

A G E N D A

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METRO

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MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: May 25, 2005

DAY: Wednesday, 5:00-7:00 p.m.

PLACE: Metro Council Chamber/Annex

REVISED

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Hoffman		
1	SELF INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS	All		15 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			5 min.
3	CONSENT AGENDA <ul style="list-style-type: none">• April 13, 27 & May 11, 2005• MTAC Appointment	Hoffman	Decision	5 min.
4	COUNCIL UPDATE <ul style="list-style-type: none">• Nature in Neighborhoods	Hosticka/Deffebach		10 min.
5	HOME RULE SYMPOSIUM	Newman	Discussion	15 min.
6	TRANSPORTATION PLANNING RULE	Burkholder	Discussion	30 min.
7	AFFORDABLE HOUSING	Burkholder/Uba	Information/ Discussion	30 min.
8	UPDATES <ul style="list-style-type: none">• Measure 37• Legislative	Liberty Liberty		5 min. 5 min.

UPCOMING MEETINGS:

June 8 & 22, 2005

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us
MPAC normally meets the second and fourth Wednesday of the month.

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METRO POLICY ADVISORY COMMITTEE MEETING RECORD

April 13, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Ken Allen, Nathalie Darcy, Andy Duyck, John Hartsock, Jack Hoffman, Laura Hudson, Charlotte Lehan, Deanna Mueller-Crispin, Alice Norris, Wilda Parks, Dan Saltzman, Martha Schrader

Alternates Present: Larry Cooper, Tim Crail

Also Present: Hal Bergsma, City of Beaverton; Bev Bookin, CREEC; Ron Bunch, City of Gresham; Cindy Catto, AGC; Bob Clay, City of Portland; Sarah Cleek, THPRD; Valerie Counts, City of Hillsboro; Jennifer DeMuth, Oregon League of Conservation Voters; Dan Drentlaw, City of Oregon City; Bob Durgan, Andersen Construction; Kay Durtschi, MTAC; Craig Dye, Clean Water Services; Mary Gibson, MLIDD; Stacey Hopkins, DLCD; Steve Kelley, Washington County; Jim Labbe, Audubon Society of Portland; Susie Lahsene, Port of Portland; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Laura Oppenheimer, The Oregonian; Jonathan Schlueter, Westside Economic Alliance; Andrea Vannelli, Washington County; Ramsay Weit, Washington County Citizen

Metro Elected Officials Present: Liaisons – Carl Hosticka, Council District 3; Susan McLain, District 4; Robert Liberty, Council District 6 others: David Bragdon, Council President

Metro Staff Present: Kim Bardes, Dan Cooper, Andy Cotugno, Paul Garrahan, Lori Hennings, Chris Deffebach

1. SELF-INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS

Councilor Jack Hoffman, MPAC Chair, called the meeting to order at 5:07 p.m.

Chair Hoffman asked those present to introduce themselves, to give a one-minute local update, and to make announcements.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There were none.

3. CONSENT AGENDA

Meeting Summary March 9 & 23, 2005.

Motion:	John Hartsock, Clackamas County Special Districts; with a second from Andy Duyck, Washington County, moved to adopt the consent agenda and the MTAC appointment without revision.
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Vote:	The motion passed unanimously.
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4. COUNCIL UPDATE

Councilor Robert Liberty said that he would have to leave the meeting early and therefore gave a brief update on some of the items listed in agenda item no. 6. That update is attached and forms part of the record.

Councilor Carl Hosticka said that there were two major items consuming the time and attention of the Council: 1) the budget, and 2) a group of items for legislation related to the Nature in Neighborhoods effort. He said that there would be four pieces that the Metro Council would be looking at. The first piece would be an ordinance, No. 05-1077, for amendment to the functional plan to incorporate land-use and development standards that would be part of the entire effort. That would be introduced at the next council meeting. That ordinance would then be scheduled for the next meeting of MPAC. He said there would also be a resolution that dealt with the Tualatin Basin Approach. There would be a budget item that would single out Nature in Neighborhoods as a program that Metro would undertake as part of the budget deliberations. Finally there would be a resolution that described the entire effort that Metro was undertaking for Nature in Neighborhoods.

Council President Bragdon spoke about the Greenspaces Policy Advisory Committee (GPAC) vision statement. He said that GPAC would be addressing MPAC at the next meeting, and then the Metro Council on May 5th or 12th.

5. NATURE IN NEIGHBORHOODS

Chair Hoffman set the context of what would happen next with Nature in Neighborhoods effort. He said that at the next meeting they would work out some preliminary recommendations for the resolutions and the functional plan. He pointed out sectional maps that showed the conservation areas subject to the functional plan that he had hung in the back of the room for the members to review. He said that he would be sending out a memorandum next week that would set out the agenda and policy items for discussion for the functional plan. He said that May 11th was the date for MPAC to make their final recommendation. He indicated that he would like to have a preliminary report for the Council at the end of the next meeting, so that the Metro Councilors would have some time to review those recommendations beforehand.

Councilor Hosticka reviewed the timeline for the Council review of resolutions and the process that Nature in Neighborhoods would undergo between now and May 12, 2005, including public hearings and staff resource stations. He said that the Metro Council would take action on the resolutions related to the Tualatin Basin and the overall Nature in Neighborhoods plan. After May 12th the Council would wait to see what the state legislature would do regarding Measure 37, and then the Metro Council would take it up again in September for formal adoption.

Ken Allen, Port of Portland, distributed a letter that outlined the Port of Portland's position on the fish and wildlife protection program. That letter is attached and forms part of the record.

5.2 Nature in Neighborhoods

Councilor Hosticka reviewed Resolution No. 05-3574 for Nature in Neighborhoods which was included in the meeting packet and forms part of the record. He said that the Council had decided that it was important to have the whole effort outlined in one piece and that was why the resolution was created.

5.1 Tualatin Basin Approach Update

Andrea Vannelli, Washington County, gave an overview of the Tualatin Basin Goal 5 Program Report. An executive summary of this report is attached and forms part of the record.

Chair Hoffman asked for someone to respond to the Audubon Society's letter as it had raised some questions. The letter in question is attached and forms part of the record.

Hal Bergsma, City of Beaverton, who also serves on the Tualatin Basin Steering Committee (which advises the Coordinating Committee), said that the Coordinating Committee would be drafting a response to the environmental organizations represented in the letter under discussion. He said the response would be distributed to MPAC members in the next week or so.

Councilor Hosticka said that Ms. Lori Hennings, Metro Staff Ecologist, would be talking about the choices before the Metro Council, which were to either accept the Tualatin Basin Plan in total, reject it, and then the local governments in the Tualatin Basin would be subject to the same program alternatives as all other local governments, or accept it with conditions and engage in a dialogue on how it should be incorporated fully into the functional plan.

