



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: mult.chair@co.multnomah.or.us

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: district1@co.multnomah.or.us

Jeff Cogen, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

Email: district2@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: district3@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: lonnie.j.roberts@co.multnomah.or.us

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February 19 & 21, 2008 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:30 a.m. Tuesday Sheriff's Office Web Site
Pg 2	10:40 a.m. Tuesday Area 93 Planning
Pg 3	9:30 a.m. Thursday Public Comment
Pg 3	9:30 a.m. Thursday Briefing of the Status of the Pacific Mirabella Portland South Waterfront Project
Pg 4	10:00 a.m. Thursday Metropolitan Exposition Recreation Commission Update
Pg 4	10:30 a.m. Thursday Briefing on the Urban and Rural Reserves Process
Pg 5	11:20 a.m. Thursday Opportunity for Board Comment on Non-Agenda Matters

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30
Saturday, 10:00 AM, Channel 29
Sunday, 11:00 AM, Channel 30
Tuesday, 8:15 PM, Channel 29

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Tuesday, February 19, 2008 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 90 MINUTES REQUESTED.**
-

Tuesday, February 19, 2008 - 10:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-1 Briefing on Sheriff's Office Web Site – Real Time Inmate Information and Civil Process Status. Presented by Andy Potter and Sarah Mooney, MCSO Criminal Justice Information Systems Unit; James Stills, eSWIS. 10 MINUTES REQUESTED.**
- B-2 Briefing on an Approach to Concept Planning for Area 93. Presented by Karen Schilling, Deborah Stein (City of Portland), and Bob Clay (City of Portland). 30 MINUTES REQUESTED.**

Thursday, February 21, 2008 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COMMUNITY JUSTICE**

- C-1 Budget Modification DCJ-19 Reclassifying a Program Development Specialist to a Program Development Specialist Senior in the Juvenile Services Division, as Determined by the Class/Comp Unit of Central Human Resources

DISTRICT ATTORNEY'S OFFICE

- C-2 Intergovernmental Revenue Agreement 0709022 with the Oregon Department of Justice to Fund Dependency Proceedings

REGULAR AGENDA **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

HOSPITAL FACILITIES AUTHORITY - 9:30 AM

(Recess as the Multnomah County Board of Commissioners and convene as The Hospital Facilities Authority of Multnomah County, Oregon)

- R-1 Briefing of the Status of the Pacific Mirabella Portland South Waterfront Project. Presented by Mindy Harris. 15 MINUTES REQUESTED.
- R-2 RESOLUTION Adopting Amended Rules and Bylaws of The Hospital Facilities Authority of Multnomah County
- R-3 RESOLUTION Authorizing the Execution and Delivery of a Second Supplemental Indenture of Trust Relating to an Amendment to The Authority's Extendable Rate Adjustable Securitiessm 2006 Series B-2 (Terwilliger Plaza Project)

(Adjourn as The Hospital Facilities Authority of Multnomah County, Oregon
and reconvene as Multnomah County Board of Commissioners)

NON-DEPARTMENTAL - 10:00 AM

- R-4 Multnomah County Boards and Commissions: Metropolitan Exposition Recreation Commission [MERC] Update. Presented by Elisa Dozono, MERC Commissioner; Johnell Bell, Chair's Office; and David Woolson, CEO MERC. 30 MINUTES REQUESTED.

DEPARTMENT OF COMMUNITY SERVICES – 10:30 AM

- R-5 Briefing on the Urban and Rural Reserves Process. Presented by Chuck Beasley and Karen Schilling, Land Use Transportation Planning. 25 MINUTES REQUESTED.
- R-6 First Reading and Possible Adoption of a Proposed ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Troutdale's Recent Land Use Code, Plan and Map Revisions in Compliance with Metro's Functional Plan and Declaring an Emergency

DEPARTMENT OF COUNTY MANAGEMENT – 10:56 AM

- R-7 RESOLUTION Approving a Donation of an Easement to Allow Tri-Met to Attach an Eye Bolt to the Mead Building to Suspend an Overhead Contact Wire for Electricity to the MAX Line, and Authorizing County Chair to Execute Appropriate Documents

DEPARTMENT OF HEALTH – 11:00 AM

- R-8 NOTICE OF INTENT to Apply for a \$90,000 Grant from the Pacific Source Foundation to Deliver Primary Care Services for Medically Underserved Residents in the Rockwood Area Using the Health Department's Medical Van
- R-9 Budget Modification HD-25 Appropriating \$20,000 from Legacy Health System in Support of the Health Department's Homeless Program Electronic Health Records Implementation
- R-10 First Reading of a Proposed ORDINANCE Amending Nuisance Control Law Multnomah County Code Section 15.225 Relating to Area of Application

DEPARTMENT OF COMMUNITY JUSTICE – 11:10 AM

R-11 Budget Modification DCJ-18 Transferring \$71,240 from Department of Community Justice and \$41,310 from General Fund Contingency for a Total Increase of \$112,550 to Multnomah County's Motor Pool for the Purchase of 5 Hybrid Vehicles in Collaboration with the Juvenile Services Division [Rescheduled from February 14, 2008]

BOARD COMMENT

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/19/08
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 02/11/08

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: February 19, 2008 Amount of Time Needed: 90 minutes
Department: Non-Departmental Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Agnes Sowle and Invited Others

General Information

1. What action are you requesting from the Board?

No final decision will be made in the Executive Session.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

3. Explain the fiscal impact (current year and ongoing).

4. Explain any legal and/or policy issues involved.

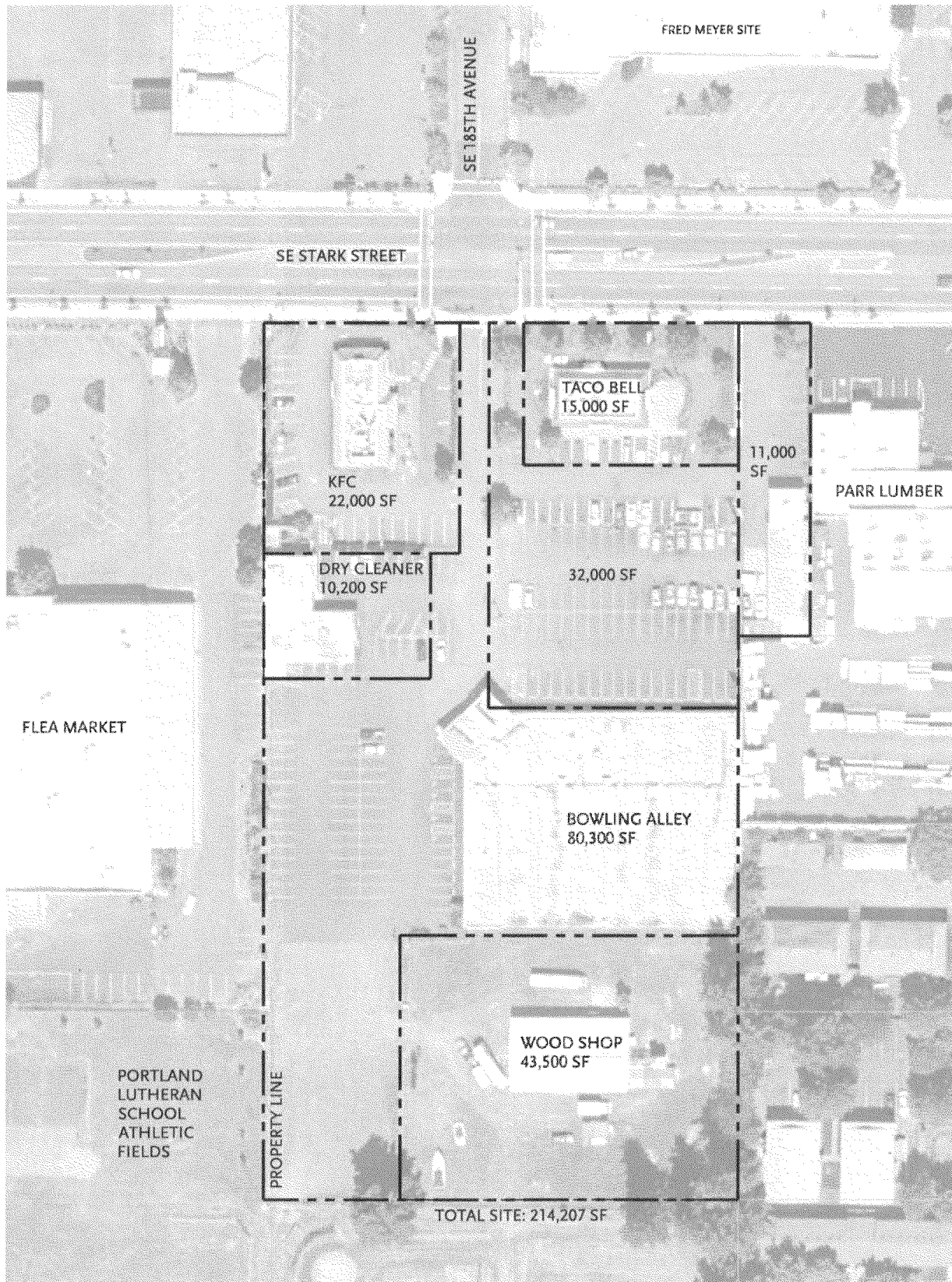
ORS 192.660(2)(d),(e)and/or(h)

