



**METRO**

**Agenda**

MEETING: METRO COUNCIL WORK SESSION  
DATE: September 23, 2008  
DAY: Tuesday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

- |                |           |   |              |
|----------------|-----------|---|--------------|
| <b>2:00 PM</b> | <b>1.</b> | <b>DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, SEPTEMBER 25, 2008/ADMINISTRATIVE/CHIEF OPERATING OFFICER COMMUNICATIONS</b> |              |
| <b>2:15 PM</b> | <b>2.</b> | <b>CONNECTING GREEN TRAILS</b>  | Wetter/Yaden |
| <b>2:45 PM</b> | <b>3.</b> | <b>URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLE 4 COMPLIANCE</b>   | Oeser        |
| <b>3:15 PM</b> | <b>4.</b> | <b>BREAK</b>  |              |
| <b>3:20 PM</b> | <b>5.</b> | <b>2009 LEGISLATIVE SESSION CONTINUED DISCUSSION</b>  | Tucker       |
| <b>4:20 PM</b> | <b>6.</b> | <b>COUNCIL BRIEFINGS/COMMUNICATION</b>  |              |

**ADJOURN**

**CONNECTING GREEN TRAILS**

Metro Council Work Session  
Tuesday, September 23, 2008  
Metro Council Chamber

## Work Session Worksheet

Presentation Date: 9-23-08 Time: 2:15 Length: 30 minutes

Presentation Title: Connecting Green: Trails

Department: Council, Planning, Parks, Public Affairs

Presenters: Dave Yaden and Mike Wetter

### **ISSUE & BACKGROUND**

The Blue Ribbon Committee for Trails has completed five meetings and will hold its sixth and final meeting November 10th. It has completed much of the scope assigned by the Metro Council. The most significant task ahead is to complete a development strategy to accelerate the trails build-out. The committee considered three distinct scenarios developed by staff, "Transportation for a New Era", "Natural Corridors" and "Great Community Greenways". Each scenario emphasizes a different set of values, priorities, organizational strategies and funding sources.

While the ultimate strategy will likely include elements of all three scenarios, the Blue Ribbon Committee for Trails has indicated that the "Transportation for a New Era" strategy should be emphasized. The purpose of the work session is to provide a status report on the Connecting Green Trails project and for the council to discuss the implications, for Metro and the region, of the three development scenarios.

**OPTIONS AVAILABLE:** No action required.

**IMPLICATIONS AND SUGGESTIONS:** No recommended actions at this time.

### **QUESTION(S) PRESENTED FOR CONSIDERATION**

Which of the trails development scenarios do you prefer?

What are the potential impacts and opportunities for Metro and the region? How should a trails development strategy be integrated into Metro's transportation planning, parks and greenspaces planning, and greatest place initiatives?

What suggestions do you have for how the trails development initiative should proceed following meeting six of the Blue Ribbon Committee.

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION** \_\_ Yes X No  
**DRAFT IS ATTACHED** \_\_ Yes X No



# The “Transportation for a New Era” Scenario

## A transportation-oriented approach

### Strategy Overview

This strategy argues that global warming, physical inactivity, congestion and the rising cost of gas are the most compelling issues of our day and that bicycling and walking, while not a cure-all, will prove to be the most cost-effective means of moving toward an overall solution while improving our quality of life. The strategy focuses on investments that shift travel away from automobiles and towards bicycles and foot travel. The “experience value” of routes is considered to the degree that it increases nonmotorized travel. Transportation funding sources are emphasized, although many require retooling.

The strategy focuses on building a system of connected greenways as significant nonmotorized corridors, using the development approach established by the light rail system, which is to complete one at a time, each linking to form an interconnected system. It is framed as part of a broader regional transportation strategy that includes transit, motorized transportation, travel demand management and other strategies.

The trail corridors provide long, continuous off-street trips linked to an effective on-street and transit network. Similar to the precedent set by light rail, the greenways are prioritized based on highest potential use and connections to regional and town centers. The sequence of development is determined and published as part of the region’s transportation plans. Funding is focused, completing one or two trails at a time.

### Strengths

- ⇒ Taps funding sources that are available now. Transportation funding exists and just needs to be reallocated to nonmotorized modes, which may be easier than creating a new source.
- ⇒ Addresses compelling issues of congestion, global warming, and increasing costs of transportation
- ⇒ Creates a balanced system that includes both on-street and off-street infrastructure
- ⇒ Better incorporates healthy means of transportation into everyday life and thus builds a broader and stronger constituency for continuing improvements
- ⇒ Focuses regional funding on a connected sequence of strong, complete projects
- ⇒ The focus on fewer, even single, projects allows thorough coordination with complementary on-street and transit facilities
- ⇒ Cost efficiency is realized by building long trails; federal funding opens door to streamlining and cost reduction

## Weaknesses

- ⇒ Premier greenways that provide recreation or connection to nature may not get built immediately (or at all)
- ⇒ Some communities to have to wait their turn
- ⇒ Rather than the typical \$2-4M project, projects are \$30-50M and require compiling funds.
- ⇒ Primary source is transportation funding, which is insufficient to meet the current demands on it and becoming more insufficient every year. Transportation funding currently comes primarily from the gas tax. Voters and elected officials have been unwilling to increase the gas tax.



## The “Natural Corridors” Scenario

### A Natural Areas Approach

#### Strategy Overview

This scenario builds on the high value Portland residents’ place on clean air, clean water, and protecting natural areas for wildlife. These values are consistently expressed in polling and in the success at the ballot of two regional natural areas bond measures, one in 1995 and one in 2006. A measure being placed on the ballot by Tualatin Hills Parks and Recreation for natural area acquisition looks promising, again because of residents’ strong support for natural areas.

This strategy focuses on investments that acquire and protect our major green corridors, along with trails that allow residents to experience these urban gems. This “protect the best” approach establishes areas with outstanding natural resource values as priorities. Secondly, the strategy emphasizes areas where development pressures will raise land costs and diminish land availability for greenways. Emphasis in early years is predominately on acquiring major green corridors, with trail construction gaining momentum in later years.

#### Strengths

- ⇒ Builds on a motif that has proven public support: clean air, clean water, and natural areas.
- ⇒ Provides ecologically sensitive access to some of the most beautiful natural areas in the region, connecting people with parks, natural areas and wildlife refuges.
- ⇒ May, if developed correctly, create corridors that are valuable for wildlife migration.
- ⇒ Acquisition and construction costs are lower for trails built outside the metropolitan region, such as Mt. Hood Connections and Path to the Pacific.
- ⇒ Provides a very green option for transportation funding.

#### Weaknesses

- ⇒ Emphasizing natural resource value may be seen as contradictory with trails, which bring a level of development and increase human visitation to a green corridor.
- ⇒ Would not provide transportation function or integration with communities as quickly as other scenarios.
- ⇒ Would need to compile new funding sources and rely on transportation funding at modest levels.





## Connecting Green | Trails

# The “Great Community Greenways” Scenario

A community-based approach

### Strategy Overview

This strategy takes the view that “building strong communities” should be the primary goal and that health, transportation, environmental, recreational, social and other benefits will result from strong and resilient communities. It is similar to the way trails are built now—primarily as a result of local advocacy—but this local engagement would receive stronger support regionally.

The Great Community Greenways is developed as a component of the “Greatest Place” initiative that is currently being led by Metro and local governments. The goal of the Greatest Place initiative is to use growth management, transportation, parks and other civic investments to help communities and the region achieve their vision of the future.

This approach would engage and build capacity in neighborhoods, communities and local non-profit groups to actively participate in greenway projects. In most cases, trails and greenways would still be constructed by public entities, although local nonprofits may also play a role in construction. Cities would be encouraged to make greenways a more prominent part of their community development plans.

Trails and greenway segments are developed individually as they traverse communities. Grass roots support helps establish new revenue sources and ensures that projects integrate well with communities and neighborhoods.

This strategy acknowledges the importance of local connections to the regional system. There is an emphasis on integrating greenways with transit and bike boulevards, as well as ensuring that schools and local destinations are easily accessible. In some cases, projects may entail only short segments, but they are high impact projects, such as projects that open up dramatic sections of waterways or segments that connect two neighborhoods that share a school.

Over time, emphasis shifts to more of a regional vision. Partnerships are built between communities to enable larger-scale projects that connect communities and which extend beyond the metropolitan region.



## Strengths

- ⇒ Creates stronger communities and addresses health and safety for residents
- ⇒ Builds grass-roots support with highly visible processes of engagement
- ⇒ Ensures good integration with access and supporting infrastructure
- ⇒ Builds on the system of local initiative that is already in place

## Weaknesses

- ⇒ Projects are likely to be of smaller scale, which costs more
- ⇒ Smaller projects may be less inspiring or visionary
- ⇒ Lack of long routes means there is less regional connectivity
- ⇒ Lack of focus on obtaining right of way early may mean some potential greenways are lost to other kinds of development



# **Supporting Information for Strategy Scenarios**





## The “Transportation for a New Era” Scenario Thirty Year Build Out

### Years 1 - 5, 2008 - 2013

Gas prices, peak oil and global warming are major concerns and the cost of travel continues to grow. Buses and MAX become increasingly crowded. Policymakers and their constituents begin to look for strategies to address these issues. Nonmotorized transportation is recognized as the most cost effective way to achieve immediate and sustainable reductions in congestion, travel costs, and greenhouse gas emissions.

Metro works with cities, counties, and advocates to develop a visionary strategy to sequence long, interconnected greenways. This strategy uses identified regional trails to build a “hub and spokes” or “web-like” configuration with each corridor linking to the next. The strategy emphasizes a mix of on-street routes, off-street routes, education, bike parking and coordination with transit facilities. This nonmotorized plan is integrated with transit and motorized transportation planning to create a complete transportation strategy for the region.

Corridors selected as priorities have the highest projected numbers of users and make strong connections to regionally-significant places. Even in those areas with dense grids no trail opportunities with high transportation utility are overlooked. For example, the Sullivan’s Gulch Trail and North Willamette Greenway in Portland’s inner city are identified as part of the “web”.

Cities, counties and Metro work to pass state and federal legislation that funds nonmotorized transportation. A regional transportation bond measure passes in the region in 2010 with a significant non-motorized component.

Focus	Bring a stronger trails and nonmotorized transportation focus to the region’s transportation plans
	Identify priorities and the sequence of trails to be built
	Acquire right-of-way across the region as set-up for the system
Funding	\$70 M this period, bulk of funding from MTIP and other federal transportation funds
Miles	20 miles acquired, 8 miles built this period

## **Years 5 - 10, 2013 - 2018**

The first five years raised the profile of greenways and use continues to grow. Climate change and rising energy costs continue to have significant impacts and the Portland region continues to attract new residents, especially from the Southwest U.S. While auto, bicycle and pedestrian traffic have all increased, bicycling and walking are increasing at a much higher rate, continuing a trend that began in Portland in the 1990s. Urban areas begin to allocate more space to bicycling and walking and preferential treatment to transit. This fuels tensions between user groups. The region makes a more significant investment in educating motorists, cyclists and pedestrians as a way to stem conflicts.

The decline in automobile vehicle miles traveled per person that began in the mid-1990s accelerates as people meet more of their mobility needs through walking, bicycling and transit. The region's reputation as a leader in supporting alternative transportation modes continues to grow. Studies show an increase in bicycle tourism. Well-designed trails, bridges and other cycling routes gain attention in professional journals and tourist magazines. The region's network of on-street bike boulevards displays healthy progress, facilitating access and mobility to the parts of the region with well-developed street grids. Those areas of the region without sidewalks or walking options begin to develop them. Nonmotorized transportation is now accepted regionally as a serious policy approach.