Mayor Charlotte Lehan asked if they would be able to discuss it at the next MPAC meeting.

Chair Hoffman said that for the next MPAC meeting the members should be prepared to comment and discuss the Tualatin Basin Approach without getting too far into the technical aspects. He said that the people from Washington County and the Metro Planning staff should be able to bring the members up to speed with what they were trying to accomplish and how it would fit into the regional plan. He said that on April 27th the members would put forward preliminary recommendations and then the final recommendation from MPAC to the Metro Council would be on May 11, 2005.

Councilor Hosticka informed the committee members about a resolution that would be published the following day that would list a number of concerns that the staff had suggested the Council should consider. He said that he hoped the resolution would provide structure for the discussion at MPAC. He urged the members to review that resolution after it was released on Thursday.

Lori Hennings, Metro Staff Ecologist, gave an overview of the Tualatin Basin Approach key points. She reviewed several maps posted in the room. She explained the basic difference between the Tualatin Basin Program and Metro's program. She said that the Tualatin Basin program was not laying down regulations on Class 1 and Class 2 habitat on about 30% of the land that would be regulated under Metro's proposed program. She said that there were other considerations to take into account when weighing the merits of each program. She gave a brief overview of those considerations.

Chris Deffebach, Metro Long Range Planning Manager, said that staff had tried to outline the differences and comparisons between the two programs. She said that they had prepared a draft resolution with the Chief Operating Officer (COO) that the members would have an opportunity to comment on at the next meeting.

Councilor Susan McLain said that Metro needed help from the MPAC members on looking at the gap in protection between the two programs. She said that she had confidence in the Tualatin Basin work but that there may be conditions or suggestions that would help make the program better. She expressed concern over how new urban areas would be dealt with. She said that Metro should provide a strong lead on that issue in the program.

Chair Hoffman asked two questions: 1) was the resource/habitat protected equally in Washington County as it was in Clackamas County, and 2) were land owners treated the same in Washington County as in Clackamas County?

Ms. Hennings said that she thought that Metro's proposed program covered more land and offered more certainty in terms of regulation. There was less certainty in Metro's non-regulatory program as the Tualatin Basin program already had money lined up for it. That was a big plus for the Tualatin Basin program plan. The Tualatin Basin program was already working on some projects. She said both plans had potential, but she felt that the Tualatin Basin's nonregulatory plan had more power due to the funds already committed to the program. She paraphrased that there was more certainty with Metro's regulatory plan, but more power with the Tualatin Basin's nonregulatory plan.

Chair Hoffman asked if there were guarantees tied to the Tualatin Basin funds being spent on the program and not elsewhere.

Andy Duyck, Washington County, said he would go with the Basin program because they would do restoration along the stream all the way up. He said that they were doing some aggressive voluntary programs that were already paying off. He said that MPAC needed to be careful not to penalize the west side for the progress that they had already made. He said it was not a matter of incorporating what was already being done, but rather proof of a great track record. He said they were fulfilling what they had promised when they started the process. He said that they needed to weigh what they were getting in addition to the Goal 5 program, worth giving up the estimated 30%, which may not be immediately adjacent to the streams.

Mayor Alice Norris, Oregon City, asked how each plan would monitor the programs.

Ms. Deffebach said that the Basin proposal offered two representatives for monitoring and recording. Clean Water Services did a lot of in-stream monitoring and they did a great job in updating the streams inventory. In Metro's functional plan there was a section on monitoring and reporting that would be asking everyone to help Metro accomplish those functions. She said that data changed frequently and when the jurisdictions helped by monitoring and reporting to Metro, then Metro would be able to keep a better regional database. She said that when the recommendations went out they would see that they were proposing institutionalizing the relationship that Metro had developed with cities and counties for the last four years to help keep the data alive because everyone would benefit in using it. She said that the other part of Metro's monitoring was a proposal in the budget for the next year to have a role in assembling the data that was being collected between DEQ, and other agencies, so that they could better pull it all together and keep track of the region.

Chair Hoffman asked Andy Duyck to explain the surface water management fee.

Mr. Duyck said it was paid by all those who paid their sewage bill; sort of like a surcharge but accounted for separately. He asked Craig Dye to speak more to that issue.

Craig Dye, Clean Water Services, said that a surface water management fee was a storm water fee for Washington County. He said it was done in two different ways. For the full service cities, Clean Water Services collect all the SWIM fees and then perform all the storm water management maintenance. Other cities collect the surface water fee of four dollars and then keep three dollars of it and remit one dollar to Clean Water Services. Those cities would take care of much of the maintenance activities in their own jurisdiction.

Chair Hoffman asked how much money was spent per year on restoration.

Mr. Dye said it was roughly about two million dollars per year.

Nathalie Darcy, Washington County Citizen, asked if Ms. Hennings if she could translate the 25%-30% gap into acreage.

Ms. Hennings said it was a range of about 2000+ acres.

Councilor McLain said that those acres were primarily in class 2 and not class 1.

6. UPDATES

6.3 Legislative

Councilor Hosticka gave a report on the Legislative activity for Metro. That report is attached and forms part of the record, it is the same report that Councilor Liberty submitted for the record when he gave his update.

6.2 Measure 37

Councilor Hosticka gave a report on the Legislative activity for Metro. That report is attached and forms part of the record, it is the same report that Councilor Liberty submitted for the record when he gave his update.

6.1 Affordable Housing

Councilor Hosticka gave a report on the Legislative activity for Metro. That report is attached and forms part of the record, it is the same report that Councilor Liberty submitted for the record when he gave his update.

There being no further business, Chair Hoffman adjourned the meeting at 6:40 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR APRIL 13, 2005

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#4 Council Update & #6 Updates	April 2005	Legislative Update for MPAC	041305-MPAC-01
#5 Nature in Neighborhoods	April 2005	Tualatin Basin Goal 5 Program Report Revised Recommendation Executive Summary	041305-MPAC-02
#5 Nature in Neighborhoods	4/13/05	Memorandum from Ken Allen, Port of Portland Commissioner and MPAC member to Jack Hoffman, Chair of MPAC re: Metro's Regional Fish and Wildlife Protection Program	041305-MPAC-03
#5 Nature in Neighborhoods	4/12/05	Letter from Jim Labbe, Audubon Society of Portland; Sue Marshall and Brian Wegener, Tualatin Riverkeepers; Tom Wolf, Trout Unlimited; Gretchen Vadnais, Cedar Mill Creek Watch; and Rock Creek Watershed Partners	041305-MPAC-04
#5 Nature in Neighborhoods	4/8/05	Letter from Doug McClain, Clackamas County, to David Bragdon re: Affordable Housing	041205-MPAC-05

