

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL WORK SESSION MEETING
DATE: January 18, 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 20, 2005/
ADMINISTRATIVE/CHIEF OPERATING OFFICER
AND CITIZEN COMMUNICATIONS | |
| 2:15 PM | 2. | GROWTH MANAGEMENT VIDEOS FROM OTHER
REGIONS | Bragdon |
| 2:30 PM | 3. | GET CENTERED KICK OFF UPDATE | Webb |
| 2:45 PM | 4. | DEVELOPING POLICY OPTIONS FOR DEVELOPING
METROPOLITAN TRANSPORTATION IMPROVEMENT
PROGRAM 100% LIST | Leybold |
| 3:05 PM | 5. | BREAK | |
| 3:10 PM | 6. | FISH AND WILDLIFE PROTECTION PROGRAM
RECOMMENDATIONS | Deffebach |
| 3:40 PM | 7. | GOAL 9 AND 14 RULE | Cotugno |
| 4:00 PM | 8. | COUNCIL BRIEFINGS/COMMUNICATION | |

ADJOURN

Agenda Item Number 3.0

GET CENTERED KICK OFF UPDATE

Metro Council Work Session
Tuesday, January 18, 2005
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: 1/18/05 Time: 2:25pm Length: 10 minutes

Presentation Title: Get Centered! Kickoff Update

Department: Planning

Presenters: Kelley Webb

ISSUE & BACKGROUND

The development of Centers was adopted as a major part of the 2040 Growth Concept. On February 3, 2005, Metro will host the kickoff event for the Get Centered! Campaign, designed to spur investment in vibrant downtowns and main streets. Invited guests will include the region's developers, architects, lenders, urban planners and elected officials. A series of local events will follow throughout the year to showcase successful projects in Gresham, Lake Oswego, Beaverton, Vancouver and the Hollywood Town Center.

This presentation will provide updated information to keep the Council fully informed of the progress of the Get Centered! Campaign.

OPTIONS AVAILABLE

IMPLICATIONS AND SUGGESTIONS

Councilors will be requested to contact key people from the region that they would like to attend the kickoff event and/or place calls to key contacts to encourage attendance.

QUESTION(S) PRESENTED FOR CONSIDERATION

Informational only

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION __Yes __X__No
DRAFT IS ATTACHED __Yes __X__No

SCHEDULE FOR WORK SESSION

Department Director/Head Approval _____

Chief Operating Officer Approval _____

Agenda Item Number 4.0

***DEVELOPING POLICY
OPTIONS FOR DEVELOPING METROPOLITAN
TRANSPORTATION IMPROVEMENT PROGRAM 100% LIST***

Metro Council Work Session
Tuesday, January 18, 2005
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: 1-18-05



Length: 20 min

Presentation Title: Developing policy direction to narrow candidate transportation projects to a Final Cut List for regional flexible funding and Comment Letter on the Draft 2006-09 State Transportation Improvement Program.

Department: Planning

Presenters: Ted Leybold, Andy Cotugno

ISSUE & BACKGROUND

Regional flexible funding represents a small share of the transportation resources available to the region. Given the scarcity and relative flexibility of these funds, policy direction over the past several years has been to focus on projects that are difficult or impossible to fund with other funds. Oregon's state gas tax, in particular, is constitutionally limited to certain roadway improvements, which leaves other transportation needs unmet. Regional flexible funds have been used in many instances to complement this limitation in state funding flexibility. Because these funds represent a small source of regional revenue, the program has also placed a strong emphasis on leveraging funds from other sources.

The State Department of Transportation also programs transportation funds for state facilities in the Metro region. As the Metropolitan Planning Organization, JPACT and the Metro Council review and comment on the programming of these funds and then approves the programming as meeting federal guidelines in adoption of the Metropolitan Transportation Improvement Program.

OPTIONS AVAILABLE

The following are policy guidance options proposed by staff that clarify or build on existing Program policies that could be used to shape the final 2006-09 Transportation Priorities project selection:

1. Provide overriding emphasis on projects that support stated regional economic development goals and describe in the staff report how each project or modal category of projects address:
 - link to retention and/or attraction of traded-sector jobs,
 - transportation barrier to development in 2040 priority land use areas
 - support of livability and attractiveness of the region.
2. Emphasis between modal categories by technical staff could be accomplished in the following manner:
 - A. Emphasize projects in the bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit categories by proposing the technically top-ranked projects

at clear break points in scoring in all of the emphasis categories (with limited consideration of qualitative issues and public comments).

B. Nominate projects in the road capacity, reconstruction or bridge categories when the project competes well within its modal category for 2040 land use technical score and over all technical score, and the project best addresses (relative to competing candidate projects) one or more of the following criteria:

- project leverages traded-sector development in Tier I or II mixed-use and industrial areas;
- funds are needed for project development and/or match to leverage large sources of discretionary funding from other sources; or
- the project provides new bike, pedestrian, transit or green street elements that would not otherwise be constructed without regional flexible funding (new elements that do not currently exist or elements beyond minimum design standards).