5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

Elected Official or
Department/
Agency Director:

Date: 02/11/08



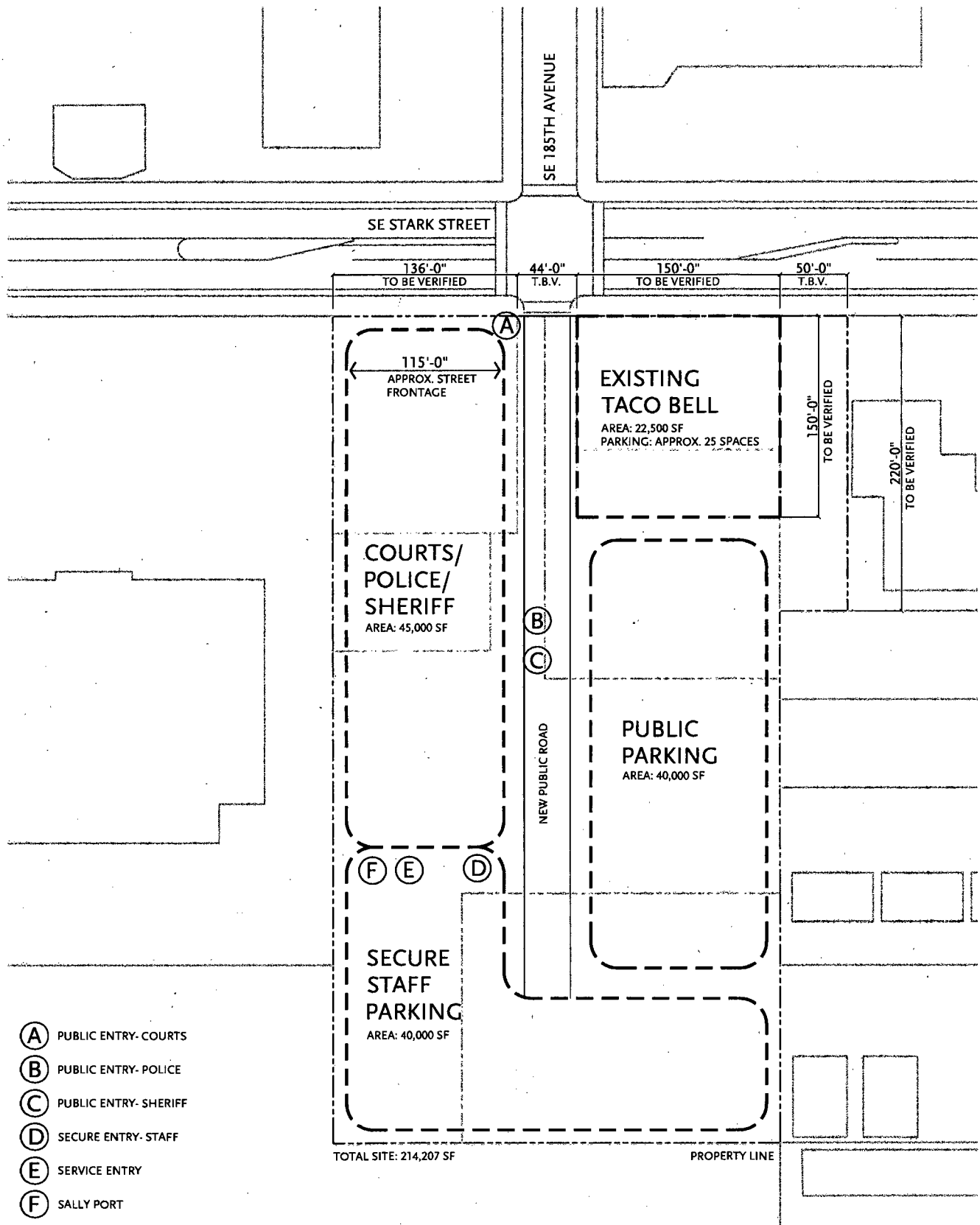
SCALE: 1/100" = 1'-0"

EAST COUNTY JUSTICE CENTER- MULTNOMAH COUNTY- GRESHAM, OREGON

HR EMMONS ARCHITECTS



EXISTING SITE
JANUARY 31, 2008



SCALE: 1/100" = 1'-0"

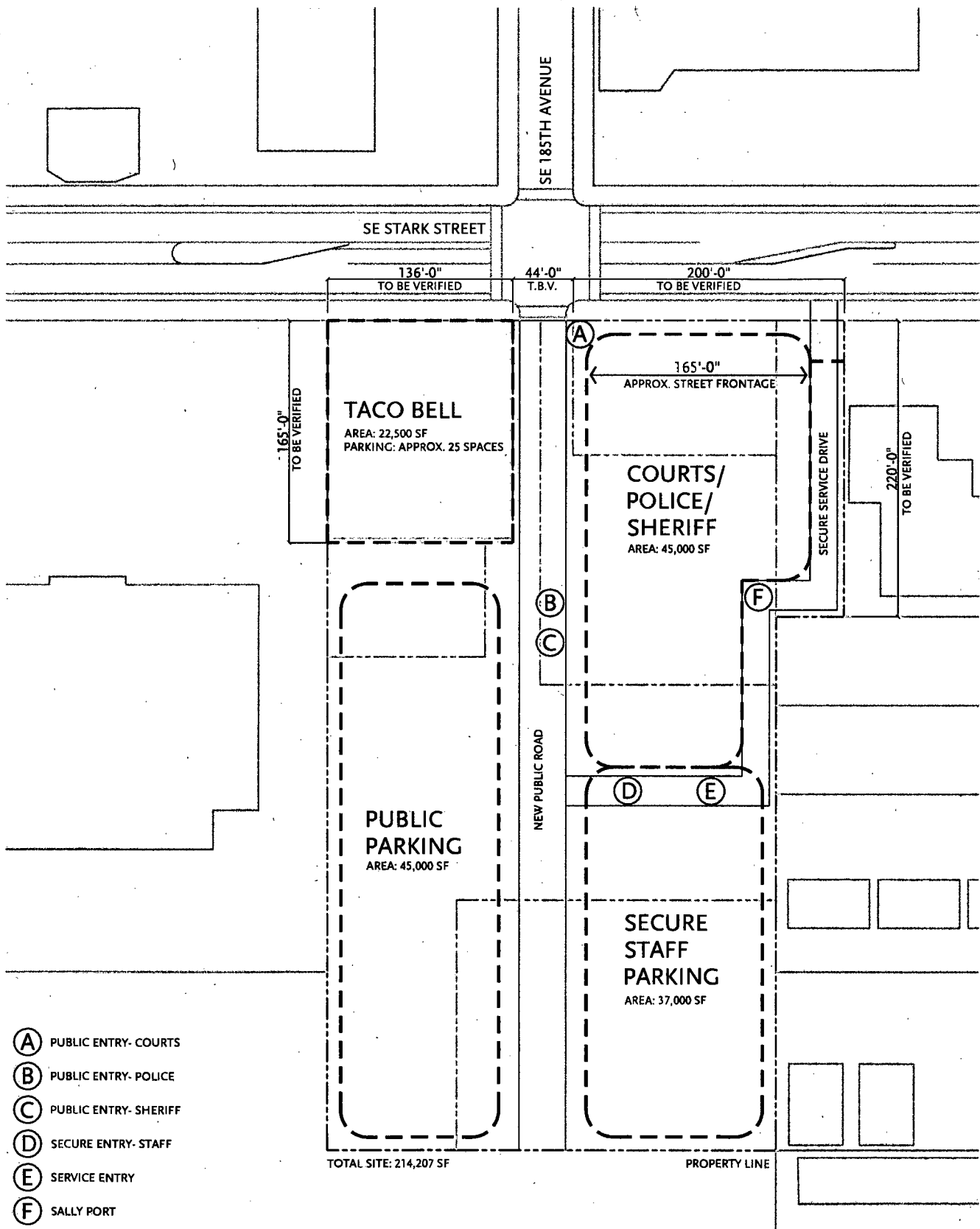
EAST COUNTY JUSTICE CENTER- MULTNOMAH COUNTY- GRESHAM, OREGON

HR EMMONS ARCHITECTS

SITE DIAGRAM- OPTION B

JANUARY 31, 2008





SCALE: 1/100" = 1'-0"

