8-17-1995

Meeting Notes 1995-08-17

Joint Policy Advisory Committee on Transportation

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Meeting: JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION
Date: AUGUST 17, 1995
Day: THURSDAY
Time: 7:15 a.m.
Place: METRO, COUNCIL CHAMBER ANNEX

*1. MEETING REPORT OF JULY 13, 1995 - APPROVAL REQUESTED.
2. BRIEFING ON SOUTH/NORTH LIGHT RAIL - INFORMATIONAL - Tom Walsh.
3. UPDATE ON URBAN ARTERIAL PROGRAM - INFORMATIONAL - Andy Cotugno.
4. REGION 2040 UPDATE - Mark Turpel.

*Material enclosed.
MEETING REPORT

DATE OF MEETING: JULY 13, 1995

GROUP/SUBJECT: Joint Policy Advisory Committee on Transportation (JPACT)

PERSONS ATTENDING: Members: Chair Rod Monroe, Susan McLain and Don Morissette, Metro Council; Bob Post (alt.), Tri-Met; Earl Blumenauer, City of Portland; Dean Lookingbill (alt.), Southwest Washington RTC; Gerry Smith, WSDOT; Tanya Collier, Multnomah County; John Godsey (alt.), Cities of Washington County; Langdon Marsh, DEQ; Ed Lindquist, Clackamas County; Linda Peters (alt.), Washington County; Craig Lomnicki, Cities of Clackamas County; Claudiette LaVert, Cities of Multnomah County; and Dave Lohman (alt.), Port of Portland

Guests: Gregory Green, DEQ; Les White, C-TRAN; Mary Legry, WSDOT; Patricia McCaig, Metro Council; Dave Williams, ODOT; Elsa Coleman, Steve Dotterrer and Meeky Blizzard, City of Portland; Rod Sandoz, Clackamas County; Richard Ross, City of Gresham; Kathy Busse, Multnomah County; Bob Bothman, MCCI; and Tom Coffee, City of Lake Oswego

Staff: Mike Burton, Executive Officer; Andrew Cotugno, Richard Brandman, Merrie Waylett, Mike Hoglund, Tom Kloster, Terry Whisler, Casey Short, Carol Kelsey, Pamela Peck, and Lois Kaplan, Secretary

Media: Gordon Oliver, The Oregonian

SUMMARY:

The meeting was called to order and a quorum declared by Chair Rod Monroe. He introduced and welcomed Langdon Marsh, Director of DEQ and a newcomer to JPACT.

MEETING REPORT

Commissioner Lindquist moved, seconded by Mayor Lomnicki, to approve the June 8, 1995 JPACT meeting report as written. The motion PASSED unanimously.
RESOLUTION NO. 95-2176 - AMENDING THE FY 95 TRANSPORTATION IMPROVEMENT PROGRAM TO ALLOCATE $27 MILLION OF REGION 2040 IMPLEMENTATION FUNDS

Andy Cotugno reviewed the agenda packet and distributed materials that formed the basis of staff's recommendation for allocation of the $27 million of Region 2040 implementation funds. He described the process and the recommendation summarized by modal category.

Andy noted that the funds in question are ISTEA funds; that this resolution would allocate all currently projected federal funds to specific projects and programs; that this action would be consolidated into an updated FY 96 MTIP; and that funding for additional projects would not be available until FY 98 or beyond.

During the process, TPAC agreed that, in order to make project recommendations, targets had to be set in a range that included a geographic and modal mix. These targets were based upon factors such as population, employment and road miles. In setting the ranges and targets, TPAC formulated a list of projects to be funded. Part of the challenge was to determine how many projects within the modal categories should be funded.

Andy explained that there were some cases where a higher ranked project wasn't recommended because of a more urgently needed project. He pointed out that these funding actions will be consolidated into an updated TIP.

Dave Lohman expressed Port disappointment over one project not on the recommended list -- the N. Lombard Railroad Overcrossing (PE) for $897,000. He felt the $1.7 million total allocated to freight seemed low when considering the benefits the region derives. The Port had considered withdrawing the NE Columbia Boulevard improvements project for $250,000 but lacked the additional $600,000 needed for the Lombard project. Andy responded that, given the amount of funds allocated to the regional program category, the Columbia Boulevard project was recommended for full funding at $250,000 rather than partial funding for the higher ranked Overcrossing PE project. Andy indicated that substitution could be made by the Port to partially fund the N. Lombard Railroad Overcrossing (PE) from the "Next Priority" category in place of the NE Columbia Boulevard project.

Councilor LaVert felt the Civic Neighborhood LRT Station, noted on the East Multnomah County "Next Priority" list, should be reconsidered for funding. Andy reported that, in discussion with all the jurisdictions, the first order of priority was the Civic Neighborhood North/South Collector which is needed to access the
property. The 238th and Halsey intersection improvement was the next priority and the third priority was the Civic Neighborhood LRT Station. Staff recommended fully funding the next priority project (Springwater Connector at 190th) rather than a partial project. At issue really is whether the LRT station should be considered for funding out of the regional category. Based on population, employment and road miles, the $2.233 million allocation is the appropriate share for East Multnomah County.

Andy explained that projects identified as regional are not geographic-specific but rather are projects that really serve the whole region and that they may be clustered in only one part of the region.

Bob Post was questioned on Tri-Met's intentions with respect to the light rail station in Gresham in conjunction with the Gresham TOD project without this funding source being available. Bob responded that a funding commitment has been made by Tri-Met but that the question revolves around timing. He noted that it is important to come on line but couldn't speak of potential funding sources. Mike Burton asked for, and received confirmation, that bringing in the road project first should be the first sequence.

Bob Post reported that the light rail station is planned for in the construction phase. The requested funds were intended for the signal system and the platform. Bob felt that timing of the station is a factor and that Tri-Met felt it should happen prior to build-out of the Civic Neighborhood project. Councilor LaVert pointed out that the LRT Station project is defined as a regional transitway.

Commissioner Peters commented that she was not involved in developing the project list but wanted to reinforce her concern about the Gresham light rail project's location in the geographic category and the overall definition of "regional" projects. She had a difficult time understanding why the Barbur Bike Lanes project was considered a regional project. In terms of traffic movement from one part of the region to another, she felt it was questionable. She felt that the regional definition was fuzzy.

Andy Cotugno responded that it would be difficult not to call any of the projects "regional." He emphasized that the intent was to ensure equitable distribution of funds. Andy noted that a number of projects on the regional list are ODOT projects, that only $2 million of the $16 million is being funded as ODOT projects, and that ODOT is bringing two-thirds of the funds to this allocation. They came to the table to spread these funds throughout the region. Dave Williams added that the geographic distribution of the allocation was defined as a decision-making tool to enable staff to get through this difficult process.
Commissioner Peters acknowledged that there is inadequate funding for the two projects that Washington County sees as a real need for light rail. She questioned the equity of labeling some projects "regional" at the expense of the urban core.

Commissioner Blumenauer pointed out that there are other issues involved, citing examples such as congestion, employment and people served. He acknowledged that there are limited funds available and felt the allocation should move forward with its regional agenda. He felt the regional objectives should be 1) to achieve equity and balance; 2) that this will serve as an important downpayment in terms of what we want to achieve regionally; and 3) these are the things we need to make a decision on now in terms of influencing development and other action. He felt it would help build a momentum for the next go-round.

Councilor McLain was supportive in moving forward with the recommendation and felt the allocation was justified in that there is a commitment to finish projects on the ground and that targets were set for projects to be built.

Andy also pointed out three projects not recommended for funding but are likely candidates for TGM grants. They included Westside Station Area Planning, the Clackamette Cove Study, and the Cornelius/T.V. Highway Study.

Chair Monroe noted that every project proposed for allocation is in conformity and enhances the Region 2040 Growth Concept. He noted commitments from Tri-Met. He felt that the Gresham TOD development will become a showcase for similar transit-oriented development in Washington County and throughout the region. He lobbied hard for its funding and felt it was a critical project but noted that no one got everything they wanted. Chair Monroe concluded that this effort represented a well-balanced recommendation and an unprecedented regionwide effort.

**Action Taken:** Commissioner Blumenauer moved, seconded by Commissioner Lindquist, to recommend approval of Resolution No. 95-2176, amending the FY 95 TIP to allocate $27 million of Region 2040 implementation funds, and that projects identified on the Staff Report under 2a and 2b be flagged with an asterisk to permit the Port of Portland to transfer the $250,000 NE Columbia Boulevard Improvements project to the N. Lombard Railroad Overcrossing (PE) project and the City of Gresham an opportunity to transfer the $205,000 from the Springwater Corridor Access project to the Gresham Civic Neighborhood LRT Station (PE) project.
In discussion on the motion, Andy Cotugno cited the need to have the Gresham/Port of Portland decisions before the Metro Transportation Planning Committee meeting of Tuesday, July 18, (by 1:00 p.m.) so the agenda item can move forward in the process. Both the Port of Portland and the City of Gresham committee members indicated they could meet that schedule.

Offered as a friendly amendment to the main motion by Councillor LaVert and Commissioner Peters, and accepted by Commissioners Blumenauer and Lindquist, they asked that JPACT go on record in support of finding other funding sources for the Civic Neighborhood LRT Station and Washington County (Hillsboro Garage Ground Floor Retail) TOD projects.

The motion, including its friendly amendment, PASSED unanimously.

CONGESTION PRICING POLICY ANALYSIS

Mike Hoglund explained that the congestion pricing issue has been discussed over the past few years and, under ISTEA, funds are available to do testing of that concept in the region. Metro has submitted a grant application to FHWA to do a study on the issue of congestion pricing. Tentative approval has been received but the region must seek the necessary match. Mike noted that the subject matter is a highly political issue.

Dave Williams introduced Randy Pozdena of ECO Northwest who provided a slide presentation and overview of the congestion pricing study prepared for ODOT.

Randy described congestion pricing as market-based pricing of road capacity to reflect the actual user cost. The study addresses pricing of existing roads and investment in new capacity. He emphasized that congestion pricing is not an arbitrary pricing policy but reflects a scientific methodology. Some of the best methods cited to implement congestion pricing were Automatic Vehicle Identification (AVI) systems, physical toll gates, and area licensing. In a lower category were parking charges, annual VMT charges, fuel taxes, purchase taxes and license fees.

Congestion pricing implementation exists in places such as Singapore, Paris, Norway, and Orange County, California. Studies are being conducted in San Francisco, Minneapolis, Los Angeles and Boulder.

Randy emphasized that maintenance costs and people's time are prime considerations in setting pricing. He noted that prices should be higher on congested roads. He stressed the need to link road pricing with road finance.
In terms of benefits, Randy cited lower overall transportation costs. Reducing congestion and operating costs would result in less distortion of investment decisions and would increase fairness of the finance system.

To comprehend the challenges to be met in applying congestion pricing, Randy reported that the level of public and policy-maker understanding is low; that the benefits are lost if the pricing is set too high; and that misuse of the concept is a major flaw. He emphasized that those who pay must benefit. He also spoke on the issue of equity and the fact that there will be winners and losers in the process. He also noted that there are privacy issues to be addressed and the need to study the interaction of pricing and actual land use. He indicated that the congestion pricing concept works best in conjunction with the necessary transportation and transit infrastructure being in place.

Randy reported that potential benefits can be achieved as technology advances but he cautioned the need to apply the concept scientifically and objectively, and that it not be utilized as a general revenue device.

Dave Lohman asked whether use of congestion pricing might serve as a solution in making the Columbia Boulevard exit more efficient. Randy questioned how you would price the congestion at that location. He indicated that pricing could be done on a link basis but is generally recommended on a corridor basis. Randy's concern related to that of equity, citing a driver from Vancouver and whether that driver would benefit.

Councilor Morissette commented that, from the discussion, he felt that the technology currently doesn't exist for implementation of congestion pricing, that it won't solve all of our problems, and that these points should be made at the Legislature in defense of the South/North light rail. He urged Randy Pozdena to comment at the Legislature on either July 26 and 27.

Langdon Marsh indicated that some of the proponents made a good case for this concept being necessary but also supported a transportation and transit package of improvements. He cited the need to put this into perspective.

Commissioner Lindquist stated that the technology is advancing quickly and that trucks are already using computer chips to document inventories, schedules, etc. He felt the public in the Portland metro area is an easier group to educate.

Chair Monroe thanked Randy Pozdena for his presentation and encouraged him to testify at the Legislature on either July 26 or 27.
RESOLUTION NO. 95-2177 - ADOPTING AMENDMENTS TO THE FEDERAL RTP PROPOSED BY THE CITIES OF EAST MULTNOMAH COUNTY

Mike Hoglund reviewed proposed amendments to the RTP update reflecting comments from the Cities of East Multnomah County.

Action Taken: Commissioner Lindquist moved, seconded by Mayor Lomnicki, to recommend approval of Resolution No. 95-2177, adopting amendments to the federal RTP proposed by the Cities of East Multnomah County. The motion PASSED unanimously.

RESOLUTION NO. 95-2174 - ADOPTING PUBLIC INVOLVEMENT POLICIES FOR REGIONAL TRANSPORTATION PLANNING AND FOR LOCAL JURISDICTIONS SUBMITTING PROJECTS TO METRO FOR RTP AND MTIP CONSIDERATION

Mike explained that these public involvement procedures are being enacted to comply with ISTEA requirements and would apply whenever there is a funding or planning exercise for inclusion in the Metro Transportation Improvement Program (MTIP) or Regional Transportation Plan (RTP). Mike cited the need to ensure there is adequate public involvement and thus the Local Public Involvement Policy document was developed.

Pamela Peck reported that an ad hoc committee, consisting of members of MCCI, TPAC and Metro staff, was formed in December 1994 to address past problems and to respond to new ISTEA requirements. The committee's challenge was to develop a policy that is proactive, provide timely and complete information to the public, and provide early and full access to key decisions and support in development of plans and programs.

Pamela explained that a lot of involvement needs to happen at the local level. A number of drafts were reviewed and local jurisdictions were briefed through their respective coordinating committees. Initially, both the Local Public Involvement Policy and the Public Involvement Policy documents were combined, but later separated into two documents. The documents in question underwent wide distribution including a 45-day public comment period. Very few comments were received from the public.

Also reviewed was TPAC's recommendation to include a reference to the State of Oregon Conformity Rule, new language proposed in Exhibit C, a cover memo clearly defining what local government activities the policy does and does not apply to, and the need for language designating a trial period under the Effective Date of Policy to test the policies for workability.

Mike Hoglund indicated that Metro can help the jurisdictions with the scope and effort in early notification. Councilor Morissette asked whether the smaller cities would be at a disadvantage in
meeting these requirements because of limited staff. In response, it was noted that there have been no objections cited by any of the smaller cities. Commissioner Lindquist cited the need for standardized guidelines. Councilor McLain noted that everything she has heard indicates that the smaller cities are happy a set of guidelines has been developed. They have not expressed concern in knowing what the rules are. She felt the document is a good example of local involvement process and that the one-year trial period would allow any problems to surface and later be addressed.

Commissioner Peters wanted to make sure the July 10, 1995 memo from Washington County, distributed at the meeting, had been read.

Bob Bothman expressed his support of the public involvement policies, commenting that the products are the result of a six-month effort that satisfied the citizenry. He noted that it was based on the Eugene model and expressed his belief that the two policy documents represented a good example of citizens working together with a technical group. He felt it is a citizen policy that will work and will be considered a landmark effort. He pointed out that it was developed to help small governments work with the federal requirements and would lend conformity and uniformity within the region.

**Action Taken:** Commissioner Lindquist moved, seconded by Mayor Lomnicki, to recommend approval of Resolution 95-2174, adopting public involvement policies for regional transportation planning and for local jurisdictions submitting projects to Metro for RTP and MTIP consideration and to accept the clarification language offered by Washington County for Section 4 of the Local Public Involvement Policy to read as follows:

"Metro expects that local jurisdictions will resolve local planning and programming issues during local planning and programming processes, prior to the time projects are forwarded to Metro. Project development decisions, from preliminary engineering (including the evaluation of alignment alternatives) through construction, are local project issues and not covered by this policy."

Mayor Lomnicki noted a problem with the proposed addition by Washington County.

The motion PASSED.
RESOLUTION NO. 95-2183 - AMENDING THE FY 1995 METRO TRANSPORTATION IMPROVEMENT PROGRAM TO UPDATE THE REGIONAL TRANSIT PROGRAM

Mike Hoglund reviewed the Staff Report/Resolution that would amend the FY 1995 MTIP by incorporating proposed Section 5307 (formerly Section 9), Section 3 (New Start) and Section 3 Light Rail System Completion funds. These actions are necessary in order for Tri-Met to have eligibility for these federal funds and would be authorized and reflected in the FY 1996 State and Metro TIPs. The proposed transit program amendments are defined on Exhibit A to the Resolution. There is need to forward this action to FTA for inclusion in the funding process.

Action Taken: Commissioner Lindquist moved, seconded by Mayor Lomnicki, to recommend approval of Resolution No. 95-2183, amending the FY 1995 Metro TIP to update the regional transit program. The motion PASSED. Councilor Morissette abstained.

ADJOURNMENT

There being no further business, the meeting was adjourned.

REPORT WRITTEN BY: Lois Kaplan

COPIES TO: Mike Burton
            JPACT Members

lmk
Date: August 21, 1995

To: Metro Council
Executive Officer Mike Burton

From: Larry Shaw, Senior Assistant Counsel

Regarding: SOUTH/NORTH LRT BILL SUMMARY
Our file: 10.§17.D

Introduction

The Special Session resulted in adoption of SB 1156-C that will be signed by the Governor in late August. The bill contained the three bill South/North LRT package and a series of added measures by negotiation.

South/North LRT Package

Originally in SB 881, 882, 883, the package included (1) South/North funding, (2) South/North Expedited Review and (3) "Columbia River LRT Compact," an interstate compact proposal to the state of Washington and U. S. Congress. All of these elements were passed in SB 1156-C.

1. Funding: The funding commitment is for $375 million from the state, beginning in July 1, 1999 for "the first construction segment" (undefined) if federal funds are received. The form of commitment is authorization for $490 million in revenue bonds pledging lottery proceeds: $375 million for a separate state South/North LRT Construction Fund and $115 million for a Transportation Equity Account for projects elsewhere in the state. Into this Account goes $375 million: $115 million plus $75 million (over ten years) of anticipated lottery receipts that would have gone to the region and the counties and "any revenues generated from state income taxes resulting from construction of the South/North line (General Fund)." Tri-Met with Metro cooperation is required to recommend "new transportation funding sources" and methods for the Portland metropolitan region" to either add $75 million to the Account or to reduce the state's $375 million obligation by that amount. In addition, Tri-Met must pay 50 percent reimbursement of utility relocation costs.

The region would pay $6 million from regional STP Flexible Funds per fiscal year 1999-2004 and $7 million from 2004-2009.
2. **Expedited Review:** SB 882 was included in SB 1156-C, creating an expedited process for state land use approval of South/North LRT. The procedures are essentially the same as adopted and used for Westside special LRT with Metro making the land use decision:

- LCDC establishes special criteria for a "land use final order" locating the route and stations.
- Tri-Met applies for the land use order to the Metro Council based on the criteria.
- Metro Council approves land use order with findings after hearing or refers it back to Tri-Met.
- LUBA, then the Oregon Supreme Court, reviews any appeal of Metro’s order on an expedited basis.
- Affected jurisdictions amend comprehensive plans consistent with final order.
- Affected jurisdictions issue permits for construction based on comprehensive plans.
- Deletions from the project due to funding shortfalls shall be made by a process defined in an IGA.

3. **Interstate Compact:** Adoption of Oregon’s part of an interstate compact proposes to Washington State and the United States that they adopt the same Compact terms. Until Washington State adopts and Congress ratifies, the Compact is not effective. If adopted, a new regional agency with limited authority would have a Board of three Directors each from C-Tran and Tri-Met Boards (or their successor agencies). The agency’s purpose is to cause design, engineering, financing and construction of the South/North line. Also, it would facilitate operation of the South/North line and its feeder bus system. This new agency would operate by a series of intergovernmental agreements, that include providing support staff. Article IX states "The Authority shall not have the power to hire administrative staff." One major goal in creating such an agency is to establish which state and federal laws would govern the interstate LRT line and transit support.

**Special Session Amendments**

1. **LRT Oversight Committee** - Eight members of the legislature are to be appointed to "study and maintain oversight of all aspects" of South/North. Section 16(c).
2. **Revote Requirement** - If South/North "is not part of a phased project that will serve both the Portland Metropolitan region and Clark County, Washington, then prior to the issuance by Tri-Met of any general obligation bonds to fund its share . . . Tri-Met shall submit to its electors the question of the issuance of such general obligation bonds." Section 30(a)(1).

3. **Transportation Impact Fees** - Systems Development Changes (SDCs) collected at the time of increased usage of a capital improvement such as roads must be calculated by a statutory formula. This adds to the formula consideration of reduced vehicles trips near light rail by "lowered fees or allowance of credits for the reduction of any transportation system development charges on transportation impact fees otherwise applicable by at least 30 percent for any transit oriented development within one-fourth mile of (a light rail station)." Section 16 b(2)(a). In addition, no new SDCs for transportation can be imposed in the one-fourth mile area, other than inflation adjustments.

4. **Metro Legislative Report** - Beginning in 1999, Metro is required to report to the legislature by January 15 of each odd numbered year (through 2019) on the implementation of the South/North line. "The report shall contain information on residential housing densities . . . and the geographic, economic and transportation relationships between the densities and the South/North line." The actual densities must be compared to "density projections contained in project plans." In addition, the report contains construction status, projected expenditures, "planned, actual and projected ridership." Section 31(a).

5. "Miscellaneous" (Sections 35-43)
   - State Fire Marshall license statute technical amendment - Section 35
   - **Regional Problem Solving** - Section 36

For up to four pilot programs of "collaborative regional problem - solving" LCDC will seek $1 million in funding from the Emergency Board. Affected state agencies and local governments in the region affected by the identified problems. LCDC "may acknowledge amendments to comprehensive plans and land regulations, or new land use regulations, that do not fully comply with the rules of the commission that implement statewide planning goals, without taking an exception" if all parties agree to optional techniques, measures of achieving the agreed goal and monitoring and correction processes.

Use of agricultural or forestland for other uses to resolve regional problems must not be part of "the region’s commercial agricultural or forestland base."
If it is a goal exception must be taken. This program sunsets December 31, 1998.

- DLCD and Economic Development Department shall establish a joint program to assist rural communities with grants, loans, model ordinances and technical assistance for economic and community development - Section 36(h).

- SB 889 on Department of Agriculture animal feeding operations complaint investigation - Section 37.

- Pesticide Sale or Use Regulations by all local governments are prohibited except for the agencies' policies on their own use of pesticides - Section 38.

- SB 160 Oregon Forest Practices Act amended to eliminate definition of "clear cut," substituting a newly defined "Harvest type 3;" modifying scenic highways tree retention rules, rulemaking authority of State Board of Forestry and limits appeals of new rules - Section 39.

- HB 3112 Shooters Immunity from civil or criminal liability for noise violations for "normal and accepted activity" on a shooting range; certain conditions - Section 40.

- SB 707 Cormorants Scaring to protect salmon on certain coastal rivers based on permits at $25,000 per year for the biennium - Section 41.

cc: Dan Cooper
     Andy Cotugno
     John Fregonese
     Richard Brandman
     Leon Skiles
### South/North Implementation

**Milestones**

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>Initiate P.E.</td>
<td>August 1995</td>
</tr>
<tr>
<td>Publish D.E.I.S.</td>
<td>October 1996</td>
</tr>
<tr>
<td>I.S.T.E.A. II</td>
<td>October 1996</td>
</tr>
<tr>
<td>Start P.E./F.E.I.S.</td>
<td>March 1997</td>
</tr>
<tr>
<td>P.E./F.E.I.S Complete</td>
<td>February 1998</td>
</tr>
<tr>
<td>Full Funding Grant Agreement</td>
<td>September 1999</td>
</tr>
<tr>
<td>Start Construction/R.O.W.</td>
<td>October 1999</td>
</tr>
</tbody>
</table>
DATE: August 17, 1995

TO: JPACT Members

FROM: Tom Walsh
General Manager

SUBJECT: South/North Light Rail legislation

Senate Bill 1156-C passed the House of Representatives (aye-41, nay-17) and the Senate (aye-20, nay-3) Friday, August 4, 1995:

South/North Light Rail Project Financing:
- Provides financing method for extension of light rail system in metropolitan area and for a Transportation Equity Account for transportation projects outside the metro area (See attached).

- Establishes the South/North Construction Fund and Light Rail Bond Fund and authorizes expenditures.

- The principal value of the bonds is limited to not more than $490 million, with $375 million for South/North and at least $115 million for Transportation Equity Account. Transportation Equity Account will total $375 million with 60% to counties and 40% to cities.

- Allocates annually $31.8 million in "dedicated lottery revenues" beginning in July 1999; amount increases to $43.8 million per year at the time lottery revenue bonds are sold to accommodate lottery bonds for Transportation Equity Account. Approximately $10 million will be used to retire debt service on Westside bonds through 2010.

- No lottery bonds for South/North or the Transportation Equity Fund will be issued until all federal matching funds have been made available for the first construction segment.

- Tri-Met is required to reimburse private utilities for 50% of their relocation costs.

- Requires Tri-Met submit a vote on issuance of G.O. bonds if Clark County is not part of a phased project.

- Light Rail Oversight Committee established with 4 members appointed by President of the Senate and 4 members appointed by the Speaker of the House.
South/North Light Rail Siting:
Provides siting and other land use procedures for the South/North Project. Consolidates the approval process and expedites appellate review by establishing notice and hearing timelines. Establishes exclusive jurisdiction for review with the Land Use Board of Appeals (LUBA) and the Supreme Court. Specifies:

- LCDC establishes criteria for a land use order locating corridor and facilities after hearing.
- Oregon Supreme Court reviews any appeals to the criteria
- Tri-Met applies for land use final order to Metro Council
- Metro Council adopts land use final order after hearing
- LUBA reviews any appeals to the land use final order
- Oregon Supreme Court reviews appeals of LUBA’s final opinion
- Affected jurisdictions amend land use plans consistent with final order
- Affected jurisdictions issue approvals, permits, etc., subject to conditions

Bi-State Compact:
Upon adoption by Oregon and Washington and ratification by U.S. Congress, establishes Columbia River Light Rail Transit Authority for the purpose of causing the design, engineering, financing and construction of the South/North light rail line consistent with regional land use and transportation plans. Includes facilitating operation and maintenance of the line and coordinating operation of the bus feeder systems. Authority will determine the amount of the line’s operating and maintenance costs to be contributed by Tri-Met and C-TRAN based on ridership origin and destination, and relative usage of the line. Will be governed by a board of six members, half of whom are from the Tri-Met Board and half of whom are from the C-TRAN Board. Gives US District Court original jurisdiction concurrent with courts of Oregon and Washington of actions brought against the Authority.

Declares an emergency, effective on passage

Need to accomplish near term:
- Complete section-by-section analysis.
- Assemble request to the U.S. Congress for South/North Light Rail funding.
- Recommend criteria to LCDC for a land use final order decision-making process.
- Organize Task Force to explore possible new funding mechanisms to add $75 million to Equity Account or reduce state commitment.
- Consult with State of Washington on Bi-State Compact legislation.
- Consult with Legislative leadership on Oversight Committee.
South-North Light Rail Project Implementation

**State Expenditures**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Commitment to South-North Light Rail</td>
<td>$375 million</td>
<td>$31.8 million Lottery Funds per year FY 2000 through FY 2025 used for both South-North and Westside Light Rail debt service (Westside debt service at $10 million per year through FY 2010 when bonds are retired); also includes cash payments into South North Construction Fund prior to lottery bond sale in FY 2005 (20-year bond).</td>
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**Transportation Equity Account for Non-Portland Metro Projects**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metro Region STP Funds</td>
<td>$55 million</td>
<td>JPACT/Metro provides $6 million per year for five years, then $5 million per year for additional five years from Federal Surface Transportation Program (STP) funds.</td>
</tr>
<tr>
<td>Local Discretionary Funds</td>
<td>$20 million</td>
<td>Participating local governments will provide a combined $2 million per year for first 10 years from lottery or other local discretionary funds.</td>
</tr>
<tr>
<td>Additional Regional Funds</td>
<td>$75 million</td>
<td>New funding mechanisms by Tri-Met to add $75 million to Account or reduce state commitment.</td>
</tr>
<tr>
<td>Income tax from project</td>
<td>$110-120 million</td>
<td>Estimated total tax revenue to the State from project related employment (direct and indirect).</td>
</tr>
<tr>
<td>Lottery Revenue Bonds</td>
<td>$115 million</td>
<td>Lottery revenue bond issued at time of South-North bond; total amount depends on actual amount of income tax certified from South-North project. Transportation Equity Account lottery bond would require payments of an estimated $12.0 million per year beginning FY 2005.</td>
</tr>
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C-Engrossed

Senate Bill 1156

Ordered by the House August 3
Including Senate Amendments dated July 29 and House Amendments dated August 1 and August 3

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of President Smith, Senator Walden)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides financing method for extension of light rail system.
Defines terms.
Establishes South North Construction Fund.
Appropriates specified moneys from fund to Department of Transportation for engineering, design and certain construction and acquisition costs for first construction segment of South North Line.
Allows director of department to enter into grant agreements with Tri-Met.
Specifies that mass transit district must reimburse utility for 50 percent of relocation costs in certain circumstances.
Requires annual allocations of lottery moneys, commencing July 1, 1999.
Establishes Light Rail Bond Fund and appropriates moneys from fund for payment of light rail lottery bonds.
Prohibits issuance of light rail lottery bonds unless federal matching funds are available for light rail project.
Establishes Transportation Equity Account to finance transportation projects outside of Portland metropolitan region.
Prohibits moneys in account from being used to offset moneys from State Highway Fund distributed to areas outside Portland metropolitan region.
Provides that moneys in Transportation Equity Account are provided as described in this Act and from lottery revenues.
Requires Tri-Met to conduct studies relating to alternative funding sources that will reduce need in Portland metropolitan region for state financial assistance and to long term funding of operations and maintenance of South North Line.
Requires Tri-Met to report findings of studies to Legislative Assembly.
Requires State Treasurer to examine procedures relating to use of lottery bond financing for purpose of maximizing benefits to state.
Requires State Treasurer to report findings and make recommendations to Legislative Assembly.
Grants original and exclusive jurisdiction of challenges to validity of this Act to Supreme Court.
Adopts Columbia River Light Rail Transit Compact.
Provides siting procedures for South North Line light rail project. Provides procedures for review of land use decisions made pursuant to siting of South North Line.
Provides siting and other land use procedures for South North MAX Light Rail Project. Limits authority of Land Conservation and Development Commission to establish permissible land uses.
Limits authority of Department of Land Conservation and Development to participate in or seek review of land use decisions. Establishes criteria for siting dwellings in exclusive farm use areas.
Modifies harvesting and reforestation requirements under Oregon Forest Practices Act. Outlines rulemaking authority of State Board of Forestry relating to Oregon Forest Practices Act. Establishes conditions under which board shall not apply duly adopted rule to operation.
Limits adoption of transportation system development charges by local government.
Requires Metro to submit advisory question to electors concerning continuance of South North light rail project.
Requires Metro to report to Legislative Assembly on implementation of South North rail line.
Establishes Light Rail Oversight Committee.
Provides collaborative regional problem-solving process for land use decisions.
Grants immunity from civil action or criminal prosecution in any matter relating to noise or noise pollution from shooting range so long as owners, operators or lessees of range complied with noise control laws at time construction began or no noise control law was then existing. Prohibits court from enjoining operation of shooting range on basis of noise if range...
C-Eng. SB 1156

compiled with applicable noise control laws at time construction began or no noise control law was then existing.

Directs State Fish and Wildlife Commission to issue permits for activities to protect juvenile salmonids from cormorants.

Appropriates moneys out of General Fund to State Department of Fish and Wildlife for specified purpose.

[Allows employer to do electrical installations on seasonal farmworker housing on farm property of employer without obtaining license to make electrical installations.]

Establishes procedure that State Department of Agriculture must follow before investigating confined animal feeding operation on basis of complaint. Authorizes investigation at any time if alleged violation presents threat to public health. [Imposes civil penalty for making false-material statement in written complaint to department.]

Declares state preemption in field of pesticide sale and use.

[Modifies certain provisions relating to Portland metropolitan area air quality maintenance plan. Directs that Department of Environmental Quality design and implement continuing public education program to reduce emissions in Portland air quality maintenance area. Requires that department explore potential for program to replace gasoline-fueled lawn equipment in maintenance area with zero emission equipment.]

Limits expenditures.

[Vests exclusive authority to regulate sale, acquisition, transfer, ownership, possession, storage, transportation and use of firearms in Legislative Assembly. Permits cities and counties to regulate or prohibit discharge of firearms within their borders with specified exceptions. Permits cities and counties to regulate or prohibit possession of loaded firearm in public place. Prohibits cities, counties or other municipal corporations or districts from regulating or prohibiting possession or sale of firearm in public building rented or leased to person during term of lease. Permits cities to continue to regulate purchase of used firearms by pawnshops.]

[Exempts certain schools from mandatory merger requirement. Allows school district to request waiver of merger requirements.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the activities regulated by state government; creating new provisions; amending ORS 197.717, 467.020, 467.030, 480.355, 527.620, 527.630, 527.670, 527.867, 527.736, 527.740, 527.745, 527.750, 527.755, 527.990 and 527.992; appropriating money; limiting expenditures; and declaring an emergency.

Be it enacted by the People of the State of Oregon:

SECTION 1. (1) The Legislative Assembly finds that:

(a) The development, acquisition and construction of light rail systems and their attendant rights of way, equipment and facilities in the urban and metropolitan areas of the State of Oregon do and will accomplish the purpose of creating jobs and furthering economic development in Oregon by, among other advantages:

(A) Providing an important element of the public infrastructure that provides the basic framework for continuing and expanding economic activity in this state;

(B) Increasing the economy and efficiency of public transportation, improving the attractiveness of urban and metropolitan areas to new businesses and supporting the operations and prosperity of existing businesses in those areas by making those businesses more accessible to their customers and employees;

(C) Alleviating the inefficiencies of congestion and crowding associated with, and reducing the burdens of expansion and maintenance of, existing public transportation systems and facilities, as well as reducing energy consumption and air pollution fostered by the use of motor vehicles;

(D) Creating employment opportunities in urban and metropolitan areas through the funding of projects for the development and construction of the light rail systems; and

(E) Generating significant new state and local income tax revenues through jobs and other economic development created by construction and operation of the South North Line light rail project.

(b) Additionally, the provision of state and local moneys for the proposed South North
Line light rail project will encourage the contribution of otherwise unavailable federal matching grant moneys, the use of which will, for the reasons stated in paragraph (a) of this subsection, forward the purpose of creating jobs and furthering economic development in Oregon.

(c) Based on the legislative findings described in this section, the use of net proceeds from the operation of the state lottery for the support of the South North Line light rail project is an appropriate use of state lottery funds under section 4, Article XV of the Oregon Constitution and ORS 461.510.

(d) Payment of this state's share of the cost of expanding the regional light rail system constitutes this state's primary commitment to the funding from lottery revenues of economic development projects in Clackamas, Multnomah and Washington Counties with state lottery funds.

(e) The development of light rail projects in Clackamas, Multnomah and Washington Counties will reduce the need in those counties for construction of new highways funded with state highway funds.

(f) It is the intent and policy of the Legislative Assembly to ensure the funding and support of the South North Line light rail project in the manner provided in sections 1 to 18 of this Act, to the extent required for the state to realize the benefit of all federal matching funds made available for that project, and to the extent necessary to complete the project.

(g) At the May 16, 1995, Special Election, the voters of the State of Oregon approved Measure No. 21, an amendment to section 4, Article XV, Oregon Constitution, which requires the appropriation of sufficient amounts from the net proceeds of the State Lottery to pay lottery bonds before net proceeds of the State Lottery may be appropriated for any other purpose.

(h) In the autumn of 1995, the Congress of the United States will commence its legislative process for authorizing various mass transit projects throughout the nation, including the South North Line. In order to be in a position to obtain the needed commitment of federal matching funds for the South North Line, it is necessary for this state to provide, prior to the commencement of such federal legislative process, for the commitment of the state lottery funds needed for this state's share of the costs of the South North Line and to make provision for the prompt final judicial resolution of all constitutional challenges to sections 1 to 18 of this Act.