C. When considering nomination of applications to fund project development or match costs, address the following:

- Strong potential to leverage discretionary (competitive) revenue streams.
- Partnering agencies illustrate a financial strategy (not a commitment) to complete construction that does not rely on large, future allocations from Transportation Priorities funding.
- Partnering agencies demonstrate how dedicated road or bridge revenues are used within their agencies on competing road or bridge priorities.

3. Further emphasis on implementation of Green Street principals could be implemented through conditional approval of project funding to further review of the feasibility of including green street elements, and consideration of funding the Livable Streets Update application in the Planning category.
4. No changes to existing program implementation of Metro Functional Plan requirements (demonstration of compliance, approved extension, pending exception request or letter from governing body demonstrating intention to complete Functional Plan work) are recommended.

These options are further described in Attachment 1.

Attachment 2 is a memorandum that describes comment options to include in the official MPO comment letter to the Oregon Transportation Commission regarding the draft 2006-09 State Transportation Improvement Program. Policy issue comment options include the public involvement process, programming of highway operations, preservation, safety, bicycle and pedestrian, and bridge funds, potential funding of corridor planning work, development of state "boulevard" program, and potential responses to Ballot Measure 37.

IMPLICATIONS AND SUGGESTIONS

According to the current project schedule, staff will forward a recommendation for a Final Cut 100% list to the Transportation Policy Advisory Committee in late January. The purpose of this work session item is to begin a discussion of Council and JPACT direction to help staff narrow the project list to the 100% level in a manner that best advances regional policies and priorities.

QUESTION(S) PRESENTED FOR CONSIDERATION

Metro continues to fund several ongoing and one-time programs through the allocation of regional flexible funds. Staff requests that the Council direction consider priorities among these Metro-sponsored candidates, as well as a broader policy direction for all projects submitted for these funds. This direction should be an extension of the solicitation criteria developed by the Council in early 2004, and provided as a baseline for the technical review of regional flexible fund applications.

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

SCHEDULE FOR WORK SESSION

Department Director/Head Approval _____
Chief Operating Officer Approval _____

Attachment 1

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1794



METRO

DATE: January 12, 2005
TO: JPACT and Interested Parties
FROM: Ted Leybold: Principal Transportation Planner
SUBJECT: MTIP Final Cut Narrowing Policy Direction: TPAC Recommendation

* * * * *

INTRODUCTION

The Metropolitan Transportation Improvement Program (MTIP) represents a small share of the transportation resources available to the region. Given the scarcity and relative flexibility of these funds, the MTIP policy direction over the past several years has been to focus on projects that are difficult or impossible to fund with other funds. Oregon's state gas tax, in particular, is constitutionally limited to certain roadway improvements, which leaves other transportation needs unmet. The MTIP has been used in many instances to complement this limitation. Because the MTIP represents a small source of regional revenue, the program has also placed a strong emphasis on leveraging funds from other sources.

Narrowing recommendations to get to the First Cut list for public review was based on the following factors:

- Honoring previous funding commitments
- Program policy direction relating to:
 - economic development in priority land use areas,
 - modal emphasis on bicycle, boulevard, green streets demonstration, freight, pedestrian, RTO, TOD and transit,
 - addressing system gaps,
 - emphasis on modes without other dedicated sources of revenue
 - meeting SIP air quality requirements for miles of bike and pedestrian projects.
- Technical rankings and qualitative factors
- Funding projects throughout the region

Prior to recommending a final cut list recommendation, technical staff is requesting whether policy makers would like to provide further direction or clarification on any of the four narrowing factors listed above. In particular, how staff should implement the Regional Policy Direction elements of economic development in priority 2040 land-use areas and emphasis on the bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit modal categories.

The recommendation for policy direction is provided in Exhibit 1. An analysis of the options considered is provided in Exhibit 2.

Exhibit 1

SUMMARY OF TPAC RECOMMENDATION

IMPLEMENTATION OF PROGRAM POLICY OBJECTIVES FOR NARROWING TO FINAL CUT LIST

1. Support economic development in priority land use areas.

In addition to the quantitative technical summary, provide information in the staff report on how each project or modal category of projects addresses:

- link to retention and/or attraction of traded-sector jobs,
- transportation barrier to development in 2040 priority land use areas
- support of livability and attractiveness of the region.

2. Emphasize priority modal categories in the following manner:

- A. Emphasize projects in the bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit categories by:

- proposing the top-ranked projects at clear break points in technical scoring in all of the emphasis categories (with limited consideration of qualitative issues and public comments).

- B. Nominate projects in the road capacity, reconstruction or bridge categories when the project competes well within its modal category for 2040 land use technical score and over all technical score, and the project best addresses (relative to competing candidate projects) one or more of the following criteria:

- project leverages traded-sector development in Tier I or II mixed-use and industrial areas;
- funds are needed for project development and/or match to leverage large sources of discretionary funding from other sources;
- the project provides new bike, pedestrian, transit or green street elements that would not otherwise be constructed without regional flexible funding (new elements that do not currently exist or elements beyond minimum design standards).

