

METRO COUNCIL LEGISLATIVE PRIORITIES (*updated with session outcomes*)
2017 Legislative Session

- **Urban growth management:** Ensure that the Legislature establishes the policy framework and process for local land use decisions and supports the authority of local governments, including Metro, to make specific decisions on local land use matters. Seek flexibility in state statute for the Metro Council to consider mid-cycle UGB adjustments for housing, upon the request of a city.

HB 2095 passed. This was the consensus bill that emerged from the Urban Growth Readiness Task Force that Metro convened in 2016. The bill authorizes Metro to add up to 1000 acres to the UGB for residential use midway through a growth management cycle if a city requests an expansion and has a development plan and an infrastructure finance plan.

SB 186 failed. It proposed several changes to the region's map of urban and rural reserves, including reserves established by the Legislature in 2014.

A proposed amendment to SB 418 failed that would have prohibited Metro from including the development capacity of thousands of acres of land in a future growth management decision.

SB 547 failed. It would have broadly repealed Metro's planning authority, including its land use planning role and its ability to serve as a metropolitan planning organization under federal law. The bill died without a hearing.

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

HB 2017 passed. This is the transportation package that raises more than \$5 billion over the next decade for investments in all modes of transportation. Highlights include a significant increase in general revenues for road maintenance; full funding to address highway bottlenecks on I-5 (at the Rose Quarter) and OR-217; a new payroll tax to fund improvements to public transit service statewide; permanent funding for ConnectOregon and for Safe Routes to Schools projects; jurisdictional transfer of outer Powell Boulevard (to the City of Portland) and Cornelius Pass Road (to ODOT); value pricing on I-5 and I-205; rebates on purchases of electric vehicles; and variable registration fees based on vehicle fuel efficiency.

HB 3202 passed, authorizing a consolidated land use approval process known as a Land Use Final Order (LUFO) for the Southwest Corridor light rail project.

HB 3231 failed. This was the bill that would have authorized the creation of a district separate and exempt from the region's existing transportation planning process for the financing, construction and operation of limited-access highways.

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

HB 2968 passed, directing DEQ to study ways to streamline or consolidate the federal and state approval processes for brownfield cleanups.

HB 2459 failed. This was placeholder legislation intended to advance the effort to establish a brownfields tax credit. Given the state budget crisis and other factors, the Brownfield Coalition did not actively pursue this legislation.

- **Affordable housing:** Strengthen tenant protections and remove barriers for local governments to address the housing affordability crisis. Support state investments that increase access to and supply of affordable housing units. Increase the range of financial tools available to the metropolitan region by removing statutory restrictions on Metro's authority to levy construction excise taxes.

SB 1051 passed. It includes several provisions intended to facilitate the development of affordable housing and "missing middle" housing, including accessory dwelling units (ADUs): shorter deadlines for action on permits for affordable housing construction, a requirement that communities allow ADUs in single family zones, broader requirements related to clear and objective standards, prohibitions on density limitations below zoned density, etc. SB 2007 failed but many of its provisions were included in SB 1051. Elements that did not survive include a requirement that communities allow duplexes in single family zones and restrictions on the use of historic designation to deter provision of "missing middle" housing.

HB 2004 failed. This was the renter protection bill, which included limits on no-cause evictions and (as introduced) repealed the statutory pre-emption on rent control by local communities.

Significant funding was provided for affordable housing: The Oregon Housing Alliance successfully advocated for nearly \$150 million in general fund, general obligation bond and lottery bond dollars for emergency housing assistance, foreclosure avoidance, construction of new affordable housing and preservation of existing affordable housing, plus an increase in the cap for the Oregon Affordable Housing Tax Credit from \$17 million to \$25 million.

HB 3012 passed authorizing the construction of new homes in rural residential areas (outside UGBs) on parcels that already have a "historic home" built between 1850 and 1945, if the historic home is converted to an ADU.