EAST COUNTY JUSTICE CENTER- MULTNOMAH COUNTY- GRESHAM, OREGON

HDR EMMONS ARCHITECTS

SITE DIAGRAM- OPTION A

FEBRUARY 4, 2008



**2201-2207 NE Columbia Blvd
Columbia Pacific Plaza**

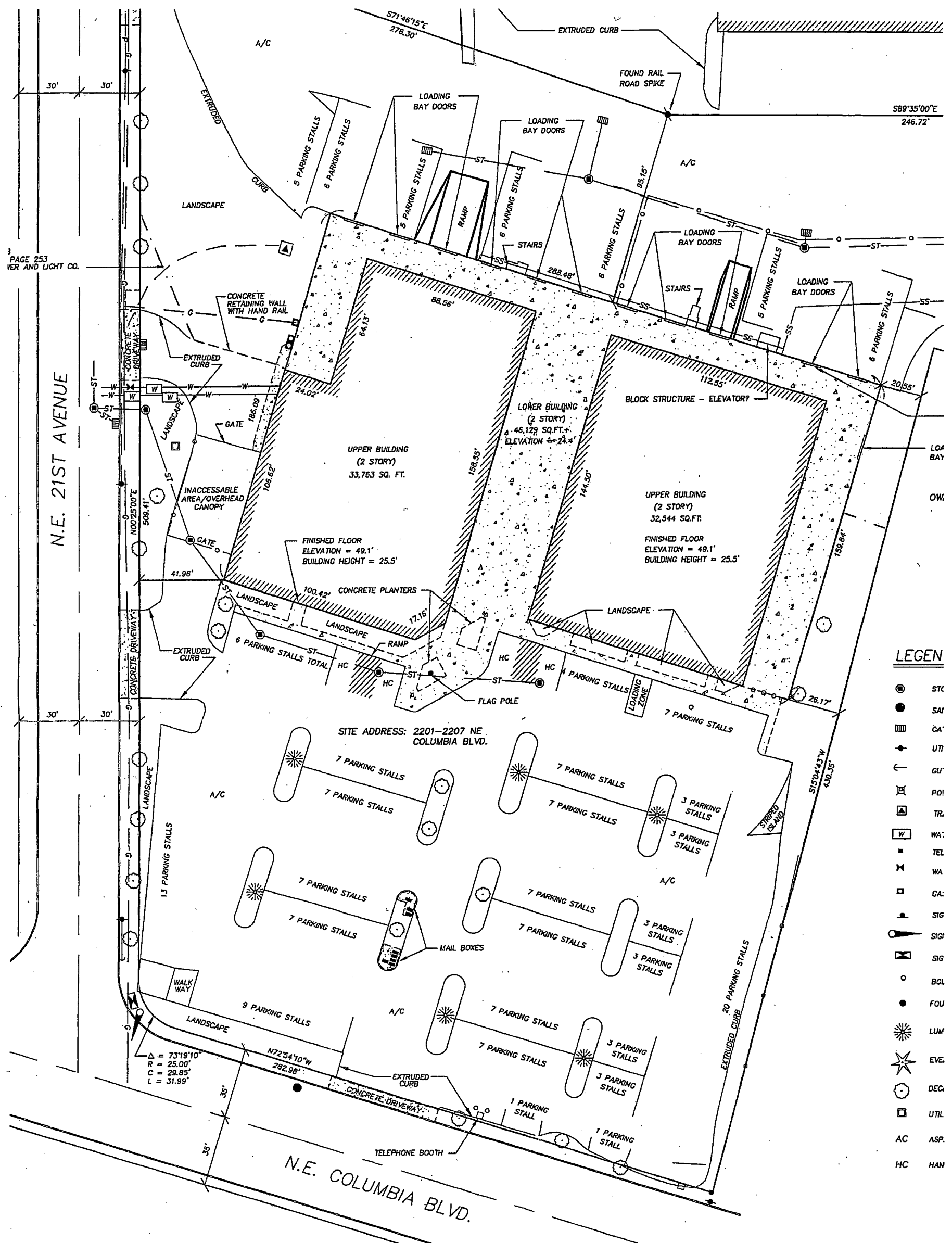


2201-2207 NE Columbia Blvd, Portland, OR 97211
Columbia Pacific Plaza



Columbia Pacific Plaza

Site Map



**Morris &
tevens Inc.**
35W Morrison Street, Suite 800

For More Information or a Property Tour, Please Contact:

Dan Bessmer

danb@norris-stevens.com

Greg Nestin

gregn@norris-stevens.co

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Aerial Photo

2006 / '05 / '04 / '03 / '02 / '01

6" / 2' / 4' / 10' / 20'

Streets: [On](#) / [Off](#)Lots: [On](#) / [Off](#)Dot: [On](#) / [Off](#)

0 |—————| 100 FT

City of Portland, Corporate GIS

2/19/2008

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10615 SE Cherry Blossom Dr



10615 SE Cherry Blossom Dr





MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/19/08
Agenda Item #: B-1
Est. Start Time: 10:30 AM
Date Submitted: 02/12/08

Agenda Title: Briefing on Sheriff's Office Web Site – Real Time Inmate Information and Civil Process Status

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: February 19 2007 Amount of Time Needed: 10 minutes
Department: Sheriff Division: Executive
Contact(s): Christine Kirk
Phone: 503.988.4301 Ext. 84301 I/O Address: 503/350
Presenter(s): Andy Potter and Sarah Mooney, MCSO Criminal Justice Information Systems Unit;
James Stills, eSWIS

General Information

1. What action are you requesting from the Board?

Informational briefing only.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Multnomah County Sheriff's Office web site has recently been updated to include two web-based data systems-Civil Paper Status and Inmate Data. The addition of this information at www.mcso.us will aid in the ability for victims and families to learn if someone is in local custody. This will prevent people from having to call to get public information. It will also get this information to more people, who previously may not have known that it is public information.

There are several criteria a person can search. The public can view individuals released in a normal fashion versus those released under emergency release conditions. A person can search for individuals released on a specific day in the last 7 days or all individuals currently booked. They can also search by specific name. Each booking listed also contains a booking date, SWIS ID, personal stats, arresting agent, date of arrest, where an inmate is assigned, a projected release date, case #'s, charges, bail information and status. Each booking also contains a mug shot, unless that person is

under protective custody. The new system will provide the public access to real time data regarding the booking and release of individuals in Multnomah County system.

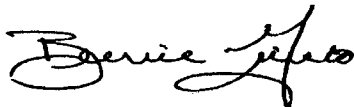
Persons who have civil papers being delivered can also enter the court number and see the status of the delivery. As many papers are rooted in difficult matters such as evictions or restraining orders, the ability to get this information quickly is of tremendous benefit to the public. Previously individuals had to call into the Civil office to obtain this data.

This real time data is made possible because of eSWIS and the inmate data system (called in PAID). Whenever there is a change in eSWIS to data that the PAID system is interested in (like new bookings, warrants, or civil information) that information gets pushed out to the PAID database on the web server via a process called replication. The replication process occurs in near real time so that for instance when there is a new booking the booking data is published to PAID in a matter of seconds and immediately available for public viewing.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

**Elected Official or
Department/
Agency Director:**



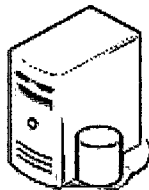
**Date: February 12,
2008**



Replication

1. Transaction log on publisher updated
2. Replication agent initiates data pull
3. Subscriber loads data

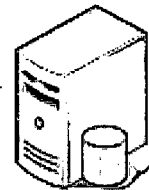
**Publisher
(Swis and Civil)**



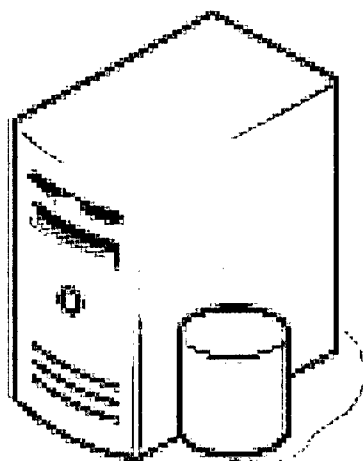
**Replication Agents
(SQL Server Jobs)**



**Subscriber
(PAID)**

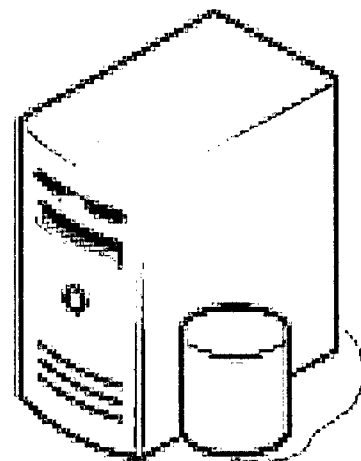


Transactional replication between the data source (SO_SWIS) as publisher and the PAID read-only system as target subscriber database.