(2) The Legislative Assembly declares that the purpose of sections 1 to 18 of this Act is to establish a state revenue bond program to provide the state's share of the cost of the South North Line. The bonds authorized by sections 1 to 18 of this Act shall be revenue bonds only, and the obligation of the state with respect to the bonds, including any interim financing obligations, and with respect to any grant agreement or pledge authorized by sections 1 to 18 of this Act shall at all times be restricted to the availability of unobligated net lottery proceeds, any appropriated funds and any other moneys lawfully credited to the South North Construction Fund and the Light Rail Bond Fund. Neither the faith and credit of the state, nor any of its taxing power, shall be pledged or committed to the payment of bonds, including any interim financing obligations, or any grant agreement, pledge or other commitment or covenant of the state authorized by sections 1 to 18 of this Act.

SECTION 2. As used in sections 1 to 18 of this Act, unless the context requires other-
“Appropriated funds” for a particular fiscal year means the funds specifically appropriated or otherwise specifically made available by the Legislative Assembly or the Emergency Board, as the case may be, acting in its sole discretion, in the fiscal year to replenish reserves established as additional security for light rail lottery bonds pursuant to the authority granted in section 5 of this Act.

“Dedicated lottery revenues” for a particular fiscal year means an amount of unobligated net lottery proceeds equal to $31.8 million until South North lottery bonds are sold and $43.8 million thereafter minus the amount of lottery revenues that are required under ORS 391.125(1) to be transferred in that fiscal year to the Regional Light Rail Extension Bond Account for the purpose of paying when due the principal of and interest on the Westside lottery bonds.

“Department” means the Department of Transportation.

“Director” means the Director of Transportation of the State of Oregon.

“Financing obligations” means any bonds, notes, commercial paper or other obligations for money borrowed issued by or on behalf of Tri-Met for the purpose of financing any of the costs of designing, acquiring, constructing and equipping the South North Line, including the obligations of Tri-Met under any municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement or liquidity device given to secure or provide liquidity for any such bonds, notes, commercial paper or other obligations.

“Grant agreement” means any agreement entered into by the director and Tri-Met pursuant to section 3 (2) of this Act.

“Light Rail Bond Fund” means the account created pursuant to section 6 of this Act.

“Light rail lottery bonds” means:

(a) Any refunding lottery bonds;
(b) All South North lottery bonds; and
(c) Any bonds issued to refund any of the bonds described in paragraph (a) or (b) of this subsection.

“Metro” means the metropolitan service district created under ORS chapter 268 and exercising home rule charter powers.

“Refunding lottery bonds” means any bonds issued for the purpose of refunding any Westside lottery bonds.

“South North Line” means the line extending Tri-Met’s regional light rail system between the vicinity of the intersection of SE Sunnyside Road and I-205 in Clackamas County, Oregon, to Clark County, Washington, including each phase and each segment thereof and all portions thereof located within and without the State of Oregon, as set forth in the Regional Transportation Plan adopted by Metro as such plan may be amended from time to time.

“South North lottery bonds” means the bonds authorized to be issued under section 5 (1) of this Act for the purposes of funding essential transportation projects through the Transportation Equity Account established under section 11 of this Act and of funding the state’s share of the cost of the South North Line. The term includes any interim financing obligations issued to provide interim financing for this state’s share of the costs of the South North Line pending the issuance of long-term South North lottery bonds.

“Tri-Met” means the Tri-County Metropolitan Transportation District of Oregon, a
mass transit district created under ORS chapter 267.

(14) "Unobligated net lottery proceeds" means all revenues derived from the operation of the state lottery except for:

(a) The revenues used for the payment of prizes and the expenses of the state lottery as provided in section 4 (4)(e), Article XV of the Oregon Constitution, ORS 461.500 (2) and 461.510 (3) and (4);

(b) The revenues required to be applied, distributed or allocated as provided in ORS 461.543; and

(c) The revenues allocated to the Regional Light Rail Extension Construction Fund pursuant to ORS 391.140 that are required under ORS 391.125 (1) to be transferred to the Regional Light Rail Extension Bond Account for the purpose of paying when due the principal of and interest on the Westside lottery bonds.

(15) "Westside lottery bonds" means the bonds issued by the state pursuant to the authority granted in ORS 391.140, but not including any refunding lottery bonds.

(16) "Portland metropolitan region" means the area within the urban growth boundary established by Metro as that boundary existed on July 1, 1995.

SECTION 3. (1) The South North Construction Fund, separate and distinct from the General Fund, is established in the State Treasury. The following funds are appropriated continuously to the Department of Transportation, and may be expended by the department for the purposes of paying the costs of the preliminary engineering, final design, advanced right of way acquisition or construction and acquisition of equipment and facilities of the South North Line:

(a) All moneys on deposit from time to time in the South North Construction Fund, including investment earnings thereon; and

(b) All dedicated lottery revenues in a particular fiscal year that are not required to be deposited into the Light Rail Bond Fund pursuant to section 6 (1) of this Act for the purpose of paying the principal of and interest on the light rail lottery bonds coming due in such fiscal year, including any such dedicated lottery revenues that are required to be, but have not yet been, transferred to the South North Construction Fund. Moneys in the South North Construction Fund may be expended for South North Line purposes by application of such moneys to pay amounts committed to be paid under all grant agreements entered into between the Director of Transportation and Tri-Met pursuant to this section and the expenses of the department in administering the South North Construction Fund and the Light Rail Bond Fund. If required to pay principal of or interest on light rail bonds as those obligations become due and payable, moneys in the South North Construction Fund may be transferred to the Light Rail Bond Fund for the purpose of making such payments. Interest and earnings received on moneys credited to the South North Construction Fund shall accrue to and become part of the South North Construction Fund. Interest and earnings received on moneys credited to the Light Rail Bond Fund shall accrue to and become part of the Light Rail Bond Fund.

(2) The director may enter into grant agreements with Tri-Met that commit the department to pay anticipated funds from the South North Construction Fund to Tri-Met for the purpose of financing the costs of the first construction segment of the South North Line, including servicing any financing obligations, which grant agreements may, subject to the provisions of this section, provide for the remittance of such funds on such periodic basis,
in such amounts, over such period of years and with such priority over other commitments
of such funds as the director shall specify in the grant agreements. The total amount com-
mitted under such grant agreements shall be limited to the amount of $375 million that may
be made available to pay the costs of the first construction segment of the South North Line
exclusive of the department's administrative expenses. Notwithstanding any other provision
of law to the contrary, such grant agreements may provide for the remittance to Tri-Met
of funds from the South North Construction Fund at the earliest possible dates upon which
such funds are available to the department and are needed by Tri-Met to pay the costs of the
South North Line, all without regard to any specified percentage of the state's share of the
total South North Line project costs or the proportion of funds theretofore advanced, or to
be then advanced, from the South North Construction Fund in relation to the funds advanced
from other federal, state or local sources to pay South North Line project costs. Any such
grant agreements, when executed by the director and accepted by Tri-Met, shall be solely
conditioned upon actual funds available in the South North Construction Fund and shall be
valid, binding and irrevocable in accordance with its terms, subject only to the availability
of funds in the South North Construction Fund. Tri-Met may pledge its right to receive
moneys under any grant agreement as security for any financing obligations issued to fi-
nance any of the costs of designing, acquiring, constructing and equipping the South North
Line, which pledge shall be valid and binding upon Tri-Met, the department and all other
persons from the date made, the rights so pledged shall be immediately subject to the lien
of such pledge without physical delivery, filing or other act, and the lien of such pledge shall
be superior to all other claims and liens of any kind whatsoever. Upon notice from Tri-Met
that it has so pledged its right to receive moneys under any grant agreement as security for any financing obligations issued to fi-
nance any of the costs of designing, acquiring, constructing and equipping the South North
Line, the department shall fully cooperate with Tri-Met and the pledgee to give effect to such pledge, in-
cluding but not limited to acknowledging in writing to Tri-Met and the pledgee the existence
and validity of such pledge and agreeing to the payment of any moneys due under the terms
of the subject grant agreement into such custodian account or accounts as shall be specified
under the terms of such pledge.

(3) Notwithstanding any grant agreement entered into by the director under subsection
(2) of this section, no moneys shall be expended from the South North Construction Fund for
the preliminary engineering, final design, advanced right of way acquisition or construction
and acquisition of any segment of the South North Line unless the director determines:
(a) That all state and local approvals are in place for the segment of the South North
Line for which funding is being sought;
(b) That assurances are in place for obtaining all moneys, other than moneys for which
the determination is being made, necessary to enable completion of the segment of the South
North Line for which funding is being sought and that Tri-Met has agreed to provide an
amount of money at least equal to that being provided by the South North Construction Fund
to pay the costs of the segment of the South North Line for which funding is being sought;
(c) With respect to the segment of the South North Line for which funding is being
sought, that the body of local officials and state agency representatives designated by Metro
and known as the Joint Policy Advisory Committee on Transportation has certified that the
segment of the South North Line is a regional priority; and
(d) With respect to construction of any segment of the South North Line, the elements
of the project that are designated for state participation and an estimated total amount of
the state’s funding obligation.

(4) When the actual expenditures for a segment of the South North Line fall short of the estimated expenditures for such segment, those moneys that are not required for that segment of the project shall remain in the South North Construction Fund for use in completing other segments of the South North Line.

(5) On or before August 31 in each year, the director shall certify to the Governor and the State Treasurer whether or not there existed, as of the end of the immediately preceding fiscal year, an unobligated balance of dedicated lottery revenues in the South North Construction Fund. If the director certifies that there existed such an unobligated balance of dedicated lottery revenues, an amount equal to the unobligated balance of such dedicated lottery revenues as of the end of the immediately preceding fiscal year shall revert to the Executive Department Economic Development Fund created by ORS 461.540, and the State Treasurer shall credit such amount to that fund on or before the September 15 next following the date of the certification by the director.

(6) The director shall certify the unobligated balance of dedicated lottery revenues in the South North Construction Fund, and that unobligated balance of dedicated lottery revenues shall revert to the Executive Department Economic Development Fund if the director determines that the South North Line has been completed and such project has been accepted by the department, and all claims, suits and actions arising out of such project that could create a liability payable out of the moneys in the South North Construction Fund have been resolved.

(7) For purposes of subsections (5) and (6) of this section, dedicated lottery revenues in the South North Construction Fund shall be obligated to the extent such moneys are needed to fund the amounts committed to be paid in the current or any future fiscal year under any grant agreement entered into by the director under subsection (2) of this section, to pay debt service on any light rail lottery bonds or to pay the expenses of the department in administering the South North Construction Fund and the Light Rail Bond Fund.

(8) The department may deduct from the South North Construction Fund the costs associated with administering the South North Construction Fund and the Light Rail Bond Fund.

SECTION 4. (1) Subject only to the availability of unobligated net lottery proceeds, in each fiscal year beginning with the fiscal year commencing July 1, 1999, there shall be allocated from the Executive Department Economic Development Fund created by ORS 461.540 an amount of unobligated net lottery proceeds that will equal:

(a) The dedicated lottery revenues for such fiscal year, plus

(b) Such additional amount as shall be required to restore withdrawals from any reserve account for light rail lottery bonds established pursuant to the authority granted in section 6 (1) of this Act to the extent such withdrawals result in the amount on deposit in such reserve account being less than the amount the state has covenanted to maintain therein.

(2) The amounts of unobligated net lottery proceeds allocated from the Executive Department Economic Development Fund pursuant to this section shall be transferred as follows and in the order of priority indicated:

(a) First, there shall be transferred to the Light Rail Bond Fund the portion of such unobligated net lottery proceeds that, when added to any amounts then on deposit in the Light Rail Bond Fund that are available for such purpose, will be sufficient to pay all amounts of
principal and interest coming due during that fiscal year on all outstanding light rail lottery
bonds;
(b) Second, to the extent any deficiency exists with respect to any reserve account es-
tablished as additional security for any light rail lottery bonds and such deficiency has not
therefore been cured by appropriated funds, there shall be transferred to such reserve
account such portion of such unobligated net lottery proceeds as shall be required to cure
the remaining deficiency; and
(c) Third, the balance, if any, of such unobligated net lottery proceeds shall be trans-
ferred to the South North Construction Fund.
(3) The annual amounts of unobligated net lottery proceeds required to be transferred
to the South North Construction Fund under subsection (2)(c) of this section and all other
moneys deposited in the South North Construction Fund, together with all investment
earnings on all amounts on deposit from time to time in the South North Construction Fund,
are continuously appropriated only for the purposes of funding the South North Line by ap-
plication of such moneys to the payment of amounts committed to be paid under grant
agreements entered into between the Director of Transportation and Tri-Met pursuant to
section 3 of this Act and to pay the expenses of the Department of Transportation in ad-
ministering the South North Construction Fund and the Light Rail Bond Fund. The annual
amounts of unobligated net lottery proceeds required to be transferred to the Light Rail
Bond Fund under subsection (2)(a) of this section or to any reserve account under subsection
(2)(b) of this section and all other moneys deposited in the Light Rail Bond Fund, together
with all investment earnings on all amounts on deposit from time to time in the Light Rail
Bond, are continuously appropriated only for the purposes of paying when due the principal
of and interest on the outstanding light rail lottery bonds.
(4) In accordance with section 4 (4), Article XV, Oregon Constitution, and
notwithstanding any other provision of law, the annual allocation of unobligated net lottery
proceeds made by subsection (1) of this section and the transfers thereof required to be made
by subsection (2) of this section shall be satisfied and credited from the first unobligated net
lottery proceeds received by the state before any other allocation, appropriation or dis-
bursement of the unobligated net lottery proceeds is made in such fiscal year.
(5) The transfer of unobligated net lottery proceeds to the Light Rail Bond Fund and the
South North Construction Fund authorized by this section shall cease when the director
certifies in writing that transfers of moneys under this section no longer are necessary be-
cause:
(a) Moneys in the Light Rail Bond Fund and in the South North Construction Fund are
sufficient for the payment in full of all amounts owing under all outstanding light rail lottery
bonds and all grant agreements entered into between the director and Tri-Met under section
3 of this Act and for the payment in full of the expenses of the department in administering
the Light Rail Bond Fund and the South North Construction Fund; and
(b) The South North Line has been completed and such project has been accepted by the
department, and all claims, suits and actions arising out of such project that could create a
liability payable out of the moneys in the Light Rail Bond Fund or the South North Con-
struction Fund have been resolved. The director shall deliver a copy of such certificate to
the Governor and the State Treasurer.
(6) Upon receipt of the director's written certification pursuant to subsection (5) of this
section that transfer of dedicated lottery revenues to the Light Rail Bond Fund and the South North Construction Fund under this section is no longer necessary, the State Treasurer shall thereafter credit dedicated lottery revenues received by the Light Rail Bond Fund or the South North Construction Fund under this section to the Executive Department Economic Development Fund.

SECTION 5. (1) In accordance with any applicable provisions of ORS chapters 286 and 288, the State Treasurer, at the request of the Director of Transportation, may issue South North lottery bonds for the purpose of financing this state's share of the costs of the South North Line, including the refunding of any interim financing obligations. South North lottery bonds issued under this section may include interim financing obligations for the purpose of providing interim financing for this state's share of the costs of the South North Line pending the issuance of long-term South North lottery bonds. Such interim financing obligations may take the form of notes, commercial paper or other obligations. To secure interim financing obligations, this state may pledge the proceeds of South North lottery bonds and the proceeds of interim financing obligations authorized by sections 1 to 18 of this Act. For the purpose of financing grants authorized by section 3 of this Act and funding of the Transportation Equity Account as provided in section 11 of this Act, South North lottery bonds may be issued from time to time in one or more series in an aggregate amount not to exceed:

(a) The principal sum of $490 million; plus
(b) An amount equal to the costs incurred in connection with the issuance of the South North lottery bonds and other administrative expenses of the State Treasurer and the department in connection with the issuance of the South North lottery bonds; plus
(c) The amount of any reserves determined to be necessary or advantageous in connection with the South North lottery bonds; plus
(d) The amount needed to pay for the cost of acquiring any municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement device obtained for the purpose of providing additional security or liquidity for the South North lottery bonds.

(2) The director shall submit to the State Treasurer from time to time written requests to issue the South North lottery bonds as provided in subsection (1) of this section in amounts sufficient to provide in a timely fashion the moneys required to fund the obligations of the department under any grant agreements entered into under section 3 of this Act for the purpose of financing the state share of the costs of the South North Line.

(3) Moneys received from the issuance of South North lottery bonds, including any investment earnings thereon, may be expended only for the purpose of:

(a) Financing the costs of development, acquisition and construction of the South North Line, including paying debt service on any financing obligations or refunding any interim financing obligations issued under subsection (1) of this section;
(b) Paying the costs of issuing the South North lottery bonds and other administrative expenses of the State Treasurer in carrying out the provisions of section 6 of this Act and this section;
(c) Funding any reserves determined to be necessary or advantageous in connection with such South North lottery bonds; and
(d) Paying the cost of acquiring any municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement device obtained for the purpose of pro-
viding additional security or liquidity for the South North lottery bonds and funding of the
Transportation Equity Account as provided in section 11 of this Act.

(4) In addition to the South North lottery bonds authorized to be issued under this sec-
tion, the State Treasurer is hereby authorized, at the request of the director, to issue from
time to time one or more series of refunding lottery bonds for the purpose of refunding in
whole or in part any outstanding Westside lottery bonds or South North lottery bonds. Such
refunding lottery bonds shall be issued in such amount as the State Treasurer shall deter-
mine is necessary or appropriate in order to:

(a) Pay or defease the principal of, redemption premium, if any, and interest on the bonds
to be refunded thereby;

(b) Pay the costs of issuing the refunding lottery bonds and other administrative ex-
penses of the State Treasurer in issuing such bonds;

(c) Fund any reserves determined to be necessary or advantageous in connection with
such refunding lottery bonds; and

(d) Pay the cost of acquiring any municipal bond insurance policy, letter of credit, line
of credit, surety bond or other credit enhancement device obtained for the purpose of pro-
viding additional security or liquidity for the refunding lottery bonds.

(5) All light rail lottery bonds issued under this section shall be payable from:

(a) The unobligated net lottery proceeds pledged thereto as provided in subsection (7) of
this section;

(b) Any appropriated funds; and

(c) The moneys and investments on deposit from time to time in the Light Rail Bond
Fund and any reserve account established as additional security for the light rail lottery
bonds. The light rail lottery bonds shall not be a general obligation of this state, and shall
not be secured by or payable from any funds or assets of this state other than the unobli-
gated net lottery proceeds and any appropriated funds and other moneys and investments
on deposit from time to time in the Light Rail Bond Fund. In no circumstance shall the state
be obligated to pay amounts due under any light rail lottery bonds issued under this section
from any source other than unobligated net lottery proceeds and the appropriated funds and
other moneys and investments on deposit from time to time in the Light Rail Bond Fund.
With the exception of available unobligated net lottery proceeds, in no event shall the Leg-
islative Assembly be under any legal compulsion or obligation to appropriate or expend any
other funds for the purpose of paying any amounts owing on any light rail lottery bonds. All
light rail lottery bonds issued under this section shall contain a statement that this state
shall not be obligated to pay bond principal, or interest thereon, from any source other than
unobligated net lottery proceeds and the appropriated funds and other moneys and invest-
ments on deposit from time to time in the Light Rail Bond Fund, and that the faith and
credit or the taxing power of the State of Oregon is not pledged to the payment of the bond
principal or interest thereon.

(6) If any light rail lottery bonds are secured by reserves, either in the form of cash,
investments, surety bonds, municipal insurance, lines of credit, letters of credit or other
similar instruments, that the state has covenanted to maintain at particular levels, and the
reserves are drawn down below the level which the state has covenanted to maintain, the
director shall promptly certify to the Legislative Assembly or, if the Legislative Assembly is
not then in session, to the Emergency Board, the amount needed to restore the reserves to

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their required level. The Legislative Assembly or the Emergency Board, as the case may be, may provide appropriated funds in the amount certified by the director. Any appropriated funds so provided shall be used immediately to restore the balance in the reserves established for the light rail lottery bonds. The director may enter into covenants with the owners of the light rail lottery bonds that specify the timing and content of the director's certification. By enacting this subsection, the Legislative Assembly acknowledges its current intention to provide appropriated funds in the amount certified by the director pursuant to this subsection. However, neither the Legislative Assembly nor the Emergency Board shall have any legal obligation to provide appropriated funds.

(7) Notwithstanding ORS 288.855 or any other provision of law, all light rail lottery bonds, regardless of whether issued in one or more issues, shall be secured by a pledge of and lien on the unobligated net lottery proceeds and amounts in the Light Rail Bond Fund. The lien of such pledge shall be valid and binding immediately upon issuance of the light rail lottery bonds secured thereby. The unobligated net lottery proceeds and amounts in the Light Rail Bond Fund shall be immediately subject to the lien of such pledge upon receipt of the unobligated net lottery proceeds by the state regardless of when or whether they are allocated or transferred to the Light Rail Bond Fund and without physical delivery, filing or other act. The lien of such pledge of unobligated net lottery proceeds and amounts in the Light Rail Bond Fund shall be superior to all other claims, liens and appropriations of any kind whatsoever. In connection with the issuance of any light rail lottery bonds, the State Treasurer shall have the authority and discretion to provide that:

(a) All light rail lottery bonds, regardless of series or time of issuance, shall be equally and ratably secured by the lien of the pledge of unobligated net lottery proceeds and amounts in the Light Rail Bond Fund established pursuant to this section 6 of this Act; or

(b) The light rail lottery bonds of one or more particular series shall be secured by the lien of such pledge on a basis that is prior and superior, or inferior and subordinate, to the lien of such pledge securing one or more other series of light rail lottery bonds.

(8) The State of Oregon hereby makes the covenants set forth in paragraphs (a) to (d) of this subsection with and for the benefit of the owners from time to time of the light rail lottery bonds. The covenants shall constitute a contract with such owners:

(a) Except as authorized in subsection (7) of this section with respect to the lien of the pledge of unobligated net lottery proceeds that secures light rail lottery bonds, the state shall not create any lien or encumbrance on the unobligated net lottery proceeds that is equal or superior to the lien created by subsection (7) of this section;

(b) Subject only to the availability of unobligated net lottery proceeds, the state shall budget and appropriate in each fiscal year an amount of unobligated net lottery proceeds that, when added to other funds lawfully budgeted and appropriated and available for such purpose, will be sufficient to pay in full the principal and interest due and to become due in such fiscal year on all outstanding light rail lottery bonds and maintain the required balance in any reserves established for light rail lottery bonds, and will apply the unobligated net lottery proceeds and any other amounts so budgeted and appropriated to the payment of such principal and interest when due and the maintenance of such reserves;

(c) On or before the maturity date of any interim financing obligations issued under this section, the State of Oregon shall issue light rail lottery bonds or refunding interim financing obligations in an amount that, when added to other amounts available for such purpose, shall
be sufficient to pay all amounts coming due on the outstanding interim financing obligations on such maturity date; and

(d) Until such time as all light rail lottery bonds have been paid in full or provision for such payment has been made by means of a defeasance in accordance with ORS 288.677, the state will continue to operate the lottery in accordance with the requirements of section 4, Article XV of the Oregon Constitution as in effect on the date of issuance of the light rail lottery bonds.

(9) The moneys in the Light Rail Bond Fund shall be used and applied by the director to pay when due the principal of and interest on any light rail lottery bonds issued under this section.

(10) The interest on all light rail lottery bonds issued under this section and on any refunding and advance refunding bonds issued under ORS 286.051 for the purpose of refunding any light rail lottery bonds is exempt from personal income taxation imposed by this state under ORS chapter 316.

(11) In connection with the issuance of any light rail lottery bonds, the State Treasurer may establish such accounts and subaccounts within the South North Construction Fund and the Light Rail Bond Fund and may establish such other funds, accounts and subaccounts as the State Treasurer shall determine are necessary or appropriate. The net proceeds derived from the issuance and sale of the South North lottery bonds issued under this section to finance the costs of the South North Line shall be deposited in the South North Construction Fund and disbursed upon the written request of the director for the purpose of funding the department's obligations under any grant agreements entered into with Tri-Met pursuant to section 3 of this Act. If any South North lottery bonds, including any interim financing obligations, are issued for the purpose of refunding any interim financing obligations previously issued, the net proceeds derived from the issuance and sale of such refunding South North lottery bonds or interim financing obligations shall be deposited in the Light Rail Bond Fund and used to pay when due the interim financing obligations so refunded.

(12) If, at the time of issuance of any light rail lottery bonds, a municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement device is available as additional security for the light rail lottery bonds or any portion thereof at a cost effective price, the State Treasurer may acquire such municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement device in order to provide additional security for the bonds or portion thereof.

SECTION 6. (1) The Light Rail Bond Fund is created as a fund separate and distinct from the General Fund. In connection with the issuance of any light rail lottery bonds, the State Treasurer may establish such reserves as are deemed necessary or appropriate in order to provide additional security therefor, which reserves shall be held to the credit of an appropriate account of the Light Rail Bond Fund. The State Treasurer may provide that all or any portion of the Light Rail Bond Fund, or any account therein, shall be held by a trustee, and may enter into agreements with the trustee regarding the use and application of the amounts held in the Light Rail Bond Fund and accounts therein. Subject only to the availability of unobligated net lottery proceeds, in each fiscal year in which any amounts of principal or interest are due and payable on any light rail lottery bonds, there shall be transferred to the Light Rail Bond Fund or the appropriate reserve account therein the amounts of unobligated net lottery proceeds required by section 4 (2)(a) and (b) of this Act,
the net proceeds of any light rail lottery bonds or interim financing obligations issued for the
purpose of refunding any outstanding interim financing obligations and any appropriated
funds.

(2) All moneys on deposit from time to time in the Light Rail Bond Fund together with
all investment earnings thereon, are continuously appropriated to the payment of the light
rail lottery bonds. All investment earnings on moneys on deposit from time to time in the
Light Rail Bond Fund shall be retained in that account and applied to pay the principal of
and interest on the light rail lottery bonds.

SECTION 7. (1) Subject to ORS chapter 279 and any applicable prohibitions against pref-
érences in contracts related to the construction phase of the South North Line, the manag-
ing agencies shall develop procedures that afford qualified businesses in Oregon the
opportunity to compete for project contracts to the maximum extent feasible and consistent
with federal laws and regulations governing Federal Transit Administration grants.

(2) The managing agencies shall seek the cooperation and assistance of contracting and
construction associations in this state when establishing the contracting procedures for the
South North Line. The managing agencies shall also establish and implement programs to
provide contracting and construction businesses with information relating to the project.

(3) The managing agencies, to the maximum extent feasible, shall encourage disadvan-
taged business enterprises to bid for contracts and to otherwise participate in the con-
struction of the South North Line.

SECTION 8. Notwithstanding any other provision of law, nothing shall prevent the Leg-
islative Assembly from subsequently dedicating other moneys to be deposited in the South
North Construction Fund to be used to pay for the costs of the South North Line, including
but not limited to moneys derived from:

(1) The sale of property, interests in property or development rights, including the sale
of concession rights and franchises;

(2) Gifts, donations, grants, equity contributions, royalties, concession fees, franchise
fees or other fees, taxes, impositions, revenues, tolls, charges, assessments, levies, sur-
charges, impositions, duties, tariffs or other revenues; or

(3) Moneys that under an agreement with any governmental unit or private person or
entity, are required to be deposited in the South North Construction Fund.

SECTION 9. (1) When location, construction, relocation, reconstruction, maintenance or
repair of the South North Line requires a utility to relocate any of its facilities that are lo-
cated in a public right of way, the mass transit district that constructs or operates the light
rail system shall reimburse the utility for 50 percent of the costs and expenses incurred by
the utility in relocating the facilities.

(2) As a condition of reimbursement, a district may require a utility to participate in
preparation of the federal grant application and determine the cost and expense of relocation.
The utility and the district shall agree upon the manner and amount of reimbursement.

(3) As used in this section, "utility" has the meaning given that term in ORS 366.332.

SECTION 10. Notwithstanding section 5 of this Act, the State Treasurer shall not issue
any light rail lottery bonds authorized by section 5 of this Act unless, on or before the date
of issuance of the bonds, federal matching funds have been made available for the first con-
struction segment of the South North Line light rail project.

SECTION 11. (1) The Transportation Equity Account, separate and distinct from the
General Fund, is established in the State Treasury. Moneys in the account, including all investment earnings thereon and any revenues generated from state income taxes resulting from construction of the South North Line, as estimated in section 11a of this Act, are appropriated continuously to the Department of Transportation for the purpose of paying the costs of transportation projects located outside of the Portland metropolitan region. Moneys allocated from the Transportation Equity Account shall not be used to offset moneys distributed from the State Highway Fund for areas outside the Portland metropolitan region.

(2) The Transportation Equity Account shall consist of:
(a) Moneys provided to the account from sources described in sections 12 and 14 of this Act pursuant to an intergovernmental agreement among the Department of Transportation, Tri-Met, Metro and other participating local governments.
(b) Proceeds of the sale of South North lottery bonds as provided in this section.
(3) Upon the initial sale of South North lottery bonds, there shall be transferred to the Transportation Equity Account the sum of $115 million obtained from the sale of the South North lottery bonds.
(4) The moneys in the Transportation Equity Account under subsection (3) of this section, together with all investment earnings on the amounts on deposit from time to time in the account, are continuously appropriated only for the purpose of distributing such moneys to cities and counties under section 15 of this Act for financing the costs of essential transportation projects.
(5) As used in sections 11 to 16 of this Act, “essential transportation projects” means capital projects for or operation of any land, air or water mode of transporting people and goods, including but not limited to improvements, facilities, equipment, structures and rolling stock used or useful in connection with streets, roads, highways, air transport, water transport, rail transport, bus transport, bicycles and pedestrians.

SECTION 11a. (1) The Oregon Department of Administrative Services shall certify an estimate of the amount of state income tax revenues projected to be collected from income generated by the designing, acquiring, constructing and equipping of the South North Line. This estimate shall include an amount for incomes secondarily generated by the incomes directly earned. The Oregon Department of Administrative Services shall formulate the estimate by generally accepted estimation methodologies and with the best available data.
(2) A certified estimate as described in subsection (1) of this section shall be included in each budget report prepared by the Governor under ORS 291.202. The estimate shall reflect projected state income tax revenues for the coming biennium.
(3) The amount certified under subsection (2) of this section shall be appropriated out of the General Fund to the Transportation Equity Account for the biennium covered in the budget report.
(4) Additional appropriations out of the General Fund shall be made, if necessary, until a total amount of $375 million has been made available for distribution to cities and counties from all sources described in sections 11, 11a, 12 and 14 of this Act.

SECTION 12. Subject to receipt of the federal funding commitment for the South North Line project, Tri-Met, Metro and the other participating local governments shall make, or take such actions within their power to make arrangements for, the following payments into the Transportation Equity Account pursuant to the intergovernmental agreement described in section 11 (2)(a) of this Act:
(1) In each fiscal year during the period beginning July 1, 1999, and ending June 30, 2004, $8 million shall be paid into the Transportation Equity Account as follows:

(a) $6 million shall be provided in accordance with federal law from federal transportation funds, commonly known as STP Flexible Funds, made available to the Portland metropolitan region through state or regional transportation improvement programs for capital projects and that would otherwise have been requested and received by Tri-Met; and

(b) The participating local governments shall jointly provide $2 million from lottery moneys distributed to them under ORS 461.547 or other laws or from other discretionary funds available to the participating local governments. Such local governments may not provide this amount from transportation system development charges or transportation impact fees and may not increase such charges or fees to fund projects that would otherwise have been funded by the moneys transferred to the Transportation Equity Account.

(2) In each fiscal year during the period beginning July 1, 2004, and ending June 30, 2009, $7 million shall be paid into the Transportation Equity Account as follows:

(a) $5 million shall be provided in accordance with federal law from federal transportation funds, commonly known as STP Flexible Funds, made available to the Portland metropolitan region through state or regional transportation improvement programs for capital projects and that would otherwise have been requested and received by Tri-Met; and

(b) Participating local governments shall jointly provide $2 million from lottery moneys distributed to them under ORS 461.547 or other laws or from other discretionary funds available to the participating local governments. Such local governments may not provide this amount from transportation system development charges or transportation impact fees and may not increase such charges or fees to fund projects that would otherwise have been funded by the moneys transferred to the Transportation Equity Account.

SECTION 13. The allocation of lottery bond proceeds by the State of Oregon for the South North Line project in the fiscal years beginning July 1, 1999, is subject to the execution of an intergovernmental agreement among the Department of Transportation, Tri-Met, Metro and other participating local governments that:

(1) To the fullest extent permitted by law, irrevocably commits the moneys described in section 12 of this Act to the Transportation Equity Account; and

(2) Sets forth the administrative procedures for paying and disbursing moneys into and from the Transportation Equity Account.

SECTION 14. (1) Tri-Met, in cooperation with Metro and the Joint Policy Advisory Committee on Transportation of Metro, shall study, consider and develop innovative transportation funding methods that may be used by Tri-Met, Metro and Clackamas, Multnomah and Washington Counties to reduce the need in the Portland metropolitan region for long-term transportation funding by the State of Oregon.

(2) Tri-Met shall establish a public-private task force that shall:

(a) Identify and evaluate alternative funding sources or methods to reduce the need of the Portland metropolitan region for long-term transportation financing assistance from the State of Oregon.

(b) Consider innovative public-private funding mechanisms to capture the value created by transportation projects.

(c) Prepare findings that assess the financial, administrative and policy effects of various transportation funding sources or methods.
(d) Prepare a report describing the findings of the task force and containing recommendations concerning transportation funding and the legal and administrative changes necessary to allow creation or appropriate use of recommended funding sources or methods.

(3) Tri-Met, in cooperation with Metro and the Joint Policy Advisory Committee on Transportation of Metro, shall consider the report prepared under subsection (2) of this section and recommend new transportation funding sources and methods for the Portland metropolitan region to the Sixty-ninth Legislative Assembly. The recommendations may include a proposal for distributing to the Transportation Equity Account state personal income tax revenues that are attributable to increased employment or higher wages resulting from the South North Line project.

(4) Subject to enactment of legislation by the Sixty-ninth Legislative Assembly that grants power to Tri-Met and other local governments in the Portland metropolitan region to use new sources and methods for funding transportation, Tri-Met, in accordance with the provisions of such enacted legislation, shall assume the obligation to use the new funding authority to either:

(a) Provide not more than $75 million to the Transportation Equity Account during the construction of the South North Line; or

(b) Agree to reduce the obligation of the State of Oregon to finance the costs of the South North Line project by not more than $75 million.

(5) In addition to the other requirements of this section, Tri-Met shall conduct a study relating to the long-term funding of the operations and maintenance of the South North Line. Upon completion of the study, Tri-Met shall prepare a report that contains the findings and conclusions of the study, recommendations for long-term funding of the light rail line and any proposals for needed legal or administrative changes. A copy of the report shall be submitted to the Seventy-first Legislative Assembly.

SECTION 15. (1) Beginning with the fiscal year commencing July 1, 1999, there shall be distributed in each fiscal year to the cities and counties located wholly or partly outside the Portland metropolitan region for the purpose of financing essential transportation projects all moneys credited to the Transportation Equity Account by the State Treasurer during that fiscal year. Except as provided in subsection (4) of this section, the moneys distributed under this section shall be allocated 60 percent to counties and 40 percent to cities.

(2) The sum designated in subsection (1) of this section shall be remitted by warrant to the county treasurers of the several counties. The remittance in any year shall be in proportion of the number of vehicles, trailers, semitrailers, pole trailers and pole or pipe trailers registered in each county, to the total number of such vehicles registered in the state as of December 31 of the preceding year, as indicated by motor vehicles registration records. All such vehicles owned and operated by the state and registered under ORS 805.040, 805.045 and 805.060 shall be excluded from the computation in making the apportionment. For purposes of this subsection, vehicles, trailers and semitrailers registered within the Portland metropolitan region shall not be counted when determining the amount of money to be distributed to a county under this section.

(3) The sum designated in subsection (1) of this section shall be allocated to cities so that each city shall receive such share of the moneys as its population bears to the total population of all of the cities receiving moneys under this section. The moneys shall be remitted to the financial officer of each city.
(4) In each year in which moneys are distributed to counties under this section, $1.5 million from the moneys in the Transportation Equity Account that would otherwise be distributed to counties under subsections (1) and (2) of this section shall be set up in a separate account to be administered by the Department of Transportation for the counties. Moneys from the account shall be used for essential transportation projects. The department shall enter into agreements with counties upon the advice and counsel of the Association of Oregon Counties to establish the method of allocating moneys from the account.

