



600 NE Grand Ave.  
Portland, OR 97232-2736

## Metro Policy Advisory Committee (MPAC)

### agenda

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Wednesday, November 14, 2018

5:00 PM

Metro Regional Center, Council chamber

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1. Call To Order, Introductions, Chair Communications (5:00 PM)

2. Public Communication on Agenda Items (5:05 PM)

3. Council Update (5:10 PM)

4. MPAC Member Communication (5:15 PM)

5. Consent Agenda (5:20 PM)

5.1 Consideration of October 10th, 2018 Minutes

[18-5114](#)

Attachments: [October 10th, 2018 Minutes](#)

6. Information/Discussion Items

6.1 Accessory Dwelling Unit (ADU) Code Audit Report Update  
(5:20 PM)

[COM](#)

[18-0185](#)

Presenter(s): Frankie Lewington, Metro

6.2 Construction Excise Tax Discussion (5:40 PM)

[COM](#)

[18-0180](#)

Presenter(s): Roger Alfred, Metro  
Lisa Miles, Metro

Attachments: [MPAC Worksheet](#)

7. Adjourn (7:00 PM)

#### Upcoming MPAC Meetings

- Wednesday, November 28th
- Wednesday, December 12th

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

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## 2018 MPAC Work Program *as of 10/17/2018*

*Items in italics are tentative*

<p><b><u>Wednesday, October 24, 2018</u></b> – cancelled</p>	<p><b><u>Wednesday, November 14, 2018</u></b></p> <ul style="list-style-type: none"><li>• <i>Construction Excise Tax Discussion (Elissa Gertler, Metro; 30 min)</i></li></ul> <p><u>November 13-15</u>: Association of Oregon Counties Annual Conference, Eugene, OR</p>
<p><b><u>Wednesday, November 28, 2018</u></b></p> <ul style="list-style-type: none"><li>• <i>Parks and Nature Bond Framework Discussion (Brian Kennedy and Heather Nelson Kent, Metro; 45 min)</i></li><li>• <i>Metro Housing Bond Next Steps (Jes Larson and Emily Lieb, Metro; 45 min)</i></li></ul>	<p><b><u>Wednesday, December 12, 2018</u></b></p> <ul style="list-style-type: none"><li>• MPAC Year in Review (TBD; 10 min)</li></ul>
<p><b><u>Wednesday, December 26, 2018</u></b> – cancelled</p>	

**5.1 Consideration of October 10, 2018 Minutes**

*Consent Agenda*

Metro Policy Advisory Committee  
Wednesday, November 14, 2018  
Metro Regional Center, Council Chamber



600 NE Grand Ave.  
Portland, OR 97232-2736  
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**METRO POLICY ADVISORY COMMITTEE (MPAC)**

Meeting Minutes

October 10, 2018

Metro Regional Center, Council Chamber

MEMBERS PRESENT

Denny Doyle (Chair)  
Sam Chase  
Amanda Fritz  
Jeff Gudman  
Gordon Hovies  
Peter Truax  
Mark Watson

Jerry Hinton  
Martha Schrader  
Linda Glover  
Don Trotter

Ed Gronke  
Emerald Bogue  
Kathy Wai

ALTERNATES PRESENT

Jennifer Donnelly  
Anthony Martin

MEMBERS EXCUSED

AFFILIATION

City of Beaverton, Second Largest City in Washington County  
Metro Council  
City of Portland  
City of Lake Oswego, Largest City in Clackamas County  
Tualatin Fire and Rescue, Special Districts in Washington County  
City of Forest Grove, Other Cities in Washington County  
Hillsboro School District Board of Directors, Governing Body of a School District  
City of Gresham, Second Largest City in Multnomah County  
Clackamas County  
City of Vancouver  
Clackamas County Fire District #1, Special Districts in Clackamas County  
Citizen of Clackamas County  
Port of Portland  
TriMet

AFFILIATION

Oregon Department of Land Conservation and Development  
City of Hillsboro, Largest City in Washington County

AFFLIATION

OTHERS PRESENT: Adam Barber, Jennifer Donnelly, Andre Bealer, Jeff Owen, Gretchen Buehner, Theresa M. Kohlhoff, Laura Weigel, Katherine Kelly, Andrey O'Brien

STAFF: Marta McGuire, Matt Korot, Elissa Gertler, Kim Ellis, Ernest Hayes, Nathan Sykes, Ramona Perrault, Sara Farrokhzadian, and Sima Anekonda

## **1. CALL TO ORDER, INTRODUCTIONS, CHAIR COMMUNICATIONS**

Denny Doyle called meeting to order at 5:07 PM. He announced that the October 24, 2018 MPAC meeting would be cancelled. He invited MPAC members to attend a presentation entitled “Building Regional Disaster Resilience: what work in California and how it applies to Oregon” which would take place on October 24<sup>th</sup>, 2018 at 5:00 PM. Chair Doyle explained that Abby Hall and Arrietta Chakos would lead the presentation.

## **2. PUBLIC COMMUNICATIONS ON AGENDA ITEMS**

*There were none*

## **3. COUNCIL UPDATE**

Councilor Sam Chase announced that the Oxbow Regional Park Welcome Center would hold the homecoming celebration for the Chinook salmon on the Sandy River. He stated that the salmon homecoming was a collaboration with the Native American community to honor the salmon.

Councilor Chase discussed Metro’s Equity Plan and stated that four departments rolled out action plans that laid out how their work would be grounded in racial equity moving forward. He noted that Parks and Nature, Property and Environmental Services, Planning, and the Oregon Zoo were the first departments tasked with putting together a 5-year plan.

Councilor Chase said that the Partnerships and Innovative Learning Opportunities in Transportation (PILOT) program had launched. He stated the PILOT program offered \$150 thousand in grant opportunities for local agencies and community groups partnering with private entities to test new transportation services. He stated that possible projects could help meet transportation needs of underserved communities, remove barriers to accessing new mobility services, provide new connections to transit stations, improve transit services, and provide more shared or active transportation options. He summarized that the PILOT program allowed the private sector to address transportation issues.

Councilor Chase alerted that committee openings were available. He said that opportunities and applications were being accepted until October 22<sup>nd</sup>, 2018 for positions that would start in January 2019. He said the Transportation Policy Advisory Committee, Public Engagement Review Committee, and the Parks and Nature Advisory Committee were accepting applications.

#### 4. **MPAC MEMBER COMMUNICATION**

*There were none.*

#### 5. **CONSENT AGENDA**

**MOTION:** Councilor Jeff Gudman and President Gordon Hovies seconded to approve the consent agenda.

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

#### 6. **INFORMATION/DISCUSSION ITEMS**

##### **6.1 Southwest Corridor Equitable Development Strategy and Light Rail Update**

Chair Doyle introduced Chris Ford and Brian Harper for discussion regarding the Southwest (SW) Corridor Plan. He stated that this item was an update on two components of the SW Corridor Plan: the light rail project and the accompanying effort to generate benefits for existing and future residents of the SW Corridor. Chair Doyle stated the presentation would discuss extending the MAX line into the SW Corridor as well as the equitable development strategy.

*Key elements of the presentation included:*

Mr. Chris Ford stated that many cities, along with ODOT, were a part of the SW Corridor project. He provided an overview of the LRT schedule and mentioned the environmental review process was half completed. He touched on the funding and construction of the project then displayed a map which showed the location of where a high capacity transit system would be placed. Mr. Ford said this plan was based off of the 2040 Growth Concept which caused planners to consider how growth would be accommodated. He described regions of growth and stated that there could be 340,000 residents in the SW Corridor by 2035. He added that this would create 13-17 hours of congestion a day, indicating the need for more transportation options.

Mr. Ford described why this area was being focused on. He stated that the plan began by considering land use and place. He said that the steering committee considered over 60 alignment options which included tunnels, light rail, and bus rapid transit.

