 **Metro** | *Agenda*

Meeting: Metro Council
Date: Thursday, October 1, 2015
Time: 2 p.m.
Place: Metro Regional Center, Rooms 370 A&B

CALL TO ORDER AND ROLL CALL

1. CITIZEN COMMUNICATION

2. CONSENT AGENDA

2.1 **Resolution No. 15-4650**, For the Purpose of Confirming the Appointments of Community Members to the Metro Central Station Community Enhancement Committee

2.2 Consideration of Council Meeting Minutes for September 24, 2015

3. RESOLUTIONS

3.1 **Resolution No. 15-4645**, For the Purpose of Authorizing an Exemption to the Competitive Bidding Procedures for a Public Improvement Contract

Kathleen Brennan-Hunter, Metro
Barbara Edwardson, Metro

4. ORDINANCES (FIRST READ)

4.1 **Ordinance No. 15-1365**, For the Purpose of Annexing to the Metro District Boundary Approximately 91.67 Acres Located Adjacent to SW Roy Rogers Road and SW Scholls Ferry Road in the River Terrace Area of Tigard

Tim O'Brien, Metro

4.1.1 Public Hearing on Ordinance No. 15-1365

4.2 **Ordinance No. 15-1357**, For the Purpose of Completing Housekeeping Amendments to the Urban Growth Functional Plan in Order to Address Code Section Inconsistencies and Update Notification Requirements

Tim O'Brien, Metro

4.2.1 Public Hearing on Ordinance No. 15-1357

5. CHIEF OPERATING OFFICER COMMUNICATION

6. COUNCILOR COMMUNICATION

ADJOURN

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានក្បួនលក្ខណ៍រើសអើងសូមចូលទស្សនាការប្រកាស www.oregonmetro.gov/civilrights។
បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1890 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Agenda Item No. 2.1

Resolution No. 15-4650, For the Purpose of Confirming the
Appointments of Community Members to the Metro Central
Station Community Enhancement Committee

Consent Agenda

Metro Council Meeting
Thursday, October 1, 2015
Metro Regional Center, Rooms 370 A & B

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 15-4650
APPOINTMENTS OF COMMUNITY MEMBERS)	
TO THE METRO CENTRAL STATION	)	Introduced by Chief Operating Officer Martha
COMMUNITY ENHANCEMENT COMMITTEE	)	Bennett in concurrence with Council
	)	President Tom Hughes
)	
)	

WHEREAS, Metro Code Chapter 2.19.030, "Membership of the Advisory Committees," states that all members and alternate members of all Metro Advisory Committees shall be appointed by the Council President and shall be subject to confirmation by the Council; and

WHEREAS, Metro Code Chapter 2.19.120, "Metro Central Station Community Enhancement Committee (MCSCE)," establishes a community enhancement committee in the area of Metro Central Station; and

WHEREAS, Metro Code Chapter 2.19.120(b)(1) sets forth representation criteria for Committee membership; and

WHEREAS, the committee's representative nominated by environmental organizations in the area has completed the first two-year term and is eligible to be reappointed to a second two-year term; and

WHEREAS, the Council President has appointed the representative as set forth in Exhibit "A", subject to confirmation by the Metro Council; now therefore,

BE IT RESOLVED, that the Metro Council confirms the appointment of the Metro Central Enhancement Committee, as set forth in Exhibit "A" attached hereto.

ADOPTED by the Metro Council this [insert date] day of [insert month] 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Exhibit A to Resolution No. 15-4650

**Metro Central Enhancement Committee
Member Confirmations**

The following person has served one, two-year term, and is being appointed for a second two-year term:

Mary Peveto

Environmental community representative

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4650 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF COMMUNITY REPRESENTATIVES TO THE METRO CENTRAL STATION COMMUNITY ENHANCEMENT COMMITTEE

Date: October 1, 2015

Prepared by: Heather Nelson Kent

BACKGROUND

The Metro Central Station Community Enhancement Committee is charged with helping develop plans to administer grant funds, solicit and review grant applications, and select for funding improvement projects that benefit the area directly affected by Metro Central garbage transfer station including portions of Northwest and North Portland.

Sam Chase, councilor of Metro District 5, chairs the seven-member committee. Members are nominated from their respective neighborhood association: Forest Park, Friends of Cathedral Park, Linnton, the Northwest Industrial Area (NINA) and the Northwest District. One member represents environmental groups with an interest in the grant target area. Members are to serve a two-year term.

Mary Peveto, the committee member representing environmental groups has completed her first term of service and is eligible and has agreed to serve a second, two-year term.

ANALYSIS/INFORMATION

1. Known Opposition. There is no known opposition.
2. Legal Antecedents. Chapter 2.19 of the Metro Code Relating to Advisory Committees; Section 2.19.120 provides for a Metro Central Station Community Enhancement Committee and sets forth guidelines for representation.
3. Anticipated Effects. Adoption of this resolution would confirm the reappointment of Mary Peveto.
4. Budget Impacts. There are no known costs associated with implementation of this legislation.

RECOMMENDED ACTION

Tom Hughes, Council President, and Sam Chase, chair of the Metro Central Enhancement Committee, recommend adoption of this resolution.

Agenda Item No. 2.2

Consideration of Council Meeting Minutes for September 24, 2015

Consent Agenda

Metro Council Meeting
Thursday, October 1, 2015
Metro Regional Center, Rooms 370 A & B

Agenda Item No. 3.1

Resolution No. 15-4645, For the Purpose of Authorizing an
Exemption to the Competitive Bidding Procedures for a Public
Improvement Contract

Resolutions

Metro Council Meeting
Thursday, October 1, 2015
Metro Regional Center, Rooms 370 A & B

BEFORE THE METRO COUNCIL

RESOLUTION OF THE METRO COUNCIL	)	RESOLUTION NO. 15-4645
ACTING AS THE METRO CONTRACT REVIEW)	
BOARD, FOR THE PURPOSE OF	)	Introduced by Chief Operating Officer Martha
AUTHORIZING AN EXEMPTION TO THE		Bennett in concurrence with Council
COMPETITIVE BIDDING PROCEDURES FOR A		President Tom Hughes
PUBLIC IMPROVEMENT CONTRACT		

WHEREAS, in July 1992, via Resolution No. 92-1637 (“For the Purpose of Considering Adoption of the Metropolitan Greenspaces master Plan”), the Metro Council adopted the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails;

WHEREAS, in May 1995 Ballot Measure 26-26 was approved, authorizing Metro to issue \$135.6 million for bonds for Open Spaces, Parks and Streams (the “1995 Open Spaces Bond Measure”);

WHEREAS, on July 25, 1996, via Resolution 96-2362, the Metro Council adopted a refinement plan for the OMSI to Springwater Corridor target area with objectives to acquire land and easements to connect OMSI to the Sellwood Bridge and the existing Springwater Corridor Trail,” and to provide the opportunity to develop a mostly off-street trail connection between OMSI and the Springwater Corridor;

WHEREAS, on March 9, 2006, the Metro Council adopted Resolution No. 06-3672B, “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection” (the “2006 Natural Areas Bond Measure”);

WHEREAS, in June 2006, Metro and Alta Planning + Design completed a report titled the “Springwater Missing Gap,” describing the optimal alignment to connect built trail segments, resulting in a recommendation for a rail-with-trail shared-use path;

WHEREAS, on September 6, 2007, the Metro Council adopted Resolution No. 07-3841, “Approving the Natural Areas Acquisition Refinement Plan for the Springwater Corridor Target Area” (the “Refinement Plan”), with a goal to “Complete the 1-mile corridor between the existing Springwater on the Willamette Trail and Three Bridges project at SE 19th Avenue in Portland east through Milwaukie and Gresham to Boring;”

WHEREAS, on August 5, 2010, the Metro Council adopted Resolution No. 10-4173, “Authorizing the Chief Operating Officer to Purchase a Quitclaim and Release of Certain Real Property Interests, Partly in Exchange for Real Property Owned by Metro, in the Springwater Corridor Target Area,” in which Metro acquired the rights to place a trail in a seven-block segment of the proposed Springwater Trail Corridor;

WHEREAS, construction of the trail by the City of Portland in the seven-block segment is scheduled to begin in spring 2016;

WHEREAS, since the next “missing gap” segment of the trail alignment is located in public right of way in which the Oregon Pacific Railroad (“OPRR”) operates, it is necessary to work with the railroad

operator to relocate its tracks in order to leave 19-ft. free for future trail use within the unimproved public right of way of SE Ochoco Street;

WHEREAS, Metro staff have negotiated an agreement with OPRR (the "Agreement") wherein OPRR will move its tracks and agree to refrain from using the right of way where the trail will be located from SE 13th Avenue to SE 17th Avenue for railroad purposes in the future;

WHEREAS, the Agreement requires approval of the local contract review board under Metro Code Section 2.04.054(c) and ORS 279C.335, as an exemption from competitive bidding procedures for a public improvement contract because Metro intends to hire OPRR to move its tracks, as the owner and end-user of the rail within the existing right of way;

WHEREAS, the Metro Council, acting as the local contract review board, finds that:

a) the contract will not encourage favoritism because Metro does not expect to have any future contracts with OPRR and because the only reason Metro would hire OPRR directly is because OPRR is the owner of the tracks that require relocation;

b) the contract will likely result in cost savings and other substantial benefits to the contracting agency because:

(i) Metro asked another public agency to review the estimate contract price of the proposed relocation work and found it to be comparable;

(ii) it is reasonably anticipated that the railroad operator is in the best position and has the specialized experience to most efficiently move its own tracks;

(iii) OPRR desires to move its own tracks and there are few, if any, other construction companies that would be acceptable to OPRR and available to bid;

(iv) public benefits of awarding the contract are that it may result in a future trail in this corridor;

(v) granting the exemption will better enable Metro to control the impact that market conditions may have on cost and time due to the fact that the scope of work of the contract will enable coordination with the City of Portland's trail construction on the adjoining trail segment, scheduled to start in the spring of 2016; and

(vi) Metro has previously entered into contracts with OPRR for successful results, demonstrating that Metro has the expertise and substantial experience to assist in developing the contracting method used to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

WHEREAS, in addition to the above, an exemption from competitive bidding procedures is appropriate in this instance because there are strict state and federal regulations for the operation of railroads, so it is best to have a railroad operator perform jobs such as laying track, and because OPRR will be the end user of the tracks so the work must be done to its satisfaction;

WHEREAS, the successful completion of the Agreement is in the public interest as it facilitates construction of an important segment of the Springwater Corridor, one of the most heavily used bicycle and pedestrian trails in the Metro region; now therefore

BE IT RESOLVED that the Metro Council acting as the local contract review board grants an exemption from the competitive bidding requirements for the proposed Agreement with OPRR, and authorizes the Chief Operating Officer enter into the Agreement, in a form approved by the Office of Metro Attorney, consistent with this Resolution and the estimated price and scope of the work set forth in the staff report.

