

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE METRO )  
1995 OREGON LEGISLATIVE PROCESS, )  
PRINCIPALS AND PRIORITIES )

RESOLUTION NO. 95-2076A

Introduced by  
Mike Burton  
Executive Officer

WHEREAS, The 1995 Oregon Legislature convened on Monday, January 9, 1995: and

WHEREAS, Metro has certain legislation which it is requesting be introduced into the 1995 Session of the Oregon Legislature for consideration; and

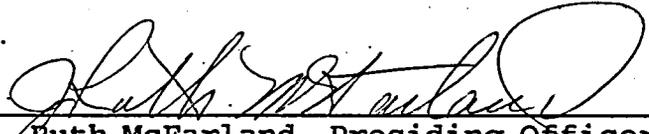
WHEREAS, The 1995 Oregon Legislature may consider other legislation which may have impact on Metro; and

WHEREAS, Metro is represented at the Oregon Legislature by Western Advocates through contract with the Special Districts Association of Oregon; and

WHEREAS, there are procedures and principals which have been developed to guide Metro's involvement in the 1995 session of the Oregon Legislature, and a beginning list of priorities (Exhibit A) which the Metro Executive Officer has approved, and the Metro Council is to adopt, to guide Metro's lobbyist; now, therefore

BE IT RESOLVED,  
That the Metro Council adopts the process, principals and priorities outlined in Exhibit A, and directs its representatives to follow the process and principals, and to report on the status of priorities listed above and additional priorities as the 1995 Session proceeds.

ADOPTED by the Metro Council this 19 day of January 1995.

  
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J. Ruth McFarland, Presiding Officer

## EXHIBIT A

### 1995 Legislative Process, Principals & Priorities

#### A. Legislative Process

1. Metro is the regional government for the metropolitan area in and around Portland, Oregon. Its authority and responsibilities are described in the Metro charter, adopted by area voters at the November 1992 general election. In carrying out the charter responsibilities, Metro interacts with the Oregon Legislature, both pro-actively, e.g. Metro will seek introduction of its own legislative proposals asking the legislature to take specific action, and re-actively, e.g. Metro will respond, either in support or opposition, to legislative proposals introduced by others. Metro receives basic legislative information through its membership in the Special Districts Association of Oregon (SDAO). It also contracts for an enhanced level of lobbying representation from SDAO's contract lobbyists, Western Advocates.

2. Metro's legislative agenda for the 1995 Legislative Assembly will identify: (a) proposals and bills the agency actively supports; (b) proposals and bills the agency actively opposes; (c) proposals and bills that have the potential to affect the agency and which will be monitored during the session. The single most important factor in determining priorities among the proposals and bills that affect Metro, will be the impact each will have on the agency's ability to do its job, as outlined in the Metro charter.

3. The agency's legislative priorities will be determined by the Metro Council. Council members, the Executive Officer and Western Advocates representatives will meet with legislators from the region to brief them on Metro's legislative principles and priorities. Metro's legislative activities during the session will be managed by a legislative oversight committee, whose membership will be determined by the Executive Office and the Council. During the session, Western Advocates will route bills to metro's Office of General Counsel for their review, and for review by affected departments. The Office of Public and Government Relations will coordinate departmental responses and send them to Western Advocates, the Presiding Officer and Council, the Executive Officer, the Auditor, and the Office of General Counsel. Responses will be used to help determine Metro's position on specific legislation, either S=Support, O=Oppose; M=Monitor. As bills are amended through the legislative process, their status may alter. Western Advocates staff will report to the Metro Council on a regular basis and furnish the Presiding Officer and Council and the Executive Officer with a weekly status report on legislation of importance to the agency. In the event there is immediate action pending on legislation which has not been discussed by the legislative oversight committee, the Presiding Officer of the Council and the Executive Officer will jointly direct Western Advocates to oppose or support the legislation based on the adopted Legislative Principals. A full report of the action will be

provided to the committee and Council at the next earliest possible date. Visits to Salem by Council members, the Executive Officer, and agency staff in support of Metro's legislative agenda will be most effective if coordinated through the Office of Public and Government and with Western Advocates staff.

## B. Legislative Principles

As a guiding principle, Metro will support actions of the Oregon Legislature that recognize, and are consistent with, the authority and responsibility granted to the regional government by the Metro charter and state law.

\* Metro support of any bill will be based on an assessment that action by the State Legislature is either required, or will enhance Metro's ability, to carry out its responsibilities under the charter.

\* Metro's opposition to a bill will be based on an assessment that legislative action, as proposed, will have the effect of diminishing Metro's authority under the charter, or otherwise impair its ability to carry out its charter responsibilities.

Metro will generally support legislative actions that:

\* Maintain Metro's ability to generate revenues locally and retain maximum control over their use.

\* Contribute to a healthy economy and a better quality of life for the people of the region, and of Oregon, through implementation of the Oregon Benchmarks program.

\* Facilitate the implementation of transportation and growth management goals and objectives that are consistent with adopted visions, plans and strategies for the region.

C. Legislative Priorities for 1995  
Week of January 16-20

Land Use/Transportation

- \* South/North Light Rail  
Funding Commitment  
Expedited Review Legislation (Attachment F)
- \* Oregon Transportation Financing package (Attachment A)
- \* Legislation providing financial incentives  
for development within light rail station areas  
(Attachment B)
- \* Boundary Commission membership (Attachment C)
- \* Minimum Density and Refinement Plan (Attachment E)
- \* Modification of Farm Tax Deferral to allow for  
development within the UGB (Attachment G)

Environment & Natural Resources (Solid Waste, recycling,  
greenspaces)

- \* Clarification of Metro's status under law relating to  
conservation easements (Greenspaces) (Attachment D)

Finance & Taxation

- \* Local budget law provision reform
- \* Funding for Regional Planning For Infrastructure  
Projects (Attachment H)

General Government

Facilities (Zoo, MERC)

Other

STAFF REPORT

RESOLUTION NO. 95-2076, ADOPTING THE METRO 1995 OREGON LEGISLATIVE PROCESS, PRINCIPALS AND PRIORITIES

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Date: January 11, 1995

Presented by: Merrie H. Waylett

**BACKGROUND:** Representatives of the Office of Public and Government Relations began working in July 1994 with the Metro Executive Officer, Council, and Western Advocates to develop a process to be followed during the 1995 Session of the Oregon Legislature. Metro staff and elected officials began development of proposals for legislation necessary to Metro policy consideration and program operation.

