

A G E N D A

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METRO

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MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: December 13, 2006

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

PLACE: Metro Council Chamber/Annex

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Kidd		
1	SELF INTRODUCTIONS & COMMUNICATIONS	All		5 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			5 min.
3	CONSENT AGENDA <ul style="list-style-type: none">• October 11, 2006• November 8, 2006• November 15, 2006	Kidd	Decision	5 min.
4	COUNCIL UPDATE	Hosticka	Update	5 min.
5	JPACT UPDATE	Cotugno	Update	5 min.
6	NOMINATIONS COMMITTEE REPORT FOR 2007 OFFICERS	Kidd	Nominations	5 min.
7	REGIONAL TRANSPORTATION PLAN RESEARCH RESULTS	Ellis	Discussion	40 min.
8	ORDINANCE 06-1124 TITLE 4 INDUSTRIAL & EMPLOYMENT AREAS AMENDMENTS	Benner	Discussion/ Decision	45 min.
9	ORDINANCE 07-1136 MEASURE 37 METRO CLAIMS PROCESS CLARIFICATION	Benner	Introduction	5 min.

UPCOMING MEETINGS:

MPAC: January 10 & 24, 2007

MPAC Coordinating Committee, Room 270: January 10, 2007

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us

MPAC normally meets the second and fourth Wednesday of the month.

To receive assistance per the Americans with Disabilities Act,
call the number above, or Metro teletype 503-797-1804.

To check on closure or cancellations during inclement weather please call 503-797-1700.

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

October 11, 2006 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Chuck Becker, Rob Drake, Andy Duyck, Dave Fuller, Jack Hoffman, Tom Hughes, Alice Norris, Tom Potter, Chris Smith

Committee Members Absent: Ken Allen, Richard Burke, Larry Cooper, Nathalie Darcy, Bernie Giusto, Richard Kidd, Charlotte Lehan, Diane Linn, Larry Smith, Erik Sten, Steve Stuart, (Governing Body of School District –vacant; Multnomah Co. 2nd Largest City –vacant)

Alternates Present: Ed Gronke, Judie Hammerstad, Martha Schrader, Paul Savas

Also Present: Dan Bates, City of Portland; Hal Bergsma, City of Beaverton; Martha Cellegrino, City of Portland; Carol Chesarek, Citizen; Bob Clay, City of Portland; Corky Collier, Columbia Corridor Association; Gary Cook, Clackamas County Development Agency; Shirley Craddick, City of Gresham; Sara Culp, City of Portland; Brent Curtis, Washington County; Kay Durtschi, MTAC; Mike Duyck, Tualatin Valley Fire & Rescue; Paul Edgar, Citizen; Kathy Everett, Gresham Downtown Development Assoc.; Ed Gallagher, City of Gresham; Gary Hartill, Orangewall Studios; Jon Holan, City of Forest Grove; Carolyn Jones, Glenmorrie Neighborhood Assn.; John Kehm, Metropolitan Group; Nancy Kraushaar, City of Oregon City; Barb Ledbury, City of Damascus; Jane Leo, Portland Metropolitan Association of Realtors; Irene Marvich, League of Women Voters; Annette Mattson, PGE; C Plaza, Beaverton; Kristin Retherford, City of Wilsonville; Pat Ribellia, City of Hillsboro; Ross Schultz, City of Sherwood; Karen Shilling, Multnomah County; Andy Smith, Multnomah County; Peter Traux, City of Forest Grove; Dee Wescott, City of Damascus; Dick Winn, City of King City; Daryl Winand, Portland Metropolitan Association of Realtors; Keith Witcosky, Portland Development Commission; Jim Wright, City of Damascus; David Zagel, TriMet Planner

Metro Elected Officials Present: Liaisons –Robert Liberty, Council District 6; Brian Newman – Council District 2

Metro Staff Present: Paul Anthony, Kim Bardes, Miranda Bateschell, Dick Benner, Andy Cotugno, Kim Ellis, Robin McArthur, Ken Ray, Randy Tucker

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

Interim Chair Dave Fuller called the meeting to order at 5:02 p.m. Interim Chair Fuller asked those present to introduce themselves.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

Mr. Paul Edger, 211 5th Ave, Oregon City, said that tax increment financing had many sides to it. He said that decision makers needed to look at the net impacts of taxes. He said that the State of Pennsylvania had many tax exempt properties and a good sample program on how to tax fairly. He said that Oregon representatives should not place an undue burden on all other people paying taxes. He said that 90% of taxpayers were only homeowners on a fixed income. He suggested that elected folks should look at Pennsylvania State and their system of taxation. His comments are attached and form part of the record.

4. COUNCIL UPDATE

Councilor Robert Liberty reviewed recent Council activities. He said that the consultant who would be working with Metro/Oregon Zoo had been selected, Schultz & Williams, to work on the Zoo Master Plan. He said that there had been a second conversation with the Columbia River Crossing group. He said that there would be a resolution on the Disposal System Management plan coming up at a future MPAC meeting and then to the Council.

Councilor Brian Newman distributed two handouts: "New Look Regional Roundtable," and "New Look Regional Choices." Those handouts are attached and form part of the record. He reviewed both of those handouts and urged members to participate in the roundtable.

