

# Metro | Agenda

Meeting: Metro Policy Advisory Committee (MPAC)  
Date: Wednesday, January 12, 2011  
Time: 5 to 7 p.m.  
Place: Council Chambers

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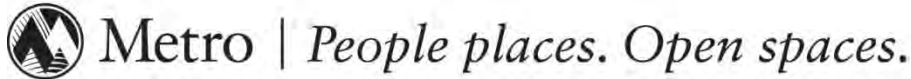
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|----------------|-----|--|--|
| <b>5 PM</b>    | 1.  | <b><u>CALL TO ORDER</u></b>  | <b>Jerry Willey,<br/>Second Vice Chair</b> |
| <b>5:02 PM</b> | 2.  | <b><u>SELF INTRODUCTIONS &amp; COMMUNICATIONS</u></b> <ul style="list-style-type: none"><li>• Welcome New MPAC Members</li></ul>   | <b>Jerry Willey,<br/>Second Vice Chair</b> |
| <b>5:05 PM</b> | 3.  | <b><u>CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS</u></b>   |  |
| <b>5:10 PM</b> | 4.  | * <b>Consideration of the MPAC Minutes for November 17, 2010</b>   |  |
| <b>5:12 PM</b> | 5.  | <b><u>COUNCIL UPDATE</u></b>   |  |
| <b>5:15 PM</b> | 6.  | Election of 2011 MPAC Officers   | <b>Jack Hoffman</b>                        |
| <b>5:30 PM</b> | 7.  | # Making the Greatest Place Overview – <b><u>INFORMATION</u></b> <ul style="list-style-type: none"><li>○ Accomplishments to date</li><li>○ Next steps for 2011</li></ul> <ul style="list-style-type: none"><li>• <i>Purpose:</i> Initial preparations for 2011 MPAC work plan.</li><li>• <i>Outcome:</i> MPAC begins to consider annual work plan.</li></ul>   | <b>Robin McArthur</b>                      |
| <b>5:45 PM</b> | 8.  | * <b>Ordinance No. 11-1252</b> , For the purpose of amending Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan – <b><u>DISCUSSION/RECOMMENDATION TO THE COUNCIL</u></b> <ol style="list-style-type: none"><li>1. What changes to Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan does MPAC recommend that the Metro Council adopt to add specificity in planning for housing?</li></ol> <ul style="list-style-type: none"><li>• <i>Purpose:</i> Provide recommendations to the Metro Council on amendments to Title 11 of the Urban Growth Management Functional Plan.</li><li>• <i>Outcome:</i> Recommendation to the Metro Council on amendments to Title 11 of the Urban Growth Management Functional Plan.</li></ul> | <b>Robert Liberty</b>                      |
| <b>6:55 PM</b> | 9.  | <b><u>MPAC MEMBER COMMUNICATION</u></b>  |  |
| <b>7PM</b>     | 10. | <b><u>ADJOURN</u></b>  | <b>Jerry Willey,<br/>Second Vice Chair</b> |

\* Material included in the packet.

# Material will be provided at the meeting.

For agenda and schedule information, call Kelsey Newell at 503-797-1916, e-mail: [kelsey.newell@oregonmetro.gov](mailto:kelsey.newell@oregonmetro.gov).

To check on closure or cancellations during inclement weather please call 503-797-1700x.



METRO POLICY ADVISORY COMMITTEE

**November 17, 2010**

Metro Regional Center, Council Chambers

MEMBERS PRESENT

Sam Adams  
Matt Berkow  
Pat Campbell  
Steve Clark  
Nathalie Darcy  
Dennis Doyle  
Amanda Fritz  
Jack Hoffman  
Carl Hosticka  
Robert Liberty  
Marilyn McWilliams  
Rod Park  
Wilda Parks  
Mike Weatherby, Chair  
Richard Whitman

AFFILIATION

City of Portland Council  
Multnomah County Citizen  
City of Vancouver  
TriMet Board of Directors  
Washington County Citizen  
City of Beaverton, representing Washington Co. 2<sup>nd</sup> Largest City  
City of Portland Council  
City of Lake Oswego, representing Clackamas Co. Largest City  
Metro Council  
Metro Council  
Washington County Special Districts  
Metro Council  
Clackamas County Citizen  
City of Fairview, representing Multnomah County Other Cities  
Oregon Department of Land Conservation & Development

MEMBERS EXCUSED

Shane Bemis  
Jody Carson  
Andy Duyck  
Patricia Holloway  
Charlotte Lehan, Vice Chair  
Keith Mays  
Charlynn Newton  
Alice Norris  
City  
Judy Shiprack  
Steve Stuart  
Jerry Willey, Second Vice Chair

AFFILIATION

City of Gresham, representing Multnomah Co. 2<sup>nd</sup> Largest City  
City of West Linn, representing Clackamas Co. Other Cities  
Washington County Commission  
Clackamas County Special Districts  
Clackamas County Commission  
City of Sherwood, representing Washington Co. Other Cities  
City of North Plains, representing Washington Co. outside UGB  
City of Oregon City, representing Clackamas Co. 2<sup>nd</sup> Largest City  
  
Multnomah County Commission  
Clark County, Washington Commission  
City of Hillsboro, representing Washington County Largest City

ALTERNATES PRESENT

Aron Carlson  
Shirley Craddick  
Tim Knapp  
Peter Truax  
William Wild

AFFILIATION

City of Hillsboro, representing Washington County Largest City  
City of Gresham, representing Multnomah Co. 2<sup>nd</sup> Largest City  
City of Wilsonville, representing Clackamas Co. Other Cities  
City of Tualatin, representing Washington Co. Other Cities  
Clackamas County Special Districts

STAFF:

Dick Benner, Andy Cotugno, Chris Deffebach, Councilor Kathryn Harrington, Robin McArthur, Kelsey Newell, Sherry Oeser, Ken Ray, Ted Reid, Randy Tucker, Nikolai Ursin, Sheena VanLeuven, John Williams

**1. CALL TO ORDER AND DECLARATION OF A QUORUM**

Chair Mike Weatherby declared a quorum and called the meeting to order at 5:07 p.m.

**2. SELF INTRODUCTIONS AND COMMUNICATIONS**

Audience and committee members introduced themselves.

Chair Mike Weatherby announced that there will be no December MPAC meeting and that this meeting would be the final MPAC meeting for 2010.

**3. CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS**

There were none.

**4. CONSIDERATION OF THE MPAC MINUTES FOR NOVEMBER 17, 2010**

MOTION: Ms. Wilda Parks moved, and Commissioner Amanda Fritz seconded, to approve the November 10, 2010 MPAC minutes.

ACTION TAKEN: With all in favor, the motion passed.