SO_SWIS
(Publisher)

Transactions →



PAID System
(Subscriber)



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 02/19/08
Agenda Item #: B-2
Est. Start Time: 10:40 AM
Date Submitted: 02/07/08

Agenda Title: Briefing on an Approach to Concept Planning for Area 93

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: February 19, 2008 Amount of Time Needed: 30 minutes
Department: DCS Division: Land Use & Transportation
Contact(s): Derrick Tokos, Karen Schilling
Phone: 503-988-3043 Ext. 22682 I/O Address: 455/1/116
Presenter(s): Karen Schilling, Deborah Stein (City of Portland), and Bob Clay (City of Portland)

General Information

1. What action are you requesting from the Board?

Staff is requesting Board concurrence on a scope of work that calls for the City of Portland to contract with the County to prepare a concept plan for Area 93. A summary of the scope of work will be distributed in advance of the briefing. Assuming the Board agrees with the approach, staff will prepare an Intergovernmental Agreement for consideration at a later date.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Title 11 of Metro's Urban Growth Management Functional Plan requires that concept plans be prepared for urban expansion areas. Multnomah County is the jurisdiction assigned responsibility for developing a concept plan for Area 93, the western portion of Bonny Slope. This area is located in unincorporated Multnomah County and borders unincorporated Washington County to the west and south, and unincorporated Multnomah County to the north and east.

Area 93 lies approximately ¾ miles west of the western edge of Portland's Urban Services Boundary. While the City of Portland does not have any jurisdiction over Area 93, Portland has a critical interest in ensuring that any future urbanization of this area is designed to respect the area's terrain and watershed features and functions, and conserves wildlife habitat and corridors linking Forest Park with significant natural areas to the west, north and south.

Metro brought Area 93 into the Urban Growth Boundary (UGB) in December of 2002. This was done without consultation with the County or other jurisdictions in the area, even though such consultation was required under the Metro code. Consultation allows jurisdictional issues to be resolved before land is brought into the UGB so that it is clear who will be responsible for providing urban services. Because this did not happen, it is unclear which jurisdiction will ultimately implement a plan for Area 93. As discussed in the attached background documents this is the reason planning for this area has been delayed.

This scope of work does not resolve the jurisdictional question, nor will it provide a specific timeline for urbanization. It will, however, produce a Title 11 compliant concept plan for how the area will urbanize in the future along with service options and steps that would need to occur so development can proceed. Options may include annexation to Portland with city services, annexation to Portland with services provided by districts, or service by the County and districts. The plan will include analysis of buildable lands and natural areas; a conceptual development pattern; transportation network and connectivity plan; public facilities plan (e.g. police, fire, schools, parks, and utilities); and a program for conserving and protecting natural resources. Preliminary cost estimates, funding strategies, and likely financing approaches will also be identified.

Work on the project would start the beginning of July 2008. This provides time for the County, City and Metro to prepare the necessary agreements and for the City to retain a consultant for the work. From that point, the process should take approximately 12 months, including public outreach and meetings appropriate to the scale of the project.

3. Explain the fiscal impact (current year and ongoing).

Metro has awarded the County \$202,500 out of the pool of funds generated by the Construction Excise Tax. Of that, approximately 75% percent or \$151,800 can be used for this work with the balance to be distributed upon implementation. The project will be tailored with this dollar amount in mind, so there should not be a fiscal impact to the County for the Title 11 plan.

4. Explain any legal and/or policy issues involved.

No specific legal issues will be presented at this briefing. The concept plan is a step toward urbanizing the area, and will inform decision makers of what it will take to deliver services so that development can proceed. It does not, however, resolve the question of who will ultimately provide the services and when urban levels of development can occur. A separate package of detailed Comprehensive Plan provisions and implementing regulations would need to be advanced at a later date, once a service option is selected. This approach does not provide landowners in the area with certainty about when they will be able to market or develop their land. The Board should consider these limitations when deciding if it is worthwhile to initiate concept planning at this time.

5. Explain any citizen and/or other government participation that has or will take place.

Staff coordinated with the City of Portland and Metro in advance of preparing these briefing materials.

Required Signature

**Elected Official
or Department/
Agency Director:**



Date: 02/06/08

Bonny Slope (Area 93) Concept Plan: Summary of the City of Portland's Scope of Work

Overview

Title 11 of Metro's *Urban Growth Management Functional Plan* requires that concept plans be prepared for proposed urban expansion areas. Multnomah County is the jurisdiction assigned responsibility for developing a concept plan for Area 93, the western portion of Bonny Slope. This area is located in unincorporated Multnomah County and borders unincorporated Washington County to the west and south, and unincorporated Multnomah County to the north and east.

Area 93 lies approximately $\frac{3}{4}$ miles west of the western edge of Portland's Urban Services Boundary. While the City of Portland does not have any jurisdiction over Area 93, Portland has a critical interest in ensuring that any future urbanization of this area is designed to respect the area's terrain and watershed features and functions, and conserves wildlife habitat and corridors linking Forest Park with significant natural areas to the west, north and south.

Under current state law and Portland's Comprehensive Plan policies, Portland can neither annex nor provide services to Area 93 because the area is not contiguous with Portland's existing city limits or current Urban Service Boundary. Similarly, the County, through a series of agreements, transitioned urban services to its cities and thus does not have the capacity to provide services. Current intergovernmental agreements between Multnomah County and Portland assign planning and zoning authority to Portland for unincorporated urban pockets that are within the City's Urban Service Boundary.

Because Multnomah County provides neither urban services nor urban zoning, the County proposes to contract with the City of Portland to prepare concept plans required by Title 11 (with the City acting in a consulting capacity to the County) for Area 93. This client-consultant relationship would be formalized through an intergovernmental agreement, yet to be developed.

Steps toward Urbanization

There are four steps on the path towards urbanization for an expansion area:

1. **Development of a concept plan.** Preparation of this plan will be covered in the proposed intergovernmental agreement between Multnomah County and the City of Portland. An outcome of this planning process will be a recommended concept plan with options for governance and future service delivery. Options to be evaluated may include annexation to Portland with city services, annexation to Portland with service by districts, or governance by the County with service by districts. Selection and implementation of a desired option will be subject to a separate process and action at a later date.
2. **Adoption of the plan.** Title 11 requires the concept plan be adopted by the governing body with jurisdiction over the area and that it be incorporated into its Comprehensive Plan. Because Portland cannot provide service to the area, the concept plan and corresponding Comprehensive Plan amendments would be

limited to providing a vision for how the area can be urbanized and the steps that would need to occur before it could happen. The County would adopt the plan, since they presently have jurisdiction. This would be done by ordinance.

3. **Establishment of service agreements.** Preliminary service options would be studied as part of the concept planning process and coordinated with potential providers. However, preparation and execution of service agreements are not included.
4. **Establishment of implementing land use regulations** needed to approve land divisions and development applications. Under current policies and agreements, neither Multnomah County nor Portland is able to provide these services because the area is outside of Portland's Urban Service Boundary. Therefore, the concept plan cannot be implemented near term. The process to develop the concept plan would not include a parallel set of implementing regulations nor establish a specific timeframe within which the regulations are to be adopted.

Assumptions

In developing an intergovernmental agreement and scope of work for preparation of the concept plan for Area 93, the City of Portland makes the following assumptions.

