

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: May 25, 2000
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. EXECUTIVE OFFICER COMMUNICATIONS

4. AUDITOR COMMUNICATIONS

5. MPAC COMMUNICATIONS

6. CONSENT AGENDA

6.1 Consideration of Minutes for the May 11, 2000 Metro Council Regular Meeting.

7. ORDINANCES – SECOND READING

7.1 **Ordinance No. 00-851A**, For the Purpose of Amending the Regional Solid Waste Management Plan Regarding Goals, Objectives, and Recommended Strategies for the Management of Household Hazardous Wastes. Park

8. RESOLUTIONS

8.1 **Resolution No. 00-2947**, For the Purpose of Urging Repeal of ORS 197.296 and 1997 Oregon Laws Chapter 763 (20-Year Land Supply). Atherton

8.2 **Resolution No. 00-2948A**, For the Purpose of Authorizing the Executive Officer to Enter into a Memorandum of Understanding with Tri-Met Regarding the Right-of-Way for the Interstate Max Project and Negotiate a Real Estate Transfer Agreement. Kvistad

8.3 **Resolution No. 00-2951**, For the Purpose of Declaring the Week of June 11-16, 2000 Speech and Debate Week. McLain

8.4 **Resolution No. 00-2952**, For the Purpose of Adopting an Evaluation and Periodic Work Program for the Regional Urban Growth Boundary.

Park

10. COUNCILOR COMMUNICATION

ADJOURN

Cable Schedule for May 25, 2000 Metro Council Meeting

	Sunday (5/28)	Monday (5/29)	Tuesday (5/30)	Wednesday (5/31)	Thursday (5/25)	Friday (5/26)	Saturday (5/27)
CHANNEL 11 (Community Access Network) (most of Portland area)		4:00 P.M.					
CHANNEL 21 (TVCA) (Washington Co., Lake Oswego, Wilsonville)							
CHANNEL 30 (TVCA) (NE Washington Co. – people in Wash. Co. who get Portland TCI)							
CHANNEL 30 (CityNet 30) (most of City of Portland)	8:30 P.M.						
CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	8:00 A.M. (previous meeting)			2:00 P.M. (previous meeting)	11:00 P.M. (previous meeting)		
CHANNEL 33 (ATT Consumer Svcs.) (Milwaukie)	4:00 P.M. (previous meeting)					10:00 P.M. (previous meeting)	9:00 A.M. (previous meeting)

PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 6.1

Consideration of the May 11, 2000 Regular Metro Council Meeting minutes.
(Minutes will be distributed separately at the Council meeting.)

Metro Council Meeting
Thursday, May 25, 2000
Metro Council Chamber

Agenda Item Number 7.1

Ordinance No. 00-851A, For the Purpose of Amending the Regional Solid Waste Management Plan Regarding Goals, Objectives, and Recommended Strategies for the Management of Household Hazardous Wastes.

Second Reading

**Metro Council Meeting
Thursday, May 25, 2000
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 00-851A
THE REGIONAL SOLID WASTE)
MANAGEMENT PLAN REGARDING) Introduced by Councilor Rod Park
GOALS, OBJECTIVES AND)
RECOMMENDED STRATEGIES)
FOR THE MANAGEMENT OF)
HOUSEHOLD HAZARDOUS WASTES)

WHEREAS, The Regional Solid Waste Management Plan (Plan), was adopted by the Council as a functional plan by Ordinance No. 95-624; and

WHEREAS, the Plan includes goals and objectives for the management of household hazardous wastes; and

WHEREAS, Metro has engaged in a public process with staff, local governments and other interested parties to set a new strategic direction for the program for the next five years; and

WHEREAS, that new strategic direction requires amendments to the Plan; and

WHEREAS, the Solid Waste Advisory Committee has reviewed the new hazardous waste strategies and has recommended that Council adopt the strategies ~~amendments described in Exhibit A to this ordinance;~~ and

WHEREAS, The amendments are consistent with the overall goal of the Regional Solid Waste Management Plan: To continue to develop and implement a Solid Waste Management Plan that achieves a solid waste system that is regionally balanced, environmentally sound, cost-effective, technologically feasible and acceptable to the public; and

WHEREAS, the ordinance was submitted to the Executive Officer for consideration and was forwarded to Council for approval; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. The Regional Solid Waste Management Plan's Goal 13, located at pages 5-8, is amended to read:

Goal 13 - Toxics Reduction

~~The toxicity of mixed solid waste to~~ Protect the environment, residents of the region and workers who collect, transport, process and dispose of waste by educating residents of the region on methods of eliminating or reducing the risks arising from use, storage and disposal of hazardous materials by households and small businesses, keeping hazardous waste out of the mixed solid waste collection and disposal system.

Objective 13.1 Manage hazardous waste based on the Environmental Protection Agency's hierarchy of "reduce, reuse, recycle, treat, incinerate and landfill."

Objective 13.2 Educate residents of the region about alternatives to the use of hazardous products, proper use of hazardous products, how to generate less hazardous wastes and proper disposal methods for hazardous waste.

Objective 13.3 Provide convenient, and safe, efficient and environmentally sound disposal services for hazardous waste that remains after implementing prevention and reuse practices.

SECTION 2. The Regional Solid Waste Management Plan section entitled "Solid Waste Facilities and Services, Household Hazardous Waste (HHW) Management" located at pages 7-28 to 7-32 is repealed.

SECTION 3. Section 4 of this Ordinance is added to and made a part of the Regional Solid Waste Management Plan.

SECTION 4.

Solid Waste Facilities and Services Hazardous Waste Program

The following recommended strategies are designed to provide a unified direction for the hazardous waste program firmly based on waste reduction education and targeting programs to reduce risks to public health and safety and the environment.

1. Pursue a strategic direction that emphasizes non-hazardous alternatives, proper use of hazardous products, waste reduction education and within a risk reduction perspective.
 2. Focus outreach and education programs on reducing risks from exposure to use, improper storage of or improper disposal of hazardous products.
 3. Incorporate a shared product responsibility approach to managing hazardous wastes.
 4. Design collection services to target reduction of identified risks and to include an integrated education component.
 5. Utilize public and private solid waste facilities efficiently and effectively for the delivery of education and collection services.
-
1. Strategic Framework – Pursue a strategic direction that emphasizes non-hazardous alternatives, proper use of hazardous products, waste reduction education and within a risk reduction perspective.

Exposure to use, improper storage of or improper disposal of products containing hazardous components poses risks to human health and the environment. These risks include: fires or child poisonings resulting from improper storage; injuries to disposal system workers (haulers, transfer station or landfill workers); damage to streams and fish from runoff of improperly applied lawn and garden care products ~~chemicals or pesticides~~; and pollution of streams or ground water from improper disposal of auto products such as used oil or antifreeze.

Adoption of a strategic framework emphasizing reduction in these risks will entail incorporating the following directions into the work plan for the hazardous waste program:

- a) Make hazardous waste education a critical priority.
- b) Identify the risks (e.g. fires, poisonings, and pollution) that arise from the use of, transport of, improper storage of and improper disposal of hazardous products.
- c) Target education programs and collection services to reduce these risks.
- d) Coordinate with education and collection programs in other areas to ensure the efficiency and effectiveness of regional programs.

- e) Coordinate education efforts with ~~waste~~ water and air quality agencies to ensure residents do not shift from disposing of hazardous waste in the garbage to disposing of it in the storm or sanitary sewer systems or through open air evaporation.
 - f) Coordinate with stream habitat and water quality programs.
 - g) Measure the impact of programs and services in reducing the identified risks.
2. Outreach and Education - Focus outreach and education programs on reducing risks from ~~use~~ exposure to, improper storage of or improper disposal of hazardous products.

Education programs will be directed to changing people's behavior in ways that reduce the identified risks from hazardous products. Education programs targeted to both adults and school children will provide information on alternatives to hazardous products, proper use of hazardous products, waste reduction methods and proper management of hazardous products.

Focusing education programs on alternatives, proper use, waste reduction and reducing identified risks will require:

- a) Developing education and outreach programs that target identified risks.
 - b) Utilizing education methods that are shown to ~~change~~ increase proper use, transport, storage and disposal practices.
 - c) Ensuring a unified approach and message across education and outreach programs.
 - d) Integrating education programs with collection services.
3. Shared Product Responsibility - Incorporate a shared product responsibility approach to managing hazardous wastes.

Shared product responsibility is the effort to get all those involved in the production and use of a product (consumers, retailers, distributors and manufacturers) to take responsibility for managing the costs and other impacts of a product on society and the environment. A shared responsibility approach for hazardous products should be flexible and may include different elements depending on the product. Examples include: producers' eliminating or reducing the toxicity of a product; product return to manufacturers or retailers when safe and appropriate; and collection through Metro with assistance of resources from product manufacturers or retailers. Development of non-Metro collection options for some products may provide opportunities to improve the efficiency of the system.

Developing a shared product responsibility approach to managing hazardous wastes will require, as appropriate:

- a) Exploring development and promotion of additional collection options, for example, returning products to stores.
 - b) Providing consumer information and education at a product's point of sale. Education should include information on alternatives and proper use, transport, storage and disposal.
 - c) Establishing cooperative efforts with retailers, distributors and manufacturers.
 - d) Securing alternative funding sources for hazardous waste services through charges when feasible and appropriate on products that make identifiable extraordinary burdens on the disposal system.
4. Collection Services - Design collection services to target reduction of identified risks and to include an integrated education component.

Collection services are a critical component of the strategy to reduce risks from ~~use~~ exposure to, improper storage of and improper disposal of hazardous products. Through targeting of households subject to greater risk (for example, households with large old stockpiles of hazardous materials) and integrating education into the service, collection services can achieve the risk reduction goal of the program – rather than simply accommodating disposal.

Designing collection services to reduce identified risks will require:

- a) Promoting and targeting services (events and facilities) to serve households identified as being at greater risk. Selecting the targets (e.g. households with stockpiles) is an integral part of the process of establishing the strategic direction for the program.
- b) Increasing the convenience of collection events. For example, locating events closer to targeted households.
- c) Integrating hazardous waste prevention education with collection events. Techniques such as reducing the size or increasing the duration of collection events to allow education opportunities will be explored.
- d) Regional funding of collection services.

5. Facilities - Utilize public and private solid waste facilities efficiently and effectively for the delivery of education and collection services.

Metro's two permanent collection facilities will provide the infrastructure necessary to process hazardous wastes received at solid waste facilities and collection events.

The strategy will require:

- a) Continuing operation of the two permanent Metro hazardous waste facilities.
- b) Ensuring education programs are integrated into collection services at facilities.
- c) Utilizing private solid waste facilities where appropriate for collection events.
- d) Regional transfer stations that accept public customers to provide opportunities for these customers to dispose of their household hazardous waste.
- e) Monitoring and analyzing usage patterns of facilities and events.
- f) Assessing the effectiveness of education programs.
- g) Exploring the need for any additional permanent facilities in five years.

ADOPTED by the Metro Council this ____ day of _____, 2000.

David Bragdon, Presiding Officer

ATTEST:

Approved as to Form

Recording Secretary

Daniel B. Cooper, General Counsel

EXECUTIVE SUMMARY

Proposed Action

Adoption of Ordinance No. 00-851, which amends the Regional Solid Waste Management Plan's (Plan) regarding goals, objectives and recommended strategies for the management of household hazardous wastes.

Why Necessary

Over the past year, Metro has engaged in a process with staff, local governments and other interested parties to set a strategic direction for the program for the next five years. The process was undertaken in response to a steady growth in the number of customers using the collection facilities, and a need to move the Plan's recommended strategies beyond a focus on collection and disposal services. The process produced amendments to the Plan that places education for hazardous waste reduction at the heart of the program.

Issues\Concerns

The proposed amendments provide strategic direction for the hazardous waste program for the next five years. Specific provisions in the amendments direct the Department to:

- Emphasize non-hazardous alternatives, waste reduction education and a risk reduction perspective.
- Focus outreach and education programs on effective methods of providing information about alternatives to hazardous products and waste reduction methods.
- Explore "shared product responsibility" initiatives with retailers, distributors and manufacturers as a means of reducing household dependence on Metro for collection and education services.
- Design collection services to reach targeted households (e.g. those with stockpiled materials) and to include an integrated education component.
- Utilize public and private solid waste facilities efficiently and effectively for the delivery of education and collection services.

Budget Impact

In the short term, there will be increased expenditures for the new approach to collection services and the stronger focus on education. Over the longer term of three to five years, the strategies are intended to stabilize or reduce demand for collection services.

A draft implementation schedule showing task and costs associated with the program that implements the plan amendments is available for Council during the hearings on the present ordinance, as well as during the upcoming budget process.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 00-851, FOR THE PURPOSE OF AMENDING THE REGIONAL SOLID WASTE MANAGEMENT PLAN REGARDING GOALS, OBJECTIVES AND RECOMMENDED STRATEGIES FOR THE MANAGEMENT OF HOUSEHOLD HAZARDOUS WASTES

Date: March 9, 2000

Presented by: Terry Petersen

Action Requested and Purpose of the Ordinance

The Council is requested to adopt Ordinance No. 00-851, which approves amendments the Regional Solid Waste Management Plan's (Plan) revising the Plan's recommendations on the management of household hazardous wastes. The amendments make the changes that are necessary to ensure the Plan remains a current and relevant policy document. The amendments are summarized later in this staff report.

Existing Law

The policies governing provision of hazardous waste services are contained within the Regional Solid Waste Management Plan (Plan). The Plan was adopted by the Council as a functional plan via Ordinance No. 95-624 and requires Council action by ordinance to be amended.

Background

Introduction

The adopted goal of Metro's hazardous waste program is to protect public health, safety and the environment. In order to achieve this goal, Metro's Regional Environmental Management Department (REM) provides hazardous waste reduction education programs and collection and processing services for residents and some small businesses within the region.

Metro provided its first collection event in 1986. By 1999, Metro's hazardous waste programs and services had grown to include:

- Two permanent facilities serving 24,000 customers per year
- Satellite collection events serving 7,000 customers per year
- Education programs including: education booklets and brochures; a telephone hotline; Natural Gardening workshops; and primary and secondary school education programs.

The services provided by these programs are well received by the public and broadly supported by citizens and Metro's local government partners. Other agencies also support Metro's hazardous waste programs (for example, fire departments, sewer and water quality agencies) because they see them as complementing their efforts.

Planning Process

The number of customers using the permanent facilities has been growing steadily over the past several years and the Department wanted to ensure the program was focused on meeting specific objectives and not just "growing to meet demand." To address these issues, REM staff undertook a planning process to determine the best direction for the program for the next five years.

The process looked at what the program was trying to achieve and how best to get there. Planning sessions were held with educators, outreach staff from neighborhood, fire, sewer, and water agencies, local government waste reduction staff and Metro's hazardous waste facility staff. REM staff developed options for education and collection service strategies for stakeholders' review and comment. The sessions provided very constructive feedback that was incorporated into the proposed strategies. Of particular value were suggestions about how to strengthen the education strategies. The strategic recommendations that resulted from the process place education about alternatives to hazardous products and ways to reduce generation of hazardous wastes at the center of the program.

Development of Amendments

Based on the outcomes of the planning sessions, staff developed a set of recommended strategies for incorporation into the Plan. The amendments make minor clarifications to the Plan's hazardous waste goal and objectives and replace the current recommended strategies with a set of unified strategies reflective of the results of the planning process. The new recommended strategies differ in focus and emphasis rather than substance from those being replaced. While the previous recommendations did include waste reduction strategies, they were focused in large part on the collection system.

Draft recommended amendments were present to the Solid Waste Advisory Council (SWAC) on December 15, 1999. The amendments were discussed further and unanimously approved at the January 19, 2000 meeting.

DEQ Approval

Review of RSWMP amendments by the Oregon Department of Environmental Quality (DEQ) is required once the Metro Council approves them. The DEQ has the right of final approval on any RSWP amendments. The DEQ had an initial opportunity to comment on the amendments through their membership on the Solid Waste Advisory Committee and their staff has indicated they can support the amendments.

Summary of the Proposed Amendments

The proposed amendments are contained in two parts: (1) Clarifications to the goals and objectives covering hazardous wastes; (2) Replacement of the existing recommended strategies in the Plan's hazardous waste chapter with the new recommendations developed during the planning process.

Goals and Objectives

The language in the current goal does not clearly state the importance of "upstream" efforts to eliminate or reduce hazardous wastes. The current emphasis is primarily on potential problems for disposal system workers. However, this narrow emphasis conflicts with a wider perspective displayed in the three objectives enumerated under the goal as currently written. All three objectives currently refer to the importance of various "upstream" efforts including the use of non-hazardous alternatives, prevention, reuse and recycling. The proposed modifications bring the language of the overarching goal more in line with the language in the objectives.

Goal 13 Toxics Reduction

~~Reduce the toxicity of mixed solid waste to~~ Protect the environment, residents of the region and workers who collect, transport, process and dispose of waste by eliminating or reducing the risks from use, storage and disposal of hazardous materials by households and small businesses. ~~keeping hazardous waste out of the mixed solid waste collection and disposal system.~~

During the review of the proposed amendments with SWAC, the question was considered whether the phrase "from use, storage and disposal" somehow broadened the scope of the program. For example, would the program be critiquing manufacturers' instructions on the proper application of a product? This is not the intent of the phrase. The aim is to point out how risks can arise from more than just improper disposal and that the program's primary recommendation would be to eliminate use or find a non-hazardous alternative.