ADOPTED by the Metro Council contract review board this [insert date] day of [insert month] 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Exhibit A

SE Umatilla

Three Bridges



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4645 OF THE METRO COUNCIL ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE COMPETITIVE BIDDING PROCEDURES FOR A PUBLIC IMPROVEMENT CONTRACT

Date: October 1, 2015

Prepared by: Dan Moeller, Interim Conservation
Program Manager
(503) 797-1819

BACKGROUND

Metro has been working to complete the Springwater Corridor Trail since the 1995 Open Spaces bond measure. Six separate transactions using funds from both the Open Spaces bond measure and the 2006 Natural Areas bond measure have resulted in almost 5 miles of trail from OMSI to the Three Bridges area east of McLoughlin Boulevard.

- In May of 1998, Metro acquired more than 44 acres from PGE in accordance with the OMSI to Springwater Corridor Trail refinement plan, with funds from the 95 bond measure.
- In July of 1998, Metro purchased a right of way from the Oregon Pacific Railroad (“OPRR”) approximately 3 miles in length. This allowed for design and construction of the trail from OMSI to Oaks bottom and the Sellwood Bridge.
- In December of 2001, Metro purchased 10 parcels and right of way from Union Pacific Railroad totaling more than 7 acres resulting in a trail corridor in areas that was not in an existing road right of way allowing construction of the trail in the Three Bridges area.
- In April of 2003, Metro purchased an additional 2 lots from Portland General Electric totaling one acre in the Sellwood neighborhood.
- In June of 2006, Metro acquired a .16 acre parcel in Sellwood, bringing the total from the 1995 bond measure to 53 acres. The City of Portland (the “City”) has been responsible for building and maintaining the trail segments.

The Refinement Plan for the Springwater Corridor target area of the 2006 bond measure notes that the Springwater Corridor is the major southeast segment of the 40-Mile Loop, which was inspired by John Charles Olmsted’s 1903 plan for a parkway and boulevard loop connecting park sites in the Portland area. The goal for the Refinement Plan is to “[c]omplete the 1-mile corridor between the existing Springwater on the Willamette Trail and the Three Bridges project at SE 19th Avenue in Portland. This will provide the final connection of the Springwater Corridor between downtown Portland east through Milwaukie and Gresham to Boring.”

- In September of 2010, Metro acquired a trail easement from OPRR from SE Umatilla St. to SE 13th Ave, allowing construction of the trail in that area. Trail construction of this segment by the City of Portland is scheduled to start in spring of 2016.

There remains two “gaps” in the Sellwood portion of the Springwater Corridor Trail: Gap 1 is an approximate 1,600 foot unimproved section of SE Ochoco Street between SE 13th and SE 17th Avenues. Gap 2 is the block between SE 17th and SE 19th Avenues, going east toward the 3 bridges. The subject of this resolution is Gap 1 (Exhibit A). In 2005 and 2006, Metro commissioned Alta Planning and Design

to study possible scenarios to extend the Springwater Trail. The study recommended a trail along the north side of SE Ochoco between 13th and 17th Avenues. The SE Ochoco right-of-way is occupied by a main railroad track and a spur line track, owned and operated by OPRR. It is necessary for the tracks to be moved to the south portion of the ROW in order to accommodate a future trail.

THE PROPOSED AGREEMENT

Metro staff have been in negotiations with OPRR to move its tracks and to perform the work needed to safely prepare the railroad right of way area and move the tracks. A public improvement contract will be awarded directly to OPRR, which requires the Metro Council to approve an exemption from the typical competitive bidding requirements for public improvement contracts. Staff have received a proposal from the OPRR owner to a) move and install new track in a location on the south side of the right of way, and b) install a retaining wall (consisting of jersey barriers) at some points within the right of way close to the southern boundary. This will protect the rail line and allow for a transition between the street grade and the higher level of some of the residential properties adjacent to the right of way. Metro staff believe that exempting the contract from competitive bidding is appropriate in this situation because a) there are strict state and federal regulations for the physical operation of railroads and jobs such as installing tracks and the supporting base material (called ballast) are best left to railroad operators, and b) because the OPRR will be the end user of the tracks and the work should be done to its satisfaction. The proposed agreement includes a promise by OPRR to refrain from using a 19 foot wide corridor along the north side of the ROW.

ORS 279c.335 sets forth several considerations in granting exemptions for competitive bidding, such as whether the exemption is unlikely to encourage favoritism for the vendor; whether there is a public benefit and public safety improvement; oversight of the construction budget, and a risk assessment for the public agency. The analysis of these factors is set forth in the resolution. Metro has had other Public Improvement Contracts with OPRR, and it has a good record of fulfilling the contracts on time and within the budget.

Financial Information

The total cost of the contract will be just under \$1,000,000. Approximately \$400,000 will be used to remove portions of a berm on the south side of the right of way, and to put barriers in place to act as a retaining wall. Approximately \$441,000 will be used to relocate the crossing at SE 13th Avenue, move and replace the track, and various miscellaneous expenses. An additional \$150,000 will be paid as an incentive fee to OPRR to agree to move its tracks and agree that the northern 19 ft. wide corridor of the right of way will be off limits to the railroad in perpetuity.

ANALYSIS/INFORMATION

1. **Known Opposition** There is no known opposition to this proposal. Metro staff will notify adjacent landowners of the work to be done in the SE Ochoco Street segment.

2. Legal Antecedents

Metro Code Section 2.04.054(c) allowing an exemption from competitive bidding of public improvement contracts in accordance with state law.

ORS 279C.335 sets forth rules for the exemption of a public improvement contract from competitive bidding.

3. **Anticipated Effects** OPRR will relocate its tracks within the SE Ochoco Street between the area of the SE 13th Avenue intersection and SE 17th Avenue to accommodate a trail corridor.
4. **Budget Impacts** The contract price of approximately \$998,548 will be funded by 2006 Natural Areas bond Measure regional-share proceeds.

RECOMMENDED ACTION

The Chief Operating Officer recommends passage of Resolution No. 15-4645.

Agenda Item No. 4.1

Ordinance No. 15-1365, For the Purpose of Annexing to the Metro Boundary Approximately 91.67 Acres Located Adjacent to SW Roy Rogers Road and SW Scholls Ferry Road in the River Terrace Area of Tigard

Ordinances (First Read)

Metro Council Meeting
Thursday, October 1, 2015
Metro Regional Center, Rooms 370 A & B

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) Ordinance No. 15-1365
METRO BOUNDARY APPROXIMATELY)
91.67 ACRES LOCATED ADJACENT TO SW) Introduced by Chief Operating Officer
ROY ROGERS ROAD AND SW SCHOLLS) Martha Bennett in concurrence with
FERRY ROAD IN THE RIVER TERRACE) Council President Tom Hughes
AREA OF TIGARD)

WHEREAS, West Hills Development has submitted a complete application for annexation of 91.67 acres (“the territory”) located adjacent to SW Roy Rogers Road and SW Scholls Ferry Road in the River Terrace area to the Metro District; and

WHEREAS, the Metro Council added the River Terrace area to the UGB, including the territory, by Ordinance No. 02-969B on December 5, 2002; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territory; and

WHEREAS, the proposed annexation complies with Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on October 1, 2015; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated September 4, 2015, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this _____ day of October, 2015.

Tom Hughes, Council President

Attest:

Approved as to form:

Alexandra Eldridge, Recording Secretary

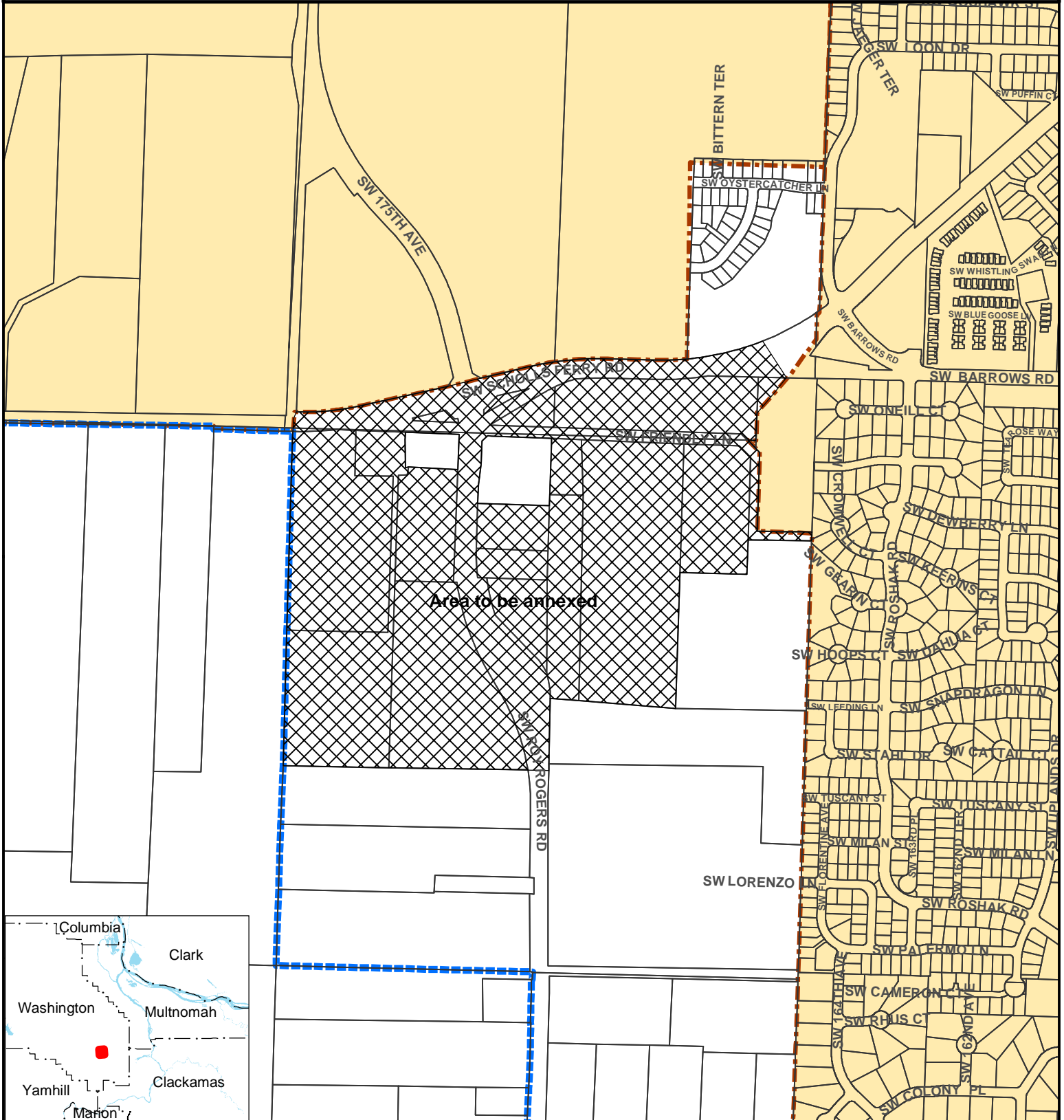
Alison R. Kean, Metro Attorney

Proposal No. AN-0515





2S1W06

Annexation to the Metro District Boundary

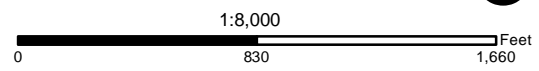
Washington County



 **Metro**
 Research Center
 600 NE Grand Ave
 Portland, OR 97232-2736
 (503) 797-1742
<http://www.oregonmetro.gov/drc>

-  Area to be annexed
-  Taxlots
-  Urban growth boundary
-  Metro District Boundary

