

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROVIDING DIRECTION) RESOLUTION NO 03-3297
TO PAC/WEST COMMUNICATIONS CONCERNING)
BILLS BEFORE THE 2003 OREGON LEGISLATURE) Introduced by
) Council President David Bragdon
)

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

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

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

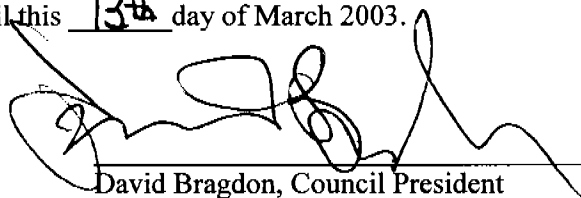
WHEREAS, Exhibit "A" of the resolution lists specific bills that are of regional concern and gives guidance to Pac/West Communications on Metro's position on these bills; and

WHEREAS, Exhibit "B" is a statement of principles regarding categories of legislation that give guidance to Pac/West Communications in representing Metro; and

BE IT RESOLVED:

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

ADOPTED by the Metro Council this 13th day of March 2003.



David Bragdon, Council President

APPROVED AS TO FORM:



Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3297, FOR THE PURPOSE OF PROVIDING
DIRECTION TO PAC/WEST COMMUNICATIONS CONCERNING BILLS BEFORE THE 2003
OREGON LEGISLATURE

Date: March 7, 2003

Prepared by: Jeff Stone

This is a revised staff report: Revised March 12, 2003

BACKGROUND

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

The current list was developed by Dan Cooper (Metro Attorney) and Jeff Stone (Senior Policy Advisor to the President) in consultation with Metro Council President Bragdon. In coordination with Pac/West Communications, the legislative team evaluated and analyzed legislation that may concern the region and Metro. The list, as outlined in Exhibit "A", provides the Metro Council with specific bills and a recommendation and solely for the purpose of starting a discussion by the policy making body.

On March 11, 2003, Metro Attorney Dan Cooper briefed the Metro Council at its informal meeting on the bills to be discussed on March 13th. The Council gave staff general direction on general principles and asked that it be incorporated in Resolution 03-3297.

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

ANALYSIS/INFORMATION

1. **Known Opposition:** none
2. **Legal Antecedents:** none applicable
3. **Anticipated Effects:** Provide clarity to our lobbyist on official Metro positions on various bills before the Oregon Legislature.
4. **Budget Impacts:** None

RECOMMENDED ACTION

Staff recommends that Resolution No. 03-3297 be discussed and direction given.

Exhibit A to Resolution No. 03-3297

**2003 – 72nd Oregon Legislative Assembly—Regular Session
HOUSE / SENATE BILLS -- SORTED BY METRO & OTHER CATEGORIES**

#	Bill #	Category	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Position
1.	HB 2100	2-LU	Land Use Planning For High Technology Industry	House Special Task Force on Jobs and the Economy	Requires local governments to adopt 20-year forecast of land and public facility needs for high technology industry. Requires corresponding amendments to local comprehensive plans, functional plans and land use regulations to accommodate needs identified in forecast.	Oppose
2.	HB 2137	2-LU	Compensation For Loss Of Property Value Resulting From Land Use Regulation	Joint Interim Committee on Natural Resources	Allows owner of private real property to claim compensation for land use restriction or reinterpretation that limits or prohibits use of property and decreases fair market value of property by more than 10 percent. Creates exception to right to compensation for certain land use restrictions. Authorizes owner of lawfully created lot or parcel to build single-family dwelling or divide lot or parcel if owner could have built dwelling or divided lot or parcel when owner acquired lot or parcel but is prevented by land use restriction or reinterpretation enacted, adopted or applied before November 7, 2000.	Principle #6
3.	HB 2350	2-LU	Dwellings in forest zones; added to and made a part of ORS chapter 215	Rep. P. Smith	Authorizes county to approve application for single-family dwelling on land zoned for forest use.	Principle #6
4.	HB 2610	2-LU	Appeal of Local Land Use Decision; creating new provisions; and amending ORS 197.829	Rep. Kruse	Places burden on local government on appeal of local land use decision to demonstrate that its decision is in compliance with applicable legal requirements.	Oppose
5.	HB 2614	2-LU	Buildable land supply; creating new provisions; and amending ORS 197.296 and 197.299	Rep. Kruse	Changes planning period for buildable land supply inside urban growth boundary.	Monitor
6.	HB 2617	2-LU	Buildable land supply with urban growth boundary; and declaring an emergency	Committee on General Government (at the request of Oregon Association of Realtors)	Requires local governments to adopt regionally coordinated five-year and 20-year forecasts of retail services, office employment and major sectors of industrial employment. Requires necessary adjustments to comprehensive or functional plan or land use regulations. Declares emergency, effective on passage.	Oppose

