

A G E N D A

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**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: January 18, 2007  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. COMPREHENSIVE ANNUAL FINANCIAL REPORT** Flynn

**4. METRO CENTRAL ENHANCMENT COMMITTEE 2007 SLATE OF GRANT AWARDS** Blauer

**5. PORTLAND STREETCAR DEVELOPMENT IMPACTS** Brandman

**6. CONSENT AGENDA**

6.1 Consideration of Minutes for the January 11, 2007 Metro Council Regular Meeting.

**7. ORDINANCES - SECOND READING**

7.1 **Ordinance No. 06-1099A**, Amending Metro Code Section 5.02.075 Regarding Liberty Waivers of Fees for Disposal of Solid Waste from the Metro Region.

7.2 **Ordinance No. 07-1137**, For the Purpose of Amending Metro Code Sections 3.07.120, 3.07.130 and 3.07.1120 and Adding Metro Code Section 3.07.450 to Establish a Process and Criteria for Changes to the Employment and Industrial Areas Map, and Declaring an Emergency (*Public hearing only, no final action*).

**8. RESOLUTIONS**

8.1 **Resolution No. 07-3768**, For the purpose of Providing Direction to Metro Concerning Bills before the 2007 Oregon Legislature. Newman

**9. CHIEF OPERATING OFFICER COMMUNICATION**

## 10. COUNCILOR COMMUNICATION

### ADJOURN

#### Television schedule for January 18, 2007 Metro Council meeting

<b>Clackamas, Multnomah and Washington counties, and Vancouver, Wash.</b> Channel 11 -- Community Access Network <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534 2 p.m. Thursday, Jan. 18 (live)	<b>Portland</b> Channel 30 (CityNet 30) -- Portland Community Media <a href="http://www.pcmv.org">www.pcmv.org</a> -- (503) 288-1515 8:30 p.m. Sunday, Jan. 21 2 p.m. Monday, Jan. 22
<b>Gresham</b> Channel 30 -- MCTV <a href="http://www.mctv.org">www.mctv.org</a> -- (503) 491-7636 2 p.m. Monday, Jan. 23	<b>Washington County</b> Channel 30 -- TVC-TV <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534 11 p.m. Saturday, Jan. 20 11 p.m. Sunday, Jan. 21 6 a.m. Tuesday, Jan. 23 4 p.m. Wednesday, Jan. 24
<b>Oregon City, Gladstone</b> Channel 28 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275 Call or visit website for program times.	<b>West Linn</b> Channel 30 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275 Call or visit website for program times.

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.**

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 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 e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website [www.metro-region.org](http://www.metro-region.org) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

BEFORE THE METRO COUNCIL

AMENDING METRO CODE SECTION ) ORDINANCE NO. 06-1099-A  
5.02.075 REGARDING WAIVERS OF )  
FEES FOR DISPOSAL OF SOLID ) Introduced by Chief Operating Officer,  
WASTE FROM THE METRO REGION ) Michael J. Jordan with the concurrence of  
 ) Council President, David Bragdon

WHEREAS, pursuant to Metro Code 2.20.030, the Chief Operating Officer is responsible for the proper administration of all affairs of Metro, including the administration of collection of fees related to the disposal of solid waste; and

WHEREAS, the Metro Council has directed the Chief Operating Officer to develop and implement improvements to the granting of permits for waiving fees for the disposal of solid waste from the Metro Region; and

WHEREAS, efficient program administration often requires changes to rules and practices; and

WHEREAS, it is appropriate to delegate to the Chief Operating Officer the full authority to implement Council directives and carry out his duties as Metro's chief administrative officer; and

WHEREAS, the Metro Council desires to delegate to the Chief Operating Officer authority to develop, maintain, administer and enforce such permits for the waiver of fees for disposal of solid waste generated within the Metro region; now therefore,

THE METRO COUNCIL ORDAINS that Metro Code Section 5.02.075 is amended as follows:

5.02.075 Special Exemption from Disposal Fees

~~(a) The Chief Operating Officer may issue on such terms as the Chief Operating Officer finds appropriate a special exemption permit to a public agency, local government, or qualified non-profit entity as specified in Code Section 5.07.030(a), (b), (c), (d) and (j) that functions to waive for the purpose of waiving fees for disposal of solid waste generated within the Metro region. Prior to issuing such a permit the Chief Operating Officer shall render the following findings:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ Total aggregate disposal fees to be waived for the entity requesting waiver will not exceed \$5,000 per Metro fiscal year;~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ The waiver of fees will address or remedy a hardship suffered by the applicant, or the public interest will be served by waiver of the disposal fees;~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ The waste in question is acceptable for disposal at a Metro facility;~~

~~—————(4)———— The amount of the waiver is covered by budgeted funds; and~~

~~—————(5)———— If the applicant for a special exemption permit is a nonprofit entity, such entity is qualified as specified in Code Section 5.07.030(a), (b), (c), (d) and (j).~~

~~——(b)—— The Chief Operating Officer shall notify the Metro Council 14 days in advance of the date of issuance of an exemption permit under this section by filing a written report of the proposed action, including required findings, with the Clerk of the Council. If the Council notifies the Chief Operating Officer within the 14 day period of its intent to review the proposed waiver, the Chief Operating Officer shall not issue the permit unless so authorized by the Council.~~

ADOPTED by the Metro Council this \_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

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## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 06-1099-A FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.02.075 REGARDING WAIVERS OF FEES FOR DISPOSAL OF SOLID WASTE FROM THE METRO REGION

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January 18, 2007

Drafted by: Jan O'Dell

#### BACKGROUND

A special exemption from disposal fees exists in Metro Code Section 5.02.075 that allows Metro's Chief Operating Officer to waive disposal fees under certain circumstances. This ordinance would amend Metro Code to remove language describing administrative procedures for the disposal fee waiver program, while retaining the ability for the Chief Operating Officer to waive fees. Criteria and administrative procedures for issuing disposal vouchers as part of Metro's Community Cleanup Program will be defined in an Executive Order. The Executive Order will include recycling and reporting requirements to help ensure the program supports Metro Council goals.

