

 **Metro** | *Agenda*

Meeting: Metro Council  
Date: Thursday, January 13, 2011  
Time: 2 p.m.  
Place: Metro Council Chambers

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**CALL TO ORDER AND ROLL CALL**

1. **INTRODUCTIONS**
2. **CITIZEN COMMUNICATIONS**
3. **OREGON ZOO MASTER PLAN UPDATE** **Smith**
4. **CONSIDERATION OF THE MINUTES FOR JANUARY 6, 2011**
5. **ORDINANCE – SECOND READING**
- 5.1 **Ordinance No. 11-1251**, For the Purpose of Amending the Metro Code in Order to Reassign the Duties of the Clerk of the Metro Council. **Collette**
- 5.2 **Ordinance No. 11-1252**, For the Purpose Amending Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan. **Liberty**  
*Pending Metro Policy Advisory Committee (MPAC) and MPAC Housing Planning Subcommittee deliberations*
6. **CHIEF OPERATING OFFICER COMMUNICATION**
7. **COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for January 13, 2011 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 11 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> 2 p.m. Thursday, Jan. 13 (Live)</p>	<p><b>Portland</b>  Channel 11 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a>  <i>Ph:</i> 503-288-1515  <i>Date:</i> 8:30 p.m. Sunday, Jan. 16  <i>Date:</i> 2 p.m. Monday, Jan. 17</p>
<p><b>Gresham</b>  Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  <i>Date:</i> 2 p.m. Monday, Jan. 17</p>	<p><b>Washington County</b>  Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> 11 p.m. Saturday, Jan. 15  <i>Date:</i> 11 p.m. Sunday, Jan. 16  <i>Date:</i> 6 a.m. Tuesday, Jan. 18  <i>Date:</i> 4 p.m. Wednesday, Jan. 19</p>
<p><b>Oregon City, Gladstone</b>  Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>	<p><b>West Linn</b>  Channel 30 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.**

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

Agenda Item Number 3.0

**Oregon Zoo Master Plan Update**

Metro Council Meeting  
Thursday, Jan. 13, 2011  
Metro Council Chamber

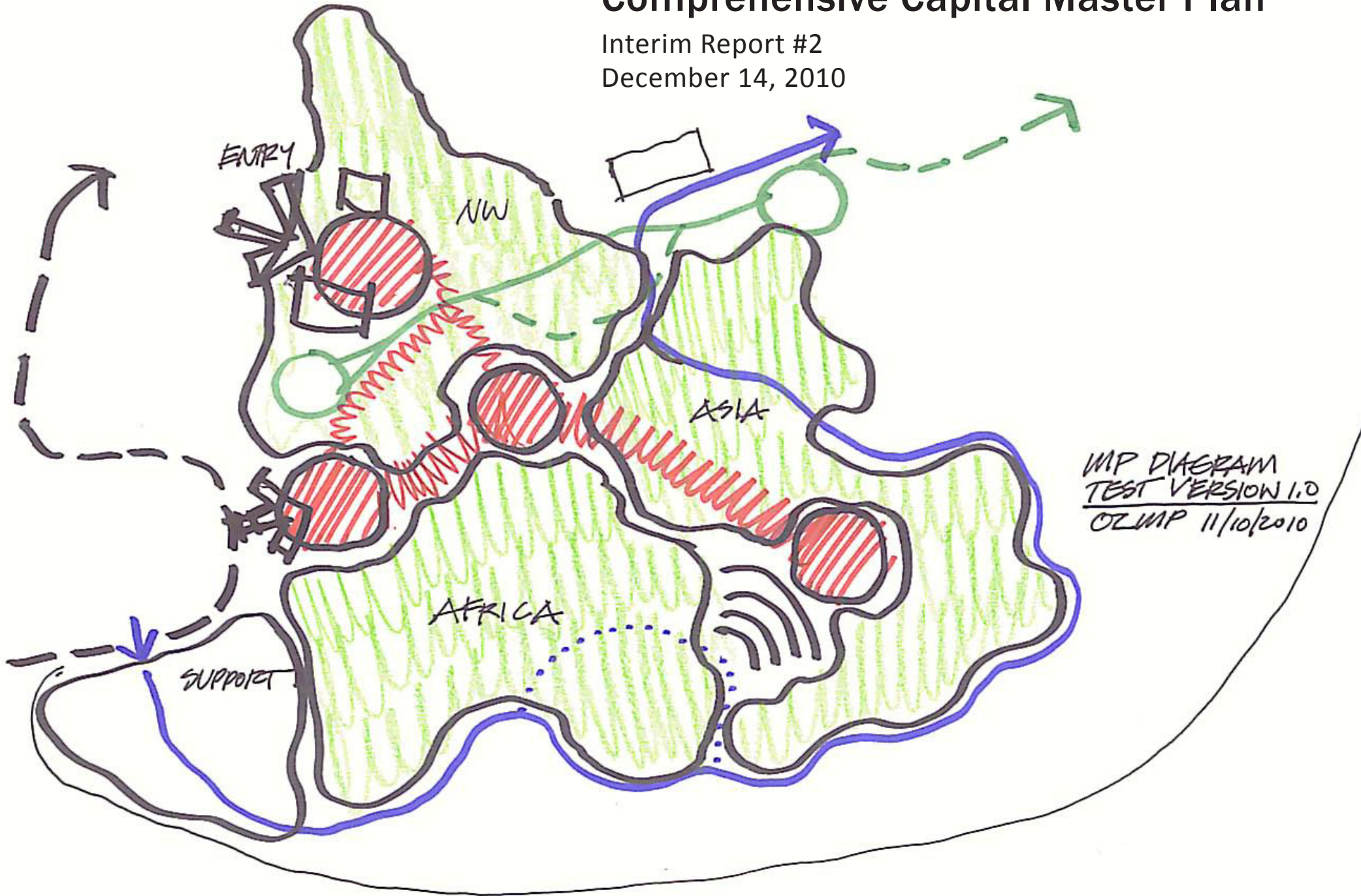
CLICK HERE FOR FULL REPORT

# Oregon Zoo

## Comprehensive Capital Master Plan

Interim Report #2

December 14, 2010



UMP DIAGRAM  
TEST VERSION 1.0  
OZUMP 11/10/2010

Agenda Item Number 4.0

**Consideration of the Minutes for January 6, 2011**

Metro Council Meeting  
Thursday, Jan. 13, 2011  
Metro Council Chamber

Agenda Item Number 5.1

**Ordinance No. 11-1251**, For the Purpose of Amending the  
Metro Code in Order to Reassign the Duties of the Clerk of the  
Metro Council.

*Ordinances – Second Reading*

Metro Council Meeting  
Thursday, Jan. 13, 2011  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE )  
METRO CODE IN ORDER TO REASSIGN ) ORDINANCE NO. 11-1251  
THE DUTIES OF THE CLERK OF THE ) Introduced by Councilor Carlotta Collette  
METRO COUNCIL )  
)

WHEREAS, Metro Code 2.01.020 states and defines the roles, responsibilities and meeting management procedures for the “Clerk of the Council;” and

WHEREAS, the Metro Council Office has undergone numerous staff and organizational structure changes since the adoption of this definition into Metro Code; and

WHEREAS, because of these changes, the current definition of the “Clerk of the Council” is outdated and inaccurate in representing current office operations; and

WHEREAS, “Clerk of the Council” duties and responsibilities have been assigned throughout both the Council Office to various staff, and throughout the agency namely to Metro’s Records Officer; and

WHEREAS, because of reassignments the title “Clerk of the Council” for a single individual is irrelevant, inaccurate and not legally necessary; and

WHEREAS, because the Council Office in collaboration with Metro’s Records Officer have assumed “Clerk of the Council” duties, the title for a single individual does not exist; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Sections of the Metro Code containing references to the Clerk of the Council are hereby amended as set forth in Exhibit “A” attached hereto.

ADOPTED by the Metro Council this \_\_\_\_\_ day of January 2011.

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

Attest:

Approved as to Form:

\_\_\_\_\_  
Kelsey Newell, Recording Secretary

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

**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
Duties of the Clerk of the Metro Council**

2.01.001 Definitions

For the purpose of this chapter unless the context requires otherwise the following terms shall have the meanings indicated:

(a) "Adoption" means the act of the council to approve a motion to adopt an ordinance or resolution.

~~(b) "Clerk" means clerk of the council.~~

(eb) "Quorum" means the majority of the members of the council holding office.

(Ordinance No. 88-241, Sec. 1. Amended by Ordinance No. 95-583B, Sec. 1; Ordinance No. 02-958A, Sec. 1.)

2.01.020 ~~Clerk of the Council~~Council Meetings and Records

~~The clerk of the council, or a~~ qualified alternate staff person designated by the Chief Operating Officer, shall ~~act as recording secretary for the council, shall~~ be present at each meeting of the council and shall provide that the proceedings be recorded as specified in section 2.01.090(B). Sound recordings shall be made of each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the minutes. The ~~council clerk~~recorder may temporarily interrupt council proceedings in the event of equipment malfunction, changes of tapes or other cause of short-term loss of recording. The ~~clerk~~Chief Operating Officer shall also maintain a journal of council proceedings that shall be available to the public during regular office hours.

(Ordinance No. 79-65, Sec. 2. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 95-583B, Sec. 1; Ordinance No. 02-958A, Sec. 1.)

2.01.055 Participation of Council Members by Electronic Means

(a) For any regular meeting or special meeting of the council, council members may participate in the meeting by the use of a voice or data communication device that allows communication with all other meeting participants provided the following conditions are fulfilled:



**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
Duties of the Clerk of the Metro Council**

(1) The councilor who wishes to participate by electronic means must file a written request with the Council President stating the reasons why the councilor cannot be physically present at the meeting, and why extraordinary circumstances exist that require that the councilor should participate by electronic means.

(2) The Council President files with the ~~council clerk~~Chief Operating Officer a written report explaining the circumstances and containing the Council President's determination that the physical absence of the councilor is both unavoidable and excusable and that the physically absent councilor should participate in the meeting.

(3) A majority of the council must be physically present at any special or regular meeting for a quorum to exist.

(b) Any emergency meeting may be conducted by electronic means consistent with the Oregon Public Meetings Law.

(c) Participation at any council meeting by electronic means shall not constitute attendance at a meeting of the council for the purpose of Section 23(1)(e) of the Metro Charter.

(Ordinance No. 94-559A, Sec. 1. Amended by Ordinance No. 02-958A, Sec. 1.)

2.01.090 Conduct of Meetings

(a) A quorum of the council is a majority of the members of the council holding office. If a quorum is present, the council may proceed with the transaction of its business. If fewer councilors are present they may compel absent members to attend.

(b) Minutes of each meeting shall ~~be prepared by the clerk of the council or his/her designee, and shall~~ include at least the following information:

(1) All members of the council present;

(2) All motions, resolutions, and ordinances proposed and their dispositions;

**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
Duties of the Clerk of the Metro Council**

(3) The results of all votes, and the vote of each councilor by name; and

(4) The substance of any discussion on any matter.

(c) Minutes of executive sessions may be limited consistent with Oregon Law.

(d) The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the council by the ~~clerk of the council~~Chief Operating Officer.

(e) The council shall by resolution adopt rules establishing procedures governing conduct of debate on matters considered by the council at council meetings.

(f) Council members present, but not voting or not specifically abstaining, shall be counted as voting with the majority. In the event that there is no such majority, such members shall be counted as abstaining.

(g) Except for ordinances, the Council President may order the unanimous approval of any matter before the council unless there is an objection from one or more councilors. If there is an objection, then a voice vote shall be taken, unless the objecting councilor requests a roll call vote in which case a roll call vote shall be taken. At each meeting, the ~~clerk of the council~~ shall rotate the order for each roll call vote so that the councilor who voted first shall vote last on the next roll call vote, except that the Council President shall always vote last on a roll call vote.

(h) In the event a matter is the subject of a voice vote or a roll call vote, after the vote is taken the Council President shall announce the result of the votes. Prior to proceeding to the next item on the agenda, or if the item voted upon is the last item on the agenda before adjournment, any member may request that the ~~clerk of the council~~ change that member's vote in which case the change in vote shall be announced by the Council President and the result of the votes as modified shall also be announced. Upon commencement of the next agenda or adjournment, as the

**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
Duties of the Clerk of the Metro Council**

case may be, all votes shall become final and may not be further changed without the unanimous consent of the council.

(i) Any matter not covered by this chapter or a rule adopted by the council pursuant to a resolution shall be determined by Robert's Rules of Order, newly revised. The council may by a positive vote of two-thirds of the members of the council authorize the suspension of any rule adopted by a resolution of the council.

(j) All meetings of the council, its committees and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings Law.

(Ordinance No. 95-583B, Sec. 1. Amended by Ordinance No. 02-958A, Sec. 1.)

2.02.120 Ethical Requirements for Employees, Officers,  
Elected and Appointed Officials

(a) The purpose of this section is to establish a Code of Ethics for Metro public officials which is consistent with current public policy established by the Oregon Legislative Assembly. Failure to comply with the provisions of this Code shall be grounds for disciplinary action for employees of Metro.

(b) "Public official" means any employee, officer, elected official or appointed member of a board, commission or committee of Metro.

(c) All public officials of Metro shall strictly comply with the following requirements:

(1) No public official shall use official position or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses, or for any member of the household of the public official, or for any business with which the public official is associated.

(2) No public official or candidate for office or a member of the household of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$100 from any single

**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
Duties of the Clerk of the Metro Council**

source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has or the candidate, if elected, would have any official position or over which the official exercises or the candidate, if elected, would exercise any authority.

(3) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.

(4) No public official shall further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.

(5) No person shall offer during any calendar year any gifts with an aggregate value in excess of \$100 to any public official or candidate therefor or a member of the household of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has or the candidate, if elected, would have any official position or over which the official exercises or the candidate, if elected, would exercise any authority.

(d) The Auditor and every member of the Council of Metro shall be required to comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest on an annual basis as required by state law. A copy of the Statement of Economic Interest shall be filed with the ~~Council Clerk~~Chief Operating Officer at the time of filing with the appropriate state agency.

(e) The Chief Operating Officer, the Metro Attorney, the Chief Financial Officer, and all members of the Metropolitan Exposition-Recreation Commission and all Department Directors shall file annually with the ~~Council Clerk~~Chief Operating Officer a Statement of Economic

**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
Duties of the Clerk of the Metro Council**

Interest which is substantially consistent with that required by ORS 244.060.

(f) Public officials shall comply with the following requirements regarding the declaration of potential conflicts of interest and recording the notice of a potential conflict:

(1) If the public official is an elected public official or an appointed public official serving on a board or commission, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official.

(2) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the potential conflict, and request that the appointing authority dispose of the matter giving rise to the potential conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

(3) Nothing in subsection (1) of this section requires any public official to announce a potential conflict of interest more than once on the occasion which the matter out of which the potential conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.

(5) When a public official gives notice of a potential conflict of interest, the potential conflict shall be recorded in the official records of the public body.

(Ordinance No. 89-305A, Sec. 3. Amended by Ordinance No. 94-523B; Ordinance No. 02-965A, Sec. 1; Renumbered by Ordinance No. 05-1082, Sec. 1.)

**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
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2.17.050 Financial Reporting Requirements

(a) Elected officials shall comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest on an annual basis as required by state law. A copy of the Statement of Economic Interest shall be filed with the ~~Council Clerk~~Chief Operating Officer at the time of filing with the appropriate state agency.

(b) All Department Directors and Metro commissioners shall file annually with the ~~Council Clerk~~Chief Operating Officer a Statement of Economic Interest which is substantially consistent with that required by ORS 244.060.

(c) In addition, the Statement of Economic Interest shall disclose the ownership of any real property outside the Metro boundary and within Multnomah, Clackamas or Washington County.

(Ordinance No. 99-795B, Sec. 1.)

2.18.030 Additional Campaign Finance Reporting Requirements

(a) Every Candidate and every Metro Elected Official who is a candidate for any public office shall file with the ~~Metro Council Clerk~~Chief Operating Officer an electronic link to any campaign finance report required to be filed pursuant to ORS 260 or any applicable federal law. Campaign finance report electronic links shall be provided to the ~~Metro Council Clerk~~Chief Operating Officer within two (2) days after they became available from the state or federal filing officer.

(b) Prior to taking any action or voting on any matter in which any person who has a legislative or administrative interest has made a campaign contribution of \$500 or more in the aggregate to the Metro Elected Official, the Metro Elected Official shall disclose the existence of the contribution on the public record, if the contribution has not been previously made available in a campaign finance report electronic link required to be filed pursuant to (a) above.

