

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROVIDING ) RESOLUTION NO 01-3046A  
DIRECTION TO PAC/WEST )  
COMMUNICATIONS CONCERNING BILLS ) Introduced by  
BEFORE THE 2001 OREGON LEGISLATURE ) Presiding Officer David Bragdon  
)

WHEREAS, Metro has an interest in bills before the 2001 Oregon Legislature; and

WHEREAS, Metro has hired Pac/West Communications to represent the region's interest during the current legislative session; and

WHEREAS, the Metro Council wishes to provide direction to its lobbyist in order to represent the will of the agency; and

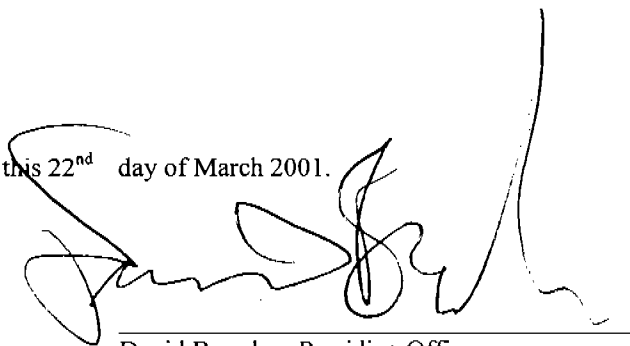
WHEREAS, Exhibit "A" of the resolution lists specific bills that are of regional concern; and

WHEREAS, the Council desires to establish principles to guide any legislation on referral designed to address land use and regulatory fairness as also attached in Exhibit A; now therefore

BE IT RESOLVED:

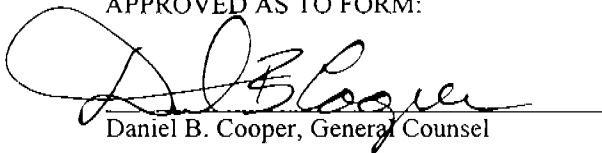
The Metro Council hereby directs Pac/West Communications to make the agency's position on a variety of bills clear with the 2001 Oregon Legislature constituent with Exhibit A.

ADOPTED by the Metro Council this 22<sup>nd</sup> day of March 2001.



David Bragdon, Presiding Officer

APPROVED AS TO FORM:



Daniel B. Cooper, General Counsel



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H:My Documents/Legislation2001/Res. 01-3046  
3/20/2001

## **STAFF REPORT**

### **FOR THE PURPOSE OF PROVIDING DIRECTION TO PAC/WEST COMMUNICATIONS CONCERNING BILLS BEFORE THE 2001 OREGON LEGISLATURE**

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March 19, 2001

Presented by Jeff Stone

#### **DESCRIPTION:**

Periodically through the legislative session, the Metro Council provides an official position on a slate of legislative bills. This resolution gives the Council an opportunity to publicly declare their views and by taking a formal action, gives our lobbyist direction.

#### **EXISTING LAW:**

No relevant existing law.

#### **BACKGROUND AND ANALYSIS:**

The Metro Council has taken formal positions since its inception. The first action taken by the Council was in 79-23 in which it took a position on SB66 regarding Economic Development. Since that time, the Agency has taken formal and informal positions on legislation (state and federal) that it feels impacts the region.

The current list was developed by Dan Cooper (Office of General Counsel), Pete Sandrock (Chief Operating Officer), Nancy Goss Duran (Executive Office Analyst) and Jeff Stone (Council Chief of Staff). In coordination with Pac/West Communications, the legislative team evaluated and analyzed legislation that may concern the region and Metro. The list, as outlined in Exhibit "A", provides the Metro Council with specific bills, a short title, and a recommendation.

Throughout the Oregon Legislative Session, the Council will be able to vote on any number of bills as it sees fit.

#### **BUDGET IMPACT:**

No budget impact in the passage of this resolution.

#### **OUTSTANDING QUESTIONS/ISSUES:**

Clearly the recommendations made by the legislative team are just that, recommendations. Any clarity the Metro Council can give to the legislative team and Pac/West Communications would be very helpful.