SECTION 16. Notwithstanding any other law, in each fiscal year during the period beginning July 1, 1999, and ending June 30, 2009, if the participating local governments fail to provide the moneys required under section 12 (1)(b) and (2)(b) of this Act or those governments' share of the $75 million described in section 14 of this Act, the Director of Transportation may certify such failure and the resulting deficiency to the Oregon Department of Administrative Services, the Economic Development Department and the State Treasurer. Upon such certification, an amount equal to the deficiency shall be withheld in the following fiscal year from Clackamas, Multnomah and Washington Counties and the other participating local governments from:

1. Lottery moneys for economic development otherwise available to those counties; and
2. Other state shared revenues otherwise available to the other participating local governments.

SECTION 16a. The authority granted by sections 11 to 16 of this Act may be exercised on and after the date on which federal matching funds are made available for the first construction segment of the South North Line light rail project.

SECTION 16b. (1) In addition to the requirements of ORS 223.297 to 223.314, a governmental unit that has a transportation system development charge or transportation impact fee and that is required to reduce vehicle travel by land use rules adopted under any statewide planning goal related to transportation shall establish such charge or fee, or develop a system of credits, or both, based on a methodology that takes into account the effect of measures reasonably expected to reduce vehicle trip generation, including, but not limited to:

(a) Development that is transit oriented or that occurs within a pedestrian district;
(b) Development that utilizes pedestrian, bicycle or transit facilities to achieve reductions in vehicle trips;
(c) Development that incorporates transportation demand management measures; and
(d) Reduction of vehicle trips, if any, resulting from the construction and operation of light rail lines within the Portland metropolitan region.

(2) In order to maximize and encourage transit oriented development along light rail lines, governmental units shall:

(a) Provide through lowered fees or allowance of credits for the reduction of any transportation system development charges or transportation impact fees otherwise applicable by at least 30 percent for any transit oriented development constructed within one-quarter mile of a passenger station on a light rail line. For the purpose of complying with the requirement of this paragraph to provide for reduced fees and charges, a governmental unit may consider the reductions, if any, in fees or charges made under subsection (1) of this section.
(b) Not impose a new or increased transportation system development charge or a transportation impact other than construction inflation adjustments, on any transit oriented
development within one-quarter mile of a passenger station on a light rail line.

(3) The reduction of transportation system development charges or transportation impact fees and the other restrictions on such charges and fees required under subsection (2) of this section shall be in effect only during the period of effectiveness of the Transportation Equity Account established under section 11 of this Act.

(4) A governmental unit shall not increase its transportation system development charge or transportation impact fee against residential housing to offset reductions required by subsection (2)(a) or (b) of this section.

(5) A governmental unit outside the Portland metropolitan region that has a transportation system development charge or transportation impact fee shall base such charge or fee on a methodology that takes into account capacity-increasing capital improvements, if any, financed with moneys from the Transportation Equity Account.

(6)(a) As used in this section, “transportation system development charge” or “transportation impact fee” means only that portion of a charge or fee adopted and assessed against development for the purpose of funding streets, roads and related improvements that principally provide for automobile circulation.

(b) “Transit oriented development” means transit oriented development as defined in land use rules adopted under any statewide planning goal related to transportation.

(c) “Pedestrian district” has the meaning given that term in land use rules adopted under any statewide planning goal relating to transportation.

(7) Nothing in this section is intended to make adoption or amendment of a system development charge a land use decision contrary to ORS chapter 223, or to require governmental units to set system development charges in a manner inconsistent with ORS chapter 223.

SECTION 16c. (1) To assist and advise the Legislative Assembly in the performance of an oversight function relating to the construction of the South North Line, the Light Rail Oversight Committee is established.

(2) The Light Rail Oversight Committee shall consist of eight members appointed as follows:

(a) Four members shall be appointed by the President of the Senate; and
(b) Four members shall be appointed by the Speaker of the House of Representatives.

(3) The members of the committee shall be individuals with experience or training in mass transit, the financing or construction of major infrastructure projects, land use and state or local government.

(4) The appointing officers may appoint members of the Legislative Assembly to the committee. The appointing officers are ex officio members of the committee.

(5) Members of the Light Rail Oversight Committee are not entitled to compensation, but may receive actual and necessary travel or other expenses actually incurred in the performance of their duties as provided by ORS 292.495 (2).

(6) The Light Rail Oversight Committee shall consult with, and request and receive reports and other information from the public and private agencies managing the planning, financing and construction of the South North Line. The committee shall study and maintain oversight of all aspects of the planning, financing and construction of the South North Line, including costs, administration, management, compliance with applicable laws, intergovernmental relations and compliance with scheduled completion dates for separate segments of
(7) As the members consider it necessary or appropriate, the committee shall submit reports and recommendations to the Legislative Assembly concerning the South North light rail project.

(8) Upon completion of the South North Line, the tenure of office of the members of the committee shall cease and the Light Rail Oversight Committee is abolished.

SECTION 17. (1) Prior to the commencement of the regular session of the Sixty-ninth Legislative Assembly, the State Treasurer shall conduct an examination of the means by which the State of Oregon can best coordinate and maximize the benefits of using bonds that are secured by or payable from the net proceeds derived from the operation of the State Lottery for purposes consistent with section 4, Article XV, Oregon Constitution.

(2) The examination shall include, but not be limited to:

(a) The development of proposed legislation that will maximize this state's flexibility in the use of net proceeds from the operation of the State Lottery for the issuance of bonds to finance projects that are eligible for funding under section 4, Article XV, Oregon Constitution, while at the same time providing a coordinated program for the issuance and administration of such bonds;

(b) The identification of financing methods that will reduce the costs to the State of Oregon of borrowing moneys through the use of bonds or other obligations that are secured by or payable from the net proceeds derived from the operation of the State Lottery; and

(c) The maintenance and support of this state's current commitment to the lottery bond funding of the Westside Light Rail project under ORS 391.090 to 391.150, the South North Line under sections 1 to 18 of this Act and the Transportation Equity Account and the preservation of the security of lottery bonds issued under those laws.

(3) The State Treasurer shall report the findings of the examination and the legislative proposals required by this section to the Sixty-ninth Legislative Assembly and, if the examination and recommendations are completed prior to the commencement of the regular session of the Sixty-ninth Legislative Assembly, to the Emergency Board.

SECTION 18. (1) Notwithstanding ORS chapters 28 and 34, ORS 183.400 to 183.484 or any other provision of law, exclusive jurisdiction for the determination of the constitutionality of any provision of sections 1 to 18 of this Act, including but not limited to the determination of whether the light rail lottery bonds authorized by sections 1 to 18 of this Act violate any provision of the Oregon Constitution, is conferred upon the Supreme Court.

(2) Any interested person may petition the Supreme Court for a determination of the constitutionality of any provision of sections 1 to 18 of this Act, including but not limited to the determination of whether the light rail lottery bonds authorized by sections 1 to 18 of this Act violate any provision of the Oregon Constitution. Any such petition must be filed within 30 days after the effective date of sections 1 to 18 of this Act. The petition shall name the Director of the Department of Transportation as respondent. If the petition seeks a determination of whether the light rail lottery bonds authorized by sections 1 to 18 of this Act violate any provision of the Oregon Constitution, the petition shall also name the State Treasurer as a respondent. The petition shall comply with the specifications for opening briefs set forth in the Oregon Rules of Appellate Procedure. Within 20 days following the filing of the petition, the respondents may file an answering brief, which shall comply with the specifications for answering briefs set forth in the Oregon Rules of Appellate Procedure.
The Supreme Court may hear oral arguments and may provide by order for such hearings and filings as are reasonably necessary for the prompt disposition of the petition. The Supreme Court shall decide the matter with the greatest expediency.

SECTION 19. (1) The Legislative Assembly finds that a failure to obtain maximum federal funding for the South North MAX Light Rail Project in the upcoming federal transportation authorization act will seriously impair the viability of the transportation system planned for the Portland metropolitan area, the ability of the area to implement a significant portion of its air quality and energy efficiency strategies and the ability of affected local governments to implement significant parts of their comprehensive plans. The Legislative Assembly further finds that to maximize the state's and metropolitan area's ability to obtain the highest available level of federal funding for the South North MAX Light Rail Project and to assure the timely and cost-effective construction of the project, it is necessary:

(a) To establish the process to be used in making decisions in a land use final order on the light rail route, light rail stations, light rail park-and-ride lots, light rail maintenance facilities and any highway improvements to be included in the South North MAX Light Rail Project, including their locations;

(b) To expedite the process for appellate review of a land use final order; and

(c) To establish an exclusive process for appellate review.

(2) Sections 19 to 31 of this Act shall be liberally construed to accomplish the purposes enumerated in subsection (1) of this section.

(3) It is the intent of the Legislative Assembly that residents of neighborhoods within the Tri-County Metropolitan Transportation District of Oregon affected by land use decisions, limited land use decisions or land divisions resulting from the siting, construction or operation of any MAX Light Rail line, either as individuals or through their neighborhood associations, shall have the opportunity to participate in such decisions and divisions.

(4) The Legislative Assembly deems the procedures and requirements provided for in sections 19 to 31 of this Act, under the unique circumstances of the South North MAX Light Rail Project, to be equivalent in spirit and substance to the land use procedures that otherwise would be applicable.

SECTION 20. As used in sections 19 to 31 of this Act, unless the context requires otherwise:

(1) "Administrator" means the State Court Administrator.

(2) "Affected local governments" means:

(a) For the project, the cities and counties within which the light rail route, stations, lots and maintenance facilities, and the highway improvements for the project will be located.

(b) For the project extension, the cities and counties within which the light rail route, stations, lots and maintenance facilities, and the highway improvements for the project extension will be located.

(3) "Board" means the Land Use Board of Appeals.

(4) "Commission" means the Land Conservation and Development Commission.

(5) "Council" means the elected legislative body of Metro.

(6) "Court" means the Oregon Supreme Court.

(7) "Criteria" means the land use criteria established by the commission, as provided in section 23 of this Act.

(8) "Development approval" means approval of a proposed development of land based on
discretionary standards designed to regulate the physical characteristics of a use permitted
outright, including but not limited to site review and design review.

(9) "Draft Statement" means the Draft Environmental Impact Statement for the project
or project extension prepared pursuant to regulations implementing the National Environ-

(10) "Final Statement" means the final Environmental Impact Statement for the project
or project extension, as may be amended from time to time, or any supplementary assess-
ments or statements, prepared pursuant to regulations implementing the National Environ-

(11) "Full Funding Grant Agreement" means the contractual agreement entered into be-
 tween the Federal Government and the local grant recipient establishing the maximum fed-
eral financing contribution for construction of the project or project extension and setting
forth terms, conditions and limitations for federal financing of the project and project ex-
tension.

(12) "Highway improvements" means the highway improvements, if any, to be included
in the project or project extension. The highway improvements shall be selected from among
the highway improvements, if any, described in a Draft Statement or Final Statement for the
project or project extension.

(13) "Land use final order" means a written order or orders of the council deciding:
(a) The light rail route for the project or project extension, including its location;
(b) Stations, lots and maintenance facilities for the project or project extension, including
their locations; and
(c) The highway improvements for the project or project extension, including their lo-
cations.

(14) "Light rail route" means the light rail alignment to be included in the project or
project extension. The light rail route shall be selected from among light rail route alterna-
tives described in a Draft Statement or Final Statement for the project or project extension.

(15) "Locally Preferred Alternative Report" means a decision adopted in accordance with
federal requirements determining whether or not to build the South North MAX Light Rail
Project and, if to build, recommending the light rail route, stations, lots and maintenance
facilities, and the highway improvements, including their locations, to be included in the
South North MAX Light Rail Project.

(16) "Locations" means the boundaries within which the light rail route, stations, lots
and maintenance facilities, and the highway improvements shall be located, as provided in
section 22 (1) of this Act.

(17) "Measures" includes any mitigation measures, design features, or other amenities
or improvements associated with the project or project extension.

(18) "Project" means the portion of the South North MAX Light Rail Project within the
Portland metropolitan area urban growth boundary, including each segment thereof as set
forth in the Phase I South North Corridor Project Locally Preferred Alternative Report as
may be amended from time to time or as may be modified in a Final Statement or the Full
Funding Grant Agreement. The project includes the light rail route, stations, lots and
maintenance facilities, and any highway improvements to be included in the project.

(19) "Project extension" means the portion of the South North MAX Light Rail Project
within the Portland metropolitan area urban growth boundary as set forth in the Phase II
South North Corridor Project Locally Preferred Alternative Report as may be amended from
time to time or as may be modified in a Final Statement or the Full Funding Grant Agree-
ment. The project extension includes the light rail route, stations, lots, and maintenance
facilities, and any highway improvements to be included in the project extension.

(20) “Stations, lots and maintenance facilities” means the light rail stations, light rail
park-and-ride lots and light rail vehicle maintenance facilities to be included in the project
or project extension, to be selected from among alternatives described in a Draft Statement
or Final Statement for the project or project extension.

(21) “Steering Committee” means a committee staffed by Metro through the time of
adoption of the initial land use final order for the project or project extension, and thereafter
staffed by Tri-Met, comprised at least of representatives of the Department of Transpor-
tation, Tri-Met and elected officials of the affected local governments and Metro, whose spe-
cific membership and manner of function shall be determined by intergovernmental
agreement between Metro, Tri-Met, the Department of Transportation and the affected local
governments for the project or project extension.

(22) “Tri-Met” means the Tri-county Metropolitan Transportation District of Oregon.

SECTION 21. Notwithstanding any other provision of law, the procedures and require-
ments provided for in sections 19 to 31 of this Act shall be the only land use procedures and
requirements to which the following land use decisions shall be subject:

(1) Decisions on the light rail route for the project and project extension, including its
location;

(2) Decisions on the stations, lots and maintenance facilities for the project and project
extension, including their locations; and

(3) Decisions on the highway improvements for the project and project extension, in-
cluding their locations.

SECTION 22. (1) A land use final order shall establish the light rail route, stations, lots
and maintenance facilities, and the highway improvements for the project or project exten-
sion, including their locations, as provided in this section and in accordance with the proce-
dures identified in section 25 of this Act.

(a) Prior to publication of the public hearing notice described in section 25 (1) of this Act,
and following receipt of recommendations from the Department of Transportation and the
Steering Committee, Tri-Met shall apply to the council for a land use final order approving
the light rail route, stations, lots and maintenance facilities, and the highway improvements,
including their locations. The applied for locations shall be in the form of boundaries within
which the light rail route, stations, lots and maintenance facilities, and the highway im-
provements shall be located. These boundaries shall be sufficient to accommodate adjust-
ments to the specific placements of the light rail route, stations, lots and maintenance
facilities, and the highway improvements for which need commonly arises upon the develop-
ment of more detailed environmental or engineering data following approval of a Full Fund-
ing Grant Agreement.

(b) Following a public hearing as provided in section 25 (3) of this Act, the council shall
either adopt a land use final order establishing the facilities and locations applied for by
Tri-Met or continue the public hearing and refer the proposed facilities and locations back
to Tri-Met for further review.

(c) Upon referral by the council, Tri-Met shall consider amendments to its proposed fa-
Cilities and locations and then forward a further application to the council for hearing and adoption. The council shall either adopt a land use final order establishing the facilities and locations applied for by Tri-Met or again continue the hearing and refer the proposed facilities and locations back to Tri-Met for further review and application to the council.

(2) Any siting of the light rail route, a station, lot or maintenance facility, or a highway improvement outside the locations established in a land use final order, and any new station, lot, maintenance facility or highway improvement, shall require a land use final order amendment or a new land use final order which shall be adopted in accordance with the process provided for in subsection (1) of this section.

SECTION 23. The Land Conservation and Development Commission shall establish criteria to be used by the council in making decisions in a land use final order on the light rail route, stations, lots and maintenance facilities, and the highway improvements for the project and project extension, including their locations. The provisions in ORS chapters 183, 192, 195, 197, 215 and 227 "find in any other law or regulation shall not apply to proceedings of the commission under sections 19 to 31 of this Act. The following procedures shall govern the proceedings of the commission in establishing criteria:

(1) The commission shall publish notice of a public hearing on criteria to be established by the commission in a newspaper of general circulation within the Portland metropolitan area at least 20 days prior to the public hearing. The notice shall:

(a) Identify the general subject matter of the hearing and the date, time and place of the hearing;

(b) State that any criteria to be proposed to the commission must be filed at the Salem office of the Department of Land Conservation and Development at least 10 days prior to commencement of the hearing and will be available for public inspection following filing;

(c) State that appeals from an order establishing criteria must be filed within seven days following the date written notice of the order is mailed;

(d) State that failure by a person to raise an issue at the hearing in person or in writing, or failure to provide sufficient specificity to afford the commission an opportunity to respond to the issue raised, shall preclude appeal by that person to the court on that issue;

(e) State that persons whose names appear on petitions submitted into the public hearing record will not be considered by that action to have provided oral or written testimony at the hearing; and

(f) State that written notice of adoption of an order establishing criteria will be provided only to persons who provide oral or written testimony at the hearing and who also provide, in writing, a request for written notice and a mailing address to which notice should be sent.

(2) The commission also may provide such other notice as it deems appropriate to inform interested persons of the hearing. However, no other form of notice is required.

(3) A copy of the staff report, if any, shall be available for public inspection at least four days prior to the public hearing.

(4) The commission shall hold a public hearing on the criteria to be established by the commission. At the commencement of the hearing, a statement shall be made to those in attendance that:

(a) Identifies the general subject matter of the hearing;

(b) States that appeals from an order establishing criteria must be filed within seven days following the date written notice of the order is mailed;
(c) States that failure by a person to raise an issue at the hearing in person or in writing, or failure to provide sufficient specificity to afford the commission an opportunity to respond to the issue raised, shall preclude appeal by that person to the court on that issue;

(d) States that submittal of proposed criteria at the hearing will not be accepted unless the proposed criteria were filed at the Salem office of the Department of Land Conservation and Development at least 10 days prior to the commencement of the hearing;

(e) States that persons whose names appear on petitions submitted into the public hearing record will not be considered by that action to have provided oral or written testimony at the hearing; and

(f) States that written notice of adoption of an order establishing criteria will be provided only to persons who provide oral or written testimony at the hearing and who also provide, in writing, a request for written notice and a mailing address to which notice should be sent.

(5) The commission shall allow for the submission of oral and written testimony at the hearing, subject to such hearing procedures as the commission may deem necessary. The commission may exclude irrelevant, immaterial or unduly repetitious testimony. The commission shall not allow the submission of proposed criteria at the hearing unless the proposed criteria were filed at the Salem office of the Department of Land Conservation and Development at least 10 days prior to the commencement of the hearing. Minutes of the hearing shall be taken.

(6) The commission shall close the hearing and adopt an order establishing the criteria within 14 days following commencement of the hearing. In establishing the criteria, the commission shall consider those statewide planning goals and those plan policies that are relevant to decisions regarding the light rail route, stations, lots and maintenance facilities, and the highway improvements, and their locations. The commission's order shall include a brief statement explaining how the criteria established reasonably reflect those statewide land use planning goals and those plan policies that are relevant to decisions regarding the light rail route, stations, lots and maintenance facilities, and the highway improvements, and their locations.

(7) Following establishment of the criteria, the commission shall:

(a) Notify in writing the council, Tri-Met, the Department of Transportation, the affected local governments and any person who provided oral or written testimony at the hearing and who also provided, in writing, a request for written notice and a mailing address to which notice should be sent of its order and the criteria it has established; and

(b) Make copies of its order and the criteria available for public inspection at the Salem and Portland offices of the Department of Land Conservation and Development.

(8) The commission shall adopt the order described in subsection (6) of this section within 90 days following the effective date of sections 19 to 31 of this Act.

SECTION 24. (1) Notwithstanding ORS 183.400, 183.482, 183.484, 197.825 or any other law or regulation, exclusive jurisdiction to review a Land Conservation and Development Commission order establishing criteria under section 23 of this Act is conferred on the court.

(2) Proceedings for review of the commission's order shall be instituted when any person who is adversely affected files a notice of intent to appeal with the administrator that meets the following requirements:

(a) The notice shall be filed within seven days following written notice of the commis-
The notice shall state the nature of the commission's order, in what manner the commission rejected the position raised by the petitioner before the commission and, with supporting affidavit, facts showing how the petitioner is adversely affected. The petitioner shall be considered adversely affected if:

1. The petitioner provided oral or written testimony at the commission's hearing; and
2. The petitioner proposed criteria, as provided in section 23 (5) of this Act, that the commission rejected in its order, or the petitioner, in the petitioner's testimony at the hearing, opposed the criteria which the commission selected in its order.

(c) The petitioner shall deliver a copy of the notice of intent to appeal by personal service to the commission at the Salem office of the Department of Land Conservation and Development, at the Salem office of the Department of Transportation, to the Attorney General, to the council at the office of Metro's executive officer, to Tri-Met at the office of Tri-Met's general manager and to the affected local governments.

(3) Within seven days following filing of the notice of intent to appeal, the commission shall personally deliver to the court a certified copy of the record of its criteria proceedings. The record shall include only:

1. The commission's order establishing the criteria;
2. Any written report received by the commission from the Department of Land Conservation and Development at the hearing;
3. Proposed criteria submitted to the commission as provided in section 23 (5) of this Act and written testimony submitted to the commission at the hearing;
4. Minutes of the public hearing before the commission;
5. The published notice of public hearing; and
6. Proof of mailing to persons entitled to notice of the commission's order.

(4) Within 14 days following the filing of the notice of intent to appeal, the petitioner shall file the petitioner's brief. The petitioner shall personally deliver the brief to the administrator, to the Attorney General, to the council at the office of Metro's executive officer, to Tri-Met at the office of Tri-Met's general manager and to the affected local governments. The brief shall comply with the specifications for opening briefs set forth in the rules of appellate procedure.

(5) Within 28 days following the filing of the notice of intent to appeal, the commission, Metro, Tri-Met, the Department of Transportation and any affected local government, unless Metro, Tri-Met, the Department of Transportation or an affected local government is the petitioner, may file an answering brief that shall comply with the specifications for answering briefs set forth in the rules of appellate procedure.

(6) On review, the court may reverse or remand the commission's order only if it finds that the order:

1. Violates constitutional provisions;
2. Exceeds the statutory authority of the commission; or
3. Was adopted by the commission without substantial compliance with the procedures in section 23 of this Act in a manner that prejudiced the substantial rights of the petitioner.

Failure of the commission to notify a person entitled to written notice under section 23 (7)(a) of this Act shall not be a ground for reversal or remand if evidence of mailing to that person is provided. The court shall not substitute its judgment for that of the commission as to any
issue of fact or as to any issue within the commission’s discretion.

(7) The court shall not stay any action by the council under sections 19 to 31 of this Act pending the court’s review under this section.

(8) The court may decide the matter on the briefs or it may hold oral arguments. The court shall decide the matter at its earliest practicable convenience, consistent with sections 19 to 31 of this Act.

SECTION 25. The council shall apply the criteria established by the commission in making decisions in a land use final order on the light rail route, stations, lots and maintenance facilities, and the highway improvements, including their locations. The provisions in ORS chapters 183, 192, 195, 197, 215, 227, 267 and 268 and in any other law or regulation shall not apply to proceedings of the council under sections 19 to 31 of this Act. The following procedures shall govern the council’s proceedings in adopting a land use final order:

(1)(a) The council shall publish notice of a public hearing on the light rail route, stations, lots and maintenance facilities, and the highway improvements, including their locations, as to which decisions will be made in the land use final order of the council in a newspaper of general circulation within Metro’s jurisdictional area at least 14 days prior to the hearing.

(b) The notice shall:

(A) Identify the general subject matter of the hearing and the street address where a staff report and the criteria may be found;

(B) Identify the date, time and place of the hearing;

(C) State that appeals from decisions in a land use final order must be filed within 14 days following the date the land use final order is reduced to writing and bears the necessary signatures;

(D) State that failure by a person to raise an issue at the hearing in person or in writing, or failure to provide sufficient specificity to afford the council an opportunity to respond to the issue raised, shall preclude appeal by that person to the board based on that issue;

(E) State that persons whose names appear on petitions submitted into the public hearing record will not be considered by that action to have provided oral or written testimony at the hearing; and

(F) State that written notice of adoption of the land use final order will be provided only to persons who provide oral or written testimony at the hearing and who also provide, in writing, a request for written notice and a mailing address to which notice should be sent.

(c) The council also shall provide such other notice as is, in its judgment, reasonably calculated to give notice to persons who may be substantially affected by its decision. No other form of notice is required.

(2) A copy of the staff report shall be available for public inspection at least seven days prior to the public hearing. The staff report shall set forth and address compliance with the criteria. The staff report also shall include a description of the proposed boundaries within which the light rail route, stations, lots and maintenance facilities, and the highway improvements shall be located, as recommended by Tri-Met under section 22 (1) of this Act. The staff report may be amended as the staff considers necessary or desirable prior to the public hearing without further notice.

(3) The council shall hold a public hearing on the light rail route, stations, lots and maintenance facilities, and the highway improvements, including their locations, as to which decisions will be made in the land use final order. At the commencement of the hearing, a
statement shall be made to those in attendance that:

(a) Lists the criteria or directs those present to a place at the hearing location where any person may obtain a list of the criteria at no cost;

(b) Lists generally the light rail route, stations, lots and maintenance facilities, and the highway improvements, including their locations, as to which decisions will be made in the land use final order;

(c) States that testimony shall be directed towards the application of the criteria to the light rail route, stations, lots and maintenance facilities, and the highway improvements, including their locations, as to which decisions will be made in the land use final order;

(d) States that appeals from decisions in a land use final order on the light rail route, stations, lots and maintenance facilities, and the highway improvements, including their locations, must be filed within 14 days following the date the land use final order is reduced to writing and bears the necessary signatures;

(e) States that failure by a person to raise an issue at the hearing, in person or in writing, or failure to provide sufficient specificity to afford the council an opportunity to respond to the issue raised, shall preclude appeal by that person to the board based on that issue;

(f) States that written notice of adoption of the land use final order will be provided only to persons who have provided oral or written testimony at the hearing and who also have provided, in writing, a request for written notice and a mailing address to which notice should be sent; and

(g) States that persons whose names appear on petitions submitted into the public hearing record will not be considered by that action to have provided oral or written testimony at the hearing.

(4) The council shall allow for the submission of oral and written testimony at the hearing, subject to such hearing procedures as the council may deem necessary or appropriate for the adoption of land use final orders. The council may exclude irrelevant, immaterial or unduly repetitious testimony.

(5) The council may take official notice at the hearing of any matter identified in ORS 40.065 and 40.090 or as authorized by the resolution, if any, of the council establishing hearing procedures for the adoption of land use final orders.

(6) The council shall close the hearing and shall adopt by resolution a land use final order. The council may continue the matter as provided in section 22 (1) of this Act or as it otherwise considers necessary for the purpose of land use final order adoption.

(7) The land use final order shall be accompanied by written findings demonstrating how the decisions on the light rail route, stations, lots and maintenance facilities, and the highway improvements, including their locations, comply with the criteria.

(8) Following adoption of a land use final order, the council as soon as reasonably possible shall:

(a) Provide media notice of the adoption; and

(b) Provide written notice of the adoption to persons who:

(A) Provided oral or written testimony at the hearing; and

(B) Provided at the hearing, in writing, a request for written notice and a mailing address to which written notice should be sent. Persons whose names appear on petitions provided at the hearing shall not be considered to have provided oral or written testimony at the hearing. The written notice of adoption provided hereunder shall indicate the date of written

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adoption and signature of the land use final order, identify the place at and time during
which a copy of the land use final order may be obtained and state that appeals from deci-
sions in the land use final order must be filed within 14 days following written adoption and
signature of the land use final order.

(9) The procedures established by this section establish the only opportunities that the
council must provide for interested persons to participate in the proceedings of the council
in adopting a land use final order. Subject to the other provisions established by this section,
the council by resolution may establish additional procedures to govern its proceedings in
adopting a land use final order.

SECTION 26. (1) The state, and all affected counties, cities, special districts and political
subdivisions shall:

(a) Amend their comprehensive or functional plans, including public facility plans and
transportation system plans and their land use regulations, to the extent necessary to make
them consistent with a land use final order; and

(b) Issue the appropriate development approvals, permits, licenses and certificates nec-
essary for the construction of the project or project extension consistent with a land use
final order. Development approvals, permits, licenses and certificates may be subject to
reasonable and necessary conditions of approval, but may not, by themselves or cumula-
tively, prevent implementation of a land use final order.

(2) Notwithstanding the provisions of subsection (1)(a) of this section or any other pro-
vision of state or local law, a land use final order shall be fully effective upon adoption.

(3) For purposes of subsection (1)(b) of this section, an approval condition shall be con-
sidered not reasonable or necessary, or shall be considered to prevent implementation of a
land use final order, if:

(a) The measure has been deleted or deferred from the project or project extension in the
Full Funding Grant Agreement; or

(b) The Steering Committee determines in accordance with the provisions of the inter-
governmental agreement described in section 20 (21) of this Act that:

(A) There are not sufficient federal, state and local funds within the project or project
extension budget to pay for the measure;

(B) The measure will significantly delay the completion or otherwise prevent the timely
implementation of the project or project extension; or

(C) The measure will significantly negatively impact the operations of the project or
project extension.

(4) Applications for development approvals under subsection (1)(b) of this section shall
be treated as land use decisions and not as limited land use decisions.

(5) Plan and land use regulation amendments, to the extent required under subsection
(1)(a) of this section shall not be reviewable by any court or agency.

(6) Development approvals and permit, license and certificate decisions under subsection
(1)(b) of this section may be the subject of administrative and judicial review as provided by
law. However, determinations of the Steering Committee made pursuant to subsection (3)
of this section shall not be reviewable and shall control in the event of conflict.

(7) Each state agency, special district or affected local government that issues a devel-
opment approval, permit, license or certificate for the project or project extension shall
continue to exercise enforcement authority over the development approval, permit, license
or certificate.

SECTION 27. (1) Notwithstanding ORS 183.482, 183.484, 197.825 or any other law or regulation, exclusive jurisdiction for review of a land use final order relating to the project or project extension is conferred on the Land Use Board of Appeals and the court as provided by sections 19 to 31 of this Act.

(2) Review of a land use final order relating to the project or project extension shall be initiated within 14 days following the date that the land use final order is reduced to writing and bears the necessary signatures by personal delivery to the board, to the administrator and to Metro at the office of Metro's executive officer of a notice of intent to appeal as required by this section.

(3) A person may petition for review of a land use final order relating to the project or project extension if the person:

(a) Personally delivered a notice of intent to appeal the land use final order as provided for in subsection (2) of this section; and

(b) Appeared before the council orally or in writing at the land use final order hearing on the project or project extension.

(4) A person's failure to raise an issue at the land use final order hearing, in person or in writing, or failure to provide sufficient specificity to afford the council an opportunity to respond to the issue raised, shall preclude that person from petitioning for review based on that issue.

(5) A notice of intent to appeal shall:

(a) Contain an affidavit stating the facts that support the petitioner's standing as provided in subsection (3) of this section;

(b) State with particularity the grounds on which the petitioner assigns error; and

(c) State the residence or business address of the petitioner to which documents may be delivered, and the telephone and facsimile number or numbers where the petitioner may be reached during normal business hours.

(6) Metro shall personally deliver to the board and to the administrator a certified copy of the record of the council's land use final order proceedings within seven days following the filing and delivery of a notice of intent to appeal as provided in subsection (2) of this section. Metro shall make copies of the record available to the public for the actual costs of copying. The record shall consist of the land use final order, the written findings accompanying the land use final order, the notice of the land use final order hearing, any audio cassette recordings of the hearing, a statement of matters that were officially noticed at the hearing, the staff report and any amendments thereto and documents accepted into the record at the hearing. Metro shall make a copy of the record available for inspection by petitioners and shall provide a copy of the record to any petitioner upon request for the actual costs of copying.

(7) Any objection to the record shall be personally delivered or transmitted by facsimile to the board, to the administrator and to Metro at the office of Metro's executive officer within four days following delivery of the record to the board. Within four days thereafter, responses of Metro to objections to the record shall be personally delivered or faxed to the board, to the administrator and to the residences or business addresses of the persons objecting. Thereafter, the board shall rule expeditiously on objections. The board's ruling on objections shall not affect the briefing schedule or decision timelines set forth in sections 19
to 31 of this Act.

(8) No stays or continuances of proceedings shall be permitted. No person may intervene in and thereby be made a party to the review proceedings, except that Tri-Met, the Department of Transportation and the affected local governments shall have standing to and may intervene on their own behalf.

(9) Within 14 days following the filing of the notice of intent to appeal, a petitioner shall personally deliver a petition for review and brief to the board, to the administrator, to Metro at the office of Metro’s executive officer and to Tri-Met, the Department of Transportation or an affected local government if it has filed a motion to intervene in the review proceeding. The petition for review and brief shall set out in detail each assignment of error and shall identify those portions of the record in which the petitioner raised in the land use final order hearing the issues as to which error is assigned. The petition for review and brief shall comply with the specifications for opening briefs set forth in the rules of appellate procedure.

(10) Within 28 days following the filing of the notice of intent to appeal, Metro and any intervening party shall personally deliver to the board, to the administrator and to any petitioner at the petitioner’s residence or business address their briefs in response to a petition for review and brief. Responding briefs shall comply with the specifications for answering briefs set forth in the rules of appellate procedure.

(11) Within 35 days following the filing of the notice of intent to appeal, the board shall hear oral argument in the manner provided for in its administrative rules. The board shall issue a final opinion within 28 days following oral argument. The board’s final opinion shall affirm or remand the council’s land use final order, stating the reasons for the decision.

(12)(a) The board shall remand the land use final order only if it finds that the council:

(A) Improperly construed the criteria;

(B) Exceeded its statutory or constitutional authority; or

(C) Made a decision in the land use final order on the light rail route, on stations, lots or maintenance facilities, or the highway improvements, including their locations, that was not supported by substantial evidence in the whole record. The existence in the whole record of substantial evidence supporting a different decision on the light rail route, stations, lots or maintenance facilities, or the highway improvements, including their locations, shall not be a ground for remand if there also was substantial evidence in the whole record supporting the land use final order.

(b) Failure to comply with statutory procedures, including notice requirements, shall not be grounds for invalidating a land use final order.

(c) The board shall affirm all portions of the land use final order that it does not remand.

(13) Upon issuance of its final opinion, the board shall file the opinion with the administrator and transmit copies to the parties. The board also shall inform the parties of the filing of the final opinion by telephone or facsimile. Within seven days following issuance of its final order, the board shall file with the administrator a copy of the record of the board.

(14) Neither the board nor the court shall substitute its judgment for that of the council as to any issue of fact or any issue within the discretion of the council.

SECTION 28. (1) Any party appearing before the Land Use Board of Appeals under section 27 of this Act and objecting to the board’s final opinion may petition the court for review of the final opinion as provided for in this section. The petition shall be filed with the administrator and served on the board and all parties within 14 days following the board’s is-
suance of its final opinion in the manner provided for filing and service in the rules of
appellate procedure. The petition shall be in the form of a brief and shall state, with
particularity and with supporting authority, each reason asserted for reversal or modifica-
tion of the board's decision. Insofar as practicable, the petition shall comply with the spec-
ifications for petitions for review in the rules of appellate procedure.

(2) If a petition for review has been filed, then within 14 days thereafter, any other party
appearing before the board may, but need not, file a response to the petition for review. In
the absence of a response, the party's brief before the board shall be considered as the re-
sponse. A party seeking to respond to the petition for review shall file its response with the
administrator and serve it on the board and all parties in the manner provided for filing and
service in the rules of appellate procedure. The response shall be in the form of a brief and
shall comply with the specifications for responses to petitions for review in the rules of ap-
pellate procedure.

(3) The court may decide the matter on the briefs, or it may hold oral argument. The
court may adopt the board's final opinion as its own, affirm without opinion or issue a sep-
parate opinion. The court shall decide the matter at its earliest practicable convenience,
consistent with sections 19 to 31 of this Act.

(4) The court shall affirm or remand the land use final order, in whole or in part. The
court shall affirm all parts of the final order that it does not remand. The court shall base
its decision on the standards for review set out in section 27 (12) of this Act. If the court
remands, the council shall respond as to those matters remanded by adopting by resolution
a land use final order on remand. The provisions of section 25 of this Act shall govern the
proceedings of the council in adopting a land use final order on remand. Upon adoption of a
land use final order on remand, Metro shall immediately file with the administrator the land
use final order on remand and the record of the council. Metro shall personally deliver
copies of its land use final order on remand to the parties before the court and shall inform
the parties of the filing of the final order on remand by telephone or facsimile.

(5) If the court remands, the court shall retain jurisdiction over the matters remanded.
Within 14 days following adoption of a land use final order on remand, the parties before the
court may submit memoranda to the court with respect thereto and shall personally deliver
copies of the memoranda to other parties before the court. The court may limit the length
of such memoranda. The court's decision on the land use final order on remand shall be
based on the standards set forth in section 27 (12) of this Act.