(c) A Metro Councilor shall make the disclosure of such contributions on the record required by (b) above

**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
Duties of the Clerk of the Metro Council**

immediately prior to voting or abstaining from voting on the matter. The Metro Auditor shall disclose such contributions by filing a written notice with the ~~Metro Council Clerk~~Chief Operating Officer or the Council prior to taking action on any such matter. In all cases, the disclosure shall include the name of the donor, the amount of the contribution and the nature of the donor's legislative or administrative interest in Metro.

(Ordinance No. 00-849A, Sec. 1. Amended by Ordinance No. 02-967, Sec. 1; Ordinance No. 08-1180, Sec. 1.)

2.18.040 Public Dissemination of Campaign Finance Reports

The ~~Metro Council Clerk~~Chief Operating Officer shall cause all campaign finance report electronic links to be posted on Metro's website. Website access to the campaign finance report links shall be maintained on the Metro website until the earlier of the January 1 following the election or the Metro elected official's term ends.

(Ordinance No. 00-849A, Sec. 1. Amended by Ordinance No. 02-967, Sec. 1; Ordinance No. 08-1180, Sec. 1.)

6.01.080 Filing and Effective Date of Commission Resolutions

(a) Within five (5) days after the passage of any resolution, the Commission shall file a copy of the resolution with the ~~Council Clerk~~Chief Operating Officer, or such other officer as the Council may designate, who shall maintain a special record of the Commission's resolutions which shall be accessible to the public under like terms as the ordinances of Metro. The ~~Council Clerk~~Chief Operating Officer ~~or such other officer as the Council may designate~~ shall immediately notify the Council of the receipt of the resolution.

(b) Resolutions of the Commission shall be effective upon adoption or at such other time as specified by the Commission.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 02-975, Sec. 1; and Ordinance No. 09-1229, Sec. 1.)

**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
Duties of the Clerk of the Metro Council**

9.01.060 Method of Making Appointments

(a) Whenever a vacancy occurs in a Council position representing a subdistrict on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council. The appointment process shall include the following:

(1) Notification of the appointment process and of the availability of application forms in a newspaper of general circulation in the Metro Area, in local newspapers which serve the Council subdistrict, and other journals, publications and circulars deemed appropriate at least four (4) weeks prior to the appointment.

(2) Notification of the appointment process and of the availability of application forms to official neighborhood organizations, cities, civic groups, and other recognized groups with territory within the vacant Council subdistrict at least four (4) weeks prior to the appointment.

(3) Notification may be given at the direction of the Council President in advance of any formal declaration of a vacancy by the Council.

(4) The Council President may establish a deadline for the receipt of applications which shall be no earlier than one (1) week prior to the date set for the making of the appointment at the time notice is given.

(5) Conduct of a public hearing in the vacant subdistrict before a subcommittee of the Council appointed by the Council President. The subcommittee shall report all testimony received to the full Council.

(6) Conduct of interviews with applicants for the vacant position before the Council.

(7) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The ~~Council Clerk shall announce the~~ results of each ballot shall be announced following the vote and ~~shall record~~ the result of each Councilor's ballot



**Exhibit A to Ordinance No. 11-1251  
Amending the Metro Code Reassigning the  
Duties of the Clerk of the Metro Council**

shall be recorded. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two (2) applicants who receive the most votes until an applicant receives a majority vote of the Council.

(b) If a vacancy occurs in the office of Council President or Metro Auditor, the Metro Council shall appoint a person to fill the vacancy subject to the following procedure. The appointment process shall include the following:

(1) Notification of the existence of the vacancy and that the Council will be making an appointment to fill the vacancy shall be given in a newspaper of general circulation within the Metro Area and in such other manner as deemed appropriate by the Council at the time the vacancy is declared.

(2) Conduct of interviews with applicants for the vacant position before the Council.

(3) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The ~~Council Clerk shall announce the results of each ballot~~ shall be announced following the vote and ~~shall record~~ the result of each Councilor's ballot shall be recorded. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two (2) applicants who receive the most votes until an applicant receives a majority vote of the Council.

(Ordinance No. 93-517B. Amended by Ordinance No. 02-977, Sec. 1.)

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## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 11-1251, FOR THE PURPOSE OF AMENDING THE METRO CODE IN ORDER TO REASSIGN THE DUTIES OF THE CLERK OF THE METRO COUNCIL

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Date: December 22, 2010

Prepared by: Dan Cooper, Metro Attorney, 503-797-1528  
Tony Andersen, Legislative Coordinator, 503-797-1878

#### BACKGROUND

Because of various office reorganizations, changes in roles in the Metro Council Office and Office of the COO, and general personnel direction provided by the Metro Council from 2007-2010; the Clerk of the Council's roles and responsibilities have evolved over the years and duties once held by a single position are now shared throughout the office and delegated accordingly.

In an effort to make more efficient and update Council Office operations, this ordinance removes an outdated title from Metro code and directs the Metro Council Office and Office of the COO to manage the portfolio of duties once held by the Clerk, now a collectively shared list delegated to different team members of the office. As of January 2011, there is no single or assigned Clerk of the Council, and this ordinance updates the discrepancy.

Additionally, by adopting this ordinance efficiencies will continue to improve and best practices identified as the Council Office and Office of the COO work programs continue to transition from historically-focused administrative support positions to a more policy-centric coordination model for current staff members.

#### ANALYSIS/INFORMATION

1. **Known Opposition:** None.
2. **Legal Antecedents:** Metro Code, Metro Code Title II Administration and Procedures, Chapter 2.01 Council Organization and Procedures, Section 2.01.020 Clerk of the Council.
3. **Anticipated Effects:** The Metro Code containing references to the Clerk of the Council will be amended as set forth in Exhibit "A" to Ordinance 11-1251.
4. **Budget Impacts:** None.

#### RECOMMENDED ACTION

Council staff recommends the adoption of Ordinance No. 11-1251.

Agenda Item Number 5.2

**Ordinance No. 11-1252**, For the Purpose Amending Title 11  
(Planning for New Urban Areas) of the Urban Growth  
Management Functional Plan.

*Ordinances – Second Reading*

Metro Council Meeting  
Thursday, Jan. 13, 2011  
Metro Council Chamber

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 11, 2011; and

WHEREAS, on January 12, 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:

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.

## **Exhibit B to Ordinance No. 11-1252**

### **Findings of Fact and Conclusions of Law**

Ordinance No. 11-1252 amends Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan to improve implementation of the policies in section 1.3, Housing Choices and Opportunities, of Chapter 1 of the Regional Framework Plan (RFP). The amendments clarify the level of specificity for planning for new urban areas and connect housing needs in the new area, the city, the county and the region with Title 11 planning. Rec. \_\_\_. (Staff Report, December 21, 2010, p. 1.) The revisions will apply to concept planning of urban reserves prior to addition to the UGB (section 3.07.1110 of Title 11) and comprehensive planning after addition of land to the UGB (section 3.07.1120).

#### **Regional Framework Plan**

##### Chapter 1, Policy Section 1.1 (Compact Urban Form)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) This will help achieve the policies in section 1.1 by encouraging more compact development in new urban areas.

##### Chapter 1, Policy Section 1.3 (Housing Choices and Opportunities)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) This will help accomplish the policies in section 1.3.

##### Chapter 1, Policy Section 1.4 (Employment Choices and Opportunities)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) This will help achieve the balance of the number and wage levels of jobs with housing cost and availability in each part of the region, as Policy 1.4.2 strives to achieve.

##### Chapter 1, Policy Section 1.6 (Growth Management)

The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) This will help achieve Policy 1.6.1a by encouraging an efficient urban growth form in new urban areas.

##### Chapter 1, Policy Section 1.9 (Urban Growth Boundary)

The amendments to Title 11 will encourage agreements with landowners to provide needed workforce housing in new urban areas, as Policy 1.9.1.2 strives to achieve.

## **Statewide Planning Goals**

### Goal 1 - Citizen Involvement

Metro established a subcommittee of the Metro Policy Advisory Committee (MPAC), composed of representatives of local governments and agencies and of public members, to develop revisions to Title 11. The subcommittee met frequently during the summer and fall of 2010. Metro notified the public of meeting times and published agendas. Rec. \_\_\_. Public comments was invited and offered at each meeting. Rec. \_\_\_. Drafts of revisions were present to MPAC on November 17, 2010. The Council postponed action on the amendments to Title 11, on December 16, 2010, to allow more opportunity for comment. After further revisions to the proposed amendments, MPAC recommended on January 12, 2011, that the Metro Council adopt the amendments. The Council held a public hearing on January 13, 2011. These efforts fulfill Metro's responsibilities under Goal 1.

### Goal 2 - Land Use Planning

There are two principal requirements in Goal 2: providing an adequate factual base for planning decisions and ensuring coordination with those affected by the planning decisions. The record contains information that explains why the Metro Council believed greater specificity was necessary to achieve its policies in new urban areas. These materials provide an ample basis for the amendments to Title 11.

Metro coordinated its efforts with affected governments through its MPAC and MPAC subcommittee process. Metro received written comment from affected cities and responded to them by making revisions to accommodate their interests. Rec. \_\_\_. These efforts to notify, receive comment and accommodate interests as much as possible and respond to comment fulfill the governments' responsibilities under Goal 2.

### Goal 3 - Agricultural Lands

The concept planning required by Title 11 for urban reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 3. Goal 3 does not apply to comprehensive planning required by Title 11 for areas newly added to the UGB. Thus, the amendments to Title 11 are consistent with Goal 3.

### Goal 4 - Forest Lands

The concept planning required by Title 11 for urban reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 4. Goal 4 does not apply to comprehensive planning required by Title 11 for areas newly added to the UGB. Thus, the amendments to Title 11 are consistent with Goal 4.

### Goal 5 - Natural Resources, Scenic and Historic Areas and Open Spaces

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations for lands inventoried and protected as Goal 5 resource lands. Goal 5 will apply to all lands subject to Title 11 and additions of new urban areas to the UGB. The amendments to Title 11 are consistent with Goal 5.

### Goal 6 - Air, Water and Land Resources Quality

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to protect air, water or land resources quality. Existing

regulations intended to comply with Goal 6 will apply to all lands subject to Title 11. The amendments to Title 11 are consistent with Goal 6.

#### Goal 7 - Areas Subject to Natural Hazards

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to limit development in areas subject to natural hazards and disasters. Existing regulations intended to comply with Goal 7 will apply to all lands subject to Title 11. The amendments to Title 11 are consistent with Goal 7.

#### Goal 8 - Recreational Needs

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to satisfy recreational needs. The amendments to Title 11 are consistent with Goal 8.

#### Goal 9 - Economic Development

The planning required by the revisions to Title 11 does not change or affect comprehensive plan designations or land regulations intended to ensure a supply of employment land. The amendments to Title 11 are consistent with Goal 9.

#### Goal 10 - Housing

The amendments clarify the level of specificity desired from planning for new urban areas and connect housing needs in the new area, the city, the county and the region with new area planning. Rec. \_\_. (Staff Report, December 21, 2010, p. 1.) The amendments will increase the likelihood that the new areas will offer a wider range of housing choices than experienced in such areas in the past. Rec. \_\_. (Letter from Metro Councilor Robert Liberty to Dave Nielsen, CEO, Home Builders Ass'n of Metro Portland.) The amendments to Title 11 are consistent with, and will help achieve the objectives of Goal 10.

#### Goal 11 - Public Facilities and Services

The planning required by the revisions to Title 11 does not affect plan provisions intended to comply with Goal 11. Goal 11 will apply to new urban areas at the time they are added to the UGB and will require planning for the provision of public facilities and services to urbanize the areas at that time. The amendments are consistent with Goal 11.

#### Goal 12 - Transportation

The planning required by the revisions to Title 11 does not affect plan provisions intended to comply with Goal 12. Goal 12 will apply to new urban areas at the time they are added to the UGB and will require planning for the provision of transportation facilities and services to urbanize the areas at that time. The amendments are consistent with Goal 12.

#### Goal 13 - Energy Conservation

The amendments to Title 11 will encourage more compact development in new urban areas. As a general matter, compact development uses less energy than traditional development. The amendments are consistent with Goal 13.

Goal 14 - Urbanization

The concept planning required by Title 11 for urban reserves does not change or affect comprehensive plan designations or land regulations for lands outside the UGB. Goal 14 will apply to decisions to add land to the UGB. The amendments to Title 11 are consistent with Goal 14.

Goal 15 - Willamette River Greenway

Land subject to planning under Title 11 remains subject to acknowledged county and city plan provisions intended to protect the Willamette River Greenway. Goal 15 will apply to decisions to add land to the UGB. The amendments to Title 11 are consistent with Goal 15.

## 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

Materials following this page were distributed at the meeting.

 Metro | Agenda

Meeting: Metro Council  
Date: Thursday, January 13, 2011  
Time: 2 p.m.  
Place: Metro Council Chambers

**REVISED**

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**CALL TO ORDER AND ROLL CALL**

1. **INTRODUCTIONS**
2. **CITIZEN COMMUNICATIONS**
3. **OREGON ZOO MASTER PLAN UPDATE** **Smith**
4. **CONSIDERATION OF THE MINUTES FOR JANUARY 6, 2011**
5. **ORDINANCES – SECOND READING**
- 5.1 **Ordinance No. 11-1251**, For the Purpose of Amending the Metro Code in Order to Reassign the Duties of the Clerk of the Metro Council. **Collette**
- 5.2 **Ordinance No. 11-1252**, For the Purpose Amending Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan. **Liberty**  
*Pending Metro Policy Advisory Committee (MPAC and MPAC Housing Planning Subcommittee deliberations*
6. **RESOLUTIONS**
- 6.1 **Resolution No. 11-4228**, For the Purpose of Declaring Support for the Vision and Principles of the Multnomah Food Action Plan. **Collette**
7. **CHIEF OPERATING OFFICER COMMUNICATION**
8. **COUNCILOR COMMUNICATION**

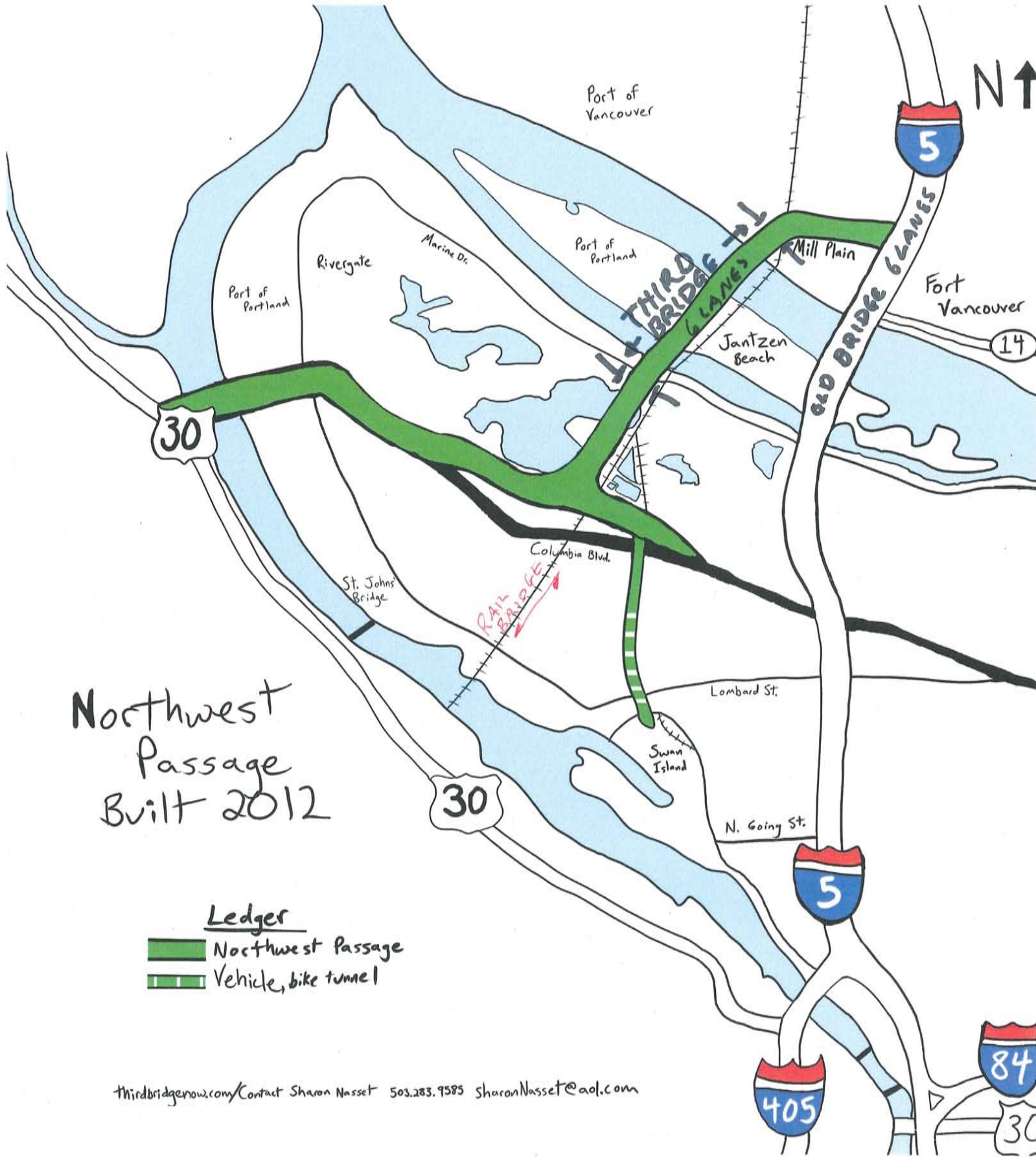
**ADJOURN**

**Television schedule for January 13, 2011 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 11 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> 2 p.m. Thursday, Jan. 13 (Live)</p>	<p><b>Portland</b>  Channel 11 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a>  <i>Ph:</i> 503-288-1515  <i>Date:</i> 8:30 p.m. Sunday, Jan. 16  <i>Date:</i> 2 p.m. Monday, Jan. 17</p>
<p><b>Gresham</b>  Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  <i>Date:</i> 2 p.m. Monday, Jan. 17</p>	<p><b>Washington County</b>  Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> 11 p.m. Saturday, Jan. 15  <i>Date:</i> 11 p.m. Sunday, Jan. 16  <i>Date:</i> 6 a.m. Tuesday, Jan. 18  <i>Date:</i> 4 p.m. Wednesday, Jan. 19</p>
<p><b>Oregon City, Gladstone</b>  Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>	<p><b>West Linn</b>  Channel 30 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.**