#### Program History

The exemption from disposal fees provision in Metro Code is a key element of Metro's Cleanup Program, which helps deter incidents of illegal dumping, assist residents in disposing of bulky items and supports recycling and reuse of materials collected at such events.

In early 2006, Council directed staff to examine the program and meet with disposal voucher program participants to discuss options for meeting Council goals and addressing community needs. Discussions with program participants led to recommendations for clarifying eligibility requirements and administrative procedures.

Following these discussions with program participants, the Metro Council met in work session to review the program. Council directed staff to proceed with amending Metro Code and creating an Executive Order that defines eligibility requirements and administrative procedures. The Executive Order is attached to this staff report and marked as Attachment 1.

#### Reason For Change

The amended Code deletes administrative procedures for waiving disposal fees, but retains the Chief Operating Officer's authority to waive disposal fees for a variety of activities that serve the public good (e.g.: community clean-up events, flood debris removal, illegal dumpsite clean ups). An Executive Order has been drafted that includes criteria and procedures for administering the program. These changes will result in a program that provides greater flexibility to respond to future needs, is less labor-intensive to administer and helps ensure that the program is managed to achieve Council objectives.

#### ANALYSIS/INFORMATION

**1. Known Opposition**

There is no known opposition.

**2. Legal Antecedents**

This requires a change to Metro Code.

**3. Anticipated Effects**

No change in Metro's ability to provide exemption from disposal fees for eligible groups and approved activities.

**4. Budget Impacts**

None.

**RECOMMENDED ACTION**

The Chief Operating Officer recommends approval of Ordinance No. 06-1099-A.

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**EXECUTIVE ORDER # \_\_\_\_\_**  
**EFFECTIVE DATE: February 1, 2007**  
**SUBJECT: Community Clean-up Program**

The purpose of this Executive Order is to set forth procedures and establish criteria for Metro's Community Cleanup program, including administrative procedures for the disposal fee waivers, administered by Metro's Solid Waste and Recycling Department.

**I. GENERAL**

- A) Metro contributes to the livability of the region by supporting community cleanups and events that enhance the appearance, livability and safety of neighborhoods; deter incidents of illegal dumping; provide the opportunity to recycle; and provide opportunities to educate citizens about waste prevention, reuse and recycling.
- B) In support of these goals, Metro administers a disposal fee waiver program for solid waste collected at cleanups sponsored by neighborhood associations, local governments and eligible non-profit organizations.
- C) Provision is made in Metro Code 5.02.075 for exemption from disposal fees for waste generated in the Metro region.
- D) Any qualified agency or group within the Metro region may apply for disposal vouchers. Approval is contingent upon the applicant meeting specific criteria, including a commitment to source-separate waste and provide recycling of materials collected at the event.

**II. ELIGIBILITY FOR DISPOSAL VOUCHERS**

- a) Qualified agencies are neighborhood associations, local governments and non-profit organizations. (Metro Code 5.07.030.)
- b) Systems and opportunities for reuse and recycling must be an integral part of any cleanup activity or community event requesting disposal vouchers.
- c) The per-agency limit for vouchers is \$5,000.
- d) Events receiving disposal vouchers must provide benefit to the population at large (within the qualifying organization's service area), and cannot solely benefit one organization or that organization's membership.
- e) Qualified activities shall include the following: neighborhood coalition and neighborhood association cleanup events; cleanup of private property when a voucher is requested by a local government or non-profit in order to address an economic hardship of the resident; natural resource-area cleanups; home rehabilitation for low-income citizens; and community events that provide the opportunity for recycling education and outreach to large numbers of people.
- f) Disallowed waste includes the following: hazardous waste; waste not acceptable at a regional transfer station; commercially generated waste, including construction and demolition waste.

### **III. PROCEDURES AND RESPONSIBILITIES**

#### Disposal voucher applicants

- a. Apply for vouchers at least 10 working days in advance of the event date; send proof of non-profit status, if not already on record at Metro.
- b. Recognize Metro in all publicity about the clean up event, including on-site at the event.
- c. Provide recycling, reuse and waste-prevention opportunities and information at the event.
- d. Use the vouchers by the expiration date, and return to Metro any unused vouchers no later than 30 days after the last event.
- e. Send Metro an annual report that summarizes the amount and types of waste collected and recycled at the events, samples of event publicity, number of people served.

#### Metro Solid Waste and Recycling Department

- a) Review each disposal voucher request for adherence to criteria; track vouchers used by applicants to ensure adherence to \$5,000/agency cap.
- b) Provide recycling and reuse information and assistance to cleanup coordinators (printed and web site information, referrals, consultation).
- c) Publicize the Community Cleanup Program and Disposal Fee Waivers throughout the Metro region, with special emphasis on Metro Council districts that historically have applied for fewer vouchers.
- d) Compile a year-end report for review by the Metro COO and Metro Council/ The report will include amount of material recycled/disposed, vouchers by applicant, samples of Metro's outreach, an overview of program participants' publicity of the program, and an analysis of voucher expenditures relative to the adopted budget and by Metro Council district.
- e) At such times as Metro reviews the community cleanup program or considers making any changes to it, the Solid Waste and Recycling Department will ensure that all program participants are notified.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE )  
SECTIONS 3.07.120, 3.07.130 AND 3.07.1120; ) Ordinance No. 07-1137  
ADDING METRO CODE SECTION 3.07.450 TO )  
ESTABLISH A PROCESS AND CRITERIA FOR ) Introduced by Chief Operating Officer  
CHANGES TO THE EMPLOYMENT AND ) Michael J. Jordan, with the concurrence of  
INDUSTRIAL AREAS MAP; AND DECLARING AN ) Council President David Bragdon  
EMERGENCY )