Streamlining the permitting process is key and a multi-jurisdictional board is established to facilitate permits. Federal and local redundant construction requirements are overcome with a single construction authority.

Focus	Link next sections with previous Streamline permitting Greenway authority builds trails effectively with public and private dollars
Funding	\$114 M this period, 184 total, mainly MTIP and new federal and state transportation source
Miles	31 miles acquired, 17 miles built this period, 51 miles acquired total, 25 miles built total

## **Years 10 - 20, 2018 - 2028**

Travel by bicycle and foot for work and recreation is established as a mainstream part of life in the Portland metro region. As a result, people complain about available routes. "They need to be wider... we need cycletracks...we need more trails..." Conflicts at pinch points surface as an issue. In an unprecedented move, freight interests partner with cyclists to advocate for laws, modeled on those enacted in Europe, that reduce congestion by restricting auto traffic. This creates controversy and heightens tensions between motorists and cyclists. Bicycle mode split in areas with the best developed networks continue to climb, approaching European levels in many areas throughout the region.

Local economies and locally-owned businesses thrive, particularly in those areas most accessible by bicycle and walking. Crime continues to drop in the region as neighborhoods are strengthened by the casual contact of neighbor to neighbor supported by bicycling and walking and by the simple presence of so many “eyes on the street” from the ubiquitous cyclists and pedestrians.

The region continues to reap the economic benefits of a more nonmotorized focus in transportation. With fewer and fewer dollars leaving the region to pay for gasoline, economists estimate that an additional \$3 billion annually circulates through the regional economy that would have otherwise gone to countries that can pump oil from their lands.

Reduced fuel use has led to a decline in gas tax revenues. Mileage fees for autos are enacted, along with a comparable fee on bicycle travel. This retooled revenue stream is bondable, allowing the region to acquire right of way for the last major greenway corridors.

Focus	Transition from gas tax to other tax/fee Policies that encourage nonmotorized transportation
Funding	\$233 M this period, \$417 M total, mainly new federal and state transportation funds but also MTIP
Miles	49 miles acquired, 56 miles built this period, 100 miles acquired total, 81 miles built total

### **Years 20—30, 2028—2038**

Much of the backbone of the greenway system has been constructed and work moves to more specialized, connecting routes. Some may be shorter but serve a specific community, business district or park. Bicycle-related facilities are in great demand, including bike parking, lockers and showers; rental bikes are common. MAX adds cars reserved for people with bikes. The last significant trail gaps are filled. The oldest parts of the system, like the Springwater Corridor, need to be completely rebuilt. The region is held up as a model of how motorized and nonmotorized transportation can coexist—in fact form a complementary whole—when carefully planned as a complete system.

Focus	Transition from “backbone” routes to feeder routes
Funding	\$283 M this period, \$700 M total, mainly new federal and state transportation funds but also MTIP and regional measures
Miles	47 miles acquired, 85 miles built this period, 147 miles acquired total, 166 miles built total

## Transportation For a New Era Funding Sources

Source	Years				Total
	1-5	5-10	10-20	20-30	
Federal: earmarks	10	10	10	0	30
Federal: new federal program	0	20	45	60	125
Federal: MTIP, etc.	25	25	40	35	125
State: transportation measure	10	25	50	50	135
State: other transportation			6	10	16
State: measure 66	2	4	8	8	22
State: fee					0
Regional: transportation measure	10	10	20	30	70
Regional: natural areas measure					0
Regional: fee			10	30	40
Local: system development charges	3	5	10	10	28
Local: urban renewal	5	5	12	15	37
Local: ballot measures		5	10	20	35
Private: contributions	5	5	12	15	37
<b>Total</b>	<b>70</b>	<b>114</b>	<b>233</b>	<b>283</b>	<b>700</b>

\* Amounts in millions





## The “Natural Corridors” Scenario Thirty Year Build Out

### Years 1 - 5, 2008 - 2013

Metro appoints a panel of regional leaders to identify the most important natural corridors in the region. Staff support is provided by a team of naturalists and biologists who evaluate the ecological value of the proposed regional trail corridors and identify any additional ecologically valuable natural corridors.

Concurrently, local, regional, state and federal agencies work together to identify major natural corridors that are most ready to be developed as greenways. Some of these are significant “iconic” trails that fuel the imagination of the region’s residents, such as “Mt. Hood Connections,” which would ultimately connect downtown Portland with Mt. Hood and involves a partnership with the State of Oregon and US Forest Service, among others.

Greenways become a component in the region’s Climate Change Action Plan. A major event is staged to launch the “Great Urban Greenways” project, which announces the region’s commitment to two major “iconic” trails and introduces the inter-agency partnership that has been assembled to sponsor them. A new “Great Greenways Foundation” is announced to raise private funding for the greenways.

A Greenway Board is formed to specifically address the issue of access to sensitive environments. They become experienced in advising political decisions on this topic and become national leaders in promoting healthy ecosystems and trails.

Population growth, development pressure and traffic congestion are carefully considered so that greenway acquisitions are strategic. Analysis of these topics and the benefits of trails are brought forward as part of the advocacy for greenway development.

Measure 66 is reauthorized, with strong support from the Portland Metropolitan area, and explicitly includes riparian and other natural corridors as a primary purpose for funding.

Focus	Foundational scientific work is completed Plans for iconic trails build excitement
Funding	\$69 M this period, mainly from MTIP and local ballot measures
Miles	87 miles acquired, 2 mile built this period

## **Years 5 - 10, 2013 - 2018**

The initial trails are partially completed and have proved enormously popular. Tourism is up, and the iconic nature of the trails has given the region new images. The next focus of the “Great Urban Greenways” initiative is in two areas: completing the next significant trails that will excite and inspire the region’s residents and acquisition to ensure that right-of-way is acquired before it is no longer available.

There is a lot of interest in connecting parks and natural areas near urban centers. Leaders are proactive and work closely with developers to make this happen.

Funding for habitat restoration is frequently merged with greenway projects. Area professionals have gained special expertise in integrating trails into riparian environments in an ecologically sound manner. Established trails across the region are retrofitted to increase their habitat value. Funding is a combination of local ballot measures, federal earmarks, funds from existing state and federal programs, private and tourism funds, and measure 66.

A regional natural areas ballot measure passes in 2016, providing funding for acquisition.

Focus	Acquisition Second phases of iconic projects are underway Wildlife monitoring before and after trail construction informs process
Funding	\$109 M this period, \$178 M total, mainly from MTIP, regional natural areas measures, local ballot measures and private contributions
Miles	103 miles acquired, 8 miles built this period; 190 miles acquired and 10 miles built total

## **Years 10 - 20, 2018 - 2028**

The first of the major “iconic” greenways, Path to the Pacific, is completed. The Great Greenways strategy increasingly appears prescient as the availability of clean water becomes a worldwide issue. A public debate ensues about whether some of the greenways should be developed with trails, or just left in their natural state. The program of creating and restoring habitat along trails have proved successful, based on wildlife monitoring.

A “Great Urban Greenways” bill passes the Oregon legislature, which establishes a process for formal State of Oregon designation of urban greenways. The bill also establishes a ten-cent fee on bottled water, which provides a bondable revenue stream that accelerates acquisition and development of greenway corridors.

Right-of-way for most available greenway corridors is now in public ownership. Funding that was previously needed for acquisition is now channeled into trail development.

There is increased interest in trail development that serves the alternative transportation function. Strategies are developed to protect natural resources by reducing vehicle trips.

Focus	First iconic trail is complete Formal designation of urban greenways and revenue stream are put in place
Funding	\$272 M this period, \$450 M total, mainly from state measure 66, state fee, regional natural areas measure, private contributions and MTIP
Miles	109 miles acquired, 54 miles built this period; 212 miles acquired and 64 miles built total

### **Years 20 - 30, 2028 - 2038**

Some greenways are set aside to be preserved in their natural state, or are used only seasonally. For others, there is a push to better integrate greenways into the transportation system. An “innovation team” is established that forges an organizational partnership between greenstreets, bike boulevards, trails, and transit to create a seamless, integrated system across the region. The innovation team includes staff from transportation, storm water, and park divisions of local, regional and state governments. The greenways are key in reducing greenhouse gas emissions.

Focus	First iconic trail is complete Formal designation of urban greenways and revenue stream are put in place
Funding	\$250 M this period, \$700 M total, mainly from MTIP, state measure 66 and fee, local measures and private contributions
Miles	63 miles acquired, 48 miles built this period; 275 miles acquired and 112 miles built total

## Natural Corridors Scenario Funding Sources

Source	Years				Total
	1-5	5-10	10-20	20-30	
Federal: earmarks	10	10	10	0	30
Federal: new federal program	5	5	10	10	30
Federal: MTIP, etc.	15	15	30	35	95
State: transportation measure			5	6	11
State: other transportation					0
State: measure 66	6	14	37	34	91
State: fee			60	70	130
Regional: transportation measure					0
Regional: natural areas measure		20	40		60
Regional: fee					0
Local: system development charges	3	5	10	10	28
Local: urban renewal	5	10	20	30	65
Local: ballot measures	15	15	20	20	70
Private: contributions	10	15	30	35	90
<b>Total</b>	<b>69</b>	<b>109</b>	<b>272</b>	<b>250</b>	<b>700</b>

\* Amounts are in millions



## The “Great Community Greenways” Scenario Thirty Year Build-Out

### Years 1 –5, 2008 – 2013

The Great Community Greenways project is launched as a component of the Greatest Place initiative, with leadership, staff support and funding from the state, Metro, and local governments. A “regional compact” is signed by the Metro Council and several cities in the region, which makes explicit these cities’ vision for themselves and for the region. Trails are included in the compact.

The state, Metro, cities and counties put together a technical assistance team to support grass roots engagement and effective action. A design competition focuses on community-based solutions. The competition develops innovative ways to integrate greenways and off-street paths into neighborhoods and communities.

As part of the Greatest Place initiative, elected officials and other civic leaders work with the technical assistance team to clear barriers and set the stage for local action, including managing technically difficult permitting and construction and putting together funding packages. Pilot projects, selected from the design competition, are completed. Support is provided to those communities that take initiative and are most ready to help themselves.

Funding is very opportunistic at first and comes from local, regional, state, federal and private sources. Urban renewal funds play a key role in some projects. Private firms assist projects in their communities, which benefit their employees. Corporate sponsorship becomes a key component to funding.

The leadership of the Greatest Place initiative works to establish funding for trails from existing and new sources and to put in place a new source of funds for civic investment generally. The group helps ensure that a state transportation measure passes in 2009 that includes off street nonmotorized travel corridors and a regional ballot measure in 2010. The Greatest Place leadership team is part of a campaign to reauthorize Measure 66, which passes in 2012, and successfully ensures that part of the funding is dedicated to off-street nonmotorized travel corridors and greenways.

Focus            Kickoff community engagement as part of Greatest Place initiative  
                     Empower communities with tools and support

Establish relationships and partnerships

Funding \$79 M this period, mainly from MTIP, federal earmarks and local ballot measures

Miles 20 miles acquired, 15 miles built this period

### **Years 5—10, 2013—2018**

Community support rises for greenways and nonmotorized travel corridors as they become an integrated aspect of community development plans. They also become a “green” element of local and regional transportation plans and a central feature in the Greatest Place initiative. The pilot projects prove to be a testing ground for the right balance of community versus government leadership and work.

Some cities put bond measures on the ballot. Some of the measures are for parks and greenways, while others are for transportation improvements that include nonmotorized travel corridors. Public involvement in greenways is high, which leads to strong public support for the ballot measures. Several of the measures pass. Other communities lag, leaving gaps in connectivity.