SECTION 29. (1) If, as a condition of executing a Full Funding Grant Agreement, the
Federal Government requires the deletion or deferral of portions of the approved project or
project extension, or the deletion or deferral of measures expressly provided for in a Final
Statement, a determination of which improvements or measures to delete or defer shall be
made in accordance with the provisions of the intergovernmental agreement described in
section 20 (21) of this Act.

(2) If, subsequent to execution of a Full Funding Grant Agreement, additional deletions
or deferrals are required due to insufficient funds in the budgets for the project or project
extension, a determination of which improvements or measures to delete or defer shall be
made in accordance with the provisions of the intergovernmental agreement described in
section 20 (21) of this Act.

SECTION 30. (1) Upon execution of a Full Funding Grant Agreement, the council shall
Amend the land use final order to be consistent with the terms and conditions of the Full Funding Grant Agreement.

(2) The following amendments to a land use final order shall be considered technical and environmental and shall not be subject to judicial or administrative review:

(a) Amendments resulting from adoption of a Final Statement;

(b) Amendments required to ensure consistency with an executed Full Funding Grant Agreement; and

(c) Amendments to defer or delete a portion of the project or project extension as provided for in section 22 (2) of this Act.

SECTION 30a. (1) If the line extending Tri-Met's regional light rail system north from Clackamas County, Oregon, is not part of a phased project that will serve both the Portland metropolitan region and Clark County, Washington, then prior to the issuance by Tri-Met of any general obligation bonds to fund its share of the line extending Tri-Met's regional light rail system north from Clackamas County, Oregon, Tri-Met shall submit to its electors the question of the issuance of such general obligation bonds.

(2) As used in this section, the terms "Portland metropolitan region" and "Tri-Met" have the meanings given those terms in section 2 of this Act.

SECTION 31. No action taken by the commission, the council, the board or the court under sections 19 to 31 of this Act shall be invalid due to a failure to meet a timeline established by sections 19 to 31 of this Act.

SECTION 31a. According to the provisions of ORS 192.230 to 192.250 and beginning in 1999, Metro shall report to the Legislative Assembly by January 15 of each odd-numbered year on the implementation of the South North Line. The report shall contain information on residential housing densities in the metropolitan service district and the geographic, economic and transportation relationships between the densities and the South North Line. The report shall compare housing densities at the time of the report to density projections contained in project plans. The report shall contain information on the construction status of the South North Line, projected expenditures for complete construction and maintenance of the line, expenditures from the South North Construction Fund and the Light Rail Bond Fund, and all financial obligations incurred by Metro and Tri-Met in planning, construction and operation of the South North Line. The report also shall contain information on planned, actual and projected ridership.

SECTION 31b. Section 31a of this Act is repealed July 1, 2019.

SECTION 32. The Legislative Assembly of the State of Oregon hereby adopts and ratifies the Columbia River Light Rail Transit Compact set forth in section 33 of this Act, and the provisions of the compact are hereby declared to be the law of this state upon such compact becoming effective as provided in Article XXI of the compact.

SECTION 33. The provisions of the Columbia River Light Rail Transit Compact are as follows:

ARTICLE I

Columbia River Light Rail Transit Authority Established

The States of Oregon and Washington establish by way of this interstate compact an independent, separate regional authority, which is an instrumentality of both of the signatory parties hereto, known as Columbia River Light Rail Transit Authority (hereinafter...
referred to as the “Authority”). The Authority shall be a body corporate and politic, and shall have only those powers and duties granted by this compact and such additional powers as may hereafter be conferred upon the Authority by the acts of both signatories.

ARTICLE II

Definitions

As used in this compact, the following words and terms shall have the following meanings, unless the context clearly requires a different meaning:

(1) "C-TRAN" means the Clark County Public Transportation Benefit Authority based in Clark County, Washington, or any successor agency or authority.

(2) "Major feeder system" means all bus or other transit services provided by C-TRAN or Tri-Met that are or are planned to be connected with the South North light rail transit line, to accommodate the transfer of passengers to or from the light rail line and to transport light rail passengers between the light rail station and their trip origin or trip destination.

(3) "Signatory" or "signatory state" means the State of Oregon or the State of Washington.

(4) "South North light rail transit line" means the light rail line directly connecting portions of Clackamas County, Oregon, Portland, Oregon and Clark County, Washington as may be extended from time to time, including any segment thereof, and also including, without limitation, all light rail vehicles, rights-of-way, trackage, electrification, stations, park-and-ride facilities, maintenance facilities, tunnels, bridges and equipment, fixtures, buildings and structures incidental to or required in connection with the performance of light rail service between portions of Clackamas County, Oregon, Portland, Oregon and Clark County, Washington. The South North light rail transit line shall include a system that comprises any future light rail lines and transit facilities that cross the jurisdictional lines of the signatory states.

(5) "Transit facilities" means all real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

(6) "Transit service" means the transportation of persons and their packages and baggage by C-TRAN, Tri-Met or the Authority by means of transit facilities.

(7) "Tri-Met" means the Tri-County Metropolitan Transportation District based in Portland, Oregon, or any successor agency or authority.

ARTICLE III

Purpose and Functions

The purpose of the Authority is:

(1) To generally cause the South North light rail transit line to be designed, engineered, financed, constructed and developed consistently with the applicable regional transportation and land use plans and the locally preferred alternative selected pursuant to regulations of the Federal Transit Administration or the regulations of any successor federal agency or authority;

(2) To facilitate the operation and maintenance of the South North light rail transit line;
(3) To coordinate C-TRAN and Tri-Met activities to implement and operate the major
feeder system that serves the South North light rail transit line;
(4) To coordinate C-TRAN and Tri-Met activities to implement and operate buses or other
transit facilities that serve bi-state trips; and
(5) To serve only such other regional transit purposes and to perform such other regional
transit functions as the signatories may authorize.

ARTICLE IV

Powers

The Authority has the power to:
(1) Sue and be sued, plead and be impleaded in all actions, suits or proceedings, brought
by or against it.
(2) Adopt suitable rules and regulations not inconsistent with this compact, the Constit-
tution and laws of the United States or the constitutions and laws of the signatories. The
Authority may adopt rules and regulations that:
(a) Govern its activities;
(b) Add specificity to its powers and duties;
(c) Interpret legislation that is applicable to the Authority; and
(d) Resolve inconsistencies resulting from the application of the laws and regulations of
both signatories.
(3) Acquire, maintain, control, and convey easements, licenses, and other limited prop-
erty rights for the purpose of constructing the South North light rail transit line. However,
the Authority shall not have the power to own real property.
(4) Receive and accept federal, state, regional or local payments, appropriations, grants,
gifts, loans, advances, credit enhancements, credit guarantees and other funds, properties
and services as may be transferred or made available to the Authority by either signatory,
any political subdivision or agency thereof, by the United States, or by any agency thereof,
or by any other public or private corporation or individual. Any funds received by the Au-
thority from any source may be commingled and expended to carry out the purposes and
functions of the Authority without regard to any law of the signatories that requires ex-
penditure of appropriated funds within the fiscal period for which the appropriation is made.
(5) Disburse funds for its lawful activities and to make grants or loans to C-TRAN or
Tri-Met.
(6) Enter into agreements with:
(a) C-TRAN or Tri-Met to provide planning, engineering, design, administration, con-
struction management or other services needed for the development of the South North light
rail transit line;
(b) C-TRAN, Tri-Met or, except with regard to matters specified in paragraph (a) of this
subsection, private entities for the construction of the South North light rail transit line;
(c) C-TRAN, Tri-Met or, except with regard to matters specified in paragraph (a) of this
subsection, private entities for the construction of bridges over or tunnels under navigable
streams and bodies of water to be owned individually or jointly by the States of Oregon and
Washington;
(d) C-TRAN or Tri-Met for the management, operation, and maintenance of the South
North light rail transit line;
(e) C-TRAN or Tri-Met providing for acquisition by C-TRAN, Tri-Met or other public en-
entities of the property rights needed for the South North light rail transit line and related activities;
(f) C-TRAN, Tri-Met or private entities to purchase, lease or otherwise acquire the materials, equipment and vehicles needed for the construction and implementation of the South North light rail transit line; and
(g) C-TRAN or Tri-Met to implement the decisions of the Authority.
(7) Delegate any of its powers and duties to any political subdivision or governmental agency.
(8) Resolve any disputes between C-TRAN and Tri-Met over the operation of the South North light rail transit line or the major feeder system. However, the Authority shall not have the power to require from C-TRAN and Tri-Met capital improvements to the South North light rail transit line or the major feeder system.
(9) To the extent allowed by law, encourage, assist and facilitate public and private development along the South North light rail transit line.
(10) Perform all other necessary and incidental functions.
(11) Exercise such additional powers as shall be conferred on it by Act of the federal Congress or jointly by the signatories.

ARTICLE V
Board Membership
The Authority shall be governed by a board of six directors consisting of three members of the C-TRAN governing body and three members of the Tri-Met governing body. Directors representing C-TRAN and Tri-Met shall be appointed by their respective governing bodies.

ARTICLE VI
Terms of Office
Board members shall serve terms of four years, unless terminated earlier by the governing body of the appointing transit agency.

ARTICLE VII
Compensation of Directors
The directors shall serve without compensation. The directors may be reimbursed for the necessary expenses incurred in the performance of their duties pursuant to adopted policies of the transit agency that appointed them.

ARTICLE VIII
Organization and Procedure
The board of directors of the Authority shall by rule provide for its own organization and procedure. It shall biennially elect a chairperson from among its directors who shall serve a term of two years subject to earlier removal by a vote of four directors. Meetings of the board shall be held as frequently as the board deems that the proper performance of its duties requires, and the board shall keep minutes of its meetings. The board shall adopt rules and regulations governing its meetings, minutes and transactions.

ARTICLE IX
Staff
The Authority shall not have the power to hire administrative staff. Administrative staff support shall be provided by C-TRAN and Tri-Met by intergovernmental agreement.

ARTICLE X
Quorum and Actions by the Board
Four directors shall constitute a quorum. No action by the board shall be effective unless there is an affirmative vote of a majority of those present.

ARTICLE XI
Conflicts of Interest

(1) No director shall:
   (a) Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the board of directors of the Authority is party;
   (b) In connection with services performed within the scope of official duties, solicit or accept money or any other thing of value in addition to the expenses paid to the director by the Authority; or
   (c) Offer money or any other thing of value for or in consideration of obtaining an appointment, promotion or privilege in employment with the Authority.

(2) Any director who willfully violates any provision of this section shall, in the discretion of the board, forfeit the office of the director. Any contract or agreement made in contravention of this section may be declared void by the board. Nothing in this section shall be considered to abrogate or limit the applicability of any federal or state law that may be violated by any action proscribed by this section.

ARTICLE XII
Financial Plans and Reports

The board of directors of the authority shall make and publish, as necessary, financial plans and detailed annual budgets for the construction, operation and maintenance of the South North light rail transit line, including a Sources of Funds plan. The board may also prepare, publish and distribute such other public reports and informational materials as it may deem necessary or desirable.

ARTICLE XIII
Operation and Maintenance Costs

(1) The Authority shall annually determine the amount of the South North light rail transit line's operating and maintenance costs and the Authority's administrative costs that shall be contributed to the Authority by C-TRAN and Tri-Met. The amount to be collected from C-TRAN and Tri-Met shall be based upon all relevant factors, including but not limited to, ridership origination and destination and relative usage of the South North light rail transit line.

(2) After establishing the amount to be allocated to C-TRAN and Tri-Met, the Authority shall levy an annual assessment on C-TRAN and Tri-Met for the purpose of financing the management, administration, operation, maintenance, repair, expansion, and related activities for facilities, equipment, systems or improvements included in the South North light rail transit line.

ARTICLE XIV
Capital Contributions

(1) The Authority shall enter into a financing plan agreement with C-TRAN, Tri-Met and any private entities providing construction financing for the South North light rail transit line or any segment thereof, which agreement shall establish a financing plan for the construction phases of the South North light rail transit line, including each segment thereof. The financing plan agreement shall specify the obligations of each party to pay a portion of
the construction costs of the South North light rail transit line, including the estimated total
construction costs, the percentage share of each party of the total construction costs, the
estimated schedule for the payment of each party's percentage share and the planned source
of funds from which each party intends to fund its share of the total construction costs. The
financing plan agreement, among other matters, may:

(a) Separately specify each party's obligation for each segment of the South North light
rail transit line;
(b) Limit the liability of C-TRAN and Tri-Met to particular funding sources identified in
the financing plan agreement;
(c) Make provisions for any interim financing, credit enhancements or guarantees to be
provided by C-TRAN, Tri-Met or any other parties in order to supply the funds needed to
construct the South North light rail transit line in accordance with the construction sched-
ule established in the financing plan agreement; or
(d) Provide that all or a portion of one party's obligations shall be satisfied by making
payments to another party to the agreement in order to pay or reimburse the construction
or financing costs incurred by the payee.

(2) The financing plan agreement shall provide that C-TRAN and Tri-Met shall each re-
tain full power and authority to pledge their respective sources of funds as security for any
bonds, notes or other obligations issued thereby, and for any credit enhancements obtained
in connection with any such bonds, notes or other obligations, in order to provide interim
or permanent financing for the construction costs of the South North light rail transit line.
The financing plan agreement shall not in any way or to any extent create a pledge of or a
lien or encumbrance on any funds of C-TRAN or Tri-Met.

(3) C-TRAN and Tri-Met singly or together shall enter into one or more Full Funding
Grant Agreements with the Federal Transit Administration, or its successor, to establish the
federal funding commitment for the South North light rail transit line, or any segments
thereof, and the terms and conditions for obtaining the federal funds. The Authority shall
cause the South North light rail transit line, and each segment thereof, to be designed, en-
gineered and constructed in a manner consistent with the applicable Full Funding Grant
Agreement, applicable state laws and the terms and conditions of the financing plan agree-
ment.

(4) The financing plan agreement may be amended from time to time by the Authority,
C-TRAN and Tri-Met to the extent such parties determine any amendment is necessary or
beneficial. Any such amendment shall require the consent of any private entity that is a
party to the financing plan agreement only if and to the extent such consent is required
under the terms of the financing plan agreement.

ARTICLE XV
Indemnification

(1) C-TRAN shall hold Tri-Met and the Authority harmless and indemnify Tri-Met and the
Authority for any and all liability, settlements, losses, costs, damages and expenses in con-
nection with any action, suit or claim resulting from C-TRAN's negligent errors, omissions
or acts in carrying out the purposes of this compact.

(2) Tri-Met shall hold C-TRAN and the Authority harmless and indemnify C-TRAN and
the Authority for any and all liability, settlements, losses, costs, damages and expenses in
connection with any action, suit or claim resulting from Tri-Met's negligent errors, omis-
sions or acts in carrying out the purposes of this compact.

(3) The Authority shall hold C-TRAN and Tri-Met harmless and indemnify C-TRAN and Tri-Met for any and all liability, settlements, losses, costs, damages and expenses in connection with any action, suit or claim resulting from the Authority's negligent errors, omissions or acts in carrying out the purposes of this compact.

ARTICLE XVI

Fares

Fares will be established and collected by C-TRAN and Tri-Met for trips originating within their respective districts. Payment of those fares will be honored by the Authority as payment for passage on the South North light rail transit line.

ARTICLE XVII

Insurance

The board of directors of the Authority may self-insure or purchase insurance and pay the premiums therefor against loss or damage, against liability for injury to persons or property and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the board may determine, subject to the requirements of any agreement or other obligations of the Authority.

ARTICLE XVIII

Tax Exemption

(1) It is hereby declared that the creation of the Authority and the carrying out of the purposes of the Authority is in all respects for the benefit of all people of the signatory states. It is further declared that the Authority and the board of directors are performing a public purpose and an essential government function, including, without limitation, proprietary, governmental and other functions, in the exercise of the powers conferred by this compact. Therefore, the Authority and the board of directors shall not be required to pay taxes or assessments upon any of the property under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of the South North light rail transit line or upon any revenues therefrom.

(2) When C-TRAN or Tri-Met, acting under an agreement with the Authority pursuant to Article IV of this compact, possesses or controls property or conducts activities in the operation and maintenance of the South North light rail transit line:

(a) C-TRAN and Tri-Met shall remain subject to the tax laws of their respective states with respect to such property located, or activities conducted, within their respective states;

(b) C-TRAN shall be subject to the tax laws of the State of Oregon with respect to such property located, or activities conducted, in Oregon only to the extent Tri-Met would be subject to those laws if Tri-Met rather than C-TRAN possessed or controlled the property or conducted the activity; and

(c) Tri-Met shall be subject to the tax laws of the State of Washington with respect to such property located, or activities conducted, in Washington only to the extent C-TRAN would be subject to those laws if C-TRAN rather than Tri-Met possessed or controlled the property or conducted the activity.

ARTICLE XIX

Applicable Laws

The Authority shall be both subject to and exempt from certain laws of the States of Oregon and Washington as concurred in by the legislature of each state, respectively. Where
the laws of the States of Oregon and Washington are not made inapplicable to the Authority
by legislative action, the laws of the respective states will continue to apply to activities oc-
curring within each state's geographical boundaries. However, the following laws shall apply
generally to the Authority regardless of the state in which the activities governed by the
laws occur. The following laws shall govern exclusively the matters they address, and the
provisions of corresponding or analogous laws of either signatory shall have no effect:
(1) Federal Administrative Procedures Act (5 U.S.C. 500 et seq.), as amended from time
to time, or any successor legislation;
(2) Federal Miller Act (40 U.S.C. 270a et seq.), as amended from time to time, or any
successor legislation;
(3) Federal prevailing wage law (40 U.S.C. 276a et seq.), as amended from time to time,
or any successor legislation;
(4) Federal rules on disadvantaged business enterprises (49 C.F.R. Part 23), as amended
from time to time, or any successor legislation;
(5) Federal competitive bidding laws (41 U.S.C. 251 et seq.), as amended from time to
time, or any successor legislation; and

ARTICLE XX
Jurisdiction of Courts
(1) The United States District Courts shall have original jurisdiction, concurrent with the
courts of Oregon and Washington, of all actions brought by or against the Authority and
shall enforce subpoenas issued under this Compact. Any such action initiated in a state court
shall be removable to the appropriate United States District Court in the manner provided
(2) All laws or parts of laws of the United States and of the signatory states that are
inconsistent with the provisions of this compact are hereby amended for the purpose of this
compact to the extent necessary to eliminate such inconsistencies and to carry out the
provisions of this compact.

ARTICLE XXI
Severability
If any provision of this compact, or its application to any person or circumstance, is held
to be invalid, all other provisions of this compact, and the application of all of its provisions
to all other persons and circumstances, shall remain valid and to this end, the provisions of
this compact are severable.

ARTICLE XXII
Effective Date
This compact shall take effect, and the board of the Authority may exercise its authority
pursuant to the compact when it has been ratified by the federal Congress and adopted by
both signatories, and the six directors of the board have been appointed. The effective date
of this compact shall be the date of the establishment of the board of directors of the Au-
thority.

SECTION 34. (1) A mass transit district established under ORS 267.010 to 267.390, when
operating under the authority or direction of the Columbia River Light Rail Transit Au-
authority established under the Columbia River Light Rail Transit Compact ratified by section 32 of this Act, retains all the rights, powers, privileges and immunities conferred upon the district by ORS 267.010 to 267.390 to the extent that those rights, powers, privileges and immunities are consistent with the provisions of the Columbia River Light Rail Transit Compact.

(2) A mass transit agency organized under the laws of the State of Washington, when operating in Oregon under the authority or direction of the Columbia River Light Rail Transit Authority established under the Columbia River Light Rail Transit Compact ratified by section 32 of this Act, may exercise all of the rights, powers, privileges and immunities conferred upon a mass transit district by ORS 267.010 to 267.390 to the extent that those rights, powers, privileges and immunities are consistent with the provisions of the Columbia River Light Rail Transit Compact.

MISCELLANEOUS

SECTION 35. ORS 480.355 is amended to read:

480.355. (1) Notwithstanding ORS 480.345, upon application from the owner or operator of a nonretail facility, the State Fire Marshal may issue a conditional use license under which the nonretail facility may permit persons who are not qualified as nonretail customers under ORS 480.345 (2) to (4) to dispense Class 1 flammable liquids at a nonretail facility.

(2) In issuing a conditional use license, the State Fire Marshal may waive the nonretail customer requirements of ORS 480.345 (2) to (4), but may not waive safety training requirements contained in ORS 480.345.

(3) The State Fire Marshal may issue a conditional use license under this section if the State Fire Marshal determines that:

(a) There is no facility where Class 1 flammable liquids are dispensed by attendants at retail within seven miles of the nonretail facility; and

(b) Other undue hardship conditions exist, as may be determined by the State Fire Marshal by rule. The State Fire Marshal shall consider comments of local residents or local government bodies to determine if undue hardship exists.

(4) The provisions of ORS 480.345 and 480.350 apply to a license application made under this section, except those provisions whose applicability is waived by the State Fire Marshal under this section.

(5) The applicant for a conditional use license shall bear the burden of proof that the requirements of this section and of any rules of the State Fire Marshal adopted pursuant to this section are satisfied.

(6) The State Fire Marshal shall investigate any application made under this section and hold at least one public hearing to determine if the conditional use license should be issued.

(7) Any person who makes application as provided for in this section, and whose application is denied, shall be entitled to a hearing upon request. The hearing shall be conducted as a contested case hearing pursuant to the applicable provisions of ORS 183.413 to 183.470.

(8) Judicial review of an order made after a hearing under subsection (7) of this section shall be as provided in ORS 183.480 to 183.497 for judicial review of contested cases.

REGIONAL PROBLEM SOLVING
SECTION 36. Sections 36a to 36g of this Act are added to and made a part of ORS chapter 197.

SECTION 36a. (1) Up to four pilot programs of the collaborative regional problem-solving process described in sections 36b and 36c of this 1995 special session Act shall be established in counties or regions geographically distributed throughout the state.

(2) The Land Conservation and Development Commission shall submit an application to the Emergency Board for funds sufficient to initiate pilot programs to carry out the collaborative regional problem-solving process as established in sections 36b and 36c of this 1995 special session Act.

SECTION 36b. (1) Local governments and those special districts that provide urban services may enter into a collaborative regional problem-solving process. A collaborative regional problem-solving process is a planning process directed toward resolution of land use problems in a region. The process must offer an opportunity to participate with appropriate state agencies and all local governments within the region affected by the problems that are the subject of the problem-solving process. The process must include:

(a) An opportunity for involvement by other stakeholders with an interest in the problem; and

(b) Efforts among the collaborators to agree on goals, objectives and measures of success for steps undertaken to implement the process as set forth in section 36c of this 1995 special session Act.

(2) As used in sections 36a to 36h of this 1995 special session Act, “region” means an area of one or more counties, together with the cities within the county, counties, or affected portion of the county.

SECTION 36c. (1) Upon invitation by the local governments in a region, the Land Conservation and Development Commission and other state agencies may participate with the local governments in a collaborative regional problem-solving process.

(2) Following the procedures set forth in this subsection, the commission may acknowledge amendments to comprehensive plans and land use regulations, or new land use regulations, that do not fully comply with the rules of the commission that implement the statewide planning goals, without taking an exception, upon a determination that:

(a) The amendments or new provisions are based upon agreements reached by all local participants, the commission and other participating state agencies, in the collaborative regional problem-solving process;

(b) The regional problem-solving process has included agreement among the participants on:

(A) Regional goals for resolution of each regional problem that is the subject of the process;

(B) Optional techniques to achieve the goals for each regional problem that is the subject of the process;

(C) Measurable indicators of performance toward achievement of the goals for each regional problem that is the subject of the process;

(D) A system of incentives and disincentives to encourage successful implementation of the techniques chosen by the participants to achieve the goals;

(E) A system for monitoring progress toward achievement of the goals; and

(F) A process for correction of the techniques if monitoring indicates that the techniques...
are not achieving the goals; and

(c) The agreement reached by regional problem-solving process participants and the implementig plan amendments and land use regulations conform, on the whole, with the purposes of the statewide planning goals.

(3) A local government that amends an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation in order to implement an agreement reached in a regional problem-solving process shall submit the amendment or new regulation to the commission in the manner set forth in ORS 197.628 to 197.644 for periodic review or set forth in ORS 197.251 for acknowledgment.

(4) The commission shall have exclusive jurisdiction for review of amendments or new regulations described in subsection (3) of this section. A participant or stakeholder in the collaborative regional problem-solving process shall not raise an issue before the commission on review that was not raised at the local level.

(5) If the commission denies an amendment or new regulation submitted pursuant to subsection (3) of this section, the commission shall issue a written statement describing the reasons for the denial and suggesting alternative methods for accomplishing the goals on a timely basis.

(6) If, in order to resolve regional land use problems, the participants in a collaborative regional problem-solving process decide to devote agricultural land or forestland, as defined in the statewide planning goals, to uses not authorized by those goals, the participants shall choose land that is not part of the region's commercial agricultural or forestland base, or take an exception to those goals pursuant to ORS 197.732. To identify land that is not part of the region's commercial agricultural or forestland base, the participants shall consider the recommendation of a committee of persons appointed by the affected county, with expertise in appropriate fields, including but not limited to farmers, ranchers, foresters and soils scientists and representatives of the State Department of Agriculture, the State Department of Forestry and the Department of Land Conservation and Development.

(7) The Governor shall require all appropriate state agencies to participate in the collaborative regional problem-solving process.

SECTION 36d. In addition to the provisions of ORS 197.744, the Land Conservation and Development Commission may modify an approved work program when a local government has agreed to participate in a collaborative regional problem-solving process pursuant to sections 36b and 36c of this 1995 special session Act.

SECTION 36e. The collaborative regional problem-solving process described in sections 36b and 36c of this 1995 special session Act shall be conducted only to the extent funds are available to the The Land Conservation and Development Commission.

SECTION 36f. Of the moneys appropriated to the Emergency Board for the biennium beginning July 1, 1995, the board shall allocate $1,000,000, upon application of the Land Conservation and Development Commission, for the purpose of implementing collaborative regional problem-solving pilot programs as described in sections 36a through 36c of this 1995 special session Act.

SECTION 36g. Sections 36a to 36f of this 1995 special session Act are repealed December 31, 1998.

SECTION 36h. ORS 197.717 is amended to read:

197.717. (1) State agencies shall provide technical assistance to local governments in:
(a) Planning and zoning land adequate in amount, size, topography, transportation access and surrounding land use and public facilities for the special needs of various industrial and commercial uses;
  
(b) Developing public facility plans; and
  
(c) Streamlining local permit procedures.

(2) The Economic Development Department shall provide a local government with "state and national trend" information to assist in compliance with ORS 197.712 (2)(a).

(3) The Land Conservation and Development Commission shall develop model ordinances to assist local governments in streamlining local permit procedures.

(4) The Department of Land Conservation and Development and the Economic Development Department shall establish a joint program to assist rural communities with economic and community development services. The assistance shall include, but not be limited to, grants, loans, model ordinances and technical assistance. The purposes of the assistance are to remove obstacles to economic and community development and to facilitate that development. The departments shall give priority to communities with high rates of unemployment.

SECTION 37. Sections 37a to 37c of this Act are added to and made a part of ORS 468B.200 to 468B.230.

SECTION 37a. As used in sections 37b to 37d of this 1995 special session Act, "person" does not include any local, state or federal agency.

SECTION 37b. (1) Prior to conducting an investigation of a confined animal feeding operation under ORS 468B.217 on the basis of a complaint, the State Department of Agriculture shall:
  
(a) Require the person making the complaint to specify the complaint in writing; and
  
(b) Determine which provision of ORS chapter 468 or 468B, which rule adopted under ORS chapter 468 or 468B or which permit issued under ORS chapter 468 or 468B the operator of the confined animal feeding operation may have violated.

(2) If, upon investigation under ORS 468B.217 on the basis of a complaint received under subsection (1) of this section, the State Department of Agriculture determines that a confined animal feeding operation has not violated a provision of ORS chapter 468 or 468B, a rule adopted under ORS chapter 468 or 468B or the conditions of a permit issued under ORS chapter 468 or 468B, the State Department of Agriculture shall require that any additional complaint filed by the same person in the same calendar year shall be accompanied by a security deposit of $100. If, after investigation, the State Department of Agriculture determines that a violation has occurred, the security deposit shall be returned to the person who filed the complaint. If the State Department of Agriculture determines that a violation has not occurred, the security deposit shall be forfeited.

SECTION 37c. Notwithstanding sections 37a and 37b of this 1995 special session Act, the State Department of Agriculture may investigate at any time any complaint if the State Department of Agriculture determines that the violation alleged in the complaint may present an immediate threat to the public health or safety.
SECTION 38. Sections 38a to 38e of this Act are added to and made a part of ORS chapter 634.

SECTION 38a. The Legislative Assembly hereby determines that the citizens of this state benefit from a system of safe, effective and scientifically sound pesticide regulation. The Legislative Assembly further finds that a uniform, statewide system of pesticide regulation that is consistent, coordinated and comports with both federal and state technical expertise is essential to the public health, safety and welfare and that local regulation of pesticides does not materially assist in achieving these benefits.

SECTION 38b. No city, town, county or other political subdivision of this state shall adopt or enforce any ordinance, rule or regulation regarding pesticide sale or use, including but not limited to:

1. (1) Labeling;
2. (2) Registration;
3. (3) Notification of use;
4. (4) Advertising and marketing;
5. (5) Distribution;
6. (6) Applicator training and certification;
7. (7) Licensing;
8. (8) Transportation;
9. (9) Packaging;
10. (10) Storage;
11. (11) Disclosure of confidential information; or

SECTION 38c. Notwithstanding section 38b of this 1995 special session Act, a city, town, county or other political subdivision of this state may adopt a policy regarding the use of pesticides on property owned by the city, town, county or other political subdivision adopting the policy.

SECTION 38d. Nothing in section 38b of this 1995 special session Act shall limit the authority of a city, town, county or other political subdivision of this state to adopt or enforce a local ordinance, rule or regulation strictly necessary to comply with:

1. (1) The Uniform Building Code published by the International Conference of Building Officials, as amended and adopted by the Director of the Department of Consumer and Business Services;
2. (2) A uniform fire code; or
3. (3) Any requirement of a state or federal statute or regulation pertaining to pesticides.

SECTION 38e. In administering ORS chapter 634, the State Department of Agriculture shall consider any concern raised by a city, town, county or other political subdivision of the state regarding the regulation of pesticides.

SB 160
(1) "Clear-cut" means any harvest unit in eastern Oregon that leaves fewer than 15 trees per acre that are well-distributed over the unit and that measure at least 10 inches at DBH. For purposes of this subsection, no tree shall be counted unless the top one-third of the bole of the tree supports a green, live crown. For purposes of computing basal area, trees larger than 20 inches shall be considered 20-inch trees.

(2) "Harvest type 1" means an operation that requires reforestation but does not require wildlife leave trees. A harvest type 1 is an operation that leaves a combined stocking level of free to grow seedlings, saplings, poles and larger trees that is less than the stocking level established by rule of the board which represents adequate utilization of the productivity of the site.

(3) "Harvest type 2" means an operation that requires wildlife leave trees but does not require reforestation. A harvest type 2 does not require reforestation because it has an adequate combined stocking of free to grow seedlings, saplings, poles and larger trees, but which leaves:

(a) On Cubic Foot Site Class I, II or III, fewer than 50 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre;
(b) On Cubic Foot Site Class IV or V, fewer than 30 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre; or
(c) On Cubic Foot Site Class VI, fewer than 15 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre.

(4) "Harvest type 3" means an operation that requires reforestation and requires wildlife leave trees. This represents a level of stocking below which the size of operations is limited per ORS 527.740 and 527.750.

(5) "Cumulative effects" means the impact on the environment which results from the incremental impact of the forest practice when added to other past, present and reasonably foreseeable future forest practices regardless of what governmental agency or person undertakes such other actions.

(6) "DBH" means the diameter at breast height which is measured as the width of a standing tree at four and one-half feet above the ground, on the uphill side.

(7) "Edge of the roadway" means:
(a) For interstate highways, the fence.
(b) For all other state highways, the outermost edge of pavement, or if unpaved, the edge of the shoulder.

(8) "Forestland" means land which is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.

(9) "Forest practice" means any operation conducted on or pertaining to forestland, including but not limited to:
(a) Reforestation of forestland;
(b) Road construction and maintenance;
(c) Harvesting of forest tree species;
(d) Application of chemicals; and
(e) Disposal of slash.

(10) "Forest tree species" does not include:
(a) Christmas trees on land used solely for the production of cultured Christmas trees as defined in ORS 215.203 (3).

(b) Hardwood timber, including but not limited to hybrid cottonwood, which is:

(A) Grown or growing on land which has been prepared by intensive cultivation methods and which is cleared of competing vegetation for at least three years after tree planting;

(B) Of a species marketable as fiber for inclusion in the "furnish" for manufacturing paper products;

(C) Harvested on a rotation cycle within [10] 12 years after planting; and

(D) Subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation.

[(8)] (11) "Landowner" means any individual, combination of individuals, partnership, corporation or association of whatever nature that holds an ownership interest in forestland, including the state and any political subdivision thereof.

[(9)] (12) "Operation" means any commercial activity relating to the growing or harvesting of forest tree species.

[(10)] (13) "Operator" means any person, including a landowner or timber owner, who conducts an operation.

(14) "Single ownership" means ownership by an individual, partnership, corporation, limited liability company, trust, holding company or other business entity, including the state or any political subdivision thereof. Single ownership includes ownership held under different names or titles where the same individual or individuals, or their heirs or assigns, are shareholders (other than those of public corporations whose stock is traded on the open market), partners, business trustees or officers, or otherwise have an interest in or are associated with each property.

[(11)] (15) "State Forester" means the State Forester or the duly authorized representative of the State Forester.

[(12)] (16) "Suitable hardwood seedlings" means any hardwood seedling that will eventually yield logs or fiber, or both, sufficient in size and quality for the production of lumber, plywood, pulp or other forest products.

[(13)] (17) "Timber owner" means any individual, combination of individuals, partnership, corporation or association of whatever nature, other than a landowner, that holds an ownership interest in any forest tree species on forestland.

[(14)] (18) "Visually sensitive corridor" means forestland [located within the area] extending outward 150 feet, measured on the slope, from the outermost [right of way boundary] edge of the roadway of a scenic highway referred to in ORS 527.755, along both sides for the full length of the highway.

(19) "Wildlife leave trees" means trees or snags required to be retained as described in section 39g (1) of this 1995 special session Act.

[(15)] (20) "Written plan" means a plan submitted by an operator, for written approval by the State Forester, which describes how the operation will be conducted, including the means to protect resource sites described in ORS 527.710 (3)(a) and information required by ORS 527.745 and 527.750, if applicable.

SECTION 39a. ORS 527.670 is amended to read:

527.670. (1) The State Board of Forestry shall designate the types of operations for which notice shall be required under this section.
(2) The board shall determine by rule what types of operations require a written plan to be approved by the State Forester.

(3)(a) The board's determination under subsection (2) of this section shall require a written plan for operations:

(A) Within one hundred feet of a [Class 1] stream determined by the State Forester to be used by fish or for domestic use, unless the board, by rule, provides that a written plan is not required because [there is no reasonable likelihood that such operations would damage a resource described in ORS 527.710 (2), within the riparian management area] the proposed operation will be conducted according to a general vegetation retention prescription described in administrative rule;

(B) Within three hundred feet of a resource site inventoried pursuant to ORS 527.710 (3)(a); or

[(C) On lands determined by the State Forester to be within high risk sites, unless the board, by rule, provides that a written plan is not required because there is no reasonable likelihood that such operations would damage a resource described in ORS 527.710 (2); or]

[(D) On lands to be clear-cut] That will result in harvest type 3 in excess of 120 acres pursuant to ORS 527.750.

(b) Plans submitted under paragraph (a)(C) and (D) of this subsection are not subject to appeal under ORS 527.700 (3).

(c) The board shall adopt rules and standards for which a written plan may be required for final clear-cut harvest operations of any stand of an average age less than 40 years. The written plan for such an operation must address the environmental consequences of the harvest and the economic costs and benefits.

(4) The distances set forth in subsection (3)(a)(A) and (B) of this section are solely for the purpose of defining an area within which a hearing may be requested under ORS 527.700 and not the area to be protected by the board's rules adopted pursuant to ORS 527.710 (3)(c).

(5) For the purpose of determining the distances set forth in subsection (3)(a)(A) and (B) of this section “site” means the specific resource site and not any additional buffer area.