1. The City of Portland would commence work on this project only after confirmation that Metro has agreed on the content and limitations of this Scope of Work. Obtaining such confirmation is the responsibility of Multnomah County.
2. The concept plan would be prepared for only the western-most portion of the Bonny Slope area – the area known as Area 93, as shown on Exhibit N of Metro Ordinance 02-969 and on the amended Metro UGB map.
3. Products of this effort would include background reports and maps documenting and inventorying existing conditions, and land use and service provision alternatives for the study area at a conceptual level of detail. (A more detailed list of products follows.) The concept plan will be developed to comply with applicable provisions of the Statewide Planning Goals, state planning statutes and administrative rules, as well as Metro's Urban Framework Plan and Urban Growth Management Functional Plan.
4. Because urban service delivery questions remain, the concept plan would not be prepared at a level of detail sufficient for implementation. If and when the service delivery questions are resolved, a package of detailed Comprehensive Plan provisions can be advanced through a separate, follow-up agreement. Additional funding will need to be secured to enable follow-up work.
5. Consistent with existing City of Portland Comprehensive Plan policies, at no time would urban services be provided by the City of Portland without requiring annexation as a condition to receiving services and proceeding towards development.
6. A concept plan would be developed based on Metro's assigned or expected residential neighborhood designation that requires average residential densities of

at least 10 dwelling units per net developable residential acre. "Net developable acre" is calculated by subtracting fish and wildlife habitat and other important natural areas, as well as hazard-prone areas, from the total site area.

7. Additional requirements set forth in Metro's Title 11 (e.g. the provision of affordable housing and commercial/industrial development opportunities) will also be addressed by the concept plan.
8. Products will include a recommended conceptual plan and options for service provision, including a potential street network and connectivity to adjacent areas, and open space protection/conservation mechanisms. Some components may vary depending upon the service option; however, in sum the plan will provide a uniform vision for how the area will urbanize. While preliminary cost estimates, funding strategies, and likely financing approaches can be identified, further technical and fiscal analysis and the identification of specific service providers would be required to enable development.
9. In developing the concept plan on behalf of Multnomah County, the City of Portland (or consultants hired by the City) will consult with affected agencies, property owners and interested stakeholders. This may include meetings and/or other public forums appropriate to the scale of the project, but will not entail a broad public involvement program.
10. The City of Portland will act in the role of consultant to Multnomah County. Responsibilities of the City include plan preparation, consultation with property owners and service providers, and communication with Metro regarding fulfillment of Title 11 requirements. The City intends to contract for most or all of the work to be performed, and will be responsible for managing any contracts with consultants to assist with plan preparation.
11. The timeframe for this project is estimated to be 12 months, with work anticipated to commence after July 1, 2008.
12. A budget of \$151,800 has been allocated by Metro towards the development of this concept plan and accompanying materials. This amount is assumed to cover City of Portland staff time to lead and manage the project, as well as the costs for a consultant team to prepare the concept plan and accompanying materials. The interagency agreement between Multnomah County and the City of Portland should include a contingency budget of \$50,000 to provide additional public involvement capacity, if needed. The agreement should also address how to proceed in the event that consultant proposals to complete this project exceed the amount allocated by Metro.

Products to be Delivered to Multnomah County by the City of Portland

- Existing conditions report and maps (including an analysis of buildable lands, based on mapping of natural areas, wetlands, floodplains, steep slopes, hazard areas, etc.)

- Conceptual development pattern (i.e. Urban Growth Diagram) meeting Title 11 criteria for housing densities and affordability, commercial and industrial opportunities, and other requirements
- Conceptual transportation network and connectivity plan
- Conceptual public facilities and services plan for sanitary sewer, water, storm drainage, street maintenance, parks and police and fire protection
- Conceptual locations for any needed public facilities including but not limited to schools, parks or fire stations
- A conceptual natural resource protection and conservation plan to protect fish and wildlife habitat, water quality and natural hazard areas, including potential mechanisms to avoid, minimize and mitigate impacts on significant riparian and wildlife resources and water quality
- Recommendations on the steps or actions that would need to occur before urban services can be provided and urbanization could commence

DRAFT



Department of Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
PH. (503) 988-3043 Fax (503) 988-3389
www.co.multnomah.or.us/landuse

March 16, 2007

To: Multnomah County Board Chair & Commissioners
From: Karen Schilling *KS*
Subject: Area 93 Title 11 Planning

This memorandum is to outline what the Multnomah County Board and staff would need to do to meet Metro Title 11 concept planning requirements for this area that was included within the UGB in December of 2002. Metro recently passed an ordinance establishing a Construction Excise Tax (CET), the proceeds of which will be made available to pay for Title 11 planning of areas recently included within the UGB. Multnomah County submitted a placeholder application for funding, and received an award of \$202,500.

Background: Area 93 is located in the west half of the old Bonny Slope subdivision, and is approximately 160 acres in size. It occupies a corner of Multnomah County that is adjacent to urban unincorporated Washington County on the west and south, and to rural Multnomah County on the north and east (map, Attachment A). The City of Portland is slightly less than one-half mile to the east. It is at the toe of the Tualatin Mountains with increasingly hilly ground rising toward the east, and slopes tapering off to the west.

Inclusion of this area within the UGB raises a policy choice for the County that is associated with who provides urban services. This is because County Resolution A, adopted in 1983, set Multnomah County on the course of not providing urban services, of which urban planning is one. The Board needs to consider this policy when deciding how to approach Title 11 planning for Area 93. Further, Metro's decision to include the area in the UGB designated Multnomah County as the jurisdiction responsible for Title 11 planning. This was done without consultation with us or the other jurisdictions in the area although the Metro code requires this. This consultation has not yet occurred. A recent opinion from County Counsel (Attachment F) indicates that pursuant to the Metro code, the two year time frame for completing Title 11 planning does not begin until the consultation process has been completed. Multnomah County therefore remains in compliance with the Metro code at this time.

The Board and staff have taken a number of actions in our efforts to decide how to approach planning for the area. Staff has met with representatives of local government and Metro on several occasions, and has consulted individual Board members as well. The Board heard a briefing by then Councilor Rod Monroe in October of 2004, and followed up with a letter asking Metro's assistance in resolving the governance issues associated with the area prior to beginning Title 11 planning (see Attachment B). Commissioner Rojo de Steffey followed up with a letter a year later, asking for assistance in resolving those issues (see Attachment C). The issues that were the subject of these prior meetings, briefing, and correspondence remain unresolved today.

Title 11 Planning: The CET funding proposal was submitted to Metro as a placeholder application predicated on resolution of who does implementation of zoning and development review prior to starting Title 11 planning (Attachment D). Implementation needs to be decided

prior to Title 11 planning because we understand from our discussions with the City of Portland and Washington County, that the jurisdiction that does the Title 11 planning work should also implement the plan. While the grant proposal includes adoption of zoning and service agreements necessary to begin processing development permits, Metro code only requires concept level planning. The work can therefore be divided into two phases. The first phase is the concept planning required to meet Title 11 rules, and the second phase is putting in place the implementation framework.

Phase 1: Develop a Concept Plan

Title 11 Plan Content: The product of Title 11 planning is a conceptual plan for how the area would be developed as a new urban area. To meet Metro requirements, the County will need to adopt comprehensive plan provisions that include the following:

- Annexation into any service districts that would provide urban services;
- Provision for dwelling densities, housing diversity, and affordable housing;
- Sufficient area for needed commercial development;
- A conceptual transportation plan that includes cost estimates and funding/financing strategies;
- Protection measures for fish and wildlife habitat, water quality, and natural hazards including cost estimates for funding/financing, mitigation, acquisition, etc;
- A conceptual public facilities /services plan for sewer, water, storm water, transportation, parks, police, fire, and preliminary cost estimates and funding/financing strategies;
- A conceptual school plan that is coordinated with affected local government/districts;
- An urban growth map that shows general locations of streets by classification, public facilities, natural features, commercial, residential, open space, and community buildings; and
- Coordination of plan elements among all affected jurisdictions

The scope of work submitted to Metro for the CET grant included a cost estimate of \$145,000 for this phase listed as tasks one through three in the Scope and Budget. This amount is assumed to be funding for a consulting services contract. There will be additional County staff time of around 33 FTE for the duration of the project. Again, the work outlined here is what needs to be done to meet Metro Title 11 requirements. Completing this work gives citizens a level of assurance that the area will urbanize in the future and how that will happen. This does not, however, put in place everything needed to begin issuing development permits – the phase 2 implementation work needs to be completed first.

Timeline: This work could commence as soon as funding is available and a contract awarded. According to Metro, the earliest contracts will be available in early FY 08. We estimate approximately one year to complete this work through adoption of comprehensive plan policies. The time to complete this project will be affected by how long it takes to complete the service agreements and the level of public involvement.

Challenges: Since adoption of Resolution A in 1983, Multnomah County has essentially eliminated urban services by transferring those functions to partner units of government, primarily the cities of Portland and Gresham. In order to continue this approach, it will be necessary to find a partner government to provide urban services prior to beginning Title 11 concept planning. We have discussed this with the two potential partners, the City of Portland and Washington County, and we do not have an agreement from either.