The proposed changes to the objectives clarify the aims of the education and disposal services provided by the program. The concept of reducing generation is now included as an aim of education efforts in Objective 13.2. In Objective 13.3, hazardous waste disposal services are to be "efficient and environmentally sound" as well as safe and convenient.

Objective 13.2 Educate residents of the region about alternatives to the use of hazardous products, how to generate less hazardous wastes and the proper disposal methods for hazardous waste.

Objective 13.3 Provide convenient, and safe, efficient and environmentally sound disposal services for hazardous waste that remains after implementing prevention and reuse practices.

Recommended Strategies

The following five recommended strategies are proposed to replace those currently contained in the Plan.

1. **Strategic Framework** - Pursue a strategic direction that emphasizes non-hazardous alternatives, waste reduction education and a risk reduction perspective.

The strategic framework is intended to guide the development of a unified work plan for the hazardous waste program. The sharpened focus on education and identifying and targeting specific risks (e.g. households stockpiles of hazardous wastes) is intended to prevent the program from developing in a direction that simply accommodates increases in demand for disposal. Other specific elements of the strategy direct the program to measure program impacts, coordinate with related programs (e.g. sewer and waste agency pollution prevention efforts) and compare our regional efforts with other areas to ensure their effectiveness.

2. **Outreach and Education** - Focus outreach and education programs on reducing risks from use, storage or disposal of hazardous products.

The planning process revealed strong support from stakeholders for hazardous waste reduction education. While current Plan recommendations also endorse education efforts, the new recommendations place greater emphasis on identifying, targeting and changing specific household behaviors. The recommendations also direct attention to developing a unified message across all the program's components and integrating education into collection services.

3. **Shared Product Responsibility** - Incorporate a shared product responsibility approach to managing hazardous wastes.

Shared product responsibility is the effort to get all those involved in the production and use of a product (consumers, retailers, distributors and manufacturers) to share responsibility for managing the costs and other impacts of a product on society and the environment. For example, under this approach, residents could be provided with waste reduction information at retail stores and, if safe and feasible, an opportunity to "take-back" product residuals to a retail store. Staff expects that implementation of this strategy will be a longer-term development requiring extensive work with stakeholders.

4. **Collection Services - Design collection services to target reduction of identified risks and to include an integrated education component.**

The recommended strategy recognizes collection services as a critical component of the strategy to reduce risks from use, storage and disposal of hazardous products. Through targeting of households subject to greater risk (for example, households with large old stockpiles of hazardous materials) and integrating education into the service, collection services can achieve the risk reduction goal of the program – rather than simply accommodating disposal. Specific elements of the strategy may include making collection events more accessible, reducing the size of events and increasing the duration of events. These changes are to allow a greater opportunity for education services at the events. Funding for collection services is recommended to remain a regional responsibility.

5. **Facilities - Utilize public and private solid waste facilities efficiently and effectively for the delivery of education and collection services.**

Under the recommended strategy, Metro's two permanent collection facilities will provide the infrastructure needed to process waste received at solid waste facilities and collection events for the next five years. Specific elements of the recommended strategy include using other solid waste facilities (e.g. material recovery facilities) in the region as sites for collection events and requiring regional transfer stations that take public customers to provide collection opportunities.

Budget Impact

Implementation of the strategic direction set out in the amendments is expected to have both short and long term impacts. In the short-term of the next two years, there will be increased expenditures for the new approach to collection services and the stronger focus on education. In the longer term of three or more years, the strategies are intended to stabilize or reduce demand for collection services. Shared product responsibility initiatives are also intended to reduce the need for Metro to carry the entire fiscal burden of providing education and collection services.

Implementation of the plan for the hazardous waste program is to occur in three main phases: 1) Implementation of the new approach to collection; 2) Exploration of expanded adult education programs; 3) Shared Product Responsibility initiatives. Over the next two fiscal years, the major budget impacts would result from the implementation of the new approach to collection.

Phase 1 – New Approach to Collection

Implementation of the new approach to collection consists of the smaller “roundup” events and integrated hazardous waste reduction education. The one-time costs of developing the education and targeting programs is estimated at \$105,000 and purchase of

equipment for the roundups is estimated at \$71,000. After the first year, maintaining the education and targeting efforts is estimated at \$40,000 per year in materials and services. Under the draft implementation plan, additional resources for the education and outreach efforts are recommended if available.

The traditional large collection events are still planned for the fall of 2000 regardless of the status of any new initiatives. If Council approves Ordinance 00-851 in time for the FY 2000-01, the new roundups would start in the spring of 2001. FY 2001-02 would be the first full year of operation of the roundup system.

The roundup event system is projected to serve a larger number of customers than does the current event system. However, the growth in the number of customers using the permanent facilities will be reduced. The total number of customers (events and permanent facilities) served by FY 2001-02 under the new approach is projected to be slightly greater than would have been the case under the old approach (45,000 versus 43,000). The cost to serve the additional customers is estimated at \$129,000.

The additional costs for the new approach to collection are an investment in waste prevention education. Without this investment, the number of customers using the collection facilities would be expected to continue to grow at a rapid rate. The new collection system can provide both the benefits from the proper disposal of hazardous wastes and a reduction in future collection and disposal costs.

Phase II – Expanded Adult Education

Phase II will explore expanding adult education efforts such as the Natural Gardening program. Retail point of purchase programs and coordination with water quality and salmon recovery efforts in the region are expected to be important elements. A regional program would require two years to develop placing potential implementation in FY 2002-03. During this development process, Council would be kept apprised of the program and its budget impacts.

Phase III – Shared Product Responsibility

Phase III would pursue shared product responsibility initiatives. These initiatives are long-term issues with short-term budget impacts limited to funds to research options and conduct stakeholder processes. Council would be kept apprised of the initiatives and potential budgetary impacts.

A draft implementation schedule showing tasks and costs associated with each phase is available on request to REM at (503) 797-1665.

Agenda Item Number 8.1

Resolution No. 00-2947, For the Purpose of Urging Repeal of ORS 197.296 and 1997 Oregon Laws Chapter 763 (20-Year Land Supply).

**Metro Council Meeting
Thursday, May 25, 2000
Metro Council Chamber**

**FOR THE PURPOSE OF URGING
REPEAL OF ORS 197.296 AND
1997 OREGON LAWS CH. 763**

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RESOLUTION NO. 00-2947

Introduced by Councilor
Bill Atherton

WHEREAS, the 1995 Legislative Assembly enacted HB 2709, containing a provision eventually codified as ORS 197.296; and

WHEREAS, ORS 197.296 requiring cities, counties and metropolitan service districts to maintain a supply of buildable lands to accommodate estimated housing needs for 20 years is a local issue and not a legitimate matter of state concern; and

WHEREAS, the 1997 Oregon Legislature enacted 1997 Oregon Laws Ch. 763, which requires a review of actual construction every five years and mandates adjustments to the Urban Growth Boundary (UGB) and/or implementation legislation to increase urban density; and

WHEREAS, the twenty year supply maintenance requirement based upon a five year analysis is artificial and can result in a greater than needed expansion when this five year snapshot is taken in a booming housing market; and

WHEREAS, neither statute requires or permits an analysis of the infrastructure costs of expansion of the UGB or requires a determination of how such costs will be paid and who will be responsible for these costs; and

WHEREAS, these statutes can result in an oversupply of land within the UGB, can allow inefficient use of lands inside the boundary, and can increase infrastructure costs for existing residents; now, therefore,

BE IT RESOLVED

1. That ORS 197.296 and 1997 Oregon Laws Chapter 763 should be amended to allow, rather than require moving a UGB to maintain a 20-year land supply.

ADOPTED by the Metro Council this _____ day of _____, 2000.

David Bragdon, Presiding Officer

Approved as to form:

Daniel B. Cooper, General Counsel
H:/stone/mydocuments/atherton:R 00-2947
Revised 5-11-00: jas

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 00-2947, FOR THE PURPOSE OF URGING REPEAL OF ORS 197.296 AND 1997 OREGON LAWS CHAPTER 763.

DATE: May 4, 2000

Presented by: Michael Morrissey

INTENT AND RATIONALE

Resolution No. 00-2947 requests the abolition of certain state statutory requirements (resulting from HB 2709 and HB 2493) related to Metro's management of the Urban Growth Boundary. Specifically targeted are the requirements to maintain a 20-year supply of buildable land for housing and employment needs, and to review actual construction within the UGB. There is concern that the 20-year requirement can result in greater UGB capacity than needed, the subsequent inflated need for infrastructure, and the resulting inefficient use of land already within the existing UGB. The accuracy of 20-year projections is questioned, as well as activities based on those projections.

Resolution 00-2947 is based on the assumption that the above requirements are an impediment to the ability of communities to create their own local environment. In addition, the concept of "carrying capacity" of the land, or region, cited in state-wide land use planning goals as well as Metro policies, has been largely ignored, and is overshadowed by the requirement for a 20 year buildable land supply.

FACTUAL BASIS AND ANALYSIS

By state statute, Metro is the manager of the Portland regional urban growth boundary, which is a long-term planning tool created by state land use legislation. Among its purposes is the separation of urbanizable from rural land, and its management must be consistent with state-wide planning goals such as Goal 10—Housing, and Goal 14—Urbanization. In addition, Metro's use of the UGB in conjunction with managing long-term growth, creating a satisfactory compact form and urban design, and balancing specified needs for housing, employment, livability and open space are embedded in Metro Code, RUGGO and the Regional Framework Plan.

Goal 14's purpose is "to provide for an orderly and efficient transition from rural to urban land use" and includes seven factors which must be considered in the establishment and change of urban growth boundaries including:

- 1) demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals; and
- 2) need for housing, employment opportunities and livability.

EXISTING LAW

The 1995 and 1997 legislatures adopted legislation (HB 2709) which requires cities, counties and metropolitan service districts to take certain actions in order to maintain a supply of buildable land inside an urban growth boundary necessary to accommodate estimated housing needs for 20 years. Prior to HB 2709, by practice, "long-range" was understood to be approximately a 20-year time period, which local comprehensive plans were required to address, or justify why a different time period was used. In fact Metro used that time period for its own planning processes.

Metro has recently taken most of the required steps to accomplish HB-2709 requirements by producing the Urban Growth Report and Housing Needs Analysis, creating urban reserves totaling approximately 18,500 acres, and adopting legislation with the intent to move the Metro Urban Growth Boundary to include about 5,400 additional acres.

CONCLUSION

State statute and laws cited in Resolution 00-2947 are felt to be overly directive with regard to local ability to manage the urban growth boundary. Local and regional government would have more flexibility to operate within the requirements of Goal 14 if those requirements were repealed.

Additional statutes may need to be reviewed, based on the intent of Resolution 00-2947, e.g. ORS 197.299. Should the identified state statutes be repealed, further Council discussion could be needed as to how Metro would view UGB management with regard to remaining state policy, i.e. Goal 14. The Council would likely also want to review related Metro growth management policy documents as well.

Agenda Item Number 8.2

Resolution No. 00-2948A, For the Purpose of Authorizing the Executive Officer to Enter into a Memorandum of Understanding with Tri-Met Regarding the Right-of-way for the Interstate Max Project and Negotiate A Real Estate Transfer Agreement.

**Metro Council Meeting
Thursday, May 25, 2000
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 00-2948A
EXECUTIVE OFFICER TO ENTER INTO A)
MEMORANDUM OF UNDERSTANDING WITH) Introduced by
TRI-MET REGARDING THE RIGHT-OF-WAY) Councilor Rod Monroe
FOR THE INTERSTATE MAX PROJECT AND)
NEGOTIATE A REAL ESTATE TRANSFER)
AGREEMENT.)

WHEREAS, The Interstate MAX Project extends from downtown Portland to the Metropolitan Exposition (Expo) Center and is an important component of the light rail system and the Region 2040 Growth Concept; and

WHEREAS, Metro was the lead local agency in the planning and environmental work for the Interstate MAX Project; and

WHEREAS, In June 1999, Metro Council approved Resolution 99-2806A adopting the Locally Preferred Strategy (LPS) and in October 1999 Resolution 99-2853A adopting the Land Use Final Order (LUFO) that identified the route and stations for the entire project including a station, park-and-ride lot and bus transfer improvements (Attachment #1 to Exhibit A) located at the Expo Center; and

WHEREAS, The Expo Center is a major regional attraction which is owned by Metro and operated by the Metropolitan Exposition-Recreation Commission (MERC); and

WHEREAS, More than 750,000 people visited the Expo Center in 1999; and

WHEREAS, The Transportation Planning Rule and regional policy is predicated on a much higher use of transit and that the Interstate MAX Project would greatly enhance transit service to the Expo Center; and

WHEREAS, To meet the requirements of federal statutes and regulations adopted by the Federal Transit Administration (FTA), Tri-Met must demonstrate that it will have

continuing control over the property on which the Interstate MAX Project is constructed prior to the issuance of a Full Funding Grant Agreement by the FTA; and

WHEREAS, MERC, Metro and Tri-Met staffs have worked cooperatively on developing plans for the light rail station and bus transfers improvements and have developed a draft Memorandum of Understanding (Exhibit A) related to the Expo Center right-of-way necessary for the Interstate MAX Project; and

WHEREAS, The Memorandum of Understanding provides certainty to Tri-Met and the Federal Transit Administration that the project will have continuing control over the property identified in Attachment A#1 to Exhibit A and that Tri-Met will agree to pay fair market value for the land required for the light rail purposes and for certain improvements including pavement upgrades for internal routing of Tri-Met buses, and a covered walkway with appropriate art work from the light rail station to the Expo Center; and

WHEREAS, Approximately 300 parking spaces will be required for park-and-ride purposes until such time as light rail is extended to Vancouver, Washington; and

WHEREAS; MERC, Metro and Tri-Met will work to develop mutually agreed compensation to Metro/MERC for the valuation of the land required for the use of the light rail alignment and station, including the use of a portion of the Expo parking lot for the purpose of an interim park-and-ride lot; and

WHEREAS, this compensation will be specified in a Real Estate Transfer Agreement between Metro and Tri-Met; and

WHEREAS, All parties agree to a mediation process to determine such compensation in the event that mutually agreed upon compensation is not possible; now, therefore

BE IT RESOLVED,

1) That the Metro Council hereby authorizes the Executive Officer to enter into a Memorandum of Understanding with Tri-Met regarding the right-of-way required for the Interstate MAX Project (Exhibit A); and

2) That staff be directed to develop a Real Estate Transfer Agreement that details the compensation to be provided to Metro/MERC for the valuation of land, including the loss of parking revenue, for the station, alignment, bus access road and interim park-and-ride lot required for light rail purposes; and

3) That such Agreement will include the construction by Tri-Met of a covered walkway between the light rail station and the Expo Center, subject to the terms of the Memorandum of Understanding; and

4) This is the policy and intent of the Metro Council that 92.5 percent of any funds received as compensation for lost revenues and 100 percent of all other funds received for other purposes from Tri-Met pursuant to the Real Estate Transfer Agreement shall be placed in the MERC Pooled Capital Fund. These funds shall be earmarked and used exclusively by MERC for Expo-related capital projects. 7.5 percent of any funds received pursuant to this agreement as compensation for lost revenues pursuant to this agreement shall be deposited in the General Fund of Metro for any general use. Any capital project funded by these revenues shall be subject to Metro Council approval through normal approval mechanisms, including the Capital Improvement Plan.

45) That the Real Estate Transfer Agreement will be brought to the Metro Council for adoption upon its completion.

ADOPTED by the Metro Council this _____ day of _____, 2000.

David Bragdon, Presiding Officer

Approved as to form:

Daniel B. Cooper, General Council

RB:DU:rmb

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Exhibit A: Draft Memorandum of Understanding

STAFF REPORT

FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH TRI-MET REGARDING THE RIGHT-OF-WAY FOR THE INTERSTATE MAX PROJECT AND NEGOTIATE A REAL ESTATE TRANSFER AGREEMENT.

Date: May 9, 2000

Presented by: Richard Brandman

PROPOSED ACTION

This action would authorize the Executive Officer to enter into a Memorandum of Understanding with Tri-Met regarding the use of right-of-way owned by Metro for the Interstate Max Project and negotiate a Real Estate Transfer Agreement.

EXISTING LAW

Metro Code Section 2.14 Facility-Related Parking Policy and Regulations notes that parking lots and structures used for other than MERC/Metro employees or visitors are allowed if they are operated in an entrepreneurial manner that generates revenues for Metro and its facilities. Agreement for the compensation for areas currently used by Expo for parking will be a component of a future Real Estate Transfer agreement between the affected parties.

FACTUAL BACKGROUND AND ANALYSIS

Tri-Met has been required by the Federal Transit Administration to demonstrate continuing control over property on which the Interstate Max Project will be constructed and operated. The Interstate Max Project includes a light rail station, light rail alignment, bus shelters, bus roadway and park-and-ride spaces on Expo Center property that is currently owned by Metro and operated by the Metropolitan Exposition-Recreation Commission (MERC).

MERC, Metro and Tri-Met staff have prepared a draft Memorandum of Understanding (MOU) to meet the Federal Transit Administration requirements. The attached Memorandum of Understanding indicates that Metro, MERC and Tri-Met agree in principal to allow the project to be constructed and operated on Expo Property and that Tri-Met, MERC and Metro will develop a mutually agreed upon compensation package for the valuation of the land and loss of parking. This compensation package is yet to be determined and will be detailed in a future Real Estate Transfer Agreement between the agencies. The MOU also specifies a mediation process that will be adhered to in the event that the parties can not mutually agree to fair compensation.

