

A G E N D A

600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232-2736



METRO

TEL 503-797-1540 FAX 503-797-1793

MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: September 14, 2005

DAY: Wednesday, 5:00-7:00 p.m.

PLACE: Metro Council Chamber/Annex

REVISED

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Hoffman		
1	SELF INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS	All		15 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			5 min.
3	CONSENT AGENDA <ul style="list-style-type: none">• July 27, 2005• August 10, 2005	Hoffman	Decision	5 min.
4	COUNCIL UPDATE	Hosticka		5 min.
5	BALLOT MEASURE 37 FINAL TASK FORCE REPORT	Hammerstad	Discussion	45 min.
6	GET CENTERED! GET SQUARED FOLLOW-UP	Webb	Update	10 min.
7	TRANSPORTATION CORRIDOR STUDIES	Wiegart	Comments	10 min.
8	UGB INDUSTRIAL LAND REMAND	Deffebach	Update	5 min.
9	ORDINANCE NO. 05-1077 FISH & WILDLIFE HABITAT	Deffebach	Review	10 min.
10	MEASURE 37 CLAIMS PROCESS	Benner	Discussion	5 min.

UPCOMING MEETINGS:

MPAC: September 28 & October 12, 2005

MPAC Lively Centers, Room 270: September 28, 2005; October 26, 2005

MPAC Coordinating Committee, Room 270: October 12, 2005; November 9, 2005

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us
MPAC normally meets the second and fourth Wednesday of the month.

To receive assistance per the Americans with Disabilities Act,
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METRO POLICY ADVISORY COMMITTEE MEETING RECORD

July 27, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Nathalie Darcy, Rob Drake, Judie Hammerstad, John Hartsock, Jack Hoffman, Laura Hudson, Tom Hughes, Richard Kidd, Norm King, Alice Norris, Wilda Parks, Martha Schrader, Ted Wheeler

Alternates Present: Sam Adams, Diane Linn

Also Present: Catherine Arnold, City of Beaverton; Hal Bergsma, City of Beaverton; Jim Bernard, City of Milwaukie; Ron Bunch, City of Gresham; Cindy Catto, AGC; Bob Clay, City of Portland; Shirley Craddick, City of Gresham; Dan Drentlaw, Oregon City; Kay Durtschi, MTAC; Meg Fernekees, DLCD; Javon Gilmore, Gresham First; Felisa Hagins, SEIU; Irene Marvich, League of Women Voters; Laura Oppenheimer, The Oregonian; Jim Ressen, Portland Tribune; Pat Ribellia, City of Hillsboro; Paul Savas, OLUD & OLSD; Amy Scheckla-Cox, City of Cornelius; Dee Wescott, City of Damascus; Jim Wright, City of Damascus; David Zagel, TriMet

Metro Elected Officials Present: Liaisons – Susan McLain, District 4 others: David Bragdon, Council President; Brian Newman, District 2

Metro Staff Present: Kim Bardes, Dan Cooper, Andy Cotugno, Chris Deffebach, Robin McArthur, Sherry Oeser, Kelley Webb

1. SELF-INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS

Chair Jack Hoffman, MPAC Chair, called the meeting to order 5:05 p.m.

Chair Hoffman asked those present to introduce themselves, to give a one-minute local update, and for any announcements.

Chair Hoffman announced the Fred Kent, PPS, presentation on urban plazas and public spaces for the next MPAC meeting on August 10, 2005.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There were none.

3. CONSENT AGENDA

Meeting Summary July 13, 2005.

Motion:	Mayor Tom Hughes, City of Hillsboro, with a second from Mayor Rob Drake, City of Beaverton, moved to adopt the consent agenda without revision.
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Vote:	The motion passed unanimously.
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4. COUNCIL UPDATE

Councilor Susan McLain thanked the City of Hillsboro for the Get Centered event in Hillsboro. She announced the next Get Centered event in Vancouver. She pointed out the new 2030 maps displayed at the side of the room for the members. She announced that the Measure 37 Claims Process would be ready in August and the task force would be reporting to the Metro Council on August 18th. She said that the Metro Council had reviewed and approved some technical amendments to the functional plan. Councilor McLain said that she would be bringing to MPAC some work related to administrative changes to the Urban Growth Boundary (UGB). This work would make the administrative code tighter. She also announced that the Land Conservation and Development Commission (LCDC) final order of the 2004 UGB Industrial Lands Decision had been received by Metro and that would be covered in greater detail under agenda item #6.

5. REGIONAL FRAMEWORK PLAN

Sherry Oeser, Metro Planning Community Development Program Supervisor, reviewed the reasons for making changes to the Regional Framework Plan. She summarized the material provided in the meeting packet, which is attached and forms part of the record. MTAC had approved the changes to the framework plan last month and it was now before the MPAC committee for review and recommendation to the council.

Motion:	John Hartsock, Clackamas County Special Districts, with a second from Mayor Richard Kidd, City of Forest Grove, moved to recommend approval and adoption of the updated Regional Framework Plan to the Metro Council.
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Vote:	The motion passed unanimously.
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6. LCDC FINAL ORDER OF 2004 UGB INDUSTRIAL LANDS DECISION

Lydia Neill, Metro Planning Community Development Principal Regional Planner, briefly reviewed the LCDC remand for the MPAC members, that material is attached and forms part of the record.

8. 2030 FORECAST

Andy Cotugno, Metro Planning Director, gave a PowerPoint presentation titled 2030 Forecasts and Regional Allocations. Copies of those slides are attached and form part of the record. He then reviewed the comments from the joint MTAC/TPAC meeting held earlier the same day. The memorandum summarizing those comments is attached and forms part of the record.

There was concern expressed over the location of future jobs versus the location of future housing and the ultimate effects that would have on the transportation system. There was also concern expressed that some areas ripe for growth would not be considered for UGB expansion due to state law and protection of farmland.

Chair Hoffman said that there would be further opportunity to raise those issues again in October and November of 2005. He said they could use the 2030 forecast as a foundation to talk about the future and the upcoming UGB expansion in 2007.

Council President Bragdon said that while the forecast was compiled of technical information it did raise major policy questions. The Metro Council had spent time discussing how to frame and organize Metro and future outreach efforts around the larger picture. He said that Metro would be hosting another Mayors' Symposium in September and some of those big issues would be raised at that meeting.

7. SAVING DOWNTOWNS

Chair Hoffman said that there were four issues about downtown development that he thought converged: 1) the Get Centered campaign, 2) the Regional Framework Plan revision, 3) the 2030 Forecast, and 4) the article in the Oregonian regarding Wal-Mart and the City of Milwaukie. He affirmed that this was not a Wal-Mart bashing opportunity, and that was why he had asked Mayor Hammerstad to share her case study with MPAC as well. He had also invited representatives from Tualatin and Tigard, but they were not able to send someone. He posed the question: if there was development outside of town centers that could conflict with maintenance and enhancement of the town centers would that be an issue of metropolitan concern that MPAC could discuss and address or was it matter of strict local concern? This is what he hoped they would discuss.

Dan Cooper, Metro Attorney, said that the members, elected officials, and appointed planning commissioners that may have received email regarding this topic and who would be considering a quasi judicial decision regarding one of these issues, whether a large format retail store or anything else, would still make their decision on evidence in the record and the criteria they had in their own codes on the date the application was filed. Therefore, a lot of the material that was sent out would not necessarily need to be part of their record. If they had concerns about anything they had heard at MPAC/Metro or the materials that were sent to them, they should talk to their planning director and city attorney about whether they needed to make any disclosure about x-party contact. He suggested that each jurisdiction work at the local level to make sure that whatever decision they ended up making on those cases was consistent with the evidence in the record and local codes. He said that this would just be a discussion of policy making on a regional level and it was perfectly appropriate for the usual type of discussions that MPAC had.

Mayor Rob Drake said that the City of Beaverton did have a pending application. He said that he had indicated to Chair Hoffman that the conversation about big box retailers should be broad and related to downtowns and complete communities and not about a specific retailer because there were many retailers of the same size, etc. He said that the City of Beaverton would be submitting all documents received to the record so that it was complete and there would be no allegations otherwise. He said that he had no bias about retailers large or small.

Chair Hoffman said that his intent was to cover the broad spectrum of big box, but that case studies were always helpful. He said that the matter of big box was important and timely because they were talking about 2030 and the future. Retail and commercial development follow people and possible tie-ins were important to consider. He asked Mayor Bernard, City of Milwaukie, to present his case study.

Mayor Bernard introduced himself and gave a brief bio. He said that the City of Milwaukie had not developed to its potential because of fear of competition with Clackamas Town center and the Milwaukie Market Place. He said that the City of Milwaukie had previously rezoned the downtown area for professional offices, which brought the value of those buildings down significantly. He said that half the downtown area had been bought by one outfit and there was no community involvement in the area. That was a cause of decay in the community and light rail possibilities. He said that the jurisdictions needed to talk about how to keep mass merchandisers from preventing development in downtown areas. He said

that starting a Farmer's Market really brought the community together and started a redevelopment effort. He said that the city had real concern that the wrong business in that particular site could possibly ruin growth opportunities. He said he felt that they should talk about protecting downtowns and encouraging growth on a regional scale. He said that there was a Wal-Mart already located on Johnson Creek Boulevard which didn't have a lot of traffic. He said that Wal-Mart stores tended to saturate the market and after strong sales for the first 2-3 years the situation would start to decay and end up below the sales the community had prior to Wal-Mart locating there.

Mayor Judie Hammerstad, City of Lake Oswego, said that her case study was different but that the issues were the same. She said they had to consider whether they invested in town centers according to the 2040 Growth Concept and if the region would support that decision. Or, would they allow development to undermine the town centers? She said that for Lake Oswego the frustration was not with the town center but rather with the lifestyle center built on their southwestern border. She said that a lifestyle center was not a town center. It had no housing and it was entirely automobile dependent. With the exception of movie theaters all the retail would be in direct competition with anything that would be developed in a town center. She said that the issue was regionally significant because of Metro's inability to regulate the development of a lifestyle center that would not support existing town centers especially since it was in the same proximity of three designated town centers. She said that the financial issues were considerable also. The city put public dollars into town center development and then they were undermined by a lifestyle center down the road. She said that Lake Oswego would continue to be successful because they had a strong community built around their town center, but not all cities had the ability to compete with a place like Bridgeport. She said it was a concern that needed to be discussed on a regional scale. She said they needed to look at the effects of big box business or faux town centers and how they draw from the town center.

John Hartsock, Clackamas County Special Districts, asked if anyone knew what effect big box had as part of a town center.

Mayor Hammerstad said that they would not have room for that in the City of Lake Oswego downtown. She said that the town ordinances also had size restrictions on big box because Lake Oswego did not have the ability to accommodate large size big boxes.

Councilor McLain said that they needed to consider the number of town centers and regional centers the region could support. She said that they needed to look at how many town centers were needed right now to be successful in the coming years. Would those be successful or would they be diluting the community? As they know from periodic review, there was only so much room in the region and with towns that were two or three miles apart, what would the effects be on jobs and type of jobs? They also needed to consider the types of jobs that they wanted to attract. She felt that they were really speaking to this issue of constrained resources.

Sam Adams, City of Portland, said that both mayors had made good points with their case studies. He said it was a new phenomenon and that the region was under-tooled to deal with it. He stressed that not all big boxes had that affect on communities and different communities also had different needs.