WHEREAS, Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (“UGMFP”) prescribes limitations on certain uses in Industrial Areas, Regionally Significant Industrial Areas and Employment Areas and makes reference to an “Employment and Industrial Areas Map,” which depicts the boundaries of these areas for regulatory purposes; and

WHEREAS, the Metro Council wishes to provide a process and criteria for making changes to the designations of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas on the Title 4 Employment and Industrial Areas Map; and

WHEREAS, the Metropolitan Policy Advisory Committee has reviewed the proposed amendments and recommends their approval; and

WHEREAS, the Council held a public hearing on the proposed amendments on January 18, 2007, and considered public comment on the amendments; now, therefore,

THE METRO COUNCIL ORDAINS as follows:

**SECTION 1.** Metro Code Sections 3.07.120 and 3.07.130 are amended to read as follows: Sections 3.07.120 and 3.07.130 of Title 1 (Requirements for Housing and Employment Accommodation) of the UGMFP are hereby amended as shown in Exhibit A, attached and incorporated into this ordinance, to clarify mapping procedures for territory added to the UGB.

**SECTION 2.** Metro Code Section 3.07.450 is amended to read as follows: Section 3.07.450 is hereby added to Title 4 (Industrial and Other Employment Areas) of the UGMFP as shown in Exhibit B, attached and incorporated into this ordinance, to prescribe a process and criteria for amendments to the Employment and Industrial Areas Map.

**SECTION 3.** Metro Code Section 3.07.1120 is amended to read as follows: Section 3.07.1120 of Title 11 (Planning for New Urban Areas) of the UGMFP is hereby amended as shown in Exhibit C, attached and incorporated into this ordinance, to clarify mapping procedures for territory added to the UGB.

**SECTION 4.** The Findings of Fact and Conclusions of Law in Exhibit D, attached and incorporated into this ordinance, explain how these amendments comply with Metro’s Regional Framework Plan and state land use planning laws.

**SECTION 5.** This ordinance is necessary for the immediate preservation of public health, safety and welfare because, without this ordinance, there is no clear process for amending the Employment and Industrial Areas Map in Title 4 of the UGMFP and no specific criteria for such amendments. Metro has received a number of requests from local governments for amendments that involve economic development and need immediate attention. This ordinance provides a process and criteria for amendments to the map. Therefore, a emergency is declared to exist. This ordinance shall take effect immediately, pursuant to section 39(1) of the Metro Charter.

ADOPTED by the Metro Council this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

**Exhibit A to Ordinance No. 07-1137**  
**Amendments to Title 1 of the Urban Growth Management Functional Plan**

**TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT ACCOMMODATION**

3.07.120 Housing and Employment Capacity

- A. Each city and county shall determine its capacity for housing and employment in order to ensure that it provides and continues to provide at least the capacity for the city or county specified in Table ~~3.01-7~~ 3.07-1, **supplemented by capacity resulting from addition of territory to the UGB.** Local governments shall use data provided by Metro unless the Metro Council or the Chief Operating Officer determines that data preferred by a city or county is more accurate.
- B. A city or county shall determine its capacity for dwelling units by cumulating the minimum number of dwelling units authorized in each zoning district in which dwelling units are authorized. A city or county may use a higher number of dwellings than the minimum density for a zoning district if development in the five years prior to the determination has actually occurred at the higher number.
- C. If a city annexes county territory, the city shall ensure that there is no net loss in regional housing or employment capacity, as shown on Table 3.07-1, as a result of amendments of comprehensive plan or land use regulations that apply to the annexed territory.
- D. After completion of its initial determination of capacity, each city or county shall report changes in its capacity by April 15 of the first calendar year following completion of its initial determination and by April 15 of every following year.

3.07.130 Design Type Boundaries Requirement

For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map **or on maps adopted by ordinances adding territory to the UGB:**

Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.

Regional Centers--Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.

Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.

Town Centers--Local retail and services will be provided in town centers with compact development and transit service.

Main Streets--Neighborhoods will be served by main streets with retail and service developments served by transit.

Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

Employment Areas--Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

Industrial Areas--Industrial areas are set aside primarily for industrial activities with limited supporting uses.

Regionally Significant Industrial Areas--Industrial areas with site characteristics that are relatively rare in the region that render them especially suitable for industrial use.

Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.

Outer Neighborhoods--Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods.

**Exhibit B to Ordinance No. 07-1137**  
**Amendments to Title 4 Of the Urban Growth Management Functional Plan**

**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 Employment and Industrial Areas 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 the Central City or 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 Employment and Industrial Areas 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 Metropolitan Policy Advisory Committee, 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 Employment and Industrial Areas 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 Employment and Industrial Areas 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 the Central City or 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 Employment and Industrial Areas 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 Employment and Industrial Areas Map under subsection F to ensure that the amendment complies with the Regional Framework Plan 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 Employment and Industrial Areas 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.

