

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1542 | FAX 503 797 1793



METRO

Agenda

MEETING: METRO COUNCIL WORK SESSION MEETING
DATE: January 11, 2005
DAY: Tuesday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

- | | | | |
|---------|----|---|------------------|
| 2:00 PM | 1. | DISCUSSION OF AGENDA FOR COUNCIL
REGULAR MEETING, JANUARY 13, 2005/
ADMINISTRATIVE/CHIEF OPERATING OFFICER
AND CITIZEN COMMUNICATIONS | |
| 2:15 PM | 2. | REVIEWING AND ACTIVATING THE
METRO 2040 GROWTH CONCEPT | Cotugno |
| 2:45 PM | 3. | GOLF LEARNING CENTER AT BLUE
LAKE PARK | Desmond |
| 3:15 PM | 4. | BREAK | |
| 3:20 PM | 5. | DISPOSAL SYSTEM PLANNING | Hoglund/Matthews |
| 4:20 PM | 6. | EXECUTIVE SESSION, HELD PURSUANT TO
ORS 192.660(1)(h), TO CONSULT WITH LEGAL
COUNSEL CONCERNING THE LEGAL RIGHTS
AND DUTIES OF A PUBLIC BODY WITH REGARD
TO CURRENT OR POTENTIAL LITIGATION. | Bragdon/Hoglund |
| 4:50 PM | 7. | COUNCIL BRIEFINGS/COMMUNICATION | |

ADJOURN

REVIEWING AND ACTIVATING THE METRO 2040 GROWTH CONCEPT

Metro Council Work Session
Tuesday, January 11, 2005
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: 1/11/05
min

Time: 2:15

Length: 30

Presentation Title: Reviewing and Activating the Metro 2040 Growth Concept

Department: Planning

Presenters: Cotugno

ISSUE & BACKGROUND

Since Metro Council adopted the 2040 Growth Concept, 10 years ago, much has changed. Continued growth above the national average, a changing economy, experience with implementing growth concept provisions, changes in the ability of traditional regulatory approaches to be effective, and the need for greater attention to investment and incentive approaches are some of the factors leading to a need to review and activate the Metro 2040 Growth Concept. Such a review, as was the development of the original Growth Concept, requires the involvement of a broad public, examination of issues and a consideration of values.

At the work session, staff will bring forward a proposal for an approach setting a regional vision for economic prosperity and livability of the Portland Metro Region that will:

- Engage external stakeholders,
- Review Metro's current statement of values and vision and evaluate alternatives scenarios to refine and update the growth concept and
- Review and revise the tools to manage and guide growth to reach the vision.

OPTIONS AVAILABLE

Staff is presenting a proposed approach to the tasks that are necessary to review and activate the 2040 Growth Concept. Staff is interested in hearing from Councilors about other options for approaching this task. A variety of options affecting the scale and scope and timeline of this work are available.

IMPLICATIONS AND SUGGESTIONS

Metro has a unique opportunity as the Regional Government to manage growth in line with the regional vision. The difficulty is how best to proceed. Moving forward with this proposed scope of work, modified based on Council direction, sets Metro in a position to work with stakeholders to review and refine the vision and identify new policies regulatory changes and incentives to implement the vision. If this proposal does not move forward, it is possible to address the issues the region faces by involving separate stakeholder groups on individual issues.

QUESTION(S) PRESENTED FOR CONSIDERATION

The principal questions that this presentation will raise are:

- Are the issues raised in the proposal that clarify the purpose for this work clear and comprehensive?
- Are the tasks, as laid out, complete and reasonable?
- Does the work program reflect the changes to the growth management process necessary to ensure that the visions become reality.

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION __Yes __xNo
DRAFT IS ATTACHED __Yes x__No

SCHEDULE FOR WORK SESSION

Department Director/Head Approval _____

Chief Operating Officer Approval _____

Agenda Item Number 3.0

GOLF LEARNING CENTER AT BLUE LAKE PARK

Metro Council Work Session
Tuesday, January 11, 2005
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date January 11, 2005 Time: approx. 3:20 pm Length: 30 minutes

Presentation Title Golf Learning Center at Blue Lake Park

Department Regional Parks and Greenspaces

Presenters Jim Desmond

ISSUE & BACKGROUND

The Blue Lake Regional Park Economic Feasibility Study and Facility Design Concept, adopted by Council in December 2001 (Resolution #01-3101B), includes the recommendation that a Golf Learning Center be constructed on the undeveloped eastern part of Blue Lake Park.

In February 2004, the department obtained a Market and Financial Planning Study for golf at Blue Lake Park from Golf Catalyst, Inc. of Bolder, Colorado. The study addressed several critical questions:

- Would the surrounding primary trade area support a golf facility at Blue Lake Park?
- What type of golf facility would the market support, that would fit within the confines of the proposed site?
- Would a golf facility at Blue Lake Park significantly impact the revenue generation from Glendoveer Golf Course?
- Would the proposed type of facility be financially feasible, sustainable, and result in positive cash flow for the department?
- What were some of the environmental constraints of the property that needed to be considered during preliminary design of the project?

Attached to this worksheet is a memorandum that summarizes the Market and Financial Planning Study for a Golf Learning Center at Blue Lake Park.

OPTIONS AVAILABLE

Option 1

Under the right conditions, and after further information has been gathered on the estimated costs of developing and operating a Golf Learning Center, this project may be financially feasible for Metro. This would require expending the "Multnomah County Natural Area Reserve" of approximately \$1,000,000, as well as seeking outside financing for an additional \$1,000,000 to \$1,500,000. Another option would include the one-time use of undesignated fund balance in the Regional Parks Operating Fund.

Option 2

Upper level staff at the City of Portland Parks and Recreation Bureau has expressed a strong interest in forming a partnership with Metro for the development of this project. The City has as one of its goals the development of the game of golf, especially among children and younger players. As such, the city has offered to partner with Metro to explore working on various elements of this project jointly, including fundraising from outside sources (non-profit, corporate), design and engineering, construction, operations, and maintenance.

Although the City currently owns and manages four successful full-course golf facilities in the Portland Metropolitan Region, none of their current facilities are suitable for introducing children and younger first-time players to the game. Consequently, the City has a strong interest in seeing the development of a Golf Learning Center in the Metropolitan Region to address this situation. Also, a successful Golf Learning Center would serve to create new golfers that, as they matured, might naturally gravitate toward the use of the City's existing full-course facilities. The City has in-house golf design and construction capability.

IMPLICATIONS AND SUGGESTIONS

Department staff believes that it is in the interest of Metro and the region as a whole that Metro work with partners, such as the city of Portland, to seek outside funding and reduce where possible the capital, operational, and maintenance costs of the Golf Learning Center, while still leveraging the center as a source of undesignated revenue for support of Metro's regional parks and natural areas. Such a partnership with the City of Portland could be formalized in an Intergovernmental Agreement between Metro and the City of Portland that would clearly memorialize the responsibilities and obligations of each party.

QUESTION(S) PRESENTED FOR CONSIDERATION

Should Metro's Regional Parks Department staff be directed to pursue a partnership with the city of Portland Parks and Recreation Bureau on developing a Golf Learning Center at Blue Lake Park?

The result of such a partnership would be to greatly reduce, and perhaps eliminate altogether, the capital outlay required from Metro to develop the facility, in exchange for an agreement to allow the City to operate the facility and share in the revenues.