On October 27, 1994, representatives of Western Advocates and the Metro government relations staff presented the draft Policies, Principals and Priorities to the Council and discussed plans for the upcoming session during Council Communications. Revisions were made to the draft following that discussion.

The legislative priority list was later refined and designed to be added to as the 1995 legislative session proceeds.

Representatives of Western Advocates and Metro government relations staff met in December 1994 with both the executive officer-elect and the presiding officer-elect to keep them apprised of development of the program.

**RECOMMENDATION:** With the convening of the new Metro Council, the assumption of administrative responsibility by the new executive officer and the convening of the Oregon Legislature, it is appropriate that the Council adopt the proposed resolution and program to guide Metro's legislative activities. It is, therefore, recommended by the Executive Officer that Resolution 95-2076 be approved.

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Facilities (Zoo, MERC)

Other

## Proposed Oregon Transportation Finance Package

*The Oregon Transportation Finance Committee is a group of Oregonians made up of representatives from the Association of Oregon Counties, the League of Oregon Cities, Oregon Department of Transportation, the Oregon Public Ports Association and the Oregon Transit Association.*

*The Committee has been working since the end of the last legislative session to put together a comprehensive transportation finance package for the 1995 session that has a broad base of public support. It would fund only the state's highest priority needs.*

*Input from consumers, providers and interest groups across the state has been incorporated into the funding package that follows.*

### Highlights

- \* An increase in the state gas that will fund critical road and bridge maintenance, safety and capacity projects.
- \* Fifty-percent of the new gas tax fees would go directly to cities and counties for local road and bridge projects.
- \* A source of stable funding for public and special transportation.
- \* An amendment to the Oregon Constitution to allow flexibility in the way fees on the use of the automobile can be used.
- \* A lottery request to finance aeronautics, freight, rail, light rail and freight mobility projects linked to economic development.

### Benefits

37% of the package for road maintenance, safety and improvements.  
25% of the package for earthquake retrofit of bridges.  
25% improvements for public and special transportation for elderly/disabled.  
13% for improved rail, freight and airport facilities.

### Cost

- \* 2-cent gas tax increase in each of two years for roads.
- \* 2-cent gas tax increase in each of two years to strengthen Oregon bridges against earthquakes.
- \* \$20 increase in passenger vehicle registration for public transportation.
- \* The package would cost the average Oregon driver less than \$6 per month.

November, 1994

# Package Elements

## Roads and Bridges:

- \* A 2 cent gas tax increase (January 1996, and 1997) raises \$94 million per year (fully implemented). The priority road and bridge needs that are unfunded in the next twenty years total \$19.2 billion.
- \* Will fund high-priority road and bridge maintenance and construction projects.
- \* Will fund high-priority "freight mobility projects" linked to expanded commerce.
- \* Fifty-percent of the new dollars collected are passed through directly to cities and counties for local road and bridge maintenance and improvements.

## Earthquake Retrofit for Bridges:

- \* A 2 cent gas tax increase (January 1996, and 1997) for seismic retrofit raises \$70 million per year. Estimate for retrofitting Oregon bridges is \$1.2 billion.
- \* Will finance strengthening Oregon bridges against earthquakes.
- \* Will retrofit bridges connecting lifeline routes and routes critical to commerce.

## Public and Special Transportation:

- \* \$20 annual increase in passenger vehicle registration fee raises \$60 million annually.
- \* Constitutional amendment to allow fees on the use of the automobile to be used for public transportation.
- \* Funding distributed to counties and transit and transportation districts for public transportation and special transportation for elderly and disabled citizens. Dollars may also be used for roads if public transportation needs are met.

## Airport Improvements:

- \* \$7 million request could leverage up to \$60 million in federal funds.
- \* Funding for expansion and improvement of rural and urban airports.
- \* Projects selected for regional balance.

## Freight Mobility Improvements:

- \* \$30 million lottery request (leverages \$19 million in federal funds).
- \* Funding for road, rail and port projects that improve commercial links.
- \* Projects selected for regional balance.

## High Speed Rail, Light Rail and Other Passenger Improvements

- \* \$64 million lottery request for track, terminal and service improvements for rail and intercity buses; state match for South /North light rail planning and vehicle purchase;
- \* Leverages \$168 million in federal funds.

November, 1994

November 7, 1994

MEMO

TO: Andy Cotugno, Larry Shaw, John Fregonese, and Merrie Waylett

FROM: Terry Lassar

RE: Proposed legislation that would offer financial incentives for development within light rail station areas.

This memo is to inform you about current efforts to formulate proposed state legislation that would offer financial inducements to promote development within the 1/4 to 1/2 mile areas surrounding light rail platforms.

Staff with the Portland Planning Bureau and Office of Intergovernmental Affairs are working on drafting a bill that would allow the use of tax abatement within LRT station areas. See Attachment A. They will be touching base and working with the appropriate entities (Tri-Met, Metro, Homebuilders, etc). The Westside TSAP Management Committee is reviewing the proposal and is looking to develop a package of recommended financial tools.

I am now assembling information about financial incentives that other jurisdictions use to spur development next to stations. See, for example, Attachment B -- California's "Transit Village Development Planning Act of 1994 - that was enacted last September. The Act offers several incentives to develop projects close to rail stations, including expedited permit review procedures and density bonuses. An even stronger inducement is the use of state low - and moderate-income housing funds for residential projects that are built within "Transit Village Development Districts."

CITY OF PORTLAND  
LEGISLATIVE ISSUE IDENTIFICATION  
1995 LEGISLATIVE ASSEMBLY

BUREAU: Planning

PERSON COMPLETING FORM: Bob Clay

DATE: 9/22/94 PHONE: (503) 823-7713 FAX: (503) 823-7800

**PROBLEM:** (Include pertinent background information and attach relevant material)  
Few, if any, financing incentives or other tools exist to promote infill and redevelopment around proposed and planned light rail station areas outside the Central City Plan Area. The current residential 10-year limited special assessment program for new construction is restricted to the Central City. If the city is serious about promoting transit oriented development (TODs) adjacent to LRT stations that increases transit ridership and reduces VMT, then it requires greater redevelopment capacity than currently is available. And, if the city is to meet the Future Focus/Livable City Project objectives to accommodate a greater share of the region's growth in the city expressed through its support for a Region 2040 and Regional Framework Plan that are aggressive in their containment of urban development, then more redevelopment tools are needed.