**5. COUNCIL UPDATE**

Councilor Carl Hosticka updated the committee on:

- The Council is scheduled to adopt the Capacity Ordinance on December 16, and will hold public hearings on November 29, December 2<sup>nd</sup> and December 9<sup>th</sup>; and
- Metro is releasing the third volume of the Community Investment Toolkit on Eco-efficient employment, and events and seminars are planned for 2011 to share ideas and best practices for applying these tools in local communities.

**6. RECOMMENDATIONS: Community Investment Strategy**

**6.1 Implementing Policies- Urban Growth Management Functional Plan**

Councilor Shirley Craddick of Gresham addressed the concerns that the City of Gresham has regarding the proposed changes to Title 6 of the Urban Growth Management Functional Plan, including whether jurisdictions would establish boundaries for centers and corridors and whether work that has been done in this area would be credited to jurisdictions. Mr. John Williams of Metro clarified the intent of the changes to Title 6 and the incentives to local governments to enhance centers and corridors.

Committee discussion included:

- Whether the proposed changes put too much emphasis on transit investments whereas that is only one of many investments that communities may employ for comply with Title 6;
- What the regional policy is for distribution of designation and allocation regional and town centers;
- How mixed-use in corridors differs from strip development;

- What funding sources might be tied to Title 6 compliance in the future, such as TOD or MTIP funds; and
- The importance of engaging the private sector in developing strategies that could facilitate and expand successes the region has had with Centers.

MOTION: Ms. Nathalie Darcy moved, and Mayor Jack Hoffman seconded, to recommend to the Metro Council the adoption of the amendments to Title 6 of the Urban Growth Management Functional Plan.

ACTION TAKEN: With all in favor, the motion passed.

## **6.2 Report from MPAC Housing Planning Subcommittee**

Councilor Robert Liberty gave background on the Housing Planning subcommittee, which was charged with making recommendations to MPAC and the Metro Council about adding specificity to the housing planning requirements for concept planning of urban reserves and comprehensive planning for UGB expansion areas. He outlined the recommended changes to Title 11 and the three principles the subcommittee used to guide revisions to Title 11. Mayor Jack Hoffman of Lake Oswego gave more details on the proposed changes.

Committee discussion included:

- Information handed out by the City of Portland illustrating the distribution of benefits and burdens in the region with regard to affordable housing and homelessness services;
- Whether the language in the proposed amendments is too prescriptive and mandates specific outcomes, and whether the specificity is necessary to ensure that affordable housing for all is achieved;
- That collecting data on these issues is an important accountability measure;
- How “strategies to encourage the development of needed housing types” are addressed in Title 11;
- Whether the proposed language is concurrent with statewide planning Goal 10;
- That the proposed language is intended to help adjust the market to enable the private sector to provide needed housing;
- How a rental/ownership housing mix would be achieved since Cities cannot zone for rental housing; and
- Whether the Metro Council will accept wordsmithing of the proposed language;
- Reactions to the November 10 letter from the Homebuilders Association regarding proposed changes to Title 11.

Committee members unanimously supported the three guiding principles to guide revisions to Title 1, outlined in the November 3 memo to MPAC included in the meeting packet.

Councilor Liberty asked the committee whether it agreed that it is appropriate for the Metro Council to indicate to local jurisdictions that it would like them to discuss the whole range of housing types, what they plan on doing in their urban reserve areas, and how they expect to achieve those expectations. 12 committee members were in support (Berkow, Clark, Craddick, Darcy, Doyle, Fritz, Hoffman, McWilliams, Parks, Weatherby, Wild), one member was not in support (Carlson), and one member abstained (Truax).

### **6.3 Ordinance 10-1244, “For the Purpose of Making the Greatest Place and Providing Capacity for Housing and Employment to the year 2035; Amending the Regional Framework Plan and the Metro Code; and Declaring an Emergency”**

Mr. John Williams summarized the contents of the proposed legislation that addresses Metro’s statutory growth management obligations and includes updates to the Regional Framework Plan, the Urban Growth Management Functional Plan, and the 2040 Growth Concept map, known as the “Capacity Ordinance”. He also outlined MPAC and MTAC discussion on each item where appropriate, including recommendations the committees made to the Metro Council.

Committee discussion included:

- That Chehalem Mountain and Graham Oaks were omitted from the updated 2040 Growth Concept map;
- That the SW mobility corridor should be included on the updated 2040 map;
- Why the updated 2040 map left out the distinction between inner and outer neighborhoods, and whether that distinction should be kept on the map;
- That the description of MPAC’s discussion for these policy items is not substantial enough and that the nuances of the discussion should be passed on to the Metro Council;
- Clarification of the proposed changes to Title 4, in which MPAC recommended stronger protection of regionally significant industrial land;
- Whether proposed revisions to Title 8 would streamline compliance procedures as intended;
- The committee also discussed Commissioner Fritz’s proposed amendment to the Regional Framework Plan, that the first of the 6 desired outcomes for the region read: “People live and work in vibrant communities where they can choose to walk *or roll* for pleasure and to meet their everyday needs.” Commissioner Fritz was dissatisfied with the Council’s proposal to place an asterisk explaining that *walk* is meant to be inclusive, and reaffirmed her recommendation that the language be refined to show the intent that the community be accessible to all regardless of means of transport. Councilor Liberty suggested alternative language and agreed to work with staff to revise the phrasing to address Commissioner Fritz’s comments.

MOTION: Commissioner Amanda Fritz moved, and Mr. Steve Clark seconded, to recommend the changes to Ordinance 10-1244, “For the Purpose of Making the Greatest Place and Providing Capacity for Housing and Employment to the year 2035; Amending the Regional Framework Plan and the Metro Code; and Declaring an Emergency”, to the Metro Council.

FRIENDLY AMENDMENT: Mayor Tim Knapp asked to amend the motion by adding language stating that detailed discussion of MPAC on each item be presented to Council along with results of motion.

ACTION TAKEN: With all in favor, the motion passed.

## **7. MPAC MEMBER COMMUNICATIONS**

There were none.

**8. ADJOURN**

Chair Mike Weatherby adjourned the meeting at 7:03 p.m.