3. CONSENT AGENDA

Meeting Summary for September 13 & 27, 2006 and approval of MTAC Appointments:

Motion:	Mayor Rob Drake, City of Beaverton, with a second from Alice Norris, City of Oregon City, moved to adopt the consent agendas with one revision to John Hartsock's title in the minutes for September 13, 2006 and to approve the MTAC appointments.
Vote:	The motion passed unanimously.

5. NEW LOOK

5.1 Regional Transportation Plan

Kim Ellis, Senior Transportation Planner, gave an overview of the exercise that she wanted to take the members through and what the staff hoped to glean from the exercise. She introduced John Rehm, Metropolitan Group. Mr. Rehm directed the members through the exercise. He distributed a handout, New Look: Desired Outcomes for Transportation, this handout is attached and forms part of the record. This handout was used to guide the discussion and the exercise.

5.2 Investing in our Communities

Miranda Bateschell, Assistant Regional Planner, said that there were several folks from local cities that would be giving presentations.

Mayor Alice Norris, City of Oregon City, introduced two folks from her city: Dan Drentlaw, Community Development Director and Nancy Kraushaar, City Engineer & Public Works Director. They presented PowerPoint slides on "Oregon City Urban Renewal Plan." Copies of those slides are attached and form part of the record.

Ross Schultz, City of Sherwood, also gave a PowerPoint presentation. A copy of that presentation is attached and forms part of the record.

Ms. Bateschell deferred the rest of her presentation to a November MPAC meeting.

Chris Smith asked to have a presentation on this topic from Wilsonville.

Mayor Norris said that adding MPAC members' voices together could have an impact with the legislature.

There being no further business, Interim Chair Fuller adjourned the meeting at 7:01 p.m.

Respectfully submitted,



Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR OCTOBER 11, 2006

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

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#2 Citizen Communication	10/11/06	Testimony Card and testimony submitted for the record from Paul Edgar, citizen	101106-MPAC-01
#4 Council Update	October 2006	New Look Regional Roundtable flyer and New Look at Regional Choices: Integrated Policy Framework sheet	101106-MPAC-02
#5 New Look	October 2006	New Look Desired Outcomes for Transportation exercise worksheet	101106-MPAC-03
#5 New Look	October 2006	Copies of slides from a PowerPoint presentation from Dan Drentlaw and Nancy Kraushaar, both with the City of Oregon City. Slide presentation titled Oregon City Urban Renewal Plan	101106-MPAC-04
#5 New Look	October 2006	Copies of slides from PowerPoint presentation from Ross Schultz with the City of Sherwood. Presentation title: City of Sherwood Urban Renewal – Presentation for Metro, October 11 th , 2006, Ross Schultz – City Manager	101106-MPAC-05

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

November 8, 2006 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Chuck Becker, Nathalie Darcy, Dave Fuller, John Hartsock, Richard Kidd, Alice Norris, Wilda Parks, Chris Smith, Erik Sten

Committee Members Absent: Ken Allen, Richard Burke, Larry Cooper, Rob Drake, Andy Duyck, Bernie Giusto, Jack Hoffman, Tom Hughes, Charlotte Lehan, Diane Linn, Tom Potter, Larry Smith, Steve Stuart, (Governing Body of School District –vacant; Multnomah Co. 2nd Largest City –vacant)

Alternates Present: Lane Shetterly

Also Present: Bob Austin, City of Estacada; Hal Bergsma, City of Beaverton; Carol Chesarek, Citizen; Bob Clay, City of Portland; Gary Cook, Clackamas County Development Agency; Valerie Counts, City of Hillsboro; Danielle Cowan, City of Wilsonville; Shirley Craddick, City of Gresham; Kay Durtschi, MTAC; Mike Duyck, Tualatin Valley Fire & Rescue; Jonathan Harker, City of Gresham; Carolyn Jones, Glenmorrie Neighborhood Assn.; Gil Kelley, City of Portland; Christine Kidd, Forest Grove; Irene Marvich, League of Women Voters; Leanne MacColl, League of Women Voters; Doug McClain, Clackamas County; Greg Miller, AGC; Pat Ribellia, City of Hillsboro; Paul Savas, Clackamas County Special Districts; Jonathan Schlueter, Westside Economic Alliance; Karen Shilling, Multnomah County

Metro Elected Officials Present: Liaisons – Carl Hosticka, Council District 3; Susan McLain, Council District 4; Robert Liberty, Council District 6

Metro Staff Present: Kim Bardes, Miranda Bateschell, Chris Deffebach, Robin McArthur, Randy Tucker, Gerry Uba, Rob Wolcheski

1. SELF-INTRODUCTIONS & COMMUNICATIONS

Chair Richard Kidd called the meeting to order at 5:04 p.m. Chair Kidd asked those present to introduce themselves.

2. REGIONAL ROUNDTABLE & CONSTRUCTION EXCISE TAX UPDATES

This agenda item was combined with the Council Update as Brian Newman could not make the meeting.

3. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There was none.

4. CONSENT AGENDA

Deferred to the next meeting due to lack of quorum.