Mayor Hughes said the cities were forced to make decisions based on their local land use codes. He said that superimposing a regional policy over the top of that would present some difficulties. They would need to strike a balance between what the regional government could do in terms of general policy over what the cities have implemented at a local level. He said that many jurisdictions were trying to rejuvenate their downtowns.

Mayor Drake suggested that MPAC needed to be careful of the net they would cast by regulating big box. They could well end up hurting the region. He gave Safeway and Albertsons stores as examples of big box businesses that are often needed in a community. He said that they needed to remain mindful of the end results.

Nathalie Darcy said that MPAC had already decided that centers were important to the region and that communities would invest in town centers, so if the communities or MPAC saw big box as a threat to that goal, then they needed to seriously look at that and continue to have discussion about it.

Chair Hoffman said he would like to continue the discussion in September and October and that he hoped to include other jurisdictions in future discussions.

9. MEASURE 37 CLAIMS PROCESS

Andy Cotugno said they had planned to introduce the claims process for Measure 37, but due to time constraints Metro staff would have to put this on a future agenda. He asked the MPAC members to look at the draft material provided in the meeting packet as preparation for that upcoming presentation and discussion.

There being no further business, Chair Hoffman adjourned the meeting at 7:07 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR JULY 27, 2005

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#8 2030 Forecast	7/27/05	Memorandum to MPAC from Andy Cotugno re: 2030 Growth Forecast and allocations	072705-MPAC-01
#8 2030 Forecast	7/27/05	PowerPoint slides re: 2030 Forecasts and Regional Allocations	072705-MPAC-02
#7 LCDC Final Order of 2004 UGB Industrial Lands Decision	7/25/05	Letter from LCDC to David Bragdon re: Periodic Review Task 2 Partial Approval and Remand (LCDC Order 05-WKTASK-001673)	072705-MPAC-03
#7 Saving Downtowns	7/21/05	Email from Joe Grillo to MPAC members and interested parties, regarding Saving Downtowns and specifically Wal-Mart	072705-MPAC-04
#7 Saving Downtowns	7/21/05	Email from W G White to MPAC members and interested parties, regarding Wal-Mart	072705-MPAC-05
#7 Saving Downtowns	7/23/05	Email from Pat Russell to MPAC members and interested parties, regarding MPAC discussions	072705-MPAC-06
#7 Saving Downtowns	7/24/05	Email from Jack Hoffman to Joe Grillo regarding land use and Wal-Mart	072705-MPAC-07
#7 Saving Downtowns	7/25/05	Email from Sylvia Strauss to MPAC members and interested parties regarding email string on Wal-Mart	072705-MPAC-08
#7 Saving Downtowns	7/25/05	Email from Pat Russell to MPAC members and interested parties regarding Wal-Mart	072705-MPAC-09
#7 Saving Downtowns	7/25/05	Email from Jack Hoffman to Mayors and MPAC members and interested parties re: MPAC discussion concerning Large Format Retailers	072705-MPAC-10
#7 Saving Downtowns	7/25/05	Email from Sylvia Strauss to Bob LeFeber and MPAC members and interested parties regarding MPAC Discussion concerning Large Format Retailers	072705-MPAC-11
#7 Saving Downtowns	7/26/05	Email from Isador W. Morgavi to MPAC members and interested parties re: MPAC discussion concerning Large Format Retailers	072705-MPAC-12
#7 Saving Downtowns	7/8/05	Letter from Jim Barnard, Mayor of Milwaukie, to Tom Potter, Mayor of Portland re: Wal-Mart	072705-MPAC-13

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

August 10, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Nathalie Darcy, Rob Drake, Andy Duyck, John Hartsock, Jack Hoffman, Laura Hudson, Richard Kidd, Charlotte Lehan, Ted Wheeler

Alternates Present: Larry Cooper

Also Present: Lois Achenbach, Hollywood Neighborhood Association; John Anderson, Troutdale City Administrator; Lenny Anderson, Swan Island TMA; Catherine Arnold, City of Beaverton; Joan Baucus, Portland Farmers Market; Gretchen Buehner, City of Tigard; Ron Bunch, City of Gresham; Bob Clay, City of Portland; Robb Courtney, City of Gresham; Valerie Counts, City of Hillsboro; Danielle Cowan, City of Wilsonville; Kevin A. Cronin, City of Sherwood; Brent Curtis, Washington County; Theodora Duling, Tigard Planning Commission; Dan Eisenbeis, 1000 Friends of Oregon; Kathy Everett, Gresham Downtown Dev. Assoc.; Meg Fernekees, DLCD; Ed Gronke, Clackamas County Citizen Representative; Jim Hendrix, City of Tigard; Jim Jacks, City of Tualatin; Nancy Kraushaar, City of Oregon City; Irene Marvich, League of Women Voters; Annette Mattson, PGE; Sue O'Halloran, KMO Inc; Ross Plambeck, PDC; Trudi Rahija, Hollywood Neighborhood Association; Amanda Rhoads, Portland Bureau of Planning; Amy Scheckla-Cox, City of Cornelius; Doug Schmitz, City of Lake Oswego; Sydney Sherwood, City of Tigard; Meganne Steele, PSU-MURP; Nancy Stevens, Kaiser Permanente; Pete Truax, City of Forest Grove; Janet Young, City of Beaverton; Rob Wheeler, City of Happy Valley; Jim Wright, City of Damascus

Metro Elected Officials Present: Liaisons – Robert Liberty, District 6; others: David Bragdon, Council President; Rod Park, District 1; Brian Newman, District 2

Metro Staff Present: Kim Bardes, Linnea Nelson, Kathryn Schutte, Kelley Webb

1. SELF-INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS

Jack Hoffman, MPAC Chair, called the meeting to order 5:02 p.m.

Chair Hoffman asked those present to introduce themselves. He said that they would skip the consent agenda and Council update in order to go directly into the presentation as the meeting was being taped live for cable.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There were none.

3. CONSENT AGENDA

Meeting Summary July 27, 2005.

Deferred to the next meeting.

4. COUNCIL UPDATE

Deferred to the next meeting.

5. URBAN PLAZAS, PUBLIC SPACES: ARE THEY THE HEART OF A COMMUNITY?

Chair Hoffman gave an overview of Urban Growth Boundary expansions over the years, referring to maps displayed around the room. He said that the dots on the map did not represent the community or the people of the region. He introduced Matt Emlen, the moderator for this program.

Matt Emlen, Moderator, gave an introduction of the panel and background information on each of them. For details please see the attached Event Outline that forms part of the record. The guest speakers were: Fred Kent, Project for Public Spaces; Doug Macy, Walker Macy; Suzanne Briggs, Oregon Farmer's Markets Association; Karen Whitman, Karen Whitman Projects; Judy Bailey, City of Vancouver, Washington.

Fred Kent, Project for Public Spaces, spoke about communities and growth. He gave a PowerPoint presentation during the course of the panel discussion. Mr. Kent, Mr. Emlen, and the panelists gave their presentation which was also video taped and broadcast live on cable.

There being no further business, Chair Hoffman adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR AUGUST 10, 2005

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#5 Urban Plazas, Public Spaces	August 2005	Get Centered! Get Square! Flyer	081005-MPAC-01
#5 Urban Plazas, Public Spaces	August 2005	Get Centered! Get Square! Flyer with bios for the panelists	081005-MPAC-02
#5 Urban Plazas, Public Spaces	August 10, 2005	Get Square Event Outline	081005-MPAC-03

M E M O R A N D U M

600 Northeast Grand Avenue | Portland, Oregon 97232-2736
(tel) 503-797-1700 | (fax) 503-797-1797



METRO

Date: August 9, 2005

TO: Measure 27 Task Force, Judie Hammerstad, Chair

FROM: Lydia Neill, Principal Regional Planner

RE: Measure 37 Task Force Recommendation to the Metro Council

Overview Background

The Metro Council appointed the Measure 37 Task Force with a goal of assessing the impacts of Measure 37 on the implementation of the 2040 Growth Concept. The initial challenge for the Task Force was predicting where future claims will be located and how local governments will respond. The Task Force discussed a variety of tools that could be developed to address some of the negative consequences of waiving land use regulations to satisfy claims. The most negative foreseeable consequences to the escalating number of Measure 37 claims filed are:

1. Development outside of the urban growth boundary (UGB) that compromises the implementation of the 2040 Growth Concept
2. The inability to compensate property owners for claims where appropriate, and
3. The lack of a mechanism to provide urban level services and infrastructure to development resulting from claims outside the UGB. This tool could be used to mitigate negative environmental impacts in some rural areas.

Task Force Findings:

- The number of claims region-wide has continued to increase dramatically; almost all of the claims are located outside of the UGB and on exclusive farm use and exclusive forest conservation (EFU/EFC) lands.
- The issues of transferability and reluctant financing for Measure 37 development at this point are expected to have significant impacts on the pace of development, making it difficult for some property owners to initiate development projects (may have particular impacts on small property owners). These issues have not been resolved by the legislature or the courts.
- The true impact of Measure 37 cannot be assessed because of the status of eligibility for future land use approvals (sale of lots), approval of the number of lots and other legal issues cloud this analysis.
- The location of claims may create difficulties with planning for future UGB expansions.

- Commercial and industrial claims have not been filed to date although this may not be an indication of a lack of claims that will propose converting residential or industrial land for commercial uses. Claims that seek conversion to commercial uses may have significant impacts on employment projections.
- Both Department of Environmental Quality (DEQ) and the Water Resources Department (WR) departments have no plans to assess the long-term impacts that will be associated with the granting of individual permits for water and sewage disposal systems for single-family rural residential development, whether small or large in scale.
- Impacts on the adequacy of providing public safety (police, fire and environmental) services that will be generated by Measure 37 development have not been assessed by local governments.
- There are differences region-wide in how local governments are assessing the validity of Measure 37 claims, granting waivers and evaluating and mitigating impacts that may result from development.
- No monetary compensation has been paid for any claims in the Metro area.

Recommendations

Because of the large number of Measure 37 claims, the Task Force is recommending a range of responsive tools, both short-term and long-term. A number of the issues may be addressed by other work planning that Metro will be engaged in for Periodic Review of the UGB.

Short-term Recommendations

Short-term recommendations are those that can either be completed or begun this calendar year:

- *Transfer of Development Rights/Credits (TDR/TDC).*
A pilot project could be developed to test the application of TDR/TDC's as a way to capture value from development generated by a Measure 37 claim and channel potential development to more appropriate areas. The pilot project should examine whether a TDR/TDC program can be used to clear claims in key areas (both inside of areas recently added to the UGB or other areas in addition to the 20-year land supply), identify how the mechanism will be established, and how the entity (bank) that is responsible for holding and transferring credits will be administered. Value must be created in order to make a TDR/TDC program successful. If a TDR/TDC program is developed that requires transfer of claims to areas that have recently been brought into the UGB, this may require working with local governments to address infrastructure issues as well.

Recommendation: Metro should consider using a research project to test the application of compensation tools that focuses on developing illustrative examples on properties within the Metro area where owners and developers have expressed a willingness to participate in this analysis. Prioritize those areas for service, develop cost estimates and explore ways to finance infrastructure. Consider the cost of administering this type of program with outright purchase of claims.

- *Conservation Easement Program.*
Washington County is currently conducting the Ag/Urban Study to assess the needs of the agricultural industry and urban industries in Washington County. This project will provide information on impacted areas and could identify areas crucial for protection of

farm and forest lands. Such areas could be the foundation of a program to acquire Federal Funding for the purchase of conservation easements.