Respectfully submitted,



Recording Secretary

**ATTACHMENTS TO THE PUBLIC RECORD FOR NOVEMBER 17, 2010:**

The following have been included as part of the official public record:

<b>ITEM</b>	<b>DOCUMENT TYPE</b>	<b>DOC DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT No.</b>
	Handout	11/17/2010	2011 MPAC meeting schedule	111710m-01
<b>4</b>	Handout	11/10/2010	November 10, 2010 MPAC Minutes	111710m-02
<b>6.2</b>	Handout	n/a	Affordable Housing and Homelessness Services-Regional Analysis	111710m-03
<b>6.3</b>	Handout	11/10/2010	To: MPAC From: Homebuilders Association Re: Proposed Title XI changes on housing planning	111710m-04
<b>6.3</b>	Handout	11/16/2010	To: MPAC From: Commissioner Amanda Fritz Re: Metro Regional Framework Plan Policies, Proposed Amendments	111710m-05

## MPAC Worksheet

**Agenda Item Title** Ordinance No. 11-1252: For the purpose of amending Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan

**Presenter:** Councilor Robert Liberty

**Contact for this worksheet/presentation:** Ted Reid (1768)

**Council Liaison Sponsor:** Councilor Liberty

**Purpose of this item (check no more than 2):**

Information \_\_\_\_\_  
Update \_\_\_\_\_  
Discussion   x    
Action   x  

**MPAC Target Meeting Date:** \_\_January 12, 2011

Amount of time needed for:

Presentation   10    
Discussion   20  

**Purpose/Objective** (what do you expect to accomplish by having the item on *this meeting's agenda*):

Update MPAC on Council consideration of proposed amendments to Title 11 and recommendations from the MPAC housing planning subcommittee.

**Action Requested/Outcome** (What action do you want MPAC to take at *this meeting*? State the *policy* questions that need to be answered.)

Does MPAC recommend that the Metro Council amend Title 11 as proposed?

**Background and context:**

As part of the adoption of urban and rural reserves, the Metro Council revised the requirements for concept planning of urban reserves and comprehensive planning of UGB expansion areas. Both of these topics are part of Title 11 of Metro's Urban Growth Management Functional Plan. The revisions require concept plans to be developed prior to UGB expansion decisions to better inform those decisions and to facilitate development once the UGB is expanded. During adoption, Metro Councilor Liberty suggested additional changes to Title 11 to add specificity on housing planning. The Council agreed to send the issue to MPAC for further discussion. Several MPAC members expressed interest in participating in a subcommittee charged with suggesting refinements to Title 11.

The subcommittee was charged with making recommendations to MPAC and the Metro Council about adding specificity to the housing planning requirements for both concept planning of urban reserves and comprehensive planning for UGB expansion areas. The subcommittee has met on six occasions.

**What has changed since MPAC last considered this issue/item?**

MPAC last discussed proposed changes to Title 11 on November 17, 2010. Proposed changes were originally planned for inclusion in the Council's consideration of the December 16, 2010 "Capacity Ordinance." The Metro Council deferred consideration of proposed changes to Title 11 to allow for further discussion. The MPAC subcommittee has met a final time and has revised its earlier recommendations to address concerns that have been voiced by some stakeholders and cities.

**What packet material do you plan to include? (must be provided 8-days prior to the actual meeting for distribution)**

Proposed Title 11 (as of January 4, 2011)

**What is the schedule for future consideration of item (include MTAC, TPAC, JPACT and Council as appropriate):**

The Metro Council will consider Ordinance No. 11-1252 on January 13, 2011.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING TITLE 11 ) Ordinance No. 11-1252  
(PLANNING FOR NEW URBAN AREAS) OF THE )  
URBAN GROWTH MANAGEMENT FUNCTIONAL ) Introduced by Councilor Robert Liberty  
PLAN )

WHEREAS, Policy 1.3 of Metro’s Regional Framework Plan (RFP) calls for housing choices in the region, including single-family and multi-family housing, ownership and rental housing and housing offered by the private, public and nonprofit sectors; and

WHEREAS, the RFP also calls for consideration of incentives for, and agreements with local governments, landowners and others for the provision of the full range of housing opportunities when Metro expands the urban growth boundary; and

WHEREAS, the proposed amendments to Title 11 will offer greater guidance for achieving Policy 1.3 by providing clearer objectives for the concept planning and comprehensive planning for new urban areas and by linking housing needs in new areas with those in the county, the adjoining city and the region; and

WHEREAS, the information generated in response to these provisions will aid the Metro Council in determining whether proposed additions to the Urban Growth Boundary meet the regional goals and objectives; and

WHEREAS, the Metro Council considered the proposed amendments as part of Ordinance No. 10-1244B (For the Purpose of Making the Greatest Plan and Providing Capacity for Housing and Employment to the Year 2030; Amending the Regional Framework Plan and the Metro Code; and Declaring an Emergency), adopted on December 16, 2010, but postponed action to allow further consideration by Metro’s advisory committees and the public; and

WHEREAS, A subcommittee of MPAC recommended amendments to Title 11 to the full MPAC on January \_\_, 2011; and

WHEREAS, on January \_\_, 2011, MPAC recommended approval of the amendments to Title 11 by the Metro Council; and

WHEREAS, the Council held a public hearing on the proposed amendments on January 13, 2011; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Title 11 of the Urban Growth Management Functional Plan is hereby amended, as indicated by Exhibit A, attached and incorporated into this ordinance.
2. The Council directs the Chief Operating Officer to submit Title 11, as amended by Exhibit A, to the Department of Land Conservation and Development as part of the periodic review process initiated by the department to review Ordinance No. 10-1244B.

3. The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how the amendments to Title 11 comply with state law and the Regional Framework Plan.

ADOPTED by the Metro Council this 13th day of January, 2011.

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Tom Hughes, Council President

Attest:

Approved as to form:

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Tony Anderson, Clerk of the Council

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Daniel B. Cooper, Metro Attorney

## Exhibit A to Ordinance No. 11-1252

### TITLE 11: PLANNING FOR NEW URBAN AREAS

#### 3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

#### 3.07.1110 Planning for Areas Designated Urban Reserve

- A. The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435 of this chapter. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.
- B. A concept plan shall achieve, or contribute to the achievement of, the following outcomes:
  1. If the plan proposes a mix of residential and employment uses:
    - a. A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection C;
    - b. A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;
    - c. ~~Opportunities for a range of needed housing types~~A range of housing of different types, tenure and costs addressing the housing needs in the prospective UGB expansion area, the governing city, the county and the region if data on regional housing needs are available, in order to create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;
    - d. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
    - e. ~~Well-connected systems of streets, bikeways, parks, recreational trails and other public open spaces, natural areas, recreational trails and public transit that link to needed housing so as to reduce the combined cost of housing and transportation;~~

e.f. A well-connected system of parks, natural areas and other public open spaces;

f.g. Protection of natural ecological systems and important natural landscape features;  
and

g.h. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:

a. Opportunities for a range of housing typesA range of housing of different types, tenure and costs addressing the housing needs in the prospective UGB expansion area, the governing city, the county and the region if data on regional housing needs are available, in order to create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;

b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;

d. Protection of natural ecological systems and important natural landscape features;  
and

e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

C. A concept plan shall:

1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;

2. For proposed sewer, park and trail, water and storm-water systems and transportation facilities, provide the following:

a. The general locations of proposed sewer, park and trail, water and storm-water systems;

b. The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;

- c. The proposed connections of these systems and facilities, if any, to existing systems;
  - d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;
  - e. Proposed methods to finance the systems and facilities; and
  - f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
3. If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;
4. If the area subject to the concept plan calls for designation of land for residential use, the concept plan will describe the goals for meeting the housing needs for the concept planning area, the governing city, the county and the region if data are available. As part of this statement of objectives, the concept plan shall identify the general number, cost and type of market and nonmarket-provided housing. The concept plan shall also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection B of this section;
- ~~4.5.~~Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of ~~the Urban Growth Management Functional Plan~~this chapter;
- ~~5.6.~~Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;
- ~~6.7.~~Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;
- ~~7.8.~~Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;
- ~~8.9.~~Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

9.10. Be coordinated with schools districts, including coordination of demographic assumptions.

D. Concept plans shall guide, but not bind:

1. The designation of 2040 Growth Concept design types by the Metro Council;
2. Conditions in the Metro ordinance that adds the area to the UGB; or
3. Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

E. If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection A, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth.