**Exhibit C to Ordinance No. 07-1137**  
**Amendments to Title 11 of the Urban Growth Management Functional Plan**

**TITLE 11: PLANNING FOR NEW URBAN AREAS**

**3.07.1120—Urban Growth Boundary Amendment Urban Reserve Plan Requirements Planning for Territory Added to the UGB**

All territory added to the ~~Urban Growth Boundary~~ UGB as either a major amendment or a legislative amendment pursuant to Metro Code chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:

- A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB.
- AB. Provision for annexation to the district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.
- BC. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to section 3.01.040 of the Urban Growth Management Functional Plan.
- CD. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
- DE. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined



permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.

- EF. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.
- FG. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.
- GH. Identification and mapping of areas to be protected from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Habitat Conservation Areas, Water Quality Resource Areas, and Flood Management Areas. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas, and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to minimize the conflicts between planned future development and the protection of Habitat Conservation Areas, Water Quality Resource Areas, Flood Management Areas, and other natural hazard areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, and easement dedication to ensure that all significant natural resources are protected.
- HI. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

- ~~IJ~~. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.
- ~~JK~~. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:
1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;
  2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;
  3. Location of Habitat Conservation Areas;
  4. General locations for mixed use areas, commercial and industrial lands;
  5. General locations for single and multi-family housing;
  6. General locations for public open space, plazas and neighborhood centers; and
  7. General locations or alternative locations for any needed school, park or fire hall sites.
- ~~L~~. A determination of the zoned dwelling unit capacity of zoning districts that allow housing.
- ~~KM~~. The plan amendments shall be coordinated among the city, county, school district and other service districts.

**Exhibit D to Ordinance No. 07-1137**  
**Findings of Fact and Conclusions of Law**

Ordinance No. 07-1137 amends various provisions of the Urban Growth Management Functional Plan (UGMFP) in order to establish a process and criteria for amendments to the Employment and Industrial Areas Map of Title 4 (Industrial and Other Employment Areas). The ordinance also clarifies the process for adjusting UGMFP maps and tables (housing and employment capacities) following completion of planning under Title 11 (Planning for New Urban Areas) of territory added to the UGB. The practical effects of these changes are as follows:

- Title 4 now provides specific procedures for changes to Title 4's Employment and Industrial Areas Map, some of which are initiated by cities and counties and others by the Metro Council
- Title 4 now provides specific criteria derived from the policies of the Regional Framework Plan for review of proposed changes to the Employment and Industrial Areas Map
- Titles 1 and 11 more clearly set forth the process for bringing maps and tables of the UGMFP into conformance with city and county planning under Title 11 of territory newly added to the UGB. The Metro Council assigns general design-type designations to the territory in the ordinance which adds the territory to the UGB. The city or county responsible for planning the new territory develops comprehensive plan and zoning designations that generally conform to Metro's design-type designation. After adoption by the city or county, Metro conforms UGMFP maps and tables to the local maps.

Ordinance No. 07-1137 does not change any of the regulatory boundaries contained in the maps. The ordinance, therefore, does not change requirements under the functional plans as they apply to any particular property under Metro's jurisdiction.

**I. STATEWIDE PLANNING GOALS**

Statewide Planning Goal 1 – Citizen Involvement: Metro provided notice of the proposed amendments to stakeholders and the general public by following the notification requirements in its acknowledged code. Metro provided notice to the Oregon Department of Land Conservation and Development Commission as provided in ORS 197.610 and OAR 660-018-0020. Metro sought and received comment from its Metropolitan Policy Advisory Committee (MPAC), which sought the advice of its Metropolitan Technical Advisory Committee (MTAC). On January 18, 2007, the Metro Council held a public hearing on the proposed ordinance. The Council concludes that these activities conform to Metro's code and policies on citizen involvement and comply with Goal 1.

Statewide Planning Goal 2 – Land Use Planning: Metro sought and received comment from the local governments and special districts that comprise the metropolitan region. The Metro Charter establishes MPAC, composed principally of representatives of local governments, special districts and school districts in the region, and requires the Metro Council to seek its advice on amendments to the Regional Framework Plan and its components, such as the

UGMFP. MPAC reviewed Ordinance No. 07-1137 and recommended revisions to the draft, some of which the Council adopted. The Council concludes that the ordinance complies with Goal 2.

Statewide Planning Goal 3 – Agricultural Lands: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Because the maps have no regulatory effect outside the UGB, the Council concludes that Goal 3 does not apply to the amendments.

Statewide Planning Goal 4 – Forest Lands: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Because the maps have no regulatory effect outside the UGB, the Council concludes that Goal 4 does not apply to the amendments.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Because the amendments made by the ordinance do not change the boundaries on any map that applies to resources protected by Goal 5, the Council concludes that the ordinance is consistent with Goal 5.

Statewide Planning Goal 6 – Air, Land and Water Resources Quality: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect resources protected by Goal 6. The Council concludes, therefore, that the amendments are consistent with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Disasters and Hazards: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect areas subject to natural disasters and hazards. The Council concludes, therefore, that the amendments are consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect recreational needs. The Council concludes, therefore, that the amendments are consistent with Goal 8.

Statewide Planning Goal 9 – Economic Development: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The ordinance does not change any of the regulatory boundaries contained in the maps and, therefore, does not change requirements under the functional plans as they apply to any particular industrial or employment land. Thus, although Goal 9 does not apply to Metro, the Council concludes that the ordinance is consistent with the goal.

Statewide Planning Goal 10 – Housing: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The ordinance does not apply to land available for housing. The Council concludes that Goal 10 does not apply to the amendments.

Statewide Planning Goal 11 – Public Facilities and Services: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Goal 11 will apply to proposed changes to the Title 4 map pursuant to this ordinance, but this ordinance itself does not amend or affect any public facility plan. The Council concludes that the amendments are consistent with Goal 11.

