

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUBMITTING TO THE	)	RESOLUTION NO. 14-4545
VOTERS ON NOVEMBER 4, 2014, THE	)	
QUESTION OF WHETHER OR NOT TO RETAIN	)	Introduced by Chief Operating Officer Martha
METRO CHARTER PROVISION CHAPTER II,	)	Bennett in concurrence with Council
SECTION 5 (4)(b)	)	President Tom Hughes
	)	

WHEREAS, on September 7<sup>th</sup>, 2000 the Metro Council passed Resolution No. 00-2988 (“For the Purpose of Submitting to the Voters on May 21, 2002, an Amendment to the Metro Charter Titled ‘Prohibits, Repeals Metro Housing Density Requirements; requires Notice; and Amends Charter’”); and on February 14, 2002 the Metro Council passed Resolution No. 02-3163 (“For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Requiring Protection of Existing Single Family Neighborhoods, Cost Impact Statements Regarding Urban Growth Boundary Amendments, and Notice to Affected Neighborhoods”); submitting to the voters of the region at the May 21, 2002 primary election a ballot measure amending the Metro Charter, Chapter II, Section 5 subsection (4)(b) of the Metro Charter, which amendment was adopted by the region’s voters in 2002;


WHEREAS, the amended Charter provision includes a footnote sunsetting the provision on January 1, 2016 unless affirmatively retained by public vote at the general election in 2014; and

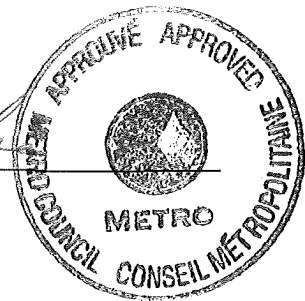
WHEREAS, pursuant to this Charter provision requirement and Metro Code Chapter 9.02, the Metro Council must submit the measure to the voters in the November 2014 election; now therefore

BE IT RESOLVED by the Metro Council that:

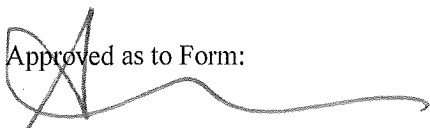
1. The Metro Council hereby submits to the qualified voters of the Metro district the question of whether or not to retain the Metro Charter provision set forth in Charter Chapter II, Section 5, subsection (4) (b) as set forth in Exhibit “A”; and
2. Directing that the measure, be placed on the ballot for the General Election to be held on November 4, 2014; and
3. Directing that this measure, the Ballot Title as set forth in Exhibit B, and the Explanatory Statement as set forth in Exhibit C, be submitted to the Multnomah County Elections Officer and the Oregon Secretary of State for inclusion in the region’s voters’ pamphlets published for the election in a timely manner as required by law.

ADOPTED by the Metro Council this 14th day of August 2014.

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



Approved as to Form:

  
 \_\_\_\_\_  
 Alison R. Kean, Metro Attorney

Metro Charter Chapter II, Section 5, subsection (4)(b)

(4) Protection of Livability of Existing Neighborhoods.

...

(b) Density Increase Prohibited. Neither the Regional Framework Plan nor any Metro ordinance adopted to implement the plan shall require an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as Inner or Outer Neighborhoods.<sup>1</sup>

- 1 (a) Subsection 4(b) of Section 5 of the Metro Charter is repealed on June 30, 2031 unless at the general election held in 2030, a majority of the electors voting on the question of whether or not to retain Subsection 4(b) of Section 5 of the Metro Charter as part of the Metro Charter vote to retain the subsection. If the electors vote to retain the subsection, Subsection 4(b) of Section 5 of the Metro Charter of this measure shall remain in effect. If a majority of the electors do not vote to retain Subsection 4(b) of Section 5 of the Metro Charter, then that subsection is repealed on June 30, 2031.
- (b) By appropriate action of the Metro Council, the question described in subsection (a) of this section shall be submitted to the people for their decision at the general election held in 2030.
- (c) This section is repealed on January 1, 2032.

**BALLOT TITLE**  
**FOR METRO BALLOT MEASURE**

Caption (10 words): Retain prohibition on Metro-required single-family neighborhood density increases.

Question (20 words): Shall Metro Charter Provision Prohibiting Metro From Requiring Density Increases in Single-Family Neighborhoods Be Retained, with 16-Year Sunset?