**EXHIBIT "A"**  
**Resolution No. 01-3046**

2001 LEGISLATIVE BILLS  
As of March 20, 2001

<b>PUBLIC VOTE:</b>	<b>Description</b>	<b>Council Direction</b>
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**METRO GENERATED BILLS**

HB 3716*	Bybee-Howell House issue in EFU zone	Support
HB 3909*	Tire Recycling	Support
SB 906*	Self-Insurance	Support

**BILLS TO SUPPORT**

HB 2022	Biennial Budgets	Support
HB 2140	Highway modernization Program money	Support
HB 2816	Mercury added novelties prohibition	Support
HB 2825	Creates Home Ownership Task Force.	Support
HB 2923	Creates Trust for Cultural Development Board	Support
HB 3179	Allows Exemption from SDC for Affordable Housing	Support
HB 3400	Distributes Tax Proceeds to Affordable Housing Fund	Support
SB 230	Animal Abuse Bill	Support
SB 433	Oregon Plan (concept only)	Support
SB 816	Toll Roads—Removes Certain Restrictions/Requirements	Support

**BILLS TO OPPOSE**

SB 929	UGB Inclusion Within City/Metropolitan Service Districts	Oppose
HB 2311	Requires \$600 million in ODOT Funding for Modernization To Be Paid Off The Top of Highway Trust Fund; Affects Funds to ODOT, Cities and Counties	Oppose
HB 2837	Repeals Metro's SB838 From Last Session Allowing EFU Subdivision for Parks/Open Spaces	Oppose
HB 2979	Limits coordination of open spaces	Oppose
HB 2976	Amend UGB to actual housing types/densities under 20 years	Oppose

**BILLS TO MONITOR**

HB 2499	Planning period for buildable land supply w/in UGB	Monitor
HB 2731	Farm and Forest Practices (EFU in UGB)	Monitor/Oppose
HB 2981	LCDC/local govts prohibited – min. lot sizes	Monitor/Oppose

**CONCEPT TO PURSUE**

Measure 7 Principles (Cooper Draft)

**Exhibit A - Resolution No. 01-3046**  
**Metro Principles Regarding Land Use and Regulatory Fairness Issues**

1. The adoption by the voters in November 2000 of Measure 7 is a strong indication that the issue of regulatory fairness within the Oregon Land Use Planning System is of grave concern and should be addressed decisively and as soon as possible.
2. Measure 7 as adopted is fundamentally flawed and was placed on the ballot in apparent disregard of constitutional requirements.
3. Measure 7 is likely to never go into effect.
4. If found valid its defects are so numerous that it should be repealed.
5. Land use and regulatory fairness issues should be addressed as follows:
  - A) The Legislature should refer a repeal of Measure 7 coupled with a constitutional amendment that both includes the principals of statewide land use planning and the requirement that Legislation must be adopted to provide compensation to property owners for future regulatory actions that unreasonably and unfairly diminish property values for the creation of common benefits; and,
  - B) Legislation should be adopted to carry out the constitutionally required compensation that provides a uniform process statewide for a locally determined system to provide a means to address regulatory fairness issues through:
    - ✓ Limited waivers of regulatory requirements;
    - ✓ Alternative and incentive-based means of achieving regulatory objectives;
    - ✓ Payments of cash compensation;
    - ✓ Compensation for meeting state mandated requirements should be funded by the Legislature;
    - ✓ In urban areas any requirement for compensation should be prospective only; and
  - C) Private persons who take actions that reduce the value of public resources, including but not limited to, the air and the waters of the state should compensate the public or refrain from taking such action.