(6) An operator, timber owner or landowner, before commencing an operation, shall notify the State Forester. The notification shall be on forms provided by the State Forester and shall include the name and address of the operator, timber owner and landowner, the legal description of the operating area, and any other information considered by the State Forester to be necessary for the administration of the rules promulgated by the board pursuant to ORS 527.710. Promptly upon receipt of such notice, the State Forester shall send a copy of the notice to whichever of the operator, timber owner or landowner did not submit the notification. The State Forester shall send a copy of notices involving chemical applications to persons within 10 miles of the chemical application who hold downstream surface water rights pursuant to ORS chapter 537, if such a person has requested that notification in writing. The board shall adopt rules specifying the information to be contained in the notice. All information filed with the State Forester pertaining to chemical applications shall be public record. [The State Forester shall also send to the operator, the timber owner and the landowner a copy of the rules applicable to the proposed operation.]

(7) An operator, timber owner or landowner, whichever filed the original notification, shall notify the State Forester of any subsequent change in the information contained in the notification.

(8) Within three working days of receipt of a notice or a written plan filed under subsection (6) or (7) of this section, the State Forester shall send a copy of the notice or written plan to any person who requested of the State Forester in writing that the person be sent copies of notice and written
plan and who has paid any applicable fee established by the State Forester for such service. The State Forester may establish a fee for sending copies of notices and written plans under this subsection not to exceed the actual and reasonable costs. In addition, the State Forester shall send a copy of the notification to the Department of Revenue and the county assessor for the county in which the operation is located, at times and in a manner determined through written cooperative agreement by the parties involved.

(9) Persons may submit written comments pertaining to the operation to the State Forester within 14 calendar days of the date the notice or written plan was filed with the State Forester under subsection (2), (6) or (7) of this section. Notwithstanding the provisions of this subsection, the State Forester may waive any waiting period for operations not requiring a written plan under subsection (3) of this section, except those operations involving aerial application of chemicals.

(10) Whenever an operator, timber owner or landowner is required to submit a written plan of operations to the State Forester under subsection (3)(a)(A) or (B) of this section, the State Forester shall not approve any such written plan until 14 calendar days following the date the written plan was filed with the State Forester. An operation may commence upon approval of the written plan.

(11)(a) The State Forester shall issue a decision on a written plan within five working days after the end of the 14-day period described in subsection (10) of this section.

(b) If the State Forester fails to issue a decision within five working days after the end of the 14-day period described in subsection (10) of this section, the written plan shall be deemed approved and the operation may be commenced.

(12) When the operation is required to have a written plan under subsection (3)(a)(A) or (B) of this section and comments have been timely filed under subsection (9) of this section pertaining to the operation requiring a written plan, the State Forester shall:

(a) Send a copy of the approved written plan to persons who submitted timely written comments under subsection (9) of this section pertaining to the operation; and

(b) Send to the operator, timber owner and landowner a copy of the approved written plan and copies of all timely comments submitted under subsection (9) of this section.

SECTION 39b. ORS 527.740 is amended to read:

527.740. (1) No [clear-cut] harvest type 3 unit within a single ownership shall exceed 120 acres in size, except as provided in ORS 527.750.

(2) No [clear-cut] harvest type 3 unit shall be allowed within 300 feet of the perimeter of a prior [clear-cut] harvest type 3 unit within a single ownership if the combined acreage of the [clear-cut] harvest type 3 areas subject to regulation under the Oregon Forest Practices Act would exceed 120 acres in size, unless the prior [clear-cut] harvest type 3 unit has been reforested as required by all applicable regulations and:

(a) At least 200 healthy conifer or suitable hardwood seedlings are the minimum tree stocking required by rule is established per acre; and either

(b) The resultant [reproduction] stand of trees has attained an average height of at least four feet; or

(c) At least 48 months have elapsed since the [seedlings were planted and the reproduction] stand was created and it is "free to grow" as defined by the State Board of Forestry.

(3) Any acreage attributable to riparian areas or to resource sites listed in ORS 527.710 (3) that is located within a harvest unit shall not be counted in calculating the size of a [clear-cut] harvest type 3 unit.

(4) The provisions of this section shall not apply when the land is being converted to managed
conifers or managed hardwoods from brush or [understocked hardwoods] hardwood stands that contain less than 80 square feet of basal area per acre of trees 11 inches DBH or greater or when the [clear-cut] harvest type 3 results from disasters such as fire, insect infestation, disease, windstorm or other occurrence that the State Forester determines was beyond the landowner's control and has substantially impaired productivity or safety on the unit or jeopardizes nearby forestland. The prior approval of the State Forester shall be required for such conversion or [clear-cut] harvest type 3 operations that exceed 120 acres in size.

(5) The provisions of this section do not apply to any operation where the operator demonstrates to the State Forester that:

(a) The trees are subject to a cutting right created by written contract prior to October 1, 1990, which provides that the trees must be paid for regardless of whether the trees are cut, or subject to a cutting right created by reservation in a deed prior to October 1, 1990; and

(b) If the provisions of this section were applied, the cutting right would expire before all the trees subject to the cutting right could reasonably be harvested.

SECTION 39e. ORS 527.745 is amended to read:

527.745. (1) The State Board of Forestry shall adopt standards for the reforestation of [clear-cut harvests] harvest type 1 and harvest type 3. Unless the board makes the findings for alternate standards under subsection (2) of this section, [and except to the extent that more stringent reforestation requirements apply under ORS 527.740 (2),] the standards for the reforestation of [clear-cuts] harvest type 1 and harvest type 3 shall include the following:

(a) Reforestation, including site preparation, [of clear-cut units] shall commence within 12 months after the completion of harvest and shall be completed by the end of the second planting season after the completion of harvest. By the end of the fifth growing season after planting or seeding, at least 200 healthy conifer or suitable hardwood seedlings or lesser number as permitted by the board by rule, shall be established per acre, well-distributed over the area, which are “free to grow” as defined by the board.

(b) Landowners may submit plans for alternate practices that do not conform to the standards established under paragraph (a) of this subsection or the alternate standards adopted under subsection (2) of this section, including but not limited to variances in the time in which reforestation is to be commenced or completed or plans to reforest sites by natural reforestation. Such alternate plans may be approved if the State Forester determines that the plan will achieve equivalent or better regeneration results for the particular conditions of the site, or the plan carries out an authorized research project conducted by a public agency or educational institution.

(2) The board, by rule, may establish alternate standards for the reforestation of [clear-cuts] harvest type 1 and harvest type 3, in lieu of the standards established in subsection (1) of this section, but in no case can the board require the establishment of more than 200 healthy conifer or suitable hardwood seedlings per acre. Such alternate standards may be adopted upon finding that the alternate standards will better assure the continuous growing and harvesting of forest tree species and the maintenance of forestland for such purposes, consistent with sound management of soil, air, water, fish and wildlife resources based on one or more of the following findings:

(a) Alternate standards are warranted based on scientific data concerning biologically effective regeneration;

(b) Different standards are warranted for particular geographic areas of the state due to variations in climate, elevation, geology or other physical factors; or
Different standards are warranted for different tree species, including hardwoods, and for different growing site conditions.

Pursuant to ORS 527.710, the board may adopt definitions, procedures and further regulations to implement the standards established under subsection (1) of this section, without making the findings required in subsection (2) of this section, if those procedures or regulations are consistent with the standards established in subsection (1) of this section.

The board shall encourage planting of disease and insect resistant species in sites infested with root pathogens or where planting of susceptible species would significantly facilitate the spread of a disease or insect pest and there are immune or more tolerant commercial species available which are adapted to the site.

The requirements of this section apply only to clear-cuts as defined in ORS 527.620 (2). Nothing in this section is intended to affect the administration and enforcement of regulations pertaining to the maintenance of minimum stocking levels or the reforestation of sites required as a result of operations other than such clear-cuts.

Notwithstanding subsections (1), (2) and (3) of this section, in order to remove potential disincentives to the conversion of underproducing stands, as defined by the board, or the salvage of stands that have been severely damaged by wildfire, insects, disease or other factors beyond the landowner's control, the State Forester may suspend the reforestation requirements for specific harvest type 1 or harvest type 3 units in order to take advantage of the Forest Resource Trust provisions, or other cost-share programs administered by the State Forester or where the State Forester is the primary technical adviser. Such suspension may occur only on an individual case basis, in writing, based on a determination by the State Forester that the cost of harvest preparation, harvest, severance and applicable income taxes, logging, site preparation, reforestation and any other measures necessary to establish a free-to-grow forest stand will likely exceed the gross revenues of the harvest. The board shall adopt rules implementing this subsection establishing the criteria for and duration of the suspension of the reforestation requirements.

SECTION 39d. ORS 527.750 is amended to read:

527.750. (1) Notwithstanding the requirements of ORS 527.740, a [clear-cut] harvest type 3 unit within a single ownership that exceeds 120 acres but does not exceed 240 acres may be approved by the State Forester if all the requirements of this section and any additional requirements established by the State Board of Forestry are met. Proposed [clear-cut] harvest type 3 units that are within 300 feet of the perimeter of a prior [clear-cut] harvest type 3 unit, and that would result in a total combined [clear-cut] harvest type 3 area under a single ownership exceeding 120 acres but not exceeding 240 acres, may be approved by the State Forester if the additional requirements are met for the combined [clear-cut] area. No [clear-cut] harvest type 3 unit within a single ownership shall exceed 240 contiguous acres. No [clear-cut] harvest type 3 unit shall be allowed within 300 feet of the perimeter of a prior [clear-cut] harvest type 3 unit within a single ownership if the combined acreage of the [clear-cut] areas subject to regulation under the Oregon Forest Practices Act would exceed 240 acres, unless the prior [clear-cut] harvest type 3 unit has been reforested by all applicable regulations and:

(a) At least [200 healthy conifer or suitable hardwood seedlings are] the minimum tree stocking required by rule is established per acre; and either

(b) The resultant [reproduction] stand of trees has attained an average height of at least four feet; or
(c) At least 48 months have elapsed since the [seedlings were planted and the reproduction] stand was created and it is "free to grow" as defined by the board.

(2) The requirements of this section are in addition to all other requirements of the Oregon Forest Practices Act and the rules adopted thereunder. The requirements of this section shall be applied in lieu of such other requirements only to the extent the requirements of this section are more stringent. Nothing in this section shall apply to operations conducted under ORS 527.740 (4) or (5).

(3) The board shall require that a written plan be submitted prior to approval of a [clear-cut] harvest type 3 operation under this section. The board may establish by rule any additional standards applying to operations under this section.

(4) The State Forester shall approve the [clear-cut] harvest type 3 operation if the proposed [clear-cut] operation would provide better overall results in meeting the requirements and objectives of the Oregon Forest Practices Act.

(5) The board shall specify by rule the information to be submitted for approval of [clear-cut] harvest type 3 operations under this section, including evidence of past satisfactory compliance with the Oregon Forest Practices Act.

SECTION 39e. ORS 527.755 is amended to read:

527.755. (1) The following highways are hereby designated as scenic highways for purposes of the Oregon Forest Practices Act:

(a) Interstate Highways 5, 84, 205, 405; and

(b) State Highways 6, 7, 20, 18/22, 26, 27, 30, 31, 34, 35, 36, 38, 42, 58, 62, 66, 82, 97, 101, 126, 138, 140, 199, 230, 234 and 395.

(2) The purpose of designating scenic highways is to provide a limited mechanism that maintains roadside trees for the enjoyment of the motoring public while traveling through forestland, consistent with ORS 527.630, safety and other practical considerations.

(3) The State Board of Forestry, in consultation with the Department of Transportation, shall establish procedures and regulations as necessary to implement the requirements of subsection (3) subsections (4), (5) and (6) of this section, consistent with [the safety of the motoring public] subsection (2) of this section, including provisions for alternate plans [providing equivalent or better results within visually sensitive corridors extending 150 feet from the outermost right of way boundary along both sides and for the full length of the scenic highways designated in subsection (1) of this section]. Alternate plans that modify or waive the requirements of subsection (4), (5) or (6) of this section may be approved when, in the judgment of the State Forester, circumstances exist such as:

(a) Modification or waiver is necessary to maintain motorist safety, protect improvements such as dwellings and bridges, or protect forest health;

(b) Modification or waiver will provide additional scenic benefits to the motoring public, such as exposure of distant scenic vistas;

(c) Trees that are otherwise required to be retained will not be visible to motorists;

(d) The operation involves a change of land use that is inconsistent with maintaining a visually sensitive corridor; or

(e) The retention of timber in a visually sensitive corridor will result in severe economic hardship for the owner because all or nearly all of the owner's property is within the visually sensitive corridor.

[(3)] (4)(a) For harvest operations within a visually sensitive corridor, at least 50 healthy trees
of at least 11 inches [at] DBH, or that measure at least 40 square feet in basal area, shall be temporarily left on each acre. [Harvest areas shall be cleared of major harvest debris within 30 days of the completion of the harvest or within 60 days of the cessation of active harvesting activity on the site, regardless of whether the harvest operation is complete.]

(b) Overstory trees initially required to be left under paragraph (a) of this subsection may be removed when the reproduction understory reaches an average height of at least 10 feet and has at least (250) the minimum number of stems per acre of free to grow seedlings or saplings required by the board for reforestation, by rule.

(c) Alternatively, when the adjacent stand, extending from 150 feet from the [corridor] outermost edge of the roadway to 300 feet from the [corridor] outermost edge of the roadway, has attained an average height of at least 10 feet and has at least (200) the minimum number of stems per acre of free to grow seedlings or saplings required by the board for reforestation, by rule, or at least 40 square feet of basal area per acre, no trees are required to be left in the visually sensitive corridor, or trees initially required to be left under paragraph (a) of this subsection may be removed. [Harvest areas within the visually sensitive corridor shall be cleared of major harvest debris within 30 days of the completion of the harvest or within 60 days of the cessation of active harvesting activity on the site, regardless of whether the harvest operation is complete. Reforestation shall be completed by the end of the first planting season after the completion of harvest. A minimum of 400 trees per acre shall be planted. By the end of the fifth growing season after the completion of planting, at least 250 healthy conifer seedlings shall be established per acre, well-distributed over the area, which are "free to grow" as defined by the board.] When harvests within the visually sensitive corridor are carried out under this paragraph the adjacent stand, extending from 150 feet from the [corridor] outermost edge of the roadway to 300 feet from the [corridor] outermost edge of the roadway, shall not be [clear-cut] reduced below the minimum number of stems per acre of free to grow seedlings or saplings at least 10 feet tall required by the board for reforestation, by rule, or below 40 square feet of basal area per acre until the adjacent visually sensitive corridor has been reforested as required under (this paragraph) subsection (6) of this section and the stand has attained an average height of at least 10 feet and has at least (250) the minimum number of stems per acre.

(5) Harvest areas within a visually sensitive corridor shall be cleared of major harvest debris within 30 days of the completion of the harvest, or within 60 days of the cessation of active harvesting activity on the site, regardless of whether the harvest operation is complete.

(6) Notwithstanding the time limits established in ORS 527.745 (1)(a), when harvesting within a visually sensitive corridor results in a harvest type 1 or harvest type 3, reforestation shall be completed by the end of the first planting season after the completion of the harvest. All other provisions of ORS 527.745 shall also apply to harvest type 1 or harvest type 3 within visually sensitive corridors.

(7) Landowners and operators shall not be liable for injury or damage caused by trees left within the visually sensitive corridor for purposes of fulfilling the requirements of this section, when carried out in compliance with the provisions of the Oregon Forest Practices Act.

(8) Harvest on single ownerships less than five acres in size are exempt from this section.

SECTION 39f. Section 39g of this Act is added to and made a part of ORS 527.610 to 527.770.

SECTION 39g. (1) In a harvest type 2 or harvest type 3 unit exceeding 25 acres, in order
to contribute to the overall maintenance of wildlife, nutrient cycling, moisture retention and
any other resource benefits of retained wood, the operator shall leave, on average per acre
harvested, at least:

(a) Two snags or two green trees at least 30 feet in height and 11 inches DBH or larger,
at least 50 percent of which are conifers; and
(b) Two downed logs or downed trees, at least 50 percent of which are conifers, that each
comprise at least 10 cubic feet gross volume and are no less than six feet long. One downed
conifer or suitable hardwood log of at least 20 cubic feet gross volume and no less than six
feet long may count as two logs.

(2) In meeting the requirements of subsection (1) of this section, the required snags,
trees and logs may be left in one or more clusters rather than distributed throughout the
unit. The location and distribution of the material shall be in the sole discretion of the
landowner or operator, consistent with safety and fire hazard regulations. The requirements
of subsection (1) of this section are in addition to all other requirements pertaining to forest
operations and may be met by counting snags, trees or logs otherwise required to be left in
riparian management areas or resource sites listed in ORS 527.710 (3) only as a specifically
harvest type 2 or harvest type 3 operation if the plan provides for an equal or greater num-
ber of trees or snags to be left in another harvest type 2 or harvest type 3 operation which,
in the opinion of the State Forester, would, in the aggregate, achieve better overall benefits
for wildlife; and

(3) For harvest type 2 or harvest type 3 operations adjacent to fish-bearing or domestic
use streams, the State Forester may require up to 25 percent of the green trees required to
be left pursuant to this section to be left in or adjacent to the riparian management area
of the fish-bearing or domestic use stream if such requirement would provide increased
benefits to wildlife. Such trees shall be in addition to trees otherwise required by rule to be
left in riparian management areas. The operator shall have sole discretion to determine
which trees to leave, either in or adjacent to a riparian management area, pursuant to this
paragraph.

(4) When a harvest type 2 or harvest type 3 unit occurs adjacent to a prior harvest type-
2 or harvest type 3 unit, resulting in a combined total contiguous acreage of harvest type 2
or harvest type 3 on a single ownership exceeding 25 acres, the snag or tree and downed log
retention requirements of subsection (1) of this section shall apply.

SECTION 39h. ORS 527.990 is amended to read:

527.990. (1) Violation of ORS 527.670, 527.740, 527.750 or 527.755 or section 39g of this 1995
special session Act, or any rule promulgated under ORS 527.710 is punishable, upon conviction, as
a misdemeanor. Each day of operation in violation of an order issued under ORS 527.680 (3) shall
be deemed to be a separate offense.

(2) Violation of ORS 527.260 (1) is a misdemeanor. Violation of ORS 527.260 is punishable, upon
conviction, by a fine of not more than $250 or by imprisonment in the county jail for not more than
60 days, or both.

SECTION 39i. ORS 527.992 is amended to read:

527.992. (1) In addition to any other penalty provided by law, any person who fails to comply
with any of the following may incur a civil penalty in the amount adopted under ORS 527.685:

(a) The requirements of ORS 527.670, 527.740, 527.750 or 527.755 or section 39g of this 1995
special session Act.
(b) The terms or conditions of any order of the State Forester issued in accordance with ORS 527.680.

(c) Any rule or standard of the State Board of Forestry adopted or issued pursuant to ORS 527.710.

(d) Any term or condition of a written waiver, or prior approval granted by, or of a written plan of operation accepted by the State Forester pursuant to the rules adopted under ORS 527.710.

(2) Imposition or payment of a civil penalty under this section shall not be a bar to actions alleging trespass under ORS 105.810, nor to actions under ORS 161.635 or 161.655 seeking to recover an amount based on the gain resulting from individual or corporate criminal violations.

SECTION 39j. ORS 527.683, 527.685 and 527.687 are added to and made a part of ORS 527.610 to 527.770.

SECTION 39k. ORS 527.687 is amended to read:

527.687. (1) Subject to the notice provisions of ORS 527.683, any civil penalty under ORS 527.992 shall be imposed in the manner provided in ORS 183.090.

(2) In no case shall a hearing requested under ORS 183.090 be held less than 45 days from the date of service of the notice of penalty to allow the party to prepare testimony. The hearing shall be held not more than 180 days following issuance of the notice unless all parties agree on an extension.

(3) The State Board of Forestry, by rule, may delegate to a hearings officer appointed by the State Forester, upon such conditions as deemed necessary, all or part of the authority to conduct hearings required by subsection (2) of this section.

(4) All civil penalties recovered under ORS 527.610 to 527.770, 527.990 and 527.992 shall be paid to the General Fund.

SECTION 39L. ORS 527.630 is amended to read:

527.630. (1) Forests make a vital contribution to Oregon by providing jobs, products, tax base and other social and economic benefits, by helping to maintain forest tree species, soil, air and water resources and by providing a habitat for wildlife and aquatic life. Therefore, it is declared to be the public policy of the State of Oregon to encourage economically efficient forest practices that assure the continuous growing and harvesting of forest tree species and the maintenance of forestland for such purposes as the leading use on privately owned land, consistent with sound management of soil, air, water, fish and wildlife resources and scenic resources within visually sensitive corridors as provided in ORS 527.755 that assures the continuous benefits of those resources for future generations of Oregonians.

(2) It is recognized that operations on forestland are already subject to other laws and to regulations of other agencies which deal primarily with consequences of such operations rather than the manner in which operations are conducted. It is further recognized that it is essential to avoid uncertainty and confusion in enforcement and implementation of such laws and regulations and in planning and carrying out operations on forestlands.

(3) To encourage forest practices implementing the policy of ORS 527.610 to 527.770 and 527.990 and 527.992, it is declared to be in the public interest to vest in the State Board of Forestry exclusive authority to develop and enforce statewide and regional rules pursuant to ORS 527.710 and to coordinate with other state agencies and local governments which are concerned with the forest environment.

(4) The board may adopt and enforce rules addressing scenic considerations only in accordance with ORS 527.755.
(5) The State of Oregon should provide a stable regulatory environment to encourage investment in private forestlands.

SECTION 39m. Section 39n of this Act is added to and made a part of ORS 527.610 to 527.770.

SECTION 39n. (1) The rulemaking authority of the State Board of Forestry under ORS 527.610 to 527.770 consists generally of the following three types of rules:

(a) Rules adopted to implement administration, procedures or enforcement of ORS 527.610 to 527.770 that support but do not directly regulate standards of forest practices.

(b) Rules adopted to provide definitions or procedures for forest practices where the standards are set in statute.

(c) Rules adopted to implement the provisions of ORS 527.710 (2), (3), (6), (8), (9) and (10) that grant broad discretion to the board and that set standards for forest practices not specifically addressed in statute.

(2) When considering the adoption of a rule, and prior to the notice required pursuant to ORS 183.335, the board shall determine which type of rule described in subsection (1) of this section is being considered.

(3) If the board determines that a proposed rule is of the type described in subsection (1)(a) or (b) of this section, or if the proposed rule is designed only to clarify the meaning of rules already adopted or to make minor adjustments to rules already adopted that are of the type described in subsection (1)(c) of this section, rulemaking may proceed in accordance with ORS 183.325 to 183.410 and is not subject to the provisions of this section.

(4) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, and the proposed rule would change the standards for forest practices, the board shall describe in its rule the purpose of the rule and the level of protection that is desired.

(5) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, including a proposed amendment to an existing rule not qualifying under subsection (3) of this section, and the proposed rule would provide new or increased standards for forest practices, the board may adopt such a rule only after determining that the following facts exist and standards are met:

(a) If forest practices continue to be conducted under existing regulations, there is monitoring or research evidence that documents that degradation of resources maintained under ORS 527.710 (2) or (3) is likely;

(b) If the resource to be protected is a wildlife species, the scientific or biological status of a species or resource site to be protected by the proposed rule has been documented using best available information;

(c) The proposed rule reflects available scientific information, the results of relevant monitoring and, as appropriate, adequate field evaluation at representative locations in Oregon;

(d) The objectives of the proposed rule are clearly defined, and the restrictions placed on forest practices as a result of adoption of the proposed rule:

(A) Are to prevent harm or provide benefits to the resource or resource site for which protection is sought; and

(B) Are directly related to the objective of the proposed rule and substantially advance its purpose;
(e) The availability, effectiveness and feasibility of alternatives to the proposed rule, including nonregulatory alternatives, were considered, and the alternative chosen is the least burdensome to landowners and timber owners, in the aggregate, while still achieving the desired level of protection; and

(f) The benefits to the resource that would be achieved by adopting the rule are in proportion to the degree that existing practices of the landowners and timber owners, in the aggregate, are contributing to the overall resource concern that the proposed rule is intended to address.

(6) Nothing in subsection (5) of this section:

(a) Requires the board to call witnesses;

(b) Requires the board to allow cross-examination of witnesses;

(c) Restricts ex parte communications with the board or requires the board to place statements of such communications on the record;

(d) Requires verbatim transcripts of records of proceedings; or

(e) Requires depositions, discovery or subpoenas.

(7) If the board determines that a proposed rule is of the type described in subsection (1)(c) of this section, and the proposed rule would require new or increased standards for forest practices, as part of or in addition to the economic and fiscal impact statement required by ORS 183.335 (2)(b)(E), the board shall, prior to the close of the public comment period, prepare and make available to the public a comprehensive analysis of the economic impact of the proposed rule. The analysis shall include, but is not limited to:

(a) An estimate of the potential change in timber harvest as a result of the rule;

(b) An estimate of the overall statewide economic impact, including a change in output, employment and income;

(c) An estimate of the total economic impact on the forest products industry and common school and county forest trust land revenues, both regionally and statewide; and

(d) Information derived from consultation with potentially affected landowners and timber owners and an assessment of the economic impact of the proposed rule under a wide variety of circumstances, including varying ownership sizes and the geographic location and terrain of a diverse subset of potentially affected forestland parcels.

(8) The provisions of this section do not apply to temporary rules adopted by the board.

SECTION 39o. (1) The provisions of this section apply to rules that are of the type described in section 39n (1)(c) of this Act that:

(a) Are adopted or proposed for adoption after the effective date of this Act; and

(b) Restrict the harvest of forest tree species, including, but not limited to, restrictions on:

(A) The timing or scheduling of harvest;

(B) The silvicultural prescription; or

(C) Which trees can be harvested.

(2)(a) A landowner or timber owner who can prove that application of a rule or rules of the type described in subsection (1) of this section to a parcel proposed for a timber harvest operation will result in more than a 10 percent reduction in the volume or value of merchantable forest tree species available for harvest may apply to the State Forestry Department for approval of an alternate plan that will provide the greatest level of protection possible for the resources protected under ORS 527.710 (2) and (3), while reducing the impact
on the volume or value of forest tree species below the 10 percent threshold.

(b) To qualify for approval of an alternate plan in connection with the application of a rule or rules described in subsection (1) of this section, a landowner or timber owner shall first make written application to the State Forester describing how the proposed operation is eligible for an alternate plan as described in paragraph (a) of this subsection.

(c) If the State Forester denies an application of the type described in paragraph (a) of this subsection, the landowner or timber owner seeking approval of an alternate plan may request a hearing pursuant to ORS 527.700. However, notwithstanding the time limits for conducting a hearing and issuing a final order under ORS 527.700 (1), a hearing conducted pursuant to this paragraph shall be commenced within 45 days after receipt of request for the hearing and a final order shall be issued within 90 days of the request for the hearing unless all parties agree to an extension of the time limit.

(d) In a proceeding under paragraph (c) of this subsection before the State Forester or the State Board of Forestry, the landowner or timber owner shall have the burden of proving a reduction of more than 10 percent in the volume or value of merchantable forest tree species available for harvest on the parcel of affected forestland.

(e) If the State Forester approves an application of the type described in paragraph (a) of this subsection, the department and the applicant shall develop and agree upon an alternate plan involving a combination of regulatory and voluntary compliance and, to the extent available, nonregulatory incentives that will provide the greatest level of protection possible for the resources protected under ORS 527.710 (2) and (3), while reducing the impact on the volume or value of forest tree species below the 10 percent threshold.

(f) If the department and the applicant fail to reach agreement on an alternate plan pursuant to paragraph (e) of this subsection, the department shall propose an alternate plan that achieves the objectives of paragraph (e) of this subsection. If the applicant disagrees with the alternate plan proposed by the department, the applicant may request a hearing pursuant to ORS 527.700. However, notwithstanding the time limits for conducting a hearing and issuing a final order under ORS 527.700 (1), a hearing conducted pursuant to this paragraph shall be commenced within 45 days after receipt of request for the hearing and a final order shall be issued within 90 days of the request for the hearing unless all parties agree to an extension of the time limit.

(3) A landowner or timber owner shall not qualify for an alternate plan under subsection (2)(a) of this section if the State Forester determines that the configuration of an operational unit was designed for the primary purpose of otherwise qualifying for such an alternate plan.

SECTION 39p. (1) Notwithstanding ORS 183.400, only a landowner or timber owner subject to regulation by a rule adopted after the effective date of this Act of the type described in section 39n (1)(c) of this Act, who participated in the rulemaking process before the State Board of Forestry, may, within 180 days of adoption of the rule, seek review under ORS 183.400 of either of the following determinations of the board:

(a) The determinations made under section 39n (5) of this Act.

(b) That the provisions of section 39n (4) to (6) of this Act do not apply to the rule because the rule is of a type described in section 39n (3) of this Act.

(2) In addition to the limitations on review under ORS 183.400 (4), in reviewing determinations made under section 39n of this Act as brought under subsection (1) of this section, the court shall not declare a rule invalid or remand a rule to the board unless it finds that
the rulemaking record, viewed as a whole, would not permit a reasonable person to make the
same determination made by the board pursuant to section 39n (3) or (5) of this Act. The
court shall not substitute its judgment for that of the board as to any determinations made
under section 39n of this Act.

(3) The rulemaking record for a rule of the type described in section 39n (1)(c) of this
Act is:
(a) The rule adopted by the board;
(b) The determinations made by the board pursuant to section 39n (3) or (5) of this Act;
(c) The written minutes of any advisory committee appointed under ORS 183.025 (2);
(d) The principal documents relied upon by the board in preparing the rule;
(e) The statement of fiscal impact prepared under ORS 183.335 (2)(b)(E);
(f) Any written comments or materials submitted by the public;
(g) A recording or summary of oral submissions received at any hearings;
(h) Written materials or reports submitted by the State Forestry Department; and
(i) A recording or summary of oral discussions of the board when the determinations
required by section 39n of this Act were made and the rule was adopted.

(4) In any judicial proceeding conducted pursuant to this section, attorney fees and costs
shall be awarded to the prevailing party.

SECTION 39q. Sections 39o and 39p of this Act are repealed July 1, 1997.

SECTION 39r. ORS 527.736 is amended to read:

527.736. (1) The standards established in ORS 527.740 to 527.750 shall be administered by the
State Forester as standards applying to all operations in the state, including those on forestland
owned by the state or any political subdivision thereof. Pursuant to ORS 527.710 the State Board
of Forestry shall adopt, repeal or amend forest practice rules as necessary to be consistent with
and to implement the standards established in ORS 527.740 to 527.750. Except as provided in sec-
tion 39n of this 1995 special session Act, nothing in ORS 468B.100 to 468B.110, 477.562, 527.620,
[527.630,] 527.670, 527.690, 527.710, 527.715, 527.722, 527.724 and 527.736 to 527.770 shall affect the
powers and duties of the board to adopt, or the State Forester to administer, all other regulations
pertaining to forest practices under applicable state law.

(2) Nothing in ORS 527.740 to 527.750 is intended to apply to cutting of trees that is for growth
enhancement treatments, as defined by the State Forester, such as thinning or precommercial
thinning.

SECTION 39s. (1) The State Board of Forestry shall appoint a task force to identify
nonregulatory means of achieving and maintaining a high level of stewardship in forestry
operations as alternatives to be preferred over an increased regulatory burden.

(2) The task force shall:
(a) Review the current forest practices regulatory program;
(b) Examine existing forest stewardship incentive programs in Oregon and other juris-
dictions and evaluate these as well as new and proposed incentives for their viability, recog-
nizing different land ownership sizes and conditions;
(c) Study existing and potential tax credits, as well as other taxing options, evaluating
their efficacy in encouraging long-term stewardship; and
(d) Consider increases in the state’s obligation to collect and share information or pro-
vide other services to encourage and facilitate good forest stewardship.

(3) The task force shall make a report to the State Board of Forestry no later than
February 1, 1996, so their initial recommendations to the board may be reflected in the State Forestry Department budget and legislation proposed for adoption by the Sixty-ninth Legislative Assembly.

HB 3112

SECTION 40. Any owner, operator or lessee of a rifle, pistol, silhouette, skeet, trap, blackpowder or other shooting range in this state shall be immune from civil or criminal liability based upon an allegation of noise or noise pollution so long as:

1. The allegation results from the normal and accepted activity on the shooting range;
2. The owner, operator or lessee complied with any applicable noise control law or ordinance existing at the time construction of the shooting range began or no noise control law or ordinance was then existing; and
3. The allegation results from activity on the shooting range occurring between 7 a.m. and 10 p.m. or conducted for law enforcement training purposes.

SECTION 40a. The owner, operator or lessee of a rifle, pistol, silhouette, skeet, trap, blackpowder or other shooting range in this state shall not be subject to any action for nuisance and no court in this state shall enjoin the use or operation of such shooting range on the basis of noise or noise pollution so long as:

1. The allegation results from the normal and accepted activity on the shooting range;
2. The owner, operator or lessee complied with any applicable noise control law or ordinance existing at the time construction of the shooting range began or no noise control law or ordinance was then existing; and
3. The allegation results from activity occurring between 7 a.m. and 10 p.m. or conducted for law enforcement training purposes.

SECTION 40b. Any local government or special district ordinance or regulation now in effect or subsequently adopted that makes a shooting range a nuisance or trespass or provides for its abatement as a nuisance or trespass is invalid with respect to a shooting range for which no action or claim is allowed under sections 40 and 40a of this Act.

SECTION 40c. ORS 467.020 is amended to read:

467.020. Except as provided in sections 40 and 40a of this 1995 special session Act, no person may emit, cause the emission of, or permit the emission of noise in excess of the levels fixed therefor by the Environmental Quality Commission pursuant to ORS 467.030.

SECTION 40d. ORS 467.030 is amended to read:

467.030. (1) In accordance with the applicable provisions of ORS 183.310 to 183.550, the Environmental Quality Commission shall adopt rules relating to the control of levels of noise emitted into the environment of this state and including the following:
(a) Categories of noise emission sources, including the categories of motor vehicles and aircraft.
(b) Requirements and specifications for equipment to be used in the monitoring of noise emissions.
(c) Procedures for the collection, reporting, interpretations and use of data obtained from noise monitoring activities.
(2) The Environmental Quality Commission shall investigate and, after appropriate public notice and hearing, shall establish maximum permissible levels of noise emission for each category established, as well as the method of measurement of the levels of noise emission.
(3) The Environmental Quality Commission shall adopt, after appropriate public notice and hearing, standards for the control of noise emissions which shall be enforceable by order of the commission.

(4) In adopting noise control rules, levels and standards under this section, the Environmental Quality Commission shall not adopt any rule that would impose liability for any activity for which immunity from civil and criminal liability is granted or for which an action for nuisance is prohibited under sections 40 and 40a of this 1995 special session Act.

SECTION 40e. The exemption allowed under sections 40 and 40a of this 1995 special session Act for shooting activity conducted for law enforcement training purposes shall be allowed only:

(1) For up to four nights a month; and

(2) After the owner, lessee or operator provides notice of the activity at least one week before the activity occurs by publication in a newspaper of general circulation in a county in which the shooting range is located.

SECTION 40e. The exemption allowed under sections 40 and 40a of this 1995 special session Act for shooting activity conducted for law enforcement training purposes shall be allowed only:

(1) For up to four nights a month; and

(2) After the owner, lessee or operator provides notice of the activity at least one week before the activity occurs by publication in a newspaper of general circulation in a county in which the shooting range is located.

SB 707

SECTION 41. Section 41a of this Act is added to and made a part of ORS chapter 498.

SECTION 41a. (1) The State Fish and Wildlife Commission shall issue not more than three permits annually for activities involving the protection of juvenile salmonids from cormorants (Phalacrocoracidae) on Oregon coastal river systems between Cape Falcon and Cascade Head.

(2) Activities authorized under the permits shall not include the killing, trapping or other taking of cormorants.

(3) Persons to whom permits are issued may subcontract with others for the performance of protection activities.

SECTION 41b. In addition to and not in lieu of any other appropriations or moneys made available by law or from other sources, there is appropriated to the State Department of Fish and Wildlife, for the biennium beginning July 1, 1995, out of the General Fund, the amount of $50,000. Such sum may only be expended in an amount not to exceed $25,000 per year, to pay permit holders for protection activities described in section 41a of this Act.

SECTION 42. It is the intent of the Legislative Assembly in enacting this Act that if any part of this Act is held unconstitutional, the remaining parts shall remain in force.