Statewide Planning Goal 12 – Transportation: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Goal 12 will apply to proposed changes to the Title 4 map pursuant to this ordinance, but this ordinance itself does not amend or affect the Regional Transportation Plan or any city or county transportation system plan. The Council concludes that the amendments are consistent with Goal 12.

Statewide Planning Goal 13 – Energy Conservation: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. The amendments do not affect energy resources. The Council concludes, therefore, that the amendments are consistent with Goal 13.

Statewide Planning Goal 14 – Urbanization: Goal 14 governs the establishment and change of UGBs. Ordinance No. 07-1137 does not apply outside the UGB and does not apply to changes to the UGB. Goal 14 also requires management of “urbanizable land” within UGBs “...to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.” The ordinance does not change any of the regulatory

boundaries contained in the maps. For these reasons, the Council concludes that the amendments are consistent with Goal 14.

Statewide Planning Goal 15 – Willamette River Greenway: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Goal 15 will apply to proposed changes to the Title 4 map pursuant to this ordinance for land that lies within the greenway, but this ordinance itself does not change any of the regulatory boundaries contained in the maps and, therefore, does not change requirements under the functional plans as they apply to any particular industrial or employment land. The Council concludes that the amendments are consistent with Goal 15.

## **II. REGIONAL FRAMEWORK PLAN**

Policy 1.4 – Economic Opportunity: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policy 1.4 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with Policy 1.4.

Policy 1.5 – Economic Vitality: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policy 1.5 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with Policy 1.5.

Policy 1.13 – Participation of Citizens: The public involvement actions described above under Statewide Planning Goal 1 comply with Metro’s code and Policy 1.13.

Policy 1.15 – Centers: Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive

in part from Policy 1.15 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with Policy 1.15.

Policies 2.20 – Regional Freight System – and 2.21 – Regional Freight System Investments:  
Ordinance No. 07-1137 amends various provisions of the UGMFP to establish a process and criteria for amendments to the Title 4 Employment and Industrial Areas Map and to clarify the process for adjusting UGMFP maps and tables following completion of planning under Title 11 of territory added to the UGB. Changes to the map and to subsequent land uses can have significant effects on the regional freight system. This ordinance itself does not change any of the regulatory boundaries contained in the maps and does not change requirements under the functional plans as they apply to any particular industrial or employment land. The ordinance, however, does establish criteria for changes to the Title 4 map. Criteria in the ordinance derive in part from Policies 2.20 and 2.21 [subsections 3.07.450(C) and (F)]. The Council concludes that the amendments are consistent with these policies.

Because Ordinance No: 07-1137 does not make any changes to design-type designations or the Title 4 map itself and addresses only process and criteria for future amendments to the Title 4 Employment and Industrial Areas Map, the following policies of the Regional Framework Plan do not apply to the ordinance:

- Policy 1.1 – Urban Form
- Policy 1.2 – Built Environment
- Policy 1.3 – Affordable Housing
- Policy 1.6 – Growth Management
- Policy 1.7 – Urban/Rural Transition
- Policy 1.8 – Developed Urban Land
- Policy 1.9 – Urban Growth Boundary
- Policy 1.10 – Urban Design
- Policy 1.11 – Neighbor Cities
- Policy 1.12 – Protection of Agriculture and Forest Resource Land
- Policy 1.16 – Residential Neighborhoods

## **STAFF REPORT**

### **IN CONSIDERATION OF ORDINANCE NO. 07-1137 FOR AMENDING METRO CODE SECTIONS 3.07.120, 3.07.130 AND 3.07.1120; ADDING METRO CODE SECTION 3.07.450 TO ESTABLISH A PROCESS AND CRITERIA FOR CHANGES TO THE EMPLOYMENT AND INDUSTRIAL AREAS MAP; AND DECLARING AN EMERGENCY**

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Date: December 27, 2006

Prepared by: Dick Benner and Ray Valone

## **BACKGROUND**

Title 4 of the Urban Growth Management Functional Plan (UGMFP) seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses within Regionally Significant Industrial Areas, Industrial Areas and Employment Areas. Title 4 sets the boundaries for these design type designations and determines which land in the region is subject to the title's limitations. Local governments rely upon the Title 4 map (Employment and Industrial Areas map) to bring their comprehensive plans and zoning ordinances into compliance with the provisions of this title. From time to time, a city or county wants to change its plan and zone designations within a Title 4 design type. To remain in compliance with the UGMFP, these changes usually require an amendment to the Title 4 map.

Currently, there is no specific process or specific criteria in place in Title 4 against which to judge Title 4 map change requests. In recent months, several local governments have requested changes to this map. In the absence of specific criteria, the Metro Council would apply the policies of the Regional Framework Plan (RFP). In the absence of a specific process, the Metro Council would follow its customary ordinance process, regardless how large or small the map change request. Because the RFP does not specify which policies apply to Title 4 map changes, and because most RFP policies are general in nature, local governments - and the Metro Council when asked to approve or reject a proposed map change - face a large degree of uncertainty concerning Title 4 change requests.

Metro staff brought this issue to the May 23 and August 1, 2006, Metro Council work sessions. During the first session, the Metro Council directed staff to recommend a process and criteria after consultation with advisory committees. After discussion sessions on June 21, July 5 and July 19, 2006, with the Metropolitan Technical Advisory Committee (MTAC), staff brought the results back to the Metro Council on August 1, 2006. MTAC again discussed this issue on August 16, 2006. The proposed amendments to the UGMFP, shown in Exhibits A, B and C to this ordinance, is the result of the above discussions. In general, the approach contemplates:

- Basing the decision criteria on existing adopted Metro Council policy
- Treating minor and major requests differently
- Allowing local governments to process and decide on the minor amendment requests

Metro staff intends to introduce this issue to MPAC on September 13, 2006, and seek a recommendation from MTAC on September 20, 2006. It will go to MPAC for a recommendation on October 11 and come back to the Metro Council for a second reading and action on October 12, 2006. The first reading at Metro Council is scheduled for January 4, 2007.



