorize an exemption to competitive contract procedures and authorize the execution of a personal services contract (Exhibit A) with Stop Oregon Litter and Vandalism (SOLV). The contract provides general financial support to SOLV, and specifically provides sponsorship of the tenth annual "SOLV-IT" cleanup event to be held on Saturday, April 24, 1999, and the Second Annual "Washington County Clean and Green" community clean-up event on September 19, 1998.

SOLV is the only agency of its kind to coordinate these types of events on this scale. Through these events, SOLV has targeted many small illegal disposal sites in the Metro region as well neighborhood cleanups coordinated by local groups, restoration projects, and beautification projects.

Metro's sponsorship of SOLV and these events was identified in the current-year budget approved by Council.

FACTUAL BACKGROUND

Metro has supported the annual one-day "SOLV IT" cleanup since the first event in 1990. Over that period of time, the scale of illegal dumping has become more manageable on a site-by-site basis. Remediation programs from Metro, other local cleanup projects, and SOLV IT were so successful that in 1995, only a few major dumpsites remained to be cleaned. In an effort to be responsive to the changing needs of the metropolitan community, SOLV IT adjusted its focus to target smaller dumpsites and perform neighborhood community cleanup. SOLV IT 1998 continued that emphasis with 98 sites targeted that involved a variety of projects including trail maintenance, illegal dumpsite cleanup, neighborhood beautification, community enhancement, flood remediation, storm and ice damage repair, bike and pedestrian path construction, wildlife refuge maintenance, and landscaping. Over 700 tons of material was collected, including 2,400 tires, 125,000 lbs. of woody debris, 110,000 lbs. of appliances, car bodies and metal and 1.15 million pounds of household waste.

Comparisons for the 1994-1998 SOLV IT events follow:

	<u>Mixed Waste*</u>	<u>Scrap Metal</u>	<u>Tires</u>
1994	83 tons	8.2 tons	4,836
1995	155 tons	6.1 tons	2,213
1996	381 tons	21.6 tons	2,586
1997	372 tons	23.94 tons	1,946
1998	500 tons	54 tons	2,400

*includes storm/yard debris

*includes Clean & Green

CLEAN AND GREEN

In 1997 SOLV initiated its first annual "Washington County Clean and Green" event. Fifteen drop boxes and 9 dump trucks of debris were removed from cleanup sites; 3,300 trees and 6,000 bulbs were planted; 250 storm drains were stenciled; graffiti removal occurred at 12 major sites; and installation of bird boxes, trails and trees occurred at Rood Bridge.

SPONSORSHIP AND PARTICIPATION

Metro is one of five primary event sponsors for the 1998-1999 events. Other sponsors include Intel, Norm Thompson, USA Unified Sewerage Agency, Washington County, KINK Radio, Weyerhaeuser, Sleep Country USA, and Amica Mutual Insurance Company. In addition, local haulers have helped with SOLV IT since its beginning. In-kind and donated services from organizations and other businesses in the community are solicited by SOLV to help reduce direct costs. Each primary event sponsor has agreed to provide in-kind services as part of their participation. For our part, Metro will provide printing of posters and brochures, site map production, use of cleanup equipment on the day of the event, volunteer recruitment, and assistance with calls taken at the Metro Recycling Information Center and Regional Environmental Management reception desk.

BUDGET IMPACT

In FY 1998-99, \$42,500 is listed in REM's Waste Reduction, Planning and Outreach Division for sponsorship of SOLV cleanup programs.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 98-2682.



CLACKAMAS COUNTY

091098c-02

Board of Commissioners

To: Metro Council

September 10, 1998

From: Judie Hammerstad, Chair, Clackamas County Commission

JUDIE HAMMERSTAD
CHAIR

BILL KENNEMER
COMMISSIONER

ED LINDQUIST
COMMISSIONER

Re: Affordable Housing Ordinance No 98-769: In support

I am testifying on behalf of Clackamas County and the litigants and intervenors regarding the Affordable Housing mediation. After many months of meetings, mediation, compromise and finally, agreement, I am here to support the Ordinance as presented. I am also here to testify on behalf of Mpac which approved this ordinance at their meeting on July 22, 1998.

This has been a very lengthy process involving the lawyers from the four main entities: Clackamas County, Hillsboro, Gresham and Metro. Each of these jurisdictions was present and participatory in the discussions and the agreements. When all parties reached agreement, the Ordinance was reviewed and approved by Mpac and recommended in its amended form to be formally adopted by the Council.

Now, I understand that there is a desire on the part of some members of the Council to amend the ordinance. If this were to be done, it should have been done during the mediation with all parties present. This now looks as if one party, Metro, wants to unilaterally change the agreement and is asking the litigants to compromise. We feel that we have already compromised on many points within the ordinance. None of us got exactly what we might have wanted – that is the nature of compromise and the usual outcome of mediation.

I understand that the point of disagreement is in the naming of the advisory committee and that there is a fear that this will set a precedent regarding the council's authority to appoint its own advisory committees. We are willing to stipulate that it will not set a precedent, and that this is uniquely the outcome of legal action and has come about as a result of compromise.

We too would be concerned that a precedent could be set. That is: the Metro Council, as a party to mediation, would fully participate and reach agreement in that setting - and then fail to approve the very document on which they had agreed as part of the legal process.

We are supporting the substance of this ordinance and the process by which it was developed. We would all like to see the issues of affordable housing addressed, and the adoption of this ordinance will enable that discussion to continue. We urge you to support its passage.