7.	HB 2790	2-LU	Compensation for loss of property value resulting from land use regulation; and providing that this Act shall be referred to the people for their approval or rejection	Rep. Close	Allows owner of private real property to claim compensation for land use restriction or reinterpretation that limits or prohibits use of property and decreases fair market value of property by more than 10 percent. Creates exception to right to compensation for certain land use restrictions. Authorizes owner of lawfully created lot or parcel to build single-family dwelling or divide lot or parcel if owner could have built dwelling or divided lot or parcel when owner acquired lot or parcel but is prevented by land use restriction or reinterpretation enacted, adopted or applied before November 7, 2000. Refers Act to people for their approval or rejection at next regular general election.	Principle #6
8.	HB 2849	2-LU	Rural land use planning, added to and made a part of ORS chapter 215	Rep. Zauner	Directs counties to establish one or more rural zones for rural lands that do not qualify for zoning as exclusive farm use, forest use or mixed farm and forest use. Directs counties to plan for land use and land divisions in rural zones established. Allows development without adopting exception to specified land use planning goals.	Principle #6
9.	HB 2886	2-LU	Adoption of land use requirements; and declaring an emergency, added to and made a part of ORS chapter 197	Rep. Garrard, P. Smith	voids administrative rule of Land Conservation and Development Commission or land use ordinance of local government if rule or ordinance is subject to one or more specified notice provisions and commission or local government fails to comply with applicable provisions. Authorizes person aggrieved by rule or ordinance to petition for writ of review to have rule or ordinance declared void. Declares emergency, effective on passage.	Oppose
10.	HB 2905	2-LU	Management of urban area of critical concern that includes Forest Park, creating new provisions and amending ORS 197.298	Committee on Environment and Land Use	Designates Forest Park and area of influence around Forest Park, including wildlife corridors connecting Forest Park to other areas of wildlife habitat, as area of critical state concern. Directs Land Conservation and Development Commission to develop management plan for area. Excludes certain land from inclusion in urban growth boundary.	Oppose
11.	HB 2906	2-LU	System development charges, creating new provisions and amending ORS 223.304	Rep. Williams (at request of Oregonians in Action)	Requires that methodology for establishing improvement fees promote objective of future system users contributing no more than equitable share to cost of existing facilities. Extends time to file legal action challenging methodology for calculating system development charge from 60 days to ___ days.	Principle #1
12.	HB 2909	2-LU	Periodic Review, amending ORS 197.626 and 197.633	Rep. Garrard	Changes population thresholds for cities and counties that are required to conduct periodic review. Directs Land Conservation and Development Commission and local governments to attempt to complete periodic review within two years after approval of work program.	Monitor
13.	HB 2911	2-LU	Urban growth boundary amendments, creating new provisions; amending ORS 197.314 and repealing ORS 197.298	Rep. Garrard (at the request of Oregon Building Industry Assoc.)	Establishes factors to be addressed by local government that changes location of urban growth boundary.	Monitor