Mr. Ford touched on the plan's robust engagement process which was used to recommend locations for where the light rail alignment could be placed. He said that Community Advisory Committee members were appointed to provide their feedback on

the plan. He said neighborhood associations, the Chamber of Commerce in Tigard and Tualatin, and the Westside Economic Alliance were some of the organizations that were involved. He also mentioned that the Islamic Center, the Muslim Economic Trust were all engaged due to their work in protecting youth of color. He emphasized that they wanted to reach individuals who were typically not involved the planning process.

Mr. Ford said the plan began an environmental review process which would be used to inform decision makers. He said that review process referred to both natural and human environments and included what would be impacted. He added that 33 meetings and 3 public hearings were conducted during that the review period. Mr. Ford iterated over one-thousand comments were received. Mr. Ford remarked that public agencies provided input throughout the process.

Mr. Ford outlined the SW Corridor Steering Committee's recommendation. He stated that the recommendation was based on the following: purpose and need, draft EIS, input from the public and agencies, and FTA rating criteria. He listed developments that would occur in outer and inner regions of Portland. He said that developments would provide a new walk and bike connector between Barbour and Marquam Hill, shared transit way to allow buses to bypass traffic congestions, a shuttle between PCC-Sylvania and nearby stations, and continuous sidewalks and protected bike lanes.

Mr. Ford described the project's benefits, touched on climate action goals, and provided information on commuters traveling to and from Portland. He then addressed the next steps for the plan and stated that once the Steering Committee recommended a route, the project would move into a project development phase. He stated that a new Community Advisory Committee and Steering Committee would convene in early 2019. Mr. Ford said that towards the end of 2019, a Final Environmental Impact Statement would respond to comments and confirm strategies to mitigate impacts identified in the Draft Environmental Impact Statement. Mr. Ford shared that in 2020, voters would decide on a regional funding measure which could fund half of the SW Corridor project. He also announced that in 2023, the Federal Transit Administration would confirm whether to fund the project through its New Starts Program. He noted that major investments would affect land use, and stated that Metro had an Equitable Development Strategy which would consider those impacts.

Mr. Brian Harper outlined the consequences of the project and stated that rising housing costs, cost of living, and displacement were considered while the SW Corridor plan was developed. He stated that creating an Equitable Development Strategy would help illustrate the benefits of light rail. He highlighted that Metro was committed to advancing equity through the SW Corridor plan. Mr. Harper summarized the Equitable



Development Principles which were designed by the Project Oversight Committee. He mentioned that the principles informed the selection of Pilot Project Proposals. He stated that the Equitable Development Principles showed that the project was about the people Metro served. He said that data was used to develop who would be most affected by the project.

Mr. Harper announced that the housing strategy was close to being finalized. He expressed the following items were needed to address housing and transit goals: anti-displacement services and protections, acquisition and preservation of existing housing, and new housing construction and supportive lands use. He said that strategy was endorsed by most members of the Equity and Housing Advisory Group. He mentioned that the strategy addressed the creation of more affordable housing as well as services and protections for residents. He highlighted that the project relied on several partners and utilized housing work conducted by City of Portland and Tigard to inform SW Corridor plan.

Mr. Harper highlighted that over forty actions were identified by the Oversight Committee. These actions dealt with affordable housing, workforce development, and community investment and development. He said that each action sought a champion and noted that ten actions were underway.

Mr. Harper remarked that data could be used to determine success of projects then stated that speaking with communities also provided useful insights regarding impact. He explained that Metro's Equitable Development Pilot Projects were intended to inform, advance, and facilitate work in the Equitable Development Strategy and sustain community-driven initiatives. He said that \$275,000 of the grant would be used for early implementation pilot projects. He explained that the Oversight Committee prioritized projects then discussed the applicants.

Mr. Harper summarized organizations which received business and workforce awards. He introduced Mercy Corps NW which was awarded a grant that would provide minority and women-owned businesses to weather the impact of Light Rail Construction. He continued to describe the grant given to IRCO & OHSU. He said that this grant would provide immigrants, people of color, and other marginalized communities access to career advancement opportunities in healthcare. Mr. Harper added that the grant was an attempt to provide the means to access housing.

Mr. Harper discussed the following organizations which received equity and housing awards. He first introduced the Community Partners for Affordable Housing and stated that this organization engaged marginalized communities in the design of existing and

future affordable housing developments. Mr. Harper then detailed the work of Home Forward, an organization that helped the Muslim community in the SW Corridor navigate and influence affordable housing opportunities. He mentioned that Proud Ground helped communities access affordable homeownership opportunities in the SW Corridor. Mr. Harper summarized that Momentum Alliance enhanced the ability for communities of color to participate and influence the SW Corridor plan.

Mr. Harper revealed that the federal grant would expire in July of 2019 and encouraged MPAC to continue conversation on the SW Corridor. He stated the groundwork to attain local and potentially national philanthropic support was being laid.

*Member discussion included:*

- Chair Doyle expressed interest in the project.
- Commissioner Amanda Fritz announced that the Portland's City Council passed the Equitable Housing Strategy. She described concerns related to locally preferred alignment. She described that the Portland City Council had three areas of concern: connection with OHSU, planning around the Barbour Town Center, and the park and ride purposed for SW 53<sup>rd</sup>. Commissioner Fritz remarked that Portland and Tigard delayed voting on the locally preferred alternative to provide more time for discussion.
- President Hovies broached questions regarding the Portland Community College tunnel. Mr. Ford explained the tunnel would interference with numerous parks, there was a lack of enthusiasm from the Hillsdale community members, and the tunnel's overall cost. Mr. Ford mentioned that ODOT was planning to install an arts project to change traffic flow. President Hovies then requested more information on the plan's effects on the Barbour grocery store and the Village Inn. Mr. Ford stated that the owners of the Village Inn required assistance and mentioned that their location would not be affected by the choice of alignment. Mr. Dave Unsworth stated that there were many items that needed to be dealt with, including the Village Inn. He stated that there would be work done with a new citizen advisory committee and steering committee.
- Mr. Don Trotter was pleased that the community was being involved during pilot programs. He then inquired about timelines in the application process for organizations. Mr. Harper said that organizations had one year to complete their pilot project. He mentioned that reports on project outcomes would also be conducted. Mr. Trotter asked if the reports on project outcomes would be provided. Mr. Harper confirmed.
- Councilor Anthony Martin was concerned that this project would take away ridership from Westside Express Service (WES). He stated that WES was an important part of the commute process and asked MPAC consider the individuals

who commute into Hillsboro. He emphasized the importance of keeping all transit options viable. Mr. Unsworth stated that the project considered mobility hubs and acknowledged that there was more work that needed to be done.

- Ms. Kathy Wai responded to Commissioner Fritz's comments and spoke to the locally preferred alternatives. She noted that this project would affect a number of jurisdictions. Ms. Wai then commented on funding to IRCO and workforce development. She noted her mother advanced from working in the kitchen at OHSU to working as a pharmacy technician through the IRCO program. Ms. Wai then inquired about the SW Corridor's housing targets and whether the housing options were for single families. Mr. Harper stated that the housing targets were between Portland and Tigard and covered multiple types of households. Mr. Unsworth stated that there was a memorandum agreement among nine different groups on affordable housing for remnant pieces of property that TriMet was hoping to obtain for the project. He noted TriMet owned property with a number of affordable housing units. He stated that the plan would have TriMet identify remnant parcels throughout the corridor to consider where affordable housing could be placed.
- Councilor Gudman inquired about funding the project. Mr. Unsworth stated that TriMet was responsible for financing, however the project would rely on various partners for funding. Mr. Unsworth said that a number of risk assessments would be utilized to deliver the project.

## **7.0 ACTION ITEMS**

### **7.1 MPAC recommendation to Metro Council on Adoption of 2018 RTP and Strategies for Freight, Transit, Safety and Emerging Technology**

Chair Doyle expressed the 2018 Regional Transportation Plan (RTP) would be the next item under discussion followed by the Regional Waste Plan. Chair Doyle stated that a decision for adoption of the RTP would be made. He stated that MTAC and TPAC developed recommendations that would be considered by JPACT. He highlighted that MTAC identified two items for JPACT to consider before making a recommendation. He noted that after the presentation, he entertained a motion to approve MTAC's recommendation.