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

SCHEDULE FOR WORK SESSION

Department Director/Head Approval _____
Chief Operating Officer Approval _____



METRO
PEOPLE PLACES • OPEN SPACES

**METRO REGIONAL PARKS & GREENSPACES
MEMORANDUM**

To: Jim Desmond
From: Jeff Tucker
Subject: Golf at Blue Lake Regional Park
Date: March 15, 2004

Darius Hatami of Golf Catalyst Inc. has completed the Market and Financial Planning Study for a golf facility at Blue Lake Regional Park. The study was a particularly in-depth view of the demand market for golf at this location. The study concludes that golf at Blue Lake Regional Park is possibly financially feasible, and provides several recommendations on facility design, development, operations and finance.

In this memo, I will attempt to summarize a few, salient points that Metro should consider as it contemplates the next phase of this project.

Location / Demographics – The primary trade area for golf at this site was established based on driving times typical for golfers and includes much of Northeast and Southeast Portland, Gresham, Troutdale, Fairview, and parts of Vancouver and Camas, Washington. The trade area also includes an element for Blue Lake Regional Park visitors, although visitors are estimated to generate only approximately 15% of the rounds played. The study looked at detailed demographic data for residences and businesses within a 3-mile, 5-mile and Trade Area radius, and calculated the demand for rounds. That number was then adjusted based on specific play patterns in Oregon and for other golf facilities within the trade area to determine the number of rounds a facility at Blue Lake Regional Park could generate. The resulting analysis was favorable, with estimated rounds from residents, business employees and park visitors at approximately 45,000 annually.

Site Properties – The undeveloped east property at Blue Lake Regional Park is approximately 85 acres, with approximately 40 acres of wetland on the eastern portion of the subject property. A golf course architect studied the site and determined that the property could accommodate a driving range, small club house, parking and either a 9-hole executive course with a small pitch & put facility, or an 18-hole Par 3 course.

Recommended Facility Type – The consultant examined several options.

Regulation 9 and 18-hole facilities were ruled out because there is not enough land on the proposed site. A “putting only” course was examined but ultimately not recommended because several similar courses in the Portland metropolitan area went out of business shortly after opening. An 18-hole pitch & put course was examined but not recommended because other options were economically more viable.

The two best options were for an 18-hole Par 3 course, and a 9-hole executive course with a small pitch & put component, both with a driving range. Both options were economically viable and similar. The 9-hole course had lower maintenance costs (fewer greens), and the pitch & put component and potential for par 4 holes supported the “golf learning facility” concept as described in the park’s master plan. For these reasons, the 9-hole course option was recommended.

Competition from Glendoveer – One of the concerns about locating a golf facility at Blue Lake Regional Park is whether a new facility would compete with Glendoveer Golf Course, also owned by Metro. The study looked at this issue in detail. While there would be some small loss in rounds play at Glendoveer, the loss would be minimal. The recommended facility type, a 9-hole executive course, draws a different type of golfer than the more difficult 18-hole courses at Glendoveer. The proposed new facility focuses more on golfers who are new to the game and still learning, casual golfers without the time to play a complete 18 holes, or golfers who have not yet developed the strength of play for the hole distances on a regulation course. In other markets where “alternative facilities” have been developed, they have served to strengthen and promote the 18-hole facilities by providing a location for golfers to increase their skills in a less intimidating atmosphere, before moving up to the regulation courses.

Financial Considerations – The study concludes that the project could be financially feasible under certain conditions. Specifically, project financing needed to be at approximately 6% on a 20-year term, with debt coverage of 20%. This assumes that the \$1 million that Parks has reserved for capital projects on former Multnomah County facilities that generate revenue is used for this project. Some suggestions were made that would allow for these targets to shift.

The financial model presented by the consultant shows that under these financial conditions, the facility would meet its financial requirements, or “stabilize” in 4 years. This represents a “high risk-high reward” opportunity for the department. There is a risk that stabilization may occur later than 4 years, meaning that the department would have to use its current resources to meeting operating needs. However, after stabilization, the

facility will generate enough income to pay back all of its debt, including the initial \$1 million from the department's reserves, and could generate approximately \$500,000 annually (in FY 2004 dollars) once debt service is complete.

Water Quality Considerations – The site is part of the city of Portland's Columbia South Shore Wellfield and includes 3 groundwater wellheads. The site is also within the "time-of-travel" zones for 3 of the drinking water wells used by the Interlachen Water PUD. The wetland on the site is inundated with Reed Canary Grass and Himalayan Blackberry and is not considered a highly functional wetland.

While the course would be managed using Best Management Practices, including Metro's Integrated Pest Management Plan, there is still concern from local residents that a golf facility using herbicides and pesticides would negatively impact groundwater and surface water quality. These issues would need to be addressed as part of the design phase, and plans to mitigate for potential impacts to surface and ground water during construction, the grow-in phase, and course maintenance would need to be developed.

DISPOSAL SYSTEM PLANNING

Metro Council Work Session
Tuesday, January 11, 2005
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: January 11, 2005

Time: 2:15 PM

Length: 60 minutes

Presentation Title: Guiding policy for the disposal system

Department: Solid Waste & Recycling

Presenters: Mike Hoglund, Janet Matthews

ISSUE & BACKGROUND

Over the past several months, as part of the Regional Solid Waste Management Plan (RSWMP) update process, Council has identified planning issues associated with the regional disposal system. These issues include Metro's transfer station ownership, wet waste allocations at private transfer facilities, and the disposal transport contract. Decision years for these issues are ahead in 2007 and 2009. Over the course of 2005, staff will be developing information on options and limitations for Council to consider in these future policy decisions.

In the meantime, however, the RSWMP update will be completed well before these decisions in outlying years. For this reason, Council directed staff to assume status quo on the current public/private disposal system and return with related RSWMP policy language. The purpose of today's work session is to get Council reaction to the draft policy language. After any modifications have been made, other stakeholders in the system will be asked for their input.

OPTIONS AVAILABLE

1. Approve draft policy language for review and comment by stakeholders.
2. Approve with agreed-upon modifications prior to review and comment by stakeholders.
3. Direct substantial changes and require further Council review prior to stakeholder distribution.

IMPLICATIONS AND SUGGESTIONS

The current RSWMP contains a significant amount of still-relevant policy direction for the disposal system. Additional policy statements are proposed to provide clarity in three areas: 1) Roles of public vs. private facilities; 2) Provision of public services; and 3) Impacts on ratepayers. (See attachment.)

QUESTION(S) PRESENTED FOR CONSIDERATION

Is this draft policy language suitable for maintaining the current policy direction and balance in the regional disposal system?

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

SCHEDULE FOR WORK SESSION

Department Director Approval _____
Chief Operating Officer Approval _____

PROPOSED REGIONAL POLICIES RELATED TO THE REGIONAL DISPOSAL SYSTEM

Except where denoted as NEW, the proposed policies below are drawn from the current Regional Solid Waste Management Plan.

System Performance

The regional solid waste system will perform in a manner that is:

- *Environmentally sound;*
- *Regionally balanced;*
- *Cost-effective;*
- *Adaptable to change;*
- *Technologically feasible; and,*
- *Acceptable to the public.*

Regulatory Framework

Regulatory control of solid waste facilities will include a system of franchises, licenses, contracts, and/or public ownership.

