

COUNCILOR ROD PARK

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797-1547 | FAX 503 797-1793



METRO

January 5, 2000

Kelly Ross
Home Builders Association of Metropolitan Portland
15555 SW Bangy Road, Suite 301
Lake Oswego, Oregon 97035

Dear Mr. Ross:

I am writing to follow up on the letter I sent December 1, 1999. In my letter, I asked for clarification of the Home Builders' position on Metro's request for a time extension from the Land Conservation and Development Commission. I have not received a response in the intervening five weeks.

I would appreciate a clarification of HBAMP's position on the extension request as we go into the new year. Do the Home Builders intend to continue with their appeal to the Land Use Board of Appeals?

I hope that careful and clear communication will prevent such misunderstandings in the future. I have enclosed a copy of my original letter for your reference. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Rod Park".

Rod Park
Metro Councilor
District One

199 2736

RP:msm

COUNCILOR ROD PARK

600 NORTHEAST GRAND AVENUE
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METRO

December 1, 1999

Kelly Ross
Home Builders Association of Metropolitan Portland
15555 SW Bangy Road, Suite 301
Lake Oswego, Oregon 97035

Dear Mr. Ross:

In light of the recent "misunderstanding" of the position your organization supports or opposes, I thought I would take this opportunity to inquire into HBAMP's official position prior to the LCDC hearing on December 17th.

When you phoned on November 10th, you stated that HBAMP's government affairs committee could support the resolution for an extension (Resolution No. 99-2855A) with certain minor modifications. At your request, we met on Friday, November 12th with Mike McKeever and Metro General Counsel Dan Cooper. Upon making modifications to Res. 99-2855A in primarily the third and fourth Be It Resolved sections, you were asked if your organization would support and testify in favor of it. My recollection, and the recollection of both Mr. Cooper and Mr. McKeever, was your affirmative answer to both questions.

Needless to say, the testimony of your organization at the Metro Council public hearing six days later on November 18th, 1999, to oppose the resolution caught everyone who was at the November 12th meeting by surprise. I do not know what inner workings of your organization caused a reversal in position in the six intervening days but I would like to understand some basic facts so that further "misunderstandings" will not occur.

In your phone message you left for me on November 19th after the council meeting, you state, ". . . I guess I should have been more clear with you all along that it would be impossible for us to come out with outright support of that resolution since it does accept the updated Urban Growth Report, which we think is completely flawed and wrong." You go on to apologize, "if I wasn't clear in communicating the subtleties of these messages to you." I have to report that the messages were so subtle that Mr. Cooper and Mr. McKeever missed them, too.

You also stated in your voice mail, "That what I meant to convey to you is that we had come to a conclusion that we would not oppose the resolution at LCDC if we

Mr. Kelly Ross
December 1, 1999
Page 2

could get some conditions from the Commission on enforcement of deadlines with Metro, and perhaps requiring Metro to address some of the concerns that we had raised before." In HBAMP's testimony at the November 18th meeting, it was expressed that some concerns were not being addressed in the resolution. It would appear to me that the most significant part of your concerns will be addressed through the work outlined in the 3rd and 4th Be it Resolved, as part of the environmentally constrained lands, Goal 5 issues and jobs/housing imbalances.

I do not know what conditions of enforcement HBAMP would like LCDC to impose on Metro as a condition of extension. I believe I am on the record as stating that I would like to see this process completed as quickly and as concisely as possible. The other concerns I am not able to comment on, as I thought we already had concurrence from our November 12th meeting. I will say the removal of the sentence, "Final action will not include any new Urban Growth Management Plan requirements to further increase densities inside the UGB." from the resolution may create a new set of concerns, but I think these can be resolved.

As such, I think it would be wise if you would communicate clearly and concisely what positions HBAMP will support or oppose at the LCDC hearing.

I hope the last communication that HBAMP will not oppose Metro's request for an extension to complete the twenty year land supply from LCDC will be honored.

I stand ready to work with all groups, organizations, and individuals on all sides of the growth issues facing the Metro Portland urban area.

Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Rod Park".

Rod Park
Metro Councilor District 1

RP:sm



Home Builders Association of Metropolitan Portland

"Striving for Affordability, Balance and Choice"

January 7, 2000

The Hon. Rod Park
Metro
600 N.E. Grand Ave.
Portland, OR 97232-2736

Dear Councilor Park:

Thank you for your letter of December 5th, in which you request clarification of HBAMP's position regarding Metro's request for a time extension to complete work on the urban growth boundary. I didn't respond in writing to your earlier request since I assumed that Jon Chandler had adequately expressed our view in his testimony at the December 17th LCDC meeting which you also attended. Please accept my apology if that was an incorrect assumption.

As Metro's General Counsel has probably advised you, HBAMP and the Partnership for Sensible Growth have submitted a brief to LUBA opposing Metro's motion to dismiss the appeal. Within that brief we conceded that the actual request for an extension itself was probably not a land use decision, and thus not within LUBA's scope of review. We do, however, continue to believe that the 1999 Urban Growth Update is contrary to the requirements of ORS 197.299, and will pursue all available legal avenues to press that belief. Appeal of the Council's resolution in which the 1999 Update is "accepted" is one of those avenues.