**Resolution No. 01-3046**  
**2001 – 71<sup>st</sup> Oregon Legislative Bills**  
**As of April 2, 2001**

LEG. TEAM RECOMMENDATION	BILL NO.	Subject / Topic	Sponsor Of Bill	Title / Description	Council Position
<b>METRO GENERATED BILLS</b>					
<i>PUBLIC VOTE</i>	HB3716	Bybee-Howell House issue in EFU zone	Rep. Vicki Walker (At request of Metro)	Modifies provisions authorizing parks and community centers on land zoned for exclusive farm use.	Support
<i>PUBLIC VOTE</i>	HB3909	Tire Recycling	Rep. Kafoury, Starr, Tomei; Ackerman, Backlund, Barnhart, Beck, Bowman, Close, Devlin, Doyle, Gardner, Hansen, Hass, Hopson, Johnson, King, Krieger, Krummel, Lee, Leonard, Lowe, March, Merkley, Minnis, Monnes Anderson, Morrisette, Nolan, Patridge, Ringo, Rosenbaum, Shetterly, P Smith, V Walker, Williams, Witt, Senators Atkinson, Castillo, Gordly, Trow (at the request of Metro Regional Services)	Establishes Tire Recycling Board. Directs board to develop and administer tire recycling program. Imposes tax on sale of new tires. Directs revenue from tax into Tire Recycling Fund. Specifies purposes of Tire Recycling Fund.	Support
<i>PUBLIC VOTE</i>	SB906	Self-Insurance	Sen. Brown (At the request of Metro)	Reduces number of covered employees and retirees required for self-insurance of health insurance by individual public body.	Support
<b>BILLS TO SUPPORT</b>					
<i>Support Bill</i>	HB2022	Biennial Budgets	House Interim Revenue Committee	Allows local governments to adopt biennial budgets.	Support
<i>Support Bill</i>	HB2140	Highway Modernization Program Money	Governor John A. Kitzhaber, M.D., For Department Of Transportation)	Deletes requirement that specified moneys be spent on highway modernization program.	Support

**Resolution No. 01-3046**  
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LEG. TEAM RECOMMENDATION	BILL NO.	Subject / Topic	Sponsor Of Bill	Title / Description	Council Position
<i>Support Bill</i>	HB2816	Environmental Mercury added novelties prohibition	Rep. Merkley, Witt; Ackerman, Backlund, Barnhart, Bates, Beck, Carlson, Devlin, Garrard, Hansen, Johnson, King, Knopp, Kropf, Krummel, Leonard, Lowe, March, Monnes Anderson, Ringo, Rosenbaum, Schrader, Shetterly, V Walker, Williams, Sen. George	Amends Unlawful Trade Practices Act. Prohibits sale of mercury fever thermometers, mercury-added novelties and motor vehicles containing mercury light switches. Prohibits installation of thermostats containing mercury in commercial or residential building. Provides exception. Prohibits sale of thermostats containing mercury. Provides exception. Prohibits certain actions relating to mercury and mercury products. Directs Oregon Department of Administrative Services to remove mercury light switches from state-owned motor vehicles. Directs Department of Environmental Quality to work with local agencies to provide technical assistance to wrecking businesses concerning removal of mercury light switches from motor vehicles.	Support
<i>Support Bill</i>	HB2825	Growth Creates Home Ownership Task Force	Rep. Merkley; Rep. Butler, Devlin, Kafoury, Knopp, Kropf, Ringo, Rosenbaum, V Walker, Williams, Wirth	Creates Home Ownership Task Force. Specifies composition of task force. Requires task force to study issues regarding home ownership among low and moderate income Oregonians and to report its findings to interim committee of Seventy-first Legislative Assembly.	Support
<i>Support Bill</i>	HB2923	PCPA/RACC Creates Trust for Cultural Development Board	Rep. Simmons, Westlund, Sen. L Beyer; Rep. Beck, Brown, Gardner, Kafoury, Leonard, Minnis, Nolan, Patridge, Shetterly, G Smith, Williams, Sen. Atkinson, Brown, Burdick, Carter, Castillo, Clarno, Corcoran, Courtney, Duncan, Ferrioli, Hannon, Hartung, Metsger, Minnis, Shields (at the request of Joint Interim Task Force on Cultural Arts and former Rep. Lynn Snodgrass)	Renames Cultural Trust Fund Investment Account as Trust for Cultural Development Account. Creates Trust for Cultural Development Board to oversee account. Directs office of the Secretary of State to provide staff support to board. Specifies distribution of funds for cultural development, community cultural participation and core partner agencies. Creates tax credit for amounts contributed to Trust for Cultural Development Account and cultural organizations. Directs Department of Transportation to establish cultural license plate program for issuance of special registration plate. Imposes surcharge. Uses moneys collected for Trust for Cultural Development Account. Appropriates moneys from General Fund to department to initiate program. <b>Takes effect on 91st day following adjournment sine die.</b>	Support