Public and Private Facility Roles (NEW)

Transfer facilities in the solid waste system will be both publicly and privately owned.

- *Publicly owned facilities should ensure public access to services, leverage reasonable rates, and provide a strategic balance to vertically integrated operations in the region.*
- *Privately owned facilities should enable competition and improved access for haulers throughout the region.*

Private Facility Regulation

Regulation of solid waste facilities will ensure protection of the environment and the public interest while not unnecessarily restricting the operations of private solid waste businesses.

Public Service Provision (NEW)

Integrated public drop-off services, including source-separated recycling, disposal and household hazardous waste collection will be provided by regional transfer facilities.

System Capacity

Recovery and disposal capacity will be adequate to service all generators in the region. Decisions on new capacity will be made on a case-by-case basis, after consideration of operational issues and regional impacts.

Facility Siting

Appropriate zoning in each city or county will utilize clear and objective standards that do not effectively prohibit solid waste facilities.

Host Community Benefits

Any community hosting a solid waste "disposal site" as defined by ORS 459.280 is entitled to a Metro-collected fee for the purpose of community enhancement.

User Charges

- *All generators in the region will pay a user charge sufficient to fund the costs of the solid waste system.*
- *Charges to users of facilities in the region will be reasonably related to services received.*
- *Regional fees and taxes will be applied in a manner that encourages material recovery.*

Ratepayer Impacts (NEW)

Potential ratepayer impacts will be evaluated when new facilities or regional programs or policies are being considered.

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A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: January 13, 2005
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. GRANT THORNTON FINANCIAL STATEMENT AUDIT Dow

4. URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN 2004 ANNUAL COMPLIANCE REPORT PRESENTATION Oeser/
Uba/Valone

5. CONSENT AGENDA

5.1 Consideration of Minutes for the January 6, 2005 Metro Council Regular Meeting.

5.2 **Resolution No. 05-3521**, For the Purpose of Authorizing the Chief Operating Officer to Issue a non-system license to Safeway, Inc. For Delivery of Source Separated Pre-Consumer Food Waste to The Nature's Needs Facility for Composting.

5.3 **Resolution No. 05-3522**, For the Purpose of Authorizing the Chief Operating Officer to Execute Change Order No. 2 to the Contract With Philip Services Corporation for Disposal of Wastewater and Waste Paint Generated at Metro's Latex Paint Recycling Facility.

5.4 **Resolution No. 05-3530**, For the Purpose of Confirming Appointments To the Greenspaces Policy Advisory Committee (GPAC).

6. ORDINANCES – FIRST READING

- 6.1 **Ordinance No. 05-1069**, For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule, Transferring \$18,000 from the Support Services Fund Contingency to Capital Outlay in the Property Services Division of the Finance and Administrative Services Department, Amending the FY 2004-05 through 2008-09 Capital Improvement Plan For the Purchase of a Copier; and Declaring an Emergency.

7. ORDINANCES – SECOND READING

- 7.1 **Ordinance No. 04-1067**, For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule for the Purpose of Transferring \$92,902 from contingency to personal services in the Planning Fund to Add 1.0 FTE Regional Planning Director (Program Director II); and declaring an emergency. Burkholder

8. CONTRACT REVIEW BOARD

- 8.1 **Resolution No. 05-3525**, For the Purpose of Authorizing the Exemption from Competitive Bidding Requirements and Authorizing the Chief Operating Officer to Issue a Design/Build Request for Proposals (RFP), for the Design, Engineering and Construction of Innovative Stormwater Improvements At the Oregon Zoo. Newman

- 8.2 **Resolution No. 05-3526**, For the Purpose of Approving the Release of a Request for Proposals and Award of Contract for Design and Engineering Services for Public Access Facilities at the Mt. Talbert Natural Area Newman

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

- 9.1 **Resolution No. 05-3528**, For the Purpose of Authorizing the Chief Operating Officer to Contribute towards the Purchase of Property By the City of Portland in the Forest Park Target Area. Liberty

10. CHIEF OPERATING OFFICER COMMUNICATION

11. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for January 13, 2005 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 -- Community Access Network www.yourtvvtv.org -- (503) 629-8534 Thursday, January 13 at 2 p.m. (live)</p>	<p>Portland Channel 30 (CityNet 30) -- Portland Community Media www.pcmvtv.org -- (503) 288-1515 Sunday, January 16 at 8:30 p.m. Monday January 17 at 2 p.m.</p>
<p>Gresham Channel 30 -- MCTV www.mctv.org -- (503) 491-7636 Monday, January 17 at 2 p.m.</p>	<p>Washington County Channel 30 -- TVTV www.yourtvvtv.org -- (503) 629-8534 Saturday, January 15 at 11 p.m. Sunday, January 16 at 11 p.m. Tuesday, January 18 at 6 a.m. Wednesday, January 19 at 4 p.m.</p>
<p>Oregon City, Gladstone Channel 28 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.</p>	<p>West Linn Channel 30 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.</p>

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

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.metro-region.org and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

ReVision 2005 – Integrated Decision-Making Process



Refocusing the region's vision for the future
Finding a new balance for prosperity in the 21st century

Phase I	Establish the values and vision held by residents of the region. Identify the problem are we trying to solve. Is the region heading in the right direction?			Phase II	Redefine the long-range vision for the future of the region. Evaluate alternative approaches.		Phase III	Choose the preferred alternative.	
Define an economic development strategy	Form broad-based stakeholder group.	Set economic development vision and strategy (CEDS).			Form economic development district and establish policy board.	Identify conflicting values and tradeoffs between values. Set broad vision and strategies for economic, social, environmental, health care and education.		Define a comprehensive economic development strategy.	
	Regional Partners for Economic Development Portland Business Alliance Oregon Business Council Association of General Contractors Home Builders Association Westside Economic Alliance North Clackamas Chamber of Commerce Columbia Corridor Association Association of Oregon Industries Coalition for a Livable Future Agricultural Coalition Neighbor City Coalition								
Metro Council and Metro Policy Advisory Committee lead effort to review and improve the region's long-range plan.		Review past statement of values and vision. Define tradeoffs between values.	Seek stakeholder and public input on values, expand geographic area of involvement.	Adopt revised vision and values statement (or accept current vision and values), define evaluation measures.	Review base case and opportunities and constraints analysis.	Define alternative models of the future to evaluate.	Review evaluation of alternatives	Select preferred alternative future scenario, direct basis for new policy development.	Adopt implementation tools and new policies.
Metro staff tasks to support the decision making process		Compile summary of values and vision statements (Future Vision, 2040 Growth Concept, Regional Framework Plan, 2040 Fundamentals, Council strategic priorities and Lessons Learned).	Draft communication plan, conduct research on values, define and evaluate tradeoffs between conflicting values; meet with stakeholders.		Define and evaluate base case, draft opportunities and constraints analysis.		Evaluate alternatives.	Draft changes in policy direction.	
Metro Council lead legislative effort to reform the State of Oregon's growth management process	<ul style="list-style-type: none"> • Provide funding for infrastructure • Extend duration of the Periodic Review cycle • Clarify process for setting urban reserves • Provide funding for concept planning • Streamline urban growth amendment process for urban reserve areas with concept plans • Provide for neighbor city agreements • Revise Goals 9 and 14 which address economic development and urbanization 								

M E M O R A N D U M

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**METRO**

DATE: January 11, 2005
TO: Metro Council
FROM: Andy Cotugno, Planning Director
RE: LCDC Rulemaking for Goal 9 – Economic Development

The Department of Land Conservation and Development has issued a draft administrative rule for public comment (attachment 4). Staff has developed an initial set of comments (attachment 2) and has reviewed the rule and these comments with MTAC (attachment 3). According to DLCD staff, the administrative rule will be considered in two parts. Round 1 changes will be taken up by LCDC in February to discuss clarifying definitions, clarify coordination responsibilities and emphasizing the importance of maintaining a short-term land supply. Round 2 changes will take place after the legislative session and will include setting safe harbor provisions, establishing a linkage between Goal 9 and Goals 11 and 14 and clarifying regional coordination.

