

Council meeting agenda

Thursday, July 26, 2018

2:00 PM

Metro Regional Center, Council chamber

REVISED 7/26

1. Call to Order and Roll Call

2. Public Communication

3. Consent Agenda

- 3.1 Consideration of the Council Meeting Minutes for July 19, 2018

18-5061

4. Ordinances (Second Reading)

- 4.1 Ordinance No. 18-1424, For the Purpose of Coordinating Comprehensive Plans Regarding the Urban Service Boundary Between the Cities of Portland and Beaverton

[ORD 18-1424](#)

Attachments: [Ordinance No. 18-1424](#)
[Exhibit A to Ordinance No. 18-1424](#)
[Staff Report](#)

- 4.2 Ordinance No. 18-1418, For the Purpose of Amending Metro Code Chapter 5.10 to Establish a Businesses Food Waste Requirement in Order to Increase the Recycling of Food Waste and to Assist the Metro Region with Achieving Waste Reduction Goals

[ORD 18-1418](#)

Presenter(s): J. Erickson, Metro

Attachments: [Ordinance No. 18-1418](#)
[Exhibit A to Ordinance No. 18-1418](#)
[Staff Report](#)

5. Resolutions

- 5.1 Resolution No. 18-4902, For the Purpose of Approving
Fiscal Year 2018-19 Funding for 2040 Planning and
Development Grants Funded with Construction Excise Tax

[RES 18-4902](#)

Presenter(s): TBD

Attachments: [Resolution No. 18-4902](#)
[Exhibit A to Resolution No. 18-4902](#)
[Attachment 1 to Exhibit A](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)

6. **Chief Operating Officer Communication**
7. **Councilor Communication**
8. **Adjourn**

Metro respects civil rights

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Thông báo về sự Metro không kỳ thị của

Metro tôn trọng dân quyền. Muốn biết thêm thông tin về chương trình dân quyền của Metro, hoặc muốn lấy đơn khiếu nại về sự kỳ thị, xin xem trong www.oregonmetro.gov/civilrights. Nếu quý vị cần thông dịch viên ra dấu bằng tay, trợ giúp về tiếp xúc hay ngôn ngữ, xin gọi số 503-797-1700 (từ 8 giờ sáng đến 5 giờ chiều vào những ngày thường) trước buổi họp 5 ngày làm việc.

Повідомлення Metro про заборону дискримінації

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. 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.

Metro 的不歧視公告

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。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. Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullanka dadweynaha, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmaha shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

Metro의 차별 금지 관련 통지서

Metro의 시민권 프로그램에 대한 정보 또는 차별 항의서 양식을 얻으려면, 또는 차별에 대한 불만을 신고 할 수 www.oregonmetro.gov/civilrights. 당신의 언어 지원이 필요한 경우, 회의에 앞서 5 영업일 (오후 5시 주중에 오전 8시) 503-797-1700를 호출합니다.

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬស្នើសុំទទួលបានកាតបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ 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. 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.

Paunawa ng Metro sa kawalan ng diskriminasyon

Iginagalang ng Metro ang mga karapatang sibil. Para sa impormasyon tungkol sa programa ng Metro sa mga karapatang sibil, o upang makakuha ng porma ng reklamo sa diskriminasyon, bisitahin ang www.oregonmetro.gov/civilrights. Kung kailangan ninyo ng interpreter ng wika sa isang pampublikong pulong, tumawag sa 503-797-1700 (8 a.m. hanggang 5 p.m. Lunes hanggang Biyernes) lima araw ng trabaho bago ang pulong upang mapagbigyan ang inyong kahilingan.

Notificación de no discriminación de Metro

Metro respeta los derechos civiles. Para obtener información sobre el programa de derechos civiles de Metro o para obtener un formulario de reclamo por discriminación, ingrese a www.oregonmetro.gov/civilrights. Si necesita asistencia con el idioma, llame al 503-797-1700 (de 8:00 a. m. a 5:00 p. m. los días de semana) 5 días laborales antes de la asamblea.

Уведомление о недопущении дискриминации от Metro

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Avizul Metro privind nediscriminarea

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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. 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 lwj ua ntej ntawm lub rooj sib tham.

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

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 and click on public comment opportunities.

Agenda Item No. 3.1

**Consideration of the Council Meeting Minutes for July
19,2018**

Consent Agenda

Metro Council Meeting
Thursday, July 26, 2018
Metro Regional Center, Council Chamber

Agenda Item No. 4.1

**Ordinance No. 18-1424, For the Purpose of Coordinating Comprehensive
Plans Regarding the Urban Service Boundary Between the Cities of
Portland and Beaverton**

Ordinances (Second Reading)

Metro Council Meeting
Thursday, July 26, 2018
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF COORDINATING	)	Ordinance No. 18-1424
COMPREHENSIVE PLANS REGARDING)	
THE URBAN SERVICE BOUNDARY	)	Introduced by Chief Operating Officer
BETWEEN THE CITIES OF PORTLAND	)	Martha Bennett in concurrence with
AND BEAVERTON	)	Council President Tom Hughes
)	

WHEREAS, under ORS 195.025(1) Metro is assigned responsibility for coordinating land use planning activities within its jurisdiction to assure integrated local comprehensive plans throughout the entire Metro region; and

WHEREAS, in 1997 the Metro Council adopted Ordinance No. 96-665C, which reflected a settlement agreement between the City of Portland, the City of Beaverton and Washington County regarding the provision of urban services to unincorporated areas of Washington County; and

WHEREAS, Metro Ordinance No. 96-665C adopted an urban service boundary map establishing the ultimate boundary of each city for future annexations, and directed the two cities and the county to amend their comprehensive plans to be consistent with that map; and

WHEREAS, in the last 20 years conditions have changed and the two cities have determined that several areas that were previously designated to be served by one city can be more efficiently served by the other; and

WHEREAS, on June 29, 2017 the two cities and Metro entered into an Intergovernmental Agreement (IGA) that revised the 1997 urban service boundary map and transferred responsibility for providing urban services to certain areas from one city to the other; and

WHEREAS, in the IGA the cities agreed to adopt amendments to their comprehensive plan maps consistent with the revised urban service boundary, and Metro agreed to formally recognize that the revised comprehensive plan maps are coordinated and to assign planning authority to each city consistent with the revised boundary; and

WHEREAS, on June 15, 2016 the City of Portland adopted Ordinance No. 187832 and on May 1, 2018 the City of Beaverton adopted Ordinance No. 4730 amending their comprehensive plans as required by the IGA; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro recognizes that the cities have fulfilled their obligations under the IGA, which is attached as Exhibit A to this ordinance, and that the cities' comprehensive plan maps are "coordinated" within the meaning of ORS 268.380, ORS 195.025 and Statewide Planning Goal 2.

2. Comprehensive land use planning authority for the urban service areas depicted on Exhibits D, E and F of the IGA are assigned to the City of Beaverton.
3. Comprehensive land use planning authority for the urban service areas depicted on Exhibits G and H of the IGA are assigned to the City of Portland.

ADOPTED by the Metro Council this ____ day of July 2018.

Tom Hughes, Council President

Attest:

Approved as to Form:

Miranda Mishan, Recording Secretary

Alison R. Kean, Metro Attorney

INTERGOVERNMENTAL AGREEMENT

between

City of Beaverton, Oregon

City of Portland, Oregon

and

Metro

PURPOSE

The purpose of this interagency agreement is to coordinate the orderly provision of future urban services to unincorporated areas between the Cities of Beaverton and Portland through recognition of an urban services boundary by Metro.

RECITALS

WHEREAS: The Cities and Metro are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190;

WHEREAS: The Cities have authority to adopt, amend, update and revise coordinated comprehensive plans pursuant to ORS 197.175;

WHEREAS: Metro has authority to coordinate city comprehensive plans pursuant to ORS 268.385 and ORS 195.025;

WHEREAS: Both Cities desire a corrected, updated, and mutually adopted urban service boundary recognized and coordinated by Metro.

NOW, THEREFORE, THE CITY OF BEAVERTON, OREGON, THE CITY OF PORTLAND, OREGON AND METRO AGREE AS FOLLOWS:

DEFINITIONS

For the purpose of this this interagency agreement the following terms have these meanings:

“Cities” means the City of Beaverton, Oregon and the City of Portland, Oregon.

“Initiate withdrawal of territory proceedings” means that city planning staff will submit for the city governing body’s consideration a resolution for withdrawal of territory consideration consistent with state law.

“Metro” means the metropolitan service district organized under ORS chapter 268 that is within the boundaries of Clackamas, Multnomah, and Washington counties.

“Parties” means the Cities and Metro.

“Urban Services” means:

1. Sanitary sewers,
2. Stormwater drainage,
3. Water,
4. Fire and police protection,
5. Parks,
6. Open space,
7. Recreation,
8. Streets and roads, and
9. Mass transit.

“Urban Services Area” means the areas depicted in Exhibits B and C of this agreement.

“Urban Services Boundary” means the line between the Cities as depicted in Exhibit A of this interagency agreement.

“Urban Services Provider” means any city, county or special district that provides an urban service.

AGREEMENTS

I. Urban Services Boundary and Areas

Within one year of the effective date of this interagency agreement:

- A. The Cities will consider adoption of ordinances amending the Urban Services Boundary to conform to the proposed Urban Services Boundary depicted in Exhibit A of this Agreement. The Cities will attempt to coordinate adoption of these ordinances to ensure close to contemporaneous effective dates. The Cities, upon amendment of the Urban Services Boundary Area, will incorporate the boundary amendments into their Comprehensive Plan Maps.
- B. After the Cities have adopted amendments described in section I.A of this Agreement, Metro will consider adoption of an ordinance:
 - 1. Recognizing the Cities' Comprehensive Plan Maps are "coordinated" within the meaning of ORS 268.380, ORS 195.025 and Statewide Planning Goal 2;
 - 2. Assigning comprehensive planning authority for the Urban Services Areas to be withdrawn from Portland's USB as depicted in Exhibits D, E and F of this agreement to the City of Beaverton; and
 - 3. Assigning comprehensive planning authority for the Urban Services Areas to be added to Portland's USB as depicted in Exhibits G and H of this agreement to the City of Portland.
- C. Metro will also publish and distribute the Urban Services Boundary and Urban Services Area as part of its Regional Land Use Information System.

II. Annexation

- A. The City of Beaverton will not annex territory within the City of Portland's Urban Services Area, which is depicted, in part, in Exhibit C of this interagency agreement.
- B. The City of Portland will not annex territory within the City of Beaverton's Urban Services Area, which is depicted only potentially in Exhibit B of this interagency agreement.
- C. Except for annexations by the City of Portland or annexations specifically provided by an intergovernmental agreement between the City of Portland and a separate service provider, the City of Portland authorizes Metro to not process, record, map or make effective any annexation within the City of Portland's Urban Services Area.

III. Withdrawal of Territory

- A. The City of Portland will, upon request of the City of Beaverton, initiate withdrawal of territory proceedings for properties depicted in Exhibit D, E and F for the purpose of allowing annexation to the City of Beaverton and, contemporaneously, annexations by affected special districts.

- B. Any action to withdraw properties depicted in Exhibit D, E and F from the City of Portland is contingent upon contemporaneous annexation proceedings for the same properties by the City of Beaverton. The effective date of annexation by the City of Beaverton must be the same as the effective date of withdrawal of territory by the City of Portland.
- C. The Cities authorize Metro to not process, record, map or make effective any withdrawal of territory that results in the creation of new unincorporated territory.

IV. City Urban Services

Unless authorized by an existing intergovernmental agreement or by an amendment to this Agreement, after the City of Portland and the City of Beaverton amend their Urban Services Boundary Areas consistent with Section I of this Agreement:

- A. The City of Portland will not provide new or upgraded urban services within the City of Beaverton or within Beaverton's Urban Services Area.
- B. The City of Beaverton will not provide new or upgraded urban services within the City of Portland or within Portland's Urban Services Area.

V. Other Urban Services

Unless first authorized by an amendment to this interagency agreement, or by an interagency agreement between the City of Portland and a separate service provider, Metro will not process, record, map or make effective:

- A. Formation of any new urban services provider district within Portland's Urban Services area, or
- B. Expansion of the boundaries of any existing urban services provider within Portland's Urban Services area.

VI. Further Obligations

Nothing in this agreement obligates the Cities to annex territory or withdraw territory from the boundaries of any district that provides urban services. This agreement does, however, establish that the Cities are "appropriate parties," within the meaning of ORS 195.020 (3) to enter into future coordination agreements with urban services providers pursuant to ORS 195.020 (4) and 195.065.

VII. Costs and Compensation

Each Party assumes its own costs of carrying out this interagency agreement. No payments will be made by one Party to another Party.

VIII. Maintenance of Records

- A. The Cities will each maintain a copy of the Urban Services Boundary map as a public record under a permanent retention schedule, and will maintain an electronic version of the boundary as geospatial data in formats acceptable to Metro and the Oregon Department of Land Conservation and Development.
- B. Metro will maintain the Urban Services Area map and the Urban Services Area maps as public records under a permanent retention schedule, and will maintain an electronic version of these areas as geospatial data in formats acceptable to the Cities and the Oregon Department of Land Conservation and Development.

IX. Term of this Agreement

This Agreement shall remain in effect until terminated as follows.

This agreement may be terminated:

- A. By mutual written agreement of all parties; or
- B. Upon 90 days written notice by one party to the other two parties.

X. Amendment of this Agreement

This agreement may be amended at any time by agreement of all Parties. No amendment will become effective until it is reduced to writing and signed by all Parties.

XI. Indemnification

Subject to the limitations of the Oregon Tort Claims Act and the Oregon Constitution, the City of Portland agrees to indemnify, hold harmless and defend the City of Beaverton and Metro, their officers, employees and agents from and against all claims, suits, actions, of whatsoever nature, damages or losses, and all expenses and costs incidental to the investigation and defense thereof including reasonable attorney fees, resulting from or arising out of the acts of the City of Portland or its officers, employees or agents under this Agreement.

