

**Mid-Willamette Valley Council of Governments
State and Federal Legislative Positions
2020-2021
(Updated and Revised December 2021)**



**Adopted by the Board of Directors
On January 14, 2021
(December 14, 2021, Revised)**

Guiding Principles

Throughout the state of Oregon, some problems cannot be solved within municipal boundaries, and decisions made by one municipality can have adverse impacts on other municipalities. Conversely, given the geographic, political, cultural, and economic diversity across the state of Oregon, state policies that mandate a one-size-fits-all approach often fail.

Although territory has traditionally been divided by political boundaries, to allow more efficient provision of government services and democratic representation, this has not always lent itself very well to effective management of natural resources, urban infrastructure, and other multi-jurisdictional systems. Homelessness; crime; traffic congestion; unemployment and underemployment; and inefficient use of resources and infrastructure (land, water, air, habitat, fisheries, roads, utilities, etc.) are examples of problems that spill over municipal boundaries. Regional governments provide a means for intergovernmental coordination to address and solve the multi-jurisdictional cross boundary issues problems, challenges, and opportunities associated with urban development.

In smaller rural parts of the state, local governments are constrained by limited resources. These smaller municipalities face the same issues and problems as larger communities, but often lack the resources and staff to address the issues. For those areas, regional governments enable the sharing of resources and coordination of services, that achieving efficiency of operations and economies of scale.

Regional coordination and planning are also crucial for undertakings that are too large or complex for any one unit of government to successfully address. Issues such as economic development, transportation priorities, solid waste disposal, groundwater management, and preservation of the quality of life in the region are examples of challenges that require regional cooperation. This same characteristic manifest itself in large rural areas where the relatively small size of the local units of government compared to the geographic area under their jurisdiction may hamper their ability to address important planning and implementation issues.

A multitude of programs and projects are initiated each year at the federal and state level to address the problems and challenges in both urban and rural areas. These programs have specific goals which usually interfere with one another, and/or don't recognize or accommodate local and regional values, decisions, or perspectives. Regional governments provide a venue and framework to coordinate these programs and goals into a congruent whole that support the goals and objectives of the local governments, and the residents they serve, within that region.

Regional coordination can integrate various federal, state, regional, and local plans, and to improve the effectiveness, mutual reinforcement, among all levels of government. Regional coordination makes plans more coherent and less confusing to the public and elected officials. Regional coordination also enables the units of government compete for state and federal monies and programs more effectively.

As municipal budgets are strained, and programs suspended or curtailed, cooperative program delivery schemes that provide for the coordination of services and the pooling of

resources become more important. Long-term and area-wide planning for the delivery and combining of these services become critical in the task of maintaining services by improving the efficiency of delivery and cost-effectiveness through economies of scale. Regional entities are prime venues for discussing, planning, and implementing such areawide solutions.

As general guiding principles, the Mid-Willamette Valley Council of Governments (MWVCOG) will:

- Support the legislative, policy, and project specific priorities identified by the Salem Keizer Area Transportation Study.
- Promote state funding for and recognition of metropolitan planning organizations, like SKATS, as independent regional transportation planning entities in both policy and the Oregon Revised Statutes.
- “Support the reformation and increase the relevance of the Area Commissions on Transportations and their role to advise ODOT, the Oregon Transportation Commissions, and legislators on issues of statewide transportation policy. Empowering the ACTs to prioritize projects through the allocation of state transportation funds on the state highway system and other multimodal facilities of regional importance will serve to balance the economic needs of the region, the safety of all transportation users, and the need to reduce pollution and greenhouse gas emissions.”
- Through future legislative bills and/or written and verbal testimony to the Oregon Transportation Commission, continue to support the highest-priorities project identified by the Mid-Area Area Commission on Transportations (MWACT). Project Priorities include:
 - **Newberg-Dundee Bypass (Yamhill County)**
 - **I-5 @ Aurora-Donald Interchange (Marion County)**
 - **OR22 @ OR51 (Polk County, near West Salem)**
 - **OR18 @ OR22 “Valley Junction” (Polk County, near Grand Ronde).**
- As a Home Rule State, MWVCOG will advocate on the philosophy that local governments are equal partners, with different responsibilities, than the State, and that Local Governments are to be respected and trusted in their service to residents. Local governments stand ready to use the Oregon share effectively and responsibly of the transportation funds, for transit expansion, local bridges, and safe routes to schools.
- Increase state use and recognition of Economic Development Districts and their regional approach to economic development and funding in both policy and the Oregon Revised Statutes, and opportunities to leverage existing organizations and staffing to support both federal, state, and local efforts;
- Support state and federal policies and legislation that recognize, empower, and respect the grassroots priorities and projects of regional councils throughout Oregon;
- Support creation of programs within Councils of Government that provide resources to foster greater local government cooperation, innovation, and efficiency; and