- C. When considering nomination of applications to fund project development or match costs, address the following:

- Strong potential to leverage discretionary (competitive) revenues.
- Partnering agencies illustrate a financial strategy (not a commitment) to complete construction that does not rely on large, future allocations from Transportation Priorities funding.
- Partnering agencies demonstrate how dedicated road or bridge revenues are used within their agencies on competing road or bridge priorities.

3. As a means of further emphasis on implementation of Green Street principals, the following measures should also be implemented:
- Staff may propose conditional approval of project funding to further review of the feasibility of including green street elements, particularly interception and infiltration elements.
 - Strong consideration will be given to funding the Livable Streets Update application in the Planning category. This work would document the latest research and further the training and education of green street implementation in the region.

Exhibit 2

OPTIONS CONSIDERED FOR FURTHER DIRECTION ON IMPLEMENTATION OF PROGRAM POLICY OBJECTIVES

1. Provide overriding emphasis on projects that support regional economic development goals:
 - linked to retention and/or attraction of traded-sector jobs,
 - addresses transportation barrier to development in 2040 priority land use areas
 - supports livability and attractiveness of the region (*Drake comment*).

TPAC Recommendation: Technical staff will describe in the staff report how each project or modal category of projects addresses this policy through the three listed factors.

2. How should technical staff emphasize the priority modal categories? The technical measures used to compare projects are unique to each modal category. How should staff compare projects between categories and implement the existing emphasis categories?

- Bicycle
- Boulevard
- Freight
- Green Streets
- Pedestrian
- Regional Transportation Options (RTO)
- Transit Oriented Development (TOD)
- Transit

- Ai. In the priority emphasis group, emphasize categories that do not have other sources of dedicated funding receive greater priority

- High: Bicycle Trail, Boulevard, Green Streets (demonstration elements), RTO, TOD
- Medium: Bicycle on-street, Pedestrian
- Low: Freight, Transit

TPAC Recommendation: This option over-emphasizes the funding factor over other policy objectives addressed (economic development, modal gaps) on the category emphasis list.

- Aii. As land use is a nexus between economic development and transportation, use a land-use evaluation to compare/prioritize projects within and/or across the priority categories. Provide information on technical ranking if the land use score accounted for 60 of the 100 possible technical points. A draft analysis is attached as Exhibit 3.

TPAC Recommendation: This information changes the evaluation criteria as stated in the project applications and therefore is not appropriate for consideration in further narrowing.

Aiii. Propose the technically top-ranked projects at clear break points in scoring in all of the emphasis categories. Maintain existing policy limitation of technical staff only recommending projects within 10 points of any unfunded project within a modal category. When qualitative factors are used to recommend projects outside of the quantitative score within modal categories, staff provides an explanation of this action within the staff report.

TPAC Recommendation: Implement this option.

B. In what circumstances would technical staff recommend projects beyond the emphasis categories? The following criteria have been factors discussed at JPACT as potential reasons to fund road capacity, reconstruction or bridge projects:

- project competes well within its modal category for over all technical score and in 2040 land use technical score;
- project leverages traded-sector development in Tier I or II mixed-use and industrial areas;
- funds are needed for project development and/or match to leverage large sources of discretionary funding from other sources; or
- the project provides new bike, pedestrian, transit or green street elements that would not otherwise be constructed without regional flexible funding (elements beyond minimum design standards).

TPAC Recommendation: Projects from non-priority categories may be allocated funds if they competes well within its modal category for over all technical score and in 2040 land use technical score and best address (relative to competing projects) one or more of the remaining three criteria¹ summarized above.

C. When considering nomination of applications to fund project development or match costs, address the following:

- Financially partner with other stakeholder agencies on project development when there is strong potential to leverage discretionary (competitive) revenue streams.
- Partnering agencies should be able to illustrate a financial strategy (not a commitment) to complete construction. The financial strategy to complete projects outside of the emphasis categories should not rely on large, future allocations from Transportation Priorities funding.
- Partnering agencies should be able to demonstrate how dedicated road or bridge revenues are used within their agencies on competing road or bridge priorities.

¹ Projects would need to address one or more of these objectives; the more objectives addressed and the better their performance on these objectives relative to other projects, the stronger the case to include the project as part of the technical staff recommendation.

TPAC Recommendation: implement this direction.

D. Consideration to smaller agencies in their ability to fund capital projects within the road and bridge categories.

TPAC Recommendation: To remain consistent with recommendations to not create new criteria during the allocation process, TPAC recommends addressing this issue prior to the 2008-11 allocation process. Furthermore, it does not appear to directly affect the ability to narrow between existing candidate applications in this process.