As you may recall, I first brought this matter to the Council's attention in a letter dated August 11, 1999, in which I requested an explanation of Metro's interpretation of the statute (to date, a response still has not been received). I reiterated our position in a subsequent letter dated October 20, 1999. In both of this correspondence I made the following point:

The obvious legislative intent of the statute, therefore, is that an analysis had to be finished, done, executed, fulfilled by January 1, 1998—it cannot be an "evolving" analysis that changes whenever there is new data, regulations, or political philosophies. The statute's overall goal of a 20-year buildable land supply requires long-range certainty and predictability in its implementation—not a series of short-term swerves and detours.

Mark Greenfield, our attorney in the appeal, has provided further arguments in support of this interpretation in his brief. The importance of this point for our industry cannot be overstated—both for its application to current work on the UGB as well as for the next review that will begin in 2002.

I agree wholeheartedly with you Rod, that careful and clear communication is crucial to the work that must be done on these issues of such great magnitude and complexity. I will take particular care to do so, and look forward to a continued good working relationship with you in your new position as Growth Management Committee Chair.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Ross". The signature is written in a cursive, somewhat stylized font.

Kelly Ross
Director of Government Affairs

Copy mailed to
each Mayor and
Co. Commission Chair.

February 3, 2000

The Honorable Larry Barrett
Mayor
City of Rivergrove
PO Box 1104
Lake Oswego, OR 97035-0501

Re: UGB Amendments On Exception Lands

Dear Mayor Barrett:

As you may know from MPAC discussions of Metro Resolution No. 99-2855C requesting a time extension from LCDC, we have committed to an ambitious schedule for completing needed Urban Growth Boundary (UGB) amendments by October 31, 2000. To accomplish the work on that schedule, Metro is beginning a review of its data on exception lands adjacent and proximate to the UGB for the purpose of considering legislative UGB amendments. These lands are the first priority lands for UGB amendments under state law ORS 197.298(1)(b). The precise amount of additional land needed for housing to comply with state law will depend on the extent of upcoming Title 3 regulations based on statewide Goal 5. However, a larger amount of exception land than will actually be needed must be analyzed to compare alternative sites as required by state law for any UGB amendment.

Before adopting any legislative amendments to the UGB, Metro's own code and statewide Goal 2 require consultation with cities, counties, and MPAC. Metro Code Section 3.01.015(d) says we consult to determine which cities and counties are prepared to initiate Comprehensive Plan amendments. You may have more information about lands near your part of the regional UGB than Metro collected in its 1995-1998 review of exception lands. Information about why lands are appropriate for urbanization, or not, would assist Metro in this analysis.

Metro agrees with MPAC's emphasis in its discussions on creating communities. Metro wants to implement the acknowledged 2040 Growth Concept to achieve a compact urban form. UGB amendments on first priority exception lands should enhance existing and future communities by coordinating land uses and transportation, consistent with the 2040 Growth

Concept. Therefore, we would appreciate advice and data concerning exception lands which would further community-building.

We need your information by February 29, 2000. Please send it to Lydia Neill. Thank you for your consideration of this request for assistance and guidance in the required analysis of lands to be considered for UGB amendments this summer and fall. If you need a map of exception areas in your vicinity, these can be provided by Metro Data Resources Center at 797-1742.

Sincerely,

Rod Park
Chair
Metro Council Growth Management Committee

LSS/RP/sm/kvw
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OGC/LSS/DBC/kvw (02/03/2000)


M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
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METRO

TO: Metro Council

FROM: Rod Park, Chair 
Growth Management Committee

DATE: February 24, 2000

SUBJECT: Update on Urban Growth Boundary Expansion Issues

Attached is a memo from Dan Cooper regarding Metro's Periodic Review Process. At the Growth Management Committee meeting on Tuesday, Dan explained the advantages and disadvantages of Metro making its required UGB expansion decision this year in the periodic review process. The memo summarizes his comments. If you have any questions, please meet with Dan for a more thorough explanation. The memo is just a brief summary, and the issues involved are more complex.

Also at the last Growth Management Committee meeting, Larry Shaw updated the committee on LCDC's proposed revision of Goal 14 and UGB amendment rules. I have attached a copy of his memo explaining the latest revisions.

If you have any questions, please feel free to contact me or legal counsel for a full explanation. I look forward to working with each of you in the next few months as we tackle our October deadline for a UGB expansion.

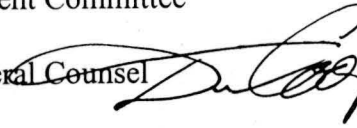
M E M O R A N D U M

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METRO

TO: Councilor Rod Park, Chair
Growth Management Committee

FROM: Dan Cooper, General Counsel 

DATE: February 23, 2000

RE: Metro's Periodic Review Process
Urban Growth Boundary ("UGB") Expansion

You have asked me to give a written summary of the explanation I gave to the Growth Management Committee on Tuesday, February 22, 2000, regarding the advantages and disadvantages of Metro making its required UGB expansion decision this year in the periodic review process ("Periodic Review Process").