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

April 27, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Nathalie Darcy, Rob Drake, Andy Duyck, Dave Fuller, John Hartsock, Jack Hoffman, Tom Hughes, Richard Kidd, Charlotte Lehan, Deanna Mueller-Crispin, Alice Norris, Wilda Parks, Tom Potter, Martha Schrader, Ted Wheeler

Alternates Present: Larry Cooper, David Ripma

Also Present: Hal Bergsma, City of Beaverton; Bev Bookin, CREEC; Ron Bunch, Bob Clay, City of Portland; City of Gresham; Sarah Cleek, THPRD; Debbie Collard, Ball Janik, LLP; Valerie Counts, City of Hillsboro; Danielle Cowan, City of Wilsonville; Brent Curtis, Washington County; Meg Fernekees, DLCD; Barbara Fryer, City of Beaverton; Carol Chesarek, Citizen; Mary Gibson, Multnomah County Drainage District; Kim Gilmer, GPAC; Steve Greagor, City of Hillsboro; Stacy Hopkins, DLCD; Mike Houck, Urban Greenspaces Inst.; Jim Jacks, City of Tualatin; Gil Kelley, City of Portland; Steve Kelley, Washington County; Jim Labbe, Audubon Society of Portland; Susie Lahsene, Port of Portland; Stephan Lashbrook, City of Lake Oswego; Jim Laubenthal, Port of Portland; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Mike Ragsdale, GPAC; Pat Ribellia, City of Hillsboro; Jonathan Schlueter, Westside Economic Alliance; Andrea Vannelli, Washington County; David Zagel, TriMet; Jim Zehren, GPAC

Metro Elected Officials Present: Liaisons – Carl Hosticka, Council District 3; Susan McLain, Council District 4; Robert Liberty, Council District 6 others:

Metro Staff Present: Kim Bardes, Dan Cooper, Andy Cotugno, Paul Garrahan, Paul Ketcham

Chair Hoffman called to the meeting to order at 5:10 p.m., made several announcements, and explained the agenda for the evening.

1. GOAL 9 (ECONOMIC DEVELOPMENT) COMMENTS

Andy Cotugno, Metro Planning Director, reviewed the Goal 9 materials that were included in the packet.

Tom Hughes, Mayor of Hillsboro, said that the coordination piece would be dealt with according to what LCDC had set during the second phase. He said that he was trying to think of a way to resolve that issue without having language that would give coordination authority to a regional body that would coordinate how the jurisdictions approach economic develop. If that issue was resolved in the first series of negotiations, what then would be left to negotiate in the second series?

Mr. Cotugno said that the letter did not suggest resolving that issue now, as part of this series, because until they handled all the other requirements it would be difficult to nail down the coordination issue.

Mayor Hughes said that in some respects it didn't even call into question the ability to separate the whole coordination from the other issue. He said it was very difficult to talk about short-term land supply. He said he had a concern with the definition of short-term land supply. He said he was sympathetic to including brown fields in short-term land supply, but did that then mean they needed to identify the definition of short-term? If a brown field would take as long and require as much infrastructure investment to become shovel-ready as a site that didn't have infrastructure, was it really short-term?

Mr. Cotugno said that the reason for suggesting additional language on brown-field was so that local government could be proactive on getting both green-fields and brown-fields ready for development. The local government could be proactive in getting sites cleaned up and by providing infrastructure. He said that the staff was not saying designate brown-fields as short-term because if you can't turn dirt in a year, then it is not short-term. If, however, they take action to clean up a site so that it could become short-term, that was a good thing to do and was better than writing a rule that instructed jurisdictions to only prepare green-fields for development.

Mayor Hughes said he agreed with that point. He said he just wanted to make sure they weren't making any changes to the definition of "short-term."

2. GREENSPACES POLICY ADVISORY COMMITTEE VISION STATEMENT

Councilor Susan McLain introduced Mike Ragsdale, Greenspaces Policy Advisory Committee (GPAC) Chair, and gave a brief overview of the history of the Greenspaces Program and Policy Advisory Committee.

Mr. Ragsdale, Chair of GPAC, reviewed the materials included in the packet and the handout, which is attached and forms part of the record. Mr. Ragsdale introduced members of the committee that were present and gave an overview of the committee vision and goals.

Ted Wheeler, Citizen – Multnomah County, asked if they intended the advisory committee to continue when the groundwork was completed. He wanted to know what their long-term goals were.

Mr. Ragsdale said that he was not certain yet. He said that one of the task forces would provide guidance for that.

Rob Drake, Mayor of Beaverton, asked GPAC not to penalize the Tualatin Basin program under a Greenspaces program and he wanted to know if money would still be disbursed somewhat equally?

Mr. Ragsdale said that the committee had not gotten that far, but that the task forces would be addressing those issues. He said they certainly hoped to help the "have-nots" while not penalizing the "haves."

Mayor Drake said that as a region they needed to get as much protection as they could before it went away.

Mr. Ragsdale said that one area strong in resources could still be lacking in some way; they would be looking at public plazas and the whole gamut of parks and recreation.

Deanna Mueller-Crispin, Washington County Special Districts, asked what role or relationship the GPAC committee would be expected to have in developing a potential ballot measure.

Mr. Ragsdale said that the Metro Council had specifically requested that GPAC take that issue up as an agenda item and to provide advice on what might be included in the ballot measure. He said that they would be working on that in the task forces.

Charlotte Lehan, Mayor of Wilsonville, asked what role GPAC would play with the Nature in Neighborhoods, Goal 5 program.

Mr. Ragsdale said that they would be working with that program but that GPAC was not the entity that would be shaping the program. He said that GPAC would like to benefit from existing programs.

Mr. Wheeler asked if that information would be on the Metro website.

Jim Desmond, Metro Parks and Greenspaces Director, said that it was not on the website yet, but that it would be soon.

3. NATURE IN NEIGHBORHOODS

Chair Hoffman gave some context of where the Nature in Neighborhoods had reached and then introduced Chris Deffebach, Long Range Policy Planning Manager.

Ms. Deffebach reviewed the timeline for the two resolutions and the ordinance. She then highlighted the major points of the staff recommendations in the draft legislation. She also reviewed the Metro Technical Advisory Committee (MTAC) comments, which she distributed, and which are attached and form part of the record. All the basic materials were included in the packet and therefore form part of the record. There was a handout for the Tualatin Basin Approach, which is attached and forms part of the record.

Chair Hoffman asked Gil Kelley, City of Portland, and Doug McClain, Clackamas County, both also members of MTAC, to comment on what MTAC had discussed at the last meeting.

