

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

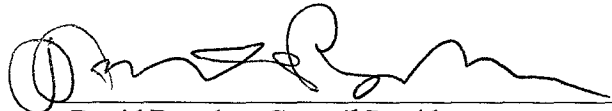
WHEREAS, the Joint Policy Advisory Committee on Transportation on January 18, 2007, endorsed a three-part legislative agenda on transportation finance that is also reflected in Exhibit "A"; and

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

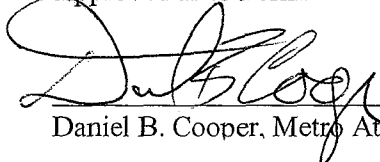
WHEREAS, the attached Exhibit "C" represents the Metro Council's integrated policy framework for implementation of the New Look at Regional Choices, including several policies that either cannot be realized without legislative action or may be affected by legislative action; now therefore

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 18th day of January, 2007.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney

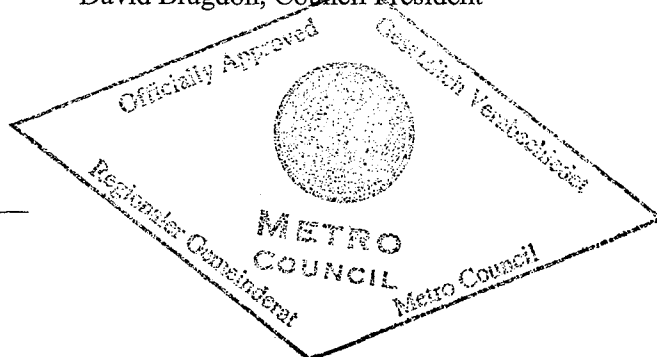


Exhibit "A" to Resolution 07-3768
METRO COUNCIL LEGISLATIVE PRIORITIES
January 8, 2007

- [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 PRINCIPLES¹**

LAND USE:

1. **Efficiency:** Land within Urban Growth Boundaries (UGBs) should be used efficiently before UGBs are expanded.²
2. **Need:** The UGB should not be expanded in the absence of demonstrated need.³
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.⁴
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.⁵
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.⁶
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.

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

² 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.”

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

⁴ 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.

⁵ 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.”

⁶ 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

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.