The advantage of the Periodic Review Process for the UGB expansion is that it can give greater certainty to the process to be followed by Metro in making the decision and in the sustainability of that decision if appealed.

- In a Periodic Review Process, Metro would be directed to carry out the UGB expansion pursuant to a work program that had been approved by the State Agency.
- Land Conservation and Development Commission ("LCDC") formal approval of the outcome of the process leads to greater certainty that the outcome would be upheld if appealed.

The appeal of that decision would be directly to the Oregon Court of Appeals and not to LUBA. The Court of Appeals has given deference to LCDC's interpretation of rules it has adopted.

The disadvantages of the Periodic Review Process are that:

- ◆ It can be time consuming and cumbersome.
- ◆ The Metro Council's decision making authority would be subject to a separate approval by LCDC.

TO: Councilor Rod Park, Chair
Growth Management Committee
FROM: Dan Cooper, General Counsel
DATE: February 23, 2000
RE: Metro's Periodic Review Process
Urban Growth Boundary ("UGB") Expansion

Page 2

At the Growth Management Committee I discussed two factors that I believe also should be considered:

- The Court of Appeals in the Urban Reserve case held that Metro erred when it calculated the Urban Growth Report ("Need Number"). The Metro Council will need to, by Ordinance, amend the Regional Framework Plan and Urban Growth Functional Plan in order to establish the methodology for the Goal 14 need analysis used in the determining the amount of land to be added to the UGB. This methodology must "connect" the Regional Framework Plan and Urban Growth Functional Plan Policies to the determination of need. This action is subject to appeal. It can be anticipated that interested parties would appeal the decision of how to compute the number if they think the methodology established by the Metro Council will lead to a result they disagree with.
- When the Metro Council makes its final decisions this year on which land to add to the UGB, appeals may be likely. Parties who are proponents for including land inside the UGB which the Council chooses not to add at this time, may feel the need to challenge that decision. In addition, appeals are possible from people who object to specific lands being included in the UGB.

DBC/sm

M E M O R A N D U M

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METRO

DATE: February 17, 2000

TO: Metro Council
Mike Burton, Executive Officer

FROM: Larry Shaw
Office of General Counsel

RE: Major Amendments to LCDC Goal 14

There has been a longstanding staff working group on LCDC's Urban Growth Boundary rules considering revision of Goal 14 and UGB amendment rules. DLCD's draft of a revised Goal 14 was discussed at today's half day meeting. The draft Goal 14 is much-improved over the current 1974 Goal 14 language. There is an additional meeting on March 16 to reach a firm set of proposed amendments to Goal 14 and related rules by April, 2000. Every change, of course, may require litigation to interpret. DLCD's schedule is to send notice of 10 Goal amendment hearings to be held around the state beginning in May, 2000 for LCDC adoption in September (or October), 2000. Therefore, this draft will become the DLCD proposal for those hearings within the next month.

Revised Goal Purpose

Goal 14 would now state its purpose "to provide land for urban use." This is a significant, common sense addition of language that is reflected in the new Factor 4 on "location". More changes in the purpose statement may come from rule making.

Revised Goal 14 "Factors"

Goal 14 currently consists of seven factors, plus a Goal 2 alternative analysis which are applied to all UGB amendments. Goal 14 would be reorganized into two new

sets of factors, Factors 1-3 "need" and Factors 1-5 "location." Several of these factors would be significantly improved by incorporating new state laws and case interpretations. More work is needed on most factors.

"Need" Factor 1 is would be improved by reflecting the 1995 state law which now requires a coordinated long range population employment forecast. LCDC is working on additional rules defining this coordinated forecast. The draft of "need" Factors 2 and 3 needs significant work. For example, Metro's basis for subregional UGB amendments could be unavailable, unless clarifying rules address it.

The "location" factors attempt to blend an alternative site analysis into consideration of the Factors. This is a good concept, because the current, very unclear Goal 2 exceptions process required by Goal 14 for UGB amendments would be replaced by this approach. Rules on how to do a comparison on the location factors will be critical. New "location" Factor 1, retention of farm land, is a revised version of former Factor 6. Forest land, as well as farm land, must be retained under the new Factor 1. This new factor also brings in the priorities from state law that require exception land and less productive resource land to be considered first.

New "location" Factor 2 repeats former Factor 7 on "compatibility with agricultural and forest activities." Metro requested clarification that consideration of compatibility be required only for activities outside UGBs.

New "location" Factor 3 retains former Factor 3 on public facilities, and is essentially unchanged.

New "location" Factor 4 is completely changed. It would now reflect "the ability of sites or areas to accommodate needed land used in an efficient manner." This is a major improvement to assure that Goal 14 responds to the restated goal purpose "to meet urban land needs" by requiring analysis of productivity for urban use.