Mr. Kelley said that there were more unresolved issues than issues that had been resolved at MTAC. He said that they would continue work on that at the next meeting. He said that there had been general agreement about removing all reference to Measure 37. He said that the definition to “practicable” still included part of Measure 37 and that needed to come out. He said there was general acknowledgement of “avoid, minimize, and mitigate” applying across the region in the discretionary process, but there would be nuances about how that got applied. There was also general acceptance about relaxing residential densities to implement the program. He said that they all agreed that they needed more time to implement the program. He said that the issues outlined in Chair Hoffman’s index seemed to be on target. He said that MTAC had not taken a position on the Tualatin Basin Approach.

Mr. McClain said that MTAC was not much further along than MPAC on evaluating the program. He said that they also had a lot of work to do.

Mayor Drake said he had nagging concerns about Measure 37. He wondered how much discussion MTAC had on how the legislature would define things as a result of Measure 37. He wondered if there had been discussion at MTAC about whether waiting for further definition from state legislature would provide a roadmap about where they could or couldn’t go with some of the issues.

Mr. Kelley said that was one of the variables they had discussed along with what the Department of Environmental Quality (DEQ) might determine and the Total Maximum Daily Load (TMDL) requirement and whether or not that would affect the program; whether there was an insulating effect from Measure 37 claims. He said there was a general feeling that they should remain silent on Measure 37. He said that MTAC had proposed that there was a claim process for Measure 37, and it was up to each jurisdiction to make a judgment on the detail of their own rules. He said it had not seemed necessary for MTAC to try to pre-judge what should be in the ordinance about possible Measure 37 impacts. He said that there was just too much unknown about the effects of Measure 37.

Mr. McClain said that they had thought perhaps to place a note qualifying that Measure 37 still had not been resolved and that it would have to be revisited after the state made a ruling.

Councilor Robert Liberty said that everyone handicapped the legislature in his or her own way. He said that based on what had transpired since Measure 7 passed, he estimated the probability of the legislature passing something that significantly modified Measure 37 at above 50%. He said that speaking as only one member of the Metro Council, he felt that when Metro asked local governments to do something that might increase their liability for Measure 37 claims, then Metro had the responsibility to address those claims. He said that he thought trying to frame the content of Measure 37 in language right now was a mistake because how they determined value, or reduction of value, etc. would be sorted out over time. He said that Metro staff had started to develop a claims process and that would apply to any claim made against Metro whether it was Measure 37, or any other title.

Mayor Hughes said it was hard to write an ordinance right now when they didn't know what the outcome regarding Measure 37 would actually be after the legislature made it's decision.

Councilor Carl Hosticka pointed out that Metro Council had adopted a time frame that they would not officially adopt the resolution until the state had made a decision on Measure 37, which was estimated to be in September 2005.

Mayor Drake said that he had thought the responsibility was more on the cities and not on Metro.

Mayor Lehan said that she did not think they were taking advantage of the exemptions that Measure 37 offered by tying into the federal regulations of the water quality act and the endangered species act. She said that the essence of riparian protection was water quality. She said that while it would not offer a guarantee against a Measure 37 claim, it would put the burden on the claimant to prove that a site was not essential to compliance with the regulation.

Mayor Alice Norris, City of Oregon City, asked if MPAC was going to develop a consensus on some issues by the end of the evening.

Chair Hoffman said that was his hope. He said that they would also include comments for staff.

Motion #1:	Alice Norris, City of Oregon City, with a second from Martha Schrader, Clackamas County, proposed that staff eliminate language in the draft plan related to Measure 37 and use a footnote approach instead.
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Vote on Motion #1:	The motion passed unanimously.
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Councilor Liberty said that Measure 37 included another exemption for pollution control. He said he wanted to reference that the state laws did not necessarily set a minimum. He said that he felt that Measure 37 was a law that all of them would implement, but the Nature in Neighborhoods plan had a lot of pollution control benefits, and those ought to be acknowledged and recognized. That would be one way to achieve wildlife and habitat protection: by protecting water quality. He said that those goals were the same and expressing that as part of a pollution control agenda, as well as a federal mandate, made sense.

Motion #2:	Mayor Lehan, City of Wilsonville, with a second from Mayor Norris, City of Oregon City, moved to recommend to Metro Council to beef up the intent language to incorporate references to the clean water act and the endangered species act, more than what was currently in the draft, and fold in the pollution aspect of Measure 37.
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Mayor Drake asked if DEQ had validated the Goal 5 process.

Councilor McLain said that if they included those connections then they would have to show how those connected items of clean water, pollution control, and endangered species were being addressed by specifics in the program. She said that they had been waiting to hear from those agencies on what they would agree to in regards to specific coverage.

Mayor Drake asked if that was a flaw in the motion.

Mr. Cotugno said that they had good information in the science report that was part of the overall package and that established that connection. He said that he did not foresee a problem in making that connection.

After some discussion on this issue Mayor Richard Kidd, City of Forest Grove, suggested that if MPAC chose to include Motion #2 in the plan then DEQ would have something to validate or dispute if it was necessary.

Vote on Motion #2:	The motion passed unanimously.
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Mr. Wheeler suggested that they should discuss consistency of standards. He suggested that they should apply consistent standards across the region regarding avoid, minimize and mitigate in all habitat conservation areas.

There was discussion on this and about the definition of “practicable.”

Motion #3:	Ted Wheeler, Citizen – Multnomah County, moved to support a regional standard that would include avoid, minimize, and mitigate, and provide regional standards across jurisdictions which supported the language in the current functional plan.
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Mayor Drake said that Washington County’s recommendation had in some instances taken a different viewpoint re: Tualatin Basin Resolution. He asked if Brent Curtis, Washington County, should talk about this issue. There was discussion about how the motion should be worded and an amendment to the motion was made.

Amendment to Motion #3:	Ted Wheeler, Citizen – Multnomah County, moved to support a regional standard that would include avoid, minimize, and mitigate, and provide regional standards across jurisdictions which supported the language in the current functional plan, but did not take action related to the Tualatin Basin motion.
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Chair Hoffman asked to hold off on the Tualatin Basin approach for the next meeting. There was discussion about avoid, minimize, and mitigate for the functional plan for class 1 and 2 riparian habitat and the Tualatin Basin plan on the west side of the region versus what would/could apply on the east side of the region. Due to the concerns over how the Tualatin Basin plan would affect the decision, Chair Hoffman asked the members to table motion #3 with regards to the Tualatin Basin plan, and instead

amend the motion to approve the avoid, minimize, and mitigate for all class 1 and 2 that was currently in the functional plan to apply everywhere.

Second Amendment to Motion #3:	Chair Hoffman moved to support a regional standard that would include avoid, minimize, and mitigate, and for all class 1 and 2 that was currently in the functional plan to apply everywhere.
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Councilor Hosticka said that he thought it would work in the following order: 1) adopt the functional plan that would apply everywhere, and 2) then consider the Tualatin Basin approach.

Mr. Wheeler withdrew the motion in its entirety as it was agreed that there was need for more discussion.