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

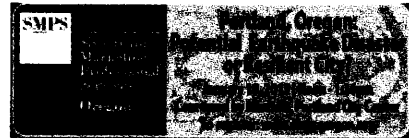


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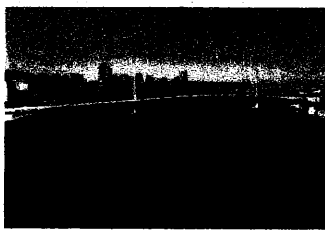


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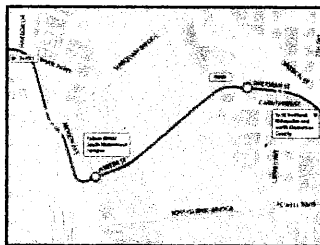
Wednesday, January 26, 2011 10:59 AM TRANSPORTATION PORTLAND-MILWAUKIE LIGHT RAIL HITS SHORTFALL

## Portland-Milwaukie light rail hits shortfall

POSTED: Monday, July 26, 2010 at 10:59 AM PT  
 BY: Daniel Savickas  
 Tags: light rail, Portland-Milwaukie Light Rail Project, TriMet



A new bridge for the Portland-Milwaukie Light Rail Project would span the Willamette River and accommodate light rail, buses, Portland Streetcar, cyclists and pedestrians. The \$135 million bridge helped push the project cost beyond \$1 billion, which resulted in a drop in some federal funding. (Rendering courtesy of TriMet)



(Map courtesy of TriMet)

The Portland-Milwaukie Light Rail Project will receive less money than expected from the Federal Transit Administration, leaving the agency overseeing the project to decide whether aspects of the plan will have to be rescaled or if additional money can be scraped together at the local level.

Transit agency TriMet originally asked the FTA to shoulder 60 percent of the cost of the project, a percentage the federal agency had covered for previous light-rail projects in Portland. But the FTA said it would only be willing to cover half of the overall price tag, an amount capped at \$735.8 million.

The FTA cited a funding limit of no more than 50 percent on projects more than \$1 billion. Previous Portland light-rail projects came in below that amount. The 7.3-mile Portland-Milwaukie project, however, sits at \$1.47 billion. Although local partners raised \$600 million for the project, the loss in federal money means the project will have problems penciling out as currently planned.

“While the good news is the (FTA) committed on the other side, we have less money for the project,” said TriMet spokeswoman Mary Fetsch. “We’ll have to recalibrate the project to some degree.”

TriMet knew of the 50 percent funding cap by the FTA, but Fetsch said the transit agency thought the light-rail project would get more than that amount based on the

strength of the project and TriMet’s history of FTA funding.

“We have a track record of 60 percent with them,” Fetsch said.

The FTA told TriMet it couldn’t take those factors into account in making its decision because it would be setting a precedent that it couldn’t repeat with other projects, Fetsch said.

Kenny Asher, director of community development and public works for the city of Milwaukie, said the decision surprised him.

“The FTA has indicated as we’ve gone through the planning and design that this is a very strong project and that a 60-40 split was something they wanted to look at,” Asher said.

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- renewal Walsh Construction Washington County wind
- energy



"At the end of the day, it looks like something they can't or won't do, but it wasn't the message they were sending. The message they were sending was that it was a real possibility."

According to the FTA, this is only the third New Starts-funded project in the nation to exceed \$1 billion. The other two projects are both located in New York City. Both are multibillion-dollar projects and received a 27 percent and 36 percent share.

The Portland-Milwaukie project is more expensive than previous Portland light-rail projects in part because it includes construction of a \$135 million bridge across the Willamette River, Fetsch said. The route goes through established neighborhoods, which will push up acquisition costs.

The first step of the light-rail project, set to begin next year, is the bridge construction. Timing is key for the work, according to Fetsch.

"We have a fish window," said Fetsch, who said the time they can be in the water building is only from July until October. "We have to work around migrating fish. We have to be in the water by July 2011 in order to ensure a 2015 opening date. If we miss that window, the project would be open a year later."

"We want to do this quickly to keep the project on schedule. We want to recalibrate over the next couple of months," said Fetsch, adding that TriMet will hope to have a new plan on the table by fall.

Fetsch said the light rail, which would run through Portland State University, the South Waterfront, Southeast Portland, Milwaukie and North Clackamas County, is expected to carry an average of 27,400 weekday riders. According to Karen Kane, media relations manager for regional government Metro, there is no concrete way to determine the number of drivers this project will take off the road.

"The average vehicle has 1.2 passengers, so if you imagine all 27,000 plus of those TriMet riders drove cars, there would be 22,500 cars off the road. But it's a really difficult thing to determine because some of those people already take the bus or maybe they don't use that route," Kane said. The way Metro would prefer to think of it, Kane said, is to imagine that the project will increase capacity on the roads. The light rail would be comparable to adding an additional freeway lane.

 More »

< [3 construction labor policy changes you should know about](#) [Project Runway designer to put on solar-inspired fashion show](#) >



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**COMMENTS**

*Old Town* says:

A 50% sharing policy. Is this a new policy or has this been a TriMet hide the costs venture? While 10% doesn't sound alarming - \$147 mil does. And it must be remembered that these are today's (false) estimates. It is another project that will never pay for itself. None of the transit portions of TriMet is self sufficient nor will that ever be the case.

What is missing from this article is the obvious - what is the breakdown of the other 50%? Just what will it cost the taxpayers of Portland and Multnomah County? What will be the gains? Short and long term?

A Perspective

Posted on 07/27/10 at Tuesday, July 27, 2010

*Aaron Spencer* says:

Old Town,

TriMet was under the impression the project's strength would persuade the FTA to provide the 60 percent share. Turns out the FTA didn't budge.

As for the rest of the funding breakdown, it's this:

- State Lottery Bonds - \$250M
- Metro/MTIP funds - \$72.5M
- In-Kind Contributions - \$46.5M
- City of Milwaukie - \$5M