At this point, staff has not suggested comments regarding potential language defining Metro's role under Goal 9. Attached for your consideration (attachment 1) is a proposed draft for your discussion at the January 18 Metro Council Worksession.

Attachment 1: Proposed Goal 9 Administrative Rule Language Regarding Metro's Role.
Attachment 2: Comments on Proposed Amendments to Goal 9 Rule.
Attachment 3: Summary of MTAC Comments on Goal 9.
Attachment 4: Draft 2 Goal 9 Administrative Rule

Attachment 1

DRAFT

Proposed Goal 9 Administrative Rule language regarding Metro's role:

660-009-0030

Coordination of Goal 9 Responsibilities in Employment Areas

(1) Cities and counties within an employment area¹ should coordinate their economic opportunity analyses under section 660-009-0015, their economic development policies under section 660-009-0020, and their land designations under section 660-009-0025 with one another. Cities and counties may conduct a single, coordinated economic opportunity analysis and may designate land for employment uses in any mutually agreed ratio. Within a regional UGB², the district³ shall coordinate the work of cities and counties under this division.

(2) To facilitate coordination within a regional UGB, the district shall provide the following information and analysis to local governments in the region:

(a) Review national and regional economic trends;

(b) Assess regional economic development potential;

(c) Determine the site requirements of regionally significant employment uses; and

(d) Inventory vacant land suitable for employment use.

(3) To facilitate coordination within a regional UGB, the district shall review the economic development plans of local governments in the region. In coordination with those local governments, the district shall adopt economic development objectives for the region and economic development policies to accomplish those objectives. The district's objectives and policies shall accommodate the objectives and policies in local government economic development plans as much as possible consistent with analysis conducted under subsection (2) of this section, with Goal 14, and with the regional objectives and policies adopted under this subsection.

(4) Within a regional UGB, the district shall, in coordination with local governments of the region, designate a long-term supply of land for employment uses consistent with Goal 14 and with the analysis, objectives and policies required by this section. The district shall designate a long-term supply each time it evaluates the capacity of its UGB pursuant to ORS 197.299.

¹ Defined in proposed rule as an area containing more than one city/county where employees are likely to commute from one to another.

² Defined in the sub-regional rule as Metro's UGB. This definition should be added to the Goal 9 rule.

³ Defined in the sub-regional rule as Metro. This definition should be added to the Goal 9 rule.

Attachment 2

DRAFT

Comments on Proposed Amendments to Goal 9 Rule

12/27/04

1. Institutional Uses: The proposed rule would require economic development planning for “institutional uses.” Local governments would be required to add such uses to their trend analyses [660-009-0015(1)], their determinations of site requirements [660-009-0015(2)], their inventories of vacant and under-utilized land [660-009-0015(3)], and their assessments of economic development potential [660-009-0015(4)]. Local governments would also be required to develop policies for “institutional uses”, including development objectives for the uses, commitments to designate suitable sites for the uses and commitments to provide public facilities and services to the uses [660-009-0020(2)(b)]. Finally, local governments would be required to provide short-term and long-term supplies of land for “institutional uses” and to designate particular sites for them (660-009-0025).

These requirements make sense for industrial and commercial uses, and may make sense for private medical facilities. But the requirements do not make sense when applied to public schools, jails or other government facilities. Goal 14 already requires local governments to provide a long-term supply of land for these public uses (proposed Goal 14 amendments will make this implicit requirement explicit). ORS 197.296(6)(a) expressly requires local governments (to which it applies) to provide sufficient land for public schools. The Goal 9 rule should not duplicate Goal 14’s supply requirements. The rule should also not impose designation requirements (zoning) for government facilities. Limiting private land for future public use may subject local governments to “taking” claims [see *Fifth Avenue Corp. v. Washington County*, 282 Or. 591 (1978)]. It should be enough to ensure that such government facilities are authorized in specific zoning districts (residential, commercial, industrial, etc.) and that overall land supply accounts for this component.

2. Regions: The proposed rule would add “regions” to the economic opportunity analysis (EOA) required by 660-009-0015(1). But the rule does not define “region.” The rule authorizes local governments in an “employment area” to coordinate their efforts (660-009-00XX). But it does not require coordination. How will local governments do a regional economic opportunity analysis if one or more of them choose(s) not to coordinate?

Metro, of course, is a “region.” But Metro is only part of a much larger “employment area” that, by proposed definition (660-009-0005), would include at least the cities of North Plains, Gaston, Banks, Newberg, Canby, Aurora, Estacada and Sandy, and possibly Clark County, Woodburn, Salem and McMinnville. Does the proposed rule contemplate a Metro-led EOA involving some or all of these communities?

More important, the rule (current and proposed) is nearly silent on coordination of Goal 9 planning work in regions. The only break in the silence is the definition of “planning area” in 660-009-0005, which defers the question to urban growth management agreements (may not exist).

Attachment 2

Until the rule explains how regions should do regional EOAs, the rule should not require them.

3. Applicability: The rule continues to rely principally upon the periodic review process as the vehicle to bring cities and counties into compliance with Goal 9 and the rule (660-009-0010). Given the current moratorium on commencement of new periodic reviews (Senate Bill 920), reliance upon periodic review will not produce quick re-examination and replenishment of inventories of vacant land for employment uses in the near term. In addition, the varied schedule for local governments to go through periodic review in the Metro region will produce a very disjointed response to this rule.

4. Site Requirements/Characteristics: The proposed rule confuses “site characteristics” with “site requirements”, beginning with the definition in 660-009-0005(4). Employment uses often have site requirements that are essential to success. Water-dependent uses, for example, require access to water. Sites have characteristics, such as steepness. The proposal would substitute “characteristics” for “requirements” in 660-009-0015(2); “requirements” is the appropriate word to describe the siting needs of certain uses. The proposal would also substitute “characteristics” for “requirements” in 660-009-0025(1); because the paragraph addresses siting needs of like uses, “requirements” is the appropriate word. Finally, the proposal would make the same change in 660-009-0025(4); because the paragraph addresses siting needs of particular uses, “requirements” is the appropriate word. On the other hand, the definitions of “prime industrial land” and “short-term supply” appropriately use the term “site characteristics” because the paragraphs address land, not uses.

We recommend no change to the current definition of “site requirements” and addition of a definition of “site characteristics”, if necessary. We also recommend no change to the current use of the term “site requirements” in 660-009-0015(2), 0025(1) and 0025(4).]