14.	HB 2912	2-LU	Oregon Commission on Land Use Reform; and declaring an emergency	Rep. Garrard (at the request of Oregon Building Industry Assoc.)	Establishes Oregon Commission on Land Use Reform. Specifies membership. Directs commission to study strengths and weaknesses of Oregon land use system and develop list of recommended changes. Requires commission to submit report to Legislative Assembly, Governor and Land Conservation and Development Commission not later than November 1, 2004. Sunsets December 31, 2004. Declares emergency, effective on passage.	Seek to add Metro member
15.	HB 2934	2-LU	System development charges, added to and made a part of ORS 223.297 to 223.314	Rep. Close, Schaufler (at the request of Oregon Building Industry Assoc.)	Prohibits governmental unit from establishing system development charge for parks and recreation that exceeds current level of service. Provides exception. Establishes criteria for governmental units that establish improvement fees and system development charges for parks and recreation.	Principle #1
16.	HB 2983	2-LU	System development charges, creating new provisions; and amending ORS 223.299, 223.302, 223.304, 223.207 and 223.209	Rep. Close, Kropf, Schaufler, Sen. Metsger, Morse, C. Starr (at the request of Oregon Building Industry Assoc.)	Requires governmental unit to calculate improvement fee to obtain cost for lowest capacity capital improvements required to meet projected need for system capacity. Modifies methodology for calculating system development charge and costs for which system development charges may be expended. Prevents use of system development charge for open space or natural areas.	Principle #1
17.	HB 3084	2-LU	Metropolitan Portland urban growth boundary, added to and made a part of ORS chapter 197	Rep. Krummel	Directs Metro to amend its urban growth boundary to include certain property.	Oppose
18.	HB 3164	2-LU	Land priority to be included within certain urban growth boundary	Rep. Kitts, Barker, Gallegos, Garrard, Greenlick, Krummel, Mabrey, Nelson	Authorizes cities in Washington County and north of Highway 26 to exclude certain farm land from inclusion in city's urban growth boundary.	Monitor
19.	SB 239	2-LU	System development charges [SDCs]; creating new provisions; and amending ORS 223.299	Sen. Schrader	Adds schools and classrooms providing primary and secondary education to definition of capital improvement for which system development charges may be imposed. Allows system development charges collected as school improvement fee to be used to acquire land and construct school buildings and classrooms for development from which fee is collected. Allows exemption for affordable housing.	Principle #1
20.	SB 254	2-LU	School facility planning; amending ORS 195.110	Sen. Schrader	Removes provision providing that school capacity cannot be sole basis for approval or denial of residential development application.	Monitor
21.	SB 668	2-LU	Buildable Land Supply; creating new provisions; and amending ORS 197.296 and 197.299	Sen. Schrader (at the request of Elizabeth Graser-Lindsey)	Changes planning period for buildable land supply inside urban growth boundary.	Monitor