**PROPOSED SOLUTION:** (Include citation of relevant state and local law)  
Amend ORS provisions granting local government authority to administer Residential 10-year Special Assessment Program for New Construction for certain kinds of TOD mixed-use development within 1/4 mile of existing or planned LRT stations. This amendment and authority for local government should make clear that local government may provide special assessment up to 10-years. In other words local government should retain the discretion to grant less-than-10-year assessment based on a determination of project feasibility. We want to be clear that this is not an entitlement program for any development/developer based on a single standard for eligibility, but must meet a project feasibility test based on market conditions and reasonable rate of return criteria.

Potential Supporters of Proposal:

Planning Bureau, PDC, Tri-Met, Metro, City of Portland, P-DOT, transit advocacy groups, 1000 Friends of Oregon, Portland Metro Homebuilders Association, Multi-Family Housing Council, certain State agencies concerned with growth in Metro Portland.



RECEIVED

Display 1993-1994 Bill Text - INFORMATION  
 BILL NUMBER: AB 3152

## BILL TEXT

	CHAPTER	780
FILED WITH SECRETARY OF STATE		SEPTEMBER 26, 1994
APPROVED BY GOVERNOR		SEPTEMBER 24, 1994
PASSED THE ASSEMBLY		AUGUST 30, 1994
PASSED THE SENATE		AUGUST 27, 1994
AMENDED IN SENATE		AUGUST 25, 1994
AMENDED IN SENATE		JULY 6, 1994
AMENDED IN SENATE		JUNE 15, 1994
AMENDED IN ASSEMBLY		MAY 5, 1994
AMENDED IN ASSEMBLY		APRIL 7, 1994

INTRODUCED BY Assembly Member Bates  
 (Principal coauthor: Senator Bergeson)  
 (Principal coauthor: Assembly Member Gotch)  
 (Coauthor: Senator Kopp)

FEBRUARY 23, 1994

An act to add Article 8.5 (commencing with Section 65460) to Chapter 3 of Division 1 of Title 7 of the Government Code, and to add Section 33334.19 to the Health and Safety Code, relating to land use.

## LEGISLATIVE COUNSEL'S DIGEST

AB 3152, Bates. Land use: Transit Village Development Planning Act of 1994.

Existing law, known as the Community Redevelopment Law, authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined, in blighted areas of those communities known as project areas.

This bill would enact the Transit Village Development Planning Act of 1994, and would express various findings and declarations of the Legislature

Display 1993-1994 Bill Text - INFORMATION  
BILL NUMBER: AB 3152

## BILL TEXT

regarding the use of rail transit in California and related issues. The bill would authorize the establishment of transit village development districts, which would include all land within a quarter-mile of one exterior boundary of the parcel on which a transit station is located, designated by the legislative body of the city, county, or city and county that has jurisdiction over the station area. The bill would authorize a city or county to prepare a transit village plan for the district, that would address specified transit-, community-, and commerce-related characteristics, and would provide for the manner in which the plan may be adopted, amended, or repealed. The bill would require that the transit village plan be consistent with the general plan, and would require other specified planning tools to be consistent with the transit village plan, before they may be approved. The bill would also authorize an agency to increase, improve, and preserve the supply of low- and moderate-income housing located within a transit village plan, as indicated.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 8.5 (commencing with Section 65460) is added to Chapter 3 of Division 1 of Title 7 of the Government Code, to read:

Article 8.5. Transit Village Development Planning Act of 1994

65460. This act shall be known, and may be cited, as the Transit Village Development Planning Act of 1994.

65460.1. The Legislature hereby finds and declares all of the following:

(a) Federal, state, and local governments in California are investing in new and expanded rail transit systems in areas throughout the state, including Los Angeles County, the San Francisco Bay area, San Diego County, Santa Clara County, and Sacramento County.

(b) This public investment in rail transit is unrivaled in the state's history and represents well over ten billion dollars (\$10,000,000,000) in planned investment alone.

(c) Recent studies of transit ridership in California indicate that persons who live within a quarter-mile radius of rail transit stations utilize the transit system in far greater numbers than does the general public living elsewhere.

(d) The use of transit by persons living near rail transit stations is particularly important given the decline of transit ridership in California

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BILL TEXT

between 1980 and 1990. Transit's share of commute trips dropped in all California metropolitan areas greater Los Angeles: 5.4 percent to 4.8 percent; San Francisco Bay area: 11.9 percent to 10.0 percent; San Diego: 3.7 percent to 3.6 percent; Sacramento: 3.7 percent to 2.5 percent.

(e) Only a few rail transit stations in California have any concentration of housing proximate to the station.

(f) Interest in clustering housing and commercial development around rail transit stations, called transit villages, has gained momentum in recent years.

65460.2. A city or county may prepare a transit village plan for a transit village development district that addresses the following characteristics:

(a) A neighborhood centered around a transit station that is planned and designed so that residents, workers, shoppers, and others find it convenient and attractive to patronize transit.

(b) A mix of housing types, including apartments, within not less than a quarter mile of the exterior boundary of the parcel on which the transit station is located.

(c) Other land uses, including a retail district oriented to the transit station and civic uses, including day care centers and libraries.

(d) Pedestrian and bicycle access to the transit station, with attractively designed and landscaped pathways.

(e) A rail transit system that should encourage and facilitate intermodal service, and access by modes other than single occupant vehicles.

(f) Demonstrable public benefits beyond the increase in transit usage, including all of the following:

(1) Relief of traffic congestion.

(2) Improved air quality.

(3) Increased transit revenue yields.

(4) Increased stock of affordable housing.

(5) Redevelopment of depressed and marginal inner-city neighborhoods.

(6) Live-travel options for transit-needy groups.

(7) Promotion of infill development and preservation of natural resources.

(8) Promotion of a safe, attractive, pedestrian-friendly environment around transit stations.

(9) Reduction of the need for additional travel by providing for the sale of goods and services at transit stations.

(10) Promotion of job opportunities.

(11) Improved cost-effectiveness through the use of the existing infrastructure.

(12) Increased sales and property tax revenue.

(13) Reduction in energy consumption.

(g) Sites where a density bonus of at least 25 percent may be granted pursuant to specified performance standards.

(h) Other provisions that may be necessary, based on the report prepared pursuant to subdivision (b) of Section 14045.

65460.3. To increase transit ridership and to reduce vehicle traffic on the highways, local, regional, and state plans should direct new development close to the transit stations. These entities should provide financial incentives to implement these plans.

