



600 NE Grand Ave.  
Portland, OR 97232-2736

## Council meeting agenda

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Thursday, December 14, 2017

2:00 PM

Metro Regional Center, Council chamber

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**1. Call to Order and Roll Call**

**2. Citizen Communication**

**3. Consent Agenda**

3.1 Consideration of the Council Meeting Minutes for December 7, 2017 **17-4937**

3.2 Resolution No. 17-4849, For the Purpose of Authorizing the Chief Operating Officer to Dedicate a Right of Way to the City of Portland at Whitaker Ponds Nature Park [RES 17-4849](#)

Attachments: [Resolution No. 17-4849](#)  
[Exhibit A1 to Resolution No. 17-4849](#)  
[Exhibit A2 to Resolution No. 17-4849](#)  
[Exhibit B1 to Resolution No. 17-4849](#)  
[Exhibit B2 to Resolution No. 17-4849](#)  
[Staff Report](#)

**4. Ordinances (First Reading and Public Hearing)**

4.1 Ordinance No. 17-1414, For the Purpose of Annexing to the Metro District Boundary Approximately 1. 2 Acres Located at 7200 NW Kaiser Road in the North Bethany Area of Washington County [ORD 17-1414](#)

Presenter(s): Tim O'Brien, Metro

Attachments: [Ordinance No. 17-1414](#)  
[Exhibit A to Ordinance No. 17-1414](#)  
[Staff Report](#)  
[Attachment 1 to Staff Report](#)

4.1.1 Public Hearing for Ordinance 17-1414

**5. Ordinances (Second Reading)**

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- 5.1 Ordinance No. 17-1408, For the Purpose of Adopting Amendments to Title 14 of the Urban Growth Management Functional Plan to Improve the Regional Growth Management Process [ORD 17-1408](#)

Presenter(s): Elissa Gertler, Metro  
Roger Alfred, Metro

Attachments: [Ordinance No. 17-1408](#)  
[Exhibit A to Ordinance No. 17-1408](#)  
[Staff Report](#)  
[Attachment 1 to Staff Report](#)

- 5.2 Ordinance No. 17-1415, For the Purpose of Amending Metro Code Chapter 5.04 to Create the Solid Waste Innovation and Investment Program [ORD 17-1415](#)

Presenter(s): Paul Slyman, Metro  
Kevin Six, Metro

Attachments: [Ordinance No. 17-1415](#)  
[Exhibit A to Ordinance No. 17-1415](#)  
[Staff Report](#)  
[PPT: Innovation and Investment](#)

- 5.3 Ordinance No. 17-1416, For the Purpose of Suspending the Requirement to Pay Regional System Fee and Excise Tax on Certain Non-Putrescible Source-Separated Recyclable Materials without a Viable Market and Declaring an Emergency [ORD 17-1416](#)

Presenter(s): Matt Korot, Metro

Attachments: [Ordinance No. 17-1416](#)  
[Staff Report](#)

**6. Chief Operating Officer Communication**

**7. Councilor Communication**

**8. Adjourn**

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Metro з повагою ставиться до громадянських прав. Для отримання інформації про програму Metro із захисту громадянських прав або форми скарги про дискримінацію відвідайте сайт [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). або Якщо вам потрібен перекладач на зборах, для задоволення вашого запиту зателефонуйте за номером 503-797-1700 з 8.00 до 17.00 у робочі дні за п'ять робочих днів до зборів.

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尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1700（工作日上午8點至下午5點），以便我們滿足您的要求。

### Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullanka dadweynaha, wac 503-797-1700 (8 galka hore illaa 5 galka dambe maalmaha shaqada) shan maalmaha shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

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### សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប្រតិបត្តិការរើសអើងសម្រាប់ទស្សនាគោលដៅ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

### إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

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### Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwm ua ntej ntawm lub rooj sib tham.

**Television schedule for Metro Council meetings**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 30 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  Call or visit web site for program times.</p>	<p><b>Portland</b>  Channel 30 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a>  <i>Ph:</i> 503-288-1515  Call or visit web site for program times.</p>
<p><b>Gresham</b>  Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  Call or visit web site for program times.</p>	<p><b>Washington County and West Linn</b>  Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  Call or visit web site for program times.</p>
<p><b>Oregon City and Gladstone</b>  Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>	

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.** Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities.

Agenda Item No. 3.1

**Consideration of the Council Meeting Minutes for  
December 7, 2017**

*Consent Agenda*

Metro Council Meeting  
Thursday, December 14, 2017  
Metro Regional Center, Council Chamber

Agenda Item No. 3.2

**Resolution No. 17-4763**, For the Purpose of Organizing the  
Metro Council and Confirming Committee Members

*Consent Agenda*

Metro Council Meeting  
Thursday, December 14, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE	)	RESOLUTION NO. 17-4849
CHIEF OPERATING OFFICER TO DEDICATE	)	
RIGHT OF WAY TO THE CITY OF PORTLAND	)	Introduced by Chief Operating Officer Martha
AT WHITAKER PONDS NATURE PARK		Bennett in concurrence with Council
		President Tom Hughes

WHEREAS, pursuant to the Metro Open Spaces, Parks and Streams 1995 Ballot Measure 26-26, Metro and the City of Portland jointly own approximately 13.78 acres of real property in the Columbia Slough area that, when combined with adjacent property the City of Portland owns outright, makes up the nature park known as “Whitaker Ponds Nature Park”; and

WHEREAS, the City of Portland manages Whitaker Ponds Nature Park pursuant to an Intergovernmental Agreement with Metro; and

WHEREAS, Whitaker Ponds Nature Park, master planned in 1995 and 2006, contains ponds, sloughs and associated natural areas that are used for educational purposes, birdwatching, access to the Columbia Slough for light watercraft, and other nature-based recreation; and

WHEREAS, Portland Parks & Recreation (“PP&R”), the City of Portland Bureau of Environmental Services (“BES”) and the Columbia Slough Watershed Council (“CSWC”) actively invite school groups, volunteers, and other partners to the site for educational and volunteer programs, however, access to the site is difficult since there is no developed parking or sidewalks; and

WHEREAS, in 2012, the CSWC, partnering with BES, produced a concept design for improvements to the entry area off of NE 47<sup>th</sup> Avenue, and PP&R, partnering with the two groups, applied for and has received a Metro Nature in Neighborhoods grant to help fund the project; and

WHEREAS, the improvements planned include sidewalks, a parking lot, stormwater treatment facilities, accessible routes to the educational facilities, and a small natural gathering area, all of which will increase park user safety, accessibility, and aesthetics, while creating a more inviting public entry; and

WHEREAS, as part of this project, City of Portland Bureau of Transportation (“PBOT”) is installing street improvements, including sidewalks and bicycle and pedestrian facilities along the length of NE 47<sup>th</sup> in the public right of way;

WHEREAS, PBOT requests a 200 foot long, 3' wide Right of Way (“ROW”) dedication, which is on property jointly owned by PP&R and Metro in front of the Whitaker Ponds entrance; and

WHEREAS, this ROW dedication will support the park entry improvement project by allowing PBOT to construct a wider portion of the multi-modal path in this area to provide better access to the park, emphasize the park entrance, and create a safer space for ingress and egress for those arriving to/from the park by bike or foot; and

WHEREAS, the Intergovernmental Agreement and the Metro Code requires all requests for permanent rights of way and easements to be brought to the Metro Council for consideration; and

WHEREAS, the proposed Right of Way dedication is consistent with Metro's easement policy (Res. No. 97-2539B) because it is designed specifically for the benefit of a Metro natural area; now therefore,

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to grant a permanent right of way dedication to the City of Portland in the location described on the attached Exhibits A1 and B1, and depicted on Exhibits A2 and B2 to this Resolution, on terms approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this 16th day of November, 2017.

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Tom Hughes, Council President

Approved as to Form:

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Alison R. Kean, Metro Attorney



R/W # 8256-6  
N.E. 47<sup>TH</sup> AVENUE L.I.D.  
1N2E18BA 3200  
RIGHT-OF-WAY DEDICATION

**EXHIBIT A1**

A Tract of Land being a portion of that tract conveyed by deed to Metro, a municipal corporation of the State of Oregon, recorded in Document No. 95-113395, Multnomah County Deed Records, situated in the Northwest One-Quarter of Section 18, Township 1 North, Range 2 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, Being More Particularly Described As Follows:

Beginning at the Southwest corner of said Metro tract, also being on the East Right-of Way line of N.E. 47<sup>th</sup>, Avenue, 60.00 feet in width:

Thence, along said East Right-of-Way line, North 02°53'42" East, a distance of 100.00 feet, to the Northwest corner of said tract;

Thence, leaving said Right-of-Way line, along the North line of said tract, South 87°06'18" East, a distance of 3.00 feet;

Thence, parallel with said Right-of-Way line, South 02°53'42" West, a distance of 100.00 feet, to the South line of said tract;

Thence, along said South line, North 87°06'18" West, a distance of 3.00 feet to the POINT OF BEGINNING.

Containing 300 square feet.

Project No. 40539  
January 27, 2017

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Thomas P. Beinhauer*

OREGON  
JULY 17, 1994  
THOMAS P. BEINHAUER  
2654

EXPIRES 12-31-2017

R/W # 8256-6  
N.E. 47<sup>TH</sup> AVENUE L.I.D.  
1N2E18BA 3300  
RIGHT-OF-WAY DEDICATION

**EXHIBIT A2**

A Tract of Land being a portion of that tract conveyed by deed to Metro, a municipal corporation of the State of Oregon, recorded in Document No. 95-109045, Multnomah County Deed Records, situated in the Northwest One-Quarter of Section 18, Township 1 North, Range 2 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, Being More Particularly Described As Follows:

Beginning at the Southwest corner of said Metro tract, also being on the East Right-of Way line of N.E. 47<sup>th</sup> Avenue, 60.00 feet in width:

Thence, along said East Right-of-Way line, North 02°53'42" East, a distance of 100.00 feet, to the Northwest corner of said tract;

Thence, leaving said Right-of-Way line, along the North line of said tract, South 87°06'18" East, a distance of 3.00 feet;

Thence, parallel with said Right-of-Way line, South 02°53'42" West, a distance of 100.00 feet, to the South line of said tract;

Thence, along said South line, North 87°06'18" West, a distance of 3.00 feet to the POINT OF BEGINNING.

Containing 300 square feet.