Recommendation: Metro should develop a conservation easement program with a goal of taking advantage of existing and future federal funding available through the Department of Agriculture for the purchase of conservation easements on farmlands. Currently, the amount of available federal money is modest, but Metro could take a lead in an effort to request additional funding.

- *Extra-territorial Extension of Services.*

The inability to provide urban services outside the UGB creates the need for wells and septic systems that could have an impact on water quality and environmental considerations over time. Local governments may also not be willing or able to extend services to all areas impacted by claims.

Recommendation: Evaluate the merits of providing urban services to solve these service problems. This prohibition of extending services (extra-territorial) needs to be re-evaluated consider the consequences of allowing extension of municipal water and sewer systems versus permitting individual wells and septic systems in rural areas to mitigate the cumulative environmental and fiscal impacts. Extending water and sewer services to areas will not address other impacts on the transportation system.

- *Address State Agency Response to Proliferating Rural Residential Claims.*

The involvement of WR Department and the DEQ in permitting rural water sources and sewage treatment for urban-style development outside the UGB is insufficient to meet the potential demand.

Recommendation: Work to re-focus decision-making guidelines at the WR and DEQ with respect to the granting of permits for wells and sewage systems on single residential lots. WR and DEQ departments should conduct an evaluation of the long-term cumulative impacts generated by proliferating rural residential development on ground water safety and availability. The WR department's mission to maximize the use of the resource (water) is incompatible with today's needs for conservation. The lack of long-term planning and impact analysis of single wells and sewage systems in rural areas is disturbing and needs to be examined. Changes to state law will be required.

- *Metro Policy Advisory Committee (MPAC) Review.*

The effect of Measure 37 claims on local jurisdictions is of regional significance.

Recommendation: MPAC should review the inconsistencies in the processing of claims between jurisdictions and examine the desirability of a uniform process throughout the region. Development of a uniform process could assist in the implementation a TDR/TDC program or any other programs that involve monetary compensation.

- *Funding Mechanisms.*

There is currently no funding mechanism to compensate claimants.

Recommendation: Explore present and future funding mechanisms that could generate sufficient funds for purchase priority claims and provide matching dollars for conservation easement programs. Funding could take the form of a tax, bond measure

or a fee. Consider using the capture of increased property values attributed to government actions to fund the purchase of claims.

- *Establish a Work Group to Follow Up on Task Force Recommendations.*
The Measure 37 Task Force has become familiar with the challenges of implementing the measure. We are, however, unable to make recommendations that could achieve that implementation due to the complexity of the task, limits on the time we had available, the uncertainties of the measure and the lack of direction from the legislature or the courts.

Recommendation: Metro should establish an informal working group involving Councilors, staff and interested persons and groups to develop a draft proposal, or proposals, for implementing Measure 37 while achieving regional goals for growth and conservation, based on the Task Force analysis and recommendations. Members of the Task Force, the Metro Policy Advisory Committee, the Metro Council, other stakeholders and the public should be periodically consulted as this proposal is developed.

Long-term Recommendations

Long-term recommendations can be incorporated into ongoing projects, may require the development of longer-term solutions to address impacts or require on-going monitoring.

- Define key areas where claims should be settled by means other than waiver due to negatives effects on the agricultural and forest industry. The agricultural industry needs to address this issue.
- During the next Periodic Review cycle, examine the possibility of designating urban reserves/study areas and/or clustering development for the purpose of examining the impacts of recommending those areas for UGB expansion where a number of claims have been filed near the UGB. These areas may be more effectively developed inside of the UGB.
- Monitor claims that have been filed and approved by local governments within Metro's jurisdiction (3 counties, 25 cities). Map the results. Track lawsuits that may affect transferability, financing and claim approval. Provide periodic reports on the status of claims and lawsuits to the Metro Council, the informal work group and MPAC.
- The issue of conversion of under-developed land inside of the UGB to more intensive uses has not been examined. Conversion of residential or industrial sites to commercial uses may have significant impacts on the region's transportation system.
- Share results of the task force discussions with Legislative committees as appropriate.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF UPDATING THE) RESOLUTION NO. 05-3616
WORK PROGRAM FOR CORRIDOR)
REFINEMENT PLANNING THROUGH) Introduced by Rex Burkholder
2020.)

WHEREAS, The Oregon Transportation Planning Rule requires metropolitan planning agencies to identify areas where refinement planning is required to develop needed transportation projects and programs not included in the Transportation System Plan; and

WHEREAS, Chapter 6 of the 2004 RTP, sections 6.7.5 and 6.7.6, identifies transportation corridors where multi-modal refinement planning is needed before specific projects and actions that meet the identified need can be adopted by the Regional transportation Plan (RTP); and

WHEREAS, on July 26, 2001 the Metro Council adopted Resolution No 01-3089 to endorse the findings and recommendations of the Corridor Initiative Project which developed a work program that prioritized corridor refinement studies; and

WHEREAS, the Corridor Refinement Work Program was adopted as an amendment to the RTP in the fall of 2001; and

WHEREAS, the resolution called for monitoring and updating of Corridor Refinement Work Program as part of the Unified Work Program process; and

WHEREAS, significant work has been completed on a number of corridors. In addition, decisions regarding the urban growth boundary and other significant land use changes over the past several years make it timely to revisit the corridor planning priorities for future planning periods; and

WHEREAS, in the fall of 2004, Metro convened a working group of the Transportation Policy Alternatives Committee (TPAC) to update the work program for the 2006-2010 planning period; and

WHEREAS, there was involvement by the jurisdictions in the process. The TPAC working group consisted of representatives from the Washington, Multnomah and Clackamas Counties, the Cities of Portland, Gresham and Wilsonville, the Oregon Department of Transportation, the Port of Portland and TriMet; and

WHEREAS, the TPAC working group reviewed the status of corridor planning throughout the region, considered the technical evaluation that was completed in 2001 and discussed changes that might affect corridor planning priorities for the 2006-2010 planning period; and

WHEREAS, the Exhibit "A" of this resolution contains the Updated Work Program for Corridor Refinement Planning through 2020; now therefore,

BE IT RESOLVED,

1. That the Updated Work Program for Corridor Refinement Planning through 2020 (Exhibit "A") is hereby approved and adopted as a guideline for planning work in these corridors. It will be monitored and updated as part of the Unified Work Program.
2. The Metro Council directs staff to prepare a proposed amendment to the RTP to add the I-405 Loop Corridor to the list of corridors needing major refinement plans in Chapter 6 of Metro's RTP by a future RTP amendment. The City of Portland will bring the recommendations of the recently completed I-405 Loop Analysis to TPAC, JPACT and the Metro Council for review and study steps will be agreed to as part of that process.
3. That the 2006-2010 planning period will include major new planning initiatives for the I-205 Corridor south of Johnson Creek Boulevard, the Outer Southwest Area Transportation study, the I-405 Loop Corridor and East Multnomah County I-84/US 26 Connector Corridor.
4. That the East Multnomah County I-84/US 26 Connector Corridor may be completed in conjunction with Phase II of the Powell/Foster Corridor and will be coordinated with the Damascus and Springwater area concept planning studies.
5. That ODOT will lead planning for the I-205 Corridor, ODOT and Metro will co-lead the Outer Southwest Area Transportation Study, the City of Portland and ODOT will lead the I-405 Loop Corridor and Metro will lead planning for the East Multnomah County I-84/US 26 Connector study. The lead agencies will provide staff support, will include appropriate jurisdictions in the planning process and will develop a work program and budget.
6. Metro will work with TriMet and other jurisdictions to develop a transit system plan and transit corridor priorities in the 2006-2010 time frame.

ADOPTED by the Metro Council this _____ day of _____, 2005.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, General Counsel

Corridor and Key Facilities Corridor Planning On-Going	First Planning Period (2001 - 2005)	Second Planning Period (2006 - 2010)	Third Planning Period (2011 - 2020)
I-5 (North) Corridor - I-5 from I-84 to Vancouver	I - 5 Trade Corridor Study <i>Completed</i>	Financial Plan/EIS/Preliminary Engineering <i>Study Initiated</i>	
Powell/Foster Corridor - Powell Blvd. from the west end of Ross Island Bridge to Gresham. Foster Road from Powell to Hwy. 212 Damascus.	Corridor Planning - Phase I <i>Study Completed</i>	Phase II Planning, Powell Street design, Environmental Impact Study and Preliminary Engineering of I-205 Interchange	
Highway 217 Corridor - Hwy. 217 from Sunset Hwy. To I-5	Corridor Planning <i>Study Initiated</i>	Environmental Impact Study and Preliminary Engineering	
Sunrise Corridor - Hwy. 212/224 from I-205 to US 26.	Complete Refinement Planning and EIS for Unit 1 <i>Study Initiated</i>	Begin Unit Two Environmental Study	
Macadam/Highway 43 Corridor - Hwy. 43 from Ross Island Bridge to Oregon City.	Transit/Pedestrian/Bike Transportation Demand Management Study/South of the Sellwood Bridge <i>Study Initiated</i>	Environmental Assessment/DEIS and Preliminary Engineering	
I-5 to Highway 99W Connector - Tualatin- Sherwood Road from I-5 to Hwy. 99W. Hwy. 99W from Tualatin-Sherwood Road to Bell Road.	Southern Alignment Study; Complete Exceptions; Right-of-Way Preservation Analysis; Corridor Planning <i>Initiated</i>	Complete Corridor Plan and Environmental Impact Study	
New Major Corridor Refinements Recommended in the Second Period			
East Multnomah County I-84 to US 26 Connector Corridor - Identify major connection from I - 84 to US 26 between 181st and 257th Avenues.	Freight Data Collection Study <i>Initiated</i> , North-South reconnaissance <i>Completed</i> .	Corridor Planning; National Highway and System Truck Designation	Preserve Right of Way; Environmental study & design of arterial improvements
I-205 (South) Corridor from I-5 to Johnson Crk. Blvd.	Corridor Reconnaissance Planning <i>Initiated</i>	Complete Corridor Planning; Possible Environmental Impact Study	
Outer Southwest Area - I-5 from Hwy. 99W in Tigard to Wilsonville, surrounding area and facility connections.	Boeckman Road Interchange Study <i>Study Completed</i>	Reconnaissance and Corridor Planning	Environmental Impact Study
I-405 Loop - I-5 and I-405 from Freemont to Ross Island Bridges and adjacent land use districts.	Corridor Reconnaissance Study Completed	Corridor Planning; Initiate Environmental study of priority improvements	
LRT and Streetcar System Plan & Corridor Priorities (2006-2010)		Transit System Plan	
Other Corridors			
North Willamette Crossing Corridor - Study new crossing near St. Johns Bridge (Hwy. 30 from NW Newberry Road to BN Railroad Bridge).			Corridor Planning
Highway 213 Corridor - Hwy. 213 from I-205 to Leland Road.	Construct Southbound Turning lane on Highway 213 <i>Study Completed</i>	Implement Funded Recommendations of Highway 213 Design Study	Refine Corridor Planning and Design
Barbur Blvd./I-5 Corridor - Hwy. 99W and I-5 from I - 405 to Tigard.	Implement Transit Service Improvements and Elements of the Barbur Streetscape Plan (not all streetscape) <i>Study Initiated</i>		Initiate Corridor Planning. Begin Environmental Assessment/Environmental Impact Statement Process
TV Highway Corridor - Tualatin Valley Hwy. from Hwy. 217 to downtown Hillsboro.		Refine scope of work in next RTP update.	Corridor Planning (if required)
Sunset Highway Corridor - US 26 from I-405 to Cornelius Pass Road	Refinement and Environmental Assessment of Hwy. 26 Widening to Cornell. Barnes Road design/construction. <i>Design Complete/Construction started</i>	Engineering of US 26 Widening west of Murray Boulevard, feasibility study for widening from HWY 217 to Cornelius Pass Rd	
NE Portland Highway Corridor - Columbia Blvd. from Burgard to Killingsworth, Lombard from I - 5 to Killingsworth, and Killingsworth from Lombard to I - 205.	East End Connector Environmental Assessment; Begin Refinement Planning through I-5 Trade Corridor; Adopt St. Johns Truck Access Study <i>Study Completed</i>	Implement St Johns Truck Access Study Recommendations; Environmental Assessment and Engineering on I-5 Trade Corridor Recommendations <i>Construction Commenced</i>	
I-205 (North) Corridor - I - 205 from Hwy. 224 to Vancouver.	South Transit Corridor Study and I-5 Trade Corridor Study (transit only) <i>Completed</i>	Reconnaissance Planning for highway improvements <i>Initiated</i> . South Corridor Phase I Construction	Corridor Planning for Roadway Widening
Banfield (I-84) Corridor - I - 84 from I - 5 to Troutdale.	Light Rail Capacity Analysis <i>Completed</i>	Transit, Transportation System Management Corridor Plan	Transit Improvements and/or Transportation System management Projects
McLoughlin and Hwy. 224 Corridor - Hwy. 99E from Hawthorne Blvd to Oregon City. Hwy. 224 from McLoughlin Blvd. To I - 205.	South Transit Corridor EIS and Preliminary Engineering <i>Initiated</i>	Complete South Corridor Phase II EIS/PE	Corridor Planning for Highway Improvements