Several other bills failed that would have authorized ADUs in farm zones, affordable housing development in rural residential zones and on church-owned land outside UGBs, etc.

No legislation was introduced related to Metro's CET authority.

- **Air Quality:** Support proposals to reduce greenhouse gases and air pollution by establishing emissions requirements and incentives to reduce diesel particulate emissions, increasing the use of clean diesel engines, and reducing diesel engine idling.

SB 1008 passed, albeit in severely scaled-back form. This was the diesel bill that began as a relatively comprehensive proposal that included phaseouts of older diesel engines, a 1% set-aside in public contracts for diesel emissions reduction, local authority to impose idling

restrictions and registration of non-road diesel engines (e.g., construction vehicles, etc.). As introduced, the bill also diverted 25% of state CMAQ dollars to diesel emissions reduction programs, but that provision was removed early on. The final bill merely allocates moneys from the national Volkswagen settlement to reducing diesel emissions from school buses; however, the Legislature also provided \$500,000 for an inventory of non-road diesel engines in a separate bill.

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

SB 333 passed making changes to clarify the 2013 legislation and make the Oregon Industrial Site Readiness Program more attractive to communities and easier to administer. No funding was allocated, but these statutory changes should facilitate limited implementation of the program.

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

HB 3105 and SB 199 failed. These bills, identical when introduced, would have established a product stewardship program for household hazardous waste. Hearings were held on both bills and HB 3105 was approved by its original committee but died in Ways and Means.

- **Recreational Immunity:** Support legislation to restore recreational immunity in order to continue to promote public access to land for recreational use and enjoyment.

SB 327 passed, clarifying that recreational immunity applies not only to the owner of land on which the public is invited to participate in recreational activities free of charge, but also to employees of the owner acting within the scope of their assigned duties.

- **Condor Funding:** Support state funding to hire an ODFW condor coordinator and lead ammunition outreach position.

Funding was not provided.

- **Disaster preparedness:** Support legislation aimed at improving preparedness for a major seismic event.

No activity.

OTHER OUTCOMES OF INTEREST (bills in *italics* are bills Metro opposed):

- Passage of HB 2576, which modified the wildlife trafficking initiative passed in 2016. The bill as introduced inadvertently created a situation where the Oregon Zoo would have been restricted in its ability to engage in routine veterinary, breeding, conservation, research and education activities. Metro offered an amendment that addressed this problem.

- Failure of *HB 3429*, which would have modified the wildlife trafficking initiative to weaken protection for sharks and skates.
- Failure of *SB 114* and *SB 258*, which would have repealed legislation passed in 2016 bypassing, in certain circumstances, local requirements that annexations be approved by voters.
- Failure of *HB 2213*, which would have created the Oregon Conservation and Recreation Fund to support conservation and wildlife protection efforts of the Oregon Department of Fish and Wildlife.
- Failure of *HB 2386* and *HB 2645*, which would have created a product stewardship program for pharmaceuticals.
- Failure of *SB 450* and *HB 2700*, which would have withdrawn the Boring CPO from Metro's boundary. Both bills died without a hearing.
- Failure of *SB 602*, *SB 608*, *SB 618*, and *SB 620*, which were aimed at weakening land use laws in various ways; *SB 618*, arguably the most extreme, allowed local governments to waive land use goals by simply declaring a "land use emergency."
- Passage of *SB 481*, *HB 2101* and *SB 106*, all on public records. *SB 481* establishes deadlines for acknowledging and responding to public records requests. *HB 2101* creates an "Oregon Sunshine Committee" to review all exemptions from disclosure for public records. *SB 106* creates a "Public Records Advocate" to facilitate disputes between requesters of public records and state agencies or cities (apparently not between requesters and other local governments, though the Advocate may provide training and advice to state agencies or local governments more broadly), as well as a "Public Records Advisory Council" to monitor public records practices of public bodies and recommend statutory changes as appropriate.