Project No. 40539  
January 27, 2017

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 17, 1994  
THOMAS P. BEINHAUER  
2654

EXPIRES 12-31-2017

EXHIBIT B1

R/W # 8256-6  
N.E. 47TH AVENUE L.I.D.  
1N2E18BA TAX LOT 3200  
7040 N.E. 47TH AVENUE

30'

30'

S 87°06'18" E 3.00'

T.L. 3100



SCALE: 1" = 30'

N 2°53'42" E 100.00'

S 2°53'42" W 100.00'

LONDON ACRES

LOT 33

T.L. 3200

RIGHT-OF-WAY  
DEDICATION  
300 SQ. FT.

DOCUMENT NO.  
95-113395

N. E. 47TH AVE.

P.O.B.

N 87°06'18" W 3.00'

T.L. 3300

T.L. 600

**PBOT**  
PORTLAND BUREAU OF TRANSPORTATION

SURVEY DEPARTMENT,  
1120 SW 5TH AVE., SUITE 800  
PORTLAND, OREGON 97204  
PHONE 503-823-7150

JOB # 40539  
JANUARY 27, 2017

EXHIBIT B2

R/W # 8256-6  
N.E. 47TH AVENUE L.I.D.  
1N2E18BA TAX LOT 3300  
7008 N.E. 47TH AVENUE

30'

30'

T.L. 3100

SCALE: 1" = 30'

T.L. 3200

N. E. 47TH AVE.

S 87°06'18" E 3.00'

DOCUMENT NO.  
95-109045

N 2°53'42" E 100.00'

S 2°53'42" W 100.00'

T.L. 3300

RIGHT-OF-WAY  
DEDICATION  
300 SQ. FT.

LONDON ACRES  
LOT 32

P.O.B.

N 87°06'18" W 3.00'

T.L. 600

**PBOT**  
PORTLAND BUREAU OF TRANSPORTATION

SURVEY DEPARTMENT,  
1120 SW 5TH AVE., SUITE 800  
PORTLAND, OREGON 97204  
PHONE 503-823-7150

JOB # 40539  
JANUARY 27, 2017

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 17-4849, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO DEDICATE RIGHT OF WAY TO THE CITY OF PORTLAND AT WHITAKER PONDS NATURE PARK**

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Date: November 16, 2017

Prepared by: Brian Kennedy, 503-797-1914

#### **BACKGROUND**

Metro and the City of Portland share ownership of several tax lots located along and near NE 47<sup>th</sup> Avenue in Portland, near the Columbia Slough. These tax lots, along with others the City owns outright, make up a natural area known as Whitaker Ponds Nature Park, and the City of Portland manages it pursuant to an Intergovernmental Agreement with Metro (Agreement No. 929613). The Intergovernmental Agreement requires all requests for permanent rights of way and easements to be brought to the Metro Council for consideration. City of Portland Bureau of Transportation (PBOT) requests a 600 square foot right of way dedication for half street improvements at Whitaker Ponds Nature Park.

Whitaker Ponds Nature Park, master planned in 1995 and 2006, contains ponds, sloughs and associated natural areas that are used for educational purposes, birdwatching, access to the Columbia Slough for light watercraft, and other nature-based recreation. Portland Parks & Recreation (PP&R), the City of Portland Bureau of Environmental Services (BES) and the Columbia Slough Watershed Council (CSWC) actively invite school groups, volunteers, and other partners to the site for educational and volunteer programs. However, access to the site is difficult since there is no developed parking or sidewalks. In 2012, the CSWC, partnering with BES, produced a concept design for improvements to the entry area off of NE 47<sup>th</sup> Avenue. PP&R, partnering with the two groups, applied for and has received a grant from Metro Nature in Neighborhoods to help fund the project, which will implement the 2012 concept in an environmentally responsible manner.

The improvements planned include sidewalks, a parking lot, stormwater treatment facilities, accessible routes to the educational facilities, and a small natural gathering area. Local students, community members, and project partners will contribute by installing natural landscaping in the area around the parking lot to enhance wildlife habitat and improve water quality. The Nature in Neighborhoods grant funding will be supplemented by an allocation from PP&R's Systems Development Charges (SDC) program. These improvements will increase park user safety, accessibility, and aesthetics, while creating a more inviting public entry. The effect will be an expansion of the educational, recreational, and stewardship activities within the Nature Park.

As part of this project, PBOT is installing street improvements - sidewalks and bicycle and pedestrian facilities along the length of NE 47<sup>th</sup> in the public right of way. PBOT requests a 200 foot long, 3' wide Right of Way (ROW) dedication on property jointly owned by PP&R and Metro right in front of the Whitaker Ponds entrance. This additional ROW dedication will support the park entry improvement project by allowing PBOT to construct a wider portion of the multi-modal path in this area to provide better access to the park, emphasize the park entrance, and create a safer space for ingress and egress for those arriving to/from the park by bike or foot.

The proposed Right of Way dedication is consistent with Metro's easement policy (Reso. No. 97-2539B) because it is designed specifically for the benefit of a Metro natural area, as described above. Staff recommends approval of this right of way dedication request.

#### **ANALYSIS/INFORMATION**

**1. Known Opposition**

None.

**2. Legal Antecedents**

1995 Metro Open Spaces Bond Measure approved by voters on May 16, 1995.

Metro Code Section 2.04.026(a)(2), which requires Metro Council authorization for the Chief Operator to transfer interests in real property.

Resolution No. 97-2539B "For the Purpose of Approving General Policies Related to The Review of Easements, Right-Of-Ways, and Leases for Non-Park Uses through Properties Managed by the Regional Parks and Greenspaces Department" adopted November 6, 1997.

**3. Anticipated Effects**

Adoption of this Resolution will allow Metro to dedicate 600 square feet of Right of Way that will benefit the entrance to Whitaker Ponds Nature Park.

**4. Budget Impacts**

None; the City will bear all expenses for trail permitting, construction, ongoing use, maintenance, and repair.

**RECOMMENDED ACTION**

The Chief Operating Officer recommends approval of Resolution 17-4849.

Agenda Item No. 4.1

**Ordinance No. 17-1414**, For the Purpose of Annexing to the Metro District Boundary Approximately 1.2 Acres Located at 7200 NW Kaiser Road in the North Bethany Area of Washington County

*Ordinances (First Read and Public Hearing)*

Metro Council Meeting  
Thursday, December 14, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE ) ORDINANCE NO. 17-1414  
METRO DISTRICT BOUNDARY )  
APPROXIMATELY 1.2 ACRES LOCATED AT ) Introduced by Chief Operating Officer  
7200 NW KAISER ROAD IN THE NORTH ) Martha J. Bennett with the Concurrence of  
BETHANY AREA OF WASHINGTON ) Council President Tom Hughes  
COUNTY )

WHEREAS, Polygon WLH LLC has submitted a complete application for annexation of 1.2 acres located at 7200 NW Kaiser Road in the North Bethany area of Washington County (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added the North Bethany 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 December 14, 2017; 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 December 6, 2017, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this \_\_\_\_\_ day of January 2018.

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

Attest:

Approved as to form:

\_\_\_\_\_  
Nellie Papsdorf, Recording Secretary

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

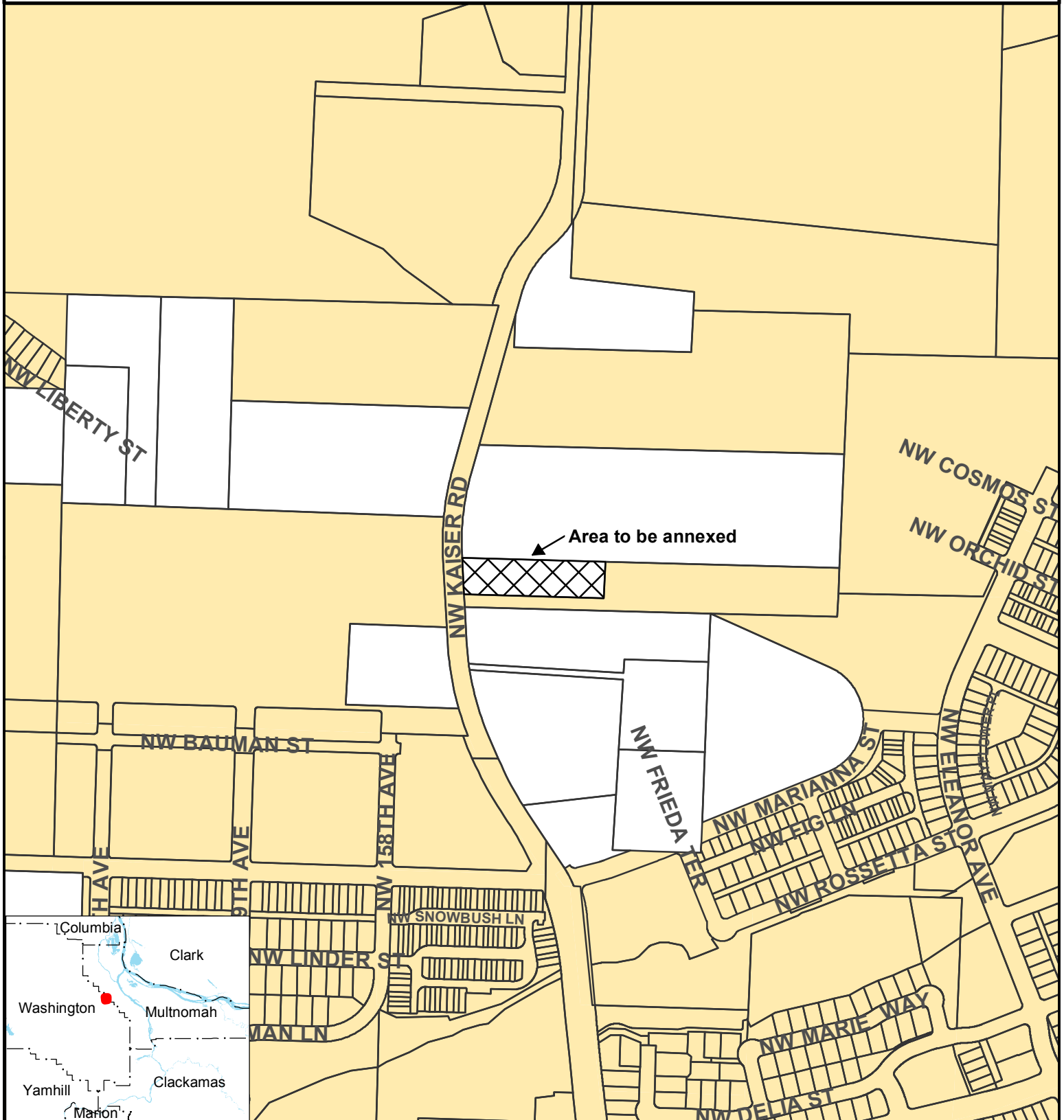


# Proposal No. AN-0417

1N1W17

Annexation to the Metro District Boundary

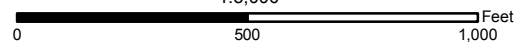
Washington County






## Proposal No. AN-0417 Metro District Boundary



1:5,000



-  Area to be annexed
-  Taxlots
-  Metro District Boundary

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

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## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1414, FOR THE PURPOSE OF ANNEXING TO THE METRO DISTRICT BOUNDARY APPROXIMATELY 1.2 ACRES LOCATED AT 7200 NW KAISER ROAD IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY

---

Date: December 6, 2017

Prepared by: Tim O'Brien  
Principal Regional Planner

### BACKGROUND

CASE: AN-0417, Annexation to Metro District Boundary

PETITIONER: Polygon WLH LLC  
109 E. 13<sup>th</sup> Street  
Vancouver, WA 98660

PROPOSAL: The petitioner requests annexation of land in the North Bethany area of Washington County to the Metro District Boundary.