The Memorandum of Understanding notes that Tri-Met will pay for the construction of a covered walkway, which is currently estimated to cost \$600,000, that will connect the light

rail station to the building located on the west side of the parking lot, and include appropriate art work. The parties agree to negotiate in good faith for any costs that exceed \$600,000.

BUDGET IMPACT

No budgetary impacts are anticipated as a result of this MOU; however, the related Real Estate Transfer Agreement between Tri-Met and Metro would be expected to raise capital for Metro and MERC. Details of the compensation package will be a component of future Real Estate Transfer Agreement that will be adopted by the Metro Council at a later date.

RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 00-2948.

RB:DU:rmb

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Agenda Item Number 8.3

**Resolution No. 00-2951, For the Purpose of Declaring the Week of June 11-16,
2000 Speech and Debate Week.**

**Metro Council Meeting
Thursday, May 25, 2000
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DECLARING
THE WEEK OF JUNE 11-16, 2000
SPEECH AND DEBATE WEEK

} RESOLUTION NO. 00-2951
} Introduced by Metro Councilor
} Susan McLain and Executive
} Officer Mike Burton

WHEREAS, America's founders created this great country on the basis of freedom of speech, the integrity of great debate, and with a long range vision for the future;

WHEREAS, Metro's Future Vision Report, adopted in 1995, heralds the individual values of children, education, participation, civic life and vital communities;

WHEREAS, Metro has for twenty years provided regional leadership through public and participatory debate and discussion;

WHEREAS, issues about clean air, clean water, environmental management, land use and transportation alternatives concern everyone;

WHEREAS, Metro continually promotes the interlocking relationship of government to education and environment to create livable communities;

WHEREAS, Metro believes in the youth of today becoming the leaders of tomorrow;

NOW THEREFORE BE IT RESOLVED, that Metro recognizes and salutes the young people from all over the United States of America participating in the 2000 Northwest Rose Speech and Debate Nationals in Portland, Oregon by declaring June 11 through 16, 2000 as Speech and Debate Week.

ADOPTED BY THE METRO COUNCIL THIS _____ day of _____,
2000.

David Bragdon, Presiding Officer

Approved as to form:

Daniel B. Cooper, General Counsel

STAFF REPORT:

Consider resolution No. 00-2951 for the purpose of declaring the week of June 11-16, 2000 Speech and Debate Week

May 8, 2000

Nancy Goss Duran

BRIEF DESCRIPTION OF RESOLUTION

This resolution recognizes and salutes the young people from all over the United States of America participating in the 2000 Northwest Rose Speech and Debate Nationals at the Oregon Convention Center in Portland, Oregon, by declaring June 11 through 26, 2000 as Speech and Debate Week.

EXISTING LAW

None

BACKGROUND

Brochure attached

BUDGET IMPACT

None

OUTSTANDING QUESTIONS

None

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution 00-2951

Agenda Item Number 8.4

**Resolution No. 00-2952, For the Purpose of Adopting an Evaluation and Periodic Review Work Program
for the Regional Urban Growth Boundary.**

(The resolution, associated exhibits, and staff report available in the Council
office on Monday, May 22, 2000.)

**Metro Council Meeting
Thursday, May 25, 2000
Metro Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

May 11, 2000

Metro Council Chamber

Councilors Present: David Bragdon (Presiding Officer), Susan McLain, Ed Washington (Deputy Presiding Officer), Rod Park, Bill Atherton, Rod Monroe, Jon Kvistad

Councilors Absent: None

Deputy Presiding Officer Washington convened the Regular Council Meeting at 2:00 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATIONS

Councilor McLain reviewed the Metro Policy Advisory Committee (MPAC) meeting in Councilor Park's absence. MPAC agenda items included: 1) Report from the Goal 5 subcommittee, 2) Report from the Affordable Housing Technical Advisory Committee (H-TAC). Discussion by subcommittee and general membership on possible incentives for building affordable housing. The report would come before the Growth Management Committee shortly and included public hearings, and 3) Report on the State Land Conservation and Development Commission (LCDC) Goal 14 issue. A motion was approved to allow a minimal lot size of no more than 20 acres or less within 1-mile of the urban growth boundary (UGB).

Presiding Officer Bragdon added that the motion language would be incorporated into the resolution that would come before Council today.

6. CONSENT AGENDA

6.1 Consideration of minutes of the April 27, 2000 Regular Council Meeting.

Motion: **Presiding Officer Bragdon** moved to adopt the meeting minutes of April 27, 2000 Regular Council meeting.

Seconded: Councilor McLain seconded the motion.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed with Councilor Park absent from the vote.

7. ORDINANCES – FIRST READING

7.1 **Ordinance No. 00-864**, Amending the FY 1999-00 Budget and Appropriations Schedule by Transferring Appropriations from Contingency to Operating Expenses in the Zoo Operating Fund; and Declaring an Emergency.

Deputy Presiding Officer Washington assigned Ordinance No. 00-864 to the Metro Operations Committee.

8. ORDINANCES –SECOND READING

8.1 **Ordinance No. 00-854**, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Reflecting Cost of Living Adjustments and Health and Welfare Increases; and Declaring an Emergency.

Motion: Councilor Monroe moved to adopt Ordinance No. 00-854.

Seconded: Presiding Officer Bragdon seconded the motion.

Councilor Monroe reviewed Ordinance No. 00-855. At the time the budget was approved a year ago, Metro was in negotiations with some of the represented labor staff. A collective bargaining agreement was reached in July. This ordinance reflected those agreed upon changes. He urged Council support.

Councilor Kvistad asked why the changes were being done now if the agreement had been reached in July.

Kathy Rutkowski, Financial Planning Analyst, responded that it had been planned to include this ordinance when the supplemental budget was brought forward. At a later time it was decided not to have a supplemental budget. It became a timing issue, and was brought forward as soon as the FY 2000-01 budget had been completed.

Councilor Kvistad said these "emergency" ordinances drove him nuts. He would vote no because it had not been brought forward in a timely manner.

Jennifer Sims, Administrative Services Department Director/Chief Financial Officer, took responsibility for the delay. She said it was due to workload and an unfilled position in the department.

Councilor Monroe said this was a minor tempest and made no difference in costs that had been delayed.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-854. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

Vote: The vote was 5 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Kvistad voting no and Councilor Park absent from the vote.

8.2 Ordinance No. 00-855. Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Reflecting an Authorized Interfund Loan form the Solid Waste Revenue Fund to the Convention Center Project Capital Fund Project; and Declaring an Emergency.

Motion: Councilor Monroe moved to adopt Ordinance No. 00-855.

Seconded: Councilor Kvistad seconded the motion.

Councilor Monroe reviewed Ordinance No. 00-855. This was an interfund transfer loan from the Solid Waste Revenue fund to the Oregon Convention Center (OCC) Capital fund for the purpose of beginning the project pending the final sale of bonds. That sale would be delayed until Fall because of ballot initiatives that might or might not be on the ballot and might or might not pass. Regardless of how this was resolved, the funds would not be wasted. The ballot initiative would simply effect the timing of the bond sale. It was important to get the project underway.

Councilor Atherton asked if this money would be returned to the Solid Waste fund to keep it whole.

Councilor Monroe responded yes.

Presiding Officer Bragdon said that this was a very complex transaction involving Multnomah County, the City of Portland and the lodging and rental car industries. There were also technical complications that he hoped would be resolved by this action. He hoped that the questions posed by the ballot measures would not slow the construction down. He urged support.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-855. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed with Councilor Park absent from the vote.

8.3 Ordinance No. 00-861, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Adopting a Supplemental Budget for the Zoo Operating Fund for the Fiscal Year beginning July 1, 1999 and ending June 30, 2000; and Declaring an Emergency.

Motion: Presiding Officer Bragdon moved to adopt Ordinance No. 00-861.

Seconded: Councilor Kvistad seconded the motion.

Presiding Officer Bragdon reviewed the amendment. It reflected changes for the better because of increased attendance and also reflected a donation from Intel Corporation. Expenses were up, but that was due to these same factors. If more hot dogs were sold, more hot dogs had to be bought. A larger gate required greater personnel costs. Additional unanticipated costs were related to transporting Chendra the elephant.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-861. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

Presiding Officer Bragdon urged an aye vote.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

8.4 Ordinance No. 00-862, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Recognizing Grant Funding for the Replacement of Dock Floats at the M. James Gleason Boat Ramp; and Declaring an Emergency.

Motion: **Councilor Atherton** moved to adopt Ordinance No. 00-862.

Seconded: **Councilor Monroe** seconded the motion.

Councilor Atherton said this would amend this year's budget to recognize a \$35k grant from the State Marine Board to repair and replace the dock floats. It required \$3.5k from Metro's contingency fund for a total of \$38.5k. He urged an aye vote.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-862. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

8.5 Ordinance No. 00-863, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Adjusting Expenditures in the Contractor's Business License Project; and Declaring an Emergency.

Motion: **Councilor Atherton** moved to adopt Ordinance No. 00-863.

Seconded: **Councilor Monroe** seconded the motion.

Councilor Atherton reviewed the ordinance which addressed compliance with the Government Standards Board statement 34. It required revenues received in one year be spent in that same fiscal year and a transfer from Support Services Contingency fund of \$280k. It was merely a technical matter. He urged an aye vote.

Deputy Presiding Officer Washington opened a public hearing on Ordinance No. 00-863. No one came forward. Deputy Presiding Officer Washington closed the public hearing.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

9. RESOLUTIONS

9.1 Resolution No. 00-2940, For the Purpose of Approving the Year 11 Partnership Plan for Waste Reduction (Fiscal Year 2000/01).

Motion: **Presiding Officer Bragdon** moved to adopt Resolution No. 00-2940.

Seconded: **Councilor McLain** seconded the motion.

Presiding Officer Bragdon reviewed the resolution. Each year Metro was required to develop a partnership plan for waste reduction in conjunction with the solid waste industry and local regional governments. It had been reviewed by the Solid Waste Advisory and Regional

Environmental Management Committees and came forward with their recommendation. It included partnerships with local governments and the industry in several new areas where the Council had specifically requested improvements: to increase commercial recycling and construction and demolition debris as well as organic materials.

Councilor McLain supported this, as she had for the past 10-years. There was \$784k in this program, of which \$184k was competitive grants. She believed that the committees had done a good job of defining the problem and Metro should spend this money on ways to make it easier for businesses and locals to do the job of getting the hard-to-recycle items out of the waste stream.

Presiding Officer Bragdon urged an aye vote.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

9.2 Resolution No. 00-2941A, For the Purpose of Recommending that the Land Conservation and Development Commission Adopt Regulations to Protect Exception Lands Adjacent to the Metro Urban Growth Boundary from Further Parcelization.

Motion: **Councilor Park** moved to adopt Resolution No. 00-2941A.

Seconded: **Presiding Officer Bragdon** seconded the motion.

Councilor Park said that in discussion at the last Council meeting there had been concern as to what size parcels would result and if it would result in a good future development pattern. In 1997 the Land Conservation and Development Commission (LCDC) adopted regulations that counties maintain a 20-acre minimum lot size for future parcelization of exception lands adjacent to the Metro UGB. During the urban reserve process Metro had been given that authority. Those urban reserves no longer existed due to court actions. The original resolution urged either LCDC retain that authority at the 20-acre minimum or give the authority to Metro within 2-miles of the UGB. MPAC recommended, and Metro concurred, that LCDC adopt regulations to require a 20-acre minimum lot size for exception lands zoned for residential use within 1-mile of the current UGB to protect adjacent exception lands from further parcelization. This would allow the counties to work directly with LCDC on the issue and, hopefully, still protect those areas for future development when appropriate. This kept Metro out of the unfortunate position of having to negotiate between LCDC, counties and individuals who may be in this in-between area, but put responsibility back between the State and counties.

Councilor McLain commented that she felt there was more confusion than clarity at the MPAC meeting she attended last night. Right now Clackamas and Washington Counties had dealt very differently with the parcelization that had happened in their counties. She was bothered by the 1-mile limit. However, she felt that nothing was being put in place that could not be amended. This resolution was simply a suggestion to LCDC. It was important to listen to Metro's partners, but in this case she did not feel that MPAC was sure which brought the most protection.

Deputy Presiding Officer Washington opened a public hearing on Resolution No. 00-2914A.

Jane Leo, Portland Metropolitan Association of Realtors, 5100 SW Macadam #360, Portland, 97201, said she supported the "A" version of this resolution. She agreed that land use regulation should be discussed and regulated by LCDC in conversation with the county.

Councilor Park asked if this meant that she supported LCDC.

Ms. Leo responded no, she was not saying that, nor that the Association would not oppose 20-acre minimums without additional language being included in LCDC Goal 14 regulations that would recognize lots of record, existing parcelization and some grand fathering-in. She was afraid that Councilor Park had misinterpreted her comments.

Peter Kusyk, 25445 SW Newland Rd, Wilsonville 97070, said he had not supported the original resolution. He was not in favor of the 20-acre parcelization, but it was a move in the right direction to bring it down to the local areas to make up their minds on each parcel.. He supported this version of the resolution.

Councilor Atherton asked Ms. Leo why she would support the move from 2-miles to 1-mile. What was the public purpose that was served.

Ms. Leo said her interpretation was that reducing the size gave a little more certainty to the market as to what would happen to the area. Two-miles was too broad a brushstroke. While she did not mean to say this resolution was perfect, it was much more palatable than the original.

Councilor Atherton asked why it was more palatable..

Ms. Leo said what it made it more palatable was that it took Metro out of control of that land.

Councilor Atherton said there were State land use laws protecting farm and forest and exception lands. He asked if she was suggesting that she wanted to see much more parcelization on the fringe. He could not see what public purpose that served, except perhaps people who did not like Metro, or wanted to live in the country and exploit the city.

Ms. Leo said that if the Council felt there was a need for Metro to regulate the urban fringe, then Metro should use its currently existing power to annex in those parcels and control land use planning in that manner, rather than the original proposal where Metro was asking LCDC to give Metro the authority to regulate land use in a 2-mile bumper zone without any notification to those property owners until after the resolution had been adopted. She appreciated the amended version that reduced the bumper zone and did not ask that Metro be in control of that land use.

Deputy Presiding Officer Washington said he would like this not to be a debate and felt Ms. Leo had answered Councilor Atherton's question.

Councilor Atherton asked Mr. Kusyk for his reasons for preferring the counties doing the land use planning.

Mr. Kusyk responded that his concern was that as big an area as they were discussing on the Metro fringe of UGB was handled in a specific way. That there was a process that notified the people involved. He had learned about this resolution late yesterday. He made his living as a homebuilder and was embarrassed that he had no knowledge of it. He felt that it had not been widely publicized.

Councilor Atherton acknowledged the process issue.

Deputy Presiding Officer Washington closed the public hearing.

Councilor Kvistad said he would not support this resolution. LCDC Goal 1 was public outreach; LCDC Goal 14 made sweeping changes to Metro's land use authority. He said that perhaps their taking this over might be a good thing since Metro had botched it, but tens of thousands of families were being bulldozed by these land use decisions. Metro did not have authority outside its governmental boundaries, nor would he advocate giving Metro any more power. Early on Council had discussed taking in urban reserves, so that Metro did have control, and it had been decided not to do that. He felt it was a mistake then and would be a bigger mistake now. The violation of law was LCDC's violation of Goal 1.

Councilor Atherton commented that he thought this resolution was more an MPAC resolution than Council's. There had not been adequate discussion of the regional impacts of this resolution. Regional planning was a much different process than local planning. He felt that counties should not be involved in regional planning at all.

Councilor McLain wanted Ms. Leo and Mr. Kusyk to understand that this resolution was only advice to LCDC, and there was no public process with Metro. It would come later with the State, and take place from June through September. On a positive note, she had encountered an old school friend who had lived in metropolitan cities in Canada and Texas for about 30-years. He had only occasionally visited his old home region until his company transferred him back to Portland several years ago. Now, he said, he would not leave this area because the land use planning was being done right here. She felt that positive statement that needed to be heard with all the negative comments being made.

Presiding Officer Bragdon said this resolution was an attempt to determine how the urban fringes were treated in the absence of urban reserves. Clearly people who live in the urban area today had a stake in the edge. If these areas were converted to 5-acre mc-mansions and other uses willy-nilly it would impact traffic for everyone and would inhibit orderly provision of public services. Second, orderly future expansion of the UGB could not happen if it was overly parcelized today. Clearly Metro had a stake in the process. What troubled him in the earlier draft was that it set Metro up as policing areas outside of Metro boundaries. The other aspect he found difficult was saying that Baker County had the same parcelization challenges as Clackamas County. He felt that was not true and was one of the things that the State was trying to work out. This new resolution protected what needed to be protected in the truly urban areas while allowing Baker County to be itself. He hoped that LCDC and the counties would help protect an orderly expansion in the future.

Councilor Atherton disagreed. He thought the counties should do this work as part of a comprehensive plan process. This was just a back door way for them to be in the urban service business. It would be at the expense of the regional whole and not the way to do land use planning. Metro needed to focus on communities, building livable communities; counties should be out of that business. The counties did not have a good track record of working in a regional or community fashion. He felt this needed further discussion. MPAC should present this resolution from MPAC alone.