### 3.07.1120 Planning for Areas Added to the UGB

- A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by section 3.07.1455B(4) of this chapter.
- B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.
- C. Comprehensive plan provisions for the area shall include:
  1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;
  2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;
  3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455B(2) of this chapter;

~~4. Provision for affordable housing consistent with Title 7 of the Urban Growth Management Functional Plan if the comprehensive plan authorizes housing in any part of the area~~If the comprehensive plan authorizes housing in any part of the area:

- a. Provision for a range of housing – including ownership and rental housing; single-family and multi-family housing; and a mix of public, nonprofit and private market housing – needed in the prospective UGB expansion area, the governing city, the county and the region if data are available; and
- b. Implementing strategies that increase the likelihood that needed housing types – which may include housing options for households with incomes at or below 80, 50 and 30 percent of median family incomes – will be market feasible or provided by nonmarket housing developers within the 20-year planning period.

4. This subsection is intended to encourage local governments to consider a range of policies and incentives that could facilitate development of a broader range of housing types and affordability than might otherwise occur. The comprehensive plan may include such provisions and requirements as the city or county deems necessary to ensure the provision of needed housing types and to implement the strategies identified in the plan.

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;
  6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.
  7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;
  8. Provision for the financing of local and state public facilities and services; and
  9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
- D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, within 30 days after adoption of new land use regulations for the area.

### 3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

- A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
- B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;
- C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010(ww) of this chapter, or for a new public school;
- D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
  - 1. A commercial use that is not accessory to industrial uses in the area; and
  - 2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

### 3.07.1140 Applicability

Section 3.07.1110 becomes applicable on December 31, 2011.



## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 11-1252, FOR THE PURPOSE OF AMENDING TITLE 11 (PLANNING FOR NEW URBAN AREAS) OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

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Date: December 29, 2010

Prepared by: Ted Reid (503) 797-1768

## BACKGROUND

### Purpose of proposed legislation

Currently, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires that concept plans and comprehensive plans for urban reserves and areas added to the urban growth boundary (UGB) describe public systems and facilities in a fair amount of detail. However, there is no equivalent requirement for providing details about the types of housing that are intended for the area. The proposed ordinance would add specificity to Title 11 in regards to planning for housing, particularly affordable housing, in urban reserves and areas added to the UGB.

### Existing policy guidance

The Functional Plan, including Title 11, is intended to implement the Regional Framework Plan, which states the policies of the Metro Council. The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. Several clauses of policy 1.3 (Housing Choices and Opportunities) of the Framework Plan are particularly relevant to the proposed amendments to Title 11. Those clauses state that it is the Metro Council's policy to:

- Provide housing choices in the region, including single family, multi-family, ownership and rental housing, and housing offered by the private, public and nonprofit sectors, paying special attention to those households with fewest housing choices.” (policy 1.3.1)
- As part of the effort to provide housing choices, encourage local governments to ensure that their land use regulations:
  - Allow a diverse range of housing types;
  - Make housing choices available to households of all income levels; (policy 1.3.2)
- Integrate Metro efforts to expand housing choices with other Metro activities, including transportation planning, land use planning and planning for parks and greenspaces. (policy 1.3.9)
- When expanding the UGB, assigning 2040 Growth Concept design type designations or making other discretionary decisions, seek agreements with local governments and others to improve the balance of housing choices with particular attention to affordable housing. (policy 1.3.10)
- Help ensure opportunities for low-income housing types throughout the region so that families of modest means are not obligated to live concentrated in a few neighborhoods, because concentrating poverty is not desirable for the residents or the region. (policy 1.3.12)
- Consider investment in transit, pedestrian and bicycle facilities and multi-modal streets as an affordable housing tool to reduce household transportation costs to leave more household income available for housing. (policy 1.3.13)

## **MPAC recommendation**

During the summer and fall of 2010, an MPAC housing planning subcommittee chaired by Metro Councilor Liberty met to propose changes to Title 11. The subcommittee was charged with making recommendations to MPAC and the Metro Council about adding specificity to the housing planning requirements for both concept planning of urban reserves and comprehensive planning for UGB expansion areas. The subcommittee agreed on three principles to guide proposed revisions to Title 11. At a November 17, 2010 meeting, MPAC discussed the guiding principles with all but one MPAC member supporting the following principles:

1. Plans should describe the variety of different housing types that are intended for the area;
2. Plans should describe how they would address housing needs in the prospective UGB expansion area, in the prospective governing city, and the region; and
3. Plans should identify the types of housing that are likely to be built in the 20-year planning period and describe additional strategies to encourage the development of needed housing types that would otherwise not be built.

Similarly, all but one MPAC member supported the general proposition that the planning process should require local governments to consider and describe which income groups would be expected to live in the areas when added to the UGB and describe strategies that would be used to make those housing opportunities possible.

Though there was general agreement on the three guiding principles, several subcommittee members, MPAC members, MTAC members and stakeholders expressed apprehension over the specific Title 11 amendments that were proposed. Concerns typically centered on the level of specificity that would be called for in concept plans. In response to those concerns, Councilor Liberty worked with several MPAC subcommittee members and local planning staff to write a modified proposal for Title 11 amendments. Those modified amendments to Title 11 were originally intended to be acted upon as part of Ordinance No. 10-1244B (the "Capacity Ordinance") on December 16, 2010, but were postponed to allow adequate review by MPAC and other stakeholders.

The MPAC subcommittee will meet again on January 11, 2011 to finalize its recommendation to MPAC. At its January 12, 2011 meeting, MPAC will make a recommendation to the Metro Council on the proposed amendments to Title 11.

## **ATTACHMENTS**

None

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

The Homebuilders Association of Metropolitan Portland and the Portland Metropolitan Association of Realtors have expressed concern over the level of specificity that would be required in plans and whether the proposed Title 11 would run afoul of a state law that prohibits inclusionary zoning.