Vote on last amendment to Motion #3:	The motion failed as it was withdrawn by Mr. Wheeler, and due to a desire by the members to discuss in more depth the Tualatin Basin plan and its relation to the Metro staff plan.
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Martha Schrader, Clackamas County, asked to discuss the timing of implementation or rollout for the plan. She requested a longer time-line than two years for implementation as she did not feel that would be enough time to roll out the functional plan in an effective manner. She requested a 4-year timeline.

There was discussion about the merits of 2-years, versus 3-years, versus 4-years for implementation. There was also discussion about adding or implementing an "extension" process.

Motion #4:	Richard Kidd, Mayor of Forest Grove, with a second from Charlotte Lehan, Mayor of Wilsonville, moved to keep the current language of the functional plan which laid out a 2-year time line for implementation, but to add an extension process as outlined in Title 8.
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Vote on Motion #4:	The motion passed unanimously.
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Chair Hoffman said that the proposed functional language would require every jurisdiction in the region to remove barriers to habitat friendly practices in all the blue and green areas outlined on the displayed map. If there was a barrier to habitat friendly development practices in uplands, woodlands, forests, or forested canopies, they would have to remove those barriers to allow a developer to use habitat friendly development. That meant that they would have to use environmentally friendly materials in the development. All jurisdictions would be required to eliminate those barriers that prohibit or impede cluster development in those areas on the map (green or blue areas).

Mayor Drake expressed concern over shifting densities, especially to radically reducing densities and he suggested that they should use the phrase "consider" rather than "mandate." He wanted to avoid shifting the burden from an existing neighborhood to save it, and he wanted it to be saved, but at the same time if you were living in that neighborhood and suddenly had a new ordinance that you hadn't anticipated then there would be competing interests.

Ms. Deffebach said that there had been a lot of discussion on which word or phrase to use and she said it was an important issue. She explained that the functional plan proposed several approaches: 1) encourage, 2) provide incentives by reducing the barriers, and 3) use requirements where possible or where it was

technically feasible and practical to use them. The current proposal had the middle step, which was more than encourage, but in class 1 and 2 riparian areas take the extra step and require them to be used if they were technically feasible and practical. There was discussion about these three approaches.

Mayor Norris asked if a new science would automatically be added to the list and if it would apply?

Ms. Deffebach said that the list was neither exhaustive nor static. She said that the intent was to do better now and in the future than they had done in the past, and to make it as flexible as possible for that purpose.

Chair Hoffman asked if they wanted to meet on May 4 as well as May 11th?

It was decided that they would meet on May 11 but that Nature in Neighborhoods would be the only agenda item.

There being no further business, Chair Hoffman adjourned the meeting at 7:03 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR APRIL 27, 2005

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
#1 Goal 9	4/21/05	Memorandum to Jack Hoffman from Andy Cotugno re: Summary of Comments on Goal 9	042705-MPAC-01
#1 Goal 9	4/21/05	Letter to Steve Santos from Metro Staff re: Proposed Amendments to Goal 9 Rule, Draft 5	042705-MPAC-02
#1 Goal 9	3/31/05	Draft 5, March 31, 2005, Attachment A, Department of Land Conservation and Development, Division 009 Economic Development red-lined copy	042705-MPAC-03
#3 Nature in Neighborhoods	2/27/05	Memorandum to MPAC from Andy Cotugno re: MTAC comments on Ordinance No. 05-1077	042705-MPAC-04
#3 Nature in Neighborhoods	4/27/05 revised	Comparison of Metro Title 3 and 2004 CWS Standards (Revised 4/27/05)	042705-MPAC-05

#3 Nature in Neighborhoods	4/25/05	Memorandum to MPAC and MTAC from Alan Yeakley and Connie Ozawa re: Updated Research Results and Response to the April 20, 2005 Memo from Valerie Counts et al	042705-MPAC-06
#3 Nature in Neighborhoods	4/26/05	Letter from Jim Labbe, Sue Marshall, Tom Wolf to MPAC and MTAC re: Response to April 20 memo Washington County Planners regarding proposed Tualatin Basin Goal 5 Program	042705-MPAC-07
#3 Nature in Neighborhoods	4/26/05	Letter from the City of Portland, Tom Potter and Dan Saltzman to MPAC, MTAC re: Nature in Neighborhoods Policy Issues	042705-MPAC-08
#3 Nature in Neighborhoods	4/26/05	Email from Chair Jack Hoffman to MPAC, MTAC re: index to the policy issues regarding Nature in Neighborhoods	042705-MPAC-09
#3 Nature in Neighborhoods	4/27/05	Letter from City of Portland, Tom Potter, Dan Saltzman re: Nature in Neighborhoods Policy Clarifications	042705-MPAC-10
#3 Nature in Neighborhoods	04/27/05	Letter from City of Wilsonville, Charlotte Lehan to MPAC and Chair Jack Hoffman re: Nature in Neighborhoods	042705-MPAC-11
#3 Nature in Neighborhoods	4/27/05	Letter to Metro Council and MPAC from Ball Janik, Dana Krawczuk, re: Nature in Neighborhoods – Ordinance no. 05-1077, Resolution No. 05-3577, and Resolution No. 05-3574	042705-MPAC-12
#3 Nature in Neighborhoods	8/9/04	Letter to Tualatin Basin Natural Resource Coordinating Committee from Ball Janik, Dana Krawczuk, re: Testimony for Tualatin Basin Goal 5 Program	042705-MPAC-13
#3 Nature in Neighborhoods	4/27/05	Letter to MPAC from Ball Janik, Christen White and Kristin Udvari, re: Regionally Significant Educational or Medical Facilities	042705-MPAC-14
#3 Nature in Neighborhoods	4/27/05	Memorandum from Ken Allen and Bill Wyatt with the Port of Portland, to Jack Hoffman re: Metro's Nature in Neighborhoods program	042705-MPAC-15
#3 Nature in Neighborhoods	4/27/05	Letter from Bob Sallinger, Audubon Society re: Airport Exemptions	042705-MPAC-16
Misc.	3/18/05	Letter from City of Tualatin, Lou Ogden, to David Bragdon re: Affordable Housing	042705-MPAC-17

MPAC Meeting Record

April 27, 2005

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Misc.	4/25/05	Letter from Tom Hughes to Jack Hoffman and David Bragdon re: Title 7: Affordable Housing	042705-MPAC-18
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METRO POLICY ADVISORY COMMITTEE MEETING RECORD

May 11, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Nathalie Darcy, Rob Drake, Andy Duyck, Dave Fuller, Bernie Giusto, John Hartsock, Jack Hoffman, Kent Hutchinson, Joe Keizur, Richard Kidd, Charlotte Lehan, Deanna Mueller-Crispin, Alice Norris, Dan Saltzman, Martha Schrader

