600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | *Agenda*

Meeting: **Metro Council Work Session**
Date: Thursday, January 7, 2016 **REVISED 01/07/16**
Time: 2:00 p.m.
Place: Metro Regional Center, Council Chamber

CALL TO ORDER AND ROLL CALL

2:00 PM	**1.**	**CHIEF OPERATING OFFICER COMMUNICATION**	
2:10 PM	**2.**	**RESOLUTIONS**	
	2.1	**Resolution No. 15-4673,** For the Purpose of Organizing the Metro Council and Confirming Committee Members	**Alison Kean, Metro**
2:20 PM	**3.**	**COO RECOMMENDATIONS ON PROJECTED CYCLE 4 COMMUNITY PLANNING & DEVELOPMENT GRANTS FUNDS**	**Martha Bennett, Metro** **Gerry Uba, Metro**
2:55 PM	**4.**	**2016 LEGISLATIVE AGENDA**	**Randy Tucker, Metro**
4:00 PM	**5.**	**COUNCILOR LIAISON UPDATES AND COUNCIL COMMUNICATION**	

ADJOURN

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលពាក្យបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1890 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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November 2014

600 NE Grand Ave.
Portland, OR 97232-2736

Metro | *Agenda*

Meeting:	**Metro Council Work Session**
Date:	Thursday, January 7, 2016
Time:	2:00 p.m.
Place:	Metro Regional Center, Council Chamber

CALL TO ORDER AND ROLL CALL

2:00 PM	**1.**	**CHIEF OPERATING OFFICER COMMUNICATION**	
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	2.1	**Resolution No. 15-4673,** For the Purpose of Organizing the Metro Council and Confirming Committee Members	**Alison Kean, Metro**
2:20 PM	**3.**	**COO RECOMMENDATIONS ON PROJECTED CYCLE 4 COMMUNITY PLANNING & DEVELOPMENT GRANTS FUNDS**	**Martha Bennett, Metro** **Gerry Uba, Metro**
2:55 PM	**4.**	**2016 LEGISLATIVE AGENDA**	**Randy Tucker, Metro**
4:00 PM	**5.**	**COUNCILOR LIAISON UPDATES AND COUNCIL COMMUNICATION**	

ADJOURN

Agenda Item No. 2.1

Resolution No. 15-4673, For the Purpose of Organizing the Metro Council and Confirming Committee Members

Resolutions

Metro Council Work Session
Thursday, January 7, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ORGANIZING THE METRO COUNCIL AND CONFIRMING COMMITTEE MEMBERS	))))	RESOLUTION NO. 15-4673 Introduced by Council President Tom Hughes

WHEREAS, the Metro Charter, Chapter IV, Section 16 (5) directs the Council to adopt an annual organizing resolution for the orderly conduct of Council business;

WHEREAS, Chapter 2.01 of the Metro Code directs the Metro Council at its first meeting after the first Monday in January each year to elect a Deputy Council President for the ensuing year; directs the Metro Council to establish such committees as the Council deems necessary for the orderly conduct of Council business; and provides that the Council President shall appoint certain committee members and committee chairs subject to confirmation by the Council by Resolution; and

WHEREAS, the Council President has nominated Councilor Craig Dirksen to serve as the Deputy Council President for 2016; and

WHEREAS, the Council President has appointed Councilor Craig Dirksen as Chair of the Joint Policy Advisory Committee on Transportation (JPACT), Councilors Shirley Craddick and Kathryn Harrington as members of JPACT, and Councilor Sam Chase as an alternate member of JPACT; and

WHEREAS, the Council President has appointed Councilors Sam Chase, Carlotta Collette, and Bob Stacey as members the Metropolitan Policy Advisory Committee (MPAC); now therefore

BE IT RESOLVED:

1. That the Metro Council elects Councilor Craig Dirksen as Deputy Council President for 2016.
2. That the Metro Council confirms the Council President's appointments of Councilors to JPACT and MPAC.

ADOPTED by the Metro Council this 7th day of January 2016.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney

Agenda Item No. 3.0

COO RECOMMENDATIONS ON PROJECTED CYCLE 4 COMMUNITY PLANNING & DEVELOPMENT GRANTS FUNDS

Metro Council Work Session
Thursday, January 7, 2016
Metro Regional Center, Council Chamber

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: January 7, 2015 **LENGTH:** **30** minutes

PRESENTATION TITLE: Discuss Chief Operating Officer's recommendations of how to invest the remainder of projected Cycle 4 of Community Planning and Development Grants funds.

DEPARTMENT: Planning and Development

PRESENTER(s): Martha Bennett, Chief Operating Officer, 503-797-1541
Gerry Uba, Community Planning and Development Grants project manager, 503-797-1737

WORK SESSION PURPOSE & DESIRED OUTCOMES

- Purpose: Review and discuss the recommendations of the Chief Operating Officer (COO) on how to invest the remaining $230,000 unallocated Cycle 4 funds.

- Outcome: Council consideration of the COO recommendations and whether these recommendations reflect Council's direction for the CPDG process and program that will support removal of barriers to development and help communities to be development-ready.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

In June 2014, the COO convened a stakeholder advisory group to review the CPDG program and determine if the construction excise tax should be extended or allowed to expire. The charter of the advisory group included recommendation on potential improvements to the program. The advisory group discussion was informed by the findings and recommendations of the evaluation of the CPDG program by the consulting firm, ECONorthwest, who conducted a performance assessment of the program. The advisory group identified types of planning activities and outcomes that should be supported with the grant funds to make local communities development –ready.

The recommendations of the advisory group supported Metro Council decision to extend the construction excise tax from 2015 to 2020. The advisory group's recommendations was also used for refinement of the evaluation criteria to attract the type of projects and outcomes expected, attract projects demonstrating better understanding of market interventions to achieve on the ground development. Their recommendations included how to create performance measures for evaluating the program. On March 25, 2015, the Cycle 4 grant process was initiated and the COO appointed a Screening Committee to evaluate applications submitted by local governments. On August 4, 2015 the Screening Committee submitted recommendations to the Metro COO, including recommended grant amounts for each application. Her recommendations included:

- Projects recommended for full funding
- Project recommended for partial funding
- Project recommended for no funding
- Funding conditions for all projects recommended for funding
- Proposal for contract management service assistance for two projects in small jurisdictions
- Proposal for how to invest the unallocated Cycle 4 funds -- $233,984.

After reviewing the recommendations of the COO and the Grant Screening Committee, the grant evaluation criteria, the grant applications themselves, and after taking public testimony, the Metro Council awarded full grants to 15 projects and partial grant to one project.

The Metro Council also directed the COO to come back for further discussion and decision on her recommendations on how to invest the unallocated funds. The findings and recommendations of the stakeholder advisory committee and ECONorthwest study support utilizing the unallocated funds to make local communities development –ready by creating additional opportunities to achieve outcomes such as eliminating barriers to development, creating incentives, improving the development process, and creating development agreements.

QUESTIONS FOR COUNCIL CONSIDERATION

- Do you need additional information before you direct the COO on how to invest the unallocated funds?
- Do these recommendations and the process reflect the Metro Council policy direction to staff on the grant program?

PACKET MATERIALS

- Would legislation be required for Council action ☐ Yes √ No
- If yes, is draft legislation attached? ☐ Yes ☐ No
- What other materials are you presenting today? [see “attachment” stated below]

ATTACHMENT

- Memo from Elissa Gertler, Planning and Development Director to Martha Bennett, Metro Chief Operating Officer

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | Memo

Date: August 28, 2015

To: Martha Bennett, Chief Operating Officer

From: Elissa Gertler, Planning and Development Director

Cc: Gerry Uba, Principal Regional Planner

Roger Alfred, Office of Metro Attorney

Subject: Potential Allocation of Community Planning and Development Grant (CPDG) Funds to Address Targeted Development Barriers

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As you are aware, the Screening Committee for the Community Planning and Development Grants has completed their review of the current cycle of applications and submitted a recommendation to you regarding the proposed grant funding allocation. As it stands now, it appears that should we fully fund the successful applications as recommended, we will have a remainder of approximately $230,000 of unallocated funds.

This remainder allows an opportunity to focus investments on addressing specific development barriers that have been identified through the CPDG process, our growth management discussions, and other planning and development activities that are occurring around the region. Through our Equitable Housing Initiative, we are working to develop a program that helps local jurisdictions remove barriers to providing a range of housing types and choices for community residents. Our next phase of work on the Brownfields program is also focusing on removing specific barriers to development of environmentally challenged property that can be used for employment, both large and small scale.

The Metro Council could consider utilizing the remaining CPDG funds to create additional opportunities for investing in local communities who are working to address housing and employment development. Below are two proposed approaches for further consideration and discussion by Council.