Councilor Park asked Councilor Atherton if 1-mile is good, 2-miles is better, then is 10-miles best? To what level should Metro extend its authority for land use beyond its jurisdictional boundary?

Councilor Atherton responded that 2-miles was better and 10-miles was probably acceptable. A regional perspective should designate rural reserves as part of the comprehensive plan. This just

continued an amoeboid, concentric ring, Metro blob type of land use pattern and was totally contrary to the complete community concept.

Councilor Park closed by saying that they were recommending to LCDC that they maintain a minimum lot size of 20-acres within 1-mile of Metro's UGB and believed that authority rested between LCDC and the counties.

Vote: The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors Atherton and Kvistad voting no.

9.3 Resolution No. 00-2950, For the Purpose of Amending the Metropolitan Transportation Improvement Program (MTIP) to include \$500,000 of Section 5309 Funds for Preliminary Engineering for the Wilsonville/Beaverton Commuter Rail Project.

Motion: **Councilor Kvistad** moved to adopt Resolution No. 00-2950.

Seconded: **Councilor Atherton** seconded the motion.

Councilor Kvistad reviewed the resolution to reflect MTIP changes regarding Federal 5309 funds available for preliminary engineering of this project.

Councilor Monroe said that this resolution was presented to JPACT this morning and fast-tracked to the Council without committee input because it required immediate action. He hoped that it would be supported.

Presiding Officer Bragdon said this was a very strong priority for the whole region. A vote for this resolution reaffirmed Metro's enthusiasm about it. He noted that Washington County had committed a substantial amount of resources to this project.

Councilor Kvistad closed by saying Metro acted basically as the guarantor to administer the grant. He urged an aye vote.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

10. CONTRACT REVIEW BOARD

10.1 Resolution No. 00-2921, For the Purpose of Amending the Contract Between Metro and the Hallock-Moday Agency (Contract No. 920104) for Advertising Services at the Oregon Zoo.

Motion: **Presiding Officer Bragdon** moved to adopt Resolution No. 00-2921.

Seconded: **Councilor McLain** seconded the motion.

Presiding Officer Bragdon said that earlier Council had unanimously approved an amendment to the current Zoo budget for the current fiscal year. This resolution provided the budget authority for increasing the advertising budget. The increase in the contract with Hallock-Moday would go directly to the purchase of advertising related to Stellar Cove and Great Northwest exhibits. In turn Metro hoped this money would come back in the form of increased attendance. He urged approval.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

**11. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL
PROPERTY TRANSACTIONS.**

Members Present: Jim Desmond, Tim McNeil, Alexis Dow, members of the media, Marv Fjordbeck

11.1 Resolution No. 00-2926A, For the Purpose of Amending the Fanno Creek Greenway Target Area Refinement Plan.

Motion: Councilor Kvistad moved to adopt Resolution No. 00-2926A.

Seconded: Councilor Park seconded the motion.

Councilor Kvistad said this resolution referred to a change in the Fanno Creek Greenway Target Area Refinement Plan. There were some parcels being looked at in both Councilor McLain's district and his district. This resolution allowed Metro to move forward with those purchases.

Councilor Park indicated that staff had answered all of his questions last time and he was ready to move forward. It looked like a good project.

Councilor McLain thanked staff for their resilience with so much to do and so many people having different opinions on what Metro should spend its money on. She believed staff had made good choices to indicate that parks and open spaces were an integral part of a good growth plan. Mr. Desmond and his staff had been the backbone, purchasing this type of property at a very good dollar. It was fair to the public and to the property owner. She appreciated their diligence.

Jim Desmond, Parks and Greenspaces Manager, said that he would probably be bringing back additional refinement plan amendments in Washington County. They were aggressively addressing the perception of a lack of parks in Washington County. Historically Washington County, as compared to Clackamas and Multnomah Counties, had a less extensive parks system. Within the past 6-months Council had before it a number of refinement plan amendments in Washington County: Rock Creek, the Archdiocese of Portland deal and some others in Hillsboro. He anticipated additional properties would be found in the next few months.

Councilor Kvistad said he was looking forward to changes in the refinement plans. The district he represented was parks-deficient. The more parks there were, the better. He recommended an aye vote.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

12. COUNCILOR COMMUNICATIONS

Presiding Officer Bragdon announced that there would be no Council meeting on May 18th, so the next Council meeting was planned for May 25th. The next Council/Executive Officer Informal would be held May 23rd. He had asked the architects and engineering firm working on the OCC expansion to bring in their drawings and model to show the Council exactly what it would look like. He reminded Councilors that May 30 the Council, along with the Auditor and Executive Officer, would have their day-long retreat at the Zoo.

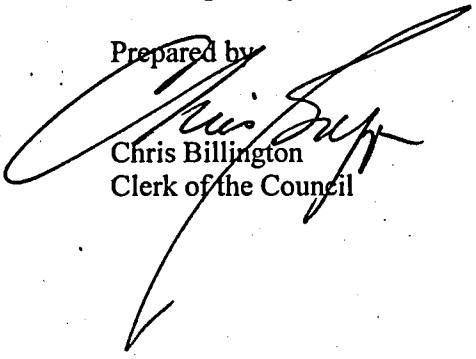
Councilor Park said there were two items the Councilors would find in their boxes: 1) Summary comparison of the 4(d) rule dealing with fish and wildlife, Metro's Title 3 and Goal 5, and 2) Goal 5 Timelines. He suggested that both documents might help Councilors' districts understand the process Metro was going through and when habitat protection would take place. He complimented Ken Helm and Dan Cooper, General Counsel Office, who had done a very nice summary. He said that Mr. Morrissey was at work on a more visual presentation. The minimum time between adoption and implementation was at least 2 1/2-years. The Growth Management Committee would review a letter to MPAC for advice as to what they would find acceptable at the Tuesday, May 16 committee meeting. He would ask the presiding officer to make this a discussion point at the Council/Executive Officer Informal May 23.

Councilor Kvistad wished those Councilors involved in the election next week well. He noted that one Councilor had the same kind of election as he had coming up, so it was not that big of a worry. He said that he had his parents' votes, so he would win his primary. He said it had been his privilege and honor to serve with Councilor Washington; he wished him the very best of luck.

13. ADJOURN

There being no further business to come before the Metro Council, Deputy Presiding Officer Washington adjourned the meeting at 3:27 p.m.

Prepared by



Chris Billington
Clerk of the Council

REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT**CONSIDERATION OF ORDINANCE NO. 00-851A, FOR THE PURPOSE OF AMENDING THE REGIONAL SOLID WASTE MANAGEMENT PLAN REGARDING GOALS, OBJECTIVES AND RECOMMENDED STRATEGIES FOR THE MANAGEMENT OF HOUSEHOLD HAZARDOUS WASTES**

Date: May 25, 2000

Presented by: Councilor Park

Committee Recommendation: At its May 17 meeting, the committee considered Ordinance No. 00-851 and voted unanimously to send the ordinance, as amended, to the Council with a do pass recommendation. Voting in favor: Councilors Park and McLain and Chair Washington.

Existing Law: The Regional Solid Waste Management Plan (RSWMP) goals, strategies and objectives related to the management of the region's solid waste system. The proposed ordinance would amend the RSWMP to provide a comprehensive approach for the management of household hazardous wastes.

Committee Issues/Discussion: Scott Klag, Regional Environmental Management Planner, presented the staff report. He noted that the proposed ordinance will provide that the HHW management program address several specific areas. These include: 1) emphasis on non-hazardous alternatives, 2) focusing of outreach and education programs on alternatives and waste reduction, 3) exploration of "shared product responsibility" initiatives, 4) design collection services to reach targeted households with stockpiles of material and 5) provide for more efficient use of existing facilities.

Committee discussion focused on the potential regulatory implications of certain language. Councilor Park expressed concern that the manner in which the term "use" was used in several places in the ordinance could be interpreted that Metro was attempting to regulate the use of pesticides. He noted that exclusive authority for such regulation rested with the state Department of Agriculture. He urged staff to consult with the department and develop possible alternate language. Staff returned to the May 17 meeting with such language. Klag explained that the language had been developed in consultation with the department and that the department approved the proposed amendments.

Councilor Park indicated that he could now support the ordinance with the amended language, which was unanimously adopted by the committee.

PROPOSED AMENDMENT TO ORDINANCE NO. 00-851A

On page 4 of the amended ordinance (Goal 13 Toxics Reduction, Section 4 (2)(b) relating to Outreach and Education)—delete the word “increase” and insert the phrase “effectively teach”

The amended sentence would read, “Utilizing education methods that are shown to effectively teach proper use, transport, storage and disposal practices.”

TRANSPORTATION PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 00-2948A, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH TRI-MET REGARDING THE RIGHT-OF-WAY FOR THE INTERSTATE MAX PROJECT AND NEGOTIATE A REAL ESTATE TRANSFER AGREEMENT

Date: May 25, 2000

Presented by: Councilor Kvistad

Committee Recommendation: At its May 16 meeting, the committee considered Resolution No. 00-2948 and voted unanimously to send the resolution, as amended, to the Council with a do pass recommendation. Voting in favor: Councilors Kvistad and McLain and Chair Monroe.

Existing Law: Under federal law, the next step in the funding process for the IMAX light rail project will be an opportunity for congressional committee review of the project. Prior to submittal of the project for such review, Tri-Met must demonstrate to the Federal Transit Administration that it has obtained control of all property necessary for the construction and operation of the line.

Committee Issues/Discussion: Richard Brandman, Assistant Transportation Planning Director, presented the staff report. He noted that the proposed IMAX line includes a light rail station, a portion of line, and a park and ride facility that will be located on the grounds of the Expo Center. The proposed resolution would adopt a memorandum of understanding (MOU) which would allow the project to be built and operated on the Expo Center property. The MOU would satisfy the federal requirement related to property control.

Brandman explained that negotiations would continue to develop a Real Estate Transfer Agreement that would finalize a compensation package that would be paid by Tri-Met to Metro for the transfer of the property for the line and the station. The agreement also would address compensation for lost parking revenue that would result from the creation of a park and ride facility. In addition, Brandman noted that the MOU specifies that Tri-Met would agree to pay for a covered walkway from the station to the existing Expo Center complex. The estimated cost of the walkway is \$600,000. Should the cost exceed this estimate, Metro and Tri-Met would agree to enter into good faith negotiations related to any additional funding needs.

The committee discussion focused on how the proceeds from the MOU would be allocated within the Metro budget. Both Chair Monroe and Councilor Kvistad presented amendments that would place the proceeds in the MERC Pooled Capital Fund, with the intent that these funds would be used on capital projects at the Expo Center. Chair Monroe's amendment further provided that an amount equal to 7 1/2% of the lost parking revenue be placed in the general fund to compensate the fund for lost excise tax revenue resulting from reduced parking revenue.

Councilor Kvistad requested assurances from Chair Monroe and staff that the transfer to the General Fund would be revenue neutral. Both Chair Monroe and staff indicated that the intent of the amendment was to be revenue neutral. Chair Monroe's amendment was adopted and its language is found in a new sub 4 within the "be it resolved" section of the resolution.

MEMORANDUM OF UNDERSTANDING
Between
METRO
and
The Tri County Metropolitan Transportation District
(For Real Estate Only)

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made between Metro, the Metropolitan-Exposition and Recreation Commission (MERC) and the Tri County Metropolitan Transportation District of Oregon (Tri Met).

RECITALS:

Tri-Met owns and operates the public mass transit system serving the Portland, Oregon metropolitan region, which includes an existing light rail line composed of the commonly known segments of Eastside/Banfield and Westside/Hillsboro lines.

The Regional Transportation Plan for the Portland metropolitan region and the Transportation Element of the City of Portland's Comprehensive Plan each anticipate the development of an additional light rail line commonly known as the South/North line.

In July of 1998, Metro adopted the Locally Preferred Strategy (LPS) and the Land Use Final Order (LUFO) for the South/North light rail project as a project alignment from Hayden Island to Clackamas Town Center.

In June of 1999, the Metro Council, as an amendment to the LPS for the South-North Light Rail LPS, adopted a Resolution approving the alignment for the North Interstate Light Rail Project.

In October of 1999, with the endorsement of the City of Portland and ODOT, Metro approved a modification to the Land Use Final Order (LUFO) showing the North Interstate Avenue alignment for the project (Project), which alignment showed the use of certain Metro property.

As part of the Project, Tri Met wishes to use parcels or portions of property currently owned or under jurisdiction and control of Metro, said property being under the day to day oversight and management of MERC . Said parcels or portions of property are

identified in the drawings attached to this MOU, Drawing #CXP103, attached and marked Attachment 1. At this point, the Project is in final design and the specific property and property interests needed will be identified during the final design process.

The Parties anticipate that Tri-Met will be entering into a Full Funding Grant Agreement (FFGA) with the Federal Transit Administration (FTA) as the vehicle through which the Project will receive the federal funding component of the Project. As the grant recipient, Tri-Met will be the entity responsible for performing, or contracting for, the necessary right of way for the project work.

Tri-Met and Metro are authorized to enter into this Memorandum of Understanding pursuant to the provisions of ORS 190.010.

This Agreement is for the purpose of memorializing the Parties' commitment regarding the property and property interests necessary for the project.

NOW THEREFORE, the parties understand that:

Property or Property Interests

Metro intends to transfer or allow the fixed term or permanent use of certain portions of its property for purposes of the Project, subject to the approval of the final plans and specifications showing the specific impact to and interests needed in the property, negotiation of the value to be paid for the property or property interests, and the terms of a written conveyance document or documents. The areas of property needed for the Project shall be collectively referred to as the "Property".

The Property is generally shown on Attachment 1. The portion of the Property highlighted in yellow is needed for the permanent use of trackway, station improvements, electrical substation, electrical catenary and supporting poles, signals and communication facilities, bus access lane and kiss and ride areas (collectively "Permanent Use Area"). The portion of the Property the boundaries of which are highlighted in orange is the representative portion needed for a park and ride lot consisting of approximately 300 spaces.

The parties understand that at the time of this MOU, the design of the Project has not been completed and the areas or boundaries drawn on the attached Exhibit are preliminary, including the station location. Upon completion of the final design

of the Project, Tri-Met will cause to be prepared a boundary survey and legal description for the Property. Metro will either transfer the Property in fee or grant such easements or other rights as are necessary for Tri-Met's use and operation, which rights will be subject to negotiation and agreement of the parties. Such interests granted shall be sufficient to provide satisfactory continuing control as is necessary to comply with the requirements of Federal law as administered by the Federal Transit Administration.

Valuation of Property

The parties understand that the value of the property or property interests needed by Tri-Met for the Project has not been determined at the time of this MOU. However, the parties have arrived at the conceptual basis on which the just compensation for the property or property interests will be determined. For purposes of the valuation process, Metro and MERC shall be deemed to be one party and their understandings and undertakings provided in this valuation section shall be jointly carried out as if they were one party. The agreed conceptual approach is that Metro/MERC will be compensated for the use of the underlying land used for the Permanent Use Area, the valuation of which is more particularly described below and that Metro will continue to own the land that will be used for the park and ride lot.

The underlying land values of the areas of real property needed for the Permanent Use Area will be appraised by an appraiser selected by the parties. The appraiser shall be licensed in the state of Oregon and experienced in industrial, recreational and special use property and familiar with the requirements of the Uniform Relocation Assistance and Property Acquisition Act of 1970, as amended. The parties shall collectively appoint the appraiser from a list of appraisers provided by each party and shall share equally in the fees for and costs of the appraisal. In the event the parties cannot agree on the appraiser, the parties may apply to the Presiding Judge of the Multnomah County Circuit Court for appointment of such an appraiser from the lists provided by each party which shall be the same lists initially prepared by the parties. Such appointment shall not be subject to appeal, unless the parties can by clear and convincing evidence demonstrate that fraud or corruption has been involved in the appointment of such appraiser.

Once the appraiser has been selected or appointed, the parties shall within 20 calendar days of the selection or appointment, develop joint appraisal instructions for the appraiser. The appraisal instructions shall include, at a minimum, the following provisions: that the property will be valued on a cost approach and an income

approach, that the income approach shall consider the lost revenues of the parking spaces to be eliminated as a result of the Project, and that the appraisal is to be completed not later than 60 days after the award of the contract for the appraisal. The parties agree to negotiate the valuation in good faith. If the parties cannot, in good faith, agree on the joint instructions or the appraised valuation, the matter shall be resolved under the Dispute Resolution provisions of this MOU.

The parties also understand that the area identified for the park and ride lot will continue to be owned by Metro. The conveyance shall either be a fixed term easement or lease which provides for a joint use facility, the term of which is yet to be negotiated but will not be for a period less than 15 years. The parties understand that the specific area needed for the park and ride is yet to be determined through final design. The parties will negotiate in good faith on the valuation of this parcel. The process of establishing just compensation for the park and ride lot shall be the same as provided above for the Permanent Use Area.