Proposal No. AN-0515 Metro District Boundary



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 15-1365, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 91.67 ACRES LOCATED ADJACENT TO SW ROY ROGERS ROAD AND SW SCHOLLS FERRY ROAD IN THE RIVER TERRACE AREA OF TIGARD

Date: September 4, 2015

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0515, Annexation to Metro District Boundary

PETITIONER: West Hills Development
735 SW 158th Avenue
Beaverton, OR 97006

PROPOSAL: The petitioner requests annexation of 12 parcels to the Metro District boundary. The applicant is currently in the process of annexing the subject property to the Clean Water Services service district.

LOCATION: The parcels are located east and west of SW Roy Rogers Road and south of SW Scholls Ferry Road in the River Terrace area of Tigard and total 91.76 acres in size. A map of the area can be seen in Attachment 1.

ZONING: The property is zoned for residential use (R-4.5, R-7, R-12 and R-25) by Tigard.

The land was added to the UGB in 2002 and is part of the River Terrace Community Plan that was adopted by Tigard. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

The subject parcel was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-969B.

- 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 02-969B include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development 20 (FD-20) zone to the expansion area. The subject property was annexed to Tigard in August 2011 and January 2013 and the River Terrace Community Plan was adopted in 2014. The applicant is currently moving forward with annexation to Clean Water Services. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The property proposed for annexation is part of Tigard's River Terrace Community Plan Area, adopted by the City of Tigard in 2014. The proposed annexation is consistent with the community plan and is required by Tigard as part of a land use application. The inclusion of the property within the Metro District is consistent with applicable cooperative urban service agreements.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add approximately 91.67 acres to the Metro District. The land is currently within the UGB in the City of Tigard. Approval of this request will allow for the urbanization of the parcels to occur consistent with the River Terrace Community Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

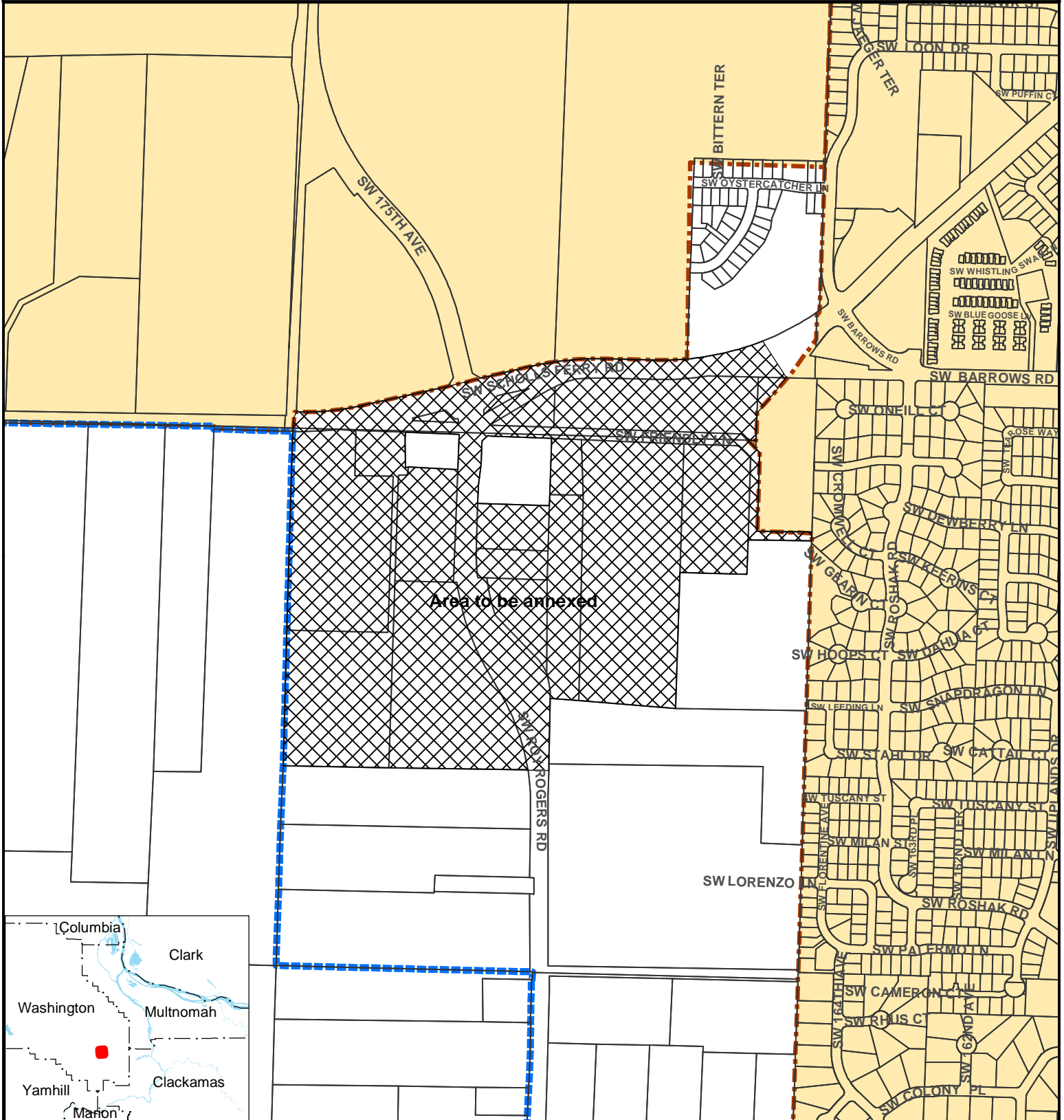
Staff recommends adoption of Ordinance No. 15-1365.

Proposal No. AN-0515





2S1W06

Annexation to the Metro District Boundary

Washington County



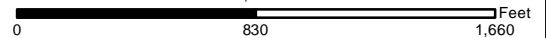
Research Center
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-  Area to be annexed
-  Taxlots
-  Urban growth boundary
-  Metro District Boundary

Proposal No. AN-0515 Metro District Boundary



1:8,000



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Agenda Item No. 4.2

**Ordinance No. 15-1357, For the Purpose of Adopting
Housekeeping Amendments to the Urban Growth Management
Functional Plan**

Ordinances (First Read)

Metro Council Meeting
Thursday, October 1, 2015
Metro Regional Center, Rooms 370 A & B

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING	)	ORDINANCE NO. 15-1357
HOUSEKEEPING AMENDMENTS TO)	
THE URBAN GROWTH MANAGEMENT	)	Introduced by Martha J. Bennett, Chief
FUNCTIONAL PLAN	)	Operating Officer, with the concurrence of
	)	Tom Hughes, Council President

WHEREAS, the Urban Growth Management Functional Plan (UGMFP) was adopted by the Metro Council in 1996 and codified as Metro Code Chapter 3.07 in 1997; and

WHEREAS, the UGMFP provides local jurisdictions with tools and guidance for implementing regional policies and achieving the goals set out in the region’s 2040 Growth Concept; and

WHEREAS, due to amendments over time, the UGMFP contains references to other provisions of Metro Code, Oregon statutes and administrative rules that are no longer correct, as described in the staff report dated September 1, 2015; and

WHEREAS, the UGMFP includes other minor inaccuracies that the Metro Council desires to correct, as described in the staff report dated September 1, 2015; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Chapter 3.07 of the Metro Code is hereby amended as shown on Exhibit A, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this _____ day of October 2015.

Tom Hughes, Council President

Attest:

Approved as to Form:

Alexandra Eldridge, Recording Secretary

Alison R. Kean, Metro Attorney

EXHIBIT A

standards are included in most titles. If local jurisdictions demonstrate to Metro that they meet the performance standard, they have met that requirement of the title. Standard methods of compliance are also included in the plan to establish one very specific way that jurisdictions may meet a title requirement, but these standard methods are not the only way a city or county may show compliance. In addition, certain mandatory requirements that apply to all cities and counties are established by this functional plan.

(Ordinance 97-715B, Sec. 1.)

REGIONAL FUNCTIONAL PLAN REQUIREMENTS

Title 1: Housing Capacity

3.07.110 Purpose and Intent

The Regional Framework Plan calls for a compact urban form and a "fair-share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120.

(Ordinance 97-715B, Sec. 1. Ordinance 02-969B, Sec. 1. Ordinance 10-1244B, Sec. 2.)

3.07.120 Housing Capacity

- (a) A city or county may reduce the minimum zoned capacity of the Central City or a Regional Center, Town Center, Corridor, Station Community or Main Street under subsection (d) or (e). A city or county may reduce its minimum zoned capacity in other locations under subsections (c), (d) or (e).
- (b) Each city and county shall adopt a minimum dwelling unit density for each zone in which dwelling units are authorized except for zones that authorize mixed-use as defined in section 3.07.1010-~~(hh)~~ (gg). If a city or county has not adopted a minimum density for such a zone prior to March 16, 2011, the city or county shall adopt a minimum density that is at least 80 percent of the maximum density.
- (c) A city or county may reduce its minimum zoned capacity by one of the following actions if it increases minimum

EXHIBIT A

Model Ordinance or code language that substantially complies with the performance standards in Section 3.07.340 and the intent of this title, and adopt either the Metro Water Quality and Flood Management Area Map or a map which substantially complies with the Metro map. Cities and counties may choose one of the following options for applying this section:

- (A) Adopt code language implementing this title which prevails over the map and uses the map as reference; or
- (B) Adopt a city or county field verified map of Water Quality and Flood Management Areas based on the Metro Water Quality and Flood Management map, ~~updated according to Section 3.07.370,~~ implementing this title which prevails over adopted code language.