<u>Option 1: Equitable Housing Local Demonstration Projects</u>
Deliver 4-8 small grants ($20-50,000) to help local jurisdictions eliminate barriers to equitable housing development. Examples could include:

- Land Inventory to identify developable sites for target housing types
- Analysis of incentive tools (e.g. fee waiver, density bonus, tax exemption, etc.)
- Analysis of relationship between SDC's and affordability in different locations
- Expedited permitting program

<u>Option 2: Brownfield Predevelopment Grant Pilot Program</u>
Deliver 2-3 mid-sized grants ($50-75,000) to local jurisdictions working to redevelop known or potential brownfield sites. Examples could include:

- Level I assessment assistance
- Economic and redevelopment feasibility analysis
- Code and regulatory improvement

Both options would be consistent with existing rules and intent of the current CPDG program.

Both programs are under development now. The Equitable Housing Initiative is partway through a process of researching best practices, engaging stakeholders and experts, and developing a regional framework for advancing equitable housing development and preservation. Similarly, our work with the Brownfields Coalition is transitioning to a next phase after the successful work in the 2015 legislative session. If Council chose to direct funds toward these efforts, both programs would need time to further develop a more specific approach to allocating these funds consistent with the program goals and stakeholder interests. Since the intent is to build upon the current CPDG program and guidelines, we expect a grant cycle for either option could commence by June 2016.

The opportunity to continue to leverage Metro's investments in local community development efforts is timely and important. We have heard about the many challenges communities face in making land ready for the kind of development they want to see. Lack of resources is always a fundamental barrier. While this may be a small amount of financial resources, it is a significant way that Metro can contribute to helping good policy ideas become reality in communities across the region.

Planning and Development staff are happy to provide more information on any of these issues as you or the Council request. We look forward to further discussion.

Agenda Item No. 4.0

2016 LEGISLATIVE AGENDA

Metro Council Work Session
Thursday, January 7, 2016
Metro Regional Center, Council Chamber

Materials following this page were distributed at the meeting.

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Metro | *Memo*

Date: Wednesday, January 6, 2016

To: Martha Bennett, Chief Operating Officer

From: Tim O'Brien, Principal Regional Planner

Re: End of Calendar Year Urban Growth Boundary Minor Adjustment Report

Martha – attached is the Metro Code required end of calendar year Urban Growth Boundary Minor Adjustment Report for 2015.

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Metro | *Memo*

Date: Wednesday, January 6, 2016

To: Martha Bennett, Chief Operating Officer

From: Tim O'Brien, Principal Regional Planner

Re: End of Calendar Year Urban Growth Boundary Minor Adjustment Report

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Background

Metro Code Section 3.07.1450(G): Minor Adjustments - Criteria requires the Chief Operating Officer to submit a report to the Metro Council with an analysis of all minor adjustments made during the year. The report shall demonstrate how adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept. This memo constitutes the report for 2015.

Urban Growth Boundary Minor Adjustments

There were no Urban Growth Boundary Minor Adjustment petitions in 2015.

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Metro | *Memo*

Date:	January 7, 2016
To:	Martha Bennett, Chief Operating Officer
From:	Elissa Gertler, Planning and Development Director
Cc:	Gerry Uba, Principal Regional Planner
	Roger Alfred, Office of Metro Attorney
Subject:	Unallocated Cycle 4 Community Planning and Development Grant (CPDG) Funds

As you are aware, after the application and selection process for Cycle 4 of the Community Planning and Development Grants (CPDG), not all available funds were awarded. The Screening Committee chose to leave a remainder of approximately $230,000 of the projected $5 million construction excise tax (CET) revenue unallocated. Additionally, the most recent forecast of revenue from the CET indicates revenue collected exceeds initial projections, making additional funds available.

When Council awarded the Cycle 4 grants, it also directed staff to consider other ways we might use the unallocated funds to accomplish the fundamental goal of the program, removing barriers to make land ready for development. Further discussions with Council, COO, and OMA clarified that we should only consider uses that are consistent with the code and administrative rules that govern the CPDG program now.

Several approaches for further consideration were proposed by Council:

- Reconsider unsuccessful applications from Cycle 4 for funding (e.g. Beaverton Western Employment Area)
- Add current unallocated funds to the Cycle 5 selection process.
- Address specific categories of development barriers (e.g. housing, brownfields, new UGB areas)

RECONSIDER APPLICATIONS

After further conversations with Beaverton staff, we came to the agreement that due to their project timelines, further pursuing Cycle 4 funding did not make sense for the Western Employment Area at this time, but we have committed to collaboratively discuss potential Cycle 5 applications for this or other applicable projects in Beaverton.

ADD CURRRENT FUNDS TO FUTURE FUNDS

There is little risk to the approach of waiting to allocate funds until the next grant cycle, but there is also little reward in the short term. This approach would allow Cycle 5 to either make more investments around the region, or make investments of more significant magnitude. Communities who might not have been ready for the Cycle 4 timing might be more ready to submit competitive applications, particularly as regional conversations about the next growth management decision gear up over the next two years. The main risk of delay is the cost of time, in that it does not allow Metro to make further investments in removing community planning and development barriers in the short term, instead aiming for greater impact in the future.

SMALLER INVESTMENTS IN THE SHORT TERM
On the other hand, allocating funds to targeted development barriers would allow Metro an opportunity to make investments in the short-term that could help communities address key problems. However, the magnitude of the funds means that the impact of these investments would be at a very different scale than a full CPDG cycle. What kind of impact would we hope to achieve with an investment of $200,000 to $300,000 that would meaningfully accomplish the goals of the CPDG program?

Metro has been working in two areas where smaller grants might be able to achieve meaningful results in removing development barriers. First, our work on Equitable Housing has identified a need and an opportunity for local governments who want to expand their affordable housing tools and resources beyond their current capabilities and capacity. Second, we have been working with partners in Clackamas County, Oregon City, and Milwaukie to seek EPA resources for a Brownfield assessment and remediation program. Additional CPDG resources might allow us to expand our efforts to more jurisdictions around the region.

HOUSING
Throughout the stakeholder engagement process and the best practices research over the past year, we learned that there are good ideas that cities and counties in our region are interested in applying, but do not have enough capacity or expertise to move them forward. While not all of these ideas would fit within the current program eligibility rules, there is a significant amount of eligible work that can be done to address regulatory, design, financial and policy barriers that are holding our communities back from applying a wider range of strategies to address equitable housing issues. The CPDG program model would apply easily in this case, where local governments could apply, a screening committee could recommend awards, and Metro could distribute approximately 5-8 grants in the range of $20-50,000 across the region. Examples could include:

- Feasibility analysis for affordable housing development on sites with a willing property owner
- Cost-benefit analysis of incentive tools to eliminate barriers to affordable rental housing (e.g., Vertical Housing Tax Credit)
- Analysis of regulatory and design barriers to shared housing development (e.g., cottage clusters, accessory dwelling units)

BROWNFIELDS
Through the great work of the state Brownfields Coalition and the Willamette Falls Legacy Project, Metro has been able to pull together resources and partners who are helping address the key development barrier of brownfields. At the end of 2015, in partnership with Clackamas County, Oregon City, and many other community partners we submitted an application for an EPA grant that could total $600,000. As discussed with Council, this would allow some of our brownfield activities to move forward in targeted areas, but would not be sufficiently funded to develop a broader regional effort at the outset. Allocating CPDG resources in this case would mean we could allocate 2-4 grants in the range of $50-75,000 across the region through an application and screening process. Examples could include:

- Phase I & II site assessment assistance
- Economic and redevelopment feasibility analysis
- Policy Development

Planning and Development staff look forward to the opportunity to discuss this further with Council, the COO, and OMA to determine the best approach to utilizing these resources to best achieve our goals.

600 NE Grand Ave.
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Metro | Memo

Date: January 1, 2016

To: Metro Council, MPAC

From: Martha Bennett, Chief Operating Officer

Subject: 2015 annual report on amendments to the Employment and Industrial Areas Map

Background

Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan seeks to improve the region's economy by protecting a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas. Those areas are depicted on the Employment and Industrial Areas Map.

Title 4 sets forth several avenues for amending the map, either through a Metro Council ordinance or through an executive order, depending on the circumstances. Title 4 requires that, by January 31 of each year, Metro's Chief Operating Officer submit a written report to the Council and MPAC on the cumulative effects on employment land in the region of amendments to the Employment and Industrial Areas Map during the preceding year. This memo constitutes the report for 2015.

Title 4 map amendments in 2015

One amendment was made to the Title 4 Map in 2015. This amendment was made by executive order per Metro Code section 3.07.450E to make the Title 4 Map consistent with zone changes made by the City of Tualatin. Those city zone changes were found by Metro staff to meet criteria in Metro Code section 3.07.450C. The Title 4 Employment designation was removed from approximately 20 acres of land.