## BILL TEXT

65460.4. A transit village development district shall include all land within not less than a quarter mile of the exterior boundary of the parcel on which is located a rail transit station designated by the legislative body of a city, county, or city and county that has jurisdiction over the station area.

For purposes of this article, "district" means a transit village development district as defined in this section.

65460.5. A city or county establishing a district and preparing a plan pursuant to this article shall:

(a) Be eligible for available transportation funding.

(b) Receive assistance from the Office of Permit Assistance, pursuant to Section 15399.53, in establishing an expedited permit process pursuant to Section 15399.50, at the request of the city or county.

65460.6. An agency responsible for the preparation and adoption of the congestion management program may exclude district impacts from the determination of conformance with level of service standards pursuant to subdivision (c) of Section 65089.3.

65460.7. (a) A transit village plan shall be prepared, adopted, and amended in the same manner as a general plan.

(b) A transit village plan may be repealed in the same manner as it is required to be amended.

65460.8. No transit village plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.

65460.9. No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a transit village plan unless it is consistent with the adopted transit village plan.

65460.10. A city, county, or city and county may require a developer to enter into a development agreement pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4 to implement a density bonus specified in the transit village plan pursuant to subdivision (g) of Section 65460.2.

SEC. 2. Section 33334.19 is added to the Health and Safety Code, to read:

33334.19. (a) Notwithstanding Section 33670 or any other provision of this division, an agency may increase, improve, and preserve the supply of low- and moderate-income housing located within a transit village plan adopted pursuant to the Transit Village Development Planning Act of 1994, Article 8.5

(commencing with Section 65460) of Chapter 3 of Division 1 of Title 7 of the Government Code, and is within its territorial limits but outside of a project area. In the event that the agency seeks to comply with any of its obligations under Section 33413 under a transit village plan, it shall provide two units outside of a project area, both of which shall be at the same level of affordability as, and otherwise comply with, all requirements pertaining to the unit that would otherwise have been available inside a project area.

(b) To implement subdivision (a), an agency may increase, improve, and preserve the supply of low- and moderate-income housing which is located within a transit village plan with funds from the Low and Moderate Income Housing Fund. In using these funds, the agency shall comply with all requirements of the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).

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BILL NUMBER: AB 3152

## BILL TEXT

(c) To implement subdivision (a), notwithstanding subdivision (a) of Section 33670, an agency may determine the location and character of any residential construction which is located within a transit village plan and which is to be financed pursuant to Chapter 8 (commencing with Section 33750) and may make mortgage or construction loans to participating parties through qualified mortgage lenders, or purchase mortgage or construction loans without premium made by qualified mortgage lenders to participating parties, for financing residential construction of multifamily rental units located within a transit village plan.

(d) Expenditures from the Low and Moderate Income Housing Fund pursuant to this section shall be deemed to be part of the agency's redevelopment plans, as if those redevelopment plans had been amended to include those expenditures, and the agency is not required to comply with Article 12 (commencing with Section 33450). The Legislature hereby deems those expenditures to benefit the agency's project areas.

**A BILL FOR AN ACT**

Relating to local government boundary commissions; creating new provisions; amending ORS 199.440; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. ORS 199.440 is amended to read:**

**199.440 Membership; appointment; qualifications; term; vacancy. (1) A**

boundary commission shall have seven members. However, if the population of the area subject to the jurisdiction of the commission exceeds 500,000 and if the area subject to its jurisdiction is wholly or partly situated within the boundaries of a metropolitan service district, the commission shall have eleven [a number of] members [that is equal to the number of councilors of the metropolitan service district].

(2) Except as provided in subsection (3) of this section, the Governor may appoint all members of a commission from a list of names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The Governor shall prepare the list annually and keep it current so timely appointments will be made as vacancies occur. The Governor shall endeavor to appoint members from the various cities, counties and districts so as to provide geographical diversity of representation on the commission.

(3) When the area subject to the jurisdiction of a boundary commission is wholly or partly situated within the boundaries of a metropolitan service district organized under ORS chapter 268, the members of that boundary commission shall be appointed by the executive officer of the metropolitan service district. The executive officer shall appoint members of a boundary commission from a list of names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The executive officer shall prepare the list annually and keep it current so timely appointments will be made as

vacancies occur. Appointments by the executive officer require confirmation of the council of the metropolitan service district. [individuals nominated by the councilors of the district. Each councilor shall nominate no fewer than three or more than five individuals for appointment to the boundary commission. When first appointing all the members of a boundary commission, the executive officer shall appoint one individual from among those nominated by each councilor. Thereafter, as the term of a member of a boundary commission expires or as a vacancy occurs, the executive officer shall appoint an individual nominated by the councilor or a successor who nominated the boundary commission member whose term has expired or who vacated the office.] The executive officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the boundary commission.

(4) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(5) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(a) Any service for the unexpired term of a predecessor in office.

(b) Any term less than four years served on the commission first appointed.

(6) A commission may declare the office of a member vacant for any cause set out by ORS 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission. A vacancy shall be filled by the Governor or by the executive officer of a metropolitan service district, by appointment for the unexpired term. If the Governor or the executive officer has not filled a vacancy within 45 days after the vacancy occurs, then, and until such time as the vacancy is filled, the remaining members of a commission shall comprise and act as the full membership of the commission for purposes of ORS 199.445.

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**METRO**

Attachment D

Date: September 29, 1994

To: Merrie Waylett, Director  
Office of Government and Public Relations

Charlie Ceicko, Director  
Parks and Greenspaces

From: *CLS*  
Larry Shaw, Senior Assistant Counsel

Regarding: LEGISLATION NEEDED: CONSERVATION EASEMENT  
Our file: 14.1

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**Introduction**

One of the mechanisms used by Regional Parks and Greenspaces in the Options Project and the Greenspaces Acquisition Program is acquisition of "conservation easements." These are nonpossessory interests in land that create limitations or obligations on the landowner to protect natural, scenic or open space values of real property. One of the great advantages of this approach, of course, is that only a small part of the property interest need not be purchased. This memo addresses an omission of Metro in state law that could limit Metro's use of this mechanism.

**Easement Statute Problem**

A special set of statutes at ORS 271.715 to 271.795 was adopted in 1967 with a definition of these easements with a required process, rule-making authority, taxation approach, and a third party right of enforcement of easement. The conservation easement statutes seem to be intended to be a uniform law under ORS 271.795.