5. Definition of “available”: The draft rule proposes a definition for “available”: “vacant or under-utilized land that is serviced and likely to be on the market for sale or lease at competitive prices.” First, the term should be “available land” so as not to define “available” unwittingly when it modifies something other than land, such as in 660-009-0015(1) (“available information”). As applied to “land”, the term is used only in the proposed definition of “short-term supply” and the paragraph that requires cities and counties to designate a short-term supply of land [660-009-0025(3)]. Hence, it should be workable in the context of short-term supply.

We question whether the clause “...likely to be on the market for sale or lease at competitive prices” is workable. As noted on page 2 of the November 23, 2004, memorandum from Steve Santos to LCDC on the Goal 9 rule: “Because an individual property owner has discretion about when to place property on the market and in setting the price, it is impractical to impose a requirement on local government to plan for an ‘available’ supply.” An owner can render a local government’s “short-term supply” obsolete simply by raising the price of the site in response to the local government’s designation. Public ownership may be the only way for cities and counties to comply with this requirement. But few local governments have this capability. We recommend elimination of that clause and addition of the following: “...meets the site requirements of one or more of the employment uses identified in the economic opportunities

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analysis.” We also recommend more attention to the supply of “serviceable sites” (see point 7, below).

6. Short-Term Supply: Given the definition of “planning area” [660-009-0005(x)] and the wording of the unnumbered “safe harbor” paragraph under 660-009-0025(3), it appears that a city or county can comply with the short-term supply requirement if it has a single site certified under ORS 285A.286(7). Because the definition of “planning area” excludes the cities and counties within the Metro UGB, this safe harbor is unavailable to Metro-area local governments. What, then, is the responsibility of Metro-area cities and counties to designate short-term supplies of sites?

7. Short-Term Sites v. Serviceable Sites: Experience in the Metro area indicates that the best and most likely source of short-term *industrial* sites is from designated sites inside the UGB. With rare exception (such as the Shute-Evergreen site added to Metro’s UGB in December, 2002), it is nearly impossible for sites added to the UGB to meet the proposed definition of “short-term supply.” The Regional Industrial Land Study (RILS) (Final Report, December 1, 1999) identified four categories (Tiers A through D) of industrial land in the region. Tier A sites are “serviceable” and are the most likely “short-term” sites (although they may not be “available” due to actions by the owners). Tier B through C sites are constrained by lack of services, brownfield problems, size, existing development or other reasons.

The short-term supply requirement at 660-009-0025(3) calls for local strategies to replenish the supply of short-term sites. The rule should place greater emphasis on these strategies, including a link to the later requirement of the rule (x)(3) (p. 8) that public facility plans schedule a “three-year supply of serviceable sites” for each year of short-term element of the facility plans. The RILS is a good source of ideas for local and state strategies to enhance local supplies of serviceable and available industrial sites.

8. Long-Term Supply: The draft definition of “long-term supply” confuses short-term and long-term supplies and raises significant questions about the relationship between Goal 9 and Goal 14. According to the definition, in order to be considered part of a local government’s “long-term supply”, land must be “serviceable.” The rule defines “serviceable” land to be land to which services will be available within one year. Given that UGBs contain a 20-year supply of land, some of which will not have services for many years, the use of the term “serviceable” in the definition of “long-term supply” means that much land inside UGBs today cannot be considered part of those local governments’ long-term supplies. Because 660-009-0025(2) requires all cities and counties to have at least a 20-year supply within its long-term supply, many local governments will be out of compliance with Goal 9 as soon as it is adopted. This cannot be the intent of the definition.

We recommend a revision to the definition of “long-term supply” as follows: “That portion of the local land inventory that is buildable, including vacant buildable land, partially vacant buildable land and buildable infill and re-development land.”

9. Prime Industrial Lands: Paragraph 660-009-0025(xx) (p. 8) of the rule requires cities and counties to protect prime industrial lands from conversion to “other uses.” But it requires

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protection only of such lands that are part of an expansion of a UGB. Why is it not important to protect prime industrial lands, such sites along the Portland waterfront, from other uses (Goal 14 may require such protection prior to expansion of the UGB to add industrial land)?

Title 4 (Industrial and Other Employment Areas) of Metro's Urban Growth Functional Plan requires protection of "Regionally Significant Industrial Areas" whether the areas were recently added to the UGB or have long been inside the UGB. Metro applied these protections, in part, to comply with Goal 14.

10. Compatible uses: Paragraph 660-009-0025(xx) (p. 8) of the rule recommends that cities and counties choose compatible uses. This paragraph is unclear; does it intend to protect employment uses from incompatible uses nearby, or to protect nearby uses from incompatible employment uses?

11. Definitions: Section 660-009-0005 requests suggestions for the terms "vacant" and "underutilized." We would suggest defining "*vacant*" to mean a parcel or tax lot that is wholly void of any significant or material improvement (or improved value). "*Under utilized*" should be defined then as a parcel or tax lot that has a significant improvement, but that a remainder of the tax lot or parcel is undeveloped and this under developed portion exceeds ½ acre of contiguous land area – this parcel or tax lot in Metro parlance is noted as a *partially vacant* tax lot or parcel. A third category should include redevelopment and infill which in Metro parlance is known as *refill*. Refill is measured as the additional capacity (converted into job capacity or simply left as acres) that can be gained from land designated as developed but under certain market conditions presently or in the future can be reasonably expected to redevelop or allow added infill to the existing structure – which in any event must net a positive gain to employment capacity.

The definition of "Competitive Supply" should be expanded to explicitly mean that it includes but is not limited to the following dimensions:

- a range or distribution of site sizes as needed for commercial, industrial and institutional users;
- a diversity of locations that are consistent with locations in a region (or city) that are acceptable to meet the market based site requirements of commercial, industrial or institutional demand;
- a range of available sites zoned to accommodate the range of economic demand for commercial, industrial or institutional users.

M E M O R A N D U M

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METRO

DATE: January 5, 2005
TO: Andy Cotugno, Planning Director
FROM: Lydia Neill, Principal Regional Planner
RE: Summary of MTAC Comments on Goal 9

Background

Metro Technical Advisory Committee (MTAC) reviewed the latest draft of an update to Goal 9 after a brief presentation from Steven Santos from the Department of Land Conservation and Development (DLCD). The Land Conservation and Development Commission (LCDC) has convened the Economic Development Advisory Committee (EDAC) to review Goal 9 and to recommend changes to the commission. The EDAC has met several times and has agreed that the general approach of the goal is sound although some minor updating is needed.

Five key areas for change have been identified: 1) provide more definitions, 2) establish safe harbors for data collection, 3) ensure that land projections are consistent with Goal 14, 4) encourage multi-jurisdictional coordination and 5) emphasize the importance of short-term sites and site certification. Round 1 changes will be taken up by LCDC in February to discuss clarifying definitions, clarify coordination responsibilities and emphasize the importance of maintaining a short-term land supply. Round 2 changes will take place after the legislative session and will include setting safe harbor provisions, establishing a linkage between Goal 9 and Goals 11 and 14 and clarifying regional coordination.