Chief Operating Officer recommendations

I do not, at this time, recommend changes to Title 4 policies.

METRO COUNCIL LEGISLATIVE PRIORITIES
2016 Legislative Session

- **Urban growth management:** Ensure that the Legislature establishes the policy framework and process for local land use decisions and supports the authority of local governments, including Metro, to make specific decisions on local land use matters.

- **Transportation funding and policy:** Support continued development of a comprehensive transportation funding and policy package to improve economic competitiveness, community livability, and environmental quality by addressing the needs of all modes of passenger and freight transportation.

- **Transient lodging tax:** Support increase in state transient lodging tax needed to host 2021 World Track and Field Championships in Eugene if it is structured in a way that supports long-term success of tourism and convention business in Portland metropolitan region.

- **Brownfield cleanup and redevelopment:** Support creation of policy and funding tools to facilitate brownfield redevelopment, including (a) local authority to provide property tax incentives and (b) establishment of a state brownfield cleanup tax credit.

- **Healthy Climate legislation:** Support legislation to achieve statewide greenhouse gas emissions reduction targets established by 2007 legislation.

- **TriMet authority:** Support legislation providing greater flexibility for TriMet to spend certain funds on regional transportation facilities beyond those on which it operates.

- **Affordable housing:** Support funding and policy changes to protect tenants from displacement, enable short-term responses to homelessness, and facilitate affordable housing development and preservation.

- **Disaster preparedness:** Support legislation aimed at improving preparedness for a major seismic event, including the creation of a Task Force on Mass Care and Sheltering in Support of Cascadia Planning Efforts.

- **Industrial site readiness:** Support allocation of funds to implement 2013 legislation which created state financial tools to help make land inside the urban growth boundary available for industrial development and job creation through infrastructure investment, brownfield cleanup, land aggregation, and other means. Support statutory changes to make 2013 legislation clearer and easier to implement.

- **Household hazardous waste:** Support legislation establishing a program based on producer responsibility and product stewardship principles to manage household hazardous waste.

METRO
2016 LEGISLATIVE ISSUE IDENTIFICATION

Department: GAPD/Planning and Development **Date:** December 23, 2015

Person completing form: Randy Tucker **Phone:** x1512

ISSUE: Land Use (various anticipated issues)

BACKGROUND: The Metro Council has recently concluded the 2015 growth management cycle and is working to finalize a response to the remand of the urban reserves designation in Clackamas County. Various legislative proposals that relate to a greater or lesser extent to these decisions are likely to be floated in the 2016 legislative session (numbered for ease of reference below):

1. Clackamas County has requested legislation authorizing Metro to analyze urban needs on a subregional basis.
2. Other legislators are rumored to be pursuing legislation that could address the controversy about land south of the Willamette River.
3. Borland landowners have reportedly asked Sen. Lee Beyer to include an element in a committee bill that would bring Borland into the UGB.
4. Rep. Alissa Keny-Guyer, who chairs the House Committee on Human Services and Housing, is preparing an omnibus housing bill that may include an element authorizing UGB expansions under certain circumstances to facilitate the provision of affordable housing.
5. Finally, legislation is reportedly being prepared that would eliminate voting on annexations in certain limited circumstances.

RECOMMENDATION: Metro should oppose proposals 1, 2, 3 and 4 above, and support a properly crafted version of proposal 5. Without offering exhaustive arguments in this issue sheet, here are a few high-level comments:

Proposal 1 solves no known problem, ignores the regional nature of housing and employment land needs and will lead to endless squabbles over the definition of a subregion and the need forecasts for various subregions. Resolution of the reserves designations in Clackamas County is a much better solution to that county's aspirations. Moreover, the Metro Council has committed to working with regional partners to explore possible improvements to the region's growth management process; that conversation should occur before statutory changes to the process are considered.

Proposal 2 has been exhaustively discussed elsewhere and requires no further comment here.

Proposal 3, if described accurately here, builds on efforts of certain Borland landowners in 2015 and violates the Council's legislative principles on land use.

Proposal 4 ignores the significant infrastructure costs of greenfield development. In most cases in our region it would create "affordable housing" in locations remote from services (thereby imposing high transportation costs on low-income residents) at a significant cost to the integrity of the land use system. There are much better ways to address affordable housing needs.

Proposal 5 is something the Council has supported in the past and should continue to support, assuming it does not override the decision making authority of local elected bodies.

Here are a few relevant excerpts from the Metro Council's previously adopted legislative principles, which guide staff response to moving political issues:

- The Legislature should exercise restraint and care when considering changes to Oregon's land use system.
- The Legislature should establish the process and policy framework for local land use decisions and should affirm the authority of local governments, including Metro, to make specific decisions on local land use matters.
- Metro supports efforts to ensure that housing choices are available to people of all incomes in every community in our region, and to reduce the number of households that must spend more than 50 percent of their income on housing plus transportation.
- Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.

LEGISLATIVE HISTORY: Proposal 1 was discussed in the early 2000s and has been the subject of litigation but not legislation. A court ruling determined that subregional analysis is not allowed.

Proposal 2 was the subject of Senate Bill 716, which failed in 2015.

Proposal 3 follows efforts by certain Borland landowners in support of House Bill 3211 (2015), which would have legislatively finalized the urban reserves designations in the Stafford area.

Proposal 4 is similar to Senate Bill 187 from 2007, which was championed by then-LCDC Chair John VanLandingham but did not move out of committee.

Proposal 5 was developed as an amendment to various bills in 2015. The specific proposal applied only to situations where the owner(s) of all land to be annexed supported the annexation.

OTHER INTERESTED PARTIES: Local governments, housing and development interests, land use and environmental advocates, farmers, Oregon Citizens for a Voice in Annexation.

IMPACT IF PROPOSED ACTION OCCURS: Various.

METRO
2016 LEGISLATIVE ISSUE IDENTIFICATION

Department: GAPD/Council **Date:** 20 December 2015

Person completing form: Randy Tucker/Colin Deverell **Phone:** x1512 (Randy)

ISSUE: State transient lodging tax (TLT) increase

BACKGROUND: Tourism is an essential part of Oregon's economy. Between 2009 and 2014, tourism generated $56 billion in spending in Oregon restaurants, shops and hotels. In 2014 alone, these local businesses employed 100,000 Oregonians and created more than $240 million in state revenues that can be invested in schools, public safety, and other vital services.

Oregon has been successful at growing its tourism industry by making strategic investments that play to its strengths, at both the state and local levels. In the Portland region, local governments have raised lodging taxes to invest in facilities like the Oregon Convention Center and Veterans' Memorial Coliseum. The state has been an invaluable partner by adding to local investments in tourism facilities that provide a clear statewide benefit, such as the Oregon Convention Center (OCC) headquarters hotel, and through high quality travel marketing paid for by the state's 1% lodging tax. These marketing efforts contribute to our ability to bring high-profile events to Oregon, including the upcoming 2021 World Outdoor Track & Field Championships in Eugene. As the third largest sports event in the world, the Track & Field Championships will bring thousands of visitors and millions of dollars of tourist spending to Eugene and communities all over Oregon.

It is anticipated that up to $150 million will be needed from a variety of sources (including public contributions, corporate sponsorships, and event revenues) to elevate Eugene's track and field facilities to "world class" status, to upgrade other athletic facilities around the state for training purposes, and to support marketing and administration of this major event. A proposal is being developed for the 2016 Legislature to increase the state TLT to support the Track & Field Championships. (Because this proposal would increase state revenues, it will require support from a 3/5 majority of each chamber of the Legislature.) At this time, staff understands that the target is $20-25 million over four years for the track event; while earlier concepts focused on improvements to the event's primary venue, the University of Oregon's Hayward Field, our current understanding is that the TLT increase itself would support marketing and administration of the event rather than capital projects. A 1% statewide TLT currently raises approximately $17 million annually, and these revenues have been growing at an annual rate of approximately 6% for several years.

As the state's most populated area, the Portland region generates approximately 40% of the revenue attributable to the state lodging tax. In central Portland, combined state and local lodging taxes total 14.5%. This helps to maintain the high quality of facilities like the OCC and Providence Park, which recently hosted the Major League Soccer All-Star Game. Revenues from local lodging taxes complement state support for tourism facilities and ultimately increase state revenues through added economic activity. While local lodging tax rates, which exceed those in other parts of the state, have allowed our region to make significant investments, further permanent increases could affect the region's competitiveness with other hotel and convention markets, and the region has been contemplating the use of any remaining "headroom" in the tax rate to address long-term facility investment needs in the region.