New "location" Factor 5 shortens former Factor 5 by eliminating the Environmental, Energy, Economic and Social ("ESEE") consequences requirement. Protection of environmentally sensitive areas is retained as Factor 5. This is a major substantive change that should be an improvement because it would require any specific consequences on the land to be raised as separate Goal 5 (environment), Goal 13 (energy), Goal 9 (economic) issues, rather than a general review of these subfactors.

Goal 2 Exceptions "Alternatives Analysis" Eliminated

This seems to be the most important improvement of Goal 14 in terms of streamlining the UGB amendment process. LUBA's ruling in the Metro urban reserve case demonstrated the difficulty in separating the Goal 14 factors and the Goal 2 alternatives analysis. To accomplish this, the "alternatives" wording for the new "location" factors (that is intended to replace the Goal 2 alternatives analysis) is critical.

Conclusion

1. The biggest changes to the law that governs Metro UGB amendments since 1974 are being drafted in the next month for public involvement beginning in May. These changes are unlikely to be adopted and applicable to Metro UGB amendments scheduled for adoption in October, 2000.

2. Significant improvements and updating are contained in revised Goal 14. They will be accompanied by additional rule changes in 2000 on population forecasts and minimum planning inside UGBs.

3. Significant changes in law are usually accompanied by some litigation over the application of the changes.

cc: Dan Cooper
Ken Helm
Elaine Wilkerson
Mark Turpel

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COUNCILOR ROD PARK

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FAX 503 797-1793



METRO

June 20, 2000

Mr. Paul Akers
The Free Lance-Star
616 Amelia St.
Fredericksburg, VA 22401

Dear Mr. Akers:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

As I discussed during my panel presentation on the urban growth boundary, the Portland area's regional approach to growth management planning has been the key to our success in protecting farm and forest land from urban encroachment.

Please call me if I can help in any way. I would be happy to talk with you further about Metro and Oregon's land use planning. My phone number is 503-797-1547, or you may reach me by email at parkr@metro.dst.or.us. You may also contact our Council Outreach Coordinator, Beth Anne Steele, at 503-797-1942.

In addition, Metro's web site (www.metro-region.org) includes a wealth of information about Metro's history and current issues. All of Metro's policy documents are posted on our site.

Sincerely,

A handwritten signature in cursive script that reads "Rod Park".

Rod Park
Metro Councilor, District 1

RP:sm

COUNCILOR ROD PARK

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
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METRO

June 20, 2000

Mr. John Berlau
Investor's Business Daily
1317 F St. NW Ste 930
Washington, DC 20004

Dear Mr. Berlau:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

As I discussed during my panel presentation on the urban growth boundary, the Portland area's regional approach to growth management planning has been the key to our success in protecting farm and forest land from urban encroachment.

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Rod Park
Metro Councilor, District 1

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METRO

June 20, 2000

Ms. Karen Breslin
1215 Teller St.
Lakewood, CO 80215

Dear Ms. Breslin:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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Sincerely,



Rod Park
Metro Councilor, District 1

RP:sm

COUNCILOR ROD PARK

600 NORTHEAST GRAND AVENUE
TEL 503 797-1547

PORTLAND, OREGON 97232 2736
FAX 503 797-1793



METRO

June 20, 2000

Ms. Elizabeth Cummings
Editor
Central Penn Business Journal
409 S Second St.
Harrisburg, PA 17104

Dear Ms. Cummings:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

As I discussed during my panel presentation on the urban growth boundary, the Portland area's regional approach to growth management planning has been the key to our success in protecting farm and forest land from urban encroachment.

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Sincerely,



Rod Park
Metro Councilor, District 1

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PORTLAND, OREGON 97232 2736
FAX 503 797-1793



METRO

June 20, 2000

Mr. David Greenberg
Slate Columnist
Slate Magazine
16 West 76th St #PH
New York, NY 10023

Dear Mr. Greenberg:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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Rod Park
Metro Councilor, District 1

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600 NORTHEAST GRAND AVENUE
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PORTLAND, OREGON 97232 2736
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METRO

June 20, 2000

Mr. Doug MacEachern
Editorial Writer
Arizona Republic
200 E Van Buren
Phoenix, AZ 85002

Dear Mr. MacEachern:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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PORTLAND, OREGON 97232 2736
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METRO

June 20, 2000

Mr. Will Jones
Richmond Times-Dispatch
PO Box 85333
Richmond, VA 23293

Dear Mr. Jones:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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METRO

June 20, 2000

Mr. Kin-Ming Liu
Executive Assistant to Publisher
Apple Daily
8, Chun Ying Street
TKO Industrial Estate West
Tseung Kwan O, Hong Kong

Dear Mr. Liu:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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METRO

June 20, 2000

Mr. Mike Martindale
Reporter
The Detroit News
999 Haynes St Ste 260
Birmingham, MI 48009

Dear Mr. Martindale:

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Metro Councilor, District 1

RP:sm

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METRO

June 20, 2000

Mr. Martin Miller Johncox
Editorial Writer
The Idaho Statesman
PO Box 40
Boise, ID 83706

Dear Mr. Miller Johncox:

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Please call me if I can help in any way. I would be happy to talk with you further about Metro and Oregon's land use planning. My phone number is 503-797-1547, or you may reach me by email at parkr@metro.dst.or.us. You may also contact our Council Outreach Coordinator, Beth Anne Steele, at 503-797-1942.