Field verification is a process of identifying or delineating Protected Water Features, Water Quality Resource Areas and Flood Management Areas shown on the Metro Water Quality and Flood Management Areas map. This process includes examination of information such as site visit reports, wetlands inventory maps, aerial photographs, and public input and review. The field verification process shall result in a locally adopted Water Quality and Flood Management Areas map which:

- (i) Applies the Title 10 definitions of Protected Water Feature, Water Quality Resource Areas and Flood Management Areas to all those protected areas on the Metro Water Quality and Flood Management Areas map to show the specific boundaries of those protected areas on the locally adopted Water Quality and Flood Management Areas map; and
- (ii) Is subject to amendment by applying adopted code language to add Protected Water Features, Water Quality Resource Areas and Flood Management Areas and to correct errors in the local Water Quality and Flood Management Areas map ~~as required by Section 3.07.370 and~~ consistent with Section 3.07.330(d).

EXHIBIT A

Table 3.07-3 - Protected Water Features

(Section 3.07.340(b) (2) (A))

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor
Primary Protected Water Features ¹	< 25%	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet
Primary Protected Water Features ¹	≥ 25% for 150 feet or more ⁵	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland 	200 feet
Primary Protected Water Features ¹	≥ 25% for less than 150 feet ⁵	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland 	Distance from starting point of measurement to top of ravine (break in >25% slope) ³ , plus 50 feet. ⁴
Secondary Protected Water Features ²	< 25%	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland 	15 feet
Secondary Protected Water Features ²	≥ 25% ⁵	<ul style="list-style-type: none"> • Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet

¹ Primary Protected Water Features include: all rivers, perennial streams, and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

² Secondary Protected Water Features include intermittent streams draining 50-100 acres.

³ Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the ≥ 25% slope (see slope measurement in

EXHIBIT A

3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets

- (a) A Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:
- (1) Central City - 250 persons
 - (2) Regional Centers - 60 persons
 - (3) Station Communities - 45 persons
 - (4) Corridors - 45 persons
 - (5) Town Centers - 40 persons
 - (6) Main Streets - 39 persons
- (b) Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each:
- (1) ~~The land uses listed in~~ amenities identified in the most current version of the State of the Centers: Investing in Our Communities, January, 2009, such as grocery stores and restaurants;
 - (2) Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities;
 - (3) Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces.
- (c) Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. The following mix of housing types is recommended for each:
- (1) The types of housing listed in the "needed housing" statute, ORS 197.303(1);
 - (2) The types of housing identified in the city's or county's housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and
 - (3) Accessory dwellings pursuant to section 3.07.120 of this chapter.

(Ordinance 97-715B, Sec. 1. Ordinance 98-721A, Sec. 1. Ordinance 02-969B, Sec. 7. Ordinance 10-1244B, Sec. 5.)

EXHIBIT A

3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes

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

- (a) Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.
- (b) Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.
- (c) Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing.

(Ordinance 97-715B, Sec. 1. Ordinance 00-882, Sec. 2. Ordinance 03-1005A, Sec. 1. Ordinance 06-1129B, Sec. 2.)

3.07.740 Inventory and Progress Reports on Housing Supply

- (a) Local governments shall assist Metro in the preparation of a biennial affordable housing inventory by fulfilling the reporting requirements in ~~subsection 3.07.120D of Title 1 (Requirements for Housing and Employment Accommodation) and~~ subsection (b) of this section.
- (b) Local governments shall report their progress on increasing the supply of affordable housing to Metro on a form provided by Metro, to be included as part of the biennial housing inventory described in subsection (a). Local governments shall submit their first progress reports on July 31, 2007, and by April 15 every two years following that date. ~~Local governments may report their progress as part of the capacity reports required by subsection 3.07.120(d) of Title 1 (Requirements for Housing and Employment Accommodation).~~ Progress reports shall include, at least, the following information:
 - (1) The number and types of units of affordable housing preserved and income groups served during the reporting period, as defined in Metro's form;
 - (2) The number and types of units of affordable housing built and income groups served during the reporting period;

EXHIBIT A

- (f) An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan as provided in subsection (e) only if the city or county provided notice to the COO as required by subsection (a) of section 3.07.820.

(Ordinance 97-715B, Sec. 1. Ordinance 98-730C, Sec. 4. Ordinance 00-839, Sec. 1. Ordinance 00-882C, Sec. 2. Ordinance 01-925E, Sec. 1. Ordinance 02-972A, Sec. 1. Ordinance 05-1077C, Sec. 6. Ordinance 10-1244B, Sec. 7.)

3.07.820 Review by the Chief Operating Officer

- (a) A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to the COO at least ~~45~~35 days prior to the first evidentiary hearing on the amendment. The COO may request, and if so the city or county shall submit, an analysis of compliance of the amendment with the functional plan. If the COO submits comments on the proposed amendment to the city or county, the comment shall include analysis and conclusions on compliance and a recommendation with specific revisions to the proposed amendment, if any, that would bring it into compliance with the functional plan. The COO shall send a copy of comment to those persons who have requested a copy.
- (b) If the COO concludes that the proposed amendment does not comply with the functional plan, the COO shall advise the city or county that it may:
- (1) Revise the proposed amendment as recommended in the COO's analysis;
 - (2) Seek an extension of time, pursuant to section 3.07.830, to bring the proposed amendment into compliance with the functional plan; or
 - (3) Seek an exception pursuant to section 3.07.840.

(Ordinance 97-715B, Sec. 1. Ordinance 98-730C, Secs. 5, 6, 7. Ordinance 98-727C, Sec. 1. Ordinance 00-839, Sec. 1. Ordinance 00-882C, Sec. 2. Ordinance 01-925E, Sec. 1. Ordinance 02-972A, Sec. 1. Ordinance 10-1244B, Sec. 7.)

3.07.830 Extension of Compliance Deadline

- (a) A city or county may seek an extension of time for compliance with a functional plan requirement. The city or county shall file an application for an extension on a form provided by the COO. Upon receipt of an

EXHIBIT A

3.07.830 or 3.07.840, respectively, the Council may adopt an order that:

- (1) Directs changes in the city or county ordinances necessary to remedy the pattern or practice; or
 - (2) Includes a remedy authorized in ORS 268.390(7).
- (e) The Council shall issue its order not later than 30 days following the hearing and send copies to the city or county, MPAC and any person who requests a copy.

(Ordinance 97-715B, Sec. 1. Ordinance 01-925E, Sec. 1. Ordinance 02-972A, Sec. 1. Ordinance 10-1244B, Sec. 7.)

3.07.860 Citizen Involvement in Compliance Review

- (a) Any person may contact Metro staff or the COO or appear before the Metro Council to raise issues regarding local functional plan compliance, to request Metro participation in the local process, or to request the COO to appeal a local enactment for which notice is required pursuant to subsection (a) of section 3.07.820. Such contact may be oral or in writing and may be made at any time.
- (b) In addition to considering requests as described in (a) above, the Council shall at every regularly scheduled meeting provide an opportunity for people to address the Council on any matter related to this functional plan. The COO shall maintain a list of persons who request notice in writing of COO reviews, reports and orders and proposed actions under this chapter and shall send requested documents as provided in this chapter.
- (c) Cities, counties and the Council shall comply with their own adopted and acknowledged Citizen Involvement Requirements (Citizen Involvement) in all decisions, determinations and actions taken to implement and comply with this functional plan. The COO shall publish a citizen involvement fact sheet, after consultation with the Metro ~~Committee for Citizen Involvement~~Public Engagement Review Committee (PERC), that describes opportunities for citizen involvement in Metro's growth management procedures as well as the implementation and enforcement of this functional plan.

(Ordinance 97-715B, Sec. 1. Ordinance 01-925E, Sec. 1. Ordinance 02-972A, Sec. 1. Ordinance 10-1244B, Sec. 7.)

EXHIBIT A

3.07.870 Compliance Report

- (a) The COO shall submit a report to the Metro Council by March 1 of each calendar year on the status of compliance by cities and counties with the requirements of the Urban Growth Management Functional Plan. The COO shall send a copy of the report to MPAC, JPACT, ~~MCCI~~PERC and each city and county within Metro.
- (b) A city, county or person who disagrees with a determination in the compliance report may seek review of the determination by the Council by written request to the COO. The Council shall notify the requestor, all cities and counties, MPAC, JPACT, ~~MCCI~~PERC, the Department of Land Conservation and Development and any person who requests notification of the review. The notification shall state that the Council does not have jurisdiction to:
- (1) Determine whether previous amendments of comprehensive plans or land use regulations made by a city or county comply with functional plan requirements if those amendments already comply pursuant to subsections (e) and (f) of section 3.07.810; or
 - (2) Reconsider a determination in a prior order issued under this section that a city or county complies with a requirement of the functional plan.
- (c) Following its review at a public hearing, the Council shall adopt an order that determines whether the city or county complies with the functional plan requirement raised in the request. The order shall be based upon the COO's report and testimony received at the public hearing. The COO shall send a copy of the order to cities and counties and any person who testifies, orally or in writing, at the public hearing.
- (d) A city or county or a person who participated, orally or in writing, at the public hearing, may seek review of the Council's order as a land use decision described in ORS 197.015(10)(a)(A).

(Ordinance 01-925E, Sec. 2. Ordinance 02-972A, Sec. 1. Ordinance 10-1244B, Sec. 7.)

Title 9: Performance Measures

Title 9 is repealed.

(Ordinance 10-1244B, Sec. 8.)

EXHIBIT A

comprehensive plan or land use regulations, but in no event shall the local program effective date be later than two years after Title 13 is acknowledged by LCDC. For territory brought within the Metro UGB after December 28, 2005, the local program effective date shall be the effective date of the ordinance adopted by the Metro Council to bring such territory within the Metro UGB.