LOCATION: The land in North Bethany is approximately 1.2 acres in size, is located at 7200 NW Kaiser Road and can be seen in Attachment 1.

ZONING: The land in North Bethany is zoned for residential (R-15NB & R25+NB)

The land was added to the UGB in 2002 and is part of the North Bethany Subarea Plan that was adopted by Washington County. 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 land in the North Bethany area of Washington County 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. Washington County requires the land to be annexed into the appropriate sanitary sewer, water, park and road service districts prior to urbanization occurring, which the applicant is in the process of completing. 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 land is part of Washington County's North Bethany Subarea Plan and was included in the North Bethany County Service District, established by the County Board of Commissioners on June 7, 2011. The proposed annexation is consistent with the Subarea Plan and the Service District agreement and is required by Washington County as part of a land use application. The inclusion of the property within the Metro District is consistent with all applicable plans.

**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 1.2 acres in the North Bethany area of Washington County to the Metro District. The land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the North Bethany Subarea 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. 17-1414.

# Proposal No. AN-0417

1N1W17

Annexation to the Metro District Boundary

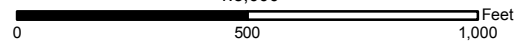
Washington County






## Proposal No. AN-0417 Metro District Boundary



1:5,000



-  Area to be annexed
-  Taxlots
-  Metro District Boundary



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Agenda Item No. 5.1

**Ordinance No. 17-1408**, For the Purpose of Adopting  
Amendments to Title 14 of the Urban Growth Management  
Functional Plan to Improve the Regional Growth Management  
Process

*Ordinances (Second Read)*

Metro Council Meeting  
Thursday, December 14, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING )  
AMENDMENTS TO TITLE 14 OF THE )  
URBAN GROWTH MANAGEMENT )  
FUNCTIONAL PLAN TO IMPROVE THE )  
REGIONAL GROWTH MANAGEMENT )  
PROCESS )

ORDINANCE NO. 17-1408  
Introduced by Martha J. Bennett, Chief  
Operating Officer, with the concurrence of  
Tom Hughes, Council President

WHEREAS, Oregon state law requires Metro to periodically determine the capacity of the urban growth boundary (UGB) to accommodate population growth in the region over the next 20 years; and

WHEREAS, the Metro Council made its most recent determination of the UGB's growth capacity in 2015 by adopting Ordinance No. 15-1361; and

WHEREAS, as part of Ordinance No. 15-1361, the Metro Council ordained that Metro would work with its regional partners to explore possible improvements to the region's residential growth management process; and

WHEREAS, in May of 2016 Metro convened an Urban Growth Readiness Task Force consisting of public and private sector representatives to develop recommendations for such improvements; and

WHEREAS, on February 2, 2017 the Metro Council adopted Resolution No. 17-4764, which accepted the following three key concepts adopted by the Task Force for improving the growth management process: (1) clarify expectations for cities proposing modest residential UGB expansions into concept-planned urban reserves; (2) seek greater flexibility for addressing regional housing needs, in part through changes to state law allowing for mid-cycle UGB expansions up to 1000 acres; and (3) seek greater flexibility when choosing among concept-planned urban reserves for UGB expansions; and

WHEREAS, the Task Force also recommended that Metro adopt changes in its decision-making processes to implement the three key concepts by taking an outcomes-based approach to growth management focused on specific UGB expansion proposals made by cities; and

WHEREAS, based on the Task Force directives, Metro and its regional partners successfully advocated for changes to state law via House Bill 2095, which allows Metro to make mid-cycle residential UGB expansions by amending its most recent Urban Growth Report analysis based on specific residential growth proposals brought forward by cities; and

WHEREAS, the Metro Council directed staff to work with the Metro Technical Advisory Committee (MTAC) on proposed amendments to the Urban Growth Management Functional Plan (UGMFP) that would implement the Task Force directives and House Bill 2095; and

WHEREAS, over the course of 10 meetings since July 6, 2016, Metro staff and MTAC prepared and refined proposed amendments to Title 14 of the UGMFP; and

WHEREAS, on September 6, 2017 MTAC voted unanimously to approve the proposed amendments and to forward them to the Metro Policy Advisory Committee (MPAC) for review and approval; and

WHEREAS, MPAC reviewed and discussed the proposed amendments on September 27, 2017, and at its meeting on October 11, 2017 voted unanimously to recommend that the Metro Council approve the proposed amendments with minor revisions; and

WHEREAS, the Metro Council finds that MPAC's recommended amendments to Title 14 of the UGMFP will effectively implement House Bill 2095 and the directive of the Urban Growth Readiness Task Force to create a more flexible and outcomes-based approach for future UGB expansions in the Metro region; 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 November 2017.

---

Tom Hughes, Council President

Attest:

Approved as to Form:

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Nellie Papsdorf, Recording Secretary

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Alison R. Kean, Metro Attorney

## Exhibit A to Ordinance No. 17-1408

Adding new code sections 3.07.1427 and 3.07.1428 to implement HB 2095:

### 3.07.1427 Mid-Cycle Amendments - Procedures

- (a) The Metro Council may consider a mid-cycle amendment to the UGB for residential needs between legislative UGB amendments, as provided in ORS 197.299(6). Cities may initiate a mid-cycle amendment to the UGB for areas adjacent to the city by filing a proposal on a form provided by Metro.
- (b) The COO will accept proposals from cities for mid-cycle UGB amendments during the period that is between 24 and 30 months after the date of the Council's adoption of its most recent analysis of the regional buildable land supply under ORS 197.296.
- (c) The COO shall provide written notice of the deadline for proposals for mid-cycle amendments not less than 90 days before the first date proposals may be accepted to each city and county within the Metro region and to anyone who has requested notification.
- (d) Proposals must indicate that they have the support of the governing body of the city making the proposal.
- (e) As part of any proposal, the city shall provide the names and addresses of property owners for notification purposes, consistent with section 3.07.1465.
- (f) The proposing city shall provide a concept plan for the urban reserve area that includes the proposed expansion area consistent with section 3.07.1110.
- (g) The proposing city shall provide written responses to the criteria listed in 3.07.1428(b).
- (h) Proposals from cities under this section shall be initially reviewed by the COO and the Metro Planning Department. No later than 60 days after the final date for receiving proposals under subsection (b) of this section, the COO shall submit a recommendation to the Metro Council regarding the merits of each proposal, including consideration of the criteria listed in Section 3.07.1428.



- (i) The Metro Council is not obligated to take action on proposals submitted by cities or on the recommendation of the COO. If the Council chooses to expand the UGB in accordance with one or more of the proposals, it may add no more than 1000 acres total.
- (j) If the Council elects to amend the UGB under this section, it shall be accomplished by ordinance in the manner prescribed for ordinances in Chapter VII of the Metro Charter. For each mid-cycle amendment, the Council shall establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other relevant advisory committees, and the public.
- (k) Any decision by the Council to amend the UGB under this section must be adopted not more than four years after the date of the Council's adoption of its most recent analysis of the regional buildable land supply under ORS 197.296.
- (l) Notice to the public of a proposed amendment to the UGB under this section shall be provided as prescribed in section 3.07.1465.

### **3.07.1428 Mid-Cycle Amendments - Criteria**

- (a) In reviewing city proposals for mid-cycle UGB amendments, the Metro Council shall determine whether each proposal demonstrates a need to revise the most recent analysis of the regional buildable land supply as described in ORS 197.299(5). The Council's decision shall include consideration of:
  - (1) Need to accommodate future population, consistent with the most recently adopted 20-year population range forecast; and
  - (2) Need for land suitable to accommodate housing and supporting public facilities and services, schools, parks, open space, commercial uses, or any combination thereof.
- (b) If, after revising its most recent analysis of the buildable land supply under paragraph (a) of this subsection, the Council concludes that expansion of the UGB is warranted, the Council shall evaluate those areas that have been proposed by cities for possible addition to the UGB. Any expansion(s) under this section may not exceed a

total of 1000 acres. Cities proposing mid-cycle UGB amendments shall demonstrate that:

- (1) The city has an acknowledged housing needs analysis that was completed in the last six years and is coordinated with the Metro regional growth forecast and population distribution in effect at the time the city's housing needs analysis or planning process began;
  - (2) The housing planned for the city's proposed UGB expansion area is likely to be built in fewer than 10 years. As part of any proposal, cities must provide a concept plan that is consistent with section 3.07.1110 of this chapter. Cities may also provide evidence of property owner support for the proposed UGB expansion, and/or other evidence regarding likelihood of development occurring within 10 years;
  - (3) The city has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas;
  - (4) The city has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas. Such practices may include regulatory approaches, public investments, incentives, partnerships, and streamlining of permitting processes; and
  - (5) The city has taken actions in its existing jurisdiction as well as in the proposed expansion area that will advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.
- (c) The land proposed for UGB expansion must be a designated urban reserve area.
- (d) Mid-cycle UGB amendments made under this section are exempt from the boundary location requirements described in Statewide Planning Goal 14.

Amendments to existing code sections 3.07.1425 and 3.07.1465 (new language underlined):

**3.07.1425 Legislative Amendment to the UGB - Criteria**

\* \* \* \* \*

- (c) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering the following factors:
- (1) Efficient accommodation of identified land needs;
  - (2) Orderly and economic provision of public facilities and services;
  - (3) Comparative environmental, energy, economic and social consequences;
  - (4) Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal;
  - (5) Equitable and efficient distribution of housing and employment opportunities throughout the region;
  - (6) Contribution to the purposes of Centers and Corridors;
  - (7) Protection of farmland that is most important for the continuation of commercial agriculture in the region;
  - (8) Avoidance of conflict with regionally significant fish and wildlife habitat; and
  - (9) Clear transition between urban and rural lands, using natural and built features to mark the transition.
- (d) If the Council determines there is a need to amend the UGB for housing, in addition to consideration of the factors listed in subsection (c) of this section, the Council shall also consider the following factors in determining which urban reserve areas better meet the housing need:

- (1) Whether the area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with the Metro regional growth forecast and population distribution in effect at the time the city's housing needs analysis or planning process began;
- (2) Whether the area has been concept planned consistent with section 3.07.1110 of this chapter;
- (3) Whether the city responsible for preparing the concept plan has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas;
- (4) Whether the city responsible for preparing the concept plan has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas; and
- (5) Whether the city responsible for preparing the concept plan has taken actions to advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.