Subject to the limitations of the Oregon Tort Claims Act and the Oregon Constitution, the City of Beaverton agrees to indemnify, hold harmless and defend the City of Portland and Metro, their officers, employees and agents from and against all claims, suits, actions, of whatsoever nature, damages or losses, and all expenses and costs incidental to the investigation and defense thereof including reasonable attorney fees, resulting from or arising out of the acts of the City of Beaverton or its officers, employees or agents under this Agreement.

Subject to the limitations of the Oregon Tort Claims Act and the Oregon Constitution, Metro agrees to indemnify, hold harmless and defend the City of Beaverton and the City of Portland, their officers, employees and agents from and against all claims, suits,

actions, of whatsoever nature, damages or losses, and all expenses and costs incidental to the investigation and defense thereof including reasonable attorney fees, resulting from or arising out of the acts of Metro or its officers, employees or agents under this Agreement.

XII. Conflict Resolution

In the case of a dispute under this Agreement, the planning directors of the parties shall attempt to resolve the dispute informally. If a dispute between the Cities cannot be resolved through this process, the Cities agree to submit any dispute to Metro for assistance in resolving the dispute.

XIII. Status of Earlier Maps

The maps in this interagency agreement supersede the maps in Metro Ordinance 96-665C. Metro will amend the map attached to Ordinance 96-665C to conform to this agreement, and will repeal language concerning policies to be added to comprehensive plans.

XIV. Compliance with Laws

Each party shall comply with all applicable federal, state and local laws and regulations in connection with activities under this Agreement.

XV. Effective Date

The effective date of this interagency agreement is the date of the last of the three signatures on the attached signature page.

XVI. Entire Agreement

This Agreement and its Exhibits are the entire agreement among the parties with regard to the subject matter herein. There is no other oral or written agreement among the parties with regard to this subject matter.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

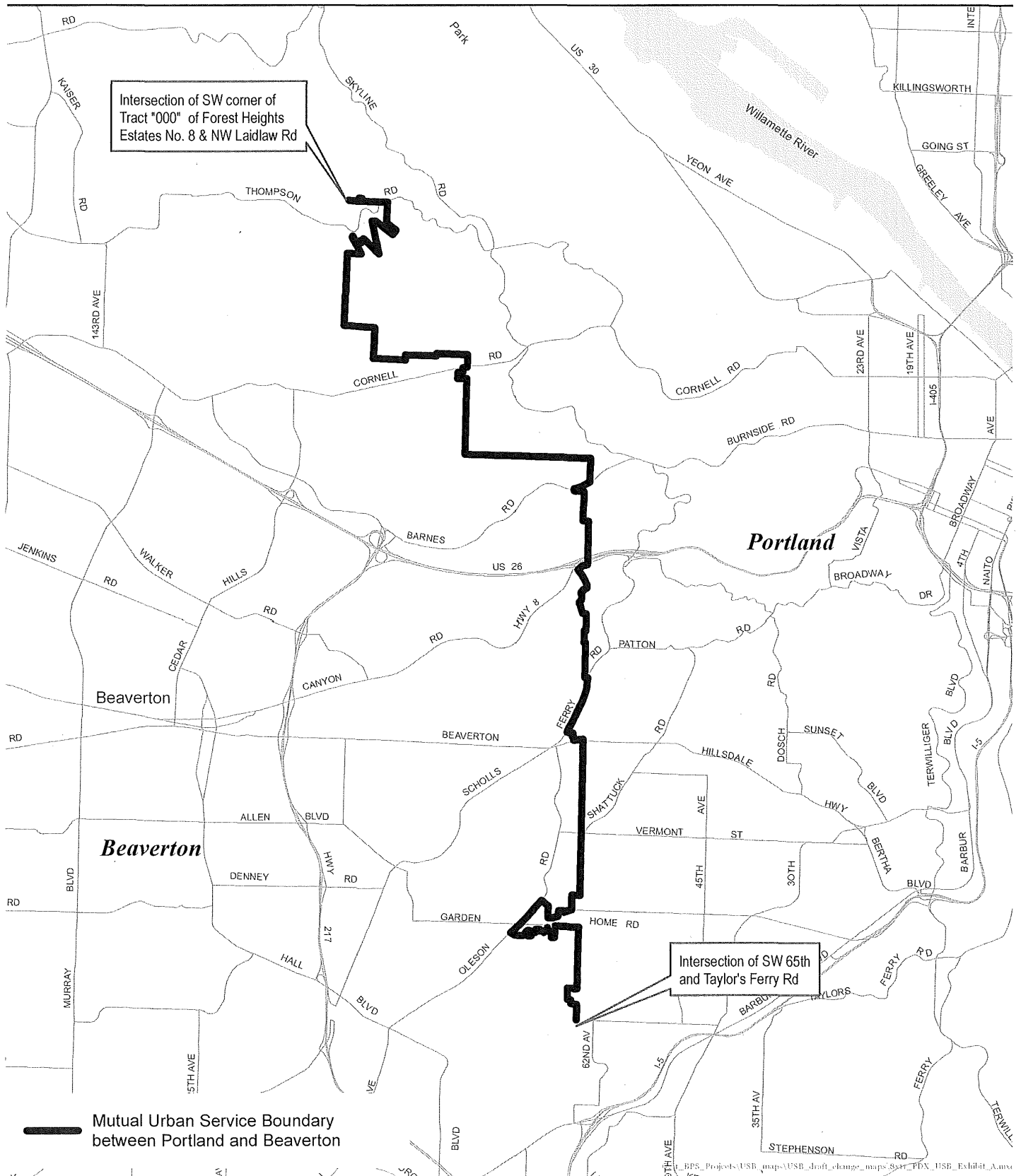
For the City of Beaverton  Mayor Date: <u>5/31/17</u>	For the City of Portland  Mayor Date: <u>6/15/17</u>	For Metro  Chief Operating Officer Date: <u>6/29/17</u>
Approved as to form:  City Attorney	Approved as to form:  City Attorney	Approved as to form:  Metro Attorney

Effective Date: June 29, 2017

Exhibits A through H are attached and made a part of this agreement.

Exhibit A

Portland Urban Service Boundary



March 4, 2015

City of Portland, Oregon
Bureau of Planning & Sustainability
Geographic Information System

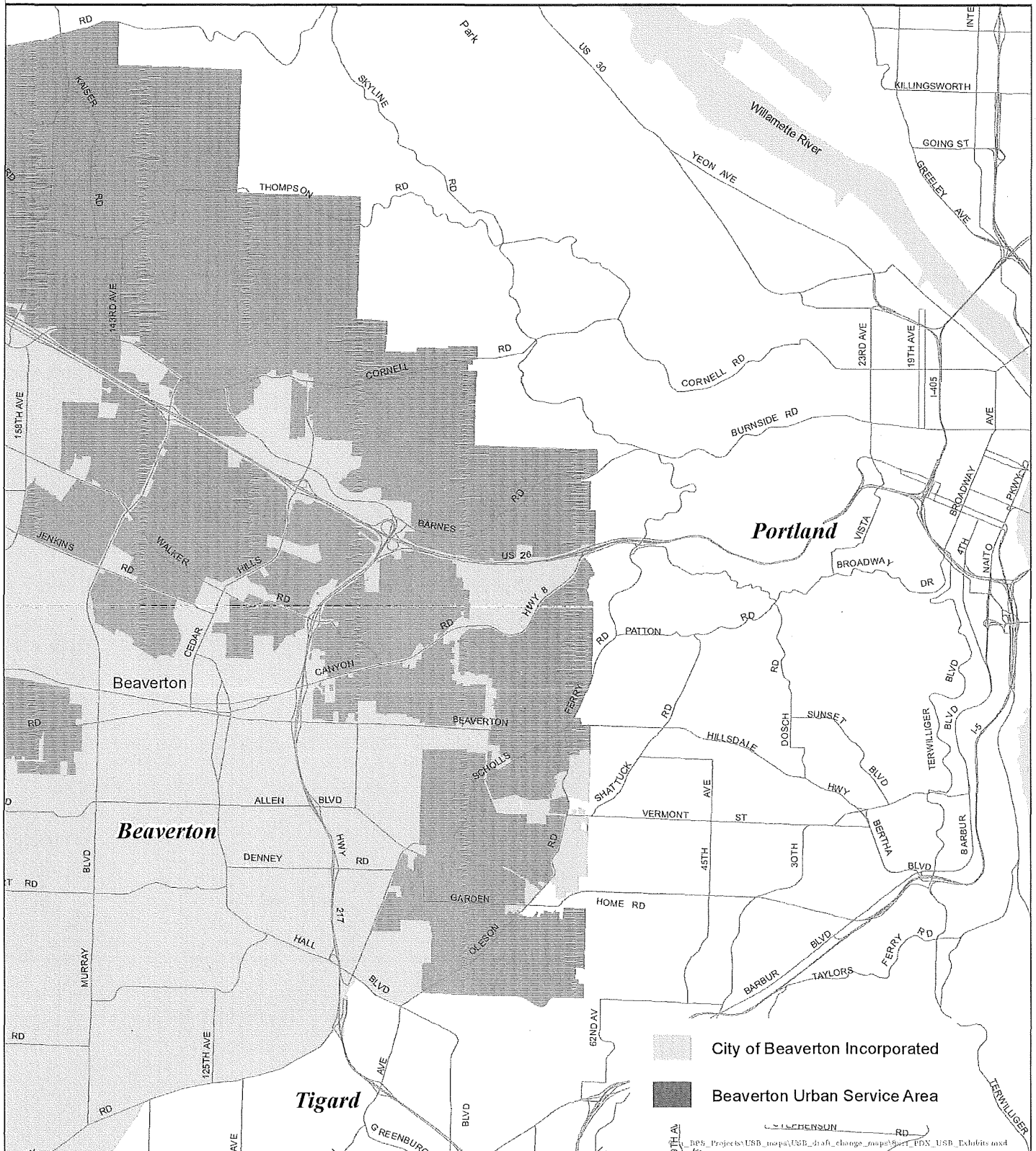


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Exhibit B

Beaverton Incorporated & Urban Service Area



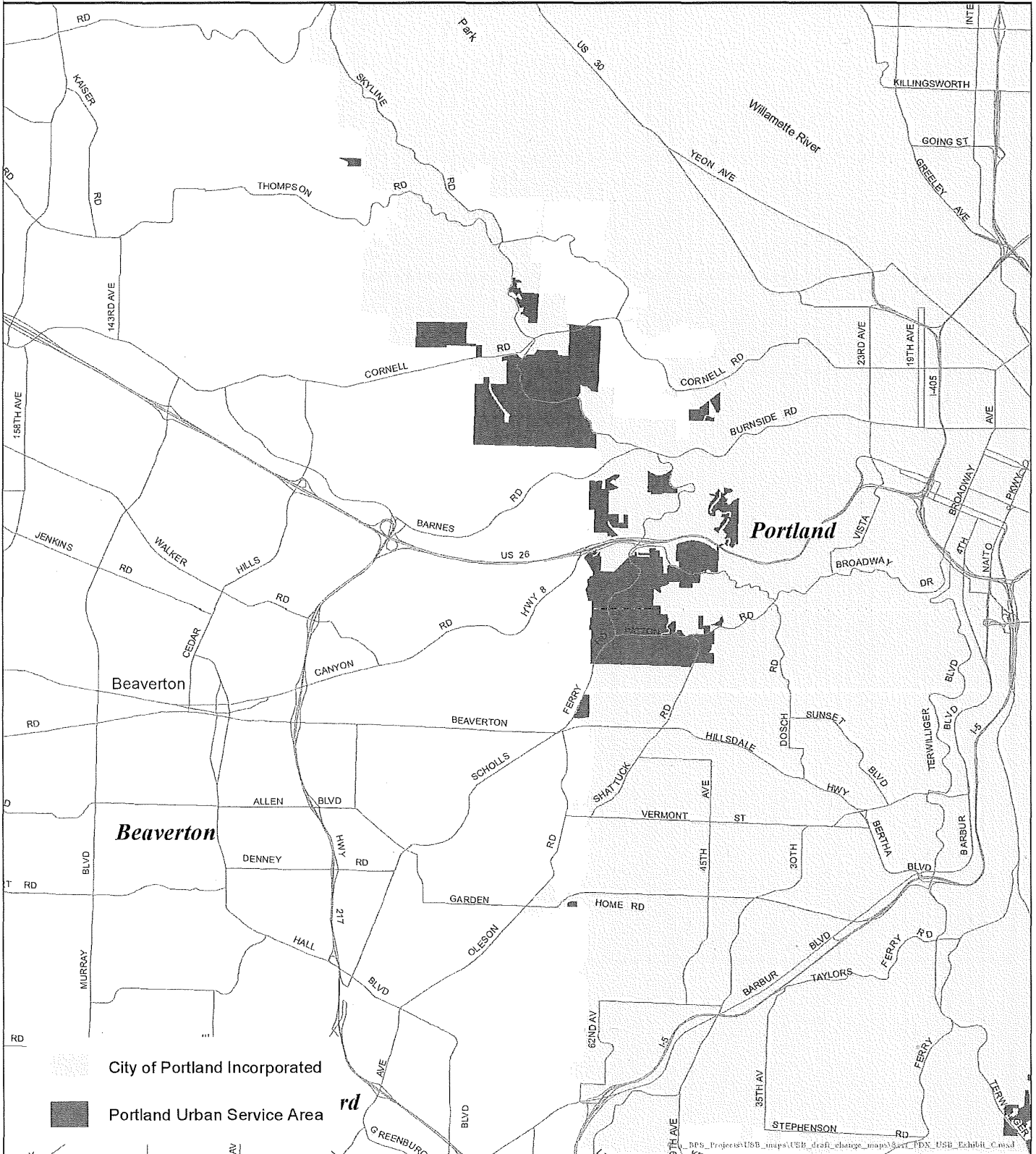
March 3, 2015

City of Portland, Oregon
Bureau of Planning & Sustainability
Geographic Information System