5. COUNCIL UPDATE

Councilor Carl Hosticka mentioned that the Metro bond measure had passed in all three counties. He briefly outlined the process that Metro would follow now that the bond measure had passed.

Dan Cooper discussed some of the acquisition process.

Chair Kidd asked if Metro knew what properties it would purchase.

Councilor Hosticka said that there were target areas for study/review but that they did not yet know which properties would be purchased. He said that a new Metro councilor, Kathryn Harrington, had been elected and she would take office in January. He gave an update on the Regional Roundtable event. He said that there would be a more in-depth debriefing on this at the next MPAC meeting on November 15, 2006. He said that Metro was trying to pursue a metropolitan agenda, and that MPAC would be heavily involved and a vehicle in creating and instituting this legislative agenda. He said that the Ag/Urban group had been meeting and that there would be more information on that at a later meeting. He said that a key question for that discussion was what were possible and reasonable expectations for growth over the years.

6. JPACT UPDATE

Robin McArthur, Regional Planning Director, reviewed the agenda for the JPACT meeting scheduled for the next morning.

Councilor Liberty said that most people were predicting that the transportation trust fund would be out of money in 2008. He said that there were new folks in legislature so it might make a difference.

8. HOUSING AMENDMENTS TO FRAMEWORK PLAN & FUNCTIONAL PLAN

Councilor Liberty introduced the housing amendment and the work and reasoning behind its development and outcome. He quickly took the members through the meeting packet material and then introduced Gerry Uba, Principal Regional Planner, and Robert Wolcheski, Housing Development Specialist.

Mr. Uba said that staff would like MPAC to make a decision on this at the December 13, 2006 meeting.

Chair Kidd explained the timeline and asked members to take this information back to their councils for discussion so that the MPAC members would be prepared to make a decision on the night of December 13th.

Erik Sten, City of Portland, said that he feared they were sweeping under the table an important issue, which was to see whether or not jurisdictions were adopting known tools within their ability to make affordable housing happen. He said he thought that discussion had passed them by and now they needed to determine whether Metro should try to mandate things. The committee made the consensus recommendation that there shouldn't be any mandates as long as jurisdictions were making progress. That was the point of checking. He said that the material before them now made it seem like it was giving up on the goal of actually getting the tools adopted.

Councilor Liberty said that was a good point. He said there had been a discussion at MPAC on whether this was a tool that could be used and whether Metro and MPAC were committed to the issue. The answer had been yes. He referred to the clean copy of Exhibit B (provided in the packet material) to partially answer Councilor Sten's question. He said that the need had been identified for staff and money and Metro would propose a way to have staff and then would work on getting money.

Councilor Sten said that infrastructure and affordable housing money could possibly come from the same package.

Nathalie Darcy said there wasn't an elected champion for gaining funds – she wondered how those officials could be included in the process.

Chair Kidd said that the non-profits would partner well with jurisdictions and Metro in order to make progress.

Mr. Wolcheski introduced himself to the members and gave a summary of his background. He distributed a handout titled “Draft Scope of Housing Choice Technical Assistance Services,” and then reviewed the handout. That handout is attached and forms part of the record.

7. URBAN RENEWAL/TIF

Miranda Bateschell, Assistant Regional Planner, reviewed some comments from the panel presenters who spoke on investing in our communities at the October 11, 2006 meeting. She then gave a PowerPoint presentation. A copy of that presentation is attached and forms part of the record.

There was discussion about using capacity for urban renewal and TIF, and if the region would benefit from separating the use of urban renewal and TIF.

Bob Austin, City of Estacada, said that they were trying to look at long-term benefits over short-term losses by utilizing urban renewal in primarily the town center area.

There was discussion about the long-term benefits of urban renewal versus the initial outlay of money and effort.

There being no further business, Interim Chair Fuller adjourned the meeting at 6:16 p.m.

Respectfully submitted,



Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR NOVEMBER 8, 2006

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

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
#6 JPACT	11/8/06	JPACT agenda for November 9, 2006	110806-MPAC-01
#8 Housing	11/8/06	Draft Scope of Housing Choice Technical Assistance Services handout	110806-MPAC-02
#7 Urban Renewal/TIF	11/8/06	PowerPoint presentation: Urban Renewal and Tax Increment Financing – copies of those slides attached.	110806-MPAC-03

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

November 15, 2006 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Nathalie Darcy, Rob Drake, John Hartsock, Tom Hughes, Richard Kidd, Chris Smith

Committee Members Absent: Ken Allen, Richard Burke, Larry Cooper, Andy Duyck, Dave Fuller, Bernie Giusto, Jack Hoffman, Margaret Kirkpatrick, Charlotte Lehan, Diane Linn, Alice Norris, Wilda Parks, Tom Potter, Erik Sten, Steve Stuart, Larry Sowa, Larry Smith, (Governing Body of School District –vacant)

Alternates Present: none

Also Present: Hal Bergsma, City of Beaverton; Scott Bricker, Bicycle Transportation Alliance; Ron Burch, City of Tigard; Al Burns, City of Portland; Carol Chesarek, Citizen; Bob Clay, City of Portland; Gary Cook, Clark County Development Agency; Valerie Counts, City of Hillsboro; Kay Durtschi, MTAC; John Gessner, City of Fairview; Lincoln Herman, Stoel Rives; Jack Isselmann, City of Hillsboro; Irene Mariah, League of Women Voters; Leanne McCall, League of Women Voters; Pat Ribellia, City of Hillsboro; Karen Schilling, Multnomah County;