In addition, Metro's web site (www.metro-region.org) includes a wealth of information about Metro's history and current issues. All of Metro's policy documents are posted on our site.

Sincerely,

A handwritten signature in cursive script that reads "Rod Park".

Rod Park
Metro Councilor, District 1

RP:sm

COUNCILOR ROD PARK

600 NORTHEAST GRAND AVENUE
TEL 503 797-1547

PORTLAND, OREGON 97232 2736
FAX 503 797-1793



METRO

June 20, 2000

Ms. Angela Garcia Nelson
Editor
Stevens Publishing
5151 Beltline Rd 10th Floor
Dallas, TX 75240

Dear Ms. Garcia Nelson:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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METRO

June 20, 2000

Ms. Kate O'Beirne
Washington Editor
National Review
219 Pennsylvania Ave SE Ste 300
Washington, DC 20003

Dear Ms. O'Beirne:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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METRO

June 20, 2000

Mr. John Parker
Bureau Chief
The Economist
1331 Pennsylvania Ave NW Ste 510
Washington, DC 20004

Dear Mr. Parker:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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PORTLAND, OREGON 97232 2736
F A X 503 797-1793



METRO

June 20, 2000

Mr. Matt Rees
Staff Writer
The Weekly Standard
1150 17th St NW Ste 505
Washington, DC 20036

Dear Mr. Rees:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

As I discussed during my panel presentation on the urban growth boundary, the Portland area's regional approach to growth management planning has been the key to our success in protecting farm and forest land from urban encroachment.

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Rod Park
Metro Councilor, District 1

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FAX 503 797-1793



METRO

June 20, 2000

Professor Fred Siegel
The Cooper Union
225 Argyle Rd
Brooklyn, NY 11218

Dear Professor Siegel:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

As I discussed during my panel presentation on the urban growth boundary, the Portland area's regional approach to growth management planning has been the key to our success in protecting farm and forest land from urban encroachment.

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600 NORTHEAST GRAND AVENUE
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PORTLAND, OREGON 97232 2736
F A X 503 797-1793



METRO

June 20, 2000

Mr. Richard Starr
Managing Editor
The Weekly Standard
1150 17th St NW Ste 505
Washington, DC 20036

Dear Mr. Starr:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

As I discussed during my panel presentation on the urban growth boundary, the Portland area's regional approach to growth management planning has been the key to our success in protecting farm and forest land from urban encroachment.

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Rod Park
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COUNCILOR ROD PARK

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METRO

June 20, 2000

Mr. Ron Thibodeaux
St. Tammany Bureau Chief
The Times-Picayune
2070 E Gause Blvd.
Slidell, LA 70461

Dear Mr. Thibodeaux:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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TEL 503 797-1547 | FAX 503 797-1793



METRO

June 20, 2000

Mr. David Whitman
Senior Writer
U.S. News & World Report
1050 Thomas Jefferson St NW
Washington, DC 20007

Dear Mr. Whitman:

I enjoyed meeting you at the PERC Conference on Sprawl and Smart Growth in Bozeman, Montana, earlier this month. I hope you found the conference informative and useful – and that you were in better shape than me for hiking in high altitude!

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Sincerely,



Rod Park
Metro Councilor, District 1

RP:sm

Rod Park
Tele: (503) 797-1547
FAX: (503) 797-1793

~~August 16, 2000~~

Steve Pfeiffer, Chair
Land Conservation & Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Re: *Revised Goal 14 and Goal 14 Rule*

Dear Chair Pfeiffer and Commissioners:

Thank you for the opportunity to comment on the first major revision of statewide urbanization rules. Metro is responsible for the regional urban growth boundary ("UGB") for 24 cities and 3 counties, the largest urban area in the state representing about two thirds of the urban population of the state. The region has led all urban areas in meeting the fundamental Goal 14 principles of a balanced, compact urban form by adopting and beginning to implement the 2040 Growth Concept. The Commission heartily endorsed the 2040 Growth Concept when it was acknowledged in 1996.

Metro already has authority in state law to implement its plan. The region is concerned about retaining the ability to implement the 2040 Growth Concept in these Goal 14 rules. The region does not need "special" urbanization rules to enable Metro to implement the 2040 Concept. It is important to Metro and all cities and counties in the region that the Commission's urbanization rules not restrict the region's implementation of the 2040 compact urban form.

