



Bureau of Planning and Sustainability
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Portland Planning and Sustainability Commission

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November 5, 2012

Dear Mayor Adams and City Council,

On July 24, 2012 the Planning and Sustainability Commission (PSC) held a public hearing on the City's draft request for Metro determination of substantial compliance with Title 13, Nature in Neighborhoods. Title 13 of the Regional Urban Growth Management Functional Plan requires Metro area cities and counties to demonstrate that they have established programs sufficient to protect and restore regionally significant natural resources. Roughly 19,000 acres of these natural resource areas are located within the city of Portland.

The PSC appreciated the collaboration between the bureaus of Planning and Sustainability, Environmental Services, Parks and Recreation, and Development Services in putting together the request. Staff provided information about the impressive array of zoning regulations, non-zoning regulations, and non-regulatory programs that comprise Portland's Title 13 compliance package. This request confirms the critical role of City environmental overlay zones and plan districts, stormwater management manual, willing-seller land acquisition, incentives for trees and ecoroofs, culvert replacement, and other listed programs in meeting watershed goals not only for the city but for the region as a whole.

The PSC also appreciated remarks from a Metro Council representative and Metro staff who expressed support for Portland's natural resource related programs and Title 13 compliance approach.

Several members of the public testified at the hearing. Most supported the compliance request, although the PSC heard some concern that recent legal challenges and budget cuts could constrain City planning and programmatic efforts to protect and restore Portland's watersheds. Most testifiers and the PSC also supported staff's proposal that the City and Metro enter into a separate, voluntary, 10-year Intergovernmental Agreement (IGA) as a statement of intent to continue watershed-health related efforts and collaboration after Metro finds the City in compliance with Title 13.

After closing the July 24th hearing, the PSC voted unanimously to recommend that the City Council approve the Title 13 compliance request. The PSC also asked staff for the opportunity to review the draft IGA. On October 10, 2012 the PSC reviewed and endorsed the draft IGA and adopting ordinance, directing staff to forward these documents to Council along with the City's Title 13 compliance request.

The PSC recognizes that Title 13 compliance is an important milestone. However, sustaining healthy watersheds will require long-term effort and investment. The PSC believes that the



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IGA, while not required, will confirm the City's and Metro's intent to continue key efforts in this regard. Establishing the IGA is particularly timely given upcoming planning decisions for the Central City, Willamette River and West Hayden Island. And the Comprehensive Plan Update offers opportunities for further City/Metro collaboration in addressing challenging policy issues, including how to meet goals for watershed health and industrial land supply, and how to encourage ecologically sensitive development as the City and region grows.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andre' Baugh". The signature is written in a cursive, flowing style.

Andre' Baugh
Chair

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Roberta Jortner		2. Telephone No. 503-823-7855	3. Bureau/Office/Dept. BPS
4a. To be filed (date): November 28, 2012	4b. Calendar (Check One) <div style="display: flex; justify-content: space-around;"> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/> </div>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: November 13, 2012
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title: Accept Report on Title 13, Nature in Neighborhoods - Request for Metro Determination of Substantial Compliance

2) Purpose of the Proposed Legislation: Demonstrate that the City of Portland is in substantial compliance with Title 13 of the Regional Urban Growth Management Functional Plan based on existing City regulatory and non-regulatory natural resource protection and restoration programs.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |
| <input type="checkbox"/> Internal City Government Services | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

No. Metro's determination of substantial compliance is needed to avoid potential enforcement action against the City, which could include reduction in transportation funding.

5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense?

No additional funding is requested to support the compliance request.

6) Staffing Requirements:

- Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?

No

- Will positions be created or eliminated in *future years* as a result of this legislation?

No

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

None

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- ☒ **YES:** Please proceed to Question #9.
☐ **NO:** Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item? The community will continue to benefit from the existing City natural resource protection and restoration programs that form the basis of the Title 13 compliance request. Coming into compliance with Title 13 will avoid potential enforcement action that could affect regional funding for the City.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

Key stakeholders were invited to review the draft Title 13 compliance request and notified of the hearing before the Planning and Sustainability Commission and City Council. The Bureau of Planning and Sustainability (BPS) mailed notices to 490 people on the BPS Legislative Mailing List, letting them know that the Title 13 compliance request was available for review and that the Planning and Sustainability Commission (PSC) would hold a public hearing on July 24, 2012. BPS also emailed key stakeholders directly about the draft compliance request, draft IGA outline, and upcoming PSC hearing. Stakeholders included representatives from Metro, Multnomah County, the Port of Portland, Columbia Corridor Association, the Working Waterfront Coalition, Audubon Society of Portland, Citywide Land Use Group, Friends of Trees, the Johnson Creek, Tryon Creek, and Columbia Slough Watershed Councils, the East and West Multnomah County Soil and Water Conservation Districts. Information about the compliance request was posted on the Bureau of Planning and Sustainability website. A blog spot was posted and sent to representatives of the media and others on July 9, 2012. Key stakeholders were also notified of the City Council hearing on November 28, 2012 and the availability of the revised report for public review.

c) How did public involvement shape the outcome of this Council item?

Input from several key stakeholders resulted in minor refinements to the report.

d) Who designed and implemented the public involvement related to this Council item?

Bureau of Planning and Sustainability project staff.

e) Primary contact for more information on this public involvement process (name, title, phone, email): Roberta Jortner, Senior Environmental Planner, 503-823-7855, Roberta.Jortner@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

Based on remarks made during the Planning and Sustainability Commission hearing it appears that Metro is in support of the request. Most of the key stakeholders supported or did not oppose the request for compliance and the voluntary City/Metro intergovernmental agreement.

No additional public involvement is anticipated or needed to move forward with this Council item. Staff will continue to keep key stakeholders apprised prior to the report to Council, and if needed before or after submittal of the Title 13 compliance request to Metro.

Susan Anderson



BUREAU DIRECTOR (Typed name and signature)