Metro Elected Officials Present: Liaisons –Robert Liberty, Council District 6; Carl Hosticka, Council District 3 others in audience: Brian Newman, District 2;

Metro Staff Present: Dick Benner, Dan Cooper, Chris Deffebach, Robin McArthur, Amelia Porterfield, Ken Ray, Randy Tucker, Reed Wagner

1. SELF-INTRODUCTIONS & COMMUNICATIONS

Chair Richard Kidd, called the meeting to order at 5:03 p.m. Chair Kidd asked those present to introduce themselves.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There was none.

3. CONSENT AGENDA

Meeting Summaries for October 11 and November 8, 2006:

There was no quorum, so this item was deferred to a future meeting.

4. APPOINTMENT OF COMMITTEE FOR NOMINATIONS OF 2007 OFFICERS

Chair Kidd said the committee would most likely consist of himself, Jack Hoffman and Dave Fuller. He said the committee usually consisted of the past chair, the current chair and the future chair.

5. COUNCIL UPDATE

Councilor Carl Hosticka said Metro would be meeting tomorrow morning at 10:00 a.m. with a panel of economic advisors to talk about urban growth. The meeting would cover the methods Metro used to forecast growth.

Councilor Robert Liberty recapped items discussed at the most recent Council work session such as growth, infrastructure and land use in the Metro region.

Councilor Brian Newman updated members on the construction excise tax. All eligible jurisdictions have submitted their requests, however the amounts of those requests (\$8.9 million) came in higher than previously estimated (\$6.3 million). Metro staff would be working to scale back the requests to only \$6.3 million.

Chair Kidd was concerned that jurisdictions whose costs had risen might be the first to the trough, possibly taking away money from jurisdictions that had estimated their costs correctly the first time. Councilor Newman and Reed Wagner, Policy Advisor, assured Mayor Kidd that emphasis would be given to the initial estimate.

6. 2007 LEGISLATIVE STRATEGY DISCUSSION

Councilor Hosticka asked the MPAC members to reaffirm that they would like to have a comprehensive regional legislative agenda.

Randy Tucker, Legislative Affairs Manager, passed around a legislative roster, highlighting the names of legislators from the Metro region. A copy of this document is attached and is included as part of the official record. He said that lobbyists from the region would like to see themselves represent the entire region, not just individual jurisdictions. He said the regional platform should support the region 2040 plan and should include goals that could be achieved in the upcoming legislative session.

Councilor Newman introduced the New Look at Regional Choices: Integrated Policy Framework handout. A copy of this document is attached and is part of the official record. Councilor Newman and Councilor Liberty explained the document.

Mayor Rob Drake and Mayor Tom Hughes were concerned about the short-term future supply of industrial land. They said there might be a shortage of shovel ready sites for industrial and employment development. They said this was causing the Metro region to lose business to other parts of the country. Mayor Hughes said that a performance based urban growth boundary (UGB) expansion strategy with urban reserves would help the situation. He asked if Metro planned on switching to a seven-year cycle for UGB expansion.

Councilor Newman and Councilor Liberty said Metro was tired of bringing more land into the UGB for industrial use, only to have local governments rezone the land for other uses.

Councilor Liberty said that at previous meetings, other issues were also identified as possible issues for a regional legislative agenda, including funding for affordable housing, schools and transportation infrastructure. On the topic of industrial land, he said that there were costs associated with developing land on the edge of the region. He said Metro should look at how well we were utilizing land within the UGB, before starting the process of bringing more land into the UGB.

Mayor Chuck Becker agreed with Councilor Liberty. He said that they were having difficulties developing land in Pleasant Valley and Springwater. He said financing infrastructure was the biggest hurdle they had.

Nathalie Darcy, Washington County Citizen representative, Mayor Becker, and John Hartsock, Clackamas County Special Districts, stated they were concerned about schools and other infrastructure and whether or not SDC's were the appropriate tool to pay for them.

Councilor Newman wanted to remind everyone that there was an unofficial group including many individuals from MPAC that would continue meeting to discuss these issues.

Mayor Hughes brought up the Freight Mobility Task Force and said Metro should identify what the different transportation needs were and how those needs could be addressed.

Chris Smith, Multnomah County Citizen representative, asked how long MPAC had to establish their legislative agenda, and Councilor Hosticka said that MPAC had until March to hone in on a particular agenda.

7. TITLE 4

Dick Benner, Metro Senior Attorney, introduced a proposed amendment to the title 4 process that would provide more authority to local governments to make minor adjustments to the title 4 map.

Councilor John Hartsock suggested that there were not enough jurisdictions present to discuss the issue. He said there could be a lot of kick back from the jurisdictions that were absent.

Councilor Liberty stated that Metro shouldn't reschedule important topics simply because individuals choose not to attend the meeting. He referred to Council President David Bragdon's memorandum to MPAC, which stated that he would like the issue resolved by the end of January. Chair Kidd suggested the members could consider the item in December and vote in January.