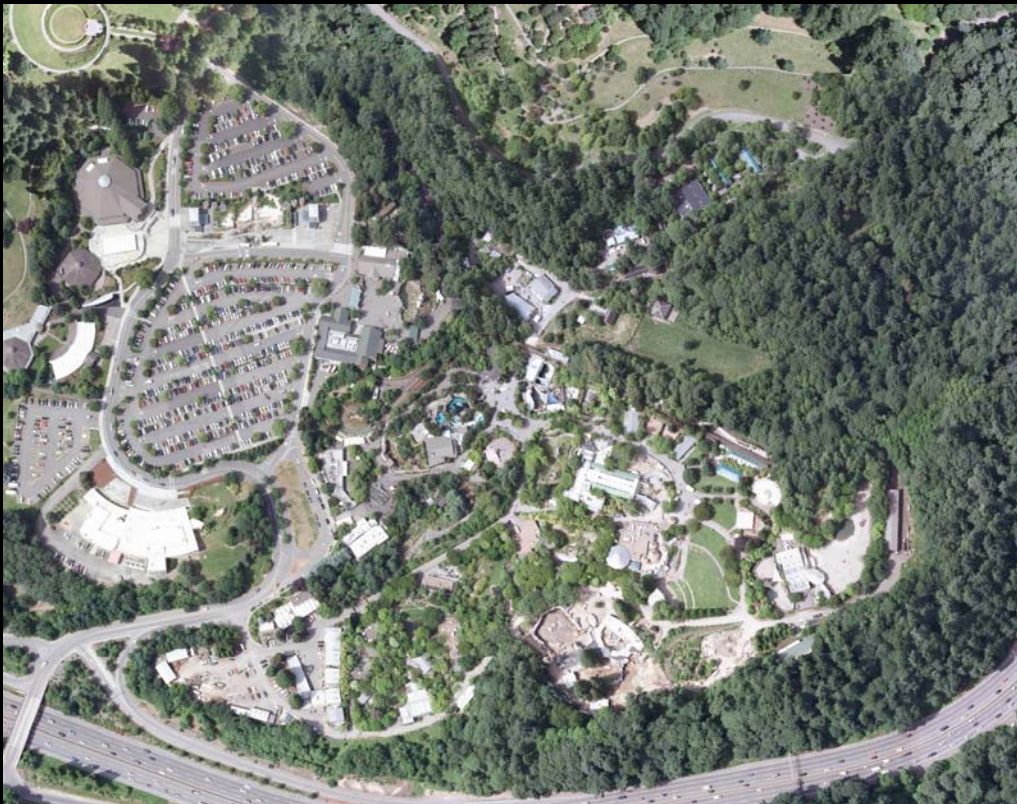


# COMPREHENSIVE CAPITAL MASTER PLAN

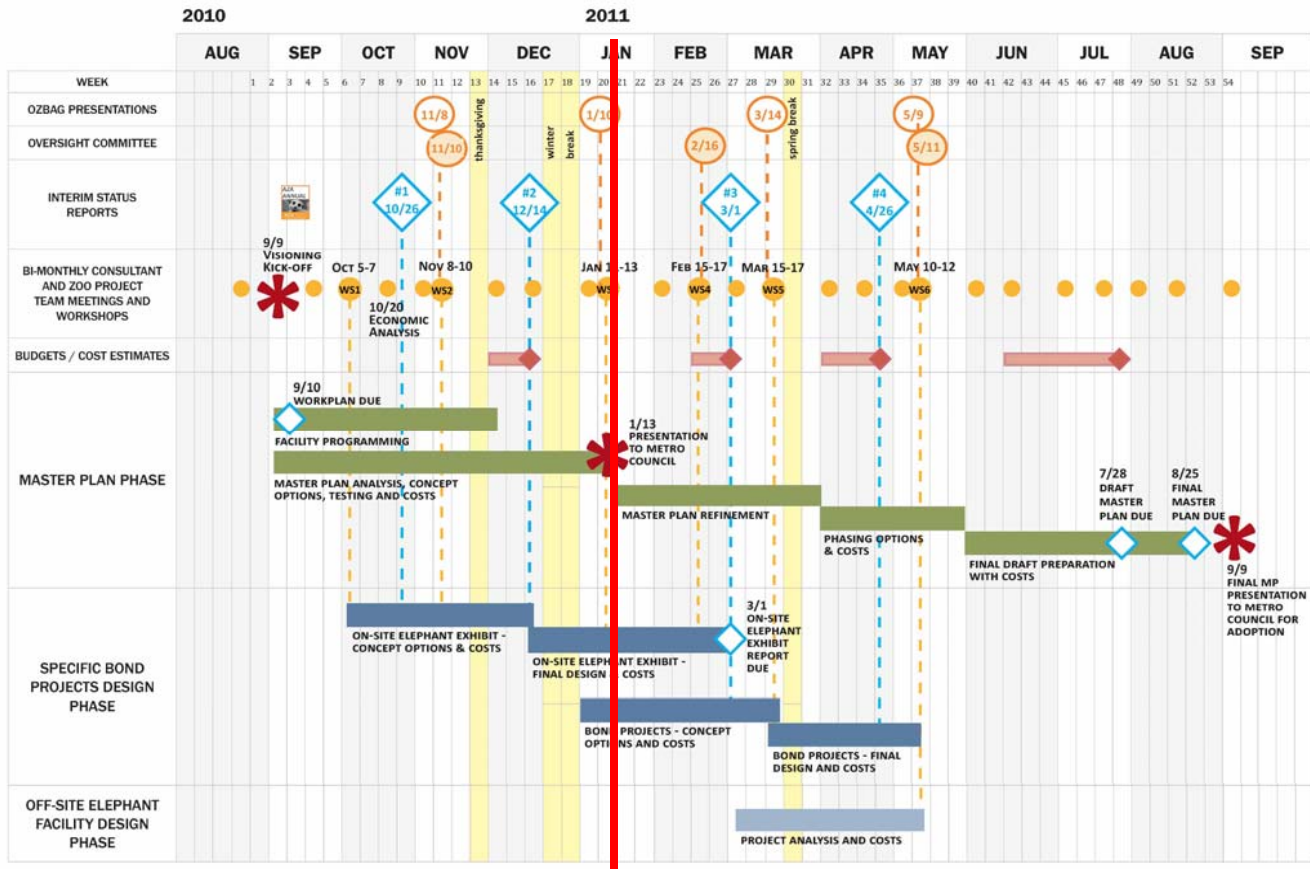
WORKSHOP #3 01.10.11

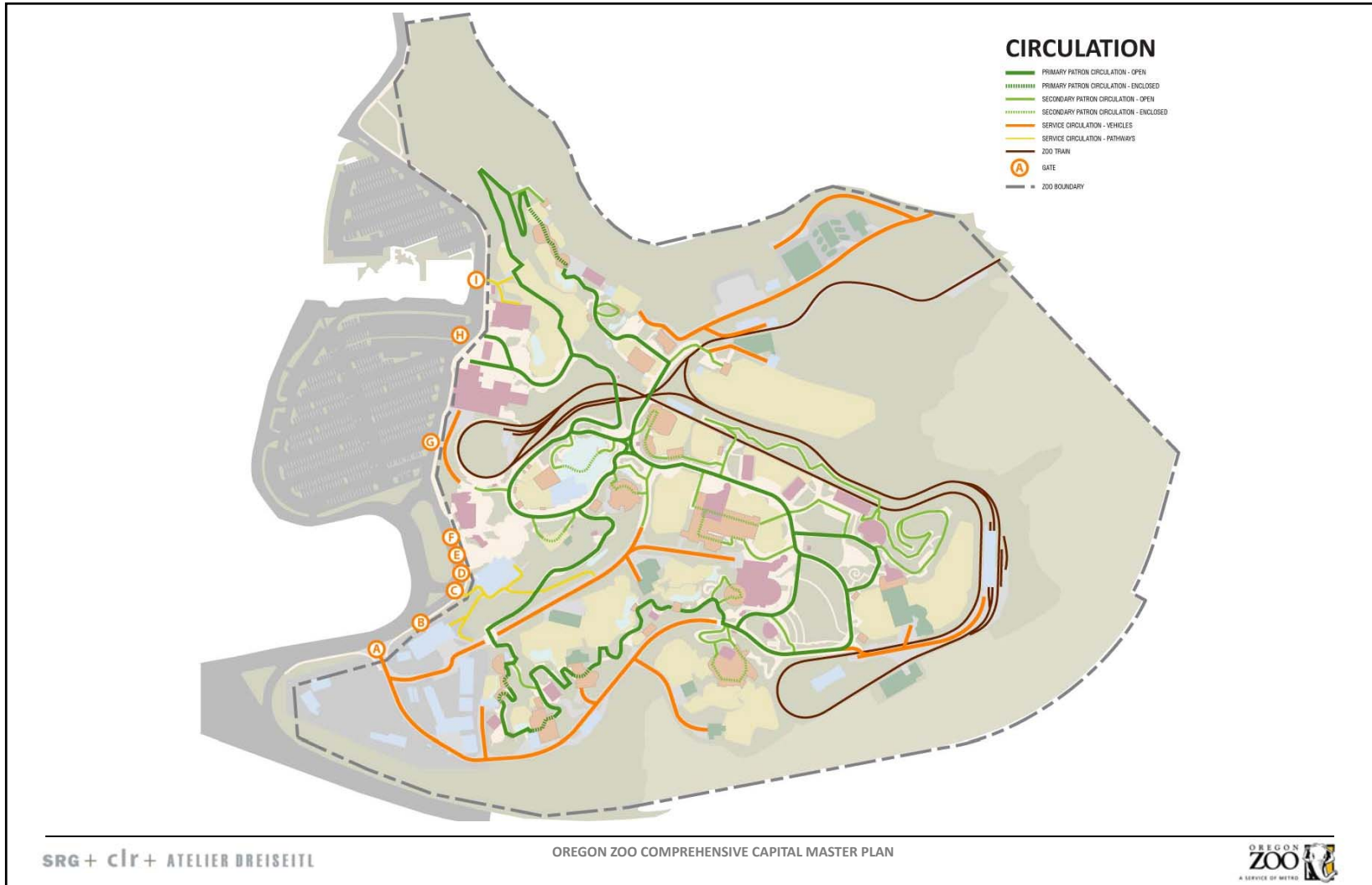
SRG + clr + ATELIER DREISEITL

Main Street Design KPFF PAE Equilibrium

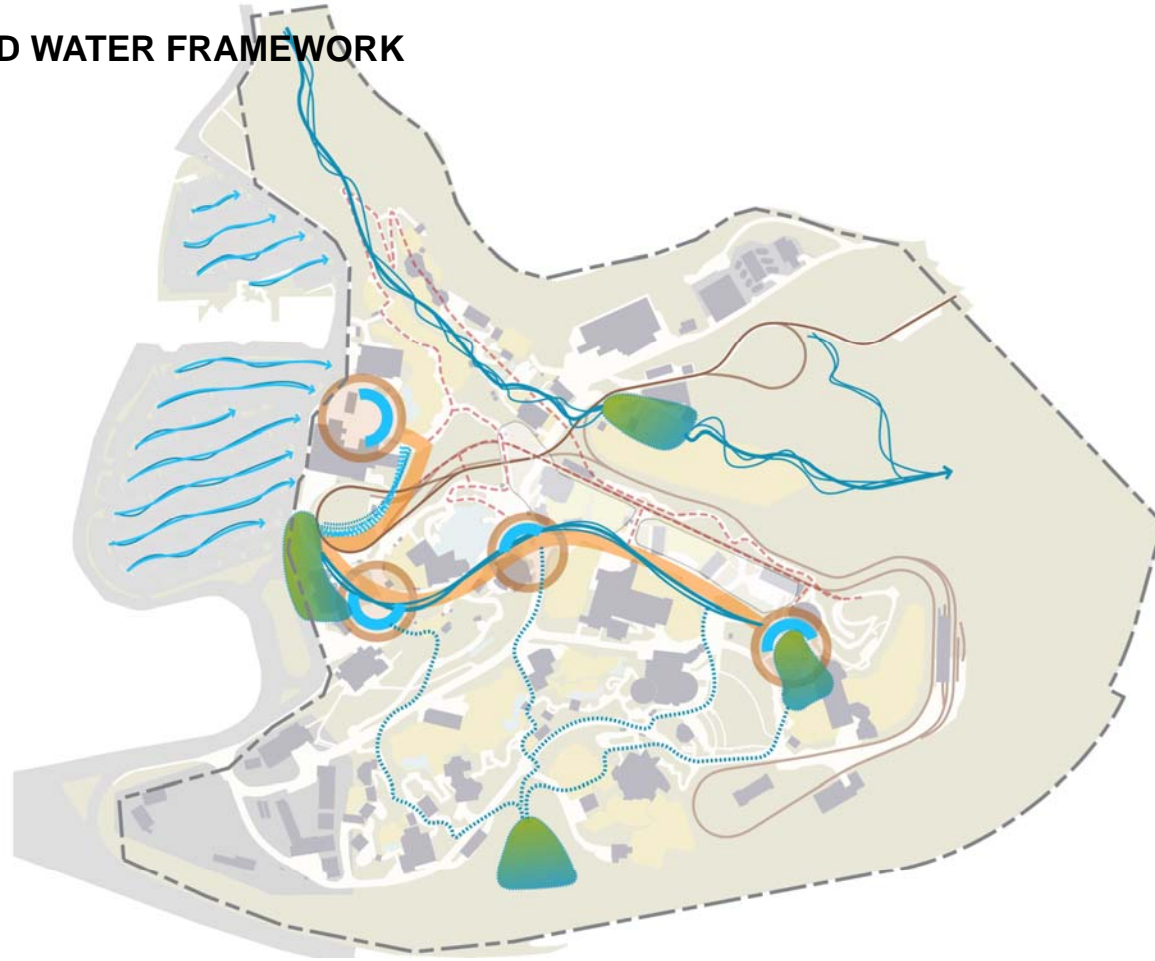


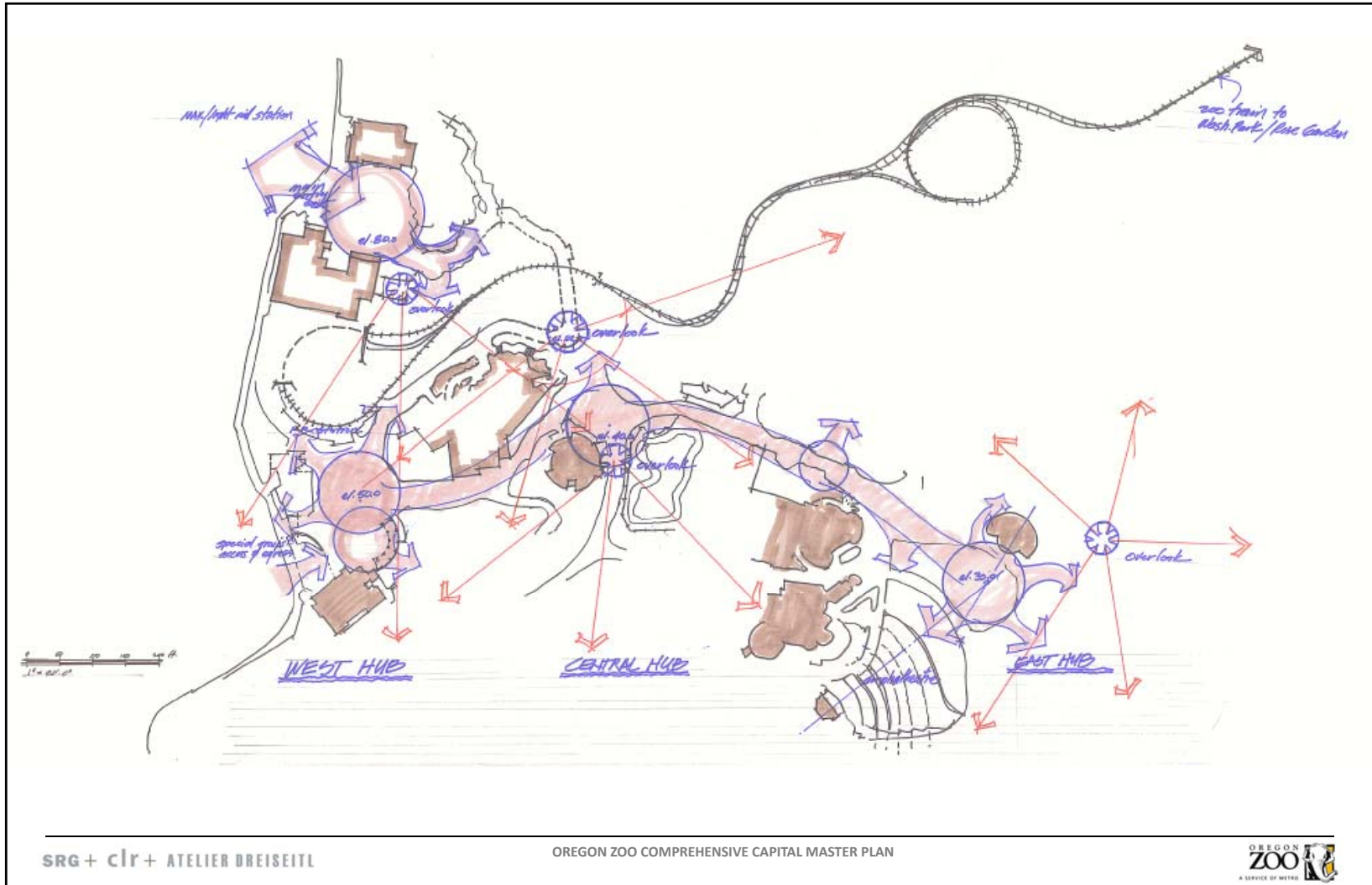
### OREGON ZOO MASTER PLAN Project Schedule - Revised 01.12.11