The City of Portland has advised us of their two main issues. First, they are not legally in a position to conduct Title 11 planning and then also accept jurisdiction over the area through a

service agreement (IGA) because the area is not contiguous to the city's Urban Services Boundary (USB). The present city-county Urban Planning Area Agreement (UPAA) and the IGA which carries it out, does not cover this area because it is outside the USB. Implementation of these agreements is the approach the county has used to provide services to residents in unincorporated urban areas in the past. Second, the City does not want to provide urban services in the future for an area where they have not conducted the Title 11 concept planning work.

Portland may be willing to assist us in one of two ways. One approach could be for us to hire them as a contractor for the Phase 1 planning, and if the area becomes contiguous to the City in the future, then Phase 2 could be completed and implementation ensue. The other approach would be to see if we could negotiate a contract with Portland (or another jurisdiction) for all of the work after Metro has taken action to collaborate on who will provide services.

The result of our discussions with Washington County is that they aren't in a position to take on Title 11 planning for this area now. As is the case with Portland, we believe that Washington County would also only be interested in eventually providing services if they conducted the Title 11 planning process. The potential for delegating planning authority to Washington County would be a policy choice the Board would need to make prior to further discussion with Washington County.

Phase 2: Complete Implementation Plan

Implementation Plan Content: This consists of final service agreements and zoning needed to issue development permits. Tasks include:

- Develop and adopt zoning regulations and map;
- Finalize public facilities plan funding and service agreements/annexations;
- Develop procedures for development permitting.

The scope of work submitted to Metro for the CET grant included a cost estimate of \$80,000 for this phase, listed as task four in the Scope and Budget. Consulting services can be used to develop the zoning regulations and map. Identifying sources for funding can also be a consultant function; however we expect significant county staff involvement in finalizing service agreements and in figuring out how we will go about processing construction permits for subdivisions and structures. We have not attempted to estimate staff FTE to complete these tasks since doing this work would put the County back into the urban planning business.

Timeline: Adopting zoning, service agreements, and developing the necessary procedures should be able to be done in a matter of a few months after concept planning is complete. It is not known at this time how long it would take for needed infrastructure to be funded and constructed so that new development could be served.

Challenges: Multnomah County currently does not implement an urban zoning code. We have adopted the City of Portland zoning code for the "urban pocket" areas as a way to meet Metro 2040 rules. We could train County staff to implement an updated Portland zoning code for Area 93 as a way to avoid developing an urban zoning code from scratch. However, since we do not have an urban development services permitting function, we would need to negotiate an agreement for building permit/inspection services from either Portland or Washington County or perhaps the private sector.

Development of Area 93 streets, other infrastructure, subdivisions, and dwellings is likely to happen over time. The implications of this are that urban development services will need to be available "on demand", and this makes it difficult to estimate the need and cost of the necessary staff. We can expect ebb and flow of work that is fundamentally a different type of program than

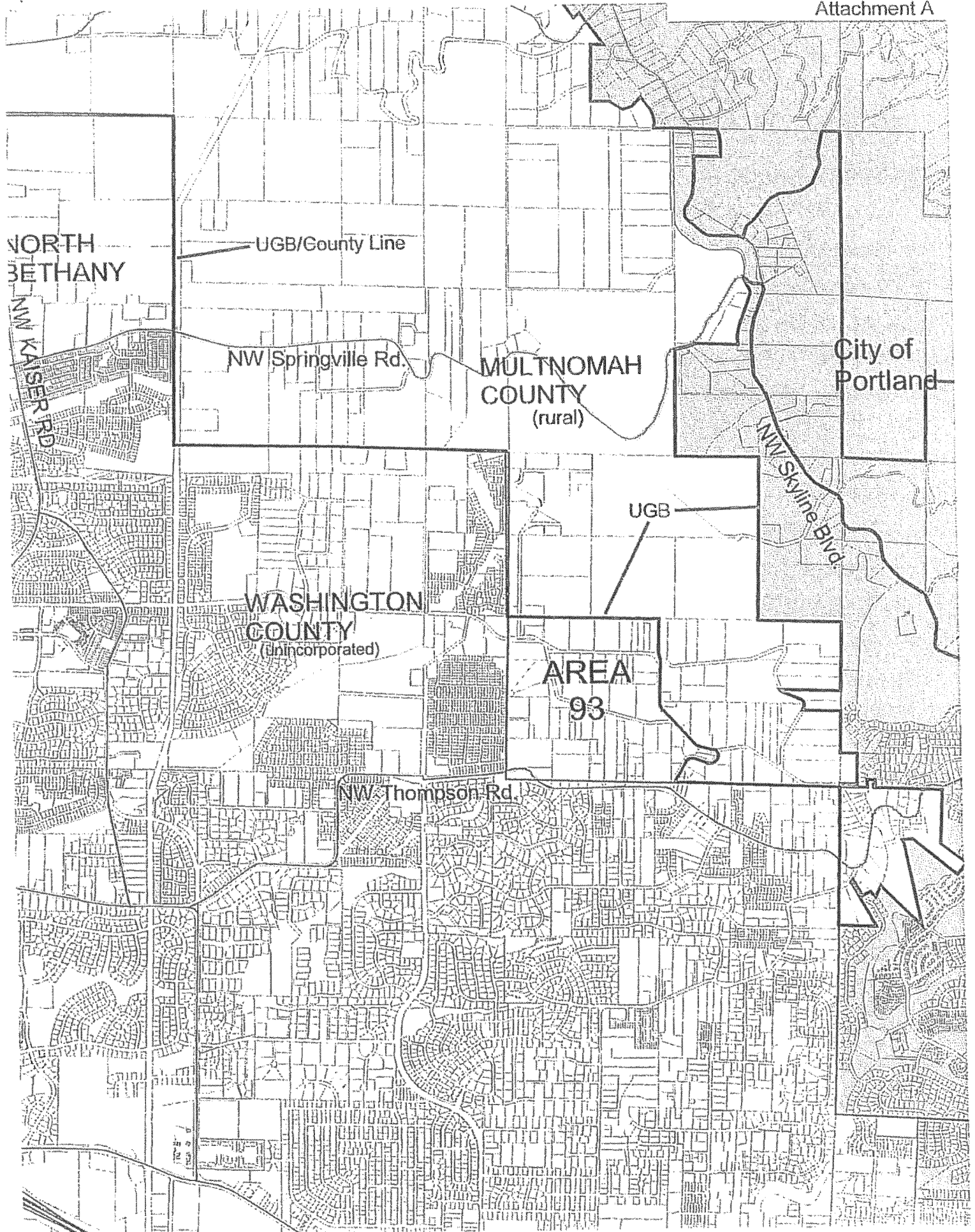
managing rural lands. At this time we do not know what the most efficient approach is to this aspect.

While a traffic circulation plan for Area 93 has not yet been developed, it is reasonable to assume that there will be a funding gap for arterial road improvements based on recent experiences from other areas of the region. The existing road system in the area is improved to rural standards that consist of 24' of paving with gravel shoulders. The main roads will need to be improved to urban standards including width based on expected traffic loads, curbs, sidewalks, etc. While the cost to build local roads within subdivisions can be assigned to developers, only a portion of improvement costs for arterial and collector streets can be assessed to developers. Multnomah County funding sources for building new transportation infrastructure is extremely limited. Therefore it will be necessary to identify the necessary revenue sources to bridge the expected gap for new roads. We would also need to find revenue for maintenance of the new urban road system.

Conclusion: We look forward to continuing this conversation with you and our regional partners to resolve the issues with Title 11 planning for Area 93. We stand ready to carry out the Board's direction concerning Area 93.

Attachments:

- A. Map of Vicinity
- B. Letter from Board to Rod Monroe, November 9, 2004
- C. Letter from Commissioner Rojo de Steffey to David Bragdon, November 10, 2005
- D. CET Grant Proposal dated October 13, 2006
- E. Grant Award Letter, January 10, 2007
- F. County Counsel memo, March 14, 2007



Post-It Fax Note	75/1	From	5111
Co/Dist		Co.	
Phone #		Phone #	
Fax #	488-3389	Fax #	



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, 6TH FLOOR
PORTLAND, OREGON 97214

DIANE LINN @ CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY @ DIST. 1 COMMISSIONER
SERENA CRUZ @ DIST. 2 COMMISSIONER
LISA NAITO @ DIST. 3 COMMISSIONER
LONNIE ROBERTS @ DIST. 4 COMMISSIONER

November 9, 2004

Councilor Rod Monroe
Metro Council
600 N.E. Grand Avenue
Portland, OR 97232-2736

Dear Councilor Rod Monroe:

Thank you for your letter dated October 7th regarding Urban Planning for Bonny Slope, Metro Urban Growth Area 93 and for your participation in the briefing before the Multnomah County Board of Commissioners on October 28th.