SECTION 43. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect upon passage.
MEMORANDUM

Date: August 16, 1995
To: JPACT Members
From: JPACT Finance Committee
Re: Recommendations on Regional Arterial Fund

The JPACT Finance Committee has been working over the past months to establish the framework for a Regional Arterial Fund. After careful consideration, we have concluded that JPACT and the region's jurisdictions should work collaboratively to develop a funding proposal that could be forwarded to Metro voters in 1996. In order to move forward with this question, we propose developing a set of priority projects based upon the following framework:

♦ A candidate list of projects based upon a $300-500 million amount over a 10-year period for regionally significant projects which are not generally funded by other sources. The Regional Arterial Program would be a continuing program with future phases and projects anticipated. (See Page 1.)

♦ The candidate list of projects should be assembled based upon the greatest share of funds (75 percent) distributed to counties and cities to finance regionally significant projects at the local level. The remainder of the list (25 percent) should be compiled for two types of regional projects: major bridge rehabilitation and freight projects. (See Page 2.)

♦ The candidate list of projects should be established based upon a distribution back to the area where funds are collected on a dollar in/dollar back basis. (See Page 3.)

Upon evaluation of this $300-500 million list of projects, JPACT and the Metro Council will determine whether there is a critical need and sufficient regional support to refer a ballot measure and the actual size of the proposed measure.

ACC:lmk
Regional Arterial Program:
a continuing program of 10-year phases,
the first of which will provide $300 to $500 million
for regionally significant projects.
### REGIONAL ARTERIAL PROGRAM:

#### Project Selection Process

<table>
<thead>
<tr>
<th>August</th>
<th>JPACT adopts criteria for projects to be funded through Regional Arterial Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 18</td>
<td>Projects solicited from counties, cities, Port of Portland and other agencies</td>
</tr>
<tr>
<td>August/September</td>
<td>Local projects developed through inter-agency collaboration involving cities, counties, Metro and the Port of Portland to best meet program criteria</td>
</tr>
<tr>
<td>September 18</td>
<td>Lists of candidate projects compiled at local level, submitted to JPACT</td>
</tr>
<tr>
<td>September - October</td>
<td>Regional staff evaluates candidate projects to assist JPACT Finance Committee in recommending regional program (program of high priority and regional projects) and funding amount</td>
</tr>
<tr>
<td>October - December</td>
<td>Project list reviewed and evaluated by JPACT Finance Committee, then approved by JPACT and Metro based upon public input</td>
</tr>
<tr>
<td>January, 1996</td>
<td>JPACT and Metro consider adoption of ballot measure referral</td>
</tr>
</tbody>
</table>

*Projects will be selected through a collaborative local/regional process.*
IN

public life

Metro may send highway improvements list to voters

A Metro committee has decided to draw up a list of regional highway improvements to consider submitting to Portland-area voters in May 1996.

The Joint Policy Advisory Committee on Transportation is considering asking voters to approve $300 million to $500 million in regional arterial projects. About 75 percent would go cities and counties, and the rest would be for bridge rehabilitation and freight transportation projects.

The projects would be financed from a regional gasoline tax of as much as 10 cents a gallon, or from a combination of a gasoline tax and a regional vehicle registration fee of $15 a year, all of which would have to approved by voters.

Metro Councilor Rod Monroe, the committee chairman, said the region's cities and counties should submit their proposed lists within the next two months, and then Metro would begin work on a final list. A decision on whether to submit the package to voters is months away.

— R. Gregory Nokes
Dear JFACT Members:

Please find enclosed a copy of the draft Metro 2040 Growth Concept Map dated July 1995. (We will present the map to MPAC on August 9, 1995, and recommendation on August 24,1995.) The Metro Council will begin consideration of adoption by ordinance beginning in September with a decision later in the fall. (See enclosed time line.)

Following are the changes in the map from the Metro 2040 Growth Concept Map adopted by resolution by the Metro Council on December 8, 1994:

Substantive General Map Changes

1. Corridors were narrowed from 720 feet either side of a road centerline to 360 feet.
2. One-half mile LRT station areas were added.
3. The nodes along Proposed Light Rail alignments were deleted.

Substantive Specific Map Changes

5. Forest Grove Town Center moved east.
6. Main Street added to Hillsboro Town Center.
7. 231/234st Corridor removed.
8. Evergreen/Brookwood Corridor removed.
9. Bethany Town Center moved south.
10. Bethany Corridor relocated to Springville Road.
11. Town Center on Farmington Road moved east.
12. A Corridor was added on Oleson Road.
13. Open Space designation added to Sherwood.
14. Town Center moved north in Sherwood.
15. Inner and Outer neighborhoods have been reshaped in Sherwood.
16. Addition of two Main Streets in Sherwood.
17. Open Space reduced in Tualatin.
18. Corridor along Boones Ferry south of Tualatin Town Center removed.
19. The potential High Capacity Transit alignment at the south end of Tualatin has been rerouted.
20. The Tigard Triangle was redesignated as an Employment Area.
21. Lake Grove Town Center moved east.
22. Employment area added along Highway 212 in Damascus Urban Reserve Study area.
22. Corridor alignment in Damascus Urban Reserve Study area changed from Foster Road to 172nd.
23. Fairview Town Center added.
24. Removed nodes along proposed LRT alignment, I-205 at Johnson City and Gladstone.
25. Minor Urban Reserve Study area corrections:
   a. Lake Oswego (approximately 1 acre)
   b. Carver
   c. Wilsonville (Day Road map error corrected)
26. Moved the Kruse Way Town Center east to intersection with Boones Ferry.
27. Added Employment Area to old Kruse Way Town Center area.
28. The Town Center on Foster has been relocated to the Foster, 172nd intersection.
29. A Corridor was added on Johnson Creek Boulevard east of 45th Avenue.
30. Moved Main Street north of Maywood Park.
31. All Outer neighborhoods in Gresham were changed to Inner Neighborhood.
32. Some Open Space has been removed from the Troutdale Town Center.
33. Inner Neighborhood has been added east of Beavercreek near Troutdale.
34. Addition of Marine Terminal T-6 near Hayden Island.
35. Added Main Street designation to parts of Lombard.
36. Added both Inner and Outer Neighborhoods near I-5 and Marine Drive.
37. Added Corridor and Main Street on Alberta.
38. Removed Corridor from Prescott.
39. Added Main Street of Fremont from 41st Avenue to 52nd Avenue.
40. Added Main Street of Thurman from 23rd Avenue to 29th Avenue.

Other Map Changes

41. Urban Growth Boundary line changed from heavy solid line to dotted line.
42. Map legend was revised so that “Railyards” changed to “Intermodal Railyards.”
43. Map legend changed from “Mixed Use Employment Centers” changed to “Employment Centers.”
Changes To Be Made

We have identified two changes that are not on the map, but will are recommended by staff to MTAC. These are as follows:

44. Change the map legend from "Regional Highways" to "Proposed Regional Highways." This is in response to Transportation Department and legal counsel concerns that the existing language could be inconsistent with the Federal RTP.

45. Remove the Corridor along Garden Home between Scholls Ferry and Oleson Road.

In the near future, we will also be sending an Analysis Map under separate cover to you for consideration as well. The Analysis map is not proposed for adoption, but illustrates one way that the Concept Map could be implemented.

Thank you for your help.

Sincerely,

John Fregonese
Director, Growth Management Department
METRO

To: Mayor Gussie McRobert, MPAC members and interested persons

From: John Fregonese, Director, Growth Management

Date: July 20, 1995

Subject: Revised draft of RUGGO

Enclosed please find a copy of the RUGGO with all of the recommended changed adopted by MPAC.

The RUGGO changes are shown by deletions and additions notations as compared with the December 8, 1994 version adopted by the Metro Council by resolution 94-2040. Accordingly, there are changes to changes that MPAC has made as it deliberated. Only the final version in comparison with the December 1994 version are shown.

We would also like to ask that MPAC consider the following changes which indicated in the draft as follows:

Lines 52-97 Re: Future Vision Summary - This is the summary of Future Vision as adopted by the Metro Council by Ordinance #95-604A.

Line 703 Re: Future Vision completion - The Future Vision will be was prepared..... Staff recommends that this change occur as the Future Vision project has now been completed.

Line 1798 Re: North Plains. North Plains has requested that they be included when citing neighbor cities.

Lines 2022-2028 Re: Corridors configuration alternative as a series of centers or nodes. There has been a discussion about the ways that corridors may actually be built and function. The existing RUGGO language indicate a continuous bands of higher density development. But, an alternative could be to have nodes or centers along an arterial, and the same type of capacity and performance could be achieved. This language was recommended by MTAC for MPAC consideration and we failed to forward this to MPAC.

Lines 2456-2457 Re: Definition of Persons per acre. This definition was also recommended by MTAC to MPAC and inadvertently left out.
We request that MPAC consider the revised RUGGO and the above changes. We would encourage the MPAC to conclude its recommendations about the RUGGO and forward them to the Metro Council at your earliest convenience.

Thank you.
Regional Urban Growth Goals and Objectives
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Introduction

The Regional Urban Growth Goals and Objectives (RUGGO) have been developed to:

1. guide efforts to maintain and enhance the ecological integrity, economic viability, and social equity and overall quality of life of the urban region;

2. respond to the direction given to Metro by the legislature through ORS ch 268.380 to develop land use goals and objectives for the region which would replace those adopted by the Columbia Region Association of Governments;

3. provide a policy framework for guiding Metro's regional planning program; principally its development of functional plans and management of the region's urban growth boundary, the development of the elements of Metro's regional framework plan, and its implementation of individual functional plans; and

4. provide a process for coordinating planning in the metropolitan area to maintain metropolitan livability.

The RUGGO's are envisioned not as a final plan for the region, but as a starting point for developing a more focused vision for the future growth and development of the Portland area not directly applicable to local plans and local land use decisions. However, they state regional policy as Metro develops plans for the region with all of its partners. Hence, the RUGGO's are the building blocks with which the local governments, citizens, the business community, and other interests can begin to develop a shared view of the region's future.

This document begins with the broad outlines of that vision Future Vision Summary. This document is a summary of the Future Vision for the metropolitan region, developed consistent with the Metro Charter. The Future Vision, is not a regulatory document. Rather, it is a statement of aspiration. The regional framework plan, when adopted, must describe its relationship to the Future Vision. The RUGGO's follow next and are presented through two principal goals, the first dealing with the planning process and the second outlining substantive concerns related to urban form. The "subgoals" (in Goal II) and objectives provide clarification for the goals. The planning activities reflect priority actions that need to be taken to refine and clarify the goals and objectives further.

Metro's regional goals and objectives required by ORS 268.380(1) are in RUGGO
Goals I and II and Objectives 1-24, 23 only. RUGGO planning activities contain implementation ideas for future study in various stages of development that may or may not lead to RUGGO amendments, new functional plans, functional plan amendments, or regional framework plan elements. The regional framework plan, functional plans and functional plan amendments shall be consistent with Metro's regional goals and objectives and the Growth Concept, not RUGGO planning activities.
FUTURE VISION SUMMARY

FUTURE VISION

Our ecological and economic region goes beyond Metro's boundaries and stretches from the Cascades to the Coast Range, and from Longview to Salem. Any vision for a territory as large and diverse as this must be regarded as both ambitious and a work-in-progress. It is a first step in developing policies, plans, and actions that serve our bi-state region and all its people.

While Metro recognizes that it has no control over surrounding jurisdictions and is not responsible for the provision of public safety and other social services, the ability to successfully manage growth within this region is dependent on and impacts each of these.

Future Vision is mandated by Metro's 1992 Charter. It is not a regulatory document; rather it is a standard against which to gauge progress toward maintaining a livable region. It is based on a number of core values essential to shaping our future. As a region:

- We value taking purposeful action to advance our aspirations for this region, realizing that we should act to meet our needs today in a manner that does not limit or eliminate the ability of future generations to meet their needs and enjoy this landscape we are privileged to inhabit.
- We value the greatest possible individual liberty in politics, economics, lifestyle, belief, and conscience, with the understanding that this liberty cannot be fully realized unless accompanied by shared commitments for community, civic involvement, and a healthy environment.
- We value our regional identity and sense of place, and celebrate the identity and accomplishments of our urban neighborhoods and suburban and rural communities.
- We value vibrant cities that are an inspiration and a crucial resource for commerce, cultural activities, politics, and community building.
- We value a healthy economy that provides stable family-wage jobs. We recognize that our economic well-being depends on unimpaired and sustainable natural ecosystems, and suitable social mechanisms to insure dignity and equity for all and compassion for those in need.
- We value the conservation, restoration, and preservation of natural and historic landscapes.
- We value a life close to nature incorporated in the urban landscape.
- We value nature for its own sake, and recognize our responsibility as stewards of the region's natural resources.
- We value meeting the needs of our communities through grass-roots efforts in
90 harmony with the collective interest of our regional community.
91 • We value participatory decision making which harnesses the creativity inherent in
92 a wide range of views.
93 • We value a cultural atmosphere and public policies that will insure that every child
94 in every community enjoys the greatest possible opportunities to fulfill his or her
95 potential in life.
96
97 (For a full text of the Metro Council adopted Future Vision, see Ordinance #95-604A).
Planning for and managing the effects of urban growth in this metropolitan region involves 24 cities, three counties, and more than 130 special service districts and school districts, including Metro. In addition, the State of Oregon, Tri-Met, the Port of Portland, and the Boundary Commission all make decisions which affect and respond to regional urban growth. Each of these jurisdictions and agencies has specific duties and powers which apply directly to the tasks of urban growth management.

However, the issues of metropolitan growth are complex and inter-related. Consequently, the planning and growth management activities of many jurisdictions are both affected by and directly affect the actions of other jurisdictions in the region. In this region, as in others throughout the country, coordination of planning and management activities is a central issue for urban growth management.

Nonetheless, few models exist for coordinating growth management efforts in a metropolitan region. Further, although the legislature charged Metro with certain coordinating responsibilities, and gave it powers to accomplish that coordination, a participatory and cooperative structure for responding to that charge has never been stated.

As urban growth in the region generates issues requiring a multi-jurisdictional response, a "blueprint" for regional planning and coordination is critically needed. Although most would agree that there is a need for coordination, there is a wide range of opinion regarding how regional planning to address issues of regional significance should occur, and under what circumstances Metro should exercise its coordination powers.

Goal I addresses this coordination issue in the region for the first time by providing the process that Metro will use to address areas and activities of metropolitan significance. The process is intended to be responsive to the challenges of urban growth while respecting the powers and responsibilities of a wide range of interests, jurisdictions, and agencies.

Goal II recognizes that this region is changing as growth occurs, and that change is challenging our assumptions about how urban growth will affect quality of life. For example:

- overall, the number of vehicle miles traveled in the region has been increasing at a
rate far in excess of the rate of population and employment growth;

- the greatest growth in traffic and movement is within suburban areas, rather than between suburban areas and the central downtown district;

- in the year 2010 Metro projects that 70% of all "trips" made daily in the region will occur within suburban areas;

- currently transit moves about 3% of the travelers in the region on an average workday;

- to this point the region has accommodated most forecasted growth on vacant land within the urban growth boundary, with redevelopment expected to accommodate very little of this growth;

- single family residential construction is occurring at less than maximum planned density;

- rural residential development in rural exception areas is occurring in a manner and at a rate that may result in forcing the expansion of the urban growth boundary on important agricultural and forest resource lands in the future;

- a recent study of urban infrastructure needs in the state has found that only about half of the funding needed in the future to build needed facilities can be identified.

Add to this list growing citizen concern about rising housing costs, vanishing open space, and increasing frustration with traffic congestion, and the issues associated with the growth of this region are not at all different from those encountered in other west coast metropolitan areas such as the Puget Sound region or cities in California. The lesson in these observations is that the "quilt" of 27 separate comprehensive plans together with the region's urban growth boundary is not enough to effectively deal with the dynamics of regional growth and maintain quality of life.

The challenge is clear: if the Portland metropolitan area is going to be different than other places, and if it is to preserve its vaunted quality of life as an additional 465,000 people move into the urban area in the next 20 years, then a cooperative and participatory effort to address the issues of growth must begin now. Further, that effort needs to deal with the issues accompanying growth—increasing traffic congestion, vanishing open space, speculative pressure on rural farm lands, rising housing costs, diminishing environmental quality—in a common framework. Ignoring vital links
between these issues will limit the scope and effectiveness of our approach to managing urban growth.

Goal II provides that broad framework needed to address the issues accompanying urban growth.
Planning for a Vision of Growth in the Portland Metropolitan Area

As the metropolitan area changes, the importance of coordinated and balanced planning programs to protect the environment and guide development becomes increasingly evident.

By encouraging efficient placement of jobs and housing near each other, along with supportive commercial, cultural and recreational uses, a more efficient development pattern will result.

An important step toward achieving this planned pattern of regional growth is the integration of land uses with transportation planning, including mass transit, which will link together mixed-use urban centers of higher density residential and commercial development.

The region must strive to protect and enhance its natural environment and significant natural resources. This can best be achieved by integrating the important aspects of the natural environment into a regional system of natural areas, open space and trails for wildlife and people. Special attention should be given to the development of infrastructure and public services in a manner that complements the natural environment.

A clear distinction must be created between the urbanizing areas and rural lands. Emphasis should be placed upon the balance between new development and infill within the region's urban growth boundary and the need for future urban growth boundary expansion. This regional vision recognizes the pivotal role played by a healthy and active central city, while at the same time providing for the growth of other communities of the region.

Finally, the regional planning program must be one that is based on a cooperative process that involves the residents of the metropolitan area, as well as the many public and private interests. Particular attention must be given to the need for effective partnerships with local governments because they will have a major responsibility in implementing the vision. It is important to consider the diversity of the region's communities when integrating local comprehensive plans into the pattern of regional growth.
GOAL I: REGIONAL PLANNING PROCESS

Regional planning in the metropolitan area shall:

1. Fully implement the regional planning functions of the 1992 Metro Charter;
2. Identify and designate other areas and activities of metropolitan concern through a participatory process involving the Metro Policy Advisory Committee, cities, counties, special districts, school districts, and state and regional agencies such as Tri-Met, the Metropolitan Arts Commission Regional Arts and Culture Council and the Port of Portland; and
3. Occur in a cooperative manner in order to avoid creating duplicative processes, standards, and/or governmental roles.

These goals and objectives shall only apply to acknowledged comprehensive plans of cities and counties when implemented through the regional framework plan, functional plans, or the acknowledged urban growth boundary plan.

Objective 1. Citizen Participation

Metro shall develop and implement an ongoing program for citizen participation in all aspects of the regional planning program. Such a program shall be coordinated with local programs for supporting citizen involvement in planning processes, and shall not duplicate those programs.

1. Metro Committee for Citizen Involvement (Metro CCI)
   Metro shall establish a Metro Committee for Citizen Involvement to assist with the development, implementation and evaluation of its citizen involvement program and to advise the Metro Policy Advisory Committee regarding ways to best involve citizens in regional planning activities.

2. Notification. Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences as well as opportunities for involvement on the part of affected citizens, both inside and outside of its district boundaries.

Objective 2. Metro Policy Advisory Committee
The 1992 Metro Charter has established the Metro Policy Advisory Committee to:

2.1 assist with the development and review of Metro's regional planning activities pertaining to land use and growth management, including review and implementation of these goals and objectives, development and implementation of the regional framework plan, present and prospective functional planning, and management and review of the region's urban growth boundary;

2.ii. serve as a forum for identifying and discussing areas and activities of metropolitan or subregional significance; and

2.iii. provide an avenue for involving all cities and counties and other interests in the development and implementation of growth management strategies.

2.1. Metro Policy Advisory Committee Composition. The initial Metro Policy Advisory Committee (MPAC) shall be chosen according to the Metro Charter and, thereafter, according to any changes approved by majorities of MPAC and the Metro Council. The composition of the Committee shall reflect the partnership that must exist among implementing jurisdictions in order to effectively address areas and activities of metropolitan concern. The voting membership shall include elected and appointed officials and citizens of Metro, cities, counties and states consistent with section 27 of the 1992 Metro Charter.

2.2. Advisory Committees. The Metro Council, or the Metro Policy Advisory Committee consistent with the MPAC by-laws, shall appoint technical advisory committees as the Council or the Metro Policy Advisory Committee determine a need for such bodies.

2.3. Joint Policy Advisory Committee on Transportation (JPACT). JPACT with the Metro Council shall continue to perform the functions of the designated Metropolitan Planning Organization as required by federal transportation planning regulations. JPACT and the Metro Policy Advisory Committee shall develop a coordinated process, to be approved by the Metro Council, to assure that regional land use and transportation planning remains consistent with these goals and objectives and with each other.

Objective 3. Applicability of Regional Urban Growth Goals and Objectives

These Regional Urban Growth Goals and Objectives have been developed pursuant to ORS 268.380(1). Therefore, they comprise neither a comprehensive plan under ORS 197.015(5) nor a functional plan under ORS 268.390(2). The regional framework plan
and all functional plans prepared by Metro shall be consistent with these goals and objectives. Metro's management of the Urban Growth Boundary shall be guided by standards and procedures which must be consistent with these goals and objectives. These goals and objectives shall not apply directly to site-specific land use actions, including amendments of the urban growth boundary.

3.1 These Regional Urban Growth Goals and Objectives shall apply to adopted and acknowledged comprehensive land use plans as follows:

3.1.1 Components of the regional framework plan that are adopted as functional plans, or other functional plans, shall be consistent with these goals and objectives, and they may recommend or require amendments to adopted and acknowledged comprehensive land use plans; or and

3.1.2 The management and periodic review of Metro's acknowledged Urban Growth Boundary Plan, itself shall be consistent with these goals and objectives, may require changes in adopted and acknowledged land use plans; or and

3.1.3 The Metro Policy Advisory Committee may identify and propose issues of regional concern, related to or derived from these goals and objectives, for consideration by cities and counties at the time of periodic review of their adopted and acknowledged comprehensive plans.

3.2 Periodic Updates of the Regional Urban Growth Goals and Objectives. The Metro Policy Advisory Committee shall consider the regular updates of these goals and objectives and recommend a periodic review process for adoption by the Metro Council.

3.4 Objective 4. Urban Growth Boundary Plan. The Urban Growth Boundary Plan has two components:

4.1 The acknowledged urban growth boundary line; and

4.2 Acknowledged procedures and standards for amending the urban growth boundary line. Metro's Urban Growth Boundary Plan is not a regional comprehensive plan but a provision of the comprehensive plans of the local governments within its boundaries. The urban growth boundary line plan shall be in compliance with applicable statewide planning goals and consistent with these goals and objectives. Amendments to the urban growth
boundary line shall demonstrate consistency only with the acknowledged procedures and standards. Changes of Metro's acknowledged Urban Growth Boundary Plan may require changes in adopted and acknowledged comprehensive plans.

3.2. Objective 5. Functional Plans. Metro functional plans containing recommendations for comprehensive planning by cities and counties may or may not involve land use decisions. Functional plans are not required by the enabling statute to include findings of consistency with statewide land use planning goals. If provisions in a functional plan, or actions implementing a functional plan require changes in an adopted and acknowledged comprehensive land use plan, then that action may be a land use action required to be consistent with the statewide planning goals.

Functional plans are limited purpose plans, consistent with these goals and objectives, which address designated areas and activities of metropolitan concern. Functional plans are established in state law as the way Metro may recommend or require changes in local plans.

Those functional plans or plan provisions containing recommendations for comprehensive planning by cities and counties may not be final land use decisions. If a provision in a functional plan, or an action implementing a functional plan require changes in an adopted and acknowledged comprehensive plan, then adoption of a provision or action will be a final land use decision. If a provision in a functional plan, or an action implementing a functional plan require changes in an adopted and acknowledged comprehensive plan, then that provision or action will be adopted by Metro as a final land use action required to be consistent with statewide planning goals. In addition, regional framework plan components will be adopted as functional plans if they contain recommendations or requirements for changes in comprehensive plans. These functional plans, which are adopted as part of the regional framework plan, will be submitted along with other parts of the regional framework plan to LCDC for acknowledgment of their compliance with the statewide planning goals. Because functional plans are the way Metro recommends or requires local plan changes, most regional framework plan components will probably be functional plans. Until regional framework plan components are adopted, existing or new functional plans will continue to recommend or require changes in comprehensive plans.

3.3 Regional Framework Plan. (Relocated to Objective 6) The regional framework plan adopted by Metro shall be consistent with these goals and objectives. Provisions of the regional framework plan that establish performance standards, and that may
require changes in local comprehensive plans shall be adopted as functional plans;
and shall meet all requirements for functional plans contained in these goals and
objectives.

3.4. Periodic Review of Comprehensive Land Use Plans.—(Relocated to Objective 7)—At
the time of periodic review for comprehensive land use plans in the region the Metro
Policy-Advisory Committee:

3.4.1. Shall assist Metro with the identification of regional framework plan
elements, functional plan provisions or changes in functional plans adopted
since the last periodic review for inclusion in periodic review notices as changes
in law; and

3.4.2. May provide comments during the periodic review of adopted and
acknowledged comprehensive plans on issues of regional concern.

3.5. Periodic Review of the Regional Urban Growth Goals and Objectives. The Metro
Policy-Advisory Committee shall consider the periodic review notice for these goals and
objectives and recommend a periodic review process for adoption by the Metro
Council.

Objective 4—Implementation Roles

Regional planning and the implementation of these Regional Urban Growth Goals and
Objectives shall recognize the inter-relationships between cities, counties, special
districts, Metro, regional agencies, and the State, and their unique capabilities and
roles.

4.1. Metro Role. Metro shall:

4.1.1. Identify and designate areas and activities of metropolitan concern;

4.1.2. Provide staff and technical resources to support the activities of the Metro
Policy-Advisory Committee;

4.1.3. Serve as a technical resource for cities, counties, and other jurisdictions
and agencies;

4.1.4. Facilitate a broad-based regional discussion to identify appropriate
427 strategies for responding to those issues of metropolitan concern;
428
429 4.1.5. Adopt functional plans necessary and appropriate for the implementation
430 of these regional urban growth goals and objectives, and the regional framework
431 plan;
432
433 4.1.6. Coordinate the efforts of cities, counties, special districts, and the state to
434 implement adopted strategies; and
435
436 4.1.7. Adopt and periodically review and amend a Future Vision for the region,
437 consistent with Objective 6;
438
439 4.2. Role of Cities:
440
441 4.2.1. Adopt and amend comprehensive plans to conform to functional plans
442 adopted by Metro;
443
444 4.2.2. Identify potential areas and activities of metropolitan concern;
445
446 4.2.3. Cooperatively develop strategies for responding to designated areas and
447 activities of metropolitan concern;
448
449 4.2.4. Participate in the review and refinement of these goals and objectives.
450
451 4.3. Role of Counties:
452
453 4.3.1. Adopt and amend comprehensive plans to conform functional plans
454 adopted by Metro;
455
456 4.3.2. Identify potential areas and activities of metropolitan concern;
457
458 4.3.3. Cooperatively develop strategies for responding to designated areas and
459 activities of metropolitan concern;
460
461 4.3.4. Participate in the review and refinement of these goals and objectives.
462
463 4.4. Role of Special Service Districts. Assist Metro with the identification of areas and
464 activities of metropolitan concern and the development of strategies to address them;
465 and participate in the review and refinement of these goals and objectives:
4.5. Role of the State of Oregon.

4.5.1. Advise Metro regarding the identification of areas and activities of metropolitan concern;

4.5.2. Cooperatively develop strategies for responding to designated areas and activities of metropolitan concern;

4.5.3. Modify state plans, regulations, activities and related funding to enhance implementation of the regional framework plan and functional plans adopted by Metro, and employ state agencies and programs and regulatory bodies to promote and implement these goals and objectives and the regional framework plan;

4.5.4. Participate in the review and refinement of these goals and objectives.

Objective 5. Functional Planning Process

Functional plans are limited purpose plans, consistent with these goals and objectives, which address designated areas and activities of metropolitan concern. These shall include all sections of the regional framework plan that establish performance standards for local plans.

5.1. Existing Functional Plans. Metro shall continue to develop, amend, and implement, with the assistance of cities, counties, special districts, and the state, statutorily required functional plans for air, water, and transportation, as directed by ORS 268.390(1), and for solid waste as mandated by ORS ch 459.

5.2. New Functional Plans. New functional plans shall be proposed from one of two sources:

5.2.1. The Metro Policy Advisory Committee may recommend that the Metro Council designate an area or activity of metropolitan concern for which a functional plan should be prepared; or

5.2.2. The Metro Council may propose the preparation of a functional plan to designate an area or activity of metropolitan concern, and refer that proposal to the Metro Policy Advisory Committee.
The matters required by the Charter to be addressed in the regional framework plan shall constitute sufficient factual reasons for the development of a functional plan under ORS 268.390.

Upon the Metro Council adopting factual reasons for the development of a new functional plan, the Metro Policy Advisory Committee shall participate in the preparation of the plan, consistent with these goals and objectives and the reasons cited by the Metro Council. After preparation of the plan and seeking broad public and local government consensus, using existing citizen involvement processes established by cities, counties, and Metro, the Metro Policy Advisory Committee shall review the plan and make a recommendation to the Metro Council. The Metro Council may act to resolve conflicts or problems impeding the development of a new functional plan and may complete the plan the Metro Policy Advisory Committee is unable to complete its review in a timely manner.

The Metro Council shall hold a public hearing on the proposed plan and afterwards shall:

- 5.2.A. Adopt the proposed functional plan; or
- 5.2.B. Refer the proposed functional plan to the Metro Policy Advisory Committee in order to consider amendments to the proposed plan prior to adoption; or
- 5.2.C. Amend and adopt the proposed functional plan; or
- 5.2.D. Reject the proposed functional plan.

The proposed functional plan shall be adopted by ordinance, and shall include findings of consistency with these goals and objectives.

5.3. Functional Plan Implementation and Conflict Resolution. Adopted functional plans shall be regionally coordinated policies, facilities, and/or approaches to addressing a designated area or activity of metropolitan concern, to be considered by cities and counties for incorporation in their comprehensive land use plans. If a city or county determines that a functional plan requirement should not or cannot be incorporated into its comprehensive plan, then Metro shall review any apparent inconsistencies by the following process:
5.3.1. Metro and affected local governments shall notify each other of apparent or potential comprehensive plan inconsistencies.

5.3.2. After Metro staff review, the Metro Policy Advisory Committee shall consult the affected jurisdictions and attempt to resolve any apparent or potential inconsistencies.

5.3.3. The Metro Policy Advisory Committee shall conduct a public hearing and make a report to the Metro Council regarding instances and reasons why a city or county has not adopted changes consistent with requirements in a regional functional plan.

5.3.4. The Metro Council shall review the Metro Policy Advisory Committee report and hold a public hearing on any unresolved issues. The Council may decide to:

5.3.4.a. Amend the adopted regional functional plan; or

5.3.4.b. Initiate proceedings to require a comprehensive plan change; or

5.3.4.c. Find there is no inconsistency between the comprehensive plan(s) and the functional plan.

Objective 6. Regional Framework Plan. The regional framework plan required by the 1992 Metro Charter shall be consistent with these goals and objectives. Provisions of the regional framework plan that establish performance standards, and that recommend or require changes in local comprehensive plans shall be adopted as functional plans, and shall meet all requirements for functional plans contained in these goals and objectives. The Charter requires that all mandatory subjects be addressed in the regional framework plan. It does not require that all subjects be addressed to recommend or require changes in current comprehensive plans. Therefore, most, but not all regional framework plan components are likely to be functional plans because some changes in comprehensive plans may be needed. All regional framework plan components will be submitted to LCDC for acknowledgment of their compliance with the statewide planning goals. Until regional framework plan components are adopted, existing or new regional functional plans will continue to recommend or require changes in comprehensive plans.
Objective 7. Periodic Review of Comprehensive Land Use Plans. At the time of periodic review for comprehensive land use plans in the region the Metro Policy Advisory Committee:

7.1. Shall assist Metro with the identification of regional framework plan elements, functional plan provisions or changes in functional plans adopted since the last periodic review for inclusion in periodic review notices as changes in law, and

7.2. May provide comments during the periodic review of adopted and acknowledged comprehensive plans on issues of regional concern.

Objective 8. Implementation Roles

Regional planning and the implementation of these Regional Urban Growth Goals and Objectives shall recognize the inter-relationships between cities, counties, special districts, Metro, regional agencies, and the State, and their unique capabilities and roles.

8.1. Metro Role. Metro shall:

8.1.1. Identify and designate areas and activities of metropolitan concern;

8.1.2. Provide staff and technical resources to support the activities of the Metro Policy Advisory Committee;

8.1.3. Serve as a technical resource for cities, counties, school districts and other jurisdictions and agencies;

8.1.4. Facilitate a broad-based regional discussion to identify appropriate strategies for responding to those issues of metropolitan concern;

8.1.5. Adopt functional plans necessary and appropriate for the implementation of these regional urban growth goals and objectives, and the regional framework plan;

1 Whole section relocated. No change except for section numbering.

2 Whole section relocated, same except for addition of 8.17
8.1.6. Coordinate the efforts of cities, counties, special districts, and the state to implement adopted strategies; and

8.1.7. Adopt and periodically review and amend a Future Vision for the region, consistent with Objective 9

8.2. Role of Cities.

8.2.1. Adopt and amend comprehensive plans to conform to functional plans adopted by Metro;

8.2.2. Identify potential areas and activities of metropolitan concern through a broad-based local discussion;

8.2.3. Cooperatively develop strategies for responding to designated areas and activities of metropolitan concern;

8.2.4. Participate in the review and refinement of these goals and objectives.

8.3. Role of Counties.

8.3.1. Adopt and amend comprehensive plans to conform to functional plans adopted by Metro;

8.3.2. Identify potential areas and activities of metropolitan concern through a broad-based local discussion;

8.3.3. Cooperatively develop strategies for responding to designated areas and activities of metropolitan concern;

8.3.4. Participate in the review and refinement of these goals and objectives.

8.4. Role of Special Service Districts. Assist Metro, through a broad-based local discussion, with the identification of areas and activities of metropolitan concern and the development of strategies to address them, and participate in the review and refinement of these goals and objectives.

8.5 Role of School Districts

8.5.1 Advise Metro regarding the identification of areas and activities of school district
8.5.2 Cooperatively develop strategies for responding to designated areas and activities of school district concern;

8.5.3 Participate in the review and refinement of these goals and objectives.

8.6. Role of the State of Oregon.

8.6.1 Advise Metro regarding the identification of areas and activities of metropolitan concern;

8.6.2 Cooperatively develop strategies for responding to designated areas
673 and activities of metropolitan concern;
674
675 8.6.3. Review state plans, regulations, activities and related funding to consider
676 changes in order to enhance implementation of the regional framework plan and
677 functional plans adopted by Metro, and employ state agencies and programs
678 and regulatory bodies to promote and implement these goals and objectives and
679 the regional framework plan;
680
681 8.6.4 Participate in the review and refinement of these goals and objectives
682
683 Objective 6.9 Future Vision and the Future Vision Commission
684
685 By Charter, approved by the voters in 1992, Metro must adopt a Future Vision for the
686 metropolitan area. The Future Vision is:
687
688 "a conceptual statement that indicates population levels and settlement patterns
689 that the region can accommodate within the carrying capacity of the land, water,
690 and air resources of the region, and its educational and economic resources,
691 and that achieves a desired quality of life. The Future Vision is a long-term,
692 visionary outlook for at least a 50-year period...The matters addressed by the
693 Future Vision include but are not limited to: (1) use, restoration, and preservation
694 of regional land and natural resources for the benefit of present and future
695 generations, (2) how and where to accommodate the population growth for the
696 region while maintaining a desired quality of life for its residents, and (3) how to
697 develop new communities and additions to the existing urban areas in well-
698 planned ways...The Future Vision is not a regulatory document. It is the intent of
699 this charter that the Future Vision have no effect that would allow court or
700 agency review of it."
701
702 The Future Vision will be prepared by a broadly representative commission,
703 appointed by the Metro council, and will be reviewed and amended as needed, and
704 comprehensively reviewed and, if need be, revised every 15 years. Metro is required
705 by the Charter to will describe the relationship of components of the Regional
Objective 10. Amendments to the Regional Urban Growth Goals and Objectives

Performance Measures

Metro, in consultation with MPAC and the public, will develop performance measures designed for considering RUGGO objectives. The term "performance measure" refers to the best practice which, if engaged in, holds the greatest promise for achieving these regional goals and objectives. Unlike a simple indicator, performance measures are intended to be quantifiable.

Performance measures for Goal I, Regional Planning Process, will use state benchmarks to the extent possible or be developed by Metro in consultation with MPAC and the Metro Committee for Citizen Involvement. Performance measures for Goal II, Urban Form, will be derived from state benchmarks or the detailed technical analysis that underlies Metro's Regional Framework Plan, functional plans, and Growth Concept Map.

(As performance measures are adopted, (either by resolution or ordinance, they will be included in an appendix.)