Summary (74 words): Retains provision in Metro Charter prohibiting Metro from requiring local governments to increase density in identified existing single-family neighborhoods. Requires revote in 2030 to remain effective. This prohibition was approved by voters in 2002 and is required by Metro Charter to be voted on again at the November 2014 general election. A “yes” vote on this measure would retain the prohibition for 16 years; a “no” vote repeals the prohibition on June 30, 2015.

**EXPLANATORY STATEMENT  
FOR METRO BALLOT MEASURE**

(293 words)

This measure asks voters the question of whether to retain a provision in the Metro Charter at Chapter II, Section 5, subsection (4)(b). This Charter provision was originally approved by the voters in 2002, and the provision includes a clause requiring that it be resubmitted to the electors for a vote at the November 2014 general election.

Metro performs required land-use planning activities under Oregon's land-use planning laws. Oregon law authorizes Metro to adopt "functional plans" addressing matters that affect the development of greater metropolitan Portland. Metro may recommend or require changes to local governments' comprehensive land use plans and to ordinances that implement those plans, unless otherwise limited by state law or its own charter, as in the limitation being voted upon here.

This limitation is contained in Metro Charter Chapter II, Section 5 (4) entitled "Protection of Livability of Existing Neighborhoods," in subsection (b), entitled "Density Increase Prohibited." The provision prohibits Metro from requiring, by the Regional Framework Plan or any ordinance implementing the plan, an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as inner or outer neighborhoods. The provision does not affect the ability of local governments to determine for themselves the density mixes in those areas.

The original provision required that it be re-submitted to the voters in the fall general election in 2014. The provision being voted on at the November 2014 election contains a similar sunset and revote clause. If a majority of the electors vote to retain the provision, it shall remain in effect until the question is again put to the voters in 2030. If a majority of voters do not vote to retain the provision, it will be repealed on June 30, 2015.

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4545, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS ON NOVEMBER 4, 2014, THE QUESTION OF WHETHER OR NOT TO RETAIN METRO CHARTER PROVISION CHAPTER II, SECTION 5 (4)(B)

---

Date: August 14, 2014

Prepared by: Alison R. Kean,  
Metro Attorney  
Ext. 1511

## BACKGROUND

The Metro Charter was amended in 2002 to add the following provision to Charter Chapter II Section 5, subsection (4) (b):

(4) Protection of Livability of Existing Neighborhoods.

...

(b) Density Increase Prohibited. Neither the Regional Framework Plan nor any Metro ordinance adopted to implement the plan shall require an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as Inner or Outer Neighborhoods.<sup>1</sup>

- 1
- (a) Subsection 4(b) of Section 5 of the Metro Charter is repealed on June 30, 2015 unless at the general election held in 2014, a majority of the electors voting on the question of whether or not to retain Subsection 4(b) of Section 5 of the Metro Charter as part of the Metro Charter vote to retain the subsection. If the electors vote to retain the subsection, Subsection 4(b) of Section 5 of the Metro Charter of this measure shall remain in effect. If a majority of the electors do not vote to retain Subsection 4(b) of Section 5 of the Metro Charter, then that subsection is repealed on June 30, 2015.
  - (b) By appropriate action of the Metro Council, the question described in subsection (a) of this section shall be submitted to the people for their decision at the general election held in 2014.
  - (c) This section is repealed on January 1, 2016.

The Metro Charter requires the Metro Council to submit to the Metro area voters at the November 2014 general election the question of whether or not to retain this provision of the Metro Charter. If the voters vote yes, the prohibition is retained until a required vote again in 15 years; if they vote no, the prohibition is repealed.

## ANALYSIS/INFORMATION

1. **Known Opposition** None known.

2. **Legal Antecedents**

Metro Council Resolutions 00-2988; 02-3163  
Metro Charter Chapter II, Section 5, subsection (4) (b)  
Metro Code Section 9.02.070

3. **Anticipated Effects** If the voters vote yes at the November 2014 general election, the charter provision is retained until 2031, unless the voters again vote in 2030 to retain the provision. If the voters vote no at the November 2014 general election, the provision is repealed on June 30, 2015.
4. **Budget Impacts** There is a no additional cost to implementing the provision if enacted as it is already part of the Metro Charter; the general election cost is the only cost.

#### **RECOMMENDED ACTION**

Adoption of Resolution 14-4545 by the Metro Council.