MTAC's comments on the rule changes and responses from Steven Santos (SS) are as follows:

- Greater coordination is essential because Metro has access to national and regional data that local governments do not and conversely local governments have better information on local trends, ownership and activity. The analysis should take into consideration that the economic region does not correspond to city, county and state boundaries. A request was made to be clear about the applicability of Goal 9 to Metro and coordination responsibilities and to provide flexibility in applying Goal 14 while meeting requirements in Goal 9.
- SS: The coordination issue will be discussed and refined in round 2. Currently there are two schools of thought on whether Goal 9 applies directly to Metro. One theory is that it does apply directly to Metro although in the recent periodic review work LCDC concluded that direct application was not required because it was not included in the original work

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order. The second interpretation is that it must be included in Metro's decision making through the requirements in Goal 2 for coordination.

- Requirements to provide a short-term land supply can really only be accomplished by a local government through purchase of land and by providing the necessary infrastructure. The market can convert industrial land to meet short-term supply requirements if the price and market demand the land. The short-term land supply should be a subset of the total long-term land supply. A concern was expressed that the answer to providing a short-term land supply is only about adding land to the UGB.
- SS: The intent is to provide a better assessment of the impact of ownership patterns on the availability of land. Create conditions but not requirements to provide a market ready supply of land.
- SS: on the topic of conversion of land to other uses there needs to be a recognition that not all land is created equal and that some land is impossible to replicate. The question is how to treat and value these types of uses differently.
- Institutional uses are a concern because they are important and high density job generators but restrictions should not be used to accommodate the needs of these uses. These uses include public buildings, health, training and even small scale lock-up prison facilities.
- SS: institutional uses need to be defined and included in the total projected need for employment land. He agreed that the 2-acre rezone requirements are problematic and that the size should be increased to be consistent with the 10-acre minimum requirement for certified sites.
- Competition between cities is good for the market. Having one plan for the region would limit that competition. The burden should be on local governments to determine what land is actually available and servicable. The rule and goal should be written to make sure that we do not get in a trap by having to guarantee serviceability.
- SS: It should be the responsibility of local governments to determine the expansion plans of existing businesses versus planning for locating new business in the region.
- A large part of the need for land is generated by the expansion of existing businesses and the rule does not get at this fact very well. Although Dennis Yee pointed out that a substantial portion of job growth is generated by start up firms.
- Be clear that Goal 9 applies to all types of employment not just industrial uses.

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DRAFT 2
December 15, 2004

EDPAC Goal 9 Subcommittee

DIVISION 9

~~INDUSTRIAL AND COMMERCIAL~~ ECONOMIC DEVELOPMENT

660-009-0000

Purpose

The purpose of this division is to aid in achieving the requirements of Goal 9, Economy of the State (OAR 660-015-0000(9)), by implementing the requirements of ORS 197.712(2)(a) – (d). The rule responds to legislative direction to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state (ORS 197.712(1)) and to assure that plans are based on available information about state and national economic trends. (ORS 197.717(2)).

660-009-0005

Definitions

() "Available": Vacant or under utilized land that is serviced or serviceable and likely to be on the market for sale or lease at competitive prices.

() "Commercial": Commercial uses include the entire retail (direct to consumer or business-to-business) sector. Commercial also includes, but is not limited to, administrative and professional activities such as finance, insurance, real estate, legal, accounting, information technology and medical services. Commercial can also include food service, recreation and tourism facilities. Some commercial activities can occur at locations and in building types that are also suitable for some industrial activities.

() "Competitive Supply": Competitive supply is when the total land supply in the planning area provides enough choice and diversity for economic development opportunities so the short-term supply is likely free from ownership constraints.

(‡) "Department": The Department of Land Conservation and Development.

() "Development Constraints": Include but are not limited to wetlands, environmentally sensitive areas, environmental contamination, topography, cultural and archeological resources, or areas subject to natural hazards. Development constraints can also include infrastructure deficiencies.

() "Employment Area": A generalized area or sub-area containing multiple local governments where employees are likely to commute from one jurisdiction to another.

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1
2 () "Industrial": Industrial uses include but are not limited to manufacturing, assembly,
3 fabrication, processing, storage, logistics, warehousing, distribution, research and
4 development, and business headquarters. Some industrial activities can occur at locations
5 and in building types that are also suitable for some commercial activities.
6

7 () "Institutional": Institutional uses include but are not limited to public and private
8 health care facilities, jails, schools and government facilities.
9

10 (3) "Locational Factors": Features which Market factors that affect where a particular type
11 of commercial or industrial, commercial or institutional operation will locate.
12 Locational factors include but are not limited to: proximity to raw materials, supplies, and
13 services; proximity to markets or educational institutions; access to transportation
14 facilities; labor market and workforce factors (e.g., skill level, education, age distribution).
15

16 () "Long-Term Supply": The portion of the local land inventory that is serviceable and
17 suitable to replace the short-term supply as it is consumed during the planning period.
18

19 () "Ownership Constraints": Ownership constraints are when ownership patterns or
20 choice to withhold land from the market prevent the availability of short-term supply.
21

22 (2) "Planning Area": The whole area within an urban growth boundary including
23 unincorporated urban and urbanizable land, except for cities and counties within the
24 Portland, Salem-Keizer and Eugene-Springfield metropolitan urban growth boundaries
25 which shall address the urban areas governed by their respective plans as specified in the
26 urban growth management agreement for the affected area. [Is this reference to specific
27 jurisdictions and urban growth management agreements still current?]
28

29 () "Prime Industrial Land": A class of industrial land especially suited for targeted
30 industries identified in 660-009-0015(1) including, but not limited, to traded-sector
31 industries. Prime industrial lands possess site characteristics that are difficult to replicate
32 within the planning area or employment area. In addition to the Feature of prime
33 industrial land include, but are not limited to access to regional freight infrastructure.
34

35 (6) "Serviceable": A site is serviceable if:

36 (a) Public facilities, as defined by OAR chapter 660, division 11 currently have
37 adequate capacity to serve development planned for the service area where the
38 site is located or can be upgraded to have adequate capacity within one year; and
39

40 (b) Public facilities either are currently extended to the site, or can be provided to the site
41 within one year of a user's application for a building permit or request for service
42 extension.
43

44 () "Short-Term Supply": The portion of the local land inventory with the appropriate site
45 characteristics and is available to receive immediate economic development
46 opportunities, usually within six months or less after selection for development.

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1
2 (7) "Short-Term Element of the Public Facility Plan": means the portion of the public
3 facility plan covering year one through five of the facility plan per OAR 660-011-
4 0005(3).

5
6 (4) "Site Requirement Characteristics": The physical attributes of a site without which a
7 particular type or types of industrial, ~~or commercial~~ or institutional use cannot reasonably
8 operate. Site requirements characteristics may include: a minimum acreage or site
9 configuration including shape and topography, specific types or levels of public facilities
10 and services, minimal or no development constraints, or direct access proximity to a
11 particular type of transportation or freight facility such as an interstate highway, rail or
12 deep water access a marine port or airport.

13
14 (5) "Suitable": A site is suitable for industrial, ~~or commercial~~ or institutional use if the
15 site either provides for the site requirements characteristics as defined in this section of
16 the proposed use or category of use or can be expected to provide for the site
17 requirements characteristics of the proposed use within the planning period.

18
19 () "Total Land Supply": Total land supply is the sum of the short-term and long-term
20 supply for all identified industrial, commercial and institutional uses.

21
22 () "Traded-Sector": In addition to the meaning it has in ORS 285A.010(9), traded-sector
23 industries sell goods or services into national or international markets and, thus, import
24 revenue into the local employment area.