Alternates Present: Larry Cooper, Tim Crail, Ed Gronke, Diane Linn

Also Present: Hal Bergsma, City of Beaverton; Doug Bollam, Citizen; Bev Bookin, CREEC; Ron Bunch, City of Gresham; Tom Brian, Washington County; Cindy Catto, AGC; Bob Clay, City of Portland; Sarah Cleek, THPRD; Gary Clifford, Multnomah County; Debbie Collard, Ball Janik, LLP; Valerie Counts, City of Hillsboro; Sara Culp, Tom Potter’s Office; Brent Curtis, Washington County; Carol Chesarek, Citizen; Kay Durtschi, MTAC; Craig Dye, Clean Water Services; Barbara Fryer, City of Beaverton; Thomasina Gabriele, Institutional Facilities Coalition; Lisa Godwin, Providence Health System; Stacy Hopkins, DLCD; Delna Jones, Providence Health System; Steve Kelley, Washington County; Jim Labbe, Audubon Society of Portland; Susie Lahsene, Port of Portland; Stephan Lashbrook, City of Lake Oswego; Leeanne MacColl, League of Women Voters; Sue Marshall, Tualatin Riverkeepers; Doug McClain, Clackamas County; Laura Oppenheimer, The Oregonian; Pat Ribellia, City of Hillsboro; Jonathan Schlueter, Westside Economic Alliance; Michael Sykes, City of Forest Grove; Thane Tienson, Landye Bennett; Andrea Vannelli, Washington County; Ty Wyman, Providence Health System; David Zagel, TriMet

Metro Elected Officials Present: Liaisons – Carl Hosticka, Council District 3; Susan McLain, Council District 4; Robert Liberty, Council District 6 others: Brian Newman, Council District 2; David Bragdon, Council President

Metro Staff Present: Kim Bardes, Andy Cotugno, Chris Deffebach, Paul Garrahan, Paul Ketcham, Mike Wetter, Malu Wilkinson

Chair Hoffman called to the meeting to order at 5:05 p.m. Chair Hoffman asked the members and audience participants to introduce themselves.

1. NATURE IN NEIGHBORHOODS

Chair Hoffman said that the members would be making decisions on the Nature in Neighborhoods and he reviewed the agenda. He distributed a memorandum from Andy Cotugno regarding the MTAC comments on Nature in Neighborhoods Legislation, which is attached and forms part of the record.

Andy Cotugno, Metro Planning Director, reviewed his memorandum item by item.

Motion #1:	Richard Kidd, Mayor of Forest Grove, with a second from Chuck Becker, Mayor of Gresham, moved to 1) remove the stand-alone requirement for use of habitat friendly development practices in Class I and II Riparian; 2) incorporate Habitat Friendly Development practices into the avoid-minimize-mitigate standards; and 3) eliminate set mitigation ratios from the discretionary review option.
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Vote on Motion #1:	The motion passed unanimously.
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Motion #2:	Andy Duyck, Washington County, with a second from Nathalie Darcy, Washington County Citizen, moved to recommend that Metro develop detailed scope of work to describe technical assistance to jurisdictions for habitat-friendly development practices and Metro’s role in the Clean Water Act.
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Vote on Motion #2:	The motion passed unanimously.
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Motion #3:	Richard Kidd, Mayor of Forest Grove, with a second from Alice Norris, Mayor of Oregon City, moved to recommend that Exhibit E not be considered by Council on May 12, and that a subcommittee of MTAC, Goal 5TAC/WRPAC review it and complete work by July 1 st , 2005.
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There was discussion on this issue, mostly for clarification of the intent, and arguments to support passing this recommendation.

Vote on Motion #3:	The motion passed unanimously.
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Motion #4:	John Hartsock, Clackamas County Special Districts, with a second from Richard Kidd, Mayor of Forest Grove, moved to recommend adoption of Resolution No. 05-3577, with an amendment to condition 2(d) as recommended by TBNRCC, which would change require to encourage and facilitate and encourage and consider.
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Vote on Motion #4:	The motion passed with 12 yea (Becker, Cooper, Drake, Duyck, Fuller, Giusto, Hartsock, Hoffman, Keizur, Kent, Kidd, Schrader) 8 nay (Crail, Darcy, Gronke, Lehan, Linn, Mueller-Crispin, Norris, Saltzman) and 0 abstained.
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There was discussion on this issue, mostly for clarification. There was some concern over the difference in protection between Class I and II Riparian and vegetative corridors and also over the areas covered/protected. There was also discussion about the money that was part of the proposal for the Tualatin Basin. Andy Duyck and Craig Dye briefly reviewed the funding and projects in the Healthy Streams plan that form the Tualatin Basin Plan.

Motion #5:	Richard Kidd, Mayor of Forest Grove, with a second from John Hartsock, Clackamas County Special Districts, moved to support the “allow” decision in the COO recommendation for Port Terminals 4, 5, & 6.
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Susie Lahsene and Jim Labbe gave testimony. There was discussion about the level of protection the term “allow” would or would not provide. Andy Cotugno explained the purpose of the motion.

Vote on Motion #5:	The motion passed with 13 yea (Becker, Cooper, Drake, Duyck, Giusto, Gronke, Hartsock, Hutchinson, Keisur, Kidd, Linn, Norris, Saltzman), 7 nay (Crail, Darcy, Fuller, Hoffman, Lehan, Mueller-Crispin, Schrader), and 0 abstained.
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Motion #6:	Andy Duyck, Washington County, with a second from Richard Kidd, Mayor of Forest Grove, moved to recommend against carrying forward Title 3 exemptions into Title 13.
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There was discussion on what the Title 33 exemptions included, particularly the exemption for west Hayden Island.

Vote on Motion #6:	The motion passed unanimously.
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Motion #7:	Dan Saltzman, City of Portland, with a second from Bernie Giusto, Tri-Met Board, moved to remove the proposed map verification process for adjusting the urban development value for regionally significant education and medical facilities from the functional plan and replace it with a provision allowing jurisdictions to change urban development values for specific sites or uses based on additional Economic Social Environmental and Energy (ESEE) analysis prior to local adoption.
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There was discussion about this proposed amendment, the institutions it included and the effect that different legislation would have.

Vote on Motion #7:	The motion passed. Jack Hoffman did not participate in vote due to conflict of interest. 11 yea (Becker, Crail, Darcy, Fuller, Giusto, Gronke, Lehan, Linn, Mueller-Crispin, Norris, Saltzman), 8 nay (Cooper, Drake, Duyck, Hartsock, Hutchinson, Keisur, Kidd, Schrader), and 0 abstained..
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Chair Hoffman reviewed the issues that MTAC did not consider as outlined in the memorandum from Andy Cotugno under item no. 3 "Other issues that MTAC did not consider and that MPAC may want to consider. There was brief discussion of a few of those issues.