*Key elements of the presentation included:*

Ms. Ellis outlined the timeline of the Regional Transportation Plan (RTP) and summarized engagement tactics. She said that MPAC was an important entity throughout the planning process. She stated that the goals and objectives of the RTP were updated along with the policies surrounding equitable transportation. She then added that the Climate Smart Strategy was more fully integrated into the RTP. She

stated that the plan was also updated to include more information on equitable transportation strategies. Ms. Ellis also noted that that RTP was one of the few regional plans that had Vision 0 as a goal to reduce death and serious injuries due to vehicular accidents. She discussed that partners helped guide how investments were targeted. She explained that that the RTP was a 25-year plan and included a 10-year investment strategy.

Ms. Ellis described the Draft RTP Constrained Priorities and emphasized that over \$15.4 billion were planned for projects by 2040. She said RTP's constrained priorities reflected community priorities and showcased projects which were added from local adopted plans. She stated that the culmination of these projects provided a multi-modal transportation system of people and goods. She noted that the system was being expanded detailed that a significant amount of funds would be invested for future transit, roads, and bridges.

Ms. Ellis mentioned there was another one billion dollars of investment and stated that many benefits were based on evaluation. She stated that coverage was expanded significantly in order to improve safety and reliability.

Ms. Ellis clarified that the RTP set the foundation for future work, investment, and collaborations. She provided a list of what the RTP achieved: kept federal dollars for the region, built local and regional plans and visions, allowed major projects to move forward, and identified areas which needed more study and analysis.

Ms. Ellis reviewed the public comment report used for the RTP. She explained that there were 880 online survey participants and over 2,400 comments, 50 letters, 207 emails, 4 consultation meetings, and stated that 7 community members testified at the August 2<sup>nd</sup> public hearing. She added that the majority of comments were minor changes to consider in order to improve the plan,

Ms. Ellis reminded MPAC that the MTAC recommendation was adopted into ordinance and mentioned that TPAC made their recommendation as well. She continued to explain what the ordinance adopted and explained that each strategy would be adopted by a resolution.

She described the two major focuses of MTAC and TPAC: 1) Integration of green infrastructure and natural resource protection in the RTP and 2) The updated Climate Smart Strategy implementation and evaluation findings. She then conveyed MTAC's recommendations to MPAC on the integration of green infrastructure and natural resources in the RTP. Ms. Ellis noted that there was a request to include more policy information surrounding design on the RTP. She stated that local street design

guidelines were updated. Ms. Ellis shared that the update would comprehensively consider design. She then highlighted another MTAC recommendation which encouraged more timely reviews of Title 3 and Title 13 inventories and implementation programs. She said that last review was conducted in 2015, and the next review was scheduled for 2025. She discussed the Climate Smart Strategy and remarked on increasing detail regarding fleet and technology assumptions.

Ms. Ellis listed final steps towards the adoption of the RTP. She shared that JPACT would be asked to approve the RTP. She noted that in 2019 would be submitted to the U.S. Department of Transportation and Land Conservation and Development Commission.

*Member discussion included:*

- Mr. Mark Watson expressed disappointed in the RTP's emerging technologies portion and asked if the technology pilot projects were intended to gather more data or provided potential solutions. Ms. Ellis said that the pilot projects spoke to both concerns. She also mentioned that a Mr. Elliot Rose completed work in order to start testing potential solutions as well as understand how communities would benefit. Ms. Ellis explained that a set of principals were used due to the uncertainty of employment and emerging technologies. She stated that these principals would help carry out actions. Ms. Ellis suggested that Mr. Rose provide a briefing on this area. Mr. Watson asked how the research would integrate with the legislature's work on autonomous vehicles. Ms. Kim revealed that Mr. Rose participated in that process to complement work that was being done at the state and local level.
- Councilor Martin stated that the City of Hillsboro always recommended that Metro set larger and more aspirational goals. He then echoed Mr. Watson's concerns.
- Commissioner Fritz asked why there were no specific strategies for creating green infrastructure. Commissioner Fritz also sought to understand why MTAC did not adopt all of the changes proposed by Metro staff. Ms. Ellis clarified that the only change MTAC did not recommend were the policies. She explained that the livable streets design guidelines were being updated which contributed to MTAC's decision. She stated that the update would potentially create new policies and would be reviewed in order to considered green infrastructure. Commissioner Fritz asked if the policies were reflected in the RTP. Ms. Ellis clarified that the RTP's design policies were carried over from previous transportation plans. Commissioner Fritz recommended that the livable street information be referenced in the RTP. Ms. Ellis remarked on the process of how information was integrated into the RTP and stated that language was being added to the plan to address new policies. Commissioner Fritz expressed concern that 9% of high value natural resource land would be impacted by the plan. Commissioner Fritz stated that that

only focusing on low-income and marginalized populations would not adequately address this level of impact. Ms. Ellis emphasized that that RTP was a system level plan and was meant to identify projects which would potentially impact resources. Commissioner Fritz inquired about funding. Ms. Ellis stated that most projects in the RTP were locally funded. Ms. Ellis touched on the establishment of Title 13 and the review cycle. Commissioner Fritz inquired about the strategies and proposals put forth by the Audubon Society that were not accepted by MTAC. Ms. Ellis clarified areas were not accepted by MTAC. Councilor Chase stated that he would share Commissioner Fritz's comments with the Metro Council.

- Commissioner Martha Schrader inquired about the timeline for RTP updates. Ms. Ellis summarized the update cycle and stated that JPACT, MPAC, the Metro Council would be engaged to develop a work plan. She stated that work plan would take two to three years to complete. Commissioner Schrader spoke to the need for a robust policy discussion and highlighted Clackamas County's mitigation work.
- Ms. Emerald Bogue touched on the Audubon letter that was provided to MPAC members and clarified issues regarding West Haven Island.

MOTION: Mayor Peter Truax moved, and Council Jeff Gudman seconded, to recommend adoption of the Ordinance No. 18-1421, Resolution No. 18-4892, Resolution No. 18-4893, Resolution No. 18-4894, and Resolution 18-4869 to Metro Council.

ACTION: The motion passed, with Commissioner Fritz abstaining.

## **6.0 INFORMATION/DISCUSSION ITEMS**

### **6.2 2030 Regional Waste Plan**

*Key elements of the presentation included:*

Mr. Matt Korot explained that the 2030 Regional Waste Plan was a strategic document which targeted regional solid waste work. He said that the plan would act a guide for how the system and the investments would be managed over the decade. He clarified that there were two systems: materials management and the solid waste system. He conveyed that the materials management system dealt with environmental and human health impacts of products. He also detailed that solid waste system hinged on collection and facilities which serve the community. He stated that the Regional Waste Plan would provide policy directions and would take a phased approach to action.

Mr. Korot stated that a key element of developing the plan was to gain input from marginalized communities. He explained that the plan ensured equitable engagement practices by forming partnerships with a number of community based organizations. He said that these organizations helped create a cohort of over 100 individuals who

assisted in guiding the planning process. He said the second way diverse voices were integrated during the planning process was through the Equity Work Group. He explained that this group served as a steering committee for the plan. Mr. Korot said that this group consisted of seven individuals who brought their specific knowledge and expertise.

Mr. Korot remarked that the plan contained eight different visions. He explained that once the visions were established, eight working groups were convened to focus on each vision. Mr. Korot reported that the groups comprised of representatives from local governments, solid waste haulers and facilities, advocacy organizations, community organizations, and the Equity Work Group. He stated that forums were held so that each work group could collaborate and identify commonalities.

Ms. Marta McGuire summarized the following goal areas: shared prosperity, product design and manufacturing, product use and consumption, product end-of-life, and disaster resilience. She emphasized the importance of considering a material's life cycle and also mentioned that disaster resilience was a new goal that was considered. She described actions that would be completed by 2030 and explained that implementation would be shared between Metro and local governments. She said that most actions were nondirective and explained that this meant local government and Metro would work together.