The parties understand that a covered, unenclosed walkway is an important aspect of maintaining the transit rider connection to the Expo Center Pavilion. Such walkway is still under design and that the costs have not yet been determined. MERC's architect shall be designated as the lead designer for the walkway but shall be instructed that the goal of the parties is to design a functional, minimum structure capable of providing overhead protection to people from the weather. It is the intent of Tri-Met, Metro and MERC that the design criteria for the walkway include a budget of \$600,000. The parties shall also coordinate to provide appropriate art work along the covered walkway. Tri-Met will reimburse MERC for the actual construction costs of the walkway which are currently estimated at \$600,000. In the event that the construction costs of the walkway are estimated during final design to exceed \$600,000, or the actual construction costs exceed \$600,000, the parties will negotiate in good faith for a reasonable cost allocation of such excess costs. In the event the parties decide that Tri-Met's contractor is to install or construct the walkway, MERC agrees to issue a license or permit to allow Tri-Met and its contractor access to the site for purposes of such installation or construction.

It is the intent of the parties that any revenues derived by Metro/MERC from the conveyance of the property or property interests under this MOU or the eventual conveyance documents be used for capital projects at the MERC facility.

Construction of Tri-Met's Facilities

Page 4 of 7

Memorandum of Understanding Between Metro, MERC and Tri-Met (For Real Estate Only)

05/10/00

The parties understand that Tri-Met will be constructing trackway, station facilities, an electrical substation, and pedestrian access pathways on the portion of the property identified for permanent use for the Project. Metro and MERC have reviewed the preliminary plans for the project, the drawings of which have been published in the drawing set for the Project dated April 5, 2000. During the final design process, Tri-Met agrees to submit its Project plans and drawings to MERC for review and comment at the 90% point of completion and the 100% point of completion. No construction will commence without a written approval of MERC which will be contained in a construction permit or license. The parties understand and agree that to maintain the Project schedule construction may need to commence prior to the final conveyance documents being prepared.

Operation and Maintenance of the ROW

To the extent that less than fee title is conveyed for Tri-Met's use of the Property, Tri-Met and Metro/MERC will negotiate in good faith for their respective maintenance obligations. It is anticipated by the parties that Tri-Met will maintain all its improvements that are needed for operation of its light rail system and supporting facilities such as substations and station areas. It is anticipated that MERC will maintain all other areas, including the joint use areas such as pedestrian walkways. Upon completion of the final design, the parties agree to negotiate an Operation and Maintenance agreement which will include the rights and responsibilities of the parties for their respective facilities and the joint use park and ride lot.

Insurance

The parties understand that Tri-Met will maintain a self insurance program or a commercial general policy of insurance, naming Metro and MERC as additional named insureds, to provide insurance coverage over its and its contractor's activities on the Property in an amount not less than the Oregon Tort Claims limits for public agencies. To the extent provided by the Oregon Constitution and Statutes each party agrees to indemnify and hold harmless the other party for damages, losses or costs incurred as a result of damage caused by the other party's activities on or near the Property.

Dispute Resolution and Remedies

In the event that either party has a claim or dispute under this MOU, that party will notify the other party's representative of such claim. The matter shall be first presented to Management representatives of the parties at the Executive Director or Director level for resolution, provided that Metro and MERC shall designate one representative. In the event that the management representatives cannot resolve the dispute, the matter shall be submitted to the Executive representatives for each party, that being the General Manager of Tri-Met and the Executive Officer of Metro for resolution. In the event that the parties cannot resolve the issue at the Executive representative level, the parties shall have the right to exercise any and all remedies available under the law or in equity.

Assignment

The rights and responsibilities of the parties provided in this MOU are personal to the parties and shall not be assigned or delegated without the prior written consent of the other party, which consent shall be unreasonably withheld or delayed. The parties understand that the construction obligations will be carried out through contracts and/or subcontracts but the obligation for performance shall remain with the party to this agreement.

Legal Effect

This MOU is intended to be a binding agreement and to have legal effect between the parties according to its terms. The provisions of this MOU, to the extent not modified by the parties by mutual agreement, shall be included in the document or documents transferring the applicable Property or property interests.

Effective Date

This MOU shall be effective as of the date of the signature of the party last to sign.

IN WITNESS HEREOF, the parties have signed this MOU on the dates reflected next to

//

//

their signatures.

METRO

By: _____

Date: _____

**TRI COUNTY METROPOLITAN
TRANSPORTATION DISTRICT
OF OREGON**

By: _____

Date: _____

**METROPOLITAN-EXPOSITION AND
RECREATION COMMISSION**

By _____

Date: _____

APPROVED FOR LEGAL SUFFICIENCY:

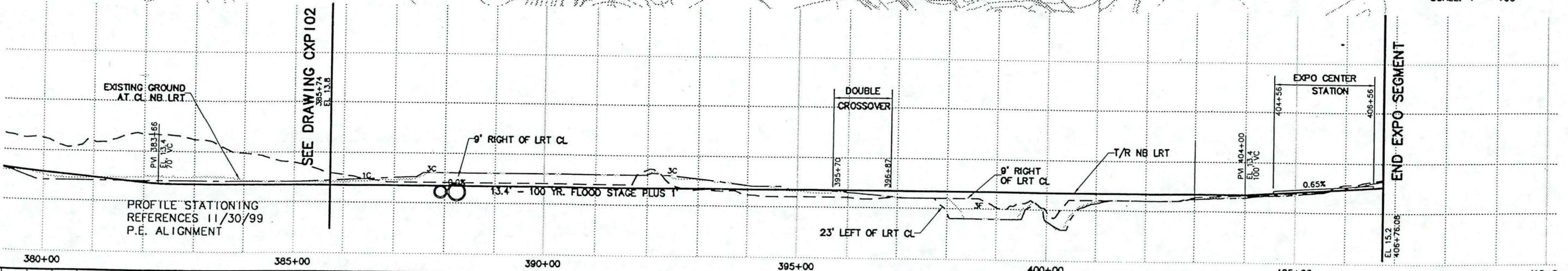
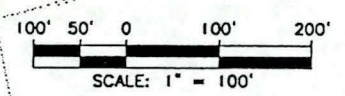
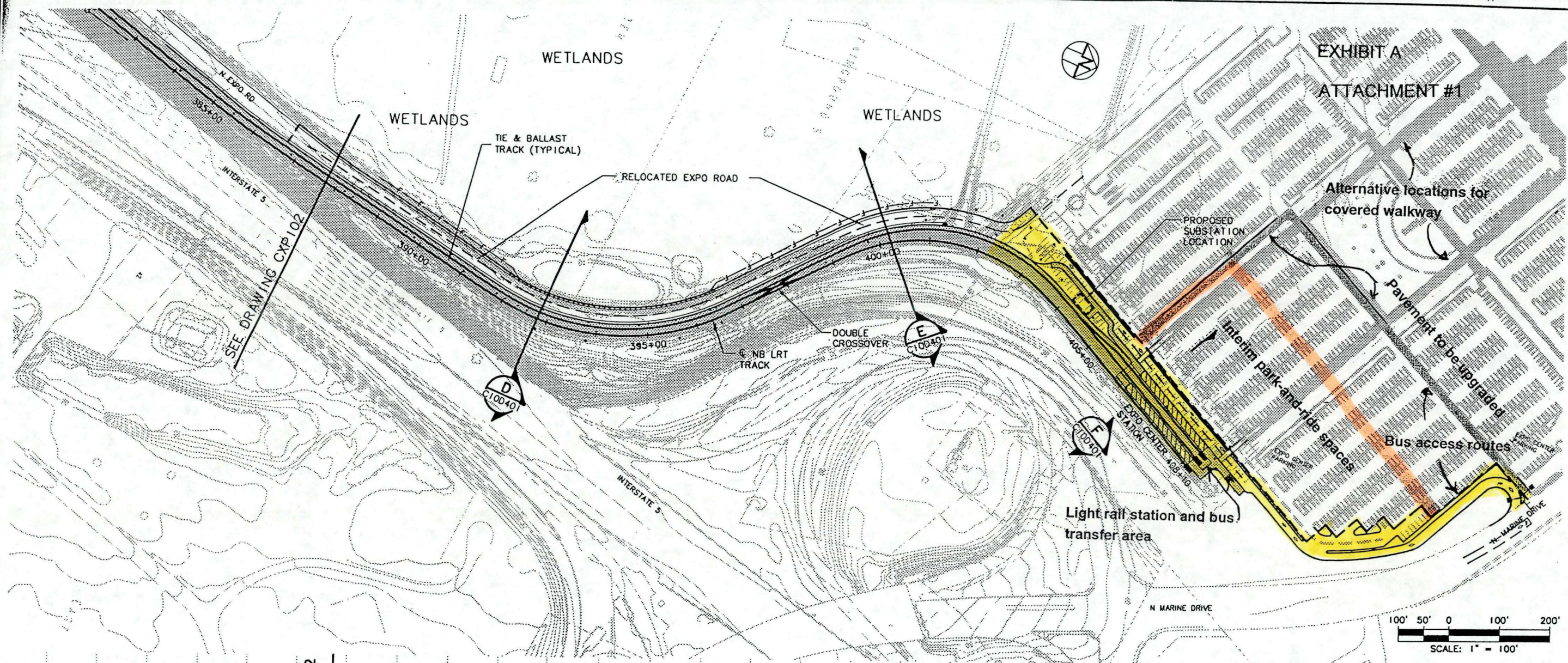
By: _____
Metro Counsel

Date: _____

By: _____
Tri Met Counsel

Date: _____

By _____
MERC Counsel



SEE DRAWING CXP102

END EXPO SEGMENT

Rev 31, 2000 - 07:48:20 CIVIL CXP103.DWG

NO.	DATE	BY	APPD.	REVISIONS

MF/BD DESIGNED	2/99	DATE
BD DRAWN	2/99	DATE
LR CHECKED	11/17/99	DATE
DI APPROVED	11/19/99	DATE

TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON

ATTACHMENT 1

CAPITAL PROJECTS AND FACILITIES DIVISION
 710 N.E. HOLLADAY STREET
 PORTLAND, OREGON 97232

NORTH CORRIDOR TRANSIT STUDY
INTERSTATE MAX ALIGNMENT
 LINE SECTION 10D
 EXPO STATION - P.E. OPTION
 STA 385+86 TO STA 406+76

SUBMITTED: _____ DATE: _____
 APPROVED: _____ DATE: _____

SCALE: H: 1" = 100' V: 1" = 10'
 DRAWING NO.: CXP103
 CONTRACT NO.: _____
 SHEET NO.: _____

EXHIBIT B

Metro Urban Growth Boundary Periodic Review Work Program 2000

Task 1 CONTINUATION OF 1997 REGIONAL NEED ANALYSIS AND URBAN GROWTH BOUNDARY AMENDMENT DECISIONS

Subtask 1 establishes a citizen involvement program for Metro's legislative process to amend the Urban Growth Boundary (UGB). Subtasks 2 through 6 follow the State Land Use Goal 14 process for amending urban growth boundaries. Legislative amendments to the boundary in Task 1 will be made in accordance with Metro's October 31, 2000, deadline to meet the 2017 regional land supply need.

Subtask 1 Citizen Involvement Program

Purpose: To inform the public and provide opportunities for meaningful input into the planning process; and to meet the requirements of State Goal 1 and Regional Urban Growth Goals and Objectives Goal 1, Objective 1.

- A. Work Program Public Involvement
 - 1. Coordination with local governments
 - 2. Citizen and stakeholder input
- B. Develop and initiate process to respond to citizen and local government comments
- C. Refine and outline citizen involvement program for Tasks 2 and 3

Product: Implementation of Task 1 public involvement program and a specific citizen involvement plan for subsequent Tasks.

Due Date: Subtask 1A - June 16, 2000
 Subtask 1B - May 31, 2000
 Subtask 1C - Task 2 - November 30, 2001
 Task 3 - August 30, 2001

Subtask 2 Reconfirmation of Need

Purpose: To verify specific Metro Urban Growth Report factors and to present a unified approach to establishing need in accord with State Land Use Goal 14, factors 1 and 2.

- A. Document that inside the UGB that the Metro Functional Plan requirements support the development of a compact regional urban form and determine the extent to which local governments are complying with these requirements based on local compliance reports
- B. Verify regional need for dwelling units and jobs
- C. Reconcile Urban Growth Report with Metro Functional Plan Table 1 and Metro Code

Product: Determination of the 20-year land supply need and the number of dwelling units and jobs to be accommodated through an UGB expansion.

Due Date: June 30, 2000

Subtask 3 Alternatives Analysis

Purpose: To identify exception lands and exclusive farm use land that is completely surrounded by exception land for possible inclusion in the UGB. A more detailed work plan has been prepared for this task.

- A. Identify study areas
- B. Discussion paper of relevance of other studies pertaining to exception lands
- C. Data collection
 - 1. Description of each study area
 - 2. Assessment of potential dwelling units and jobs
 - 3. Serviceability/public facility rating
- D. Resource assessment
- E. ESEE analysis
- F. General determination of lands to be considered for inclusion in the UGB

Product: A memorandum summarizing the results of the analysis and a recommendation of which sites to drop from further research

Due Date: June 30, 2000

Subtask 4 Refine Analysis of Exception Lands

Purpose: To analyze the remaining exception lands (per the alternatives analysis) in the context of Metro's Regional Urban Growth Goals and Objectives and to make recommendations regarding the effectiveness of different exception land study areas to meet regional policies, such as jobs/housing balance and complete communities.

- A. Establish criteria for selection of exception land for inclusion in the UGB
 - 1. Boundary location issues
 - 2. Separation of communities
 - 3. Complete communities
 - 4. Jobs/housing balance
 - 5. Transportation considerations
 - 6. Public facilities
 - 7. Resource protection
- B. Analyze exception land using the selection criteria

Product: Discussion memorandum of Metro's Regional Urban Growth Goals and Objectives and their applicability for shaping the urban form and a recommendation of exception lands for inclusion in the UGB.

Due Date: August 11, 2000

Subtask 5 Technical Amendments to the Urban Growth Boundary

Purpose: This is the first part of a two-phase planning process to correct inconsistencies in the location of the UGB. Part 1 will correct inconsistencies that are the result of mapping errors and interpretations of the boundaries.

- A. Identify areas of inconsistencies
- B. Prepare map amendments
- C. Prepare changes to Metro Code to avoid future boundary errors

Product: Memorandum outlining inconsistencies and specific changes to the UGB and to Metro Code.

Due Date: July 28, 2000

Subtask 6 Selection of Exception Lands for Urban Growth Boundary Amendment

Purpose: To undertake the necessary hearings and coordination steps for making a decision on expansion of the UGB that is consistent with State Land Use Goals, particularly, Goals 1, 2 and 14 and the Metro Code.

- A. Complete technical amendments to the UGB
- B. Select exception land for UGB amendments
- C. Notice property owners
- D. Coordinate with local governments
- E. Prepare summary staff report
- F. Conduct Metro Council hearings
- G. Adopt ordinances and amend the UGB to comply with ORS 197.296 and to address mapping issues

Product: Staff report, legislative hearings and decision on UGB amendments

Due Date: October 31, 2000

Task 2 SUBREGIONAL ANALYSIS AND URBAN GROWTH BOUNDARY AMENDMENTS IF NECESSARY

Task 2, subtask 7, is the work program review and update to ensure consistency with applicable regulations. The remaining subtasks, 8 through 10, are divided into two sections. Section A consists of subtask 8, the analysis of a subregions performance as a "complete community" consistent with the acknowledged 2040 Growth Concept. The performance of a subregion will be assessed on factors such as the subregion ability to provide a balance of housing and employment. The analysis will conclude with a determination of whether or not there is a need to add land to the UGB. The analysis will be consistent with State Land Use Goal 14, factor 2 and Metro Code. Section B, consists of subtasks 9 and 10. Subtask 9 is the process to identify exception land and lower priority lands, if necessary, to meet the identified subregional need. Subtask 10 is the public hearing process and Metro Council decision on amending the UGB.

Metro may request clarification from the Land Conservation and Development Commission (Commission) on several issues related to Task 2. The first issue is clarification of the policy dealing with the 20-year land supply and whether Metro can consider bringing into the UGB more land than is needed for a 20-year regional supply to achieve "complete communities" in each subregion as envisioned in the Regional Urban Growth Goals and Objectives and in the acknowledged 2040 Growth Concept. The second issue, that Metro may request clarification from the Commission, is the application of ORS 197.298(3) "Priority of land to be included in the urban growth boundary." In assessing the subregional deficiencies and potential of an area in Task 2, Metro may need to consider including lower priority lands into the UGB to establish a "complete community" consistent with section 3 of ORS 197.298.

Subtask 7 Evaluate and Revise Work Program

Purpose: To review the work program subtasks in Task 2 for consistency with State Rule changes and Metro Code and to refine the timeline and products.

- A. Review changes to Goal 14 and administrative rules
- B. Review Metro policy
- C. Revise work program and review citizen involvement plan Task 1, subtask 1
- D. Coordinate with local governments
- E. Coordinate with DLCD
- F. Submit proposed periodic review work program changes to LCDC

Product: Refined work program for Task 2, work subtasks 8 through 10

Due Date: November 30, 2000

Section A Subregion Analyses and Determination of Need for Urban Growth Boundary Amendments

Subtask 8 Subregional Analysis

Purpose: To apply State Land Use Goal 14, factors 1 and 2, Goal 2 exceptions criteria and other legal requirements, including ORS 197.296, as implemented through Metro's acknowledge UGB amendment criteria (see Metro Code 3.01.020(b)(2)(A)). To assess the subregional needs to ensure "complete communities" consistent with the acknowledged 2040 Growth Concept and the Regional Urban Growth Goals and Objectives.