Exhibit C

Portland Incorporated & Urban Service Area



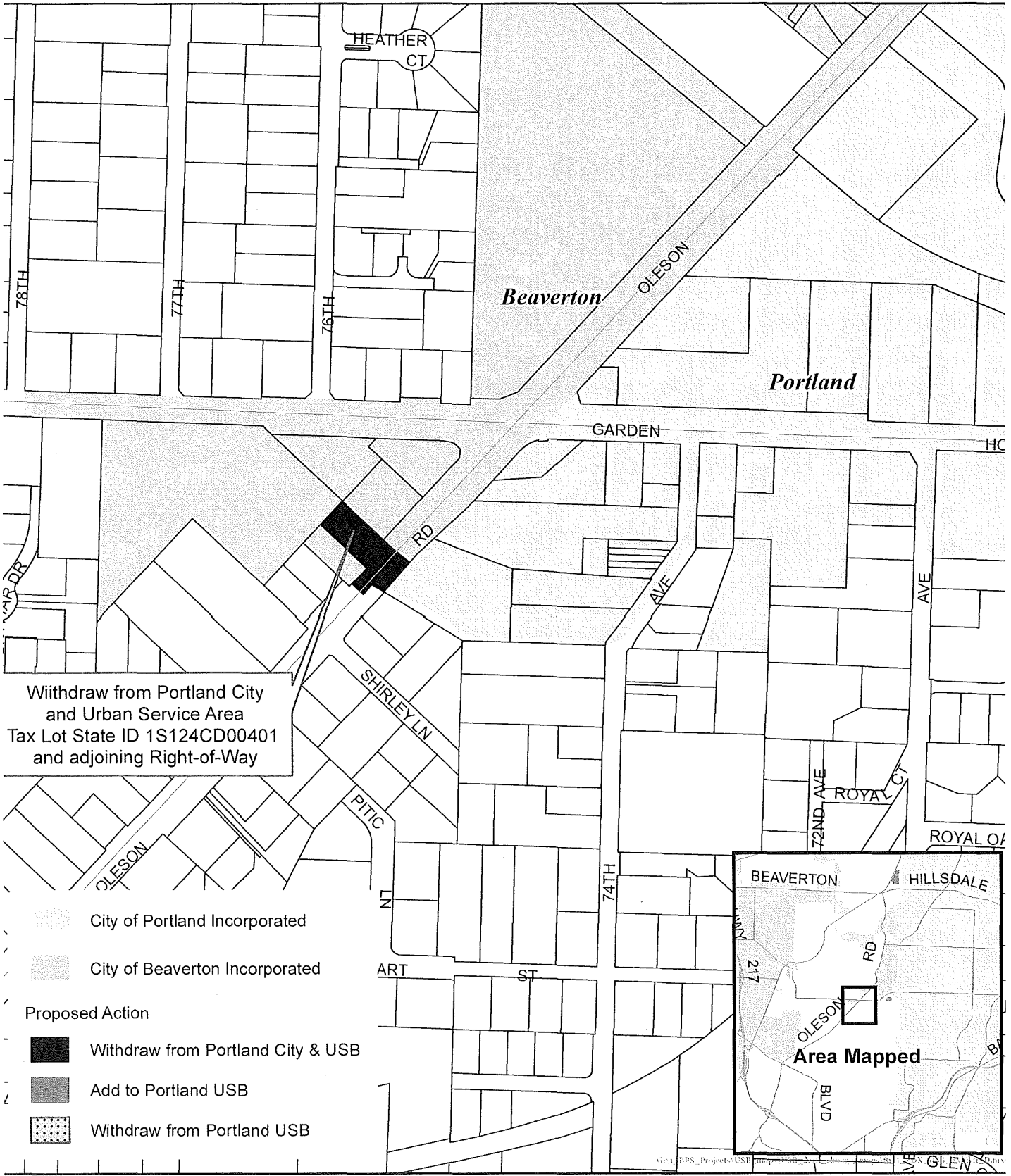
March 3, 2015

City of Portland, Oregon
Bureau of Planning & Sustainability
Geographic Information System



Exhibit D

Portland Incorporated & Urban Service Area



March 4, 2015

City of Portland, Oregon
Bureau of Planning & Sustainability
Geographic Information System



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Exhibit E

Portland Incorporated & Urban Service Area



March 3, 2015

City of Portland, Oregon
Bureau of Planning & Sustainability
Geographic Information System

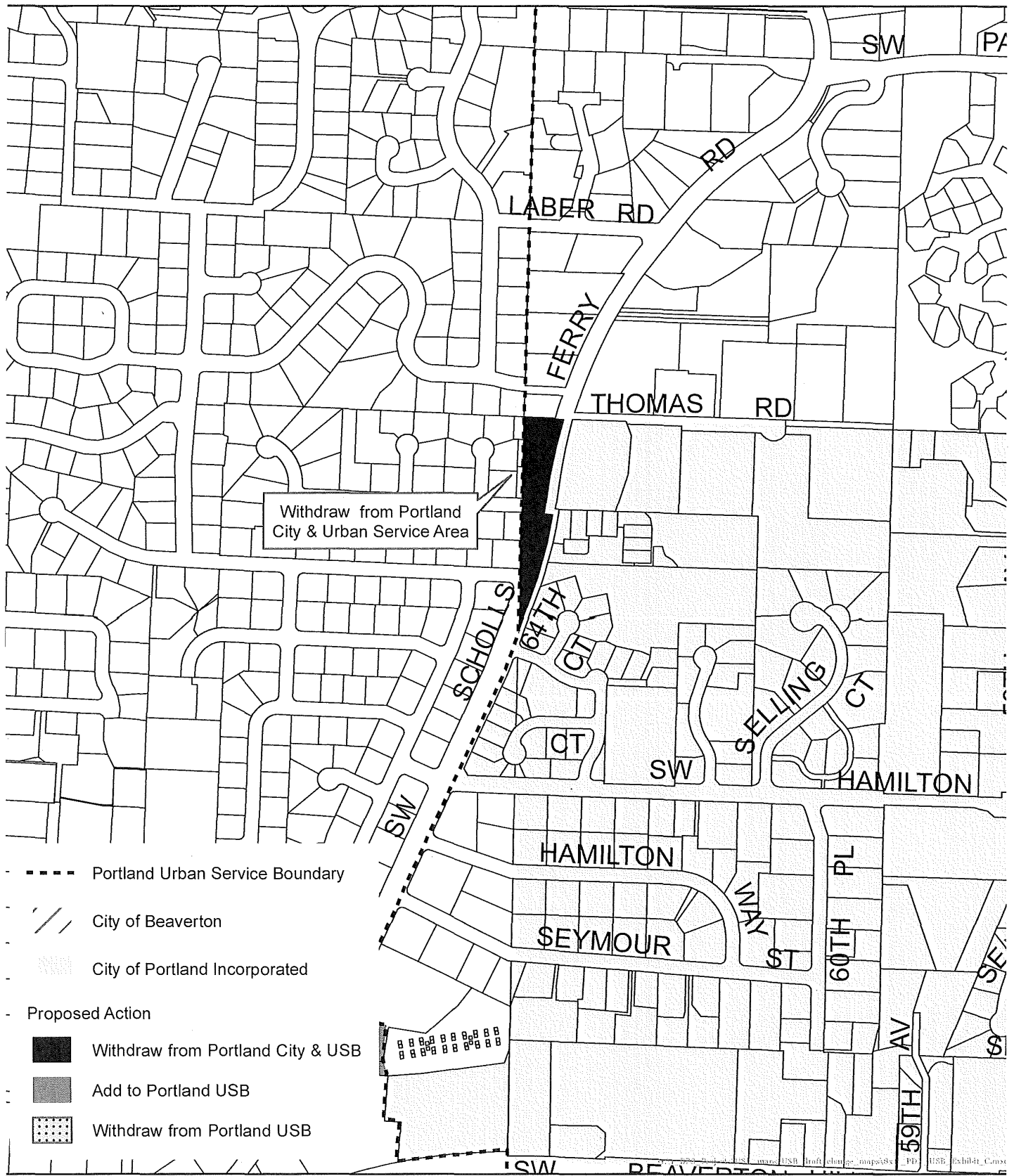


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Exhibit F

Portland Incorporated & Urban Service Area



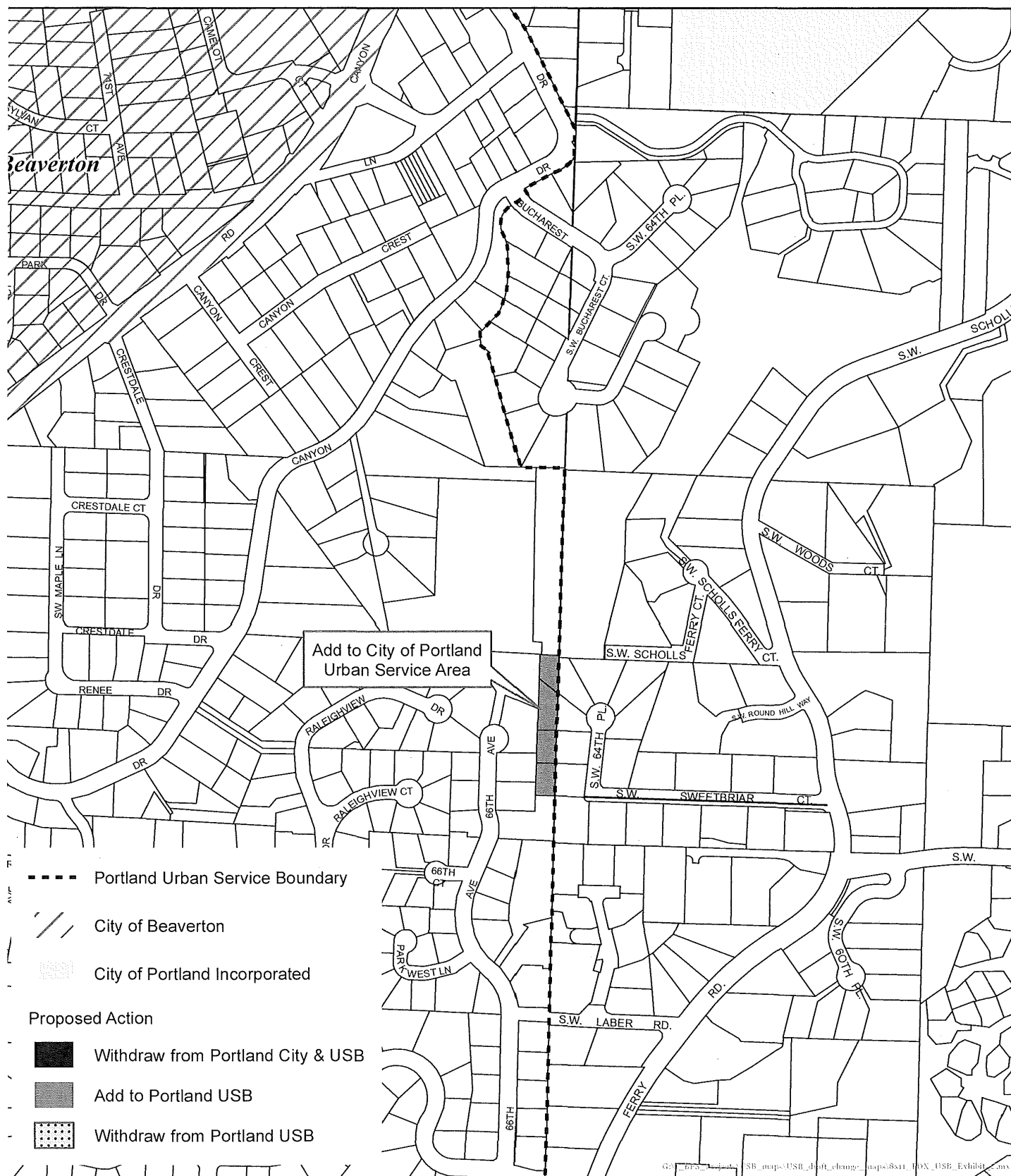
March 3, 2015

City of Portland, Oregon
Bureau of Planning & Sustainability
Geographic Information System



0 400 800 Feet





March 3, 2015

City of Portland, Oregon
Bureau of Planning & Sustainability
Geographic Information System



A horizontal number line with arrows at both ends. It is marked with the numbers 0, 400, and 800. A vertical tick mark is at 0. A vertical tick mark is at 400, and a solid dot is placed on the line at this point. A vertical tick mark is at 800. A horizontal line segment is drawn above the number line, starting at 0 and ending at 400. Another horizontal line segment is drawn above the number line, starting at 400 and ending at 800. The word "Feet" is written to the right of the 800 mark.



Exhibit H

Portland Incorporated & Urban Service Area



March 3, 2015

City of Portland, Oregon
Bureau of Planning & Sustainability
Geographic Information System



0 400 800 Feet



STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 18-1424 FOR THE PURPOSE OF COORDINATING COMPREHENSIVE PLANS REGARDING THE URBAN SERVICE BOUNDARY BETWEEN THE CITIES OF PORTLAND AND BEAVERTON

Date: July 12, 2018

Prepared by: Roger Alfred, Senior Assistant Attorney

PROPOSED ACTION

Adoption of Ordinance No. 18-1424 regarding the location of the urban service boundary between the City of Portland and the City of Beaverton and coordination of the cities' comprehensive plans.

BACKGROUND

Metro is assigned authority by ORS 195.025(1) to act as the coordinating body for land use planning activities among all cities and counties within its jurisdiction. In the early 1990s, the cities of Portland and Beaverton and Washington County were involved in a dispute regarding which jurisdiction should provide urban services in certain unincorporated urban areas in Washington County.