3. In light of the difficulties of regulatory protection of natural resource areas, further consideration of using regional flexible funds as an incentive to using best practices to protect and restore natural resources from impacts by the transportation system should be considered. Possible approaches include:

- emphasize the Green Street demonstration project category
- emphasize funding Green Street elements in all transportation projects
- fund further development of Green Street research, training and education
- highlight Green Street elements of all funded transportation projects

TPAC recommendation: The Green Street demonstration project category is already an emphasis category. Other transportation projects receive technical bonus points for including proven green street elements. As a means of further emphasis on including green street elements in all funded projects, staff may propose conditional approval of further review of feasibility of including green street elements, particularly interception and infiltration elements. Strong consideration should be given to funding the Livable Streets Update application in the Planning category. This work would document the latest research and further the training and education of green street implementation in the region. The green street elements of projects funded through the Transportation Priorities program should be highlighted in public materials.

4. Is there any further direction on implementing the existing policy of requiring compliance with the Metro Functional Plan to be eligible to receive Transportation Priorities funding awards? Currently, the requirement is used to screen applicant eligibility and can be met by:

- Jurisdiction has implemented requirements
- Jurisdiction has an approved extension to complete the Plan work
- Jurisdiction has submitted letter from governing body outlining good faith intention to complete Functional Planning work (addresses work plan, schedule, funding)
- Jurisdiction has submitted a pending request for a Plan Exception

TPAC recommendation: No changes to current policy implementation.

5. Emphasis on project development or on project construction? Does the region have the right balance of projects that are construction ready in anticipation of future

funding and is there direction to staff on how or whether to use Transportation Priorities funds to address that balance?

TPAC recommendation: Address this issue prior to the 2008-11 Transportation Priorities process and following further discussion on a regional transportation finance strategy.

Policy options to consider prior to the next allocation process include:

- **The near-term potential for a regional transportation measure and the merits of using regional flexible funds for project development in the road capacity, road reconstruction and bridge categories.**

Attachment 2

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1794



METRO

DATE: January 6, 2005
TO: JPACT and Interested Parties
FROM: Ted Leybold: Principal Transportation Planner
SUBJECT: Proposed MPO Comments on 2006-09 STIP

* * * * *

The Oregon Transportation Commission has released a proposed State Transportation Improvement Program (STIP) for transportation funds to be administered by the Oregon Department of Transportation for fiscal years 2006 through 2009. As the Metropolitan Planning Organization for the Portland metropolitan region, JPACT and the Metro Council have the opportunity to comment on the draft STIP to the Oregon Transportation Commission (OTC).

Outlined below are potential comments that could be incorporated into a letter from the JPACT Chair to the OTC for their consideration.

Potential MPO Comments on 2006-09 STIP

- 1. Statewide STIP process guidelines for the presentation of project and program options, selection criteria and agency recommendation.**

Metro appreciates the efforts of Region One staff to identify both the projects and programs proposed for funding within each program category in the draft STIP and those projects that were considered but not proposed for funding for the public comment period. This was a new level of effort by your staff to inform the public and agency stakeholders of the potential trade-offs of funding allocation recommendations.

Metro encourages the OTC to adopt guidelines for the 2008-11 public comment draft STIP that identifies all projects eligible for consideration for funding, a methodology and analysis to recommend projects and programs (particularly in the "Modernization" category), and a recommendation of those proposed for funding. This allows the public and stakeholder agencies to view the trade-offs and reasoning of ODOT staff and to suggest alternative priorities. Such a process would encourage more public participation, solicit more informed comments and create more public ownership of the ultimate allocation decisions made by the commission.

A possible means of developing these process guidelines would be to reconvene the STIP Stakeholder Committee used to develop eligibility and prioritization factors for the 2006-09 STIP. The guidelines developed should encourage regional offices to utilize staff from local transportation agencies in the analysis of prioritization factors and development of a recommendation of projects proposed for funding for public comment.

2. Further inter-agency coordination and public process to define the ODOT Region One Operations program.

Intelligent Transportation Systems (ITS) is an important component of the region's federally required Congestion Management System strategy. The draft STIP provides no details at this time on the corridors or specific locations for ITS projects, signal upgrades or variable message sign improvements as part of the Operations program for ODOT Region One. Metro would like to ensure that ODOT's Operations program is coordinated with the other transportation service providers in the region. As a part of this effort, Metro is in the process of designating an ITS Subcommittee of the Transportation Policy Advisory Committee (TPAC), an advisory committee to JPACT and the Metro Council. The committee is comprised of technical staff from all agencies involved in the implementation of ITS technology in the Metro region, including ODOT staff. Review and reporting on the ODOT Region One Operations program as it defines the scope and location of these projects appears to be a useful role for the ITS Subcommittee to serve. This would promote coordination of all ITS implementation work in the region. Metro will work with Region One staff on language to define this work as a part of the role of the ITS Subcommittee.

3. Coordination of Preservation work and the provision of adequate pedestrian and bicycle facilities in urban areas.

Again, Metro commends the efforts of Region One staff to ensure coordination of preservation work on urban area highways with to address substandard pedestrian and bicycle facilities through the Sidewalks in Preservation (SWIP) Program and other proposed programming. Your staff worked to identify which non-interstate facilities would likely be proposed for preservation work in 2008-09 to allow for early coordination with local agency staff to identify potential improvements that could be coordinated with the preservation work. This coordination is critical to achieve economies of scale and to minimize disruption that would result from separate preservation and capital improvement project timing.