RECOMMENDATION: Metro and MERC staff believe expenditures that support the Track & Field Championships represent an appropriate use of state TLT dollars; it is hoped that all parties can agree on a proposal that will meet this need. However, certain parties are reportedly proposing a permanent doubling of the state TLT (from 1% to 2%), which would generate much more revenue than is needed for this purpose. Staff have been raising questions about the level and duration of any increase in state TLT and the use of any revenues that exceed the amount needed to support the track event.

While the proposal itself remains fluid, Metro should support an increase in the state TLT under the condition that it is structured to either: (a) direct a portion of the tax back to the region in a form that can be used for capital investments in tourism-related facilities; (b) leave the region enough “headroom” to raise local revenues to address these local needs without damaging its competitive position in the convention market; or (c) raise just enough revenues to support the track event and then sunset.

LEGISLATIVE HISTORY: The idea of raising the state TLT to support improvements to Hayward Field was floated during the 2015 legislative session but did not advance.

OTHER INTERESTED PARTIES: The Governor favors using state TLT to support the Track and Field Championships but has not yet taken a position on the details. However, the Oregon Restaurant and Lodging Association (ORLA) supports a permanent 1% increase; some view ORLA’s support as critical to legislative success, especially given the requirement that revenue increases achieve 3/5 support in each house. Other parties to the conversation at this point include Travel Oregon, the University of Oregon, Travel Portland, the City of Portland, Multnomah and Clackamas Counties, Travel Lane County, local governments in Lane County, and the League of Oregon Cities.

IMPACT IF PROPOSED ACTION OCCURS: The current combined TLT in the Portland region is already close to the level where it could potentially become a barrier to marketing of the OCC and of regional tourism in general. Even if an increase can be absorbed without damaging the region’s marketing efforts, it is likely to require greater expenditures from the VDF in the development of packages to promote the OCC and will make it harder to increase any local lodging taxes in the future should that be desired (e.g., for investments in tourism-related facilities). On the other hand, depending on how any increased TLT is administered, additional revenues could be spent in ways that support tourism in the region.

METRO
2016 LEGISLATIVE ISSUE IDENTIFICATION

Department: COO/RISE **Date:** December 23, 2015

Person completing form: Randy Tucker **Phone:** **x**1512

ISSUE: Incentives for brownfield cleanup and redevelopment

BACKGROUND: Thousands of properties around Oregon are vacant or underutilized because of known or perceived environmental contamination. These brownfield properties can be found in virtually every city and county but are disproportionately located in the Portland region. They constitute unrealized assets with the potential to help communities meet multiple goals relating to livability, economic development, environmental protection, equity, and efficient use of land and existing infrastructure. At the local level, these vacant and underutilized properties undermine neighborhood livability and can threaten human health and environmental quality. Redeveloping these sites enables local governments to generate greater tax revenues due to the increased value of the redeveloped and neighboring properties.

In 2014, Metro led the creation of the Brownfields Coalition, a group that grew to include over 40 public, private and community organizations who were seeking solutions to the problems associated with brownfields. The coalition adopted a four-part legislative agenda for 2015 that included recapitalization of the state's Brownfield Redevelopment Fund (BRF), the establishment of a state brownfields tax credit, and legislation authorizing the creation of local brownfield land banks and local property tax incentives for brownfield cleanup and redevelopment.

In 2015, the Coalition's support was critical to the Legislature's decision to provide $7 million to recapitalize the BRF. The Legislature also passed HB 2734, which authorized the creation of local brownfield land banks. That bill originally included a section authorizing local property tax incentives, but the Coalition opted to withdraw that request to address financial, political, and technical concerns about the way it was structured. (The tax credit bill, HB 2289 was more aspirational; the Coalition had a chance to air the issues but never expected to pass the bill in 2015 and focused much more effort on the other items on its agenda.)

Recently, the Coalition reconvened and made two decisions with regard to the 2016 session: 1) to pursue legislation creating a task force on a brownfield tax credit in 2016, and 2) to delay the effort to pass legislation creating property tax incentives for brownfield cleanup until 2017. (The Coalition also established subcommittees to look at other legislative ideas for 2017 and beyond, as well as non-legislative ideas.)

However, subsequent to that decision, key legislators decided they would like to pursue the property tax bill in 2016 and invited the Coalition to participate in shaping it. Coalition members have been working with those legislators to refine the 2015 version of the property tax legislation, and have also developed a proposed structure for a brownfields tax credit task force.

RECOMMENDATION: Support 2016 legislation to authorize local property tax incentives for brownfields cleanup and redevelopment and to create a brownfield tax credit task force.

LEGISLATIVE HISTORY: As noted above, the Brownfields Coalition pursued legislation on both of these general topics in 2014. HB 2734 originally included the property tax proposal, and HB 2289 would have created a state brownfields tax credit.

OTHER INTERESTED PARTIES: Members of the Brownfields Coalition, who include business organizations, local governments, and environmental and community groups.

IMPACT IF PROPOSED ACTION OCCURS: These tools would provide incentives for the cleanup and redevelopment of brownfield properties, which in turn will lead to job creation and increased tax revenues at the local and state levels, in addition to the environmental and social benefits of eliminating contamination. In the Portland metropolitan region, brownfield cleanup can result in more land with existing infrastructure being available for productive urban uses within the existing urban growth boundary. Reports produced for Metro and Portland have shown that each of these tools is likely to generate positive financial return on public investment within a short time frame (1-5 years).

METRO
2016 LEGISLATIVE ISSUE IDENTIFICATION

Department: GAPD **Date:** January 1, 2016

Person completing form: Randy Tucker **Phone:** x1512

ISSUE: 2016 Climate legislation

BACKGROUND: Senators Lee Beyer and Chris Edwards are reportedly preparing to introduce legislation that is variously being described as the "Healthy Climate" bill and as "cap and invest" legislation. According to information produced by the Oregon Environmental Council and the Sightline Institute (on which this issue sheet is based), this legislation would require the state to actually achieve the climate goals the Legislature adopted in 2007 in House Bill 3543. Those goals require reductions of greenhouse gas emissions below 1990 levels of 10% by 2020 and 75% by 2050. The proposed legislation would establish two interim targets: 25% by 2025 and 45% by 2035.

The primary mechanism of this legislation would be a hard cap on emissions that would decline over time, combined with "allowances" for each ton of pollution allowed under the cap. Most of these allowances would be sold in a state-run auction, while others would be given away to help industries that compete with unregulated businesses outside Oregon to transition to clean energy. Regulated businesses would have to periodically verify that they held enough allowances to cover their emissions.

The intended outcomes of this system would be that businesses would have an incentive to reduce their emissions in order to reduce the number of allowances they need to own, and would therefore seek the lowest-cost ways of reducing their emissions. Businesses that reduce their emissions would be able to sell their allowances on the open market. The cost of the allowances, which would rise over time as the number of allowances declined, would make clean energy more competitive; drive increased investment in energy efficiency, electric vehicles and clean energy sources; and spur investments in clean-tech businesses.

The proposed legislation would cover the vast majority of Oregon's greenhouse gas emissions: transportation (approximately 37% of current emissions), residential and commercial use of electricity and natural gas (32%), and industrial facilities (19%), but not agricultural (8%) and waste (4%) emissions. Revenues from the sale of transportation-related allowances would be deposited in a sub-account of the state highway fund to comply with constitutional requirements. Other revenues would be used to invest in projects that reduce emissions and support the transition to a clean energy economy; to provide assistance to low-income households and small businesses; to support job transitions for affected workers; to prevent price volatility; and for other related purposes.

RECOMMENDATION: The region's six desired outcomes for successful communities, which have been adopted into the Metro Council's legislative principles, include regional leadership on climate change. While the details of this legislation are still being developed, staff offers the provisional recommendation that Metro should support this concept while continuing to monitor its substance and progress.

LEGISLATIVE HISTORY: As noted above, the Legislature created greenhouse gas emissions reduction targets in HB 3543 (2007).

OTHER INTERESTED PARTIES: It is anticipated that because this legislation will have impacts across the entire state economy, it will concern a very wide range of interests.

IMPACT IF PROPOSED ACTION OCCURS: Impacts of such legislation are likely to be wide-ranging and hard to predict with precision. However, based on related programs in other areas, it is anticipated that this legislation will stimulate investments in energy efficiency and accelerate the transition to cleaner sources of energy.

METRO
2015 LEGISLATIVE ISSUE IDENTIFICATION

Department: GAPD **Date:** December 18, 2015

Person completing form: Randy Tucker **Phone:** x 1512

ISSUE: TriMet spending authorization

BACKGROUND: Regional conversations are under way regarding how to finance investments to address the transportation needs of the Portland metropolitan area. While no decisions have been made, one option would be for TriMet to place a region-wide funding measure on a future ballot. Should the region agree to pursue this option, a statutory change would be necessary to authorize certain types of transportation expenditures from certain funding sources.