In its coordination role, Metro convened a settlement discussion among the county, the cities, special districts, and other stakeholders that resulted in agreement on an urban service boundary map depicting which jurisdiction would provide urban services and planning for which areas. That urban service boundary map was adopted by the Metro Council in 1997 in Ordinance No. 96-665C.

Over the last 20 years, conditions have changed and the two cities have determined that several areas that were previously designated to be served by one city would be more efficiently served by the other. Therefore, in 2017 the two cities and Metro entered into an Intergovernmental Agreement (IGA) that revised the 1997 urban service boundary map and transferred responsibility for providing urban services to certain areas from one city to the other.

In the IGA the cities agreed to adopt amendments to their comprehensive plan maps consistent with the revised urban service boundary, and Metro agreed to formally recognize that the revised comprehensive plan maps are coordinated and to assign planning authority to each city consistent with the revised urban service boundary.

The cities have now adopted ordinances amending their comprehensive plans to reflect the new urban service boundary, and this ordinance fulfills Metro's obligations under the IGA by recognizing that the comprehensive plans of the two cities are coordinated under state law, and by assigning future planning responsibilities to each city consistent with the revised urban service boundary map.

ANALYSIS/INFORMATION

Known Opposition: There is no opposition.

Legal Antecedents: ORS 195.025, ORS 268.380, Metro Ordinance No. 96-665C

Anticipated Effects: The adoption of Ordinance No. 18-1424 provides Metro's recognition that the comprehensive plans of the two cities are coordinated under state law, and assigns future planning responsibilities to each city consistent with the revised urban service boundary map.

Budget Impacts: There is no budget impact.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 18-1424.

Agenda Item No. 4.2

**Ordinance No. 18-1418, For the Purpose of Amending Metro Code Chapter
5.10 to Establish a Businesses Food Waste Requirement in Order to
Increase the Recycling of Food Waste and to Assist the Metro Region with
Achieving Waste Reduction Goals**

Ordinances (Second Reading)

Metro Council Meeting
Thursday, July 26, 2018
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 18-1418
CODE CHAPTER 5.10 TO ESTABLISH A)	
BUSINESSES FOOD WASTE REQUIREMENT.	)	Introduced by Chief Operating Officer Martha Bennett in concurrence with Council President Tom Hughes

WHEREAS, Metro regulates solid waste generated within the Metro region pursuant to Metro's constitutional, statutory, and charter authority and as set forth in the Metro Code; and

WHEREAS, food represents 18 percent of the region's disposed waste—the largest single material sent to landfill and the largest single recoverable material sent to landfill; and

WHEREAS, when sent to landfill, food waste generates methane which is 25 times more potent of a greenhouse gas than carbon dioxide; and

WHEREAS, food waste is identified as a primary material for recovery within the region's Regional Solid Waste Management Plan, which guides Metro and local government work; and

WHEREAS, the State of Oregon Department of Environmental Quality, via Oregon Revised Statutes 459A.010 has set a food waste recovery goal of 25% by 2020; and

WHEREAS, the State of Oregon Department of Environmental Quality has added a required food waste collection program for nonresidential generators to the list of menu items available to local governments for compliance with state law under Oregon Administrative Rule 340 Division 90; and

WHEREAS, the Metro region has had a voluntary business food waste collection program in place for over ten years yet only fourteen percent of the total food waste is recovered; and

WHEREAS, the Metro Council has determined that in order for the region to significantly increase food waste recovery, a more aggressive approach to food waste recovery is necessary; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code 5.10 is amended to establish a Business Food Waste Requirement as set forth in Exhibit A to this Ordinance.

ADOPTED by the Metro Council this 26th day of July 2018.

Tom Hughes, Council President

Attest:

Approved as to Form:

Miranda Mishan, Recording Secretary

Alison R. Kean, Metro Attorney

Metro Ordinance No. 18-1418 – Exhibit A

BUSINESS FOOD WASTE REQUIREMENT

5.10.410	Purpose and Intent
5.10.420	Business Food Waste and Covered Businesses
5.10.430	Business Food Waste Requirement
5.10.440	Business Food Waste Requirement Performance Standards
5.10.450	Temporary Waiver
5.10.460	Metro Enforcement of Business Food Waste Requirement
5.10.470	Metro Model Ordinance

BUSINESS FOOD WASTE REQUIREMENT

5.10.410 Purpose and Intent

The business food waste requirement provides an opportunity to increase recycling of food waste and to assist the Metro region to achieve waste reduction goals. Metro does not intend for this requirement to apply to food that is fit for human consumption and accepted for donation by a charitable organization or the use of food waste for animal consumption in compliance with applicable regulations.

5.10.420 Business Food Waste and Covered Businesses

For the purpose of this section, business food waste is solid waste consisting of food waste removed from the food supply chain that is not fit for human or animal consumption. A covered business is a business that cooks, assembles, processes, serves, or sells food.

5.10.430 Business Food Waste Requirement

Local governments must require (1) covered businesses in their jurisdiction to source separate and recover business food waste; (2) delivery of collected business food waste to a facility authorized by Metro; and (3) persons, as defined by Metro Code Section 1.01.040(h), who provide space to a covered business to allow the source separation and collection of food waste.

5.10.440 Business Food Waste Requirement Performance Standards

The Chief Operating Officer will adopt administrative rules to address the business food waste requirement performance standards. The performance standards must include, without limitation, the following elements:

(a) Provisions requiring that local governments

- (1) Notify covered businesses and waste haulers of the business food waste requirement;
- (2) Require covered businesses and waste haulers to comply with the business food waste requirement;
- (3) Provide education and technical assistance to covered businesses and waste haulers regarding the business food waste requirement; and
- (4) Enforce the business food waste requirement.

- (b) Provisions requiring local governments to compel persons providing space to a covered business to allow for the source separation and collection of business food waste.

The Chief Operating Officer may allow a local government to waive the business food waste requirement as to a specific business as provided in the administrative rules.

5.10.450 Temporary Waiver

The Chief Operating Officer may waive, for no longer than 365 days, the local government's implementation of the business food waste requirement only as provided in the administrative rules. The Chief Operating Officer may provide for an extension of the temporary waiver in the administrative rules

5.10.460 Metro Enforcement of Business Food Waste Requirement

Upon a request by a local government and as provided in an intergovernmental agreement, Metro will perform the local government function to ensure covered business compliance with the business food waste requirement.

5.10.470 Metro Model Ordinance

The Chief Operating Officer may adopt a business food waste requirement model ordinance for use by the local government. The model ordinance is advisory only.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 18-1418, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.10 TO ESTABLISH A BUSINESS FOOD WASTE REQUIREMENT IN ORDER TO INCREASE THE RECYCLING OF FOOD WASTE AND TO ASSIST THE METRO REGION WITH ACHIEVING WASTE REDUCTION GOALS.

Date: July 19, 2018

Prepared by: Jennifer Erickson
503-797-1647

Food is the single largest portion of greater Portland's waste stream and a major contributor to the creation of methane when disposed in a landfill. More than half of the food disposed from the greater Portland area comes from businesses. For more than 20 years, Metro has been working to reduce the impacts of food waste on the environment, and Ordinance No. 18-1418 is a critical part of these efforts. By requiring the collection of food scraps at food service businesses and delivering those food scraps to facilities that can turn them into compost and energy, and by supporting business food waste prevention and edible food donation programs, Metro can take one of the most significant actions possible to address climate change through its stewardship of the region's garbage and recycling system.

If adopted, Ordinance No. 18-1418 will amend Metro Code Chapter 5.10 to add the Business Food Waste Requirement. Under this ordinance, each local government must require: (1) covered businesses in its jurisdiction to separate and recover food waste; (2) delivery of collected business food waste to a facility authorized by Metro; and (3) property owners and managers who provide space to a covered business to allow the source separation and collection of food waste. If Ordinance No. 18-1418 is approved by the Metro Council, the Chief Operating Officer will adopt administrative rules to set performance standards for the collection and processing of food scraps from businesses.

BACKGROUND

Metro's Solid Waste Roadmap is a work program consisting of six interrelated projects that will help define the region's garbage and recycling system in the future. The Food Scraps Capacity Development work, one of the six projects, is tasked with developing alternatives for answering the question of what actions Metro should take to accelerate recovery of food scraps and ensure there is adequate and proximate capacity to transfer and process food scraps collected from the region's businesses.

This effort is ultimately intended to help ensure the greater Portland area has a sustainable food scraps recovery system: one that generates enough high quality material to make processing facilities economically viable, supports an adequate transfer system, and has enough stable processing capacity to allow growth in the collection of food scraps from the region over time.

In 2014, the Metro Council reviewed the region's current commercial food scraps recovery efforts and staff introduced some potential paths forward to ensure that the region has a stable and sustainable food scraps transfer and processing system for the long term. The Council confirmed its desire to accelerate the region's recovery of food scraps and its wish to process those food scraps in or as close to the region as possible.

The Council determined that in order to increase food scraps recovery and attract stable, local processing capacity, the region should:

1. Require certain businesses to separate their food scraps for recovery and eventually prohibit the disposal of food from businesses.
2. Determine how to efficiently collect and deliver food scraps for processing.
3. Secure local and stable processing capacity.

Based on Council direction, staff developed policies and initiatives to fulfill these objectives.

ANALYSIS/INFORMATION

Ordinance No. 18-1418 and the first draft of the administrative rules were crafted over a twelve-month period by Metro staff from Property and Environmental Services, the Council Office and the Office of Metro Attorney, with significant input from representatives from Beaverton, Clackamas County, Gresham, Portland, Washington County, and Oregon DEQ. The policy requires local governments within the region to adopt a mechanism for requiring separation of food scraps by certain types of businesses. The objective is a policy that provides clarity and consistency for the affected businesses and, at the same time, allows for some implementation flexibility for local governments. The administrative rules guiding the policy implementation and performance standards are undergoing public comment in accordance with Metro Code 5.01.280 and are expected to be presented to the Metro Chief Operating Officer for adoption this fall.

The key elements of the ordinance are:

- A requirement that local governments adopt an enforceable mechanism (such as a code amendment, business license requirement or other legally binding instrument) that requires that certain food service businesses separate food scraps from other waste and recyclables.
- Flexibility for local governments in program implementation (e.g., geographically, by hauler franchise, areas of business concentration, etc.), in a manner that makes sense locally as long as commercial food waste collection programs meet regional performance standards. Governments may also, on a limited basis, grant waivers to businesses that are unable to comply.
- A three-phase roll-out, beginning with businesses that generate the most food scraps that, when fully implemented in 2023, would affect approximately 3,300 businesses in the region. This represents about 4 percent of the overall business community. The phases would be as follows:
 - Group 1 (March 2020): those businesses that generate 1,000 pounds or more of food scraps per week.
 - Group 2 (March 2021): those businesses that generate 500 pounds or more of food scraps per week.
 - Group 3 (Sept. 2022): K-12 schools and businesses that generate 250 pounds or more of food scraps per week.
- A resolution for Council consideration, concurrent with the consideration of this ordinance, that conveys an intent to implement a regional food scraps disposal prohibition no earlier than January 2025, based on an assessment of implementation of the required separation policy.

As with the Business Recycling Requirement adopted by the Metro Council in 2008, Metro will provide funding to support program rollout to assist local governments and businesses with implementation during the first five years of the program.

1. Known Opposition

- There was one comment in opposition from a local resident received during the first round of public comment stating that businesses are already separating food waste and a mandate is not necessary.
- The City of Hillsboro, while supporting the efforts to keeping food out of the landfill, consistent with city goals, remains concerned about the costs of the program and the lack of transfer capacity on the west side of the region, and does not support the Access to Services Payment that replaces the participation waiver.
- The Oregon Restaurant and Lodging Association (ORLA) supports food waste collection, but does not support a mandatory approach.

2. Legal Antecedents Metro Charter Chapter II, Sections 4 and 6; Oregon Revised Statutes Chapter 268, Section 317; Oregon Revised Statutes 459A.010; Oregon Administrative Rules Chapter 340; Metro Code Title V, Chapter 5.10; Metro Ordinance No. 08-1200.

3. Anticipated Effects

Local Government Effects

The program requires a one-time demand on local government staff and elected officials to adopt the ordinance. Ongoing additional staff time by local governments and Metro will be required for education, implementation, compliance and reporting throughout the implementation period. Education and technical assistance services will continue to be provided to the business community by those jurisdictions receiving direct program funding from Metro. If the Business Food Waste Requirement and accompanying local ordinances are enacted, the Property and Environmental Services Department intends to include in its annual budget proposal to the Chief Operating Officer that Metro provide additional funding to local governments to support their technical assistance services to businesses for the first five years of the requirement to mitigate local government implementation costs. Metro funds would support technical assistance staff time and supplies for businesses. In 2016, Metro conducted a survey of food-generating businesses, the vast majority of which indicated the importance of this technical assistance to their ability to successfully introduce and maintain food scraps recycling programs. A more complete summary of funding assistance covering the program implementation is included in *Section 4. Budget Impacts*.

Effects on Participating Businesses

There are two main impacts on businesses that will have to participate in this program: changes to their operations and accompanying costs, and changes to the rates they pay for solid waste collection services.

For the first, businesses will have to alter their practices slightly to accommodate separation of food scraps from garbage within their businesses. Based on the experiences of the approximately 1,500 businesses in the region that are already doing this on a voluntary basis, this change, once adjusted to, generally has minimal impact on operations and labor costs.

For the second impact, there are three primary contributors to changes to the service rates that businesses will pay: the cost of collection, the distance and cost to transfer or processing facilities, and the cost of processing the food scraps into energy or compost. Almost every local government in the region is providing food scraps collection service to businesses currently and setting a rate for it

(Portland does not set rates for commercial services). Staff expects that this ordinance, by adding more businesses to routes, will help improve the efficiency of the current collection system.