- A. Identify existing policies regarding subregional analyses (e.g., jobs/housing balance and economic development goals)
- B. Research supply, size and location of industrial land and potential demand for industrial and commercial jobs and land based on current trends and policies.
- C. Define subareas consistent with the 2040 Growth Concept (use existing 400 zone system to delineate area)
- D. Apply regional growth management policies to quantify subregional demand for housing and jobs, based on policy factor analysis such as:
 1. Equitable distribution of jobs, income, investment, tax capacity and affordable housing
 2. Reductions in VMT per capita or other comparable measures
- E. Determine whether there are subregional needs that require amendments to the 20-year regional UGB to ensure:
 1. A 20-year supply of land for housing within a defined subregional area; and
 2. A 20-year supply of land for jobs and related complete community issues within defined subregional areas

** note* The conclusion of this task, to establish "need" to add land to the UGB, to provide a subregional 20-year supply of land, could result in an overall regional supply of land greater than the regional 20-years forecast. However, there are potential Metro actions and circumstances that could have a counter balancing affect of reducing a potential excess supply, including:*

1. Work program Task 1, establishes a regional 20-year supply of land for housing for 1997-2017, consistent with ORS 197.299. Work program Task 2 considers subregional needs in the context of a 2001-2021 land supply, thereby recognizing four additional years of need.
2. Any future Metro Goal 5 habit protection regulations that will restrict development will decrease the buildable land supply and increase the

- number of acres that need to be added to the UGB to meet the regional 20-year land need, which could exceed the supply of suitable high priority land.*
3. *There are several outstanding appeals of 1998 and 1999 UGB amendments. If the Court rules that Metro incorrectly brought this land in to the UGB, this could will-result in a reduction of the 20-year land supply for the 1997-2017 forecast period.*

Metro may request clarification from the Commission on the policy dealing with the 20-year land supply and whether Metro may consider bringing into the UGB more land than is needed for a 20-year regional supply to achieve "complete communities in each subregion."

- F. Draft recommendations on amount of land needed for amendments to the UGB

Product Section A: A Metro Council resolution adopting the subregional analyses and determination of the amount of land needed to meet the subregional need to create "complete communities."

Time Frame: June 30, 2001

Section B Addressing the Identified Subregional Needs

Subtask 9 Alternatives Analysis

Purpose: To identify exception land or lower priority lands suitable for meeting the subregional needs consistent with ORS 197.298(3), Goal 14, factors 3-7 and acknowledged Metro Code section 3.012.020.

- A. Identify study areas based on subregional need
- B. Data collection
 1. Description of each study area
 2. Assessment of potential dwelling units and jobs
 3. Serviceability/public facility rating
 4. Information from local governments and stakeholders
- C. Resource assessment
- D. ESEE analysis
- E. General determination of lands to be considered for inclusion in the UGB

** note * If it is determined, in Task 8, that there is a subregional need to add land to the UGB, Metro will seek clarification from the Commission about how to apply ORS 197.298(3) dealing with the priority and selection of lands for urbanization.*

Product Section B: A memorandum outlining the analyses of exception lands and lower priority lands to meet the identified subregional need identified in subtask 8.

Time Frame: October 30, 2001

Subtask 10 Selection of Lands for Urban Growth Boundary Amendment

Purpose: To undertake the necessary hearings and coordination steps for making a decision on expansion of the UGB that is consistent with State Land Use Goals 1, 2 and 14 and the Metro Code.

- A. Select of exception land or lower priority lands, if necessary, for UGB amendments
- B. Notice property owners
- C. Coordinate with local governments
- D. Prepare summary staff report
- E. Conduct public hearings before Metro Council Growth Management Committee and Metro Council
- F. Adopt ordinances amending the UGB

Product Section B: A decision on UGB amendments

Time Frame: January 30, 2002

Task 3 COMPLETION OF THE FIVE-YEAR REGIONAL ANALYSIS AND URBAN GROWTH BOUNDARY AMENDMENT DECISION

Metro Code section 3.01.080 and OAR 660-0025-0030(1) and (2)(d) require that Metro review the estimated capacity of the existing UGB at least every 5 years for each new 20-year period. Task 3, subtasks 12 through 17 address this requirement for the 2002-2022 forecast period. The planning process shall be consistent with State Land Use Goal 14 requirements, Metro Code section 3.01.020 and ORS 197.296. Subtask 11 is the work program task review and update to ensure consistency with applicable regulations.

Subtask 11 Evaluate and Revise Work Program

Purpose: To review the work program subtasks in Task 3 for consistency with State Rule changes and Metro Code and to refine the timeline and products.

- A. Review changes to Goal 14 and administrative rules
- B. Review Metro policy
- C. Revise work program and review citizen involvement plan Task 1, subtask 1
- D. Coordinate with local governments
- E. Coordinate with DLCD
- F. Submit proposed periodic review work program changes to LCDC

Product: Refined work program for Task 3, work subtasks 12 through 17

Due Date: August 30, 2001

Subtask 12 Regional Forecast, Allocation and Research

Purpose: To update the regional forecast to address changes in demographics changes in technology and the 2022 planning time frame.

- A. Forecast
 - 1. Update Regional Forecast to 2022
 - 2. Conduct local allocation process for regional forecast
- B. Update 1997 Housing Needs Analysis (ORS 197.296 3(b)(c))

Product: Updated 2022 forecast for dwelling units and jobs

Time Frame: September 28, 2001

Subtask 13 Land Supply Analysis

Purpose: To comply with Metro Code and state land use statutes for reviewing the estimated capacity of the existing UGB for the 2002-2022 forecast period.

- A. Update vacant land data
 - Obtain aerial photos – July 2000
- B. Research specific capacity factors
 - 1. Refine and update zoning categories
 - 2. Identify job types and site size
 - 3. Update accessory dwelling unit data
 - 4. Review constrained lands

Product: Updated land supply data based on a 2000 vacant land analysis

Time Frame: February 28, 2002

Subtask 14 Determination of Regional Need

Purpose: To establish the regional need for dwelling units and jobs based on the 2022 forecast.

- A. Compare demand to supply
- B. Report on analysis and outcomes

Product: Determination of the 20-year land supply need based on the 2022 forecast and the number of dwelling units and jobs to be accommodated through UGB amendments.

Time frame: March 29, 2002

Subtask 15 Alternatives Analysis

Purpose: To identify exception land and other suitable land for satisfying the identified regional need in accordance with State Land Use Goal 14 and other legislative UGB amendment criteria in Metro Code section 3.01.020.

- A. Identify study areas
- B. Data collection
 - 1. Description of each study area
 - 2. Assessment of potential dwelling units/jobs
 - 3. Serviceability/public facility rating
- C. Resource assessment
- D. ESEE analysis
- E. Development of selection criteria
- F. General determination of lands to be considered for inclusion in the UGB.

Product: A memorandum summarizing the results of the analysis and a recommendation of sites to drop from further research.

Time Frame: June 28, 2002

Subtask 16 Technical Amendments to the Urban Growth Boundary

Purpose: This is the second part of a two-phase planning effort to correct inconsistencies in the location of the UGB and Metro's jurisdictional boundary. This phase addresses inconsistencies related to local annexation practices and the interpretation of boundaries as they relate to floodplains.

- A. Identify parcels for changes
- B. Prepare map amendments
- C. Prepare changes to Metro Code to avoid future boundary errors

Product: Memorandum outlining specific changes to the UGB and to Metro Code.
Time Frame: October 31, 2002

Subtask 17 Selection of Lands for Urban Growth Boundary Amendment

Purpose: To undertake the necessary hearings and coordination steps for making a decision on expansion of the UGB that is consistent with State Land Use Goals 1, 2 and 14 and the Metro Code.

- A. Draft technical amendments and map changes
- B. Select land for UGB amendments
- C. Notice property owners
- D. Coordinate with local governments
- E. Prepare summary staff report
- F. Conduct public hearings before Metro Council Growth Management Committee and Metro Council

Product: Adoption of ordinances and amendments to the UGB to comply with ORS 197.299 and to address technical issues.

Time Frame: December 20, 2002

\\alex\work\gm\community_development\share\Proposed UGB Periodic Review Workplan51900program submittal.doc



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Main Fax (503) 378-6033
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May 24, 2000



David Bragdon, Presiding Officer
Metro Council
600 NE Grand Avenue
Portland, Oregon 97232

Rod Park, Chair
Metro Growth Management Committee
600 NE Grand Avenue
Portland, Oregon 97232

Gentlemen:

The Department of Land Conservation and Development (DLCD) requests that the Metro Council consider these comments in its deliberations on the periodic review work program on May 25th. We received the revisions to the proposed work program on May 23rd and have responded as quickly as possible.

The revisions to the proposed work program which are attached to the May 19, 2000 staff report were very constructive. DLCD believes that the additional changes recommended below respond to several of the comments at the May 16, 2000 public hearing but do not foreclose options which Metro has stated it may wish to pursue in the future.

DLCD recommends the following changes to the work program:

1. Subtask 8 "Subregional Analysis"

The note to subtask 8.E.2 should be changed as follows (strikeouts to be deleted, new language in bold type):

Note The conclusion to this task, to establish "need" to add land to the UGB, to provide a subregional 20-year supply of land, could result in an overall regional supply of land greater than the regional 20 years forecast. ~~However,~~ There are ~~other~~ **potential Metro actions and other circumstances that could have a counter**



balancing effect of reducing a potential excess supply, including:

1. Work program Task 1, establishes a regional 20-year supply of land for housing for 1997-2017, consistent with ORS 1297.299. Work program Task 2 considers subregional needs in the context of a 2001-2021 ~~land supply~~ **regional need identified in Task #3**, thereby recognizing ~~four~~ **five** additional years of need.
2. Any future Metro Goal 5 habitat protection regulations that will restrict development will decrease the buildable land supply and increase the number of acres that need to be added to the UGB to meet the regional 20-year land need, **which could exceed the supply of suitable high priority land.**
3. There are several outstanding appeals of 1998 and 1999 UGB amendments. If the Court rules that Metro incorrectly brought this land in to the UGB, this ~~will~~ **could** result in a reduction of the 20- year land supply for the 1997-2017 forecast period.

Adoption of a UGB with a supply of land greater than 20 years would require a change in policy by the Land Conservation and Development Commission. Present LCDC policy, established by precedent, is that the "need" for a UGB is to accommodate a 20-year supply of land. LCDC could reconsider this policy.

2. Change the time frame (submittal date) for Task 2 "A decision on UGB amendments" from January 30, 2002 to March 29, 2002. This will provide for coordination of the subregional analysis and findings in Task 2 with the determination of regional need in Task 3. This coordination is necessary to allow for the implementation of the "other circumstance" in paragraph #1 of the note above, where the subregional need is included in the 2022 UGB amendments. There is nothing that prevents Metro from submitting the work task early (on January 30, 2002, for example), if Metro's decision ultimately follows the course outlined in 2 or 3, above, or if LCDC changes its policy on UGB time frames for a UGB land supply.

Also, the department supports what is, in effect, a consolidation of Task 2 with Task 3. The final products of the two tasks are as follows:

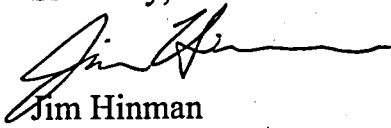
- Task 2. A decision on UGB amendments
- Task 3. Adoption of ordinances and amendments to the UGB to comply with ORS 197.299 and to address technical issues.

Based on the language above, the "decision" in Task 2 is an intermediate step, leaving the final adoption of a UGB to address subregional and regional needs for the year 2022 to

the conclusion of Task 3. This strategy is well advised because it directly implements but does not go beyond Metro's statutory mandate to adopt a "year 2017" and a "year 2022" UGB. It answers several of the concerns raised in testimony to the Growth Management Committee but allows Metro the flexibility to plan a year 2022 regional boundary which provides sufficient land to meet the projected need.

Thank you for your consideration of these recommendations. If you have questions or comments, please call me at (503)-373-0050 x. 245.

Sincerely,



Jim Hinman
Urban Planning Coordinator

J:\pr\lcty\metro\wkpr525

Cc: Dan Cooper, Metro Legal Counsel
Andrew Cotugno, Director, Growth Management Services
Richard Benner, Director, DLCD

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING AN)	RESOLUTION NO. 00-2952
EVALUATION AND PERIODIC REVIEW)	
WORK PROGRAM FOR THE REGIONAL)	Introduced by Growth Management
URBAN GROWTH BOUNDARY)	Committee

WHEREAS, Metro is responsible for the regional Urban Growth Boundary ("UGB") for the 24 cities and urban portions of 3 counties under ORS 268.390(3); and

WHEREAS, Metro is required by ORS 197.299(2) and a Land Conservation and Development Commission ("LCDC") time extension to add land needed to provide a 20 year supply of land for housing to the regional UGB by October 31, 2000; and

WHEREAS, the courts have determined that the regional UGB, including Metro's UGB amendment process, is a comprehensive plan provision subject to LCDC acknowledgment and Periodic Review for compliance with applicable statewide land use goals; and

WHEREAS, Metro's established UGB last completed Periodic Review by the LCDC in December, 1992; and

WHEREAS, state law provides for Periodic Review of Metro's UGB every five to ten years; and

WHEREAS, state laws on Periodic Review were significantly amended in 1999 and LCDC regulations implementing those changes in law were effective February 14, 2000; and

WHEREAS, OAR 660-025-0050 provides for initiation of the Periodic Review process by a letter from the Department of Land Conservation and Development ("DLCD"); and

WHEREAS, Metro staff and the Department have worked cooperatively for LCDC to consider amending its Periodic Review Schedule to include Metro's regional UGB and to identify a Periodic Review work program schedule consistent with completing the UGB amendments required by ORS 197.299; and

WHEREAS, the Metro Council adopted Resolution No. 00-2934 For The Purpose of Requesting Periodic Review of the Regional Urban Growth Boundary on April 13, 2000 which adopted a citizen involvement process for the Periodic Review of the regional UGB; and

WHEREAS, LCDC acted to schedule Periodic Review of Metro's regional UGB at its April 27, 2000 meeting; and

WHEREAS, DLCD's letter of May 1, 2000 initiated Periodic Review of Metro's regional UGB; and

WHEREAS, copies of the draft Evaluation and draft Work Program were delivered to the Department Periodic Review Assistance Team at a May 3, 2000 meeting; and

WHEREAS, the Team has participated with Metro staff by e-mail comments, a May 16, 2000 meeting, and the DLCD testimony; and

WHEREAS, coordination with local governments and stakeholders was accomplished consistent with the adopted citizen involvement process for Periodic Review of the regional UGB; and

WHEREAS, Metro received written and oral testimony prior to and during a scheduled and noticed public hearing on the draft Evaluation and Work Program before the Metro Council Growth Management Committee on May 16, 2000; and

WHEREAS, amendments to the draft Evaluation and Work Program, reflecting Metro Council response to written and oral testimony from the public, have been included in the accompanying staff report and the Work Program in Exhibit "B" of this resolution; and

WHEREAS, the Evaluation in Exhibit "A" includes the evaluation form information appropriate to the jurisdiction indicated in the DLCD letter of May 1, 2000; and

WHEREAS, the Metro Council reviewed written and oral testimony and considered approval of the amended Evaluation and Work Program at its May 25, 2000 meeting; and

WHEREAS, OAR 660-025-0100(1) requires Metro to provide notice of approval of the Evaluation and Work Program; and

WHEREAS, OAR 660-025-0090(2) requires that the list of persons who requested notice of Evaluation and Work Program be submitted to DLCD; and

WHEREAS, any objections to Metro's approved Evaluation and Work Program must be filed with the DLCD; now, therefore,

BE IT RESOLVED,

1. That the Evaluation of Metro's regional UGB attached as Exhibit "A" and incorporated herein is hereby approved for purposes of periodic review of the regional urban growth boundary.
2. That the Work Program for periodic review of the regional UGB attached as Exhibit "B" and incorporated herein is hereby approved for submission to the Department of Land Conservation and Development.
3. That the Periodic Review Assistance Team and others who have requested notice shall be notified of this adoption of the evaluation and work program for Periodic Review of the regional urban growth boundary consistent with OAR 660-025-0100.
4. That the Executive Officer is hereby authorized to submit the Evaluation and Work Program in this resolution together with a list of persons who requested notice of this decision to the Department of Land Conservation and Development for review and approval by the Land Conservation and Development Commission.

ADOPTED by the Metro Council this ____ day of May 2000.

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

EXHIBIT A

METRO URBAN GROWTH BOUNDARY PERIODIC REVIEW EVALUATION

Need for Periodic Review (OAR 660-025-0070)

Under Oregon Administrative Rule 660-025-0070, Metro is required to indicate the need for and establish the scope of periodic review of the regional Urban Growth Boundary (UGB). The four conditions of this rule are addressed below.

A. Substantial Change in Circumstances

There has been a substantial change in circumstances including but not limited to the conditions, findings, or assumptions upon which the comprehensive plan [provisions, regional UGB] or land use regulations were based, so that the comprehensive plan or land use regulations do not comply with [applicable] statewide planning goals. [OAR 660-025-0070(1)]

Metro Code and State Land Use statutes require that the Metro Council review the estimated capacity of the existing UGB at least every five years for each new 20-year period. Metro completed its last periodic review in December 1992. At that time, it was determined that no amendment to the UGB was necessary. Since 1992 there have been a number of significant changes in circumstances including:

- the adoption of the 2040 Growth Concept and the implementing Urban Growth Management Functional Plan (Functional Plan);
- amendments to the UGB in 1998 and 1999;
- annual locational adjustments to the UGB;
- amendments to local comprehensive plans to implement the 2040 Growth Concept;
- enactment of statutory changes that affected the determination of need; and
- amendments to the state rule requiring the designation of urban reserve areas.