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LEG. TEAM RECOMMENDATION	BILL NO.	Subject / Topic	Sponsor Of Bill	Title / Description	Council Position
<i>Support Bill</i>	HB3179	Allows Exemption from SDC for Affordable Housing	Rep. Ringo	Adds public schools, community colleges, library districts, fire protection and rescue services and police protection to definition of capital improvements for which system development charges may be imposed. Allows exemption from system development charges for affordable housing.	Support
<i>Support Bill</i>	HB3400	Growth Distributes Tax Proceeds to Affordable Housing Fund	Rep. Deborah Kafoury, Ackerman, Bates, Beck, Bowman, Gardner, Hansen, Lee, Leonard, Merkley, Rosenbaum, Tomei, Wirth, Senators L Beyer, Brown, Burdick, Castillo, Corcoran, Deckert, Gordly, Hartung, Shields (At The Request Of Oregon Home)	Establishes affordable housing district in standard metropolitan statistical areas of state with population of 500,000 or more. Requires district governing board to consist of representatives from cities and counties in district. Authorizes district governing board to impose real estate transfer tax if two-thirds of board members approve. Distributes tax proceeds to Regional Affordable Housing Fund to be distributed within district for affordable housing development and assistance to first-time home purchasers and development that directly benefits affordable housing. [Creation of a regional housing body which could levy a real estate transfer tax upon approval of 3/4ths of the 27 jurisdictions in the region.]	Support
<i>Support Bill</i>	SB230	Animal Abuse	Sen. Deckert (At The Request Of Christopher And Constance Hawes, Oregon Humane Society And Michael E. Wellington Of The Lane County Animal Regulation Authority)	Changes definition of physical injury for purposes of animal abuse and neglect statutes. Specifies means of establishing some forms of physical injury to animal. Changes neglect resulting in death of animal from crime of animal neglect in the first degree to new crime of aggravated animal neglect in the first degree. Provides for maximum penalty of five years' imprisonment, fine of \$100,000, or both. Prohibits possession of animal within specified period following conviction for certain crimes against animals. Creates exceptions. Makes violation offense subject to maximum penalty of \$1,000 fine and forfeiture of animal if predicate conviction was misdemeanor or \$5,000 fine and forfeiture of animal if predicate conviction was felony. Changes culpable mental state for animal abuse in the second degree from recklessly to criminally negligent. Changes culpable mental state for animal abuse in the first degree from recklessly to criminally negligent. Eliminates element that abuse causing death of animal be inflicted cruelly. Reclassifies crime of animal abuse in the first degree to felony with maximum penalty of five years' imprisonment, fine of \$100,000, or both, if crime is committed under certain conditions or committed by defendant	Support

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				having specified criminal history. Changes definitions for crime of aggravated animal abuse in the first degree. Changes culpable mental state for malicious killing of animal from intentionally to recklessly. Revises elements for establishing torture. Increases maximum penalty for crime of animal abandonment to six months' imprisonment, \$2,000 fine, or both. Amends statute governing peace officer entry of premises to care for animal to allow entry in any lawful manner. Changes time limit for holding hearing on preconviction forfeiture of animal.	
<i>Support Bill</i>	SB433	Fish & Wildlife Oregon Plan (Concept Only)	Governor John A. Kitzhaber, M.D., For Office Of The Governor	Directs Governor to coordinate activities and programs of natural resources agencies in implementing Oregon Plan. Defines natural resources agency. Specifies elements that must be included in state agency or local government species recovery plan for plan to be incorporated into Oregon Plan. Provides direction to natural resources agencies for implementing Oregon Plan. Requires state agencies managing state-owned lands to develop aquatic and watershed conservation strategies if substantial salmonid habitat exists or potentially could exist. Directs Oregon Watershed Enhancement Board to submit biennial report to Governor and Legislative Assembly on implementation of Oregon Plan. <b>Declares emergency, effective on passage.</b>	<b>Support</b>
<i>Support Bill</i>	SB816	Toll Roads— Removes Certain Restrictions/Requirements	Sen. Clarno	Removes requirement for specific legislative approval of tollway project. Removes restrictions on amount that may be charged for toll. Removes requirement for bicycle paths and rest areas on tollways. Removes provision vesting title to tollway project in Department of Transportation 40 years after completion.	<b>Support</b>
<b>BILLS TO OPPOSE</b>					
	HB2311	Transportation Bonds/Fuel Tax-Requires \$600 million in ODOT Funding for Modernization To Be Paid Off	Rep. Jerry Krummel	Authorizes issuance of bonds by Department of Transportation, to be repaid with revenues from current tax on motor vehicle and other fuels. Exempts bonds from statutory provisions requiring Governor to recommend and legislature to approve total maximum bonded debt level for each biennium.	<b>Oppose</b>