To mitigate the costs of taking the food scraps from the collection route to a transfer point or processor, implementation of this ordinance would be accompanied by temporary Access to Transfer Services payments to offset additional costs from transporting separated food scraps a longer distance than they currently are when collected as garbage. These payments would go to local governments (or possibly haulers) in order to mitigate the additional costs of collection service.

The third cost contributor is the amount of the food scraps tip fee. The current tip fee at Metro Central Transfer Station is \$66.23 per ton, which is approximately \$9.00 per ton less than the actual cost. The Metro Council chose to subsidize the commercial food scraps rate in order to stabilize the rate and aid in the development of the region's food scraps system. The future cost and tip fee is uncertain, as Metro is in negotiations for a new anchor facility to process the region's food scraps into energy.

Finally, as rate setters, local governments have influence over waste collection rates. Some jurisdictions have structured food scraps collection rates to spread the costs across all businesses, mitigating the costs to participating business and acknowledging the broad public good that comes from recycling food scraps. Businesses will also have some control over the rates they would pay. If a business can substantially reduce its garbage service, that may outweigh any additional costs associated with food scraps service. This is likely only possible for the largest generators.

Local Recovery Effects

Metro and local governments estimate that commercial food scrap recovery tonnages from the covered businesses would be as follows:

Business Group 1, starting in 2020	Business Group 2, starting in 2021	Business Group 3 (including K-12 schools), starting in 2022	Total Tons	Total tons at 50% separation rate
25,000–59,000 tons per year	Additional 6,000–14,000 tons per year	Additional 4,000–9,000 tons per year	35,000–82,000 tons per year	59,000 tons per year

Sources for Business Generation Estimates: Cascadia Consulting Group. *2014 Generator-Based Characterization of Commercial Sector Disposal and Diversion in California*. Publication # DRRR 2015-1543. California Department of Resources and Recycling and Recovery, September 2015, and State of Oregon Employment Department, Workforce and Economic Research Data.

Total recovery will be affected by the separation efficiency of each business (how much of their total food waste is separated from garbage and recycling) and the type of business in each group. The largest expected food waste generators are in the first group. The ranges noted above are from a low of 30 percent to a high of 70 percent separation efficiency rate. It is anticipated that most businesses will reach an average of 50 percent separation efficiency.

Environmental, Economic and Community Effects

Landfills are significant emitters of methane, and food scraps are a primary contributor to the production of methane in landfills. Methane is a very potent greenhouse gas—28 to 36 times that of carbon dioxide (CO₂) over a 100-year period. Methane emitted today lasts about a decade on average, which is much less time than CO₂ but methane also absorbs much more energy than CO₂. The net effect

of the shorter lifetime and higher energy absorption is reflected in its much higher global warming potential. Methane also accounts for some indirect effects, such as the fact that it is a precursor to ozone, and ozone is itself a greenhouse gas.

The goal of collecting food scraps is to capture environmental and economic benefits of turning that material into useful products or creating energy while reducing the negative environmental impacts associated with disposal. Putting food scraps in the garbage is a missed opportunity to capture these benefits. These benefits and the prevalence of food in our waste stream are the reasons it is identified as a primary material for recovery within the region's Regional Solid Waste Management Plan.

In addition to the benefits from recovering food scraps, the technical assistance that local governments and Metro will provide as part of this program will also advance businesses' efforts to prevent the wasting of food and donate any remaining edible food. Preventing the wasting of food has significant greenhouse gas emissions benefits and, in addition, wasted food is a main contributor to deforestation and the depletion of global water resources. Food donation programs help to address the needs of the 1 in 7 residents of our region who struggle to put enough food on the table. While many area food service businesses currently participate in edible food donation programs, experience in other communities indicates that food scraps separation requirements and collection programs result in increased donation of edible food. Vermont saw a 60 percent increase in food donations between 2015 and 2016 after implementation of its food scraps disposal prohibition, and Massachusetts saw a 25,000 ton increase in food donations in the year after implementation of its policy.

The government-to-business technical assistance is enhanced by two partnerships Metro has established to advance prevention and donation. The first is the *Food Waste Stops With Me* partnership with the Oregon Restaurant and Lodging Association, area food service businesses and local governments, Oregon Department of Environmental Quality and the World Wildlife Fund to co-develop resources and assist food service and hospitality businesses. The second, with the Oregon Food Bank, local governments and food pantries, is aimed at supporting food donation by grocers.

4. Budget Impacts

Technical Assistance Funds:

The Metro budget for fiscal year 2018-19 for funding to local governments for staff to provide food scraps recycling assistance to businesses is \$400,000. If the Metro Council approves a region-wide required food scraps separation program, Metro staff intends to propose a revised budget for funding local government technical assistance to affected food generating businesses beginning in fiscal year 2019-20. Staff is in the process of determining the funding levels based on:

- the numbers of businesses in each jurisdiction,
- the anticipated staff hours required to bring businesses into compliance, and
- when these businesses will be brought into the program between 2020 and 2024.

Early estimates put that budget amount at between the current \$400,000 and \$720,000 annually, based on actual data from local government implementation of the voluntary program over the past 10 years.

Estimated Resources	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
Total Local Government FTE	7	8	9	5	5
Budget (\$80,000 per FTE)	\$560,000	\$640,000	\$720,000	\$400,000	\$400,000
Increase over FY 2018-19 funding	+\$160,000	+240,000	+320,000	0	0

Labor hours increase as business groups are added over the implementation timeline due to the fact that as new businesses are added, follow-up visits and assistance for businesses brought into compliance during previous years will continue to be needed.

Access to Transfer Service Payments

As noted in the Anticipated Effects section above, staff proposes that implementation of the business food waste requirement include payments (to local governments or possibly haulers) to help offset additional costs related to collection and delivery of food scraps to transfer or processing facilities that are more distant than existing garbage facilities. In the worst-case scenario, in which all loads from the region must go to Metro Central Transfer Station only, these payments could range between a total of \$100,000 and \$550,000 per year between fiscal years 2019-20 and 2023-24, as listed below.

Access to Transfer Service Payments Highest Cost Scenario – Metro Central Only	
<u>Fiscal Year</u>	<u>Total Payments</u>
2019-20	\$104,000
2020-21	\$415,000
2021-22	\$503,000
2022-23	\$549,000
2023-24	\$141,000
Program Total	\$1,712,000

The addition of any other transfer location would considerably lower the amount of these payments

The amount of these payments equates to an increase of approximately \$0.29 to \$0.38 per ton on the Regional System Fee. The fee may not actually need to increase by these amounts based on other variables affecting it including the actual amount of the payments, increased availability of transfer services and ability to absorb payments in the existing budget.

The Access to Transfer Services Payment is temporary, serving as a bridge to mitigate collection cost impacts as the region works to provide additional and more geographically dispersed transfer options.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 18-1418.

Agenda Item No. 5.1

Resolution No. 18-4902, For the Purpose of Approving Fiscal Year 2018-19 Funding for 2040 Planning and Development Grants Funded with Construction Excise Tax

Resolutions

Metro Council Meeting
Thursday, July 26, 2018
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING FISCAL	)	RESOLUTION NO. 18-4902
YEAR 2018-19 FUNDING FOR 2040 PLANNING)	
AND DEVELOPMENT GRANTS FUNDED	)	Introduced by Chief Operating Officer Martha
WITH CONSTRUCTION EXCISE TAX	)	Bennett in concurrence with Council
	)	President Tom Hughes

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

WHEREAS, the 2006 CET Ordinance contained a sunset provision based on a maximum amount collected of \$6.3 million, which amount was reached in 2009; and

WHEREAS, on recommendation of an advisory group and the Metro Chief Operating Officer (“COO”) regarding the continuing need for funding regional and local planning, on June 11, 2009 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, on June 19, 2014 the Metro Council adopted Ordinance No. 14-1328, extending the CET for an additional five-year period (“2014 CET Ordinance”), with a new sunset date of December 31, 2020; and

WHEREAS, the CET has successfully raised approximately \$20 million in revenue that has been distributed by Metro to local governments through the Community Planning and Development Grant (“CPDG”) and the Equitable Housing Planning and Development Grants program for planning work across the region that otherwise could not have been funded; and

WHEREAS, on March 19, 2015 the Metro Council adopted Resolution No. 15-4595, which approved the Metro COO’s proposed amendments to the Administrative Rules governing the CET program; and

WHEREAS, on April 13, 2017 the Metro Council adopted Resolution No. 17-4782, which approved additional refinements to the Administrative Rules, changed the name of the grant program to 2040 Planning and Development Grant Program, and changed the program to annual grant cycles; and

WHEREAS, on January 25, 2018 the Metro Council adopted Resolution No. 18-4863 approved \$2 million of funding for the 2018 grant cycle, with 50% of the allocated funds targeted for qualified projects that have a primary emphasis on equitable development projects, 25% of the allocated funds targeted for qualified projects that facilitate infill development inside the Urban Growth Boundary, and the remaining 25% of allocated funds targeted for qualified concept planning or comprehensive planning projects for urban reserves or new urban areas; and

WHEREAS, Resolution No. 18-4863 also approved adjustments to the Grant Evaluation Criteria to better align the grant program requirements with Metro’s goal to advance racial equity throughout the region; and

WHEREAS, on April 12, 2018 the Metro Council adopted Resolution No. 18-4882, which approved additional refinements to the Administrative Rules, providing for the creation of a technical

assistance component of the program to facilitate successful implementation of 2040 Planning and Development Grants by providing additional professional expertise as needed to successfully accomplish grant objectives; and

WHEREAS, Metro received 11 applications from nine local governments, requesting a combined total of nearly \$2.3 million in grant funds in the 2018 grant cycle; and

WHEREAS, the Metro COO established a 2040 Planning and Development Grant Screening Committee (“Grant Screening Committee”) consisting of nine members with broad expertise in planning and development to provide the COO an assessment of the strength of each grant application in accordance with the criteria set forth in Metro Code Chapter 7.04 and the Administrative Rules, and the funding targets set forth in Resolution 17-4782; and

WHEREAS, on June 28, 2018 the Grant Screening Committee submitted its recommendations to the COO identifying the projects they believe best meet the stated program goals and evaluation criteria and therefore merit grant funding; and

WHEREAS, in accordance with Metro Code Chapter 7.04 and the Administrative Rules, the COO reviewed the recommendations of the Grant Screening Committee, and presented to the Metro Council the COO’s recommendations for grant funding, attached to this Resolution as Exhibit A; and

WHEREAS, the Metro Council has reviewed the recommendations of the COO, the work done by the Grant Screening Committee, the grant applications, the grant evaluation criteria, and the public testimony of grant applicants and other interested members of the public; and

WHEREAS, the Metro Council accepts the COO’s recommendation to award funds as outlined in Exhibit A and as recommended by the 2040 Planning and Development Grant Screening Committee; now therefore,

BE IT RESOLVED that the Metro Council hereby:

1. Makes the grant awards for the fiscal year 2018-2019 grant cycle totaling approximately \$1.99 million, as set forth in Exhibit A, attached hereto and incorporated herein, to those grant recipients and for those projects and in the amounts listed in Exhibit A; and
2. Authorizes and directs the Metro COO and staff to utilize their discretion to allocate the remaining balance of \$5,000 in CET funds to provide additional technical assistance as needed to successfully implement 2040 grant projects; and
3. Authorizes and directs the Metro COO and staff, and the Office of Metro Attorney, to negotiate Intergovernmental Agreements with the grant recipients, which shall set forth milestones and funding disbursement dates that comply with the Metro Code Construction Excise Tax Chapter 7.04, the CET Administrative Rules, this Resolution No. 18-4902 and Exhibit A attached hereto.

ADOPTED by the Metro Council this ____ day of July, 2018

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

DRAFT


Metro

 600 NE Grand Ave.
 Portland, OR 97232-2736

Memo

Date: July 10, 2018
 To: President Tom Hughes, Metro Council
 From: Martha Bennett, Chief Operating Officer
 Subject: 2040 Planning and Development Grant Awards (2018/Cycle 6)

I am pleased to present my recommendations for grant awards for the 2040 Planning and Development Grant program for 2018 (Cycle 6). Since the Metro Council established this grant program funded by the construction excise tax, it has helped many communities turn potential into vision and vision into action for local and regional plans and policies. In 2018, local governments are facing new challenges and are looking for additional resources to help them plan for the future and facilitate desired development that can provide new jobs and housing options for residents in their communities.

Earlier this year, I appointed a diverse, nine member Grant Screening Committee with varied backgrounds and planning and development expertise in the private, nonprofit and public sectors. The Committee submitted its recommendations to me on June 29, recommending that 10 projects be funded for a total of \$1,995,000. Their recommendations are outlined in Attachment 1.

Having met with the Screening Committee Chair and given consideration to the committee's assessment of the proposals, I concur that the ten grant proposals recommended by the committee merit funding. You will consider my recommendations in Resolution No. 18-4902 on July 26, 2017. The following is a list of recommended grant awards, and the proposed grant amount.