Chair Kidd said that he would issue a memorandum to MPAC members informing them that the issue was discussed at the November 15th meeting, and that there would be a presentation followed by a vote at the next meeting.

Mr. Benner said the cumulative impacts provision was the only new idea in this draft.

Mayor Hughes stated that he believed MTAC had reached a consensus not to move forward according to Council President Bragdon's timetable.

Councilor Liberty stated that it was very unpleasant for the Metro Council to go through the industrial land UGB expansion process last time. He said that jurisdictions lobby for industrial land to be included in the UGB then they make decisions that whittle that land supply away for other uses.

Mayor Hughes did not agree that this was the case. He said the region needed to look for a strategy that allowed the region to create the greatest number of jobs, whether they're industrial or otherwise.

Mr. Benner stated that this conversation demonstrated the lack of understanding on the topic of amendment of the Title 4 map. He said the current situation gave Metro all the power to change the title 4 map. He said this was exactly the situation that Mayor Hughes was opposed to. He said that Council President David Bragdon's proposed change would give local governments more power to amend the title 4 map and would avoid duplicate appeals to LUBA. He said he would recommend to President Bragdon to give 45 days notice to DLCD, so the Metro Council would be able to vote on the proposed title 4 changes in January.

There being no further business, Chair Kidd adjourned the meeting at 6:49 p.m.

Respectfully submitted,

Nick Popenuk
Policy Associate

ATTACHMENTS TO THE RECORD FOR NOVEMBER 15, 2006

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

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
2007 Legislative Strategy Discussion	November, 2006	Roster of Oregon Legislature.	111506-MPAC-01



DATE: December 6, 2006
TO: MPAC and Interested Persons
FROM: Kim Ellis, Principal Transportation Planner
SUBJECT: Phase 2 RTP Research and Analysis – Preliminary Research Results

Purpose and Action Requested

- Discuss transportation research results
- Frame land use policy issues for future MTAC and MPAC discussion

Background

From the end of June through November 2006 the RTP update focused on research and analysis that will be used to re-tool the current plan's policies (Chapter 1) to better implement the 2040 Growth Concept and to address new policy issues that have emerged since the last major update in 2000. The research included an analysis of current regional transportation system conditions and financial, transportation, land use and economic/demographic trends. Additional research remains to be completed on public priorities for the regional transportation system and environmental, safety and roadway trends affecting the region.

Discussion Draft Background Papers

A series of eight discussion draft papers have been prepared to date that summarize the research and provide a comprehensive fact base that will inform future RTP update policy discussions by Metro Policy Advisory Committee (MPAC), Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council. The remaining four background papers will be completed the week of December 18 and in January.

The papers describe trends and research affecting the regional transportation system, current policies and regulatory requirements that guide Metro's regional transportation planning process, a profile of the existing transportation system and policy implications to be addressed in the RTP. Collectively, the background papers will inform the update to Chapter 1 of the RTP and provide a foundation for monitoring the region's transportation system in the future.

Discussion Draft Background Papers (ready for review December 1 and available electronically upon request)

- **Environmental Justice** in Metro's Transportation Planning Process
- A Profile of **Security** in the Portland Metropolitan Region
- A Profile of the **Regional Travel Characteristics** in the Portland Metropolitan Region
- A Profile of the **Regional Bicycle System** in the Portland Metropolitan Region

- A Profile of the **Regional Transit System** in the Portland Metropolitan Region
- A Profile of the **Regional Pedestrian System** in the Portland Metropolitan Region
- A Profile of **Regional Travel Options and Parking Management Systems** in the Portland Metropolitan Region
- A Profile of the **Regional Freight Transportation System** in the Portland-Vancouver Metropolitan Region

Discussion Draft Background Paper (available week of December 18)

- **Preliminary Financial Analysis:** Baseline Financial Evaluation to Support the 2035 Regional Transportation Plan (*preliminary findings to be presented at December 14 JPACT meeting*)

Discussion Draft Background Papers (available for review in January 2007)

- A Profile of **Safety** in the Portland Metropolitan Region
- A Profile of the **Regional Roadway System** in the Portland Metropolitan Region
- A Profile of the **Environment** in the Portland Metropolitan Region

Upcoming MPAC Discussions

A summary of next steps for MPAC is provided below.

December

- Discuss research results and frame land use policy implications.
- Attend December 14 JPACT presentation on preliminary financial analysis findings.

January

- Review summary of outreach activities and remaining research results, including scientific public opinion research.
- Full discussion of land use implications.

February

- Full discussion of draft RTP *goals* and *objectives*.
- Consider approval of draft RTP Chapter 1.

With JPACT, MPAC and Metro Council approval, the updated goals and objectives will then be used to guide the RTP investment solicitation and evaluation process (Phase 3 of the RTP update) from March to August 2007.

The 2035 RTP is expected to be approved in November 2007, pending air quality analysis. The updated plan will prioritize critical transportation investments to best support the region's desired economic, environmental, land use and transportation outcomes, and as a result, better implement the 2040 Growth Concept vision.

If you have any questions about the 2035 RTP update process, contact me at (503) 797-1617 or by e-mail at ellisk@metro.dst.or.us.