# SPINE AND WATER FRAMEWORK



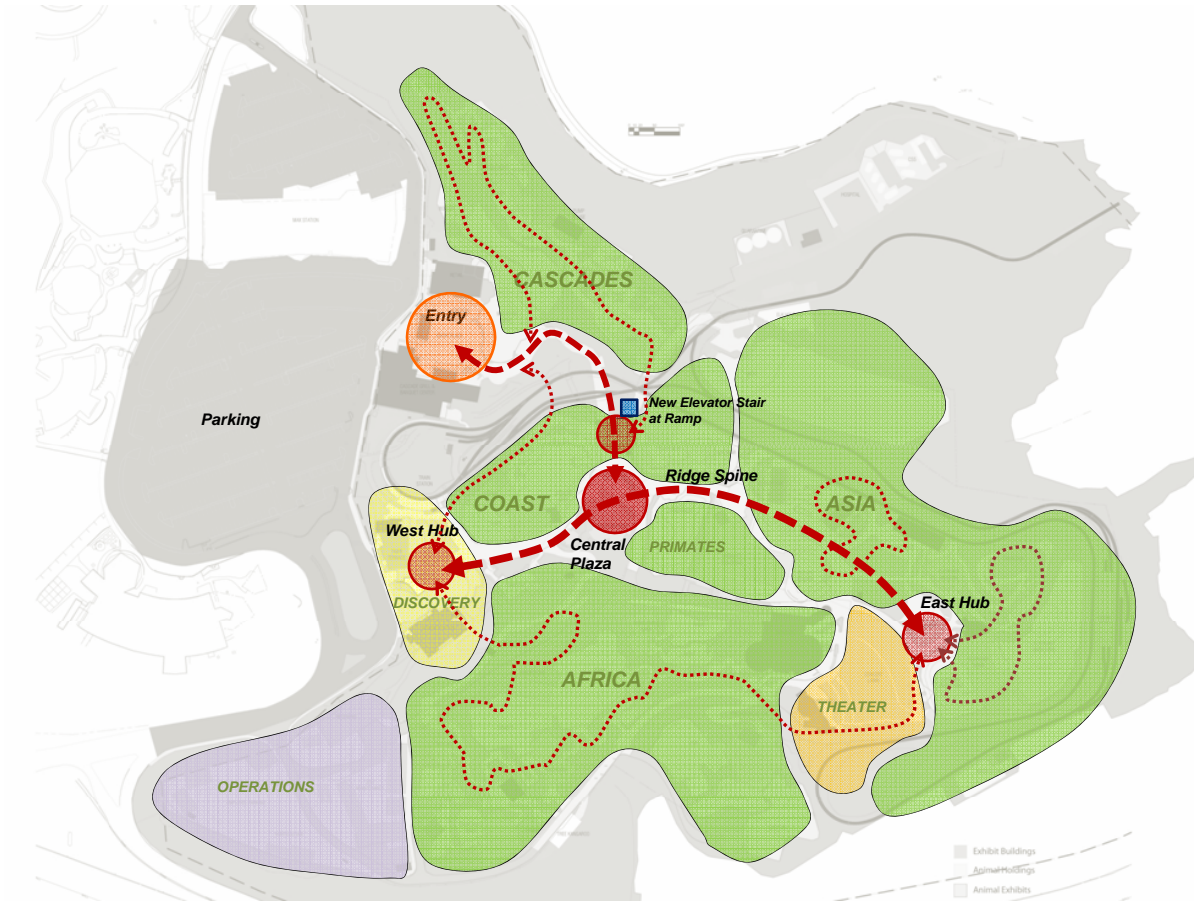


SRG + clr + atelier dreiseitl

OREGON ZOO COMPREHENSIVE CAPITAL MASTER PLAN

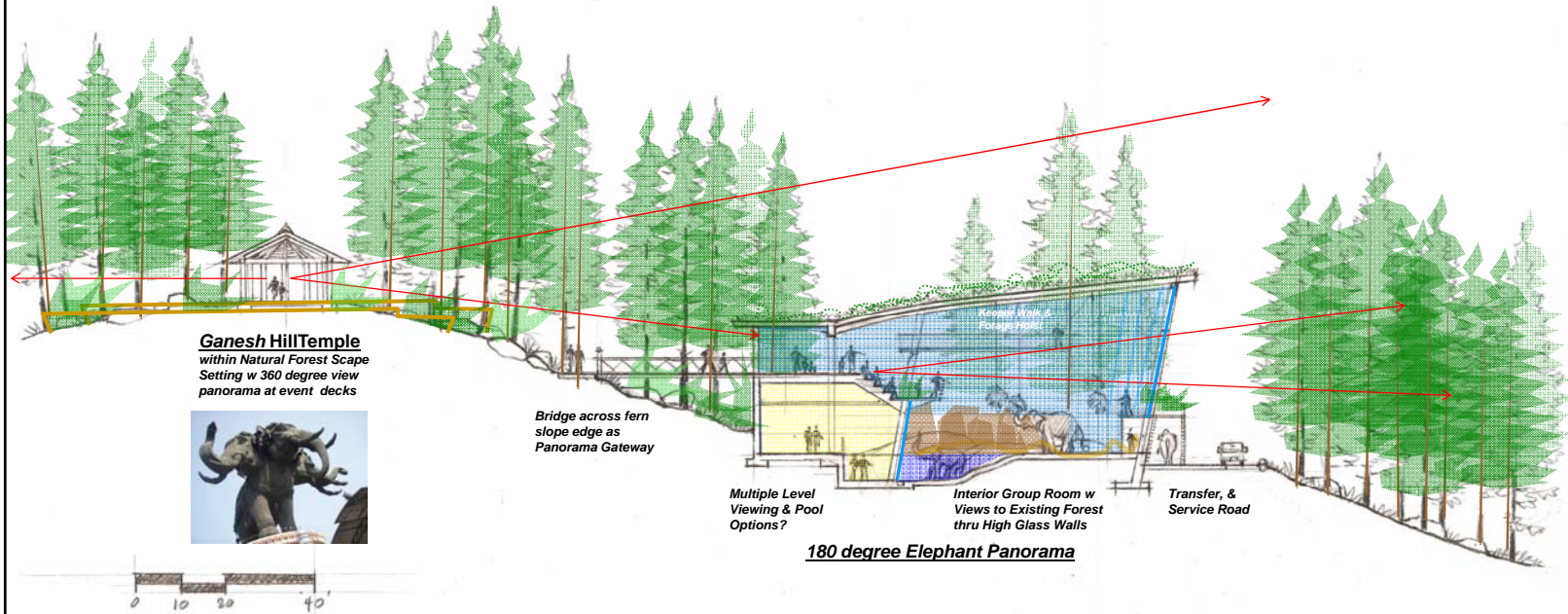


### PROPOSED CIRCULATION AND SITE ORGANIZATION TEST



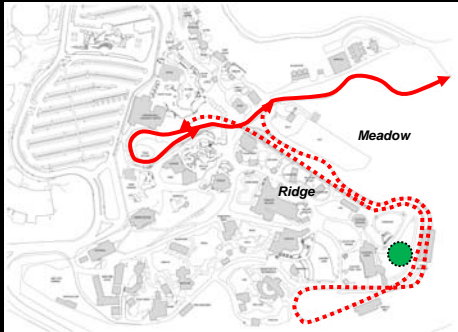


# THE FOREST HALL

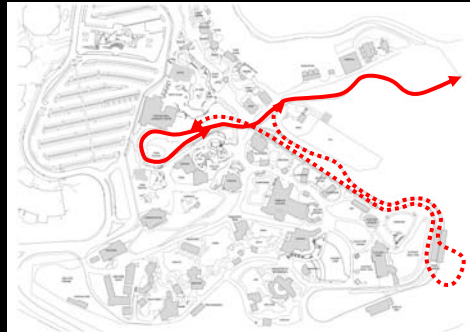




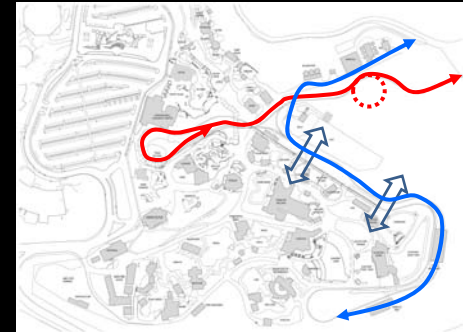
# TRAIN LOOP OPTIONS



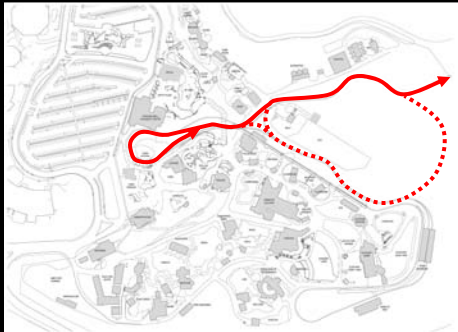
Existing Train



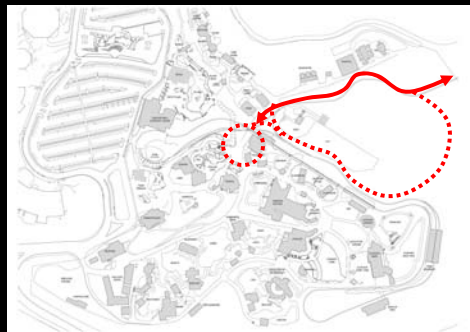