The County believes that there are three key steps in this process and would request METRO's cooperation in moving forward with them as outlined below.

- 1) The governance issues for Area 93 should be determined prior to conducting the Title 11 planning.
- 2) METRO should convene the interested parties to discuss who should be conducting the required Title 11 planning. The interested parties would include Washington County, Multnomah County, METRO and the Cities of Portland and Beaverton
- 3) METRO should consider expanding the urban growth boundary prior to Title 11 planning occurring to include the portion just east of Area 93 known as Bonny Slope

Making a decision about who conducts the Title 11 planning and who will govern the area can provide the citizens of this area with certainty as to when their land will be developable under urban rules. At the completion of Title 11 planning, the county could adopt zoning controls to help assure realization of the proposed urbanization plan. Development in the interim between completion of Title 11 planning and the availability of urban services including subdivision review can be managed in this way

MULTNOMAH COUNTY
PLANNING SECTION

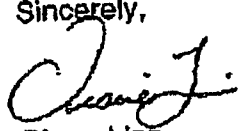
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Page 2

We believe that convening the interested parties will answer the concerns that we have raised and will be the basis for an amendment. We look forward to your response so that we may move forward with the necessary plans to begin coordinating and convening meetings with the jurisdictions that may play a role in the Title 11 planning.

Sincerely,



Diane Linn
Chair



Maria Rojo de Steffey
Commissioner, District 1



Serena Cruz
Commissioner, District 2



Lisa Nallo
Commissioner, District 3



Lonnie Roberts
Commissioner, District 4



Commissioner Maria Rojo de Steffey

MULTNOMAH COUNTY OREGON

District One

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CITY
TION

November 10, 2005

Mr. David Bragdon,
Metro Council President
600 NE Grand Avenue
Portland, OR 97232-2736

Gil Kelley, Director
City of Portland - Planning Bureau
1900 SW 4th Avenue
Portland, OR 97201-5350

Re: Title 11 Planning for Area 93

Dear Council President Bragdon and Mr. Kelley:

This letter is to reiterate that the County is interested in seeing the Title 11 planning for Area 93 move forward. We have met with representatives of Metro, the City of Portland, Washington County, and the City of Beaverton to assess how best to proceed with Title 11 planning for the area. Subsequent to this meeting, we've received feedback indicating that either Metro or the City of Portland may be able to do the necessary planning pursuant to an Intergovernmental Agreement. Set out below are some of the concerns Multnomah County has which has resulted in our inability to move forward on Title 11 planning for Area 93.

As you know, County provision of urban services is not consistent with what has been our policy since 1983 (Resolution A, March 15, 1983), which is to "establish a minimal and essentially rural level of municipal services throughout Multnomah County." One of the more recent actions the County took in furtherance of this policy was to develop intergovernmental agreements with the City of Portland in which the City agreed to implement zoning to meet Metro 2040 requirements for unincorporated county areas inside the UGB. We chose this approach to reach compliance with Metro rules in order to capture the efficiencies of having the City of Portland manage urban development, and to avoid the significant costs to the County to adopt and implement an urban planning program.

Our concern is that inclusion of Area 93 inside the UGB and designation of Multnomah County with Title 11 planning responsibility will undo this work. This is the perspective that informs our thinking about how to move forward with Area 93. We believe that the amount of County resources that would be needed for us to provide urban development services for this 160 acre area is out of proportion to its size. Consider that the County has land use planning jurisdiction over approximately 100,000 acres of rural lands, yet the County would need to hire land use planners with urban planning and development expertise, as well as adopt an additional urban zoning code and accompanying procedures to administer the 160 acres in Area 93.



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501 SE Hawthorne Blvd., Suite 600, Portland, Oregon 97214

Phone: (503) 988-5220, FAX: (503) 988-5440, E-Mail: district1@co.multnomah.or.us

Page 2

With this in mind, Multnomah County is interested in finding a government partner(s) that can complete the Title 11 planning and administer development review in Area 93. We believe this is the best approach to resolving the situation, and are interested in a continuing dialogue with Metro and the City of Portland to accomplish this.

It is my understanding that the City of Portland if provided with adequate funding would be willing to initiate Title 11 concept planning for Area 93 if that area was contiguous to another parcel such as a cherry-stem addition of a portion of Area 94 along Laidlaw Road. This cherry-stem addition of a portion of Area 93 along Laidlaw Road to make it contiguous to Area 93 would require Metro Council's willingness to bring the area along Laidlaw Road into the UGB. Furthermore, it would require confirmation with the State of Oregon statute that a cherry-stem addition of a parcel contiguous to an area that has already been brought into the UGB would be possible.

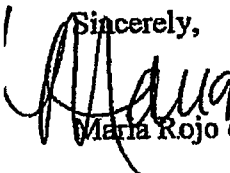
It is also my understanding that Metro would be willing to initiate concept planning for Area 93 with adequate funding but Metro would not be able to implement or issue permits for the area once concept planning is complete. Furthermore, I have learned that if Metro initiates concept planning for Area 93 that the City has reservations about implementing and issuing permits where another jurisdiction has completed concept planning

I don't believe it makes sense to initiate concept planning prior to the jurisdictions determining who could implement the plan. I believe that if we do not work out the jurisdictional issues of concept planning AND implementation beforehand that it will lead to further delay and frustration from the residents and members of the public.

This letter explains the many complicated issues that the County and other jurisdictions face with regard to Title 11 concept planning for Area 93. In the interest of moving this matter forward, I request that a meeting be scheduled with you and that the meeting include decision makers and high-level technical staff who can provide insights into this matter and help bring resolution to this situation. April Fernandes of my staff will be contacting your offices to schedule this meeting shortly.

Should you have further questions, please contact me at (503) 988-5220 or Shelli Romero of my staff at shelli.d.romero@co.multnomah.or.us or by (503) 988-4435.

Sincerely,


Maria Rojo de Steffey

CC: Mayor Tom Potter, City of Portland
Michael Jordan, Chief Operating Officer, METRO
Chair Diane Linn, Multnomah County
Commissioner Serena Cruz, Multnomah County – District 2
Commissioner Lisa Naito, Multnomah County – District 3
Commissioner Lonnie Roberts, Multnomah County – District 4
Sandra Duffy, Multnomah County Attorney's office
Chuck Beasley, Multnomah County Landuse Planning and Transportation Division



Department of Community Services
MULTNOMAH COUNTY OREGON

Attachment D

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

October 13, 2006

Ray Valone
Metro
600 NE Grand Ave
Portland OR 97232

Dear Ray,

Multnomah County is submitting a placeholder application for the Construction Excise Tax funding. At this time the question of which jurisdiction would implement the urban planning function for Area 93 has not been resolved. When this issue has been resolved, the County will work with the participating jurisdictions to complete the Title 11 planning as well as the Comprehensive Plan amendments.

It is our intention and understanding that regardless of which jurisdiction is the lead agency for the concept planning and Comprehensive Plan amendments that a consultant would be under contract for most of the work.

Karen Schilling
Multnomah County Planning Director

Scope of Work and Budget
Area 93 CET Grant

This scope of work and budget addresses both concept and implementation plans so that development in the area will be able to proceed. Work on Title 11 planning can proceed for this area when the implementation question has been resolved. The total planning program cost is estimated to be \$225,000.