ORS 267.300 defines how TriMet can finance its operations and capital programs. TriMet is currently authorized to invest in a wide variety of transportation facilities where it operates, including sidewalks, roads, highways, bike paths, etc. However, TriMet is prohibited from spending funds on transportation facilities on which it does not physically operate, unless the funds are restricted by the Oregon Constitution (i.e. highway funds).

TriMet is proposing to amend ORS 267.300 to allow TriMet to invest <u>certain</u> funds in other transportation projects around the region. These funds are:

- Funds that are reserved by Article IX, section 3a of the Oregon Constitution for the purpose of financing the construction, reconstruction, operation and use of public highways, roads, streets and roadside rest areas (e.g. gas tax, registration fees);
- Proceeds of general obligation bonds approved by voters under ORS 267.330;
- Grants or contributions;
- Proceeds of bonds issued under ORS 267.335 that are subject to a reimbursement agreement.

All other funds (including payroll tax), would still be prohibited from being spent outside where TriMet operates.

RECOMMENDATION: Support legislation broadening TriMet's authorization to spend certain funds on regional transportation facilities beyond those on which it operates. While no regional decision has been made about the best strategy to pursue, this legislation would provide another tool to address our region's transportation needs.

Given the timing of key regional decisions, it is necessary that this bill move in the 2016 legislative session.

LEGISLATIVE HISTORY: None.

OTHER INTERESTED PARTIES: While this enabling legislation is probably of little interest in and of itself, the larger question of whether the region should bond against federal flexible funds or local property taxes to support a multimodal capital program will be of great interest to virtually every key player in regional transportation discussions, from local governments to state and regional agencies to business, environmental and other advocacy organizations.

IMPACT IF PROPOSED ACTION OCCURS: This legislation would make it possible for TriMet to spend federal flexible funds, regional property tax revenues, and other funding sources on highways, trails, and other facilities on which it does not directly operate. Depending on regional decisions that have not yet been made, this authority could provide an avenue for large-scale regional transportation investments.

METRO
2016 LEGISLATIVE ISSUE IDENTIFICATION

Department: Planning & Development **Date:** December 28, 2015

Person completing form: Emily Lieb **Phone:** x1921

ISSUE: Equitable Housing

BACKGROUND: Consistent with national trends, housing prices (both rental and for-sale homes) are rising faster than incomes in the Portland metropolitan region. These trends are especially present in Portland, and they disproportionately impact renters and low-income households, many of whom face challenges of rising rents and no-cause evictions. Unable to maintain stable rental housing, households are left to navigate a tight rental market with very low vacancy rates.

The most common measure of housing affordability is 30 percent of a household's income spent on housing. The market generally does not produce new housing affordable to households making less than 60 percent of median income—about $40,000 for a family of three or $30,000 for a single-person household. Producing new housing affordable at this level typically requires some form of public or philanthropic investment. However, the majority of people in this income bracket are served by market-rate housing that is "naturally" affordable for reasons of age, quality, or location. There are approximately 30,000 units of housing regulated to remain affordable to households making less than 60 percent of median income, and currently approximately 73,000 units of market-rate housing that are affordable at this level (although rising rents will cause this number to diminish) in the four-county metro region. With over 185,000 households making less than 60 percent of median income, that leaves a shortage of more than 80,000 units of rental housing affordable to low-income households.

In addition, estimates from recent point-in-time counts suggest that there are approximately 19,000 homeless people in our region, including over 1,500 children, on any given night.

In 2015, Metro's Equitable Housing Initiative researched strategies from our region and around the country; engaged more than 180 experts and stakeholders in discussions of barriers and solutions; and developed a strategic framework for creating and preserving housing affordability and housing choice. This work was conducted in partnership with Oregon Opportunity Network and with guidance from a technical work group including two Metro councilors and ten working professionals with diverse expertise on housing issues.

The framework consists of four elements, representing four elements of a balanced approach to equitable housing:

- *Strategy 1: Increase and diversify market-rate housing:* Eliminate regulatory barriers and create incentives for diverse market-rate housing.

- *Strategy 2: Leverage growth for affordability:* Encourage private developers to contribute to affordable housing.
- *Strategy 3: Maximize and optimize resources:* Increase flexible funding and pursue coordinated investment strategies to expand the region's supply of regulated affordable housing.
- *Strategy 4: Mitigate displacement and stabilize communities:* Pursue community-informed strategies to mitigate displacement; ensure safe and healthy rental housing; and bridge the homeownership gap for lower-income groups, including communities of color.

The Oregon Housing Alliance, of which Metro is a member, is developing its legislative agenda, and the House Committee on Human Services and Housing is expected to introduce omnibus housing legislation that will address several issues.

RECOMMENDATION: Staff recommends support of a range of state policy and funding tools that are likely to be the subject of 2016 legislation to protect tenants from displacement, enable short-term responses to homelessness, and support affordable housing development and preservation.

Anticipated legislative proposals that support the Equitable Housing Initiative's strategies include:

1. **Provide flexible financing tools that can be used to support community-based solutions to local housing needs,** including additional funding for Local Initiatives and Fast Track Development Program partially funded by 2015 Legislature.
2. **Authorize strong tenant protections against no-cause evictions**. Eliminate no-cause evictions after one year of tenancy. Shorter notice periods when tenants have violated rental agreements would remain the same.
3. **Authorize stronger tenant protections against rent increases**, extending the required notice for rent increases from 30 days to 90 days and requiring landlords to report to OHCS the reason for any rent increase over 5 percent in a single year.
4. **Enable local governments to waive certain zoning and building code requirements to support emergency shelters, small houses, or huts for homeless camps** when a local government declares a state of emergency for housing/homelessness.
5. **Repeal the preemption on inclusionary zoning (IZ).** While most stakeholders recognize that IZ is not a cure-all for affordable housing and that it is only effective in locations with strong markets, many believe it is a tool that should be considered. Metro has consistently opposed this preemption.
6. **Allow new regulations limiting rent increases in new multi-family rental units**. This would enable inclusionary zoning to be used in the context of rental units.

LEGISLATIVE HISTORY: In 1999, the Legislature enacted a pre-emption against local inclusionary zoning. There have been several efforts to repeal that pre-emption, with the 2015 session seeing the strongest effort so far.

Since its founding in 2003, the Housing Alliance has had a string of successes in enacting policy changes and in raising significant new state funding for affordable housing, most notably with the creation of a document recording fee in 2009.

OTHER INTERESTED PARTIES:
Oregon Housing Alliance and its member organizations and local governments; Oregon Home Builders Association; Oregon Association of Realtors; Multifamily NW; more.

IMPACT IF PROPOSED ACTION OCCURS:

- Prevent displacement of renters due to no-cause evictions.
- Prevent sudden displacement of renters due sudden or extreme rent increases.
- Enable local governments to pursue inclusionary zoning regulations to require that developments of a certain size set aside a percentage of units as affordable.
- Enable local governments to act quickly to site emergency shelter and homeless facilities when local leaders determine that housing/homelessness has reached a state of emergency.

METRO
2016 LEGISLATIVE ISSUE IDENTIFICATION

Department: GAPD **Date:** 5 January 2016

Person completing form: Randy Tucker **Phone:** x1512

ISSUE: Disaster preparedness

BACKGROUND: The Pacific Northwest is overdue – and underprepared – for a catastrophic earthquake in the Cascadia subduction zone that would dramatically affect most of Oregon and Washington west of the Cascades. In February 2013, the Oregon Seismic Safety Policy Advisory Commission (OSSPAC or Earthquake Commission) issued The Oregon Resilience Plan. The Resilience Plan contains more than 140 recommendations and emphasizes the importance of a sustained effort, perhaps over the next fifty years, to make ongoing earthquake and tsunami preparations.

RECOMMENDATION: Support legislation creating a Task Force on Mass Care and Sheltering in Support of Cascadia Planning Efforts. As previously proposed, this task force would review current state and local plans related to "mass care, housing and emergency assistance necessary in the event of naturally occurring seismic events associated with geologic shifts along the Cascadia subduction zone" and make recommendations related to local capacity to provide food, shelter, and other critical services in the aftermath of such an event.

LEGISLATIVE HISTORY: After the Resilience Plan was released, Senate Bill 33 (2013) created a task force to tackle implementation. The task force, which completed its work in October 2014, prioritized issues for possible legislation and made recommendations to the Legislature concerning oversight, transportation, land use, energy, critical facilities, training and education, and water. As a result, a number of measures were introduced for the 2015 regular legislative session, including Senate Bill 808, which called for the creation of this task force with a human services focus. The bill was approved by the Senate Committee on Veterans and Emergency Preparedness but died in the Ways and Means Committee.