- Advocate for the equitable allocation of state and federal resources across all regional governments based on a variety of factors to include need, service demands, economic indicators, and not just population, to promote equity in the state and ensure no one area receives a disproportionate share of resources.

Priority Policy Positions

1. Protect and Preserve the Communities and Economy of the Santiam Canyon

As improvements are made to Detroit Reservoir in an effort to help reintroduce anadromous fish upstream of Willamette River dams and the region recovers from the devastating wildfires of September 2020, the MWVCOG will support legislation, initiatives and decisions that preserve economic development, housing development, recreation and the regions tourism economy, as well as protects the quality and quantity of downstream communities drinking water supply.

Most homes and business in the Santiam Canyon are not served by municipal wastewater systems and instead rely upon septic to treat waste water. State laws and concerns about North Santiam River quality prohibit homeowners and businesses from rebuilding, expanding, or replacing failed septic system. Consequently, businesses and residents are leaving the Santiam Canyon and/or finding it more and more difficult to overcome barriers to redevelopment, having a negative economic consequence for the Mid-Willamette Valley region.

The MWVCOG will support state and/or federal legislation that enables and funds the newly created North Santiam Sewer Authority and the communities of the Santiam Canyon in-development of a regional wastewater system that is geologically suitable, environmentally sustainable, financially feasible and politically viable.

2. Increase Capacity for Rural Communities

Rural communities often lack staff to identify and apply for federal and state programs that would foster workforce development, build infrastructure, and enhance economic and community development. To provide this capacity, MWVCOG supports statewide efforts to develop and fund rural service centers to aid local governments in applying for federal and state resources. To maximize efficiencies and take advantage of existing capacity, MWVCOG supports using existing Economic Development Districts or Councils of Government to perform this function.

3. Support the Optional Use of Regional (vs. Local) Housing Needs Assessments and Economic Opportunity Analysis

The MWVCOG supports rule changes to OAR 660-024-0045 (Regional Large Lot Industrial Land) to provide a framework for local governments to work on the employment land supply at a more regional scale. The MWVCOG supports removing restrictions on Housing Needs Assessments (HNAs) and Economic Opportunity Analysis (EOAs) that limit such analysis to areas within city limits (allowing counties and other cities in a region to participate, should they choose to do so). MWVCOG opposed the division of resources by the legislature or state agencies by prioritizing larger population cities or counties, the Metro area; or Eastern Oregon in the establishment of renewed or new funding programs and resources and instead encourages the equitable allocation of state and federal resources across all regional governments based on a variety of factors to include need, service demands, economic indicators, and population, to ensure no one area receives a disproportionate share of resources.

4. Retain Building Code Enforcement at the Local Level

In recent years, there have been legislative, administrative, as well as legal efforts by the Building Codes Division to prohibit local governments from using private contractors to serve as either building officials or building inspectors. These efforts have included limiting the ability of regional governments to provide these services to its members and carry severe consequences for local governments to contract for other services.

The use of contractors allows local governments that lack enough demand for full-time staff to make most efficient use of their resources – particularly in areas needing skilled or technical labor such as building inspections – and those local governments who may see surges and declines of activity to continue to meet the needs of development in a timely manner.

The MWVCOG will oppose any legislation that preempts a local government’s ability to contract with private parties for building code services. MWVCOG will support legislation and any legal action that empowers local governments to contract with either private or public service providers.