### **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 35 days before the first public hearing on the proposal; and
  - (2) To the general public at least 35 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 mid-cycle amendment under section 3.07.1427, the COO shall provide notice of the first public hearing on the proposal in the following manner:

(1) In writing at least 35 days before the first public hearing on the proposal to:

(A) The Department of Land Conservation and Development;

(B) The owners of property that is being proposed for addition to the UGB;

(C) 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;

(C) 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.

(bc) 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:

\* \* \* \* \*

(ed) The notice required by subsection (a), ~~and~~ (b), ~~and~~ (c) of this section shall include:

\* \* \* \* \*

(9) For the owners of property described in subsection  
(~~b~~c) (1) (C) of this section, the information required  
by ORS 268.393(3).

(~~e~~e) For a proposed minor adjustment under section 3.07.1445,  
the COO shall provide notice in the following manner:

\* \* \* \* \*

(~~e~~f) The notice required by subsection (~~e~~e) of this section  
shall include:

\* \* \* \* \*

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 17-1408 FOR THE PURPOSE OF ADOPTING AMENDMENTS TO TITLE 14 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TO IMPROVE THE REGIONAL GROWTH MANAGEMENT PROCESS

---

Date: October 12, 2017

Prepared by: Ted Reid  
ted.reid@oregonmetro.gov

## BACKGROUND

### **An outcomes-based approach to growth management**

When the Metro Council made an urban growth management decision in November 2015, the Council indicated its intent to convene partners to discuss possible improvements to the region's process for managing residential growth. The desire for a new approach springs from lessons learned from past urban growth boundary (UGB) expansions, some of which have been slow to develop because of governance and infrastructure funding challenges. Likewise, the Metro Council, cities, counties, and stakeholders have expressed frustration with past decision processes that were characterized by theoretical debates that felt detached from viable growth options.

The proposed code amendments that the Council is considering in Ordinance No. 17-1408 represent a step towards improving how the region manages residential growth, with the goal of facilitating more transparent discussions of the merits of the actual growth options that may produce needed housing and jobs. These amendments build on past improvements that include:

- The Council has adopted numerous policies, including the 2040 Growth Concept, which emphasize existing urban areas as the region's growth priorities. In the last two decades, market demand for housing in urban areas has increased around the country. With plans in place, the greater Portland region has been uniquely ready to capitalize on that market demand for urban living.
- In 2010 and again in 2017, the Council adopted urban and rural reserves. These designations describe where the region may expand its urban footprint over the next five decades and which areas will be off limits to urbanization. Metro, Clackamas County, and Multnomah County are currently seeking state acknowledgement of these designations. In 2014, the state legislature codified urban and rural reserves in Washington County in state law.
- In 2010, the Council adopted a requirement that a concept plan must be completed by a local jurisdiction before the Council will expand the UGB there. This policy is intended to ensure that issues of governance, infrastructure funding, environmental protection, and planned uses are sorted out by a city before the land is added to the UGB.
- Since 2006, Metro has offered grant funding to assist cities and counties in removing barriers to development ("2040 Planning and Development Grants," formerly known as "Community Planning and Development Grants")
- In 2010, the Council adopted six desired outcomes into the Regional Framework Plan, expressing an intent to have them guide growth management decision making.

### **Urban Growth Readiness Task Force recommendations**

Beginning in the spring of 2016, Metro convened the Urban Growth Readiness Task Force to provide recommendations on how to continue to improve the region's growth management process. The Task Force included mayors, county commissioners, and representatives from 1000 Friends of Oregon, the Home Builders Association of Metropolitan Portland, and the Oregon Department of Land Conservation and Development. Council President Hughes served as Chair and Councilors Collette and Chase also served as liaisons.

The Task Force met five times and made consensus recommendations. Those recommendations can be generally described as:

- The Metro Council should exercise greater flexibility when considering city proposals for residential urban growth boundary (UGB) proposals into concept planned urban reserves.
- The Metro Council should clarify expectations for cities proposing residential UGB expansions into concept planned urban reserves. The Task Force identified topics of interest that cities should address and suggested that Metro staff work with the Metro Technical Advisory Committee (MTAC) to incorporate those topics into proposed code. The Task Force recommended that those expectations should strike a balance between providing flexibility and certainty.

The Metro Council accepted the Task Force's recommendations when it adopted Resolution No. 17-4764. Those recommendations guide the proposed code amendments that the Council is now considering under Ordinance No. 17-1408. The Task Force's recommendations and their relationship to Ordinance No. 17-1408 are further summarized as follows:

#### Exercise greater flexibility when considering city proposals for residential UGB expansions into concept planned urban reserves:

The general theme of the Task Force's recommendations was that the Council should exercise greater flexibility to respond to city proposals for residential UGB expansions into concept planned urban reserves. This will be achieved through recent changes to state law that facilitate the Metro Council's ability to make "mid-cycle" growth management decisions as well as by exercising flexibility that is already allowed under the law in standard "legislative" growth management decisions that the Council makes at least every six years.

Based on Task Force recommendations, Metro and its partners successfully advocated for changes to state law that facilitate the Metro Council's consideration of city proposals for mid-cycle residential expansions. House Bill 2095, signed into law in 2017, allows Metro to make mid-cycle residential UGB amendments by amending its most recent Urban Growth Report analysis. The law limits each of these mid-cycle expansions to a total of 1,000 acres. The legislation also exempts mid-cycle decisions from the boundary location requirements described in Statewide Planning Goal 14 (Urbanization). In other words, Metro is not obligated to analyze all urban reserves in mid-cycle decisions and may focus only on those that are proposed by cities. The first mid-cycle decision process is anticipated in 2021. Proposed Ordinance No. 17-1408 describes Metro procedures for mid-cycle decisions.

Under state law, the Metro Council must assess regional housing needs at least every six years. Exercising greater flexibility in this standard legislative growth management process (including the 2018 decision) means that decision making will focus on the merits of city proposals for UGB expansions. This new approach recognizes that there is not one correct answer to whether expansions are needed, just different tradeoffs to consider. Informed by peer-reviewed analysis in the 2018 Urban Growth Report, the Council will decide whether city-proposed UGB expansions are warranted to achieve desired outcomes and produce needed housing.



Clarify expectations for cities proposing residential UGB expansions:

The Task Force recommended that, along with exercising greater flexibility in responding to city proposals, the Metro Council should have high standards for cities proposing residential UGB expansions into concept planned urban reserves. Fundamentally, the Task Force indicated that cities should demonstrate that an expansion area is likely to develop as planned and that they are implementing best practices for providing needed housing and achieving desired outcomes in their existing urban areas. The Task Force recommended that Metro should make those expectations clear to cities while also providing enough flexibility to accommodate proposals from cities with differing circumstances.

To advance the Task Force’s recommendations, the Metro Council asked staff to work with MTAC to propose amendments to the Metro code that would provide that clarification. Ordinance No. 17-1408 includes amendments to Metro code to achieve that end. As written, these expectations would apply to legislative and mid-cycle UGB amendments. These expectations are similar for both types of decisions, but are somewhat more rigorous for mid-cycle decisions since that process was designed to address more immediate opportunities presented by cities. The expectations for legislative decisions, such as the 2018 growth management decision, are presented as factors that the Council will consider.

**MTAC recommendations**

MTAC began providing conceptual feedback to the Task Force in July 2016 and began discussing possible code amendments shortly thereafter. In total, MTAC discussed background concepts or proposed code amendments at 10 meetings, including:

- July 6, 2016
- July 13, 2016
- August 3, 2016
- September 7, 2016
- October 19, 2016
- December 7, 2016
- February 1, 2017
- April 5, 2017
- August 2, 2017
- September 6, 2017

MTAC’s discussions centered on how to achieve an appropriate balance of flexibility and certainty in the proposed code amendments. At its September 6, 2017 meeting, MTAC made a unanimous recommendation to MPAC on proposed code amendments. MTAC’s proposed code amendments are intended to provide flexibility to cities and the Metro Council. Recognizing that flexibility also may create ambiguity, MTAC recommended that Metro staff develop administrative guidance that further clarifies how a city might make a compelling residential UGB expansion proposal that meets the intent of the proposed code. That administrative guidance is not intended for formal adoption by the Council. Staff expects that the administrative guidance will be edited for future growth management decisions based on lessons learned in the 2018 decision or to reflect contemporary policy interests. Draft administrative guidance is included as Attachment 1 to this staff report.

**Council work session discussion**

The Metro Council discussed the proposed code amendments (version recommended by MTAC) at its September 14 work session. The Metro Council suggested one change to the mid-cycle UGB amendment criteria described in proposed code section 3.07.1428(b)2. That criterion references a timeframe during which the proposed housing is likely to be developed. MTAC recommended that this be a 20-year time

horizon. The Metro Council requested that this be changed to 10 years to recognize that mid-cycle decisions are intended to respond to more immediate opportunities to provide needed housing.<sup>1</sup>

The Council also discussed an initial draft of administrative guidance at the September 14 work session and suggested a couple of revisions. Staff has made those and a few other minor revisions to provide clarity. Those revisions include:

- Cities should substantiate any assertions that UGB expansions would reduce commute distances.
- Affordable housing is defined in the guidance as both market rate and subsidized housing that is affordable to households with incomes equal to or less than 80 percent of the median family income for the county. This definition was developed in consultation with Metro staff that specialize in housing development and affordability.
- The document provides additional guidance on how cities may demonstrate efforts relating to the region's sixth desired outcome (equity). Metro Planning and Development staff worked with Metro Diversity, Equity and Inclusion staff to make those clarifications.

The administrative guidance is not intended to be formally adopted, however it is included as Attachment 1 to this report for reference. If the Council chooses to adopt code that differs from what is proposed, staff will work to reconcile the administrative code with adopted code. Staff also anticipates that the administrative guidance will be revised in future decisions based on lessons learned in the 2018 growth management decision as well as contemporary policy interests.