A toolkit for community participation in trail development is developed and refined and cost-saving measures put in place. Permit requirements are revisited and streamlined. In some cases, communities participate in the actual construction of trails. Challenging elements, such as large intersections, bridges, and trailheads, are funded and constructed publicly. However, on simpler projects funds are raised locally, volunteer labor is welcomed and the community has pride in building the trail.

Focus Capitalize on community support at the ballot  
Complete pilot projects and move into broader implementation  
Continue work on cost reduction  
Tackle hard projects, such as bridges and difficult intersections to ensure success of community projects

Funding \$106 M this period, \$185 M total, mainly from local ballot measures, private contributions, urban renewal and MTIP

Miles 22 miles acquired, 21 miles built this period; 42 miles acquired and 36 miles built total

### **Years 10—20, 2018—2028**

As locally driven projects become successful, an appetite for projects of a more regional scope emerges. Outlying natural corridors have received little attention because they are not connected to a particular city or community. At this stage, projects that connect

communities within the region or connect the Portland Metropolitan Region with points beyond begin to gain momentum.

A regional funding source for community investment in roads, sewer, parks, schools and trails is approved on a regional ballot in 2020. This provides a steady stream of revenue for infrastructure investment, including trails. Some communities that have previously shown little interest begin to come around as available funding provides new incentive.

Focus	Putting in place a regional funding source for infrastructure Establish regional connections to build on community level work Acquisition anticipates the needs of the next 20 years
Funding	\$225 M this period, \$410 M total, mainly from MTIP, state measure 66, local ballot measures and private contributions
Miles	47 miles acquired, 47 miles built this period; 89 miles acquired and 83 miles built total

### **Years 20—30, 2028—2038**

Community projects are complete and those projects that are left to be completed are of broad geographical scope. Projects compete for funding with other community and regional investments such as roads, schools, sewer and water projects.

Focus	Complete the system
Funding	\$290 M this period, \$700 M total, mainly from MTIP, state measure 66, a variety of local sources and private contributions
Miles	55 miles acquired, 67 miles built this period; 144 miles acquired and 150 miles built total

## Great Community Greenways Funding Sources

Source	Years				Total
	1-5	5-10	10-20	20-30	
Federal: earmarks	10	10	10	0	30
Federal: new federal program	5	5	10	10	30
Federal: MTIP, etc.	15	15	30	35	95
State: transportation measure			5	6	11
State: other transportation					0
State: measure 66	6	14	37	34	91
State: fee			60	70	130
Regional: transportation measure					0
Regional: natural areas measure		20	40		60
Regional: fee					0
Local: system development charges	3	5	10	10	28
Local: urban renewal	5	10	20	30	65
Local: ballot measures	15	15	20	20	70
Private: contributions	10	15	30	35	90
Total	69	109	272	250	700

\* Amounts are in millions



# Strategy Building Blocks

(How We Developed the Scenarios)

Each of the scenarios in your packet were developed using a set of “strategy building blocks.” Strategy building blocks, which are outlined in tables, below, were developed to support the committee in developing a strategy to develop the trails network. There are three types of building blocks outlined in the tables:

**Development Strategies** are ways to prioritize projects. Currently, projects are submitted to funding programs by local, regional or state government agencies. The officials overseeing the funding programs determine which projects will be funded based on the criteria for their program. If we are able to put in place new sources of funding there might be an opportunity to set regional priorities differently. Development strategies are different ways to set those priorities.

**Organizational Options** are ways to execute the strategy. They involve ways to muster the civic leadership and staff support. Options involve committees, foundations, campaigns, technical assistance teams, nonprofit organizations and other ways of organizing.

**Funding Sources** are the different ways to pay for the strategy. We have also included in this section the “cost reduction” approach that Metro staff have been working with the committee on.

### Three Scenarios: 1) Transportation, 2) Community, or 3) Natural Areas Focused

Here’s how we combined the building blocks to create the three scenarios in your packet. Please reference the Building Blocks table on the following pages for more information on each “building block.”

<b>Development Strategy</b>	<b>Transportation Community</b>		<b>Nature</b>
Locally Driven		X	
Regional System Priorities	X		X
Ready to Proceed			
Iconic Trails			X
Large Segment	X		X
Effective Gaps			
Regional Gems			X
One-at-a-time	X		
Acquisition First			X
Five-Year Campaign			
Integrated System	X	X	
Crossings		X	
Cost Reduction	X	X	X
<b>Organizations and Initiatives</b>	<b>Transportation Community</b>		<b>Nature</b>
Message Development			
Regional Authority/Foundation	X		X
Model Projects		X	
Design Competition		X	
Trail Team (Government)	X	X	
Trail Team (Nonprofit)			
Greenways Bill			X
Innovation Team			X
<b>Funding Sources (in millions)</b>	<b>Transportation Community</b>		<b>Nature</b>
Federal: earmarks	30	50	30
Federal: new federal program	125	40	30
Federal: MTIP, etc.	125	100	95
State: transportation measure	135	11	11
State: other transportation	16	0	0
State: measure 66	22	84	91
State: fee	0	0	130
Regional: transportation measure	70	35	0
Regional: natural areas measure	0	0	60
Regional: fee	40	45	0
Local: system development charges	28	57	28
Local: urban renewal	37	83	65
Local: ballot measures	35	100	70
Private: contributions	37	95	90
<b>Total</b>	<b>700</b>	<b>700</b>	<b>700</b>

# Strategy Building Blocks

## Development Strategies

Strategy	Considerations
<p><b>1) Locally Driven:</b> The system develops over time, one small segment at a time. Local governments and nonprofits compete for funding. This is the strategy currently in place. If no new funding sources are identified, this will continue to be the approach used.</p>	<p>Supports local initiative and projects that best meet funding criteria get funded. Downside is system develops in small increments (which is more expensive) and development is not directly guided by a regional vision or strategy. Does not require new funding.</p>
<p><b>2) Regional System Priorities:</b> Give priority to trails that meet a set of criteria such as projected usage level, equity, role in a regional system, greatest natural beauty, etc. The criteria could be created from the values and outcomes identified by the Blue Ribbon Committee for Trails. May focus solely or predominantly on certain criteria (see 3, 4, 5, 6 and 7 below)</p>	<p>Would require the Metro Council and/or a regional trails authority to set priorities. Would require a new sources of funding.</p>
<p><b>3) Ready to proceed:</b> Give priority to trails that can be built the fastest and cheapest. May be combined with the “largest segment” development strategy.</p>	<p>Would show early success that would build momentum. Trails most ready to proceed may not be most valuable trails to the residents. Would require a new funding source.</p>
<p><b>4) Iconic Trails:</b> Give priority to trails that inspire people (such as Mt. Hood Connections). Complete an iconic trail as a way to build excitement for the system.</p>	<p>Would create a sense of accomplishment and attract visitors to the region. However, those trails that are most inspiring may not be those that would be most used or meet other important criteria. Would require a new source of funding.</p>
<p><b>5) Large segment:</b> Identify large lengths of trail that can be completed as a single project to reduce cost.</p>	<p>Would require a bond measure or similar source to provide a large amount of funding all at once. Right of way acquisition may be an issue.</p>
<p><b>6) Effective gaps:</b> Complete the trail gaps that result in the lowest cost for the longest segments.</p>	<p>Would enhance connectivity and create long sections of usable trail. Would require a new source of funding.</p>

Strategy	Considerations
<p><b>7) Regional gems.</b> Identify and give priority to those trail corridors that have exemplary natural beauty. Those trails that travel through areas of exemplary urban environments might also be included. Exemplary urban environments might be areas of shopping and dining, historic areas or dramatic townscapes (the waterfront trails in downtown Portland might be considered examples).</p>	<p>Would require the Metro Council and/or a regional trails authority to set priorities, perhaps including a special designation, like the National Scenic Byways system. Polling shows voters are interested in natural areas, clean water, and clean air. Would be consistent with the “greenways” approach being used by some other regions (St. Louis is a good example).</p>
<p><b>9) One-at-a-time.</b> Complete one trail, then complete the next in line, then the next, and so on. Build regional equity into the sequence, so each part of the region gets a turn. This is similar to the way light rail was developed—first the east, then the west, then north, then airport, then south...</p>	<p>May be politically challenging to create the sequence. While focused on a particular trail we may lose opportunities elsewhere in the region.</p>
<p><b>8) Acquisition:</b> Focus first on right-of-way acquisition.</p>	<p>As the region develops, right of way may no longer be available or it could become much more expensive. Ballot measures for property acquisition have been successful in the region. However, voters just approved one in November 2006.</p>
<p><b>9) Integrated system:</b> Showcase projects that combine bike boulevards, trails, transit and greenstreets; seek funding together.</p>	<p>This brings together several topics and potentially unifies advocates as well as the physical facilities.</p>
<p><b>10) Crossings:</b> Work with ODOT to complete crossings at major arterials.</p>	<p>Crossings are one of the more expensive elements in trail construction and are a part of the “on street” infrastructure, which makes them eligible for a broader range of transportation funding.</p>

## Organizations and Initiatives

<b>Organizational Concept</b>	<b>Description</b>	<b>What it Takes</b>	<b>How Long it Takes</b>	<b>How Much?</b>	<b>How Often?</b>	<b>Difficulty</b>
<b>Message Development</b>	Hire a communications firm to do focus groups and/or polling to identify key themes, messages, and phrases that resonate with the public. This would set the stage for a broader communications strategy or campaign.	A fiscal sponsor, such as Metro, and staff time	½ year	\$40,000+	Once	Relatively Easy
<b>Regional Trails Authority or Foundation</b>	Develop a foundation that would raise money and advocate for the regional trails network. The Authority could spearhead a ballot measure or other campaign.	\$50K to develop the organization plus staff time and leadership	1 year	\$100,000+	Ongoing	Moderate
<b>Model Projects</b>	The Governor's Office has invited us to submit a couple of high profile, high impact projects that could be relatively quickly accomplished with the focused attention of state agencies and other partners. The opportunity would be to work through policy barriers and other impediments while getting something built.	Leadership and Staff time. Funding would need to be identified within existing budgets or new sources.	2 years +	\$1 - \$10 million	Once	Moderate
<b>Design Competition</b>	Conduct a design competition focused on ways to use trails to create high quality experiences of the urban and natural environment, and to create a unified wayfinding system for the network.	1 FTE for a year	1 year	\$150,000+	Once	Easy
<b>Five-year Campaign</b>	Create a short-term funding goal or set a goal for a specific number of miles of trail to be built. Would require a focused effort over 5 or so years to raise visibility and kick start the system.	Would need either an existing organization to spearhead or the formation of a new regional trails foundation or authority.	1 year + to organize	\$100,000+	5 Yrs	Easy

<b>Organizational Concept</b>	<b>Description</b>	<b>What it Takes</b>	<b>How Long it Takes</b>	<b>How Much?</b>	<b>How Often?</b>	<b>Difficulty</b>
<b>Trail Team (Government)</b>	Develop a resource group that would supply staff to plan, design and construct trails.	Building intergovernmental cooperation and getting partners to budget for it	½ year	100K per FTE per year	Ongoing	Relatively Easy
<b>Trail Team (Nonprofit)</b>	Develop an alternative, low cost, trail building group. May be able to build trail less expensively than public in some cases.	Start up costs, staff time and leadership to establish it	1 year	150,000/yr +	Ongoing	Moderate
<b>Greenways version of the wilderness bill</b>	Legislation that provides an official designation for urban multimodal trails. This would hopefully be coupled with a funding source.	A regional or statewide vote or vote of the legislature. Would need to flesh out the concept and build support. Would probably require message development and regional trails authority.	3 years	?	Once	Hard
<b>Innovation team</b>	Forge an organizational partnership between greenstreets, bike boulevards, trails, and transit to create a seamless, integrated system across the region. Would mean combining staff from transportation, storm water, and park divisions.	Requires political will.	½ year	<\$100,000	Ongoing	Moderate