The Process Needs More Time

The complexity of the issues surrounding the first complete revision of Goal 14 since 1974 is evidenced by the lengthy staff report. As that report indicates, the proposed goal language has been reviewed at a number of very sparsely attended hearings around the state. The draft Goal 14 rule was only available for a short time before its first hearing on July 27. Therefore, we urge you to add, at the least, a work session, a hearing opportunity, and a "final" draft to the process proposed by DLCDC staff. Adoption at the September Commission meeting would allow only one more staff draft after the July 27 hearing. The August 25 work session is necessary. An

additional September 28 work session and another final draft prior to a third hearing in October is needed because these issues are so complex. October adoption after the third hearing is a realistic goal if this additional work can be done.

Generally, the work on the revision is a significant improvement over the current basic Goal 14 standards for UGB amendments that your staff correctly calls "vague and subject to multiple interpretations." However, this staff draft contains policy choices, including an unidentified change of current law, that the Commission has not yet considered. Additional work time would allow these changes of current law to be identified and considered by the Commission.

Metro's testimony focuses on aspects of three major issues relating to Part 1 of the proposed Goal 14 that affect implementation of the 2040 Growth Concept. Metro's ability to implement the 2040 Growth Concept will be restricted by the new Goal and rule without some amendments suggested by this testimony. These are integrated issues relating to how Metro is allowed to conduct subregional analysis of lands to consider adding to the 2040 urban form. Such UGB amendments are a primary remaining controversy in Metro's successful implementation of the 2040 Growth Concept.

1. Subregional Need Analysis For UGB Amendments

There is significant confusion about this issue. As MPAC states in its letter to the Commission, the new Goal 14 need factors would amend the current Goal 14, Factor 2 to eliminate the existing ability for Metro to consider UGB amendments based on subregional needs. Even though this ability has not been used often as a basis for amendments to the regional UGB, it is a tool that Metro continues to need for unique situations like the 1999 approval of Wilsonville's Dammasch concept plan. Retaining Goal 14 Factors does not mean that the regional UGB becomes a series of subregional UGBs. Subregional analysis must be related to the 20 year population and employment regionwide needs based on the forecast as suggested in DLCDC's staff report.

By eliminating the ability of Metro to consider even small scale subregional needs for adding land to the UGB, the proposed revised Goal 14 is inconsistent with current case law. The policy change proposed in the revised Goal 14 conflicts with current Goal 14, Factor 2 as interpreted by LUBA. In *1000 Friends v. Metro and Forest Grove* (1989) and *Rosemont Neighbors v. Metro* (2000).¹ LUBA has consistently upheld Metro's ability to consider UGB amendments on a subregional basis. Adding land to an existing 2040 center or creating a new one by UGB amendment implements infill-and redevelopment policies. The ability to consider subregional needs, consistent with the 2040 Concept, is a tool that Metro needs to implement a balanced, compact urban form.

2. 20 Year Supply Of Land

¹ *Rosemont Neighbors* has been appealed to the Court of Appeals where this issue is expected to be raised.

As the Commission requested at its June work session, Metro has submitted alternative Goal 14 rule text. That text would allow an alternative 20 year land supply only inside Metro's jurisdictional boundary² and only when accompanied by regional rules which, in effect, meter the land supply in the same way as a "20 year" UGB. Metro's 2040 Growth Concept and implementing functional plan provisions encourage infill and redevelopment by selective increases in densities in urban centers. This goes farther than the longstanding 20 year land supply policy to encourage infill and redevelopment inside the UGB. Increasing the supply of land for urban land uses would be a counter incentive to infill and redevelopment. Therefore, Metro supports a policy that limits the supply of land available for urban uses to 20 years. The unique circumstances inside the Metro jurisdictional boundary justify the ability for Metro to use an alternative means of achieving that result. For example, unincorporated Damascus, outside the UGB, but inside Metro's jurisdictional boundary, is identified on the 2040 Growth Concept Map as a future town center. Any UGB amendments in that area must be able to take the integration of such a future 2040 center into account.

Unfortunately the DLCD's staff report at pp. 15-17 does not accurately describe the Metro alternative that was requested by the Commission. Metro's alternative would not make more than 20 years of land available for urban uses. If needed, a larger UGB could be used (1) only in the Metro region, (2) only inside Metro's jurisdictional boundary, (3) to allow greater than 20 years of "urbanizable" land (land inside the UGB) only when regional rules are in place that insure that only a 20 years supply of buildable land is available to be converted by cities to urban uses. This accomplishes the same result as a 20 year supply of land in UGBs elsewhere in the state. Metro's regional rules to make only 20 years of land available for urban uses are reviewable by LCDC to assure that they achieve that purpose.

This limited alternative approach to a 20 year available land supply would allow Metro and eastside cities and counties to plan and commit to urban centers in legislative UGB amendments, instead of incremental UGB amendments merely attempting incremental extensions of existing services.

The staff report seems to misstate Metro's proposal in the following ways:

1. There is no risk to farmland from this proposal because the alternative is limited to Metro's jurisdictional boundary which contains mostly exception land. *See*, page 4 of Attachment 3. Also the priority statute and the new Goal 14 apply to these UGB amendments to require that exception land must be the first land added to the UGB. ORS 197.298.