Train A: Shortened Zoo Loop



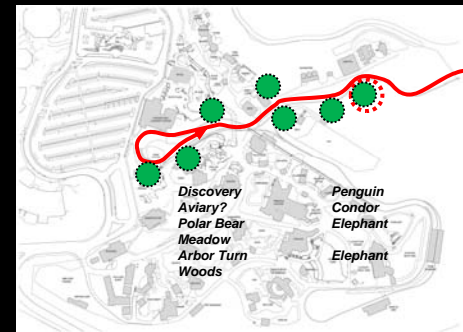
Train B: Existing Trestle as Loop



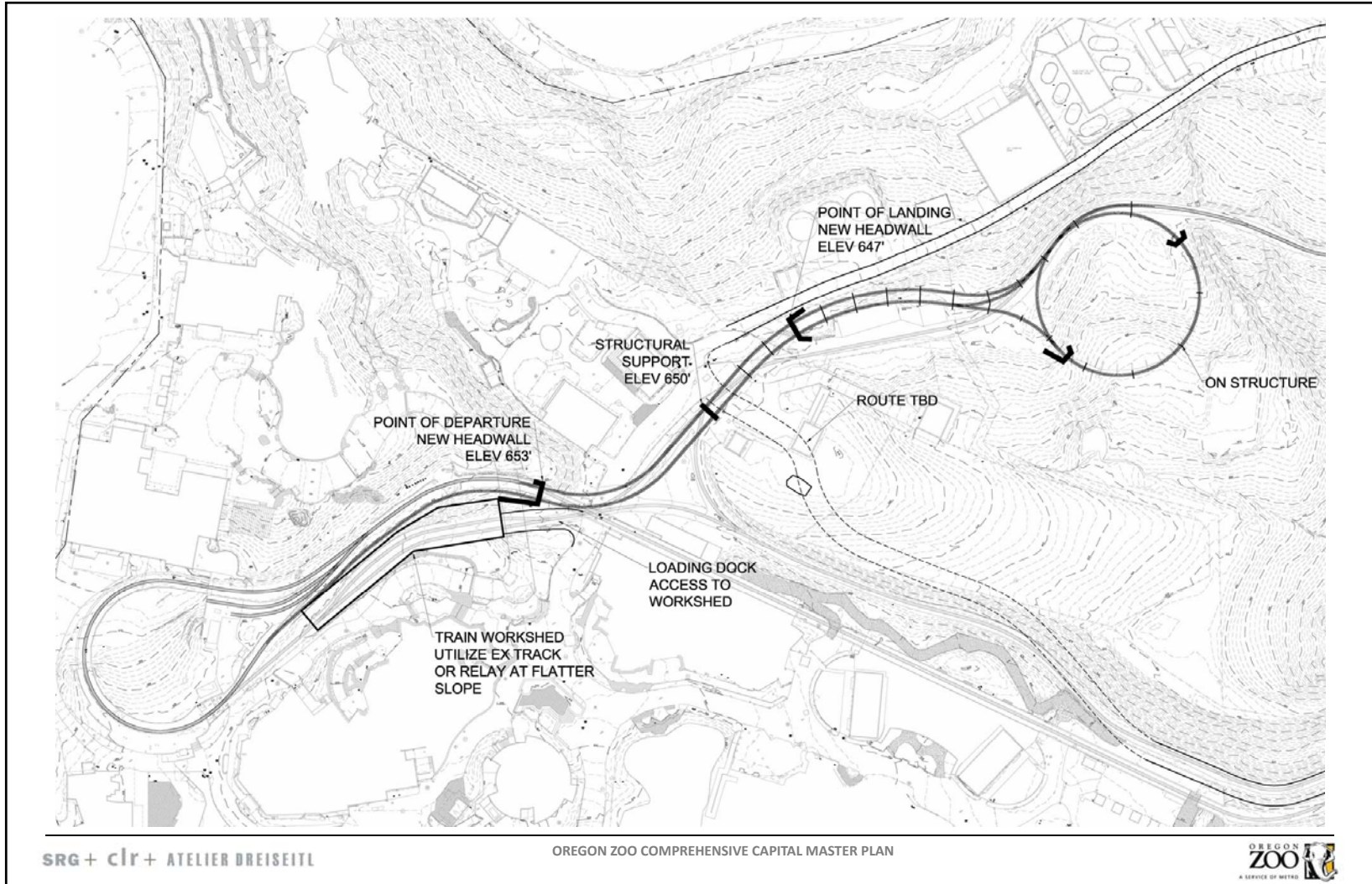
Option C: New Trestle Loop

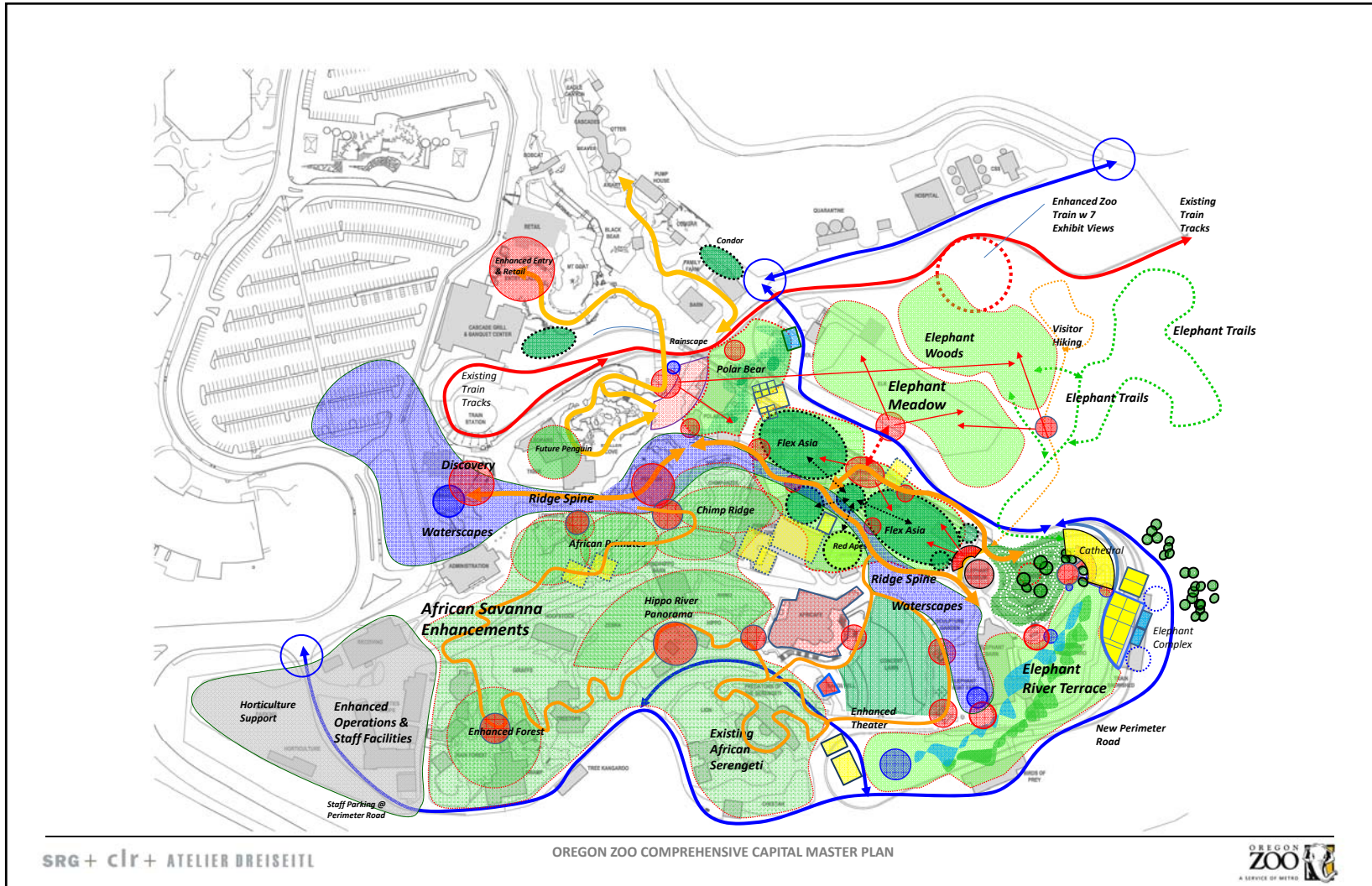


Option D: Land Grab: New Station

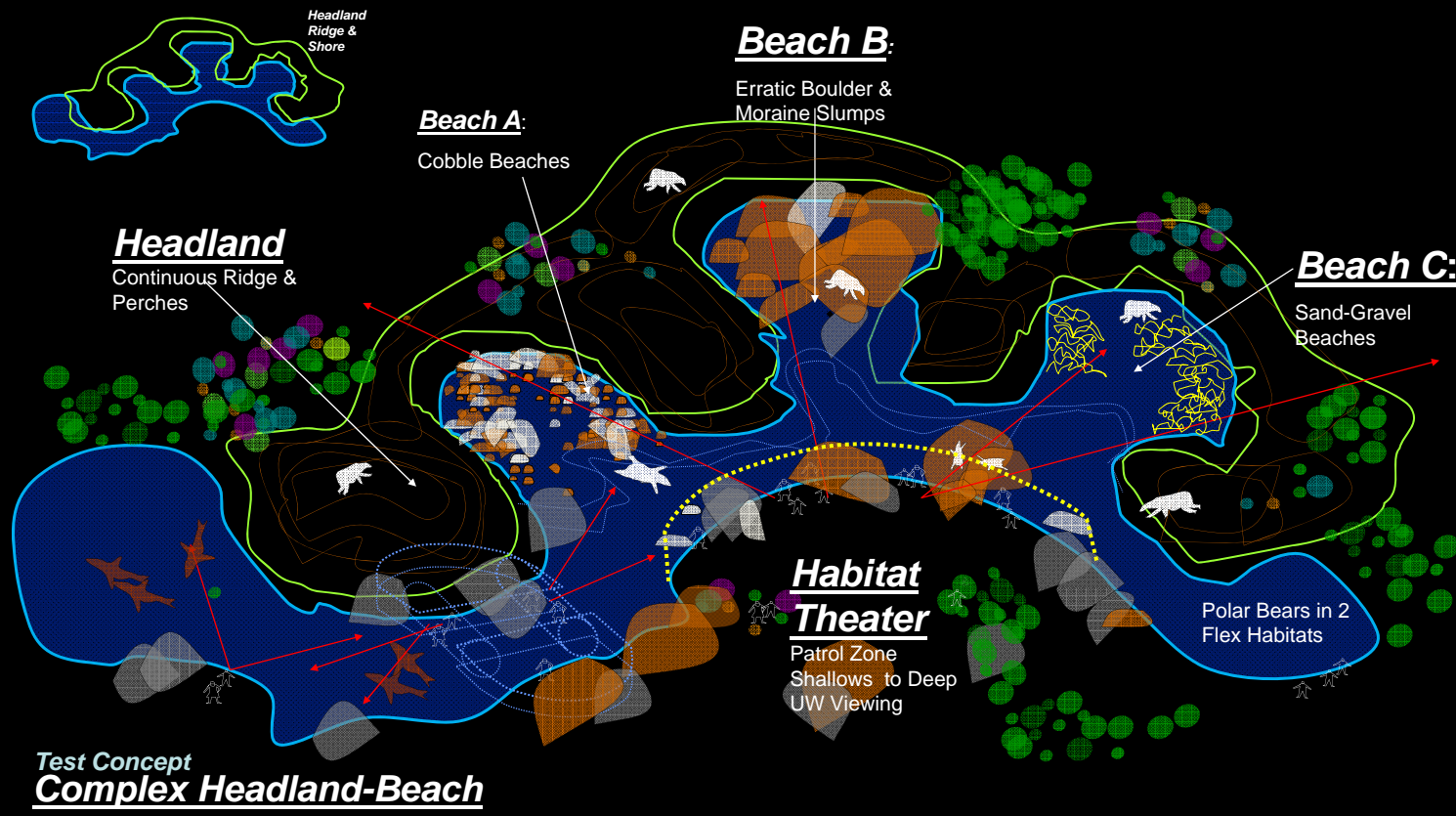


Option E: Enhanced Experience

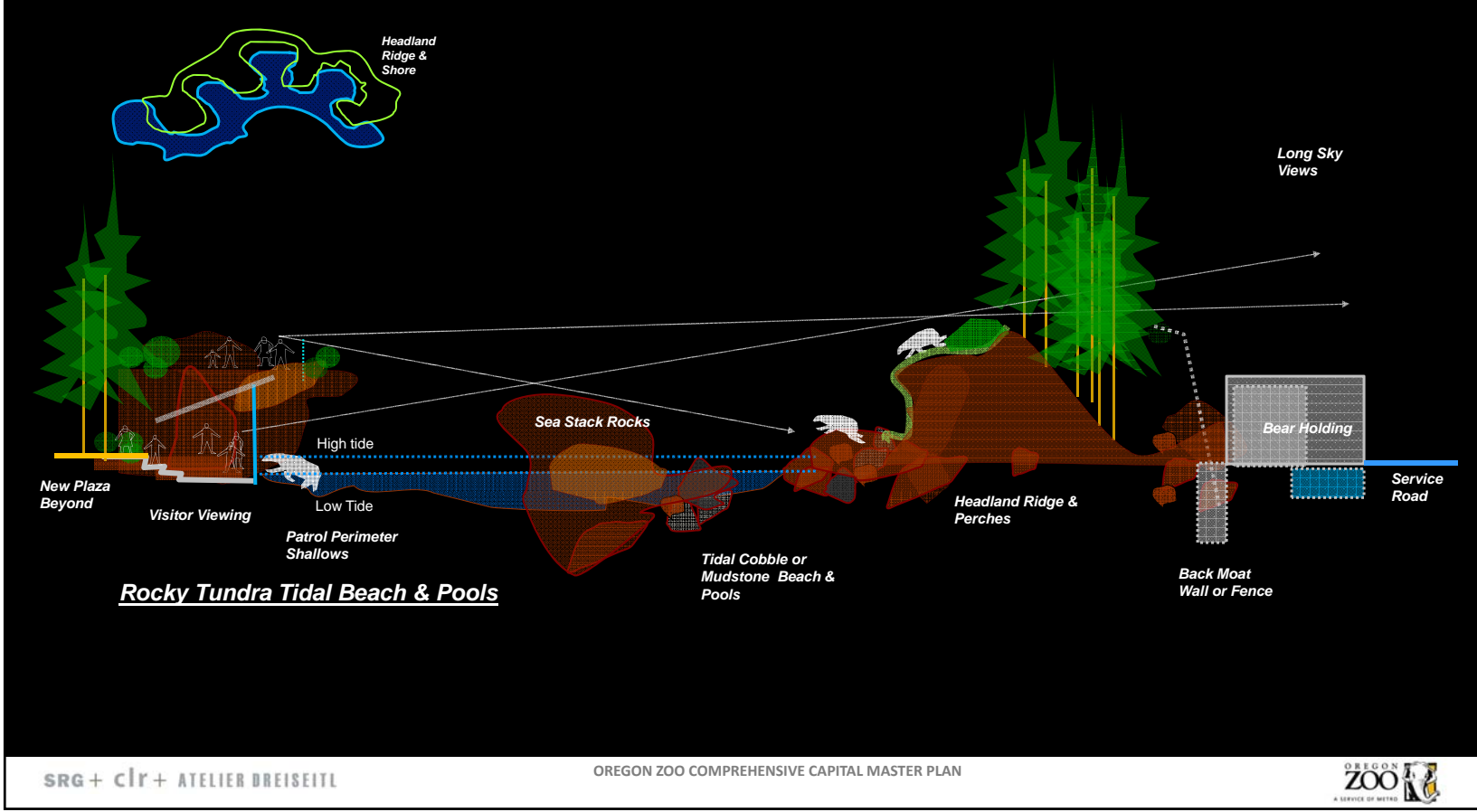


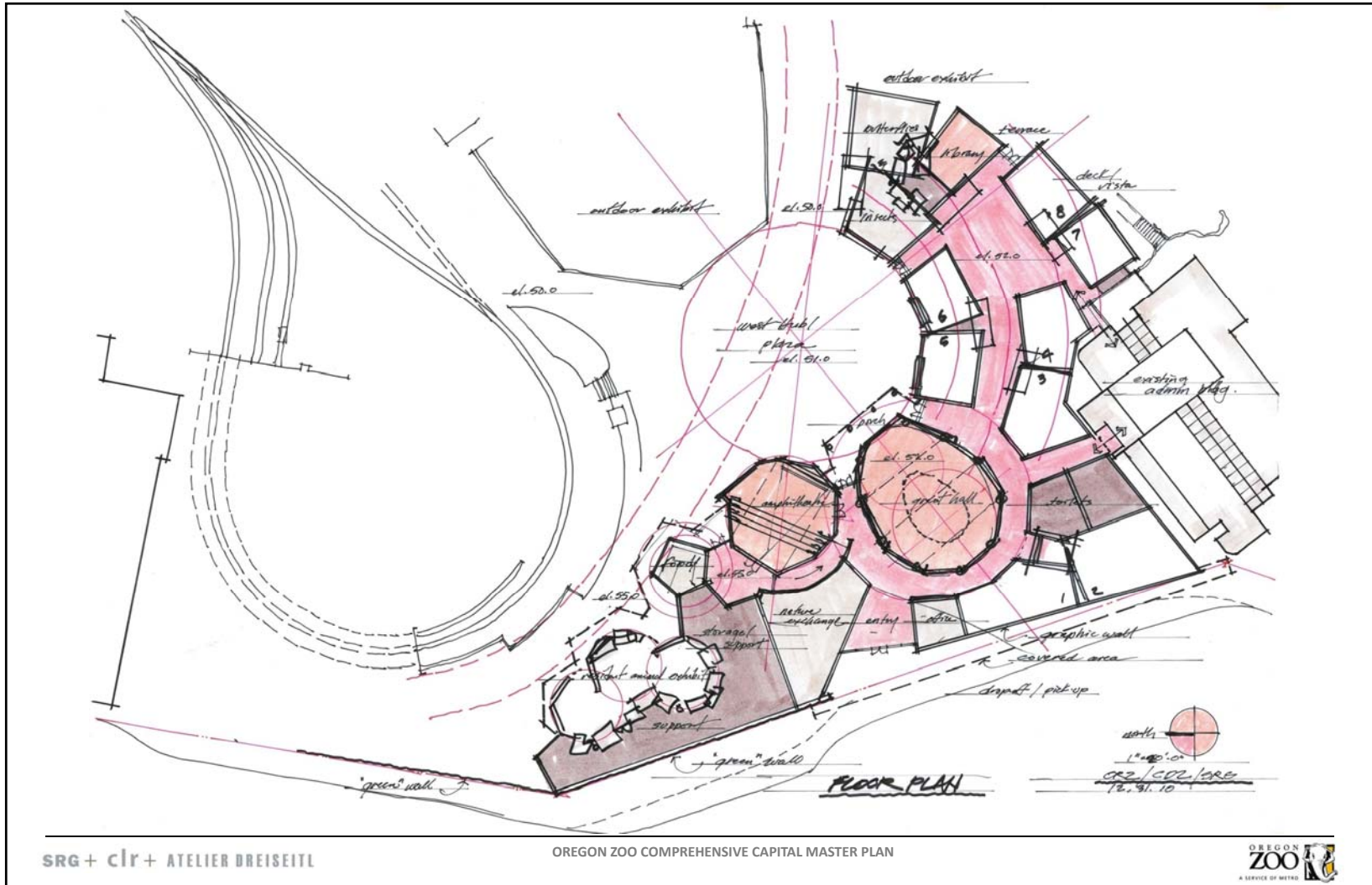


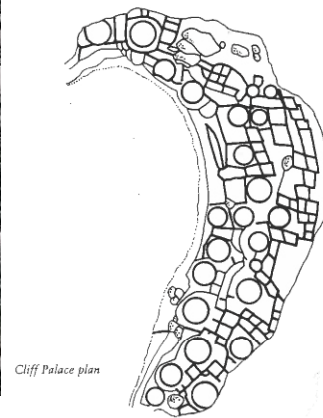
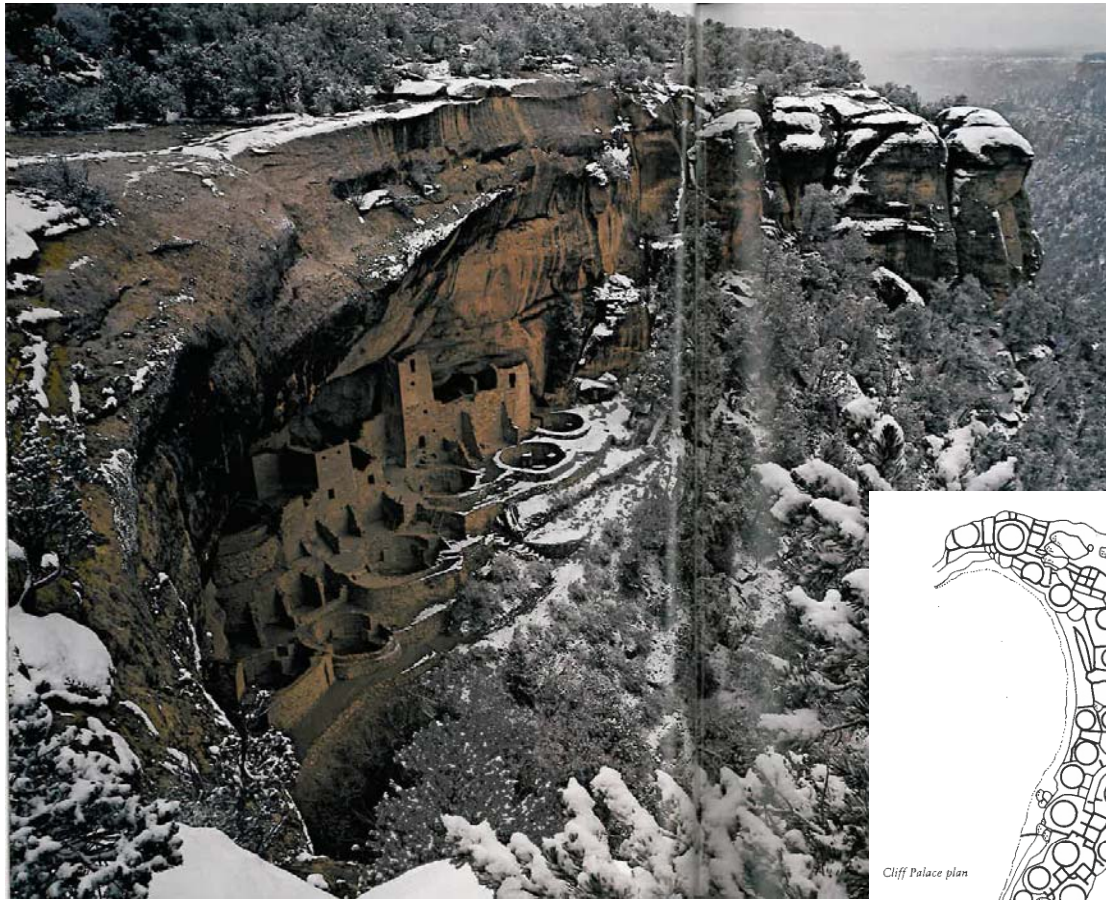
# POLAR BEAR – Coastal Shores