Objective 811. Periodic Review Monitoring and Updating

The Regional Urban Growth Goals and Objectives, regional framework plan, and all Metro functional plans shall be reviewed at regular intervals every seven years, or at other times-in-between as determined by the Metro Council after consultation with or upon the suggestion advice of the Metro Policy Advisory Committee. Any review and amendment process shall involve a broad cross-section of citizen and jurisdictional interests, and shall involve the Metro Policy Advisory Committee consistent with Goal 1: Regional Planning Process. Proposals for amendments shall receive broad public and local government review prior to final Metro Council action.

811.1. Impact of Amendments. At the time of adoption of amendments to these goals and objectives, the Metro Council shall determine whether amendments to adopted regional framework plan, functional plans or the acknowledged regional urban growth boundary are necessary. If amendments to the above are necessary, the Metro Council shall act on amendments to applicable functional plans. The Council shall request recommendations from the Metro Policy Advisory Committee before taking action. All amendment proposals will include the date and method through which they may become effective, should they be adopted. Amendments to the acknowledged
regional urban growth boundary will be considered under acknowledged urban growth boundary amendment procedures incorporated in the Metro Code.

If changes to the regional framework plan or functional plans are adopted, affected cities and counties shall be informed in writing of those changes which are advisory in nature, those which recommend changes in comprehensive land use plans, and those which require changes in comprehensive plans. This notice shall specify the effective date of particular amendment provisions.
GOAL II: URBAN FORM

The livability of the communities of the region should be maintained and enhanced through initiatives which preserve access to nature and result in a metropolitan area recognized for its:

II.i. preservation of environmental quality;

II.ii. coordination of the development of jobs, housing, and public services and facilities;

II.iii. redevelopment and reuse of land already committed to urban use; and

II.iv. inter-relationship of the benefits and consequences of growth in one community with the benefits and consequences of growth in others.

The quality of life and the urban form of our region are closely linked. The Growth Concept is based on the belief that we can continue to grow and enhance the region's livability by making the right choices for how we grow. The region's growth will be balanced by:

II.i. Maintaining a compact urban form, with easy access to nature;

II.ii. Preserving existing stable and distinct neighborhoods by focusing commercial and residential growth in mixed use centers and corridors at a pedestrian scale;

II.iii. Assuring affordability and maintaining a variety of housing choices with good access to jobs and assuring that market-based preferences are not eliminated by regulation;

II.iv. Targeting public investments to reinforce a compact urban form.

II.1: NATURAL ENVIRONMENT

Preservation, use, and modification of the natural environment of the region should maintain and enhance environmental quality while striving for wise use stewardship and preservation of a broad range of natural resources.
Objective 912. Watershed Management and Regional Water Resources Quality

Planning and management of water resources should be coordinated in order to improve the quality and ensure sufficient quantity of surface water and groundwater available to the region.

9.12.1 Formulate Strategy. Metro will develop a long-term regional strategy for total comprehensive water resources management, created in partnership with the jurisdictions and agencies charged with planning and managing water resources and aquatic habitats, shall be developed. The regional strategy shall meet state and federal water quality standards and complement, but not duplicate, local integrated watershed plans. It shall: to comply with state and federal requirements for drinking water, to sustain beneficial water uses, and to accommodate growth:

9.12.1.1 manage watersheds to protect, restore and manage ensure to the maximum extent practicable the integrity of streams, wetlands, and floodplains and their multiple biological, physical, and social values;

9.12.1.2 comply with state and federal water quality requirements for drinking water;

9.12.1.3 sustain designated beneficial water uses; and

9.12.1.4 accommodate growth promote multi-objective management of the region’s watersheds to the maximum extent practicable; and

9.12.1.5 encourage the use of techniques relying on natural processes to address flood control, storm water management, abnormally high winter and low summer stream flows and nonpoint pollution reduction.

Planning Activities:

Planning programs for water resources management shall be evaluated to determine the ability of current efforts to accomplish the following, and recommendations for changes in these programs will be made if they are found to be inadequate:

- Identify the future resource needs and carrying capacities of the region for designated beneficial uses of water resources which recognizes the multiple values of rural and urban watersheds. Municipal and industrial water supply, irrigation, fisheries, recreation, wildlife, environmental...
Monitor regional water quality and quantity trends vis-a-vis beneficial use standards adopted by federal, state, regional, and local governments for specific water resources important to the region, and use the results to initiate change in water management planning activities to accomplish the watershed management and regional water resources quality objectives.

Integrate urban and rural watershed management in coordination with local water quality agencies.

Evaluate the cost-effectiveness of alternative water resource management practices, including conservation, scenarios, and the use of conservation for both cost containment and resource management, and

Preserve, restore, create and enhance water bodies especially urban creeks and rivers to maintain their beneficial uses.

Utilize public and/or private partnerships to promote multi-objective management, education, and stewardship of the region's watersheds.

Objective 13: Urban Water Supply

The regional planning process shall be used to coordinate the development of a regional strategy and plan to meet future needs for water supply to accommodate growth.

13.1 A regional strategy and plan for the Regional Framework element linking demand management, water supply sources and storage shall be developed to address future growth in cooperation with the region's water providers.

13.2 The regional strategy and plan element shall be based upon the adopted Regional Water Supply Plan which will contain integrated regional strategies for demand management, new water sources, and storage/transmission linkages. Metro shall evaluate their future role in encouraging conservation on a regional basis to promote the efficient use of water resources and develop any necessary regional plans/programs to address Metro's future role in coordination with the region's water providers.
Planning Activities:

- Actively participate as a member of the Regional Water Supply Planning Study (RWSPS) and provide regional growth projections and other relevant data to ensure coordination between Region 2040 planning program and the RWSPS.

The RWSPS will:

- identify the future resource needs of the region for municipal and industrial water supply.

- identify the transmission and storage needs and capabilities for water supply to accommodate future growth.

- identify water conservation technologies, practices and incentives for demand management as part of the regional water supply planning activities.

- Adopt Regional Framework Plan elements for water supply and storage based on the results of the RWSPS which provide for the development of new sources, efficient transfer and storage of water, including water conservation strategies, which allows for the efficient and economical use of water to meet future growth.

Objective 914. Air Quality

Air quality shall be protected and enhanced so that as growth occurs, human health and the visibility of the Cascades and the Coast Range from within the region should be maintained.

14.1. Strategies for planning and managing air quality in the regional airshed shall be included in the State Implementation Plan for the Portland-Vancouver air quality maintenance area as required by the Federal Clean Air Act.

14.2. New regional strategies shall be developed to comply with Federal Clean Air Act requirements and provide capacity for future growth.

14.3. The region, working with the state, shall pursue close collaboration of the Oregon and Clark County Air Quality Management Areas.
14.4. All functional plans, when taken in the aggregate, shall be consistent with the State Implementation Plan (SIP) for air quality.

Planning Activities:

An air quality management plan should be developed for the regional airshed which:

- Outlines existing and forecast air quality problems; identifies prudent and equitable market based and regulatory strategies for addressing present and probable air quality problems throughout the region; evaluates standards for visibility; and implements an air quality monitoring program to assess compliance with local, state, and federal air quality requirements.

Objective 15. Natural Areas, Parks, Fish and Wildlife Habitat

Sufficient open space in the urban region shall be acquired, or otherwise protected, and managed to provide reasonable and convenient access to sites for passive and active recreation. An open space system capable of sustaining or enhancing native wildlife and plant populations should be established.

15.1. Quantifiable targets for setting aside certain amounts and types of open space shall be identified.

15.2. Corridor Systems - The regional planning process shall be used to coordinate the development of interconnected recreational and wildlife corridors within the metropolitan region.

15.2.1. A region-wide system of trails should be developed to link public and private open space resources within and between jurisdictions.

15.2.2. A region-wide system of linked significant wildlife habitats should be developed. This system should be preserved, restored where appropriate, and managed to maintain the region's biodiversity (number of species and plants and animals)

15.2.3. A Willamette River Greenway Plan for the region should be
Planning Activities:

1. Inventory existing open space and open space opportunities to determine areas within the region where open space deficiencies exist now, or will in the future, given adopted land use plans and growth trends. Identify areas within the region where open space deficiencies exist now, or will in the future, given adopted land use plans and growth trends, and act to meet those future needs. Target acreage should be developed for neighborhood, community, and regional parks, as well as for other types of open space in order to meet local needs while sharing responsibility for meeting metropolitan open space demands.

2. Assess current and future active recreational land needs. Target acreage should be developed for neighborhood, community, and regional parks, as well as for other types of open space in order to meet local needs while sharing responsibility for meeting metropolitan open space demands. Develop multi-jurisdictional tools for planning and financing the protection and maintenance of open space resources. Particular attention will be paid to using the land use planning and permitting process and to the possible development of a land-banking program.

3. Conduct a detailed biological field inventory of the region to establish an accurate baseline of native wildlife and plant populations. Target population goals for native species will be established through a public process which will include an analysis of amounts of habitat necessary to sustain native populations at target levels.

4. The natural areas, parks, and open space identified on the Growth Concept Map should be acquired where possible, from willing sellers and be removed from any regional inventories of buildable land.

5. Populations of native plants and animals will be inventoried, utilizing tools such as Metro's GIS and Parks and Greenspaces program, Oregon Natural Heritage Database, Oregon's GAP Analysis Program and other relevant programs, to develop strategies to maintain the region's biodiversity (or biological diversity).

6. Utilizing strategies which are included in Oregon Department of Fish and Wildlife's Wildlife Diversity Program and working with state and federal fish and wildlife personnel, develop a strategy to maintain the region's biodiversity.
Objective 16. Protection of Agriculture and Forest Resource Lands

Agricultural and forest resource land outside the urban growth boundary shall be protected from urbanization, and accounted for in regional economic and development plans.

16.1. Rural Resource Lands. Rural resource lands outside the urban growth boundary which have significant resource value should actively be protected from urbanization.

16.2. Urban Expansion. Expansion of the urban growth boundary shall occur in urban reserves, established consistent with the Urban Rural Transition Objective.

16.3. Farm and Forest Practices. Protect and support the ability for farm and forest practices to continue through the designation and management of rural reserves, established consistent with the Growth Concept.

Planning Activities:

A regional economic opportunities analysis shall include consideration of the agricultural and forest products economy associated with lands adjacent to or near the urban area.
II.2. BUILT ENVIRONMENT

Development in the region should occur in a coordinated and balanced fashion as evidenced by:

II.2.i. a regional "fair-share" approach to meeting the housing needs of the urban population;

II.2.ii. the provision of infrastructure and critical public services concurrent with the pace of urban growth and which supports the 2040 Growth Concept and furthers a sense of community;

II.2.iii. the integration of land-use planning and economic development programs the continued growth of regional economic opportunity, balanced so as to provide an equitable distribution of jobs, income, investment, and tax capacity throughout the region and to support other regional goals and objectives;

II.2.iv. the coordination of public investment with local comprehensive and regional functional plans; and

II.2.v. the continued evolution of regional economic opportunity; and

II.2.v. the creation of a balanced transportation system, less dependent on the private automobile, supported by both the use of emerging technology and the collocation of jobs, housing, commercial activity, parks and open space.

Objective 12 17. Housing

Metro shall adopt a "fair share" strategy for meeting the housing needs of the urban population in cities and counties based on a subregional analysis shall be adopted which provides for:

14.1 Diversity. There shall be a diverse range of housing types available within cities and counties jurisdictions and subregions inside the urban growth boundary (UGB);

14.2 Affordability. Specific goals for low and moderate income and market rate
housing shall be adopted for each jurisdiction to ensure that sufficient and
affordable housing is available to households of all income levels that live or have a
member working in the each jurisdiction;

Coordination housing densities and costs shall be supportive of adopted
public policy for the development of the regional transportation system and
designated centers and corridors;

a balance of jobs and housing within the region and subregions.

Planning Activities:

The Metropolitan Housing Rule (OAR 660, Division 7) has effectively resulted in the
preparation of local comprehensive plans in the urban region that:

- provide for the sharing of regional housing supply responsibilities by ensuring the
  presence of single and multiple family zoning in every jurisdiction; and
- plan for local residential housing densities that support net residential housing
  density assumptions underlying the regional urban growth boundary.

However, it is now time to develop a new regional housing policy that directly
addresses the requirements of Statewide Planning Goal 10, in particular: Since Metro's
Regional Framework Plan has to address the requirements of statewide planning Goal
10, we should develop

1. Strategies should be developed to preserve the region's supply of special needs
and existing low and moderate income housing.

2. Diverse Housing Needs. the diverse housing needs of the present and projected
population of the region shall be correlated with the available and prospective housing
supply. Upon identification of unmet housing needs, a region wide strategy shall be
developed which takes into account subregional opportunities and constraints, and the
relationship of market dynamics to the management of the overall supply of housing. In
addition, that strategy shall address the "fair-share" distribution of housing
responsibilities among the jurisdictions of the region, including the provision of
supporting social services.

3. Housing Affordability. Multnomah, Clackamas, Clark and Washington Counties
have completed Comprehensive Housing Affordability Strategies (CHAS) which have
demonstrated the lack of affordable housing for certain income groups in locations
throughout the metropolitan area. They also demonstrate the regional nature of the housing market. Therefore, the regional framework plan shall include an element on housing affordability which includes development density, housing mix, and a menu of alternative actions (zoning tools, programs, financial incentives, etc.) for use by local jurisdictions to address affordable housing needs. Each jurisdiction should participate in providing affordable housing including but not limiting to housing that is affordable to people who work in that jurisdiction. Affordable housing goals shall be developed with each jurisdiction to facilitate their participation in meeting regional and subregional needs for affordable housing.

4. The uses of public policy and investment to encourage the development of housing in locations near employment that is affordable to employees in those enterprises shall be evaluated and where feasible, implemented. The transportation system’s ability to provide accessibility shall also be evaluated. The region is committed to seeking a balance of jobs and housing balance in communities and centers throughout the region. The uses of Public policy and investment shall to encourage the development of housing in locations near trade, services, and employment that is affordable to wage earners in that each subregion and jurisdiction. The transportation system’s ability to provide accessibility shall also be evaluated, and, if necessary, modifications will be made in transportation policy and the transportation system itself to improve accessibility for residents to jobs and services in proximity to affordable housing.

Objective 13: 18. Public Services and Facilities

Public services and facilities including but not limited to public safety, schools, water and sewerage systems, energy transmission and distribution systems, parks, libraries, historic or cultural facilities, the solid waste management system, storm water management facilities, community centers and transportation should be planned and developed to:

18.i. minimize cost;
18.ii. maximize service efficiencies and coordination;
18.iii. result in net improvements in maintained or enhanced environmental quality and the conservation of natural resources;
18.iv. keep pace with growth while preventing any loss of existing service levels and achieving planned service levels;
18.v. use energy efficiently; and

17.vi. shape and direct growth to meet local and regional objectives.

18.1. Planning Area. The long-term geographical planning area for the provision of urban services shall be the area described by the adopted and acknowledged urban growth boundary and the designated urban reserves.

18.2. Forecast Need. Public service and facility development shall be planned to accommodate the rate of urban growth forecast in the adopted regional growth forecast, including anticipated expansions into urban reserve areas.

18.3. Timing. The region should seek the provision of public facilities and services at the time of new urban growth.

Planning Activities:

Inventory current and projected public facilities and services needs throughout the region, as described in adopted and acknowledged public facilities plans. Identify opportunities for and barriers to achieving concurrency in the region. Develop financial tools and techniques to enable cities, counties, school districts, special districts, Metro and the State to secure the funds necessary to achieve concurrency. Develop tools and strategies for better linking planning for school, library, recreational and cultural and park facilities to the land use planning process.

Objective 14 19. Transportation

A regional transportation system shall be developed which:

19.i. reduces reliance on a single mode of transportation through development of a balanced transportation system which employs highways, transit, bicycle and pedestrian improvements, and system and demand management.

19.ii. recognizes the importance of freight movement within and through the region and the road, rail, air, waterway and pipeline facilities needed to facilitate this movement.

19.iii. provides adequate levels of mobility consistent with local comprehensive plans and state and regional policies and plans;
19.iv. encourages energy efficiency;

19.v. supports a balance of jobs and housing as well as the community identity of neighboring cities;

19.vi. recognizes financial constraints and provides public investment guidance for achieving the desired urban form; and

19.vii. minimizes the environmental impacts of system development, operations, and maintenance.

19.viii. rewards and reinforces pedestrian activity as the mode of choice.

19.1. System Priorities. In developing new regional transportation system infrastructure, the highest priority should be meeting the mobility needs of mixed-use urban the city center and regional centers, when designated. Such needs, associated with ensuring access to jobs, housing, cultural and recreational opportunities and shopping within and among those centers, should be assessed and met through a combination of intensifying land uses and increasing transportation system capacity so as to minimize negative impacts on environmental quality and where and how people live, work and play: urban form, and urban design.

19.2. Environmental Considerations. Planning for the regional transportation system should seek to:

19.2.1. reduce the region's transportation-related energy consumption through increased use of transit, telecommuting, car pools, vanpools, bicycles and walking;

19.2.2. maintain the region's air and water quality (see Objective 12 Watershed Management and Regional Water Quality and Objective 14: Air Quality); and

19.2.3. reduce negative impacts on parks, public open space, wetlands, and negative effects on communities and neighborhoods arising from noise, visual impacts, and physical segmentation.

19.3. Transportation Balance. Although the predominant form of transportation is the private automobile, planning for and development of the regional transportation system should seek to:

19.3.1. reduce automobile dependency, especially the use of single-occupancy
19.3.2. increase the use of transit through both expanding transit service and addressing a broad range of requirements for making transit competitive with the private automobile; and

19.3.3. encourage bicycle and pedestrian movement through the location and design of land uses.

19.3.4. encourage telecommuting as a means of reducing trips to and from work.

Planning Activities:

1. Metro shall develop a new Regional Transportation Plan as an element of its Regional Framework Plan that, at a minimum:

a) Builds on existing mechanisms for coordinating transportation planning in the region by:

• identifies the role for local transportation system improvements and relationship between local, regional, and state transportation system improvements in regional transportation plans;

• clarifies institutional roles, especially for plan implementation, in local, regional, and state transportation plans; and

• includes plans and policies for the inter-regional movement of people and goods by rail, ship, barge, and air in regional transportation plans.

• Identifies and addresses needs for freight movement through a coordinated program of transportation system improvements and actions to affect the location of trip generating activities

• Identifies and incorporates demand management strategies to ensure that the region meets the objectives of the Transportation Planning Rule for transportation system function and VMT reduction.

• Includes strategies for improving connectivity and the environment
for pedestrian movements, particularly within centers, station communities, and neighborhoods.

2. Structural barriers to mobility for transportation disadvantaged populations should be assessed in the current and planned regional transportation system and addressed through a comprehensive program of transportation and other actions.

a) Supports the implementation of the pattern of uses in relation to the transportation system shown on the Growth Concept Map, and achieves the performance measures as may be included in the appendix and established through the regional planning process.

b) Identifies and addresses structural barriers to mobility for transportation disadvantaged populations.

3. The needs for movement of goods via freight, rail, and barge should be assessed and addressed through a coordinated program of transportation system improvements and actions to affect the location of trip generating activities.

4. Transportation-related guidelines and standards for designating mixed-use urban centers shall be developed.

Objective 45 20. Economic Opportunity

Public policy should encourage the development of a diverse and sufficient supply of jobs, especially family wage jobs, in appropriate locations throughout the region.

Expansions of the urban growth boundary for industrial or commercial purposes shall occur in locations consistent with these regional urban growth goals and objectives and assess the type, mix and wages of existing and anticipated jobs within subregions. The number and wage level of jobs within each subregion should be balanced with housing cost and availability within that subregion. Strategies should be developed to coordinate the planning and implementation activities of this element with Objective 17: Housing, and Objective 22: Developed Urban Land.

In coordination with affected agencies, encourage the redevelopment and reuse of lands used in the past or already used for commercial or industrial purposes wherever economically viable and environmentally sound.
Planning Activities:

1. Regional and subregional economic opportunities analyses, as described in OAR 660 Division 9, should be conducted to:

   - assess the adequacy and, if necessary, propose modifications to the supply of vacant and redevelopable land inventories designated for a broad range of employment activities;

   - identify regional and subregional target industries. Economic subregions will be developed which reflect a functional relationship between locational characteristics and the locational requirements of target industries. Enterprises identified for recruitment, retention, and expansion should be basic industries that broaden and diversify the region's economic base while providing jobs that pay at family wage levels or better; and

   - link job development efforts with an active and comprehensive program of training and education to improve the overall quality of the region's labor force. In particular, new strategies to provide labor training and education should focus on the needs of economically disadvantaged, minority, and elderly populations.

2. An assessment shall be made of the potential for redevelopment and/or intensification of use of existing commercial and industrial land resources in the region.

3. Metro shall establish an on-going program to compile and analyze data and to prepare maps and reports which describe the geographic distribution of jobs, income, investment, and tax capacity throughout the region.
II.3: GROWTH MANAGEMENT

The management of the urban land supply shall occur in a manner which encourages:

II.3.i. encourages the evolution of an efficient urban growth form which reduces sprawl;

II.3.ii. provides a clear distinction between urban and rural lands;

II.3.iii. supports interconnected but distinct communities in the urban region;

II.3.iv. recognizes the inter-relationship between development of vacant land and redevelopment objectives in all parts of the urban region; and

II.3.iv. is consistent with the 2040 Growth Concept Map, and helps attain the region’s objectives.

Objective 46.21 Urban/Rural Transition

There should be a clear transition between urban and rural land that makes best use of natural and built landscape features and which recognizes the likely long-term prospects for regional urban growth.

21.1. Boundary Features. The Metro urban growth boundary should be located using natural and built features, including roads, drainage divides, floodplains, power lines, major topographic features, and historic patterns of land use or settlement.

21.2. Sense of Place. Historic, cultural, topographic, and biological features of the regional landscape which contribute significantly to this region’s identity and “sense of place”, shall be identified. Management of the total urban land supply should occur in a manner that supports the preservation of those features, when designated, as growth occurs.

21.3. Urban Reserves. Thirty-year "Urban reserves areas", adopted designated pursuant to LCDC’s Urban Reserve Rule for purposes of coordinating planning and estimating areas for future urban expansion, should be identified consistent with these goals and objectives, and reviewed by Metro at least every 15 years.

21.3.1. Inclusion of land within an urban reserve area shall generally be based upon
the locational factors of Goal 14. Lands adjacent to the urban growth boundary shall be studied for suitability for inclusion within urban reserves as measured by factors 3 through 7 of Goal 14 and by the requirements of OAR 660-04-010.

21.3.2 Lands of lower priority in the LCDC rule priorities may be included in urban reserves if specific types of land needs cannot be reasonably accommodated on higher priority lands, after options inside the urban growth boundary have been considered, such as land needed to bring jobs and housing into close proximity to each other.

21.3.3 Lands of lower priority in the LCDC Rule priorities may be included in urban reserves if needed for physical separation of communities inside or outside the urban growth boundary to preserve separate community identities.

16.3.1 Establishment of or additions to urban reserves will be designated on the Growth Concept Map and will take into account:

—16.3.1.a. The efficiency with which the proposed reserve can be provided with urban services in the future;

—16.3.1.b. The unique land needs of specific urban activities assessed from a regional perspective;

—16.3.1.c. The provision of green spaces between communities;

—16.3.1.d. The efficiency with which the proposed reserve can be urbanized;

—16.3.1.e. The proximity of jobs and housing to each other;

—16.3.1.f. The balance of growth opportunities throughout the region so that the costs and benefits can be shared;

—16.3.1.g. The impact on the regional transportation system; and

—16.3.1.h. The protection of farm and forest resource lands from urbanization.

Inclusion of land in an urban reserve shall be preceded by consideration of all of the above factors.

16.3.2 In addressing 20.3.1(h), the following hierarchy should be used for identifying priority sites for urban reserves:
16.3.2.a. First, propose such reserves on rural lands excepted from Statewide Planning goals 3 and 4 in adopted and acknowledged county comprehensive plans. This recognizes that small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be necessary for inclusion in the proposal to improve the efficiency of the future urban growth boundary amendment.

16.3.2.b. Second, consider agricultural or forest lands completely surrounded by rural lands excepted from Statewide Planning goals 3 and 4 in adopted and acknowledged county comprehensive plans and/or land within an urban growth boundary.

16.3.2.c. Third, consider secondary forest resource lands, or equivalent, as defined by the state.

16.3.2.d. Fourth, consider secondary agricultural resource lands, or equivalent, as defined by the state.

16.3.2.e. Fifth, consider primary forest resource lands, or equivalent, as defined by the state.

16.3.2.f. Finally, when all other options are exhausted, consider primary agricultural lands, or equivalent, as defined by the state.

21.3.4. Expansion of the urban growth boundary shall occur consistent with the Urban/Rural Transition, Developed Urban Land, Urban Growth Boundary and Neighbor City Objectives 18, 19, and 22. Where urban land is adjacent to rural lands outside of an urban reserve, Metro will work with affected cities and counties to ensure that urban uses do not significantly affect the use or condition of the rural land. Where urban land is adjacent to lands within an urban reserve that may someday be included within the urban growth boundary, Metro will work with affected cities and counties to ensure that rural development does not create obstacles to efficient urbanization in the future.

Planning Activities:

1. Identification of urban reserves adjacent to the urban growth boundary shall be accompanied by the development of a generalized future land use plan. The planning effort will primarily be concerned with identifying and protecting future
open space resources and the development of short-term strategies needed to
preserve future urbanization potential. Ultimate providers of urban services
within those areas should be designated and charged with incorporating the
reserve area(s) in their public facility plans in conjunction with the next periodic
review. Changes in the location of the urban growth boundary should occur so
as to ensure that plans exist for key public facilities and services.

2. The prospect of creating transportation and other links between the urban
economy within the Metro Urban Growth Boundary and other urban areas in the
state should be investigated as a means for better utilizing Oregon's urban land
and human resources. The use of greenbelts for creating a clear distinction
between urban and rural lands, and for creating linkages between communities,
should be explored. The region, working with the state and other urban
communities in the northern Willamette Valley, should evaluate the opportunities
for accommodating forecasted urban growth in urban areas outside of and not
adjacent to the present urban growth boundary.

Objective 47 22. Developed Urban Land

Opportunities for and obstacles to the continued development and redevelopment of
existing urban land shall be identified and actively addressed. A combination of
regulations and incentives shall be employed to ensure that the prospect of living,
working, and doing business in those locations remains attractive to a wide range of
households and employers.

22.1. Redevelopment & Infill. When Metro examines whether additional urban land is
needed within the urban growth boundary, it shall assess redevelopment and infill
potential in the region. The potential for redevelopment and infill on existing urban land
will be included as an element when calculating the buildable land supply in the region,
where it can be demonstrated that the infill and redevelopment can be reasonably
expected to occur during the next 20 years.

Metro will work with jurisdictions in the region to determine the extent to which
redevelopment and infill can be relied on to meet the identified need for additional
urban land. After this analysis and review, Metro will initiate an amendment of the
urban growth boundary to meet that portion of the identified need for land not met
through commitments for redevelopment and infill.

47.2 Portland Central City. The Central City area of Portland is an area of regional and
state concern for commercial, economic, cultural, tourism, government, and transportation functions. State and regional policy and public investment should continue to recognize this special significance.

17.3 Mixed Use Urban Centers. The region shall evaluate and designate mixed use urban centers. A "mixed use urban center" is a mixed use node of relatively high density, supportive of non-auto based transportation modes, and supported by sufficient public facilities and serves, parks, open space, and other urban amenities. Upon identification of mixed use urban centers, state, regional, and local policy and investment shall be coordinated to achieve development objectives for those places. Minimum targets for transit:highway mode split, job:housing balance, and minimum housing density may be associated with those public investments. New mixed use urban centers shall be sited with respect to a system of such centers in the region, and shall not significantly affect regional goals for existing centers, the transportation system, and other public services and facilities.

Planning Activities:

1. Metro's assessment of redevelopment and infill potential in the region shall include but not be limited to:

   a. An inventory of parcels where the assessed value of improvements is less than the assessed value of the land such that it can reasonably be expected to redevelop or intensify in the planning period.

   b. An analysis of the difference between comprehensive plan development densities and actual development densities for all parcels as a first step towards determining the efficiency with which urban land is being used. In this case, efficiency is a function of land development densities incorporated in local comprehensive plans.

   c. An assessment of the impacts on the cost of housing of by redevelopment versus expansion of the urban growth boundary.

   d. An assessment of the impediments to redevelopment and infill posed by existing urban land uses or conditions and the capacity of urban service providers such as water, sewer, transportation, schools, etc. to serve.

2. Financial incentives to encourage redevelopment and infill consistent with adopted and acknowledged comprehensive plans should be pursued to make redevelopment
and infill attractive alternatives to raw land conversion for investors and buyers.

3. Cities and their neighborhoods should be recognized as the focal points for this region's urban diversity. Actions should be identified to reinforce the role of existing downtowns in maintaining the strength of urban communities.

3. Tools will be developed to address regional economic equity issues stemming from the fact that not all jurisdictions will serve as a site for an economic activity center. Such tools may include off-site linkage programs to meet housing or other needs or a program of fiscal tax equity.

5. Criteria shall be developed to guide the potential designation of mixed-use urban centers. The development and application of such criteria will address the specific area to be included in the center, the type and amount of uses it is to eventually contain, the steps to be taken to encourage public and private investment. Existing and possible future mixed-use centers will be evaluated as to their current functions, potentials, and need for future public and private investment. Strategies to meet the needs of the individual centers will be developed. The implications of both limiting and not limiting the location of large-scale office and retail development in mixed-use urban centers shall be evaluated.

4. The success of centers, main streets, station communities, and other land classifications will depend on targeting public investments, encouraging complementary public/private partnerships, and committing time and attention to the redesign and redevelopment of these areas. Metro shall conduct an analysis of proposed centers and other land classifications identified on the Growth Concept Map, and others in the future, to determine what mix of uses, densities, building design and orientation standards, transit improvements, pedestrian improvements, bicycle improvements, and other infrastructure changes are needed for their success. Those with a high probability for success will be retained on the Growth Concept Map and targeted for public investment and attention.

Objective 46.23 Urban Growth Boundary

The regional urban growth boundary, a long-term planning tool, shall separate urbanizable from rural land, be based in aggregate on the region's 20-year projected need for urban land, and be located consistent with statewide planning goals and these Regional Urban Growth Goals and Objectives and adopted Metro procedures for urban growth boundary amendment. In the location, amendment, and management of the
regional urban growth boundary, Metro shall seek to improve the functional value of the boundary.

23.1. Expansion into Urban Reserves. Upon demonstrating a need for additional urban land, major and legislative urban growth boundary amendments shall only occur within urban reserves once adopted, unless urban reserves are found to be inadequate to accommodate the amount of land needed for one or more of the following reasons:

a) Specific types of identified land needs cannot be reasonably accommodated on urban reserve lands;

b) Future urban services could not reasonably be provided to urban reserves due to topographical or other physical constraints; or

c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands other than urban reserves in order to include or provide services to urban reserves, unless it can be demonstrated that Statewide Planning Goal 14 cannot be met for the urban region through use of urban reserve lands.

23.2. Urban Growth Boundary Amendment Process. Criteria for amending the urban growth boundary shall be derived from statewide planning goals 2 and 14, other applicable state planning goals and relevant portions of these Regional Urban Growth Goals and Objectives.

23.2.1. Major Amendments. Proposals for major amendment of the UGB shall be made through a legislative process in conjunction with the development and adoption of regional forecasts for population and employment growth. The amendment process will be initiated by a Metro finding of need, and involve local governments, special districts, citizens, and other interests.

23.2.2. Locational Adjustments. Locational adjustments of the UGB shall be brought to Metro by cities, counties, and/or property owners based on public facility plans in adopted and acknowledged comprehensive plans.

Objective 49. 24 Urban Design

The identity and functioning of communities in the region shall be supported through:

24.i. the recognition and protection of critical open space features in the region;
24.ii. public policies which encourage diversity and excellence in the design and
devolution of settlement patterns, landscapes, and structures; and

24.iii. ensuring that incentives and regulations guiding the development and
redevelopment of the urban area promote a settlement pattern which:

24.iii.a. is pedestrian “friendly”, encourages transit use and reduces auto
dependence;

24.iii.b. encourages transit use provides access to neighborhood and community
parks, trails and walkways, and other recreation and cultural areas and public
facilities;

24.iii.c. reinforces nodal, mixed use, neighborhood oriented design;

24.iii.d. includes concentrated, high density, mixed use urban centers developed
in relation to the region’s transit system;

24.iii.e. is responsive to needs for privacy, community, sense of place and
personal safety in an urban setting; and

24.iii.f. facilitates the development and preservation of mixed-income
neighborhoods.

24.1. Pedestrian and transit supportive building patterns will be encouraged in
order to minimize the need for auto trips and to create a development pattern
conducive to face-to-face community interaction.

Planning Activities:

1. A regional landscape analysis shall be undertaken to inventory and analyze the
relationship between the built and natural environments and to identify key open
space, topographic, natural resource, cultural, and architectural features which
should be protected or provided as urban growth occurs.

2. Model guidelines and standards shall be developed which expand the range of
tools available to jurisdictions for accommodating change in ways compatible
with neighborhoods and communities while addressing this objective.

3. Light rail transit stops, bus stops, transit routes, and transit centers leading to
and within mixed use urban centers shall be planned to encourage pedestrian
use and the creation of mixed use, high density residential development.

Objective 25. Neighbor Cities

Growth in cities outside the Metro urban growth boundary, occurring in conjunction with the overall population and employment growth in the region, should be coordinated with Metro's growth management activities through cooperative agreements which provide for:

25.1 Separation. The communities within the Metro urban growth boundary, in neighbor cities, and in the rural areas in between will all benefit from maintaining the separation between these places as growth occurs. Coordination between neighboring cities, counties, and Metro about the location of rural reserves and policies to maintain separation should be pursued.

25.2 Jobs Housing Balance. To minimize the generation of new automobile trips, a balance of sufficient number of jobs at wages consistent with housing prices in communities both within the Metro urban growth boundary and in neighboring cities should be pursued.

25.3 Green Corridors. The "green corridor" is a transportation facility through a rural reserve that serves as a link between the metropolitan area and a neighbor city which also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

Planning Activities:

1) Metro will work with the state, neighbor cities, and counties to create intergovernmental agreements which implement neighbor city objectives. Metro will seek to link regional and state investment in public facilities and services to efforts to implement neighbor city agreements.

2) Metro will undertake a study of the green corridor concept to determine the consequences might be of initiatives which enhance urban to urban accessibility in the metropolitan market area.
II.4: Metro 2040 Growth Concept

Description of the Metro 2040 Growth Concept

This Growth Concept states the preferred form of regional growth and development adopted in the Region 2040 planning process including the 2040 Growth Concept Map.

This Concept is adopted for the long term growth management of the region including a general approach to approximately where and how much the urban growth boundary should be ultimately expanded, what ranges of density are estimated to accommodate projected growth within the boundary, and which areas should be protected as open space.

This Growth Concept is designed to accommodate approximately 720,000 additional residents and 350,000 additional jobs. The total population served within this plan is 1.8 million residents within the Metro boundary.

The basic philosophy of the Growth Concept is: preserve our access to nature and build better communities for the people who live here today and who will live here in the future. It combines the goals of RUGGO The Growth Concept applies Goal II Objectives with the analysis of the Region 2040 project to guide growth for the next 50 years. The Growth Concept is an integrated set of Objectives subject to Goal I and Objectives 1-11.

The conceptual description of the preferred urban form of region in 2040 is in the Concept Map and this text. This Growth Concept sets the direction for development of implementing policies in Metro's existing functional plans and the Charter-required regional framework plan. This direction will be refined, as well as implemented, in subsequent functional plan amendments and framework plan components. Additional planning will be done to test the Growth Concept and to determine implementation actions. Amendments to the Growth Concept and some RUGGO Objectives may be needed to reflect the results of additional planning to maintain the consistency of implementation actions with RUGGO.

Fundamental to the Growth Concept is a multi-modal transportation system which assures mobility of people and goods throughout the region, consistent with Objective 19, Transportation. By coordinating land uses and this transportation system, the region embraces its existing locational advantage as a relatively uncongested hub for trade.
The basic principles of the Growth Concept directly apply Growth Management Goals and Objectives in Objectives 21-25. An urban to rural transition to reduce sprawl, keeping a clear distinction between urban and rural lands and balancing re-development is needed. Separation of urbanizable land from rural land shall be accomplished by the urban growth boundary for the region's 20-year projected need for urban land. That boundary will be expanded only into designated urban reserves areas when a need for additional urban land is demonstrated. For its long-term urban land supply, the Metro Council decision about the Growth Concept will determine the land need for urban reserves—estimates that about 14,500 acres will be needed to accommodate projected growth. These lands will be selected from About 22,000 acres of Urban Reserve Study Area shown on the Concept Map will be studied before urban reserve areas are designated. This assumes cooperative agreements with neighboring cities to coordinate planning for the proportion of projected growth in the Metro region expected to locate within their urban growth boundaries and urban reserve areas.