1. 2040 Growth Concept Plan

Metro adopted the 2040 Growth Concept as part of the acknowledged Regional Urban Growth Goals and Objectives (RUGGO) in 1995. The 2040 Growth Concept is a planning blueprint for how the region desires to grow to the year 2040 in a manner that maximizes compact development to reduce the cost of public facilities and maximize the efficiency of use of the land inside the UGB.

The 2040 Growth Concept was adopted for the long-term management of the region including a general approach to approximately where and how much the UGB should be expanded, what ranges of density are estimated to accommodate forecasted growth within the boundary and which areas should be protected as open space. The Regional Framework Plan describes the intent of the 2040 Growth Concept:

Creating higher density centers of employment and housing and transit service with compact development, retail, cultural and recreational activities, in a walkable environment, is intended to provide efficient access to goods and services, enhance multi-modal transportation and create vital, attractive neighborhoods and communities.

A hierarchy of mixed-use centers are key to the 2040 Growth Concept. Starting with the Central City, which serves the entire region, it is supported by the seven regional centers that serve subregional areas and the 30 town centers which serve the immediate surrounding communities. In addition, mixed-use, compact development is planned for light rail station areas and main streets. Creating higher density centers of employment and housing is advantageous for several reasons. These centers provide access to a variety of goods and services in a relatively small geographic area, creating an intense business climate. Having centers also makes sense from a transportation perspective, since most centers have an accessibility level that is conducive to transit, bicycling and walking.

All UGB amendments since 1995 have been required to be consistent with the 2040 Growth Concept. The analysis and implementation for consistency goes beyond the mere "consideration" of meeting forecasted population and employment needs inside the existing UGB required by the State Land Use Goal 14 (Goal 14) alternative analysis. The 2040 Growth Concept and the implementing functional plan require accommodation of housing and job needs at higher densities in mixed-use areas. In addition, there are requirements for minimum residential densities in all areas and limits on the amount of parking that can be required.

2. Statutory Changes

The adoption of ORS 197.296 (HB 2709) in 1995 affected the method for determining Goal 14 need. ORS 197.299, adopted in 1997, specifically required Metro to complete actions to assure a 20-year supply of land inside the regional UGB by December 1999. Under ORS 197.299(3), this time limit was extended by action of the Land Conservation and Development Commission (LCDC) to October 31, 2000.

Metro's 1997 Urban Growth Report was completed within the time limit in ORS 197.299(1) and addressed the requirement to review the estimated capacity of the existing UGB every five years. The 1997 Urban Growth Report and the 1999 Update applied the new method to determine the state Goal 14 need as required in ORS 197.296.

3. Requirement to Designate Urban Reserve Areas

In 1992, the Urban Reserve Areas rule (OAR 660-021) required Metro to designate urban reserve areas to accommodate future growth up to a 50-year period within 2 miles of the 1992 UGB. Metro responded to that requirement and designated urban reserve areas in March 1997. In January 2000, the Court of Appeals remanded the Metro decision. Also in January 2000, the Land Conservation and Development Commission (LCDC) amended the 1992 Urban Reserve Areas rule, making the designation of urban reserve areas optional for Metro. Metro is exercising that option by not considering any designation of urban reserve areas or readopting the former urban reserve areas. The result is that no further action by Metro is required by this change in the statewide rule.

B. Implementation Decisions Inconsistent with Statewide Goals

Decisions implementing acknowledged comprehensive plan [provisions, regional UGB] and land use regulations are inconsistent with the [applicable statewide] goals. [OAR 660-025-0070(2)]

Metro decisions implementing the regional UGB has been consistent with Goal 14 and future decisions will continue to be consistent with this state land use goal.

C. Issues of Regional/Statewide Significance Must be Addressed

There are issues of regional or statewide significance, intergovernmental coordination, or state agency plans or programs affecting land use which must be addressed in order to bring comprehensive plans [provisions, regional UGB] and land use regulations into compliance with the [applicable statewide] goals. [OAR 660-025-0070(3)]

State requirements OAR 660-0025-0030(1), (2)(d) and Metro Code 3.01.080 require Metro to review the UGB every five years.

1. UGB Amendments made in 1998 and 1999

The conclusion drawn by the 1997 Urban Growth Report was that the metropolitan area did not have a 20-year land supply inside the existing UGB. When the supply and demand estimates were compared, the result was a land deficit of 32,370 dwelling units and 2,900 jobs. To accommodate this deficit, it was estimated that 4,100 to 4,800 gross acres of urbanizable land were needed. In December 1998, the Metro Council added 3,479.3 acres of land to the UGB. Of this, 1,181.7 acres were subject to an appeal and 2,297.6 acres are under various stages of the planning process for urbanization. In 1999, the Metro Council added 383.9 acres of land to the UGB. Of this, 116 acres were subject to an appeal and 267.9 acres are under various stages of the planning process for urbanization. A table and series of maps are attached to this report identifying the locations of these areas of urban growth expansion.

2. Statutory Changes

As noted above in section A.2, statutory changes were made that affected the Goal 14 determination of need. The adoption of ORS 197.296 (HB 2709) in 1995 required Metro to complete actions to assure a 20-year supply of land for housing inside the regional UGB by December 1999. Under ORS 197.299(3), this time limit was extended by action of the LCDC to October 31, 2000.

3. Goal 5 Rule Change

In 1996, Metro adopted the functional plan that included a requirement (Title 3) to examine regional riparian resources under the new 1996 LCDC Goal 5 Rule. Title 3 also contains regulations in response to Goals 6 and 7. The planning work on the proposed response to the rule is continuing. This includes a Safe Harbor option with a set regulated area and two options for variations to that regulated area: a site-specific option and an area-specific option. When the LCDC acted in December 1999 to approve Metro's request for a time extension under 197.299(3), the request was based on a work plan to complete the Goal 5 work.

4. Title 3

Title 3 of the Urban Growth Management Functional Plan was initially adopted in 1996 and completed in 1998. It contains regulations that respond to Statewide Planning Goals 6 and 7 by limiting development in floodplains and along stream corridors. Metro took these limitations into account for the 1998 and 1999 UGB amendments and will take them into account for any 2000 amendments under the LCDC extension to October 31, 2000. Any additional lands where development will be limited in response to Goal 5 will be considered in this accounting.

D. Achieving Statewide Planning Goals

The existing comprehensive plan [provisions, regional UGB] and land use regulations are not achieving the [applicable] statewide planning goals. [OAR 660-025-0070(4)]

The existing UGB is meeting and exceeding the requirements of Goal 14. No other UGB in the State is administered and amended consistent with regional goals and objectives such as the 2040 Growth Concept for urban form. The implementation of the 2040 Growth Concept through the functional plan has allowed Metro to accommodate most of the forecasted population and employment growth inside its 1979 adopted UGB. The total acreage of land resulting from the UGB amendments of 1998, 1999 and 2000 will be significantly less than the estimated amendments that would have resulted under the 2040 Base Case.

Conclusion

It is necessary to prepare a work program because two of the four statutory conditions are met: there has been substantial change in circumstances since the previous evaluation; and there are issues of regional and statewide significance to be addressed.

Potential Approach to Periodic Review

The general approach to periodic review of the UGB is a three phased work program. Task 1 concludes the 1997 to 2017 update by October 31, 2000. Task 2 will address subregional need and "complete communities". Task 3 is the five-year review of the UGB for the 2002 to 2022 forecast period.

Task 1

The first phase is proposed to be a continuation of the 1997 regional need analysis and UGB amendment decision. It is proposed to have five parts including:

- citizen involvement program
- reconfirmation of regional need
- alternative analysis to meet State requirements
- refinement analysis of exception lands based on Metro RUGGOs
- selection of exception lands and UGB amendment, if needed

Tasks 2

For Task 2, a sub-regional need analysis is proposed. This Task would determine if there is a need for amendments to the UGB to ensure "completed communities" consistent with the acknowledged 2040 Growth Concept and RUGGO.

Task 3

For Task 3 a five-year periodic review, to 2022, is proposed for a regional land need analyses and potential identification of lands for consideration as amendments to the UGB.

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Resolution No. 00-2952
May 19, 2000

ATTACHMENT TO EXHIBIT A

METRO REPORT

1997 Urban Growth Report Update

September 1999



METRO
Regional Service
Creating livable
communities

EXHIBIT B

Metro Urban Growth Boundary Periodic Review Work Program 2000

Task 1 CONTINUATION OF 1997 REGIONAL NEED ANALYSIS AND URBAN GROWTH BOUNDARY AMENDMENT DECISIONS

Subtask 1 establishes a citizen involvement program for Metro's legislative process to amend the Urban Growth Boundary (UGB). Subtasks 2 through 6 follow the State Land Use Goal 14 process for amending urban growth boundaries. Legislative amendments to the boundary in Task 1 will be made in accordance with Metro's October 31, 2000, deadline to meet the 2017 regional land supply need.

Subtask 1 Citizen Involvement Program

Purpose: To inform the public and provide opportunities for meaningful input into the planning process; and to meet the requirements of State Goal 1 and Regional Urban Growth Goals and Objectives Goal 1, Objective 1.

- A. Work Program Public Involvement
 - 1. Coordination with local governments
 - 2. Citizen and stakeholder input
- B. Develop and initiate process to respond to citizen and local government comments
- C. Refine and outline citizen involvement program for Tasks 2 and 3

Product: Implementation of Task 1 public involvement program and a specific citizen involvement plan for subsequent Tasks.

Due Date: Subtask 1A - June 16, 2000
Subtask 1B - May 31, 2000
Subtask 1C - Task 2 - November 30, 2001
Task 3 - August 30, 2001

Subtask 2 Reconfirmation of Need

Purpose: To verify specific Metro Urban Growth Report factors and to present a unified approach to establishing need in accord with State Land Use Goal 14, factors 1 and 2.

- A. Document that inside the UGB that the Metro Functional Plan requirements support the development of a compact regional urban form and determine the extent to which local governments are complying with these requirements based on local compliance reports
- B. Verify regional need for dwelling units and jobs
- C. Reconcile Urban Growth Report with Metro Functional Plan Table 1 and Metro Code

Product: Determination of the 20-year land supply need and the number of dwelling units and jobs to be accommodated through an UGB expansion.

Due Date: June 30, 2000

Subtask 3 Alternatives Analysis

Purpose: To identify exception lands and exclusive farm use land that is completely surrounded by exception land for possible inclusion in the UGB. A more detailed work plan has been prepared for this task.

- A. Identify study areas
- B. Discussion paper of relevance of other studies pertaining to exception lands
- C. Data collection
 - 1. Description of each study area
 - 2. Assessment of potential dwelling units and jobs
 - 3. Serviceability/public facility rating
- D. Resource assessment
- E. ESEE analysis
- F. General determination of lands to be considered for inclusion in the UGB

Product: A memorandum summarizing the results of the analysis and a recommendation of which sites to drop from further research

Due Date: June 30, 2000

Subtask 4 Refine Analysis of Exception Lands

Purpose: To analyze the remaining exception lands (per the alternatives analysis) in the context of Metro's Regional Urban Growth Goals and Objectives and to make recommendations regarding the effectiveness of different exception land study areas to meet regional policies, such as jobs/housing balance and complete communities.

- A. Establish criteria for selection of exception land for inclusion in the UGB
 - 1. Boundary location issues
 - 2. Separation of communities
 - 3. Complete communities
 - 4. Jobs/housing balance
 - 5. Transportation considerations
 - 6. Public facilities
 - 7. Resource protection
- B. Analyze exception land using the selection criteria

Product: Discussion memorandum of Metro's Regional Urban Growth Goals and Objectives and their applicability for shaping the urban form and a recommendation of exception lands for inclusion in the UGB.

Due Date: August 11, 2000

Subtask 5 Technical Amendments to the Urban Growth Boundary

Purpose: This is the first part of a two-phase planning process to correct inconsistencies in the location of the UGB. Part 1 will correct inconsistencies that are the result of mapping errors and interpretations of the boundaries.

- A. Identify areas of inconsistencies
- B. Prepare map amendments
- C. Prepare changes to Metro Code to avoid future boundary errors

Product: Memorandum outlining inconsistencies and specific changes to the UGB and to Metro Code.

Due Date: July 28, 2000

Subtask 6 Selection of Exception Lands for Urban Growth Boundary Amendment

Purpose: To undertake the necessary hearings and coordination steps for making a decision on expansion of the UGB that is consistent with State Land Use Goals, particularly, Goals 1, 2 and 14 and the Metro Code.

- A. Complete technical amendments to the UGB
- B. Select exception land for UGB amendments
- C. Notice property owners
- D. Coordinate with local governments
- E. Prepare summary staff report
- F. Conduct Metro Council hearings
- G. Adopt ordinances and amend the UGB to comply with ORS 197.296 and to address mapping issues

Product: Staff report, legislative hearings and decision on UGB amendments

Due Date: October 31, 2000

Task 2 SUBREGIONAL ANALYSIS AND URBAN GROWTH BOUNDARY AMENDMENTS IF NECESSARY

Task 2, subtask 7, is the work program review and update to ensure consistency with applicable regulations. The remaining subtasks, 8 through 10, are divided into two sections. Section A consists of subtask 8, the analysis of a subregions performance as a "complete community" consistent with the acknowledged 2040 Growth Concept. The performance of a subregion will be assessed on factors such as the subregion ability to provide a balance of housing and employment. The analysis will conclude with a determination of whether or not there is a need to add land to the UGB. The analysis will be consistent with State Land Use Goal 14, factor 2 and Metro Code. Section B, consists of subtasks 9 and 10. Subtask 9 is the process to identify exception land and lower priority lands, if necessary, to meet the identified subregional need. Subtask 10 is the public hearing process and Metro Council decision on amending the UGB.

Metro may request clarification from the Land Conservation and Development Commission (Commission) on several issues related to Task 2. The first issue is clarification of the policy dealing with the 20-year land supply and whether Metro can consider bringing into the UGB more land than is needed for a 20-year regional supply to achieve "complete communities" in each subregion as envisioned in the Regional Urban Growth Goals and Objectives and in the acknowledged 2040 Growth Concept. The second issue, that Metro may request clarification from the Commission, is the application of ORS 197.298(3) "Priority of land to be included in the urban growth boundary." In assessing the subregional deficiencies and potential of an area in Task 2, Metro may need to consider including lower priority lands into the UGB to establish a "complete community" consistent with section 3 of ORS 197.298.

Subtask 7 Evaluate and Revise Work Program

Purpose: To review the work program subtasks in Task 2 for consistency with State Rule changes and Metro Code and to refine the timeline and products.

- A. Review changes to Goal 14 and administrative rules
- B. Review Metro policy
- C. Revise work program and review citizen involvement plan Task 1, subtask 1
- D. Coordinate with local governments
- E. Coordinate with DLCDC
- F. Submit proposed periodic review work program changes to LCDC

Product: Refined work program for Task 2, work subtasks 8 through 10

Due Date: November 30, 2000

Section A Subregion Analyses and Determination of Need for Urban Growth Boundary Amendments

Subtask 8 Subregional Analysis

Purpose: To apply State Land Use Goal 14, factors 1 and 2, Goal 2 exceptions criteria and other legal requirements, including ORS 197.296, as implemented through Metro's acknowledge UGB amendment criteria (see Metro Code 3.01.020(b)(2)(A)). To assess the subregional needs to ensure "complete communities" consistent with the acknowledged 2040 Growth Concept and the Regional Urban Growth Goals and Objectives.

- A. Identify existing policies regarding subregional analyses (e.g., jobs/housing balance and economic development goals)
- B. Research supply, size and location of industrial land and potential demand for industrial and commercial jobs and land based on current trends and policies.
- C. Define subareas consistent with the 2040 Growth Concept (use existing 400 zone system to delineate area)
- D. Apply regional growth management policies to quantify subregional demand for housing and jobs, based on policy factor analysis such as:
 1. Equitable distribution of jobs, income, investment, tax capacity and affordable housing
 2. Reductions in VMT per capita or other comparable measures
- E. Determine whether there are subregional needs that require amendments to the 20-year regional UGB to ensure:
 1. A 20-year supply of land for housing within a defined subregional area; and
 2. A 20-year supply of land for jobs and related complete community issues within defined subregional areas

** note* The conclusion of this task, to establish "need" to add land to the UGB, to provide a subregional 20-year supply of land, could result in an overall regional supply of land greater than 20 years. However, there are other Metro actions and circumstances that could have a counter balancing affect of reducing a potential excess supply, including:*

1. *Work program Task 1, establishes a regional 20-year supply of land for housing for 1997-2017, consistent with ORS 197.299. Work program Task 2 considers subregional needs in the context of a 2001-2021 land supply, thereby recognizing four additional years of need.*
2. *Any future Metro Goal 5 habit protection regulations that will restrict development will decrease the buildable land supply and increase the*

number of acres that need to be added to the UGB to meet the regional 20-year land need.

3. *There are several outstanding appeals of 1998 and 1999 UGB amendments. If the Court rules that Metro incorrectly brought this land in to the UGB, this will result in a reduction of the 20-year land supply for the 1997-2017 forecast period*

F. Draft recommendations on amount of land needed for amendments to the UGB

Product Section A: A Metro Council resolution adopting the subregional analyses and determination of the amount of land needed to meet the subregional need to create "complete communities."