METRO

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Council President David Bragdon

MEMORANDUM

November 3, 2006

TO: Metro Council
FROM: David Bragdon, Council President 
CC: MPAC and MTAC Members
SUBJ: Amendments to the Title 4 Code, Employment and Industrial Areas Map

For the past several months, the Council, MPAC and MTAC have been discussing how to make amendments to Metro's Title 4 Employment and Industrial Areas Map when someone proposes to remove land from Title 4 protection. Most parties involved in those discussions have agreed on the following points:

- There ought to be a specific process for the amendments to the map.
- There ought to be a pre-determined set of criteria for amendments to the map.
- The Metro Council should not be in the position of making what is the equivalent to zone changes.
- Changes to the Title 4 map should not provide opportunities (or requirements) for duplicate appeals to LUBA.
- The region must protect an adequate supply of industrial land to remain economically competitive and, therefore, protect the supply against a string of individual, unrelated changes of use.

The Council had a draft ordinance before it to change the Title 4 map amendment process in September, which I pulled from the agenda prior to consideration. No Councilor was willing to sponsor the ordinance, in part because it did not adequately fulfill the areas of general agreement, and because Councilors want to ensure that local governments share accountability with the Metro Council for the region's supply of industrial land. This shared responsibility for the proper use of existing industrial land is important partly because of the differing views that various local cities have about proposals to add more industrial land to the UGB.

At its most recent discussion on this subject (September 27), MPAC asked MTAC to develop a process and criteria for amendments to the Title 4 map based upon a concept advanced by the city of Portland, as an alternative to the draft Metro staff ordinance. MTAC formed a subcommittee to develop the process. This group met on October 16. The subcommittee was unable to agree on a set of criteria to evaluate map change proposals. This inability to devise a

new process caused the subcommittee to default to a recommendation that the Metro Council make no change to the existing process, despite the recognized pitfalls in that existing process, which, notably, has not been used yet. On October 18, the full MTAC decided to pass this recommendation on to MPAC, with the following additional recommendations and discussion:

1. “Given the difficulty we’ve experienced in trying to agree on a set of criteria, and the impending regional discussion over the treatment of employment lands overall as part of Metro’s New Look, Metro should make no changes now to Title 4 on amendments to the Title 4 map until the completion of the next growth management decision at some undetermined point in the future.
2. In the meantime Metro should maintain its current process to make significant changes to the Title 4 map: the Metro Council makes changes to the map by adopting an ordinance to change the map, applying the policies of the Regional Framework Plan. The current review and enforcement process also remains unchanged: a city or county contemplating a plan amendment or zone change involving land on the Title 4 map would notify Metro, which would inform the city or county of any inconsistency with Title 4 and, if necessary, appeal the local decision to LUBA.
3. Metro should seek advice from MPAC and MTAC on the relevant policies of the Regional Framework Plan that Metro would apply to proposals to amend the Title 4 map made between now and when decisions are made following completion of the growth management decisions to be made over the next several years. .
4. Also in the meantime, Metro should address errors and omissions on the Title 4 map in the way it has several times in the past: solicit proposals from cities and counties to change the map to correct errors and omissions, and to make corrections in a single ordinance (with the understanding that Metro may decide not to include a particular proposal that was not, in its judgment, an error or omission).
5. MPAC and MTAC should begin to discuss possible new ways of addressing employment land, including a process for amendments to the Title 4 map to allow for changes in local circumstances over time.”

While I appreciate the complexity of the deliberations that MPAC and MTAC members have put into this issue, I think that “punting” for several years will not serve local government, the Metro Council, or property owners well. I believe we are being asked to simply stick with the current code not because it works well, but for somewhat the opposite reason: we have never used the current process. I have a hunch that when we actually do start using the current process, we will get part-way into it and wish we *had* changed it! While the proverbial devil we don’t know may be hard to picture, we haven’t yet tried to dance with the devil we do know – the existing code.

That code requires that any amendment to the Title 4 map, large, small, significant and insignificant, takes an ordinance by the Metro Council. This action would cast the Council in a zoning role, which we ought to avoid, and could duplicate (or contradict) local government

processes in ways that are confusing to the public. We, as the Metro Council, have no specific criteria for map amendments. This means local governments, landowners, citizens and the Council itself do not know which policies in the Regional Framework Plan (RFP) apply to an map amendment, and how vague terms in the policies will be interpreted – and we would deal with those case by case. Because most map amendments will also require changes to city or county plan maps, we all face two amendment processes and two possible appeals to LUBA.

In order to move things forward, I asked staff to develop a new draft ordinance that builds on the areas of general agreement, including several elements of the proposal considered by the MTAC sub-committee. I will introduce this Ordinance in order to provoke the needed discussion and move this long deliberation to a conclusion. I am open to reasonable proposed improvements which may surface in debates on this proposal, but we do need closure. This draft (attached) has the following elements:

- An explicit set of criteria for Title 4 map amendments that derive from the appropriate policies of the RFP.
- A process that puts local governments in the driver's seat for all but the most significant map amendments (which come to Metro Council). These local amendments would be subject only to one possible appeal to LUBA.
- A process and criteria for the most significant changes proposed to the Title 4 map (which can also be used to make small corrections to the map).
- A method to account for and respond to the cumulative effects on the region's supply of industrial land of individual, unrelated amendments to the map. The Metro Council will need this information, in part, to shape UGB decisions to respond to assertions that the region "needs" more industrial land – an assertion that becomes dubious if it appears that existing industrial land is not being used for industry.