22.	SB 682	2-LU	System development charges	Sen. Atkinson (at the request of Kathy Dewoina)	Limits assessment and collection of system development charge for infill development or redevelopment in existing subdivision or land partition in which capital improvements are available. Provides exception.	Principle #1
23.	SB 763	2-LU	Urban growth boundary expansion by metropolitan service district; amending ORS 197.296	Sen. B. Starr	Requires metropolitan service district to conduct analysis of subregional housing needs. Allows district to expand urban growth boundary based on subregional need.	Oppose
24.	HB 2041	3-T	Transportation; amending ORS 803.420; and Providing For Revenue Raising That Requires Approval By A Three-Fifths Majority	House Interim Committee on Transportation	Increases registration fees for certain vehicles.	Principle #7
25.	HB 2139	3-T	Studded Tire Permits; and Prescribing An Effective Date	Road User Fee Task Force	Requires permit for use of studded tires. Establishes fees for permit based on county in which vehicle is registered. Punishes use of studded tires without permit by maximum fine of \$75. Dedicates revenue from permit fees to highway preservation. Takes effect on 91st day following adjournment sine die.	Monitor
26.	SB 469	3-T	Transportation finance; creating new provisions; amending ORS 267.260 and 267.385; and prescribing an effective date [January 1, 2004]	Transportation and Economic Committee	Increases maximum payroll tax rate that mass transit district may impose in payroll tax reporting periods beginning on or after January 1, 2004. Requires district to phase in increases over 10 years. Limits amount of each incremental rate increase. Takes effect on 91st day following adjournment sine die. See SB 549.	Support
27.	SB 549	3-T	Mass transit district payroll taxes; creating new provisions; amending ORS 267.260 & 267.385; and prescribing an effective date	Revenue Committee	Increases maximum payroll tax rate that mass transit district may impose in payroll tax reporting periods beginning on or after January 1, 2004. Requires district to phase in increases over 10 years. Limits amount of each incremental rate increase. Takes effect on 91st day following adjournment sine die. See SB 469 on master Review Log.	Support
28.	SB 585	3-T	Local fees for transportation facilities; and declaring an emergency	Transportation and Economic Development Committee	Authorizes city or county to adopt transportation facilities fee for repairing and maintaining transportation facilities. Requires fee to be based on actual use of affected facility. Requires city or county to adopt and periodically update schedule of repair and maintenance projects. Prohibits city or county from generating revenue in excess of scheduled expenditures. Prohibits assessing fee to owner of property as incident of ownership. Declares emergency, effective on passage.	Support

29.	SB 772	3-T	Transportation, creating new provisions; repealing ORS 383.330; and appropriating money.	Rep. B. Starr	Authorizes Department of Transportation to enter into public-private partnership for transportation projects. Establishes Oregon Innovative Partnerships Program and State Transportation Enterprise Fund. Appropriates moneys in fund to Department of Transportation.	Support
30.	SB 775	3-T	Task force on transportation demand reduction; and declaring an emergency	Sen. B. Starr	Creates Task Force on Transportation Demand Reduction to advise Department of Transportation. Sunsets December 31, 2004. Declares emergency, effective on passage.	Monitor
31.	SB 776	3-T	Traffic mobility in the Portland metropolitan area	Sen. B. Starr	Establishes Portland Mobility Task Force to study loop formed by Interstate 5 and Interstate 405 and make recommendations for improvements. Specifies membership. Sunsets January 1, 2006.	Monitor
32.	HB 2971	5-SW	Cathode ray tube disposal, creating new provisions; amending ORS 459.247 and 459.995; and appropriating money		Directions Environmental Quality Commission to develop program that encourages recycling of cathode ray tubes. Requires registration of object that contains cathode ray tube and payment of fee at time of purchase of object. Authorizes civil penalty for violation of certain provisions. Creates Cathode Ray Tube Recycling Account. Dedicates fees paid at time of purchase to account. Allows person to apply for refund of part of fee when person recycles object that contains cathode ray tube.	Principle #2
33.	HB 2172	7-G	Self-Insurance Programs Managed By Public Employees' Benefit Board; amending ORS 243.105, 243.145, 243.167, 243.285 and 292.051	Governor Kulongoski for Oregon Dept. of Administrative Services	Grants Public Employees' Benefit Board explicit authority to provide self-insurance programs. Permits deductions from state employees' wages to pay for self-insurance benefits under rules, procedures and directions of board. (See SB 803. Other historical references: SB 906 from 2001 71 st Oregon Leg. Assembly & SB 140 from 1999 70 th Oregon Leg. Assembly Regular Sessions)	Monitor
34.	HB 2595	7-G	Taxation; repealing ORS 306.815; and prescribing an effective date	Rep. Kafoury (at the request of Oregon HOME)	Repeals prohibition on real estate transfer taxes. Takes effect on 91 st day following adjournment sine die.	Monitor
35.	HB 3065	7-G	Modifies permit requirements for possession of exotic animal. Creating new provisions; amending ORS 609.305, 609.309, 609.329 and 609.992; repealing ORS 609.312, 690.315, 609.319, 609.325 and 609.335; appropriating money and declaring an emergency	Rep. Hass, Farr, Garrard, Scott	Prohibits breeding exotic animals. Prohibits future acquisition of exotic animals. Punishes violation by maximum 6 months imprisonment, \$2000 fine, or both. Provides exception for zoos, wildlife sanctuaries and other institutions. Expands definition of exotic animal. Requires person in possession of exotic animal to maintain certain liability insurance.	Support