### **MPAC recommendations**

The Metro Policy Advisory Committee (MPAC) had an initial discussion of the proposed code amendments at its September 27, 2017 meeting. After MPAC's September 27 discussion, Metro staff became aware of two concerns from local jurisdiction staff regarding the proposed code amendments. Those concerns included:

- A desire for Metro code to reiterate a state law that requires that any mid-cycle UGB expansion must be adjacent to the city proposing the expansion.
- A concern that the cities that are likely to propose residential expansions in the 2018 legislative decision haven't based their housing needs analyses on the current<sup>2</sup> Metro forecast as would be required under the code recommended by MTAC. The concern was that cities would not be able to revise their analyses in time to make an expansion proposal for the 2018 decision (proposals are due by the end of May 2018).

To address those concerns, Metro staff suggested slight revisions to the proposed code that went to MPAC for a recommendation on October 11, 2017. MPAC members agreed with those proposed changes.

MPAC moved to make one further revision to the proposed code being considered for their recommendation, seeking to clarify that coordinating a city's housing needs analysis with the Metro forecast means coordinating it with an adopted "distributed" forecast. This refers to a forecast that distributes regional growth at smaller geographies. Metro, the counties, and cities periodically undertake a coordinated approach to producing a distributed forecast that the Metro Council considers for adoption.

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<sup>1</sup> Legislative UGB amendments, which must be considered by the Council at least every six years, respond to a 20-year time horizon.

<sup>2</sup> The current forecast is the 2040 Distributed Forecast, which was adopted by the Metro Council in 2016 (Ordinance No. 16-1371) after coordinating with cities and counties.

Typically, Metro and local jurisdictions go through this process within a year or two of the Metro Council making a regional urban growth management decision.

MPAC unanimously recommends that the Council adopt the proposed Title 14 code amendments that are Exhibit A to Ordinance No. 17-1408.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

Staff is not aware of any opposition to this ordinance.

### **2. Legal Antecedents**

- Statewide Planning Goals 10 (Housing) and 14 (Urbanization)
- Oregon Administrative Rules, Division 24 (Urban Growth Boundaries)
- Metro Regional Framework Plan, Chapter 1 (Land Use)
- Metro Urban Growth Management Functional Plan
- Council Ordinance No. 10-1238A, which adopted urban and rural reserves and made changes to the Urban Growth Management Functional Plan that require cities to complete concept plans for urban reserves before the area will be included in the UGB. The ordinance also included amendments to the Functional Plan that provide guidance for the contents of concept plans.
- Council Ordinance No. 10-1244, which adopted changes to the Regional Framework Plan, calling for an outcomes-based approach to urban growth management.
- Council Ordinance No. 15-1361, which expressed Council's intent to convene partners to discuss possible improvements to the region's process for managing residential growth.
- Council Resolution No. 17-4764, by which the Council accepted the recommendations of the Urban Growth Readiness Task Force, including its recommendation to clarify expectations for cities proposing residential UGB expansions.

### **3. Anticipated Effects**

Future residential growth management decisions, including the Metro Council's 2018 decision, would be subject to the code requirements proposed in this ordinance. This will mean that cities will need to address these new code provisions when proposing residential UGB expansions. The proposed code amendments would also establish procedures for mid-cycle residential growth management decisions.

### **4. Budget Impacts**

No additional budget impacts are expected as a consequence of Council adoption of this ordinance. Staff anticipates devoting time to assisting cities that wish to propose residential UGB expansion. Likewise, some amount of staff time will be incurred reviewing city proposals. However, staff believes that this can be achieved with existing resources since this effort is anticipated in the 2018 growth management decision work program.

## **RECOMMENDED ACTION**

Staff recommends that Council adopt Ordinance No. 17-1408.

## **ATTACHMENTS**

Attachment 1: Draft administrative guidance for cities proposing residential UGB expansions in the 2018 urban growth management decision.

**Administrative guidance for cities proposing residential urban growth boundary expansions in the 2018 urban growth management decision**

The factors found in section 3.07.1425 (d) 1-5 were drafted with the intent of providing flexibility for cities that are proposing residential urban growth boundary (UGB) expansions. This is in recognition of the fact that cities have differing circumstances. With that flexibility comes some ambiguity. Acknowledging that ambiguity, this document is intended as guidance for cities making proposals. It seeks to further explain the Metro Council's policy interests in order to help cities make the strongest proposal possible. In addressing these expectations, cities should make their best case for their proposed expansion, highlighting not only the merits of the proposed expansion area, but also demonstrating a commitment to implementing best practices in existing urban areas.

All code sections 3.07.1425 (d) 1 – 5 should be addressed in a city's proposal narrative. Please limit the proposal narrative (not including attachments or cover pages) to 15 pages. To be considered in the 2018 growth management decision, cities must submit all required proposal materials to Metro's Chief Operating Officer by close of business on May 31, 2018. The Metro Council will not consider proposals that are incomplete or late. Please contact Metro staff with any questions about how to address these code sections.

Cities proposing expansions primarily for employment purposes do not need to address these code sections as they are chiefly focused on residential considerations, but must still submit a proposal letter and a concept plan for the urban reserve by May 31, 2018.

Relevant Metro code sections are in **bold**. Administrative guidance is in *italics*.

- 1. Whether the area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with the Metro forecast and distribution in effect at the time the city's housing needs analysis or planning process began.**

*The State Department of Land Conservation and Development (DLCD) – not Metro – is responsible for acknowledging city housing needs analyses if they determine that the city's analysis is consistent with [Statewide Planning Goal 10 \(Housing\)](#). Cities are encouraged to coordinate with DLCD early to ensure that deadlines and requirements can be met. Cities should request from DLCD, and provide to Metro, written state acknowledgement of their housing needs analysis.*

*Cities should coordinate their housing needs analyses with a distributed forecast that was adopted by the Metro Council. The 2040 distributed forecast is the most recent forecast and was adopted via Ordinance No. 16-1371. The 2035 and 2040 distributed forecasts are [available on Metro's website](#). When feasible, cities are encouraged to rely on the most current forecast (the 2035 distributed forecast is older). Cities that are planning for more household growth than depicted in the Metro forecast should explain their rationale and how their plans, investments and the proposed expansion will address that growth.*

*In addressing this code section in the proposal narrative, the Metro Council expects cities to demonstrate that, consistent with [Statewide Planning Goal 10 \(Housing\)](#), they are planning for a variety of housing types that can address the needs of diverse household sizes and incomes.*

*This demonstration should be made for the city as a whole, while also describing the role of the proposed expansion area in addressing those needs.*

**2. Whether the area has been concept planned consistent with section 3.07.1110 of this chapter.**

*The Metro Council only wants to expand the UGB in locations that are likely to develop within the 20-year planning horizon. This is one of the reasons that the Council requires – in the [Urban Growth Management Functional Plan](#) – a concept plan before expanding the UGB. The concept plan must be consistent with Title 11 (Planning for New Urban Areas) of the Functional Plan. Cities should summarize their concept plan’s relevant components – such as infrastructure funding strategies and agreements with the county and special districts – in their proposal narrative. Cities should also demonstrate that the concept plan is consistent with the requirements of Title 11.*

*The Metro Council will only consider proposals for expansions in designated urban reserves. A concept plan may include a larger urban reserve area than what a city is proposing for expansion. Cities should clearly indicate in their proposal which areas are being proposed for expansion.*

*Concept plans should be formally adopted or accepted by a city’s governing body and a city should submit evidence of that formal action and the plan itself with its proposal. Cities should also submit a resolution from their governing body that expresses support for the proposed expansion. If desired, one resolution (or appropriate legislation) may be used for both purposes. Plans and proposals that lack formal endorsement by the city’s governing body will not be considered by the Metro Council.*

*To demonstrate the likelihood of development in the proposed expansion area, cities may submit additional information such as market studies, evidence of the city’s past track record in producing housing, and letters of support from or agreements with property owners in the proposed expansion area.*

*If a city has planning or governance responsibility for past UGB expansion areas, the Metro Council will want to know whether and how those areas have been annexed and developed. If past expansion areas have not been annexed or developed, the Metro Council will want a city to explain why that is and how the proposed expansion would be different.*

*Please note that Metro administers [2040 Planning and Development Grants](#) that can be used to fund concept plans for urban reserves.*

**3. Whether the city responsible for preparing the concept plan has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas.**

*The Metro Council is committed to encouraging most growth in existing centers, corridors, main streets, and station communities. Development of UGB expansion areas should not be at the expense of existing urban areas. The Metro Council expects cities proposing residential expansions to make the case that they are making meaningful efforts to encourage the success of these existing urban areas.*

*Please refer to Title 6 (Centers, Corridors, Station Communities, and Main Streets) of the [Functional Plan](#) for specific actions that are encouraged. Generally, proposals from cities that have taken more of those actions and had positive results will be regarded more favorably. If cities have not taken these actions, they should explain the reasons why they have not.*

*If the proposed expansion would somehow reinforce an existing urban center or corridor, please describe how. If a city wishes to assert that the proposed expansion would reduce commute distances, the Metro Council will expect the city to provide evidence since people make complex decisions about where to live and work and this region, like other metropolitan areas, has a regional commute shed.*

*The region's [State of the Centers Atlas](#) is available as an online resource for describing current conditions in centers. Please also note that Metro administers [2040 Planning and Development Grants](#) that can be used to conduct work recommended under Title 6.*

**4. Whether the city responsible for preparing the concept plan has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas.**

*The Metro Council seeks to preserve and increase the supply and diversity of affordable housing. This includes both market rate and subsidized housing that is affordable to households with incomes equal to or less than 80 percent of the median family income for the county. Cities should describe the actions and investments they have taken to accomplish this in their existing urban areas. Please refer to the region's [Equitable Housing Initiative](#) for examples that could be cited. Cities should also describe the effectiveness of actions that they have taken. The [Regional Inventory of Regulated Affordable Housing](#) is available as a resource. Generally, proposals from cities that have taken more actions to improve or preserve affordability (and have achieved results) will be regarded more favorably.*

*Please note that Metro administers [2040 Planning and Development Grants](#) that can be used to conduct work to help ensure equitable housing. If a city has received an Equitable Housing Grant, please summarize the status of that work.*

**5. Whether the city responsible for preparing the concept plan has taken actions to advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.**

*The Metro Council seeks to make urban growth management decisions that advance the region's six desired outcome (described in the [Regional Framework Plan](#)).*

- 1. People live, work and play in vibrant communities where their everyday needs are easily accessible.*
- 2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.*
- 3. People have safe and reliable transportation choices that enhance their quality of life.*
- 4. The region is a leader in minimizing contributions to global warming.*
- 5. Current and future generations enjoy clean air, clean water and healthy ecosystems.*
- 6. The benefits and burdens of growth and change are distributed equitably.*