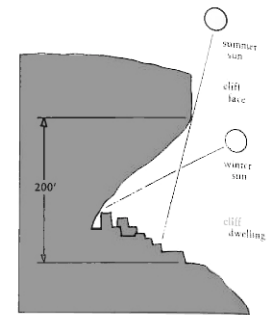
# POLAR BEAR – Coastal Shores







Cliff Palace plan



Cliff Palace profile



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OREGON ZOO COMPREHENSIVE CAPITAL MASTER PLAN









SRG + clr + ATELIER DREISEITL

OREGON ZOO COMPREHENSIVE CAPITAL MASTER PLAN





SRG + clr + ATELIER DREISEITL

OREGON ZOO COMPREHENSIVE CAPITAL MASTER PLAN

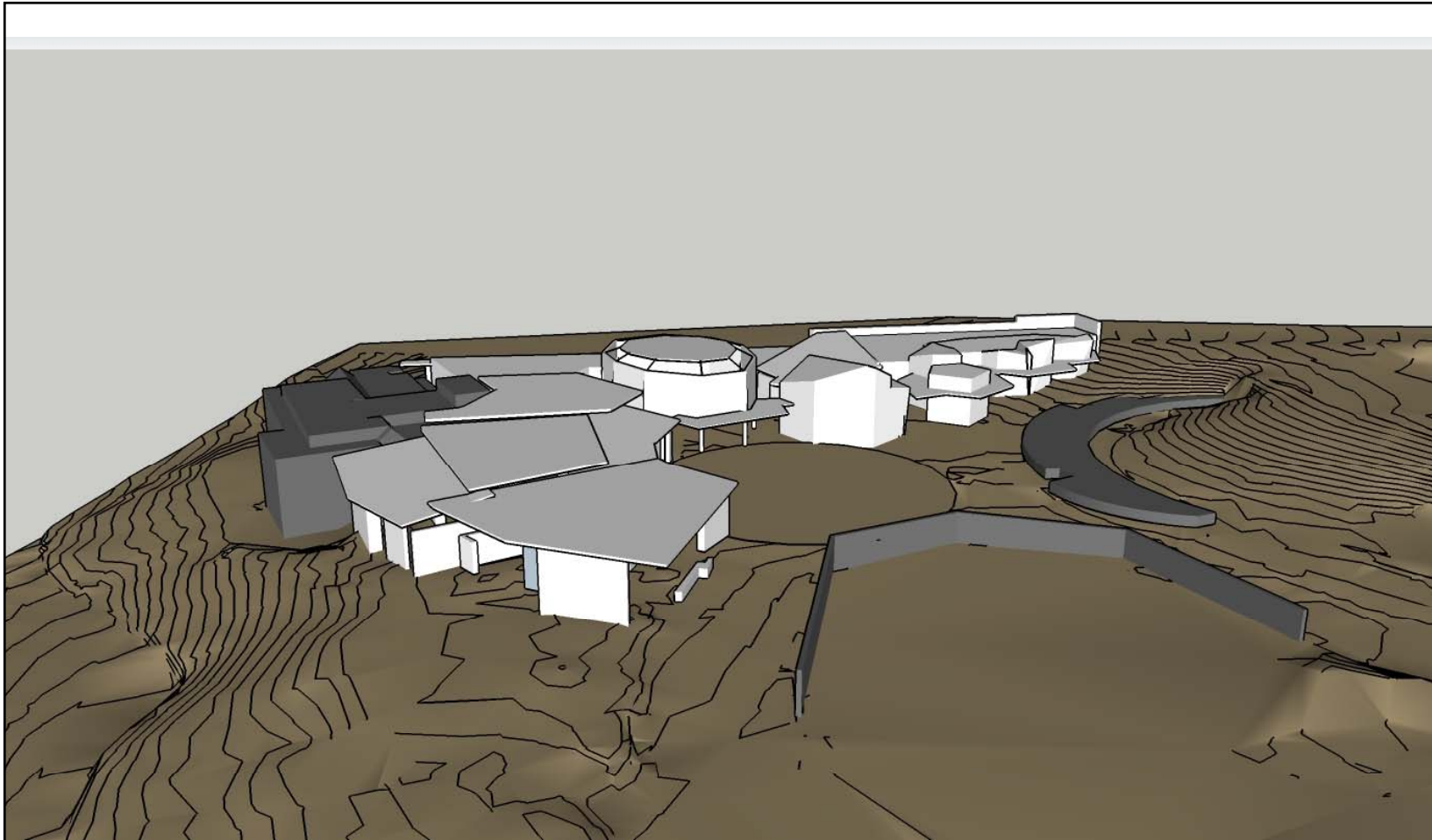




SRG + clr + ATELIER DREISEITL

OREGON ZOO COMPREHENSIVE CAPITAL MASTER PLAN

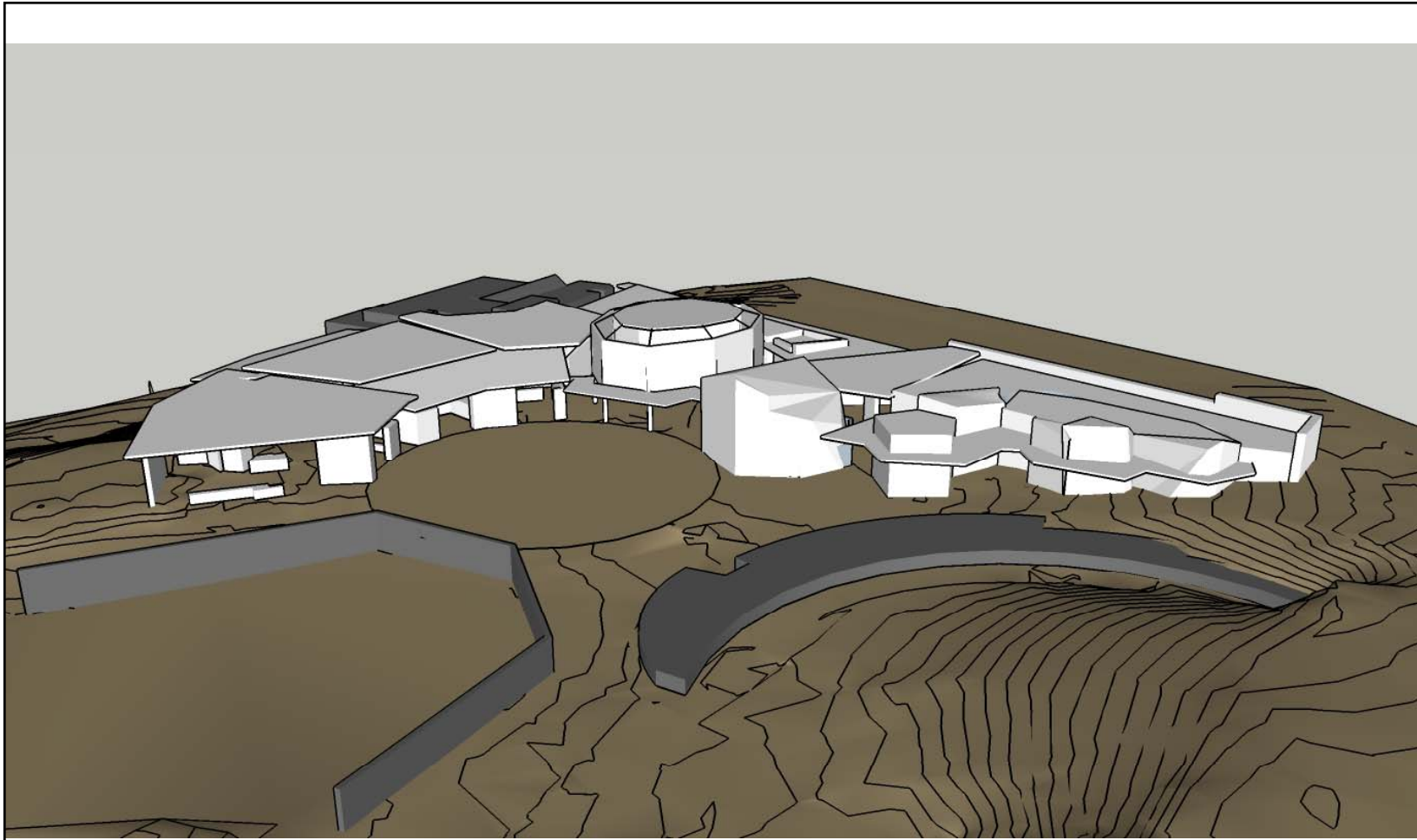




SRG + clr + ATELIER DREISEITL

OREGON ZOO COMPREHENSIVE CAPITAL MASTER PLAN

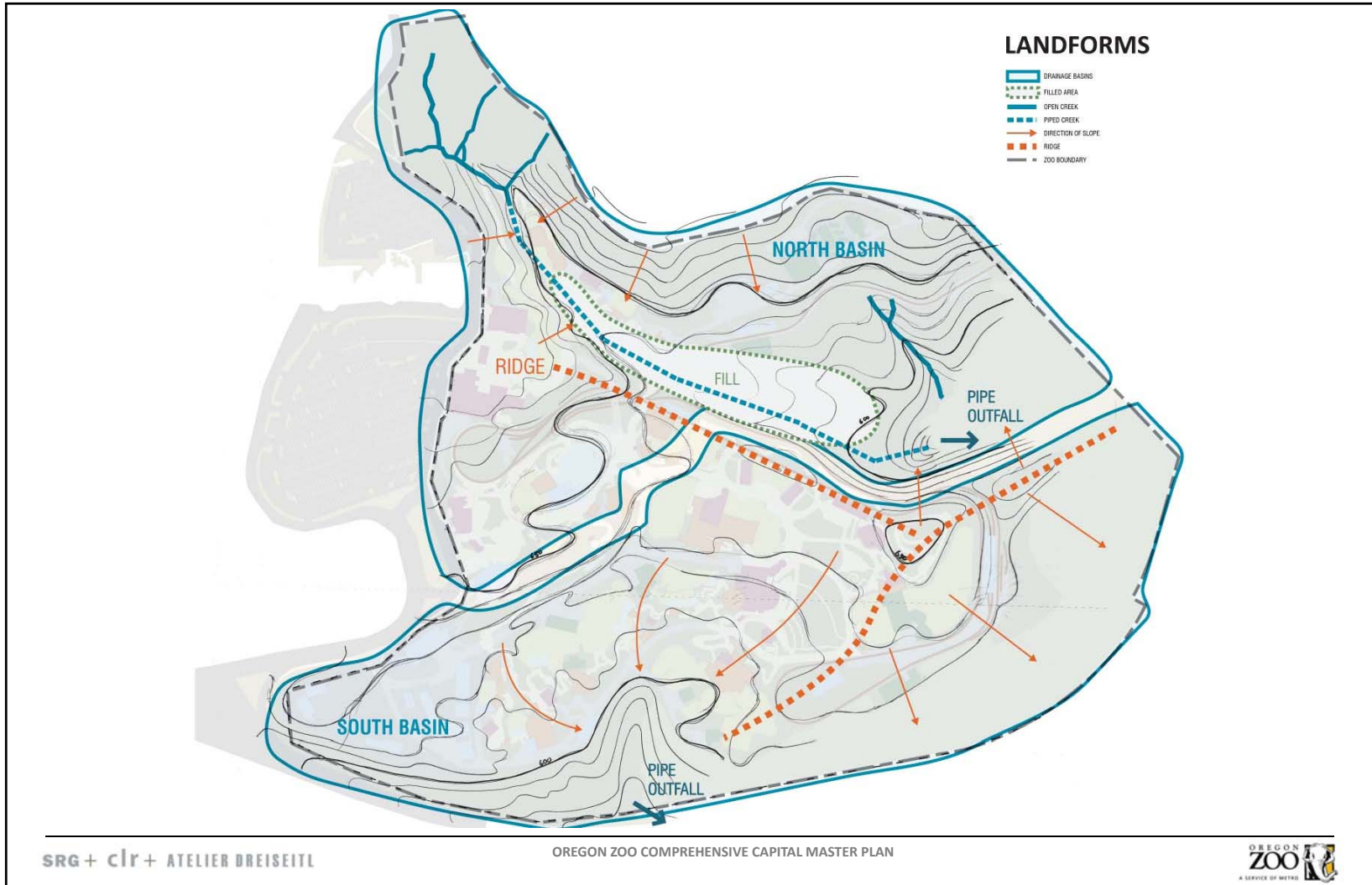




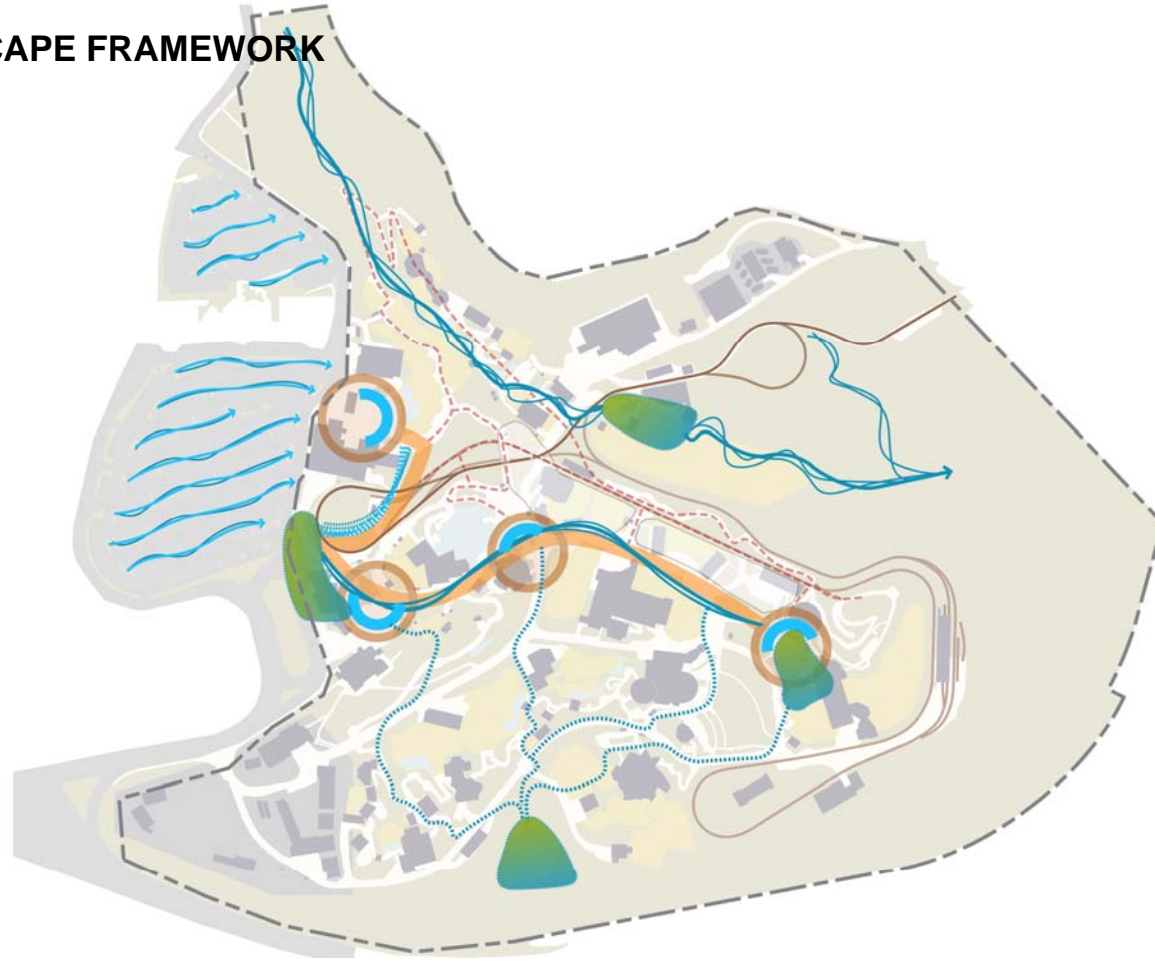
SRG + CLR + ATELIER DREISEITL

OREGON ZOO COMPREHENSIVE CAPITAL MASTER PLAN





# WATERSCAPE FRAMEWORK





**METRO SUSTAINABILITY GOALS**

**WATER:** Reduce water use 50% below 2008 levels by 2025




- Reduce demand
- Efficiency
- Reuse
- Educate/demonstrate

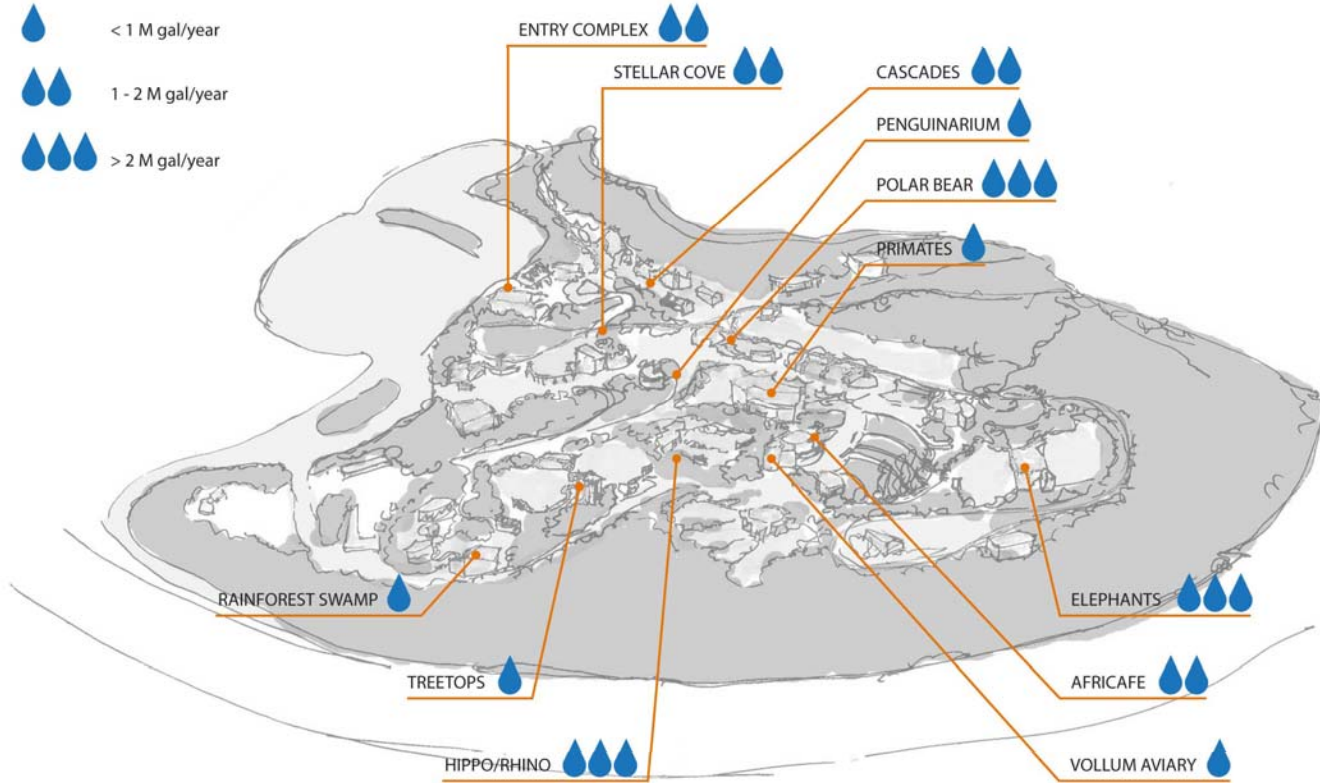
**METRO SUSTAINABILITY GOALS**

**HABITAT:** Arrest and begin to reduce effective total impervious area.

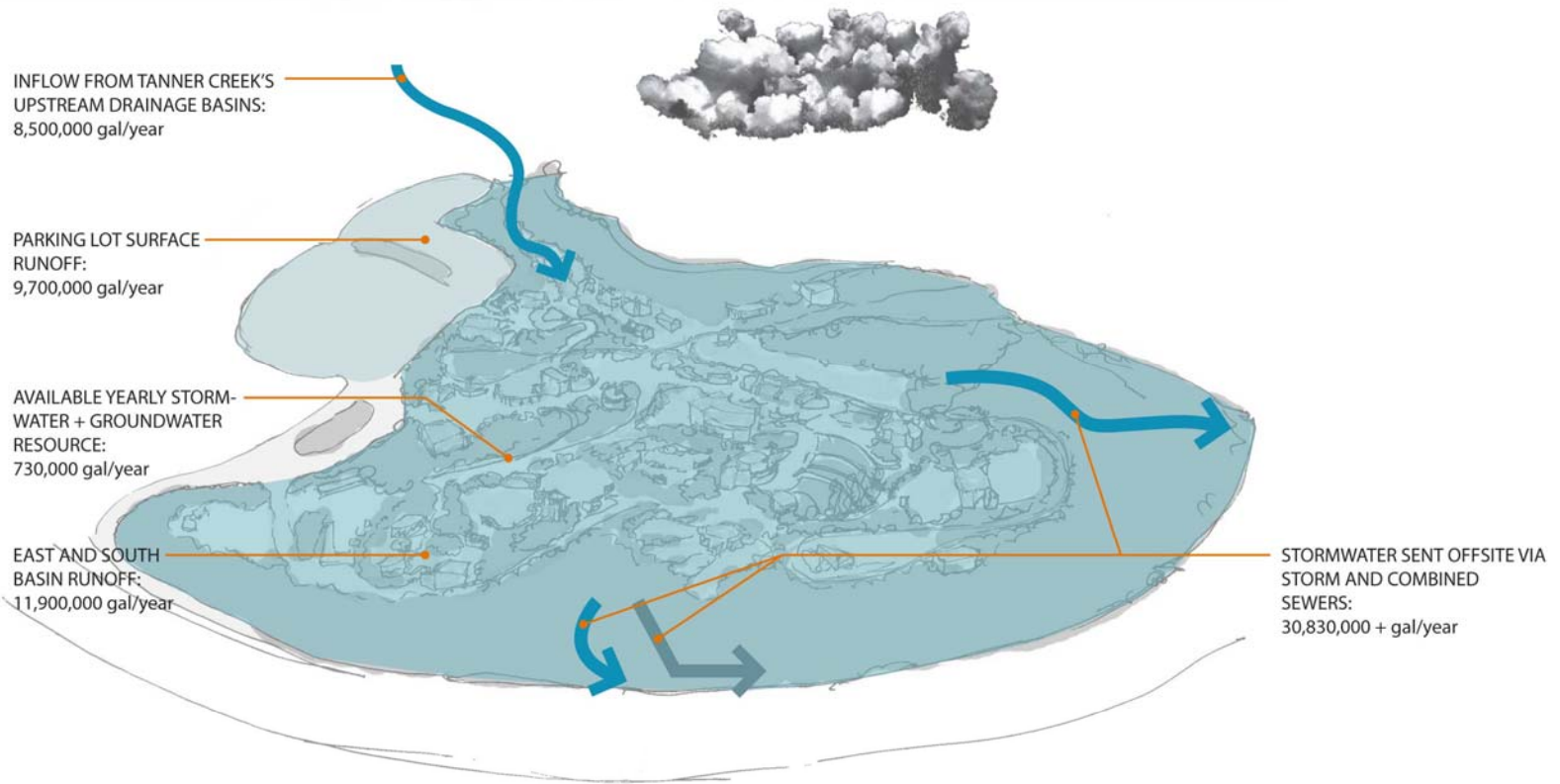
- Stormwater management
- Habitat improvement
- Educate/demonstrate