Mr. Andre Bealer spoke to actions regarding shared prosperity. He described his experience on the equity group and technical work group. He stated that the goals and actions were created after participating in conversations with stakeholders. He provided an overview of the following shared prosperity actions: add new representation to advisory committees, increase solid waste related spending for local and minority owned businesses, establish living wage standards, reduce the use of temporary workers, and develop workforce development programs. He mentioned that the garbage and recycling industry had little diversity in its workforce and highlighted that diverse workers had lower paying jobs.

Ms. McGuire provided an overview of the product design and manufacturing actions which dealt with eliminating chemicals of concern, use product stewardship to reduce environmental impacts, and phase out bans for high impact products. She then listed the following product use and consumptions actions: implement policies to reduce single use products, deliver culturally responsive education on waste prevention and better purchasing choices, prevent the wasting of food through tools and education.

Ms. McGuire also described the product end-of-life management actions. These actions included expanded reuse and repair services, improve services to multifamily residences, improved collection for difficult to manage items, implement low income rate assistance program, invest in local markets for recyclables, and evaluate west-side full service station.

Ms. McGuire then discussed disaster resilience, the final action area. She stated that this action areas included the following: develop a database of solid waste infrastructure and resources, implement emergency planning requirements for service providers, identify debris management sites, and develop strategies for recycling and disposal of materials.

Ms. McGuire detailed how process would be measuring using key indicators, goal indicators, and progress reports. She stated that key indicators spoke to advocating for a broad audience and that the goals indicators would be used to measure the project. Ms. McGuire then provided an overview on next steps for the Regional Waste Plan.

*Member discussion included:*

- Councilor Martin asked how the projects under the Regional Waste Plan were being prioritized and stated that the plan did not evaluate costs. He stated that cost evaluation was needed to consider feasibility. Councilor Martin added that some proposed updates did not account for infrastructure deficiencies. He then touched on waste management's lack of transparency regarding rate increases. Ms. McGuire explained that Metro would collaborate with jurisdictions to develop a multi-year plan to influence prioritization. She added that there were three year increments for working with other cities. Ms. McGuire said that the estimation of costs and resources would inform the budget needs from each of the different agencies. Ms. McGuire mentioned that the community also discussed transparency and stated that those comments were noted.
- Mr. Ed Gronke inquired about the shared prosperity actions portion of the plan. He explained that Metro controls landfills and transfer stations, but did not oversee individual haulers. He asked how individual haulers would comply with the plan. Mr. Korot stated that Regional Waste Plan expanded beyond Metro and was also intended for local governments. He emphasized that the actions identified by the plan spoke to various parties. He also noted that the City of Portland was doing work within the hauling system to address equity outcomes. Mr. Gronke asked if any cities indicated issues with the system being proposed. Mr. Korot said that this was a challenging project and restated that there was a shared commitment to achieve the plan's objectives.



- Commissioner Fritz thanked the presenters for their work on community engagement and noted that Bureau of Planning and Sustainability supported the proposal. She emphasized the importance of developing a detailed plan which could address the size of franchises. Mr. Gronke expressed that Metro had worked on this issue for several years.
- Ms. Kathy Wai reiterated that the next draft of the plan would contain a policy focus. She asked if the plan had a system of coordination which accounted for the 2019 session and the waste management policies that had already been passed. Mr. Korot stated that there was coordination with other agencies and advocacy groups over waste related legislation.

## **8.0 ADJOURN**

MPAC Chair Doyle adjourned the meeting at 7:17 PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Sima Anekonda', written over a faint circular stamp or watermark.

Sima Anekonda  
Recording Secretary

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 10, 2018**

<b>ITEM</b>	<b>DOCUMENT TYPE</b>	<b>DOC DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT No.</b>
<b>6.1</b>	Presentation	10/10/18	Southwest Corridor Preferred Alternative	101018m-01
<b>6.2</b>	Presentation	10/10/18	2030 Regional Waste Plan	101018m-02
<b>7.1</b>	Presentation	10/10/18	Adoption of the 2018 Regional Transportation Plan and Strategies	101018m-03
<b>7.1</b>	Handout	10/10/18	Letter from Audubon Society of Portland	101081m-04

**6.2 Excise Tax Discussion**

*Information and Discussion Items*

Metro Policy Advisory Committee  
Wednesday, October 10, 2018  
Metro Regional Center, Council Chamber

# MPAC Worksheet

**Agenda Item Title:**

Briefing on proposed amendments to Metro Code Chapter 7.04 Construction Excise Tax

**Presenters:** Roger Alfred and Lisa Miles, Metro

**Contact for this worksheet/presentation:** Roger Alfred, roger.alfred@oregon.metro.gov

**Purpose/Objective**

Brief MPAC members on proposed amendments to Metro Code chapter 7.04 Construction Excise Tax . Ordinance 18-1425 will be considered by the Metro Council on November 29, 2018.

The Construction Excise Tax funds the 2040 Planning and Development Grant program, formerly known as the Community Planning and Development Grant program.

**Action Requested/Outcome**

No formal action by MPAC is requested.

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

The Community Planning and Development Grant (CPDG) Program has been renamed to the “2040 Planning and Development Grant Program.” Whereas the CPDG grants were only awarded every other year, grants applications are now considered on an annual basis. In the last two grant cycles, Metro has allocated \$2 million in funding for each cycle, and 50% of the funding has been targeted specifically for projects with a primary emphasis on Equitable Development.

**What packet material do you plan to include?**

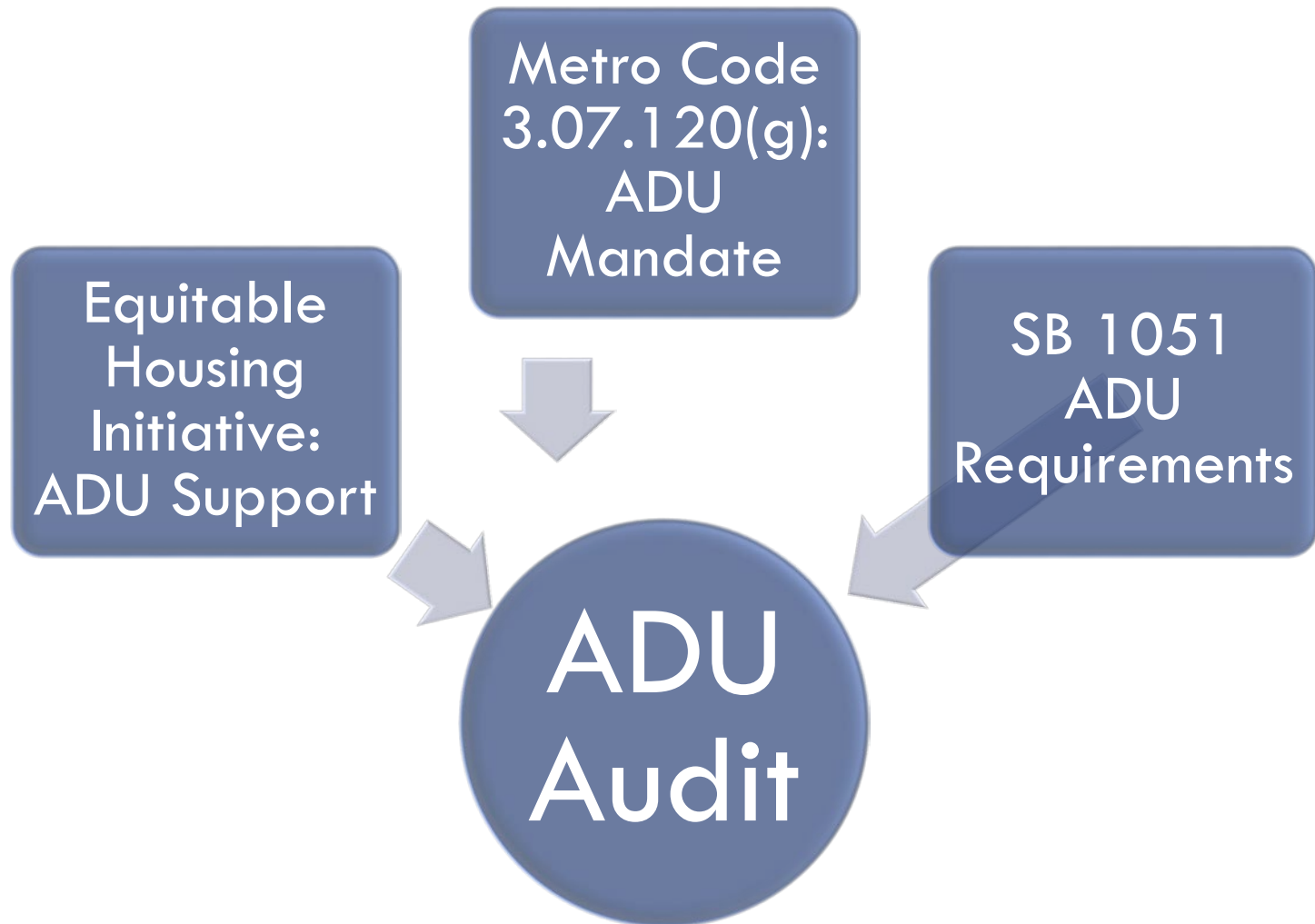
An informational handout regarding the 2040 Planning and Development Grant program will be available at the meeting.