2. There would be only 20 years of buildable land available for cities to convert to urban land in the Metro area, as in the rest of the state. That is not an unlimited supply of buildable land. It is a 20 year supply of land.

² This is an area outside the regional UGB that extends 1-5 miles on the east side of the region. It contains primarily exception land.

3. There are limits on the size and location of the UGB not mentioned by staff. First, this alternative is limited in Metro's subsection -0030(1). A larger UGB could only result from lands added within its jurisdictional boundary. Second, Metro must comply with its LCDC-acknowledged 2040 Growth Concept to identify mixed use center areas which have connections to established regional centers.

4. The theoretical basis for the 20 year land supply, generally, is upheld by making only a 20 year land supply available. Planning for balanced urban centers in UGB amendments implements the 2040 Growth Concept better than incremental UGB amendments that may not provide certainty about the complete, efficient, mixed use center areas connected to regional transportation facilities.

3. Clear Application Of The Land Priority Statute – ORS 197.298

These new urbanization rules must provide guidance and clear "how to" instructions for UGB amendments to all local governments in the state. That job includes blending applicable statutes as well as relevant case law. A good start has been made in the draft Goal 14 Rule on the land priority categories in ORS 197.298(1). The Alternatives Analysis section at OAR 660-021-0060 addresses them. The Goal 14 factors are applied within each priority land category. However, there are two important "how to" issues that need clarification.

A. "Exceptions" To The Priorities – ORS 197.298(3)

There are significant policy issues involved in blending the "exceptions" to the priorities in the statute ORS 197.298(3). Subsection -0060(3) merely repeats that law without adding any guidance. Subsection -0040(2) interprets state law by stating that "specific identified land needs" are a "subset of general need categories." Subsection -0040(3) identifies some "specific identified land needs." These subsections should be included with the Alternatives Analysis section with additional "how to" instructions for UGB amendments based on "specific identified land needs."

Since ORS 197.298(3) is a statute, LCDC's legal advice about how this provision may be applied should be made available. A clear "how to" approach should be included in subsection -0060 based on that legal advice.

B. One Mile Rule

The Alternative Analysis section is an improvement over the current Goal 2 "Exceptions" factors. As far as it goes, it is much clearer than current rules. However, there is a mandatory interpretation that "all land adjacent to the UGB" means within one mile of the UGB. That can lead to an unintended result in the Metro area. Areas with much high priority exception lands which are greater than one mile from the UGB, such as the Damascus town center could be under-represented. Lower priority lands within one mile would be added to the UGB before

Steve Pfeiffer & Commission
July 20, 2000
Page 5 of 5

exception lands near Damascus which may be 1-1/4 miles from the UGB. Work with the Commission's legal counsel is needed to craft a solution to this unintended result that may violate ORS 197.298.

Sincerely,

Rod Park
Chair
Metro Council Growth Management Committee

RP:LSS:kvw
i:\7.9.1.9\071100sp.006.doc



METRO

July 25, 2000

The Honorable Gordon Smith
Russell 404
Washington, D.C. 20510

Dear Senator Smith:

Thank you for your leadership in working to ensure passage of HR 701, the Conservation and Reinvestment Act today in the Energy and Natural Resources Committee.

In addition to providing critical funding for parks and open spaces programs the legislation will give local governments and jurisdictions a new tool to use to respond to federal directives and mandates. These include recent 4 (d) rules issued by the National Marine Fisheries Service which require significant stream setbacks and habitat conservation measures. Metro is working closely with its local partners to adopt policies that make sense for our region. HR 701 will help us address these issues and ensure long term protection and stewardship of our natural resources.

We also want to thank your staff person, Valerie West for her willingness to carefully consider our position on this issue.

Again, we greatly appreciate your support and look forward to working with you in the future.

Sincerely,

DAVID BRAGDON
Presiding Officer, District 7

MIKE BURTON
Executive Officer

SUSAN MCLAIN
Chair, Federal/State Legislative Committee

BILL ATHERTON
District 2

JON KVISTAD
District 3

ROD MONROE
District 6

ROD PARK
District 1

ED WASHINGTON
District 5

 * P.01 *
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 TEL 503 797 1540 | FAX 503 797 1793



METRO

Council Office Facsimile

Date: July 27, 2000
To: The Honorable Gordon Faber
Fax number: 681-6213
Company/Agency: City of Hillsboro
From: Suzanne Myers, Council Assistant to Rod Park
Phone number: 797-1543
Total # of pages: 4 (including cover page)
Subject: Letter to Mayor Fabor from Councilor Park regarding urban growth boundary amendment discussions.

Please notify immediately if not received properly.

COUNCILOR ROD PARK

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797-1547 | FAX 503 797-1793



METRO

July 27, 2000

The Honorable Gordon Faber
Mayor
City of Hillsboro
123 West Main Street
Hillsboro, Oregon 97123

RE: Urban Growth Boundary Amendment Discussions

Dear Mayor Faber: *Gordon*

I think it is time that I commit to writing my views on the ongoing discussions we've been having for more than six months regarding the development of a comprehensive proposal for urban growth boundary amendments for the Portland metropolitan region. I hope you will find this letter to be 100% consistent with the discussions we have had in this regard.