## Funding Sources and Policy Approaches

Source	Description	What It Takes	How Long it Takes	How much?	How often?	Degree of Difficulty
<b>Federal Earmark</b>	Members of congress are sometimes able to insert earmarks in federal bills. Larger earmarks may be possible during a Federal Transportation Reauthorization year.	Work with congress members on specific projects of interest	2 years	1-5 million	Once	Moderate
<b>Federal Transportation Reauthorization</b>	Pass a federal transportation package that increases funding for non-motorized transportation.	Work with congressional delegation. Participate in Rails To Trails Conservancy Campaign.	3 years	\$50 million	Once (May Continue in Future)	Hard
<b>Federal: MTIP, etc</b>	Existing federal sources such as MTIP	Continue to submit projects for consideration	½ year	1-5 million	Annually	Relatively Easy
<b>State: Transportation Legislative Package</b>	A transportation package is being developed for the 2009 State Legislature. The proposal being discussed would fund trails using lottery revenue or other new revenue sources available for off street infrastructure.	Work with our state legislative delegation. Organize a statewide coalition. Advocate in Salem spring 09.	½ year	1-10 million	Once (May Continue in Future)	Moderate
<b>State: Other Transportation</b>	A new funding stream for transportation such as a per mile tax.	Legislative action or statewide vote.	2 years +	Unknown	Ongoing	Hard
<b>State: Lottery Funds</b>	Measure 66, which allocates 15% of lottery revenue to parks and salmon, expires in 2014. There is discussion about re-tooling it and going to the ballot as early as 2010.	Work with non profit partners to build a statewide coalition and campaign. Retool M66 so that it allocates more to trails.	2 years	\$7 million + per year statewide	Ongoing	Hard
<b>State: Fee</b>	A new fee for greenways or parks. Source is not determined	Legislative action or statewide vote.	2 years +	Unknown	Ongoing	Hard

<b>Source</b>	<b>Description</b>	<b>What It Takes</b>	<b>How Long it Takes</b>	<b>How much?</b>	<b>How often?</b>	<b>Degree of Difficulty</b>
<b>Regional Transportation Ballot Measure</b>	Regional leaders currently anticipate a multi-modal transportation funding ballot measure to send to the region's voters in 2010.	Work with regional leaders to assist campaign.	2 years	10-20 million	Once	Hard
<b>Regional: Natural Areas Measure</b>	A natural areas measure just passed in November 2006.	Campaign and region-wide vote.	2 Years	100 million +	Periodically	Moderate to Hard
<b>Regional tax or fee</b>	Develop a fee proposal with a nexus to bicycling and trails.	Develop concept, identify how policy would be enacted (statewide vote, legislature...) work with stakeholders, implement campaign	> 2 years	Unknown	Ongoing	Hard
<b>Local: system development charges</b>	SDCs fund local infrastructure related to growth. All local jurisdictions in the Portland metropolitan region that have parks departments collect SDCs specifically for parks, recreation, or open space development, with the exception of Gladstone and Wood Village. Annual revenues range from \$21,800 for Damascus to \$3.8 million for Portland. Only Portland, Sherwood and Gresham exceed \$1 million annually.	Work with local governments. There would likely be opposition from development interests. Largest source (Portland) just raised them.	2 years	1-5 million	Annually	Hard
<b>Local: Urban Renewal</b>	Create an urban renewal district.	City councils vote to create urban renewal district.				
<b>Local ballot measures</b>	Put a general obligation bond on the ballot	Campaign	2 years	10-100 million	Once	Hard



<b>Source</b>	<b>Description</b>	<b>What It Takes</b>	<b>How Long it Takes</b>	<b>How much?</b>	<b>How often?</b>	<b>Degree of Difficulty</b>
<b>Raise private funding</b>	There are examples across the country of non-profits and governments seeking private funding, potentially with naming rights, for trails. For instance, the Carolina Thread Trail has a funding campaign target of \$150 million, \$40 million of which will be private funds. Initial explorations seem to indicate that contributions from corporations, foundations and individuals could add up to a viable trails funding source for our region.	Establish or work with a foundation. Hire professional staff to raise funds.	1 year	1-5 million	Annually	Moderate
<b>Cost reduction strategy</b>	There are a number of potential ways to reduce trail costs: create a consistent funding source; construct long segments, reduce federal processing; streamline permitting; build trails with bureau internal services or volunteers where construction is straight-forward.	Build support sufficient to overcome institutional inertia where policy changes are required.	2-5 years	Staff time	consistent	Moderate to Hard

Agenda Item Number 3.0

**TITLE 4 EXTENSION**

Metro Council Work Session  
Tuesday, September 23, 2008  
Metro Council Chamber

# METRO COUNCIL

## Work Session Worksheet

Presentation Date: September 23, 2008      Time:                      Length: 30 min

Presentation Title: Urban Growth Management Functional Plan Title 4 Compliance

Department: Planning

Presenters: Sherry Oeser

### ISSUE & BACKGROUND

The Regional Framework Plan calls for a strong economic climate in this region by balancing economic growth throughout the region and by encouraging the efficient use of land for industrial and commercial uses. To improve the region's economic climate, Title 4 of the Functional Plan requires local governments to provide and protect the supply of sites for jobs as well as to protect the capacity and efficiency of the region's transportation system to move goods and services. As part of the June 2004 urban growth boundary (UGB) decision to add employment land, the Council amended Title 4 and limited the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs) and Industrial Areas. The Council and the Land Conservation and Development Commission (LCDC) relied upon these limits on non-industrial uses to provide some of the needed capacity for industrial use and to reduce the need to expand the UGB.

To comply with the new Title 4 requirements, local governments with either a designated RSIA or Industrial Area need to review and, if necessary, revise their land use regulations and submit documentation. To respond to Council's expressed desire to move to a different system of compliance, the Chief Operating Officer sent a memo to mayors, county commission chairs, city and county administrators, and planning directors in November 2007. This memo outlined a new approach to functional plan compliance that integrates compliance with performance measures. A copy of that memo is attached.

Council discussed Title 4 extension requests in late March 2008. Since then, staff has worked with local governments to insure that all jurisdictions that have a designated RSIA or Industrial Area have started their Title 4 review and are moving towards compliance. Attached is a chart that shows the status of each jurisdiction. If a local government is requesting an extension, their requested deadline is also listed on the chart. At the March meeting, Council asked that this issue be brought back to a work session for further discussion.

Of the 21 jurisdictions that have either an RSIA or an Industrial Area, 15 are requesting extensions.

The process for an extension request is spelled out in Title 8 of the Function Plan: the Council holds a public hearing to consider the request and notifies the appropriate city or county, MPAC, the Department of Land Conservation and Development, and anyone requesting notification. The Council may grant an extension if it finds that 1) the city or county is making progress toward complying with the requirement, or 2) there is good cause for failure to meet the deadline for compliance. The Council may establish conditions for the extension and must issue an order on the request.

### **OPTIONS AVAILABLE**

Because most local governments are requesting deadline extensions, staff is proposing to bundle all of the extension requests into one resolution and to hold one public hearing on all of the requests.

### **IMPLICATIONS AND SUGGESTIONS**

Local governments are making progress in complying with Title 4 requirements. The extension is allowed under Metro Code and would not adversely affect protection of Regionally Significant Industrial Areas or industrial areas.

### **QUESTION(S) PRESENTED FOR CONSIDERATION**

Does the Council want different deadlines based on when each jurisdiction believes it will complete their process or set one deadline that all jurisdictions must meet?

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION**  Yes  No  
**DRAFT IS ATTACHED**  Yes  No

**DRAFT**

**BEFORE THE METRO COUNCIL**

FOR THE PURPOSE OF ENTERING AN ORDER ) RESOLUTION NO. 08-  
APPROVING EXTENSIONS OF TIME FOR )  
COMPLIANCE WITH NEW REQUIREMENTS ) Introduced by  
IN TITLE 4 OF THE URBAN GROWTH  
MANAGEMENT FUNCTIONAL PLAN FOR  
CLACKAMAS COUNTY AND THE CITIES OF  
BEAVERTON, DAMASCUS, DURHAM,  
FAIRVIEW, GRESHAM, HAPPY VALLEY,  
LAKE OSWEGO, MILWAUKIE, OREGON CITY,  
PORTLAND, SHERWOOD, TIGARD,  
TROUTDALE, AND WOOD VILLAGE

WHEREAS, the Metro Council revised requirements to protect Industrial and Regionally Significant Industrial Areas in Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (UGMFP) by Ordinance No. 04-1040B (For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to Increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment) on June 24, 2004; and

WHEREAS, the Land Conservation and Development Commission acknowledged the revisions to Title 4 in Periodic Review Task 2 Partial Approval and Remand Order 05-WKTASK-001673 on July 25, 2005; and

WHEREAS, the deadline for cities and counties in the region to revise their land use regulations to comply with the 2004 revisions to Title 4 was July 25, 2007, two years following acknowledgement of the revisions by LCDC; and

WHEREAS, the local governments named in the caption of this resolution have not yet completed the revision of their land use regulations to comply with Title 4 and have asked the Council for more time to complete the revisions; and

WHEREAS, section 3.07.850 authorizes the Metro Council to extend the time for compliance with Title 4 for the reason that (1) the city or county is making progress toward revision of its regulations or (2) there is good cause for the city's or county's failure to complete the revision;

WHEREAS, The Council held a public hearing on the proposed extensions on \_\_\_\_\_, 2008; now, therefore

BE IT RESOLVED that the Metro Council

1. Enters Order 08-\_\_\_\_, attached to this resolution as Exhibit A, which approves extensions of time for compliance with Title 4 of the UGMFP for the county and cities in the caption of this resolution.

2. Directs the Chief Operating Officer to send a copy of Order No. 08-\_\_\_\_, to the county and cities, the Metropolitan Policy Advisory Committee, the Oregon Department of Land

Conservation and Development and any person who participated in the public hearing on the extension.

ADOPTED by the Metro Council this \_\_ day of \_\_\_\_, 2008

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David Bragdon, Council President

Approved as to form:

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Daniel B. Cooper, Metro Attorney

DRAFT

Exhibit A to Resolution No. 08-\_\_\_\_

Order No. 08-\_\_\_\_

**RELATING TO THE REQUEST BY CLACKAMAS COUNTY AND THE CITIES OF BEAVERTON, DAMASCUS, DURHAM, FAIRVIEW, GRESHAM, HAPPY VALLEY, LAKE OSWEGO, MILWAUKIE, OREGON CITY, PORTLAND, SHERWOOD, TIGARD, TROUTDALE, AND WOOD VILLAGE TO EXTEND THE TIME FOR COMPLIANCE WITH TITLE 4 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

APPLICABLE LAW

The local governments named in the caption of this order requested an extension of time to complete revisions to their land use regulations to comply with Title 4 of the Urban Growth Management Functional Plan, due for completion by July 25, 2007. Metro Code section 3.07.850 sets for the process and criteria for an extension of time for compliance with a requirement of the Urban Growth Management Functional Plan:

“The Council may grant an extension only if it finds that:

- (1) the city or county is making progress toward accomplishment of its compliance work; or
- (2) there is good cause for failure to meet the deadline for compliance.”