Equitable Development (≈\$1 million targeted, \$895,000 recommended)

City of Portland	\$ 100,000
102nd & Pacific Development Project: Gateway Transit Center	
City of Portland	\$ 245,000
Rosewood Equitable Development Plan	
City of Portland	\$ 230,000
Southwest Corridor Equitable Housing Strategy	
(Funding for pre-development analyses contingent upon the City or a public partner having site control on the properties)	
Housing Authority of Clackamas County	\$ 220,000
Clackamas Heights Master Plan	
Washington County Housing Services	\$ 100,000
Willow Creek Park & Ride – Alder Grove	

Facilitate Infill Development within UGB (≈\$500,000 targeted, \$580,000 recommended)

City of Fairview	\$ 200,000
Main Streets on Halsey Site Readiness and Policy-Code development	

City of Happy Valley	\$ 210,000
Rock Creek Employment Center Infrastructure Assessment and Funding Plan (\$170,000 of the grant award contingent on ODOT's commitment to participate in the planning process)	

Port of Portland	\$ 170,000
Employment Lands Site Readiness Toolkit	

New Urban Area Planning (≈\$500,000 targeted, \$520,000 recommended)

City of Sherwood	\$ 100,000
Brookman Addition Concept Plan Refinement	

Washington County Department of Land Use and Transportation	\$ 420,000
Getting Ahead of the Curve: Proactive Transportation Planning for Urban Reserves	

Total Grant Awards Recommended	\$ 1,995,000
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All of the ten projects recommended for funding will develop and produce policies and plans which will become the foundation for public, private and nonprofit investments in our communities. These projects will help enable the creation of more equitable housing and employment options, facilitate investment in well-planned urban infill to create more thriving downtowns and station communities, make best use of the region's employment and industrial lands, and complete important comprehensive planning for new urban areas so that future development does not become stalled for lack critical infrastructure. The projects will address the needs of underserved and underrepresented people in the region, and will help unlock the future development potential of urban land that is been within the region's Urban Growth Boundary for many years.

The proposed resolution before you for consideration stipulates that program staff and the Office of Metro Attorney shall negotiate inter-governmental agreements for the ten funded projects consistent with requirements set forth in Metro Code, the program's Administrative Rules, and the grant amounts itemized in this recommendation. Building on staff's experience administering prior grant cycles, and the recent recommendations of the Metro Auditor, staff shall, as a matter of course in administering these ten grants, include such provisions in the IGAs as necessary to ensure that grant projects conform to Metro standards for community engagement and performance measurement. As appropriate to specific grants, IGA's will also include language to ensure that local governments consider adoption of plans, strategies or policy refinements in order to realize the proposed project outcomes. Program staff and the Office of Metro Attorney will work to ensure that the final IGA's provide a clear plan of milestones schedule of payments to ensure that promised deliverables outlined in the applications are completed and all pledges of matching funds or in-kind contributions are fulfilled.

As you will note, my recommendations leave an excess \$5,000 from the anticipated \$2 million of total funding for this cycle. You will recall that the 2040 Grant administrative rules were amended in April 2018 to create a technical assistance component of the program to facilitate successful achievement of grant outcomes. Under our new policy, the remaining unallocated funds will be set aside to support this ongoing technical assistance with grantees as necessary. As staff work further with grantees to negotiate inter-governmental agreements for the projects, they will identify where needs for technical support can best be addressed through the involvement and expertise of Metro staff, or where additional funding for professional services may be needed to refine the project scope and/or augment local capacity for project delivery.

The Screening Committee's recommendation contains additional suggestions for program refinements. Staff will follow up to review the 2040 Grant program policies and objectives with Metro's Committee on Racial Equity (CORE) to obtain additional feedback on how to continue to improve and clarify the program's equity goals and requirements.

Attached to the staff report are brief summaries of each of the applications received. Copies of complete proposals submitted by local governments are also available to you in PDF format for review. After reviewing all materials, I believe you will share with me an appreciation for the high quality of local planning and development work proposed by the successful grantees, and take pride in the contribution that Metro can make by funding these efforts through the 2040 Planning and Development grant program.

Please let me or 2040 Grant Project Manager, Lisa Miles, know if you have any questions.

Thank you.

A handwritten signature in blue ink that reads "Andrew Salt for". The signature is fluid and cursive.

cc: Elissa Gertler, Planning and Development Director
Damien Hall, Chair, 2040 Planning and Development Grants Screening Committee

Attachment



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Memo

Date: June 28, 2018
To: Martha Bennett, Chief Operating Officer
From: Damien Hall, Chair, 2040 Planning and Development Grant Screening Committee *DA*
Subject: Grant Award Recommendations

On behalf of the 2040 Planning and Development Grant Screening Committee, I am pleased to share our recommendations for the 2018 Grant awards. Metro received a total of 11 grant proposals submitted by nine local jurisdictions requesting a combined total of \$2.3 million in funding. Proposals were submitted by both large and small jurisdictions across the region, with applicants distributed throughout all three counties.

Two million dollars in funding was available to award this year. After careful individual review of the applications by each committee member and a robust committee discussion of the relative merits of the proposals, the committee ultimately came to a unanimous decision regarding which proposals to recommend for grant funding. Provided below is a brief overview of the committee's review process and deliberations, a listing of the applicants and proposals in each category which the committee recommends for funding, and additional comments and recommendations of committee members regarding the 2040 Planning and Development Grant program overall.

Committee Process

The eight members of the committee first convened in May to review the program guidelines, the established grant evaluation criteria, the grant requirements, and our committee's charter. Metro staff shared with the committee members the proposed policy and investment emphasis for the 2018 cycle as established by the Metro Council:

- 50% of allocated funds will be targeted for qualified projects that will facilitate implementation of equitable development projects inside the UGB, which may include but are not limited to:
 - Planning or pre-development work for equitable housing (diverse, physically accessible, affordable housing choices with access to opportunities, services, and amenities);
 - Planning or pre-development work for projects that will advance quality of life outcomes for 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;
 - Planning for public and private developments, investments, programs and policies that will be enacted to meet the needs of communities of color and reduce racial disparities, taking into account past history and current conditions.

- 25% of funds will be targeted for projects to facilitate development in centers, corridors, station areas, and employment areas
- 25% of grant funds will be targeted for concept planning or comprehensive planning projects in Urban Reserves or new urban areas
- In the event of insufficient qualified applications within any one funding category, grant funds may be awarded to qualified applications in any other category.

Staff reviewed the specific evaluation criteria (see Attachment A) to be utilized by committee members in ranking the applications. All applicants were required to identify the funding category under which they wished their proposal to be considered. Staff shared with the committee members their overall assessment of the strengths and weaknesses of the proposals in each funding category. Following the committee's initial meeting, members individually reviewed all of the eligible grant applications and assigned preliminary rankings within each category. When the committee reconvened in June to deliberate, members shared their reasoning for assigning specific ranks, the perceived strengths and weaknesses based on individual members' development expertise, as well as their understanding of the proposed scope of work.

The applications ultimately recommended by the committee were those that clearly aligned with the program's central mission to support planning and pre-development activities that:

- remove barriers to development
- are necessary to make land ready for development, and
- enable existing developed sites to be redeveloped.

Additionally, thoughtful consideration was given to how each grant proposal (and particularly those proposals requesting funding in the equitable development category) supported Metro's policy objective to advance racial equity throughout the region. Committee members applied their collective expertise to consider which proposals had clear and achievable goals and would be most likely to facilitate impactful development outcomes in alignment with local and regional priorities.

Recommendations for Grant Awards

A listing of the committee's funding recommendations for each target category is presented on the following page. For two grant applications from the City of Portland, committee members elected to recommend partial funding of the proposals. The grant to the city for the *Rosewood Equitable Development Plan* was reduced by \$55,000, which was the proposed amount to fund an entry level Planning Assistant to help with logistical coordination of the project. The grant for the *Southwest Corridor Equitable Housing Strategy – Implementation Priorities* was reduced from the requested \$330,000 to \$230,000. The committee felt that given the extensive grant funding that the City of Portland has already received from a variety of sources (including Metro) to fund staff work along the Southwest Corridor, the request for \$50,000 in grant funds to support Bureau of Planning and Sustainability staff, and the \$50,000 of grant funds requested to fund Portland Housing Bureau staff and Trimet TOD staff was excessive. Additionally, the committee recommended that funding for pre-development analysis on two opportunity sites be contingent upon the City having site control on the properties to be studied.

The grant application from the City of Tigard for the *Tigard Missing Middle Community Land Trust Model Feasibility* was not recommended by the committee. Several committee members felt that the project as proposed was too hypothetical, as it would be evaluating feasibility for cottage cluster development (and the applicability of a Community Land Trust Model) on sites that did not necessarily have a clear path towards site control that would result in a project. Other committee members were more concerned that the City of Tigard currently has two prior 2040 grants still underway. Most committee members agreed that even if additional grant funding were available, this grant proposal should be declined.

The following list shows the grant applications recommended for approval, and the recommended funding level:

Equitable Development (≈\$1 million targeted, \$895,000 recommended)

City of Portland	\$ 100,000
102nd & Pacific Development Project: Gateway Transit Center	

City of Portland	\$ 245,000
Rosewood Equitable Development Plan	

City of Portland	\$ 230,000
Southwest Corridor Equitable Housing Strategy	
(Funding for pre-development analyses is contingent upon the City having site control on the properties)	

Housing Authority of Clackamas County	\$ 220,000
Clackamas Heights Master Plan	

Washington County Housing Services	\$ 100,000
Willow Creek Park & Ride – Alder Grove	

Facilitate Infill Development within UGB (≈\$500,000 targeted, \$580,000 recommended)

City of Fairview	\$ 200,000
Main Streets on Halsey Site Readiness and Policy-Code development	

City of Happy Valley	\$ 210,000
Rock Creek Employment Center Infrastructure Assessment and Funding Plan	
(\$170,000 of the grant award contingent on ODOT's commitment to participate in the planning process)	

Port of Portland	\$ 170,000
Employment Lands Site Readiness Toolkit	

New Urban Area Planning (≈\$500,000 targeted, \$520,000 recommended)

City of Sherwood	\$ 100,000
Brookman Addition Concept Plan Refinement	

Washington County Department of Land Use and Transportation	\$ 420,000
Getting Ahead of the Curve: Proactive Transportation Planning for Urban Reserves	

Total Grant Awards Recommended	\$ 1,995,000
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Additional Considerations

Members of the committee offered the following additional comments and recommendations regarding their impressions of this grant cycle and potential future adjustments to the grant program and requirements:

- Since the prior round of grants, some additional clarity and emphasis on equity has been provided through the revision of the grant evaluation criteria to better address Metro's goal to advance racial equity. This year's grant application materials also included clearer guidelines for applicants regarding the types of projects that could successfully merit for funding in the 'equitable development' target category. However, additional review, consideration, and guidance is needed regarding the program's equity objectives and the approach for emphasizing equitable development outcomes. Committee members suggested that a discussion of the program's equitable development goals and approach with Metro's Committee on Racial Equity would be helpful to gain further insights as to how this dimension of the program could be strengthened.
- Additional consideration should be given to the relative weight of the various grant criteria. Clarity is needed as to whether the committee should score applications based on how thoroughly the applicants identify in the application narrative how they are meeting the evaluation criteria, versus having the committee members use their own judgment as to which projects are most likely to achieve the overall goal of the program to facilitate development.

If you so desire, I will be happy to join you in presenting the committee's recommendations to the Metro Council on July 26. On behalf of the members of our 2040 Planning and Development Grant Screening Committee, thank you for inviting us to participate in this process and assist Metro in funding projects across the region that advance local and regional development goals and implement our shared vision for the future.

cc: Elissa Gertler, Director of Planning and Development
Megan Gibb, Land Use and Urban Development Manager
Lisa Miles, 2040 Planning and Development Grants Program Manager

ATTACHMENT A TO GRANT AWARD RECOMMENDATIONS: GRANT EVALUATION CRITERIA

Clear development outcomes. Proposal presents a compelling project concept with specific, impactful outcomes to facilitate development. Performance measures are clearly articulated.

Advances and complements regional goals and policies. Proposed project will support Metro's established regional policy goal of advancing racial equity. Proposed project will also help to advance established regional development goals and outcomes expressed in the 2040 Growth Concept, the Urban Growth Management Functional Plan, and the following Six Desired Outcomes stated in the Regional Framework Plan, adopted by the region to guide future planning:

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

Aligns with local goals and/or maximizes community assets. Proposed project will help realize community plans and goals, accommodate expected population and employment growth, and/or maximize existing community assets such as public transit, parks, natural features, historic districts and employment areas.

Likelihood of implementation. Relevant key stakeholders (property owners, policy makers, jurisdictions, service providers, etc.) have committed full support for the project goals and timelines, will be meaningfully involved in guiding the project, and have the capacity and authority to implement actions/investments as needed to bring the project to fruition. Opportunities and threats to project commitments have been identified.

Public involvement. Proposal incorporates best practices for public involvement; strategies for meaningfully engaging neighbors, businesses, property owners and key stakeholders (including historically marginalized communities and residents with lower incomes) are clearly articulated and well-conceived; proposal indicates how public input will be used to strengthen the project outcomes, and/or increase the likelihood of successful implementation.

Team roles and capacity. Roles and responsibilities of the applicant county or city, as well as any additional partners have been clearly defined; proposed staff has the skill sets, experience and time needed to successfully manage all aspects of the grant project and oversee the work of the consultant team or teams on behalf of the project partners.

Jurisdiction track record. Applicant has proven capability to successfully implement community development projects, especially past Planning and Development Grant projects; prior grants have fully delivered expected products and outcomes according to the approved schedule of milestones; any grant projects still underway are on track and/or scheduled for completion prior to initiation of proposed project.

Grant leverage. Note the extent to which partners have committed additional in-kind or direct financial contributions to the project beyond the required minimum ten percent match.

Replicable best practices. Proposed project will develop best practices that could be replicated in other locations. (Note: This criterion may not be applied to all projects.)

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 18-4902, FOR THE PURPOSE OF APPROVING FY 2018-19 FUNDING FOR 2040 PLANNING AND DEVELOPMENT GRANTS FUNDED WITH CONSTRUCTION EXCISE TAX

Date: July 10, 2018

Prepared by: Lisa Miles 503.797.1877
Roger Alfred 503.797.1532

BACKGROUND

Program History, Enabling Legislation, and Prior Grant Awards

In 2006, Metro established a construction excise tax (CET) to generate revenue for providing grants to local governments for regional and local planning. The ordinance contained a sunset provision based on a maximum amount collected of \$6.3 million, and the maximum amount was reached in 2009. In 2009 the Metro Council extended the CET for an additional five year period.