OTHER INTERESTED PARTIES: OSSPAC, Regional Disaster Preparedness Organization, local governments

IMPACT IF PROPOSED ACTION OCCURS: Better coordination and preparedness to provide emergency services in advance of a seismic event.

METRO COUNCIL 2015 LEGISLATIVE PRINCIPLES[1]

LOCAL AUTHORITY

1. **Pre-emption:** With respect to issues related to solid waste management, land use, transportation planning and other matters of regional concern, Metro's authority should not be pre-empted or eroded.
2. **Funding:** To ensure a prosperous economy, a clean and healthy environment, and a high quality of life for all of their citizens, Metro and the region's counties, cities, and other service providers must have the financial resources to provide sustainable, quality public services. Accordingly, the Legislature should remove existing restrictions on local and regional revenue-raising authority and avoid enacting new limitations or pre-emptions, and all state mandates should be accompanied by funding.

LAND USE AND URBAN GROWTH MANAGEMENT:

3. **Local Authority:** The Legislature should take no actions that reduce or compromise Metro's land use and urban growth management authority.
4. **Oregon's Land Use System:** Oregon's land use planning system provides an important foundation for the prosperity, sustainability and livability of our region; this system reflects the values of Oregonians and enjoys strong public support.[2] The Legislature should exercise restraint and care when considering changes to Oregon's land use system.
5. **Successful Communities:** Metro supports legislation that facilitates the achievement of the six desired outcomes for successful communities that have been agreed upon by the region: vibrant, walkable communities; economic competitiveness and prosperity; safe and reliable transportation choices; leadership in minimizing contributions to global warming; clean air, clean water and healthy ecosystems; and equitable distribution of the burdens and benefits of growth and change.[3]
6. **Local Land Use Decisions:** Management of the urban growth boundary is a complex undertaking that involves extensive analysis, public input, and a balancing of many factors. Urban growth management decisions have profound impacts not just on land at the boundary, but on communities within the boundary and on farms and other rural lands outside the boundary. For these reasons, the Legislature should establish the process and policy framework for local land use decisions and should affirm the authority of local governments, including Metro, to make specific decisions on local land use matters.
7. **Efficiency:** Land within the urban growth boundary should be used efficiently before the boundary is expanded.[4]
8. **Need:** The UGB should not be expanded in the absence of demonstrated need.[5]
9. **Affordable Housing:** Metro supports efforts to ensure that housing choices are available to people of all incomes in every community in our region, and to reduce the number of households that must spend more than 50 percent of their income on housing plus transportation.[6]
10. **Transportation:** Land use and transportation planning should be coordinated so land uses do not undermine the efficiency and reliability of the transportation system and transportation investments do not lead to unintended or inefficient land uses.[7]
11. **Annexation:** Cities are the preferred governing structure for providing public services to urban areas, and the inability to annex land brought into the urban growth boundary to

accommodate urbanization prevents efficient development of livable communities. For these reasons, Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.

12. **Rules/Statutes:** Administrative rules should not be adopted into statute.
13. **Non-Regulatory Tools:** State efforts at regulatory streamlining should include funding to support development of non-regulatory tools for achieving desired land use outcomes.[8]
14. **Fiscal Responsibility:** Funding to support urban development should be generated at least in part by fees on those who directly benefit from that development.

SOLID WASTE:

15. **Product stewardship:** Metro supports efforts to minimize the health, safety, environmental, economic and social risks throughout all lifecycle stages of a product and its packaging, and believes that the producer of the product has the greatest ability, and therefore the greatest responsibility, to minimize those adverse impacts.

TRANSPORTATION:

15. **Transportation Governance:** The Legislature should take no actions that reduce or compromise Metro's or JPACT's authority in the areas of transportation policy and funding.
16. **Transportation Funding:** Providing adequate funding for all transportation modes that move passengers and freight supports economic prosperity, community livability, public health and environmental quality. For these reasons, Metro supports an increase in overall transportation funding, investments in a balanced multimodal transportation system that addresses the needs of all users, and flexibility in the system to provide for local solutions to transportation problems.

PARKS AND NATURAL AREAS:

17. **Parks and Natural Areas:** Our region believes in protecting water quality and wildlife habitat and providing residents with access to nature and outdoor activity. Parks and natural areas are regional assets that support public health, environmental quality, strong property values and economic prosperity. For these reasons, Metro supports measures to increase local and regional authority to raise revenues to support parks and natural areas and to increase the level of state funding distributed to local governments for acquisition, capital improvements, and park operations.

SUSTAINABILITY:

18. **Climate Change:** Metro supports efforts to combat and adapt to climate change and to meet the state's goals for reducing greenhouse gas emissions.
19. **Conservation Education:** Metro supports efforts to provide stable and reliable funding to conservation education.

ECONOMIC PROSPERITY:

20. **Infrastructure Finance:** Metro supports measures, including funding or revenue measures, which facilitate state, regional or local investments in the public structures needed to accommodate population and economic growth in a way that helps the region achieve its six desired outcomes for successful communities.

21. Metro Venues: Because the Oregon Convention Center, Expo Center, Portland'5 Centers for the Arts and Oregon Zoo are assets that contribute millions of dollars to the state and regional economies, Metro supports legislative measures that facilitate the success of these venues in attracting visitors and enhancing the quality of their experiences.

AGENCY OPERATIONS:

22. Firearms and public facilities: Metro supports legislation that increases Metro's authority to regulate the carrying of firearms on Metro properties and public venues, and opposes legislation that limits or reduces that authority.

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[1] Unless otherwise noted, endnotes refer to applicable policy statements in Metro's Regional Framework Plan (RFP).

[2] See http://oregonvaluesproject.org/findings/top-findings/ (specifically item 5, Natural Resource Protections for Future Generations)

[3] RFP Chapter 1 (Land Use).

[4] RFP Policy 1.1 (Compact Urban Form).

[5] RFP Policy 1.9 (Urban Growth Boundary).

[6] RFP Policy 1.3 (Housing Choices and Opportunities).

[7] RFP Policy 1.3.13 (Housing Choices and Opportunities); Transportation Goal 1 (Foster Vibrant Communities and Efficient Urban Form).

[8] RFP Policy 1.1 (Compact Urban Form); Policy 1.2 (Centers, Corridors, Station Communities and Main Streets).

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Metro | Memo

Date: January 4, 2016 DRAFT 12-30-15

To: Metro Council and JPACT

From: Andy Cotugno

Subject: Comparison of regional priorities to the FAST Act

After 10 years and 36 short-term extensions, on December 4, 2015 the President signed into law the "Fixing America's Surface Transportation Act" or FAST Act. Although the FAST Act is a 5-year, fully funded authorization bill, it did not address the continued decline of the gas tax. Rather, Congress chose to adopt a series of adjustments to unrelated taxes and fees and transferred funds from the General Fund to balance the FAST Act budget.

In general, the FAST Act is a status quo bill, maintaining the general program structure established by MAP-21 and continuing funding levels with a modest inflationary increase. However, inclusion of the passenger rail title and the AMTRAK title into a true surface transportation bill is a significant action.

Presented below are positions adopted by JPACT and the Metro Council as priorities to seek through the authorization bill (Resolution No. 15-4616) and a description of the related provision of the FAST Act. In addition, at the bottom are interesting items included that were not the subject of a regional position.

Portland metro area priorities adopted by Resolution No. 15-4616	**Related provisions adopted by the "*Fixing America's Surface Transportation Act" (FAST Act)***
Substantially increase the level of federal investment in all parts of the multimodal surface transportation system;	The region supported the T4America proposal calling for a 28% increase in the overall highway and transit programs and the Administration's "GROW America Act" calling for a 45% increase. The FAST Act reflects an overall 11% increase including an increase in the highway program FY 2020 annual authorization by 15% with a 5% increase in FY 16 and a 2% increase each year thereafter; it increases the transit program FY 2020 annual authorization by 18% with a 10% increase in FY 16 and an average 1.7% increase per year thereafter.