The problem for Metro is that ORS 271.715(3) defines "holder" of a conservation easement to include "the state or any county, city or park and recreation district \* \* \*" This list of holders does not include Metro.

### Impact of the Omission of Metro

Metro has its own authority to enter into agreements and to obtain conservation easements under ORS 268.340(1), which gives Metro authority to acquire any interest in real property to the extent necessary to provide a metropolitan aspect of a public service (like greenspaces). That statute even allows any interest in real property to be obtained by using eminent domain. Metro's existing authority is not affected by these statutes because ORS 271.765(3) specifically states that the conservation easement statutes do not invalidate any interest that is otherwise enforceable under state law. Therefore, Metro now has more authority than the cities, counties and park districts on conservation easements because ORS 271.725(1) generally prohibits them from acquiring a conservation easement by eminent domain.

The conservation easement statute requires a hearing to be held in the community where the easement will be located after two published notices. ORS 271.735(1). Currently, Metro is not required to do this.

### Real Property Assessment

The concern about Metro not being listed as a conservation easement "holder" under these statutes is the unclear impact of that on the tax assessment of the seller's property once Metro has obtained a conservation easement. ORS 271.785 is a clear statement that the real property subject to a conservation easement "shall be assessed on the basis of the real market value of the property less any reduction in value caused by the conservation easement \* \* \*  
Such an easement shall be exempt from assessment and taxation the same as any other property owned by the holder." (Emphasis added). Clearly, the last sentence about Metro's exemption from assessment for holding the conservation easement merely restates the law about Metro-held property not leased out for revenue. The assessment of property that is subject to the conservation easement should be reduced in value for the loss in value from the conservation easement as a matter of course. Since this statute seems to be intended to be a uniform law, this provision may or may not merely restate current practice by county assessors. If county assessors would follow this approach for conservation easements outside these statutes, there may be no need to change the law.

### Third Party Right of Enforcement

An unusual portion of the conservation easement statute is that the easement restrictions may be enforced by a third party who is not an owner or a "holder" of the easement right. ORS 271.755(1). So, for example, Friends of Forest Park, which is an eligible "holder," could negotiate to include in an easement which it obtains, a separate right for either the Friends or a county to enforce the terms of its easement even though the county did not purchase that

Merrie Waylett  
September 29, 1994  
Page 3

particular conservation easement. Unfortunately for Metro's problem, to qualify for "third party right of enforcement" the third party must be eligible to be a holder. Therefore, it is not a solution to Metro's problem to have a county as the holder and to negotiate into the easement Metro's third party right of enforcement.

### Conclusion

As part of Metro's legislative proposals for 1995, Regional Parks and Greenspaces should consider seeking an amendment to ORS 271.715(3)(a) to add Metro to the list of eligible governmental "holders" of conservation easements. Even if county assessors don't create a problem for seller's tax assessments, Metro probably wants to comply with the same rules and have the same legal status as the state, counties and park districts for conservation easements. Unfortunately, the way the statute is constructed, "Metro" will also have to be inserted at ORS 271.725(1),(3), 271.735(1), and 271.775.

Until such a clarification of the conservation easement statute can be obtained from the legislature, the safest approach would be for any conservation easements obtained by Metro to be written with Multnomah County as the "holder" of the recorded easement with some accompanying reiteration of Metro's management and ultimate ownership of that interest if Metro funds are expended. However, the effect of this approach is that the county as "holder" must be the one that holds the hearing under ORS 271.735, which requires two published notices and 12 days notice before a hearing held in the community. If that approach is not satisfactory, a specific inquiry should be made to the county assessor concerning the seller's assessment prior to Metro directly purchasing a conservation easement.

cc: Dan Cooper  
Nancy Chase  
Jane Hart

KLA  
1835

**METRO**

Date: December 14, 1994

To: Andy Cotugno, Planning Director

From: Larry Shaw, Senior Assistant Counsel /s/ LARRY SHAW<sub>7/3</sub>

Regarding: MINIMUM DENSITY LEGISLATION  
Our file:

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**Introduction**

DLCD and Governor Roberts' office through Bob Stacey have convened a group of usual suspects to discuss a legislative package: Both a fast track development appeal process bill for inside UGBs and a minimum densities in transportation corridors bill. I have asked Stacey to include Metro in the loop as these proposals evolve.

**Legislation Argument**

Given Jon Chandler's expected ease of getting his proposals through both houses and governors' desires to avoid unnecessary vetoes, the two proposals together could be jointly crafted and act as a package. This could accomplish both a prime objective of Home Builders and one prime objective, minimum densities inside UGBs, of DLCD's urban growth studies.

John Fregonese's first reaction was that the minimum densities bill is nuts in this legislative session. This is true if that bill stood alone. But, if Chandler wants the other bill signed instead of possibly vetoed, the package could go. Also, the state's density bill relates to South/North state contribution legislation because it would help maximize the cost-effectiveness state's transit contribution similar to the land use conditions put on the Hillsboro Extension Full Funding Agreement.

**Fast Track Appeal Process**

The outline of a Chandler-type expedited appeal of development process is attached, courtesy of Bob Stacey. Both proposals are very early discussions, not yet bill language.

**Conclusion**

Metro may prefer to keep minimum density proposals, even in transit corridor, at the regional level. However, if a state legislation beginning can be accomplished as part of a legislature-governor compromise, it could assist both 2040 implementation and South/North. The form of any state bill needs to be coordinated with Metro. We should now be on the mailing list, and be possible invitees to this working group.

rpj<sub>1284</sub>

cc: Dan Cooper John Fregonese Richard Brandman



Attachment F

**METRO**

Date: January 11, 1995

To: Mike Burton, Executive Officer

From: *LS*  
Larry Shaw, Senior Assistant Counsel

Regarding: SOUTH/NORTH LIGHT RAIL TRANSIT (LRT) EXPEDITED REVIEW  
LEGISLATION  
Our file: 10.§17.D

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### Introduction

SB 573, the special land use legislation enacted for Westside LRT in 1991, provided for consolidated land use decisions by Tri-Met and expedited judicial review of those decisions. The process has been very successful at focusing, managing, and expediting state land use review. This memo outlines parallel legislation being prepared for the \$2.8 billion South/North project with Metro making LUFO decisions.