Settling this issue, rather than avoiding it, should help us all move into the next round of growth management decisions (including a UGB evaluation) in a more informed manner. In the past, the Metro Council has been put in a baffling position by the paradoxical testimony of certain interests who advocate for more industrial land to be brought into the UGB while simultaneously resisting limitations on the use of existing industrial land for non-industrial purposes like office complexes and medical facilities. In our work session discussions, several of my colleagues and I made it clear that illuminating this apparent paradox, and assertions of need for flexibility to use industrial land for offices and other non-industrial purposes, will help us to evaluate potential subsequent assertions of need for more industrial land in a UGB expansion. If testimony on Title 4 suggests that it is not important to protect existing industrial lands from encroachment, it may be harder to later convince us that it is important to add more industrial land to the UGB.

I would like MPAC and the Council to consider this proposal by the end of January 2007 so that we can (at least for some decent interval) close the books on Title 4 and get on with the many other decisions we need to make. While I appreciate the work MTAC has done, I am concerned if we accept their status quo recommendation we will not actually avoid controversy but will find ourselves mired in more of it for some time to come.

Thank you for your consideration.

DRAFT
How to Amend
the Employment and Industrial Areas Map
November 2, 2006

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

Add the following section:

3.07.450 Employment and Industrial Areas Map

- A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.
- B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.
- C. A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the map in order to allow uses not allowed by Title 4 upon a demonstration that:
 - 1. The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;
 - 2. The amendment will not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan, or the amount of the reduction is replaced by separate and concurrent action by the city or county;
 - 3. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;
 - 4. The amendment would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan, or

exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, and would not require added road capacity to stay within the standards or ratios;

5. The amendment would not diminish the intended function of Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and
 6. If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.
- D. The Chief Operating Officer shall revise the map by order to conform to an amendment made by a city or county pursuant to subsection C of this section within 30 days after notification by the city or county that no appeal of the amendment was filed pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.
- E. After consultation with MPAC, the Council may issue an order suspending operation of subsection C in any calendar year in which the cumulative amount of land for which the map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area and Industrial Area exceeds the 20-year need for industrial land, as determined by the most recent "Urban Growth Report: An Employment Land Need Analysis", reduced by an equal annual increment for the number of years since the report.
- F. The Metro Council may amend the map by ordinance at any time to better achieve the policies of the Regional Framework Plan. To approve an amendment, the Council must conclude that the amendment:
1. Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;
 2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan, or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan

for state highways, and would not require added road capacity to stay within the standards or ratios;

3. Would not diminish the intended function of Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;
 4. Would not reduce the integrity or viability of a traded sector cluster of industries;
 5. Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and
 6. If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.
- G. Amendments to the map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.
- H. The Council may establish conditions upon approval of an amendment to the map under subsections C or F to ensure that the amendment complies with the RFP and state land use planning laws.
- I. By January 31 of each year, the Chief Operating Officer (COO) shall submit a written report to the Council and the Metropolitan Policy Advisory Committee on the cumulative effects on employment land in the region of the amendments to the map made pursuant to this section during the preceding year. The report shall include any recommendations the COO deems appropriate on measures the Council might take to address the effects.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) Ordinance No. 07-1136
METRO CODE CHAPTER 2.21 (CLAIMS)
UNDER BALLOT MEASURE 37) FOR)
TREATMENT OF CLAIMS AGAINST)
METRO AND DECLARING AN)
EMERGENCY) Introduced by

WHEREAS, the Metro Council adopted Metro Code Chapter 2.21 by Ordinance No. 05-1087A [For the Purpose of Adopting a Process for Treatment of Claims Against Metro Under Ballot Measure 37 by Adding Chapter 2.21 to Title II of the Metro Code (Administration and Procedure)], effective December 21, 2005; and

WHEREAS, the Metro Council has heard and entered final orders disposing of seven claims for compensation brought under Metro Code Chapter 2.21, the experience from which leads the Council to clarify its basis for determining whether a land use regulation has had the effect of reducing the fair market value of a claimant’s property; and

WHEREAS, the Metropolitan Policy Advisory Committee has reviewed the proposed amendments and recommends that the Metro Council adopt them; and

WHEREAS, the Metro Council held a public hearing on the proposed amendments on January __, 2007, and has considered the testimony; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Chapter 2.21 of Title II of the Metro Code, Claims Under ORS 197.352 (Ballot Measure 37), is hereby amended as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The Findings of Fact and Conclusions of Law, attached and incorporated into this ordinance as Exhibit B, explain how the amendments comply with the Regional Framework Plan and state law.
3. This ordinance is necessary for the immediate preservation of the welfare of the people of the region because a large number of claims under Chapter 2.21 of Title III of the Metro Code had been filed recently to meet a deadline in ORS 197.352. The ordinance makes

significant changes to the way Metro evaluates claims. It is essential that claimants and the people of the region know about these changes as soon as possible. An emergency is therefore declared to exist. This ordinance shall take effect immediately upon adoption, pursuant to Metro Charter section 39(1).