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Metro Council revised requirements to protect Industrial and Regionally Significant Industrial Areas in Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (UGMFP) by Ordinance No. 04-1040B on June 24, 2004. LCDC acknowledged the revisions to Title 4 on July 25, 2005. By operation of law, cities and counties had two years following acknowledgement to bring their land use regulations into compliance with the revisions to Title 4. ORS 268.390(5)(a). Compliance was due July 25, 2007.

The named county and cities have not completed the required revisions to their land use regulations. For the following reasons, the Council grant the extensions.

Criterion 1:

...making progress toward completion of its planning for the area and the Title 11 requirements.

Criterion 2:

...there is good cause for the failures to meet the July 25, 2007, compliance date.

IT IS HEREBY ORDERED THAT:

The request of Washington County and the cities of ...for extensions of time under Metro Code section 3.07.850 to complete revisions to their land use regulations to comply with

Title 4 of the Urban Growth Management Functional Plan are approved.

ENTERED this \_\_\_ day of \_\_\_\_\_, 2008.

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David Bragdon, Council President

Approved as to form:

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Daniel B. Cooper, Metro Attorney





METRO

November 28, 2007

TO: Mayors and County Commission Chairs  
City and County Administrators  
Planning Directors

FROM: Michael Jordan, Chief Operating Officer 

RE: Integrating Urban Growth Management Functional Plan Compliance and  
Performance Measures

The Urban Growth Management Functional Plan, originally adopted unanimously by the Metro Policy Advisory Committee and the Metro Council in 1996, regulates how local governments implement the 2040 Growth Concept. Local governments in the region are required to comply with the Plan's provisions and each year Metro is required to submit a compliance report to the Metro Council detailing each local government's compliance with the Functional Plan.

Elected officials and staff from throughout the region have identified several issues with the current approach to compliance.

- Compliance requirements tend to be focused more on reporting rather than a more substantive evaluation of whether and how 2040 is being implemented.
- Many of the requirements in the Functional Plan are prescriptive. Local governments want more flexibility to meet regional goals.
- Local governments in the region have limited staff resources.

With the New Look at Regional Choices/Making the Greatest Place and Performance Measures projects underway at Metro, now is an appropriate time to revisit how Metro approaches compliance. During the next two years, Metro will be working with you through the Metro Policy Advisory Committee and with your staff through the Metro Technical Advisory Committee to integrate compliance with performance standards. The goal of this endeavor is to develop and use performance standards to evaluate progress in implementing the 2040 Growth Concept.

As a result, Metro will suspend certain Functional Plan reporting requirements, revise Functional Plan titles as needed, continue current compliance requirements for the most recent changes including Title 4 (Industrial and Employment Areas) and Title 13 (Nature in Neighborhoods), and change the annual compliance report. These changes and what local jurisdictions need to do are detailed in the attached sheet.

I believe that integrating compliance with performance measures will result in a more meaningful evaluation and assessment of how the region as a whole is achieving the goals set out in the 2040 Growth Concept. I look forward to continuing our work together.

Attachment 1 – Urban Growth Management Functional Plan Compliance Changes

Functional Plan Title	Requirement	Action
Title 1 Housing and Employment Accommodation	Annual dwelling unit and job capacity report -- Metro Code 3.07.120(D)	Temporarily suspend report -- local governments do not need to send in annual report
Title 1 Housing and Employment Accommodation	Biennial report on actual density of new residential density per net developed acre -- Metro Code 3.07.140(D)	Temporarily suspend report -- local governments do not need to send in biennial report
Title 2 Regional Parking Policy	Annual report on number and location of new parking spaces -- Metro Code 3.07.220(D)	Temporarily suspend report -- local governments do not need to send in annual report
Title 3 Water Quality and Flood Management		Metro staff will continue to work with the three jurisdictions that are not in compliance with the Water Quality Performance Standards
Title 4 Industrial and other Employment Areas	Protection of Regionally Significant Industrial Areas -- limit size and location of retail commercial uses -- Metro Code 3.07.420	Deadline for action was July 22, 2007 for jurisdictions that have Regionally Significant Industrial Areas. Those jurisdictions must either submit information showing they have met requirement or submit a request to extend the deadline to Metro
Title 4 Industrial and other Employment Areas	Protection of Industrial Areas -- limit new buildings for retail commercial uses -- Metro Code 3.07.430	Deadline for action was July 22, 2007 for jurisdictions that have Industrial Areas. Those jurisdictions must either submit information showing they have met requirement or submit a request to extend the deadline to Metro
Title 4 Industrial and other Employment Areas	Map Amendment Process -- Metro Code 3.07.450	Continue requiring amendments to the Title 4 Employment and Industrial Areas map
Title 6 Central City, Regional Centers, Town Centers and Station Communities	Development strategy -- Metro Code 3.07.620	Eliminate December 31, 2007 deadline -- Metro staff will be working with local government staff to assist and evaluate development strategies
Title 6 Central City, Regional Centers, Town Centers and Station Communities	Biennial progress report -- Metro Code 3.07.650	Suspend reporting requirement -- Metro staff will be working with local government staff to evaluate centers progress
Title 7 Housing Choice	Affordable Housing Supply -- Metro Code 3.07.740(B)	Temporarily suspend reporting requirement
Title 11 Planning for New Urban Areas	Concept planning -- Metro Code 3.07.1120	Continue concept planning for all areas brought into the UGB since 2002
Title 13 Nature in Neighborhoods	Application to Riparian Habitat and Upland Wildlife Areas and Comprehensive Plan Amendments -- Metro Code 3.07.1330	Maintain compliance deadlines of March 13, 2007 for Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) members and January 5, 2009 for non-TBNRCC members
Title 13 Nature in Neighborhoods	Report on progress in using voluntary and incentive based education, acquisition, and restoration habitat protection -- 3.07.1360(C)	Move deadline to March 15, 2008 to correspond with DEQ TMDL deadline

### Title 4 Extension Requests – Revised 9/17/08

<b>Jurisdiction</b>	<b>Extension Request</b>	<b>Reason for Request/Comment</b>	<b>Requested Deadline</b>
Beaverton	Yes	City is making progress. City is currently preparing to update Development Code and will include Title 4 changes as part of larger Code update project.	January 1, 2009
Cornelius	No	In compliance. City will need to update code when it completes concept planning for 2005 UGB industrial land addition.	
Damascus	Yes	City is making progress. City is working on a comprehensive plan framework map, Goal 5 ESEE analysis, Goal 9 (Economic Development) and Goal 10 (Housing). Cannot fully address Title 4 until comprehensive planning work is completed	July 2009
Durham	Yes	City has good cause for not meeting the deadline. The city has limited funds and staff to complete work. The city wants to integrate all revisions of Land Use Code at one time rather than amend it piecemeal and given the city's limited staff, most of the work must be performed by consultants. Funds are included in the 08-09 budget.	April 2009
Fairview	Yes	The City has good cause for not meeting the deadline. The city has limited staff resources and competing departmental priorities. The city is starting a process to identify needed corrections to Title 4 map.	January 2009
Forest Grove	No	In compliance	
Gresham	Yes	City is making progress. City is working on an Industrial Land Use Assessment project this year. Staff turnover and limited staffing prevented this project from getting underway in 2007.	Early 2009
Happy Valley	Yes	The City is making progress. The city has begun working on the East Happy Valley Comprehensive Plan and hired a consultant to assist in this project.	January 1, 2009
Hillsboro	No	Staff is reviewing documentation	

<b>Jurisdiction</b>	<b>Extension Request</b>	<b>Reason for Request</b>	<b>Requested Deadline</b>
Lake Oswego	Yes	The City has not met the deadline because it believes there is a mapping error and will use the extension to request a map amendment to change the designation from "industrial" to "employment".	Fall 2008
Milwaukie	Yes	The city has good cause for not meeting the deadline. Staff only recently became aware that a code amendment would be necessary. The work program for 2008-09 includes a number of code amendments including Title 4.	December 31, 2008
Oregon City	Yes	The City is making progress and is in the process of changing its code for industrial uses proposed in the concept plan for Beaver Creek Road. Current code conforms to Title 4 requirements.	December 31, 2008
Portland	Yes	City has made progress on meeting Title 4 requirements but needs more time to comply with two sections of Title 4, those restricting retail and commercial uses and the partition of large lots in RSIA and Industrial Areas.	Fall 2008
Sherwood	Yes	The city has good cause for not meeting the deadline. The city's Planning Department has been understaffed and has seen significant staff turnover in recent years. The city has audited its development Code and is starting process to address Title 4 requirements.	February 2009
Tigard	Yes	The City is making progress on Title 4 compliance, having recently updated policies in the Comprehensive Plan. The city believes there is a mapping error and is requesting clarification from Metro on the process to amend the Title 4 map.	January 2009
Troutdale	Yes	The City is making progress. Troutdale along with the cities of Fairview, Wood Village, and Gresham and the Port of Portland are preparing an economic development plan for the Columbia-Cascade River District. One of the work products will be a model zoning district that will comply with Title 4.	December 31, 2008
Tualatin	No		

Wilsonville	No		
<b>Jurisdiction</b>	<b>Extension Request</b>	<b>Reason for Request</b>	<b>Requested Deadline</b>
Wood Village	Yes	The city is making progress. The city is starting a process for code changes for Titles 4 and 13 and will be receiving a state technical assistance grant to fund a two-year process for code changes.	
Clackamas County	Yes	The county believes that it is in compliance with Title 4 requirements except for the section relating to standards for land divisions of parcels that are greater than 50 acres.	March 2009
Washington County	No		

M:\plan\lrpp\projects\COMPLIANCE\Title 4\Title 4 Extension Requests 2008 Chart.doc

Agenda Item Number 5.0

**2009 LEGISLATIVE SESSION CONTINUED  
DISCUSSION**

Metro Council Work Session  
Tuesday, September 23, 2008  
Metro Council Chamber

## METRO COUNCIL

### Work Session Worksheet

Presentation Date: September 23, 2008 Time: \_\_\_\_\_ Length: 60 minutes

Presentation Title: 2009 Legislative Session (work session #3)

Department: Public Affairs and Government Relations

Presenters: Randy Tucker

### **ISSUE & BACKGROUND**

This work session will include a progress report on development of legislative concepts for the 2009 Legislative Assembly and discussion of certain concepts that have been proposed. Attached is a summary list of concepts that have been presented to the Council at the legislative work sessions to date as well as issue briefs for concepts to be discussed at this work session. More concepts may be presented at an additional work session that has not yet been scheduled, followed by Council adoption of a legislative agenda.

### **OPTIONS AVAILABLE**

Council may wish to discuss specific legislative concepts or direct staff to develop additional concepts.

### **IMPLICATIONS AND SUGGESTIONS**

### **QUESTION(S) PRESENTED FOR CONSIDERATION**

Staff requests that Councilors provide initial feedback on the legislative concepts presented. No specific Council actions are required at this time, but it is anticipated that the Council will formally adopt a legislative agenda later this year.