- (cc) "Metro" means the regional government of the metropolitan area, the elected Metro Council as the policy setting body of the government.
- (dd) "Metro boundary" means the jurisdictional boundary of Metro, the elected regional government of the metropolitan area.
- ~~(ee)~~ ~~"MCCI" means the Metro Committee for Citizen Involvement.~~
- ~~(ff)~~ (ee) "MPAC" means the Metropolitan Advisory Committee established pursuant to Metro Charter, Chapter V, Section 27.
- ~~(gg)~~ (ff) "Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and (5) compensating for the impact by replacing or providing comparable substitute water quality resource areas or habitat conservation areas.
- ~~(hh)~~ (gg) "Mixed use" means comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.
- ~~(ii)~~ (hh) "Mixed-use development" includes areas of a mix of at least two of the following land uses and includes multiple tenants or ownerships: residential, retail and office. This definition excludes large, single-use land uses such as colleges, hospitals, and business campuses. Minor incidental land uses that are accessory to the primary land use should not result in a development being designated as "mixed-use development." The size

EXHIBIT A

sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0), (May 2010).

~~(ttt)~~ (sss) "Zoned capacity" means the highest number of dwelling units or jobs that are allowed to be contained in an area by zoning and other city or county jurisdiction regulations.

(Ordinance 97-715B, Sec. 1. Ordinance 98-721A, Sec. 1. Ordinance 98-730C, Sec. 10. Ordinance 00-839, Sec. 1. Ordinance 00-869A, Sec. 2; Ordinance 02-972A, Sec. 1; Ordinance 05-1077C, Sec. 6; Ordinance 10-1244B, Sec. 9.)

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.

(Ordinance 99-818A, Sec. 3. Ordinance 02-969B, Sec. 11. Ordinance 10-1238A, Sec. 5. Ordinance 11-1252A, Sec. 1.)

EXHIBIT A

- (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 this chapter;
- (6) Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;
- (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;
- (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;
- (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
- (10) Be coordinated with schools districts, including coordination of demographic assumptions.

B. (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.

C. (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.

EXHIBIT A

- 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 a method consistent with a Goal 14 analysis~~in section 3.07.120,~~ within 30 days after adoption of new land use regulations for the area.

(Ordinance 98-772B, Sec. 2. Ordinance 99-818A, Sec. 3. Ordinance 01-929A, Sec. 8. Ordinance 02-964, Sec. 5. Ordinance 05-1077C, Sec. 6. Ordinance 05-1089A, Sec. 2. Ordinance 07-1137A, Sec. 3. Ordinance 10-1238A, Sec. 5. Ordinance 11-1252A, Sec. 1.)

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;

EXHIBIT A

- (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 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.

(Ordinance 98-772B, Sec. 2. Ordinance 99-818A, Sec. 3. Ordinance 10-1238A, Sec. 5. Ordinance 11-1252A, Sec. 1.)

~~3.07.1140 Applicability~~

~~Section 3.07.1110 becomes applicable on December 31, 2011.~~

~~(Ordinance 772B, Sec. 2. Amended by Ordinance 99-818A, Sec. 3; Ordinance 10-1238A, Sec. 5; Ordinance 11-1252A, Sec. 1.)~~

Title 12: Protection of Residential Neighborhoods

3.07.1210 Purpose and Intent

Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.

(Ordinance 02-969B, Sec. 3.)

3.07.1220 Residential Density

Metro shall not require any city or county to authorize an increase in the residential density of a single-family

EXHIBIT A

neighborhood in an area mapped solely as an ~~Inner or Outer~~ Neighborhood pursuant to ~~Metro Code Section 3.07.130~~ prior to ~~May 22, 2002~~.

(Ordinance 02-969B, Sec. 3.)

3.07.1230 Access to Commercial Services

- (a) In order to reduce air pollution and traffic congestion, and to make commercial retail services more accessible to residents of ~~Inner and Outer~~ Neighborhoods, a city or county may designate in its comprehensive plan and land use regulations one or more Neighborhood Centers within or in close proximity to Inner and Outer Neighborhoods to serve as a convenient location of commercial services.
- (b) To ensure that commercial development serves the needs of the residents of ~~Inner and Outer~~ Neighborhoods but does not generate excessive traffic, noise or air pollution, a city or county that designates a Neighborhood Center shall adopt limitations on the scale of commercial services in Neighborhood Centers. In a Neighborhood Center, a city or county shall not approve:
 - (1) A commercial retail use with more than 20,000 square feet of gross leasable area in a single building; or
 - (2) Office commercial uses with more than 10,000 square feet of gross leasable area in a single building or on a single lot or parcel.

(Ordinance 02-969B, Sec. 3.)

3.07.1240 Access to Parks and Schools

- (a) Each city and county shall, within two years following adoption by the Metro Council of a process and criteria for such standards, establish a level of service standard for parks and greenspaces that calls for a park facility within a specified distance of all residences.
- (b) To make parks and greenspaces more accessible to residents of ~~Inner and Outer~~ Neighborhoods and all residents of the region, each city and county shall provide for access to parks and greenspaces by walking, biking and transit, where transit is available or planned.

EXHIBIT A

dispute resolution process, consistent with state law.

- (h) Reducing Regional Density and Capacity Requirements to Allow Habitat Protection.
- (1) Notwithstanding the provisions of Metro Code Section 3.07.1~~2040(A)(2)~~, cities and counties may approve a subdivision or development application that will result in a density below the minimum density for the zoning district if:
- (A) The property lot or parcel was within the Metro UGB on January 1, 2002;
 - (B) An area of the property lot or parcel to be developed has been identified as regionally significant fish and wildlife habitat on the Metro Inventory Map or as a significant resource on a local Goal 5 riparian, wetlands, or wildlife resource inventory map that had been acknowledged by the LCDC prior to December 28, 2005; and
 - (C) Such a decision will directly result in the protection of the remaining undeveloped regionally significant fish and wildlife habitat or significant resource located on the property lot or parcel, such as via a public dedication or a restrictive covenant.
- (2) The amount of reduction in the minimum density requirement that may be approved under this subsection (h) of this section shall be calculated by subtracting the number of square feet of regionally significant fish and wildlife habitat or significant resource that is permanently protected under subsection (h)(1)(C) of this section from the total number of square feet that the city or county otherwise would use to calculate the minimum density requirement for the property.
- (3) If a city or county approves a subdivision or development application that will result in a density below the minimum density for the zoning district pursuant to subsection (h)(1) of this section, then such city or county shall:
- (A) Be permitted an offset against the capacity specified for that city or county in Table 3.07-1 of the Metro Code. The amount of such offset shall be calculated by subtracting the

EXHIBIT A

(i.e., producing, distributing, selling or servicing goods);

- 3) Draws service recipients (e.g., students, patients) from all reaches of the region and beyond;
 - 4) Relies on capital infrastructure that is so large or specialized as to render its relocation infeasible; and
 - 5) Has a long-term campus master plan that has been approved by the city or county in which it is located.
- (5) Cross-Referencing Habitat Class With Urban Development Value. City and county verification of the locations of High, Moderate, and Low Habitat Conservation Areas shall be consistent with Tables 3.07-13a and 3.07-13b.

(Ordinance 05-1077C, Section 5.)

3.07.1350 Claims Pursuant to ORS ~~197.352~~195.305-(Ballot Measure-~~3749~~)

- (a) The purpose of this section is to provide for Metro to accept potential liability for claims filed against cities and counties pursuant to ORS ~~197.352~~195.305 (Ballot Measure-~~3749~~) as a result of the cities' and counties' good faith implementation of Metro Code Sections 3.07.1310 through 3.07.1370. As a corollary of accepting financial and administrative responsibility for these claims, Metro seeks the authority and cooperation of cities and counties in the evaluation and settlement of claims.
- (b) Provided that cities and counties meet the requirements set out below, Metro shall indemnify a city or county for any claim made against a city or county based on its implementation of the requirements of Metro Code Sections 3.07.1310 through 3.07.1370. In order to receive the benefits of this provision, a city or county must:
 - (1) Upon receipt of a written demand for compensation pursuant to ORS ~~197.352~~195.305, from an owner of private real property located within its jurisdiction alleging that a comprehensive plan amendment or land use regulation adopted or relied upon to comply with the requirements of this title

EXHIBIT A

reduces the fair market value of the property, a city or county shall forward a copy of the demand to Metro no later than seven (7) days following receipt of the demand;

- (2) Reasonably cooperate with Metro throughout Metro's consideration and disposition of the claim, including promptly providing Metro with any information related to the property in question, to an assessment of its fair market value, or to the city's or county's adoption of the comprehensive plan amendment or land use regulation that is the basis of the demand made pursuant to ORS ~~197.352~~195.305; and
- (3) Substantially concur with Metro's recommendation regarding disposition of the claim, which disposition may include, but not be limited to, a cash payment or other compensation, a decision to modify, remove, or not apply the regulation, dismissal of the claim, and the imposition of appropriate conditions. Metro shall forward to the city or county Metro's recommended disposition of the claim within 120 days of Metro's receipt of notice of the claim from the city or county; provided, however, that if Metro does not provide such recommendation within the 120 day deadline then the city or county may dispose of the claim as it determines appropriate and Metro will neither indemnify the city or county for the claim nor use the city's or county's decision on the claim as a basis for finding that the city or county is not in compliance with this title. A city or county may also satisfy this requirement by entering into an intergovernmental agreement with Metro in order to grant Metro sufficient authority to implement, on the city or county's behalf, Metro's recommendation regarding the disposition of the claim.

(Ordinance 05-1077C, Section 5.)

3.07.1360 Program Objectives, Monitoring and Reporting

This section describes the program performance objectives, the roles and responsibilities of Metro, cities, counties, and special districts in regional data coordination and inventory maintenance, monitoring and reporting, and program evaluation.

EXHIBIT A

TITLE 14: URBAN GROWTH BOUNDARY

3.07.1405 Purpose

The Regional Framework Plan (RFP) calls for a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form. Title 14 prescribes criteria and procedures for amendments to the urban growth boundary (UGB) to achieve these objectives.

(Ordinance 10-1244B, Sec. 12.)

3.07.1410 Urban Growth Boundary

- (a) The UGB for the metropolitan area is incorporated into this title and is depicted on the Urban Growth Boundary and Urban and Rural Reserves Map. Cities and counties within the Metro boundary shall depict the portion of the UGB, if any, that lies within their boundaries on their comprehensive plan maps. Within 21 days after acknowledgment of an amendment to the UGB under this title, the COO shall submit the amended UGB to the city and county in which the amended UGB lies. The city and county shall amend their comprehensive plan maps to depict the amended UGB within one year following receipt of the amendment from the COO.
- (b) Urban and Rural Reserves are depicted on the Urban Growth Boundary and Urban and Rural Reserves Map. Amendments to the UGB made pursuant to this title shall be based upon this map.

(Ordinance 10-1244B, Sec. 12. Ordinance 11-1264B, Sec. 3.)

Title 14 Urban Growth Boundary Map as of October 29, 2014

(Ordinance 14-1336.)