Materials following this page were distributed at the meeting.



# METRO ADU CODE AUDIT

# Metro ADU Code Audit Project



# Project Methodology

1. Review published codes and materials for all 24 cities and 3 counties
2. Interview selected city/county planning staff and ADU developers
3. Gather ADU data from all jurisdictions
4. Share ADU best regulatory practices



# Audit Parameters

- Are codes meeting Metro requirements, state SB 1051 requirements, and emerging best practices?
  - ▣ Off-street parking requirements
  - ▣ Owner-occupancy requirements
  - ▣ Total occupant limits
  - ▣ Restrictive size, dimensional standards
  - ▣ Design compatibility requirements
- ADU production and interest levels
- Available information and application forms
- SDCs

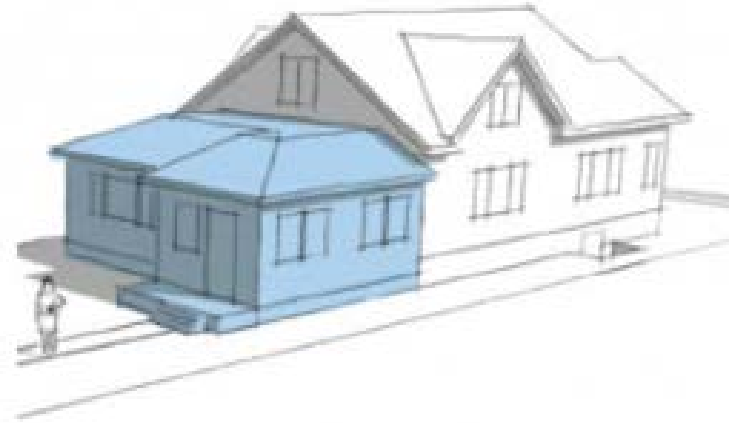
# Audit Findings: Code Basics



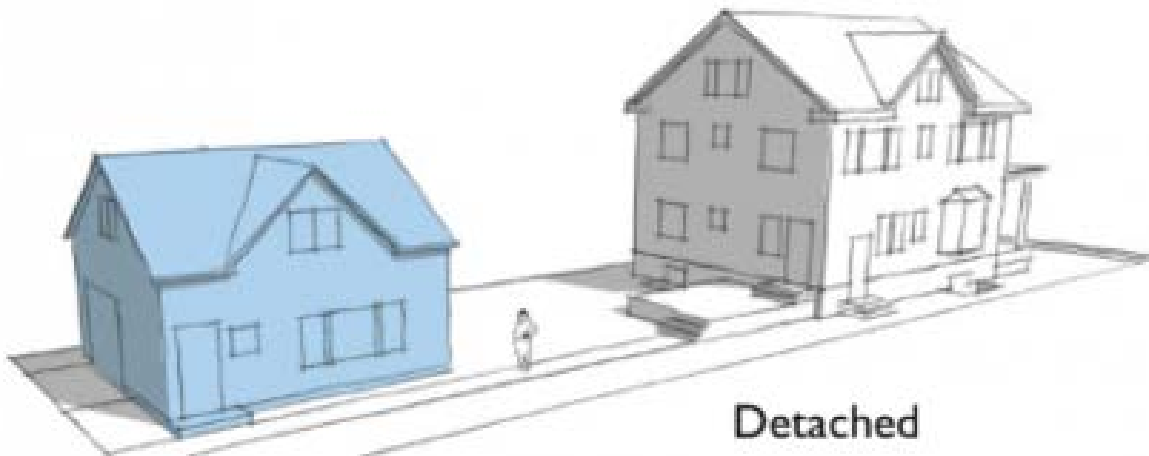
# Audit Findings: ADU Allowances



**Internal**



**Attached**



**Detached**

# Audit Findings: ADU Design



# Audit Findings: ADU Operations

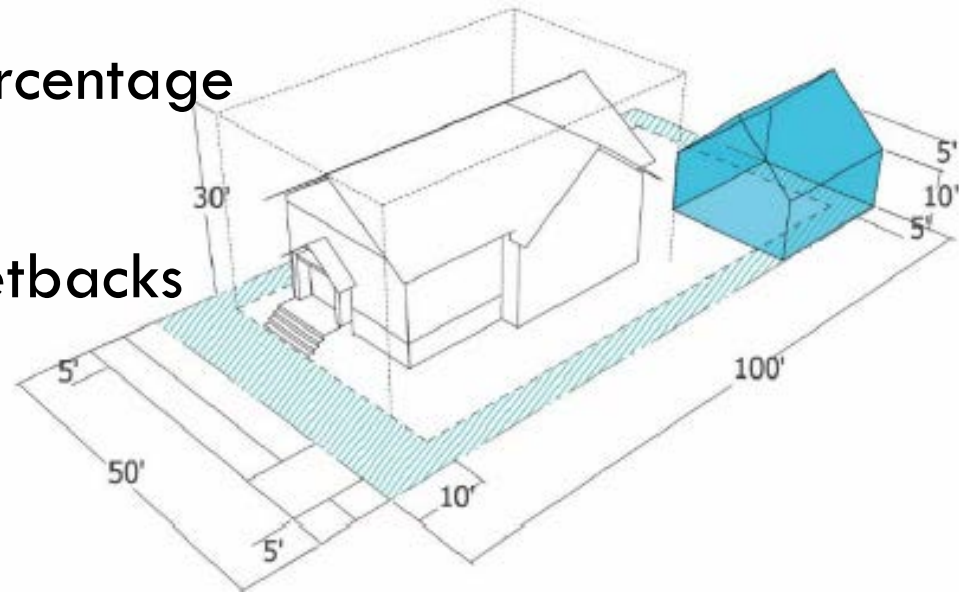


# Audit Findings: ADU review



# ADU Regulatory Best Practices

- Allow all types of ADUs in all zones where SF detached dwellings are permitted
- Permit one to two ADUs per dwelling
- Building permit or Type I review
- Dimensions:
  - 800 SF total size, no percentage
  - 20-25 ft height limit
  - 5-10 ft side and rear setbacks



# ADU Regulatory Best Practices

- Clear & objective design standards, if used
- No off-street parking requirement
- No owner-occupancy requirement
- Minimize SDC and utility improvements
- Supporting information and application materials





# ADU Production Trends

Jurisdiction	ADUs
Portland	2,686
Washington County	60
Hillsboro	47
Tigard	26
Oregon City	23
Beaverton	19
West Linn	15
Happy Valley	10
Milwaukie	9
Fairview	7
Gresham	7
Lake Oswego	7
Wilsonville	7

Jurisdiction	ADUs
Sherwood	5
Wood Village	2
Cornelius	1
Durham	1
Troutdale	1
Forest Grove	0
Gladstone	0
Johnson City	0
King City	0
Maywood Park	0
Multnomah County	0
Rivergrove	0
Tualatin	0