*Cities should address each of the six desired outcomes, referencing the actions that they have taken (and results achieved) in existing urban areas as well as how the proposed expansion may advance these outcomes. For several of the outcomes (particularly outcomes one, two, three, four, and six), cities may wish to summarize relevant portions of their responses to code section 3.07.1425(d)3, which requires that a city describe actions it has taken to enhance its centers, corridors, main streets or station communities. If these design types are proposed in the expansion area, the city should describe relevant aspects of the concept plan.*

*For outcome number four, cities should also reference any other policies or investments that specifically aim to reduce housing and transportation related carbon emissions. Cities may wish to describe how the housing planned for the proposed expansion addresses residential demand that could otherwise spillover outside the Metro UGB (thereby enlarging the regional commute-shed). In particular, cities may wish to note how the type and cost of housing that is being proposed could reduce spillover growth. If a city wishes to assert that the proposed expansion would reduce commute distances, the Metro Council will expect the city to provide evidence.*

*For outcome number five, cities may note their compliance with Titles 3 (Water Quality and Flood Management) and Title 13 (Nature in Neighborhoods) of the Functional Plan. Cities may also document additional policies or strategies that go beyond regional requirements, including parks and natural area acquisition programs. Cities should also summarize the relevant portions of their concept plans for proposed expansion areas.*

*Outcome six is of central interest to the Metro Council. To help achieve this ambitious goal, in June 2016 Metro adopted the [Strategic Plan to Advance Racial Equity, Diversity and Inclusion](#). The strategic plan focuses on removing barriers and improving equity outcomes for people of color by improving how Metro works internally and with partners around the Portland region. While individual UGB expansions may have few direct impacts on region-wide racial equity, the cumulative impacts of how communities, cities, the region and the nation have grown have often adversely impacted people of color. Though the best course of action may not always be clear, Metro seeks to encourage a more intentional process for acknowledging and addressing these inequities in growth management decisions with the hopes that cities can help to develop best practices.*

*Cities making residential expansion proposals should describe whether any of the following social outcomes are worse for communities of color in their jurisdiction than their white counterparts: transportation, housing, jobs, and parks (for a more complete description of these outcomes, please reference the [2015 Equity Baseline Report](#)). Cities should also describe how they meaningfully engage diverse communities in their planning processes (not exclusively for the urban reserve concept plan), how the identified disproportionate outcomes and engagement practices influence plans and community outcomes and how they measure or track the distribution of benefits and burdens of plans and policies across populations.*

**Cities submitting proposals for residential UGB expansions should include the following in their proposals (due on May 31, 2018 for consideration in the 2018 decision):**

- A proposal narrative addressing the Title 14 code sections (3.07.1425 (d) 1-5) that are described

in this guidance document (limit to 15 pages, not including the attachments listed below)

- An adopted resolution from the city's governing body in support of the expansion proposal
- A resolution or other formal action from the city's governing body adopting or accepting a concept plan for the proposed UGB expansion area
- The adopted or accepted concept plan for the urban reserve area
- Findings of fact and conclusions of law that demonstrate that the concept plan for the urban reserve complies with Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan.
- A map of the proposed expansion area (if smaller than the area described in the concept plan)
- Agreements with the county and service districts for the concept plan area as required in Metro Code Title 11 (Planning for New Urban Areas)
- Written confirmation from DLCD that the state has acknowledged the city's housing needs analysis
- Any other supporting materials that demonstrate the city's commitment to facilitating the development of needed housing or achieving regional desired outcomes



Agenda Item No. 5.2

**Ordinance No. 17-1415**, For the Purpose of Amending Metro  
Code Chapter 5.04 to Create the Solid Waste Innovation and  
Investment Program

*Ordinances (Second Read)*

Metro Council Meeting  
Thursday, December 14, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 17-1415
CODE CHAPTER 5.04 TO CREATE THE SOLID	)	
WASTE INNOVATION AND INVESTMENT	)	Introduced by Chief Operating Officer Martha
PROGRAM	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, Metro has authority to plan, manage, and oversee the regional solid waste system pursuant to Metro’s constitutional, statutory, and charter authority and as set forth in Metro Code Title V; and

WHEREAS, Metro Code Chapter 5.04, Recycling Business Assistance Program, was established in 1988 to support the creation, expansion, preservation, and diversification of markets for recyclable materials consistent with the Regional Solid Waste Management Plan; and

WHEREAS, Metro has not utilized the Recycling Business Assistance Program for over twenty years; and

WHEREAS, Metro has a strong interest in the success of the private sector at meeting solid waste system needs; and

WHEREAS, the Metro Council finds that there remains a public interest in the success of the private sector at meeting system needs to create, expand, preserve and broaden efforts that advance waste prevention, reuse, recycling and energy recovery; and

WHEREAS, the Metro Council finds that a new Solid Waste Innovation and Investment Program will support these efforts in the private sector by granting funds to businesses and nonprofit organizations and will strengthen the solid waste system; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Metro Code Chapter 5.04 is revised as set forth in Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

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

Attest:

Approved as to Form:

\_\_\_\_\_  
Nellie Papsdorf, Recording Secretary

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

CHAPTER 5.04

INVESTMENT AND INNOVATION PROGRAM

SECTION	TITLE
5.04.010	Purpose
5.04.020	Budget
5.04.030	Program Guidelines
5.04.040	Report to Council

5.04.010 Purpose

The Investment and Innovation Program is established to invest public resources to create, expand, preserve, and diversify efforts that advance waste prevention, reuse, recycling, and energy recovery consistent with Metro's Regional Waste Plan and Metro's diversity, equity, and inclusion goals.

5.04.020 Budget

As part of Metro's annual budget process, the Chief Operating Officer may propose a budget for the Investment and Innovation Program to the Council for approval.

5.04.030 Program Guidelines

The Chief Operating Officer will adopt program guidelines that address at least the following:

- (1) A public process for proposal applications;
- (2) A description of the criteria used to evaluate proposals;
- (3) A process for the review and approval or denial of proposals; and
- (4) A process to inform the Council of program funding decisions.

Before adoption or amending, the Chief Operating Officer must bring the program guidelines to the Council for review and comment.

5.04.040 Report to Council

If the Council approves a budget under Metro Code Section 5.04.020, the Chief Operating Officer will provide a report to the Council that includes (1) information regarding the projects and persons that received funding; (2) the amount of funds dispersed; and (3) the history and current status of all projects.

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 17-1415, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.04 TO CREATE THE SOLID WASTE INVESTMENT AND INNOVATION PROGRAM

Date: December 7, 2017

Prepared by: Kevin Six, 503-797-1672

Adoption of Ordinance No. 17-1415 will amend Metro Code Chapter 5.04 (Recycling Business Assistance Program) to revise and replace language to allow the administration of the Solid Waste Innovation and Investment Program.

## BACKGROUND

Metro has authority and responsibility to plan, manage and oversee the regional solid waste system. The functions of this system are implemented by Metro, cities and counties, and many private for-profit businesses and non-profit organizations. This sharing of responsibilities means that Metro has a strong interest in the success of the private sector at meeting system needs to create, expand, preserve and broaden efforts that advance waste prevention, reuse, recycling and energy recovery.

The Solid Waste Innovation and Investment Program that would be implemented through this ordinance would support this interest through the granting of funds to businesses and non-profit organizations. The timing of the program reflects continued requests for assistance from private entities over the last couple of years and a recognition that the system is in flux because many of the local options for reuse, recycling, and energy recovery from waste are concentrated in a few markets and disruptions to these markets may have significant impacts to waste reduction efforts in the greater Portland area. Last spring, the Metro Council asked Property and Environmental Services staff to propose a program through which Metro could invest in the solid waste industry to help strengthen the system and support new ideas and technologies to help achieve greater reuse and recycling of waste.

Metro staff presented a concept of the Innovation and Investment Program at the Metro Council work session held on October 31, 2017. This ordinance will establish the structure of the program.

If this ordinance is adopted by Council, staff will return to a Council work session in early 2018 to solicit Council input before on program guidelines that would include:

- A public process for proposal applications
- A description of the criteria used to evaluate proposals
- A process for the review and approval or denial of proposals
- A process to inform the Council of program funding decisions.

The intent of the program guideline will be to enable Metro to select projects for award that best meet the objective to create, expand, preserve, and broaden efforts that advance waste prevention, reuse, recycling and energy recovery, consistent with Metro's Regional Waste Plan and Metro's diversity, equity, and inclusion goals. The Regional Waste Plan means both the current 2008-2018 Regional Solid Waste Management Plan (RSWMP) and successor plans.

It is the Chief Operating Officer's (COO) intent to administer this program as a pilot project for three years, after which the COO would evaluate the program and ask Council whether to continue it.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

A relatively small number of representatives of solid waste companies have expressed strong concerns about the program to Metro staff and/or Councilors. These concerns have primarily focused on how the Metro will administer the program in terms of the award criteria that would be used and how diversity, equity and inclusion considerations would be factored into Metro's decision-making. Some believe that Metro has already selected to whom it will award grants based on which industry representatives spoke to staff and Councilors as staff developed the program.

### **2. Legal Antecedents**

Metro Charter and Metro Code, including without limitation Metro Code Chapter 5.04.

### **3. Anticipated Effects**

Approval of this ordinance would amend Metro Code Chapter 5.04 as provided in Exhibit A.

### **4. Budget Impacts**

If implemented, this project will award up to \$3 million per year from the Solid Waste Reserve fund. The COO will request this funding, as well as funds for a 1.0 full-time equivalent employee to administer the program, through the budget and budget amendment processes.

## **RECOMMENDED ACTION**

Staff recommends that Council adopt Ordinance No. 17-1415.