3.07.1420 Legislative Amendment to UGB - Procedures

- (a) Legislative amendments follow periodic analysis of the capacity of the UGB and the need to amend it to accommodate long-range growth in population and employment. The Metro Council shall initiate a legislative amendment to the UGB when required by state law and may initiate a legislative amendment when it determines there is a need to add land to the UGB.

EXHIBIT A

must demonstrate compliance with this purpose and these limitations.

- (b) The applicant shall demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria and factors in subsections (b)B, (c)C, D(d), E(e), and F(f) ~~and G~~ of section 3.07.1425. The applicant shall also demonstrate that:
- (1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land;
 - (2) If the amendment would add land for public school facilities, the coordination required by subsection (c)(5) of section 3.07.1120 of this chapter has been completed; and
 - (3) If the amendment would add land for industrial use pursuant to section 3.07.1435, a large site or sites cannot reasonably be created by land assembly or reclamation of a brownfield site.
- (c) If the application was filed under section 3.07.1435, the applicant shall demonstrate that the amendment is consistent with any concept plan for the area developed pursuant to section 3.07.1110 of this chapter.
- (d) To facilitate implementation of the Metropolitan Greenspaces Master Plan of 1992, the Council may add land to the UGB in a trade that removes a nearly equal amount of land from the UGB. If the Council designates the land to be added for housing, it shall designate an appropriate average density per net developable acre.

(Ordinance 10-1244B, Sec. 12.)

3.07.1445 Minor Adjustments - Procedures

- (a) Minor adjustments make small changes to the UGB so that land within the UGB functions more efficiently and effectively. A city, a county, a special district, Metro or a property owner may initiate a minor adjustment to the UGB by filing an application on a form provided by Metro. The application shall include a list of the names and addresses of owners of property within 100 feet of the land involved in the application. The application shall also include the positions on the application of appropriate local governments and special

EXHIBIT A

cumulatively, are consistent with and help achieve the 2040 Growth Concept.

(Ordinance 10-1244B, Sec. 12.)

3.07.1455 Conditions of Approval

- (a) Land added to the UGB pursuant to sections 3.07.1420, 3.07.1430 and 3.07.1435 shall be subject to the requirements of sections 3.07.1120 and 3.07.1130 of this chapter.
- (b) If the Council amends the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435, it shall:
 - (1) In consultation with affected local governments, designate the city or county responsible for adoption of amendments to comprehensive plans and land use regulations to allow urbanization of each area added to the UGB, pursuant to Title 11 of this chapter. If local governments have an agreement in a concept plan developed pursuant to Title 11 that establishes responsibility for adoption of amendments to comprehensive plans and land use regulations for the area, the Council shall assign responsibility according to the agreement.
 - (2) Establish the 2040 Growth Concept design type designations applicable to the land added to the UGB, including the specific land need, if any, that is the basis for the amendment. If the design type designation authorizes housing, the Council shall designate an appropriate average density per net developable acre consistent with the need for which the UGB is expanded.
 - (3) Establish the boundaries of the area that shall be included in the planning required by Title 11. A planning area boundary may include territory designated urban reserve, outside the UGB.
 - (4) Establish the time period for city or county compliance with the requirements of Title 11, which shall be two (2) years following the effective date of the ordinance adding the area to the UGB unless otherwise specified.
- (c) If the Council amends the UGB pursuant to any of the sections ~~3.07.1420, 3.07.1430 or 3.07.1435~~ of this title, it may establish other conditions it deems necessary to ensure the addition of land complies with

EXHIBIT A

the Regional Framework Plan. If a city or county fails to satisfy a condition, the Council may enforce the condition after following the notice and hearing process set forth in section 3.07.850 of this chapter.

(Ordinance 10-1244B, Sec. 12.)

3.07.1460 Fees

- (a) Each application submitted by a property owner or group of property owners pursuant to this title shall be accompanied by a filing fee in an amount to be established by the Council. Such fee shall not exceed Metro's actual cost to process an application. The fee may include administrative costs, the cost of a hearings officer and of public notice.
- (b) The fee for costs shall be charged from the time an application is filed through mailing of the notice of adoption or denial to the Department of Land Conservation and Development and other interested persons.
- (c) Before a hearing is scheduled, an applicant shall submit a fee deposit. In the case of an application for a minor adjustment pursuant to section 3.07.1445, the applicant shall submit the fee deposit with the application.
- (d) The unexpended portion of an applicant's deposit, if any, shall be returned to the applicant at the time of final disposition of the application. If hearings costs exceed the amount of the deposit, the applicant shall pay to Metro an amount equal to the costs in excess of the deposit prior to final action by the Council.
- (e) The Council may, by resolution, reduce, refund or waive the fee, or portion thereof, if it finds that the fee would create an undue hardship for the applicant.

(Ordinance 10-1244B, Sec. 12.)

3.07.1465 Notice Requirements

- (a) For a proposed legislative amendment under section 3.07.1420, the COO shall provide notice of the public hearing in the following manner:
 - (1) In writing to the Department of Land Conservation and Development and local governments of the Metro region at least ~~45~~³⁵ days before the first public hearing on the proposal; and

EXHIBIT A

- (2) To the general public at least 45³⁵ days before the first public hearing by an advertisement no smaller than 1/8-page in a newspaper of general circulation in the Metro area and by posting notice on the Metro website.
- (b) For a proposed major amendment under sections 3.07.1430 or 3.07.1435, the COO shall provide notice of the hearing in the following manner:
- (1) In writing at least 45³⁵ days before the first public hearing on the proposal to:
 - (A) The applicant;
 - (B) The director of the Department of Land Conservation and Development;
 - (C) The owners of property that is being considered for addition to the UGB; and
 - (D) The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designated for agriculture or forestry pursuant to a statewide planning goal;
 - (2) In writing at least 30 days before the first public hearing on the proposal to:
 - (A) The local governments of the Metro area;
 - (B) A neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by the cities and counties whose jurisdictional boundaries include or are adjacent to the site, and to any other person who requests notice of amendments to the UGB; and
 - (3) To the general public by posting notice on the Metro website at least 30 days before the first public hearing on the proposal.
- (c) The notice required by subsections (a) and (b) of this section shall include:
- (1) A map showing the location of the area subject to the proposed amendment;

EXHIBIT A

- (2) The time, date and place of the hearing;
 - (3) A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available;
 - (4) A statement that interested persons may testify and submit written comments at the hearing;
 - (5) The name of the Metro staff to contact and telephone number for more information;
 - (6) A statement that a copy of the written report and recommendation of the COO on the proposed amendment will be available at reasonable cost 20 days prior to the hearing; and
 - (7) A general explanation of the criteria for the amendment, the requirements for submission of testimony and the procedure for conduct of hearings;
 - (8) For proposed major amendments only:
 - (A) An explanation of the proposed boundary change;
 - (B) A list of the applicable criteria for the proposal; and
 - (C) A statement that failure to raise an issue at the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an appeal based on the issue.
 - (9) For the owners of property described in subsection (b) (1) (C) of this section, the information required by ORS 268.393(3).
- (d) For a proposed minor adjustment under section 3.07.1445, the COO shall provide notice in the following manner:
- (1) In writing to the director of the Department of Land Conservation and Development at least 4535 days before the issuance of an order on the proposal;
 - (2) In writing at least 20 days before the issuance of an order on the proposal to:
 - (A) The applicant and the owners of property subject to the proposed adjustment;

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 15-1357, FOR THE PURPOSE OF ADOPTING HOUSEKEEPING AMENDMENTS TO THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

Date: September 1, 2015

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

The Urban Growth Management Functional Plan (Functional Plan) was adopted by the Metro Council in 1996 and amended and codified as Metro Code Chapter 3.07 in 1997. The Functional Plan provides tools and guidance for local jurisdictions to implement regional policies and achieve the goals set out in the region's 2040 Growth Concept. The original Functional Plan contained ten titles, three of which have been repealed, Title 2 Regional Parking Policy, Title 5 neighbor Cities and Rural Reserves and Title 9 Performance Measures. Four titles have been added to the Functional Plan since 1999 including Title 11 Planning for New Urban Areas, Title 12 Protection of Residential Neighborhoods, Title 13 Nature in Neighborhoods and Title 14 Urban Growth Boundary. Over time the titles have been amended by adding or removing sections as well as referencing code sections from other titles. Unfortunately, some cross references were not updated as needed when the amendments occurred.

Title 8 Compliance Procedures establishes a process for ensuring city or county compliance with requirements of the Functional Plan. A city or county proposing an amendment to a comprehensive plan or land use regulation is required to submit the proposed amendment to Metro 45 days prior to the first evidentiary hearing on the amendment. The 45 day notice requirement was adopted to be consistent with the Department of Land Conservation and Development's (DLCDC) 45 day notice requirement, providing one notification date for local jurisdictions to meet. DLCDC changed their 45 day notice requirement to 35 days effective January 1, 2012; however the Functional Plan still requires 45 days, resulting in two notification dates for local jurisdictions.

PROPOSAL

Adopt housekeeping amendments to address code section inconsistencies and update the notification requirements as summarized below. Text to be deleted is ~~struckthrough~~ and text to be added is underlined. Proposed amendments are provided in code section form in Exhibit A to the ordinance.

The outline format of the Metro Code is inconsistent. Chapter 3.07 is amended to reflect the following outline format (a)(1)(A)(i)1 rather than the current format of A.1.a.i. to align this chapter with the other chapters of the Metro Code. This outline format is reflected in the specific Title amendments below.

Title 1 Housing Capacity

- Amend Code Section 3.07.120(b) by replacing (~~hh~~) with (gg) to reflect re-lettering of Title 10 Definitions due to the deletion of a definition as noted below in Title 10 Definitions.

Title 3 Water Quality and Flood Management

- Amend the footnote of Table 3.07-3 to add rivers to the definition of primary protected water feature to match the definition of primary protected water feature contained in Title 10 Definitions.

- Amend Metro Code Sections 3.07.330(a)(1)(B) and 3.07.330(a)(1)(B)(ii) by deleting ~~updated according to Section 3.07.370, and as required by Section 3.07.370 and~~ respectively as Section 3.07.370 was repealed in 2005 with the adoption of Title 13.

Title 6 Centers, Corridors, Station Communities and Main Streets

- Amend Code Section 3.07.640(b)(1) by replacing ~~land uses listed in~~ with amenities identified in the most current version of the as amenities not land uses are listed in the State of the Centers Report. Also delete ~~January, 2009~~ as we expect the report will be updated to a web based platform by the end of 2015, which will allow for updates to occur more regularly in the future.