### **2. Legal Antecedents**

- Statewide Planning Goals 2 (Land Use Planning), 10 (Housing) and 14 (Urbanization)
- Oregon Revised Statute 197.303 ("Needed Housing" defined)
- Metro Regional Framework Plan, Chapter 1 (Land Use)

**3. Anticipated Effects**

Adoption of the proposed legislation would lead to improved implementation of Regional Framework Plan policies pertaining to housing choices and opportunities. Local government plans for urban reserves and areas added to the UGB would be required to comply with the proposed changes to Title 11.

**4. Budget Impacts**

Currently, Metro incurs expenses associated with staff time spent working on concept plans for urban reserves and areas added to the UGB. The proposed revisions to Title 11 are not expected to substantially alter the amount of staff time that would otherwise be spent on this activity.

**RECOMMENDED ACTION**

Staff recommends that the Council adopt Ordinance No. 11-1252



Date: November 17, 2010  
To: MPAC Members, Alternates and Interested Parties  
From: Kelsey Newell, Metro  
Re: 2011 MPAC meeting schedule

---

Please mark your calendars with the following 2011 MPAC meeting dates. MPAC meetings will be held from 5 to 7 p.m. in the Metro Council Chambers:

Wednesday, January 12, 2011	Regular MPAC meeting
Wednesday, January 26, 2011	Regular MPAC meeting
Wednesday, February 9, 2011	Regular MPAC meeting
Wednesday, February 23, 2011	Regular MPAC meeting
Wednesday, March 9, 2011	Regular MPAC meeting
Wednesday, March 23, 2011	Regular MPAC meeting
Wednesday, April 13, 2011	Regular MPAC meeting
Wednesday, April 27, 2011	Regular MPAC meeting
Wednesday, May 11, 2011	Regular MPAC meeting
Wednesday, May 25, 2011	Regular MPAC meeting
Wednesday, June 8, 2011	Regular MPAC meeting
Wednesday, June 22, 2011	Regular MPAC meeting
Wednesday, July 13, 2011	Regular MPAC meeting
Wednesday, July 27, 2011	Regular MPAC meeting
Wednesday, August 10, 2011	Regular MPAC meeting
Wednesday, August 24, 2011	Regular MPAC meeting
Wednesday, September 14, 2011	Regular MPAC meeting
Wednesday, September 28, 2011	Regular MPAC meeting
Wednesday, October 12, 2011	Regular MPAC meeting
Wednesday, October 26, 2011	Regular MPAC meeting
Wednesday, November 9, 2011	Regular MPAC meeting
Wednesday, November 16, 2011	Regular MPAC meeting
Wednesday, December 14, 2011	Regular MPAC meeting
Wednesday, December 28, 2011	Regular MPAC meeting

Materials following this page were distributed at the meeting.

# Metro 101 sessions

Learn how Metro works with cities and counties to plan for future growth and enhance the region's quality of life.

**Metro works with local officials to address many areas that affect our communities:**

- **How to attract and sustain quality jobs**
- **How to provide essential public services with limited resources**
- **How to enhance the quality of life in our communities as the population grows**
- **How communities will look in 20, 30 or even 50 years**

This event is free and open to the public. The information presented at this session is focused on local elected officials (mayors, city councilors and county commissioners) and planning commissioners.

Sessions are led by Metro Chief Operating Officer Michael Jordan and members of the Metro Council. They provide attendees with opportunities to meet and interact with other elected local officials, Metro councilors and planning commissioners throughout the region.

**6:30 to 8:30 p.m. Thursday, Feb. 10**

Beaverton City Library, 12375 SW Fifth St.

**6:30 to 8:30 p.m. Thursday, Feb. 17**

Fairview City Hall, 1300 NE Village St.

**6:30 to 8:30 p.m. Thursday, Feb. 24**

Clackamas County Public Services Building  
2051 Kaen Road, Oregon City





Metro



# Building tomorrow's jobs

See what both the public and private sector can do right now to help businesses realize economic and ecological benefits of producing more with less



Interested in creating and sustaining jobs in our region? Learn from experts who will share their insight on development practices that help businesses thrive, while making efficient use of financial and natural resources.

- **Tracy Casavant** is a leader in sustainable industrial and commercial development at both small and large scales. She specializes in eco-industrial development that enables businesses and governments to achieve mutual benefits. Tracy is president of Eco-Industrial Solutions Ltd in Vancouver, British Columbia.

- **Bert Gregory** is a renowned expert in the development of resource-efficient structures and communities, and serves as a national leader, speaker and advocate for sustainable building and urbanism. Bert is the president and CEO of Seattle-based sustainable design firm, Mithun.
- **Andrew Mangan** is co-founder and executive director of the United States Business Council for Sustainable Development, an association of businesses formed to create and deliver sustainable development projects. His work results in projects that generate economic returns while improving local communities and the environment — the triple bottom line.

This jointly-sponsored breakfast forum will be held at the Holiday Inn in Wilsonville from 8 to 11 a.m., Tuesday, February 1. Register today by sending a check payable to Westside Economic Alliance or by calling 503-968-3100 with your Visa or MasterCard. Stay tuned for future events focused on jobs in our region and get your copy of Metro's Community Investment Toolkit: Eco-efficient Employment by visiting [www.oregonmetro.gov/communityinvestment](http://www.oregonmetro.gov/communityinvestment).

\* Please note the change in date, location and early registration deadline from our normal programming.

Sponsored by

Your company's logo could go here. Call the Alliance today about this great sponsorship opportunity!

Program includes: breakfast and networking, speaker presentations and panel discussion, and time for Q & A.

When: Tuesday, February 1, 8 a.m. to 11 a.m.

Where: The Holiday Inn  
25425 SW 95th Ave, Wilsonville, OR 97070

Cost: \$25.00 for members of the Alliance  
\$35.00 for non-members

Note: Please add a \$10.00 late fee to all registrations received after Wednesday, January 26.

To Register: E-mail: [tdunham@westside-alliance.org](mailto:tdunham@westside-alliance.org)  
Phone: 503-968-3100

\* No refunds are available for cancellations made within 48 hours of this event.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING TITLE 11 ) Ordinance No. 11-1252  
(PLANNING FOR NEW URBAN AREAS) OF THE )  
URBAN GROWTH MANAGEMENT FUNCTIONAL ) Introduced by Councilor Robert Liberty  
PLAN )

WHEREAS, Policy 1.3 of Metro’s Regional Framework Plan (RFP) calls for housing choices in the region, including single-family and multi-family housing, ownership and rental housing and housing offered by the private, public and nonprofit sectors; and

WHEREAS, the RFP also calls for consideration of incentives for, and agreements with local governments, landowners and others for the provision of the full range of housing opportunities when Metro expands the urban growth boundary; and

WHEREAS, the proposed amendments to Title 11 will offer greater guidance for achieving Policy 1.3 by providing clearer objectives for the concept planning and comprehensive planning for new urban areas and by linking housing needs in new areas with those in the county, the adjoining city and the region; and