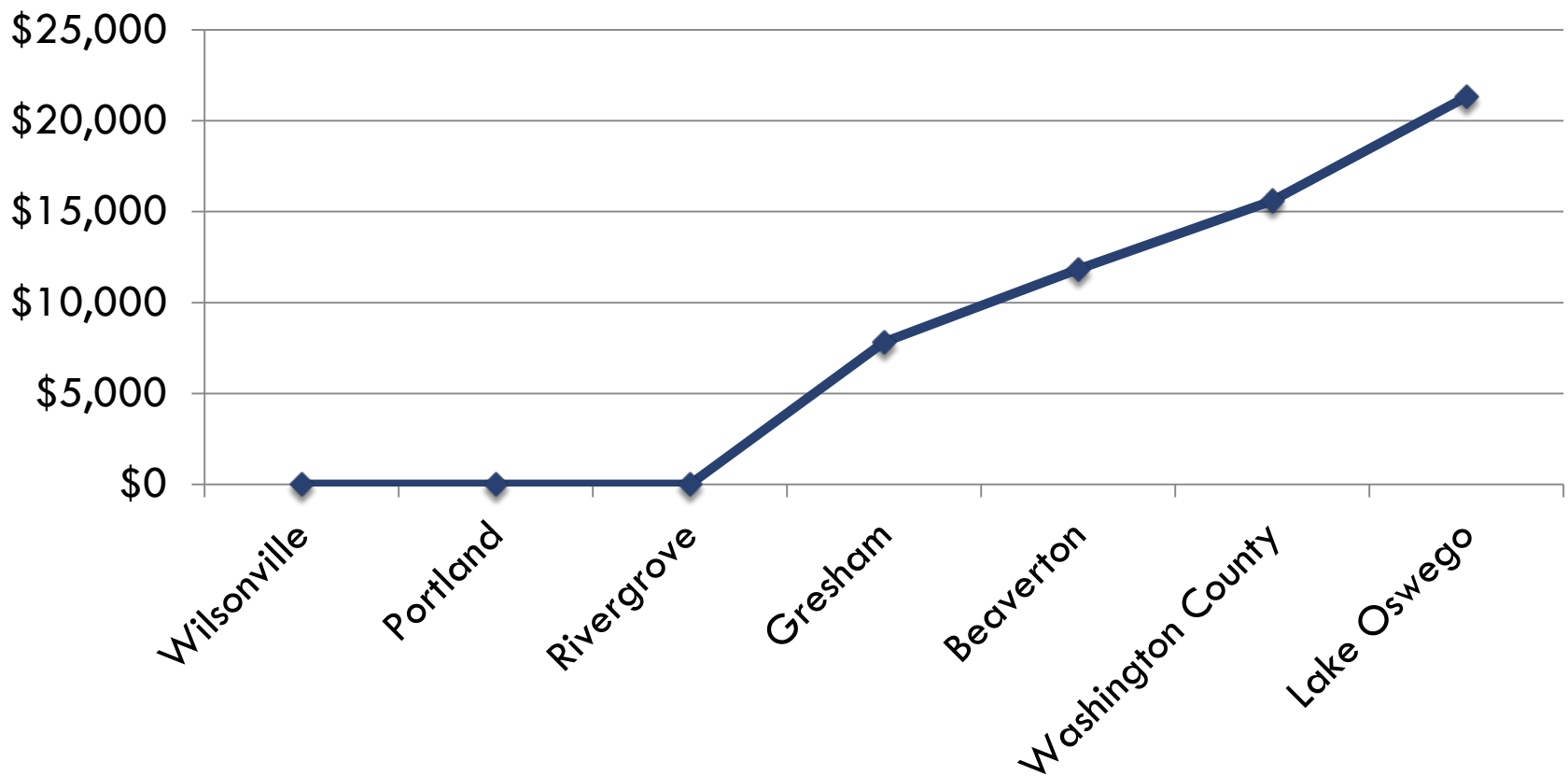
# ADU Development per capita

Jurisdiction	Rate
Portland	4.33
Fairview	0.76
Durham	0.71
Oregon City	0.66
Happy Valley	0.57
West Linn	0.57
Tigard	0.51
Wood Village	0.5
Hillsboro	0.47
Milwaukie	0.44
Wilsonville	0.32
Sherwood	0.26

Jurisdiction	ADUs
Beaverton	0.2
Lake Oswego	0.18
Cornelius	0.08
Gresham	0.06
Troutdale	0.06
Forest Grove	0
Gladstone	0
Johnson City	0
King City	0
Maywood Park	0
Multnomah County	0
Rivergrove	0
Tualatin	0

# SDCs

- Complex methodology involving multiple agencies
- Rarely calibrated for ADUs specifically



# ADU Support & Implementation

- Jurisdictional audit workshop
- Technical assistance
- Final report available at [oregonmetro.gov/buildsmall](http://oregonmetro.gov/buildsmall)



# Real-Time Regulatory Updates

- Code updates underway in 2/3rds of jurisdictions
- Next steps: pilot project to help jurisdictions with outreach and marketing





Metro

# 2040 Planning and Development Grants

November 13, 2018



# 2040 Planning and Development Grants

## Mission of Grant Program

- remove barriers to development
- make land ready for development
- enable existing developed sites to be redeveloped
  
- ❖ Proposals in the equitable development category must demonstrate a primary emphasis on advancing equity

# Equitable development projects may include:



- Planning or pre-development for **equitable housing** (diverse, physically accessible, affordable housing choices with access to opportunities, services, and amenities);
- Planning or pre-development work for **facilities and community investments that will advance quality of life outcomes for marginalized communities, including communities of color**, such as quality education, living wage employment, healthy environments, and transportation;
- Facilitation of development-related efforts in **partnership with a community organization** whose primary mission is to serve communities of color;
- Planning or pre-development for projects that will **serve a specific neighborhood or geography** with a high percentage of residents that are people of color or historically marginalized communities;



# Timeline for grant cycle 7

November	Metro Council establishes funding targets for Cycle 7
January	Application materials available on web site; outreach to committees and local partners to announce grant Cycle
February	Pre-application conferences with Metro staff
March	Letters of intent due
April	Final applications due
May	Update Metro Council on applications and level of funding requested
May – June	Staff level review and recommendations; Grant Screening Committee Review and recommendations to COO
July – Aug.	Metro Council action to award grants
Sept. – Dec.	Negotiation of inter-governmental agreements (IGAs); procurement/selection of project consultant teams

# 2040 Planning and Development Grants Recommended Code Amendments

- Clarify the current mission and purpose
- Refine the parameters for exemption from CET
- Allow non-governmental entities to apply for grants if the project is endorsed by a local government
- Remove the sunset provision so that Metro can continue to fund important planning and pre-development work throughout the region.

# 2040 Planning and Development Grants Recommended Code Amendments

## 7.04.020 Policy and Purpose

This chapter establishes a Construction Excise Tax to provide funding for regional and local planning that is required to make land ready for development ~~or redevelopment. after its inclusion in the Urban Growth Boundary.~~

# 2040 Planning and Development Grants Recommended Code Amendments

## 7.04.210 Dedication of Revenue

Revenue derived from the imposition of this tax after deduction of necessary costs of collection shall be dedicated to fund regional and local planning that is required to make land ready for development ~~or redevelopment after inclusion in the Urban Growth Boundary.~~

# 2040 Planning and Development Grants Recommended Code Amendments

## 7.04.040 Exemptions

(2) The Person who would be liable for the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the Construction is used for residential purposes and the property is restricted to being occupied by ~~Persons~~ people with incomes less than ~~50~~ 60 percent (~~50~~60%) of the median income for a period of 30 years or longer;

# 2040 Planning and Development Grants Recommended Code Amendments

## 7.04.040 Exemptions

(3) The Person who would be liable for the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) and the Construction is dedicated for use for the purpose of providing charitable services to ~~Persons with income less than 50 percent (50%) of the median income~~ disadvantaged people.