Task One - Administration and Public Involvement

Subtasks:

Cost estimate: \$35,000

- Prepare Intergovernmental Agreements and Contracts as needed.
- Solicit, Interview, and Propose Members for County Appointment to Citizens' Advisory Group
- Propose Members for County Appointment to Technical Advisory Group
- Prepare Schedule and Program of Activities for Advisory Groups
- Provide additional outreach efforts to property owners, potential service providers, special service districts, and interested local governments
- Prepare Possible Exceptions to requirements such as:
 1. *Title 11 planning be completed within two years; (see Note 3)*
 2. *Area 93 yield ten units per net buildable acre;*
 3. *Residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction; and*
 4. *Commercial and industrial development opportunities be provided.*
- Prepare Measure 56, Proposed Adoption, and Final Adoption notices
- Coordinate plan amendments among the city, county, school district and other service districts. Fully coordinated with all other applicable plans.
- Support Multnomah County Planning Commission Hearings
- Transmit, on or before 60 days prior to the adoption of any comprehensive plan amendment subject to this Title 11, to Metro the following:
 1. *A copy of the comprehensive plan amendment proposed for adoption;*
 2. *An evaluation of the comprehensive plan amendment for compliance with the Functional Plan and 2040 Growth Concept design types requirements and any additional conditions of approval of the urban growth boundary amendment. This evaluation shall include an explanation of how the plan implements the 2040 Growth Concept;*
 3. *Copies of all applicable comprehensive plan provisions and implementing ordinances as proposed to be amended.*
- Support Multnomah County Board hearings and others as appropriate

Task Two - Scope, Inventory and Analysis

Sub-tasks:

Cost estimate: \$ 30,000

- Refine Project Scope
- Define Planning Area boundaries
- Identify and Map Existing conditions
- Apply Suitability Criteria to Locate Buildable Areas
- Locate natural areas
- Locate hazard areas
- Develop alternatives with different mixes of development and conservation areas
- Perform Transportation Analysis
- Estimate cost of services for various service levels.
- Propose optimum range of service levels.
- *Identify, map and describe a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. Consider the inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the city or county's application of Goal 5 to its Title 11 planning.*
- *Demonstrate how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges and other fees are collected, and other exercises of the regulatory and zoning powers.*

Task Three – Concept Plan: Policy Choices and Comprehensive Plan Amendments

Sub-tasks:

Cost estimate: \$80,000

- Identify and Map Areas Proposed for Development and Conservation
- Identify and Map Permitted Land Uses in Development Areas
- Propose System of Transfer Development Rights from Designated "Donor" and "Receiving" Sites.
- Propose Minimum and Maximum Levels of Intensity for Permitted Development
- Recommend Service Level Standards for Each Urban Service
- Propose a List of Significant Public Works Projects Needed to Serve Development.
- Prepare Title 11 concept planning documents for adoption, and support adoption process.

Adopt comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11.

Adopt an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types.

Apply the "Inner Neighborhood" 2040 Growth Concept design type to the study area.

Recommend appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.

Provide for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types.

Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.

Adopt conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches. Provide, in the conceptual transportation plan required by Title 11, subsection 3.07.1120F, for bicycle and pedestrian access to and within school sites from surrounding area designated to allow residential use.

Adopt a natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, or easement dedication to ensure that all significant natural resources are protected.

Adopt a conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

Adopt a conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.

Adopt an urban growth diagram for the designated planning area showing, at least, the following, when applicable:

1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;
2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;
3. General locations for mixed use areas, commercial and industrial lands;
4. General locations for single and multi-family housing;
5. General locations for public open space, plazas and neighborhood centers; and
6. General locations or alternative locations for any needed school, park or fire hall sites.

Task Four - Selection of Implementation Measures

Sub-tasks:

Cost estimate: \$80,000

- Amend or create IGA with County for plan implementation
- Prepare and adopt zoning map, land use regulations, development standards, and systems development charges.
- Support County Board Adoption Hearings
- County adopts zoning map, land use regulations, development standards, and systems development charges.
- Apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area. After inclusion of an area within the UGB and prior to the adoption by all local governments with jurisdiction over an area brought into the UGB of amendments to comprehensive plans and implementing land use regulations that comply with 3.07.1120, the local government shall not approve of:

1. Any land use regulation or zoning map amendments specific to the territory allowing higher residential density than allowed by acknowledged provisions in effect prior to the adoption of the UGB amendment;
2. Any land use regulation or zoning map amendments specific to the territory allowing commercial or industrial uses not allowed under acknowledged provisions in effect prior to the adoption of the UGB amendment;
3. Any land division or partition that would result in the creation of any new parcel which would be less than 20 acres in total size

4. *Comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5*

- *Adopt setbacks, buffers and designated lanes for movement of slow-moving farm machinery to ensure compatibility between urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.*
- *Provide for annexation to the district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.*
- *Provide for average residential densities of at least 10 dwelling units per net developable residential acre or lower densities which conform to the 2040 Growth Concept Plan design type designation for the area.*
- *Adopt affordable housing measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan*

600 NORTHEAST GRAND AVENUE | PORTLAND OREGON 97232 1736
TEL 503 707 1700 | FAX 503 707 1797



METRO

Ms Karen Schilling
Planning Director
Multnomah County
1600 SE 190th Ave, # 116
Portland, OR 97233-5999

January 10, 2007

Re: Expansion Area Planning Fund Grants

Dear Ms. Schilling: *Karen*

We are pleased to announce the distribution of \$6.3 million in grants to local cities and counties to fulfill land use planning requirements for areas brought into the urban growth boundary since 2002. These funds, to be distributed to three counties and 10 cities within the Metro region, will pay for required concept and comprehensive planning so development can occur in these newer expansion areas

Multnomah County will be awarded \$202,500 for Area 93 (Bonny Slope) Metro will be working with you over the next couple of weeks to draft an Inter-Governmental Agreement that will specify the award amounts and the timing for their disbursement.

I would like to thank you for your involvement in creating this source of funding for the region's planning efforts. The process has been a rewarding one that has further solidified a cooperative spirit throughout the region.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike", written over the word "Sincerely,".

Michael Jordan



OFFICE OF MULTNOMAH COUNTY ATTORNEY

MEMORANDUM

To: Chuck Beasley, Planner

From: Sandy Duffy, Assistant County Attorney

Re: Area 93 Title 11 requirements

Date: March 14, 2007

ISSUE: What is the minimum amount of work that the county must do to be compliant with Metro Title 11 in Area 93?

ANSWERS: (1) Metro's Ordinance No. 02-969B, Attachment M, indicates that Multnomah County must do the Title 11 planning for Area 93 (or the City of Portland upon annexation of the area), which requires the county (or city) to adopt comprehensive plan provisions for the area. Metro Code 3.07.1120 (A)-(K) sets out the elements of that plan. Adoption of implementing zoning codes is not required.

(2) Metro's ordinance assigning planning duties to Multnomah County for Area 93, *assumes* Multnomah County to be the local government designated to be responsible for planning the area. However, it should be noted that the process for designating the responsible local government, which is set out in MC 3.01.040(b)(1), was not followed. The two year planning period for planning the area (MC 3.01.040(b)(4)) does not begin to run until a local government has been designated pursuant to code procedures.

DISCUSSION:

(1) According to Metro Ordinance 02-969B, the County must adopt comprehensive plan provisions for the area, or enter into a contract for those services with either a public or private entity. The elements of the comprehensive plan for Area 93 are set out in MC 3.01.1120 and the conditions set out in Exhibit M attached to that Ordinance. It does not require adoption of zoning regulations or any other development codes.

(2) MC 3.01.040(4) requires Metro Council to establish the time period for county compliance with the requirements of the Urban Growth Management Functional Plan (MC 3.07) and Title 11 of that Plan (3.07.1110 et. seq.). In Ordinance No. 02-969B, the Council gave the county 2 years to comply. However, MC 3.01.040(4) indicates that:

"the time period shall not be less than two (2) years *from the time a local government is designated* pursuant to Section 3.01.040(b)(1) above." (Emphasis added.)

Metro did not follow the mandatory dictates of MC 3.01.040(b)(1), which requires:

"The Council *shall consult with affected local governments* and MPAC to determine whether local governments have *agreed*, pursuant to ORS 195.065 to 195.085 or otherwise, which local government shall adopt comprehensive plan amendments for the area consistent with requirements of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07) and in particular, Title 11 thereof (Metro Code Section 3.07.1110 et seq.) *Where the affected local governments have agreed* as to which local government or governments shall be responsible, *the Council shall so designate. If there is no agreement, then the Council shall, consistent with ORS 195.065 to 195.085, establish a process to determine which local government or governments shall be responsible and at the conclusion of the process, so designate.*" (Emphasis added.)

It is my opinion that Metro's failure to follow this procedure means that the two year time period for adopting comprehensive plan amendments for Area 93 never began to run. This failure might mean that the Ordinance adopting the UGB is not valid as to Area 93.

The County asserts that the procedures of MC 3.01.040(b)(1) must still be met. The County clearly was never consulted or ever agreed to be responsible for the planning tasks of Area 93. Despite this procedural failure, Metro Council designated the county as the party with the planning responsibilities in its Ordinance.

MC 3.01.040(b)(1) does provide us with some guidance as to where to go from here. The Council should, in compliance with state statutes (ORS 195.065 and 195.085) and its own code, establish a process to determine which local government or government shall be responsible for the process, and only when that process is complete, designate the responsible local government. It is only once that valid designation of a planning entity occurs that the "not ... less than two (2) years" time period for compliance with the Urban Growth Management Functional Plan begins to run. MC 3.01.040(b)(4)