WHEREAS, the information generated in response to these provisions will aid the Metro Council in determining whether proposed additions to the Urban Growth Boundary meet the regional goals and objectives; and

WHEREAS, the Metro Council considered the proposed amendments as part of Ordinance No. 10-1244B (For the Purpose of Making the Greatest Plan and Providing Capacity for Housing and Employment to the Year 2030; Amending the Regional Framework Plan and the Metro Code; and Declaring an Emergency), adopted on December 16, 2010, but postponed action to allow further consideration by Metro’s advisory committees and the public; and

WHEREAS, A subcommittee of MPAC recommended amendments to Title 11 to the full MPAC on January \_\_, 2011; and

WHEREAS, on January \_\_, 2011, MPAC recommended approval of the amendments to Title 11 by the Metro Council; and

WHEREAS, the Council held a public hearing on the proposed amendments on January 13, 2011; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Title 11 of the Urban Growth Management Functional Plan is hereby amended, as indicated by Exhibit A, attached and incorporated into this ordinance.
2. The Council directs the Chief Operating Officer to submit Title 11, as amended by Exhibit A, to the Department of Land Conservation and Development as part of the periodic review process initiated by the department to review Ordinance No. 10-1244B.



3. The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how the amendments to Title 11 comply with state law and the Regional Framework Plan.

ADOPTED by the Metro Council this 13th day of January, 2011.

\_\_\_\_\_  
Tom Hughes, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Tony Anderson, Clerk of the Council

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## Exhibit A to Ordinance No. 11-1252

### TITLE 11: PLANNING FOR NEW URBAN AREAS

#### 3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

#### 3.07.1110 Planning for Areas Designated Urban Reserve

- A. The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435 of this chapter. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.

**B. A local government, in creating a concept plan to comply with this section, shall consider actions necessary to achieve the following outcomes:**

~~B. A concept plan shall achieve, or contribute to the achievement of, the following outcomes:~~

1. If the plan proposes a mix of residential and employment uses:
  - a. A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection C;
  - b. A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;
  - c. ~~Opportunities for a range of needed housing types~~A range of housing of different types, tenure and **costs**prices addressing the housing needs in the prospective UGB expansion area **in the context of housing needs of** the governing city, the county and the region if data on regional housing needs are available, in order to **help** create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;
  - d. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

- e. Well-connected systems of streets, bikeways, parks, ~~recreational trails and other public open spaces, natural areas, recreational trails~~ and public transit ~~that link to needed housing so as to reduce the combined cost of housing and transportation;~~
  - e.f. A well-connected system of parks, natural areas and other public open spaces;
  - f.g. Protection of natural ecological systems and important natural landscape features; and
  - g.h. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.
2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:
- a. ~~Opportunities for a range of housing types~~A range of housing of different types, tenure and ~~costs-prices~~ addressing the housing needs in the prospective UGB expansion area ~~in the context of housing needs of;~~ the governing city, the county and the region if data on regional housing needs are available, in order to ~~help~~ create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;
  - b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
  - c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;
  - d. Protection of natural ecological systems and important natural landscape features; and
  - e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.
- C. A concept plan shall:
- 1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;
  - 2. For proposed sewer, park and trail, water and storm-water systems and transportation facilities, provide the following:
    - a. The general locations of proposed sewer, park and trail, water and storm-water systems;

- b. The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;
  - c. The proposed connections of these systems and facilities, if any, to existing systems;
  - d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;
  - e. Proposed methods to finance the systems and facilities; and
  - f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
3. If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;
4. If the area subject to the concept plan calls for designation of land for residential use, the concept plan will describe the goals for meeting the housing needs for the concept planning area in the context of: the governing city, the county and the region if data are available. As part of this statement of objectives, the concept plan shall identify the general number, cost and type of market and nonmarket-provided housing. The concept plan shall also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection B of this section;
- ~~4.5.~~Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of ~~the Urban Growth Management Functional Plan~~this chapter;
- ~~5.6.~~Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;
- ~~6.7.~~Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;
- ~~7.8.~~Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;

| ~~8.9.~~ Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

| ~~9.10.~~ Be coordinated with schools districts, including coordination of demographic assumptions.

D. Concept plans shall guide, but not bind:

1. The designation of 2040 Growth Concept design types by the Metro Council;
2. Conditions in the Metro ordinance that adds the area to the UGB; or
3. Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

E. If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection A, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth.

### 3.07.1120 Planning for Areas Added to the UGB

- A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by section 3.07.1455B(4) of this chapter.
- B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.
- C. Comprehensive plan provisions for the area shall include:
  1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;
  2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455B(2) of this chapter;
  4. Provision for affordable housing consistent with Title 7 of the Urban Growth Management Functional Plan if the comprehensive plan authorizes housing in any part of the area.
  5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;
  6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.
  7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;
  8. Provision for the financing of local and state public facilities and services; and
  9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
- D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, within 30 days after adoption of new land use regulations for the area.

### 3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

- A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
- B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;

- C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010(ww) of this chapter, or for a new public school;
- D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
  - 1. A commercial use that is not accessory to industrial uses in the area; and
  - 2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

3.07.1140 Applicability

Section 3.07.1110 becomes applicable on December 31, 2011.

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 11-1252, FOR THE PURPOSE OF AMENDING TITLE 11 (PLANNING FOR NEW URBAN AREAS) OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

---

Date: December 29, 2010

Prepared by: Ted Reid (503) 797-1768

## BACKGROUND

### Purpose of proposed legislation

Currently, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires that concept plans and comprehensive plans for urban reserves and areas added to the urban growth boundary (UGB) describe public systems and facilities in a fair amount of detail. However, there is no equivalent requirement for providing details about the types of housing that are intended for the area. The proposed ordinance would add specificity to Title 11 in regards to planning for housing, particularly affordable housing, in urban reserves and areas added to the UGB.

### Existing policy guidance

The Functional Plan, including Title 11, is intended to implement the Regional Framework Plan, which states the policies of the Metro Council. The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. Several clauses of policy 1.3 (Housing Choices and Opportunities) of the Framework Plan are particularly relevant to the proposed amendments to Title 11. Those clauses state that it is the Metro Council's policy to:

- Provide housing choices in the region, including single family, multi-family, ownership and rental housing, and housing offered by the private, public and nonprofit sectors, paying special attention to those households with fewest housing choices.” (policy 1.3.1)
- As part of the effort to provide housing choices, encourage local governments to ensure that their land use regulations:
  - Allow a diverse range of housing types;
  - Make housing choices available to households of all income levels; (policy 1.3.2)
- Integrate Metro efforts to expand housing choices with other Metro activities, including transportation planning, land use planning and planning for parks and greenspaces. (policy 1.3.9)
- When expanding the UGB, assigning 2040 Growth Concept design type designations or making other discretionary decisions, seek agreements with local governments and others to improve the balance of housing choices with particular attention to affordable housing. (policy 1.3.10)
- Help ensure opportunities for low-income housing types throughout the region so that families of modest means are not obligated to live concentrated in a few neighborhoods, because concentrating poverty is not desirable for the residents or the region. (policy 1.3.12)
- Consider investment in transit, pedestrian and bicycle facilities and multi-modal streets as an affordable housing tool to reduce household transportation costs to leave more household income available for housing. (policy 1.3.13)



### **3. Anticipated Effects**

Adoption of the proposed legislation would lead to improved implementation of Regional Framework Plan policies pertaining to housing choices and opportunities. Local government plans for urban reserves and areas added to the UGB would be required to comply with the proposed changes to Title 11.