STAFF REPORT

RESOLUTION 05-3616; FOR THE PURPOSE OF UPDATING THE WORK PROGRAM FOR CORRIDOR REFINEMENT PLANNING THROUGH 2020.

Date: August 26, 2005

Presented by: Bridget Wieghart

PROPOSED ACTION

This resolution would update the work program for corridor refinement planning through 2020. It would serve as a guide for planning for corridors identified in Chapter 6 of the RTP that need additional work prior to adoption of improvements or actions to meet the identified transportation need, as required by the Oregon State Transportation Planning Rule (TPR). It identifies new corridor planning priorities for the 2006-2010 planning period. This resolution also directs staff to add the I-405 Loop Corridor to the major corridor refinements in chapter 6, section 6.7.5, of the 2004 Regional Transportation Plan (RTP) as part of the next update to the RTP.

EXISTING LAW

The TPR (section 660-12-020) requires that regional transportation system plans establish a coordinated network of transportation facilities adequate to serve regional transportation needs. Section 660-12-025 of the TPR allows an MPO to defer decisions regarding function, general location and mode as long if it can demonstrate that the refinement effort will be completed within three years. On June 15, 2001, the 2000 RTP was acknowledged by the Land Conservation and Development Commission (LCDC). As part of the acknowledgement process, LCDC continued a decision to amend the TPR to allow Metro to adopt an action plan that exceeds the current three-year timeframe.

FACTUAL BACKGROUND AND ANALYSIS

Chapter 6, section 6.7.4 of the 2004 RTP identifies transportation corridors where two types of multi-modal refinement planning is warranted before specific projects and actions that meet the identified need can be adopted by the RTP. In Chapter 6, section 6.7.5 lists specific corridors where a transportation need has been identified but a major corridor planning study is needed to determine the function, mode and general location of an improvement before a project can be fully defined for implementation. Section 6.7.6 lists specific corridors where both the need and mode for a transportation improvement have been identified, but proposed transportation projects must be developed to a more detailed level before construction can occur.

Due to the large number of corridors that require additional planning work and the resources required to undertake these studies, Metro undertook a regional effort in 2001 to develop a strategy for their completion as part of the Corridor Initiatives Project. In 2001, a technical advisory committee and a project management group comprised of representatives from the Multnomah, Clackamas, Washington, and Clark counties, and the cities of Multnomah, Clackamas and Washington county, ODOT, the City of Portland, Port of Portland and Tri-Met was established.

Metro staff and the TAC developed and implemented a technical evaluation process. The PMG reviewed and approved the criteria and results of the technical evaluation. The evaluation assessed and compared the corridors with respect to five major criteria:

- Support of key 2040 land uses
- Congestion
- Support of 2040 transit plans
- Support of 2040 freight goals
- Safety and reliability

In addition to the technical evaluation, Metro staff, the TAC and the PMG considered non-technical factors such as relation to other planning efforts, community interest and available resources for each corridor. Metro staff and Councilors met with Multnomah, Washington, and Clackamas County Coordinating Committees, the City of Portland Transportation System Planning Committees, and the Clackamas County Mayors and Managers. Feedback regarding non-technical issues was received from each committee and incorporated as a general ranking under “Jurisdictional Interest” and was considered for determining which tier the corridor was put in. A public meeting was held on June 18, 2001 where information was provided to, and feedback was solicited from, the general public.

A summary of the corridor initiative findings, including a ranking of the corridors into tiers is contained in Attachment 1 to this staff report.

Since 2001, much corridor planning anticipated in the original work program has been completed. For example, the I-5 Trade Corridor Study, the Sunset Highway Corridor refinement and environmental assessment, the South Corridor transit study and Phase I of the Powell-Foster Corridor Transportation Plan have all been completed. Phase I of the Highway 217 Corridor Study has been completed and Phase II will wrap up this fall.

In the fall of 2004, Metro convened a subgroup of TPAC to update the work program for multi-modal refinement planning for the period from 2006 to 2010. The working group review work completed. In addition, it revisited previous technical work regarding corridor priorities and considered any changes that might affect priorities going forward.

The working group determined that, since the 2001, the importance of some of the corridors has changed. New Urban Growth Boundary (UGB) expansions have put additional pressure on certain corridors, which the group now considers to be of higher importance.

The recent explosive growth in Tualatin and Wilsonville, along with recent urban growth boundary expansion and higher usage of industrial lands in the area, make the Outer Southwest Area Transportation Study a higher priority from a land use perspective. In addition, a number of connecting corridors including Highway 217, I-5/99W and I-205 South are currently under study for improvements, which increases the urgency of studying this critical link. Further, all of the connecting corridors are considering value pricing as an option, which makes this corridor a hub of a potential value pricing network. All of these factors have also increased the level of jurisdictional interest in this corridor study.

I-205 South was a priority from a technical and jurisdictional perspective in 2001. ODOT has recently initiated a reconnaissance study of the entire I-205 Corridor and has issued an RFP to solicit private interest as part of its Innovative Partnerships Program. These actions, combined with the growth plans for Damascus and Clackamas Regional Center, heightens the importance of corridor planning in this area.

The City of Portland led I-405 Loop study has highlighted the need for a separate corridor which focuses on the downtown freeway facilities and their relationship with land uses in the Central Eastside, Lloyd and Macadam districts.

Recent urban growth boundary decisions have significantly increased the importance of the East Multnomah County I-84/US 26 Corridor from both a land use and transportation standpoint. The planned industrial and employment growth in the Springwater area, along with planned household and employment growth in the Pleasant Valley and Damascus areas, increases the urgency of planning for north south transportation connections between these areas and the Columbia Corridor. The North South Transportation study recently completed by Gresham identifies serious future congestion and transit needs for this area.

After review from the TPAC subgroup and conferring with the local jurisdictions, a 2005 work program for corridor refinement planning through 2020 was created and is attached to the Metro Council resolution as Exhibit "A". The 2005 work program highlights four potential "major new corridor refinements" for the 2006 – 2010 planning period. Metro has partial funding for two of the proposed "major new corridor refinements" during that period. The City of Portland is seeking funding to complete the I-405/I-5 Loop study and ODOT has some funding and is seeking additional funding for the I-205 (South) corridor study.

Three of the "new major corridor refinements recommended in the 2006-2010 planning period" from Exhibit A are already identified in the RTP. For those corridors, the description of the major facility and specific considerations that must be incorporated into corridor refinement studies derived from Chapter 6 of the RTP is attached for reference (Attachment 2 to this staff report). The City of Portland is bringing findings and recommendations regarding the I-405 loop analysis to TPAC, JPACT and the Metro Council for review this fall. Based on those discussions, an RTP amendment to adopt a corridor description and required study element will be developed.

RECOMMENDED ACTION

It is recommended that the updated 2005 Work Program for Corridor Refinement Planning (Exhibit "A" to the Council resolution) through 2020 be adopted as a guideline for planning work in these corridors. It is recommended that the 2006 - 2010 planning period will include the following four major new planning efforts: I-205 (South) Corridor, I-5 (South) Area Corridor, I-405 Loop Corridor, and I-84/US 26 Connector Corridor. It is also recommended that the I-84/US 26 Connector Corridor be completed in conjunction with Phase II of the Powell/Foster Corridor and the Damascus and Springwater area concept planning studies.

It is anticipated that Metro staff resources currently budgeted for corridor planning purposes would be allocated to complete two of these multi-modal corridor planning efforts within the next five years. Separate funds from other sources are being sought to provide necessary resources for materials and professional services and any additional staff needs.

BUDGET IMPACT

None.

2001 Corridor Initiative Findings

Technical Evaluation Summary

Jurisdictional Interest

Purpose

In conjunction with jurisdictional and community interest, the technical evaluation will help prioritize corridor planning studies described in the Regional Transportation Plan for long-term transit, highway, pedestrian and bicycle improvements

Criterion Description

Support of Key Land Uses

Measures access to, and growth in, key land uses called out in the 2040 plan (regional centers, downtowns and industrial areas).

Congestion

Measures ability to get around in the region.

Support of 2040 Transit Goals

Assessment of future transit needs and deficiencies in each corridor.

Support of 2040 Freight Goals

Measures the importance of corridor to freight movement.