## **ANALYSIS/INFORMATION**

1. **Known Opposition:** None known
2. **Legal Antecedents:** Ordinance No. 97-715B, Ordinance No. 02-969B and Ordinance No. 04-1040B.
3. **Anticipated Effects:** By adopting Ordinance 06-1124, the Council is amending three sections and adding a new section to the Urban Growth Management Functional Plan to establish a process and specific criteria for changing the Employment and Industrial Areas map of Title 4. If there is no successful appeal to the Land Use Board of Appeals, the Metro Council's decision is final.
4. **Budget Impacts:** The cost for processing amendments to Title 4 is included in the current budget.

## **RECOMMENDED ACTION**

Staff recommends the adoption of Ordinance No. 07-1137

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROVIDING ) RESOLUTION NO. 07-3768  
DIRECTION TO METRO CONCERNING BILLS )  
BEFORE THE 2007 OREGON LEGISLATURE ) Introduced by Chief Operating Officer  
) Michael J. Jordan, with the concurrence of  
) Council President David Bragdon

WHEREAS, Metro has an interest in bills before the 2007 Oregon Legislature;

WHEREAS, the Metro Councilors and Metro staff will represent Metro’s interest during the upcoming legislative session;

WHEREAS, the Metro Council wishes to establish a united position on important legislative proposals and provide direction to its staff in order to represent the will of the agency; and

WHEREAS, the attached Exhibit “A” of this resolution lists specific proposals that are of concern to Metro and the metropolitan region and gives guidance to staff on the Metro Council’s position on these proposals; and

WHEREAS, the Metro Policy Advisory Committee on January 10, 2007, adopted a regional legislative agenda that includes the first three priority issues listed in Exhibit “A”; and

WHEREAS, the Joint Policy Advisory Committee on Transportation on January 18, 2007, endorsed a three-part legislative agenda on transportation finance that is also reflected in Exhibit “A”; and

WHEREAS, the attached Exhibit “B” states the Metro Council’s principles regarding categories of potential legislation in order to provide guidance to staff in representing Metro; and

WHEREAS, the attached Exhibit “C” represents the Metro Council’s integrated policy framework for implementation of the New Look at Regional Choices, including several policies that either cannot be realized without legislative action or may be affected by legislative action; now therefore

BE IT RESOLVED that the Metro Council hereby directs the Metro Chief Operating Officer, the Metro Attorney, and Metro staff to make the agency’s position on a variety of legislative proposals clear with the 2007 Oregon Legislature consistent with Exhibits “A,” “B,” and “C” attached hereto.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
David Bragdon, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

Exhibit "A" to Resolution 07-3768  
METRO COUNCIL LEGISLATIVE PRIORITIES  
January 8, 2007

- [indicates legislation to be initiated by Metro]

### TOP PRIORITY ITEMS

- **Urban Growth Boundary (UGB) evaluation cycle:** Extend Metro's urban growth boundary evaluation cycle from five years to seven years.
- **Urban reserves/Rural reserves:** Authorize creation of rural preserves that cannot be urbanized and facilitate creation of urban reserves; both should be addressed in one bill.
- **Transportation finance:** Pursue transportation funding on three fronts:
  - New revenues for roads and bridges: support increase in gas tax and/or other funding source; support indexing of gas tax; focus on maintenance and preservation; secondary focus on freight movement; support continuation of current 50%-30%-20% formula for allocation of new revenues to state, counties, and cities.
  - Transit funding: continue lottery funds to support development of next leg of regional high-capacity transit system (Southeast Metropolitan Extension Project).
  - Connect Oregon II: support package assuming (a) it includes public transit, (b) regional allocation is reduced or linked more closely to statewide economic benefits, (c) there is also a road funding package.
- **Financial tools:** Seek authorization needed to raise revenue for infrastructure (and some planning) to underwrite development and redevelopment that supports the 2040 Growth Concept. Mechanism should be regional in scope; resources should be targeted, based on a regional public facilities plan, to areas expected to accommodate population and employment growth (centers, corridors, employment areas, expansion areas).

### POTENTIAL PRIORITY ITEM

- **Convention center headquarters hotel:** Seek lottery funds to support construction of headquarters hotel adjacent to Oregon Convention Center. NOTE: Council decision on whether to move forward with this project is expected by February, 2007.

### OTHER ITEMS, BY ISSUE AREA

#### Land Use/Community Development

- **Prevailing wage:** Oppose changes to prevailing wage law that would undermine viability of transit-oriented development projects not built, owned, occupied by public entities.

- **Building codes:** Support legislation initiated by City of Hillsboro calling for rulemaking to establish more flexible codes for downtown redevelopment.
- **Design review:** Support legislation that would allow local governments in the region to take into account site-specific design considerations when approving high-density projects, to the extent that such legislation is consistent with efforts to facilitate development that implements the 2040 Growth Concept.
- **Measure 37:** Participate in negotiations over changes to measure; support reforms that narrow scope of measure; support development of windfall-related funding mechanism to pay claims; if opportunity arises, support language providing that inclusion in UGB, with associated temporary minimum lot sizes, does not trigger a claim.
- **Measure 39:** Support any effort by other parties to delete attorney fees provision (Section 4 of initiative).

### Housing

- **Housing Alliance legislative agenda:** Support. Relevant items include allocation of \$100 million in one-time and ongoing resources to affordable housing and lifting the pre-emption against inclusionary zoning.