The region expects to achieve this coordination on the NW Yeon and SE Powell Boulevard projects. It is important to note that this coordination is likely to result in improved coordination of facility work without over-encumbering the preservation program to the point of project delay. The trade-offs of addressing capital improvements are being analyzed in the context of available state, regional and local resources and the preservation program work schedule.

4. Review of methodology used to select Safety program projects.

For the future nomination of Safety projects, Metro would encourage the OTC to direct ODOT staff to review the methodology used to select Safety projects. Specifically, the methodology should consider safety elements beyond crash data of the SIP Segment Rating system and the Safety Priority Index System (SPIS). This type of methodology tends to allocate resources by chasing auto crash sites with design solutions that may or may not make the community in the vicinity of these projects safer. A comprehensive review of design guidelines and allocation of

safety funds to make the right-of-way safe for all users should be undertaken. This review should include an analysis of how proposed project work effects exposure of system users to potential crashes, the probability of a crash and the severity of consequence of a crash.

Additionally, Metro will work with Region One staff to identify those Safety projects that affect vehicle capacity and incorporate those projects into the air quality analysis required by federal regulations.

5. Further inter-agency coordination and public process to define the ODOT Region One Bridge program.

At this time, there is no programming of HBRR funding listed in the draft STIP for Region One. Metro is interested in how the state proposes to program these funds as there are significant bridge issues to be addressed within the region and several local allocation decisions that need to be coordinated with state funding decisions. Of particular interest is the funding of project development work and right-of-way acquisition for the Sellwood Bridge. Cracking of the bridge structure has resulted in severe weight restrictions that prohibit heavy truck freight and transit vehicle use. Replacement of this bridge will be the highest priority for use of local HBR funds upon completion of work underway and programmed through 2007.

Metro understands that the state HBRR advisory committee is considering a recommendation for \$12.8 million of preliminary engineering and right-of-way work on the Sellwood Bridge. The region wishes to support such an effort as a means of preparing this critical project for construction.

The historic Oregon City to West Linn Bridge is proposed for preservation work by ODOT in 2008. Metro will work with ODOT Region One staff and the City of Oregon City on coordination of this work and the McLoughlin Boulevard (OR 99E) boulevard work in the vicinity of this bridge, currently scheduled for 2007, to minimize disruption to the surrounding community with the construction of improved pedestrian treatment on McLoughlin Boulevard. It will be important to upgrade bike/pedestrian facilities on this narrow bridge to the extent feasible.

6. Further inter-agency coordination and public process to define the ODOT Region One Bicycle and Pedestrian program.

The Bicycle and Pedestrian program for Region One is not yet defined in the STIP. Metro requests that the state bicycle and pedestrian program staff brief TPAC and JPACT on the statewide program and specifically on the grant program award process.

Additionally, if there is additional Region One sidewalks in preservation (SWIP) funding remaining to be programmed in 2008/09 after addressing the SE Powell and NW Yeon projects, the list of potential projects, selection criteria and projects recommended for funding should be made available for review and comment by TPAC, JPACT and the Metro Council prior to final programming in the STIP.

7. Programming of funds for Corridor Planning.

The 2000 Regional Transportation Plan identifies eighteen transportation corridors in the Metro region needing further planning work. These corridors are primarily centered around traffic movements on and surrounding state highway and interstate facilities. The RTP demonstrated

that these corridors have unmet transportation needs but lack clearly defined strategies of projects and programs to meet those needs. Corridor studies are needed to develop these strategies and provide definition to the projects and programs needed. This allows those projects to proceed into the environmental work and preliminary engineering.

Metro has programmed regional funds to begin addressing these corridor plans. Phase I of the Powell/Foster corridor study was recently completed and identified improvement needs for much of that corridor. The Highway 217 corridor plan is underway and funding is programmed for the I-5/99W connector study. Funding for the next priority corridor has been proposed for consideration of additional regional funds in 2008/09.

As these corridor plans seek to define strategies that affect the capacity and operations of ODOT's highway and interstate facilities, Metro believes that ODOT should have both a financial and administrative stake in supporting the corridor planning effort. For STIP programming purposes, Metro suggests ODOT program \$500,000 toward completion of one corridor plan in the 2008/09 biennium, conditioned on an equal contribution of regional funds toward a second corridor plan in the same time period. This level of planning effort would continue an acceptable rate of progress toward completion of the corridor plans identified in the RTP and is within the capacity of the region to complete planning work. Selection of the corridors for plan development would be selected through a prioritization process with participation from ODOT staff.

8. I-205 Corridor planning work.

It had been our understanding that ODOT would be undertaking a corridor study of the southern portion of I-205. We have recently been informed that, while some funding is available in the ODOT budget for planning in the I-205 Corridor, it is not appear adequate to complete a full corridor analysis. ODOT Region One should fund a full corridor analysis in the 2006-09 STIP.