The Metro UGB would only expand into urban reserves when need for additional urban land is demonstrated. Rural reserves are intended to assure that Metro and neighboring cities remain separate. The result is intended to be a compact urban form for the region coordinated with nearby cities to retain the region's sense of place.

Mixed use urban centers inside the urban growth boundary are one key to the Growth Concept. Creating higher density centers of employment and housing and transit service with compact development, retail, cultural and recreational activities, in a walkable environment is intended to provide efficient access to goods and services and enhance multi modal transportation and create vital, attractive neighborhoods and communities. The Growth Concept uses interrelated types of centers. The Central City is the largest market area, the region's employment and cultural hub. Regional Centers serve large market areas outside the central city, connected to it by high capacity transit and highways. Connected to each Regional Center, by road and transit, are smaller Town Centers with local shopping and employment opportunities within a local market area. Planning for all of these centers will seek a balance between jobs and, housing and unique blends of urban amenities so that more transportation trips are likely to remain local and become more multi modal.

In keeping with the jobs housing balance in centers, a jobs housing balance by regional sub-areas can and should also be a goal. This would account for the housing and employment outside centers, and direct policy to adjust for better jobs housing ratios around the region.

Recognition and protection of open spaces both inside the UGB and in rural reserves outside urban reserves are reflected in the Growth Concept. Open spaces, including important natural features and parks, are important to the capacity of the urban growth...
boundary and the ability of the region to accommodate housing and employment.

Green areas on the Concept Map may be designated as regional open space. That would remove these lands from the inventory of urban land available for development. Rural reserves, already designated for farms, forestry, natural areas or rural-residential use, would remain and be further protected from development pressures.

The Concept Map shows some transportation facilities to illustrate new concepts, like "green corridors," and how land use areas, such as centers, may be served. Neither the current regional system nor final alignment choices for future facilities are intended to be represented on the Concept Map.

The percentages and density targets used in the Growth Concept to describe the relationship between centers and areas are estimates based on modeling analysis of one possible configuration of the Growth Concept. Implementation actions that vary from these estimates indicate a need to balance other parts of the Growth Concept to retain the compact urban form contained in the Growth Concept. Land use definitions and numerical targets as mapped, are intended as targets and will be refined in the Regional Framework Plan. Each jurisdiction will certainly adopt a unique mix of characteristics consistent with each locality and the overall Growth Concept.

Neighbor Cities

The Growth Concept recognizes that neighboring cities surrounding the region's metropolitan area are likely to grow rapidly. Communities such as Sandy, Canby, North Plains and Newberg will be affected by the Metro Council's decisions about managing the region's growth. A significant number of people would be accommodated in these neighboring cities, and cooperation between Metro and these communities is necessary to address common transportation and land-use issues.

There are three key concepts for cooperative agreements with neighbor cities:

1) There shall be a separation of rural land between each neighboring city and the metropolitan area. If the region grows together, the transportation system would suffer and the cities would lose their sense of community identity.

2) There should be a strong balance between jobs and housing in the neighbor cities. The more a city retains a balance of jobs and households, the more trips will remain local.

3) Each neighboring city should have its own identity through its unique mix of commercial, retail, cultural and recreational opportunities which support the concentration of jobs and housing.

4) The "green corridor," transportation facility through a rural reserve that serves as a
link between the metropolitan area and a neighbor city without limited access to the farms and forests of the rural reserve. This would keep accessibility high, which encourages employment growth but limits the adverse affect on the surrounding rural areas. Metro will seek limitations in access to these facilities and will seek intergovernmental agreements with ODOT, the appropriate counties and neighbor cities to establish mutually acceptable growth management strategies. Metro will link transportation improvements to neighbor cities to successful implementation of these intergovernmental agreements.

Green Corridors

These transportation corridors connect the region's UGB to the neighboring cities' UGB's. Facilities should be designed to reduce urban influence and to avoid increasing access to the farms and forests of the rural reserves they pass through. The intent is to keep urban to urban accessibility high to encourage employment growth, but limit any adverse effect on the surrounding rural areas. Cooperative agreements among Metro, neighbor cities, affected counties and state agencies will be needed.

Rural Reserves

Some rural lands adjacent to and nearby the regional urban growth boundary and not designated as urban reserves will be designated as rural reserves. This designation is intended as a policy statement by Metro to not extend its urban growth boundary into these areas and to support neighboring cities efforts not to expand their urban growth boundaries into these areas. The objectives for rural land planning in the region will be to maintain the rural character of the landscape, avoid or eliminate conflicts with farm and forest practices, help meet regional needs for open space and wildlife habitat, and help to clearly separate urban from rural land. This will be pursued by not expanding the urban growth boundary into these areas and supporting rural zoning designations. These rural reserves keep adjacent urban areas separate. These rural lands are not needed or planned for development but are more likely to experience development pressures than are areas farther away.

These lands will not be developed in urban uses in the foreseeable future, an idea that requires agreement among local, regional and state agencies. They are areas outside the present urban growth boundary and along highways that connect the region to neighboring cities.

New rural commercial or industrial development would be restricted. Some areas would receive priority status as potential areas for park and open space acquisition.
Road improvements would specifically exclude interchanges or other highway access to the rural road system, as would any nearby extensions of urban services. Zoning would be for resource protection on farm and forestry land, and very low density residential (no greater density less than one unit for five acres) for exception land.

These rural reserves would support and protect farm and forestry operations. The reserves also would include some purchase of natural areas adjacent to rivers, streams and lakes to make sure the water quality is protected and wildlife habitat enhanced. Large natural features, such as hills and buttes, also would be included as rural reserves because they buffer developed areas and are poor candidates for compact urban development.

Rural reserves are designated in areas that are most threatened by new development, that separate communities, or exist as special resource areas.

Rural reserves also would be retained to separate cities within the Metro boundary. Cornelius, Hillsboro, Tualatin, Sherwood and Wilsonville all have existing areas of rural land that provide a break in urban patterns. New areas of urban reserve study areas, that are indicated on the Concept Map are also separated by rural reserves, such as the Damascus-Pleasant Valley areas from Happy Valley.

The primary means of achieving rural reserves would be through the regional framework plan for areas within the Metro boundary, and voluntary agreements among Metro, the counties, neighboring cities, and the state for those areas outside the Metro boundary. These agreements would prohibit extending urban growth into the rural reserves and require that state agency actions are consistent with the rural reserve designation.
Open Spaces and Trail Corridors

The areas designated open space on the Concept map are parks, stream and trail corridors, wetlands and floodplains, largely undeveloped upland areas, and areas of compatible very low density residential development. Many of these natural features already have significant land set aside as open space. The Tualatin Mountains, for example, contain major parks such as Forest Park and Tryon Creek State Park and numerous smaller parks such as Gabriel Park in Portland and Wilderness Park in West Linn. Other areas are oriented toward wetlands and streams, with Fanno Creek in Washington County having one of the best systems of parks and open space in the region.

Local jurisdictions are encouraged to establish acres of open space per capita goals based on rates at least as great as current rates, in order to keep up with current conditions.

Designating these areas as open spaces would have several effects. First, it would remove these land from the category of urban land that is available for development. The capacity of the urban growth boundary would have to be calculated without these, and plans to accommodate housing and employment would have to be made without them. Secondly, these natural areas, along with key rural reserve areas, would receive a high priority for purchase as parks and open space, such as Metro's Greenspaces program. Finally, regulations could be developed to protect these critical natural areas that would not conflict with housing and economic goals, thereby having the benefit of regulatory protection of critical creek areas, compatible low-density development, and transfer of development rights to other lands better suited for development.

About 35,000 acres of land and water inside today's urban growth boundary are included as open spaces in the Growth Concept Map. Preservation of these Open Spaces could be achieved by a combination of ways. Some areas could be purchased by public entities, such as Metro's Greenspaces program or local park departments. Others may be donated by private citizens or by developers of adjacent properties to reduce the impact of development. Some could be protected by environmental zoning which allows very low-density residential development through the clustering of housing on portions of the land while leaving important features as common open space.
Creating higher density centers of employment and housing is advantageous for several reasons. These centers provide access to a variety of goods and services in a relatively small geographic area, creating an intense business climate. Having centers also makes sense from a transportation perspective, since most centers have an accessibility level that is conducive to transit, bicycling and walking. Centers also act as social gathering places and community centers, where people would find the cultural and recreational activities and "small town atmosphere" they cherish.

The major benefits of centers in the marketplace are accessibility and the ability to concentrate goods and services in a relatively small area. The problem in developing centers, however, is that most of the existing centers are already developed and any increase in the density must be made through redeveloping existing land and buildings. Emphasizing redevelopment in centers over development of new areas of undeveloped land is a key strategy in the Growth Concept. Areas of high unemployment and low property values should be specially considered to encourage reinvestment and redevelopment. Incentives and tools to facilitate redevelopment in centers should be identified.

There are three types of centers, distinguished by size and accessibility. The "central city" is downtown Portland and is accessible to millions of people. "Regional centers" are accessible to hundreds of thousands of people, and "town centers" are accessible to tens of thousands.

The Central City

Downtown Portland serves as our major regional center and functions quite well as an employment and cultural hub for the metropolitan area. It provides accessibility to the many businesses that require access to a large market area and also serves as the location for cultural and social functions that draw the region together. It is the center for local, regional, state, and federal governments, financial institutions, commerce, the center for arts and culture, and for visitors to the region.

In addition, downtown Portland has a high percentage of travel other than by car — three times higher than the next most successful area. Jobs and housing are readily available there, without the need for a car. Maintaining and improving upon the strengths of our regional downtown shall remain a high priority.

Today, about 20 percent of all employment in the region is in downtown Portland. Under the Growth Concept, downtown Portland would grow at about the same rate as the rest
of the region, and would remain the location of about 20 percent of regional employment. To do this, downtown Portland’s 1990 density of 150 people per acre would increase to about 250 people per acre. Improvements to the transit system network, development of a multi-modal street system and maintenance of regional through routes (the highway system) would provide additional mobility to and from the city center.

Regional Centers

There are nine regional centers, serving four market areas (outside of the Central City market area). Hillsboro serves that western portion of the region, and Gresham the eastern. The Central city and Gateway serve most of the Portland area as a regional center. Downtown Beaverton and Washington Square serve the Washington County area, and downtown Oregon City, Clackamas Town Center and Milwaukie together serve Clackamas County and portions of outer south east Portland.

These Regional Centers would become the focus of compact development, redevelopment, and high-quality transit service, multi-modal street networks and act as major nodes along regional through routes. The Growth Concept estimates that about 3 percent of new household growth and 11 percent of new employment growth would be accommodated in these regional centers. From the current 24 people per acre, the Growth Concept would allow up to an average of about 60 people per acre.

Transit improvements would include light-rail connecting all regional centers to the Central City. A dense network of multi-modal arterial and collector streets would tie regional centers to surrounding neighborhoods and other centers. Regional through-routes would be designed to serve connect regional centers and ensure that these centers are attractive places to conduct business. The relatively small number of centers reflects not only the limited market for new development at this density but also the limited transportation funding for the high-quality transit and roadway improvements envisioned in these areas. As such the nine regional centers should be considered candidates and ultimately the number should be reduced or policies established to phase-in certain regional centers earlier than others.

Town Centers

Smaller than regional centers and serving populations of tens of thousands of people, town centers are the third type of center with compact development and transit service. Town centers would accommodate about 3 percent of new households and more than 7 percent of new employment. The 1990 density of an average of 23 people per acre would nearly double — to about 40 persons per acre, the current densities of
2002 development along Hawthorne Boulevard and in downtown Hillsboro.

2003 Town centers would provide local shopping and employment and cultural/recreational opportunities within a local market area. They are designed to provide local retail and services, at a minimum. They also would vary greatly in character. Some would

2004 become traditional town centers, such as Lake Oswego, Oregon City, and Forest Grove, while others would change from an auto-oriented development into a more complete community, such as Hillsdale. Many would also have regional specialties, such as office centers envisioned for the Cedar Mill town center. Several new town centers are designated, such as in Happy Valley and Damascus, to accommodate the retail and service needs of a growing population while reducing auto travel. Others would combine a town center within a regional center, offering the amenities and advantages of each type of center.

2005 Corridors

2006 Corridors are not as dense as centers but also are located along good quality transit lines. They provide a place for densities that are somewhat higher than today and feature a high-quality pedestrian environment and convenient access to transit. Typical new developments would include rowhouses, duplexes, and one to three story office and retail buildings, and average about 25 persons per acre. While some corridors may be continuous, narrow bands of higher intensity development along arterial roads, others may be more "nodal", that is, a series of smaller centers at major intersections or other locations along the arterial which have high quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. So long as the average target densities and uses are allowed and encouraged along the corridor, many different development patterns - nodal or linear - may meet the corridor objective.

2007 Station Communities

2008 Station communities are nodes of development centered around a light rail or high capacity transit station which feature a high-quality pedestrian environment. They provide for the highest density outside centers. The station communities would encompass an area approximately one-half mile from a station stop. The densities of new development would average about 45 persons per acre. Zoning ordinances now set minimum densities for most Eastside and Westside MAX station communities. An extensive station community planning program is now under way for each of the Westside station communities, and similar work is envisioned for the proposed South/North line. It is expected that the station community planning process will result in specific strategies and plan changes to implement the station communities concept.
Because the Growth Concept calls for many corridors and station communities throughout the region, they would together accommodate 27 percent of the new households of the region and nearly 15 percent of new employment.

Main Streets and Neighborhood Centers

During the early decades of this century, main streets served by transit and characterized by a strong business and civic community were a major land-use pattern throughout the region. Examples remain in Hillsboro, Milwaukie, Oregon City and Gresham as well as the Westmoreland neighborhood and Hawthorne Boulevard. Today, these areas are undergoing a revival and provide an efficient and effective land-use and transportation alternative. The Growth Concept calls for main streets to grow from 1990 levels of 36 people per acre to about 39 per acre. Main streets would accommodate nearly 2 percent of housing growth.

Main streets typically will serve neighborhoods and may develop a regional specialization — such as antiques, fine dining, entertainment or specialty clothing — that draws people from other parts of the region. Main Streets form neighborhood centers as areas that provide the retail and service development at other intersections at the focus of a neighborhood areas and around MAX light rail stations. When several main streets occur within a few blocks of one another, they may also serve as a dispersed town center, such as the main street areas of Belmont, Hawthorne and Division that form a town center for inner southeast Portland.

Neighborhoods

Residential neighborhoods would remain a key component of the Growth Concept and would fall into two basic categories. Inner neighborhoods are include areas such as Portland and the older suburbs of Beaverton, Milwaukie and Lake Oswego, and would include primarily residential areas that are accessible to employment. Lot sizes would be smaller to accommodate densities increasing from 1990 levels of about 11 people per acre to about 14 per acre. Inner neighborhoods would trade smaller lot sizes for better access to jobs and shopping. They would accommodate about 28 percent of new households and 15 percent of new employment (some of the employment would be home occupations and the balance would be neighborhood-based employment such as schools, daycare and some neighborhood businesses).

Outer neighborhoods would be farther away from large employment centers and would
have larger lot sizes and lower densities. Examples include outer suburbs cities such as Forest Grove, Sherwood and Oregon City, and any additions to the urban growth boundary. From 1990 levels of nearly 10 people per acre, outer neighborhoods would increase to about 13 per acre. These areas would accommodate about 28 percent of new households and 10 percent of new employment.

One of the most significant problems in some newer neighborhoods is the lack of street connections, a recent phenomenon that has occurred in the last 25 years. It is one of the primary causes of increased congestion in new suburbs. Traditional neighborhoods contained a grid pattern with up to 20 through streets per mile. But in new areas, one to two through streets per mile is the norm. Combined with large scale single-use zoning and low densities, it is the major cause of increasing auto dependency in neighborhoods. To improve local connectivity throughout the region, all areas shall develop master street plans that include from 8 to 20 local streets connections per mile, which would improve access for all modes of travel.

Employment Areas

The Portland metropolitan area economy is heavily dependant upon wholesale trade and the flow of commodities to national and international markets. The high quality of our freight transportation system, and in particular our intermodal freight facilities are essential to continued growth in trade. The intermodal facilities (air and marine terminals, freight rail yards and common carrier truck terminals) are an area of regional concern, and the regional framework plan will identify and protect lands needed to meet their current and projected space requirements.

Industrial areas would be set aside primarily for industrial activities. Other supporting uses, including some retail uses, may be allowed if limited to sizes and locations intended to serve the primary industrial uses. They include land-intensive employers, such as those around the Portland International Airport, the Hillsboro Airport and some areas along Highway 212/224. Industrial areas are expected to accommodate 10 percent of regional employment and no households. Retail uses whose market area is substantially larger than the employment area shall not be considered supporting uses.

Other employment centers would be designated as mixed-use employment areas, mixing various types of employment and including some residential development as well. These mixed-use employment areas would provide for about five percent of new households and 14 percent of new employment within the region. Densities would rise substantially from 1990 levels of about 11 people per acre to about 20 people per acre.
Employment areas would be expected to include some limited retail commercial uses sized to serve the needs of people working and living in the immediate employment areas, not larger market areas outside the employment area. Exceptions to this general policy can be made for low traffic generating land consumptive commercial uses which have a community or region-wide market.

The siting and development of new industrial areas would consider the proximity of housing for all income ranges provided by employment in the projected industrial center, as well as accessibility to convenient and inexpensive non-auto transportation. The continued development of existing industrial areas would include attention to these two issues as well.

Urban Reserves

One important feature of the Growth Concept is that it would accommodate all 50 years of forecasted growth through a relatively small amount of urban reserves. Urban reserves consist of land set aside outside the present urban growth boundary for future growth. The Growth Concept contains approximately 22,000 acres of Urban Reserve Study Areas shown on the Concept Map. Less than 15,000 of these the full Study Area may be needed for urban reserve area designation growth if the other density goals of the Growth Concept are met. Over 75 percent of these lands are currently zoned for rural housing and the remainder are zoned for farm or forestry uses. These areas shall be refined to the 14,500 acres for designation of urban reserves required by the Growth Concept for designation of urban reserves areas under the LCDC Urban Reserve Rule and inclusion in the regional framework plan.

Transportation Facilities

In undertaking the Region 2040 process, the region has shown a strong commitment to developing a regional plan that is based on greater land use efficiencies and a truly multi-modal transportation system. However, the transportation system defined in the Growth Concept Analysis serves as a theoretical definition (construct) of the transportation system needed to serve the land uses in the Growth Concept (Recommended Alternative urban form). The modeled system reflects only one of many possible configurations that might be used to serve future needs, consistent with the policy direction called for in the Growth Concept (amendment to RUGGO).

As such, the Growth Concept (Recommended Alternative) transportation map provides only general direction for development of an updated Regional Transportation Plan (RTP) and does not prescribe or limit what the RTP will ultimately include in the regional system. Instead, the RTP will build upon the broader land use and
The transportation elements needed to create a successful growth management policy are those that support the Growth Concept. Traditionally, streets have been defined by their traffic-carrying potential, and transit service according to its ability to draw commuters. Other travel modes have not been viewed as important elements of the transportation system. The Growth Concept establishes a new framework for planning in the region by linking urban form to transportation. In this new relationship, transportation is viewed as a range of travel modes and options that reinforce the region's growth management goals.

Within the framework of the Growth Concept is a network of multi-modal corridors and regional through-routes that connect major urban centers and destinations. Through-routes provide for high-volume auto and transit travel at a regional scale, and ensure efficient movement of freight. Within multi-modal corridors, the transportation system will provide a broader range of travel mode options, including auto, transit, bicycle and pedestrian networks, that allow choices of how to travel in the region. These travel options will encourage the use of alternative modes to the auto, a shift that has clear benefits for the environment and the quality of neighborhoods and urban centers and address the needs of those without access to automobiles.

In addition to the traditional emphasis on road and transit facilities, the development of networks for freight travel and intermodal facilities, for bicycle and pedestrian travel and the efficient use of capacity on all streets through access management and congestion management and/or pricing will be part of a successful transportation system. While the Concept Map shows only major transit facilities and corridors, all areas within the UGB have transit access. Transit service in the Growth Concept included both fixed-route and demand responsive systems. The RTP shall further define the type and extent of transit service available throughout the region.

Intermodal Facilities

The region's continued strength as a national and international distribution center is dependent upon adequate intermodal facilities and access to them. Intermodal facilities include marine terminals, railroad intermodal points, such as the Union Pacific's Albina Yard, the airports and the Union Station/inter-city bus station area. The Regional Transportation Plan will identify these areas and their transportation requirements and will identify programs to provide adequate freight capacity.
Regional Through-routes

These are the routes that move people and goods through and around the region, connect regional centers to each other and to the Central City, and connect the region to the statewide and interstate transportation system. They include freeways, limited access highways, and heavily traveled arterials, and usually function as through-routes. As such, they are important not only because of the movement of people, but as one of the region's major freight systems. Since much of our regional economy depends on the movement of goods and services, it is essential to keep congestion on these roads at manageable levels. These major routes frequently serve as transit corridors but are seldom conducive to bicycles or pedestrians because of the volume of auto and freight traffic that they carry.

With their heavy traffic, and high visibility, these routes are attractive to business. However, when they serve as a location for auto-oriented businesses, the primary function of these routes, to move regional and statewide traffic, can be eroded. While they serve as an appropriate location for auto-oriented businesses, they are poor locations for businesses that are designed to serve neighborhoods or sub-regions. These are better located on multi-modal arterials. They need the highest levels of access control. In addition, it is important that they not become barriers to movements across them by other forms of travel, auto, pedestrian, transit, or bicycle. They shall focus on providing access to centers and neighbor cities, rather than access to the lands that front them.

Multi-modal Arterials

These represent most of the region's arterials. They include a variety of design styles and speeds, and are the backbone for a system of multi-modal travel options. Older sections of the region are better designed for multi-modal travel than new areas. Although these streets often smaller than suburban arterials, they carry a great deal of traffic (up to 30,000 vehicles a day), experience heavy bus ridership along their routes and are constructed in dense networks that encourage bicycle and pedestrian travel. The Regional Transportation Plan (RTP) shall identify these multi-modal streets and develop a plan to further encourage alternative travel modes within these corridors.

Many new streets, however, are designed to accommodate heavy auto and freight traffic at the expense of other travel modes. Multiple, wide lanes, dedicated turning lanes, narrow sidewalks exposed to moving traffic, and widely-spaced intersections and street crossings create an environment that is difficult and dangerous to negotiate.
without a car. The RTP shall identify these potential multi-modal corridors and establish design standards that encourage other modes of travel along these routes. Some multi-modal arterials also carry significant volumes of freight. The RTP will ensure that freight mobility on these routes is adequately protected by considering freight needs when identifying multi-modal routes, and in establishing design standards intended to encourage alternative modes of passenger travel.

Collectors and Local Streets

These streets become a regional priority when a lack of adequate connections forces neighborhood traffic onto arterials. New suburban development increasingly depends on arterial streets to carry trips to local destinations, since most new local streets systems are specifically designed with curves and cul-de-sacs to discourage local through travel by any mode. The RTP should consider a standard of 8 to 20 through streets per mile, applied to both developed and developing to reduce local travel on arterials. There should also be established standard bicycle and pedestrian through-routes (via easements, greenways, fire lanes, etc.) in existing neighborhoods where changes to the street system are not a reasonable alternative.
Light Rail

Light rail transit (LRT) daily travel capacity measures in tens of thousands of riders, and provides a critical travel option to major destinations. The primary function of light rail in the Growth Concept is to link regional centers and the Central City, where concentrations of housing and employment reach a level that can justify the cost of developing a fixed transit system. In addition to their role in developing regional centers, LRT lines can also support significant concentrations of housing and employment at individual station areas along their routes.

In addition, neighbor cities of sufficient size should also include a transit connection to the metropolitan area to provide a full-range of transportation alternatives.

"Planned and Existing Light Rail Lines" on the Concept Map represent some locations shown on the current Regional Transportation Plan (RTP) which were selected for initial analysis. "Proposed Light Rail Alignments" show some appropriate new light rail locations consistent with serving the Growth Concept. "Potential HCT lines" highlight locations for some concentrated form of transit, possibly including light rail. These facilities demonstrate the general direction for development of an updated RTP which will be based on further study. The Concept Map transportation facilities do not prescribe or limit the existing of updated RTP.

Bicycle and Pedestrian Networks

Bicycling and walking should play an important part in the regional transportation system especially within neighborhoods and centers and for other shorter trips. They are also essential to the success of an effective transit system. In addition to the arrangement of land uses and site design, route continuity and the design of rights-of-way in a manner friendly to bicyclists and pedestrians are necessary. The Regional Transportation Plan will establish targets which substantially increase the share on these modes.

Demand Management/Pricing

The land uses and facilities in the Growth Concept cannot, by themselves, meet the region's transportation objectives. Demand Management (carpooling, parking management and pricing strategies) and system management will be necessary to achieve the transportation system operation described in the Growth Concept. Additional actions will be need to resolve the significant remaining areas of congestion.
and the high VMT/capita which it causes. The Regional Transportation Plan will identify explicit targets for these programs in various areas of the region.
GLOSSARY

Areas and Activities of Metropolitan Concern. A program, area or activity, having significant impact upon the orderly and responsible development of the metropolitan area that can benefit from a coordinated multi-jurisdictional response.

Beneficial Use Standards. Under Oregon law, specific uses of water within a drainage basin deemed to be important to the ecology of that basin as well as to the needs of local communities are designated as "beneficial uses". Hence, "beneficial use standards" are adopted to preserve water quality or quantity necessary to sustain the identified beneficial uses.

Center City. The downtown and adjacent portions of the city of Portland. See the Growth Concept map and text.

Economic Opportunities Analysis. An "economic opportunities analysis" is a strategic assessment of the likely trends for growth of local economies in the state consistent with OAR 660-09-015. Such an analysis is critical for economic planning and for ensuring that the land supply in an urban area will meet long-term employment growth needs.

Exception. An "exception" is taken for land when either commitments for use, current uses, or other reasons make it impossible to meet the requirements of one or a number of the statewide planning goals. Hence, lands "excepted" from statewide planning goals 3 (Agricultural Lands) and 4 (Forest Lands) have been determined to be unable to comply with the strict resource protection requirements of those goals, and are thereby able to be used for other than rural resource production purposes. Lands not excepted from statewide planning goals 3 and 4 are to be used for agricultural or forest product purposes, and other, adjacent uses must support their continued resource productivity.

Exclusive farm use. Land zoned primarily for farming, and restricting many uses that are incompatible with farming, such as rural housing. Some portions of rural reserves also may be zoned as exclusive farm use.

Family Wage Job. A permanent job with an annual income greater than or equal to the average annual covered wage in the region. The most current average annual covered wage information from the Oregon Employment Division shall be used to determine the family wage job rate for the region or for counties within the region.
Fiscal Tax Equity. The process by which inter-jurisdictional fiscal disparities can be addressed through a partial redistribution of the revenue gained from economic wealth, particularly the increment gained through economic growth.

Freight Mobility. The efficient movement of goods from point of origin to destination.

Functional Plan. A limited purpose multi-jurisdictional plan for an area or activity having significant district-wide impact upon the orderly and responsible development of the metropolitan area that serves as a guideline for local comprehensive plans consistent with ORS 268.390.

Growth Concept. A concept for the long-term growth management of our region, stating the preferred form of the regional growth and development, including where and how much the urban growth boundary should be expanded, what densities should characterize different areas, and which areas should be protected as open space.

High capacity transit. Transit routes that may be either a road designated for frequent bus service or for a light-rail line.

Housing Affordability. The availability of housing such that no more than 30 percent (an index derived from federal, state, and local housing agencies) of the monthly income of the household need be spent on shelter.

Industrial areas. Large tracts of land set aside for industrial use.

Infill. New development on a parcel or parcels of less than one contiguous acre located within the urban growth boundary.

Infrastructure. Roads, water systems, sewage systems, systems for storm drainage, bridges, transportation facilities, parks schools and public facilities developed to support the functioning of the developed portions of the environment. Areas of the undeveloped portions of the environment such as floodplains, riparian and wetland zones, groundwater recharge and discharge areas and Greenspaces that provide important functions related to maintaining the region's air and water quality, reduce the need for infrastructure expenses and contribute to the region's quality of life.

Inner neighborhoods. Areas in Portland and the older suburbs that are primarily residential, close to employment and shopping areas, and have slightly smaller lot sizes and higher population densities than in outer neighborhoods.
Neighboring cities. Cities such as Sandy, Canby, and Newberg that are outside Metro’s jurisdiction but will be affected by the growth policies adopted by the Metro Council.

Open space. Publicly and privately-owned areas of land, including parks, natural areas, and areas of very low density development inside the urban growth boundary.

Outer neighborhoods. Areas in the outlying suburbs that are primarily residential, farther from employment and shopping areas, and have slightly larger lot sizes and lower population densities than inner neighborhoods.

Pedestrian Scale. An urban development pattern where walking is a safe, convenient and interesting travel mode. It is an area where walking is at least as attractive as any other mode to all destinations within the area. The following elements are not cited as requirements, but illustrate examples of pedestrian scale: continuous, smooth and wide walking surfaces; easily visible from streets and buildings and safe for walking; minimal points where high speed automobile traffic and pedestrians mix; frequent crossings; storefronts, trees, bollards, on-street parking, awnings, outdoor seating, signs, doorways and lighting designed to serve those on foot; well integrated into the transit system, and having uses which cater to people on foot.

Persons per acre. This is a term expressing the intensity of building development by combining residents per net acre and employees per net acre.

Regional centers. Areas of mixed residential and commercial use that serve hundreds of thousands of people and are easily accessible by different types of transit. Examples include traditional centers such as downtown Gresham and new centers such as Clackamas Town Center.

Rural reserves. Areas that are a combination of public and private lands outside the urban growth boundary, used primarily for farms and forestry. They are protected from development by very low-density zoning and serve as buffers between urban areas.

State Implementation Plan. A plan for ensuring that all parts of Oregon remain in compliance with Federal air quality standards.

Subregion. An area of analysis used by Metro centered on each regional center and used for analyzing jobs/housing balance.
Town centers. Areas of mixed residential and commercial use that serve tens of thousands of people. Examples include the downtowns of Forest Grove and Lake Oswego.

Transit Station Community. That area generally within a 1/4 to ½ mile radius of light rail stations which is planned as a multi-modal community of mixed uses and substantial pedestrian accessibility improvements.

Transportation corridors. Residential and retail development concentrated along major arterials and bus lines.

Urban Form. The net result of efforts to preserve environmental quality, coordinate the development of jobs, housing, and public services and facilities, and inter-relate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another. Urban form, therefore, describes an overall framework within which regional urban growth management can occur. Clearly stating objectives for urban form, and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.

Urban Growth Boundary. A boundary which identifies urban and urbanizable lands needed during the 20-year planning period to be planned and serviced to support urban development densities, and which separates urban and urbanizable lands from rural land.

Urban Reserve Area. An area adjacent to the present urban growth boundary defined to be a priority location for any future urban growth boundary amendments when needed. Urban reserves are intended to provide cities, counties, other service providers, and both urban and rural land owners with a greater degree of certainty regarding future regional urban form. Whereas the urban growth boundary describes an area needed to accommodate the urban growth forecasted over a twenty year period, the urban reserves plus the area inside the urban growth boundary estimate the area capable of accommodating the growth expected for 50 years.
2040 Growth Concept Review/Approval Schedule

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<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>December 8, 1994</td>
<td>Metro Council adopts 2040 Growth Concept by resolution. Grants request by cities and counties for additional time to consider Growth Concept before Metro adoption by ordinance.</td>
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<tr>
<td>January 6, 1995</td>
<td>Adopted map and text distributed to cities and counties of the region and interested persons. (Approximately 3,000)</td>
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<tr>
<td>March 15, 1995</td>
<td>First deadline request to planning directors for map and text changes.</td>
</tr>
<tr>
<td>April 17, 1995</td>
<td>2040 Framework Newsletter distributed. (45,000+ copies mailed)</td>
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<tr>
<td>April - June</td>
<td>MTAC review of RUGGO amendments</td>
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<td>May 25, 1995</td>
<td>Extended deadline for local government map comments</td>
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<td>June 24, 1995</td>
<td>Open House - Metro offices (80+ in attendance)</td>
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<td>Open House - Milwaukee (100+ in attendance)</td>
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<td>Open House - Gresham (100+ in attendance)</td>
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<td>Open House - Beaverton (125+ in attendance)</td>
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<td>July 20, 1995</td>
<td>Open House - Damascus</td>
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<td>July 12, 1995</td>
<td>Revised RUGGO recommendations approved by MPAC</td>
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<tr>
<td>July 26, 1995</td>
<td>Presentation of draft Concept Map to MPAC</td>
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<td>July 27, 1995</td>
<td>Discussion of Concept Map with MTAC, planning directors of the region</td>
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<tr>
<td>August 9, 1995</td>
<td>Discussion of Concept Map at MPAC</td>
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<td>August 10, 1995</td>
<td>MTAC Concept Map recommendation vote</td>
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<td>August 23, 1995</td>
<td>MPAC Concept Map recommendation vote</td>
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<td>September 7, 1995</td>
<td>Presentation of Growth Concept and Map to Metro Council, referral to Planning and Land Use Committee</td>
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<td>September 21, 1995</td>
<td>Requested date for Planning and Land Use committee public hearing</td>
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<td>October 5, 1995</td>
<td>Requested date for continuation of public hearing</td>
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<td>October 19, 1995</td>
<td>Requested date for Planning and Land Use Committee recommendation</td>
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<tr>
<td>November 2, 1995</td>
<td>Requested date for Metro Council public hearing</td>
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<td>November 16, 1995</td>
<td>Requested date for Metro Council decision</td>
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House Transportation and Infrastructure Committee Chair Bud Shuster (R-PA) has developed an outline for the NHS bill. Among the provisions are several designed to “take care of” the impacts of Section 1003 (c) of ISTEA. Section 1003 (c) places a cap on FY 1996 authorizations that has been breached and will require a 20% across-the-board reduction in all program authorizations.

Using as justification the need to mitigate the impacts of ISTEA’s Section 1003, Shuster would allow the states to transfer any funds in any categories that have not yet been obligated or spent. Funds could be transferred to provide funding for programs even beyond their authorized levels.

Preliminary analysis of Chairman Shuster’s proposal reveals that:

- federal funds would not be subject to any of ISTEA’s requirements for suballocation to metropolitan areas or set-asides for the enhancement or safety construction programs;
- federal-aid highway money would lose all identity with respect to program categories, such as the CMAQ, STP, or bridge rehabilitation and repair programs;
- funds could be transferred by the states to programs even beyond their authorized funding levels;
- the potential effects of this proposal are difficult to fully gauge, but it appears that it will result in major shifts of funds -- where and how those shifts might occur is not clear.

LOCAL DECISION MAKING AND MPOs WOULD EFFECTIVELY BE WRITTEN OUT OF THE PROCESS FOR DECIDING HOW ANY FEDERAL HIGHWAY FUNDS ARE SPENT.

If a “solution” is needed, then one should be constructed that will not pit states against local governments, but will hold harmless the STP, CMAQ, Bridge, Safety, and Enhancement programs.

Shuster intends to act quickly on the bill, taking it on SEPTEMBER 5TH -- the day after Labor Day!

Please do the following immediately!
Have as many as possible of the local elected officials in your jurisdictions write letters to House Transportation and Infrastructure Chairman Bud Shuster expressing their opposition to this proposal. Please send copies to Norm Mineta (D-CA) who is the Ranking Minority Member on the Committee and is strongly opposed to Shuster's proposal to write local governments and MPOs out of ISTEA.

Have your local elected officials immediately contact Members of your Congressional delegation who are on the House Transportation and Infrastructure Committee to express their opposition and to urge their rejection of this proposal.

Have your local elected officials immediately contact the Members of your Congressional delegation who are not on the House Transportation and Infrastructure Committee to alert them to this proposal, to express their opposition, and to urge them to support any amendment Norm Mineta may offer on the House floor (if the Shuster provision to write out local governments and MPOs makes it through the full committee).

Make sure to have your Members of Congress ask Chairman Bud Shuster to explain the impacts that the shifts in funding will have on your community.

Committee on Transportation and Infrastructure
2165 Rayburn House Office Building, Washington, DC 20515-6256
(202) 225-9446
Fax: (202) 225-6782

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<td>Richard Hess</td>
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<td>Meeky Aldric</td>
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