Fund the expanded program with some form of highway user fees and with a renewed expression of commitment through increased revenues to the Highway Trust Fund.	The FAST Act did not fund the expanded program with some form of highway user fee. Rather, it transferred approximately $70 billion ($51.9 b. Highway; $18.1 b. Transit) from the General Fund to the Trust Fund. All of the programs in the Highway and Transit Trust Funds are considered contract authority and not subject to the annual appropriations process. Programs funded outside the trust funds (like New Starts, Passenger Rail, AMTRAK, TIGER) are also funded by the General Fund in addition to the Trust Fund transfers and are subject to the annual appropriations process.
The region specifically supports the proposal by Congressman Blumenauer to increase and index the gas tax and the proposal by Congressman DeFazio to adopt a tax on each barrel of crude oil.	The Congress and its Committees did not consider an amendment to the bill to fund the program through a user fee approach even though an amendment was introduced and, reportedly, had widespread support.
The region further supports Congressman Blumenauer's proposal to sunset the gas tax to encourage conversion to a mileage based fee and to expand the application of Road User Charge pilot projects to more states to increase the understanding and awareness of this approach.	The FAST Act does not sunset the gas tax. It does, however, provide a competitive grant program for states and multi-state partnerships to demonstrate alternatives to the gas tax. This is intended to allow other states to experiment with approaches such as the Road User Charge (VMT Fee) pioneered by Oregon. It could also help advance the OReGO effort to test a multi-state approach.
With an increased commitment of funding resources, adopt a 6-year authorization bill to provide certainty and stability to the planning, engineering and programming process.	The FAST Act is a 5-year authorization bill.
If there is not an increased funding commitment, maintain status quo funding levels (with a modest allowance for inflation) and limit the authorization bill to a two-year period to allow the next Congress to consider the future of transportation.	The overall program funding level of the FAST Act is between status quo and the level that we (and many other organizations) supported.
If there is an increase in federal funding level, we care about how it is used:	
Make TIGER permanent at the $500-600 million per year level	The TIGER program was not included in the 5-year FAST Act but it was appropriated at the $500 million level in the FY 16 Omnibus Appropriations Act.

Increase funding for Major Transit Capital Investments	The Fixed Guideway Capital Investment Program annual authorization was increased by 21% for FY 2016 but the Omnibus Appropriations Bill limited that increase to 14%. Furthermore, the annual authorization in the FAST Act was kept flat throughout the balance of the 5-year bill. This will result in stiff competition for the many New Starts, Small Starts and Core Capacity projects. The FAST Act also limited the share of funding from the Fixed Guideway category to 60% (previously 80%) but continued to allow other categories of federal transportation funding to be used. In the Small Starts section, it increased the allowable federal share from $75 to $100 million with a total project cost increased from $250 to $300 million.
Allow wider use of tolls	The FAST Act did not expand the use of tolls and left current authority intact. Under current law, tolls can be imposed on a facility that involves significant new construction (to pay for that construction). In addition, the Interstate System Reconstruction and Rehabilitation Pilot Program authorizes up to three states to impose tolls on one existing Interstate freeway. The pilot program awards this authorization to Missouri, Virginia and North Carolina and they have one year to submit an application or allow the slot to be freed up for another state to pursue.

Expand the focus on freight including Projects of National and Regional Significance	Two new freight programs were created, one to be distributed to all states on a formula basis and one for competitive grants: • The National Highway Freight Program will provide the State of Oregon $14.5 million in FY 2016 for projects on the National Highway Freight Network, increasing to $19 million by FY 2020. • The Nationally Significant Freight and Highway Projects Program will provide on a competitive basis $800 million in FY 2016, increasing to $1 billion each year thereafter. The minimum grant is $25 million for projects with a cost of at least $100 million. The competitive grant share can be no more than 60% of the project cost. Other federal highway funds can bring the federal share up to 80%. The project must be ready to go to contract within one year and the funds must be obligated (contractually committed) within 18 months. There is a specific reference to including eligibility for project in a "national scenic area" such as the Columbia Gorge.
Ensure freight is addressed in a multi-modal manner including urban and intercity trucking, rail, marine, air cargo and intermodal connections.	In the competitive freight grant program, up to $500 million over the life of the bill can be used for non-highway, multimodal projects. In the formula freight grant program, up to 10% per year can be used on freight intermodal or freight rail projects. Railroad/Highway grade crossing projects do not count toward the $500 million limit.
Provide certainty for Intercity Passenger Rail improvement	For the first time, the intercity passenger rail program and AMTRAK were included in an integrated surface transportation bill – the FAST Act. However, authorized funding levels are subject to the annual appropriations process.

Restore the bridge repair and replacement program	The highway bridge repair and replacement program was not restored but the were a number of changes to facilitate implementation of bridge projects, including: • Addition of eligibility to fund bridges off the National Highway System (NHS) with the National Highway Performance Program funding category. • Maintenance of eligibility for funding bridges off the NHS system from the 45% share of STP funds that are not suballocated. • Maintenance of the set-aside for bridges not on the Federal-aid System from the 45% share of STP funds that are not suballocated. • Bundling of multiple similar bridge projects to reduce the administrative burden.
Renew the Commuter Parity Act	Providing equivalent tax treatment for employer provided transit fares as parking subsidies has been part of a year-by-year package of "tax extenders." This time, the tax break was renewed without a sunset clause making it a "permanent" tax benefit.
Increased application of the TIFIA program	The TIFIA program, which provides low cost financing and loan guarantees, was reduced significantly (from $1 billion per year to $275 million) but was expanded in its application to include a lower threshold to enable smaller projects and the extension of the program to transit-oriented development projects. In addition, federal highway funds apportioned through the formula programs and funds deposited in a State Infrastructure Bank can be used for TIFIA expenses. The FAST Act also provided for the establishment within USDOT of the National Surface Transportation and Innovation Finance Bureau to provide a one-stop source to access federal credit assistance programs and technical assistance.
Continue the federal transportation investment in university research centers and programs.	The University Transportation Centers program under the transportation research category was continued with a 3% increase in FFY 17 and again in FFY 19. The program maintains a competitive grant approach under which a consortium led by PSU has been successful in the past.

There is a proposal in the DOT bill to revise the criteria for US Coast Guard permitting of a new bridge over navigable waters to also take into consideration the needs of rail, aviation, transit and highway traffic.	No action.
Clarify language for FTA sponsored joint development projects directing that they are intended to both provide for an economic return on the transit investment and produce more economically and socially successful communities as a result of the transit investment.	There was no change in the statutory basis for transit oriented development projects but there was added eligibility in the TIFIA loan program.
Add an emphasis on improved access to employers and funding for "last mile" access.	The metropolitan planning section was amended to allow an optional congestion management plan aimed at reducing vehicle miles of travel during peak commuting hours and to improve transportation connections between jobs and low income households.
Increase the suballocation of funds to metropolitan planning organizations.	The share of the STP program that is suballocated increased from 50% to 55% in 1% increments each year of the bill. In a separate action, the Transportation Alternatives Program was shifted into a newly consolidated Surface Transportation Block Grant Program with 50% subject to suballocation. These are two key sources that make up the funds all0cated through the Metro Regional Flexible Fund Allocation (RFFA) process.
Continue to pursue methods of streamlining federal requirements to speed up project delivery while maintaining the requirements for intergovernmental cooperation, community involvement, inclusion and equity and environmental impact.	A number of streamlining steps were included to reduce the administrative burden of developing and implementing projects, including better alignment of requirements from NEPA with the National Historic Preservation Act, greater reliance on a single environmental document for all federal reviews and permits, limits on review periods, limits on the scope of review to the agencies relevant expertise and stronger ties to products of the metropolitan planning process to avoid repetition.

Expand the emphasis on safety including reduced serious injuries and deaths across all modes and on all parts of the transportation system. Establish separate safety targets for bike and pedestrian modes.	*Section 1442 adopted the following language:* *"The Secretary shall encourage each State and metropolitan planning organization to adopt standards for the design of Federal surface transportation projects that provide for the safe and adequate accommodation (as determined by the State) of all users of the surface transportation network, including motorized and non-motorized users, in all phases of project planning, development, and operation."* Funding for railroad-highway grade crossing was increased.
Other interesting amendments of note:	
Automated traffic enforcement equipment	Federal highway safety funds cannot be used for any automated traffic enforcement equipment.
Design standards	Greater flexibility in design standards was provided for by allowing the use of standards from the Highway Safety Manual published by the American Association of State Highway and Transportation Officials and the Urban Street Design Guide published by the National Association of City Transportation Officials. It also allowed the use of locally adopted standards on locally owned facilities.
Vehicle-to-Infrastructure equipment	There are a number of references to funding and encouraging the installation of "vehicle-to-infrastructure communications equipment."