Several of the interchanges along the I-205 corridor are in need of analysis as a part of the corridor planning effort for this facility. Existing traffic and land development issues and the addition of light rail station areas in the vicinity of many of the interchanges portend the need to address potential new design solutions along the corridor. In addition, various strategies for adding through capacity should be considered.

9. Corridor Planning follow-up programming.

In order to address urgent transportation priorities identified in collaboration with the community during recent corridor planning work, it is important to address the highest priority project needs from those plans. In keeping with the recommendations reached during these planning efforts, ODOT should fund further work on state facilities consistent with corridor planning direction. In the 2006/09 period this should include:

- I-205/Powell Boulevard interchange EIS and design
- Powell Boulevard (SE 6th to SE 50th) streetscape plan
- Highway 217 EIS and preliminary design

10. Proposed changes to the Transportation Enhancements (TE) allocation process.

JPACT and the Metro Council previously submitted a letter to the TE program staff narrowing approximately 27 Metro area project descriptions to nine projects (and one alternate) eligible to

apply for TE funding. Metro has no further comment on the eight remaining project applications with regard to regional priorities at this time.

As JPACT and the Council were not comfortable in the role of having to narrow a list of projects to eligible applicants without adequate time, project information or public input, Metro requests that we review and revise the application and ranking process before initiating the FY 2008-11 STIP update.

11. Ballot Measure 37

Passage of Ballot Measure 37 has created a new situation that all state and local government agencies will need to learn how to adjust to. A new concern that it creates is a reduced ability to rely on regulations to mitigate land use effects of planned transportation projects. It will be important for EIS work to incorporate an assessment of these possible land use effects and identify alternative approaches of mitigation. Of particular concern is the potential effect of the I-5/99W Connector combined with the Newberg-Dundee Bypass.

12. Special Transportation Area (STA) Implementation Program

Passage of Ballot Measure 37 should also create a renewed emphasis on using the investment of scarce public resources to leverage implementation of our land use goals and objectives. One element of this is to provide transportation infrastructure in the mixed-use centers that serves the more intense multi-modal uses needed for those areas. Such public investment attracts the private development that meets our economic and land use objectives.

ODOT has recently adopted Special Transportation Area guidelines in the Oregon Highway Plan to support mixed-use development in designated community centers along state highways. Metro wrote the commission in December of 2003 in support of the designation of such areas in the Plan. The letter included the following language:

"We also recommend the Commission provide additional incentives, such as funding for projects and planning, to implement the policy objectives outlined in the proposed STA amendments. We have done this in the Metro region through our Boulevard Program. Since 1998, we have funded more than \$20 million in boulevard projects through our Metropolitan Transportation Improvement Program, with nearly \$9 million being awarded to boulevard projects on state highways in the Metro region."

The next step to achieving this vision is to set up a structure within the department that identifies projects within these STA's for inclusion in the STIP and to organize program staff within the department that are trained to work with local agency staff to design and construct such projects. Metro is interested in working in partnership with ODOT on such a program in anticipation of projects for the 2008-11 STIP.

Following are STA designated facilities within the Metro region:

- St. Johns Town Center: Lombard St. from Mohawk to Lombard Way to Richmond to Ivanhoe to intersection of Ivanhoe and Philadelphia)
- Macadam Avenue Main Street: Highway 43 from Bancroft to Taylors Ferry Road
- Milwaukie town center: 99E/McLoughlin Boulevard from Scott Street to River Road
- Clackamas regional center: Highway 213/82nd Avenue from King Rd. to Sunnybrook St.

- Lake Oswego town center: Highway 43 from McVey Ave. to Terwilliger Blvd.
- Oregon City regional center: 99E/McLoughlin Boulevard from 14th Street to railroad tunnel and the Highway 43 bridgehead area
- Cornelius Main Street: Highway 8 from 14th Ave. to 10th Ave.
- Washington Square regional center: Hall Boulevard from Scholls Ferry Rd. to Hemlock St.

13. Projects of Statewide Significance

ODOT and the OTC have prioritized large interstate system capacity needs in the state through the designation of "projects of statewide significance". The list includes the following eight projects:

- Highway 62 Corridor Units 2 & 3
- I-5 to 99W (Tualatin-Sherwood Bypass)
- Sunrise Corridor
- Columbia River Crossing
- I-205 (Columbia River to I-5)
- Highway 20
- Newberg-Dundee Bypass
- I-405 Loop

Recent federal earmarks and resources from the OTIA III program have begun to address implementation of these projects. Further work is needed on the development of a statewide finance strategy to implement the remaining projects on this priority list. This list should not be expanded to include any new projects at this time.

Agenda Item Number 6.0

FISH AND WILDLIFE PROTECTION PROGRAM RECOMMENDATIONS

Metro Council Work Session
Tuesday, January 18, 2005
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: January 18, 2005 Time: 3:20

Length: 30 min

Presentation Title: Draft Fish and Wildlife Habitat Program

Presenters: Deffebach,

ISSUE & BACKGROUND

Metro Council clarified direction to staff to develop a program for implementing the fish and wildlife habitat protection and restoration in December 2004. Staff has incorporated this direction into the program framework and has prepared an initial proposal to define a regulatory-based program for the Class 1 and 2 Riparian areas and a voluntary, incentive based program for all habitat areas. This proposal also includes the need to define regional performance objectives.