### **4. Budget Impacts**

Currently, Metro incurs expenses associated with staff time spent working on concept plans for urban reserves and areas added to the UGB. The proposed revisions to Title 11 are not expected to substantially alter the amount of staff time that would otherwise be spent on this activity.

### **RECOMMENDED ACTION**

Staff recommends that the Council adopt Ordinance No. 11-1252

The following six desired outcomes for the region were adopted by Metro Council in 2010 as part of the region's growth management policies:

#### **Vibrant communities**

People live, work and play in vibrant communities where their everyday needs are easily accessible.

#### **Economic prosperity**

Current and future residents benefit from the region's sustained economic competitiveness and prosperity.

#### **Safe and reliable transportation**

People have safe and reliable transportation choices that enhance their quality of life.

#### **Leadership on climate change**

The region is a leader in minimizing contributions to global warming.

#### **Clean air and water**

Current and future generations enjoy clean air, clean water and healthy ecosystems.

#### **Equity**

The benefits and burdens of growth and change are distributed equitably.



# CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 TEL: (503) 526-2481 Fax (503) 526-2571

DENNY DOYLE  
MAYOR

January 7, 2011

MPAC Housing Planning Subcommittee:  
Metro Councilor Robert Liberty, Chair  
West Linn Councilor Jody Carson  
Metro Councilor Shirley Craddick  
Portland Councilor Nick Fish  
Lake Oswego Mayor Jack Hoffman  
Clackamas County Commissioner Charlotte Lehan  
Hillsboro Mayor Jerry Willey

**RE: Capacity Ordinance: Title 11 Amendment**

Dear MPAC Housing Planning Subcommittee Members:

On December 16, 2010, Metro Council agreed on delaying a decision of Title 11 *Planning for Areas Designated Urban Reserve* of the Capacity Ordinance. I am very pleased to have the opportunity to assemble with the subcommittee once again. I am optimistic that we can have a forthright discussion on January 11, 2011, on concerns I have regarding "needed housing" as articulated in the Conceptual and Comprehensive Planning efforts in the Title.

I do want the subcommittee members to know that, from the inception of our discussions, I believed that the elements of a review process were to be guidelines and not mandates. With the flurry of changes that have been made, I no longer believe the review elements to be mere guidelines. This has caused me to re-think and reconsider my support for the proposed Title 11 changes. Please allow me to explain.

**Affordable Housing Comparisons.** There appears to be an implicit assumption in the development of the text that suburban cities in the Metro region do not meet affordability metrics. In fact, we have data demonstrating that some of the cities surrounding the central city have more affordable housing per/capita than does the central city. As Metro's proposed Title 11 provisions focus specifically on the 80% median family incomes (MFI) and below, I have had my staff provide an analysis specific to this income demographic, in order to assess the supply of affordable housing available to those households for selected cities within the region. In 2008 (the year represented in the data tables attached), 80% MFI amounted to \$54,000/year for the region as a whole. In formatting the income tables (below) to correspond with that income threshold, we found evidence that contradicts Portland assertion that was presented to MPAC by Mayor Adams, that the City of Portland has a disproportionate share of the affordable housing burden. Our analysis approaches affordability from the perspective of market availability as opposed to Portland's emphasis upon spending. When viewed from this perspective, both the cities of Beaverton and Hillsboro, have more affordable units per/capita than Portland. There

can be no denying that the region faces an affordable housing challenge. However, as I note below, there are options we, as a region, should be considering beyond planning requirements for Urban Reserve Areas to address this concern.

**Affordable Housing Challenge.** The City of Beaverton, the Portland region, the state of Oregon, and the nation have an affordable housing challenge that we, as a region, must work on together to find solutions to help our citizens. Creating affordable housing mandates in the Urban Reserve Areas (URA) does not solve our region-wide problem. The URAs are not located near existing social services, transit, employment, or retail. Any URA that may be brought into the UGB will have density requirements (15 units/acre) that will in itself be challenging but necessary to accomplish our regional density objectives. It is my suggestion that this subcommittee reconvene in the coming year to focus on the region-wide affordable housing problem, not merely focusing in on the URAs. Perhaps Title 7 *Housing Choices* is an appropriate starting point for us to consider.

I am willing to devote the staff time necessary for a more considered and holistic analysis of the affordable housing need, but on a region-wide basis.

**Inclusionary Zoning.** I believe there is reasonable legal concern that the proposed language in Title 11, mandating a review process which purports to control the distribution of housing types / household income, cost and type which, arguably, results in inclusionary zoning.

This concern was first raised in a November 10, 2010, legal memorandum from the firm of Beery Elsner & Hammond LLP, citing the concern that the language then proposed constituted inclusionary zoning, which is prohibited under Oregon law. I have consulted with Beaverton's City Attorney, Alan Rappleyea, and he has raised similar concerns based on what we understand to be the current proposal.

At a minimum, it would seem advisable to have a memorandum of law from the Metro Counsel, which provides us with an opinion on this matter, with time to review such an opinion.

**Questions to be Answered.** Beyond my points above, I have questions that I would like the subcommittee to consider and help provide answers.

- What is the definition of "cost" (3.07.1110.B.1.c, 3.07.1110.B.2.a and 3.07.1110.C.4)? Does cost mean "price"? Cost generally refers to the cost to construct, including land, materials, and labor. "Price" refers to the consumer cost. How would we purport to control cost?
- What is the definition for "housing needs" (3.07.1110.B.1.c and 3.07.1110.B.2.a, and 3.07.1110.C.4)? Is this a definition related to the region, to affordable units, or some other measure?
- Does the subcommittee feel comfortable with Metro, by this action, being a reviewer of county and local housing plans? If so, by what authority is that to be accomplished? In fact, does the subcommittee feel that through this process we considered or studied county and

local plans in the development of this policy? To my staff's knowledge, Metro staff has not studied local housing plans and, to that extent, policy is being proposed which fails to consider the current conditions, policies, and programs related to affordable housing.