Safety and Reliability

Identified areas with more significant safety problems based on a 5-year accident history

Corridors Proposed for Study

First Tier Corridors

I - 5 (North) Corridor

Banfield (I - 84) Corridor

Powell/Foster Corridor

Sunset Highway Corridor

McLoughlin and Hwy 224 Corridor

Barbur Blvd./I - 5 Corridor

Second Tier Corridor

I - 205 (South) Corridor

I - 5 (South) Corridor

I - 205 (North) Corridor

Highway 217 Corridor

Macadam/Highway 43 Corridor

TV Highway Corridor

Sunrise Corridor

Third Tier Corridor

NE Portland Highway Corridor

Highway 213 Corridor

I - 5 to Hwy 99W Connection Corridor

North Willamette Crossing Corridor

I - 84 to US 26 Corridor

Land Use
 Congestion
 Transit
 Freight
 Reliability

High

Low

High

High

High

Medium

High

Low

Medium

High

Medium

Medium

Medium

Medium

Medium

Medium

Low

Medium

Key: Black = High, Grey = Medium, White = Low

Attachment 2 to Staff Report, Resolution No. 05-3616 (derived from Chapter 6 of the 2004 Regional Transportation Plan)

Outer Southwest Area Transportation Study –

The I-5 facility from Highway 217 to the Willamette River/Boones Bridge serves as the major southern access to and from the central city. The route also serves as an important freight corridor, where Willamette Valley traffic enters the region at the Wilsonville gateway” and provides access to Washington County via Highway 217. Projections for this facility indicate that growth in traffic between the Metro region and the Willamette Valley will account for as much as 80 percent of the traffic volume along the southern portion of I-5, in the Tualatin and Wilsonville area. A joint ODOT and Wilsonville study concludes that in 2030 widening of I-5 to eight lanes would be required to meet interstate freeway capacity standards set by Metro and ODOT and that freeway access capacity would not be adequate with an improved I-5/Wilsonville Road interchange. For these reasons, the appropriate improvements in this corridor are unclear at this time. However, I-5 serves as a critical gateway for regional travel and commerce, and an acceptable transportation strategy in of this facility and its interconnection with surrounding facilities and land uses has statewide significance. A major corridor study is proposed to address the following issues:

- the effects of widening I-205 and Highway 217 on the I-5 South corridor
- the effects of the I-5 to 99W Connector on the Stafford Road interchange and the resultant need for increased freeway access
- the effects of peak period congestion in this area on regional freight mobility and travel patterns
- the ability of inter-city transit service, to/from neighboring cities in the Willamette Valley, including commuter rail, to slow traffic growth in the I-5 corridor
- the ability to maintain off-peak freight mobility with capacity improvements
- the potential for better coordination between the Metro region and valley jurisdictions on land-use policies
- the effects of a planned long-term strategy for managing increased travel along I-5 in the Willamette Valley
- the effects of UGB expansion and Industrial Lands Evaluation studies on regional freight mobility and the need for industrial access improvements
- the effects to freight mobility and local circulation due to diminished freeway access capacity in the I-5/Wilsonville corridor
- the ability to effectively serve major Town Centers in Tigard, Tualatin and Wilsonville

In addition, the following design elements should be considered as part of the corridor study:

- peak period pricing and HOV lanes for expanded capacity and potential networks with other value pricing facilities under consideration in the area
- provide rapid bus service on parallel Barbur route, connecting Wilsonville to the central city
- provide additional overcrossings in West Portland town center to improve local circulation and interchange access
- add capacity to parallel arterial routes, including 72nd Avenue, Boones Ferry, Lower Boones Ferry and Carmen Drive
- add overcrossings in vicinity of Tigard Triangle to improve local circulation
- extend commuter rail service from Salem to the central city, Tualatin transit center and Milwaukie, primarily along existing heavy rail tracks
- additional I-5 mainline capacity (2030 demand on I-5 would exceed capacity)
- provision of auxiliary lanes between all I-5 freeway on- and off-ramps in Wilsonville.

Interstate 205

Improvements are needed in this corridor to address existing deficiencies and expected growth in travel demand in Clark, Multnomah and Clackamas counties. Transportation solutions in this corridor should address the following needs and opportunities:

- provide for some peak period mobility for longer trips
- preserve freight mobility from I-5 to Clark County, with an emphasis on connections to Highway 213, Highway 224 and Sunrise Corridor
- maintain an acceptable level of access to the Oregon City, Clackamas and Gateway regional centers and Sunrise industrial area
- maintain acceptable levels of access to PDX, including air cargo access

Potential transportation solutions in this corridor should evaluate the potential of the following design concepts:

- auxiliary lanes added from Airport Way to I-84 East
- consider express, peak period pricing or HOV lanes as a strategy for expanding capacity

- relative value of specific ramp, overcrossing and parallel route improvements
- eastbound HOV lane from I-5 to the Oregon City Bridge
- truck climbing lane south of Oregon City
- potential for rapid bus service or light rail from Oregon City to Gateway
- potential for extension of rapid bus service or light rail north from Gateway into Clark County
- potential for refinements to 2040 land-use assumptions in this area to expand potential employment in the subarea and improve jobs/housing imbalance
- potential for re-evaluating the suitability of the Beavercreek area for urban growth boundary expansion, based on ability to serve the area with adequate regional transportation infrastructure

East Multnomah County Interstate-84 to US 26 Connector

The long-term need to develop a highway link between I-84 and Highway 26 exists, but a series of interim improvements to Hogan Road are adequate to meet projected demand through 2020. The RTP calls for a series of interim improvements that will better connect Hogan Road to both I-84 on the north, and Highway 26 to the south.

These improvements are needed to ensure continued development of the Gresham regional center and expected freight mobility demands of through traffic. They also benefit transit-oriented development along the MAX light rail corridor, as they would move freight traffic from its current route along Burnside, where it conflicts with development of the Rockwood town center and adjacent station communities. In addition to planned improvements to the Hogan Road corridor, local plans or a corridor study should address:

- more aggressive access management between Stark Street and Powell Boulevard on 181st, 207th and 257th avenues
- redesigned intersections improvements on Hogan at Stark, Burnside, Division and Powell to streamline through-flow
- the need for a long-term primary freight route in the corridor
- the potential for a new alignment south of Powell Boulevard to US 26.
- the provision of adequate regional access between and to the Gresham Regional Center, the Springwater Industrial Area, the new city of Damascus and the Columbia Corridor Industrial Area.

REVISED EXHIBIT B—ORDINANCE NO. 05-1077B

REGIONAL FRAMEWORK PLAN AMENDMENTS

NOTE: The Regional Framework Plan (RFP) was revised and updated by Ordinance No. 05-1086, approved by the Metro Council on August 18, 2005, and effective November 16, 2005. The following amendments are to the revised RFP adopted by Ordinance No. 05-1086.

Amendment 1. In the RFP Chapter entitled, “Summary of Growth Concept,” the section entitled, “Open Spaces and Trail Corridors” shall be amended as follows:

Open Spaces and Trail Corridors

Recognition and protection of open spaces both inside the UGB and in rural reserves are reflected in the Growth Concept. The areas designated open space on the Concept map are parks, stream and trail corridors, wetlands and floodplains, largely undeveloped upland areas and areas of compatible very low-density residential development. Many of these natural features already have significant land set aside as open space. The Tualatin Mountains, for example, contain major parks such as Forest Park and Tryon Creek State Park and numerous smaller parks such as Gabriel Park in Portland and Wilderness Park in West Linn. Other areas are oriented toward wetlands and streams.

Designating these areas as open spaces has several effects. First, it removes these lands from the category of urban land that is available for development. The capacity of the UGB then has to be calculated without these areas, and plans to accommodate housing and employment have to be made without them. Second, these natural areas, along with key rural reserve areas, receive a high priority for purchase as parks and open space, through programs such as Metro’s Open Spaces Acquisition program. Finally, ~~regulations should be functional plan requirements have been~~ developed; to protect critical ~~natural areas that would not~~ fish and wildlife habitat areas without conflicting with housing and economic goals. This will provide protection of environmentally critical ~~creek~~ areas, compatible ~~low density~~ development of sensitive areas, and ~~allow~~ transfer of development rights from protected natural areas to other lands better suited for development.

Amendment 2. The “Fundamentals” section of RFP Chapter 1 entitled, “Land Use,” shall be amended by inserting the following text after the paragraph referring to “Fundamental 2”:

“Fundamental 3: Protect and restore the natural environment including fish and wildlife habitat, streams and wetlands, surface and ground water quality and quantity, and air quality.”

Amendment 3. RFP Chapter 1 entitled, “Land Use,” shall be amended by adding section 1.9.12, “Protection of Regionally Significant Fish and Wildlife Habitat,” which shall provide as follows:

- 1.9.12 Conduct an inventory of regionally significant fish and wildlife habitat for all lands being considered for inclusion in the UGB, in order to:
- a. Consider whether urbanization can occur consistent with policies that call for protection of regionally significant fish and wildlife habitat.
 - b. Limit future conflicts between urbanization and the protection of regionally significant fish and wildlife habitat by examining the impacts upon the ecological quality and integrity of such habitat whenever the Council has discretion to choose between potential lands to be added to the UGB.

Amendment 4. Section 1.10, entitled “Urban Design,” shall be amended as follows:

1.10 Urban Design

It is the policy of the Metro Council to:

- 1.10.1 Support the identity and functioning of communities in the region through:
- a. Recognizing and protecting critical open space features in the region.
 - b. Developing public policies that encourage diversity and excellence in the design and development of settlement patterns, landscapes and structures.
 - c. Ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern that:
 - i) Links any public incentives to a commensurate public benefit received or expected and evidence of private needs.
 - ii) Is pedestrian “friendly,” encourages transit use and reduces auto dependence.
 - iii) Provides access to neighborhood and community parks, trails and walkways, and other recreation and cultural areas and public facilities.
 - iv) Reinforces nodal, mixed-use, neighborhood-oriented design.
 - v) Includes concentrated, high-density, mixed-use urban centers developed in relation to the region’s transit system.
 - vi) Is responsive to needs for privacy, community, sense of place and personal safety in an urban setting.
 - vii) Facilitates the development and preservation of affordable mixed-income neighborhoods.
 - viii) Avoids and minimizes conflicts between urbanization and the protection of regionally significant fish and wildlife habitat.

- 1.10.2 Encourage pedestrian- and transit-supportive building patterns in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction.

Amendment 5. RFP Chapter 3 entitled, “Parks, Natural Areas, Open Spaces And Recreational Facilities,” shall be renamed, “Nature in Neighborhoods,” and the policies therein shall be amended as follows:

3.1 Inventory of Park Facilities and Identification and Inventory of Regionally Significant Parks, Natural Areas, Open Spaces, Fish and Wildlife Habitat, Trails and Greenways

It is the policy of the Metro Council to:

- 3.1.1 Ensure coordinated protection and enhancement of natural functions such as water quality and wildlife habitat across jurisdictional boundaries by inventorying and identifying regionally significant parks, natural areas, open spaces, fish and wildlife habitat, vacant lands, trails and greenways at the watershed level using topographical, geologic and biologic functions and features, i.e., “landscape ecology.”
- 3.1.2 Identify natural corridors that connect regionally significant parks, natural areas, open spaces, fish and wildlife habitat, trails and greenways. River and stream corridors, ridgelines, butte-tops, utility corridors, abandoned roads, and railroad rights-of-way will provide primary linkages.
- 3.1.3 Inventory lands outside the Urban Growth Boundary and Metro’s jurisdictional boundary and identify them as prospective components of the Regional System when protection of these lands is determined to be of direct benefit to the region.
- 3.1.4 Identify urban areas which are deficient in natural areas and identify opportunities for acquisition and restoration.
- 3.1.5 Update the parks inventory (first completed in 1988) every five (5) years, including acreage, facilities, environmental education programs, cultural resources, existing school sites and other information as determined by Metro.
- 3.1.6 Inventory the urban forestry canopy, using appropriate landscape level techniques, such as remote sensing or aerial photo interpretation, on a periodic basis and provide inventory information to local jurisdictions.