25
26 () "Underutilized": [Need Suggestions]

27
28 () "Vacant": [Need Suggestions]

29
30 (8) Other definitions: For purposes of this division the definitions in ORS 197.015 shall
31 apply.

32
33 **660-009-0010**

34 **Application**

35
36 (1) OAR chapter 660, division 9 applies only to comprehensive plans for areas within
37 urban growth boundaries. Additional planning for industrial, ~~and commercial~~ and
38 institutional development outside urban growth boundaries is not required or restricted by
39 this rule. Plan and ordinance amendments necessary to comply with this rule shall be
40 adopted by affected jurisdictions.

41
42 (2) Comprehensive plans and land use regulations shall be reviewed and amended as
43 necessary to comply with this rule at the time of each periodic review of the plan (ORS
44 197.712(3)). Jurisdictions which have received a periodic review notice from the
45 Department (pursuant to OAR 660-019-0050) prior to the effective date of this rule shall

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1 comply with this rule at their next periodic review unless otherwise directed by the
2 Commission during their first periodic review.

3
4 (3) Jurisdictions may rely on their existing plans to meet the requirements of this rule if
5 they:

6 (a) Review new information about state and national trends and conclude there are
7 no significant changes in economic development opportunities (e.g., a need for
8 sites not presently provided for by the plan); and

9
10 (b) Document how existing inventories, policies, and implementing measures
11 meet the requirements in OAR 660-009-0015 through 660-009-0025. Document
12 how and where?

13
14 (4) Notwithstanding paragraph (2), above, a jurisdiction ~~which that~~ changes its plan
15 designations of lands in excess of two acres [Is 2 acres too small?] to or from ~~commercial~~
16 ~~or industrial-use~~ industrial, commercial or institutional use, pursuant to OAR 660, division
17 18 (a post acknowledgment plan amendment), must address all applicable planning
18 requirements; and:

19 (a) Demonstrate that the proposed amendment is consistent with the parts of its
20 acknowledged comprehensive plan which address the requirements of this
21 division; or

22
23 (b) Amend its comprehensive plan to explain the proposed amendment, pursuant
24 to OAR 660-009-0015 through 660-009-0025; or

25
26 (c) Adopt a combination of the above, consistent with the requirements of this
27 division.

28
29 (5) The effort necessary to comply with OAR 660-009-0015 through 660-009-0025 will
30 vary depending upon the size of the jurisdiction, the detail of previous economic
31 development planning efforts, and the extent of new information on local, state and
32 national trends. ~~A~~ Depending on the jurisdiction's resources and capacity, the planning
33 effort is adequate if it uses the best available or readily collectable information may utilize
34 basic or advanced methods to respond to the requirements of this rule.

35
36 **660-009-0015**
37 **Economic Opportunities Analysis**

38
39 Cities and counties shall review and, as necessary, amend comprehensive plans to
40 provide the information described in sections (1) through (4) of this rule:

41
42 (1) Review of National, ~~and State, Regional, County and Local Trends~~. The economic
43 opportunities analysis shall identify the major categories of industrial, ~~and commercial~~
44 and institutional uses that could reasonably be expected to locate or expand in the
45 planning area based on available information about national, state, regional, county and
46 local trends. A use or category of use could reasonably be expected to locate in the

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1 planning area if the area possesses the appropriate locational factors for the use or
2 category of use;

3
4 () When reviewing national, state, county and local trends, a local government
5 may use X [data] from X [Source] as a safe harbor. [Placeholder]
6

7 (2) ~~Site Requirements~~Characteristics. The economic opportunities analysis shall identify
8 the types of sites that are likely to be needed by industrial, ~~and commercial and~~
9 institutional uses which that might expand or locate in the planning area. Types of sites
10 shall be identified based on the ~~site requirements-characteristics~~ of expected uses. Local
11 governments should ~~survey-examine~~ existing firms in the planning area to identify the
12 types of sites ~~which that~~ may be needed for expansion. Industrial, ~~and commercial and~~
13 institutional uses with compatible ~~site requirements-characteristics~~ should be grouped
14 together into common site categories to simplify identification of site needs and
15 subsequent planning;

16
17 (3) ~~Inventory of Industrial, and-Commercial and Institutional Lands~~. Comprehensive
18 plans for all areas within urban growth boundaries shall include an inventory of vacant
19 and ~~significantly-underutilized~~ lands within the planning area ~~which that~~ are designated
20 for industrial, ~~or commercial or institutional use~~-. In addition, comprehensive plans shall
21 include an inventory any vacant or existing prime industrial land.
22

23 (a) Contiguous parcels of one to five acres within a discrete plan or zoning district
24 may be inventoried together. If this is done the inventory shall:

25 (A) Indicate the total number of parcels of vacant or ~~significantly~~
26 underutilized parcels within each plan or zoning district; and

27 (B) Indicate the approximate total acreage and percentage of sites within
28 each plan or zone district ~~which that~~ are:

29 (i) Serviceable, and

30 (ii) Free from ~~site-development~~ constraints.
31

32 (b) For sites five acres and larger and parcels larger than one acre not inventoried
33 in subsection (a) of this section, the plan shall provide the following information:

34 (A) Mapping showing the location of the site;

35 (B) Size of the site;

36 (C) Availability or proximity of public facilities as defined by OAR
37 chapter 660, division 11 to the site;

38 (D) Site constraints which physically limit developing the site for
39 designated uses. Site constraints include but are not limited to:

40 (i) The site is not serviceable;

41 (ii) Inadequate access to the site; and

42 (iii) Environmental constraints (e.g., floodplain, steep slopes, weak
43 foundation soils).
44

45 (4) Assessment of Community Economic Development Potential. The economic
46 opportunities analysis shall estimate the types and amounts of industrial, ~~and commercial~~

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1 and institutional development likely to occur in the planning area. The estimate shall be
2 based on information generated in response to sections (1) through (3) of this rule and
3 shall consider the planning area's economic advantages and disadvantages of attracting
4 new or expanded development both in general ~~as well as~~ and for particular types of
5 industrial, ~~and-commercial~~ and institutional uses. Relevant economic advantages and
6 disadvantages to be considered should include but need not be limited to:

- 7
8 (a) Location relative to markets;
9
10 (b) Availability of key transportation facilities;
11
12 (c) Key public facilities as defined by OAR chapter 660, division 11 and public
13 services;
14
15 (d) Labor market factors;
16
17 (e) Materials and energy availability and cost;
18
19 (f) Necessary support services;
20
21 (g) Pollution control requirements; or
22
23 (h) Educational and technical training programs.
24

25
26
27 **660-009-0020**

28 **Industrial, and-Commercial and Institutional Development Policies**
29

30 (1) Comprehensive plans for planning areas subject to this division shall include policies
31 stating the economic development objectives for the planning area.
32

33 (2) For urban areas of over 2,500 in population [Under 2500 don't need to do EOA?
34 Should this be in the application section? Is this trumped by 0010(4)?] policies shall be
35 based on the analysis prepared in response to OAR 660-009-0015 and shall provide
36 conclusions about the following:
37

38 (a) Community Development Objectives. The plan shall state the overall
39 objectives for economic development in the planning area and identify categories
40 or particular types of industrial, ~~and-commercial~~ and institutional uses desired by
41 the community. Plans may include policies to maintain existing categories, types
42 or levels of industrial, ~~and-commercial~~ and institutional uses;
43

44 (b) Commitment to Provide Adequate Sites and Facilities. Consistent with
45 policies adopted to meet subsection (a) of this section, the plan shall include
46 policies committing the city or county to designate an adequate number of sites of

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1 suitable sizes, types and locations and ensure necessary public facilities through
2 the public facilities plan for the planning area.