Agenda Item No. 5.3

**Ordinance No. 17-1416**, For the Purpose of Suspending  
Payment of Regional System Fee and Excise Tax on Recyclable  
Materials without a Viable Market and Declaring an Emergency

*Ordinances (Second Read)*

Metro Council Meeting  
Thursday, December 14, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUSPENDING THE	)	ORDINANCE NO. 17-1416
REQUIREMENT TO PAY REGIONAL SYSTEM	)	
FEE AND EXCISE TAX ON CERTAIN NON-	)	Introduced by Chief Operating Officer Martha
PUTRESCIBLE SOURCE-SEPARATED	)	Bennett in concurrence with Council
RECYCLABLE MATERIALS WITHOUT A	)	President Tom Hughes
VIABLE MARKET AND DECLARING AN	)	
EMERGENCY	)	

WHEREAS, Metro Code Section 5.02.120 requires payment of a regional system fee to Metro for the disposal of solid waste; and

WHEREAS, Metro Code Section 7.01.020 requires payment of an excise tax to Metro for the disposal of solid waste; and

WHEREAS, the Metro Council finds that there has been a substantial change in certain recycling markets, especially related to China’s tightening of acceptance standards and refusal to accept certain recyclable material from the United States after January 1, 2018; and

WHEREAS, the Metro Council finds that where there is no viable market for certain non-putrescible source-separated recyclable materials, disposal of the materials on a temporary basis is in the public interest; and

WHEREAS, the Metro Council finds that it is in the public’s best interest to suspend the requirement for haulers and material recovery facilities to pay the regional system fee and excise tax on materials that were collected as source-separated recyclable materials but that no longer have a viable market; and

WHEREAS, the Metro Council intends for the suspension of the requirement to pay regional system fee and excise tax to apply only to those haulers and material recovery facilities that collect or accept non-putrescible source-separated recyclable materials; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The requirement to pay regional system fee and excise tax on non-putrescible source-separated recyclable materials that have no viable market is hereby suspended from the date of this Ordinance through May 6, 2018.
2. The Chief Operating Officer will develop an interim solid waste administrative rule under Metro Code Section 5.01.280(g) to identify the circumstances in which Metro may suspend the requirement for a hauler or a facility to pay regional system fee under Metro Code Section 5.02.120.
3. The interim solid waste administrative rule the Chief Operating Officer develops in (2) above also will apply to identify the circumstances in which Metro may suspend the requirement for a hauler or a facility to pay excise tax under Metro Code Section 7.01.020.

4. This Ordinance is necessary for the health, safety, and welfare of the Metro area and an emergency is declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 38(1).

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Tom Hughes, Council President

Attest:

Approved as to Form:

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Nellie Papsdorf, Recording Secretary

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Alison R. Kean, Metro Attorney



## **STAFF REPORT**

### **IN CONSIDERATION OF ORDINANCE NO. 17-1416, FOR THE PURPOSE OF SUSPENDING THE REQUIREMENT TO PAY REGIONAL SYSTEM FEE AND EXCISE TAX ON CERTAIN NON-PUTRESCIBLE SOURCE-SEPARATED RECYCLABLE MATERIALS WITHOUT A VIABLE MARKET AND DECLARING AN EMERGENCY**

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Date: Dec. 7, 2017

Prepared by: Matt Korot, 503-797-1760

## **BACKGROUND**

This ordinance would suspend the requirement to pay the Regional System Fee and Excise Tax on non-putrescible, source-separated recyclable materials for which there are no viable markets. It is a temporary measure while the region evaluates potential longer-term impacts to its recycling system from changing market conditions.

Private material recovery facilities (MRFs) currently market much of the region's collected recyclables to private or quasi-private mills, processors and other manufacturing facilities in China. Earlier in 2017, the Chinese government communicated to Chinese recycling facilities and worldwide suppliers of recyclables that China would be implementing and enforcing new standards on imported recyclables, starting in Fall 2017 and going fully into effect in January 2018. If these standards go fully into effect, there is the potential for significant disruption to the Metro region's public recycling programs.

Since late September 2017, representatives of the Oregon Department of Environmental Quality (DEQ), Metro, local governments and the recycling industry have been meeting to discuss how to address the impacts of the new Chinese standards. Specifically, these stakeholders have discussed under what circumstances public agencies would allow collected recyclables to be disposed as garbage and how those circumstances could be minimized. As a result of these discussions, DEQ and Metro have established rules to allow disposal under certain conditions and with reporting requirements, with the objectives of minimizing the amount of recyclables disposed, the duration of disposal and the impacts on residential and commercial collection programs. In Metro's case, the Chief Operating Officer (COO) established a 180-day temporary administrative rule to allow for the disposal of recyclables for which there are no viable markets. The rule expires May 6, 2018.

This emergency ordinance is a companion piece to that administrative rule. The ordinance would suspend the requirement to pay the Regional System Fee and Excise Tax on recyclables that would be disposed due to the absence of viable markets. It is intended to anticipate and respond to the extraordinary circumstances that would occur with full implementation of China's new standards. This emergency ordinance would also expire on May 6, 2018. If Metro were to consider a longer-term allowance for the disposal of recyclables and for the suspension of the requirement to pay the Regional System Fee and Excise Tax on these materials, it would do so through the standard, non-emergency rule-making and legislative processes. In early 2018, Property and Environmental Services staff will engage with the COO and Council on whether to initiate these processes.

This ordinance would authorize the COO to develop rules to identify the specific circumstances in which the payment requirement would be suspended. The rule-making would be authorized under Metro Code

Chapter 5 to allow for further explanation of eligibility for suspension of the requirement to pay the Excise Tax, which is in Chapter 7.

#### **ANALYSIS/INFORMATION**

**1. Known Opposition**

Staff is not aware of any opposition to this ordinance.

**2. Legal Antecedents**

Metro Charter and Metro Code sections 5.02.120 and 7.01.020.

**3. Anticipated Effects**

Metro will not levy the Regional System Fee and Excise Tax on collected source-separated recyclables that are disposed due to the absence of viable markets.

**4. Budget Impacts**

None. Metro did not budget for, nor otherwise anticipate, the fees and taxes that would be foregone as a result of this ordinance.

#### **RECOMMENDED ACTION**

Staff recommends that Council adopt Ordinance No. 17-1416.

Materials following this page were distributed at the meeting.

# **Metro**

*600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov*



**Metro**

## **Minutes**

**Thursday, December 7, 2017**

**2:00 PM**

**Metro Regional Center, Council chamber**

**Council meeting**

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**1. Call to Order and Roll Call**

Council President Tom Hughes called the Metro Council meeting to order at 2:00 p.m.

**Present:** 7 - Council President Tom Hughes, Councilor Sam Chase, Councilor Carlotta Collette, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Kathryn Harrington, and Councilor Bob Stacey

**2. Citizen Communication**

There was none.

**3. Presentations****3.1 2017 Sustainability Report**

Council President Hughes called on Mr. Matt Korot and Ms. Jenna Garmon, Metro staff, to present the 2017 Sustainability Report. Mr. Korot explained that the annual report covered fiscal year 2016-2017. He highlighted that sustainability was one of Metro's six core values and that the report was part of an internal initiative to meet five quantitative sustainability goals for the agency. He noted that in 2010, the Council adopted a sustainability plan that mapped out specific strategies and actions to meet these goals. He introduced Ms. Garmon to provide an overview of how the strategies had been implemented thus far.

Ms. Garmon shared how the agency was performing in relation to its five sustainability indicators: reducing carbon, preventing waste, choosing nontoxic, conserving water, and enhancing habitat. She also highlighted strategies the agency was using to achieve these goals, such as installing solar panels at the Oregon Convention Center, buying 71% renewable energy, and using stormwater planters at the zoo. She then provided an overview of Metro's future sustainability efforts, such as: an updated Climate Action Plan for internal operations, advanced energy management and information systems, and a renewable energy strategy.

Ms. Garmon thanked Metro staff, including the Sustainability Steering Committee and Metro’s Green Teams, and the Metro Council for supporting the agency’s efforts.

*Council Discussion*

Councilor Collette asked about toxic materials and their reduction. She also inquired about water conservation and leak mitigation efforts at Glendoveer Golf Course. Councilor Craddick thanked staff for their presentation and asked about Metro’s herbicide policy in its natural areas and parks. She also asked about goals and strategies for the next year’s sustainability efforts.

**4. Consent Agenda**

**Approval of the Consent Agenda**

**A motion was made by Councilor Chase, seconded by Councilor Collette, to adopt items on the consent agenda. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

4.1 Consideration of the Council Meeting Minutes for November 30, 2017

4.2 Resolution No. 17-4857, For the Purpose of Confirming the Council President’s Appointment of John Erickson and Reappointment of Deanna Palm, Deidra Krys-Rusoff and Karis Stoudamire-Phillips to the Metropolitan Exposition Recreation Commission

**5. Resolutions**

5.1 Resolution No. 17-4855, For the Purpose of Metro Council's Acceptance of the Results of the Independent Audit for Financial Activity During Fiscal Year Ending June 30, 2017

Council President Hughes called on Mr. Brian Evans, Metro Auditor, and Mr. Tim Collier, Director of Finance and Regulatory Services, to present Resolution No. 17-4855. Auditor Evans introduced the results of the year’s

independent financial audit and thanked the Audit Committee for their contributions. Mr. Jim Lanzarotta and Ms. Ashley Osten, Moss Adams, provided an overview of the audit. Mr. Lanzarotta explained the nature of the services provided as well as the deliverables and the results of the testing that was performed. Ms. Osten discussed the areas of audit emphasis including: internal control environment, management estimates, cash and investments, net pension liability, bond activity, capital assets, revenue recognition, and net position. She highlighted that the audit found no material weakness, significant deficiencies, or issues of non-compliance. She explained that because of this, Moss Adams issued a clean opinion of the agency's financial statements, which signified the highest level of assurance.

Ms. Osten offered several minor recommendations related to account reconciliations, accounts receivable allowance, and unrecorded accounts payable. She suggested that staff create a policy to identify and adjust for receivables that may be outstanding over 120 days. The auditors thanked Metro staff and the Metro Auditor for their help throughout the process. Mr. Tim Collier provided the management response and noted that the results of the audit could be reviewed both in Metro's Comprehensive Annual Financial Report and Popular Financial Report. He invited Mr. Brian Kennedy and Mr. Dan Moeller, Metro staff, up to discuss how they planned to prevent unrecorded invoice incidents in the future, including by providing technical assistance to project partners and creating better processes for tracking down invoices.

#### *Council Discussion*

Councilor Craddick asked about the number of unrecorded invoices and thanked staff for sharing how they intended to prevent such oversights in the future. Councilor Chase recognized the importance of solid fiscal management and



its benefits. He thanked Auditor Evans and the Oversight Committee for their helpful insights. Councilors expressed appreciation for the audit and the Popular Annual Financial Report.

**A motion was made by Councilor Dirksen, seconded by Councilor Stacey, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

## **6. Ordinances (First Reading and Public Hearing)**

- 6.1 Ordinance No. 17-1408, For the Purpose of Adopting Amendments to Title 14 of the Urban Growth Management Functional Plan to Improve the Regional Growth Management Process

Council President Hughes called on Deputy Chief Operating Officer Scott Robinson and Mr. Roger Alfred, Metro counsel, to present Ordinance No. 17-1408. He explained that the ordinance was first presented earlier in the year and was returning for final consideration now that the 35-day notice period had been completed. He clarified that there were no content changes since the last time it was presented at Council in November. Mr. Robinson noted that the ordinance would amend Title 14 to clarify expectations for cities proposing residential urban growth boundary (UGB) expansions and establish procedures for mid-cycle residential UGB amendments. He then introduced Mr. Alfred to provide an overview of the proposed code changes.