Title 7 Housing Choice

- Amend Code Section 3.07.740(a) by deleting ~~subsection 3.07.120D of Title 1 (Requirements for Housing and Employment Accommodation) and~~ and Code Section 3.07.740(b) by deleting ~~Local governments may report their progress as part of the capacity reports required by subsection 3.07.120D of Title 1 (Requirements for Housing and Employment Accommodation)~~ as there is no reporting requirement in Code Section 3.07.120(d).

Title 8 Compliance Procedures

- Amend Code Section 3.07.820(a) by replacing ~~45~~ with 35 to be consistent with DLCD requirements.
- Amend Code Section 3.07.860(c) by replacing ~~Committee for Citizen Involvement~~ with Public Engagement Review Committee (PERC) to reflect new name of Metro's citizen advisory committee.
- Amend Code Section 3.07.870(a) by adding al at the end of Function to accurately reference the Functional Plan.
- Amend Code Section 3.07.870(a) and (b) by replacing ~~MCCI~~ with PERC.

Title 10 Definitions

- Delete ~~"MCCI" means the Metro Committee for Citizen Involvement~~ definition and adjust lettering in Title 10.
- Amend Code Section 3.07.1010 (sss) "Wetlands" by adding and the Regional Supplemental to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Range (Version 2.0), (May 2010) to the end of the definition as the regional supplemental provides specific regional information that would take precedence if a difference occurred with the delineation manual.

Title 11 Planning for New Urban Areas

- Amend Code Section 3.07.1110 by replacing the second reference to ~~B. & C.~~ with (d) & (e) to provide consistent lettering of code section.
- Amend Code Section 3.07.1120(d) by replacing ~~the~~ with a and ~~in section 3.07.120~~ with consistent with a Goal 14 analysis as there is no residential capacity methodology in 3.07.120.
- Delete Code Section 3.07.1140 Applicability in its entirety as that section was included in Title 11 only to clarify that the 2011 UGB amendments adopted by the Metro Council did not need to address Metro Code Section 3.07.1110 Planning for Areas Designated Urban Reserve.

Title 12 Protection of Residential Neighborhoods

- Amend Code Section 3.07.1220 by deleting ~~an Inner or Outer and pursuant to Metro Code Section 3.07.130 prior to May 22, 2002~~ to reflect previous removal of Inner and Outer from the 2040 Growth Concept Map.
- Amend Code Sections 3.07.1230(a) & (b) and 3.07.1240(b) by deleting ~~Inner and Outer~~.

Title 13 Nature in Neighborhoods

- Amend Code Section 3.07.1330(h)(1) by replacing 3.07.140(A)(2) with 20 as there is no section 3.07.140(A)(2) and 3.07.120 is the entire section addressing reductions to zoned capacity.
- Amend Code Sections 3.07.1350 and 3.07.1350(a) by replacing ~~197.352~~ with 195.305 and ~~37~~ with 49 as the statute was renumbered in 2007.
- Amend Code Sections 3.07.1350(b)(1) and 3.07.1350(b)(2) by replacing ~~197.352~~ with 195.305 as the statute was renumbered in 2007.

Title 14 New Urban Area Planning

- Amend Code Section 3.07.1410(a) by inserting acknowledgement of between *within 21 days after* and *an amendment to the UGB*.
- Amend Code Section 3.07.1440B. by replacing ~~B-C-D-E-F~~ with (b) (c) (d) (e) (f) to reflect new outline format, insert and between (e) (f) and delete ~~and G~~ as there is no section G.
- Amend Code Section 3.07.1455(c) by inserting any of the after pursuant to, deleting ~~3.07.1420, 3.07.1430 or 3.07.1435~~ and inserting of this title after sections to allow the Metro Council to establish conditions on a minor adjustment of the UGB petition that is appealed to the Metro Council for review. Under the minor adjustment procedures the Metro Chief Operating Officer issues an order approving or denying a petition, which can be appealed to the Council for review.
- Amend Code Sections 3.07.1465(a)(1) & (2) and (b)(1) and 3.07.1465(d)(1) by replacing ~~45~~ with 35 to be consistent with DLCDC requirements.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code Chapter 3.07 Urban Growth Management Functional Plan is the primary regional policy tool for achieving the goals set out in the 2040 Concept Plan.

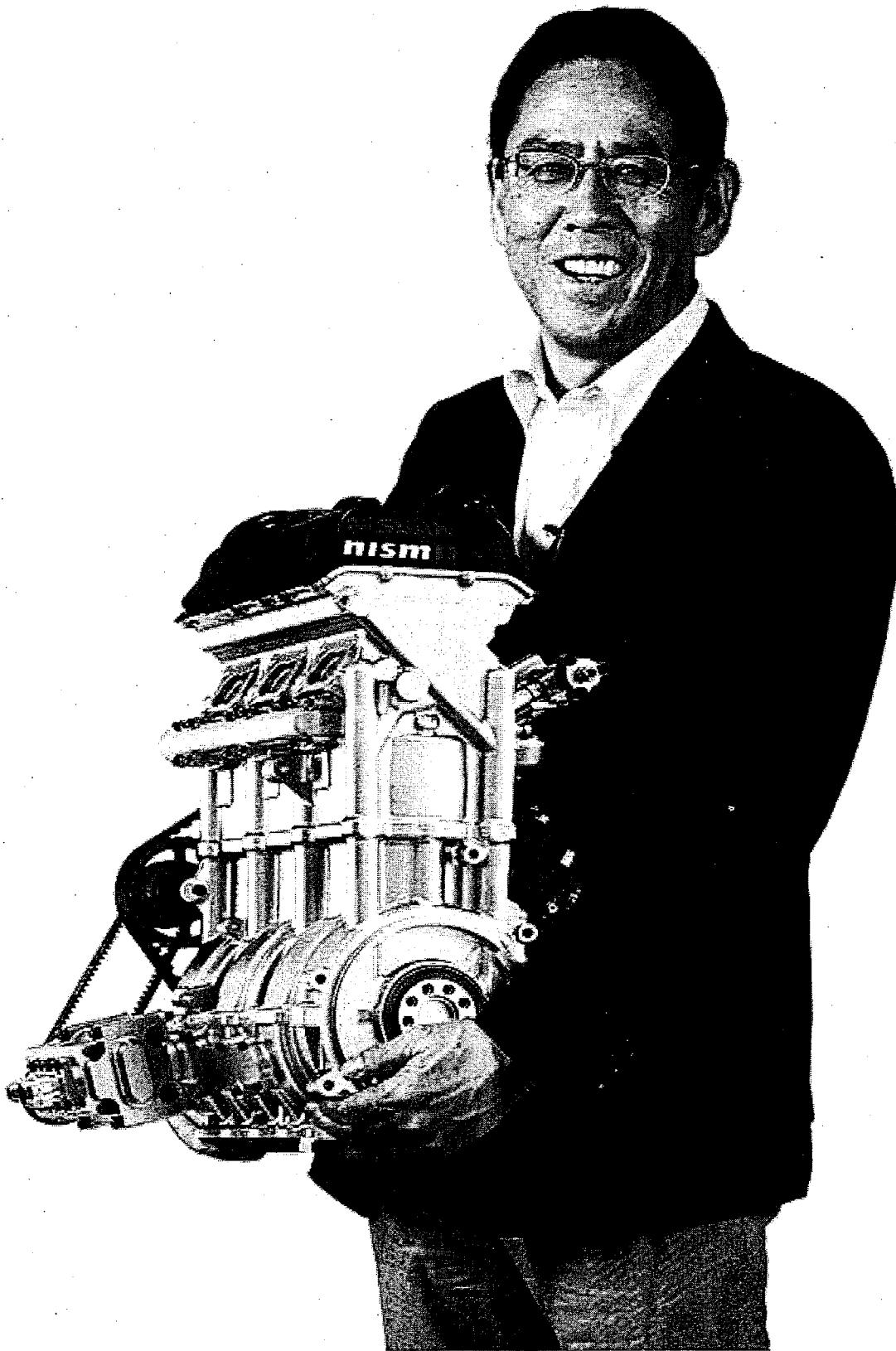
Anticipated Effects: Adoption of Ordinance No. 15-1357 will make housekeeping changes to various titles of the Functional Plan to remove code section inconsistencies and update notification requirements.

Budget Impacts: There is no budget impact.

RECOMMENDED ACTION

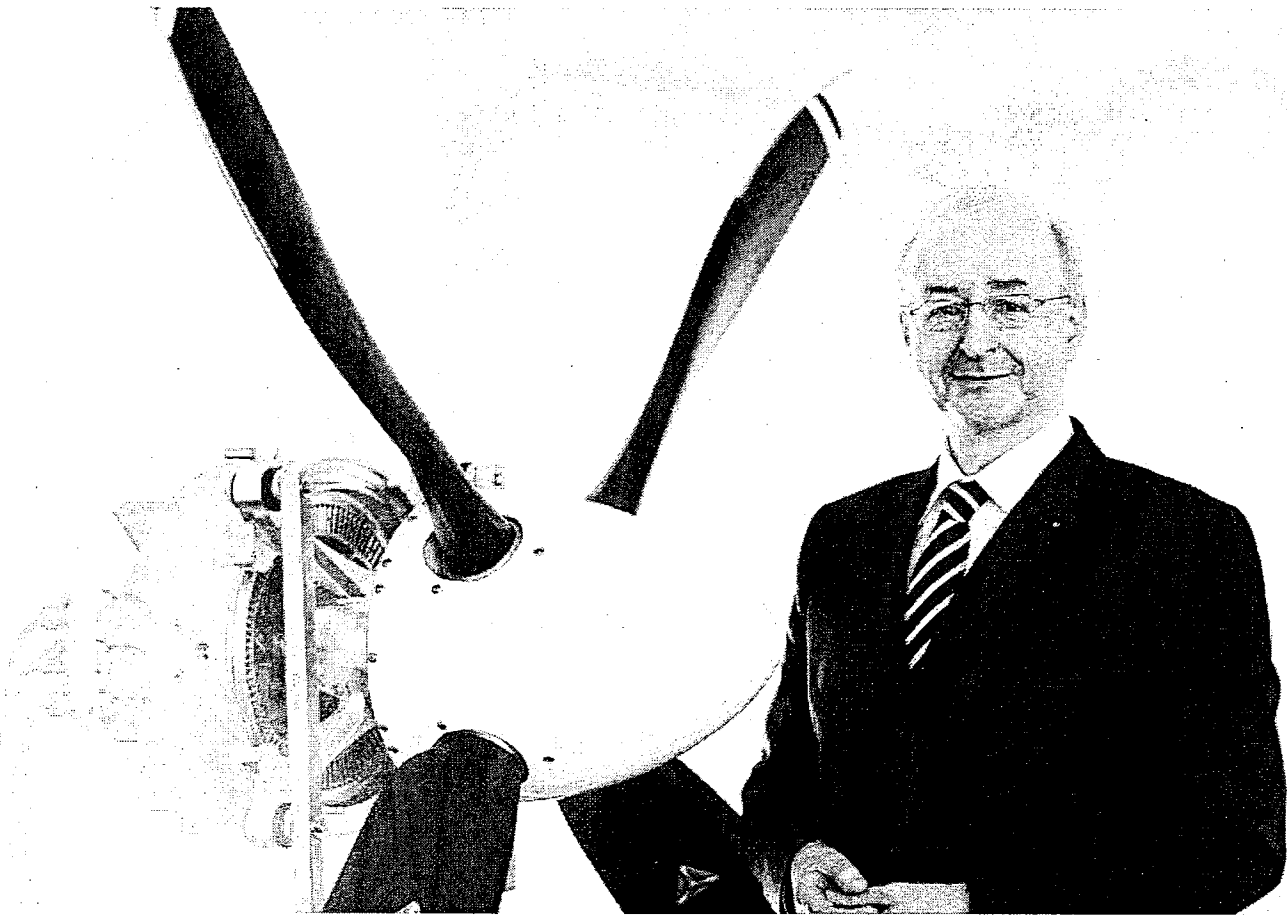
Staff recommends adoption of Ordinance No. 15-1357.