3.2 Protection of Regionally Significant Parks, Natural Areas, Open Spaces, Fish and Wildlife Habitat, Trails and Greenways

It is the policy of the Metro Council to:

- 3.2.1 Continue developing a Regional System of Parks, Natural Areas, Open Spaces, Fish and Wildlife Habitat, Trails, and Greenways (the Regional System) to achieve the following objectives:
- a) Protect the region’s biodiversity;

- b) Provide citizens opportunities for, primarily, natural resource dependent recreation and education;
 - c) Contribute to the protection of air and water quality and watershed health; and
 - d) Provide natural buffers and connections between communities.
- 3.2.2 Finance and coordinate protection and management of the Regional System across jurisdictional boundaries upon the advice of citizens, and in coordination with local governments and state and federal resource agencies and appropriate non-profit organizations.
- 3.2.3 Use strategies to protect and manage the Regional System ~~and regional Goal 5 resources~~ including, but not ~~be~~-limited to, acquisition, education, incentives, land use and environmental regulations. Implement these strategies regionally and coordinate and encourage these strategies to be implemented by local governments, special districts, businesses, non-profit organizations, and individuals.
- 3.2.4 Include lands inside and outside the UGB and Metro's jurisdiction in the Regional System when protection of these lands are determined to be of direct benefit to the region.
- 3.2.5 Collect and evaluate baseline data related to natural resource values of the ~~R~~Regional ~~s~~System to identify trends and to guide management decisions.
- 3.2.6 Seek to avoid fragmentation and degradation of components of the Regional System caused by new transportation and utility projects. If avoidance is infeasible, impacts shall be minimized and mitigated.
- 3.2.7 Work with the State of Oregon to update, reinvigorate and implement a Willamette River Greenway Plan for the metropolitan region, in conjunction with affected local governments.

3.2.8 Protect Fish and Wildlife Habitat to achieve the following objectives:

a. Performance objectives:

- i) Preserve and improve streamside, wetland, and floodplain habitat and connectivity;
- ii) Preserve large areas of contiguous habitat and avoid habitat fragmentation;
- iii) Preserve and improve connectivity for wildlife between riparian corridors and upland wildlife habitat; and
- iv) Preserve and improve special habitat of concern, including native oak habitats, native grasslands, wetlands, bottomland hardwood forests, and riverine islands.

b. Implementation objectives:

- i) Increase the use of habitat-friendly development throughout the region; and
- ii) Increase restoration and mitigation actions to compensate for adverse effects of new and existing development on ecological function.

3.3 Management of the Publicly-Owned Portion of the Regional System of Parks, Natural Areas, Open Spaces, Fish and Wildlife Habitat, Trails and Greenways

- 3.3.1 Assume management responsibility for elements of the publicly owned portion of the Regional System, as outlined in a functional plan to be developed.
- 3.3.2 Assume financial responsibility related to those portions of the publicly owned system which are managed by Metro.
- 3.3.3 Give local governments an opportunity to transfer existing publicly owned components of the Regional System to Metro and to acquire components of the Regional System with local resources.
- 3.3.4 Manage the publicly owned portion of the Regional System to protect fish, wildlife, and botanic values and to provide, primarily, natural resource dependent recreational and educational opportunities.
- 3.3.5 Acquire portions of the Regional System as financial resources allow by negotiating with willing sellers and using the power of eminent domain only in extraordinary circumstances.
- 3.3.6 Insure that public use is compatible with natural and cultural resource protection for components of the Regional System by creating Master/Management plans that strive to achieve that objective prior to formal public use.
- 3.3.7 Be responsive to recreation demands and trends identified in the State Comprehensive Outdoor Recreation Plan (SCORP), along with local government cooperators in the Regional System.
- 3.3.8 Develop master planning guidelines to assure consistency in the management of the Regional System.
- 3.3.9 Convene local government park providers to share information, review and analyze issues from time to time or in conjunction with the periodic update of the region-wide parks inventory and, if appropriate, develop recommendations related to:
 - a. Roles and responsibilities
 - b. Funding
 - c. Levels of service
 - d. Information needs

- e. User trends and preferences
 - f. Technical assistance
 - g. Interagency coordination
 - h. Public involvement
 - i. Other topics as determined by Metro and local park providers
- 3.3.10 Pursue the identification and implementation of a long term, stable funding source to support the planning, acquisition, development, management and maintenance of the Regional System in cooperation with local governments.

3.4 Protection, Establishment and Management of a Regional Trails System

It is the policy of the Metro Council to:

- 3.4.1 Identify a Regional Trails System which shall be included in the Regional Transportation Plan.
- 3.4.2 Provide access to publicly owned parks, natural areas, open spaces, and greenways, where appropriate via the Regional Trails System.
- 3.4.3 Coordinate planning for the Regional Trails System with local governments, federal and state agencies, utility providers, and appropriate non-profit organizations.
- 3.4.4 Cooperate with citizens and other trail providers to identify and secure funding for development and operation of the Regional Trails System.
- 3.4.5 Encourage local governments to integrate local and neighborhood trail systems with the Regional Trails System.

3.5 Provision of Community and Neighborhood Parks, Open Spaces, Fish and Wildlife Habitat, Natural Areas, Trails and Recreation Programs

It is the policy of the Metro Council to:

- 3.5.1 Recognize that local governments remain responsible for the planning and provision of community and neighborhood parks, local open spaces, natural areas, sports fields, recreational centers, trails, and associated programs within their jurisdictions.
- 3.5.2 Encourage local governments to (i) adopt level of service standards for provision of parks, natural areas, trails, and recreational facilities in their local comprehensive plans; and (ii) locate and orient such parks, open spaces, natural areas, trails, etc., to the extent practical, in a manner which promotes non-vehicular access.
- 3.5.3 Encourage local governments to be responsive to recreation demand trends identified in the State Comprehensive Outdoor Recreation Plan (SCORP).

- 3.5.4 Encourage local governments to develop, adopt and implement Master Plans for local parks and trail systems, natural areas, and recreational programs.
- 3.5.5 Work in cooperation with local governments, state government, and private industry to establish a supplemental funding source for parks and open spaces acquisition, operations and maintenance.
- 3.5.6 Encourage local governments to identify opportunities for cooperation and cost efficiencies with non-profit organizations, other governmental entities, and local school districts.
- 3.5.7 Require that no urban reserve areas be brought into the UGB unless the Urban Reserve master plans demonstrate that planning requirements for the acquisition and protection of regionally significant fish and wildlife habitat and adequate land to meet or exceed locally adopted levels of service standards for the provision of public parks, natural areas, trails, and recreational facilities, be adopted in the local comprehensive plans.
- 3.5.8 Develop a functional plan in cooperation with local governments establishing the criteria which local governments address in adopting a locally determined “level of service standard,” establishing region-wide goals for the provision of parks and open spaces in various urban design types identified in the 2040 Growth Concept and applying this to the portion of the region within the UGB and the urban reserves within Metro’s jurisdiction when urban reserve conceptual plans are approved.
- 3.5.9 Work with local governments to promote a broader understanding of the importance of open spaces to the success of the 2040 Growth Concept and develop tools to assess open spaces on a parity with jobs, housing, and transportation targets in the Regional Framework Plan.
- 3.6 Participation of Citizens in Environmental Education, Planning, Stewardship Activities, and Recreational Services.**

It is the policy of the Metro Council to:

 - 3.6.1 Encourage public participation in natural, cultural and recreation resource management decisions related to the Regional System.
 - 3.6.2 Provide educational opportunities to enhance understanding, enjoyment and informed use of natural, cultural, and recreational resources.
 - 3.6.3 Provide and promote opportunities for the public to engage in stewardship activities on publicly owned natural resource lands and encourage cooperative efforts between Metro and private non-profit groups, community groups, schools and other public agencies.
 - 3.6.4 Provide opportunities for technical assistance to private landowners for stewardship of components of the Regional System.
 - 3.6.5 Work together with local governments with state, federal, non-profit and private partners to facilitate stewardship and educational opportunities on publicly owned natural resource lands.

- 3.6.6 Encourage local governments to provide opportunities for public involvement in the planning and delivery of recreational facilities and services.
- 3.6.7 Follow and promote the citizen participation values inherent in RUGGO Goal 1, Objective 1 and the Metro Citizen Involvement Principles.

Amendment 6. RFP Chapter 4 entitled, “Water Management,” shall be renamed, “Watershed Health and Water Quality.”

Amendment 7. The “Fundamentals” section of RFP Chapter 4 shall be amended by inserting the following text after the paragraph referring to “Fundamental 2”:

“Fundamental 3: Protect and restore the natural environment including fish and wildlife habitat, streams and wetlands, surface and ground water quality and quantity, and air quality.”

Amendment 8. Section 4.3 entitled, “Water Quality,” shall be amended as follows:

4.3 Water Quality

It is the policy of the Metro Council to:

4.3.1 Protect, enhance, and restore the water quality of the region by:

- a. Implementing and coordinating watershed-wide planning.
- b. Promoting the protection of natural areas along waterways and encouraging continuous improvement of water quantity and quality through liaison with agencies that influence changes along streams, rivers and wetlands in the Metro region.
- c. Establishing and maintaining vegetated ~~edive~~ corridors along streams.
- d. Encouraging urban development practices that minimize soil erosion.
- e. Implementing best management practices (BMPs).
- f. ~~Maintaining vegetated buffers along riparian areas~~ Establishing standards to conserve, protect, and enhance riparian fish and wildlife habitat.
- g. Protecting wetlands values with sufficient buffers to maintain their water quality and hydrologic function.

Amendment 9. Section 4.6 entitled, “Fish and Wildlife Habitat Conservation,” shall be deleted.

Amendment 10. The chart entitled, “Implementation Methods for the Regional Framework Plan,” in RFP Chapter 8 entitled, “Implementation,” shall be amended as follows:

Implementation Method for the Regional Framework Plan

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Land Use	
1.1 Urban Form	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional Plan (UGMFP), Titles 1, 2, 6, <u>11</u> and <u>13</u>4 • MTIP program • TOD program
1.2 Built Environment	<ul style="list-style-type: none"> • Metro Code 3.07, UGMFP, <u>Titles 1 through 7, 11 and 12</u> Titles 1 through 7, 11, and 12 • Regional Transportation Plan
1.3 Housing and Affordable Housing	<ul style="list-style-type: none"> • Metro Code 3.01, Urban Growth Boundary and Urban Reserve Procedures • Metro Code 3.07, UGMFP Titles 1, 7 and 11
1.4 Economic Opportunity	<ul style="list-style-type: none"> • Metro Code 3.07, UGMFP, <u>Titles 1 and 4</u> Titles 1 and 4
1.5 Economic Vitality	<ul style="list-style-type: none"> • Title 1 of the UGMFP Metro Code 3.07, <u>UGMFP, Title 1</u>
1.6 Growth Management	<ul style="list-style-type: none"> • Metro Code 3.01 UGB Amendment Procedures 3.01.005 UGB Amendment Procedures • 3.01.020 Legislative Amendment Criteria • Metro Code 3.06 Policy & Purpose: Designating Functional Planning Areas • Metro Code 3.07, Urban Growth Management Functional Plan:UGMFP, <u>UGMFP, Titles 1 to 7, 11 and 12</u>
1.7 Urban/Rural Transition	<ul style="list-style-type: none"> • Metro Code Chapter 3.01, UGB Amendment Procedures • 3.01.005 UGB Amendment Procedures • 3.01.020 Legislative Amendment Criteria • Metro Code 3.06, Policy & Purpose: Designating Functional Planning Areas • Metro Code 3.07, Urban Growth Management Functional Plan:UGMFP, <u>Title 5</u> Title 5