The purpose of this presentation is to discuss these concepts with the Council and discuss policy choices and identify other issues/concerns that Council would like staff to consider.

OPTIONS AVAILABLE

A variety of options on how to implement the fish and wildlife program are available.

IMPLICATIONS AND SUGGESTIONS

Staff will respond to comments and questions from Councilors and return at a later work session date.

QUESTION(S) PRESENTED FOR CONSIDERATION

What approaches would you like to see included in the program for the Class 1 and 2 Riparian areas? What additional incentives do you think Metro could support to inspire additional habitat protection and restoration?

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

Department Director/Head Approval _____

Chief Operating Officer Approval _____

Agenda Item Number 7.0

GOAL 9 AND 14 RULE

Metro Council Work Session
Tuesday, January 18, 2005
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: January 18, 2005 Time: Length: 20 minutes

Presentation Title: Proposed Amendments to State-wide Planning Goal 9 and 14

Department: Planning

Presenters: Andy Cotugno

ISSUE & BACKGROUND

Goal 14

Goal 14, the "Urbanization" goal, was one of the first goals adopted by the Land Conservation and Development Commission (LCDC) in the early 1970s. The main objective of Goal 14 is to focus urban development inside urban growth boundaries in order to conserve farm and forest land and to foster the efficient use of land and public facilities. Since June 2004, a workgroup has been working to propose amendments to Goal 14 and a new administrative rule to clarify and streamline the UGB amendment process. Metro staff has participated in this workgroup. The Council was briefed in November on the proposed changes.

Goal 9

Goal 9, the "Economic Development" goal is intended to ensure that local comprehensive plans and polices contribute to a stable and healthy economic in all regions of the state. Goal 9 states this element of local comprehensive plans shall be based on inventories of land suitable for economic activity, designation of necessary public facilities, consideration of renewable and non-renewable resource, market forces and labor markets. LCDC has convened the Economic Development Advisory Committee (EDAC) to review Goal 9 and to recommend changes to the Commission. Councilor Hosticka is part of EDAC.

Five 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. LCDC will begin the process of considering the recommendations in February.

OPTIONS AVAILABLE

1. Metro as an agency could provide comments.
2. Metro could facilitate a regional response through MTAC and MPAC.
3. Metro could choose not to comment at this time.

IMPLICATIONS AND SUGGESTIONS

QUESTION(S) PRESENTED FOR CONSIDERATION

Does the Council want to submit formal comments on the proposed Goal 14 and 9 changes and if yes, should these comments be a regional response through MTAC/MPAC, from Metro or both?

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 _____

M E M O R A N D U M

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TEL 503 797 1700 | FAX 503 797 1794

**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 DLCDC 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

Attachment 2

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

Attachment 2

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

Attachment 3

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.

Attachment 4

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 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

Attachment 4

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 RequirementsCharacteristics. 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~~

Attachment 4

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

Attachment 4

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:

Attachment 4

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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.

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

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

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

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

DRAFT**METRO****2006-09 Transportation Priorities:***Investing in the 2040 Growth Concept***2005 Calendar of Activities**

January 7	TPAC: policy options for narrowing to the Final Cut List.
January 18	Metro Council work session: policy discussion and direction to staff on narrowing to the Final Cut List.
January 20	JPACT action on policy direction to staff on narrowing to the Final Cut List.
January 28	TPAC action on Final Cut List.
February 10	JPACT briefing on TPAC Recommendation
February 17	Public hearing on draft Final Cut List at Metro Council.
March 17	JPACT action on Final Cut List pending air quality analysis.
March 24 or 31	Metro Council action on Final Cut List pending air quality analysis.
April - June	Programming of funds. Air quality conformity analysis.
July	Public review of draft MTIP with air quality conformity analysis.
August	Adopt MTIP, including ODOT Metro Area STIP and TriMet TIP, and submit to USDOT for concurrence.
September	Receive concurrence from USDOT: Printed in final STIP.

FISH AND WILDLIFE PROGRAM OUTLINE

1/11/05

Section 1. Intent

The purpose of this program is to conserve, protect, and restore regionally significant fish and wildlife habitat and water quality by establishing performance standards and promoting a comprehensive approach that includes regulatory, voluntary, incentive-based, and educational elements.

Section 2. Inventory and Habitat Emphasis Areas

- A. The Regionally Significant Fish and Wildlife Habitat Inventory Map (hereinafter the "Inventory Map"), attached hereto¹, identifies the areas that have been determined to contain regionally significant fish and wildlife habitat. The Inventory Map divides habitat into two general categories, riparian and upland wildlife, and further differentiates each habitat category into low, medium, and high value habitats.