36.	HJR 32	7-G	Amends constitution regarding charter law authority, amends Section 2, Article XI of Constitution of the State of Oregon	Rep. Verger, Tomei, Anderson, Mabrey, Morrisette (at the request of League of Oregon Cities)	Proposes amendment to Oregon Constitution to prohibit state law from preempting charter authority of municipality, city or town unless state law explicitly states intent to preempt and state law is enacted with affirmative vote of two-thirds of members of each house of Legislative Assembly. Refers proposed amendment to people for their approval or rejection at next regular general election.	Monitor
37.	SB 061	7-G	Taxation By Units Of Local Government; and Prescribing An Effective Date	Sen. Beyer for Oregon Restaurant Assoc.	Prohibits unit of local government from imposing industry-specific sales tax. Permits collection of otherwise prohibited tax if ordinance or other law imposing tax took effect or became operative before January 1, 2003. Takes effect on 91st day following adjournment sine die.	Monitor
38.	SB 062	7-G	Taxation By Units Of Local Government; and Prescribing An Effective Date	Sen. Beyer for Oregon Restaurant Assoc.	Prohibits unit of local government from imposing sales tax on meals prepared and sold inside boundaries of unit of local government. Permits collection of otherwise prohibited tax if ordinance or other law imposing tax took effect or became operative before January 1, 2003. Takes effect on 91st day following adjournment sine die.	Monitor
39.	SB 161	7-G	Vending Facilities On Public Property; Creating New Provisions; and amending ORS 346.520	Gov. Kulongoski for the Commission for the Blind	Prohibits state agencies from charging Commission for the Blind for costs of rent or utilities for vending facilities operated by commission.	Monitor

Summary of Bills for Discussion on 3/13/03 Council:

Sort In Order by Metro & Other Categories	Definition	#s
1-M	Metro	0
2-LU	Land Use	23
3-T	Transportation	8
4-Inf	Infrastructure	0
5-SW	Solid Waste	1
6-P	PERS	0
7-G	General Government	7
Total		39

Exhibit "B"
Resolution No. 03-3297
Metro Principles

1. System Development Charges – Metro opposes further limitations on local government and supports authorization for greater local government flexibility.
2. Hazardous waste – Metro supports efforts to reduce the quantity of products that contain hazardous materials being introduced into the solid waste system and supports efforts to reuse or recycle these products.
3. Public Employee Retirement System (PERS) - Monitor for cost related impacts on the agency.
4. Self Insurance – Support efforts to reduce Metro, local government, and state agency costs for providing health and welfare coverage.
5. Local control/Land Use – Oppose legislation that limits local government authority.
6. Land use and regulatory fairness issues should be addressed as follows:
 - A) If legislation is adopted to require compensation for regulatory activities that diminish property values that it should provide for a uniform process statewide for a locally determined system to provide a means to address regulatory fairness issues through:
 - ✓ Limited waivers of regulatory requirements
 - ✓ Alternative and incentive-based means of achieving regulatory objectives
 - ✓ Payments of cash compensation
 - ✓ Compensation for meeting state mandated requirements should be funded by the Legislature.
 - ✓ In urban areas any requirement for compensation should be prospective only.
 - ✓ Claims for compensation should be reduced to reflect regulatory activities that increase property values.
 - B) Private persons who take actions that reduce the value of publicly owned resources, including but not limited to, the air and the waters of the state should compensate the public or refrain from taking such action.
 - C) Legislation to allow statewide waiver of existing prohibitions on rural dwellings should be limited and address adverse impacts on urban areas.
7. Transportation Funding – Seek to increase overall funding available for the state and support local government authority and flexibility for local solutions.