Time Frame: June 30, 2001

Section B Addressing the Identified Subregional Needs

Subtask 9 Alternatives Analysis

Purpose: To identify exception land or lower priority lands suitable for meeting the subregional needs consistent with ORS 197.298(3), Goal 14, factors 3-7 and acknowledged Metro Code section 3.012.020.

- A. Identify study areas based on subregional need
- B. Data collection
 1. Description of each study area
 2. Assessment of potential dwelling units and jobs
 3. Serviceability/public facility rating
 4. Information from local governments and stakeholders
- C. Resource assessment
- D. ESEE analysis
- E. General determination of lands to be considered for inclusion in the UGB

** note * If it is determined, in Task 8, that there is a subregional need to add land to the UGB, Metro will seek clarification from the Commission about how to apply ORS 197.298(3) dealing with the priority and selection of lands for urbanization.*

Product Section B: A memorandum outlining the analyses of exception lands and lower priority lands to meet the identified subregional need identified in subtask 8.

Time Frame: October 30, 2001

Subtask 10 Selection of Lands for Urban Growth Boundary Amendment

Purpose: To undertake the necessary hearings and coordination steps for making a decision on expansion of the UGB that is consistent with State Land Use Goals 1, 2 and 14 and the Metro Code.

- A. Select of exception land or lower priority lands, if necessary, for UGB amendments
- B. Notice property owners
- C. Coordinate with local governments
- D. Prepare summary staff report
- E. Conduct public hearings before Metro Council Growth Management Committee and Metro Council
- F. Adopt ordinances amending the UGB

Product Section B: A decision on UGB amendments
Time Frame: January 30, 2002

**Task 3 COMPLETION OF THE FIVE-YEAR REGIONAL ANALYSIS AND URBAN GROWTH
BOUNDARY AMENDMENT DECISION**

Metro Code section 3.01.080 and OAR 660-0025-0030(1) and (2)(d) require that Metro review the estimated capacity of the existing UGB at least every 5 years for each new 20-year period. Task 3, subtasks 12 through 17 address this requirement for the 2002-2022 forecast period. The planning process shall be consistent with State Land Use Goal 14 requirements, Metro Code section 3.01.020 and ORS 197.296. Subtask 11 is the work program task review and update to ensure consistency with applicable regulations.

Subtask 11 Evaluate and Revise Work Program

Purpose: To review the work program subtasks in Task 3 for consistency with State Rule changes and Metro Code and to refine the timeline and products.

- G. Review changes to Goal 14 and administrative rules
- H. Review Metro policy
- I. Revise work program and review citizen involvement plan Task 1, subtask 1
- J. Coordinate with local governments
- K. Coordinate with DLCDC
- L. Submit proposed periodic review work program changes to LCDC

Product: Refined work program for Task 3, work subtasks 12 through 17
Due Date: August 30, 2001

Subtask 12 Regional Forecast, Allocation and Research

Purpose: To update the regional forecast to address changes in demographics changes in technology and the 2022 planning time frame.

- A. Forecast
 - 1. Update Regional Forecast to 2022
 - 2. Conduct local allocation process for regional forecast
- B. Update 1997 Housing Needs Analysis (ORS 197.296 3(b)(c))

Product: Updated 2022 forecast for dwelling units and jobs
Time Frame: September 28, 2001

Subtask 13 Land Supply Analysis

Purpose: To comply with Metro Code and state land use statutes for reviewing the estimated capacity of the existing UGB for the 2002-2022 forecast period.

- A. Update vacant land data
 - Obtain aerial photos – July 2000
- B. Research specific capacity factors
 - 1. Refine and update zoning categories
 - 2. Identify job types and site size
 - 3. Update accessory dwelling unit data
 - 4. Review constrained lands

Product: Updated land supply data based on a 2000 vacant land analysis
Time Frame: February 28, 2002

Subtask 14 Determination of Regional Need

Purpose: To establish the regional need for dwelling units and jobs based on the 2022 forecast.

- A. Compare demand to supply
- B. Report on analysis and outcomes

Product: Determination of the 20-year land supply need based on the 2022 forecast and the number of dwelling units and jobs to be accommodated through UGB amendments.

Time frame: March 29, 2002

Subtask 15 Alternatives Analysis

Purpose: To identify exception land and other suitable land for satisfying the identified regional need in accordance with State Land Use Goal 14 and other legislative UGB amendment criteria in Metro Code section 3.01.020.

- A. Identify study areas
- B. Data collection
 - 1. Description of each study area
 - 2. Assessment of potential dwelling units/jobs
 - 3. Serviceability/public facility rating
- C. Resource assessment
- D. ESEE analysis
- E. Development of selection criteria
- F. General determination of lands to be considered for inclusion in the UGB.

Product: A memorandum summarizing the results of the analysis and a recommendation of sites to drop from further research.

Time Frame: June 28, 2002

Subtask 16 Technical Amendments to the Urban Growth Boundary

Purpose: This is the second part of a two-phase planning effort to correct inconsistencies in the location of the UGB and Metro's jurisdictional boundary. This phase addresses inconsistencies related to local annexation practices and the interpretation of boundaries as they relate to floodplains.

- A. Identify parcels for changes
- B. Prepare map amendments
- C. Prepare changes to Metro Code to avoid future boundary errors

Product: Memorandum outlining specific changes to the UGB and to Metro Code.

Time Frame: October 31, 2002

Subtask 17 Selection of Lands for Urban Growth Boundary Amendment

Purpose: To undertake the necessary hearings and coordination steps for making a decision on expansion of the UGB that is consistent with State Land Use Goals 1, 2 and 14 and the Metro Code.

- A. Draft technical amendments and map changes
- B. Select land for UGB amendments
- C. Notice property owners
- D. Coordinate with local governments
- E. Prepare summary staff report
- F. Conduct public hearings before Metro Council Growth Management Committee and Metro Council

Product: Adoption of ordinances and amendments to the UGB to comply with ORS 197.299 and to address technical issues.

Time Frame: December 20, 2002

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 00-2952 FOR THE PURPOSE OF ADOPTING AN EVALUATION AND PERIODIC REVIEW WORK PROGRAM FOR THE REGIONAL URBAN GROWTH BOUNDARY.

Date: May 19, 2000

Prepared by: Mary Weber
Presented by: Andy Cotugno

PROPOSED ACTION

Adoption of Resolution No. 00-2952 for the purpose of formally accepting and submitting an evaluation and periodic review work program for the Urban Growth Boundary (UGB) to the Department of Land Conservation and Development (DLCD).

LEGAL BASIS

State requirement 660-025-0030(1), (2)(d) and Metro Code Section 3.01.080 require Metro to review the UGB every five years.

BACKGROUND AND ANALYSIS

Periodic Review

The purpose for periodic review is to ensure that Metro's regulations and policies on the UGB remain in compliance with statewide planning goals. Metro Code and State land use statutes require that the Metro Council review the estimated capacity of the UGB at least every 5 years for each new 20-year period. The Land Conservation and Development Commission (Commission) at its April 27, 2000 meeting placed Metro in periodic review. Metro completed its last periodic review of the UGB in December 1992. At that time, it was determined that no amendment to the UGB was necessary. Since 1992 there have been a number of significant changes in circumstances including:

- Adoption of the 2040 Growth Concept and implementing Urban Growth Management Functional Plan;
- Amendments to the UGB in 1998 and 1999;
- Annual locational adjustments to the UGB;
- Amendments to local comprehensive plans to implement the 2040 Growth Concept;
- Enactment of statutory changes that affected the determination of need; and
- Amendments to the State rule requiring the designation of urban reserve areas.

Periodic review includes several steps. First Metro evaluates the regional UGB and applicable Metro Code provisions to determine if any changes are needed. Second is the development of a work program with scheduled work tasks. Third, Metro carries out the work program. Periodic review is over when all work program tasks are completed and approved by DLCD. Staff has prepared an analysis of the need for periodic review. A work program has also been drafted.

Work Program and Evaluation

The periodic review evaluation concludes that there are substantial changes in circumstances and there are issues of regional and statewide significance that must be addressed, therefore there is a need for periodic review of the regional UGB.

Metro is proposing a three-phase work program. The first phase addresses the legislative amendments to the UGB to be made in accordance with the October 31, 2000 deadline to meet the 2017 regional land supply need. The second phase addresses subregional need for housing and employment opportunities and creating "complete communities" consistent with the 2040 Growth Concept. Finally, the third phase addresses the requirements in Metro Code and State land use statutes that Metro review the estimated dwelling unit capacity of the UGB at least every 5 years for the new 20-year period, in this case the 2002 to 2022 forecast period.

Public Hearing and Comments

In advance of the May 16, 2000 hearing on the evaluation and work program before the Metro Council Growth Management Committee, Metro staff sent a letter to local governments and interested parties explaining the periodic review process and proposal. Metro has received comments on the evaluation and work program from several members of the State Periodic Review Assistance Team. The State Periodic Review Assistance Team is available to assist Metro with periodic review. The group includes persons from DLCD, other state agencies and representatives from city and county governments. In addition, a number of interested parties testified before the Metro Council Growth Management Committee on the evaluation and work program. A summary of the comments is attached. The comments focused primarily on the second phase of the work program. The comments included:

- Collapsing the work program Tasks 2 and 3 on the subregional analysis into a single task;
- Conducting the subregional analysis in the first phase and include any amendments in the October 31, 2000 decision;
- Opposition to meeting subregional need outside of the regional 20-year land supply and that it is not allowed under current law;
- A recommendation to use more general language in Task 2 and not burden the work program with the policy issues; and
- Identifying community livability as an independent "special land need."

Other general comments include:

- Expanding the UGB in 1998-99 and 2000-01-02 is not stable and predictable and is piecemeal planning;
- Concern about reconciling the Functional Plan and the Urban Growth Report; and
- A recommendation that Metro should not preclude the opportunity to look at all lands (exception and EFU land) when considering boundary expansions.

Staff recommends, for Metro Council consideration, the following changes to the work program and the corresponding changes to the evaluation:

- Collapsing the subregional analysis tasks into a single work task;
- Introducing "complete communities" and the 2040 Growth Concept as the foundation for considering subregional need;
- Identifying in Task 2, the need for policy clarification on exceeding a 20-year regional land supply to meet the identified subregion needs; and
- Identifying in Task 2, the need for policy clarification on how to apply ORS 197.298(3) priority of lands to be included in the UGB.

Policy Issues

Metro may request clarification from the Commission on several policy issues related to the subregional analysis task. The first issue is clarification of the policy dealing with the 20-year land supply and whether Metro can consider bringing into the UGB more land than is need for a 20-year regional supply to achieve "complete communities" in each subregion. The assessment of the subregional need to create "complete communities" could result in an overall regional supply of land greater than the 20-year supply. However, there are other Metro actions and circumstances that could have a counter balancing affect of reducing a potential excess supply, including:

- Work program Task 1, establishes a regional 20-year supply of land for housing for 1997-2017. Work program Task 2 considers subregional needs in the context of a 2001-2021 land supply, thereby recognizing four additional years of need.
- Any future Metro Goal 5 habitat protection regulations that will restrict development will decrease the buildable land supply and increase the number of acres that need to be added to the UGB to meet the regional 20-year land need.
- There are several outstanding appeals of 1998 and 1999 UGB amendments. If the Court rules that Metro incorrectly brought this land in to the UGB, this will result in a reduction of the 20-year land supply for the 1997-2017 forecast period.

The second issue, that Metro may request clarification from the Commission, is the application of ORS 197.298(3) "Priority of land to be included in the Urban Growth Boundary." In assessing the subregional deficiencies and potential of an area in the subregional analysis, Metro may need to consider including lower priority lands into the UGB to establish a "complete community."

Next Steps

After Metro Council approves the evaluation and work program, the Executive Officer will notice, in writing, to DLCD, the Periodic Review Assistance Team and interested persons, that the work program has been adopted, where they can obtain a copy and that objectors have 21 days to file a written objection.

If no valid objections are received within the 21-day objection period the DLCD Director may approve the evaluation and work program. If valid objections are received or DLCD conducts its own review a report will be issued. The report will identify specific work tasks to resolve objections or DLCD concerns. The Commission shall either sustain or reject a valid objection.

BUDGET IMPACT

Metro was awarded a \$34,000 grant by DLCD for the public involvement portion of Task 1 of the work program.

EXECUTIVE OFFICER'S RECOMMENDATION

It is recommended that the Metro Council approve the periodic review evaluation and work program for the UGB.

AC/MAW/srb
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Metro Urban Growth Boundary Periodic Review Work Program 2000 – Comments from Public Hearing May 16, 2000

Date	Interested Party	Comments	Metro Response
5-9-00 Letter	City of Forest Grove	<ul style="list-style-type: none"> ▪ General statement of support for Metro going into periodic review for the UGB 	No proposed change in the work program.
5-9-00 Letter Testimony	City of Portland Elana Emlen	<ul style="list-style-type: none"> ▪ Supports effort to complete decisions associated w/1997 urban growth report ▪ City does not support Task 2 - subregional analysis – results in UGB expansions in 98/00/01/02 - does not provide predictability and security for landowners - piecemeal planning -- more than a 20-year supply is not justifiable – less redevelopment will occur ▪ Proposes alternative to Task 2 - spend 2001 discussing subregional need – make decision in 2002 	Change the work program stating that Metro may request clarification from the Land Conservation and Development Commission on the policy dealing with 20-year land supply and whether Metro can consider bringing into the UGB more land than the 20-year supply to achieve “complete communities”.
5-16-00 Letter	Washington County Farm Bureau by Steven M. Claussen, attorney, Williams Fredrickson, LLC	<ul style="list-style-type: none"> ▪ Task 2, subregional expansion, is contradictory to applicable law and recommends rejecting this portion of the proposed work program 	No proposed change in the work program.
5-16-00 Testimony	Jim Irvine 16550 SE 232 Boring, Oregon	<ul style="list-style-type: none"> ▪ General support for work program ▪ Recommends that Task 1, subtask 3 that we look at EFU land as well as exception land ▪ Recommends that Council should not preclude the opportunity to look at all lands, exception land and EFU land when considering UGB expansion 	No proposed change in the work program.
5-16-00 Letter	Costa Pacific Homes	<ul style="list-style-type: none"> ▪ General statement of support for periodic review ▪ Interest is development in North Plains and the issue of Metro’s assumptions about potential “leakage” from Metro area and growth in North Plains (forecast assumptions about growth outside the Metro UGB) 	No proposed change in the work program. Metro will coordinate with local jurisdictions in developing the 2002-2022 forecast and regional allocation of growth.
5-16-00 Letter Testimony	Rosemont Property Owners Association Greg Leo	<ul style="list-style-type: none"> ▪ General support for the work program ▪ Recommends reconciling functional plan and urban growth report ▪ Concern about potential inconsistencies with meeting subregional need and regional need ▪ Metro Code needs to be amended the RUGGOs to address how subregions are identified for analysis 	No proposed change in the work program. In Task 1, Metro will be reviewing Table 1 of the functional plan and the capacity estimates in the urban growth report.

Metro Urban Growth Boundary Periodic Review Work Program 2000 – Comments from Public Hearing May 16, 2000

Date	Interested Party	Comments	Metro Response
5-16-00 Letter Testimony	1000 Friends of Oregon Mary Kyle McCurdy	<ul style="list-style-type: none"> ▪ General support, particularly Task 1 and Task 4 ▪ Opposes Task 2 & 3 subregional need ▪ Opposes subregional need outside of the 20 year planning period and states that it is not allowed under current law and is piecemeal planning ▪ Expanding the UGB in 98/99/00/01/02 is not stable and predictable 	Change to the work program stating that Metro may request clarification from the Land Conservation and Development Commission on the policy dealing with 20-year land supply and whether Metro can consider bringing into the UGB more land than the 20-year supply to achieve “complete communities”.
5-16-00 Testimony	Department of Land Conservation and Development Jim Hinman	<ul style="list-style-type: none"> ▪ Recommends combining Tasks 2 and 3 to ensure an acknowledgeable work product ▪ Subtask 8E(1) (2) recommends using more general language in the work program and not burden the work program with this policy issue ▪ DLCD has worked with Metro staff to make a number of clarification and technical edits to the work program and evaluation 	Tasks 2 and 3 have been combined and Metro has stated that during Task 2, it may request clarification from the Land Conservation and Development Commission on the two policy issues identified under Task 2.
5-16-00 Letter	Schwabe Williamson & Wyatt, Andrew Stamp for Pacific Capital LLC	<ul style="list-style-type: none"> ▪ Requests that they receive notice of all public meetings and hearings regarding the work program, work task products and related periodic review issues 	No proposed change in the work program. This party will be added to the notice list.
5-16-00 Letter	City of Hillsboro	<ul style="list-style-type: none"> ▪ Recommends that Metro conduct the regionwide land need and the special subregional land needs analysis in Task 1 ▪ Offers specific suggestions on approach to quantifying subarea need ▪ Recommends elevating “community livability” as an independent “special land need” that encompasses more than just jobs/housing balance 	Metro proposes to change the work program by introducing “complete communities”, the 2040 Growth Concept and RUGGOs into the assessment of subregional need. Metro will work with the City of Hillsboro and other interested local jurisdictions and interested parties when it undertakes the refinement step of the subregional analyses in Task 2, subtask 7.

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