- B. Identification of Habitat Emphasis Areas

[Describe process for identifying High, Medium, and Low Habitat Emphasis Areas and the creation of the Habitat Emphasis Areas Map, i.e., cross-reference to ALP decision chart based on ESEE analysis, using habitat value and urban development value categories. Describe any exempted areas and the extent of such exemptions, e.g., carrying over some level of protection (such as green development practices) for those areas exempted from the requirements of Title 3.]

Section 3. Objectives and Targets

- A. Streamside connectivity
- B. Large habitat patches
- C. Wildlife corridors
- D. Habitats of concern
- E. Minimize impacts
- F. Mitigate and restore

Section 4. Implementation Alternatives for Cities and Counties

[Describe substantial compliance alternatives, including model ordinance approach and alternative approaches, including district plan approach. Provide that plans must meet "clear and objective" requirements of the Goal 5 rule. Provide for minimum public process to be followed. Include provisions to describe how Metro's Habitat Emphasis Areas map will be used.]

¹ On file in the Metro Council office.

Section 5. Performance Standards

- A. Performance standards applicable to all Habitat Emphasis Areas. Local codes shall require all development in Habitat Emphasis Areas to conform to the following performance standards:
1. Habitat Emphasis Areas shall be protected, maintained, enhanced or restored as specified in this section [insert Code section at later point].
 2. The requirements of [Title 3] shall apply to all development in Water Quality Resource Areas and Flood Management Areas located within Habitat Emphasis Areas, in addition to requirements imposed by [this Title]. *[Consider specifying the new requirements that may apply.]*
 3. Green Development Practices.
 - a. Use of the green development practices described in Table XX shall be allowed in local codes to reduce impacts of development on Habitat Emphasis Areas and water quality; and
 - b. Local codes shall include procedures to ensure that development in Habitat Emphasis Areas retains and detains one hundred percent of the stormwater generated on a site.
 4. The planting of native vegetation shall be encouraged in all Habitat Emphasis Areas. Invasive non-native vegetation may be removed from the Habitat Emphasis Areas but in no instance may invasive non-native vegetation be planted in Habitat Emphasis Areas.
 5. Uncontained areas of hazardous materials as defined by DEQ in the Habitat Emphasis Area shall be prohibited.
 6. Cities and counties may allow development for repair, replacement or improvement of utility facilities so long as the Habitat Emphasis Area is restored consistent with this section.
 7. The performance standards of this section do not apply to routine repair, maintenance, alteration, rehabilitation, or replacement of existing structures, flood control facilities, roadways, driveways, utilities, accessory uses, airport wildlife management areas, and other development [other examples?], provided that the project is consistent with all other applicable city and county regulations and that it does not encroach closer to the Protected Water Feature than the existing development.
- B. Performance standards applicable to all High Habitat Emphasis Areas. Cities and counties may allow development in High Habitat Emphasis Areas provided that the governing body, or its designate, implement procedures that:

1. Demonstrate that no practicable alternatives to the requested development exist which will not disturb the High Habitat Emphasis Area; and
 2. If there is no practicable alternative, limit the development to reduce the impact associated with the proposed use; and
 3. Where the development occurs, require mitigation to ensure that the functions and values of the High Habitat Emphasis Area are restored. *[Add specifications/guidelines regarding mitigation requirements.]*
- C. Performance standards applicable to all Moderate Habitat Emphasis Areas. Cities and counties may allow development in Moderate Habitat Emphasis Areas provided that the governing body, or its designate, implement procedures that:
1. Limit the development to reduce the impact associated with the proposed use; and
 2. Where the development occurs, require mitigation to ensure that the functions and values of the Moderate Habitat Emphasis Area are restored. *[Add specifications/guidelines regarding mitigation requirements.]*
- D. Performance standards applicable to all Low Habitat Emphasis Areas. Cities and counties may allow development in Low Habitat Emphasis Areas provided that the governing body, or its designate, implement procedures that, where the development occurs, require mitigation to ensure that the functions and values of the Moderate Habitat Emphasis Area are restored. *[Add specifications/guidelines regarding mitigation requirements?]*
- E. The owners and residents of existing, developed residential properties shall not be restricted from engaging in any use of their developed residential properties that they could have undertaken prior to the adoption of this Title without having to obtain a building permit from their local jurisdiction. *[Implements intent of section 1 of Resolution No. 04-3489A.]*
- F. For lots or parcels which are fully or predominantly within the Habitat Emphasis Areas and are demonstrated to be unbuildable by the applicable habitat regulations, cities and counties shall reduce or remove habitat regulations to assure the lot or parcel will be buildable while still providing the maximum habitat retention practicable. Cities and counties shall encourage landowners to voluntarily protect these areas through various means, such as conservation easements and incentive programs.
- G. *[Insert provision to describe procedure for determining whether regulations would result in a decrease in the fair market value of a property, and, if so, options to waive such regulatory requirements or compensate the property owner.]*

Section 6. Incentive Programs and Voluntary Habitat Protection and Restoration

Section 7. Program and Inventory Monitoring

Section 8. Future Urban Growth Expansion Areas