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Land Use	
1.8 Developed Urban Land	<ul style="list-style-type: none"> • Metro Code 3.01, UGB Amendment Procedures • 3.01.005 UGB Amendment Procedures • 3.01.020 Legislative Amendment Criteria • Metro Code 3.06, Policy & Purpose: Designating Functional Planning Areas • Metro Code 3.07, Urban Growth Management Functional PlanUGMFP, Titles 1 to 7 —Titles 1 to 7
1.9 Urban Growth Boundary	<ul style="list-style-type: none"> • Metro Code 3.01, UGB Amendment Procedures • 3.01.005 UGB Amendment Procedures • 3.01.020 Legislative Amendment Criteria • <u>Metro Code 3.07, UGMFP, Title 13</u>
1.10 Urban Design	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional PlanUGMFP, Titles 1 and 13 —Title 1
1.11 Neighbor Cities	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional PlanUGMFP, Title 5 —Title 5 • Signed Intergovernmental Agreements
1.12 Protection of Agriculture	<ul style="list-style-type: none"> • Metro Code Chapter 3.01 UGB Amendment Procedures • 3.01.005 • 3.01.020 Legislative Amendment Criteria
1.13 Participation of Citizens	<ul style="list-style-type: none"> • Resolution No. 97-2433 • Metro Code 2.12 Office of Citizen Involvement
1.14 School and Local Government Plan and Policy Coordination	<ul style="list-style-type: none"> • Metro Code 3.01.005.c(4), 3.01.030.a, UGB Amendment Procedures • Metro Code 3.07, Urban Growth Management Functional PlanUGMFP, Title 11
1.15 Centers	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional PlanUGMFP, Title 6 —Title 6
1.16 Residential Neighborhoods	<ul style="list-style-type: none"> • Metro Code 3.07, Urban Growth Management Functional PlanUGMFP, Title 12 —Title 12

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Transportation	
2.1 Public Involvement	<ul style="list-style-type: none"> • Transportation Planning Public Involvement Policy • Metro Code 2.12.010, Office of Citizen Involvement: Creation and Purpose Regional Transportation Plan Policy 1.0
2.2 Intergovernmental Coordination	<ul style="list-style-type: none"> • Regional Transportation Plan Policy 2.0 • Metro Code, 3.07, Title 5
2.3 Urban Form	Regional Transportation Plan Policy 3.0
2.4 Consistency between Land Use and Transportation Planning	Regional Transportation Plan Policy 4.0
2.5 Barrier-Free Transportation	Regional Transportation Plan Policy 5.0
2.6 Interim Job Access and Reverse Commute Policy	Regional Transportation Plan Policy 5.1
2.7 Transportation Safety and Education	Regional Transportation Plan Policy 6.0
2.8 Natural Environment	Regional Transportation Plan Policy 7.0
2.9 Water Quality	<ul style="list-style-type: none"> • Regional Transportation Plan Policy 8.0 • Metro Code, 3.07, Title 3
2.10 Clean Air	Regional Transportation Plan Policy 9.0
2.11 Energy Efficiency	Regional Transportation Plan Policy 10.0
2.12 Regional Street Design	Regional Transportation Plan Policy 11.0
2.13 Local Street Design	Regional Transportation Plan Policy 12.0
2.14 Regional Motor Vehicle System	Regional Transportation Plan Policy 13.0
2.15 Regional Public Transportation System	Regional Transportation Plan Policy 14.05
2.16 Public Transportation Awareness and Education	Regional Transportation Plan Policy 14.2
2.17 Public Transportation Safety and Environmental Impacts	Regional Transportation Plan Policy 14.2
2.18 Regional Public Transportation Performance	Regional Transportation Plan Policy 14.3
2.19 Special Needs Public	Regional Transportation Plan Policies 14.4, 14.5 and 14.6

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Transportation	
Transportation	
2.20 Regional Freight System	Regional Transportation Plan Policy 15.0
2.21 Regional Freight System Investments	Regional Transportation Plan Policy 15.1
2.22 Regional Bicycle System Connectivity	Regional Transportation Plan Policy 16.0
2.23 Regional Bicycle System Mode Share and Accessibility	Regional Transportation Plan Policy 16.1
2.24 Regional Pedestrian System	Regional Transportation Plan Policy 17.0
2.25 Regional Pedestrian Mode Share	Regional Transportation Plan Policy 17.1
2.26 Regional Pedestrian Mode Share	Regional Transportation Plan Policy 17.2
2.27 Transportation System Management	Regional Transportation Plan Policy 18.0
2.28 Regional Transportation Demand Management	Regional Transportation Plan Policy 19.0
2.29 Regional Parking Management	<ul style="list-style-type: none"> • Regional Transportation Plan Policy 19.1 • Metro Code, 3.07, Title 2 Regional Parking Policy
2.30 Peak Period Parking	Regional Transportation Plan Policy 19.2
2.31 Transportation Funding	Regional Transportation Plan Policy 20.0
2.32 2040 Growth Concept Implementation	Regional Transportation Plan Policy 20.1
2.33 Transportation System Maintenance and Preservation	Regional Transportation Plan Policy 20.2
2.34 Transportation Safety	Regional Transportation Plan Policy 20.3

Regional Framework Policy	Implementation Recommendation(s) or Requirements
<u>Parks and Open Spaces</u> <u>Nature in Neighborhoods</u>	
3.1 Inventory of Park Facilities and Identification and Inventory of Regionally Significant Parks, Natural Areas, Open Spaces, <u>Fish and Wildlife Habitat</u> , Trails and Greenways	<ul style="list-style-type: none"> • Parks Inventory completed, 1998, 2004 • Natural Areas Inventory conducted, 1997 • <u>Metro Code 3.07, UGMFP, Title 13</u>
3.2 Protection of Regionally Significant Parks, Natural Areas, Open Spaces, <u>Fish and Wildlife Habitat</u> , Trails and Greenways	<ul style="list-style-type: none"> • <u>Resolution 02-3253, Regional Greenspaces System Concept Map</u> • <u>Metro Code 3.07, UGMFP, Title 13</u>
3.3 Management of the Publicly Owned Portion of the Regional System of Parks, Natural Areas, Open Spaces, <u>Fish and Wildlife Habitat</u> , Trails and Greenways	<ul style="list-style-type: none"> • <u>Metro Code 3.07, UGMFP, Title 13</u>
3.4 Protection, Establishment and Management of a Regional Trails System	Resolution 02-3192, Regional Trails Plan
3.5 Provision of Community and Neighborhood Parks, Open Spaces, Natural Areas, <u>Fish and Wildlife Habitat</u> , Trails and Recreation Programs	<ul style="list-style-type: none"> • <u>MPAC Report to Council, April 2001</u> • <u>Metro Code 3.07, UGMFP, Title 13</u>
3.6 Participation of Citizens in Environmental Education, Planning, Stewardship Activities and Recreational Services	Parks and Greenspaces Annual Volunteer Program Report to Council, 2001, 2002, 2003 and 2004

Regional Framework Policy	Implementation Recommendation(s) or Requirements
<u>Water Management Watershed Health and Water Quality</u>	
4.1 Water Supply	<p>Metro Code, 3.07, Urban Growth Management Functional Plan, Title 3 Water Quality, Flood Management and Fish and Wildlife Conservation</p> <ul style="list-style-type: none"> • Regional Water Supply Plan: Chapter XII Recommended Final Plan Concept and Implementation Actions • <u>Metro Code, 3.07, UGMFP, Titles 3 and 13</u>
4.2 Overall Watershed Management	<ul style="list-style-type: none"> • <u>Regional Water Supply Plan: Chapter XII Recommended Final Plan Concept and Implementation Actions</u> • <u>Metro Code, 3.07, UGMFP, Titles 3 and 13</u>
4.3 Water Quality	<ul style="list-style-type: none"> • Regional Water Supply Plan: Chapter XII Table XII • <u>Metro Code, 3.07, UGMFP, Titles 3 and 13</u>Title 3 Water Quality, Flood Management and Fish and Wildlife Habitat
4.4 Stormwater Management	<p>Metro Code 3.07, Urban Growth Management Functional Plan,</p> <ul style="list-style-type: none"> • Title 3 Water Quality, Flood Management and Fish and Wildlife Conservation Regional Water Supply Plan: Chapter XII • <u>Metro Code, 3.07, UGMFP, Titles 3 and 13</u>
4.5 Urban Planning and Natural Systems	<ul style="list-style-type: none"> • <u>Regional Water Supply Plan: Chapter XII</u> • <u>Metro Code, 3.07, UGMFP, Titles 3 and 13</u>
4.6 Fish and Wildlife Habitat Conservation	<p>Metro Code 3.07, Urban Growth Management Functional Plan</p> <p>Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation</p>

Regional Framework Policy	Implementation Recommendation (s) or Requirements
Natural Hazards	
5.1 Earthquake Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.2 Flood Hazard Mitigation Measures	<ul style="list-style-type: none"> • Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management • Metro Code, 3.07, UGMFP, Title 3
5.3 Landslide Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.4 Volcanic Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.5 Wildland-Urban Interface Fire Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.6 Severe Weather Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.7 Biological Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.8 Other Hazard Mitigation Measures	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management
5.9 Natural Disaster Response Coordination	Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Clark County	
6.1 Coordination with Clark County	<ul style="list-style-type: none"> • Resolution No. 03-3388, Endorsing a Bi-State Coordination Committee to discuss and make recommendations about Land Use, Economic Development, Transportation and Environmental Justice Issues of Bi-state Significance; Bi-State Coordination Committee Charter and Bylaws • Resolution 03-3352 – Intergovernmental Agreement for Regional Emergency Management

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Management	
7.1 Citizen Participation	<ul style="list-style-type: none"> • Metro Code section 2.12.010 • (Office of Citizen Involvement)
7.2 Metro Policy Advisory Committee and Joint Policy Advisory Committee on Transportation	Metro Charter Section 27, MPAC by-laws
7.3 Applicability of Regional Framework Plan Policies	Metro Charter, Chapter II, Section 5(2), ORS 268.380(1)
7.4 Urban Growth Boundary Management Plan	Metro Code 3.01.005 <i>et seq.</i> , UGB and Urban Reserve Procedures
7.5 Functional Plans	<ul style="list-style-type: none"> • Metro Code 3.06.010 <i>et seq.</i> • Planning Procedure for Designating Functional Planning Areas and Activities • ORS 268.390
7.6 Periodic Review of Comprehensive Land Use Plans	Metro Code 3.01.005 <i>et seq.</i> , UGB and Urban Reserve Procedures
7.7 Implementation Roles	<ul style="list-style-type: none"> • ORS 268.380 • Metro Charter, Chapter II
7.8 Performance Measures	Title 9 of the UGMFP, Metro Code 3.07.910 <i>et seq.</i>
7.9 Monitoring and Updating	
7.10 Environmental Education	

Regional Framework Policy	Implementation Recommendation(s) or Requirements
Implementation	
8.1 Implementation	<ul style="list-style-type: none"> • Metro Charter, Chapter II, Section 5(2)(e) • Metro Code 3.01, UGB and Urban Reserve Procedures and 3.07, UGMFP
8.2 Regional Funding and Fiscal Policy	
8.3 Schools	
8.4 Administration	Title 8 of the UGMFP, Metro Code 3.07.810 <i>et seq.</i>
8.5 Enforcement	Title 8 of the UGMFP, Metro Code 3.07.810 <i>et seq.</i>

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A) Ordinance No. 05-1087
PROCESS FOR TREATMENT OF CLAIMS)
AGAINST METRO UNDER BALLOT) Introduced by Councilor Robert Liberty
MEASURE 37)

WHEREAS, the voters of Oregon enacted Ballot Measure 37 (Chapter 1 Oregon Laws 2005), which requires Metro under specified circumstances to provide relief to a property owner whose property is reduced in value as the result of a Metro land use regulation; and

WHEREAS, claims have been filed under Measure 37 contending that provisions of Metro’s Urban Growth Management Functional Plan have had the effect of reducing the value of the claimant’s property; and

WHEREAS, the Metro Council wishes to implement Measure 37 faithfully and according to law; and

WHEREAS, the Council has responsibility under its Charter and state law to protect the livability of the metropolitan region, and wishes to implement Measure 37 in a manner that, to the extent possible, protects the livability of the region; and

WHEREAS, the Metropolitan Policy Advisory Committee has reviewed the claims process enacted by the ordinance and recommends the Council adopt it; and

WHEREAS, the Council held a public hearing on the ordinance and the claims process on September 13, 2005, and has considered the public testimony; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

- 1. Chapter 2.21, Claims Under Ballot Measure 37, attached and incorporated into this ordinance as Exhibit A, is hereby added to Title II, Administration and Procedures, of the Metro Code.
- 2. The Findings of Fact and Conclusions of Law, attached and incorporated into this ordinance as Exhibit B, explain how the claims process complies with the Regional Framework Plan and state law.