In 2014, the Metro Council adopted Ordinance No. 14-1328, which extended the CET through December 2020 and directed the Chief Operating Officer (COO) to seek direction from the Metro Council prior to revising the Administrative Rules for implementation of the CET and the Community Planning and Development Grants (CPDG). In 2015, the Metro Council adopted a resolution approving the Metro COO's amendments to the Administrative Rules.

Over the first five cycles of grants, Metro awarded approximately \$21.7 million in grant funds to support 93 planning and development projects. A table summarizing the total grant dollars and number of projects funded for each of the prior grant cycles is provided below.

Grant Cycles	Project Type	Start	Total Grant Awards	Number of Projects
Cycle 1	Focused on concept planning for areas recently brought into UGB	FY 2006-2007	\$6.2 million	25
Cycle 2	Focused on community and economic development inside the UGB	FY 2009-2010	\$3.7 million	17
Cycle 3	Fund was intended for community and economic development inside the UGB with 50% for new urban areas and urban reserves.	2013	\$4.5 million	19
Cycle 4	Fund intended for community and economic development inside the UGB and 25%-30% for new urban areas and urban reserves.	2015-2016	\$4.7 million	16
Cycle 4EQH	Funds intended for equitable housing planning and development inside the UGB	FY2016-17	\$575,000	7
Cycle 5	Funds intended for equitable development projects (\$1 million), infill development projects within the UGB (\$500,000) and new urban area planning (\$500,000)	FY 2017-18	\$1.99 million	9
Approximate Total of Grant Dollars and Projects Awarded in Cycles 1-5			\$21.7 million	93

2018 Policy and Investment Emphasis

In January 2018, the Metro Council approved Resolution 18-4863 which set the policy and investment emphasis for the 2018 grant cycle as follows:

- 50% of grant funds will be targeted for qualified projects that will facilitate implementation of 'equitable development' projects inside the Urban Growth Boundary, which may include but are not limited to:
 - Planning or pre-development work for equitable housing (diverse, physically accessible, affordable housing choices with access to opportunities, services, and amenities);
 - Planning or pre-development work for projects that will advance quality of life outcomes for marginalized communities, 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;
 - Planning for public and private developments, investments, programs and policies that will be enacted to meet the needs of communities of color and reduce racial disparities, taking into account past history and current conditions.
- 25% of funds will be targeted for qualified projects to facilitate development in centers, corridors, station areas and employment/industrial areas.
- 25% of grant funds will be targeted for qualified concept planning and comprehensive planning projects in urban reserves or new urban areas.
- In the event that there are insufficient qualified applications within any one funding category, grant funds may be awarded to qualified applications in any other category.

2040 Planning and Development Grant Application Process (2018/Cycle 6)

On February 3, 2018 the Cycle 6 Grant process was initiated and Metro began to accept draft Letters of Intent. In February and March, Metro staff conducted pre-application conferences with each applicant to provide feedback on their Letters of Intent (LOIs), and advice on how their grant proposals and full grant applications might be strengthened.

Metro received 12 LOIs from local governments by the March 23 deadline. Of these, 11 were approved to submit full applications; one was declined by staff due to the limit of three full applications per jurisdiction per grant cycle.

Metro ultimately received a total of 11 full applications from 9 local governments by the April 20, 2018 deadline. Six proposals requesting a total of \$1,200,000 applied for consideration under the Equitable Development funding category, three proposals requesting a total of \$580,000 applied for consideration under the Infill Development within the UGB category, and two proposals requesting a total of \$520,000 applied for the New Urban Areas and Urban Reserves category.

2040 Planning and Development Grant Application Review and Recommendations

Eight members of the 2040 Planning and Development Grant Screening Committee appointed by the Metro Chief Operating Officer (COO) in accordance with the Administrative Rules met in May and again in June to review the program goals and grant evaluation criteria and discuss the relative merits of the various applications. At the conclusion of their June meeting, the members of the committee came to a unanimous decision regarding the 10 projects to recommend to the COO awarding a combined total of \$1,995,000 in grant funding out of the \$2 million in funding available. The Committee recommendation proposed partial awards for two proposals received from the City of Portland for the Rosewood Equitable Development Plan (an award of \$245,000 proposed instead of the \$300,000 request) and the Southwest Corridor Equitable Housing Strategy (an award of \$230,000 proposed instead of the \$330,000 request). The Committee's recommendation additionally recommended that conditions be placed on two of the grant awards. For the \$230,000 Grant to the City of Portland grant of for the Southwest Corridor Equitable Housing Strategy, the committee recommended that funding provided for pre-development analyses be contingent upon the City having site control on the properties to be analyzed. For the recommended grant to the City of Happy Valley for the Rock Creek Employment Center Infrastructure Assessment and Funding Plan, the committee recommended that \$170,000 of the \$210,000 grant award be contingent on the city receiving ODOT's commitment to participate in the planning process.

Committee Chair Damien Hall submitted a summary of the 2040 Grant Screening Committee's recommendations to the COO on June 28, 2018, attached as Attachment 1 to Exhibit A to Resolution 18-4902. Metro's COO, Martha Bennett, has reviewed the Grant Screening Committee Recommendation, and has considered the committee's guidance along with the grant evaluation criteria set forth in the Administrative Rules, the policy and investment emphasis established by the Metro Council for the 2018 grants, and the grant applications submitted. The COO has issued her recommendation to the Metro Council (Exhibit A to Resolution 18-4902) concurring that all ten of the projects recommended by the Grant Screening Committee's be awarded funding as proposed by the Screening Committee. The COO's recommendation includes one small adjustment to the condition to be placed on the City of Portland Grant for the Southwest Corridor Equitable Housing Strategy. The COO recommends that that the grant funding provided for pre-development analyses be contingent upon the City *or a public partner* having site control on the properties to be analyzed.

The Metro Council will make the final grant decisions at the public hearing on **July 26, 2018**. After reviewing the COO's recommendations, the Grant Screening Committee recommendations, and considering the grant evaluation criteria, the grant applications submitted, and public testimony, the Metro Council may adopt by resolution all of the COO's recommendations, or may change some of them.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the proposed legislation, except potentially from any or all of the grant applicants whose proposals are not recommended for funding in this grant cycle.

2. Legal Antecedents

- Metro Ordinance 06-1115 established the construction excise tax
- Metro Ordinance 09-1220 extended the CET for an additional five-year period (through September 2014)

- Metro Ordinance 14-1328 extended the CET for an additional five-year period (through December 2020) and directed the Metro COO to propose amendments to the existing administrative rules
- Metro Resolution 15-4595 approved the Metro COO's proposed amendments to the administrative rules
- Metro Resolution 15-4640 directed the Metro COO's to propose a possible use for unallocated funds in Cycle 4
- Metro Resolution 16-4753 awarded approximately \$575,000 in Equitable Housing Planning and Development Grants
- Metro Resolution 17-4782 changed program name, approved revisions to administrative rules to allow annual grant cycles, refined grant evaluation criteria, incorporated new administrative procedures, and established policy and investment emphasis for 2017 Grants
- Metro Resolution No. 18-4863 established policy and investment emphasis for 2018 Grants and approved adjustments to the grant evaluation criteria to require stronger alignment of grant proposals with Metro's commitment to promoting racial equity throughout the region;
- Metro Resolution 18-4882 approved additional refinements to the Administrative Rules, providing for the creation of a technical assistance component of the program to facilitate successful implementation of 2040 Planning and Development Grants

3. Anticipated Effects

This resolution designates 2040 Planning and Development Grant Awards to be funded with Construction Excise Tax, subject to receipt of construction excise tax funds. The projects have proposed timelines of approximately 12 to 24 months.

4. Budget Impacts

The FY 2018-19 budget includes resources for staff in the Planning and Development Department to begin work in administering the proposed funds. Exact funding for any grant round is subject to the projected excise tax revenues collected.

5. Attachments

Attachment 1: Summary Table of all 2040 Planning and Development Grant Applications Received for 2018

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of the resolution to approve the COO's recommendation for the 2040 Planning and Development Grant Program awards (2018/Cycle 6).

City of Fairview Main Streets on Halsey Site Readiness and Policy-Code Development	
Amount of Grant Request: \$ 200,000	Proposed Match: \$ 28,374
Recommended for Funding? \$ 200,000	
Project Summary: <p>The scope of work will entail the collaboration of the three jurisdictions, Fairview, Wood Village and Troutdale in working with their already-established steering committee, the Halsey Community Collaborative Compact (HC3), to engage property owners and community members in taking the next steps in implementing the Main Streets of Halsey Strategic Economic Action Plan. The intent of this project is to meet goals of the Main Streets Plan, Statewide and Metro planning goals related to housing, transportation and employment.</p> <p>This Metro grant will focus on these distinct actions:</p> <ol style="list-style-type: none"> 1) Assessing and facilitating site readiness work, including strategies to overcome development barriers, and marketing of specific parcels; and, 2) Aligning and creating adoption-ready consistent, clear and relevant land use and urban design codes across the three jurisdictions to facilitate future development. 	
Project Location: <p>The NE Halsey Corridor is an east/west minor arterial connector that links businesses, neighborhoods, and communities between northeast Portland and Troutdale. This project focus is on the 2.8-mile portion of the corridor that passes through the cities of Fairview, Wood Village, and Troutdale – between Fairview Parkway and the Historic Columbia River Highway.</p>	

City of Happy Valley Rock Creek Employment Center Infrastructure Assessment and Funding Plan	
Amount of Grant Request: \$210,000	Proposed Match: \$ 33,500
Recommended for Funding? \$ 210,000 [Funding conditions: \$170,000 of funding is contingent on the City securing ODOT's participation in the project]	
Project Summary: <p>The expected outcome of this project will be to identify infrastructure solutions and potential funding options to attract economic development. The infrastructure solution package will act as a catalyst for job growth and economic development within the RCEC by identifying a specific plan to serve the development sites and provide interim solutions to Hwy. 212 from the Rock Creek Intersection (Hwy. 212/224 "split") to 172nd Avenue as it relates to the very long term highway plan (Sunrise Corridor Phase II). It is evident in the current study of the employment sites that the characteristics of the RCEC are favorable for industrial and employment land development and suitable for jobs-based industry recruitment. The infrastructure and funding challenges that exist with the Sunrise Phase II combined with a lack of internal utility connection to the existing regional infrastructure impede the current ability of the RCEC to achieve the intended outcome.</p> <p>This project will identify near-term solutions for the transportation constraints and will identify funding options for local infrastructure connections within the RCEC. These outcomes will establish a collaborative method for the City, County, State, private land owners and future industrial developers to participate in funding the needed infrastructure. The level of community readiness and local commitment to the predicted development outcomes has been demonstrated through the series of planning steps the City of Happy Valley has taken since the property was added to the Urban Growth Boundary (UGB) in 2002, as well as by the construction of a major arterial (172nd Avenue) from Hwy. 212 to Sunnyside Road and the development of the sanitary sewer main (Rock Creek Interceptor). The approximately 400 gross acres of land within the RCEC has adequate scale to generate a critical mass of activity by providing a significant number of potential development sites.</p>	
Project Location: <p>The southeast quadrant of Happy Valley centered on the intersection of 172nd Ave. and OR Highway 212.</p>	

City of Portland 102nd & Pacific Development Project: Gateway Transit Center	
Amount of Grant Request: \$ 100,000	Proposed Match: \$ 250,000
Recommended for Funding? \$ 100,000	
Project Summary: <p>Fund predevelopment work to support development of 10-acres of privately held properties near the Gateway Transit Center and broad redevelopment in the Gateway Transit Center. The scope of work will include evaluating parking in the area and options for replacement parking obligations with the Oregon Clinic, assessment of market potential for retail and commercial development in the district, and connectivity, including multi-modal access, pedestrian impediments between the transit center and the Halsey/Weidler Business District, Gateway Discovery Park and the Prosper Portland development at NE Halsey and 106; as well as how to leverage other investments and opportunities in the area including TriMet's Red Line Enhancement Project and improving transit interface with workforce training and career technical facilities in East Portland. The desired outcomes are to prepare property owners to better develop their properties, particularly the 102nd and Pacific Project in a way that fulfills key community priorities, including improved connectivity to and through the Gateway Transit Center area, improved access to Gateway public spaces at the transit center, Gateway Green, and the new Gateway Discovery Park at NE 106th and Halsey, and greater certainty for future development adjacent to 102nd and Pacific and at Prosper Portland owned-property adjacent to MAX station.</p>	
Project Location: <p>The predevelopment work will focus on the Gateway Transit area between I-205, NE Halsey, NE Glisan and the Hasley/Weidler Business District. The work will be informed by transit users, pedestrians and bicycles accessing from East Portland, east of I-205.</p>	

City of Portland Rosewood Equitable Development Plan	
Amount of Grant Request: \$ 300,000.00	Proposed Match: \$ 70,000.00
Recommended for Funding? \$245,000 Funding for Bureau of Planning and Sustainability entry level staff to help with logistical coordination removed from grant award.	
Project Summary: <p>The proposed Rosewood Equitable Development Plan will: 1) Update the land use and transportation plans; 2) Prepare predevelopment studies for three specific opportunity sites; and 3) Develop anti displacement strategies in anticipation of rising housing costs. These three project elements will be undertaken in collaboration with the Rosewood community.</p> <p>Land Use and Transportation Plan Update: Update the zoning map utilizing newly adopted residential and mixed-use zoning to create more residential capacity and neighborhood serving commercial uses. These zoning changes will be supported by a coordinated review and update of the transportation network as part of the Outer Stark Street Safety project improvements are needed to support safe and convenient access to the Rosewood Neighborhood Center. Deliverable: Outer Stark Street Corridor and Max Station Area Plans:</p> <p>Pre-development Studies. Conceptual development plans and financial feasibility analyses will be prepared for three opportunity sites currently under the control of identified community partners: 1) Human Solutions (160th/Stark), 2) Rosewood Village (162nd/Stark) and 3) Bridge Meadows (162nd/Alder). Deliverable: Site-specific design concepts, pro-formas, and financing strategies for affordable housing at each of the three opportunity sites.</p> <p>Anti displacement strategies: Working collaboratively with The Rosewood Initiative, the Community Alliance of Tenants and other community organizations this project will identify factors that are causing displacement and develop strategies to prevent or mitigate disruption to the existing community. Deliverable: Facilitated community engagement process and anti-displacement strategy.</p> <p>These efforts are intended to support a healthy, connected and vibrant Rosewood neighborhood center where the benefits of new development and infrastructure investment accrue to the existing communities as well as new residents and businesses.</p>	
Project Location: <p>The Rosewood Equitable Development Plan is proposed for an area approximately 1,900 acres in size located in East Portland. It is bounded by the City's municipal boundary with Gresham to the east along 162nd Avenue and the 128th Avenue to the west, between NE Halsey St and the Glendoveer Golf Course to the north and the SE Stephens St alignment to the south. It includes the Rosewood Neighborhood Prosperity Initiative (NPI), the Rosewood Neighborhood Center as designated by the City of Portland Comprehensive Plan and the E Burnside/148th and 162nd Avenue MAX station areas. It also includes the Glenfair, Parklane and Oliver elementary schools and the Parklane and Glenfair public parks.</p>	

City of Portland

Southwest Corridor Equitable Housing Strategy

Amount of Grant Request: \$ 330,000

Proposed Match: \$ 50,000

Recommended for Funding? \$ 230,000 Funding for Bureau of Planning and Sustainability, Portland Housing Bureau and TriMet TOD staff removed given extensive grant funding already received for Southwest Corridor.