Other Major Policy Positions

1. Allocation of Tax Foreclosed Property Proceeds

The MWVCOG supports legislation that would allow Counties the option of returning proceeds minus back taxes, interest, and administrative fees to the former property owner.

2. Oregon Geographic Information Council (OGIC) and Data Sharing

The MWVCOG will oppose any effort to require the COG or its members to share data without the mandate to do so being fully funded.

The MWVCOG supports the allocation of state funding to regional governments to help coordinate the development and sharing of geographic information system data, as long as the state covers the full cost of that program.

3. Increased Funding for Flood Management/Mitigation /Development of Model Floodplain Ordinance/Guidance

The MWVCOG supports the allocation of state funding that would help local governments meet the 25% local match when their applying for 75% federal project through the Federal Emergency Management Agency. The MWVCOG also supports legislation to fully fund the Department Land and Community Development to move forward with development of a model flood plain ordinance.

4. Transportation Planning Rule (TPR) Amendments / Greenhouse Gas (GHG) Requirements

The MWVCOG supports amendments to the TPR Amendments that were developed by the 2017 Rulemaking Advisory Committee and submitted for public review and comment by DLCD staff:

- Support elimination of the rule for developing state-required regional transportation system plans that essentially mirror the federally required Metropolitan Transportation Plans developed by MPOs.
- Support rule language that clarifies that local jurisdiction – not MPOs -- are principally responsible for showing compliance to TPR rules for reduced reliance on the automobile.
- Support rules in the proposed amendment that allows jurisdictions to use performance measures as a method to show compliance to the TPR and Goal 12 reduced reliance on the automobile.

The MWVCOG oppose proposals to change the TPR and/or future legislation that requires jurisdictions to:

- Report on their GHG emissions to DLCD/LCDC or
- Develop land use and transportation scenarios to meet GHG emission reduction targets in OAR 660-044

The MWVCOG supports other changes to the proposed TPR Amendments as follows:

- Make necessary changes to the amendments that better define the criteria for full or partial exemptions for cities and counties.
- Do not make the exemption process overly burdensome.

The MWVCOG is neutral on a Cap-and-Invest/Trade or similar bill. However, if such legislation is adopted, the MWVCOG:

- Opposes any requirement that jurisdictions or MPO-area regions have a climate plan as a pre-requisite for receiving funds generated by the bill.
- Oppose requirements for each metropolitan area (or individual jurisdictions) to develop a climate change plan
- Opposes any mandates on the MPO itself developing a climate change plan.
- Opposes requirements that a region or individual jurisdiction needs a climate change plan to qualify for future transportation funds that reduce GHG emissions.
- Opposes requirements that every proposed project to reduce GHG emissions and that apply for state funds be required to use highly technical modeling to estimate GHG reductions of the proposed project.

5. Preserve Regional Voices Through the Area Commissions on Transportation (ACTs)

The MWVCOG supports legislation and/or policy direction that gives ACTs a voice in policy issues and a role in prioritizing projects for the Enhance Program, Connect Oregon Program, or other state-wide programs

The MWVCOG supports legislation that empowers and enables the ACTs to work with ODOT and the OTC to develop modernization and multimodal plans and setting project funding priorities as part of 20-year plans. MWACT has approved a list of high-priority modernization projects in order to speak with one voice about priority transportation needs.

6. Population Forecasting

The MWVCOG supports changes in the process the Population Research Center (PRC) uses for forecasts to:

- Allow cities and counties (or COGs on their behalf) to submit relevant information such as vacant and developable land and other information that would be useful for the forecast.
- Adjust the county specific methodology for areas that cross county boundaries; and
- Include a requirement that for multiple jurisdiction UGBs (outside the Metro UGB) PRC must provide separated forecasts for each jurisdiction.

7. Broaden Federal Definition of Rural

The MWVCOG support diversification of the definition of “rural area” in state and federal law to broaden eligibility for needed funding source for both federal and state sources based more upon merit and localized rural definitions. This will allow communities to work with federal and state staff to serve areas of greatest need and identify rural communities where, with collaboration, the greatest impact can be made.