### Solid Waste

- **Bottle bill:** Support expansion to cover beverage containers not currently covered and other changes that support objectives of increasing recycling and reducing litter.
- **E-Waste:** Support creation of comprehensive system for recovery, reuse, and recycling of electronic waste.

### Transportation

- **Regional Travel Options (RTO) funding:** Support the continued inclusion of \$1.67 million in ODOT's Public Transit Division budget for implementing the Drive Less/Save More campaign in the Portland region; support increasing the allocation to bring the campaign to other cities in Oregon; oppose reducing the allocation to the Portland region to bring the campaign to other cities.

### Parks and Greenspaces

- **Parks Systems Development Charges (SDCs):** Work through Council legislative liaisons to develop position on any specific legislation based on the principles that local decisions should be respected; parks are important to complete communities; growth should help to pay its own way; and parks should not be put in the position of competing for funding with schools or other critical services.

### Finance

- **Public funds collateralization:** Support bill to require 100% collateralization of public funds, thereby reducing the risk to public entities in the event of a bank failure.

### **Oregon Zoo**

- **Veterinary facility:** Seek partial funding for construction of new veterinary facility.

### **Smart Government**

- **Boundary Appeals Commission repeal:** Eliminate duplicative requirement that Metro provide process for appealing boundary changes.
- **ORS 198-268 conflict:** Eliminate statutory conflicts to clarify Metro's unique status as a "home rule" special district.

**Exhibit “B” to Resolution 07-3768  
METRO COUNCIL 2007 LEGISLATIVE PRINCIPLES<sup>1</sup>**

**LAND USE:**

1. **Efficiency:** Land within Urban Growth Boundaries (UGBs) should be used efficiently before UGBs are expanded.<sup>2</sup>
2. **Need:** The UGB should not be expanded in the absence of demonstrated need.<sup>3</sup>
3. **Transportation:** Land use and transportation planning should be coordinated so land uses do not undermine the transportation system and transportation investments do not lead to inappropriate land uses.<sup>4</sup>
4. **Pre-emption:** Within the context of Oregon’s land use system, Metro’s authority should not be pre-empted.
5. **Annexation:** As cities are the preferred governing structure for providing public services to urban areas, Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.
6. **Rules/Statutes:** Administrative rules should not be adopted into statute.
7. **Complete Communities:** Metro supports legislation that facilitates development of complete communities, including employment opportunities, choices of housing types affordable to people of all income levels, transportation choices, and parks and greenspaces accessible to all.<sup>5</sup>
8. **Non-Regulatory Tools:** State efforts at regulatory streamlining should include funding to support development of non-regulatory tools for achieving desired land use outcomes.<sup>6</sup>
9. **Funding:** State mandates to expand UGBs should be accompanied by funding for planning.
10. **Fiscal Responsibility:** Funding to support urban development should be generated at least in part by fees on those who directly benefit from that development.
11. **Measure 37:**
  - Gains from government regulation/investment should be accounted for in any calculation of value reduction.
  - The state should be responsible for claims when a state requirement is the ultimate basis for the claim.
  - No public funds should be spent to support development outside UGBs in response to a Measure 37 waiver.
  - Landowners should provide compensation to neighbors or the public when their actions after waiver of regulations reduce neighbors’ property values or reduce the value of publicly owned resources, including but not limited to the air and waters of the state.

**SOLID WASTE:**

12. **Toxicity and waste reduction:** Metro supports efforts to minimize the impact of the waste stream on the environment.

**TRANSPORTATION:**

13. **Transportation Funding:** Metro supports an increase in overall transportation funding and supports flexibility in the system to provide for local solutions to transportation problems.

**PARKS AND GREENSPACES:**

14. **Parks and Greenspaces:** Metro supports measures to increase the level of state funding distributed to local governments for acquisition, capital improvements, and park operations.

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<sup>1</sup> Footnotes refer to applicable policy statements in Metro’s Regional Framework Plan (RFP), July 2003.

<sup>2</sup> Numerous RFP references, including: p. 10, growth should occur inside the UGB in the form of infill and redevelopment with higher density where appropriate; policy 1.1, Urban Form; policy 1.6, Growth Management; policy 1.8, Developed Urban Land; policy 1.9, Urban Growth Boundary; policy 1.12, Protection of Agriculture and Forest Resource Lands. The RFP, on p. 36, also quotes the Future Vision statement: “Widespread land restoration and redevelopment must precede any conversion of land to urban uses to meet our present and future needs.”

<sup>3</sup> P.11, UGB will be expanded only when a need for additional urban land is demonstrated; policy 1.1, Urban Form.

<sup>4</sup> Numerous RFP references, including: p. 10, by coordinating land uses with transportation system, the region embraces its locational advantage as trade hub; p. 17, growth concept links urban form to transportation to ensure the development of a regional plan that is based on efficient use of land and safe, efficient and cost effective transportation system; p. 59, integrating movement of goods and people with surrounding land uses is fundamental to RFP; policy 2.2, Consistency between Land Use and Transportation; policy 2.6, Urban Form; policy 2.7, Jobs/Housing Balance; policy 2.11, Street Design; policy 2.21, Adequacy of Transportation Facilities.

<sup>5</sup> See p. 11 re: mixed-use centers of housing, employment, transit, with a range of services and amenities in a walkable environment; jobs/housing balance outside neighborhoods; and protection of open spaces. See also policy 1.3, Housing and Affordable Housing; policy 1.4, Economic Opportunity; policy 1.5, Economic Vitality; policy 1.7.2, Sense of Place; Chapter 2, Transportation, on transportation choices generally; Chapter 3, Parks, Natural Areas, Open Spaces And Recreational Facilities, recognizing “the importance of parks, natural areas and recreational facilities in the urban fabric of communities throughout the region.” The RFP, on p. 37, also quotes the Future Vision statement: “Focus public policy and investment on the creation of mixed-use communities that include dedicated public space and a broad-range [*sic*] of housing types affordable to all.”