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION**  Yes  No  
**DRAFT IS ATTACHED**  Yes  No

**Current list of 2009 legislative concepts**

	7/22	8/12	9/23
<b>Transportation</b>			
Connect Oregon III	x		
Transportation funding package	x		
Trails funding*	x		
Transportation demand management (DLSM, etc.)*			x
<b>Land Use</b>			
Jurisdictional boundary*	x		
Boundary changes*	x		
Regional Housing Choice Revolving Fund			x
Brownfields			x
<b>Solid Waste</b>			
Diesel retrofit*			x
<i>Product stewardship</i>			
Product stewardship framework		x	
Paint		x	
Pharmaceuticals		x	
Bottle bill		x	
<i>Toxics</i>			
Pesticide use reporting			x
Healthy Schools Initiative			x
Chemical policy			x
<b>Parks</b>			
<b>Zoo/Nature in Neighborhoods</b>			
No Oregon Child Left Inside Act		x	
<b>MERC</b>			
HQ hotel*		x	
<b>Finance, Human Resources</b>			
TSCC			x
<b>Other (“Smart Government”)</b>			
Public records (Auditor’s issue)	x		

\* Metro likely to introduce or play primary role



**METRO**  
**2009 LEGISLATIVE ISSUE IDENTIFICATION**

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**Department:** Planning (Transportation)

**Date:** August 5, 2008

**Person completing form:** Pamela Peck

**Phone:** (503) 797-1866

**ISSUE:** ODOT Transportation Demand Management funds

**BACKGROUND:**

Metro's Regional Travel Options Program 5-Year Strategic Plan identifies collaborative marketing of transportation alternatives as a top priority and provides a coordinated framework for marketing activities in the Portland region. ODOT's 2009-2011 Public Transit Division budget includes \$2.3 million for marketing transportation alternatives through implementation of the Drive Less/Save More marketing campaign. The Drive Less/Save More campaign was developed under Metro's management with ODOT funds allocated for that purpose in the 2003, 2005 and 2007 legislative sessions. Metro is managing implementation of the campaign in the Portland region through a consultant contract.

ODOT, with the guidance of a steering committee chaired by Washington County Commission Chair Tom Brian, is proposing that the marketing funds appropriated for this biennium, \$2.3 million, be spent to sustain the campaign in the Portland region and to expand the campaign to additional cities in Oregon. Overall management of the campaign and related consultant contracts will shift from Metro to ODOT in July 2009 to support expansion of the campaign. Metro Councilor Rex Burkholder also serves on the ODOT steering committee.

In addition to funding for Drive Less/Save More, there are a number of transportation demand management (TDM) legislative proposals under discussion by ODOT and other organizations seeking to address climate change and mobility issues. These include proposals to expand existing TDM programs, to address barriers to participation in current programs, and to create new programs, such as a statewide ridesharing program. See attached list.

Metro's RTO program currently administers carpool and vanpool programs for the region. Legislative proposals that would enhance this work include the development of a statewide ridesharing program that is supported by a single database and a statewide marketing program. A statewide ridematching system would create a common database for people seeking carpool partners or vanpool riders.

Metro currently supports CarpoolMatchNW.org, the ridematching system used by the Portland region. The web-based system is also used by many people seeking rides to and from locations outside the region. Of the 11,000 people currently registered with CarpoolMatchNW approximately 23 percent both live and work outside the region and use Metro's system because they lack other options. In addition, people in the Salem area must register with two ridematching systems, CarpoolMatchNW and Cherriots Rideshare, to increase the likelihood that they will find a match.

CarpoolMatchNW was developed by the city of Portland with grants from the Climate Trust and the Metro RTO program. Metro assumed financial responsibility for maintenance of the system as part of the Regional Travel Options program reorganization in 2005. CarpoolMatchNW has limited capabilities for

tracking and reporting on actual carpool formation, and the system does not support vanpool formation. A new statewide system would provide these functions and overcome the barriers created by the current multiple systems. In addition, the development of a statewide system would reduce administrative and marketing costs for Metro and would allow the RTO program to spend more time providing direct service to employers and commuters in the Portland region.

**RECOMMENDATION:**

Support the continued inclusion of \$2.3 million in ODOT's Public Transit Division budget to implement the Drive Less/Save More campaign in the Portland region and expand the campaign to other cities in Oregon.

Support the inclusion of funds in ODOT's Public Transit Division budget for development, maintenance and marketing of a statewide ridematching system to support increased levels of carpooling and vanpooling in Oregon. Support proposals that reduce barriers to employer participation in rideshare programs.

Support proposals that expand or enhance TDM programs in Oregon.

**LEGISLATIVE HISTORY:**

The funding for Drive Less/Save More was initially proposed in 2003 in a bill sponsored by Senator Bruce Starr at the request of Tom Brian, Chair of the Washington County Board of Commissioners. Although that bill died in committee, the funding resurfaced as part of the give and take involved in approval of HB 2041 (OTIA III) and \$1.5 million was included in ODOT's Public Transit Division budget. The same amount was included in ODOT's budget in 2005 and 2007.

**OTHER INTERESTED PARTIES:**

Metro's Regional Travel Options program partners including: Washington County, the City of Portland, TriMet, ODOT, Wilsonville SMART, DEQ and local Transportation Management Associations (TMAs). Agencies and organizations in Oregon that provide or support travel options programs including: Lane Transit District, Mid Valley Council of Governments, Salem-Keizer Transit (Cherriots), Commute Options for Central Oregon and the Transportation Options Group of Oregon.

**IMPACT IF PROPOSED ACTION OCCURS:**

Ensures continuation of a funding source for travel options marketing activities in this region.

## DRAFT Metro Regional Travel Options 2009 Legislative Priorities

1. **Establish a state Vehicle Mile Reduction (VMR) goal.** Vehicle Mile Reduction (VMR) strategies are among often the quickest, least expensive routes to achieve mobility goals and are critical to achieving greenhouse gas (GHG) reduction goals. ODOT, Metro and other MPO's, cities and counties could work together to recommend statewide per capita VMR goals for 2050, 2035 and 2020. (Also, consider a statewide goal for reduced gas consumption per capita, it's a better measure of GHG reduction due to 'hybrid skew' and idling in congested corridors and would reflect gains from smarter/slower driving habits.)
2. **Expand the Drive Less/Save More marketing campaign.** Results indicate the campaign is motivating people to reduce single person car trips and use travel options. Expand funding to \$2.3 million per biennium to continue campaign in the Portland area and expand to metropolitan areas across the state.
3. **Eliminate barriers to employer support of transportation options.** Currently, there is no shield for employers against liability claims arising from their support of ridesharing. If an employee is injured while commuting in a carpool or vanpool, a company could be named in a legal suit if they are providing any kind of financial incentive. Eliminating this possibility would encourage employers to provide commute incentives to their workers.
4. **Create a statewide rideshare program.** A single program would streamline the current multiple program offerings across the state and provide better service to the public to support increased levels of carpooling and vanpooling. The program should include a statewide rideshare-matching database, marketing and customer assistance.
5. **Protect rideshare information from public records law.** ORS 192.502 (29) exempts special districts from the requirement to disclose information in rideshare databases. The law should be expanded to include cities, counties and state government.
6. **Fund and improve ECO.** Oregon's Employee Commute Options (ECO) rule is a good framework, but lacks sufficient staff and budget for outreach, incentives and reporting. An expanded ECO program should be linked to achieving state GHG reduction and VMR goals.
7. **Mainstream construction TDM.** Congestion often worsens during construction of new transportation infrastructure because traffic is disrupted by lane closures and lower speed limits. Providing approximately 1% from construction budgets for demand management programs could keep traffic moving in highly congested corridors during large construction projects.
8. **Expand and improve BETC.** Increase funding for the Business Energy Tax Credit and expand the transportation BETC to 50% for high performance expenditures.
9. **Spur innovation with an entrepreneurial transportation competitive grant program.** Some of the most creative surface transportation innovators work in Oregon. Their creativity could spur new, low-cost, high return demand management incentives to people and companies that use transportation options in key transportation corridors. The State could "buy VMR" from the lowest public, private and non-profit bidders through a competitive, performance-based solicitation (Washington State has a similar program).

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**METRO**  
**2009 LEGISLATIVE ISSUE IDENTIFICATION**

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**Department:** Solid Waste and Recycling

**Date:** September 17, 2008

**Person completing form:** Scott Klag

**Phone:** x 1665

**ISSUE:** Use of Solid Waste Fees for the Diesel Retrofit Program

**BACKGROUND:** The health effects of diesel emissions have been the subject of extensive research throughout the world. A growing consensus among health experts is that diesel exhaust is a likely carcinogen to humans at sufficiently high exposure levels and can create and aggravate many respiratory diseases, especially in young children and the elderly. Health experts believe the pollutants of greatest concern from diesel engines are particulate matter (PM), volatile organic compounds (VOCs), and oxides of nitrogen (NOx).

The Portland metropolitan region's refuse collection fleet of about 1,000 vehicles is estimated to emit nearly 35 tons of PM and about 330 tons of NOx each year. This represents about 7% of the total PM produced by on-road vehicles in the Portland region and about 3% of the region's NOx emissions. The first phase of the program described below should reduce annual PM by 4.2 tons, CO by 13.6 tons and VOCs by 3.0 tons.

On June 30<sup>th</sup>, Metro staff submitted a grant proposal to EPA to fund the first phase of a regional program to retrofit vehicles that collect refuse, recycling and yard debris in the region with filters to reduce harmful diesel emissions. The Metro Council had previously reviewed the proposal and made an amendment to the 2008-09 budget to provide \$250,000 in matching funds for the program.

In the grant application, Metro noted that state law (ORS 459.335) precludes expenditure of fee revenues on the diesel retrofit program. We stated we would seek a change to the statute in the 2009 legislative session in order to fund the program beyond the first phase. The cost of the program beyond the initial \$1.25 million in Phase 1 is estimated at \$5.75 million.

**RECOMMENDATION:** Metro should develop legislation to clarify ORS 459.335 allows the use of revenue from Metro's solid waste service or user fees to fund the Diesel Retrofit Program.

**LEGISLATIVE HISTORY:** None for this specific proposal. However, OMA researched the legislative history of ORS 459.335 when it determined that Metro could not use its own solid waste fee revenue for the Diesel Retrofit Program under current statute.

**OTHER INTERESTED PARTIES:** There has been general support from haulers and local governments for funding the program through revenues derived from the Regional System Fee. The Department of Environmental Quality has set goals to reduce health risks from diesel emissions that this program would help achieve.

#### IMPACT IF PROPOSED ACTION OCCURS:

- Implementing the diesel retrofit proposal would help achieve Goal 1 in the Sustainable Operations Chapter V of the Regional Solid Waste Management Plan: "Reduce greenhouse gas and diesel particulate air emissions."
- Reducing diesel pollution would support the Metro Council's objective of enhancing residents' health through "exceptionally clean air and water" [Objective 2.6].
- Improve public health in the Metro region, especially among children and the elderly who are most at risk for asthma and other respiratory problems.
- Support the DEQ's efforts to reduce cancer risks from diesel emissions.

**METRO**  
**2009 LEGISLATIVE ISSUE IDENTIFICATION**

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**Department:** Solid Waste and Recycling

**Date:** August 4, 2008

**Person completing form:** Scott Klag

**Phone:** x1665

**ISSUE:** Continue and strengthen the state Pesticide Use and Reporting System (PURS)

**BACKGROUND:** In 1999, the Legislature voted 88 to 2 to create a pesticide use reporting system (PURS) for Oregon. The law was designed to “ensure the public health and safety and to protect Oregon’s water and environment.” (H.B. 3602) The law requires commercial applicators, growers, and state and local government to report to the Oregon Department of Agriculture (ODA) the chemicals they use to kill insects, weeds and other pests. They also must report when and in what amounts they use them and generally where they are applied. Household use is also being tracked through a survey.

In 1999, the Metro Council passed Resolution 99-2794B in support of a pesticide use reporting system that includes data on urban pesticide use.

While the law was passed in 1999, the program was not fully funded until 2005. The first data was collected in 2007 and just became available in July of this year. The original law includes a December 31, 2009 sunset.

With the 2005 PURS appropriation, the legislature changed the way data is reported. The location of agricultural pesticide applications was changed from one square mile to water basins at the third field Hydrologic Unit Code (HUC) -- which range in size: generally 5,000 to 15,000 square miles. Historically, Metro has supported holding reporting levels to the fourth field HUC scale, full funding of the program, and removal/extension of the sunset. A requirement that local schools and parks report pesticide applications under the system was also eliminated.