3
4 **660-009-0025**

5 **Designation of Lands for Industrial, and-Commercial and Institutional Uses**

6
7 Measures adequate to implement policies adopted pursuant to OAR 660-009-0020 shall
8 be adopted. Appropriate implementing measures include amendments to plan and zone
9 map designations, land use regulations, and public facility plans:

10
11 (1) Identification of Needed Sites. The plan shall identify the approximate number and
12 acreage of sites needed to accommodate industrial, ~~and commercial~~ and institutional uses
13 to implement plan policies. The need for sites should be specified in several broad "site
14 categories," (e.g., light industrial, heavy industrial, commercial office, commercial retail,
15 highway commercial, etc.) combining compatible uses with similar site
16 ~~requirements~~ characteristics. It is not necessary to provide a different type of site for each
17 industrial, ~~or commercial~~ or institutional use ~~which that~~ may locate in the planning area.
18 Several broad site categories will provide for industrial, ~~and commercial~~ and institutional
19 uses likely to occur in most planning areas.

20
21 (2) Long-Term Supply of Land. Plans shall designate land suitable to meet the site needs
22 identified in section (1) of this rule. The total acreage of land designated in each site
23 category shall at least equal the projected land needs for each category during the 20-year
24 planning period. [Does "shall at least equal" language violate G14 rule?]. Jurisdictions
25 need not designate sites for neighborhood commercial uses in urbanizing areas if they
26 have adopted plan policies which provide clear standards for redesignation of residential
27 land to provide for such uses. Designation of industrial or commercial or institutional
28 lands which involve an amendment to the urban growth boundary must meet the
29 requirements of OAR 660-004-0010(1)(c)(B) and 660-004-0018(3)(a).

30
31 (3) Short-Term Supply of ~~Serviceable~~-Sites. Plans shall designate adequate suitable and
32 available land that contain the site characteristics identified in OAR 660-009-0015(2) to
33 respond to economic development opportunities as they arise. Plans shall describe
34 strategies for how the short-term supply will be replaced as it is consumed for
35 development.

36
37 () A planning area with a site participating in Oregon's industrial site certification
38 program (ORS 285A.286(7)) is a safe harbor for this requirement.

39
40
41 () If the local government is required to prepare a public facility plan by OAR Chapter
42 660, Division 11 it shall complete subsections (a) through (c) of this section at the time of
43 periodic review. Requirements of this rule apply only to local government decisions
44 made at the time of periodic review. Subsequent implementation of or amendments to the
45 comprehensive plan or the public facility plan which change the supply of serviceable
46 industrial land are not subject to the requirements of this rule. Local governments shall:

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(a) Identify serviceable industrial, ~~and commercial~~ and institutional sites. Decisions about whether or not a site is serviceable shall be made by the affected local government. Local governments are encouraged to develop specific criteria for deciding whether or not a site is "serviceable." Local governments should also consider whether or not extension of facilities is reasonably likely to occur considering the size and type of uses likely to occur and the cost or distance of facility extension;

(b) Estimate the amount of serviceable industrial, ~~and commercial~~ and institutional land likely to be needed during the short-term element of the public facilities plan. Appropriate techniques for estimating land needs include but are not limited to the following:

- (A) Projections or forecasts based on development trends in the area over previous years; and
- (B) Deriving a proportionate share of the anticipated 20-year need specified in the comprehensive plan.

(c) Review and, if necessary, amend the comprehensive plan and the short-term element of the public facilities plan so that a three-year supply of serviceable sites is scheduled for each year, including the final year, of the short-term element of the public facilities plan. Amendments appropriate to implement this requirement include but are not limited to the following:

- (A) Changes to the short-term element of the public facilities plan to add or reschedule projects which make more land serviceable;
- (B) Amendments to the comprehensive plan which redesignate additional serviceable land for industrial, ~~or commercial~~ or institutional use; and
- (C) Reconsideration of the planning area's economic development objectives and amendment of plan policies based on public facility limitations.

(d) If the local government is unable to meet this requirement it shall identify the specific steps needed to provide expanded public facilities at the earliest possible time.

() Prime Industrial Lands. Jurisdictions with plans that identify and designate prime industrial lands that are a part of and included within an urban growth boundary expansion, shall adopt polices and land use regulations that provide for uses that complement and do not diminish the unique site characteristics of the site or district and protect the prime industrial land from conversion to other uses.

() Industrial, Commercial and Institutional Districts. Wherever possible, local governments should designate uses that have negative impacts on surrounding uses in contiguous districts that provide for sufficient buffers to ensure uses are protected from encroachment of incompatible uses.

Attachment 4

1 (4) Sites for Uses with Special Siting Requirements. Plans shall identify any uses with
2 special siting requirements that are likely to occur within the planning area. Jurisdictions
3 which adopt objectives or policies to provide for specific uses with special site
4 requirements ~~characteristics~~ shall adopt policies and land use regulations to provide for
5 the needs of those uses. Special site requirements ~~characteristics~~ include but need not be
6 limited to prime industrial land, large acreage sites, special site configurations, direct
7 access to transportation facilities, or sensitivity to adjacent land uses, or coastal shoreland
8 sites designated as especially suited for water-dependent use under Goal 17. Policies and
9 land use regulations for these uses shall:

10 (a) Identify sites suitable for the proposed use;

11 (b) Protect sites suitable for the proposed use by limiting land divisions and
12 permissible uses and activities to those which would not interfere with
13 development of the site for the intended use; and
14

15 (c) Where necessary to protect a site for the intended industrial, ~~or commercial~~ or
16 institutional use include measures which either prevent or appropriately restrict
17 incompatible uses on adjacent and nearby lands.
18

19
20
21 660-009-00XX

22 Multi-Jurisdiction Coordination

23
24 (1) Wherever possible, cities and counties within any given employment area should
25 coordinate when implementing OAR 660-009-0015 and 660-009-0025.

26
27 (a) Multiple jurisdictions within the same employment area that coordinate Goal 9
28 planning under this section may:

29 (A) Conduct a single coordinated economic opportunity analysis;

30 (B) Designate lands among the multiple jurisdictions in any mutually
31 agreed proportion.
32

Councilor Values for the Solid Waste System

The following are the values for the solid waste system expressed by Metro Councilors at the public Work Session on July 2, 2003. They are ordered according to the priorities assigned by the Council.*

- 1. Protect the public investment in the solid waste system.**
- 2. "Pay to Play"**
Ensure that participants and users of the system pay appropriate fees and taxes.
- 3. Environmental sustainability. Ensure the system performs in a sustainable manner.**
- 4. Preserve public access to the disposal options (location and hours).**
- 5. Ensure regional equity—equitable distribution of disposal options.**
- 6. Maintain funding source for Metro general government.**
- 7. Ensure reasonable/affordable rates.**

*In addition to each value, the Metro Council has indicated that all system-related scenarios or decisions will "maintain safety and public health throughout the solid waste system" as a minimal threshold for operation.