Funding Condition: Funding for pre-development analyses contingent upon the City or public partners having site control.

Project Summary:

This project builds off the current Southwest Corridor Equitable Housing Strategy (EHS) scheduled for adoption by the Tigard and Portland city councils this summer. Funding would implement priorities of the housing strategy to increase housing choice, prevent residential displacement, and commit early housing resources in advance of planned light rail service. Work to be completed in 2019 includes:

Portland City Council adoption of two TOD station area plans (Barbur Transit Center and South Portland/Gibbs) to include urban design plans and increased entitlements. In South Portland the historic district guidelines would be updated. Plans in these two areas will inform an agreement with the Oregon Department of Transportation regarding the future of two sites in their control.

Pre-development site analysis leading to the construction of hundreds of new units of housing. Opportunity sites include several already in public ownership (Ross Island Bridgehead parcels, Barbur Transit Center, and the PCC parking lot) and other private parcels that could be acquired by the City, Metro, or by TriMet as part of the light rail project. Analysis done on private parcels would be done with generic templates to make them implementable on more than one site.

Formation of an inter-jurisdictional Equitable TOD Workgroup to execute the responsibilities detailed in the pending Memorandum of Understanding between TriMet, City of Portland, Washington County, City of Tigard, and Metro. Grant work will be coordinated with those agencies through that MOU. Grant funds will be used to increase TriMet's staff capacity to lead this work.

Formation of a Community Preservation and Engagement Workgroup composed of community leaders, nonprofit developers, and organizational partners working on anti-displacement initiatives in the corridor. This group will advise project decisions, build organizational relationships, and engage communities vulnerable to displacement pressures.

Project Location:

This project takes place within the City of Portland within the ½ mile buffer area around the SW Barbur alignment of the SW Max Line future light rail alignment. Additional focus is applied to two station areas located around SW Gibbs and around the West Portland Town Center (Barbur Transit Center) as shown on the attached map. Opportunity site analysis will occur on sites at each of the potential station areas in Portland.

City of Sherwood	
Brookman Addition Concept Plan Refinement	
Amount of Grant Request: \$ 100,000	Proposed Match: \$ 10,000
Recommended for Funding? \$100,000	
Project Summary: <p>This project will refine the Brookman Addition Concept Plan. The project will analyze land use and transportation patterns in the western and central subareas as conditions have changed since the plan was adopted in 2008. The 2008 plan shows Brookman Road as a neighborhood collector road. Brookman Road is now classified as an arterial road in Washington County's and the City of Sherwood's Transportation System Plan as a result of no alternative arterial was identified in the I-5 to 99W planning project. Brookman Road is under the jurisdiction of Washington County and they are a project partner. This project will refine the alignment and function of Brookman Road, surrounding land uses and produce a financing plan to implement transportation system improvements. The refinement will help foster economic vitality in Sherwood, facilitate the development of the Brookman area which will develop sooner than later, and provide different travel modes and additional routes of the regional transportation system. This plan refinement will build off the goals of the 2008 plan which include: Connections to Sherwood; A Complete Community; Transition of Land Intensities; Transportation Choices, Parks and Green Spaces, and Long Term Quality.</p>	
Project Location: <p>This project is located in the Brookman Road area of Sherwood between Highway 99W and and SW Ladd Hill Road and is north of the urban reserve. Brookman Road is the boundary between the UGB and Urban Reserve area. The Brookman area was brought into the UGB in 2002. Roughly ninety-acres of the Brookman area were annexed into the city in 2017, in the central sub-area.</p>	

City of Tigard**Tigard Missing Middle Community Land Trust Model Feasibility and Pre-Development Assessment****Amount of Grant Request:** \$ 150,000**Proposed Match:** \$ 51,447

Recommended for Funding? No. Project is too hypothetical as it would evaluate feasibility for cottage cluster development on sites that did not have a clear path towards site control resulting in development.

Project Summary:

This project will assess the feasibility of a missing middle housing to effectively deliver equitable and affordable housing using the community land trust model within the Southwest Corridor and to provide valuable pre-development insight that will ease the path to future construction of a model development. The City and its partner Proud Ground will assemble a collaborative consulting team of financial analysts, architects, and development consultants to perform a feasibility analysis of a missing middle housing development, with a focus on its capacity to provide affordable housing in perpetuity through the community land trust model. The team will perform four tasks as part of this work.

Task 1: Site Selection

The city will work with Proud Ground and the project team to develop a set of criteria for site selection, with weight given to certain locational factors. Five sites will be selected for analysis.

Task 2: Massing Study

For each of the five selected sites, the consultant team will develop a massing study for two missing middle typologies -cottage clusters and courtyard units - to demonstrate how the land can be efficiently developed to accommodate the maximum number of units with common areas and parking.

Task 3: Financial Feasibility

Based on the results of the massing studies, the consultant team will then build a pro forma for each site, to include the costs of land acquisition, entitlement, design, and construction costs. The analysis will be conducted with the capacity and needs of the community land trust model factored in.

Task 4: Report Generation

The consultant team, working with the City and Proud Ground, will generate a summary report on the methodology, feasibility analysis, and the results of the project.

The primary outcomes will be a report summarizing the findings and a base of knowledge that will help the partners pursue future funding to realize the project within 2-3 years.

Project Location:

The location for this project is within the city limits of Tigard. The site selection process will include the entire city, but the criteria for site selection will give preferential weighting to lots proximate to transit and to sites within the city's two urban renewal districts - Downtown Tigard and the Tigard Triangle.

Housing Authority of Clackamas County	
Clackamas Heights Master Plan	
Amount of Grant Request: \$ 220,000	Proposed Match: \$89,071
Recommended for Funding? \$220,000	
<p>Project Summary:</p> <p>The desired outcome of the Clackamas Heights Master Plan is the redevelopment of a physically distressed and underutilized public housing community. Built in 1942, Clackamas Heights was the first public housing property in Oregon. The 100 housing units on the site were constructed without foundations and were originally built as temporary housing for the local workforce. Located in the historic Park Place neighborhood in Oregon City, the site occupies approximately 17 acres and is highly underutilized given the shortage of affordable housing in the area.</p> <p>To achieve the development outcome of revitalization, the master planning process will provide an open, goal oriented community engagement process that will include current residents, the surrounding Park Place neighborhood and members of the broader public. This will include discussion around potential partnerships with business owners and civic groups in the area. Two advisory committees will be formed as part of the master planning process, one technical and one public, in order to ensure that all stakeholders have an opportunity to participate and be heard in regard to the shaping of their future neighborhood.</p> <p>Anticipated long term outcomes include increasing the number of affordable housing units available on the site, promotion of resident health, expanded access to nutritious food options, the creation of a safe, quality environment for walking and biking and to facilitate affordable, accessible public transit options. Further outcomes will be determined by an extensive community engagement and planning process.</p>	
<p>Project Location:</p> <p>Clackamas Heights is located on the north side of Oregon City, in the Park Place neighborhood, which falls within Census Tract 223. The site consists of 17 acres bounded by Gain Street to the North, Front Avenue to the East, Apperson Blvd to the West and Holcomb Blvd to South. The Park Place neighborhood is characterized by extreme income disparities and low levels of income and investment that qualify it as severely distressed. The neighborhood has two areas known as “lower” and “upper” Park Place, with Clackamas Heights and the area of disinvestment falling in the lower region. Upper Park Place has experienced growth and development in the recent past, whereas lower Park Place, the area immediately surrounding Clackamas Heights, has experienced disinvestment and continued decline. The stark contrasts between the two sections of the neighborhood further justify the need for revitalization that will unify Clackamas Heights and lower Park Place in general, with the rest of the neighborhood.</p>	

Port of Portland Employment Land Site Readiness Toolkit	
Amount of Grant Request: \$170,000	Proposed Match: \$ 55,777
Recommended for Funding? 170,000	
Project Summary: <p>The 2017 Portland Metro Regional Industrial Site Readiness Inventory identified the need for pre-development tools and strategies to improve site readiness within the Portland Metro UGB. The region's current supply of market-ready industrial sites based upon the 2017 inventory update shows only 10 market-ready sites available, only 3 of which do not currently have development agreements. This trend in the reduction of the region's market-ready large, vacant industrial sites is representative of the region's decreasing supply of market-ready employment lands.</p> <p>The remaining vacant, under-utilized and redevelopment employment lands within the UGB have more challenges, are more complex, more time intensive undertakings, and will be more expensive to bring to market-ready status. More efficient use of the region's existing supply of employment land is one way to support an economy that will need to create 85,000 to 440,000 jobs by the year 2040 to accommodate the region's projected population growth.</p> <p>Investment, leadership and creativity are needed to move employment sites in the region to market-ready status and provide a sufficient supply of sites as one approach to meet the needs of an economy expected to put more people to work in a land constrained geography. This project will provide a site readiness toolkit jurisdictions and private-sector partners can use to address 7 site readiness challenges. A robust inventory of market-ready employment land is key to the region's economic competitiveness and prosperity, ensuring all our residents benefit from that prosperity through access to employment. The project will convene a region-wide project advisory team with representation from the 3 county area and a cohort of other economic development partners. The long-term development outcome will be an increase in the supply of market-ready employment lands in the region, resulting in a higher employment capacity for the region. It being compatible with the surrounding neighborhood.</p>	
Project Location: <p>This is a region-wide project covering the entire Metro area within the UGB. An indicator of this project's broad geographic reach is that 19 partners from across the region have committed to participate in this project. This coalition represents a cross-section of cities (large and small) in all 3 counties in the Metro UGB. The tools and strategies identified and created for this site readiness toolkit will be available for use by any jurisdiction or development partner in the region.</p>	

Washington County Department of Land Use & Transportation Getting Ahead of the Curve: Proactive Transportation Planning for Urban Reserves in Washington County	
Amount of Grant Request: \$ 420,000	Proposed Match: \$60,000
Recommended for Funding? \$ 420,000	
Project Summary: <p>The project will provide realistic information about the transportation improvements necessary to adequately serve the cumulative growth in the urban reserve areas, both for roads within the urban reserve areas and for those roads that connect urban areas. In the short term, this project will identify a prioritized list of improvements needed to serve traffic growth from urban reserve development, along with cost estimates and anticipated right-of-way needs that cities can use for their concept and comprehensive planning in coordination with the County. This will give the county, cities, and general public a better idea of what to expect when development does start happening, and should also give existing residents of urban reserve areas some peace of mind that the anticipated traffic increases are being planned for. In the long term, this project provides the framework for the prioritized transportation improvements to be funded and built as the urban reserve areas are annexed into cities.</p>	
Project Location: <p>Washington County has several urban reserve areas in close proximity to each other, including in south Hillsboro, west Beaverton, west Tigard, west King City, and west Sherwood. The urban reserve growth areas in Washington County create a crescent shape between existing urban and rural areas. Most of the newly urbanizing areas are and will be composed primarily of residential development. This can be an issue because traffic from these and other nearby urban areas often uses rural roads to access employment areas and other amenities in nearby cities. The existing roadways within the urban reserve areas are often not built to accommodate any increase in traffic, with narrow travel lanes, lack of shoulders, and sight distance deficiencies. Planning for the specific concept plan areas is primarily done on a local scale, but transportation planning for these areas should be done on a regional scale so that the county can keep up with, and get ahead of, the cumulative traffic demand on rural and urbanizing roadways.</p>	

Washington County Housing Services Willow Creek Park & Ride - Alder Grove	
Amount of Grant Request: \$ 100,000	Proposed Match: \$ 48,185
Recommended for Funding? \$ 100,000	
Project Summary: <p>The Alder Grove project will provide 150-200 units of much-needed permanent affordable housing in a high opportunity area in Washington County. As a partnership between Trimet, the Housing Authority of Washington County (HAWC) and private developer, DBG Properties, LLC, the Alder Grove project is an opportunity to provide a model for enhanced development of parking areas near transit. This funding will support predevelopment work of the site to provide the development team with information that will allow the project to move forward.</p>	
Project Location: <p>The Alder Grove project will be located at the northern portion of the Trimet Willow Creek Park & Ride MAX Station - 180 NW Edgeway Dr, Hillsboro, OR 97124. This project is located within the Amberglen community of the City of Hillsboro in Washington County, Oregon. The project is anticipated to serve low-income households from the Washington County area.</p>	