Mr. Alfred explained that the ordinance grew out of the work of the Urban Growth Readiness Task Force and its recommendations. He provided an overview of the code changes proposed, such as the criteria for city proposals, including requiring cities to have a housing needs analysis completed within the last six years. Mr. Alfred highlighted that the rules were thoroughly considered, debated, and amended before being unanimously recommended for

approval by the task force and Metro staff.

*Council Discussion*

Councilor Harrington discussed the code language and recommended that future Metro Councils be kept informed about its meaning. Council President Hughes expressed support for the ordinance, noting that it would help better integrate Metro's goals of successfully utilizing the UGB and building viable town centers. Councilor Stacey expressed appreciation for the language, noting that it would further improve the process.

6.1.1 Public Hearing for Ordinance No. 17-1408

Council President Hughes opened up a public hearing on Ordinance No. 17-1408 and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1408 would take place on Thursday, December 14.

6.2 Ordinance No. 17-1415, For the Purpose of Amending Metro Code Chapter 5.04 to Create the Solid Waste Innovation and Investment Program

Council President Hughes called on Mr. Paul Slyman, Director of Property and Environmental Services, and Mr. Kevin Six, Metro staff, to present Ordinance No. 17-1415. Mr. Slyman reviewed Metro's solid waste system and the many services it provided. He explained that the region and its programs needed system certainty and noted that the regional government had an opportunity to help bring it about by encouraging new ideas and helping innervate new players to add capacity and build a more resilient system. He informed the Council that in an effort to support these goals, Ordinance No. 17-1415 would help support innovative ideas that could not come to fruition without

some form of public help. He added that in addition to meeting the needs regarding the garbage and recycling system, the ordinance would also be a tool for implementing Metro's Strategic Plan to Advance Racial Equity, Diversity, and Inclusion, as it would help create economic opportunities and jobs, as well as provide career entry and advancement opportunities. He noted that the proposed program complemented Metro's ongoing conversations around the region about ways to improve the garbage and recycling system.

Mr. Kevin Six provided an overview of the ordinance. He explained that it would amend Metro Code Chapter 5.04 to revise the language describing an old unused program and would establish the structure and the creation of the innovation and investment program. He stated that the purpose of the program was to invest resources to create, expand, preserve, and diversify efforts that advance waste prevention, reuse, recycling and energy recovery, consistent with Metro's regional planning, diversity, and diversion goals. He noted that if approved, staff would return to Council for feedback on the program budget, application process, criteria, and guidelines. Mr. Six explained that staff proposed an initial three-year program for for-profit businesses and non-profit organizations to strengthen Metro's solid waste program and diversity, equity, and inclusion work. He noted that staff also recommended a \$3 million/year program, funded from the solid reserve balance so there would be no direct effect to the per-ton fee or excise tax rate. He provided an overview of the grants that would be available, how they could be used, and the proposed draft application process. He explained that staff

expected to begin soliciting grant applications in spring 2018.

*Council Discussion*

Councilor Harrington asked about the three-year timeframe and the solid waste reserves fund. She also expressed concerns that the program was not related to the update of the Regional Waste Plan. Councilor Craddick inquired about options for future opportunities to develop new, innovative recycling programs.

6.2.1 Public Hearing for Ordinance No. 17-1415

Council President Hughes opened up a public hearing on Ordinance No. 17-1415 and requested that those wishing to testify come forward to speak.

Mr. Eric Wentland, City of Portland: Mr. Wentland, Operations Manager of Greenway Recycling, expressed concerns about the ordinance. He noted that he felt the development of the program had been rushed and there was a lack of transparency and public input. He urged the Metro Council to delay its consideration until proper outreach had been done with the solid waste industry.

Councilor Stacey highlighted that a public process would be performed to develop the program and its criteria if the ordinance was approved.

Mr. Tom Patzkowski, City of Portland: Mr. Patzkowski testified in support of the ordinance. He noted that as an employee of the ReBuilding Center, he was involved in their green workforce development program and supported growth in the industry. He explained that he felt the

ordinance would benefit the public and the region's future as it aligned with the ReBuilding Center's goals to make reuse more popular while creating living wage jobs for targeted communities.

Mr. Stephen Reichard, City of Portland: Mr. Reichard, former Executive Director of the ReBuilding Center, testified in support of the ordinance. He noted that it would support two of Metro's major goals: sustainability and equity. He encouraged the Metro Council to support the ordinance and fund innovative sustainability and diversity programs.

Mr. Nate McCoy, City of Portland: Mr. McCoy, Executive Director of the National Association of Minority Contractors (NAMC) Oregon, spoke in support of the ordinance. He urged the Metro Council to approve the ordinance, noting that it would provide significant community benefits, create opportunities to build equity in Metro's solid waste system, and strengthen industry capacity.

Ms. Amber Omtiveros, City of Vancouver: Ms. Omtiveros testified in support of the ordinance. She explained that the agencies that were most effective in creating positive change were the agencies that provided resources and staff time to implement innovative policies that addressed the region's challenges.

Mr. James Posey, City of Portland: Mr. Posey, of the NAACP, urged the Metro Council to support the ordinance. He provided an overview of his experiences throughout his long tenure with the NAACP, and emphasized that the region's challenges, particularly towards equity, required innovative

solutions.

Mr. Gary Hollands, City of Portland: Mr. Hollands expressed support for the ordinance. He explained that he worked for a company that helped new and experienced truck drivers reach their full potential. He highlighted the severe shortage of truck drivers across the nation and explained that a program such as the one proposed could be a great help to ensuring that the region's solid waste and recycling system had the capacity it needed.

Mr. Alando Simpson, City of Portland: Mr. Simpson urged the Metro Council to support the proposal. He noted that as part of a minority-owned waste company, he felt the proposal would provide a needed opportunity for the region and the public. He explained that the proposal exemplified community leadership and a commitment to both a healthy solid waste system and an equitable region.

*Council Discussion*

Councilor Chase thanked the public for showing up to testify and provide feedback on the ordinance. Councilor Craddick asked staff to respond to Mr. Wentland's concerns about the ordinance. Mr. Slyman provided an overview of the proposed development process, future outreach, and regulatory approach.

Council President Hughes gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1415 would take place on Thursday, December 14.

6.3 Ordinance No. 17-1416, For the Purpose of Suspending the Requirement to Pay

Regional System Fee and Excise Tax on Certain Non-Putrescible  
Source-Separated Recyclable Materials without a Viable Market and Declaring an  
Emergency

Council President Hughes called on Mr. Matt Korot, Metro staff, to present Ordinance No. 17-1416. He explained that the ordinance was a response to the uncertainty in recyclable markets brought on by changes in Chinese government policies for the recyclables that Chinese companies import from Oregon and many other parts of North America. He informed the Council that if the ordinance was enacted, Metro would not assess the regional assessment fee and solid waste excise tax on recyclables that would have to be disposed of because of the absence of recycling markets. Mr. Korot noted that the ordinance was a companion to an administrative rule authorized by the Chief Operating Officer that allowed for the disposal of recyclables when there were no markets for them.

Mr. Korot stated that the ordinance would help Metro be more resilient during a potential crisis in case the situation worsened and would also keep the system functioning during such changes. He noted that the ordinance was limited to six months due to the uncertainty of the situation and a commitment to following through with a more considered process with stakeholders and the public if extended action was needed. He emphasized that he would keep the Metro Council updated as items progressed.

*Council Discussion*

There was none.

6.3.1 Public Hearing for Ordinance No. 17-1416

Council President Hughes opened up a public hearing on Ordinance No. 17-1416 and requested that those wishing to testify come forward to speak.

Mr. Terrell Garrett, City of Portland: Mr. Garrett expressed concerns about the ordinance. He explained that he felt it was important to forgive fees and taxes when needed in order to respond to emergencies, but emphasized that he felt such actions should be done by commodity, instead of by hauler or facility.

Council President Hughes gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1416 would take place on Thursday, December 14.

## 7. Ordinances (Second Reading)

### 7.1 Ordinance No. 17-1412, For the Purpose of Amending and Readopting Metro Code 7.03 (Investment Policy) for Fiscal Year 2017-2018

Council President Hughes stated that the first reading and public hearing for Ordinance No. 17-1412 took place on Thursday, November 30. He informed the Metro Council that Metro staff was available for questions.

#### *Council Discussion*

Councilor Dirksen stated that he would be voting against the ordinance, as he felt it was unnecessary and ill-advised. He explained that he felt it would reduce staff's financial flexibility and could prevent such companies from investing in more environmentally sustainable policies in the future. Councilor Stacey expressed support for the ordinance. Council President Hughes also supported the ordinance, noting that it aligned with Metro's goals financially and



environmentally.

**A motion was made by Councilor Stacey, seconded by Councilor Harrington, that this item be adopted. (Please note: Councilor Chase left the meeting before the vote on Ordinance No. 17-1412). The motion passed by the following vote:**

**Aye:** 5 - Council President Hughes, Councilor Collette, Councilor Craddick, Councilor Harrington, and Councilor Stacey

**Nay:** 1 - Councilor Dirksen

#### **8. Chief Operating Officer Communication**

Deputy Chief Operating Officer Scott Robinson provided an update on the following events or items: the Metro Central Community Enhancement grant awards and two upcoming meetings to discuss a potential future housing bond. Mr. Robinson also announced that the Metro Community Giving campaign had reached its goals for both participation and dollars donated. He thanked the staff that led and contributed to the campaign.

#### **9. Councilor Communication**

Councilors provided updates on the following meetings or events: the Value Pricing Advisory Committee, the Willamette Falls Legacy Project partners meeting, the Southwest Washington Regional Transportation Council, the Main Streets on Halsey project, and the Emily G. Gottfried Human Rights Awards luncheon.

#### **10. Adjourn**

There being no further business, Council President Hughes adjourned the Metro Council meeting at 5:17 p.m. The Metro Council will convene the next regular council meeting on December 14 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nellie Papsdorf".

Nellie Papsdorf, Legislative and Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER 7, 2017**

<b>ITEM</b>	<b>DOCUMENT TYPE</b>	<b>DOC DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT No.</b>
3.1	PowerPoint	12/07/17	Sustainability Annual Report	120717c-01
4.1	Minutes	12/07/17	Council Meeting Minutes for November 30, 2017	120717c-02
5.1	PowerPoint	12/07/17	Moss Adams Audit Results	120717c-03
5.1	Handout	12/07/17	Popular Annual Financial Report	120717c-04
6.2	PowerPoint	12/07/17	Solid Waste Innovation and Investment Program	120717c-05
9.0	Handout	12/07/17	Community Enhancement 2018 Grant Awards	120717c-06