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		The Top of Highway Trust Fund; Affects Funds to ODOT, Cities & Counties			
	HB2837	Repeals SB838 from last session allowing EFU subdivision for Parks/Open Spaces	Rep. Schrader (at the request of Oregon Farm Bureau)	Eliminates authority of county or county's designee to authorize division of land in exclusive farm use zone to allow purchase for public parks, open space or nonprofit land conservation. [Amends ORS 215.263 and repeals ORS 215.265]	Oppose
	HB2976	Land Use Amend UGB to Actual Housing Types / Densities Under 20 years	Rep. Morgan (at the request of Oregon Building Industry Association)	Requires local government to amend urban growth boundary if analysis finds actual housing types and densities insufficient for next 20 years. Requires inclusion of certain school facilities, parks and open spaces. Defines buildable lands. Allows local government to amend comprehensive plan, functional plan or land use regulations to increase likelihood that residential development will be accommodated under current or partially expanded urban growth boundary. Requires local government to amend urban growth boundary if residential development is not accommodated.	Oppose
	HB2979	Land Use Limits Coordination of Open Space	Rep. Morgan (at the request of Oregon Building Industry Association)	Limits metropolitan service district coordination of open spaces, scenic and historic areas and natural resources regulated under statewide goals to instances where those spaces, areas and resources cross jurisdictional boundaries and all jurisdictions request coordination.	Oppose
	SB929	UGB Inclusion within City / Metro Service Districts	Sen. Ferrioli (at the request of Associated Oregon Industries)	Requires that urban growth boundary include all area within city limits or all area within boundaries of metropolitan service district.	Oppose
<b>BILLS TO MONITOR</b>					
	HB2499	Land Use	Rep. Kruse	Changes planning period for buildable land supply inside urban growth boundary.	Monitor

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	HB2731	Land Use Farm & Forest Practices (EFU in UGB)	Rep. Shetterly (At The Request Of Oregon Farm Bureau)	Modifies limitation on liability for engaging in certain farming and forest practices. Eliminates requirement that practice occur outside urban growth boundary as condition of liability limitation.	<b>Monitor / Oppose</b>
	HB2981	Land Use LCDC / Local governments Prohibited – Minimum Lot Sizes	Rep. Morgan (at the request of Oregon Building Industry Association)	Prohibits Land Conservation and Development Commission and local governments from prescribing minimum lot size in urban reserve areas unless justified after analysis. Prescribes analysis considerations.	<b>Monitor / Oppose</b>
	LC	Transportation	Metro / House Transportation Committee Chairman Bruce Starr	Regional Transportation Authorities.	<b>Monitor</b>
<b>CONCEPT TO PURSUE</b>					
				Measure 7 Principles (Cooper Draft)	

EXHIBIT "A"

2001 LEGISLATIVE BILLS  
as of March 20, 2001

<b>PUBLIC VOTE:</b>	<b>Description</b>	<b>Leg Team Rec</b>
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HB 3716	Bybee-Howell House issue in EFU zone	Support
HB 3909	Tire Recycling	Support
UC	Regional Transportation Authorities	Support
SB 906	Self-Insurance	Support

BILLS TO SUPPORT

HB 2022	Biennial Budgets	Support
HB 2140	Highway modernization Program money	Support
HB 2816	Mercury added novelties prohibition	Support
HB 2825	Creates Home Ownership Task Force.	Support
HB 2923	Creates Trust for Cultural Development Board	Support
SB 230	Animal Abuse Bill	Support
SB 433	Oregon Plan (concept only)	Support

HB 3400

ENABLING LEG ON SDC's BILLS TO OPPOSE

HB 2979	Limits coordination of open spaces	Oppose
HB 2976	Amend UGB to actual housing types/densities under 20 years	Oppose

SB 929

HB 2311

BILLS TO MONITOR

HB 2499	Planning period for buildable land supply w/in UGB	Monitor
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MATTERS TO DISCUSS

Measure 7 issues	Discussion
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### **Metro Principals Regarding Land Use and Regulatory Fairness Issues**

- The adoption by the voters in November 2000 of Measure 7 is a strong indication that the issue of regulatory fairness within the Oregon Land Use Planning System is of grave concern and should be addressed decisively and as soon as possible.
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