ADOPTED by the Metro Council this _____ day of _____, 2005.

David Bragdon, Council President

Attest:

Approved as to form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 05-1087

CHAPTER 2.21

CLAIMS UNDER BALLOT MEASURE 37

SECTIONS	TITLE
2.21.010	Purpose
2.21.020	Definitions
2.21.030	Filing a Claim
2.21.040	Review of Claim by Chief Operating Officer and Recommendation
2.21.050	Hearing on Claim before Metro Council
2.21.060	Action on Claim by Metro Council
2.21.070	Conditions on Compensation or Waiver
2.21.080	Fee for Processing Claim

2.21.010 Purpose

This chapter establishes a process for treatment of claims for compensation submitted to Metro under Ballot Measure 37. Metro adopts this chapter in order to afford property owners the relief guaranteed them by Ballot Measure 37 and to establish a process that is fair, informative and efficient for claimants, other affected property owners and taxpayers. It is the intention of Metro to implement Measure 37 faithfully and in concert with its other responsibilities, including its charter mandate to protect the environment and livability of the region for current and future generations.

2.21.020 Definitions

(a) "Appraisal" means a written statement prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon pursuant to ORS chapter 674. In the case of commercial or industrial property, "appraisal" additionally means a written statement prepared by an appraiser holding the MAI qualification, as demonstrated by a written certificate.

(b) "Family member" means the wife, husband, son, daughter, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner of

the real property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the real property.

(c) "Land use regulation" means a provision of a Metro functional plan or a land use regulation adopted by a city or county to comply with a Metro functional plan.

(d) "Owner" means the owner of the property, or any interest therein. "Owner" includes all persons or entities who share ownership of a property.

(e) "Reduction in value" means a reduction in the fair market value of real property, or any interest therein, resulting from enactment or enforcement of a land use regulation as of the date the owner makes a written claim for compensation.

(f) "Waiver" means action by the Metro Council to modify, remove or not apply the land use regulation resulting in a reduction in value.

2.21.030 Filing a Claim

(a) A person may file a claim with Metro for compensation under Measure 37 without following the process set forth in this chapter. Metro will give priority to a claim filed under this chapter over claims filed without compliance with this chapter.

(b) A person filing a claim under this chapter must be the owner of the property that is the subject of the claim at the time the claim is submitted to Metro. The person must simultaneously file with Metro all claims against Metro under Measure 37 that involve the property. The person shall submit the claim or claims to the Chief Operating Officer (COO) and shall include, at a minimum, the following information:

- (1) The name, street address and telephone number of the claimant and all other persons and entities with an interest in the property;
- (2) A title report issued no more than 30 days prior to submission of the claim that shows the claimant's current real property interest in the property, the deed registry of the instrument by which the claimant acquired the property, the

location and street address and township, range, section and tax lot(s) of the property, and the date on which the owner acquired the property interest;

- (3) A written statement signed by all owners of the property, or any interest in the property, consenting to the filing of the claim;
- (4) A copy of any and all specific, existing land use regulation the claimant believes reduced the value of the property and a description of the manner in which the regulation restricts the use of the property;
- (5) A copy of the land use regulation that applied to the property at the time the claimant acquired the property;
- (6) An appraisal that shows the reduction in value of the property that the claimant believes resulted from the land use regulation that restricts the use of the property and the methodology used in the appraisal, such as comparable sales data;
- (7) A description of the claimant's proposed use of the property if the Council chooses to waive a land use regulation instead of paying compensation; and
- (8) A statement whether the claimant is filing claims with other public entities involving the same property.

(c) A claim shall not be considered complete for purposes of paragraphs (4) and (6) of subsection 2 of Ballot Measure 37 until the claimant has submitted the information required by this section.

2.21.040 Review of Claim by Chief Operating Officer and Recommendation

(a) The COO shall review the claim to ensure that it provides the information required by section 2.21.030. If the COO determines that the claim is incomplete, the COO shall, within 15 business days after the filing of the claim, provide written notice of the incompleteness to the claimant. If the

COO does not notify the owner that the claim is incomplete within the prescribed 15 days, the claim shall be considered complete on the date it was filed with the COO.

(b) If the COO receives a completed claim, the COO shall conduct a preliminary review to determine whether the claim satisfies all of the following prerequisites for full evaluation of the claim:

- (1) The property lies within Metro's jurisdictional boundary;
- (2) The land use regulation that is the basis for the claim is a provision of a functional plan or was adopted by a city or county to comply with a functional plan; and
- (3) The claimant acquired the property before the effective date of the land use regulation.

(c) If the claim fails to satisfy one or more of the prerequisites in subsection (b) of this section, the COO shall prepare a report to that effect and recommend to the Metro Council that it dismiss the claim as provided in section 2.21.060(a)(1).

(d) If the claim satisfies each of the prerequisites in subsection (b) of this section, the COO shall complete the review of the claim to determine whether:

- (1) The claimant owns an interest in the property and has owned an interest in the property without interruption since the claimant acquired the interest and prior to the effective date of the land use regulation that is the basis for the claim;
- (2) The land use regulation that applied to the property at the time the claimant acquired the property allowed the claimant's proposed use and, if so, what criteria or conditions applied to the proposed use under the regulation;

- (3) The specific, existing land use regulation that allegedly reduced the value of the property allows the proposed use and, if so, what criteria or conditions apply to the proposed use under the regulation;
- (4) The specific, existing land use regulation that allegedly reduced the value of the property is exempt from Ballot Measure 37 under subsection 3 of the measure; and
- (5) If the specific, existing land use regulation that allegedly reduced the value of the property is not exempt from Ballot Measure 37, the regulation restricts the proposed use and the restriction has reduced the value of the property.

(e) The COO may commission an appraisal or direct other research in aid of the recommendation whether a claim meets the requirements of Ballot Measure 37.

(f) The COO shall prepare a written report, to be posted at Metro's website, with the determinations required by subsection (b) of this section and the reasoning to support the determinations. The report shall include a recommendation to the Metro Council on the validity of the claim and, if valid, whether Metro should compensate the claimant for the reduction of value or waive the regulation. If the COO recommends compensation or waiver, the report shall recommend any conditions that should be placed upon the compensation or waiver to help achieve the purpose of this chapter and the policies of the Regional Framework Plan.

(g) The COO shall provide the report to the Council, the owner and other persons who request a copy. If the COO determines that the Council adopted the regulation in order to comply with state law, the COO shall send a copy of the report to the Oregon Department of Administrative Services.

2.21.050 Hearing on Claim before Metro Council

(a) The Metro Council shall hold a public hearing on the claim before taking final action. The COO shall schedule the hearing for a date prior to the expiration of 180 days after the filing of a completed claim under section 2.21.030.

(b) The COO shall provide notification of the date, time and location of the public hearing at least 25 days before the hearing to the claimant, owners and occupants of property within 500 feet of the subject property, the local government with land use planning responsibility for the property and any person who requests notification. The notification shall indicate that a copy of the COO's recommendation under section 2.21.040 is available upon request.

2.21.060 Action on Claim by Metro Council

(a) After the public hearing, but not later than 180 after the filing of a claim under section 2.21.030, the Metro Council shall consider the COO's recommendation and:

- (1) Determine that the claim does not qualify for compensation;
- (2) Determine that the claim qualifies for compensation and provide relief in the form of compensation or enhancement of the value of the property or decide not to apply the land use regulation; or
- (3) Determine that the claim qualifies for compensation and resolve to modify or remove the land use regulation.

(b) The Council shall take the action that is most consistent with the purpose of this chapter and the Regional Framework Plan.

(c) The Council shall issue an order with its decision and direct the COO to send the order to the claimant, persons who participated at the hearing held under section 2.21.050, other persons who request a copy, and the Oregon Department of Administrative Services if the Council adopted the land use regulation to comply with state law.

2.21.070 Conditions on Compensation or Waiver

(a) The Metro Council may place any conditions on its action under section 2.21.060, including conservation easements and deed restrictions, that are appropriate to achieve the purposes of this chapter. The Council shall place a condition a decision under section 2.21.060(a)(1) or (2) that the decision

constitutes a waiver by the claimant of any further claims against Metro under Measure 37 involving the subject property.

(b) Failure by a claimant to comply with a condition provides a basis for action to recover any compensation made or revoke any action by the Council under section under section 2.21.060(a)(2).

2.21.080 Fee for Processing Claim

(a) The COO may establish a fee to be paid by a person filing a claim at the time the person files the claim. The fee shall be based upon an estimate of the actual cost incurred by Metro in reviewing and processing claims. The COO may waive the fee if the claimant demonstrates that the fee would impose an undue hardship.

(b) The COO shall maintain a record of Metro's costs in reviewing and processing the claim. After final action by the Council under section 2.21.060 the COO shall determine Metro's total cost and issue a refund to the claimant if the estimated fee exceeded the total cost or a bill for the amount by which the total cost exceeded the estimated fee.

Exhibit B to Ordinance No. 05-1087
Findings of Fact and Conclusions of Law

Measure 37 requires Metro, under specified circumstances, to provide relief to a property owner whose property is reduced in value as the result of a Metro land use regulation. If Metro concludes that a claim brought against it entitles the claimant to relief under the measure, Metro must make a choice: compensate for the reduction in value or modify, repeal or not apply the land use regulation that caused the reduction in value.

The claims process adopted by this ordinance provides a way for Metro to determine whether a claim against Metro is valid, and whether the specific circumstances require Metro to provide relief under the measure.

If Metro chooses to compensate the property owner for the reduction in value, there is no “land use decision” to which the policies in Metro’s Regional Framework Plan (“RFP”) or state planning law would apply. Further, the compensation would prevent any land use that is contrary to the regulation, itself in compliance with state and regional land use laws.

If Metro chooses to modify or repeal the land use regulation, Metro will have to demonstrate at the time it adopts an ordinance to modify or repeal the regulation that its action is consistent with the RFP and state planning laws.

If Metro chooses not to apply the land use regulation to the claimant’s property, Metro may be authorizing a use that does not comply with the RFP or with state planning laws. Measure 37, however, expressly allows Metro to take that action, RFP and state planning laws notwithstanding. In short, if there are no funds for compensation, Metro must take action to allow a use that may violate the RFP and state planning laws if Metro is presented with a valid claim that meets the requirements of the measure.

In conclusion, Ordinance No. 05-1087 and the claims process it adopts are consistent with the RFP and state planning laws.