### Same Purposes As SB 573

The dual purposes of SB 573 were to (1) assure timeliness of state land use decisions to capture hundreds of millions in federal funds and (2) preserve but expedite, Oregon land use process. For both projects, regional and local plans included some alternatives of the multi jurisdictional LRT facility prior to special legislation.

### Land Use Final Order-LUFO

The regional and local jurisdictions are now familiar with the state LUFO decision being made at the same time as the federal the Locally Preferred Alternative (LPA) decision. This is the time after the DEIS when the preferred alternative is selected. Data is available for statewide land use Goal findings on route, stations and support roads at that point. Retaining similar expedited judicial review and special standards (rather than full statewide Goal findings) is needed for South/North light rail. Metro can make these decisions that will bind local government comprehensive plans under ORS 268.390 functional plan authority. However, even unsuccessful appeals of Metro's decisions and each city or county plan amendment could take nearly a year without this legislation.

Mike Burton, Executive Officer  
January 11, 1995  
Page 2

**LCDC Standards To Be Used**

Expedited judicial review works only if the courts can absorb the task in the time allotted. So, something less complex than full statewide Goal findings are needed as the LUFO decision standard. Limited standards were created by LCDC for Westside LRT based on city and county comprehensive plans. Most of the same standards can be applied to South/North.

**1995 Legislation**

To be in place for the projected August 1996 land use decision on the South/North route, the expedited review legislation is needed in the 1995 session. The initial route decision by LUFO which establishes project boundaries, significant changes to that LUFO, and a separate LUFO for a later project extension to Oregon City will be covered by this bill. The first full draft will begin a staff review with local governments on January 13. Tri-Met and Metro lobbyist have recommended introduction of the bill as soon as possible. Prior to introduction, staff will schedule a review of the proposed bill with the Metro Council.

rpj  
1903

cc: Andy Cotugno  
Burton Weast  
Richard Feeney



Attachment G (1)

**METRO**

Date: September 21, 1994

To: Merrie Waylett, Director of the Office of Public and Government Relations

From: *LS*  
Larry Shaw, Senior Assistant Counsel

Regarding: FARM TAX DEFERRAL INSIDE THE UGB  
Our file: 7.§5.F

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### Introduction

The issue of Farm Tax Deferral inside the Urban Growth Boundary came up at the MPAC meeting, Affordable Housing Panel on August 24, 1994. This memo describes the relationship of this issue to the compact UGB/urban reserves proposed in the 2040 Recommended Alternative.

### Tax Deferral Means Not Available for Development

At the MPAC meeting a developer complained of being unable to find willing sellers for existing vacant lots. He presented the argument against a tight UGB - that the market for developable land is so tight that developers can't respond to housing demands within the current UGB.

John Fregonese reported that about 12,000 of the 57,000 vacant buildable acres inside the UGB are currently in Farm Tax Deferral status. These properties are not currently paying full real property taxes. A substantial portion of their taxes are deferred until the property changes from farm use or is sold. The purpose of the state law which provides this tax relief to allow farm land to stay in production despite its increased market value for nonfarm uses. There is little incentive to sell sooner, rather than later. The property owner has no incentive to stop any farm use. The tax law provides reduced carrying costs while awaiting more appreciation or a later convenient time to sell.

### State Tax Policy Conflicts with State Land Use Policy

Metro's Urban Growth Boundary (UGB) is required by LCDC Goal 14 and Metro statutes. Use of UGBs to prevent sprawl development onto farm and forest land is premised on encouraging development inside the UGBs. Therefore, it is state land use policy that

Metro adopt a UGB to discourage growth outside the UGB and encourage growth to locate inside the UGB. To the contrary, the separate Farm Tax Deferral laws are intended to preserve family farms by deferring taxes otherwise due until a future sale of the property. Therefore, this state tax policy discouraging state land sales does conflict with land use policy encouraging orderly development inside UGBs, instead of forcing development to "leapfrog" over land held off the market.

### Legislative History

Evidently, a bill to eliminate Farm Tax Deferrals inside Urban Growth Boundaries was introduced in the 1991 legislative session. The bill seems to have died in committee with Farm Bureau opposition. The issue was discussed, but no such bill was filed in 1993.

### 2040 Policy Connection

The sample analysis of the recommended alternative for 50 years uses only 14,500 acres of urban reserves. The Metro Council may prefer an even more compact urban form. If the Farm Tax Deferral allows 12,000 acres to remain undeveloped with reduced tax cost to the landholder and this land must be passed by, tax deferred lands may offset the amount of urban reserves set aside for a 50 year period.

### Reform Options

If Metro seeks to adopt a very compact urban form, that policy creates an institutional interest in seeking to remove barriers to development inside the UGB, like the Farm Tax Deferral law. Some farm interest representatives have urged the Future Vision Commission to avoid UGB expansion onto farm land in Washington County. If farm interests urge Metro to adopt a very compact urban form to protect farm land outside the UGB, there is a trade off. The UGB must provide sufficient land for development. If the Farm Tax Deferral inside the UGB makes land unavailable for development, UGB expansion will have to be considered when need can be shown.

Since Metro may have a greater interest in a compact urban form than elsewhere in the state and the 2040 concept is long term planning, perhaps a date in the future for eliminating Farm Tax Deferral only inside the Metro UGB would reflect the land use policy trade off. Urban reserves logically would retain use of farm tax deferral until those lands are needed for urban use and made part of the UGB.

Farm Tax Deferral Inside the UGB  
September 21, 1994  
Page 3

**Conclusion**

Any change in Farm Tax Deferral inside the Metro UGB would require a change in state tax law.

cc: Dan Cooper  
Andy Cotugno  
John Fregonese

KLA 1814A



METRO

Attachment G (2)

Date: September 29, 1994

To: Merrie Waylett, Director Office of Governmental and Public Relations

From: Larry Shaw, Senior Assistant Counsel

Regarding: FARM TAX DEFERRAL INSIDE UGB  
Our file: 5.§2

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### Introduction

MPAC has indicated an interest in Metro review of possible legislation on the impact of farm use tax deferrals on land available for development inside the Metro UGB. 1000 Friends urged caution and pointed to a 1990 study conclusion that tax deferrals provide a "land banking" benefit even inside UGBs. This memo summarizes that study.

### "Property Tax Deferral Policy Inside Urban Growth Boundaries" (1990)

A DLCD contractor prepared this 78 page report as part of DLCD's Urban Growth Management Study on the effectiveness of growth management.

Up to page 52, the report describes how farm and forest deferrals work and inventories the amount of tax deferred acreage in the state's UGBs.