# 2040 Planning and Development Grants Recommended Code Amendments

## 7.04.220 Procedures for Distribution

The Chief Operating Officer shall distribute the revenues from the Construction Excise Tax as grants to local governments based on an analysis of grant requests ~~submitted by the local jurisdiction which set forth the expected completion of certain milestones associated with Metro Code Chapter 3.07, the Urban Growth Management Functional Plan~~ for planning or pre-development work that will implement the region's long range plan. Grants may also be distributed to private entities for projects that are endorsed by a local government and in the public interest.

# 2040 Planning and Development Grants Recommended Code Amendments

## ~~7.04.230 Sunset Provision~~

~~The Construction Excise Tax shall not be imposed on and no person shall be liable to pay any tax for any construction activity that is commenced pursuant to a building permit issued on or after December 31, 2020.~~



**oregonmetro.gov**



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REMOVING THE	)	ORDINANCE NO. 18-1425
SUNSET PROVISION OF THE METRO	)	
CONSTRUCTION EXCISE TAX THAT FUNDS	)	Introduced by Chief Operating Officer Martha
THE 2040 PLANNING AND DEVELOPMENT	)	Bennett in concurrence with Council
GRANT PROGRAM AND MAKING OTHER	)	President Tom Hughes
AMENDMENTS TO CHAPTER 7.04 OF THE	)	
METRO CODE	)	

WHEREAS, in 2006, Metro adopted Ordinance No. 06-1115, establishing a construction excise tax (CET) to generate revenue for providing grants to local governments for regional and local planning; and

WHEREAS, when the Metro Council adopted code provisions in 2006 implementing the CET, the Metro Council included a sunset provision providing that the CET would expire after \$6.3 million in revenue had been collected; and

WHEREAS, in June 2009, on recommendation of an advisory group and the Metro Chief Operating Officer (COO) regarding the continuing need for funding regional and local planning, the Metro Council adopted Ordinance No. 09-1220, extending the CET for an additional five year period, with a sunset date of September 2014; and

WHEREAS, on recommendation of an advisory group and the Metro COO, in June 2014 the Metro Council adopted Ordinance No. 14-1328, extending the CET for an additional five year period, with a new sunset date of December 31, 2020; and

WHEREAS, in order to comply with land use policies of the State of Oregon and Metro, local jurisdictions are required to perform concept planning of lands designated as urban reserves prior to petitioning Metro to include these lands within the urban growth boundary; and

WHEREAS, in order to comply with land use policies of the State of Oregon and Metro, local jurisdictions are required to complete comprehensive plans for new urban areas to enable these areas to develop as complete communities appropriately served with essential infrastructure; and

WHEREAS, planning and development work by local jurisdictions is critical to reduce barriers to development and enable infill development on lands already within the Urban Growth Boundary and served by infrastructure to develop and redevelop in a manner consistent with established regional goals; and

WHEREAS, planning and development work by local jurisdictions is critical to specifically facilitate development projects that advance equitable outcomes and access to opportunity for all residents of the region as the region grows and accommodates higher populations; and

WHEREAS, since the inception of the Construction Excise Tax in 2006, Metro has awarded over \$23.5 million in grants to cities, counties and other government entities in the region to fund critical planning and development activities that support implementation of the region's long range plan for growth; and

WHEREAS, in 2016 the Oregon legislature enacted Senate Bill 1533, which repealed existing state law that prohibited local governments from enacting new CETs statewide, and

WHEREAS, in the 12 years of its existence, revenue from the CET has funded dozens of planning and development grants across the region that have helped cities and counties make land ready for urban development, both inside the existing UGB and in areas identified for future urbanization; and

WHEREAS, absent the provision of grant funds from Metro for planning and development, local jurisdictions may not have reliable and sufficient sources of funding to implement the planning and development policies and projects that are essential to build complete communities and successfully support regional goals and policies set forth in the 2040 Growth Concept, the Urban Growth Management Functional Plan, and the six desired outcomes outlined in the Regional Framework Plan; now therefore

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The Metro Code is amended as shown on Exhibit A to remove the sunset provision on the CET such that Metro may continue to provide critical funding to local jurisdictions to facilitate planning and development activities;
2. The Metro Code is also amended as shown on Exhibit A to clarify the purpose of CET funding, the types of projects that are eligible for exemptions from paying the CET, and the types of entities who may apply for grants;
3. The Metro Council hereby directs the Metro COO and staff to amend the Metro administrative rules governing the CET program to be consistent with the Metro Code amendments enacted by this ordinance.

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

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Tom Hughes, Council President

Approved as to Form:

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Nathan Sykes, Acting Metro Attorney

Exhibit A to Ordinance 18-1425

Chapter 7.04

CONSTRUCTION EXCISE TAX

SECTION	TITLE
7.04.010	Short Title
7.04.020	Policy and Purpose
7.04.030	Definitions
7.04.040	Exemptions
7.04.045	Ceiling
7.04.050	Rules and Regulations Promulgation
7.04.060	Administration and Enforcement Authority
7.04.070	Imposition of Tax
7.04.080	Rate of Tax
7.04.090	Failure to Pay
7.04.100	Statement of Entire Value of New Construction Required
7.04.110	Intergovernmental Agreements
7.04.120	Rebates
7.04.130	Hearings Officer
7.04.140	Appeals
7.04.150	Refunds
7.04.160	Enforcement by Civil Action
7.04.170	Review
7.04.180	Failure to Pay - Penalty
7.04.190	Violation - Penalty
7.04.200	Rate Stabilization
7.04.210	Dedication of Revenue
7.04.220	Procedures for Distribution
7.04.225	Metro Administrative Fee
<del>7.04.230</del>	<del>Sunset Provision</del>

7.04.010 Short Title

This chapter shall be known as the "Construction Excise Tax."

(Ordinance No. 06-1115, Sec. 1.)

7.04.020 Policy and Purpose

This chapter establishes a Construction Excise Tax to provide funding for regional and local planning that is required to make land ready for development or redevelopment. ~~after its inclusion in the Urban Growth Boundary.~~

(Ordinance No. 06-1115, Sec. 1.)

Exhibit A to Ordinance 18-1425

7.04.030 Definitions

As used in this chapter:

(a) "Building Official" means any person charged by a municipality with responsibility for the administration and enforcement of a building code.

(b) "Chief Operating Officer" means the person holding the position of Metro Chief Operating Officer established by Section 2.20.010 of the Metro Code.

(c) "Construction" means erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure for which the issuance of a building permit is required pursuant to the provisions of Oregon law, whether residential or non-residential. Construction also includes the installation of a manufactured dwelling.

(d) "Contractor" means any person who performs Construction for compensation.

(e) "Improvement" means any newly constructed structure or a modification of any existing structure.

(f) "Major Renovation" means any renovation, alteration or remodeling of an existing building or structure, or portion thereof, residential or non-residential, that requires or receives a building permit.

(g) "Manufactured Dwelling" means any building or structure designed to be used as a residence that is subject to regulation pursuant to ORS 446, as further defined in ORS 446.003(26).

(h) "Person" means and includes individuals, domestic and foreign corporations, public bodies, societies, joint ventures, associations, firms, partnerships, joint stock companies, clubs or any legal entity whatsoever.

(i) "Value of New Construction" means the total value of the Construction as determined by the construction permit or building permit for the Improvement and/or Major Renovation.

(Ordinance No. 06-1115, Sec. 1.)

## Exhibit A to Ordinance 18-1425

### 7.04.040 Exemptions

(a) No obligation to pay the tax imposed by Section 7.04.070 shall be imposed upon any Person who establishes that one or more of the following are met:

- (1) The Value of New Construction is less than or equal to \$100,000; or
- (2) The Person who would be liable for the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the Construction is used for residential purposes and the property is restricted to being occupied by ~~Persens~~ people with incomes less than ~~50~~ 60 percent (~~50~~60%) of the median income for a period of 30 years or longer; or
- (3) The Person who would be liable for the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) and the Construction is dedicated for use for the purpose of providing charitable services to ~~Persens with income less than 50 percent (50%) of the median income~~ disadvantaged people.