In December of 1999, I initiated discussions through Metro's Office of General Counsel with representatives of the City of Hillsboro regarding what I felt would be positive long-term solutions to urban growth boundary management issues in the Portland metropolitan area and possibly the entire state. I suggested that if a consensus could be reached with all of the stakeholders involved, these solutions could be implemented. What I laid out was as follows:

1. The existing protections precluding urban growth boundary amendments in EFU areas would be enhanced in a meaningful, long-term way, prohibiting the addition of "prime" agricultural land in Multnomah, Washington and Clackamas counties inside any urban growth boundary.
2. The Metro Council would add the South Hillsboro area to the urban growth boundary with the concurrence of all involved parties. This urban growth boundary amendment would be adopted before the effective date of the long-term protection for prime farmland referred to above.
3. The Metro Council, in cooperation with Clackamas County and Clackamas County cities, would identify appropriate areas outside the urban growth boundary in Clackamas County to be included in the urban growth boundary now for future industrial and employment purposes. The goal would be to shift the region's perception of good locations for major employers from Washington County to Clackamas County.

4. In order to complete these three major program points, the state Department of Land Conservation and Development and the Land Conservation and Development Commission (LCDC) would need to give Metro and the region clear guidance on these issues. In particular, guidance would be needed in how to create greater protection of prime agricultural land in the three-county area, and in how to determine that the City of Hillsboro had made an adequate case for the inclusion of the EFU land in South Hillsboro in the urban growth boundary, based on the current provisions of state Goal 14.
5. All of the above actions would occur before the state-imposed deadline for Metro to meet its 20-year housing supply requirement. Metro would seek "periodic review" status for its actions and the protection of farm land would be adopted by LCDC rule making in the same time frame.

After an initial round of discussions with the City of Hillsboro, and then with representatives of the agricultural industry and the state Department of Agriculture, Dick Benner of DLCD and members of his staff, representatives of 1000 Friends of Oregon, the Home Builders Association of Metropolitan Portland, Clackamas County, Washington County, cities in Washington County, Multnomah County, and other local government officials, including representatives of the City of Portland, I was hopeful that we would be able to achieve a regional consensus that would support taking the actions outlined above. Unfortunately, within several months of making this proposal, it became clear that certain key components of the strategy would be unachievable this year, if at all.

First, after discussing the matter with representatives of the Attorney General's office, Mr. Benner reported that he could not support LCDC rule making to adopt greater prime farmland protection without the adoption of a bill by the Oregon Legislature in 2001 to clarify the Commission's rulemaking authority in this regard. Mr. Benner felt that if there was a consensus among all relevant parties to the provisions of such a bill, the proposal could move forward. As you know, despite the efforts of many there has been no consensus on the provisions of such a bill. I think it is very doubtful an agreement can be reached before the beginning of the session. Unfortunately, there is a lack of agreement among Washington County local governments, let alone with 1000 Friends of Oregon or the Home Builders, on this matter.

Secondly, Mr. Benner and his staff did not give clear advice to Hillsboro regarding the factual basis for including EFU land inside the Metro urban growth boundary in the South Hillsboro area based on current goal provisions.

Finally, though probably of least consequence, the tremendous regional controversy over the implications of including South Hillsboro inside the urban growth boundary now, based on a subregional need analysis, has made it very clear that there is not consensus among the regional stakeholders in this regard. This concern is more pronounced because the Metro Council, at the request of MPAC, has deferred action of Goal 5 regulations, thereby greatly reducing the need to amend the UGB now to meet regional housing needs.

For all of the above reasons, I believe it is time for Metro to publicly put an end to some of the misconceptions that are swirling around this issue. I believe it would be of great benefit to the

region at this time for the Metro Council to commit to accomplishing Task 2 and Task 3 of Metro's periodic review work program concurrently. As we tie Task 2 to Task 3, I will publicly make clear that I have no intention to raise the question of South Hillsboro as a UGB amendment unless all of the necessary pieces have been assembled. I am still willing to go forward if and when the other necessary parties return to the discussions. I believe that the statewide farm community still supports this proposal.

I wanted to explain to you my reasons for concluding that the proposal I made in December is now clearly not possible to complete in a timely fashion. Metro will concentrate on consideration of urban growth boundary expansion in Clackamas County. By identifying land for potential industrial expansion areas for the region, we will help remove the pressure for expansion onto the farmland in Washington County. The timing for the Clackamas County expansion should be part of the 2002-2022 need assessment. If and when the other components of my proposal can be made a reality, I am willing to return to that task.

Thank you for your efforts to make this idea a reality. I regret we could not build the necessary agreement we needed to make it happen at this time.

Very truly yours,



Rod Park
Chair, Growth Management Committee
Metro Councilor, District 1

RP:DBC:kvw:sm