**RECOMMENDATION:** Metro should support legislation that continues PURS and improves its effectiveness by strengthening the reporting requirements for agricultural pesticide applicators at the HUC 4 level rather than the broader water basin level and by restoring the detailed reporting requirements for pesticide applications in public schools and parks.

**LEGISLATIVE HISTORY:** The Pesticide Use Reporting System was established by HB 3602 passed in 1999. However, funding of the program was blocked until 2005 due to concerns raised by the pesticide industry and agricultural interests about the level of geographic specificity of reporting. Only after the reporting was made less specific was the program funded and implemented.

**OTHER INTERESTED PARTIES:** Support is expected from the Oregon Department of Agriculture and environmental groups including the Northwest Coalition for Alternatives to Pesticides. More information on the views of the Oregon Farm Bureau and Oregonians for Food and Shelter is needed.

**IMPACT IF PROPOSED ACTION OCCURS:**

- Supports Metro program efforts to reduce the impact of pesticides on residents and the environment.
- Supports the RSWMP's product stewardship policy approach where we ask users to consider alternatives to such products and take responsibility for their proper use and disposal when they do use them.
- Supports Metro efforts to reduce pesticides brought into hazardous waste collection system; pesticides are one of the most difficult and costly waste streams to handle and dispose of safely.



**METRO**  
**2009 LEGISLATIVE ISSUE IDENTIFICATION**

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**Department:** Solid Waste and Recycling

**Date:** September 17, 2008

**Person completing form:** Scott Klag

**Phone:** x 1665

**ISSUE:** Chemical Policy – Children’s Safe Product Act

**BACKGROUND:** The Oregon Environmental Council working with other environmental groups is developing a legislative proposal to manage children’s products with chemical hazards. The bill supports an emerging “Chemical Policy” approach, that is, screen chemicals before they go into products, rather than wait to ban hazardous products after they are on the market. The approach is also aligned with “green chemistry” initiatives that seek safer alternatives to hazardous chemicals. The bill’s provisions will include:

- Requiring the Department of Human Services (DHS) and the Department of Environmental Quality (DEQ) to identify high priority chemicals and, of those, chemicals that are of high concern for children;
- Requiring manufacturers to notify DHS and DEQ when chemicals of high concern are found in their children’s products;
- Regulating the use of known dangerous chemicals prevalent in children’s products\*;
- Providing consumers with information to make safer buying choices;
- Authorizing Oregon DEQ to participate in an interstate clearinghouse to promote safer chemicals in consumer products in cooperation with other states and governmental entities.

(\*Note: A federal law was recently passed that may pre-empt a states ability to regulate some chemical additives in some children’s products (e.g., phthalates). The OEC and its stakeholders are examining how this might affect this part of their proposed legislation.)

**RECOMMENDATION:** Metro should support the Children’s Safe Product Act.

**LEGISLATIVE HISTORY:** Oregon has passed legislation regulating toxic chemicals in products: 2001’s Mercury Reduction Act; and a 2005 bill to phase out two toxic flame retardant chemicals. In 2007, the Legislature passed a joint memorial urging greater screening of chemical used in cosmetics, personal care products and toys. A similar Children’s Safe Product Act passed in the last Washington State legislative session.

**OTHER INTERESTED PARTIES:** Supporters are expected to include environmental groups, medical associations and other public health entities and product stewardship supporters. Opponents may include chemical manufacturers, and toy manufacturers and retailers.

**IMPACT IF PROPOSED ACTION OCCURS:**

- Supports the Regional Solid Waste Management Plan policy to shift responsibility “upstream” to manufacturers for reducing product toxicity.

- Supports Metro's toxics reduction strategy including our focus on children, for example, our "TOTS" ("Take on Toxics") program. That program works with day care centers to reduce exposure to toxics by children.

**METRO**  
**2009 LEGISLATIVE ISSUE IDENTIFICATION**

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**Department:** Solid Waste and Recycling

**Date:** September 17, 2008

**Person completing form:** Scott Klag

**Phone:** x 1665

**ISSUE:** Healthy Schools Initiative

**BACKGROUND:** The Oregon Environmental Council is proposing a comprehensive legislative proposal to improve school environments. OEC is working with an advisory committee, which includes a Metro staff person, to develop stakeholder informed legislation. This legislation would:

- Encourage and facilitate the use of green cleaning products
  - The cost of the program, if any, would be offset through standardization of procurement practices and economies of scale.
- Encourage, facilitate and require the use of Integrated Pest Management (IPM) techniques
  - OSU Extension services will supply schools with the training necessary to implement the program.
- Facilitate the cleaning up of Oregon's diesel school bus fleet by requiring a replacement timeline
- Encourage, facilitate and potentially require that all new schools, remodels, and capital improvement projects in schools use green building design and construction techniques
  - Investments in green building practices provide sustainable financial returns over the lifetime of operating a building.

**RECOMMENDATION:** Metro should support the Healthy Schools Initiative legislation.

**LEGISLATIVE HISTORY:** None

**OTHER INTERESTED PARTIES:** Supporters are expected to include environmental groups, medical associations and other public health entities and product stewardship supporters. An assessment of possible opponents needs to be done.

**IMPACT IF PROPOSED ACTION OCCURS:**

- Increasing the use of green cleaning products supports Metro's toxics reduction efforts, especially our focus on children. For example, our "TOTS" ("Take on Toxics") program works with day care centers to reduce exposure to toxics by children.
- Increasing the use of IPM supports Metro's approach to reducing the use of pesticides in parks, natural areas, homes and public institutions.
- Use of green building design and construction techniques will support Metro goals of reducing waste and increasing use of recycled materials.

**METRO**  
**2009 LEGISLATIVE ISSUE IDENTIFICATION**

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**Department:** Planning

**Date:** September 11, 2008

**Person completing form:** Randy Tucker

**Phone:** x1512

**ISSUE:** Regional Housing Choice Revolving Fund

**BACKGROUND:**

In March 2006, Metro's Housing Choice Task Force identified an acute need for increased housing choices for families and individuals of modest means. The Task Force recommended that Metro "direct efforts towards development of resources, and especially a new, permanent regional resource for affordable housing."

In response to this recommendation, and to help implement the region's 2040 Growth Concept, the Metro Council in September 2007 approved a \$1 million contribution as seed money for the creation of a \$10-\$20 million Regional Housing Choice Revolving Fund (RHCRF). The intent is to leverage \$9-\$19 million in matching contributions from public, private, and charitable partners to create the fund, which would be managed by an experienced nonprofit community-based fund administrator and governed by a regional board of directors.

Drawing on this \$10-\$20 million principal, the RHCRF would extend low-interest loans to catalyze the development and preservation of affordable housing in the Metro area. Non-profit and for-profit developers would utilize these low-interest loans for such purposes as site acquisition and holding, predevelopment costs for planning and design, and short-term debt financing for the acquisition of existing rental properties with expiring affordability requirements.

A \$10 million fund could support the creation or preservation of 250-350 affordable homes in the region every 2 years, and would leverage an estimated \$40 million in public and private investments in housing. A \$20 million fund would double the impact.

The Fund would also help implement the 2040 Growth Concept by promoting mixed-use, mixed-income patterns of development in regional centers and town centers, in light rail station communities, and along main streets and corridors. In keeping with the 2040 Growth Concept, the RHCRF would also promote best practices in green and sustainable design.

Metro's contribution of \$1 million is contingent upon several conditions being met: (1) The establishment of a fund with at least \$10 million in capital that fulfills Metro's regional development and housing objectives; (2) Metro representation on the governing board; and (3) Council satisfaction that the fund's management will comply with professional standards. These conditions must be fulfilled within two years of the Metro Council's approval of the budget amendment.

As of this date, there are tentative commitments of \$5 to \$8 million in additional contributions to the fund's permanent capital.

**RECOMMENDATION:**

The Housing Alliance, of which Metro is a member, is pursuing a package in the 2009 session that adds up to \$100 million for affordable housing. Included in this package is \$2 million or more for the Oregon Housing Acquisition Fund (OHAF). The RHCRF is a regionally advised fund within the OHAF.

Metro should support the adoption of the Housing Alliance's \$100 million package.

**LEGISLATIVE HISTORY:**

This request would be partially funded by a new document recording fee, which the Housing Alliance pursued in 2007. At that time, despite adequate overall support, the effort failed due to opposition from a key Republican leader in the House.

**OTHER INTERESTED PARTIES:**

Housing Alliance, Network for Oregon Affordable Housing (NOAH), Enterprise Community Partners, Community Development Network, Department of Housing and Community Services.

The Housing Alliance is working to build support for their package among the realtors (who supported the document recording fee last session), home builders, and bankers. County clerks have raised concerns about the proposal and may seek a cut of the proceeds for administrative costs.

**IMPACT IF PROPOSED ACTION OCCURS:**

Because the fund does not become operative until its capitalization goal of \$10 million has been reached, a significant contribution from the state is critical to the overall success of this effort.

**METRO**  
**2009 LEGISLATIVE ISSUE IDENTIFICATION**

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**Department:** Long Range Policy and Planning, Planning Department

**Date:** August 7, 2008

**Person completing form:** Miranda Bateschell

**Phone:** x1817

**ISSUE:** Eliminating disincentives in the tax system to the cleanup and reuse of contaminated property

**BACKGROUND:** Under existing law, owners of contaminated property can request that the taxable value of their property be decreased to reflect contamination impacts and anticipated cleanup costs if:

- (A) the property is on the National Priority List of the U.S. Environmental Protection Agency (i.e., Superfund list);
- (B) the property is included by the Department of Environmental Quality in an inventory of confirmed releases pursuant to ORS 465.225;
- (C) the property is an illegal drug manufacturing site as defined in ORS 453.858; or
- (D) the owner can demonstrate through either (a) the submission of reliable, objective information such as engineering studies, environmental audits, etc.; or (b) evidence that a hazardous substance release has been reported to DEQ, that a release of a hazardous substance as defined in ORS 465.200 has occurred on the property.

This opportunity for property owners to reduce their property taxes may be serving as a disincentive to clean up the property as expeditiously as possible, and there does not appear to be a method through which to “push” the property owner to invest in cleaning up the property. Rather, as long as the property remains contaminated, the owner continues to benefit from lower property taxes and the local jurisdiction continues to lose tax revenues that would otherwise be available.

This disincentive to clean up and redevelop brownfields was noted in an August 2007 report prepared by Portland Development Commission on the Portland Industrial Sanctuary area, the upland industrial district from the Portland Harbor superfund site. Although a more in-depth study is needed, preliminary review of the assessed value (AV) of industrial brownfields properties and percent change over the last three years since the Willamette Industrial Urban Redevelopment Area (WIURA) was formed indicates a decrease in AV for properties on the west side of WIURA (comprised of the majority of WIURA’s large vacant industrial sites with known contamination) from a base of \$203.4 million to \$96.2 million. In comparison, the AV of properties on the east side of WIURA (which comprise a greater number of parcels but very little known contamination) has increased from a base of \$278.1 million to \$301.3 million.

The attached list of State Brownfields Income Tax Credit Programs provides examples of what other states are doing to create incentives for redeveloping brownfields. For instance, Minnesota imposes a “contamination tax.” As in other states, Minnesota’s law allows the property tax to be reduced based on the lower contaminated value. It then allows for the imposition of a contamination tax, which is a property-related tax. The contamination tax is applied to the difference between the full value of the property (uncontaminated) and the reduced (contaminated) value. Thus the tax rate on this differential varies dependent on that which would otherwise be due. The tax rate applied also depends on whether or not the owner is responsible for the contamination and whether the owner is actively cleaning up the contamination with the state environmental agency’s oversight.