Materials following this page were distributed at the meeting.





China Zhongwang and Brilliance Bus Join Hands to Successfully Develop
All-Aluminium New Energy Public Buses





METRO COUNCIL MEETING
Meeting Minutes
September 24, 2015
Harrison Park School, Auditorium

Councilors Present: Council President Tom Hughes, and Councilors Bob Stacey, Kathryn Harrington, Shirley Craddick, Sam Chase, Carlotta Collette, and Craig Dirksen

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 4:14 p.m.

1. CITIZEN COMMUNICATION

Wayne Wignes: Mr. Wignes addressed Metro Council on de-partitioned housing.

Cheryl Twete, Beaverton: Ms. Twete asked Metro Council to reconsider funding the City of Beaverton Community Planning and Development Grants project and asked for an opportunity to revise the scope and return with a proposal to meet the goals of Metro.

Jamie Stasny, Beaverton: Ms. Stasny addressed Metro Council about her disagreement with the condition placed on reserves that halts the distribution of grant money until reserves as been settled. Additionally, Ms. Stasny noted her happiness to see a grant project in the Clackamas County Stafford area and voiced her support of the City of Beaverton’s grant project proposal.

Jarvez Hall, Gresham: Mr. Hall spoke in support of the Powell-Division Transit and Development Project Action Plan and voiced his excitement to hear about transit opportunities for community members in east Portland.

2. CONSIDERATION OF COUNCIL MEETING MINUTES FOR SEPTEMBER 17, 2015

Motion:	Councilor Craig Dirksen moved to adopt the Council Meeting Minutes for September 17, 2015.
Second:	Councilor Bob Stacey seconded the motion.

Vote:	Council President Hughes, and Councilors Stacey, Harrington, Dirksen, Craddick, Collette, and Chase voted in support of the motion. The vote was 7 ayes, the motion passed.
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3. RESOLUTIONS

3.1 **Resolution No. 15-4640**, For the Purpose of Approving Fiscal Year 2015-16 Funding for Community Planning and Development Grants Funded with Construction Excise Tax

Motion:	Councilor Kathryn Harrington moved to approve Resolution 15-4640.
Second:	Councilor Carlotta Collette seconded the motion.

Council President Tom Hughes introduced Mr. Gerry Uba, Metro regional planner, and Mr. Tim Breedlove, Grants Screening Committee, to provide a brief presentation on the resolution. Mr. Uba discussed how the Community Planning and Development Grants (CPDG) program helps local governments find strategies to accommodate expected growth, including providing jobs, creating housing and transportation choices, improving aging infrastructure, supporting sustainable development, and creating vibrant and livable communities across the region. Mr. Breedlove added that out of 19 projects proposals, 16 projects have been recommended for funding. In their presentation, Mr. Uba and Mr. Breedlove highlighted samples of funded projects, including downtown Tigard, Tigard River Terrace Community Plan Implementation, East Happy Valley Concept and Comprehensive Plans, and the Powell-Division Transit and Development Project.

Council discussion:

Councilors thanked the Grants Screening Committee and Metro staff for their hard work and due diligence with the application process, policies, and investment recommendations. Additionally, Councilors congratulated and thanked CPDG award recipients for the quality of their applications. Councilors Harrington and Stacey asked for clarification regarding Clackamas County’s request for lifting IGA conditions. Councilors spoke to the relationship between local partners to achieve goals, fulfill community demands, and bring more economic development.

Vote:	Council President Hughes, and Councilors Stacey, Harrington, Dirksen, Craddick, Collette, and Chase voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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3.2 Resolution No. 15-4634, For the Purpose of Endorsing the Powell-Division Transit and Development Project Action Plan.

Motion:	Councilor Shirley Craddick moved to approve Resolution 15-4634.
Second:	Councilor Bob Stacey seconded the motion.

Council President Tom Hughes introduced Ms. Malu Wilkinson, Metro investment areas manager, and Ms. Dana Lucero, Metro public affairs specialist, to provide a brief presentation on the resolution. Ms. Wilkinson and Ms. Lucero shared that the Powell-Division Transit and Development Project won the USA Project of the Year award from the International Association of Public Participation. Ms. Lucero explained how the Powell-Division Transit and Development Project is a collaborative effort to define a package of investments and policies to support community visions along the Powell-Division corridor from downtown Portland to Gresham. Ms. Lucero discussed how the Steering Committee consisted of elected officials, including Councilors Craddick and Stacey, agency leaders, large and small businesses, transit riders, educational institutions, and community members representing health, housing, environmental justice, and environmental interests. Ms. Wilkinson spoke to how public input informed Steering Committee decision-making at each project milestone and how the Steering Committees unanimously endorsed the Transit Action Plan that supports bus rapid transit. Ms. Leah Treat, Portland Bureau of Transportation Director, Mr. Neil

McFarlane, TriMet General Manager, and Mr. Kolini Fusitua, Tongan American Resource Committee, were invited on stage to provide testimony, which focused on displacement and the tremendous role community input played in the project.

Council discussion:

Councilors thanked staff and community members for their hard work and participation, while sharing their enthusiasm and support for the Powell-Division Transit and Development Project. Councilors Chase and Harrington spoke to the connection between the Powell-Division project and Community Planning and Development Grants and thanked Mr. McFarlane, Ms. Treat, and Mr. Fusitua for their comments. Councilors Stacey and Craddick spoke to the gratification of participating on the Steering Committee and engaging with community leaders.

Vote:

Council President Hughes, and Councilors Stacey, Harrington, Dirksen, Craddick, Collette, and Chase voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .

4. ORDINANCES (FIRST READ)

- 4.1 **Ordinance No. 15-1361**, For the Purpose of Adopting the 2015 Urban Growth Report and Complying with Regional Growth Management Requirements Under ORS 197.299 and Statewide Planning Goal 14.

Council President Tom Hughes called on Ms. Bennett, Metro Chief Operating Officer (COO), to provide a brief presentation on the resolution. Ms. Bennett noted that the proposed ordinance is intended to fulfill Metro's responsibilities for managing regional household and employment growth as well to memorialize related recommendations made by Metro's COO. Ms. Bennett introduced Mr. John Williams, Metro Deputy Director of Planning, and Mr. Ted Reid, Metro regional planner, to discuss growth management. Mr. Williams spoke to how our region is intentional with where growth occurs and noted that the majority of growth management work is focused in existing cities. Mr. Reid provided a brief history and context of the 2014 Urban Growth Report. Mr. Reid spoke to reviewing community adopted plans, peer review processes, and determining whether there is enough space inside the urban growth boundary to accommodate growth and how much growth to expect. Mr. Reid added that staff is finalizing the Urban Growth Report analysis and will return to Council in October with legal findings.

Council discussion:

There was no further discussion.

- 5.1.1 Council President Hughes opened up a public hearing on Ordinance No. 15-1361.

Mr. Josh Alpert, Portland: Mr. Alpert represented the City of Portland and read a letter sent by Mayor Charlie Hales to Metro Council. Mayor Hales spoke in support of Ms. Bennett's recommendations for the 2015 urban growth management decision and expressed that the decision is practical and based on adopted local plans.

Seeing no one else wishing to testify, Council President Hughes closed the public hearing and noted that the second reading, Council consideration, and vote would be scheduled for Thursday, September 12th.

5. **CHIEF OPERATING OFFICER COMMUNICATION**

Ms. Martha Bennett, COO, provided an update on the following events or items: City of Portland Sunday Parkways, President Hughes will be speaking at a City Club Friday Forum on September 25th, and Council will be working on finalizing urban reserves in Clackamas County at the October 8th Council meeting,

6. **COUNCILOR COMMUNICATION**

Councilors provided updates on the following meetings or events: Transportation for America Advisory Council meeting and City of Portland approved funding for Portland Bike Share.

7. **ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 6:24 p.m. The Metro Council will convene the next regular council meeting on Thursday, October 1, 2015 at 2 p.m. at the Metro Regional Center, Room 370 A&B.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kate Giraud".

Kate Giraud, Council Policy Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPT. 24, 2015

Item	Topic	Doc. Date	Document Description	Doc. Number
1.0	Handout	09/24/2015	Citizen testimony by Wayne Wignor: De-Partitioned Housing Handout	092415c-01
1.0	Memo	09/24/2015	Citizen testimony by Cheryl Twete: Memo from City of Beaverton: Beaverton Hillsdale Corridor & Western Avenue Employment Area Master Plan Community Planning and Development Grant (CPDG) Application	092415c-02
2.0	Minutes	09/17/2015	Council Meeting Minutes from September 17, 2015	092415c-03
3.1	Letter	09/21/2015	Letter from Clackamas County Re: Resolution No. 15-4640	092415c-04
5.1.1	Letter/Testimony	09/24/2015	Letter from Mayor Charlie Hales Re: Ordinance 15-1361, 2015 Urban Growth Management Decision	092415c-05

Closing the Sellwood Gap



SE Umatilla to Three Bridges

SE Umatilla

Three Bridges



Project Area:

Gap #1- SE 13th to 17th Ave.



Looking South at SE 13th Ave.

(SE 13th Ave & SE Ochoco St)



Looking west from SE 13th Ave

(SE 13th Ave & SE Ochoco St)