Motion #8:	Richard Kidd, Mayor of Forest Grove, with a second from John Hartsock, Clackamas County Special Districts, moved to endorse support and recommend enactment of the two Metro Nature in Neighborhoods resolutions and the one ordinance as amended.
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Vote on Motion #6:	The motion passed with 1 abstention by Mayor Charlotte Lehan.
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There being no further business, Chair Hoffman adjourned the meeting at 7:38 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR MAY 11, 2005

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#1 Nature in Neighborhoods	5/11/05	Memorandum from Andy Cotugno to MPAC re: MTAC comments on Nature in Neighborhoods Legislation	051105-MPAC-01
#1 Nature in Neighborhoods	5/10/05	Email and letter from AGC, Cynthia Catto to the Metro Councilors re: Nature in Neighborhoods and Related Resolution 05-3574, 05-3577, and Ordinance 05-1077	051105-MPAC-02
#1 Nature in Neighborhoods	5/10/05	Email from Sara Culp and letter from Mayor Tom Potter's office to David Bragdon re: Nature in Neighborhoods, with City of Portland Comments on Metro's Proposed Nature in Neighborhoods Program comments attached	051105-MPAC-03
#1 Nature in Neighborhoods	5/10/05	Email from Brian Wegener to Metro Councilors and Oregonian article re: Tualatin basin faces building between rock and flood plain	051105-MPAC-04
#1 Nature in Neighborhoods	5/10/05	Email and letter from Jim Labbe to MPAC and MTAC re: AsofP Supplemental Comments on Tualatin Basin Program	051105-MPAC-05
#1 Nature in Neighborhoods	5/11/05	Email and letter from Kelly Ross to MPAC re: testimony on Nature in Neighborhoods resolutions and ordinance	051105-MPAC-06
#1 Nature in Neighborhoods	October 2004	Evaluation of Providence Health System Properties with Respect to Goal 5 Issues, William Conerly Consulting LLC	051105-MPAC-07
#1 Nature in Neighborhoods	unknown	TriMet, Exhibit B, TriMet Marketing Analysis Department	051105-MPAC-08
MISC.	5/3/05	Letter from David Bragdon and Rex Burkholder to Lane Shetterly, Director of Department of Land Conservation and Development re: amending Transportation Planning Rule (TPR)	051105-MPAC-09

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
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METRO

DATE: April 20, 2005
TO: Chair Jack Hoffman
Metro Policy Advisory Committee
FROM: Andy Cotugno, Planning Dept. Director
RE: APPOINTMENT OF NEW MTAC ALTERNATE

Per the MPAC Bylaws:

Each jurisdiction or organization named [to MTAC] shall annually notify MPAC of their nomination. MPAC may approve or reject any nomination. Revision of the membership of MTAC may occur consistent with MPAC bylaw amendment procedures...

Rich Faith, the Multnomah County/Other Cities (Troutdale) representative on MTAC, has notified us that his new alternate will be Tamara DeRidder, Fairview Planning Director. Please consider Ms. DeRidder's nomination to MTAC.

If you have any questions or comments, please don't hesitate to call me at 503-797-1763.

Thank you.

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M E M O R A N D U M

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METRO

Date: May 18, 2005
To: MPAC
From: Andy Cotugno, Planning Director

RE: COUNCIL ACTION ON NATURE IN NEIGHBORHOODS LEGISLATION

On May 12, 2005 the Metro Council considered Ordinance No. 05-1077 (including the Chief Operating Officer's recommendation on the proposed new title of the Urban Growth Management Functional Plan Title 13: Nature in Neighborhoods and associated amendments to the Regional Framework Plan, other Functional Plan titles, and a Model Ordinance), Resolution No. 05-3577 which would approve the Tualatin Basin's fish and wildlife habitat protection approach as part of the regional program, and Resolution No. 05-3574 that describes Metro's Nature in Neighborhoods initiative. The Council's actions are described below.

Resolution No. 05-3574

The Metro Council unanimously passed this resolution that launches Metro's Nature in Neighborhoods initiative, with one amendment to include direction to staff to develop a scope of work describing Metro's technical assistance to cities and counties to comply with the requirements of Ordinance 05-1077, including habitat friendly development practices, and clarifying Metro's role in relation to the Clean Water Act.

Ordinance No. 05-1077

The Council acted on several amendments to Ordinance No. 05-1077. Based on MPAC's recommendation, the Council agreed to consider technical amendments to Exhibit E, the Title 13 Model Ordinance on July 14, 2005. The Council is scheduled to act on the Ordinance on September 22, 2005. Following are the main amendments Council accepted on May 12th.

- Amend definition of the word "practicable" to remove reference to fair market value and to add consideration of impact on ecological functions.
- Add several "whereas" and intent statements to clarify the relationship of the program to the Clean Water Act, the Endangered Species Act, and pollution control.
- Include provisions for Metro to address demands for compensation under Measure 37.

COUNCIL ACTION MAY 12, 2005

May 18, 2005

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- Incorporate the requirement of habitat-friendly development practice into the considerations for avoid, minimize, and mitigate and eliminate it as a stand alone requirement.
- Approve the “allow” designation for Port Terminals 4, 5 and 6 as included in the COO recommendation.
- Approve High Urban Development Value for Regionally Significant Educational and Medical facilities as included in the COO recommendation and add four regionally significant educational and medical facilities to the list in Title 13 (Pacific University, Providence St. Vincent Medical Center, OHSU, Veterans Hospital).
- Approve MPAC’s recommendation that the City of Portland and the Port of Portland consider West Hayden Island in a District Plan.
- Require mitigation in same watershed for habitat disturbance within an FAA wildlife hazard zone.
- Provide more protection for Class A and B habitat within the urban growth boundary in parkland purchased for natural area use.
- Include a new Framework Plan policy to “avoid and minimize conflicts between urbanization and the protection of regionally significant fish and wildlife habitat.” in new urban areas and more directive policies in Title 11 of the Functional Plan to minimize conflicts.
- Amend monitoring and reporting requirements for cities and counties by requiring cities and counties to report to Metro every other year rather than in a timely fashion.
- Acknowledge local Goal 5 programs and preventing their repeal.
- Clarify that Metro’s program would not require more mitigation for wetlands than required by state law.
- Eliminate the reference to tracking vegetation removal over a 5-year period in the definition of development.

The Council also adopted several amendments that specifically relate to the Title 13 Model Ordinance, with the agreement that the Model Ordinance will be reviewed for technical and implementation issues by MTAC. Several of the amendments described above carry through to the Model Ordinance as well.

- Increase vegetation planting requirements for mitigation in clear and objective approach.
- Add maximum disturbance area for Low HCA in clear and objective approach.
- Clarify language related to water utilities.