Of six case studies, only one 300 acre Gresham nursery property zoned light industrial is described, leading to the conclusion at p. 57: "The McGill property case study illustrates that tax-deferral can serve growth management by keeping large properties intact (and productive) until services and demand can support urban-scale development. Once that point has been reached, however, it may not be desirable to continue deferral." (Emphasis added).

There is a financial analysis section at pp. 58-70 on landowner decision-making for a developer, farmer, retiree and corporation based on holding costs and relative appreciation. In this analysis a 1979 study is cited for the proposition that "Thus, in the absence of tax deferral properties will tend to develop not only sooner, but also at lower densities \* \* \* taxation of vacant land at 'highest and best use' value creates a bias against development projects with a long gestation period, favoring projects that produce a return more quickly."

Growth Management analysis and policy options are at pp. 70-78. Based on the sample financial analyses the report concludes that (1) tax deferral postpones the timing of development, (2) tax deferred land develops later at a higher density, and (3) therefore, it encourages higher density development in the long run. However, (4) if services and demand can support "urban-scale development" continued tax deferral may exacerbate shortages of certain joining and confer monopoly power on land owners to command inflated prices.

### Report Review of Options for Limiting Deferrals

a. Phase out all tax deferrals inside UGBs or cities

The report assumes that UGBs and "many cities have tax deferred land that should not be developed currently, because of inadequate demand, slopes, drainage conditions, or scenic or natural values." (Emphasis added). p. 73. Therefore, this option is rejected by the report.

b. Apply stricter income or stocking requirements

This would be aimed at reducing participation by owners who are not "bona fide" farmers. "however, such changes would provide no particular growth management benefits." p. 73.

c. Increase minimum parcel sizes required for eligibility

The report supports "Denying tax deferral to new parcels of ten acres or less \* \* \* " This would discourage parcelization and operate to exclude "The prevalence of homesites on tax deferred land (like) Multnomah County, where fully a third of the tax-deferred acreage contains a single family home."

d. Condition eligibility on zoning designations

"Local governments could group into two groups: those where urban serves are adequate to support urban development, and those where services are inadequate. Tax deferral could be terminated in the former and maintained in the latter.

### Report Recommendations for Change p. 76.

1. Tax laws provide disincentives for partitioning.
2. Legislature should give local governments the authority to selectively withdraw tax deferral in serviced areas.

### Open Space Tax Deferrals - ORS 308.740

ORS 308.765 provides for assessment of qualifying land for the current open space use as the "highest and best use" with only improvements valued at "real market value." However,

Merrie Waylett  
September 29, 1994  
Page 3

to qualify, the landowner's application must be acted upon "in the same manner in which an amendment to the comprehensive plan is processed \* \* \* " ORS 308.755(1). If the use is changed, deferred taxes are due plus interest. ORS 308.770(2).

The report points out that very few qualifying landowners (mostly golf courses) have taken advantage of this program. It recommends (1) more real tax reduction by reducing years of back taxes payable on withdrawal (in exchange for) \_\_\_\_ (2) requiring owners to commit to open space use for a period of time.

### Relationship to 2040 Recommended Alternative

Since the 2040 alternative seeks to develop more "up, not out" by increasing density in centers, corridor and station communities, implementation in the 1990s will be part of a zoning review in all local jurisdictions. That may be an opportunity to implement the report recommendation: to categorize zones not yet serviced for urban development as a basis for terminating farm tax deferral if urban services are available. However, with the RLIS regional database, some determination of urban service availability may be available now as a basis to seek termination of some farm tax deferral lands by a statutory amendment. Also, the report recommendation on limiting partition of deferred land could be accomplished by statutory amendment now.

Open space tax deferrals could greatly assist in reducing development pressures and preserving open space both inside the UGB and in "rural reserve areas." Metro's Greenspaces Program may want to consider proposing statutory amendments to make that assessment more attractive and procedurally accessible.

cc: Andy Cotugno  
John Fregonese  
Charles Ceicko  
Pat Lee

KLA  
1837

LC 2077

12/30/94 (JB/hk)

# DRAFT

## SUMMARY

Allocates in each fiscal year 10 percent of net receipts from video lottery games to regional entities for infrastructure projects.

Defines "regional entity" and "infrastructure project."

Requires regional entities to submit annual report to Economic Development Department concerning expenditure of moneys.

## A BILL FOR AN ACT

1 Relating to allocation of lottery moneys for regional infrastructure projects.

2 Be It Enacted by the People of the State of Oregon:

### SECTION 1. As used in sections 1 to 5 of this Act:

3 (1) "Council of governments" has the meaning given that term in  
4 ORS 294.900.

5 (2) "Infrastructure project" includes a project for the acquisition  
6 or construction of sewage treatment works, solid waste disposal sites,  
7 water supply works, roads, public transportation, port facilities or  
8 other facilities necessary to serve a growing population.

9 (3) "Regional entity" means a council of governments or a metro-  
10 politan service district organized under a district charter and ORS  
11 chapter 268.

12 SECTION 2. (1) In each fiscal year beginning with the fiscal year  
13 commencing July 1, 1995, there is allocated to regional entities for  
14 infrastructure projects, from the Executive Department Economic  
15 Development Fund created by ORS 461.540, an amount equal to 10  
16 percent of net receipts from video lottery games received during the  
17 preceding fiscal year. The moneys shall be allocated to each regional  
18 entity in proportion to the gross receipts from video lottery games  
19 from the counties included within the regional entity.  
20  
21

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 (2) As used in this section:

2 (a) "Gross receipts from video lottery games" means the amount  
3 of money inserted into video lottery games plus the value of any free  
4 game prizes used by players for subsequent games.

5 (b) "Net receipts from video lottery games" means the amount of  
6 money that is received from the operation of video lottery games and  
7 devices after the payment of prizes but prior to any other payment.

8 **SECTION 3.** (1) The amounts required to be allocated to regional  
9 entities under section 2 of this Act shall be expended only for the  
10 purpose of paying the allowable project costs incurred by a regional  
11 entity undertaking an infrastructure project.

12 (2) When a county that is wholly or partly within the boundaries  
13 of a metropolitan service district is also a party to an intergovern-  
14 mental agreement creating a council of governments, the regional  
15 entity for that county is the metropolitan service district.

16 (3) The amounts required to be allocated under section 2 of this Act  
17 shall be distributed to the regional entities quarterly with one-fourth  
18 of the annual allocation distributed in each calendar quarter.