(b) The Building Official or Chief Operating Officer may require any Person seeking an exemption to demonstrate that the Person is eligible for an exemption and that all necessary facts to support the exemption are established.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.045 Ceiling

Notwithstanding the provisions set forth in Sections 7.04.070 and 7.04.080, if the Construction Excise tax imposed by this Chapter would be greater than \$12,000 (Twelve Thousand Dollars) as measured by the Value of New Construction that would generate that amount of tax, then the Construction Excise Tax imposed for that Construction is capped at a ceiling of \$12,000 (Twelve Thousand Dollars).

(Ordinance No. 06-1115, Sec. 1.)

## Exhibit A to Ordinance 18-1425

### 7.04.050 Rules and Regulations Promulgation

The Chief Operating Officer shall promulgate rules and regulations necessary for the administration and enforcement of this chapter.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.060 Administration and Enforcement Authority

(a) The Chief Operating Officer shall be responsible for the administration and enforcement of this chapter. In exercising the responsibilities of this section, the Chief Operating Officer may act through a designated representative.

(b) In order to carry out the duties imposed by this chapter, the Chief Operating Officer shall have the authority to do the following acts, which enumeration shall not be deemed to be exhaustive, namely: administer oaths, certify to all official acts; to subpoena and require attendance of witnesses at hearings to determine compliance with this chapter, rules and regulations; to require production of relevant documents at public hearings; to swear witnesses; and to take testimony of any Person by deposition.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.070 Imposition of Tax

A Construction Excise tax is imposed on every Person who engages in Construction within the Metro Area. The tax shall be measured by the total Value of New Construction at the rate set forth in Section 7.04.080. If no additional value is created or added by the Construction and if the Construction does not constitute a Major Renovation, then there shall be no tax due. The tax shall be due and payable at the time of the issuance of any building permit, or installation permit in the case of a manufactured dwelling, by any building authority.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.080 Rate of Tax

The rate of tax to be paid for Construction and/or Major Renovation shall be 0.12% of the Value of New Construction.

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(Ordinance No. 06-1115, Sec. 1.)

### 7.04.090 Failure to Pay

It shall be unlawful for any Person to fail to pay all or any portion of the tax imposed by this chapter.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.100 Statement of Entire Value of New Construction Required

It shall be unlawful for any Person to fail to state or to misstate the full Value of New Construction of any Improvement, Major Renovation, or Manufactured Dwelling. When any Person pays the tax, within the time provided for payment of the tax, there shall be a conclusive presumption, for purposes of computation of the tax, that the Value of New Construction of the Improvement, Major Renovation, or Manufactured Dwelling is the Value of New Construction as determined by the Building Official at the time of issuance of the building permit or installation permit. When any Person fails to pay the tax within the time provided for payment of the tax, the Value of New Construction constructed shall be as established by the Chief Operating Officer who may consider the Value of New Construction established by the Building Official but may consider other evidence of actual value as well.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.110 Intergovernmental Agreements

The Chief Operating Officer may enter into intergovernmental agreements with other local governments and jurisdictions to provide for the enforcement of this chapter and the collection and remittance of the Construction Excise Tax. The agreements may provide for the governments to retain no more than 5 percent (5%) of the taxes actually collected as reimbursement of administrative expenses, and also for the reimbursement of the government's reasonable, one time, start-up costs as set forth in the agreements.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.120 Rebates

(a) The Chief Operating Officer shall rebate to any Person who has paid a tax the amount of tax actually paid, upon the



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Person establishing that the tax was paid for Construction that is eligible for an exemption under Section 7.04.040.

(b) The Chief Operating Officer shall either rebate all amounts due under this section within 30 days of receipt of a complete application for the rebate or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.04.140.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.130 Hearings Officer

The Chief Operating Officer shall appoint a hearings officer to conduct hearings related to enforcement or appeals of this chapter. All hearings shall be conducted in accordance with rules and regulations adopted by the Chief Operating Officer.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.140 Appeals

Any Person who is aggrieved by any determination of the Chief Operating Officer regarding liability for payment of the tax, the amount of tax owed, or the amount of tax that is subject to refund or rebate may appeal the determination in accordance with Section 7.04.130. All appeals must be in writing and must be filed within 10 days of the determination by the Chief Operating Officer. No appeal may be made unless the Person has first paid the tax due as determined by the Chief Operating Officer.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.150 Refunds

(a) Upon written request, the Chief Operating Officer shall refund any tax paid to the Person who paid the tax after that Person has established that Construction was not commenced and that any Building Permit issued has been cancelled as provided by law.

(b) The Chief Operating Officer shall either refund all amounts due under this section within 30 days of a complete application for the refund or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.04.140.

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(Ordinance No. 06-1115, Sec. 1.)

7.04.160 Enforcement by Civil Action

The tax and any penalty imposed by this chapter constitutes a debt of the Person liable for the tax as set forth in Section 7.04.070 of this chapter and may be collected by the Chief Operating Officer in an action at law. If litigation is necessary to collect the tax and any penalty, the prevailing party shall be entitled to reasonable attorney fees at trial or on appeal. The Office of Metro Attorney is authorized to prosecute any action needed to enforce this chapter as requested by the Chief Operating Officer.

(Ordinance No. 06-1115, Sec. 1.)

7.04.170 Review

Review of any action of the Chief Operating Officer taken pursuant to this chapter, or the rules and regulations adopted pursuant thereto, shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 through 34.100, provided, however, that any aggrieved Person may demand such relief by writ of review.

(Ordinance No. 06-1115, Sec. 1.)

7.04.180 Failure to Pay - Penalty

In addition to any other fine or penalty provided by this chapter, failure to pay the tax within 15 days of the date of issuance of any Building Permit for any Improvement, Major Renovation, or installation permit for any Manufactured Dwelling shall result in a penalty equal to the amount of tax owed or fifty dollars (\$50.00), whichever is greater.

(Ordinance No. 06-1115, Sec. 1.)

7.04.190 Violation - Penalty

(a) In addition to any other civil enforcement provided herein, violation of this chapter shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00).

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(b) Violation of this chapter by any officer, director, partner or other Person having direction or control over any Person violating this chapter shall subject each such Person to such fine.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.200 Rate Stabilization

In order to protect against the cyclical nature of the construction industry and development patterns, the Council shall annually as part of the budget process create reserves from the revenues generated or expected to be generated by the Construction Excise Tax, which reserves are designed to protect against future fluctuations so as to promote stability in the funds needed to support required programs.

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.210 Dedication of Revenue

Revenue derived from the imposition of this tax after deduction of necessary costs of collection shall be dedicated to fund regional and local planning that is required to make land ready for development or redevelopment ~~after inclusion in the Urban Growth Boundary.~~

(Ordinance No. 06-1115, Sec. 1.)

### 7.04.220 Procedures for Distribution

The Chief Operating Officer shall distribute the revenues from the Construction Excise Tax as grants to local governments based on an analysis of grant requests ~~submitted by the local jurisdiction which set forth the expected completion of certain milestones associated with Metro Code Chapter 3.07, the Urban Growth Management Functional Plan for planning or pre-~~ development work that will implement the region's long range plan. Grants may also be distributed to private entities for projects that are endorsed by a local government and in the public interest.

(Ordinance No. 06-1115, Sec. 1; and Ordinance No. 09-1220, Sec. 2.)

### 7.04.225 Metro Administrative Fee

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Metro shall retain five percent (5%) of the taxes remitted to Metro for payment towards Metro's administrative expenses.

(Ordinance No. 09-1220, Sec. 2; and Ordinance No. 14-1328, Sec. 2.)

7.04.230 Sunset Provision

~~The Construction Excise Tax shall not be imposed on and no person shall be liable to pay any tax for any construction activity that is commenced pursuant to a building permit issued on or after December 31, 2020.~~

(Ordinance No. 06-1115, Sec. 1; Ordinance No. 09-1220, Sec. 2; and Ordinance No. 14-1328, Sec. 2.)