Resolution No. 05-3577

The Council voted 5-2 to accept the Tualatin Basin Program with the conditions included in the resolution with one amendment to incorporate the language recommended by the TBNRCC and MPAC that would allow the TBNRCC to encourage and facilitate habitat-friendly development practices in Class I and II habitat areas rather than requiring them.

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M E M O R A N D U M

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METRO

DATE: April 5, 2005
TO: JPACT and Interested Parties
FROM: Tom Kloster, Transportation Planning Manager
SUBJECT: Recent Transportation Planning Rule Amendments

On March 15, the Oregon Land Conservation and Development Commission (LCDC) adopted broad revisions to OAR 660.012.0060, the state Transportation Planning Rule. This round of amendments was focused on critical issues raised by the recent Jaqua vs. City of Springfield case that threatened current planning practices for balancing transportation and land use plans. While the LCDC response to the Jaqua case began as "fine tuning" amendments to the TPR, sweeping new provisions were introduced shortly before the draft rule was released for public review on January 3, 2005. These provisions, and Metro's position on the changes are discussed in this memorandum.

The 1/2 Mile Rule

The amended TPR reaffirms the existing practice of evaluating land use and transportation plan amendments for their effects in the horizon year of adopted 20-year plans in response to the Jaqua decision. However, the amended rule also applies a special test for transportation system adequacy along certain interstate highway corridors that creates a bar so high that the practical effect will be a zoning freeze in many of the affected areas of the metropolitan region. Known as the "1/2 mile rule", this provision represents a major shift in policy that Metro believes unacceptable because of the effects on the region's ability to implement the 2040 Growth Concept in these corridors.

The 1/2 mile rule requires plan amendments within a half mile radius of interchanges on I-5, I-205, I-405 and I-84 to be evaluated according to the Regional Transportation Plan (RTP) "financially constrained" system, a set of improvements that represents just over one third of the needed projects in the region. Metro's analysis of the financially constrained system showed that most of the interstate system in the region would fail to meet the RTP level of service

policy in the 2020 horizon year with this limited set of improvements. The net effect would be a cap on plan amendments in affected areas that where added housing or employment might be proposed.

This means that zoning to increase employment or housing densities could be blocked in the Portland Central City, Gateway, Clackamas and Oregon City regional centers, Hollywood, Lents, West Linn, Tualatin and Wilsonville town centers and every station community along the Interstate, Airport and I-205 MAX lines. The inner portions of the Banfield MAX line are also affected. In many cases, local zoning that implements these 2040 designations hasn't been adopted yet, so the impact is dramatic along the Interstate and I-205 MAX corridors, in particular. In the Tualatin/Wilsonville area and Gresham's Springwater employment area, planned industry on land recently brought inside the urban growth boundary could be affected. In Metro's preliminary analysis, the rule affects more than 24,000 acres in these corridors, of which more than 8,000 areas fall into 2040 centers, station communities and main streets, alone.

While Metro shares the state's interest in protecting the integrity of the interstate highway system, we also believe this goal can be much more effectively achieved through more thoughtful strategies that are coordinated with adopted land use and transportation plans.

ODOT as a Land Use Authority

The caveat to the 1/2 mile rule is that ODOT staff will be allowed to determine if additional improvements beyond the RTP financially constrained system are deemed "reasonably likely" to occur, a discretionary interpretation that would occur outside the planning process, and put ODOT staff in the position of deciding land use actions in affected areas. This provision represents a departure from Oregon's planning tradition where local elected officials adopt comprehensive plans in a public process intended to provide certainty in the development process. The effect of this provision would be to allow ODOT to make discretionary, arbitrary decisions that second-guess local policy makers on major planning decisions.

It's also unclear how this could be applied in our region, since most of the affected highway corridors are deferred to refinement plans, and have no major improvements identified in the RTP until individual corridor plans are complete. Thus, ODOT staff would be in the position of choosing projects that don't exist in the RTP in order to use this provision to "approve" plan amendments. This determination by ODOT requires no public process for evaluating the merit or impacts of such projects.

Metro opposes the "reasonably likely" provisions because it places ODOT in an inappropriate role as decision maker in the planning process, and could undermine the region's effort to concentrate future growth in existing urban centers and corridors in an effort to reduce urban sprawl. Metro is currently evaluating options for appealing or revising these recent TPR amendments.

For more information on Metro's response to the TPR amendments, feel free to contact me at 503-797-1832 or by e-mail to klostert@metro.dst.or.us.



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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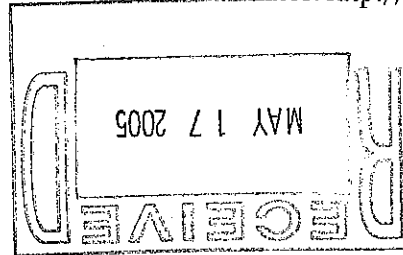
Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

May 13, 2005

David Bragdon, Metro Council President
600 Northeast Grand Ave.
Portland, OR 97232

Rex Burkholder, Metro Councilor
600 Northeast Grand Ave.
Portland, OR 97232



Re: May 3, 2005 letter regarding the Transportation Planning Rule

Dear ^{David}Chair Bragdon and Councilor Burkholder:

Thank you for your letter of May 3, 2005 (which we received May 10), in follow-up to our meeting (also attended by Bob Cortright and Craig Greenleaf) concerning the Land Conservation and Development Commission's recent amendments to the Transportation Planning Rule.

I appreciate your concerns about the amendments, as well as your willingness to continue to work with the department and the Oregon Department of Transportation (and the Transportation Commission) to address them. I also acknowledge your memorialization of our conversation as substantially accurate. I would only quibble with your characterization of the options for going forward that you identified in your letter as being "essential in remedying the recent LCDC action."

I can't agree that the recent LCDC action needs "remedying," but I do accept and agree that the steps you have outlined are appropriate and in keeping with our conversation. We are in particular accord with your interest in seeing that the rule amendments facilitate compact, mixed-use development as envisioned in Metro's 2040 Growth Concept.

Thank you again for your willingness to address your concerns to us, and your commitment to continue working in good faith with us, the Transportation Commission and ODOT. We also appreciate your willingness to participate in the ongoing technical TPR work group.

I will reaffirm our commitment to likewise work in good faith with you to achieve a mutually satisfactory outcome for the benefit of the people and communities we serve.

Best regards.

Yours very truly,



LANE SHETTERLY
Director

cc: LCDC Commissioners
Oregon Transportation Commission
Joint Policy Advisory Committee on Transportation
Metro Policy Advisory Committee
Oregon MPO Consortium
League of Oregon Cities

lps:/sw/Bragdon.051105

Materials for the Affordable Housing agenda item will be distributed at a later date.