Funding applications should be considered based upon a variety of factors that drive available funding to the most rural populations while also evaluating the most economic and community development potential- even if the overall result may benefit communities of population over 50,000.

8. Promote Equitable Broadband Development While Preserving Local Authority of Rights of Way

The MWVCOG supports legislation and legal actions that preserves and restores local government authority to manage public right of ways and local government's ability to set rates and receive compensation for the use of right of ways. MWVCOG supports equitable broadband infrastructure deployment, especially in rural areas, while opposing any legislative efforts restricting municipal authority to provide their own broadband services.

Appendix A

Transportation Project Priorities for the MWVCOG

Project Priorities: In the last 5 years of discussion, these projects have been **MWACT's four "big ticket" priorities** in the three county COG area (there is not a specific priority among the four).

1. **Newberg-Dundee Bypass (Yamhill County)** – The new, 4-mile section of the bypass (Phase 1) opened up for traffic in 2018. The project had previously received funds to start the design of Phase 2 (headed in the northeast direction off of Phase 1). An additional \$32 million was provided by the Legislature in 2021 (HB 5006) for Phase 2's final design, right-of-way acquisition, and construction of the Highway 219 interchange. ODOT prepared a \$10 million request as part of the FY24-27 STIP Enhance program (we may hear if it will be recommended for funding (or not) in early 2022). Phase 2's total cost is \$160 million, and while the project has received some of that total there's a way to go in obtaining all the needed funds. (Rep. Suzanne Bonamici is seeking another \$8 million for the bypass: [See this story](#))
2. **I-5 @ Aurora-Donald Interchange (Marion County)** – note: this project has \$50 million to do Phase 1, but ODOT needs another \$26 million for the full development of the preferred interchange reconstruction. According to the latest information I learned this week from John Huestis (ODOT Area Manager), ODOT has decide to break Phase 1 into two parts: **Phase 1a** is out for bid to construct a smaller portion of the project (estimated cost \$11 million) in 2022. A second contract (**Phase 1b**) will be released for bid in 2022 after ODOT has determined whether or not it will be able to secure the \$26 million (it could come from Congressional Infrastructure Bill, out of the \$1 billion in highway funds Oregon expects to get) If the project gets he \$26 million, ODOT will go for the full development of the interchange (for construction in 2023). If the project don't get the \$26 million, ODOT will just build the remainder of Phase 1 in 2023 and wait until some future year to do the full development when ODOT can get the additional funds.
 - (Notes: back in January 2021, MWACT and Marion County sent letters (attached) to the Oregon Transportation Commission, seeking the \$26 million from the \$124 million of extra federal funds that was available then. The OTC decided against providing the requested funds. ODOT also applied for a RAISE grant, but was just out of the list of awarded projects (they got a “honorable mention”).
3. **OR22 @ OR51 (Polk County, near West Salem)** – Polk County and the cities (particularly Independence) have been seeking to have this interchange upgraded for decades, given the high rate of crashes on this high-speed facility. ODOT is in preparing the design of a grade-separated interchange. The planning level cost “guesstimate” for the entire project (design, land acquisition, and construction) is **\$82 million**. ODOT has \$8 million and is using that for the initial design work, with a DAP (design acceptance

package) expected in 2022 which will establish the footprint and a refined cost estimate. See attached ODOT 2-page summary of the project. Polk county was seeking a small Congressional earmark and MWACT provided letter of support in April 2021 (see letters section).

4. **OR18 @ OR22 “Valley Junction” (Polk County, near Grand Ronde).** This is the area near Spirit Mountain Casino. ODOT is finalizing the facility plan now (October 2021) and has a preferred concept for the interchange where OR 18 and OR 22 meet, along with re-aligning Hwy 18, adding frontage and backage roads, and also realigning a part of OR 22 near “Kissing Rock”. See [ODOT’s project page](#) and the open house with a [flyover of the proposed design](#). I haven’t seen any information about estimated costs, but there may be some planning level costs when the final plan is adopted in early 2022. According to the schedule, a DAP with a refined footprint and refined cost estimate is scheduled for the end of 2022 (note: this info was in the presentation by Brennan Burbank to MWACT on 10/7/21)