ADOPTED by the Metro Council this __ day of January, 2007.

David Bragdon, Council President

Attest:

Approved as to form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 07-1136

CHAPTER 2.21

CLAIMS UNDER ORS 197.352 (BALLOT MEASURE 37)

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

2.21.010 Purpose

This chapter establishes a process for treatment of claims for compensation submitted to Metro under ORS 197.352 (Ballot Measure 37). Metro adopts this chapter in order to afford property owners the relief guaranteed them by ~~Ballot Measure 37~~ ORS 197.352 and to establish a process that is fair, informative and efficient for claimants, other affected property owners and taxpayers. It is the intention of Metro to implement ~~Measure 37~~ the statute faithfully and in concert with its other responsibilities, including its Charter mandate to protect the environment and livability of the region for current and future generations.

2.21.020 Definitions

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

(b) "Family member" means the wife, husband, son, daughter, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner of the real property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the real property.

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

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

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

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

2.21.030 Filing a Claim

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

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

- (1) The name, street address and telephone number of the claimant and all other persons and entities with an interest in the property;
- (2) A title report issued no more than 30 days prior to submission of the claim that shows the claimant's current real property interest in the property, the deed registry of the instrument by which the claimant acquired the property, the location and street address and township, range, section and tax lot(s) of the property, and the date on which the owner acquired the property interest;
- (3) A written statement signed by all owners of the property, or any interest in the property, consenting to the filing of the claim;

- (4) A ~~copy of~~ reference to any and all specific, existing land use regulations the claimant believes reduced the value of the property and a description of the manner in which the regulation restricts the use of the property;
- (5) A copy of the city or county land use regulations that applied to the property at the time ~~the claimant acquired the property~~ the challenged Metro land use regulations became applicable to the property;
- (6) ~~An appraisal that shows the reduction in value of the property that the claimant believes resulted from the land use regulation that restricts the use of the property and the methodology used in the appraisal, such as comparable sales data~~ The claimant's purchase price for the property;
- (7) Evidence of the fair market value of the property prior to the application or enforcement of the challenged Metro land use regulations to the property and the fair market value after application or enforcement of the regulations;
- (78) A description of the claimant's proposed use of the property if the Council chooses to waive a land use regulation instead of paying compensation; and
- (89) A statement whether the claimant is filing claims with other public entities involving the same property and a copy of any decision made by the entity on the claim.

(c) In addition to the information required by subsection (b) of this section, a person filing a claim under this chapter after December 4, 2006, shall also submit the following information with the claim:

- (1) A copy of the land use application the claimant has filed with the city or county in which the property lies; and
- (2) A copy of the final decision made by the city or county on the claimant's land use application indicating that the city or county applied the challenged Metro land use regulation as a criterion as part of its final decision.

(d) A claim shall not be considered complete for purposes of subsections (4) and (6) of ~~Ballet Measure 37~~ ORS 197.352 until the claimant has submitted the information required by this section.

2.21.040 Review of Claim by Chief Operating Officer and Recommendation

(a) The COO shall review the claim to ensure that it provides the information required by Section 2.21.030. If the COO determines that the claim is incomplete, the COO shall, within 15 business days after the filing of the claim, provide written notice of the incompleteness to the claimant. If the COO does not notify the owner that the claim is incomplete within the prescribed 15 days, the claim shall be considered complete on the date it was filed with the COO.

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

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

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

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

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

- (3) The specific, existing Metro land use regulation that allegedly reduced the value of the property allows the proposed use and, if so, what criteria or conditions apply to the proposed use under the regulation;
- (4) The specific, existing Metro land use regulation that allegedly reduced the value of the property is exempt from ~~Ballot Measure 37 under subsection 3 of the measure claims under ORS 197.352(3)~~; and
- (5) If the specific, existing Metro land use regulation that allegedly reduced the value of the property is not exempt ~~from Ballot Measure 37 under ORS 197.352(3)~~, the regulation restricts the proposed use and the restriction has reduced the fair market value of the property. In making this determination, the COO will compare the value of the property before application or enforcement of the challenged Metro land use regulation to the property and after the application or enforcement.

(e) The COO may commission an appraisal or direct other research in aid of the determination whether a claim meets the requirements of ~~Ballot Measure 37~~ ORS 197.352, and to assist in the development of a recommendation regarding appropriate relief if the claim is found to be valid.

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

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

2.21.050 Hearing on Claim before Metro Council

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

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

2.21.060 Action on Claim by Metro Council

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

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

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

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

2.21.070 Conditions on Compensation or Waiver

(a) The Metro Council may place any conditions on its action under Section 2.21.060, including conservation easements and deed restrictions, that are appropriate to achieve the purposes of this chapter. The Council shall place a condition on a decision under Section 2.21.060(a)(2) or (3) that the decision constitutes a waiver by the claimant of any further claims against Metro under Measure 37 involving the subject property.

(b) Failure by a claimant to comply with a condition provides a basis for action to recover any compensation made or revoke any action by the Council under Section 2.21.060(a)(2) or (3).

2.21.080 Fee for Processing Claim

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

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