- Does the subcommittee feel the *process* by which this latest policy language was reviewed and approved sufficient? There were at least four and, perhaps, five language changes which the committee did not discuss and did not participate in directly. Was there sufficient time allowed for examination of the facts and issues implied or underlying the policy? Was there sufficient opportunity for comment to be provided on the text and considered? In my opinion, the late policy development process of Title 11 was not sufficient. Now that it appears this is required rather than a guideline, we need to take the time to determine exact language, standards or metrics which are to be evaluated by Metro, and perhaps, will ignore county and local housing plans.
- By what standard will Metro evaluate future Concept Plans and Comprehensive Plans for the Urban Reserve Areas for determining compliance with these new housing expectations? How can cities and counties demonstrate compliance with Title 11? There are no clear standards, allowing for broad interpretive discretion.

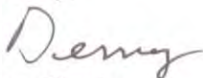
I request that the subcommittee consider that we either table the housing-related language in Title 11 and refocus our efforts on *Housing Choices* of Title 7 or have criteria and standards that can measure housing needs with a good faith effort to serve all housing choices in URA and the region as a whole. The language should not be established to provide an opportunity for denying new urban area decisions based upon Concept or Comprehensive Planning efforts directly associated with housing choices. The language should not include regulation / mandates on housing choices.

Through this process, I hope that we can ensure housing jurisdiction stays local --by county and local government -- and not become a set of restrictions limited to urban reserves administered by Metro.

Due to the nature and extent of my concerns, I propose that the Title 11 changes be remanded to the subcommittee for further discussion and that that discussion be broadened to include a regional analysis of housing issues, with particular attention to affordable housing.

Thank you for your time and consideration of these points.

Sincerely,



Denny Doyle  
Mayor

c: Metro COO Michael Jordan  
Metro President Tom Hughes  
Metro Councilor Rex Burkholder  
Metro Councilor Carlotta Collette

MPAC Housing Planning Subcommittee Members

January 7, 2011

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Metro Councilor Kathryn Harrington

Metro Councilor Carl Hosticka

MPAC Members

City Attorney Alan Rappleyea

Community Development Director Don Mazziotti

Enclosure

### Affordable Housing Comparisons

<b>Beaverton</b>			<b>Gresham</b>		
	Households	Affordable Units		Households	Affordable Units
<\$15K	3,241	1,467	<\$15K	4,268	2,007
\$15K - \$35K	7,124	11,979	\$15K - \$35K	8,701	14,780
\$35K - \$50K	4,857	7,057	\$35K - \$50K	6,134	6,332
<b>Total</b>	<b>15,222</b>	<b>20,503</b>	<b>Total</b>	<b>19,103</b>	<b>23,119</b>
Ratio = 1.35			Ratio = 1.21		

<b>Portland</b>			<b>Tualatin</b>		
	Households	Affordable Units		Households	Affordable Units
<\$15K	34,429	17,234	<\$15K	569	227
\$15K - \$35K	51,977	81,046	\$15K - \$35K	1,910	2,461
\$35K - \$50K	33,769	40,405	\$35K - \$50K	1,202	1,963
<b>Total</b>	<b>120,175</b>	<b>138,685</b>	<b>Total</b>	<b>3,681</b>	<b>4,651</b>
Ratio = 1.15			Ratio = 1.26		

<b>Hillsboro</b>			<b>Tigard</b>		
	Households	Affordable Units		Households	Affordable Units
<\$15K	2,190	1,518	<\$15K	1,435	607
\$15K - \$35K	5,721	7,377	\$15K - \$35K	3,162	6,090
\$35K - \$50K	3,936	7,115	\$35K - \$50K	2,610	2,946
<b>Total</b>	<b>11,847</b>	<b>16,010</b>	<b>Total</b>	<b>7,207</b>	<b>9,643</b>
Ratio = 1.35			Ratio = 1.34		

**Source:** Fregonese & Associates, based upon the American Community Survey 2005-2008



**Commissioner Nick Fish**  
City of Portland

January 11, 2011

MPAC Planning Housing Subcommittee Members:  
Metro Councilor Robert Liberty, Chair  
West Linn Councilor Jody Carson  
Metro Councilor Shirley Craddick  
Beaverton Mayor Denny Doyle  
Lake Oswego Mayor Jack Hoffman  
Clackamas County Commissioner Charlotte Lehan  
Hillsboro Mayor Jerry Willey

**RE: Capacity Ordinance: Title 11 Amendment**

Dear MPAC Planning Housing Subcommittee Members,

Unfortunately, I am unable to attend today's meeting due to a prior commitment. Kate Allen the City's Housing Policy Manager will attend on my behalf.

I greatly value discussion and feedback on this important issue. Portland remains strongly supportive of including housing guideline language in the Title 11 Amendment, and believes that the language creates an opportunity for jurisdictions to address housing needed in their community in a comprehensive way without being prescriptive about the method or location of that housing. As we continue the discussion, I want to highlight three recommendations from Portland:

- We want to continue the work begun with Metro on this issue, support a permanent Housing subcommittee, and hope that a Metro Councilor can take the lead for this work, as Councilor Liberty departs.
- If the Housing Subcommittee and MPAC cannot agree on Title 11 language that Metro can approve on 1/13, then Portland urges that the momentum which has us almost there be continued so that the Title 11 amendments can be approved before the end of January.
- Portland is strongly supportive of the recommendation made by Mayor Doyle and others that planning for regional affordable housing continue at Metro, and that Metro budget for this activity in the coming year. Portland will continue to provide staff for this effort.





**Commissioner Nick Fish**  
City of Portland

Thank you for your consideration, I look forward to continuing the dialogue.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Fish".

Nick Fish  
Commissioner



# City of Tualatin

[www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)

January 11, 2011

MPAC Housing subcommittee  
MPAC

Dear MPAC Housing subcommittee and MPAC Members,

I have reviewed the letters recently submitted to the MPAC Housing subcommittee from the City of Beaverton and the Home Builders Association of Metro Portland. I want to support the concerns raised in both of those letters and ask that the decision to approve any changes to Title 11 language be postponed.

While there have been good intentions to address affordable housing through the proposed changes, the requirements of the new language are still unclear and there are several areas that continue to sound like new mandates. I am also concerned about the emphasis this places on affordable housing in outlying areas of our region and how much this will impact our ability to provide appropriate housing and develop expansion areas. In addition, the new language does not capture the need to view our affordable housing needs, challenges and achievements in conjunction with already developed and more urbanized areas and in conjunction with other impacts to affordable housing.

I also believe that the questions raised by Mayor Doyle in his letter are excellent ones that need to be reviewed and answered to understand the potential impacts of the proposed language changes better. I support allowing the housing subcommittee to have more time to review these concerns and questions and look forward to participating in this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Lou Ogden", on a light gray background.

Lou Ogden  
Mayor

Cc: Metro COO Michael Jordan  
Metro Council