**RECOMMENDATION:**

While eliminating or disallowing devaluation due to contamination would violate the principle that taxes levied on a property are based on its market value, crafting a solution that retains the ad valorem concept but prevents property owners from benefiting indefinitely from reduced property taxes when cleanup obligations are not met should serve to motivate owners to redevelop their properties. Such a solution might involve a sunset on the number of years a property owner can “claim” for reduced property taxes after which time if no investment in further assessing and/or cleanup of the property can be demonstrated to have occurred, the increment by which property taxes have been reduced would instead be allocated to cleanup of the property. Tax credits to encourage cleanup might also be adopted for those property owners who claim for reduced property taxes and demonstrate, within the allowable timeframe, investment towards assessing and cleaning up their property. Metro is working with other interested parties to develop a proposal that can generate broad support.

**LEGISLATIVE HISTORY:**

OAR 150-308.205(E)(3) governs the determination of the real market value of contaminated sites.

**OTHER INTERESTED PARTIES:**

City of Portland, Port of Portland, Bureau of Environmental Services, Portland Business Alliance, DEQ, OECD, property owners, Columbia Corridor Association, PDC, others.

**IMPACT IF PROPOSED ACTION OCCURS:**

By replacing the status quo, which encourages property owners to leave their contaminated properties vacant and underdeveloped, with an approach that provides incentives for cleanup of these properties, we can spur redevelopment in key areas such as the upland industrial district in the Portland Harbor superfund site. Tools that enable the region to most efficiently use its industrial lands will promote economic development and affect future UGB decisions.

An analysis by E.D. Hovee & Company, LLC defined the cost of doing nothing for the Portland Harbor:

- Missed opportunity over 10 years for 166 acres of site reuse:
  - \$320 million in investment, 1,450 jobs and \$81 million of annual payroll not realized
- Opportunity cost effectively doubles if all sites remain unused indefinitely
- Loss of family wage jobs paying \$56,000+ per year or nearly 30% above the regional wage average
- Reduced competitiveness for major employers
- Loss of tax base to the State of Oregon, City of Portland, Willamette Industrial Urban Renewal Area (WIURA)
  - \$9.1 million in personal income tax revenue annually
  - \$9.1 million in property tax revenue annually
  - \$152 million in potential tax assessed valuation to the taxable assessed valuation of the WIURA
- Regional and statewide forgone opportunity: waterfront industries cannot readily locate elsewhere, reduced competitiveness for traded sector investment, and UGB expansion need if contaminated industrial sites prove not feasible to redevelop.

## State Brownfields Income Tax Credit Programs

State	% or amount of credit	Eligible expenditures	Eligible sites	Transferable	Automatic vs. needs test or statewide cap	Variations in the amount of the credit	Website
<b>Mo.</b>	Up to 100% - need must be demonstrated	Site assessment and remediation	Abandoned for 3 years and project creates 25 jobs	Yes	Needs test	Note there are separate programs for job creation and demolition credits.	<a href="#">Mo Brownfields Redevelopment Program</a>
<b>Mich.</b>	10% of all development (not just cleanup) expenditures, up to \$1 million – requires application demonstrating need and impact <sup>1</sup>	Site assessment and remediation	Meets the state definition of a brownfields site	Yes	Needs test and statewide cap of \$40 million	\$10 million set-aside for sites involving less than \$200,000 in credits.	<a href="#">Mich. Single Business Tax Credit</a>
<b>Mass.</b>	25-50%	Site assessment and cleanup	Economically distressed area; response costs exceed 15% of assessed value	Yes	Automatic	The higher 50% credit is for “full” cleanups only – no use restrictions.	<a href="#">Mass Tax Provisions of the Brownfields Act</a>
<b>Ky.</b>	Up to \$150,000	Site assessment and remediation	In-state VCP		Automatic	Also linked to property tax reduction	<a href="#">Ky Prownfields Program</a>
<b>Fla.</b>	50% of total eligible solid waste removal costs, not to exceed \$500,000.	Site assessment and cleanup	Either sites with executed Brownfield Site Rehabilitation Agreements or eligible dry-cleaning solvent cleanup sites with executed Voluntary Cleanup Agreements.	Yes	Statewide Cap	<ul style="list-style-type: none"> <li>▪ An additional 25% of eligible expenditures if the site used exclusively for affordable housing;</li> <li>▪ Bonus tax refund of \$2,500 for each new job</li> </ul>	<a href="#">Fl Voluntary Cleanup Tax Credit Program</a>
<b>Ill.</b>	25% of remediation costs over \$100,000. Limit - up to \$40K/yr, \$150k per site.	Site assessment and remediation	Meets the state definition of a brownfields site	Yes	Automatic	Limits in column 1 are not applicable in enterprise zones.	<a href="#">Illinois Environmental Remediation Tax Credit</a>
<b>Co.</b>	50% - first \$100,000, 30% - 2nd \$100,000; 20% - 3 <sup>rd</sup> \$100,000	Site assessment and cleanup	In-state VCP	-	Automatic	Tax credit not applicable to expenses in excess of \$300,000	<a href="#">Co Brownfields Tax Credit</a>
<b>New York<sup>2</sup></b>	<ul style="list-style-type: none"> <li>▪ 10% - 12% of total development costs;</li> <li>▪ One-time credit of 50% (up to \$30,000) of</li> </ul>		In-state VCP		Automatic	<ul style="list-style-type: none"> <li>▪ Additional 8% credit if located in distressed area</li> </ul>	<a href="#">NY Brownfields Cleanup Tax Credit</a>

<sup>1</sup> The state legislature has passed an upward revision of the credit to 12.5 percent,

<sup>2</sup> New York’s program is under revision in the state legislature



	environmental insurance costs					<ul style="list-style-type: none"> <li>▪ Additional 2% credit if cleanup to an unrestricted use</li> </ul>	
<b>Del.</b>	\$650 credit for each \$100,000 of new investment, and \$650 for each new job, 15-year credit on gross receipts taxes		Located in a distressed area and creating at least 5 jobs	Yes	Automatic	Job credits are increased by \$250 per job for brownfields sites	<a href="#">Del. Qualified Investment in Targeted Areas</a>
<b>NJ</b>	Reimbursement of up to 75% of eligible costs	Site assessment and remediation	Depends on state revenues from the site		Needs test	Reimbursement for up to 75% of the remediation costs	<a href="#">NJ Brownfield Contaminated Site Remediation Act</a>
<b>La.</b>	15% of site assessment 50% of cleanup	Site assessment and cleanup	“State-certified brownfields” which includes requirement to be in the state VCP	Yes	Automatic	N/A	<a href="#">La Brownfield Investor Tax Credit</a>
<b>Wisc.</b>	50%	Site assessment and remediation	In Community Development Zones (distressed areas)	No	Automatic		<a href="#">Wisc. Community Development Zones</a>

**METRO**  
**2009 LEGISLATIVE ISSUE IDENTIFICATION**

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**Department:** Finance and Administrative Service

**Date:** August 29, 2008

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**ISSUE:** Should Metro support a joint TSCC/Multnomah County legislative proposal to assess taxing jurisdictions a fee to fund TSCC?

**BACKGROUND:**

The TSCC was created by statute in 1919 and implemented in 1921 to allow local governments, instead of the state, to control their own budgets. Since the inception of TSCC, Multnomah County has been required by statute to house and pay the expenditures of the TSCC. ORS 194.630 caps the expenditures at \$280,000 per year, an amount last set in 1999. Periodically legislation has surfaced to either abolish the TSCC or to allocate the costs among the taxing districts which benefit.

The TSCC provides a distinct benefit to Metro and the taxpayers by providing an objective and public review of Metro's budget and its tax levy. The TSCC's certification has also been useful with bond rating agencies. Metro's current budget deliberation process, conducted by the Council sitting as a budget committee, provides much additional opportunity for public review. If the TSCC is abolished, Metro will be obligated to form a 14-member budget committee (seven councilors and seven appointed citizen members), conduct a series of meetings at which a quorum must be present, and conduct a minimum of two public hearings as the budget committee, in addition to meeting Metro's own public process for ordinance consideration.

The TSCC has presented an initial proposal that would assess Multnomah County a specific amount, roughly equivalent to the level of effort the county would expend on the statutory duties related to local budgets and tax levies in the absence of the TSCC, and provides a credit from the state's reimbursement of qualifying parts of the county's Assessment and Taxation costs. The remaining balance would be apportioned across the taxing districts in a two-part formula, one part related to operating budget; the other to permanent tax rates. If this proposed formula had been in place for FY 2008-09, Metro's cost would have been about \$2500. The largest shares would have been assessed to the City of Portland (\$24,412 city plus \$5,128 for PDC) and Portland Public Schools (\$14,145). Smaller districts would be assessed minimum shares of \$500 or \$1,000.

Our initial assessment of the formula is that small districts will argue for smaller minimum shares, which, on its face, is justifiable. Relief for the smaller districts will increase larger districts' costs somewhat.

Of greater concern are the elimination of the firm \$280,000 expenditure cap and the degree to which Multnomah County is bound to future financing. Arguably the cap has been in place without modification since 1999. However, Multnomah County has had a great incentive to require the TSCC to control costs (currently less than \$280,000) and has already been offsetting its costs with the state's Assessment and Taxation reimbursement. The initial proposal is to set the cap at the current \$280,000 but allow it to increase annually by 3%. The initial proposal provides for Multnomah County to continue to house the

TSCC and to set its contribution at a flat \$100,000, based on its sole assessment of required effort should the TSCC not exist.

**RECOMMENDATION:**

**Statutory Reference:** ORS 194.605 –194.705 define the duties and responsibilities of the TSCC; ORS 194.620 – 194.630 specifically address the responsibility of the county to house, fund, budget for and cap the expenses of the TSCC.

Metro has been asked to actively support this proposal, in advance of a final legislative draft. The other alternatives are to remain neutral on the proposal, neither supporting nor opposing the measure actively, or to oppose the measure actively.

In order to shape and influence the ultimate formula, cap and guarantee of continued Multnomah County contribution, we recommend that Metro offer general support for the concept of shared funding and express interest in reaching an equitable and predictable allocation formula. Our approach to the formula would be either to tie Multnomah County's contribution to a fixed proportion, not fixed dollar, or to tie the contribution to the same escalator as the TSCC expenses, thereby preserving the incentive to control future costs.

**LEGISLATIVE HISTORY:**

Periodically attempts have been made to change, alternatively fund or eliminate the TSCC. The last attempt occurred in the 2005 session (SB 899), arising in part because Washington County was expected to reach the 500,000 population threshold that triggers the TSCC requirement. A compromise allowing Washington County to use a TSCC "publication method" with jurisdictions maintaining their citizen budget committees help to avert the TSCC elimination.

**OTHER INTERESTED PARTIES:**

Multnomah County has the primary interest in changing the funding so that municipal corporations that benefit from the work of the TSCC are required to contribute to the operational costs. In addition to Multnomah County, there are currently an additional 38 affected taxing districts including cities and their urban renewal agencies, school districts, community colleges, special districts for water, sewer, soil and lighting, as well as Metro, the Port of Portland and TriMet.

**IMPACT IF PROPOSED ACTION OCCURS:**

If legislation is successful, the proposal would take effect in the FY 2010-11 budget cycle. As proposed, the amount assessed to Metro would be deducted automatically from the property tax turnover. Assuming some formula relief for the smaller districts and some increasing costs, the FY 2010-11 cost to Metro could be in the \$4,000 range.