High Priority Corridors	Existing statute was amended to add I-205 from I-5 to the Columbia River and Hwy 99W, the Newberg-Dundee Bypass to the long list of "High Priority Corridors on the National Highway System" According to current statute, the purpose of this designation is as follows: *"ISTEA Section 1105 (b) Purpose:* *It is the purpose of this section to identify highway corridors of national significance; to include those corridors on the National Highway System; to allow the Secretary, in cooperation with the States, to prepare long-range plans and feasibility studies for these corridors; to allow the States to give priority to funding the construction of these corridors; and to provide increased funding for segments of these corridors that have been identified for construction."*
FTA Bus Discretionary Grant Program	This program, which was eliminated in MAP-21, was restored, providing the ability to award grants for projects that cannot be funded through formula funds to the transit district. It also provided for the ability of states to bundle smaller applications that should be useful to smaller districts.
Native pollinators	Provision of habitat within transportation rights-of-way and environmental mitigation sites that support monarch butterflies, honey bees and other native pollinators.
American Eagle Silver Bullion	American Eagle silver coins issued during calendar year 2016 shall have a smooth edge and include a notation of the 30th anniversary of the first issue of the coin.

Oregon Clean Electricity & Coal Transition Plan

Supporters of this proposal include: Citizens' Utility Board of Oregon, Climate Solutions, NW Energy Coalition, Oregon Environmental Council, Oregon League of Conservation Voters, Natural Resources Defense Council, Pacific Power, Portland General Electric, Renewable Northwest and Sierra Club.

In recent weeks, a diverse group of utility, energy industry, advocacy organizations and community groups worked together to develop the next generation of energy policy for Oregon, transitioning Oregon away from coal towards more clean, renewable energy.

The result is a 2016 legislative proposal that would move Oregon off coal-fired generation and for PGE and Pacific Power, double Oregon's renewable energy generation under the Renewable Portfolio Standard to 50%. It would also put Oregon's electricity sector on the path to meeting the state's greenhouse gas reduction goals, which call for reducing carbon emissions 75% below 1990 levels by 2050.

The proposal also reaffirms the state's commitment to energy efficiency programs, encourages transportation electrification, increases access to solar resources for more Oregon electricity customers, with a special designation to low-income communities, and gives utilities flexibility to achieve these goals while protecting the reliability and affordability of electricity for their customers.

The proposal applies only to Pacific Power and Portland General Electric, who together serve about 70% of Oregon's electricity needs. It does not change existing requirements on consumer-owned utilities.

The Citizens' Utility Board of Oregon, Climate Solutions, NW Energy Coalition, Oregon Environmental Council, Oregon League of Conservation Voters, Natural Resources Defense Council, Pacific Power, Portland General Electric, Renewable Northwest and Sierra Club found common ground on this proposal. If the proposal becomes law, clean energy advocates have agreed to withdraw a proposed ballot measure that would include many of the same provisions.

The legislative proposal includes the following components:

- Electricity provided to customers of Pacific Power and Portland General Electric would be coal-free by 2030, with the exception of a small amount from PGE's ownership of Colstrip, which would be out of the Oregon mix no later than 2035.
- Increases the Renewable Portfolio Standard (RPS) to 50% in 2040. This increase is staged at 27% at 2025, 35% at 2030, 45% at 2035 and 50% at 2040. Consumer protections in the existing RPS law are maintained. There is also a safety valve that allows the Oregon Public Utility Commission (PUC) to temporarily suspend the requirement for a utility if meeting the RPS would conflict with grid reliability.
- Recognizes Oregon's leadership in cost-effective energy efficiency and demand response programs that reduce overall energy usage, and supports Pacific Power and PGE plans to take advantage of all cost-effective energy efficiency and cost-effective demand-response resources authorized by the PUC prior to developing new generating resources.
- Customers of PGE and Pacific Power will continue to be protected by the state's 4% incremental cost cap, which means that utilities are not required to add renewables to their portfolio if the incremental cost is more than 4 percent higher than the cost of developing non-renewable resources.
- Changes Renewable Energy Certificate (REC) life to five years. From bill passage until the end of 2022, RECs generated from new, long-term renewable projects in those first five years would have unlimited life, creating an incentive for the two electric companies to take early action on meeting the RPS. Utilities' existing REC banks would maintain their unlimited REC life.
- Creates a community solar program for Oregon, allowing residential and small commercial customers of Pacific Power and PGE to participate in the ownership of off-site solar projects which would be credited against their electricity bill. It also directs the PUC to ensure that at least 15% of the overall community solar program capacity be provided to low-income customers.

continued on reverse side

- Encourages moving to greater reliance on electricity in all modes of transportation to reduce carbon emissions. Pacific Power and PGE could submit plans to the PUC that include deployment of charging stations and related electric vehicle infrastructure. The PUC would determine if the investments were prudent.
- Equalizes RPS compliance between the two electric companies and any entities that acquire service territory or customers from those companies without their consent.
- Eliminates the small remaining amount of the Solar Capacity Standard, acknowledging that the standard has worked to encourage solar development and allowing the utilities to focus on new RPS requirements.

Ratemaking/implementation items:

- Directs the PUC to establish accounting for production tax credits to ensure there is an effective annual balance between the credits actually generated and customer prices.
- Directs the PUC to investigate accounting for variable costs in rates and to consider changes to its current policy on balancing variable costs of new, renewable resources and customer prices.
- Allows energy storage projects to be included under the Renewable Adjustment Clause mechanism established by the PUC.
- Gives utilities flexibility in seeking recovery of new investments to better manage impacts on prices.
- Directs the PUC to establish procedures to consider the long-term customer value of access to and use of the facility, site or resource when procuring renewable resources.

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Citizens' Utility Board of Oregon

NW Energy Coalition for a clean and affordable energy future

NRDC NATURAL RESOURCES DEFENSE COUNCIL

PACIFIC POWER

PGE

OLCV

Renewable Northwest

Oregon Environmental Council It's Your Oregon

Climate Solutions

SIERRA CLUB

ENHANCE PROPOSAL SUBMISSIONS FOR 2019-2021

ODOT REGION 1

150% of Available Enhance Funds	16,020,000
Funding Allocated	#NAME?
Remaining Funds to be Allocated	#NAME?

PROPOSER	PROJECT NAME	TOTAL (ELIGIBLE) ESTIMATED COST	REQUESTED FUNDS	MATCHING FUNDS	MATCH %	RANK	150% List
City of Gresham	NE Cleveland Avenue: Burnside to Stark	2,900,774	2,900,774	332,006	10.27%	11	No
City of Hood River	May St Elevated Sidewalk Replacement with ADA	1,390,815	1,390,815	159,185	10.27%	6	Yes
City of Hood River	Rand Road Sidewalk and Bike Lanes	1,211,355	1,211,355	138,645	10.27%	16	No
City of Molalla	OR 211 - Bicycle and Pedestrian Safety Enhancement	1,213,023	1,213,023	138,836	10.27%	10	No
City of Molalla	OR 213 - Bicycle and Pedestrian Safety Enhancement	820,511	820,511	93,911	10.27%	19	No
City of Oregon City	Main Street: 10th Street-15th Street (Oregon City)	1,614,000	1,614,000	792,000	32.92%	3	Yes
City of Portland	Seventies Neighborhood Greenway	2,500,000	2,500,000	2,510,706	50.11%	5	Yes
City of Portland	Tillamook-Holladay-Oregon-Pacific Bikeway (T-HOP)	3,122,600	3,122,600	2,118,400	40.42%	13	No
City of Sandy	Transit Vehicle Replacement (City of Sandy)	746,000	746,000	150,000	16.74%	21	No
City of Sherwood	Highway 99W Sidewalk Improvements	2,226,632	2,226,632	360,000	13.92%	15	No
City of West Linn	Highway 43 Multimodal Transportation Project	3,000,000	3,000,000	1,300,000	30.23%	2	Yes
City of Wilsonville	I-5 Bike/Ped Bridge - Town Center Lp to Barber St	1,120,000	1,120,000	280,000	20.00%	12	No
Clackamas County	Sunnyside Overcrossing Modifications at I-205	3,000,000	3,000,000	7,000,000	70.00%	18	No
Clackamas County	Pedestrian Crossing Safety Project	2,357,673	2,357,673	269,847	10.27%	7	Yes
Hood River County	Country Club Rd: MP 1.21 - 3.0 Shoulder Bikeway	1,691,410	1,691,410	193,590	10.27%	14	No
Metro	North Slough Bridge	1,771,052	1,771,052	600,000	25.31%	4	Yes
Multnomah County	Stark Street Multimodal Connections	2,907,457	2,907,457	960,000	24.82%	9	No
OPRD	Cazadero State Trail Bridge and Trail Construction	1,636,578	1,636,578	331,100	16.83%	20	No
OPRD	HCRH State Trail: Hood River to Mitchell Point	1,974,050	1,974,050	225,950	10.27%	17	No
TriMet	Powell-Division ADA Ramps: Access for All	1,225,000	1,225,000	150,000	10.91%	8	No
Washington County	Highway 8 Safety & Access to Transit II	2,690,000	2,690,000	310,000	10.33%	1	Yes