# WATER USE

-  < 1 M gal/year
-  1 - 2 M gal/year
-  > 2 M gal/year



# YEARLY WATER RESOURCE

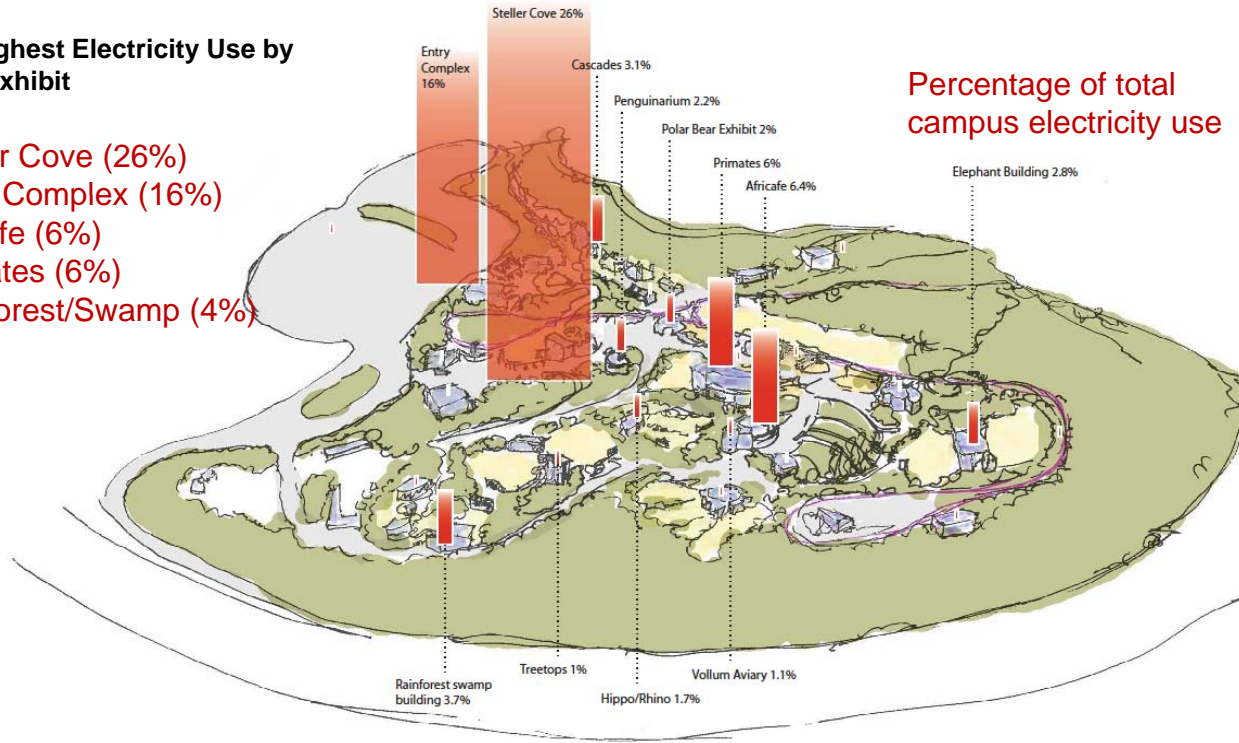


# ELECTRICITY USE

## TOP 5: Highest Electricity Use by Building/Exhibit

- 1. Steller Cove (26%)
- 2. Entry Complex (16%)
- 3. Africafe (6%)
- 4. Primates (6%)
- 5. Rainforest/Swamp (4%)

Percentage of total campus electricity use



## WATERSCAPE FRAMEWORK

**FUNCTION**  
(WHAT DOES IT DO?)



**COMPONENTS**  
(WHAT IS IT COMPOSED OF?)



**CHARACTER**  
(WHAT DOES IT LOOK LIKE?)



## WHAT DOES IT DO?



creates opportunities for play, exploration and education







## METRO COUNCIL MEETING

Jan. 6, 2011

Metro Council Chambers

Councilors Present: Council President Tom Hughes and Councilors Carlotta Collette, Shirley Craddick, Kathryn Harrington, Robert Liberty, Rex Burkholder, and Carl Hosticka

Councilors Excused: None

Council President Tom Hughes convened the regular Council meeting at 2 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

Sharon Nassett, 1113 N. Baldwin St., Portland: Ms. Nassett thanked Councilor Robert Liberty for his service. Ms. Nassett addressed the Council on the Columbia River Crossing (CRC) project and her work with the Third Bridge Now project which focuses on the economy, safety and the environment. She looked forward to future conversations on the Third Bridge Now proposal.

Ken Smelser, 1801 N. Marine Drive, Portland: Mr. Smelser addressed the Council on the CRC project and his concern regarding membership on the CRC Project Sponsor's Council; he cited project spending and transportation needs as reasoning. He was concerned that the bridge project should focus more on auto transportation, versus light rail and bike travel, which he felt is the backbone of the region's industry, commerce and family mobility.

Council stated that the membership of the CRC PSC is determined by the Oregon and Washington Governors. Council recommended that Mr. Smelser visit the Metro web site and Joint Policy Advisory Committee on Transportation (JPACT) webpage for information on the CRC project.

Ron Swaren, 1543 SE Umatilla St., Portland: Mr. Swaren expressed concern with the cost to build light rail systems and offered double-decker bus transit as a more cost effective option to mass transit. He briefly overviewed other international cities that currently use double-decker buses including London, Berlin, Hong Kong and British Columbia. (Handouts included as part of the meeting record.)

### 3. AUDITOR COMMUNICATION

#### 3.1 FY 2010 Independent Financial Audit Results

Mr. Jason Stanley of Metro's Audit Committee provided a brief overview of the committee's purpose, membership and responsibilities.

Mr. Jim Lanzarotta of Moss Adams provided a presentation on the fiscal year 2009-2010 independent financial audit results. His presentation included information on the audit results, sufficient deficiencies for the previous and current years, and best practices and recommendations for the previous and current years. (PowerPoint presentation included as part of the meeting record.)

Ms. Margo Norton of Metro provided a presentation on Metro's Comprehensive Annual Financial Report (CAFR) which presents the financial position of Metro as of June 30, 2010. She provided a brief overview of the importance of the CAFR, Metro findings through the audit process, staff and stakeholders involved in drafting and/or contributing to the CAFR and highlighted a few CAFR facts (i.e. tonnage, unemployment rates, park attendance).

#### **4. METRO CENTRAL STATION COMMUNITY ENHANCEMENT COMMITTEE**

Councilor Rex Burkholder provided a brief overview of the Metro Central Station Community Enhancement grant program. The Council collects a 50-cent surcharge for each tonnage of garbage taken to the Metro Central Transfer Station. Funds are then awarded through a competitive grant process to eligible local projects to compensate the community affected by the facility. Councilor Burkholder overviewed the program's history and committee membership. He welcomed two past enhancement grants recipients: Constructing Hope Pre-Apprenticeship Program and Neighbors for Clean Air:

- Ms. Pat Daniels of Constructing Hope provided a brief presentation on the program statistics and partners, the program's classroom and construction components, and apprenticeship opportunities for students. The program, currently scheduled for one-week, will be extended into a three-week program in 2012. (PowerPoint presentation and handouts included as part of the meeting record.)
- Ms. Mary Peveto of the NCA provided a brief history of the program. Funding received from the Community Enhancement Committee allowed for completion of the organization's web site [www.whatsinourair.org](http://www.whatsinourair.org) which empowers communities to get the information they need about air toxics in the region. (Handouts included as part of the meeting record.)

Ms. Karen Blauer of Metro briefly overviewed the 2011 slate of projects which will allocate approximately \$68,000 in funding for local projects and distributed the 2010 outcomes summary report. (Handouts included as part of the meeting record.)

Council discussion included the potential for standardizing the solid waste rate, projects that benefit the region, air toxic hot spots and major contributors, and NCA's web site next steps.

#### **5. COMMUNICATION: OPT IN INTERNET PANEL**

Mr. Jim Middaugh and Ms. Patty Unfred of Metro, and Mr. Adam Davis of DHM Research provided a presentation on Metro's new Opt In online public opinion research tool. Their presentation included information on the project objectives and outcomes, the tool's demographic categories and information and project partners. (PowerPoint presentation included as part of the meeting record.)

Council supported and were excited about the new online tool. Discussion included recruiting organizations and participants to ensure diverse representation, the importance of tracking the participation rate, the public's privacy (i.e. contact information), legal requirements for public outreach, project partners, and publicity opportunities for the new tool (i.e. libraries, computer

labs, transit). In addition, Council wanted to ensure that constituents that are not online would still have an opportunity to participate in polling.

**6. CONSENT AGENDA**

Motion:	Councilor Carlotta Collette moved to adopt the consent agenda: <ul style="list-style-type: none"><li>• The regular Council meeting minutes for December 16, 2010</li><li>• Resolution No. 11-4221, For the Purpose of Adopting Employee Salary Savings Plan 2010;</li><li>• Resolution No. 11-4224, For the Purpose of Metro Council's Acceptance of the Results of Independent Audit Report for Financial Activity During Fiscal Year 2009-2010; and</li><li>• Resolution No. 11-4225, For the Purpose of Electing the Deputy Council President for 2011.</li></ul>
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Vote:	Council President Hughes and Councilors Collette, Burkholder, Harrington, Craddick, Liberty and Hosticka voted in support of the motion. The vote was 7 aye, the motion <u>passed</u> .
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**7. ORDINANCES – FIRST READING**

7.1 **Ordinance No. 11-1251**, For the Purpose of Amending the Metro Code in Order to Reassign the Duties of the Clerk of the Metro Council.

Second read, public hearing and Council consideration of Ordinance No. 11-1251 is scheduled for Thursday, Jan. 12, 2011.

7.2 **Ordinance No. 11-1252**, For the Purpose of Amending Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan

Second read, public hearing and Council consideration of Ordinance No. 11-1252 is currently scheduled for Thursday, Jan. 13, 2011 pending deliberations by the Metro Policy Advisory Committee (MPAC) Housing Planning Subcommittee and MPAC's recommendation to the Metro Council scheduled for Jan. 11 and Jan. 12 respectively.

**8. RESOLUTIONS**

8.1 **Resolution No. 11-4222**, For the Purpose of Improving the Efficiency and Effectiveness of the Regional Solid Waste Management System, Protecting the Environment, and Conserving Natural Resources by Supporting Statewide Legislation to Eliminate Single-use Plastic Bags in Retail Checkout.

Motion:	Councilor Burkholder moved to adopt Resolution No. 11-4222.
Second:	Councilor Shirley Craddick seconded the motion.

Councilors Burkholder and Craddick, with assistance from Mr. Andy Sloop of Metro, introduced Resolution No. 11-4222. If approved, this resolution would express Metro's support for state legislation currently under consideration that would prohibit retailers from providing single-use

bags at checkout. Metro has been a strong supporter of reducing problems caused by plastic bags in facility recycling systems and the wider environment and wildlife.

Council President Hughes opened a public hearing to receive testimony on Resolution No. 11-4222:

- Nastassja Pace, The Surfrider Foundation Portland Chapter: Ms. Pace was in support of the legislation. The Surfrider organization is dedicated to protecting the health of the world's oceans and beaches and its Oregon Chapters have focused a large portion of their service on Rise Above Plastic campaigns. (Written testimony included as part of the meeting record.)

Seeing no further comment, Council President Hughes closed the hearing.

Council expressed support for the resolution citing its direct impact on Metro and the agency's mission with regards to operations, wildlife and open space. Discussion included the united response from environmental and grocer organizations.

Vote:

Council President Hughes and Councilors Collette, Burkholder, Harrington, Craddick, Liberty and Hosticka voted in support of the motion. The vote was 7 aye, the motion <u>passed</u> .
---

#### **9. CHIEF OPERATING OFFICER COMMUNICATION**

Chief Operating Officer Michael Jordan announced that Metro received a \$75,000 grant from Kaiser Permanente to run the *Vamanos!* project in the Cornelius/Forest Grove/Hillsboro area which addresses bike and pedestrian travel options.

#### **10. COUNCILOR COMMUNICATION**

Council discussion included the Jan. 11 MPAC Housing Planning Subcommittee discussion on Title 11 and the Metro Council retreat held on Jan. 5.

#### **11. ADJOURN**

There being no further business, Council President Hughes adjourned the meeting at 4:45 p.m. The Metro Council will convene a follow-up retreat on Jan. 12 at 2 p.m. at the Oregon Convention Center. Council will reconvene for the next regular council meeting is scheduled on Thursday, Jan. 20, 2011 at 2 p.m. at the Metro Council Chambers.

Prepared by,



Kelsey Newell, Regional Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JANUARY 6, 2011**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
2.0	Handout	N/A	Testimony received from Ron Swaren	10611c-01
3.1	PowerPoint	1/6/2011	FY 2010 independent financial audit presentation provided by Jim Lanzarotta, Moss Adams	10611c-02
4.1	Report	12/2010	2010 Outcomes Summary	10611c-03
4.2	PowerPoint	N/A	Constructing Hope presentation provided by Pat Daniels	10611c-04
4.2	Misc. Handouts	N/A	A set of handouts from on the Constructing Hope program	10611c-05
4.2	Misc. Handouts	N/A	A set of handouts from the Neighbors for Clean Air	10611c-06
5.	PowerPoint	1/6/11	Opt In Online Participation Tool provided by Jim Middaugh, Patty Unfred, and Adam Davis	10611c-07
5.	Handout	N/A	Opt In: Portland -Vancouver Area Online Panel	10611c-08
7.2	Exhibit	N/A	Exhibit B to Ordinance No. 11-1252	10611c-09
7.2	Staff Report	N/A	Staff report to Ordinance No. 11-1252	10611c-10
8.1	Testimony	1/6/2011	Written testimony submitted by Nastassja Pace	10611c-11

## Exhibit A to Ordinance No. 11-1252<sup>A</sup>

### 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 prices~~ addressing the housing needs in the prospective UGB expansion area ~~in the context of the 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 prices addressing the housing needs in the prospective UGB expansion area in the context of the 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, price 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(w) 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.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DECLARING SUPPORT ) RESOLUTION NO. 11-4228  
FOR THE VISION AND PRINCIPLES OF THE )  
MULTNOMAH FOOD ACTION PLAN ) Introduced by Councilor Carlotta Collette

WHEREAS, Multnomah County has, in collaboration with organizations and entities throughout the county, adopted a Multnomah Food Action Plan; and

WHEREAS, the purpose of the Multnomah Food Action Plan is to encourage and support a vibrant and diverse local food system as an integral component of a sustainable and resilient community; and

WHEREAS, the vision of the Multnomah Food Action Plan is stated as follows:

“By 2025, we envision a thriving regional food system that engages the community in healthy food production, equitable food access, opportunities for collaboration, low environmental impact, living wages and local economic vitality for Multnomah County and its people” and;

WHEREAS, the principles of the Multnomah Food Action Plan are set forth in Exhibit A to this Resolution; and

WHEREAS, the vision and principles of the Multnomah Food Action Plan are consistent with the Outcomes for which Metro strives in the implementation of its Regional Framework Plan, including Metro’s Resource Conservation and Recycling Strategic Action Plan; now, therefore,

BE IT RESOLVED that the Metro Council

Declares its support for the vision, as stated herein, and the principles, attached as Exhibit A, of the Multnomah Food Action Plan as an important step toward achievement of a sustainable, regional food system.

ADOPTED by the Metro Council this \_\_ day of \_\_\_\_\_, 2011

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

Approved as to form:

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

# Multnomah Food Action Plan Declaration of Support

A vibrant and diverse local food system is an integral component of a sustainable and resilient community. Food is a basic necessity, a celebration, and a powerful medium through which healthy, socially equitable and prosperous communities can be created. All stakeholders have a voice in the future of our food system --- every eater, backyard gardener, urban and rural farmer, food processor and distributor, emergency food provider, restaurant, grocer, and market vendor. It is critical that we combine efforts among stakeholders through collaborative action to make effective change in food system policy, practice, and programs.

**By 2025, we envision a thriving regional food system that engages the community in healthy food production, equitable food access, opportunities for collaboration, low environmental impact, living wages and local economic vitality for Multnomah County and its people.**

## Therefore, We Believe:

1. All people in our community should have equitable access to buy or grow healthy, culturally appropriate, sustainable, and locally grown food
2. Food and agriculture are central to the economy of our region, and a strong commitment should be made to the protection, growth, and development of these sectors
3. In promoting and supporting a food system that provides economically sustainable wages
4. It is important to educate the community of the value of a healthy food system and healthy food products
5. That success in developing, linking, and strengthening our entire food system will be achieved through community partnerships and collaboration
6. Food brings us together in celebration of our community and is an important part of our region's culture

**We, the undersigned, support the vision and principles of the Multnomah Food Action Plan, through practice, policy, and planning; and in implementing actions to advance a sustainable food system that is local, healthy, equitable, and prosperous for our region.**

*Organizations and individuals signing this declaration of support will be publicly listed at [www.multnomahfood.org](http://www.multnomahfood.org)*

Name _____	Representation (are you signing on....)
Organization _____	<input type="checkbox"/> As an individual <input type="checkbox"/> For your organization
Title/Position _____	Phone _____
City/County _____	E-Mail _____
I/This organization will commit to the following action(s) (optional): _____	
_____	
_____	
_____	

**Mail to:**

Multnomah Food Initiative  
Multnomah County – Office of Sustainability  
501 SE Hawthorne Blvd. Suite 600  
Portland, OR 97214