19 **SECTION 4.** For the purposes of sections 2 and 3 of this Act, the  
20 allowable costs of an infrastructure project may include:

21 (1) Costs for preliminary planning or legal, fiscal and economic in-  
22 vestigations, reports and studies to determine the economic and engi-  
23 neering feasibility of the project.

24 (2) Costs of engineering and architectural reports, studies, surveys,  
25 designs, plans, working drawings and specifications necessary in the  
26 construction of the infrastructure project.

27 (3) Costs of property acquisition directly related to the  
28 infrastructure project and acquisition of easements or rights of way  
29 necessary to accomplish construction of the infrastructure project.

30 **SECTION 5.** Each regional entity receiving moneys allocated under  
31 section 2 of this Act shall submit an annual report to the Economic

1 Development Department concerning the expenditure of those lottery  
2 moneys. The report shall be in such form and contain such informa-  
3 tion as the department may require. The report shall be submitted to  
4 the department not later than the date specified by the department.

5

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE METRO ) RESOLUTION NO. 95-2076  
1995 OREGON LEGISLATIVE PROCESS, )  
PRINCIPALS AND PRIORITIES ) Introduced by  
Mike Burton  
Executive Officer

WHEREAS, The 1995 Oregon Legislature convened on Monday, January 9, 1995: and

WHEREAS, Metro has certain legislation which it is requesting be introduced into the 1995 Session of the Oregon Legislature for consideration; and

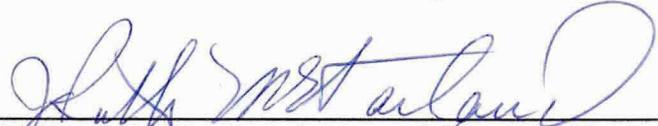
WHEREAS, The 1995 Oregon Legislature may consider other legislation which may have impact on Metro; and

WHEREAS, Metro is represented at the Oregon Legislature by Western Advocates through contract with the Special Districts Association of Oregon; and

WHEREAS, there are procedures and principals which have been developed to guide Metro's involvement in the 1995 session of the Oregon Legislature, and a beginning list of priorities (Exhibit A) which the Metro Executive Officer has approved, and the Metro Council is to adopt, to guide Metro's lobbyist; now, therefore

BE IT RESOLVED,  
That the Metro Council adopts the process, principals and priorities outlined in Exhibit A, and directs its representatives to follow the process and principals, and to report on the status of priorities listed above and additional priorities as the 1995 Session proceeds.

ADOPTED by the Metro Council this 19 day of January 1995.

  
\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

STAFF REPORT

RESOLUTION NO. 95-2076, ADOPTING THE METRO 1995 OREGON LEGISLATIVE PROCESS, PRINCIPALS AND PRIORITIES

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Date: January 11, 1995

Presented by: Merrie H. Waylett

**BACKGROUND:** Representatives of the Office of Public and Government Relations began working in July 1994 with the Metro Executive Officer, Council, and Western Advocates to develop a process to be followed during the 1995 Session of the Oregon Legislature. Metro staff and elected officials began development of proposals for legislation necessary to Metro policy consideration and program operation.

On October 27, 1994, representatives of Western Advocates and the Metro government relations staff presented the draft Policies, Principals and Priorities to the Council and discussed plans for the upcoming session during Council Communications. Revisions were made to the draft following that discussion.

The legislative priority list was later refined and designed to be added to as the 1995 legislative session proceeds.

Representatives of Western Advocates and Metro government relations staff met in December 1994 with both the executive officer-elect and the presiding officer-elect to keep them apprised of development of the program.

**RECOMMENDATION:** With the convening of the new Metro Council, the assumption of administrative responsibility by the new executive officer and the convening of the Oregon Legislature, it is appropriate that the Council adopt the proposed resolution and program to guide Metro's legislative activities. It is, therefore, recommended by the Executive Officer that Resolution 95-2076 be approved.

## EXHIBIT A

### 1995 Legislative Process, Principals & Priorities

#### A. Legislative Process

1. Metro is the regional government for the metropolitan area in and around Portland, Oregon. Its authority and responsibilities are described in the Metro charter, adopted by area voters at the November 1992 general election. In carrying out the charter responsibilities, Metro interacts with the Oregon Legislature, both pro-actively, e.g. Metro will seek introduction of its own legislative proposals asking the legislature to take specific action, and re-actively, e.g. Metro will respond, either in support or opposition, to legislative proposals introduced by others. Metro receives basic legislative information through its membership in the Special Districts Association of Oregon (SDAO). It also contracts for an enhanced level of lobbying representation from SDAO's contract lobbyists, Western Advocates.

2. Metro's legislative agenda for the 1995 Legislative Assembly will identify: (a) proposals and bills the agency actively supports; (b) proposals and bills the agency actively opposes; (c) proposals and bills that have the potential to affect the agency and which will be monitored during the session. The single most important factor in determining priorities among the proposals and bills that affect Metro, will be the impact each will have on the agency's ability to do its job, as outlined in the Metro charter.

3. The agency's legislative priorities will be determined by the Metro Council. Council members, the Executive Officer and Western Advocates representatives will meet with legislators from the region to brief them on Metro's legislative principles and priorities. Metro's legislative activities during the session will be managed by a legislative oversight committee, whose membership will be determined by the Executive Office and the Council. During the session, Western Advocates will route bills to metro's Office of General Counsel for their review, and for review by affected departments. The Office of Public and Government Relations will coordinate departmental responses and send them to Western Advocates, the Presiding Officer and Council, the Executive Officer, the Auditor, and the Office of General Counsel. Responses will be used to help determine Metro's position on specific legislation, either S=Support, O=Oppose; M=Monitor. As bills are amended through the legislative process, their status may alter. Western Advocates staff will report to the Metro Council on a regular basis and furnish the Presiding Officer and Council and the Executive Officer with a weekly status report on legislation of importance to the agency. Visits to Salem by Council members, the Executive Officer, and agency staff in support of Metro's legislative agenda will be most effective if coordinated through the Office of Public and Government and with Western Advocates staff.

## EXHIBIT A

### 1995 Legislative Process, Principals & Priorities

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provided to the committee and Council at the next earliest possible date. Visits to Salem by Council members, the Executive Officer, and agency staff in support of Metro's legislative agenda will be most effective if coordinated through the Office of Public and Government and with Western Advocates staff.