<sup>6</sup> Policy 1.1, Urban Form (on targeting public investments to reinforce a compact urban form); p. 92, a variety of strategies will be used to protect and manage parks and natural areas to support habitat and recreational opportunities, including acquisition, education, landowner incentives.

## **New Look at Regional Choices: Integrated Policy Framework**

### **PRINCIPLES:**

- ❑ All regional growth management and investment decisions should reinforce growth in centers, corridors, and employment areas.
- ❑ Within this framework, the region will support and facilitate, when warranted, expansions of the urban growth boundary to develop vibrant new communities and employment areas, while balancing new development with the protection of the region’s agricultural industry and important natural areas.
- ❑ The policy elements listed below should be viewed as a single integrated strategy.
- ❑ This strategy should be pursued through the collaborative efforts of multiple jurisdictions.

### **1. Focus Fiscal Resources and Taxation Tools to Stimulate Development in Centers, Corridors and Employment/Industrial Areas**

- Public and private resources should be channeled into redevelopment and retrofitting of existing urban areas to meet changing demographic, employment, urban service and economic demands.
- Regional policy and legislative efforts should be directed to the development of new sources of financing for development of centers, corridors, and employment areas, as well as to broadening the utility of existing funding sources.
- Benefits include neighborhood revitalization, economic development, more efficient land use, more transportation choices, improved air and water quality, more effective targeting of public infrastructure investments, protection of farmland and natural areas.
- Attention to design and quality development is critical.

### **2. Coordinate Growth With Neighboring Communities**

- Metro should explicitly coordinate with neighboring communities on how to accommodate growth.
- This coordination should inform mutual decisions related to urban reserves, rural/agricultural activities, and long-term transportation connections or green belt separations.

### **3. Base Urban Growth Boundary (UGB) Expansion Decisions on Urban Performance**

- Decisions to draw down urban reserves should be based on a reasonable range of population and employment forecasts and tied to efficient development within the Urban Growth



Boundary (UGB). These decisions should reinforce development in centers, corridors, and employment areas.

- The current arbitrary timeline for reevaluating and expanding the UGB should be extended to enable the region to focus more on quality development within the boundary, including making land recently brought into the UGB ready for development.

#### 4. **Designate and Plan Urban Reserves**

- Urban reserves should be designated in areas that present the best opportunities for urbanization, reinforce existing centers and corridors, and accommodate the need to protect important agricultural land or natural features.
- Concept planning should be completed in urban reserve areas before those areas are brought inside the UGB. The supply of planned urban reserves could then be drawn down for urbanization as needed.
- Designating urban reserves provides direction regarding how to address household and job needs over the long term. Over time, this should offer greater predictability for landowners and reduce the level of controversy associated with urban growth boundary expansion decisions.

#### 5. **Designate Areas That Shall Not Be Urbanized**

- Metro should work with local governments of the region, neighboring communities, and the state to designate critical agricultural and natural areas as locations where the region will not urbanize.
- The designation of agricultural and natural reserves should link to a commitment to policy tools and financial strategies that reduce urbanization pressures and support successful farming, rural lifestyles, and natural resource protection.

#### 6. **Prioritize and Invest in Transportation Improvements that Support Efficient Development and Strengthen the Economy**

- The updated Regional Transportation Plan (RTP) should reinforce the integration of land use and transportation planning and support development in centers, corridors and employment areas.
- This integration is a critical factor in the strategic selection of transportation projects and can reduce the need for costly facilities while improving outcomes for both transportation and community development.
- In recognition of current funding realities, the updated RTP should focus on the transportation investments that are the most strategic, cost-effective, and important from the standpoints of economic development and regional livability.

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 07-3768, FOR THE PURPOSE OF PROVIDING DIRECTION TO METRO CONCERNING BILLS BEFORE THE 2007 OREGON LEGISLATURE

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Date: January 6, 2007

Prepared by: Randy Tucker

## BACKGROUND

The Metro Council has taken formal positions on legislation since its inception. The Council was first asked to take action taken in Resolution No. 79-23, a proposed amendment to SB 66, in which it took a position on SB 66 dealing with economic development. Since that time, Metro has taken formal and informal positions on legislation (state and federal) that it feels impacts the region.

The agenda and principles described in Exhibits "A" and "B" were developed by Randy Tucker (Legislative Affairs Manager) in consultation with the Metro Council. Many of the specific legislative issues described in Exhibit "A" resulted from consultation with legislative liaisons in each Metro department; others emerged from Council and staff discussions of the New Look at Regional Choices. These issues were discussed with the Metro Council in work sessions that occurred on August 15, September 12, September 26, October 3, and November 30.

Where applicable, the principles in Exhibit "B" also reflect existing Metro policy as embodied in the Regional Framework Plan.

Exhibit "C" includes the Metro Council's framework for implementation of the policies associated with the New Look at Regional Choices.

As issues arise and develop during the 2007 Oregon Legislative Session, the Council will have the opportunity to take positions on specific pieces of legislation and to modify its agenda as it sees fit.

## ANALYSIS/INFORMATION

1. **Known Opposition:** none
2. **Legal Antecedents:** none applicable
3. **Anticipated Effects:** Provide direction to Metro staff with respect to issues before the 2007 Oregon Legislature
4. **Budget Impacts:** None

## RECOMMENDED ACTION

Staff recommends approval of Resolution No. 07-3768.